UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS
SECOND SESSION

VOLUME 136—PART 16

AUGUST 3, 1990 TO SEPTEMBER 10, 1990
(PAGES 22131 TO 23701)

GENERAL SERVICES ADMINISTRATION
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Friday, August 3, 1990*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our vision of the purpose of life, O God, be broad enough to span the needs of all people and also the concerns of those nearest to us. May our work for justice be for people in all the places of the world so that our actions will better reflect the nature and the breadth of the bond You have given at creation. May our desire for the living waters of life find fulfillment in Your way and in Your peace.

We specially pray, O God, for those to whom great responsibility is given in the life of our own Nation. May wisdom be the standard of our thought, word, and deed, and justice be our goal that people will share together in Your blessings and the abundance of Your gifts to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KYL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 126, not voting 36, as follows:

[Roll No. 308]

YEAS—270

Ackerman	Erdreich	Levine (CA)
Anderson	Espy	Lewis (GA)
Andrews	Evans	Lipinski
Annunzio	Fascell	Long
Anthony	Fazio	Lowey (NY)
Applegate	Feighan	Luken, Thomas
Archer	Fish	Manton
Aspin	Flake	Markey
Atkins	Flippo	Martinez
AuCoin	Foglietta	Mazzoli
Barnard	Gaydos	McCloskey
Bartlett	Gejdenson	McCurdy
Bateman	Gephardt	McDade
Beilenson	Geren	McDermott
Bennett	Gibbons	McEwen
Berman	Gillmor	McHugh
Bevill	Gilman	McMillen (MD)
Boggs	Glickman	McNulty
Bonior	Gonzalez	Meyers
Borski	Gordon	Mfume
Bosco	Grant	Michel
Boucher	Gray	Miller (CA)
Boxer	Green	Mineta
Brennan	Guarini	Moakley
Brooks	Gunderson	Mollohan
Broomfield	Hall (OH)	Montgomery
Browder	Hamilton	Moody
Brown (CA)	Hammerschmidt	Morrison (CT)
Bruce	Harris	Mrazek
Bustamante	Hatcher	Murtha
Byron	Hawkins	Myers
Callahan	Hayes (IL)	Nagle
Campbell (CO)	Hayes (LA)	Natcher
Cardin	Hefner	Neal (MA)
Carper	Hertel	Nowak
Carr	Hoagland	Oakar
Chapman	Hochbrueckner	Oberstar
Clarke	Horton	Obey
Clement	Houghton	Olin
Clinger	Hoyer	Ortiz
Coleman (TX)	Hubbard	Owens (NY)
Collins	Huckaby	Owens (UT)
Combest	Hutto	Oxley
Condit	Hyde	Pallone
Conte	Jenkins	Panetta
Conyers	Johnson (CT)	Parker
Cooper	Johnson (SD)	Patterson
Costello	Jones (GA)	Payne (NJ)
Coyne	Jones (NC)	Payne (VA)
Crockett	Jontz	Pease
Darden	Kanjorski	Pelosi
de la Garza	Kaptur	Penny
DeFazio	Kasich	Perkins
Dellums	Kastenmeier	Pickett
Derrick	Kennedy	Porter
Dicks	Kennelly	Poshard
Dingell	Kildee	Price
Donnelly	Kleczka	Pursell
Dorgan (ND)	Kolter	Quillen
Downey	Kostmayer	Rahall
Durbin	Lancaster	Ravenel
Dwyer	Lantos	Ray
Dymally	Laughlin	Richardson
Eckart	Lehman (CA)	Ritter
Edwards (CA)	Lehman (FL)	Roe
Engel	Lent	Rostenkowski
English	Levin (MI)	Roth

NOTICE

An interim issue of the daily Congressional Record will be published during the August adjournment in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through August 15. The interim issue will be dated August 15, 1990 and will be delivered on August 16.

None of the material printed in the interim issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the adjournment date.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record during the adjournment may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 275-2226, between the hours of 8:00 a.m. and 4:30 p.m. daily.

By order of the Joint Committee on Printing.

WENDELL H. FORD, *Chairman.*

Rowland (CT)	Slaughter (NY)	Towns
Rowland (GA)	Smith (FL)	Traficant
Roybal	Smith (IA)	Traxler
Russo	Smith (NE)	Unsoeld
Sabo	Smith (NJ)	Vander Jagt
Saiki	Snowe	Vento
Sangmeister	Solarz	Visclosky
Sarpalius	Spratt	Volkmer
Savage	Staggers	Walgren
Sawyer	Stallings	Washington
Scheuer	Stark	Watkins
Schneider	Stenholm	Waxman
Schulze	Stokes	Weiss
Schumer	Studds	Wheat
Serrano	Swift	Whitten
Sharp	Synar	Williams
Shaw	Tallon	Wilson
Shumway	Tanner	Wise
Shuster	Tauzin	Wolpe
Sisisky	Taylor	Wyden
Skaggs	Thomas (GA)	Wylie
Skelton	Torres	Yates
Slattery	Torricelli	Yatron

NAYS—126

Armey	Hansen	Rhodes
Baker	Hastert	Ridge
Ballenger	Hefley	Roberts
Barton	Henry	Rogers
Bentley	Herger	Rohrabacher
Bereuter	Hiler	Ros-Lehtinen
Bliley	Holloway	Roukema
Boehlert	Hopkins	Saxton
Brown (CO)	Hunter	Schaefer
Buechner	Inhofe	Schiff
Bunning	Ireland	Schroeder
Burton	Jacobs	Schuette
Campbell (CA)	James	Sensenbrenner
Chandler	Kolbe	Shays
Clay	Kyl	Sikorski
Coble	LaFalce	Skeen
Coleman (MO)	Lagomarsino	Slaughter (VA)
Coughlin	Leach (IA)	Smith (TX)
Courter	Lewis (CA)	Smith (VT)
Craig	Lewis (FL)	Smith, Denny (OR)
Dannemeyer	Lightfoot	
Davis	Lukens, Donald	Smith, Robert (NH)
DeLay	Machtley	
DeWine	Madigan	Smith, Robert (OR)
Dickinson	Marlenee	
Dornan (CA)	Martin (IL)	Solomon
Douglas	McCandless	Spence
Dreier	McCollum	Stangeland
Duncan	McGrath	Stearns
Early	McMillan (NC)	Stump
Edwards (OK)	Miller (OH)	Sundquist
Emerson	Miller (WA)	Tauke
Fawell	Molinari	Thomas (CA)
Frenzel	Moorhead	Thomas (WY)
Gallegly	Morella	Upton
Gallo	Morrison (WA)	Vucanovich
Gekas	Murphy	Walker
Gingrich	Packard	Walsh
Goodling	Parris	Weber
Goss	Pashayan	Weldon
Gradison	Paxon	Whittaker
Grandy	Petri	Wolf
Hancock	Regula	Young (FL)

NOT VOTING—36

Alexander	Frank	McCrery
Bates	Frost	Neal (NC)
Bilbray	Hall (TX)	Nelson
Bilirakis	Hughes	Nielson
Bryant	Johnston	Pickle
Cox	Leath (TX)	Rangel
Crane	Livingston	Rinaldo
Dixon	Lloyd	Robinson
Dyson	Lowery (CA)	Rose
Fields	Martin (NY)	Udall
Ford (MI)	Matsui	Valentine
Ford (TN)	Mavroules	Young (AK)

□ 1027

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Will the gentleman from Oregon [Mr. WYDEN] please come forward and lead the House in the Pledge of Allegiance?

Mr. WYDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1199. An act to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans Affairs to provide certain procreative services for married veterans with service-connected disabilities which impair their ability to procrate;

H.R. 2372. An act to provide jurisdiction and procedures for claims for compassionate payments for injuries due to exposure to radiation from nuclear testing; and

H.R. 5019. An act making appropriations for energy and water development for the fiscal year ending September 30, 1991, and for other purposes.

The message also announced that the Senate insists upon are amendments to the bill (H.R. 5019) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1991, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. SASSER, Mr. DECONCINI, Mr. REID, Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. DOMENICI, and Mr. SPECTER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1465) "An Act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7) "An Act to amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such Act and to extend the authorities contained in such Act through the fiscal year 1995, and for other purposes."

The message also announced that the Senate had passed bills, joint resolution, and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 137. An act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes;

S. 1731. An act to provide for the creation, restoration, protection, enhancement, and conservation of coastal wetlands, and to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats, and for other purposes;

S. 1770. An act to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the National Park System, and for other purposes;

S. 2597. An act to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges;

S. 2740. An act to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes;

S.J. Res. 309. Joint resolution designating the month of October 1990 as "Crime Prevention Month;" and

S. Con. Res. 122. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. At the request of the Speaker, the Chair announces to the House that there will be 10 1-minute speeches allowed on each side in the House at this particular point in time, and there may be other 1-minute speeches allowed later in the day.

APOLOGY DEMANDED ON MEMBER'S ATTACK ON SECRETARY SULLIVAN

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I was appalled to read in this morning's newspaper, way back on page 8, not on the front page, a report of a racially insulting attack by a member of the majority on Secretary of Health and Human Services Louis Sullivan.

Now, assuming that the news report is correct, I find this attack as bizarre as it is deplorable, and coming as it does in the midst of a debate on civil rights, as the majority is telling us of its undoubted sensitivity on racial matters, this attack must sadden the majority as much as it does the rest of us. To gratuitously drag in Secretary

Sullivan's race in a dispute over policy brings discredit upon this institution.

No matter how much we may disagree on policy and no matter how heated our debates may be, no one has the right to bring into question a man's race, religion, or national origin. I believe this attack is serious enough to demand a full apology from the Member involved, not only to Secretary Sullivan and his family, but all Members of this House.

MEMBER'S REPLY TO CHARGES OF RACIAL ATTACK ON SECRETARY SULLIVAN

(Mr. STARK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, the distinguished minority leader is absolutely right: To bring race or religion and personal attributes into a policy debate is wrong, and to the Secretary I have to say I blew it; I should not have brought into the discussion his race, because it obscures the fact that he is carrying a bankrupt policy for an administration which has been impacting the poor and the minorities of this country by denying them decent medical care, by turning away from jobs programs that would help those who are mostly minorities, by discharging people from the military and refusing to provide them the extended benefits they need for unemployment, by denying poor women abortions, and by turning around a man who otherwise, in his own personal philosophy, would have supported abortions in Roe versus Wade. And to be led by the likes of John Sununu and Mr. Darman down the paths of darkness is wrong, and I apologize for obscuring that.

SEQUESTER LOOMS, ECONOMIC PROBLEMS REMAIN

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, the sequester is now just 84 days away, and we are about to race to the airport for summer vacation, to tell the people back home how much we have done for them.

But with a stalled summit, an empty plate, and the sequester of Gramm-Rudman looming over the horizon, we have done nothing for our people. And we are poised to give the bad guys just what they want. Because you see, Mr. Speaker, believe it or not, some people out there want to see Gramm-Rudman take its whack.

Tax evaders are overjoyed with the sequester. IRS audits will be reduced and investigations curtailed.

Drug smugglers will be dancing in the street of Bogotá. Customs cargo inspections will be reduced by 36 percent.

White collar criminals will be laughing all the way to the bank. The FBI will have 1,000 plus fewer convictions.

And illegal aliens are waiting for the signal to go. INS operations will be crippled, and the flow of illegals will begin.

Mr. Speaker, it is a shame. No, a crime that we are leaving for vacation when our work for the people is unfinished. We have nothing to show for 12 weeks of summitry—only an empty plate and scraps on the table. Let us stop talking and get moving.

Mr. Speaker, I say, "No vacation. Let's stay here; turn off the air conditioners. Let's stay here and clean it up."

PRICES FOR INFANT FORMULA ESCALATE

(Mr. WYDEN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, the Women, Infants, and Children [WIC] Program is, dollar for dollar, one of the best programs run by the Government, but too many of those dollars are being used to line the pockets of the infant formula companies rather than to feed needy kids.

The retail price of this can of infant formula is $2.30, and over the last decade infant formula prices have risen more than 150 percent, far more than groceries, dairy products, or other essentials.

Mr. Speaker, more than 140 Members of Congress are joining me in asking the infant formula companies to lower the price of this can 30 percent, and I hope that in the name of good corporate citizenship the companies do that by fall when the WIC contracts come up.

CALLING FOR AN APOLOGY FOR REMARKS CONCERNING DR. SULLIVAN

(Mr. WEBER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, yesterday the Secretary of Health and Human Services was subjected to vicious racist assault on his character by a Member of this body. According to the press, one of our colleagues referred to Dr. Sullivan as "a disgrace to his race."

Mr. Speaker, Dr. Sullivan is an outstanding physician, educator, and public servant. He is also a friend of mine. He has sacrificed greatly financially to serve the public. He has never attacked any Member of Congress to my knowledge, even in the mildest of terms.

The attack on Dr. Sullivan is one of the most despicable actions I have seen in my 10 years in this body. To suggest that a person is a "disgrace to his race" is itself a nakedly racist comment. The true disgrace in this incident is the disgrace these remarks have brought to this body. Dr. Sullivan is a decent human being and a fine public servant who has been maligned by a Member of this body.

Mr. Speaker, he deserved an apology this morning. He did not get an apology. Instead, the assault on him was renewed, to the continuing disgrace of this body.

FURTHER CONSIDERATION OF CIVIL RIGHTS BILL UPCOMING

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WASHINGTON. Mr. Speaker, very shortly we will take up consideration to completion of the civil rights bill. I call upon my colleagues who are going to offer the substitute to venture from the usual procedure of addressing the cameras and the people in the gallery. I will ask someone to yield to me, because if in your heart you believe that your substitute is right, you ought to be able to defend it before a man who has tried civil rights cases for 20 years.

I regret the remark that was made regarding Mr. Sullivan, and I am sure those who are clapping every time a vitriolic attack is made upon this man who has apologized will join the rest of us in passing the Civil Rights Act, because if you truly do believe in civil rights, then, as one of my campaign opponents said, "What you do speaks so loudly I can't hear what you say."

REMARKS ABOUT SECRETARY SULLIVAN SEEN AS RACIST

(Mr. KOLBE asked and was given permission to address the House 1 minute, and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, yesterday the distinguished Secretary of Health and Human Services, Dr. Louis Sullivan, was subjected to a disgraceful attack by a Member of this body.

In my brief tenure in this House I have never heard a member of the President's Cabinet described in such blatant, racist terms.

I know Dr. Sullivan, and I know him to be a distinguished physician, an outstanding medical educator, and a good administrator. More to the point, he is one of the most decent human beings I have ever had the honor of knowing.

Mr. Speaker, we may disagree on policy issues with one another and with others inside and outside the

Government about national health insurance or on issues of tobacco smoking and who should pay its costs to society, but, Mr. Speaker, no person should be subjected to remarks degrading them or suggesting they disgrace their race. Such remarks do nothing to the honor or integrity of Dr. Louis Sullivan, but they do demean this House and every Member of it.

Mr. Speaker, Secretary Sullivan deserves an apology. Instead, he got another slap in the face this morning.

□ 1040

CAMPAIGN REFORM—WE CAN LIVE WITH IT

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, later today we will be voting on the rule on H.R. 5400, campaign finance reform. Hopefully, the rule will pass, and then we will be debating the bill.

Mr. Speaker, I served on a task force for over 18 months as the chairman of the Democratic Congressional Campaign Committee. I have also traveled this country for 3½ years asking for money.

Mr. Speaker, I can tell my colleagues that this campaign system is bankrupt. There is too much money chasing after candidates. We got some State races that this last election cycle went over $1 million.

Each year, to get into this body, the cost creeps up. We must put a campaign cap on it. This bill caps very generously at $550,000. Anybody in this body can live with that. We also limit the amount of money which can be received from political action committees at $275,000.

Mr. Speaker, there are other good reforms in this bill. I encourage my colleagues to vote for the rule and vote for the campaign reform bill.

A SAD DAY FOR THIS HOUSE

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, I, too, rise to express my outrage at the intemperate and outrageous personal attacks on Secretary of Health and Human Sevices, Lewis Sullivan. Dr. Sullivan is an outstanding physician and scientist, an able and prudent administrator and a compassionate man. Under his leadership the administration is working as we meet to develop legislative proposals to deal with our serious national health care problems, problems of access, quality and cost.

It is a sad day, Mr. Speaker, for this House when a Member resorts to continued criticism of one of our Nation's finest public servants.

VOTE TO STOP THE CAMPAIGN SPENDING SPREE

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, if people are concerned about reforming the election process, the time is here today. Limit political action committees, limit soft money, encourage small contributors and, most importantly, limit campaign spending overall.

Mr. Speaker, the biggest complaint by constituents is how much money is being spent in campaigns. "Stop the money race," they plead.

Mr. Speaker, this bill today does just that, by putting a cap on total campaign spending.

On the other side, they will say that our bill is the reform bill because it reduces PAC contributions. Let me tell my colleagues what their bill will not do.

Mr. Speaker, it does not put a cap on campaign spending, so it says, "Raise all you can, spend all you can. Let the good times roll."

Mr. Speaker, the American people are tired of this. Voting turnout has been dropping in past elections. I believe this is because voters are growing cynical.

Today, Mr. Speaker, this House can send a message that is saying, "All voters are welcome, not the fat cats, not just big money." Lower the contribution level. Put a fixed cap on total spending. Talking about reform will not do it. Voting to stop the campaign spending spree will.

NO NEW TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, today we will adjourn for the month of August without a budget agreement. Democrats have pushed again and again for a tax increase and have said that, if taxes are not a part of the package, they will not sign on. Mr. Speaker, we do not need a tax increase.

Mr. Speaker, we have a budget proposal right here that will reach our targets with no new taxes. It does exist, and here it is.

With Saddam Hussein forcing the price of oil up by invading Kuwait, thus endangering our economy and the world, we sure do not need a tax increase right now that precipitates a recession.

Here is the budget, and it includes, "Read my lips. No new taxes."

THE ROLE OF MONEY IN THE POLITICAL PROCESS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, over and over again we have bemoaned the fact that there is such low voter turnout in our country. One of the reasons for this is an obstacle that the public sees, and it is the role of money in the political process.

Mr. Speaker, the role of money has caused alienation, which has served as an obstacle to participation. Today in this body we will have the opportunity to pass legislation that removes that obstacle.

Mr. Speaker, the Campaign Reform Act that we will be debating and the amendment to it, the Obey-Synar amendment, will limit spending in campaigns, limit the participation of PAC's, and, with the amendment, call for voluntary; I repeat, voluntary, public financing. The amendment rewards small donor contributions.

Mr. Speaker, the passage of this bill will go a long way to increase citizen participation in the political process. I urge my colleagues to support this important legislation.

THE PRESIDENT HAS NOT RULED OUT USE OF MILITARY FORCE IN THE MIDDLE EAST

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, Members of the House, the President of the United States has said that he has not ruled out the use of military force in the very serious situation that now obtains in the Middle East. I want him to know that whatever option he exercises, even if it should include a military or a paramilitary action, that this Member of Congress, and many others, would support him wholeheartedly. The American people represented by this Congress will also support such an action.

Mr. Speaker, what is happening now in the Middle East affects the standard of living of the American people, the national security of our country and the stable situation that now exists in the Western World.

So, Mr. Speaker, I say, "Mr. President, we are with you, whatever decision you make in this very volatile situation."

SEND IN THE CAPITOL POLICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the world is being threatened by a madman attempting to take all the oil, and yesterday Admiral Crowe, former Chief of the Joint Chiefs of Staff, said, "Look here," he says, "America does not have the capability to do anything in the gulf."

Now I want my colleagues to think about that. After spending trillions of dollars on star wars and war games, Congress may be forced to send in the Capitol Police, my colleagues, and they are underpaid.

This is no joke. Think about it. Trillions of dollars. We have B-1's, B-2's, F-14's, F-15's, F-16's.

I say to my colleagues, "Let's face it. Maybe we can hire generals a hell of a lot cheaper from Korea that will do a better job. This isn't Grenada. Let's start using that trillion dollar budget before we have to drive to Iraq to buy a gallon of gas."

HAVE A FUN MONTH

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I would love to be up here and talk about Saddam Hussein. But I will save that for a 60-minute later today.

I would love to talk about the so-called unanimous report of the Ethics Committee, which was not unanimous, and all the jobs that would be denied to us on the outside because our standards here are the lowest common denominator.

I would love to talk about the insult to Doc Sullivan, a decent, caring man who I consider a friend of mine now. But I think I know the root cause of the problem of the gentleman from California [Mr. STARK].

My colleagues, in Ashqelon, just within the last week, they found the golden calf, the idol that the heretics worshipped. What we are worshipping in this country today, unfortunately, is the god Baal. They fed him children. They threw them into the fire.

Mr. Speaker, I say to my colleagues that I want to help you guys. I want to give you a heads-up. I am going to be walking precincts this month. Here is the current Life magazine. It is going to be out there on coffee tables across America. When people bring it to his door and ask PETE about it, PETE STARK, if this is a human being with an immortal soul, as JOE KENNEDY'S mother and grandmother thinks, he better have some answers.

Mr. Speaker, do my colleagues know what I am carrying and will be for the rest of my time here? An anthropomorphically correct model of a 12-week-old fetus. Call it Michelle, call it Michael. The heart has been beating since day 18. There have been brain waves since day 40.

I say to my colleagues, "That's a baby, PETE, with an immortal soul. So, come up and ask me about it. I will let you touch it and handle it."

My colleagues are going to have a fun month.

POLITICAL HAY

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, the gentleman from California [Mr. STARK], my friend and colleague, had the courage and intellectual honesty to come here and apologize.

Let me remind my friends on this side of the aisle who are trying to make political hay of this issue: "When a member of your party made some derogatory remarks about blacks, I was chairman of the Congressional Black Caucus, and the Caucus took a conciliatory position. We did not come here on the floor and beat up on him. Rather, we accepted his apology in private."

Mr. Speaker, the gentleman from California [Mr. STARK] made his apology in public, and I say to my colleagues, "If you really believe in civil rights, if you really want to make some political hay, vote for this civil rights bill today."

In addition, Mr. Speaker, let me remind my Republican friends to check with the Republican candidates for the Senate in Louisiana, Georgia, and North Carolina, just to name a few States.

□ 1050

They will tell you what the African-Americans did to them. Change the Senate back to Democratic. Do not take chances with this bill.

PULL HUSSEIN'S THUMB OUT OF OUR EYE AND BREAK HIS ARM

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, in 1936, a power-mad tyrant invaded the Rhineland. He knew the world's democracies did not have the courage to stand up to him, and he was right.

Two days ago, another power-mad tyrant invaded Kuwait. Hussein thinks we will appease him. I say let us prove him wrong.

Hussein's lust for domination could bring a major war in the Middle East and worldwide economic troubles. The stakes are too high to dilly-dally around. He has stuck his thumb in our eye. I say we should break his arm.

The United Nations can take all the votes it wants, our allies can undertake all the consultations they want, but there is still only one leader of the free nations of the world. President Bush has a fistful of hard-hitting options, and I am confident he will move quickly to stop this madman.

REQUEST FOR RECOGNITION ON POINT OF PERSONAL PRIVILEGE

Mr. JACOBS. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman will state his point of personal privilege.

Mr. JACOBS. Mr. Speaker, the oldest complaint in politics is to be misquoted. The cartoons have Senator Snort writing a book entitled "I Was Misquoted" for his entire career.

I just want to take a second, a little more than a second, to maybe advise the House how to do an interview with the local newspaper, the Washington Post.

The SPEAKER pro tempore. The gentleman must first convince the Chair that he has a point of personal privilege.

Mr. JACOBS. Mr. Speaker, I have been, as I say, wronged. I have been presented wrongly by the paper.

The SPEAKER pro tempore. The gentleman must indicate a point of personal privilege to the Chair first, before he is recognized.

ON BEING MISQUOTED IN THE WASHINGTON POST

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, if you give an interview to a reporter, like Spencer Rich at the Washington Post, you can relax. You can assume that what you say is what they print. If you give an interview to maybe somebody else at the Washington Post, you cannot always rely on that.

I have a generic objection to the personal use of campaign funds. It is not partisan, and the people who know me well here know that is not my record here in the House; yet I was pictured as being partisan this morning in the newspaper. I was even quoted as saying, "A guy taking a salary from his campaign committee has got to be cleared up." Does anybody here believe I speak in such nonsequiturs?

So if anybody takes any offense from what is printed here, that I criticized the party rather than what is right, please do not take offense. Any relationship between what I said and what is printed is not just coincidental. I believe it was an accident.

CONGRESS SHOULD NOT ADJOURN WITH SO MUCH IMPORTANT BUSINESS HANGING FIRE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I believe that we should reconsider adjourning the Congress this weekend with so much important business still hanging fire. There is no agreement on the budget as we face sequester for a $104 billion shortfall. Every committee and Member of the House should be working on the least harmful cuts to the country in their area of responsibility. At the same time the Middle East is in turmoil as Iraq marches around Kuwait and threatens the major oil supply of much of the world.

If we walk out on this to take a "vacation," can any one of us wonder why the country is outraged at incumbency? The appearance we give is that it is more important for us to get away for a break than it is to do the urgent business of the country—to do what we were elected to do.

The appearance is of irresponsibility at a time of great crisis, not only in the country, but in the world. How can we ask the American people to sacrifice—to possibly have to pay larger taxes in many areas—if we are not willing to sacrifice our break until we take care of the business of the country.

Mr. KASICH. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Ohio.

A TIME TO STAY CALM

Mr. KASICH. Mr. Speaker, I am disappointed that some of my colleagues have seized on the situation in Iraq to justify a new generation of weapons.

I remind my friends that we spent $1 trillion on the defense buildup during the Reagan years to meet this and many other threats.

I hope my friends will stay calm and realize that the many strategic and conventional systems that were built under Ronald Reagan could serve as an effective deterrent against Saddam Hussein and other threats in the world.

Our new challenge is to fashion a defense that meets the threats in a changing world. World War II weapons have their place, but we must fashion our systems to be capable of stand-off action with pinpoint accuracy so as not to risk the pilots or the system.

Sealift and airlift are critical in a changing world, along with forced mobility.

To my friends, stay calm and let us adopt a rational policy that allows us to meet the serious threats to freedom in a changing world and effectively spend our resources.

CAMPAIGN FINANCE REFORM

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I speak today as a participant in the political process for almost three decades, from precinct delegate to State chair.

The present system of financing campaigns diminishes all who touch it in equal measure, those who give and those who receive. The issue is more than that of PAC's. It is whether we move away from the large private contributor.

I have never understood the minority party's opposition to public finance. They would rather that we scurry about looking for large contributions from those individuals or groups whose cases we judge than from the public whose interest we are elected to serve.

We should change a system that diminishes all of government and do it today by adopting the Swift and the Obey-Synar amendment.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. LEVIN of Michigan. I am glad to yield to the gentleman from Kentucky.

THE 25TH ANNIVERSARY OF SIGNING OF 1965 VOTING RIGHTS ACT

Mr. MAZZOLI. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, today, August 3, 1990, is an historic day. We come to Congress to both witness history and to participate in making history and today we have that opportunity because we can, and hopefully will, pass both a major Civil Rights Act, as well as a Campaign Reform Act.

I intend to vote for both, but I would briefly for a few seconds speak to the civil rights bill.

In Statutory Hall yesterday there was a celebration for the 25th anniversary of the signing of the 1965 Voting Rights Act. How proud were the 31 Members of Congress still in Congress who voted for that Civil Rights Act. No doubt some Members who voted for it then did so with some concerns and reservations because they did not understand all the words or all the concepts in the Act.

Some today will vote for the Civil Rights Act with those same reservations. I think they will be as happy 25 years hence, in the year 2015, as were our 31 colleagues yesterday in having voted for the civil rights bill of 1990.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). That will conclude the 1-minute speeches at this point in the day. We have had 10 on each side. The Speaker may entertain additional 1-minute speeches later in the day.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2584

Mr. HAYES of Louisiana. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2584.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1199) to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans Affairs to provide certain procreative services for married veterans with service-connected disabilities which impair their ability to procreate, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Nurse Pay Act of 1990".

TITLE I—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

SEC. 101. RESTRUCTURING OF NURSE GRADE LEVELS AND PAY.

(a) NEW GRADES ESTABLISHED.—The Secretary of Veterans Affairs shall provide four grade levels for nurses employed by the Department of Veterans Affairs under section 4104(1) of title 38, United States Code, with relation to current nurse grades, as follows:

New grades	Current nurse grades
1. Entry grade	Junior and associate grades.
2. Intermediate grade	Full and intermediate grades.
3. Senior grade	Senior and chief grades.
4. Director grade	Assistant director and director grades.

(b) CURRENT NURSE GRADES DEFINED.—For purposes of subsection (a), the term "current nurse grades" means the grades in effect on the day before the effective date of this Act for nurses employed by the Department of Veterans Affairs under section 4104(1) of title 38, United States Code.

(c) CONFORMING AMENDMENT.—Section 4107(b) of title 38, United States Code, is amended by striking out the items under

the heading "NURSE SCHEDULE" and inserting in lieu thereof the following:

"Entry grade.
"Intermediate grade.
"Senior grade.
"Director grade.".

SEC. 102. RATES OF PAY AND ADMINISTRATION OF PAY FOR NEW NURSE GRADES AND CERTAIN OTHER HEALTH-CARE PERSONNEL.

(a) CLARIFICATION.—Section 4104(1) of title 38, United States Code, is amended by inserting "registered" before "nurses".

(b) PAY ADMINISTRATION.—Chapter 73 of such title is amended by inserting after subchapter III the following new subchapter:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"§ 4141. Nurses and other health-care personnel: competitive pay

"(a)(1) It is the purpose of this section to ensure, by a means providing increased responsibility and authority to directors of Department health-care facilities, that the rates of basic pay for health-care personnel positions described in paragraph (2) in each Department health-care facility (including the rates of basic pay of personnel employed in such positions on a part-time basis) are sufficient for that facility to be competitive, on the basis of pay and other employee benefits, with non-Department health-care facilities in the same labor-market area in the recruitment and retention of qualified personnel for those positions.

"(2) The health-care personnel positions referred to in paragraph (1) (hereinafter in this section referred to as 'covered positions') are the following:

"(A) Registered nurse.

"(B) Such positions referred to in clauses (1) and (3) of section 4104 of this title (other than the positions of physician, dentist, and registered nurse) as the Secretary may determine upon the recommendation of the Chief Medical Director.

"(3) The rates of basic pay for covered positions in the Department shall be established and adjusted in accordance with this section instead of subsection (b)(1) of section 4107 of this title.

"(4) The Secretary, after receiving the recommendation of the Chief Medical Director, shall prescribe regulations setting forth criteria and procedures to carry out this section and section 4142 of this title. Requirements in such regulations for directors to provide and maintain documentation of actions taken under this section shall require no more documentation than the minimum essential for responsible administration.

"(b) The Secretary shall maintain the four grade levels for nurses employed by the Department under section 4104(1) of this title as specified in the Nurse Schedule in section 4107(b) of this title. The Secretary shall, pursuant to regulations prescribed to carry out this subchapter, establish grades for other covered positions as the Secretary considers appropriate.

"(c)(1) For each grade in a covered position, there shall be a range of basic pay. The maximum rate of basic pay for a grade shall be 133 percent of the minimum rate of basic pay for the grade, except that, if the Secretary determines that a higher maximum rate is necessary with respect to any such grade in order to recruit and retain a sufficient number of high-quality health-care personnel, the Secretary may raise the maximum rate of basic pay for that grade to a rate not in excess of 175 percent of the minimum rate of basic pay for the grade. Whenever the Secretary exercises the authority under the preceding sentence to establish the maximum rate of basic pay at a rate in excess of 133 percent of the minimum rate for that grade, the Secretary shall, in the next annual report required by subsection (g), provide justification for doing so to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(2) The maximum rate of basic pay for any grade for a covered position may not exceed the maximum rate of basic pay established for positions in level V of the Executive Schedule under section 5316 of title 5.

"(3) The range of basic pay for each such grade shall be divided into equal increments, known as 'steps'. The Secretary shall prescribe the number of steps. Each grade in a covered position shall have the same number of steps. Rates of pay within a grade may not be established at rates other than whole steps. Any increase (other than an adjustment under subsection (d)) within a grade in the rate of basic pay payable to an employee in a covered position shall be by one or more of such step increments.

"(d)(1) The rates of basic pay for each grade in a covered position shall be adjusted periodically in accordance with this subsection in order to achieve the purposes of this section. Such adjustments shall be made—

"(A) whenever there is an adjustment under section 5305 of title 5 in the rates of pay under the General Schedule, with the adjustment under this subsection to have the same effective date as the adjustment in the rates of basic pay under the General Schedule; and

"(B) at such additional times as the director of a Department health-care facility, with respect to employees in that grade at that facility, determines.

"(2) An adjustment in rates of basic pay under this subsection for a grade shall be carried out by adjusting the amount of the minimum rate of basic pay for that grade in accordance with paragraph (3) and then adjusting the other rates for that grade to conform to the requirements of subsection (c). Such an adjustment in the minimum rate of basic pay for a grade shall be made by the director of a Department health-care facility so as to achieve consistency with the beginning rate of compensation for corresponding health-care professionals in the Bureau of Labor Statistics (BLS) labor-market area of that facility.

"(3)(A) In the case of a Department health-care facility located in an area for which there is current information, based upon an industry-wage survey by the Bureau of Labor Statistics for that labor market, on beginning rates of compensation for corresponding health-care professionals for the BLS labor-market area of that facility, the director of the facility concerned shall use that information as the basis for making adjustments in rates of pay under this subsection. Whenever the Bureau of Labor Statistics releases the results of a new industry-wage survey for that labor market that includes information on beginning rates of compensation for corresponding health-care professionals, the director of that facility shall determine, not later than 30 days after the results of the survey are released, whether an adjustment in rates of pay for employees at that facility for any covered position is necessary in order to meet the purposes of this section. If the director determines that such an adjustment is necessary, the adjustment, based upon the information determined in the survey, shall take effect on the first day of the first pay period beginning after that determination.

"(B) In the case of a Department health-care facility located in an area for which the Bureau of Labor Statistics does not have current information on beginning rates of compensation for corresponding health-care professionals for the labor-market area of that facility for any covered position, the director of that facility shall conduct a survey in accordance with this subparagraph and shall adjust the amount of the minimum rate of basic pay for grades in that covered position at that facility based upon that survey. Any such survey shall be conducted in accordance with regulations prescribed by the Secretary. Those regulations shall be developed in consultation with the Secretary of Labor in order to ensure that the director of a facility collects information that is valid and reliable and is consistent with standards of the Bureau. The survey should be conducted using methodology comparable to that used by the Bureau in making industry-wage surveys except to the extent determined infeasible by the Secretary. Upon conducting a survey under this subparagraph, the director concerned shall determine, not later than 30 days after the date on which the collection of information through the survey is completed, whether an adjustment in rates of pay for employees at that facility for any covered position is necessary in order to meet the purposes of this section. If the director determines that such an adjustment is necessary, the adjustment, based upon the information determined in the survey, shall take effect on the first day of the first pay period beginning after that determination.

"(C) The director of a facility may not adjust rates of basic pay under this subsection for any pay grade so that the minimum rate of basic pay for that grade is greater than the beginning rates of compensation for corresponding positions at non-Department health-care facilities.

"(4) If the director of a Department health-care facility determines, after any survey under paragraph (3)(B) or at any other time that an adjustment in rates of pay is scheduled to take place under this subsection, that it is not necessary to adjust the rates of basic pay for employees in a grade of a covered position at that facility in order to carry out the purpose of this section, such an adjustment for employees at that facility in that grade shall not be made. Whenever a director makes such a determination, the director shall within 10 days notify the Chief Medical Director of the decision and the reasons for the decision.

"(5) Information collected by the Department in surveys conducted under this subsection is not subject to disclosure under section 552 of title 5.

"(6) In this subsection—

"(A) The term 'beginning rate of compensation', with respect to health-care personnel positions in non-Department health-care facilities corresponding to a grade of a covered position, means the sum of—

"(i) the minimum rate of pay established for personnel in such positions who have education, training, and experience equivalent or similar to the education, training, and experience required for health-care personnel employed in the same category of Department covered positions; and

"(ii) other employee benefits for those positions to the extent that those benefits are reasonably quantifiable.

"(B) The term 'corresponding', with respect to health-care personnel positions in non-Department health-care facilities, means those positions for which the education, training, and experience requirements are equivalent or similar to the education, training, and experience requirements for health-care personnel positions in Department health-care facilities.

"(e) Adjustments in rates of basic pay under subsection (d) may increase or reduce the rates of basic pay applicable to any grade of a covered position. In the case of such an adjustment that reduces the rates of pay for a grade, an employee serving at a Department health-care facility on the day before the effective date of that adjustment in a position affected by the adjustment may not (by reason of that adjustment) incur a reduction in the rate of basic pay applicable to that employee so long as the employee continues to serve in that covered position at that facility. If such an employee is subsequently promoted to a higher grade, or advanced to a higher step within the employee's grade, for which the rate of pay as so adjusted is lower than the employee's rate of basic pay on the day before the effective date of the promotion, the employee shall continue to be paid at a rate of basic pay not less than the rate of basic pay applicable to the employee before the promotion so long as the employee continues to serve in that covered position at that facility.

"(f) Not later than February 1 of 1991, 1992, and 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding any pay adjustments under the authority of subsection (d)(1)(A) effective during the 12 months preceding the submission of the report. Each such report shall set forth, by health-care facility, the percentage of such increases and, in any case in which no increase was made, the basis for not providing an increase.

"(g) Not later than December 1 of 1991, 1992, and 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the exercise of the authorities provided in this section for the preceding fiscal year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this section (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this section) during the preceding fiscal year, including an assessment of the effects of the exercise of such authorities on the ability of the Department to recruit and retain qualified health-care professionals for covered positions.

"(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the rates of basic pay in effect during the preceding fiscal year, with a comparison to the rates in effect during the previous fiscal year, shown by facility and by covered position.

"(4) The numbers of employees in covered positions (shown separately for registered nurses and for each other covered position) who during the preceding fiscal year (A) left employment with the Department, (B) left employment at one Department medical facility for employment at another Department medical facility, or (C) changed from full-time status to part-time status (and from part-time status to full-time status), and a summary of the reasons therefor.

"(5) The number of vacancies in covered positions in the Administration and a summary of the reasons that those positions are vacant.

"(6) The number of employees who during the preceding fiscal year left employment at a health-care facility in one Bureau of Labor Statistics labor-market area for employment at a health-care facility in another such labor-market area, without changing residence.

"(7) Justification for setting the maximum rate of basic pay for any grade at a rate in excess of 133 percent of the minimum rate of basic pay for that grade.

"(8) The discussion required by section 4142(b)(2) of this title.

"(h) For the purposes of this section, the term 'health-care facility' means a medical center, an independent outpatient clinic, or an independent domiciliary facility.

"§ 4142. Nurses and other health-care personnel: administration of pay

"(a)(1) Regulations prescribed under section 4141(a) of this title shall provide that whenever an employee in a covered position is given a new duty assignment which is a promotion, the rate of basic pay of that employee shall be increased at least one step increment in that employee's grade.

"(2) A nurse serving in a head nurse position shall while so serving receive basic pay at a rate two step increments above the rate that would otherwise be applicable to the nurse. If such a nurse is in the highest or next-to-highest step for that nurse's grade, the preceding sentence shall be applied by extrapolation to create additional steps only for the purposes of this paragraph. The limitation in section 4141(c)(1) of this title shall not apply with respect to increased basic pay under this paragraph.

"(3) An employee in a covered position who is promoted to the next higher grade shall be appointed in that grade at a step having a rate of basic pay that is greater than the rate of basic pay applicable to the employee in a covered position on the day before the effective date of the promotion.

"(b)(1) Under regulations which the Secretary prescribes for the administration of this section, the director of a Department health-care facility (A) shall pay a cash bonus (in an amount to be determined by the director not to exceed $2,000) to an employee in a covered position at that facility who becomes certified in a specialty recognized by the Department, and (B) may provide such a bonus to an employee in such a position who has demonstrated both exemplary job performance and exemplary job achievement. The authority of the Secretary under this subsection is in addition to any other authority of the Secretary to provide job performance incentives.

"(2) The Secretary shall include in the annual report under section 4141(g) of this title a discussion of the use during the period covered by the report of the payment of bonuses under this subsection and other job performance incentives available to the Secretary.

"(c)(1) The Secretary shall provide (in regulations prescribed for the administration of this section) that the director of a Department health-care facility, in making a new appointment of a person under section 4104(1) of this title as an employee in a covered position for employment at that facility, may make that appointment at a rate of pay described in paragraph (3) without being subject to a requirement for prior approval at any higher level of authority within the Department in any case in which the director determines that it is necessary to do so in order to obtain the services of employees in covered positions in cases in which vacancies exist at that health-care facility.

"(2) Such a determination may be made by the director of a health-care facility only in order to recruit employees in covered positions with specialized skills, especially employees with skills which are especially difficult or demanding.

"(3) A rate of pay referred to in paragraph (1) is a rate of basic pay in excess of the minimum rate of basic pay applicable to the grade in which the appointment is made (but not in excess of the maximum rate of basic pay for that grade).

"(4) Whenever the director of a health-care facility makes an appointment described in paragraph (1) without prior approval at a higher level of authority within the Department, the director shall—

"(A) state in a document the reasons for employing the employee in a covered position at a rate of pay in excess of the minimum rate of basic pay applicable to the grade in which the employee is appointed (and retain that document on file); and

"(B) in the first budget documents submitted to the Secretary by the director after the employee is employed, include documentation for the need for such increased rates of basic pay described in clause (A).

"(5) Whenever the director of a health-care facility makes an appointment described in paragraph (1) on the basis of a determination described in paragraph (2), the covered employee appointed may continue to receive pay at a rate higher than that which would otherwise be applicable to that employee only so long as the employee continues to serve in a position requiring the specialized skills with respect to which the determination was made.

"(d) Whenever the director of a health-care facility makes an appointment described in subsection (c)(1), the director may (without a regard to any requirement for prior approval at any higher level of authority within the Department) increase the rate of pay of other employees in the same covered position at that facility who are in the grade in which the appointment is made and are serving in a position requiring the specialized skills with respect to which the determination under subsection (c)(2) concerning the appointment was made. Any such increase shall continue in effect with respect to any employee only so long as the employee continues to serve in such a position.

"(e) An employee in a covered position employed under section 4104(1) of this title who (without a break in employment) transfers from one Department health-care facility to another may not be reduced in grade or step within grade (except pursuant to a disciplinary action otherwise authorized by law) if the duties of the position to which the employee transfers are similar to the duties of the position from which the employee transferred. The rate of basic pay of such employee shall be established at the new health-care facility in a manner consistent with the practices at that facility for an employee of that grade and step.

"(f) In this section, the term 'covered position' has the meaning given that term in section 4141 of this title.".

(c) CONFORMING AMENDMENTS.—Section 4107(e)(1) of such title is amended by striking out "in subsection (b)(1) of this section".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 4134 the following:

"SUBCHAPTER IV—PAY FOR NURSES AND OTHER HEALTH-CARE PERSONNEL

"4141. Nurses and other health-care personnel: competitive pay.

"4142. Nurses and other health-care personnel: administration of pay.".

SEC. 103. REPEAL OF LIMITATION ON HOURLY RATE OF OVERTIME PAY.

Section 4107(e)(5) of title 38, United States Code, is amended by striking out ", not to exceed" in the first sentence and all that follows through "Nurse Schedule".

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), section 101 and the amendments made by section 102 shall take effect on the date of enactment.

(2) The amendment made by section 103 shall take effect on April 1, 1991.

(b) New Pay Rates.—The rates of basic pay established pursuant to section 4141 of title 38, United States Code, as added by section 102, shall take effect for covered positions (as defined in that section) with respect to the first pay period beginning on or after April 1, 1991.

TITLE II—MISCELLANEOUS

SEC. 201. PILOT PROGRAM ON PROVISION OF NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE.

(a) AUTHORITY TO PROVIDE FOR NONINSTITUTIONAL CARE.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 620C. Noninstitutional alternatives to nursing home care: pilot program

"(a) During the four-year period beginning on October 1, 1990, the Secretary may conduct a pilot program for the furnishing of medical, rehabilitative, and health-related services in noninstitutional settings for veterans who are eligible under this chapter for, and are in need of, nursing home care and who—

"(1) are in receipt of, or are in need of, nursing home care primarily for the treatment of a service-connected disability; or

"(2) have a service-connected disability rated at 50 percent or more.

"(b)(1) Under the pilot program conducted pursuant to subsection (a), the Secretary shall (A) furnish appropriate health-related services solely through contracts with appropriate public and private agencies that provide such services, and (B) designate Department health-care employees to furnish case management services to veteran furnished services under the program.

"(2) For the purposes of paragraph (1), the term 'case management services' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

"(c) The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department resources) to a facility furnishing services to veterans under subsection (b)(1)(A). Any such in-kind assistance shall be provided under a contract between the Department and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Department receives reimbursement for the full cost of such assistance (including the cost of services and supplies and normal depreciation and amortization of equipment). Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

"(d) The total cost of providing services or in-kind assistance in the case of any veteran for any fiscal year under the pilot program may not exceed 65 percent of the cost that would have been incurred by the Department during that fiscal year if the veteran had been furnished, instead, nursing home care under section 610 of this title during that fiscal year.

"(e) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to the extent that appropriations are available.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 620B the following new item:

"620C. Noninstitutional alternatives to nursing home care: pilot program.".

(b) Report.—Not later than February 1, 1994, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's evaluation, findings, and conclusions regarding the conduct, through September 30, 1993, of the pilot program required by section 620C of title 38, United States Code (as added by subsection (a)), and the results of the furnishing of care under such pilot program for the participating veterans. The report shall include a description of the conduct of the pilot program (including a description of the veterans furnished services and of the services furnished under the pilot program), and any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate to include in the report.

SEC. 202. SHARING OF SPECIALIZED MEDICAL RESOURCES.

(a) EXPANSION OF PURPOSE.—Section 5051 of title 38, United States Code, is amended by striking out "hospitals" both places it appears in the first sentence and inserting in lieu thereof "health-care facilities".

(b) EXPANSION OF AUTHORITY.—Section 5053 of such title is amended—

(1) in subsection (a)—

(A) by striking out "hospitals" the first place it appears and all that follows through "community" and inserting in lieu thereof "health-care facilities and other health-care facilities (including organ banks, blood banks, or similar institutions), research centers, or medical schools"; and

(B) by striking out the last sentence; and

(2) in subsection (b)—

(A) in the first sentence, by striking out "a charge" and all that follows and inserting in lieu thereof "a methodology that provides appropriate flexibility to the heads of the facilities concerned to establish an appropriate reimbursement rate after taking into account local conditions and needs and the actual costs to the providing facility of the resource involved."; and

(B) in the second sentence, by inserting before the period "and to funds that have been allotted to the facility that furnished the resource involved".

SEC. 203. TEMPORARY APPOINTMENTS OF HEALTH-CARE PERSONNEL.

Section 4114(a)(3) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking out the penultimate sentence and inserting in lieu thereof the following: "Temporary full-time appointments of persons who have successfully completed a full course of nursing in a recognized school of nursing approved by the Secretary, or who have successfully completed a full course of training for any category of personnel described in paragraph (3) of section 4104 of this title in a recognized education or training institution approved by the Secretary, and who are pending registration or licensure in a State, or certification by a national board recognized by the Secretary, shall not exceed two years."; and

(2) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) A student who has a temporary appointment under this paragraph and who is pursuing a full course of nursing in a recognized school of nursing approved by the Secretary, or who is pursuing a full course of training for any category of personnel described in paragraph (3) of section 4104 of this title in a recognized education or training institution approved by the Secretary, may be reappointed for a period not to exceed the duration of the student's academic program.".

SEC. 204. REPORT ON POST-TRAUMATIC STRESS DISORDER.

Section 201(e)(1) of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2066) is amended by inserting "and not later than February 1, 1991," after "Not later than February 1, 1990,".

SEC. 205. HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAMS.

(a) COORDINATION WITH DEPARTMENT OF DEFENSE PROGRAMS.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—STIPEND PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

"§ 4351. Authority for program

"(a) As part of the Educational Assistance Program, the Secretary of Veterans Affairs may select qualified individuals to receive assistance under this subchapter.

"(b) To be eligible to receive assistance under this subchapter, an individual must be accepted for enrollment or be enrolled as a full-time student at a qualifying educational institution in a course of education or training that is approved by the Secretary and that leads toward completion of a degree in a health profession involving direct patient care or care incident to direct patient care.

"§ 4352. Eligibility: individuals entitled to benefits under the GI Bill program for members of the Selected Reserve

"The Secretary of Veterans Affairs may not approve an application under section 4303 of this title of an individual applying to receive assistance under this subchapter unless—

"(1) the individual is entitled to benefits under chapter 106 of title 10; and

"(2) the score of the individual on the Armed Forces Qualification Test was above the 50th percentile.

"§ 4353. Amount of assistance

"The Secretary may pay to a person selected to receive assistance under this subchapter the amount of $400 (adjusted in accordance with section 4331 of this title) for each month of the person's enrollment in a program of education or training covered by the agreement of the person entered into under section 4303 of this title. Payment of such benefits for any period shall be coordinated with any payment of benefits for the same period under chapter 106 of title 10.

"§ 4354. Obligated service

"A person receiving assistance under this subchapter shall provide service in the full-time clinical practice of the person's profession as a full-time employee of the Department for the period of obligated service provided in the agreement of such person entered into under section 4303 of this title.

"§ 4355. Breach of agreement; liability

"(a)(1) Subject to paragraph (2), an individual who is receiving or has received a reserve member stipend under this subchapter and who fails to perform the service for which the individual is obligated under section 4354 of this title shall be liable to the United States in an amount determined in accordance with section 4317(c)(1) of this title.

"(2) An individual who, as a result of performing active duty (including active duty for training), is unable to perform the service for which the individual is obligated under section 4354 of this title shall be permitted to perform that service upon completion of the active duty service (or active duty for training). The Secretary may, by regulation, waive the requirement for the performance of the service for which the individual is obligated under section 4354 of this title in any case in which the Secretary determines that the individual is unable to perform the service for reasons beyond the control of the individual or in any case in which the waiver would be in the best interest of the individual and the United States.

"(b) Any amount owed the United States under subsection (a) of this section shall be paid to the United States during the one-year period beginning on the date of the breach of the agreement.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER V—STIPEND PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

"4351. Authority for program.
"4352. Eligibility: individuals entitled to benefits under the GI Bill program for members of the Selected Reserve.
"4353. Amount of assistance.
"4354. Obligated service.
"4355. Breach of agreement; liability.".

(b) PERIODIC ADJUSTMENTS IN AMOUNT OF ASSISTANCE.—Section 4331 of such title is amended—

(1) in the first sentence of subsection (a)(1)—

(A) by striking out "amount and" and inserting in lieu thereof "amount,"; and

(B) by striking out "amount." and inserting in lieu thereof "amount, and the maximum Selected Reserve member stipend amount.";

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The term 'maximum Selected Reserve member stipend amount' means the maximum amount of assistance provided to a person receiving assistance under subchapter V of this chapter, as specified in section 4353 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) CONFORMING AMENDMENTS.—(1) Section 4301(a) of such title is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(3) the Selected Reserve member stipend program provided for under subchapter V of this chapter.".

(2) Section 4302 of such title is amended by inserting "under subchapter I or II of this chapter" in subsections (a) and (b) after "Educational Assistance Program".

(3) Section 4304 of such title is amended by striking out "subchapter II or III" in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapters II, III, or V".

SEC. 206. ADMINISTRATION.

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 1784 the following new section:

"§ 1784A. Procedures relating to computer matching program

"(a)(1) Notwithstanding section 552a(p) of title 5 and subject to paragraph (2) of this subsection, the Secretary may suspend, terminate, reduce, or make a final denial of any financial assistance or payment under an educational assistance program provided for in chapter 30 or 32 of this title or in chapter 106 of title 10 in the case of any individual, or take other adverse action against such individual, based on information produced by a matching program with the Department of Defense.

"(2) The Secretary may not take any action referred to in paragraph (1) of this subsection until—

"(A) the individual concerned has been provided a written notice containing a statement of the findings of the Secretary based on the matching program, a description of the proposed action, and notice of the individual's right to contest such findings within 10 days after the date of the notice; and

"(B) the 10-day period referred to in subparagraph (A) of this paragraph has expired.

"(3) In computing the 10-day period referred to in paragraph (2) of this subsection, Saturdays, Sundays, and Federal holidays shall be excluded.

"(b) For the purposes of subsection (q) of section 552a of title 5, compliance with the provisions of subsection (a) of this section shall be considered compliance with the provisions of subsection (p) of such section 552a.

"(c) For purposes of this section, the term 'matching program' has the same meaning provided in section 552a(a)(8) of title 5.".

(b) RATIFICATION.—Any use by the Department of Veterans Affairs, during the period beginning on July 2, 1990, and ending on the date of the enactment of this Act, of any category of information provided by the Department of Defense or the Department of Transportation for making determinations described in section 413(b) of the Veterans' Benefits Amendments of 1989 (Public Law 101-237) is hereby ratified.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1784 the following new item:

"1784A. Procedures relating to computer matching programs.".

(d) EFFECTIVE DATE DELAYED FOR CERTAIN EDUCATION BENEFITS COMPUTER MATCHING PROGRAMS.—(1) In the case of computer matching programs between the Department of Veterans Affairs and the Department of Defense in the administration of education benefits programs under chapters 30 and 32 of title 38 and chapter 106 of title 10, United States Code, the amendments made to section 552a of title 5, United States Code, by the Computer Matching and Privacy Protection Act of 1988 (other than the amendments made by section 10(b) of that Act) shall take effect on October 1, 1990.

(2) For purposes of this subsection, the term "matching program" has the same meaning provided in section 552a(a)(8) of title 5, United States Code.

SEC. 207. REFUNDS FOR CERTAIN SERVICE ACADEMY GRADUATES.

(a) IN GENERAL.—Upon receipt before January 1, 1992, of an application from an individual described in subsection (b)(3), the Secretary of Veterans Affairs shall—

(1) not later than 60 days after receiving such application, refund to the individual concerned the amount, if any, of the individual's unused contributions to the VEAP Account;

(2)(A) if the individual has received educational assistance under chapter 32 of title 38, United States Code, for the pursuit of a program of education, pay to the individual (out of funds appropriated to the readjustment benefits account) a sum equal to the amount by which the amount of the educational assistance that the individual would have received under chapter 34 of such title for the pursuit of such program exceeds the amount of the educational assistance that the individual did receive under such chapter 32 for the pursuit of such program; or

(B) if the individual has not received educational assistance under such chapter 32, pay to the individual (out of funds appropriated to the Department of Veterans Affairs Readjustment Benefits Account) a sum equal to the amount of educational assistance that the individual would have received under chapter 34 of such title for the pursuit of a program of education if the individual had been entitled to assistance under such program during the period ending on December 31, 1989; and

(3) refund to the Secretary of Defense the unused contributions by such Secretary to the VEAP Account on behalf of such individual.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "VEAP Account" means the Post-Vietnam Era Veterans Education Account established pursuant to section 1622(a) of title 38, United States Code;

(2) the term "active duty" has the same meaning given such term by section 101(21) of such title 38;

(3) the term "individual described in subsection (b)(3)" means an individual who—

(A) before January 1, 1977, commenced the third academic year as a cadet or midshipman at one of the service academies or the third academic year as a member of the Senior Reserve Officers' Training Corps in a program of educational assistance under section 2104 or 2107 of title 10, United States Code;

(B) served on active duty for a period of more than 180 days pursuant to an appointment as a commissioned officer received upon graduation from one of the service academies or upon satisfactory completion of advanced training (as defined in section 2101 such title 10) as a member of the Senior Reserve Officers' Training Corps;

(C) after such period of active duty, was discharged or released therefrom under conditions other than dishonorable or continued to serve on active duty without a break in service; and

(D) if enrolled under the program of educational assistance provided under chapter 32 of title 38, United States Code, submits to the Secretary of Veterans Affairs, as part of the application made by the individual under subsection (a) in such form and manner as such Secretary shall prescribe by January 1, 1991, an irrevocable election to be disenrolled from such program at that time; and

(4) the term "service academies" means the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

SEC. 208. LIMITATIONS ON CHANGES OF PROGRAMS OF EDUCATION.

(a) IN GENERAL.—Section 1791(b) of title 38, United States Code, is amended by striking out "The" through "additional change" and inserting in lieu thereof "The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on June 1, 1991.

SEC. 209. NAMING OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN SAGINAW, MICHIGAN.

The Department of Veterans Affairs medical center in Saginaw, Michigan, shall after the date of the enactment of this Act be known and designated as the "Aleda E. Lutz Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Aleda E. Lutz Department of Veterans Affairs Medical Center.

Amend the title so as to read: "An Act to amend title 38, United States Code, to establish a system of competitive pay for nurses employed by the Department of Veterans Affairs, to authorize the Secretary of Veterans Affairs to make such system applicable to certain other health-care personnel, to make certain improvements in veterans' health and education programs, and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1100

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, I would ask my good friend and the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for a brief explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. Further reserving the right to object, I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 1199, the proposed Department of Veterans Affairs Nurse Pay Act of 1990, with the Senate amendments thereto. This bill was introduced by my distinguished colleague from Massachusetts, JOE KENNEDY, and passed by the House on June 27, 1989. I commend the gentleman for his hard work and the work of the other members of the committee for bringing this important bill to agreement with the Senate. I also want to thank the gentleman from Arizona [Mr. STUMP], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from New Jersey [Mr. SMITH] for their work in the bill as amended.

The primary purpose of H.R. 1199, as originally passed by the House and as amended by the Senate, is to restructure the way that the Department of Veterans Affairs currently pays nurses. The new structure proposed in H.R. 1199 would provide the VA the flexibility it needs at the local hospital level to be more competitive in its efforts to recruit and retain needed nursing personnel. Our Subcommittee on Hospitals and Health Care has held a number of hearings concerning the national shortage of nurses and has found that the VA is at a disadvantage.

Mr. Speaker, it has become increasingly obvious that the Congress must take rapid action to improve the ability of the VA to attract and retain the high quality nurses that have been the strength of the VA over the years. Through testimony at our hearings, it is clear that the shortages of nurses have resulted in a reduction of veterans' access to needed medical services as well as to delays in the activations of new and remodeled facilities.

Let me briefly explain what the bill as amended would do:

First, the proposed compromise would require a change in the way nurses are paid and would allow the Secretary to apply the same procedures for other health-care professionals except physicians and dentists.

There would be four grades of nurses, the entry salaries of which would be set using as a guide the Bureau of Labor Statistics surveys of private sector health care wages. This would allow local level information that is collected uniformly across our Nation to be used to adjust nurse pay. For VA facilities where the Bureau does not routinely collect such information, the VA would be required to use the same methods to collect the information.

Some people have expressed the fear that the private sector would not provide the information necessary to conduct the survey. We believe that the history of the Bureau of Labor Statistics in conducting such wage surveys across the Nation is sufficient indication that the approach suggested in H.R. 1199 will work. In areas where there are few or no private sector employers, the bill allows the director of the local facility to develop a method that is comparable to the BLS survey data. A key element in this bill is the authority the VA medical facility director will have to adjust nurse salaries in order to be competitive with the local market area.

Mr. Speaker, I want to note specifically that no nurse or covered employee currently employed by the VA would lose any pay; in fact, it is likely that most would gain.

The maximums of the ranges of pay for the four grades would be 133 percent of the entry pay level. In situations where the local director finds that the maximum is too low to be competitive, the director would be able to go to 175 percent of the entry level upon approval of the Secretary. The bill would allow cash merit awards to be given to reward the VA's particularly exemplary nurse employees.

The bill would recognize with additional pay the extra duties and responsibilities of being a head nurse. The bill would repeal the cap on overtime pay so that employees could receive the value of their work. It would allow the so-called within-grade increase in the rate of basic pay as exists in current law and would require a step increase no less often than every 2 years.

The bill would require the VA to award cash bonuses of up to $2,000 to nurses upon certification in a recognized nursing specialty and would grant VA the authority to award cash bonuses of up to $2,000 to covered employees on the basis of achievement and exemplary job performance. Such achievements might include: Service with relevant professional committees or groups; service in a responsible office in a relevant professional group; educational attainment; publication of articles in a professional journal; and other appropriate evidence of professional achievement.

The bill would require that a facility director notify the Chief Medical Director of the director's decision with regard to a cost-of-living increase that may be available to all Federal employees.

It is important to note, Mr. Speaker, that the bill would require a report to the Congress in order to assess the effectiveness of this new pay structure.

The bill includes a few other provisions that were left over from the previous session. It includes the authority to set up a pilot program of noninstitutional alternatives to nursing home care in the hope that less expensive options of medical care might allow veterans to remain in their homes rather than in long-term care institutions. The bill would expand the current authority to share scarce medical resources with a variety of community medical facilities instead of just with hospitals. It would extend the reporting requirements of the VA's Special Committee on Posttraumatic Stress Disorder, often referred to as PTSD.

H.R. 1199, as amended, also includes provisions which affect veterans education programs. First, the bill contains a provision identical to section 4 of H.R. 4089, which was approved by the House on July 10, 1990. This provision would require the Department of Veterans Affairs [DVA] to notify an individual whose education benefit is being reduced or terminated, based on information received from the Department of Defense. The veteran/student would then be given 10 days to dispute the reduction if he or she believes it to be based on erroneous information. Additionally, the bill would provide increased flexibility regarding change-of-program procedures. The compromise agreement would also establish eligibility under the Vietnam era GI bill for 1977 and 1978 service academy graduates. We are very pleased that the other body agreed to accept the House-passed provision regarding this issue.

H.R. 1199, as amended, also contains the provision of H.R. 3199, a bill introduced by my colleague on the committee, Mr. SMITH of New Jersey, which would institute a scholarship program for certain members of the selected reserve under the Montgomery GI bill. This program would greatly enhance the ability of the Department of Veterans Affairs to recruit and retain nurses and other health care personnel, and we are grateful to the gentleman from New Jersey for his leadership in drafting this provision.

Finally, Mr. Speaker, H.R. 1199, as amended, also contains the provision of H.R. 2569. On June 27, 1989, the House unanimously passed H.R. 2569, a bill to name the Saginaw, MI, VA Medical Center as the "Aleda E. Lutz Department of Veterans Affairs Medical Center."

Mr. Speaker, Lt. Aleda E. Lutz was a member of the Army Nurse Corps during World War II who was devoted to serving her wounded patients. She distinguished herself through superior professional skill and courage.

Lieutenant Lutz was killed when her C-47 hospital plane crashed in a raging storm. She was awarded the Distinguished Flying Cross, the Air Medal with four oak-leaf clusters, and the European-African theater ribbon with six stars.

Mr. Speaker, the Congressional Budget Office has estimated the total cost of this bill at $17 million for the first year, but has said that the actual additional cost of the new nurse pay bill cannot be estimated with currently available data. We know, from the estimates of the physician pay bill that this body recently passed, that putting the responsibility at the local level substantially reduces the total cost.

There follows a joint explanatory statement which explains the major provisions of the proposed compromise in more detail:

EXPLANATORY STATEMENT ON THE COMPROMISE AGREEMENT ON H.R. 1199 AS AMENDED, THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990

This document contains explanations of certain provisions of the measures (listed below) which have been passed by the Senate and House of Representatives and on which the Senate and House Committees on Veterans' Affairs have reached agreement. These agreed-upon provisions will be offered as a proposed Senate substitute amendment to H.R. 1199.

Certain provisions in the measures listed below involve various issues which remain outstanding and which the Committees plan to resolve later in this Session of this Congress; these provisions are not described in this document.

Differences between the provisions contained in the compromise agreement and the related provisions as passed by the Senate and House of Representatives are noted in this document except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

The measures referred to above are as follows:

H.R. 1199, a bill to revise the system of pay for nurses serving in Department of Veterans' Affairs health-care facilities as passed by the House of Representatives on June 27, 1989.

H.R. 2569, a bill to name the Saginaw, Michigan, VA Medical Center after Aleda E. Lutz, as passed by the House on June 27, 1989.

H.R. 901, the proposed "Veterans' Health-Care Programs Amendments of 1989", as passed by the House of Representatives on July 11, 1989.

H.R. 1358, a bill to amend Department of Veterans Affairs educational assistance programs, as passed by the House on October 2, 1989.

H.R. 3199, the proposed "Veterans Health Professionals Educational Amendments of 1989", as passed by the House on October 30, 1989.

H.R. 4089, the proposed "Veterans Educational and Vocational Counseling Amendments of 1990", as passed by the House on July 10, 1990.

S. 13, the proposed "Veterans Benefits and Health Care Act of 1989", the text of which was passed by the Senate as a substitute for the text of H.R. 901 on October 4, 1989.

The foregoing House-passed bills are referred to by bill number and the text of S. 13 as passed in H.R. 901 is referred to as the "Senate bill".

TITLE I—NURSE PAY

Current law: Salaries for Department of Veterans Affairs' nurses are determined pursuant to section 4107 of title 38, United States Code. Section 4107(b) mandates 8 grades for registered nurses (RNs)—Junior, Associate, Full, Intermediate, Senior, Chief, Assistant Director, and Director. The rates of pay for these grades, which are applied uniformly on a nationwide basis, are generally comparable to those established for grades GS-6 through GS-15 of the General Schedule. Specific qualifications for entry into the 8 nurse grades are described in Veterans Heatlh Services and Research Administration Supplement MPH-5, Part II, Chapter 2. Section 4107(g), enacted in 1980 in Public Law 96-330, authorizes VA to provide increased rates of pay (known as "special-pay" rates) for RNs, among others. Under this authority, VA may increase pay for title 38 employees in order to provide for an amount of pay "competitive with, but not exceeding, the amount of the same type of pay paid to the same category of personnel at non-Federal facilities in the same labor market." However, current law does not mandate implementation of such pay throughout the VA system, nor does it provide specific mechanisms to ensure that the administration of nurse pay will be carried out in accordance with uniform standards. In addition, the special pay authority in section 4107(g), which was originally viewed as an extraordinary authority to be used in limited situations, has become the norm in recent years as VA has faced significant difficulties in recruiting and retaining RNs. As of June 30, 1990, special rates for RNs were in effect in 142 VA medical centers and for registered nurse anesthetists (RNAs) and certified registered nurse anesthetists (CRNAs) in 60 VAMCs. Despite the use of special rates, as of December 1989, the vacancy rate for full-time RNS was 14.4 percent.

Other non-physician and non-denitst health-care personnel listed in clauses (1) and (3) of section 4104 of title 38 may also receive special pay under the authority set forth in section 4107(g). These occupations are podiatrists, optometrists, physician assistants, expanded-function dental auxiliaries, clinical, or counseling psychologists, certified respiratory therapists, registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists. Vacancy rates for these occupations are lower than they are for nurses, indicating that the existing special pay authority may be sufficient to meet VA's staffing needs in these occupations.

Bill passed: Both House and Senate bills propose remedies for VA's ongoing recruitment and retention difficulties for nurses and the Senate bill also would authorize extending the remedy for other non-physician or non-dentist title 38 employees and persons employed under VA's "hybrid" title 5/title 38 employment authority.

Section 1 of H.R. 1199 would, effective October 1, 1990, have revised, as described below, the manner in which basic pay is determined for RNs.

Section 251 of the Senate bill would, effective July 1, 1990, have required the Secretary of Veterans Affairs to ensure that basic pay is established for RNs, RNAs, and CRNAs in a manner described below, and authorize such a change for other health-care professional positions paid under title 38 as the Secretary determines upon the

recommendation of VA's Chief Medical Director (CMD).

Positions covered

House bill: Section 1 of H.R. 1199 would require VA to implement a new special pay authority for RNs.

Senate bill: Section 251 would require VA to implement a new special pay authority for RNs, RNAs, and CRNAs and would also authorize the Secretary, upon the recommendation of the CMD, to implement these provisions for positions referred to in clauses (1) and (3) of section 4104 of title 38 other than physicians, dentists, nurses.

Compromise agreement: Section 102 would establish a new subchapter IV in chapter 73 of title 38, requiring VA to establish a program for setting competitive pay (described below) for RNs (including RNAs and CRNAs) and would allow VA also to implement such a program for any of the positions referred to in clauses (1) and (3) of section 4104 of title 38 other than physicians, dentists, and nurses, if the Secretary determines, upon the recommendation of the CMD, that it is necessary to do so in order to overcome recruitment and retention problems with regard to such positions (together with RN positions referred to as "covered positions").

Purpose

House bill: The title of H.R. 1199 would provide that the purpose of the nurse-pay provisions set forth in the bill is to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility to the medical center director in the pay system for those nurses.

Senate bill: Section 251 would provide that the purpose of this provision is to ensure that the rates of basic pay for personnel employed in covered positions are sufficient for Department health-care facilities to be competitive, on the basis of pay and other employee benefits, with non-Department health-care facilities in the recruitment and retention of qualified personnel for such positions.

Compromise agreement: Section 102 would provide that the purpose of the provisions establishing the competitive pay system is to ensure, by a means providing increased responsibility and authority to VA health-care facility directors, that the rates of basic pay for personnel in covered positions (including basic pay for part-time personnel in such positions) are sufficient to enable a Department to be competitive, on the basis of pay and other employee benefits, with non-VA health-care facilities in the same labor-market area in the recruitment and retention of qualified health-care personnel in covered positions.

Pay structure

House bill: Section 1 of H.R. 1199 would require the Secretary to restructure the current nurse grades so as to provide four grades for RNs, rather than the current eight grades.

Senate bill: Section 251 would (1) require the CMD to prescribe three or more grades for RNs that would be competitive—on the basis of pay and other benefits—with pay in comparable non-Department health-care facilities, and (2) allow the CMD to prescribe a number of grades that would be competitive for any other covered position.

Compromise agreement: Section 101 would require the Secretary to establish four grades—Entry, Intermediate, Senior, and Director—for RNs. For other covered positions, the compromise agreement would allow the Secretary to establish such number of grades as the Secretary considers appropriate, after receiving the recommendation of the CMD.

Mechanism for setting pay

House bill: Section 1 of H.R. 1199 would establish four grades for registered nurses which would have the following relationship to the title 5 General Schedule:

New Grades:	*GS Grades*
Entry	6–10
Intermediate	9–12
Senior	12–14
Director	14–16

Section 1 of H.R. 1199 would further require that a range of basic pay for each grade be established and divided into 20 equal increments (steps), with each step representing the minimum increase in pay allowed, and with the lowest minimum rate of basic pay for each grade being the lowest step in that grade and the highest maximum rate of basic pay for each grade being the highest step in that grade with an exception for certain head nurse situations.

Senate bill: Section 251 would require that rates of basic pay be established and adjusted after a survey (described below) of the labor-market area was completed. The minimum rate of basic pay of the appropriate entry pay grade would be required to be sufficient for pay and other benefits to be competitive with, but not exceed, the highest entry-level rate paid in the labor-market area surveyed for that occupation. Additional steps within each grade and other, related grades would be increased or decreased accordingly, so as to maintain the same proportional relationship between steps and grades as existed prior to the adjustment.

The Senate bill would require the director of the VA facility concerned, whenever a grade is added to the schedule of grades or a step within a grade is added, to establish the rate of basic pay in the same manner as rates of pay would otherwise be established or adjusted under the Senate bill provisions.

The Senate bill would also require that the rates of basic pay for an additional grade bear the same relationship to the minimum rate of basic pay specified for each grade and to each other as the rates of basic pay within each other grade in the schedule bear to each other. In addition, the Senate bill would require that the rate of pay for an additional step within a grade bear the same relationship to other rates of basic pay within a grade as such other rates bear to each other.

Compromise agreement: Section 102 would establish four grades for RNs bearing the same initial relationship to the title 5 General Schedule as would the House bill. The compromise agreement would mandate that (1) a range of basic pay be established for each grade in a covered position; (2) the salary level of the initial step of each of the four grades be based upon local labor-market area survey data as described under the next heading (*i.e.*, the survey would be used as a basis for setting the salary paid entry-level employees in each of the four nurse grades established by the compromise agreement (or as to other covered positions for any number of grades determined by the Secretary after receiving the recommendations of the CMD); (3) the maximum rate of basic pay for each grade be not more than 133 percent of the minimum rate of basic pay for the grade except when the Secretary determines that a higher cap is necessary in order to recruit and retain a sufficient number of high-quality health-care personnel, in which case the Secretary may raise the cap up to 175 percent of the minimum rate of basic pay for the grade and must, in the already required annual report, provide the Committees with justification for doing so; (4) within each grade, the range of basic pay be divided into equal increments, known as 'steps'. The Secretary would prescribe the number of steps, and all grades in a covered position would be required to contain the same number of steps except as described for head nurse pay when necessary and where the maximum rate for a grade exceeds 133 percent of the minimum rate for that grade.

Determination of entry rates

House bill: Section 1 of H.R. 1199 would require the Secretary to provide in regulations that a local facility director may appoint a nurse at a rate of basic pay in excess of the minimum, but not in excess of the maximum, rate applicable to that nurse's grade (see the discussion of the House bill under the heading "Mechanism for Setting Pay", above) if the director determines that it is necessary to do so in order to obtain the services of nurses at that facility. The facility director could make that determination only in order to (1) provide pay in an amount competitive with the amount of the same type of pay paid to nurses at non-Federal facilities in the same labor market: (2) achieve adequate staffing at the facility concerned; or (3) recruit nurses with specialized skills. If a local facility director were to hire a nurse at a pay rate above the minimum entry-level step without prior approval at any higher level of authority within the Department, the director would be required to justify in writing the reasons for employing that nurse in the higher step and include the written justification in the first facility budget submission after that nurse was employed.

Senate bill: Section 251 would require entry rates to be based on a survey which would take place in the following manner:

(1) Not later than June 1, 1990 (thereafter December 1 of each year), each local facility director would be required to conduct a survey of entry-level compensation in each category of covered positions in a number—to be determined by the Secretary in regulations—of comparable health-care facilities in each facility's labor-market area to determine whether it was necessary to adjust entry-level compensation. Comparable health-care facilities would be those determined by the facility director, in accordance with regulations prescribed by the Secretary, to have been in direct competition with the VA for the recruitment and retention of qualified personnel and to have other characteristics comparable to the VA facility.

(2) If the number of comparable facilities in a labor-market area is less than that specified in criteria or less than a local facility director considers necessary in order to produce a valid comparison, the facility director would be required to survey corresponding positions in both comparable and other health-care facilities within the labor-market area.

(3) If a survey were insufficient to yield meaningful results, 90 days before the date by which the facility director would be required to establish or adjust rates the facility director would be required to (A) indentify a similar labor-market area having a VA medical facility; (B) notify the CMD of the area selected; and (C) unless the choice of area is disapproved by the CMD, establish the same rates of basic pay for covered posi-

tions as were established for the VA facility in the labor-market area selected. Not later than 60 days after the facility director's selection of the labor-market area, the CMD would be required to approve or disapprove the director's choice. If the CMD disapproved the choice of labor-market area, the CMD would be required to designate any labor-market area that the CMD determined was similar and the facility director would be required to establish the same rates of basic pay as were established by the Department facility in that labor-market area. A labor market would be determined to be similar if it was of similar size, demographic characteristics, and labor-market characteristics.

Compromise agreement: Section 102 would require that, when a VA health-care facility is located in a labor market for which the Bureau of Labor Statistics (BLS) of the Department of Labor has carried out a current—in terms of position description as well as timeliness—industry wage survey, the diretor of that facility would be required to use the survey data and results as the basis for determining whether and to what extent salary adjustments for covered positions would be appropriate in order for VA to establish or maintain competitive compensation as necessary for the recruitment and retention of sufficient numbers of high-quality health-care personnel.

For VA health-care facilities that are not covered by appropriate BLS survey data, the facility director would be required to conduct a survey in accordance with regulations prescribed by the Secretary in consultation with the Secretary of Labor. These regulations would be required to ensure that the director collects information that is valid and reliable and consistent with BLS standards. The survey would utilize methodology comparable to that which BLS uses in conducting its industry-wage surveys, except to the extent determined infeasible by the Secretary. After completing such a survey, the director would have 30 days in which to determine whether adjustments to pay are necessary in order to provide VA health personnel in covered positions with competitive salaries sufficient to meet recruitment and retention goals. If a facility director determines that adjustments are needed, the adjustments must take effect on the first day of the first pay period beginning after that determination is made.

If, on the basis of a facility-specific survey, or at any other time an adjustment is scheduled to take place, a facility director determines that no adjustment is needed, the director would be required to notify the CMD of the decision and the reasons for it within 10 days of reaching the decision.

Section 102 would prohibit a facility director from increasing the minimum rate of basic pay for a grade to an amount in excess of the beginning rate of compensation for corresponding positions at non-VA health-care facilities within the labor market in which the facility is located. The compromise agreement would permit a facility director, in calculating the beginning rate of compensation at non-Department facilities, to take into account non-monetary benefits to the extent they are reasonably quantifiable.

Thus, the Committees note, the compromise agreement is predicated on use of the survey as a guide to setting competitive pay. The Committees also note that the compromise agreement does not require a VA health-care facility director to increase pay rates.

Maximum limit on rates of pay

House bill: Section 1 of H.R. 1199 would provide that the maximum rates of basic pay for each nurse grade shall be the highest maximum rate of pay for the General Schedule corresponding to that nurse grade, as indicated above under the heading "Mechanism for Setting Pay."

Senate bill: Section 251 would require that, for any grade in the VA salary scale designated by the Secretary, upon the recommendation of the CMD, as an entry-level grade other than an entry-level grade for supervisors or managers, the entry salary not be increased to a level in excess of the maximum rate of grade 13 of the General Schedule under section 5332 of title 5. For those grades which are not entry level, including those which are entry-level grades for managers and supervisors, the entry salary could not exceed the statutory cap for Level V of the Executive Schedule under section 5316 of title 5.

Compromise agreement: Section 102 would prohibit the establishment of a maximum rate of basic pay for any grade of a covered position greater than the maximum rate of basic pay established for positions in Level V of the Executive Schedule.

Protection of current pay

House bill: No provision.

Senate bill: Section 251 would provide that, when the rate of basic pay for a covered position at a facility is reduced under that section, the basic pay of an employee serving in such a position on the day before the reduction would not be reduced so long as the employee continues to serve in that position at that facility.

Compromise agreement: Section 102 would provide that, in the case of an adjustment that locally reduces the rates of pay for a grade, an existing employee's pay could not be decreased so long as the employee continues to serve in that covered position with the same responsibilities at that facility. If an existing employee is subsequently advanced to a higher step within the same grade or promoted to a higher grade, the employee would be paid at a rate of basic pay not less than the rate applicable to the employee prior to the promotion so long as the employee continues to serve in that covered position at that facility.

Effect of transferring to another facility

House bill: Section 1 of H.R. 1199 would provide that a nurse who transfers from one medical center to another may not be reduced in grade, but his or her rate of basic pay would be established at the new medical center in a manner consistent with the practices of that medical center for a nurse of that grade.

Senate bill: Section 251 would provide that when transferring, voluntarily or otherwise, from one VA medical center to another, a covered employee who continues to hold a position with the same responsibilities, as determined by the CMD, would maintain the step and grade held immediately prior to the transfer, but would be subject to the pay rate attributed to that step and grade in the medical center to which the employee transferred.

Compromise agreement: Section 102 contains such a provision which is applicable to all employees in covered positions.

Within-grade increases

House bill: Section 1 of H.R. 1199 would provide facility directors with the authority to determine the standards and criteria for within-grade increases, provide that any within-grade increase in the rate of basic pay payable to a nurse would be required to be by one or more step increments.

Senate bill: No provision.

Compromise agreement: Section 102 follows the House bill.

Automatic step increases

House bill: Section 1 of H.R. 1199 would require regulations to provide at least a one-step increase within the nurse's grade not less often than every 2 years that the nurse holds that grade and performs satisfactorily.

Senate bill: No provision.

Compromise agreement: No provision.

Promotions

House bill: Section 1 of H.R. 1199 would require (1) at least a one-step within-grade increase for a nurse for a new assignment which is considered a promotion; and (2) that a nurse promoted to a next higher nurse grade receive a basic pay rate greater than the basic pay rate applicable before the promotion.

Senate bill: No provision.

Compromise agreement: Section 102 would follow the House bill and would also apply to all employees in covered positions.

Merit awards

House bill: Section 1 of H.R. 1199 would provide facility directors with the authority, under regulations prescribed by the Secretary, to give within-grade step increases or pay cash awards to nurses who have qualifications, experience, or achievement which the director determines exceed the standards for the nurse's grade. In making these determinations, a facility director would be required to take into consideration: (1) service with relevant professional committees or groups; (2) service in a responsible office in a professional nursing society; (3) educational attainment including certification; (4) publication of articles in a professional journal; (5) exemplary job performance; and (6) other appropriate evidence of professional stature.

Senate bill: Section 259 would require each nurse, upon recertification in the specialty in which the nurse was working, to be given a lump-sum payment equal to one percent of the nurse's annual salary unless that nurse's last performance rating was less than satisfactory.

In addition, section 264 would (1) require that cash awards analogous to those required by section 5406 of title 5 be paid to title 38 supervisors and managers (including head nurses) who received the highest proficiency rating possible, as determined under criteria promulgated by the Secretary, and would authorize such awards for other title 38 employees; (2) require that such awards range from 2-10 percent of the employee's base annual salary but allow the awards to be increased up to 20 percent of such salary if the employee's performance was unusually outstanding; (3) prescribe the aggregate amount paid for such awards in a manner identical to that prescribed in section 5406(c)(1) of title 5, which establishes the maximum total amount of cash awards as not more than 1.5 percent multiplied by the aggregate amount of basic pay payable to the covered employees in the covered department or agency and the minimum amount as not less than 1.15 percent multiplied by the aggregate amount of basic pay payable to such covered employees; and (4) require the Secretary to establish a cash award program identical to the program under section 5407 of title 5 (which provides for amounts up to $10,000, or, for outstand-

ing performance, up to $25,000) for title 38 supervisors and managers in grades comparable to General Schedule grades 13-15 who, by their suggestion, invention, superior accomplishment, or other personal effort, contribute significantly to the Federal government.

Compromise agreement: Section 102 would require VA to award cash bonuses of up to $2,000 to nurses upon certification in a recognized nursing specialty and would grant VA the authority to award cash bonuses of up to $2,000 to covered employees on the basis of achievement and exemplary job performance.

The Committees intend that the Secretary, when awarding bonuses on the basis of achievement, generally utilize the following criteria (derived from those set forth in the House bill): (1) service with relevant professional committees or groups; (2) service in a responsible office in a relevant professional group; (3) educational attainment; (4) publication of articles in a professional journal; and (5) other appropriate evidence of professional achievement.

The compromise agreement would not alter VA's existing authority to provide merit, incentive, or performance step increases.

Head nurse pay increase

House bill: Section 1 of H.R. 1199 would require that any nurse serving in a head nurse position receive, while so serving, a 2-step increase above the step that nurse would otherwise hold, which would have been counted as basic pay for pay and benefit purposes.

Senate bill: Section 255 would require that nurses assigned to the head nurse position for more than 30 days receive a 6-percent differential, the amount of which would be counted as basic pay for pay and benefit purposes.

Compromise agreement: Section 102 follows the House bill. In addition, the compromise agreement would provide that, if the nurse is being paid at the highest or next-to-highest step in a grade at the time the nurse commences service as a head nurse, additional equivalent pay steps would be created in that grade in order to implement the provisions of this section of the bill. Such additional equivalent pay steps may exceed the maximum rate of pay for that grade.

Cost-of-living adjustments

House bill: No provision.

Senate bill: Section 251 would require individual facility directors to ensure that appropriate cost-of-living adjustments (COLA) in rates of pay are provided for years following 1990 unless a director waives, in whole or in part, any adjustment for any year in which such director finds that a COLA is not necessary in order to pay a competitive basic rate of pay.

Compromise agreement: Section 102 would (1) require a facility director to notify the CMD of his or her decisions concerning whether to provide a COLA otherwise available to all Federal employees within 10 days of reaching that decision, and (2) require the Secertary to include in a report required to be submitted to the House and Senate Commitees on Veterans' Affairs in February 1992, 1993, and 1944 a description of the provision of COLAs in facilities, explaining, by facility, the percentage of such increases and, in any case in which no increase was made, the basis for not providing an increase.

Overtime rates of pay

House bill: Section 1 of H.R. 1199 would repeal the cap on nurse's overtime earnings so as to provide that a nurse would earn overtime pay at the rate of one-and-one-half times the individual's hourly rate of basic pay.

Senate bill: Section 254 contains an identical provision.

Compromise agreement: Section 103 contains this provision.

Reports

House bill: No provision.

Senate bill: Section 251 would require the Secretary, not later than March 1, 1991, and each year thereafter, to submit an annual report to the Committees containing (1) an assessment of the implementation of the new pay authority and the effect of market-rate adjustments on the ability of VA to recruit and retain health-care professionals; (2) a description of any other legislative actions recommended to assist in recruitment and retention efforts; and (3) if the authority had been used only to adjust nurses' salaries, the reason for not adjusting the salaries of other covered health-care professionals and any plans for doing so in the future.

Compromise agreement: Section 102 would require the Secretary, not later than December 1 of 1991, 1992, and 1993, to submit to both Committees annual reports describing (1) the implementation of the provisions of the compromise agreement and the effect of market-rate adjustments on the Department's ability to recruit and retain health-care personnel; (2) plans for the use of the authorities provided in the compromise agreement during the next fiscal year; (3) rates of basic pay in effect during the immediately preceding fiscal year as well as a comparison with rates in effect during the prior year; (4) the numbers of employees in covered positions who left such positions with the Department during the preceding year, the numbers who left employment at one Department medical facility for employment at another Department facility, and the numbers who changed from full-time to part-time status (and vice versa), and a summary of the reasons therefor; (5) the numbers of vacancies in covered positions and a summary of the reasons for the vacancies; (6) the number of employees who left employment at a Department facility in one BLS labor-market area for employment at a facility in another such area, without changing residence; (7) the justification for any increase in the maximum rate for a grade above 133 percent of the minimum; and (8) the use of the cash bonus authority as created in the provision described above, under the heading "Merit Awards", as well as other authorized performance awards.

As noted above under the heading "Cost-of-Living Adjustments", the compromise agreement would also require the Secretary to submit a second report each year, on February 1 of 1992, 1993, and 1994, describing, by facility, the extent to which pay adjustments are granted at the time of Federal pay adjustments under section 5305 of title 5.

Issuance and content of regulations

House bill: Section 1 of H.R. 1199 would require the Secretary to promulgate regulations which would provide each facility director the authority, without a requirement for prior approval from a higher Department authority, to appoint a nurse at a rate of pay higher than the minimum of the applicable grade but not in excess of the maximum of that grade if the director determines that such action was necessary to (1) provide pay competitive with non-Federal facilities in the same labor market, (2) achieve adequate staffing, or (3) recruit nurses with specialized skills which are especially difficult or demanding.

Senate bill: Section 251 would require the Secretary, upon the recommendation of the Chief Medical Director, to promulgate regulations providing facility directors maximum flexibility, with minimal documentation requirements, to establish rates of pay which do not exceed the maximum rate of pay paid by the highest paying surveyed non-Department health-care facility, taking into consideration non-Department health-care facilities' pay and related benefits.

Compromise agreement: Section 102 would require the Secretary, after receiving the recommendations of the Chief Medical Director, to prescribe regulations to carry out the new subchapter that would enable facility directors to exercise the authority accorded to them with regard to pay rates subject to minimal documentation requirements consistent with good administration.

Date for promulgation of regulations and effective dates

House bill: Section 3 of H.R. 1199 would establish an effective date of October 1, 1989.

Senate bill: Section 251 would require (1) the Secretary to prescribe interim final regulations on April 1, 1990, if final regulations were not prescribed by that date; and (2) each facility director to make determinations and establish and adjust rates of basic pay according to section 251 in the event that interim final regulations were not prescribed before April 1, 1990.

Compromise agreement: Section 104 would provide that the foregoing provisions would take effect on the date of enactment except that pay pursuant to those provisions would take effect with respect to the first pay period beginning after April 1, 1991.

Involvement of labor organizations

House bill: No provision.

Senate bill: Section 251 would require (1) the Secretary, when developing the criteria for the conduct of the local compensation surveys, to consult with a representative of each labor organization accorded exclusive recognition under chapter 71 of title 5 for a unit that includes covered employees whose pay is to be established according to such surveys; and (2) the facility director to consult with such representatives on (A) the criteria developed for the conduct of surveys, (B) the director's plans for the collection of data in conducting surveys, and (C) the determinations regarding specific basic-pay rates.

Compromise agreement: No provision.

Freedom of Information Act

House bill: No provision.

Senate bill: Section 251 would provide that survey information be protected under the Freedom of Information Act (5 USC 552).

Compromise agreement: Section 102 follows the Senate provision.

TITLE II—MISCELLANEOUS

Noninstitutional alternatives to nursing home care

House bill: No provision.

Senate bill: Section 213 would require that (1) VA conduct a 4-year pilot program (with a report due after 3 years) for the purposes

of furnishing health, rehabilitative, and (by contract with non-VA entities) health-related services in noninstitutional settings; (2) participation in the program be limited to veterans who are eligible for and otherwise in need of nursing home care and either (A) are receiving or need that care primarily for the treatment of a service-connected disability, or (B) have service-connected disabilities rated at 50 percent or more; (3) VA case managers be used to coordinate and facilitate services contracted for with public and private agencies; and (4) the total cost of the program during each fiscal year be limited to not more than 65 percent of the total cost that would have been incurred had the veterans involved been furnished with nursing home care instead.

Compromise agreement: Section 201 follows the Senate bill except that the provision would be discretionary.

Sharing of specialized medical resources

Current law: Section 5053(a) of title 38 permits the Secretary to make arrangements, by contract or other form of agreement, between VA hospitals and other hospitals (or other medical installations having hospital facilities or organ banks, blood banks, or similar institutions), medical schools, or clinics in the medical community for the mutual use, or exchange of use, of specialized medical resources when such an agreement will obviate the need for a VA health-care facility to provide a similar resource, or when specialized VA medical resources, while justified on the basis of veterans' care, are not utilized by VA to their maximum effective capacity. Section 5053(b) provides for reciprocal reimbursement based on a charge which covers the full cost of services rendered, and supplies used, and includes normal depreciation and amortization costs of equipment. Any proceeds received therefrom must be credited to the applicable VA medical appropriation.

House bill: No provision.

Senate bill: Section 223 would revise VA's authority to enter into agreements for sharing scarce medical resources so as to (1) expand the categories of facilities with which VA may enter into sharing agreements to include all health-care facilities; (2) delete the requirement that reimbursement rates cover full costs and substitute a standard providing for flexibility in determining reimbursement rates, taking costs into account; and (3) provide that payments for the use of VA resources be returned to the VA facility involved.

Compromise agreement: Section 202 follows the Senate bill.

Temporary full-time and temporary student appointments

Current law: Section 4114 of title 38 provides authority for the appointment of various health-care personnel on a temporary full-time, part-time, or without-compensation basis. Under this authority, VA may employ students who are pursuing academic programs in various health-care occupations and individuals who have completed such programs and are pending registration or licensure. Appointments of students may not exceed one year, except that a student nurse may be reappointed for a second year. Appointments of individuals pending registration or licensure may not exceed one year except that an individual pending registration as a graduate nurse may be appointed for up to two years.

House bill: No provision.

Senate bill: Section 263 would authorize (1) extending, for a period not to exceed the length of an academic program, the temporary full-time appointment of a student who is pursuing an academic degree in respiratory therapy, physical therapy, occupational therapy, pharmacy, or practical or vocational nursing, and (2) extending for a period not exceeding two years the temporary full-time appointment of individuals who have completed a course of training in respiratory therapy, physical therapy, practical or vocational nursing, pharmacy, or occupational therapy, while such individuals are pending registration or licensure in a State or certification by a national board.

Compromise agreement: Section 203 follows the Senate bill.

Report on post-traumatic stress disorder

Current law: Under section 110(b) of the Veterans Health Care Act of 1984 (Public Law 98-528), the Secretary is required to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives annual reports regarding the Department's efforts regarding PTSD and to include in such reports the views of the Department's Special Committee on PTSD. The annual reports were required to be submitted no later than February 1 of 1986, 1987, 1988, and 1989. Section 201(e) of the Veterans' Benefits Amendments of 1989 (Public Law 101-237) required the Special Committee on PTSD to submit concurrently to the Department and the Committees on Veterans' Affairs by February 1, 1990, a report updating the earlier reports.

House bill: Section 201(e) of H.R. 901 would extend for three years (beyond 1989) the reporting requirement of the Secretary.

Senate bill: Section 205 of S. 13 would extend the reporting requirements for three years (beyond 1989) and require that the reports be made directly by the Special Committee on PTSD and that the reports be submitted concurrently to the Department and the Committees on Veterans' Affairs.

Compromise agreement: Section 204 would require the Special Committee to submit a report concurrently to the Department and the Committees on Veterans' Affairs by February 1, 1991.

Educational assistance for health profession students under reserve GI bill

House bill: H.R. 3199 would amend chapter 76 of title 38 to add a new subchapter V which would (1) authorize the Secretary to identify staffing shortages in health professions within the VA and establish a discretionary post-secondary educational assistance program for Montgomery GI Bill-Select Reserve (chapter 106 of title 10, United States Code) participants who major in such health-care professions and agree to work for VA for one year for each year of assistance received; (2) provide that to be eligible for this program the individual must be entitled to benefits under chapter 106 of title 10 and score above the 50th percentile on the Armed Forces Qualification Test; (3) authorize VA to pay a $400-per-month stipend during the time the student is taking his or her health-related courses to such program participants; and (4) require a participant who does not fulfill his or her obligation with VA to repay the benefit amount, plus interest and penalty, directly to VA beginning on the date of the breach of contract.

Senate bill: No provision. However, section 242 of S. 2100 as reported to the Senate on July 19, 1990 (S. Rept. No. 101-379) is substantively identical except that it would (1) would require that to be eligible for participation in the program the individual must be receiving benefits under chapter 106 of title 10; (2) require (rather than just authorize) the Secretary to pay a participant a monthly stipend of $400; (3) require that, if an individual could not complete obligated service as a result of performing active duty, the individual would be permitted to complete obligated service upon completion of active-duty service; and (4) authorize the Secretary to prescribe regulations under which the Secretary could waive the obligated service requirement in cases in which the Secretary determines that the individual cannot perform the service for reasons beyond the individual's control or that waiver would be in the best interest of the government.

Compromise agreement: Section 205 follows the House bill except that it contains the provisions described in items (3) and (4) of the description of the Senate bill.

Procedures relating to computer matching programs in certain educational assistance programs under titles 38 and 10 of the United States Code.

Current law: The continuing eligibility of participants in the Montgomery GI Bill—including both Selected Reserve and Active-Duty components under chapter 106 of title 10, United States Code, and chapter 30 of title 38, respectively—and the Post-Vietnam Era Educational Assistance Program under chapter 32 of title 38 who are using education benefits while still serving in the Reserves or on active duty is periodically verified through the use of a computer match of Defense Department personnel data with VA beneficiary data for these programs. If DoD data reflect changes rendering an individual ineligible, such as termination of Reserve status or a disqualifying discharge from active duty, VA terminates benefit payments.

The Computer Matching and Privacy Protection Act (CMPPA) (Public Law 100-503), generally effective January 1, 1990, requires that Federal beneficiary ineligibility data resulting from computer-data-matching programs be independently verified before benefits may be suspended, terminated, reduced, or denied or other adverse action may be taken against the beneficiary. Section 413(b) of Public Law 101-237 delayed the effective date of Public Law 100-503 until July 1, 1990, with respect to the abovementioned VA-administered educational assistance programs.

House bill: Section 4 of H.R. 4089 would (a) provide that VA, in lieu of complying with CMPPA requirements, may suspend, terminate, reduce, or make a final denial of an individual's educational assistance under chapter 30 or 32 of title 38 or chapter 106 of title 10, or take other adverse action against the individual, based upon information produced by a computer-data-matching program with DoD, if (1) VA has provided the individual with a written notice containing a statement of the findings based on the matching program, a description of the proposed action, and notice of the individual's right to contest such findings within 10 days (excluding Saturdays, Sundays, and Federal holidays) after the date of the notice, and (2) the 10-day period has expired; and (b) further postpone, until October 1, 1990, the effective date of the CMPPA with respect to those chapters.

Senate bill: No provision.

Compromise agreement: Section 206 contains the House provision with an amendment ratifying actions taken by the Secretary utilizing DoD data during the period

beginning July 1, 1990, and ending on the date of enactment.

Vietnam-Era GI bill eligibility for certain service academy graduates and Senior Reserve Officer Training Corps members

Current law: Public Law 94-502 established the Post-Vietnam Era Veterans Educational Assistance Program (VEAP) (chapter 32 of title 38) for those who entered on active duty after December 31, 1976, and generally closed off the Vietnam-era GI Bill (chapter 34) to those who entered active duty after December 31, 1976, unless they had previously contracted with the Armed Forces to enter on active duty and were enlisted in or assigned to a reserve component before January 1, 1977, and entered on active duty within 12 months after that date.

House bill: Section 4 of H.R. 1358, effective as of January 1, 1977, would (a) extend chapter 34 eligibility to 1977 and 1978 service academy graduates and 1978 Senior Reserve Officer Training Corps graduates who met the chapter 34 180-day and active-duty character-of-service requirements and, before January 1, 1990, filed an irrevocable election of chapter 34 benefits; (b) make those graduates eligible for refunds of any amounts of their unused contributions to the VEAP account; and (c) make those who received educational assistance under chapter 32 eligible for payment of an amount equal to the amount by which chapter 34 benefits for the program pursued exceeded the assistance received under chapter 32 for that program.

Senate bill: No provision. (However, section 336 of S. 2011 (100th Congress) as reported and as passed by the Senate in H.R. 4741 on October 18, 1988, was substantially similar to the House provision, with the additional requirement that, to be eligible for chapter 34, the individual must have enrolled in the chapter 32 program while on active duty.)

Compromise agreement: Section 207 follows the House bill with a modification (1) postponing until January 1, 1992, the deadline for filing an election, and (2) providing for equivalent payments by way of free-standing provisions rather than amendments to title 38.

Limitations on changes of programs of education

Current law: Under section 1791 of title 38, a veteran or other eligible person pursuing education with VA-administered assistance is generally permitted not more than one change of program of education. The Secretary may approve an additional change of program if the Secretary finds—pursuant to the requirements of section 1791(b) (1) and (2)—that (1) the program of education which the individual proposes to pursue is suitable in terms of the individual's aptitudes, interests, and abilities, and (2) in the case of an individual who interrupted or failed to make progress in the pursuit of the prior program, there is a reasonable likelihood that there will not be a recurrence of the interruption or failure to progress. Additional changes of program may not be approved unless the Secretary finds that the change is necessitated by circumstances beyond the individual's control.

Senate bill: Section 319 of S. 13 would amend section 1791 of title 38 so as to (a) repeal the general prohibition against more than two changes of educational program, and (b) in the case of second and subsequent changes of program, permit approval only if (1) the individual accepts educational or vocational counseling services referred to in section 1663 of title 38, and (2) the Secretary determines, on the basis of the results of the educational or vocational counseling, that the change is suited to the individual's aptitudes, interests, and abilities.

House bill: No provision.

Compromise agreement: Section 208 would not amend the law regarding a first change of program but, with respect to second and subsequent changes, would authorize the Secretary to establish a procedure to approve changes of program in cases in which the requirements of current section 1791(b) (1) and (2) are satisfied.

The Committees note that, in designating such a procedure, the Secretary would have a wide range of options, including (a) requiring counseling or making it voluntary; (b) whether counseling is mandatory or voluntary, providing it through the authority in section 1663 of title 38 for contract counseling, possibly through the schools; and (c) requiring counseling in specific situations and making it voluntary in others.

Also, the Committees urge that VA follow through with the oral commitment provided at an August 2, 1989, hearing of the House Committee to find a better definition of the term "change of program" in section 21.4234 of title 38, Code of Federal Regulations.

Naming of Department of Veterans Affairs Medical Center in Saginaw, Michigan

House bill: H.R. 2569 would designate the Department of Veterans Affairs Medical Center in Saginaw, Michigan, as the "Aleda E. Lutz Department of Veterans Affairs Medical Center".

Senate bill: No provision. (However, S. 2145, introduced by Senators Riegle and Levin on February 20, 1990, contains identical language.)

Compromise agreement: Section 209 contains the House provision.

Certain limitations on outside employment for certain employees

Current law: Section 4106(g) of title 38 authorizes VA to apply to certain title 5 employees, i.e., clinical or counseling psychologists, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists, the provisions authorizing VA to set rates of pay and qualification standards for title 38 employees. The Congress emphasized, in the report language accompanying the legislation which created these "hybrid" occupational groups, that it was its intent not to diminish or impair in any way the rights and protections guaranteed the employees under the express provisions of title 5. These rights and protections include the right to seek employment outside VA.

House bill: Section 102 of H.R. 901 would add a new subsection to section 4108 of title 38 which would clarify that any provision of title 38 limiting employment outside of the Department by an employee of the Department would not apply to a person employed in a title 5/title 38 hybrid position.

Senate bill: No provision.

Compromise agreement: The compromise agreement does not contain this provision.

The Committees note that the limitations on outside employment set forth in section 4108 of title 38 apply only to employees appointed under title 38 and that title 5/title 38 hybrid employees are not covered by these regulations. The Committees urge VA to promulgate personnel policies making clear the status of the hybrid employees in this record.

Mr. Speaker, I urge my colleagues to support the proposed compromise we have reached with the other body.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Speaker, first I want to thank the distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, the ranking minority member, BOB STUMP, and the ranking minority member on the Hospitals Subcommittee, JOHN PAUL HAMMERSCHMIDT, for their support and leadership on this legislation. It has been a privilege to serve with these men on the Veterans' Affairs Committee. They are men of the utmost integrity and there is no doubt that our Nation's veterans have been well served by them. I look forward to working with them on many more veterans issues in the years to come.

Today the House will have the opportunity to vote on legislation that will go a long way in improving the medical care that our veterans receive. H.R. 1199 will enable hospital directors to seriously address the nursing shortage which has resulted in over 2,400 vacancies nationwide. By addressing the serious inequities in pay between nurses who work in the private sector and those who work in the VA, H.R. 1199 will enable hospital directors to hire the nurses to reopen closed patient wards, readmit deserving veterans and restore patient services back to the levels mandated by law.

H.R. 1199 will give the local hospital directors the flexibility to establish nurses' salaries within a range based on current Bureau of Labor Statistics data. Minimum salaries for VA nurses will be based on the local labor-market area survey data. Maximum salaries for more seasoned nurses can be set at 133 percent of the minimum salaries or up to 175 percent for exceptional cases. No longer will nurses salaries be tied to the obsolete General Schedule.

This legislation also provides nurses with the incentive to excel in their practice by rewarding them for assuming head nurse positions, publishing professional articles and attaining clinical certification. I think this bill represents a good compromise between the House and the Senate.

Mr. Speaker, let us face it, with the terrible budget crises, the VA has suffered more than most other Federal agencies. For the past several years, the VA medical care system has been robbing Peter to pay Paul in order to keep their head up above water. It is our Nation's sick and disabled veterans who have ultimately suffered from these cuts. But today, we will have the chance to turn this around by passing H.R. 1199. We should ensure that the nurses who provide our veterans with

health care, are the best and the brightest in the country. H.R. 1199 will give the VA back that competitive edge.

Again let me thank the chairman of the Veterans' Affairs Committee, Congressman SONNY MONTGOMERY. Without his support and dedication, H.R. 1199 would never have come to this point. We have had a long, bumpy road trying to get this nurse pay legislation through. Chairman MONTGOMERY has stuck with it the entire time and the VA nurses of this country owe him a thank you. Today is a big victory for the Nation's VA nurses.

I urge my colleagues to vote for H.R. 1199 and I thank the gentleman for yielding.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Arkansas [Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in strong support of H.R. 1199, as amended, the Department of Veterans Nurse Pay Act. This bill lends much needed improvements to the ability of the Department to recruit in order to provide care for our Nation's veterans. This legislation is necessary in light of the country's national nursing shortage.

The need for congressional action to improve the DVA's ability to compete with the private sector in hiring registered professional nurses has become increasingly apparent. Committee surveys have shown a direct correlation between the nursing shortage and decreased veteran services. According to the DVA, up to 30 percent of DVA operating beds have been closed due to funding and staff shortages.

H.R. 1199, as amended, establishes pay grades and benefits which allow VA health facilities to compete on a higher level with non-VA facilities. This measure provides a flexible pay system which is based upon the unique labor market conditions which exist at the medical center. The legislation also provides for merit awards at the discretion of the facility director and eliminates a cap on nurses' overtime pay. Finally, this measure extends authority to provide a recruitment incentive to hire other health care employees within the same department. An increase in the number of all health professionals will greatly improve veterans access to quality health care services.

I urge my colleagues to support H.R. 1199, as amended, which allows the DVA to improve veteran's access to medical services which has been curtailed by the shortage of qualified professional nurses and other direct health care providers. Our Nation's veterans deserve the best possible care we can provide. Attracting and maintaining the highest quality medical personnel is an important step in this direction.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I rise in strong support of H.R. 1199, as amended. This bill contains an amalgamation of solutions to the critical problems being experienced by the Department of Veterans Affairs in the recruitment and retention of registered nurses. This legislation contains a compromise between the House and Senate Committees on Veterans' Affairs on the best way to address acute personnel shortages in the VA.

The bill establishes a flexible system of pay which will be based on a survey of the labor market done by the Bureau of Labor Statistics. More responsibility and flexibility will be given to the medical center director to provide a more rapid response to changes in the specific labor market surrounding the medical center. The bill also contains provisions to allow the Secretary to extend this authority to other health care professionals as well.

The Committees on Veterans' Affairs have worked on this legislation for nearly 4 years. It is time that we put the Department of Veterans Affairs in a better position to compete for scarce health care professionals. Up to now, the VA has not been a very competitive employer. The ultimate intent of this legislation is that adequate numbers of dedicated, highly competent health care professionals will result in high quality health care services to our Nation's veterans.

I want to extend my appreciation to the chairman of this committee, Mr. MONTGOMERY. He is without a doubt the hardest working advocate our Nation's veterans have. Also, I extend my congratulations to our counterparts in the other body who worked diligently with us to get the work done.

I urge the support of my colleagues on H.R. 1199, as amended.

Mr. SMITH of New Jersey. Mr. Speaker, as the vice chairman of the Veterans Affairs Subcommittee on Education, Training and Employment, I rise in strong support of H.R. 1199, as amended.

Mr. Speaker, during conference with the Senate, legislation I authored, H.R. 3199, the Veterans Health Professionals Educational Amendments of 1989 which passed the House of Representatives on October 30, 1989, was incorporated into H.R. 1199, as amended. The provisions from H.R. 3199 will establish a new program to help the VA recruit health care professionals to fill vacancies in VA medical facilities.

Mr. Speaker, my legislation gives the VA the authority to award a selected guard or reservist who is participating in the Montgomery GI bill an additional $400 per month toward pursuit of a health-related career. Because the Montgomery GI bill participant is already receiving an education payment of $140 monthly from the Department of Defense, the VA is able to award less money than it currently does in its other scholarship programs and still provide a substantial benefit for the participant. In return, the guard or reservist receiving the benefit will serve 1 year in a VA medical facility for every year of benefits received.

H.R. 3199 is supported by the VA, veterans organizations, and military groups, and the House unanimously approved H.R. 3199 last year. In addition to the provisions from H.R. 3199, H.R. 1199, as amended, contains various useful and important provisions to aid the VA in staffing its medical facilities and providing an environment conducive to the delivery of quality health care.

Mr. Speaker, I strongly support H.R. 1199, as amended, and urge my colleagues to join in my support.

Mr. Speaker, I withdraw my reservation of objection.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1199, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi.

There was no objection.

A motion to reconsider was laid on the table.

CIVIL RIGHTS ACT OF 1990

The SPEAKER pro tempore. Pursuant to House Resolution 449 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4000.

□ 1102

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4000) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, August 2, 1990, the amendment offered by the gentleman from Texas [Mr. BROOKS] had been disposed of.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment in the nature of a substitute made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MICHEL: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1990".

SEC. 2. FINDING AND PURPOSE.

(a) FINDING.—Congress finds that additional protections and remedies under Federal law are needed to deter unlawful discrimination.

(b) PURPOSE.—The purpose of this Act is to strengthen existing protections and remedies available under Federal civil rights laws to provide more effective deterrence.

SEC. 3. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end the following:

"(l) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this title.

"(m) The term 'demonstrates' means meets the burden of production and persuasion.

"(n) The term 'required by business necessity' means that the challenged practice has a manifest relationship to the employment in question or that the respondent's legitimate employment goals are significantly served by, even if they do not require, the challenged practice or group of practices.

"(o) The term 'respondent' means an employer, employment agency labor organization, joint labor-management committee, controlling apprenticeship or other training or retraining programs, including on-the-job training programs, or those Federal entities subject to the provisions of section 717 (or the heads thereof).".

SEC. 4. DISPARATE IMPACT CASES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end the following:

"(k) PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.—(1) An unlawful employment practice based on disparate impact is established only when—

"(A) a complaining party identifies a particular employment practice and demonstrates that such practice causes a disparate impact on the basis of race, color, religion, sex, or national origin; and the respondent fails to demonstrate that such practice is required by business necessity; or

"(B) a complaining party identifies a combination of two or more employment practices and demonstrates that such combination causes a disparate impact on the basis of race, color, religion, sex, or national origin, and that each employment practice in such combination has contributed to the exclusion; and the respondent fails to demonstrate that such combination would not cause a disparate impact but for employment practices required by business necessity.

"(2) Notwithstanding any other provision of this title (other than subsection (i)), a rule barring the employment of an individual who currently and knowingly uses or possesses an illegal drug as defined in Schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision under Federal law, shall be considered an unlawful employment practice under this title only if such rule is adopted or applied with an intent to discriminate because of the race, color, religion, sex, or national origin.

"(3) The mere existence of a statistical imbalance in an employer's workforce on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation.".

SEC. 5. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.

"(a) IN GENERAL.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2), as amended by section 4, is amended by adding at the end of the following:

"(1) DISCRIMINATORY PRACTICE NEED NOT BE SOLE CONTRIBUTING FACTOR.—Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a major contributing factor for any employment practice, even though other factors also contributed to such practice.".

"(b) ENFORCEMENT PROVISIONS.—Section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g)) is amended by inserting before the period in the last sentence the following: "or, in the case where a violation is established under section 703(1), if the respondent establishes that it would have taken the same action in the absence of discrimination.".

SEC. 6. FACILITATING PROMPT AND ORDERLY RESOLUTION OF CHALLENGES TO EMPLOYMENT PRACTICES IMPLEMENTING LITIGATED OR CONSENT JUDGMENTS OR ORDERS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2), as amended by sections 4 and 5, is amended by adding at the end the following:

"(m) FINALITY OF LITIGATED OR CONSENT JUDGMENTS OR ORDERS.—(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice specifically required by a litigated or consent judgment or order resolving a claim of employment discrimination under this title may not be challenged in a claim under the United States Constitution or Federal civil rights laws by a person who, at the time of the entry of such judgment or order, was an applicant for employment with or an employee of the entity covered by such decree, whose interests would likely be affected by the consent decree, and who had—

"(A) actual notice that such judgment or order would likely affect the interests of such person and that later challenge by such person would be barred; and

"(B) a reasonable opportunity to challenge such judgment or order.

"(2) Nothing in this subsection shall be construed—

"(A) to alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure;

"(B) to apply to the rights of parties to the action in which the litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal government; or

"(C) to prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, is transparently invalid, or was entered by a court lacking subject matter jurisdiction.".

SEC. 7 EXPANSION OF RIGHT TO CHALLENGE DISCRIMINATORY SENIORITY SYSTEMS.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended by adding at the end the following: "For purposes of this section, an alleged unlawful employment practice occurs when a seniority system is adopted, when an individual becomes subject to a seniority system, or when a person aggrieved is injured by the application of a seniority system, or provision thereof, that is alleged to have been adopted by an intentionally discriminatory purpose, in violation of this title, whether or not that discriminatory purpose is apparent on the face of the seniority provision.".

SEC. 8 PROVIDING FOR ADDITIONAL EQUITABLE RELIEF IN CERTAIN CASES OF INTENTIONAL DISCRIMINATION.

Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) is amended—

(1) in subsection (g)—

(A) by inserting "(1)" after "(g)"; and

(B) by adding at the end the following:

"(2) In fashioning equitable remedies for an unlawful employment practice or group of unlawful employment practices (other than an unlawful employment practice established in accordance with section 703(k) and other than an unlawful employment practice for which back pay may be awarded under this title), the court may require the respondent to pay the complaining party an amount not to exceed $100,000 if the court finds that—

"(A) an additional equitable remedy beyond those otherwise available is needed to deter the respondent from future violations of this title; and

"(B) such an award is otherwise justified by the equities.

In no event shall the complaining party recover in excess of $100,000 for either an unlawful employment practice or a group of unlawful employment practices to which this paragraph applies.

"(3) Notwithstanding any other provision of this section, if a person is aggrieved by an unlawful employment practice to which paragraph (2) applies, then such a person may commence a civil action in an appropriate district court of the United States for temporary or preliminary injunctive relief, without regard to any waiting period that would otherwise prevent the commencement of a civil action under this title.

"(4) All issues in cases arising under this title shall be heard and determined by a judge, as specified in subsection (f).".

SEC. 9. ALLOWING THE AWARD OF EXPERT FEES.

Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)) is amended by inserting "(including expert fees)" after "attorney's fee".

SEC. (10) EXPANSION OF PROTECTIONS AGAINST ALL RACIAL DISCRIMINATION IN THE PERFORMANCE OF CONTRACTS.

Section 1977 of the Revised Statutes of the United States (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end the following:

"(b) The rights protected by this section are protected against impairment by nongovernmental discrimination as well as against impairment under color of State law. This section affords the same protection against discrimination in the perform-

ance, breach, modification or termination of a contract and in the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship, as it does in the making or enforcement of that contract.".

SEC. 11. PROVIDING CIVIL RIGHTS PROTECTIONS TO CONGRESSIONAL EMPLOYEES.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) is amended by adding at the end the following:

"SEC. 719. CONGRESSIONAL COVERAGE.

"Notwithstanding any other provision of this title, this title shall apply to the Congress of the United States. The means for enforcing this title as this title applies to each House of Congress shall be as determined by the House of Congress.".

SEC. 12. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 13. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to claims arising before the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. MICHEL] will be recognized for 1 hour. A Member opposed will be recognized for 1 hour, and that Member will be the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I am opposed.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, very briefly, yesterday we did celebrate the 25th anniversary of the enactment of the 1965 voting rights bill. I happened to be one of those 31 or 32 Members who currently are serving in the House who was privileged to vote for that legislation at the time.

One year earlier we had several days of extended debate on the Civil Rights Act of 1964. As a matter of fact, I think it stretched nearly a week. It was indeed a rather extensive debate. Over in the other body my late departed mentor, the late Senator Everett McKinley Dirksen, was very visible in that debate, on the other side, as was Hubert Humphrey, the distinguished Senator from Minnesota. Here in the House I recall Mannie Celler from New York on that side of the aisle, and Bill McCulloch from Ohio on this side of the aisle during the deliberations of that momentous civil rights legislation. I was proud to vote for it.

As a matter of fact, my first vote for civil rights in this House was to establish the Civil Rights Commission back in 1957, and then a significant civil rights bill, I believe, in 1960.

In all of these cases there was a truly bipartisan effort to reach consensus. We worked together on both sides of the aisle to get a good bill, and Members will recall particularly on the majority side where there was marked division back in those days whenever we got to talking about civil rights legislation. It was absolutely necessary, fundamental, to have both parties and both sides of the aisle working together to get a good bill, and I mention all of this because we should be doing the same here today.

But a restricted rule and a reluctance on the part of the majority to permit one of your own to lend his good name as a coauthor of a bipartisan substitute is an impediment to our coming together as we have always done in the past on civil rights legislation.

The rule does make in order a substitute to be offered by me or my designee, and since the gentleman from New York [Mr. LAFALCE] had done so much missionary work in crafting an alternative to the base bill, we thought it only appropriate to give him the honor and recognition to be the lead sponsor of the substitute, and while the gentleman from New York has begged off being accorded that recognition we are still prepared to give him for his language, I shall exercise the privilege, Mr. Chairman, of designating the gentleman from Pennsylvania [Mr. GOODLING] to formally cosponsor the substitute with me and handle the allocation of time on this side of the aisle.

But before doing so, Mr. Chairman, I should like to read a letter into the RECORD that I received from the President last night setting forth quite clearly his position on this legislation. It is dated August 2, 1990, the White House.

THE WHITE HOUSE,
Washington, August 2, 1990.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: I have consistently expressed my desire to sign into law a civil rights bill. I have also consistently worked with both the Senate and the House to forge a bipartisan consensus to address these issues in a constructive manner.

The bipartisan amendment to be offered by you and John LaFalce represents a sound, practical compromise that my Administration can and will support.

Unfortunately, Kennedy-Hawkins, the bill you are seeking to amend is neither sound nor practical. I am convinced it will have the effect of forcing businesses to adopt quotas in hiring and promotion. It will also foster divisiveness and litigation rather than conciliation and do more to promote legal fees than civil rights.

The other two amendments to the original bill, which I understand will be offered on the floor today, in fact, do nothing to cure the bill's defects. I hope the House will reject these superficial attempts to create the illusion of fixing the problems in the bill. I want to make it clear that the adoption of these two amendments would not result in a bill I can sign.

Again, I could sign the bipartisan compromise represented by your amendment. I commend you and others for your painstaking efforts to produce sound civil rights legislation.

Sincerely,

GEORGE BUSH.

At this juncture, Mr. Chairman, as I indicated I would, I ask unanimous consent that the balance of the time on this side of the aisle be under the control of the distinguished gentleman from Pennsylvania [Mr. GOODLING], who is so well versed in all of the intricacies of the proposed legislation.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The distinguished minority leader, the gentleman from Illinois [Mr. MICHEL] has yielded the control of his time to the gentleman from Pennsylvania [Mr. GOODLING]. The gentleman from Pennsylvania [Mr. GOODLING] reserved, under the rule, the balance of his time.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that I be allowed to yield one-half of the time in opposition to the amendment to the gentleman from California [Mr. HAWKINS], and that he be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to tell the gentleman from Illinois [Mr. MICHEL], that I, too, was here and voted for the 1964 and 1965 acts, and I remember the legislation creating the Civil Rights Commission. I also remember an event that many Members probably do not remember—the circulation of the Southern Manifesto, which was an earlier effort to limit civil rights. I did not sign the Southern Manifesto. I was one of a handful who did not from Texas or Louisiana, Mississippi, or Alabama or Georgia. It was sort of a shaky vote, but we survived.

Mr. Chairman, there is one additional change that should be made to the Republican amendment in the nature of a substitute in order to show what its true intent is. The short title should be changed to read as follows: "This act may be cited as the Civil Wrongs Act of 1990."

Very simply put, this Republican substitute rips the heart out of H.R. 4000. The Civil Rights Act of 1990 was intended to overturn five Supreme Court decisions that have hamstrung

the vigorous enforcement of this Nation's civil rights employment laws.

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Very simply put, the Republican substitute rips the heart out of H.R. 4000. The Civil Rights Act of 1990 was intended to overturn five Supreme Court decisions that have hamstrung the vigorous enforcement of this Nation's civil rights employment laws. Far from overturning those decisions, in key respects the substitute would write them into the statute books permanently.

Every page of this amendment is filled with artfully worded phrases that would effectively decimate enforcement of employment discrimination cases. The amendment purports to reverse last year's Ward Cove decision regarding the burden of persuasion in so-called disparate impact cases. But then, when it gets to the crucial point of defining the expression "business necessity," the amendment lifts the definition directly out of the Ward's Cove case.

The Republican substitute claims to offer the chance for a victim of discrimination to be awarded up to $100,000 in damages as an equitable remedy. But then it cleverly writes in a requirement that "all issues * * * shall be heard and determined by a judge"—a requirement that flies in the face of the constitutional right to a jury trial under the seventh amendment. Go down a little bit further in the substitute, to the severability section, and you will discover that if that damages award provision is held unconstitutional, as it probably will be, that whole section—and the right to recover damages—will just disappear off the books. So I hope no victims of discrimination make too many plans on how to spend their damage awards, because the damages provision in this amendment is designed to self-destruct.

The Republican amendment claims to overrule last year's Price Waterhouse decision—but in making the victim of discrimination prove that race, color, religion, sex, or national origin was a major contributing factor for any employment practice, it would write into the law a standard that is even worse and harder to prove than the one in Price Waterhouse.

Mr. Chairman, we need some truth in labeling around here. You can't just slap the title "Civil Rights Act of 1990" on this amendment and make it a civil rights bill, any more than you can make a silk purse out of a sow's ear. I urge a no vote on this amendment, the "Civil Wrongs Act of 1990."

I would hope, having listened to the letter from the President to the gentleman from Illinois [Mr. MICHEL], it would be noted that the President did not say in that letter that he would specifically, positively veto this bill if we pass it after we defeat this substitute. I believe that when the President thinks about it, looks at it, when it comes out of conference that he will in good faith sign the bill, and we can harmoniously have a little signing ceremony at the White House, and everybody can come and smile and be happy.

Mr. Chairman, I reserve the balance of my time.

□ 1110

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, as I indicated yesterday, my actions, not my words, would indicate that no one wants a true procivil-rights bill any more than I do. And I would like to have a bill that would reflect the conditions of the 1990's and the year 2000. I am afraid from much of the discussion yesterday we were not doing that or were not even thinking about that.

I want a bill that the President will sign. I want a bill that discourages quotas. I want a bill that helps the aggrieved, not the attorneys.

I am saddened that when we discuss legislation such as this that intolerance seems to be the No. 1 word or the No. 1 effort in this House. It appears that if you are not 100 percent behind the legislation which we have before us, the Kennedy-Hawkins bill, you are somehow not as procivil rights as someone else. It seems to me tolerance should be the name of the game when we are discussing civil rights legislation.

I want to very quickly review what is in the substitute, because I have a fear from listening to the discussion yesterday that many people have not read the legislation, either the substitute or the bill, or have not read either very carefully. So I want to very quickly talk about the compromise.

It reverses words Cove in that it puts the burden of proof on the defendant in demonstrating business necessity. It also reverses the case in that it would allow the grouping of practices where the plaintiff could show each practice contributed to the impact.

It reverses Patterson. It reverses Lorance, the statute of limitations applicable to challenges to seniority systems.

It reverses Martin versus Wilks in that it would preclude challenges to consent decrees by applicants or employees who had actual notice of the proceedings and that the proceedings would likely affect their interest.

It reverses Price Waterhouse and allows a plaintiff to prove unlawful discrimination when race or sex was a major motivating factor, even if the employer could prove that he or she would have made the same decision, for example, where the plaintiff was clearly unqualified for the job.

It provides for recovery of expert witness fees. It provides for equitable relief of up to $100,000 for intentional discrimination where back pay relief is not available, the equities justify an award and additional relief is needed to deter further discrimination.

Others will describe the legislation in more detail.

Mr. Chairman, I reserve the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, finally we have someone who claims the substitute. And I think the issue before the House is what do we send to the Senate and what do we send down to the White House.

The idea of sending the substitute to the Senate is useless, because that has already been considered and the actual substitute was withdrawn. So we are not likely to get very much support on the other side. If we send it down to the White House, it is also useless because it merely liberalizes and supports the Supreme Court decision. So if we want the Supreme Court decisions to prevail, we can do that by doing nothing. So that will be a useless gesture, even if the President signs it.

What do we seek to do in terms of H.R. 4000 and how does it compare with the substitute?

In H.R. 4000 we seek to return the law to its prior 1989 status. The opposition wants to uphold the 1989 decisions decided by a split Court of 4 to 5. The decisions and the substitution of the Supreme Court by the substitute would simply be useless.

The Pattreson decision, one of those which we seek to overrule, ruled that discrimination is prohibited in only the formation of a contract, not after that, which simply means that on-the-job discrimination will be continued. That is what the substitute does. H.R. 4000, in contrast, says that it is prohibited and in all the aspects of employment. For example, on the job discrimination in promotions, firings and so forth.

The Court knocked out relief, for example, for sex harassment. The substitute would continue that decision. We seek to overrule it so that a woman has relief to sex harassment. That is just one of the cases.

Wards Cove changed the Griggs standard which was put on the statute books by a unanimous Supreme Court decision back in 1971. Wards Cove, by a 5-to-4 split, would change it. Griggs provided that qualified women and minorities cannot be excluded unless for job-related performance on the basis

of qualifications. Wards Cove placed on the victims, in contrast, the burden of proving business necessity, a sophisticated process that the average victim of discrimination cannot even define, knows nothing about, has not even the information to prove their case.

Without H.R. 4000 women will be unable to sue for compensation and punitive damages even in gross sexual assault cases. It is not available under title VII, although black women can use section 1981 which covers race, not gender. So they can use section 1981, but a white woman cannot, making a distinction among women even.

□ 1120

Such action, however, assumes the ability of the victims to pay for private suits, and that they cannot usually do.

Now, we believe in conciliation mediation. In the earlier act of 1964, we were the ones who proposed and had it adopted. But today, mediation conciliation is useless.

EEOC and the other law enforcement agencies of the Administration are not effective. They are led by individuals who do not even believe their own law. That is the testimony before the committee.

Clearly, if we pass H.R. 4000, we will do something different and, we think, a vast improvement. If we pass the substitute, we may as well do nothing because the law would still prevail even if we did not pass it.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I would like to say that, in response to the remarks of the distinguished chairman of the committee and the gentleman from California, that there is not an awful lot of difficulty finding people who want to claim the substitute.

I could read you a list of distinguished Democrats, some from Texas: let us say, PETER GEREN, JIM CHAPMAN, BERYL ANTHONY, JR., one of the leaders of the Democratic Party, ALBERT BUSTAMANTE, RICHARD RAY, SONNY MONTGOMERY, CARROL HUBBARD, JR., GREG LAUGHLIN, BILL SARPALIUS, LINDSAY THOMAS, DOUGLAS BARNARD, JR. There are all kinds of Democrats who support the substitute. So do not worry, we will find some more.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, the gentleman from Texas [Mr. WASHINGTON], would like some time.

I appeal to you, Mr. BROOKS, to give your fellow Texan some of your time. Would you do that?

Mr. BROOKS. Would you yield to me?

Mr. HYDE. I knew you would because you are a believer in free and open and honest debate.

Yes, I yield to my friend.

Mr. BROOKS. Watch how they vote.

Mr. HYDE. I will, and I will tell you why: That makes me so happy to be a Republican. You cannot take my chairmanship away, because I have not got one; you cannot take my committee away, you cannot get me in a room and intimidate me, you cannot even deny me bathroom privileges. So I will watch how they vote, and then we will do a study as to how many shoulders are dislocated from your activity.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Would you get your time from your fellow Texan, would you do that? He is a generous man.

Mr. WASHINGTON. You will not yield to discuss the merits?

Mr. HYDE. Oh, sure, I will yield, I will yield, never mind my statement, just go ahead and interrupt me.

Mr. WASHINGTON. When you finish your statement, would you kindly yield to discuss the merits?

Mr. HYDE. I will, and if I am out of time, would you get me some of Mr. BROOKS' time?

Mr. WASHINGTON. I surely will.

Mr. HYDE. Thank you.

Now, the 5th amendment, and I need not tell you scholars that, and the 14th amendment, I need not tell you that, guarantees to every person equal protection of the laws. Now, I know everyone is equal, some are just more equal than others. And this bill moves in that direction.

But I would just like to recall to your mind the ideal as set forth in our Constitution: equal protection of the law.

Now, in the context of employment, it means equal opportunity in hiring, in promotion, and in benefits. Quotas are the antithesis of equal protection; they are selective, they are preferential, they are discriminatory.

And remember, good friends, quotas are a ceiling as well as a floor. Quotas force employers to think in terms of race, of sex, of religion, of national origin, rather than individual merit.

Now, we do not want to, contrary to the words of the distinguished chairman, the gentleman from California, we do not want to uphold Ward's Cove. And I would dare to suggest you read the LaFalce substitute or call it what you will, the substitute, because in Ward's Cove, need I remind you—and you have staff to help you—that the plaintiff employee had to show a statistical disparity between the community of labor available and the workforce, the employee had to allege a specific employment practice or group of practices that resulted in the discrimination, and the employee had to show that the employment practice was not required by business necessity.

The LaFalce substitute shifts the burden of proof to the employer to prove business necessity.

Do you understand the difference? The burden of proof is shifted from the employee to the employer. That is not revitalizing Ward's Cove, that is reversing Ward's Cove.

Now, the LaFalce substitute does something else. It defines business necessity in the words of the Griggs decision.

Oh, you say you use the Griggs language. But you use if from a statement of the problem early on; when it gets to the decision, LaFalce uses the language of the decision of Griggs and the same language that has been used in 10 subsequent Supreme Court cases.

The business necessity defined in the LaFalce substitute as the employment practice "has a manifest relationship to the employment in question." Oh, you provide the employer with a burden of proof. That must bear a significant relationship to successful performance of the job. That is going to be an onerrous burden of proof to sustain.

The remedies under present law that Mr. HAWKINS said are presently ineffective, conciliation, you are going to substitute a tort system for a system providing equitable relief.

You are going to have your people wait years to get their jury trial heard, you are going to give the lawyers a carnival, a feast—and the lawyers get their money before the client gets his or her money. You are going to have the jury cases backed up and backed up and backed up. And that is what drives quotas.

You say there are no quotas, but there are quotas. You say there is a cap on damages, but there is no cap. This is a magic show, it is not an honest debate of a civil rights issue.

I simply say to you you are destroying relationships of employee and employer; you are substituting 7 years of waiting to get your case heard rather than immediate injunctive relief, which is what LaFalce promises, and you are leading us up the wrong path.

Mr. Chairman, I yield to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman for yielding.

Now, you and I do not have to get into a diatribe. I respect you, and I think you respect me.

Mr. HYDE. I do not know why you suggest that. I would not diatribe.

Mr. WASHINGTON. Griggs versus Duke Power was a good case, and would you agree it was at least modified and limited in some respects by the decision of our Supreme Court in the Ward's Cove case?

Mr. HYDE. Yes.

Mr. WASHINGTON. Would you agree that insofar as the position of a person aggrieved is concerned, they are better off with the Griggs standard than the Ward's Cove?

Mr. HYDE. Oh, yes that is why we used the Griggs language.

Mr. WASHINGTON. You repeatedly say you use the Griggs language, but you have used the burden of proof from Ward's Cove, have you not?

Mr. HYDE. No.

Mr. WASHINGTON. In other words, you did change it back to the requirement that the employer prove business necessity, but you use the business necessity definition from Ward's Cove rather than from——

Go ahead and put the chart up.

Mr. HYDE. Well, here is the decision, Mr. WASHINGTON, right here. I am sure you are familiar with it. Would you like to read the words that we used?

Mr. WASHINGTON. I do not need to read it, sir, I have it embedded in my heart. It is only 13 pages long, sir.

Mr. HYDE. Then why are you confused about us not using the words of Griggs? It is right here.

Mr. WASHINGTON. I am not confused; you are.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Michel-Goodling substitute.

I rise to express serious concerns with the civil rights bill we have before us today. While I applaud the intention of the sponsors of this legislation in promoting civil rights, I do believe that this bill is seriously flawed. Despite what proponents of the legislation may say, the simple fact is if this bill is permitted to pass unamended, it will result in employers setting quotas. It will also result in a Presidential veto.

H.R. 4000 does far more than overturn recent Supreme Court decisions. Instead of guaranteeing equality of opportunity, the bill would arbitrarily require equality of result.

In order to be on the safe side and avoid the threat of lawsuits, employers will be forced to adopt quotas. Those employers who do not adopt quotas may find themselves in litigation proceedings for years on end. Additionally, the bill as written would be retroactive for years on end. Additionally, the bill as written would be retroactive to the dates the various Supreme Courts cases were overturned. This is completely contrary to our system of justice. Is this really the type of civil rights bill we want to enact? I don't believe it is.

That is why I am supporting the LaFalce substitute now being considered as the Michel-Goodling substitute, while this admendment is not perfect, it is a compromise, covering the concerns of both the business and civil rights communities.

It would restore the original Griggs versus Duke Power and Beazer tests of business necessity. The complainant would have to establish a "disparate impact" of an employment practice, and show a causal connection between an employment practice and such impact. The burden of proof would then shift to the employer to show that such a practice is a business necessity.

The substitute would also overturn the Supreme Court ruling in the Wards Cove decision. While the Supreme Court ruled that the complainant must identify the specific practice which caused the disparate impact, the LaFalce substitute would allow the complainant to identify "a combination of two or more employment practices" that caused a disparate impact if the complainant can show "that each employment practice in such combinations has contributed to the exclusion."

Additionally, the substitute would also allow the Court to award up to $100,000 in equitable relief for cases where back pay is not available and intentional discrimination has been established.

Mr. Chairman, the President has indicated that he could support this bill as amended by the LaFalce—now the Michel-Goodling—substitute. I would encourage my colleagues to adopt what was formerly known as the LaFalce amendment.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. BROOKS. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. EDWARDS], chairman of the subcommittee.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the Michel-LaFalce Republican substitute.

Let me say how surprised I was to learn that this substitute was being held out as a compromise. I met on a number of occasions with officials from the White House, who indicated they had some problems with the bill, and wanted to discuss the matter further. Well, I never heard back from them with any proposals. Nor did I ever hear from the gentleman from New York [Mr. LAFALCE], regarding any concerns he had about the bill.

And then, earlier this week, I heard about the Republican substitute. While I have no problems with the substitute being offered, it is no compromise. It would, in fact, codify the very cases H.R. 4000 seeks to overturn. The Republican substitute is worse than the administration's bill, H.R. 4081, which sought only to overturn two of the five major Supreme Court cases, and not to codify the other three cases.

The Michel-LaFalce Republican substitute codifies the definition of "business necessity," the "legitimate employment goals" definition, used in the Wards Cove case. Wards Cove is, of course, the key case H.R. 4000 seeks to overturn.

The Michel-LaFalce Republican substitute permits the employer to engage in intentional discrimination, as long as it was not a major contributing factor to the employment decision. This principle that some proven intentional discrimination is acceptable was expressed in the Price Waterhouse case and is overturned by H.R. 4000.

The Michel-LaFalce Republican substitute would allow continual, duplicative, and repeated challenges to long settled cases, even if the person's interests were adequately represented in the case. This would codify the Martin versus Wilks case, another case H.R. 4000 overturns.

The Michel-LaFalce Republican substitute deletes the damages provision for victims of intentional discrimination. Instead, it would allow an equitable remedy payment to the victim of up to $100,000 only if back pay is not available and in the judge's view additional relief is necessary to deter the employer from future illegal conduct.

The committee has already adopted an amendment to cap punitive damages for cases of egregious discrimination. Although I opposed this provision, this cap should provide more than adequate protection for the rights of business.

Although the Michel-LaFalce provision on damages may sound attractive, there are serious problems with this provision:

If a victim of sexual harassment got any backpay, she could not get additional monetary relief. For example, if she suffered medical expenses, and received some backpay, there could be no reimbursement for those medical expenses.

Consider the cases of two victims of sexual harassment who testified at our subcommittee hearings.

Carol Zabkowicz was a warehouse worker for the West Bend Co. I described her story in my statement yesterday.

Mrs. Zabkowicz put up with terrible sexual harassment for 4 years. She continually complained to her company but without results. She needed the job and also believed that she should not be forced out of the job because of the wrongdoing of others.

But finally it became too much for her. Besides severe emotional trauma, she also suffered vomiting, severe nausea, diarrhea, and cramping. While pregnant, her doctor advised her to take a medical leave of absence from her job, and she did.

She sued the company, and won. But she was awarded $2,700—backpay to make up for her medical leave of absence. She could not recover for her medical bills or emotional distress, or to punish the perpetrators. And in her words: "If I had never taken that medical leave, I guess I wouldn't have gotten anything for winning."

Under the Michel-LaFalce Republican substitute, because she was awarded backpay, she could not receive any

further monetary award. Mrs. Zabkowicz would have to settle form $2,700.

Helen Brooms worked as a nurse at Regal Tool Co.

She also was subjected to horrible and outrageous harassment, and suffered medical problems and expenses as a result.

Ms. Brooms was awarded backpay, just like Ms. Zabkowicz. If the Michel-LaFalce Republican substitute is adopted, she, too, would not be entitled to any additional monetary relief.

Even if there was no backpay available, the provision would only allow payment if an additional remedy was needed to deter the employer from future unlawful conduct. Thus, if the employer can promise that he will stop future discriminatory actions, then a payment is not available.

Even if a victim could get a payment, this provision would not allow for proven expenses beyond $100,000. For example, if a victim of sexual harassment had medical bills of $200,000, she could get a maximum of only $100,000.

This provision will not avoid the need for a jury trial. The Seventh Amendment of the Constitution guarantees a right to a jury trial when monetary damages are awarded. Calling these monetary damages an equitable remedy will not fool the courts. Courts will either require that a jury trial be held or declare this provision unconstitutional.

The Michel-LaFalce Republican substitute turns the Civil Rights Act of 1990 on its head. This amendment would gut the bill; it is a killer amendment. I strongly urge my colleagues to vote "no" on this substitute.

□ 1130

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I rise today in support of the Michel-Goodling substitute to the Civil Rights Act of 1990. Now let me state the painfully obvious, while acknowledging the obviously painful. Discrimination does exist. It has personally harmful and professional impeding effects. It has forced many people to double our efforts over our competitors for the same outcome of recognition and respect. Discrimination will leave most people at many times in our lives short of our goals and far short of our rights.

Yes, we must include in our national agenda a recognition of this problem and an advancement toward a solution. Each and every employer who discriminates must do so aware of the legal and financial implications of their act. However, an employer must not determine the makeup of his or her staff based on numerical mandates.

Freedom and justice are not achieved by statistical balance of employees. Civil rights are upheld, when opportunity is guaranteed, and we must strive to provide that guarantee to the Michel-Goodling substitute.

Now clearly, I am a woman who strives for women's rights, and women's equality in the workplace, in our homes, in our House right here. I want a significant position in society because I am qualified, not because I am a woman. This substitute bill more closely adheres to this practice than H.R. 4000, by establishing that causal link for discrimination allegations. The substitute forces my hire only if I am qualified. No matter how many times I read H.R. 4000, no matter how many times I read that language to the contrary, I cannot see how my colleagues cannot conclude that this bill, H.R. 4000, will force quotas.

A year does not go by in the city of New York without lawsuits restructuring our police and firefighter exams. Hence, the makeup of our force. Members see it, and it has affected performance in the city, it decimates morale. We cannot afford to duplicate this mistake throughout this country in every business, public and private.

I am here today in the spirit of fairness, in the spirit of equality, to tell my colleagues and urge my colleagues that this female person is very much for the Michel-Goodling substitute.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, I only want to speak to a point that was debated yesterday that relates to the substitute, however, That is, whether the cap on punitive damages is, indeed, a cap on punitive damages. I think that we need a little bit of primer about punitive damages are and compensatory damages are. More to the point, what compensatory damages are.

Compensatory damages are actual damages. That is another way to discribe it. It is that if the punitive damages are limited to the compensatory damages, there is no limit at all. However, that is not true because compensatory damages are limited by the facts. They are limited by the ascertainable facts in terms of dollar and cents.

To illustrate, if someone throws me off of my job, I have the right to be on a job, and I am reinstated, and I am gone for 1 day and I would have made $40 in that day, that the precise damage that has been done to me.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I certainly yield to the gentleman from Illinois.

Mr. HYDE. I think the gentleman is confusing compensatory damages with back pay. Compensatory damages can include humiliation, suffering, pain, going home and facing the kids and saying, "I didn't get the job." All of those will make a part of compensatory damages. I refer the gentleman to Black's Law Dictionary.

Mr. JACOBS. I thank the gentleman for his edification. I did not say it was limited to loss of wages. I only used the loss of wages as an example. The point is, it is ascertained by the facts, not by punishment. Consequently, it is limited to the facts.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I support the LaFalce substitute. I think it is the LaFalce substitute, because this gentleman rather heroically did a great deal of work on it. It is too bad that he has lost some of his civil rights and is not able to speak out in regard to his own substitute.

I want to pursue just a bit further the question I asked yesterday: Why do we have the metamorphosis, the tremendous change that has taken place, out with the old, gut the EEOC, come in with a brand-new tort remedy, and all of that which we have talked about? Why is this so? Nobody, nobody has denied the fact that that has worked the present system has worked very, very well. Yet we are going to make a change.

I would suggest that several witnesses, at least in the Committee on Education and Labor, did give Members an answer. One person said, "Our aim is to make employers quake in their boots." That is called employer intimidation. Slam, bang, and crunch every bit of discrimination which may exist in the working place, out. Well, that is quite a change, but the question is, why?

I want to say that we all can understand that emotion when we have suffered discrimination; when we may be punished for something, and it is discriminatory. For instance, as people have been discriminated, I think on that side of the aisle in regard to having their freedom, in regard to how they want to vote here today, for instance.

□ 1140

There are hundreds of forms of discrimination—poverty, not being able to go to the best of schools, being too black or too white, too fat or too short, disabled, handicapped, ad infinitum. There are all kinds of discrimination, and we all understand the emotion. The first emotion is to "sue the son-of-a-guns," to create an adversarial situation. But the question we have to ask ourselves is this: Is that the attitude we want to have in the workplace? In the narrow sphere of the workplace, is that the kind of attitude we want to be able to engender?

Mr. GRAY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

Mr. FAWELL. I have no more time.

Mr. GRAY. Mr. Chairman, I would ask the Chairman to extend 30 seconds on this side so I could ask the gentleman a question.

Mr. FAWELL. I would want to have time to answer.

Mr. GRAY. It will only take me that long. The only thing I want to ask the gentleman is this: He made a comment about a Member losing his civil rights.

Mr. FAWELL. I do not want to yield——

The CHAIRMAN. Does the gentleman from California yield 30 seconds?

Mr. HAWKINS. I am trying to find out to whom to yield the time right now. If the majority whip wants the 30 seconds, I will be happy to yield him 30 seconds.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAY] is recognized for 30 seconds.

Mr. GRAY. Mr. Chairman, a statement was made by the gentleman in the beginning of his debate about someone on this side of the aisle losing his civil rights with regard to the offering of the amendment. Could the gentleman explain exactly what he means, because I do not know of anyone losing his civil rights with the offering of any amendment?

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am glad to yield to the gentleman from New York.

Mr. LAFALCE. Mr. Chairman, I intend to speak on this amendment. I intend to speak for 5 minutes. I am not exactly sure what time my turn is coming up but there is no denial of civil rights as far as speaking on the amendment is concerned. The gentleman may have had something else in mind. I really wish we could simply discuss the merits of the several proposals, and let us get on with it.

Mr. GRAY. Mr. Chairman, the fact is that that is a very serious charge to make against the leadership on this side, and I would like to know what he meant. But if he does not want to explain, I understand.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GRAY] has expired.

Mr. FAWELL. Mr. Chairman, may I have time to respond?

The CHAIRMAN. The Chair recognizes at this point in the debate the gentleman from Texas [Mr. BROOKS].

Mr. WASHINGTON. Mr. Chairman, I ask unanimous consent that the gentleman be given an opportunity to explain.

The CHAIRMAN. The time at this point is controlled by the gentleman from California [Mr. HAWKINS], the gentleman from Texas [Mr. BROOKS], and the gentleman from Pennsylvania [Mr. GOODLING]. Only they can yield time in the debate.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], a distinguished member of the subcommittee.

Mr. GLICKMAN. Mr. Chairman, we are talking about the exclusion as well as the participation of millions of minorities in American society. These are citizens and taxpayers. They deserve access, not exclusion. That is why we must reject the Michel substitute.

The Michel bill would require a two-part test in impact cases. My friend, the gentleman from Illinois [Mr. HYDE], talked about half the test, but he failed to tell us about the other half of the test, which is just as important.

The Michel bill would require the plaintiff to identify the discriminatory effect of each practice and then allow the employer to justify the discriminatory practice if it has a manifest relationship to the employment in question or that the employer's legitimate employment goals are significantly served by, even if they do not require, the challenged practice.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I will yield to the gentleman when I have finished.

Mr. HYDE. Mr. Chairman, the gentleman mentioned my name.

Mr. GLICKMAN. I will yield to the gentleman when I have finished.

Mr. Chairman, I would not quarrel with the first half of that test, but the second half allows the "built-in headwinds" against minorities that the 1971 Griggs decision sought to prohibit. This misses the intent that tests or practices measure the person for the job and not the person in the abstract. That is the Griggs case. This is a bad standard. It gets us nowhere.

The base bill would require the employer to show that a test has a significant relationship to successful performance on the job. We should demand a tough standard to explain why you exclude people of a certain race, sex, or religion from full participation in American society.

The base bill has that tougher test. We are talking about discrimination here. We require that tougher test, a fair but tough test. The Michel substitute misses the boat on that. It makes it too easy. In my judgment, it weakens civil rights enforcement in this country, and I urge its rejection.

Mr. Chairman, I yield to my colleague, the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

Mr. GOODLING. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE].

Mr HYDE. Mr. Chairman, in the first place, I would say to my dear friend, the gentleman from Kansas [Mr. GLICKMAN], that it is in the disjunctive. It is the Griggs test we use, and then the next one is from the Beazer case, with which the gentleman is very familiar, I believe. But it says, "or." So if you do not like the Beazer formula, use the Griggs formula.

Second, I would tell the gentleman that the standard he uses in his bill is from the first paragraph of the statement of the problem in Griggs. Our phrase, "a manifest relationship," is from the decision in Griggs, and it has been cited verbatim in 10 subsequent Supreme Court cases.

End of lesson.

The CHAIRMAN. As a point of information, the Chair would like to inform the Members controlling the debate that the gentleman from Pennsylvania [Mr. GOODLING] has 31½ minutes remaining, the gentleman from California [Mr. HAWKINS] has 23½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 20 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I am for civil rights, you are for civil rights, we all are. But frankly, when I began to look closely at what was really in the Kennedy-Hawkins bill, what I found thoroughly disgusted me.

Let me make one think as clear as possible: No human being has ever accused MICKEY EDWARDS of being soft on civil rights. The first time I ever received the attention of the national press, as a young man just out of school, was a direct result of my actions to broaden the base of the Republican Party and to open our party specifically to black Americans—and Mr. Chairman, that was nearly 30 years ago. On the Foreign Operations Subcommittee, as the subcommittee's vice chairman and as a leader in the fight to provide aid to our allies in El Salvador, I was one of the leaders as well in the fight to impose conditions on that aid, making it dependent on a respect for human rights. Fourteen years ago, Mr. Chairman, I voted to censure South Africa, and have voted for sanctions against South Africa almost every time they have been considered by this Congress. No man in this Chamber, black or white, and no woman in this Chamber, has a stronger commitment to civil rights than MICKEY EDWARDS has, and the people in my district, including my black and

Hispanic constituents, are very much aware of that.

And so, Mr. Chairman, I am offended, I am insulted, I am furious, that the chairman of this committee would bring this fraud to the floor of the House of Representatives, this lawyers-get-rich-bill, this quota bill, which will not stop discrimination, but create it, and pretend that it is a civil rights bill. By definition, the protection of one's civil rights consists of ensuring that every individual gets a full, fair, and equal opportunity to compete. Creating a system like the one in Kennedy-Hawkins, which literally forces employers to set up quota systems, does the exact opposite. If you are black, and 35 percent of the people in your geographic area are black, and the employer to whom you apply for a job has a work force that is 35 percent black, he's not going to hire you, because if he does, he will not have enough Hispanics, or enough Asians, and if he gets out of statistical balance, he gets hauled into court. During the debate last night, one of the speakers, in an off-hand remark that was supposed to somehow be pointed and telling, quipped that the size of the damages should not really be a problem because after all, you don't pay the damages unless you're guilty, and the supporters of this bill all cheered and laughed as though they had just made an amazingly clever point.

The problem is, whoever said it obviously hadn't read the bill. If this bill merely said that we're going to throw the kitchen sink at anybody who intentionally and willfully discriminates in his hiring practices, I'd shove Mr. KENNEDY and Mr. HAWKINS aside to be the first name on the bill. Don't fine them, put them in jail and close down their businesses. If you want to devise any punishment at all for those jerks, those low-lifes who would deny a man or woman a job because of their sex, or their handicap, or their color, or their religion, if you want to put them in jail, I'll join you.

But that's not what this bill does. Under this ridiculous piece of legislation, a man without a single racial, religious, or gender prejudice in his body, who makes a sincere and serious and concerted effort to reach out and provide equal employment opportunity, who never decides against hiring somebody except on the basis of merit and competence, can get dragged into court if the percentage of skill and competence in the area he is hiring for does not exactly mirror the birth rate.

And let me make one thing very, very clear. We're not talking here about so-called reverse discrimination. We're not talking about protecting whites against job opportunities for blacks or Hispanics or orientals or white women or pink Martians. This is not about the Bakke case. A black, a woman, a Hispanic, a man in a wheelchair, any of these people can be the victims of discrimination which is caused by this bill, and the only people who will come out ahead are the lawyers.

Now last night another speaker, whom I respect very highly, made the point that history does not prove that attorneys have, in fact, had a windfall from civil rights cases. Well, maybe, maybe not. But they haven't had this bill, which prohibits—prohibits—the settlement of the case unless the lawyers fees are protected. Not: unless the plaintiff has received justice; not: unless the wrongs have been righted. What it does is keep the conflict going and running up the legal fees, no matter what the defendant and plaintiff agree to, unless we first have taken care of the lawyers. Mr. Chairman, I'm a lawyer, I taught law, and I find that provision intolerable, outrageous, and disgusting.

Mr. Chairman, I'm for civil rights. Everybody in this Chamber is for civil rights. The American people are for civil rights protections. One of the most respected Members of the House, one of the leading Democrats in Congress, one of the strongest supporters of civil rights, JOHN LAFALCE, has presented an amendment which protects civil rights, and I intend to vote for it. You can gag Mr. LAFALCE, you can threaten him, you can even prevent a Democratic committee chairman from offering an amendment in an area over which he legitimately has concern and jurisdiction, but you can't stifle, you can't choke off, you can't bury simple equity and justice. The LaFalce amendment is a good, strong, fair civil rights bill, and everybody who truly believes in preventing discrimination and oppression in the workplace ought to vote for it.

□ 1150

Mr. BROOKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman form North Carolina [Mr. HEFNER], a member of the Committee on Appropriations.

Mr. HEFNER. Mr. Chairman, I was the gentleman that said last night, "If you break the law, you should pay; if you don't break the law, you don't pay."

I remember back when we were talking about the Grove City decision here on this floor. I came to this well and spoke on behalf of overturning the Grove City decision.

I know what discrimination is about. Nobody can fault me for fighting for small business. We have passed a textile bill three times in this House to protect people, and most of them, minorities. It has been vetoed three times, so do not talk about what we are trying to do to business.

I have two daughters, and I would hope that they would not have to suffer discrimination in the workplace, as well as minorities.

Mr. Chairman, my record is excellent in fighting for civil rights.

I remember the same arguments were made, and, if my colleagues could close their eyes, they would hear the same arguments on the Grove City decision, such as, "if you vote for this, you are going to be forcing the hiring of homosexual AIDS patients to be youth pastors." It did not happen.

As I said, "If you are breaking the law, you shouldn't do that."

Mr. Chairman, that is what we are all about, and there is so much misinformation that has been floating around this place, and into our offices, on the telephones from the different organizations, the same information that flowed into here on the Grove City, on the minimum wage, the ADA bill, you name it. It is the same misinformation that has been flowing in every time we talk about civil rights.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, the decision before us now is now whether we will or will not pass a progressive civil rights bill. Kennedy-Hawkins and LaFalce are both progressive civil rights bills. There are important differences, and I wish we had the time to work them out. If we were going to consider this in September, perhaps we would have, but that is a moot question at this point.

Mr. Chairman, I share the frustration of the gentleman from Texas [Mr. WASHINGTON], my friend and colleague, that the merits have been lost in this debate. It is frustrating to me to try to discuss the merits of the two proposals and be told over and over we are well beyond the merits, perception is all that matters at this time. It was frustrating to me yesterday to hear the two amendments discussed, not on their merits, which they have and have considerably, but whether or not they serve as sufficient cover; once again, perception, and not the merits. Early in the week, when merits were still on the table, LaFalce had a comfortable majority in this House, a majority that included some of the most progressive Democrats in this body. That may or may not be the case today.

Mr. Chairman, it is not our job to vote on perception. The last 10 years have taught us that we cannot afford Government by perception. For the last 10 years we have governed under the perception of fiscal responsibility and tripled our debt. We have governed under the perception of putting America first and sent 10,000 jobs a quarter overseas. We govern under the perception of strong family values, but more children live in poverty today

than at any time in our Nation's history.

In my home State we have a crazy and expensive workers' compensation system sold under the perception of being good for workers, yet we have the highest premiums, and we rank among the lowest in the country in benefits paid to injured and deserving workers.

Which brings me to my concern about Kennedy-Hawkins.

Mr. Chairman, my greatest concern about it is that it is sold under the perception of being a great civil rights bill, and certainly it is. It does much to advance the cause of civil rights, but I am afraid that its greatest impact may not be in the field of civil rights, but it could be in creating a legislative quagmire, that its greatest impact will be the enrichment of lawyers and a disservice to those it is perceived to serve.

LaFalce is not perfect, but it will help us avoid the litigation nightmare offered by Kennedy-Hawkins.

Mr. Chairman, the Washington Post has leveled the very same criticism at Kennedy-Hawkins that I do today. Certainly no one can question its commitment to civil rights, and I offer this article for the RECORD.

Mr. Chairman, I urge my colleagues to pass LaFalce, send a message to the conference committee that we want a strong and progressive civil rights bill, but one that includes a remedy section that advances the cause of civil rights and does not stand in the way of it.

[From the Washington Post, June 25, 1990]

THE CIVIL RIGHTS BILL

The Civil rights bill pending in the Senate is described by defenders as mainly an effort to restore important technical changes made in equal employment law by a new Supreme Court majority last year. The legislation does indeed seek to undo those court decisions, which together appreciably weakened the law as it had been previously understood. But that is not all it does; it would extend prior law as well as repair it. The leading example has to do with the price of a finding of discrimination—what plaintiffs can sue for and get if they win.

Under old law, the most that the typical winning plaintiff could get was to be made whole in the limited sense of being awarded the job or promotion and back pay found to have been wrongly denied. That was all that a judge was empowered to order, and the law did not provide for jury trials. Only in one class of cases could plaintiffs seek more. Under a post-Civil War statute plaintiffs charging intentional racial discrimination were entitled to ask for jury trials and seek not just lost rank and pay but compensatory and punitive damages.

The Supreme Court last year narrowed the application of this Reconstruction Era statute, called Section 1981; the pending legislation would restore its prior scope. Then it would take the important further step of giving all other persons charging intentional discrimination the same access to jury trials and damages. That's new. The arguments in favor are 1) that discrimination on the forbidden bases of religion or sex or disability are as wrong as racial discrimination, and victims should have the same recourse, and 2) that reinstatement and back pay do nothing for a victim of harassment or other such on-the-job mistreatment that stops short of loss of job or pay; only damages can help.

The point is also made that the threat of damages would act as a deterrent and that the damages would only be available for odious conduct: for compensatory damages the discrimination would have to be shown to have been intentional, and for punitive it would have to be found to have been malicious and to have been carried out with "reckless and callous indifference to . . . federally protected rights" as well.

But this is a larger shift in the law than in some of their rhetoric the proponents acknowledge, and we think it goes too far. We have grave reservations about the system of punitive damages generally. It is erratic and abused. If legislatures want to punish behavior they should criminalize it and set clear penalties, not leave that to the uneven results produced by contingency fees and the jury process. If a system of punitive damages has to be retained, the proceeds should go to the state, not the victims. That would help take the roll of the dice out of such litigation. If indeed they are punishment and not compensation, such damages should be treated in the same way as fines.

Nor is it a problem for us if racial and the other prohibited forms of discrimination are differently treated; they *are* different. Racial discrimination occupies a place in our history and the law that discrimination on such bases as sex or handicap simply do not. Its victims have a special status, exercise a special claim. If the law now strands victims of such other forms of discrimination as sexual harassment, Congress should fashion a particular remedy for them, not broaden the present remedies for all. Most of this bill—the restorative part—deserves to be passed. The damages section needs to be cut back.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman and my colleagues, there is an old saying: "You shouldn't criticize an Indian until you walk in his moccasins for a day," or some sort of semblance to what I have just said.

Mr. Chairman, the indignity of discrimination has been suffered by some who served in this Chamber. There are some of us who have walked in the moccasins of that Indian. When that happens, if the hurt runs deep and the scar is permanent, our very soul cries out for vengeance and for justice.

That is what we are about today, justice and equity.

We hear so often the words that our Founding Fathers left with us, that there are certain unalienable rights bestowed upon us by the Creator of the human beings. This is but another step in the never-ending process of trying to achieve the ultimate in that vow, and that promise and that challenge of the Founding Fathers.

I would say, and I have heard all of the arguments, that there is not that much difference. But should there be difference, justice demands that the doubt be given in the favor of those who suffered.

So, that is the only difference, and I will cast my vote, even though there may be doubt, but on the side of those who walked in the moccasin of that Indian for that one day.

Then, hopefully, one day we will arrive at a point where there should not be any discussion, or any emotion, because we truly will follow the mandate from above and that desire that somehow, some day, protected by law and respected by our neighbors, those words would have full meaning.

□ 1200

Mr. BROOKS. Mr. Chairman, I yield 3½ minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I am a lawyer, not a great one but a good one and one who has some experience in the area of civil rights law. As an assistant attorney general in the late seventies, I represented agencies that were respondents in EEOC cases. The standard then under title VII of the Civil Rights Act was that of employment practices with a disparate impact—those which appear to exclude minorities—existed, then the employer had the burden to prove the practices were required by business necessity. Griggs versus Duke Power Co., 1971.

That principle was reversed in the 1989 case, Wards Cove Packing versus Atonio and placed the burden on employees to prove that practices are not significantly related to a legitimate business objective.

This bill is designed to restore civil rights laws that banned discrimination in employment before the Ward's Cove decision.

Mr. Chairman, I have read this bill and compared the substitute. I have reviewed the case law, dissected the sections, diagrammed the clauses and gone to the dictionary for definitions and clarifications.

I believe you have to want to find differences to come up with the hair-splitting going on over this bill's language.

For example: The business necessity language has evolved from essential—which opponents found excessive—to substantial and demonstrable and finally to significant. Now, the fight is over the difference between significant and manifestly.

Opponents admit that nothing in this bill specifically requires quotas, which I am opposed to. But, they argue that businesses will have to adopt quotas out of self-defense.

Mr. Chairman, I do not believe this bill requires quotas, but it perhaps will require some self-examination of practices, actions and intent of employment policy.

It is not enough to make discrimination socially unacceptable or to ignore it or to walk away from it.

Discrimination in any form—race, religion, national origin, or sex—is wrong. It is morally wrong. It is evil.

Mr. Chairman, I can support this bill as a lawyer and as a legislator on its merits. I can support it intellectually. But, more importantly, I can support it in my heart because it is the right thing to do.

As a young boy growing up in southwest Oklahoma during the 1950's and 1960's, I was aware of racism both open and subtle. I was bothered by it, but accustomed to hearing the word "nigger", or "wetback". I heard Jews and Catholics referred to in derogatory terms.

I regret that for a while, such terms were even used in my own family until I fought against it.

The only time I ever ran away from home was at the age of 11 or 12. It was after a whipping I endured for starting a fist fight with my older brother over the use of the word "nigger." It was not a mean, intentional racism, but ignorance and bias.

It soon stopped, however, and over time, the use of racist slurs became socially unacceptable in the community where I lived.

However, I still saw it on the truck docks where I loaded sacks of flour for shipping. I still saw it in the locker rooms at my high school and in college. I have even seen it in this Chamber.

Enactment of this bill does not assure an end to the use of racist terminology in our society. But, it does indicate a willingness on our part, as America's elected leaders, to demonstrate our disgust over discrimination in any form.

I will support the bill and I will vote against the weakening substitute.

Mr. GOODLING. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I come today to support very strongly the bipartisan substitute. It is true that the words we hear from the lawyers of this body are very confusing, they certainly are to me, but the facts are that litigation is running rampant in this country today and I believe that the Kennedy-Hawkins bill will increase it.

Mr. Chairman, I want to commend the gentleman from New York [Mr. LAFALCE], the distinguished chairman of the Small Business Committee. He has shown a great deal of courage in recent days. That in itself is not surprising. What is surprising is that courage was required in order for one of our colleagues to do what we are all supposed to do, be a serious legislator, exercise independent judgment, thoughtfully examine the law and the legislation and seek a compromise.

The gentleman from New York [Mr. LAFALCE] fought for his substitute to Kennedy-Hawkins today. He looked to the left and to the right and came up with a serious civil rights bill that staked out a reasonable middle ground, from my perspective a little too far to the left, but I support it because it was a sincere effort and it would have brought us a civil rights bill that would have had 300-plus votes in this body, but sadly some of us around here do not think this is the way it is supposed to work.

I do not think it serves this institution well when any one of us questions the motives of our colleagues. I do not question the sincerity or the wisdom of the authors and supporters of Kennedy-Hawkins. I am saddened by the intolerance shown to those of us who differ.

In turn, I want to attest to his sincerity as a member of the Democratic Party and as Member of the people's House, the gentleman from New York, in authoring, and he is the author of the substitute today.

Why is it that when 12 Republicans vote for a liberal bill, there is a broad partisan coalition; but when 25 or 50 on our side vote for a moderate alternative, it is characterized as the Republican bill with a few Democratic defectors.

The gentleman from New York deserves much credit for his leadership and his indepth study of these issues and for the truly bipartisan substitute he fashioned. I was there when Members of both sides tried to get him to make changes. I tried to get the gentleman to make changes in the remedies language in his bill. We may have a better substitute because I did not prevail.

The gentleman from New York should not have to apologize, as he felt necessary yesterday for the stance that he has taken.

The question was asked, Why is it tough for a Democrat to be the chairman of the Small Business Committee? That is a good question my colleagues. Why is it so tough?

The rule of law has been talked about many times, and that is what we are talking about today, the rule of law. All of us agree that it must be fair.

Kennedy-Hawkins is not fair, folks. That is why I oppose it. It is not fair.

I, too, believe in civil rights. I, too, believe that it is wrong to discriminate and I would challenge anyone to say otherwise; but what we overlook today when we talk about discrimination in race, on religion, on color, on sex, we forget that there are minorities, there are women, there are blacks, there are Hispanics, there are the disabled, businessmen and women who will be discriminated against if Kennedy-Hawkins passes and should be signed by the President. That is why the chairman of the Small Business Committee felt it important to offer a substitute middle ground between the more extremist views of those who sincerely believe that they are doing what is right for the working men and women of this country, but they overlook the fact that in America today we have tremendous costs of litigation, and we in the body continue to propound it. This bill, Kennedy-Hawkins, if it in fact should become law, I suggest will increase the amount of litigation, and that is why the small businesses of America are pleading with us today, "Don't do it."

In the name of Civil Rights, do not propound a major piece of legislation that in this Member's humble opinion is going to dramatically increase the amount of litigation. It is going to force small businesses, as we have done through the Legal Services Corporation, it is going to force small businesses across this Nation to hire lawyers to defend themselves.

□ 1210

It is going to cause small businesses across this Nation to hire lawyers and, in many cases, to fight against lawyers that have been paid by their own tax dollars.

Keep in mind we have expanded dramatically through the ADA those who will benefit from the perceived benefits of this, and I do not question for a moment that there are benefits to be achieved by the Kennedy-Hawkins bill. My concern and my opposition to it and my support for the bipartisan substitute is that it is a middle ground that does not move us too far too fast at a time when America is being challenged across the world in a competitive war in which it seems this body always looks for ways to put an anchor on the foot of the businessmen and women of all races and creeds. That is why I am here.

I do not quarrel with those who believe the other way. I do not quarrel that there is discrimination. I believe, quite sincerely, that we can pass laws from kingdom come, and we will never make a perfect world. God did not create a perfect world.

Vote for the LaFalce substitute. It is a reasonable bipartisan compromise.

REMEDIES

Among the many reasons I rise in support of the LaFalce-Goodling substitute are its superior positions on remedies and attorneys' fees.

The remedies provisions in the substitute, in every case, go beyond current law. Today, under title VII, a victim of discrimination can obtain back pay, reinstatement, and, after some administrative determinations, injunctive relief.

Under LaFalce-Goodling, $100,000 in equitable relief would, for the first time anywhere, become available for on-the-job, intentional discrimination, such as harassment. In addition, and unlike Kennedy-Hawkins, under the substitute, the victimized employee need not run through the EEOC hurdles before being

allowed into Federal court to obtain immediate injunctive relief.

Kennedy-Hawkins, even with last night's Brooks amendment, allows unlimited compensatory damages—in other words, a sharp plaintiff's lawyer can file a harassing suit for a million dollars' worth of pain, suffering, mental distress, and other intangibles, and then double that amount by adding the same amount in punitive damages.

I know there are legitimate complaints. That's why the bipartisan substitute has $100,000 in equitable, make-whole remedies in it.

However, instead of restitution and conciliation, which have always been the hallmark goals of our civil rights laws and labor laws, Kennedy-Hawkins is a pro-litigation bill.

But we all know how the drill works on the flip side of that coin: The small employer settles, out-of-court, for maybe $30,000 that he or she really does not owe, to avoid spending $60,000 in legal fees to defend against a $1 million suit that is pure harassment.

Now, the House last night already conceded the issue of whether racial harassment, under section 1981, should be treated differently from all other discrimination. The Brooks amendment, adopted overwhelmingly, already made that legal distinction. That issue has been settled by the House.

There are two remedies issues before us here:

(1) What level of monetary remedy is appropriate? I believe $100,000, more than twice the average award under section 1981, is appropriate.

(2) Should we make a fundamental change, for the first time anywhere outside the special case of section 1981, in our longstanding approach to employment law and civil rights law by encouraging lawsuits for practically unlimited compensatory and punitive damages? I believe the answer should be "no."

LAWYERS

Unfortunately and indefensibly, Kennedy-Hawkins also protects plaintiffs' lawyers at the expense of their innocent, already-victimized clients.

Kennedy-Hawkins allows a plaintiff's lawyer to refuse to negotiate an out-of-court settlement that includes negotiation of his or her fees. One of the fundamental characteristics of a settlement is, and ought to be, that everything is on the table.

In another provision, Kennedy-Hawkins allows an indefensible injustice: Let's say the defendant makes an offer to settle out-of-court for $30,000. The plaintiff's lawyer, whose accumulated, hourly fees may be $10,000 by that time, refuses. The final court award is $20,000. Of that, the plaintiff's lawyer takes, let's say, $15,000, in documentable, hourly, accrued fees. The lawyer is $5,000 better off, his or her client is $15,000 worse off. The lawyer goes for broke, and the innocent client is the one who gets broke. That is in Kennedy-Hawkins.

Support LaFalce-Goodling; it is a genuine civil rights bill. Oppose Kennedy-Hawkins, it is a lawyer's lawsuit bill.

The CHAIRMAN. The Chair announces to those Members controlling debate that the gentleman from Pennsylvania [Mr. GOODLING] has 25½ minutes remaining; the gentleman from California [Mr. HAWKINS] has 21 minutes remaining; and the gentleman from Texas [Mr. BROOKS] has 15½ minutes remaining.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I rise in opposition to the Republican substitute.

For over a quarter of a century Americans have agreed that we ought to move forward, not backward, in the struggle for equality. Untold numbers of Americans have put their time, their money, and yes, their lives on the line for simple justice—for the belief there is no room in America for bigotry and racial hatred.

But today the civil rights consensus is threatened. Not from a backlash by the majority. But by a few white men in black robes who see nothing wrong with an America that is the domain of a privileged few. In an earlier time, the Supreme Court set the moral tone of our Nation's commitment to equality. Now it endeavors to resurrect the barriers that most folks thought were knocked down years ago. The last year and a half have seen a dramatic turnaround from on high:

For decades, the Court said that a 1866—yes, 1866—law prevented discrimination on the job. Now the Court says that the law only prevents prejudice at the door—at the time of hiring.

For nearly 20 years, the Court told us that the employer had to prove that a racially imbalanced work force was not the result of discrimination. Now the Court says that victims must prove that it was—even though discrimination does not usually leave a paper trail.

And for years, Americans assumed that prejudice had no place in employment decisions. Now we are told that discrimination is just fine, so long as the employer can make it legitimate later—after he's had time to make up an excuse.

But, Americans believe there is no room for racial hatred and discrimination, no matter what the protectors of privilege say. We did something about the Grove City case. And now we are going to do something about these latest backward decisions.

Because America will not tolerate racial bias on the job any more than it will tolerate it at the time of hiring.

Because employers should prove why racially imbalanced work forces are required by a significant business objective, rather than merely preferred as the old way of doing business.

Because discrimination is always wrong, even if it is just part of an employment decision.

And finally, because America knows it is time to face the challenges of the 21st century, not again fight the battles of the past.

W.E.B. DuBois said 90 years ago that "the problem of the 20th century is the problem of the color line." History has proven the truth of his prediction. When the full history of this country is written years from now, let today be remembered as the day that that line was put behind us once and for all.

I urge my colleagues to defeat the Michel-LaFalce substitute. I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, the distinguished gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture, outlined the merits as to why we should adopt H.R. 4000. I concur with the remarks of the gentleman from Texas [Mr. DE LA GARZA]. I, too, walked in the Indian shoes or moccasins or guaraches.

Before H.R. 4000 reached the floor of this Chamber for consideration, I was concerned about two specific provisions concerning punitive damages and the establishment of racial quotas in the workplace.

The original version of H.R. 4000 contained no limitation on the award of punitive damage claims against an employer who violated the standards established under this bill.

The bill was also confusing on the question of whether it required employers to establish quotas in the workplace.

The Brooks-Hawkins-Tallon and the Andrew-Neal amendments adopted by the House yesterday clarified these issues to my satisfaction, and for these reasons, I am proud to support the passage of the Civil Rights Act of 1990.

Mr. Chairman, my friends, there is no more humiliating experience than to be discriminated against. I come from south Texas. DAVE MCCURDY talked to you about his experiences in Oklahoma. It is no fun to be run out of restaurants, out of barber shops, to be denied employment simply because you are a Mexican or a wetback or a Mescin or whatever other title they used to use for us or to live in segregated housing or to go to segregted schools. It is the most humiliating experience. It tears at your heart. It brings you down as a person.

Mr. Chairman, we should not have that in America.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, my colleague from California whom I like and admire has said that no female American will vote for the Michel-Goodling substitute. Well, I intend to support it.

I am from Kansas, and in Kansas we have a very strong record of support for civil rights. I believe that we had a fair-housing law on the books before the Federal Government did. We were one of the first to vote to ratify women's right to vote. We were one of the first to ratify ERA.

This substitute was first offered on the Senate side by a fine female American Senator, NANCY LANDON KASSEBAUM. I personally have voted for civil rights restoration, for the ERA, for a number of civil rights issues over the many years that I have served in government, and I intend to vote for the Michel-Goodling substitute. I believe that most of the women on this side of the aisle will vote for it, because we think it is a better bill in many respects or in several respects than H.R. 4000. I believe that there is some support for it also from women on the Democrat side of the aisle.

I know that there has been tremendous pressure on this bill, and I hope that everyone on the Democrat side of the aisle will feel comfortable about voting for the Michel-Goodling substitute. It is a good bill. I urge my colleagues to vote for the Michel-Goodling substitute.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI], a distinguished member of the Committee on the Judiciary.

Mr. MAZZOLI. Mr. Chairman, today we have a difficult decision to make, and in my case it is particularly difficult because of my fondness for the gentleman from New York.

However, I rise in opposition to the LaFalce substitute and in support of the underlying bill.

Mr. Chairman, I think we should not oversimplify nor overlook the fact that we have to understand the words of the law. But, I think no matter how many hours we debate we will never reach concurrence on exactly what each phrase of these civil rights proposals means.

So, using the theme of an earlier speaker, occasionally we have to debate the perceptions, and occasionally we have to talk about aspirations and not the jot and tittle. And, reflecting on the fact that just yesterday, we celebrated the 25th anniversary of the signing of the Voting Rights Act in Statuary Hall. Those 31 Members who were in this Chamber and the other Chamber 25 years ago honored for having voted for the Voting Rights Act are justifiably proud of that vote, even though some cast it with probably some reservations about what the words really meant.

I think 25 years hence, those of us who might still be in this Chamber who vote for the civil rights bill today despite their reservations and concerns will be just as proud as those 31 are, because I think it is the right thing to do.

□ 1220

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON, Mr. Chairman, I had hoped that we would have been able to spend a good deal of time debating the merits of this legislation, and I had hoped that the gentleman from New York [Mr. LAFALCE], the purported author and I believe the author of the so-called LaFalce substitute, would have had the opportunity to engage in dialog.

Mr. Chairman, I am very new here. One thing that I wish to complain about is the lack of opportunity for a serious debate on serious issues. It seems that Members are afforded the opportunity to make cameo appearances and to spend most of their time attempting to force a word in edgewise. We talk at each other, but we do not talk to each other.

Mr. Chairman, I had hoped that someone would take my challenge and seriously talk to me about the difference between Griggs and Ward's Cove, because I believe that therein is the heart of the problem. If we could solve that, I believe we could work out something in between. Because when you talk about damages, you are talking about money. With money we sometimes split the difference between zero and $1 million and somewhere else.

Mr. Chairman, it has been my pleasure in my life to try over 300 title VII cases. That does not make me an expert, but I have seen the women and the men who have lost their jobs, who have not been hired, and who have come to my offices. Sometimes they hurt.

I do not know how to explain it to Members that have never tried any cases and tried to come up with a substitute without appearing before either committee. I am the only Member of this Congress that has the pleasure of serving on both of the committees with jurisdiction on this bill. I think that God put me in that place for a reason. That does not make me any smarter than the chairman of a committee who offers the substitute, but I have been down in the pits where it matters, and I am tired of hearing lawyers kicked.

Remember the next time you kick a lawyer, that the reason your children do not get run over when a dump truck backs up when that bell goes off is because some lawyer sued somebody to make it go.

Remember the next time that the people that you love are in a situation where they could be harmed by any number of products, including asbestos, that the reason that does not happen is because lawyers took up those causes.

Mr. Chairman, Members decided in 1964 that the Attorney General could not carry out this law by himself or herself, and we needed the private attorneys general to come in. The only way to motivate people, a lawyer in private practice, to do it, is to offer them the opportunity that if they prove their case to a judge, and no one has ever accused the Federal Judiciary in this Nation of being liberal, if you can prove a case, jump through all the hoops that are necessary to jump through this in order to prove discrimination when you know it and when you see it, nobody has to tell you what discrimination is. The problem is, the difficulty with all these legal niceties, is sometimes many people who are discriminated against never have a remedy. Very few of them have a remedy, but of those that do have a remedy, it hurts. It hurts deep down inside.

The reason I know it hurts is because my mother did not bring me up to know the difference between black, white, and Hispanic. I happened to live in a neighborhood where we all lived together. My mother cried the first time I went to a water fountain and I saw the word "white" on one and the word "colored" on the other one. She took me home.

Mr. Chairman, I am not here to talk about the old times. I am here to talk about since 1964, coming up to today.

Griggs was something that we all could live with. In the 18 years we had Griggs there were no racial quotas. I represent downtown Houston and I represent more businesses than most of the rest of the Members of this Congress put together. I represent all of downtown Houston. I have not gotten one telegram or one call from any of them asking me to go along with the LaFalce substitute against what everybody knows to be the law.

Mr. Chairman, if Members are interested in ending discrimination, if they are interested in ending discrimination, and it is a close call, and they haven't tried enough cases to know the difference, to articulate the difference, then give the tie to the runner. Give the tie to the runner.

Mr. Chairman, if you hit a ground ball to the shortstop and you throw the ball over to first base and the umpire is there looking, and the runner's foot touches the base so close to the time that the ball gets into the first baseman's hand, you give the tie to the runner. You give the tie to the people who are going to get a job, to work in this country, to participate in our system. You give the benefit of the doubt to the people who have

never had an opportunity in this society because of the color of their skin or because they are women or for whatever reason. It does not matter what it is, because we are one people.

Mr. Chairman, my problem is I believed in the Constitution. My problem is I believed in the Declaration of Independence. And even today I am sitting here trying to persuade one of my colleagues from Texas that he is doing the wrong thing.

It does not matter what he does. He can vote however he wishes to vote. But you cannot say in one sentence that I am for civil rights, and articulate why you would want to cut back on the opportunity for civil rights for people. You cannot say it in one sentence and look yourself in the face and be genuine.

Mr. Chairman, every Member in this room is for civil rights. We have a difference of opinion on what it takes to get there. Give the benefit of doubt to those who never had the benefit of the doubt in their lives.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as the guests of the House, and that any manifestations of approval or disapproval of the proceedings is a violation of the rules of the House.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY], a distinguished member of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Civil Rights Act of 1990. This is landmark legislation to reverse a number of Supreme Court decisions which have weakened the laws prohibiting employment discrimination, and it is legislation we can all be proud to support.

Frankly, I find it difficult to understand what all the fuss is about on this bill. Congress long ago made basic policy decisions regarding employment discrimination, and Congress said it was not to be tolerated. That policy worked well over the years not only to discourage discrimination but to encourage equality of opportunity for all Americans.

The legislation we have before us only attempts to restore those policies that we, in the Congress, thought were operative until the Supreme Court narrowed the application of the law. If our policies, as defined by the laws we approved in the past, worked well during the 1980's, then they will work well during the 1990's. I think it is critical that we restore the law. I think it is critical that we not back off of our commitment to erasing discrimination in employment and providing equal opportunity to earn a living under the law.

As a consequence, I would urge rejection of the Michel substitute.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, first of all I want to suggest that it is time we do what I said yesterday, to cool the emotions. Let us relax a little bit around here.

Mr. Chairman, we talk about this being a time of 25 years ago you can remember what happened. I will tell Members, you can close your eyes and tell something else. Close your eyes and you would think we are back in the McCarthy era.

It is the first time in the 10 years that I have been in this Congress that I have ever heard the rhetoric that I have heard on the floor over the last 2 days, questioning the motives and questioning the sincerity of colleagues as to how they are going to vote on this issue. That is unfortunate, and it is despicable, that in a civil rights debate we have allowed the decorum in the process, in this House of Representatives, to degenerate to that degree.

Mr. Chairman, let us make something very clear: Every Member in this chamber is for civil rights. You can have a legitimate philosophical debate about whether you help or hurt obtaining the goal of civil rights by putting it into a court system. If one believes litigation in a case like Ward's Cove, that is already 16 years old, is going to somehow achieve quicker equity and equal opportunity, then vote against the substitute. But if one believes conciliation has worked so well for the 25 years, then, my friends, continue the tradition of civil rights that we have.

Second, I want Members to admit one thing, and my good friend, the gentleman from Texas, has done just that.

□ 1230

Both bills are dramatic civil rights legislation. Not just H.R. 4000, but the bipartisan substitute overturns Wards Cove. The bipartisan substitute overturns Price Waterhouse. The bipartisan substitute overturns Martin versus Wilks. The bipartisan substitute overturns Patterson. And the bipartisan substitute overturns Lorance. Five Supreme Court cases are being overturned.

The basic questions here today are twofold.

The substitute before Members at this time, going back to Griggs, does not take the language from the question of the Griggs case, it takes the language from the holding or the ruling. That is the difference, because that is the binding effect of law.

The second question in front of Members is whether they believe in conciliation and mediation or whether they believe in confrontation and they believe in litigation. There were 39,000 cases before the EEOC last year for personal discrimination in the employment sector. Every projection is that is going to increase 25 percent under this bill. In terms of court cases, the projection is there will be a 30-percent increase.

If Members believe justice delayed is justice denied, then go ahead and vote against the substitute. But ladies and gentlemen, I think it is time we reject the McCarthy era. I think it is time we quit questioning the motives and the conscience and the commitment to civil rights of our 434 colleagues. I think it is time we are above that and we vote on this on the merit, nothing else.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. PICKLE], a Member of the Committee on Ways and Means.

Mr. PICKLE. Mr. Chairman, I rise in opposition to the substitute offered by the distinguished minority leader. I also want to commend chairman HAWKINS and chairman BROOKS for their efforts on this important legislation.

I had the privilege of voting for the Civil Rights Act of 1964, the granddaddy of all civil rights legislation. It was a tough vote at the time, because the Nation was very much divided on this issue. One evening after the bill passed, I was visiting with President Johnson and remarked that I was glad I voted for the bill and was glad the vote was behind me.

The President immediately said to me "If you're in Congress another 20 years"—and I have been—"you'll be voting every year for another civil rights bill. It will take years to rid this Nation of discrimination and unfairness."

The President was right. We've made progress on civil rights over the years, but there is more to be done and we must constantly work to improve and protect the civil rights of all people.

President Johnson understood—and I agree with him on this—that civil rights legislation is much more than just a debate over narrow legal issues. Johnson understood that how this country deals with its civil rights problems was, and would be for some time, an important and defining political question, not just for one party, but for this Nation. It's an issue that tells us how fair our society is—and is going to be.

In this debate, much of the controversy centers on how we are going to define "business necessity." As members know, businesses, when confronted with a discrimination suit, can defend themselves by saying that an allegedly discriminatory practice is a business necessity. In the pending substitute, business necessity is defined in a general way; a business could say

that a certain practice is necessary to cut costs. In the committee's bill, business must be very specific about why that practice was necessary. It must show that the practice is "significantly related to successful job performance."

It seems to me that it is only fair that when a business is confronted with questionable hiring practices that it has to meet a very specific burden of proof in order to exonerate itself. As long as we have discrimination in this country—and although we have made strides over 25 years, we still have some distance to travel—this Congress must pass strict standards to ensure that questionable practices are subjected to close scrutiny before they are found harmless.

In 1964, good Americans could disagree on civil rights legislation. In 1990, good Americans can still disagree on a specific approach. But I believe that opposing the substitute being offered will lead to a greater standard of fairness in this country, which is what all civil rights legislation is about.

Mr. GOODLING. Mr. Chairman, what is the time distribution? I think I am getting called on every other time rather than two of them to one of me.

The CHAIRMAN. The Chair announces to Members controlling debate that the gentleman from Pennsylvania [Mr. GOODLING] has 19½ minutes remaining; the gentleman from California [Mr. HAWKINS] has 14 minutes remaining; and the gentleman from Texas [Mr. BROOKS] has 10½ minutes remaining.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. CARDIN], a former speaker of the House of Maryland.

Mr. CARDIN. Mr. Chairman, supporters of the Michel substitute keep suggesting that we should pass a civil rights bill that will be signed by the President. "Let's See a Civil Rights Bill Enacted Into Law This Year," the letter says in capital letters across the top.

The message of this letter has nothing to do with erasing discrimination. The message is to be able to say we enacted a bill we can call a civil right bill. Really any bill will do. What it accomplishes in terms of eliminating discrimination is not important.

The Civil Rights Act of 1990 has been the subject of debate and discussion for many months. The language in this bill has been dissected like no other piece of legislation to come before this body. We have analyzed to death the nuance of every word, every phrase, and every possible connotation.

The right of people to be free from discrimination is fundamental. Civil rights laws are supposed to provide judicial remedies for those whose rights have been violated. Unfortunately, it took only a few decisions for the Supreme Court to turn back the civil rights clock. This bill is necessary to restore our commitment to judging individuals on the basis of their own skills and qualifications, not on the basis of race, handicap, gender, or religion.

It was only 30 years ago that blacks and whites could not eat at the same counter or drink from the same fountain. It was only 2½ decades ago that landmark civil rights protections were codified in the 1964 Civil Rights Act. Mr. Chairman, despite the progress we have made and the struggle we have participated in and witnessed, racism still exists and racial tension continues to eat away at the fabric of our society. That Bensonhurst is this generation's Selma, we cannot be proud.

The reinstatement of civil rights protections by this bill will enable us to move forward from here. The substitute amendment, worse than relegating us to the status quo, backtracks on the progress we have made thus far. Let us not trade our principles for a Rose Garden signing ceremony.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. WOLPE].

Mr. BROOKS. Mr. Chariman, I yield 1 minute to the gentleman from Michigan [Mr. WOLPE].

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] is recognized for 2 minutes.

Mr. WOLPE. Mr. Chairman, I rise in strong support of H.R. 4000, the Civil Rights Act of 1990, and in opposition to the Michel substitute. I have listened very carefully to the debate the past 2 decades, and I have a distinct sense of déjà vu. I remember vividly the wrenching debate of the 1960's centering on the still unresolved issue of race in America. I remember well all of the rationalizations of those who sought to defend an unjust status quo, all of the righteous denials that we had a problem, all of the efforts to label those who were attempting to advance the cause of civil rights as zealots or extremists.

How similar are the words used by those today who resist simply reaffirming the long-accepted civil rights law that was undermined by the Supreme Court decisions of 1989. Make no mistake about it: all this legislation would do is to restore the ability of persons discriminated against in the workplace—because of their skin color or their gender—to seek effective legal redress. This is hardly a revolutionary or radical agenda. This legislation will impose no burdens or responsibilities or costs on employers that were not in place prior to 1989. If there is any specious argument, it is that this bill seeks to impose quotas. If that was not clear before, surely it is now with the explicit antiquota provision that has been incorporated into this bill. Clearly, the quota issue has been designed by the opponents of this civil rights legislation as a scare tactic, nothing more and nothing less. Let me say that the other arguments that have been advanced in opposition to H.R. 4000 are no more valid. H.R. 4000 does not create new burdens of proof for employers. H.R. 4000 does not break new civil rights ground and H.R. 4000 will not apply retroactively. Those who have fanned the anxieties of employers by such ill-founded charges have ill-served the business community and certainly have done little to advance the cause of social justice in America.

Mr. Chairman, we need to understand that the Michel substitute before this House is hardly the compromise its advocates claim it to be. The purpose of H.R. 4000 is to overturn those 1989 decisions of the Supreme Court that have dramatically eroded the civil rights of America's women and minorities. The effect of the Michel substitute is precisely the opposite: it is to codify these same Supreme Court decisions.

So the issue before us today is really quite simple. Do we wish to continue in the direction charted by the enactment of the landmark 1964 Civil Rights Act or do we wish to retreat from that commitment? Are we going to go forward, or are we going to go backward? Are we going to reaffirm our determination to create a genuinely open society, in which each individual is free to realize his or her full potential, or are we going to succumb to the fears and prejudices that permit discrimination and bias to go unchallenged.

Mr. Chairman, in the final analysis, the legislation is not really about or for racial or ethnic minorities. It is not about or for women. It is really about and for all of us. It is about and for America, because we all suffer from the consequences of irrational prejudice and discrimination. We all are damaged by the artificial walls we erect that divide Americans from one another.

Mr. Speaker, we have heard a lot about the costs of this legislation—the costs to employers who are found to have discriminated against their employees because of their skin color or gender. Let me suggest that if we were to adopt the Michel substitute and failed to pass Hawkins-Kennedy, there would be far greater costs to our society, to our sense of community, to our ideals, and to our values. We must not retreat now. We need H.R. 4000 because it is the only way to undo the damage done by an insensitive Supreme Court. We need this legislation; it is crucial; it contains within it no surprises. I urge its passage without weakening amendments.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LAFALCE], who has shown the strength of his convictions.

□ 1240

Mr. LAFALCE. Mr. Chairman, I rise today in support of the substitute amendment. I said yesterday, I say again today, we need a strong and a fair civil rights law. The recent Supreme Court cases of the last term have created a need for new legislation. And even after reversal of these decisions and restoration of preexisting law, that is not good enough. There is a need for a stronger civil rights law that was passed 26 years ago in a different time in different circumstances.

But let me also express the need for a fair civil rights bill, a bill that equally balances the rigths of a plaintiff and a defendant, an accuser and the accused.

We must not unbalance the scales of justice. That will not advance the cause of civil rights.

Nor will the cause of civil rights be advanced if what we do today leads to a veto. And both of these prospects concern me deeply.

We passed two amendments yesterday; I voted for both of them. But there are countless other legitimate questions that have been raised about disparate-impact cases, especially.

I am troubled by the issue of causation involving a group of employment practices, I am troubled by the definition of business necessity, I am also deeply troubled at converting the reconciliation process under the EEOC into an adversarial process before judge and jury. That is a fundamental change in title VII. It has nothing to do with Supreme Court cases.

Nor am I persuaded that the cap that was approved last night will prevent punitive judgments from being rendered by juries in exorbitant amounts.

There is, for example, no limit on damages for pain and suffering. The line between damages for pain and suffering and punitive damages is impossible or difficult to discern and very, very easy to transgress.

Now, there is a substitute before us today. That substitute is not perfect, either, but it is a good-faith effort to advance the cause. It is a good-faith effort to serve as a bridge between polar differences. It does address the Supreme Court decisions in question, it really does. And it goes further by making major improvements under current law.

It contains new and equitable remedies, immediate injunctive relief and up to $100,000 in equitable relief. That does not exist right now, remedies that can be used to fight harassment, retaliation and other on-the-job discrimination.

Now, I also know, after considerable discussion with civil rights leaders, that they have deep concerns about the substitute that is before us today, as I have deep concerns about Kennedy-Hawkins. Should the substitute pass before a conference report emerges, those concerns must be dealt with. But what do we do today?

I am going to make a suggestion to both sides. I am going to suggest, in order to deal with the differences, in order to deal with the divisions that we have seen, a vote "yes" on the substitute and then, whatever happens, a vote "yes" on final passage, on everybody's part.

Now, if we vote "yes" on the substitute, we go to conference with the Senate with dozens of differences between the House bill and the Senate bill. And we can work, and I know we would work, to come out on a bipartisan or nonpartisan fashion with a bill that the President could sign.

So, if the substitute passes, I urge all of us to vote "yes" on final passage.

If the substitute should fail, I have a concern. There is virtually nothing to go to conference on other than the issue of the cap on punitive damages. It is identical.

The President has said that cap means nothing, both personally and in writing. He has said he could not sign Kennedy-Hawkins.

I am fearful that political gamesmanship could be played, and we would be more interested in just taking the two bills, ironing out the differences on the cap in an hour and sending the bill to the President, and we would not have advanced the cause of civil rights.

But if good faith is shown, it is possible to forget about the fact that there is little to conference about. If good faith is shown, it is possible to still get together with those who have difficulties and with the President and come up with a bill that could receive the signature of the President or, if not, a bill on which there would be such a consensus that it would have to become law.

Because of that good faith for which I would hope, I will vote for the substitute and urge everyone to. If it passes, please vote for final passage, do not vote against it.

If the substitute goes down, please vote for final passage of Kennedy-Hawkins. Do not vote against it.

And both sides, whoever gets to conference, show good faith. Let us have a civil rights bill that an overwhelming, at least a two-thirds, consensus of both bodies can support. I want very much to work in that direction.

The CHAIRMAN. The Chair will announce to those Members controlling the time that the gentleman from Pennsylvania [Mr. GOODLING] has 12 minutes remaining, the gentleman from California [Mr. HAWKINS] has 13 minutes remaining, the gentleman from Texas [Mr. BROOKS] has 8½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] reserves the right to close debate.

Mr. HAWKINS. Mr. Chairman, I yield 4 minutes to the gentleman from Montana [Mr. WILLIAMS] a member of the Committee on Education and Labor.

Mr. WILLIAMS. Mr. Chairman and my colleagues, last night and again this morning I sat through most of the debate. Last evening about 8 o'clock, I went out onto the west portico and watched the sunset for a while. There were people milling around out there, a couple of dozen tourists, I suppose, looking down The Mall at the beautiful scene; down The Mall to those monuments to our freedoms. They seemed unaware that in the people's House behind them, here in this room, another civil rights debate was occuring.

It is not that those tourists were unconcerned, and I do not denigrate the debate; I seek, rather, to define it.

We are all of us involved at a stage in the long march of this Nation toward civil rights. The steps we are taking now are small ones. It was not always so.

In the 1860's and again in the 1960's blood was spilled between brothers and friends, careers were lost, men and women were killed.

But in those two great tests, one the Civil War and the other the Civil Rights Act of a quarter century ago, this Nation took gigantic steps to assure simple freedoms. Is it not odd that the greatest political struggles of the 200-year history of this Nation have been to assure and preserve our simplest of freedoms?

We are not taking a large step this week; but small steps are important too. These small, incremental steps, about which the lawyers understandably argue, are very important in this Nation's long march toward civil rights.

In the 1960's, our colleagues, the Members of the House of Representatives, voted to change America forever, to say that never again would a race of people be relegated to the back of democracy's bus.

□ 1250

People were not milling around unconcerned outside then. The world held its breath to see if this Nation would renew itself.

Today's debate is not about a great step. It is an incremental change, but the sides are the same, the arguments are the same. We can, in a couple of hours here, vote for the private sector, which would be a vote for Michel-LaFalce, or we can vote for the private citizen which would be a vote "no." It is the same vote we took a quarter of a

century ago. We can vote to protect profit, or we can vote to protect people. It is a small incremental step, but it is an intregal part in continuing the gains of the 1860's and in the 1960's.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Chairman, in this debate there are several points of the two bills that have not received much attention. They deserve attention. Let me get right to them.

First of all, the substitute by the gentleman from New York [Mr. LAFALCE] includes a provision for injunctions, which is really quite essential. It says that if a person is the victim of harassment, and here particularly I would like to emphasize sexual harassment, she can go to the head of the line in Federal court. They can get an injunction faster than any other person who is in court. In other words, it is an improvement over the status quo, and in this regard, an improvement over H.R. 4000, a major improvement for those who are victims of harassment.

Second, the LaFalce substitute strikes from the bill two provisions on attorney fees that have no place in this bill. Let me explain briefly what they are. The first is a provision that says even though the parties may have settled the charge among themselves, the plaintiff's attorney may insist on a veto of that settlement, if the plaintiff's attorney tells the court that his or her fees were waived as a condition of the settlement. The purpose of this legislation, whether we speak of H.R. 4000 or the LaFalce substitute, is to settle, to conciliate, to end discrimination. Here we have a provision that gives to the attorney the right to veto a settlement, even though the parties themselves may be in agreement.

The second provision on attorney's fees which is very troublesome in H.R. 4000 says that if a person is a defendant against whom a decree has been entered, then that person is forever liable to the possibility of being held for attorney's fees, whenever that decree is challenged. Even if that decree is challenged because it was unconstitutional, even if that decree was unconstitutional. Not only is that unfair, but it will also yield fewer settlements because a respondent, knowing that he or she may forever be liable for attorney's fees, will be less likely to enter into settlement.

Third, the LaFalce substitute is preferable in that it removes a provision which bars those people who may challenge decrees on the basis of conditions that they cannot change. I believe that people who challenge decrees once they have been entered are entitled to be heard. They may not be heard for long, and the case may not be meritorious; but for heaven's sake, they are entitled to get into court.

In H.R. 4000 we have a provision that even if a person did not receive notice of a decree, even if a person could not have received notice of a decree because they were too young, they were in another part of the country, or they were not in that area, they nevertheless may be stopped from challenging that decree if the court determines that somebody else whom they did not know, with whom they have had no relationship, represented your interests adequately. This is unprecedented. People are kept from the courthouse.

I say people should be allowed into the courthouse, perhaps dealt with summarily, perhaps given only half an hour of argument, but at least get to the court to say that they have been unfairly treated. That is an advantage of LaFalce over H.R. 4000.

Much is made of the difference between the two bills concerning damages, and let me address that. Because of last night's amendment, we now have a cap on H.R. 4000. That cap, under certain circumstances, is $150,000. LaFalce has a cap of $100,000. LaFalce does not have a jury trial. H.R. 4000 does have a jury trial. Members, we are no longer debating principles. We are debating the size of the cap.

Lastly, Wards Cove is corrected by LaFalce. Under LaFalce the burden of proof is located where it should be.

I ask my Members' indulgence of this one point, as the Member who introduced the first bill in this body to reverse Wards Cove. I was alone. I took a fair amount of criticism. But I knew what Wards Cover was. I wanted to reverse it. LaFalce reverses it. And LaFalce allocates the burden of proof where it belongs.

In conclusion, had the LaFalce substitute arisen alone, it would have been perceived as a major civil rights victory. It should be so preceived today.

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, if Members have examined the substitute, it was called the LaFalce substitute. He told me he took his name off of it. Now he is defending it. But whatever it is, there is something very clear. Now, withholding our independence, can all of the civil rights organizations in America who have led members through the civil rights renewal legislation since 1964, somehow be wrong on a point as elementary as this?

I have heard law professors and lawyers explain how we are not doing anything much but modifying this Kennedy-Hawkins substitute. LaFalce is a killer amendment. LaFalce is a killer substitute amendment. The civil rights leadership in America is not wrong for the first time since 1964.

Use your head, Members. This is not a compromise. When the gentleman from Wisconsin tells me that it does not codify Wards Cove, it does. The LaFalce substitute codified the definition of business necessity. It does codify Price Waterhouse. It does codify Martin versus Wilks. It does remove damages for international discrimination. What I am saying to the Members is that there is not one civil rights organization which the gentleman from New York has even thought courteous enough to discuss his so-called improvement with. The NAACP has never heard of the LaFalce substitute, and we should turn it down.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Chairman, the essence of this legislation is we tried to overturn the weaker standards of the Wards Cove decision, restore the tougher standards of the Griggs' decision, but when we look at the Michel-LaFalce substitute and the definition of "business necessity," it clearly does not do that.

What it says is, business necessity is either the Griggs standard or the Wards Cove standard. It is that two-letter word "or," that creates a giant loophole in this bill, that guts this legislation and opens up a judicial back door to the Wards Cove decision. We are saying to the courts, either enforce the tougher Griggs standard, or enforce the weaker Wards Cove standard.

In today's courts, we know that that means weaker civil rights protection. I urge the Members to vote for civil rights, to end discrimination, and to vote against the substitute.

□ 1300

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise in opposition to the Michel-Goodling-LaFalce Republican substitute.

I am afraid that this substitute language throws the cause of civil rights in America back into the hopeless tangle created by the Supreme Court. Several Members stood earlier and recounted with pride their support of the 1965 Voting Rights Act. There is good cause for their pride. For many of those Members, Democrats and Republicans, a vote for civil rights was a vote for the defining social issue of their time. Twenty-five years ago they ignored the plaintive cries of those who argued that extending civil rights to America was somehow too costly, too threatening, too litigious.

Members of Congress have few chances in their public careers to stand and be counted for civil rights and freedom in America. Today each of us will have that chance.

Mr. Chairman, I ask the Members to vote no on the Michel-Goodling substitute and vote yes on the Kennedy-Hawkins bill, the landmark civil rights bill of our legislative generation.

Mr. THOMAS of Wyoming. Mr. Chairman, Lyndon B. Johnson, 26 years ago, signed into law the Civil Rights Act of 1964, established to protect individuals from being discriminated against in the workforce on the basis of race, sex, color, religion, or national origin. The goal of title VII was to ensure that victims of employment discrimination receive a speedy resolution through a conciliation process, allowing individuals remedies such as job reinstatement and backpay. As a result of the passage of the Civil Rights Act of 1964, the United States has been able to greatly reduce the number of employment discrimination practices and other artificial barriers to employment. At the same time, we have been able to protect the employer's right to make reasonable and nondiscriminatory employment decisions.

Passage of the Civil Rights Act of 1990 would dramatically change the traditional scope of civil rights protection. In reaction to five recent Supreme Court decisions many feel drastically restricts protection, the Civil Rights Act of 1990 was introduced. However, H.R. 4000 does not simply reverse these Supreme Court decisions, it goes far beyond established protection under the civil rights law, changing its scope and intent. Granted, a number of the Supreme Court decisions should be overturned, yet in doing so, we should simply restore the rights and protection under the law, not expand them.

Consequently, if passed, H.R. 4000 would alter the balance between the goal of eliminating discrimination in employment and the goal of preserving a vital and efficient business environment capable of competing in an increasingly international economy. Because the Civil Rights Act of 1990 provides for expansion of remedies under title VII and for other employee/employer protection changes it will force employers to resort to quota hiring practices. Expanding the remedies available under title VII will not hasten settlements of discrimination cases nor will it keep many claims, some of them frivolous, from going to court. Rather, the extension of title VII remedies will open the floodgates to endless litigation, jamming up our court system and causing cases that otherwise could have been quickly resolved to drag on for unforeseen amounts of time and cost tremendous sums of money. Ultimately, the only people who will truly benefit from the changes in title VII will be the lawyers who reap vast monetary rewards from the expanded incentives for litigation the bill provides.

With the possibility of being found guilty of engaging in discriminatory employment practices and being faced with the potential of having to pay compensatory and punitive damages in amounts that could bankrupt their company, employers will attempt to protect themselves from possible lawsuits by resorting to quota hiring practices. And this is exactly what we want to prevent because the quota system completely undermines the intent of civil rights law. Rather than the most talented and most qualified being hired, employers will be forced to fill quotas, oftentimes with people who do not meet the qualifying standards set by employers for certain positions.

We cannot allow employers to live in fear of lawsuits because an employment practice might be construed as discriminatory. However, I fully believe we cannot condone discrimination in the workplace. A balance must be kept. One has been since 1964 with the passage of the Civil Rights Act. We do not need a new civil rights bill that goes far beyond traditional employment practice and civil rights protection. We do need to restore those protections limited by a number of the recent Supreme Court decisions; however, passage of H.R. 4000 is not the answer. A more moderate and limited remedy is necessary. I believe this is found in the LaFalce substitute to H.R. 4000. I urge my colleagues to restrain from opening pandora's box on civil rights and vote against H.R. 4000, the Civil Rights Act of 1990.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the Michel amendment and in support of the committee bill.

Mr. Chairman, when Francis Scott Key penned the words that later became our national anthem, he ended the first chorus with, "over the land of the free and the home of the brave."

Mr. Chairman, as individuals or as a country, we are neither brave when we oppress nor are we free when we are oppressed.

Mr. Chairman, our democracy is based on the principles of freedom and individual rights. The Constitution and the Bill of Rights guarantees it. Our three branches of government with their balancing act invoke it.

Mr. Chairman, our revolution for self-determination was fought against a king from abroad, and now a segment of our population must fight for the same rights with this legislation against a different kind of tyranny, a tyranny from within. This tyranny takes on different forms. It can be some short-sighted, narrow-minded employer or it can be an unreasonable Congress. It can be a reluctant administration or it can be an intellectually blind Supreme Court, but Americans who are discriminated against will continue to fight for the right to equal opportunity. And H.R. 4000 gives them a greater chance for success.

Mr. NEAL of North Carolina. Mr. Chairman, last night our distinguished colleague from Connecticut, Mrs. JOHNSON, made some rather disparaging remarks about the Andrews-Neal amendment to H.R. 4000. I feel compelled to refute her erroneous and unjustified claim that this amendment is a charade and does nothing of substance to address the quota issue.

Mr. Chairman, it is absolutely essential that we set the record straight on quotas. Supporters of H.R. 4000 know that it is not about quotas, that it is not intended to cause quotas, that it does nothing to prompt employers to implement quotas. We must resolve this question once and for all. We must put to rest any lingering fears about the quota issue and that is why we introduced our amendment.

And that is why, Mr. Speaker, that it was necessary for the Andrews-Neal amendment to be debated on the floor. That is why we needed a recorded vote on adding our language to the bill. Mr. Speaker, last night 397 Members went on record in support of language explicitly providing that "the mere existence of a statistical imbalance in an employer's workplace on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation." Under H.R. 4000, statistics alone are not grounds for a discrimination case. Under H.R. 4000, hiring quotas are not required or necessary. Our amendment should absolutely dispel any lingering doubt.

Mr. Speaker, it's true that this important anti-quota language was included in the version of H.R. 4000 approved by the Judiciary Committee. However, it was not in the Education and Labor Committee's versions of the bill. It was not in the bill which recently passed the Senate. It was absolutely essential to bring this issue to the floor and provide legislative history which clearly records Congress' intent. By approving the Andrews-Neal amendment, on a recorded vote, we have sent a clear message of intent to the courts, employers and the American public. Our intent is clearly to proscribe hiring quotas. Our language is to make it absolutely clear that quotas are in no way encouraged by this legislation.

Mr. Chairman, H.R. 4000 returns the status of the law in so-called disparate impact cases precisely to where it was before 1989 when the Reagan Court voted severe limitations on civil rights. The language in the Andrews-Neal amendment was actually part of the 1971 Griggs decision which set the precedent in disparate impact cases. By approving this amendment, we have ensured that H.R. 400 codifies the rights of both employers and employees as they existed for almost 20 years under Griggs.

Mr. Chairman, employers did not resort to hiring quotas when Griggs was in effect. They will not resort to them when the Griggs standard is restored under H.R. 4000. The Andrews-Neal amendment has made this absolutely clear.

Mr. HUGHES. Mr. Chairman, I rise today to express my support of the Civil Rights Act of 1990.

I believe the amendments we adopted last night improved this legislation and I would like to thank the chairman of the Judiciary Committee, Mr. BROOKS, and the other members who helped draft these amendments. Nevertheless, I believe that there is room for further improvement. And hope that we do so in conference with the Senate.

The amendments we approved address the two most serious criticisms of the bill. One explicitly states that the Civil Rights Act of 1990 does not require quotas and that employers cannot be charged with discrimination simply because of the statistical composition of their workforce. With this amendment, we have eliminated any grounds for calling this legislation a "quota bill."

The other amendment limits the punitive damages that can be awarded.

Title VII's limits on damages to restitution of lost income and reinstatement did not permit fair compensation to some victims of discrimination, especially victims of sexual harassment, it is not clear to me that we need to make available unlimited damages.

Mr. Chairman, on the whole, the Civil Rights Act is an important piece of legislation. Some of its provisions will restore civil rights standards that served us well for many years, while others will deal fairly with forms of discrimination that were not addressed by our earlier civil rights laws.

I am concerned, however, that the damages that are still permitted under the bill may undermine the current system of settling discrimination claims through conciliation, negotiation and arbitration.

The bill is honestly intended to restore the business necessity standard of the landmark Griggs versus Duke Power decision, and the Judiciary Committee adopted an amendment that specifically states that this is the intention of the legislation. However, I regret that the section restoring this standard does not use the exact language from the Griggs case to do so. I hope that these issues will be considered and addressed in conference.

Having stated those reservations, the Michel substitute is clearly not a satisfactory alternative. In mixed-motive cases it would permit discriminatory considerations as long as they are not major considerations. I do not believe that we should tolerate a little discrimination and thereby make our country a land of "partially equal opportunity."

In addition, the substitute's limits on damages are inconsistent and arbitrary. Because it allows compensatory damages only when back pay is not available, an employer who was discriminating could simply fire the employee, thus making back pay an option and cutting off any chance of compensatory damages. This provision is also simply unacceptable.

Discrimination was once legally embraced by our country, and that fact is one of the greatest tragedies in our Nation's history. Discrimination divides us and erodes the very principles that have made the United States the great country that it is today. The rights to "life, liberty, and the pursuit of happiness," were secured for us with the blood of our ancestors. Those rights should not depend on your race, sex, or religion. I urge my colleagues to oppose the substitute amendment and vote for the Civil Rights Act of 1990.

Mr. STOKES. Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL obviously believes that the Civil Rights Act goes too far in providing equal opportunity in employment to minorities, women, and the disabled. This simply is not true. H.R. 4000 only does what ought to be done. It states that under no circumstances will discrimination in the workplace be tolerated. The amendment offered by Mr. MICHEL would gut the substance of this bill, and would make it easier for employers to discriminate and get away with it.

For instance, the Michel amendment proposes to delete the provisions which permit jury trials and damages for intentional discrimination. First, let me say that punitive damages have been available in cases of intentional racial discrimination for 20 years, and the right to a jury trial is as old as the Constitution itself. H.R. 4000 simply extends these protections to women and victims of ethnic and religious discrimination. Moreover, I find it reprehensible for the administration to object to extending these protections to these disadvantaged groups, simply because it has never been done before. The fact that it has never been done before is a pitiful excuse for not doing it now.

The Michel amendment also would provide for a different definition of "business necessity" than that provided in H.R. 4000. His measure states that the challenged practice should have a manifest relationship to the employment practice. This is essentially the definition in Wards Cove. This is a weak standard that enables employers to escape liability when they have engaged in discriminatory conduct.

Unlike Mr. MICHEL's language, the standard enunciated in the civil rights bill recognizes a fair distribution of legal responsibility in cases of employment discrimination by providing that, if a plaintiff links an employment practice with a discriminatory or disparate impact, the employer than must prove the business necessity of that practice. The initial burden on the plaintiff is significant. The bill does not permit an aggrieved worker to attack an employment practice merely because a racial imbalance exists. The plaintiff must be specific about which employment practice or practices result in a disparate impact.

Finally, for those who fear that H.R. 4000 will force employers to adopt quotas to avoid liability, Chairman HAWKINS has made it clear that he is willing to clarify this issue and include language which instructs employers not to resort to quotas.

For these reasons, Mr. Chairman, I ask my colleagues to join me in defeating the Michel amendment, so our Nation can get on with the business of providing equality and justice for all of its citizens.

Mr. RAY. Mr. Chairman, I rise in support of the substitute amendment which is more acceptable to the small business community.

The substitute does not address many of the concerns to small business which have been generated by H.R. 4000, the Civil Rights Act of 1990. It does, however, provide enough balance to encourage my vote and the vote of many conservatives. It is generous and adequate civil rights legislation which in my opinion adequately protects the rights of minorities.

I will support the substitute because: It would discourage a Presidential veto, and it would significantly strengthen Federal employment discrimination law without picking sides and polarizing the work force.

It would deal positively with two controversial provisions in H.R. 4000, the civil rights bill, which are: The threat of quotas, despite the fact that some will say they are excluded, and also punitive damages which are threatening and intimidating to small business.

For example, a family-owned business with up to 100 employees could suffer up to $150,000 in lawsuits for punitive damages and up to $1 million if pain and suffering is charged and awarded.

These provisions and others are intimidating and seriously threaten the largest employer of people in the Nation—the small business community.

I might add that corporations and large businesses are threatened more harshly.

The substitute will: Establish equitable relief remedies; eliminate the possibility of punitive damages and jury trials, overrules the controversial Wards Grove decision, overules the Patterson decision, applies Federal employment discrimination law to Congress, and makes it clear that any changes made to existing law are effective upon enactment.

I urge the support of the substitute.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Civil Rights Act of 1990, H.R. 4000.

This legislation is designed to expand the ability of workers to sue employers on the basis of discrimination. This bill also authorizes compensatory and punitive damages for employment discrimination. Furthermore, this bill reverses or modifies recent Supreme Court decisions affecting the application of laws prohibiting employment discrimination.

Mr. Speaker, passage of this major legislation will help vindicate the civil rights of the thousands of Americans in our work force who have unjustly suffered discrimination by their employers. I urge my colleagues to support the passage of H.R. 4000.

Mr. MATSUI. Mr. Chairman, before us today is a substitute to the Civil Rights Act of 1990 that does not do justice to the minorities and women it purports to protect. The Michel-LaFalce substitute merely reinforces the Supreme Court's rulings that limit job protection for women and minorities. This amendment is no substitute for putting into place real protections against discrimination and harassment in the workplace.

Civil rights are basic rights for American workers. No American should be denied a job or advancement based on their sex, race, religion, or national origin. These principles, which until last year were reaffirmed for years by the Supreme Court, are the strength of our Nation. These principles are what makes America great.

The Civil Rights Act of 1990 restores to women and minorities in the work force the guarantee that their rights will not be abridged simply because of their sex or the color of their skin. This is not so much to ask for.

We should not endorse the Court's rulings that limit the rights of minorities and women. This is precisely what the Michel-LaFalce substitute does. The substitute offered by our colleagues today is a step backwards for civil rights.

The authors of the Civil Rights Act of 1990 do not seek to break any new ground with regard to civil rights protections in the workplace. This legislation is an attempt to level the playing field once again for women and minorities. H.R. 4000 simply replaces the rights enjoyed prior to the Court's rampage through civil rights laws last year.

The Michel-LaFalce substitute is not the way to go about bolstering civil rights. The right way to protect minorities and women against discrimination and harassment in the

work force is to defeat the Michel-LaFalce substitute and to approve H.R. 4000.

We must reaffirm our commitment to civil rights by passing H.R. 4000. Voting for this bill is the right thing to do. The Civil Rights Act of 1990 provides minorities and women with the protections they deserve to participate equally and productively in the Nation's workplace.

Mr. DOWNEY. Mr. Chairman, I rise today in strong support of the Kennedy-Hawkins civil rights bill. In a country that has been the prototype of democracy for over 200 years, our history of civil rights has been less than spectacular. While we have taken steps in the past to address this issue, for the most part they have not been giant steps, but baby steps. Although major civil rights legislation was passed into law in 1866 and 1964, more needs to be done. Today in 1990, we have an opportunity to solidify civil rights protections to the broadest sectors of our society. We need do this now. We cannot wait 98 years again, before the Government tries to broadly address this crucial issue. We need to act aggressively to end abuses based on gender, on religion, or race.

This is America. It is looked upon from overseas as the great melting pot of world society. Where different cultures have come together to form the greatest country on Earth. Let us not forget that. Let us not forget the words of Thomas Jefferson, "we hold these truths to be self evident, that all men are created equal." Fortunately, the days of segregated lunch counters and segregated water fountains are over. However, we must still do more to address the civil rights abuses that are less blatant, but no less important. Discrimination in the workplace has gone on for far too long. We in this Chamber have been entrusted with writing laws that are fair, just, and equitable. There is no question that we are all here to do that. There is also no question in my mind that enhancing freedoms for all workers by giving them recourse if they have been wronged is fair, is just, is equitable. The issue of discrimination has been a serious challenge to our diverse community for years. We cannot allow civil rights to be set back. We must learn from the past and look to the future.

Our past record of civil rights has been scarred with inequity, unfairness, and bigotry. Our future must be filled with justness, freedom, and equality for all of all our citizens. We cannot alter 200 years of societal evolution with one piece of legislation, but we must continue to ground breaking civil rights work done in the past. I urge my colleagues to support this important piece of legislation, and continue the progress of this great Nation.

Mr. CHANDLER. Mr. Chairman, the President wants, and I want, a good piece of civil rights legislation. Recent Supreme Court decisions have made it clear that statute in this area of law needs to be changed.

That is why I support the Michel-LaFalce substitute to H.R. 4000, the Civil Rights Act of 1990.

Unfortunately, in this election year, changes to civil rights law have become embroiled in politics. I suspect that Democrats would love nothing more than to see President Bush veto a bill with the title of "Civil Rights Act."

Let me assure my colleagues, without the changes embodied in the Michel-LaFalce substitute, the President will do just that.

The major difficulty is obvious and fairly simple. Under the law, prior to the Wards Cove case, a plaintiff alleging job discrimination had to only prove that a disparate impact—by statistical application—existed among those chosen from a field of qualified candidates for employment. The burden was then on the employer—defendant—to first, identify the practice which led to the disparity and second, prove that a business necessity existed for such a practice.

After the Wards Cove decision, the plaintiff not only must prove the disparity but also identify the discriminatory practice. The plaintiff also must prove that there was no business necessity for the hiring practice which led to the statistical disparity.

In other words, even obvious discrimination could exist under current law, but plaintiffs have found, and could continue to, find it impossible to prove.

Both measure before us—the Kennedy-Hawkins bill and the Michel-LaFalce substitute—make a significant adjustment in the law. In both cases, the plaintiff would still have to prove that a disparity exists. But after disparity is proven, under both provisions, the burden of proof for identifying the employment practice which led to the statistical disparity and the burden for proving the business necessity becomes the responsibility of the employer—the defendant, much as it was prior to the Wards Cove case.

Under provisions of the Michel-LaFalce proposal, however, there is a much more careful balance between the rights of a plaintiff and an accused employer. The employer is still forced to prove his/her innocence when accused of discrimination. But, unlike the Kennedy-Hawkins bill, the substitute does not risk finding an employer guilty, when in fact, that employer is innocent.

If, in the future, we find that further adjustment to the law is necessary, changes can be made—just as we are doing today. But why risk creating an error when correcting another?

For example, the Kennedy-Hawkins bill allows for jury trials in job discrimination cases. This feature alone could lead to lengthy and expensive litigation, which by itself could jeopardize the economic health of a business or actually put some employers out of business. We ought to be able to protect the rights of plaintiffs without placing small and medium sized employers at risk.

We must bear in mind that employers are not always wrong and those who sue them are not always right. The law must protect both parties. I believe the Michel/LaFalce substitute does that.

Mr. Chairman, I want to point out that if the Michel/LaFalce substitute fails, I plan to vote against the civil rights bill. I do so with the greatest reluctance.

However, as the President has pointed out, if Kennedy/Hawkins becomes law, many employers will protect themselves from lawsuits by simply avoiding any semblance of disparity. In other words, they will hire to satisfy a minimum quota and try to avoid ever being sued in the first place.

I am committed to see that every American has an equal opportunity for employment. But I do not favor a law that will result in any form of bias in the workplace. I am convinced that the Kennedy/Hawkins bill will bring about just such a result.

Let us adopt the Michel/LaFalce substitute and send the President a bill he will be pleased to sign.

Mr. SERRANO. Mr. Chairman, I rise in strong support of the Civil Rights Act, H.R. 4000. The purpose of the Civil Rights Act of 1990 is to restore and restrengthen civil rights laws that ban discrimination in employment. This comprehensive piece of legislation is urgently needed to ensure the ethical, moral, and economic well-being of this Nation. Discrimination must not be allowed.

I am ashamed that as we approach the year 2000 and head into the 21st century that employment discrimination on the basis of race, color, religion, sex, or national origin remains a critical national issue. Last year, in a series of rulings, the Supreme Court subverted 25 years of civil rights laws, decreasing employment access and mobility opportunities in the workplace for minorities and women. These rulings tore apart 25 years of settled judicial doctrine that protected minorities and women. These decisions reinforced the effects of the longstanding status quo of racial and gender exclusion in the higher reaches of employment in universities and colleges, in business, and in every sector of our society.

Mr. Chairman, as a result of those rulings, American lives have been dramatically and negatively affected by the weakening of laws which also undermine the work ethic which is crucial to the existence of our society. When members of our society are adversely affected, our society itself stands weakened. How do we call this great Nation America, when it is so divided along racial lines? Opponents assert that the Civil Rights Act of 1990 will induce employers to adopt hiring quotas. This act does not mandate quotas, nor does it encourage or authorize the institution of quotas as one of the remedies available to victims of discrimination.

Opponents further assert that this legislation would lead to endless litigation and costs. Again, no data exists to support the claim. The struggle to pass the Civil Rights Act should not be retarded by scare tactics over nonexistent issues. What is important is what the Civil Rights Act would accomplish; that this country, "a beautiful mosaic," will neither tolerate nor support employment discrimination.

I wholeheartedly support the Civil Rights Act of 1990, and I urge my colleagues to send the important signal across this Nation that discrimination in any form will no longer be tolerated.

Mr. ROYBAL. Mr. Chairman, I rise today in strong support of H.R. 4000, the Civil Rights Act of 1990.

I would first like to take the time to congratulate Chairman HAWKINS for his commendable job of organizing and coordinating this truly bipartisan effort. I would also like to thank all the distinguished members of this committee for their hard work and unrelenting dedication. I feel privileged to be part of such

a cooperative effort and I am more than certain that this bill will bring an end to the discrimination suffered by millions of Americans in this Nation that has surfaced once again since the passage of the Civil Rights Act of 1964.

In this regard, I would like to mention the necessity for such legislation. This Nation still has a long way to go in opening of opportunities for members of minority groups, women, and the disabled in the workplace; not to mention the opportunities these groups need in obtaining services in the health and education fields. Nonetheless, H.R. 4000 would be a step further in the effort to end discrimination by restoring statutory protections against discrimination in the workplace. Action such as this is long overdue if a colorblind society is to be achieved in this Nation.

The Civil Rights Act which we are considering today will go a long way to eliminate most employment discrimination. We are all very well aware that discrimination did not end with the Civil Rights Act of 1964, although it was a big step against discrimination. For many years, we could rely on the U.S. Supreme Court to protect the civil rights of minorities. However, the Supreme Court decisions, in cases such as Wards Cove, evidence that the Court can no longer be counted on as protectors of American civil rights. That is why it is of extreme importance to reaffirm the civil rights by passing the Civil Rights Act of 1990.

In addition, our support for the Civil Rights Act of 1990 will not only benefit the people of today but those who fought strong and hard in the past to end discrimination. We owe it to people like Martin Luther King, Jr., who devoted their lives in the struggle for justice. This bill will ensure that America remains one of the most successful democracies in history continuing policies that promote opportunities for members of all races and gender.

And so, I wish to express my deepest gratitude to Chairman HAWKINS and the members of this committee for a job well done. The act's passage is critical and essential to our country's progress. Thus, in closing, I want to urge all my colleagues to vote in favor of this indispensable and invaluable legislation.

Ms. LONG. Mr. Chairman, I rise to urge passage of H.R. 4000, the Civil Rights Act of 1990, with the amendments adopted by the House. As a society, we must not allow discrimination based on religion, gender, or national origin. H.R. 4000, with the amendments we have adopted, is a reasonable and thoughtful attempt to realize an end to discrimination in employment in America.

H.R. 4000 would reverse several recent Supreme Court decisions that narrowed civil rights for working Americans and would extend the protections under the law that exist for racial minorities to women and religious minorities. At the same time, this legislation preserves the legitimate interests of employers. H.R. 4000 will neither cause employers to institute quotas nor will it encourage excessive litigation in the courts.

In reversing recent Supreme Court decisions, H.R. 4000 would return us to the status quo that existed before standing law was overturned. Employers were not subject to quotas nor were they the target of unreasonable litigation before the Supreme Court's actions and the enactment of this legislation will not make employers face those circumstances now.

By providing the same remedies to discrimination available to racial minorities to women and religious minorities, H.R. 4000 makes it clear that discrimination against women and religious minorities is just as serious an offense as racial discrimination. These remedies have not been unreasonable in addressing discrimination against racial minorities and there is no reason to expect that they would be unreasonable in addressing discrimination against women and religious minorities.

Further, I believe that the House has adopted two important amendments to H.R. 4000. The first clarifies that nothing in H.R. 4000 shall be construed to require that employers adopt quotas in hiring or promotion and stipulates that the mere existence of a statistical imbalance in the employer's work force on account of race, color, religion, gender, or national origin is insufficient to establish discrimination by the employer.

The second amendment would cap the amount of damages that could be awarded against a small business employer in the case of intentional discrimination. No damage awards are allowed in cases of unintentional discrimination.

Finally, Mr. Chairman, I wish to express my concern regarding the widespread dissemination of misinformation regarding H.R. 4000. Civil rights are of fundamental importance to this country and its future. The false depictions of this legislation are simply reprehensible and have no place in our deliberations as this country moves forward.

Mr. Chairman, H.R. 4000, the Civil Rights Act of 1990, is fair and equitable legislation that is critically needed to fight discrimination in our country. I urge adoption of the bill.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the Democratic whip, the gentleman from Pennsylvania [Mr. GRAY].

Mr. BROOKS. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. GRAY].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAY] is recognized for 4 minutes.

Mr. GRAY. Mr. Chairman, I ask, What has America been, not what it could be or what it should be? One thing is true about our history, and that there always has been an ever-continuing struggle, a struggle for freedom and justice and equality.

The early immigrant groups faced that struggle; the women of this society faced that struggle; the minorities of this country, blacks, Hispanics, Asians, and Native Americans, faced that struggle. And by the 1960's we reached a consensus, a consensus that we would move in a direction that would allow the doors to be opened and allow remedies to be put in place and say that discrimination was wrong.

For 25 years that process worked. Then in 1988 and 1989 a series of court decisions came about that changed that fundamental process and those definitions.

The choice today is one of whether or not we will keep moving forward. The bill offered by the distinguished gentleman from Texas [Mr. BROOKS] and the gentleman from California [Mr. HAWKINS] is a bill that moves in the direction that our country has moved throughout its history, maybe not perfectly, maybe haltingly, but it moves in that direction.

The bill that is being offered as a substitute, the Michel-LaFalce bill, moves in exactly the opposite direction. That is the choice. We cannot say that we want to maintain the civil rights traditions of this country and vote against the bill offered by the gentleman from Texas, for if we vote for the Michel-LaFalce bill, we are voting for a new direction, one that goes in a different way.

Second, many of us are confusing the issue. We are talking about jobs, we are talking about business, we are talking about the impact. Well, that is exactly what they said when people talked about the rights of women in this country: What is the effect going to be on business? That is exactly what they said when they talked about the 1964 bills and the legislation of the 1970's: What is going to be the impact?

What we decided was that America's business will be strengthened if we allow everyone to participate fairly in the marketplace and in the labor pool, and surely today America is a better place. Many of those areas of this country that suffered because of segregation are economically stronger today than those areas of the country that used to proclaim their virtue because they did not have segregation.

I live in Pennsylvania where we sometimes talk with pride about our civil rights posture. But where do we see the strongest economic growth? We see that economic growth in many of those areas where the problem was the greatest, in the South. Why? Because we learned to work together and we pooled our resources, and we are stronger.

So if we want a jobs bill and we want to be concerned about the rights of business, then maybe we ought to vote for Michel-LaFalce, but if we want to vote for civil rights, we vote no.

There are those who have talked about a veto. Well, I have not heard the President yet say he would veto this bill at all, and whether he says it or not or implies it, we have never made civil rights law based upon that; we have made it based on what we feel as Americans.

Mr. Chairman, let me conclude by simply saying to the Members that I urge them to vote "no" on Michel-LaFalce because it is not a civil rights bill. I feel so seriously and so strongly

about that, as one who knows it from the point of view of the victims, if Michel-LaFalce is passed by this body—and I do not believe we will do that today; I do not believe we will go backward—if it is passed, I will vote "no" on final passage because I will not vote for a bill that is patently not a civil rights bill, one that does not expand freedom but takes us back the other way.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MATSUI], a member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Chairman, I thank the gentleman very much for yielding me this time. I will be very, very brief.

When I was on the Sacramento City Council back in 1971, we talked about affirmative action. We talked about that because we wanted to increase minority participation in the city of Sacramento. We talked about goals and time-tables, and, of course, those who were opposed to our ordinance immediately talked about quotas. It is very ironic that 20 years later we are talking about the same subject in this debate and we are hearing from a President who is also talking now about quotas.

What we want in the United States is diversity. We want that in employment, we want that in social activities, we want that throughout the fabric of our society, and the Michel-LaFalce amendment will reverse that.

The Michel-LaFalce amendment, whether one believes it or not, really codifies the Wards Cove case. If one reads the Wards Cove decision, he finds that they talk about the fact that discriminatory practices may be used if they serve in a significant way the legitimate employment goals of the employer. It says, "If they serve in a significant way * * *" the Michel substitute also uses those same words. It says they may use discriminatory practices if they significantly serve the respondent's legitimate employment goals.

There is no question that the Michel-LaFalce substitute is essentially a codification of this legislation that would take us all the way back to the 1940's.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the distinguished Democratic majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, I urge rejection of the Michel amendment by the Members.

Yesterday morning a number of us gathered in Statuary Hall to commemorate the 25th anniversary of the Voting Rights Act. We saw a film of Lyndon Johnson giving his speech to the Congress warning the Members of the Congress and the people of the United States to come together to insure for the first time in our history that every American would have an equal right to vote.

I was thrilled to see a President, our former President, leading the American people, leading the Congress, and asking the Congress to do something difficult, to stand up for the values and the Constitution and the beliefs of the American society.

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Then, Mr. Chairman, the gentleman from Mississippi [Mr. ESPY], our colleague, got up and told how in the last 25 years, how the passage of that law, has resulted in the increase in the election of black and minority public officials in the United States. He told how, at the time the law was passed, 500 public officials were minorities, and today 7,200 public officials are minorities.

Then, as the videotape came back on and we saw Lyndon Johnson handing out the pens to the House and Senate leaders who had helped pass the legislation, a choir of young black children came out and sang the "Battle Hymn of the Republic."

Then, Mr. Chairman, it struck me as hard as anything can, that this is what we are here for. We can make a difference. We can pass laws as members of a democratic process that change the country and give the words of our Constitution a meaning.

The Civil Rights Act that we meet on today, passed in 1964, changed America. The scholars say that 25 percent of the minorities in America have better jobs today because of the passage of that law and because that law changed the conditions in America.

So, what we meet about today is whether or not we meant it in 1964, or, or if we want to join an effort to erode the meaning of that law.

Mr. Chairman, I say to my colleagues, "Make no mistake about it. If you vote for the Michel amendment, you vote to codify the erosion of that law."

Let me sum up by simply saying this. What is at stake today is whether we are as big as we were in 1964. That is what is at stake.

I saw the tape of the history, and it moved me yesterday, and I hope and I pray that we are as big as those people were in 1964, that we stand up for what we know is right.

Mr. Chairman, I say to my colleagues, "Stand up for what you believe in. Stand up for the values of this country and our Constitution, and, if you will, reaffirm the acts of courage of 1964."

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that it is not whether we are as big as we were in 1964. It is whether we are bigger than we were in 1964, and, if we are bigger than we were in 1964, we will consider the changes that have taken place, and we will vote for the bipartisan substitute.

Mr. Chairman, I yield the balance of our time to the gentlewoman from Connecticut [Mrs. JOHNSON] to close debate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, the vision of equality and opportunity that drove our Founding Fathers is a vision that deeply animates each one of us here today. We have been, and are, that beacon of hope that is changing the world today, as it has throughout our history. As we move toward this vote, let me summarize the substance of the choices that face us.

Both bills overturn five Supreme Court decisions. Both bills increase the penalties for discrimination and harassment. Both bills proudly strengthen our civil rights laws.

I urge support for the LaFalce-Michel substitute because in fact and in function, in practice, it is fairer and stronger law. It is fairer because it is not retroactive. This Nation has never supported changing the rules of the game midstream. The LaFalce-Michel substitute is not retroactive. It is fairer. Furthermore, it allows people, whose rights have been abridged arbitrarily and significantly by a consent decree, to challenge that decree if he or she has been wronged by it. Fairer. Fairer. And it assures access to justice.

The committee's bill would throw all civil rights cases, and remember, by reference, all the new cases under that marvelous ADA [Americans With Disabilities Act] bill we passed into the court system, our overcrowded, costly court system. My colleagues, trial lawyers do not take cases unless there are significant awards to be won, and most discrimination cases, most harassment cases, are a matter of small awards. Throwing them into our overcrowded court system reduces access to justice for the man and woman on the street. It does not enhance fairness and access to justice. Finally, as to the issue of quotas, the substitute is fairer because it reduces the likelihood of quotas.

Mr. Chairman, the issue of quotas is not a matter of detail in the law. It certainly is not a matter of the amendment we passed last night. The matter of quotas is a human matter. Quotas will be the consequence of the interaction of the committee law and human nature.

Mr. Chairman, I say to my colleagues, if you are a small employer, and mere statistics plus the enumeration of hiring practices without a causal link, can be used to bring you to court, and if the burden of proof has been raised, if the cost of defending yourself is increased as it has been by requiring jury cases, and if the chances of a settlement that could bankrupt you is as real as it is under H.R. 4000, then prudence; that is, human nature prudence, will lead you to mind your statistics to avoid that first cause of suit.

Mr. Chairman, the fact is that human nature plus H.R. 4000 will surely result in statistics influencing hiring more tomorrow than they do today. Sometimes that will help women and minorities. More often, that will hurt them, particularly since H.R. 4000 requires that the statistics be reflected across every category of employee.

So, Mr. Chairman, the LaFalce-Michel substitute is fairer on all those counts, but it is also stronger. Not only does it reverse the five Supreme Court decisions and retain a system that assures speedy access to justice, but it has new penalties, new monetary penalties, for all forms of harassment, and, my colleagues, as the gentleman from California made very clear, a new and powerful weapon of accelerated injunctive relief.

Mr. Chairman, that means: I am harassed, sexually harassed. I can go to the courts, to the top of the line, and I can get it stopped. There is nothing equivalent in today's law; there is nothing equivalent in H.R. 4000; there is nothing that says, "You've got to stop it now!" Then we will talk about compensation.

I like the injunctive relief provision. I know it will provide protection. I know it is a powerful and unique weapon in the LaFalce-Michel substitute.

□ 1320

Mr. Chairman, we must continue to press toward the vision of freedom and equality that has ennobled and enabled us individually and as a Nation.

My father fought against the American Bar Association and a lot of other organizations for the right to provide night school legal education. Why? Because it was the only avenue of opportunity for minorities and immigrants in Chicago. It was a tough battle, and influenced my life. As a woman, I have felt the closed door, the conversation silence upon my approach. I have faced the raw bold assumption that I could not do the job. I know as do many throughout America the sting of the millions of acts, small and large, that we call discrimination and harassment. I have felt that sting myself and I consider myself a strong advocate of a strong civil rights law.

Mr. Chairman, I rise this afternoon in support of the LaFalce amendment because I believe it is all of that, fairer and stronger.

I know this has been a struggle for each of us. The pressures have been enormous. The intimidation has belied the vision and hope of civil rights, but in the end it is my face in that mirror, not just as a Member of this body, but as a grandmother, I hope, in the many decades ahead, to which I must be accountable.

It is to each of us that we must be accountable, not to the leadership of our party, not to the groups listed.

If my father had been accountable to the American Bar Association, opportunity would have been lost. We are accountable to our own best sense of how we as a Nation provide those strong laws that guarantee equal opportunity, equal justice, protection from discrimination and harassment for all.

Mr. Chairman, I urge support for the LaFalce-Michel amendment. If there are concerns, there is yet another step in the process. Our goal must be fairness, balance, and a victory for the people today.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise today to speak in support of H.R. 4000, the Civil Rights Act of 1990 and in opposition to the Michel-Goodling substitute. I would first like to thank the chairman of the Education and Labor Committee, Congressman GUS HAWKINS, for introducing this bill and taking the necessary leadership role to realize today's floor consideration of this measure.

The civil rights accomplishments, that I and many others fought so hard to achieve, are far too important for us to sit back and allow the Supreme Court to undermine. The citizens of this Nation are counting on us to take a bold step in the right direction and passing this bill would do just that. Just a little more than a quarter of a century ago, Congress proudly passed the Civil Rights Act of 1964 which outlawed discrimination in employment, public accommodation, and federally funded programs. But, after 25 years of generally steady progress in the fight against discrimination, the Supreme Court's recent civil rights decisions have resulted in a sudden and substantial erosion of the legal protection Congress afforded minorities and women in the workplace.

Now it seems that many of my colleagues are worried that this is a quota bill. Nothing could be further from the truth. This legislation does not mandate quotas, nor does it even encourage or authorize the institution of quotas as one of the remedies available to victims of intentional discrimination. This legislation would help those people whose lives will be, and already have been, dramatically and negatively affected by the Supreme Court's weakening of laws against employment discrimination.

Women and minorities are now being represented in greater numbers in the U.S. work force. This trend promises to intensify with women and people of color making up the majority of the labor pool by the year 2000. As we approach a new century, 9 out of 10 new work force entrants will be minorities and women. We must enable these worker to tap their full potential without hindrance of discrimination to develop a work force that can compete on the world market.

This bill would create such competition and remove those substantial barriers that face women and minorities, barriers that have resulted from several recent Supreme Court decisions that overturned established law. We must restore and strengthen basic civil rights to wipe out prejudice on the job. We cannot allow the clock to be turned back. All Americans deserve the right to equal employment opportunity.

I support this legislation because it would send an important signal that justice must not be denied; that this country will neither tolerate nor support employment discrimination; and that for the ethical, moral, and economic well-being of this Nation, such discrimination must not be allowed. We must afford the same basic support to our American brothers and sisters that we provide for people all over the world struggling for democracy. The wind of change is blowing in America, and we will not tolerate the return of apartheid to this country. Support H.R. 4000 and restore basic civil rights for all Americans.

Mr. FRENZEL. Mr. Chairman, I rise in support of strengthening the Civil Rights Act through the passage of the LaFalce substitute amendment to H.R. 4000, the Civil Rights Act of 1990. I believe that the substitute amendment will offer plaintiffs seeking remedies for discriminatory conduct and employment practices, quick conciliation and fair compensation.

The purpose of Civil Rights legislation is to "make whole" remedies for employees and employers in an efficient manner, stopping employment practices which have been found discriminatory and allowing the plaintiff to receive due compensation. I believe that H.R. 4000, as passed by the Judiciary Committee, distributes unequal responsibility in the charging and defending of employment practices in court. If an individual charges that an employment policy is discriminatory then the charge should be supported with more than statistics. Further, with the changes made in the substitute amendment, an employer will be able to defend the employment policy with the improved "business necessity" language and without relying on quotas. The substitute amendment, I believe, places a more equitable burden of proof on both parties to be responsible in stating their cases in court.

The compensation offered in the remedies section of the substitute amendment will, I believe, equitably compensate plaintiffs for intentional discrimination. The substitute amendment discourages expensive drawn out litigation for those seeking huge awards by cappng damages at $100,000 and not providing for jury trials. In addition, this measure adds to civil rights statues a new provision which will provide monetary compensation to individuals

who have suffered harassment on the job or who are not eligible for back pay.

A vote for the LaFalce amendment is the first real step in improving and strengthening civil rights statutes. The substitute amendment places equal responsibility on plaintiffs and defendants for quick conciliation and equitable resolution of discrimination legislation, and represents a measure which the administration and Members on both sides of the aisle can support.

CIVIL RIGHTS ACT OF 1990

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the civil rights bill of 1990 as offered by Mr. MICHEL and Mr. LAFALCE.

As Members know, today, the House of Representatives will be considering two civil rights measures designed, in part, to reverse several recent U.S. Supreme Court decisions. I am persuaded that enhancing and expanding the 1964 Civil Rights Act is urgently needed. However, one bill—H.R. 4000—is extremely likely to produce a system of quotas that I find offensive and antithetical to equality in general and equal opportunity in the workplace in particular.

Throughout my tenure in Congress when considering questions of employment discrimination, I have advocated the principal of "equality of opportunity" rather than "equality of results." Thus, I rise in support of the bipartisan civil rights legislation offered by Mr. MICHEL and Mr. LAFALCE. I believe that Michel-LaFalce treats all parties in a fair manner and will avert the particularly disturbing probability that employers will resort to quotas to avoid costly lawsuits which could arise from enactment of Kennedy-Hawkins.

Mr. Chairman, I agree with the conclusion of U.S. Attorney General Dick Thornburgh that enactment of the Kennedy-Hawkins bill will inevitably lead to an odious system of quotas and racial preferences. In a letter dated April 4, 1990, Mr. Thornburgh said:

It would be difficult for the employer not to adopt a silent practice of quota hiring and promotion in an effort to protect the business from the probability of litigation wherever a statistical imbalance exists.

In another letter dated August 2, 1990, the Attorney General further states:

It is my view that H.R. 4000 will result in quotas, not requiring them directly, but by inducing employers to adopt surreptitious quotas in order to avoid the cost and trouble of disparate impact lawsuits—which H.R. 4000 makes extremely difficult for employers to win.

I also agree, Mr. Chairman, with the Washington Post editorial on March 16, 1990, which acknowledged that quotas are likely to result if H.R. 4000 becomes law:

The risk that numbers can turn into quotas is real . . . that issue—quotas—should be taken seriously. It is not just a false fear or a red herring that civil rights groups too readily dismiss it as being. When numbers are used at first merely to measure or identify the problem of discrimination, they can all too easily become the terms of its solution as well—and racial, religious and other such quotas are wrong; in the long run their use can only come back to haunt the groups and principles in whose behalf they are sometimes advanced.

Mr. Chairman, the Post is correct—the risk of quotas is real. We ignore these warnings at the risk of imposing a grave injustice on society.

While nothing in H.R. 4000 directly mandates quotas, this bill will force employers to adopt statistical formulas for hiring and promotions in order to avoid being saddled with costly discrimination suits. The language in H.R. 4000 clearly suggests that statistical imbalances in employment practices are likely to be construed to be discriminatory regardless of the circumstances. I believe it is a sad departure from common decency and fundamental norms of justice to permit a finding of bias against an employer merely owing to racial or ethnic imbalances. In other words, if your numbers don't add up on paper—watch out, you're heading for court. Under these unfair requirements, an employer would be presumed guilty and the burden would be on the employer to prove his or her innocence.

A column by Pulitzer prize-winning writer George F. Will entitled "Mocking Civil Rights" provides further insights into this brave new world of quotas and double standards. As published on May 20, 1990, by the Washington Post, Mr. Will says of H.R. 4000:

It will, by traducing the principle that defendants are presumed innocent, drive America deeper into the quagmire of racial quotas.

He further states that:

Supporters of H.R. 4000 want to make employers' situations so threatening that they will engage in reverse discrimination as insurance against ruinous litigation. The 1990 bill will do so by placing on employers the burden of demonstrating that a "disparate impact" of a hiring practice is demonstrably and substantially related to "effective job performance."

George Will also contends in his column that:

Legal challenges will proliferate, because by joining a cry of "discrimination!" with a claim of "disparate impact," plaintiffs can enter a potentially lucrative lottery. The bill will entitle them to jury trials rather than merely mediation procedures, and it will empower juries to impose punitive damages and damages for pain and suffering. Hence the bill is a machine for coercing employers to adopt preemptive quotas.

Additionally, George Will points out that:

The closed reasoning of many civil rights organizations is: all standards (hiring, academic, etc.) are socially conditioned. American society is permeated by racism. Therefore, all standards are at best suspect and at worst illegal. Such reasoning dovetails with the assumption that employers, who are part of "the system," should be presumed, on the basis of statistical disparities resulting from their practices, to be guilty of racial discrimination until they prove themselves innocent.

Likewise, Mr. Chairman, on July 2, 1990, the New Republic expressed similar concerns about quotas:

The bill, cosponsored by Representative Gus Hawkins of California (H.R. 4000), doesn't mandate quotas in hiring. But it gives employers a strong incentive to adopt them—or else face lawsuits alleging discrimination that would be costly to defend and difficult to win.

In his column in the Wall Street Journal, Paul Gigot likewise pointed to the inevitability of quotas if we adopt H.R. 4000. He said:

Just how much has all of this strayed from the original civil rights vision is clear enough from a letter Mr. Bush received last month from Morris Abram. Mr. Abram is a hero of the original civil rights days who argued the one-man, one-vote case before the Supreme Court * * * Mr. Abram wrote that Kennedy-Hawkins is not a civil rights bill but a quota bill because it will achieve precisely what the landmark 1964 Civil Rights Act stood foresquare against.

In a May 29, 1990 editorial in the Wall Street Journal, further questions were raised about the spectre of quotas if H.R. 400 is approved:

The litigation this bill has in mind is different from the important and necessary court opinions of the 1960's that ensured desegregation, voting rights and equal opportunity. Instead, the current bill will use litigation to effectively mandate quotas. Its sponsors are too politically sensitive to use the word "quota," but the bill's mechanics would drive the system toward that end. Setting aside due process, it creates a presumption of an employer's guilt. An employer who is sued will be guilty of "discrimination" unless he can explain the existence of any "disparate impact" in hiring by race and sex. The explanation must prove that employment practices such as requirements and tests must have what the current compromise language calls a "substantial and demonstrable relationship to effective job performance." No one knows what that means.

Thomas Sowell, a black economist and a senior fellow at the Hoover Institution, also warns of an explosion of quotas and the disasterous impact on improving race relations in the 1990's. Sowell asked the question, in the May 29, 1990 Washington Times:

Who will gain and who will lose form the so-called "Civil Rights Act of 1990" now being debated in the Congress? Lawyers will be the biggest gainers because the bill makes it possible to sue an employer for "discrimination" even if there is not a living soul with any evidence that he or she was discriminated against. Group statistics alone will be enough to bring the accused employee into court.

Sowell further said:

Supporters of the (Kennedy-Hawkins bill) want statistics alone to be enough to drag employers into long, costly legal processes. If they suceed, that will mean quota hiring, no matter how much they deny it.

Finally, Sowell concluded that:

For the whole society, the biggest problem is that racial quotas mean racial polarization.

In his May 25, 1990, column in the Washington Post, Edwin M. Yoder, Jr. simply stated that:

H.R. 4000 would almost certainly encourage the adoption of de facto quotas in many situations.

In the Washington Times on May 24, 1990, Warren Brookes came to the identical conclusion:

The bottom line is that if this act allows numerical disparities alone to be used as evidence in hiring, companies will have no choice but to adhere as closely as possible to the actual racial mix of their local populations.

Mr. Chairman, I care deeply about civil rights for all—regardless of race, color, creed, age, sex, or condition of dependency. In the past, for example, I have supported the enactment of the Civil Rights Restoration Act of 1987 and I was a cosponsor of the Americans With Disabilities Act which the President signed in late July. In addition, I have worked against racism in this country and in other countries such as South Africa through my support for economic sanctions. But, I refuse to add my voice or my vote for legislation that will impose hiring and promotion quotas on the working men and women of this country. It's unfair and anything but civil rights.

Today, however, I will support the Michel-LaFalce civil rights bill. This landmark civil rights legislation, which President Bush has indicated he would sign into law if presented to him, contains several vital changes in current law and it does so without in any way instituting a system of quotas. The Michel-LaFalce bill would:

First, establish new equitable relief remedies to deter intentional discriminatory practices, when back pay cannot be awarded, including equitable damages of up to $100,000 per violation and immediate injunctive relieve in the courts.

Second, overrules the controversial Wards Cove versus Atonio decision, shifting the burden of proof to the employer once a prima facie case of discrimination has been made out in the a disparate impact case. Employers would then have to demonstrate that a challenged employment practice is justified under the standard established in the landmark Griggs case—for example, the practice has a "manifest relationship to the employment in question."

Third, overrules the much criticized Patterson versus McClean Employment Union case making it clear that section 1981 applies to racial harassment on the job.

Fourth, eliminates the possibility of punitive damages and jury trials in employment discrimination cases and, instead, continues to utilize the EEOC administrative settlement process.

Fifth, applies Federal employment discrimination law—Title VII—to the Congress, with the enforcement mechanism to be determined by each House.

Sixth, makes it clear that any changes made to existing law are effective upon enactment, so that no unfair retroactivity could result.

I urge my colleagues to pass this important civil rights legislation.

Mr. HAWKINS. Mr. Chairman, I yield the remaining 4 minutes of my time to close debate to the distinguished and esteemed Speaker of the House, the gentleman from Washington [Mr. FOLEY].

Mr. BROOKS. Mr. Chairman, I yield the balance of my time to close debate to the distinguished Speaker, the gentleman from Washington [Mr. FOLEY].

The **CHAIRMAN.** The gentleman from Washington is recognized for 5½ minutes.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Chairman, when the majority leader took the floor a few moments ago in his eloquent statement to the House, he mentioned that some of us had a vivid memory of Lyndon Johnson, the President of the United States in 1965, coming into this Chamber and making a plea for expanding the voting rights of all Americans. There are about 30 Members of this House, from both parties, that were present then who are still Members now, including the distinguished chairmen managing this bill, the gentleman from Texas [Mr. BROOKS] and the gentleman from California [Mr. HAWKINS], and distinguished Members on the Republican side of the House, the gentleman from Tennessee [Mr. QUILLEN], the gentleman from Alabama [Mr. DICKINSON], and the gentleman from New York [Mr. HORTON].

For my part, it was the highest moment of the Johnson Presidency. I remember it as if it were yesterday. He spoke from the heart. He spoke more effectively than I had ever heard him speak before, to a Congress that felt that we were on the verge of a great and significant decision, not only in our political and public lives, but in the life of our country.

W are now a few days away from the anniversary of the signing of that bill by President Johnson, the Voting Rights Act of 1965, in the Rotunda of the Capitol on August 6, 1965. When the President signed the bill, he said, among other things:

Today is a triumph for freedom as huge as any victory that has ever been won on any battlefield. And every family across this great entire surging land will live stronger in liberty, will live more splendid in expectation and will be prouder to be Americans because of the Act that you have passed that I will sign today.

We are now not 25 years, but a few moments away from a decision that we will make in our own time and generation, to decide whether we will guarantee for all Americans—for women, for minorities, but basically for all Americans—the right not only to participate fully in our political life, but to participate fully in our economic life.

This is a Nation whose values and traditions now excite the world, as we all know. I think we all have deep pride in American views, American ideals, American Government, American principle, which excite hundreds of millions of people around the world who struggle for freedom.

But those principles and values are not perfect in our own society. We know that. When our country was founded, the idea of self-governance was a revoluntionary idea. And when it was achieved, it was achieved basically for the political and economic preference of citizens of European descent, Caucasian by race, English speaking by tradition, European by origin.

It was not a promise that was given to black slaves or Native Americans. Nor were there Americans of other national origins in great numbers, as followed in the 19th century and the 20th century.

So we have had a struggle through our history to perfect those values for all who bear our name and common citizenship. The Congress in different circumstances and different eras has worked gradually toward that concept of expanded justice and opportunity. Indeed, we have fought bitter national wars, divided the country over the issue of whether there will be a union of common citizenship and opportunity.

Now in this Congress, we have an opportunity that we will look back on, I believe, with great pride, because I think today we will take a major step forward in guaranteeing those values and opportunities for justice for all Americans: The realization, the continued expanding, unfolding realization, of the American dream.

In a few moments we will vote, I hope, to reject this substitute. I have the greatest admiration for its sponsors, but I strongly believe that it must be rejected. I hope we will then accept the terms and conditions of H.R. 4000 as another testament to our determination that opportunity, equality and freedom, should adhere to every citizen of our land. This then will truly be a day of triumph as great as any victory won on any battlefield. And 25 years from now we will look back on this day with pride and satisfaction.

□ 1330

The **CHAIRMAN.** The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 238, not voting 6, as follows:

[Roll No. 309]

AYES—188

Alexander	Barnard	Boehlert
Annunzio	Bartlett	Broomfield
Anthony	Barton	Brown (CO)
Archer	Bateman	Buechner
Armey	Bentley	Bunning
Baker	Bereuter	Burton
Ballenger	Bliley	Callahan

Campbell (CA)	James	Roberts
Chandler	Jenkins	Rogers
Chapman	Johnson (CT)	Rohrabacher
Clinger	Kasich	Ros-Lehtinen
Coble	Kolbe	Roth
Coleman (MO)	Kyl	Roukema
Combest	LaFalce	Rowland (CT)
Coughlin	Lagomarsino	Rowland (GA)
Courter	Laughlin	Russo
Cox	Lent	Sarpalius
Craig	Lewis (CA)	Saxton
Crane	Lewis (FL)	Schaefer
Dannemeyer	Lightfoot	Schiff
Darden	Lipinski	Schuette
DeLay	Livingston	Schulze
DeWine	Lowery (CA)	Sensenbrenner
Dickinson	Lukens, Donald	Shaw
Dornan (CA)	Machtley	Shumway
Douglas	Madigan	Shuster
Dreier	Marlenee	Skeen
Duncan	Martin (IL)	Slaughter (VA)
Edwards (OK)	Martin (NY)	Smith (NE)
Emerson	McCandless	Smith (NJ)
Fawell	McCollum	Smith (TX)
Fields	McCrery	Smith (VT)
Frenzel	McDade	Smith, Denny (OR)
Gallegly	McEwen	Smith, Robert (NH)
Gallo	McGrath	Smith, Robert (OR)
Gekas	McMillan (NC)	Solomon
Geren	Meyers	Spence
Gillmor	Michel	Stallings
Gingrich	Miller (OH)	Stangeland
Goodling	Miller (WA)	Stearns
Goss	Molinari	Stenholm
Gradison	Montgomery	Stump
Grandy	Moorhead	Sundquist
Grant	Morrison (WA)	Tauke
Gunderson	Murphy	Tauzin
Hammerschmidt	Myers	Taylor
Hancock	Nielson	Thomas (CA)
Hansen	Oxley	Thomas (GA)
Hastert	Packard	Thomas (WY)
Hatcher	Parker	Upton
Hayes (LA)	Parris	Vander Jagt
Hefley	Pashayan	Vucanovich
Henry	Paxon	Walker
Herger	Payne (VA)	Weber
Hiler	Petri	Weldon
Holloway	Porter	Whittaker
Hopkins	Pursell	Wolf
Houghton	Quillen	Wylie
Huckaby	Ravenel	Young (AK)
Hunter	Ray	Young (FL)
Hutto	Regula	
Hyde	Rhodes	
Inhofe	Ridge	
Ireland	Ritter	

NOES—238

Ackerman	Condit	Foglietta
Anderson	Conte	Ford (TN)
Andrews	Conyers	Frank
Applegate	Cooper	Frost
Aspin	Costello	Gaydos
Atkins	Coyne	Gejdenson
AuCoin	Crockett	Gephardt
Bates	Davis	Gibbons
Beilenson	de la Garza	Gilman
Bennett	DeFazio	Glickman
Berman	Dellums	Gonzalez
Bevill	Derrick	Gordon
Bilbray	Dicks	Gray
Boggs	Dingell	Green
Bonior	Dixon	Guarini
Borski	Donnelly	Hall (OH)
Bosco	Dorgan (ND)	Hamilton
Boucher	Downey	Harris
Boxer	Durbin	Hawkins
Brennan	Dwyer	Hayes (IL)
Brooks	Dymally	Hefner
Browder	Dyson	Hertel
Brown (CA)	Early	Hoagland
Bruce	Eckart	Hochbrueckner
Bryant	Edwards (CA)	Horton
Bustamante	Engel	Hoyer
Byron	English	Hubbard
Campbell (CO)	Erdreich	Hughes
Cardin	Espy	Jacobs
Carper	Evans	Johnson (SD)
Carr	Fascell	Johnston
Clarke	Fazio	Jones (GA)
Clay	Feighan	Jones (NC)
Clement	Fish	Jontz
Coleman (TX)	Flake	Kanjorski
Collins	Flippo	Kaptur
Kastenmeier	Neal (NC)	Skelton
Kennedy	Nowak	Slattery
Kennelly	Oakar	Slaughter (NY)
Kildee	Oberstar	Smith (FL)
Kleczka	Obey	Smith (IA)
Kolter	Olin	Snowe
Kostmayer	Ortiz	Solarz
Lancaster	Owens (NY)	Spratt
Lantos	Owens (UT)	Staggers
Leach (IA)	Pallone	Stark
Lehman (CA)	Panetta	Stokes
Lehman (FL)	Patterson	Studds
Levin (MI)	Payne (NJ)	Swift
Levine (CA)	Pease	Synar
Lewis (GA)	Pelosi	Tallon
Lloyd	Penny	Tanner
Long	Perkins	Torres
Lowey (NY)	Pickett	Torricelli
Luken, Thomas	Pickle	Towns
Manton	Poshard	Traficant
Markey	Price	Traxler
Martinez	Rahall	Udall
Matsui	Rangel	Unsoeld
Mavroules	Richardson	Valentine
Mazzoli	Rinaldo	Vento
McCloskey	Roe	Visclosky
McCurdy	Rose	Volkmer
McDermott	Rostenkowski	Walgren
McHugh	Roybal	Walsh
McMillen (MD)	Sabo	Washington
McNulty	Saiki	Watkins
Mfume	Sangmeister	Waxman
Miller (CA)	Savage	Weiss
Mineta	Sawyer	Wheat
Moakley	Scheuer	Whitten
Mollohan	Schneider	Williams
Moody	Schroeder	Wilson
Morella	Schumer	Wise
Morrison (CT)	Serrano	Wolpe
Mrazek	Sharp	Wyden
Murtha	Shays	Yates
Nagle	Sikorski	Yatron
Natcher	Sisisky	
Neal (MA)	Skaggs	

NOT VOTING—6

Bilirakis	Hall (TX)	Nelson
Ford (MI)	Leath (TX)	Robinson

□ 1348

The Clerk announced the following pair:

On this vote:

Mr. Robinson for, with Mr. Ford of Michigan against.

Mr. FRENZEL changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute made in order as original text, as amended.

The amendment in the nature of a substitute, made in order as original text, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HOYER] having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4000) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes, pursuant to House Resolution 449, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1350

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute made in order as original text adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill, H.R. 4000, jointly to the Committees on the Judiciary and Education and Labor.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 154, not voting 6, as follows:

[Roll No. 310]

YEAS—272

Ackerman	Boxer	Conyers
Alexander	Brennan	Cooper
Anderson	Brooks	Costello
Andrews	Browder	Coughlin
Anthony	Brown (CA)	Coyne
Applegate	Bruce	Crockett
Aspin	Bryant	Davis
Atkins	Bustamante	de la Garza
AuCoin	Byron	DeFazio
Barton	Campbell (CA)	Dellums
Bates	Campbell (CO)	Derrick
Beilenson	Cardin	Dicks
Bennett	Carper	Dingell
Berman	Carr	Dixon
Bevill	Chapman	Donnelly
Bilbray	Clarke	Dorgan (ND)
Boehlert	Clay	Downey
Boggs	Clement	Durbin
Bonior	Coleman (TX)	Dwyer
Borski	Collins	Dymally
Bosco	Condit	Dyson
Boucher	Conte	Early

Eckart	Levin (MI)	Rowland (CT)
Edwards (CA)	Levine (CA)	Rowland (GA)
Engel	Lewis (GA)	Roybal
English	Lloyd	Russo
Erdreich	Long	Sabo
Espy	Lowey (NY)	Saiki
Evans	Luken, Thomas	Sangmeister
Fascell	Machtley	Savage
Fazio	Manton	Sawyer
Feighan	Markey	Scheuer
Fish	Martin (IL)	Schiff
Flake	Martinez	Schneider
Flippo	Matsui	Schroeder
Foglietta	Mavroules	Schulze
Ford (TN)	Mazzoli	Schumer
Frank	McCloskey	Serrano
Frost	McCurdy	Sharp
Gaydos	McDermott	Shays
Gejdenson	McHugh	Sikorski
Gephardt	McMillen (MD)	Sisisky
Geren	McNulty	Skaggs
Gibbons	Meyers	Skelton
Gilman	Mfume	Slattery
Glickman	Miller (CA)	Slaughter (NY)
Gonzalez	Mineta	Smith (FL)
Gordon	Moakley	Smith (IA)
Grant	Mollohan	Smith (VT)
Gray	Moody	Snowe
Green	Morella	Solarz
Guarini	Morrison (CT)	Spratt
Hall (OH)	Mrazek	Staggers
Hamilton	Murphy	Stallings
Harris	Murtha	Stark
Hatcher	Nagle	Stokes
Hawkins	Natcher	Studds
Hayes (IL)	Neal (MA)	Swift
Hayes (LA)	Neal (NC)	Synar
Hefner	Nowak	Tallon
Hertel	Oakar	Tanner
Hoagland	Oberstar	Tauzin
Hochbrueckner	Obey	Thomas (GA)
Horton	Olin	Torres
Hoyer	Ortiz	Torricelli
Hubbard	Owens (NY)	Towns
Hughes	Owens (UT)	Traficant
Jacobs	Pallone	Traxler
James	Panetta	Udall
Johnson (CT)	Patterson	Unsoeld
Johnson (SD)	Payne (NJ)	Valentine
Johnston	Payne (VA)	Vento
Jones (GA)	Pease	Visclosky
Jones (NC)	Pelosi	Volkmer
Jontz	Penny	Walgren
Kanjorski	Perkins	Walsh
Kaptur	Pickett	Washington
Kastenmeier	Pickle	Watkins
Kennedy	Poshard	Waxman
Kennelly	Price	Weiss
Kildee	Rahall	Weldon
Kleczka	Rangel	Wheat
Kolter	Ray	Whitten
Kostmayer	Regula	Williams
LaFalce	Richardson	Wilson
Lancaster	Rinaldo	Wise
Lantos	Roe	Wolpe
Laughlin	Ros-Lehtinen	Wyden
Leach (IA)	Rose	Yates
Lehman (CA)	Rostenkowski	Yatron
Lehman (FL)	Roukema	

NAYS—154

Annunzio	Craig	Grandy
Archer	Crane	Gunderson
Armey	Dannemeyer	Hammerschmidt
Baker	Darden	Hancock
Ballenger	DeLay	Hansen
Barnard	DeWine	Hastert
Bartlett	Dickinson	Hefley
Bateman	Dornan (CA)	Henry
Bentley	Douglas	Herger
Bereuter	Dreier	Hiler
Bliley	Duncan	Holloway
Broomfield	Edwards (OK)	Hopkins
Brown (CO)	Emerson	Houghton
Buechner	Fawell	Huckaby
Bunning	Fields	Hunter
Burton	Frenzel	Hutto
Callahan	Gallegly	Hyde
Chandler	Gallo	Inhofe
Clinger	Gekas	Ireland
Coble	Gillmor	Jenkins
Coleman (MO)	Gingrich	Kasich
Combest	Goodling	Kolbe
Courter	Goss	Kyl
Cox	Gradison	Lagomarsino
Lent	Parker	Smith, Denny (OR)
Lewis (CA)	Parris	Smith, Robert (NH)
Lewis (FL)	Pashayan	Smith, Robert (OR)
Lightfoot	Paxon	Solomon
Lipinski	Petri	Spence
Livingston	Porter	Stangeland
Lowery (CA)	Pursell	Stearns
Lukens, Donald	Quillen	Stenholm
Madigan	Ravenel	Stump
Marlenee	Rhodes	Sundquist
Martin (NY)	Ridge	Tauke
McCandless	Ritter	Taylor
McCollum	Roberts	Thomas (CA)
McCrery	Rogers	Thomas (WY)
McDade	Rohrabacher	Upton
McEwen	Roth	Vander Jagt
McGrath	Sarpalius	Vucanovich
McMillan (NC)	Saxton	Walker
Michel	Schaefer	Weber
Miller (OH)	Schuette	Whittaker
Miller (WA)	Sensenbrenner	Wolf
Molinari	Shaw	Wylie
Montgomery	Shumway	Young (AK)
Moorhead	Shuster	Young (FL)
Morrison (WA)	Skeen	
Myers	Slaughter (VA)	
Nielson	Smith (NE)	
Oxley	Smith (NJ)	
Packard	Smith (TX)	

NOT VOTING—6

Bilirakis	Hall (TX)	Nelson
Ford (MI)	Leath (TX)	Robinson

□ 1410

The Clerk announced the following pairs;

On this vote:

Mr. Ford of Michigan for, with Mr. Robinson against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4000, the bill just passed.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4000, CIVIL RIGHTS ACT OF 1990

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 4000, the Clerk be authorized to make corrections in section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, pursuant to the provisions of House Resolution 449, I call up from the Speaker's table the Senate bill (S. 2104) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAWKINS moves to strike all after the enacting clause and insert in lieu thereof the text of H.R. 4000, as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in a series of recent decisions addressing employment discrimination claims under Federal law, the Supreme Court cut back dramatically on the scope and effectiveness of civil rights protections; and

(2) existing protections and remedies under Federal law are not adequate to deter unlawful discrimination or to compensate victims of such discrimination.

(b) PURPOSES.—The purposes of this Act are to—

(1) respond to the Supreme Court's recent decisions by restoring the civil rights protections that were dramatically limited by those decisions; and

(2) strengthen existing protections and remedies available under Federal civil rights laws to provide more effective deterrence and adequate compensation for victims of discrimination.

SEC. 3. DEFINITIONS.

Section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e) is amended by adding at the end thereof the following new subsections:

"(l) The term 'complaining party' means the Commission, the Attorney General, or a person who may bring an action or proceeding under this title.

"(m) The term 'demonstrates' means meets the burdens of production and persuasion.

"(n) The term 'group of employment practices' means a combination of employment practices that produces one or more decisions with respect to employment, employment referral, or admission to a labor organization, apprenticeship or other training or retraining program.

"(o)(1) The term 'required by business necessity' means—

"(A) in the case of employment practices involving selection (such as hiring, assignment, transfer, promotion, training, apprenticeship, referral, retention, or membership in a labor organization), the practice or group of practices must bear a significant relationship to successful performance of the job; or

"(B) in the case of employment practices that do not involve selection, the practice or group of practices must bear a significant relationship to a significant business objective of the employer.

"(2) In deciding whether the standards in paragraph (1) for business necessity have been met, unsubstantiated opinion and hearsay are not sufficient; demonstrable evidence is required. The defendant may offer as evidence statistical reports, validation

studies, expert testimony, prior successful experience and other evidence as permitted by the Federal Rules of Evidence, and the court shall give such weight, if any, to such evidence as is appropriate.

"(3) This subsection is meant to codify the meaning of 'business necessity' as used in *Griggs v. Duke Power Co.* (401 U.S. 424 (1971)) and to overrule the treatment of business necessity as a defense in *Wards Cove Packing Co., Inc. v. Atonio* (109 S. Ct. 2115 (1989)).

"(p) The term 'respondent' means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining programs, including on-the-job training programs, or those Federal entities subject to the provisions of section 717 (or the heads thereof).".

SEC. 4. RESTORING THE BURDEN OF PROOF IN DISPARATE IMPACT CASES.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) is amended by adding at the end thereof the following new subsection:

"(k) PROOF OF UNLAWFUL EMPLOYMENT PRACTICES IN DISPARATE IMPACT CASES.—(1) An unlawful employment practice based on disparate impact is established under this section when—

"(A) a complaining party demonstrates that an employment practice results in a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such practice is required by business necessity; or

"(B) a complaining party demonstrates that a group of employment practices results in a disparate impact on the basis of race, color, religion, sex, or national origin, and the respondent fails to demonstrate that such group of employment practices is required by business necessity, except that—

"(i) except as provided in clause (iii), if a complaining party demonstrates that a group of employment practices results in a disparate impact, such party shall not be required to demonstrate which specific practice or practices within the group results in such disparate impact;

"(ii) if the respondent demonstrates that a specific employment practice within such group of employment practices does not contribute to the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity; and

"(iii) if the court finds that the complaining party can identify, from records or other information of the respondent reasonably available (through discovery or otherwise), which specific practice or practices contributed to the disparate impact—

"(I) the complaining party shall be required to demonstrate which specific practice or practices contributed to the disparate impact; and

"(II) the respondent shall be required to demonstrate business necessity only as to the specific practice or practices demonstrated by the complaining party to have contributed to the disparate impact;

except that an employment practice or group of employment practices demonstrated to be required by business necessity shall be unlawful where a complaining party demonstrates that a different employment practice or group of employment practices with less disparate impact would serve the respondent as well.

"(2) A demonstration that an employment practice is required by business necessity may be used as a defense only against a claim under this subsection.

"(3) Notwithstanding any other provision of this title, a rule barring the employment of an individual who currently and knowingly uses or possesses an illegal drug as defined in Schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision of Federal law, shall be considered an unlawful employment practice under this title only if such rule is adopted or applied with an intent to discriminate because of the race, color, religion, sex, or national origin.

"(4) The mere existence of a statistical imbalance in an employer's workforce on account of race, color, religion, sex, or national origin is not alone sufficient to establish a prima facie case of disparate impact violation.".

SEC. 5. CLARIFYING PROHIBITION AGAINST IMPERMISSIBLE CONSIDERATION OF RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN IN EMPLOYMENT PRACTICES.

(a) IN GENERAL.—Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by section 4) is further amended by adding at the end thereof the following new subsection:

"(l) DISCRIMINATORY PRACTICE NEED NOT BE SOLE CONTRIBUTING FACTOR.—Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a contributing factor for any employment practice, even though other factors also contributed to such practice.".

(b) ENFORCEMENT PROVISIONS.—Section 706(g) of such Act (42 U.S.C. 2000e-5(g)) is amended by inserting before the period in the last sentence the following: "or, in a case where a violation is established under section 703(l), if the respondent establishes that it would have taken the same action in the absence of any discrimination. In any case in which a violation is established under section 703(l), damages may be awarded only for injury that is attributable to the unlawful employment practice".

SEC. 6. FACILITATING PROMPT AND ORDERLY RESOLUTION OF CHALLENGES TO EMPLOYMENT PRACTICES IMPLEMENTING LITIGATED OR CONSENT JUDGMENTS OR ORDERS.

Section 703 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2) (as amended by sections 4 and 5) is further amended by adding at the end thereof the following new subsection:

"(m) FINALITY OF LITIGATED OR CONSENT JUDGMENTS OR ORDERS.—(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice that implements and is within the scope of a litigated or consent judgment or order resolving a claim of employment discrimination under the United States Constitution or Federal civil rights laws may not be challenged in a claim under the United States Constitution or Federal civil rights laws—

"(A) by a person who, prior to the entry of such judgment or order, had—

"(i) actual notice from any source of the proposed judgment or order sufficient to apprise such person that such judgment or order might affect the interests of such person and that an opportunity was available to present objections to such judgment or order; and

"(ii) a reasonable opportunity to present objections to such judgment or order;

"(B) by a person with respect to whom the requirements of subparagraph (A) are not satisfied, if the court determines that the interests of such person were adequately represented by another person who challenged such judgment or order prior to or after the entry of such judgment or order; or

"(C) if the court that entered the judgment or order determines that reasonable efforts were made to provide notice to interested persons.

A determination under subparagraph (C) shall be made prior to the entry of the judgment or order, except that if the judgment or order was entered prior to the date of the enactment of this subsection, the determination may be made at any reasonable time.

"(2) Nothing in this subsection shall be construed to—

"(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully intervened pursuant to such rule in the proceeding in which they intervened;

"(B) apply to the rights of parties to the action in which the litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal government;

"(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

"(D) authorize or permit the denial to any person of the due process of law required by the United States Constitution.

"(3) Any action, not precluded under this subsection, that challenges an employment practice that implements and is within the scope of a litigated or consent judgment or order of the type referred to in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsection shall preclude a transfer of such action pursuant to section 1404 of title 28, United States Code.".

SEC. 7. STATUTE OF LIMITATIONS; APPLICATION TO CHALLENGES TO SENIORITY SYSTEMS.

(a) STATUTE OF LIMITATIONS.—Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(e)) is amended—

(1) by striking out "one hundred and eighty days" and inserting in lieu thereof "2 years";

(2) by inserting after "occurred" the first time it appears "or has been applied to affect adversely the person aggrieved, whichever is later,";

(3) by striking out ", except that in" and inserting in lieu thereof ". In"; and

(4) by striking out "such charge shall be filed" and all that follows through "whichever is earlier, and".

(b) APPLICATION TO CHALLENGES TO SENIORITY SYSTEMS.—Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after the first sentence the following new sentence: "Where a seniority system or seniority practice is part of a collective bargaining agreement and such system or prac-

tice was included in such agreement with the intent to discriminate on the basis of race, color, religion, sex, or national origin, the application of such system or practice during the period that such collective bargaining agreement is in effect shall be an unlawful employment practice.".

SEC. 8. PROVIDING FOR DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION.

(a) DAMAGES.—Section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g)) is amended by inserting before the last sentence the following new sentences: "With respect to an unlawful employment practice (other than an unlawful employment practice established in accordance with section 703(k)) or in the case of an unlawful employment practice under the Americans with Disabilities Act of 1990 (other than an unlawful employment practice established in accordance with paragraph (3)(A) or paragraph (6) of section 102 of that Act) as it relates to standards and criteria that tend to screen out individuals with disabilities)—

"(A) compensatory damages may be awarded; and

"(B) if the respondent (other than a government, government agency, or a political subdivision) engaged in the unlawful employment practice with malice, or with reckless or callous indifference to the federally protected rights of others, punitive damages may be awarded against such respondent;

in addition to the relief authorized by the preceding sentences of this subsection, except that compensatory damages shall not include backpay or any interest thereon. Compensatory and punitive damages and jury trials shall be available only for claims of intentional discrimination. If compensatory or punitive damages are sought with respect to a claim of intentional discrimination arising under this title, any party may demand a trial by jury.".

(b) LIMITATION ON PUNITIVE DAMAGES.—Section 706(g) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(g)) is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following'

"(2) If the respondent has fewer than 100 employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, then the amount of punitive damages that may be awarded under paragraph (1)(B) to an individual against the respondent shall not exceed—

"(A) $150,000; or

"(B) an amount equal to the sum of compensatory damages awarded under paragraph (1)(A) and equitable monetary relief awarded under paragraph (1);

whichever is greater.".

SEC. 9. CLARIFYING ATTORNEY'S FEES PROVISION.

Section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)) is amended—

(1) by inserting "(1)" after "(k)";

(2) by inserting "(including expert fees and other litigation expenses) and" after "attorney's fee,";

(3) by striking out "as part of the"; and

(4) by adding at the end thereof the following new paragraphs:

"(2) No consent order or judgment settling a claim under this title shall be entered, and no stipulation of dismissal of a claim under this title shall be effective, unless the parties or their counsel attest to the court that a waiver of all or substantially all attorney's fees was not compelled as a condition of the settlement.

"(3) In any action or proceeding in which any judgment or order granting relief under this title is challenged, the court, in its discretion, may allow the prevailing party in the original action (other than the Commission or the United States) to recover from the party against whom relief was granted in the original action a reasonable attorney's fee (including expert fees and other litigation expenses) and costs reasonably incurred in defending (as a party, intervenor or otherwise) such judgment or order.".

SEC. 10. PROVIDING FOR INTEREST, AND EXTENDING THE STATUTE OF LIMITATIONS, IN ACTIONS AGAINST THE FEDERAL GOVERNMENT.

Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended—

(1) in subsection (c), by striking out "thirty days" and inserting in lieu thereof "ninety days"; and

(2) in subsection (d), by inserting before the period ", and the same interest to compensate for delay in payment shall be available as in cases involving non-public parties, except that prejudgment interest may not be awarded on compensatory damages".

SEC. 11. CONSTRUCTION.

Title XI of the Civil Rights Act of 1964 (42 U.S.C. 2000h et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1107. RULES OF CONSTRUCTION FOR CIVIL RIGHTS LAWS.

"(a) EFFECTUATION OF PURPOSE.—All Federal laws protecting the civil rights of persons shall be interpreted consistent with the intent of such laws, and shall be broadly construed to effectuate the purpose of such laws to provide equal opportunity and provide effective remedies.

"(b) NONLIMITATION.—Except as expressly provided, no Federal law protecting the civil rights of persons shall be construed to repeal or amend by implication any other Federal law protecting such civil rights.

"(c) INTERPRETATION.—In interpreting Federal civil rights laws, including laws protecting against discrimination on the basis of race, color, national origin, sex, religion, age, and disability, courts and administrative agencies shall not rely on the amendments made by the Civil Rights Act of 1990 as a basis for limiting the theories of liability, rights, and remedies available under civil rights laws not expressly amended by such Act.".

SEC. 12. RESTORING PROHIBITION AGAINST ALL RACIAL DISCRIMINATION IN THE MAKING AND ENFORCEMENT OF CONTRACTS.

Section 1977 of the Revised Statutes of the United States (42 U.S.C. 1981) is amended—

(1) by inserting "(a)" before "All persons within"; and

(2) by adding at the end thereof the following new subsections:

"(b) For purposes of this section, the right to 'make and enforce contracts' shall include the making, performance, modification and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of the contractual relationship.

"(c) The rights protected by this section are protected against impairment by nongovernmental discrimination as well as against impairment under color of State law.".

SEC. 13. LAWFUL COURT-ORDERED REMEDIES, AFFIRMATIVE ACTION AND CONCILIATION AGREEMENTS NOT AFFECTED.

Nothing in the amendments made by this Act shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements that are otherwise in accordance with the law.

SEC. 14. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 15. APPLICATION OF AMENDMENTS AND TRANSITION RULES.

(a) APPLICATION OF AMENDMENTS.—The amendments made by—

(1) section 4 shall apply to all proceedings pending on or commenced after June 5, 1989;

(2) section 5 shall apply to all proceedings pending on or commenced after May 1, 1989;

(3) section 6 shall apply to all proceedings pending on or commenced after June 12, 1989;

(4) sections 7(a)(1), 7(a)(3) and 7(a)(4), 7(b), 8, 9, 10, and 11 shall apply to all proceedings pending on or commenced after the date of enactment of this Act;

(5) section 7(a)(2) shall apply to all proceedings pending on or commenced after June 12, 1989; and

(6) section 12 shall apply to all proceedings pending on or commenced after June 15, 1989.

(b) TRANSITION RULES.—

(1) IN GENERAL.—Any orders entered by a court between the effective dates described in subsection (a) and the date of enactment of this Act that are inconsistent with the amendments made by sections 4, 5, 7(a)(2), or 12, shall be vacated if, not later than 1 year after such date of enactment, a request for such relief is made.

(2) SECTION 6.—Any orders entered between June 12, 1989 and the date of enactment of this Act, that permit a challenge to an employment practice that implements a litigated or consent judgment or order and that is inconsistent with the amendment made by section 6, shall be vacated if, not later than 6 months after the date of enactment of this Act, a request for such relief is made. For the 1-year period beginning on the date of enactment of this Act, an individual whose challenge to an employment practice that implements a litigated or consent judgment or order is denied under the amendment made by section 6, or whose order or relief obtained under such challenge is vacated under such section, shall have the same right of intervention in the case in which the challenged litigated or consent judgment or order was entered as that individual had on June 12, 1989.

(3) FINAL JUDGMENTS.—Pursuant to paragraphs (1) and (2), any final judgment entered prior to the date of the enactment of this Act as to which the rights of any of the parties thereto have become fixed and vested, where the time for seeking further judicial review of such judgment has otherwise expired pursuant to title 28 of the United States Code, the Federal Rules of Civil Procedure, and the Federal Rules of Appellate Procedure, shall be vacated in whole or in part if justice requires pursuant to rule 60(b)(6) of the Federal Rules of Civil Procedure or other appropriate authority, and consistent with the constitutional requirements of due process of law.

(c) PERIOD OF LIMITATIONS.—The period of limitations for the filing of a claim or charge shall be tolled from the applicable effective date described in subsection (a)

until the date of enactment of this Act, on a showing that the claim or charge was not filed because of a rule or decision altered by the amendments made by sections 4, 5, 7(a)(2), or 12.

SEC. 16. COVERAGE OF THE HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to subsections (b) and (c), apply in their entirety to the House of Representatives.

(b) EMPLOYMENT IN THE HOUSE.—

(1) APPLICATION.—The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(2) ADMINISTRATION.—

(A) IN GENERAL.—In the administration of this subsection, the remedies and procedures made applicable pursuant to the resolution described in subparagraph (B) shall apply exclusively.

(B) RESOLUTION.—The resolution referred to in subparagraph (A) is House Resolution 15 of the One Hundred First Congress, as agreed to January 3, 1989, or any other provision that continues in effect the provisions of, or is a successor to, the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988).

(3) EXERCISE OF RULEMAKING POWER.—The provisions of paragraph (2) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

SEC. 17. OTHER STATUTE OF LIMITATIONS; NOTICE OF RIGHT TO SUE.

(a) STATUTE OF LIMITATIONS.—Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in paragraph (1)—

(A) by striking out "180 days" and inserting in lieu thereof "2 years"; and

(B) by inserting "or has been applied to affect adversely the person aggrieved, whichever is later" after "occurred"; and

(2) in paragraph (2), by striking out "within 300 days" and all that follows through "whichever is earlier" and inserting in lieu thereof "a copy of such charge shall be filed by the Commission with the State agency".

(b) NOTICE OF RIGHT TO SUE.—Section 7(e) of such Act (29 U.S.C. 626(e)) is amended—

(1) by striking out paragraph (2);

(2) by striking out the paragraph designation in paragraph (1);

(3) by striking out "Sections 6 and" and inserting "Section"; and

(4) by adding at the end thereof the following: "If a charge filed with the Commission is dismissed by the Commission, the Commission shall so notify the person aggrieved and within 90 days after the giving of such notice a civil action may be brought against the respondent named in the charge by a person defined in section 11 (29 U.S.C 630).".

SEC. 18. ALTERNATIVE MEANS OF DISPUTE RESOLUTION.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts amended by this Act.

The motion was agreed to.

The Senate bill was read a third time, and passed, and a motion to reconsider was laid upon the table.

A similar House bill (H.R. 4000) was laid on the table.

PERMISSION FOR THE COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL WEDNESDAY, AUGUST 15, 1990, TO FILE REPORT ON H.R. 4330, THE NATIONAL SERVICE ACT OF 1990

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until 5 p.m. on Wednesday, August 15, to file its committee report on H.R. 4330, the National Service Act of 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITION OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1047

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to add additional names as cosponsors to H.R. 1047.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, the names of those Members added as cosponsors are as follows:

Messrs. ACKERMAN, ANDERSON, and BALLENGER, Mrs. BENTLEY, Messrs. BILIRAKIS, BOSCO, BOUCHER, BROWDER, BROWN of Colorado, BUECHNER, BURTON of Indiana, CARPER, CARR, CLARKE, CLEMENT, CLINGER, and COLEMAN of Missouri, Mrs. COLLINS, Messrs. CONTE, CRAIG, CROCKETT, DARDEN, DAVIS, DEFAZIO, DELLUMS, DEWINE, DICKS, DIXON, DORGAN of North Dakota, DUNCAN, FAWELL, FLIPPO, FORD of Tennessee, FRENZEL, GALLO, GEKAS, GEREN of Texas, GILLMOR, GONZALEZ, GORDON.

Messrs. GOSS, GRAY, GUARINI, HAYES of Illinois, HEFNER, HENRY, HILER, HUTTO, AND HYDE, Mrs. JOHNSON of Connecticut, Messrs. JOHNSON of North Dakota, JONES of North Carolina, and KASICH, Mrs. KENNELLY, Messrs. KLECKZA, KOSTMAYER, LAFALCE, LANTOS, LEHMAN of Florida, LEVINE of California, LEWIS of California, LOWERY of California, DONALD E. "BUZ" LUKENS, and MACHTLEY, Mrs. MARTIN of Illinois, Messrs. MARTINEZ, MCCULLUM, MCDADE, MCEWEN, MCHUGH, and MILLER of Washington, Mrs. MORELLA, Messrs. MRAZEK, MURPHY, NAGLE, NEAL of Massachusetts, NEAL of North Carolina, NEILSON of Utah, and NOWAK, and Ms. OAKAR.

Messrs. OWENS of Utah, PACKARD, and PARKER, Mrs. PATTERSON, Messrs. PAYNE of Virginia, PICKETT, PICKLE, PORTER, POSHARD, RAHALL, RAVENEL, RHODES, RINALDO, ROSE, ROWLAND of Georgia, ROWLAND of Connecticut, and SABO, Mrs. SAIKI, Messrs. SARPALIUS, SCHAEFER, SCHEUER, and SCHIFF, Ms. SCHNEIDER, Mr. SHAYS, Ms. SLAUGHTER of New York, Messrs. SMITH of New Hampshire, SMITH of New Jersey, DENNY SMITH, SMITH of Florida, and SMITH of Iowa, Ms. SNOWE, Messrs. SPRATT, STAGGERS, STENHOLM, STUDDS, STUMP, TAUZIN, THOMAS of Wyoming, TOWNS, TRAFICANT, and UDALL, Mrs. UNSOELD, Mr. VENTO, Mrs. VUCANOVICH, and Messrs. WALGREN, WHITTAKER, WILSON, WISE, WOLF, WOLPE, WYLIE, and YOUNG of Alaska.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 448

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5350) to provide for a temporary increase in the public debt limit. Debate on the bill shall continue not to exceed one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. It shall be in order to consider an amendment offered by Representative Rostenkowski of Illinois and the previous question shall be considered as ordered on the bill and amendment to final passage without intervening motion except one motion to recommit. All points of order against the bill and amendment for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, I yield the customary 30 minutes for purposes of debate only to the gentleman from California [Mr. PASHAYAN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 448 provides for the consideration in the House of the bill, H.R. 5350, which provides for a temporary increase in the public debt limit.

The rule provides for 1 hour of debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule makes in order an amendment by Representative ROSTENKOWSKI and waives clause 5(a) of rule 21 against the bill and the amendment. Finally, the rule provides one motion to recommit.

Mr. Speaker, House Resolution 440 is a rule designed to give the House

flexibility as we await the deliberation of the other body on H.R. 5355, the long-term debt limit extension.

H.R. 5350 extends the public debt limit to $3.195 trillion only through October 15. After October 15 the public debt reverts to its current limit of $3.122 trillion.

The rule also allows Chairman ROSTENKOWSKI to offer an amendment which would change the reversion date and make a conforming change in the debt limit amount to reflect any agreement reached with the administration or the other body.

Mr. Speaker, we must act on the debt limit before we recess to avoid the U.S. Government defaulting on its debt for the first time in its history.

I urge my colleagues to join me in adopting House Resolution 448 so we may proceed with consideration of H.R. 5350.

Mr. PASHAYAN. Mr. Speaker, House Resolution 448 is a modified closed rule under which the House shall consider legislation that temporarily increases the public debt by $72.3 billion through October 15, 1990. The bill made in order by this rule, H.R. 5350, is the short-term increase in the statutory limit on the public debt, which the Committee on Ways and Means reported 1 week ago.

□ 1420

The minority leader, the gentleman from Illinois [Mr. MICHEL] asked me to announce to the Members that he supports adoption of this rule and passage of a bill with a date of October 2.

Mr. Speaker, the gentleman from Tennessee [Mr. GORDON] has covered the basic items in this rule, and he has done an admirable job. There are, however, a few additional things that should be mentioned about the procedure being employed here.

Mr. Speaker, the rule makes in order an amendment to be offered by the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI]. The text of the amendment was not available in the Committee on Rules when it considered the gentleman's request, and we accorded him the opportunity to delay filling in the blanks until this rule shall be called up for consideration.

Mr. Speaker, the gentleman from Illinois [Mr. MICHEL] asked me to announce to the Members that the Republican leadership's position on the final passage of the bill depends on the language of the amendment of the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. Speaker, the rule provides for one motion to recommit, which will be offered by the ranking Republican Member of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER]. Since the text of the Rostenkowski amendment was not available when the Committee on Rules considered this rule, the text of the amendment of the gentleman from Texas [Mr. ARCHER] was also not available. In this regard, the Archer motion to recommit, if it indeed shall be offered, will be the Republican position on the issue of the dollar amount and expiration date of the temporary increase in the public debt.

I must say again, Mr. Speaker, that the rule treats the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Texas [Mr. ARCHER] equally. They asked for time to negotiate the dollar amount of the debt-limit increase, and they asked for time to negotiate the expiration date. The Committee on Rules places no impediments on either gentleman in the rule.

Mr. Speaker, before I conclude my remarks on the rule, I should like briefly to mention a few items about the legislation itself and the need for its eventual passage before the House adjourns for the August district work period and vacation. I point out the side of the argument of the administration which estimates that, unless the permanent debt limit of $3.122 trillion shall be increased, the Treasury will run out of cash and borrowing authority in mid-August.

Mr. Speaker, the American people are rightly concerned about the Government's ever-rising tide of debt. Indeed, many Members in the Chamber today oppose the idea of allowing the Federal Government to continue to borrow, because when the Government shall borrow, the debt will rise and eventually will reach the legal ceiling.

The periodic need to extend the debt ceiling arises from the cumulative deficits of the Federal Government. Raising revenues and selling Government bonds to the public, the Federal reserve system and foreign investors are the chief ways the Government finances the debt and fulfills the commitments of its fiscal policy. As the Government continues to borrow, however, the debt rises and eventually reaches the congressionally imposed ceiling.

Mr. Speaker, this is what I shall call a boy scout's rule. The chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], asked us to be prepared. The ranking member of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], asked us to be prepared. The Republican leader, the gentleman from Illinois [Mr. MICHEL], asked us to be prepared. Well, Mr. Speaker, the Committee on Rules is answering the call to be prepared in this rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, this is the normal rule used in handling debt ceiling bills. As most Members know, the long-term debt ceiling has gone forward to an uncertain future. It is now necessary to pass the short-term debt ceiling.

Mr. Speaker, I urge passage of the rule.

Mr. PASHAYAN. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HOYER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 131, not voting 17, as follows:

[Roll No. 311]

YEAS—284

Ackerman	Davis	Hatcher
Alexander	de la Garza	Hawkins
Anderson	DeFazio	Hayes (IL)
Andrews	Dellums	Hefner
Annunzio	Derrick	Hertel
Anthony	Dicks	Hoagland
Applegate	Dingell	Hochbrueckner
Aspin	Dixon	Hopkins
Atkins	Donnelly	Horton
AuCoin	Dorgan (ND)	Hoyer
Barnard	Downey	Hubbard
Bates	Durbin	Huckaby
Beilenson	Dwyer	Hughes
Bennett	Dymally	Hunter
Berman	Dyson	Hutto
Bilbray	Eckart	Jenkins
Boehlert	Edwards (CA)	Johnson (SD)
Boggs	Engel	Johnston
Bonior	English	Jones (GA)
Borski	Erdreich	Jones (NC)
Bosco	Espy	Jontz
Boucher	Evans	Kanjorski
Boxer	Fascell	Kaptur
Brennan	Fazio	Kastenmeier
Brooks	Feighan	Kennedy
Browder	Fish	Kennelly
Brown (CA)	Flake	Kildee
Bruce	Flippo	Kleczka
Bryant	Foglietta	Kolter
Bunning	Ford (TN)	Kostmayer
Bustamante	Frank	LaFalce
Byron	Frenzel	Lancaster
Campbell (CO)	Frost	Lantos
Cardin	Gallo	Laughlin
Carper	Gaydos	Lehman (CA)
Carr	Gejdenson	Lehman (FL)
Chapman	Gephardt	Lent
Clarke	Geren	Levin (MI)
Clay	Gibbons	Levine (CA)
Clement	Glickman	Lewis (GA)
Clinger	Gonzalez	Lipinski
Coleman (TX)	Goodling	Lloyd
Collins	Gordon	Long
Condit	Gradison	Lowey (NY)
Conte	Grant	Luken, Thomas
Conyers	Gray	Madigan
Cooper	Green	Manton
Costello	Guarini	Markey
Coyne	Hall (OH)	Martin (NY)
Crockett	Hamilton	Matsui
Darden	Harris	Mazzoli

McCloskey Pease Staggers
McCurdy Pelosi Stallings
McDermott Penny Stark
McGrath Perkins Stenholm
McHugh Pickett Stokes
McMillen (MD) Pickle Studds
McNulty Poshard Stump
Mfume Price Swift
Michel Quillen Synar
Miller (CA) Rahall Tallon
Miller (OH) Rangel Tanner
Mineta Ray Tauke
Moakley Richardson Tauzin
Molinari Roe Taylor
Mollohan Rogers Thomas (GA)
Montgomery Rose Thomas (WY)
Moody Rostenkowski Torres
Morella Roukema Torricelli
Morrison (CT) Rowland (GA) Towns
Morrison (WA) Roybal Traficant
Mrazek Russo Traxler
Murphy Sabo Udall
Murtha Saiki Unsoeld
Nagle Sangmeister Valentine
Natcher Sarpalius Vander Jagt
Neal (NC) Savage Vento
Nielson Sawyer Visclosky
Nowak Scheuer Volkmer
Oakar Schroeder Walgren
Oberstar Schumer Washington
Obey Serrano Waxman
Olin Sharp Weiss
Ortiz Shaw Weldon
Owens (NY) Sikorski Wheat
Owens (UT) Sisisky Whitten
Oxley Skaggs Williams
Pallone Skelton Wise
Panetta Slattery Wolf
Parker Slaughter (NY) Wolpe
Parris Smith (FL) Wyden
Pashayan Smith (IA) Wylie
Patterson Solarz Yates
Payne (NJ) Solomon Yatron
Payne (VA) Spratt

NAYS—131

Archer Hancock Regula
Armey Hansen Rhodes
Baker Hastert Rinaldo
Ballenger Hefley Ritter
Bartlett Henry Roberts
Barton Herger Rohrabacher
Bateman Hiler Ros-Lehtinen
Bentley Holloway Roth
Bereuter Houghton Rowland (CT)
Bliley Hyde Saxton
Broomfield Inhofe Schaefer
Brown (CO) Ireland Schiff
Buechner Jacobs Schneider
Burton James Schulze
Callahan Johnson (CT) Sensenbrenner
Campbell (CA) Kasich Shays
Chandler Kolbe Shumway
Coble Kyl Shuster
Coleman (MO) Lagomarsino Skeen
Combest Leach (IA) Slaughter (VA)
Courter Lewis (CA) Smith (NE)
Craig Lewis (FL) Smith (NJ)
Crane Lightfoot Smith (TX)
Dannemeyer Livingston Smith (VT)
DeLay Lowery (CA) Smith, Denny
DeWine Lukens, Donald (OR)
Dickinson Machtley Smith, Robert
Dornan (CA) Marlenee (NH)
Douglas Martin (IL) Smith, Robert
Dreier McCandless (OR)
Duncan McCollum Snowe
Early McCrery Spence
Edwards (OK) McDade Stangeland
Emerson McEwen Stearns
Fawell McMillan (NC) Sundquist
Fields Meyers Thomas (CA)
Gallegly Miller (WA) Upton
Gekas Moorhead Vucanovich
Gillmor Myers Walker
Gilman Neal (MA) Walsh
Gingrich Packard Weber
Goss Paxon Whittaker
Grandy Petri Young (AK)
Gunderson Porter Young (FL)
Hammerschmidt Ravenel

NOT VOTING—17

Bevill Coughlin Ford (MI)
Bilirakis Cox Hall (TX)
Hayes (LA) Nelson Schuette
Leath (TX) Pursell Watkins
Martinez Ridge Wilson
Mavroules Robinson

□ 1443

Mr. BUNNING changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HOYER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 126, not voting 21, as follows:

[Roll No. 312]

YEAS—285

Ackerman Downey Jones (NC)
Alexander Durbin Jontz
Anderson Dwyer Kanjorski
Andrews Dymally Kaptur
Annunzio Dyson Kastenmeier
Anthony Eckart Kennedy
Applegate Edwards (CA) Kennelly
Aspin Engel Kildee
Atkins English Kleczka
AuCoin Erdreich Kolter
Barnard Espy Kostmayer
Bateman Evans LaFalce
Bates Fascell Lancaster
Bellenson Fawell Lantos
Bennett Fazio Laughlin
Berman Feighan Lehman (CA)
Bilbray Fish Lehman (FL)
Billey Flake Lent
Boehlert Flippo Levin (MI)
Boggs Foglietta Levine (CA)
Bonior Ford (TN) Lewis (GA)
Borski Frank Lipinski
Bosco Frenzel Lloyd
Boucher Frost Long
Boxer Gallo Lowery (CA)
Brennan Gaydos Lowey (NY)
Brooks Gejdenson Luken, Thomas
Browder Gephardt Madigan
Brown (CA) Geren Manton
Bruce Gibbons Markey
Bryant Gillmor Matsui
Buechner Gingrich Mazzoli
Bustamante Glickman McCloskey
Byron Gonzalez McCrery
Campbell (CO) Goodling McCurdy
Cardin Gordon McDade
Carper Gradison McDermott
Carr Gray McGrath
Chandler Green McHugh
Chapman Guarini McMillen (MD)
Clarke Hall (OH) McNulty
Clay Hamilton Meyers
Clement Harris Mfume
Clinger Hatcher Michel
Coleman (TX) Hawkins Miller (CA)
Collins Hayes (IL) Miller (OH)
Condit Hayes (LA) Mineta
Conte Hefner Moakley
Conyers Hertel Mollohan
Cooper Hoagland Montgomery
Costello Hochbrueckner Moody
Coyne Horton Morella
Darden Hoyer Morrison (CT)
Davis Hubbard Morrison (WA)
de la Garza Huckaby Mrazek
DeFazio Hughes Murphy
Dellums Hunter Murtha
Derrick Hutto Natcher
Dicks Jacobs Neal (NC)
Dingell Jenkins Nielson
Dixon Johnson (CT) Nowak
Donnelly Johnston Oakar
Dorgan (ND) Jones (GA) Oberstar
Obey Rowland (GA) Synar
Olin Roybal Tallon
Ortiz Russo Tanner
Owens (NY) Sabo Tauzin
Owens (UT) Saiki Thomas (GA)
Oxley Sangmeister Torres
Pallone Sarpalius Torricelli
Panetta Sawyer Towns
Parker Scheuer Traficant
Pashayan Schroeder Traxler
Patterson Schumer Udall
Payne (NJ) Serrano Unsoeld
Payne (VA) Sharp Valentine
Pease Sikorski Vander Jagt
Pelosi Sisisky Vento
Penny Skaggs Visclosky
Perkins Skeen Volkmer
Pickett Skelton Walgren
Pickle Slattery Washington
Porter Slaughter (NY) Waxman
Poshard Smith (FL) Weiss
Price Smith (IA) Wheat
Rahall Smith (NJ) Whittaker
Rangel Smith (VT) Whitten
Ray Solarz Williams
Regula Spratt Wise
Richardson Staggers Wolf
Roberts Stallings Wolpe
Roe Stark Wyden
Rose Stenholm Wylie
Rostenkowski Studds Yates
Roukema Swift Yatron

NAYS—126

Archer Henry Rogers
Armey Herger Rohrabacher
Baker Hiler Ros-Lehtinen
Ballenger Holloway Roth
Bartlett Hopkins Rowland (CT)
Barton Houghton Saxton
Bentley Hyde Schaefer
Bereuter Inhofe Schiff
Broomfield Ireland Schneider
Brown (CO) James Schulze
Bunning Kasich Sensenbrenner
Burton Kolbe Shaw
Callahan Kyl Shays
Campbell (CA) Lagomarsino Shumway
Coble Leach (IA) Shuster
Coleman (MO) Lewis (CA) Slaughter (VA)
Combest Lewis (FL) Smith (NE)
Courter Lightfoot Smith (TX)
Craig Livingston Smith, Denny
Crane Lukens, Donald (OR)
Dannemeyer Machtley Smith, Robert
DeLay Marlenee (NH)
DeWine Martin (IL) Smith, Robert
Dickinson Martin (NY) (OR)
Douglas McCandless Snowe
Dreier McCollum Solomon
Duncan McEwen Spence
Early McMillan (NC) Stangeland
Edwards (OK) Miller (WA) Stearns
Emerson Molinari Stump
Fields Moorhead Sundquist
Gallegly Myers Tauke
Gekas Neal (MA) Taylor
Gilman Packard Thomas (CA)
Goss Parris Thomas (WY)
Grandy Paxon Upton
Grant Petri Vucanovich
Gunderson Quillen Walker
Hammerschmidt Ravenel Walsh
Hancock Rhodes Weber
Hansen Ridge Weldon
Hastert Rinaldo Young (AK)
Hefley Ritter Young (FL)

NOT VOTING—21

Bevill Hall (TX) Pursell
Bilirakis Johnson (SD) Robinson
Coughlin Leath (TX) Savage
Cox Martinez Schuette
Crockett Mavroules Stokes
Dornan (CA) Nagle Watkins
Ford (MI) Nelson Wilson

□ 1501

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the provisions of House Resolution 448, I call up the bill (H.R. 5350) to provide for a temporary increase in the public debt limit, and ask for its immediate consideration.

The Clerk read the bill, as follows:

H.R. 5350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY INCREASE IN PUBLIC DEBT LIMIT.

During the period beginning on the date of the enactment of this Act and ending on October 15, 1990, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased to $3,195,000,000,000.

The SPEAKER pro tempore (Mr. HOYER). Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Tuesday, the House passed H.R. 5355, a long-term extension of the public debt ceiling. The bipartisan leadership and the administration have requested that the House pass a short-term extension of the debt limit in the event that the Senate is unable to pass H.R. 5355.

At the bipartisan leadership's request, the Committee on Ways and Means has favorably reported H.R. 5350, which provides a short-term extension of the debt ceiling through October 15. Specifically, this bill would temporarily increase the public debt limit by $72 billion dollars to $3.195 trillion. On October 16, the limit would revert back to the present law limit of $3.123 trillion. At the close of general debate, I intend to offer an amendment to change the date to October 2.

The short-term debt ceiling extension is an essential bill that must be enacted before Congress can adjourn for the August recess. Failure to enact the bill would result in disastrous economic, political, and financial consequences. Thus, it is in the best interest of the country to pass this bill quickly and to pass it cleanly.

Mr. Speaker, I urge support for the amendment and for passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not think any of us are surprised that we have come to the point of considering a short-term extension of the debt limit before the Congress goes into the August recess.

When the House passed its amended long-term version on Tuesday, it did so with the expectation—and perhaps even the hope—that the Senate would follow suit and use it as the vehicle for nongermane amendments in that body.

It appears that we are about to send them another vehicle—and somehow I just have to believe that they're going to want to load it down instead.

I sympathize with those Members of both parties who have been critical of this annual ritual of festooning emergency legislation with major policy changes. It is indeed a terrible way to conduct the affairs of the Nation—but it is also as predictable as the sunrise.

As a result of the committee's amendment moving the expiration of the debt limit to October 2—the short-term provision before us at least is a significant improvement over the October 15 expiration date.

My own strong preference remains a clean, uncluttered long-term limit. It is with great reluctance that I intend to support this clean short-term extension to October 2.

I will not, however, I repeat, will not support any debt limit bill returning from the Senate, short-term or long-term, which is anything other than a clean extension.

The prospects for a budget agreement are at best in doubt. Years of congressional refusal to reduce our dependency on imported oil have allowed the outrageous action by Iraq to pose a clear threat to the fragile energy base of our economy.

The last thing we need is the injection of uncertainly and instability into the core issue of extending the ability of our Government to borrow the funds it needs to meet its obligations.

The financial markets are jittery enough already. We must send a strong message to the Senate that we will not engage in an irresponsible game of legislative ping pong with this legislation today.

Enacting a clean debt limit extention will not eliminate the fears that pervade the marketplace today, but it may lower the stakes a bit by showing that we can act responsibly when pressed to do so.

With any luck, that in turn can serve as a catalyst for us to get deficit reduction back on track, and avoid the potentially disastrous consequences of failing to come to agreement.

Mr. Speaker, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSTENKOWSKI: On the first page, line 5, strike "October 15, 1990" and insert "October 2, 1990".

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment to H.R. 5350 is very simple. It changes the date from October 15 to October 2. Consequently, the public debt limit will revert back to $3.123 trillion on Wednesday, October 3.

This date was chosen after consulting with the bipartisan leadership and the administration. I believe this date offers the best chance of Congress adjourning for the August recess.

I urge support for this amendment.

Mr. ARCHER. Mr. Speaker, I support the amendment, as I mentioned in my previous statement.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL] a highly regarded member of the Committee on Ways and Means.

Mr. FRENZEL. Mr. Speaker, as our distinguished ranking member, the gentleman from Texas [Mr. ARCHER] has said, this bill before us is not desirable, but it is necessary.

The long-term debt limit which we sent to the Senate earlier in the week is not coming back. We need to have a short-term debt limit bill to keep the country going while the Congress stands in recess.

Debt ceilings are a pain in the neck to all of us. They serve no purpose, save to offer an opportunity for mischief to the other body. I am afraid this one may be the same kind of opportunity, but we must send it over.

The amendment of the gentleman from Illinois [Mr. ROSTENKOWSKI] needs to be adopted. It was by request of both parties. I hope this bill will be swiftly passed in spite of our natural aversion to working on this kind of legislation.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. MICHEL] the minority leader of the House.

Mr. MICHEL. Mr. Speaker, of course I certainly support this short-term debt limit increase, and particularly to the date now, as amended, to October 2.

I had hoped that earlier this week the House would have passed an unamended long-term extension of the debt, as had been the wish of the administration. That, however, was not the case, and the House instead passed a long-term debt limit with an amendment to take the Social Security trust fund out of Gramm-Rudman deficit calculations.

Now we have to wait for the other body to work its will, and work out the differences between the two bodies. It does not seem possible, obviously, that this can be accomplished in the short time before Congress plans to adjourn for our August recess. Therefore, we are now faced with a temporary extension of that limit.

□ 1510

As I stated earlier last week, Secretary Brady, in a letter to me, said that we are going to run out of cash and

borrowing authority on August 15. Then the Federal Government would be obliged to default on its obligations if Congress does not act before it leaves for our break.

So, to make absolutely sure that this does not occur and with all our other attendant problems, we certainly do not need one of this dimension, were we not to pass this temporary debt ceiling. So I would urge Members to close ranks and support this temporary extension. By October 1, let us see where we are. Hopefully, the submitters will have gotten together, and reached an accord to an agreement so that by October 1, we can put everything to bed before we face what could very well be an unconscionable sequester.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOYER). Under the rule, the previous question is ordered on the bill and the amendment.

The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. President, the question was on the amendment and not on the bill?

The SPEAKER pro tempore. The gentleman is correct, the question was on the amendment.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 172, not voting 13, as follows:

[Roll No. 313]

YEAS—247

Ackerman	Boehlert	Chapman
Alexander	Boggs	Clarke
Anderson	Bonior	Clay
Andrews	Borski	Clement
Annunzio	Bosco	Coleman (MO)
Anthony	Boucher	Coleman (TX)
Archer	Boxer	Collins
Aspin	Brennan	Conte
Atkins	Brooks	Conyers
AuCoin	Browder	Coyne
Barnard	Brown (CA)	Davis
Bateman	Bruce	de la Garza
Bellenson	Bustamante	DeFazio
Bennett	Cardin	Dellums
Berman	Carper	Derrick
Bilbray	Carr	Dicks
Bliley	Chandler	Dingell
Dixon	LaFalce	Price
Donnelly	Lancaster	Rahall
Downey	Lantos	Rangel
Durbin	Lehman (CA)	Richardson
Dwyer	Lent	Roe
Dymally	Levin (MI)	Rose
Edwards (CA)	Levine (CA)	Rostenkowski
Emerson	Lewis (GA)	Roukema
Engel	Lipinski	Rowland (GA)
Espy	Lloyd	Roybal
Evans	Long	Sabo
Fascell	Lowery (CA)	Saiki
Fazio	Lowey (NY)	Sarpalius
Feighan	Luken, Thomas	Savage
Fish	Madigan	Sawyer
Flake	Manton	Scheuer
Flippo	Markey	Schiff
Foglietta	Martin (NY)	Schumer
Ford (TN)	Martinez	Serrano
Frank	Matsui	Sharp
Frenzel	Mavroules	Sikorski
Frost	Mazzoli	Sisisky
Gallo	McCloskey	Skaggs
Gejdenson	McCrery	Skeen
Gephardt	McDade	Skelton
Geren	McDermott	Slaughter (NY)
Gibbons	McGrath	Smith (FL)
Gillmor	McHugh	Smith (IA)
Gingrich	McMillen (MD)	Smith (NJ)
Glickman	McNulty	Smith (VT)
Goodling	Mfume	Solarz
Gordon	Michel	Spratt
Gradison	Miller (CA)	Staggers
Gray	Miller (WA)	Stark
Green	Mineta	Stenholm
Guarini	Moakley	Stokes
Hall (OH)	Molinari	Studds
Hamilton	Mollohan	Swift
Harris	Montgomery	Synar
Hatcher	Moody	Thomas (GA)
Hawkins	Morella	Thomas (WY)
Hayes (IL)	Morrison (CT)	Torres
Hayes (LA)	Morrison (WA)	Torricelli
Hefner	Mrazek	Towns
Hertel	Murtha	Traxler
Hochbrueckner	Nagle	Udall
Horton	Natcher	Unsoeld
Hoyer	Nowak	Vander Jagt
Hughes	Oakar	Vento
Hunter	Oberstar	Volkmer
Hyde	Obey	Walgren
Jenkins	Olin	Walsh
Johnson (CT)	Ortiz	Washington
Johnson (SD)	Owens (NY)	Waxman
Johnston	Owens (UT)	Weiss
Jones (GA)	Oxley	Wheat
Jones (NC)	Panetta	Whitten
Jontz	Parker	Williams
Kanjorski	Patterson	Wilson
Kaptur	Payne (NJ)	Wise
Kastenmeier	Payne (VA)	Wolf
Kennedy	Pease	Wolpe
Kennelly	Pelosi	Wylie
Kildee	Perkins	Yates
Kleczka	Pickle	
Kostmayer	Porter	

NAYS—172

Applegate	Craig	Grant
Armey	Crane	Gunderson
Baker	Dannemeyer	Hammerschmidt
Ballenger	Darden	Hancock
Bartlett	DeLay	Hansen
Barton	DeWine	Hastert
Bates	Dickinson	Hefley
Bentley	Dorgan (ND)	Henry
Bereuter	Dornan (CA)	Herger
Broomfield	Douglas	Hiler
Brown (CO)	Dreier	Hoagland
Bryant	Duncan	Holloway
Buechner	Dyson	Hopkins
Bunning	Early	Houghton
Burton	Eckart	Hubbard
Byron	Edwards (OK)	Huckaby
Callahan	English	Hutto
Campbell (CA)	Erdreich	Inhofe
Campbell (CO)	Fawell	Ireland
Clinger	Fields	Jacobs
Coble	Gallegly	James
Combest	Gaydos	Kasich
Cooper	Gekas	Kolbe
Costello	Gilman	Kolter
Coughlin	Gonzalez	Kyl
Courter	Goss	Lagomarsino
Cox	Grandy	Laughlin
Leach (IA)	Ravenel	Smith, Robert (OR)
Lewis (CA)	Ray	Snowe
Lewis (FL)	Regula	Solomon
Lightfoot	Rhodes	Spence
Livingston	Ridge	Stallings
Lukens, Donald	Rinaldo	Stangeland
Machtley	Ritter	Stearns
Marlenee	Roberts	Stump
Martin (IL)	Rogers	Sundquist
McCandless	Rohrabacher	Tallon
McCollum	Ros-Lehtinen	Tanner
McCurdy	Roth	Tauke
McEwen	Rowland (CT)	Tauzin
McMillan (NC)	Russo	Taylor
Meyers	Sangmeister	Thomas (CA)
Miller (OH)	Saxton	Traficant
Moorhead	Schaefer	Upton
Murphy	Schneider	Valentine
Myers	Schroeder	Visclosky
Neal (MA)	Schulze	Vucanovich
Neal (NC)	Sensenbrenner	Walker
Nielson	Shaw	Weber
Packard	Shays	Weldon
Pallone	Shumway	Whittaker
Parris	Shuster	Wyden
Pashayan	Slattery	Yatron
Paxon	Slaughter (VA)	Young (AK)
Penny	Smith (NE)	Young (FL)
Petri	Smith (TX)	
Pickett	Smith, Denny (OR)	
Poshard	Smith, Robert (NH)	
Quillen		

NOT VOTING—13

Bevill	Hall (TX)	Robinson
Bilirakis	Leath (TX)	Schuette
Condit	Lehman (FL)	Watkins
Crockett	Nelson	
Ford (MI)	Pursell	

□ 1530

The Clerk announced the following pair:

On this vote:

Mr. Nelson of Florida, for, with Mr. Pursell against.

Mr. BATES changed his vote from "yea" to "nay."

Mr. TORRES changed his vote from "nay" to "yea."

So the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANTION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LEHMAN of Florida. Mr. Speaker, although I was present and voted during rollcall No. 313, for some reason my vote was not recorded electronically. I want the RECORD to show that I was indeed present and voted "yes."

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Florida?

There was no objection.

GET OUT OF THE HALLWAYS AND LET US VOTE

Mr. ROBERTS. Mr. Speaker, I ask for this 1-minute because I think it is time to restore some dignity to this House and make it possible for Members of this body to come to the floor and vote without going through what has become a virtual gauntlet of noisy, determined, grabbing, partisan, hot and bothered, and, sometimes, rude crowd that is clogging the entrance of this Chamber on this side and that side.

Mr. Speaker, 3 years ago for security reasons we emptied the entranceways to this Chamber. We were worried about the safety of Members. We asked the Sergeant at Arms to clear the hallway, and he did.

Mr. Speaker, this is the people's House. I have no quarrel with anyone who wants to visit with me or any Member in my office, on the grounds, in the Halls, in the Speaker's Reception Room, in the trees, behind the bushes, wherever. I do not care. However, Mr. Speaker, the way it has been today and on previous occasions, we cannot even get through the hallway to vote without endangering life, limb, cufflinks, earrings, and going through a tackle drill like the Washington Redskins.

Get out of the hallways, and let us vote.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 3, 1990, TO WEDNESDAY, SEPTEMBER 5, 1990, AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN AUGUST 3 AND AUGUST 10, 1990, TO SEPTEMBER 10, 1990

Mr. GRAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, August 3, 1990, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 3, 1990, to Friday, August 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 10 o'clock ante meridiem on Monday, Septemter 10, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5400, CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5400) to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, to be equally divided and controlled by the majority leader and the minority leader, or their designees, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text printed in part one of the report of the Committee on Rules accompanying this resolution as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except (1) the amendments printed in part two of the report of the Committee on Rules which shall be considered en bloc and (2) an amendment in the nature of a substitute submitted to the Congressional Record of August 2, 1990, by Representative Michel of Illinois. The amendments shall be considered in that order and shall be debatable for one hour each, equally divided and controlled by the proponent and a Member opposed thereto. The amendments shall not be subject to amendment and all points of order against the amendments are hereby waived except those under clause 7 of rule XVI. The amendments en bloc printed in the report of the Committee on Rules shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Members may demand a separate vote in the House or any amendment adopted in the Committee of the Whole to the bill or the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1540

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, campaigns cost too much. Spending on elections is out of control for both incumbents and challengers.

We are forced to spend too much time raising money under our current system of electoral financing.

In 1988, there were 20 House races which cost at least $1 million. Today, the average Senate campaign costs $4 million.

It is time for a change.

In the last decade, the cost of television advertising has tripled. The average campaign now spends half its funds on advertising.

It is time for a change.

The American people will no longer tolerate business as usual.

It is time for a change.

Today we have a chance to consider legislation, H.R. 5400, which will restructure the business of electing Congress.

Changing the rules of the game is uncomfortable. It leads to uncertainty.

But there can be no doubt. Strong campaign finance reform legislation is a must.

H.R. 5400 is a good bill.

It establishes a $550,000 spending limit for each election cycle. Of that total, no candidate could accept more than half of their funds from PAC's.

It closes the soft money loophole by prohibiting presidential candidates from soliciting or receiving any soft money, and requires full disclosure of soft money spending in federal elections.

It would allow small-donor PAC's to contribute up to $5,000 per election, but limit high-donor PAC's to $1,000.

And finally, H.R. 5400 would tighten the regulations on independent expenditures, and discourage negative campaign advertising.

Under the rule we will consider today, we will also make in order the Synar-Obey amendment. It would further restrict PAC contributions to only 40 percent of the half-million-dollar limit, and cut individual contributions to $500.

Perhaps most importantly, it would provide a match of up to $100,000 in public financing for contributions of $50 or less.

We will never break the addiction to electoral fundraising until we have public financing.

The rules of the game must be made fair, even as we allow for maximum participation in our democratic system.

H.R. 5400 will help us end the money chase that threatens our political process.

It is good government, good politics, and common sense.

Mr. Speaker, House Resolution 453 is a modified closed rule that waives all points of order against consideration of the bill.

Debate time is divided between the majority leader and the minority leader or their designees.

The rule makes in order the amendment in the nature of a substitute now printed in the report accompanying this resolution as original text. General debate is limited to 2 hours.

No amendment to the substitute is in order except: First, the Synar-Obey amendments en bloc, and second, the Michel amendment in the nature of a substitute. Each amendment is debatable for an hour.

The amendments are not subject to amendment, and all points of order against their consideration are waived except for clause 7 of rule 16, pertaining to germaneness.

The rule provides for one motion to recommit.

House Resolution 453 permits immediate consideration of one of the most important pieces of legislation we will consider in this Congress.

I urge my colleagues to support it.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the rule has been ably explained, but I think here at this late hour of the day when we are supposed to adjourn for a district work period, bringing such mammoth legislation to the floor is really asinine.

We all want campaign reform, but why cram it down our throats with no opportunity to amend? It should be brought to the floor of the House under an open rule.

I pleaded with the Rules Committee to grant an open rule and made a motion for an open rule, but it was defeated.

Mr. Speaker, I also made a motion that we postpone action in reporting the rule, and that was defeated.

Haste makes waste. I personally want campaign reform, but why not hammer out a nonpartisan campaign reform where Republicans and the Democrats can all get together? Why fight about it?

I recommend that we defeat this rule so that we can come back after our August work period and get down to the business of passing a meaningful campaign reform bill.

Mr. Speaker, I have several requests for time, but I want to stress to the membership that it is folly, folly, folly to bring this measure up today under this rule. I voted against this rule in the Rules Committee and I will vote against this rule on the floor of the House.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the ranking Republican leader for yielding me this time.

Mr. Speaker, I would join with the ranking Republican on the Rules Committee to denounce this travesty here on the floor today. This rule should be defeated soundly. If the rule does manage to get approved, then the bill itself, H.R. 5400, ought to be defeated, too.

The distinguished Republican whip, the gentleman from Georgia [Mr. GINGRICH], said it very well yesterday in his testimony at the Rules Committee:

To consider a so-called reform bill at the 11th hour under this kind of a closed rule suggests that the need for reform goes far beyond the issue of campaign financing.

And he was so right.

Mr. Speaker, this bill was introduced on Wednesday evening. It was not considered by any committee of original jurisdiction. As a matter of fact, prior to its introduction on Wednesday, it had not even been seen by any Members except those who are privy to the inner sanctum of the Democrat Party leadership.

Mr. Speaker, it goes without saying that the prospects of such a partisan document actually getting enacted into law are very slim indeed.

Do you really want campaign reform? But that is not the issue right now. What is the issue is the continued abuse and the trivialization of the rules and procedures of this House. How long is this going to go on? Here we are, confronted again with yet another closed rule, a rule that denies the minority its instructions, a right to offer a motion to recommit with instructions, a right that we have had since 1913; and those rules have not been changed in this House.

I noted yesterday during the debate on the rule for the civil rights bill that the precedent which permits the minority to offer a motion to recommit with instructions in all rules, open or closed, goes back to 1913. I said further that it has only been recently that this precedent has been regularly reversed.

Let me cite some statistics, and believe me, you gentleman on that side of the aisle who really should be fair, must listen. In the 95th Congress, the 96th Congress, the 97th Congress, and the 98th Congress, between 1977 and 1985, this House considered a total of 696 rules. Only one of those rules, just one rule in a period of 8 years, restricted the right of the minority to offer a motion to recommit with instructions. Just one, in 8 years.

Mr. Speaker, how times have changed. Since the beginning of the 99th Congress in 1985, the House has passed 41 rules which restrict this traditional minority right. The rule today is the 12th such rule this Congress, and Mr. Speaker, it has handcuffed this minority by depriving us of this right.

Mr. Speaker, I will close by citing a personal illustration of why what we are doing here today is so wrong. I have not told our colleague, the gentleman from Florida [Mr. BENNETT], who is sitting in the front row here, that I am going to do this, but with the gentleman's indulgence I would like to tell the House something about him.

The gentleman from Florida [Mr. BENNETT] is one of the most senior and respected Members of this House. He has more character and integrity than most of the rest of us put together. Last November, when the Rules Committee considered the congressional ethics reform package, the gentleman from Florida [Mr. BENNETT] requested permission to offer an amendment that would ban—listen to this—Member-controlled PAC's from making contributions to other Members.

□ 1550

He was fluffed off by the Committee on Rules and told to come back when the campaign finance reform bill was going to come up. So he came back yesterday, almost a year later, and he was fluffed off again, this highly respected Member.

That is what is wrong with this whole process here today. This exercise today is a wretched travesty. This rule should be defeated. We should come back on this floor and let Members like me offer an amendment to wipe out all PAC's, from unions, from corporations, from anybody. Let us get some real reform on this floor. And let us debate it out here honestly and openly.

I hope we defeat this rule.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me simply say that I have been involved in campaign finance reform efforts in this place for the last 15 years. The last campaign reform bill which passed the House bore my name. It was the Obey-Railsback amendment, and I am proud of that.

The fact is that that 15 years of experience on this issue has taught me a lot of things, and it has enabled me to

take with a grain of salt a lot of what I hear on this issue.

I simply would like to strongly support this rule and tell the Members why I think this kind of a rule is essential to move reform forward.

First of all, I want to ask the question: Who is kidding whom? There is literally no one in the House for whom I have more respect than the distinguished minority leader, and I heard him suggest in the Committee on Rules, and I heard others suggest from the minority side of the aisle, that we ought to slow this down, we ought not do this this week, we ought to wait until we get back from the August recess. I would not mind that comment if I had not read in the papers, just Monday of this week, stories indicating that the Republican leadership was fully prepared to make an attack on the Democratic Party in this House if we did leave without passing campaign reform.

It seems to me that in the eyes of the minority we are damned if we do and damned it we don't, so as long as that is the case, we might as well do. We might as well move forward and pass this bill while we have a chance.

The second point I want to make is simply this. The argument is made, "Oh, gee whillakers, we have got to have an open rule so that we can really scrub up these alternatives and improve them." I have been around here long enough to know that the best way you guarantee that reform is killed is to have an open rule, because campaign finance systems are very much like ecosystems. They are very complicated. One piece of the environment depends upon another, just as one piece of campaign finance legislation depends upon how it fits in with another piece. And the surest way to kill any meaningful reform is to let Democrats pull out by a vote a key piece in a Republican package, or to let Republicans pull a key piece out of a Democratic package. That is the way you destroy the cohesion and the intelligent rationale which has gone into building both the Republican and the Democratic approaches.

The other point I would simply like to make is this: We are here trying to change the existing law, because the Supreme Court did not operate under a closed rule. The problem is that the public today seems to think that the Congress designed the existing system. We did not. We designed the reform package, and then what happened is the Court picked a little piece here and it picked a little piece there, it kept these, it threw out those, and it produced a system which makes no intellectual sense.

That is why it is necessary, if you are going to have a system which makes sense to the taxpayer and gives middle class people an even break in influencing events on this floor, it is essential that you keep these alternatives together as packages. That is why this rule makes sense. It protects the intellectual integrity of the Republican package. It protects the intellectual integrity of the Democratic package, or of the Swift package, I should say, the original bill off which we are both working, and it protects the integrity of the Democratic alternative to the Swift package.

We will be able to choose between three packages. The debate will determine who wins the debate, who persuades enough Members to win votes on this floor. But the idea that we should somehow proceed under an open rule is ludicrous if you have followed the history of reform as long as I have.

Every major reform in this House, whether it be campaign finance legislation or changes in the way we run this House itself, every major step forward in improving the rules of the House or the rules under which we campaign has come under structured rules so that we cannot play the game of pulling out this piece there and this piece there and destroying the integrity of the process in the first place.

So I congratulate the Committee on Rules for coming up with this rule. I think it is essential that we do this, if we are really going to move reform forward.

I urge the Members to vote yes on the rule.

Mr. BONIOR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, I rise in strong support of this rule. I urge its adoption for the improvement of the political process.

Mr. Speaker, today I am proud to introduce with Representative BARBARA BOXER the Violence Against Women Act. Through this legislation we are taking a tough stand against this heinous but all-too-common type of violent crime.

In the United States today, a woman is beaten every 18 seconds; raped or attempted to be raped every 3½ minutes; and murdered by a husband or boyfriend every 6 hours. In 1989 alone, the Rochester police in my own district reported 3,886 domestic violence offenses. Rape is the fastest growing crime in our country, and it's estimated that 50 to 90 percent of all rapes are never reported to the police. In Rochester, calls to a rape crisis hotline have increased an average of 15.3 percent each year from 1980 to 1989, and 47 percent of the callers do not report the attack to the police. These shocking statistics demand that our judicial system enact legislation on the Federal and State level to break this cycle of violence against women.

The Violence Against Women Act increased Federal penalties and sentences for those convicted of sex offenses. It doubles sentences for repeat offenders. This is critical because rape is the crime with the highest rate of recidivism, according to Linda Fairstein, the head of the Manhattan district attorney's sex crimes unit.

The bill requires attackers to make financial compensation to their victims, and for the first time would make victims of violence based on their gender eligible for the compensatory and punitive damages available to others whose civil rights have been violated. The bill provides grants to governments in areas of high intensity crime to develop effective law enforcement and prosecution strategies to combat violent crimes against women and creates a commission to study violent crime against women.

These and the other provisions of this bill will be effective only if they are copied and adopted by every State. They certainly will make a difference to the victims in my congressional district if New York adopts similar legislation.

This year, Arthur Shawcross was arrested and indicted for murdering 10 women in the Rochester area. Outrage mounted when it became known that in 1972, Shawcross had been convicted of raping and murdering a little girl, sent to prison, and paroled after only 15 years. He was on parole for other crimes when he committed the 1972 murder. Had New York State enacted legislation like the bill we are introducing today, sentencing guidelines would have required that Shawcross have served at least 18 years for the rape and murder. He would still be in prison now, and the 10 women he is accused of murdering might still be alive today.

This July, the Rochester Democrat and Chronicle ran a superb, thought-provoking five-part series on violence against women. For six months, reporters Susan McNamara and Deborah Fineblum Raub researched these articles, interviewing experts on law, counselors, victims, and violent men who have attacked women. I commend these reporters, the newspaper, and photographer Karen Mitchell for devoting so much time and space in the paper to promoting public awareness of this critical issue.

The series highlights the extent of the problem, the many effects of violence against women, and the avenues available for help. It sympathetically and concisely discusses the facts and feelings of victims such as Kathy Corey, who was brave enough to come forward and prosecute the man who raped her in 1977, and who now volunteers to counsel other rape victims on how to recover from this terrible crime. The series echoes the reasons why last year and again this year I introduced legislation designating October as National Domestic Violence Awareness Month. If we can begin talking about the dimensions of the problem we can begin pursuing a solution.

I recommend the Democrat and Chronicle series to anyone interested in learning about the extent and horror of violence against women. Because this issue is so important, and because this series so eloquently examines violence against women, I am including in the RECORD excerpts from this extraordinary series.

I hope that Congress will set an example to States by toughening Federal law setting the consequences for those who attack women and by working with local police to stop the

problem. We can do that by passing the Violence Against Women Act.

[From the Rochester Democrat and Chronicle, July 11, 1990]

MANY SHARE A CYCLE OF PAIN

(By Deborah Fineblum Raub)

This was absolutely the last time she would let her husband beat her, Gloria said, eyes puffy and red from a night of crying.

But, she admitted, she has said that before.

In fact, after every beating she swears she'll never let it happen again. Then, in the morning, thinking about her children's need for their father, her own financial helplessness, and the fervor of her husband's apologies, she forgives him . . . again.

And the cycle of domestic violence begins again in the night of Gloria's suburban Rochester home.

"Everything will be fine for a while, then it starts all over," she said.

The accusations: "I'm a lousy mother, I'm a lousy housekeeper and cook, I'm being unfaithful * * * I am a nothing." And then come the beatings.

Cheryl and Jill are seated near Gloria (not their real names) in the living room of the Alternatives for Battered Women shelter. "'You're just a nothing,' that's exactly what my boyfriend says to me before he slaps me around," said Cheryl.

These women are not alone. Domestic violence—committed by a husband or boyfriend, ex-husband or ex-boyfriend—is the most common violent crime against women.

Consider the following:

Domestic violence is the most frequent cause of injury to women, more prevalent than auto accidents, rapes and muggings combined, according to former U.S. surgeon general C. Everett Koop.

Men commit 91 percent of all assaults on their spouses or ex-spouses.

Twenty percent of visits by women to emergency medical services are caused by battering.

DOMESTIC ABUSE IS ALL TOO COMMON

Forty percent of divorce cases in the New York State cite physical violence as the reason for termination of marriage.

Four women die each day in the United States from domestic abuse.

In the 10 months of 1989 for which figures were compiled the Rochester Police Department reported 3,886 domestic violence offenses, up from 2,071 in 1988. "And these number are just a fraction of all the women who get abused; most of them don't ever report to authorities," said Diana Compos, project director for the state-side Spanish-language domestic violence hotline.

Experts say that even those episodes of domestic violence that are reported are just beginning to be perceived as crimes. "For many years our judicial system did not put an end to it. They called it a family feud and looked away," said University of Rochester anthropology professor Ayala Gabriel. "Now it's against the law but the attitude remains. We've only just begun to take the laws seriously."

The lag in societal attitudes has frustrated Phyllis Korn every day of the last 10 years that she's worked as executive director of Alternatives for Battered Women in Rochester. "Traditionally domestic violence has been viewed by society as just a domestic squabble, something that's OK as long as it's kept behind closed doors."

It's an attitude that's been absorbed so deeply that it is reflected in the English language, she added; the expression "rule of thumb" derives from an old English law that says a man may beat his wife, as long as the stick is no thicker than his thumb, she said.

"And, even though the law now tries to protect a woman against violence in her home, the same people who will intervene when someone attacks a stranger on the street, will still turn aside if it's a man hitting 'his' woman."

Domestic violence is a crime that tends to victimize a woman over and over again; on the average, a woman returns to an abusive husband or boyfriend five to 10 times, Korn said. "Some women are beaten for months, others for years before they say, 'No more.'"

Why do women caught in this cycle remain? Terry Servis, former Monroe County assistant district attorney, said, "It's tough to explain why some women permit this to go on. But some feel trapped. They have no other visible means of support, they may have children, they may feel there is no alternative."

Alternatives for Battered Women runs one of approximately 1,200 domestic-violence shelters across the United States. The not-for-profit service also provides a 24-hour hotline for abused women, ongoing support groups and individual counseling, and temporary housing for battered women and their children.

"They're more fortunate (in Rochester) than those in rural areas, where there's usually no support at all for abused women, and they're better off than the ones living in big cities where the services they have are overwhelmed," said Korn.

The shelter, which occupies an upper floor of a downtown Rochester office building, houses as many as 26 women and children at a time, serving nearly 500 each year. Security is a primary concern, with dead bolts on all doors, closed-circuit television cameras focused on the foyer.

"The ultimate need here is for safety," Korn said. "This is a place where a woman can relax enough to tackle the critical issues she needs to resolve."

Only at the shelter could Jill escape from her boyfriend's beatings. "I kept going home because I'm not safe on the streets, but I'm not safe at home either."

Jill said that the battering began after she gave birth to their first child. That's not uncommon, Korn said, adding that it's often during pregnancy or after a baby is born that the violence starts.

Battering during pregnancy is the subject of an ongoing study by researcher Judith McFarlane at Texas Women's University in Houston. McFarlane is the recipient of a Centers for Disease Control grant used to track the pregnancies of 1,200 women in two states. Results from preliminary research show that a woman battered during pregnancy has four times the chance of delivering a low birth-weight baby—one at risk for early death or complications—as a woman not battered. She is also more likely to miscarry.

"Ours is the first study to track women through their pregnancies and document the effects of abuse on them and their babies. What we're hoping is that the study will encourage all health professionals to ask questions about abuse of the women they see, pregnant and otherwise," McFarlane said. "Only then can we educate women about the risk of violence in their lives and help them stop the cycle of domestic violence. Knowledge is power, it really is."

Korn said the shelter provides not only "a setting that is indignant that a woman should be subjected to this crime" but counseling support to help her make decisions and an opportunity to be with other women in the same situation.

The National Crime Survey reports about 2.1 million women were beaten in their homes between 1978 and 1982. Deborah White of the National Coalition Against Domestic Violence in Washington, D.C., estimates the current number of abused women nationally between 3 million and 4 million each year.

"For many years our judicial system did not put an end to it. They called it a family feud and looked away. Now it's against the law but the attitude remains." Ayala Gabriel, University of Rochester anthropology professor.

Of this number, the Bureau of Justice Statistics identifies 57 percent of the beatings are done by spouses and ex-spouses. Boyfriends and exboyfriends make up another, uncalculated, percentage of the national total.

The leap in the numbers of reported cases stems largely from increased community pressure on police to make more arrests, better community education, and more shelters and services for abused women, White said. "So, even though it's still a stigma, more are coming forward," she said. "But it's also true that we have just become a more violent society, with the incidence of this kind of crime up."

In her office, Brigitte Abraham of the Monroe County District Attorney's Domestic Violence Bureau sees "a steady rise in felony assaults and murders that are domestic violence."

And she's glad that women are reporting more than in the past. "The difficulty is that these are very isolating crimes. It's humiliating because it says that you were stupid enough to pick somebody who beats the poop out of you."

On an average day, Rochester police receive 10 calls reporting domestic violence, said Sgt. Steve Di Gennaro, who is in charge of the family victim service section there.

More than a year ago, the department adopted a pro-arrest policy, one that gives a police officer on a domestic violence call the right to arrest the abuser, even if the victim is reluctant to press charges. This is within the officer's power if he or she sees physical evidence of abuse. Previously, abusers were arrested only when the victim agreed.

"So the officer's hands were tied," said Di Gennaro. Now, under the pro-arrest policy, the abuser can be removed from the home, defusing—at least temporarily—a violent situation.

"Pro-arrest policies mean that police are looking at these cases in a different way," said Abraham. The change is responsible in part for the increase in the number of domestic violence calls to police, she added. "More women are calling now as society doesn't condone it as much as it used to."

Becky McCorry heads Family Crisis Intervention Team (FACIT), a program of the Rochester Police Department that sends mental health professionals into homes torn by domestic violence. "Pro-arrest provides the support an abused woman needs, because the dynamics of control in domestic violence means that most women are too paralyzed to make the decision to have the batterer arrested."

But McCorry said that pro-arrest is only the first step. "Sometimes people think that the arrest stops a problem. It doesn't. Long-

term counseling—separately for batterer and victim—is what's needed."

Korn said judges "are a key link."

"I think many of our judges are heads-and-shoulders above those in other areas, but we still need to establish a greater understanding of the domestic violence cycle with them."

Sheer volume is the primary challenge facing those courts that deal with domestic violence, said Judge Leonard Maas, who has been a Monroe County Family Court judge for nine years. "The number of our cases has mushroomed completely."

Maas said his court regularly issues temporary orders of protection to keep the abuser out of the home. "And matters are brought back to court in a relatively short time." But there is room for improvement in the way the courts deal with battered women, he said, adding that he's looking forward to reading recommendations forthcoming from the New York State Commission on Domestic Violence.

Despite a legal system and community agencies working to be responsive to battered women, many women remain in their violent homes.

"It's a cycle; by the time a relationship has escalated to violence, a women's self-esteem is very low," Korn said. "She thinks it's her fault. She's heard, "If you hadn't been a whore, if you weren't ugly, if dinner was ready on time, if the house was straightened, I wouldn't have to do this for so long; she feels she's worth nothing."

Jill, however, talking about her life in the shelter's living room, wiped her eyes, blew her nose and made a quiet resolution to fight back.

"I'm not going to stand there and take it anymore," she said. "Each time he's tried to make up, I've fallen for it. The message we get from the legal sysem is that beating your woman is a little bit acceptable, but I'm realizing that nobody deserves to be beat."

FEAR SHRINKS A WOMAN'S WORLD

(By Susan McNamara)

Last December at a local shelter for battered women, a woman recalled the indignation her husband felt as he read newspaper accounts of Rochester's serial killer.

"'Geez,' he'd say, 'I can't believe the cops are letting this guy run around killing women.'"

When she asked how that violence differed from the violence he inflicted on her, he replied, "That's different. You're my wife and I can do what I want to you."

Violence against women takes many forms—from a gruesome death at the hands of a serial killer to rape in a woman's own home by her husband.

In the United States, a woman is beaten every 18 seconds. Every 3½ minutes, a woman is a victim of rape or attempted rape. Every four hours a woman is murdered. Every six hours a woman is murdered by a husband or boyfriend, according to the U.S. Bureau of Justice Statistics and the Federal Bureau of Investigation.

And while some crimes can be committed as easily against men—and men, in fact, are crime victims more often than women—few would argue that men feel the same fear as women.

It is this fear that forces women, not men, to live in a smaller world: one that is brightly lit after sundown, one that has deadbolt locks and security alarms, one that encourages travel in groups, not alone.

It is this fear that forces many men to worry about wives, girlfriends and daughters—when they work late, when they jog, when they go shopping in the evening.

It is a fear so ingrained that many women don't even recognize it. Yet it amounts to a denial of women's basic rights to life, liberty and the pursuit of happiness.

"I'm not rich but I have the right to live safely in my own neighborhood, to pick up the paper and not read that someone in my family is dead," said Denise P. Logan, of Rochester, in a speech at the "Take Back the Night" rally and march downtown in February. Logan's cousin, Kimberley Denise Logan, was found murdered last year on Meigs Street. There have been no arrests in the case.

"This is not a look-the-other-way issue," she said. "It's time to get busy."

Violence against women, whether it's murder, rape or domestic violence, doesn't occur in a vacuum. The crime doesn't stop with the victim; it touches everyone, from family and friends to the larger community.

LEGACY OF FEAR CONSTRICTS THE WORLD FOR WOMEN

However, it is hardly a 20th-century phenomenon, psychologists say. The image of the cave man with the club dragging around a woman by a hank of hair may not be far off the mark. The violence is probably as old as relationships between men and women.

"It's a fairly traditional thing for women to be beaten, killed and raped," said Leslie R. Wolfe, executive director of the Center for Women's Policy Studies in Washington, D.C.

"As depressing as that fact is, it's true. The serial killer in Rochester sounded like Jack the Ripper. We're talking about a continuum here."

The issue has become a popular one in some political circles.

It was more than a decade ago—before it was fashionable for male politicians to address the subject—that Rep. George P. Miller, D-Calif., first spoke out on violence against women. He says he was accused by a colleague of "trying to take the fun out of marriage."

Miller is chairman of the Select Committee on Children, Youth and Families of the U.S. House of Representatives. Among the committee's work was the 1987 hearing on "Women, Violence and the Law" in Washington, D.C.

"Violence against women is an everyday occurrence in America," he says. But despite great strides in the last decade or so, "there is still much work to be done."

Last month, congressional hearings were held in Washington on legislation calling for tougher penalties for violence against women.

The proposed bill would make gender-related violence a civil rights violation, entitling the victim to sue for punitive damages. Also, $300 million in grants would be provided to create a commission on violence against women.

Consider these statistics:

More than half of all violent crimes against women are committed by people they know. Yet, according to the Office for Victims of Crime of the U.S. Department of Justice, violent acts against women are the crimes least likely to be reported.

A girl who was 12 years old in 1989 has a 73 percent chance of being a victim of violent crime—rape, robbery or assault—sometime in her life.

In all categories of violent crime, women are victims in numbers disproportionate to the crimes they commit. A woman is more than twice as likely to be murdered as to murder. She is 12 times more likely to be a victim of domestic violence than an abuser.

Ninety-nine percent of serial killers are men; between 80 and 90 percent of victims of serial killers are women.

Between 1977 and 1986, the number of rapes reported to police was up 43 percent, making it the fastest growing type of violent crime in the United States.

Nationally between 1978 and 1982, 2.1 million women were battered at least once. However, it's hard to estimate how many battering incidents occur locally. Four jurisdictions in Monroe County don't keep records of family trouble or domestic disturbance calls. The Rochester Police Department reports as many as 10 arrests a day, with most of the violence directed against women.

Experts say that illegal drugs also may account for some of the violence against women.

"They definitely contribute to the climate of violence," said Phyllis Korn, executive director of Alternatives for Battered Women in Rochester. "I would never say that drugs or alcohol or stress make people violent but for those who need to control others, it makes things much worse."

But American culture should share some of the blame for the climate of violence, too.

"We call ourselves peace-loving but it's a cliche. Look at our heroes," said psychologist Elaine F. Greene, who has a private practice in Brighton. "Over the decades, we have admiration for macho figures—Batman, Superman, Rambo."

Even in romantic films, the depiction of dominant men and submissive women may give mixed messages.

"You've seen the old movies, where a woman is slapped across the face and brought to her senses, or where she's picked up and carried off as she beats her little fists on the man's back," said Ayala H. Gabriel, assistant professor of anthropology at the University of Rochester. "The myth is that women love it. Violence and sexuality get mixed, and a myth is propagated."

The case against pornography is even more dramatic. Research studies haven't always agreed that depicting women in nonviolent ways in pornography causes antisocial behavior. However, most experts agree that pornography portraying sex in combination with violence—sadomasochistic themes, bestiality and portrayals of rape, for example—does contribute to an individual's tendency toward aggression.

Other possible effects include stimulation of rape fantasies, an increased callousness about rape, loss of compassion for women as rape victims, and greater acceptance of so-called rape myths—for example, that women "ask for it."

Another serious concern is that men, women and children of all ages and backgrounds are becoming inured to all kinds of violence, including violence against women. The average 18-year-old, for example, will watch an estimated 16,000 murders on TV in his lifetime. American culture is rife with incidents of violence in favorite pastimes—from sports to rock concerts—and in the language—including vengeful slogans on T-shirts and bumper stickers.

That worries many of those who are touched by the phenomenon—women's advocates, law enforcement officials, mental health practitioners, social workers, shelter

and crisis center workers, as well as the victims and their families.

"We're much too comfortable with violence," said Harry Reis, professor of psychology at the University of Rochester. "There has been a lot of research done on desensitization. Essentially, every time people see or hear of a violent act it makes them that much more used to it. We know that was the case in Rochester with the serial killings. If these were 14-year-old girls from good neighborhoods, imagine the outrage."

The mind also distances itself from fear of crime by blaming the victim.

"The victim gets re-victimized by society, and the scenario gets played out again and again and again," said Kathy Cottrell, assistant director of Rape Crisis Service of Planned Parenthood of Rochester and the Genesee Valley Inc. "The most famous example is the woman jogger (in Central Park) who was brutally raped and very nearly killed. She was blamed for her own sexual assault. I've heard this a million times: 'It would never happen to me. I wouldn't jog there.' Or you'd hear: 'I would never be a victim of a serial killer. I don't walk the streets.' "

Indeed, some women's advocates find disturbing irony in the increase of reported rapes on college campuses.

"Intellectually we try to empower women. We encourage them to make the best of their capabilities. But is it wrong to do that, to encourage them to reach for the brass ring, to give them a false sense of their own capacities, when the world is such a dangerous place? It may come down to a basic, physical kind of danger for which they'll be totally unprepared," said Bonnie Smith, former director of UR's Susan B. Anthony Center for Women's Studies, now with Rutgers University.

"It's also important to acknowledge that this is just another burden that women alone carry. We have to take extra measures to protect ourselves in the world in a way that men don't have to."

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in opposition to this rule. It denies the House a debate. It denies the Congress, the administration, the public any chance for campaign finance reform. It is unfair. It is a wrong rule, and we ought to reject it.

Mr. Speaker, this is the most important reform bill to come before this Congress, and it is getting jammed down our throats. It has never been through a committee. It is a task force bill. It has never had a hearing. It has been changed even since it came out of the Committee on Rules last night. It is an assault on the whole committee system. It should not be up to the floor at all today, with 24 hours' notice. It should be up when we come back in September. There everyone would have a chance to offer an amendment; and a closed rule is a disaster.

These packages cover spending limits, PAC's, franking reform, public financing, soft money, advertising, local funding, independent spending, tax credits for contributors, and more—every one deserving a full debate on its own right.

I have got opinions on all of them. I have got amendments just like the gentleman from Wisconsin [Mr. OBEY], who got his through. I would like to introduce those amendments. I bet eveyone here has an amendment. None of us had that chance.

My dear friend, the gentleman from Illinois [Mr. MICHEL], introduced 10 separate bills for each point in this package. We should be able to debate and vote on each one of those, but this rule forces us to say yes or no on all of them at one time. The same for the task force bill and the Synar-Obey substitute. It is absurd. It is unfair to the House. It is unfair to the public.

Mr. Speaker, this is a terrible rule. I ask the Members of the House to be fair, vote it down, vote no.

My dear friend, the gentleman from Wisconsin [Mr. OBEY], says you cannot operate on an open rule. I heard that yesterday in the civil rights bill.

Mr. Speaker, I went back and checked the history of the civil rights bill. In 1963, when we debated, I was part of that debate. It was an open rule. Ten hours of debate. Then I checked the 1965 voting rights bill, and I was proud of that. That was an open rule. Ten hours of debate.

What has happened to this House? Have we got to have a gag rule here now?

They are moving toward freedom in Lithuania, Czechoslovakia, the Soviet Union, and we are going the other way.

□ 1600

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, there is an old proverb that ignorance doesn't kill you, but it makes you sweat a lot.

Many of my Democratic colleagues are sweating profusely. There is a strange odor in this Chamber today, and you might ask the question why? They are bringing before this House under a closed rule, crafted by a ruthless exercise of power by the majority, a thing called campaign reform. It increases the opportunity for political action committees from special interest groups to increase the average contribution they now give, three-fourths of which goes to the Democrats, by a 30-percent increase. The majority calls that a great sacrifice.

It provides that a labor union is permitted to contribute 10 times as much money to any given campaign than any one of your individual constituents. That is because the Democrats get 95 percent of the union money.

It throws Federal taxpayer money into partisan political activities for the very first time in the history of this country. And you call that campaign reform?

To expect anybody to believe that is ignorance. The American people are not that stupid. This time you have gone too far, and everybody knows it. Let us vote against this rule.

Mr. QUILLEN. Mr. Speaker, I yield 9 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, the gentleman from Michigan [Mr. BONIOR] started the discussion on the rule saying that campaigns cost too much. In the most comprehensive survey to date on American opinion about the question of money and politics, a study financed by, for example, among others, People for the American Way, and we will not mistake them for the Heritage Foundation; it is a comprehensive poll. And, yes, the American people said that campaigns cost too much.

But do you know what they say bothers them more? The American people are more concerned about candidates ending up obligated to special interests.

Mr. Speaker, what we are doing here today in discussing the rule is process. Oftentimes, people say process is not important. I think it is. I think it affects substance, especially when the process we are talking about allows the bill in front of us under the rule, a bill which never went through the committee system. The bill was constructed from a task force which originated from a bipartisan task force under the former Speaker.

But let me tell Members, the bill in front of us is not the product of a bipartisan operation. Now, I happen to think there are a number of areas of campaign finance reform that lend themselves to bipartisanship.

For example, the area of transfers, the area of bundling, the area of soft money, independent expenditures, and the Federal Election Commission reform area. All of those items had been discussed in the bipartisan task force, and we were moving toward a bipartisan solution. But this bill was crafted on a partisan basis.

Now, do not tell me that one cannot do any work around here on a bipartisan basis. I would refer you to something that we passed, in fact, in this Congress, H.R. 2190, in a very controversial area—voter registration. Who were the cosponsors of this measure? Our Speaker, the gentleman from Washington [Mr. FOLEY], the minority whip, the gentleman from Georgia [Mr. GINGRICH], myself, the gentleman from Washington [Mr. SWIFT], leadership from both sides, on a question that is very, very contentious. It passed this House on a bipartisan vote.

Mr. Speaker, it can be done. If not on the major cutting point issues, cer-

tainly in those areas which we consider secondary.

Let us consider the rule, because let me tell you, the Swift bill from yesterday is not the Swift bill we are considering under the rule.

The Swift bill yesterday we can call Swift I, if you will. Under Swift I, which was just crafted last Wednesday, the maximum amount that you could spend in a campaign primary and general was $550,000.

Guess what? Today under Swift II, if you do not get two-thirds of all the votes cast in the primary you get a limit of $715,000. In one day we have moved from a $550,000 limit to a $715,000 limit if you do not get two-thirds of the primary vote.

What else was in Swift I? Criminal penalties for overspending, given the limit that is in the bill. Guess what Swift II contains? No criminal penalties for overspending.

In Swift I, they banned registered lobbyists from bundling. Guess what happens between yesterday and today? Registered lobbyists are not banned from bundling under Swift II.

In Swift I, they banned slate cards financed by corporations, unions, and millionaires. Guess what happens between yesterday and today? Swift I to Swift II? Pretty good government? No. The same old stuff.

That would not have happened if the bill had gone through the committee process, or in the terms of a bipartisan agreement. It happens when you try to move the bill only through your side.

Even if we could not have agreed, and that is where the gentleman from Wisconsin [Mr. OBEY] creates a straw man, we are not necessarily talking about an open rule, we are talking about a fair rule. We do not have to construct a rule in which we go after a key point in your position and you go after a key point in our position. We can have a rule in which we debate the key issues.

For example, should we have a system where individual candidates running for subcommittee chairman can take money out of their campaign fund and give it to someone else in an attempt to get that person to support them for subcommittee chairmanships, as has been done in the past?

You can do that under your bill. Under the Republican substitute, we ban all transfers. No leadership PAC's, no PAC-to-PAC, no candidate-to-candidate. We ban all transfers.

Mr. Speaker, I think we should debate which position we should have for transfers, yours or ours? That does not require an open rule. That requires a fair rule.

What about soft money? Your position is, you say, as you announced, that you ban soft money. Come on, you do not ban soft money. You have your building fund, you have your slush fund. Read the fine print. You do not ban soft money.

Our position on soft money says any money spent in the system not raised under Federal contribution laws is outlawed. We ban soft money.

We could debate the position of soft money, your position on soft money, our position on soft money. We think the Members of this House ought to be able to choose between those positions. We want, not an open rule, but a fair rule.

Mr. Speaker, it seems to me that what we are going to do is ultimately wind up with two choices. We are going to vote on party lines. We are not going to open up the debate, we are not going to resolve fundamental differences, and we are going to do the same old thing in the same old way.

It seems to me that if leadership wanted good law, we could have gone through a different route. We could have gone through the committee system. We have produced good law from the committee system, bipartisan law, in tough, controversial areas.

If the Democrat leadership wanted agreement and support from Members on an institutional level, they would have given us a fair rule, not an arrogant, unfair rule. If leadership wanted to avoid the obvious cheap partisanship aspects that will develop from this kind of a rule, they should have given us a different rule on a different day.

Mr. Speaker, what this rule demands is a "no" vote. Otherwise we are going to get bad law, we are going to get a Member revolt, and we are going to get partisanship stirred up again, as has been done in the past.

Mr. Speaker, the vote today is "no" on the wrong rule at the wrong time.

The SPEAKER pro tempore (Mr. HOYER). The gentleman yields back 2 minutes.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, first of all I want to thank everyone that has worked hard on this matter, all the committees and all the personnel. Certainly I think that both sides have some things to add toward improving our institution.

I do want to say, however, that for over a year I have worked vigorously to try to see if I could end something that was and is, I think, very wrong and likely to get worse. That is that at the present time there is no law that prohibits a Member from giving his own money or giving his PAC money to other people in the caucus or wherever he wishes in order to influence votes for himself for being chairman or subcommittee chairman or what have you in this way of leadership attainment.

In fact, that is a practice in the Congress at the present time, as sad as it may be. And it is easily documented, because it is all there; the PAC money is reported from PAC's lists and where the money goes is reported, and the result of the campaigns are reported.

One man, for instance, never gave any very substantial money to other Members until he ran for a leadership spot, and then he gave over $500,000. And that is big money; it is not small money. That is something that ought to stop.

It used to be 10 years ago that it was against the criminal laws of our country, and then it was changed, and it ought to go back. If you stood outside of a polling place or where people are voting and handed everybody a $10 bill that went through and said, "Have a nice day," you would be in jail the next day. But here you can take hundreds of thousands of dollars, or millions of dollars, whatever you want to take from vested interests, special interests, and that is where the money actually is coming from, you can look it up. It is not a dream, you can look it up, the actual contributions, the PAC money and where the money went, it is all a matter of record.

So this is something I am trying to stop, and I did go before the Rules Committee about a year ago and I asked them under the ethics law proposals if I could offer this amendment. And they told me well, no, come back when we are discussing campaign financing. So I did, and then they turned me down again.

It seems to me that there is some validity in the fact that this country has a less democratic government than it had a while back. I am not bitter about it, but the truth is, for various reasons, things that are institutionalized in our country today are not really very healthy, and this is a very unhealthy situation and it ought to be corrected.

I myself am going to vote against the rule. I do not expect the rule to be defeated on the final passage, and I assume that we will get a vote on the bill, and I will vote for it. But I am disappointed that they have not allowed me to bring up my amendment in a way that would get away from some grave dangers in the future. Right now special interests in the United States, big defense contractors and people like that can give money to the PAC of an individual who runs for Congress, and that person can turn around, whether the defense industry likes it or not, and give money to members of the caucus. This is something that I have experienced myself. I know it is true, and I think it is something that ought to stop. I think it is very dangerous to our country to allow this to continue.

I am sorry that the Rules Committee has kept me back from raising this question in any opportunity I have

had on it. I am sure that there is no malicious intent here. We are all trying to work for a better Government. But this ought to be solved, and I had to express how I felt about the fact that I have been refused twice now from offering this amendment which is a very mild amendment.

My law is less severe than the law was 10 years ago when there was a criminal penalty for what I am trying to get at.

I would like to read to you from the 1976 edition of title 18, United States Code, Crimes and Criminal Procedure. Chapter 602 of title 18 stated that it was illegal to take money from other Members. I am reading from this section when I say:

> Whoever, being a Senator or Representative in . . . Congress . . . directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any . . . contribution for any political purpose whatever, from any other [Senator or Representative], shall be fined not more than $5,000 or imprisoned not more than three years or both.

This was from 18 U.S.C. 602, 1976 edition. This was repealed in 1980.

The U.S. Supreme Court had an opportunity to consider the language of chapter 602 in *U.S.* v. *Wurzbach*, 50 S. Ct. 167 (1930). Wurzbach was decided on the basis of the Federal Corrupt Practices Act, the predecessor to 18 U.S.C. 602. However, the language of the old Federal Corrupt Practices Act and the language of chapter 602 in the 1976 edition of title 18, are almost identical. In Wurzbach, the Supreme Court held that the language concerning the prohibition of soliciting or receiving money was "perfectly intelligible," and prohibited such practices.

A 1980 amendment to the law (Public Law 96-187) eliminated the language prohibiting the receipt of contributions from other Members. According to the amended law, it is unlawful for a candidate for Congress, or a Member of Congress, to solicit contributions from other Members, (18 U.S.C. 602, 1988), but it is all right to accept the money. In my opinion few Members of Congress are aware that it is illegal to solicit contributions from other Members, and in any event, I believe the ban on solicitation is widely violated. While the law allows receipt of money from other Members, I have a hard time distinguishing receipt of funds from solicitation. If it is unlawful to ask for the money, how can it be proper to take the money? How about the legality of one giving it when one seeks an in-House leadership role? Currently that is improper, and clearly should be made illegal.

My concern about Member-to-Member contributions prompted me to write to the Federal Elections Commission asking them for an advisory opinion on the practice of Members donating money to other Members. I was shocked when the FEC advised me that contributions of excess campaign funds to other candidates are permissible, up to $1,000 per election per candidate.

The advisory opinion by the FEC came as such a surprise that I did some research into this matter myself. My research led me to 18 U.S.C. 602, as mentioned earlier, and to our own Code of Ethics (Public Law 96-303). According to the Code of Ethics for Government Service, which is the law today, Members of Congress are prohibited from accepting ". . . benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties." Can any of us deny that accepting money from a fellow Member, when that Member is running for a leadership position, ". . . might be construed by reasonable persons as influencing performance of governmental duties"? I do not think we can however deny that. It appears that the law has been changed so that Members do not face criminal sanctions for accepting money from other Members, but such acts still violate our Code of Ethics.

For all of our rhetoric about ethics in Congress, and how we live our lives in a fish bowl, we are carrying on practices that should not, and would not, be accepted were we not in Congress. One former Member whom we all greatly admire as a person, donated approximately $20,000 of PAC money from 1981 to 1985 to other Members. When he successfully ran for a leadership post his contributions increased 27 fold by distributing $552,500 to other Members. Under the amended chapter 602, that was legal. But should it be?

If one stood outside the voting booth and gave only $10 to every voter in a general election, he would have been accused of vote buying. In *U.S.* v. *Carmichael*, 685 F.2d 903 (4th Cir. 1982), the Fourth Circuit Court of Appeals had an opportunity to rule on a case involving allegations of vote buying. Carmichael, a former South Carolina State senator, was convicted under 42 U.S.C. 1973i(c), for giving voters as little as $10 in an election for local sheriff. Carmichael contended that the law required proof that any vote buying actually affects an election for Federal office. Id., at 908. The court held that it was not necessary for the government to prove that passing the money actually affected a Federal contest. Rather, a violation is established when the activity:

> * * * exposes the federal aspects of the election to the possibility of corruption, whether or not the actual corruption takes place and whether or not the persons participating in such activity had a specific intent to expose the federal election to such corruption or possibility of corruption.-Id., (quoting *United States* v. *Bowman*, 636 F.2d 1003, 1011, 1011 (5th Cir. 1981).

Admittedly, Carmichael was charged, and convicted, under 42 U.S.C. 1973i(c), and not under 18 U.S.C. 602. However, the legal reasoning would seem to me to be identical under either statute.

One of our able and respected members went so far as to send out a letter requesting "a check for $500 to $1,000 so that I can begin to build the active support within the Democratic Members of Congress to win this key leadership position."

Acting out of a sense of party unity, and goodwill, does not negate the intention to influence another members voting habits. Florida's Third District Court of Appeal recently held that "acting out of a misguided sense of public service and [while receiving] no pecuniary benefit himself are irrelevant," and did not indicate that defendant did not possess the requisite criminal intent. *Trushin* v. *Florida*, 384 So. 2d 668 (3d DCA 1980), at 679. In Trushin, defendant offered free legal services if voters would pledge to vote for two particular candidates, neither of whom was the defendant. Despite not having any direct pecuniary gain in the outcome, defendant's conviction was affirmed.

Nor is it necessary to prove that the money affected the result of the election, according to the U.S. District Court for the Western District of Missouri. "[T]he government is not required either to allege or prove that the alleged "vote-buying" either related to or in any way affected the result of any election . . .". *U.S.* v. *Sayre*, 522 F.Supp. 973 (W.D.Mo. 1981), at 974. Where money is involved in elections,

> The election thus becomes a spending contest with the candidate most willing and able to make such payments having the greatest chance of winning. The fact that the person making the payment did not intend to influence the federal election does not change the reality of the threat; the payment itself, not the purpose for which it is made, is the harm and the gist of the offense—Id at 975-6.

Admittedly, Members of Congress may not be so blatant as to specifically tie the donation directly to a vote. However, I believe the intent is clear—it is no small coincidence that a Member contributes far more generously to other Members when the donor is running for leadership positions. Compare the contributions made by Members running for leadership positions to the contributions made by Members not seeking leadership positions. From that we can clearly see the intent—money, if not directly buying votes, unduly influences votes. This makes a mockery of our code of ethics, our laws, our reputations, and Congress itself.

There is a more sinister aspect of this though. Allowing such donations are bad if they are out of Members funds, as it tends to make winners of

rich Members and losers of Members who are not rich. If the money is coming from outside sources, including PAC's, an alarming possibility occurs, outside money is directly influencing the House leadership. Do we want special interest PAC money influencing internal House races? The answer to that can only be a resounding "no." Data on the details of special interest money can be obtained from the Federal Elections Commission. This data further illustrates how special interests influence internal House races.

I think we all realize that Congress has come to some sort of ethics crisis. Whether it is media-induced or not, the general public thinks there is a problem. In the June 12, 1989 issue of Time magazine, Fred Wertheimer, president of Common Cause, is quoted as saying: "Our Nation faces a crisis in the way we govern ourselves. Our Nation's Capital is addicted to special interest influence money. Members of Congress are living professionally and personally off these funds."

With all of the honorable people in Congress, we ought to be able to come up with meaningful and reasonable ethics rules. This issue of Member-to-Member campaign contributions isn't splashed across the front pages of our hometown newspapers now, but it undoubtedly will be if we continue to let it grow. Simply outlawing Member PACs would not work because Members will then give from their personal campaign funds including PAC donations or their personal funds.

We must enact legislation similar to H.R. 83, a bill that I have introduced. This bill would do the following things:

First, prohibit any Senator or Representative, or candidate for such office, from contributing to other Members, and candidates, for Congress. This would include contributions to or from Members' PACs or personal funds, and cover direct and indirect contributions, including those that are earmarked;

Second, prohibit Members from soliciting or accepting contributions with respect to elections for congressional leadership offices. These offices would include the leadership of both the House and Senate committee and subcommittee chairmanships and any other officer of a political party.

I'm sure there are many Members who would like to see this practice stopped. We are now forced to spend hundreds of thousands of dollars, and now sometimes millions, for our House races. To be faced with the additional specter of spending hundreds of thousands of dollars for internal races in addition is absurd and, more importantly, this allowed practice has onerous threats for the purity of our democracy.

Let's move now and nip this in the bud. This is a grand opportunity for change. We should not miss it.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 6, 1990:

H.R. 644. An act to amend the Wild and Scenic Rivers Act by designating segments of the East Fork of the Jemez and Pecos Rivers in New Mexico as components of the National Wild and scenic Rivers System.

On June 18, 1990:

H.J. Res. 516. Joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week."

On June 25, 1990:

H.R. 4612. An act to amend title 11 of the United States Code regarding swap agreements and forward contracts.

On June 28, 1990:

H.J. Res. 575. Joint resolution to designate June 25, 1990, as "Korean War Remembrance Day."

On July 3, 1990:

H.R. 1622. An act to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments.

H.R. 3046. An act to reduce the number of Commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the United States Parole Commission, for the Register and Associate Registers of Copyrights, and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes.

H.R. 3545. An act to amend the Chesapeake and Ohio Canal Development Act to make certain changes relating to the Chesapeake and Ohio Canal National Historic Park Commission.

H.R. 3834. An act to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

On July 6, 1990:

H.J. Res. 555. Joint resolution to commemorate the bicentennial of the enactment of the law which provided civil government for the territory from which the State of Tennessee was formed.

H.R. 5075. An act to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes.

On July 12, 1990:

H.R. 5149. An act to amend the Child Nutrition Act of 1966 to provide that the Secretary of Agriculture may not consider, in allocating amounts to a State agency under the special supplemental food program for women, infants, and children for the fiscal year 1991, any amounts returned by such agency for reallocation during the fiscal year 1990 and to allow amounts allocated to a State for such program for the fiscal year 1991 to be expended for expenses incurred in the fiscal year 1990.

On July 13, 1990:

H.J. Res. 599. Joint resolution to designate July 1, 1990, as "National Ducks and Wetlands Day."

On July 16, 1990:

H.R. 1028. An act to require the Secretary of the Treasury to mint coins in commemoration of the Golden Anniversary of the Mount Rushmore National Memorial.

H.R. 4252. An act to authorize the Secretary of the Air Force to purchase certain property at Pease Air Force Base, New Hampshire.

H.R. 4525. An act to amend the Ethics in Government Act of 1978 to increase the authorization of appropriations for the Office of Government Ethics.

On July 17, 1990:

H.R. 2514. An act amending subchapter III of chapter 84 of title 5, United States Code.

On July 27, 1990:

H.R. 2844. An act to improve the ability of the Secretary of the Interior to properly manage certain resources of the National Park System.

On August 2, 1990:

H.J. Res. 591. Joint resolution designating the third Sunday of August of 1990 as "National Senior Citizens Day."

PROVIDING FOR CONSIDERATION OF H.R. 5400, CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I stand in strong opposition to the rule.

Mr. Speaker, one of the most common complaints about Congress today is that it has lost touch with the people. That Congress is arrogant. That Congress manipulates legislation and works not for the benefit of the public, but rather for our reelection campaigns.

There is no better example of this manipulation than the rule being currently proposed for our debate on campaign reform.

This bill is meant to clean up our electoral process and restore integrity in Congress. So what does the leadership do? It uses a rule to lock out any meaningful debate and consideration of this all-important issue.

What we will see today on the floor is not an open debate but rather the establishment of each party's election platforms on campaign reform.

The three proposals we will consider, H.R. 5400, the Obey-Synar amendment, and the Republican substitute including H.R. 5050, H.R. 5052, and H.R. 5053 vary greatly in their proposals. If we are to shape and mold a true campaign reform bill, we should have the chance to debate the merits of these provisions independently. We should have the chance to strengthen various proposals and provide more extensive reforms. Instead, we are being given three proposals that cannot be amended, with the message—take it or leave it.

Our legislative process is supposed to engender and promote an open system of debate and consideration in the belief that through such a process our laws are made stronger. This rule is contrary to that belief. The current rule does not allow for true debate. This rule is the Democrats' election platform on campaign reform—it is a sham.

If the Democrat leadership is truly committed to campaign reform, why doesn't it want a full and open debate on this bill? If the Demo-

crat leadership is so confident of its campaign reform measure, what does it have to fear from an open rule?

We have a chance to restore confidence and integrity to our electoral system. If we are going to take meaningful steps to open up our campaign system, let's start with opening up the very debate that will decide this issue. Mr. Speaker, the voters of this Nation deserve an open rule on campaign reform. I urge my colleagues to oppose this rule.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Maryland [Mr. McMILLEN].

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in favor of this rule. There has been a lot of discussion on the other side about how it is unfair, how it is too restrictive, and you know, in my former life as an athlete, when games were close and time was waning, our coach would say to us, "Take your best shot."

That is what this rule is all about. It is saying to our colleagues on the other side of the aisle, take your best shot.

The Democrats are presenting two alternatives. The Republicans are offering an alternative which in essence is a layup in their own basket.

The Republican substitute will have ample opportunity to be debated on the floor of this body. If it is the answer to the problems of campaign finance, then let them sway us with their arguments.

The sad fact is, Mr. Speaker, that it is not the answer to the problems with federal campaign finance. Rather than a genuine attempt at reform, the Republican substitute is a partisan proposal to improve their own chances for election. It is a sham of a proposal in the name of reform, no spending limits, no restrictions on individual expenditures, no decent reform of soft money.

Mr. Speaker, this is a fair rule which guides the debate today, and everybody will have a right to be heard, I urge the rule's adoption.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I very much thank my friend from Michigan for yielding time to me.

Mr. Speaker, I rise in support of the rule and in support of campaign finance reform. It is my intention to vote for the Synar-Obey substitue, but failing that, certainly the work of our friend from Washington State, which has been noble and heroic, is worth our vote, and I thank him for that effort.

Let me just address myself to a couple of aspects of this debate tonight. One is I do think that spending limits are very much in order. I just completed a primary election in which I forswore the PAC contribution, and in a sense adopted voluntarily a campaign spending limit. It is an interesting experience for those of my colleagues who have not had that opportunity recently, but I can tell them along with the pain and the difficulty and the longer hours and the harder work of campaign financing, of having to raise the money, I think all of us in the new era of campaign finance will be rewarded. We will be rewarded because we will have a better opportunity to work with our people, our constituents: to really get to the grassroots.

Perhaps with the exception of my race back in 1967, when I was elected to the Kentucky State Senate, I do not think I have had a race before my primary this past May that was more of a grassroots effort, our effort was remarkably effective, and it was also a two-way street. I sustained myself and got energy from the people, and I think my supporters got energy from me.

So while I can understand the concerns we all have about going into a new era, to leave the known for the unknown to take a leap in the dark is frightening and does have certain fearsome aspects. But I think in the long haul of it, by adopting today one or the other of the Democratic proposals I think will catapult us into the new era correctly and responsibly, and I think it will be the best time possible for campaigning in our country.

I said earlier today that we have a chance to be heroic, and that this is really a very historic day, on August 3, 1990, we have a chance to do two things that for those of us who stay on in this Chamber will be looked back on with pride. One is the passage of a civil rights act, which we did earlier today and now the passage of a campaign reform act. We come to Congress, I believe, to be not just witnesses to history, which we are, but to be participants and makers of history, which we can be by voting up the rule and by voting up campaign reform.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, many of us here in the House would like to see some sort of change in the campaign finance laws in order to work out a level playing field where all candidates would be able to get a fair start in a campaign.

I introduced H.R. 2589, the Workers Political Rights Act, to do just that. Right now, union leaders funnel an estimated $300 million annually of union members' dues into political campaigns without the consent of the members. More than two years ago, the U.S. Supreme Court ruled in the Beck case that this action was wrong and that workers had the right to prevent being forced to contribute their dues for causes they oppose.

In the Beck case, the Supreme Court decided that workers could only be forced to pay dues for collective-bargaining activities—which in the Beck case, amounted to only 21 percent of the dues. The other 79 percent was being misspent.

My legislation would require that unions notify workers that they have the right to know how much of their dues are being spent on legitimate collective-bargaining activities and how much is being spent for the union leader's political purposes and that they have the right not to contribute dues for these other activities.

Unfortunately, the Democrat leadership has done everything possible to prevent campaign reform legislation from being considered in a democratic manner.

The Democrat leadership has refused to allow the House to debate campaign reform under an open rule which would allow Members to offer amendments to H.R. 5400 which they feel would provide for fair elections.

My legislation has 60 Members of Congress as cosponsors. Those Members represent more than 30 million Americans. This closed and undemocratic rule does not allow me to offer my legislation as an amendment.

The standard line from the Democrat leadership to support a closed and undemocratic rule is that the democratic process had worked well in committee where all sides were heard; that everyone had a chance to offer amendments in committee and that there is no need to rehash everything on the House floor.

Mr. Speaker, I find it outrageous that this legislation, H.R. 5400—which some claim was "immaculately conceived"—is being brought to the House floor without a markup in any committee.

In fact, this legislation which claims to make our Federal elections more free and fair has never been the subject of a single public hearing in the House. What's worse is that the Democrat leadership of the House has sought to abuse the American democratic process and prohibited the House from holding any public hearings on any campaign reform legislation.

That's no hearings on this bill.

That's no hearings on my bill, H.R. 2589.

That's no hearings on any campaign reform legislation.

None!

Zip!

Zilch!

Zero!

The Democrat leadership has made a complete mockery of the democratic process demanded by Americans.

That's an outrage.

Democrats have written a bill that does not protect the political rights of

American workers. The Democrat bill only continues to allow their candidates to receive large amounts of unreported aid from labor bosses which is probably why they refuse to hold public hearings.

This Democrat bill was created in a dark backroom far away from public scrutiny or debate. I don't know how anyone could claim that this bill was immaculately conceived. It was far dirtier than that.

This is a bad bill and a bad rule. It does not allow consideration of the Beck bill. Vote no on the rule.

□ 1620

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, when I was elected to Congress in 1987, I expected to like and respect my colleagues and to be concerned about the process by which we do our business. The reality is I like my colleagues far more than I ever imagined. I have tremendous respect for the men and women who serve here. But the process is really hurting.

Mr. Speaker, I am fed up as a rank-and-file Member to be told this is a great rule, and we have to accept what was done in one back room or another back room. It isn't a great rule, and it should be defeated. The rank-and-file Members of Congress should be allowed to deal with each issue on its merits.

Mr. Speaker, contribution and spending limits, soft money, PAC's, leadership PAC's, bundling, franking, and public financing all deserve to be individually addressed on their merits. This Congress and the Members here deserve to deal with each issue on its merits. We deserve an open rule.

The SPEAKER pro tempore (Mr. HOYER). The Chair will state that the gentleman from Michigan [Mr. BONIOR] has 14 minutes remaining, and the gentleman from Tennessee [Mr. QUILLEN] has 9 minutes remaining.

Mr. BONIOR. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I rise in support of this rule and the campaign finance reform bill. I know that those who speak against the rule and bill today, as well as the Obey-Synar amendment, would like to try to nitpick this bill to death. But I think finally we have brought to the floor a bill that is wide-ranging in its reforms, that anyone interested in campaign reform can support.

Frankly, I find the most distasteful part of my job having to raise money to run for office every 2 years.

One of the most wonderful things about this bill is that it asks candidates in any race to accept voluntary limits. From my own experience in my first race, I challenged my opponent then to voluntary spending limits. He refused; I was outspent 3 to 1 in my first race. In my second race—in fact, in my first race my opponent raised over $450,000. We did not have the capability to do that.

In my second race, I challenged my opponent at that time to voluntary spending limits. He refused. We were outspent in that race 2½ to 1.

This bill calls for a $550,000 cap on spending in any election cycle. I think one of the best parts of it is that it does try to be regionally sensitive by offering some flexibility, depending on the various primary elections that could occur, depending on how election laws are structured in different regions of the country. But at the same time, it asks for voluntary limits, it also has enough flexibility to try to meet the different regional needs we face as a Nation.

I find as a candidate so often, why am I raising this money? I am raising it to spend it on television.

In my district in Toledo, OH, it costs me, for 30 seconds on a show like "Golden Girls," $3,000.

Now, that is incredible that Members of Congress should have to go into the broadcasting business to be into marketing for ABC, NBC, and CBS when we want to run for office.

I like the proposal in this bill that gives you one free advertisment for every two purchased, especially for those of use who have to run in these various TV markets.

One of the other good aspects of the legislation is that it encourages small donors, expecially those from inside our own State, where people who contribute $50 or less can get a tax credit for those contributions.

I think we should do more to encourage small donor contributions in campaigns.

It also encourages small donor PAC's. So that those PAC's that are allowed to contribute to campaigns can do so.

This bill limits the influence of the large donor PAC's, which is one of the most important actions that this body can take.

One of the other things this bill does is that it limits the role of wealthy contributors.

In my own races, my opponents have been able within the flash of an evening to raise $40,000 in $1,000 contributions in order to make their word heard over television. We have never had that—I think I had one $1,000 contributor in my entire career, and they were related, and they gave me largely a part of their life savings.

I like the limitation on the role of wealthy contributors.

Finally, because it does offer the opportunity for voluntary limits, no longer will I face in my district the type of end-loading of money after October 15 that has so often been forced into my district. Three different times I have had to face lading of money in the last 2 weeks of an election that did not have to be reported until after the election. This rule and this bill are important to clean up campaigns around the country.

Mr. Speaker, I urge support of the rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, it is ironic that the House just passed legislation that will strengthen minority rights all across our country, but when it comes to protecting minority rights in this body—when we consider important legislation like campaign finance reform—how quickly they forget about such protections. Why are we considering this much-needed campaign reform legislation under a closed rule? Is the leadership frightened that we might improve the bill by making campaigns more competitive, and risking their majority status. It is clear the majority party wrote this bill to protect their power and domination over this body. The political action committee provision of granting higher limits for certain types of PAC's while placing lower limits on others, is coming close to violating the first amendment. This wouldn't have anything to do with the fact that the majority party receives more PAC money from the PAC's they would give this preferential treatment? Don't get me wrong, I am for reducing the increased role political action committee's have played in campaigns in recent years, but I do not favor selective treatment for one PAC over another. I urge my colleagues to vote this rule down, so we can have open debate on this important issue.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, it was kind of interesting listening to this debate. My good friend from Texas, who is on the subcommittee with me, the gentleman from Texas [Mr. DELAY], some remarks that he made, he had some landmark legislation and he had been working very hard on it for a long, long time.

□ 1630

He had 60 cosponsors, which is about a third of the people on this side. The first time I ran for Congress, I came up here like every other challenger, trying to find some PAC money. Most all of the PAC's that were in existence at that particular time were the business PAC's, who did not have a tendency to contribute to Democrats. They did not particularly know what my philosophy was, but I did not get PAC money. Some of the

candidates running against me and the other folks this year not only are collecting PAC money but they are also using their campaign money to support themselves and pay their car payments. If they run long enough, they perhaps can even pay for their houses out of the campaign contributions.

I think where Republicans are amiss is because they do not wish to negotiate and put a cap on campaign. However, I am going to go back to North Carolina. People do not say to me, "Where are you getting this money? Why does it cost so much to run a campaign?" Why do you spend, like the late Sam Irvin said, why does somebody spend $2,000 for a saddle, for a 40-dollar mule? It does not make any sense why they spend so much money.

Now the other thing, I never heard so much caterwauling in my life. I came over here the other morning. Democrats were having a caucus which was very boring, and I was trying to find some action someplace, so I came to this body. They were lined up on this side over here, and guess what? They were chastizing Members for not coming up with a budget package at the summit. They do not have a package at the summit. They did not have a budget when we passed a budget here. They were lined up over here, and they are saying that we have got to address campaign financing. Where is the Democrats' plan on campaign reform? They were lined up over here.

I made a little speech, not a very good one, but I made a little speech on something else. Another gentleman came in, and we had two Democrats that talked about, where is your summit package, which they do not have? Where was your budget when we passed the budget here? They did not have one then.

Now they say this rule is bad. Now it seems to me with all the brilliant minds that we have on this side here, that we could put together, into their campaign package, and have it ready here to offer for this House to consider. We have been working on this. Incidentally, it was not in a closed dark room where we met all over this. We have had more task forces on this campaign reform than anything that has ever taken place, that we are thinking about setting up a full committee and having a full committee chairman just in charge of task force money.

But Members, it is a sham. It is a sham to say this rule is bad, that they need an open rule, to where we can offer what we want to offer. It seems to me we can put a package together even at this later date, we can offer anything that we want in the package. So it seems to me that that is stretching it just a little bit to complain about the rule that is not going to allow Members to do what they want to do. It seems to me it is just a little bit outrageous. Why do we not go ahead and pass this rule and get along with campaign financing, and get out of here and go home?

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, we have heard a lot of revisionist history today on campaign reform. In the three previous contested bills that we passed in 1972, 1974, and 1976, we had extensive hearings by as many as three committees extending over many months. We had amendments within those committees extending over months, and we had a limited closed rule that allowed the House many options to vote on the floor.

To say that we have to work in the dark to pass election reform is the worst kind of hypocrisy in our democracy. I think the people who vote for this rule can truly be ashamed of themselves. It is absolutely ridiculous to give Members one shot and a few minutes of debate on something that all Members admit is complex.

As a matter of fact, in 1979, the two parties working together passed the last election bill that was enacted in this Congress on the suspension calendar and had no trouble getting it enacted. The problem here is that we are afraid to come out in the sunshine. I urge the defeat of the rule.

Mr. Speaker, during my 17 years on the House Administration Committee, I have witnessed some pretty highhanded methods designed to achieve partisan advantage in the drafting of our campaign financing laws. Although we have had many acrimonious struggles over procedures, proposals, and substance, never, even under the most autocratic of chairmen, were the minority denied an opportunity to offer their amendments and participate in the drafting of the legislative proposals.

The drafters of these amendments are correct. Election law is complicated. There are many interactive provisions of the law. Care must be taken so as not to disadvantage one side or the other. I would suggest that no one knows what the consequences of the proposals will be.

Let me set the record straight about the procedures that the House has used to consider amendments to the Federal Election Campaign Act. In 1972, 1974, and 1976, hearings were held by the Committee on House Administration or the Subcommittee on Elections. Lengthy markups were held during which the minority was permitted to offer as many amendments as we could think up. The rules under which the House considered election bills were of the "modified closed" variety, however, the minority was able to offer several amendments.

On several occasions, the rule structuring debate on the Federal Election Commission authorization permitted the House to consider various public financing amendments. In 1979, the Obey-Railsback amendment which is similar to this Obey-Synar amendment was the last one to be considered in this manner.

The last time the House of Representatives considered and passed a bill revising the campaign laws was later in 1979, and that bill was passed under suspension by voice vote. It was eventually signed by President Carter in January 1980.

Mr. Speaker, there are provisions in this bill that involve four committees of the House: House Administration, Energy and Commerce, Post Office and Civil Service, and Ways and Means. I would suggest that many of those Members might like to have a crack at some of these provisions as well.

I would urge the House to reject this rule and put aside this whole process until the committees of jurisdiction have an opportunity to go through the regular process and the minority rights are protected at that level and on the floor. Reforming our election laws is serious business, we should at least give it our careful and thoughtful attention.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I did what the gentleman suggests, I came out of the sunshine to voice my sentiment in support of this rule. I had debated over whether or not I should be in favor of campaign reform as being suggested, but I made up my mind and I stand before Members probably in the most rarest kind of position.

I would not have been here had it not been for the contributions I got through union PAC funds. I do not want to see a situation develop where we cut off the opportunity for people, little people who are willing to give a Member $2 or $3 because it costs me something in the neighborhood of $350,000 to $400,000 to be elected to Congress. That is a lot of money. Those voluntary contributions from people, begging people for money, that made it possible.

I had 13 different opponents who ran in a Democrat primary against me. I am here. I have not had to spend that much since. That was 7 years ago. But this does not only get little people's money, it helps them to participate in the political process. I think Members know that. We have a government of the people, by the people, for the people. We ought to participate in who their leaders should be. This gets them interested in election campaigns when they contribute their money, be it ever so little.

So I want to close by just saying that I am for this campaign reform. I am for this rule. So let Members get on with the business of adopting the rule and discussing the measure as it should be.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, I am concerned, and I am concerned primarily

because I see a scenario where by the caps we are putting on this, we are setting ourselves up to allow only a multimillionaire to successfully compete with Members. He can do it with the scenario of spending caps, even though if he does not find the $75,000 limit, Members still are limited by PAC contributions. That is significant.

Now, it takes in many districts three-quarters of a million dollars to even make an adequate campaign, and the way it is written, it does not discount the money we spend to collect it. So when we are talking these caps of 550 or the maximum, it does not allow Members to consider the net, so we may only be running with $300,000 or $400,000 against a very bad scenario on the other side as far as a millionaire running. That is what bothers me most about it, though I am for reform and for limitation on PAC contributions. That is a real concern the way it is written, to me.

Mr. QUILLEN. Mr. Speaker, I yield the balance of my time to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, the debate on campaign reform reminds me of the words of the great old song "It's still the same old story" but is "not a fight for love and glory." It is a fight for fair and equitable campaign reform.

At the beginning of this Congress I said I had hoped it would be known as the reform Congress. We worked with the majority to produce exemplary ethics reform legislation, Members on both sides of the aisle. I think it was a bipartisan effort all the way around, and a bipartisan vote when we finished. There was one brief shining moment when it seemed that campaign reform would be dealt with in a similar fashion.

That is why we House Republicans sat down earlier and hammered out differences in our caucus, our 25-point Republican campaign reform proposal, the product of those sessions, came out in September 1989. That is when we had everything completed and ready. That is why, in answer to our distinguished Member, the gentleman from North Carolina, where is your plan? Where is your plan? And then get foisted and pushed aside until the closing days of this session when we are so limited, that is our gripe.

□ 1640

The hope for bipartisan cooperation, I guess, flickered, and it dimmed, and it was rather extinguished by the majority's unwillingness to reform, so we have come to this, a battle for the very soul of this institution.

Mr. Speaker, we believe our package will bring congressional elections back to the people. These proposals will keep elections local. They will keep them competitive and honest, and they also will make us more accountable and, as a result, better legislators.

Reasonable people can disagree, and, when it comes to campaign reform, there is considerable room to disagree, which is why we need an open rule to consider the legislation.

The gentleman from Wisconsin [Mr. OBEY], my dear friend, talks about a package here and a package there. But he is a good legislator, and I like to think I have some area of expertise in it. It does not mean that that is the sacrosanct way of making this body work best.

Yes, we begin from some base, but there ought to be some cross-fertilization from time to time. What is good here may not be good there. We will pick it apart on either side.

Every one of these 10 or 11 points of ours, for example, could not be totally agreed on our side. I had to bang heads on our side to get them to agree. Some of them would just as soon split off on a couple of them. I bet some of their folks would like a couple of them, and they would discard others. That is the way I think this system works so much better, and, of course, that is why I have to be opposed to this rule, because it is so structured and restrictive to those of us who would like to have a full blown debate on each of these specific parts that we have been laboring on for so many months.

So, Mr. Speaker, I would urge Members at this time to vote against this rule. It is not appropriate for this particular occasion. Yes, we will have an opportunity. I understand. The Speaker made a commitment to me because we talked earlier about it before the end of July. Well, Mr. Speaker, we are into August, and the Speaker is a man of his word, and we work well together, and I would always give him that opportunity, if we get a commitment, after we get back again, and we are going to be here after the August recess, but to do it in a more orderly fashion where we can really have an open rule, at least some measure of letting individual Members offer amendments. Then I could feel much more comfortable about the rule.

However, Mr. Speaker, as for now, closed as it is, I would urge Members to vote against this rule with the hope and expectation that, if it is defeated, then we come back at another time with more time at our disposal and do this job up right.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Washington [Mr. SWIFT], who has labored so hard and so well on this piece of legislation.

Mr. SWIFT. Mr. Speaker, I am looking forward to the debate that we will be getting into shortly. We will have an opportunity, for example, to deal with the accusation that our soft money proposal does not do the job, where theirs just shuts it off: Except for the loophole that would let every dollar that is currently being shoveled through State parties to be shoveled through county parties. And utterly no disclosure. The Democratic proposal has disclosure on soft money. The debate is going to be very interesting.

Mr. Speaker, the rule is fair. Campaign finance reform needs to be comprehensive, and it needs to be cohesive, and the rule provides each party with the opportunity to provide a reform package that will do that.

Now, Mr. Speaker, I will accept Swift 1 and Swift 2. I think that is fine. I would make a small suggestion on the numbering. I think it should be Swift 1.0 and Swift 1.1, similar to the way they number computer software programs as they improve them. I think that would be fine.

But let us look at numbers in terms of the Republican proposals. They had the 25 points. Then we had 17 of those points left when they introduced their 10 bills. And out of 10 bills, they have now in their substitute offered eight points. Again they lost nine of the other points. This is the incredible shrinking reform proposal.

What does this rule offer the Republicans? An opportunity to offer everything they want put it in a comprehensive package. That is what we have done. They can offer the House everything they want.

Mr. Speaker, that is not a harsh rule, not when we are looking for a comprehensive, cohesive proposal, and yet we find that, after the ambitious 25 points, which shrunk to 17 points, which have now shrunk to 8 points, that I have a suggestion.

Mr. Speaker, the suggestion is: Pass this rule. Hurry to the debate. Pass this rule now because, if we wait until September, the Republican reform proposal will have disappeared altogether.

Mr. BONIOR. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HOYER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 232, nays 185, not voting 15 as follows:

[Roll No. 314]

YEAS—232

Ackerman	Hall (OH)	Owens (UT)
Anderson	Hamilton	Pallone
Andrews	Harris	Panetta
Annunzio	Hatcher	Parker
Anthony	Hawkins	Patterson
Applegate	Hayes (IL)	Payne (NJ)
Aspin	Hayes (LA)	Payne (VA)
Atkins	Hefner	Pease
AuCoin	Hertel	Pelosi
Barnard	Hoagland	Penny
Bates	Hochbrueckner	Perkins
Beilenson	Hoyer	Pickett
Berman	Hubbard	Pickle
Bilbray	Huckaby	Poshard
Boggs	Hughes	Price
Bonior	Hutto	Rahall
Borski	Jenkins	Rangel
Bosco	Johnson (SD)	Ray
Boucher	Johnston	Richardson
Boxer	Jones (GA)	Rose
Brennan	Jones (NC)	Rostenkowski
Brooks	Jontz	Rowland (GA)
Browder	Kanjorski	Roybal
Brown (CA)	Kaptur	Russo
Bruce	Kastenmeier	Sabo
Bryant	Kennedy	Sangmeister
Bustamante	Kennelly	Sarpalius
Byron	Kildee	Savage
Cardin	Kleczka	Sawyer
Chapman	Kolter	Scheuer
Clarke	Kostmayer	Schroeder
Clement	LaFalce	Schumer
Coleman (TX)	Lancaster	Serrano
Collins	Lantos	Sharp
Condit	Laughlin	Sikorski
Conyers	Lehman (CA)	Sisisky
Cooper	Lehman (FL)	Skaggs
Costello	Levin (MI)	Skelton
Coyne	Levine (CA)	Slattery
Darden	Lewis (GA)	Slaughter (NY)
de la Garza	Lipinski	Smith (FL)
DeFazio	Lloyd	Smith (IA)
Dellums	Long	Solarz
Derrick	Lowey (NY)	Spratt
Dicks	Manton	Staggers
Dingell	Markey	Stallings
Dixon	Martinez	Stark
Dorgan (ND)	Matsui	Stenholm
Downey	Mavroules	Stokes
Durbin	Mazzoli	Studds
Dwyer	McCloskey	Swift
Dymally	McCurdy	Synar
Dyson	McDermott	Tallon
Eckart	McHugh	Tauzin
Edwards (CA)	McMillen (MD)	Taylor
Engel	McNulty	Thomas (GA)
Erdreich	Mfume	Towns
Espy	Miller (CA)	Traxler
Evans	Mineta	Udall
Fascell	Moakley	Unsoeld
Fazio	Mollohan	Valentine
Feighan	Montgomery	Vento
Flake	Moody	Visclosky
Flippo	Morrison (CT)	Volkmer
Foglietta	Mrazek	Walgren
Ford (TN)	Murphy	Waxman
Frank	Murtha	Weiss
Frost	Nagle	Wheat
Gaydos	Natcher	Whitten
Gejdenson	Neal (MA)	Williams
Gephardt	Neal (NC)	Wilson
Geren	Nowak	Wise
Gibbons	Oakar	Wolpe
Glickman	Oberstar	Wyden
Gonzalez	Obey	Yates
Gordon	Olin	Yatron
Gray	Ortiz	
Guarini	Owens (NY)	

NAYS—185

Alexander	Boehlert	Clay
Archer	Broomfield	Clinger
Armey	Brown (CO)	Coble
Baker	Buechner	Coleman (MO)
Ballenger	Bunning	Combest
Bartlett	Burton	Conte
Barton	Callahan	Coughlin
Bateman	Campbell (CA)	Courter
Bennett	Campbell (CO)	Cox
Bentley	Carper	Craig
Bereuter	Carr	Crane
Bliley	Chandler	Dannemeyer
Davis	Kyl	Roth
DeLay	Lagomarsino	Rowland (CT)
DeWine	Leach (IA)	Saiki
Dickinson	Lent	Saxton
Donnelly	Lewis (CA)	Schaefer
Dornan (CA)	Lewis (FL)	Schiff
Douglas	Lightfoot	Schneider
Dreier	Livingston	Schulze
Duncan	Lowery (CA)	Sensenbrenner
Early	Lukens, Donald	Shaw
Edwards (OK)	Machtley	Shays
Emerson	Madigan	Shumway
English	Marlenee	Shuster
Fawell	Martin (IL)	Skeen
Fields	Martin (NY)	Slaughter (VA)
Fish	McCandless	Smith (NE)
Frenzel	McCollum	Smith (NJ)
Gallegly	McCrery	Smith (TX)
Gallo	McDade	Smith (VT)
Gekas	McEwen	Smith, Denny (OR)
Gillmor	McGrath	
Gilman	McMillan (NC)	Smith, Robert (NH)
Gingrich	Meyers	
Goodling	Michel	Smith, Robert (OR)
Goss	Miller (OH)	
Gradison	Miller (WA)	Snowe
Grandy	Molinari	Solomon
Grant	Moorhead	Spence
Green	Morella	Stangeland
Gunderson	Morrison (WA)	Stearns
Hammerschmidt	Myers	Stump
Hancock	Nielson	Sundquist
Hansen	Oxley	Tanner
Hastert	Packard	Tauke
Hefley	Parris	Thomas (CA)
Henry	Pashayan	Thomas (WY)
Herger	Paxon	Torricelli
Hiler	Petri	Traficant
Holloway	Porter	Upton
Hopkins	Quillen	Vander Jagt
Horton	Ravenel	Vucanovich
Houghton	Regula	Walker
Hunter	Rhodes	Walsh
Hyde	Ridge	Weber
Inhofe	Rinaldo	Weldon
Ireland	Ritter	Whittaker
Jacobs	Roberts	Wolf
James	Roe	Wylie
Johnson (CT)	Rogers	Young (AK)
Kasich	Rohrabacher	Young (FL)
Kolbe	Ros-Lehtinen	

NOT VOTING—15

Bevill	Leath (TX)	Roukema
Bilirakis	Luken, Thomas	Schuette
Crockett	Nelson	Torres
Ford (MI)	Pursell	Washington
Hall (TX)	Robinson	Watkins

□ 1706

The Clerk announced the following pairs:

On this vote:

Mr Nelson of Florida for, with Mr. Pursell against.

Mr. Ford of Michigan for, with Mr. Roukema against.

Mr. BAKER and Mr. BARTLETT changed their votes from "yea" to "nay."

Mr. YATES changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. WALKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. TALLON). The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. WALKER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

Mr. GEPHARDT. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The Chair will state to the gentleman that the motion is not subject to a motion to table.

The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 129, nays 275, not voting 28, as follows:

[Roll No. 315]

YEAS—129

Alexander	Gunderson	Ravenel
Archer	Hancock	Rhodes
Armey	Hansen	Ridge
Baker	Hastert	Ritter
Ballenger	Hefley	Roberts
Bartlett	Henry	Rogers
Barton	Herger	Rohrabacher
Bateman	Hiler	Ros-Lehtinen
Bliley	Holloway	Rowland (CT)
Broomfield	Hopkins	Schaefer
Bunning	Hunter	Schiff
Burton	Hyde	Schulze
Callahan	Inhofe	Sensenbrenner
Chandler	Ireland	Shaw
Clinger	James	Shumway
Coble	Johnson (CT)	Shuster
Coleman (MO)	Kasich	Skeen
Combest	Kolbe	Slaughter (VA)
Conte	Kyl	Smith (VT)
Coughlin	Lagomarsino	Smith, Denny (OR)
Courter	Lent	
Cox	Lewis (CA)	Smith, Robert (NH)
Craig	Lewis (FL)	
Crane	Lightfoot	Smith, Robert (OR)
Dannemeyer	Livingston	
DeLay	Lowery (CA)	Solomon
Dickinson	Lukens, Donald	Spence
Dornan (CA)	Marlenee	Stearns
Douglas	Martin (NY)	Stump
Dreier	McCandless	Sundquist
Duncan	McCollum	Tauke
Early	McCrery	Thomas (CA)
Edwards (OK)	McEwen	Thomas (WY)
Fawell	McMillan (NC)	Upton
Fish	Miller (OH)	Vander Jagt
Frenzel	Miller (WA)	Vucanovich
Gallegly	Molinari	Walker
Gekas	Moorhead	Walsh
Gingrich	Myers	Weber
Goodling	Oxley	Weldon
Goss	Parris	Whittaker
Gradison	Paxon	Wolf
Grandy	Perkins	Wylie
Grant	Quillen	Young (AK)

NAYS—275

Ackerman	Boehlert	Campbell (CA)
Anderson	Boggs	Campbell (CO)
Andrews	Bonior	Cardin
Annunzio	Borski	Carper
Anthony	Bosco	Carr
Applegate	Boucher	Chapman
Aspin	Boxer	Clarke
Atkins	Brennan	Clay
AuCoin	Brooks	Clement
Barnard	Browder	Coleman (TX)
Bates	Brown (CA)	Collins
Beilenson	Brown (CO)	Condit
Bennett	Bruce	Conyers
Bentley	Bryant	Cooper
Bereuter	Buechner	Costello
Berman	Bustamante	Coyne
Bilbray	Byron	Darden

Davis	Kolter	Ray
DeFazio	Kostmayer	Regula
Derrick	LaFalce	Richardson
DeWine	Lancaster	Rinaldo
Dicks	Lantos	Roe
Dingell	Laughlin	Rose
Dixon	Leach (IA)	Rostenkowski
Donnelly	Lehman (CA)	Roth
Dorgan (ND)	Lehman (FL)	Rowland (GA)
Downey	Levin (MI)	Roybal
Durbin	Levine (CA)	Russo
Dwyer	Lewis (GA)	Sabo
Dymally	Lipinski	Saiki
Dyson	Lloyd	Sangmeister
Eckart	Long	Sarpalius
Edwards (CA)	Lowey (NY)	Savage
Emerson	Machtley	Sawyer
Engel	Madigan	Saxton
English	Manton	Scheuer
Erdreich	Markey	Schneider
Espy	Martinez	Schroeder
Evans	Matsui	Schumer
Fascell	Mavroules	Serrano
Fazio	Mazzoli	Sharp
Feighan	McCloskey	Shays
Flake	McCurdy	Sikorski
Flippo	McDade	Sisisky
Foglietta	McDermott	Skaggs
Ford (TN)	McHugh	Skelton
Frost	McMillen (MD)	Slattery
Gallo	McNulty	Slaughter (NY)
Gaydos	Meyers	Smith (FL)
Gejdenson	Mfume	Smith (IA)
Gephardt	Michel	Smith (NJ)
Geren	Miller (CA)	Smith (TX)
Gibbons	Mineta	Snowe
Gillmor	Moakley	Spratt
Gilman	Mollohan	Staggers
Glickman	Montgomery	Stallings
Gonzalez	Moody	Stark
Gordon	Morella	Stenholm
Green	Morrison (CT)	Stokes
Guarini	Morrison (WA)	Studds
Hamilton	Mrazek	Swift
Hammerschmidt	Murphy	Synar
Harris	Murtha	Tallon
Hatcher	Nagle	Tanner
Hawkins	Natcher	Tauzin
Hayes (IL)	Neal (MA)	Taylor
Hayes (LA)	Neal (NC)	Thomas (GA)
Hefner	Nowak	Torres
Hertel	Oakar	Torricelli
Hoagland	Oberstar	Towns
Hochbrueckner	Obey	Traficant
Horton	Olin	Traxler
Houghton	Ortiz	Udall
Hoyer	Owens (NY)	Unsoeld
Hubbard	Owens (UT)	Vento
Huckaby	Packard	Visclosky
Hughes	Pallone	Volkmer
Hutto	Panetta	Walgren
Jacobs	Pashayan	Washington
Jenkins	Patterson	Waxman
Johnson (SD)	Payne (NJ)	Weiss
Johnston	Payne (VA)	Wheat
Jones (GA)	Pease	Whitten
Jones (NC)	Pelosi	Williams
Jontz	Penny	Wilson
Kanjorski	Pickett	Wise
Kaptur	Pickle	Wolpe
Kastenmeier	Porter	Wyden
Kennedy	Poshard	Yates
Kennelly	Price	Yatron
Kildee	Rahall	Young (FL)
Kleczka	Rangel	

NOT VOTING—28

Bevill	Hall (TX)	Robinson
Bilirakis	Leath (TX)	Roukema
Crockett	Luken, Thomas	Schuette
de la Garza	Martin (IL)	Smith (NE)
Dellums	McGrath	Solarz
Fields	Nelson	Stangeland
Ford (MI)	Nielson	Valentine
Frank	Parker	Watkins
Gray	Petri	
Hall (OH)	Pursell	

□ 1726

Mr. KLECZKA changed his vote from "yea" to "nay."

Mr. PAXON changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

The SPEAKER pro tempore (Mr. OBERSTAR). Pursuant to House Resolution 453 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5400.

□ 1727

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5400) to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes, with Mr. HOYER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 1 hour, and the gentleman from California [Mr. THOMAS] will be recognized for 1 hour.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

□ 1730

Mr. SWIFT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue of campaign finance reform has been argued and discussed by the media for months, has recently been debated and acted upon in the Senate and is now before the House.

This is a highly personal issue to all of us. We are all experts on this subject. We ran and were elected under a certain set of laws and it is difficult to conceive changing those rules.

But times change, events occur which promote change, and I think it is evident to many of us, indeed perhaps to the overwhelming majority of us, that the laws and procedures under which congressional elections are financed need review and refinement.

The House has gone this route before. We passed the Federal Election Campaign Act in 1971 and have amended it several times over the years. That was a far-reaching act, a major reform. If the provisions of that act were in effect now, we would have many fewer concerns about changing the legislation. Unfortunately, as we all know, the Supreme Court struck the key section of the act—the spending limit section. Thus, the careful balanced reform was thrown out of kilter, leaving us with open-ended spending.

Without a spending limit, the cost of election campaigning has gone wild; the pressure to raise and spend enormous sums accelerates. The average incumbent spent about twice in 1988 what he or she spent in 1980. It's absurd and we all know it.

This great rush of money into the election process has brought on a rash of problems, some real, some potential. The movement toward reform has been growing over the past several years and has obviously peaked in this Congress.

The action by the Senate in passing its version of campaign reform merely underscores the necessity for the House to act, and to act now.

In January 1989, I, along with Chairman ANNUNZIO and others, introduced H.R. 13 and Tony Coelho, MIKE SYNAR, and others introduced H.R. 14, both comprehensive campaign reform packages. So the Democrats immediately went on record as wanting to move ahead on this issue in the 101st Congress.

In February of last year, Speaker Jim Wright and minority leader BOB MICHEL appointed a bipartisan task force, eight Democrats and eight Republicans, to try to work out a comprehensive, bipartisan reform package. I was pleased to cochair this task force with my good friend and very able colleague, GUY VANDER JAGT. The task force held a series of meetings; the atmosphere was positive and constructive.

As the task force meetings progressed, it became obvious that while there was basic conceptual agreement on a number of items within an overall package, Republicans and Democrats had very different views on the definition of campaign finance reform, and that a bipartisan comprehensive bill was not going to be attainable under those circumstances. I had many meetings with Mr. VANDER JAGT and our staffs were in constant touch, but the philosophical gap proved too great.

Rather than let the issue drop, both parties continued to work, independently, on the issue, and the result of that effort is before us today.

H.R. 5400 is major reform; it's comprehensive; it's workable; it's good public policy.

First, and most important, it puts a cap on campaign spending. Because of the Supreme Court decision, this cap must be voluntary, so there are inducements in reduced broadcasting and postage costs to make opting into the program attractive.

We establish a basic spending limit of $550,000 for an election cycle, with a primary election spending limit of $300,000. To compensate for the potential financial disadvantage which might occur in a close, hotly contested

primary race, we introduced a 30-percent general election spending bonus for those primary winners who receive less than two-thirds of the vote. The $550,000 general limit, however, remains in place. The bill has a special provision for runoff elections and places a $75,000 limit on the personal contribution of participating candidates.

Much attention has been focused on political action committees and a massive effort has been made to discredit all PAC's.

Some have conveniently forgotten that political action committees were established as reforms—as part of the effort to provide the fullest possible disclosure. When a candidate receives a PAC contribution it's on the record and everyone knows just where that contribution is coming from. That is not always true with individual contributions. Federal law only requires the minimum amount of identification on individual contributions.

Many political action committees provide an ideal vehicle for constituents of modest means to contribute something and play a role in the political process. Some PAC's have thousands of contributors who can only give a small amount of money, others have very few members who contribute the maximum, so all PAC's are not equal.

H.R. 5400 recognizes this disparity. First, it sets a 50 percent, or $275,000, aggregate limit on PAC contributions which a candidate may accept. Second, it establishes small donor committees, which are political committees which raise their funds exclusively from individual contributors of $240 or less per year. These small donor committees would be able to contribute $5,000 per election. All other PAC's not limiting their fundraising to individual contributions of $240 or less per year would be allowed to contribute only $1,000 per election. H.R. 5400 also puts an end to so-called leadership PAC's.

The outrageous raising and spending of soft money in the 1988 Presidential election, clearly in violation of the intent of the law, has focused attention to that area. H.R. 5400 closes the soft money loophole in current law by prohibiting Presidential candidates who accept public funds from raising or receiving any soft money. The bill goes further, and bans the use of political party soft money for the purpose of influencing Federal elections. Finally, the bill requires full reporting of all soft money receipts and disbursements. The problems related to soft money are dealt with firmly and effectively in H.R. 5400.

The practice of bundling campaign contributions has gotten totally out of hand, and, again, HR. 5400 deals effectively with this problem by prohibiting bundling by political action committees and parties.

Independent expenditures have been a problem for the other body and are a growing concern in House contests. Our bill tightens the regulations on independent expenditures by prohibiting the costs of such expenditures from being underwritten by the treasuries of corporate, union, or trade association PAC's. The bill also requires additional disclaimers to make certain the public knows that these messages are totally unrelated to a candidate.

Some messages need to be more closely related to a candidate, and those have to do with negative advertisements. H.R 5400 requires that all authorized campaign advertisements clearly state that the candidate takes full responsibility for the message.

To encourage those who wish to contribute to a congressional campaign but feel overwhelmed by the flood of money that currently washes through our political system, our bill allows a 100-percent tax credit for in-State contributions of $50 or less to candidates abiding by the spending limits.

There are other important reforms in this legislation which will be discussed as we go along in the debate. In general, the bill contains all the items of conceptual agreement reached by the bipartisan task force. This is a giant step forward. H.R. 5400 is good for the country, is good for the House, and is good for each of us individually. I urge all of my colleagues to vote for H.R. 5400.

Mr. Chairman, I insert with my statement a summary and section-by-section analysis of H.R. 5400.

THE CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

Amendment in the Nature of a Substitute to H.R. 5400, Made in Order as Original Text

SECTION-BY-SECTION ANALYSIS

Section 1: Short Title.—This Act may be cited as the Campaign Cost Reduction and Reform Act of 1990.

TITLE I—AMENDMENTS TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

"Definition of a Qualifying House of Representative Candidate"

Sec. 101 defines the term "qualifying House of Representatives candidate" to mean a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, whose principal campaign committee includes in its statement of organization a declaration of intention under section 303(b)(7) and, by reason of such declaration, to abide by the expenditure limitations specified in section 315(h) or section 315(i)

"Amendments to Definition of Contribution"

Sec. 102(a)(1) amends the definition of the term "anything of value" to require the value of campaign contributions to be determined by the higher of: (1) cost to the person making the contribution; (2) fair market value on the date of acquisition by the person making the contribution; (3) fair market value on the date of the contribution. This provision prevents the Act's contribution limitations from being circumvented through undervaluation of in-kind contributions.

Secs. 102(a)(2) and 102(a)(3) provide that any gift, subscription, loan, advance, or deposit of money or anything of value is a contribution is made by any person for the purpose of encouraging any specific individual who is not a candidate to become a candidate. This provision subjects committees formed to encourage an individual to run for office to the reporting and contribution strictures under the Act.

Sec. 102(b) clarifies current law by deleting references to the term "direct mail" in certain party-building exclusions to the definition of "contribution" and inserting "mail" in lieu thereof.

Sec. 102(c) excludes from the definition of contribution the value of any advertising rate reduction made available to a qualifying House of Representatives candidate by a newspaper, magazine, broadcasting station, or cable system, if such reduction is made available to any qualifying House of Representatives candidate during the 90-day period before the election involved. Advertising rate reductions provided pursuant to this provision would be exempt from the Act's prohibition of corporate political contributions.

"Amendments to Definition of Expenditures"

Sec. 103(a)(1) amends the definition of the term "anything of value" to require the value of campaign expenditures to be determined by the higher of: (1) cost to the person making the expenditure; (2) fair market value on the date of acquisition by the person making the expenditure; (3) fair market value on the date of the expenditure. This provision prevents the undervaluing of in-kind expenditures.

Secs. 103(a)(2) and 103(a)(3) provide that any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value is an expenditure if made by any person for the purpose of encouraging any specific individual who is not a candidate to become a candidate. This provision reinforces Sec. 102(a).

Sec. 103(b) amends the Act by deleting references to the term "direct mail" in certain party-building exclusions to the definition to "expenditure" and inserting "mail" in lieu thereof. The section clarifies current law.

"Registration as Qualifying House of Representatives Candidate"

Sec. 104(a) provides, in the case of a principal campaign committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, for registration as a qualifying House of Representatives candidate by declaration of intention to receive broadcast time under section 315(c) of the Communications Act of 1934 or to receive reduced postal rates under section 3629 of title 39, United States Code.

Sec. 104(b) allows a candidate for the House of Representatives to amend the statement of organization in order to include such declaration, if the amendment is filed under section 302(g) not later than the day the candidate becomes a candidate for purposes of State law. Declarations of intention to receive broadcast and postal rate benefits, whether in the original filing or by amendment, may not be revoked.

"Restrictions on Control of Certain Types of Political Committees by Candidates for Federal Office"

Sec. 105 prohibits candidates for Federal office from establishing, maintaining, or controlling a political committee other than an authorized campaign committee or a committee of a political party. In addition, the section provides that for one year after the effective date of this Act, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: Making contributions to a entity qualified, under section 501(c)(3) of the Internal Revenue Code of 1986, or making a contribution to the treasury of the United States; or, contributing to the national, State or local committees of a political party, or, making contributions not to exceed $1,000 to any candidate for elective office.

"Amendment to Definition of Independent Expenditure"

Sec. 106 amends the F.E.C.A. of 1971 to clarify that an expenditure is not an independent expenditure if (A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate and the person making the expenditure; or (B) with respect to the election, the person making the expenditure is authorized to solicit contributions or make expenditures on behalf of the candidate or an authorized committee of the candidate, is an officer of an authorized committee of the candidate, or receives any compensation or reimbursement from the candidate or an authorized committee of the candidate. This section prohibits coordination between persons or committees making independent expenditures and any Federal candidate.

"Amendments Relating to Limitation on Expenditures in a Single State by Candidates for Presidential Nomination Who Accepts Amounts from the Presidential Primary Matching Payment Account"

Sec. 107 eliminates state-by-state expenditure limitations for presidential candidates who accept amounts from the presidential primary matching payment account. This provision in no way changes the overall, national expenditure limitation for presidential candidates who accept public funding.

"Limitations on Expenditures by Qualifying House of Representatives Candidates"

Section 108 provides for limitations on expenditures by qualifying House of Representatives candidates.

Sec. 108(h) prohibits a qualifying House of Representatives candidate from making expenditures derived from personal funds of such candidate in excess of $75,000 with respect to an election for the Office of Representative in, or Delegate or Resident Commissioner to, the Congress.

Sec. 108(i)(1) prohibits, except as provided in paragraph (2), (3), or (4), a qualifying House of Representatives candidate from spending more than $550,000 with respect to a general or special election (and any primary election relating to such general or special election); $300,000 with respect to a primary election for such office, except that, if under State law, a candidate who receives a majority of votes in the primary election is elected to the office involved and there is no general election, in which case the primary election spending ceiling would be $400,000; or $100,000 with respect to a runoff election for such office.

Sec. 108(i)(2) provides that if any candidate in an election referred to in paragraph (1) other than a qualifying House of Representatives candidate receives contributions or makes expenditures aggregating more than $200,000, such candidate shall so notify the Commission within 72 hours and the limitation under that paragraph shall not apply to any candidate in the election.

Sec. 108(i)(3) provides for indexing of the expenditure limitations established by paragraph (1). Such adjustments are to be rounded to the nearest $1,000 and shall be made with respect to each 4-year period beginning after calendar year 1992. The price index average shall be computed for each 4-year period ending before a presidential election, with the applicable base period being the 4-year period ending with calendar year 1992.

Sec. 108(i)(4) provides that if, in a primary election with respect to a general election, a qualifying House of Representatives candidate receives the greatest number of votes and becomes the nominee of the political party involved and receives less than 66.7 percent of the total number of votes cast in the primary election, the limitation applicable to the qualifying House of Representatives candidate under paragraph (1)(A) shall be increased by 30 percent, except that the total of expenditures of the candidate with respect to the general election may not exceed $550,000.

Sec. 108(i)(5) provides that in computing expenditures for purposes of paragraph (1), no amount of legal or accounting fees shall be taken into account.

Sec. 108(i)(6) provides that in computing expenditures for purposes of paragraph (1), expenditures for broadcasting, newspapers, magazines, billboards, mail, and similar types of general public advertising shall be allocated to the election time period during which the advertising appears, and other expenditures shall be allocated to the election period in which the expenditure is made.

Sec. 108(j) requires any qualifying House of Representatives candidate who makes expenditures that exceed a limitation under subsection (h) or subsection (i) by 5 percent or less to pay to the FEC, for deposit in the Treasury as miscellaneous receipts, an amount equal to the amount of the excess expenditures. For overspending by 5 percent and less than 10 percent, the provision requires qualifying candidates to pay the FEC an amount equal to three times the amount of the excess expenditures. For overspending by 10 percent or more, qualifying candidates must pay the FEC an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"Limitation on Acceptance of Political Committee Contributions by House of Representative Candidates"

Sec. 109 amends the Federal Election Campaign Act of 1971, as amended by sections 107(b) and 108 of this Act, to prohibit a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and the authorized political committees of such candidate, from accepting any contribution from a political committee with respect to a general or special election (and any primary election relating to such) for such office which exceeds 50 percent of the expenditure limitation specified in subsection (i)(1)(A) when added to the total of contributions previously made by political committees to such candidate and the authorized political committees of such candidate with respect to the general or special election (and any relating primary). In addition, the section establishes a cap on political committee contributions of 50% of the limitation specified in subsection (i)(1)(C) for runoff elections.

These limitations on contributions from political committees apply both to qualifying and nonqualifying House of Representatives candidates.

"All Contributions in Elections for Federal Office to Be Subject to the Federal Election Campaign Act of 1971"

Sec. 110 amends the Act to prohibit candidates from accepting any contribution with respect to an election for Federal office if the gift, subscription loan, deposit, thing of value, or payment constituting the contribution is given or made with respect to an election for State office or otherwise is not subject to the Act.

"Intermediary or Conduit Amendments"

Sec. 111 provides for the counting of campaign contributions against the Federal contribution limitations of both original donors and political committees acting as intermediaries for such funds, thereby preventing the Act's strictures from being circumvented.

Sec. 111(B) would limit the bundling of all contributions in the form of a check or other negotiable instrument made payable to a conduit to the amount of the contribution limitation of the individual or committee serving as intermediary. It also specifies that bundled contributions funnelled through a political committee or its officers, employees or agents, or other agents of a connected organization acting in its behalf, shall be counted against the contribution limit of the conduit without regard to whom the contribution is made payable.

Sec. 111(C) provides exemptions for bona fide efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or event by two or more candidates, two or more national, State, or local committees of a political party acting on their own behalf, and fundraising efforts for the benefit of a candidate.

"Encouragement Amounts to be Treated as Contributions"

Sec. 112 amends the Act to require a contribution described in section 301(8)(A)(iii) to be treated, with respect to the individual involved, as a contribution to a candidate, whether or not such individual becomes a candidate. This provides for the treating of amounts donated to prospective candidates for Federal office as contributions.

"Contributions to Candidates from State and Local Committees of Political Parties to be Aggregated"

Sec. 113 further amends section 315(a) of the Federal Election Campaign Act of 1971, as amended by sections 111 and 112, to prohibit a candidate for Federal office from accepting, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section. This section prevents State or local party committees from acting as conduits for the circumvention of contribution limitations and reporting requirements under the Act.

"Application of Limitations and Reporting Requirements to Certain Amounts Not Defined As Contributions or Expenditures Under the Federal Election Campaign Act of 1971"

Sec. 114 amends the Act to provide that any amount received or used by a State or local committee of a political party for an excluded payment shall be subject to limitation and reporting under the Act as if such amount was a contribution or expenditure, as applicable. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act.

This section ends the practice by which contribution and expenditure limitations for presidential candidates can be circumvented through the use of so-called "soft money", thus ensuring that activities which promote a presidential candidate are paid for with funds in compliance with the Act. It does not prohibit the distribution of sample ballots or printed slate cards listing three or more candidates.

"Provisions Relating to Separate Segregated Funds"

Sec. 115 amends section 316(b)(2) of the Act to permit corporations, labor organizations, membership organizations, cooperatives and corporations without capital stock to defray the costs of administration and solicitation of contributions to separate segregated funds, if amounts disbursed from such funds are used solely for communication or campaign costs under subparagraph (A) or (B), contributions with respect to elections for Federal or State office, or non-election related purposes.

The provision in no way prohibits the establishment of separate segregated funds for other political purposes but put such funds on the same financial footing as other political committees if these funds engage in broader political activities.

"Disclosure in Solicitations by Certain Unauthorized Committees"

Sec. 116 requires communications by political committees not authorized by any candidate (other than political party committees) to include a clear statement that neither the committee nor the communication is authorized by a candidate or under the control of a candidate. This section is designed to prevent misleading solicitation practices by unauthorized organizations.

"Specific Disclosure Requirements for Certain Communications"

Sec. 117 amends 2 U.S.C. 441d to require any authorized political communication broadcast over a television station to include a readily identifiable photographic or similar image of the candidate, shown for at least 4 seconds and of sufficient size to cover at least one-third of the television screen, accompanied by statement that the candidate takes full responsibility for the advertisement's content. The section also requires any unauthorized political communication which is televised to display a continuous statement, of sufficient size to be clearly visible to the viewer, identifying the person paying for the advertisement throughout the communication's duration. Political communications through newspapers, direct mail, radio and other media would be required to include similar identifying information and, in the case of authorized communications, a statement indicating candidate acceptance of full responsibility.

"Prohibition of False Representation to Solicit Contributions"

Sec. 118 prohibits any person from soliciting contributions by falsely representing himself as a candidate or as an agent of a candidate, a political committee, or a political party.

"Contribution Limitations for Small Donor Political Committees; Elimination of Special Contribution Limitations for Multicandidate Political Committees"

Sec. 119 eliminates special contributions limitations for "multicandidate" political committees (commonly referred to as "PACs") and, in lieu thereof, provides for the establishment of "small donor" political committees, meaning broad-based political organizations which restrict their fundraising to individual contributions of $240 or less per year.

Sec. 119(a) provides that a small donor political committee may make contributions to any candidate for Federal office and the authorized political committees of such candidate with respect to an election which, in the aggregate, do not exceed $5,000.

Sec. 119(b) defines the term "small donor political committee" to mean a political committee that has been registered under section 303 for at least 6 months, has received contributions from more than 50 persons, has made contributions to 5 or more candidates for Federal office, accepts contributions only from individuals, and does not accept contributions totaling more than $240 from any single individuals in a calendar year.

Sec. 119(c), a conforming amendment, restricts the ability of a political committee to donate, with respect to an election, more than $1,000 unless the committee qualifies as a "small donor" political committee, in which case the contribution limitations established above in Sec. 119(a) would apply.

"Clarification Relating to Certain Contributions"

Sec. 120 amends the Act to make clear that a gift or other item referred to in 301(8)(A)(i) is considered for the purpose of influencing an election for Federal office if it is given in response to a solicitation that states or implies that it is to be used for that purpose, whether or not the gift or other item is characterized, in a document or otherwise, as being for another purpose. Under this section, candidates and their representatives may not circumvent the Act's limitations by soliciting contributions for one purpose and depositing such funds in an account established for another use.

"Coordinated Expenditures to Be Made Only From Amounts Subject to the Federal Election Campaign Act of 1971"

Sec. 121 amends the F.E.C.A. to require coordinated expenditures under section 315(d) to consist only of amounts that as received by the committee making the expenditure, are subject to limitation and reporting under the Act, and are paid from an account that is subject to the Act's requirements. The section thereby assures that only funds raised in compliance with the Act are used to influence Federal elections.

"Additional Exclusions from the Definitions of Contributions and Expenditures"

Sec. 122 amends the F.E.C.A to exclude the following activities from the definitions of "contributions" and "expenditures": any amount for a candidate for other than Federal office; any amount in connection with a State or local political convention; any campaign activity, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that is exclusively on behalf of State or local candidates; administrative expenses of a State or local committee of a political party, including expenses for overhead, staff (other than individuals devoting a substantial portion of their activities to elections for Federal office), meetings, and conducting party elections or caucuses; research pertaining solely to State and local candidates and issues; and maintenance of voter files. The section clarifies that state payments not designed to influence Federal elections are not subject to the Act's limitations and reporting requirements.

"Additional Reporting Requirements"

Sec. 123 amends the Act to set additional reporting requirements. The section requires each state committee of a political party to file with the Commission, in addition to any other report required by law, any report of non-Federal receipts and disbursements filed by the committee under State law, and such supplementary material as the Commission may require to assure compliance with the Act. It also requires each national committee of a political party to file, as part of each report to the Commission, a statement of all receipts and disbursements by the committee in the reporting period, including receipts and disbursements for non-Federal purposes. In addition, the section requires any individual who makes contributions that are subject to limitation under section 315(a)(3) to report to the Commission the name of the person making the contributions and the amount and recipient of each such contribution not later than 7 days after making contributions aggregating $20,000 or more, but less than $25,000, in a calendar year. Individuals must also report the above mentioned information not later than 7 days after making contributions aggregating $25,000 in a calendar year with respect to contributions not previously reported.

"Transfers Between Elections"

Sec. 124 provides that notwithstanding any other provision of this Act or any other law, a candidate may transfer any unexpended campaign funds for use with respect to any later election.

TITLE II—AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934 AND TITLE 39, UNITED STATES CODE

"Amendment to Section 312(a) of the Communications Act of 1934, Relating to Discrimination Against Candidates"

Sec. 201 empowers the FCC to revoke any station license or construction permit for willful or repeated discrimination against a candidate in the amount, class, or period of time made available to such candidate on behalf of his candidacy.

"Amendment to Section 315 of the Communications Act of 1934, Relating to Candidate Access"

Sec. 202 requires licensees, in providing access to use of a broadcasting station with respect to a campaign, to give priority to legally qualified candidates for public office over other political users. It thereby ensures that broadcasters faced with a limited inventory supply will make air-time available first to candidates and then to other political users.

The purpose of this subsection is to make it clear that as between a purchase of time by a candidate or his committee on behalf

of his candidacy and by oher political users, the licensee or cable system is to give priority to a purchase by a candidate or his committee on behalf of his candidacy. If other political users have already purchased preemptible time, and a political candidate or his committee desires to purchae the same time at comparable rates, the other political user's purchase shall be preempted by the licensee or cable system in favor of the candidate or candidate committee. It is the intent of this legislation that if the other political user has purchased fixed time desired by the candidate, the other political user's purchase shall be preempted by the licensee or cable system in favor of the candidate or his committee. In any circumstance in which a candidate or his committee and other political users have requested the purchase of time as yet unsold, the licensee or cable system shall sell that time to the candidate or his committee.

"Amendment to Section 315 of the Communications Act of 1934, Relating to Use of Broadcasting Stations by Candidates"

Sec. 203(a) amends the Communications Act of 1934 to exclude debate between candidates from the use of a broadcasting station within the meaning of the subsection.

Sec. 203(b) repeals the lowest unit rate requirement and, in lieu thereof, provides that charges made for the use of any broadcasting station by a legally qualified candidate in connection with his campaign for nomination or election shall not exceed the charges for comparable use of such station by other users. It also provides that in determining charges to legally qualified candidates, a licensee must disregard any charge for special or nontypical commercial use by other users. This section prohibits licensees from establishing rates for candidates that are not normally extended to and used by commercial advertisers.

Sec. 203(c) requires licensees to make available additional time, without extra cost, to a qualifying House of Representatives candidate who purchases at least 2 political advertisements. The additional time provided must be equal in market value to one-half of the total time purchased.

Sec. 203(d) states that licensees, in affording equal opportunities to candidates under this subjection, are not required to make time available to a candidate without cost when additional time is made available free of charge to a House candidate who is qualifying.

It the intent of this legislation that operators of cable systems shall make advertising time available to political candidates or their authorized committees on all cable system channels sold, and on any public access channel on which time would be available to a member of the general public.

"Amendment to Section 315 of the Communications Act of 1934 Relating to Disclosure Requirements for Certain Political Communications"

Sec. 204 amends the Communications Act of 1934 to prohibit licensees from allowing the use of a broadcasting station for a communication that is not in compliance with the disclosure requirements specified in subsections (d), (e), (f), or (g) of section 318 of the Federal Election Campaign Act.

In resolving any disputes regarding decisions made or actions taken by broadcast licensees or cable systems to implement subsections (d), (e), (g), or (h) of Sec. 318 of the Federal Election Campaign Act of 1971, the FCC shall defer to the reasonable good faith judgments of said licensees and cable systems. No broadcast licensee or cable system shall be found to have violated any provision of the Federal Election Campaign Act of 1971 or the Communications Act of 1934, as amended, because of the reasonable good faith decisions it makes and actions it takes to implement the purposes of said subsections.

"Amendments to Title 39, United States Code, Relating to Postal Rates for Certain Election Materials"

Sec. 205 adds to 39 U.S.C. 369, providing postal rates to qualifying House of Representatives candidates for first-class mail matter of one-half of the rates currently in effect, and for third-class bulk mail matter, the same rates as the rates of postage for a qualified political committee. These reduced rates shall be made available only with respect to matter mailed during the 90-day period ending on the day before the date of the election involved. The section also authorizes the reimbursement of the U.S. Postal Service, through the Revenue Forgone appropriation, for any resulting revenue loss.

"Amendments to the Internal Revenue Code of 1986 Relating to the Credit for Contributions to Qualifying House of Representatives Candidates"

Sec. 206 provides for a 100 percent credit, up to a maximum credit for a taxable year of $50 ($100 in the case of a joint return), for in-state contributions to qualifying House of Representatives candidates. The tax credit under this section shall apply to taxable years beginning after December 31, 1990, and would be allowed with respect to any qualified political contributions, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"Amendment to Section 1003 of the Internal Revenue Code of 1986"

Sec. 207 amends the Internal Revenue Code of 1986 to prohibit presidential candidates or their agents, as a condition of eligibility to receive public funding of their campaigns, from soliciting or receiving, directly or indirectly, any funds that are not subject to limitation and reporting under the Federal Election Campaign Act or are allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to that Act. The section reinforces provisions designed to prevent presidential candidates and their representatives from soliciting or receiving any funds not regulated by the Act.

TITLE III—EFFECTIVE DATE

"Effective Date"

Sec. 301 states that, except as otherwise provided, the amendments made by this Act shall apply with respect to elections for Federal office beginning with the general election of November 3, 1992 (and any primary election relating to such).

SUMMARY OF THE DEMOCRATIC LEADERSHIP CAMPAIGN FINANCE REFORM PACKAGE: THE CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

PURPOSE OF THE BILL

The purpose of H.R. 5400 is to amend the Federal Election Campaign Act of 1971 and certain related laws to provide for a voluntary system of spending limits for House elections, to reduce campaign costs, to limit aggregate contributions from political committees, to restrict the use of "soft money", to encourage increased participation by small contributors, to provide for greater regulations of independent expenditures, and for other purposes.

EXPENDITURE LIMITATIONS FOR HOUSE CAMPAIGNS

Voluntary Spending Limits (Sec. 108): Because mandatory limitations on campaign expenditures were held unconstitutional in the controversial 1976 Supreme Court case of *Buckley* v. *Valeo*, candidates must agree to limit their spending voluntarily.

Under the proposal, candidates who choose to participate in the system would voluntarily limit their overall spending to $550,000 for the election cycle. No more than $300,000 of that amount could be spent in the primary, except in states where the primary election may be determinative, in which case there would be a primary cap of $400,000. In addition, participating candidates winning primary elections with less than 66.7 percent of the total vote would be allowed a 30% spending bonus in the general election, provided that their total general election expenditures do not exceed $550,000. (The maximum possible spending bonus would thus be $165,000). There would be a separate limit of $100,000 for runoff elections. Each of these spending limits would be adjusted for inflation every four years. The bill provides an exemption from the spending limits for legal or accounting fees. Finally, participating candidates would be prohibited from making expenditures derived from person funds in excess of $75,000 with respect to an election. Candidates must declare whether or not they wish to participate by the time of their state's filing deadline; once a decision is made to opt in, it cannot be revoked.

Benefits for Eligible Candidates: Candidates abiding by spending limits would be entitled to the following comunication benefits:

A. Reduced Broadcasting Costs (Sec. 203): Participating candidates would be entitled to one free TV or radio spot of comparable value for every two paid for. This provision amounts to a one-third discount on broadcast costs for candidates limiting their campaign spending.

B. Reduced Postage Costs (Sec. 205): Participating candidates would be entitled to mail at either (1) one-half the first-class postage rate; or (2) the non-profit, bulk third-class rate. Either option could be selected for any given mailing. The postal rate reduction is available only during the 90 days prior to an election.

C. 100% Tax Credit for Small, In-State Contributions (Sec. 206): Participating candidates would be allowed, in taxable years beginning after December 31, 1990, to solicit contributions eligible for a credit. A 100% tax credit would be provided for in-state contributions to participating House candidates of up to $50 (single return)/ $100 (joint return) per year.

Removal of spending limits for a candidate with non-participaing opponent (Sec. 108): The proposal removes the limits on personal funds and overall spending entirely for a participating candidate when an opponent is not participating and raises or spends more than $200,000. (The opponent must notify the FEC within 72 hours upon such event). Under the program, the participating candidate would still be afforded media and postage benefits, thereby assuring that those candidates who wish to limit their spending can do so without being put at a disadvanage relative to wealthy candidates who are not participating in the system.

Penalties for Overspending (Sec. 108): Participating candidates who spend more than the limit, but less than 5% more, would be required to pay a penalty to the F.E.C., for deposit in the Treasury, equal to the excess amount. For overspending by more than 5%, candidates would have to pay three times the excess expenditure. For overspending by 10% more, the FEC could impose additional penalties, over and above triple payment of the excess expenditure.

The system of spending limits that would be established by this bill serves several important public interests. Such a system would facilitate communication by candidates with the electorate by lowering the cost of broadcast time and postage, thus enhancing public discussion. Second, it would reduce the risk of corruption and the appearance of corruption by diminishing the role of large private contributors. Finally, it would relieve candidates of the burdens of fundraising, thereby affording them more opportunity to address the issues and communicate with the voters.

LIMITATION AND REFORM OF POLITICAL COMMITTEES

Establishment of Small Donor Committees (Sec. 119): The proposal eliminates special contribution limits in the law for "multicandidate" political committees (commonly referred to as "PACs") and, in lieu thereof, provides for the creation of "Small Donor" Committees. Small Donor Committees are defined as political committees that have been registered for at least 6 months, have made contributions to 5 or more Federal candidates and which restrict their fundraising to individual contributions of $240 or less per year.

Contribution Limits for Small Donor Committees (Sec. 119): Small Donor Committees would be allowed to contribute $5,000 per election to authorized candidate committees. (Political committees not qualifying as small donor committees would be allowed to contribute only $1,000 per election).

Aggregate Limitation on PAC Contributions (Sec. 109): House of Representatives candidates would be prohibited from accepting more than 50 percent ($275,000) of the spending limit in contributions from political action committees with respect to an election cycle. This applies to both participating and nonparticipating candidates. Funds carried over from previous campaigns, irrespective of their original contributory source, are not counted against this aggregate limitation.

Congress is concerned with the significant increase in the amount of money contributed by political action committees to candidates, and in the ratio of these contributions to the total contributions received by such candidates. The imposition of a ceiling on aggregate contributions from such committees would preserve the integrity of the election process, preventing corruption and the appearance of corruption.

Leadership PACs (Sec. 105): Federal candidates would be prohibited from establishing, maintaining or controlling a political committee other than an authorized committee or a committee of a political party. For one year after the effective date of this Act, any such political committee may continue to make contributions. At the end of that period such political committee would be required to disburse all funds by one or more of the following means: making contributions to a 501(c)(3) organization; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party, or making contributions not to exceed $1,000 to any candidate for elective office.

"SOFT MONEY"

Soft Money Provisions (Secs. 110, 114, 120, 121, 122, 123): The proposal takes a multipronged approach to ensure that only funds raised and spent in compliance with the Act's limitations and restrictions are used to influence elections for Federal office, thereby shutting the so-called "soft money" loophole. First, it bans the use of party funds raised outside the strictures of Federal law for the purpose of influencing a Federal election; any party communication or activity that refers to a Federal candidate must be paid entirely out of hand dollars even if state candidates are mentioned. Second, "coordinated expenditures" must be paid out of funds raised in compliance with the Act. Third, presidential candidates accepting public funds are prohibited, directly or indirectly, from soliciting or receiving any soft money. Fourth, the proposal prohibits other Federal candidates from soliciting funds on behalf of their election campaigns and depositing any such amounts in an account not regulated by the Act. Fifth, the proposal prohibits the conversion of state campaign funds to Federal use. Finally, it requires the full disclosure by state and national party committees of all soft money receipts and disbursements.

INDEPENDENT EXPENDITURES

Independent Expenditures by Connected Political Committees (Sec. 115): The ability of corporate, labor union and trade association PACs to underwrite the administrative and solicitation costs of independent expenditures with treasury funds would be eliminated. The entire cost of these expenditures would have to be paid out of the political committee's own funds. This provision in no way prohibits the establishment of separate segregated funds for other political purposes.

Definition of "Independent Expenditure" (Sec. 106): The definition of "independent expenditure" would be tightened to prevent arrangement or coordination between the person or committee making the expenditure and any candidate.

Disclaimers on Independent Communications (Sec. 117): The proposal requires independent expenditure television ads to include a continuous message, clearly visible to the viewer, that identifies the name of the person or committee responsible for the advertisement and indicates that the broadcast was not authorized by any candidate. Newspaper, radio, billboard, direct mail and other public communications woud also be required to include prominent disclaimers.

PROVISIONS RELATING TO CANDIDATE USE OF BROADCAST TIME

Negative Campaign Advertising (Sec. 117): In order to encourage less negative campaigns, the proposal requires authorized television ads to include (whether the candidate personally appears in the ad or not) a photographic image of the candidate along with a statement indicating that the candidate "takes full responsibility" for the advertisement's content. Candidate communications through other media, such as radio, newspapers and direct mail, must include similar statements of responsibility.

Broadcast Discrimination Against Candidates (Sec. 201): The Federal Communication Commission would be empowered to revoke any station license or permit for willful or repeated discrimination against candidates in the amount, class, or period of time made available with respect to their campaigns.

Allocation of Broadcast Time (Sec. 202): Broadcasters would be required to give priority to legally qualified candidates over other political users in allocating air-time.

BUNDLING OF CONTRIBUTIONS

Prohibition of Bundling (Sec. 111): Contributions would be counted against the limits of both the original donor and any political committee, or agent of a political committee, serving as intermediary. This provision closes the "bundling" loophole that has enable certain individual and committees in effect to finance a favored candidate's campaign above and beyond what their contribution limits allow.

ADDITIONAL REPORTING REQUIREMENTS

Reporting by Party Committees and Large Individual Donors (Sec. 123): State party committees would be required to file with the FEC any report filed by the committee under State law as well as such supplementary material as the Commission may require to assure compliance with the Act. Also, each national party committee must file a statement of all receipts and disbursements, including those for non-Federal purposes. In addition, the measure requires individual making contributions aggregating $20,000 or more, but less than $25,000 in a calendar year to report their names and the amount and recipient of each such contribution within 7 days. Individuals making contributions aggregating $25,000 must report to the Commission the above mentioned information with respect to contributions not previously reported.

OTHER MAJOR PROVISIONS

Elimination of Presidential State-by-State Expenditure Limits (Sec. 107): The proposal eliminates state-by-state spending limits for presidential candidates accepting public funding. National expenditure limits are in no way changed.

Encouragement Amounts To Be Treated as Contributions (Sec. 112): The measure provides for the treating of amounts donated to a prospective candidate as contributions whether or not said individual becomes a candidate.

State Part Contribution Loophole (Sec. 113): The total amount of contributions a candidate for Federal office may accept in an election from a state or local committee (including any subordinate committee) of a political party would be limited to $5,000. This provision prohibits state and local party committees from acting as conduits for the circumvention of contribution limitations.

Disclosure in Solicitations by Unauthorized Committees (Sec. 116): The measure requires communications by political committees not authorized by any candidate (other than political party committees) to include a statement that neither the committee nor the communication is authorized by a candidate or under the control of a candidate. This will prevent misleading solicitation practices by unauthorized organizations.

Prohibition of Fraudulent Solicitations (Sec. 118): The measure prohibits the fraudulent solicitation of campaign contributions; no person may raise funds by falsely representing himself as a candidate or as an agent of a candidate, political party or other political committee.

Effective Date (Sec. 301): Except as otherwise provided, the legislation takes effect with respect to elections for Federal office beginning with the 1992 election cycle.

Mr. Chairman, I reserve the remainder of my time.

□ 1740

Mr. THOMAS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, there is no more important issue now before Congress than campaign reform. For that reason, I regret that the efforts undertaken a year and a half ago have given way to partisan politics instead of a meaningful, bipartisan bill.

Make no mistake: We need reform. We need a good, comprehensive, fair bill. And we need it now.

Probably every Member of this Chamber has been the subject of an editorial about fundraising—about the role of money in politics and in our own campaigns—and we are all familiar with the innuendo and insinuation that it is the special interests with the biggest bank rolls who really call the shots.

That is unfair. It is untrue. And we all know it.

But what do we do about it?

How do we convince your constituents and mine that Congress isn't for sale? How do we prove to them that the system really does work and that it is not driven by money?

The last thing we should do is get bogged down in partisan politics and start pointing fingers across the aisle, blaming each other for blocking reform.

Unfortunately, that is what we are engaged in doing, instead of taking the opportunity and passing a substantive bill.

We all know reform will not be easy. I think the efforts of our colleagues since the beginning of last year have proven that.

What we need is political leadership—from the President and from the Speaker and from the majority and minority leaders in the House and in the other body. That is the kind of leadership that will produce a realistic, fair, effective bill.

But let us not kid anybody: We all know that we are not going to write a meaningful bill here on the House floor. True reform will be the product of bipartisan negotiations, not partisan bickering. And it is going to take concessions from both sides of the aisle.

We all know what happens without it.

We give people a perfect opportunity to continue denigrating the institution and the system and their elected representatives.

We should not allow that to happen.

We are never going to remove all money from politics.

When I first ran for Congress in 1972, my campaign cost about $100,000.

But just 10 years later, I was faced with a tremendous challenge.

I had an opponent who was independently wealthy. He was instrumental in gerrymandering my State. And he went on to spend $2.3 million against me in an effort to win a seat in this Chamber. It is the largest amount of money ever spent by a congressional candidate in the history of our country.

I didn't spend nearly that much—in fact, I was outspent by 3 to 1.

But there is something wrong in a system that allows that to happen. Seats in this Chamber should not be for sale—not to the special interests, not to anyone, not at any time.

We all have different ideas on how we need to reform it. Those ideas deserve legitimate, substantive debate—not partisanship.

I urge my colleagues in the leadership, on both sides of the aisle, to renew their efforts to enact meaningful reform.

We deserve it. Our constituents deserve it. And the institution deserves it.

Mr. THOMAS of California. Mr. Chairman, I yield myself such time as I may consume.

I would have liked to have had a general debate on each of the number of positions that the gentleman from Washington has articulated as part of the Democrat campaign plan. We on our side of the aisle went through a very arduous process trying to determine what we thought would be an appropriate campaign reform position, not just a single item, but a comprehensive package.

As I indicated on the debate on the rule, I think we could have come to an agreement on a number of those areas, as we have done in the past. Unfortunately, we had no opportunity to consider this legislation under the committee structure—a structure in which we have taken testimony in the past—and we have never sat down in what we call a markup and made the tough decisions. Instead, the Democrats got together on their side and decided what they wanted, Republicans got together on their side and decided what we wanted. Now, what normally happens in the usual legislative process is after Members do that, we then come together and discuss the relative merits and pick and choose between the two positions. We are not going to do that here today because the Democrats did not write a rule that would provide Members an opportunity to do that.

Oftentimes, the Democrats tell Members that Republicans are irrelevant. Oftentimes, we decide ourselves we are irrelevant to the process. Frankly, that is not true.

I happen to serve on the Committee on Ways and Means as another one of my assignments, and more often than not, Democrats on that committee have come to me and said, "Thank goodness you were in the room when we decided on the policy because you saved us from ourselves," and that, in fact, better legislation comes out of the process of accommodation and compromise than that legislation that Democrats or even Republicans can write by themselves.

So let Members now revisit, once again, the legislation that we have in front of Members, that the Democrats are so proud of, that they believe is comprehensive campaign finance reform, although it has been altered just as recently as 24 hours ago. If Members recall, and return once again with me to Swift 1—and the gentleman from Washington prefers that the modification be Swift 1.1. I was debating Swift and not-so-Swift, but I will accept his Swift 1 and Swift 1.1.

If Members recall under Swift 1, some group of Democrats decided that there ought to be criminal penalties for overspending in their liberal spending structure. As Members recall, after those Democrat Members who wanted a little freer operation spoke for Swift 1.1, that portion of Swift 1 was struck.

If Members will recall, originally some Democrats wanted to ban registered lobbyists from bundling and delivering money. But at the eleventh hour, those who wanted a little looser structure said, "Strike that."

Originally, some folks wanted to ban slate cards financed by corporations, unions, and millionaires. But guess what? There are some folks who operate with straight cards, and they did not want that hampering the good old way of doing business. So what happened? That was struck from Swift 1. And that is what produced Swift 1.1.

But more important than that, some Members sat down and said, "Look, what you are doing after all is limiting us, and we don't want to be limited quite as much as you indicate we should be limited." So where Swift 1 had $550,000, Swift 1.1, if they get less than 66.7 percent of the vote, limits them to $715,000.

Now, the gentleman from Illinois [Mr. HAYES] said he was concerned about whether or not he should really support this bill because he won his election with a lot of union PAC money. It is perfectly legal to take union PAC money. But one of the things that has been discussed is how much PAC money is in the system. I indicated to Members that one of the most comprehensive recent studies indicated that although the American public is concerned about how much money we spend, they are more concerned about the question of influence. Who controls the amount of PAC money? And the gentleman from Washington is advertising the Democrat plan as the Campaign Cost Reduction Act of 1990.

Well, under current law in the 1988 general election cycle, $99.1 million was collected by Democrat and Republican general election candidates from PAC's. What would happen if the Campaign Cost Reduction Act of 1990 goes into effect? In terms of contributions from PAC's $223.6 million would be available. That is the Campaign Cost Reduction Act of 1990 in regard to PAC receipts.

The gentleman from Illinois should not worry, there is plenty of room for his folk.

In addition to that, we have talked about spending limits, that what this

proposal is going to do is put a cap on outrageous total spending. OK, sounds good. Is it as advertised? Let Members take a look at the Campaign Cost Reduction Act of 1990 and take a look at the current law, 1988. Now, I left out third party candidates, but they really skew the amount. There is a lot of them, but very little money involved. We are dealing with Republicans and Democrats, the major candidates. We took a look at the Republican and Democrat incumbents under the 1988 election law, and found how much was spent: $156 million. Under Swift 1, the first Campaign Cost Reduction Act, $226.5 million would be allowed to be spent. But, hey, wait a minute. Remember in the last 24 hours we went from Swift 1 to Swift 1.1? Under Swift 1.1, if we get less than two-thirds of the primary vote, we will be able to spend more.

So let Members look at the refined Campaign Cost Act of 1990. Under the Swift 1.1, they can now spend $294.6 million, an increase of 89 percent over 1988 expenditures. They want to sell the name, Campaign Cost Reduction Act of 1990, but that is not what it does. The other thing that disturbs me a lot is that in the committee system we do good work. Everyone of the Members spends time in committee; we look at the work product; we go into sessions; we attack it; we call in people to give testimony on it; and guess what? Many times we see portions of the bill in a different light after people have talked to Members about what that particular measure might really do. I cannot believe the Democrats meant to do what they do in their bill. For example, the bill says there is only one kind of a committee. It is a small donor committee, and a small donor committee is defined as anyone who runs a PAC that accepts a contribution no greater than $240. That PAC is able to contribute $5,000. But if any anybody gives $240 or more, they have violated the small donor definition. Therefore, they can only give $1,000.

Guess what is included in the definition "political committee," as the way it is written? The Democratic Party, if it accepts one contribution over $240, can give only $1,000. Now, that is true of the Republican Party as well, but I cannot believe anyone would write a piece of legislation that would treat the national political parties in the same way that they were going to treat political action committees. I would have to think that is a mistake, but remember we still have the Synar-Obey amendment to come. That would limit the political parties, if they accepted a contribution more than $240, to $500 as a contribution from the National Democratic Party to a candidate, or the Republican National Party to a candidate.

Now, we will talk about Swift 1.

□ 1750

Mr. Chairman, the gentleman from Washington [Mr. SWIFT] wanted to talk about soft money. He says the Democrats disclose. He is absolutely correct. The Republican provision does not disclose. I say to my colleagues, "You don't disclose what you ban. The only reason you disclose it is because you allow it."

Now, my colleagues, let us take a look at what the Democrats allow, because they really do not eliminate soft money. They allow administrative expenses of a State or local committee of a political party, including expenses for overhead and staff. They allow maintenance of voter files. They allow any amount in connection with a State or local political convention. They allow any amount in a so-called building fund that allows unlimited corporate, union, and political dollars to pay for party offices and any fixed equipment. That is, anything that can be attached to the floor: computers and all of that. In addition, remember they just added slate cards as part of Swift 1.1.

Mr. Chairman, let us talk about transfers. The gentleman from Florida is very concerned about Member to Member transfers in terms of influence peddling. We have seen more and more of it. It has become a habit. I do not think it is very good. The gentleman from Florida [Mr. BENNETT] does not think it is very good. I have to tell the gentleman from Florida [Mr. BENNETT] that his party's plan allows Members to contribute to other Members. Yes, it bans leadership PAC's but it allows Members to control State and local party committees, and, in fact, take from their own committee and give to other committees. I do not think that really gets to the heart of the problem.

Mr. Chairman, the plan of the gentleman from Illinois [Mr. MICHEL] says, "No transfers, not between Member to Member, not between leadership, not between PAC's. You don't move money sideways."

Mr. Chairman, let us talk about spending limits. My colleagues have seen from Swift 1 to Swift 1.1 that the target moved from $550,000 to $715,000. But, is it not fun sitting around arbitrarily determining how much money someone can spend in a campaign regardless of the fact that the district which one represents is an urban district, a major metropolitan city, or it is a rural district, or it is an entire State, or it is a suburban rural mix, or it covers 20,000 square miles, or it covers 60,000 square miles? Somebody had the arrogance to sit down and say, "This is how much you are going to spend. It's $550,000, unless, of course, you don't get two-thirds of the vote in the primary. Then it's $715,000. You can spend $300,000 in the primary, unless, of course, the primary can get you elected, and it's counted as a general. They you can spend $400,000."

However, Mr. Chairman, when my colleagues put all of this mishmash together, what it says is that in a general election in the very same race it is possible that one person could have $550,000 to spend, and someone else would only have $250,000. That is the bottom end; arbitrariness carried to an extreme.

However, Mr. Chairman, the Democrats do not stop there. Take a look at the media section. If one is going to get the free time, they are going to say to that person, "You've got to run a 4-second spot on one-third of the screen."

Mr. Chairman, I ask, "Why wasn't it 3 seconds? Why wasn't it 2 seconds? Why wasn't it 10 seconds?" These people decided on 4 seconds. That is the way it is going to be. No hearing, no discussion from people, no talk about what may or may not be appropriate. Let us pick a number, and that is what we deal with.

Now let us talk about public financing in the Swift bill because it has got it. Now everybody is focusing on Synar-Obey, and they are talking about the direct Treasury contribution in terms of matching funds, and that is public financing. It reminds me of that Gary Larson cartoon of that mosquito that is swelling up enormously because he struck an artery, and the phrase is, "Pull out, pull out." Yet Synar-Obey hits the artery of the Public Treasury, direct Federal funding for elections.

However, Mr. Chairman, I say to my colleagues, "Don't think Swift 1.1 doesn't deal with it." Take a look at the postage section. Every time you buy a stamp, the Federal Government is going to subsidize the other half of it, if you agree to Swift 1.1. It's called revenue foregone. That means the Treasury shall pay.

In a few minutes we will be looking at the Michel substitute. It offers limits. They are not arbitrary fixed limits. They are not bribed limits using Treasury subsidies. But they are meaningful limits. The limits in the Michel amendment are local. The Michel amendment says a majority of funds must come from the people who are in the area. It says, "You can't take a dime from a PAC. You can't take a dime from Washington until the people back home give you that dime."

Mr. Chairman, that is real change. That is fundamental change. That is enabling change. This is not playing games with limits, or allowing people to continue to do what we have been doing.

My colleagues want fundamental change. Please, my colleagues, we have not had a chance to talk about it, but,

please, let us take a look at the idea of allowing local control of campaign finance.

The gentleman from Washington [Mr. SWIFT] said that the difference between Swift 1 and Swift 1.1 was improvement. Let me tell my colleagues that he must think Frankenstein is an improvement over Adam. Maybe he thinks Roseanne Barr sings the national anthem better than Beverly Sills because, if Swift 1.1 is an improvement, then please deliver me from improvements.

Mr. SWIFT. Mr. Chairman, for purposes of debate only, I yield 4 minutes to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I thank the gentleman from Washington [Mr. SWIFT] for yielding.

First, Mr. Chairman, I would like to engage the gentleman from Washington [Mr. SWIFT] in a colloquy pertaining to section 105 of his proposal prohibiting the so-called leadership PAC's. It contains a transitional period to permit these committees to spend down the money in their accounts. That 1-year transitional period is triggered by the effective date of the act. Can you, as the author of the bill, tell us what that effective date is?

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, for the purposes of section 105, the effective date will be November 3, 1992, which is the only date certain provided for in the bill. Thus, these committees will have 1 year from that date—or until November 3, 1993, to spend down their funds. During that 1-year period these committees will not be permitted to receive any contributions but will only be allowed to make contributions and expenditures. Further, I expect that this will be clarified by the work of the conference committee.

Mr. ANTHONY. Mr. Chairman, the gentleman from California [Mr. THOMAS], my good friend, was making some points about changes in the Swift proposal, the Democratic leadership campaign finance reform package. If the gentleman would, I have just got a few questons I would like to ask because he showed a chart that had 3 years that were stricken on our side of the aisle after we had internal debate, time to think about it, and we thought that it was best to strike it out. The gentleman's statement on the floor made me think that he thought those provisions should have stayed in the Democratic bill, and I was just curious whether or not they are in the Republican substitute.

Mr. THOMAS of California. Mr. Chairman, I apologize to the gentleman for not yielding at the end of my statement. I had intended to do, and I forgot.

Mr. Chairman, the Republican substitute is not a comprehensive, point-by-point reputation of the Democrat proposal. We would have liked to have had the ability to have each of the major sections set aside in a separate position, had the Democrat position offered and they debate between the two. That has not been available to us under the rule, and so what we have offered, as a substitute, is going to the heart of the contentious areas.

The gentleman is a member of the task force, and he knows that we agreed on a number of areas. The titles of those areas are contained in the Democrat proposal. For example, the bundling area. I think we could have come to an agreement, but, rather than us waiting until the last minute, remember we had only until Midnight to come up with our proposal. The other folks were changing their positions until the last minute. Had we had a month or so to sit down after they set their structure, we set our structure, we would have been willing to confront point by point.

What we have are the heart of the difference between us. It is a question of spending limits, a question of PAC's. We do not have a comprehensive, point by point reputation. We could work out bundling and those other are as if we sit down and work together.

Mr. ANTHONY. Mr. Chairman, reclaiming my time, I take the gentleman's answers to be that, no, those three things that he criticized us for striking are not in the Republican substitute.

Mr. THOMAS of California. Mr. Chairman, will the gentleman continue to yield?

Mr. ANTHONY. I yield to the gentleman from California.

Mr. THOMAS of California. But we have one of those in ours. It is just like our question. We were similar there. When they changed theirs, we became different. They allow it. We do not.

Mr. ANTHONY. The second question: Looking through your substitute, and the gentleman has a chart showing how much money could be collected and spent on our side because we have a cap of $550,000. I find no cap in their bill. I assume that there is no cap in their bill.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, the cap is, I think, the best cap of all. How much local people who can actually vote determine should be spent in a campaign. No, we do not have an arbitrary amount. No, we do not dictate what can be done or cannot be done regardless of the size of the district. We say, "Let the people who actually vote in the campaign determine how much is going to be spent.

I know that is novel and revolutionary.

Mr. ANTHONY. Mr. Chairman, I thank the gentleman from California [Mr. THOMAS] for answering those questions.

□ 1800

Mr. THOMAS of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee that would have heard this legislation had it been brought to the subcommittee and the full committee.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to the bill H.R. 5400, the Campaign Cost Reduction and Reform Act of 1990. Let me make it perfectly clear that I support campaign reform legislation. However, we have not had a chance to refine this measure in a true bipartisan spirit.

First, this bill takes insufficient steps toward limiting PAC contributions. Members of Congress are already perceived by the general public as marionettes dancing under strings manipulated by the fingers of special interest groups. In order to correct this perception, we need real PAC reform, not just language that contains the letters, "P", "A", and "C". Establishing two types of PAC does nothing more than discriminate against smaller organizations and in favor of large, broadbased, interests. Today, we passed the civil rights bill. Now, we turn around and say its OK to choke one organization's resources but not another's. These groups are not inanimate objects, Mr. Chairman, they are composed of the same people we voted to protect just a few hours ago. Either we cut all PAC contributions or we cut none.

Additionally, I understand that an amendment will be offered by the majority party to match individual contributions through direct public financing. That means the taxpayer again, I remind my colleagues of today's earlier events. We have just voted to raise the short-term debt ceiling and now, not more than a few hours later, we are considering creating yet another Government program funded through the U.S. Treasury. The citizens of this great country are asking for campaign reform, not additional spending programs.

It is time that we got serious about campaign reform. It is time we stop sending mixed messages to the American people. I urge my colleagues to oppose this legislation in its current form.

Mr. SWIFT. Mr. Chairman, for purposes of debate only, I yield 2 minutes

to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, let me say first of all that I have watched for the last 20 years on a personal basis the escalation of campaign costs. You know, in 1905 was the first time this Congress addressed campaign financing. I had a relative in this body at that time.

Once again in 1925, we addressed campaign financing, and then in 1971, a major campaign financial reform was voted on by this House.

We as Members of this House understand more than anyone else what campaign costs can be. This legislation, which began as a bipartisan effort in February 1989, today comes before us with an enormous amount of work on both sides of the aisle.

No one cannot say it has not been looked at, because it has.

When we try to put together legislation to address a rural district, an urban district, a metropolitan district, the issues are not always the same; but I think the legislation before us today addresses many of those issues.

What is a voluntary limit, all Members and challengers must agree.

It has PAC reform. What is a PAC? It is nothing but an outgrowth of small individual donors to contribute to the political system.

So today before us, this evening, late in the session, it is once again time to readdress this issue. I think the Swift proposal meets the needs of campaign reform.

It is time, as we did in 1971, to move forward.

Mr. THOMAS of California. Mr. Chairman, for purposes of debate only, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH] one Member who has always been associated with positive, progressive, campaign finance reform.

Mr. LEACH of IOWA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Since first running for Congress 16 years ago in the shadow of Watergate, I have consistently urged bipartisan support for campaign reform.

I am convinced that the role of special interest PAC's must be limited in order that individual citizens may be empowered to the maximum extent possible under our representative democratic system.

Today, after more than a decade of congressional avoidance, after a scandal of unprecedented magnitude—the $20 a month bill this Congress has placed on the average American family for the next 30 years to pay for the S&L bailout—the majority party continues to put its head in the trough of political piggery.

It has brought forth a bill that is a sham and a shame.

It is a sham because it proposes a no-limit limit on political action committees—$275,000 per election cycle or with a pretense of greater discipline $225,000 under the Obey-Synar approach. The party that used to proudly proclaim it was the party of reform in American politics has come forth with the embarrassingly self-centered notion that labor PAC's which it receives by a 40 to 1 rate more than the Republican Party should be less shackled than business PAC's which more evenly divide their largess.

Yet it is self-evident that Democratic self-serving ensconces the status quo and provides an invitation for the continuance of legal, although dubiously ethical, conflicts of interest.

What America needs is a Congress indebted to the individual citizens who click the voting levers, not to the money groups which tilt the levers of power.

Here, let me stress, never in the history of the Congress has there been a greater cause celebre for campaign reform than the S&L debacle. Congress, particularly the committee system, has let America down.

In the 1980's alleged defenders of the little guy in American politics transformed an industry created under Franklin Roosevelt to serve the small saver and average homeowner into a privileged preserve where a moneyed elite could play investment roulette with taxpayer-insured deposits.

Now, today, as the 1990's commence, these same alleged defenders of the little guy are suggesting that the system that produced the biggest scandal in American history be tinkered with rather than reformed, and tilted to favor the same incumbents who let America down so expensively in the last decade.

These same defenders of the little guy are today suggesting that big money should continue to be the mother's milk of American politics, that money folks count more than the silent middle class which places a priority on making mortgage payments and paying school tuition over contributing to candidates.

This body must come to understand that at the root of the S&L problem is weak law and that at the root of weak law was not a collusive attempt of ill-willed legislators to defraud the public, but rather of well-intentioned members operating under the rubric of politics as usual.

It is the system that has perverted judgment, not the individual who has perverted the system. Hence the need for reform of a campaign system that allowed the S&L industry to give $1.8 million to candidates in the last election cycle while losing over 100,000 times that amount in federally insured deposits. Taxpayers who are being asked to pay the congressional piper demand that this kind of return on political investments be stopped, once and for all.

In Chinese history there is a theory of revolution based upon a mandate of heaven. A government may legitimately be overthrown only when the mandate is removed as signaled by natural phenomena like droughts, floods, and hurricanes.

The unanswered question of the 1990's is whether the American people are in the process of concluding that conflicts of interest that cost real people real money are of earthquake proportions; whether the mandate of legitimacy ought to be removed from the current political system.

It is my conviction that the American people want and deserve change. They want and deserve revolution. Instead they are being served up the status quo.

For those who believe politics should be the art of representation, not the art of electoral manipulation, the approach before us should be defeated and a conference established with the Senate that combines the best of the Republican approach to limiting PAC's with the best of the Obey-Synar approach to limiting spending.

True reform must be radical and bipartisan, not marginal and one-sided.

□ 1810

Mr. SWIFT. Mr. Chairman, I yield myself 30 seconds.

If I could have the attention of my friend, the gentleman from California, I would like to ask whether he would be so kind as to let us use his graphics. Would that be permissible for us to have them set up in the well?

Mr. THOMAS of California. If the gentleman will yield, yes, if I can find them.

Mr. SWIFT. We do not need them now, and we would have time with a couple of other speakers, but I just wanted to see if I could get permission to use the gentleman's graphics.

Mr. THOMAS of California. Certainly. We will try to find them and work it out for the gentleman.

Mr. SWIFT. Mr. Chairman, for purposes of debate only, I yield 3½ minutes to the gentleman from North Carolina [Mr. PRICE.]

Mr. PRICE. Mr. Chairman, I think it is important in undertaking this debate to step back a bit from all the confusing detail that is in these competing proposals and ask ourselves what we really are trying to accomplish, what we ought to really be striving for in campaign finance reform.

It seems to me there are four principles, four goals, that we ought to keep before us. The first is to limit spiraling campaign spending. The Swift proposal does that. It establishes a spending limit of $550,000 for House campaigns, and it reduces mail and broadcast costs for those who accept this limit. The proposal thus provides realistic

cost containment, but it still permits full and effective campaigns.

We have made a reasonable adjustment upward in permitted spending for the campaign cycle when a candidate has a contested primary. That is as it should be.

Second, true campaign reform should provide for a healthy diversity of funds. Our proposal, the Swift proposal, does not eliminate any class of donors, but it does provide for a better balance among small contributors, large contributors, parties, and political action committees. This is especially true of the Synar-Obey amendment which limits PAC's, especially large-donor PAC's, further, lessens the role of large individual contributors, and makes up the difference with a modest amount of public funding financed through the tax-checkoff system. It is no solution simply to limit the amount raised or spent, unless we resign ourselves in the age of television to simply not reaching thousands of our voters. No, we must have full and effective campaigns but we must ensure that they are financed from a healthy diversity of sources.

Our third goal ought to be to encourage small contributors, to encourage broad participation. The Swift proposal does this in numerous ways, such as tax credits for individuals giving up to $50 to House candidates in-State, and a preferred position for PAC's that limit contributions from individuals to $240 a year.

Synar-Obey further encourages this by tying the public match to small contributions. In other words, we encourage financial participation by ordinary voters to ensure it will be mainly money from these sources that finances our campaigns.

Finally, true campaign reform should encourage accountability and prevent abuses. Again, the Swift proposal does this in several ways. It tightens up the soft-money loophole while providing exceptions for legitimate State party activity on behalf of the ticket. It discourages unaccountable "independent expenditures" and requires a prominent disclaimer in advertisements financed from these sources. It prohibits bundling. It discourages negative campaign advertising by requiring a disclaimer from the sponsoring candidate.

We limit spending. We provide a healthy diversity of funds and encourage small contributors, and we encourage accountability and prevent abuses. That is true campaign reform. It is a comprehensive bill, a responsible bill. It deserves the strong support of everyone in this House.

Mr. THOMAS of California. Mr. Chairman, for purposes of debate only, I yield 7 minutes to the gentleman from Kansas [Mr. ROBERTS], a member of the subcommittee that would have considered this legislation had it come through the committee system.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the legislation offered by the gentleman from Washington [Mr. SWIFT], who is my chairman and a friend and colleague, and in rather wondrous but very skeptical awe in opposition to the amendment offered by the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Wisconsin [Mr. OBEY] and in support of the Republican reform package.

Mr. Chairman, we should simply have gone home. I do not think there is any useful purpose that can be served here at this point but, nevertheless, I am going to carry on for about 5½ minutes, and as a member of the Subcommittee on Elections, I had at one time the fervent hope that the gentleman from Washington [Mr. SWIFT], the gentleman from California [Mr. THOMAS], and the rest of my colleagues on the subcommittee would hold hearings and work under very, very difficult circumstances, I know that, to try and hammer out a bipartisan campaign reform package.

I think there are some areas of agreement as has been indicated by the gentleman from California [Mr. THOMAS]. One is to obviously reduce the influence of PAC's; we have the transfer problem and the bundling problem, or challenge, if you want to call it that, and certainly streamlining the FEC; we could do that, and, yes, even spending limits, and, yes, even soft money.

I say to the gentleman from Washington [Mr. SWIFT] that I apologize for referring to him while he is talking to the chairman. I was going to ask if he really thought that this was the proper way to do this in terms of a task force as opposed to the subcommittee and the committee. I worked with the gentleman from Washington [Mr. SWIFT] on something called motor voter registration. I got on the motor voter bus. I think it ended up in the ditch, and I got off the motor voter bus, but we at least made an effort, and I had really hoped that we could do this through the subcommittee and the full committee process rather than the task force.

Having said that, we have, instead, bundled up what I call an incumbent's protection package and called it reform. The No. 1 issue of concern, it seems, for everybody interested in campaign reform is to do something with these evil PAC's. PAC's are a four-letter word. I do not really buy that, but at least the Republican plan is simple and effective. It reduces the PAC contribution from $5,000 down to $1,000.

The plan offered by the majority under the small-is-beautiful banner, divides the PAC's into two groups. Whole multitudes of so-called small giver PAC's are now enfranchised as opposed to PAC's whose membership may give in fewer numbers but larger amounts. One you can give $5,000 and another $1,000.

Mr. Chairman, I suspect it will take the PAC organizations just about 1 week to simply add more folks to their organizations, and that will be that.

We have 12, 12 PAC's that this affects, and we went through how many PAC's do we have—I ask the gentleman from California [Mr. THOMAS]—I think it is in the thousands, about 4,000, and about 2,900 that actually give, and we found 12 that this will affect. Well, so much for reform.

What is the limit for this segregated reform? $275,000. This is a far greater amount than most people receive from PAC's now, and of course, you can roll the PAC contributions over to the next election year, and it does not count on next year's limit. You washed that. It is now clean. This is just in the bank, and if it is PAT ROBERTS, the PAT ROBERTS for Congress Fund, although I do not get that much in PAC's. This is worse than business as usual.

You wanted to end the practice of endless receptions, endless calls, endless special interests, tugs of war? The only thing we are going to do here now is guarantee more memberships to Common Cause, more justified grist for their reform mill and that of others who are in the reform business, and enough righteous indignation to last Fred Wertheimer at least a lifetime.

Throughout this exercise, you have wanted to limit spending and you have a limit of $550,000, unless, of course, you do not get two-thirds of the vote, and then you raise the cap, but very little is said about the tremendous advantage that we, as incumbents, have in this body.

Let us now take one we have all grown to love and to cherish and to protect and use, and that is the franking privilege. It has been estimated that the franking privilege and all that goes with it, the postal patrons and the questionnaires and the newsletters, the columns and the public meeting notices is worth at least $500,000 to any incumbent. I know just a little bit about this, because as a member of the House Administration Committee, I have to approve a virtual army of part-time employees for the Doorkeeper of the House just to move this stuff out during even-numbered years.

□ 1820

And we have a 60-day delay and another 60-day delay, which means all of that vital, important material that

goes out to our constituents, it is only 120 days late. But never mind.

Our bill at least makes a stab at franking reform and quarterly reports that involve public disclosure on a Member-by-Member basis. But you say to the challenger under your plan that you accept a spending limit that simply guarantees my reelection with all of the advantages I have, paid for by the taxpayer. If you do not, then I get more of the taxpayer subsidy, and you really do not have to pass the Synar version or the Obey version to get that. You have a mailing discount as soon as you sign up, and that is a 50-percent discount for what we call the Young Attorney Get Acquainted Act in the various districts all around the country.

I was not going to get into this. There is no righteous fury more indignant than the reformer, but if we look under the banner of reform in regard to the Synar/Obey amendment, let me point out that we have public financing, taxpayer financing for everyone, for everyone if anyone in the race does not adhere to the spending ceiling.

All you have to do is have one person in that race not sign and you do sign and you are guaranteed a 50-percent mailing discount. Now if you file for office and you do sign, you are asking every single issue group, every single issue group to get into the process. It is the death of the two-party system.

There is a qualification, 500 people at $50 a piece, or 1,000 people at $100 a piece. Anybody with a mailing list can get in on this. Hello right-to-life candidates, hello pro-choice candidates, hello gun control, hello Lyndon LaRouche. We have people with that outfit that stand over here and demonstrate between the Longworth Building and the Cannon Building and they are going to be in the race, and that is going to be a marvelous exercise in democracy.

Mr. Chairman, the gentleman from California [Mr. THOMAS] asked me to discuss issues. I have touched three. The truth of it is, however, that this is the silly season. This is filler. We are waiting to go home. We should go home. We should not be doing this. The President is going to veto the bill and we are not going to pass the bill.

True reform comes next year. This is a reform pickup that is stuck in the mud. You are stepping on the gas and asking me to push the pickup. No deal.

Mr. SWIFT. Mr. Chairman, I yield 1 additional minute to the gentleman from Kansas [Mr. ROBERTS] if he would like to have it so that he may yield to the gentleman from Ohio.

Mr. ROBERTS. I thank the gentleman for yielding the time.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my good friend and neighbor, the gentleman from Ohio, somebody I respect a great deal, and I would love to know what is on his mind under the banner of reform.

Mr. ECKART. Mr. Chairman, with that great introduction, I would then have to not make all of the kind statements I would have made about my colleague and get straight to the point of my question.

The point the gentleman made, I think, is well taken. I think franking reform is something that some of us would also like to see occur.

Perhaps then I could inquire of the gentleman who referenced franking reform as should have been a part of campaign finance reform, why when it was part of the Republican caucus initial package it was not included in the substitute that the Republicans crafted for presentation to the floor tonight?

Mr. ROBERTS. I think it is a part of it.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, in answer to the gentleman, once again, we thought there was going to be franking reform under the Legislative Subcommittee of the Appropriations Committee. It was scheduled this week, Just as the Senate dealt with franking and campaign finance in two separate structures, we were under the impression that we were going to have franking dealt with under the Legislative Appropriations Subcommittee position on campaign reform, but once again the schedule was changed.

Mr. ROBERTS. I am for it; you are for it. Let's get it done.

Mr. SWIFT. Mr. Chairman, for purposes of a colloquy, I yield 1 minute to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, title II, section 439(a) currently prohibits personal use of excess campaign funds by a candidate for Congress. For legislative history purposes, does the gentleman from Washington agree that excess funds means either those funds which are left over after a campaign, or during a campaign those funds converted to personal use if a candidate uses those funds during a campaign for personal expenses, but that that candidate has determined by that act that they are excess funds and not necessary for campaign purposes?

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Washington.

Mr. SWIFT. That is my understanding of current law.

Mr. JACOBS. Fine. I would only add one thing.

Earlier in the debate I heard somebody say that this would be the first example of public financing of political campaigns in the history of the United States. I beg to differ. The first example was the New England town meeting, because the only means of communication then was the town hall, and the taxpayer paid for it.

Mr. SWIFT. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. ANNUNZIO], chairman of the Committee on House Administration.

Mr. ANNUNZIO. Mr. Chairman, today, we have the opportunity to pass a meaningful and responsible campaign reform law, a process begun years ago and renewed in January 1989. On January 3, 1989, AL SWIFT, chairman of the Subcommittee on Elections, and I introduced a series of election reform bills including H.R. 11, to control soft money, H.R. 12, to prohibit the practice of bundling, and H.R. 13, the Campaign Cost Reduction Act designed to control the money chase that seems to drive our system off financing congressional campaigns. These bills provided the basis for our current proposal, H.R. 5400.

Mr. Chairman, I cannot let this important moment pass without recognizing the determination, persistence, and negotiating skills of the gentleman from Washington, Chairman AL SWIFT of the Subcommittee on Elections. There has been no Member so patient, so willing to listen to all sides and to accept constructive suggestions. It is AL SWIFT's careful and professional work that brings an acceptable campaign finance reform bill to the floor today. As chair of the task force on campaign finance reform, and as chair of the Election Subcommittee, AL has worked long and hard to craft a comprehensive package that tackles the problems that must be solved if we want to restore the public's confidence in our system of campaign financing. While others have made important contributions to H.R. 5400, it was AL SWIFT who provided the leadership necessary to reconcile the many different viewpoints into a responsible and contructive bill. I am proud of AL SWIFT's work as chairman of the Elections Subcommittee of the Committee on House Administration, and of his work as chairman of the Speaker's task force.

Building on the provision of H.R. 11, which we introduced at the beginning of the 101st Congress, today's bill closes the soft money loophole. Our bill prohibits Presidential candidates who accept public funds from soliciting or receiving any soft money. It also bans the use of soft money to influence Federal elections at any level and perhaps most important, it requires the full disclosure of soft money spending.

Another troubling aspect of our campaign financing system is dealt with in the provision based on H.R. 12,

which we also introduced 2 years ago, prohibiting the practice of bundling. By bundling groups of checks and other contributions; PAC's, other political committees, or individuals can now channel large sums of campaign funds to a Federal office candidate and still avoid current contribution limits.

Under H.R. 5400, contributions would be counted against the limits both of the original donor and of any intermediary through which the funds were funneled. This provision effectively prohibits the practice that enabled some committees and wealthy individuals to finance a favored candidate's campaign above and beyond what their contribution limits allow.

In closing, I urge my colleagues to vote for this comprehensive campaign finance bill. By passing this bill, we tell the American people that we are concerned about the possibility for corruption under current practices, and that we are determined to give them responsible, accountable, fair and open campaign finance legislation.

□ 1830

Mr. SWIFT. Mr. Chairman, may I inquire as to the remaining time on each side?

The CHAIRMAN. The gentleman from Washington [Mr. SWIFT] has 34 minutes remaining, and the gentleman from California [Mr. THOMAS] has 30½ minutes remaining.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, as a former secretary of state of Connecticut, I have advocated campaign finance reform before, and I am delighted to be here tonight doing the same thing.

We all know reform of the campaign system is not easy. These are difficult and sensitive issues for public officials and for the democracy we cherish.

What we are primarily doing here today is changing how we run for election in 1992, and our opponents and how they run. What we are really doing is trying to eliminate the growing perception in this country that money is such an important consideration in our elections that it influences our daily activities and the decisions that we make.

We know this is not true. But the perception is there, and we have got to combat it. It is a perception that has consequences in the real world, consequences such as reducing the faith of our citizens in the democratic process and the essential fairness of this Government and, most importantly, in their belief in us as politicians.

There are aspects of this bill we might not agree with, but that is not the point. We are here to reform.

I must say with all candor that my constituents are less than enthusiastic about public financing. But Common Cause tells me that is not right, that I am wrong, and I am willing to go along with this once again.

I think the gentleman from Washington [Mr. SWIFT] has done an excellent job of putting this bill together. I think Mr. SYNAR and Mr. OBEY will improve upon these provisions. I thank the leadership for not making us go home tonight not having done campaign finance reform.

I am glad that we will be able to work with the other body to bring about a good piece of legislation.

Mr. Chairman, I hope this bill passes.

Mr. THOMAS of California. Mr. Chairman, for purposes of debate only, I yield 4½ minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I guess I had the privilege of being on the bipartisan campaign reform task force. It was at least an honor when I was selected. I do not know that we really did a lot. We certainly are not coming here with any kind of bipartisan package, but it was a good experience and I learned a lot about campaign reform in the process.

I went into the task, and I guess this is the frustration I have tonight, because it seems to me if there is one goal in campaign reform, it ought to be to return the elections to the American people.

You know, we talk a lot about election returns in this country. In the last midterm elections, it was 35 percent turnout, the lowest, the lowest of any democracy in the world. We ought to be embarrassed about that national crisis, and we ought to do something about it.

So I think we ought to try to figure out a way in campaign reform not to help Democrats or to help Republicans or help others, but to return the elections to the people so that they get involved.

Now, how do you think you do that? It would seem to me there are a couple of things we ought to do. You have got to reduce the role of PAC's. You got to reduce the role of special-interest groups. You have to level the playing field between incumbent and challenger.

You have got to find a way to deal with negative campaigns. That is a problem with the bill that is in front of us tonight and why I support the Republican substitute.

Take a look very quickly in terms of PAC's: Yes, both bills purport to reduce the role of the PAC's, ours does it across the board for everyone. Theirs conveniently says, "If you are a professional PAC and there is a small number of you but you happen to give more money, we are going to lower the amount that a professional PAC can give to only $1,000 per candidate. But if you have mass numbers, in a labor organization, for example, we are going to let you keep giving $5,000 because, after all, you are giving to our people."

Now you take a look at leadership PAC's. We say, "Hey, no leadership PAC, no transfer of money from one PAC to the other," and we do you guys a favor. I mean, do you not get sick, all of your colleagues and all your candidates running against us coming up here and saying, "Can't you give us $1,000?" I mean, we would cut that out, and everybody would be better off for it if we would do it.

The same with bundling.

The concept of anybody allowing bundling directly or indirectly in this day and age smacks at the issue of campaign reform. Of course, then that gets to the issue of political parties. But if you are going to reduce special interests, you got to raise the role of parties, to return politics to the people.

So we are trying to do that, help the Republican Party, help the Democratic Party. Not you, you are saying that somehow or other, because the Republican Party has more people that donate, we tend to have a party and you tend to have more of a labor organization activism. We are going to say "no" to parties. We are going to say that the most the parties at the State and local levels can do is a maximum of $5,000.

Then we get into this whole issue of protecting the incumbents. If you want to protect an incumbent, it is obvious what you do is you put a spending cap on because if the challenger cannot spend money to get name ID, they cannot get elected.

A funny thing happened: We have a bill in front of us, the so-called Democratic reform bill, that says the most you can spend is $550,000. You know what? I know exactly where that came from, that number, because there is a study by the nonpartisan, nonprofit Center for Responsible Politics of the 1988 elections. You know what they did? They figured out that any challenger who spent over $500,000 got 45.9 percent of the vote. So that they said, "by 1992 we had better get this cap at $550,000 so we can guarantee that challengers cannot win.

"And to make doubly sure that challengers cannot win, we are going to deal with this whole issue of independent expenditures." We are going to say that "if any of those challengers get the money and they have the gall to go on TV or radio and attack us for our voting records, why, then, it is automatically time out because any independent expenditure by any organization, a professional PAC or anybody that gets the money, we ought to have free air time to respond to every attack made in a challenger's cam-

paign against us by an independent expenditure."

So campaign reform, it is a good title and probably some place down the road we will do it, but as for now we do not want to return the elections to the American people. Keep them for the special interests, keep them for the incumbents and at least the 435 that are here, we will be better off even if the country is not.

Mr. SWIFT. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Let me tell you what a pleasure it is, Mr. Chairman and colleagues, to have an opportunity to come here this evening and speak in favor of the leadership package, the Al Swift package, in favor of the Synar/Obey package, and on the subject of campaign finance reform generally.

There are two very important reform elements in this legislation. No. 1, total PAC contributions that Members can receive and spend are limited in one election cycle in most cases to $275,000.

No. 2, the total amount that a Member can spend in one election cycle is limited in most cases to $550,000.

Now, those limits are very important. I will explain in a moment how costs are simply escalating out of sight and, for the sake of this institution, for the sake of our time, we have to bring these expenditures under control.

But first I would like to address these charts that the gentleman from California [Mr. THOMAS] showed us earlier.

Let me first display the PAC chart and show why this chart really compares apples with oranges. In the left-hand column we have what is called current law. That is the total amount of PAC money that was received and presumably spent by candidates in the 1988 general election. In the right-hand column we have the total amount of PAC money that could be spent if all candidates were to receive the maximum, if the Swift proposal were adopted.

Now, that is clearly comparing apples with oranges, because if we are talking about the maximum amount of money that could be spent under current law, as this infers, it says "current law," that is an infinite amount because current law allows that.

□ 1840

So if this chart were really comparing oranges with oranges and not apples with oranges, the left-hand column would reach to the roof of this Chamber. Indeed, it would reach to the stratosphere. Indeed, it would have no limit because under current law, Members can raise and spend as much PAC money as they want.

Now, the same applies to chart No. 2 where our friend, the gentleman from California [Mr. THOMAS] tried to chart out spending by candidates. Again, we have the same problem. The left-hand column is a total amount of spending by candidates in the last election cycle. The two right-hand columns set out the total amount of spending that candidates could make under various proposals should the maximum spending be undertaken. Now, that is not going to happen. Not all candidates for the House, two candidates or more in each of 435 districts, are going to spend $550,000 each cycle. That will not happen.

In any event, if we compare oranges with oranges, once again, the left-hand column, mislabeled as "current law," would have to go through the roof. Again, it would have to reach all the way up to the stratosphere because under current law there is no limit on the total amount of spending. That is why these reform proposals are so crucial.

Now, in my time that is left let me tell Members about my experience in Omaha, and why it is so important to have spending limits. Last cycle, my opponent and I spent more than all other races except three in the country. My opponent spent over $1,150,000 for a congressional race in Omaha, NE. I spent over $850,000. Now, if we take a look at the escalation of costs from 1980 to 1990 and extrapolate those increases into the future, at that rate of spending, I look at having to raise in 1996 to hold my seat, $1.3 million, and in 1998, $1.65 million. Spending will go up and up and up and up.

One final point: Think of how much time it takes Members away from legislative business, away from doing their job, to have to raise $1.3 million or $1.65 million in a 2-year cycle to get reelected. We need to limit these expenditures, to limit special interest influence, and give Members the time to do our legislative work properly.

Mr. THOMAS of California. Mr. Chairman, I yield myself 1 minute to respond to the gentleman, in his so-called analysis of the chart.

I would remind the gentleman that under Swift 1.1 there is, in fact, no limit on the other column as well, because this is a voluntary system. Someone can opt out of it. So there is no limit on either one.

What I was pointing out with the chart, if the gentlemen would understand the purpose of the chart, is that the current law column is what was spent in the last election, with no ceiling available. That is how much was raised. The Members are purporting this to be the cost reduction act. If that is the case, with no ceiling and that was all that was raised, why is the amount that could be raised under your spending limit so much higher?

If the gentleman would take a look at the chart he referred to, incumbents spent $156 million with no limit whatsoever. That is how they spent with no limit. That is history.

Under your proposal, Swift 1.1, there is almost $300 million available to spend. That is the cost reduction act? No, that is a comfort level for incumbents.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I just want to in my 2 minutes say a few words about what I think is the key issue as someone who came up, so to speak, from the ranks as a precinct delegate, a county chair, a State chairman, a legislator, and now in the Congress.

I want to say a word about money and politics. Perception is a problem, but the problem, also, is that there is some reality underlying the perception. Big money talks too big. Period.

The Republican package is purely cosmetic on this. It says big money is OK as long as half of the big money comes from where they come from. Now, how is that a solution? Well, I have heard it said on this side, something about the "T" word. Well, let Members talk about the "I" word. Integrity. That is what is really at stake on this issue. The Swift package may not be perfect. It is a step in the right direction. It has some public money in it. I hope, proudly, we say so.

Synar-Obey has some more, because we need a shift from campaigns that are financed, whose cases we judge, to a system where it comes from the public whose interests we are supposed to serve. I am here probably to say I support this package as a step in the right direction.

Mr. THOMAS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. BUECHNER], a member of the bipartisan task force.

Mr. BUECHNER. Mr. Chairman, I was intrigued by the remarks of the gentleman from Omaha. A $2 million campaign in Omaha? Where did that money come from? Did that come from Nebraska's elderly ladies and gentlemen; from the people that have small businesses, from the laborers of Omaha? Did it come from the neighboring communities? Probably not. That money came from New York, Washington, DC, Beverly Hills. It did not come from Omaha.

That is the problem. The problem is that we are letting people from Beverly Hills and Meridian, CT, and Los Angeles dictate who is going to be the Senators and Members of Congress from North Dakota and South Dakota and Missouri and Louisiana and Georgia. That is what is getting people mad. The Keating 5 is not a result of

somebody from hometown just kind of moving around. It is because the pervasiveness of outside money has gotten out of control, and to stand before this House and say, "Well, we adopt one of these Democratic proposals, that will put an end to it," is ludicrous.

Instead of talking about money from the home area, and I would say to the gentleman, big money, we have disclosure. If the people want to say, "I don't want those people giving $750, or $1,000," and by the way we were prepared to reduce the amount of big money down to $500, let Members have a disclosure on it, but let Members keep it at home instead of the fat cats from around the country doing it. Let us as Members stop what people understand is an abuse of the process. The abuse of the process that ensures that incumbents are reelected.

This is a numbers game, and what these numbers are all about is politics. We are talking about real numbers. The numbers are, "You Deomcrats got us Republicans 2 to 1, and if you keep things exactly the way they are, that is good for you. Oh, of course they can change the exterior, they can put a new paint job on it, they can put new chrome stripping on it, can even put a CD in it, but it is the same old incumbent car and it will keep chugging down that highway, and the special interests will be behind the driver's seat, so if you don't really care about reform keep the caps on right where they know they work, where they do not allow a challenger to come in and really have a reasonable chance. Our Members should tell America the way the PAC community really works in a way that all persons understand. I was a challenger. I lost in 1984. I beat that person in 1986. He was not under indictment. If Members take a look at where people have lost, most of them had a scandal. They have not been outspent, they have killed themselves. But when I went in 1984 to talk to the business PAC's, the supported pro-Republican PAC's, they would say to me, "You know, you can't win, but if you can go out and show to me you can raise a lot of money, maybe we will give you money, because it takes money to win these elections."

So when we put the caps on that are supposedly cost reduction, what we will say to these guys, these special interest cynics, is that they know for sure we cannot win.

Now, the irony of this is quite simple: That we are posturing ourselves, as though we are trying to reform elections. But I believe, and I know in my heart, that the American people are looking at Members saying, "Who are you kidding?" I remember when I was in the State legislature, back in 1975, to show I had a good heart for some of these issues, we had an issue come up in our State, the speaker passed it. He was going to run for Lieutenant Governor, and it fit nicely in his campaign plans, and he sent it to the senate. The senate passed it. On the way back, it had some changes. On the way back the courier got lost, 180 feet away from the house he disappeared only to reappear after the session ended. It did not pass.

□ 1850

Mr. Chairman, a couple of us, a Democrat from the city of St. Louis, Steve Vossmeyer, and myself, put together an initiative campaign. Because we believed that Missourians deserved better. We had the State Republican Party, the State Democratic Party, the leading election official, the secretary of state opposed to us, the AFL-CIO and the chamber of commerce, did likewise and they spent a half a million dollars to defeat it. We spent $32,000.

The people wanted campaign reform, and they enacted it, by 72 percent, despite the odds. So, I say to the gentleman from Washington [Mr. SWIFT], and Mr. Chairman, Mr. Speaker, "You can mislead the people * * * but they're going to find you out." And when they do they are going to be mad.

Mr. SWIFT. Mr. Chairman, did the gentleman say "lie?"

Mr. BUECHNER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Missouri.

Mr. BUECHNER. Mr. Chairman, I retract the word "lie." I would just say "mislead."

Mr. SWIFT. Mr. Chairman, I thank the gentleman from Missouri. I worked with him and have a great deal of admiration for him, and I appreciate the point.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, this bill is the second of the major steps we must take to begin to restore the trust and confidence of the American people in their Government. We took the first step last fall in purging ourselves finally of the dependence on extra income—euphemistically known as honoraria—from outside special interests. And, with this long overdue reform of campaign financing, we will remove another malignancy on the public trust.

I hear a lot of talk among many colleagues that this just isn't that important—they are not hearing from the people at home about it. That may be true. But, if so, I believe it is symptomatic of the growing disenchantment and mistrust out there; more evidence of a quite cynicism that has given up on even trying to communicate with us, or thinking that it matters. That is the kind of quiet that threatens this democracy.

This is also one of those occasions when the best can easily become the enemy of good. Sure, there are some parts of this bill I don't like—mainly because they do not go far enough. But what is there is a vast improvement over what we have got. We will get nowhere waiting for the perfect bill.

AL SWIFT has my thanks for the extraordinary effort he's made to fashion a bill that will work and will bring real and substantial reform. Likewise, my thanks to DAVE OBEY and MIKE SYNAR for their fine work in putting together a package that improves further a bill that's a great improvement to begin with.

This bill strikes at the heart of what is wrong with politics in this country today: too much money. Too much money being given to campaigns, and too much money being spent by campaigns. The bill finally puts a limit on the amount that can be spent on a House campaign. It provides workable and appropriate inducements for candidates to agree to abide by that spending limit. It reduces significantly the role of political action committees. It cleans the system of the covert, de facto PAC's that are the cause and effect of so-called bundling. It eliminates leadership PAC's—something that hurts the Democrats much more than our Republican colleagues. It encourages a revival of small, individual donations—from the ordinary people of this country to whom we are really beholden. And it provides a start at cracking down on negative advertising and the abuses of independent expenditures.

I am proud to support this bill. I am proud to ask my colleagues to support it. And I will be prouder still to have it become law and to abide by it.

Mr. THOMAS of California. Mr. Chairman, for purposes of debate only, I yield 5 minutes to the gentleman from Indiana [Mr. HILER], a member of the Elections Subcommittee who would have had a chance to examine this legislation had this legislation gone through the committee process.

Mr. HILER. Mr. Chairman, I purposefully tried to get on the Elections Subcommittee after my 1988 election because I felt so strongly and deeply that the issue of campaign reform was an issue whose time had come, and I obviously am very disappointed that the Elections Subcommittee never had an opportunity to deal with any of the proposals being considered today.

However, Mr. Chairman, the reason why I wanted to get on the Elections Subcommittee and the reason why I thought that election reform was an issue whose time had come was because it seemed to me in the area of

campaign finance that we had gotten badly out of balance.

In 1984, only 9 percent of the winning candidates received over 50 percent of their campaign funds from political action committees. By 1988, that figure had raised to nearly 50 percent of the winning candidates received over 50 percent of their funds from political action committees.

Now I have nothing against PAC's per se. I see nothing inherently wrong with groups of individuals pooling their money and deciding to give to candidates who support their point of view. I do not think there is anything wrong with that.

However, Mr. Chairman, I think that when a system begins to be dominated by the 4,263 political action committees that are in existence, then the system has gotten out of balance.

I think the Republican alternative tonight does the best job of restoring that balance. By limiting the amount that any single PAC can give to any single candidate to no more than $1,000, we in effect oppose spending limits because we will dramatically reduce the amount of money that is flowing from the political action committees to the individuals.

Now why is it important to restore a balance to bring that figure down? Because, when political action committees become the dominant source of funds, then the dominant source of politics takes place inside the beltway. No longer are candidates and incumbents required to go back to their home districts to receive their funding. All they have to do is to make one call to one source in town to get $5,000, and to do that back home they might have to contact 50 or 75 or 100 people to get that same $5,000. So, we need to restore that balance, and the Republican alternative ensures that at least 50 percent of the funds come from the individual districts and that the special interest committee did not give any more than $1,000.

Now let us look at the Swift proposal in terms of political action committees. On the surface it would look as though political action committees are restricted to no more than 50 percent of an individual's campaign. But let us look at what the figures actually were.

Last year incumbents; let us take Democrat incumbents, and then I will use Republicans incumbents; Democrat incumbents spent on an average $358,000, far below the $550,000 cap. Plenty of room for growth for incumbents, $358,000.

Mr. Chairman, if they had raised all $257,000 of that from political action committees based out of Washington, DC, they would have been able to raise probably in the neighborhood of 75 to 80 percent of their total funds from the political action committees. That is not right. That is not good balance. That has not restored the voter and the contributor back in the home district to the prominent role that they ought to have.

Let us talk about the spending limit that is in the bill, the Swift bill, the $550,000. As I said, the average for Democrats and Republicans in 1988, incumbents, was $378,000. So, clearly for the great number of incumbents, the spending limit means nothing. Who does it mean something for? It means something for those challengers and those incumbents who are in competitive races.

My opponent in 1988 spent $575,000. I spent something more than that. That $575,000; I do not know whether the right amount for my challenger would have been $650,000, or $700,000 or $400,000, but I do know a challenger has to get a threshold of spending if they are going to be credible, and in the 30, or 40, or 50 races that are competitive in any given election, and my race is one of those in every election, that challenger, if they are not able to hit that threshold, they will not be able to be competitive.

Mr. Chairman, in South Bend, IN, $550,000 may be credible, but in Omaha, NE, it may not be credible. It may not be enough to reach that threshold to run that competitive race.

Let us limit spending by limiting the amount of money that can come from outside special interests and restore the supremacy of the in-district contributor.

Mr. SWIFT. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. SABO], who has been an extraordinarily active member of the task force and, beyond that, has been an absolute stalwart in the development of this legislation.

Mr. SABO. Mr. Chairman, I rise in strong support of the Swift bill and, later, in support of the Obey-Synar amendment. It does several important things that deal with what I think are fundamental issues. It stops the incredible escalation of political campaigns. They doubled in cost from 1980 to 1988. If we do not adopt spending limits, they will double again over the next 8 years.

Major reform is good for all, good for incumbents, good for challengers, a fair system. It also fundamentally begins to reverse what has happened in the funding of campaigns.

Over the last 8 years, funds from small contributors of $200 or less has been virtually level. PAC's have grown, but we rarely talk about the other thing that is growing. Between $200 and $500, those contributions have grown by 100 percent.

□ 1900

Contributions of $500 grew by 146 percent.

Frankly, I support very strongly the Obey-Synar proposal to reduce the individual contributor back to $500.

The Swift bill, however, establishes the $50 tax credit for small contributors, but I think equally or more important, distinguishes among political action committees, because that is how most Americans contribute to political campaigns, and it says for those PAC's that go out and raise less than $240 from each contributor, they can continue to participate at a $5,000 level. In my judgment, that is good.

Frankly, when you look at who is contributing big individual bucks to political campaigns, you get a very distorted picture of this country.

In 1988, a little over 9,400 attorneys contributed $500 or more to House campaigns. There are more policemen, but only four of them did that.

There were 4,500 physicians versus 79 nurses.

There were 2,700 real estate people versus 29 carpenters.

Frankly, in much of what goes on in campaign finance reform, people wanting to limit here and there, the indirect effect would simply be to turn American politics over to the wealthiest 1 percent in our society. To have the campaigns funded at the country club, whether they be far away or local, that is not my idea of political campaign reform. We need to encourage the small contributor. The Swift bill does through its tax credit, through its encouragement to PAC's of giving money in small amounts. It stops the rapid escalation of campaign costs in this country. In my judgment, it is a major step forward and could be also improved by the adoption of the Obey-Synar amendment.

Mr. THOMAS of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Washington [Mr. MILLER], a member of the bipartisan task force, and one who, had this legislation been constructed by the bipartisan task force, would have had an ability to influence the bill.

Mr. MILLER of Washington. Mr. Chairman, I come before this body as a membr of the bipartisan task force on campaign finance reform. It is too bad the rule does not allow us this evening to debate all the major issues of campaign finance reform. We need campaign finance reform. The trend has been alarming—a rising percentage of campaign funds has come from political action committees, PAC's, and a declining percentage has come from individuals. Over the last 15 years the proportion of funds coming to candidates for this body from PAC's has risen from 17 percent to 40 percent.

The alternatives before us are clear. The Republican alternative, first, requires candidates to raise over half

their campaign funds from individuals in their home areas. That is returning power to the grass roots from DC.

Second, it reduces the limit on all PAC contributions from $5,000 per election to $1,000 per election.

Third, it prevents PAC bundling of contributions to avoid PAC reporting and contribution limits.

Fourth, it stops Members of Congress from passing on contributions from their own campaign funds to other candidates.

That is real reform. The Democratic leadership alternative does none of these things. Not only that, it increases the proportional power of labor union PAC's.

Unfortunately, Mr. Chairman, it will take a Presidential veto and much more public pressure before this Congress does the job on campaign finance reform.

Mr. SWIFT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the goals of campaign finance reform contained in this legislation, but I must declare in the strongest terms my grave concerns about the procedures used to bring the bill to the floor.

I have debated with myself for days about whether to support or oppose this legislation. after much soul searching, I have decided to reluctantly support it.

My main concern is that the bill bypassed normal House procedures.

In my opinion, measures properly within the jurisdiction of the standing committees of the House must be considered by those committees. This is necessary for the formulation of sound and consistent legislation, and the efficient operation of the House of Representatives.

H.R. 5400, as introduced 4 days ago, was referred to four committees of original jurisdiction: The House Administration Committee, The Energy and Commerce Committee, the Post Office and Civil Service Committee, and the Ways and Means Committee.

Not one of those committees has considered the bill, much less approved it.

This is not a matter of jurisdictional turf. Our committee system was established over 200 years ago for a very important purpose. It was designed to allow Members with particular expertise in specific areas of public policy to assist in the development and crafting of good, sound law. This institutional process allows members of the committees to debate the issues and arrive at rational policy.

This policy creates clear legislative history as expressed in committee reports which explain and clarify legislation.

Without this hard work and long hours spent by Members in committee, and without the committee reports which result from that sweat and toil, laws will be vague, confusing, and potentially misdirected.

Mr. Chairman, H.R. 5400 has not received the benefit of these long hours of careful deliberation by Members representing various viewpoints and constituencies.

I know that the membership of the task force has spent long hours in the development of this bill. I appreciate and respect their efforts. But there is no free lunch, the Members cannot write good legislation without spending sufficient time debating and clarifying its provisions.

Under this legislation, I fear that candidates who are trying to obey the law will not know how, that the executive branch will not know how to implement it, and that the judicial branch will not know how to pass judgment on it.

Let me emphasize that those Federal Election Commission employees who will interpret this bill will have no guidance regarding Congress' intent with respect to the vague language of the legislation, and particularly no experience in the real world of rough and tumble political campaigns.

Although well meaning, without the clear direction of committee reports, these employees will independently determine how this legislation will govern our lives. And make no mistake about it, it is our very lives about which we are debating.

We have built this law so quickly and so rickety, and we are in such a hurry to pass it, that we shouldn't be surprised if it soon falls down around us.

This legislation is far too important for us to abandon our time-honored legislative system. That system would have avoided these problems—problems I believe are inherent in the task force procedure that is developing in this House—a procedure that I believe harms this institution and weakens our legislative product.

As far as I know, no effort was made to move this bill through the committees. Some say that the committee process would have slowed the bill down too much. I don't know, no one asked me to take the tax provisions of this bill through my committee.

If asked, the committee on Ways and Means would have made every effort to work quickly and efficiently to write good law. And I invite any Member of the House leadership who does not believe that the Ways and Means Committee works with the leadership to write good law in an efficient manner, to challenge this statement.

Mr. Chairman, I sincerely hope that in the future, this body will stop relying on single-purpose task forces and start again to write law in a reflective, understandable, and reasoned manner through the committee system.

Our country has been blessed for the last 200 years with a representational democracy, and we have an important duty to all Americans to continue those procedures and take the time to write good law.

□ 1910

Mr. SWIFT. Mr. Chairman, for the purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I rise in support of the leadership proposal.

Our present system of financing Federal election compaigns is out of control, and we must seize this opportunity to take action and bring the financing and management of our elections back into balance.

Campaign expenditures have become exhorbitant, and we should take steps to reign them in. The public needs to be reassured that we are representing their interests, and not the views of special interests. It is time to restore a sense of proportion to compaigns for Federal office.

One of the most important features of this proposal is a cap on the total amount of PAC contributions a candidate can accept in an election cycle. This cap, combined with incentives for candidates to focus on the contributions of small contributors within the district, will help restore the power of the individual voter. Under these spending limits, a candidate would essentially have to rely on individual contributions for 50 percent of his funds.

The individual is the heart of any good election, and this measure will help to restore the voice of the individual in the electoral process and make all candidates more accountable to the voters.

The leadership's reform proposal is not perfect. I am sure that each Member of the House can find some aspect of it which he or she would have addressed differently. But this proposal is a reasonable compromise in dealing with some very complex problems. I hope that this House will adopt this measure today, and that conferees on campaign reform will bring back to us a perfected compromise which the President will sign into law.

If we fail to act now to correct the acknowledged flaws in our campaign system, we will reinforce the common perception that the voice of the individual voter no longer reaches these Halls. We will bolster the cynical view that the Members of this House are more concerned with staying in office than with hearing the views of their constituents. We should not permit such perceptions. We must do all we can to assure that our elections are as free and open as possible—and that

our campaigns reflect the influence of our constituents.

I urge my colleagues to support the leadership proposal before us today.

Mr. SWIFT. Mr Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], who has worked extremely hard on the development of this legislation.

Mr. GLICKMAN. Mr. Chairman, 25 years ago Lyndon Johnson said that "public confidence in the elective process is the foundation of public confidence in government," and in the last 25 years, confidence in the elective process in this country has fallen precipitously so that now less than half the voters in this country turn out in each election.

The perception that elected officials are on the take, usually from private money interests contributing big money to campaigns, is destroying our ability to do our job, and it is driving a dangerous wedge between the American people and their government that has profound implications for the future strength of this great country of ours. If people do not have confidence that their elected officials are honest, sincere, and independent, then they will not have confidence in the laws that we pass. That leads to real trouble and potential instability particularly in bad economic times. That is a great reason to move ahead on this legislation. The legislation will allow candidates of Congress to reform campaign laws.

Mr. Chairman, I want to say one other thing that has to do not only for this country of ours but for my political party, the Democratic Party. For years we were the party of middle-income people, of working people, of average souls; Democrats have traditionally worked on legislation that affects middle-income people, working people, average people, legislation affecting taxes, health, environment, and education. What has happened in the last 20-25 years is our party has gotten infected with the same fundraising process as have the Republicans, and we are now raising much of the same money that the Republican Party had been recipient of over the years, so now when people ask me what is there different between a Republican and a Democrat, it is sometimes hard to tell them, because we get our money from the same folks, the same people. When you get your money from the same people, you cannot pursue different agendas. In truth, at least on several economic issues, the Democratic Party has not presented a clearly defined agenda separate and apart from much of the Republican agenda over the past 10 years.

We as Democrats should have an agenda for the middle class of this country, for the working people of this country on health care, on tax legislation, or whatever, and, unshackled from the current campaign laws, from the campaign money that we now depend on, we Democrats will be able to do more to help those average people around this country who need help on health care, on financial legislation, and a whole series of things that historically we have been in the forefront of. Our party needs to go back to its roots, and to do that, we need to get away from our dependence on the very same money that goes to the Republicans. There is no way for the Democratic Party to stand for the values of Roosevelt, Truman, and Kennedy and get the bulk of its money from supporters of Reagan and Bush.

This bill can be good for the country. It can also rejuvenate the Democratic Party and our traditional constituency.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from Washington [Mr. SWIFT], and let me salute him on a job well done.

Aldous Huxley wrote a book called "Brave New World." And after tonight there really will be a new world, and I think we will all have to be a bit braver as candidates to handle it.

Having, as I said earlier this afternoon, gone through a recent primary in May in which I did not take PAC money, in effect, accepting a voluntary limit on spending and also reduced individual contribution limits, I have had a bit of current experience with campaign reform.

It is scary. It is different. It is burdensome. But it is really very, very exciting. It is wonderfully refreshing to go back to the people for campaign support.

Money today has evicted people from the political process. This bill and the Synar-Obey alternative will place the people, put the people back in the center of the process, so I rise, as I did this afternoon in support of the rule, I rise in support of campaign reform.

This is a very historic day. We will pass civil rights legislation and campaign reform.

Mr SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Swift proposal and the Synar-Obey amendment.

Mr. Chairman, if I were writing this bill for the State of Maryland, I think I could impose upon this House to make some changes in it. I would like to see some changes as all of us would. Personally I think the caps are too high for primaries. I am not happy with the way it has been worked out. In Maryland it would be more useful if we had public funding in primary campaigns, but we are drafting national legislation, and the gentleman from Washington [Mr. SWIFT] has done an excellent job in bringing together a bill that is good for this Nation, that will help all regions of our country.

It does bring out meaningful reform in campaign finance. First, it caps expenses, the costs of elections. As has already been pointed out, campaign costs from 1980 to 1988 have gone up 100 percent. If we do not put caps in, we are going to see this same trend continue. It is too expensive. We are spending too much time in raising money.

The influence of PAC's, as far as the percentage of money that we receive from PAC's, has increased from 28 percent in 1980, to almost 40 percent in 1988. This bill does something about it. It changes that trend. It allows us alternative ways in special interest dollars in order to finance our campaigns through reduced media costs, and reduced postage, and by public funding, by supporting the Synar-Obey amendment.

It expands the importance of smaller contributors to the election process. It reduces the overall costs which means greater participation by our constituents. Grassroots campaigning will be rewarded in this bill, less expensive ways of campaigning. That helps greater participation.

We all agree that the current system needs change. The Swift-Synar-Obey proposal clearly improves our system and helps restore public confidence in the election system.

I congratulate all who were involved.

Mr. THOMAS of California. Mr. Chairman, I yield 7 minutes to the gentleman from Minnesota [Mr. FRENZEL], a gentleman who, as a former ranking member on House Administration over the years, has involved himself in many different ways in campaign finance reform, more recently moving to become the ranking member of the Committee on the Budget, nevertheless remaining actively involved in campaign finance reform as a member of the bipartisan task force on campaign finance reform, and had be been able to participate in a true bipartisan task force on campaign reform, this legislation would have been, as the chairman of the Committee on Ways and Means said, sound and consistent and, in fact, we would have seen legislation developed that was sound and consistent.

□ 1920

Mr. FRENZEL. Mr. Chairman, I thank the distinguished vice chairman of the Committee on House Administration.

Mr. Chairman, this has been a long day. It has been a particularly long day for those of us who believe that this bill should have been handled in the regular order.

Most of us on this side of the aisle believe that we are missing a chance for real election reform, because the Democrat majority has seen fit to drive this bill down our throats, and to impose on us a restrictive rule. This process prevents us the flexibility that we must have to be able to show to the body and to the world what needs to be done in election reform.

The idea of having no committee meetings and having no hearings, and having only one amendment allowed to the minority, is a gag rule of the worst kind. It makes it impossible for us to discuss election reform in the terms that we want to discuss it. We have to discuss concepts or batches of ideas rather than concentrate on each of the important provisions.

I have been involved in this kind of debate for many years. When I first came to Congress, I was assigned to the Committee on House Administration. I served on it for 18 years. Those were my salad days under the leadership of Chairman Hays. I was involved in each one of the election reform bills, 1972, which, although it bears that title, was actually passed in 1973, the act of 1974, the act of 1976, and finally 1979.

Each one of those bills was passed after extensive hearings, after long months of committee debate and amendment, and under rules that presented a large number of choices to this committee as a whole. We are not able to do that today. That is the shame of this rule and the shame of the House.

Mr. Chairman, you have already heard the discussion of the process that broke down, as the two parties tried to get together. The reason we have had no bill since 1979 is because the parties are at a stalemate.

The Democrats believe that we must limit expenditures; Republicans believe that for a minority party, that means that we will never be able to have a challenger beat an incumbent. We abhor limits. They are flat out unacceptable. They preserve incumbents.

The Democrats believe they have to use the taxpayers' money to clean up elections; the Repubicans believe that the taxpayers have very little left to them that is private, and one of those things is the election system. They believe that once we turn elections over to the bureaucracy, we have about given up the least of the privileges left to the taxpayers. Some, like the Supreme Court would even call them rights.

Mr. Chairman, Republicans believe very strongly that we need to have a party building kind of law that will restore some of the responsibilities and some of the authority to the political parties that they knew in days gone by. Since 1974 we have seen a reduction in the responsibility and the capabilities of the political party for a variety of reasons, some of which relate to election law, and relate to the use of taxpayer money in Presidential financing.

What has happened is the parties have become kept parties of the Government. The parties cannot even hold their quadrennial conventions without shaking their tincup in advance at the Government and collecting their $18 million apiece to finance their quadrennial conventions.

So in that kind of a context, we come to the floor with election reform, with the parties going their disparate ways, and with the absolute assurance under this kind of process that no election reform law can be enacted.

The other body has gone through its election reform process. It has made a kind of a mess of the process over there, adding all kinds of amendments with a kind of a whimsical approach, because it knew the law was not going to be enacted.

As to the matter at hand, first of all, I want to talk about the cost of the Swift and the Obey programs, because to me that is the overriding consideration in this situation.

In the Swift bill, there are three different kinds of cost. The first is the free broadcast time, which is laid against the broadcasters, which is eventually laid against the consumers that use the products that are advertised on airways. I do not think it is a good idea to ask the consumers of the United States to pay the costs of our elections.

The second cost is the cost of mail. Incidentally, Mr. Chairman, I do not know how to estimate the cost of these things, but I guess probably $15 to $20 million for broadcast spots, and probably $20 to $25 million for mail under the Swift bill. The mail costs would be paid by the users of the mail, because we simply force the Postal Service to cut its rates. That means that the first-class users and other mail users simply are going to have to make up the difference.

Third, under the Swift bill the tax credit is reinstated. That is $50 million a year, $600 million over the 5-year period.

So you have a huge cost laid partially on the consumers, partially on the mail users, and partially on the taxpayers of the United States, for a total of perhaps something over $90 million.

Then you go to the Obey version, and the Obey version lays the fourth cost on, the quadruple whammy. CBO says the public financing scheme costs a maximum of $87 million an election year, perhaps going down to as low as $25 million.

Add those all up, and what you have is a picture of the Congress. The American people are looking at our deficits, and we are telling them we have enough money left over to spend another wad on ourselves. Congress apparently did not get the word about the red ink and the deficit.

Our constituents will say, "Hey, Congress is spending the peace dividend. Look what they are doing good for the country. What are they doing? They are spending it on themselves, those clever little rascals. Here they are, usurping the peace dividend. Are they giving it to the poor, the lame, the halt? No, they are going to spend it on themselves."

Unfortunately, we missed having legislative appropriations before us this week. We could have seen Congress increasing its spending on itself in the legislative appropriations. Its pending bill has increased the cost of running Congress' operation by about 10 percent. Apparently there is no limit to our greed.

Well, I will tell Members, when the constituents look at this one, Mr. Chairman, they are not going to snicker or chuckle. They are going to say, "We didn't expect the Congress to spend the peace dividend on itself. We expected the Congress to spend it on something useful, or take it down to net."

So I would say, Mr. Chairman, there is only one way that this body can go, and that is to vote for the Michel substitute, to vote against the Swift bill, and to vote against the Obey amendment.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I rise in support of H.R. 5400. Mr. Chairman, we hear a lot of talk about a popular saying, "Do the right thing." But what is right?

There are two right things that we should look at. First is reducing the role of big money in our elections. I am not talking about just PAC's. They are easily recognizable. I am talking about the hidden money that makes its way into our system.

We have got to have first, spending limits. That is the most important thing. The second thing, we have got to encourage participation by average American citizens.

Now, I have a personal reason for supporting H.R. 5400. I simply am not willing to let campaign money drive my life. It may be risky, but this is more important to me than maintaining a lock on this congressional seat.

The gentleman from Washington [Mr. SWIFT] had the impossibility of trying to please everybody, on the rule, on the process, on every issue, on partisan grounds, in every locality, in every political situation or possibility.

That is impossible. We are simply asking people on both sides to make the commitment in the public interest to turn elections back over to the people of our country.

H.R. 5400 is not perfect, and anybody can find a reason or an excuse to say no. But it is far better than what we have now. It is clearly superior to what lies ahead for our country if we continue to let big money buy elections, and it is clearly superior to what lies ahead for us, in terms of voter ridicule and voter retribution, if we say no to this challenge, if we say no to this opportunity.

□ 1930

Mr SWIFT. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, I rise in support of the bill drafted so carefully by Mr. SWIFT, also in support of the Synar-Obey amendment.

I take particular pride in one provision which would provide a 100-percent tax credit for in-State contributions of $50 or less. I believe I am accurate in saying that this provision first came to the U.S. Congress in 1977 in a bill that I introduced in my first year in Congress, an idea that I brought with me from the Ohio Legislature, where I first developed it.

I was a voice in the wilderness for 8 years. Then all of a sudden this provision began to become included in mainstream campaign finance reform legislation.

All of us, Mr. Chairman, will be better off if we seek to fund our compaigns with smaller donations from our own constituents. The 100-percent tax credit will give us every incentive to do so and will give our constituents every incentive to help finance our campaigns.

Again, I urge support for the bill and for the Obey-Synar amendment.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of campaign finance reform.

Today's campaign finance system is a disgrace. Campaign reform is long overdue.

Unlimited spending in campaigns has created the impression that seats in Congress go to the highest bidder; that incumbents—due to their fundraising advantage—can never be beat; that money is more important than people.

This campaign reform bill will, finally, put an overall lid on spending; will help even the odds for challengers; and will move politics away from expensive, impersonal media campaigns and back to the people.

Excessive contributions from special interest political action committees [PAC's] have given these groups too much influence in the political process. This campaign reform bill restricts PAC contributions to no more than 50 percent of a candidate's total budget. That will reduce the role and influence of special interests and, appropriately, increase a candidate's reliance on support from individuals in their district.

Negative ads by one candidate attacking another are becoming commonplace in recent elections. No campaign reform can stop negative campaigning. But this campaign reform bill requires the mudslingers to show their own faces in the negative ads and publicly accept responsibility for the content of the ads.

In today's campaigns, individual contributors play to small a role, in part, because the 1986 tax reform repealed the political contribution tax credit. This campaign reform bill restores that credit for contributions of $50 or less. Encouraging more voters to support candidates with small donations will serve to democratize our political system.

In America we don't want a system supported by the wealthy and the big-buck PAC's. We need to return the government to the people.

The campaign reforms in this bill will help achieve that objective. I urge support for the bill.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in support of the Swift bill.

Mr. Chairman, I rise today in support of the Campaign Cost Reduction and Reform Act of 1990, and also note my support for the Synar-Obey amendment.

Mr. Chairman, for years the cost of Federal election campaigns have spiraled up and up. The high price of television advertising, computers, and polling is forcing candidates to spend increasing amounts of time or raising money, rather focusing on the issues.

Representative SWIFT's proposal is an excellent step forward to reforming a system that is in serious need of change. Most important, it places a cap on campaign financing. The Bill also reduces the influence of so-called fat cat PAC's that do not get most of their funds from the small contributor. The bill treats these PAC's differently, reducing the amount they can give to each campaign. And, it effectively ends the soft money scam that has been a big loophole to our campaign disclosure system.

I also want to express my support for the Synar-Obey amendment which will be offered to the Swift bill. This additional proposal adds even more teeth to the Swift bill by reducing the aggregate PAC limit to 40 percent of the spending limit; cuts in half individual contributions; and increases the reporting requirements to the Federal Election Commission. The measure is also a major improvement to our system by limiting to 10 percent of a candidates spending limit, the amount that can be taken for the fat cat PAC's I must admit that I have severe reservations about the public financing aspect of this measure—but, on the whole, it will improve the overall election system.

Mr. Chairman, the Republican substitute is not a genuine attempt at campaign finance reform, but a partisan proposal to improve their chances for election. They cannot get a majority of voters to support them at the polls, so they want to change the rules in their favor. No spending limits, no restrictions on individual expenditures, no decent reform of soft money.

I urge my colleagues to vote in favor of the Swift proposal, and the Synar-Obey amendment. The American public is clammoring for compaign finance reform, we cannot miss this opportunity today.

Mr. SWIFT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. I thank the gentleman for yielding.

Mr. Chairman, many years ago when Jim Farley was Postmaster General under Franklin Roosevelt, he got mad at some liberal, good government type politician out in the State of Washington and made a disparaging remark about the progressive nature of the politics of the State of Washington. He said there are 47 States and the Soviet of Washington.

Well, that was a disparaging remark made in an intemperate moment, but Washington has been a progressive State, rich in the politics of clean government, good government. So it is no surprise that the two men who bring this legislation to us tonight come from the great State of Washington, AL SWIFT and TOM FOLEY.

AL SWIFT deserves credit for writing it, TOM FOLEY deserves credit for making the House vote on it.

Campaign finance is an area in which we are all experts, all 435 of us. All of us got here under this system, all of us are apprehensive, understandably, about seeing it changed.

Some in our own caucus urge us to wait. I ask wait for what? For more money, for more millions of dollars to be spent, for more people in this country to be alienated from the system, for more young Americans to turn away from politics, for lower voter turnout?

This legislation has two important components the American people ought to understand: It limits the amount of money you can spend in a campaign for Congress, and it limits the amount of money you can take from PAC's.

That is what this legislation is all about. We are for it, they are against it; it is as simple as that.

This sets limits. In 1988 I spent $1.1 million to be elected to Congress. If this becomes law, I will not be able to do it again. I do not want to be able to do it again, I should not be able to do it again, none of us should be able to spend that kind of money.

If this legislation passes, it can help to begin to remake the face of politics in our country. It would be embarrassing to us to go home tonight for a monthlong recess and reject campaign finance legislation. I think the time

will come when we will thank, both of the gentlemen from Washington, for compelling us to do this.

Why has it taken so long?

Mr. THOMAS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

The CHAIRMAN pro tempo (Mr. MAZZOLI). The Chair would advise the gentleman from California [Mr. THOMAS] has 7 minutes remaining and he has now yielded 2 minutes to the gentleman from California [Mr. MOORHEAD]. The gentleman from Washington [Mr. SWIFT] has 4 minutes remaining.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Chairman, I think we all agree that some kind of campaign reform is necessary. However, I believe that the Republican version is far better than the Democratic version and certainly favors nonincumbents to a much greater extent than the version that we are considering, which I consider primarily incumbent protection legislation

The Republican version reduces PAC contributions from $5,000 to $1,000. The version that we have before us reduces PAC contributions for some PAC's but leaves other PAC's still able to contribute the $5,000.

There is a prohibition in the Republican version against leadership committees, restrictions on contributions between principal campaign committees. This is not handled very well in the bill which is before us and leaves giant loopholes.

The House of Representatives' election limitation on contributions from persons other than individual residents is in the Republican version. Such a limitation is not in the Democratic version.

In fact, one of the items which is advertised the greatest in the Democratic bill is that is cuts down on total expenditures. But there is no reduction below the $275,000 level. Taken along with the money that is received for franking privileges that the incumbents can send out in notices to their constituents, a Member who is in Congress now can spend nearly $700,000, while his opponent, the nonincumbent, is restricted to only a small portion of that amount. I think this particular bill is slanted too much in favor of one political party. If we were going to have true reform, we ought to have reform that is worked out by both sides and that truly gives the individual who is not an incumbent an opportunity, a chance in a race when it enables him to be able to mount a campaign that is equal to his incumbent opponent.

Mr. Chairman, I ask for a "no" vote on this bill.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding.

I thank the gentleman for this opportunity to speak on this important legislation.

Mr. Chairman, I rise in support of H.R. 5400. This legislation, I think, can be called a political clean air act which draws a breath of clean air through this Chamber and through the political process in our country.

Thank you to Mr. SWIFT for the opportunity to support campaign reform, which is supported by the public. From what I hear from the public, the public wants to reduce the cost of campaigns, the public wants to reduce the role of political action committees in campaigns. The legislation of the gentleman from Washington does that. His legislation is an invitation to the public to join the fight. Important decisions are made every day in this body which affect Americans, decisions as close to them as the water they drink and the air they breathe. Invite the public in, vote for H.R. 5400 and the Synar-Obey amendment.

This legislation will go a long way toward reducing the alienation the public feels because of the role of money in campaigns, and broadens the base of participation in the political process.

Mr. THOMAS of California. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from California [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of California. Mr. Chairman, I appreciated the words of the gentleman from Illinois, the chairman of the Committee on Ways and Means. His comments were right on point in terms of the way in which this body usually works to produce sound and consistent—I would underscore consistent—legislation.

The gentleman from Illinois, chairman of the Committee on Ways and Means, indicated that this bill would have gone through his committee, would have gone through House Administration, would have gone through the Committee on Energy and Commerce, and would have gone through the Committee on Post Office and Civil Service.

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It seems to me that had the bill, even with all of its present structure, gone to that committee process, it would have at least been more consistent. I do not think it would have necessarily been sounder, but at least it would have been more consistent.

I think there are portions in this bill that are going to need to be adjusted. I think it is also a comment on this institution that the way in which we have dealt with the inconsistencies in the bill have been to say quietly in the halls, "Don't worry, we will clean it up in conference." What used to occur around here is we would hammer out the will of the House, the other body would hammer out its will, and we would come together in conference to contest the two positions. Now, apparently, we do not go through committee. We bring legislation to the floor through what ostensibly was a bipartisan task force which became a partisan task force without a pejorative use of the term "partisan," but it was one-sided, one-hand clap that produced this legislation today. Then we go to conference to clean up the mistakes that we made because we do not have the honest clash of ideas in the process of formulating the legislation in the first place.

I still believe that had we gone through the normal process we would have found an enormous portion of the campaign finance bill that we have in front of Members, would have been bipartisan proposals, I think on bundling, PAC transfers, independent expenditures, and some of the soft money we have not talked about. I would have preferred the debate on the core of the difference between the two parties.

I think it will come out, as we look at alternatives available to Members, we could have reached agreement without too much difficulty. I think the gentleman from Pennsylvania put his finger on it saying he spent $1.2 million in his campaign to get back here. He said, in essence, "stop me or I will ask again."

The problem is, who he is asking. The argument has been made that we are spending too much. The solution is to lower the amount of spending. I will remind Members once again: the American public is concerned about where that money is coming from more than they are the amount that we are getting. Frankly, when we examine this Democrat measure, what we find in it is a little less of the same old game. Is there a limit on where we get the money from? No. They will continue to get it from the Washington PAC's. Do we now have a limit of $275,000? Yes, but where do we get it from? The same old sources.

It seems to me that what I would have liked to have heard from the gentleman from Pennsylvania was, "I would like to spend as much as the people who are going to participate in the election will allow me to spend." That is going to be a fundamental difference on the floor here tonight, not whether we have a bundling, or whether we have a transfer. package, but a fundamental concept of how much money we will get. And more importantly, where is it going to come from?

What we have in the Democratic package is more of the same, only less. What we would really like to see is a revolutionary concept put in its place, and that is, we get to spend as much as the people back home who get to vote on the contest will allow Members to spend. Local control of campaign reform. I would have liked to have seen a clean, honest discussion of that concept in committee with testimony from academicians, practitioners, from people who are simply participating in campaigns. If we look at proposals, yes, they want less spending. But they want is an ability to feel that they are back in the process, that we do not go to Washington, Dallas, L.A., or New York for their money. We come back home.

This bill does nothing to allay the same old process, except we argue it's reform because it is a little bit less. Let me tell Members, if this is clean air reform legislation, do not take too deep a breath. Emphysema is on the way.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I am happy to yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I think it is terribly important to point out the bill could go forward. It places a limit of $275,000 on the amount we can get from political action committees, and it does place limits.

Mr. THOMAS of California. What the gentleman ought to focus on are the true mechanics. It is $275,000 in and election cycle. Once the general ends, and we tranfer that money into the next election cycle, it get washed, and we have a new $275,000 PAC limit, and we can then run the next campaign totally on PAC money, without one dime from individuals. I think local control is the true answer of the true reform.

Mr. SWIFT. Mr. Chairman, I yield 1 minute to the gentlewoman from South Carolina [Mrs. PATTERSON], a Member who has been extraordinarily helpful on this legislation.

Mrs. PATTERSON. Mr. Chairman, I grew up in politics. As a young girl, I traveled around the State of South Carolina with my father during his campaign for Governor when he served in the other body. We would go from small town to small town to attend what we called stump meetings.

They were called stump meetings because often the candidates would get up on a stump while the community gathered around. Then, he would tell them why they should support him and talk about their hopes for the future.

Today, we have a new version of the stump meeting. It is called TV. But, it is not free. When people ask about the cost of campaigns, there is no greater cost than media. That dusty old stump is now the box in the living room.

But, there are two costs associated with these changes in politics. First, there is the obvious cost of campaigning. Second, there is a cost to our society when campaigning becomes just another TV show.

Mr. Chairman, that is why I support H.R. 5400 brought to us tonight by the gentleman from Washington. It addresses both of these costs. It reduces media costs in return for voluntary spending limits. I have long supported spending limits—everyone agrees that campaigns cost too much.

More importantly, H.R. 5400 returns the focus to small donors. It requires that candidates reach out and involve the voters in the process. Campaigns will not be able to be run from a TV studio.

Mr. Chairman, H.R. 5400 puts us back on the stump. It ensures accountability. It should be passed.

Mr. SWIFT. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I rise in strong support of the bill and the Obey-Synar amendment.

Over the last decade, two disturbing trends have emerged: First, there has been a sharp rise in the proportion of contributions candidates receive from both PAC's and wealthy individuals. Second, American voter turnout is at an all-time low, hovering near 50 percent. It is difficult to conclude that there is no correlation, no cause-and-effect relationship, between these two trends.

In the last 8 months I have received nearly 200 letters from people in Wisconsin supporting campaign finance reform. The people of Wisconsin are probably typical in calling for congressional action on this issue. The American people in numerous polls have indicated that they feel PAC's and wealthy individual contributors have far too much influence in the political process, and that this disproportionate influence stems from the current campaign financing laws.

Today we have a chance to regain the public's trust and restore the influence of small, individual donors while at the same time significantly limiting the influence of PAC's and fat cat contributors.

I strongly support the campaign finance reform package before the House this evening, and also the Synar-Obey amendment which further limits PAC contributions and, most importantly, institutes a voluntary experimental public financing program. For those who argue that public financing and spending limits will not work, I would point to the example of my State of Wisconsin. Since 1976, Wisconsin has enforced limits on total PAC contributions candidates may accept, on individual contributions, and on single PAC contributions. In 1978, Wisconsin began partial public funding of State campaigns. Individual candidates who reach threshold of small, $100 or less, donations are eligible for public financing. The candidates in turn must accept overall spending limits. They must also limit the amount of personal money they can use for their election campaigns. Hence, public funding helps limit the role of the super rich individual candidate.

My colleagues, the success of Wisconsin's contribution limits, spending limits, and public financing grants proves that what we are talking about doing today is hardly radical. A responsible mix of public and private funding can work at the Federal level and work well, just as it does at the State level in Wisconsin.

The Swift and Synar-Obey amendment adds on the basic bill and meaningful reform. Passage of campaign finance reform legislation will restore the ever-waning influence of individuals. Influence of working Americans. The role of big donor PAC's and wealthy individuals in the electoral process would be limited.

My colleagues, we have got to end the money chase. Each Member in this Chamber knows the constant pressure Members face as they run every other year. With expensive television advertising playing a bigger and bigger part in congressional campaigns, the cost of the average House race has gone from $160,000, in 1980 to $312,000 in 1988. Consequently in each election cycle, each candidates for Congress—both incumbents and challengers—have to raise more and spend more in order to compete. These escalating costs are little more than a political arms race and they have got to stop. The Republican substitute has a number of flaws. But the biggest is the total absence of spending limits. It would not stop the money chase, nor the excessive influence of the few.

Total spending limits and public financing grants are the real key to reform. The Democratic bill offers incentives of reduced broadcasting and mail costs for candidates willing to accept voluntary spending limits of $550,000 per election. The Synar-Obey amendment offers matching grants of $50 for each individual $50 contribution, up to a total of $100,000, in return for accepting personal and total spending limits, and total PAC contribution limits. This combination of public-private funding, with the critical spending limits, returns the electoral process to everyday Americans, to working people for whom $50 is a significant contribution. This amendment will limit the influence of wealthy individuals and PAC's for whom $50 is pocket change and who think nothing of sending off a check for $5,000.

I strongly urge passage of true campaign finance reform, adoption of the Synar-Obey amendment, and rejection of the Republican substitute, which avoids the heart of the problem.

The time has come for this reform to revitalize the role of average Americans in the electoral process.

Mr. SWIFT. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. MCHUGH], a member of the task force who has long been a worker in efforts to gain campaign finance reform and has been a very major figure in the development of this legislation.

Mr. MCHUGH. Mr. Chairman, this year the House has considered a variety of important bills: the Civil Rights

Act, clean air, the budget, the Americans With Disabilities Act, and a number of others. As significant as those bills are, the legislation before us today is at least as important. I say that because this legislation touches most directly on the confidence of the American people in the political process—the process by which the relative rights, benefits and responsibilities of all Americans are determined. If our citizens lose confidence in the integrity of that process, if they conclude that in the give and take of political discourse judgments affecting their interests are made not on the basis of merit but on the strength of special interests, and on the influence of big money in particular, public confidence in our Government will erode. Nothing could be more threatening to the fabric of a democratic society and to the trust a free and diverse people must have in their government.

As practicing politicians we know that public confidence in our political process has been eroding. And it has been eroding, at least in part, because people believe that big money has a disproportionate impact on our political judgments. This may be a harsh and perhaps unwarranted conclusion, but there is no question that is how an increasing number of Americans feel. Today, we have the opportunity to change that perception and to help restore public confidence in our political process.

We have three options to choose from, each one offering the promise of substantial reform: the Swift bill, the Synar-Obey amendment, and the Republican substitute. None of them is perfect. None of them is ideally suited to the conditions present in each of our congressional districts, each with its own unique combination of political and economic characteristics. But underlying all of these bills is a common premise that the current system of financing congressional campaigns is in need of change. And so to meet that need, we now must decide which of these options will best respond to the public's understandable demand for reform.

I do not know about your constituents, but mine believe that candidates for Congress spend too much money on campaigns, and that they are too often dependent on special interests and high rollers in financing those campaigns. Many believe that the average citizen, the one who can't afford to contribute very much, has less and less influence on the political process. If we are to respond to their concerns, and I believe we should, then reform means controlling excessive campaign spending, it means reducing the influence of big money, and it means encouraging the participation of small, individual contributors.

When judged by these standards, the Republican substitute should be rejected out of hand. It places no limits on campaign spending—the sky is the limit. It does nothing to reduce the influence of large individual contributors, the high rollers in campaign financing, and it provides no incentives for the small, individual contributors, those average Americans whose greater participation we need to encourage.

The Republican substitute's main claim to reform is that it reduces the maximum contribution from PAC's—political action committee—from $5,000 per candidate to $1,000. But it places no limit on the aggregate amount a candidate can receive from PAC's, and it makes no distinction between PAC's that represent a large number of small contributors and those PAC's that represent a small number of large contributors.

In short, the Republican substitute would very effectively protect the influence of the big money people in campaigns, the backbone of the National Republican Party, but would do little to address the concerns average Americans have about campaigns.

The Swift bill, H.R. 5400, on the other hand, goes a long way toward meeting those concerns. Swift provides a cap on campaign spending—$550,000 in most campaigns. The Supreme Court has ruled that a spending cap cannot be mandated, but candidates are given real incentives to voluntarily agree to one, including lower broadcasting and postage rates. Swift also imposes an aggregate limit on PAC contributions, equal to 50 percent of the total spending cap. This assures that PAC's will not dominate the financing of political campaigns. Swift goes further in giving preference to PAC's with small contributors only; they could continue to contribute up to $5,000 per candidate, whereas big donor PAC's would be limited to $1,000.

While placing limits on PAC's, particularly those with big contributors, Swift encourages small contributors by providing a 100-percent tax credit for contributions up to $50. Personally, I would like to see the credit available for contributions up to $100. In my judgment that would give candidates a more realistic incentive to raise money from small contributors. But the concept is sound—incentives in campaign financing should favor small individual contributors, with some limits being imposed on special interest groups and big contributors.

The Swift bill represents a significant improvement over current practice and deserves our support. However, the option which would achieve the most meaningful reform is the Synar-Obey amendment—which I coauthored. It improves upon Swift in a number of important respects.

While preserving the same spending cap as Swift, Synar-Obey would cut the aggregate limit on PAC contributions to 40 percent of the total spending cap—as compared with 50 percent in Swift. It would further limit big donor PAC's—those that accept contributions from Members over $240 per year—by imposing a sublimit on their contributions to candidates equal to 10 percent of the total spending cap—$55,000.

The influence of big individual contributors would also be reduced substantially under Synar-Obey, because the maximum individual contribution would be cut in half, from $1,000 to $500. At the same time, there would be genuine incentives for participation by small, individual contributors. As in Swift, there would be a 100-percent tax credit for instate contributions up to $50, but in addition those small contributions would be matched with public funds—up to a maximum of $100,000 in public funds.

The Synar-Obey proposal clearly goes farthest toward meeting the standards of reform that people really expect of us: It puts a cap on total campaign spending; it reduces the influence of large individual givers and special interest groups; and it provides the most incentives to attract small, individual contributors into the political process.

I strongly urge my colleagues to reject the Republican substitute and vote for the Synar-Obey amendment. If Synar-Obey fails, support the Swift proposal on final passage.

Mr. MARKEY. Mr. Chairman, I rise in support of the Campaign Cost Reduction and Reform Act and of the Synar and Obey amendment that will greatly improve this campaign reform legislation.

I hope that this bill and this amendment will succeed in turning the tide of voter discontent that has for too long embittered the American voter to our election process. The most important numbers in the past few elections have not been the tallies of the Democratic or Republican candidates, but rather the voting percentages, which have shrunk lower and lower. More voters chose to stay at home on election day in 1988 than in any Presidential election year since 1924.

The public has very little confidence in the system, and we have only ourselves to blame, for it is largely our actions that have led to this erosion. I believe reducing the PAC limit, limiting the size of individual large donor contributions, and restricting the role of large donor PAC's will go a long way to restoring public trust in our elections, and I therefore support the Synar and Obey amendment.

But the public's misgivings about elections go beyond the issue of campaign financing. They are also troubled by the fact that Federal campaigns are characterized too often by sound bites and negative campaign commercials, rather than by substantive debate on the issues of importance. I am glad that the Swift legislation includes measures that will combat negative advertising and increase accountability in campaign advertising.

To this same end, I have introduced a bill, H.R. 1733, that would mandate that Presidential candidates participate in debates in order to receive Federal campaign funds. Obviously, there is no single solution to our current low ebb in voter participation in elections. However, it is past time when we can afford not to take action on reforms that the public supports. Mandatory Presidential debates, like the reforms we are voting on tonight, is one such improvement, and I hope this body will have the opportunity to consider this proposal before Congress adjourns this fall.

Finally, I commend Representatives SWIFT, SYNAR, and OBEY for their diligent work on this important issue, and let me again express my support for the bill and amendment before us.

Mr. UDALL. Mr. Chairman, a few months ago I visited the University of Arizona library, where the papers of the Udall family are being sorted through and catalogued. I rummaged through a few boxes looking at old photos, letters, and other documents. Among my father Levi's papers was a campaign expenditure report for his successful run for the Arizona Supreme Court. The total cost for the 1946 race was $925.86 for a statewide campaign. If an election were held today, my father would be outspent by at least 100 to 1.

The situation is critical. The high cost of congressional campaigns has forced incumbents to spend too much time in the constant pursuit of campaign funds. At the same time, skyrocketing campaign costs have virtually locked out challengers who are not fortunate enough to have significant personal wealth.

Today, with the adoption of the Campaign Cost Reduction and Reform Act, and preferably the Synar-Obey amendment, we have the opportunity to turn this trend around. The provisions in this legislation get us on the road to equity in the area of campaign finance.

The expenditure of very large sums of money poses a grave threat to the political process. Many American voters are saying that a candidate who can afford to compete in one of these races, and wins, probably does not have their best interests at heart. The voters are beginning to believe that it is not their vote that counts, but rather the money that counts. In other words, special interests matter more than people. I think evidence of this is the declining voter participation at the polls.

While the answer to this dilemma is multifaceted, it has to come primarily from campaign expenditure limitations and PAC reforms. The legislation we have before us today include provisions that address many concerns in the area of campaign finance reform. The primary provisions, however, provide the changes necessary in these primary issue areas. It sets voluntary limits on candidate expenditures in House races, and it significantly reduces House candidates' reliance on PAC's.

The Synar-Obey amendment makes even further strides in this area. It provides for additional PAC contribution limits and reduces the amount an individual may contribute to a Federal candidate. It also calls for public financing as both an incentive for a candidate to collect contributions of less than $50, and an incentive for opponents to stay within the voluntary guidelines.

Mr. Chairman, there is a strong congressional and public awareness that something must be done. The system is not working. Members of the House are spending more time on fundraising and less time on the business of Congress. Special interests are playing a larger role in our elections, while individual givers play a smaller role. Public distrust is rising and voter participation declining. We need more disclosure. And we need to get some control in independent expenditures.

After working on this issue for over 20 years, I realize the opportunity to address these issues does not come often. Today we have that opportunity. The Campaign Cost Reduction and Reform Act and the Synar-Obey amendment are the corrections we need, and I urge my colleagues to join me in supporting them.

Mr. GALLO. Mr. Chairman, the purpose of campaign reform should be to make the American citizen the focus of the democratic process—to return the individual to the center of power.

But, the passage of the legislation before us won't accomplish that. It is not genuine reform and the procedure available makes needed corrections impossible.

We cannot use the excuse that there is no time for an open and honest debate on key issues like spending and contribution limits, PAC's, soft money, public financing and the frank. Legislation has been before the House for more than 6 weeks. That was the time to begin debate; that was the time to let the American people have input into the final bill.

I think that it is a disgrace—the way we bring up and rush through important legislation just before a recess or an adjournment. The American people have waited a long time, too long, for campaign reform. However, I think they would be willing to wait another month to get good legislation enacted.

There are a number of specific items in H.R. 5400 that I cannot support. For example, this is the wrong time to use taxpayers' money to finance elections. We are on the verge of having to make significant cuts in Medicare, food stamps, and other desperately needed programs. And taxpayers themselves are increasingly hesitant to bankroll Federal office seekers. Only 21 percent—down from 30 percent in 1980—check off the box on their tax returns to direct $1 to the Presidential Election Campaign Fund.

In addition, H.R. 5400 does not prohibit bundling. Rich individuals still will be able to package money from friends and special interests and legally exceed the dollar limits.

This bill leaves the building fund soft money loophole intact. The bill purports to set a limit on PAC money, but it allows 20 percent more PAC money than was spent last year when there was no limit.

I support an end to bundling. I believe that a candidate should raise funds from individuals in the district he or she hopes to represent—not from national special interest groups. I support a limit of $1,000 for all PAC contributions. Supporters of this bill, H.R. 5400, limits PAC contributions, but only for some PAC's. Other PAC's can continue to give $5,000.

Supporters of the restrictive rule and H.R. 5400 say we have to act now to get the members of Common Cause off our backs. I believe the American people deserve better. This bill falls short of achieving necessary reforms. Let us not be in such a hurry. Let us wait and do the full job. Let us have a full and fair debate so that our constituents know where we stand. Elections are the cornerstone of our democracy. Let us not undermine that cornerstone in our rush to adjournment.

Ms. SNOWE. Mr. Chairman, I rise in opposition to H.R. 5400—which, if accurately titled, would be called the Democratic incumbent protection plan. The Democrats have been the majority party in the House for 34 years, and if this bill is adopted, they will be the majority for the next 34 years.

Let's get one thing straight: This legislation has nothing to do with reforming congressional campaign laws. It has everything to do with stacking the odds even higher against challengers—most of them, coincidentally, will be Republicans.

Across my district and across the country, the American public has been expressing their frustration and outrage with a system they see as pandering to special interests and the creation of a permanent Congress. The American public is demanding—and deserves—comprehensive reform of our campaign finance system to respond to these concerns. They are not demanding nor do they deserve the dissembling of the Democratic incumbent protection plan.

H.R. 5400 would establish a voluntary spending limit for campaigns. Looks good, but looks can be deceiving. In actuality, the limitation is placed on the ability of a challenger to unseat an incumbent. Common sense tells you that a challenger may need to spend more money to overcome the advantages incumbents hold.

The spending limit allows $300,000 to be spent on the primary and $250,000 on the general election. Now, a challenger with an expensive primary will be left with $250,000 for a general election campaign—$25,000 less than the amounts the bill allows candidates to accept from PAC's. An incumbent with no primary, therefore, could spend more money raised just from special interest PAC's on a race, than a challenger could spend on the entire election. This doesn't sound like reform to me.

Noted congressional scholar Norman Ornstein explained the spending limitation impact on challengers best by comparing the election to the 100-yard dash where currently the incumbent starts at the 50 yard line with the challenger at the starting line. Spending limitations shorten the race to 80 yards, but leave the two candidates where they started.

The Democratic Incumbent Protection Act would also establish limits on the amount of funding candidates can receive from PAC's to $275,000—again, an idea noble in concept but far from it in this bill. PAC's gave an average of $217,000 to Democratic incumbents in the House in 1988 and $11,000 to their challenger.

In 1988, 248 House Democratic incumbents raised $53 million from PAC's; yet under this proposal these same incumbents would be able to raise $63 million—$10 million more. Giving incumbents license to raise more money from special interest PAC's is not

going to help challengers run competitive races.

Further, the way in which the bill's PAC limitations are constructed will have the practical effect of hampering trade association and business PAC's, but not union PAC's. Shall we pause and think of which party receives the overwhelming portion of union PAC contributions?

Mr. Chairman, let me briefly turn to the Synar-Obey amendment, which is founded upon the curious notion that American taxpayers want to give their money to politicians to spend on campaign ads. This amendment would allow up to $90 million to be spent on congressional campaigns; I believe, as do my constituents, that at a time when the budget is being squeezed, there are significantly higher priorities for that money.

In addition, the Synar-Obey amendment cuts the ceiling for individual contributions when most experts believe that individual contributions should be encouraged, not discouraged.

By contrast, the Republican substitute, which is the result of 1½ years of work, unlike H.R. 5400 which appeared from some smoke filled backroom this week, seeks to level the playing field for House elections. The substitute does not set spending limitations, instead it focuses on where the money is raised. The provisions in the substitute place the emphasis on contributions from individuals within one's district. This will slow the inside the beltway fund raising which is a distinct advantage to the incumbent.

It also diminishes the power of the PAC's by decreasing the amount they can give to a candidate from $5,000 to $1,000. This puts their donation on a par with the individual contribution.

Adoption of the Republican substitute, unlike the Democratic bill, will introduce real changes in the way congressional campaigns are waged, and they are changes which make it easier, not harder, for challengers to compete. The question today is whether we are going to do our duty to the American people by reforming the system to produce a level playing field in House elections, or whether we are going to revise and extend the rights of the incumbents.

Mr. KLECZKA. Mr. Chairman, I rise in strong support of H.R. 5400, the Campaign Cost Reduction and Reform Act, and the Synar-Obey amendment to the bill.

I would like to extend my thanks to Chairman AL SWIFT and others who have worked so hard to craft H.R. 5400.

Enactment of major campaign finance reform this year, for the first time since the Watergate period, would be a major accomplishment.

Without some form of public financing in the legislation now being debated, we will treat the symptoms, not the cause, of the money malady.

The Synar-Obey amendment is very similar to H.R. 14, a major piece of campaign finance reform legislation which I was proud to cosponsor.

This amendment would set a spending limit at $550,000, similar to that of H.R. 5400. It would also limit PAC contributions to 40 percent of the allowable spending limit.

But it takes several additional necessary steps to restore public confidence in our campaign finance system.

Specifically, it would provide public financing matching funds for individual contributions of $50 or less, up to a ceiling of $100,000. This is quite similar to the highly successful system we now use at the Presidential level.

I know that some Members have doubts about this approach. The notion of funding someone who might use tax funds to run against you can be unsettling.

I want to assure my colleagues that we have used a similar approach at the State level in Wisconsin since 1977.

If we look back at the electoral results over the last 13 years in my State, it is clear that one party has not benefited at the expense of another due to public financing, nor have challengers received special favors.

The winners under this approach are the voters. They have real confidence in the system of campaign finance.

The losers, of course, are the special interests. Their influence is necessarily limited by every public dollar invested in the electoral process.

This amendment makes several other overdue changes in our electoral laws.

It would reduce in half, for example, the amount that any individual can contribute to a House candidate, from $1,000 to $500. This will affect very few people, since only a tiny sliver of the population can afford to contribute even $500 per candidate. This action will, however, limit the disproportionate influence well-heeled donors now have on the electoral process.

In a similar vein, the amendment would also limit, to 10 percent, the amount of campaign funds a candidate may accept from a PAC which accepts contributions from any source of more than $240 a year, or $20 a month.

Finally, Synar-Obey would require the Federal Elections Commission to computerize all contributions over $200 or more, making it easier for the public and the press to follow the money trail.

Mr. Chairman, I urge the adoption of this amendment.

Mr. WOLPE. Mr. Chairman, I rise in strong support of H.R. 5400, the Campaign Cost Reduction and Reform Act, and also of the Synar-Obey amendment.

The very first bill I agreed to cosponsor when I entered the Congress some 12 years ago was a campaign finance reform bill. Even then it was clear to me that the integrity of our entire political system was being seriously compromised by the huge amounts of money that were pouring into political campaigns, and by the disproportionate influence wealthy individuals and well-financed special interests had come to exercise on our political process. I was convinced then—as I am convinced now—that nothing would go further in restoring public confidence in our political institutions than to clean up the system by which we finance our campaigns.

Whatever feelings I had on this matter 12 years ago have only been intensified by my experience in the Congress. Our present system of campaign finance is demeaning to all candidates. We all spend far too much time pursuing campaign funds when we should be legislating, and too many Members have become far too dependent upon wealthy contributors and special interest funds. Even when Members of Congress are voting their consciences and expressing their best policy judgment, the current system invites the cynical conclusion that their votes are being influenced by those campaign contributions upon which they have come to rely.

The time for fundamental reform of our system of campaign finance is long overdue. There are two keys to true reform. The first key is to put limits on campaign expenditures. In too many instances, elections have become auctions—with offices available to the highest bidder or the most successful fundraiser. This practice must stop. There can be no meaningful reform that does not place effective limits on total campaign expenditures.

The second key to true reform is to decrease the ability of special interests and the wealthy, whether they operate individually or in groups, to exercise disproportionate influence on the political process—influence beyond their numbers or the merits of their arguments.

Mr. Chairman, in my judgment, the Campaign Cost Reduction and Reform Act before us passes both critical tests of true campaign finance reform. It places a spending limit of $550,000 on all House campaigns with incentives for lowered broadcasting and mail costs for candidates who agree to such limits and it provides a system of 100 percent tax for contributions of $50 or less. It would cap the total amount of PAC money a House candidate can receive, and it would lower the amount of money that can be given to each candidate by PAC's that are founded by large donations. This bill would also close a variety of campaign loopholes dealing with independent expenditures and unreported soft money.

The Synar-Obey amendment would strengthen the base bill by further limiting the amount of campaign funds that a candidate may accept from PAC's which accept contributions from any source of more than $240 a year, or $20 a month. It would also cut in half the amount an individual may contribute to any House candidate, from the present $1,000 to $500. And, as a further incentive for candidates to wean themselves off their reliance on wealthy contributors and high donor PAC's, Synar-Obey would provide public financing matching funds for all individual contributions of $50 or less up to a ceiling of $100,000. This would be financed with the existing Federal voluntary tax checkoff system.

Mr. Chairman, I will not take the time here to detail the elements of the Republican substitute that is being offered by Mr. MICHEL. But I do find it remarkable that a campaign finance reform bill would be offered that contains no spending limits whatsoever. Without such limits, there simply is no reform. Without spending caps, the games will continue. The money chase will go on. In the absence of an expenditure ceiling, new limits on PAC's will do little but to invite campaign operatives to find new and different back-door methods to fund their candidates. And the American people will continue to be sacrificed on the altar of the wealthy and the powerful. Our colleague, DAVID OBEY, said it well when he ob-

served that "the major test of any campaign reform legislation in determining whether it serves the public interest should be not whether money is given individually or collectively, but whether the rules of the game allow the well-off and well-connected to have influence on government that far surpasses the influence of average American families." Unfortunately, the Republican substitute before us this evening simply does not pass this test.

Mr. Chairman, it is imperative that we respond to the growing public cynicism about our political institutions. Passage of the Campaign Cost Reduction and Reform Act, and of the Synar-Obey amendment, will be important elements of this response. I urge passage of this critically needed reform legislation.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 5400, the Campaign Cost Reduction and Reform Act. I also urge my colleagues to go a step further and support the Synar-Obey amendment, which will provide even greater protection against corruption of the political process by wealthy special interests.

The Campaign Cost Reduction and Reform Act calls for voluntary campaign spending limits for House candidates, with the cap set at $550,000 per election cycle. The act provides lower broadcast and postal rates for candidates who accept the spending limits, and establishes a system of heavy fines for exceeding the limit.

This bill also caps the total amount of PAC money a House candidate can receive to 50 percent of allowable spending, and cuts the PAC contribution limits to $1,000 per candidate per election unless the committee is a small-donor committee. Under the bill, small-donor committees, which are committees that take only individual contributions of $240 or less each year, are allowed to contribute up to $5,000 per election to each candidate.

The Synar-Obey amendment builds on this base, and further reduces the amount of PAC contributions which can be received by a candidate to 40 percent of the allowable spending limit, and limiting to 10 percent of the allowable spending limit the amount that can be accepted from any PAC which receives contributions of more than $240 a year from any individual. The Synar-Obey amendment takes additional steps to further reduce the ability of wealthy individuals to influence candidates by cutting in half the amount an individual may contribute to any House candidate.

Mr. Chairman, I believe that the reforms contained in H.R. 5400 and the Synar-Obey amendment will go a long way toward the goal of returning the political process to the people, and removing the taint of wealthy, special interest influence over candidates for Federal office. It is an acknowledged fact that the cost of a congressional campaign has skyrocketed over the last decade. During this same period, the share of campaign funding derived from PAC contributions has grown by an astronomical 175 percent.

I find these trends very disturbing, and urge my colleagues to vote today to restore the American political process to the average American citizen. The public is demanding reforms in the system of campaign financing, and H.R. 5400 addresses the problem in a comprehensive and effective manner. I strongly urge my colleagues to support this important legislation to promote greater participation in the political process.

Mr. BRENNAN. Mr. Chairman, throughout my 25 years of public life, one aspect has always been troublesome—that is campaign financing. And as the costs of political campaigns grow into the heavens, financing of campaigns becomes even more troublesome.

This measure, while not perfect, begins to address the problem plaguing those who run for political office. A key feature of the legislation calls for limits on the size of contributions. I strongly support efforts to promote small donations and to involve more people in the electoral process.

There is growing cynicism across our Nation, that big contributors are getting undue influence. We should not, and cannot, give the appearance of being beholden to special interests.

We can move forward tonight with legislation, designed to tighten controls on independent campaign spending, that encourages voluntary spending limits, that reduces media costs, and curbs growing dependence on PAC's.

I urge my colleagues to join me in support of legislation that will help renew public confidence in their elected officials and once again, make the candidate more accountable to the individual voter, not special interests.

I will support the Swift bill with the Obey-Synar amendment.

Mr. HUGHES. Mr. Chairman, I rise today in support of H.R. 5400, the campaign finance reform bill. I do so with some reluctance, however, because I still do not think this proposal goes far enough in bringing about the significant reforms we need to clean up the campaign process and restore public confidence in the system. I view this legislation not as a panacea, but merely as a first step in what will hopefully be an ongoing process to truly reform our campaign finance system.

It has been more than a decade since the last significant campaign finance reform legislation passed the Congress and became law. The changes that have taken place during that period are almost beyond belief. The average cost of a congressional campaign has virtually doubled from $160,000 to $312,000, and it is not unusual for some races to cost a million dollars or more. These skyrocketing costs have had a chilling effect on the campaign process in a number of ways.

First, they are making it more difficult for the parties to recruit qualified candidates, thereby undercutting the competitiveness which has always been the hallmark of our democratic process. Second, they are taking incumbent Congressmen away from their legislative duties and forcing them to spend more and more time raising money for their reelection. Third, they have vastly increased the influence of PAC's and other special interest organizations which have the financial means to turn out large and frequent donations. Fourth, they have squeezed the average person, who used to contribute $50 or $100 to a campaign, out of the process, since they do not feel their contribution make a difference anymore.

Fifth, and perhaps most important of all, the high cost of campaigns has undercut the confidence of the American people in our system of government. Many people believe their elected officials are beholden to the PAC's and other special interests, and it is hard to blame them when they see hundreds of thousands of dollars pouring in from outside their districts to help elect their Congressman.

I do not mean to point all of the blame at the system. In my own case, I try to limit my PAC contributions to a third or less of my total receipts. Accordingly, I raise the vast majority of my funds in small contributions from my own constituents in southern New Jersey. I think we could go a long way toward restoring voter confidence if all candidates voluntarily adhered to these or similar guidelines.

Unfortunately, that has not been the case, and therefore we have no choice but to to overhaul the entire system. In my judgment, H.R. 5400 is a step in the right direction. Under this bill, a voluntary spending cap of $550,000 will be imposed on House candidates, with flexibility for those candidates whose opponents do not agree to the spending limits.

In addition, the bill limits the amount of PAC contributions which candidates can accept, both in terms of dollar amounts and percentage of their total receipts; encourages contributions from small donors by providing a 100 percent tax credit for small, in-State contributions; closes certain loopholes such as bundling and soft money which make a mockery of current campaign law; and it discourages negative campaigning by holding candidates responsible for the content of all ads on their behalf.

Mr. Speaker, it is not a perfect bill but it is a start. By limiting the overall costs of campaigns, we can reinstill fairness and competition to the process. Just as importantly, we can restore public confidence by shifting the emphasis away from the special interests and back to the average voter. On balance, that is the direction that I believe we need to go.

Mr. VENTO. Mr. Chairman, I rise in strong support of the leadership package on campaign finance reform legislation, as well as the amendment to be offered by our colleagues from Wisconsin and Oklahoma.

The time for action on campaign reform is long overdue. During my first years in Congress in the late seventies, campaign reform was a priority of the House. At that time, the House debated and passed a responsible campaign reform measure, the Obey-Railsback bill, which I supported, and which would have limited PAC contributions to candidates. Unfortunately, that measure was not adopted by the Senate.

Since then, serious campaign reform has died on the vine. At the same time serious campaign spending has flourished. The cost of political elections has skyrocketed so that the average cost of a House campaign is nearly twice the amount that was spent in 1980. In addition, PAC contributions have exploded during that same time, increasing by 175 percent from $40,000 to $110,000.

As these numbers demonstrate, there is an urgent need to curb congressional campaign spending. The House leadership bill and the Synar-Obey bill will best accomplish that goal. Establishing strict limits on PAC contributions and voluntary overall spending limits will reign

in the upward spiral of campaign spending by controlling it at both ends of the process. In addition, the tax credit, the small donor PAC's and the proposed matching proposal will reemphasize the importance of small contributors.

Mr. Chairman, I believe that campaigns should be the competition of ideas not 30 second sound bytes. I recognize the need for adequate funds to convey a candidate's message to the voters but I also believe that that message should be conveyed on a one-on-one contact between the candidate and the constituency. That is why my own personal campaigns have been among the lowest congressional spending races by an incumbent Member from my own State of Minnesota.

This proposed legislation is not a cure-all. While it takes a big step in resolving the current inequities and problems in the political funding process, other action will undoubtedly be needed. An ongoing unaddressed concern is the problem associated with independent expenditures. Under the Supreme Court ruling in Buckley versus Valeo, the Court in essence ruled that the ability to spend money was the equivalent of free speech. I disagree. Until that problem is redressed and the authority to regulate campaign activities is once again a legislative and executive branch of Government policy responsibility, our political process will be unwieldy. This phenomena of unlimited independent expenditures that can be targeted for or against any candidate without rhyme or reason. While the pending bill seeks to equalize the political process, independent expenditures represent an ever present storm threat that can easily destroy any balance to the political election process.

Mr. Chairman, some have criticized the spending limits set in this bill as too large and not reflective of the needs of their State. I would urge those Members to contact their State legislatures to enact more restrictive spending limits as my own State of Minnesota has enacted and then to voluntarily abide by such limitations. I support Minnesota's tighter spending restrictions and intend to easily abide by them in the upcoming election.

Mr. Chairman, in 1979, opponents of campaign finance reform argued against passage claiming that the reform was unnecessary, and protected incumbents. They had their day in court and the resultant 11-year delay has brought yet more money into congressional campaigns, a greater voice for big contributors and less of a role and a voice for many American voters. It is time for a real change and for real congressional campaign spending reform. That is why I am urging the adoption of the leadership package and the Synar-Obey amendment which offer the most significant changes that we have had before the House in many ways.

Mr. PURSELL. Mr. Chairman, for those of you here in Congress who return to your districts as often as I do, it has become all to clear that it's time to put campaign financing back in the hands of those who send us to Washington in the first place: The American people.

Campaign finance reform needs to happen by requiring that a majority of a candidate's funds come from local sources. By doing this, we encourage Members of Congress and candidates to be more responsive to the people who vote for them. It would also place limits on campaign spending because you could only spend what you are able to raise in the district.

The Michel-Republican substitute limits the influence of PAC contributions, it restores local participation in the campaign finance process, and will make congressional elections more competitive: All of this without relying on the Federal Treasury or expanding the Federal bureaucracy.

The Republican proposal is both fair and effective. Neither political party is favored by its provisions and, if enacted, it would help restore the election process to what was intended.

Let's reduce the influence of PAC's, special interests and large out-of-State contributions. Let's return to the days when Members of Congress raised funds at home, from the people who send us here. I urge a "yes" vote on the Michel substitute.

Mr. WEISS. Mr. Chairman, I rise today in strong support of H.R. 5400 and the Synar-Obey amendment. The passage of these measures will reduce the importance of money in elections, enhance opportunities for ordinary citizens to make their voices heard, and make campaigns more accountable to the electorate.

Two central tenets of our political system are that all citizens have an equal say in elections as well as an equal opportunity to seek public office. Yet, due in part to the skyrocketing costs of congressional campaigns, these are not holding true. Soaring campaign costs are posing new threats to our democratic system: wealthy interests and individuals have too much influence and opportunity, while Americans of average and limited means have too little.

Under the present system, candidates also suffer under the pressure of big money. It becomes immediately obvious to any congressional candidate of limited personal means that the campaign is as much for money as it is for votes. Once elected the fundraising begins anew within weeks. Today's Members of Congress spend nearly as much time fundraising as they do representing their constituents.

Many claim that if the political action committees are reigned in, the problem will be solved. It is clearly not that simple—PAC receipts do not tell the whole story. Campaign spending limits must be established to control the spiraling increases in campaign fundraising and spending.

Since 1976, House campaign spending has increased almost fourfold, from $61 million to $223 million in the 1988 elections. The current system discourages challengers from throwing their hats in the ring. Setting reasonable spending limits would enhance fair and competitive electoral races.

The voluntary limit on total campaign spending set by H.R. 5400 goes a long way in addressing these concerns. The measure's aggregate PAC limit also weans candidates off their reliance on PAC's. Furthermore, the bill substantially increases the role of small donors through a 100-percent tax credit for contributions of less than $50.

To balance the problem of high cost campaigns and questions of first amendment infringement, I strongly support the Synar-Obey amendment. Its public financing provisions help quash questionable PAC influence and keep wealthy individuals from controlling the political process. This important amendment also encourages all who are interested in running for elected office to do so regardless of personal means.

I urge my colleagues to support H.R. 5400 and the Synar-Obey amendment.

Mr. SMITH of Texas. Mr. Chairman, many Members have no desire to change campaign finance laws at all. Their seats are secure. They have the advantage of incumbency that leads to easy reelection, seniority, committee chairmanships and power. Money keeps pouring in from the special interests.

But Members want to go home and tell constituents that Congress passed a landmark campaign finance reform package. So today we are considering a bill that has been thrown together in the last few days, has received no hearings, and does not have bipartisan support. Members will not tell constituents that this campaign reform bill has no chance of becoming law.

The American people deserve better than this. Citizens should not tolerate a partisan standoof.

What do citizens have at stake?

Laws that are fair.

Laws that treat them fairly.

Their hard earned dollars.

Each man, woman, and child is now estimated to owe $2,000 to $3,000 for the savings and loan bailout.

How did the savings and loan crisis come about? In part, it came about when a lot of key policymakers creating the laws to control the savings and loan industry were getting a whole lot of money from that industry.

No progress has been made in the deficit reduction talks because Members are unable to make tough decisions. Cutting programs could mean losing valuable PAC contributions.

House Members receive 47 percent of their total receipts from PAC's. PAC contributions to House Members have more than tripled since 1978. So has the deficit. In 1978, the Federal deficit was just over $59 billion. Today it is nearing $200 billion.

The average House committee chairman receives nearly 60 percent of his funds form PAC's. A committee chairman plays a major role in determining which programs will be created or expanded. Special interests have a clear influence over legislation.

In short, there is a basic connection between our campaign financing system and the most critical problems facing our Nation today.

Congress should be ashamed of itself for the political game it is playing with campaign finance reform today. Rather than considering a bipartisan proposal that will affect all candidates equally and eliminate some of our political system's most serious problems, the leadership is throwing out three last minute proposals that have no chance of being enacted into law. But Congress will be able to grab credit for passing a bill before recess.

It is easy to see why citizens believe their elected officials are taking advantage of their public offices for political gain.

Recently I introduced a bill that would significantly improve the campaign finance reform process with one simple step. The bill is the Fairness in Campaign Finance Act. Under the bill, a clear line would be drawn to limit PAC contributions to one-third of a candidate's total contributions.

The purpose is to strike a reasonable balance between PAC receipts and individual contributions. I believe that balance is one-third PAC contributions and two-thirds individual contributions.

A percentage limitation will tell all Americans that individual contributions are the main financial force behind every congressional race. It is a simple, self-enforcing change that the public will recognize as a way to give the campaign field back to the people.

Of the several bills that have been offered to accomplish this goal, only the Fairness in Campaign Finance Act offers a solution that is fair to all parties and avoids future loopholes.

I do not favor spending limits. Spending limits would unfairly help incumbents. They would only make it more difficult for citizens to hold their elected representatives accountable.

Outlawing PAC's is not a feasible solution. Citizens have a right to collectively give to candidates of their choice just as they do to give individually.

The proposal to limit the amount PAC's can contribute would result in PAC's dividing into small units that, together, could continue to contribute at current levels. Nothing would change.

Public financing is not the answer either. Why should the Government be asked to do what only a free people can do for themselves—make representative Government work. Taxpaying citizens want candidates that can command their support. They don't want to shell out $100,000 tax dollars to every person who thinks it might be fun to run for Congress.

Undoubtedly, my proposal would make some incumbents uncomfortable. Some candidates would have to work harder to reestablish that local base of financial support. But it would be well worth the effort to restore confidence in the campaign process and in Congress.

I sincerely hope that when Congress reconvenes in the fall, we can set our own political interests aside and agree on a bipartisan solution to the problems of campaign finance. We must return elections to individual citizens and restore faith in our representative Government.

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The CHAIRMAN. The time of the gentleman from Washington [Mr. SWIFT] has expired.

Pursuant to the rule, an amendment in the nature of a substitute printed in part 1 of House Report 101-659 will be considered as an original bill for the purpose of amendment under the 5-minute rule, and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Cost Reduction and Reform Act of 1990".

TITLE I—AMENDMENTS TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

SEC. 101. DEFINITION OF QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATE.

Section 301(19) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(19)) is amended to read as follows:

"(19) The term 'qualifying House of Representatives candidate' means a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, whose principal campaign committee includes in its statement of organization a declaration of intention under section 303(b)(7) and, by reason of such declaration, is subject to the expenditure limitations specified in section 315(h) or section 315(i).".

SEC. 102. AMENDMENTS TO DEFINITION OF CONTRIBUTION.

(a) VALUATION FORMULA AMENDMENT; ENCOURAGEMENT CONTRIBUTION AMENDMENT; CLEARLY IDENTIFIED CANDIDATE AMENDMENT.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i)—

(A) by inserting after "anything of value" the following: (such value to be determined by the highest of: cost to the person making the contribution, fair market value on the date of acquisition by the person making the contribution, or fair market value on the date of the contribution) and

(B) by striking out "or" after the semicolon;

(2) in clause (ii), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value (such value to be determined in the manner described in clause (i)) made by any person for the purpose of encouraging any specific individual who is not a candidate to become a candidate.".

(b) CLARIFICATION OF EXCLUSION OF MAILING COSTS FROM PARTY-BUILDING PROVISIONS.—Section 301(8)(B)(x)(1), section 301(8)(B)((xi), and section 301(8)(B)(xii)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)(x)(1), 2 U.S.C. 431(8)(B)(xi), and 2 U.S.C. 431(8)(B)(xii)(1)) are each amended by striking out "direct mail" and inserting in lieu thereof "mail".

(c) EXCLUSION OF CERTAIN ITEMS FROM DEFINITION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking out "and" after the semicolon in clause (xiii);

(2) by striking out the period at the end of clause (xiv) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(xv) the value of any advertising rate reduction made available to a qualifying House of Representatives candidate by a newspaper, magazine, broadcasting station (as defined in section 315 of the Communications Act of 1934), or cable system (as defined in section 602 of the Communications Act of 1934), if such reduction is made available to any qualifying House of Representatives candidate and such rate reduction is made available during the 90-day period before the election involved.".

SEC. 103. AMENDMENTS TO DEFINITION OF EXPENDITURE.

(a) VALUATION FORMULA AMENDMENT; ENCOURAGEMENT EXPENDITURE AMENDMENT; CLEARLY IDENTIFIED CANDIDATE AMENDMENT.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i)—

(A) by inserting after "anything of value" the following: "(such value to be determined by the highest of: cost to the person making the expenditure, fair market value on the date of acquisition by the person making the expenditure, or fair market value on the date of the expenditure) and

(B) by striking out "and" after the semicolon;

(2) in clause (ii), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(iii) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (such value to be determined in the manner described in clause (i)) made by any person for the purpose of encouraging any specific individual who is not a candidate to become a candidate.".

(b) CLARIFICATION OF EXCLUSION OF MAILING COSTS FROM PARTY-BUILDING PROVISIONS.—Section 301(9)(B)(viii)(1) and section 301(9)(B)(ix)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(viii)(1) and 2 U.S.C. 431(9)(B)(ix)(1)) are each amended by striking out "direct mail" and inserting in lieu thereof "mail".

SEC. 104. REGISTRATION AS QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATE.

(a) IN GENERAL.—Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (5), by striking out "and" after the semicolon at the end;

(2) in paragraph (6), by striking out the period at the end and inserting in lieu thereof the following: "and"; and

(3) by adding at the end the following:

"(7) in the case of a principal campaign committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who desires to be a qualifying House of Representatives candidate, a declaration of intention of the candidate to use broadcast time under section 315(c) of the Communications Act of 1934 or to receive reduced postal rates under section 3629 of title 39, United States Code.".

(b) AMENDMENT TO STATEMENT OF ORGANIZATION.—Section 303 of the Federal Election Campaign Act of 1971 (2 U.S.C. 433) is amended by adding at the end the following new subsection:

"(e)(1) In the case of a political committee referred to in paragraph (7) of subsection (b), if the statement of organization does not include a declaration referred to in that paragraph, the committee may amend the statement to include such declaration, if such amendment is filed under section 302(g) not later than the day the candidate becomes a candidate for purposes of State law.

"(2) A declaration of intention that is included in a statement of organization under paragraph (7) of subsection (b), whether in the original filing or by amendment, may not be revoked.".

SEC. 105. RESTRICTION ON CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY CANDIDATES FOR FEDERAL OFFICE.

Section 303 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) A candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party. For one year after the effective date of this Act any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified, under section 501(c)(3) of the Internal Revenue Code of 1986, or making a contribution to the treasury of the United States; or, contributing to the national, State or local committees of a political party, or, making contributions not to exceed $1,000 to any candidate for elective office.".

SEC. 106. AMENDMENT TO DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end the following: "An expenditure is not an independent expenditure is—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate and the person making the expenditure; or

"(B) with respect to the election, the person making the expenditure—

"(i) is authorized to solicit contributions or make expenditures on behalf of the candidate or an authorized committee of the candidate;

"(ii) is an officer of an authorized committee of the candidate; or

"(iii) receives any compensation or reimbursement from the candidate, or an authorized committee of the candidate.".

SEC. 107. AMENDMENTS RELATING TO LIMITATION ON EXPENDITURES IN A SINGLE STATE BY CANDIDATES FOR PRESIDENTIAL NOMINATION WHO ACCEPT AMOUNTS FROM THE PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.

(a) REMOVAL OF LIMITATION.—Section 315(b)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)(A)) is amended by striking out ", except the" and all that follows through "$200,000".

(b) CONFORMING AMENDMENT.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by striking out subsection (g) and by redesignating subsection (h) as subsection (g).

SEC. 108. LIMITATIONS ON EXPENDITURES BY QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 107(b) of this Act, is further amended by adding at the end the following new subsections:

"(h) A qualifying House of Representatives candidate shall not make expenditures derived from personal funds of such candidate in excess of $75,000 with respect to an election for the Office of Representative in, or Delegate or Resident Commissioner to, the Congress.

"(i)(1) Except as provided in paragraph (2), (3), or (4), a qualifying House of Representatives candidate shall not make expenditures in excess of—

"(A) $550,000 with respect to a general or special election (and any primary election relating to such general or special election) for the office of Representative in, or Delegate or Resident Commissioner to, the Congress;

"(B) $300,000 with respect to a primary election for such office, except that, if under State law, a candidate who receives a majority of votes in the primary election is elected to the office involved and in such case there is no general election, the limitation with respect to such primary election shall be $400,000; or

"(C) $100,000 with respect to a runoff election for such office.

"(2) If any candidate in an election referred to in paragraph (1) (other than a qualifying House of Representatives candidate) receives contributions or makes expenditures aggregating more than $200,000—

"(A) such candidate shall so notify the commission within 72 hours; and

"(B) the limitation under that paragraph shall not apply to any candidate in the election.

"(3) Each limitation established by paragraph (1) shall be adjusted in the manner provided in subsection (c), except that—

"(A) such adjustment shall be made with respect to each 4-year period beginning after calendar year 1992;

"(B) such adjustment shall be rounded to the nearest $1,000;

"(C) the price index average shall be computed for each 4-year period ending before a presidential election year; and

"(D) the applicable base period shall be the 4-year period ending with calendar year 1992.

"(4) If, in a primary election with respect to a general election, a qualifying House of Representatives candidate—

"(A) receives the greatest number of votes and becomes the nominee of the political party involved; and

"(B) receives less than 66.7 percent of the total number of votes cast in the primary election;

the limitation applicable to the qualifying House of Representatives candidate under paragraph (1)(A) shall be increased by 30 percent except that the total of expenditures of the candidate with respect to the general election may not exceed $550,000.

"(5) In computing expenditures for purposes of paragraph (1), no amount of legal or accounting fees shall be taken into account.

"(6) In computing expenditures for purposes of paragraph (1)—

"(A) expenditures for broadcasting, newspapers, magazines, billboards, mail, and similar types of general public adverting shall be allocated to the election time period during which the advertising appears; and

"(B) other expenditures shall be allocated to the election period in which the expenditure is made.

"(j)(1) Any qualifying House of Representatives candidate who makes expenditures that exceed a limitation under subsection (h) or subsection (i) by 5 percent or less shall pay to the Commission, for deposit in the Treasury as miscellaneous receipts, an amount equal to the amount of the excess expenditures.

"(2) Any qualifying House of Representatives candidate who makes expenditures that exceed a limitation under subsection (h) or subsection (i) by more than 5 percent and less than 10 percent shall pay to the Commission, for deposit in the Treasury as miscellaneous receipts, an amount equal to three times the amount of the excess expenditures.

"(3) Any qualifying House of Representatives candidate who makes expenditures that exceed a limitation under subsection (h) or subsection (i) by 10 percent or more shall pay to the Commission, for deposit in the Treasury as miscellaneous receipts, an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.".

SEC. 109. LIMITATION ON ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 107(b) and 108 of this Act, is further amended by adding at the end the following new subsection:

"(k) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and the authorized political committees of such candidate, may not accept any contribution from a political committee with respect to—

"(1) a general or special election (and any primary election relating to such general or special election) for such office which exceeds 50 percent of the limitation specified in subsection (i)(1)(A) when added to the total of contributions previously made by political committees to such candidate and the authorized political committees of such candidate with respect to the general or special election (and any primary election relating to such general or special election); or

"(2) a runoff election for such office which exceeds 50 percent of the limitation specified in subsection (i)(1)(C) when added to the total of contributions previously made by political committees to such candidate and the authorized political committees of such candidate with respect to such election.".

SEC. 110. ALL CONTRIBUTIONS IN ELECTIONS FOR FEDERAL OFFICE TO BE SUBJECT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 107(b), 108, and 109 of this Act, is further amended by adding at the end the following new subsection:

"(l) No candidate or authorized political committee of a candidate may accept any contribution with respect to an election for Federal office if the gift, subscription, loan, deposit, thing of value, or payment constituting the contribution is given or made with respect to an election for State office or otherwise is not subject to this Act.".

SEC. 111. INTERMEDIARY OR CONDUIT AMENDMENTS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended—

(1) by redesignating paragraph (8) as paragraph (8)(A);

(2) in the first sentence of paragraph (8)(A), as so redesignated by paragraph (1), by striking out "For purposes" and inserting in lieu thereof Except as provided in subparagraphs (B) and (C), for purposes";

(3) in the second sentence of paragraph (8)(A), as so redesignated by paragraph (1), by striking out "The" and inserting in lieu thereof "In addition to any other report required by law, the"; and

(4) by adding at the end the following:

"(B) Except as provided in subparagraph (C), a contribution made by a person through an intermediary or conduit, as de-

scribed in subparagraph (A), shall be treated as a contribution by that person and as a contribution by the intermediary or conduit, if—

"(i) the contribution is in the form of a check or other negotiable instrument made payable to the intermediary or conduit; or

"(ii) the intermediary or conduit is a political committee, an officer, employee, or other agent of such a political committee, or an officer, employee, or other agent of a connected organization acting in its behalf.

"(C) Subparagraph (8) shall not apply to—

"(i) bona fide joint efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event by (I) two or more candidates, or (II) two or more national, State, or local committees of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate.".

SEC. 112. ENCOURAGEMENT AMOUNTS TO BE TREATED AS CONTRIBUTIONS.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 111, is further amended by adding at the end of the following:

"(10) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not such individual becomes a candidate.".

SEC. 113. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by sections 111 and 112, is further amended by adding at the end the following new paragraph:

"(11) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 114. APPLICATION OF LIMITATIONS AND REPORTING REQUIREMENTS TO CERTAIN AMOUNTS NOT DEFINED AS CONTRIBUTIONS OR EXPENDITURES UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"APPLICATION OF LIMITATIONS AND REPORTING REQUIREMENTS TO CERTAIN AMOUNTS NOT DEFINED AS CONTRIBUTIONS OR EXPENDITURES

"SEC. 324. (a) Any amount received or used by a State or local committee of a political party for an excluded payment shall be subject to limitation and reporting under this Act as if such amount were a contribution or expenditure, as applicable. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act.

"(b) As used in this section, the term 'excluded payment' means—

"(1) any payment, including any part of such payment that is for a State or local candidate or political activity, that, under clause (x) or clause (xii) of section 301(8)(8), is excluded from the definition of the term 'contribution' and

"(2) any payment, including any part of such payment that is for a State or local candidate or political activity, that, under clause (viii) or clause (ix) of section 301(9)(8), is excluded from the definition of the term expenditure.".

SEC. 115. PROVISIONS RELATING TO SEPARATE SEGRATED FUNDS.

Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) in subparagraph (8), by striking out "and" after the semicolon;

(2) by striking out subparagraph (C) and inserting in lieu thereof the following: "(C) the costs of establishment, for political purposes of a separate segregated fund by a corporation, labor organization, membership organization cooperative, or corporation without capital stock; and (D) administration and solicitation costs of such a fund, if amounts disbursed from the fund are used solely for communication or campaign costs under subparagraph (A) or (B), contributions with respect to elections for Federal or State office, or nonelection-related purposes.".

SEC. 116. DISCLOSURE IN SOLICITATIONS BY CERTAIN UNAUTHORIZED COMMITTEES.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by adding at the end the following new subsection;

"(c) Whenever any political committee (other than an authorized committee or a committee of a political party) makes a communication that is a solicitation for contributions with respect to an election for Federal office, such person shall include in the communication a clear statement that neither the committee nor the communication is authorized by a candidate or under the control of a candidate.".

SEC. 117. SPECIFIC DISCLOSURE REQUIREMENTS FOR CERTAIN COMMUNICATIONS.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) as amended by adding at the end the following new subsections;

"(d) A communication described in subsection (a)(I) or subsection (a)(2) that is broadcast over a television station shall include a photographic or similar image of the candidate. The image shall be—

"(1) readily identifiable as that of the candidate;

"(2) accompanied by the following statement: 'Paid for by . takes full responsibility for the content of this advertisement.', with the blanks to be filed in with the name of the political committee or other person paying for the communication, and the name of the candidate, respectively;

"(3) shown for a period of at least 4 seconds; and

"(4) of sufficient size to cover at least one-third of the television screen.

"(e) A statement described in subsection (a)(3) that is broadcast over a television station shall be—

"(1) in the following form: 'Paid for by . Not authorized by any candidate.', with the blank to be filled in with the name of the person paying for the communication and the name of any connected organization of that person;

"(2) shown continuously throughout the communication; and

"(3) of sufficient size to be clearly visible to the viewer.

"(f) Any statement described in subsection (a) that is contained in a newspaper, magazine, direct mailing, or other printed communication shall—

"(1) afford a reasonable degree of color contrast between the statement and the background of the communication; and

"(2) be printed in a minimum uniform character height of 0.20 inch.

"(g) A communication described in subsection (a)(I) or subsection (a)(2) that is broadcast over a radio station shall include the following statement: 'Paid for by ————. ———— takes full responsibility for the content of this advertisement.', with the blanks to be filled in with the name of the political committee or other person paying for the communication, and the name of the candidate, respectively.

"(h) A statement described in subsection (a)(3) that is broadcast over a radio station shall be in the following form: 'Paid for by ————. Not authorized by any candidate.', with the blank to be filled in with the name of the person paying for the communication and the name of any connected organization of that person.".

SEC. 118. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as an agent of a candidate, a political committee, or a political party.".

SEC. 119. CONTRIBUTION LIMITATIONS FOR SMALL DONOR POLITICAL COMMITTEES; ELIMINATION OF SPECIAL CONTRIBUTION LIMITATIONS FOR MULTICANDIDATE POLITICAL COMMITTEES.

(a) IN GENERAL.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended to read as follows:

"(2) A small donor political committee may make contributions to any candidate for Federal office and the authorized political committees of such candidate with respect to an election which, in the aggregate, do not exceed $5,000.".

(b) DEFINITION.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(20) The term small donor political committee means a political committee that has been registered under section 303 for at least 6 months, has received contributions from more than 50 persons, has made contributions to 5 or more candidates for Federal office, accepts contributions only from individuals, and does not accept contributions totaling more than $240 from any single individual in a calendar year.".

(c) CONFORMING AMENDMENTS.—

(1) Section 315(a)(I) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended by striking out "No" and inserting in lieu thereof "Except as provided in paragraph (2), no".

(2) Section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(4)) is amended by striking out the second sentence.

SEC. 120. CLARIFICATION RELATING TO CERTAIN CONTRIBUTIONS.

Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by adding at the end the following new sentence:

"For purposes of clause (i), a gift or other item referred to in that clause is for the purpose of influencing an election for Federal office if it is given in response to a solicitation that states or implies that it is to be used for that purpose, whether or not, by document or otherwise, the gift or other item is characterized as being for another purpose.".

SEC. 121. COORDINATED EXPENDITURES TO BE MADE ONLY FROM AMOUNTS SUBJECT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended by adding at the end the following new paragraphs:

"(4) Any expenditure under this subsection may consist only of amounts that—

"(A) as received by the committee making the expenditure, are subject to limitation and reporting under this Act; and

"(B) are paid from an account that is subject to the requirements of this Act.

"(5) If any part of an expenditure is for a purpose provided for under this subsection, the entire expenditure (including any part for a State election or other purpose) shall be subject to the applicable limitation under this section.".

SEC. 122. ADDITIONAL EXCLUSIONS FROM THE DEFINITIONS OF CONTRIBUTION AND EXPENDITURE.

(a) CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking out "and" at the end of clause (xiii);

(2) by striking out the period at the end of clause (xiv); and

(3) by adding at the end the following new clauses:

"(xv) any amount for a candidate for other than Federal office;

"(xvi) any amount in connection with a State or local political convention;

"(xvii) any campaign activity, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that is exclusively on behalf of State or local candidates;

"(xviii) administrative expenses of a State or local committee of a political party, including expenses for overhead, staff (other than individuals devoting a substantial portion of their activities to elections for Federal office), meetings, and conducting party elections or caucuses;

"(xix) research pertaining solely to State and local candidates and issues; and

"(xx) maintenance of voter files.".

(b) EXPENDITURE.—Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) by striking out "and" at the end of clause (ix);

(2) by striking out the period at the end of clause (x); and

(3) by adding at the end the following new clauses:

"(xi) any amount for a candidate for other than Federal office;

"(xii) any amount in connection with a State or local political convention;

"(xiii) any campaign activity, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that is exclusively on behalf of State or local candidates;

"(xiv) administrative expenses of a State or local committee of a political party, including expenses for overhead, staff (other than individuals devoting a substantial portion of their activities to elections for Federal office), meetings, and conducting party elections or caucuses;

"(xv) research pertaining solely to State and local candidates and issues; and

"(xvi) maintenance of voter files.".

SEC. 123. ADDITIONAL REPORTING REQUIREMENTS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsections:

"(d)(1) In addition to any other report required by law, each State committee of a political party shall file with the Commission—

"(A) any report of non-Federal receipts and disbursements filed by the committee under State law; and

"(B) such supplementary material as the Commission may require to assure compliance with this Act.

"(2) Each national committee of a political party shall file, as part of each report to the Commission, a statement of all receipts and disbursements by the committee in the reporting period, including receipts and disbursements for non-Federal purposes.

"(e)(1) Any individual who makes contributions that are subject to limitation under section 315(a) (3) shall report to the Commission in accordance with paragraphs (2) and (3) the information specified in paragraph (4).

"(2) Not later than 7 days after making contributions aggregating $20,000 or more, but less than $25,000, in a calendar year, the individual shall report to the Commission the information specified in paragraph (4).

"(3) Not later than 7 days after making contributions aggregating $25,000 in a calendar year, the individual shall report to the Commission, with respect to contributions not previously reported under paragraph (2), the information specified in paragraph (4).

"(4) The information required to be reported under this subsection is as follows: (A) the name of the person making each contribution, (B) the amount and recipient of each contribution.".

SEC. 124. TRANSFERS BETWEEN ELECTIONS.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 107(b), 108, 109, and 110 of this Act, is further amended by adding at the end the following new subsection:

"(m) Notwithstanding any other provision of this Act or any other law, a candidate may transfer any unexpended campaign funds for use with respect to any later election.".

TITLE II—AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934 AND TITLE 39, UNITED STATES CODE

SEC. 201. AMENDMENT TO SECTION 312(a) OF THE COMMUNICATIONS ACT OF 1934, RELATING TO DISCRIMINATION AGAINST CONDIDATES.

Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended—

(1) in paragraph (6), by striking out "or" after the semicolon;

(2) in paragraph (7), by striking out the period at the end and inserting in lieu thereof "; or"; and

(3) by adding at the end the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class, or period of time made available to such candidate on behalf of his candidacy.".

SEC. 202. AMENDMENT TO SECTION 315 OF THE COMMUNICATIONS ACT OF 1934, RELATING TO CANDIDATE ACCESS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following new subsection:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

SEC. 203. AMENDMENTS TO SECTION 315 OF THE COMMUNICATIONS ACT OF 1934, RELATING TO USE OF BROADCASTING STATIONS BY CANDIDATES.

(a) USE OF BROADCASTING STATION.—Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended—

(1) by striking out "or" after the comma at the end of paragraph (3);

(2) by inserting "or" after the comma at the end of paragraph (4); and

(3) by adding after paragraph (4), the following:

"(5) debate between candidates,".

(b) CHARGES.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by striking out "exceed—" and all that follows through the end of the subsection and inserting in lieu thereof the following: "exceed the charges for comparable use of such station by other users. In determining charges to legally qualified candidates for public office, a licensee may not take into consideration any charge for special or nontypical commercial use by other users.

(c) ADDITIONAL TIME.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by section 202, is further amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) If, with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, a licensee permits a qualifying House of Representatives candidate to purchase time for at least 2 political advertisements on a broadcasting station or cable system, the licensee shall make additional time for political advertisements on such broadcasting station or cable system available to such candidate in accordance with paragraph (2).

"(2) The time so made available shall be—

"(A) without additional cost to the qualifying House of Representatives candidate; and

"(B) equal in market value to one-half of the market value of the total time purchased.

"(3) As used in this subsection—

"(A) the term 'cable system' has the meaning given that term in section 602;

"(B) the term 'licensee', where used with respect to a cable system, means the operator of such system; and

"(C) the term 'qualifying House of Representatives candidate' has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971.".

(d) EQUAL OPPORTUNITIES PROVISION.—Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)), as amended by subsection (a), is further amended by adding at the end the following new sentence: "In affording equal opportunities to candidates under this subsection, a licensee is not required to make time available to a candidate without cost because additional time is made available to a qualifying House of

Representatives candidate under subsection (c).

SEC. 204. AMENDMENT TO SECTION 315 OF THE COMMUNICATIONS ACT OF 1934 RELATING TO DISCLOSURE REQUIREMENTS FOR CERTAIN POLITICAL COMMUNICATIONS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by sections 202 and 203, is further amended by adding at the end the following new subsection:

"(g) A licensee may not permit any use of a broadcasting station for a communication that is not in compliance with subsections (d), (e), (g), and (h) of section 318 of the Federal Election Campaign Act of 1971.".

SEC. 205. AMENDMENTS TO TITLE 39, UNITED STATES CODE, RELATING TO POSTAL RATES FOR CERTAIN ELECTION MATERIALS.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following new section:

"§ 3629. Reduced rates for certain House of Representatives candidates

"(a) The rates of postage for matter mailed with respect to a campaign by qualifying House of Representatives candidate (as defined in section 301 of the Federal Election Campaign Act of 1971) shall—

"(1) in the case of first-class mail matter, be one-half of the rates otherwise applicable to such matter under this title; and

"(2) in the case of bulk third-class mail matter, be the same as the rates of postage for a qualified political committee under section 3626 of this title.

"(b) The reduced rates provided under subsection (a) of this section shall be available only with respect to matter mailed during the 90-day period ending on the day before the date of the election involved.".

(b) REVENUES FORGONE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) of this title," and inserting in lieu thereof "3626(a)-(h), and 3629 of this title.

(2) OTHER AUTHORITY.—Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title, and inserting in lieu thereof 3626, or 3629 of this title".

(c) AMENDMENT TO DEFINITION OF QUALIFIED POLITICAL COMMITTEE FOR CERTAIN RATE REDUCTIONS.—Section 3626(e)(2) of title 39, United States Code, is amended to read as follows:

"(2) As used in this subsection, the term qualified political committee means the principal campaign committee of a qualifying House of Representatives candidate (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(d) TECHNICAL AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain House of Representatives candidates.

SEC. 206. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986 RELATING TO THE CREDIT FOR CONTRIBUTIONS TO CERTAIN QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

"SEC. 24. CONTRIBUTIONS TO CERTAIN QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the total of contributions to qualifying House of Representatives candidates which are made by the taxpayer during the taxable year, with respect to elections in the State of which the taxpayer is a resident.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $50 ($100 in the case of a joint return under section 6013).

"(2) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any qualified political contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section, the terms 'contribution' and 'qualifying House of Representatives candidate' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971.".

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of such Code (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following new subsection:

"(j) CREDIT FOR POLITICAL CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 24.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 23 the following new item:

"Sec. 24. Contributions to certain qualifying House of Representatives candidates.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 207. AMENDMENT TO SECTION 9003 OF THE INTERNAL REVENUE CODE OF 1986.

Section 9003 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(e) SPECIAL CONDITION RELATING TO NONACCEPTANCE OF CERTAIN FUNDS.—An individual who is a candidate referred to in subsection (a) shall not be eligible to receive any payment under section 9006 with respect to a presidential election, if, during any period in which the individual is a candidate (as defined in section 9001 or 9032) with respect to the election—

"(1) the individual directly or indirectly solicits or receives funds in connection with an election for Federal office or other political office; and

"(2) such funds are not subject to limitation and reporting under the Federal Election Campaign Act of 1971 or are allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to that Act.".

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections for Federal office beginning with the general election of November 3, 1992 (and any primary election relating to such general election).

The CHAIRMAN. Only the following amendments to said substitute are in order and they shall be considered in the following order:

First, the amendments printed in part 2 of House Report 101-659, which shall be considered en bloc and shall not be subject to a demand for a division of the question; and

Second, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of August 2, 1990, submitted by the gentleman from Illinois [Mr. MICHEL].

Said amendments shall be debatable for 1 hour each, equally divided and controlled by the proponent and a Member opposed, and shall not be subject to amendment.

AMENDMENTS EN BLOC OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, pursuant to the rule, I offer amendments en bloc.

The Clerk read as follows:

Amendment en bloc offered by Mr. SYNAR:

In section 315(k)(1) of the Federal Election Campaign Act of 1971, as proposed to be added by section 109, strike out "50 percent" and insert in lieu thereof "40 percent".

In section 315(k)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 109, strike out "50 percent" and insert in lieu thereof "40 percent".

At the end of title I, add the following new sections:

SEC. 125. LIMITATION ON ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS, OTHER THAN SMALL DONOR POLITICAL COMMITTEE CONTRIBUTIONS, BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 107(b), 108, 109, and 110 of this Act, is further amended by adding at the end the following new subsection:

"(m) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and the authorized political committees of such candidate, may not, with respect to an election, accept contributions from political committees (other than small donor political committees) in excess of 10 percent of the limitation specified in subsection (i)(1)(A).".

SEC. 126. REDUCTION IN LIMITATION AMOUNT FOR INDIVIDUAL CONTRIBUTIONS TO CANDIDATES.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking out "$1,000" and inserting in lieu thereof "$500".

SEC. 127. FEDERAL ELECTION COMMISSION TO MAINTAIN CERTAIN REPORT INFORMATION IN COMPUTER FORMAT.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 125 of this Act, is further amended by adding at the end the following new subsection:

"(f) The Commission shall—

"(1) maintain computer files of the report information referred to in subparagraphs (A) and (B) of paragraph (3) of subsection (b); and

"(2) make such files available to the public by remote access at reasonable cost.".

SEC. 128. NEW TITLE OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—VOLUNTARY EXPENDITURE LIMITATIONS AND PARTIAL PUBLIC FINANCING FOR QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATES IN GENERAL ELECTIONS

"ELIGIBILITY FOR PAYMENTS

"SEC. 501. (a) To be eligible to receive payments under section 504, a qualifying House of Representatives candidate shall, at the time of filing the statement of organization under section 303(b), agree in writing that the candidate and the candidate's authorized committees—

"(1) will deposit all payments received under this section in a separate checking account in a depository institution referred to in section 302(h)(1), which shall contain only amounts so received and from which all expenditures of such amounts shall be made;

"(2) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(3) will cooperate in any audit and examination conducted by the Commission under section 505;

"(b) To be eligible to receive payments under section 504, a qualifying House of Representatives candidate shall certify to the Commission that—

"(1) the candidate and at least one other candidate have qualified for the general election ballot under State law; and

"(2) subject to subsection (c), the candidate has received $25,000 in contributions with respect to the general election (and any primary election relating to the general election) from individual residents of the State in which the general election is held.

"(c) For purposes of subsection (b), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a contribution of money made by a written instrument which identifies the individual making the contribution shall be taken into account;

"(2) no contribution by an intermediary or conduit under section 315(a)(8) shall be taken into account; and

"(3) no contribution shall be taken into account to the extent such contribution exceeds $50 when added to the amount of all other contributions made by the individual with respect to the election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 502. (a) An eligible candidate shall be entitled to—

"(1) matching payments under section 504 in an amount equal to the amount of contributions received by the candidate and the candidate's authorized committees, except that such payments may not exceed $100,000, and, in determining the amount of such contributions, the provisions set forth in subsection (c) of section 501 shall apply (except that the limitation in paragraph (3) of that section shall apply on a calendar year basis and only contributions from individual residents of the State in which the general election is held shall be taken into account); and

"(2) additional payments under section 504 in the amount of one dollar for each dollar of matching payments which a candidate is eligible to receive under paragraph (1), if any candidate (other than a qualifying House of Representatives candidate) receives aggregate contributions or makes aggregate expenditures in excess of $200,000 with respect to the general election.

"(b) Payments received by a candidate under this section shall be used only to defray expenditures incurred with respect to the general election for such candidate. Such payments shall not be used to make any expenditures other than expenditures to further the election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 503. (a) Not later than one week after an eligible candidate files a request with the Commission to receive a payment under section 502, the Commission shall certify to the Secretary of the Treasury the eligibility of the candidate for payment in full of the amount to which the candidate is entitled. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with the procedures, as the Commission may provide by regulation;

"(2) a verification, signed by the treasurer of the principal campaign committee of the candidate, stating that the information furnished in support of the request is correct and complies with the requirements of this title; and

"(3) a request for a payment for at least $10,000 except for the final payment request which may be for a lesser amount, if such request is filed for a payment under section 502(a)(1).

"(b) The Commission may not delay a certification under this section, unless the Commission determines that the request filed by the candidate is clearly incorrect.

"(c) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"ESTABLISHMENT OF ACCOUNT; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 504. (a) The Secretary shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the House of Representatives Election Campaign Account. The Secretary shall deposit in the account, for use by eligible candidates, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The amounts designated for such account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 503, the Secretary shall promptly pay to the candidate from the account the amount certified by the Commission.

"(c) If at the time of a certification by the Commission under section 503 for payment to an eligible candidate, the Secretary determines that the moneys in the account are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from such payment the amount necessary to assure that each eligible candidate will receive a pro rata share of the candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient moneys in the account to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the account to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives a pro rata share of the full entitlement.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 505. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. In selecting the accounts to be examined and audited, the Commission shall select all candidates in a general election where any eligible candidate is selected for examination and audit.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all candidates in the election if any candidate is an eligible candidate to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any significant amount of a payment to a candidate under this title was not used as provided for in this title, the Commission shall so notify the candidate and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount involved.

"(d) The Secretary shall deposit all payments received under this section in the House of Representatives Election Campaign Account.

"JUDICIAL REVIEW

"SEC. 506. (a) Any agency action by the Commission made under this title shall be subject to review by the United States District Court for the District of Columbia upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 507. (a) The Commission is authorized to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 505 to be payable to the Secretary.

"(b) The Commission is authorized to petition the courts of the United States for such

injunctive relief as is appropriate to carry out this title.

"(c) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 508. The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the amounts certified by the Commission under section 503 for payment to each eligible candidate; and

"(2) the balance in the Presidential Election Campaign Fund and any account maintained in such Fund.".

At the end of title II, add the following new sections:

SEC. 208. INCREASE IN PRESIDENTIAL ELECTION CAMPAIGN FUND INCOME TAX CHECKOFF.

(a) IN GENERAL.—Section 6096(a) of the Internal Revenue Code of 1986 is amended by striking out "$1" each place it appears and inserting in lieu thereof "$3" and by striking out "$2" and inserting in lieu thereof "$3" and by striking out "$2" and inserting in lieu thereof "$6".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to income tax liability for taxable years beginning after December 31, 1990.

SEC. 209. REPORT TO CONGRESS ON THE EFFECTIVENESS OF CERTAIN REPORTING AND DISCLOSURE REQUIREMENTS OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Not later than 6 months after the date of the enactment of this Act, the Federal Election Commission shall submit to the Congress a report containing—

(1) an analysis of the effectiveness of the provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that require reporting and disclosure of the occupation and employer of an individual who makes contributions subject to that Act;

(2) a description of any administrative action the Commission intends to implement to improve compliance with such requirements; and

(3) a draft of legislation (including technical and conforming provisions) recommended by the Commission to improve the provisions referred to in paragraph (1).

In lieu of title III, insert the following:

TITLE III—EFFECT OF PARTIAL INVALIDITY, EFFECTIVE DATE, AND SUNSET PROVISIONS

SEC. 301. EFFECT OF PARTIAL INVALIDITY.

If any amendment made by section 109, 126, 127, 129, or 208, or the application of such amendment with respect to any person or circumstance, is held invalid by a final decision of the courts of the United States, no amendment made by any such section and no application of any such amendment shall be valid with respect to any person or circumstance, and, from and after the effectiveness of such decision, the provisions of law amended by such sections shall be in effect as if this Act had not been enacted.

SEC. 302. EFFECTIVE DATE AND SUNSET PROVISIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections for Federal office beginning with the general election of November 3, 1992 (and any primary election relating to such general election).

(b) SPECIAL RULE AND SUNSET PROVISION.—The amendments made by sections 109, 126, 127, and 129, shall take effect on January 1, 1991, and shall cease to have effect on January 1, 1999, unless extended by law. The amendments made by such sections and the amendment made by section 208 shall be repealed, effective January 1, 1999, unless extended by law, and from and after such repeal, the provisions of law amended by such sections, including section 208, shall be effective as if this Act had not been enacted.

Mr. SYNAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma [Mr. SYNAR] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the cosponsor of the amendments.

The CHAIRMAN. Before the gentleman from Wisconsin [Mr. OBEY] proceeds, does the gentleman from Minnesota [Mr. FRENZEL] seek the time in opposition?

Mr. FRENZEL. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. FRENZEL] will be recognized for 30 minutes in opposition to the amendments en bloc offered by the gentleman from Oklahoma [Mr. SYNAR].

Mr. OBEY. Mr. Chairman, the purpose of this amendment is to strengthen the Swift package, which we fully support, and weaken the clout of the high rollers in this country on American politics, especially within this Chamber, and give average Americans a better opportunity than they have had over the last 15 years to actually have their voices heard on this floor.

Mr. Chairman, the amendments limit the amount of campaign spending which candidates may take from PAC's to 40 percent, and it imposes a further limit on PAC's by saying that only 10 percent of their campaign money can come from any PAC that accepts a contribution larger than $240. It cuts the maximum individual contribution allowed from $1,000 to $500. It provides that every $50 contribution from an individual within a State, $50 or less, will be matched with public financing. The public financing portion of this package is temporary, it is limited, and it is voluntary. It is temporary because it sunsets in 8 years so that we, in effect, say to the American public that we are not making a judgment on the public financing system. This is an idea which will be tested to help cleanup campaign financing. We are going to test it. It sunsets unless the public demonstrates dramatic support for it, which would lead the Congress to renew it. It is voluntary because, if a taxpayer does not want his taxpayer dollars used for this, he simply does not check the box, and his tax money is not used. My colleagues would have to go through the private sector and first obtain contributions in the private sector from individuals of less than $50 before we can receive any match.

Mr. Chairman, I have been in the business of campaign finance reform for about 15 years. The last bill that passed the House that would have been a major transformation of the campaign law was the Obey-Railsback bill in the 1970's. This package tonight in many ways reflects a lot of what I have learned over that 15-year period.

Mr. Chairman, one thing I have learned is that the issue is not whether one gives individually or through PAC's. The issue is how much influence the very wealthiest people in this society have on the political process, whether they give individually or collectively.

We could have zeroed out PAC's. Only two problems with that. First, it is clearly unconstitutional, and, secondly, PAC's are changing the way they do business, and so it would have no practical effect.

I had one PAC director in my own State tell me, "OBEY, 5 years from now we're not going to contribute a single dime through our PAC. The way we do it is we send out our message, mailings, seven or eight times a year, tell the people who the good guys are, who the bad guys are. We work through our local organizers. We get a pretty good idea whose going to contribute how much, and then, after filing day, we said, 'OK, boys, hit the button,' money goes out to the candidate, it never runs through the PAC, but it was delivered by the PAC nonetheless."

So, Mr. Chairman, as a practical matter, I have learned, as a prime mover and campaign reformer for 15 years, that, if we zero out PAC's, we do nothing but drive the money trail underground. We are fooling ourselves. We would hide where the money comes from and where it goes.

Second, Mr. Chairman, we would not solve the problem. Drexel-Burnham, for instance, contributed $122,000 from their PAC's last year to help candidates. They contributed $300,000 through individual corporate office holders. Solomon Brothers contributed $120,000 through their PAC last year. They contributed $280,000 through individual corporate executive contributions.

So, Mr. Chairman, we do not solve the problem that way.

There is another phony argument which goes, "Why don't you lower the PAC level to $1,000 instead of $5,000?"

Mr. Chairman, I will tell my colleagues what that means. That means, if there are 100 guys working in a papermill, they get together and, through their PAC's, contribute $10 apiece so it can go to their Congressman. They have $1,000. It means one guy in the front office making $100,000 can cancel out the contributions of 100 guys who work every day in the shop for a living. That is not a balanced system. That is not fair. That is what the Republicans are trying to set up in their package.

Mr. Chairman, the fact is that Mr. Keating and his associates, Keating of the S&L scandal, did not exercise his influence through PAC's. Keating and a bunch of his cronies got together, contributed $200,000 individual contributions of $750 or more.

The key to successful campaign finance reform is balance. What our amendment does is to bring PAC's down to 40 percent of the allowable spending level, and then it says that you get the difference, not by going to the highest income people, in this country as the Republican plan would encourage, but you get the difference by going to regular people through this country, and ask them for a tiny contribution, $50 or less, so that we truly spread the influence around, down to the average family in the country. We help them maximize their ability to compete with the big boys. We help them to maximize their ability to compete with the well-off and the well-connected. That is what campaign finance reform ought to be.

The test is whether we limit the influence of the wealthy. The test is whether we stop turning elections into auctions. This amendment meets both tests because, together with the spending limits—which are crucial if we want to reform politics—it helps to take all political candidates, both incumbents and nonincumbents, off the money trail. It democratizes the system. It recognizes that we have legitimate interests in this country. But it requires balance with other individual forces.

Most of all, Mr. Chairman, it reduces the influence of the wealthiest 1 percent of people in this country who have dominated tax policy, dominated regulatory policy, dominated all other policy, in this country for the last 10 years, a decade of excess, a decade of ripoffs, which came about in very large part because the wealthiest people in this country have the most influence. That is what this amendment will help bring to an end.

Mr. Chairman, I urge my colleagues' support.

Mr. FRENZEL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, it is interesting to note that the wealthiest people in this country have controlled politics and elected this wonderful Democrat majority over here. I hope they are enjoying the base of their support.

Mr. Chairman, we have here a pretty simple matchup. It is a little more difficult to compare Michel and Swift because the rule forces us to look at comprehensive packages and compare one against the other. Obey-Synar is pretty simple because all it does is lay the Swift bill a series of new costs, new expenses, for the taxpayer.

□ 2000

It has been said by some of the speakers here, although I was surprised to hear it, that the public would like to have the taxpayers pay the costs of the same old Members of Congress getting reelected.

Mr. Chairman, for 10 years, between 1977 and 1986, an institution called the Civic Service Inc. made a poll and they asked the same question. The question was:

> It has been proposed in Congress that the Federal Government provide public financing for congressional campaigns for the U.S. House of Representatives and the Senate. Would you approve or disapprove of the proposal to use public funds, Federal money, to pay the cost of congressional campaigns and how strongly do you feel?

Now, the strongest the public felt in favor of that was in 1977, when 32.5 percent approved and the strongest disapproval was registered in 1986, when 70.6 percent disapproved. As a matter of fact, the figures were so close over the 10 years that polling was abandoned because it was quite clear that the public had a pretty clear and certain opinion that taxpayer financing of elections was a bad deal.

Looking at the last year, one might say, well, probably all Republicans were opposed and some of us wonderful Democrats were for it. Actually, the Republicans were opposed by 72.2 percent and the Democrats slightly higher in opposition at 74.3 percent.

Now, that is one example of the popularity of taxpayer financing of elections. It just is not there. The people do not want their elections controlled by the bureaucracy and they expect that the incumbents are going to feather their own nests with the taxpayers' money.

But there is a better poll of whether people like taxpayer funding of elections. It occurs each April 15, or as close to that as you file your income tax. That is: How many people check off on their income tax that they want a buck to go into the Federal fund to pay for Presidential elections?

Now, at no time has that number gone over 30 percent, and in the last year, last year only 20 percent of Americans checked off, 80 percent decided it was a lousy idea, and the 20 percent who voted for it did so secure in the knowledge that they did not have to pay the extra dollar.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. FRENZEL. I yield briefly to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would ask the gentleman what percentage of Americans give individually to any candidate for public office? Is it not considerably less than the 20 percent who check off on the income tax? Does not the income tax checkoff have a far better record of participation than the other system in existence now?

Mr. FRENZEL. I do not have the figures, but it is pretty hard to avoid the checkoff when it is stuck on your tax form and sent to your house, and yet 80 percent of those who get it manage to avoid it. It is astonishing.

Now, I cannot send an appeal to everybody in my district, so I do not know how to compare those who contribute to me with those who contribute or think they contribute through the checkoff.

But, Mr. Chairman, I want to go deeper than that. I want to go to the States which had systems that said, OK, you can participate through your tax form, but it will cost you some money.

The State of Maine has such a program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 additional minute.

Its participation rate is 1.06 percent. I doubt the gentleman from Wisconsin will challenge that private contributions are less than 1.06 percent.

Massachusetts, another late great State, has less than 2 percent.

The chairman's own State of Maryland used to have a program, but it did not work. Nobody contributed to it, so they threw it in the ashcan. In fact, they still have $2 million laying around somewhere that they do not know what to do with.

The CHAIRMAN. The gentleman is correct.

Mr. FRENZEL. Well, that is the public approval of this wonderful system of public financing.

I want to get to one other point about public financing, and that is the cost. It is not just what you give to the candidates, the same old people who have been in Congress before that is the cost; CBO has estimated that cost from $25 million in 1987. But there is also the extra cost of administration.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FRENZEL. Mr. Chairman, I yield myself 1 additional minute.

Here are some little epic works that the Federal Election Commission has produced for Presidential candidates.

Presidential candidates must be audited by the system, and as of now we do not have about half the audits completed for 1988. Now 1988 was a couple of years ago. Still, the following minor campaigns in that Presidential election are not completed: Bush-QUAYLE, Dukakis-BENTSEN, GEPHARDT, ROBINSON, Kemp, DOLE, Dukakis, SIMON, and Bush.

The reason we have not done them is that we don't have the money or manpower to do it. Now, the amendment of the gentleman from Wisconsin requires 10 percent of the total campaigns to be audited, which means that we will never finish those audits either. But we will spend a pretty penny trying.

Now, any way you slice it, the taxpayer financing of Federal elections is a loser and it ought to lose tonight.

Mr. Chairman, I reserve the balance of my time.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN], whose distinguished service on this issue has been so critical to us coming to this point tonight.

Mr. GLICKMAN. Mr. Chairman, today I urge my colleagues to take a courageous step. I urge us all to take a step outside the money ring which circles all of us and which has strangled Congress for the last decade. Obey-Synar is the most profound and intellectually consistent of all the proposals.

By adopting public financing based on an in-State match, and by lowering the amount of large contributions we are reversing the trend toward private ownership of campaigns and moving toward public input. We must show the American people that the public interest, not the accumulation of big monied interests is paramount in this country. This proposal democratizes the system.

Thomas Jefferson said, "When a man assumes a public trust, he should consider himself as public property." As trustees of the public interest, we should be beholden to the people who elect us, and that is why public financing is critical to this proposal and to reinvigorating the public's desire to participate in the democratic process.

For people who are worried about the costs of public financing of congressional campaigns, which is minimal, consider the cost of the current system of private financing. Consider the taxpayer costs of the savings and loan bailout or the defense spending overruns, or Federal tax policies developed in large part, by wealthy Americans who pay little or no taxes, in part encouraged by campaign contributions from those industries. In truth, the real bargain for the taxpayers is to adopt this amendment. Vote for it. It is probably the most important vote we will cast this year.

Mr. SYNAR. Mr. Chairman. I yield 1 minute to the gentleman from Ohio [Mr. ECKART], who has made it possible for us to be here tonight with the Synar-Obey amendment.

Mr. ECKART. Mr. Chairman. I appreciate my colleague yielding me this time.

Let us compare and contrast what is in front of us. Both sides claim to limit PAC's. That is nice, but what the Synar-Obey amendment does that the Republicans refuse to acknowledge is that while we both limit PAC's, they do not touch the fat cats.

That is what this debate is all about. It is about empowering those who are least capable of representing themselves currently in the political process, and indeed giving more to the rich and the wealthy who have been affected so mightily from economic and tax policies these past 10 years. This, in stark contrast to the Synar-Obey amendment, which says that if you have a few nickels to raise together from your hourly wage, we are going to let you participate in the process. At the same time we are going to say to those who have organizations who want to contribute, you have got to get closer to the people.

Any reform which deals with PAC's only and not the fat cats only deals with half the problem. The Synar-Obey amendment deals with fat cats by cutting back what the wealthy millionaires can contribute to the process. Synar-Obey is the solution. We know what the answer is.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Though the sponsors of this amendment are relatively young, they enjoy a reputation in this House on the issue of campaign reform which is almost legendary. The gentleman from Wisconsin [Mr. OBEY] was involved in the earliest days of reforming this process, and the gentleman from Oklahoma [Mr. SYNAR] has spent with his staff many months in an effort to put together this substitute.

Though there are many positive aspects in the Synar-Obey substitute, there is in my opinion one fatal flaw. In my home State of Illinois there is an extremist political party at work. They are the followers of Lyndon LaRouche. They spread a gospel of racism, anti-Semitism, and character assassination. The character assassination reaches everyone in this Chamber and everyone in government: State, local, and Federal.

□ 2010

Although their leader, Lyndon LaRouche, has been imprisoned for criminal activities, they still conduct a massive solicitation and recruitment effort. If you live in the Washington, DC, area, you can still hear the imprisoned Mr. LaRouche on the radio soliciting support for his extremist effort.

Four years ago the LaRouche party was strong enough to raid the Illinois Democratic primary and force several of their zealots on the ballot. Despite their miserable reputation, they still managed to defraud unsuspecting people out of vast sums of money, and they maintain a massive mail solicitation operation.

This public financing proposal as written is the answer to their prayers. They will be able to match dollars raised by their deceptive mailings with dollars from the Federal Treasury up to $100,000. Now, I understand in our democracy that even radicals and extremists have a right to speak and participate in our political process, but I cannot support a system which subsidizes the racism of Ku Klux Klan candidates or the anti-Semitism of Lyndon LaRouche candidates with such easy access to our Treasury.

In this age of 900 telephone numbers and computer mail, the threshold requirements for this public subsidy are well within the reach of these hate groups. This amendment will force America's taxpayers into underwriting these shabby extremist political groups.

If this is reform, I believe this is one reform we can do without.

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I certainly agree with the thrust of what the gentleman says about Mr. LaRouche.

But the way to handle that, it seems to me, is to require that people not be able to run for Congress unless they can serve in Congress. Mr. LaRouche, if elected, could not serve, because he is a convicted felon. Mr. LaRouche could not run for Congress and soak up campaign funds of any variety, as he now is doing.

Mr. DURBIN. Reclaiming my time, the unfortunate fact is in the State of Illinois, he has hundreds, if not thousands, of followers. We see them on the street corners of Washington, and they are candidates for office. The fact that he is in prison is not going to stop his movement.

I might add that the attorney general of the State of Illinois is presently investigating fraudulent activity by the LaRouche people in Illinois, defrauding people in my district out of thousands of dollars. They send out a paper called the New Federalist which

looks like an official publication, and unsuspecting people fall into their trap. These same people will be providing the matching funds which would give them access to the Federal Treasury under this amendment.

Mr. MOODY. If the gentleman will yield further: Not if he was not able to run legally, which he cannot.

Mr. DURBIN. The gentleman does not understand. I am saying to the gentleman that Mr. LaRouche's candidacy is not in question. He has plenty of surrogates who will run in congressional districts, at least in my home State, and perhaps across the Nation. We cannot stop them with this message. We are, in fact, going to subsidize him if this amendment passes.

Mr. SYNAR. Mr. Chairman, I yield 3 minutes to my distinguished Missouri friend, the gentleman from Missouri [Mr. GEPHARDT], our majority leader.

Mr. GEPHARDT. Mr. Chairman and members of the committee, Adlai Stevenson once said that public confidence in the integrity of the Government is indispensable to faith in democracy. He said when we lost faith in the system we have lost faith in everything we fight and spend for.

About a month ago they had a primary election in California. About 25 percent of the eligible voters voted in that election. The Presidential election in 1988, about 50 percent of the eligible voters voted. We have all seen focus groups where they ask people why they are not participating in the process. One that I recently saw, a woman, said, "Why should I vote? The rich and the special interests are the only ones that have a voice in our political system. So why should I bother, because my vote won't count."

The reason the American people are becoming alienated from the political system and their Government is because they believe that only the fat cats, the wealthy, the large contributors, the large PAC's with the large contributors to them are running our political system.

You have a chance tonight to change that by voting for this substitute to the Swift package which is a good core package. We can make it better if Members will vote for this package.

It takes the individual contribution from $1,000 to $500, a valuable reform. It gives a tax credit for the $50 giver that we have lost too much in the system, so we can encourage average, ordinary working people to get involved in politics again. It has a matching funding program that says that if you can get a lot of those $50 givers, there will be matching funds up to a certain amount from the Government. It emphasizes, as does the Swift package, political action funds that get smaller contributions from their members.

So I would simply say to my colleagues that even though the hour is late and we are about to go away for a recess, the vote we cast tonight on these packages, and especially on this one, will be our chance perhaps in a long, long time to stand up for average, ordinary people getting ahold of this political system again. We need to do it. The country wants it. People are crying out for it.

I urge the Members on both sides of the aisle to stand up tonight and to give average Americans their political system back.

Mr. FRENZEL. Mr. Chairman, I yield myself 30 seconds to observe that the average American lost his or her tax credit as a result of the majority leader's tax bill in 1986, and I am glad he is going to give it back.

Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. THOMAS], the distinguished vice chairman of the Committee on House Administration, the committee that should have had this bill under consideration but was denied it.

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, rhetoric is a wonderful thing. It gets very heady the more you use it, the more you want to use it. We have heard the fact that we want to take the political system away from the millionaires, that what we need to do is to reempower the average person.

The gentleman from Wisconsin [Mr. OBEY] said that the key is balance. First of all, unless the millionaire is a candidate himself, the most that a millionaire can give to another candidate in terms of contribution is $1,000. That $1,000 was put in place by this Congress in 1974. That $1,000 today is worth about $400.

So if Members really want to represent the purchasing power of $1,000 today, which is the current law, the Synar-Obey amendment should have reduced the individual contribution to $400 to try to match it up exactly in terms of what has happened in over 15 years of inflation on that fixed number.

The gentleman from Wisconsin said the key is balance. I do not want to use a lot of rhetoric. I would just like to let the Members know what the world would look like if the Synar-Obey amendment became part of the Swift package. The individual millionaire, or otherwise, would not be able to contribute $1,000. That individual would only be able to contribute $500.

Unfortunately, the way in which the amendment was drafted also means that the political parties, Democrat or Republican, if they accepted a contribution of more than $240 could not give more than $500 either. So in the world of Synar-Obey an individual is able to contribute $500. The Democratic Party, if they accept a contribution over $240, can contribute $500, and the same with the Republican Party. But the labor political action committee can contribute $5,000.

That is now the world that they want to bring about, plain and simple. They want to ennoble, or, enable labor PAC's. They want to make them king of the hill. They want them to be able to make the difference in campaigns, and, you know, since the 1970's, given the Supreme Court decision on the creation of political action committees, the Democrats have understood, and key Democrats within the Democratic Party have understood, that there are a whole lot more businesses than there are labor unions, and the time will come when there are multiples of PAC's under business and professionals that will outweigh labor.

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This is the one clean shot to reverse that dynamic, to once again enable labor PAC's to be king of the hill.

Now, we have also heard that the Republican proposal has no arbitrary limit on spending, it has no arbitrary limit on political action committee money, and that, for example, the Synar-Obey amendment will reenable the little person.

But wait a minute. It is just an amendment to the Swift bill. What Swift does is still allow hundreds of thousands of dollars to be contributed by political action committees.

Does one have to get one cent from an individual to collect the maximum under the Swift bill from political action committees? No. And do you have to go home to get any of that PAC money? No. Can you stay in Washington and hold those events where people who don't even like you come to them and give you money? Wonderful atmosphere? Yep. You can stay right in Washington, collect a quarter of a million dollars, never go home. And if you do not spend all of that, that money gets washed in the next election cycle and you are right back up to $275,000 in PAC money once again. That is reform?

Now, the Republican position has been criticized. What is it that you are criticizing? You are criticizing the fact that what we want as a political world is that before you can take one dime from a PAC, whether in Washington or any place else, you have to go back home. You have to go back home to the people in the district and say, "Would you give me a dollar?" And if you can get a dollar from the people back home, then you can take a dollar of PAC money, or a dollar of money from people outside your district.

But what starts the ballgame is the people in the district. What controls the ballgame is the people in the district, not some arbitrary number that

is supposed to fit a congressional district that is an entire State, that is an urban district, that has TV, that doesn't have TV.

We have 435 districts. The only thing we are going to have in common under the Swift bill is they all can spend the same amount of money. What we want to do is put the people back home in total control of the campaign. What we want to say is you get a buck from home before you get a buck from anywhere else. It is the people back home who determine how much money you are going to spend.

What we have got in this amendment is as close to the perpetual motion machine as I have ever seen. Raise a buck, get a buck from the Treasury. Buy half a stamp, get half a stamp from the Treasury.

This plan is conceived by people who are used to getting their whole stamp from the Treasury, and they do not want to go back home to raise it.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise today in strong support of the Synar-Obey amendment and the elements it includes from the Democratic leadership bill.

As all of us know only too well, our collective desire to retain our seats in this August body has created enormous pressures for further and further campaign spending. In a war of words and wallets, we are escalating towards uncontrollable cost proliferation. It is time for a mutually verifiable campaign-spending freeze. In my first election for the House in 1972, I raised $130,000. In the last cycle in 1988, I was forced to raise more than $750,000. This election, I am trying to raise even more. Like medical costs, campaign costs are going through the ceiling, at a rate many times the rate of inflation. But unlike medical costs, campaign costs are relatively easy to control if we simply have the collective will to do so.

I have no fondness for fundraising. I love the job of Congressman, but I hate the job of fundraiser. I have seriously proposed extending the terms of Congessmen to 4 years by constitutional amendment in order to put a stop to the perpetual campaign, but this effort has not been seriously considered here. It is a matter of companion importance to campaign reform and it is my sincere hope that we might attract congressional interest next term.

Mr. Chairman, I support the Synar-Obey amendment in part because of its modest, but important, attempts to encourage the idea of public financing and voluntary campaign spending limits. I believe in public participation in financing congressional campaigns as we do in the Presidential arena. I first voted during my first term in the House 17 years ago for public financing of congressional campaigns—a bill then offered by Congressman MO UDALL, one of the most accomplished and distinguished Members ever to serve this body. We need at least partial public financing. The integrity of this body requires that the public, through voluntary check-offs, helps fund campaigns. If challengers are to have any chance at all—any chance at all—in most districts, partial public financing is essential. Let's face the bad news: The country needs full-time legislators, not legislators who are torn between their duties and their campaigns every second year as autumn rolls around.

I like the emphasis on the small contributor in the Synar-Obey amendment. I believe we are wise to seek lower limits on both individual contributions and the contributions made to PAC'S. Despite what we may have seen in past years, elections are not conducted just for the rich. Public matching funds for small contributions will also give us further incentives to solicit a broader base of support.

I also support the Synar-Obey amendment because it has a lower aggregate limit on PAC contributions than that proposed in the democratic leadership package and will prove to be an effective way to manage PAC participation in our campaigns. There is nothing wrong with the concept of PAC's—that is, the voluntary contributions of individuals with shared goals—but I am concerned that the relative influence of PAC contributions has become too great when compared to other campaign contributions. I have proposed a campaign reform package which would include the element of a voluntary spending cap and be composed of one-third individual contributions, one-third PAC contributions, and one-third public financing. The Synar-Obey amendment advances similar ideas and will be effective in balancing the diverse points of view which need to be considered during a campaign.

There are some elements in the Republican substitute which I find acceptable. But the package as a whole is not as appealing as what is offered in Synar-Obey, partly because there is no spending cap in the Republican substitute. There is merit in the idea of requiring a majority of funds to be generated in the Member's or candidate's district. But I believe this goal will also be effectively accomplished by the Synar-Obey limits on PAC contributions at $220,000 of a permitted $550,000.

Obviously, money does not influence how we vote. But the constant chase for contributions does get in the way of our responsibilities as legislators. We are spending too much. We are collecting too much. We are wasting too much time on fundraising. The system now in place is an insurance policy for incumbents, so this effort tonight represents a leap of faith and fairness. Self-interest and special-interest must give way to public interest. I am proud of this body for finally making some of these tough decisions.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding. I rise in behalf of a strong campaign reform program. I rise in behalf of a program that puts people back into the system, and that is Synar-Obey. I, therefore, rise in support of the Synar-Obey substitute and ask unanimous consent to revise and extend my remarks.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I rise today in support of the Synar-Obey amendment to H.R. 5400, a bill to provide comprehensive campaign finance reform. This amendment provides genuine and urgently needed reforms to the campaign finance system—in my judgment, one of the most important issues facing our Nation today.

The problem is simple. Candidates are spending enormous, even exorbitant, sums of money for their campaigns. In order to finance extremely expensive advertising costs and to effectively challenge wealthy opponents, they must turn increasingly to national Political Action Committees [PAC's] for funds. As a result, PAC contributions to congressional candidates rose from $12.5 million in 1974 to nearly $150 million in 1988. Meanwhile, larger individual contributions, bundling and independent expenditures are responsible for increasing candidates' dependence on wealthy supporters while obscuring the money trail.

What is the result of all this? Clearly, the character and the responsiveness of the individual being supported is affected by the dependence on PAC money and contributions from wealthy, out-of-state individuals and groups. PAC's are certainly not the sole cause of the problems facing the existing campaign finance system, but we lose touch with the voters when there is an extra layer through which they can get peripherally involved in politics and make their contributions. Abandoning direct local participation in election campaigns for national PAC activities like fundraising by direct mail, political advertising on radio, television and in the newspapers, adds little or nothing to the political debate. It merely adds to the price.

The provisions of the Synar-Obey amendment might not put an end to these problems, but they will certainly help. By limiting the PAC money a candidate can accept to less than half what he or she spends and by promoting in-state giving, this amendment signals a return to the direct participation of voters in campaigns and elections. By providing matching public funds to candidates with small, in-state contributions, and double matching funds to candidates whose opponents exceed the spending limits, the amendment provides the incentives for a clean campaign. And by strongly limiting the contributions of wealthy individuals, whether on their own or through PAC's, the amendment provides restrictions on the undue political influence.

When these and further restrictions have been enacted, we may look forward to the day when lawmakers can spend precious campaign hours meeting with voters rather than spending an inordinate amount of time raising campaign funds. Thus, constituents might feel free to participate directly in elections, rather than asking national organizations to act on their behalf. And finally, candidates might be elected based on the number and the activity of their supporters, rather than their wealth.

The present campaign finance law went a long way toward giving the public the information it needs to know about a candidate's campaign funding support. Now we must go further and limit both spending and contributions in a reasonable way, balancing the legiti-

mate role of contributions in establishing a serious candidate with the dangers of excessive spending. We can and we must bring this spiraling spending problem under control.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], whose invaluable services to the task force brought us here tonight.

Mr. SABO. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. SYNAR] for yielding.

I rise in strong support of the Obey-Synar amendment. It has always struck me as rather difficult to understand that so many people somehow think that politics has nothing to do with Government and Government nothing to do with politics. It seems to me the key of representative government is the relationship between politics and Government.

Mr. Chairman, with all of the problems we have of campaign finance, and I can find problems with all kinds, it seems to me to say that there is a limtied amount of public funding that goes to a candidate who has raised 50 bucks from somebody in their State, has to be the most trouble-free money that could possibly exist in the political process. It creates the least demagoguery and maximizes the possiblities of the elected official to make a reasoned and considered judgment.

Mr. Chairman, I think the Obey-Synar amendment is a major improvement of the Swift bill, and I urge Members to vote for it.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I rise to propose that we add the Obey-Synar provisions to the Swift proposal. We need to limit spending, and the Swift bill does that. But we also need to have full and effective campaigns and to ensure that those campaigns are financed by a healthy diversity of donors.

That is where Obey-Synar comes in, reducing the role of PAC's, especially high donor PAC's, encouraging small contributors, and providing a floor of public funding.

Mr. Chairman, I know public funding is controversial, but there is no way to achieve what we want to achieve without it. It just does not add up otherwise, if we are to reduce the role of PAC's and large contributors, and also have campaigns that reach our people effectively in the age of television.

The public funding provision in Synar-Obey is well-designed, modest in amount, put on a matching basis to encourage small private contributions, and utilizing the already existing voluntary tax checkoff system.

Mr. Chairman, the campaign reform package does not add up without it, and I urge its adoption.

Mr. FRENZEL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], a member of the Committee on House Administration, the committee that should have had reference over this bill.

Mr. ROBERTS. Mr. Chairman, I am going back on my word. I was not going to speak. I said this was a spinning wheel issue, it was dead, that the President was going to veto the bill, and we would not get to real reform before the next session. That was before my friend the gentleman from Kansas [Mr. GLICKMAN] got up and described a brave new world. "The most important vote we are going to cast in the whole session."

I would say to the gentleman from Kansas [Mr. GLICKMAN], I thought that was the farm bill. But, nevertheless, I really do not want to go into that brave new world with this most important vote.

Somehow here there has been this connotation that we have to separate what people will give in terms of a contribution, in return for exemplary public service, not only the vote, but there is something inherently evil about supporting a person with contributions because they represent your views.

Mr. Chairman, I can remember the hearing back, I think, in 1987 when both the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Oklahoma [Mr. SYNAR] testified on this very subject. We have a philosophically different approach, and I understand that.

The gentleman from Oklahoma [Mr. SYNAR] comes to this issue very honestly. The gentleman does not accept any PAC money contributions. He firmly believes in public financing, and I credit him with that.

The gentleman from Kansas [Mr. GLICKMAN] feels that we should take a partial step, or at least some step.

Then I decided to look at the record. It has clearly shown and is showing today that the amount of PAC contributions, or these evil defense contractors, or big business, even including agriculture, with all of these PAC contributions, really contribute to Democrats more than Republicans; 60, 70, 80 percent.

Mr. Chairman, I have a great idea. If this is so evil as the gentleman from Missouri [Mr. GEPHARDT] has said, from the fat cats not the little guy. Just say no, don't take the money. Very simple. But there is a relationship in regard to what this Congress does and what individuals do and who will support you and who will not.

Mr. Chairman, we have people here who think service here is a divine right. We are celibate monks here in this Congress. My goodness, how dare you ask anybody for a contribution, despite the fact that they might really believe in you?

PAC contributions inherently evil? They are all publicly disclosed. It is all in the newspaper, 2,000 of them, 3,000 of them.

My word, they are in the right field bleachers, in the left field bleachers, they are all over the place. Nobody is buying anybody here. Look in the hometown newspaper.

If Members are so embarrassed about this, my good friends on the other side of the aisle, do not take the money. The gentleman from Kansas [Mr. GLICKMAN] said in regard to that election, there had to be some way through public financing where a challenger can at least run a decent race against him.

Mr. Chairman, I should not say this. We have a candidate against him now, but he has not had a contested race in 10 years. I have not either. But it certainly is not because of PAC contributions. It is because the gentleman from Kansas [Mr. GLICKMAN] is doing a fairly good job out there.

Mr. Chairman, just say no. Let us go back to what the gentleman from Illinois [Mr. DURBIN] pointed out, the fatal flaw in this particular amendment. This is ridiculous.

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I said this before. Please pay attention to what the gentleman from Illinois [Mr. DURBIN] said. Any district where somebody does not sign this pledge that they will not go over $550,000, or the higher cap, and all of this mish-mash, all you have to do is sign the pledge, say you are a candidate and you get a 50-percent mailing discount. Every young lawyer who wants to get his name in the race is going to get that, every direct mail organization is going to get that, anybody with a mailing list is going to get that.

Now, you sign up and you say I take the pledge, and you file. Fat cats, yes, but what about Merry Melodies and Looney Tunes? I said before, do you want right-to-life candidates, do you want prochoice candidates, the right-to-bear-arms candidates, gun control candidates, young Socialist candidates? I am going to start a wheat party. We grow more wheat in my district than any State and Members have heard me say that 18 times here on the farm bill. I will have a wheat party. We can take the farmer's deficiency payment, and he can just countersign it to ROBERTS, and I could be my own majority leader and my own minority leader.

This is an open invitation to the end of the two-party system. The gentleman from Illinois [Mr. DURBIN] is right. We will have Lyndon LaRouche campaigning from a cell using taxpayer dollars.

This is ridiculous.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, we certainly understand the high level of cynicism that infects the political process in our country. It crossed over to the census. It showed up in election after election, minimal turnouts. People dropping out.

In addition, another thing has happened in recent political terms. The small contributors, the average working people we represent are no longer participating. They feel as if it is irrelevant. The fat cats are taking care of us, they think, they are paying the bills, those escalating, ever-escalating costs of campaigning.

The Synar/Obey amendment passes the fundamental test by forcing down the limits in the political system to where those working people are once again our most important contributions. It meets the test because there is no way to eliminate money from politics. Nobody would really want to do that. But this amendment enhances that, the average person's role.

The limits of big contributors are reduced from $1,000 to $500. The smaller contributor not only has a tax credit to induce his participation, but a matching public financing contribution to make sure that that $25 or that $50 is doubled in its impact on a congressional campaign.

We empower people in this amendment, and we all ought to be proud of that, and we ought to stand up and advocate it because this form of public financing is not only limited, it is voluntary. And it is an experiment, up front; we admit it; it is sunsetted. We want to see if it will work as well as our Presidential system.

This is the way to give power back to the people, and I congratulate the authors and support their amendment.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GRAY], the majority whip of the U.S. House of Representatives.

Mr. GRAY. Mr. Chairman, I rise in support of the Synar-Obey amendment. I rise in support of it because it is an attempt to reduce the ability of the very wealthy to influence the political process either collectively or individually.

I think one of the things that most Americans are concerned about is the fact that a wealthy few are those who control this process by contributing their large wealth to those who are running for office. What the Synar/Obey amendment does is reduce the amount of PAC contributions which can be received by a candidate to 40 percent of the allowable spending limit.

It also limits to 10 percent of allowable spending the amount that can be taken from any PAC which receives contributions of more than $240 a year from any individual, and also, most importantly, cutting in half the amount an individual may contribute to any House candidate from $1,000 to $500.

My friends, it brings it back down to the people, and that is why we ought to support the Synar/Obey approach, because it brings it back down to the little guy out there in our district and across the Nation.

I urge support for the Synar-Obey amendment.

Mr. FRENZEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I recall some of the negotiations that took place during our bipartisan committee trying to wind our way through the maze of campaign financing, and the gentleman from Oklahoma and I talked about a way to encourage the accumulation of small donors, or maybe at a certain point in time that if they met an amount, I think we talked about raising $50,000 or $100,000 in donations of $100 or less in your district, at that point, once you qualified, then you could get that money. You develop your own seed money, and then there would be some Federal money. It would be a lump sum, matching what you had raised, but it would not be in the form of stamps. It would not encourage people to file willy-nilly just to get their name out there, and that seemed like a very good alternative.

I know some of my friends on my side of the aisle do not like any type of public financing. But it seemed to me to be a good way to step across the line, to combine local interest with some public funds.

We are not debating that today. We are really debating very little. We are talking about a big rock over here, and another big rock to go on top of that rock, and over here we have a little bitty pebble because that is politics.

But I would love to have debated that and to have offered an amendment to bring that out here, because I think that is something that the average American would probably grab ahold of as opposed to paying for a lot of postage out of their pocket.

The other night at a town hall meeting a lady said she thought that there ought to be public financing of elections. And I said how many people here would pay $25 a family to support the Federal election process. She looked at the lady next to her, and there was a raised hand, and out of 120 people, 6 people raised their hands, and a guy in the back said: "Reduce the deficit, don't charge us any more."

I think that is the way America thinks about funding political campaigns. If we cannot make a case to the small donors, if we cannot convince a majority of people in our own district that they ought to give us some money, then we have lost touch, and that money that comes from outside is pervasive, and it hurts, and it is not good.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Chairman, I think the previous speaker has made one of the most important points in support of the Synar-Obey amendment, because we seem to agree that it would be beneficial to spread participation in the political process among small, individual contributors.

The Synar-Obey proposal is the most effective option before us in that respect because it provides a 100-percent tax credit for small contributions. And unlike any other option it matches that $50 contribution with public funds.

People say the argument here is that the average American does not support public financing. Well let us see, because the public financing would be available only if the American taxpayer voluntarily checked off on their income tax return the dollar contribution. If the American people do not support this matching public funding to spread participation among small contributors, they will not check off the dollar on their tax form.

Let us give it a test. Let us put our vote behind our rhetoric, and let us spread the participation to small, individual contributors.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EVANS].

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Mr. EVANS. Mr. Chairman, as one who has faced well-financed opposition in the past, I enthusiastically embrace the Synar-Obey amendment. That is because I believe that just like our economy, our political system works faster when we have good and meaningful competition. No Member has anything to fear from the meaningful competition that public financing will bring to our elections.

I have been with many of my colleagues in their districts, both Democrats and Republicans, and I have seen them work their differences. I know from those experiences that the vast majority of our colleagues have a firm grasp about the concern of their constituents and the issues that confront them. I know many of them are also tired of election coverage focusing on the pure horse race aspect of campaigns, who has raised more money, who has more money in the bank.

This legislation means we will spend less time raising money and more time raising issues. That should mean more public interest in campaign and bigger

voter participation on election day, and automatically better government in the long run. I urge Members to support this.

Mr. FRENZEL. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. The Obey-Synar proposal has much to commend it. The part about matching small individual contributions, I think, has merit. I have supported that in the past. I would like to support it now, except that the Obey-Synar proposal also has a provision that gives labor political action committees 3 times the contributing power and allowances of other political action committees.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, many important things have been said in favor of the Synar-Obey amendment, I want to use my brief time to respond only to two points raised against it. The first one is that people do not really want public funding. We have 50 States that serve as laboratories under our Federal system. My State of Wisconsin has funding and matching grants for State legislative races, and partial public financing of campaigns is totally accepted in Wisconsin. It is almost totally participated in, and it has restored a great deal of confidence to the political system in my State for legislative races. So it is very good.

At the Federal level, of course, we already have partial public funding for Presidential races. Mr. FRENZEL says public funding for elections is not popular. Can Members imagine trying to rescind Presidential funding now? People do have confidence in it, and it does enable people to run for President who otherwise couldn't, and the country is better off for it.

Second, on the LaRouche point, the gentleman from Illinois [Mr. DURBIN] raised the point about fringe candidates or LaRouche-type candidates getting money from unwary travelers at airports, and so forth, to run for Congress, and then use matching funds under the Obey-Synar amendment. Here's why that couldn't happen. First, under Synar-Obey, they would have to win the primary. How many LaRouche candidates have won congressional primaries? I don't think any.

Second, and more importantly, to be eligible for any of these matching funds, such candidates would have to raise at least $25,000 in $50 donations or less from people who live inside the State. But getting money from people passing through airports is not going to meet that requirement. While I respect the concern of the gentleman from Illinois [Mr. DURBIN], I think that the fact is, if Members read the amendment, that that would not take place. Therefore, I think that particular criticism is not valid.

The Synar-Obey amendment is excellent. We have this in Wisconsin at the legislative race level. It provides for clean campaigns, wide-scale participation and enables people to run without being beholden to big money interests. I urge adoption of the amendment.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH], the minority whip, who is also formerly a member of the committee to which this bill was not referred.

Mr. GINGRICH. Mr. Chairman, let me say that in future years when historians and anthropologists look at the American system, tonight's debate will be one of the places that they use as an example of how bad it got. We clearly have a system which is in real trouble, a system of self-government which has grown steadily sicker.

If we read Brook Jackson's "Honest Graft," or if we read the Ethics Committee report on St Germain, or if we look at a range of things that are available, it is clear that the relationship between lobbyists, money, campaigns, offices, is, in fact, in real trouble. If we go back and we read Bill Schneider's article in the Atlantic Monthly of January of this year, in his description of how the Democratic freshman class of 1974 decided to conscientously use tax-paid money to ensure that incumbents would get reelected no matter what their voting record, we see a pattern of further and further distancing what is supposed to be the People's House, from the people.

I think one of the things people will look back upon as a truly amazing historic moment is the degree to which the Democratic Party came to distrust the American people. I want to focus for a minute on three parts of this distrust. First of all, we have a bill brought to the floor tonight which is, I think, called "Son of Swift," because Swift existed 3 days ago and has since been evolved into a second bill, designed to somehow appease some people who did not like the original Swift bill. So we have Son of Swift, which is a second bill, in 3 days. Then we have Obey-Synar, which is the amendment to Son of Swift. Neither of these has had any public hearings. Neither of these has had any committee markups. These are the products of a group of backroom politicians and backroom staff, trying to write something which will appease just enough people to survive the rules process and get to the floor, and not be too humiliating. However, neither of these have been through what we are taught in civics class, is normal legislative process.

There was no emergency except the emergency of political necessity. There was no requirement to rush to the floor, except that the Department wanted to. Every basic rule that high school students are taught about the legislative process has been violated by the Democrat leadership in bringing this bill to the floor. There were no hearings. There was no public markup. Then, we are going to discuss reform under a closed rule?

If there is any evidence the country needs of how sick the system has become, it is unlike the other body which took day after day. We are rushing through at the last moment, under a closed rule. But then we come to the Obey-Synar amendment, as I understand it in its current condition, without having been heard in public. In terms of distrusting the American people, why would they cut the contribution ceiling from $1,000 to $500? How can anyone argue not that we are going to eliminate political action committees, and I think they can make a case for that. Not that we will restrict the great labor unions in Washington, DC, from getting $5,000 at a unit, and they can make a great case for that, but why would they be so frightened of the American people that they would literally cut in half their right to contribute?

I think there is a good reason. The fact is, in 1988, Republican challengers raised more money in Democrat incumbent districts from people, from human beings, from voters, than the Democratic incumbents. Republican challengers raised $1 million more from the voters of their districts than did Democratic incumbents. How, then, did the Democratic incumbents survive? They survived first by the enormous tax-paid incumbency advantage they already have, and they survived second, because they used the great amount of money they can raise from the labor unions and the political action committee to drown the challengers.

Let me say one last thing which I think should worry every American citizen, Democrat or Republican. It is now easier to lose an election in any part of the Soviet empire than in a congressional race in the United States. We are more likely to defeat an incumbent in Russia, the Ukraine, Latvia, Lithuania, Estonia, Poland, Hungary, Czechoslovakia. Only in Albania are incumbents as carefully protected as in the American House.

I want to close with this thought. It tells Members how much we want to cripple people in terms of elections that we have proposed in Obey-Synar, a welfare program for politicians, but we have in the Swift bill a cap which would guarantee the challengers never have as much money as incumbents, that the income always starts with $1 million in tax-paid money for staff and franked mail, and all those advan-

tages, and then we cap the challengers so they guarantee no matter how much the incumbent becomes ethically sick, no matter how much the incumbent votes against, the taxpayer is coerced in keeping them in the office. That is the final proof of how much the Democrats distrust the American people.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. DERRICK].

(Mr. DERRICK asked and was given permission to revise and extend his remarks.)

□ 2050

Mr. DERRICK. Mr. Chairman, back in the 1970's, the business community came to the Congress in the aftermath of Watergate and said, "We need a legitimate means of becoming involved financially in the political process."

Mr. Chairman, I say to my colleagues, "We all know what it was before then. You paid an executive $10,000 more than he was worth. He gave that to the political campaigner, or there was money running around in suitcases and whatnot."

I thought the tax situation was good when it passed, and I do not think it is bad now, and I do not think any of us here know exactly what is wrong with the situation.

However, Mr. Chairman, we do know this: That there has to be some changes made because people, the middle-income person, the middle-class person, the lower income, the lower income people in this country, are being turned off, and the reason they are being turned off is because the fat cats are running the political process.

It has taken me a long time to come around to get involved in some sort of public financing, but I have come to the conclusion that this is the only way that we are going to be able to keep the middle-income and lower middle-income person in this country involved in politics financially and contributing by their votes.

Mr. SYNAR. Mr. Chairman, I yield 1½ minutes to my colleague who joins with me in this amendment, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I make absolutely no apology for the public financing component of this bill. Is there any activity in American that is a more important public activity than the process by which a democracy elects its leaders? I make no apology whatsoever for trying to reduce the ability of the fat cats to influence politics by cutting in half the amount that rich people can contribute to political campaigns.

The amendment is very simple. It weakens the clout of the high rollers. It gives the average American in this country an opportunity and an incentive to compete with the big boys.

Mr. Chairman, that is what America is all about. In my judgment that is what the Democratic party is all about. In my judgment that is what this House is supposed to be about and this Congress is supposed to be about.

If my colleague believes in it, they ought to vote for this amendment.

Mr. FRENZEL. Mr. Chairman, I yield myself the balance of my time on the assumption that the gentleman from Oklahoma [Mr. SYNAR] is going to use all of his for his smashing finale.

Mr. Chairman, I have discoursed on the subject of the popularity of taxpayer financing, of elections, indicating that for many years 70 percent of Americans have disapproved and 30 percent, or less, have approved. The United States, clearly and repeatedly, has said, "No to taxpayer funding of Congressional elections." I have also indicated in states where they have a real checkoff, where they have to contribute real money, less than 2 percent of the citizens have participated. I have indicated that this year only 20 percent of Americans are checking off on their tax forms that they want to contribute, even though it does not cost them anything.

Now, Mr. Chairman, I would like to talk about what that Presidential system developed. Its receipts are running about $30 million a year. We have now about $100 million in the fund. The Federal Election Commission estimates that we will consume the fund in the next quadrennial Presidential election. That means that, if we decide that the taxpayers are going to have to pay for congressional elections, we are going to run out of money. We seem to be very good at running out of money.

Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] takes care of that by increasing the amount of money that is checked off. Increasing the checkoff from $1 to $3 is in fact, drawing money out of general revenues because taxpayers don't put any real money into the Treasury. But in raising the checkoff to $3, he is probably reducing demand for the product, and I believe the annual receipts will continue to fall, imperiling the Presidential fund.

Matching contributions do not encourage participation. The first election we had was in 1976 under that system. The participation was down, and it has been each subsequent election.

We are left with the final thought: The Congress is appropriating the peace dividend for itself. It is giving itself a matching contribution right out of general revenue. It is giving itself free postage that the postage users will have to pay, and it is giving itself broadcast time that the consumers of America will have to pay.

Finally, Mr. Chairman, for the fourth leg of the quadruple dip, Congress is giving a tax credit, so its fat cat friends will have a special dip into a tax preference that we thought we had eliminated in 1986.

Mr. Chairman, this is a very bad proposition, one that the people oppose. Its time has come for failure. Let us help it fail.

Mr. SYNAR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, 12 years ago, when I walked into this chamber there were 1,600 PAC's in this country, and they gave $65 million. Today there are 4,000 PAC's, and they give $90 million.

Twelve years ago, the major job of the lobbyists in this city was to provide us information to make better decisions, and most of us spent most of our time legislating. Today, the major job of the lobbyists is to raise money for the coffers of candidates, and some of our Members spend anywhere from a third to half of their time raising the moneys necessary to get re-elected.

Twelve years ago, when I walked through those doors, people believed in the fairness of Government and that all points of view would be heard. Today they have little confidence in the abilities of Congress to do the right thing, and that is reflected in the lowest voter turnout since World War II.

Tonight, Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] and I offer you, our colleagues, opportunity to stop this very dangerous trend. Our amendment is so simple and so right. First, it reduces the special interest money that is strangling this institution. Second, it reduces the money the fat cat donors can give that is strangling this institution. Finally, it puts clean, disinterested money into this system to fill the gaps.

Mr. Chairman, for those of my colleagues who object to this infusion of clean money, let me remind them of three simple facts. First, this is a voluntary system to the voter. If an American citizen does not want to participate, they do not have to. Second, it is a voluntary system to the candidate. If candidates do not want the money, they don't have to take it. Third, we sunset this legislation in 8 years to give the American public a second opportunity to review this whole system.

I say to my colleagues, "The easiest vote politically tonight is to say "no" because you don't want to tax the public Treasury," but I remind my colleagues to consider the cost of integrity for this institution. I remind my colleagues that we have had a public financing system with the Presidential campaigns and the American public has accepted it.

I say to my colleagues, "The easiest vote tonight politically would be to say

'no' because it is tough to explain at home" what we are trying to do, but our colleagues across the hall, just 2 nights ago, by a majority, both Republicans and Democrats, voted for public financing.

My colleagues, the right vote tonight is to vote for the Synar-Obey amendment to bring some sanity back into this institution and system. The right vote tonight is to bring the small donor back into the process.

□ 2100

The right vote tonight will rebuild the faith of the American people in this process and this system and in this institution.

Robert Frost, one of our most famous poets, once wrote:

Before I build a wall, let me ask who I wall in and who I wall out and to whom I give offense.

My colleagues, my fellow Americans, we have built a wall around this institution and Government, a wall of special interests and big donations. Tonight we have an opportunity to tear down that wall. I implore you to vote for the Synar-Obey amendment.

Mr. BEILENSON. Mr. Chairman, I rise in support of the Synar-Obey amendment, which will significantly strengthen the provisions of H.R. 5400.

As a long-time sponsor of legislation to establish full public financing for House general election campaigns, I support the amendment's provision of up to $100,000 of public financing and the strong incentives for accepting the spending limit as an important first step toward real reform of our system. I also strongly support the lower limit on political action committee [PAC] contributions contained in this amendment.

Whether or not the Synar-Obey amendment is adopted, I intend to vote for passage of H.R. 5400. However, I will do so with great reservation because, although the bill will improve existing law, it won't result in the real change we need in our campaign finance law.

I have the highest regard for our colleague, AL SWIFT, who has had the torturous task of crafting a proposal that will earn the support of a majority of Members. As he told the Rules Committee yesterday, every Member of the House is for campaign finance reform, but there are 435 different ideas about what reform means. Campaign finance reform may well be the most politically sensitive and highly charged issue we ever deal with, and I appreciate the enormous amount of time, energy, effort, and patience our colleague from Washington has devoted to this subject.

But the bill before us does not accomplish what I think reform should produce: a system that encourages Members of Congress to be more responsive to the people who elect them than to special-interest groups. Real reform requires that we lower spending and reduce the money flowing from PAC's. Instead, H.R. 5400 largely preserves the status quo.

Under this bill, candidates for the House will still be raising enormous amounts of money from PAC's—up to $275,000 per election cycle. That limit is $165,000 more than the average House candidate raised from PAC's for the 1988 elections; Congress will still be swimming in special-interest money.

Likewise, only a handful or races will actually have lower spending because of the new spending "limit" of $550,000 per election cycle or more for those with contested primaries. In 1988, the average House candidate spent $312,000, so the average race will be unaffected by such a high limit. Can we really expect our constituents to believe that we will have a cleaner Congress when adhering to spending limits will mean spending only half a million dollars on a campaign, with only a quarter million of that from PAC's?

Even the Synar-Obey amendment, which lowers the limit on PAC contributions from $275,000 to $220,000, will not make a terribly significant difference in the amount of power that PAC's are able to wield around here.

I am convinced that the only way we are really going to change the way we do business is to establish full public financing for congressional campaigns. For example, the bill I introduced at the beginning of this Congress (H.R. 36) would provide $200,000 in public funds for each major party candidate who agreed to limit his or her general election campaign spending to that amount. It's not a radical idea—it's the same system we have for our Presidential general elections.

Full public funding would solve the most troubling problems of our campaign system: it would rid our system of special-interest influence because it would eliminate private contributions—PAC and individual—yet it would assure candidates of a reasonable amount of funds with which to run a campaign. It would also be a relatively easy system to administer, in contrast to the complexity of administering a matching-fund scheme.

Full public funding would also make our races more competitive because challengers would have the same amount of funds as incumbents with which to run a campaign—something very few manage to have under the existing system, or will have under H.R. 5400. None of us relishes the idea of making it easier for a challenger to run a competitive race, but the American voters deserve more balanced races than they are getting when our election system is so heavily skewed toward incumbents.

I also believe that the time has never been better to make the case to the American people that public financing is the right solution. Because of the S&L crisis, more people now understand that spending a relatively small amount of tax dollars for congressional campaigns can save enormous sums of tax dollars down the road. We are missing an opportunity to take advantage of the public's outrage over the S&L scandal to make our system more responsive to the people we were elected to represent than to big contributors.

Unfortunately, full public financing is not an option we have the opportunity to choose today; the partial public financing offered by the Synar-Obey amendment is the best choice before us. I urge my colleagues to vote for the amendment, and for final passage of the bill.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Oklahoma [Mr. SYNAR].

The amendments en bloc were agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment in the nature of a substitute in order by the rule.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MICHEL: Strike out all after the enacting clause and insert the following:

SECTION 1. REDUCTION IN THE LIMITATION APPLICABLE TO NONPARTY MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTIONS TO CANDIDATES.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) Notwithstanding subsection (a)(2)(A), no nonparty multicandidate political committee may make contributions referred to in that subparagraph which, in the aggregate, exceed $1,000.".

"(b) TECHNICAL AMENDMENT.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by inserting after "(A)" the following: "except as provided in subsection (i),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for Federal office taking place after November 6, 1990.

SEC. 2. PROHIBITION OF SEPARATE SEGREGATED FUND BUNDLING OF CONTRIBUTIONS TO CANDIDATES.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c) No separate segregated fund (as described in subsection (b)(2)(c)) may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office.".

SEC. 3. PROHIBITION OF TRANSFERS AMONG NONCANDIDATE, NONPARTY POLITICAL COMMITTEES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 1, is further amended by adding at the end the following new subsection:

"(j) A noncandidate, nonparty political committee may not make contributions, or otherwise transfer funds, to any other noncandidate, nonparty political committee. As used in this subsection, the term 'noncandidate, nonparty political committee' means a political committee that is not an authorized committee of a candidate for Federal office and is not a political committee of a political party.".

SEC. 4. PROHIBITION OF LEADERSHIP COMMITTEES; RESTRICTION ON CONTRIBUTIONS BETWEEN PRINCIPAL CAMPAIGN COMMITTEES.

"(a) LEADERSHIP COMMITTEE PROHIBITION.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) A candidate for Federal office may not establish, maintain, finance, or control a political committee, other than the principal campaign committee of the candidate.".

(b) PRINCIPAL CAMPAIGN COMMITTEE RESTRICTION.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 1 and 3, is further

amended by adding at the end the following new subsection:

"(k) A principal campaign committee of a candidate for Federal office may not make any contribution to any other principal campaign committee (other than the principal campaign committee of the same individual as a candidate for another Federal office).".

SEC. 5. HOUSE OF REPRESENTATIVES ELECTION LIMITATION ON CONTRIBUTIONS FROM PERSONS OTHER THAN LOCAL INDIVIDUAL RESIDENTS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 1, 3, and 4 is further amended by adding at the end the following new subsection:

"(l)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to a reporting period for an election, accept contributions from persons other than local individual residents totaling in excess of the total of contributions accepted from local individual residents.

"(2) As used in this subsection, the term 'local individual resident' means an individual who resides in a county, any part of which is in the congressional district involved.".

(b) EFFECTIVE PROVISION.—During any period with respect to which subsection (1) of section 315 of the Federal Election Campaign Act of 1971, as added by subsection (a) is not in effect, such subsection (1) shall be effective as so added, together with the following new paragraph:

"(3) For purposes of this subsection, an individual may not be considered a resident of more than one congressional district.".

SEC. 6. ADDITIONAL PROHIBITIONS ON ELECTION-RELATED ACTIVITY BY CORPORATIONS AND LABOR ORGANIZATIONS; DISCLOSURE OF PERMITTED ELECTION-RELATED ACTIVITY.

(a) PROHIBITED ACTIVITIES.—Paragraph (2) of section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(b)(2)) is amended—

(1) in subparagraph (A), by striking out "subject;" and inserting in lieu thereof "subject (other than communication for the purpose of influencing any election for Federal office); and";

(2) by striking out "(B)" and all that follows through "families; and"; and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) DISCLOSURE REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end of the following new subsection:

"(d) Any corporation or labor organization that makes a payment for a communication or other activity that—

"(1) relates to any election for Federal office; and

"(2) by reason of subparagraph (A) or (B) of paragraph (2) of section 316(b), is not a contribution or expenditure;

shall report such payment to the Commission in the same manner as a contribution or expenditure, as the case may be, is reported by a principal campaign committee of a candidate for the House of Representatives or the Senate under this section.".

SEC. 7. BAN ON SOFT MONEY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"LIMITATIONS AND REPORTING REQUIREMENT FOR AMOUNTS PAID FOR MIXED POLITICAL ACTIVITIES

"SEC. 324. (a) Any payment by the national committee of a political party or a State committee of a political party for a mixed political activity—

"(1) shall be subject to limitation and reporting under this Act as if such payment were an expenditure; and

"(2) may be paid only from an account that is subject to the requirements of this Act.

"(b) As used in this section, the term 'mixed political activity' means, with respect to a payment by the national committee of a political party or a State committee of a political party, an activity, such as a voter registration program, a get-out-the-vote drive, or general political advertising, that is both (1) for the purpose of influencing an election for Federal office, and (2) for any purpose unrelated to influencing an election for Federal office.".

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ECKART. Mr. Chairman, I believe under the rule the time is to be equally divided.

The CHAIRMAN. The gentleman is correct. The gentleman from Illinois [Mr. MICHEL] will be recognized for 30 minutes, and a Member opposed to the substitute amendment will be recognized for 30 minutes.

Mr. ECKART. Mr. Chairman, I am opposed to the substitute amendment.

The CHAIRMAN. The gentleman qualifies. The Chair will recognize the gentleman from Ohio [Mr. ECKART] for the 30 minutes provided under the rule.

Mr. MICHEL. Mr. Chairman, I yield myself 5 minutes.

Mr. MICHEL. Mr. Chairman, I can understand, I guess, a little bit of the disarray on the floor at this juncture in view of our just having adopted the Synar-Obey amendment as prevailing and the fact that for all practical purposes then our substitute here will in effect under the rule be a substitute for Obey-Synar; but let me proceed if I might with what comments I would like to make about our substitute.

In the first place, I think a little bit of review might very well be in order, and that has to do with the very process under which we are considering this measure.

Mr. Chairman, the consternation that I see prevailing here over the surprise adoption, of the Synar-Obey amendment indicates what a lousy process we have had in the very beginning to take up this measure. I think if we had had a fair shake in the very beginning on having an open rule to openly discuss what is at stake here, we would not find ourselves in this dilemma, so frankly, it serves you right.

Now, when we began this process, by way of short review, we came up with an extensive package. Oh, I suppose I was derided in good nature earlier in the day by the manager of the bill on your side that our measure initially had some 25 points and we telescoped it down to about 10 and now in our substitute we probably take three of the key provisions, and if we let it go until September there would not be anything left.

Let me tell you why we have engaged in this kind of process. Initially we had 25 points. Eight or nine of those are points in which you would agree, and I think subsequently before the end of this Congress we could agree on that package of what I call maybe footnote amendments to campaign reform; but we ought not to take those smaller items and then portray them as being meaningful campaign reform in the aggregte.

What we would like to do in our substitute is take 3 of the 10 provisions which we feel strongly about.

Political action committees, we would reduce the PAC contribution from $5,000 to $1,000. That means that no nonparty multicandidate political committee or PAC may make contributions that exceed $1,000 per election, and the second provision of that first title would be a prohibition on bundling. No separate segregated fund, corporate, union or trade association PAC's, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office.

Section 3 provides for a prohibition of transfers among noncandidates, nonparty political committees. PAC's may not transfer funds to any other PAC.

Then in section 4 there is a prohibition of leadership committees, restrictions on contributions between principal campaign committees as has been prevalent, and a candidate for Federal office may not establish, maintain or control a political committee other than the principal campaign committee of the candidate, and transfers among principal campaign committees is prohibited other than the principal campaign committee of the same individual as the candidate for another Federal office. That is one of the principal points we make having to do with political action committees.

Second, the point has been so eloquently made earlier in the course of general debate and in opposition to Obey-Synar by the eloquent speakers we have had on our side of the aisle about local sources and the importance we attach to having at least half of your contributions come from your own locale. That is a good principle

and I do not see how anyone can be opposed to that particular proposition.

Third, we talk about soft money. In section 6 of our substitute there is a prohibition and disclosure of certain expenditures by corporate and labor organizations, and for all practical purposes and outright flat ban on so-called soft money.

□ 2110

In quick summary, this is not the best of ways to legislate around here. We would have preferred, as I indicated earlier, to have an open rule wherein we might have had debate on these individual points, hashed them out and then eventually come to final agreement.

It is quite obvious that if we came here with a Republican-sponsored package of 25 provisions that it would be so easy for any one of the Members on the other side of the aisle to say, "I cannot support it because I do not like this or that provision." Quite natural. And so even if we narrowed it down to the 10 principal points, you could make the same case.

For those of you who are in the majority and never have experienced what it is to be in the minority, we can never win anything on our own. It is absolutey necessary for us to say, hopefully, to keep most of our folks together, to reach over requesting, advocating a proposition that we hope to get Democratic support. So we narrowed it down to these three points having to do with PAC's and soft money and local contributions.

It seems to me that gives the Members a real choice to either be for or against.

Mr. Chairman, with that, I will be happy then to yield to others and hope that we have got things organized well enough on the Democratic side now that we can proceed in an orderly fashion.

Mr. ECKART. Mr. Chairman, I hope the new found interest in campaign reform indicates that final passage can also be accomplished with as much ease as the vote on the amendments en bloc was by voice.

Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise as a supporter of Obey-Synar. I look forward to this Republican support when we have a separate vote on this when the Committee rises, and we have a rollcall; I take it from the glee which we saw on the Republican side when Obey-Synar was accepted that we will get some support for it. Otherwise, of course, the interpretation would be that this glee was motivated not by support for what had just happened but by a hope it would lead to the defeat of any reform.

No one, of course, under the rules wants to impute motives less than completely honorable to anyone, so I will look with interest when we have a rollcall on Obey-Synar as the rules will allow us to have, and I would take it that the Republican glee at its passage will be repeated when we have a separate vote on Obey-Synar. I look forward to their joining us.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am happy to yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I am sorry that the gentleman finds this all such a strain.

If the gentleman recalls, his side of the aisle crafted the rule, and I thought it was a great rule. It produced a result that you all can live with. I hope some of the gentleman's colleagues will join us, because if you do not want public financing, you have got to vote for the Michel substitute.

Mr. FRANK. I would respond to the gentleman that, first, I feel no strain at all right now, and the gentleman misapprehends the rules.

There will be a separate vote on Obey-Synar, and if a majority is for it, as I hope they are, because I am for it, it will pass, and if the majority is not for it, it will not pass. So the suggestion under the rules that that is the only choice we face is wrong.

We get, however, to the Republican substitute. I had some problems. I did object, because I was handed the Republican substitute summary. I assumed that the people on my side had been withholding information from me. This could not be the reform bill. This bill, as I read it, I have never seen a situation in which people describe the situation more graphically and prescribe more minimally. This bill is nothing. It changes virtually nothing.

It does do one thing. It is a bill for the proliferation of PAC's, because what it says is, and this is about its only substance that I can see, a PAC can only give you $1,000 per election, but, of course, there can be as many PAC's as people want to have, and the PAC's can give people as much money under this rule as under the old one, and people can spend as much in an unlimited amount. So what you have accomplished is the PAC that used to give you $5,000 will then become five PAC's which will give $1,000. So we have a PAC proliferation bill. There will be many more PAC's. The publishers of PAC directories will do well.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, my understanding of the law is that PAC's which are affiliated have a common limit, and so that you cannot proliferate PAC's.

Mr. FRANK. Right. The gentleman understands the law.

Unfortunately so do the people who run PAC's. They will not be affiliated in a way which can be proved, and what you will get will be, and this is probably the most antienvironmental bill we have got, because the publishers of the PAC directory will have to bring out five or six volumes. All you will do is multiply the PAC's. Other than that it does not do anything. What it says is you spend the same aggregate amount, you can get the same money from private individuals. People said the polls show that the public does not like public financing. I agree. I submit that if you poll campaign financing is such an inherently unpleasant business that you would get majorities against almost anything.

Ask people do they favor those who have important interests before Congress being able to give $1,000 each to a Member of Congress for the primary and $1,000 for the final, and the majority would say "no," but the Republican substitute fully allows that. I do not think that this lays a glove on Charles Keating's practices. I think he would be able to do as much under the Republican bill as he did before.

This is not anything. Gertrude Stein ascribed more to Oakland than you can ascribe to this bill.

Mr. FROST. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Chairman, I am at this time notifying the House that it is my intention to ask for a separate vote on Obey-Synar when this bill comes out of the Committee of the Whole.

Mr. FRANK. Mr. Chairman, I want to thank the gentleman from Texas.

I want to point out that he can anticipate, apparently, significant Republican support, because the Republicans were very happy that Obey-Synar passed, and I assume, being men of commitment and principle, that the support they have previously evinced for Obey-Synar will be there in the rollcall, and having voted for it in the rollcall will then vote for it in final passage and we will send it to the President.

The alternative will be, although the Swift alternative is also preferable, and I will close just by pointing out that the only two things the Republican substitute does, first, it says half your money has to be raised from a county within your own district, and that will be interesting in redistricting. Everybody will want a piece of the rich county. But it also means in counties where we have a racial split, for instance, and those who are a racial minority or people with less money

than those in the majority group, the racial minority candidate will be greatly disadvantaged.

Other than that, it says individuals, people with interests, people in industry, can still give whatever they want. They will just have to have more PAC's.

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman for yielding.

I would ask my colleague from Massachusetts, if he is still in the room, if he would simply listen for a moment or two. I will try to reduce his apoplectic concern about the Republican substitute, but, first of all, let me call the Members' attention once again to a survey completed March 3, 1990, called Money and Politics: A Survey of National Opinion. This is sponsored by the Advocacy Institute, Public Citizen, that is Ralph Nader, and People for the American Way. It is currently the most comprehensive, the most indepth analysis of where the American public is on the question of campaign finance.

I would call the attention of the Members to one of the questions that was asked, and you have got it over here.

□ 2120

Is it a good idea, a bad idea, or do you have an opinion on the question, that the bulk of campaign funds ought to come from the district or the State?

The American people, by 80 percent, say the bulk ought to come from your district. Then they probed it a little more precisely, and what happened? The next question was "Would you support requiring 75 percent of a candidate's campaign funds to come from the district or State?"

Mr. Chairman, look at that dropoff. We have all been elected. We know what dropoff means—76 percent of the American people say 75 percent of the money ought to come from the district.

Now we are at the heart of the argument. The Democrat proposal, Swift 1.1, as amended by Synar-Obey, says you can take more than a quarter of a million dollars from PAC's. You do not need one dime from your district. Not one dime. You can take up to $550,000, and if you do not get a two-thirds primary vote, you can take up to $715,000 under your proposal, and not one dime has to come from your district. It can come from Washington, it can come from Dallas, it can come from anywhere but your district, up to $715,000. You do not need one penny from the people who vote for you. That is your plan, that is your reform.

Mr. Chairman, let us take a look at the Republican substitute. Yes, it is simple. Maybe you missed the point. It is so simple you do not understand it. It is simply this. The American people said, 80 percent of them, we want you to go home and raise your money in your district. 76 percent of them said, make it 75 percent of your money.

Your plan says zero. That is not fundamental reform, that is the same old business, but just a little bit less.

The Republican plan says you cannot take a dime from Washington, you cannot take a dime from a PAC, you cannot take a dime from someone who cannot vote for you unless you get the dime from the people back home first.

Now, you have talked about fundamental reform. Let us put your vote where your mouth is. What we have in the Republican substitute is the requirement, one, that you go back home. Pretty shocking. Second, that you raise the bulk of your money from the people back home. You do not get a dime from PAC's, you do not get a dime from people outside the district, until you get that dime from the people back home.

No, it is not an arbitrary spending limit. It is a reempowering of the people who are tired of the process. What it says is you go back to the people who vote for you, and you let them determine how much money is spent in a campaign. You let the people back home determine whether you take that PAC dollar.

No, it is not an unlimited opportunity to take PAC money. You get a dollar of PAC money if you can convince a person back home to give you a dollar of their hard-earned dollars.

When does it enable? The $10 contributor. Today, back home, somebody who give $50 or $100, is simply ignored. You have got to get the $1,000, the $2,000.

Mr. Chairman, let me tell Members, if you have to get a dollar from home before you can get a dollar from a PAC group, you are going to look at that $10 contribution in a different way. You are going to pay attention to the person with $50. If you do not get that $50 contribution, you do not get the $50 from the outside. Let me tell Members, today we have PAC fundraisers. People come and give you $1,000, and they do not like you. But they smile and they shake your hand. You go back home and try it, and guess what? If they do not like the way you vote, they do not give you $10. Guess what else they do? They go around and tell their neighbors they do not like you.

Mr. Chairman, what the Republican substitute will do is turn this process back on its head. It will put us back where we are supposed to be in our districts.

People complain that we raise too much money. It is not that we raise too much money, it is that we do not raise the money at home. We are in Washington, we are in Los Angeles, we are in Dallas. We are not in our districts, unless, of course, Washington, Los Angeles, or Dallas is in your district. Then that is where you should be, and, God bless you, because you have got a good district.

It is not arbitrary, but it enables the people back home to tell you enough is enough, because if you do not get a dollar from them, you cannot take a dollar from PAC's or anybody else. Simple, yes; fundamental change, yes.

Mr. ECKART. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, the gentleman from California [Mr. THOMAS] just treated us to a wonderful show. But according to his arguments, I guess the gentleman must be supporting the Synar-Obey amendment, since it emphasizes small donors. The preceding arguments really argue for an Synar-Obey type amendment, since it emphasizes the small doner even more than the underlying Swift bill. I hope the gentleman from California [Mr. THOMAS] will support the Obey-Synar amendment when it comes to a vote after we rise.

But the basic point I would like to make it not that the Republican bill has absolutely no merit, and maybe one could argue that the point the gentleman raises makes the Republican more meritorious in that one dimension. But, Mr. Chairman, let me point out some dimensions where the Republican bill is seriously lacking.

No. 1, the Republican bill has no ceiling, no ceiling at all on total campaign spending. The Democratic package does.

No. 2, the Republican package has no aggregate limit on PAC contributions. None whatsoever. The Democratic does.

No. 3, the Republican package has no real shutdown of soft money systems, sometimes called sewer money. The Democratic package goes a long way to do that.

No. 4, the Republican package does not have any ban at all on bundling by political parties. The Democratic package does not only that, but also controls the bundling of PAC's.

No. 5, the Republican package has no reduction on the cost of communicating with constituents through electronic media. The Democratic package does that. It makes access greater for those who do not have large amounts of money.

No. 6, the Republican package does nothing to tighten or regulate independent expenditures, which are the real scourge of the political campaigns, frequently run along negative lines. The Democratic package does do that. It puts a strong discouragement on independent expenditures.

Finally, No. 7, the Republican package does nothing at all to reform negative campaign advertising. If there is anything that my constituents hate, it is the frequent barrage of negative campaign advertising. The Republican package does nothing about that, whereas the Democratic package requires that each candidate take full political accountability of negative campaigning in the ad itself.

Where is the Republican initiative in these seven areas? I have cited seven areas where the Republican package is totally silent.

The gentleman from Illinois [Mr. MICHEL], the minority leader whom we all respect a great deal, received tremendous political credit when he gave a speech about campaign finance reform. He cited "25 points of light."

But look at the items I have listed as the Michel substitute. The seven items that are totally missing in the Republican package. If the Republicans are truly interested in reform, I would hope they would address at least these seven items which are so important.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, we have a 25-point package. Give us an open rule and you will have these things. We had those proposals. We took them to the Committee on Rules. We cannot get a rule that allows us to offer these things on the floor.

Mr. MOODY. Mr. Chairman, reclaiming my time: The Democrats you blame now did not control what was in the Republican package. That was a package totally created on your side of the aisle. That is No. 1. So if you wanted to put all 25 items in there, you could have done so. That was not anyone's fault but your own.

No. 2, the gentleman from Oklahoma [Mr. EDWARDS] it knows very well the problem with an open rule. Campaign finance is a delicately balanced package, a balancing of many interests and concerns. You cannot pick it apart with 100 little pieces, or otherwise the whole thing would collapse.

Mr. EDWARDS of Oklahoma. If the gentleman from Wisconsin [Mr. MOODY] will yield further, the gentleman is saying in a reform package the problem is you know that we cannot open it up, we cannot let people offer amendments, that would destroy reform?

Mr. MOODY. Mr. Chairman, reclaiming my time: No, I am not saying that. You have to group them in blocks of amendments, which we have done. The Obey-Synar amendment is a block amendment. You obviously adopted it. There was no objection to it on your side of the aisle. None at all.

Mr. EDWARDS of Oklahoma. We just did not call for a vote. You adopted it. We just did not call for a vote.

The CHAIRMAN. The Chair would advise the gentleman from Illinois [Mr. MICHEL] he has 20 minutes left, and the gentleman from Ohio [Mr. ECKART] has 21 minutes remaining.

Mr. MICHEL. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I think we ought to review the bidding. The fact of the matter is, the Republicans did not say anything. The Democrats said "aye." What you were hoping was we would get up and order a vote.

Well, we did not do it. We did not pass Synar-Obey. We do not like it. We did not ask for a vote. That is your problem.

Mr. MICHEL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I would first like to say I started out as a member of the campaign task force, the campaign finance reform task force, and I give a lot of credit to the gentleman from Washington [Mr. SWIFT] and to the gentleman from California [Mr. THOMAS] and the gentleman from Michigan [Mr. VANDER JAGT] and those who worked on what I thought was going to be perhaps a historic opportunity to really make a major change in the campaign finance laws for this country

□ 2130

I guess I was a bit naive in thinking that somehow men of good will could sit together and work out our differences in this task force. And unfortunately that just simply did not happen. I suspect there were some partisan interests, particularly on the majority side, that ultimately doomed the task force to failure, and I think that is a shame because I think there has been a lot of work put in by the gentleman from Washington and the gentleman from Michigan and others to try to craft a good bill.

We ended up going back, putting together the Republican package, and as my colleagues have indicated we have had some difficulties with the Rules Committee, not surprising. But it was a worthwhile experience because it basically told me exactly where the parties are on this very important issue.

If you have some concerns about PAC's, if you have some concerns that the PAC's may be influencing the process too much, our package puts a $1,000 limit on the PAC's, the same as individuals. I think that deals with the PAC's, in a fair way. It does not say we are going to abolish the PAC's and PAC's are necessarily bad. They are an opportunity for people to participate in this great election process. I think it does give an opportunity to participate.

If you feel that most campaign money, as 80 percent of the population apparently does, should come from small donors in your particular congressional district, what is wrong with that? It gets government back to the people. That is in our package as well.

We also ban soft money contributions and prohibit leadership PAC's.

But I have to tell you, at least in my district and I suspect in almost every congressional district in the country, the overwhelming majority of Americans are opposed to taxpayer-funded elections.

Mr. Chairman, if you have the courage, if you have the courage go to your constituents and ask would they support their tax dollars paying for your reelection. I can guarantee you what the answer is going to be. It is going to be a flat no. And if you come back to them again they will probably vote you out of office, as they should. Every poll that I have ever seen indicates that 80 percent of the American public opposes taxpayer-funded congressional elections.

Now if you want to go out and vote for public financing, that is your choice. I do not choose to join you because it does not make any sense, and it is a political time bomb.

Is there no limit to the insatiable appetite on the other side of the aisle for taxpayer dollars to the point that not only are we going to spend and spend the taxpayer dollars, but we are going to come to them one more time and ask them for our election? I cannot believe it.

Spending limits, spending limits in essence are an incumbent protection racket, pure and simple, an incumbent protection racket. Tell that incumbent he is going to be limited to what he can spend, and his opponent who is not as well known is going to have to be able to spend the same amount of money, you cannot lose an incumbent. I do not think we want to give that type of advantage to incumbents, 98-percent reelection rates. It is crazy.

So let us take a look at the Republican package, and make a concerted effort to support what I feel is a reasonable package that all of us can support.

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, none of us are surprised on the developments of asking or not asking for a vote. Indeed, many of us are surprised about the tactics that votes are frequently used. When it comes to approving the Journal, when it comes to seeking adjournment, when it comes to delaying the proceedings of the House, when it suits the purposes, rollcalls are always the order of the day. And indeed, we spend hundreds of thousands of tax-

payer dollars using the rollcalls in order to impede the comprehensive dealings of the House when it suits the minority's purposes. Your silence of half an hour ago has amazingly enough departed, and you have recovered your voices in a most pleasant and timely way.

The fact of the matter is that they want a vote when it suits them to vote, and we are going to vote until the cows come home. That is what they do not like, because the cash cows are coming home under the Republican substitute, and they cannot handle it.

Harry Truman told us that past is prologue. Just a few hours ago on this very floor when our Republican friends had a chance to give meaning to what it means to be a minority in these United States, they turned their back. Now their Republican substitute says to people from rural districts, says to people from poor districts, says to people unless you are a millionaire you cannot run for Congress. That is what the Republican substitute says.

Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I thank the gentleman from Ohio for giving me the opportunity to stand and to speak against this Republican substitute, because, in fact, if it were to pass I would never get a chance to be elected to this august body.

So I rise in strong opposition to this Republican substitute.

I would like, Mr. Chairman, to speak just 1 minute about what this will do to those who may wish to run from poor districts and from rural districts. There is a lot wrong with this Republican substitute, but what is especially wrong is the fact that it requires that candidates raise one-half of their funds from local residents.

In listening to the debate tonight I heard those on the other side of the aisle who said that those of us who choose to seek funds should not have to go to New York, or Dallas, or Chicago to seek campaign funds, that we ought to go home to our districts and ask them for a buck. Well that assumes, Mr. Chairman, that there are bucks to be asked for, and that there are bucks to be gotten.

Mr. Chairman, in my congressional district, and in many others there are many, many constituents who simply cannot afford to contribute money to congressional campaigns. In my particular district, the per capita income is about $9,000 a year. So there is no discretionary income to give to political campaigns. Thirty percent of the people are unemployed. Those who do work earn far less than the national average. And unfortunately, Government transfer payments are the greatest source of income and still continue to be the order of the day.

Mr. Chairman, for those of us who represent welfare districts, and for those of us who represent the wealthy within those districts, then this amendment may look to you like a pretty good thing. If you have a district full of fat cat contributors who can keep the big money coming, of course that is a pretty good thing. But for those of us who represent poor districts like mine where an extra $5 is an awful hard thing to come by, this amendment, the Republican substitute, is unfair, it is unreasonable, and it is unrealistic. We need to vote it down tonight and go home.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. EPSY. Yes, I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I would ask the gentleman, does not your opponent come from the same district?

Mr. ESPY. Yes.

Mr. FRENZEL. Would he not have the same difficulty in raising money?

Mr. ESPY. Excuse me, sir. I did not understand. Could you repeat the question?

Mr. FRENZEL. The gentleman has complained about rich districts and poor districts. I have a nice rich district, my opponent has rich friends and so do I. You have a poor district and your opponent runs from the same district, does he not?

Mr. ESPY. The likelihood is that my opponent will be a Republican.

Mr. FRENZEL. We hope so.

Mr. ESPY. What I am telling the gentleman is that I have had Republican opponents before, and they do not donate or give donations to me.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. ESPY. I yield to the gentleman from Ohio.

Mr. ECKART. Mr. Chairman, I have given more time to the gentleman from Mississippi because he has made a valuable point. The point of the gentleman is there is value in votes, not value in dollars, and the rich man Republican substitute gives additional strength to those who have it already through their finances.

Mr. ESPY. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I commend the gentleman for his astute observation of how the Republican plan would work. I could not help but noticing my good friend and neighbor, the gentleman from Minnesota [Mr. FRENZEL], on the floor, who is retiring after a long and distinguished career. But I also have to notice the last campaign reports of the Republican running to succeed him, who has already raised $400,000 as of the end of June. The bulk of it, not $1,000, not in $500 contributions, not in $200 contributions, but $2,000, $4,000 contributions from husband and wives, in some cases, $6,000, husband, wife, and child.

You know, if you have got the rich and affluent with you, you quickly raise that money in your local district, you shut out the people who have to band together in order to get into the political process and look to broader horizons.

I think the point the gentleman from Mississippi makes is on the mark, and the Republican Party substitute skews politics again to serve the wealthiest in our society.

Mr. RUSSO. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. ESPY. I yield to the gentleman from Illinois.

Mr. RUSSO. I thank the gentleman for yielding.

Mr. Chairman, it is no wonder why the Republican plan benefits the rich. Who do you think has benefited under the Reagan-Bush era in the last 9 years? The rich have benefited. That is why you want to keep them in power and have a rich man's campaign law.

The upper 1 percent of the wealthiest in this country have had a 94-percent increase in real income, and they have had their tax rate reduced 23 percent. No wonder the Republican campaign plan benefits the rich. What the heck, the rich has been having a party for the last 8 years, at the expense of working people.

I thank the gentleman for yielding.

Mr. MICHEL. Mr. Chairman, I yield half a minute to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank the leader of our party.

Mr. Chairman, the gentleman from Wisconsin [Mr. MOODY], whom I respect, mentioned that the Republicans, the Michel amendment, does not include anything on soft money. That is not true.

Section 2, we have a ban on soft money. But when you come over to the Swift amendment, which the Obey-Synar does not even address, we have additional exclusions from soft money in this piece of legislation.

Let me read one of them, if I might, Mr. Chairman: "Administrative expenses of a State or local committee of a political party, including expenses for overhead, staff, meetings and conducting party elections or a caucus."

So, in effect, Mr. Chairman, we have a ban on soft money in ours.

Mr. MICHEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I think we are losing sight of something here. And it is that the congressional seats belong to the people. I disagree when people say it is Regula's seat or Smith's seat or whomever's seat in the

Congress. It does not belong to us. It belongs to the people.

The objective of all these campaign reforms should be to give those seats back to the people. They should be financed by the people in the district, not by the lobbyists, nor by the special interests. It is not their seat, although I observe that some of them seem to think it is.

The Michel proposal takes a giant step in accomplishing that because half of a candidate's money has to come from the candidate's district.

It ought to come from the district people. We ought to be required to go home and make our case to those whom we represent. We are here as surrogates for 550,000 people.

If this body would like to reduce the amount of individual contributions to meet the gentleman from Mississippi's objection, fine, reduce it to $100, require the Members and candidates to go to more and more people in their districts.

Likewise, the Michel proposal reducing the maximum of the PAC's to $1,000 is another giant step toward reform.

I am sorry we cannot work out campaign reform on a bipartisan basis to reduce the pernicious influence of money in the legislative process.

I am convinced we would not have had the enormous S&L problem that we do today if it were not in part a result of PAC influence.

Here we have an opportunity to do something on a bipartisan basis to really ensure that the constitutional objective of the Founding Fathers is achieved, and that is to ensure that we represent the people, that they are the ones who provide the support in campaigns.

Mr. ECKART. Mr. Chairman, it is the Democratic Party that is interested in in-district elections, not in in-district auctions.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, President Kennedy once said, "Every mother wants her child to grow up to be President, as long as they do not have to get involved in politics."

The reason for that, I suppose, is there is a perceived stain on the body politics. The stain, the increasing stain these days, is the money stain. It is getting worse, and we have to fix it.

What is wrong? Too much money in campaigns. Too much money in politics. How do we cure it? The first step is to limit the money.

The Republican substitute comes to us today and it is called reform. But you know what it says? It says: Keep on spending, the sky is the limit, no problem for us.

This is fool's gold. In fact, I am surprised it does not include the capital gains tax cut.

This is the parable of the goose that laid the golden egg. This is the goose, and Congressman SABO just described who gathers those golden eggs.

This is reform, this does not solve the first step of the problem to deal with money in campaigns.

What we have put together is serious. This substitute is a joke. This is not campaign finance reform, and we must defeat the substitute.

Mr. MICHEL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, this is the old "I did not intend to get up and make another speech" speech.

My good friend, the gentleman from Ohio [Mr. ECKART] and the gentleman from Massachusetts [Mr. FRANK] have expressed surprise, shock, amazement, outrage, a veritable earthquake of concern at the fact that Obey/Synar passed without a vote. Some sort of devious plot seems to be occurring here on the House floor.

Now just calm down. Take deep breaths. Remember at the outset, when I told you at the first of this debate we should have gone through the subcommittee and the committee, that Mr. SMITH and Mr. THOMAS, good men both, and the mugwump, Mr. ROBERTS, could put something together along with our cohorts on the subcommittee? But we did not do that. We went to the task force, and we drank of the partisan juices and we reported this bill and the Obey/Synar bill which calls for taxpayer financing.

It is true Republicans on this side, surprise, surprise, do not want Obey-Synar. That is true. Oh, maybe two or three. After all, they are probably vegetarians or something, who knows.

But we do not want it. But the other side of the coin is that you do not want it either. At least half of your membership does not want it. I would also like to promise the Members is that when we get through with this spinning-in-the-mud exercise, we will get down to real reform. Mr. SWIFT is an honorable man and knows more about this than almost anybody else.

□ 2150

Mr. Chairman, we will work together. We will get a reform bill, a true campaign reform bill next session, not this time, because the President is going to veto it. We all know that.

This is filler. That is what we are doing here.

So, just calm down for once. This is petard hoisting time, and I say to my colleagues, "You've been hoisted on your petards. We are used to it. You are not. Calm down. We'll get reform."

Mr. ECKART. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT] for purposes of rescuing our petards from wherever.

Mr. SWIFT. Mr. Chairman, it might come as a surprise to some people who were not there, but the bipartisan task force in fact had a number of excellent meetings. There was never a sour atmosphere in those meetings at all, and one of the things that I think we found out, the 16 of us that sat there and examined each other's I.D's., and answered each other's straight, is we developed a respect for each other's fundamental views and also realized that we were fundamentally in disagreement. Things got a little out of control here in terms of, I think, some partisan sniping. Let us try to put it back in a context of honest people with some honest disagreement.

But let me discuss one of those honest disagreements, and I think there is one proposal here, and I happen to know that the gentleman from California is absolutely sincere. He has fought vigorously in his own caucus for it, and that is the local contribution issue.

Let me tell my colleagues about that. The fact is that, I say to my colleagues, "If you come from a poor district, it does not work for you." And the argument was made by the gentleman from Minnesota, "But doesn't your opponent have the same problem?"

Mr. Chairman, that is an interesting question from the side of the aisle that has always said that when we talked about putting spending limits on anything, that, "You have to have enough money for critical mass."

Mr. Chairman, we are talking $550,000, and we have heard today that is not critical mass. But they are suggesting that, if we live in a district that is dirt poor, in which the people cannot give virtually any money at all, that it is OK to stay tied to those local contributions without a prayer of reaching critical mass. That is what is wrong with that proposal.

Mr. Chairman, let me make one additional point. There has always been a fundamental difference in attitude toward poor people between the two parties, attitude toward rich people between the two parties. What is interesting about the Republican proposal that is on the floor tonight is what is not in it, 2 clear proposals that were contained in the 10 that were introduced, and one was to repeal the contribution limits for political parties. They could spend unlimited sums, which they cannot do now.

Mr. Chairman, another provision in those bills, which has not been presented here in the Republican substitute, which would increase by $25,000 what an individual could contribute to the party: A total amount of $50,000 an individual could put into the election system, $100,000 if we include the

wife, and, my colleagues, it gets us to the heart of what has been a central, and fundamental and sincere difference between the two parties for as long as the parties have existed.

With all great appreciation for the sincerity behind the proposals in the Republican substitute, we honestly, and sincerely and respectfully disagree with the approach because it will help the rich and will hurt the average citizen and the poor. That is the difference between the parties, and it is the basic difference beween these two proposals.

I respect the proposal they have made for the work that went into it. I cannot agree with what it would do to our election system.

Mr. MICHEL. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, I get so tired of this crap of listening to the rich-man-poor-man situation.

Mr. Chairman, I represent a poor Southern district. My opponent in the race to date has raised $77,000, $62,000 of that in thousand-dollar contributions. I have been running for 8 years. I have raised $1.5 million, and I do not have 62 thousand-dollar contributors in my entire amount of money.

So, Mr. Chairman, it is not a rich man, poor man. The Republican Party represents the views of the middle-class people.

Mr. MICHEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Michel proposal, and I want to congratulate the minority leader on having taken real leadership on this issue, for without his leadership, I do not think we would be here tonight if he had not been able to provide the firm hand that led our caucus to agree on a number of difficult subjects that allowed him to introduce concrete bills on controversial campaign reform issues, and I frankly do not think we would have been able to get agreements from the other side and bring bills to the floor tonight. So, I congratulate him.

In my mind there are two measures of real reform. One is the extent to which people I represent will control the pursestrings of my campaign and the campaign of my opponent, and by that measure the Michel proposal is clearly superior, superior.

I believe the first measure of reform is whether or not the individuals in the districts of each of us have primary power over our ability to run for reelection and the character of the campaign that we run, and by that measure the Michel amendment is far superior to that on the floor.

The second measure of quality, of real reform in my mind, is transparency, the accountability, the degree to which Members are responsible to be accountable for the contribution to their campaigns. Again, by that measure the Michel amendment is superior because it does completely ban soft money. The money that will influence the voters is money that will be accounted for by each candidate and, therefore, visible to the electorate.

Mr. Chairman, I rise in strong support of the Michel amendment.

Mr. ECKART. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, the gentleman from Illinois had it right before. What we are seeing here is power and money and trying to jiggle the system. Why? Well, they have outspent us 4 to 1 in almost every election. They are still the minority party, and that has got to be awfully frustrating, but what is most frustrating is they do not try to change what they stand for. They try to adjust the system.

Mr. Chairman, a year or two ago they wanted to extend the term of the Presidency, President Ronald Reagan, to serve for a third term. We would need a constitutional amendment. That did not sell so well. Now they want to limit the terms of Members of Congress because they cannot win a majority here. That is not selling well either.

Mr. Chairman, I say to my colleagues, "Spending four times as much can't buy you the Congress."

Well, maybe if they make it five times, maybe if they make it a district that's got 90 percent poor people and 10 percent millionaires, the millionaires will finally be able to win that district because they will not be able to raise money from anybody else in the country.

Let us get straight what is happening here. There is a fundamental battle, and the battle is between that party which has transferred more wealth from the poor and working people to the wealthiest people in this country.

This is the Democrat Party on this side. We have fought for the working people, and the sad fact is we have lost some of our battles over the last decade. We are ending that fight tonight. We are starting to take back this country, and working people in this country understand the fundamental difference.

Mr. Chairman, I say to my colleagues, "Jiggle the rules all you can. You won't win this Congress."

□ 2200

Mr. MICHEL. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished Republican whip.

Mr. GINGRICH. Mr. Chairman, I thank the minority leader for yielding me this time.

I have found large parts of tonight's debate absolutely fascinating. Earlier the distinguished Democratic gentleman from Wisconsin said, "The fat cats are controlling Congress," and if I had time allowed at that moment, I would have asked him, who do the fat cats control? Do they control the chairman of which committees? Do they control the majority leader? Do they control the Speaker?

I mean, what is he talking about? The Democrats have controlled the House since 1954, and if he is right that the fact cats control Congress, he ought to give us a list of which fat cats control which Democratic chairmen.

The gentleman from Connecticut who just spoke, sheer, ludicrous nonsense. There is no place in America where a challenger outspends a Democratic incumbent 4 to 1. It is just lunacy. It has no relationship to the real world. It is wonderful rhetoric, and when you are beginning to become a reactionary party, you have to use rhetoric to hide what is happening to you, but it has no relation to facts. It is simply factually wrong.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I will yield to the gentleman, if he can name one race——

Mr. GEJDENSON. The Republicans——

Mr. GINGRICH. Mr. Chairman, I will reclaim my time.

Mr. GEJDENSON. If the gentleman does not want an answer. I guess he should not ask the question.

The CHAIRMAN. The gentleman posited a conditional yielding, and the Chair is trying to determine whether he can do that.

Mr. GINGRICH. I do not know if I can conditionally do that or not, so I will not test the rule, but I thank the chairman.

Let me talk a little bit about what the Michel substitute does. It gets all PAC's down to $1,000. It does not have a loophole so that the labor PAC's in Washington can give $5,000 each in the primary and $5,000 in the general. That is a loophole which the Swift proposal does have, nice little loophole for the bosses.

The so-called working men are, in fact, that union staffs in Washington giving out $5,000 each.

No, the Michel substitute brings all PAC's down to $1,000.

Second, we require 50 percent in your home area, 50 percent.

Now, I heard one Democrat stand up and say he could not rise the money in his own district.

A Member who does not think that he could match a challenger in raising money back home ought to resign. Almost by definition he is announcing that he is so unrepresentative now.

The fact is that we are in a situation here where we have Democrats getting up and explaining they could not afford to go back home and rely on money from back home, that it would be terrible if they could go to Hollywood and New York and to the union bosses. My gosh, if they had to actually rely on the people, they would be devastated by this.

Now, we have heard recently in this House from Vaclav Havel, from Lech Walesa, from Nelson Mandela. We have applauded the progress being made by Yeltsin. We have passed resolutions on behalf of Lithuania. Let me just challenge the Democrats. You represent a system which now so protect incumbents that 98 or 99 percent get reelected. It is the most entrenched political system around. It is more entrenched than any political system in the Communist world, except Albania. Why not take the gamble that if we lowered all PAC's to $1,000, including the unions, that if we actually required—I understand some Democrats are booing the thought that we would actually rely on people back home, but if we actually allowed 50 percent of the money, required it to come from back home from challenger and incumbent alike, if we were in a position to ban leadership PAC's, if we had a tough ban on soft money, which the Michel substitute does, a tough ban, not a soft ban, the kind of ban that would make Keating money illegal, the kind of ban that would make the S&L looters locked out of the system, the kind of ban that we ought to have to keep the folks who corrupted the system in the eighties out of the system, that is in the Michel substitute, but it is not in the Democratic measure.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, did not Tip O'Neill tell us that all politics is local, Perhaps we ought to suggest to them that if they followed his advice and went back to their own districts, they might not have this concern.

Mr. ECKART. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I rise in support of the Democratic bill and against the Republican substitute that would allow multimillion dollar campaigns funded by multimillionaries.

We in Congress work for the people and only the people and it is they that we reform campaign financing to bring it back to the people.

I am proud tonight to vote for spending limits. Our campaigns are going through the roof. The Republican bill still says the sky's the limit.

A million? Two million? How far can it go? We need to limit campaign spending.

We also need to move toward public financing, funded by a voluntary checkoff. When we finally get all the special interest money out of politics, we will truly be a better country.

When you take thousands and some have taken many hundreds of thousands in direct or indirect contributions, you are belittled by it; your actions will never be viewed as objective; it's not good for the people or the country.

I want to restore the faith of the people in our system. In my campaign I am making a special effort to encourage small contributions, and to bring back the excitment of grass roots politics.

Let's reform the system and let's do it now.

Mr. ECKART. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

In yielding, let me say to my friend, the gentleman from Georgia that if he is so incensed about the Charles Keating problem, why not ask him why he does not close that loophole that allowed Mr. Keating to do that to make those kind of contributions?

Mr. HEFNER. Mr. Chairman, one of the real differences is that most of the people back home say, "We don't understand why you have to spend 6 or 7 or $800,000 to be elected to Congress."

One of the things that compounds the problem at home on both sides, we are never going to get a handle on campaign financing until we get a handle on trying to do away with some of the negative advertising that we do.

The biggest part of the legislation that is passed in this House, there are gimmicks that are brought here to get 30-second feeds to run on the television to do commercials where you can destroy somebody's integrity.

Right now every campaign has its hired gun and they are doing investigations to see what you can find on your opponent where you can destroy his integrity. That is what it is all about. If you can get enough dirt on him, you can win, never mind about the issues.

It is interesting, let me say to the gentleman from Georgia, we had some apologies yesterday or today from the gentleman from California. I was just wondering if maybe the gentleman from Georgia would like to apologize to Democrats when he said, "We goofed. We attempted to deal with Democrats as if they were responsible citizens."

We talk about going back to our districts, I go to my district. I raise money in my district. I have $5 and $10 and $25 fund raisers.

I would like to mention also that if the administration has the luxury of sending in the Secretary of Labor, the Secretary of Education, yes, even the Whip who can come to your district and refer to you as a pig, and you have to spend some extra money to defend these attacks.

We are never going to get to the root of campaign financing reform until we manage to get to the heart of it and do away with negative advertising and campaign on the issues and what people stand for.

Yes, the gentleman from Georgia [Mr. GINGRICH] says we do not have the Republican values. Thank God, I do not.

Mr. ECKART. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding this time to me.

First I have to confess to my colleagues that I have no small measure of skepticism about how effective any of this legislation is going to be in improving the quality of representation for the American people in this body. In fact, I will go as far as to say there is not a proposal on the table this evening that is going to improve the representation quality in this body one whit.

Beyond that, Mr. Chairman, I want to make one or two observations about the Republican substitute. Any suggestion that we are talking about some kind of major reform by reducing the total PAC contribution from $5,000 to $1,000 is absolute nonsense. We are going to see nothing but a total proliferation of PAC's.

The second point I want to make is that when our friend, the gentleman from Mississippi, was talking, I hope people were listening, because the bottom line is this. A millionaire in a poor district will be able to virtually go in and buy a congressional seat. Poor people from that district that want to seek representation there are going to be denied an opportunity.

That is the ringer in this proposal before us this evening. That is what we are talking about. Are we going to set up a system that will enable someone with enormous personal wealth to go into poor districts in this country and literally buy a congressional seat.

I say we should not set up that kind of system and that is the most fundamental reason why we should oppose the Republican substitute.

□ 2210

Mr. ECKART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, frequently when we have difficult or contrasting ideas and philosophies, it makes for a most interesting and intriguing debate and usually for a wide array and choices of political options. What is left before us today in this substitute before we return to the

House to vote on the Synar-Obey amendment is a question of clear difference in philosophy and how we got to that philosophical difference.

If we look about us, we see many indices of what drives this process. If you look at the billboards of America, you see one thing. If you look at the latest, hottest movies, you see something else. And television is even different.

But when we look at the question of campaign finance debate and we look at the complaints registered by those on the Republican side, we see a new television show called "The Incredibly Shrinking Republican Package." It was announced with great fanfare by the minority leader that their Republic campaign program had 25 points of light that shrunk to 21. Three months later it became 17. Two weeks after that it became 11. And in the package that they produced tonight to deliver to the floor of the House, it shrunk to seven or eight.

Now why did that happen? It happened because of their inability to coalesce behind any single agreement. This shrinking Republican package reflects most their ability to pursue their partisan political advantage, and I understand that. But like last summer's hit movie, "Honey, I Shrunk the Package," the Republicans now have captured a set of circumstances from which they will find it difficult to extricate themselves. It is not what they put in the package that they like, it is what they left out. They do not have spending limits. They do not put an aggregate limit on PAC contributions. They do not shut down the soft-money system. They do not put a ban on a bundling by political parties. They do not tighten expenditures by independent campaigns. And they do not provide for a trail to track the receipts that they are funneling through county parties.

We heard with eloquence how they spoke about returning the financing to county parties. What they did not tell us is that they do not require a dime of those donations to the county parties to be reported. Tiny Tammany Halls all across this country financed by the Republicans and their cronies here in Washington because they can run those dollars through without disclosures. Let me quote from a well-known 1980's political operation.

"Groups like ours are potentially very dangerous to the political process," this expert said; "we could say whatever we wanted about an opponent of a Senator and the Senator would not have to say anything. A group like ours could lie through its teeth, and the candidates it helps stays clean." That is the end expenditure loophole that the gentleman from Illinois [Mr. MICHEL] preserves, and that was Terry Dolan that took this caucus apart in 1982 with his negative campaign tactics. They say yes to this, we say no. The Republicans want dirty campaign tactics to be the norm and not the exception in the process, and yet when, independent expenditures of negative campaigns are directed at us, they want to tie our hands and not allow you to even have access to the media to respond. Do you call that reform?

If you want real reform in this package, do not look to the Republican substitute. They will tell you that, "We limit PAC's." But they do not touch fat cats. That is part of the problem. They say they want reform, but they define reform as that ever skyrocketing national debt which their economic politics fuel and which they refuse to step up to the bar and pay for when it comes time to the debt-ceiling requirements. We understand that. Yes, this incredibly shrinking Republican package is an invitation to disaster.

They do not ban soft money. The reason they do not ban soft money is because their political machine is oiled by soft money, and what they do with the soft money that is left they drive underground by not allowing or requiring reporting.

Mr. Chairman and my colleagues, if this package that the Republicans offered tonight was a beer, it would be called Campaign Reform Light. It does not taste good. It certainly is not less filling, save the coffers that you will use fueled by the tremendous unlimited, unreported expenditures of the wealthy to do what.

We heard complaints about his rule earlier tonight. One of the complaints was by one of the Republicans who said he had 60 cosponsors for his package, and why could he not get it offered. Do not complain to us. Ask the minority leader why he would not put your bill in our substitute.

The fact of the matter is that if you want to have meaningful campaign finance reform, if you want to limit spending, if you want to tell PAC's that we are tired of the big, wealthy PAC's owning the political process, if you want to tell everybody that you want merit and not money to drive campaigns, if you want to make sure that everybody knows that we are conducting elections and not auctions to the highest bidder, if you want to make it crystal clear that the test of membership in the Congress of the United States is not the size of your personal bank account, then you will reject the Republican substitute simply because it does not pass the smell test.

Reject the Republican substitute. Remember that in our best interests it is important that that wall of money that separates us from the people come down and that the people know that the people's House is owned by and responsible to the people.

Mr. MICHEL. Mr. Chairman, I yield 6 minutes, the remainder of my time, to the distinguished gentleman from Michigan [Mr. VANDER JAGT] to wrap it up on our side.

Mr. VANDER JAGT. Mr. Chairman, I personally do not call the substitute the Republican substitute, because there are such good things in here for real campaign reform that I would not want to insult my good and dear friends on the other side of the aisle by suggesting that they are the exclusive property of the Republican Party.

Besides campaign reform should not be a contest of Democrats versus Republicans. Fundamentally, it is a contest of powerful special interests against the power of the people whom all of us were elected to represent, and I do not mean to be inflammatory, but I think that it is essential that we set in context how campaign reform comes to us tonight.

The facts are that this Congress began with the resignation of a Speaker who had taken hundreds of thousands of dollars from corrupt S&L's PAC's and their personnel and carried the legislative water of those corrupt S&L's into this House. The whip resigned, and it turned out that he had been running an S&L yacht up and down the Potomac raising campaign funds illegally, it turned out to be, and as he left us, he protested, "I am not a corrupt person, but this is a corrupting system."

And then with a new Speaker, we all hoped that there would be bipartisan reform of this congressional Watergate.

□ 2220

And there at that time was widespread agreement on some essential elements to real campaign reform. Complex and controversial dispute as to how to do it. But pretty widespread agreement on some essential elements.

First, we reduce the role of special interest PAC money in campaigns;

Second, we enhance the role of the individual voter in the district;

Third, a balancing of the playing field between incumbent and challenger.

Last night, in the dead of the night, emerges for the first time the Democratic package. And to label that package "reform" is a joke, and to suggest that it addresses those three fundamental issues is an insult to intelligence.

It does not decrease, it increases the role of special interest PAC money. It raises to $122 million in the next election the PAC money that can come in, when it was only $86 million in the last election. This is an increase of almost 50 percent.

The role of the individual voter is not enhanced, it is cut in half, and the role of the political parties are emas-

culated. It is obvious that the more important you make the individual in the party, the less importance the special interest becomes.

And while I am on the role of rich people, poor people, and fat cats, little people, in the last election for which there is an indepth analysis, the NRCC raised over 90 percent of its money in contributions of less than $100; the DCCC raised over 70 percent of its money in contributions in excess of $500. And that package does not even acknowledge, let alone address, the imbalance between incumbent and challenger.

Fifteen years ago the chairman of the DCCC and the Committee on House Administration announced that by raising franking and perks and in other ways, he would establish a system to preserve and protect incumbents in perpetuity. And his dream has just about come true, as we have a 98.7-percent incumbent reelection rate.

It has been demonstrated earlier today that there are the votes over there to push a closed gag rule not down the mouth of Republicans, but down the mouth of the American people, on this important subject. I suppose you still have the votes to do what you want, but this substitute is your only chance in the House, in the committee, to vote against public financing. And yes, it is winnowed down. There are some motherhood issues there. But it is winnowed down. It has been shrunk down to just two fundamental issues, because we wanted it simple as to where you stood, for or against them.

The first one, we do reduce the role of PAC money by reducing the limit from $5,000 to $1,000, instead of increasing the role by 50 percent.

Second, we do enhance the role of the individual voter by saying that 50 percent of the funds should come from his supporters in the district. Vote no on this, and you are saying that a special interest Washington-based PAC ought to be able to give 10 times as much as an individual in the district where you are running. Vote no on this and you are saying it is perfectly OK to spend 90 percent of your time in Beverly Hills and the Upper East Side of Manhattan, rather than being required to spend at least 50 percent of your effort in your district with the people you are going to serve. Vote no on this and you are saying we don't want to change what your whip called a corrupting system one iota, and we want to preserve this as a House of the incumbent, by the incumbent, and for the incumbent, that Wayne Hayes envisioned, rather than with this substitute moving it just a little bit toward a House of the people, by the people, and for the people, that our Founding Fathers hoped it would always remain.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. MICHEL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 169, noes 241, answered "present" 1, not voting 21, as follows:

[Roll No. 316]

AYES—169

Archer	Hansen	Regula
Armey	Hastert	Rhodes
Baker	Hefley	Ridge
Ballenger	Henry	Rinaldo
Bartlett	Herger	Ritter
Barton	Hiler	Roberts
Bateman	Holloway	Rogers
Bennett	Hopkins	Rohrabacher
Bentley	Horton	Ros-Lehtinen
Bereuter	Houghton	Roth
Bliley	Hunter	Rowland (CT)
Broomfield	Hyde	Saiki
Brown (CO)	Inhofe	Savage
Buechner	Ireland	Saxton
Bunning	James	Schaefer
Burton	Johnson (CT)	Schiff
Callahan	Kasich	Schneider
Campbell (CA)	Kolbe	Schulze
Chandler	Kyl	Sensenbrenner
Clinger	Lagomarsino	Shaw
Coble	Leach (IA)	Shays
Coleman (MO)	Lent	Shuster
Combest	Lewis (CA)	Skeen
Conte	Lewis (FL)	Slaughter (VA)
Coughlin	Lightfoot	Smith (NE)
Courter	Livingston	Smith (NJ)
Cox	Lowery (CA)	Smith (TX)
Craig	Lukens, Donald	Smith (VT)
Dannemeyer	Machtley	Smith, Denny (OR)
Davis	Madigan	
DeLay	Marlenee	Smith, Robert (NH)
DeWine	Martin (IL)	
Dickinson	Martin (NY)	Smith, Robert (OR)
Dornan (CA)	McCandless	
Douglas	McCollum	Snowe
Dreier	McDade	Solomon
Duncan	McEwen	Spence
Edwards (OK)	McGrath	Stangeland
Emerson	McMillan (NC)	Stearns
Fawell	Meyers	Stump
Fields	Michel	Sundquist
Fish	Miller (OH)	Tauke
Frenzel	Miller (WA)	Taylor
Gallegly	Molinari	Thomas (CA)
Gallo	Moorhead	Thomas (WY)
Gekas	Morella	Upton
Gillmor	Morrison (WA)	Vander Jagt
Gilman	Myers	Vucanovich
Gingrich	Nielson	Walker
Goodling	Oxley	Walsh
Goss	Packard	Weber
Gradison	Parris	Weldon
Grandy	Pashayan	Whittaker
Grant	Paxon	Wolf
Green	Petri	Young (AK)
Gunderson	Porter	Young (FL)
Hammerschmidt	Quillen	
Hancock	Ravenel	

NOES—241

Ackerman	Barnard	Boxer
Alexander	Bates	Brennan
Anderson	Beilenson	Brooks
Andrews	Berman	Browder
Annunzio	Bilbray	Brown (CA)
Anthony	Boehlert	Bruce
Applegate	Boggs	Bryant
Aspin	Bonior	Bustamante
Atkins	Borski	Byron
AuCoin	Boucher	Campbell (CO)
Cardin	Jenkins	Penny
Carper	Johnson (SD)	Perkins
Carr	Johnston	Pickett
Chapman	Jones (GA)	Pickle
Clarke	Jones (NC)	Poshard
Clay	Jontz	Price
Clement	Kanjorski	Rahall
Coleman (TX)	Kaptur	Rangel
Collins	Kastenmeier	Richardson
Condit	Kennedy	Roe
Conyers	Kennelly	Rose
Cooper	Kildee	Rostenkowski
Costello	Kleczka	Rowland (GA)
Coyne	Kolter	Roybal
Darden	Kostmayer	Russo
de la Garza	LaFalce	Sabo
DeFazio	Lancaster	Sangmeister
Dellums	Lantos	Sarpalius
Derrick	Laughlin	Sawyer
Dicks	Lehman (CA)	Scheuer
Dingell	Lehman (FL)	Schroeder
Dixon	Levin (MI)	Schumer
Donnelly	Levine (CA)	Serrano
Dorgan (ND)	Lewis (GA)	Sharp
Downey	Lipinski	Sikorski
Durbin	Lloyd	Sisisky
Dwyer	Long	Skaggs
Dymally	Lowey (NY)	Skelton
Dyson	Manton	Slattery
Early	Markey	Slaughter (NY)
Eckart	Martinez	Smith (FL)
Edwards (CA)	Matsui	Smith (IA)
Engel	Mavroules	Solarz
English	Mazzoli	Spratt
Erdreich	McCloskey	Staggers
Espy	McCurdy	Stallings
Evans	McDermott	Stark
Fascell	McHugh	Stenholm
Fazio	McMillen (MD)	Stokes
Feighan	McNulty	Studds
Flippo	Mfume	Swift
Foglietta	Miller (CA)	Synar
Ford (TN)	Mineta	Tallon
Frank	Moakley	Tanner
Frost	Mollohan	Tauzin
Gaydos	Montgomery	Thomas (GA)
Gejdenson	Moody	Torres
Gephardt	Morrison (CT)	Torricelli
Geren	Mrazek	Towns
Gibbons	Murphy	Traficant
Glickman	Murtha	Udall
Gonzalez	Nagle	Unsoeld
Gordon	Natcher	Valentine
Gray	Neal (MA)	Vento
Guarini	Neal (NC)	Visclosky
Hall (OH)	Nowak	Volkmer
Hamilton	Oakar	Walgren
Harris	Oberstar	Washington
Hatcher	Obey	Waxman
Hayes (IL)	Olin	Weiss
Hayes (LA)	Ortiz	Wheat
Hefner	Owens (NY)	Whitten
Hertel	Owens (UT)	Williams
Hoagland	Pallone	Wilson
Hochbrueckner	Panetta	Wise
Hoyer	Parker	Wolpe
Hubbard	Patterson	Wyden
Huckaby	Payne (NJ)	Yates
Hughes	Payne (VA)	Yatron
Hutto	Pease	
Jacobs	Pelosi	

ANSWERED "PRESENT"—1

Shumway

NOT VOTING—21

Bevill	Hall (TX)	Ray
Bilirakis	Hawkins	Robinson
Bosco	Leath (TX)	Roukema
Crane	Luken, Thomas	Schuette
Crockett	McCrery	Traxler
Flake	Nelson	Watkins
Ford (MI)	Pursell	Wylie

□ 2243

The Clerk announced the following pairs:

On this vote:

Mr. Pursell for, with Mr. Nelson of Florida against.

Mr. Robinson for, with Mr. Ray against.

Mrs. Roukema for, with Mr. Flake against.

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute made in order as original text, as amended.

The amendment in the nature of a substitute made in order as original text, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOYER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5400) to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question was ordered.

Is a separate vote demanded on the amendments en bloc to the amendment in the nature of a substitute made in order as original text adopted by the Committee of the Whole?

Mr. FROST. Mr. Speaker, I demand a separate vote on the so-called Synar-Obey amendments.

The SPEAKER. The Clerk will report the amendments en bloc on which a separate vote is demanded.

The Clerk read as follows:

Amendments:

In section 315(k)(1) of the Federal Election Campaign Act of 1971, as proposed to be added by section 109, strike out "50 percent" and insert in lieu thereof "40 percent".

In section 315(k)(2) of the Federal Election Campaign Act of 1971, as proposed to be added by section 109, strike out "50 percent" and insert in lieu thereof "40 percent".

At the end of title I, add the following new sections:

SEC. 125. LIMITATION ON ACCEPTANCE OF POLITICAL COMMITTEE CONTRIBUTIONS, OTHER THAN SMALL DONOR POLITICAL COMMITTEE CONTRIBUTIONS, BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by sections 107(b), 108, 109, and 110 of this Act, is further amended by adding at the end the following new subsection:

"(m) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and the authorized political committees of such candidate, may not, with respect to an election, accept contributions from political committees (other than small donor political committees) in excess of 10 percent of the limitation specified in subsection (i)(1)(A).".

SEC. 126. REDUCTION IN LIMITATION AMOUNT FOR INDIVIDUAL CONTRIBUTIONS TO CANDIDATES.

Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking out "$1,000" and inserting in lieu thereof "$500".

SEC. 127. FEDERAL ELECTION COMMISSION TO MAINTAIN CERTAIN REPORT INFORMATION IN COMPUTER FORMAT.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 125 of this Act, is further amended by adding at the end the following new subsection:

"(f) The Commission shall—

"(1) maintain computer files of the report information referred to in subparagraphs (A) and (B) of paragraph (3) of subsection (b); and

"(2) make such files available to the public by remote access at reasonable cost.".

SEC. 128. NEW TITLE OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—VOLUNTARY EXPENDITURE LIMITATIONS AND PARTIAL PUBLIC FINANCING FOR QUALIFYING HOUSE OF REPRESENTATIVES CANDIDATES IN GENERAL ELECTIONS

"ELIGIBILITY FOR PAYMENTS

"SEC. 501. (a) To be eligible to receive payments under section 504, a qualifying House of Representatives candidate shall, at the time of filing the statement of organization under section 303(b), agree in writing that the candidate and the candidate's authorized committees—

"(1) will deposit all payments received under this section in a separate checking account in a depository institution referred to in section 302(h)(1), which shall contain only amounts so received and from which all expenditures of such amounts shall be made;

"(2) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(3) will cooperate in any audit and examination conducted by the Commission under section 505;

"(b) To be eligible to receive payments under section 504, a qualifying House of Representatives candidate shall certify to the Commission that—

"(1) the candidate and at least one other candidate have qualified for the general election ballot under State law; and

"(2) subject to subsection (c), the candidate has received $25,000 in contributions with respect to the general election (and any primary election relating to the general election) from individual residents of the State in which the general election is held.

"(c) For purposes of subsection (b), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a contribution of money made by a written instrument which identifies the individual making the contribution shall be taken into account;

"(2) no contribution by an intermediary or conduit under section 315(a)(8) shall be taken into account; and

"(3) no contribution shall be taken into account to the extent such contribution exceeds $50 when added to the amount of all other contributions made by the individual with respect to the election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 502. (a) An eligible candidate shall be entitled to—

"(1) matching payments under section 504 in an amount equal to the amount of contributions received by the candidate and the candidate's authorized committees, except that such payments may not exceed $100,000, and, in determining the amount of such contributions, the provisions set forth in subsection (c) of section 501 shall apply (except that the limitation in paragraph (3) of that section shall apply on a calendar year basis and only contributions from individual residents of the State in which the general election is held shall be taken into account); and

"(2) additional payments under section 504 in the amount of one dollar for each dollar of matching payments which a candidate is eligible to receive under paragraph (1), if any candidate (other than a qualifying House of Representatives candidate) receives aggregate contributions or makes aggregate expenditures in excess of $200,000 with respect to the general election.

"(b) Payments received by a candidate under this section shall be used only to defray expenditures incurred with respect to the general election for such candidate. Such payments shall not be used to make any expenditures other than expenditures to further the election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 503. (a) Not later than one week after an eligible candidate files a request with the Commission to receive a payment under section 502, the Commission shall certify to the Secretary of the Treasury the eligibility of the candidate for payment in full of the amount to which the candidate is entitled. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with the procedures, as the Commission may provide by regulation;

"(2) a verification, signed by the treasurer of the principal campaign committee of the candidate, stating that the information furnished in support of the request is correct and complies with the requirements of this title; and

"(3) a request for a payment for at least $10,000 except for the final payment request which may be for a lesser amount, if such request is filed for a payment under section 502(a)(1).

"(b) The Commission may not delay a certification under this section, unless the Commission determines that the request filed by the candidate is clearly incorrect.

"(c) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"ESTABLISHMENT OF ACCOUNT; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 504. (a) The Secretary shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the House of Representatives Election Campaign Account. The Secretary shall deposit in the account, for use by eligible candidates, the amounts available after the Secretary determines that the amounts

in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The amounts designated for such account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 503, the Secretary shall promptly pay to the candidate from the account the amount certified by the Commission.

"(c) If at the time of a certification by the Commission under section 503 for payment to an eligible candidate, the Secretary determines that the moneys in the account are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from such payment the amount necessary to assure that each eligible candidate will receive a pro rata share of the candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient moneys in the account to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient moneys in the account to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives a pro rata share of the full entitlement.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 505. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. In selecting the accounts to be examined and audited, the Commission shall select all candidates in a general election where any eligible candidate is selected for examination and audit.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all candidates in the election if any candidate is an eligible candidate to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any significant amount of a payment to a candidate under this title was not used as provided for in this title, the Commission shall so notify the candidate and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount involved.

"(d) The Secretary shall deposit all payments received under this section in the House of Representatives Election Campaign Account.

"JUDICIAL REVIEW

"SEC. 506. (a) Any agency action by the Commission made under this title shall be subject to review by the United States District Court for the District of Columbia upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 507. (a) The Commission is authorized to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 505 to be payable to the Secretary.

"(b) The Commission is authorized to petition the courts of the United States for such injunctive relief as is appropriate to carry out this title.

"(c) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 508. The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the amounts certified by the Commission under section 503 for payment to each eligible candidate; and

"(2) the balance in the Presidential Election Campaign Fund and any account maintained in such Fund.".

At the end of title II, add the following new sections:

SEC. 208. INCREASE IN PRESIDENTIAL ELECTION CAMPAIGN FUND INCOME TAX CHECKOFF.

(a) IN GENERAL.—Section 6096(a) of the Internal Revenue Code of 1986 is amended by striking out "$1" each place it appears and inserting in lieu thereof "$3" and by striking out "$2" and inserting in lieu thereof "$3" and by striking out "$2" and inserting in lieu thereof "$6".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to income tax liability for taxable years beginning after December 31, 1990.

SEC. 209. REPORT TO CONGRESS ON THE EFFECTIVENESS OF CERTAIN REPORTING AND DISCLOSURE REQUIREMENTS OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.

Not later than 6 months after the date of the enactment of this Act, the Federal Election Commission shall submit to the Congress a report containing—

(1) an analysis of the effectiveness of the provisions of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that require reporting and disclosure of the occupation and employer of an individual who makes contributions subject to that Act;

(2) a description of any administrative action the Commission intends to implement to improve compliance with such requirements; and

(3) a draft of legislation (including technical and conforming provisions) recommended by the Commission to improve the provisions referred to in paragraph (1).

In lieu of title III, insert the following:

TITLE III—EFFECT OF PARTIAL INVALIDITY, EFFECTIVE DATE, AND SUNSET PROVISIONS

SEC. 301. EFFECT OF PARTIAL INVALIDITY.

If any amendment made by section 109, 126, 127, 129, or 208, or the application of such amendment with respect to any person or circumstance, is held invalid by a final decision of the courts of the United States, no amendment made by any such section and no application of any such amendment shall be valid with respect to any person or circumstance, and, from and after the effectiveness of such decision, the provisions of law amended by such sections shall be in effect as if this Act had not been enacted.

SEC. 302. EFFECTIVE DATE AND SUNSET PROVISIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall apply with respect to elections for Federal office beginning with the general election of November 3, 1992 (and any primary election relating to such general election).

(b) SPECIAL RULE AND SUNSET PROVISION.—The amendments made by sections 109, 126, 127, and 129, shall take effect on January 1, 1991, and shall cease to have effect on January 1, 1999, unless extended by law. The amendments made by such sections and the amendment made by section 208 shall be repealed, effective January 1, 1999, unless extended by law, and from and after such repeal, the provisions of law amended by such sections, including section 208, shall be effective as if this Act had not been enacted.

Mr. FROST (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the amendments.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 122, nays 128, answered "present" 158, not voting 24, as follows:

[Roll No. 317]

YEAS—122

Ackerman	Donnelly	Jacobs
Anderson	Dorgan (ND)	Johnson (SD)
AuCoin	Dwyer	Johnston
Beilenson	Dymally	Kanjorski
Berman	Eckart	Kaptur
Boehlert	Edwards (CA)	Kastenmeier
Bonior	Engel	Kennedy
Boxer	Evans	Kennelly
Brennan	Fascell	Kildee
Brown (CA)	Fazio	Kleczka
Bryant	Ford (TN)	Kostmayer
Campbell (CA)	Gejdenson	LaFalce
Campbell (CO)	Gephardt	Leach (IA)
Cardin	Gilman	Lehman (CA)
Carper	Glickman	Lehman (FL)
Clay	Gonzalez	Levine (CA)
Condit	Gray	Lewis (GA)
Conte	Guarini	Lowey (NY)
Conyers	Hall (OH)	Matsui
Coyne	Hamilton	Mavroules
DeFazio	Hertel	Mazzoli
Dellums	Hoagland	McCloskey
Dixon	Hyde	McDermott

McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Moody
Morella
Morrison (CT)
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pelosi
Rahall
Rangel
Richardson
Rinaldo
Roybal
Savage
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Skaggs
Smith (FL)
Smith (VT)
Solarz
Staggers
Stark
Stokes
Studds
Synar
Towns
Udall
Vento
Walgren
Washington
Waxman
Weiss
Williams
Wilson
Wise
Wolpe
Yates

NAYS—128

Alexander
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Bates
Bennett
Bilbray
Boggs
Boucher
Brooks
Browder
Brown (CO)
Bruce
Bustamante
Byron
Carr
Chandler
Chapman
Clarke
Clement
Coleman (TX)
Collins
Cooper
Costello
Darden
Davis
de la Garza
Derrick
Dicks
Dingell
Duncan
Durbin
Dyson
Early
English
Erdreich
Espy
Feighan
Flippo
Frank
Frost
Gaydos
Geren
Gibbons
Gordon
Hall (TX)
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Jones (GA)
Jones (NC)
Jontz
Kolter
Lancaster
Lantos
Laughlin
Lipinski
Lloyd
Long
Manton
Markey
Martinez
McCurdy
McGrath
Moakley
Mollohan
Montgomery
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (NC)
Olin
Ortiz
Parker
Patterson
Payne (VA)
Pease
Perkins
Pickett
Pickle
Poshard
Regula
Roe
Rose
Rostenkowski
Rowland (GA)
Russo
Sangmeister
Sarpalius
Shumway
Shuster
Sisisky
Skelton
Slattery
Smith (IA)
Spratt
Stallings
Stenholm
Swift
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Unsoeld
Valentine
Visclosky
Volkmer
Wheat
Whitten
Wyden
Yatron

ANSWERED "PRESENT"—158

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Borski
Broomfield
Buechner
Bunning
Burton
Callahan
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Courter
Cox
Craig
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Downey
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Foglietta
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hunter
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Mineta
Molinari
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Penny
Petri
Porter
Price
Ravenel
Rhodes
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland (CT)
Sabo
Saiki
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schulze
Sensenbrenner
Shaw
Sikorski
Skeen
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Bevill
Bilirakis
Bosco
Crane
Crockett
Flake
Ford (MI)
Hall (TX)
Hawkins
Leath (TX)
Luken, Thomas
McCrery
Miller (OH)
Myers
Nelson
Pursell
Quillen
Ray
Robinson
Roukema
Schuette
Traxler
Watkins
Wylie

□ 2304

Mr. ESPY and Mr. TORRES changed their vote from "yea" to "nay."

Mr. JOHNSON of South Dakota changed his vote from "nay" to "yea."

Messrs. FAZIO, STAGGERS, TOWNS, and BONIOR changed their vote from "present" to "yea."

Mr. McEWEN changed his vote from "nay" to "present."

Mr. DAVIS, Mr. HAYES of Illinois, and Mrs. UNSOELD changed their vote from "present" to "nay."

So the amendments were rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment in the nature of a substitute made in order as orginal text.

The amendment in the nature of a substitute made in order as orginal text was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ECKART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 155, not voting 22, as follows:

[Roll No. 318]

YEAS—255

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bilbray
Boehlert
Boggs
Bonior
Borski
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coyne
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flippo
Foglietta
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—155

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Carr
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Courter
Cox
Craig
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly

Gallo	Madigan	Schiff
Gekas	Marlenee	Schneider
Gillmor	Martin (IL)	Schulze
Gingrich	Martin (NY)	Sensenbrenner
Goodling	McCandless	Shaw
Goss	McCollum	Shumway
Gradison	McEwen	Shuster
Grandy	McGrath	Skeen
Grant	McMillan (NC)	Slaughter (VA)
Green	Meyers	Smith (NE)
Gunderson	Michel	Smith (TX)
Hammerschmidt	Miller (OH)	Smith, Denny (OR)
Hancock	Miller (WA)	Smith, Robert (NH)
Hansen	Molinari	Smith, Robert (OR)
Hastert	Moorhead	Snowe
Hefley	Myers	Solomon
Henry	Nielson	Spence
Herger	Oxley	Stangeland
Hiler	Packard	Stearns
Holloway	Parris	Stump
Hopkins	Pashayan	Sundquist
Horton	Paxon	Tauke
Houghton	Perkins	Thomas (CA)
Hunter	Petri	Thomas (WY)
Hyde	Pickett	Upton
Inhofe	Porter	Vander Jagt
Ireland	Ravenel	Vucanovich
James	Regula	Walker
Johnson (CT)	Rhodes	Walsh
Kasich	Ridge	Weber
Kolbe	Ritter	Weldon
Kyl	Roberts	Whittaker
Lagomarsino	Rogers	Wolf
Lent	Rohrabacher	Young (AK)
Lewis (CA)	Ros-Lehtinen	Young (FL)
Lightfoot	Roth	
Livingston	Rowland (CT)	
Lowery (CA)	Saxton	
Lukens, Donald	Schaefer	

NOT VOTING—22

Bevill	Hawkins	Robinson
Bilirakis	Leath (TX)	Roukema
Bosco	Luken, Thomas	Schuette
Crane	McCrery	Traxler
Crockett	Nelson	Watkins
Flake	Pursell	Wylie
Ford (MI)	Quillen	
Hall (TX)	Ray	

□ 2321

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Pursell against.

Mr. Hawkins for, with Mr. Quillen against.

Mr. Flake for, with Mrs. Roukema against.

Mr. Ray for, with Mr. Robinson against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS AND ENGROSSMENT OF H.R. 5400, CAMPAIGN COST REDUCTION AND REFORM ACT OF 1990

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5400, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other conforming changes as may be necessary to reflect the actions of the House in amending and adopting the bill, H.R. 5400.

The SPEAKER pro tempore (Mr. BONIOR). Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 5400, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for one moment that I might inquire of the distinguished majority leader the program for the balance hopefully of only this evening, but recognizing that we may have some problems, depending upon what action the other body takes.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding. We have left for this evening's business three conference reports, one on trade matters, another an AIDS legislation, and another on the oilspill legislation.

When we finish with those three conference reports, we have finished our schedule, except that there may be further consideration of the debt ceiling legislation. If the Senate does not pass the short term to October 1, the debt ceiling that we have already passed, then we will send over one when they are ready to receive it.

To bring Members up to date with what is happening over there, as I understand it they are still having some problems reaching a unanimous-consent request on what amendments will or will not be offered on the short-term debt. Until that can be resolved, they are not going to be able to do it. That could happen later tonight, or it may be that they cannot do it until tomorrow. We do not know the answer to that right now.

When these three conference reports are finished, Members could be fairly well-assured that there will not be a lot of votes. We will not schedule any votes. The only possible vote would be if the debt ceiling gets into a position where it has to be voted on again here.

Mr. MICHEL. Mr. Speaker, might I inquire of the majority leader when we might want to take up that resolution having to do with our returning and the dates? Would we do that after we consider the conference reports?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, I would be happy to do that at any point. We are prepared to do it now, or at a later point.

Mr. MICHEL. I think we might as well. It will prolong some discussion, and it might as well take place at this juncture as any, while we have the attention of the Members. It has to do with how we proceed when we come back after August.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 361, SETTING FORTH TIMETABLE WITH RESPECT TO CONGRESSIONAL BUDGET PROCESS FOR FISCAL YEAR 1991

Mr. GEPHARDT. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 361) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution:

The Clerk read the concurrent resolution as follows:

H. CON. RES. 361

Resolved by the House of Representatives (the Senate concurring), That the timetable with respect to the congressional budget process for the fiscal year 1991 is as follows.

(a) If the Economic Budget Summit convened by the President and the Bipartisan Congressional Leadership reaches agreement as intended, then it shall report to the joint leadership of each House not later than September 10, 1990, its recommendations with respect to the congressional budget for the fiscal year 1991 and budget reconciliation for the fiscal year 1991.

(b) The Economic Budget Summit thereafter should continue to meet for the purpose of reviewing and making further recommendations concerning the actions referred to in subsections (c) through (f).

(c) Within two days after the report of the Economic Budget Summit, a conference report on a concurrent resolution on the budget reflecting the recommendations of the Economic Budget Summit should be filed in each House.

(d) Within two days after the filing of such a conference report on the concurrent resolution on the budget, such conference report should be voted upon in each House.

(e) Within ten days after the adoption of such conference report on the concurrent resolution on the budget, a budget reconciliation bill reflecting the recommendations of the Economic Budget Summit should be voted upon in each House.

(f) Any conference report on the disagreeing votes of the two Houses on such budget reconciliation bill reflecting the recommendations of the Economic Budget Summit should be voted upon within eight days after passage of the bill in each House.

SEC. 2. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, under my reservation I yield to the distinguished

majority leader so that he might explain the resolution.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Minnesota [Mr. FRENZEL] for yielding.

Mr. Speaker, what we are attempting in this resolution is to set out a timetable that we would intend to follow with regard to the congressional budget process for fiscal year 1991, following our intention of being able to try to reach a budget summit agreement on the fiscal 1991 budget.

The resolution states that it will be our intention to make every possible effort to try to reach an agreement no later than September 10. We then go on further to say that if that can be done, and we hope it can, that within 2 days after that we will file a report on a concurrent resolution on the budget reflecting the recommendations of the summit, and that that would be filed in each House. That would be on or about September 12.

Then 2 days after that, we would hope that we would be able to have the conference report on the budget, which would be changed to reflect the recommendations of the summit and voted on in each House.

Mr. Speaker, we go on to say that within 10 days after the adoption of the conference report on the budget, a budget reconciliation bill reflecting the recommendations of the summit would be voted on in each House.

□ 2230

Obviously this would mean once the concurrent budget resolution conference was adopted by both Houses, we would then send reconciliation instructions to all of the applicable committees, and they would have about 10 days in order to return with specific reconciliation legislation. And then about October 2 we would be looking for a vote on disagreements on the reconciliation bill reflecting the recommendations of the summit, and that would be voted on 8 days after the passage of the reconciliation bills in each House. So we would have the conference on the reconciliation bill done.

Let me further say that it is also our intention, because the summit will be beginning on the Thursday after Labor Day, that we will have pro forma sessions during that week after Labor Day and; therefore, we believe there will be no votes in that week, so the summit can do its work and the members of the summit will not be called back to the floor to vote and not be able to complete the work of the summit. So Members will expect votes when we leave here on or about September 10 when the House will reconvene, and we will begin to do the business on the Defense authorization bill.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I have a couple of questions in listening to the explanation of the resolution and on the resolution itself. Is this resolution going to have the effect of law?

Mr. FRENZEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. If the gentleman will yield, I think that it is a very clear statement of our intentions, our earnest hope. I think everybody in this body, and I would hope in the Senate, wants there to be a budget summit agreement. Obviously there is no way that we can guarantee that we can reach an agreement or try to bind the Members of the Congress to say that there must be an agreement.

But I think what you have in this resolution is the clear intent of the leadership on both sides, and I would hope of a unanimous vote of the membership of the House that we clearly intend to make every possible human effort to reach an agreement. And then I think importantly it sets out a calendar or a schedule that we would intend to follow if an agreement could be reached to be able to do reconciliation, to implement the agreement so that we do not have to face sequestration, which would begin on or about October 1 if we do not get agreement.

Mr. WALKER. If the gentleman will yield further, my problem is that this does not have the effect of law. It is setting some new dates for the budget process. There are already dates in law that we were supposed to meet. The fact is we have not met a one of them. Not one date that was specified by law has been met by this House or this Congress thus far in terms of meeting budgets.

We ended up with a budget in the House that we deemed to have passed in order to proceed ahead. Now it seems to me that just before we leave here to suggest that there are a new set of dates that we are now going to follow does not really advance the budget process very much. It simply gives us a wish and a hope and not much else. And I would hope that we could get a little bit firmer out of this than just a hope.

Is there a strong statement involved here that this is in fact a schedule which we will follow and we will meet? If not, I am afraid I am not very convinced by a wish.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, let me state that everything that needs to happen to enforce a hoped for agreement depends upon the existence of the agreement. We have not completed that negotiation. We are setting out here a strict schedule to resume that negotiation when we come back, to make every effort to get it done.

It is clear that if we do not get it done the Budget Act, which the gentleman referred to, will take effect on October 1. We will have sequestration. We are told that it will be $100 billion, 40 percent across the board in domestic programs, 25 percent across the board in defense programs.

So we are going to have a budget this year even if none of this works. We will have sequestration. The reason we wanted to set this schedule out was to show what needed to be done and how it could be done if we get a budget summit agreement.

Let me go back on one of your other points. The House did pass a budget resolution. The Senate, the other body finally did, but the House did pass a budget resolution. We did deem it in both Houses. We have gone ahead with appropriations bills.

The President did call for a summit. We have been meeting over 10 or 11 weeks. I think a good deal of progress has been made. I think there is a readiness on both sides to try to negotiate seriously to reach an agreement, and I feel that if we can put in place a clear, direct plan for how to bring this to a successful conclusion that it is very possible to be able to do that. Again, there is no way that we can guarantee it or bind it or say something in a resolution that will certainly make it happen.

Mr. WALKER. Mr. Speaker, will the gentleman continue to yield?

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I guess my concern is No. 1, yes, we did pass the budget in the House. I was not on time. It did not meet the dates, and now we are setting up new dates.

The second thing is I would say that the budget process, for those of us who have been on the outside of it looking in, who have not been a part of the proceedings of that budget, we are not very confident that there has been much progress. As a matter of fact, the most recent article in the newspaper disturbs a number of us on this side of the aisle a great deal when it was described by some Democratic leadership as an exercise in which there was Republican bloodletting and where at least one Democratic leader that was within the summit suggested it was a process whereby Republicans slit our wrists and Democrats did not have to slit their wrists.

I would simply say to those who are here cheering that I am simply quoting leaders on your side of the aisle, and we are not very happy about a process now that is going to drag out

even further, and perhaps not meet dates that are specified in this resolution.

I thank the gentleman for yielding and for helping me clarify the matter. But I must say that I am not particulary convinced.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I might say that what we are doing here in this resolution is designing the honeymoon cottage. Unfortunately, the girl has not said yes yet. So we have a ways to do.

But we are doing the best we can to lay the groundwork for what we hope will be a successful budget agreement.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. Further reserving the right to object, I yield to the distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, first I thank the gentleman for yielding.

Let me say that I am very reluctant, but I will not object. I do want to say to the House that this is one more procrastination. We have deadlines without penalties, promises without performance, meetings without meaning.

We have been in a summit for 86 days, 3 months. President Bush and his team have bent over backward, but nothing has happened.

I rise in particular to set the record straight about something. Tonight on MacNeil-Lehrer the Speaker apparently said, "GINGRICH doesn't really want a summit agreement." Let me set the record straight. Let me set the record straight.

I agreed to be a member of the summit understanding what was involved. For 10 weeks, and your majority leader and your budget committee chairman will verify this, for 10 weeks I sat in those meetings, I sought to avoid arguments, I tried to listen intently and I tried to be helpful. You can check.

Let me go further. I avoided press statements about the summit, and as the majority leader knows, as the budget chairman knows, I was leaked against in the press precisely when I was trying to be helpful, and as they both know, those leaks were distortions of my position.

I have said publicly I believe the summit process has failed up to this point. Now we have a series of newspaper articles, including one yesterday in the Washington Post, which specifically cite a strategy of three Democratic Senators to delay as long as possible. Those are not my words, those are words in the Washington Post, quite clearly. I just want to set the record straight.

If we can get to a binding agreement for 5 years in one vote, then I am prepared to vote for it, if it fits the values that Bush has stated publicly he believes in.

□ 2340

If we cannot, then I am prepared to oppose it when it comes up. I think those of us who have been in that room have tried pretty darn hard to tolerate each other for more hours, in a small space, than any of us wanted. I am prepared to go back in September. I just wanted to set the record straight since some on your side seem to be confused about where we are.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I yield to my distinguished colleague, the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Let me first just say for our friends on the other side of the aisle, I have spent countless hours with the gentleman from Georgia, and he has been, in my judgment, just the judgment of this Member, far too supportive of this process.

But further, if the gentleman will yield to me, I would just ask, speaking basically as our colleague from Pennsylvania did as one who is not in the summit proceeding, does not see much progress coming up, understanding that no one is suggesting that this is binding and no one is suggesting it will deal with any of the substantive issues at issue in the summit process, in all candor, and I say this to Members on both sides of the aisle—I am not trying to single out the distinguished majority leader or anyone else—are we doing anything other than trying to lay a little political groundwork for ourselves before we go home for the August recess?

Mr. FRENZEL. Further reserving the right to object, Mr. Chairman, we are trying to set a schedule in this resolution. It does not have any binding force and effect, but it is a little bit like whistling past a graveyard. If we reassure one another enough times, perhaps we will be able to reach that nirvana that we all seek.

I have been on the inside, and I have not seen any more progress than you have seen from the outside. It has been a frustrating 12 weeks. But I am assured by the majority leader and by the distinguished chairman of the Committee on the Budget that it is their intention, the intention of the leadership of this House, to proceed in accordance with the terms of this resolution and get the job done. And I am persuaded that there is some intention to do so, but I have to confess to my colleagues that we have no guarantee that that is going to be done.

Mr. WEBER. I thank the gentleman for yielding.

Mr. FRENZEL. Further reserving the right to object, I yield to my colleague from Arizona.

Mr. KOLBE. I appreciate the gentleman yielding.

Mr. Speaker, a few moments ago we heard, in response to a question of the gentleman from Pennsylvania, that this does have no legal or binding authority. We have laws that set dates for us in the budget process, set dates for us on the appropriations process, and we do not meet those.

I am just at a loss to understand what it is about passing this feel-good resolution about when we are going to meet these deadlines, what we are going to do for the next 30 days, what this—what good this possibly has.

Why cannot the Speaker and the minority leader, the majority leader and minority leader of the Senate walk out of here and have a press conference and announce when they are going to come to some kind of an agreement? You do not need us to say, we are not a part of the budget summit process. You do not need us to day do it. We need it to be done. I do not see why we are going to put this fig leaf over us when it is clear it has no authority, does not do anything.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

The reason we are asking for this resolution is that it was the joint judgment of the President, of his chief of staff, of the Secretary of the Treasury, of the Speaker of the House, of the Senate majority leader, the Senate minority leader and the minority leader in the House and myself that this would be a valuable and productive thing to do so that we could begin to get both Houses of Congress to begin to see what lies ahead, and a schedule, a definite schedule that we would announce, not just a press conference but get Members to begin to think about and focus on, so that when we come back here, if we can reach an agreement as we hope we can on September 10, that we will be prepared as a body to put that agreement, which is a 5-year deal, twice as big as anything we have ever done in history and for many years than any budget deal we have ever done, into law and make it a reality before October 1, when we have a $100 billion sequestration, which would decimate the United States Government.

Mr. FRENZEL. Further reserving the right to object, I yield to the gentleman from Arizona.

Mr. KOLBE. I will make this brief. The distinguished majority leader knows we had a deadline once in July, July 4, I believe it was, when we said we were going to do just that, we were going to come up with the outlines of some agreement. We did not do that.

This is a sham. We do not need a resolution to tell us to come up with a deficit reduction plan.

Mr. FRENZEL. Further reserving the right to object, I yield to the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I just want to underscore what the distinguished majority leader just said, because eventually those of us who are privy to the inner circle, obviously are much better informed as to part of the problem that we have got and trying to work or give ourselves some ideas about how we eventually come out of here.

The circle has got to continue to become wider and wider, and the time is becoming so short now that before long you will all have to be taken into our confidence as to what this is all about.

Now, we can have all the press conferences in the world, and they would be just as ineffectual in really getting us to do the things we ought to do on the certain dates that we prescribe here. But it seems to me that we formally, with all the leaders combined, acknowledge in this body and over in the other body, do the same, it seems to me we are all under the gun and beholden to you to perform as we should.

Now, we are trying to make that a public commitment to you and, hopefully, that we can hold to it. And it is a rigorous schedule. And the majority leader, when he says he wants to implant in your minds what we are up against in that tight schedule, we have not met that kind of a schedule any time around here, but we have got to start gearing ourselves up during this recreation time at home so that when we do get back we have the resources to do that.

So, let us say there is no resolution, then we have come to no commitment whatsoever, official or otherwise.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I have listened attentively to this whole exchange. I have a simple question I would like to ask someone. If the House does not agree to this resolution, what is to prevent you, our leadership, from doing precisely what the majority leader has said you want to do?

Mr. FRENZEL. I yield to the minority leader.

Mr. MICHEL. Well, if it gives the gentleman more comfort just to vote "no" for whatever reason, that is the gentleman's privilege.

Mr. DANNEMEYER. That is my question.

Mr. MICHEL. We are trying to do this in an orderly way, lay out for you the problem that is going to have to eventually be shared by all of us to meet this schedule and to formalize it in this manner.

Mr. FRENZEL. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I just take a moment here. I certainly am not going to object. I have seen virtually no results, as have, I think, any of my colleagues, coming from the budget summit. I would just like to take this opportunity to say that we formed a caucus about 3 or 4 weeks ago to see if we could reach a budget that would meet the requirements set forth by the budget summiteers. And we did do that without a tax increase.

We also provided a litany of $31 billion of possible substitute spending cuts if the budget summiteers did not find our budget acceptable, $31 billion in possible substitutes.

All I would like to say to those who are going to be involved in the budget summit in the future, we wish you would look at this proposal seriously because it reaches the targets that you have set, without a tax increase.

I have heard on television and in the news media, "You can't get there from here without a tax increase," and I am telling you we have a document that does that and gives you $31 billion in possible substitutes. So I hope the summiteers will look at least seriously at our proposal.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, this is a resolution sponsored by the joint leadership and it has been supported, as our distinguished majority leader said, by the administration and by the named individuals within the administration. We know that it has been difficult for you. I think you are lucky you have not been on the inside like we have.

We think this will help the process.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BONIOR). Is there objection to consideration of the resolution?

Mr. KOLBE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. GEPHARDT. Mr. Speaker, I move the resolution.

The SPEAKER pro tempore. Unanimous consent is required for consideration of the concurrent resolution.

IN MEMORY OF MRS MARY PITTS

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I would like to proceed for the purpose of conveying to the membership a personal thought. Many Members have come to me during the course of this past week when they heard that the wife of one of our real fine professionals around here, Billy Pitts, had a massive brain hemorrhage a week ago tonight, and then 4 hours of surgery. She never recovered from a coma, and passed away today. There were those Members who, all through the week, have been expressing their sincere feelings for Billy and what he has been going through. Obviously, he has not been on the floor this past week.

However, he is just one of our most outstanding professional staff people around here. Members recognize it on both sides of the aisle. I want to thank all for having expressed those feelings that I have tried to convey to Billy as best I could during a very trying time for him. It says something about family and about community when both sides of the aisle feel so strongly about one of our own.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to our distinguished Speaker.

Mr. FOLEY. Mr. Speaker, as the distinguished Republican leader has said, all Members who know Billy Pitts and who admire his great professional work for the Republican side of the aisle. Actually, as all key and devoted staff assistants do for the full House, have been hoping that his wife would survive this terrible illness.

I think I speak for all Members on this side in asking Members to extend to him our very deepest sympathy.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-668) on the resolution (H. Res. 457) providing for the consideration of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, which was referred to the House Calendar and order to be printed.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1594, CUSTOMS AND TRADE ACT OF 1990, AND AGAINST CONSIDERATION OF CONFERENCE REPORT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 1594) the Customs and Trade Act of 1990, and all points of order against the conference

report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

The SPEAKER pro tempore (Mr. BONIOR). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 447 is a fair rule providing for the consideration of the conference report on H.R. 1594, the Customs and Trade Act of 1990. The rule waives all points of order against the conference report and against its consideration. When it is called up for consideration, the conference report will be considered as read.

Mr. Speaker, I would like to recount the history of H.R. 1594, a story that instructs us in the perils of the legislative process. Last fall, H.R. 1594 began as a simple 5-year extension of most-favored nation treatment to the products of Hungary. The House passed the bill with an amendment, reducing the extension from 5 to 3 years.

The Senate did not take up H.R. 1594 until after the amazing events of winter 1989 in Eastern Europe.

The other body dropped all mention of Hungary and turned this simple 2-page extension into a 106-page omnibus bill touching on the Caribbean Basin Initiative, customs user fees, timber export restrictions, and more than 100 changes in the tariff treatment of everything from field hockey gloves and karate pants to corned beef in airtight containers.

In March of this year, around the time the Senate took up H.R. 1594, Ways and Means reported H.R. 4328, the Trade, Customs and Trade Agencies Authorization Act. H.R. 4328 eventually made its way into the conference report before us, so I bring it up now.

H.R. 4328 changes House procedures through amendments to sections of the Trade Act of 1974. Because House procedure, whether contained in the rules of the House or enacted as statute, is in the jurisdiction of the Rules Committee, I have no doubt that H.R. 4328 should have been jointly referred. The initial referral of H.R. 4328 solely to the Ways and Means Committee was plainly erroneous. However, to accommodate the Ways and Means Committee in its request to proceed quickly on the Suspension Calendar, we did not pursue referral.

The procedural matter in H.R. 4328 as introduced and as reported simply made necessary technical changes to existing fast-track procedures. The simple conforming changes in the House bill were expanded, however, when it became part of the conference on H.R. 1594.

House and Senate conferees agreed, with no member of the Rules Committee included in the conference, to expand the changes to expedited procedures concerning certain trade matters. The Rules Committee was consulted as the issues were discussed and these changes are clearly necessary in the face of the Chadha decision. However, the need for change and the fact of consultation in no way defeats our jurisdictional claim.

In fact, the conference agreement now includes procedures that in effect apply to consideration of one specific measure, a joint resolution disapproving the extension of most-favored-nation status for China. There can be no question of our responsibility to fashion rules for specific bills. The clock for disapproval resolutions to take advantage of expedited procedures, set for 60 days, will start ticking upon enactment of the conference report.

The Committee on Rules, as a general proposition, opposes writing House procedure into statute. It is inappropriate and generally unwise. What distinguishes this body from the Senate, what enables the House to act, is the flexibility of the Rules Committee to fashion special orders for the consideration of major legislation.

Mr. Speaker, trade matters are clearly a special case. The Executive must have the assurance of fast-track procedures. We cannot ask the President, just after he has completed negotiations with other nations, to open up all the issues and begin bargaining with the Congress.

However, even on trade matters, any attempt to bypass and weaken the Rules Committee, in the end, weakens the House. Without a credible threat that the Rules Committee can suspend fast-track procedures and make in order amendments, the Executive would not need to consult Members nor take into account our concerns during negotiations.

Though the conference report contains matter clearly in the jurisdiction of the Rules Committee, we have no objection to its consideration.

Mr. Speaker, House Resolution 447 is the customary rule for consideration of a conference report. It is a fair rule and I urge its adoption.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman and ranking Republican member of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI] and the gentleman from Texas [Mr. ARCHER] for their leadership in bringing this conference report to the floor.

If we shall ever eliminate the trade deficit in this Nation, we shall have to export more and import less. American workers are as able as any in the world, and, given proper incentives, they can produce quality goods in abundance. We need to do all we can to encourage the sale of American made products abroad.

Mr. Speaker, this conference report is an omnibus package of trade and tariff provisions that support the U.S. interest in trade. It includes reauthorization for U.S. trade agencies such as the U.S. Trade Representative, Customs, and the International Trade Commission. The conference report is also designed to promote the establishment of commercial links with former Communist countries.

In the Committee on Rules, Members representing both sides of the aisle supported this conference report and this rule to allow for its consideration. The distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], has made extensive remarks about the provisions of this rule, and I wish to add my voice to his.

The chairman made a reference to the fact that the Committee on Rules was not included among the conferees on this legislation. Speaking only for myself, I would say I agree with him with respect to the Supreme Court's holding in the case, in re: Chadha, and I agree with him regarding the appointment of members to this conference.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of the rule and particularly rise in support of one very important segment of this legislation.

Mr. Speaker, the people of Oregon have waited more than one-half of a century for this night. In the 1930's we planted and replanted vast tracks of land to provide forests for future generations of Oregonians. We never intended that these forests would become tree farms for the Japanese and others who have erected barriers against our finished wood products, yet greedily devour our logs.

Due to the decision in our courts, we were stripped of the right to control the disposition of our State's own resources. This act restores Oregon's right to keep their logs, their natural resources, and their jobs at home. Newly important in this bill is a section which will greatly tighten the loopholes in the current Federal law which restricts the export of logs off of Federal land. It has been more than a quarter of a century since the great Senator, the deceased Senator from Oregon, Wayne Morse, passed legislation to, first, restrict the export of logs

off Federal lands. It is appropriate tonight that we make permanent that provision of law, tighten those loopholes and defend the American people against the unfair traders on the Pacific Rim. I urge that everyone support this rule and support adoption of the legislation.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume to continue my remarks.

Mr. Speaker, the conference agreement amends provisions dealing with House procedures. Section 132, the technical amendments regarding nondiscriminatory trade agreement, changes the fast-track procedure by which Congress shall disapprove the President's extension of most-favored-nation status. The section would require enactment of a joint resolution rather than a concurrent resolution.

Mr. Speaker, Congress must adopt the joint resolution within 60 days after the waiver authority would have expired but for the President's action, and, if the President shall veto the measure, must override the veto within 60 days or within 15 days after the veto message is received, whichever is later.

The section also affects approval of bilateral commercial agreements and compliance reports.

Finally, the section specifies how a disapproval of the President's extention of MFN status for China would be handled. The date of enactment of this bill, not the date of the President's action, shall trigger the 60-day clock. The veto override shall be within 60 days.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I rise jubilantly—even at this very late hour—in support of the rule and in support of the log export restrictions contained in the Customs and Trade Act. We in the Northwest delegations have spent untold hours working to save jobs by attempting to stop this hemorrhage of critically needed logs on their nonstop trip to Asia. Finally, we are moments away from doing just that.

Mr. Speaker, we have a crisis in the Northwest. Our timber-dependent communities are on the verge of collapse as we finally begin to pay the piper for years of overcutting on private lands. Most recently these communities have also been forced to bear the burden of dramatic harvest reductions on national forests in an effort to protect the spotted owl. These timber families need relief and here is an opportunity to provide them some.

In Washington, two-thirds of the timber harvested comes from private lands and much of that is exported as raw logs. In fact, last year 4 of every 10 logs cut in Washington were sent, unprocessed, to foreign sawmills which receive enormous Government subsidies. We have been relegated to the role of a colony—exporting raw materials and importing manufactured goods.

I do not seek an outright ban on private log exports, instead, I am a firm believer in using our tax system to encourage timber growers to process their timber domestically and manage their lands wisely. These low-elevation, private forests provide our hope for a sustainable timber industry and we must nurture them.

While this legislation is a step in the right direction, it is only a step. We still have miles to go before we provide relief for timber communities. Still, we've come a long way and tonight we can celebrate the saving of hundreds, if not thousands, of jobs.

Good work, Republicans and Democrats, free traders and fair traders, Washingtonians and Oregonians. Our bipartisan unity has paid off. It's been a pleasure working with you to see one of my longest held solutions for the timber communities finally become a reality.

□ 0010

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly support this rule so the House can get on with the business of debating this conference report on the Customs and Trade Act of 1990.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. BONIOR). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES OF H.R. 987, TONGASS TIMBER REFORM ACT

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees, and without objection, reserves the right to appoint further conferees:

From the Committee on Interior and Insular Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. UDALL, MILLER of California, SHARP, MARKEY, RAHALL, VENTO, GEJDENSON, KOSTMAYER, YOUNG of Alaska, MARLENEE, CRAIG, RHODES, and ROBERT F. (BOB) SMITH.

From the Committee on Agriculture, for consideration of titles I, II, and IV of the House bill, and titles I and III and section 402 of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, VOLKMER, and MORRISON of Washington.

As additional conferee, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. MRAZEK.

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 1630, CLEAN AIR ACT AMENDMENTS OF 1990

The SPEAKER. Under the authority reserved on June 28, 1990, the Chair makes the following additional appointments of conferees on the Senate bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

Mr. TAUKE is appointed as a conferee from the panel from the Committee on Energy and Commerce for consideration of title II of the Senate bill, and title II of the House amendment, in lieu of Mr. BILIRAKIS.

Mr. OBERSTAR is appointed as a conferee from the second panel from the Committee on Public Works and Transportation for consideration of that portion of section 301 adding new section 112(n) to the Clean Air Act of the Senate bill, and that portion of section 301 adding a new section 112(n)(1) to the Clean Air Act of the House amendment, in lieu of Mr. ROE.

The third panel from the Committee on Ways and Means is appointed for consideration of that portion of section 401 of the House amendment adding a new section 402(b)(3) to the Clean Air Act.

Mr. COOPER is appointed as an additional conferee for consideration of section 715 of the House amendment and modifications committed to conference, in lieu of section 709.

Mr. HUGHES is appointed as a conferee from the panel from the Committee on Merchant Marine and Fisheries, in lieu of Mr. TAUZIN.

The Clerk will notify the Senate of the change in conferees and the additional appointments of conferees.

TOM MILLER DAM

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that

the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 4877) to redesignate the Austin Dam located near Austin, TX, as the "Tom Miller Dam" and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I am happy to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I will say that this bill redesignates the Austin Dam near Austin, TX, as the "Tom Miller Dam." I know of no controversy with respect to this proposal and urge its approval.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I am happy to yield to my good friend, fearless leader, and great competitor, the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I rise in support of H.R. 4877, the measure which I introduced to redesignate the Austin Dam located near Austin, Texas, as the "Tom Miller Dam" in honor of the mayor of our city.

This dam has been known locally as the Tom Miller Dam since its construction in the late 1930's. The current structure stands on the same site where two previous dams had been built and destroyed. The first was destroyed in an April 7, 1890, storm that brought 5 inches of rain to the central Texas hill country in 15 hours. A second dam was later erected on the same site, but it was destroyed by two floods in 1915. For more than 20 years, the city did not try again to rebuild the Austin Dam. However, in 1936 Mayor Tim Miller initiated the drive to obtain funds for the construction of a third dam at this same location. Funds were made available primarily with the aid of then Congressman Lyndon Johnson, a close friend of Mayor Miller.

At the time of its dedication, the dam was named by the Austin Chamber of Commerce after Mayor Tom Miller for his part in the rebuilding project; however, the Federal Government does not normally approve of federally funded projects being named for living persons and denied the chamber's request. Thus, in Washington, the structure is recorded as "Austin Dam". Yet if you ask anyone in Austin, TX, the name of the dam, the answer would be "Tom Miller Dam."

The purpose of this legislation is to officially bestow upon this dam the name it has unofficially had since 1940, the "Tom Miller Dam." It is appropriate that one of the most important structures in Austin should bear the name of one of the city's most colorful leaders. Tom Miller was one of the city's greatest public servants, perhaps the greatest, and Austin owes much of its current prosperity to his judgment and foresight.

When the history of Austin is written, one of the brightest chapters will be dedicated to Tom Miller. Time cannot obscure the fact that he was truly one of Texas' great leaders, and I hope the Congress will recognize his contributions by acknowledging the designation of the Austin Dam as the "Tom Miller Dam."

Mr. YOUNG of Alaska. Mr. Speaker, with that fine explanation, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Austin Dam, located on the Colorado River near Austin Texas, shall be known and designated as the "Tom Miller Dam".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the dam referred to in section 1 shall be deemed to be a reference to the "Tom Miller Dam".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4496

Mr. GEREN of Texas. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4496.

The SPEAKER pro tempore (Mr. BONIOR). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 1594, CUSTOMS AND TRADE ACT OF 1990

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 447, I call up the conference report on the bill (H.R. 1594), to make miscellaneous and technical changes to various trade laws.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 447, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 30, 1990, at page 20467.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on H.R. 1594, the Customs and Trade Act of 1990. This conference report contains a number of very important trade provisions.

Included in this report is the Caribbean Basin Economic Recovery Expansion Act, which expands and makes permanent the existing CBI program in order to promote greater economic and political stability in this important region of our hemisphere. I want to commend Congressman JAKE PICKLE, the chairman of the Subcommittee on Oversight for his outstanding contributions in putting together these important improvements in the CBI legislation as well as significant provisions to improve our customs operation. Without his able leadership, we would not have been able to make such meaningful improvements in the program.

The conference report also provides the authorization of appropriations for a 2-year period for the major trade agencies—the U.S. Customs Service, the Office of the U.S. Trade Representative and the International Trade Commission. Further, it modifies existing customs user fees to bring them into compliance with our international obligations under the GATT.

Another important provision fixes the constitutional problem associated with the Jackson-Vanik procedures to insure a continued congressional role in decisions affecting the MFN status of nonmarket countries, such as China and the Soviet Union.

The conference report also contains a large number of miscellaneous tariff and customs provisions sponsored by many Members on both sides of the aisle to enhance the competitiveness of U.S. companies. Provisions are also included to authorize the President to proclaim nondiscriminatory tariff treatment for East German products, and to reauthorize the competitiveness policy council with certain technical changes.

The competitiveness policy council was initially authorized in 1988 as part of our omnibus trade legislation. Over the past several months, the appointing officials in the House and Senate have been working together to effectuate these joint appointments. It is my understanding that the speaker and the minority leader have agreed on their appointees and that the majority

and minority leader of the other body have also agreed on their appointees. Thus, the Congress is prepared to announce its appointees as soon as the President is ready with his four appointments. To that end, the conference report sets a new deadline for making all 12 appointments of 30 days after enactment.

Mr. Speaker, in the 2 years since we passed the omnibus trade law, the need for an institution like the competitiveness policy council has become even more apparent. The growing economic strength of the Japanese economy and the realization of a more unified European Community will intensify the economic challenges that American industry and American workers will face in the years ahead.

The competitiveness policy council will be a free-standing advisory group to the Congress and the President. It will be composed of representatives from business, labor, the Federal Government, State government, and academia. The council will have a broad mandate to explore all issues relating to competitiveness and will have the authority to set up subcouncils to deal with specific sectors or problem areas.

Mr. Speaker, the committee is hopeful that this important council can officially be launched in the near future. We look forward to receiving the council's future advice on how the United States can compete more effectively in an increasingly interdependent world.

Finally, title IV of this report contains provisions worked out with three other House committees to restrict the exportation of logs from the United States. These provisions are a tribute to the hard work and dedication of the Washington and Oregon delegations who have been working for a number of years to achieve this important conservation measure. I want to particularly command Congressman PETER DEFAZIO and Congresswoman JOLENE UNSOELD for their outstanding leadership on this important issue.

Mr. Speaker, this is important legislation. I urge my colleagues to vote in strong support of adopting the conference report on H.R. 1594.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the conference report. The bill is an omnibus package of tariff and trade provisions, along with a limited number of nontrade miscellaneous provisions. It is designed to improve United States competitiveness, conform our laws to our international obligations, help the Caribbean Basin countries, establish a better mechanism for approving trade agreements with nonmarket counties such as Czechoslovakia, and make a host of miscellaneous tariff changes.

Many of these provisions have been under consideration for almost two years, and I believe we have ironed out the major controversies and concerns. Yet, the importance of H.R. 1594 should not be overlooked. Particularly, the bill contains changes in existing law regarding approval of trade agreements with nonmarket economies and consideration of the Jackson-Vanik emigration waiver. The unconstitutional one-House veto provisions of existing law are corrected under this bill, and we should be able to move expeditiously to approve the long-awaited trade agreement between the United States and Czechoslovakia.

Among other important provisions of H.R. 1594 is new treatment of Customs user fees. In this bill, we have made a tremendous effort to conform these fees to our international obligations under the General Agreement on Tariffs and Trade [GATT] by tailoring them in such a way that they closely approximate the cost of services provided by Customs. I believe we have succeeded.

I am particularly pleased with the balance we achieved between the air courier industry and the customhouse brokers on informal entry user fees. Also, we succeeded in directing the attention of the Treasury Department to resolving the problem of goods damaged by Customs inspection. These provisions are especially important to the Port of Houston and other ports that are the hub of import-export activity.

Mr. Speaker, the administration strongly endorses passage of this omnibus legislation. I urge my colleagues to vote yes on the conference report to accompany H.R. 1594.

□ 0020

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, as the ranking minority member on the House Commitee on Post Office and Civil Service, which has jurisdiction over the census, I rise in strong support of H.R. 1594.

H.R. 1594 as amended contains a provision added during conference that overrides the exclusion from unemployment compensation for Federal service with Census Bureau. The coverage eligibility for unemployment benefits for 1990 decennial census temporary workers was eliminated under the dire emergency supplemental.

In order to ascertain the emergency supplemental appropriations necessary to complete the 1990 census an administrative provision redirected the funds set aside for Census workers unemployment benefits.

Mr. Speaker, this was an unfortunate situation. It is unfair that the hard-working and dedicated Census employees were denied the benefits afforded their counterparts in previous census. The conference report for H.R. 1594 will rectify this unjust situation and reinstates unemployment benefits for Census workers.

I wish to thank the chairman, Mr. ROSTENKOWSKI and the vice chairman, Mr. ARCHER for their support. I urge my colleagues to join with me in supporting H.R. 1594 with this provision.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, the so-called minitrade bill under consideration by the House today includes provisions developed as a result of the Ways and Means Subcommittee on Oversight's investigations and hearings regarding, first, the operations of the U.S. Customs Service, and second, the use of section 936 funds in eligible CBI countries. I am pleased that many of the subcommittee's recommendations in these areas are included in the conference agreement before us today. I will briefly describe these matters.

H.R. 1594 contains important provisions intended to bolster and strengthen the Caribbean Basin Economic Recovery Act. This legislation, commonly referred to as the Caribbean Basin Initiative, or CBI, reflected a commitment to the small nations that are among America's closest neighbors—a commitment to the improvement of the economies of these nations by increased market access to the United States. To this end, the CBI legislation contained significant trade benefits for Caribbean and Central American countries, foremost of which was temporary duty-free treatment for many products from Caribbean Basin countries.

Unfortunately, there were many exceptions to duty-free treatment; many products produced in the CBI region remained dutiable. As originally introduced, the CBI provisions included in today's conference agreement would have strengthened the original CBI legislation, providing for duty-free or duty-reduced treatment for more products. These provisions have been watered down, however. While helpful, they simply do not provide the kind of strong support for the CBI region that I would have liked to have seen. At least the CBI duty reductions have been made permanent. And now that investors can feel secure about the permanence of duty-free status for goods produced in the CBI region, hopefully, we will see more investment there.

A second step in helping the CBI region was taken in 1986 when Congress passed the Tax Reform Act. As part of tax reform, Congress amended section 936 of the Internal Revenue Code. This section allows U.S. companies operating in Puerto Rico, usually referred to as section 936 corporations, to avoid U.S. taxes on the operating profits they earn there. They can also deposit their profits in a Puerto Rican bank or otherwise invest them in Puerto Rico, and earn tax-free income from these investments. Right now, section 936 corporations have between

$10 and $15 billion in these so-called 936 funds invested in Puerto Rico.

When tax reform proposals were first being bandied about, the Treasury Department had proposed to repeal section 936 and replace it with a wage credit. Treasury felt that section 936 was an inefficient way to stimulate employment in Puerto Rico. Indeed, a report by the Treasury Department just last year showed that, on an average, the United States loses $125 in tax revenues for every $100 paid in salary by section 936 corporations. In response to Treasury's proposed repeal, the Government of Puerto Rico submitted its own proposal. Under Puerto Rico's proposal, Congress would leave section 936 intact, and the Government of Puerto Rico would guarantee new investments of $100 million annually in the CBI region, through loans of section 936 funds. Section 936 thus became another vehicle to achieve the policies underlying the Caribbean Basin Initiative.

To implement the Puerto Rican proposal, Congress amended section 936 to allow banks in Puerto Rico holding 936 funds to make loans of these funds to other CBI countries for investments in active business assets and development projects. Prior to 1986, these funds could be invested only in Puerto Rico. The interest rate charged for these loans is favorable—generally one to two percentage points below the going rate—and it was hoped that these loans would stimulate investment and employment in the CBI region.

The loan program was slow to get off the ground. At a hearing held by the Ways and Means Oversight Subcommittee in April, we found that during the first 3 years following passage of the Tax Reform Act, only about $80 million in low-interest loans were made in the CBI region. To increase use of section 936 funds in the CBI region, the conference agreement under consideration today provides that the Government of Puerto Rico shall take all necessary steps to ensure that at least $100 million in new investments of 936 funds are made each year in the CBI region.

With the most highly developed economy in the Caribbean, Puerto Rico has both the expertise and experience to facilitate development of the economies in other Caribbean nations. Inclusion of this provision relating to section 936 with the other CBI provisions indicates that Congress views section 936 funds as a crucial component of our Caribbean policy. It reflects the importance that Congress attaches to the use of section 936 for business investments and development projects throughout the CBI region. I believe that the use of these section 936 funds outside of Puerto Rico will not adversely affect the Puerto Rican economy. The $100 million of required annual investment in the Caribbean region represents less than one percent of the section 936 funds on deposit in Puerto Rico.

Also, this bill implements several of the recommendations contained in the Subcommittee on Oversight's report on abuses and mismanagement in U.S. Customs Service commercial operations. The subcommittee's report was the result of a much overdue thorough 2-year investigation. Before the subcommittee's investigation, it had been more than 10 years since any congressional committee had performed a comprehensive review of Customs operations.

One of the subcommittee's recommendations which is implemented by this bill is the establishment of a funding floor for Customs commercial operations. This floor is needed to ensure adequate funding for commercial operations and to address day-to-day pressures on Customs to divert funds from commercial to noncommercial programs.

The bill also implements the Subcommittee on Oversight's recommendation to require Customs to develop a nationwide threat assessment and to establish a uniform enforcement strategy to meet that threat. The subcommittee included this recommendation in its report because it determined that Customs current decentralized, nonuniform enforcement strategy encourages importers to forum shop by picking one port of entry, where the likelihood of examination might be low, over another, where the likelihood might be higher.

The bill also requires a study and report on: First, airline passenger preclearance programs, and second, the need for compensation to importers for merchandise damaged by Customs during examinations. The bill also implements the Subcommittee on Oversight's recommendation to establish increased accounting and reporting requirements for the Customs forfeiture fund.

Mr. Speaker, I strongly urge the House to adopt this conference agreement.

Mr. SCHULZE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Speaker, I would like to take a moment to commend the gentleman from Texas [Mr. PICKLE] on the action on section 936. I think it is an important step in the right direction. We will have many benefits throughout the Caribbean Basin. The hard work and dedication of the gentleman is very much appreciated. It will lead to many benefits.

Mr. PICKLE. Mr. Speaker, reclaiming my time, I appreciate the remarks of the gentleman, and I want to extend the same compliments to him for his cooperation.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I thank the gentleman from Illinois [Mr. ROSTENKOWSKI] for yielding. A little more than 14 years ago an error was made when a redraft was made of our Trade Act and the words "of broom corn" were inadvertently removed.

I thank the conferees, the minority members, and the chairman, for reinstating those three little words. It means 1,000 jobs in central Illinois. It means 15,000 jobs in the State of Illinois totally for the suppliers of both the wood for the handles, the wire, and the boxing. I appreciate the chairman's concern over a 14-month period to watch that these words were reinstated and this particular problem for central Illinois was resolved.

Mr. Speaker, I rise in support of the conference.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the respected gentleman from Minnesota [Mr. FRENZEL], a member of the Committee on Ways and Means.

Mr. FRENZEL. Mr. Speaker, the chairman and vice chairman of the Committee on Ways and Means have described the bill accurately.

It does have a couple of hundred duty suspension bills sponsored by probably one-third of the House, and has been lying around since it fell on the cutting room floor during the last reconciliation bill.

It has been resurrected, built around the Caribbean Basin Initiative, which has been the good work of many members of the committee, including the distinguished gentleman from Texas [Mr. PICKLE], the gentleman from Florida [Mr. GIBBONS], the gentleman from New Jersey [Mr. GUARINI], and the gentleman from Pennsylvania [Mr. SCHULZE], who have worked particularly hard on it.

Mr. Speaker, it is not all the House wanted for the Caribbean Basin, but it is an improvement over the existing program and an extension. We would hope we could do better with the other body, and we hope we will do better in the future.

All things considered, it is a splendid bill for the House of Representatives, and should be voted up immediately.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS], the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, this is a really unusual bill, and it may be the last bill ever introduced here in Congress of the gentleman from Minnesota [Mr. FRENZEL]. We ought to pay

tribute to the gentleman from Minnesota [Mr. FRENZEL] for his illustrative career here in Congress, particularly his work in trade and on the budget.

I have had the privilege of working with the gentleman ever since he came here, and I want to tell Members I am mightily impressed with his ability and his integrity. He really cannot help that he and I introduced this bill about 2 years ago. We did not know it was just going to be as popular as it is. It ended up being the spotted owl bill and the trade reorganization bill. It has got 200 or 300 special tariff measures in there. It has got broom corns in there and everything else.

I would say to the gentleman from Minnesota [Mr. FRENZEL], as long as you live, you have left a mark here that far surpasses this bill and your work in this Congress. I want to honor you, salute you, and thank you very much.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCHULZE], a distinguished member of the Committee on Ways and Means.

Mr. SCHULZE. Mr. Speaker, the conference report on H.R. 1594 now before us represents 2 years of diligent efforts to bring a wide range of important trade issues forward in this omnibus package.

Contained in the package are provisions authorizing appropriations for certain trade agencies, amending customs user fees to bring them into compliance with our international obligations, expanding tariff and other benefits for the Caribbean Basin, enhancing trade with Czechoslovakia and East Germany, and providing numerous miscellaneous tariff changes and reclassifications. I believe the sum of these changes will be beneficial to United States trade policy objectives, improve our competitive position in world trade, and lend our support to struggling democracies both nearby and far from our shores.

I would also like to focus on the significant improvements we achieved in the customs area. Specifically, H.R. 1594, as amended, contains several provisions that respond to the findings of the Ways and Means Oversight Subcommittee's 2-year investigation of Customs commercial operations.

First, section 102 of the conference agreement contains, for the first time, a funding floor for Customs commercial operations, as well as a ceiling on noncommercial spending. The Oversight Subcommittee found that Customs was tempted to shift funding for essential commercial services over to its more glamorous drug enforcement activities. The subcommittee strongly felt that both types of activities needed to be fully funded. In addition to the funding floor, section 102 does that by providing for a 12-percent increase in funding for all Customs salaries and related expenses.

Second, provisions in section 121 of the conference agreement, which I have sponsored for over 2 years now, make needed improvements to the Customs Asset Forfeiture Program. As many of you know, Customs and its former contractor, Northrop, found a way to actually lose money while disposing of forfeited property from drug runners and other violators of our trade laws. Section 121 creates a strong, new requirement for audited financial statements for the Customs Forfeiture Fund. Now, we will have firm evidence of whether Customs is managing this important law enforcement program wisely.

In addition, section 122 increases the dollar limitation on forfeiture cases eligible for administrative forfeiture, from $100,000 to $500,000. Currently, many uncontested cases must still go through a lengthy judicial review process. This provision allows use of a shorter, less costly, administrative review process. The new authority still protects due process rights, since it applies to uncontested cases only.

This section also imposes strict new reporting requirements on the processing of seized cash. We found that it can literally take years for Customs to deposit seized cash. Since almost 90 percent of Customs seizures, by value, involve cash, substantial amounts of interest can be made by getting the money into the governments coffers more quickly.

Mr. Speaker, H.R. 1594, as amended, implements several other Oversight Subcommittee recommendations. Section 111(c) of the conference agreement allows surplus passenger and vehicle fees—COBRA—to be used to expand passenger clearance services. While I agree that international flights should not be denied because of a lack of Customs inspectors, I have concerns that Customs may play games with spending of the dedicated head tax revenues. That is why I sponsored language to ensure that surplus spending is reviewed by OMB through the apportionment process.

Last, section 124 requires Treasury to develop legislative recommendations for compensating importers when merchandise is damaged in Customs examinations. We found that there is currently no recourse for a legitimate importer when Customs run a chain saw through his merchandise. I look forward to Treasury's proposals for solving this dilemma.

In conclusion, Chairmen ROSTENKOWSKI and GIBBONS are to be commended for their leadership on this legislation and the trade area in general, and I urge Members to vote "yes" on the conference report for H.R. 1594.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means, for his outstanding cooperation, and I would like to take this opportunity to engage in a colloquy with the gentleman.

Mr. Speaker, title VI of this bill deals with the export of unprocessed timber from all public lands in the United States west of the 100th meridian. In exercising Federal control of trade policy, Congress, by enacting this legislation, is making permanent an annual ban on the export of unprocessed timber from Federal lands. In addition, Congress is directing the Secretary of Commerce to order restrictions on the export of such timber from all other public lands.

Does the chairman understand that we have made a distinction between Federal and State ownership of unprocessed timber? As the national legislative body, we have directed Federal agencies with jurisdiction in this matter to issue regulations for the administration of the Federal ban. However, because States own and manage timber on their own lands we have directed them to implement the export restrictions on the State level.

Further, it is the understanding of the Washington and Oregon delegations that title IV grants the Governors rulemaking authority to the extent necessary to ensure that the intent of the title to maximize the availability of unprocessed timber to domestic processor is met. Does the chairman concur that this construction reflects legislative intent?

Mr. ROSTENKOWSKI. Mr. Speaker, if the genleman will yield, yes, that is my understanding of the language.

Mr. DICKS. Mr. Speaker, there is no disagreement that the general purpose of the log export provisions is to maximize the availability of unprocessed timber for forest products manufacturing, and that this action is taken in consistency with our trade laws and agreements.

Further, it is my understanding that the language provides broad general authority and in no way limits the scope of actions that might be considered by the Governors to accomplish this purpose, including, should they be deemed necessary by a Governor, regulations to control the practice of direct and/or indirect substitution of unprocessed timber from non-federal public lands.

Mr. Speaker, in the gentleman's view, is that a proper interpretation of the intent and scope of this language?

Mr. ROSTENKOWSKI. Yes, that is my understanding of the language.

Mr. DICKS. Is it also the gentleman's understanding that the Governors are authorized to enforce such regulations as they might issue?

Mr. ROSTENKOWSKI. That is also my understanding of the language.

□ 0030

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER], a member of the committee.

Mr. CHANDLER. Mr. Speaker, I would like to commend my colleagues who served on the trade bill conference committee. Their hard work has resulted in a measure which provides the U.S. Customs Service with the tools it needs to better enforce U.S. trade and narcotics laws at our borders, offers us the opportunity to establish normal trading relations with Eastern Europe and other non-market economy countries to which we have not extended most-favored-nation status and will help to maintain the economic viability of the northwest timber industry.

The Customs and Trade Act of 1990 will authorize an increase of 12 percent in the U.S. Customs Service personnel expenses for fiscal year 1991. Such an increase would allow customs to hire additional staff which is badly needed throughout the country.

The problem areas of particular concern to me are the westernmost border crossings between Canada and Washington State. Traffic volume has increased over 50 percent in the past 5 years, resulting in delays of sometimes 4 hours to some travelers. During this same time, Customs staffing has been reduced. It is my hope that the Commissioner of Customs will heed the recommendation contained in the House report accompanying this bill and hire additional permanent staff at the Blaine and Sumas ports of entry. The report also encourages Customs to make every effort to utilize part-time personnel at these crossings in the interim.

This bill will also initiate action to correct several problems uncovered by the Ways and Means Oversight Subcommittee in its investigation of the U.S. Customs Service commercial operations. Most importantly, the measure requires customs to assess the likelihood of violations of trade, narcotics and other laws in selecting cargo for inspection. I am very concerned that such a strategy is not yet in place at our borders.

There is legitimate concern that one port of entry could be more attractive to shippers because a customs inspection is less likely. Furthermore, there is little relationship between ports as to what cargo is selected and why. These discrepancies leave our country more vulnerable to the entry of drugs and other illegal cargo at ports with less stringent inspection procedures.

The measure requires the customs service to develop a uniform, nationwide enforcement strategy which would allow them to determine which cargo should be selected for inspection based on its potential threat. I would like to commend Oversight Subcommittee Chairman JAKE PICKLE for leading this effort and Trade Subcommittee Chairman SAM GIBBONS for acting so expeditiously to correct this deficiency.

Another problem addressed by H.R. 1594 is one that is oftentimes faced by importers. If the goods in a shipment are damaged during the course of Customs's inspection, an importer does not have any recourse to recover his loss. An antique dealer in Redmond, WA sent me photographs of the damage to a shipment of imported antiques which occurred during an inspection conducted by customs. His business suffered a $3,000 loss in damages alone. It is an outrage that my constituent has no available remedy to seek reimbursement.

I would also like to commend the conferees for reaching agreement on the changes made to the 1974 Jackson-Vanik amendment to bring it in line with the 1983 Supreme Court Chadha decision. The dramatic changes that have occurred in Eastern Europe give their people a renewed hope for freedom and democracy. As soon as we have complete assurance that a fair and free emigration policy is in place in these countries, we need to negotiate a trade agreement with them. I am pleased that now a ratification method is in place so that we may proceed with establishing commercial agreements with countries at or near compliance with Jackson-Vanik freedom of emigration requirements.

Finally, I would like to comment on a section of H.R. 1594 which is of special importance to the Pacific Northwest.

Under the bill, current yearly bans on exports of Federal timber will be made permanent. Direct substitution quotas will be phased out. Indirect Federal timber substitution practices will be limited to less than half of what is presently reported. Strict reporting requirements will be mandated. The bill will further prohibit the export of unprocessed State timber in States with harvests below 400 million board feet [MBF]. For States with harvest levels greater than 400 MBF, 75 percent of the volume would be prohibited from export. Procedures are established for increasing this percentage over the next 4 years. In addition, State substitution guidelines are written into the legislation.

Agreeing on language to limit the export of State and Federal timber was no small undertaking. Log exports have been perhaps the single most divisive issue faced by members of the Washington and Oregon congressional delegations in the last 10 years. Those of us who cosponsored the DeFazio bill several years ago, have not always had respect for our position. With all members from the two delegations working together in a spirit of nonpartisanship, a compromise bill was achieved, but only after serious environmental and employment considerations, led us to take the path we did.

I am therefore proud of my colleagues from the Pacific Northwest for the huge number of hours shared over the past half year in reaching agreement. We approached the complex issue from different constituencies—urban, suburban, and rural timber dependent communities—and from widely differing political perspectives. Environmentals and loggers both value public forests, but not for the same reasons. Even the industry was divided over the export ban. The final product, drafted by members representing these constituencies, represented these differences.

During the deliberations, some argued that a limit on the export of State and Federal timber was neither economically desirable or properly legislated. In the final result, this argument was rejected. Some will continue to lobby for a ban on the export of private logs as well. I disagree with both positions. It clearly is in the interest of the Federal Government to limit the export of a public resource in time of a crisis in supply. However, the restriction of private log exports would have serious trade and economic consequences for the region, and would be a very drastic measure.

In my view, there are strong arguments to limit the export of unprocessed timber from Federal and State lands. Over time, this measure will assist workers and timber communities very dependent on the public forest resource. It will ensure that substantially more public timber stays at home to be run through domestic mills if and when exported, the product will then have the added higher value as cut lumber. Timber industry employment, so dependent on adequate supply will be assisted. Our international trading posture is enhanced when we export refined versus raw products.

A log export limitation will further aid those small timber mills most dependent on public timber and heavily impacted by environmental impacts such as the listing of the northern spotted owl as a threatened species. It will help mitigate, but by no means solve, the coming serious impacts of reduced timber supply. Nowhere will these impacts be felt more than in the small town with the single sawmill dependent on Federal or State timber.

One person in particular deserves credit for his year's of work supporting limitations on public log exports. Gus Kuehne, president of the North-

west Independent Forest Manufacturers [NIFM] was the leader in arguing for an export ban even when the issue was not very popular in his own industry. Without his tireless efforts to convince people that we simply do not have enough public timber to run mills both here and abroad. This bill would not have been a reality. I commend his efforts.

I would further like to thank the chairman and members of the Ways and Means Committee for their support in recognizing the region's unique resource needs in supporting this compromise bill.

I urge my colleagues to support this important measure.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, in the Northwest we are short on logs, and it is because of listing of the spotted owl, as my colleagues from the Northwest have indicated. Because we are short on logs, mills are being idled. That means massive unemployment.

I just want to thank the chairman of the Ways and Means Committee and the ranking Republican and all of the members of the Ways and Means Committee who helped us draft a feature of this bill which permits a restriction on log exports so that we can keep those logs here at home and put them through American mills and keep Americans in the Northwest employed to a greater degree than they would be before.

I also want to thank the members of the Agriculture Committee, the Interior and Insular Affairs Committee and the Foreign Affairs Committee. Each of those committees had jurisdiction here, and without their cooperation this agreement, this provision would not be possible and those mill workers and their families who depend on the woods and the mills for their livelihood would not be benefited by this provision tonight.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to support the conference report on H.R. 1594 and particularly title IV, which restricts the export of unprocessed logs from State lands.

This amendment was dubbed the Miller amendment in the Foreign Affairs Committee, but it is a product of true nonpartisan work by my colleagues from Washington and Oregon. As a member of the Foreign Affairs Committee, I was the messenger who brought this package first to the Foreign Affairs Committee and then to the floor of the House as amendments to H.R. 4653, the Export Facilitation Act and now to the conference report on H.R. 1594.

In developing this bill, my colleagues from Washington and Oregon were acutely aware of the potential for a shortage of timber brought about by the listing of the northern spotted owl. To protect this owl, we will need to preserve thousands of acres of old growth timber. Most of the ancient forests being preserved are on Federal lands.

This package, Mr. Speaker, accomplishes four goals. First, it replaces some of the timber being removed from domestic harvesting with timber which would have been exported. Second, it allows some exports of timber to continue. This enables our forest products industry to continue to build new markets for our finished lumber exports in Asia. Third, by reaching this balance, we preserve some of the jobs which might have been lost. Finally, because this bill is GATT compatible, other exporters won't have to worry about losing their jobs should another country consider retaliating.

This is a good balance. Like everyone, I am not happy with every dotted "i" or crossed "t", but I am confident that this part of the conference report on H.R. 1594 does what it set out to do—reduce the anticipated shortage of timber facing Northwest mills in an environmentally responsible way without violating our trade laws.

I urge my colleagues to support the conference report.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I rise in support of the conference report and want to pay special tribute to the Agriculture Committee, the Interior and Insular Affairs Committee and the Foreign Affairs Committee, and all who worked out the log export package that those of us in the Northwest bring so proudly to you this evening, and the Ways and Means Committee, and Chairman ROSTENKOWSKI, for putting the package all together.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, if I could have the attention of Chairman ROSTENKOWSKI for one moment, the chairman and I had a colloquy in the Rules Committee when I came before our committee earlier. I just want to have the gentleman repeat what he told me about those of us like myself, RICHARD SCHULZE, NANCY PELOSI, and ED MARKEY, and our resolution of disapproval on the most-favored-nation status to China. How does this legislation affect this bill?

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, as I explained to the gentleman in the Rules Committee, all Members who are concerned and who have introduced legislation will be notified that they should reintroduce immediately upon our return in September so that we can start counting the days from the date of their introduction.

Mr. SOLOMON. So this does allow that?

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. SOLOMON. I just point out to my colleagues that the Iraqui tanks that rolled into Kuwait the other day were two T-59s and two T-69 main battle tanks sold to them from the People's Republic of China. We ought to keep that in mind when most favored nation comes up.

Mr. CRAIG. Mr. Speaker, I rise today to express my support for the log export provisions contained in the conference report on H.R. 1594, the Customs and Trade Act of 1990.

I am pleased to have served on the conference committee which hammered out those provisions.

I and other members of the Northwest congressional delegation have worked long and hard to restore stability to the timber supply situation by passing legislation which would give States and localities control over timber harvested on their lands.

Although I would have preferred a law that gives the States the authority to choose their own policies on log exports, this bill is much better than the current system. It helps maintain our critical timber supply for local mills and keep jobs at home.

During conference deliberations, I fought successfully for a provision to make permanent the ban on export of raw logs from Federal lands. I also pushed to include language that stops the direct and indirect substitution of unprocessed timber from Federal lands for unprocessed timber exported from private lands.

Foreign interests have been enjoying the economic and employment benefits of Idaho's timber resources, while our local mills go wanting for raw materials. This is happening at our expense. They are selling off our raw logs and our processing jobs at the same time.

I believe in the ability of free markets to allocate scarce resources. But unfortunately, tariff and nontariff controls placed on processed timber by some countries have skewed the market forces threatening our timber supply.

Mr. Speaker, this measure will help counteract the current imbalance and help bring stability back to the timber industries of Idaho and the Pacific Northwest. I urge my colleagues to join me in supporting it.

Mr. VENTO. Mr. Speaker, I rise in support of the conference committee report before the House. One title of this bill, title IV, contains an expanded and improved provision, which bars the export of timber from Federal lands.

Over the years the initial intent of this law has been frustrated and the consequences have resulted in loophole after loophole through which billions of board feet of timber have found their way to the Pacific Rim nations for processing.

Often the Federal timber was used as a substitute for State or private timber destined for such trade purpose, really a thinly guised means to circumvent the intent of the U.S. law and policy.

With the reduced cut of timber in the Pacific Northwest resulting from the depletion of the old growth timber supply and environmental ruling of longstanding multiple use sustained yield policy, the National Environmental Policy Act, Water and the Endangered Species Act, more efficient manufacture and timber techniques, reduction in jobs and employment conditions has grown at a steady pace. As the shrinking supply of high-quality old-growth timber evolves the economic impact will continue to challenge the Congress and public policy to be responsive. This conference committee report on reforming and strengthening the limits on log export is a major step to help soften the impact, new timber definitions, new authority for land managers, and the recognition of States rights to act in limiting log exports with a carefully crafted role, tempered by the Presidential action consistent with international treaties, all point to renewed hope at a critical point to make the log export ban from Federal land work for the 1990's.

Significant work by the Congress awaits the Members as we return in September, dealing with new policy and initiative concerning the old-growth ecosystem of the Pacific Northwest. With a good faith effort I am cautiously optimistic that we will be able to provide a long-term answer to this matter of acute interest to the Northwest and our Nation. This measure of log exports is a key piece of the puzzle and as chairman of a subcommittee that tackled the issue and working on the conference, I'm pleased we have a result.

Mr. Speaker, the members of my subcommittee, Mr. DEFAZIO of Oregon, who did an outstanding job on this issue, assisted by Mr. MCDERMOTT of Washington and Mr. WILLIAMS of Montana. The cooperation of the Washington and Oregon delegations was key to this issue on timber export, especially the new Member from Washington, Mrs. UNSOELD, truly a talented, dedicated worker and advocate for her constituents. My thanks to my colleagues.

Mr. CRANE. Mr. Speaker, I rise today in support of H.R. 1594, the Customs and Trade Act of 1990 conference report which was finalized in a Senate-House conference that concluded several days ago. H.R. 594 will maintain the functioning of U.S. trade agencies, enable us to ratify recently concluded trade agreements with Eastern European countries, suspend certain tariffs, and generally facilitate further international trade growth for the United States. Most importantly, H.R. 1594 will enhance the present benefits under the Caribbean Basin Initiative.

As you will recall, the original CBI bill, which was proposed by President Reagan in 1982, extended several trade and tax benefits to the eligible countries in the Caribbean and Central America. The Caribbean Basin Initiative has been extremely successful in promoting economic diversification, consequently, there has been a rapid increase in nontraditional exports as well as a decrease in the rate of unemployment in the region. H.R. 1594 will ensure that this progress continues.

The most important provision in this bill removes the 12-year time limit of the CBI program, and allows it to continue indefinitely. This will eliminate any uncertainty on the part of the business and investment community as to the degree of the United States commitment to the Caribbean Basin.

Additionally, several measures in the report will enable U.S. trade policy to react to change in the international environment, and respond to our international trade agreement obligations.

For example, the changes to the formulation of the Customs user fees were required because the United States was found to be in breach of the General Agreement on Tariffs and Trade [GATT] on this issue. The resulting compromise combines an ad valorem rate with a cap on maximum charges, and a separate fee structure for couriers and brokers, so that the fee parallels actual costs incurred by Customs in providing certain designated services.

Another trade policy revision of note is a rectifying amendment for the procedures under Jackson-Vanik. Without this fix, the United States would continue to fall far behind other countries in the establishment of commercial links with former Communist countries. The conference recommends changes that recognize the Chadha Supreme Court ruling by requiring joint resolutions, to be passed by both Houses and signed by the President, that would govern approval and disapproval resolutions for granting most favored nation [MFN] trade status to eligible countries.

Czechoslovakia can now expect early consideration by Congress of its trade agreement, and will soon achieve MFN status together with other countries.

Other measures in this conference report that I know my fellow Members will agree are beneficial to U.S. business are the series of tariff suspensions. These will enable cheaper inputs for U.S. industry, and will keep business prospering in the United States instead of moving offshore for lower cost alternatives.

Last, but not least, I commend the provisions reauthorizing each of the trade agencies for the next year. To keep United States business interests foremost internationally, we rely on these agencies to carry out our trade policy and enforce United States trade laws. With the Uruguay round of multilateral trade negotiations rapidly approaching conclusion, it is essential that our trade agencies be adequately funded.

I recommend that Congress agree to this package as expeditiously as possible because of the delays associated with its passage thus far.

We originally approved most of this package last year when the tariff provisions were passed in the budget reconciliation bill, only to have all the trade provisions pared off at the end in conference. This package represents a consensus of interests, and I believe that my fellow conferees and the administration all look forward to its early implementation.

Mr. Speaker, I call on my colleagues to support this conference report, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I want to draw the attention of my colleagues to a provision in the conference report that concerns the 1990 census.

The provision—found in section 141 of the conference agreement—in practical terms restores unemployment compensation benefits to all temporary census workers.

Many of you have contacted me in recent weeks to express concerns about a provision in the Supplemental Appropriations Act of 1990 that precluded the Census Bureau from reimbursing States for unemployment benefits based on temporary census work performed after April 20, 1990.

Because of that provision, many hardworking, dedicated census workers were surprised to find that they could not receive unemployment compensation benefits for their census work.

We now have the opportunity to restore those benefits to all census workers who qualify under State law.

The original provision was adopted to ensure that the Census Bureau would have enough money to carry out essential counting activities and submit census counts to the President by December 31 of this year.

I respectfully urge the Appropriations Committees to ensure that the Bureau has sufficient funds in fiscal year 1991 to carry out the enormously important coverage evaluation and data publication activities.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today in support of H.R. 1594, and to comment on a provision within this legislation which will temporarily suspend import tariffs on frozen beans and whole kernel corn. This measure is a direct result of a 1989 natural disaster in western New York, and will help a domestic producer overcome tough times and maintain productive markets.

In the spring of last year heavy rains and low temperatures so drastically reduced farm production in western New York that several counties including Monroe and Genesee were declared State disaster areas. The bad weather also adversely affected the Curtice Burns Food Co. which is the principal food processor for the Pro-Fac Cooperative, an 800 member farm cooperative in Rochester. Last year, when local farmers fell short in meeting harvest projections, Curtice Burns was forced to purchase bean and corn at unfavorably high prices from foreign markets.

Section 1709 of H.R. 1594, when enacted, will allow for a temporary duty-free entry of these emergency shipments of certain frozen vegetables to compensate for the farmers' cooperative. This is a one-time duty suspension. It is effective for a 4-month period, between December 31, 1989 to May 1, 1990, and will temporarily suspend import tariffs on frozen cut beans and frozen cut whole kernel sweet corn.

Farmers in the 30th District depend on Curtice Burns to purchase their crops. By suspending these tariffs—which are estimated to amount to $655,000—Curtice Burns will be able to maintain production levels and continue purchasing local produce. Consumers of

the Northeast will also benefit from this action since it will help make sure that quality local produce at reasonable prices continue to be available at grocery stores.

Finally, this legislation is important because it demonstrates our support for domestic producers of agriculture and other products by helping them maintain their market share in times of adversity. By preventing the loss of markets, we are safeguarding jobs and ensuring livelihoods.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON S. 2240, RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT OF 1990

Mr. WAXMAN. Mr. Speaker, I call up the conference report on the Senate bill (S. 2240) to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Under the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 31, 1990.)

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from Illionis [Mr. MADIGAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, until today, voluntary groups, cities, and States have carried almost the entire weight of the AIDS epidemic. This legislation finally brings a Federal contribution to the health-care needs of the thousands of Americans who are already sick and the hundreds of thousands who soon will be.

This bill will provide a range of assistance: Early intervention services to prevent and forestall illness among those persons who are infected, outpatient and home-health services for those who are ill, and emergency assistance to cities with a large number of acutely ill persons.

This legislation converts the millions of dollars of Federal research into treatments that are available to the public. It's not enough to develop drugs. We must also make sure that they are available to people regardless of their ability to pay, and we must be sure that they are available early enough in people's illness to make a real difference.

The bill will provide for health care services in response to the AIDS epidemic in the United States. It authorizes funds for services for prevention, both for preventing infection among the uninfected and preventing disease among those already infected. It also authorizes funds for health and support services for people who are ill and for emergency assistance to those cities that are hardest hit by the epidemic.

Many of our public health clinics that are trying to control such problems as drug abuse or tuberculosis are being asked to provide AIDS services as well, with no additional funding. The result can only be an erosion of these clinics' primary services.

Many of our AIDS counseling and testing programs have no financing for the provision of early intervention health care. The result can only be incomplete prevention programs that serve no one well.

Many of our hospitals are struggling with the tidal wave of acute cases of AIDS coming into their emergency rooms and admitting offices and have no place to serve these people on an outpatient basis or after their hospitalization. The result can only be overcrowding and a diminished level of care.

Such inadequacies are in no one's interest. The system does not adequately prevent infection among the uninfected, prevent disease among the infected, or provide care for the sick. And the system concentrates its care at the most expensive point—acute care for persons who are desperately ill.

This bill will take first steps to remedy these inadequacies. Much more could be done, much more needs to be done. But today's legislation will make a significant contribution to these problems.

It will provide for a continuum of prevention services—counseling and testing, diagnostics for those who test positive, and therapeutics for those whose diagnostics indicate a medical intervention.

I would note that, while providing some flexibility in the formula for the Secretary, the bill's provisions regarding counseling, testing, and early intervention hold States generally harmless for their funding level in fiscal year 1991 and that it is our intent that the cities receiving funds directly from CDC also be held harmless within the States. This hold-harmless provision is phased out over a period of years.

It will provide emergency relief for those cities that have been hardest hit by the epidemic.

And it will provide ongoing projects for the provision of comprehensive care to people who are ill.

CONCLUSION

Mr. Speaker, as we finish our work on this legislation, I would like to take a few minutes to pay tribute. This bill has now been given the Senate title of the Ryan White CARE Act. Ryan White gave this epidemic a face in the mass media of the Nation, someone that we could all recognize, admire for his courage, and mourn. I would take this opportunity to do so.

But I want to take a few moments now to acknowledge that there are also thousands and thousands of other Americans—our friends, loved ones, and fellow citizens—who have died and who deserve our recognition, our admiration for their courage, and our mourning. In closing the consideration of this legislation, I would like to add just a few names of people who have died of AIDS—some friends of mine and some friends of friends.

Mr. Speaker, let us acknowledge: Sheldon Andelson, Mel Boozer, Dan Bradley, John Furie, Barry Gingell, Ariel Glaser, Andre Hebert, Tito Kasner, Zack Kaufman, our colleague, Stewart McKinney, Suzanne Neeme, Wiliam Nelson, Robert Nickolitch, Paul Popham, Mike Richards, Peter Scott, Terry Tebedo, Dan Turner, Tom Waddell, and Lawrence Washington.

This is obviously only a brief and personal list. If I were to continue with the names of all of those of our fellow citizens who are known to have died of AIDS, I would not only exceed the remaining time allotted to this bill but possibly the remaining time allotted to this Congress.

And even that huge list would be an abbreviated one, made far shorter because there are so many names that are secret or unknown. I think of the stitching of one eloquent panel from the NAMES Project Quilt:

I have decorated this banner to honor my brother. Our parents did not want his name used publicly * * *.

But, Mr. Speaker, while we pay tribute to those who have died—only some of whose names we know—we should adopt this legislation in honor of, and with hope for, those people who are

now living with AIDS and HIV. For all these fellow Americans, some of whom are doing well and some of whom are acutely ill, I urge adoption of this legislation.

□ 0040

Mr. Speaker, I reserve the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself such time a I may consume.

Mr. Speaker, I rise in support of the conference report on S. 2240, legislation to provide support for AIDS treatment and prevention. This conference report is the product of considerable effort, negotiation and compromise between the House and the Senate. The conference agreement combines the best elements of both the House- and Senate-passed proposals and will mark an important step in our fight against the AIDS epidemic.

The main focus of the conferences bill is designed to make the new advances in AIDS preventive treatments and care more widely available.

The three most significant features of the bill would:

First, establish a grant program to provide counseling, testing, and preventive health services; $230 million would be authorized to be awarded to the States and an additional $75 million would be awarded to categorical grantees for these purposes. Given that there is no cure for AIDS, we can only halt its spread by convincing infected individuals to modify their high-risk behavior and other individuals to take precautions against becoming infected. Hopefully, this program will take a big step in this direction.

Second, establish emergency relief grants for metropolitan areas with the highest incidence of AIDS cases. The health care systems in many urban areas have been weakened by the huge numbers of AIDS cases. This program is designed to assist those communities in providing outpatient care.

Third, establish a program of health-care grants to the States to permit funding for a variety of services. The allowable use of funds would permit health and social service providers to deliver comprehensive care by continuing existing demonstration projects designed to establish cost-effective methods of care to both adult and pediatric AIDS patients. In addition, the States would be allowed to use the funds to provide for home- and community-based care, the purchase of therapeutic drugs such as AZT, and the continuation of health insurance for HIV-infected individuals.

I am pleased to state that the conference agreement includes the provisions which the gentleman from California [Mr. WAXMAN] and I were able to work out in the House bill with the administration in order to ensure that the limited Federal resources made available under this bill are focused on the most needy citizens.

All three major titles of the bill now target Federal funds to assist the financially needy in a fair and equitable manner while at the same time maximizing the effectiveness of the grant funds. For individuals with incomes at 100 percent of the Federal poverty line or below, services would be provided free of charge. In the case of individuals with incomes above the Federal poverty line, charges must be imposed on a sliding scale. For individuals with incomes between 100 percent and 200 percent of the poverty line, these charges cannot exceed 5 percent of an individual's annual gross income. For those with incomes greater than 200 percent but not exceeding 300 percent of the poverty line, these charges cannot exceed 7 percent of one's annual gross income. Individuals with income in excess of 300 percent of the Federal poverty line could not be charged more than 10 percent of their annual gross income.

In addition, all three titles of the bill now include strong maintenance of effort provisions that will ensure that grantees must maintain their investment for HIV-related services and that Federal moneys must be used to significantly increase AIDS-related services.

Finally, State matching requirements are imposed in titles II and III of the conference agreement, dealing with grants to States for health-care services and prevention services, respectively. States with 1 percent or more of AIDS cases would be required to meet a State matching requirement that would be phased in over a 4-year period. This provision would ensure the efficient use of Federal resources and encourage States to continue sharing the cost of HIV services. In the first year, the Federal match would be 5 Federal dollars for 1 State dollar, and in subsequent years, the Federal match would be phased down to a 2-to-1 permanent match by 1994.

In conclusion, I urge my colleagues to act prudently and to adopt this realistic and balanced legislation. I am hopeful that we will be able to send this legislation to the President before the Congress adjourns.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, the conference report that we are considering tonight will help to give much needed assistance to metropolitan areas which are hardest hit by the AIDS epidemic; HIV care grants to State for improving the continuum of services for HIV AIDS patients, and provides early intervention services for testing, counseling and therapeutic drugs.

The passage of this agreement is critically important so that these programs in urban and rural areas can be established to help people with AIDS and also to help fight this disease.

I am especially pleased for the recognition that has been given to the Department of Veterans Affairs hospitals and health care system in recognizing that it plays such a tremendous part in the treatment of AIDS patients.

I am grateful that I have been able to be a part of this process.

I want to commend the chairman and the ranking minority Member and the Members on both sides of the aisle for all the work they have put into crafting this package.

I want to give special thanks to the staff members on both sides of the aisle who have worked so hard in putting this issue together and bringing it to fruition.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the most noble and very distinguished ranking minority member of the Committee on Energy and Commerce, the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I rise in support of the conference report on S. 2240, a bill to support AIDS treatment and prevention activities.

The AIDS epidemic continues to be a terrible tragedy. First, there is the direct human tragedy for the victims and their families. And the epidemic is also exerting continuing pressure on our entire health care system, particularly in States and urban areas of the highest incidence of the disease.

For years, the picture of this epidemic has been entirely bleak. However, recently, medical studies have shown that certain drug treatments can hold off the most serious symptoms for months or years in people who have been infected with the HIV virus. This conference agreement is directed toward the goal of providing funds to offer these preventive drugs to individuals, providing additional assistance to cities which have been hit the hardest by the epidemic and providing aid to States for a variety of purposes to test different approaches for the treatment of AIDS.

I am particularly pleased that the conference agreement includes a provision I sponsored concerning grants for research projects for conducting clinical research on drug therapies for pediatric AIDS patients.

Among the most tragic victims of this terrible epidemic are the poor children that have been stricken with this terrible disease. And, according to the Centers for Disease Control, children constitute the fastest growing AIDS population.

While the number of children currently afflicted with AIDS is relatively small, the Centers for Disease Control projects that by 1991 as many as 20,000 children will be infected with AIDS. Experts also predict that AIDS

will be one of the five major causes of death for children between 1 and 4 years old within the next 5 years.

Unfortunately, many experts have expressed the concern that the pace of drug development for these young patients has lagged significantly behind that of similar projects for adults. The conference agreement addresses this problem by authorizing grants for the purpose of conducting clinical research for the development of therapeutic drugs for pediatric HIV patients, and by targeting these research projects for local community clinics which serve the families of those who are at risk.

Finally, I would like to note that the conference agreement also contains special project authority to assist hemophiliacs. Given the unique problems this population faces in dealing with AIDS, I feel this provision is particularly important.

I think this conference report is balanced and merits our strong support. I urge my colleagues to join me in supporting it.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding, and in the interest of time I will be very brief.

I wish to rise to commend the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], and the ranking minority member, the gentleman from Illinois [Mr. MADIGAN], for their leadership on this issue.

This legislation is a breakthrough in AIDS treatment, and it shows that Congress cares, but not only does it care but it is willing to provide the means to care for people with AIDS.

So I commend the gentlemen, thank them for their hard work for bringing this conference report to the floor.

Mr. Speaker, I rise in strong support of the conference report on the Ryan White Comprehensive AIDS Resources Emergency Act [CARE]. I commend Chairman WAXMAN and Mr. MADIGAN, the ranking minority member, for their leadership in reaching this agreement. I also commend Senator KENNEDY and Senator HATCH for their efforts to reach this agreement and for their bringing such attention to this issue.

For a city like San Francisco, where close to 6,000 people have already died of AIDS and close to 9,000 cases have been diagnosed to date, this is legislation that responds to our real needs. Responding to the nearly 3,000 San Franciscans living with AIDS and the nearly 30,000 San Franciscans living with HIV infection must be a national priority as well as a local priority.

San Francisco has developed model programs which are a source of great pride to the city. But the famous San Francisco model has been crumbling under the sheer weight of the numbers of new people needing services. The CARE legislation offers emergency assistance that will allow us to restore the humane and cost-effective continuum of services we need. The grants to States will allow us to expand on programs of early intervention to prevent the onset of severe disease in those infected but not yet sick. The legislation gives us hope.

This is a fitting tribute to Ryan White; his courage in the face of AIDS taught us all a lesson. We evoked caring from a nation that needed to care, and his plight focused attention on the epidemic that we cannot in good conscience ignore.

Mr. Speaker, this legislation allows to prepare for life rather than death in face of the HIV epidemic. Again, my congratulations to Chairman WAXMAN, who has done so much on the AIDS issue and whose leadership has once again made this House proud.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER], a member of the subcommittee.

Mr. DANNEMEYER. I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, I would like to engage the subcommittee chairman in a colloquy about one of the provisions in the bill.

There is a provision in the legislation that requires States, as a condition of receipt of funds for counseling and testing and early treatment, to have laws regarding intentional transmission of HIV. Could the gentleman describe the meaning of that section?

Mr. WAXMAN. Mr. Speaker, If the gentleman will yield that provision requires that States have on their books laws that would allow criminal prosecution for intentional transmission by blood donation, sexual activity, or needle sharing.

Mr. DANNEMEYER. Would this language, as adopted by States, require laws to deal with the so-called AIDS terrorists, the people who have AIDS and say that they want to take as many other people with them as they can—by blood or sex or needle sharing?

Mr. WAXMAN. Yes. While I believe that such activities are rare, clearly such intentional spread of the infection would have to be prohibited under State law.

Mr. DANNEMEYER. Would this language in any way limit States to this standard of criminal law? Are States forbidden to go further in prosecuting people who spread AIDS?

Mr. WAXMAN. No. States retain all their traditional criminal law authorities. We have always depended on States to make criminal law and would anticipate that they would continue to do so.

But the bill before us is a public health grants program. We did not feel that we had the information or expertise to draft full criminal statutes in this context. There are many difficult problems of standards of culpability, proof, and evidence which we could not deal with in this context. But States clearly retain all authority to deal with these issues themselves.

Mr. DANNEMEYER. Mr. Speaker, I rise in support of this conference report. There is one essential feature of what we need in our law to control this epidemic, and I will not take a lot of my colleagues' time this evening to talk about that. Any person who believes that this epidemic is on the downslide in America and around the world should disabuse themselves of that notion.

I make reference to a report of the New England Journal of Medicine July 26, 1990, which discusses in part the results of testing in 26 sentinel hospitals across the country from January 1988 to June 1989. The incidence of the infection of men 25 to 40 in certain of those hospitals located in the Northeast is absolutely devastating in terms of the impact

For example, in the Northeast, one hospital, 21.7 percent of the men tested were HIV positive. That is the highest. Fortunately, most of them were lower than that.

What this data shows is, clearly, that the epidemic is alive and flourishing, mostly in urban areas in this country. One day this country and this Government is going to put in place the cornerstone of what our Public Health should have been doing to control this epidemic from the beginning of its existence in the early 1980's, namely, reportability to Public Health in confidence and contract tracing. That now is the recommendation of the American Medical Association that all States have such a policy in place. Unfortunately, the House did not choose to implement that recommendation of the American Medical Association when we considered this legislation when it passed the House earlier this year in an amendment that I offered.

However, I will continue to present that possibility to the Members at the next time when the House considers this issue.

Mr. Speaker, the bill before us today is the result of compromises and agreements that were achieved in this body, and an entirely new set of compromises that were arrived at after weeks of negotiation with our colleagues in the Senate. I believe the final product, while not perfect, deserves our support.

A NEW APPROACH TO THE WAR ON HIV INFECTION

What will this legislation do? For the first time, it will commit billions of dollars in Federal resources to the war against a killer disease—the human immunodeficiency virus that ultimately results in full-blown AIDS. What is most impressive about S. 2240 is that it targets these scarce resources on low-income individuals and limits the use of these funds to cost-efficient expenditures such as HIV counseling and testing, clinical and diagnostic services, therapeutic measures, and referrals to providers of appropriate support services. No funds in this bill will be spent on costly hospi-

tal inpatient services or on the construction of new facilities.

The focus that S. 2240 places on HIV testing and counseling is another strong point of the bill. Under this legislation, for the first time, persons who live in areas with significant concentrations of HIV infection will be encouraged to undergo HIV testing and counseling whenever they are admitted to hospitals in their areas or use other parts of the health care system—specifically, clinics for tuberculosis, drug abuse, sexually transmitted disease, and family planning. This is a crucial first step in our efforts to treat HIV infection like other sexually transmitted diseases.

The failure of our efforts to date is illustrated by the recent article which appeared in the New England Journal of Medicine describing the results of the sentinel hospital survey conducted by the Centers for Disease Control. In short, the results of this study underscore the need for section 2641(b)(5), which allows States to allocate funds to a program of routine HIV testing in hospitals with inordinately large numbers of HIV-infected inpatients. This program was the result of an agreement reached among Messrs. WAXMAN, LENT, MADIGAN, and myself during the Energy and Commerce Committee deliberations on this legisation. It is a good program, and deserves to be in the final bill.

THE CDC SENTINEL HOSPITAL SURVEY

The CDC sentinel hospital survey sought to evaluate the distribution of HIV-1 infection across all age and risk groups in the areas served by the participating hospitals. This requires the researchers to exclude many individuals who seek treatment in the hospital. As the researchers describe it:

Specimens [of blood] were . . . excluded if they were from patients whose admitting diagnosis or reason for hospital visit was among the following: AIDS or other conditions commonly associated with AIDS or HIV-1 infection; specified conditions that might presumptively be expected to occur more frequently among persons infected with HIV-1, including infectious diseases, unexplained fever, neuropsychiatric conditions, and neoplasms; conditions often associated with medical risk factors (such as hemophilia) or behavioral risk factors for HIV-1 infection (such as drug abuse or sexually transmitted diseases); or gunshot and knife wounds, conditions that have been reported to be associated with a higher than expected rate of HIV-1 seroprevalence.

These criteria eliminate quite a few hospital inpatients. Nevertheless, the researchers found an overall infection rate of 1.3 percent. The rate in one hospital was 7.8 percent. For men between the ages of 25 and 44, 9 of the 26 participating hospitals reported infection rates in excess of 5 percent, with 2 reporting the astonishingly high figures of 18.4 and 21.7 percent.

The researchers conclude that "many of these [HIV infected] persons were probably unaware of their infection" because "none had a clinical presentation suggesting to their physicians that they were at increased risk of HIV-1 infection as compared with others in their communities."

Mr. Speaker, these are the persons who stand to benefit the most from a traditional public health response to the epidemic. Note where they reside: The two hospitals with the highest seroprevalence rates were in Newark, NJ, and the South Bronx, NY. These people—most of whom fit within the definition of underclass—need to be warned of their exposure, and offered counseling and appropriate therapeutic measures, such as AZT.

THE NEED FOR PARTNER NOTIFICATION

While this bill goes a long way toward increasing the overall level of knowledge among those at risk for HIV, it does little to improve the extent to which our public health authorites warn the partners of infected individuals that they are at risk and should receive HIV testing and counseling.

Last year, 11,000 persons tested positive for HIV in New York City and, remarkably, not a single one of these persons was referred to the local health department for purposes of partner notification. While section 2646 requires States to establish some form of partner notification program, it leaves enough discretion for the States to adopt programs such as the one in New York City, where no one was warned of their risk.

PRISON TESTING

Finally, I would like to draw my colleagues' attention to section 2667(b), which enhances the Prison Testing Act of 1988 by adopting the House provisions worked out jointly between Messrs. WAXMAN, MADIGAN, and myself. Sadly, the level of HIV infection in many State prisons rivals, and sometimes exeeds, those found in our inner city hospitals. This program would enable States to test, counsel, and provide therapeutic measures to prisoners in prisons where public health and prison officials determine that a significant number of inmates are at risk for HIV infection.

CONCLUSION

While I would prefer that this legislation include stronger provisions relating to confidential reporting and partner notification, I nevertheless recognize that S. 2240 is a significant step forward in our attempts to control the spread of this insidious and fatal disease.

I urge my colleagues to support the conference report.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, but I reserve the balance of my time for the purpose of closing debate.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I congratulate the gentleman from Illinois [Mr. MADIGAN] and the distinguished chairman of the subcommittee, the gentleman from California [Mr. WAXMAN] on the successful completion of this conference.

Mr. Speaker, I believe it was back in 1982 when another gentleman from California [Mr. ROYBAL] and I first approached the gentleman from Kentucky [Mr. NATCHER], the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and the gentleman from Massachusetts [Mr. CONTE] its ranking minority member, to tell them of the AIDS epidemic that we were starting to see in our communities, and the need for research funds. The distinguished chairman of that subcommittee and the gentleman from Massachusetts [Mr. CONTE] responded, and we got the first appropriations to start the investigation of what this epidemic was and how to deal with it. Thanks to that and vastly increased funding in subsequent years, we now know how the disease is transmitted, and we also know some treatments for it. Unfortunately, we do not yet have either a vaccine or a cure, although we hope that further research will yield those results.

Because we know how the disease is transmitted and we do have treatments that can help not only those who have AIDS but those who test positive for the virus but are not yet afflicted by the disease, it is now appropriate that we move ahead with authorizing, funds for the prevention and treatment program that are called for in this bill. So I am delighted that we have been able to see this bill through the conference process. I urge my colleagues to vote for the conference report this evening.

Mrs. MORELLA. Mr. Speaker, I rise in support of the conference report on S. 2240, the Ryan White Comprehensive AIDS Resources Emergency Act of 1990. After many months of negotiations and compromise, Congress has the opportunity to pass a vital and comprehensive AIDS package.

Though our Nation has faced the AIDS epidemic for more than 9 years, the Federal Government is still spending less than 5 percent of its public health resources on caring for victims of HIV infection and AIDS. As a result, advances in AIDS prevention and research have not been met with corresponding advances in the treatment of those afflicted by HIV-infection or full-blown AIDS.

Today's bill complements our Nation's existing AIDS research efforts with services for those who have either been afflicted with HIV infection or are at high risk of contracting the infection. The legislation is unique in that it launches a direct, three-pronged attack on the problem. First, it targets areas of the Nation especially hard-hit by HIV infection and AIDS, thus concentrating resources where they are most needed. Second, rather than initiating new programs, the bill uses existing resources—health care centers, clinics, and other public and private facilities—providing a continuum of care for AIDS services in communities across the country. Finally, the bill delivers the promise of important advances in AIDS research through its provision of early intervention services.

The Ryan White Comprehensive AIDS Resources Emergency Act is particularly important for the Washington Metropolitan Area; Washington is 1 of the 16 cities hardest hit by the AIDS epidemic. But the importance of this bill stretches far beyond the borders of the hardest hit cities. The AIDS epidemic now touches every sector of our population. Men, women, children, homosexuals, heterosexuals—AIDS does not discriminate. It should

come as no surprise, then, that a broad coalition of groups ranging from the American Medical Association to the Conference of Mayors has come out in strong support of the conference report. It deserves our support as well.

I thank the members of the conference committee for their outstanding work on this important legislation and I urge my colleagues to vote in favor of the conference report.

Mr. WEISS. Mr. Speaker, I rise in support of S. 2240, the conference report on Comprehensive AIDS Resources Emergency Act. This excellent legislation would provide emergency relief funds to help communities across the United States which are hardest hit by the AIDS epidemic. The legislation additionally provides support for early intervention services for persons with HIV infection who are not yet symptomatic, in order to prolong the healthy period of their lives.

I commend the chairman of the Subcommittee on Health and the Environment for his continuing leadership in the fight against AIDS and specifically on the legislation before us today.

Despite reports that the AIDS epidemic has peaked, the statistics tell us that this is pure fantasy. The Public Health Service estimates that in 1991 alone there will be as many as 71,000 new cases of AIDS. The total number of persons living with AIDS in 1991 could climb to 153,000.

In many communities, even before they were struck with the tradegy of HIV, the health care system was ill-equipped to provide adequate basic primary care to all their citizens. AIDS has illuminated the weaknesses in those systems, threatening not only persons with HIV disease, but also other citizens in need of health care.

Today, the House Government Operations Committee approved a report based on an investigation by my subcommittee of the Federal Government's role in the treatment and care of persons with AIDS. The subcommittee found that even though the Government has recommended early intervention treatments to delay the development of AIDS in HIV-infected persons, it has developed no plans or program to help pay for it. The provision of support for such services is alone a convincing reason for supporting this conference report.

The subcommittee also found that AIDS is a national disaster that can devastate a community as much as an earthquake, a hurricane or an oil spill. The Federal Government responds to these disasters by providing billion of dollars in assistance to affected communities. AIDS-impacted areas should receive similar Federal emergency relief funds. The conference report authorizes such a program.

The Assistant Secretary of Health has stated that the Government has a moral responsibility to find a way to provide health care and early intervention treatments for persons with HIV disease. But neither the President nor anyone in his administration has acted to carry out this moral responsibility. Thus, once again, the Congress has come to the rescue with these programs, and not a moment too soon.

I would like to appeal to my colleagues on the Appropriations Committee to fully fund these vital programs from the funds set aside for pending legislation once it is enacted.

And finally, I urge all Members to support this conference report for the sake of those whose lives are at stake and the communities which must care for them.

Mr. MATSUI. Mr. Speaker, the conference report before us today provides this Congress with a rare opportunity to attack a social problem and attack it in a way that will make a long-term difference. As far as AIDS is concerned, we really have no other choice.

By now, most Americans realize that AIDS is not a passing thing. It will not disappear by itself and neither will those who suffer under its debilitating effects. That is why this legislation is so crucial. Efforts to find a cure for the disease and prevent its spread need our resources. The people who have the disease need our compassion. This bill works toward accomplishing both goals.

With at least 1 million Americans infected with the HIV virus and that number increasing rapidly, we, as a Nation, have no time to waste. The provisions in this legislation calling for increased and improved education and counseling services are needed directly in urban and rural areas around this Nation, where the disease continues to exact a devastating human toll. Only through dispelling ignorance about AIDS will progress be made toward developing more humane attitudes toward those who contract the disease, which includes a startlingly large and increasing number of women and minorities.

This conference report also will direct emergency funds to where they are most needed—the 15 metropolitan areas where the spread of AIDS is crippling the social services system. This legislation will go a long way toward alleviating some of the burden on the systems in these areas.

The ability of social services to respond to this crisis is dependent on having the resources and personnel to respond. The funding in this bill will increase the resources available and allow hospitals and clinics in these areas to respond to the growing number of AIDS patients.

We should not pretend that this conference report will provide an end to AIDS. Operating under that pretense is not only unwise, but irresponsible. But it is a modest, and in my mind, very substantial attempt to direct resources to where they are needed so the day when we can write an epilog to the plague of AIDS will come sooner, rather than later.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume. As we finish our work on this legislation, I would like to take a few minutes to pay tribute. This bill has now been given the Senate title of the Ryan White CARE Act. Ryan White gave this epidemic a face in the mass media of the Nation, someone that we could all recognize, admire for his courage, and mourn. I would take this opportunity to do so.

But I want to take a few moments now to acknowlege that there are also thousands and thousands of other Americans—our friends, loved ones, and fellow citizens—who have died and who deserve our recognition, our admiration for their courage, and our mourning. In closing the consideration of this legislation, I would like to add just a few names of people who have died of AIDS—some friends of mine and some friends of friends.

Mr. Speaker, let us acknowledge: Sheldon Andelson, Mel Boozer, Dan Bradley, John Furie, Barry Gingell, Ariel Glaser, Andre Hebert, Tito Kasner, Zack Kaufman, our colleague, Stewart McKinney, Suzanne Neeme, William Nelson, Robert Nicholitch, Paul Popham, Mike Richards, Peter Scott, Terry Tebedo, Dan Turner, Tom Waddell, and Lawrence Washington.

This is obviously only a brief and personal list. If I were to continue with the names of all those of our fellow citizens who are known to have died of AIDS, I would not only exceed the remaining time allotted to this bill but possibly the remaining time allotted to this Congress.

And even that huge list would be an abbreviated one, made far shorter because there are so many names that are secret or unknown. I think of the stitching of one eloquent panel from the names project quilt:

> I have decorated this banner to honor my brother. Our parents did not want his name used publicly * * *.

But, Mr. Speaker, while we pay tribute to those who have died—only some of whose names we know—we should adopt this legislation in honor of, and with hope for, those people who are now living with AIDS and HIV. For all these fellow Americans, some of who are doing well and some of whom are acutely ill, I urge adoption of this legislation.

I would note that, while providing some flexibility in the formula for the Secretary, the bill's provisions regarding counseling, testing, and early intervention hold States generally harmless for their funding level in fiscal year 1991 and that it is our intent that the cities receiving funds directly from CDC also be held harmless within the States. This hold-harmless provision is phased out over a period of years.

Mr. Speaker, I have no further requests for time and yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). Without objection, the House recedes from its title to the Senate bill (S. 2240).

There was no objection.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report just agreed to.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 1465, OIL POLLUTION ACT OF 1990

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 452 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 452

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 1465) to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes, and all points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN], pending which I yield myself such time as I may consume.

□ 0100

Mr. BONIOR. Mr. Speaker, today is an important day for the environment. We are about to pass one of the toughtest clean up bills in the history of Congress.

The oilspill conference report, H.R. 1465, together with final approval of clean air legislation, will make the 101st a historic Congress in defense of the environment.

When the *Exxon Valdez* ran aground 17 months ago, the Nation watched in horror as a black plague spread across Alaska. Even worse was the helpless response: indecision, inaction, and inadequate equipment.

America was struck by our vulnerability to cope with such a disaster, and we vowed it should never happen again.

In the weeks and months since the *Exxon Valdez*, we have witnessed a great many other spills—in Delaware, New York, California, and Texas.

For every oil-soaked beach and every pollution-choked waterway we have seen since the Alaska spill, our resolve to put an end to these environmental disasters has only hardened.

In Alaska, the casualties were wildlife and soiled beaches. In my home State of Michigan, whole communities would be devastated.

Over 24 million people rely on the Great Lakes for their drinking water. Water is our way of life.

Last month, in my own district on the Great Lakes, a 330-foot tanker hit the rocks in the Detroit River. Fortunately, the ship's double-hull construction prevented a spill.

We were lucky.

If the oilspill bill we are considering today had been law in 1989, we may never have experienced the wreck of the *Exxon Valdez*.

H.R. 1465 is a tough bill.

It requires double hulls on oil tankers and barges beginning in 1995.

It strengthens antidrug and alcohol laws for ship operators.

It increases navigation safety by toughening standards for pilots on the Great Lakes, and expands research on environmental impact and cleanup methods.

The oilspill conference report requires shippers to have cleanup plans available in areas where a spill is likely to occur.

And it dramatically increases the liability for oilspill costs and damages to make sure polluters pay. Up to 1 billion Federal dollars will be available to clean up after a major spill.

Perhaps most importantly, H.R. 1465 establishes a 24-hour spill center—a sort of rapid response unit—in each of seven Coast Guard districts, including the Great Lakes.

It has taken a long time to reach this point. This legislation has been 15 years in the making.

I want to thank all of the Members and staff who have made this bill possible.

It's critical protection for the environment.

It's a proud moment for Congress.

And it's a victory for the American people.

Mr. Speaker, the rule on the oilspill bill, House Resolution 452, simply waives all points of order against the conference report and against its consideration.

It would allow the Congress to dispatch this critical legislation in quick order and send it to the President for his signature—before another disaster occurs.

I urge my colleagues to support House Resolution 452 so we can adopt this historic legislation.

Mr. PASHAYAN. Mr. Speaker, House Resolution 452 is a rule waiving all points of order against the conference report on the oilspill liability legislation.

Before I go any further in my remarks, I want to announce to the Members that the gentleman from Ohio, [Mr. REGULA] will attempt to defeat the previous question, and will offer a substitute rule for the consideration of the conference report.

This is an entirely proper procedure that Mr. REGULA will attempt, and, I might add, it is the same parlimentary procedure used by that other great gentleman from Ohio, Mr. Del Latta, in June of 1981, in order to offer a substitute for a rule reported from the Committee on Rules.

Mr. Speaker, the Committee on Rules recommends that the House waive all the rules of this House in order to prevent a direct vote, up or down, on the issue of natural gas leases 45 miles off the coast of North Carolina at Cape Hatteras.

The rule proposed by the gentleman from Michigan [Mr. BONIOR] will prevent Mr. REGULA from offering his amendment to strike section 6003 from the conference report.

The rule that Mr. REGULA will offer, if he shall be successful in defeating the previous question, shall permit a direct vote, up or down, on the motion to be offered by Mr. REGULA to strike section 6003 from the conference report.

Mr. Speaker, it is true that the conference report represents the work of Members concerned over protecting the Earth and this Nation's ocean waters from further grevious damage owing to oil spills.

Mr. Speaker, it is also true that there are many great legislative initiatives and truly great strides in the cause of environmental protection in this conference report.

The honorable chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina, truly deserves as much credit as any other single Member of this or any other Congress for his outstanding record of environmental protection and for the specifics of the conference report.

I applaud him, and I say to him that almost every single provision of his conference report is deserving of our overwhelming approval.

Among these items are: the new requirement for double hulls on all new tankers and ocean going barges, beginning in 1995; and the ban on all single hull tankers by the year 2010.

Mr. Speaker, it is also true that every single environmental group in this Nation, indeed throughout the world, wants this conference report to become law.

But, before we shall make this conference report law, before we shall send it the President for his signature, let us please pause for 30 minutes and consider the appeal being made to us by the gentleman from Ohio [Mr. REGULA].

Mr. REGULA asks for 30 minutes to debate section 6003, and he asks for a

direct vote, up or down, on the question of including that in this conference report.

I truly believe it is a fair way to resolve the issue brought to us by the single-minded perserverance of the gentleman from Ohio [Mr. REGULA] and his colleague from the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, this House is truly Mr. REGULA's court of last resort. The Senate has passed this conference report. Our action will be the last legislative step. He has no other appeal. He has nowhere else to turn for fairness, except to the Members of this House.

Consideration of Mr. REGULA's motion to strike section 6003 from the conference report will not kill the report, nor will it inhibit the eventual passage of the report.

If Mr. REGULA's motion shall be approved, the rule he proposes shall send the conference report—every single page of it except Section 6003—back to the Senate in the form of an amendment.

Section 6003 would prohibit the Secretary of the Interior from conducting a lease sale, issuing any new leases, approving any exploration plan, approving any development and production plan, approving any application for a permit to drill or permitting any drilling for oil or gas on any OCS lands offshore North Carolina.

Section 6003 is a straightjacket for Secretary Lujan with regard to OCS lands off the shores of North Carolina.

Section 6003 is a straightjacket, which will be in effect until the later of October 1, 1991, or until 45 days after the Interior Secretary shall certify to the Congress, in writing, that a whole host of new information is sufficient to authorize the prohibited activities.

I might add that one of the studies Secretary Lujan is required to make by section 6003 will be on socioeconomic information.

And so, Mr. Speaker, while Secretary Lujan will study socioeconomic information, he cannot get out his straightjacket. He cannot follow the OCS leasing law as it now stands—at least not off the coast of North Carolina.

Mr. Speaker, Members need to be aware that the procedure for amending a conference report—even one that has already passed the Senate—is entirely within the rules of the House.

The procedure's similar to that sought by the gentleman from Ohio, Mr. REGULA have been employed by the Committee on Rules as a way to amend the conference report in the House.

The plea that Mr. REGULA offers here is entirely in order, if his proposed substitute rule shall be adopted.

□ 0110

And so when we come to the end of this debate, Mr. BONIOR will move that the previous question be ordered. Mr. REGULA seeks a "nay" vote on that motion.

If there are a majority of "nays," Mr. REGULA would then control 1 hour of debate on his proposed rule for the consideration of the conference report.

At the conclusion of his 1 hour of debate, Mr. REGULA will move that his previous question be ordered Mr. REGULA seeks an "aye" vote on that motion.

If the previous question shall be ordered, Mr. REGULA will be recognized by the Speaker to offer his substitute rule. Mr. REGULA seeks an "aye" vote on his rule.

The final vote, at least as far as the rule is concerned, will then be on adoption of the rule as amended by the Regula substitute.

So there we have the four procedural votes just to get the House in the parliamentary position to dispose of Mr. REGULA's motion to strike section 6003 from the conference report.

Mr. REGULA's motion to strike section 6003, under the terms of the proposed rule, would come at the end of debate on the conference report.

The gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries, has 1 hour to explain his conference report, and I assume he would use a large portion of that time to explain just exactly how section 6003 got in the report.

And what happens, Members might wonder, if Mr. REGULA fails on his fifth vote of the day, the vote on his motion to strike section 6003?

Well, Mr. Speaker, he will lose and the conference report will be ready for final action by the House.

At least he will have had the opportunity to present the question to the House. At least he will have had the opportunity for a direct vote, up or down.

And, my colleagues, you will have had the opportunity to vote on section 6003, this straitjacket for Secretary Lujan.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, at the very moment we prepare to adopt this oil pollution legislation, workers in my State of Texas are absorbing the residue of the latest oilspill to soil our shores.

The oil settling into Galveston Bay today is an unfortunately powerful example of why this oilspill legislation is important for both environmental and business reasons.

This afternoon in Galveston Bay, winds are pushing the oil slick north, toward the wetlands at Houston Point and Trinity Bay. The environmental and financial damage that is occurring is potentially devastating. There are 100 species of birds in Galveston Bay, including two endangered species, at risk from this spill. Even if the birds escape death by oil suffocation, or from ingesting it, their food supply is becoming dangerously contaminated.

As tragic as the specter of hundreds of lifeless, oil-coated birds would be, that is not the only toll the people along the gulf coast of Texas may have to pay. Much of the 500,000 gallons of oil that spilled has not been accounted for. If it has sunk, it threatens to contaminate oyster beds, and decimate shrimp and crab breeding grounds. This oil will not only destroy wildlife, it will destroy small business people—shrimpers, fisherman, charterboat captains, and others who make their living from the bay. We cannot even begin to assess the long-term impact of this spill.

With this disaster in mind, I am pleased to see that this conference report enables emergency response teams to react within the first few hours of oil spills along the gulf coast. This legislation takes the important step of putting the equipment and response capability at the sites where oil tanker traffic is at its heaviest.

I also believe that the provisions in this bill to increase liability are critical. Nothing is more serious than the destruction of our environment and economies in coastal areas. Regardless of whether or not you are from an energy producing State, from Alaska to Galveston Bay, today's legislation is a major step forward.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I rise in support of this resolution which the chairman of the committee has added to in the conference. It is clearly within the scope of this oilspill bill.

I strongly believe that we should allow it to happen. It is a fair and innovative way to determine the environmental values that would be threatened by any oilspill along the North Carolina coast. I hope those words are persuasive and I offer that in encouraging my colleagues to support Chairman JONES.

Mr. BONIOR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I rise in support of this rule.

Mr. Speaker, Mr. REGULA argues that the gas off the coast of North Carolina may be essential to our national energy security. If we are really concerned about national energy security. If we are really concerned about national energy security in light of the crisis in Kuwait, let us rush an automobile fuel economy bill to the President, not a potential environmental disaster to the coast of North Carolina.

The amount of gas projected for the North Carolina leases pales in comparison to the savings in oil that could be achieved through greater automobile fuel economy. By simply

raising the fuel economy of automobiles to 45 miles per gallon by the year 2001, we would save 12 billion barrels—12 billion barrels in 10 short years. This is more than twice the amount of undiscovered oil and gas off the entire Atlantic and Pacific coasts combined.

So if the gentleman from Ohio [Mr. REGULA] is serious about the Nation's energy security, come work with me in September on achieving real energy security through realistically achievable fuel economy standards, and allow the protection of the North Carolina coast. It is small potatoes compared to the savings to be gained by achieving greater fuel economy.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in support of this legislation. I want to first compliment Mr. JONES of North Carolina, who chaired the conference committee, for bringing to the House a tough, comprehensive response to the problem of oilspills. I want also to recognize the contributions of the majority leader, whose efforts were instrumental in producing a bill that we can be proud of.

While many months have passed, the catalyst for this legislation was unquestionably the *Exxon Valdez* oilspill. That tragic event woke up the Nation. The disaster that we were told could not happen did. We realized that even the world's largest and most powerful oil companies were completely unprepared and pathetically unable to clean up a major spill. We say how the industry had cut corners, putting our environment at risk.

This bill sends a shot across the bow of the oil and shipping companies. The clear and direct massage is that the Congress will not tolerate the unsafe transportation of oil. This bill establishes a new and higher standard of care. Those who carry oil in single hulled vessels do so with the full knowledge that they risk unlimited liability and stiff penalties.

For all of the good things this bill does, one of the most important is what it does not do: It does not preempt the rights of states to set higher liabillity and cleanup standards. It protects the rights of States to have cleanup and compensation funds. It allows States to impose additional penalties. As the House author of these provisions, along with Mr. STUDDS of Massachusetts, I am very pleased that the conference has affirmed the existing application of State laws to oilspills.

This bill greatly improves Federal standards, but more can, and should, be done on the State level. For example, my home State of California extends liability to the owner of oil being carried in a vessel. The House bill extended Federal liability to cargo owners, but that provision was not accepted by the conference. So it is critical that State laws be carefully drafted to extend liability to cargo owners and those who may attempt to evade responsibility by creating shell corporations or by other schemes.

As a conferee from the Committee on Interior and Insular Affairs, I would like to highlight some other provisions of importance to our jurisdiction and interests.

NATURAL RESOURCE DAMAGES

I am especially pleased that title I of the bill provides for full natural resource damage recovery. The basic premise of the natural resource damage section is to make the environment and society whole after an oilspill. Significantly, the measure of damages includes the diminution of value of natural resources. This is intended to include loss use and other intrinsic values as set forth in *Ohio* v. *U.S. Department of the Interior,* 880 F.2d 432, 462–480 (D.C. Cir. 1989).

Last April, the Subcommittee on Water, Power and Offshore Energy Resources, which I chair, held a hearing to examine the *Exxon Valdez* damage assessment process. That hearing identified numerous problems with the natural resource trustees' consideration of public input in the damage assessment process. This bill is intended to address concern about adequate public involvement in section 1006(c)(5)—public notice and input—and section 1006(g)—clarifies the right of public interest groups to seek judicial review of decisions by natural resource damage trustees. I also support section 6002 which authorizes direct spending from the trust fund to initiate assessment of natural resource damage. This is intended to rectify the dilemma found in the *Exxon Valdez* damage assessment process, where the Federal trustees have been unduly dependent upon Exxon—the perpetrator of the crime—since Exxon has refused to fully reimburse the Government's costs.

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Title VI of the bill contains two significant provisions within the Interior Committee's jurisdiction. Section 6003 provides for a moratorium on OCS oil and gas leasing off the North Carolina coast. My subcommittee held a field hearing on this legislation earlier this year. I am pleased to support Chairman JONES in this effort to assure protection for the valuable coastal resources of the Outer Banks. However, I have no such kind words for section 6004 and I strongly oppose its inclusion in this bill.

Legislation similar to section 6004 was referred solely to the Interior Committee. The gist of section 6004 is that it is the Federal Treasury's responsibility to compensate the State of Louisiana and its oil and gas lessees in the West Delta field for at least $25 million for drainage by Federal lessees. In practical effect, section 6004 amounts to a unjustified drainage of taxpayer's money.

The State of Louisiana and other Coastal States have been already compensated for drainage by the 1986 amendments to section 8(g) of the Outer Continental Shelf Lands Act, which I help craft. According to the Department of the Interior, Louisiana has received nearly $700 million in compensation under section 8(g) of OCSLA. In response to my inquiry on the drainage issue raised by section 6004, the Director of the Minerals Management Service stated that "we believe existing legislation has already provided for full compensation which has been paid to the State of Louisiana."

The Federal judge in the U.S. District Court for the Western District of Louisiana considered, and rejected, the West Delta claims identified for compensation by section 6004—*State of Louisiana v. United States* (Civil Action No. 86–0924) (December 19, 1986):

I hold that monies paid to Louisiana under the 1986 amendments to section 8(g) of the Outer Continental Shelf Lands Act [OSCLA], 43 U.S.C. section 1331 et. seq., are intended to compensate the State for Federal drainage of common hydrocarbon bearing reservoirs. Accordingly, the Secretary of the Interior has no duty under section 8(g) to compensate States for drainage losses. I find that Louisiana's acceptance of funds under section 8(g) forecloses any claims for drainage losses.

As a principal author of the 1986 amendments to section 8(g) and as the House subcommittee chairman of jurisdiction over this issue, I wholly concur in the district court's finding that section 8(g) was intended to compensate States for drainage.

In view of the Interior Committee majority, section 6004 is strictly limited in scope to authorizing compensation, through the appropriations process, to address the losses of the identified West Delta field lessees. Nothing in the section should in any way be construed to imply the validity of similar compensation claims by any other party.

PRINCE WILLIAM SOUND PROVISIONS

Title V of the bill is intended to respond to some of the problems identified in the wake of the *Exxon Valdez* oilspill. Credit should be given to Mr. YOUNG and his Alaska colleagues, especially for the citizens advisory councils. I am very supportive of section 5001's authorization for the Prince William Sound Oil Spill Recovery Institute for research related to the *Exxon Valdez* spill.

TRANS-ALASKA PIPELINE SYSTEM REFORM ACT

Title VIII of the bill is based on H.R. 3277 which I introduced last year. This legislation was developed after a series of *Exxon Valdez* oversight hearings by my subcommittee.

Section 8101 maintains the existing liability regime under the Trans-Alaska Pipeline Authorization Act for the pipline, terminal and related onshore facilities. Once the oil is loaded on a vessel, the liability regime under title I of the Oil Pollution Act of 1990 will apply. The TAPS Act provides for unlimited liability for cleanup expenses and sets a $50 million cap on strict liability for damages. Section 8101 increases the strict liability cap to $350 million and retains unlimited liability for cleanup costs, making the Trans-Alaska Pipeline System subject to the most rigorous liability regime for onshore facilities in the Nation.

Section 8102 is intended to preserve the rights of claimants against the TAPS liability fund, which will eventually be abolished, and directs the TAPS fund trustees to expeditiously pay claims—section 8102(d). It is an outrage that the TAPS fund has accumulated nearly $300 million, but has failed to pay a single claim. Incidents which qualify for payment under the TAPS Act include the *Glacier Bay*, 1987; *Exxon Valdez,* 1989, and *American Trader,* 1990. The following commentary details the problems that claimants have found when squared off against the armada of highly paid TAPS fund lawyers:

[From the Anchorage Daily News, July 11, 1990]

FISHERMEN HAVE WAITED TOO LONG FOR SPILL COMPENSATION

(By Tim Keener)

KENAI.—If I caused a person loss of their livelihood, I would certainly be liable, and I would expect and encourage my insurance company to pay claims promptly.

When the oil tanker Glacier Bay struck a rock and spilled oil in Cook Inlet on July 2, 1987, fishing was disrupted right at the peak of the season, resulting in lost income and damaged gear for hundreds of Cook Inlet fishermen.

Yet, the fund set up by oil companies at the direction of the U.S. Congress to reimburse exactly such losses has not yet compensated even one fisherman three full years after the spill. Trustees of that fund admit their liability for the fishermen's losses, but they refuse to pay the fishermen's claims.

The Trans-Alaska Pipeline liability fund, whose trustees include representatives from several oil companies, a representative from Doyon Native corporation in Fairbanks, and a senior vice president of the National Bank of Alaska, was established by Congress in 1973 to reimburse losses suffered from spills of oil transported through the Alaska pipeline.

The oil companies promised that every precaution would be taken to prevent oil spills, that cleanup technology would avoid significant damage if a spill did occur, and that the TAPS fund would be available to pay damage claims promptly.

All of this has proved untrue. Losses suffered from oil spills of the Glacier Bay in 1987, the Exxon Valdez in 1989, and the Huntington Beach, Calif., spill in February all are potentially eligible for reimbursement from this TAPS fund. But the fund has never paid even one claim.

The TAPS fund accumulates at the rate of 5 cents per barrel, and assets of the fund are approximately $300 million. Claims from fishermen whose livelihood was affected after the Glacier Bay spill now near $100 million, having doubled since 1987 because of interest accruing while the fund trustees refuse payment.

Over the course of three years of attempting to resolve differences over the Glacier Bay spill with representatives of the TAPS fund, it is clear these people have no intention of paying fishermen for losses until they are forced to do so by a court or by political pressure and public opinion.

Fishermen filed a lawsuit against the owner of the oil tanker, the producer of the oil and the TAPS fund. Now, three years later fishermen are being subjected to days of depositions—mine lasted nearly seven hours—and TAPS defense attorneys are being paid in the neighborhood of $1 million a month out of the fund that was established to reimburse spill victims, all in an effort to avoid payment of claims, not provide restitution as Congress intended. And still fishermen who suffered very real losses have seen no relief.

Fishermen are not part of a giant, organized industry. We're individuals. We still have people in Alaska who make their living off the renewable resource of fishing, and we do a good job of taking care of the resources.

Yet a major catastrophe like an oil spill can decimate that valuable resource overnight. Adequate monetary compensation for such losses is the very minimum requirement for restitution after a tanker dumps oil in valuable fishing grounds.

Before the Glacier Bay spill, concerned fishermen talked with the governor's office and with representatives from the Department of Environmental Conservation about the potential devastation an oil spill would cause.

It was clear even then that Alaska was not—and still is not—prepared for an oil spill of any magnitude. Since the well-publicized Exxon Valdez spill, the government and oil companies have taken some steps to minimize the possibility and the potential devastation of a spill. But more should be done.

Fishermen working this spring with an oil company helped devise a spill-contingency plan, illustrating a cooperative working relationship. Fishermen are capable of responding with assistance when there's a spill.

Oil and fishing are both very positive influences on the state's economy, but we cannot blindly tap into the depleting oil resource at the expense of the renewable resource of fisheries. Fisheries and oil companies need not be in an adversarial position. But the money managers running the TAPS fund, the issuance companies, and their lawyers seem out of touch with that reality.

With the TAPS fund paying their legal staff to the tune of $1 million a month, it appears to me that there is no real motivation for the TAPS fund attorneys to settle the case.

Years of expensive litigation are only prolonging the inevitable settlement of just claims presented to the TAPS fund for damages suffered after the Glacier Bay spill.

Three years is long enough to wait for restitution; the time has come for the TAPS fund and the insurance companies to settle their three-year-old Glacier Bay debt and move on to reconciliation and careful resource management. (Tim Keener is a third-generation Cook Inlet setnetter. He served on the board of the Kenal Peninsula Fishermen's Association for 16 years and was president of the association from 1986 until 1990.)

The bill adds an important safeguard for claimants by including the General Accounting Office as an independent review of the TAPS Fund determinations. Once the GAO certifies that all claims and actions involving those claims—including judicial review—have been resolved, the excess moneys in the TAPS fund are transferred into the new Trust Fund after rebating the prorata share owed to the State of Alaska for its contributions to the TAPS Fund. As additional protection, the 5-cent fee revenue raising mechanism established by section 204(c)(5) of the TAPS Act is to be reimposed as necessary to fully meet TAPS fund obligations.

One of the most significant provisions of the oilspill bill is section 8103 which establishes a Presidential Task Force on the Trans-Alaska Pipeline System.

In an article "Broken Promises—Alyeska Record Shows How Big Oil Neglected Alaska Environment" published on July 20, 1989, the Wall Street Journal characterized the TAPS operators as a "consortium that has long pursued a policy of cutting corners on the environment * * * Alyeska has long fought proposed new regulatory controls in long, expensive legal wars of attrition that allow it to dump pollutants into the environment in excess of what regulators consider safe." On February 7, 1990, the Los Angeles Times reported tht "[t]hough oil executives once swore that it wouldn't happen, corrosion is eating through critical sections of the 800 mile long Trans-Alaska Pipeline, threatening its structural integrity and forcing an expensive [$1.5 billion] and unprecedented crash program of repairs."

Last March, my subcommittee held a hearing on the TAPS system. The General Accounting Office testified that:

The pipeline has not received the systematic, comprehensive oversight needed to ensure compliance with operational safety, emergency response, and environmental requirements.

At that same hearing, the State of Alaska's Department of Environmental Conservation testified under oath that:

The most challenging environmental issues associated with the Trans-Alaska Pipeline are posed by the operation of Alyeska's Valdez Marine Terminal * * *. Alyeska said it would provide a state-of-the-art [ballast water treatment system]. Alyeska also contracted with the State in the Right-Of-Way Lease for TAPS to prevent or abate any environmental damage, including any damage to water quality. But, Alyeska failed to install or use several of the key components to that state-of-the-art system over the years. * * * Alyeska chose the least expensive method. * * * Alyeska aggressively challenged each term of the State's certificate, as well as EPA's NPDES permit, in a series of administrative proceedings in both the state and federal arenas.

As to air quality, the State of Alaska DEC testified under oath at the hearing that:

[W]hen Alyeska first applied for air permits for the terminal in 1976, it promised installation of a vapor recovery system which eliminates all major hydrocarbon emissions from the crude oil tanks and incinerates excess displaced vapors * * *. The vapor recovery system was neither constructed nor operated as planned. The fourth incinerator was ever built. The three incinerators constructed have not been on-line on a regular basis due to repeated maintenance problems. During shut-downs, excess hydrocarbons are vented directly to the atmosphere from the crude oil storage tanks. Approximately 400 tons of hydrocarbons are emitted yearly * * *. Tanker traffic to the Valdez Marine Terminal creates additional air pollution by venting hydrocarbons during loading * * * which is equal to 5 percent to 10 percent of total hydrocarbon emissions in the Los Angeles basin * * *. Alyeska in the past denied any responsibility for evaluating, controlling, or alleviating air pollution caused by tanker traffic.

In a compelling indictment, the State of Alaska DEC testified under oath that "Alyeska promised that in the lease covenants to stay abreast of technology developments and to continually upgrade equipment. In our view, however, the difference between what was promised and what was delivered is substantial.

Is this history? Is there a new, improved Alyeska that is willing to cut the margin on billions of dollars in profits for the world's largest oil companies in order to assure compliance with the State and Federal rights-of-way and other laws and regulations to protect the environment and public health?

The answer appears to be clearly "no," according to the Anchorage Daily News of July 20, 1990:

Alyeska Pipeline Service Company on Thursday threatened the domestic equivalent of the Arab oil embargo, vowing to shut down the Alaska pipeline rather than being held liable for violating state and federal air pollution laws.

[From the Anchorage Daily News, July 20, 1990]

ALYESKA SLOWS PIPELINE FLOW—AIR POLLUTION DISPUTE PROMPTS ACTION; NORMAL OPERATION RESUMES AFTER JUDGE'S ORDER

(By Kim Fararo and George Frost)

Alyeska Pipeline Service Co. on Thursday threatened the domestic equivalent of the Arab oil embargo, vowing to shut down the Trans-Alaska pipeline rather than risk being held liable for violating state and federal air pollution laws.

Alyeska did reduce oil flow through the pipeline Thursday morning—from 1.6 million barrels a day in 1.2 million barrels—but started to cranking back up again Thursday afternoon after a federal judge and two government agencies gave the oil consortium the assurances it wanted.

Within hours of the slowdown, U.S. District Judge Russel Holland in Anchorage issued an unprecedented order blocking enforcement of the Federal Clean Air Act and Alyeska agreed to bargain in good faith with state and federal environmental regulators over vapor emissions from the pipeline. The regulators have tried for three years to find out how much air pollution vents from pumps stations along the 800-mile pipeline and from holding tanks at the huge Valdez terminal so they could decide what to do about it.

It was unclear Thursday who won the game of brinkmanship—and that could have cost both the state and the oil companies millions of dollars a day and played havoc with oil markets throughout the U.S. had the slowdown continued.

But what was clear was how far the oil industry was willing to go to avoid possible prosecution and how much oil means to Alaska, which gets 95 percent of its revenues from oil money.

Alyeska, a consortium of seven oil companies that own the pipeline, attacked simultaneously on several fronts. Before going to court Thursday, it waged a lobbying blitz on federal and state politicians.

U.S. Sen. Ted Stevens, R-Alaska, said he was visited Wednesday in his Washington offices by top executives of BP America, which owns more than half of Alyeska. He said they told him about the imminent shutdown and asked for help.

Stevens said he "got hold of Bill Reilly," administrator of the Environmental Protection Agency, to help resolve the impause. Reilly told Stevens he would not usurp the state's leading role in enforcing air pollution laws in Alaska.

State Sen. Jan Falks got a call from the Energy Department wanting to know what was happening in Alaska, and another from Arco. Arco and BP, two major owners of the pipeline, divided up the Alaska Legislature and started dialing, she said.

Falks, normally pro-oil, said the threat demonstrated Alaska's almost total vulnerability to economic pressure from the industry.

"I am not happy with a business partner who threatens a shutdown without trying everything else," she said.

In temporarily blocking enforcement of the Clean Air Act, Holland said the threatened shutdown posed a greater threat to the public welfare than a few extra days of pollution.

By law, the EPA, which issued its ruling a month ago, could have begun proceedings today to prosecute the company. Violations of the Clean Air Act can result in fines of up to $25,000 a day for the company and criminal penalties for its executives. But nothing could have happened to Alyeska immediately, because EPA has to go through the federal justice department to obtain enforcement action.

And an EPA spokesman said that its notice of violation was basically an empty threat because the agency did not intend to actually prosecute Alyeska or its executives, just force them to sit down with state officials.

Shortly after Holland's ruling. Alyeska reached agreement with the State Department of Environmental Conservation. The company said it would negotiate in good faith to address the state's problems and the state agreed to amend the company's permits to allow Alyeska to say it was operating in compliance with the law for the next six weeks, even though there will be only minor reductions in air pollution from the pipeline.

According to a letter signed by Alyeska president James Hermiller, the state agreed to give up "certain of its rights" to enforce air pollution law.

"They just wanted an assurance from the state we would not skewe them when they were in a vulnerable position," said Ernie Piper, spokesman for Gov. Steve Cowper.

EPA didn't sign off on the deal, but said it would decide today if it satisfies federal law.

But the state was already declaring victory.

"I think they wheeled out all the political artillery and weren't successful," said Dennis Kelso, head of the state Department of Environmental Conservation. He spent the afternoon running from room to room at DEC's Anchorage headquarters updating the governor's office and negotiating with Alyeska Hermiller.

He said Alyeska still must file for a new and stricter air pollution permit, and even the six-week experience requires them to cut down pollution from the oil storage tanks at Valdez.

Piper suggested Alyeska's threat was a face-saving gesture in a game it knew it would lose. He said the state got what it wanted from its regulatory action. Cowper himself refused to comment.

Piper said a temporary pipeline shutdown would not hurt the state immediately and would have hurt the oil industry more.

"In some ways, they (the oil industry) had the gun pointed at their own foot," said Piper.

The slowdown, if continued, would have cost Alyeska $8 million a day in revenue and the state $1.4 million in lost tax and royalty income, according to Chuck Logsdon, a state petroleum economist.

State Sen. Rick Halford, long a friend of the oil industry, said Alyeska's actions Thursday were justified.

"If the agency that regulates my flying business came to me and said if you continue to fly that airplane you'll be liable for civil fines and you'll also be personally and criminally liable, that's a pretty heavy hammer," said Halford, B-Chuglak, a pilot and guide.

"If the executives at Alyeska are facing that, what do you expect them to do?"

The company began taking steps to shut down the pipeline at 10 a.m. Thursday. By about 2 p.m. Alyeska spokeswoman Marne Isaacs said flow through the line was down to 1.2 million barrels a day.

After agreement was reached with the state in the afternoon, Isaacs said, the company began increasing flow and expected it to be back over 1.6 million barrels a day by late Thursday night. She said Hermiller was unavailable for comment.

Tanker traffic from the Port of Valdez was not affected because the company's storage tanks there were nearly full, Isaacs said.

The battle between regulators began heating up last month when the state, after two years of unsuccessfully attempting to get Alyeska to address suspected pollution problems along the pipeline and at the Valdex terminal, set a deadline for compliance.

The Environmental Protection Agency stepped in the next day, changing that Alyeska violated the Clean Air Act by making changes at its facilities without state approval. That gave the state additional leverage it felt it needed to get Alyeska to the negotiating table.

Kelso said Thursday that was the strangest move the EPA had ever taken to back up the state in its fight with Alyeska. EPA officials earlier said the move was crucial because it had more resources to drag the pipeline company to court if necessary.

The state has consistently alleged that the changes Alyeska made resulted in increased pollution. Had Alyeska attempted to get state approval, the DEC says, it would have first required testing to see if the changes would result in more pollutants being spewed into the air.

The vapors include sulfur dioxide, benzene and nitrogen oxides. Benzene is a known carcinogen.

If the state decided the pollution exceeded acceptable limits, regulators would have required the company to install expensive equipment to lessen it.

"Alyeska's trademark in the past is first to contest jurisdiction" of the state regulators, said Kelso. "Second, co-opt the process. Third, attack the result of the process. Fourth, try to stop the process from ever going into effect," through political, legal and economic leverage.

But Alyeska never threatened to shut down the pipeline before, or started to. Federal and state environmental regulators said Thursday that is was still unclear why the company was ready to go so far this time. Although penalties under the Clean Air Act can be severe, the EPA had told the company that it would not prosecute as long as Alyeska began to cooperate with OEC. By the end of the day, Alyeska had agreed to do exactly that.

Alyeska maintained, however, that it wanted EPA's assurance in writing.

EPA officials in Seattle have said that no company has ever fought them so early in the enforcement process. Usually, they wait until the agency decides to go to court.

"Our intent was not to set Alyeska up for prosecution," said spokesman Bob Jacobson. "Our goal was compliance. . . . The reason notices of violation carry deadlines is to prevent prolonged negotiations."

"In this case, it's worked."

In Alyeska's original permit, the company promised that air pollution "would be virtually zero, when in fact emissions are about 350 tons per year." Jacobson said.

Although EPA claimed success for its regulatory pressure tactic, Jacobson said the

agency was alarmed that Holland's restraining order could set a precedent that could permanently weaken the Clean Air Act. He said the agency might challenge the ruling.

The 1986 Presidential Commission on the Space Shuttle Challenger Accident should serve as model for the Presidential Task Force on TAPS. *Exxon Valdez* was not just "an accident." A comprehensive engineering-environmental audit and review of compliance with laws is essential to restore public and congressional confidence in this system.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, of course it is late, but let us be very clear about this debate.

If you vote to kill this rule, you are voting to kill oilspill legislation in the 101st Congress.

The conference committee was disbanded yesterday when the Senate, by a vote of 99 to zero, approved this conference report.

If this rule is not approved, it will be impossible to pull together everything and everyone required to start a new conference.

We will lose what is just a short debate and maybe a couple of votes away—a comprehensive oil pollution and prevention law with a $1 billion fund to help clean up oilspills.

After 15 years of trying to pass an oilspill bill; after 9 months of intense negotiations in this Congress; after the *Exxon Valdez* spill in Alaska; after the oilspill in Texas City Harbor; after the oilspill in Bayonne, NJ; after the gas spill in the Hudson River; after the oilspill in the Houston ship channel; after the spill off the coast of Rhode Island; after the spill in the Delaware River; after the gas spill in the East River of New York; after two spills in the Virgin Islands; after the spill in Honolulu Harbor; after numerous spills in the New York-New Jersey area; after the spill in the Bering Sea of Alaska; after the Huntington Beach spill in California; after the *Mega Borg* spill in the Gulf of Mexico; and, after last Saturday's spill of 500,000 gallons of heavy oil into Galveston Bay; do you really want to kill oilspill legislation?

Do you really want to kill this conference report over a very modest proposal that allows the citizens of North Carolina to have adequate environmental information before an offshore well—the first ever off their coast—is drilled?

I do not believe that the Members are prepared to throw everything away because the residents of coastal North Carolina want to know a little more about the likely impacts of drilling off the Cape Hatteras National Seashore.

North Carolina is asking even less than the residents of California. The President has protected practically the entire California coast from oil leasing until after the year 2000.

North Carolina is asking even less than the residents of New England. The President has protected the entire North Atlantic area until after the year 2000.

North Carolina is asking even less than the citizens of south Florida. The President has protected this area until after the year 2000 and has even proposed to buy back existing leases.

North Carolina is asking even less than the residents of Washington and Oregon. The President has protected them until after the year 2000.

But, in his offshore moratoria proposal, the President has forgotten about North Carolina.

Well, I have not.

My outer banks provision in the conference report provides a 1-year delay—until October of 1991—before drilling can occur—to make sure we know what we are doing there.

This is not a 10-year moratorium—as the President has proposed for most other coastal areas.

This does not cancel or buy back any leases off North Carolina—as the President has proposed for Florida.

This simply provides the residents of North Carolina a small amount of protection—far less than that provided by the President for so many other areas.

Treating the citizens of North Carolina fairly is long overdue—and so is the passage of oilspill legislation.

Vote for the rule.

Mr. PASHAYAN. Mr. Speaker, I yield 9 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I regret at this hour of the night to raise this issue. I think Chairman JONES and others have done a terrific job on the oillspill portion of this.

I strongly support the report, but there is a very important national issue embodied in this, a provision that was added in the conference that was not in the House bill, was not in the Senate bill, was not within the scope of the conference. It was simply added. That is why you have to be here tonight on a rule issue. If you noticed on the previous conference report, no rule was required, but it requires one on this because they have to waive points of order. This issue I am going to discuss would be subject to a point of order because of the lack of being in the scope of the conference.

I think events of recent days have emphasized the importance of the issue that is involved here. I think it is of sufficient magnitude that members of the Rules Committee should not make a decision on this item for the entire Nation. What I am talking about is the moratoria that is included in this bill for drilling off North Carolina.

Now, in the Subcommittee on Interior of the Appropriations Committee, we are going to deal with this. We already have included a moratoria off North Carolina out to 50 miles. It is on sale one to one, and that was taken care of; but the real issue is, and we rejected it in the subcommittee, is a moratorium on a sale that was made in 1981. This is a lease sale made by the U.S. Government, purchased by a buyer in good faith.

Now, $300 million was paid in a bonus bid to the U.S. Government and long since spent.

In the meantime, the purchaser, Mobil Oil, has spent in excess of $400 million in developing and getting ready to drill an exploratory well. This well is 45 miles off the coast of North Carolina. It would be one well to explore for the potential of gas.

Now, the structures there indicate that this has the potential for being the largest gas find, natural gas find, east of the Mississippi for many years.

This is a very important issue as we face an energy crisis in this country.

I want to emphasize again, and the gentleman from California did an excellent job in laying out the procedural situation, the motion that I am going to offer on the previous question, to vote no on that, will not kill the conference report. It simply will allow this body to make a very important policy decision that will affect the people of this Nation, who I might add own this resource, because what is beyond the 3-mile limit belongs to all the people of the United States.

My motion will allow the body to deal with an important policy question.

Fact: The lease was sold in 1981. It is 45 miles offshore. The structures indicate natural gas only, so it is not a spill issue. No North Carolina officials have said they will possess more information on Mobil's proposal than any State has ever had on any exploratory drilling plan.

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Last year the Governor and the attorney general of North Carolina entered into a memorandum of understanding with the Secretary of the Interior. Now suddenly they want to put it all off, for whatever reason I do not know. There have been no hearings in either house. This is an exploratory well, one well only, and of 8,000 exploratory wells drilled in the last several years, not one has had a spill. So spillage is not the issue.

Even if we do not put on a moratorium, it probably will be at least 8 to 9 years before the well would actually produce gas. I mention this because as this body deals with moratoria, both here and on the Interior appropria-

tions, you have to understand that there is a long time lag totaling something like 15 years.

As we begin to face an energy crisis because of events around the world, we are not going to get immediate relief. That is why I think it is important to have an orderly development of the Outer Continental Shelf of resources.

Let me give Members the facts of why this is important. Today we are importing anywhere from 45 to 50 percent of our oil. It varies from month to month. Keep in mind that in the 1970's many Members were here in late night sessions dealing with the crisis. We were at the same time at about 45 percent exports. Suddenly OPEC put the screws on and we faced long lines and high prices.

We reacted by saying, among other things, that we should develop the Outer Continental Shelf.

Fact two: In 1985 Persian Gulf oil was 7 percent of U.S. consumption. In 1990 Persian Gulf oil is now 27 percent of U.S. consumption. Think of the power that gives Hussein.

In 1990 Persian Gulf oil is 37 percent of world consumption. I would also point out that the Clean Air Act, because of fuel switching and other requirements, undoubtedly will drive up the need for oil and natural gas.

Christopher Flavin, vice president of World Watch Institute, said in the last few days, "In a night's work, Hussein has irrevocably altered not only the balance of power in the Middle East, but the supply and demand balance in the world oil market."

Iraq doubled its share of reserves worldwide to about 200 billion barrels by taking over Kuwait. That makes them No. 2 in oil reserves. Saudi Arabia has about 255 billion barrels. the United States has 26 billion barrels of proven reserves.

Do we see what that means? Dictator Hussein has 8 times the proven reserves that we in the United States have, far away the world's largest consumers, in terms of the world's supply of oil.

Note the dangers involved in this kind of a situation. I think this issue of moratoria deserves a vote by this full House. It is an important policy question.

What does it mean if we do not address the problem? Prospectively, shortages. Higher prices. You have seen it today, gasoline up about 10 cents. Inflation, the stifling of growth.

This country is highly leveraged, in many different ways. If we are going to meet the demands of the times for people, we need to have continued growth.

The danger of reducing our supply of oil is great, and tonight we contribute, if we put this moratoria on, to exacerbate that problem.

A "yes" vote on the motion on the previous question will be to lock out the American people from an energy resource that they own. A "yes" vote will be to enhance the power of Dictator Hussein.

A "no" vote on the previous question will be a vote for energy independence, a vote for energy for the East and the Northeast of the United States, for natural gas. It will be a vote for growth, and it will be a vote for jobs.

Mr. Speaker, we are all familiar with what happened in 1978. Certainly those of us that are here.

I would close with a quote from George Santayana. We are all familiar with it, but it describes the conditions tonight. "Those who cannot remember the past are condemned to repeat it."

We do not want to repeat what happened in 1978. Therefore, I think this policy question of this moratoria should be addressed by this entire body. I ask for the support of Members to defeat the previous question.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I would say to the gentleman from Ohio [Mr. REGULA] that just finished, I am not sure he is familiar with what the amendment does. It does not stop drilling, it merely provides to October 1, 1991, an opportunity for additional scientific information. I think it is proper to note that the original announcement for this proposed drilling back in the early days was made in a city 250 miles from Dare County where the question is involved. So I feel like the people of that section are entitled to produce evidence, either good or bad, between now and October 1991. If the coast is clear, Mobil can start drilling the next morning.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the rule and support the legislation. Tonight, my friends, I wanted to review with you not only an important beginning in this legislation, but a challenge for the future. During this debate the gentleman from New Jersey [Mr. GALLO] and I challenged this institution to end 20 years of debate and begin putting double bottoms and double hulls on tankers, recognizing that spill after spill has proven that the construction and technology is available to end this abuse.

The legislation makes a beginning. In 20 years American tankers will have double hulls. It does not include barges. It does not include double bottoms in 7 years, as we had requested.

Mr. Speaker, I support this legislation. We make a beginning, but simply this.

Mr. Speaker, 20 years in the final analysis is not enough. Oil is spilling every day. In the waters of Houston only a few days ago we were reminded again. Three vehicles collided. Two went to the bottom. Their oil spilled into the gulf. They had a single hull. One was undamaged and it lost not a drop. It had a double hull.

Mr. Speaker, I would ask Members to support this legislation. Let us begin putting double hulls on our ships. We will be back. We can do better as well.

Mr. PASHAYAN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I am a great admirer of the gentleman from North Carolina [Mr. JONES], but I am concerned about the provision in the conference report which specifically "prohibits new leasing, exploration, or development of the offshore of North Carolina until October 1, 1991," Now, that is a prohibition. That is a moratorium. This Congress has gotten into the habit of putting moratoria on every development that it seems to think is environmentally sensitive, and we are doing it with great regularity. Those moratoria were crowned by our own President, who declared moratoria all around the Outer Continental Shelf on all three sides of the country.

□ 0130

Now it seems to me that that is a mistake, and that that mistake has become painfully apparent in the last 2 days when Saddam Hussein marched across Kuwait, took it over, and now controls 20 percent of the world's oil reserves. If he goes further and invades Saudi Arabia, he may control one-half of the world's oil reserves. That is a very dangerous proposition.

I would suggest that this House was mistaken when in years past we acquiesced to environmental demands that were more strident than they deserve to be. This particular demand was not voted on by the House, was not voted on by the Senate, and was put into the conference report in the wee hours of the night. We have never had an opportunity to vote on it.

Consider that we stopped building nuclear energy plants back in 1980 when we declared that nuclear power was hazardous; that we cut off coal because of the Clean Air Act and what burned coal does to the environment; that we stopped oil production with moratoria placed on offshore drilling on the east coast, the west coast, and the Gulf of Mexico; and that we now have this provision which imposes a mortorium on a gas well.

The chairman pointed out the *Exxon Valdez*, the New Jersey oilspill, the Houston Channel oilspill as reasons for his amendment. Those were oilspills. We are talking about a gas

well here. Gas doesn't pollute. We are talking about a moratorium on exploration that has been worked on between State and Federal authorities for the last 9 years. We are talking about a lease costing the private developer some $700 million.

We are talking about a lease with the potential of being the longest gas reserves east of the Mississippi River. We are talking about abandoning this find at a time that Saddam Hussein was marching across Kuwait, and threatening Saudi Arabia. We are saying to the world that we have closed off nuclear energy, coal, and oil, and now we are closing off natural gas.

For a country that currently imports 50 percent of its energy reserves, and will in all likelihood import a much greater amount in the future, and when the Northeastern section of this United States imports 100 percent of its energy reserves, I think to not vote no on this previous question is to commit economic suicide.

I urge a no vote on this previous question.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I rise in support of the rule.

It was many months ago that we started this process, and many of us have been very concerned about the subject of oilspills and how to prevent them, and how to clean up, and how to pay for the cleanup, and who is going to pay for the cleanup.

In this bill, because of activity, and think of the activity that we have been through, the 9 months of consideration that we have given this bill in the Merchant Marine and Fisheries Committee, in the subcommittees of that committee, in the Committee on Science, Space, and Technology under the leadership of Mr. ROE and Mr. WALKER, the Public Works and Transportation Committee, the Ways and Means Committee, and the conference involving the Senate and this House, and the many hours and days and weeks and months of work that have gone into this bill in getting us here at this late hour tonight. And while it may be late tonight, it certainly is not too late to vote aye on this rule.

In fact, we are right on time. Think about the events that have occurred since we started this process, just after the event in Alaska. We have had events in Houston, oilspills in Rhode Island, in Galveston, TX, in Philadelphia, and in the Kill van Kull, and in every single instance we were ill prepared, ill prepared to prevent those accidents from happening, and ill prepared to clean them up and pay for them.

This bill covers a wide range of concerns that we have all had. It provides a way to pay for them with $1 billion paid for by the industry. It provides for prevention techniques and education and it provides for adequate ways to clean up oilspills.

So I ask my colleagues on both sides of the aisle to support this rule tonight.

Mr. BONIOR. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Rhode Island [Ms. SCHNEIDER].

Ms. SCHNEIDER. Mr. Speaker, I rise today in strong support for the rule on H.R. 1465, the Oil Pollution Act of 1990. This rule will expedite the enactment of oilspill legislation, which this body has been trying to do for over a decade.

Chairman JONES introduced H.R. 1465 1 week before the *Exxon Valdez* oilspill and has worked tirelessly on the bill ever since. A number of my colleagues today have taken issue with a provision which puts a 1-year moratorium on offshore oil and gas leasing off of North Carolina's Outer Banks. They have argued that the situation in Kuwait should preclude any such moratorium. It is a false dichotomy, however, to argue that we must choose between offshore drilling and importing foreign oil. The truth of the matter is that neither of these options represent the least-cost energy option for American consumers.

Study after study clearly shows that improving the energy efficiency of our vehicles, buildings, appliances, and factories is the least-cost option. The U.S. energy savings potential through these options is enormous. Commercially available technologies offer us the opportunity to cut the Nation's $400 billion annual energy bill in half. Simply raising Federal vehicle fuel economy standards to 45 miles per gallon would achieve the savings of 16 billion barrels of oil—that is more oil than could be extracted from the waters off the Pacific, Atlantic, and Alaskan coasts combined.

Achieving these efficiency gains should be our top priority. Doing so will save Americans billions of dollars on their energy bills, reduce our dependency on vulnerable foreign oil imports, and reduce the U.S. trade deficit by tens of billions of dollars each year. Furthermore, such policies would complement H.R. 1465 by reducing the risk of oilspills because of the reduction in imported oil, as well as achieving cost-free and tax-free reductions in urban smog, acid rain, and global greenhouse gas pollutants.

Mr. Speaker, I support H.R. 1465 with its outer banks moratorium provision and I strongly urge my colleagues to support this rule and to support the conference report on H.R. 1465.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, I have in my hand a letter from our former colleague, Gov. Jim Martin of North Carolina, asking that we adopt this rule. Governor Martin served with all of us in this House for a great many years, and he was horrified when the President stopped offshore drilling off the coast of California and off the coast of Florida and left North Carolina out. And so he began writing all of us, wrote to Mr. JONES, and Mr. JONES did exactly what your former colleague asked him to do, he put this in this legislation.

This is vitally important to the interests of my State and to the people of North Carolina, and to our former colleague, a Member of this body.

I urge all Members to adopt this rule for a great many reasons, but certainly for the good of our State of North Carolina.

I yield back the balance of my time.

Mr. PASHAYAN. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Speaker, let us listen. What is it we hear? Why, it sounds like the flutter of wings, sounds like the cackle from a henhouse.

Why, it's the chickens coming home to roost, that is what it is. That is right.

It is long gas lines come home to roost on the environmental clothesline. It is lights out at 9 o'clock at night and no hot water in the buildings. They have come to roost on the liberals' doorstep. It's the thermostat police. Get your sweaters out, winter is right around the corner.

Does this country have an energy policy? No; the only energy policy that this country has seen fit to develop is called the National Environmental Policy Act, the Clean Air Act, moratoriums on Outer Continental Shelf drilling, and let us stop drilling for oil in ANWR.

□ 0140

That is the flawed energy policy of this country, an energy policy by those who would tremble and who would shake every time we have a vote in this Congress that is labeled "environmental."

You cannot drill on public lands, they are for the backpackers and the fern feelers. We cannot have any Outer Continental Shelf drilling because it might ruin Jane Fonda's view; we cannot build a dam because it ruins canoeing.

Nuclear power? No; the general public does not understand. All they get is the science fiction peddled by the environmental activists and repeated by the media.

I wonder why are we even voting on an oil pollution bill. If we continue our present policies at our current rate of energy cutbacks, we will not have any oil to worry about. Why? Because the hot-tub liberals and the fern feelers and a gutless Congress has capitulated

to every environmental whim that we have seen come down the pike. Within a week, listen to me—you may be chuckling over there, but listen—within a week we will see gas stations curtailing hours of service because they cannot get the product to put to the customers during the regular working days.

All I can say is congratulations, Sierra Club, congratulations, Wilderness Society, congratulations to you over there and to some over here who have been the collaborators with this group of environmentalists. All I can say to the Americans is, "Count those roosting chickens and the voting records of the individual Congressmen; it could be something to read while you are waiting in the gas line."

Iraqi and Kuwait, the two countries account for 200 billion barrels of oil reserves, about one-fifth of the world's reserves located outside the Soviet Union, nearly one-tenth of the world's oil production—excluding the Soviet Union—in 1989.

Seizing Kuwait gives Iraqi President Saddam Hussein 20 percent of the world's oil reserves and 8.2 percent of total global production, providing him with significant leverage to manipulate prices.

Iraq's invasion spurred oil prices to a four-year peak with the price of North Sea crude oil futures, an OPEC benchmark, up $1.15 to $21.95 yesterday.

A dollar per barrel increase in the price of oil amounts to about a 5 cent increase in gas prices for consumers at the pump. U.S. net oil imports in 1989 were 7.1 million barrels a day. A dollar increase in oil prices adds about $2.6 billion to the cost of U.S. imports and to the U.S. trade deficit.

Iraq and Kuwait account for about 8.7 percent of American crude oil imports.

Foreign oil constitutes a major portion of the U.S. balance of trade deficit. The cost of U.S. crude oil and refined product imports surged 28 percent during 1989 to $49.6 billion. This accounted for more than 10 percent of the total cost of all U.S. imports. Overall trade deficit is $108.6 billion.

Domestic oil production fell to its lowest level in 25 years in 1989, from an average of 8.1 million barrels per day in 1988 to 7.6 million barrels per day in 1989, the largest year-to-year decline ever.

Future production declines will occur most rapidly in Alaska which currently accounts for nearly 25 percent of domestic crude oil production. Alaska North Slope has now passed its peak levels. The Prudhoe Bay field, the largest in the area, entered its decline phase in 1989. Alaskan production is expected to fall by nearly 50 percent, from 1.84 to .96 million barrels per day between 1990 and the year 2000.

Current estimate of undiscovered Federal OCS oil reserves is about 18 billion barrels. Estimate of natural gas reserves is about 145 trillion cubic feet.

The startup of production from the Point Arguello project, one of the largest U.S. offshore finds ever, has been delayed by local permitting procedures for more than 2 years.

Based on Department of the Interior estimates ANWR could contain more than 3.2 billion barrels of oil, production could reduce U.S. oil imports by nearly 9 percent by the year 2005. The area could yield 9 billion barrels of economically recoverable oil, rivaling the size of the Prudhoe Bay discovery.

Net oil imports into the United States have increased steadily since 1985, from 4.3 million barrels per day to 7.2 million barrels per day in 1989, an increase of 67 percent in just 4 years.

In the same period, net oil imports as a percentage of domestic consumption has increased from 27 to 42 percent.

Mr. PASHAYAN. Mr. Speaker, I yield 5 minutes to the gentleman from Alaska. [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the rule on H.R. 1465 the Oil Pollution Prevention Act of 1990.

Mr. Speaker, we have experience to teach us a simple lesson. the experience is the *Exxon Valdez* disaster and the lesson is that we need to have a comprehensive oilspill bill. Unfortunately, since the *Exxon Valdez* experience we have had other spills to teach us the same lesson. Huntington Beach, *Mega Borg*, *Kill van Kull*, and now the spill in the Houston shipping channel have shown that almost any area in this country is vulnerable. More importantly, the clock is running. This fact should strike fear into every Member of this House because, without this legislation, we have neither the plans nor the resources to implement a comprehensive response. In short, we know that we are going to have oilspills and we have the means to alleviate that problem. If we do not pass this rule and pass this bill we have been irresponsible.

Mr. Speaker, the *Exxon Valdez* was the force that drove this legislation to completion, but the bill is also the culmination of the 15 years of work. I would point out to my colleagues that the reason this bill has been on the table for so long is because of the many delicate compromises which have taken time and energy to resolve. The Senate passed the conference report yesterday and if we do not pass this rule today, the conference must be reassembled and, considering this bill spent 9 months in conference in its initial stay there, we will not see an oilspill bill passed in this Congress.

Every Member of this body knows that I generally favor utilizing the energy resources available beneath the OCS. It's a clean and secure way of reducing our dependence on Middle Eastern oil. After all, Saddam Hussein went to war so he could charge us more for gas.

More importantly, the merits of drilling on the North Carolina OCS are not at issue because with or without this 1-year moratorium, nobody will be drilling on the North Carolina OCS for at least a year anyway. Litigation between the State of North Carolina and the Secretary of the Interior has already tied up that portion of the OCS for quite a while. The Governor of North Carolina has filed suit alleging inconsistency on the part of the Secretary in granting leases to drill. Until that dispute is resolved we will see no drilling on the OCS there. We cannot let this single moratorium sought by the distinguished chairman from North Carolina stonewall this oilspill bill.

We cannot sacrifice the desperately needed safeguard contained in this bill simply because we disapprove of a drilling moratorium. Voting to refer the bill back to conference would be a symbolic vote against OCS moratoria and in favor of more energy independence. These are admirable, crucial, and viable goals. I have fought for more energy production from the OCS. Let's open up ANWR. The economy, national security, and commonsense demand that we take these harmless measures. But voting against this rule will not give the United States one additional drop of domestic oil. Let's vote against moratoria when the moratoria are costing us energy.

The conferees have done a good job in covering the necessary bases. We have preventive measures. The conference finally settled on a reasonable double-hull provision; 50 percent of the single-hulled tonnage would be out of circulation by the year 2000; 96 percent would be out by the year 2010. We will not soon see double hulls on oil tankers if this rule is not passed.

We don't really need double-hulled tankers if the tankers don't ever run into anything, but by voting against the rule, you are denying our pilots better navigational capability through improved vehicle traffic safety systems in our waterways.

Another preventive measure of this bill would ensure that key marine personnel would be screened thoroughly and stringently for chemical abuse and criminal offenses. If this rule is not passed, we will continue to entrust our shores to intoxicated mariners.

Mr. Speaker, this bill creates a comprehensive mechanism for liability and compensation. Shipowners will be required to show financial responsibility for at least $1,200 per gross ton, or roughly $120 million. If we do not pass this rule and this bill, we have robbed

future oilspill victims of any real ability to go after the perpetrators of their suffering. I hope there is no spill affecting your district because, if this bill is not passed tonight, your constituents will have nowhere to go for compensation. Of course, your constituents can still seek remedy in court. That's what the victims of the *Amoco Cadiz* spill did 11 years ago and they are still waiting to be paid a dime.

I would like to repeat that this body cannot simply excise the offensive moratorium and pass the bill. The conference would have to be resurrected. On a bill of this size and controversy, that would mean an undetermined, but assuredly lengthy, delay. In light of the recent rash of oil spills and the wholly inadequate responses which follow, we cannot afford to delay our preventive measures, delay our response measures, or delay our compensatory measures. More oilspills are coming and we must be prepared—it is that simple.

Mr. Speaker, 20 percent of our Nation's oil is produced in and transported through Alaska. Alaska suffered through the disaster which gave impetus to this bill. Accordingly, the conferees included several provisions to make Alaskan oil even more clean and secure to transport:

Oil containment and removal equipment will be prepositioned in the Prince William Sound sufficient to remove at least a 200,000 barrel spill. This act also provides for training of personnel to operate the equipment. Equipment includes skimmers, barges, and booms.

Expands and updates the Prince William Sound vessel traffic service system. This measure will expand the area monitored by four or five times. Updated equipment includes satellite tracking systems, radar, closed-circuit television, and shipboard surveillance.

The Prince William Sound Science Center will be established in Cordova to take the unique opportunity to study the causes and long-term effects of the *Exxon Valdez* oilspill.

A regional Coast Guard oilspill strike team will be created for Alaska.

A light to aid navigation will be positioned at Bligh Reef.

Pilots operating in the Prince William Sound will be required to have both State and Federal licenses—unprecedented in maritime law. This measure creates dual accountability—to both local authorities and the Coast Guard. This provision also encourages local pilotage by dictating that a pilot in the Prince William Sound cannot be a member of the crew of the ship being operated.

Alaskan municipalities will be retroactively reimbursed out of the national oilspill fund for increased expenditures—such as police, fire-and lost revenues incurred due to the *Exxon Valdez* spill.

Citizens advisory committees will be established in both the Prince William Sound and Cook Inlet. Local officials and local citizens will be able to coordinate preventive and response measures with operators and transporters in these two oil transport channels.

All vessels transporting oil through the Cook Inlet will be required to be accompanied by at least two tugs.

A Presidential task force will audit and report on the structural integrity and the effects of the trans-Alaska pipeline.

Alaskans and the entire country have suffered enough. Let's work to utilize our energy resources. But do not destroy this much-needed bill in order to kill a moratorium which has no practical impact.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I endorse everything the gentleman said.

Mr. Speaker, I rise in support of the rule for consideration of the conference report on H.R. 1465, the Oil Pollution, Prevention, Response, Liability and Compensation Act of 1990, and specifically in support of the proposal of the chairman of the committee, the gentleman from North Carolina, for a moratorium on oil leasing off the shore of North Carolina until October 1, 1991.

H.R. 1465 is a major step forward in the prevention and cleanup of oilspills. As reported by the conference committee, it provides a comprehensive and well-crafted response to a serious problem: the qeustion of how oilspills can be prevented in the first place, cleaned up where they do occur, and how all this will be paid for.

The House conferees did a terrific job in upholding the House position on the crucial issues of nonpreemption of State laws, strict liability standards, and double hulls. They deserve our thanks, and our support. On behalf of the residents of the 19th district in California, I want to express appreciation to the chairman and the conferees for presenting us with a strong package—the first major revision of Federal oilspill prevention, liability and compensation laws in 15 years. We also thank the committee for including provisions directing the Coast Guard to undertake a study on the feasibility of establishing a tanker-free zone in the Santa Barbara Channel, and for its support of a current study of the feasibility of establishing a vessel traffic service system in the channel.

The inclusion of a moratorium on oil leasing off the shore of North Carolina is, I believe, an appropriate response to current conditions, giving Congress and the administration an opportunity to evaluate the environmental consequences of such action. President Bush has called for a similar moritorium, until at least 1996, on leasing in the Santa Barbara Channel, and it's only fair that North Carolina should be afforded similar consideration.

In conclusion, Mr. Speaker, in the interest of fairness, and appreciation, for the work of the chairman and the conferees, I urge my colleagues to support the rule, and the conference committee report. I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Speaker, I just want to say, no one has worked longer and harder than the gentleman from Alaska in behalf of his oil-scarred citizens and his home State. We have worked together for 15 years on this legislation.

While the gentleman is in the well, may I just ask: We are trying to understand the remarks of the gentleman from Montana [Mr. MARLENEE]. We have figured out the "hot-tub liberal," but we thought we would ask the gentleman "in the well" if he could define for us a fern feeler.

Mr. YOUNG of Alaska. Mr. Speaker, I would have to research that a little longer, take a little more time.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support of this conference report. The conference has been a lengthy process because of the range and magnitude of issues. For more than a decade, the need for strong oilspill legislation, such as is presented in this measure today, has been increasingly apparent, and the repeated assaults on the marine and coastal environment from oilspills and similar incidents, have too long, gone unanswered by a national legislative response of the type now before the House.

After the wreck of the *Exxon Valdez* more than a year ago, many of us thought that at last the time was ripe for breaking the legislative logjam. Unfortunately, since then there have been far too many other similar events—most recently the ongoing situation affecting Galveston Bay and the environment and economy of the gulf coast.

Congress should have moved with more dispatch. But I am pleased we are finally acting today to approve this conference report.

As one of the conferees on the part of the Committee on Interior and Insular Affairs, I particularly want to express my satisfaction with the way that the issues relating to the Alaska pipeline system are dealt with in the conference report.

I strongly support the conference report's provisions relating to the disposition of the existing taps pipeline fund. The conference report requires that the fund's trustees act promptly to pay or otherwise resolve all pending claims, and includes provisions intended to assure that complete termination of the fund will not occur until resolution of those claims is complete. This measure further protects the rights of claimants to seek full relief, through both administrative and judicial remedies.

These are very important provisions. There are now a number of claims pending for compensation from damages suffered by fishermen and others as a result of incidents covered by the Alaska pipeline legislation now on the books. For too long, those claims have gone unresolved. It is high time that we insist that these parties have a resolution. I believe that the conference report, with the strong language of the managers, will assist in achieving that resolution.

Finally, Mr. Speaker, let me compliment the gentleman from California [Mr. MILLER] for the outstanding leadership that he has demonstrated, along with Chairman UDALL, in connection with the House oilspill bill and the conference report that is before us today. I believe that his efforts have been invaluable in enabling us to today act on a good, strong, and responsible bill that vastly improves our Nation's ability to respond effectively to the risks to the environment, to the economy, and to the lives of the American people from disasters like the wreck of the *Exxon Valdez* or recent events in the waters off New York, California, and Texas.

As our Nation and other nations around the globe—from Antarctica to Alaska, from the Caspian Sea to the Gulf of Mexico—continue to experience oilspills, the threat of uncontrolled and unregulated transportation systems despoiling our waters and lands increases, it is imperative that we work toward yet better national, and international solutions and standards to efficiently clean up the inevitable oilspills and to prevent to the greatest extent possible that which is avoidable. Too often common sense is left behind in the blind drive to profiteer at the expense of our natural environment. Our constituents, our Nation, and people around the globe look to the United States to provide strong leadership to address this type of damage, this global assault on the remnant pieces of pristine lands and waters. This measure is a step, tentative but positive, to begin to live up to the mantle of leadership needed regarding the global environment and the responsibility for the legacy of future generations.

Mr. PASHAYAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. Goss].

Mr. GOSS. Mr. Speaker, I rise in support of the rule and commend Chairman JONES for his persistence and hard work.

Mr. Speaker, tonight we have the opportunity to complete some very necessary work that began more than 15 years ago and which lead to the adoption of landmark oilspill prevention legislation by this House 8 months ago.

In the 8 months since we passed the oilspill bill, the conference process has taken place, and unfortunately so have many disastrous oilspills. *Arthur Kill,* the *Mega Borg* explosion, and now Galveston Bay have repeatedly awakened the Nation's conscience to the heavy toll our coasts endure from up to 8,000 spills a year. Continuously, our Nation has revealed itself to be badly underprepared to effectively combat oilspills.

This debate focuses on the rule, and not the bill itself. However, if we defeat this rule, our Nation will be unnecessarily left at risk by the 600 to 1,000 oilspills which we can reasonably project could happen in the next 1 to 2 months. That's neither sound fiscal policy nor wise environmental policy.

We have good legislation before us whose timeliness cannot be contested. Now is not the moment to delay this bill over some last minute minutiae.

Our Nations' energy security obviously must not be held hostage by the threat posed by a dangerous madman in Iraq, and similarly we also cannot allow our Nation's coasts to be held hostage to the daily barrage of oilspills against which we need better defenses.

We need the oilspill cleanup trust fund. We need the emergency strike teams. We need the research and development funds to fight future spills. Mr. Speaker, we need an oilspill bill, and we need it now. I urge my colleagues to support the rule and the bill.

Mr. PASHAYAN. Mr Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I rise in support of the rule for H.R. 1465—the Oil Pollution Prevention and Liability Act.

For the past year, the Nation has been faced with the need to clean up oil spills on virtually all of its coasts. H.R. 1465 contains the comprehensive measures—such as double hulls on tankers—designed to prevent such disasters and adequately address them should they occur in the future.

As has been said on this floor already, the contents of this bill are extremely vital to the future of this country—to its energy future—particularly in view of this week's events.

Therefore, we must proceed to pass this important piece of legislation now. We cannot afford any delay.

Mr. Speaker, this not a perfect rule, but I support the rule and I urge my colleagues to do likewise in the name of marine safety and protecting the environment.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I rise in support of the rule.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of the rule and the legislation.

Mr. Speaker, I rise to congratulate my colleagues who worked so long, and so hard to hammer out the Oil Pollution Prevention Response, Liability and Compensation Act before this House, today.

This legislation is a giant step forward in the protection of our Nation's natural marine treasures. Importantly, for the people of the Pacific Northwest, this legislation has significant protections for two crown jewels of our region—the Columbia River and Puget Sound. Both receive significant traffic in petroleum and fertilizer cargoes. Both will get new safeguards against spills, and assurances for more rapid and effective cleanup under this bill.

I also thank the conferees for their willingness to consider and incorporate language on enforcement of contingency planning which mirrored legislation introduced last spring by me and two Oregon colleagues—LES AUCOIN and PETER DEFAZIO. This much-needed addition will give the Environmental Protection Agency a significant new hammer—fines of up to $25,000 per day—to use against hazardous chemical carriers who refuse to do good-faith contingency planning for spills. This kind of good-faith planning—planning that includes the provision of equipment and personnel needed to do the job—greatly reduces the bad effects of spills when they do occur. One need look no further than the *Exxon Valdez* disaster to see what happens when planning is poor, half-hearted, or non-existent: spill impacts are many times worse, and many times more expensive to deal with.

This bill helps cure that problem as well as many others concerning the protection of this Nation's coastlines and waterways. I urge my colleagues to vote for it. I urge the President to sign it.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, just briefly, putting aside the merits of the North Carolina issue—and I think there is sufficient justification—is this fact: A vote against the previous question basically, and a defeat of the rule, is a defeat really of oilspill legislation for the eighth time, I believe, since I have been here.

We have sent seven oil pollution bills to the Senate over the 15½ years that I have been here. It has taken us the better part of 1½ years to move this through to this point, through seven different committees of the House and probably one of the most painful conferences that has taken place, and frankly the conference has been disbanded.

So I would urge you to vote for the previous question, and for the rule.

Mr. BONIOR. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in enthusiastic and relieved support of this conference report.

I first introduced a comprehensive oilspill liability bill 15 years ago, in 1975. Two years ago, I introduced a bill to require that oil tankers have double bottoms. And there were many times during that decade and more that I thought this day would never come. For years, we were told that a bill like this would place too great a burden on the oil industry; that the insurance industry wouldn't be happy; that the operators of foreign flag ships would object; that oilspills are not, in any case, a serious problem; that big spills don't happen; and that the environment isn't harmed when they do.

Those arguments were always wrong, but ironically it took an Exxon tanker to prove them wrong.

As a result, we bring to the floor today a bill that, in my judgment, will take its place alongside the National Environmental Policy Act, the Clean Air Act, and the Clean Water Act as one of the landmark pieces of environmental legislation in our history. The bill is strong, it is comprehensive, it is more than timely, and it is important, not just to one part of our country but to every region and State and community that has a body of water capable of supporting the transportation of oil.

Although this bill has been in the works for years, it derives much of its urgency from that Good Friday eve 16 months ago; that night when 11 million gallons of crude oil spilled into one of the richest and most beautiful bodies of water on Earth, not as a result of a storm or natural disaster, but because of inexcusable human error compounded by a decade of greed on the part of Exxon and Alyeska, and complacency on the part of government at all levels.

The *Exxon Valdez* spill has been followed by others—in the Delaware River; off Newport, RI; at Huntington Beach; in the Gulf of Mexico; twice in the Houston ship channel; twice very recently in Buzzards Bay; and every other week or so in the Arthur Kill.

And with each incident, we learn more about the inadequacy of current law and more about the need for this bill.

Our goal in this legislation, first and foremost, is not to clean up oilspills; it is to prevent oilspills. That means tougher penalties, better navigation systems, better operating practices; and an ironclad requirement for double hulls, not just for U.S. tankers, but for foreign tankers in U.S. waters and U.S. ports.

Our goal is to improve our response to oilspills, through better planning, better equipment, better training, and by requiring that spills be cleaned up completely and in compliance not only with Federal but also State law.

Our goal is to make certain that, when a spill occurs, the polluter—not the taxpayer—will pay; and to make certain that fishermen and property owners and hotel operators and others hurt by a spill will be compensated—not 7 years from now, not after lawyers have taken half or three-quarters of the money, but quickly and fairly.

Our goal is to make certain that damaged natural resources are restored completely, or that equivalent resources are acquired. To make certain that after a spill, the polluter's duty is not to his stockholders; it is to the public—and that duty is to make the environment whole.

Our goal is to preserve the right of States to protect their own citizens. The oil industry demanded that we preempt State rights. We said no. We said that State governments have the right to pass laws and impose fees to proctect their citizens and their natural resources and their environments; they have a right to a voice in oilspill cleanup operations; they have a right to tell a company like Exxon that, "What you have done is not enough, you must do more."

In short, our goal in this bill is to create a comprehensive system for dealing with oilspills that guarantees effective prevention, full restoration, fair compensation, and rapid response.

That is our goal, and with the support of this House, that goal, after 15 years of effort, is finally at hand.

Mr. Speaker, I want to close by expressing my thanks and admiration to Chairman JONES, for his leadership, for the fair way in which he managed this conference, and for the deft way he managed to wangle protection for the Outer Banks into this bill. To quote the Charlotte News and Observer, "On the broken field of Congressional procedures—Mr. JONES—still has the swivel hips of a 20-year-old running back."

I congratulate, as well, the leadership of the Committee on Public Works and Transportation, especially Mr. ANDERSON and Mr. NOWAK, for standing firm, along with the gentleman from California [Mr. MILLER], in support of the environmentally tough provisions of this bill.

I also congratulate Mr. YOUNG of Alaska for fighting hard in behalf of his State and its oilspill scarred citizens; and I want to thank Secretary of Transportation Samuel Skinner and the Commandant of the Coast Guard, Admiral Kime, for their constructive approach to this bill.

Mr. Speaker, it is said that good things take time. In this case, that principle has been carried to extremes. But passage of this bill proves, if nothing else, that perseverance pays off; that you can fight an idea whose time, has come, but only for a decade or so; and that even Congress, if hit over the head often enough and publicly enough and long enough, can sometimes be persuaded to do the right thing.

I urge adoption of this conference report.

Before I close, there are a few sections of this conference report that I had a particular hand in and the intent behind which I would like to make clear.

First, I want to clarify our intent with respect to section 1006, pertaining to natural resource damages. The overriding purpose of this section is to guarantee that the public will be compensated fully and fairly for damages to natural resources resulting from oil pollution.

The section requires the Department of Commerce to develop regulations for assessing those damages and for specifying what the measure of damages shall be. And it requires that sums recovered by trustees be used to restore, repair, or acquire the equivalent of the natural resources that were damaged.

Perhaps the most controversial issue addressed by this section of the bill is the question of what the appropriate measure of damages should be in the event that natural resources are damaged by an oilspill. The language in the bill that speaks to this point was originally added, at my request, shortly before we brought this bill to the floor of the House last fall.

Under the bill, the measure of damages for injury to natural resources shall be the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of, the damaged natural resources, plus the diminution in value of those resources pending restoration.

This language is intended to reflect no more nor less than the measure of damages cited by the U.S. Circuit Court of Appeals when it recently overturned natural resource damage assessment regulations issued by the Department of the Interior under the Superfund Act—*Ohio et al.* v. *Department of the Interior,* 880 F. 2d 432, 462-480 (D.C. Cir. 1989). Thus, the measure of damages shall include, to quote the court, "restoration costs" and compensation for "reliably calculated use values," and "other factors in addition to use values."

A second provision of the bill that I would like to emphasize pertains to the adequate manning of both United States and foreign-flag oil tankers operating in U.S. waters.

Twelve years ago, the Liberian flag tanker *Argo Merchant* ran aground off Nantucket because, in the eloquent but understated words of then Coast Guard Adm. Mike Benkert, "the master and the navigator screwed up."

Largely in response to that incident, the International Maritime Organiza-

tion developed, with U.S. support, an International Agreement on Standards of Training and Watchkeeping. Although the United States has never ratified that agreement, the standards embodied in it can fairly be said to constitute customary international law.

Unfortunately, in June 1989, the Greek-flag tanker *World Prodigy* ran aground off Newport, RI and spilled almost 300,000 barrels of oil. The captain of the vessel has blamed the incident on the fact that he was so shorthanded that, at the time it occurred, he had gone 36 hours without sleep, and was acting not only as the captain on the bridge but as lookout, radio operator, and navigator as well.

That same month, the Uruguayan flag *Presidente Rivera* struck a reef in the Delaware River after its captain, who was on his first voyage in that position, and his chief mate, who was on his second, decided to drop anchor while the vessel was fully under way.

More than 90 percent of the oil we import enters the United States on foreign-flag tankers. And the number of foreign-flag tankers entering U.S. ports has risen by 57 percent during the last 3 years. How do we make certain that the people who operate those tankers are qualified to do so? Clearly, the development of the International Agreement on Standards of Training and Watchkeeping is not enough.

The issue raised in both the *World Prodigy* case and the *Presidente Rivera* case is not whether the legal standards of the flag state were sufficient but whether those standards were being effectively enforced by the flag state. In each of these cases, the obvious answer was no.

That is why section 4106 of the conference report requires the Secretary of Transportation to evaluate the manning, training, qualification, and watchkeeping standards of any nation whose vessel is involved in a significant maritime casualty in U.S. waters. If the Secretary determines that the nation has failed to maintain and enforce standards that are at least equivalent to customary international law, the Secretary shall prohibit vessels issued documentation by that country from entering the United States.

The purpose of this section is to demonstrate our determination to protect U.S. citizens and U.S. resources from substandard, fly-by-night foreign-flag operations such as the *Argo Merchant*, the *World Prodigy*, and the *Presidente Rivera*. The language in section 4106 gives the Secretary all the authority needed to provide that protection. It is our intent that this authority be used agressively and firmly in behalf of U.S. interests.

It is equally important that U.S. flag tankers be adequately mannered and operated. In its excellent report on the *Exxon Valdez* spill, the State of Alaska questioned the Coast Guard's decision in May 1988 to authorize reduced manning levels and unattended operating rooms on the *Exxon Valdez* and its sister vessels. The State also criticized Exxon for, first, failing to comply with the certificate of inspection for the *Exxon Valdez*; second, failing to plan for crew rest and alertness on trips from Valdez; third, failing to tell the Coast Guard the truth about the extent of overtime work needed on its vessels; and fourth, for flatly and continually failing to obey the legal requirement that watch officers have at least 6 hours of rest within the 12 hours prior to getting under way.

Section 4111 of the bill requires the Secretary of Transportation to study and report back to Congress within 1 year on the adequacy of existing laws and regulations, including those governing manning and watchkeeping standards, to ensure the safe navigation of vessels transporting oil and hazardous substances in U.S. waters.

I believe it is essential for the Secretary and for the Coast Guard to understand that we in Congress do not view this requirement as just another study. There is growing concern, stemming only in part from the *Exxon Valdez* incident, that the executive branch may have grown lax in its regulation of the U.S. flag tanker fleet. It is especially important that the Secretary address the question of the enforceability of safety standards, because it does little good to set standards and then ignore them.

In conclusion, Mr. Speaker, I am delighted that the time for talking about oil pollution has finally past. The time for strong legislative action has come. Let us proceed to approve this conference report by an overwhelming vote. Let us send it to the White House to be signed into law. And let us implement it promptly and fully throughout America, beginning this month, from sea to shining sea.

□ 0150

Mr. PASHAYAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. GALLO]

Mr. GALLO. Mr. Speaker, I ask permission to revise and extend my remarks. I rise in support of the rule and the conference report.

In a time when Congress has decided to draw partisan lines on practically every issue, let us join together in a bipartisan effort to put environmental policies ahead of environmental politics.

On this issue, and perhaps this issue alone, we can go home during the August recess and tell our constituents that we took a real step forward to protect our environment. Our beaches, our wildlife, and our waterways will be safer and cleaner with the passage of this conference report. I urge you to support the rule.

The conference committee has worked very hard to provide a bill that addresses the devastating problems caused by oilspills. It does so by the creation of a Federal Oilspill Liability Trust Fund that provides up to $1 billion in oilspill response and cleanup. The money for this fund will come from a 5-cent-a-barrel fee on domestic and imported oil.

I am most pleased that the conference committee includes my double hull mandate for oil tankers. Later today I will speak more about the double hull provision adopted by the Conference Committee.

In addition to these accomplishments, the bill forms regional response teams within the Coast Guard to assist in cleaning up spills. For the first time, a national response center will be formed. Computers will be set up with lists of equipment and personnel that can be called upon to clean up spills that foul our waterways. Also, for the first time the Federal Government will be charged with the responsibility to direct the cleanup procedures of a spill.

I commend the decision by the committee to make spillers liable for cleanup costs and damages up to specified liability limits. It was decided to raise the current liability ceiling from $150 per gross ton to $1,200. The agreement requires owners and operators to guarantee their payment by purchasing insurance.

Moreover, the report sets unlimited liability limits for those spills caused by gross negligence, willful misconduct, or if the spillers failed to report the spill. In these cases the spiller will be required to pay the entire cost of the spill.

Other provisions include: a requirement to check driving records for alcohol-related offenses prior to issuing licenses to operate oil tankers; increased research on oil pollution control and development of technologies to assist in cleanup; and a requirement for Presidential approval of all contingency plans before vessels or facilities can transport or handle oil.

This agreement goes a long way in responding to the prevention and cleanup of oil spills. For this reason, Mr. Speaker, I support the passage of this report.

Mr. PASHAYAN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, let me emphasize that the vote is on the question of moratoria, and has nothing to do with the main content of the bill. As the gentleman from New Jersey said, it has been a long time, but this was added in the conference, was not in the House bill, not in the Senate bill. A very important question

of national policy. A vote no on the previous question simply allows Members to vote on the issue of the moratoria, and in no way affects the balance of the bill.

Mr. BONIOR. Mr. Speaker, I ask my colleagues to vote yes on the previous question and yes on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MURTHA). The question is on ordering the previous question.

The question was taken; the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. REGULA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 82, not voting 69, as follows:

[Roll No. 319]

AYES—281

Ackerman	Durbin	Kastenmeier
Anderson	Dymally	Kennedy
Andrews	Dyson	Kennelly
Annunzio	Early	Kildee
Anthony	Eckart	Kleczka
Applegate	Engel	Kostmayer
Atkins	English	Lagomarsino
AuCoin	Erdreich	Lancaster
Ballenger	Espy	Laughlin
Barnard	Evans	Lent
Bates	Fascell	Levin (MI)
Beilenson	Fazio	Levine (CA)
Bennett	Feighan	Lewis (FL)
Bentley	Foglietta	Lewis (GA)
Berman	Ford (TN)	Lipinski
Bilbray	Frank	Long
Boehlert	Frost	Lowery (CA)
Bonior	Gallegly	Lowey (NY)
Borski	Gallo	Machtley
Bosco	Gejdenson	Manton
Boxer	Gephardt	Markey
Brennan	Geren	Martin (IL)
Brooks	Gibbons	Martin (NY)
Browder	Gilman	Matsui
Bruce	Glickman	Mavroules
Bryant	Gonzalez	Mazzoli
Buechner	Gordon	McCloskey
Byron	Goss	McCollum
Campbell (CA)	Grant	McCurdy
Campbell (CO)	Gray	McDermott
Cardin	Guarini	McGrath
Carper	Gunderson	McHugh
Carr	Hall (OH)	McMillan (NC)
Chandler	Hamilton	McMillen (MD)
Chapman	Harris	McNulty
Clay	Hayes (IL)	Meyers
Clement	Hayes (LA)	Mfume
Coble	Hefner	Miller (CA)
Coleman (MO)	Henry	Miller (WA)
Coleman (TX)	Hertel	Mineta
Collins	Hiler	Moakley
Condit	Hoagland	Molinari
Conte	Hochbrueckner	Mollohan
Cooper	Horton	Moody
Costello	Hoyer	Morella
Coughlin	Hubbard	Morrison (CT)
Courter	Huckaby	Morrison (WA)
Cox	Hughes	Mrazek
Darden	Hutto	Murtha
Davis	Inhofe	Natcher
de la Garza	Ireland	Neal (MA)
DeFazio	James	Neal (NC)
Dellums	Jenkins	Nielson
Derrick	Johnson (CT)	Nowak
Dickinson	Johnson (SD)	Oberstar
Dingell	Johnston	Obey
Dixon	Jones (GA)	Ortiz
Dorgan (ND)	Jones (NC)	Owens (NY)
Douglas	Jontz	Owens (UT)
Downey	Kanjorski	Pallone
Dreier	Kaptur	Panetta
Parker	Saxton	Studds
Pashayan	Scheuer	Swift
Patterson	Schiff	Tanner
Paxon	Schneider	Tauke
Payne (NJ)	Schroeder	Tauzin
Payne (VA)	Schumer	Taylor
Pease	Sensenbrenner	Thomas (GA)
Pelosi	Serrano	Thomas (WY)
Penny	Sharp	Torres
Perkins	Shaw	Torricelli
Pickett	Shays	Towns
Pickle	Sikorski	Traficant
Poshard	Sisisky	Unsoeld
Price	Skaggs	Upton
Rahall	Slattery	Valentine
Rangel	Slaughter (NY)	Vento
Ravenel	Smith (IA)	Visclosky
Richardson	Smith (NJ)	Volkmer
Ridge	Smith (VT)	Walgren
Rinaldo	Smith, Denny (OR)	Walsh
Ritter	Smith, Robert (NH)	Washington
Roe	Smith, Robert (OR)	Waxman
Ros-Lehtinen	Snowe	Weiss
Rose	Solarz	Weldon
Rostenkowski	Spence	Wheat
Rowland (CT)	Spratt	Whitten
Rowland (GA)	Staggers	Williams
Roybal	Stallings	Wilson
Russo	Stangeland	Wise
Sabo	Stearns	Wolpe
Saiki	Stokes	Wyden
Sangmeister		Young (AK)
Sarpalius		Young (FL)
Sawyer		

NOES—82

Archer	Gingrich	Myers
Armey	Grandy	Oxley
Baker	Green	Packard
Bartlett	Hammerschmidt	Parris
Barton	Hancock	Porter
Bateman	Hastert	Regula
Bereuter	Hefley	Rhodes
Bliley	Herger	Roberts
Boggs	Holloway	Rogers
Brown (CO)	Hopkins	Rohrabacher
Bunning	Houghton	Roth
Burton	Hunter	Schaefer
Callahan	Hyde	Schulze
Clinger	Jacobs	Shumway
Combest	Kasich	Skeen
Craig	Kolbe	Slaughter (VA)
Dannemeyer	Kyl	Smith (TX)
DeLay	Leach (IA)	Solomon
DeWine	Lewis (CA)	Stenholm
Dornan (CA)	Lightfoot	Stump
Duncan	Livingston	Sundquist
Edwards (OK)	Lukens, Donald	Thomas (CA)
Emerson	Marlenee	Vucanovich
Fawell	McCandless	Walker
Fields	McEwen	Whittaker
Frenzel	Michel	Wolf
Gekas	Miller (OH)	
Gillmor	Moorhead	

NOT VOTING—69

Alexander	Gradison	Petri
Aspin	Hall (TX)	Pursell
Bevill	Hansen	Quillen
Bilirakis	Hatcher	Ray
Boucher	Hawkins	Robinson
Broomfield	Kolter	Roukema
Brown (CA)	LaFalce	Savage
Bustamante	Lantos	Schuette
Clarke	Leath (TX)	Shuster
Conyers	Lehman (CA)	Skelton
Coyne	Lehman (FL)	Smith (FL)
Crane	Lloyd	Smith (NE)
Crockett	Luken, Thomas	Stark
Dicks	Madigan	Synar
Donnelly	Martinez	Tallon
Dwyer	McCrery	Traxler
Edwards (CA)	McDade	Udall
Fish	Montgomery	Vander Jagt
Flake	Murphy	Watkins
Flippo	Nagle	Weber
Ford (MI)	Nelson	Wylie
Gaydos	Oakar	Yates
Goodling	Olin	Yatron

□ 0210

Messrs. WILSON, PAXON, and McCOLLUM changed their vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO FILE SUNDRY REPORTS DURING DISTRICT WORK PERIOD

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be permitted to file legislative reports during the August-September district work period on the following matters that have been ordered reported by the committee:

H.R. 2734, the National Ground Water Research Act of 1990;

H.R. 37, to authorize the water resources research activities of the U.S. Geological Survey;

H.R. 2984, the Gobal Change Research Act of 1990;

H.R. 1268, the National Biological Diversity Conservation and Environmental Research Act; and

H.R. 5155, the Indoor Air Quality Act of 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON H.R. 1465, OIL POLLUTION ACT OF 1990

Mr. JONES of North Carolina. Mr. Speaker, pursuant to House Resolution 452, I call up the conference report on the bill (H.R. 1465) to establish limitations on liabiliity for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 452, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 1, 1990, at page 21621.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. ROSTENKOW-

SKI], the chairman of the Ways and Means Committee.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of the conference report on H.R. 1465, the Oil Pollution Act of 1990. The Committee on Ways and Means has worked with the Committee on Merchant Marine and Fisheries and other House committees to coordinate the provisions of the Internal Revenue Code dealing with the oilspill trust fund and the oilspill tax. Together, we have created a bill which should function well to ensure the availability of sufficient funds in the unfortunate event of future oilspills.

Last year, as a result of action taken by the Committee on Ways and Means during the budget reconciliation process, the oilspill tax was increased from 1.3 cents per barrel to 5 cents per barrel. The conference report presented today represents the next step in the development of a comprehensive Federal oilspill response. The Committee on Ways and Means is proud to have participated in the development of this historic legislation and commends the other committees for their hard work and perseverance.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in support of the conference report.

I am most pleased by the double-hull requirements contained in this report. These provisions will protect our coastal waters from the kinds of devastating oilspills we have seen in the last year.

However, the report has a schedule for the phaseout of tankers that, in some cases, allows single-hulled tankers to continue in service for 25 years. I think it is important to emphasize that this schedule does not suggest that a company is acting responsibly if it delays the conversion of its fleet.

In fact, Congress has set in this bill a standard of responsibility for the transportation of oil that requires double-hulled tankers. Companies that choose to ignore this standard until the last possible moment do so at their own risk. That risk is the full weight of liability for a spill from a single hulled tanker.

I commend my colleagues and their staffs for their many hours of work in completing this report and I urge its passage.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in support of the conference agreement on H.R. 1465.

It is now almost 1½ years since the *Exxon Valdez* awakened this Nation to the catastrophic effect of oilspills. The American people looked on in horror as the environmental disaster in Prince William Sound filled the news. But the spills continue—hundreds per month—fouling beaches, wreaking havoc on life-generating estuaries, and costing a fortune in environmental damage.

As one who has seen the devastation along the Alaskan coastline and witnessed cleanup work in New York Harbor undone by oilspills that occur in the area 6 out of every 7 days, the agreement we will vote on today comes not a moment too soon.

The *Exxon Valdez* left in its wake some hard lessons. We learned that someone who wasn't allowed to drive a car could legally pilot a ship carrying millions of gallons of environmentally lethal crude oil. We found that contingency plans weren't worth the paper they're printed on without the equipment and the manpower on hand to do the job. We discovered that for all our technological achievements, an oilspill could reduce us to the futility of scrubbing rocks with paper towels. And we realized that when a spill of this magnitude occurred, we were left to the good graces of those responsible to see if the mess got cleaned up.

More than anything else, the *Exxon Valdez* spill and the thousands that followed it have shown us that once the oil hits the water, it's too late. The many people who worked over the last 1½ years to craft this oilspill legislation reject the notion that oilspills are a fact of life; that they are the cost of doing business.

As a nation, we can do better. The legislation we're considering today is a strong beginning.

After many months of investigations, hearings, debates, and negotiations, Congress stands poised to offer its first comprehensive response to the oilspill crisis in this country. The conferees have agreed on a comprehensive and far-reaching approach to the problem of oilspills that: Sets up a Federal system to clean up oilspills and compensate victims, establishes a national planning and response system to ensure the effective and immediate removal of oilspills in U.S. waters, mandates double hulls for oil tankers, and preserves the rights of States to impose liability for spills as they judge appropriate.

These final two provisions were the subject of long and difficult negotiations during the conference. The conferees wisely agreed to preserve the right of States to establish their own liability and compensation systems. States like New York, whose waters and coastlines are threatened by heavy tanker traffic, should have the freedom to impose standards that reflect the importance of the resources at risk. This legislation rightly protects those essential rights from encroachment by Federal law or international convention.

On double hulling, the conference agreement balances the need for better safeguards against spills with the economic realities of the shipping industry. The bill requires that all new tankers and barges operating in U.S. waters be double hulled and gradually phases out currently operating single hulled ships, beginning in 1995. By the year 2010, virtually all tankers and barges will be double hulled. Double hulls will prevent or lessen the severity of a significant number of spills.

On both of these issues, the conferees responded to the calls from the public and the will of both Houses of Congress to produce a strong oilspill bill with a heavy emphasis on prevention.

Mr. Speaker, today we have an opportunity to deliver on our mandate to protect our waterways from the threat of oilspills. The *Exxon Valdez* spill, for all its tragic repercussions, did provide the essential spur that enabled us to pass long-overdue legislation. In the wake of this devastation, we have a chance to address the almost daily destruction oilspills cause in waterways like New York Harbor, while we move to prevent another *Valdez*.

I want to congratulate the conferees for retaining a number of provisions that enhance the New York area's ability to respond to the threat of oilspills. These include committee report language which I authored to direct the President to develop enhanced oilspill contingency plans for Long Island Sound, New York Harbor, and the Hudson River. In addition, the bill includes provisions to create seven regional strike teams, locating one in the mid-Atlantic region to respond without delay to oilspills. Given the importance of time in minimizing the impact of a spill, it is essential that contingency personnel be located in the vicinity.

The bill also includes language based on my legislation to authorize the Coast Guard to check the national driver's register while considering candidates for Federal pilots licenses. From now on, the Coast Guard will be better equipped to identify personnel with drug and alcohol problems and keep them away from sensitive positions.

The conference report also contains a provision directing the Coast Guard to assess whether tankers should be prohibited from using the channel between Montauk Point and Block Island. This extremely narrow and shallow channel was the site of a major spill in 1970. For years, it was not used by tankers, but it is now being used increasingly to expedite access to Connecticut ports.

Finally, I would like to congratulate Chairman JONES of the full committee and Chairman TAUZIN of the subcommittee for their fine work in crafting this legislation and their tireless work throughout the process. I also want to praise the other members of the Merchant Marine Committee with whom I had the pleasure of working on this landmark legislation.

Comprehensive oilspill legislation has survived the long and tortuous legislative process. With today's vote, we christen a new era in U.S. maritime policy dedicated to ending the oilspill nightmare. The American people are fed up with oilspills, and this legislation reflects their will. It took an environmental catastrophe of historic proportions to bring about these long overdue changes. This legislation will do much to ensure that history does not repeat itself in our precious waterways. I urge the adoption of this conference report.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, no less then seven committees in the House of Representatives and three Senate committees have combined their talents, energy, and hard work to craft the important legislative proposal before us today.

It is just shy of a miracle that so many committees and their staff, representing such a wide variety of interests and responsibilities,

have succeeded in coordinating their efforts to achieve a common goal.

In the House, the Science, Space, and Technology Committee has worked especially closely with the Committees on Public Works and Transportation and Merchant Marine and Fisheries to develop the research provisions in the bill. I want to commend my colleagues on all three of these committees for working so well together.

In particular, I want to commend the chairman of the conference, Chairman WALTER JONES, for his leadership, as well as the chairman of the Public Works Committee, GLENN ANDERSON, and the ranking minority members of those committees, BOB DAVIS and JOHN PAUL HAMMERSCHMIDT. I also want to commend our Senate colleagues, Majority Leader GEORGE MITCHELL, Senator ERNEST HOLLINGS, and Senator QUENTIN BURDICK and their minority counterparts, Senator DANFORTH and Senator CHAFEE.

The Oil Pollution Compensation and Liability Act represents a badly needed, comprehensive reorganization of our Nation's laws relating to oilspills.

Since the horrendous incident in Valdez, AK. Last year, dozens of oilspills continue to occur, soiling our beaches, killing our wildlife, and endangering our fisheries.

By dramatically increasing liability for oilspillers, providing funding for cleanup and compensation, and authorizing a research program that will greatly improve our oilspill prevention and cleanup capabilities, this law will go far in equipping the Nation with the defense system it needs against these devastating, and often preventable, accidents.

The Science Committee authored title VII of the conference substitute, which creates a comprehensive Federal oil pollution research and development program to be planned and coordinated by a newly created Interagency Coordinating Committee.

The catastrophic Valdez spill is only one of many spills that have made the inadequacy of our prevention and response capabilities all too apparent.

Time and time again, accidents occur, oil is spilled, and our response is too slow and ineffective. We've learned the hard way an important lesson: For spills we fail to prevent, an effective and timely response is paramount.

The research and development provisions in this bill respond to the urgent need to improve our prevention and response capabilities by reinvesting in and reinvigorating an oil pollution R&D program that was all but completely abandoned in the 1980's.

Designed to combine the knowledge, skills, and resources of the Federal Government, States, industry, and local experts, this R&D program will improve our ability to prevent major oilspills, to develop and test improved response and cleanup technologies, and to enhance our understanding of the environmental effects of oilspills.

The program also includes projects at three major U.S. ports, including one in the New Jersey-New York Harbor area, to demonstrate and test, in a real world environment, the best of the innovative prevention and response technologies and practices which will be the fruit of the research program.

Just since the beginning of this year, the New York-New Jersey Harbor area has been barraged with at least five separate incidents, which combined have resulted in the release to the environment of over a million gallons of oil.

Because this port is the busiest in the United States, with more than 100 million tons of petroleum moving through the port every year, the risk of future accidents is high.

This bill contains a provision which is designed to significantly decrease that risk—a demonstration project making the New York-New Jersey port of a real world testing ground for our best oil pollution technologies and methods, not only for cleaning up spills but for preventing them in the first place.

In construing the intent of the conference report's new section 7001(c)(6), which requires the Coast Guard to conduct this demonstration project, as well as similar projects on the gulf coast and on the Pacific Ocean, the Coast Guard should broadly define the three port areas specified in the statute. In the case of the project intended for the New York-New Jersey Harbor area, we intend the area covered for the project to include, but not be limited to, the greater port area of the Port of New York and New Jersey: Specifically, all ports on the waters inshore of a line between Sandy Hook, NJ, and Rockaway Point, NY; and south of the Tappan Zee Bridge on the Hudson River; and west of the Throgs Neck Bridge on the East River. Among the areas included in this are the upper and lower New York Bay; Raritan Bay and the lower reaches of the Raritan River; Arthur Kill and Kill Van Kull; Newark Bay and the lower reaches of the Passaic and Hackensack Rivers; Rockaway and East Rockaway inlets; the East River and the western end of Long Island Sound; and the lower Hudson River.

I also want to express my appreciation for the dedicated group of committee staff who have worked over many months to help bring this bill together. I want to particularly commend the work of the House Science Committee staff, Mike Rodemeyer, Anne Polansky, and Wes Warren, and their Senate counterparts, Mike Nussman, Bob Davison, Rich Innes, and Earl Comstock. I also want to note the special contributions from four House staff who have each spent a better part of the last 12 years working on this legislation: Ed Welch, Tom Kitsos, Duncan Smith, and Cynthia Wilkinson from the Merchant Marine Committee.

Mr. Speaker, the Nation simply cannot afford to neglect this important research need, or to continue to mismanage catastrophic oilspills.

I wholeheartedly support this important bill and urge the unanimous support of my colleagues.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I rise in support of the conference report.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. JONES of North Carolina. Mr. Speaker, on March 16, 1989, I introduced H.R. 1465, the Oil Pollution Act of 1989. Just days later, the *Exxon Valdez* ran aground on Bligh Reef in Alaska. This biggest oilspill in U.S. history proved what my committee had been saying for years: we had to completely rewrite and update our woefully inadequate oilspill laws.

Today, we bring before the House the conference report on H.R. 1465. It is massive, comprehensive, and tough. Seven House committees and scores of individual Members have made significant contributions to the final product. It is truly the product of the House as a whole.

Since the *Exxon Valdez*, we have seen a steady and dismaying series of oilspills from tankers, terminals, and pipelines. Americans are saying "Enough is enough!" This bill echoes that cry.

In many respects, the conference agreement is tougher than either the House or Senate version. Let me highlight some of its key features.

First, this bill will help prevent spills from occurring. The most dramatic prevention measure is that all newly built tankers serving the United States will have double hulls. And the existing fleet of single hull tankers will be phased out, the oldest and biggest first, with 90 percent gone by the year 2005.

In addition, we upgrade operation and navigation standards. Licensing and manning requirements for crews will be strengthened and those who abuse alcohol and drugs will be weeded out. We enhance the Coast Guard's ability to monitor tanker traffic in ports with heavy tanker traffic.

Next, we require ports, tankers, and onshore and offshore facilities to plan for and respond to oilspills. The Coast Guard will greatly expand its system of strike teams across the country. Private industry will have to bear their share of the burden. They will have to provide much more oilspill containment and cleanup equipment.

Also, we discourage potential spillers by increasing their limits of liability eightfold over current law. And it will be strict liability; there will not have to be a showing of negligence. Tankers will be liable for $1,200 per gross ton, and facilities will be liable for as much as $350 million. Furthermore, these limits can be breached in cases of gross negligence. In addition, the Federal law does not preempt States, so they can impose even stricter requirements if they choose.

Finally, we make it easier for victims of oilspills to recover for economic damages, natural resource damages, subsistence loss, and others. They can seek reimbursement from the spiller or directly from the $1 billion Federal trust fund. The 1978 *Amoco Cadiz* spill off the coast of France was the biggest spill in history to come ashore. The litigation on that spill is still

going on after 12 years, and not one penny in damages has yet been paid. This bill will make sure that doesn't happen here.

Finally, we already have an oilspill trust fund financed by a 5-cents-per-barrel tax on oil. This bill will activate that trust fund, increase its size to $1 billion and increase its borrowing authority to handle catastrophic spills. That trust fund will provide the money to pay for the Federal activities called for under this conference agreement.

There are numerous other items in the bill, including a national research and development program, special protection for Prince William Sound and the North Carolina Outer Banks, treatment of the trans-Alaska pipeline, and conforming changes to the Internal Revenue Code.

I am proud that this legislation, which my committee has reported out in every Congress since 1976, has finally caught the attention of the country—and the Senate—which passed the bill yesterday by a vote of 99-0. Today, we have the opportunity and the responsibility to pass the most important environmental and transportation bill to emerge from the 101st Congress. Because of this legislation there will be fundamental changes in the way oil is transported to our coasts. Shippers of oil are going to be held accountable. Government is going to be far better prepared to prevent and respond to spills. Our citizens and our environment are going to be better protected. Americans deserve this bill. Let's give it to them.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of the conference report on H.R. 1465, the Oil Pollution Act of 1990. Since 1977, I have worked with my colleagues on the Merchant Marine and Fisheries Committee to develop a comprehensive initiative to replace the existing patchwork of Federal and State laws.

It is clear from the rash of devastating accidents which have occurred around our country in the past 2 years, that we do not have the ability, or the resources, to adequately respond to oilspills.

The conference report provides a workable plan that emphasizes improved prevention, quicker response, and the development of better technology to clean up spills.

The conference report establishes a $1 billion fund, financed by the oil industry, through a 5-cent-per-barrel tax on oil, for the immediate cleanup of oilspills, and compensation for those who suffer damages from the spill. The fund would also be available to the Coast Guard, to purchase equipment and increase manpower, allowing them to effectively respond to spills in a timely manner.

In addition, the liability of ship operators and facilities would be increased significantly over current levels. In cases of gross negligence or willful misconduct, vessels and facilities would become entirely liable for cleanup costs and compensation.

Even with the best technologies and methodologies for response and remediation and under the best of circumstances our efforts for a timely response may be frustrated. As we import more oil and our ports get busier, we will surely be faced with another catastrophic oilspill, hopefully not as terrible as that which occurred in Prince William Sound, or as frequent as those which have ravaged the Arthur Kill this past spring and summer. It would be shortsighted and irresponsible not to pay at least as much attention to the prevention of oilspills as we do to clean up after a disaster. For this reason, the conference report requires tankers and barges to be fitted with double hulls. Clearly, double hulls will help prevent the release of oil when accidents do occur.

Mr. Speaker, we are long overdue in enacting a national policy addressing oilspills. I urge my colleagues' support of this conference report—an initiative that will finally enable us to develop a comprehensive approach to oilspill prevention, liability, and cleanup.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I am pleased to rise in support of the conference report to accompany H.R. 1465, the Oil Pollution Act of 1990. I urge each of my colleagues to join me in the support of this legislation.

The Congress has had the issues of oilspill liability and compensation pending before it for more than a decade. Unfortunately, the House and Senate have been unable to resolve the differences so as to have the legislation enacted. Today, we have the opportunity to approve the resolution of our differences and to enact this badly needed legislation.

Each year, over 10,000 oilspills are reported which either pollute or threaten to pollute the U.S. waters. Although the majority of these spills are minor and are routinely removed or require no removal, questions have remained whether the current system of Federal and State laws could provide adequate response to a major spill.

Unfortunately, on March 24, 1989, the *Exxon Valdez* ran aground in Prince William Sound, Alaska, and demonstrated that current levels of preparedness were not adequate to respond to a major spill.

The conference agreement on the Oil Pollution Act of 1990 is based in large part upon previous bills which this House has approved concerning the assessment of oilspill liability and compensation to those parties who have been injured by an oilspill.

The conference agreement imposes strict, joint, and several liability upon a responsible party who discharges oil into or upon navigable waters or adjoining shorelines or the exclusive economic zone of the United States. This liability includes removal costs as well as damages to natural resources, damage to real or personal property, loss of subsistence use of natural resources, lost revenues to governments, and lost profits or impairment of earning capacity. It also provides that uncompensated claims will be paid out of an oilspill liability trust fund to be financed by a tax on the oil industry.

The legislation before the House today also includes provisions on prevention of spills, including expanding vessel traffic service systems, and authority to obtain access to information concerning alcohol and drug abuse contained in the National Driver Registry in making determinations concerning the issuance or revocation of licenses, certificates, or merchant mariner's documents.

To further aid in both the prevention of oilspills and in responding to oilspills should they occur, the legislation includes a new research and development title to develop a comprehensive program of oil pollution research, development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, and other Nations.

Other provisions in the bill designed to improve response to oilspills include new requirements for new or improved local contingency plans for tank vessels and facilities, ensuring cleanup of spills.

Following enactment of this legislation, the law will require that a Coast Guard Response Group located in each Coast Guard District to provide oilspill response and technical assistance. I am pleased that such a response group will be located in the Great Lakes district. The need for a prompt and effective response to an oilspill is particularly urgent in the Great Lakes, both because of environmental concerns and because the Great Lakes provide drinking water to over 24 million people in the Great Lakes basin. The legislation also provides for a regional research program on oil pollution, and includes the Great Lakes as one of the regions.

Mr. Speaker, the conference agreement on H.R. 1465 represents the culmination of long and difficult efforts by the House and Senate conferees. If any good is possible to come out of the tragic incident in Prince William Sound, Alaska on March 24, 1989, I hope that it can be the swift passage and enactment of this legislation to prevent, respond to, and assess liability for the discharge of oil into our Nation's waters.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. DAVIS. Mr. Speaker, this conference report represents years of effort on the part of those of us who have supported the creation of a comprehensive oilspill liability and compensation system. The oilspill system created under the Oil Pollution Act of 1990 is designed to prevent future oilspills, clean up oilspills that do occur, compensate victims of oilspills, and punish individuals responsible for oilspills.

However, as the Members who have followed the progress of the conference will know, I am terribly disappointed that the final product does not implement the international

protocols—a necessary part of a complete worldwide oilspill response regime. Nevertheless, this is a landmark piece of legislation that will benefit not only the victims of oilspills, but every American citizen who values the beauty of our coastal regions.

The legislation includes provisions to increase the safety of existing and future transportation vessels and operations, not the least of which is a rigorous but responsible schedule for phasing out the use of single-hull tankers. More than 40 percent of the present U.S.-flag tonnage will be gone by the year 2000; more than 80 percent by the year 2005, more than 90 percent by the year 2010, and essentially no single hulls will remain by the year 2014.

I am pleased to have had a hand in developing this legislation for many reasons, but most of all because of the additional oilspill prevention and removal capability this legislation provides to the Great Lakes region.

It requires the Secretary of State to review the international agreements and treaties with Canada to determine whether changes need to be made to the agreements to prevent future oilspills on the Great Lakes, to ensure an effective response to oilspills that may occur, and to fully compensate those who are injured by an oilspill on the Great Lakes. The Secretary must consult with the Great Lakes States, the International Joint Commission, the Environmental Protection Agency, and other appropriate agencies in conducting the review of international agreements. Within 6 months after enactment of the Oil Pollution Act, the Secretary of State is required to submit a report to the Congress on the results of the review of agreements and treaties.

The safety of vessel navigation on the Great Lakes will be enhanced by a provision included in this legislation to ensure that all pilots on Great Lakes vessels are licensed under the high standards required by the United States. This requirement will close the gap in existing law and protect the Great Lakes from oilspills resulting from the navigation errors of untrained or otherwise unqualified pilots.

The Oil Pollution Act of 1990 creates a national oilspill planning and response system to provide greater protection and prevention from oilspills to all coastal regions. Under this system, a national response unit, 10 Coast Guard oilspill response groups, and area committees in each Coast Guard district will coordinate oilspill contingency planning and cleanup. The Great Lakes will receive additional Coast Guard oilspill response capability under this system, including additional personnel and equipment.

The Great Lakes are the largest source of freshwater in the world, and research involving effective methods to clean up oilspills in this environment is badly needed. This legislation establishes a 10-region grant program for oilspill research by private and public institutions. The Great Lakes region is eligible for one of these grants to study the regional aspects of oil pollution, including prevention, removal, mitigation, and the effects of oilspills on regional environments.

Mr. Speaker, this has been a long and contentious conference with many divergent views and positions to be worked out. All of the House Members who participated are to be congratulated. I would like to especially commend Chairman WALTER B. JONES, who has strived for 16 years to pass this legislation, for guiding—and driving—the conference to completion.

I would like also to extend my gratitude and congratulations to all of the House staff who worked tirelessly over the past months. I would like to especially recognize my staff, Rebecca Dye, Lisa Pittman, Duncan Smith, and George Pence; Kip Robinson for Mr. LENT; Cyndy Wilkinson and Ed Welch, for Chairman JONES; BILL WOODWARD for Chairman STUDDS; Errol Tyler, Gabe Rozsa, Ken Kopocis, and Ben Grumbles, for Public Works; Anne Polansky, Wesley Warren, and John Doyle for Science and Technology; and, Jeff Petrich and Lee Forsgren for Interior.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I rise in support of the conference report. I wish to commend the House and Senate conferees for their hard work.

The conference agreement does most of what we set out to do. After 15 years of debate and study, we have finally done it—we have mandated double hulls.

Under the conference agreement, all new tankers must have double hulls and older vessels with single hulls will be phased out.

This is a major victory for the American people, and for our environment.

When I first introduced my double-hull bill, virtually everyone in Washington was talking about more study and more delay.

Fortunately, a number of my colleagues, in particular BOB TORRICELLI and STEVE GUNDERSON, saw the need for double hulls.

Since the Valdez accident, major spills have occured in: Rhode Island, New York, New Jersey, Houston, Delaware, Huntington Beach, CA, and Cape Cod, and most recently, Galveston.

As the number of spills increased, so did support of double hulls.

We know the facts: Double hulls are a proven technology; they increase the margin of safety between the oil and the water from an inch and a half of steel on a single-hulled vessel to as much as 12 feet; five of the last six major accidents could have been prevented with double hulls; a spill in the Detroit River was recently prevented, because the tanker had a double hull.

I do have one serious note of caution.

The final conference agreement fails to deal with the safety of barge vessels less than 5,000 gross tons; 70 barges a day operate in the New Jersey/New York Harbor alone, yet they will not be required to have double hulls until the year 2015.

Just 5 days ago, a double-hull tanker collided with two single-hulled barges in Galveston Bay. The double-hulled tanker hasn't leaked a drop.

But one barge has sunk, and the other is listing. The tragic result is that 500,000 gallons of crude have fouled the water and damaged the sensitive environment.

We must ask ourselves—could it have been prevented?

I am not confident that this bill has answered this serious question.

Our work is not yet done.

With the help of Congressman TORRICELLI, I will continue to push for measures that will increase safety requirements for barges.

But, overall, we have accomplished a great deal in this legislation.

We placed environmental policies ahead of environmental politics.

Today, we take the first significant step in preventing oilspills, not just responding to them after the damage is done.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, we have arrived at the moment that many of us have been looking forward to for years—approving oilspill legislation. As we all know, this process has taken almost 15 years.

I do not intend to dwell at length on the various parts of this legislation but I do think it is important to note the bill before us reflects the best possible compromise between the House- and Senate-passed bills.

I personally feel that we made a terrible mistake in eliminating the language relating to the International Oil Spill Protocols. I believe we will regret that step and I think it will come back to haunt us. But that was the will of the Members and we shall see what happens.

In title IV of the bill, one part deserves special attention. The language requiring double hulls on oil tankers and ocean-going barges reflects a sense of urgency in getting rid of older single-hulled vessels. The time has come to have new doubled-hulled vessels operating in our coastal waters. At the same time, the conferees recognized that you simply cannot build ships overnight and the Nation must continue to have tankers available to transport petroleum products to meet our energy demands.

There are only four exceptions to the double-hull requirements—vessels used only to respond to oilspills; vessels less than 5,000 ton—mostly inland barges—that will have double containment systems; vessels calling at a deepwater port; and the large vessels—or motherships—involved in lightering oil at least 60 miles offshore. By the year 2010, all single-hulled tank vessels will be gone from our waters.

In the parts of this bill dealing with liability and compensation, I believe the conferees acted wisely in removing the cargo owner liability provision that was in the original House-passed bill. That one item would have had a devastating effect on small, independent companies which provide home heating oil to the citizens of the northeast part of our country.

I want to personally thank Chairman JONES of the Merchant Marine and Fisheries Committee, who acted as the conference chairman, for his tireless work and I think we should voice our appreciation for the efforts of the staff of both Houses for the work that they put in on this measure. I know the conference took longer than all of us had originally expected but I believe that the efforts to work out these controversial issues has resulted in a better piece of legislation than if we had

rushed to finish a bill that was not properly crafted.

Mr. Speaker, I urge the Members to adopt this conference report.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, 16 months ago the *Exxon Valdez* rammed into Bligh Reef, spilling 10 million gallons of crude oil into Prince William Sound. Since then we have also had several other major oilspills, from the Pacific coast, to the Gulf of Mexico, to the eastern seaboard. Today we are considering legislation that will create for the first time a comprehensive oilspill prevention, response, liability, and compensation system—giving us the tools we need to handle future spills.

It has been a long time coming. Congress has been wrestling with oilspill legislation for over 15 years, but it took a disaster of epic proportions to push us to where we are today. H.R. 1465, the Oil Pollution Act, is landmark legislation. It clearly defines the responsibilities of the spiller, dramatically increases civil and criminal penalties, provides for improved Federal oversight of all aspects of oil transportation, and creates a $1 billion trust fund which will ensure that spills are cleaned up and that the victims of oilspills will not go uncompensated.

There are a few provisions which I would like particularly to note. First, the legislation mandates double hulls for all new tankers which operate in U.S. waters, and includes a phaseout of the existing single-hull fleet by 2010. This step is an absolutely necessary added protection against oilspills. Second, the necessary added protection against oilspills. Second, the legislation does not preempt State liability laws, therefore allowing States to pass even tougher standards, if they so desire. Third, the legislation answers, in no uncertain terms, the question of who is in charge. It gives the Coast Guard the ability to direct oilspill response without letting the spiller off the hook. Furthermore it requires that the President take charge of catastrophic spills on the scale of the *Exxon Valdez*.

Since the legislation creates additional responsibilities for the Coast Guard, I intend to ensure that the Coast Guard gets the resources it needs to fulfill those responsibilities. Already in the fiscal year 1991 transportation appropriations bill approved by the House, we provide $27 million for Coast Guard oilspill response, in anticipation of this legislation. We may well have to reevaluate that amount now that we have a final conference report. When we conference with the Senate I will ensure that we do commit the necessary resources to enable the Coast Guard to do the job.

Lastly, I want to mention how pleased I am that my legislation which enables the Coast Guard to determine whether merchant mariners have any history of driving under the influence of alcohol or drugs was incorporated into the final oilspill bill. The Coast Guard will now be able to access the National Driver Register and run a simple check of the driving records of those mariners, whenever they apply or renew their licenses. That added verification may someday make the difference in preventing another Valdez.

Mr. Speaker, I fully support the conference report before us today. It will make a considerable difference in the protection of our environment, and I think it is an excellent insurance policy for the country. I urge its adoption.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the conference report on H.R. 1465. I do so with considerable relief, tempered with a significant degree of apprehension. I am relieved because we now have legislation after a long and difficult process. I am apprehensive because it poses significant obstacles to an orderly and responsible system of oil transportation—obstacles that may prove too difficult to overcome.

The bill before us is the product of a decade and a half of negotiations. During that time the House passed oilspill legislation on several occasions but was frustrated due to an inability to reach agreement with the Senate on the issue of preemption. This year the House reversed its traditional position on this critical issue, clearing the path to a final agreement.

Mr. Speaker, while this is not the bill I would have drafted, it is certainly one I can and do support. I still continue to have concerns about some of the bill's provisions. Nonetheless, I am convinced that the existing patchwork of laws addressing liability for oilspills is unsatisfactory and must be replaced. This bill will ensure that we have a uniform Federal approach to liability even though it is not a national or an international approach without preemption and without the protocols.

The bill will also require enhanced safety and spill prevention measures to help reduce the risk of spills and improved response capability to allow faster and better cleanup. This would include tougher vessel manning and licensing requirements, expanded Coast Guard staffing and equipment to react to spills, clearer direction for Federal control of oilspill cleanup, and improved contingency planning requirements. Perhaps, most importantly, the bill would require that our tanker and barge fleet be equipped with double hulls as quickly as possible.

Double hulls have been the most difficult issue of all to resolve. On the one hand, all of us wanted to ensure that oil transporting vessels were as safe as possible. On the other hand, there was more than a little concern that simply mandating double hulls would not guarantee that result and could impose severe and unnecessary costs on the oil transportation industry which would only be passed on to the American consumer.

It is certainly my hope that the bill's double-hull requirements would be implemented in a sensible manner by the Coast Guard. For example, I see no sense in the Coast Guard rigidly requiring vessels that currently have double hulls, though perhaps not of the same design as will be required under future regulations, to have to undergo extensive and expensive modifications which do not significantly reduce the risk of spills.

I want to thank all of the Members that have helped to develop this compromise. In particular, I want to express my appreciation to Chairman ANDERSON, Mr. NOWAK, and Mr. STANGELAND of the Committee on Public Works and Transportation, as well as to the members of the Merchant Marine Committee—Chairman JONES, Mr. DAVIS, Mr. TAUZIN, Mr. STUDDS, and Mr. YOUNG—for their hard work and leadership. Chairman ROE and the members of the Science Committee are also deserving of our thanks for their work in crafting an effective research and development title. In addition, let me commend the members from the Committee on Interior and Insular Affairs, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Ways and Means for the important contributions they have made to this complex bill.

Let me also thank the Members of the other body from three different committees who have worked long and hard on the conference. In particular, I want to express my appreciation to Senators GEORGE MITCHELL, QUENTIN BURDICK, JOHN CHAFEE, MAX BAUCUS, DANIEL PATRICK MOYNIHAN, and ALAN SIMPSON from the Committee on Environment and Public Works and Senators ERNEST HOLLINGS, JOHN DANFORTH, DANIEL INOUYE, BOB PACKWOOD, and JOHN BREAUX of the Committee on Commerce, Science, and Transportation.

I would be remiss if I did not also thank the House and Senate staffs that have worked tirelessly on this bill. From the staff of the Committee on Public Works and Transportation, I want to thank Jack Schenendorf, Bob Bergman, Gabe Rozsa, Ben Grumbles, Janet Minkler, Dottie Chepp, Paul Schlesinger, Sante Esposito, Erroll Tyler, Ken Kopocis, Cate Leger, and Karen Rose.

Other House staff that deserve all of our thanks include Ed Welch, George Pence, Cindy Wilkinson, Duncan Smith, Lee Forsgren, Jeff Petrich, Bill Woodward and Roy Willis. They have faithfully represented the views of the House and the Members and committees they represent in what have been particularly arduous deliberations. Similarly, the staff from the Senate have shown tremendous capability and commitment. In particular, I want to mention Bob Davison, Rich Innes, Mike Nussman, Earl Comstock, Marcia Jones, Jeff Peterson and Hal Creel.

Mr. Speaker, this is certainly not a perfect bill. It has some flaws. Any bill of the scope and magnitude of this one will have some flaws. It will, however, provide a vastly improved system of liability. It will help speed up compensation for damages, including damages to private property and publicly owned natural resources. It will provide improved prevention and response and lead to increased research on better ways to clean up spills. As I mentioned earlier, I might have done some things differently. Nonethless, I support the bill and urge all of my colleagues to support the bill as well.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Speaker, I rise for the purpose of engaging the chairman of the conference and the author of section 6003 in a colloquy

concerning the provision's intent and its effect.

Section 6003 calls for a moratorium on certain Outer Continental Shelf activities off the coast of North Carolina. As I understand it, this moratorium ends on October 1, 1991. Is that the chairman's intent?

Mr. JONES of North Carolina. Mr. Speaker if the gentleman will yield, I would say to the gentleman that this is the intent of section 6003. There is an environmental science review panel set up to submit findings and recommendations to the Secretary of the Interior on the status of environmental information that is available.

At the request of Senator CHAFEE, I put a 6-month time limit on the panel to submit its findings to the Secretary.

I did this to make certain that the Secretary has this information well in advance of October 1, 1991 so that he can report to the Congress at least 45 days prior to that date.

In his report, the Secretary is to certify that he has adequate environmental information to carry out his responsibilities under the law.

Mr. STANGELAND. And with that certification, the moratorium is lifted. Is that correct?

Mr. JONES of North Carolina. The gentleman is correct.

Mr. STANGELAND. What if the scientific panel does not report, for whatever reason? Is the Secretary prevented from submitting his report to the Congress?

Mr. JONES of North Carolina. No. Even if there is no report from the panel, the Secretary has it within his authority to make certain that the moratorium will end no later than October 1, 1991, as long as he reports that he has adequate environmental information on which to proceed. I believe that this is made clear in the statement of managers.

Mr. STANGELAND. I thank the gentleman for his clarification.

Mr. Speaker, I rise in support of the conference report on H.R. 1465, the Oil Pollution Act of 1990. Although far from perfect, this landmark legislation makes dramatic improvements to the Nation's current system for oilspill liability, compensation, prevention, removal, research, and technology development.

Today's action signals the end of an era—the close of a 16-year-long congressional odyssey involving devastating spills, attention-grabbing headlines, and heated debate. Since Alaska's *Exxon Valdez* oilspill, we have endured a media blitz of political posturing and rhetoric. Finally, the time has come to take constructive steps in preventing and cleaning up oilspills and making the polluters pay. Our bill translates the rhetoric into action.

Before describing the conference report, let me briefly thank key players and committee leaders who've made this widely supported legislation possible. Public Works Committee Chairman GLENN ANDERSON, ranking minority member JOHN PAUL HAMMERSCHMIDT, and Water Resources Subcommittee Chairman HENRY NOWAK and other public works conferees are to be commended.

I would also be remiss in not thanking and congratulating other conferees such as Chairman WALTER JONES and other leaders of the Merchant Marine and Fisheries Committee, as well as the Science, Space, and Technology Committee for all their efforts. Conferees from the Foreign Affairs Committee, Ways and Means Committee, Energy and Commerce Committee, and Interior Committee have also participated significantly throughout the process.

The Public Works and Transportation Committee reported H.R. 3027, its comprehensive oilspill bill, in August 1989. This included many of the liability and compensation provisions contained in H.R. 1465. However, we improved upon the earlier bill by adding a new title on prevention and response, addressing such issues as alcohol abuse, spill contingency plans, and federalization of cleanups. We also approved similar provisions on liability limits, natural resource damages, preemption, and other issues contained in Chairman JONES' bill, H.R. 1465.

We then incorporated provisions from numerous other bills involving Prince William Sound, the trans-Alaska pipeline, and other issues. The result was a comprehensive package, H.R. 3394, containing eight titles ranging from liability and compensation, to prevention and response, to international protocols, to Prince William Sound and the trans-Alaska pipeline. The House then passed this legislation overwhelmingly 375 to 5 on November 9, 1989.

Throughout the development of the House bill, we recognized certain basic principles. The Nation should focus first on oilspill prevention and cleanup, but we must not lose sight of liability and compensation issues, either. The polluter should pay and the victim should receive full compensation for direct, proven damages. This includes governmental cleanup costs, natural resource damages, and economic damages to third parties such as fishermen and beachfront property owners who can clearly demonstrate they meet requirements for standing. And when the polluter can't or won't pay, a Federal fund should be available for prompt, adequate compensation to oilspill victims without having to endure endless and costly litigation. Our bill follows these important principles. Today's final conference report does, too.

Mr. Speaker, allow me to highlight some of H.R. 1465's specific provisions.

Title I contains critical sections on liability and compensation. Key terms are also defined. The conferees have defined the term "oil" to clarify that the term is mutually exclusive from hazardous substances subject to regulation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [CERCLA]. In fact, the conferees have focused on oilspills rather than hazardous substances or hazardous materials spills throughout development of the legislation. This is true even though various portions of the bill expressly mention hazardous substances. This is done, for example, in amendments to section 311 of the Clean Water Act where we simply wanted to restate existing provisions referring to both oil and hazardous substances.

Section 1002 provides for liability of responsible parties when oil pollution incidents occur. Basically, spillers are liable for removal costs consistent with the national contingency plan, certain third party damages, and natural resource damages to be recovered by natural resource trustees.

Throughout development of H.R. 1465, bill sponsors and conferees have been concerned about opening up a floodgate of meritless lawsuits by plaintiffs seeking recovery of speculative damages. The conferees do not intend for such results to occur. Documentation of prior profits and earnings should be evidenced to support claims for lost profits and diminished earning capacity. In addition, any plaintiff or claimant under this act is obligated to meet his or her duty to mitigate damages.

Provisions on the measure and recovery of natural resource damages are particularly important. The conferees have established a measure of damages that is consistent with the decision, *Ohio et al.* v. *Dept. of the Interior,* 880 F. 2d 432 (D.C. cir. 1989). The conferees also agreed to include the phrase "loss of use" for purposes of natural resource damages, including loss of subsistence use of natural resources, but not for other categories of damages.

Section 1003 contains certain defenses to liability, and section 1004 provides limits on liability. Defenses and limits, however, are available only if a responsible party reasonably cooperates with a responsible official in conducting removal activities. While not defining a responsible official, the conferees clearly intend that for any given spill, only one or a very limited number of cleanup officials should be the responsible official at the scene giving orders and ultimately subjecting responsible parties to unlimited liability under sections 1003 and 1004. In many instances, the responsible official would be the Federal on-scene coordinator.

Liability limits also do not apply if the oilspill is proximately caused by the responsible party's gross negligence or willful misconduct or if the responsible party—or agent or employee—violates an applicable Federal safety, construction, or operating regulation. The proximate cause requirement is particularly important and is meant to prevent trivial or unrelated violations from breaking section 1004's liability caps.

In section 1004(d), the President or the Secretary of Transportation is authorized to adjust liability limits for onshore facilities and deepwater ports to a level below the $350 million stated in section 1004(a). Given the potential insurability and liability problems, the President or, as the case may be, the Secretary is encouraged to exercise such authority. This is particularly true if the Secretary determines, pursuant to the study in section 1004(d), that use of deepwater ports is environmentally preferable to offshore lightering practices.

Section 1006 contains important provisions on natural resource damages. The measure of damages is basically the measure contained in the House-passed bill except the conferees

have added a loss of use concept. Otherwise, the fundamental measure is the cost of restoration, replacement, or acquiring the equivalent of the damaged natural resource, plus the diminution in value of those resources pending restoration and the cost of assessing the injuries to natural resources. The conferees have deleted the penalty provision in the House-passed bill that authorized special large-scale penalties if natural resources were irretrievably lost or beyond restoration.

Sections 1011, 1012, 1001, and other sections contain significantly modified provisions on removal costs and cleanup decisionmaking or the "how clean is clean" and "who's in charge" issues. The sections embody a solution to some of the most important issues during the conference. House and Senate conferees in section 1011 agreed to reject the approach in the Senate bill and instead firmly place the President—or designee—such as the Coast Guard—in charge of federally funded cleanups and deciding when cleanup is complete or consistent with applicable Federal and State law.

The conferees agreed to follow an approach similar to that used in CERCLA. The Federal official makes the final determinations regarding cleanup; States wishing to pursue additional or more stringent cleanup than what the Federal official decides is appropriate may do so, but only at their own expense or ultimately at the expense of the responsible party.

The State may recover additional removal costs against the responsible party; however, in recovering costs against the fund, States may recover only those removal costs the President determines to be consistent with the national contingency plan [NCP].

Section 1012 provides for allowable uses of the oilspill liability trust fund. Again, allowable costs are those determined by the President to be consistent with the NCP. The conferees have also modified the so-called direct draw provisions in the Senate- and House-passed bills to ensure greater Federal control over the fund but without denying access to the fund by States.

Title II provides for various conforming amendments to the Clean Water Act, the Deepwater Port Act, and title II of the Outer Continental Shelf Lands Act amendments of 1978.

Title III of H.R. 1465 addresses international oilspill prevention and removal issues. Unfortunately, the final conference agreement omits the House bill's provisions on implementation of the 1984 international protocols. This may be a serious mistake, Mr. Speaker. Like the administration and many others, I support ratification and implementation of the protocols. The United States should be a player in global efforts to prevent against, respond to, and compensate for oilspills. The House bill's provisions would have been a positive step forward in that direction. I strongly urge Congress to take seriously section 3001—expressing a sense of Congress—and follow up with actions and not just rhetoric.

Title IV, coupled with title I, forms the heart of the bill, by containing far-reaching provisions of oilspill prevention, removal, and penalties.

Subtitle A—prevention—requires, among other things, double hulls on all new oil tankers and on existing tankers pursuant to a retrofiting schedule based on vessel age and size. We've provided a very limited number of exceptions to take into account special policy concerns regarding inland barges, emergency response vessels, and vessels unloading oil at deepwater ports or engaged in certain lightering practices.

This has been one of the conference's most controversial and publicized issues. I support double hull mandates. In many instances, a double hull can mean the difference between a small spill and an ecological disaster. I only hope the compromise in H.R. 1465 works as intended. We shouldn't force new technologies or impose costly requirements that bankrupt businesses unless environmental benefits clearly justify such extreme measures.

I am pleased the final version of H.R. 1465 contains, in section 4112—relating to tanker navigation safety—my provision requiring the Secretary of Transportation to evaluate and demonstrate a program of remote alcohol testing for masters and pilots aboard tankers. This emerging technology may develop into one of our Nation's more successful efforts to prevent or deter oilspills and accidents generally.

Subtitle B—relating to oilspill removal—contains important provisions to strengthen and improve the Nation's oilspill response systems. Section 4201 requires the President to ensure an effective and immediate response. In addition, the President would be required to federalize oilspill cleanups in a limited number of situations—that is when a spill presents a substantial threat to the public health or welfare of the United States. We've also included a limited immunity clause for certain public or private response efforts. This important provisions is meant to help foster greater use of cleanup contractors and cooperatives by meeting their concerns about financial risks and liability exposures.

Section 4202 establishes a comprehensive planning and response system consisting of a national response unit, Coast Guard strike teams, district response groups, area committees, area contingency plans, and vessel and facility response plans. The conferees strongly encourge the Federal Government to avoid duplication of private initiatives and instead work closely with the petroleum industry response organization [PIRO] and other private organizations.

Response plans should provide for adequate personnel and equipment sufficient to remove, to the maximum extent practicable, a "worse case discharge." These terms should be construed in a reasonable manner, taking into account technical, practical, and other limitations.

Subtitle C—relating to penalties and other miscellaneous items—contains significant revisions to the Clean Water Act. The House Public Works and Transportation Committee has reviewed existing penalities in section 311 and enforcement tools in sections 308 and 309 of the Clean Water Act. Conferees have replaced the existing administrative penalty provisions in section 311(b)(6)(A) with new authority comparable to the administrative civil penalty authority in section 309(g).

Mr. Speaker, I'm concerned about the bill's provisions on the dollar amount of judicially assessed civil penalties. I support tough civil penalties and criminal fines. I am also pleased the conferees included my amendment—that I offered in the Public Works Committee—to increased civil penalties to $25,000 per day. We need to make the polluter pay. But we also need to give agency officials and judges some basic parameters to follow. A legitimate business should be afforded some reasonable expectations about its potential liability exposure.

Therefore, although we have not placed an outside cap on the $1,000 per barrel criterion, the conferees have specifically included various factors to be considered in determining the amount of penalties. Particular weight should be given to the degree of culpability, the economic impact of the penalty on the violator, efforts taken to mitigate the spill, and other matters as justice and fairness require.

Title V contains provisions related to Prince William Sound, AK—the site of the March 24, 1989 *Exxon Valdez* oilspill.

Title VI includes miscellaneous but significant provisions on, among other things, annual appropriations and a moratorium on certain oil and gas activities along North Carolina's outer banks. I have serious concerns about imposing such moratoria—particularly in this legislation and at this given time when our Nation's energy security seems to be increasingly threatened by world events and our growing dependence on foreign oil.

Title VII establishes a comprehensive oil pollution research and development program. Many of these provisions were in H.R. 3027, the House Public Works and Transportation Committee's oilspill bill from last year. The Science, Space, and Technology Committee, under the able leadership of Chairman BOB ROE, then significantly expanded on and improved the provisions.

Title VIII contains various provisions related to the Trans-Alaska Pipeline Authorization Act and other issues involving Alaska and the Outer Continental Shelf Lands Act.

Title IX includes important provisions on the oilspill liability trust fund, previously established in the Internal Revenue Code of 1986, and related funding issues. The legislation provides for a $1 billion fund, based on an existing 5-cent-per-barrel tax, with a $500 million per incident limitation on payment of natural resource damage claims and a borrowing limit of $1 billion. The title also addresses deposits from other trust funds and the limitation on expenditures for State removal costs exceeding those contained in the NCP.

As a final note, Mr. Speaker, I would like to thank and commend all the staff involved in the development and, I hope, enactment into law of H.R. 1465. In particular, I'd like to thank Gabe Rozsa, Ben Grumbles, Janet Minkler, Dottie Chepp, Errol Tyler, Ken Kopcis, Cate Leger, Cathy Evans, and Karen Rose of the House Public Works and Transportation's Water Resources Subcommittee.

A note of thanks and congratulations should also be extended to all the other House and Senate staff and members of the House legislative counsel who made this final conference

report possible. Their hard work and commitment helped make our job a little easier.

Mr. Speaker, I urge my colleagues to support the conference agreement, even though some particular provisions are troubling. H.R. 1465 will help strengthen the Nation's oilspill liability, compensation, prevention, response, and research and development programs. The country needs oilspill reform. We cannot afford to settle for the status quo. The Oil Pollution Act of 1990 makes necessary improvements and deserves our support.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in strong support of the conference report to H.R. 1465, the Oil Pollution Act of 1990.

Since coming to Congress in 1981, one of my highest legislative priorities has been the enactment of a comprehensive Federal oil pollution cleanup and compensation fund.

After more than 10 years of debate and months of arduous negotiations with the other body, we have before us a bill which will protect the environment, penalize those who discharge petroleum products into our waterways, and compensate those who are adversely affected by an oilspill.

As a member of the House-Senate conference committee, I recognize that H.R. 1465 is not a perfect piece of legislation. Nevertheless, it is a vast improvement over current law and it is among the most important environmental protection bills we will consider this year.

Let me briefly highlight a few of the key provisions of H.R. 1465.

Mr. Speaker, the primary goal of this legislation is to prevent oilspills from occurring in the future. We must make every effort to ensure that accidents like the *Exxon Valdez* and the *Mega Borg* do not happen again and that our waterways are free from the ravages of oil.

The Oil Pollution Act of 1990 will significantly reduce the likelihood of an oilspill by establishing tough standards for those who operate tankers. It will establish procedures for dealing with crew and officers with alcohol or drug abuse problems, and it will mandate that all vessels have double hulls or secondary containment systems.

Under the terms of the conference agreement, all newly constructed tank vessels must be equipped with double hulls in order to transport oil within our territorial waters. In addition, existing vessels will be required to have double hulls, beginning in 1995—with a realistic phase-in schedule that targets the oldest and largest oil tankers. Under the bill, virtually all new and existing vessels must have double hulls by the year 2010.

In addition to this requirement, H.R. 1465 allows existing vessels using the Louisiana Offshore Oil Port, those off-loading oil more than 60 miles offshore, and small inland barges—those less than 5,000 gross tons—to operate until 2015. After that date, these vessels must be equipped with double hulls, or in the case of small barges, have Coast Guard-approved secondary containment systems.

While certain groups may wish that the double-hull requirement were immediate for all vessels, such a requirement would simply not be feasible. H.R. 1465 establishes a realistic farmework for the conversion of these vessels based on the availability of shipyards and the need to avoid shutting down our entire oil transportation system.

Although double hulls are mandated by this legislation, the Coast Guard is directed to continue to evaluate new containment systems and to make recommendations to Congress on ways to improve spill prevention in the future.

Regrettably, despite our best efforts, it is likely that new oilspills will occur. This is especially true in light of the fact that Congress and the Bush administration have virtually shut down our nation's outer continental shelf leasing program. By so doing, they have condemned this nation to an ever-increasing dependence on imported oil—and more foreign tankers tansporting that oil through our nation's waters.

Nevertheless, if an oilspill should occur, H.R. 1465 has greatly enhanced the ability of the Federal Government and the private sector to respond quickly tosuch a spill. The Oil Pollution Act establishes a simplified chain of command with clar authority and responsibility residing with the Presient. It establishes oilspill response teams in each Coast Guard district—teams that will be ready to quickly respond to any oilspill. It mandates that vessels and facilities have in place contingency plans describing how they will respond to an oilspill and that they demonstrate that these plans work, not only on paper but in real life. And, H.R. 1465 requires that the U.S. Coast Guard pre-position certain equipment that can be quickly transported to the site of an oilspill.

Based on my experiences with the Mega Borg in the Gulf of Mexico, it is clear that the prepositioning of certain cleanup equipment, such as booms and skimming vessels, is essential if we are going to prevent future environmental catastrophes.

In fact, because of langauge in the Conference report which I authored, the Coast Guard is require togive priority emphasis to the pre-positioning of equipment in those areas where large quantities of petroleum products are transported in international commerce. You can be sure that I will continue to strongly urge the Coast Guard to pre-position a significant amount of equipment near the Houston ship channel. In my judgment, it is vital that Houston receive priority attention since our port facilities handle such a huge amount of oil on a day-to-day basis.

In addition, it is my hope that the Coast Guard will carefully evaluate whether the V-22 *Osprey* can play an important role in the cleanup of oilspills.

In addition to these provisions, H.R. 1465 establishes legal liabilties and penalties and penalties for those who cause oilspills. The conferees agreed to impose an eightfold increase in a shipowner's liability, from the present $150 per vessel ton to $1,200 per vessel ton. It also sets liability limits of $75 million, plus unlimited removal costs, for offshore facilities and a $350 million limit for onshore facilities or deepwater ports. If the spill is the result of gross negligence or willful misconduct, however, then the spiller's liability is unlimited.

In all cases, it is the spiller and the industry-financed fund not the taxpayers of this Nation, that will pay the costs.

Finally, this landmark legislation provides that those injured by an oilspill will be fully and swiftly compensated for their losses—such as property damage, lost income, damage to natural resources, and lost business opportunities. Once this legislation is signed into law, those adversely affected will not have to wait years in order to recover their losses. In fact, if an agreement with a spiller cannot be reached within 90 days, injured parties will be compensated from the $1 billion oil industry-financed fund and the fund will seek reimbursement from the spiller later.

This Federal fund, which has been collecting revenue since January 1, 1990, is financed through a new 5-cent per barrel fee on all oil transported in U.S. waters. Money in the fund will be used to clean up oilspills compensate injured parties, restore our environment, and preposition essential oilspill cleanup equipment.

In short, H.R. 1465 provides the American people with a comprehensive cleanup and compensation meansure which will cover oilspills in U.S. waters. It will help prevent future oilspills and it will effectively deal with those spills that unfortunately do occur.

Mr. Speaker, before concluding, let me briefly mention two other importnat conference items.

First, while H.R. 1465 contains many important improvements in current law, I deeply regret that this conference report does not implement the international oilspill protocols. These protocols were negotiated by 46 nations, including the United States, at the International Maritime Organization conference in London in 1984. They are designed to effectively deal with those oilspills that occur on the high seas by providing up to $260 million per spill for the cleanup and compensation of those adversely affected by an oil spill.

It is my firm belief that the best oilspill protection system for the citizens of this Nation is a united international, Federal, and State effort. I support a global solution to the problems of oil pollution. I am at a loss to understand why anyone would be opposed to a global solution to this serious environmental problem.

Under current law, the Norwegian owners of the *Mega Borg* could simply have walked away from that spill without either cleaning up the oilspill or compensating its victims. While that did not occur, there is no certainty that future foreign tanker owners will be willing to accept their financial liability.

We must eliminate this massive loophole in our international liability laws and we must ensure that no spiller has an opportunity to hold this nation hostage.

The only way to protect our shores from international oilspills is to implement the protocols and for the U.S. Senate to ratify them.

Unfortunately, despite the fact that the protocols were overwhelmingly adopted by the House, the Senate refused to accept either our language or a compromise which called for the conditional approval of these important international agreements.

While the conference report does contain language in title III which expresses the sense of Congress that the United States should participate in an international oil pollution liability and compensation regime that is at least as effective as Federal and State laws, it is my hope that the Senate will consider ratifying these important protocols in the near future.

Finally, I regret that the chairman of the conference committee, Congressman WALTER B. JONES, felt compelled to add the text of his Outer Banks Protection Act to H.R. 1465. This bill, which establishes a 1-year moratorium on certain Federal leases off the coast of North Carolina, has not been the subject of any hearings or markup sessions before our committee. And, sadly, it continues the recent trend of placing an everincreasing amount of Federal offshore land off limits to development.

According to officials of the Department of the Interior, this 1-year moratorium, which they strongly oppose, will affect some 44 active leases in the OCS Mid-Atlantic planning region. It is my understanding that those who have acquired these leases have spent nearly $ billion in bonus payments, rentals, and interest to the Federal Government and for seismic data to evaluate the possibility of hydrocarbon resources. Furthermore, a detailed environmental report has been prepared by the Minerals Management Service, and the State of North Carolina is currently reviewing this document. In short, the citizens of North Carolina will have ample opportunity, without a moratorium, to express their concern about oil and gas activities off their shores at each stage of the OCS process.

Mr. Speaker, on balance, H.R. 1465 is a good bill which deserves our support. I urge my colleagues to vote aye on this conference report, and it is my hope that the President will soon sign the Oil Pollution Act of 1990 into law. The American people have waited far too long already for the enactment of this comprehensive Federal oil pollution cleanup and compensation act.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. As a member of the conference committee I rise in strong support of the conference report.

As we began hearings in public works and transportation center last year, some of us also focused on the Great Lakes.

It quickly became apparent that there were not the contingency plans on the Great Lakes to feel with oil or toxic spills despite more than 5,000 such spills in the 1980's. Ninety percent of the fresh H_2O surface in North America is in the Great Lakes and 18 percent in the world.

Unlike salt H_2O bodies, the Great Lakes are a fairly closed system. They're especially vulnerable as they cannot flush themselves clear as readily as rivers or oceans.

H_2O is Lake Superior for example takes 191 years to recharge. Even relatively small oil spills have long-time catastrophic consequences.

In 1988—according to the Lake Carriers Association and the Canadian Shipowners Association—81 million barrels of oil and hazardous materials were transported on the Great Lakes.

Unlike salt H_2O bodies, the Lakes serve as a drinking H_2O supply for more than 25 million Americans. Consequently, techniques and dispersants suitable for cleanup in salt H_2O environments could seriously endanger public health if used on a spill.

One of the many worthwhile provisions in this legislation is the provision that a Coast Guard district response group be established in each of the 10 Coast Guard Districts.

The Coast Guard strike teams consist of available trained personnel, adequate oil and hazardous substance pollution control equipment, and a detailed oil and hazardous substance pollution and prevention plan, including measures to protect fish and wildlife.

I was delighted to work with my fellow Great Lakes colleagues on both sides of the aisle to ensure that we could finally use the old Boy Scout motto. "Be Prepared."

That's what this legislation accomplishes and encourage my request to support it.

Mr. DAVIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Rhode Island [Ms. SCHNEIDER].

Ms. SCHNEIDER. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1465. I became a Member of Congress nearly a decade ago and I have been fighting for a strong oil pollution bill during my entire tenure.

The Oil Pollution Act does not follow old failed formulas. It looks to the future and provides new solutions. This bill approaches pollution in the best way possible—it prevents it.

It is unfortunate that it took the disaster of the *Exxon Valdez* oilspill in Alaska, as well as an epidemic of major spills around the country, including in my own Narragansett Bay, to provide the impetus for Congress to act at long last. It addresses the problem of oilspills on a national basis, but also seeks to provide safeguards in areas that have been prone to oilspills in the past. In my own backyard of Narragansett Bay, there will now be an innovative demonstration project which will utilize satellite technology to monitor and direct shipping traffic. If this project proves successful it will be a model for all ports around the Nation.

This bill also addresses prevention be requiring that all tankers traveling in U.S. waters be equipped with double hulls. Congress has also recognized that there are sensitive ecological areas that should be tanker-free zones, such as around Block Island, RI, and has directed the Coast Guard to designate such areas. Although we can never completely eliminate the hazards of human error, this bill goes a long way toward achieving that goal, including mandatory alcohol and drug testing for merchant seamen, and reviews of driver's license records.

Another preventive concept intertwined throughout this legislation is that the polluter must pay for their mistakes. The liability of shipping and oil companies is increased eightfold by this bill. This threat of massive liability will encourage responsible preventive measures to be taken by those companies that would be faced with tremendous financial burdens in the event of an oilspill.

This bill also recognizes that when oilspills do occur, it is imperative that there be a swift and effective response and cleanup. There are numerous strong provisions which address responses to spills, including the establishment of permanent, full-time response groups in every Coast Guard district in the United States. Every port, facility, and vessel engaged in the shipping of oil in U.S. waters will be required to have an up-to-date contingency plan on how to respond to a variety of spills.

Finally, this bill addresses compensation for the victims of oilspills. It clearly and completely provides for all injured parties to be compensated for the entire amount of their losses. This includes damages to natural resources, such as birds, marine mammals, fish, wetlands, and so forth.

This bill looks to the future and seeks to prevent headlines such as "Cleanup in Alaska Tops $2 Billion." The past decade taught us that oilspills can cost tremendous amounts of money, and can do damage that cannot be corrected. This bill will allow us to learn in the next decade that preventing oilspills is the most cost effective way of doing business. The Oil Pollution Act will provide the assurance we need for the future that we can keep our bays and harbors clean, our wildlife safe, and our beaches free of oil.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, on balance I support this legislation. It is certainly an important bill, and, unfortunately, one that is year overdue. It is indeed sad that it took the *Exxon Valdez* and *Mega Borg* catastrophes, and recent others like them, to prod this Congress into final action on an oilspill bill.

The most important provision in this bill is the $1 billion oilspill fund which will now be available to deal with even the largest of oil transportation accidents. The fund does not come from the American taxpayer; it appropriately is collected from oil companies in the form of a levy on oil produced or transported into the United States.

In the area of oilspill prevention, the fund will be available to preposition equipment and fund Coast Guard response teams. The bill also includes strict provisions to test merchant seamen for drug or alcohol use, and sets new Federal tanker manning standards. And the bill phases in a realistic double-hull requirement where by existing tankers won't be arbitarily rendered economically useless.

In terms of oilspill response, the bill clearly defines that the President has the authority to conduct cleanup and response efforts in the best way he or she determines depending on the size and nature of a particular spill. And up to $500 million will be available from the oilspill fund to natural resource trustees to restore and rehabilitate natural resources which are lost or damaged by oilspills.

Finally, the bill establishes stiff liability for responsible parties to ensure that they pay for the damage they might cause, and to ensure that there is an effective deterrent to oil transporters from engaging in unsafe, sloppy or illegal operations. And full compensation is

called for to those who suffer damages as a result of a spill.

Despite all these important provisions, this bill is not, in my mind, nearly as comprehensive or as strong as it could be. In fact, despite my support for this bill, I chose not to sign the conference report because I am, frankly, disappointed that some of what I view are the most important provisions did not make it into this final version.

The House-Senate conference ultimately dropped the language to implement the international oilspill protocols. I personally believe the United States should be part of a global system to deal with what has increasingly become a worldwide problem. This legislation provided an easy opportunity to do just that.

The United States was a leader in the 1984 International Maritime Organization negotiations on an international oilspill regime; yet despite our lead role we have been unwilling to ratify and implement these treaties. Failure to do so will mean that $280 million which we could receive from the international fund will not be available to us for oilspill cleanup and compensation purposes. Failure to implement the protocols will also mean that we risk losing legal standing to go after foreign-owned tankers which spill in U.S. waters. To me, this is a major shortcoming of the bill.

And finally, this bill purports to be a comprehensive domestic regime but it is not. For 14 years; this House has strongly supported an oilspill bill which replaces the existing patchwork of State and Federal laws with one single, clear-cut regime. Despite this longstanding, principled position, we have now bowed to the rhetoric and misperceptions of the environmental lobby and eliminated the gut of the liability section of the bill by removing the preemption provision. This bill, then, only perpetuates much of the existing confusion in liability and compensation that follows an oilspill—the very type of confusion which originally was one of the driving forces behind the bill.

Despite these strong reservations, Mr. Speaker, I will support final passage of this conference report because the seriousness of the threat of oilspills warrants that the many needed provisions in the bill be enacted.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the conference report to the Oil Pollution, Prevention, Response Liability and Compensation Act, H.R. 1465, and urge my colleagues to support this much needed piece of legislation.

For as long as I have been in public office I have been concerned about oilspills and the problems associated with them. Having the Santa Barbara Channel and the Channel Islands National Park in my district, I am keenly aware of the need to protect our waterways and our pristine and scenic places from the damages an oilspill may cause.

Many in the House of Representatives and in the Nation will recall one of the most noted oil related accidents to occur in U.S. waters prior to the *Exxon Valdez* spill. I am referring, of course, to the Santa Barbara offshore oil blow of 1969. Some say it was this accident which heightened environmental awareness and action regarding the hazards of oil exploration. Immediately after this accident I authored legislation which created a 400,000-acre oil-free sanctuary around the Channel Islands. For most of this decade, I have been fighting to get oil tankers to pass outside the Santa Barbara Channel. Recently, that work proved successful when all six companies shipping oil from Alaska to Long Beach agreed to my request to send their tankers outside the channel.

Although these measures have enhanced the safety of the area, past experience has shown us that an uncontained oilspill may damage even the most protected regions. To protect those and other regions, passage of the oilspill conference report is needed, and needed now.

Several provisions of the conference report deserve recognition. I thank the conferees for recognizing the importance of including provisions which direct the Coast Gaurd to undertake a study on the feasibility of establishing a tanker-free zone in the Santa Barbara Channel, and for supporting a current study of the feasibility of establishing a vessel traffic service system in the channel.

Also, by expressly preserving States' authority to impose additional liability or requirements, and preserving the States' authority to establish their own spill funds and to impose fines and penalties, the conference report recognizes the need for States to protect their shores and lands.

Requiring double hulls on all new tankers and barges operating in U.S. waters is also a positive step in oilspill prevention. Many have said the Prince William Sound accident may not have occurred if the *Valdez* had double hulls. Passage of this double-hull language will go a long way in ensuring greater shipping safety.

By establishing new requirements to prevent "shipping under the influence" and limiting the number of hours a crewmember can work on a vessel, the conference report also ensures greater safety among shipping personnel. The report also ensures faster cleanup by granting limited immunity to response organizations involved in cleanup activities.

I also applaud the conferees for including new research and development money in the legislation. We must always endeavor to enhance our ability to lessen the threat of, plan for, and respond to oil and hazardous waste spills. Only through needed research can this become a reality.

For myself, for my constituents and most of all, for the environment, I strongly urge my colleagues to vote for this much needed piece of legislation.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this conference report.

Rusty old oil tankers move extremely slow, guided only by old maps and charts, with limited maneuverability and control. Likewise, much needed legislation to forge comprehensive oilspill liability laws have plodded through Congress without resolutions to many contentious issues. Meanwhile, these decrepit rust buckets for tankers have frequently run aground and spilled their vitriol in our beautiful estuaries and beaches. Likewise, Congress after Congress, oilspill legislation has sputtered, spilled, and sunk.

Mr. Speaker, I am proud to point out that this is no longer the case. We are on the brink of replacing the rustbucket with new, stronger vessels, matched by comprehensive oilspill liability legislation that is designed to make the polluters pay for the cost of cleanup, and make the safe transport of petroleum a priority in doing business.

In my committee, Science, Space, and Technology, we contributed significantly to the prevention titles in this bill. We are replacing the old maps and star charts that guided the tankers into coral reefs and beaches with available, navigational aids to help ship captains see where they are going so they can prevent a disaster.

These aids, which will enhance maneuverability and control of the ship, include sonar, electronic chart display, and satellite technology which I inlcuded in this bill as an amendment in committee last September. These products have been under development for years, at taxpayers expense, and used in military applications. It is important to transfer this technology to the private sector. This amendment was suggested to me by a retired radar expert in my district, Dr. Joseph Ryerson.

I commend my colleagues in both the House and the Senate who worked hard to resolve the many issues that has forstalled these environmental protections over the years. With this legislation we are taking responsibility for our actions, and making changes in the way we do business for the good of both our economy and our environment. Let's pass this bill today and let the ship sail to the President, who is waiting to sign it.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I rise in support of the conference report.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, at long last, we are prepared to pass a major oilspill prevention, compensation, and cleanup bill.

This bill helps us prevent oilspills by requiring double hulls on all new tankers. The bill sets a schedule for retrofitting or retiring the existing fleet of single-hull tankers. While I supported the House position calling for elimination of all single-hull tankers in 15 years, this provision, Mr. Speaker, is an improvement over the Senate's provision to study the issue. Several oil companies have indicated they plan to retrofit with double hulls sooner than what is called for in the bill. I applaud their efforts to add the extra protection to ensure the quality of our environment nationwide, in our region, and in Puget Sound. And I am calling on all oil companies to follow suit in order to protect the inland waters of our sound. Puget

Sound, with Rosario Strait and the San Juan Islands, is known for its beauty and marine life. It deserves the special safeguard of double-hull tankers. All in all, the compromise favors the tougher House position and it helps protect our waters from oilspills.

Among the special features to protect Puget Sound, is the requirement that tankers entering Puget Sound must have two tug boats escorting them. This will prevent a ship from losing its way and running aground.

Another provision in this bill is comprehensive language calling for areas to develop contingency plans. Recently, I convened a working group of concerned citizens, environmental organizations, cleanup cooperatives, oil transportation companies, maritime experts and local and State government officials to discuss the key elements of a contingency plan for Puget Sound. And I urged the Coast Guard to continue to work with this group as they develop Puget Sound's contingency plan. We are off to a good start.

The bill, Mr. Speaker, also addresses key concerns including the need for expanded vessel traffic systems, manning requirements that take into account fatigue, and new authorities for the Coast Guard to control shipping to protect key environmental areas.

Should an oilspill happen, this bill will help expedite the cleanup by requiring those who ship oil to have worse case cleanup plans in place. These plans will enhance regional contingency plans by providing specific details about the ship or barge carrying the oil. The Coast Guard will have an expanded mission including regional response teams with preposition cleanup supplies and equipment.

An oilspill cleanup effort must have one commander. This bill clarifies the responsibility of the Federal Government to take the lead. In areas like Puget Sound, the Coast Guard will have authority to take charge and assure a rapid and comprehensive effort to clean up any spill.

And, Mr. Speaker, this bill will assure that people, like the fishermen who work on Prince William Sound, or the cannery workers who are employed in the processing plants get prompt and fair compensation. The bill will increase a spiller's liability many times over current Federal limits and impose stiffer civil and criminal penalties. It will require spillers to pay for cleaning up oilspills and compensate those economically injured by them. The bill creates a $1 billion cleanup fund that is financed by a 5-cent-per-barrel fee. This fund will cover the costs not covered by the spiller.

States like Washington will be able to keep their unlimited liability laws. And Washington will be allowed to determine cleanup standards to ensure that we can protect our waters and beaches.

Mr. Speaker, for all these good points, this bill has one hole. We import roughly half our oil. Most of that oil comes in on foreign tankers. The House bill had a provision which would have implemented international protocols on oilspill compensation. Unfortunately, the Senate—and the Senate majority leader in particular—stubbornly opposed any consideration of these international protocols. I regret this because it denies the United States access to $265 million in potential cleanup costs. And, to my dismay, it may very well signal an end to efforts to develop a strong international regime to protect the world's oceans from oilspills. That is a shame.

This new law is long overdue. But true protection of our waters must begin with prevention. Laws alone cannot make the transportation of oil safe. The companies that ship oil must put safety first. We must give the Coast Guard the authority and the resources it needs to do its job. And, we must recognize the special concerns of States, like Washington, to protect their individual coastlines. This is a very big improvement. It is not a perfect bill, but it deserves our support, Mr. Speaker. I ask my colleagues to support it.

Mr. DAVIS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I rise in support of the conference report, and I want to say it is about time we start fixing up those tankers so we can have a modern merchant marine.

Mr. DAVIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, I would like to point out to my colleagues that this legislation is long overdue—some of us have been working for the last 15 years to get a comprehensive oilspill bill. We all know that the *Exxon Valdez* catastrophe was the engine that finally drove this bill to completion and I am dismayed that Alaska had to suffer that experience before this Congress decided to take decisive action.

Although overdue, I think this legislation is an important first step in bringing some stability to the process of transporting oil into the United States. But I hope my colleagues realize that stability is in short supply on the oil scene these days. We now import more than half of the oil we use and we have become dependent on oil that is produced in the most unstable region in the world. Oil prices are now soaring and we have no say in the matter. Mr. Speaker, Iraq went to war so they could charge us more for gas. How many of us seriously think that Saddam Hussein really is concerned about the coastal environment of this country?

Mr. Speaker, nothing is forcing the United States to undergo this lack of security and stability—we are doing it to ourselves. We need to participate in an international oilspill protection and compensation regime, that is strong enough to safeguard against the actions of irresponsible countries and companies. As long as so much oil is under the direction of such uncontrollable, unpredictable power, we have no reasonable alternative than to work with other reliable nations to adopt an international system of management. Also, it doesn't take a tremendous amount of insight to see that we need to develop our own energy resources.

Mr. Speaker, in the first week of July 1987, a tanker named the *Glacier Bay* spilled over 150,000 gallons of oil into the fertile fishing waters of Cook Inlet in Alaska. Premium days in the fishing season were completely lost, the market value of the fish dropped, and the Cook Inlet fishermen were severely harmed. Congress set up the Trans-Alaska pipeline liability fund to relieve just such problems in an insurancelike, nonadversarial manner. Unfortunately this system did not work very well, and to this day most of the Cook Inlet fishermen have not received even the face value of their losses and continually face the frustrations of litigation. We expect that through this legislation these and future claimants will be promptly and fairly compensated.

We on the conference expect that in the event of future spill, the provisions in title I will encourage the national oilspill liability fund to pay undisputed claims expeditiously. We feel that claims should be paid on a partial-payment basis if necessary. This is simple justice—pay undisputed amounts now and resolve other claims later. I would also like to state unequivolcally that, in the event of a future catastrophic oilspill, this legislation should result in prompt compensation for the subsistence fishermen who rely on their catch for consumption and survival.

Mr. Speaker, 20 percent of our Nation's oil is produced in and transported through Alaska, and most of that oil moves on tankers through the Prince William Sound. In light of this, it has been asserted during the legislative development of this bill that Valdez would be a sensible location for the Coast Guard strike team now provided for Alaska. In any event, we have inserted several additional special protections specifically for the Prince William Sound.

In section 416, we improve the quality of pilotage in Prince William Sound in two ways. We require any pilot operating in the Prince William Sound to have both a State and Federal license and to be operating under the Federal license. By this requirement, we create a system of dual accountability under which pilots operating in the Prince William Sound will be answerable to both local authorities and the Coast Guard. We are closing a loophole for incompetent pilots who operate exclusively under oil company control. Second, pilots in the Prince William Sound are prohibited from being members of the ship's crew. Through this provision, we ensure that tanker pilots will be local pilots familiar with the navigational hazards of the Prince William Sound. In the final analysis, we intend that this section will result in local pilots operating in the Prince William Sound and that these pilots will be readily amenable to the oversight and regulation of the Coast Guard.

Mr. Speaker, as I mentioned earlier, the *Exxon Valdez* spill was unquestionably the driving force behind the Oil Pollution Act of 1990, and I am happy to see that something good has come from that disaster. But we can learn more from the *Exxon Valdez* experience. Accordingly, section 5001 provides for the Prince William Sound Oil Spill Recovery Institute. The institute will study the cause and long-term effects of the spill in arctic and subarctic conditions.

This is a unique opportunity for study. The subject matter is demanding. The funds are limited. Therefore, the institute must not be allowed to deviate from the important task of investigating the direct effects of the 1989 *Exxon Valdez* spill. We certainly do not intend

for Federal funds to be used to sue or defend lawsuits arising from activities conducted by the institute which are not directly related to investigating the direct effects of the 1989 *Exxon Valdez* spill.

Mr. Speaker, section 5002 establishes two citizens' advisory councils to be located one each in the Prince William Sound and Cook Inlet. These councils, privately funded by local operators utilizing the waterways, should prove to be models of cooperation and coordination between local citizens, officials, and the industry. In this spirit, we expect that councils will be a source of dispute resolution, not dispute creation. For example, we included a conflict-of-interest provision which should be read with the nature of the small communities in mind. Inevitably, there will be some overlap of industry an citizenry. If less than the majority of a person's employment might be perceived as "in conflict," we expect that good-faith discretion will be used to determine that person's eligibility regarding membership in the council.

Mr. Speaker, section 5005 of the conference report is the culmination of conference consideration of section 5005 of the House-passed bill. It represented the House's incorporation of the provisions of H.R. 2158, the Prince William Sound Oil Spill Response Act, which I introduced shortly after the *Exxon Valdez* oilspill. As the author of this section and a conferee on all titles of the final bill, I take great pride in the inclusion of section 5005 in the final conference report.

This section establishes specific equipment and personnel requirements to respond to oilspills in the Prince William Sound. It requires in section 5005(a)(2) that:

An oilspill removal organization at appropriate locations in Prince William Sound, consisting of trained personnel in sufficient numbers to immediately remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater.

This section should be interpreted to set a floor of response capability at 200,000 barrels. The reference to "immediately remove, to the maximum extent practicable, worst case discharge" should be read as establishing the same response standard as section 4202 of this act. The intent of this section, as adopted by the conference, was to harmonize the requirements of section 5005 of the House-passed bill with the requirements of the contingency plan section of title IV of this conference report and should be read as such. This section is not intended to impose a more stringent response and removal time than is required by section 4202.

While all would agree that the response capability present in the Prince William Sound prior to the *Exxon Valdez* oilspill was wholly inadequate, we on the conference recognized that practical limitations should be recognized in determining the number of full-time removal personnel on hand to respond to a spill at any one time. We on the conference took great note of the fact that a large number of personnel are presently employed by the Alyeska Pipeline Service Co. for just such a purpose.

In writing this section we wished to encourage Alyeska to supplement this cadre of trained personnel by cooperating with the State of Alaska and others in providing basic training in oilspill response procedures to citizens of the communities in the Prince William Sound area. The conferees intended that local residents should be trained in oilspill removal and response techniques in order that they may assist in the removal of future spills and to allow them to protect themselves and their livelihoods from the damage caused by oilspills.

Mr. Speaker, section 8103 of the new statute establishes a Presidential task force to study and report on the structural integrity and effects of the Trans-Alaskan pipeline. We encourage the President to see that the report is filed and the project completed as soon as possible.

The Alaskan delegation has agreed to terminate the Trans-Alaska pipeline liability fund and place those funds in the national fund. We have included language in section 8102 which mandates that funds must be reserved sufficient to pay all possible claims against the TAPS fund arising from incidents occurring before the time of the enactment of this statute. Any claim arising after or on the date of enactment will be governed by the provisions of the new law only. The TAPS funds will be rolled into the national fund as soon as TAPS moneys are no longer necessary to pay claims against the TAPS fund.

Specifically, there are three incidents which have given rise to or may give rise to claims against TAPS: the *Glacier Bay* spill, the *Exxon Valdez* spill, and, if so determined by the courts, the *American Trader* spill. As I mentioned earlier, we on the conference anticipate that the claims related to the *Glacier Bay* spill will be resolved promptly. Upon disposition of the Glacier Bay claims, we expect a rollover of any TAPS funds which are not necessary to pay claims potentially arising from the *Exxon Valdez* or the *American Trader* spills. A partial rollover will continue in this manner until all claims against the TAPS fund are resolved, at which time that fund will cease to exist. As part of the rollover process the State of Alaska will receive a rebate for the percentage of the fund that the State contributed as an owner of oil.

Mr. Speaker, section 8102 also provides retroactive reimbursement of Alaskan municipalities for losses incurred due to the *Exxon Valdez* cleanup. Lost revenues and increased public services are among such the costs. The language in section 8102 reflects the broad range of costs for which we expect the communities to recover. These reimbursements are dictated by simple fairness. The *Exxon Valez* incident was the driving force behind this legislation and the communities who paid firsthand for that disaster should be given relief which they would experience under the Oil Pollution Act of 1990.

Mr. DAVIS. Mr. Speaker, I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I am pleased to join in bringing the conference report on H.R. 1465, the Oil Pollution Act of 1990, to the floor.

The Congress has had the issue of oil spill liability and compensation pending before it for more than a decade. On March 24, 1989, when the 987 foot tank vessel *Exxon Valdez* struck Bligh Reef in Prince William Sound, AK, and spilled nearly 11 million gallons of oil into one of the most pristine and magnificent areas of our country, it quickly became apparent that current levels of oilspill prevention, preparedness, and respons were not adequate for such a major spill. Spills since that time, such as those off Huntington Beach in California and in the Gulf of Mexico, have added urgency to the need for legislation.

The conference report on H.R. 1465 provides a comprehensive framework to prevent the spilling of oil and to improve our preparedness and ability to respond to an oilspill should one occur. It establishes new authorities and responsibilities for the prevention of oilspills, establishes a comprehensive response capability, and assesses significant liability upon spillers of oil. It also provides for compensation to individuals and entities which suffer economic damage due to a spill.

The first line of defense in any oilspill response program must be prevention of a spill. For that reason, the conference agreement includes sekveral provisions designed to improve vessel safety, both in the design of the vessels themselves and in vessel traffic. It expands vessel traffic service systems, and encurages methods to avoid the risk of spilling oil into the water. In addition, it requires that chronic alcohol abuse be cnsidered as a factor in the suspension, revocation, or the refusal to issue a license, merchant mariner's document, or certificate of registry.

The agreement also includes provisions to improve contingency planning and training of oilspill response personnel. Increased research concerning oilspill prevention and response and for the development of new technologies for prevention and response is included. Unfortunately, oilspill cleanup technology has been a low priority of the U.S. Government in recent years. The agreement therefore establishes a new research and development program, to improve the status of our knowledge on oilspill prevention and response.

Mr. Chairman, I believe that the conference agreement is a proper and balanced response to our Nation's needs both to increase preventive measures against oilspills and to respond to a spill should one occur. In addition, incentives are created to prevent spills on the part of industry through the imposition of strict liability and the enormous economic and ecological damages which could occur because of an oilspill. Finally, the bill addresses the issue of compensation of individuals injured by an oilspill by providing for an assured source of recovery and clearly delineated causes of action for economic damages.

Mr. Chairman, although this House has considered oilspill legislation several times, I believe that this is the best legislative package to come before it. This bill is tougher on parties responsible for the spilling of oil, and fairer to parties damaged by the spilling of oil. I urge my colleagues to give this legislation their strong support.

Mr. SHARP. Mr. Speaker, I urge Members of the House to approve the Oil Pollution Control Act conference reprot, today, and send it on to the President.

Since the tragic *Exxon Valdez* spill 16 months ago, not 1 month has gone by without

a significant spill of oil in our waters. Some of these we have been able to contain. But others, like the current debacle in Galveston Bay, a signal us that we urgently need this bill and the protection it will afford more than ever. We must not delay another moment.

The comprehensive $1 billion Federal oilspill fund, supported by a 5-cent-per-barrel tax on the oil industry, will allow us to tackle big spills, and will also allow up to $500 million to be expended to restore natural resource damage.

As a Member of the Energy and Commerce Committee, I note that the Commerce Committee was a conferee on title 8 of this bill. I wish to thank other Members of the conference for their attention to Commerce Committee concerns related to title 8. Their willingness to adjust their views or position to accommodate the requirements of programs within Commerce Committee jurisdiction is particularly appreciated.

I also commend my fellow Interior Committee colleague GEORGE MILLER for his tireless and outstanding advocacy of the environment; without his efforts, the bill before us today might not encompass the numerous, important environmental safeguards contained in the conference report.

While the legislation before us is primarily related to oilspills in a marine environment, additional legislation is needed to address other types of spills. The Commerce Committee has already started work on a comprehensive bill to prevent pipeline spills. We hope to bring this bill before the House as part of the reauthorization of the pipeline safety program in the 102d Congress.

My only regret is that the conference report contains a Senate amendment, wholly unrelated to the control and cleanup of oil pollution, that is unjustified, expensive, and perhaps sets a precedent that we will regret. It further compensates certain State of Louisiana lessees beyond the very generous allowance this Congress approved in 1985. However, that one stain on an otherwise laudable bill is not worth scuttling months of hard work and honest effort. Delay on the Oil Pollution Control Act serves nobody's interests.

Again, Mr. Speaker, I urge my colleagues to vote for the conference report. This bill is important, and it is needed right now. Its approval before we adjourn to go back to our districts is a must.

Ms. SNOWE. Mr. Speaker, I rise today in support of the conference report on H.R. 1465. I believe that this legislation takes important steps toward effective protection of our marine environment. In particular, I am pleased that the conferees have retained the right of the States to set their own oilspill liability limits and cleanup funds.

I say that because the State of Maine has consistently been recognized as a leader in the adoption of effective oilspill prevention, cleanup, and liability laws. Maine has more stringent safety standards than Federal law and many other States. The State has taken this action to protect one of our most precious resources—the coastal waters and the citizens that make their living from the sea. I applaud the decision of the conferees to recognize that State laws, like those of Maine, should augment and not be replaced by Federal standards.

I am proud of Maine's reputation as an environmental leader in this regard. Sadly, the Federal Government has lagged far behind States like Maine in its adoption of oilspill legislation. Fortunately, our action today can reverse 15 years of inaction on comprehensive Federal oilspill legislation.

The conferees also retained the House provision requiring double hulls for most oil tankers, foreign or domestic, operating in U.S. waters. This provision provides necessary and needed protection from a repeat of the *Exxon Valdez* disaster. The conferees showed foresight and wisdom in avoiding the calls for further study of this issue and moving forward with this important requirement.

Mr. Speaker, this comprehensive legislation addresses all facets of oilspill prevention, response, liability, and compensation. In the aftermath of the *Exxon Valdez* spill in Prince William Sound, and the myriad other spills that have plagued all of our coasts, many inadequacies in our system of preventing and responding to oilspills have been apparent. Through H.R. 1465, a coherent oilspill policy will be established to prevent a repetition of the problems which have occurred in the past.

In addition, we have taken the important step ensuring that the States also have the opportunity to enact laws that will protect their coasts. This is a vital provision that will allow States to take the necessary actions to ensure that specific needs of their marine environment are addressed.

Finally, we have preserved one of the cornerstones of U.S. environmental policy and one which I have long advocated: the polluter must pay. This principal is firmly established in H.R. 1465. Those who negligently allow a spill to occur will pay for its cleanup. Additional compensation will be available from a $1 billion Federal oilspill fund, supported by a 5-cent-per-barrel tax on oil.

Mr. Speaker, States like Maine have taken the lead in protecting the environment from the ravages of oilspills. It is time for this House to update the Federal approach to this problem by enacting the conference report on H.R. 1465. I urge my colleagues to join me.

Mr. WALKER. Mr. Speaker, the conference agreement on title VII is on balance a responsible piece of legislation. From two different bills the House and Senate have crafted a compromise which will provide an important research and development program for the oilspill legislation. The research title will enable us to use the best science available to develop new methods of preventing and mitigating the devastating effects of oilspills. In so doing, not only will we be able to better avoid spills, but when they do occur, we will be more effective in cleaning them up and minimizing environmental damage. I commend my colleague on the Science, Space, and Technology Committee, Ms. SCHNEIDER, for her diligent work on this bill.

I am disappointed, however, that certain provisions of title VII are outside the scope of the conference. Once again, Congress, in its infinite wisdom, has once again determined that it alone is able to decide what deserves scientific scrutiny. Time and again, in bill after bill, we have seen fit to bypass the scientific peer review process. Yet again, we have taken an otherwise good piece of legislation and found ourselves unable to resist turning science into pork.

I have signed the conference agreement because on balance I believe this is a good legislation, but I did want to point out that there is language contained in the bill that detracts from its otherwise meritorious provisions.

Mr. PACKARD. Mr. Speaker, I rise in strong support of the conference report on H.R. 1465, the comprehensive oilspill liability and cleanup bill. Oilspills can and do happen. Several spills have occurred in the last 18 months. The conference report on this legislation will go a long way to protecting our coastlines and their habitat from potentially disastrous spills.

The conference report includes a compromise provision on double hulls. Double hulls can prevent disastrous spills from occurring. Earlier this year, a double-hulled tanker, would have prevented oil from washing ashore in Huntington Beach, CA. I am convinced that this provision will help protect our coastlines.

As a cochair of the Clean Oceans task force and as an original cosponsor of H.R. 2291, the Clean Oceans Act of 1989, I am very pleased that many provisions in that legislation have been incorporated in the conference report. Oilspill response teams will be better prepared, better trained, and better equipped.

As the months passed since the House passed the bill and the instructions to conferees to adhere to the double-hull language by overwhelming votes, I must admit I did have some doubts that we would get a bill enacted this year. I commend the conferees for their work in reaching compromise that can and will be enacted into law.

Mr. CRAIG. Mr. Speaker, I rise today to express my support for the conference report on the Oil Pollution Prevention, Response, Liability and Compensation Act of 1989.

After 15 years, Congress has finally been able to resolve its differences on comprehensive oilspill legislation. I am pleased to have served as a member of the historic conference committee that ironed out these differences.

During conference committee consideration, I was concerned that the legislation might preempt a considerable amount of State authority, making it the sole responsibility of the Federal Government to deal with spills. This would not be acceptable—I believe that States need to be assured an adequate role in these situations. However, I also understand the need of the Federal Government to coordinate contingency planning and response efforts for major spills. There is no doubt that this was a difficult balance to strike, but one I believe had to be reached. As a result, I was glad that we were able to arrive at a compromise, settling upon a workable Federal-State balance.

I was also concerned about the legislation's requirements for double-hulled tankers. While such innovations may indeed help prevent spills in the future, we must make sure that the improvements will not be so costly that the oil industry will not be able to comply with

them. After lengthy negotiations on this matter, I am confident that the schedule for replacing single-hull tankers settled upon by the conference committee is reasonable and can be met.

With the issues resolved, I am happy to support the conference report. It should provide quicker response to oilspills than what we saw in the *Exxon Valdez* episode, helping to preserve the environment. This is especially important in the Northwest, where a major oilspill could reach the Columbia River and eventually effect Idaho's anadromous fish runs. In addition, the bill provides a system of liability for those who cause spills and compensation for those adversely affected.

Mr. Speaker, all in all, this is a much needed and overdue peice of legislation, and I am happy that I was able to play a role in its passage after more than a decade of stalemate on the issue.

Mr. MACHTLEY. Mr. Speaker, in March of last year, the 11-million-gallon spill from the *Exxon Valdez* devastated Alaska's Prince William Sound. That spill was the forerunner for what seems to be a growing number of oilspills in our waters—including one in Narragansett Bay—in my State of Rhode Island.

The *Exxon Valdez* spill has served as the battle cry for Americans concerned about our environment. And the result of this call to action is this legislation we put our final stamp on today, the conference report on the comprehensive oilspill legislation (H.R. 1465) we passed last year.

This legislation includes a very important provision which has a special impact on my State of Rhode Island. The conference report contains a pilot program for the testing of a naviation system that could help keep tankers and other vessels containing hazardous materials from spilling their cargoes.

The new tracking system to be tested in Rhode Island, called the Global Positioning System [GPS], uses existing defense technology to track the position of individual ships to within a few yards of their actual position. Vessels equipped with GPS technology would hear a warning sound if the ship went off course. In addition, the system would also warn the nearest Coast Guard station.

Legislation I have introduced will require tankers to carry this technology once it is readily available. While I strongly support our actions to make Rhode Island a test site for implementing the global positioning system, I also hope that the passage of this test program today will begin to pave the way for more comprehensive use of this navigational technology.

Senator NUNN has recently proposed that Department of Defense Science and Technology should be used to support a program of environmental research. Using our defense technology to help protect our environment from the damage of oilspills provides a perfect example of this potential. Together, we can work to see this test program become a permanent portion of our environmental defense.

Mr. WALGREN. Mr. Speaker, I rise today in support of the conference report for H.R. 1465, the Oil Pollution Act of 1990. I am confident that this bill will greatly improve our country's antiquated and inadequate oilspill prevention, response, compensation, and liability system. As a conferee on this legislation, I would like to commend Chairmen ANDERSON, JONES, FASCELL, and ROE and the other conference leaders in the House who worked to forge this landmark agreement.

The recent spate of oilspills in the Gulf of Mexico, off the New England coast, and in Californian waters has demonstrated the frequency with which these calamities can happen on waterway right in our own backyard.

On January 2, 1988, my suburban Pittsburgh district was jolted by the rupture of an Ashland oil aboveground tank that released 3.8 million gallons of No. 2 diesel oil. Within minutes, 1 million gallons of fuel had rushed into the Monongahela River. More than 1,200 people were evacuated because of the potential of fire. Drinking water supplies of some 1 million people were affected and some communities had no water for 8 days. Businesses closed. Fish and wildlife were killed. While aboveground tank accidents of this magnitude are unusual, it is important to remember that they can happen and their results can be devastating.

The legislation before us today includes two provisions which I first suggested and which respond to the Ashland tank collapse. One provision will restore a nationwide oilspill reponse equipment inventory. The second suggestion will make sure that the interagency committee charged with leading the Federal research effort focuses on the technological deficiencies which hampered past spill responses before setting research priorities.

In 1984, the Coast Guard discontinued its nationwide equipment inventory because of budgetary constraints and a shift in emphasis toward drug interdiction. The confused response which characterized many of the spills over the past several years has demonstrated that we need this computerized listing to assist response personnel in determining the location and capability of specialized response equipment.

No company or government agency could house enough equipment to respond to a truly catastrophic spill. But it should be a relatively easy task to establish a computerized listing of equipment available nationwide so response personnel can at least determine what resources are available. In Pittsburgh, response officials spent precious hours searching manufacturers' sales receipts to determine which local businesses might own the specialized water testing devises necessary to attack the Ashland spill. While the search was underway, thousands of gallons of diesel fuel slipped under booms which were misplaced because of faulty data.

Obviously, no amount of preparation for a spill can be effective without the technology needed to contain and remove the oil. For nearly 20 years, the research necessary to develop effective oil-pollution technology has been poorly coordinated and underfunded. I believe that the research and development section of this bill as originally reported by the Science, Space, and Technology Committee will establish a well-defined program with clear direction for coordinating and focusing the Federal oil pollution research effort.

I appreciate the conference committee's efforts to retain language which will insure that interagency research committee studies the legacy of past oilspills in order to determine what research gaps exist and what research priorities we as a nation need to set. By looking at all past spills in all locations, we can better determine our research needs and fill those technology gaps that make containment and response so difficult. In the long run, I hope this will result the development of new equipment to contain spills in a variety of habitats including the icy, fast-running rivers of western Pennsylvania.

I want to express my appreciation to the Public Works and the Science Committees, especially Congressmen NOWAK and SCHEUER, who accepted my suggestions. I urge my colleagues to vote in favor of this important conference agreement.

Mr. GUNDERSON. Mr. Speaker, the House today will finally vote on the comprehensive package to protect America's shores from oil and hazardous material spills. I plan to vote for the conference report, but I do so reluctantly. While we have made great strides through H.R. 1465 to prevent repeats of the *Exxon Valdez* spill, I am very disappointed that we stopped in our efforts at the shore's edge.

Each year, hundreds of barges pass through the Upper Mississippi River National Wildlife and Fish Refuge. This part of the river is the only inland waterway designated by Congress as both a major national wildlife refuge system and a commerical navigation system. Those of us who live in the region carry a constant concern that we may lose the refuge in the event of a major barge spill of oil or other hazards material on the upper river.

When H.R. 1465 passed the House earlier this year, I successfully included an amendment to require that all hazardous material tank vessels—barges—operating on inland waterways be double hulled within 10 years. The amendment was accepted unanimously. That provision would have solved the problem in our area, and on all inland waterways. Unfortunately, it was dropped out of the conference report in favor of a requirement that all vessels be double hulled by the year 2015.

This provision does nothing for the daily threat of a major spill we face every day. Each year, 1 billion gallons of hazardous materials are transported through the refuge area. According to the Wisconsin Department of Natural Resources, spills of between 500,000 and 1 million gallons are possible. Standard use of double hulls would substantially alleviate that possibility.

Short of this, conferees failed to come to the rescue of inland waterways in another way. Under section IV, the Secretary is given new authority to require changes in operational procedures of tank operators if those changes will add to safety. Unfortunately, barges under 5,000 deadweight tons were again exempted from this coverage.

I will now be looking at ways to work with the Secretary of Transportation to find a solution to the problem we face on the upper river. Early on in this debate, the American Waterways Operators committed their cooperation in helping me solve the situation in our region. In addition, I am including in the record

correspondence between the U.S. Fish and Wildlife Service and the U.S. Coast Guard on the situation. For those interested—and I know many of those I represent will be—a review of this correspondence will demonstrate the level of cooperation we already have from the Fish and Wildlife Service.

Where this oilspill legislation helps our shorelines and offshore, waters, I appreciate the effort of those who served on the House-Senate conference. Where it stops short of applying similar standards to protect our inland waterways, I am saddened by the failure of the conference to retain my provision or to cover inland barges under its most important provisions. I will now turn my efforts to working with those groups, both within the Government and within the industry, to further protect the Upper Mississippi River National Wildlife and Fish Refuge.

FISH AND WILDLIFE SERVICE,
UPPER MISSISSIPPI RIVER REFUGE COMPLEX,
LaCrosse, WI, November 7, 1989.

Rear Adm. WILLIAM J. ECKER,
Commander, Second District, U.S. Coast Guard, St. Louis, MO.

DEAR ADMIRAL ECKER: This letter concerns the transport of ecologically hazardous cargo through the Upper Mississippi River National Wildlife and Fish Refuge (Refuge). The reach of the Mississippi River that contains the Refuge is generally characterized by the presence of very high quality fish and wildlife habitat adjacent to and at times within the 9-foot navigation channel. The commercial channel through the Refuge is often narrow and sinuous thus increasing the likelihood of vessel damage leading to a spill of hazardous cargo. Further, the location of the biologically valuable areas is such that spill containment would be very difficult if not impossible.

In view of the above and based upon the fact that a reasonable and prudent alternative in the form of double-hulled barges exists, I conclude that the continued, indiscriminate use of single-hulled barges to transport hazardous cargo within the boundaries of the Refuge is incompatible with the purposes for which the Refuge was established. Such indiscriminate use would therefore violate the National Wildlife Refuge System Administration Act.

I request that, beginning with the 1990 navigation season, you either prohibit the transport of hazardous cargo in single-hulled barges within the Refuge (Lock and Dam 14 to River Mile 763.5) or restrict use of single-hulled barges to tows arranged so that any such barge is protected from damage on the front and both sides by double-hulled barges or barges containing non-hazardous cargo.

Sincerely,

RICHARD F. BERRY,
Complex Manager.

U.S. COAST GUARD,
St. Louis, MO, December 1, 1989.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Upper Mississippi River Refuge Complex, LaCrosse, WI

DEAR MR. BERRY: I have been asked by Admiral Ecker to address your concerns for the safe water transportation of ecologically hazardous cargoes in tank barges as expressed in your letter of November 7, 1989.

The Coast Guard has addressed the issue of the safe shipment of hazardous cargoes by water in specific regulations contained in Subchapter "O" of Title 46 Code Of Federal Regulations (CFR). The definition of hazardous cargoes is contained in 46 CFR Subchapter "O". The majority of the hazardous cargoes listed in 46 CFR Table 151.05 are required by regulation to be shipped in double hulled vessels. On the other hand, the shipment of petroleum products by water are regulated under 46 CFR Subchapter "D" and those regulations do not require carriage in double hulled vessels.

The marine industry on the Western Rivers is building and largely using double hulled tank barges that can carry both Subchapter "O" (hazardous) and Subchapter "D" (petroleum) cargoes because of the flexibility of cargoes they can transport. Over 75% of all tank barges that transit the Upper Mississippi River to St. Paul, MN are double hulled.

A review of the vessel casualties and pollution incidents, from Mile 615 to Mile 860 of the Upper Mississippi River, revealed that less than 15% of all oil spills were from vessels and less than 3% of all oil spills were the result of vessel casualties. None of the oil spills were the result of vessels grounding.

The implementation of your recommendations would have wide reaching implications in the marine transportation field. The issue of double hulls on vessels carrying petroleum products is a national issue, and therefore the solution should be a national one. For your information, Congress has taken the subject under consideration. Both houses of Congress have passed different versions of laws addressing the carriage of petroleum products in double hulled tank vessels, and a resolution is being deliberated in conference committee.

The casualty and pollution history in your specific area of interest does not indicate a pattern that warrants initiation of specific local regulations at this time. Changes to the operation of tank barges on the Upper Mississippi River by the Second Coast Guard District at this time would not be prudent until the ongoing national regulatory process has come to a conclusion. If you have any questions, please feel free to contact CDR Glantz of my staff at (314) 425-4655.

Sincerely,

M. R. PERKINS,
Commander, U.S. Coast Guard,
Chief, Marine Safety Division
(By direction of the District Commander).

Ms. PELOSI. Mr. Speaker, I commend the conferees for their agreement on H.R. 1465, the Oil Pollution Act of 1990. After 15 years of a deadlock in negotiations on this issue, we can now applaud the significant effort made by 73 Members of Congress, from 7 House committees and 3 Senate committees, to reach this landmark compromise.

Mr. Speaker, it's about time. It's about time we put environmental safety first. It's about time we made the polluter pay.

H.R. 1465 contains numerous provisions that will improve the safety of our coastal waters and make those liable for spills also liable for cleanup costs and damages due to a spill.

Among its major provisons, H.R. 1465, will require double hulls on most oil tankers and barges and require better contingency planning and preparedness on the part of potential spillers and Federal, State, and local entities. Navigation safety is improved and research on environmental impacts and cleanup methods is expanded. Additionally, this legislation will maintain the right of States to develop their individual liability and compensation standards.

My provision to create a specific fish and wildlife response plan was incorporated into this legislation and I am very pleased the conferees agreed that such a plan was necessary for the protection of marine life affected by a spill. The national contingency plan will now include my component "for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by a discharge."

As part of the national response system, the conferees agreed on a comprehensive planning and response system under the leadership of the U.S. Coast Guard. The national response unit would include strike teams located in San Francisco, CA, and Mobile, AL, and consist of trained personnel and equipment to be available on request by Federal coordinators to respond to a spill. Response groups would also be headquartered in each of the Coast Guard's 10 regional districts.

Mr. Speaker, there were over 22,000 oilspills during the 3-year period from 1984 to 1986. The recent spill off the Galveston coast, the worst in the region's history, confirms the strong need to increase our efforts to prevent oilspills, to recover damages, to restore our environment and to pass H.R. 1465.

Mr. Speaker, by raising the costs of carelessness, we are reducing the costs to our environment. A necessary ingredient in preventing oilspills is energy conservation which would reduced our dependence on oil, and more importantly, our dependence on foreign oil. Our country needs oil, but we do not need the high risks that are involved. Perhaps our next step will be a workable national policy on energy conservation and alternative energy sources.

I urge my colleagues to support this important legislation to prevent oil spills, to respond adequately when they occur and to make the polluter pay.

Mr. BORSKI. Mr. Speaker, I rise today in strong support of the conference report on H.R. 1465. The conference, on which I served, has produced a good bill.

I am pleased that Congress is acting on legislation that the Public Works and Merchant Marine Committees began working on many years ago: Legislation to protect our coastlines and waterways from disastrous oilspills.

My chairmen, GLENN ANDERSON of the Public Works Committee and WALTER JONES of the Merchant Marine Committee, deserve recognition for their leadership in crafting this legislation. They have guided this legislation through their committees, to the floor of the House, and finally, through a long conference.

Chairman JONES, especially, should have our thanks. He has been workng for years for an oilspill bill, and now he will have one.

The *Exxon Valdez* in Alaska, the *Presidente Rivera* in the Delaware River near my home in Philadelphia, the *American Trader* off the California coast, the *Mega Borg* in the Gulf of Mexico; the names of these vessels and others are now infamous for the damage they have done.

Congress is on the verge of approving legislation to help prevent a repeat of the horrors of the *Exxon Valdez* and the *Mega Borg*. The United States needs a tough Federal oilspill prevention and cleanup bill. H.R. 1465 is that bill.

The legislation before us, reflecting the intent of an amendment I offered in the Public Works Committee, for the first time gives the Federal Government the ultimate responsibility for preventing oilspills and cleaning them up if they occur.

H.R. 1465 will significantly increase the liability of spillers of oil and requires them to pay for cleanup. This will be an added incentive to adopt enhanced safety precautions on the part of those who handle and transport oil.

This legislation also authorizes the use of money from the oilspill liability trust fund to pay for the costs of oilspills above and beyond a spillers' liability.

H.R. 1465 will also help to prevent oilspills through tough new safety requirements for tank vessels and their crews, including mandatory double hulls and stiffer drug and alcohol regulations for vessel operators.

The bill establishes regional Federal oilspill strike teams, so that the necessary cleanup equipment will be on hand at the site of an oilspill in hours, not days.

H.R. 1465 provides for a national oilspill plan for national oilspill preparedness. It establishes a line of authority and responsibility for oilspill prevention and cleanup that extends from the White House in Washington to the white caps on Prince William Sound.

Mr. WELDON. Mr. Speaker, I rise today in strong support of the oilspill bill conference substitute. This much needed and long overdue bill should significantly improve our Nation's ability to both prevent and contain oilspills.

As the chairman of the Congressional Fire Service Caucus, I would like to take this opportunity to thank the members of the conference committee for incorporating vital oil tanker fire prevention language in the final conference substitute. Because of the nature of the *Exxon Valdez* disaster, the oilspill prevention language in H.R. 1465 did not address the issue of shipboard fires.

The *Mega Borg* fire changed all that, reemphasizing the need for fire reponse and preparedness. On June 21, I testified before the Subcommittee on Coast Guard and Navigation about the need to incorporate fire prevention into the oilspill legislation.

Responding to this need, the conference committee has incorporated language that addresses the dangers of oil tanker fires into the conference substitute to H.R. 1465. In the area of contingency planning, stockpiling of fire fighting equipment, and research and development, the conference committee fashioned a comprehensive framework for oil tanker fire response.

With this much needed addition, I am confident that the conference substitute to H.R. 1465 will tremendously enhance America's ability to cleanup, contain, and, most importantly, prevent future oilspils. It cannot accomplish any of these goals, though, if it is not enacted. Let us not delay this process any longer.

Mrs. SAIKI. Mr. Speaker, I rise in support of the rule and the conference report on H.R. 1465.

The past few years have shown us how vulnerable our environment is to damage from oilspills.

It seems that hardly a month goes by without yet another oilspill. Too often these spills are occurring in environmentally sensitive areas.

And while even a small spill could devastate my home State of Hawaii, my State is also heavily dependent on imported oil, and so a safe, yet reliable system for transporting oil is vital to both our economy and our environment.

This bill represents a major comprehensive improvement on our oilspill laws. It significantly increases liability limits on spillers, and provides for additional compensation for damage from spills. The bill also requires that oilspill response teams be established around the country, including in Hawaii, to respond quickly to oilspills.

Finally, Mr. Speaker, I want to commend the chairman of the committee, Mr. JONES, and the ranking member, Mr. DAVIS, for their hard work and leadership to see that an oilspill bill is passed in this Congress. They have been charged with the responsibility for planning an oil delivery system that is both reliable and safe, and I believe they have done an excellent job in this regard.

I urge my colleagues to support the conference report and let's get this bill to the President now to help prevent any further oilspill catastrophes.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GREEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 0, not voting 72, as follows:

[Roll No. 320]

AYES—360

Ackerman	Berman	Campbell (CO)
Anderson	Bilbray	Cardin
Andrews	Bliley	Carper
Annunzio	Boehlert	Carr
Anthony	Boggs	Chandler
Applegate	Bonior	Chapman
Archer	Borski	Clement
Armey	Bosco	Clinger
Atkins	Boxer	Coble
AuCoin	Brennan	Coleman (MO)
Baker	Brooks	Coleman (TX)
Ballenger	Browder	Collins
Barnard	Brown (CO)	Combest
Bartlett	Bruce	Condit
Barton	Bryant	Conte
Bateman	Buechner	Conyers
Bates	Bunning	Cooper
Beilenson	Burton	Costello
Bennett	Byron	Coughlin
Bentley	Callahan	Courter
Bereuter	Campbell (CA)	Cox
Craig	Jones (GA)	Price
Dannemeyer	Jones (NC)	Rahall
Darden	Jontz	Rangel
Davis	Kanjorski	Ravenel
de la Garza	Kaptur	Regula
DeFazio	Kasich	Rhodes
DeLay	Kastenmeier	Richardson
Dellums	Kennedy	Ridge
Derrick	Kennelly	Rinaldo
DeWine	Kildee	Ritter
Dickinson	Kleczka	Roberts
Dingell	Kolbe	Roe
Dixon	Kostmayer	Rogers
Dorgan (ND)	Kyl	Rohrabacher
Dornan (CA)	Lagomarsino	Ros-Lehtinen
Douglas	Lancaster	Rostenkowski
Downey	Laughlin	Roth
Dreier	Leach (IA)	Rowland (CT)
Duncan	Lent	Rowland (GA)
Durbin	Levin (MI)	Roybal
Dymally	Levine (CA)	Russo
Dyson	Lewis (CA)	Sabo
Early	Lewis (FL)	Saiki
Eckart	Lewis (GA)	Sangmeister
Edwards (OK)	Lightfoot	Sarpalius
Emerson	Lipinski	Sawyer
Engel	Livingston	Saxton
English	Long	Schaefer
Erdreich	Lowery (CA)	Scheuer
Espy	Lowey (NY)	Schiff
Evans	Lukens, Donald	Schneider
Fascell	Machtley	Schroeder
Fawell	Manton	Schulze
Fazio	Markey	Schumer
Feighan	Marlenee	Sensenbrenner
Fields	Martin (IL)	Serrano
Foglietta	Martin (NY)	Sharp
Ford (TN)	Matsui	Shaw
Frank	Mazzoli	Shays
Frenzel	McCandless	Shumway
Frost	McCloskey	Sikorski
Gallegly	McCollum	Sisisky
Gallo	McCurdy	Skaggs
Gejdenson	McDermott	Skeen
Gekas	McEwen	Slattery
Gephardt	McGrath	Slaughter (NY)
Geren	McHugh	Slaughter (VA)
Gibbons	McMillan (NC)	Smith (IA)
Gillmor	McMillen (MD)	Smith (NJ)
Gilman	McNulty	Smith (TX)
Gingrich	Meyers	Smith (VT)
Glickman	Mfume	Smith, Denny (OR)
Gonzalez	Michel	Smith, Robert (NH)
Goodling	Miller (CA)	Smith, Robert (OR)
Gordon	Miller (OH)	Snowe
Goss	Miller (WA)	Solarz
Grandy	Mineta	Solomon
Grant	Moakley	Spence
Gray	Molinari	Spratt
Green	Mollohan	Staggers
Guarini	Moody	Stallings
Gunderson	Moorhead	Stangeland
Hall (OH)	Morella	Stearns
Hamilton	Morrison (WA)	Stenholm
Hammerschmidt	Mrazek	Stokes
Hancock	Murtha	Studds
Harris	Myers	Stump
Hastert	Nagle	Sundquist
Hayes (IL)	Natcher	Swift
Hayes (LA)	Neal (MA)	Tanner
Hefley	Neal (NC)	Tauke
Hefner	Nielson	Tauzin
Henry	Nowak	Taylor
Herger	Oberstar	Thomas (CA)
Hertel	Obey	Thomas (GA)
Hiler	Ortiz	Thomas (WY)
Hoagland	Owens (NY)	Torres
Hochbrueckner	Owens (UT)	Torricelli
Hopkins	Oxley	Towns
Horton	Packard	Traficant
Houghton	Pallone	Unsoeld
Hoyer	Panetta	Upton
Hubbard	Parker	Valentine
Huckaby	Parris	Vento
Hughes	Pashayan	Visclosky
Hunter	Patterson	Volkmer
Hutto	Paxon	Vucanovich
Hyde	Payne (NJ)	Walgren
Inhofe	Payne (VA)	Walker
Ireland	Pease	Walsh
Jacobs	Pelosi	Washington
James	Penny	Waxman
Jenkins	Perkins	Weiss
Johnson (CT)	Pickett	
Johnson (SD)	Porter	
Johnston	Poshard	

Weldon	Williams	Wolpe
Wheat	Wilson	Wyden
Whittaker	Wise	Young (AK)
Whitten	Wolf	Young (FL)

NOES—0

NOT VOTING—72

Alexander	Hansen	Pickle
Aspin	Hatcher	Pursell
Bevill	Hawkins	Quillen
Bilirakis	Holloway	Ray
Boucher	Kolter	Robinson
Broomfield	LaFalce	Rose
Brown (CA)	Lantos	Roukema
Bustamante	Leath (TX)	Savage
Clarke	Lehman (CA)	Schuette
Clay	Lehman (FL)	Shuster
Coyne	Lloyd	Skelton
Crane	Luken, Thomas	Smith (FL)
Crockett	Madigan	Smith (NE)
Dicks	Martinez	Stark
Donnelly	Mavroules	Synar
Dwyer	McCrery	Tallon
Edwards (CA)	McDade	Traxler
Fish	Montgomery	Udall
Flake	Morrison (CT)	Vander Jagt
Flippo	Murphy	Watkins
Ford (MI)	Nelson	Weber
Gaydos	Oakar	Wylie
Gradison	Olin	Yates
Hall (TX)	Petri	Yatron

□ 0236

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall votes Nos. 308, 310, 311, 312, 313, 314, 317, 318, 319, 320 and "nay" on rollcall Nos. 309, 315, and 316.

ENERGY POLICY AND CONSERVATION ACT SHORT-TERM EXTENSION AMENDMENT OF 1990

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2952) to amend the Energy Policy and Conservation Act to extend the authority for titles I and II, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. LENT. Mr. Speaker, reserving the right to object, I will not object, but I take this reservation for the purpose of providing the gentleman from Indiana [Mr. SHARP] with an opportunity to explain this important unanimous-consent request.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Speaker, this measure extends for 30 more days the President's power to use our large strategic petroleum reserve. This maintains the President's ability to respond to events in the Middle East, as may be necessary. Meanwhile, a conference committee is working out the details of a longer extension and updating of the authorizing legislation.

This reserve of nearly 600 million barrels of crude oil is our major weapon against a disruption in world oil supplies.

As the Iraq-Kuwait conflict shows, we may have to use it quickly to prevent a price panic, to ease the economic shock of any joint embargo of Iraq, or to maintain our foreign policy flexibility and our commitments to our traditional allies in that region.

I urge the President to be ready to use our reserve. We've tested it. We've filled it. We've spent over $15 billion to date so it will be ready for our consumers. And we surely will approve this routine extension of SPR today.

We must consult now on a coordinated oil reserve drawdown with our allies. Japan and our major oil importing allies in Western Europe also have large crude reserves for precisely this type of emergency.

If all Iraqi and Kuwaiti oil is embargoed, world supply drops by about 5 million barrels daily. A much smaller disruption doubled world prices in 1979, so a successful embargo could easily push us into a recession.

Coordinated use of our oil reserves can prevent or ease this harm:

Our reserve could supply 3 million barrels per day for a time.

Our allies could supply more from their reserves, which altogether are roughly as big as ours.

Other friendly nations—Venezuela—could make up some of the shortage by pumping more.

Commercial stocks of crude are at high levels now, worldwide, because of recent overproduction.

Over the longer term, if an embargo continues, new supplies in nations from Mexico to Nigeria could be brought online.

But our reserves can't last forever. And some nations with extra pumping capacity are in the Persian Gulf and may fear to use their spare capacity now.

It's better to act earlier, than later: This is a complex affair, with complex politics and complex industry arrangements.

The administration must not wait too long. Don't wait until energy price inflation damages our economies more than Iraq's.

The Mideast clearly remains a treacherous, fragile, unpredictable place. To date, we have been lucky—and low crude oil prices over the last 7 years have tremendously benefited our economy.

But our cheap energy ride may be over, regardless of what happens this week or next in Kuwait and Iraq. The fact is we've gotten complacent over this cheap energy:

We're importing half our oil: 8 million barrels daily, or about one-seventh of all oil burned in the entire world.

Our domestic output is declining.

Oil imports are $40 billion of our $110 billion annual trade deficit. This big share will jump as crude prices go up.

As we deal with this new conflict in the short run, we must keep working on long-term measures to improve our energy security:

Our strategic petroleum reserve of crude oil is big, but we'd be well advised to make it bigger still as OPEC power increases.

We need to build a small reserve of heating oil and other products, too, as the House recently voted to do.

We have to move off oil and onto cleaner, domestic, nonoil fuels like ethanol or natural gas.

We must stop wasting fuel. Energy efficiency and conservation are huge potential energy sources for us.

Mr. Speaker, no one can predict fuel prices. But the rise in crude oil prices in the last few weeks could mean another 20 cents per gallon for our motorists, farmers, and industry.

Our economy is already sluggish. If oil stays at $23, it's just like that $5 oil import fee that many of us have opposed over the years, that could: raise inflation 1 percent, boost unemployment by 100,000 jobs, cut housing starts by 50,000 units annually, and raise interest rates, because this "import fee" won't send any deficit-cutting revenues to the Treasury.

I urge your support on S. 2952 as a necessary step in our preparedness.

Mr. Speaker, obviously with the Iraq-Kuwait situation we certainly want to accomplish this. It has unanimous Republican and Democratic support and the administration is strongly behind it.

Mr. LENT. Mr. Speaker, further reserving the right to object, on behalf of the minority I want to express my support for this unanimous-consent request.

Given the events, as the gentleman from Indiana stated, given the events in the Middle East with respect to Kuwait, it would be most unwise for us to leave town without passing a bill extending current law. I can advise my colleagues that the Department of Energy, on behalf of the administration, has strongly urged that we do

pass Senate bill 2952, the bill that is subject to the unanimous-consent request now before us.

Mr. SHARP. If the gentleman will yield further, quickly, Mr. Speaker, it is imperative that our Government be ready to move rapidly and at any early moment on this. That is the purpose of the reserve, to protect us.

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2952

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

That this Act may be referred to as the "Energy Policy and Conservation Act Short-Term Extension Amendment of 1990".

SECTION 2. EXTENSION OF AUTHORITY

The Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(a) in section 104(b)(1) by striking out "August 15, 1990" and inserting in lieu thereof "September 15, 1990";

(b) in section 171, striking out "August 15, 1990" each place it appears and inserting in lieu thereof "September 15, 1990"; and

(c) in section 281, by striking out the term "August 15, 1990" each place it appears and inserting in lieu thereof "September 15, 1990".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

□ 0240

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL AUGUST 31, 1990 TO FILE REPORT ON H.R. 5267, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1990

Mr. SHARP. Mr. President, I ask unanimous consent that the Committee on Energy and Commerce be permitted to have until August 31, 1990 to file the report for H.R. 5267, the Cable Television Consumer Protection and Competition Act of 1990.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586, H.R. 1661, AND H.R. 2373

Mrs. SAIKI. I ask unanimous consent that my name be removed as a cosponsor of H.R. 586, H.R. 1661, and H.R. 2373.

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M. FRIDAY, AUGUST 31, 1990, TO FILE SUNDRY REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 7 p.m. Friday, August 31, 1990, to file sundry reports.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990

Mr. DE LA GARZA. Mr. Speaker, pursuant to House Resolution 444, I call up the Senate bill (S. 2830) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, and ask for its immediate consideration in the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DE LA GARZA moves to strike out all after the enacting clause of the bill S. 2830 and insert in lieu thereof the provisions contained in H.R. 3950, H.R. 3581, and H.R. 4077, as passed the House, as follows:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food and Agricultural Resources Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—COTTON

Sec. 101. Loan rates, target prices, disaster payments, Acreage Limitation Program, and land diversion for the 1991 through 1995 crops of upland cotton.
Sec. 102. Suspension of base acreage allotments, marketing quotas, and related provisions.
Sec. 103. Commodity credit corporation sales price restrictions.
Sec. 104. Nonapplicability of section 103(a) of the Agricultural Act of 1949 to the 1991 through 1995 crops of upland cotton.
Sec. 105. Skiprow practices.
Sec. 106. Preliminary allotments for 1996 crop of upland cotton.
Sec. 107. Extra long staple cotton.
Sec. 108. Adjustment of support prices.
Sec. 109. Cottonseed and cottonseed oil price support.

TITLE II—SUGAR

Subtitle A—Price Support and Marketing Allotments

Sec. 201. Sugar program extension.
Sec. 202. Information reporting.
Sec. 203. Marketing allotments for sugar and crystalline fructose.
Sec. 204. Establishment of marketing allotments.
Sec. 205. Allocation of marketing allotments.
Sec. 206. Assignments of deficits.
Sec. 207. Provisions applicable to producers.
Sec. 208. Special rules.
Sec. 209. Regulations; violations; publication of Secretary's determinations; jurisdiction of the courts; United States attorneys.
Sec. 210. Appeals.
Sec. 211. Administration.

Subtitle B—Import Treatment of Sugars, Syrups, and Molasses

Sec. 221. Findings and purpose.
Sec. 222. Tariff treatment when tariff-rate quotas not in effect.
Sec. 223. Tariff-rate quotas.
Sec. 224. Applicable statutory authorities.
Sec. 225. Definitions.
Sec. 226. Conforming amendments to HTS.
Sec. 227. Effective date; termination.

TITLE III—RICE

Sec. 301. Loan rates, target prices, disaster payments, Acreage Limitation Program, and land diversion for the 1991 through 1995 crops of rice.
Sec. 302. Marketing certificates.

TITLE IV—DAIRY

Sec. 401. Findings.
Sec. 402. Milk Price Support and Inventory Management Program for calendar years 1991 through 1995.
Sec. 403. Milk manufacturing margin adjustment.
Sec. 404. Minnesota-Wisconsin price series reform.
Sec. 405. Hearings on Federal milk marketing orders.
Sec. 406. Report of dairy product purchases.
Sec. 407. Application of support price for milk.
Sec. 408. Application of amendments.
Sec. 409. Adjustments for seasonal production; hearings on amendments; determination of milk prices.
Sec. 410. Transfer of dairy products to the military and veterans hospitals.
Sec. 411. Extension of the Dairy Indemnity Program.
Sec. 412. Export sales of dairy products.
Sec. 413. Component pricing of milk.
Sec. 414. Adjustments in payments by handlers.
Sec. 415. Dairy Export Incentive Program.
Sec. 416. Amendment to the Packers and Stockyards Act, 1921, to provide for the establishment of trusts for the benefit of milk producers.
Sec. 417. Status of producer handlers.

TITLE V—WOOL AND MOHAIR

Sec. 501. Extension of Price Support Program.
Sec. 502. Promotion program.
Sec. 503. Payment limitation.

TITLE VI—HONEY

Subtitle A—Beekeeping Stabilization

Sec. 601. Short title.
Sec. 602. Findings and policy.
Sec. 603. Honey price support.

Subtitle B—Honey Research, Promotion, and Consumer Information

Sec. 611. Short title.

Sec. 612. Definitions.
Sec. 613. Required terms in orders.
Sec. 614. Assessments.
Sec. 615. First reconfirmation referendum.
Sec. 616. Investigations and power to subpoena.
Sec. 617. Conforming amendment to order.

TITLE VII—OILSEEDS

Subtitle A—Oilseed Price Support

Sec. 701. Oilseed price support.

Subtitle B—Soybean Promotion, Research and Consumer Information

Sec. 711. Short title and table of contents.
Sec. 712. Findings and declaration of policy.
Sec. 713. Definitions.
Sec. 714. Issuance and amendments of orders.
Sec. 715. Required terms in orders.
Sec. 716. Referenda.
Sec. 717. Petition and review.
Sec. 718. Enforcement.
Sec. 719. Investigations; power to subpoena; aid of courts.
Sec. 720. Administrative provisions.
Sec. 721. Regulations.
Sec. 722. Authorization.

TITLE VIII—PEANUTS

Sec. 801. Suspension of marketing quotas and acreage allotments.
Sec. 802. National poundage quota and farm poundage quota.
Sec. 803. Sale, lease, or transfer of farm poundage quota.
Sec. 804. Marketing penalties; disposition of additional peanuts.
Sec. 805. Price support program.
Sec. 806. Reports and records.
Sec. 807. Suspension of certain price support provisions.
Sec. 808. Experimental and research programs for peanuts.
Sec. 809. Conforming changes.

TITLE IX—WHEAT

Sec. 901. Loan rates, target prices, disaster payments, Acreage Limitation Program, and land diversion for the 1991 through 1995 crops of wheat.
Sec. 902. Nonapplicability of certificate requirements.
Sec. 903. Suspension of land use, wheat marketing allocation, and producer certificate provisions.
Sec. 904. Suspension of certain quota provisions.
Sec. 905. Nonapplicability of section 107 of the Agricultural Act of 1949 to the 1991 through 1995 crops of wheat.

TITLE X—FEED GRAINS

Sec. 1001. Loan rates, target prices, disaster payments, Acreage Limitation Program, and land diversion for the 1991 through 1995 crops of feed grains.
Sec. 1002. Price support for high moisture feed grains.
Sec. 1003. Nonapplicability of section 105 of the Agricultural Act of 1949 to the 1991 through 1995 crops of feed grains.
Sec. 1004. Calculation of refunds of advance established price payments by producers of the 1988 or 1989 crops of feed barley.

TITLE XI—GENERAL COMMODITY PROVISIONS

Subtitle A—Miscellaneous Commodity Provisions

Sec. 1101. Payment limitations.
Sec. 1102. Hybrid seed corn producers.
Sec. 1103. Advance deficiency and diversion payments.
Sec. 1104. Commodity credit corporation sales price restrictions.
Sec. 1105. Disaster payments for 1991 through 1995 crops of peanuts, soybeans, sugar beets, and sugarcane.
Sec. 1106. Extension and enhancement of authority for multiyear set-aside contracts.
Sec. 1107. Establishment of cover crop.
Sec. 1108. Supplemental set-aside and acreage limitation authority.
Sec. 1109. Replenishment of the food security wheat reserve.
Sec. 1110. Extension of normally planted acreage provisions.
Sec. 1111. Extension of provisions regarding the advance announcement of programs.
Sec. 1112. Extension of provisions regarding certain determinations of the Secretary.
Sec. 1113. Application of terms in the Agricultural Act of 1949.
Sec. 1114. Normal supply determination.
Sec. 1115. National agricultural cost of production standards review board.
Sec. 1116. Producer reserve program for wheat and feed grains.
Sec. 1117. Certificates.
Sec. 1118. Procedural requirements.
Sec. 1119. Financial impact assessment.
Sec. 1120. Survey of program participants.
Sec. 1121. Sense of the Congress.
Sec. 1122. End rows in set-aside.
Sec. 1123. Increase in support levels.

Subtitle B—Uniform Base Acreage and Yield Provisions

Sec. 1131. Acreage base and program yield system for the wheat, feed grain, upland cotton, and rice programs.

Subtitle C—Encouraging Surface Water Storage

Sec. 1141. Definitions.
Sec. 1142. Surface reservoir encouragement program.
Sec. 1143. Special program for areas of severe groundwater depletion.
Sec. 1144. Limitations.

TITLE XII—AGRICULTURAL TRADE AND ASSISTANCE

Subtitle A—Public Law 480 and Related Programs

Sec. 1201. Short title.
Sec. 1202. Amendment of Agricultural Trade Development and Assistance Act of 1954.
Sec. 1203. Extension of authorities.
Sec. 1204. Amendment to section 2.
Sec. 1205. Amendment to section 3.
Sec. 1206. Amendments to title I.
Sec. 1207. Amendments to title II.
Sec. 1208. Amendment to title III.
Sec. 1209. Amendments to title IV.
Sec. 1210. Food for Peace officers.
Sec. 1211. Revision of regulations.
Sec. 1212. Independent evaluation of Public Law 480 programs.
Sec. 1213. Amendment to section 416(b) of 1949 Act.
Sec. 1214. Food for progress.
Sec. 1215. Extension of food security wheat reserve.

Subtitle B—Export Promotion

Sec. 1221. Amendment to the Agricultural Trade Act of 1978.
Sec. 1222. Amendments relating to export credit programs.
Sec. 1223. Market development task force.
Sec. 1224. Prohibition of export promotion.
Sec. 1225. Protecting United States agricultural exports.

Subtitle C—Agricultural Trade with and Fellowships for Emerging Democracies and Middle-Income Countries

Sec. 1231. Promotion of agricultural exports to emerging democracies.
Sec. 1232. Agricultural fellowship program for middle-income countries and emerging democracies.

Subtitle D—Studies, Reports, and Other Provisions

Sec. 1241. Study of North American free trade area.
Sec. 1242. Report on wood and fish export promotion.
Sec. 1243. Rose and flower study.
Sec. 1244. Commodity transportation and technology assessment and report.
Sec. 1245. Red tart cherry study.
Sec. 1246. Report on section 22 suspension or termination.
Sec. 1247. Agricultural exports to the European Community.
Sec. 1248. Language proficiency and evaluation of foreign agricultural service officers.
Sec. 1249. Prohibition on use of programs with respect to the export of certain commodities and products.

Subtitle E—Foreign Affairs Provision

Sec. 1251. Use of economic assistance funds for agricultural and industrial alternatives to narcotics production in major coca producing countries.

Subtitle F—Effective Dates and Conforming Changes

Sec. 1261. Effective dates.
Sec. 1262. Conforming changes.

Subtitle G—Pesticide Export Reform

Sec. 1271. Short title.
Sec. 1272. Definitions.
Sec. 1273. Registration of establishments.
Sec. 1274. Protection of trade secrets and other information.
Sec. 1275. Unlawful Acts.
Sec. 1276. Exports.
Sec. 1277. Conforming amendments to table of contents.
Sec. 1278. Study of exports of unregistered pesticides.
Sec. 1279. Effective dates.

TITLE XIII—RESEARCH

Subtitle A—Extensions and Changes to Existing Programs

Sec. 1301. Increased authorizations for, and the extension of, existing programs.
Sec. 1302. Findings of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.
Sec. 1303. Definition of sustainable agriculture.
Sec. 1304. Joint Council on Food and Agricultural Sciences and National Agricultural Research and Extension Users Advisory Board.
Sec. 1305. Federal-State partnership and coordination.
Sec. 1306. Grants to enhance research capacity in schools of veterinary medicine.
Sec. 1307. Grants and fellowships for food and agricultural sciences education.

Sec. 1308. Grants for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 1309. Joint contract for assessment of food science and human nutrition research.
Sec. 1310. Animal health and disease research study and Animal Health Science Research Advisory Board.
Sec. 1311. Grant programs for 1890 land-grant colleges, including Tuskegee University.
Sec. 1312. International agricultural research and extension and international trade development centers.
Sec. 1313. Reauthorization of extension education and pilot project to coordinate food and nutrition education programs.
Sec. 1314. Aquaculture assistance programs.
Sec. 1315. Program of competitive, special, and facilities grants for agricultural research.
Sec. 1316. Minimization of conflicts of interest of employees of colleges receiving funds under the Smith-Lever Act.
Sec. 1317. Grants for financially stressed farmers, dislocated farmers, and rural families.

Subtitle B—Sustainable Agriculture Research and Education Program

Sec. 1321. Purpose and definitions.
Sec. 1322. Research and extension projects.
Sec. 1323. Program administration.
Sec. 1324. Federal-State matching grant program.
Sec. 1325. Integrated management systems research and education.
Sec. 1326. Technical guides and handbooks.
Sec. 1327. Education and training.
Sec. 1328. Authorization for appropriations.
Sec. 1329. Repeal of agricultural productivity research provisions.

Subtitle C—National Genetics Resources Program

Sec. 1331. Establishment, purpose, and functions of the National Genetic Resources Program.
Sec. 1332. Appointment and authority of director.
Sec. 1333. Advisory council.
Sec. 1334. Definitions and authorization of appropriations.

Subtitle D—National Agricultural Library

Sec. 1335. Establishment, purposes, and functions of the National Agricultural Library.
Sec. 1336. Gifts.
Sec. 1337. Board of Regents.
Sec. 1338. Definitions and authorization of appropriations.

Subtitle E—National Agricultural Weather Information System

Sec. 1339. Short title, findings, and purposes.
Sec. 1340. Agricultural Weather Office.
Sec. 1341. National Advisory Board on Agricultural Weather.
Sec. 1342. State agricultural weather information systems.
Sec. 1343. Funding.

Subtitle F—Plant and Animal Pest and Disease Control Program

Sec. 1344. Findings and definitions.
Sec. 1345. Establishment of office.
Sec. 1346. Plant and Animal Pest and Disease Control Program.
Sec. 1347. Pest and disease control data base and pesticide resistance monitoring.
Sec. 1348. Research on exotic pests.
Sec. 1349. Authorization of appropriations.
Sec. 1350. Study of the biology and behavior of cinch bugs: factors leading to crop loss and development of improved management practices.

Subtitle G—Research Regarding the Production, Preparation, Processing, Handling, and Storage of Agricultural Products

Sec. 1351. Findings, purpose, and definition.
Sec. 1352. Research and grant program.
Sec. 1353. Advisory committee and grant process.
Sec. 1354. Reports to Congress.
Sec. 1355. Authorization of appropriations.
Sec. 1355B. Study of the impact on United States meat exports of allowing destination based grading.

Subtitle H—National Institute for Alternative Agricultural Products

Sec. 1356. Short title, purposes, and definitions.
Sec. 1357. National Institute for Alternative Agricultural Products.
Sec. 1358. National Alternative Agricultural Products Board.
Sec. 1359. Research and development grants, contracts, and agreements.
Sec. 1360. Commercialization assistance.
Sec. 1361. General rules regarding the provision of assistance.
Sec. 1362. Regional Centers.
Sec. 1363. Alternative Agricultural Products Technology Revolving Fund.

Subtitle I—Agriculture and Water Policy Coordination

PART 1—SHORT TITLE, DEFINITIONS, WATER QUALITY POLICY, COORDINATION, RESEARCH AND INFORMATION

Sec. 1364. Short title, purpose, definitions, and authorization of appropriations.
Sec. 1365. Policy with respect to agrichemicals.
Sec. 1366. State Water Quality Coordination Program.
Sec. 1367. Water quality research.
Sec. 1368. Nutrient management research.
Sec. 1369. Repository of agriculture and water quality planning information.
Sec. 1370. Data base on State plans and programs.
Sec. 1371. National Agriculture and Water Data Base.
Sec. 1371A. Pesticide recordkeeping.

PART 2—EXPERIMENTAL WATER QUALITY ENHANCEMENT PROGRAM

Sec. 1372. Program eligibility.
Sec. 1373. Duties of owners and operators.
Sec. 1374. Duties of the Secretary.
Sec. 1375. Water quality management plans.
Sec. 1376. Agreements.
Sec. 1376A. Environmental restoration program.

Subtitle J—Miscellaneous Research Provisions

Sec. 1377. Biotechnology risk assessment research.
Sec. 1378. Graduate school of the United States Department of Agriculture.
Sec. 1379. Pesticide Impact Response Program.
Sec. 1380. Collection of pesticide use information.
Sec. 1381. Disposal of agricultural chemicals and agricultural chemical containers.
Sec. 1382. National farm safety study.
Sec. 1383. Plant Genome Mapping Program.
Sec. 1384. Composting Research and Extension Program.
Sec. 1385. Aflatoxin research program.
Sec. 1386. Agricultural telecommunications program.
Sec. 1387. Study of the transportation of fertilizer and agricultural chemicals to farmers.
Sec. 1388. Special grant to study constraints on agricultural trade.
Sec. 1389. Special grants for mesquite and prickly pear research.
Sec. 1390. National centers for agricultural product quality research.
Sec. 1391. Immunoassay research program.
Sec. 1392. Rural development research.
Sec. 1393. Outreach and assistance for socially disadvantaged farmers.
Sec. 1394. Grants for niche market development.
Sec. 1395. Turkey Research Center.
Sec. 1396. Scrapie research program.
Sec. 1397. Deer tick ecology and related research.
Sec. 1398. Research extension agents.
Sec. 1399. Public education concerning the dangers of tobacco use.

TITLE XIV—FRUITS, VEGETABLES, AND MARKETING

Subtitle A—Fruits and Vegetables

Sec. 1401. Findings.
Sec. 1402. Purposes.
Sec. 1403. Declaration.
Sec. 1404. Study of the fruit and vegetable industry.
Sec. 1405. Pilot program on labeling of perishable agricultural products.

Subtitle B—Marketing

Sec. 1411. Amendment to the Perishable Agricultural Commodities Act.
Sec. 1412. Enforcement of handler assessments.
Sec. 1413. Wine and winegrape industry study.
Sec. 1414. Producer research and promotion board accountability.

Subtitle C—Commodity Promotion

PART 1—PECAN PROMOTION

Sec. 1421. Short title.
Sec. 1422. Findings and declaration of policy.
Sec. 1423. Definitions.
Sec. 1424. Issuance of plans.
Sec. 1425. Regulations.
Sec. 1426. Required terms in plans.
Sec. 1427. Permissive terms in plans.
Sec. 1428. Assessments.
Sec. 1429. Petition and review.
Sec. 1430. Enforcement.
Sec. 1431. Investigations and power to subpoena.
Sec. 1432. Requirement of referendum.
Sec. 1433. Suspension or termination of plan.
Sec. 1434. Authorization of appropriations.

PART 2—MUSHROOMS

Sec. 1441. Short title.
Sec. 1442. Findings and declaration of policy.
Sec. 1443. Definitions.
Sec. 1444. Issuance of orders.
Sec. 1445. Required terms in orders.
Sec. 1446. Referenda.
Sec. 1447. Petition and review.
Sec. 1448. Enforcement.

Sec. 1449. Investigations and power to subpoena.
Sec. 1450. Savings provision.
Sec. 1451. Suspension or termination of orders.
Sec. 1452. Authorization of appropriations.
Sec. 1453. Regulations.

PART 3—POTATOES

Sec. 1461. Short title.
Sec. 1462. Findings and declaration of policy.
Sec. 1463. Definitions.
Sec. 1464. Authority to issue a plan.
Sec. 1465. Notice and hearings.
Sec. 1466. Required terms in plans.
Sec. 1467. Permissive terms in plans.
Sec. 1468. Assessments.
Sec. 1469. Investigation and power to subpoena.
Sec. 1470. Requirement of referendum.
Sec. 1471. Suspension or termination of plans.
Sec. 1472. Amendment procedure.

PART 4—COTTON

Sec. 1473. Short title.
Sec. 1474. Findings and declaration of policy.
Sec. 1475. Required terms in order; cotton imports.
Sec. 1476. Requirements for referenda.
Sec. 1477. Suspension and termination of orders.
Sec. 1478. Amendments to the order.
Sec. 1479. Producer refunds.
Sec. 1480. Definitions.

PART 5—LIMES

Sec. 1481. Short title.
Sec. 1482. Findings, purposes, and limitations.
Sec. 1483. Definitions.
Sec. 1484. Issuance of orders.
Sec. 1485. Required terms in orders.
Sec. 1486. Permissive terms in orders.
Sec. 1487. Petition and review.
Sec. 1488. Enforcement.
Sec. 1489. Investigations and power to subpoena.
Sec. 1490. Initial referendum.
Sec. 1491. Suspension and termination.
Sec. 1492. Authorization of appropriations.
Sec. 1493. Regulations.

PART 6—APPLICATION OF COMMODITY RESEARCH AND PROMOTION PROGRAMS TO IMPORTS

Sec. 1494. Consistency with international obligations of the United States.

Subtitle D—Organic Certification Standards

Sec. 1495. Short title.
Sec. 1495A. Purposes.
Sec. 1495B. Definitions.
Sec. 1495C. National organic production program.
Sec. 1495D. Compliance requirements.
Sec. 1495E. General requirements.
Sec. 1495F. State organic certification program.
Sec. 1495G. National standards for organic production.
Sec. 1495H. Prohibited crop production practices and materials.
Sec. 1495I. Animal production practices and materials.
Sec. 1495J. Handling.
Sec. 1495K. Additional guidelines.
Sec. 1495L. Other production and handling practices.
Sec. 1495M. Contents of organic farm plan.
Sec. 1495N. Accreditation program.
Sec. 1495O. Requirements of certifying agents.
Sec. 1495P. Peer review of certifying agents.
Sec. 1495Q. National list.
Sec. 1495R. National Organic Standards Board.
Sec. 1495S. Violations of subtitle.
Sec. 1495T. Administrative appeal.
Sec. 1495U. Administration.
Sec. 1495V. Authorization of appropriations.

TITLE XV—STATE AND PRIVATE FORESTRY

Sec. 1501. Firefighting preparedness and mobilization assistance.
Sec. 1502. Insect control.
Sec. 1503. Disaster assistance.
Sec. 1504. Research and utilization.
Sec. 1505. Forest Reserve Program.
Sec. 1506. Forest land protection studies.
Sec. 1507. Forest resources management improvement stewardship and reforestation project.
Sec. 1508. Urban and community forestry.
Sec. 1509. Tree planting foundation.
Sec. 1510. Presidential Commission on State and Private Forests.
Sec. 1511. Blue Mountain Natural Resource Institute.
Sec. 1512. International Forest Resources Institute.
Sec. 1513. Semiarid agroforestry research.

TITLE XVI—CONSERVATION

Sec. 1601. Modification of Highly Erodible Land Program.
Sec. 1602. Modification of Wetlands Program.
Sec. 1603. Conservation Reserve Program.
Sec. 1604. Tree planting initiative.
Sec. 1605. Natural Resource Loan Program.
Sec. 1606. State technical committee.
Sec. 1607. Water quality protection.
Sec. 1608. Wetland and environmental easements.
Sec. 1609. Administration of conservation programs.
Sec. 1610. Office of Environmental Quality.
Sec. 1611. Integrated farm management program option.
Sec. 1612. Soil and water activities.
Sec. 1613. Cost sharing for soil enhancement.
Sec. 1614. Extension of Great Plains Conservation Program.
Sec. 1615. Amendment to the Watershed Protection and Flood Prevention Act.
Sec. 1616. Resource Conservation and Development Program eligibility.
Sec. 1617. Amendment to the Noxious Weed Act.
Sec. 1618. Agricultural Resource Conservation Demonstration Program.

TITLE XVII—FOOD STAMP AND RELATED PROVISIONS

Sec. 1700. Short title; presumption of reference to Food Stamp Act of 1977.

Subtitle A—Reducing Childhood Hunger

Sec. 1701. Households with high shelter expenses.
Sec. 1702. Basic benefit level.
Sec. 1703. Continuing benefits to eligible households.
Sec. 1704. Emergency food for disaster victims.
Sec. 1705. Clothing allowances and general assistance vendor payments.
Sec. 1706. Participants in demonstration projects.
Sec. 1707. Alternate method of issuance.
Sec. 1708. Improving assistance to the homeless.
Sec. 1709. Reduced paperwork for homeless households.

Subtitle B—Promoting Self-Sufficiency

Sec. 1711. Child support.
Sec. 1712. Limitation on resources.
Sec. 1713. State option to reduce unnecessary paperwork.
Sec. 1714. Combined households.
Sec. 1715. Employment and training program expansion.
Sec. 1716. Employment and training allocation.
Sec. 1717. Helping low-income students achieve self-sufficiency.
Sec. 1718. Families in transitional housing.

Subtitle C—Simplifying Program Administration

Sec. 1721. Relatives living together.
Sec. 1722. AFDC/Food stamp simplification.
Sec. 1723. Simplifying resource and eligibility determinations.
Sec. 1724. Simplified application signing requirements.
Sec. 1725. Categorical eligibility for recipients of State general assistance.
Sec. 1726. Fraud claims repayment.
Sec. 1727. Commission on coordination of family support and food stamp policies.
Sec. 1728. Dependent care expenses.
Sec. 1729. State flexibility in budgeting methods.
Sec. 1730. Enhanced waiver authority for demonstration projects.

Subtitle D—Hunger in Rural America

Sec. 1731. Simplified issuance procedures in rural areas.
Sec. 1732. Flexibility for State informational activities.
Sec. 1733. Vehicles necessary to carry fuel or water.
Sec. 1734. Grants to improve food stamp participation of rural Americans, minorities, elderly and homeless.

Subtitle E—Promoting Access for the Elderly and Disabled

Sec. 1741. Clarifying amendment concerning simplified procedure for claiming excess medical deduction.
Sec. 1742. Value of minimum benefit.
Sec. 1743. Procedures for issuing aggregate allotments.
Sec. 1744. Applicants for supplemental security income.
Sec. 1745. Asset Limits for the disabled.
Sec. 1746. Extension of pilot projects.

Subtitle F—Program Administration by State Agencies

Sec. 1751. Quality control sanctions with respect to disallowances before fiscal year 1991.
Sec. 1752. Food stamp automation.

Subtitle G—Food Stamp Program Integrity

Sec. 1761. Authorization of wholesale food concerns.
Sec. 1762. Biennial reauthorization of retail food stores.
Sec. 1763. Per-violation civil money penalty for coupon trafficking; permanent disqualification for certain abuses.
Sec. 1764. Fines for retail food stores and wholesale food concerns that accept loose coupons.
Sec. 1765. Fines for unauthorized third parties that accept food stamps.
Sec. 1766. Computer fraud penalties.
Sec. 1767. Unlawful use of coupons in laundering monetary instruments.

Sec. 1768. Issuance of warning letters.

Subtitle H—Commodity Distribution Programs

Sec. 1771. TEFAP commodity availability.
Sec. 1772. Food bank projects.
Sec. 1773. Authorizing a Commodity Supplemental Food Program for the elderly and increasing administrative funding.
Sec. 1774. Food Distribution Program—advance funding for State option contracts (SOCS).
Sec. 1775. Clarifying amendment.
Sec. 1776. Distribution of milk.
Sec. 1777. Commodity assistance for infants and children.

Subtitle I—Reauthorization of Programs

Sec. 1781. Reauthorization of Food Stamp Program and elimination of specified authorization levels.
Sec. 1782. Reauthorization of Nutrition Assistance Program for Puerto Rico.
Sec. 1783. Reauthorization of Temporary Emergency Food Assistance Program.
Sec. 1784. Soup kitchens and food banks.
Sec. 1785. Reauthorization of Commodity Supplemental Food Program and other food donation programs.
Sec. 1786. Processing agreements.
Sec. 1787. Nutrition education authorization.

Subtitle J—Miscellaneous; Effective Dates

Sec. 1791. Gleaning assistance.
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TITLE I—COTTON

SEC. 101. LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1991 THROUGH 1995 CROPS OF UPLAND COTTON.

Effective only for the 1991 through 1995 crops of upland cotton, the Agricultural Act of 1949 is amended by inserting after section 103A (7 U.S.C. 1444-1) the following new section:

"SEC. 103B. (a) LOANS.—(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, on presentation of warehouse receipts or other acceptable evidence of title, as determined by the Secretary, reflecting accrued storage charges of not more than 60 days, make available for the 1991 through 1995 crops of upland cotton to producers nonrecourse loans for a term of 10 months from the first day of the month in which the loan is made at such loan level, per pound, as will reflect for the base quality of upland cotton, as determined by the Secretary, at average location in the United States a level that is not less than the smaller of—

"(A) 85 percent of the average price (weighted by market and month) of such base quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 in the year in which the level of price support is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; or

"(B) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the level of price support is announced, of the 5 lowest-priced growths of the growths quoted for Middling one and three-thirty-seconds inch cotton C.I.F. Northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between such average northern European price quotation of such quality of cotton and the market quotations in the designated United States spot markets for the base quality of upland cotton, as determined by the Secretary).

For purposes of perfecting a security interest under any State law, the evidence of title approved by the Secretary under this paragraph shall be considered to be a warehouse receipt.

"(2) ADJUSTMENTS TO LOAN LEVEL.—(A) LIMITATION ON DECREASE IN LOAN LEVEL.—The loan level for any crop determined under paragraph (1) may not be reduced by more than 5 percent from the level determined for the preceding crop, nor may such loan level be reduced below 50 cents per pound.

"(B) LIMITATION ON INCREASE IN LOAN LEVEL.—If for any crop the average northern European price determined under paragraph (1)(B) is less than the average United States spot market price determined under paragraph (1)(A), the Secretary may increase the loan level to such level as the Secretary may deem appropriate, not in excess of the average United States spot market price determined under paragraph (1)(A).

"(3) ANNOUNCEMENT OF LOAN LEVEL.—The loan level for any crop of upland cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. Such loan level shall not thereafter be changed.

"(4) LENGTH OF TERMS OF NONRECOURSE LOANS.—(A) EXTENSION OF TERMS.—Except as provided in subparagraph (B), nonrecourse loans provided for in this section shall, on request of the producer during the 10th month of the loan period for the cotton, be made available for an additional term of 8 months.

"(B) LIMITATION ON EXTENSIONS.—A request to extend the loan period shall not be approved in any month in which the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for the preceding month exceeded 130 percent of the average price of such base quality of cotton in such markets for the preceding 36-month period.

"(5) COMPETITIVE POSITION DETERMINATION.—(A) IN GENERAL.—If the Secretary determines that the prevailing world market price for upland cotton (adjusted to United States quality and location) is below the loan level determined under the foregoing provisions of this subsection, in order to make United States upland cotton competitive in world markets, the Secretary shall implement the provisions of Plan A or Plan B in accordance with this paragraph.

"(B) REDUCED LOAN REPAYMENT LEVEL.—If the Secretary elects to implement Plan A, the Secretary shall permit a producer to repay a loan made for any crop at a level determined and announced by the Secretary at the same time the Secretary announces the loan level for such crop as determined under paragraph (3). Such repayment level for loans on such crops shall not be less than 80 percent of the loan level determined for the crop. Such repayment level, once announced for the crop, shall not thereafter be changed.

"(C) MARKETING LOAN.—(i) If the Secretary elects to implement Plan B, except as provided in clause (ii), the Secretary shall permit a producer to repay a loan made for any crop at a level that is the lesser of—

"(I) the loan level determined for such crop; or

"(II) the prevailing world market price for upland cotton (adjusted to United States quality and location), as determined by the Secretary.

"(ii) For each of the 1991 through 1995 crops of cotton, if the prevailing world market price for upland cotton (adjusted to United States quality and location) as determined by the Secretary, is less than 80 percent of the loan level determined for such crop, the Secretary may permit a producer to repay a loan made under this subsection for a crop at such level (not in excess of 80 percent of the loan level determined for such crop) as the Secretary determines will—

"(I) minimize potential loan forfeitures;

"(II) minimize the accumulation of cotton stocks by the Federal Government;

"(III) minimize the cost incurred by the Federal Government in storing cotton; and

"(IV) allow cotton produced in the United States to be marketed freely and competitively, both domestically and internationally.

"(D) FIRST HANDLER NEGOTIABLE MARKETING CERTIFICATES.—(i) During the period beginning August 1, 1991, and ending July 31, 1996, if a program carried out under Plan A or Plan B fails to make United States upland cotton fully competitive in world

markets and the prevailing world market price of upland cotton (adjusted to United States quality and location), as determined by the Secretary, is below the current loan repayment rate for upland cotton determined under subparagraph (A), then in order to make United States upland cotton competitive in world markets and to maintain and expand domestic consumption and exports of upland cotton produced in the United States, the Secretary shall provide for the issuance of negotiable marketing certificates in accordance with this subparagraph.

"(ii) The Commodity Credit Corporation, under such regulations as the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to first handlers of cotton (persons regularly engaged in buying or selling upland cotton) who have entered into an agreement with the Commodity Credit Corporation to participate in the program established under this subparagraph. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make upland cotton produced in the United States available at competitive prices, consistent with the purposes of this subparagraph.

"(iii) The value of each certificate issued under clause (ii) shall be based on the difference between—

"(I) the loan repayment rate for upland cotton under Plan A or Plan B, as the case may be; and

"(II) the prevailing world market price of upland cotton (adjusted to United States quality and location), as determined by the Secretary.

"(iv) The Commodity Credit Corporation, under regulations prescribed by the Secretary, may assist any person receiving marketing certificates under this subparagraph in the redemption of certificates for cash, or marketing or exchange of such certificates for agricultural commodities or the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price levels as the Secretary determines will best effectuate the purposes of the program established under this subparagraph. Any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this subparagraph.

"(v) Insofar as practicable, the Secretary shall permit owners of certificates to designate the commodities and the products thereof, including storage sites thereof, such owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of such certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

"(vi) The Secretary shall take such measures as may be necessary to prevent the marketing or exchange of agricultural commodities and products for certificates under this subsection from adversely affecting the income of producers of such commodities or products.

"(vii) Under regulations prescribed by the Secretary, certificates issued to cotton handlers under this subparagraph may be transferred to other handlers and persons approved by the Secretary.

"(E) DETERMINATION OF PREVAILING WORLD MARKET PRICE.—(i) The Secretary shall prescribe by regulation—

"(I) a formula to define the prevailing world market price for upland cotton (adjusted to United States quality and location); and

"(II) a mechanism by which the Secretary shall announce periodically the prevailing world market price for upland cotton (adjusted to United States quality and location).

"(ii) The prevailing world market price for upland cotton (adjusted to United States quality and location) established under this subparagraph shall be used for purposes of both Plan A and Plan B and marketing certificates under subparagraph (D).

"(F) ADJUSTMENT TO PREVAILING WORLD MARKET PRICE.—(i) During the period beginning August 1, 1991, and ending July 31, 1996, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under subparagraph (E) shall be further adjusted if:

"(I) such adjusted prevailing world market price is less than 115 percent of the current crop year loan level for the base quality of upland cotton, as determined by the Secretary; and

"(II) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) one and three-thirty seconds inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the five lowest-priced growths of upland cotton, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe (hereafter referred to as 'the Northern Europe price').

"(ii) Such adjusted prevailing world market price shall be further adjusted on the basis of some or all of the following data, as available:

"(I) the United States share of world exports;

"(II) the current level of cotton export sales and cotton export shipments; and

"(III) other data determined by the Secretary, or a designee of the Secretary, to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

"(iii) The adjustment may not exceed the difference between the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling one and three-thirty seconds inch cotton delivered C.I.F. Northern Europe and the Northern Europe price.

"(G) COTTON USER NEGOTIABLE MARKETING CERTIFICATES.—During the period beginning August 1, 1991, and ending July 31, 1996, if for any consecutive four-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price by more than 1.25 cents per pound, the Secretary shall issue negotiable marketing certificates to domestic users or exporters for documented sales made in the week following such consecutive four-week period. The value of such negotiable marketing certificates shall be based on the amount of the difference, reduced by 1.25 cents per pound, in such prices during the fourth week of the consecutive four-week period multiplied by the quantity of upland cotton included in such documented sales. The provisions of subparagraphs (D)(iv) through (vii) shall apply to negotiable marketing certificates issued under this subparagraph, and any such certificates may be transferred to other persons approved by the Secretary under regulations prescribed by the Secretary.

"(H) SPECIAL IMPORT QUOTA; ONE WEEK'S MILL CONSUMPTION.—(i) The President shall, within 60 days after the date of enactment of this section, establish an import quota program which shall provide that whenever the Secretary determines and announces that for any consecutive ten-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) one and three-thirty seconds inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificates issued under subparagraph (F), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special limited global import quota.

"(ii) Such quota shall be equal to one week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

"(iii) Such quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under clause (i) and entered into the United States not later than 180 days after such date.

"(iv) A special quota period may be established that overlaps any existing quota period if required by the provisions of clause (i), except that a special quota period may not be established under this paragraph if a special quota period has been established under subsection (n).

"(6) RECOURSE SEED COTTON LOANS.—In order to encourage and assist producers in the orderly ginning and marketing of their production of upland cotton, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

"(b) PAYMENTS FOR FORGOING LOAN.—(1) IN GENERAL.—The Secretary shall, for each of the 1991 through 1995 crops of upland cotton, make payments available to producers who, although eligible to obtain a loan under subsection (a), agree to forgo obtaining such loan in return for such payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of upland cotton on which the producer requests payment.

"(3) QUANTITY ELIGIBLE.—For purposes of this subsection, the quantity of upland cotton eligible for payment may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the crop; by

"(B) the actual yield per harvested acre established for the farm.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the loan level determined for such crop under subsection (a) exceeds

"(B) the level at which a loan may be repaid under subsection (a).

"(5) PAYMENT IN NEGOTIABLE MARKETING CERTIFICATES.—The Secretary may make up to one-half the amount of a payment under

this subsection available in the form of negotiable marketing certificates, subject to the terms and conditions provided in subsection (a)(5)(D).

"(c) DEFICIENCY PAYMENTS.—(1) IN GENERAL.—(A) COMPUTATION.—The Secretary shall make available to producers payments (to be known as 'deficiency payments') for each of the 1991 through 1995 crops of upland cotton in an amount computed by multiplying—

"(i) the payment rate; by

"(ii) the individual farm program acreage; by

"(iii) the farm program payment yield established for the crop for the farm.

"(B) 0/92 AND 50/92 PROGRAMS.—(i) If an acreage limitation program under subsection (e)(2) is in effect for a crop of upland cotton and the producers on a farm devote a portion of the permitted upland cotton acreage of the farm (as determined in accordance with subsection (e)(2)(A)) equal to more than 8 percent of the permitted upland cotton acreage of the farm for the crop to conservation uses (except as provided in subparagraph (F))—

"(I) such portion of the permitted upland cotton acreage in excess of 8 percent of such acreage devoted to conservation uses (except as provided in subparagraph (F)) shall be considered to be planted to upland cotton for the purpose of determining the individual farm program acreage in accordance with subsection (e)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (e)(2)(D); and

"(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

"(ii)(I) To be eligible for payments under clause (i), except as provided in subclause (II) and clause (iv), the producers on a farm must actually plant upland cotton for harvest on at least 50 percent of the permitted upland cotton acreage of the farm.

"(II) The Secretary may waive the 50 percent planting requirement in subclause (I) for any crop of upland cotton.

"(iii) Notwithstanding any other provision of this section, any producer who elects to devote a portion (or, where the Secretary exercises the waiver authority under clause (ii)(II), all) of the permitted upland cotton acreage of the farm to conservation uses (or other uses as provided in subparagraph (F)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to upland cotton and eligible for payments under this subparagraph for such crop at a rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the crop shall be announced by the Secretary prior to the period during which upland cotton producers may agree to participate in the program for such crop.

"(iv) If a State or local agency has imposed in an area of a State or county a quarantine on the planting of upland cotton for harvest on farms in such area, the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may recommend to the Secretary that payments be made under this paragraph to producers in such area who were required to forgo the planting of upland cotton for harvest on acreage to alleviate or eliminate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under this clause, such producers must devote such acreage to conservation uses (except as provided in subparagraph (F)).

"(v) If an acreage limitation program under subsection (e) is in effect for any crop of upland cotton and if the Secretary determines that producers on a farm are prevented from planting the acreage intended for upland cotton to upland cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make available to such producers payments computed as provided in paragraph (1)(A). Producers shall be eligible for such payments if a portion (or all) of the permitted upland cotton acreage of the farm is devoted to conservation uses (except as provided in paragraph (F)). Such acreage equal to more than 8 percent of the permitted upland cotton acreage of the farm for the crop shall be considered to be planted to upland cotton for the purpose of determining the individual farm program acreage in accordance with subsection (e)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (e)(2)(D). The provisions of clauses (iii) and (vi) shall apply to any such producers.

"(vi) The upland cotton crop acreage base and upland cotton farm program payment yield of the farm shall not be reduced due to the fact that such portion (or all) of the permitted acreage of the farm was devoted to conserving uses (except as provided in subparagraph (F)).

"(vii) Other than as provided in clauses (i) through (v), payments may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to upland cotton.

"(viii) Any acreage considered to be planted to upland cotton in accordance with clauses (i) and (v) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program requiring that the producers devote a specified acreage to conservation uses.

"(C) PAYMENT RATE.—The payment rate for upland cotton shall be the amount by which the established price for the crop of upland cotton exceeds the higher of—

"(i) the national average market price received by producers during the calendar year that includes the first 5 months of the marketing year for such crop, as determined by the Secretary; or

"(ii) the loan level determined for such crop.

"(D) MINIMUM ESTABLISHED PRICE.—The established price for upland cotton shall not be less than $0.729 per pound.

"(E) REDUCTION FOR DISASTER PAYMENTS.—The total quantity of upland cotton on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

"(F) ALTERNATIVE CROPS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (B) to be devoted to sweet sorghum or the production of guar, sesame, castor beans, crambe, plantago, ovato, triticale, rye, commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States, or commodities grown for experimental purposes (including kenaf), subject to the following sentence. The Secretary may permit such acreage to be devoted to such production only if the Secretary determines that—

"(i) the production is not likely to increase the cost of the price support program and will not affect farm income adversely; and

"(ii) the production is needed to provide an adequate supply of the commodity, or, in the case of commodities for which no substantial domestic production or market exists but that could yield industrial raw materials, the production is needed to encourage domestic manufacture of such raw material and could lead to increased industrial use of such raw material to the long-term benefit of United States industry.

"(2) DISASTER ASSISTANCE.—(A) PREVENTED PLANTING PAYMENTS.—Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion (or all) of the acreage intended for upland cotton to upland cotton or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

"(I) the number of acres so affected but not to exceed the acreage planted to upland cotton for harvest (including any acreage that the producers were prevented from planting to upland cotton or other nonconserving crops in lieu of upland cotton because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

"(II) 75 percent of the farm program payment yield established for the farm by the Secretary; by

"(III) a payment rate equal to 33⅓ percent of the established price for the crop.

"(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or in such other form as the Secretary is authorized by law to make.

"(B) REDUCED YIELD PAYMENTS.—Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the total quantity of upland cotton that the producers are able to harvest on any farm is less than the result of multiplying 75 percent of the farm program payment yield established for the farm for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 33⅓ percent of the established price for the crop for the deficiency in production below 75 percent for the crop.

"(C) LIMITATION DUE TO CROP INSURANCE.—Producers on a farm shall not be eligible for—

"(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance

Act (7 U.S.C. 1501 et seq.) with respect to the upland cotton acreage of the producers; or

"(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the upland cotton acreage of the producers.

"(D) EXCEPTION FROM LIMITATION.—(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to producers on a farm under this paragraph if the Secretary determines that—

"(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the producers have suffered substantial losses of production either from being prevented from planting upland cotton or other nonconserving crops or from reduced yields;

"(II) such losses have created an economic emergency for the producers;

"(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency; and

"(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

"(ii) The Secretary may make such adjustments in the amount of payments made available under this paragraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(d) FARM PROGRAM PAYMENT YIELDS.—The farm program payment yields for farms for each crop of upland cotton shall be determined under title V.

"(e) PROGRAMS TO REDUCE ACREAGE.—(1) IN GENERAL.—(A) EXCESSIVE SUPPLY.—Notwithstanding any other provision of this Act, if the Secretary determines that the total supply of upland cotton, in the absence of an acreage limitation program, will be excessive taking into account the need for an adequate carry-over to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of upland cotton an acreage limitation program as described in paragraph (2).

"(B) CONSIDERATION OF CONSERVATION RESERVE.—In making a determination under subparagraph (A), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831).

"(C) ANNOUNCEMENT OF PROGRAM.—(i) If the Secretary elects to put an acreage limitation program into effect for any crop year, the Secretary shall make a preliminary announcement of any such program not later than November 1 of the calendar year preceding the year in which the crop is harvested. Such announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform percentage reduction in the upland cotton crop acreage base described in paragraph (2)(A).

"(ii) Not later than January 1 of the calendar year in which the crop is harvested, the Secretary shall make a final announcement of such program. Such announcement shall include, among other information determined necessary by the Secretary, an announcement of the uniform percentage reduction in the upland cotton crop described in paragraph (2)(A).

"(iii) The Secretary shall allow producers in early planting areas to elect to participate in the program on the terms of the acreage limitation program—

"(I) first announced for the crop under subparagraph (C)(i); or

"(II) as subsequently revised under subparagraph (C)(ii)

if the Secretary determines that such producers may be unfairly disadvantaged by such revision.

"(D) RATIO OF CARRY-OVER TO TOTAL DISAPPEARANCE.—The Secretary shall carry out an acreage limitation program described in paragraph (2) for a crop of upland cotton in a manner that will result in a ratio of carry-over to total disappearance (domestic use plus exports) of 30 percent, based on the Secretary's most recent projection of carry-over and total disappearance at the time of announcement of the acreage limitation program.

"(2) ACREAGE LIMITATION PROGRAM.—(A) UNIFORM PERCENTAGE REDUCTION.—If an upland cotton acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction (not to exceed 25 percent) to the upland cotton crop acreage base for the crop for each upland cotton-producing farm.

"(B) ENFORCEMENT.—Except as provided in subsection (g), producers who knowingly produce upland cotton in excess of the permitted upland cotton acreage for the farm, as established in accordance with subparagraph (A), shall be ineligible for upland cotton loans and payments with respect to that farm.

"(C) CROP ACREAGE BASES.—Upland cotton crop acreage bases for each crop of upland cotton shall be determined under title V.

"(D) CONSERVATION USE ACREAGE.—(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of upland cotton times the number of acres planted to such commodity; by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

"(ii) The number of acres determined under clause (i) is hereafter in this subsection referred to as 'reduced acreage'.

"(E) FARM PROGRAM ACREAGE.—Except as provided in subsection (c)(1)(B), the individual farm program acreage shall be the acreage planted on the farm to upland cotton for harvest within the permitted upland cotton acreage for the farm as established under this paragraph.

"(3) USE OF CONSERVATION ACREAGE.—(A) PROTECTION FROM WEEDS AND EROSION.—The regulations issued by the Secretary under paragraph (2) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) PERMITTED PLANTINGS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, or the production of guar, sesame, safflower, sunflower, rapeseed, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(C) HAYING AND GRAZING.—(i) Except as provided in clause (ii) haying and grazing of acreage designated as conservation use acreage for the purpose of meeting any requirements established under an acreage limitation program (including a program conducted under subsection (c)(1)(B)), or land diversion program established under this section shall be permitted, except during any consecutive 5-month period that is established by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. Such 5-month period shall be established during the period beginning April 1, and ending October 31, of a year.

"(ii) In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage. The Secretary may not exclude irrigated or irrigable acreage not planted in alfalfa when exercising the authority under this clause.

"(4) LAND DIVERSION PROGRAM.—(A) PAYMENTS.—(i) The Secretary may make land diversion payments to producers of upland cotton, whether or not an acreage limitation program for upland cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of upland cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(ii) If, at the time of final announcement of the acreage limitation program established under this subsection, the projected carry-over of upland cotton for the crop year is equal to or greater than 8 million bales, the Secretary shall offer a paid land diversion program to producers of upland cotton. Payments to producers under such a program shall be determined by multiplying—

"(I) the payment rate, of not less than 35 cents per pound of cotton, established by the Secretary; by

"(II) the program payment yield established for the crop for the farm; by

"(III) the number of permitted upland cotton acres diverted on the farm.

"(B) BIDS FOR CONTRACTS.—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(C) LIMITATION ON DIVERTED ACREAGE.—The Secretary shall limit the total acreage to be diverted under this paragraph—

"(i) to not more than 15 percent of the upland cotton crop acreage base for a farm; and

"(ii) under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

The Secretary may allow producers to participate in a land diversion program under

this paragraph at a level lower than the maximum level announced by the Secretary, at the option of the producer, if the Secretary determines that it will increase participation in such program.

"(5) WILDLIFE USES FOR REDUCED AND DIVERTED ACREAGE.—(A) IN GENERAL.—The reduced acreage and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) COST SHARING.—The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

"(C) ENCOURAGEMENT OF PUBLIC ACCESS.—The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(6) PARTICIPATION AGREEMENTS.—(A) IN GENERAL.—An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) MODIFICATION OR TERMINATION.—The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) ONE-HALF ACREAGE REDUCTION PROGRAM.—(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of upland cotton, make payments available to producers who meet the requirements of this subsection.

"(2) FORM OF PAYMENT.—Such payments may be—

"(A) made in the form of upland cotton owned by the Commodity Credit Corporation; or

"(B) made in such other form as the Secretary is authorized by law to make.

"(3) DETERMINATION OF PAYMENT.—(A) IN GENERAL.—Payments under this subsection shall be determined in the same manner as provided in subsection (b).

"(B) QUANTITY OF COTTON MADE AVAILABLE.—The quantity of upland cotton to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

"(4) ELIGIBILITY.—A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

"(A) agrees to forgo obtaining a loan under subsection (a);

"(B) agrees to forgo receiving payments under subsection (c);

"(C) does not plant upland cotton for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

"(D) otherwise complies with this section.

"(g) EQUITABLE RELIEF.—(1) LOANS AND PAYMENTS.—If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producer made a good faith effort to comply fully with the terms and conditions of such program in determining whether equitable relief is warranted under this paragraph.

"(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(k) EQUITABLE SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) PROHIBITIONS.—(1) CROSS COMPLIANCE.—(A) IN GENERAL.—Compliance on a farm with the terms and conditions of any other commodity program or compliance with crop acreage base requirements for any other commodity may not be required as a condition of eligibility for loans or payments under this section.

"(B) CROP ACREAGE BASE INCREASES.—If a producer on a farm is participating in the cotton program under this section, the crop acreage base for any other commodity for the farm may not be increased if such commodity is produced on the farm in a manner that is not in compliance with—

"(i) the terms and conditions of the applicable commodity program for such commodity; or

"(ii) the crop acreage base requirements of the applicable commodity program for such commodity.

"(2) OFFSETTING COMPLIANCE.—The Secretary may not require producers on a farm, as a condition of eligibility for loans or payments under this section for such farm, to comply with the terms and conditions of the upland cotton program with respect to any other farm operated by such producers.

"(n) SPECIAL IMPORT QUOTA; 21 DAYS' MILL CONSUMPTION.—(1) DETERMINATION.—Whenever the Secretary determines that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

"(A) QUANTITY OF QUOTA.—The quantity of the special quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

"(B) QUANTITY IN EVENT OF PRIOR QUOTA.—If a special quota has been established under this subsection during the preceding 12 months, the quantity of the quotas next established hereunder shall be the smaller of 21 days of domestic mill consumption calculated as set forth in subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

"(C) DEFINITIONS.—As used in subparagraph (B):

"(i) The term 'supply' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

"(I) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus

"(II) production of the current crop; plus

"(III) imports to the latest date available during the marketing year.

"(ii) The term 'demand' means—

"(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus

"(II) the larger of either the average exports of upland cotton for the preceding 6 marketing years, or the cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

"(D) QUOTA ENTRY PERIOD.—When a special quota is established under this subsection, cotton may be entered under such quota during the 90-day period beginning on the effective date of the proclamation.

"(2) PROHIBITION.—Notwithstanding paragraph (1), a special quota period may not be established—

"(A) that overlaps an existing quota period; or

"(B) when a special quota period has been established under subsection (a)(5)(H).".

SEC. 102. SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND RELATED PROVISIONS.

Sections 342, 343, 344, 345, 346, and 377 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1342–1346 and 1377) shall not be applicable to any of the 1991 through 1995 crops of upland cotton.

SEC. 103. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

Effective only with respect to the period beginning August 1, 1991, and ending July 31, 1996, the tenth sentence of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by striking all of that sentence through the words "110 per centum of the loan rate, and (2)" and inserting the following: "Notwithstanding any other provision of law, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells upland cotton for export; such sales shall be made on a competitive bid basis, but in no event, however, at less than 115 percent of the lower of the loan rate or the loan repayment rate in effect for the week in which it is sold for the base quality of upland cotton, as determined by the Secretary, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, and (2)".

SEC. 104. NONAPPLICABILITY OF SECTION 103(a) OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1995 CROPS OF UPLAND COTTON.

Section 103(a) of the Agricultural Act of 1949 (7 U.S.C. 1444(a)) shall not be applicable to the 1991 through 1995 crops.

SEC. 105. SKIPROW PRACTICES.

Section 374(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1374(a)) is amended by striking "1990 crops" and inserting "1995 crops. However, for the 1991 through 1995 crops, the rules shall allow 30 inch rows to be taken into account for classifying the acreage planted to cotton and the area skipped".

SEC. 106. PRELIMINARY ALLOTMENTS FOR 1996 CROP OF UPLAND COTTON.

Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379), shall be the preliminary allotments for the 1996 crop.

SEC. 107. EXTRA LONG STAPLE COTTON.

Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended—

(1) by striking paragraphs (4) through (6);

(2) by redesignating paragraphs (7) through (19) as paragraphs (4) through (16), respectively;

(3) in the second sentence of paragraph (5)(A)(i), as so redesignated, by inserting ", including a zero percentage reduction," after "reduction";

(4) by striking paragraph (13) as so redesignated, and inserting the following:

"(13)(A)(i) Compliance on a farm with the terms and conditions of any other commodity program or compliance with crop acreage base requirements for any other commodity may not be required as a condition of eligibility for loans or payments under this section.

"(ii) If a producer on a farm is participating in the extra long staple cotton program under this section, the crop acreage base for any other commodity for the farm may not be increased if such commodity is produced on the farm in a manner that is not in compliance with—

"(I) the terms and conditions of the applicable commodity program for such commodity; or

"(II) the crop acreage base requirements of the applicable commodity program for such commodity.

"(B) The Secretary may not require producers on a farm, as a condition of eligibility for loans or payments under this section for such farm, to comply with the terms and conditions of the extra long staple cotton program with respect to any other farm operated by such producers."; and

(5) in paragraph (19) by striking "1991" and inserting "1996".

SEC. 108. ADJUSTMENT OF SUPPORT PRICES.

Section 403 of the Agricultural Act of 1949 (7 U.S.C. 1423) is amended to read as follows:

"SEC. 403. ADJUSTMENT OF SUPPORT PRICES.

"(a) CROPS OTHER THAN COTTON.—Appropriate adjustments may be made in the support price for any commodity except cotton for differences in grade, type, quality, location and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors be equal to the level of support determined as provided in this Act.

"(b) COTTON.—Appropriate adjustments may be made in the support price for cotton for differences in quality factors and location. Beginning with the 1991 crop, the quality differences (premiums and discounts for quality factors) for the upland cotton loan program shall be established by the Secretary by giving equal weight to (1) loan differences for the preceding crop and (2) market differences for such crop in the designated United States spot markets.".

SEC. 109. COTTONSEED AND COTTONSEED OIL PRICE SUPPORT.

Effective only for the 1991 through 1995 crops of upland cotton, section 203 of the Agricultural Act of 1949 (7 U.S.C. 1446d) is amended to read as follows:

"SEC. 203. COTTONSEED AND COTTONSEED OIL PRICE SUPPORT.

"If the Secretary determines that any oilseed program or programs cause, or are likely to cause, a reduction in prices received by producers for cottonseed or by processors for cottonseed oil, the Secretary shall take such actions as are necessary to offset the actual or anticipated impact of such program on prices for cottonseed or cottonseed oil. Such actions shall only include actions to stabilize or increase the price of cottonseed, and shall not include actions to decrease the prices of other oilseeds.".

TITLE II—SUGAR

Subtitle A—Price Support and Marketing Allotments

SEC. 201. SUGAR PROGRAM EXTENSION.

(a) AMENDMENT TO THE AGRICULTURAL ACT OF 1949.—Effective only for the 1991 through 1995 crops of sugar beets and sugarcane, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by—

(1) striking "honey, and milk" in the first sentence and inserting "honey, milk, sugar beets, and sugarcane"; and

(2) amending subsection (h) to read as follows:

"(h)(1) The price of each of the 1991 through 1995 crops of sugar beets and sugarcane, respectively, shall be supported in accordance with this subsection.

"(2)(A) The Secretary shall support the price of domestically grown sugarcane through nonrecourse loans at such level as the Secretary determines appropriate but not less than 18 cents per pound for raw cane sugar.

"(B) The Secretary may increase the support price for each of the 1991 through 1995 crops of domestically grown sugarcane and sugar beets from the price determined for the preceding crop based on such factors as the Secretary determines appropriate, including changes (during the 2 crop years immediately preceding the crop year for which the determination is made) in the cost of sugar products, the cost of domestic sugar production, and other circumstances that may adversely affect domestic sugar production.

"(C) If the Secretary makes a determination not to increase the support price under subparagraph (B), the Secretary shall submit a report containing the findings, decision, and supporting data for such determination to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(3) The Secretary shall support the price of each of the 1991 through 1995 crops of domestically grown sugar beets through nonrecourse loans at such level for each such crop as the Secretary determines to reflect—

"(A) an amount that bears the same relation to the support level for such crop of sugarcane under paragraph (2) as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available, plus

"(B) an amount that covers sugar beet processor fixed marketing expenses.

"(4) The Secretary shall announce the loan rate to be applicable during any fiscal year under this subsection as far in advance of the beginning of that fiscal year as is practicable consistent with the purposes of this subsection.

"(5) Loans under this subsection during any fiscal year shall be made available not earlier than the beginning of such fiscal year and shall mature at the earlier of—

"(A) the end of 9 months or

"(B) the end of such fiscal year.

"(6) With respect to those sugar beet producing areas in which sugar beets normally are harvested during the last 3 months of a fiscal year, the Secretary shall make available, to each borrower under a loan made under this subsection during the last 3 months of the fiscal year on sugar processed from sugar beets so harvested, a supplementary nonrecourse loan in addition to the initial loan. In each case, the supplementary loan shall—

"(A) be made available to the borrower as of the first day of the following fiscal year;

"(B) be made at the same loan rate as the initial loan; and

"(C) mature in 9 months less the amount of time that the initial loan was in effect.".

(b) REPORT BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall provide, not later than 12 months after the date of enactment of this Act, a report advising the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the progress the various agencies of the United States Government have made in addressing the concerns raised by the General Accounting Office in its official report, RCED-88-146, dated June 1988.

SEC. 202. INFORMATION REPORTING.

(a) DUTY TO REPORT.—All cane sugar refiners and sugar beet processors and all manufacturers of crystalline fructose from corn (hereinafter in this subtitle referred to as "crystalline fructose") shall furnish the Secretary of Agriculture (hereinafter in this subtitle referred to as the "Secretary"), on a monthly basis, such information as the Secretary may require with respect to such person's importation, distribution, and stock levels of sugar or crystalline fructose, respectively.

(b) PENALTY.—Any person willfully failing or refusing to furnish such information, or furnishing willfully any false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

(c) MONTHLY REPORTS.—Using the information received under subsection (a), the Secretary shall publish on a monthly basis composite data on imports, distribution, and stock levels of sugar and crystalline fructose.

SEC. 203. MARKETING ALLOTMENTS FOR SUGAR AND CRYSTALLINE FRUCTOSE.

(a) SUGAR ESTIMATES.—(1) IN GENERAL.—Before the beginning of each of the fiscal years 1992 through 1996, the Secretary shall estimate the amount of sugar that will be consumed in the United States during such fiscal year (other than sugar imported for

purposes other than human consumption), and the amount of sugar that will be available from carryin stocks or from domestically-produced sugarcane and sugar beets for consumption in the United States during such year. The Secretary shall also estimate the amount of sugar that will be imported for such consumption during such year (other than sugar imported for purposes other than human consumption), based on the difference between the amount of estimated consumption and the amount of sugar estimated to be available from domestically produced sugarcane, sugar beets and carryin stocks.

(2) QUARTERLY REESTIMATES.—The Secretary shall make quarterly reestimates of sugar consumption, availability, and imports for a fiscal year no later than the beginning of each of the second through fourth quarters of such fiscal year.

(b) SUGAR ALLOTMENTS.—For any fiscal year in which the Secretary estimates, under subsection (a), that imports of sugar for consumption in the United States will be less than 1,250,000 short tons, raw value, the Secretary shall establish for that year appropriate allotments under section 204 for the marketing by processors of sugar processed from domestically produced sugarcane and sugar beets in a manner that is fair, efficient, and equitable to producers, processors, and refiners, at a level that the Secretary estimates will result in imports of sugar of not less than 1,250,000 short tons, raw value, for that year.

(c) CRYSTALLINE FRUCTOSE ALLOTMENTS.—For any fiscal year in which the Secretary establishes allotments for the marketing of sugar under section 204, the Secretary shall establish for that year appropriate allotments for the marketing by manufacturers of crystalline fructose manufactured from corn, at a level not to exceed the equivalent of 200,000 tons of sugar, raw value, during such fiscal year, in a manner that is fair, efficient, and equitable to manufacturers.

(d) PROHIBITION.—(1) SUGAR.—(A) EXCEEDING ALLOCATION.—At any time allotments are in effect and allocated to processors under section 205, the total of—

(i) the amount of sugar marketed by a processor plus

(ii) the amount of sugar pledged as collateral for a price support loan under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446)

shall not exceed the amount of the allocation of the allotment made to such processor.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

(i) to the marketing during a fiscal year of sugar pledged in that fiscal year as collateral for a price support loan under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) after such sugar has been subsequently redeemed; or

(ii) any sale of sugar by a sugar beet processor to another sugar beet processor made to enable such other sugar beet processor to fulfill the amount of the allocation of the allotment made to such other processor.

(2) CRYSTALLINE FRUCTOSE.—At any time crystalline fructose allotments are in effect for manufacturers under subsection (c), no manufacturer may exceed the allotment made to it. No restrictions or allotments shall be established on the marketings of any liquid fructose.

(3) CIVIL PENALTY.—Any processor who violates paragraph (1) or manufacturer who violates paragraph (2) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar or crystalline fructose involved in the violation.

(4) DEFINITION OF MARKET.—For purposes of this subtitle, the term "market" shall mean to sell or otherwise dispose of in commerce in the United States.

SEC. 204. ESTABLISHMENT OF MARKETING ALLOTMENTS.

The Secretary shall establish marketing allotments for sugar for any fiscal year in which such allotments are required under section 203(b) as follows:

(1) The Secretary shall establish the overall quantity of sugar to be allotted for such fiscal year (hereafter in this subtitle referred to as the "overall allotment amount") by deducting from the estimated sugar consumption for such fiscal year, as determined under section 203(a)—

(A) 1,250,000 short tons, raw value (representing minimum imports of sugar for consumption in the United States during such fiscal year), and

(B) carryin stocks of sugar, including sugar in Commodity Credit Corporation inventory.

The Secretary shall adjust the overall allotment amount to the maximum extent practicable to prevent the accumulation of sugar acquired by the Commodity Credit Corporation.

(2) The overall allotment amount for the fiscal year shall be allotted among—

(A) sugar derived from sugar beets; and

(B) sugar derived from sugarcane.

(3)(A) The Secretary shall establish percentage factors for the overall beet sugar and cane sugar allotments applicable for a fiscal year. The Secretary shall establish such percentage factors in a fair and equitable manner on the basis of past marketings of sugar (considering for such purposes the marketings of sugar processed from sugarcane and sugar beets of any or all of the 1985 through 1989 crops) processing and refining capacity, and the ability of processors to market the sugar covered under the allotments.

(B) The Secretary shall publish these percentage factors in the Federal Register, along with a description of the Secretary's reasons for establishing the factors, as provided in section 209(c).

(4) The marketing allotment for sugar derived from sugarcane and the marketing allotment for sugar derived from sugar beets for a fiscal year, in each case, shall be an amount equal to the product of multiplying the overall allotment amount for the fiscal year by the percentage established by the Secretary under paragraph (3)(A) for such allotment.

(5) The allotment for sugar derived from sugarcane shall be further allotted among the four States in the United States in which sugarcane is produced, and Puerto Rico (hereafter in this subtitle the term "State" shall include Puerto Rico), in a fair and equitable manner on the basis of past marketings of sugar (considering for such purposes the average of marketings of sugar processed from sugarcane in the 2 highest years of production from each State from the 1985 through 1989 crops), processing and refining capacity, and the ability of processors to market the sugar covered under the allotments.

(6)(A) The Secretary shall, based on reestimates under section 203(a)(2), adjust upward or downward marketing allotments established under paragraphs (1) through (5) in a fair and equitable manner, or suspend such allotments, as the Secretary determines appropriate, to reflect changes in estimated sugar consumption, availability, or imports.

(B) In the case of any increase or decrease in an allotment, each allocation to a processor of the allotment under section 205, and each proportionate share established with respect to the allotment under section 207(b), shall be increased or decreased by the same percentage that the allotment is increased or decreased.

(C) Whenever a marketing allotment for a fiscal year is required to be reduced during such fiscal year under this paragraph—

(i) if the amount of the sugar marketed, including pledged as collateral for a price support loan under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), for such fiscal year at the time of such reduction under the allotment by all processors covered by the allotment exceeds the reduced allotment, the amount of the excess sugar marketed shall be deducted—

(I) if beet sugar is involved, from the marketing allotment, if any, next established for beet sugar, or

(II) if cane sugar is involved, from the marketing allotment next established for the State; and

(ii) if the amount of sugar marketed, including pledged as collateral for a price support loan under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), for such fiscal year at the time of the reduction by any individual processor covered by the allotment exceeds the processor's reduced allocation, the amount of the excess sugar marketed shall be deducted from the allocation of an allotment, if any, next established for the processor.

(7) Except as otherwise provided in section 206, each marketing allotment of sugarcane established under this section may only be filled with sugar processed from domestically grown sugarcane, and each marketing allotment of sugar beets established under this section may only be filled with sugar processed from domestically grown sugar beets.

SEC. 205. ALLOCATION OF MARKETING ALLOTMENTS.

(a) IN GENERAL.—(1) ALLOCATION TO PROCESSORS.—Whenever marketing allotments are established for a fiscal year under section 204, in order to afford all interested persons an equitable opportunity to market sugar processed under an allotment, the Secretary shall allocate each such allotment among the processors covered by the allotment.

(2) HEARING AND NOTICE.—(A) CANE SUGAR.—The Secretary shall make allocations for cane sugar after such hearing and on such notice as the Secretary by regulation may prescribe, in such manner and in such quantities as to provide a fair, efficient, and equitable distribution of such allocations by taking into consideration processing capacity, past marketings of sugar, and the ability of each processor to market sugar covered by that portion of the allotment allocated. Each such allocation shall be subject to adjustment under section 204(6)(B).

(B) BEET SUGAR.—The Secretary shall make allocations for beet sugar after such hearing and on such notice as the Secretary by regulation may prescribe, in such manner and in such quantities as to provide a fair, efficient, and equitable distribution of such allocations by taking into consideration processing capacity, past marketings of sugar (considering for such purposes the marketings of sugar processed from sugar beets of any or all of the 1985 through 1989 crops),

and the ability of each processor to market sugar covered by that portion of the allotment allocated. Each such allocation shall be subject to adjustment under section 204(6)(B).

(b) FILLING CANE SUGAR ALLOTMENTS.—Except as otherwise provided in section 206, the marketing allotment established for cane sugar under this subtitle for a fiscal year may be filled only with sugar processed from sugarcane grown in the State covered by the allotment.

SEC. 206. ASSIGNMENTS OF DEFICITS.

(a) ESTIMATES OF MARKETING.—At any time allotments are in effect under this subtitle, the Secretary, from time to time, shall determine whether (in view of then-current inventories of sugar, the estimated production of sugar and expected marketings, and other pertinent factors) processors of sugarcane in each State covered by an allotment will be able to market the sugar covered by the allotment applicable to them and whether processors of sugar beets will be able to market sugar covered by the portion of the beet sugar allotment applicable to them.

(b) REASSIGNMENT OF DEFICITS.—(1) CANE SUGAR.—If the Secretary determines that the sugarcane processors subject to a State allotment will be unable to market the State's allotment for the fiscal year—

(A) the Secretary first shall reassign the estimated quantity of the deficit proportionately to the allotments for other cane sugar States, depending on the capacity of each other State to fill the portion of the deficit to be assigned to it, with such reassigned amount to each State to be allocated among processors in that State in proportion to the allocations of such processors; and

(B) if after such reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.

(2) BEET SUGAR.—If the Secretary determines that a sugar beet processor subject to an allotment will be unable to market that allotment—

(A) the Secretary first shall reassign the estimated quantity of the deficit proportionately to the allotments for other sugar beet processors, depending on the capacity of each other processor to fill the portion of the deficit to be assigned to it; and

(B) if after such reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.

(3) CORRESPONDING INCREASE.—The allocation of each processor receiving a reassigned amount of an allotment under this subsection for a fiscal year shall be increased to reflect such reassignment.

SEC. 207. PROVISIONS APPLICABLE TO PRODUCERS.

(a) PROCESSOR ASSURANCES.—Whenever allotments for a fiscal year are allocated to processors under section 205, the Secretary shall obtain from the processors such assurances as the Secretary deems adequate that the allocation will be shared among producers served by the processor in a fair and equitable manner that adequately reflects producers' production histories. Any dispute between a processor and a producer, or group of producers, with respect to the sharing of the processor's allocation shall be resolved through arbitration by the Secretary on the request of either party.

(b) PROPORTIONATE SHARES OF CERTAIN ALLOTMENTS.—(1) IN GENERAL.—(A) STATES AFFECTED.—In any case in which a State allotment is established under section 204(5) and there are in excess of 250 producers in the State to which it applies, the Secretary shall make a determination under subparagraph (B).

(B) DETERMINATION.—The Secretary shall determine, for each State allotment described in subparagraph (A), whether the production of sugar, in the absence of proportionate shares, will be greater than the quantity needed to enable processors to fill the allotment and provide a normal carryover inventory.

(2) ESTABLISHMENT OF PROPORTIONATE SHARES.—If the Secretary determines that the amount of sugar processed from all crops by all processors covered by a State allotment for a fiscal year will be in excess of the quantity needed to enable processors to fill the allotment for such fiscal year and provide a normal carryover inventory, the Secretary shall establish proportionate shares for the crop of sugarcane that is harvested during the fiscal year the allotment is in effect as provided in this subsection. Each such proportionate share shall be subject to adjustment under section 204(6)(B).

(3) METHOD OF DETERMINING.—For purposes of determining proportionate shares for any crop of sugarcane—

(A) The Secretary shall convert the State allotment for the fiscal year involved into a State acreage allotment for the crop by dividing the State allotment by the per-acre yield goal for the State, as established under subparagraph (B).

(B) The Secretary shall establish the State's per-acre yield goal for a crop at a level (not less than the average per-acre yield in the State for the preceding 5 years, as determined by the Secretary) that will ensure an adequate net return per pound to producers in such State, taking into consideration any available production research data that the Secretary deems relevant.

(C) The Secretary shall establish a uniform reduction percentage for the crop by dividing the State acreage allotment, as determined for such crop under subparagraph (A), by the sum of all acreage bases in the State, as determined by the Secretary that the Secretary estimates would otherwise be harvested for the production of such crop of sugarcane.

(D) The uniform reduction percentage for such crop, as determined under subparagraph (C), shall be applied to the acreage base for each farm covered by the State allotment to determine the farm's proportionate share for the crop.

(4) ACREAGE BASE.—For purposes of this subsection, the acreage base for each sugarcane-producing farm shall be determined by the Secretary, as follows:

(A) The acreage base for any crop shall be the number of acres that is equal to the average of the acreage planted and considered planted for harvest for sugar or seed on the farm in each of the 5 crop years preceding such crop year.

(B) Acreage that producers on a farm were unable to harvest to sugarcane for sugar or seed because of drought, flood, other natural disaster, or other condition beyond the control of the producers shall be considered as harvested to sugarcane for sugar or seed for purposes of this paragraph.

(5) VIOLATION.—(A) IN GENERAL.—Whenever proportionate shares are in effect in a State for a crop of sugarcane, no producer in the State knowingly may harvest for sugar or seed an acreage of sugarcane of such crop in excess of the farm's proportionate share for the crop or otherwise violate proportionate share regulations issued by the Secretary under section 209(a).

(B) CIVIL PENALTY.—Any producer who violates subparagraph (A) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation. The quantity of sugar involved shall be determined based on the per-acre yield goal established under paragraph (3).

(6) WAIVER.—Notwithstanding the preceding subparagraph, the Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other proportionate share requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of proportionate shares.

SEC. 208. SPECIAL RULES.

(a) TRANSFER OF PRODUCTION HISTORY.—For the purpose of establishing proportionate shares for producers under section 207, the Secretary, on application of any producer, may transfer the production history of land owned, operated, or controlled by such producers to any other parcels of land of such applicant.

(b) RESERVATION OF PRODUCTION HISTORY.—If for reasons beyond the control of the owner of a farm, the owner is unable to use all or a portion of the proportionate share established for the farm under section 207, the Secretary may reserve for a period of not more than 3 consecutive years the production history of such farm to the extent of the proportionate share involved. Such proportionate share may be redistributed to other farm owners or operators, but no production history shall accrue to such other farm owners or operators, by virtue of such redistribution of the proportionate share so redistributed.

(c) REVISIONS OF ALLOCATIONS AND PROPORTIONATE SHARES.—The Secretary, after such hearing and notice as the Secretary by regulation may prescribe, may revise or amend any allocation of a marketing allotment under section 205, or any proportionate share established for a farm under section 207, on the same basis as the initial allocation or proportionate share was established.

SEC. 209. REGULATIONS; VIOLATIONS; PUBLICATION OF SECRETARY'S DETERMINATIONS; JURISDICTION OF THE COURTS; U.S. ATTORNEYS.

(a) REGULATIONS.—(1) IN GENERAL.—The Secretary shall issue such regulations as may be necessary to carry out the powers vested in the Secretary in administering the marketing allotment program under this subtitle.

(2) PRIOR CONSULTATIONS REQUIRED.—In addition to taking such other action as may be required under section 551 through 559 of title 5, United States Code, prior to proposing any regulations under paragraph (1), the Secretary shall consult with representatives of domestic sugar processors and producers with regard to ensuring that such regulations achieve the objectives of this subtitle. The results of such consultations shall be published in the Federal Register, along with the proposed regulations.

(b) VIOLATION.—Any person knowingly violating any regulation of the Secretary issued under subsection (a) shall be subject to a civil penalty of not more than $5,000 for each violation.

(c) PUBLICATION IN FEDERAL REGISTER.—Each determination issued by the Secretary to establish, adjust or suspend allotments under this subtitle shall be promptly published in the Federal Register and shall be

accompanied by a statement of the reasons for such determination.

(d) JURISDICTION OF COURTS; UNITED STATES ATTORNEYS.—(1) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, this subtitle or any regulation issued thereunder.

(2) Whenever the Secretary shall so request, it shall be the duty of the several United States attorneys, in their respective districts, to institute proceedings to enforce the remedies and to collect the penalties and forfeitures provided for in this subtitle. The Secretary may elect not to refer to a United States attorney any violation of this subtitle or regulation when the Secretary determines that the administration and enforcement of this subtitle would be adequately served by written notice or warning to any person committing the violation.

(e) NONEXCLUSIVITY OF REMEDIES.—The remedies and penalties provided for in this subtitle shall be in addition to, and not exclusive of, any remedies or penalties existing at law or in equity.

SEC. 210. APPEALS.

(a) IN GENERAL.—An appeal may be taken to the Secretary from any decision under section 205 establishing allocations of marketing allotments, or under section 207, by any person adversely affected by reason of any such decision.

(b) PROCEDURE.—Any such appeal shall be taken by filing with the Secretary, within 20 days after the decision complained of is effective, notice in writing of the appeal and a statement of the reasons therefor. Unless a later date is specified by the Secretary as part of the Secretary's decision, the decision complained of shall be considered to be effective as of the date on which announcement of the decision is made. The Secretary shall deliver a copy of any notice of appeal to each person shown by the records of the Secretary to be adversely affected by reason of the decision appealed, and shall at all times thereafter permit any such person to inspect and make copies of appellant's reasons for the appeal and shall on application permit such person to intervene in the appeal. The Secretary shall provide each appellant an opportunity for a hearing. The Secretary shall appoint an administrative law judge to conduct a hearing on the record on each appeal under this section. In all other respects, each appeal under this section shall be subject to the provisions of section 551 through 559, and 701 through 706, of title 5, United States Code.

SEC. 211. ADMINISTRATION.

(a) USE OF CERTAIN AGENCIES.—In carrying out the provisions of sections 202 through 210 of this subtitle, the Secretary may use the services of local committees of sugar beet or sugarcane producers, sugarcane processors, or sugar beet processors, State and county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, and the departments and agencies of the United States Government.

(b) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the services, facilities, funds, and authorities of the Commodity Credit Corporation to carry out the provisions of sections 202 through 210 of this subtitle.

Subtitle B—Import Treatment of Sugars, Syrups, and Molasses

SEC. 221. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the current administration of import quotas on imports of sugar has been found to be inconsistent with obligations of the United States under the General Agreement on Tariffs and Trade (GATT) by a GATT panel established pursuant to a dispute settlement proceeding instituted against the United States by the Government of Australia;

(2) the United States has accepted the findings of the GATT panel report, and the GATT panel report has been adopted by the GATT Council;

(3) the United States now has an international obligation to bring its regime of import restrictions on sugar into conformity with the GATT rules;

(4) the conversion of the current regime of import quotas to a regime of tariff-rate quotas would comply with our international obligations; and

(5) a GATT-consistent regime of regulating sugar imports should be implemented not later than October 1, 1990.

(b) PURPOSE.—The purpose of this subtitle is to provide for the implementation on October 1, 1990, of tariff-rate quotas on imports of sugar, molasses, and syrups that are consistent with the international obligations of the United States.

SEC. 222. TARIFF TREATMENT WHEN TARIFF-RATE QUOTAS NOT IN EFFECT.

The rates of duty under column 1-general and column 2 of the HTS on sugars, syrups, and molasses that are entered during any period after September 30, 1990, when a tariff-rate quota provided for under section 233 is not in effect are the respective rates of duty that were applicable to sugars, syrups, and molasses entered on January 1, 1990.

SEC. 223. TARIFF-RATE QUOTAS.

(a) IN GENERAL.—

(1) Subject to paragraph (3), the President—

(A) may establish for any quota year beginning after September 30, 1990, a tariff rate quota on sugars, syrups, and molasses; and

(B) shall by proclamation implement each tariff-rate quota established under subparagraph (A).

(2) The President, or a designee of the President, may make such intra-annual adjustments to any tariff-rate quota established under paragraph (1) as may be necessary or appropriate.

(3) LIMITATIONS.—

(A) If the United States Trade Representative determines at any time that the application of a tariff-rate quota under this subtitle to any sugar, syrup, or molasses is inconsistent with the obligations of the United States under any trade agreement, such tariff-rate quota may not be applied to such sugar, syrup, or molasses.

(B) No tariff-rate quota may be implemented under paragraph (1) on or after the effective date specified in section 237(a) until the United States Trade Representative determines whether or not a limitation described in subparagraph (A) applies.

(b) REQUIREMENTS APPLICABLE TO TARIFF-RATE QUOTAS.—A tariff-rate quota established under subsection (a) for any quota year, and any intra-annual adjustment thereto, is subject to the following requirements:

(1) The interests in the United States sugar market of domestic producers, domestic consumers, and materially affected contracting parties to the General Agreement on Tariffs and Trade must be given due consideration.

(2) The United States Trade Representative shall allocate among supplier countries their respective shares of the tariff-rate quota established for the quota year. In making such allocations, the United States Trade Representative shall take into account—

(A) the percentage distributions allocated to supplier countries under Additional U.S. Note 3 to chapter 17 of the HTS for the quota period ending on September 30, 1990;

(B) in the case of supplier countries not included under subparagraph (A), the access of such countries to the United States sugar market during a representative period;

(C) the obligations of the United States under trade agreements; and

(D) any prohibition or limitation imposed under law as a political or economic sanction on the importation into, or export to, the United States of sugars, syrups, or molasses.

The United States Trade Representative may, from time to time, make such adjustments to allocations made under this paragraph as may be necessary.

(3) The rates of duty on sugars, syrups, and molasses that—

(A) are the product of any supplier country; and

(B) are certified upon entry as being included within the allocation made to such country for the quota year pursuant to paragraph (2);

are the respective rates that were applicable to sugars, syrups, and molasses entered on January 1, 1990.

(4) No rate of duty that exceeds 40 cents per kilogram may be imposed on sugars, syrups, or molasses that—

(A) are the product of any supplier country; but

(B) are not certified upon entry as being within the allocation made to such country for such year pursuant to paragraph (2).

(5)(A) The rates of duty referred to in paragraph (3) may be applied to all sugars, syrups, and molasses that are—

(i) entered for use only in the production (other than by distillation) of polyhedric alcohols, except polyhedric alcohols for use as a substitute for sugar in human food consumption; or

(ii) reexported in refined form or in sugar-containing products.

(B) The Secretary of Agriculture, after consultation with the United States Trade Representative, shall impose such licensing requirements, terms, conditions, bonds, or other limitations as may be necessary or appropriate to ensure that—

(i) sugars, syrups, and molasses to which subparagraph (A) is applied are utilized in accordance with the purposes stated in that subparagraph; and

(ii) reexportations are not used for the purpose of obtaining refunds and drawbacks of duties at rates applicable in circumstances described in paragraph (4)(B).

The Secretary of Agriculture shall consult with the Secretary of the Treasury regarding the implementation of clause (ii).

(c) REGULATIONS.—The United States Trade Representative and the Secretary of Agriculture are each authorized to prescribe such regulations as may be necessary or appropriate to carry out, with respect to the implementation of tariff-rate quotas established under this subtitle, the respective functions that each had in implementing the quota program established under Additional U.S. Note 3 to chapter 17 of the HTS for the quota period ending September 30, 1990.

(d) TIMING REQUIREMENTS; NOTICE.—If a tariff-rate quota for any quota year, or any

intra-annual adjustment to a tariff-rate quota, is established under subsection (a)—

(1) the tariff-rate quota shall be established, and notice thereof published in the Federal Register, not later than the 15th day before the date on which the tariff-rate quota is to take effect; and

(2) such adjustment shall be established, and notice thereof published in the Federal Register, not later than the 2nd day before the date on which the adjustment is to take effect.

SEC. 224. APPLICABLE STATUTORY AUTHORITIES.

After September 30, 1990, no quantitative limitation or duty on the entry, or withdrawal from warehouse for consumption, of sugars, syrups, and molasses may be imposed or modified except under the authority of—

(1) this subtitle;

(2) title II or III of the Trade Act of 1974;

(3) title VII of the Tariff Act of 1930;

(4) section 22 of the Agricultural Adjustment Act of 1933, as amended; or

(5) any statute, enacted after the date of the enactment of this Act, that specifically authorizes such an imposition or modification.

SEC. 225. DEFINITIONS.

As used in this subtitle:

(1) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(2) The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) The term "sugars, syrups, and molasses" means articles described in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1806.10.40, and 2106.90.10 of the HTS.

(4) The term "quota year" means an annual period beginning on October 1 of any year and ending at the close of September 30 of the succeeding year.

SEC. 226. CONFORMING AMENDMENTS TO HTS.

Chapter 17 of the HTS is amended—

(1) by striking out Additional U.S. Notes 2, 3, and 4; and

(2) by redesignating Additional U.S. Note 5 as Additional U.S. Note 2.

SEC. 227. EFFECTIVE DATE; TERMINATION.

(a) EFFECTIVE DATE.—This subtitle, and the amendments made by it, apply to sugars, syrups, and molasses that are entered after September 30, 1990.

(b) TERMINATION.—The authority to establish tariff-rate quotas under the authority of this subtitle expires on September 30, 1996.

TITLE III—RICE

SEC. 301. LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1991 THROUGH 1995 CROPS OF RICE.

Effective only for the 1991 through 1995 crops of rice, the Agricultural Act of 1949 is amended by inserting after section 101A (7 U.S.C. 1441-1) the following new section:

"SEC. 101B. (a) LOANS AND PURCHASES.—(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make available to producers nonrecourse loans and purchases for each of the 1991 through 1995 crops of rice at a level that is not less than the higher of—

"(A) 85 percent of the simple average price received by producers, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; or

"(B) $6.50 per hundredweight.

"(2) LIMITATION ON DECREASE IN LOAN LEVEL.—The loan level for any crop of rice determined under paragraph (1) may not be reduced by more than 5 percent from the level determined for the preceding crop.

"(3) ANNOUNCEMENT OF LOAN LEVEL AND ESTABLISHED PRICE.—The loan and purchase level and the established price for each of the 1991 through 1995 crops of rice shall be announced not later than January 31 of each calendar year for the crop harvested in such calendar year.

"(4) LENGTH OF TERMS OF NONRECOURSE LOANS.—A loan made under this section shall have a term of not more than 9 months beginning after the month in which the application for the loan is made.

"(5) MARKETING LOAN.—(A) IN GENERAL.—The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the higher of—

"(I) the loan level determined for such crop multiplied by 70 percent; or

"(II) the prevailing world market price for rice, as determined by the Secretary.

"(B) DETERMINATION OF PREVAILING WORLD MARKET PRICE.—The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for rice; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for rice.

"(C) PRODUCER PURCHASE OF NEGOTIABLE MARKETING CERTIFICATES.—(i) As a condition of permitting a producer to repay a loan as provided in subparagraph (A), the Secretary may require a producer to purchase marketing certificates equal in value to an amount that does not exceed one-half the difference, as determined by the Secretary, between the amount of the loan obtained by the producer and the amount of the loan repayment. Such certificates shall be negotiable.

"(ii) Such certificates shall be redeemable for agricultural commodities or products thereof owned by the Commodity Credit Corporation valued at the prevailing market price, as determined by the Secretary.

"(iii) The Commodity Credit Corporation, under regulations prescribed by the Secretary, shall assist any person receiving marketing certificates under this subparagraph in the redemption or marketing of such certificates. Insofar as practicable, the Secretary shall permit an owner of a certificate to designate the storage facility at which such owner would prefer to receive agricultural commodities or products thereof in exchange for such certificate.

"(iv) If any such certificate is not presented for redemption or marketing within a reasonable number of days after issuance, as determined by the Secretary, reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

"(6) SIMPLE AVERAGE PRICE DETERMINATION.—For purposes of this section, the simple average price received by producers for the immediately preceding marketing year shall be based on the latest information available to the Secretary at the time of the determination.

"(b) PAYMENTS FOR FORGOING LOAN OR PURCHASE.—(1) IN GENERAL.—The Secretary shall, for each of the 1991 through 1995 crops of rice, make payments available to producers who, although eligible to obtain a loan or purchase agreement under subsection (a), agree to forgo obtaining such loan or agreement in return for such payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of rice the producer is eligible to place under loan.

"(3) QUANTITY ELIGIBLE.—For purposes of this subsection, the quantity of rice eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the crop; by

"(B) the actual yield per harvested acre for the farm.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the loan level determined for such crop under subsection (a); exceeds

"(B) the level at which a loan may be repaid under subsection (a).

"(5) PAYMENT IN NEGOTIABLE MARKETING CERTIFICATES.—The Secretary may make up to one-half the amount of a payment under this subsection available in the form of negotiable marketing certificates, subject to the terms and conditions provided in subsection (a)(5)(C).

"(c) DEFICIENCY PAYMENTS.—(1) IN GENERAL.—(A) COMPUTATION.—The Secretary shall make available to producers payments (to be known as 'deficiency payments') for each of the 1991 through 1995 crops of rice in an amount computed by multiplying—

"(i) the payment rate; by

"(ii) the individual farm program acreage; by

"(iii) the farm program payment yield established for the crop for the farm.

"(B) 0/92 AND 50/92 PROGRAMS.—(i) If an acreage limitation program under subsection (e)(2) is in effect for a crop of rice and the producers on a farm devote a portion of the permitted rice acreage of the farm (as determined in accordance with subsection (e)(2)(A)) equal to more than 8 percent of the permitted rice acreage of the farm for the crop to conservation uses (except as provided in subparagraph (F))—

"(I) such portion of the permitted rice acreage in excess of 8 percent of such acreage devoted to conservation uses (except as provided in subparagraph (F)) shall be considered to be planted to rice for the purpose of determining the individual farm program acreage in accordance with subsection (e)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (e)(2)(D); and

"(II) the producers shall be eligible for payments under this paragraph on such acreage, subject to the compliance of the producers with clause (ii).

"(ii)(I) To be eligible for payments under clause (i), except as provided in subclause (II) and clause (iv), the producers on a farm must actually plant rice for harvest on at least 50 percent of the permitted rice acreage of the farm.

"(II) The Secretary may waive the 50 percent planting requirement in subclause (I) for any crop of rice.

"(iii) Notwithstanding any other provision of this section, any producer who elects to devote a portion (or, where the Secretary exercises the waiver authority under clause (ii)(II), all) of the permitted rice acreage of

the farm to conservation uses (or other uses as provided in subparagraph (F)), under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to rice and eligible for payments under this subparagraph for such crop at a rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the crop shall be announced by the Secretary prior to the period during which rice producers may agree to participate in the program for such crop.

"(iv) If a State or local agency has imposed in an area of a State or county a quarantine on the planting of rice for harvest on farms in such area, the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may recommend to the Secretary that payments be made under this paragraph to producers in such area who were required to forgo the planting of rice for harvest on acreage to alleviate or eliminate the condition requiring such quarantine. If the Secretary determines that such condition exists, the Secretary may make payments under this paragraph to such producers. To be eligible for payments under this clause, such producers must devote such acreage to conservation uses (except as provided in subparagraph (F)).

"(v) If an acreage limitation program under subsection (e) is in effect for any crop of rice and if the Secretary determines that producers on a farm are prevented from planting the acreage intended for rice to rice because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make available to such producers payments computed as provided in paragraph (1)(A). Producers shall be eligible for such payments if a portion (or all) of the permitted rice acreage of the farm is devoted to conservation uses (except as provided in paragraph (F)). Such acreage equal to more than 8 percent of the permitted rice acreage of the farm for the crop shall be considered to be planted to rice for the purpose of determining the individual farm program acreage in accordance with subsection (e)(2)(E) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (e)(2)(D). The provisions of clauses (iii) and (vi) shall apply to any such producers.

"(vi) The rice crop acreage base and rice farm program payment yield of the farm shall not be reduced due to the fact that such portion (or all) of the permitted acreage of the farm was devoted to conserving uses (except as provided in subparagraph (F)).

"(vii) Other than as provided in clauses (i) through (v), payments may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to rice.

"(viii) Any acreage considered to be planted to rice in accordance with clauses (i) and (v) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program requiring that the producers devote a specified acreage to conservation uses.

"(C) PAYMENT RATE.—The payment rate for rice shall be the amount by which the established price for the crop of rice exceeds the higher of—

"(i) the national average market price received by producers during the first 5 months of the marketing year for such crop, as determined by the Secretary; or

"(ii) the loan level determined for such crop.

"(D) MINIMUM ESTABLISHED PRICE.—The established price for rice shall not be less than $10.71 per hundredweight.

"(E) REDUCTION FOR DISASTER PAYMENTS.—The total quantity of rice on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

"(F) ALTERNATIVE CROPS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (B) to be devoted to sweet sorghum or the production of guar, sesame, castor beans, crambe, plantago ovato, triticale, rye, commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States, or commodities grown for experimental purposes (including kenaf), subject to the following sentence. The Secretary may permit such acreage to be devoted to such production only if the Secretary determines that—

"(i) the production is not likely to increase the cost of the price support program and will not affect farm income adversely; and

"(ii) the production is needed to provide an adequate supply of the commodity, or, in the case of commodities for which no substantial domestic production or market exists but that could yield industrial raw materials, the production is needed to encourage domestic manufacture of such raw material and could lead to increased industrial use of such raw material to the long-term benefit of United States industry.

"(2) DISASTER ASSISTANCE.—(A) PREVENTED PLANTING PAYMENTS.—(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion (or all) of the acreage intended for rice to rice or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

"(I) the number of acres so affected but not to exceed the acreage planted to rice for harvest (including any acreage that the producers were prevented from planting to rice or other nonconserving crops in lieu of rice because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

"(II) 75 percent of the farm program payment yield established for the farm by the Secretary; by

"(III) a payment rate equal to 33⅓ percent of the established price for the crop.

"(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or in such other form as the Secretary is authorized by law to make.

"(B) REDUCED YIELD PAYMENTS.—Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the total quantity of rice that the producers are able to harvest on any farm is less than the result of multiplying 75 percent of the farm program payment yield established for the farm for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 33⅓ percent of the established price for the crop for the deficiency in production below 75 percent for the crop.

"(C) LIMITATION DUE TO CROP INSURANCE.—Producers on a farm shall not be eligible for—

"(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the rice acreage of the producers; or

"(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the rice acreage of the producers.

"(D) EXCEPTION FROM LIMITATION.—(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to producers on a farm under this paragraph if the Secretary determines that—

"(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the producers have suffered substantial losses of production either from being prevented from planting rice or other nonconserving crops or from reduced yields;

"(II) such losses have created an economic emergency for the producers;

"(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses is insufficient to alleviate such economic emergency; and

"(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

"(ii) The Secretary may make such adjustments in the amount of payments made available under this paragraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(d) FARM PROGRAM PAYMENT YIELDS.—The farm program payment yields for farms for each crop of rice shall be determined under title V.

"(e) PROGRAMS TO REDUCE ACREAGE.—(1) IN GENERAL.—(A) EXCESSIVE SUPPLY.—Notwithstanding any other provision of this Act, if the Secretary determines that the total supply of rice, in the absence of an acreage limitation program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of rice an acreage limitation program as described in paragraph (2).

"(B) CONSIDERATION OF CONSERVATION RESERVE.—In making a determination under subparagraph (A), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve

established under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831).

"(C) ANNOUNCEMENT OF PROGRAM.—If the Secretary elects to put an acreage limitation program into effect for any crop year, the Secretary shall announce any such program not later than January 31 of the calendar year in which the crop is harvested.

"(D) RATIO OF CARRY-OVER TO TOTAL DISAPPEARANCE.—The Secretary shall carry out an acreage limitation program described in paragraph (2) for a crop of rice in a manner that will result in carry-over stocks equal to between sixteen and one-half and twenty percent of the simple average of the total disappearance of rice for each of the three marketing years preceding the year for which the announcement is made. For the purpose of this subparagraph, 'total disappearance' means all rice utilization, including total domestic, total export, and total residual disappearance.

"(2) ACREAGE LIMITATION PROGRAM.—(A) UNIFORM PERCENTAGE REDUCTION.—If a rice acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction (not to exceed 35 percent) to the rice crop acreage base for the crop for each rice-producing farm.

"(B) ENFORCEMENT.—Except as provided in subsection (g), producers who knowingly produce rice in excess of the permitted rice acreage for the farm, as established in accordance with subparagraph (A), shall be ineligible for rice loans, purchases, and payments with respect to that farm.

"(C) CROP ACREAGE BASES.—Rice crop acreage bases for each crop of rice shall be determined under title V.

"(D) CONSERVATION USE ACREAGE.—(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of rice times the number of acres planted to such commodity; by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

"(ii) The number of acres determined under clause (i) is hereafter in this subsection referred to as 'reduced acreage'.

"(E) FARM PROGRAM ACREAGE.—Except as provided in subsection (c)(1)(B), the individual farm program acreage shall be the acreage planted on the farm to rice for harvest within the permitted rice acreage for the farm as established under this paragraph.

"(3) USE OF CONSERVATION ACREAGE.—(A) PROTECTION FROM WEEDS AND EROSION.—The regulations issued by the Secretary under paragraph (2) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) PERMITTED PLANTINGS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, or the production of guar, sesame, safflower, sunflower, rapeseed, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(C) HAYING AND GRAZING.—(i) Except as provided in clause (ii), haying and grazing of acreage designated as conservation use acreage for the purpose of meeting any requirements established under an acreage limitation program (including a program conducted under subsection (c)(1)(B)), or land diversion program established under this section shall be permitted, except during any consecutive 5-month period that is established by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. Such 5-month period shall be established during the period beginning April 1, and ending October 31, of a year.

"(ii) In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage. The Secretary may not exclude irrigated or irrigable acreage not planted in alfalfa when exercising the authority under this clause.

"(4) LAND DIVERSION PROGRAM.—(A) PAYMENTS.—The Secretary may make land diversion payments to producers of rice, whether or not an acreage limitation program for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(B) BIDS FOR CONTRACTS.—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(C) LIMITATION ON DIVERTED ACREAGE.—The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(5) WILDLIFE USES FOR REDUCED AND DIVERTED ACREAGE.—(A) IN GENERAL.—The reduced acreage and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) COST SHARING.—The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

"(C) ENCOURAGEMENT OF PUBLIC ACCESS.—The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(6) PARTICIPATION AGREEMENTS.—(A) IN GENERAL.—An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) MODIFICATION OR TERMINATION.—The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) ONE-HALF ACREAGE REDUCTION PROGRAM.—(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of rice, make payments available to producers who meet the requirements of this subsection.

"(2) FORM OF PAYMENT.—Such payments may be—

"(A) made in the form of rice owned by the Commodity Credit Corporation; or

"(B) made in such other form as the Secretary is authorized by law to make.

"(3) DETERMINATION OF PAYMENT.—(A) IN GENERAL.—Payments under this subsection shall be determined in the same manner as provided in subsection (b).

"(B) QUANTITY OF RICE MADE AVAILABLE.—The quantity of rice to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

"(4) ELIGIBILITY.—A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

"(A) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

"(B) agrees to forgo receiving payments under subsection (c);

"(C) does not plant rice for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

"(D) otherwise complies with this section.

"(g) EQUITABLE RELIEF.—(1) LOANS AND PAYMENTS.—If the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producer made a good faith effort to comply fully with the terms and conditions of such program in determining whether equitable relief is warranted under this paragraph.

"(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(h) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(k) EQUITABLE SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of

payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) TENANTS AND SHARECROPPERS.—The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) PROHIBITIONS.—(1) CROSS COMPLIANCE.—(A) IN GENERAL.—Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program, or compliance with crop base acreage requirements for any other commodity, may not be required as a condition of eligibility for loans, purchases, or payments under this section.

"(B) CROP ACREAGE BASE INCREASES.—If a producer on a farm is participating in the rice program under this section, the crop acreage base for any other commodity for the farm may not be increased if such commodity is produced on the farm in a manner that is not in compliance with—

"(i) the terms and conditions of the applicable commodity program for such commodity; or

"(ii) the crop acreage base requirements of the applicable commodity program for such commodity.

"(2) OFFSETTING COMPLIANCE.—The Secretary may not require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to comply with the terms and conditions of the rice program with respect to any other farm operated by such producers.".

SEC. 302. MARKETING CERTIFICATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, whenever, during the period beginning August 1, 1991, and ending July 31, 1996, the world price for a class of rice (adjusted to United States qualities and location), as determined by the Secretary of Agriculture, is below the current loan repayment rate for that class of rice, to make United States rice competitive in world markets and to maintain and expand exports of rice produced in the United States, the Commodity Credit Corporation, under such regulations as the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to persons who have entered into an agreement with the Commodity Credit Corporation to participate in the program established under this section. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make rice produced in the United States available at competitive prices consistent with the purposes of this section.

(b) VALUE OF CERTIFICATES.—The value of each certificate issued under subsection (a) shall be based on the difference between—

(1) the loan repayment rate for the class of rice; and

(2) the prevailing world market price for the class of rice, as determined by the Secretary of Agriculture under a published formula submitted for public comment before its adoption.

(c) REDEMPTION OF CERTIFICATES.—The Commodity Credit Corporation, under regulations prescribed by the Secretary of Agriculture, shall assist any person receiving marketing certificates under this section in the redemption of certificates for cash, or marketing or exchange of such certificates for agricultural commodities or the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price levels as the Secretary determines will best effectuate the purposes of the program established under this section. Notwithstanding any other provision of law, any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this section.

(d) COMMODITY DESIGNATION; STORAGE COSTS.—Insofar as practicable, the Secretary shall permit owners of certificates to designate the commodities and the products thereof, including storage sites thereof, such owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of such certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

(e) PREVENTION OF POTENTIAL ADVERSE AFFECTS.—The Secretary of Agriculture shall take such measures as may be necessary to prevent the marketing or exchange of agricultural commodities and the products thereof for certificates under this section from adversely affecting the income of producers of such commodities or products.

(f) TRANSFERABILITY.—Under regulations prescribed by the Secretary of Agriculture, certificates issued to rice exporters under this section may be transferred to other exporters and persons approved by the Secretary.

TITLE IV—DAIRY

SEC. 401. FINDINGS.

Congress finds that—

(1) United States dairy policy should foster an economic environment in which milk producers have the opportunity to receive a satisfactory return for their labor and investment;

(2) the Federal support price should establish a minimum price which guarantees an adequate supply of wholesome milk;

(3) the Federal dairy program should foster the use of a component based price support system to more readily reflect market demands and better communicate the economic composition of milk and products derived from milk;

(4) market forces, together with appropriate adjustments in the government support price and standby milk production reduction programs, should balance supply and demand for milk and dairy products;

(5) Federal dairy support programs should embody the notion that the market for dairy products is national in scope;

(6) United States milk producers should be treated equally under Federal laws that compel the Secretary to purchase dairy products under the price support program;

(7) an alternative milk production reduction program should be used only when price changes alone will not balance supply with demand within a reasonable time period without greatly disrupting the market for dairy products; and

(8) factors such as the cost of the program, the program's effect on other agricultural segments, the economic conditions in agriculture and fiscal goals should be considered when an alternative inventory management program is considered.

SEC. 402. MILK PRICE SUPPORT AND INVENTORY MANAGEMENT PROGRAM FOR CALENDAR YEARS 1991 THROUGH 1995.

Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by amending subsection (e) to read as follows:

"(e) Notwithstanding any other provision of law—

"(1) During the period beginning on January 1, 1991 and ending on December 31, 1995, the price of milk shall be supported as provided in this subsection.

"(2)(A) During the period beginning on January 1, 1991 and ending on December 31, 1995, the price of milk shall be supported at a rate not less than $10.10 per hundredweight for milk containing 3.67 percent milkfat.

"(B)(i) The price of milk shall be supported through the purchase of milk and the products of milk.

"(ii) The Commodity Credit Corporation price support for each of the products butter, cheese and nonfat dry milk, respectively, announced by the Corporation shall be the same for all of that product sold by persons offering to sell such product to the Corporation. Such purchase prices shall be sufficient to enable plants of average efficiency receiving such prices for dairy products to pay producers, on average, a price not less than the rate of price support for milk in effect during such twelve-month period under this paragraph.

"(iii) In carrying out this section, the Secretary shall offer to purchase butter for not more than an amount per pound of $0.9825 in fiscal year 1991, $0.8150 in fiscal years 1992 and 1993, and $0.7875 in fiscal years 1994 and 1995, and shall offer to purchase nonfat dry milk at such a level that results in milk being supported at the level prescribed in subparagraph (A) as adjusted under paragraph (3), except that the Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in such other manner as the Secretary determines will result in the lowest level of expenditures by the Commodity Credit Corporation and shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of such determination.

"(3)(A)(i) If for any of the fiscal years 1992 through 1996, the level of purchases of milk and the products of milk by the Commodity Credit Corporation under this subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on August 1 of the preceding fiscal year, will exceed 5 billion pounds, milk equivalent, total milk solids basis, the Secretary shall decrease by an amount per hundredweight of at least $0.25 but not more than $0.50 the rate of price support for milk in effect for such fiscal year.

"(ii) The Secretary shall, by August 1 of the preceding fiscal year, notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of any proposed decrease in price support under this subparagraph.

"(B)(i) If for any of the fiscal years 1992 through 1996, the level of purchases of milk and the products of milk by the Commodity Credit Corporation under this subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on August 1 of the preceding fiscal year, will not exceed 3.5 billion pounds, milk equivalent, total milk solids basis, the Secretary shall increase by an amount per hundred-

weight of at least $0.25 the rate of price support for milk in effect for such fiscal year.

"(ii) The Secretary shall, by August 1 of the preceding fiscal year, notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of any proposed increase in price support under this subparagraph.

"(C) If for any of the fiscal years 1992 through 1996, the level of purchases of milk and the products of milk by the Commodity Credit Corporation under this subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on August 1 of the preceding fiscal year, will be less than 5 billion pounds, milk equivalent, total milk solids basis, but more than 3.5 billion pounds of milk equivalent, total milk solids basis, the Secretary shall not decrease the rate of price support for milk in effect for such fiscal year.

"(D) Notwithstanding any other provision of this subsection, in no event shall the price of milk be supported at less than $10.10 per hundredweight.

"(E)(i) As used in this subsection, the term 'milk equivalent, total milk solids basis', of milk and the products of milk purchased by the Commodity Credit Corporation shall be equal to the weighted-average of the milk equivalents, as computed on a milkfat basis, and on a milk solids not fat basis, of such products, with weighting factors equal to not more than 40 percent for the milk equivalent, milkfat basis, and not more than 70 percent for the milk equivalent, milk solids not fat basis. Such weighting factors shall total 100 percent.

"(ii) In estimating the level of purchases of milk and the products of milk under this subsection, the Secretary shall deduct the amount, if any, by which the level of imports into the United States of milk and the products of milk during the most recent calendar year exceeds the annual average level of imports into the United States of milk and the products of milk during the period January 1, 1986, through December 31, 1990, milk equivalent, total milk solids basis.

"(4)(A) Within 180 days of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that—

"(i) recommends an inventory management program to be implemented when Commodity Credit Corporation purchases of milk and the products of milk are projected to exceed 7 billion pounds of milk equivalent, total milk solids basis, in any fiscal year;

"(ii) evaluates two-tier pricing systems, or a plan to achieve equivalent results;

"(iii) does not evaluate any termination or diversion program;

"(iv) does not evaluate the use of assessments as a mechanism to decrease price support levels; and

"(v) seeks, among other things, methods to reduce any excessive surplus of milk, lower costs to the Commodity Credit Corporation, and to provide for the orderly marketing of surplus milk.

"(B) The report submitted under subparagraph (A) shall include, but is not limited to, the following topics:

"(i) the difficulties and possible resolutions associated with the disposition and orderly marketing of milk priced at a price lower than the world market price through various marketing channels including export markets and domestic donation feeding programs;

"(ii) the establishment of a Class IV price for milk;

"(iii) the impact of a Class IV system on the Federal milk marketing order system;

"(iv) the impact of a system similar to the Class IV system on non-Federal milk marketing order milk; and

"(v) plans to achieve desired results other than through a two-tiered pricing system.

"(C)(i) If for any of the fiscal years 1992 through 1995, the level of purchases of milk and the products of milk by the Commodity Credit Corporation under this subsection (less sales under section 407 for unrestricted use), as estimated by the Secretary on August 1 of the preceding fiscal year, will exceed 6 billion pounds of milk equivalent, total milk solids basis, the Secretary shall, except as provided in clause (ii), implement for such fiscal year the inventory management program recommended in subparagraph (A).

"(ii) The Secretary shall not implement the inventory management program recommended in subparagraph (A) before the later of January 1, 1992, or the date 6 months after the submission of the report required under subparagraph (A).

"(iii) If the Secretary is required to implement during a fiscal year an inventory management program, the Secretary shall, by August 1 of the preceding fiscal year, notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the type of inventory management program to be implemented.

"(iv) Not later than January 1 of any fiscal year that an inventory management program is in effect, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a certification, including a statement of facts in support of such certification, that such inventory management program will achieve a reduction in the production or marketing of milk for commercial purposes by program participants such that purchases of milk and the products of milk by the Commodity Credit Corporation, as estimated by the Secretary, for the fiscal year will not be greater than 7 billion pounds, milk equivalent, total milk solids basis.

"(D) If the Secretary is required to establish and carry out an inventory management program for milk, the Secretary shall not offer to enter into a contract with any producer of milk in the United States for the purpose of selling for slaughter any dairy cattle in which such producer owns an interest.".

SEC. 403. MILK MANUFACTURING MARGIN ADJUSTMENT.

No State may use a greater allowance than that provided for in Federal programs to establish a Grade A price for milk for manufacturing butter, nonfat dry milk, or cheese.

SEC. 404. MINNESOTA-WISCONSIN PRICE SERIES REFORM.

(a) INITIATE REFORM.—Within 60 days of enactment of this Act, the Secretary of Agriculture shall commence to accept alternative pricing formula recommendations, as they may relate to the Minnesota-Wisconsin price series used to determine the minimum prices paid under milk marketing orders, in order to amend such milk marketing orders authorized under section 8c of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937. Among the alternative pricing formulas to be considered by the Secretary shall be a price series based on prices paid by milk processors for Grade A milk and manufacturing grade milk that is used in the manufacture of dairy products.

(b) AVAILABILITY OF DATA.—The Secretary shall compile and make available to the public the historical and current data used to compare the alternative pricing formulas submitted and recommended as provided in subsection (a) with the existing Minnesota-Wisconsin price series.

(c) DEADLINE.—(1) Not later than October 1, 1991, the Secretary shall publish in the Federal Register a proposed replacement price series and shall give notice and 30 days for public comment on such proposal. At the end of the comment period the Secretary shall publish a final rule and report such rule to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Not less than 30 legislative days after publication of the final rule, the Secretary shall implement the new Minnesota-Wisconsin price series in the federal milk marketing orders as provided under section 8c of the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(2) For purposes of this section "legislative day" shall mean a day on which either House of Congress is in session.

SEC. 405. HEARINGS ON FEDERAL MILK MARKETING ORDERS.

The Secretary of Agriculture shall conclude the national hearings announced by the Secretary on March 29, 1990, regarding possible changes in the pricing provisions of federal milk marketing orders in order to effect any changes in the federal orders setting minimum prices that milk processors must pay for Grade A milk received from producers, by January 1, 1992.

SEC. 406. REPORT OF DAIRY PRODUCT PURCHASES.

The Secretary of Agriculture shall make available to the public quarterly evaluations of the acquisition and disposal of Commodity Credit Corporation purchases of dairy products.

SEC. 407. APPLICATION OF SUPPORT PRICE FOR MILK.

For purposes of supporting the price of milk under section 201(e) of the Agricultural Act of 1949 (7 U.S.C. 1446(e)), the Secretary of Agriculture may not take into consideration any market value of whey.

SEC. 408. APPLICATION OF AMENDMENTS.

The amendments made by this title shall not affect any liability of any person under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) as in effect before the date of the enactment of this Act.

SEC. 409. ADJUSTMENTS FOR SEASONAL PRODUCTION; HEARINGS ON AMENDMENTS; DETERMINATION OF MILK PRICES.

Section 101(b) of the Agriculture and Food Act of 1981 (7 U.S.C. 608c note) is amended by striking "1990"and inserting "1995".

SEC. 410. TRANSFER OF DAIRY PRODUCTS TO THE MILITARY AND VETERANS HOSPITALS.

Subsections (a) and (b) of section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a) are each amended by striking "1990" and inserting "1995".

SEC. 411. EXTENSION OF THE DAIRY INDEMNITY PROGRAM.

Section 3 of the Act entitled "An Act to provide indemnity payments to dairy farmers" (7 U.S.C. 450l), approved August 13, 1968, is amended by striking "1990" and inserting "1995".

SEC. 412. EXPORT SALES OF DAIRY PRODUCTS.

(a) IN GENERAL.—In each of the fiscal years 1991 through 1995, the Secretary of Agriculture shall sell for export, at such prices as the Secretary determines appropriate, not less than 150,000 metric tons of dairy products owned by the Commodity Credit Corporation, of which not less than 100,000 metric tons shall be butter and not less than 20,000 metric tons shall be cheese, if that disposition of such commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and normal patterns of commercial trade. Notwithstanding any other provision of this section, the Secretary of Agriculture shall sell for export in fiscal year 1991 at least 184 million pounds of butter without regard for the effect of such sale upon world prices of agricultural commodities or normal patterns of commercial trade.

(b) SALES.—Such sales shall be made through the Commodity Credit Corporation.

(c) REPORT.—Through September 30, 1995, the Secretary shall report semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.

SEC. 413. COMPONENT PRICING OF MILK.

Section 8c(5)(B) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(B)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking out "and" at the end of clause (ii)(d) and adding before the final period at the end of the clause, the following: "and, (f) a further adjustment, equitably to apportion the total value of milk purchased by any handler or by all handlers among producers on the basis of the milk components contained in their marketings of milk."

SEC. 414. ADJUSTMENTS IN PAYMENTS BY HANDLERS.

Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

"(L) Providing that adjustments in payments by handlers under paragraph (A) need not be the same as adjustments to producers under paragraph (B) with regard to adjustments authorized by subparagraph (A) (2) and (3) and clauses (B)(ii) (b), (c), and (d).".

SEC. 415. DAIRY EXPORT INCENTIVE PROGRAM.

Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14) is amended by striking "September 30, 1990" and inserting "December 31, 1995".

SEC. 416. AMENDMENT TO THE PACKERS AND STOCKYARDS ACT, 1921, TO PROVIDE FOR THE ESTABLISHMENT OF TRUSTS FOR THE BENEFIT OF MILK PRODUCERS.

(a) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182) is amended—

(1) in paragraph (10) by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (15), and

(3) by inserting after paragraph (10) the following:

"(11) The term 'milk' means cow's milk;

"(12) The term 'milk product' means any product or by product from processing milk;

"(13) The term 'milk producer' means any person who produces milk;

"(14) The term 'handler' means any person who, in commerce, receives or otherwise acquires milk, processes, prepares or arranges for marketing, or markets the milk; and".

(b) STATUTORY TRUST ESTABLISHED.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) is amended by inserting after section 207 the following:

"SEC. 208. STATUTORY TRUST ESTABLISHED; MILK.

"(a) PROTECTION OF PUBLIC INTEREST FROM INADEQUATE FINANCING ARRANGEMENTS.—(1) It is hereby found that a burden on commerce in milk, and an obstruction to commerce in milk is caused by financing arrangements under which handlers encumber, give lenders security interest in, or have liens placed on milk purchased or received by a handler, on inventories of milk, on receivables or proceeds from milk, or on products derived from milk when payment is not made for the milk. Such arrangements are contrary to the public interest.

"(2) This section is intended to remedy such burden on commerce in milk and obstruction to commerce in milk and to protect the public interest.

"(b) TRUSTS.—All milk purchased or received by a handler, all inventories of milk or milk products, and all receivables or proceeds from milk or milk products, shall be held by such handler in trust for the benefit of all unpaid milk producers of such milk or milk products or unpaid handlers until full payment has been received by such unpaid milk producer or handler.

"(c) EFFECT OF DISHONORED INSTRUMENTS.—Payment shall not be considered to have been made if the milk producer or handler receives a payment instrument which is dishonored.

"(d) PRESERVATION OF TRUST BENEFITS BY MILK PRODUCER OR HANDLER.—The unpaid milk producer or unpaid handler shall lose the benefit of such trust if such milk producer or handler has not preserved his trust under this section by giving written notice to the debtor handler and by filing such notice with the Secretary—

"(1) within thirty days of the final date for making a payment for milk when a payment instrument has not been received, or

"(2) within fifteen business days after the milk producer or handler has received notice if the payment instrument promptly presented for payment has been dishonored.

"(e) DISTRICT COURTS.—The several district courts of the United States are vested with jurisdiction specifically to entertain—

"(1) actions by trust beneficiaries to enforce payment from the trust; and

"(2) actions by the Secretary to prevent and restrain dissipation of the trust.".

(c) RECORDS AND RESPONSIBILITY.—(1) Section 401 of the Packers and Stockyards Act, 1921 (7 U.S.C. 221), is amended by inserting ", milk handler" after "any live poultry dealer".

(2) Section 403 of the Packers and Stockyards Act, 1921 (7 U.S.C. 223), is amended by inserting ", milk handler" after "any live poultry dealer".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

(e) AUTHORIZATION.—Such sums are authorized to be appropriated as may be necessary for the administration of this section.

SEC. 417. STATUS OF PRODUCER HANDLERS.

The legal status of producer handlers of milk under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall be the same after the amendments made by this title take effect as it was before the effective date of such amendments.

TITLE V—WOOL AND MOHAIR

SEC. 501. EXTENSION OF PRICE SUPPORT PROGRAM.

Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended by—

(1) striking "1990" in subsection (a) and inserting "1995"; and

(2) striking "1990" in subsection (b) and inserting "1995".

SEC. 502. PROMOTION PROGRAM.

Section 708 of the National Wool Act of 1954 (7 U.S.C. 1787) is amended by striking "at least two-thirds" wherever it appears and inserting "a majority" and by striking "two-thirds" wherever it appears and inserting "a majority".

SEC. 503. PAYMENT LIMITATION.

Section 704 of the National Wool Act of 1954 (7 U.S.C. 1783) is amended by—

(1) inserting immediately after the section designation "(a) USE OF PAYMENTS.—"; and

(2) adding at the end the following new subsection:

"(b) PAYMENT LIMITATION.—(1) In general.—The total amount of payments that any one producer is entitled to receive under this Act for any marketing years shall not exceed—

"(1) $200,000 in the 1991 marketing year;

"(2) $167,000 in the 1992 marketing year;

"(3) $133,000 in the 1993 marketing year; and

"(4) $100,000, beginning with marketing year 1994.

"(2) ENFORCEMENT.—For purposes of determining who is producer referred to in paragraph (1), sections 10001(5), 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308(5), 1308-1, and 1308-2, respectively) shall apply in the same manner as such sanctions apply for purposes of determining who is a person under such sections.

TITLE VI—HONEY

Subtitle A—Beekeeping Stabilization

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Beekeeping Industry Stabilization Act of 1990".

SEC. 602. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) honeybees serve a vital function for United States agriculture by pollinating millions of acres of fruits, vegetables, oilseeds, and legume seed crops annually;

(2) pollination by honeybees adds an estimated $9.7 billion annually to the value of the crops pollinated in the United States and has many additional indirect benefits to agriculture and horticulture, and such pollination has increased in importance to farmers in recent years as urbanization and other pressures on the environment have lessened the availability of other natural pollinators;

(3) while the value of honeybees to agriculture as pollinators far exceeds the value of the honey produced by bees, the income from honey production is essential to most beekeepers' operations since their income from honey production far exceeds the fees they receive for pollination services;

(4) honey production provides the incentive for beekeepers to maintain strong colonies of bees during the many months of the year that bees are not involved in commercial pollination; and

(5) the honey price support program has enabled beekeepers to continue operations and provide vital pollinating services while also assuring consumers of a stable supply of nutritious honey at reasonable prices.

SEC. 603. HONEY PRICE SUPPORT.

(a) Effective only for the 1991 through 1995 crops of honey, subsection (b) of sec-

tion 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended to read as follows:

"(b)(1) For each of the 1991 through 1995 crops of honey, the price of honey shall be supported through loans, purchases, or other operations at not less than 53.8 cents per pound.

"(2) The Secretary may permit a producer to repay a loan made to the producer under this subsection for a crop at a level that is the lesser of—

"(A) the loan level determined for such crop; or

"(B) such level as the Secretary determines will—

"(i) minimize the number of loan forfeitures;

"(ii) not result in excessive total stocks of honey;

"(iii) reduce the costs incurred by the Federal Government in storing honey; and

"(iv) maintain the competitiveness of honey in the domestic and export markets.

"(3)(A) If the Secretary determines that a person has knowingly pledged adulterated or imported honey as collateral to secure a loan made under this subsection, such person, in addition to any other penalty or sanction prescribed by law, shall be ineligible for a loan, purchase, or payment under this subsection for the 3 crop years succeeding such determination.

"(B) For purposes of subparagraph (A), honey shall be considered adulterated if—

"(i) any substance has been substituted wholly or in part for such honey;

"(ii) such honey contains a poisonous or deleterious substances that may render such honey injurious to health, except that in any case in which such substance is not added to such honey, such honey shall not be considered adulterated if the quantity of such substance in or on such honey does not ordinarily render it injurious to health; or

"(iii) for any other reason, such honey is unsound, unhealthy, unwholesome, or otherwise unfit for human consumption.".

(b) Section 405A of the Agricultural Act of 1949 (7 U.S.C. 1425A) is amended by striking "does not exceed $250,000" and inserting the following: "does not, when combined with any payments for such crop of honey described in section 1001(2) of the Food Security Act of 1985, exceed—

"(1) $200,000 in crop year 1991;

"(2) $167,000 in crop year 1992;

"(3) $133,000 in crop year 1993; and

"(4) $100,000, beginning with crop year 1994.".

Subtitle B—Research, Promotion, and Consumer Information

SEC. 611. SHORT TITLE.

This title may be cited as the "Honey Research, Promotion, and Consumer Information Act Amendments of 1990".

SEC. 612. DEFINITIONS.

Section 3 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4602) is amended by—

(1) in paragraph (8)—

(A) striking "or who acts" and inserting "or acts"; and

(B) inserting before the period at the end the following: "and who is listed in the import records as the importer of record for such honey or honey products"; and

(2) adding at the end the following new paragraph:

"(18) The term 'exporter' means any person who exports honey or honey products from the United States.".

SEC. 613. REQUIRED TERMS IN ORDERS.

Section 7 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606) is amended—

(1) in subsection (c)—

(A) by amending paragraph (2)(C) to read as follows:

"(C) two members who are either importers or exporters, of which at least one shall be an importer, appointed from nominations submitted by the Committee from recommendations by industry organizations representing importer and exporter interests;";

(B) in the matter following paragraph (2)(E), by striking "nominate an alternate or alternates" and inserting "submit nominations for an alternate";

(C) at the end of paragraph (2), by adding the following sentence: "However, no producer-packer who, during any three of the preceding five years, purchased for resale more honey than such producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in subparagraph (A) or as an alternate to such producer."; and

(D) in paragraph (4), inserting before the period at the end the following: ", except that if, as a result of the adjustment of the boundaries of the regions established under paragraph (2)(A), a producer member or alternate is no longer from the region from which such person was appointed, such member or alternate may serve out the term for which such person was appointed"; and

(2) by adding at the end the following new subsection:

"(k) Any patent on any product, copyright on any material, or any invention, product formulation or publication developed through the use of funds collected by the Honey Board shall be the property of the Honey Board. The funds generated from any such patent, copyright, invention, product formulation, or publication shall inure to the benefit of the Honey Board.".

SEC. 614. ASSESSMENTS.

(a) Assessment Rate and Exemptions.—Section 7 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606) is further amended—

(1) in subsection (e)(1) by striking the second and third sentences and inserting the following: "The assessment rate shall be $0.01 per pound, with payment to be made in the manner described in section 9."; and

(2) by striking subsection (e)(2) and inserting the following:

"(2)(A) Honey that is consumed at home by the producer or importer or donated by the producer or importer to a nonprofit, government, or other entity, as determined appropriate by the Secretary, rather than sold shall be exempt from assessment under the order, except that donated honey that later is sold in a commercial outlet by a donee or a donee's assignee shall be subject to assessment on such sale.

"(B)(i) A producer, producer-packer, or importer who produces or imports during any year less than 6,000 pounds of honey shall be eligible for an exemption in such year from paying an assessment on honey such person distributes directly through local retail outlets, as determined by the Secretary, during such year.

"(ii) In order to claim an exemption under this subparagraph, a person shall submit an application to the Honey Board stating the basis on which the person claims the exemption for such year.

"(iii) If, after a person claims an exemption from assessments for any year under this subparagraph, such person no longer meets the requirements of this subparagraph for an exemption, such person shall file a report with the Honey Board in the form and manner prescribed by the Board and pay an assessment on or before March 15 of the subsequent year on all honey produced or imported by such person during the year for which the person claimed the exemption.

"(3) If a producer, producer-packer, or importer does not pay any assessments under this Act due to the applicability to such person of the exemptions from assessments provided in paragraph (2), then such producer, producer-packer, or importer shall not be considered a producer or importer for purposes of voting in any referendum conducted under this Act during the period the person's exemption from all assessments is in effect.".

(b) COLLECTION OF ASSESSMENTS; REFUNDS.—Section 9 of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4608) is amended—

(1) in subsection (a), by striking "and (e)" and inserting "(e), and (i)";

(2) by amending subsection (d) to read as follows:

"(d) In any case in which a loan is made with respect to honey under the honey price support loan program established under the Agricultural Act of 1949, or successor statute, the Secretary shall provide for the assessment to be deducted from the disbursement of any loan funds made to the producer and for the amount of such assessment to be forwarded to the Honey Board. The Secretary shall provide for the producer to receive a statement of the amount of the assessment deducted from the loan funds promptly after each occasion when an assessment is deducted from any such loan funds under this subsection.";

(3) in subsection (f), by inserting after "assessments" the following: ", and persons receiving an exemption from assessments under section 7(e)(2),";

(4) in subsection (h), by—

(A) striking "Any" and inserting "(1)(A) Except as otherwise provided in paragraph (2), any";

(B) striking "to importers" and inserting "an importer";

(C) striking "from importers" and inserting "from such importer"; and

(D) adding at the end the following:

"(B) A producer that has obtained a honey price support loan under the Agricultural Act of 1949, or successor statute, may obtain a refund if the producer has submitted to the Honey Board the statement received under subsection (d) of the amount of assessment deducted from the loan funds and has otherwise complied with this subsection, even though the loan with respect to which the assessment was collected may still be outstanding and final settlement has not been made.

"(2) With respect to the order in effect on the date of the enactment of this paragraph, following the referendum on such order required under section 13(b)(2), a producer or importer may obtain a refund of an assessment under such order as provided in paragraph (1) only if the Secretary determines that the proposal to terminate refunds under the order is defeated in such referendum."; and

(5) by inserting after subsection (h) the following:

"(i) If a first handler or the Secretary fails to collect an assessment from a producer under this section, the producer shall be responsible for the payment of the assessment to the Honey Board.".

SEC. 615. FIRST RECONFIRMATION REFERENDUM.

(a) IN GENERAL.—Section 13(b) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4612) is amended by—

(1) striking "Five" and inserting "(1) Except as otherwise provided in paragraph (2), five";

(2) striking "continuation, termination," and inserting "termination"; and

(3) inserting at the end the following:

"(2)(A) In lieu of the first referendum otherwise required to be conducted under paragraph (1) for the order in effect on the date of the enactment of this paragraph, the Secretary shall conduct a referendum to determine if honey producers and importers favor—

"(i) the continuation of the order; and

"(ii) termination of the authority for producers and importers to obtain a refund of assessments under section 9(h)(1).

The referendum shall be conducted at the time the first referendum otherwise required under paragraph (1) would have been conducted, except for the operation of this paragraph.

"(B)(i) The Secretary shall terminate such order at the end of the marketing year during which such referendum is conducted, if the Secretary determines that termination of the order is approved or favored by not less than a majority of the producers and importers voting in the referendum and that the producers and importers comprising this majority produce and import more than 50 percent of the volume of honey produced and imported by those voting in the referendum.

"(ii) If the Secretary determines that termination of the authority for producers and importers to receive refunds of assessments under section 9(h)(1) is favored or approved by a majority of the producers and importers voting in such referendum and that the producers and importers comprising this majority produce and import more than 50 percent of the volume of honey produced and imported by those voting in the referendum, then the Secretary shall amend such order as necessary to reflect the vote of producers and importers. Such amendment to the order shall become effective on the date it is issued, but in no case more than 180 days after the conduct of such referendum.".

(b) CONFORMING AMENDMENT.—Section 13(d) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4612) is amended by—

(1) striking "such order" and inserting "an order";

(2) inserting "in which a referendum is conducted under subsection (b) or (c)" after "marketing year"; and

(3) striking "of the order".

SEC. 616. INVESTIGATIONS AND POWER TO SUBPOENA.

The Honey Research, Promotion, and Consumer Information Act is amended by inserting after section 11 (7 U.S.C. 4610) the following new section:

"INVESTIGATIONS AND POWER TO SUBPOENA

"SEC. 11A. (a) IN GENERAL.—The Secretary may make such investigations as the Secretary deems necessary—

"(1) for the effective administration of this Act; or

"(2) to determine whether a person has engaged or is engaging in any act or practice that constitutes a violation of any provision of this Act, or of any order, rule, or regulation issued under this Act.

"(b) POWER TO SUBPOENA.—(1) INVESTIGATIONS.—For the purpose of an investigation made under subsection (a), the Secretary is authorized to administer oaths and affirmations and to issue a subpoena to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

"(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 10 or section 11, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

"(c) AID OF COURTS.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring such person to comply with such a subpoena.

"(d) CONTEMPT.—Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(e) PROCESS.—Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

"(f) HEARING SITE.—The site of any hearings held under this section shall be within the judicial district where such person resides or has a principal place of business.".

SEC. 617. CONFORMING AMENDMENT TO ORDER.

Notwithstanding any provision of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.), the Secretary of Agriculture, after notice and opportunity for public comment, shall issue an amendment to the order in effect under such Act on the date of the enactment of this Act to conform such order to the amendments made by this title, which shall become effective on the date of the publication of such amendment to the order in the Federal Register without a referendum thereon (except for the referendum specifically provided for under section 05). The Secretary shall issue such amendment to the order in final form not later than 150 days after the date of the enactment of this Act.

TITLE VII—OILSEEDS

Subtitle A—Oilseed Price Support

SEC. 701. OILSEED PRICE SUPPORT.

Effective only for the 1991 through 1995 crops of oilseeds, including soybeans, sunflower, canola, rapeseed, safflower, flaxseed, and mustard seed, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended by—

(1) inserting after "tung nuts," in the first sentence "oilseeds (including soybeans, sunflower, canola, rapeseed, safflower, flaxseed, and mustard seed)," and

(2) amending subsection (g) to read as follows:

"(g)(1)(A) The Secretary shall support the price of soybeans, sunflowers, canola, rapeseed, safflower, flaxseed, mustard seed, and any other oilseeds the Secretary may designate, through loans and purchases in each of the 1991 through 1995 marketing years as provided in this subsection.

"(B) Except as provided in paragraph (2), the level of price support —

"(i) in the case of the 1991 and 1992 crops of soybeans shall not be less than $5.25 per bushel; and

"(ii) in the case of the 1991 through 1995 crops of sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and other oilseeds the Secretary may designate, shall be set for each such oilseed at such level as the Secretary determines is fair and reasonable in relation to the level of price support available for soybeans, including any adjustment made pursuant to paragraph (2), but, except in the case of cottonseed, in no event less than the level established for soybeans on a per-pound basis for the same crop year.

"(2) In the case of each of the 1993 through 1995 crops of soybeans and other oilseeds for which a price support program is in effect under this subsection, if the Secretary estimates for the marketing year for such crop that the ratio of ending stocks of soybeans or such other oilseeds to total use for the marketing year will be—

"(A) more than 25 percent, the Secretary may reduce the level of price support determined under paragraph (1)(B) for soybeans or such other oilseeds for the marketing year by an amount not to exceed 5 percent in any year.

"(B) more than 20 percent but not more than 25 percent, the Secretary may not reduce the level of price support determined under paragraph (1)(B) for soybeans or such other oilseeds for the marketing year.

"(C) equal to or less than 20 percent, the Secretary shall increase the level of price support determined under paragraph (1)(B) for soybeans or such other oilseed for the marketing year by 5 percent in any year. In no case may the level of price support for the 1993 crop of soybeans be more than $5.40 per bushel.

Any change in the level of price support for soybeans or such other oilseed under this paragraph shall not be considered in determining such level of price support for subsequent years.

"(3)(A) If the Secretary adjusts the level of price support for soybeans or other oilseeds under paragraph (2), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

"(i) certifying such adjustment as necessary to prevent the build-up of stocks or to encourage production; and

"(ii) containing a description of the need for such adjustment.

"(B) Such adjustment shall become effective no earlier than 60 calendar days after the date of submission of such report to such committees.

"(4)(A) The Secretary shall permit a producer to repay a loan made under this subsection for any crop of soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and other oilseeds that the Secretary may designate, at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for such crop, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for such crops; and

"(ii) a mechanism by which the Secretary shall periodically announce the prevailing world market price for such crops.

"(5)(A) The Secretary shall, for each of the 1991 through 1995 crops of soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and other oilseeds the Secretary may designate, make payments available to producers who, although eligible to obtain a loan under paragraph (1), agree to forgo obtaining such loan in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of such crop that the producer is eligible to place under loan.

"(C) For purposes of this paragraph, the quantity of such crops eligible to be placed under loan may not exceed the product obtained by multiplying—

"(i) the individual farm acreage for such crops actually harvested; by

"(ii) the actual yield per harvested acre established for the farm.

"(D) For purposes of this paragraph, the loan payment rate shall be the amount by which—

"(i) the loan level determined for such crop under paragraph (1) exceeds

"(ii) the level at which a loan may be repaid under paragraph (4).

"(E)(i) The Secretary may make payments under this subsection available in the form of certificates redeemable for any agricultural commodity owned by the Commodity Credit Corporation.

"(ii) The Secretary shall make certificates available under clause (i) in such a manner so as to minimize the accumulation of oilseeds stocks.

"(6) For purposes of this subsection, the marketing year for—

"(A) soybeans, sunflower, or safflower is the 12-month period beginning on September 1 of the calendar year in which the crop of the commodity is harvested;

"(B) canola and rapeseed is the 12-month period beginning on May 1 of the calendar year in which the crop of the commodity is harvested; and

"(C) flaxseed, mustard seed, and any other oilseeds the Secretary may designate is such period as prescribed by the Secretary by regulation.

"(7)(A) The Secretary shall make a preliminary announcement of the support price for each crop—

"(i) of soybeans, sunflower, and safflower not later than November 1 preceding the beginning of the marketing year for the crop,

"(ii) of canola and rapeseed not later than July 1 preceding the beginning of the marketing year for the crop, and

"(iii) of flaxseed, mustard seed, and other oilseeds the Secretary may designate not later than 10 months preceding the beginning of the marketing year for such crop.

"(B) The Secretary shall make a final announcement of the level of price support for each crop of soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and other oilseeds the Secretary may designate not later than 30 days after the beginning of the marketing year for such crop. The final support price may not be less than the support price provided for in the preliminary announcement.

"(8) Loans for each crop of soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and other oilseeds the Secretary may designate shall be made available not earlier than the beginning of the marketing year for the crop and shall mature nine months from the date of the loan.

"(9) Notwithstanding any other provision of law the Secretary may not require participation in any production adjustment program for any commodity as a condition of eligibility for price support under this subsection.".

Subtitle B—Soybean Promotion, Research and Consumer Information

SECTION 711. SHORT TITLE AND TABLE OF CONTENTS.

(a) This subtitle may be cited as the "Soybean Promotion, Research, and Consumer Information Act".

(b) TABLE OF CONTENTS.—The table of contents for this subtitle is as follows:

Sec. 711. Short title and table of contents.
Sec. 712. Findings and declaration of policy.
Sec. 713. Definitions.
Sec. 714. Issuance and amendments of orders.
Sec. 715. Required terms in orders.
Sec. 716. Referenda.
Sec. 717. Petition and review.
Sec. 718. Enforcement.
Sec. 719. Investigations; power to subpoena; aid of courts.
Sec. 720. Administrative provisions.
Sec. 721. Regulations.
Sec. 722. Authorization.

SEC. 712. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) soybeans are an important source of nutritious foods that are a valuable part of the human diet and are an important feedstuff for the livestock industry;

(2) the production of soybeans plays a significant role in the economy of the United States in that soybeans are produced by thousands of soybean producers, processed by numerous processing entities, and soybeans and soybean products produced in the United States are consumed by people and livestock throughout the United States and foreign countries;

(3) soybeans and soybean products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of soybean products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for soybeans and soybean products are vital to the welfare of soybean producers and processors and those concerned with marketing soybeans and soybean products, as well as to the general economy of the United States, and are necessary to ensure the ready availability and efficient marketing of soybeans and soybean products;

(5) there exist established State and national organizations conducting soybean promotion, research, and consumer education programs that are valuable to the efforts of promoting the consumption of soybeans and soybean products;

(6) the cooperative development, financing, and implementation of a coordinated national program of soybean promotion, research, consumer information, and industry information are necessary to maintain and expand existing markets and develop new markets for soybeans and soybean products; and

(7) soybeans and soybean products move in interstate and foreign commerce, and soybeans and soybean products that do not move in such channels of commerce directly burden or affect interstate commerce in soybeans and soybean products.

(b) POLICY.—Congress declares that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this subtitle, of an orderly procedure for developing, financing through assessments on domestically-produced soybeans, and implementing a program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's position in the marketplace, to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products, and to develop new markets and uses for soybeans and soybean products.

(c) CONSTRUCTION.—Nothing in this subtitle may be construed to provide for the control of production or otherwise limit the right of individual producers to produce soybeans.

SEC. 713. DEFINITIONS.

As used in this subtitle:

(1) The term "Board" means the United Soybean Board established under section 715(b) of this subtitle.

(2) The term "commerce" includes interstate, foreign, and intrastate commerce.

(3) The term "consumer information" means information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of soybeans or soybean products.

(4) The term "Department" means the Department of Agriculture.

(5) The term "first purchaser" means—

(A) except as provided in subparagraph (B), any person buying or otherwise acquiring from a producer soybeans produced by such producer, or

(B) the Commodity Credit Corporation, in any case in which soybeans are pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation.

(6) The term "industry information" means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the soybean industry, and activities to enhance the image of the soybean industry.

(7) The term "marketing" means the sale or other disposition of soybeans or soybean products in any channel of commerce.

(8) The term "net market price" means—

(A) except as provided in subparagraph (B), the sales price or other value received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors, as determined by the Secretary, or

(B) for soybeans pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation, the principal amount of the loan.

(9) The term "order" means an order issued under section 714.

(10) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(11) The term "producer" means any person engaged in the growing of soybeans in the United States who owns, or who shares the ownership and risk of loss of, such soybeans.

(12) The term "promotion" means any action, including paid advertising, technical assistance, and trade servicing activities, to enhance the image or desirability of soybeans or soybean products in domestic and foreign markets, and any activity designed to communicate to consumers, importers, processors, wholesalers, retailers, government officials, or others information relating to the positive attributes of soy-

beans or soybean products or the benefits of importation, use, or distribution of soybeans and soybean products.

(13) The term "qualified State soybean board" means a State soybean promotion entity that is authorized by State law. If no such entity exists in a State, the term "qualified State soybean board" means a soybean producer-governed entity—

(A) that is organized and operating within a State,

(B) that receives voluntary contributions and conducts soybean promotion, research, consumer information, or industry information programs, and

(C) that meets criteria established by the Board relating to the qualifications of such entity to perform duties under the order, as determined by the Board, and is recognized by the Board as the soybean promotion and research entity within the State.

(14) The term "research" means any type of study to advance the image, desirability, marketability, production, product development, quality, or functional or nutritional value of soybeans or soybean products, including any research activity designed to identify and analyze barriers to export sales of soybeans and soybean products.

(15) The term "Secretary" means the Secretary of Agriculture.

(16) The term "soybean products" means products produced in whole or in part from soybeans or soybean by-products.

(17) The term "soybeans" means all varieties of Glycine max or Glycine soya.

(18) The terms "State" and "United States" consist of the fifty States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 714. ISSUANCE AND AMENDMENT OF ORDERS.

(A) IN GENERAL.—To effectuate the declared policy of section 712(b) of this subtitle, the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this subtitle applicable to producers and first purchasers of soybeans. Any such order shall be national in scope, and not more than one order shall be in effect under this subtitle at any one time.

(b) PROCEDURE.—(1) The Secretary may propose the issuance of an order under this subtitle, or an association of soybean producers or any other person that would be affected by an order issued pursuant to this subtitle may request the issuance of, and submit a proposal for, such an order.

(2) Not later than 30 days after the receipt of a request and proposal for an order pursuant to paragraph (1), or whenever the Secretary determines to propose an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements under this subtitle. Such order shall be issued and become effective not later than 180 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any order issued under this section. Except as otherwise provided in sections 715(b)(2)(F) and 715(d)(1), no amendment to an order shall be effective until approved by a referendum of soybean producers and the provisions of this subtitle applicable to orders shall be applicable to amendments to orders.

SEC. 715. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—Any order issued under this subtitle shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF THE UNITED SOYBEAN BOARD.—(1) The order shall provide for the establishment of, and appointment of members to, a United Soybean Board to administer the order. Members of the Board shall be soybean producers appointed by the Secretary, on a geographic basis, from State or combined units, as provided in this subsection. The cumulative number of seats on the Board shall be the total number of seats to which all the units are entitled.

(2) The Secretary shall establish State units and combined units and seats on the Board for such units, as follows:

(A) Except as provided in subparagraph (B), each State shall be considered as a unit.

(B) A State in which average annual soybean production is less than 3 million bushels shall be grouped with other States into a combined unit. To the extent practicable, each State with average annual soybean production of less than 3 million bushels shall be grouped with other States with average annual soybean production of less than 3 million bushels into a combined unit, in a manner prescribed in the order, and each combined unit shall consist of geographically contiguous States. Each combined unit shall have an average annual production of soybeans of at least 3 million bushels.

(C) Subject to subparagraph (F), each unit, as established under subparagraph (A) or (B)—

(i) if its average annual soybean production is less than 15 million bushels, shall be entitled to one seat on the Board;

(ii) if its average annual soybean production is 15 million bushels or more but less than 70 million bushels, shall be entitled to 2 seats on the Board;

(iii) if its average annual soybean production is 70 million bushels or more but less than 200 million bushels, shall be entitled to 3 seats on the Board; and

(iv) if its average annual soybean production is 200 million bushels or more, shall be entitled to 4 seats on the Board.

(D) At the end of each 3 year period beginning with the 3 year period starting on the effective date of the order, the Secretary, if necessary, shall adjust any unit to conform with subparagraphs (A) and (B) and any modifications pursuant to paragraph (F). If the Secretary makes such an adjustment, the Secretary shall re-establish the seats on the board to conform with subparagraph (C) and any modifications pursuant to paragraph (F).

(E) For purposes of subparagraphs (A), (B), (C), and (D), the Secretary shall determine average annual soybean production application to a crop year by using the average of the 5 previous crops of soybeans, excluding the crop in which production was the highest and the crop in which production was the lowest.

(F) At the end of each 3 year period beginning with the 3 year period starting on the effective date of the order, the Board may recommend to the Secretary, to the extent it determines appropriate, changes in the levels of production used in subparagraphs (A), (B), and (C) to determine per-unit representation on the Board. The Secretary may amend the order to make such changes in levels of production used to determine per-unit representation. Any such amendment to the order shall not be subject to a referendum of producers. A unit may not, as a result of any modification under this subparagraph, lose Board seats to which it is entitled at the time the order is initially issued unless its average annual production, as determined under subparagraph (E), declines below the levels required for representation, as specified in subparagraphs (A), (B), and (C).

(3)(A) The Secretary shall appoint soybean producers to seats established under paragraph (2) from nominations submitted by each unit. Each unit shall submit to the Secretary at least 2 nominations for each appointment to the Board to which such unit is entitled.

(B)(i) The Secretary shall solicit nominations for each seat on the initially-established Board to which a State unit is entitled from the State soybean board in the State that submits satisfactory evidence to the Secretary that such board meets the criteria of section 713(13), other than section 713(13)(C), of this subtitle. If no such organization exists in the unit, the Secretary shall solicit nominations for appointments in such manner as the Secretary determines appropriate.

(ii) The Secretary shall solicit nominations for each seat on the initially-established Board to which a combined unit is entitled in such manner as the Secretary determines appropriate, taking into consideration the recommendations of any State soybean board operating in the unit that submits satisfactory evidence to the Secretary that such board meets the criteria of section 713(13), other than section 713(13)(C), of this subtitle.

(C)(i) The Secretary shall solicit nominations for each subsequent appointment to a seat on the Board to which a State unit is entitled from the qualified State soybean board in the unit. If no such organization exists in the unit, the Secretary shall solicit nominations for such appointment in such manner as the Secretary determines appropriate.

(ii) The Secretary shall solicit nominations for each subsequent appointment to a seat on the Board to which a combined unit is entitled in such manner as the Secretary determines appropriate, taking into consideration the recommendations of any qualified State soybean board operating in the unit.

(4) The Secretary may reject any nomination submitted by a unit. If there are insufficient nominations from which to appoint members to the Board as a result of the Secretary rejecting the nominations submitted by a unit, the unit shall submit additional nominations, as provided in paragraph (3).

(5) The Secretary shall ensure, to the extent practicable, that at least 5 of the members appointed to the Board are members in good standing, and were members for at least 3 years prior to appointment to the Board, of a national general farm oganization. Each of the 5 members shall be a member of a different national general farm organization.

(6) Each appointment to the Board shall be for a term of 3 years, except that appointments to the initially-established Board shall be proportionately for 1 year, 2 year, and 3 year terms. No person may serve more than 3 three-year terms. Board members shall serve without compensation, but shall be reimbursed by the Board for their reasonable expenses incurred in performing their duties as members of the Board.

(7)(A) Notwithstanding the foregoing provisions of this subsection, the Secretary, under procedures established by the Secre-

tary, may appoint to the initially-established Board up to 3 temporary members to serve in addition to the members appointed as otherwise provided in this subsection, as the Secretary determines appropriate for transition purposes under the criteria set out in subparagraph (B). Each such temporary member shall be appointed for a single term not to exceed 3 years.

(B) The Secretary, in making any temporary appointments to the initially-established Board, shall ensure, to the extent practicable, that each State with a State soybean board that, prior to the enactment of this subtitle, was contributing State soybean promotion and research assessment funds to national soybean promotion and research efforts has representation on the initially-established Board that reflects the relative contributions of such State to the national soybean promotion and research effort.

(8) The order shall provide for at least one meeting of the Board annually and specify the circumstances in which additional special meetings of the Board may be held.

(c) POWERS AND DUTIES OF THE BOARD.—The order shall define the powers and duties of the Board and shall include the following powers or duties:

(1) to administer the order in accordance with its terms and provisions;

(2) to make regulations to effectuate the terms and provisions of the order;

(3) to elect members of the Board to serve on committees;

(4) to submit budgets to the Secretary for the Secretary's approval or disapproval;

(5) to contract with appropriate persons to implement plans or projects;

(6) to contract with qualified State soybean boards to implement programs in their States;

(7) to receive, investigate, and report to the Secretary complaints of violations of the order;

(8) to provide the Secretary with prior notice of meetings of the Board to allow the Secretary, or a designated representative, to attend such meetings;

(9) to recommend to the Secretary amendments to the order;

(10) to provide at least annually a report to producers accounting for funds and describing programs implemented and make such report available to the public upon request; and

(11) to ensure, in carrying out the order, that the development of the budget and activities conducted under the order do not cause a duplication of efforts of, or ineffective use of resources under, any other soybean promotion, research, consumer information, or industry information program on the State or national level.

(d) BOARD VOTING PROCEDURES.—(1) The order shall establish procedures for the conduct of voting by the Board, as specified in this subsection. At the end of the 3 year period beginning on the effective date of the order, the Board may recommend to the Secretary changes in such procedures for the conduct of voting by the Board, and the Secretary may amend the order to make such recommended changes in voting procedures. Such amendment to the order shall not be subject to a referendum of procedures.

(2) Each member of the Board shall be entitled, in any vote conducted by the Board, to cast the number of votes determined under the following rules:

(A) Each member shall be entitled to cast one vote unless a roll call vote is conducted. On a roll call vote, each member shall be entitled to cast such additional votes as are assigned to the member under subparagraph (B).

(B) The additional votes that each member is assigned for roll call votes shall be computed as follows:

(i) Except as provided in clause (ii), each unit shall be allotted one vote for each percent, or portion of a percent, of the total amount of assessments remitted to the Board that was remitted from the unit, net of any refunds made under subsection (j)(2), on the average, during each of the 3 previous fiscal years of the Board.

(ii)(I) During the first fiscal year of the Board, each unit shall be allotted one vote for each percent, or portion of a percent, of the total production of soybeans in the United States that was produced in the unit, on the average, during each of the 3 immediately preceding crop years.

(II) The order shall provide appropriate adjustments of the procedure for the allotment of votes under clause (i) to apply to allotments of votes during the second and third fiscal years of the Board.

(iii) A unit's total votes under clause (i) or (ii) shall be divided equally among all the members representing that unit. The procedures established by the order shall provide for the equitable disposition of fractional votes assigned to a member under such division of a unit's votes.

(3)(A) Except as provided in subparagraph (B), a motion shall carry if approved by a simple majority of members of the Board casting votes.

(B) Any member of the Board may call for a roll call vote on any motion. Except as otherwise provided in the bylaws adopted by the Board, whenever a roll call vote is conducted, the motion shall carry only if approved by a simple majority of all votes cost and a simple majority of all units voting, with the vote of each unit determined by a simple majority of all votes cast by members in that unit.

(4) In any vote conducted by a committee of the Board, each member of the committee shall have one vote.

(5) A member may not cast votes by proxy.

(e) BUDGETS.—The order shall provide that the Board shall develop budgets on a fiscal year basis of anticipated expenses and disbursements under the order, including probable costs of administration and promotion, research, consumer information, and industry information projects. The Board shall submit such budgets or any substantial modification thereof to the Secretary for the Secretary's approval. In approving or disapproving such budget or modification, the Secretary shall, among other considerations, ensure that the activities conducted under the order do not cause a duplication of efforts of, or ineffective use of resources under, any other soybean promotion, research, consumer information, or industry information program on the State or national level. Each such budget or modification shall be approved or disapproved by the Secretary within 45 days after the Secretary receives the budget modification. No expenditure of funds may be made by the Board unless such expenditure is authorized under a budget or modification approved by the Secretary.

(f) PLANS AND PROJECTS.—The order shall provide that the Board shall review or, on its own initiative, develop plans or projects of promotion, research, consumer information, and industry information, to be paid for with funds received by the Board.

(g) ADMINISTRATION.—(1) The order shall provide that the Board shall be responsible for all expenses of the Board.

(2)(A) The order shall provide that the Board may establish an administrative staff or facilities of its own or contract for the use of the staff and facilities of national, nonprofit, producer-governed organizations that represent producers of soybeans.

(B) If the Board establishes an administrative staff of its own, the Board is authorized to expend for administrative staff salaries and benefits an amount not to exceed one percent of the projected level of assessments to be collected by the Board, net of any refunds to be made under subsection (j)(2), for that fiscal year.

(C) If the staff of national, nonprofit, producer-governed organizations that represent producers of soybeans are used by the Board, the staff of such organizations shall not receive compensation directly from the Board, but such organizations shall be reimbursed for the reasonable expenses of their staffs, including salaries, incurred in performing staff duties on behalf of, and authorized by, the Board.

(3) The order shall provide that costs incurred by the Board in administering the order (including the cost of staff but not including administrative costs incurred by the Secretary) during any fiscal year shall not exceed 5 percent of the projected level of assessments to be collected by the Board, net of any refunds to be made under subsection (j)(2), for that fiscal year.

(h) CONTRACTS AND AGREEMENTS.—(1) To ensure coordination and efficient use of funds, the order shall provide that the Board may enter into contracts or agreements for the implementation and carrying out of the activities authorized by this subtitle with national, nonprofit, producer-governed organizations that represent producers of soybeans, and for the payment thereof with funds received by the Board under the order.

(2) To enhance coordination, the Board, when entering into contracts or agreements for the implementation and carrying out of activities authorized by this subtitle, shall ensure that all plans or projects implemented for consumer information, industry information, promotion, or research are implemented by a single entity. There shall not be in force, at any one time, more than one contract or agreement for implementation of plans or projects for consumer information, for industry information, for promotion, or for research, except that, upon approval of the Secretary, the Board may contract with qualified State soybean boards to implement plans or projects within their respective States.

(3) Any such contract or agreement shall provide that—

(A) the contracting party shall develop and submit to the Board a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project;

(B) the plan or project shall not become effective unless it has been approved by the Secretary; and

(C) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, including staff time, salaries, and expenses expended on behalf of Board activities, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(i) BOOKS AND RECORDS OF THE BOARD.—The order shall require the Board to—

(1) maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe,

(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe, and

(3) account for the receipt and disbursement of all funds entrusted to the Board.

The Board shall cause its books and records to be audited by an independent auditor at the end of each fiscal year and a report of such audit to be submitted to the Secretary. The Secretary shall make such report available to the public upon request.

(j) ASSESSMENTS.—(1)(A)(i) The order shall provide that each first purchaser of soybeans from a producer shall collect, in the manner prescribed by the order, an assessment from the producer and remit the assessment to the Board. If a qualified State soybean board is operating in the State, the Board shall permit such State board to collect such assessments on behalf of the Board from first purchasers in the State in which such board is operating.

(ii) The rate of assessment prescribed by the order shall be one-half of 1 percent of the net market price of soybeans bought or otherwise acquired by the first purchaser from the producer.

(iii) No more than one assessment shall be made with respect to any particular soybeans.

(iv) The order shall provide that no person may engage in any scheme or device regarding the net market price of soybeans for purposes of affecting the assessment under the order.

(B) The order shall provide that any person processing soybeans of that person's own production and marketing such soybeans or soybean products made from such soybeans shall remit to the Board or the qualified State soybean board, in the manner prescribed by the order, an assessment established at a rate equivalent to the rate provided for in subparagraph (A)(ii).

(2)(A) The order shall provide that, during the period prior to the approval of the continuation of the order in the referendum provided for in section 1906(a), as determined by the Secretary, each producer shall have the right to demand and receive from the Board a refund of any assessment collected from such producer if—

(i) such producer is responsible for paying the assessment; and

(ii) such producer does not support the programs, projects, or activities implemented under the order.

(B) Subject to the provisions of subparagraph (C)(i), any demand by a producer for a refund of an assessment under this paragraph shall be made in accordance with regulations, on a form, and within the time period, not to exceed 90 days from the date of collection, prescribed by the Board.

(C)(i) In each State in which a qualified State soybean board collects assessments, as provided in paragraph (1)(A)(i), producers shall submit demands for refunds of assessments to the qualified State soybean board. Such board shall process such submissions under procedures established under State statute applicable to refunds of assessments on soybeans, except that if no refunds are allowed under State statute, such submissions shall be processed under procedures established under this paragraph.

(ii) In each State not specified in clause (i), producers shall submit demands for refunds of assessments directly to the Board.

(D) Subject to the provisions of subparagraph (C)(i), each refund to a producer of an assessment under this paragraph shall be made as soon as practicable, but in no case more than 60 days, after submission of proof satisfactory to the qualified State soybean board or the Board that the producer paid the assessment for which refund is demanded.

(3) The assessments shall be used for payment of the expenses incurred in implementation and administration of the order, the establishment of a reasonable reserve, and reimbursement to the Secretary of administrative costs incurred by the Secretary after the order has been proposed.

(4) A producer who can establish that such producer is contributing to a qualified State soybean board shall receive credit, in determining the assessment due to the Board from such producer, for contributions to the qualified State soybean board of up to one-quarter of 1 percent of the net market price of soybeans or the equivalent thereof. A producer may receive a credit under this paragraph only if the contribution is to the qualified State soybean board in the State in which the soybeans are produced, except that the Board, with the approval of the Secretary, may authorize exceptions to such State-of-origin rule as appropriate to ensure effective coordination of collection procedures among States.

(5) The procedures in the order for the collection of assessments shall ensure, to the extent practicable, that such soybeans are subject to a single process of assessment under the order.

(k) CREDIT FOR CERTAIN COSTS TO STATES.—The order shall provide that the Board may provide a credit against the amount of collected assessments due from each qualified State soybean board of an amount not to exceed one-half of any fees paid to State governmental agencies or first purchasers for collection of the assessments if the payment of such fees by the qualified State soybean board is required by State statute enacted prior to the date of enactment of this subtitle. Any credit provided to any qualified State soybean board under this subsection may not exceed 2.5 percent of the amount of assessments collected and remitted to the Board under subsection (j).

(l) MINIMUM LEVEL OF ASSESSMENTS TO STATES.—(1) The order shall contain provisions to ensure that, during the period prior to conduct of the referendum provided for in section 1906(a), each qualified State soybean board retains annually an amount of money equal to the average amount that the State board collected from assessments during each of the State board's fiscal years 1984 through 1988, excluding the year in which such collections were the highest and the year in which such collections were the lowest, as determined by the Secretary and subject to paragraph (3).

(2) The order shall provide, effective after the conduct of the referendum provided for in section 716(a), subject to paragraph (3), that the Board annually shall provide a credit to each qualified State soybean board of an amount by which—

(A) the amount equal to one cent times the average number of bushels of soybeans produced in the State during each of the preceding 5 years, excluding the year in which the production is the highest and the year in which the production is the lowest, exceeds

(B) the total amount collected by the qualified State soybean board from assessments on producers under this subtitle and State law minus the amount of assessments remitted to the Board during such year under subsection (j).

(3) The total amount of assessment funds retained by a qualified State soybean board under paragraph (1) or (2) and subsection (j)(4) for a year may not exceed the total amount of assessments collected in the State under subsection (j), net of any refunds made under subsection (j)(2), for that year.

(m) INVESTMENT OF FUNDS.—The order shall provide that the Board, with the approval of the Secretary, may invest funds received by the Board under the order, pending their disbursement, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. Income from any such investment may be used only for such purposes as the invested funds may be used.

(n) PROHIBITION.—(1) Except as otherwise provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing any action or policy of the United States Government, any foreign, State, or United States territory or possession government, or any political subdivision thereof.

(2) The prohibition in paragraph (1) shall not apply to—

(A) the development and recommendation of amendments to the order;

(B) the communication to appropriate government officials of information relating to the conduct, implementation, or results of promotion, research, consumer information, and industry information under the order; or

(C) any action designed to market soybeans or soybean products directly to a foreign government or political subdivision thereof.

(o) BOOKS AND RECORDS OF FIRST PURCHASERS AND CERTAIN PRODUCERS.—(1) The order shall require that each first purchaser of soybeans and any person processing soybeans of that person's own production maintain and make available for inspection by the Board or the Secretary such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. The order shall exempt small producers processing soybeans of their own production from such recordkeeping and reporting requirements if they are not required to pay assessments under the order.

(2)(A) Information maintained under paragraph (1) shall be made available to the Secretary as is appropriate for the administration or enforcement of this subtitle, or any order or regulation issued under this subtitle.

(B) The Secretary shall authorize the use under this subtitle of information regarding first purchasers that is accumulated under a law or regulation other than this subtitle or regulations under this subtitle.

(3)(A) Commercial or financial information obtained under paragraphs (1) and (2) and that is privileged or confidential shall be kept confidential by all officers and employees of the Department, the Board, and agents of the Board, subject to the provisions of subparagraph (B).

(B) Information obtained under the authority of this subtitle shall be made available to any agency or officer of the Federal Government for—

(i) the implementation of this subtitle;

(ii) any investigatory or enforcement action necessary for the implementation of this subtitle; or

(iii) any civil or criminal law enforcement activity if the activity is authorized by law.

(4) Any person who intentionally or knowingly violates the provisions of this subsection, upon conviction, shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, if an agent of the Board or an officer or employee of the Department, shall be removed from office.

(p) INCIDENTAL TERMS AND CONDITIONS.—The order shall provide terms and conditions, not inconsistent with the provisions of this subtitle, as necessary to effectuate the provisions of the order, including provisions for the assessment of a penalty for each late payment of assessments under subsection (j).

SEC. 716. REFERENDA.

(a) INITIAL REFERENDUM.—Not earlier than 18 months nor later than 36 months following the issuance of an order under section 1904 of this subtitle, the Secretary shall conduct a referendum for the purpose of ascertaining whether the order than in effect shall be continued. Such referendum shall be conducted among producers who, during a representative period as determined by the Secretary, have been engaged in the production of soybeans. Such order shall be continued only if the Secretary determines that the order has been approved by not less than a majority of the producers voting in the referendum. If continuation of the order is not approved by a majority of those voting in the referendum, the Secretary shall terminate the collection of assessments under the order within 6 months after the referendum and shall terminate the order in an orderly manner as soon as practicable.

(b) ADDITIONAL REFERENDA.—(1)(A) After the initial referendum on an order, the Secretary shall conduct additional referenda, as described in subparagraph (C), if requested by a representative group of producers, as described in subparagraph (B).

(B) An additional referendum on an order shall be conducted if requested by 10 percent or more of the producers who during a representative period have been engaged in the production of soybeans, of which group of requesting producers not in excess of one-fifth are producers in any one State, as determined by the Secretary.

(C) Each additional referendum shall be conducted among all producers who, during a representative period, as determined by the Secretary, have been engaged in the production of soybeans to determine whether such producers favor the termination of the order.

(2) If the Secretary determines, in any referendum conducted under paragraph (1), that termination of the order is favored by a majority of the producers voting in the referendum, the Secretary shall terminate, as appropriate, collection of assessments under the order within 6 months after such determination and shall terminate the order, as appropriate, in an orderly manner as soon as practicable after such determination.

(3)(A) To facilitate the periodic determination as to whether producers favor the conduct of an additional referendum under this subsection, the Secretary, 5 years after the conduct of a referendum under this section and every 5 years thereafter for as long as an order is in effect, shall provide soybean producers an opportunity to request an additional referendum, as provided in this paragraph.

(B)(i) To implement the requirements of subparagraph (A), the Secretary shall establish a procedure under which producers may request a reconfirmation referendum in person at county extension offices during a period established by the Secretary, or as provided in clause (ii).

(ii) In lieu of making such requests in person, producers may make requests by mail. Mail-in requests must be postmarked no later than the end of the period established under clause (i) for in-person requests. To facilitate such submission of requests by mail, the Secretary may make mail-in request forms available to producers.

(C) The Secretary shall publish a notice in the Federal Register, and the Board shall provide written notification to producers, not later than 60 days prior to the end of the period established under subparagraph (B)(i) for in-person requests, of the producers' opportunity to request the additional referendum. Such notification shall explain the producers' right to, and the procedures specified in this subsection for, the conduct of an additional referendum, the purpose of the referendum, and the date and method by which producers can act to request the additional referendum under this paragraph. The Secretary shall take such other actions as the Secretary determines necessary to ensure that producers are made aware of the opportunity to request an additional referendum on the order.

(D) As soon as practicable following the submission of requests for a reconsideration referendum, the Secretary shall determine whether a sufficient number of producers have requested an additional referendum, and take other steps to conduct an additional referendum, as required under paragraph (1).

(E) Any additional referendum requested under the procedures provided in this paragraph shall be conducted not later than one year after the Secretary determines that a representative group of producers, as described in paragraph (1)(B), have requested the conduct of such referendum.

(c) PROCEDURES.—(1) The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Secretary in connection with the conduct of any activity required under this section, except for the salaries of Government employees.

(2) Each referendum shall be conducted for a reasonable period (not to exceed 3 days) established by the Secretary, under a procedure whereby producers intending to vote in the referendum shall certify that they were engaged in the production of soybeans during the representative period and, at the same time, shall be provided an opportunity to vote in the referendum.

(3) Referenda shall be conducted at county extension offices and provision shall be made for absentee mail ballots to be provided upon request.

SEC. 717. PETITION AND REVIEW.

(a) PETITION.—Any person subject to an order issued under this subtitle may file with the Secretary a petition stating that such order, any provision of such order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or an exemption from the order. The petitioner shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary. After such hearing, the Secretary shall make a ruling on the petition.

(b) REVIEW.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a compliant for that purpose is filed within twenty days after the date of the entry of a ruling by the Secretary under subsection (a). Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure. If the court determines that such ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further action as, in the opinion of the court, the law requires.

SEC. 718. ENFORCEMENT.

(a) IN GENERAL.—(1) Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation issued by the Secretary under this subtitle.

(2) A civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation if the Secretary believes that the administration and enforcement of this subtitle would be adequately served by providing a suitable written notice or warning to the person who committed such violation or by administrative action under subsection (b).

(b) ADMINISTRATIVE REMEDIES.—(1)(A) A person who willfully violates an order or regulation issued by the Secretary under this subtitle may be assessed by the Secretary—

(i) a civil penalty of not more than $1,000 for each such violation; and

(ii) in the case of a willful failure to pay, collect, or remit an assessment as required by the order, an additional penalty equal to the amount of such assessment.

(B) Each such violation shall be a separate offense.

(C) In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from violating such order or regulation.

(D) No order assessing a penalty or cease and desist order may be issued by the Secretary under this paragraph unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record with respect to such violation.

(E) An order assessing a penalty or cease and desist order issued under this paragraph by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from such order with the appropriate district court of the United States, as provided in paragraph (2), not later than 30 days after the date of such order.

(2)(A) A person against whom an order is issued under paragraph (1) may obtain review of such order in the district court of the United States for the district in which such person resides or does business, or in the United States district court for the District of Columbia, by—

(i) filing a notice of appeal in such court not later than 30 days after the date of such order; and

(ii) simultaneously sending a copy of such notice by certified mail to the Secretary.

(B) The Secretary shall file promptly in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

(C) A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(3)(A) A person who fails to obey a valid case and desist order issued under paragraph (1) by the Secretary, after an opportunity for a hearing, shall be subject to a penalty assessed by the Secretary of not more than $500 for each offense.

(B) Each day during which such failure continues shall be considered a separate violation of such order.

(4)(A) If a person fails to pay a valid civil penalty imposed under this subsection by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States in any district in which the person resides or conducts business.

(B) In such action, the validity and appropriateness of the order imposing such civil penalty shall not be subject to review.

(c) OTHER REMEDIES UNAFFECTED.—The remedies provided in subsections (a) and (b) shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 719. INVESTIGATIONS; POWER TO SUBPOENA; AID OF COURTS.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary deems necessary—

(1) for the effective administration of this subtitle, or

(2) to determine whether any person subject to the provisions of this subtitle has engaged or is about to engage in any act that constitutes or will constitute a violation of any provision of this subtitle, or of any order or regulation issued under this subtitle.

(b) POWER TO SUBPOENA.—For the purpose of any such investigation, the Secretary may require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the production of records. The court may issue an order requiring such person to appear before the Secretary to produce records. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

SEC. 720. ADMINISTRATIVE PROVISIONS.

(A) CONSTRUCTION.—Except as provided in subsection (b), nothing in this subtitle may be construed to—

(1) preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State; or

(2) authorize the withholding of any information from Congress.

(b) STATE LAWS.—(1) In order to ensure the proper administration of this subtitle, any provision of State law automatically requiring a State referendum relating to the continuation or termination of a qualified State soybean board shall, to the extent it automatically requires such a referendum, be suspended for the period beginning on the date an order is issued under section 714 and ending 18 months after the referendum on such order is conducted under section 716(a). Such suspension shall not be construed to apply to any State referendum regarding a State soybean promotion program that is originated by soybean producers.

(2) In order to ensure adequate funding of the operations of qualified State soybean boards under this subtitle, whenever an order is in effect under this subtitle, no State law or regulation that limits the rate of assessment that qualified State soybean board in the State may collect from producers on soybeans produced in such State, or that has the effect of limiting such rate, may be applied to prohibit such State board from collecting, and expending for authorized purposes, assessments from producers of up to the full amount of the credit authorized for producer contributions to qualified State soybean boards under section 715(j)(4).

SEC. 721. REGULATIONS.

The Secretary may make such regulations as may be necessary to carry out the provisions of the subtitle.

SEC. 722. AUTHORIZATION.

There are hereby authorized to be appropriated annually such funds as are necessary to carry out the provisions of this subtitle. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this subtitle.

TITLE VIII—PEANUTS

SEC. 801. SUSPENSION OF MARKETING QUOTAS AND ACREAGE ALLOTMENTS.

The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1991 through 1995 crops of peanuts:

(1) Subsections (a) through (j) of section 358 (7 U.S.C. 1358(a)-(j)).

(2) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a(a)-(h)).

(3) Subsections (a), (b), (d), and (e) of section 359 (7 U.S.C. 1359 (a), (b), (d), (e)).

(4) Part I of subtitle C of title III (7 U.S.C. 1361 et seq.).

(5) Section 371 (7 U.S.C. 1371).

SEC. 802. NATIONAL POUNDAGE QUOTA AND FARM POUNDAGE QUOTA.

Effective only for the 1991 through 1995 crops of peanuts, subsections (k) through (p) of section 358 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(k) through (p)) are amended to read as follows:

"(k)(1) The national poundage quota for peanuts for each of the 1991 through 1995 marketing years shall be established by the Secretary at a level that is equal to the quantity of peanuts (in tons) that the Secretary estimates will be devoted in each such marketing year to domestic edible, seed, and related uses, except that the national poundage quota for any such marketing year shall not be less than 1,350,000 tons.

"(2) The national poundage quota for a marketing year shall be announced by the Secretary not later than December 15 preceding such marketing year.

"(l) The national poundage quota established under subsection (k) shall be apportioned among the States based upon the percentage of the national poundage quota allocated to farms in each such State for 1990.

"(m)(1)(A) A farm poundage quota for each of the 1991 through 1995 marketing years shall be established—

"(i) for each farm that had a farm poundage quota for peanuts for the 1990 marketing year;

"(ii) if the poundage quota apportioned to a State under subsection (l) for any such marketing year is larger than such quota for the immediately preceding marketing year, for each other farm on which peanuts were produced for marketing in at least 2 of the 3 immediately preceding crop years, as determined by the Secretary; and

"(iii) for institutions specified in section 358b, as approved and determined by the Secretary pursuant to that section.

"(B) The farm poundage quota for each of the 1991 through 1995 marketing years for each farm described in subparagraph (A)(i) of the preceding sentence shall be the same as the farm poundage quota for such farm for the immediately preceding marketing year, as adjusted under paragraph (2), but not including—

"(i) any increases for undermarketings from previous years; or

"(ii) any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (9).

The farm poundage quota, if any, for each of the 1991 through 1995 marketing years for each farm described in subparagraph (A)(ii) shall be equal to the poundage quota allocated to such farm for such year under paragraph (2)(A).

"(C) For purposes of this paragraph, if the farm poundage quota, or any part thereof, is permanently transferred in accordance with section 358a, the receiving farm shall be considered as possessing the farm poundage quotas (or portion thereof) of the transferring farm for all subsequent marketing years.

"(2)(A) Except as provided in paragraph (3), if the poundage quota apportioned to a State under subsection (l) for any of the 1991 through 1995 marketing years is increased over the poundage quota apportioned to the State for the immediately preceding marketing year, such increase shall be allocated proportionately, based on farm production history for the 3 immediately preceding years, among—

"(i) all farms in the State for which a farm poundage quota was established for the marketing year immediately preceding the marketing year for which the allocation is being made; and

"(ii) all other farms in the State on which peanuts were produced in at least 2 of the 3 immediately preceding crop years, as determined by the Secretary.

"(B) If the poundage quota apportioned to a State under subsection (l) for any of the 1991 through 1995 marketing years is decreased from the poundage quota apportioned to the State under such subsection for the immediately preceding marketing year, such decrease shall be allocated among all the farms in the State for which a farm poundage quota was established for such immediately preceding marketing year.

"(3)(A) Notwithstanding the foregoing provisions of this subsection, in the case of the State of Texas only and subject to terms and conditions prescribed by the Secretary, beginning with the 1991 marketing year 33 percent of the increased poundage quota referred to in paragraph (2)(A) for any year (hereafter in this section referred to as the 'reserve share') shall be allocated according to this paragraph.

"(B) The Secretary shall distribute the reserve share to counties in which the production of additional peanuts exceeded the total poundage quota allocated to farms in such counties for the 1989 marketing year (hereafter in this paragraph referred to as 'eligible counties'). The amount of such reserve share distributed to each eligible county shall be proportional to—

"(i)(I) the total additional peanuts produced in such eligible county for the 1988 crop; divided by

"(II) the total amount of additional peanuts produced in all such eligible counties for the 1988 crop; multiplied by

"(ii) the reserve share.

"(C) In the case of eligible counties where more than 10,000 tons of poundage quota was allocated to all farms in the county for the 1989 marketing year, the total poundage quota distributed to any such county under this paragraph and paragraph (8) shall not increase the total poundage quota allocated to all farms in such county to a level of more than 100 percent of the total poundage quota allocated to farms in such county for the 1989 marketing year. In the event the amount of total poundage quota allocated to all farms in any such county is increased to 100 percent of the total poundage quota allocated to all farms in such county for the 1989 marketing year, the remainder of the reserve share distributed to such county shall be redistributed to other eligible counties in accordance with subparagraph (B).

"(D) The portion of reserve share distributed to each eligible county under this paragraph shall be allocated in accordance with subparagraph (E) within such county only to farms (hereafter in this paragraph referred to as 'eligible farms')—

"(i) having a poundage quota for the 1990 marketing year; and

"(ii) from which additional peanuts were delivered under contract with handlers for the marketing year immediately preceding the marketing year for which the allocation is being made.

"(E) The portion of reserve share distributed to each eligible county shall be allocated among eligible farms in each such county on the following basis:

"(i) A factor shall be established for each eligible farm by dividing the amount of additional peanuts contracted and delivered to handlers from the farm by the total amount of remaining peanuts produced on such farm for the marketing year immediately preceding the marketing year for which the allocation is being made.

"(ii) Each eligible farm shall be entitled to that proportion of the reserve share as its factor bears to the total of such factors for all eligible farms in such county.

"(F) The remaining 67 percent of such increased poundage quota referred to in paragraph (2)(A) shall be allocated to farms pursuant to paragraph (2)(A).

"(4)(A) Insofar as practicable and on such fair and equitable basis as the Secretary may by regulation prescribe, the farm poundage quota established for a farm for any of the 1991 through 1995 marketing years shall be reduced to the extent that the Secretary determines that the farm poundage quota established for the farm for any 2 of the 3 marketing years preceding the marketing year for which the determination is being made was not produced, or considered produced, on the farm.

"(B) For the purposes of this paragraph, the farm poundage quota for any such preceding marketing year shall not include—

"(i) any increases for undermarketing of quota peanuts from previous years; or

"(ii) any increase resulting from the allocation of quotas voluntarily released for one year under paragraph (9).

"(5) For purposes of this subsection, the farm poundage quota shall be considered produced on a farm for a particular marketing year if—

"(A) the farm poundage quota was not produced on the farm because of drought, flood, or any other natural disaster, or any other condition beyond the control of the producer, as determined by the Secretary;

"(B) the farm poundage quota for the farm was released voluntarily under paragraph (9) for only 1 of the 3 immediately preceding marketing years; or

"(C) the farm poundage quota was leased to another owner or operator of a farm within the same county for transfer to such farm for only 1 of the 3 immediately preceeding years.

"(6)(A) The farm poundage quota established for a farm under this subsection, or any part of such quota, may be permanently released by the owner of the farm, or the operator with the permission of the owner.

"(B) The poundage quota for the farm for which such quota is released shall be adjusted downward to reflect the quota that is so released.

"(7)(A) Except as provided in subparagraph (B) and paragraph (8), the total amount of the farm poundage quotas reduced or permanently released from farms in a State for any marketing year under paragraphs (4) and (6) shall be allocated proportionately, based on farm production history for the 3 immediately preceding years, to other farms in the State on which peanuts were produced in at least 2 of such years.

"(B)(i) Subject to clause (ii) the Secretary shall allocate to each farm for which no poundage quota was established for the immediately preceding year's crop an amount of quota from the total amount of farm poundage quota reduced or permanently released in the State equal to such farm's average production for the 3 immediately preceeding years during which peanuts were produced on such farm.

"(ii) The Secretary shall allocate under clause (i) a maximum of 25 percent of the total amount of farm poundage quota reduced or permanently released in the State to such farms and if the sum of such average production for such farms exceeds this maximum the Secretary shall allocate such maximum to such farms in proportion to such average production for the 3 immediately preceeding years during which peanuts were produced on such farm.

"(8)(A) In the case of the State of Texas only and subject to terms and conditions prescribed by the Secretary, beginning with the 1991 marketing year, the farm poundage quota reduced from farms in the State of Texas as provided in paragraph (4), except the percent allocated to new farms as provided in paragraph (7), (hereafter in this section referred to as the 'release share'), shall be allocated according to this paragraph to other farms that had a peanut quota for the 1990 marketing year.

"(B) The Secretary shall distribute the release share to counties in which the production of additional peanuts exceeded the total poundage quota allocated to farms in such counties for the 1989 marketing year (hereafter in this paragraph referred to as 'eligible counties'). The amount of such release share distributed to each eligible county shall be proportional to—

"(i)(I) the total additional peanuts produced in such eligible county for the 1988 crop; divided by

"(II) the total amount of additional peanuts produced in all such eligible counties for the 1988 crop; multiplied by

"(ii) the release share.

"(C) In the case of eligible counties where more than 10,000 tons of poundage quota was allocated to all farms in the county for the 1989 marketing year, the total poundage quota distributed to any such county under this paragraph and paragraph (3) shall not increase the total poundage quota allocated to all farms in such county to a level of more than 100 percent of the total poundage quota allocated to farms in such county for the 1989 marketing year. In the event the amount of total poundage quota allocated to all farms in any such county is increased to 100 percent of the total poundage quota allocated to all farms in such county for the 1989 marketing year, the remainder of the release share distributed to such county shall be redistributed to other eligible counties in accordance with subparagraph (B).

"(D) The portion of release share distributed to each eligible county under this paragraph shall be allocated in accordance with subparagraph (E) within such county only to farms (hereafter in this paragraph referred to as 'eligible farms')—

"(i) having a poundage quota for the 1990 marketing year; and

"(ii) from which additional peanuts were delivered under contract with handlers for the marketing year immediately preceding the marketing year for which the allocation is being made.

"(E) The portion of release share distributed to each eligible county shall be allocated among eligible farms in each such county on the following basis:

"(i) A factor shall be established for each eligible farm by dividing the amount of additional peanuts contracted and delivered to handlers from the farm by the total amount of remaining peanuts produced on such farm for the marketing year immediately preceding the marketing year for which the allocation is being made.

"(ii) Each eligible farm shall be entitled to that proportion of the release share as its factor bears to the total of such factors for all eligible farms in such county.

"(9)(A) The farm poundage quota, or any portion thereof, established for a farm for a marketing year may be voluntarily released to the Secretary to the extent that such quota, or any part thereof, will not be produced on the farm for the marketing year. Any farm poundage quota so released in a State shall be allocated to other farms in the State on such basis as the Secretary may by regulation prescribe.

"(B) Any adjustment in the poundage quota for a farm under subparagraph (A) shall be effective only for the marketing year for which it is made and shall not be taken into consideration in establishing a farm poundage quota for the farm from which such quota was released for any subsequent marketing year.

"(10)(A) Except as provided in subparagraph (B), the poundage quota for a farm for any marketing year shall be increased by the number of pounds by which the total marketings of quota peanuts from the farm during previous marketing years (excluding any marketing year before the marketing year for the 1989 crop) were less than the total amount of applicable farm poundage quotas (disregarding adjustments for undermarketings from previous marketing years) for such marketing years.

"(B) For purposes of subparagraph (A), no increase for undermarketings in previous marketing years shall be made to the poundage quota for any farm to the extent that the poundage quota for such farm for the marketing year was reduced under paragraph (4) for failure to produce.

"(C) Any increases in farm poundage quotas under this paragraph shall not be

counted against the national poundage quota for the marketing year involved.

"(D) Any increase in the farm poundage quota for a farm for a marketing year under this paragraph may be used during the marketing year by the transfer of additional peanuts produced on the farm to the quota loan pool for pricing purposes on such basis as the Secretary shall by regulation prescribe.

"(11) Notwithstanding the foregoing provisions of this subsection, if the total of all increases in individual farm poundage quotas under paragraph (10) exceeds 10 percent of the national poundage quota for the marketing year in which such increases shall be applicable, the Secretary shall adjust such increases so that the total of all such increases does not exceed 10 percent of the national poundage quota.

"(n)(1) For each farm for which a farm poundage quota is established under subsection (m), and when necessary for purposes of this Act, an average farm yield of peanuts shall be determined for each such farm.

"(2) Such yield shall be equal to the average of the actual yield per acre on the farm for each of the 3 crop years in which yields were highest on the farm out of the 5 crop years 1973 through 1977.

"(3) If peanuts were not produced on the farm in at least 3 years during such 5-year period or there was a substantial change in the operation of the farm during such period (including, but not limited to, a change in operator, lessee who is an operator, or irrigation practices), the Secretary shall have a yield appraised for the farm. The appraised yield shall be that amount determined to be fair and reasonable on the basis of yields established for similar farms that are located in the area of the farm and on which peanuts were produced, taking into consideration land, labor, and equipment available for the production of peanuts, crop rotation practices, soil and water, and other relevant factors.

"(o)(1) Not later than December 15 of each calendar year, the Secretary shall conduct a referendum of producers engaged in the production of quota peanuts in the calendar year in which the referendum is held to determine whether such producers are in favor of or opposed to poundage quotas with respect to the crops of peanuts produced in the five calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the producers voting in any referendum vote in favor of poundage quotas, no referendum shall be held with respect to quotas for the second, third, fourth, and fifth years of the period.

"(2) The Secretary shall proclaim the result of the referendum within 30 days after the date on which it is held.

"(3) If more than one-third of the producers voting in the referendum vote against quotas, the Secretary also shall proclaim that poundage quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held.

"(p) For the purposes of this part and title I of the Agricultural Act of 1949:

"(1) The term 'additional peanuts' means, for any marketing year—

"(A) any peanuts that are marketed from a farm for which a farm poundage quota has been established and that are in excess of the marketings of quota peanuts from such farm for such year; and

"(B) all peanuts marketed from a farm for which no farm poundage quota has been established in accordance with subsection (m).

"(2) The term 'crushing' means the processing of peanuts to extract oil for food uses and meal for feed uses, or the processing of peanuts by crushing or otherwise when authorized by the Secretary.

"(3) The term 'domestic edible use' means use for milling to produce domestic food peanuts (other than those described in paragraph (2)), seed, and use on a farm, except that the Secretary may exempt from this definition seeds of peanuts that are used to produce peanuts excluded under section 359(c), are unique strains, and are not commercially available.

"(4) The term 'quota peanuts' means, for any marketing year, any peanuts produced on a farm having a farm poundage quota, as determined in subsection (m), that—

"(A) are eligible for domestic edible use as determined by the Secretary;

"(B) are marketed or considered marketed from a farm; and

"(C) do not exceed the farm poundage quota of such farm for such year.".

SEC. 803. SALE, LEASE, OR TRANSFER OF FARM POUNDAGE QUOTA.

Effective only for the 1991 through 1995 crops of peanuts, subsections (i) and (j) of section 358a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358a) are amended to read as follows:

"(i)(1) Subject to such terms, conditions, or limitations as the Secretary may prescribe, the owner, or the operator with permission of the owner, of any farm for which a farm poundage quota has been established under this Act may sell or lease all or any part of such poundage quota to any other owner or operator of a farm within the same county for transfer to such farm, except that any such lease of poundage quota may be entered into in the fall or after the normal planting season only—

"(A) if not less than 90 percent of the farm quota exclusive of undermarketings and temporary quota transfers, plus any poundage quota transferred to the farm under this subsection, has been planted or considered planted on the farm from which the quota is to be leased; and

"(B) under such terms and conditions as the Secretary may by regulation prescribe.

In the case of a fall transfer or a transfer after the normal planting season by a cash lessee, the landowner shall not be required to sign the transfer authorization. A fall transfer or transfer after the normal planting season may be made not later than 72 hours after the peanuts that are the subject of the transfer are inspected and graded.

"(2) The owner or operator of a farm may transfer all or any part of the farm poundage quota for such farm to any other farm owned or controlled by such owner or operator that is in the same county or in a county contiguous to such county in the same State and that had a farm poundage quota for the preceding year's crop. Any farm poundage quota transferred under this paragraph shall not result in any reduction in the farm poundage quota for the transferring farm if such transferred quota is produced or considered produced on the receiving farm.

"(3) Notwithstanding paragraphs (1) and (2), in the case of any State for which the poundage quota opportioned to the State was less than 10,000 tons for the preceding year's crop, all or any part of a farm poundage quota may be transferred by sale or lease or otherwise from a farm in one county to a farm in another county in the same State.

"(j) Transfers (including transfer by sale or lease) of farm poundage quotas under this section shall be subject to all of the following conditions:

"(1) No transfer of the farm poundage quota from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders.

"(2) No transfer of the farm poundage quota shall be permitted if the local county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (hereafter in this section referred to as the 'county committee') determines that the receiving farm does not have adequate tillable cropland to produce the transferred farm poundage quota.

"(3) No transfer of the farm poundage quota shall be effective until a record thereof is filed with the county committee of the county to which such transfer is made and such committee determines that the transfer complies with this section.

"(4) Such other terms and conditions that the Secretary may by regulation prescribe.".

SEC. 804. MARKETING PENALTIES; DISPOSITION OF ADDITIONAL PEANUTS.

Effective only for the 1991 through 1995 crops of peanuts, subsections (f) through (l) of section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359) are amended to read as follows:

"(f)(1)(A) The marketing of any peanuts for domestic edible use in excess of the farm poundage quota for the farm on which such peanuts are produced shall be subject to penalty at a rate equal to 140 percent of the support price for quota peanuts on the quantity of such excess amount of peanuts for the marketing year in which such marketing occurs.

"(B) For purposes of this section, the marketing year for peanuts shall be the 12-month period beginning August 1 and ending July 31.

"(C) The marketing of any additional peanuts from a farm shall be subject to the same penalty unless such peanuts, in accordance with regulations established by the Secretary, are—

"(i) placed under loan at the additional loan rate in effect for such peanuts under section 108B of the Agricultural Act of 1949 and not redeemed by the producers;

"(ii) marketed through an area marketing association designated pursuant to section 108A(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1445c-1(c)(1)); or

"(iii) marketed under contracts between handlers and producers pursuant to subsection (j).

"(2) Such penalty shall be paid by the person who buys or otherwise acquires the peanuts from the producer or, if the peanuts are marketed by the producer through an agent, the penalty shall be paid by such agent. Such person or agent may deduct an amount equivalent to the penalty from the price paid to the producer.

"(3) If the person required to collect the penalty fails to collect such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly and severally liable for the amount of the penalty.

"(4) Peanuts produced in a calendar year in which farm poundage quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though the peanuts are marketed prior to the date on which such marketing year begins.

"(5) If any producer falsely identifies or fails to certify planted acres or fails to account for the disposition of any peanuts produced on such planted acres, an amount

of peanuts equal to the farm's average yield, as determined under section 358(n), times the planted acres, shall be deemed to have been marketed in violation of permissible uses of quota and additional peanuts. Any penalty payable under this paragraph shall be paid and remitted by the producer.

"(6) The Secretary shall authorize, under such regulations as the Secretary shall issue, the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or reduce marketing penalties provided for under this subsection in cases in which such committees determine that the violations that were the basis of the penalties were unintentional or without knowledge on the part of the parties concerned.

"(7) Errors in weight that do not exceed one-tenth of 1 percent in the case of any one marketing document shall not be considered to be marketing violations except in cases of fraud or conspiracy.

"(g)(1) Only quota peanuts may be retained for use as seed or for other uses on a farm. When so retained, quota peanuts shall be considered as marketings of quota peanuts, except that the Secretary may exempt from consideration as marketings of quota peanuts seeds of peanuts that are used to produce peanuts excluded under subsection (c), are unique strains, and are not commercially available.

"(2) Additional peanuts shall not be retained for use on a farm and shall not be marketed for domestic edible use, except as provided in subsection (k).

"(3) Seed for planting of any peanut acreage in the United States shall be obtained solely from quota peanuts marketed or considered marketed for domestic edible use.

"(h) On a finding by the Secretary that the peanuts marketed from any crop for domestic edible use by a handler are larger in quantity or higher in grade or quality than the peanuts that could reasonably be produced from the quantity of peanuts having the grade, kernel content, and quality of the quota peanuts acquired by such handler from such crop for such marketing, such handler shall be subject to a penalty equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts that the Secretary determines are in excess of the quantity, grade, or quality of the peanuts that could reasonably have been produced from the peanuts so acquired.

"(i)(1) Except as provided in paragraph (2), the Secretary shall require that the handling and disposal of additional peanuts be supervised by agents of the Secretary or by area marketing associations designated pursuant to section 108A(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1445c-1(c)(1)).

"(2)(A) Supervision of the handling and disposal of additional peanuts by a handler shall not be required under paragraph (1) if the handler agrees in writing, prior to any handling or disposal of such peanuts, to comply with regulations that the Secretary shall issue.

"(B) The regulations issued by the Secretary under subparagraph (A) shall include, but need not be limited to, the following provisions:

"(i) Handlers of shelled or milled peanuts may export or crush peanuts classified by type in all of the following quantities:

"(I) Sound split kernel peanuts purchased by the handler as additional peanuts to which a mandated deduction with respect to the price paid to the producer of such peanuts is applied due to the percentage of such sound splits.

"(II) Sound mature kernel peanuts (which term includes sound split kernel peanuts and sound whole kernel peanuts) in an amount equal to the poundage of such peanuts purchased by the handler as additional peanuts less the total poundage of sound split kernel peanuts described in subclause (I).

"(III) The remaining quantity of total kernel content of peanuts purchased by the handler as additional peanuts.

"(ii) Handlers shall ensure that any additional peanuts exported or crushed are evidenced by onboard bills of lading or other appropriate documentation as may be required by the Secretary, or both.

"(iii) If a handler suffers a loss of peanuts as a result of fire, flood, or any other condition beyond the control of the handler, the portion of such loss allocated to contracted additional peanuts shall not be greater than the portion of the handler's total peanut purchases for the year attributable to contracted additional peanuts purchased for export or crushing by the handler during such year.

"(iv)(I) The obligation of a handler to export or crush peanuts in quantities described in this subparagraph shall be reduced by a shrinkage allowance, to be determined by the Secretary, to reflect actual dollar value shrinkage experienced by handlers in commercial operations, except that such allowance shall not be less than 4 percent, except as provided in sub-clause (II).

"(II) The Secretary may provide a lower shrinkage allowance for a handler who fails to comply with restrictions on the use of peanuts, as may be specified by the Commodity Credit Corporation, to take into account common industry practices.

"(3) A handler shall submit to the Secretary adequate financial guarantees, as well as evidence of adequate facilities and assets, to ensure the handler's compliance with the obligation to export or crush peanuts.

"(4) Quota and additional peanuts of like type and segregation or quality may, under regulations issued by the Secretary, be commingled and exchanged on a dollar value basis to facilitate warehousing, handling, and marketing.

"(5)(A) Except as provided in subparagraph (B), the failure of a handler to comply with regulations issued by the Secretary governing the disposition and handling of additional peanuts shall subject the handler to a penalty equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts involved in such failure to comply.

"(B) A handler shall not be subject to a penalty for failure to export or crush additional peanuts if such peanuts were not delivered to the handler.

"(6) If any additional peanuts exported by a handler are reentered into the United States in commercial quantities as determined by the Secretary, the importer thereof shall be subject to a penalty equal to 140 percent of the loan level for quota peanuts on the quantity of peanuts reentered.

"(j)(1) Handlers may, under such regulations as the Secretary may issue, contract with producers for the purchase of additional peanuts for crushing, export, or both.

"(2)(A) Any such contract shall be completed and submitted to the Secretary (or if designated by the Secretary, the area marketing association) for approval before August 1 of the year in which the crop is produced.

"(B) Such contract shall be executed on a form prescribed by the Secretary. The form shall require such information as the Secretary determines appropriate to ensure the proper handling of such additional peanuts, including the identity of the contracting parties, the poundage and category of the peanuts, the disclosure of any liens on such peanuts, and the intended disposition of the peanuts.

"(C) Notwithstanding any other provision of this section, any person wishing to handle and process additional peanuts as a handler shall submit to the Secretary (or if designated by the Secretary, the area marketing association), such information as may be required under subsection (i) by such date as prescribed by the Secretary so as to permit final action to be taken on the application by July 1 of each marketing year.

"(3) Each such contract shall contain the final price to be paid by the handler for the peanuts involved and a specific prohibition against the disposition of such peanuts for domestic edible or seed use.

"(4) Notwithstanding any other provision of this Act, if the President issues a proclamation under section 22 of the Agricultural Adjustment Act temporarily suspending restrictions on, or increasing any quota for, the importation of peanuts, the Secretary shall permit a handler, subject to such terms and conditions as the Secretary may prescribe, with the written consent of the producer, to purchase additional peanuts from any producer who contracted with the handler and to offer such peanuts for sale for domestic edible, seed or related uses.

"(k)(1) Subject to section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427), any peanuts owned or controlled by the Commodity Credit Corporation may be made available for domestic edible use, in accordance with regulations issued by the Secretary, so long as doing so does not result in substantially increased cost to the Commodity Credit Corporation. Additional peanuts received under loan shall be offered for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus—

"(A) not less than 100 percent of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season on delivery by and with the written consent of the producer;

"(B) not less than 105 percent of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year; or

"(C) not less than 107 percent of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.

"(2)(A) Except as provided in subparagraph (B), for the period from the date additional peanuts are delivered for loan to March 1 of the calendar year following the year in which such additional peanuts were harvested, the area marketing association designated pursuant to section 108A(c)(1) of the Agricultural Act of 1949 (7 U.S.C. 1445c-1(c)(1)) shall have sole authority to accept or reject lot list bids when the sales price, as determined under this subsection, equals or exceeds the minimum price at which the Commodity Credit Corporation may sell its stocks of additional peanuts.

"(B) The area marketing association and the Commodity Credit Corporation may agree to modify the authority granted by subparagraph (A) to facilitate the orderly marketing of additional peanuts.

"(l)(1) The person liable for payment or collection of any penalty provided for in this section shall be liable also for interest thereon at a rate per annum equal to the rate per annum of interest that was charged the Commodity Credit Corporation by the Treasury of the United States on the date such penalty became due.

"(2) This section shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less if the producers who share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

"(3) Until the amount of the penalty provided by this section is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to farm poundage quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States.

"(4)(A) Notwithstanding any other provision of law, the liability for and the amount of any penalty assessed under this section shall be determined in accordance with such procedures as the Secretary by regulation may prescribe. The facts constituting the basis for determining the liability for or amount of any penalty assessed under this section, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"(B) Nothing in this section shall be construed as prohibiting any court of competent jurisdiction from reviewing any determination made by the Secretary with respect to whether such determination was made in conformity with the applicable law and regulations.

"(C) All penalties imposed under this section shall for all purposes be considered civil penalties.

"(5)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), the Secretary may reduce the amount of any penalty assessed against handlers under this section by any appropriate amount, including, in an appropriate case, reducing the penalty to zero, if the Secretary finds that the violation on which the penalty is based was minor or inadvertent, and that the reduction of the penalty will not impair the operation of the peanut program.

"(B) The amount of any penalty imposed on a handler under this section that resulted from the failure to export contracted additional peanuts may not be reduced by the Secretary.".

SEC. 805. PRICE SUPPORT PROGRAM.

Effective only for the 1991 through 1995 crops of peanuts, section 108A of the Agricultural Act of 1949 (7 U.S.C. 1445c-1) is amended to read as follows:

"PRICE SUPPORT FOR 1991 THROUGH 1995 CROPS OF PEANUTS

"SEC. 108A. (a)(1) The Secretary shall make price support available to producers through loans, purchases, and other operations on quota peanuts for each of the 1991 through 1995 crops.

"(2) The national average quota support rate for each of the 1991 through 1995 crops of quota peanuts shall be the national average quota support rate for the immediately preceding crop, adjusted to reflect any increase, during the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined, in the national average cost of peanut production, excluding any change in the cost of land, except that in no event shall the national average quota support rate for any such crop exceed by more than 6 percent the national average quota support rate for the preceding crop.

"(3) The levels of support so announced shall not be reduced by any deductions for inspection, handling, or storage.

"(4) The Secretary may make adjustments for location of peanuts and such other factors as are authorized by section 403.

"(5) The Secretary shall announce the level of support for quota peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the level of support is being determined.

"(b)(1) The Secretary shall make price support available to producers through loans, purchases, or other operations on additional peanuts for each of the 1991 through 1995 crops at such levels as the Secretary finds appropriate, taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets, except that the Secretary shall set the support rate on additional peanuts at a level estimated by the Secretary to ensure that there are no losses to the Commodity Credit Corporation on the sale or disposal of such peanuts.

"(2) The Secretary shall announce the level of support for additional peanuts of each crop not later than February 15 preceding the marketing year for the crop for which the level of support is being determined.

"(c)(1)(A) In carrying out subsection (a) and (b), the Secretary shall make warehouse storage loans available in each of the three producing areas (described in section 1446.60 of title 7 of the Code of Federal Regulations (January 1, 1985)) to a designated area marketing association of peanut producers that is selected and approved by the Secretary and that is operated primarily for the purpose of conducting such loan activities. The Secretary may not make warehouse storage loans available to any cooperative that is engaged in operations or activities concerning peanuts other than those operations and activities specified in this section and section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(B) Such area marketing associations shall be used in administrative and supervisory activities relating to price support and marketing activities under this section and section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(C) Loans made under this paragraph shall include, in addition to the price support value of the peanuts, such costs as the area marketing association reasonably may incur in carrying out its responsibilities, operations, and activities under this section and section 359 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359).

"(2)(A) The Secretary shall require that each area marketing association establish pools and maintain complete and accurate records by area and segregation for quota peanuts handled under loan and for additional peanuts placed under loan, except that separate pools shall be established for Valencia peanuts produced in New Mexico. Bright hull and dark hull Valencia peanuts shall be considered as separate types for the purpose of establishing such pools.

"(B) Net gains on peanuts in each pool, unless otherwise approved by the Secretary, shall be distributed only to producers who placed peanuts in the pool and shall be distributed in proportion to the value of the peanuts placed in the pool by each producer. Net gains for peanuts in each pool shall consist of the following:

"(i) For quota peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in such pool plus an amount from all additional pool gains equal to any loss on disposition of all peanuts in the pool for quota peanuts.

"(ii) For additional peanuts, the net gains over and above the loan indebtedness and other costs or losses incurred on peanuts placed in the pool for additional peanuts less any amount allocated to offset any loss on the pool for quota peanuts as provided in clause (i).

"(d) Notwithstanding any other provision of this section:

"(1) Any distribution of net gains on additional peanuts (other than net gains on additional peanuts in separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) shall be first reduced to the extent of any loss by the Commodity Credit Corporation on quota peanuts placed under loan.

"(2)(A) The proceeds due any producer from any pool shall be reduced by the amount of any loss that is incurred with respect to peanuts transferred from an additional loan pool to a quota loan pool under section 358(m)(10) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(m)(10)).

"(B) Losses in area quota pools, other than losses incurred as a result of transfers from additional loan pools to quota loan pools under section 358(m)(10) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(m)(10)), shall be offset by any gains or profits from pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

"(e) Notwithstanding any other provision of law, no price support may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers, as provided for in section 358(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358(c).".

SEC. 806. REPORTS AND RECORDS.

Effective only for the 1991 through 1995 crops of peanuts, the first sentence of section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts,".

SEC. 807. SUSPENSION OF CERTAIN PRICE SUPPORT PROVISIONS.

Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1991 through 1995 crops of peanuts.

SEC. 808. EXPERIMENTAL AND RESEARCH PROGRAMS FOR PEANUTS.

Effective only for the 1991 through 1995 crops of peanuts, the Agricultural Adjustment Act of 1938 is amended by inserting after section 358a the following:

"QUOTA FOR RESEARCH

"SEC. 358b. Notwithstanding any other provision of this Act, the Secretary may permit a portion of the poundage quota for peanuts apportioned to any State to be allocated from such State's quota reserve to land-grant institutions identified in the Act of May 8, 1914 (7 U.S.C. 341 et seq.), and colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328), including Tuskegee Institute and, as

appropriate, the Agricultural Research Service of the Department of Agriculture to be used for experimental and research purposes in an amount equal to that amount of quota held by each such institution during 1985 up to one tenth of one percent of such State's basic quota. The responsibility for complying with the duties of the farm operator with respect to the production of such quota peanuts shall be vested in the director of the Agricultural Experiment Station for the State.".

SEC. 809. CONFORMING CHANGES.

Section 8b of the Agricultural Adjustment Act (7 U.S.C. 608b), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in subsection (b)(2) by striking "section 108B of".

TITLE IX—WHEAT

SEC. 901. LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1991 THROUGH 1995 CROPS OF WHEAT.

Effective only for the 1991 through 1995 crops of wheat, section 107A of the Agricultural Act of 1949 (7 U.S.C. 1445b) is amended to read as follows:

"SEC. 107A. ANNUAL PROGRAM FOR 1991 THROUGH 1995 CROPS OF WHEAT.

"(a) LOANS AND PURCHASES.—(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the Secretary shall make available to producers loans and purchases for each of the 1991 through 1995 crops of wheat at such level as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat.

"(2) MINIMUM LOAN AND PURCHASE LEVEL.—(A) 1991 CROP TRANSITION RULE.—From June 1, 1991 to September 30, 1991, the loan and purchase level for the 1991 crop of wheat shall be not less than $1.93 per bushel. Beginning October 1, 1991, the Secretary shall make available to producers who pledged 1991 crop wheat as collateral for a price support loan, or whose 1991 crop wheat was purchased by the Secretary, at the $1.93 level an increase in the loan or purchase amount such that the loan and purchase level is equal to the level described in subparagraph (B).

"(B) 1991 THROUGH 1995 CROPS.—Except as provided in subparagraph A and paragraphs (3) and (4), the loan and purchase level determined under paragraph (1) shall not be less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the loan and purchase level for a crop determined under this paragraph may not be reduced by more than 5 percent from the level determined for the preceding crop.

"(3) ADJUSTMENTS TO SUPPORT LEVEL.—(A) STOCKS TO USE RATIO.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the marketing year will be—

"(i) equal to or greater than 30 percent, the Secretary may reduce the loan and purchase level for wheat for the corresponding crop by an amount not to exceed 10 percent.

"(ii) or less than 30 percent but not less than 15 percent, the Secretary may reduce the loan and purchase level for wheat for the corresponding crop by an amount not to exceed 5 percent.

"(iii) less than 15 percent, the Secretary may not reduce the loan and purchase level for wheat for the corresponding.

"(B) REPORT TO CONGRESS.—(i) If the Secretary adjusts the level of loans and purchases for wheat under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

"(I) certifying such adjustment as necessary to prevent the build-up of stocks and to retain market share; and

"(II) containing a description of the need for such adjustment.

"(ii) Such adjustment shall become effective no earlier than 60 calendar days after the date of submission of such report to such committees.

"(C) COMPETITIVE POSITION.—Notwithstanding the provisions of subparagraph (A), if the Secretary determines, not later than 60 days prior to the beginning of a marketing year for a crop, that the effective loan rate established for such crop will not maintain a competitive market position for wheat, the Secretary may reduce the loan and purchase level for wheat for the marketing year by an amount, in addition to any reduction under subparagraph (A), not to exceed 10 percent in any year.

"(D) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan and purchase level for wheat under this paragraph shall not be considered in determining the loan and purchase level for wheat for subsequent years.

"(E) MINIMUM LOAN RATE.—Notwithstanding the provisions of subparagraph (A), the loan rate for wheat shall not be less than $2.44 per bushel, unless such rate would exceed 80 percent of the five year average market price determination.

"(4) MARKETING LOAN.—(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the higher of—

"(I) 70 percent of such level;

"(II) if the loan level for a crop was reduced under paragraph (3), 70 percent of the loan level that would have been in effect but for the reduction under paragraph (3); or

"(III) the prevailing world market price for wheat, as determined by the Secretary.

"(B) WORLD PRICE FORMULA.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for wheat; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for wheat.

"(5) SIMPLE AVERAGE PRICE.—For purposes of this section, the Secretary in determining the simple average price received by producers for the immediately preceding marketing year shall use the latest information available to the Secretary at the time of the determination.

"(b) PAYMENTS FOR FORGOING LOAN OR PURCHASE.—(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of wheat, make payments available to producers who, although eligible to obtain a loan or purchase agreement under subsection (a), agree to forgo obtaining such loan or agreement in return for such payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of wheat the producer is eligible to place under loan.

"(3) QUANTITY ELIGIBLE.—For purposes of this subsection, the quantity of wheat eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the crop; by

"(B) the farm program payment yield established for the farm.

"(4) PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the loan level determined for such crop under subsection (a); exceeds

"(B) the level at which a loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—(1) IN GENERAL.—(A) COMPUTATION.—The Secretary shall make available to producers payments to be known as 'deficiency payments' for each of the 1991 through 1995 crops of wheat in an amount computed by multiplying—

"(i) the payment rate; by

"(ii) the individual farm program acreage for the crop; by

"(iii) the farm program payment yield for the crop for the farm.

"(B) 0/92 PROGRAM.—(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of wheat and the producers on a farm devote a portion of the permitted wheat acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted wheat acreage of the farm for the crop to conservation uses (except as provided in subparagraph (G))—

"(I) such portion of the permitted wheat acreage of the farm in excess of 8 percent of such acreage devoted to conservation uses (except as provided in subparagraph (G)) shall be considered to be planted to wheat for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(F) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (f)(2)(D); and

"(II) the producers shall be eligible for payments under this paragraph on such acreage.

"(ii) Notwithstanding any other provision of this section, any producer who elects to devote all or a portion of the permitted wheat acreage of the farm to conservation uses (or other uses as provided in subparagraph (G)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to wheat and eligible for payments under this subparagraph for such crop at a per-bushel rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the crop shall be announced by the Secretary prior to the period during which wheat producers may agree to participate in the program for such crop.

"(iii) The Secretary shall implement this subparagraph in such a manner as to minimize the adverse effect on agribusiness and other agriculturally related economic interests within any county, State, or region. In carrying out this subparagraph, the Secretary may restrict the total amount of wheat acreage that may be taken out of production under this subparagraph, taking into consideration the total amount of wheat acreage that has or will be removed from production under other price support, production

adjustment, or conservation program activities. No restrictions on the amount of acreage that may be taken out of production in accordance with this subparagraph in a crop year shall be imposed in the case of a county in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as a result of a disaster that occurred during such crop year.

"(iv) The wheat crop acreage base and wheat farm program payment yield of the farm shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses (except as provided in subparagraph (G)).

"(v) Other than as provided in clauses (i) through (iv), payments may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to wheat.

"(vi) Any acreage considered to be planted to wheat in accordance with clause (i) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation, set-aside, or land diversion program requiring that the producers devote a specified acreage to conservation uses.

"(C) PAYMENT RATE.—The payment rate for wheat shall be the amount by which the established price for the crop of wheat exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 6 months of the marketing year for such crop, as determined by the Secretary; or

"(ii) the loan level determined for such crop, prior to any adjustment made under subsection (a)(3) for the marketing year for such crop of wheat.

"(D) COMPENSATION FOR SUPPORT LEVEL ADJUSTMENT.—(i) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for wheat under subsection (a)(3), the Secretary shall provide emergency compensation by increasing the payments for wheat by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made.

"(ii) In determining the payment rate, per bushel, for payments for a crop of wheat under this subparagraph, the Secretary shall use the national weighted average market price, per bushel of wheat, received by producers during the marketing year for such crop, as determined by the Secretary.

"(iii) Notwithstanding any other provision of this Act the Secretary shall—

"(I) by December 1 of the marketing year for the crop estimate the national weighted average market price, per bushel of wheat, received by producers during such marketing year;

"(II) by December 15 of such marketing year use the estimate to make available to producers who have elected the payment option authorized by this clause not less than 75 percent of the increase in payments estimated to be payable with respect to such crop under this subparagraph; and

"(III) adjust the amount of each final payment for wheat to reflect any difference between the amount of any estimated payment made under this clause and the amount of actual payment due under this subparagraph.

"(iv) Producers shall elect the payment option authorized by clause (iii) at the time of entering into a contract to participate in the program established by this section for the crop.

"(E)(i) MINIMUM ESTABLISHED PRICE.—The established price for wheat shall not be less than $4 per bushel.

"(ii) ESTABLISHED PRICE INCREASE.—If in any crop year the Secretary announces an acreage limitation program under subsection (H)(2) or a set-aside program under subsection (F)(3) for farms under which the percentage reduction or set-aside is in excess of 22.5 percent, then the established price for such crop shall be increased by an amount not less than 2.55 percent of the established price for such crop for each 2.5 percent incremental increase of such percentage reduction or set aside in excess of 22.5 percent.

"(F) REDUCTION FOR DISASTER PAYMENTS.—The total quantity of wheat on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

"(G) ALTERNATIVE CROPS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (B) to be devoted to sweet sorghum or the production of guar, sesame, castor beans, crambe, plantago ovato, triticale, rye, commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States, or commodities grown for experimental purposes (including kenaf), subject to the following sentence. The Secretary may permit such acreage to be devoted to such production only if the Secretary determines that—

"(i) the production is not likely to increase the cost of the price support program and will not affect farm income adversely; and

"(ii) the production is needed to provide an adequate supply of the commodity, or, in the case of commodities for which no substantial domestic production or market exists but that could yield industrial raw materials, the production is needed to encourage domestic manufacture of such raw material and could lead to increased industrial use of such raw material to the long-term benefit of United States industry.

"(H)(i) TARGET OPTION PROGRAM.—Subject to clauses (ii) and (iii), if an acreage limitation program under subsection (f)(2) is in effect for a crop of wheat and the producers on a farm devote a portion of the permitted wheat acreage of the farm (as determined in accordance with subsection (f)(2)(A)) to conservation uses, the producers shall be eligible for an increase of up to one percent in the established price of wheat, on the acreage on the farm actually planted to wheat, for each one percent of the permitted wheat acreage of the farm devoted to conservation uses.

"(ii) The portion of permitted wheat acreage of the farm devoted to conservation uses under clause (i) shall not exceed 10 percent of the crop acreage base of the farm.

"(iii) Such increase in the established price shall not result in a producer receiving more in payments than the maximum amount such producers would be eligible to receive under section 107A(c)(1)(B).

"(iv) The wheat crop acreage base and the wheat farm program payment yield for the farm may not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses.

"(2) DISASTER ASSISTANCE.—(A) PREVENTED PLANTING PAYMENTS.—(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

"(I) the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage that the producers were prevented from planting to wheat or other nonconserving crops in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

"(II) 75 percent of the farm program payment yield established by the Secretary; by

"(III) a payment rate equal to 33⅓ percent of the average of the established prices for the crop.

"(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or from stocks of wheat held by the Commodity Credit Corporation.

"(B) REDUCED YIELD PAYMENTS.—Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the total quantity of wheat that the producers are able to harvest on any farm is less than the result of multiplying 60 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 percent of the established price for the crop for the deficiency in production below 60 percent for the crop.

"(C) LIMITATION DUE TO CROP INSURANCE.—Producers on a farm shall not be eligible for—

"(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the wheat acreage of the producers; or

"(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the wheat acreage of the producers.

"(D) EXCEPTION FROM LIMITATION.—(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to producers on a farm under this paragraph if the Secretary determines that—

"(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the producers on a farm have suffered substantial losses of production either from being prevented from planting wheat or other nonconserving crops or from reduced yields;

"(II) such losses have created an economic emergency for the producers;

"(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses are

insufficient to alleviate such economic emergency; and

"(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

"(ii) The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(d) NATIONAL PROGRAM ACREAGE.—(1) IN GENERAL.—(A) PROCLAMATION.—Except for a crop with respect to which there is an acreage limitation program in effect under subsection (f), the Secretary shall proclaim a national program acreage. The proclamation shall be made not later than June 1 of each calendar year for the crop harvested in the next succeeding calendar year.

"(B) REVISION.—The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as such revision is made.

"(C) AMOUNT OF ACREAGE.—The national program acreage for wheat shall be the number of harvested acres that the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(D) ADJUSTMENT FOR CARRYOVER.—If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the quantity the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) PROGRAM ALLOCATION FACTOR.—The Secretary shall determine a program allocation factor for each crop of wheat, if the Secretary proclaims a national program acreage for such crop. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of wheat be more than 100 percent nor less than 80 percent.

"(3) FARM PROGRAM ACREAGE.—(A) DETERMINATION.—Except as provided in subsection (f)(2), the individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(B) LIMITATION ON REDUCTION.—The individual farm program acreage shall not be further reduced by application of the allocation factor if the producers on a farm reduce the acreage of wheat planted for harvest on the farm from the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

"(C) FAIR AND EQUITABLE TREATMENT.—The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(D) ADJUSTMENT FOR EXEMPTIONS.—In establishing the allocation factor for wheat, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(e) FARM PROGRAM PAYMENT YIELDS.—The farm program payment yields for farms for each crop of wheat shall be determined under title V.

"(f) PROGRAMS TO REDUCE ACREAGE.—(1) IN GENERAL.—(A) EXCESSIVE SUPPLY.—(i) Notwithstanding any other provision of this Act, except as provided in subparagraphs (B) and (C), if the Secretary determines that the total supply of wheat, in the absence of an acreage limitation or set-aside program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of wheat either an acreage limitation program as described in paragraph (2) or a set-aside program as described in paragraph (3).

"(ii) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831).

"(iii) If the Secretary elects to put either of such programs into effect for any crop year, the Secretary shall announce any such program not later than June 1 prior to the calendar year in which the crop is harvested.

"(iv) Not later than July 31 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments in the program announced under clause (iii) if the Secretary determines that there has been a significant change in the total supply of wheat since the program was first announced.

"(B) AMOUNT OF ACREAGE LIMITATION.—In the case of each of the 1991 through 1995 crops of wheat, if the Secretary estimates for a marketing year for the crop that the ratio of ending stocks of wheat to total use of wheat for the marketing year will be—

"(i) more than 40 percent, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not less than 20 percent nor more than 30 percent; or

"(ii) equal to or less than 40 percent, the Secretary may provide for such an acreage limitation program under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm for the crop reduced by not more than 20 percent.

"(C) CONDITION FOR ELIGIBILITY.—As a condition of eligibility for loans, purchases, and payments for any such crop of wheat, except as provided in subsection (g), the producers on a farm must comply with the terms and conditions of the acreage limitation program and, if applicable, any land diversion program, as provided in paragraph (5).

"(2) ACREAGE LIMITATION PROGRAM.—(A) UNIFORM PERCENTAGE.—If a wheat acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction to the wheat crop acreage base for the crop for each wheat-producing farm.

"(B) ENFORCEMENT.—Except as provided in subsection (g), producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases, and payments with respect to that farm.

"(C) WHEAT CROP ACREAGE BASE.—Wheat crop acreage bases for each crop of wheat shall be determined under title V.

"(D) DETERMINATION OF CONSERVATION USE ACREAGE.—(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres planted to such commodity; by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

"(ii) The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'.

"(E) INAPPLICABILITY OF NATIONAL PROGRAM ACREAGE.—If an acreage limitation program is announced under paragraph (1) for a crop of wheat, subsection (d) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop.

"(F) INDIVIDUAL FARM PROGRAM ACREAGE.—Except as otherwise provided in subsections (c)(1)(B) and (c)(1)(H), the individual farm program acreage shall be the acreage planted on the farm to wheat for harvest within the permitted wheat acreage for the farm as established under this paragraph.

"(3) SET-ASIDE PROGRAM.—(A) IN GENERAL.—If a set-aside program is announced under paragraph (1), as a condition of eligibility for loans, purchases, and payments for wheat authorized by this Act (except as provided in subsection (g)), the producers on a farm shall—

"(i) set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop for which the set-aside is in effect; and

"(ii) otherwise comply with the terms of such program.

"(B) CONSERVATION USE REQUIRED.—The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(C) UNIFORM ACREAGE LIMITATION.—If a set-aside program is established, the Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat-producing farms.

"(D) ADJUSTMENTS TO SET-ASIDE.—The Secretary may make such adjustments in individual set-aside acreages under this paragraph as the Secretary determines necessary—

"(i) to correct for abnormal factors affecting production; and

"(ii) to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary determines necessary.

"(4) USE OF CONSERVATION ACREAGE.—(A) PROTECTION FROM WEEDS AND EROSION.—The regulations issued by the Secretary under paragraphs (2) and (3) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) PERMITTED PLANTINGS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(C) HAYING AND GRAZING.—(i) Except as provided in clause (ii), haying and grazing of acreage designated as conservation use acreage for the purpose of meeting any requirements established under an acreage limitation program (including a program conducted under subsection (c)(1)(B) or subsection (c)(1)(H)), set-aside program, or land diversion program established under this section shall be permitted, except during any consecutive 5-month period that is established by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. Such 5-month period shall be established during the period beginning April 1, and ending October 31, of a year.

"(ii) In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage. The Secretary may not exclude irrigated or irrigable acreage not planted in alfalfa when exercising the authority under this clause.

"(D) SUMMER FALLOW.—In determining the quantity of land to be devoted to conservation uses under an acreage limitation or set-aside program with respect to land that has been farmed under summer fallow practices, as defined by the Secretary, the Secretary shall consider the effects of soil erosion and such other factors as the Secretary considers appropriate.

"(5) LAND DIVERSION PROGRAM.—(A) PAYMENTS.—The Secretary may make land diversion payments to producers of wheat, whether or not an acreage limitation or set-aside program for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(B) BIDS FOR CONTRACTS.—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(C) LIMITATION ON DIVERTED ACREAGE.—The Secretary shall limit the total acreage to be diverted under agreements in any county so as not to affect adversely the economy of the county.

"(6) WILDLIFE USES FOR REDUCED AND DIVERTED ACREAGE.—(A) IN GENERAL.—Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) WILDLIFE USE COST SHARING.—The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

"(C) CONSERVATION COST SHARING.—The Secretary may also pay an appropriate share of the cost of approved soil and water conservation practices (including practices that may be effective for a number of years) established by the producer on reduced acreage, set-aside acreage, or additional diverted acreage.

"(D) ENCOURAGEMENT OF PUBLIC ACCESS.—The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7) PARTICIPATION AGREEMENTS.—(A) IN GENERAL.—An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) MODIFICATION OR TERMINATION.—The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(8) BUSHEL PRODUCTION TARGETS.—Notwithstanding the foregoing provisions of this subsection, in carrying out the program conducted under this subsection, the Secretary may prescribe production targets for participating farms expressed in bushels of production so that all participating farms achieve the same pro rata reduction in production as prescribed by the national production targets.

"(9) SPECIAL OATS PLANTINGS.—(A) IN GENERAL.—In any crop year that the Secretary determines that projected domestic production of oats will not fulfill the projected domestic demand for oats the Secretary, notwithstanding the foregoing provisions of this subsection—

"(i) shall, subject to subparagraph (B), provide that any reduced acreage and set-aside acreage may be planted to oats for harvest;

"(ii) may make program benefits (including, but not limited to, loans, purchases, and payments) available under the annual program for oats under section 105A available to producers with respect to acreage planted to oats under this paragraph; and

"(iii) shall not make program benefits other than the benefits specified in clause (ii) available to producers with respect to acreage planted to oats under this paragraph.

"(B) LIMITATION.—(i) If the Secretary estimates that oats planted to such acreage will result in projected domestic production of oats exceeding the projected domestic demand of oats, the Secretary shall limit the amount of such acreage that producers may plant to oats for harvest under subparagraph (A) to an amount that will result in projected domestic production fulfilling projected domestic demand.

"(ii) Such limitation may be achieved by applying a uniform percentage reduction to such acreage for each farm.

"(g) EXCEPTIONS TO PROGRAMS TO REDUCE ACREAGE.—(1) ONE-HALF ACREAGE REDUCTION PROGRAM.—(A) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of wheat, make payments available to producers who meet the requirements of this paragraph.

"(B) FORM OF PAYMENT.—Such payments shall be—

"(i) made in the form of wheat owned by the Commodity Credit Corporation; and

"(ii) subject to the availability of such wheat.

"(C) DETERMINATION OF PAYMENT.—(i) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

"(ii) The quantity of wheat to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

"(D) ELIGIBILITY.—A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

"(i) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

"(ii) agrees to forgo receiving payments under subsection (c);

"(iii) does not plant wheat for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

"(iv) otherwise complies with this section.

"(2) ACRE-FOR-ACRE REDUCTION.—(A) IN GENERAL.—The Secretary may permit producers on a farm to plant wheat on a portion of the acreage otherwise required to be devoted to conservation uses under subsection (f) if the producers agree to a corresponding reduction, on an acre-for-acre basis, in the farm program acreage used to compute deficiency payments under subsection (c)(1)(A)(ii).

"(B) LIMITATION.—If the Secretary exercises the authority provided under subparagraph (A), then the Secretary shall implement this paragraph in such a manner that no greater outlays by the Commodity Credit Corporation result from its implementation.

"(C) BASES AND YIELDS UNAFFECTED.—The wheat crop acreage base and the wheat farm program payment yield for the farm may not be increased or reduced due to the fact that such portion of the conserving use acres for the farm was planted to wheat as authorized under this subparagraph.

"(h) EQUITABLE RELIEF.—(1) LOANS, PURCHASES, AND PAYMENTS.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producer made a good faith effort to comply fully with the terms and conditions of such program in determining whether equitable relief is warranted under this paragraph.

"(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(i) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(j) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(k) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(l) EQUITABLE SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(m) TENANTS AND SHARECROPPERS.—The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(n) PROHIBITIONS.—(1) CROSS COMPLIANCE.—(A) IN GENERAL.—Compliance on a farm with the terms and conditions of any other commodity program, or compliance with crop acreage base requirements for any other commodity, may not be required as a condition of eligibility for loans or payments under this section.

"(B) BASE INCREASES.—If a producer on a farm is participating in the wheat program under this section, the crop acreage base for any other commodity for the farm may not be increased if such commodity is produced on the farm in a manner that is not in compliance with—

"(i) the terms and conditions of the applicable commodity program for such commodity; or

"(ii) the crop acreage base requirements of the applicable commodity program for such commodity.

"(2) OFFSETTING COMPLIANCE.—The Secretary may not require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to comply with the terms and conditions of the wheat program with respect to any other farm operated by such producers.".

SEC. 902. NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS.

Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379d–1379j) (relating to marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1991, through May 31, 1996.

SEC. 903. SUSPENSION OF LAND USE, WHEAT MARKETING ALLOCATION, AND PRODUCER CERTIFICATE PROVISIONS.

Sections 331, 332, 333, 334, 335, 336, 338, 339, 379b, and 379c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331–1336, 1338, 1339, 1379b, and 1379c) shall not be applicable to the 1991 through 1995 crops of wheat.

SEC. 904. SUSPENSION OF CERTAIN QUOTA PROVISIONS.

The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1991 through 1995.

SEC. 905. NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1995 CROPS OF WHEAT.

Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1991 through 1995 crops of wheat.

TITLE X—FEED GRAINS

SEC. 1001. LOAN RATES, TARGET PRICES, DISASTER PAYMENTS, ACREAGE LIMITATION PROGRAM, AND LAND DIVERSION FOR THE 1991 THROUGH 1995 CROPS OF FEED GRAINS.

Effective only for the 1991 through 1995 crops of feed grains, section 105A of the Agricultural Act of 1949 (7 U.S.C. 1444c) is amended to read as follows:

"SEC. 105A. (a) LOANS AND PURCHASES.—(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4) the Secretary shall make available to producers loans and purchases for each of the 1991 through 1995 crops of corn at such level as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn.

"(2) MINIMUM LOAN LEVEL.—Except as provided in paragraphs (3) and (4), the loan and purchase level determined under paragraph (1) shall not be less than 85 percent of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the loan and purchase level for a crop determined under this paragraph may not be reduced by more than 5 percent from the level determined for the preceding crop.

"(3) ADJUSTMENTS TO SUPPORT LEVEL.—(A) STOCKS TO USE RATIO.— If the Secretary estimates for any marketing year that the ratio of ending stocks of corn to total use for the marketing year will be—

"(i) equal to or greater than 25 percent, the Secretary may reduce the loan and purchase level for corn for the marketing year by an amount not to exceed 10 percent in any year;

"(ii) less than 25 percent but not less than 12.5 percent, the Secretary may reduce the loan and purchase level for corn for the marketing year by an amount not to exceed 5 percent in any year;

"(iii) less than 12.5 percent the Secretary may not reduce the loan and purchase level for corn for the marketing year.

"(B) REPORT TO CONGRESS.—(i) If the Secretary adjusts the level of loans and purchases for corn under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report—

"(I) certifying such adjustment as necessary to prevent the build-up of stocks and to retain market share; and

"(II) containing a description of the need for such adjustment.

"(ii) Such adjustment shall become effective no earlier than 60 calendar days after the date of submission of such report to such committees.

"(C) COMPETITIVE POSITION.—Notwithstanding the provisions of subparagraph (A), if the Secretary determines, not later than 60 days prior to the beginning of a marketing year for a crop, that the effective loan rate established for such crop will not maintain a competitive market position for corn, the Secretary may reduce the loan and purchase level for corn for the marketing year by an amount, in addition to any reduction under subparagraph (A), not to exceed 10 percent in any year.

"(D) NO EFFECT ON FUTURE YEARS.—Any reduction in the loan and purchase level for corn under this paragraph shall not be considered in determining the loan and purchase level for corn for subsequent years.

"(E) MINIMUM LOAN RATE.—Notwithstanding the provisions of subparagraph (A), the loan rate for corn shall not be less than $1.76 per bushel, unless such rate would exceed 80 percent of the five year average market price determination.

"(4) MARKETING LOAN.—(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under paragraphs (1) or (6) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the higher of—

"(I) 70 percent of such level;

"(II) if the loan level for a crop was reduced under paragraph (3), 70 percent of the loan level that would have been in effect but for the reduction under paragraph (3); or

"(III) the prevailing world market price for feed grains, as determined by the Secretary.

"(B) WORLD PRICE FORMULA.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for feed grains; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for feed grains.

"(5) SIMPLE AVERAGE PRICE.—For purposes of this section, the Secretary in determining the simple average price received by producers for the immediately preceding marketing year shall use the latest information available to the Secretary at the time of the determination.

"(6) LOAN LEVELS FOR OTHER FEED GRAINS.—The Secretary shall make available to producers loans and purchases for each of the 1991 through 1995 crops of grain sorghum, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b).

"(b) PAYMENTS FOR FORGOING LOAN OR PURCHASE.—(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of corn, grain sorghum, barley, oats, and rye, make payments available to producers who, although eligible to obtain a loan or purchase agreement under subsection (a), agree to forgo obtaining such loan or agreement in return for such payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of such feed grains the producer is eligible to place under loan.

"(3) QUANTITY ELIGIBLE.—For purposes of this subsection, the quantity of feed grains eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the crop; by

"(B) the farm program payment yield established for the farm.

"(4) PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the loan level determined for such crop under subsection (a); exceeds

"(B) the level at which a loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—(1) IN GENERAL.—(A) COMPUTATION.—The Secretary shall make available to producers payments (to be known as 'deficiency payments') for each of the 1991 through 1995 crops of corn, grain sorghum, oats, and barley in an amount computed by multiplying—

"(i) the payment rate; by

"(ii) the individual farm program acreage for the crop; by

"(iii) the farm program payment yield for the crop for the farm.

"(B) 0/92 PROGRAM.—(i) If an acreage limitation program under subsection (f)(2) is in effect for a crop of feed grains and the producers on a farm devote a portion of the permitted feed grain acreage of the farm (as determined in accordance with subsection (f)(2)(A)) equal to more than 8 percent of the permitted feed grain acreage of the farm for the crop to conservation uses (except as provided in subparagraph (H))—

"(I) such portion of the permitted feed grain acreage of the farm in excess of 8 percent of such acreage devoted to conservation uses (except as provided in subparagraph (H)) shall be considered to be planted to feed grains for the purpose of determining the individual farm program acreage in accordance with subsection (f)(2)(G) and for the purpose of determining the acreage on the farm required to be devoted to conservation uses in accordance with subsection (f)(2)(E); and

"(II) the producers shall be eligible for payments under this paragraph on such acreage.

"(ii) Notwithstanding any other provision of this section, any producer who elects to devote all or a portion of the permitted feed grain acreage of the farm to conservation uses (or other uses as provided in subparagraph (H)) under this subparagraph shall receive deficiency payments on the acreage that is considered to be planted to feed grains and eligible for payments under this subparagraph for such crop at a per-bushel rate established by the Secretary, except that such rate may not be established at less than the projected deficiency payment rate for the crop, as determined by the Secretary. Such projected payment rate for the crop shall be announced by the Secretary prior to the period during which feed grain producers may agree to participate in the program for such crop.

"(iii) The Secretary shall implement this subparagraph in such a manner as to minimize the adverse effect on agribusiness and other agriculturally related economic interests within any county, State, or region. In carrying out this subparagraph, the Secretary may restrict the total amount of feed grain acreage that may be taken out of production under this subparagraph, taking into consideration the total amount of feed grain acreage that has or will be removed from production under other price support, production adjustment, or conservation program activities. No restrictions on the amount of acreage that may be taken out of production in accordance with this subparagraph in a crop year shall be imposed in the case of a county in which producers were eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as a result of a disaster that occurred during such crop year.

"(iv) The feed grain crop acreage base and feed grain program payment yield of the farm shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses (except as provided in subparagraph (H)).

"(v) Other than as provided in clauses (i) through (iv), payments may not be made under this paragraph for any crop on a greater acreage than the acreage actually planted to feed grains.

"(vi) Any acreage considered to be planted to feed grains in accordance with clause (i) may not also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation, set-aside, or land diversion program requiring that the producers devote a specified acreage to conservation uses.

"(C) PAYMENT RATE.—The payment rate for each crop of feed grains shall be the amount by which the established price for such crop of feed grains exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 6 months of the marketing year for such crop, as determined by the Secretary; or

"(ii) the loan level determined for such crop, prior to any adjustment made under subsection (a)(3) for the marketing year for such crop.

"(D) COMPENSATION FOR SUPPORT LEVEL ADJUSTMENT.—(i) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for feed grains under subsection (a)(3), the Secretary shall provide emergency compensation by increasing the deficiency payments for feed grains by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made.

"(ii) In determining the payment rate, per bushel, for deficiency payments for a crop of feed grains under this subparagraph, the Secretary shall use the national weighted average market price, per bushel of such crop of feed grains, received by producers during the marketing year for such crop, as determined by the Secretary.

"(E) ESTABLISHED FOR CORN.—

"(i) MINIMUM PRICE.—The established price for corn shall not be less than $2.75 per bushel.

"(ii) ESTABLISHED PRICE INCREASE FOR FEED GRAINS.—If in any crop year the Secretary announces an acreage limitation program under subsection (f)(2) or a set-aside program under subsection (f)(3) for farms under which the percentage reduction or set aside for a crop of feedgrains is in excess of 17.5 percent, then the established price for such crop shall be increased by an amount not less than 2.55 percent of the established price for such crop for each 2.5 percent incremental increase of such percentage reduction or set-aside in excess of 17.5 percent.

"(F) ESTABLISHED PRICE FOR OTHER FEED GRAINS.—(i) The established price for grain sorghum shall be such price as the Secretary determines is fair and reasonable in relation to the established price for corn.

"(ii) The established price for oats shall be such price as the Secretary determines is fair and reasonable in relation to the established price for corn, but not less than $1.45 per bushel.

"(iii) The established price for barley shall be such price as the Secretary determines is fair and reasonable in relation to the established price for corn, taking into consideration the various feed and food uses for barley, and provided that the ratio of such established price for barley shall not be less than 85.8 percent of the established price for corn.

"(G) REDUCTION FOR DISASTER PAYMENTS.—The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2).

"(H) ALTERNATIVE CROPS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of acreage otherwise required to be devoted to conservation uses as a condition of qualifying for payments under subparagraph (B) to be devoted to sweet sorghum or the production of guar, sesame, castor beans, crambe, plantago ovato, triticale, rye, commodities for which no substantial domestic production or market exists but that could yield industrial raw material being imported, or likely to be imported, into the United States, or commodities grown for experimental purposes (including kenaf), subject to the following sentence. The Secretary may permit such acreage to be devoted to such production only if the Secretary determines that—

"(i) the production is not likely to increase the cost of the price support program and will not affect farm income adversely; and

"(ii) the production is needed to provide an adequate supply of the commodity, or, in the case of commodities for which no substantial domestic production or market exists but that could yield industrial raw materials, the production is needed to encourage domestic manufacture of such raw material and could lead to increased industrial use of such raw material to the long-term benefit of United States industry.

"(I)(i) TARGET OPTION PROGRAM.—Subject to clauses (ii) and (iii), if an acreage limitation program under subsection (f)(2) is in effect for a crop of feed grains and the producers on a farm devote a portion of the permitted feed grain acreage of the farm (as determined in accordance with subsection (f)(2)(A)) to conservation uses, the producers shall be eligible for an increase of up to one percent in the established price of the crop of feed grains, on the acreage on the farm actually planted to feed grains, for each one percent of the permitted feed grain acreage of the farm devoted to conservation uses.

"(ii) The portion of permitted feed grain acreage of the farm devoted to conservation uses under clause (i) shall not exceed 10 percent of the crop acreage base of the farm.

"(iii) Such increase in the established price shall not result in a producer receiving more in payments than the maximum amount such producer would be eligible to receive under section 105A(C)(1)(B).

"(iv) The feed grain crop acreage base and the feed grain farm program payment yield for the farm may not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses.

"(J)(i) BARLEY CALCULATIONS.—The Secretary shall, for purposes of determining the payment rate for barley under subparagraphs (C)(i) and (D)(ii), use the national weighted average market price received by producers of barley sold primarily for feed purposes.

"(ii)(I) In the case of the 1991 crop of barley, the Secretary shall, for purposes of determining any advance deficiency payment made to the producers of barley under

section 107C, use the national weighted average market price received by producers for all barley, as determined by the Secretary.

"(II) In implementing this subsection, the Secretary shall ensure that producers of the 1991 crop of barley, notwithstanding the method of calculation or the amount of the advance deficiency payment, shall be equal to receive the total amount of payments as calculated under clause (i).

"(2) DISASTER ASSISTANCE.—(A) PREVENTED PLANTING PAYMENTS.—(i) Except as provided in subparagraph (C), if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the Secretary shall make a prevented planting disaster payment to the producers in an amount equal to the product obtained by multiplying—

"(I) the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage that the producers were prevented from planting to feed grains or other nonconserving crops in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year; by

"(II) 75 percent of the farm program payment yield established by the Secretary; by

"(III) a payment rate equal to 33⅓ percent of the established price for the crop.

"(ii) Payments made by the Secretary under this subparagraph may be made in the form of cash or from stocks of feed grains held by the Commodity Credit Corporation.

"(B) REDUCED YIELD PAYMENTS.—Except as provided in subparagraph (C), if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the total quantity of feed grains that the producers are able to harvest on any farm is less than the result of multiplying 60 percent of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 percent of the established price for the crop for the deficiency in production below 60 percent for the crop.

"(C) LIMITATION DUE TO CROP INSURANCE.—Producers on a farm shall not be eligible for—

"(i) prevented planting disaster payments under subparagraph (A), if prevented planting crop insurance is available to the producers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to the feed grain acreage of the producers; or

"(ii) reduced yield disaster payments under subparagraph (B), if reduced yield crop insurance is available to the producers under such Act with respect to the feed grain acreage of the producers.

"(D) EXCEPTION FROM LIMITATION.—(i) Notwithstanding subparagraph (C), the Secretary may make a disaster payment to the producers on a farm under this paragraph if the Secretary determines that—

"(I) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, including such condition resulting from the adjudication of Indian water settlement disputes, the producers on a farm have suffered substantial losses of production either from being prevented from planting feed grains or other nonconserving crops or from reduced yields;

"(II) such losses have created an economic emergency for the producers;

"(III) crop insurance indemnity payments under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency; and

"(IV) additional assistance must be made available to such producers to alleviate such economic emergency.

"(ii) The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to an individual farm so as to assure the equitable allotment of such payments among producers, taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(d) NATIONAL PROGRAM ACREAGE.—(1) IN GENERAL.—(A) PROCLAMATION.—Except for a crop with respect to which there is an acreage limitation program in effect under subsection (f), the Secretary shall proclaim a national program acreage for each of the 1991 through 1995 crops of feed grains. The proclamation shall be made not later than September 30 of each calendar year for the crop harvested in the next succeeding calendar year.

"(B) REVISION.—The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) if the Secretary determines it necessary based on the latest information. The Secretary shall proclaim such revised national program acreage as soon as such revision is made.

"(C) AMOUNT OF ACREAGE.—The national program acreage for feed grains shall be the number of harvested acres that the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop.

"(D) ADJUSTMENT FOR CARRYOVER.—If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the quantity the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(E) INAPPLICABILITY TO OATS.—This subsection shall not apply to the 1991 through 1995 crop of oats.

"(2) PROGRAM ALLOCATION FACTOR.—The Secretary shall determine a program allocation factor for each crop of feed grains, if the Secretary proclaims a national program acreage for such crop. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of feed grains be more than 100 percent nor less than 80 percent.

"(3) FARM PROGRAM ACREAGE.—(A) DETERMINATION.—Except as provided in subsection (f)(2), the individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined.

"(B) LIMITATION ON REDUCTION.—The individual farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the crop acreage base established for the farm under title V by at least the percentage recommended by the Secretary in the proclamation of the national program acreage.

"(C) FAIR AND EQUITABLE TREATMENT.—The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than the crop acreage base established for the farm under title V, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor.

"(D) ADJUSTMENT FOR EXEMPTIONS.—In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(e) FARM PROGRAM PAYMENT YIELDS.—The farm program payment yields for farms for each crop of feed grains shall be determined under title V.

"(f) PROGRAMS TO REDUCE ACREAGE.—(1) IN GENERAL.—(A) EXCESSIVE SUPPLY.—(i) Notwithstanding any other provision of this Act, except as provided in subparagraphs (B) through (D), if the Secretary determines that the total supply of feed grains, in the absence of an acreage limitation or set-aside program, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency, the Secretary may provide for any crop of feed grains either an acreage limitation program as described in paragraph (2) or a set-aside program as described in paragraph (3).

"(ii) In making a determination under clause (i), the Secretary shall take into consideration the number of acres placed in the conservation acreage reserve established under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831).

"(iii) If the Secretary elects to put either of such programs into effect for any crop year, the Secretary shall announce any such program not later than September 30 prior to the calendar year in which the crop is harvested.

"(iv) Not later than November 15 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments in an announcement made under clause (iii) if the Secretary determines that there has been a significant change in the total supply of feed grains since the program was first announced.

"(B) AMOUNT OF ACREAGE REDUCTION.—In the case of each of the 1991 through 1995 crops of feed grains, if the Secretary estimates for a marketing year for the crop that the ratio of ending stocks of corn to total use of corn for the preceding marketing year will be—

"(i) more than 25 percent, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for

the crop reduced by not less than 12.5 percent nor more than 20 percent; or

"(ii)(I) except as provided by subclause (II), 25 percent or less, the Secretary may provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not more than 12.5 percent; or

"(II) not less than 21.6 nor more than 22.8 percent, the Secretary shall provide for an acreage limitation program (as described in paragraph (2)) under which the acreage planted to feed grains for harvest on a farm would be limited to the feed grain crop acreage base for the farm for the crop reduced by not less than 11.6 percent.

"(C) CONDITION FOR ELIGIBILITY FOR FEED GRAINS.—As a condition of eligibility for loans, purchases, and payments for any such crop of feed grains, except as provided in subsection (g), the producers on a farm must comply with the terms and conditions of the acreage limitation program and, if applicable, the land diversion program, as provided in paragraph (5).

"(D) CONDITION FOR ELIGIBILITY FOR OATS.—Except as provided in paragraph (9), as a condition of eligibility for loans, purchases, and payments for the 1991 through 1995 crop of oats, the producers of oats on a farm may not plant oats in excess of the crop acreage base for the farm.

"(2) ACREAGE LIMITATION PROGRAM.—(A) UNIFORM PERCENTAGE.—If a feed grain acreage limitation program is announced under paragraph (1), such limitation shall be achieved by applying a uniform percentage reduction to the feed grain crop acreage base for the crop for each feed grain-producing farm.

"(B) ENFORCEMENT.—Except as provided in subsection (g), producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm.

"(C) EXCEPTION FOR MALTING BARLEY.—The Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation under this paragraph if such producer has previously produced a malting variety of barley for harvest, plants barley only of an acceptable malting variety for harvest, and meets such other conditions as the Secretary may prescribe.

"(D) FEED GRAIN CROP ACREAGE BASE.—Feed grain crop acreage bases for each crop of feed grains shall be determined under title V.

"(E) DETERMINATION OF CONSERVATION USE ACREAGE.—(i) A number of acres on the farm shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. Such number shall be determined by dividing—

"(I) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres planted to such commodity; by

"(II) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary.

"(ii) The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'.

"(F) INAPPLICABILITY OF NATIONAL PROGRAM ACREAGE.—If an acreage limitation program is announced under paragraph (1) for a crop of feed grains, subsection (d) shall not be applicable to such crop, including any prior announcement that may have been made under such subsection with respect to such crop.

"(G) INDIVIDUAL FARM PROGRAM ACREAGE.—Except as otherwise provided in subsections (c)(1)(B) and (c)(1)(I), the individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm as established under this paragraph.

"(H) LIMITATION ON OATS ACREAGE REDUCTION.—In the case of the 1991 through 1995 crops of oats, the Secretary—

"(i) shall not establish a percentage reduction in accordance with paragraph (1) in excess of 5 percent, unless the Secretary determines that the supply of oats will be excessive without a greater percentage reduction than 5 percent; and

"(ii) may establish a percentage reduction for oats in accordance with paragraph (1) of less than 5 percent. If the Secretary does not establish a percentage reduction requirement for oats, the Secretary shall ensure that the crop acreage bases established for the farm and the farm acreage base are not increased as a result of this clause.

"(3) SET-ASIDE REQUIRED.—(A) IN GENERAL.—If a set-aside program is announced under paragraph (1), as a condition of eligibility for loans, purchases, and payments for feed grains authorized by this Act (except as provided in subsection (g)), the producers on a farm shall—

"(i) set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest for the crop for which the set-aside is in effect; and

"(ii) otherwise comply with the terms of such program.

"(B) CONSERVATION USE REQUIRED.—The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary.

"(C) UNIFORM ACREAGE LIMITATION.—If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms.

"(D) ADJUSTMENTS TO SET-ASIDE.—The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary—

"(i) to correct for abnormal factors affecting production; and

"(ii) to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary determines necessary.

"(4) USE OF CONSERVATION ACREAGE.—(A) PROTECTION FROM WEEDS AND EROSION.—The regulations issued by the Secretary under paragraphs (2) and (3) with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

"(B) PERMITTED PLANTINGS.—The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodities, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(C) HAYING AND GRAZING.—(i) Except as provided in clause (ii), haying and grazing of acreage designated as conservation use acreage for the purpose of meeting any requirements established under an acreage limitation program (including a program conducted under subsection (c)(1)(B) or subsection (c)(1)(I)), set-aside program, or land diversion program established under this section shall be permitted, except during any consecutive 5-month period that is established by the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for a State. Such 5-month period shall be established during the period beginning April 1, and ending October 31, of a year.

"(ii) In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage. The Secretary may not exclude irrigated or irrigable acreage not planted in alfalfa when exercising the authority under this clause.

"(D) SUMMER FALLOW.—In determining the quantity of land to be devoted to conservation uses under an acreage limitation or set-aside program with respect to land that has been farmed under summer fallow practices, as defined by the Secretary, the Secretary shall consider the effects of soil erosion and such other factors as the Secretary considers appropriate.

"(5) LAND DIVERSION PROGRAM.—(A) PAYMENTS.—The Secretary may make land diversion payments to producers of feed grains, whether or not an acreage limitation or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

"(B) BIDS FOR CONTRACTS.—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted.

"(C) LIMITATION ON DIVERTED ACREAGE.—The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(6) WILDLIFE USES FOR REDUCED AND DIVERTED ACREAGE.—(A) IN GENERAL.—Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies.

"(B) WILDLIFE USE COST SHARING.—The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of subparagraph (A).

"(C) CONSERVATION COST SHARING.—The Secretary may also pay an appropriate share of the cost of approved soil and water

conservation practices (including practices that may be effective for a number of years) established by the producer on reduced acreage, set-aside acreage, or additional diverted acreage.

"(D) ENCOURAGEMENT OF PUBLIC ACCESS.—The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7) PARTICIPATION AGREEMENTS.—(A) IN GENERAL.—An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe.

"(B) MODIFICATION OR TERMINATION.—The Secretary may, by mutual agreement with producers on a farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(8) BUSHEL PRODUCTION TARGETS.—Notwithstanding the foregoing provisions of this subsection, in carrying out the program conducted under this subsection, the Secretary may prescribe production targets for participating farms expressed in bushels of production so that all participating farms achieve the same pro rata reduction in production as prescribed by the national production targets.

"(9)(A) In any crop year that the Secretary determines that projected domestic production of oats will not fulfill the projected domestic demand for oats the Secretary, notwithstanding the foregoing provisions of this subsection—

"(i) may, subject to subparagraph (B), provide that any reduced acreage and set-aside acreage may be planted to oats for harvest;

"(ii) may make program benefits (including, but not limited to, loans, purchases, and payments) available under the annual program for oats under this title available to producers with respect to acreage planted to oats under this paragraph; and

"(iii) shall not make program benefits other than the benefits specified in clause (ii) available to producers with respect to acreage planted to oats under this paragraph.

"(B) LIMITATION.—(i) If the Secretary estimates that oats planted to such acreage will result in projected domestic production of oats exceeding the projected domestic demand of oats, the Secretary shall limit the amount of such acreage that producers may plant to oats for harvest under subparagraph (A) to an amount that will result in projected domestic production fulfilling projected domestic demand.

"(ii) Such limitation may be achieved by applying a uniform percentage reduction to such acreage for each farm.

"(g) EXCEPTIONS TO PROGRAMS TO REDUCE ACREAGE.—(1) ONE-HALF ACREAGE REDUCTION PROGRAM.—(A) IN GENERAL.—The Secretary may, for each of the 1991 through 1995 crops of corn, grain sorghum, oats, and barley, make payments available to producers who meet the requirements of this paragraph.

"(B) FORM OF PAYMENT.—Such payments shall be—

"(i) made in the form of such feed grains, respectively, owned by the Commodity Credit Corporation; and

"(ii) subject to the availability of such feed grains.

"(C) DETERMINATION OF PAYMENT.—(i) Payments under this subsection shall be determined in the same manner as provided in subsection (b).

"(ii) The quantity of feed grains to be made available to a producer under this subsection shall be equal in value to the payments so determined under such subsection.

"(D) ELIGIBILITY.—A producer shall be eligible to receive a payment under this subsection for a crop if the producer—

"(i) agrees to forgo obtaining a loan or purchase agreement under subsection (a);

"(ii) agrees to forgo receiving payments under subsection (c);

"(iii) does not plant feed grains for harvest in excess of the crop acreage base reduced by one-half of any acreage required to be diverted from production under subsection (f); and

"(iv) otherwise complies with this section.

"(2) ACRE-FOR-ACRE REDUCTION.—(A) IN GENERAL.—The Secretary may permit producers on a farm to plant feed grains on a portion of the acreage otherwise required to be devoted to conservation uses under subsection (f) if the producers agree to a corresponding reduction, on an acre-for-acre basis, in the farm program acreage used to compute deficiency payments under subsection (c)(1)(A)(ii).

"(B) LIMITATION.—If the Secretary exercises the authority provided under subparagraph (A), then the Secretary shall implement this paragraph in such a manner that no greater outlays by the Commodity Credit Corporation result from its implementation.

"(C) BASES AND YIELDS UNAFFECTED.—The feed grain crop acreage base and the feed grain farm program payment yield for the farm may not be increased or reduced due to the fact that such portion of the conserving use acres for the farm was planted to feed grains as authorized under this subparagraph.

"(h) EQUITABLE RELIEF.—(1) LOANS, PURCHASES, AND PAYMENTS.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines are equitable in relation to the seriousness of the failure. The Secretary may consider whether the producer made a good faith effort to comply fully with the terms and conditions of such program in determining whether equitable relief is warranted under this paragraph.

"(2) DEADLINES AND PROGRAM REQUIREMENTS.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(i) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(j) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(k) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(l) EQUITABLE SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(m) TENANTS AND SHARECROPPERS.—The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(n) PROHIBITIONS.—(1) CROSS COMPLIANCE.—(A) IN GENERAL.—Compliance on a farm with the terms and conditions of any other commodity program, or compliance with crop acreage base requirements for any other commodity, may not be required as a condition of eligibility for loans or payments under this section.

"(B) CROP ACREAGE BASE INCREASES.—If a producer on a farm is participating in the feed grains program under this section, the crop acreage base for any other commodity for the farm may not be increased if such commodity is produced on the farm in a manner that is not in compliance with—

"(i) the terms and conditions of the applicable commodity program for such commodity; or

"(ii) the crop acreage base requirements of the applicable commodity program for such commodity.

"(2) OFFSETTING COMPLIANCE.—The Secretary may not require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to comply with the terms and conditions of the feed grains program with respect to any other farm operated by such producers.".

SEC. 1002. PRICE SUPPORT FOR HIGH MOISTURE FEED GRAINS.

(a) RECOURSE LOANS.—Notwithstanding any other provision of law, effective for each of the 1991 through 1995 crops of feed grains, the Secretary of Agriculture shall make available recourse loans as determined by the Secretary, as provided in this section, to producers on a farm who—

(1) normally harvest all or a portion of their crop of feed grains in a high moisture state (herein defined as a feed grain having a moisture content in excess of Commodity Credit Corporation standards for loans made by the Secretary under sections 105A(a)(1) and (6) of the Agricultural Act of 1949);

(2)(A) present certified scale tickets from an inspected, certified commercial scale, including licensed warehouses, feedlots, feed mills, distilleries, or other similar entities approved by the Secretary, pursuant to regulations issued by the Secretary; or

(B) present field or other physical measurements of the standing or stored feed grain crop in regions of the country, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(3) certify that they were the owners of the feed grain at the time of delivery to, and that the amount to be placed under loan was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to such facilities maintained by the users of such high-moisture feed grain;

(4) comply with deadlines established by the Secretary for harvesting the feed grain

and submit applications for loans within deadlines established by the Secretary; and

(5) participate in an acreage limitation or set-aside program for such crop of feed grains established by the Secretary.

(b) ELIGIBILITY OF ACQUIRED FEED GRAINS.—Such loans shall be made on a quantity of feed grains of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(1) the acreage of the feed grain in a high moisture state harvested on the producer's farm; by

(2) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such high moisture feed grain was obtained.

SEC. 1003. NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1995 CROPS OF FEED GRAINS.

Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1991 through 1995 crops of feed grains.

SEC. 1004. CALCULATION OF REFUNDS OF ADVANCE ESTABLISHED PRICE PAYMENTS BY PRODUCERS OF THE 1988 OR 1989 CROPS OF FEED BARLEY.

(a) MANDATORY CALCULATION OF REFUND.—(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Secretary of Agriculture shall calculate, for informational purposes only (except as provided in the discretionary authority under subsection (b)), the amount of the refund of any advance deficiency payment a producer of barley who participated in the 1988 or 1989 Federal barley price support program would be required to make pursuant to section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) based on a formula that includes the human food values of barley in all components of the calculations used to determine the amount of refund of the advance deficiency payment required of such producer.

(2) DISCLOSURE.—(A) TO THE PUBLIC.—The Secretary shall publish in the Federal Register—

(i) the formula used to perform the calculations described in paragraph (1);

(ii) the aggregate results that the use of such calculation would have pursuant to subsection (b), in terms of—

(I) the total reduction in the amount of refunds,

(II) the number of producers affected, and

(III) any other information the Secretary determines appropriate;

(iii) a declaration of the Secretary's decision whether to use such calculation to recalculate barley producer's refunds pursuant to subsection (b); and

(iv) a statement of the Secretary's reasons for the decision described in clause (iii).

(B) TO PRODUCERS.—The Secretary shall make available to each producer of 1988 or 1989 crop barley, upon request, a statement detailing the effect of the calculation of refunds described in paragraph (1) upon such producer's 1988 or 1989 refund.

(b) DISCRETIONARY USE OF CALCULATION.—(1) IN GENERAL.—The Secretary may use the calculation described in subsection (a) to determine whether or not to reduce the total refund owed by a producer of 1988 or 1989 crop barley under section 107C of the Agricultural Act of 1949.

(2) PROCEDURE FOR USE OF CALCULATION.—If the Secretary decides to use the calculation described in subsection (a) as provided under paragraph (1), then, in the case of a producer of 1988 or 1989 crop barley who paid the refund of the advance deficiency payment for such crop calculated prior to the enactment of this Act (or any amount of refund in excess of the amount of the refund determined in accordance with paragraph (1)), the Secretary —

(i) shall, before May 31, 1991, reimburse the producer the amount of refund paid by the producer in excess of the refund determined in accordance with this section;

(ii) shall have the option to make such reimbursement in a lump sum or in installments;

(iii) shall, not later than 45 days after the date of enactment of this Act, notify producers who are eligible to receive such reimbursement of their 1988 or 1989 advance deficiency payment refund under this section—

(I) of the timing of the payment of such reimbursement (either in lump sum or in installments),

(II) that the amount of such reimbursement shall not bear interest if paid before October 15, 1990, and

(III) that the amount of such reimbursement paid after October 15, 1990 shall bear interest at a rate of at least 7 percent per annum; and

(iv) may elect to pay such reimbursement in a lump sum with negotiable generic certificates redeemable for commodities owned by the Commodity Credit Corporation if such reimbursement is paid in full not later than 60 days after the date of enactment of this Act.

TITLE XI—GENERAL COMMODITY PROVISIONS

Subtitle A—Miscellaneous Commodity Provisions

SEC. 1101. PAYMENT LIMITATIONS.

(a) AMENDMENTS TO SECTION 1001 OF THE FOOD SECURITY ACT OF 1985.—Effective beginning with the 1991 crops, section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)";

(B) by striking "1990" and inserting "1995";

(C) by adding at the end the following new subparagraphs:

"(B) Subject to sections 1001A through 1001C, for each of the 1991 through 1995 crops, the total amount of payments set forth in clauses (i) through (iv) that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, oilseeds, upland cotton, extra long staple cotton, and rice shall not exceed $100,000. For purposes of this subparagraph, the term 'payments' includes—

"(i)(I) any gain realized by a producer from repaying a loan for a crop of wheat, feed grains, oilseeds, upland cotton, or rice at the rate permitted under section 107A(a)(4), 105A(a)(4), 201(g)(4), 103B(a)(5), or 101B(a)(5), respectively, of the Agricultural Act of 1949, or (II) any gain realized by a producer from repaying a loan for a crop of any other commodity at a lower level than the original loan level established under the Agricultural Act of 1949;

"(ii) any loan deficiency payment received for a crop of wheat, feed grains, oilseeds, upland cotton, or rice under section 107A(b) or 105A(b), 201(g)(5), 103B(b), or 101B(b), respectively, of the Agricultural Act of 1949;

"(iii) any inventory reduction payment received for a crop of wheat, feed grains, upland cotton, or rice under section 107A(g)(1), 105A(g)(1), 103B(f), or 101B(f), respectively, of the Agricultural Act of 1949; and

"(iv) any deficiency payment received for a crop of wheat or feed grains under section 107A(c)(1) or 105A(c)(1), respectively, of the Agricultural Act of 1949 as the result of a reduction of the loan level for such crop under section 107A(a)(3) or 105A(a)(3) of such Act.".

(2) in paragraph (2)(A)—

(A) by striking "1987 through 1990" and inserting "1991 through 1995"; and

(B) by inserting "oilseeds," after "feed grains,";

(C) by striking "(with respect to clause (iii)(II) of subparagraph (B))";

(D) by striking "when combined" and inserting "and, with respect to wool and mohair, under the program established under the National Wool Act of 1954, when combined"; and

(E) by striking "$250,000" and inserting "$200,000";

(3) in paragraph (2)(B) by—

(A) striking "the term 'payments' means—" and inserting "the term 'payments' includes—";

(B) by striking clauses (iii) through (vi);

(C) inserting "and" after the semicolon at the end of clause (ii); and

(D) inserting the following clause:

"(iii) any gain realized by a producer from repaying a loan for a crop of honey at a lower level than the original loan level established under section 201(b)(2) of the Agricultural Act of 1949.";

(4) by amending paragraph (5)(B)(i)(I) to read as follows:

"(I) an individual, including any individual participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary), and, except for purposes of deficiency payments and land diversion payments (as described in paragraph (1)(A)), the term person shall also include any individual holding a substantial beneficial interest in any entity described in subclause (II);";

(5) in paragraph (5)(B)(i)(II) by inserting "only for purposes of deficiency payments and land diversion payments described in paragraph (1)(A)," before "a corporation";

(6) in paragraph (5)(B)(ii)(II) by—

(A) striking "irrevocable trusts and"; and

(B) striking "trusts and";

(7) by inserting after paragraph (5)(B)(ii) the following clause:

"(iv) Such regulations shall prohibit an irrevocable trust from being eligible to receive any payments (as described under paragraph (2)(B)).."; and

(8) in paragraph (5)(C), by striking "The regulations" and inserting "Only for purposes of deficiency payments and land diversion payments described in paragraph (1)(A), the regulations".

(b) AMENDMENT TO SECTION 1001A OF THE FOOD SECURITY ACT OF 1985.—Section 1001A(a) of the Food Security Act of 1985 (7 U.S.C. 1308-1(a)) is amended—

(1) by striking "farm program payments (as described in paragraphs (1) and (2) of this section" and inserting "deficiency payments and land diversion payments (as described in section 1001(1)(A)";

(2) by striking paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—Section 2 of the Act of December 11, 1989 (Public Law 101-217) is amended by striking "Effective

only for" and inserting "Effective beginning with".

(d) AMENDMENT TO SECTION 1001C OF THE FOOD SECURITY ACT OF 1985.—Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3(a)) is amended by striking "and 1990" and inserting "through 1995".

(e) TREATMENT OF MULTI-YEAR FARM PROGRAM CONTRACT PAYMENTS.—Effective beginning with the 1989 crops, the Food Security Act of 1985 is amended by inserting after section 1001C (7 U.S.C. 1308-C) the following new section:

"SEC. 1001D. TREATMENT OF MULTI-YEAR FARM PROGRAM CONTRACT PAYMENTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, in the event of a transfer of ownership of a farming operation (or an ownership interest in a farming operation) by way of gift (in anticipation of death or upon disability of the donor), devise, or descent, the Secretary of Agriculture may continue to make to the new owner or owners all payments which may become due and payable by virtue of any multi-year program contract which was in effect at the time of the gift or the death of the prior owner.

"(b) LIMITATION ON INCREASE IN PAYMENTS.—Payments made pursuant to this section shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the gift or the death of the prior owner.

"(c) LIMITATION ON DECREASE IN PAYMENTS.—Payments shall be made pursuant to this section to the new owner or owners of a farming operation (or an ownership interest in a farming operation) without regard to any limitation on farm program payments received by such new owner or owners in their capacity as separate persons actively engaged in farming with regard to any other farming operation, including the operation subject to the multi-year program payment contract which is the basis of this section.".

SEC. 1102. HYBRID SEED CORN PRODUCERS.

(a) DEFINITION.—For the purposes of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.) and the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) the terms "producer" and "producers" shall include a grower of hybrid seed corn under contract, and the grower's interest in the crop shall be determined as though any contract for growing such hybrid seed corn did not exist.

(b) DETERMINATION OF ACTIVELY ENGAGED STATUS.—Section 1001A(b) of the Food Security Act of 1985 (7 U.S.C. 1308-1(b)) is amended by adding at the end the following paragraph:

"(6) GROWERS OF HYBRID SEED.—To determine whether a person growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of any contract for growing such hybrid seed.".

SEC. 1103. ADVANCE DEFICIENCY AND DIVERSION PAYMENTS.

Effective only for the 1991 through 1995 crops of wheat, feed grains, upland cotton, and rice, section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended to read as follows:

"SEC. 107C. (a)(1) If the Secretary establishes an acreage limitation or set-aside program for any of the 1991 through 1995 crops of wheat, feed grains, upland cotton, or rice under this Act and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary shall make advance deficiency payments available to producers for each of such crops.

"(2) Advance deficiency payments under paragraph (1) shall be made to the producer under the following terms and conditions:

"(A) Such payments may be made available in the form of—

"(i) cash;

"(ii) commodities owned by the Commodity Credit Corporation and negotiable certificates redeemable in a commodity owned by the Commodity Credit Corporation, except that not more than 50 percent of such payments may be made in commodities or such certificates in the case of any producer; or

"(iii) any combination of clauses (i) and (ii).

"(B) If payments are made available to producers as provided for under subparagraph (A)(ii), such producers may elect to receive such payments either in the form of—

"(i) such commodities; or

"(ii) such certificates.

"(C) Such a certificate shall be redeemable for a period not to exceed 3 years from the date such certificate is issued.

"(D) The Commodity Credit Corporation shall pay the cost of storing a commodity that may be received under such a certificate until such time as the certificate is redeemed.

"(E) Such payments shall be made available as soon as practicable after the producer enters into a contract with the Secretary to participate in such program.

"(F) Such payments shall be made available in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount may not exceed an amount determined by multiplying—

"(i) the estimated farm program acreage for the crop, by

"(ii) the farm program payment yield for the crop, by

"(iii)(I) in the case of wheat and feed grains, not less than 40 percent, nor more than 50 percent, of the projected payment rate; and

"(II) in the case of rice and upland cotton, not less than 30 percent, nor more than 50 percent, of the projected payment rate,

as determined by the Secretary.

"(G) If the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under this Act, is less than the amount paid to the producer as an advance deficiency payment for the crop under this subsection, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer as a deficiency payment for the crop concerned.

"(H) If the Secretary determines under this Act that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made under this subsection, the producers who received such advance payments shall refund such payments.

"(I) Any refund required under subparagraph (G) or (H) shall be due at the end of the marketing year for the crop with respect to which such payments were made.

"(J) If a producer fails to comply with requirements established under the acreage limitation or set-aside program involved after obtaining an advance deficiency payment under this subsection, the producer shall repay immediately the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe by regulation.

"(3) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(4) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(5) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provisions of law.

"(b) If the Secretary makes land diversion payments under this Act to assist in adjusting the total national acreage of any of the 1991 through 1995 crops of wheat, feed grains, upland cotton, or rice to desirable levels, the Secretary may make at least 50 percent of such payments available to a producer as soon as possible after the producer agrees to undertake the diversion of land in return for such payments.".

SEC. 1104. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

Effective only for the marketing years for the 1991 through 1995 crops, section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by—

(1) in the third sentence, striking the language following the third colon and inserting the following: "Provided, That, notwithstanding any other provision of law, the Corporation may not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, and rye at less than (A) 150 percent of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, or (B) if the Secretary permits the repayment of loans made for a crop of the commodity at a rate that is less than the loan level determined for such crop, 150 percent of the average loan repayment rate that is determined for such crop during the period of such loans."; and

(2) in the seventh sentence, striking ", but in no event shall the purchase price exceed the then current support price for such commodities" and inserting "or unduly affecting market prices, but in no event shall the purchase price exceed the Corporation's minimum sales price for such commodities for unrestricted use".

SEC. 1105. DISASTER PAYMENTS FOR 1991 THROUGH 1995 CROPS OF PEANUTS, SOYBEANS, SUGAR BEETS, AND SUGARCANE.

(a) EXTENSION OF AMENDMENT TO SECTION 201 OF THE AGRICULTURAL ACT OF 1949.—Section 1008 of the Food Security Act of 1985 is amended by striking "1990" and inserting "1995".

(b) TECHNICAL CORRECTION.—Section 201(k)(1) of the Agricultural Act of 1949 (7 U.S.C. 1446(k)(1)) is amended by striking "Secetary" and inserting "Secretary".

SEC. 1106. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR MULTIYEAR SET-ASIDE CONTRACTS.

Section 1010 of the Food Security Act of 1985 (7 U.S.C. 1445i) is amended—

(1) in paragraph (1) by—

(A) striking "The Secretary of Agriculture may" and inserting "The Secretary of Agriculture shall";

(B) striking "beyond the 1990" and inserting "beyond the 1995";

(C) striking "through 1990" and inserting "through 1995";

(D) striking "the set-aside acreage to vegetative cover capable" and all that follows through "natural beauty." and inserting "50 percent of the set-aside acreage to a perenni-

al cover crop or an annual cover crop each year that is capable of naturally improving water quality, improving habitat for wildlife, or making forage available for drought emergencies, unless water conservation considerations or other crop management considerations identified in a conservation plan prepared for such land require otherwise. Seasonal flooding with shallow water shall be considered to be acceptable cover crop for the purpose of this section.";

(E) striking "Grazing" and inserting "Haying or grazing"; and

(F) striking "grazing" and inserting "haying or grazing";

(2) by striking paragraph (4) and inserting the following:

"(4) There are authorized to be appropriated such sums as may be necessary to carry out this section."; and

(3) by adding at the end the following:

"(5) To be eligible to enter into a multi-year set-aside agreement and receive cost share assistance under this section a producer shall designate the same cropland each crop year for all agricultural set-aside and acreage limitation programs that are involved in multi-year set-aside programs, except that those croplands necessary for normal crop rotation or those lands used for changes in farm operations shall be exempt from this requirement. Each producer shall establish on such acreage a perennial cover crop or an annual cover crop that is capable of naturally improving soil fertility, reducing water problems, improving water quality, improving habitat for wildlife or making forage available for drought emergencies, unless water conservation considerations or other crop management considerations identified in a conservation plan for such land require otherwise.".

SEC. 1107. ESTABLISHMENT OF COVER CROP.

(a) IN GENERAL.—The Secretary should encourage producers who participate in an acreage reduction program established for a crop of wheat, feed grains, cotton or rice under the Agricultural Act of 1949 to plant an annual or perennial vegetative cover on reduced acreage that provides full season coverage capable of naturally improving soil fertility, reducing erosion, improving soil quality, enhancing wildlife, and making forage available for drought emergencies on all acreage required to be devoted to conservation uses, unless water conservation considerations or other crop management considerations identified in a conservation plan prepared for such land require otherwise.

(b) PARTICIPATION VOLUNTARY.—Participation by a producer in any program of encouragement under subsection (a) shall be at the discretion of the producer. Failure to participate in any such program shall not be used to determine eligibility for any other Federal program, unless specifically authorized by law.

(c) CONSIDERATION OF MANAGEMENT PRACTICES.—In any program of encouragement authorized under this section the Secretary shall provide for the planting of annual or vegetative cover crops consistent with normal crop rotation management practices, such as summer fallow or other conserving use management practices, traditionally practiced in the area.

SEC. 1108. SUPPLEMENTAL SET-ASIDE AND ACREAGE LIMITATION AUTHORITY.

Effective for the 1991 through 1995 crops of wheat and feed grains, section 113 of the Agricultural Act of 1949 (7 U.S.C. 1445h) is amended to read as follows:

"SUPPLEMENTAL SET-ASIDE AND ACREAGE LIMITATION AUTHORITY

"SEC. 113. Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, the Secretary may announce and provide for a set-aside or acreage limitation program under section 105A or 107A for one or more of the 1991 through 1995 crops of wheat and feed grains if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of the Federal Government. To carry out effectively a set-aside or acreage limitation program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such program.".

SEC. 1109. REPLENISHMENT OF THE FOOD SECURITY WHEAT RESERVE.

Section 302(b)(2) of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1)(b)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by striking "(A)" and "(B)" and inserting "(i)" and "(ii)", respectively; and

(3) by adding at the end the following new subparagraph:

"(B) Not later than 18 months after the release of stocks from the reserve, the Secretary of Agriculture shall replenish the reserve—

"(i) through purchase under subparagraph (A)(i) to the extent of the appropriations available; or

"(ii) by designating an equivalent quantity of wheat from uncommitted stocks of the Commodity Credit Corporation, to the extent sufficient appropriations are not available under subparagraph (A)(i), except to the extent that the Secretary reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that there are not sufficient uncommitted stocks of the Commodity Credit Corporation available."

SEC. 1110. EXTENSION OF NORMALLY PLANTED ACREAGE PROVISIONS.

Sections 1001(a) and (b) of the Food and Agriculture Act of 1977 (7 U.S.C. 1309) are amended by striking "1990" each place it appears and inserting "1995".

SEC. 1111. EXTENSION OF PROVISIONS REGARDING THE ADVANCE ANNOUNCEMENT OF PROGRAMS.

(a) AMENDMENT THROUGH 1996 CROPS.—Section 406 of the Agricultural Act of 1949 (7 U.S.C. 1426) is amended by—

(1) striking "1991" each place it appears, other than in subsection (b)(3)(B)(ii), and inserting "1996";

(2) in subsection (b)(2) striking "(B)(1)" and inserting "(B)(i)"; and

(3) adding at the end of subsection (b)(3)(B)(ii) a new clause as follows:

"(iii) In the case of the 1996 crop, the Secretary shall make available to producers of a commodity who exercise the election provided by this section and who comply fully with the terms and conditions of any acreage reduction program established for the 1995 crop of the commodity—

"(I) loans and purchases at the level established for the 1996 crop under legislation enacted subsequent to the date of the enactment of the Food and Agricultural Resources Act of 1990, except that if legislation is enacted subsequent to the enactment of such Act which provides that loans and purchases shall not be made with respect to the 1996 crop of a commodity, the Secretary may make available to producers of such commodity eligible for the election provided by this subsection loans and purchases at the level determined for the 1995 crop, or if legislation is not enacted subsequent to the enactment of such Act which provides that loans and purchases shall be made with respect to the 1996 crop of any such commodity, and if loans and purchases are available to producers of such commodity under laws previously enacted, none of the provisions of this section shall apply to the 1996 crop;

"(II) deficiency payments calculated on the basis of the established price for the commodity determined for the 1995 crop; and

"(III) payments equal to the difference between the level of loans and purchases that the producer is eligible to receive under subclause (I) for such commodity for the 1995 crop and the level of loans and purchases determined for such commodity for the 1995 crop.

Payments authorized by subclause (III) of the preceding sentence shall be made in cash or in the form of in-kind commodities.".

(b) AMENDMENT THROUGH 1995 CROPS.—Section 406 of the Agricultural Act of 1949 (7 U.S.C. 1426) is amended—

(1) in subsection (b)(1) by striking "1987 through 1991 crops of wheat, feed grains, upland cotton and rice" and inserting "1991 through 1995 crops of wheat and feed grains";

(2) in subsection (b)(2) by striking "1987 through 1991 crops of wheat, feed grains, upland cotton and rice" and inserting "1991 through 1995 crops of wheat and feed grains";

(3) in subsection (b)(2)(B) by striking clauses (iii) and (iv) and inserting "and" at the end of clause (B)(1);

(4) in subsection (b)(3)(B) by striking "(i) Except as provided in clause (ii)," and inserting "Effective for the 1992 through 1995 crops,"; and

(5) by striking subsection (b)(3)(B)(ii) and the last sentence in subparagraph (B).

SEC. 1112. EXTENSION OF PROVISIONS REGARDING CERTAIN DETERMINATIONS OF THE SECRETARY.

Section 1017(b) of the Food Security Act of 1985 (99 Stat. 1459) is amended by striking "1990" and inserting "1995".

SEC. 1113. APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949.

Section 1018 of the Food Security Act of 1985 (99 Stat. 1459) is amended by striking "1990" and inserting "1995".

SEC. 1114. NORMAL SUPPLY DETERMINATION.

Section 1019 of the Food Security Act of 1985 (7 U.S.C. 1310a) is amended by striking "1990" and inserting "1995".

SEC. 1115. NATIONAL AGRICULTURAL COST OF PRODUCTION STANDARDS REVIEW BOARD.

Section 1014 of the Agriculture and Food Act of 1981 (7 U.S.C. 4110) is amended by striking "1990" and inserting "1995".

SEC. 1116. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

Effective beginning with the 1991 crops, section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended—

(1) by striking the first sentence in subsection (a) and inserting "If the Secretary estimates for any marketing year that the ratio of ending stocks to total use for the marketing year for wheat will be more than 40 percent or for corn will be more than 25 percent, the Secretary shall formulate and administer a program under which producers of wheat or feed grains, respectively, will be able to store wheat or feed grains to extend

the time period for their orderly marketing and to provide for adequate, but not excessive, carryover stocks to ensure a reliable supply of the commodities.";

(2) in clause (1) of the third sentence of subsection (b) by striking "in not less than three years, with extensions as warranted by market conditions" and inserting: "in not less than 18 months, with one automatic 6-month extension upon the request of the producer, and further extensions at the discretion of the Secretary";

(3) in clause (2) of the third sentence of subsection (b) by inserting after "program" the following: ", taking into account, to the extent practicable, average rates paid for commercial storage in the State, such storage payments to be made to each producer at the end of the first calendar quarter after the grain enters such storage";

(4) in the third sentence of subsection (b) by striking clause (4) and inserting "(4) producers to redeem such loans at their discretion"; and

(5) in clause (5) of the third sentence of subsection (b) by striking "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for such commodity," and inserting "150 percent of the nonrecourse loan rate,";

(6) by striking the fourth sentence of subsection (b);

(7) in subsection (c) by inserting at the end the following: "The Secretary may waive the repayment of principal or interest on loans made under this section if market conditions warrant."; and

(8) by striking paragraph (2) of subsection (e) and inserting the following:

"(2)(A) The total quantity of wheat stored under storage programs established under this section shall not exceed 300 million bushels.

"(B) The total quantity of feed grains stored under storage programs established under this section shall not exceed 600 million bushels.".

SEC. 1117. CERTIFICATES.

(a) AMENDMENT.—Section 107E of the Agricultural Act of 1949 (7 U.S.C. 1445b) is amended—

(1) in subsection (b)(3) by inserting "which shall enable any subsequent holders of such certificates to redeem such certificates under the same rules that apply to original holders of such certificates" before the semicolon; and

(2) by inserting at the end the following new subsection:

"(c) In the case of the annual programs for wheat or feed grains, if the Secretary makes in-kind payments available to producers for any payment under any such program, the Secretary shall also permit producers to elect to receive such payment in cash instead of in the form of an in-kind payment.".

(b) APPLICATION.—The amendment made by paragraph (a)(1) shall only apply during the 180-day period beginning on the date of enactment. No person may redeem more than $25,000 worth of certificates under such amendment.

(c) LIMITATIONS.—In no event shall a person receive a payment from the Commodity Credit Corporation for a certificate that is redeemed under the amendment made by paragraph (a)(1) in an amount greater than the price paid for the certificate by such person. No expired certificate shall be exchanged under this section if the owner purchased such certificate after January 1, 1990.

SEC. 1118. PROCEDURAL REQUIREMENTS.

The Agricultural Act of 1949 is amended by inserting after section 107F the following new section: "

SEC. 107G. PROCEDURES FOR DISPOSITION OF STOCKS.

"(a) IN GENERAL.—The Commodity Credit Corporation shall, by rule, establish procedures for the exchange of certificates issued by the Commodity Credit Corporation for commodities or funds of the Commodity Credit Corporation, including any procedures to be used by the Commodity Credit Corporation to determine the value of any such commodities.

"(b) ADVANCE ANNOUNCEMENT.—As soon as practicable before the marketing year or season for each commodity for which there is an annual program in effect under this Act, the Secretary shall announce the anticipated stock disposition actions with respect to the exchange of commodity certificates for commodities owned by the Commodity Credit Corporation (and reasons therefor) for that commodity for the marketing year or season.

"(c) ANNOUNCEMENT OF RATIONALE AND GOALS.—Whenever the Secretary decides to make payments to producers participating in annual programs under this Act using marketing certificates, the Secretary shall announce the rationale for such decision and the goals for the levels of Commodity Credit Corporation stocks.

"(d) REPAYMENT IN CERTIFICATES.—Whenever the Secretary decides to make payments to producers participating in annual programs under this Act using marketing certificates, the Secretary shall allow producers to make any refund of those payments by using such certificates.".

SEC. 1119. FINANCIAL IMPACT ASSESSMENT.

The Secretary shall conduct an annual assessment of the financial impact of the support levels established and announced by the Secretary under programs contained in the Agricultural Act of 1949 (hereafter "programs"), including an assessment of the effect of such support levels on the ability of producers to meet their financial obligations (with special emphasis on borrowers from the Farmers Home Administration and the Farm Credit System). The Secretary shall annually prepare a report containing the results of such assessment and submit such report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, not later than the date of the final announcement for such programs by the Secretary for any one year. The assessment under this section, including the assessment of the effect of such support levels on the ability of producers to meet their financial obligations, shall be only for informational purposes and for Congressional oversight and shall not give rise to any cause of action, be a basis for, or be used as evidence in support of, any claim or right of any person, including farmers and borrowers, in any administrative or judicial proceeding.

SEC. 1120. SURVEY OF PROGRAM PARTICIPANTS.

(a) SURVEY.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall provide that producers, during the sign-up period for commodity programs under the Agricultural Act of 1949 (7 U.S.C. 1441) in the 1991 calendar year, complete a survey regarding the preference of such producers, either to increase the efficiency of their farming operation or to assist in meeting conservation requirements for the farm, for the redistribution of any crop acreage bases on each producer's farm. Such survey shall include questions designed to determine whether such producers would prefer to redistribute their current crop acreage bases—

(1) in different proportions among the program crops for which such producers currently have a crop acreage base;

(2) among program crops for which such producers currently do not have a crop acreage base; or

(3) in some combination of the options provided under paragraphs (1) and (2)

without exceeding total cropland of the farm. Such survey shall be prepared and administered by the Agricultural Stabilization and Conservation Service, and conducted in every county where sign-ups for Federal commodity programs are administered.

(b) ANALYSIS OF DATA.—The Secretary shall compile and analyze the data collected from the survey required under subsection (a) to determine—

(1) the potential increases and decreases in State, regional, and national acreage that would be planted to various program crops if producers were given the option to redistribute their current crop acreage bases as indicated by the survey conducted under subsection (a);

(2) the potential commodity program costs or savings if producers were allowed to implement the redistribution of such crop acreage bases as described in paragraph (1);

(3) the potential impact of such a redistribution of crop acreage bases on the competitiveness of United States agriculture in world markets; and

(4) such other consequences of such a redistribution of crop acreage bases that the Secretary determines to be of significance to United States agriculture.

(c) REPORT.—Not later than January 31, 1992, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the survey conducted under subsection (a). Such report shall—

(1) include a compilation of the data collected pursuant to the survey conducted under subsection (a);

(2) include the results of the analysis and determinations required under subsection (b);

(3) provide a summary of such data and determinations on a program crop-by-program crop and State-by-State basis; and

(4) provide such other recommendations or information as the Secretary determines appropriate.

SEC. 1121. SENSE OF THE CONGRESS.

It is the sense of the Congress that any future reduction in spending provided by any budget reconciliation bill that affects agricultural commodity support programs should be made by Congress on a targeted basis to protect the support prices for the amount of commodities produced by family-sized farms.

SEC. 1122. END ROWS IN SET-ASIDE.

(1) IN GENERAL.—Producers shall, subject to subsection (b), be allowed to meet acreage limitation or set-aside requirements by idling end rows, regardless of whether they meet the minimum acreage limitation or set-aside width and acreage if—

(1) the end rows are planted to a perennial cover crop;

(2) it would be in substantial soil loss reductions, relative to idling other land, as determined by the Soil Conservation Service; and

(3) each acre idled under this provision shall count as .9 acres toward meeting the acreage limitation or set-aside requirement, except that an Agricultural Stabilization and Conservation Service county committee may, on a case-by-case basis, reduce the set-aside credit if it determines that actual production adjustment afforded by the practice on a farm is less than the production adjustment afforded by enrolling other eligible acres.

(b) BUDGET NEUTRALITY LIMITATION.—A producer shall be allowed to exercise the option to meet acreage limitation or set-aside requirements by idling end rows, as provided under subsection (a), only to the extent that the total payments to the producer exercising such option are no greater than they would otherwise have been if the producer had not exercised such option.

SEC. 1123. INCREASE IN SUPPORT LEVELS.

Section 402 of the Agricultural Act of 1949 is amended by—

(1) inserting "(a)" after "402"; and

(2) adding at the end the following:

"(b) Effective only for the 1991 through 1995 crops of wheat, feed grains, cotton, and rice, the Secretary of Agriculture may provide for annual adjustments in the established prices for such program crops to reflect any change during the last calendar year ending before the beginning of each such crop year in the index of prices paid by farmers for production items, interest, taxes, and wage rates in such calendar year.".

Subtitle B—Uniform Base Acreage and Yield Provisions

SEC. 1131. ACREAGE BASE AND PROGRAM YIELD SYSTEM FOR THE WHEAT, FEED GRAIN, UPLAND COTTON, AND RICE PROGRAMS.

Effective for the 1991 through 1995 crops of wheat, feed grains, upland cotton, and rice, title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended to read as follows:

"TITLE V—ACREAGE BASE AND PROGRAM YIELD SYSTEM FOR THE WHEAT, FEED GRAIN, UPLAND COTTON, AND RICE PROGRAMS

"SEC. 501. PURPOSE.

"The purpose of this title is to prescribe a system for establishing farm and crop acreage bases and program yields for the wheat, feed grain, upland cotton, and rice programs under this Act that is efficient, equitable, flexible, and predictable.

"SEC. 502. DEFINITIONS.

"For purposes of this title—

"(1) the term 'program crop' means any crop of wheat, feed grains, upland cotton, or rice; and

"(2) the term 'county committee' means the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located.

"SEC. 503. FLEXIBLE ACREAGE BASE AND FLEXIBLE CROP ACREAGE.

"(a) ESTABLISHMENT OF BASES.—The Secretary shall provide for the establishment and maintenance of flexible acreage bases for the 1991 and subsequent crop years.

"(b) DETERMINATION OF BASES.—The county committee, in accordance with regulations prescribed by the Secretary, shall determine the flexible acreage base for a farm for a crop year. Such flexible acreage base shall include the sum of—

"(1) the number of acres equal to the sum of the crop acreage bases for the farm; and

"(2) the average of the acreage on the farm planted and considered planted to soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, and any other oilseeds the Secretary may designate under section 201(g)(1)(A), in each of the 5 crop years immediately preceding the year for which the determination is made.

"(c) FLEXIBLE CROP ACREAGE.—(1) Designation by Producers.—Notwithstanding any other provision of this Act, the Secretary shall permit producers on a farm to designate up to 25 percent of such flexible acreage base for the crop year as flexible crop acreage. Such flexible crop acreage may be planted, at the option of the producer, to—

"(A) any program crop in an amount such that the plantings of all program crops on farm do not exceed the total of the permitted acreage for all program crops on the farm: Provided; That during any of the crop years 1991 through 1995 in which a percentage of permitted acres on a farm planted to a crop of wheat, feed grains, cotton, or rice shall be ineligible to receive deficiency payments by virtue of any program policy element that may subsequently be enacted removing from the producer of such crop the option to plant the permitted crop and receive deficiency payments thereon, then at such time and to the extent of the percentage of such ineligibility to receive deficiency payments on the permitted program crop or crops on the farm, the restrictions imposed by this subparagraph shall be waived as to the total plantings of all program crops on the farm on flexible acreage base on the farm as defined in this title.

"(B) soybeans, sunflower, canola, rapeseed, safflower, flaxseed, mustard seed, or any other oilseeds the Secretary may designate under section 201(g)(1)(A);

"(C) sweet sorghum, popcorn, guar, sesame, castor beans, mustard, crambe, plantago ovato, triticale, rye, guayule, milkweed, mung bean, meadowfoam, jojoba, kenaf;

"(D) commodities grown for experimental purposes, as determined by the Secretary;

"(E) commodities for which no substantial domestic production or market exists, as determined by the Secretary; or

"(F) any experimental crop, including annual herbaceous, or short-rotation woody crops, the production of which the Secretary determines necessary to meet demand or anticipated demand for ethanol or other biofuels production.

"(2) NOTIFICATION.—With regard to commodities that may be planted pursuant to paragraph (1)(D) (E), and (F), the Secretary shall make a determination in each crop year of the commodities that will qualify for planting on flexible acres and shall publish a proposed list of such commodities in advance of making a final determination and granting the authority to producers to plant such commodities.

"(3) BASE PROTECTION.—For the purposes of determining the flexible acreage base or the crop acreage bases for the farm, any acreage on the farm that is designated as flexible crop acreage under paragraph (1), shall be considered to be planted to the program crop or oilseed specified in subsection (b)(2) for which such crop planted on such flexible crop acreage is substituted.

"(4) LIMITATION ON BENEFITS.—The Secretary shall not make program benefits, other than price support loans (including any loan made under section 107A(a), 105A(a), 201(g), 103B(a), or 101B(a)) authorized under this Act for the program crop, available to producers with respect to a program crop planted on flexible crop acreage under paragraph (1), and shall ensure that the crop acreage bases and the flexible acreage base established for the farm are not increased due to such plantings.

"(d) OATS PLANTINGS.—(1) BASE PROTECTION.—Notwithstanding any other provision of this Act, the Secretary shall permit producers on a farm to designate any portion of the flexible acreage base (excluding any acreage specified in subsection (b)(2)) for the crop year as acreage base established for oats. For the purposes of determining the flexible acreage base or the crop acreage bases for the farm, any acreage on the farm that is designated as oats base under this paragraph and planted to oats for harvest shall be considered to be planted to the program crop for which oats are substituted.

"(2) OATS PROGRAM BENEFITS.—The Secretary may make program benefits (including, but not limited to, loans, purchases, and payments) available under the annual program for oats under section 105A available to producers with respect to acreage planted to oats under this subsection.

"(3) LIMITATION OF BENEFITS.—The Secretary shall not make program benefits other than benefits specified in paragraph (2) available to producers with respect to acreage planted to oats under paragraph (1), and shall ensure that the crop acreage bases established for the farm and the flexible acreage base are not increased due to such plantings.

"SEC. 504. CROP ACREAGE BASES.

"(a) ESTABLISHMENT.—(1) IN GENERAL.—The Secretary shall provide for the establishment and maintenance of crop acreage bases for each program crop, including any program crop produced under an established practice of double cropping. The sum of the crop acreage bases for all program crops produced on any farm for any crop year shall not exceed the flexible acreage base for such farm for such crop year, except to the extent that the excess is due to an established practice of double cropping.

"(2) DOUBLE CROPPING.—The term 'double cropping' means a farming practice, as defined by the Secretary, which has been carried out on a farm in at least 3 of the 5 crop years immediately preceding the crop year for which the crop acreage base for the farm is established.

"(b) DETERMINATION.—(1) IN GENERAL.—(A) Except as provided in subparagraph (B), the crop acreage base for a program crop for any farm for the 1991 and subsequent crop years shall be the number of acres that is equal to the average of the acreage planted and considered planted to such program crop for harvest on the farm in each of the 5 crop years preceding such crop year.

"(B) In the case of upland cotton and rice, the crop acreage base for those crops shall be the number of acres that is equal to the average of the acreage planted and considered planted to such program crop for harvest on the farm in each of the three crop years preceding such crop year.

"(2) ACREAGE CONSIDERED PLANTED.—The acreage considered planted to a program crop shall include—

"(A) any reduced acreage, set-aside acreage, and diverted acreage on the farm;

"(B) any acreage on the farm that producers were prevented from planting to such crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers;

"(C) acreage in an amount equal to the difference between the permitted acreage for a program crop and the acreage planted to the crop, if the acreage considered to be

planted is devoted to conservation uses or the production of commodities permitted under section 107A(c)(1)(G), 105A(c)(1)(H), 103B(c)(1)(F), or 101B(c)(1)(F), as the case may be;

"(D) acreage designated as flexible crop acreage, other than that portion designated from acreage specified under section 503(b)(2);

"(E) any acreage on the farm that the Secretary determines is necessary to be included in establishing a fair and equitable crop acreage base;

"(F) any acreage on the farm for which the crop acreage base for the crop on the farm was adjusted because of a condition or occurrence beyond the control of the producer pursuant to subsection (e).

"(3) CONSTRUCTION OF PLANTING HISTORY.—For the purpose of determining the crop acreage base for the 1991 and subsequent crop years for any farm, the county committee, in accordance with regulations prescribed by the Secretary, may construct a planting history for such crop if—

"(A) planting records for such crop for any of the 5 crop years preceding such crop year are incomplete or unavailable; or

"(B) during at least one but not more than 4 of the 5 crop years preceding such crop year, the program crop was not produced on the farm.

"(c) CROP ROTATION.—The Secretary may make adjustments to reflect crop rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable crop acreage base.

"(d) PREVENTED PLANTING.—If a county committee determines, in accordance with regulations prescribed by the Secretary, that the occurrence of a natural disaster or other similar condition beyond the control of the producer prevented the planting of a program crop on any farm within the county (or substantially destroyed any such program crop after it had been planted but before it had been harvested), the producer may plant any other crop, including any other program crop, on the acreage of such farm that, but for the occurrence of such disaster or other condition, would have been devoted to the production of a program crop. For purposes of determining the flexible acreage base or the crop acreage base, any acreage on the farm on which a substitute crop, including any program crop, is planted under this subsection shall be taken into account as if such acreage had been planted to the program crop for which the other crop was substituted.

"(e) ADJUSTMENT OF BASES.—The county committee, in accordance with regulations prescribed by the Secretary, may adjust any crop acreage base for any program crop for any farm if the crop acreage base for the crop on the farm would otherwise be adversely affected by a condition or occurrence beyond the control of the producer.

"SEC. 505. FARM PROGRAM PAYMENT YIELDS.

"(a) ESTABLISHMENT.—The Secretary shall provide for the establishment of a farm program payment yield for each farm for each program crop for each crop year. Such program payment yield shall be equal to the average of the farm program payment yields for the farm for the 1981 through 1985 crop years (or, at the option of the producer, the actual yields for the 1986 through 1990 crop years in the case of feed grains), excluding the year in which such yield was the highest and the year in which such yield was the lowest.

"(b) PRODUCER PROTECTIONS.—(1) LIMITATION ON REDUCTIONS.—If the farm program payment yield for a farm is reduced more than 10 percent below the farm program payment yield for the 1985 (or 1990 in the case of feed grain producers who elect the 1986 through 1990 crop years) crop year, the Secretary shall make available to producers deficiency payments for the commodity in such amount as the Secretary determines is necessary to provide the same total return to producers as if the farm program payment yield had not been reduced more than 10 percent below the farm program payment yield for the 1985 (or 1990 in the case of feed grain producers who elect the 1986 through 1990 crop years) crop year. Such payments shall be made available to producers not later than the time final deficiency payments are made available.

"(2) CONSTRUCTION OF YIELDS.—If no crop of the commodity was produced on the farm or no farm program payment yield was established for the farm for any of the 1981 through 1985 crop years (or 1986 through 1990 as appropriate), the farm program payment yield shall be established on the basis of the average farm program payment yield for such crop years for similar farms in the area.

"(3) COUNTY YIELDS.—If the Secretary determines such action is necessary, the Secretary may establish national, State, or county program payment yields on the basis of—

"(A) historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period; or

"(B) the Secretary's estimate of actual yields for the crop year involved if historical yield data is not available.

"(4) BALANCING OF YIELDS.—If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(c) DETERMINATION OF YIELDS.—(1) ACTUAL YIELDS.—With respect to the 1991 and subsequent crop years, the Secretary may (A) establish the farm program payment yield as provided in subsection (a), or (B) establish a farm program payment yield for any program crop for any farm on the basis of the average of the yield per harvested acre for the crop for such farm for each of the 5 crop years immediately preceding such crop year, excluding the crop year with the highest yield per harvested acre, the crop year with the lowest yield per harvested acre, and any crop year in which such crop was not planted on the farm. For purposes of the preceding sentence, the farm program payment yield for the 1986 crop year and the actual yield per harvested acre with respect to the 1987 and subsequent crop years shall be used in determining farm program payment yields. Notwithstanding any other provision of this paragraph, for purposes of establishing a farm program payment yield for any program crop for any farm for the 1991 and subsequent crop years, the farm program payment yield for the 1986 crop year may not be reduced more than 10 percent below the farm program payment yield for the farm for the 1985 crop year.

"(2) ADJUSTMENT OF YIELDS.—The county committee, in accordance with regulations prescribed by the Secretary, may adjust any farm program payment yield for any program crop for any farm if the farm program payment yield for the crop on the farm does not accurately reflect the productive potential of the farm.

"(d) ASSIGNMENT OF YIELDS.—In the case of any farm for which the actual yield per harvested acre for any program crop referred to in subsection (c)(1) for any crop year is not available, the county committee may assign the farm a yield for the crop for such crop year on the basis of actual yields for the crop for such crop year on similar farms in the area.

"(e) OFFSETS.—In order to offset any cost of the use of the actual yield per harvested acre in establishing farm program payment yields for feed grains under subsection (a), the Secretary shall increase the uniform percentage reduction to the crop acreage base applied to each crop of feed grains under any acreage limitation program under this Act by an amount sufficient to result in a reduction of program costs equal to any costs associated with such use of actual yields.

"SEC. 506. PLANTING AND PRODUCTION HISTORY OF FARMS.

"Effective for each of the 1991 and subsequent crop years, each county committee, in accordance with regulations prescribed by the Secretary, may require any producer who seeks to establish a flexible acreage base, crop acreage base, or farm program payment yield for a farm for a crop year to provide planting and production history of such farm for each of the 5 crop years immediately preceding such crop year.

"SEC. 507. ESTABLISHMENT OF BASES AND YIELDS BY COUNTY COMMITTEES.

"Each county committee may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a flexible acreage base, crop acreage base, and farm program payment yield with respect to any farm administratively located within the county if such flexible acreage base, crop acreage base, or farm program payment yield cannot otherwise be established under this title. Such bases and farm program payment yields shall be established in a fair and equitable manner, but no such bases or farm program payment yields shall be established for a farm if the producer on such farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

"SEC. 508. APPEALS.

"The Secretary shall establish an administrative appeal procedure which provides for an administrative review of determinations made with respect to flexible acreage bases, crop acreage bases, and farm program payment yields.".

Subtitle C—Encouraging Surface Water Storage

SEC. 1141. DEFINITIONS.

As used in this subtitle—

(1) the term "producer" means a producer of a program crop who, in the year the crop is produced, participates in the price support and acreage reduction program for such crop established by the Agricultural Act of 1949;

(2) the term "surface reservoir" means a reservoir, pond, or other facility constructed on a farm for the primary purpose of storing surface water for the irrigation of crops produced on the farm, for the watering of livestock, or for such agricultural purpose as the Secretary may by regulation allow;

(3) the term "program crop" means any crop of wheat, feed grains, upland cotton or rice; and

(4) the term "wetland" has the meaning given such term in section 1201(a)(16) of the Food Security Act of 1985.

SEC. 1142. SURFACE RESERVOIR ENCOURAGEMENT PROGRAM.

(a) IN GENERAL.—A producer may construct a surface reservoir on land which is

part of a flexible acreage base for a farm, as determined by the Secretary pursuant to section 503 of the Agricultural Act of 1949.

(b) CONSERVATION USE.—Land on which a surface reservoir has been constructed pursuant to subsection (a) shall be considered to be devoted to conservation uses if the land was planted or considered planted to a program crop or an oilseed crop in at least 3 of the immediately preceding 5 years.

SEC. 1143. SPECIAL PROGRAM FOR AREAS OF SEVERE GROUND WATER DEPLETION.

Not later than 18 months following the date of enactment of this Act, the Secretary shall devise and implement a program for providing further incentives for reservoir construction in counties designated by the Secretary, after consultation with the United States Geologic Survey, as areas of severe ground water depletion.

SEC. 1144. LIMITATIONS.

This subtitle shall not apply in the case of any producer unless—

(a)(1) the surface reservoir constructed by the producer under this subtitle is in compliance with an established conservation plan approved by the Soil Conservation Service;

(2) the Soil Conservation Service certifies that the producer has not converted any wetland not previously designated as prior converted wetland or farmed wetland for the purpose of constructing the reservoir;

(c) the producer has demonstrated to the satisfaction of the Secretary that water needs which would be met by the water in the surface reservoir have been met on the same farm by ground water in at least three of the five years preceding enactment of this Act.

TITLE XII—AGRICULTURAL TRADE AND ASSISTANCE

Subtitle A—Public Law 480 And Related Programs

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the "Mickey Leland Food for Peace Act".

SEC. 1202. AMENDMENT OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

Unless otherwise expressly provided, whenever in this subtitle an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following).

SEC. 1203. EXTENSION OF AUTHORITIES.

Section 409 (7 U.S.C. 1736c) is amended—

(1) by striking "1990" in the first sentence and inserting "1995"; and

(2) by striking "and the Food Security Act of 1985" in the second sentence and inserting ", the Food Security Act of 1985, and the Food and Agricultural Resources Act of 1990".

SEC. 1204. AMENDMENT TO SECTION 2.

Section 2 (7 U.S.C. 1691) is amended to read as follows:

"SEC. 2. UNITED STATES POLICY.

"It is the policy of the United States to use its abundant agricultural productivity to promote the foreign policy of the United States by enhancing the food security of the developing world through the use of agricultural commodities, and local currencies accruing under this Act, to—

"(1) combat world hunger and malnutrition and their causes;

"(2) promote broad-based, equitable, and sustainable development, including agricultural development;

"(3) expand international trade;

"(4) develop and expand export markets for United States agricultural commodities; and

"(5) foster and encourage the development of private enterprise and democratic participation in developing countries.".

SEC. 1205. AMENDMENT TO SECTION 3.

Section 3 (7 U.S.C. 1691a) is amended to read as follows:

"SEC. 3. OVERALL FOOD AID LEVEL.

"It is the sense of the Congress that the President should increase the level of food aid provided by the United States, and should encourage other donor governments to increase the level of food aid they provide, to reflect the findings of the National Research Council of the National Academy of Sciences that it will be necessary to double the present food aid level of approximately 10 million metric tons per year in order to meet the projected world food aid needs during 1991 through 2000. It is further the sense of the Congress that the President should encourage other developed countries to increase their contributions toward combatting hunger and malnutrition in developing countries by expanding international food and agricultural assistance programs.".

SEC. 1206. AMENDMENTS TO TITLE I.

(a) AMENDMENT TO SECTION 101.—Section 101 (7 U.S.C. 1701) is amended to read as follows:

"SEC. 101. SALES PROGRAM.

"(a) GENERAL AUTHORITY.—To carry out the policies set forth in section 2, the President may negotiate and carry out agreements with developing countries to provide for the sale of agricultural commodities to such countries—

"(1) for dollars on credit terms, or for local currencies (including for local currencies on credit terms) for use under section 104; and

"(2) on such other terms and conditions as the President may require be included in such agreements, consistent with the requirements of this Act.

"(b) DEFINITION OF DEVELOPING COUNTRY.—For purposes of this section, the term 'developing country' means a country that has a shortage of foreign exchange earnings and has difficulty meeting all of its food needs through commercial channels.

"(c) PRIORITIES IN ALLOCATIONS OF ASSISTANCE.—In determining whether and to what extent agricultural commodities will be made available to developing countries under this section, the President shall give priority to countries that—

"(1) demonstrate the greatest need for food, and

"(2) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities.".

(b) AMENDMENTS TO SECTION 103.—Section 103 (7 U.S.C. 1703) is amended—

(1) by striking subsections (a), (b), (d), (h), (i), (j), (p), (q), and (r);

(2) by redesignating subsections (c), (e), (f), (g), (k), (l), (m), (n), and (o) as paragraphs (1) through (9), respectively;

(3) in paragraph (7), as so redesignated—

(A) by striking "except as provided in section 108,";

(B) by striking "(1)"; and

(C) by striking ", and (2)" and all that follows through "conversion;" and inserting a semicolon;

(4) by inserting "and" at the end of paragraph (9), as so redesignated; and

(5) by inserting after that paragraph the following:

"(10) give priority to financing the sale of food and fiber commodities in the allocation of funds made available under this title.".

(c) AMENDMENT TO SECTION 104.—Section 104 (7 U.S.C. 1704) is amended to read as follows:

"SEC. 104. USE OF LOCAL CURRENCY PAYMENTS.

"(a) IN GENERAL.—Agreements under section 101 may provide that the President shall use payments made in local currencies by the recipient country in accordance with this section.

"(b) ACTIVITIES.—The proceeds from the payments referred to in subsection (a) may be used in the recipient country for the following:

"(1) TRADE DEVELOPMENT.—To carry out programs to help develop markets for United States agricultural commodities on a mutually beneficial basis in the recipient country.

"(2) AGRICULTURAL BUSINESS DEVELOPMENT LOANS.—To make loans to United States business entities (including cooperatives) and branches, subsidiaries, or affiliates of such entities for agricultural business development and agricultural trade expansion in such recipient countries.

"(3) AGRICULTURAL FACILITIES LOANS.—To make loans to domestic or foreign entities (including cooperatives) for the establishment of facilities for aiding in the utilization or distribution of, or otherwise increasing the consumption of and markets for, United States agricultural products.

"(4) TRADE PROMOTION.—To promote agricultural trade development, under procedures established by the President, by making loans or through other activities (including trade fairs) that the President determines to be appropriate.

"(5) PRIVATE SECTOR AGRICULTURAL TRADE DEVELOPMENT.—To conduct private sector agricultural trade development activities in the recipient country, as determined appropriate by the President.

"(6) AGRICULTURAL DEVELOPMENT.—To support—

"(A) increased agricultural production, including availability of agricultural inputs, with emphasis on small farms, processing, forestry management, and land and water management;

"(B) credit policies for private-sector agriculture development; and

"(C) establishment and expansion of institutions for basic and applied agricultural research and the use of such research through development of extension services.

"(7) RESEARCH.—To conduct research in agriculture, forestry, and aquaculture, including collaborative research which is mutually beneficial to the United States and the recipient country.

"(8) ACQUISITION OF BUILDINGS FOR UNITED STATES GOVERNMENT USE.—To acquire (by purchase, lease, rental, or otherwise) sites and buildings and grounds abroad for United States Government use (including offices, residence quarters, and community and other facilities), and to construct, repair, alter, and furnish such buildings and facilities.

"(9) ACQUISITION OF MATERIALS FOR LIBRARIES.—To finance under the direction of the Librarian of Congress and the Director of the National Agricultural Library, in consultation with the National Science Foundation and other interested agencies—

"(A) programs outside the United States for the analysis and evaluation of foreign books, periodicals, and other materials to determine their technical, scientific, cultur-

al, or educational significance to the United States, and

"(B) the acquisition of such books, periodicals, and other materials and the deposit thereof in libraries and research centers in the United States specializing in the areas to which they relate.

"(10) SCIENTIFIC ACTIVITIES.—To collect, collate, translate, abstract, and disseminate scientific and technological information, conduct research and support scientific activities overseas, including programs and projects of scientific cooperation between the United States and other countries, such as coordinated research against human diseases, and to promote and support programs of medical and scientific research.

"(11) PEST CONTROL PROGRAMS.—To pay the costs of carrying out programs for the control of rodents, insects, weeds, and other animal or plant pests.

"(c) SPECIAL ACCOUNT.—Local currencies received by the President under section 101 shall be deposited in an interest-bearing account to the credit of the United States. Amounts in such accounts shall be used by the President as provided in this section.

"(d) FISCAL REQUIREMENTS REGARDING USE OF LOCAL CURRENCIES.—

"(1) EXEMPTION.—Section 1306 of title 31, United States Code, shall not apply to local currencies used by the President under paragraphs (1) through (7) of subsection (b).

"(2) USE OF CURRENCIES BY OTHER AGENCIES.—Any department or agency of the United States Government that uses any currencies from a special account established pursuant to subsection (c) for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used.

"(e) REDUCTION IN BALANCE OF PAYMENTS DEFICIT.—The President shall utilize local currencies received pursuant to this Act is such manner as will, to the maximum extent possible, reduce any deficit in the balance of payments of the United States.

"(f) SUPPORT FOR CERTAIN EDUCATIONAL INSTITUTIONS.—If the President determines that local currencies deposited in a special account pursuant to subsection (c) are not needed for any of the activities described in subsection (b), the President may use those currencies to provide support for any institution (other than an institution whose primary purpose is to provide religious education) located in the recipient country that provides education in agricultural sciences or other disciplines for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).".

(d) REPEAL OF SECTION 105; DEBT FORGIVENESS AND DEBT SWAP AUTHORITIES.—Title I is amended by striking section 105 (7 U.S.C. 1705) and inserting the following:

"SEC. 105. DEBT FORGIVENESS.

"(a) AUTHORITY.—The President, taking into account the financial resources of a country, may waive payments of principal and interest that that country would otherwise be required to make to the Commodity Credit Corporation under dollar sales agreements under this title if—

"(1) that country is a least developed country (as defined in section 301(b)) or has a per capita external debt in excess of $1500; and

"(2) either—

"(A) an International Monetary Fund standby agreement is in effect with respect to that country;

"(B) a structural adjustment program of the International Bank for Reconstruction and Development or of the International Development Association is in effect with respect to that country;

"(C) a structural adjustment facility, enhanced structural adjustment facility, or similar supervised arrangement with the International Monetary Fund is in effect with respect to that country; or

"(D) even though such an agreement, program, facility, or arrangement is not in effect, the country is pursuing national economic policy reforms that would promote democratic, market-oriented, and long term economic development.

"(b) APPROPRIATIONS ACTION REQUIRED.—The aggregate amount of principal and interest waived under this section may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this Act.

"(c) LIMITATION ON NEW CREDIT ASSISTANCE.—If the authority of this section is used to waive payments otherwise required to be made by a country pursuant to this title, the President may not provide any new credit assistance for that country under this title during the 2-year period beginning on the date such waiver authority is exercised, unless the President provides to the Congress, before the assistance is provided, a written justification for the provision of such new credit assistance.

"(d) APPLICABILITY.—The authority of this section applies with respect to credit sales agreements entered into before or after the enactment of the Food and Agricultural Resources Act of 1990.

"SEC. 105A. DEBT-FOR-NATURE SWAPS FOR LATIN AMERICA AND THE CARIBBEAN.

"(a) DEBT CONVERSION.—To the extent provided for in an agreement meeting the requirements of subsection (b), the President may release an eligible country from all or a part of its obligation to make principal and interest payments that would otherwise be required to be made to the Commodity Credit Corporation under dollar sales agreements under this title.

"(b) DEBT-FOR-NATURE SWAP AGREEMENT.—The agreement referred to in subsection (a) is an agreement between the United States Government and the government of the eligible country which includes the following requirements:

"(1) ISSUANCE OF BOND.—The government of the eligible country shall be required to issue, and deposit in a trust, a long-term bond or other obligation requiring that government to make periodic payments to the trust. Such obligation shall be nonredeemable.

"(2) TRUST.—The agreement shall provide for the establishment of a trust, which shall hold the bond or other obligation. The trust shall be managed by a board of trustees as specified in the agreement

"(3) USE OF FUNDS FOR ENVIRONMENTAL PURPOSES.—Amounts paid to the trust shall be made available by the trustee, in accordance with the agreement, to—

"(A) indigenous nongovernmental environmental, conservation, or development organizations,

"(B) the government of the eligible country, or

"(C) other appropriate entities,

for use in protecting, preserving, or restoring, and ensuring the appropriate and sustainable use of, environmentally critical land, habitat, or other natural resources in the eligible country.

"(c) CRITERIA FOR SELECTING COUNTRIES.—In determining the eligible countries with respect to which the authority of this section will be exercised, the President shall take into account—

"(1) the needs for financial resources for use in protecting, preserving, or restoring environmentally critical areas and resources in an eligible country; and

"(2) the commitment of the government of that country to protecting, preserving, and restoring, those areas and resources.

"(d) ELIGIBLE COUNTRIES.—For purposes of this section, the term 'eligible country' means a country in Latin America or the Caribbean that the President determines—

"(1) has adopted a strong economic reform program consistent with the policies of the International Monetary Fund and the International Bank for Reconstruction and Development and the International Development Association and that protects the poor and other vulnerable groups;

"(2) is pursuing comprehensive investment reforms with the Inter-American Development Bank or is otherwise implementing an open investment regime; and

"(3) has concluded, if appropriate, a financing package with commercial banks including debt and debt service reduction.

"(e) CONSULTATION REQUIREMENTS.—The President shall consult with nongovernmental organizations having expertise with respect to environmental or conservation matters—

"(1) in identifying countries with respect to which the authority of this section should be exercised because of their environmental situation;

"(2) during the negotiation of an agreement pursuant to subsection (b) with respect to the debt restructing arrangement pursuant to subsection (b)(1), the establishment of the trust pursuant to subsection (b)(2), and the uses of funds pursuant to subsection (b)(3); and

"(3) with respect to whether funds paid to the trust are being used for the intended purposes.

"(f) ANNUAL REPORTS.—Each year, the President shall submit to the Congress a report which describes the debt-for-nature swap agreements entered into under this section during the preceding fiscal year.

"(g) APPROPRIATIONS ACTION REQUIRED.—The aggregate amount of principal and interest waived under this section may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this Act.

"(h) RELATION TO SECTION 105.—This section should not be construed to limit the authority of the President to provide debt forgiveness under section 105 of this Act for eligible countries (as defined in this section).

"(i) APPLICABILITY.—The authority of this section applies with respect to credit sales agreements entered into before or after the enactment of the Food and Agricultural Resources Act of 1990.

"SEC. 105B. DEBT-FOR-DEVELOPMENT AND AGRICULTURAL SWAPS FOR LATIN AMERICA AND THE CARIBBEAN.

"(a) DEBT CONVERSION.—To the extent provided for in an agreement meeting the requirements of subsection (b), the President may reduce the debt obligations of an eligible country owed to the Commodity Credit Corporation under sales agreements under this title.

"(b) DEBT REDUCTION AGREEMENT.—The agreement referred to in subsection (a) is an agreement between the United States Government and the government of the eligible country which includes the following requirements:

"(1) REPAYMENT OF INTEREST IN LOCAL CURRENCY.—Interest payments due on the principal remaining following the reduction of debt obligations under subsection (a) shall be made in local currency at an agreed rate.

"(2) TRUST.—A trust shall be established by the United States Government to receive the interest payments described in paragraph (1).

"(3) USE OF FUNDS FOR AGRICULTURAL DEVELOPMENT AND POVERTY REDUCTION PURPOSES.—Amounts paid to the trust shall be made available by the trustee (in accordance with the agreement) to indigenous charitable, educational, scientific, cooperative, or other appropriate nongovernmental organizations, or to other appropriate entities, for use in—

"(A) projects for the development of, research on, and the study of agriculture-related activities, and projects for the control or eradication of animal and plant pests and diseases in the eligible country, and

"(B) increasing educational opportunities or improving the nutrition, health, or income-producing abilities of the poorer people of the eligible country.

"(c) CRITERIA FOR SELECTING COUNTRIES.—In determining the countries with respect to which the authority of this section will be exercised, the President shall take into account—

"(1) the needs for financial resources for use in the activities referred to in subsection (b)(3);

"(2) the commitment of the government of that country to the long-term viability of activities undertaken through debt-for-development and agricultural swaps under this section; and

"(3) the commitment of the government of that country measurably to increase access to educational opportunity, improve agricultural productivity, and improve the nutrition, health, and income-producing abilities of the poor.

"(d) ELIGIBLE COUNTRIES.—For purposes of this section, the term 'eligible country' means a country in Latin America or the Caribbean that the President determines—

"(1) is operating under a heavy debt burden;

"(2) has adopted a strong economic reform program in conjunction with multilateral agencies such as the International Monetary Fund, the International Bank for Reconstruction and Development and the International Development Association, and the Inter-American Development Bank; and

"(3) as appropriate, has concluded a financing package with commercial banks including debt and debt service reduction.

"(e) CONSULTATION REQUIREMENTS.—The President should consult with international organizations, domestic or foreign nongovernmental organizations, and colleges and universities, that have expertise with respect to agriculture and development matters—

"(1) in identifying countries and projects with respect to which the authority of this section should be exercised,

"(2) in identifying countries and projects that are in particular need of immediate assistance in order to support and promote the control or eradication of animal and plant pests and diseases that are an imminent threat to agriculture within the Western Hemisphere;

"(3) during the negotiation of an agreement pursuant to subsection (b) with respect to the uses of funds pursuant to subsection (b)(3); and

"(4) with respect to whether funds paid to the trust are being used for the intended purpose.

"(f) ANNUAL REPORTS.—Each year, the President shall submit to the Congress a report which describes the agreements entered into under this section during the preceding fiscal year.

"(g) APPROPRIATIONS ACTION REQUIRED.—The authority of subsection (a) may exercised only to such extent or in such amounts as are provided in advance in Acts appropriating funds to carry out this Act.

"(h) RELATION TO SECTION 105.—This section should not be construed to limit the authority of the President to provide debt forgiveness under section 105 of this Act for eligible countries (as defined in this section).

"(i) APPLICABILITY.—The authority of this section applies only with respect to sales agreements entered into before the date of enactment of the Food and Agricultural Resources Act of 1990.".

(e) AMENDMENT TO SECTION 106.—Section 106 (7 U.S.C 1706) is amended to read as follows:

"SEC. 106. TERMS AND CONDITIONS OF SALES.

"(a) PAYMENT.—

"(1) DOLLARS.—Except as provided in paragraph (2), agreements under section 101 shall require that payment for agricultural commodities be made in dollars.

"(2) LOCAL CURRENCIES.—(A) The President may permit a recipient country to make payment under an agreement under section 101 in the local currency of such country in order to use the proceeds from such payments to carry out activities under section 104.

"(B) Payments in local currency shall be at rates of exchange that are no less favorable than the highest exchange rate legally obtainable in the country and that are no less favorable than the highest exchange rate obtainable by any other country.

"(b) INTEREST.—An agreement under section 101 shall provide that interest shall accrue on the payment deferred under such agreement at such rate as is determined appropriate by the President, but not in excess of 50 percent of the cost of borrowing to the United States Government as of the time the agreement is entered into.

"(c) DURATION.—Payments required under an agreement under section 101 may be made in reasonable annual amounts over the period specified in the agreement, which may not be less than 10 nor more than 40 years after the date of the last delivery of agricultural commodities under such agreement. The date for the beginning of such annual payment may be deferred for not more than 2 years after the date of such last delivery, and interest shall be computed from the date of such last delivery.

"(d) DELIVERY.—Delivery of agricultural commodities pursuant to an agreement under this title shall be made for not more than 10 years following the date of the agreement and subject to the availability of the commodities at the time delivery is to be made.

"(e) USE OF SALES PROCEEDS FOR ECONOMIC DEVELOPMENT PURPOSES.—Agreements under this title for the sale of agricultural commodities for dollars on credit terms may include requirements that an amount equal to the proceeds from the sale of the commodities in the recipient country be used for such economic development purposes as are agreed upon in the agreement or any amendment thereto. Such purposes may include promotion of specific policy reforms and private sector development. In negotiating such agreements, the President shall emphasize the use of such proceeds for purposes that directly improve the lives of the poorest of the people of the recipient country and their capacity to participate in the development of their country and to carry out programs in accordance with sections 109 and 406(a)(1).".

(f) AMENDMENT TO SECTION 107.—Section 107 (7 U.S.C. 1707) is amended in subsection (d) by striking "103(a), 103(d), 103(e), 103(f), 103(j), 103(k)" and inserting "103(2), 103(3), 103(5)".

(g) REPEAL OF SECTION 108.—Section 108 (7 U.S.C. 1708) is repealed.

(h) AMENDMENTS TO SECTION 109.—

(1) REQUIREMENT FOR SELF-HELP MEASURES.—Section 109 (7 U.S.C. 1709) is amended by amending subsection (a) to read as follows:

"(a) To be eligible to enter into an agreement under title I or title III, the proposed recipient country must undertake self-help measures for economic development purposes in order to improve food security and agricultural development, alleviate poverty, and promote broad-based, equitable, and sustainable development through such activities as—

"(1) fostering increased agricultural production (with emphasis on the production by small farms of food for local consumption) and processing, forestry management, and land and water management;

"(2) fostering the availability of agricultural inputs necessary for agricultural growth;

"(3) improving marketing, storage, and transportation systems;

"(4) promoting and developing credit policies for private sector agricultural development;

"(5) promoting free and open markets for food and agricultural producers;

"(6) establishing and maintaining government policies to ensure adequate incentives to producers of food and agricultural products;

"(7) establishing and expanding institutions for basic and applied agricultural research and the use of such research through development of extension services and agricultural education institutions; and

"(8) preservation of biological diversity.".

(2) DESCRIPTION OF SELF-HELP MEASURES.—Subsection (d)(1) of that section is amended by striking "maximum".

(3) ADDITIONALITY REQUIREMENT.—Subsection (d)(2) of that section is repealed.

(4) REDESIGNATIONS.—Subsection (c) of that section is redesignated as subsection (b), subsection (d)(1) of that section is redesignated as subsection (c), and subsection (d)(3) of that section is redesignated as subsection (e).

(5) APPLICATION OF PROVISIONS TO NEW TITLE III PROGRAM.—Subsection (b) of that section, subsection (c) of that section, and subsection (d) of that section (as so redesignated by paragraph (4) of this subsection) are amended by inserting after "this title" each place it appears "or title III".

(i) REPEAL OF SECTION 110.—Section 110 (7 U.S.C. 1710) is repealed.

(j) AMENDMENTS TO SECTION 112.—Section 112 (7 U.S.C. 1712) is amended—

(1) in subsection (a) by striking "to finance the sale of agricultural commodities to" and inserting "or title III with";

(2) in subsection (b) by striking "International Relations" and inserting "Foreign Affairs"; and

(3) by striking subsection (d).

(k) AMENDMENT TO SECTION 113.—Section 113 (7 U.S.C. 1713) is amended to read as follows:

"SEC. 113. DEADLINE FOR AGREEMENTS UNDER TITLES I AND III.

"An agreement under this title or title III shall, to the extent practicable, be entered into not later than—

"(1) November 30 of the first fiscal year in which agricultural commodities are to be shipped under the agreement, or

"(2) 60 days after the date of enactment of the annual Rural Development, Agriculture, and Related Agencies Appropriations Act for the first fiscal year in which agricultural commodities are to be shipped under the agreement,

whichever is later.".

(l) AMENDMENTS TO SECTION 115.—Section 115 (7 U.S.C. 1715) is amended—

(1) in subsection (a) by striking the first two sentences; and

(2) in subsection (b)—

(A) in the next to the last sentence by striking "International Relations" and inserting "Foreign Affairs", and

(B) in the last sentence by inserting "not more than" after "for a period of".

SEC. 1207. AMENDMENTS TO TITLE II.

(a) AMENDMENTS TO SECTION 201.—Section 201 (7 U.S.C. 1721) is amended—

(1) in subsection (a)—

(A) by striking "The President" and inserting "IN GENERAL.—Notwithstanding the provisions of any other Act, the President"; and

(B) by inserting "under this title" after "furnish agricultural commodities";

(2) by amending subsection (b) to read as follows:

"(b) MINIMUM LEVELS.—

"(1) MINIMUM ASSISTANCE.—Except as provided in paragraph (3), the President shall make agricultural commodities available for food distribution under this title in an amount that—

"(A) for fiscal year 1991, is not less than 1,925,000 metric tons;

"(B) for fiscal year 1992, is not less than 1,950,000 metric tons;

"(C) for fiscal year 1993, is not less than 1,975,000 metric tons;

"(D) for fiscal year 1994, is not less than 2,000,000 metric tons; and

"(E) for fiscal year 1995, is not less than 2,025,000 metric tons.

"(2) MINIMUM NONEMERGENCY ASSISTANCE.—Of the amounts specified in paragraph (1), and except as provided in paragraph (3), the President shall make agricultural commodities available for nonemergency food distribution through private voluntary organizations, cooperatives, the World Food Program, and other intergovernmental organizations in an amount that—

"(A) for fiscal year 1991, is not less than 1,450,000 metric tons;

"(B) for fiscal year 1992, is not less than 1,475,000 metric tons;

"(C) for fiscal year 1993, is not less than 1,500,000 metric tons;

"(D) for fiscal year 1994, is not less than 1,525,000 metric tons; and

"(E) for fiscal year 1995, is not less than 1,550,000 metric tons.

"(3) EXCEPTION.—The President may waive the requirements of paragraphs (1) and (2) for any fiscal year if the President determines that such quantities of commodities cannot be used effectively to carry out this title or in order to meet an emergency or that insufficient funds are available for that fiscal year to meet those requirements. In making a waiver under this paragraph, the President shall prepare and submit to the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the reasons for the waiver."; and

(3) in subsection (c)(2) by striking "fortified or processed" both places it appears and inserting "fortified, processed, or bagged".

(b) AMENDMENTS TO SECTION 202.—Section 202 (7 U.S.C. 1722) is amended—

(1) by striking "nonprofit voluntary agencies" each place it appears and inserting "private voluntary organizations,";

(2) by striking "nonprofit voluntary agency" each place it appears and inserting "private voluntary organization";

(3) in subsection (a) by striking "friendly";

(4) in subsection (b)(4) by striking "those agencies" and inserting "those organizations"; and

(5) in subsection (c) by striking "(c)(1)" and all that follows through "(3) In carrying out a multiyear agreement pursuant to this subsection," and insert "(c) In carrying out a multiyear agreement under this title,".

(c) REPEAL OF SECTION 206.—Section 206 (7 U.S.C. 1726) is repealed.

(d) AMENDMENTS TO SECTION 207.—Section 207 (7 U.S.C. 1726a) is amended—

(1) by striking "nonprofit voluntary agency" each place it appears and inserting "private voluntary organization"; and

(2) by adding at the end the following:

"(d)(1) Not less than $10,000,000 and not more than $13,500,000 of the amounts made available in each fiscal year to private voluntary organizations and cooperatives under this title shall be made available by the President to such organizations and cooperatives to assist in—

"(A) establishing new programs under this title; and

"(B) meeting specific administrative, management, personnel and internal transportation and distribution costs for carrying out programs in foreign countries under this title.

"(2) In order to receive funds made available under paragraph (1), a private voluntary organization or cooperative must submit a request for such funds (which must be approved by the President) when submitting a proposal to the President for an agreement under this title. Such request for funds shall include a specific explanation of—

"(A) the program costs to be offset by such funds;

"(B) the reason why such funds are needed in carrying out the particular assistance program; and

"(C) the degree to which such funds will improve the provision of food assistance to foreign countries (particularly those in sub-Saharan Africa suffering from acute, long-term food shortages).

"(e) Upon the request of a private voluntary organization or cooperative, the President may provide assistance to that organization or cooperative with respect to the sale of agricultural commodities made available to it under this title.".

(e) AMENDMENT TO SECTION 208.—Section 208 (7 U.S.C. 1726b) is amended to read as follows:

"SEC. 208. ADMINISTRATION.

"(a) PROPOSALS.—

"(1) TIME FOR DECISION.—Not later than 45 days after the receipt by the President of a proposal submitted—

"(A) by a private voluntary organization or cooperative, with the concurrence of the appropriate United States field mission, for commodities; or

"(B) by a United States field mission to make commodities available to a private voluntary organization or cooperative;

under this title, a decision shall be made concerning such proposal.

"(2) DENIALS.—If a proposal under paragraph (1) is denied, the response shall specify the reasons for the denial and the conditions that must be met for the proposal to be approved.

"(b) NOTICE AND COMMENT.—Not less than 30 days prior to the issuance of a final guideline to carry out this title, the President—

"(1) shall provide notice of the proposed guideline (including notice of its availability for review and comment) to private voluntary organizations and cooperatives that participate in programs under this title and to other interested persons; and

"(2) shall make the proposed guideline available, on request, to such organizations, cooperatives, and other persons.

The President shall take any comments received into consideration prior to the issuance of the final guideline.

"(c) REGULATIONS, GUIDELINES, AND HANDBOOKS.—

"(1) IN GENERAL.—The President shall promptly issue all necessary regulations and make revisions to agency guidelines with respect to changes in the operation or implementation of programs established under this title.

"(2) REQUIREMENTS.—The President shall develop regulations with the intent of—

"(A) simplifying procedures for participation in the programs established under this title;

"(B) reducing paperwork requirements under such programs;

"(C) establishing reasonable and realistic accountability standards to be applied to eligible organizations participating in such programs, taking into consideration the problems associated with carrying out programs in developing countries; and

"(D) providing flexibility for carrying out such programs.

"(3) HANDBOOKS.—Handbooks developed by the President to assist in carrying out programs under this title shall be designed to foster the development of programs under this title by eligible organizations.

"(d) DEADLINE FOR SUBMISSION OF COMMODITY ORDERS.—Not later than 15 days after receipt of a call forward from a United States field mission for agricultural commodities that meet the requirements of this title, the order for the purchase or the supply, from inventory, of such commodities shall be transmitted to the Commodity Credit Corporation.".

(f) FOOD AID ADVISORY GROUP.—Title II is amended by adding at the end the following new section:

"SEC. 209. FOOD AID ADVISORY GROUP.

"(a) ESTABLISHMENT.—The President shall establish a Food Aid Advisory Group to meet regularly and provide advice on the implementation of programs under this title.

"(b) MEMBERSHIP.—The Food Aid Advisory Group shall be composed of—

"(1) the Administrator of the Agency for International Development;

"(2) the Inspector General of the Agency for International Development;

"(3) the Administrator of the Foreign Agricultural Service;

"(4) the Administrator of the Agricultural Stabilization and Conservation Service;

"(5) representatives of each private voluntary organization and cooperative partici-

pating in a program under this title or receiving planning assistance funds to establish programs under this title; and

"(6) representatives from African, Asian and Latin American indigenous nongovernmental organizations determined appropriate by the President.

"(c) CHAIRPERSON.—The Administrator of the Agency for International Development shall be the chairperson of the Food Aid Advisory Group.

"(d) CONSULTATIONS.—In preparing regulations, handbooks, or guidelines in implementation of this title, and in preparing any significant revisions of any such regulations, handbooks, or guidelines, the President—

"(1) shall provide such proposals to the Food Aid Advisory Group for review and comment, and

"(2) shall consult and, when appropriate, meet with the Group regarding such proposed regulations, handbooks, guidelines, or revisions thereto prior to their issuance.

"(e) TERMINATION.—The Food Aid Advisory Group shall terminate on December 31, 1995.".

(g) SAFEGUARDING USUAL MARKETINGS.—Title II is further amended by adding at the end the following new section:

"SEC. 210. SAFEGUARDING USUAL MARKETINGS.

"In exercising the authorities conferred by this title, the President shall take reasonable precautions to safeguard usual marketings of the United States and to assure that agricultural commodities provided under this title will not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with recipient countries.".

SEC. 1208. AMENDMENT TO TITLE III.

Title III (7 U.S.C. 1727–1727g) is amended to read as follows:

"TITLE III

"SEC. 301. FOOD FOR DEVELOPMENT.

"(a) GENERAL AUTHORITY.—To carry out the policies set forth in section 2, the President may negotiate and carry out agreements with least developed countries to provide commodities to such countries on a grant basis.

"(b) LEAST DEVELOPED COUNTRIES.—

"(1) DEFINITION.—As used in this section, the term 'least developed country' means a country that—

"(A) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference for providing financial assistance, or

"(B) is a food deficit country and is characterized by high levels of malnutrition among significant numbers of its population.

"(2) INDICATORS OF FOOD DEFICIT COUNTRIES.—In determining whether a country is a least developed country under the criteria in paragraph (1)(B), the President should take into consideration whether that country meets all of the following indicators of national food deficit and malnutrition (using the best available information):

"(A) CALORIE CONSUMPTION.—The daily per capita calorie consumption of the country is less than 2,300 calories.

"(B) FOOD SECURITY REQUIREMENTS.—The country cannot meet its food security requirements through domestic production or imports due to a shortage of foreign exchange earnings.

"(C) CHILD MORTALITY RATE.—The mortality rate of children under five years of age in the country is in excess of 100 per 1,000 births.

"(c) PRIORITIES IN ALLOCATION OF ASSISTANCE.—In determining whether and to what extent agricultural commodities shall be made available to least developed countries under this section, the President shall give priority to countries that—

"(1) demonstrate the greatest need for food;

"(2) demonstrate the capacity to use food assistance effectively;

"(3) have demonstrated a commitment to policies to promote food security, including policies to reduce measurably hunger and malnutrition through efforts such as establishing and institutionalizing supplemental nutrition programs targeted to reach those who are nutritionally at risk; and

"(4) have a long term plan for broad-based, equitable, and sustainable development.

"(d) DIRECT USES OR SALES OF COMMODITIES.—Agricultural commodities provided to a least developed country under this section—

"(1) may be used in such country for—

"(A) direct feeding programs, including programs that include activities that deal directly with the special health needs of children and mothers consistent with section 104(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(2); relating to the Child Survival Fund), or

"(B) the development of emergency food reserves; or

"(2) may be sold in such country by the government of the country or the President (or their designees) as provided in the agreement, with the proceeds of such sale used in accordance with subsection (f).

"(e) ACCOUNTING FOR LOCAL CURRENCY PROCEEDS.—

"(1) SEPARATE ACCOUNTS.—Except as provided in paragraph (2), all of the proceeds of sales of agricultural commodities pursuant to subsection (d)(2) shall be deposited into a separate account in the recipient country.

"(2) ACCOUNTING FOR LOCAL CURRENCIES TO BE USED FOR POLICY REFORM.—The President may waive the requirement of paragraph (1) with respect to local currency proceeds that are to be used to promote policy reforms pursuant to subsection (f)(1)(A) if the President determines that those currencies will otherwise be adequately accounted for in accordance with procedures approved by the President.

"(3) OWNERSHIP AND PROGRAMMING OF LOCAL CURRENCIES.—The proceeds of sales pursuant to subsection (d)(2) shall be the property of the recipient country or the United States, as specified in the applicable agreement. Such proceeds shall be utilized for the benefit of the recipient country, shall be jointly programmed by the President and the government of the recipient country, and shall be disbursed in such country in accordance with local currency agreements between the President and that government.

"(f) USE OF LOCAL CURRENCY PROCEEDS.—

"(1) IN GENERAL.—Except as provided in paragraph (5), the local currency proceeds of sales pursuant to subsection (d)(2) shall be used in the recipient country for specific economic development purposes, including—

"(A) the promotion of specific policy reforms to improve food security and agricultural development within the country and to promote broad-based, equitable, and sustainable development;

"(B) the establishment of development programs, projects, and activities that promote food security, alleviate hunger, improve nutrition, promote family planning, and promote maternal and child health care, oral rehydration therapy, and other child survival objectives consistent with section 104(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(2); relating to the Child Survival Fund);

"(C) the promotion of increased access to food supplies through the encouragement of specific policies and programs designed to increase employment and incomes within the country;

"(D) the promotion of free and open markets through specific policies and programs;

"(E) support for United States private voluntary organizations and cooperatives and encouragement of the development and utilization of indigenous nongovernmental organizations;

"(F) the purchase of agricultural commodities (including transportation and processing costs) produced in the country—

"(i) to meet urgent or extraordinary relief requirements in the country or in neighboring countries, or

"(ii) to develop emergency food reserves;

"(G) the purchase of goods and services (other than agricultural commodities and related services) to meet urgent or extraordinary relief requirements;

"(H) the payment, to the extent practicable, of the costs of carrying out the program authorized in section 406;

"(I) private sector development activities designed to further the policies set forth in section 2, including loans to financial intermediaries for use in making loans to private individuals, cooperatives, corporations, or other entities;

"(J) activities of the Peace Corps that relate to agricultural production;

"(K) the development of rural infrastructure such as roads, irrigation systems, and electrification to enhance agricultural production;

"(L) research on malnutrition and its causes, as well as research relating to the identification and application of policies and strategies for targeting resources made available under this section to address the problem of malnutrition; and

"(M) support for research (including collaborative research which is mutually beneficial to the United States and the recipient country), education, and extension activities in agricultural sciences.

Section 1306 of title 31, United States Code, shall not apply to the use under this paragraph of local currency proceeds that are owned by the United States.

"(2) SUPPORT OF PRIVATE INDIGENOUS NONGOVERNMENTAL ORGANIZATIONS.—To the extent practicable, not less than 10 percent of the proceeds of sales in each country pursuant to subsection (d)(2) shall be used to support the development and utilization of indigenous nongovernmental organizations and cooperatives that are active in rural development, agricultural education, sustainable agricultural production, other measures to assist the poorest people, and environmental protection projects within such country.

"(3) CONSULTATION WITH FOREIGN AGRICULTURAL SERVICE OFFICERS.—The President shall ensure that members of the Foreign Agricultural Service, who are assigned to a country in which local currencies are to be used under this subsection, are consulted with respect to the uses of those currencies in that country.

"(4) INVESTMENT OF LOCAL CURRENCIES BY NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization may invest local currencies that accrue to that organization

as a result of assistance under paragraph (1), and any interest earned on such investment may be used for the purpose for which the assistance was provided to that organization without further appropriation by the Congress.

"(5) SUPPORT FOR CERTAIN EDUCATIONAL INSTITUTIONS.—If the President determines that local currencies deposited in a special account pursuant to subsection (e)(1) are not needed for any of the activities described in subparagraphs (A) through (M) of paragraph (1) of this subsection or for any other specific economic development purpose in the recipient country, the President may use those currencies to provide support for any institution (other than an institution whose primary purpose is to provide religious education) located in the recipient country that provides education in agricultural sciences or other disciplines for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

"(g) GENERAL REQUIREMENTS.—In exercising the authorities conferred by this title, the President shall—

"(1) take reasonable precautions to safeguard usual marketings of the United States and to assure that agricultural commodities provided under this title will not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with recipient countries;

"(2) give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs by increasing the effective demand for agricultural commodities through the support of measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities;

"(3) obtain commitments from recipient countries that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of agricultural commodities provided under this title, without specific approval of the President;

"(4) obtain commitments from recipient countries to publicize widely to their people, by public media and other means, that the commodities are being provided on a grant basis through the friendship of the American people as food for peace;

"(5) take maximum precautions to assure that donations under this title shall not displace any sales of United States agricultural commodities that would otherwise be made; and

"(6) take steps to assure that the United States obtains a fair share of any increase in commercial purchases of agricultural commodities by the recipient country and that commercial supplies are available to meet demands developed through programs carried out under this Act.".

SEC. 1209. AMENDMENTS TO TITLE IV.

(a) AMENDMENTS TO SECTION 401.—

(1) AVAILABILITY DETERMINATIONS.—Section 401 (7 U.S.C. 1731) is amended in subsection (a)—

(A) by inserting ", prior to the beginning of each fiscal year" after "Secretary of Agriculture shall";

(B) by striking ", and the commodities and quantities thereof which may be included in the negotiations with each country"; and

(C) by inserting after the first sentence the following: "The Secretary may, during the fiscal year, modify such determination if the Secretary provides to the Congress prior notice of that modification (including a statement of the reasons for the modification).".

(2) TIMING OF SHIPMENT OF COMMODITIES.—Section 401 (b) is amended by adding at the end the following: "In evaluating the timing of shipments of agricultural commodities to be provided under this Act, the President shall consider the time of harvest of any competing commodities in the recipient country.".

(3) STABLE LEVEL OF COMMODITIES.—Section 401 is amended by adding at the end the following:

"(c) STABLE LEVEL OF COMMODITIES.—In implementing this Act, the Secretary shall, to the extent practicable, seek to maintain a stable level of available agricultural commodities under this Act of the kind and type needed to provide assistance to developing countries and seek to make such commodities available to the degree necessary to fulfill multiyear agreements under this Act.".

(b) AMENDMENTS TO SECTION 402.—Section 402 (7 U.S.C. 1732) is amended—

(1) by inserting "(a) AGRICULTURAL COMMODITIES.—" before "The term" in the first sentence;

(2) by inserting "and title III" after "title II" in the proviso;

(3) by inserting before the last sentence the following: "For purposes of title II, a product of agricultural commodities shall not be considered to be produced in the United States if it contains any ingredient that is not produced in the United States if that ingredient is produced and is commercially available in the United States."; and

(4) by striking the last sentence; and

(5) by adding at the end the following:

"(b) ADMINISTRATOR.—The term 'Administrator' as used in this Act means the Administrator of the Agency for International Development, unless otherwise specified in this Act.

"(c) COOPERATIVE.—The term 'cooperative' as used in this Act means a private sector organization whose members own and control the organization and share in its services and its profits and that provides business services and outreach in cooperative development for its membership.

"(d) FOOD SECURITY.—The term 'food security' as used in this Act means access by all people at all times to sufficient food and nutrition for a healthy and productive life.

"(e) INDIGENOUS NONGOVERNMENTAL ORGANIZATION.—The term 'indigenous nongovernmental organization' as used in this Act means a foreign organization working at the local level to solve development problems in the foreign country in which it is located, except that the term does not include an organization that is primarily an agent or instrumentality of the foreign government.

"(f) PRIVATE VOLUNTARY ORGANIZATION.—The term "private voluntary organization" means a not-for-profit, nongovernmental organization (in the case of a United States organization, an organization that is exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code of 1986) that receives funds from private sources, that receives voluntary contributions of money, staff time, or in-kind support from the public, and that is engaged in or is planning to engage in voluntary, charitable, or development assistance activities (other than religious activities).

"(g) SECRETARY.—The term 'Secretary' as used in this Act means the Secretary of Agriculture, unless otherwise specified in this Act.".

(c) AMENDMENTS TO SECTION 403.—Section 403 (7 U.S.C. 1733) is amended—

(1) in subsection (a) by striking ", to the extent the Commodity Credit Corporation is not reimbursed under section 104(j) and 105,";

(2) in subsection (c) by inserting "(other than subsection (d) of this section)" after "this Act"; and

(3) by adding at the end the following:

"(d) ALLOCATION OF FUNDS BETWEEN TITLE I PROGRAM AND TITLE III PROGRAM.—For any fiscal year—

"(1) the amount of funds made available to carry out title I may not be greater than twice the amount made available to carry out title III, and

"(2) the amount of funds made available to carry out title III may not be greater than twice the amount made available to carry out title I,

taking into account amounts transferred between titles of this Act.".

(d) COORDINATION WITH DEVELOPMENT ASSISTANCE STRATEGY.—Section 404 of that Act (7 U.S.C. 1734) is amended by adding at the end the following:

"(c) To the maximum extent possible, assistance for a foreign country under this Act shall be coordinated and integrated with United States development assistance objectives and programs for that country and with the overall development strategy of that country. Special emphasis should be placed on, and funds devoted to, activities that will increase the nutritional impact of programs of assistance under this Act, and child survival programs and projects, in least developed countries by improving the design and implementation of such programs and projects.".

(e) FARMER-TO-FARMER PROGRAM.—Section 406 (7 U.S.C. 1736) is amended to read as follows:

"SEC. 406. FARMER-TO-FARMER PROGRAM.

"(a) IN GENERAL.—To further assist developing countries, middle-income countries, and emerging democracies to increase farm production and farmer incomes, the President may, notwithstanding any other provision of law—

"(1) establish and administer a program of farmer-to-farmer assistance between the United States and such countries to assist in increasing food production and distribution and improving the effectiveness of the farming and marketing operations of farmers;

"(2) utilize United States farmers, agriculturalists, land grant universities, private agribusinesses, and nonprofit farm organizations to work in conjunction with farmers and farm organizations in such countries, on a voluntary basis, to facilitate the improvement of farm and agribusiness operations and agricultural systems in such countries, including animal care and health, field crop cultivation, fruit and vegetable growing, livestock operations, food processing and packaging, farm credit, marketing, inputs, agricultural extension, and the strengthening of cooperatives and other farmer groups;

"(3) transfer the knowledge and expertise of United States agricultural producers and businesses, on a people-to-people basis, to such countries while enhancing the democratic process by supporting private and public, agriculturally related organizations that request and support technical assistance activities through cash and in-kind services;

"(4) to the extent practicable, enter into contracts or other cooperative agreements with or make grants to private voluntary organizations, cooperatives, land grant universities, private agribusiness, or nonprofit farm organizations to carry out this section (except that any such contract or other agreement may obligate the United States to make outlays only to the extent that the budget authority for such outlays is available pursuant to subsection (c) or has otherwise been provided in advance in appropriation Acts);

"(5) coordinate programs established under this section with other foreign assistance activities carried out by the United States; and

"(6) to the extent practicable, augment the funds available for programs established under this section through the use of foreign currencies that accrue from the sale of agricultural commodities under this Act, and local currencies generated from other types of foreign assistance activities.

"(b) DEFINITIONS.—The following definitions apply for purposes of this section:

"(1) DEVELOPING COUNTRY.—The term 'developing country' means a country that has a shortage of foreign exchange earnings and has difficulty meeting all of its food needs through commercial channels.

"(2) EMERGING DEMOCRACY.—The term 'emerging democracy' means a country that is taking steps toward—

"(A) political pluralism, based on progress toward free and fair elections and a multiparty political system;

"(B) economic reform, based on progress toward a market-oriented economy;

"(C) respect for internationally recognized human rights; and

"(D) a willingness to build a friendly relationship with the United States.

"(3) MIDDLE INCOME COUNTRY.—The term 'middle income country' means a country that has developed economically to the point where it does not qualify for bilateral development assistance from the United States because its per capita income level exceeds the eligibility requirements of such assistance programs.

"(c) MINIMUM FUNDING.—Notwithstanding any other provision of law, not less than 0.2 percent of the amounts made available for each of the fiscal years 1991 through 1995 to carry out this Act, in addition to any funds that may be specifically appropriated to carry out this section, shall be used to carry out programs under this section, with not less than 0.1 percent to be used for programs in developing countries.".

(f) REPEAL OF SECTION 407; ADMINISTRATIVE PROVISIONS.—Section 407 (7 U.S.C. 1736a) is amended to read as follows:

"SEC. 407. ADMINISTRATIVE PROVISIONS.

"(a) AVOIDANCE OF CONFLICT OF INTEREST.—A person may not be an agent, broker, consultant, or other representative of the United States Government, an importer, or an importing country in connection with agricultural commodities provided under this Act during a fiscal year in which such person acts as an agent, broker, consultant, or other representative of a person engaged in providing ocean transportation or transportation-related services for such commodities. For the purposes of this subsection, the term 'transportation-related services' means lightening, stevedoring, bagging, or inland transportation to the destination point.

"(b) FULL AND OPEN COMPETITION.—No purchase of agricultural commodities from private stocks or purchase of ocean transportation services shall be financed under this Act unless such purchases are made on the basis of full and open competition utilizing such procedures as are determined necessary and appropriate by the President.

"(c) LIMITATION ON COMMISSIONS.—No commission, fees, or other payments to an agent, broker, consultant, or other representative of the importer or importing country for ocean transportation brokerage services in connection with the carriage of commodities provided under this Act may be paid in excess of an amount determined appropriate by the President.".

(g) AMENDMENTS TO SECTION 408.—

(1) ANNUAL REPORT.—Section 408 (7 U.S.C. 1736b) is amended by amending subsection (a) to read as follows:

"(a) ANNUAL REPORTS.—

"(1) IN GENERAL.—The President shall prepare an annual report concerning the programs and activities implemented under this Act for the preceding fiscal year.

"(2) CONTENTS.—Each report shall include—

"(A) the levels and recipients of food and other assistance provided under this Act;

"(B) the countries in which projects or activities are implemented under this Act;

"(C) a general description of the projects or activities implemented under this Act; and

"(D) a statement of the amount of each agricultural commodity made available pursuant to section 416(b) of the Agricultural Act of 1949 and the Food for Progress Act of 1985.

"(3) SUBMISSION.—The President shall submit such report no later than January 15 of each year to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.".

(2) OTHER REPORTS.—Section 408 is further amended by redesignating subsections (d) and (e) as subsections (h) and (i), respectively, and by inserting the following new subsections after subsection (c):

"(d) QUARTERLY REPORTS ON ANTICIPATED AGREEMENTS.—Prior to each quarter of a fiscal year, the President shall submit to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a list of the agreements that the President anticipates will be entered into under this Act with respect to each foreign country during the remainder of that fiscal year.

"(e) CURRENT YEAR REPORTS.—The President shall submit a statement to Congress not later than June 1 of each fiscal year specifying the agreements signed under this Act for that fiscal year. Such statement shall also specify for each country with which there is an agreement under this Act for that fiscal year, the amount that country requested and is receiving under the Food for Progress Act of 1985, section 416(b) of the Agricultural Act of 1949, title I of this Act, title II of this Act, and title III of this Act. With respect to title II, the statement shall indicate for each country—

"(1) the quantity provided through the World Food Program, private voluntary organizations, or cooperatives (identified by name), or government-to-government agreements;

"(2) the type and quantity of each commodity provided; and

"(3) the quantity provided for each program category.

"(f) TITLE II FOREIGN CURRENCY PROCEED REPORTS.—The President shall, no later than the end of the fiscal year, submit a statement to Congress on the number of requests submitted and the number of requests approved under section 207 for that fiscal year for the generation of foreign currency proceeds, the amount of foreign currency proceeds generated, and a summary of the uses of such proceeds.

"(g) WORLD FOOD DAY REPORT.—On World Food Day, October 16 of each year, the President shall submit to the Congress a report, prepared with the assistance of the Secretary and the Administrator, assessing progress towards food security in each country receiving United States Government food assistance. Special emphasis should be given in such report to the nutritional status of the poorest populations in such countries.".

(h) AMENDMENT TO SECTION 409.—Section 409 (7 U.S.C. 1736c) is amended by striking "to finance sales under title I and no program of assistance under title II" and inserting "under this Act".

(i) REPEAL OF SECTION 411.—Section 411 (7 U.S.C. 1736e) is repealed.

(j) MULTIYEAR AVAILABILITY.—Section 413 (7 U.S.C. 1736g) is amended to read as follows:

"SEC. 413. MULTIYEAR AGREEMENTS.

"Agricultural commodities provided under this Act shall be made available on a multiyear basis, subject to the requirements of section 401 and the availability of appropriations, unless—

"(1) the past performance of the country in meeting program objectives does not warrant a multiyear agreement;

"(2) it is anticipated that the need of the country for assistance does not extend beyond one year; or

"(3) other circumstances, as determined by the President, indicate there is only a need for a one-year agreement.".

(k) DISTRIBUTION OF ASSISTANCE.—Title IV is further amended by adding at the end the following:

"SEC. 414. DISTRIBUTION OF ASSISTANCE.

"(a) NONDISCRIMINATORY DISTRIBUTION.—The President shall attempt to ensure that agricultural commodities made available under title II and title III are distributed within the recipient country in a manner that does not discriminate on the basis of political affiliation, geographic location, ethnic, tribal, or religious identity, or other extraneous factors.

"(b) MILITARY DISTRIBUTION.—

"(1) PROHIBITION.—Except as provided in paragraph (2), the President shall not enter into any agreement to provide agricultural commodities under title II or title III that provides for the distribution, handling, or allocation of such commodities by the military forces of any government or insurgent group.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the President may authorize the handling or distribution of agricultural commodities by a country's military forces in exceptional circumstances in which—

"(A) nonmilitary channels are not available,

"(B) such action is consistent with subsection (a), and

"(C) the President determines that such action is necessary to meet the emergency health, safety, or nutritional requirements of the recipient population.

"(3) REPORTS TO CONGRESS.—The President shall report any authorization under paragraph (2) to the Congress within 30 days. Any such report shall specify the reason for the authorization, including an explanation

of why no alternatives were available to the handling or distribution by the country's military forces.

"(c) SAFE PASSAGE.—When entering into agreements under title II and title III which involve areas experiencing protracted warfare or civil strife, the President shall, to the extent practicable, encourage—

"(1) all parties to the conflict to permit safe passage for the commodities and other relief supplies; and

"(2) the creation of safe zones for medical and humanitarian treatment and evacuation.".

(l) LIMITATION ON USE OF LOCAL CURRENCY FOR AGRICULTURAL PRODUCTION.—Title IV is further amended by adding at the end the following:

"SEC. 415. LIMITATION ON USE OF LOCAL CURRENCY FOR AGRICULTURAL PRODUCTION.

"Local currencies that are made available for use under this Act may not be used to finance the production for export of agricultural commodities (or products thereof) that would compete, as determined by the President, in world markets with similar agricultural commodities (or products thereof) produced in the United States if such competition would cause substantial injury to United States producers, except that this section does not prohibit the use of such currencies for crop substitution or other alternative development activities undertaken in furtherance of narcotics control objectives.".

(m) LIMITATION ON USE OF LOCAL CURRENCY FOR ABORTIONS.—Title IV is further amended by adding at the end the following:

"SEC. 416. LIMITATION ON USE OF LOCAL CURRENCY FOR ABORTIONS.

"Local currencies that are made available for use under this Act may not be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.".

(n) RESPONSIBILITIES FOR ADMINISTERING ACT.—

(1) ALLOCATION OF RESPONSIBILITIES.—Title IV is further amended by adding at the end the following:

"SEC. 417. RESPONSIBILITIES FOR ADMINISTERING ACT.

"(a) DESIGNATION OF AGENCY PRIMARILY RESPONSIBLE FOR IMPLEMENTATION OF PRESIDENTIAL AUTHORITY.—

"(1) TITLE I PROGRAM.—The President shall designate the Secretary as the official with primary responsibility for administering the authority granted to the President by title I, except that the requirement of this paragraph does not apply with respect to sections 105 and 105A or (to the extent they apply to title III) sections 109 and 112.

"(2) TITLE II AND TITLE III PROGRAMS.—(A) The President shall designate the Administrator as the official with primary responsibility for administering the authority granted to the President by title II and title III and (to the extent they apply to title III) sections 109 and 112.

"(b) COOPERATION BETWEEN AGENCIES.—

"(1) USDA.—The Secretary shall be responsible for ensuring that the Department of Agriculture, in carrying out its responsibilities under title I, cooperates fully with the Agency for International Development with respect to the latter's areas of expertise.

"(2) AID.—The Administrator shall be responsible for ensuring that the Agency for International Development, in carrying out its responsibilities under title II and title III, cooperates fully with the Department of Agriculture with respect to the latter's areas of expertise.

"(c) REVIEW OF PROPOSED AGREEMENTS.—

"(1) TITLE I PROGRAMS.—Before negotiating an agreement (or an amendment to an agreement) under title I, the Secretary shall consult with the Administrator to ensure that the proposed agreement will not be inconsistent with United States development assistance objectives and programs for the recipient country and with the overall development strategy of that country.

"(2) TITLE II AND TITLE III PROGRAMS.—Before negotiating an agreement (or an amendment to an agreement) under title II or title III, the Administrator shall submit to the Secretary the proposal which is the basis for those negotiations. The Secretary shall have up to 30 days in which to review the proposed agreement (or amendment) with regard to matters in the areas of the Secretary's expertise and to provide the Secretary's views on the proposed agreement (or amendment) to the Administrator. The Administrator may waive the requirement of this paragraph with respect to an agreement (or amendment to an agreement) under title II if the Administrator determines, after consultation with the Secretary, that an emergency exists that requires such waiver.

"(d) CONSULTATION WITH SECRETARY OF STATE.—

"(1) TITLE I PROGRAMS.—The Secretary shall consult with the Secretary of State to ensure that agreements under title I are not inconsistent with United States foreign policy.

"(2) TITLE II AND TITLE III PROGRAMS.—The Administrator shall consult with the Secretary of State to ensure that agreements under title II and title III are not inconsistent with United States foreign policy.

"(e) SAFEGUARDING USUAL MARKETINGS.—Prior to the beginning of each fiscal year, the Secretary shall determine, for each foreign country that is an anticipated recipient of agricultural commodities under this Act during that fiscal year, the maximum quantities of agricultural commodities that can be made available during that fiscal year under this Act consistent with the requirements of section 103(1), section 210, and section 301(g)(1). During the fiscal year, the Secretary may increase such maximum quantity with respect to a country because of changed circumstances and may determine such maximum quantities with respect to additional countries.

"(e) ACQUISITION OF COMMODITIES FOR TITLE II AND TITLE III PROGRAMS.—

"(1) USE OF COMMODITY CREDIT CORPORATION.—Subject to the approval of the Secretary, the Commodity Credit Corporation shall acquire and make available to the Administrator such agricultural commodities (that have been determined to be available under section 401(a)) as the Administrator may request to carry out agreements under title II and title III.

"(2) DIRECT ACQUISITION.—If the Administrator is unable to obtain agricultural commodities through the Commodity Credit Corporation pursuant to paragraph (1), the Administrator may use funds made available to carry out title II or title III (as the case may be) for the acquisition of agricultural commodities (that have been determined to be available under section 401(a)) for use in carrying out agreements under that title.".

(2) CONFORMING AMENDMENT.—Section 201(a) (7 U.S.C. 1721(a)) is amended by striking the last sentence.

SEC. 1210. FOOD FOR PEACE OFFICERS.

The Administrator of the Agency for International Development shall increase the number and the expertise of the personnel of the Agency for International Development at the agency's headquarters and its missions abroad who carry out the programs authorized by title II and title III of the Agricultural Trade Development and Assistance Act of 1954.

SEC. 1211. REVISION OF REGULATIONS.

(a) IN GENERAL.—The President shall provide for the issuance of regulations to revise the existing regulations to implement the Agricultural Trade Development and Assistance Act of 1954, including all provisions necessary or appropriate to implement the amendments made by this subtitle.

(b) DEADLINES.—The regulations specified in subsection (a) shall be issued in proposed form no later than 6 months after the date of enactment of this Act and in final form no later than one year after the date of enactment of this Act.

SEC. 1212. INDEPENDENT EVALUATION OF PUBLIC LAW 480 PROGRAMS.

(a) REQUIREMENT FOR PERIODIC GAO EVALUATIONS.—Not later than 2 years after the date of enactment of this Act and 2 years thereafter, the Comptroller General of the United States shall evaluate the assistance provided under the Agricultural Trade Development and Assistance Act of 1954 as follows:

(1) SELECTION OF COUNTRIES.—The Comptroller General shall select—

(A) 5 countries that receive assistance under title I,

(B) 5 countries that receive assistance under title II, and

(C) 5 countries that receive assistance under title III.

The countries selected shall be countries that are representative of the countries that receive such assistance in each of the three following regions: Africa, Asia/Near East, and Latin America.

(2) TITLE I PROGRAM EVALUATIONS.—For each country selected under paragraph (1)(A), the Comptroller General shall evaluate the uses of the local currencies deposited in a special account pursuant to section 104 with respect to—

(A) their impact on agricultural trade development, and

(B) the financial management of those currencies, including the personnel requirements for managing those currencies.

(3) TITLE II PROGRAM EVALUATIONS.—For each country selected under paragraph (1)(B), the Comptroller General shall evaluate the uses of the assistance provided under that title, including an evaluation of—

(A) the impact of such assistance on enhancing food security (including nutrition),

(B) the uses for economic development of any local currencies proceeds generated by such assistance, and

(C) the financial management of those local currencies, including the personnel requirements for managing those currencies.

(4) TITLE III PROGRAM EVALUATIONS.—For each country selected under paragraph (1)(C), the Comptroller General shall evaluate—

(A) the uses of the agricultural commodities provided under section 301(d)(1) with respect to their impact on enhancing food security (including nutrition); and

(B) the uses of local currencies pursuant to section 301(f) with respect to—

(i) their impact on enhancing food security (including nutrition), and

(ii) the financial management of those currencies, including the personnel requirements for managing those currencies.

(b) REPORTS TO CONGRESS.—The Comptroller General shall submit a report on each evaluation conducted pursuant to subsection (a) to the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1213. AMENDMENT TO SECTION 416(b) OF 1949 ACT.

Section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)) is amended by adding at the end the following:

"(13) A person may not be an agent, broker, consultant, or other representative of the United States Government, an importer, or an importing country in connection with agricultural commodities provided under this subsection during a fiscal year in which such person acts as an agent, broker, consultant, or other representative of a person engaged in providing ocean transportation or transportation-related services for such commodities. For the purposes of this paragraph, the term 'transportation-related services' means lightening, stevedoring, bagging, or inland transportation to the destination point.

"(14) No purchase of agricultural commodities from private stocks or purchase of ocean transportation services shall be financed under this subsection unless such purchases are made on the basis of full and open competition utilizing such procedures as are determined necessary and appropriate by the President.

"(15) No commission, fees, or other payments to an agent, broker, consultant, or other representative of the importer or importing country for ocean transportation brokerage services in connection with the carriage of commodities provided under this subsection may be paid in excess of an amount determined appropriate by the President.

"(16) The President shall attempt to ensure that agricultural commodities made available under this subsection are distributed within the recipient country in a manner that does not discriminate on the basis of political affiliation, geographic location, ethnic, tribal, or religious identity, or other extraneous factors.

"(17)(A) Except as provided in subparagraph (B), the President shall not enter into any agreement to provide agricultural commodities under this subsection that provides for the distribution, handling, or allocation of such commodities by the military forces of any government or insurgent group.

"(B) Notwithstanding subparagraph (A), the President may authorize the handling or distribution of agricultural commodities by a country's military forces in exceptional circumstances in which—

"(i) nonmilitary channels are not available,

"(ii) such action is consistent with paragraph (16), and

"(iii) the President determines that such action is necessary to meet the emergency health, safety, or nutritional requirements of the recipient population.

"(C) The President shall report any authorization under subparagraph (B) to the Congress within 30 days. Any such report shall specify the reason for the authorization, including an explanation of why no alternatives were available to the handling or distribution by the country's military forces.

"(18) When entering into agreements under this subsection which involve areas experiencing protracted warfare or civil strife, the President shall, to the extent practicable, encourage—

"(A) all parties to the conflict to permit safe passage for the commodities and other relief supplies; and

"(B) the creation of safe zones for medical and humanitarian treatment and evacuation.".

SEC. 1214. FOOD FOR PROGRESS.

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) by striking "countries that" and inserting "developing countries, and countries that are emerging democracies, that", and

(B) by striking "developing countries" and inserting "the governments of such countries, or with private voluntary organizations, nonprofit agricultural organizations, or cooperatives,";

(2) in subsection (d) by striking "with countries";

(3) in subsection (e)(3)—

(A) by striking "to a developing country", and

(B) by striking "by a developing country";

(4) in subsection (e)(4) by striking "to a developing country" both places it appears;

(5) in subsection (f)(1) by striking "to developing countries";

(6) in subsection (g) by striking "1990" and inserting "1995";

(7) in subsection (j) by striking "entered into with a country", and by inserting "with respect to a country" after "effect";

(8) in subsection (k) by striking "recipient countries" and inserting "the recipient";

(9) in subsection (l) by striking "1990" and inserting "1995"; and

(10) by adding at the end the following:

"(m) A person may not be an agent, broker, consultant, or other representative of the United States Government, an importer, or an importing country in connection with agricultural commodities provided under this section during a fiscal year in which such person acts as an agent, broker, consultant, or other representative of a person engaged in providing ocean transportation or transportation-related services for such commodities. For the purposes of this subsection, the term 'transportation-related services' means lightening, stevedoring, bagging, or inland transportation to the destination point.

"(n) No purchase of agricultural commodities from private stocks or purchase of ocean transportation services shall be financed under this section unless such purchases are made on the basis of full and open competition utilizing such procedures as are determined necessary and appropriate by the President.

"(o) No commission, fees, or other payments to an agent, broker, consultant, or other representative of the importer or importing country for ocean transportation brokerage services in connection with the carriage of commodities provided under this section may be paid in excess of an amount determined appropriate by the President.

"(p) The President shall attempt to ensure that agricultural commodities made available on a grant basis under this section are distributed within the recipient country in a manner that does not discriminate on the basis of political affiliation, geographic location, ethnic, tribal, or religious identity, or other extraneous factors.

"(r)(1) Except as provided in paragraph (2), the President shall not enter into any agreement to provide agricultural commodities on a grant basis under this subsection that provides for the distribution, handling, or allocation of such commodities by the military forces of any government or insurgent group.

"(2) Notwithstanding paragraph (1), the President may authorize the handling or distribution of agricultural commodities by a country's military forces in exceptional circumstances in which—

"(A) nonmilitary channels are not available,

"(B) such action is consistent with subsection (p), and

"(C) the President determines that such action is necessary to meet the emergency health, safety, or nutritional requirements of the recipient population.

"(3) The President shall report any authorization under paragraph (2) to the Congress within 30 days. Any such report shall specify the reason for the authorization, including an explanation of why no alternatives were available to the handling or distribution by the country's military forces.

"(s) When entering into grant agreements under this section which involve areas experiencing protracted warfare or civil strife, the President shall, to the extent practicable, encourage—

"(1) all parties to the conflict to permit safe passage for the commodities and other relief supplies; and

"(2) the creation of safe zones for medical and humanitarian treatment and evacuation.

"(u) As used in this section—

"(1) the term 'cooperative' means a private sector organization whose members own and control the organization and share in its services and its profits and that provides business services and outreach in cooperative development for its membership;

"(2) the term 'emerging democracy' means a country that is taking steps toward—

"(A) political pluralism, based on progress toward free and fair elections and a multiparty political system;

"(B) economic reform, based on progress toward a market-oriented economy;

"(C) respect for internationally recognized human rights; and

"(D) a willingness to build a friendly relationship with the United States.

"(3) the term 'nonprofit agricultural organization' means a not-for-profit organization of agribusinesses, a not-for-profit farm association, a not-for-profit cooperator organization, or a similar not-for-profit organization; and

"(4) the term 'private voluntary organization' means a not-for-profit, nongovernmental organization (in the case of a United States organization, an organization that is exempt from Federal income taxes under section 501(c)(3) of the Internal Revenue Code of 1986) that receives funds from private sources, that receives voluntary contributions of money, staff time, or in-kind support from the public, and that is engaged in or is planning to engage in voluntary, charitable, or development assistance activities (other than religious activities).".

SEC. 1215. EXTENSION OF FOOD SECURITY WHEAT RESERVE.

Section 302(i) of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1(i)) is amended by striking "1990" both places it appears and inserting "1995".

Subtitle B—Export Promotion

SEC. 1221. AMENDMENT TO THE AGRICULTURAL TRADE ACT OF 1978.

(a) GENERAL PROVISIONS.—Titles I through IV of the Agricultural Trade Act of 1978 (7 U.S.C. 1761 et seq.) are amended to read as follows:

"TITLE I—GENERAL PROVISIONS

"SEC. 101. DEFINITIONS.

"As used in this Act—

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means any agricultural commodity, food, feed, or fiber, and any product thereof.

"(2) DEVELOPING COUNTRY.—The term 'developing country' means a country that—

"(A) has a shortage of foreign exchange earnings and has difficulty accessing sufficient commercial credit to meet all of its food needs, as determined by the Secretary; and

"(B) has the potential to become a commercial market for agricultural commodities.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(4) UNFAIR TRADE PRACTICE.—(A) Subject to subparagraph (B), the term 'unfair trade practice' means any act, policy, or practice of a foreign country that—

"(i) violates, or is inconsistent with, the provisions of, or otherwise denies benefits to the United States under, any trade agreement to which the United States is a party; or

"(ii) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce.

"(B) Nothing in this Act may be construed to authorize the Secretary to make any determination regarding an unfair trade practice that is inconsistent with section 301 of the Trade Act of 1974.

"(5) UNITED STATES.—The term 'United States' includes each of the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

"(6) UNITED STATES AGRICULTURAL COMMODITY.—The term 'United States agricultural commodity' means—

"(A) with respect to any agricultural commodity other than a product of an agricultural commodity, an agricultural commodity entirely produced in the United States; and

"(B) with respect to a product of an agricultural commodity—

"(i) a product all of the agricultural components of which are entirely produced in the United States; or

"(ii) any other product the Secretary may designate that contains any agricultural component that is not entirely produced in the United States if—

"(I) such component is an added, de minimis component,

"(II) such component is not commercially produced in the United States, and

"(III) there is no acceptable substitute for such component that is entirely produced in the United States.

For purposes of this paragraph, fish entirely produced in the United States include fish harvested by a documented fishing vessel as defined in title 46, United States Code, in waters that are not waters (including the territorial sea) of a foreign country.

"SEC. 102. CERTIFICATION OF COMPLIANCE.

"The Secretary shall obtain certification with respect to commodities provided, or for which financing or credit guarantees are provided, under any commercial export promotion program of the Department of Agriculture or Commodity Credit Corporation—

"(1) from countries, or importers in countries, that were the intended destination of agricultural commodities under such program, that such commodities were received in that country; and

"(2) from the seller or exporter of record of such commodities, that there were no corrupt bonuses, extra sales services, or other items than those so provided, financed, or guaranteed in connection with the transaction, and that the transaction complied with applicable United States law.

"SEC. 103. DEPARTMENTAL ADMINISTRATION SYSTEM.

"(a) IN GENERAL.—With respect to each commercial export promotion program of the Department of Agriculture or the Commodity Credit Corporation, the Secretary shall—

"(1) specify by regulation the criteria used to evaluate and approve proposals for that program;

"(2) monitor the progress of each proposal, specifying in a central system—

"(A) the origin of the proposal;

"(B) arguments supporting the proposal;

"(C) arguments against the proposal;

"(D) recommended action at the various stages of consideration; and

"(E) the disposition of the proposal;

"(3) provide for regular audits of program transactions to determine compliance with program objectives and requirements;

"(4) establish criteria to evaluate loans eligible for guarantees by the Commodity Credit Corporation, so as to ensure that the Corporation does not assume undue risk in providing such guarantees; and

"(5) in the event any audit discloses noncompliance with program objectives or requirements, determine promptly whether in light of such noncompliance to suspend or debar the noncomplying party from further participation in 1 or more of the programs under this title, affording the alleged noncomplying party opportunity for an agency hearing.

"(b) ACCESSIBILITY OF INFORMATION.—Information pertaining to a particular proposal shall be retrievable within the central system by country, commodity, proposal, and other appropriate categories, including participating financing institutions.

"(c) INDEPENDENT STUDY OF WAYS TO IMPROVE IMPLEMENTATION OF SYSTEM AND IMPROVE MANAGEMENT.—The Secretary shall contract with an appropriate management consulting firm to obtain from that firm detailed recommendations on how to improve the implementation of this section and, generally, the management information systems of the Department of Agriculture and the Commodity Credit Corporation with respect to the commercial export promotion programs of such department and agency.

"SEC. 104. POLICY.

"The Congress finds that the agricultural export policy of the United States should provide for increased emphasis on sales abroad of United States processed, value-added agricultural products due to the multiple benefits from such sales to United States producers, processors, and exporters, and the national workforce.

"SEC. 105. DEVELOPMENT OF AGRICULTURAL TRADE STRATEGY.

"(a) IN GENERAL.—

"(1) DEVELOPMENT OF MULTIYEAR STRATEGY.—The Secretary shall develop, for the 3-fiscal year period beginning with fiscal year 1992, and for each 3-fiscal year period occurring thereafter, a long-term agricultural trade strategy for the United States to guide the Secretary in the implementation of United States Government programs designed to promote the export of United States agricultural commodities. In preparing such a strategy, the Secretary shall consult with the United States Trade Representative to ensure that the strategy is coordinated with the annual national trade policy agenda under section 163 of the Trade Act of 1974.

"(2) GOALS.—The long-term agricultural trade strategy established under paragraph (1) shall be designed to ensure—

"(A) the efficient, coordinated use of United States Government programs designed to promote the export of United States agricultural commodities;

"(B) the improvement in the commercial potential of markets in developing countries for United States agricultural commodities;

"(C) the growth of exports of United States agricultural commodities; and

"(D) the maintenance of traditional markets for United States agricultural commodities.

"(b) CONTENTS.—In the long-term agricultural trade strategy developed under subsection (a), the Secretary shall include—

"(1) findings with respect to trends in the comparative position of the United States and other countries in the export of agricultural commodities, organized by major commodity group and including a comparative analysis of the cost of production of such commodities;

"(2) the agricultural trade goals for all agricultural commodities, expressed in both physical volume and monetary value, over not less than the 3-year period for which the strategy is developed;

"(3) the agricultural trade goals for each agricultural commodity, expressed in both physical volume and monetary value, over not less than such 3-year period;

"(4) the agricultural trade goals for high-value, processed agricultural commodities, expressed in both physical volume and monetary value, over not less than such 3-year period;

"(5) multiyear plans for the implementation and coordination of United States export assistance programs and foreign food assistance programs to meet all such agricultural trade goals;

"(6) findings and recommendations with respect to the movement of United States agricultural commodities in nonmarket economies;

"(7) recommended long-term strategies for growth in agricultural trade and exports, taking into account United States competitiveness and trade negotiations, and considering the effects of exchange rate fluctuations and unfair trading practices on the competitiveness and availability of exports of United States agricultural commodities;

"(8) strategies designed to make the United States a primary and dependable supplier of agricultural commodities on the world market;

"(9) an analysis of the differences in the markets of developed and developing countries (including the debt load of particular countries), and a strategy to increase exports of United States agricultural commodities to such markets; and

"(10) an estimate of the expected impact of United States Government programs designed to promote the export of United States agricultural commodities on earnings or market share, in the priority markets identified under subsection (d), of exports of United States agricultural commodities.

"(c) DESIGNATION OF GROWTH MARKETS.—The Secretary shall establish, for inclusion in the long-term agricultural trade strategy developed under subsection (a), a list of not less than 15 countries (or groups of countries) that are most likely to emerge as growth markets for United States agricultural commodities during the 3- and 6-fiscal

year periods beginning with the first fiscal year for which the strategy is developed.

"(d) DESIGNATION OF PRIORITY MARKETS.—The Secretary shall designate countries identified on the list developed under subsection (c) as priority markets for United States Government programs designed to promote the export of United States agricultural commodities (other than those programs designed to provide food assistance and those programs under the Export Enhancement Program under section 201).

"(e) ESTABLISHMENT OF MARKET PLANS.—The Secretary shall develop individual market plans for each country (or group of countries) designated as a priority market under subsection (d). Each such market plan shall set forth—

"(1) specific plans to assist exports of United States agricultural commodities to and market development in the specific country or group of countries through United States Government programs designed to promote the export of United States agricultural commodities; and

"(2) the agricultural trade goals for the United States for that specific country or group of countries over at least the 3-year period for which the agricultural trade strategy under this section is developed.

"(f) CONFIDENTIALITY.—The Secretary may designate any portion of the agricultural trade strategy prepared under this section as confidential and not to be released to the general public if—

"(i) the Secretary determines that the release of the information involved would disadvantage the United States with respect to its competitors in specific foreign markets; or

"(ii) any of such information is determined to be confidential business information.

Nothing in this section shall be construed to authorize the withholding of information from the Congress.

"SEC. 106. RELIEF FROM UNFAIR TRADE PRACTICES.

"(a) USE OF PROGRAMS.—

"(1) IN GENERAL.—The Secretary may, for each article described in paragraph (2), make available some or all of the commercial export promotion programs of the Department of Agriculture and the Commodity Credit Corporation to help mitigate or offset the unfair trade practice serving as the basis for the proceeding described in paragraph (2).

"(2) COMMODITIES SPECIFIED.—Paragraph (1) shall apply in the case of articles for which the United States has instituted, under any international trade agreement, any dispute settlement proceeding based on an unfair trade practice if such proceeding has been prevented from progressing to a decision by the refusal of the party maintaining the unfair trade practice to permit the proceeding to progress.

"(b) CONSULTATIONS REQUIRED.—For any article described in subsection (a)(2), the Secretary shall—

"(1) promptly consult with representatives of the industry producing such articles and other allied groups or individuals regarding specific actions or the development of an integrated marketing strategy utilizing some or all of the commercial export programs of the Department of Agriculture and the Commodity Credit Corporation to help mitigate or offset the unfair trade practice identified in subsection (a)(2); and

"(2) ascertain and take into account the industry preference for the practical use of available commercial export promotion programs in implementing subsection (a)(1).

"SEC. 107. PRESERVATION OF TRADITIONAL MARKETS.

"The Secretary shall, in implementing programs of the Department of Agriculture intended to encourage or assist exports of agricultural commodities, seek to preserve traditional markets for United States agricultural commodities.

"SEC. 108. INDEPENDENCE OF AUTHORITIES.

"Each authority granted under this Act shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

"SEC. 109. PROGRAM EXPENDITURES.

"Expenditures for programs under this Act shall be considered to be expenditures for export promotion and not expenditures for any price support program.

"TITLE II—SPECIFIC EXPORT PROMOTION PROGRAMS

"SEC. 201. EXPORT ENHANCEMENT PROGRAM.

"(a) IN GENERAL.—The Commodity Credit Corporation shall carry out in accordance with this section a program to discourage unfair trade practices by making United States agricultural commodities competitive.

"(b) EXPORT BONUS.—

"(1) IN GENERAL.—In carrying out the program established under this section, the Commodity Credit Corporation may—

"(A) make agricultural commodities, acquired by the Commodity Credit Corporation, available to exporters, users, processors, or foreign purchasers at no cost either directly or through the issuance of commodity certificates; and

"(B) make cash payments to exporters, users, and processors.

"(2) CALCULATION OF BONUS LEVELS.—The Commodity Credit Corporation shall—

"(A) maintain an established procedure for evaluating program bonus requests, with guidelines for determining prevailing market prices for targeted commodities and destinations to be used in the calculation of acceptable bonus levels;

"(B) use a clear set of established procedures for measuring transportation and incidental costs to be used in the calculation of acceptable bonus levels and for determining the amount of such costs actually incurred;

"(C) in the case of livestock and livestock products, develop a methodology to determine the world price and gather and analyze appropriate price and cost of production information in foreign countries for the purpose of price discovery and to aid sales in foreign markets, and publish such information periodically; and

"(D) maintain consistent and effective controls and procedures for auditing and reviewing payment of bonuses and for securing refunds where appropriate.

"(3) DISCLOSURE OF INFORMATION.—The Secretary may, notwithstanding the provisions of section 552 of title 5, United States Code, provide for withholding from the public the procedures and guidelines established under paragraphs (2)(A) and (B) if the Secretary determines that release of such information would adversely affect the operation of the program. Nothing in this paragraph shall be construed to authorize the withholding of information, including such procedures and guidelines, from the Congress.

"(4) DIVERSION OF CARGO.—

"(A) IN GENERAL.—The Secretary shall ensure that commodities exported under the program established under this section arrive at the specified destination country. The Secretary may provide for an exception if such arrival does not occur due to force majeure.

"(B) ENFORCEMENT.—The Secretary shall provide that if commodities exported under the program established under this section fail to arrive at the specified destination country, except as provided under subparagraph (A)—

"(i) any person receiving, or who otherwise would receive, a bonus under this section in connection with such commodities shall be liable for the amount of such bonus and shall be ineligible for participation in the program established under this section for a period of up to 5 years, unless such failure was beyond the control of such person and without negligence or acquiescence on the part of such person; and

"(ii) if such failure is attributable in whole or in part to the specified destination country, no bonus is made available for exports to such country for a period of at least 1 year.

"(C) SCHEME OR DEVICE.—Any person who engages in any scheme or device to circumvent the provisions of this paragraph shall be ineligible to participate in the program established under this section for a period of up to 5 years. The Secretary shall provide that no bonus is made available, for a period of at least 1 year, under the program established under this section for exports to any country that engages in any scheme or device to circumvent the provisions of this paragraph.

"(D) OTHER REMEDIES UNAFFECTED.—The remedies provided under this paragraph are in addition to any remedy available under any other provision of law.

"(5) COMPETITIVE DISADVANTAGE.—The Secretary shall take such action as is necessary to ensure that equal treatment is provided to domestic and foreign purchasers and users of agricultural commodities in any case in which the importation of a manufactured product made, in whole or in part, from a commodity made available for export under this section would place domestic users of the commodity at a competitive disadvantage.

"(6) DIFFERENT COMMODITIES.—The Commodity Credit Corporation may provide to a United States exporter, user, or processor, or foreign purchaser, under the program established under this section, agricultural commodities of a kind different than the agricultural commodity involved in the transaction for which assistance under this section is being provided.

"(7) OTHER EXPORT PROGRAMS.—The Commodity Credit Corporation may provide bonuses under this section in conjunction with other export promotion programs conducted by the Secretary or the Commodity Credit Corporation.

"(c) PRIORITY IN THE CASE OF LIVESTOCK.—In the case of proposals for bonuses for dairy cattle or other appropriate livestock, the Commodity Credit Corporation shall give priority to proposals that include, in connection with the purchase of the livestock, appropriate herd management training, veterinary services, nutritional training, and other technical assistance necessary for the adaptation of the livestock to foreign environments.

"(d) INAPPLICABILITY OF PRICE RESTRICTIONS.—Any price restrictions that otherwise may be applicable to dispositions of agricultural commodities owned by the Commodity Credit Corporation shall not apply to agricultural commodities provided under this section.

"(e) RECORDS.—

"(1) IN GENERAL.—In the administration of the program established under this section, the Secretary shall require, by rule, each exporter, user, or processor who receives a bonus under the program to maintain all records concerning a program transaction for a period of 5 years after completion of the program transaction, and to permit the Secretary to have full and complete access, for such 5-year period, to such records.

"(2) NONPROGRAM TRANSACTIONS.—The Secretary may require, by rule, exporters, users, or processors participating in the program to make available, for a period of 5 years after completion of a program transaction, books and other records concerning transactions other than program transactions for purposes of program oversight and administration.

"(3) CONFIDENTIALITY.—The individually identifiable information contained in books and records subject to this subsection shall be considered confidential by the Secretary and by the Department of Agriculture and is not subject to disclosure under section 552 of title 5, United States Code. Any officer or employee of the Department of Agriculture who knowingly discloses information made confidential by this paragraph shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. Nothing in this subsection shall be construed to authorize the withholding of information from the Congress.

"(4) CONDUCT OF RULEMAKING.—Final rules under paragraphs (1) and (2) shall be issued not later than 90 days after the date of enactment of the Food and Agricultural Resources Act of 1990.

"(f) FUNDING LEVELS.—

"(1) IN GENERAL.—The Commodity Credit Corporation shall make available for each of the fiscal years 1991 through 1995 not less than $500,000,000 of the funds or commodities of the Commodity Credit Corporation to carry out the program established under this section.

"(2) LIMITATION.—Not more than 10 percent of the funds and commodities made available for a fiscal year to carry out the program established under this section may be made available to promote the export of agricultural commodities described in section 101(6)(B)(ii).

"(g) IN GENERAL.—It is not the purpose of the program established under this section to affect adversely the exports of agricultural commodities of countries, as determined by the Secretary, that are not engaged in unfairly subsidizing their exports of agricultural commodities. The program shall be implemented in a manner necessary to minimize external and unintended effects damaging to the earnings of such countries from exports of agricultural commodities.

"SEC. 202. MARKET PROMOTION PROGRAM.

"(a) IN GENERAL.—The Commodity Credit Corporation shall establish and carry out a program to encourage the development, maintenance, and expansion of commercial export markets for agricultural commodities through cost-share assistance to eligible trade organizations that implement a foreign market development program.

"(b) TYPE OF ASSISTANCE.—Assistance under this section shall be provided in the form of funds of, or commodities owned by, the Commodity Credit Corporation, as determined appropriate by the Secretary.

"(c) REQUIREMENTS FOR PARTICIPATION.—

"(1) IN GENERAL.—To be eligible for assistance under this section, an organization shall—

"(A) be an eligible trade organization;

"(B) prepare and submit a marketing plan to the Secretary that meets the guidelines governing such plans established by the Secretary; and

"(C) meet any other requirements established by the Secretary.

"(2) PRIORITY BASIS FOR EXPORT ASSISTANCE.—The Secretary shall provide assistance under this section on a priority basis in the case of an unfair trade practice.

"(d) ELIGIBLE TRADE ORGANIZATIONS.—An eligible trade organization shall be—

"(1) an organization that promotes the export and sale of agricultural commodities and that does not stand to profit directly from specific sales of agricultural commodities;

"(2) a cooperative organization or State agency that promotes the sale of agricultural commodities; or

"(3) a private organization that promotes the export and sale of agricultural commodities if the Secretary determines that such organization would significantly contribute to United States export market development.

"(e) APPROVED MARKETING PLAN.—

"(1) IN GENERAL.—A marketing plan submitted by an eligible trade organization under this section shall describe the advertising and other export promotion activities to be carried out by the eligible trade organization with respect to which assistance under this section is being requested.

"(2) REQUIREMENTS.—To be approved by the Secretary, a marketing plan submitted under this subsection shall—

"(A) specifically describe the manner in which assistance received by the eligible trade organization in conjunction with funds and services provided by the eligible trade organization will be expended in implementing the marketing plan;

"(B) establish specific market goals to be achieved as a result of the marketing promotion program; and

"(C) contain whatever additional requirements are determined by the Secretary to be necessary.

"(3) AMENDMENTS.—A marketing plan may be amended by the eligible trade organization at any time, with the approval of the Secretary.

"(4) BRANDED PROMOTION.—An agreement entered into under this section may provide for the use of branded advertising to promote the sale of agricultural commodities in a foreign country under such terms and conditions as may be established by the Secretary.

"(f) OTHER TERMS AND CONDITIONS.—

"(1) MULTIYEAR BASIS.—The Secretary may provide assistance under this section on a multiyear basis, subject to annual review by the Secretary for compliance with the approved marketing plan.

"(2) TERMINATION OF ASSISTANCE.—The Secretary may terminate any assistance made, or to be made, available under this section if the Secretary determines that—

"(A) the eligible trade organization is not adhering to the terms and conditions of the program established under this section;

"(B) the eligible trade organization is not implementing the approved marketing plan or is not adequately meeting the established goals of the marketing promotion program;

"(C) the eligible trade organization is not adequately contributing its own resources to the marketing promotion program;

"(D) the unfair trade practice that was the basis of the provision of assistance has been stopped and marketing assistance is no longer required to offset its effect; or

"(E) the Secretary determines that termination of assistance in a particular instance is in the best interest of the program.

"(3) EVALUATIONS.—The Secretary shall monitor the expenditure of funds received under this section by recipients of such funds. The Secretary shall make evaluations of such expenditure, including—

"(A) an evaluation of the effectiveness of the program in developing or maintaining markets for United States agricultural commodities;

"(B) an evaluation of whether assistance provided under this section is necessary to maintain such markets; and

"(C) a thorough accounting of the expenditure of such funds by the recipient.

The Secretary shall make an initial evaluation of expenditures of a recipient not later than 15 months after the initial provision of funds to the recipient.

"(4) AVAILABILITY OF RECORDS.—

"(A) IN GENERAL.—In the administration of the program established by this section, the Secretary shall require, by rule, each eligible trade organization that receives assistance under the program to maintain all records concerning a program transaction for a period of 5 years after completion of the program transaction, and to permit the Secretary to have full and complete access, for such 5-year period, to such records.

"(B) NONPROGRAM TRANSACTIONS.—The Secretary may require, by rule, eligible trade organizations participating in the program to make available, for a period of 5 years after completion of a program transaction, books and other records concerning transactions other than program transactions for purposes of program oversight and administration.

"(C) CONFIDENTIALITY.—The individually identifiable information contained in books and records subject to this paragraph shall be considered confidential by the Secretary and by the Department of Agriculture and is not subject to disclosure under section 552 of title 5, United States Code. Any officer or employee of the Department of Agriculture who knowingly discloses information made confidential by this subparagraph shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. Nothing in this paragraph shall be construed to authorize the withholding of information from the Congress.

"(D) CONDUCT OF RULEMAKING.—Final rules under subparagraphs (A) and (B) shall be issued not later than 90 days after the date of enactment of the Food and Agricultural Resources Act of 1990.

"(5) LEVEL OF MARKETING ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall justify in writing the level of assistance provided to an eligible trade organization under the program and the level of cost-sharing required of such organization.

"(B) LIMITATION.—Assistance provided under this section to private organizations for activities described in subsection (e)(4) shall not exceed 50 percent of the cost of implementing the marketing plan. Criteria for determining that cost shall be consistent and such cost shall be documented.

"(g) PROGRAM LEVEL.—The Commodity Credit Corporation shall make available assistance under this section at a level not less than $325,000,000 for each of the fiscal years 1991 through 1995.

"(h) REGIONAL TRADE CENTER SET-ASIDE.—

"(1) IN GENERAL.—The Secretary shall establish as an objective the reservation of an amount of assistance provided under this

section for the benefit of applicants whose applications have been forwarded to the Secretary by the 4 regional nonprofit export trade associations that have been established by a number of States in cooperation with the Foreign Agricultural Service of the Department of Agriculture, and for the benefit of the National Association of State Departments of Agriculture, for purposes such as the conduct of export promotion trade fairs and other export promotional activities.

"(2) DESIRED LEVEL OF SET-ASIDE.—The desired amounts of such assistance should be provided at levels no less than—

"(A) 10 percent in fiscal year 1991,

"(B) 11 percent in fiscal year 1992,

"(C) 12 percent in fiscal year 1993,

"(D) 13 percent in fiscal year 1994, and

"(E) 14 percent in fiscal year 1995,

as the Secretary may determine will best effectuate the goals of this section.

"SEC. 203. EQUITABLE TREATMENT OF HIGH-VALUE AND VALUE-ADDED UNITED STATES AGRICULTURAL COMMODITIES.

"In the case of any program, such as that established under section 201, operated by the Secretary or the Commodity Credit Corporation during the fiscal years 1991 through 1995, for the purpose of discouraging unfair trade practices, the Secretary shall establish as an objective to expend annually at least 25 percent of the total funds available (or 25 percent of the value of any commodities employed) for program activities involving the export sales of high-value agricultural commodities and value-added products of United States agricultural commodities.

"TITLE III—TRADE REPORTING

"SEC. 301. EXPORT REPORTING AND CONTRACT SANCTITY.

"(a) EXPORT SALES REPORTS.—

"(1) IN GENERAL.—All exporters of wheat and wheat flour, feed grains, oil seeds, cotton and products thereof, and other commodities that the Secretary may designate as produced in the United States shall report to the Secretary of Agriculture, on a weekly basis, the following information regarding any contract for export sales entered into or subsequently modified in any manner during the reporting period:

"(A) type, class, and quantity of the commodity sought to be exported;

"(B) the marketing year of shipment; and

"(C) destination, if known.

"(2) CONFIDENTIALITY AND COMPILATION OF REPORTS.—Individual reports shall remain confidential in accordance with subsection (c) but shall be compiled by the Secretary and published in compilation form each week following the week of reporting.

"(3) IMMEDIATE REPORTING.—All exporters of agricultural commodities produced in the United States shall, upon request of the Secretary, immediately report to the Secretary any information with respect to export sales of agricultural commodities and at such times as the Secretary may request. When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily.

"(4) MONTHLY REPORTING PERMITTED.—The Secretary may, with respect to any commodity or type or class thereof during any period in which the Secretary determines that—

"(A) there is a domestic supply of such commodity substantially in excess of the quantity needed to meet domestic requirements,

"(B) total supplies of such commodity in the exporting countries are estimated to be in surplus,

"(C) anticipated exports will not result in excessive drain on domestic supplies, and

"(D) to require the reports to be made will unduly hamper export sales,

provide for such reports by exporters and publishing of such data to be on a monthly basis rather than on a weekly basis.

"(b) REPORT ON ORIGIN OF COMMODITIES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require each person making a commercial export of any agricultural commodity or product thereof (hereinafter in this section referred to as a 'good') that is determined by the Secretary to be of commercial significance, before or upon that exportation, to report the quantity of such good so exported, and the percentage of the agricultural components produced in the United States and percentage produced in a foreign country by value and weight, and shall also report such percentages by crop year and type, if necessary or appropriate to determine the identity of the United States and foreign agricultural components of the good exported.

"(2) EXEMPTION.—A person shall not be required to report any information under paragraph (1) that cannot be obtained from records maintained in the ordinary course of business.

"(3) REPORTS FOR HIGH-VALUE PROCESSED PRODUCTS.—With respect to exports of any good that is a high value, complex, processed product (as determined by the Secretary), a report under paragraph (1) need only be made for exports of that good over a period of not more than 1 year, and the information required under paragraph (1) may be aggregated for the period covered by the report.

"(4) CODES.—The Secretary may establish codes to identify the type and characteristics of each commodity for the purposes of reports under paragraph (1).

"(5) COMPILATION OF REPORTS.—Individual reports under this subsection shall remain confidential in accordance with subsection (c) but may be compiled by the Secretary and published in compilation form on a quarterly basis.

"(c) CONFIDENTIALITY.—The individually identifiable information contained in reports under this section shall be considered confidential by the Secretary and by the Department of Agriculture and is not subject to disclosure under section 552 of title 5, United States Code. Any officer or employee of the Department of Agriculture who knowingly discloses information made confidential by this subsection shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. Nothing in this section shall be construed to authorize the withholding of information from the Congress.

"(d) FAILURE TO REPORT.—Any person who knowingly fails to make any report required under this section shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both.

"(e) CONTRACT SANCTITY.—Notwithstanding any other provision of law, the President shall not prohibit or curtail the export of any agricultural commodity under an export sales contract—

"(1) that is entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity, and

"(2) the terms of which require delivery of the commodity within 270 days after the date of the suspension of trade is imposed,

except that the President may prohibit or curtail the export of any agricultural commodity during a period for which the President has declared a national emergency or for which the Congress has declared war.

"TITLE IV—REPORTS

"SEC. 401. NONGOVERNMENTAL SUBSIDIES.

"(a) IN GENERAL.—The Secretary shall submit a report to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate specifying any nongovernmental agricultural subsidies provided in any foreign country. In compiling such report, the Secretary shall give priority to specifying those nongovernmental subsidies provided to livestock and commodities for which there is a price support program or marketing agreement or order in effect in the United States.

"(b) DEADLINES.—The Secretary shall submit the report specified in subsection (a) no later than 180 days after the date of enactment of the Food and Agricultural Resources Act of 1990, and shall submit additional reports at 1 year intervals for each of the next 5 years after the submission of the first report.

"SEC. 402. LONG-TERM AGRICULTURAL TRADE STRATEGY REPORT.

"(a) IN GENERAL.—The Secretary of Agriculture shall every 3 years prepare a long-term agricultural trade strategy report on the long-term agricultural trade strategy developed by the Secretary under section 105. The first such report shall be submitted under subsection (e) before the beginning of fiscal year 1992. Each subsequent report shall be submitted under subsection (e) before the beginning of each third fiscal year occurring after fiscal year 1992.

"(b) CONTENTS.—

"(1) IN GENERAL.—Each report prepared under subsection (a) shall describe in detail each aspect of the long-term agricultural trade strategy prepared under section 105.

"(2) REVIEW OF IMPLEMENTATION.—In each report submitted after the first report, the Secretary shall—

"(A) review the agricultural trade performance of the United States during the fiscal years ending since submission of the preceding report, in light of the long-term agricultural trade strategy and trade goals developed by the Secretary for such fiscal-year period under this Act;

"(B) determine whether and to what extent individual market plans developed under section 105(e) were successfully implemented during such fiscal-year period;

"(C) determine whether the use of any United States Government programs designed to promote exports of United States agricultural commodities resulted in such agricultural exports or increased agricultural exports or market share in the priority markets during such fiscal-year period; and

"(D) conduct a country-by-country analysis of expenditures made under United States Government programs designed to promote exports of United States agricultural commodities and the export performance of the United States in such market during such fiscal-year period.

"(c) CONSULTATION.—In preparing each report under subsection (a), the Secretary shall consult with the United States Trade Representative to ensure that the report is coordinated with the annual national trade policy agenda included in the annual report for the relevant fiscal year prepared under section 163 of the Trade Act of 1974.

"(d) UPDATE.—The Secretary shall prepare an annual update to the report required under subsection (a) that shall contain a description of any revisions to the long-term agricultural trade strategy made by the Secretary, any changes in law that are required to meet the goals of the long-term agricultural trade strategy, and such other information as may be specified in this section or determined appropriate by the Secretary.

"(e) TREATMENT AS ANNUAL BUDGET SUBMISSION.—The long-term agricultural trade strategy report under subsection (a) shall be submitted with the annual budget submission of the President to the Congress for fiscal year 1992 and for each third fiscal year thereafter. The annual updates under subsection (d) of each such report shall be submitted, respectively, with the annual budget submission of the President to the Congress for the 2 fiscal years after submission of such report. Any provision of the long-term agricultural trade strategy report or annual update that relates to recommended levels of spending on international activities of the Department of Agriculture shall be treated as the annual budget submission of the President to the Congress for such activities for the fiscal year beginning in the year in which the report is submitted, and shall be submitted together with the budget request for other programs of the Department of Agriculture for such fiscal year.

"(f) AVAILABILITY OF REPORT.—

"(1) SUBMISSION TO CONGRESS.—The Secretary shall submit each report required under subsection (a) (and the updates to such report under subsection (d)) to the Committee on Agriculture, the Committee on Foreign Affairs, and the Committee on Ways and Means of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate.

"(2) AVAILABILITY TO PUBLIC.—Except as provided in paragraph (3), the Secretary may make the report required under subsection (a) available to the general public, including the department of agriculture of any State.

"(3) CONFIDENTIALITY.—The Secretary may designate portions of the report required under subsection (a) or any update prepared under subsection (d) as confidential and not to be released to the general public if—

"(A) the Secretary determines that the release of such information would disadvantage the United States with respect to its competitors in specific foreign markets; or

"(B) any of such information is determined to be confidential business information.".

(b) CONFORMING AMENDMENTS.—(1) Section 1113(c)(9) of the Food Security Act of 1985 (7 U.S.C. 1736-1(c)(9)) is amended—

(A) in subparagraph (A) by adding "and" after the semicolon;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B).

(2) Section 4201 of the Agricultural Competitiveness and Trade Act of 1988, and the item relating to section 4201 in the table of contents for the Omnibus Trade and Competitiveness Act of 1988, are repealed.

SEC. 1222. AMENDMENTS RELATING TO EXPORT CREDIT PROGRAMS.

(a) GUARANTEES FOR WOOD AND FISH.—Section 4(b)(1) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(1)) is amended by adding at the end the following new sentence: "In making available any assistance under this paragraph with respect to wood and processed wood products or fish and processed fish products, the Secretary of Agriculture shall make such guarantees available under terms and conditions comparable to terms and conditions that apply to other agricultural products.".

(b) CRITERIA FOR USE OF AUTHORITY.—Section 4(b)(2) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(2)) is amended by inserting "directly benefit United States agricultural producers and will" after "that the sale will".

(c) PROGRAM LEVEL.—Section 4(b)(10) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(10)) is amended by striking "available—" and all that follows through the end of the paragraph and inserting "available not less than $500,000,000 for each of fiscal years 1991 through 1995.".

(d) CREDIT GUARANTEES.—Section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a) is amended by adding at the end the following:

"(e) RESTRICTION.—The Corporation shall not make credit guarantees available to any country which the Secretary determines cannot adequately service the debt associated with the guarantee.

"(f) FRAUD.—If the Corporation finds that any exporter or assignee has engaged in fraud or in any scheme, trick, or device to misuse or misappropriate any credit guarantee made available under this section, the relevant export credit guarantee issued under this section is no longer valid.

"(g) DIVERSION OF CARGO.—

"(1) IN GENERAL.—The Secretary shall ensure that commodities exported under any program under this section arrive at the specified destination country. The Secretary may provide for an exception if such arrival does not occur due to force majeure.

"(2) ENFORCEMENT.—The Secretary shall provide that in the case commodities exported under any program under this section fail to arrive at the specified destination country, except as provided under paragraph (1)—

"(A) any person receiving a credit guarantee under this section in connection with such commodities shall be liable for the amount of any amounts paid under such guarantee and shall be ineligible for participation in any program under this section for a period of up to 5 years, unless such failure was beyond the control of such person and without negligence or acquiescence on the part of such person; and

"(B) if such failure is attributable in whole or in part to the specified destination country, no credit or guarantee is made available under any program under this section for exports to such country for a period of at least 1 year.

"(3) SCHEME OR DEVICE.—Any person who engages in any scheme or device to circumvent the provisions of this subsection shall be ineligible to participate in any program under this section for a period of up to 5 years. The Secretary shall provide that, for a period of at least 1 year, no credit or guarantee is made available under any program under this section for exports to any country that engages in any scheme or device to circumvent the provisions of this subsection.

"(4) OTHER REMEDIES UNAFFECTED.—The remedies provided under this subsection are in addition to any remedy available under any other provision of law.

"(h) FOREIGN AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall finance or guarantee under this section only United States agricultural commodities, as defined in section 101(6) of the Agricultural Trade Act of 1978. The Commodity Credit Corporation shall not finance or guarantee under this section the value of any foreign agricultural component.

"(i) RECORDS.—

"(1) IN GENERAL.—In the administration of the program established under this section, the Secretary shall require, by rule, each exporter under the program to maintain all records concerning a program transaction for a period of 5 years after completion of the program transaction, and to permit the Secretary to have full and complete access, for such 5-year period, to such records.

"(2) NONPROGRAM TRANSACTIONS.—The Secretary may require, by rule, exporters participating in the program to make available, for a period of 5 years after completion of a program transaction, books and other records concerning transactions other than program transactions for purposes of program oversight and administration.

"(3) CONFIDENTIALITY.—The individually identifiable information contained in books and records subject to this subsection shall be considered confidential by the Secretary and by the Department of Agriculture and is not subject to disclosure under section 552 of title 5, United States Code. Any officer or employee of the Department of Agriculture who knowingly discloses information made confidential by this paragraph shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. Nothing in this subsection shall be construed to authorize the withholding of information from the Congress.

"(4) CONDUCT OF RULEMAKING.—Final rules under paragraphs (1) and (2) shall be issued not later than 90 days after the date of enactment of the Food and Agricultural Resources Act of 1990.".

(e) USE OF PROGRAM.—Section 4(b)(5) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(5)) is amended by inserting ", foreign policy," after "foreign aid".

(f) SHORT-TERM EXPORT CREDIT GUARANTEES.—Section 1125 of the Food Security Act of 1985 (7 U.S.C. 1736t) is amended—

(1) in subsection (b) by striking "1990" and inserting "1995";

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2) In making available any guarantees under subsection (b) with respect to wood and processed wood products or fish and processed fish products, the Corporation shall make such guarantees available under terms and conditions comparable to terms and conditions that apply to other agricultural products."; and

(3) by adding at the end the following new subsections:

"(e) FOREIGN AGRICULTURAL COMPONENTS.—The Commodity Credit Corporation shall guarantee under any program conducted under this section only United States agricultural commodities, as defined in section 101(6) of the Agricultural Trade Act of 1978. The Commodity Credit Corporation shall not guarantee under this section the value of any foreign agricultural component.

"(f) RECORDS.—

"(1) IN GENERAL.—In the administration of the program described in this section, the Secretary shall require, by rule, each exporter under the program to maintain all records concerning a program transaction for a period of 5 years after completion of the program transaction, and to permit the Secretary to have full and complete access, for such 5-year period, to such records.

"(2) NONPROGRAM TRANSACTIONS.—The Secretary may require, by rule, exporters par-

ticipating in the program to make available, for a period of 5 years after completion of a program transaction, books and other records concerning transactions other than program transactions for purposes of program oversight and administration.

"(3) CONFIDENTIALITY.—The individually identifiable information contained in books and records subject to this subsection shall be considered confidential by the Secretary and by the Department of Agriculture and is not subject to disclosure under section 552 of title 5, United States Code. Any officer or employee of the Department of Agriculture who knowingly discloses information made confidential by this paragraph shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both. Nothing in this subsection shall be construed to authorize the withholding of information from the Congress.

"(4) CONDUCT OF RULEMAKING.—Final rules under paragraphs (1) and (2) shall be issued not later than 90 days after the date of enactment of the Food and Agricultural Resources Act of 1990.".

SEC. 1223. MARKET DEVELOPMENT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Agriculture (hereinafter in this section referred to as the "Secretary") shall establish a task force, to be known as the "Market Development Task Force" (hereinafter in this section referred to as the "Task Force"), to help develop the long-term agricultural trade strategy required by section 105 of the Agricultural Trade Act of 1978, and to coordinate and disseminate information, and provide advice and education to entities, concerning agricultural export markets and domestic agricultural trade programs.

(b) COMPOSITION.—The Task Force shall be composed of 12 members, of which—

(1) 1 member shall be the Administrator of the Foreign Agricultural Service, or such Administrator's designee;

(2) 1 member shall be the Secretary of Commerce, or such Secretary's designee;

(3) 1 member shall be the United States Trade Representative, or such Representative's designee;

(4) 1 member shall be the Administrator of the Small Business Administration, or such Administrator's designee;

(5) 1 member shall be the Administrator of the Extension Service, or such Administrator's designee;

(6) 1 member shall be the Administrator of the Agricultural Stabilization and Conservation Service, or such Administrator's designee;

(7) 1 member shall be a representative of the National Association of State Departments of Agriculture (NASDA);

(8) 1 member shall be the special assistant to the President appointed under section 1113 of the Food Security Act of 1985 (7 U.S.C. 1736-1), or such assistant's designee; and

(9) 4 members shall be from the private sector who represent different interests in the agriculture sector of the United States economy.

(c) CHAIRPERSON.—The Administrator of the Foreign Agricultural Service shall serve as the Chairperson of the Task Force.

(d) VACANCIES.—A vacancy occurring on the Task Force among the members described in subsections (b)(7) and (b)(9) shall be filled in the same manner in which the original appointment was made.

(e) EQUIPMENT AND STAFF.—

(1) PERSONNEL.—The Secretary shall make available to the Task Force office facilities and equipment necessary to enable the Task Force to effectively carry out its functions.

(2) STAFF.—The members of the Task Force identified in paragraphs (1) through (6) of subsection (b) shall make available to the Task Force such personnel, and the Secretary shall employ such additional staff, as are necessary to enable the Task Force to effectively carry out its functions.

(f) FUNCTIONS.—The Task Force shall—

(1) participate in—

(A) the development of the long-term agricultural trade strategy required by section 105 of the Agricultural Trade Act of 1978, placing particular emphasis on developing a strategy through which the Federal Government can support the export of value-added or high-value United States agricultural commodities (as defined in section 101(6) of the Agricultural Trade Act of 1978); and

(B) the preparation of the report to the Congress on the long-term agricultural trade strategy and the annual revisions to that strategy required by section 402 of the Agricultural Trade Act of 1978;

(2) coordinate the information available concerning—

(A) the locations of existing and potential export markets for United States agricultural commodities (as defined in section 101(6) of the Agricultural Trade Act of 1978);

(B) the types of commodities and products desirable in such markets;

(C) the existence of trade barriers applicable to such markets;

(D) the existence of Federal trade program opportunities that are available to domestic exporters; and

(E) any other information related to such markets;

(3) disseminate information relating to the long term agricultural trade strategy required by section 105 of the Agricultural Trade Act of 1978;

(4) annually produce, publish, and disseminate throughout the United States through the Extension Service and through regional trade organizations, a catalog containing information available through the Federal Government concerning such markets;

(5) act as an advisor to and consult with State governments to promote the establishment and use of such markets; and

(6) perform any other functions determined appropriate by the Task Force.

(g) CONSULTATION WITH PARTICIPANTS IN PROGRAMS.—The Task Force shall consult with participants in agricultural trade programs, including regional trade organizations, in carrying out the functions of the Task Force.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, proposed regulations necessary to establish and administer the Task Force.

(i) RELATIONSHIP TO USTR FUNCTIONS.—The functions and responsibilities of the Task Force may not conflict with, or supercede, any authority of the United States Trade Representative to determine the existence of trade barriers or unfair trade practices under the Trade Act of 1974, or to develop or coordinate the trade policy of the United States.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(k) TERMINATION.—The Task Force shall cease to exist 5 years after the date of enactment of this Act.

SEC. 1224. PROHIBITION ON EXPORT PROMOTION.

(a) PROHIBITION.—Except as provided in subsection (b), neither the Secretary of Agriculture nor the Commodity Credit Corporation may make available any credit guarantee pursuant to section 1125 of the Food Security Act of 1985 (7 U.S.C. 1736t) or section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a), or any other commercial export promotion program, for exports to any country for which exports under such program, as a result of review by the Commodity Credit Corporation, have been suspended if such country—

(1) has demonstrated, through a pattern of conduct, a lack of respect for internationally recognized human rights,

(2) is acquiring chemical, biological, and nuclear weapons and delivery systems and components for such weapons, and has not forsworn the first use of such weapons,

(3) has demonstrated a lack of commitment to abide by the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisoning or Other Gases, and of Bacteriological Methods of Warfare, or

(4) provides support for international terrorism.

(b) EXCEPTION.—Subsection (a) shall not apply if the President certifies to the Congress—

(1) that the government of such country—

(A) has demonstrated, through a pattern of conduct, substantial improvement in its respect for internationally recognized human rights,

(B) is no longer acquiring chemical, biological, and nuclear weapons and delivery systems and components for such weapons, and has not forsworn the first use of such weapons,

(C) has recommitted itself to abide by the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisoning or Other Gases, and of Bacteriological Methods of Warfare, and

(D) does not provide support for international terrorism; and

(2) that the President has determined that it is essential to the national interests of the United States to waive the requirements of subsection (a);

except that any such waiver shall not take effect until at least 60 days after the President's certification is submitted to the Congress. Any such certification shall include the justification for the President's determination under each subparagraph of paragraph (1) and under paragraph (2).

(c) EFFECTIVE DATES.—This section shall cease to be effective 4 years after the date of enactment of this Act. The provisions of this section shall not apply to contracts or agreements entered into before July 27, 1990.

(d) REALLOCATION.—Any program amounts denied to a country pursuant to subsection (a) shall be reallocated to other countries, including emerging democracies (as defined in section 406 of the Agricultural Trade Development and Assistance Act of 1954).

SEC. 1225. PROTECTING UNITED STATES AGRICULTURAL EXPORTS.

If the Secretary of Agriculture finds that the credit restrictions imposed by section 1224 would result in decreasing the export of agricultural products from the United States that are readily available to a country to which section 1224 applies from non-United States sources, so that the impact of the restrictions of credit imposed under that section would harm American farmers more than it would that country, the Secretary may waive such restrictions with respect to

that country. Restrictions on credit under section 1224 shall not become effective until after the Secretary of Agriculture has studied the impact of such credit restrictions and determined whether such restrictions would have a negative impact greater upon American farmers than upon a country to which section 1224 applies.".

Subtitle C—Agricultural Trade With and Fellowships for Emerging Democracies and Middle-Income Countries

SEC. 1231. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES.

(a) GUARANTEES TO BE MADE AVAILABLE.—(1) The Commodity Credit Corporation, for each of fiscal years 1991 through 1995—

(A) shall make available not less than $225,000,000 of export credit guarantees for exports to emerging democracies under the program described in section 1125(b) of the Food Security Act of 1985 (7 U.S.C. 1736t(b)), in addition to the amounts required under that section;

(B) shall make available $50,000,000 to guarantee financing, on terms of not less than 3 years nor more than 10 years, for the establishment or improvement by United States persons of facilities in emerging democracies to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products thereof if the Secretary of Agriculture determines that such guarantees will primarily promote the export of United States agricultural commodities (as defined in section 101(6) of the Agricultural Trade Act of 1978); and

(C) is encouraged to make available guarantees under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)), in addition to the amounts otherwise available under that section, for exports to emerging democracies.

The Commodity Credit Corporation shall give priority under subparagraph (B) to opportunities or projects identified under subsection (b).

(2) Before the authority under paragraph (1)(B) is exercised, the Secretary of Agriculture shall consult with exporters of United States agricultural commodities (as defined in section 101(6) of the Agricultural Trade Act of 1978), nongovernmental experts, and other Federal Government agencies in order to ensure that facilities in an emerging democracy for which financing is guaranteed under paragraph (1)(B) do not primarily benefit countries which are in close geographic proximity to that emerging democracy.

(b) SHARING UNITED STATES AGRICULTURAL EXPERTISE.—

(1) IN GENERAL.—

(A) ESTABLISHMENT OF PROGRAM.—For each of the fiscal years 1991 through 1995, the Secretary of Agriculture (hereinafter in this section referred to as the "Secretary"), in order to develop, maintain, or expand markets for United States agricultural exports, is directed to make available to emerging democracies the expertise of the United States to make assessments of the food and rural business systems needs of such democracies, make recommendations on measures necessary to enhance the effectiveness of those systems, and identify specific opportunities and projects to enhance the effectiveness of those systems.

(B) EXTENT OF PROGRAM.—The Secretary shall implement this subsection with respect to at least 3 emerging democracies in each fiscal year.

(2) EXPERTS FROM THE UNITED STATES.—The Secretary shall implement the requirements of paragraph (1)—

(A) by providing assistance to teams consisting primarily of agricultural consultants and government officials expert in assessing the food and rural business systems of other countries to enable such teams to conduct the assessments, make the recommendations, and identify the opportunities and projects specified in paragraph (1) in emerging democracies; and

(B) by providing necessary subsistence expenses in the United States and necessary transportation expenses by individuals designated by emerging democracies to enable such individuals to consult with food and rural business system experts in the United States to enhance such systems of such emerging democracies.

(3) COST-SHARING.—The Secretary shall encourage the nongovernmental experts described in paragraph (2)(B) to share the costs of, and otherwise assist in, the participation of such experts in the program under this subsection.

(4) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide technical assistance to implement the recommendations, or in connection with the opportunities or projects identified, under paragraph (1).

(5) REPORTS TO SECRETARY.—A team that receives assistance under paragraph (2)(A) shall prepare such reports as the Secretary may designate.

(6) REPORT TO CONGRESS.—The Secretary shall annually submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives, a report summarizing the activities carried out under this subsection, including a summary of the assessments and recommendations prepared under this subsection, and the Secretary shall also make the assessments and recommendations available to the public.

(7) ADVISORY COMMITTEE.—To provide the Secretary with information that may be useful to the Secretary in carrying out the provisions of this subsection, the Secretary shall establish an advisory committee composed of representatives of the various sectors of the food and rural business systems of the United States.

(8) USE OF CCC.—The Secretary shall implement this subsection through the funds and facilities of the Commodity Credit Corporation. The authority provided under this subsection shall be in addition to and not in place of any other authority of the Secretary or the Commodity Credit Corporation.

(9) LEVEL OF ASSISTANCE.—The Secretary shall provide assistance under this subsection of not more than $10,000,000 in any fiscal year.

(c) FOREIGN DEBT BURDENS.—(1) In carrying out the program described in subsection (a), the Secretary of Agriculture shall ensure that the credits for which repayment is guaranteed under subsection (a) do not negatively affect the political and economic situation in emerging democracies by excessively adding to the foreign debt burdens of such countries.

(2) Not later than 6 months after the effective date of this title, and not later than the end of each 6-month period occurring thereafter, the Secretary of Agriculture, in consultation with other appropriate Federal departments, shall prepare and transmit to the Speaker of the House of Representatives, the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report to assist the Congress in assessing the extent to which credits for which repayment is guaranteed under subsection (a) meet the requirements of paragraph (1). The report shall include—

(A) the amount and allocation, by country, of credit guarantees issued under subsection (a);

(B) the aggregate foreign debt burdens of countries receiving commodities or facilities under such credit guarantees, expressed in terms of debt on account of agricultural commodities or products thereof, or facilities for which guarantees may be made under subsection (a)(1)(B), and all other debt;

(C) the activities of creditor governments and private creditors to reschedule or reduce payments due on existing debt owed to such creditors by a country in cases where such country has been unable to fully meet its debt obligations; and

(D) an analysis of—

(i) the economic effects of the foreign debt burden of each recipient country, and in particular the economic effects on each recipient country of the credits for which repayment is guaranteed under subsection (a); and

(ii) the relationship between any negative economic effects on any recipient country caused by its overall foreign debt burden and debt incurred under subsection (a) and such country's political stability.

(d) EMERGING DEMOCRACY.—As used in this section, the term "emerging democracy" means any country that, as determined by the President, is taking steps toward—

(1) political pluralism, based on progress toward free and fair elections and a multiparty political system;

(2) economic reform, based on progress toward a market-oriented economy;

(3) respect for internationally recognized human rights; and

(4) a willingness to build a friendly relationship with the United States.

SEC. 1232. AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE-INCOME COUNTRIES AND EMERGING DEMOCRACIES.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a fellowship program for middle-income countries and emerging democracies to provide fellowships to persons from eligible countries who specialize in agriculture for study in the United States.

(b) ELIGIBLE COUNTRIES.—

(1) IN GENERAL.—Any country that is a middle income country or is an emerging democracy as defined in section 1231(d) shall be eligible to participate in the program established under this section.

(2) MIDDLE INCOME COUNTRY.—For purposes of this section, a "middle income country" means a country that—

(A) has developed economically to the point where it no longer qualifies for bilateral foreign assistance programs from the United States because its per capita income level exceeds the eligibility requirements of such programs; or

(B) has never qualified for bilateral foreign assistance programs from the United States, but an ongoing relationship between the country and the United States, including technical assistance and training, would provide mutual benefits to that country and the United States.

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this section shall be provided in order to allow the recipients to gain knowledge and skills that will—

(1) assist eligible countries to develop agricultural systems necessary to meet the food needs of their domestic populations; and

(2) strengthen and enhance trade linkages between eligible countries and agricultural interests in the United States.

(d) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—The Secretary shall utilize the expertise of United States agricultural counselors, trade officers, and commodity trade promotion groups working in participating countries to help identify candidates, from both the public and private sectors of those countries, for the program established under this section.

(e) PROGRAM IMPLEMENTATION.—The Secretary shall consult with other United States Government agencies, United States universities, and the private agribusiness sector, as appropriate, to design and administer training programs to accomplish the objectives of the program established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary to provide funding to carry out the program established under this section, except that the amount of such funds shall not exceed—

(1) for middle income countries described in subsection (b)(2)(A), $3,000,000;

(2) for middle income countries described in subsection (b)(2)(B), $2,000,000; and

(3) for emerging democracies, $5,000,000.

(g) COMPLEMENTARY FUNDS.—When the Secretary of Agriculture determines that it is advisable in furtherance of the purposes of the program established under this section, the Secretary may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and may, in any manner, dispose of all such holdings and use the receipts generated from such disposition as general program funds under this section. All funds so designated for the program established under this section shall remain available until expended.

Subtitle D—Studies, Reports, and Other Provisions

SEC. 1241. STUDY OF NORTH AMERICAN FREE TRADE AREA.

The Secretary of Agriculture shall study the effects on the United States agricultural economy of the creation of a North American free trade area, including the creation of a United States-Mexico free trade area. The Secretary shall submit a report on the results of such study to the Congress not later than May 31, 1991.

SEC. 1242. REPORT ON WOOD AND FISH EXPORT PROMOTION.

Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 5 years, the Secretary of Agriculture shall prepare and submit to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report concerning the promotion and participation of wood and processed wood products, and fish and processed fish products, in the programs conducted under the Agricultural Trade Development and Assistance Act of 1954, section 1125 of the Food Security Act of 1985, and section 4 of the Food for Peace Act of 1966.

SEC. 1243. ROSE AND FLOWER STUDY.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the impact of consignment sales of foreign roses and fresh cut flowers on the domestic rose and fresh cut flower industry, taking into account the findings in the report issued in April 1989 entitled "Competitive Conditions in the U.S. and World Markets for Fresh Cut Roses" by the United States International Trade Commission.

(b) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall report the results of the study conducted under subsection (a) to the Congress, together with any recommendation of the Secretary on how the domestic rose and fresh cut flower industry can compete fairly with the practice of consignment sales.

SEC. 1244. COMMODITY TRANSPORTATION AND TECHNOLOGY ASSESSMENT AND REPORT.

(a) ASSESSMENT.—The Secretary of Agriculture shall conduct an assessment of the impact upon prices received by producers, costs to consumers, and the overall effect upon the ability of the United States to fulfill export goals and expand foreign markets for domestic commodities, of the current agricultural transportation situation, focusing especially on rail transportation capabilities including rail abandonments, periodic shortages of adequate rail car equipment suitable for transporting agricultural commodities, and the practice of rail carriers selling in advance certificates of transportation.

(b) ADDITIONAL REQUIREMENTS.—In preparing the assessment required by this section, the Secretary shall consult with rail, truck, and waterborne carriers who have experience in the transportation of agricultural commodities, and shall also examine the feasibility of—

(1) providing technical and financial assistance to producers, marketers, and exporters in the design and construction of alternatives (such as freight containers which could be carried aboard flatbed trucks, flatbed rail cars, river barges, and oceangoing container vessels) to covered rail hopper cars for the purpose of transporting bulk commodities to appropriate terminal market facilities; and

(2) encouraging the establishment of a computerized network which would assist producers, marketers, exporters, and carriers in identifying, matching, and coordinating potential loads of agricultural commodities with carriers having proper capabilities and equipment in an effort to expedite transportation needs.

(c) REPORT.—Within 240 days after the date of enactment of this Act, the Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives the results of the assessment conducted under this section, and any recommendations the Secretary may have as a result of such assessment.

(d) EXPENDITURES.—For the purpose of preparing the assessment and report required by this section, the Secretary of Agriculture is authorized to expend such sums as may be necessary from any unobligated funds appropriated to the Department of Agriculture, and may, without the necessity of advertising for bids, contract with any appropriate private sector businesses which have expertise and experience in transporting agricultural commodities, or with experience in operating a computerized network of load and equipment matching between shippers and carriers, if the work or consultation performed under such contract is deemed necessary by the Secretary to fully comply with the scope of the assessment, and complete the report, required by this section.

SEC. 1245. RED TART CHERRY STUDY.

(a) STUDY.—Not later than 240 days after the date of enactment of this Act, the Secretary of Agriculture shall, in consultation with the United States International Trade Commission, complete a study to determine—

(1) the competitive factors affecting the domestic red tart cherry industry, including competition from imports;

(2) the effect that the European Community's restriction on imported red tart cherries has had, and may continue to have, on world trade of red tart cherries;

(3) the extent to which unfair trade practices and barriers to trade by other competing countries are impeding the marketing abroad of domestically produced red tart cherries; and

(4) the extent to which imported red tart cherry concentrate has been sold, and is being sold, in the United States at prices below the world market price.

(b) REPORT TO CONGRESS.—The Secretary shall submit a report containing the results of the study conducted under subsection (a) to the Congress.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Agriculture should use all available remedies, programs, and policies within the Secretary's jurisdiction to assist the domestic red tart cherry industry to maintain and enhance its ability to compete in the domestic and world market for red tart cherries.

SEC. 1246. REPORT ON SECTION 22 SUSPENSION OR TERMINATION.

(a) REQUIREMENT OF REPORT.—If section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) is repealed or all measures proclaimed under such section are suspended, the Secretary of Agriculture shall, prior to the effective date of the suspension or termination of any quantitative limitation or fee in effect under that section, report to the Congress.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall assess each material consequence of the lifting of such limitation or fee, including the impact on—

(1) the Farmers Home Administration and agricultural credit in general;

(2) the prices paid to farmers generally for the affected commodity; and

(3) United States food security needs.

SEC. 1247. AGRICULTURAL EXPORTS TO THE EUROPEAN COMMUNITY.

(a) FINDINGS.—The Congress finds that—

(1) the European Community has established a system, as part of its Europe 1992 economic integration plan, to set product standards and requirements, including those related to agricultural commodities and products thereof, and that system has not been transparent insofar as the European Community has refused reasonable requests to allow United States Government or industry experts to observe meetings of European standards-setting institutions;

(2) the European Community is also currently writing the rules by which United States exporters of agricultural commodities and products thereof will be able to show compliance with European Community product standards and requirements, and has refused to guarantee that such United States exporters will be able to show compliance with European Community product standards and requirements by using United States laboratories or through self-certification;

(3) the United States maintains an open, transparent system to set standards and requirements for agricultural commodities and products thereof, and many reciprocal arrangements currently in place allow European Community exporters of agricultural

commodities and products thereof to show compliance with United States product standards and requirements by using European Community laboratories or through self-certification;

(4) the value of United States exports of agricultural commodities and products thereof to the European Community in 1989 was $6,600,000,000, constituting 17 percent of all United States exports of agricultural commodities and products thereof; and

(5) the product standards and testing policies of the European Community are consequently unfair and discriminatory, and have great potential to reduce significantly exports from the United States of agricultural commodities and products thereof.

(b) STATEMENTS OF POLICY.—

(1) The Congress denounces the European Community's nontransparent process of setting standards and requirements for agricultural commodities and products thereof, and the Congress further denounces the refusal by the European Community to guarantee that United States exporters of such commodities and products will be able to show compliance with European Community standards and requirements by using United States laboratories or through self-certification.

(2) The Congress deplores the adverse consequences of the standards and testing policies of the European Community on the bilateral agricultural trade relationship between the United States and the European Community.

(3) The Congress urges the President to use all available means to bring about significant and far-reaching changes in the standards and testing policies of the European Community in order to protect and maintain United States access to the European Community market for agricultural commodities and products thereof.

SEC. 1248. LANGUAGE PROFICIENCY AND EVALUATION OF FOREIGN AGRICULTURAL SERVICE OFFICERS.

(a) ASSESSMENT OF FOREIGN LANGUAGE COMPETENCE.—The Foreign Agricultural Service shall revise its evaluation reports for its Foreign Service officers so as to require in a separate entry an assessment of the officer's effectiveness in using, in his or her work, a foreign language or foreign languages tested at the General Professional Speaking Proficiency level or above, in cases where the supervisor is capable of making such an assessment.

(b) PRECEDENCE IN PROMOTION.—The Director of Personnel of the Foreign Agricultural Service shall instruct promotion panels to take account of language ability and, all criteria for promotion otherwise being equal, to give precedence in promotions to officers who have achieved at least the General Professional Speaking Proficiency level in 1 or more foreign languages over officers who lack that level of proficiency.

(c) REPORT TO CONGRESS.—Within 6 months after the effective date of this title, the Administrator of the Foreign Agricultural Service shall submit a report to the Committee on Foreign Affairs, the Committee on Agriculture, and the Committee on Post Office and Civil Service of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, which—

(1) details the extent to which, in the 3 years before the effective date of this title, Foreign Service officers of the Foreign Agricultural Service achieved General Professional Speaking Proficiency level in the primary foreign language of the host countries in which they served before arriving in such countries or within 1 year after such arrival; and

(2) makes specific, new proposals to the Congress on how to ensure that at least 75 percent of Foreign Service officers of the Foreign Agricultural Service have achieved General Professional Speaking Proficiency level in the primary foreign language of the host countries in which they serve before arriving in such countries or within 1 year after such arrival.

SEC. 1249. PROHIBITION ON USE OF PROGRAMS WITH RESPECT TO THE EXPORT OF CERTAIN COMMODITIES AND PRODUCTS.

No program authorized or extended by this title or the amendments made by this title shall be used—

(1) for the specific purpose of assisting or encouraging the export, advertising, or promotion of cigarettes, snuff, chewing tobacco products, pipe tobacco, cigars, or little cigars; or

(2) for the purpose of encouraging importing countries to alter policies relating to the advertising, labeling, importation, or distribution of any product described in paragraph (1).

Subtitle E—Foreign Affairs Provision

SEC. 1251. USE OF ECONOMIC ASSISTANCE FUNDS FOR AGRICULTURAL AND INDUSTRIAL ALTERNATIVES TO NARCOTICS PRODUCTION IN MAJOR COCA PRODUCING COUNTRIES.

(a) WAIVER OF CERTAIN RESTRICTIONS.—For the purpose of reducing dependence upon the production of crops from which narcotic and psychotropic drugs are derived, the President may provide economic assistance for a country which, because of its coca production, is a major illicit drug producing country (as defined in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(i)(2))) to promote the production, processing, or the marketing of products which can be economically produced in such country, notwithstanding the provisions of law described in subsection (b) of this section.

(b) DESCRIPTION OF RESTRICTIONS WAIVED.—The provisions of law made inapplicable by subsection (a) are any other provisions of law that would otherwise restrict the use of economic assistance funds with respect to the production, processing, or marketing of agricultural commodities (or the products thereof) or other products, including sections 521, 546, and 547 (but excluding section 510) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, and comparable provisions of subsequent Acts appropriating funds for foreign operations, export financing, and related programs.

(c) DEFINITION OF ECONOMIC ASSISTANCE.—As used in this section, the term "economic assistance" means assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) and assistance under chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund).

Subtitle F—Effective Dates and Conforming Changes

SEC. 1261. EFFECTIVE DATES.

(a) IN GENERAL.—Subject to subsection (b), this title and the amendments made by this title shall take effect on October 1, 1990, and shall be effective only for fiscal year 1991 and thereafter.

(b) SECTION 103 OF 1978 AGRICULTURAL TRADE ACT.—The provisions of section 103 of the Agricultural Trade Act of 1978 (as amended by section 1221 of this Act) shall apply to proposals pending or received on or after the date of enactment of this Act.

(c) SECTION 301 REGULATIONS.—The Secretary shall promulgate regulations to implement section 301 of the Agricultural Trade Act of 1978 (as amended by this title) no later than 180 days after the date of enactment of this Act.

SEC. 1262. CONFORMING CHANGES.

(a) REPEAL OF EXPORT SALES REPORTING.—Section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c 3) is repealed, effective upon the effective date of regulations promulgated under section 1271(c) of this Act.

(b) REPEAL OF OBSOLETE LAWS.—Sections 1124 and 1127 of the Food Security Act of 1985 (7 U.S.C. 1736s and 1736v) are repealed.

(c) REPEAL OF SENSE OF CONGRESS.—Section 1165 of the Food Security Act of 1985 is repealed.

Subtitle G—Pesticide Export Reform

SEC. 1271. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the "Pesticide Export Reform Act of 1990".

(b) REFERENCE.—Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

PART 1—EXPORTED PESTICIDES

SEC. 1272. DEFINITIONS.

(a) IN GENERAL.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following new subsections:

"(hh) COUNTRY OF USE.—The term 'country of use' means any foreign country in which a pesticide—

"(1) is intended by the exporter to be used or formulated; or

"(2) on the basis of information reasonably available to the exporter, the use or formulation of such pesticide being exported is foreseeable.

"(ii) EXPORTER.—The term 'exporter' means any person who arranges to transport, or who transports, any pesticide from the United States or any territory or possession of the United States to any country other than the United States.".

(b) MISBRANDED.—Section 2(q)(1) (7 U.S.C. 136(q)(1)) is amended—

(1) in subparagraph (G), by striking "or" at the end thereof;

(2) in subparagraph (H), by striking the period and inserting "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(I) in the case of a pesticide intended for export from the United States, the labeling does not meet the requirements of section 17(a)(8).".

SEC. 1273. REGISTRATION OF ESTABLISHMENTS.

Paragraph (1) of section 7(c) (7 U.S.C. 136e(c)(1)) is amended to read as follows:

"(1)(A) Any producer operating an establishment registered under this section shall inform the Administrator within 30 days after the establishment is registered of the types and quantities of pesticides and active ingredients used in producing pesticides that the producer—

"(i) is currently producing;

"(ii) has produced in the past 365-day period; and

"(iii) has sold or distributed during the past 365-day period.

"(B) Any producer operating an establishment registered under this section shall

inform the Administrator within 30 days after the establishment is registered of—

"(i) the types and quantities of pesticides, and active ingredients used in producing pesticides, for export to a foreign country; and

"(ii) the date of export and quantity of pesticides and active ingredients exported to each foreign country to which the producer has exported during the past 365-day period.

The information required by this paragraph shall be kept current and submitted to the Administrator annually as required under such regulations as the Administrator may prescribe.".

SEC. 1274. PROTECTION OF TRADE SECRETS AND OTHER INFORMATION.

Section 10(d) (7 U.S.C. 136h(d)) is amended by adding at the end the following new paragraph:

"(4) The information submitted to the Administrator under sections 7(c)(1)(B)(ii) and 17(a)(6)(C) shall not be entitled to confidential treatment under subsection (b).

"(5) The data, summaries, and reviews described in section 17(a)(2)(A)(ii) shall be available to the public and shall be subject to the restrictions on use prescribed by section 3(c)(1)(D) as if they were submitted for purposes of registration under section 3.".

SEC. 1275. UNLAWFUL ACTS.

Section 12(a)(2) (7 U.S.C. 136j(a)(2)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T) to knowingly or recklessly export a pesticide or device in violation of section 17.".

SEC. 1276. EXPORTS.

(a) SUBSECTIONS (a) AND (b).—Subsections (a) and (b) of section 17 (7 U.S.C. 136o) are amended to read as follows:

"(a) PESTICIDES OR DEVICES INTENDED FOR EXPORT.—

"(1) IN GENERAL.—

"(A) Notwithstanding any other provision of this Act, no pesticide or device may be exported to a foreign country unless such pesticide or device is prepared and packaged according to the specifications of the foreign purchaser and the legal requirements of the country of use is not considered misbranded under section 2(q).

"(B) The producers and exporters of any such pesticide or device shall be subject to the requirements of paragraphs (1), (2), (6), (7), and (9) of this subsection and sections 2(q), 7, 8, 19(a), and 19(e).

"(2) EXPORT OF PESTICIDES.—

"(A) No person shall export to any country of use a pesticide unless—

"(i)(I) that pesticide is registered with the Administrator under section 3; or the active ingredients in that pesticide are the subject of a food tolerance established under section 408 of the Federal Food, Drug, and Cosmetic Act;

"(II) if that pesticide is for use in connection with agricultural production related to food use unless that pesticide is registered with the Administrator for use in connection with agricultural production related to food under section 3; or the active ingredients of that pesticide are the subject of a food tolerance established under section 408 of the Federal Food, Drug, and Cosmetic Act; or

"(ii)(I) the pesticide is not registered under section 3, it has not been denied registration under section 3, it has not been the subject of an application for registration under such section that had not been granted because the Administrator had raised significant concerns about adverse human health effects, or the registration of the pesticide has not been canceled or suspended;

"(II) the exporter of the pesticide has provided the Administrator with a set of data and summaries of the data for acute effects, subchronic effects, teratology, oncogenicity, neurotoxicity, mutagenicity, and metabolic and pharmakinetic characteristics according to United States or foreign standards which the Administrator has determined by rule are sufficient to make a preliminary determination of the human health effects of the active ingredients in the pesticide;

"(III) the exporter of the pesticide has provided the Administrator with all methods known to the exporter for detecting residues of the active ingredients of the pesticide in food;

"(IV) the active ingredients in the pesticide are registered for use in a country which is a member of the Organization for Economic Cooperation and Development;

"(V) the Administrator has reviewed the data and summaries submitted under subclause (II) and has determined that they meet the requirements of the rule described in subclause (II), and has made a preliminary determination that the active ingredient does not pose an unreasonable risk to human health;

"(VI) the Administrator has determined that there is a practical method for detecting and measuring the presence of such pesticide chemical on such raw agricultural commodity or processed food that the Secretary of Health and Human Services is able to perform on a routine basis as part of surveillance and compliance sampling of raw agricultural commodities and processed foods for pesticide chemicals; and

"(VII) all data and information described in this clause and the Administrator's evaluation of the data and information are available to a country of use receiving a notice under paragraph (6)(D) upon request and the country has granted consent to accept such pesticide.

The consent of a country of use described in clause (ii)(VII) shall be effective for not more than 24 months after the date of issuance of such response and such country of use may withdraw such consent at any time on or after the date of issuance of such consent.

"(B) A pesticide shall be considered to be for use in conjunction with agricultural production related to food use under the requirements of subparagraph (A)(i) if in the country of use—

"(i) on the basis of the advertising, promotion, packaging, distribution, labeling of such pesticide, or other circumstance, it is probable that such pesticide may be used in connection with agricultural production related to food use;

"(ii) patterns of pesticide use in the country indicate that it is probable that such pesticide may be used in connection with agricultural production related to food use;

"(iii) such pesticide is in use in connection with agricultural production related to food use; or

"(iv) the quantity of such pesticide that an exporter intends to export to a country of use exceeds the quantity, on the basis of expectations of use, that could be used in the country of use for use other than in connection with agricultural production related to food use.

"(3) TEMPORARY WAIVER FOR THE CONTROL OF COMMUNICABLE DISEASE.—On the request of a country of use, the Administrator may issue a temporary waiver from any requirement under paragraph (2) or (6) to permit the export to a country of use of a pesticide that does not otherwise meet the requirements for export under paragraph (2) or (6) to prevent the imminent spread or to arrest the spread of a communicable disease of humans that poses a serious threat to public health in such country of use if—

"(A) based on the certification of the country of use and information readily available to the Administrator, the Administrator makes a determination that—

"(i) the pesticide is to be used on a temporary basis for a period of time that shall not exceed 180 days;

"(ii) there is no practical chemical or nonchemical alternative to using the pesticide to prevent the imminent spread or arrest the spread of the communicable disease; and

"(iii) the pesticide will not be used as part of a routine continuing pest control program;

"(B) no quantity of the pesticide shall be exported in excess of a quantity that the Administrator, in consultation with the country of use, determines to be necessary to accomplish the purpose for the use of such pesticide under this paragraph;

"(C) the exporter agrees to assist in providing for the disposition or removal from the country of use of any unused or excess quantities of the pesticide at the time the purpose for the use of such pesticide under this paragraph has been accomplished; and

"(D) the Administrator publishes a notice in the Federal Register prior to the exportation of such pesticide, or as soon thereafter as practicable, that includes—

"(i) the factual basis for any determination that the Administrator makes under this paragraph;

"(ii) the identity of the exporter and the country of use;

"(iii) the quantity and identity of the pesticide (including a complete chemical description of the active ingredient of such pesticide that includes any commonly accepted chemical (generic), or abbreviated chemical name of such active ingredient) that the Administrator authorizes for export under this paragraph; and

"(iv) the estimated dates of export for the pesticide.

"(4) TEMPORARY WAIVER IN CIRCUMSTANCES OF FAMINE.—On the request of the country of use, the Administrator may issue a temporary waiver from any requirement under paragraph (2) or (6) to permit the export of a pesticide that does not otherwise meet the requirements for export under paragraph (2) or (6) to stop the spread or to prevent the imminent spread of a pest that is destroying or will destroy sufficient quantities of the food supply of the country of use so as to result in widespread famine or human starvation in the country of use if—

"(A) based on the certification of the country of use and information readily available to the Administrator, the Administrator makes a determination that—

"(i) the pesticide is to be used on a temporary basis for a period of not to exceed 180 days;

"(ii) the pesticide will only be used to stop the spread or to prevent the imminent spread of a pest that is destroying or will destroy sufficient quantities of the food supply of the country of use as to result in widespread famine or human starvation in the country of use;

"(iii) there is no practical chemical or nonchemical alternative to the use of the

pesticide to stop the spread or to prevent the imminent spread of the pest in the country of use in time to prevent the destruction of such quantities of the food supply of the country of use as to result in human starvation in the country of use;

"(iv) the pesticide will not be used as part of a routine continuing pest control program; and

"(v) based on information provided by the country of use, food supplies stored in the country of use or that are available for purchase by the country of use or that are likely to be made otherwise available to the country of use are not likely to be adequate to prevent widespread famine or human starvation caused by the pest in the country of use;

"(B) no quantity of the pesticide shall be exported in excess of a quantity that the Administrator, in consultation with the country of use, determines to be necessary to accomplish the purpose for the use of such pesticide under this paragraph;

"(C) the exporter agrees to assist in providing for the disposition or removal from the country of use of any unused or excess quantities of the pesticide at the time the purpose for the use of such pesticide under this paragraph has been accomplished; and

"(D) the Administrator publishes a notice in the Federal Register prior to the exportation of such pesticide, or as soon thereafter as practicable, that includes—

"(i) the factual basis for any determination that the Administrator makes under this paragraph;

"(ii) the identity of the exporter and the country of use;

"(iii) the quantity and identity of the pesticide (including a complete chemical description of the active ingredient of such pesticide that includes any commonly accepted chemical (generic), or abbreviated chemical name of such active ingredient) that the Administrator authorizes for export under this paragraph; and

"(iv) the estimated dates of export for the pesticide.

"(5) STATUTORY CONSTRUCTION.—Except as specifically provided in this section, paragraphs (1) and (2) shall not be construed so as to allow the Administrator to exempt any pesticide or device from any requirement under this section except in the case of a pesticide that is exempted from the provisions of this Act pursuant to section 25(b).

"(6) ADDITIONAL REQUIREMENTS FOR THE EXPORT OF CERTAIN PESTICIDES.—

"(A) This paragraph applies to a pesticide—

"(i) for which a restricted use classification for reasons of human health risk is effective under section 3;

"(ii) that is subject to an order of suspension under section 6(c);

"(iii) that is the subject of a cancellation proceeding under section 6(b);

"(iv) that is the subject of a conditional registration under section 3(c)(7)(C);

"(v) that is the subject of an interim administrative review described in section 3(c)(8) in which the Administrator proposes to cancel the product;

"(vi) that contains an active ingredient that is included on the World Health Organization list of Class 1A, 'extremely hazardous', or Class 1B, 'highly hazardous' pesticides;

"(vii) that contains an active ingredient that was the subject of a registration under section 3 that was canceled, or was amended to delete a registered use because of human health risk associated with the registered use; or

"(viii) that is described in paragraph (2)(A)(ii).

"(B) No pesticide described in subparagraph (A) shall be exported if—

"(i) the exporter has not provided the notice required in subparagraph (C);

"(ii) the exporter has received from the Administrator, or the Administrator has published in the Federal Register, a written notice that the country of use has refused to consent to the importation of such pesticide pursuant to paragraph (7)(B); or

"(iii) to the extent not in conflict with requirements of the country of use, the pesticide is not packaged, and stored in conformity with standards for composition and quality of the Food and Agriculture Organization of the United Nations.

"(C) No pesticide described in subparagraph (A) may be exported unless, prior to shipment of such pesticide, the exporter provides to the Administrator—

"(i) the common or trade names by which such pesticide is known in the country of use and a complete chemical description of the active ingredients of such pesticide, including any commonly accepted, chemical (generic), or abbreviated chemical name known in the country of use for such active ingredients;

"(ii) the name and the address of the producer and exporter;

"(iii) the name and address of the foreign purchaser;

"(iv) the intended date and quantity of shipment of such pesticide;

"(v) the manner of transport of such shipment;

"(vi) the country of use that is the ultimate destination of such shipment; and

"(vii) the raw agricultural commodity, as defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)), or processed food, if any, on which such pesticide is intended or likely to be used.

"(D) For each pesticide identified in a notice submitted under subparagraph (C), if such notice is the first such notice that identifies a country of use for that pesticide that is received by the Administrator in the 12-month period immediately preceding the date of the receipt of such notice, the Administrator shall, within 60 days of the receipt of such notice submitted under subparagraph (C), notify the appropriate official in the appropriate regulatory department or agency designated by the country of use and the office responsible for the International Register of Potentially Toxic Chemicals of the intended export. Such notice by the Administrator shall contain a description in English, and in an official language of the country of use, of—

"(i) the information required by subparagraph (C);

"(ii) if the pesticide is subject to a conditional registration under section 3(c)(7)(C), an interim administrative review or suspension or cancellation proceeding, or is classified for restricted use under this Act, a statement explaining the reasons for such status;

"(iii) alternatives known to the Administrator, including nonchemical alternatives, to the use of such pesticide;

"(iv) if the pesticide is described in paragraph (2)(A)(ii), a statement that a set of data, summaries, and reviews on the pesticide are available upon request; and

"(v) the name and address of the office of the Environmental Protection Agency that, on request of an appropriate official of the country of use, will provide additional information concerning such pesticide and alternatives to the use of such pesticide.

"(7) RESTRICTION ON THE EXPORT OF CERTAIN PESTICIDES.—

"(A) The Administrator shall publish a notice in the Federal Register disclosing that a country of use has informed the Administrator, or an international agency of which the United States is a member, that such country does not wish to import a pesticide, not later than 10 days of the receipt by the Administrator of such information.

"(B) The Administrator shall publish a notice under subparagraph (A) concerning a specific country of use only if—

"(i) the country of use has indicated that it does not wish to import the pesticide pursuant to an international system of pesticide export and import controls—

"(I) adopted by an international agency, if the United States is a member of the international agency and has consented to the adoption of the system; or

"(II) reached through an international agreement to which the United States is a signatory; or

"(ii) on the basis of a notice issued in accordance with paragraph (6)(D), the country of use does not consent, or has given conditional consent, to the importation of a pesticide.

"(C) Any refusal of consent by a country of use shall be considered as a continuing refusal that shall be effective until the country of use modifies or withdraws such refusal.

"(D) A refusal by a country of use to consent to the importation of a pesticide shall not be effective unless the country of use has certified that it—

"(i) is not producing and will not produce the pesticide or a similar product with the same active ingredient for use in the country of use; and

"(ii) is not importing and will not consent to the importation of the pesticide or a similar product with the same active ingredient from any other country.

"(E) If the Administrator makes a determination that the country of use is not in compliance with the certification provided under subparagraph (D), the Administrator shall withdraw the notice published under subparagraph (A).

"(8) LABELS.—The label of any pesticide intended for export from the United States shall—

"(A) be written in English and the official language of the country of use or in the major language of international relations of the country of use; and

"(B) to the extent not in conflict with requirements of the country of use, contain any health, safety, environmental and other related information, as determined by the Administrator to be applicable to the country of use and required to be included under section 3 in the labeling for such pesticide for use in the United States.

"(9) SPECIAL EXEMPTION FOR THE EXPORT OF RESEARCH OR EXPERIMENTAL PESTICIDES.—

"(A) Notwithstanding paragraphs (2) and (6), an exporter may export a pesticide for research or experimental use for use in a country of use if such pesticide for research or experimental use—

"(i) is not and has not been the subject of any registration under section 3; and

"(ii) is to be used only for research or experimental purposes.

"(B) Nothing in this paragraph shall be interpreted so as to authorize the export of a pesticide for research or experimental use without the written consent of the government of the country of use. Such consent shall be obtained in the manner prescribed under subparagraph (C).

"(C)(i) In order to obtain the written consent of the government of country of use, the exporter shall submit a written request for consent to export the pesticide for research or experimental use to the Administrator and to the government of the country of use.

"(ii) The Administrator shall transmit to the appropriate official in the appropriate agency responsible for the regulation of pesticides in the country of use—

"(I) such written request;

"(II) a summary of all available information relating to the actual and potential adverse effects of the pesticide for research or experimental use on human health and the environment prepared by the Administrator; and

"(III) a complete statement of the factual basis for the issuance by the Administrator of an experimental use permit under section 5(a) for such pesticide if such permit has been issued for such pesticide.

"(iii) Not later than 60 days after the receipt of a request under clause (ii)(I), the Administrator shall certify whether such request meets the requirements of subparagraph (D).

"(D) A written request for consent that is submitted to the Administrator for transmittal to the country of use, and submitted to the country of use, shall identify the pesticide for experimental use and the active ingredients of such pesticide and include—

"(i) the name of the exporter;

"(ii) the trade names and chemical names of the active ingredients of the pesticide (including any commonly accepted, generic, or abbreviated chemical names);

"(iii) a complete description of the proposed experimental activity, including the formulation of the pesticide, the application rates and methods, the pests that are sought to be controlled, the locations where the experimental use will be made, the size of the areas where the experimental pesticide will be applied, the dates on which the experiment will be conducted, and the manner in which experimental data will be collected and recorded;

"(iv) the name of the persons who shall be responsible for the design and execution of the experiment and for the evaluation of the results of the experiment, along with the qualifications of these persons;

"(v) the name, address and qualifications of the person who will be the representative of the exporter in the country of use and, if different, the named address and qualifications of the person in the country of use who will supervise the experiment;

"(vi) the location and manner of storage of the pesticide in the country of use;

"(vii) the protective techniques, devices and measures that will be provided to protect the health and safety of workers who will apply the pesticide and the health and safety of persons who live or work near the location of the experiment;

"(viii) a complete description of the results of all information known to the exporter of the toxic effects of the pesticide, including its effects on the pest that is to be controlled, its effects on plants and animals other than the pest that is likely to be controlled (with special reference to plant and animal species at and near the location of the experiment, including any crops or livestock to which the pesticide may be applied), and its chronic and acute effects on human health;

"(ix) a complete description of all information known by the exporter concerning the environmental persistence and fate of the pesticide, including the rate and manner of its degradation, its retention within plants and livestock, and its movement within water supplies;

"(x) such other disclosures as the Administrator may by regulation require;

"(xi) a written undertaking by the exporter to promptly advise the country of use of any changes, revisions or additions in the facts, circumstances and information that relate to the disclosures and that are required by this paragraph;

"(xii) a written certification by the exporter that the pesticide will be used only for experimental purposes, and will not be used for any nonexperimental commercial purpose; and

"(xiii) a written undertaking by the exporter that the exporter will destroy any crops or livestock to which the pesticide is applied or that the crops or livestock will be fed only to experimental animals that will be destroyed and not used for food purposes.

"(E) On the request of the appropriate official of the country of use, the Administrator shall provide a copy of any records in the files of the Administrator that are associated with the issuance of an experimental use permit issued pursuant to section 5(a) for the pesticide for research or experimental use that is the subject of a request under this paragraph if such permit has been issued for such pesticide, except that a complete confidential statement of the composition of the formula to be tested shall not be required to be provided.

"(F) The appropriate official of the country of use may consent, deny consent, or consent to such request on such terms and conditions as such official determines to be appropriate and shall transmit the response of the government of the country of use to the Administrator and the exporter. If the official sends a written notice of consent to the use of the pesticide for research or experimental use to the Administrator, the Administrator shall, not later than 5 working days after receipt of such notice, notify the exporter of such pesticide. On receipt of such written notice of consent from the Administrator or the country of use, the exporter of such pesticide may export such pesticide in accordance with—

"(i) the terms of the request submitted under subparagraph (D);

"(ii) any term or condition in the written notice of consent issued by the official of the country of use; and

"(iii) the requirements of this section.

"(G) The written notice of consent issued by the official of the country of use shall be subject to public review and inspection.

"(H) A producer or exporter of a pesticide that exports a pesticide for research or experimental use to a country of use pursuant to this paragraph shall be subject to the requirements of sections 2(p), 2(q), 7, and 8.

"(b) NOTICES OF REGULATORY EVENTS FURNISHED TO FOREIGN GOVERNMENTS.—

"(1) IN GENERAL.—The Administrator shall, not more than 30 days after the effective date of the actions described in subparagraphs (A) through (D), transmit a notice to the appropriate officials of the appropriate departments or agencies of all countries, and to the office responsible for the International Register of Potentially Toxic Chemicals. The Administrator shall provide such notice each time—

"(A) a registration or a cancellation (whether voluntary or involuntary) or suspension, due in whole or in part to human health or environmental risks, of the registration of a pesticide becomes effective or ceases to be effective under this Act;

"(B) a pesticide is first classified for restricted use under this Act;

"(C) a registration of a pesticide is made subject to conditions under section 3(c)(7)(C); or

"(D) a pesticide is made subject to an interim administrative review under section 3(c)(8).

"(2) CONTENTS OF NOTICE.—A notice described in paragraph (1) shall include—

"(A) the factual basis on which the Administrator issued findings in support of any regulatory action described in subparagraphs (A) through (D) of paragraph (1);

"(B) an explanation of the legal significance of such regulatory action;

"(C) information reasonably available to the Administrator in the case of any action that causes a pesticide to be subject to subsection (a)(2)—

"(i) concerning other pesticides registered under section 3 that could be used as an alternative to such pesticide including—

"(I) a complete summary of the regulatory status under this Act of any alternative pesticide; and

"(II) a summary of possible adverse effects on human health or on the environment that any alternative pesticide may cause;

"(ii) nonchemical alternatives to such pesticide;

"(iii) the names and addresses of international organizations that the Administrator determines to be capable of providing information concerning nonchemical alternatives to such pesticide; and

"(iv) the name and address of the office of the Environmental Protection Agency that will, on request, provide additional information concerning any pesticide that is subject to regulatory action, and alternatives to such pesticide.

(b) SUBSECTION (d).—Subsection (d) of section 17 (7 U.S.C. 136o) is amended to read as follows:

"(d) COOPERATION IN INTERNATIONAL EFFORTS.—The Administrator should—

"(1) convene, in cooperation with the Agency for International Development of the Department of State, the Food and Drug Administration of the Department of Health and Human Services, the United States Department of Agriculture, the United Nations Environment Program and agencies, Food and Agriculture Organization, and any other appropriate Federal agencies or departments, not later than 1 year after the date of the enactment of this section, a meeting of representatives of foreign governments, nongovernmental organizations, and other interested parties, and sponsor such additional meetings, as the Administrator determines to be necessary to promote the development and implementation of improved research and regulatory programs for pest management, and improved strategies for sustainable agriculture, including the promotion and development of integrated pest management;

"(2) provide foreign countries with technical assistance to develop comprehensive pesticide regulatory programs; and

"(3) not later than 1 year after the date of enactment of this section, convene, a meeting of representatives of foreign governments, nongovernmental organizations, and other interested parties, and sponsor such other meetings as may be necessary, to actively encourage the adoption of a binding multilateral convention requiring standard, mandatory notice and export control measures for pesticides.".

(c) STUDY.—Subsection (h) of section 17 (7 U.S.C. 136o) is redesignated as subsection (i)

and the following is inserted after subsection (g):

"(h) STUDY OF COUNTRIES THAT IMPORT PESTICIDES.—

"(1) Not later than 1 year after the date of enactment of this section, and every 3 years thereafter, the Administrator shall conduct, publish, and transmit to Congress a study of countries that import pesticides from United States exporters and from which the United States imports agricultural commodities, to—

"(A) ascertain the procedures that are implemented by each such country regarding registration, labeling, and training to ensure safe handling, transportation, application, and disposal of pesticides; and

"(B) ascertain the procedures that are implemented by each such country to control residues on foods in order to meet tolerances established under United States law.

"(2) Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a study, in cooperation with the Food and Drug Administration and the Department of Agriculture, on the ability of such agencies to test effectively for residues of pesticides.".

SEC. 1277. CONFORMING AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2 the following new items:

"(hh) Country of use.

"(ii) Exporter.";

(2) by striking the items relating to subsections (a) and (b) of section 17 and inserting the following:

"(a) Pesticides or devices intended for export.

"(1) In general.

"(2) Export of pesticides.

"(3) Temporary waiver for the control of communicable disease.

"(4) Temporary waiver in circumstances of famine.

"(5) Statutory construction.

"(6) Additional requirements for the export of certain pesticides.

"(7) Restriction on the export of certain pesticides.

"(8) Labels.

"(9) Special exemption for the export of research or experimental pesticides.

"(b) Notices of regulatory events furnished to foreign government.

"(1) In general.

"(2) Contents of notice.";

(3) by striking the item relating to subsection (d) of section 17 and inserting the following:

"(d) Cooperation in international efforts.";

(4) by striking the item relating to subsection (h) and inserting the following:

"(h) Study of countries that import pesticides.

"(i) Relationship to Solid Waste Disposal Act.".

PART 2—STUDY

SEC. 1278. STUDY OF EXPORTS OF UNREGISTERED PESTICIDES.

(a) Within 6 months of the date of the enactment of this title, the General Accounting Office shall conduct a study of those pesticides for use in connection with agricultural products related to food use or those which have an active ingredient which is the subject of a food tolerance established under section 408 of the Federal Food, Drug, and Cosmetic Act which are exported from the United States and which contain active ingredients that are not contained in any pesticide product registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act. The study shall identify each such active ingredient, the pesticides containing such active ingredient exported from the United States in the calendar year preceding the date of the enactment of this title and their destination, the volume and value of such pesticides, the countries which are members of the Organization for Economic Cooperation and Development in which pesticides containing such active ingredient are registered for use, available information about the health and environmental effects of such active ingredient, the food products on which such active ingredients are likely to be used, and their potential for import into the United States.

(b) In conducting the study described in subsection (a), the General Accounting Office shall use readily available information sources and shall solicit cooperation of persons engaged in exporting pesticides from the United States.

(c) The study described in subsection (a) shall be transmitted to the Speaker of the House of Representatives and the President pro tempore of the Senate within 6 months after the date of the enactment of this title.

PART 3—EFFECTIVE DATES

SEC. 1279. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle, and the amendments made by this subtitle, shall become effective 6 months after the date of the enactment of this title.

(b) SECTION 17.—

(1) SECTION 17(a)(2)(A)(i).—The provisions of section 17(a)(2)(A)(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by section 1256) shall become effective 6 months after the date of enactment of this title, except that such provisions shall become effective 36 months after the date of enactment of this title with respect to any pesticide that—

(A) on the date of enactment of this title, has not been the subject of a food tolerance under section 408 of the Federal Food Drug and Cosmetic Act, or an application for registration under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a)) all of which have been denied, revoked, canceled, or suspended; and

(B) is the subject of a food tolerance petition under section 408 of the Federal Food, Drug, and Cosmetic Act or an application for registration under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act that is filed not later than 6 months after the date of enactment of this title.

(2) SECTION 17(a)(2)(A)(ii).—The provisions of subclauses (III), (IV), (VI), and (VII) of section 17(a)(2)(A)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by section 1256) shall become effective 6 months after the date of enactment of this title. The provisions of subclauses (II) and (V) of such section shall become effective 18 months after the date of enactment of this title with respect to any pesticide that is described in such section 17(a)(2)(A)(ii).

(3) EXTENSION.—

(A) The Administrator of the Environmental Protection Agency may grant up to a 1-year extension of the 36 month period described under paragraph (1) for good cause shown if the applicant for a food tolerance petition filed pursuant to paragraph (1)(B) has filed a complete petition in accordance with paragraph (1)(B) that has not been denied by the Administrator and if such applicant has exercised due diligence in pursuing such petition.

(B) The Administrator may grant up to a 1-year extension of the 18-month period described under paragraph (2) if the exporter has submitted the data, summaries, and other information described in paragraph (2) in a timely fashion, and the Administrator has not completed review of the submissions and made final determinations with respect to such submissions.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Environmental Protection Agency shall, within 1 year of the date of the enactment of this title, promulgate regulations to implement section 17(a)(2)(A)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act.

TITLE XIII—RESEARCH

Subtitle A—Extensions and Changes to Existing Programs

SEC. 1301. INCREASED AUTHORIZATIONS FOR, AND THE EXTENSION OF, EXISTING PROGRAMS.

(a) AGRICULTURAL RESEARCH FACILITIES GRANTS.—Section 4(a) of the Research Facilities Act (7 U.S.C. 390c(a)) is amended—

(1) by striking "$20,000,000" and inserting "$50,000,000"; and

(2) by striking "ending September 30, 1986, through September 30, 1990" and inserting "1991 through 1995".

(b) PROGRAMS ESTABLISHED IN THE NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—(1) NUTRITION EDUCATION PROGRAM.—Section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (hereafter in this subsection referred to as "that Act") 7 U.S.C. 3175(c)) is amended by adding at the end the following new paragraph:

"(3) There is authorized to be appropriated for the expanded food and nutrition education program conducted under section 3(d) of the Act of May 8, 1914, not more than $63,000,000 for fiscal year 1991, $68,000,000 for fiscal year 1992, $73,000,000 for fiscal year 1993, $78,000,000 for fiscal year 1994, and $83,000,000 for fiscal year 1995.".

(2) ANIMAL HEALTH AND DISEASE CONTINUING RESEARCH.—Section 1433(a) of that Act (7 U.S.C. 3195(a)) is amended by striking "annually for the period beginning October 1, 1981, and ending September 30, 1990," and inserting "for each of the fiscal years 1991 through 1995,".

(3) ANIMAL HEALTH AND DISEASE NATIONAL OR REGIONAL RESEARCH.—Section 1434(a) of that Act (7 U.S.C. 3196(a)) is amended by striking "annually for the period beginning October 1, 1981, and ending September 30, 1990," and inserting "for each of the fiscal years 1991 through 1995,".

(4) AGRICULTURAL RESEARCH PROGRAMS.—Section 1463 of that Act (7 U.S.C. 3311) is amended—

(A) in subsection (a), by striking "$600,000,000" and all that follows through "1990." and inserting "$850,000,000 for each of the fiscal years 1991 through 1995."; and

(B) in subsection (b), by striking "$270,000,000" and all that follows through "1990." and inserting "$310,000,000 for each of the fiscal years 1991 through 1995.".

(5) SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.—Section 1473D(a) of that Act (7

U.S.C. 3319d(a)) is amended by striking "1990" and inserting "1995".

(6) RANGELAND RESEARCH ADVISORY BOARD.—Section 1482(a) of that Act (7 U.S.C. 3335(a)) is amended by striking "1990," and inserting "1995,".

(7) RANGELAND RESEARCH.—Section 1483(a) of that Act (7 U.S.C. 3336(a)) is amended by striking "annually for the period beginning October 1, 1981, and ending September 30, 1990." and inserting "for each of the fiscal years 1991 through 1995.".

(c) DAIRY GOAT RESEARCH.—Section 1432(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (7 U.S.C. 3222 note) is amended by striking "ending September 30, 1986, through September 30, 1990," and inserting "1991 through 1995,".

(d) EXTENSION OF PROGRAMS ESTABLISHED IN THE FOOD SECURITY ACT OF 1985.—(1) GRANTS TO UPGRADE 1890 LAND-GRANT COLLEGE EXTENSION FACILITIES.—Section 1416(b) of the Food Security Act of 1985 (hereafter in this subsection referred to as "that Act") (7 U.S.C. 3224(b)) is amended by striking "ending September 30, 1986, through September 30, 1990," and inserting "1991 and 1992,".

(2) FEDERAL AGRICULTURAL RESEARCH FACILITIES.—Section 1431 of that Act (99 Stat. 1556) is amended—

(A) in subsection (a), by striking "ending September 30, 1988, through September 30, 1990," and inserting "1991 through 1995,"; and

(B) in subsection (b), by striking "ending September 30, 1986, through September 30, 1990," and inserting "1991 through 1995,".

(3) FEDERAL MATCHING FUNDS FOR MARKET EXPANSION RESEARCH.—Section 1436(b)(3)(C) of that Act (7 U.S.C. 1632(b)(3)(C)) is amended by striking "ending September 30, 1986, through September 30, 1990." and inserting "1991 through 1995.".

(4) CONTINUATION OF SMALL FARMER TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—Section 1328 of that Act (7 U.S.C. 1981 note) is amended by striking "1988" and inserting "1995.".

SEC. 1302. FINDINGS OF THE NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.

Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended to read as follows:

"SEC. 1402. FINDINGS.

"Congress finds the following:

"(1) The Federal Government has provided funding support for agricultural research and extension for many years in order to promote and protect the general health and welfare of the people of the United States, and this support has significantly contributed to the development of the Nation's agricultural system.

"(2) The existing agricultural research system consisting of the Federal Government, the land-grant colleges and universities, other colleges and universities engaged in agricultural research, the agricultural experiment stations, and the private sector constitutes an essential national resource that must serve as the foundation for any further strengthening of agricultural research in the United States.

"(3) The agencies conducting federally supported research were established at different times in response to different and specific needs and their work is neither fully coordinated among these agencies nor with the non-Federal agricultural research activities.

"(4) Long-range planning for research, extension, and teaching is a key element in meeting the objectives of this title; accordingly, all of the elements in the food and agricultural science and education system are encouraged to expand their planning and coordination efforts.

"(5) These agencies have only been partially successful in responding to the needs of all persons affected by their research, and useful information produced through such federally supported research is not being efficiently transferred to the people of the United States.

"(6) The agricultural system in the United States is increasingly dependent on science and technology and requires a constant source of food and agricultural scientific expertise to maintain this dynamic system.

"(7) Expanded agricultural research and extension are needed to meet the rising demand for food and fiber products caused by increases in worldwide population, market forces, and food shortages.

"(8) Advances in food and agricultural sciences and technology have become increasingly limited by the periodic imbalances between the thorough development and exploitation of currently known scientific principles and technological approaches and concentration upon more fundamental research, requiring a continuing review and balancing of research emphases.

"(9) Federal funding levels for agricultural research and extension in recent years have not always been commensurate with needs stemming from changes in United States agricultural practices and the world food and agricultural situation.

"(10) It has been, and continues to be, the policy of the United States to support food and agricultural research, extension, and teaching in the broadest sense of these terms. The partnership between the Federal Government and the States (as consummated in legislation and cooperative agreements and in efforts to implement this policy in cooperation with the food and agricultural industry) has provided the United States with the most productive and efficient food and agricultural system in the world. This system is the basis of our national affluence and provides vast amounts of food and fiber to people in other countries. The food and agricultural system is dynamic and constantly changing, however, and research, extension, and teaching programs must be maintained and constantly adjusted to meet new challenges and opportunities. National support of cooperative research, extension, and teaching efforts must be reaffirmed and strengthened to meet major societal needs and scientific opportunities. Efforts in the food and agricultural sciences are needed in the following areas:

"(A) PLANT SYSTEMS.—Special emphases are needed on plant genome structure and function; molecular and cellular genetics and plant and microbial biotechnology; plant-pest interactions and biocontrol systems; crop plant response to environmental stresses; improved nutrient qualities of plant products; new food, feed, fiber, and industrial uses of plant products; and development of new crops, best management practices, integrated crop management, and other cropping systems.

"(B) ANIMAL SYSTEMS.—Special emphases are needed on cellular, molecular, physiological, and behavioral basis of animal reproduction, growth, disease, and health; identification of genes responsible for improved production traits and resistance to disease, improved nutritional performance of animals; improved nutrient qualities and safety of animal products and development of new animal products; enhanced animal production practices and technologies; animal husbandry and well-being; and animal systems applicable to aquaculture.

"(C) NUTRITION, FOOD QUALITY, AND HEALTH AND WELFARE.—Special emphases are needed on microbial contaminants and toxic contaminants and residues related to human health; links between diet and health, including monitoring the nutritional status of the population, especially critical subpopulations; nutrition education; rural family welfare; home economics; bioavailability of nutrients, postharvest physiology and practices; and improved processing technologies.

"(D) NATURAL RESOURCES AND THE ENVIRONMENT.—Special emphases are needed on fundamental structures and functions of ecosystems; biological and physical bases of integrated production systems; minimizing soil losses and degradation, sustaining surface and ground water quality, and maximizing water availability through conservation; forest and range management and productivity; weather and climatic effects on agriculture.

"(E) ENGINEERING, PRODUCTS, AND PROCESSES.—Special emphases are needed on new uses and new products from crops, animals, byproducts, waste products and natural resources; robotics, computing, and expert systems; information and communications technologies and systems; energy efficiency, conservation, and the development of alternative, renewable energy sources; new hazard and risk assessment and mitigation measures; and natural resource and environmental quality and management.

"(F) MARKETS, TRADE, AND AGRICULTURAL POLICY.—Special emphases are needed on optimal strategies for entering and competing in domestic and overseas markets; new decision tools for on-farm and in-market systems; choices and applications of technology; new approaches to economic development and viability in the rural United States, with emphases on family farming operations; international cooperation in agricultural research, extension, and teaching; and agricultural and nutritional improvements in developing nations.

"(11) Research and extension efforts should be directed toward the development of integrated production systems which are profitable, environmentally and agronomically sound, offer diverse production and market options, and increase rural economic and social vitality.

"(12) The Secretary should seek, on an annual basis, the assistance and guidance of the Board on Agriculture of the National Research Council, National Academy of Sciences, in identifying—

"(A) science and technology opportunities, training, and the manpower needs of the United States;

"(B) opportunities to advance the sustainability and profitability of agricultural enterprises;

"(C) applications of science and technology in enhancing the safety and nutritional attributes of food; and

"(D) factors underlying the long-run international competitiveness of agriculture in the United States and the prospective role of the United States in meeting human food needs.".

SEC. 1303. DEFINITION OF SUSTAINABLE AGRICULTURE.

Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) by striking "and" at the end of paragraph (15);

(2) by inserting "and" at the end of paragraph (16); and

(3) by adding at the end the following new paragraph:

"(17) the term 'sustainable agriculture' means an integrated system of plant and animal production practices having a site-specific application that will, over the long-term—

"(A) satisfy human food and fiber needs;

"(B) enhance environmental quality and the natural resource base upon which the agriculture economy depends;

"(C) make the most efficient use of non-renewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;

"(D) sustain the economic viability of farm operations; and

"(E) enhance the quality of life for farmers and society as a whole.".

SEC. 1304. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES AND NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

(a) JOINT COUNCIL.—Section 1407 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(a)) is amended—

(1) by striking the section heading and "SEC. 1407. (a)" and inserting the following:

"SEC. 1407. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

"(a) TERM.—";

(2) in subsection (a), by striking "1990" and inserting "1995";

(3) by inserting "COMPOSITION.—" after "(b)";

(4) in the first sentence of subsection (b)—

(A) by striking "twenty-five" and inserting "21"; and

(B) by striking "including" and all that follows through the period in that sentence and inserting "including—

"(1) six representatives from State cooperative institutions, including at least one from institutions eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University;

"(2) four representatives from agencies within the Department of Agriculture which have significant research, extension, and teaching responsibilities;

"(3) one representative from public colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, and teaching;

"(4) one representative from colleges and universities conducting research related to the food and agricultural sciences;

"(5) three representatives from private organizations or corporations conducting research in the food and agricultural sciences, including one representative from the food processing industry involved in food technology research;

"(6) one representative from among foundations funding research in the food and agricultural sciences;

"(7) one representative from among farmers, ranchers, and other producers or domestic agricultural commodities;

"(8) one representative from the Office of Science and Technology Policy;

"(9) two representatives from other Federal agencies determined by the Secretary to be appropriate;

"(10) one representative from the National Academy of Sciences; and

"(11) to the extent the Joint Council is composed of more than 21 members, representatives of other public and private institutions, producers, and representatives of the public who are interested in and have the potential to contribute to (as determined by the Secretary) the formulation of national policy in the food and agricultural sciences.";

(5) by striking the fourth, fifth, and sixth sentences of subsection (b);

(6) by inserting "TIME FOR MEETINGS.—" after "(c)";

(7) by inserting "RESPONSIBILITIES.—" after "(d)";

(8) in subsection (d)(2)—

(A) in subparagraph (B) by striking "and determine" and all that follows through "the Secretary" in that subparagraph;

(B) by striking subparagraph (F);

(C) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(D) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) determine high priority issues and goals for agricultural research, extension, and teaching programs, and submit to the Secretary and to Congress annual reports identifying such high priority issues and goals;";

(E) in subparagraph (G)(i) by striking "and" before "specifying"; and (ii) by inserting before the final semicolon the following: "indicating progress made toward accomplishing the priorities and associated levels of financial and other support recommended in the annual report issued in the prior year; and delineating the activities of the Board in meeting its responsibilities under this subsection; and";

(F) in subparagraph (G) by striking clauses (ii) and (iii) and inserting the following new clause (ii):

"(ii) not later than June 30 of every second year, updating the five-year plan for food and agricultural sciences prepared by the Joint Council that reflects the coordinated views of the research, extension, and teaching community; and specifying the progress being made toward implementing the plan outlined in the previous report.";

(9) by inserting "OPEN MEETINGS AND RECORDS.—" after "(e)"; and

(10) by striking subsection (f).

(b) USERS ADVISORY BOARD.—Section 1408 of that Act (7 U.S.C. 3123) is amended to read as follows:

"SEC. 1408. NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a board to be known as the National Agricultural Research and Extension Users Advisory Board (hereafter in this section referred to as the 'Advisory Board') which shall remain in existence until September 30, 1995.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of 21 members appointed by the Secretary. The members shall be appointed to serve staggered terms, in a manner determined appropriate by the Secretary. The members of the Advisory Board shall consist of the following:

"(1) One member who is a producer representing farm cooperatives.

"(2) Two members who are producers representing general farm organizations.

"(3) Four members who are producers representing agricultural commodities, forest product, and aquacultural product groups from various geographic regions.

"(4) One member representing agricultural farm suppliers.

"(5) One member representing food and fiber processors.

"(6) One member representing animal health interests.

"(7) One member engaged in transportation of food and agricultural products to domestic or foreign markets.

"(8) One member representing labor organizations primarily concerned with the production, processing, distribution, or transport of food and agricultural products.

"(9) One member representing food marketing interests.

"(10) One member representing private nonprofit organizations and foundations involved in agricultural research, sustainable agricultural research, education, and extension.

"(11) One member representing private sector organizations involved in development programs and issues in developing countries.

"(12) One member representing agencies of the Department of Agriculture that do not have research capabilities.

"(13) One member engaged in rural development work.

"(14) One member engaged in human nutrition work.

"(15) Two members representing consumer interests, including one member who represents nonprofit consumer advocacy organizations.

"(16) One member representing nonprofit environmental protection organizations.

"(c) CHAIRPERSON; VICE-CHAIRPERSON.—At the first meeting each year of the Advisory Board, the members of the Advisory Board shall elect a chairperson and vice-chairperson from the members. The chairperson and vice-chairperson shall serve in such positions for a term of one year.

"(d) MEETINGS.—The Advisory Board shall meet a sufficient number of times each year to carry out its responsibilities under subsection (f). At least one meeting each year shall be held as a combined meeting with the Joint Council.

"(e) PANELS.—The Advisory Board may establish such panels as the Advisory Board considers appropriate to develop information, reports, advice, and recommendations for the use of the Advisory Board in meeting the responsibilities of the Advisory Board. Members of such panels may include members of the Advisory Board, Advisory Board staff members, individuals from the Department of Agriculture and other departments and agencies of the Federal Government, and individuals from the private sector who have expertise in the subject to be examined by the panel.

"(f) RESPONSIBILITIES.—(1) The Advisory Board shall have general responsibility for preparing independent advisory opinions on the food and agricultural sciences.

"(2) The Advisory Board shall have specific responsibility to perform the following duties:

"(A) Review the policies, plans, and goals of programs within the Department of Agriculture involving the food and agricultural sciences, and related programs in other Federal and State departments and agencies and in the colleges and universities developed by the Secretary under this title.

"(B) Review and assess the extent of agricultural research, teaching, and extension being conducted by the private sector and the relationships and coordination of such activities with federally supported agricultural research, teaching, and extension programs.

"(C) Review and provide consultation to the Secretary on national policies, priorities, and strategies for agricultural research

and extension for both the short and long term.

"(D) Assess the overall adequacy of the distribution of resources and the allocation of funds authorized by this title and make recommendations to the Secretary, Federal agencies, and private organizations that are contributing to agricultural research, extension, and education funding with regard to such distribution and allocation.

"(E) Identify emerging agricultural research, teaching, and extension issues and suggest programs and technology transfer solutions for use by the public and private agricultural science and education community.

"(F) Evaluate the results and the effectiveness of research and extension programs with regard to their influence on long-term goals of agriculture expressed in section 1403 and consumer needs.

"(g) REPORTS BY THE ADVISORY BOARD.—(1) Not later than July 1 of each year, the Advisory Board shall provide an oral briefing to the Secretary (by the chairperson of the Advisory Board) and a written report to Congress and the Secretary of recommendations concerning the allocation of responsibilities and levels of funding among federally supported agricultural research and extension programs. The Advisory Board shall include in each oral briefing and written report prepared under this paragraph—

"(A) a review and assessment of the allocation of funds for agricultural research and extension made for the preceding fiscal year by the Department of Agriculture;

"(B) an evaluation of—

"(i) the effectiveness of coordination of Federal and private research initiatives;

"(ii) new research and extension programs that need to be conducted by the research system; and

"(iii) the effectiveness of the private and public research and extension system; and

"(C) minority views, if timely submitted.

"(2) Not later than February 20 of each year, the Advisory Board shall submit to the President, the Committees on Agriculture and Appropriations of the House of Representatives, and the Committees on Agriculture, Nutrition, and Forestry and Appropriations of the Senate a report containing—

"(A) an appraisal by the Advisory Board of the proposed budget of the President for the food and agricultural sciences for the fiscal year beginning in the year that report is submitted;

"(B) the recommendations of the Secretary contained in the annual report submitted by the Secretary pursuant to section 1410; and

"(C) separate views of members of the Advisory Board, if timely submitted.

"(3) Each report prepared by the Advisory Board shall list the membership of the Advisory Board as of the time the report was prepared, including the organizational and employment affiliation of each member of the Advisory Board.

"(h) REPORT BY SECRETARY.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the manner in which the recommendations of the Advisory Board have been incorporated into the budget and programs of the Department of Agriculture.

"(i) SUPPORT.—The Secretary shall provide such support and staffing for the Advisory Board as is necessary for the Advisory Board to carry out its duties under this section.".

SEC. 1305. FEDERAL-STATE PARTNERSHIP AND COORDINATION.

(a) COOPERATIVE HUMAN NUTRITION CENTERS.—Section 1409A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3124a(b)) is amended—

(1) in subsection (b) by inserting "COOPERATIVE HUMAN NUTRITION CENTERS.—(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) In order to promote further human nutrition research and greater utilization of existing facilities, the Secretary shall establish a cooperative food science nutrition research center for the southeast region of the United States at the Pennington Biomedical Research Center of Louisiana State University.".

(b) ANIMAL LEAN CONTENT AND ETHANOL RESEARCH.—Such section is further amended by adding at the end the following new subsections:

"(f) ANIMAL LEAN CONTENT RESEARCH.—The Secretary is encouraged to fund research for the development of technology which will ascertain the lean content of animal carcasses to be used for human consumption.

"(g) ETHANOL RESEARCH.—In order to further carry on and enhance needed ethanol research, the facility of the Agricultural Research Service located at Peoria, Illinois (authorized by section 202 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1292)), may enter into cooperative agreements, contracts, and the exchange of scientific information with the Department of Energy in the area of ethanol research. Such facility shall hereafter be referred to as the National Agricultural Research Center, Agricultural Research Service, United States Department of Agriculture.".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and all that follows through "SEC. 1409A. (a)" and inserting the following:

"SEC. 1409A. FEDERAL-STATE PARTNERSHIP AND COORDINATION.

"(a) EXISTENCE OF PARTNERSHIP.—";

(2) by inserting "HEALTH AND WELFARE.—" after "(c)";

(3) by inserting "AGRICULTURAL POLICY ALTERNATIVES.—" after "(d)"; and

(4) by inserting "FARM INPUT COSTS AND OTHER MATTERS.—" after "(e)".

SEC. 1306. GRANTS TO ENHANCE RESEARCH CAPACITY IN SCHOOLS OF VETERINARY MEDICINE.

(a) IN GENERAL.—Section 1415 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151) is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: "The Secretary shall conduct a program of competitive grants to States for the purpose of meeting the costs of renovation and construction, improving compliance with Federal regulations, employing faculty, acquiring equipment, and taking other action related to the improvement of schools of veterinary medicine to ensure agricultural competitiveness on a worldwide basis.";

(2) in subsection (b)(1), by striking ", or has made a reasonable effort to establish,"; and

(3) by amending subsection (b)(2) to read as follows:

"(2) the clinical training of the school to be improved shall emphasize care and preventive medical programs for food animals and companion animals (including horses) which support industries of major economic importance.

"(3) The Secretary may set aside a portion of funds appropriated for the award of grants under this section and make such amounts available only for grants to eligible colleges and universities that the Secretary determines have unique capabilities for achieving the objective of full participation of minority groups in research in the Nation's schools of veterinary medicine.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Such section is further amended—

(A) by striking the section heading and "SEC. 1415. (a)" and inserting the following:

"SEC. 1415. GRANTS TO ENHANCE RESEARCH CAPACITY IN SCHOOLS OF VETERINARY MEDICINE.

"(a) COMPETITIVE GRANT PROGRAM.—";

(B) by inserting "PREFERENCE.—" after "(b)"; and

(C) by inserting "APPORTIONMENT AND DISTRIBUTION OF FUNDS.—" after "(c)".

(2) The item in the table of contents of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 913) relating to section 1415 is amended to read as follows:

"Sec. 1415. Grants to enhance research capacity in schools of veterinary medicine.".

SEC. 1307. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended to read as follows:

"SEC. 1417. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

"(a) HIGHER EDUCATION PROGRAMS IN THE FOOD AND AGRICULTURAL SCIENCES.—(1) The Secretary shall promote and strengthen higher education in the food and agricultural sciences by formulating and administering programs to enhance college and university teaching programs in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agricultural system.

"(2) The Secretary may make grants for the purposes described in paragraph (3) to—

"(A) land-grant colleges and universities;

"(B) colleges and universities with significant minority enrollments that have a demonstrable capacity to carry out the teaching of food and agricultural sciences; and

"(C) other colleges and universities that have a demonstrable capacity to carry out the teaching of food and agricultural sciences.

"(3) A grant may be made under this subsection to—

"(A) strengthen institutional capacities to respond to State, national, or international educational needs in the food and agricultural sciences;

"(B) attract and support graduate and undergraduate students and to educate them in the food and agricultural sciences, and to attract needed professionals to provide for their professional improvement in the food and agricultural sciences;

"(C) design and implement innovative food and agricultural educational programs;

"(D) facilitate cooperative agreements between two or more eligible institutions to maximize the use of faculty and facilities to improve their food and agricultural teaching programs;

"(E) conduct graduate and postdoctoral fellowship programs to attract highly prom-

ising individuals to research or teaching careers in the food and agricultural sciences; and

"(F) conduct undergraduate scholarship programs to meet national needs for training food and agricultural scientists and professionals.

"(4) A grant made under this subsection may be made—

"(A) for a period not to exceed five years; and

"(B) on a competitive basis or without regard to any requirement for competition.

"(5) A college or university receiving a grant under this subsection is required to have a significant demonstrable commitment to higher education teaching programs in the food and agricultural sciences and to each specific subject area for which the grant is to be used.

"(6) The Secretary may set aside a portion of funds appropriated for the award of grants under this section and make such amounts available only for grants to eligible colleges and universities that the Secretary determines have unique capabilities for achieving the objective of full representation of minority groups in the food and agricultural sciences workforce in the United States.

"(7) The Secretary may require, as part of any agreement to make a grant under this subsection, that all or part of the grant be targeted to meet the needs identified in section 1402.

"(b) DATA AND INFORMATION SERVICES.—The Secretary shall conduct programs to develop, analyze, and provide to colleges and universities data and information that are essential to the evaluation of the quality of current teaching programs and to facilitate the design of more effective programs comprising the food and agricultural sciences higher education system of the United States.

"(c) SPECIAL EDUCATIONAL INITIATIVES.—(1) The Secretary shall conduct special programs with colleges and universities, and with organizations in the private sector, to support educational initiatives that will enable food and agricultural scientists and professionals to remain abreast of changing technology, the expanding knowledge base, societal issues, and other factors which impact the skills and competencies needed to maintain the expertise base available to the Nation's agricultural system.

"(2) Special programs conducted under this subsection shall include the provision of grants and technical assistance.

"(d) TRANSFER OF FUNDS AND FUNCTIONS.—Funds authorized in section 22 of the Act of June 29, 1935 (7 U.S.C. 329), are transferred to, and shall be administered by, the Secretary of Agriculture. All the functions and duties of the Secretary of Education under such Act which are applicable to the activities and programs for which funds are made available under section 22 of such Act are transferred to the Secretary of Agriculture.

"(e) NATIONAL FOOD AND AGRICULTURAL SCIENCES TEACHING AWARDS.—(1) The Secretary shall establish a program to be known as the National Food and Agricultural Sciences Teaching Awards to recognize and promote the excellence of teachers in the food and agricultural sciences.

"(2) The Secretary shall make at least one cash award in each fiscal year to a nominee selected by the Secretary for excellence in teaching a food and agricultural science at a college or university.

"(3) The Secretary may transfer funds from amounts appropriated for the conduct of any agricultural research, extension, or teaching program to an account established pursuant to this section for the purpose of making such awards. The Secretary may also accept gifts pursuant to the provisions of the Act of October 10, 1978 (7 U.S.C. 2269) for the purpose of making such awards.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $50,000,000 for each of the fiscal years 1991 through 1995.

"(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App. 2) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications and proposals submitted under subsection (a) or (c) or nominations for awards submitted under subsection (e).".

SEC. 1308. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

(a) GRANTS.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is amended to read as follows:

"SEC. 1419. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

"(a) AUTHORITY OF SECRETARY.—The Secretary may award grants under this section to colleges, universities, and Federal laboratories for the purpose of conducting research related to—

"(1) alcohol fuels, including ethanol and methanol or their ethers;

"(2) industrial oilseed crops for diesel fuel and petrochemical substitutes;

"(3) other forms of biomass fuels, including gaseous and solid fuels;

"(4) other industrial hydrocarbons made from agricultural commodities and forest products; and

"(5) the development of the most economical and commercially feasible means of producing, collecting, and transporting agricultural crops, wastes, residues, and byproducts for use as feedstocks for the production of alcohol and other forms of biomass energy and the development of new markets for byproducts.

"(b) SET ASIDE OF FUNDS FOR CERTAIN GRANT PROJECTS.—Of the amounts appropriated in any fiscal year pursuant to the authorization contained in subsection (c), not less than 50 percent of those amounts shall be made available for grants for research relating to the development of technologies for increasing the energy efficiency and commercial feasibility of alcohol production, including—

"(1) processes of cellulose conversion and membrane technology,

"(2) research to improve the quality and value of byproducts to increase digestibility and performance of livestock, poultry, and fish, and

"(3) development of new markets for byproducts.

"(c) The Secretary may set aside a portion of funds appropriated for the award of grants under this section and make such amounts available only for grants to eligible colleges and universities that the Secretary determines have unique capabilities for achieving the objective of full participation of minority groups in research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of carrying out this section $20,000,000 for each of the fiscal years 1991 through 1995.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 913) is amended by striking ", and agricultural chemicals and other products from coal derivatives".

SEC. 1309. JOINT CONTRACT FOR ASSESSMENT OF FOOD SCIENCE AND HUMAN NUTRITION RESEARCH.

(a) CONTRACT REQUIRED.—Subtitle D of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171 et seq.) is amended by inserting after section 1423 the following new section:

"SEC. 1424. JOINT CONTRACT FOR ASSESSMENT OF FOOD SCIENCE AND HUMAN NUTRITION RESEARCH.

"The Secretary of Agriculture and the Secretary of Health and Human Services shall jointly contract with a scientific body to conduct an assessment of—

"(1) progress in food science and human nutrition research;

"(2) the practical importance of such research to economic and societal well-being;

"(3) priorities for future directions in such research;

"(4) the supply of food scientists and nutritionists and the demand for food scientists and nutritionists by Federal agencies, industrial institutions, and colleges, universities, and related institutions; and

"(5) recommendations for the role of all Federal agencies supporting basic and applied food and human nutrition research.".

(b) CLERICAL AMENDMENT.—The table of contents of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 913) is amended by inserting after the item relating to section 1423 the following new item:

"Sec. 1424. Joint contract for assessment of food science and human nutrition research.".

SEC. 1310. ANIMAL HEALTH AND DISEASE RESEARCH STUDY AND ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD.

(a) STUDY OF ANIMAL CARE DELIVERY SYSTEM.—Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3193) is amended—

(1) by striking the section heading and "SEC. 1431." and inserting the following:

"SEC. 1431. AUTHORIZATION TO THE SECRETARY OF AGRICULTURE.

"(a) Authority to Cooperate With, Encourage, and Assist States.—"; and

(2) by adding at the end the following new subsection:

"(b) STUDY OF ANIMAL CARE DELIVERY SYSTEM.—(1) The Secretary shall commission the National Academy of Sciences, working through the Board on Agriculture of the National Research Council, to conduct a study of the delivery system utilized to provide farmers, including small and limited resource farmers, and ranchers with animal care and veterinary medical services, including animal drugs.

"(2) The study required by this subsection shall assess opportunities to—

"(A) improve the flow of information to producers regarding animal husbandry practices, and diagnostic and treatment methods, including the costs and conditions necessary for the effective use of such practices and methods;

"(B) foster achievement of food safety goals; and

"(C) advance the well-being and treatment of farm animals, with particular emphasis on disease prevention strategies.

"(3) The study required by this subsection shall include recommendations for changes in research and extension policies or priorities, food safety programs and policies, and policies and procedures governing the approval, use, and monitoring of animal drugs.".

(b) CHANGES IN ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD.—Section 1432 of that Act (7 U.S.C. 3194) is amended—

(1) by striking the section heading and "Sec. 1432(a)." and inserting the following:

"SEC. 1432. ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD.

"(a) ESTABLISHMENT AND MEMBERSHIP—";

(2) in subsection (a)—

(A) by striking "1990" in the matter preceding the paragraphs and inserting "1995";

(B) by striking "eleven" in the matter preceding the paragraphs and inserting "12";

(C) by striking "Bureau of" in paragraph (4) and inserting "Center for"; and

(D) in paragraph (5)—

(i) by striking "seven" and inserting "eight";

(ii) by striking "and" at the end of subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following new subparagraph:

"(C) one person representing an organization concerned with the general protection and well-being of animals, and"; and

(3) by striking subsection (b) and inserting the following new subsection:

"(b) DUTIES.—The Board shall meet at the call of the Secretary, but at least once annually, to consult with and advise the Secretary with respect to the implementation of any animal health and disease research program provided for under this title, under such rules and procedures for conducting business as the Secretary may prescribe.".

SEC. 1311. GRANT PROGRAMS FOR 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

(a) RESIDENT INSTRUCTION.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1445 (7 U.S.C. 3222) the following new section:

"SEC. 1445A. RESIDENT INSTRUCTION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

"(a) PURPOSE.—It is the purpose of this section to promote and strengthen higher education in the food and agricultural sciences at colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University (hereinafter in this section referred to as 'eligible institutions') by formulating and administering programs to enhance teaching program in agriculture, natural resources, forestry, veterinary medicine, home economics, and disciplines closely allied to the food and agriculture production and delivery system.

"(b) GRANTS.—The Secretary shall make competitive grants, or grants without regard to any requirement for competition, to those eligible institutions having a demonstrable capacity to carry out the teaching of food and agricultural sciences.

"(c) USE OF GRANT FUNDS.—Grants made under subsection (b) shall be used to—

"(1) strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agricultural sciences;

"(2) attract and support undergraduate and graduate students in order to educate them in identified areas of national need in the food and agricultural sciences;

"(3) facilitate cooperative initiatives between two or more eligible institutions or between eligible institutions and units of State government, or organizations in the private sector, to maximize the development and use of resources such as faculty, facilities, and equipment to improve food and agricultural sciences teaching programs; and

"(4) conduct undergraduate scholarship programs to assist in meeting national needs for training food and agricultural scientists.

"(d) GRANT REQUIREMENTS.—(1) The Secretary shall ensure that each eligible institution, prior to receiving grant funds under subsection (b), shall have a significant demonstrable commitment to higher education programs in the food and agricultural sciences and to each specific subject area for which grant funds under this subsection are to be used.

"(2) The Secretary may require that any grant awarded under this section contain provisions that require funds to be targeted to meet the needs identified in section 1402.

"(e) MINORITY SET-ASIDE.—The Secretary may set aside a portion of the funds appropriated for grants under this section and make such amounts available only for grants to eligible institutions that the Secretary determines have unique capabilities for achieving the objective or full representation of minority groups that are under-represented in the Nation's food and agricultural sciences work force.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $11,000,000 for each of the fiscal years 1991 through 1995 to carry out this section.".

(b) AGRICULTURAL AND FOOD SCIENCES FACILITIES.—Such Act is further amended by inserting after section 1445A (as added by subsection (a)) the following new section:

"SEC. 1445B. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

"(a) PURPOSE.—It is hereby declared to be the intent of Congress to assist the institutions eligible to receive funds under the Act of August 30, 1890, including Tuskegee University (hereafter referred to in this section as 'eligible institutions') in the acquisition and improvement of agricultural and food sciences facilities and equipment, including libraries, so that the eligible institutions may participate fully in the production of human capital.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture for the purposes of carrying out the provisions of this section $8,000,000 for each of the fiscal years 1991 through 1995, and such sums shall remain available until expended.

"(c) USE OF GRANT FUNDS.—Four percent of the sums appropriated pursuant to this section shall be available to the Secretary for administration of this grants program. The remaining funds shall be available for grants to eligible institutions for the purpose of assisting them in the purchase of equipment and land, the planning, construction, alteration, or renovation of buildings to strengthen their capacity in the production of human capital in the food and agricultural sciences and can be used at the discretion of the eligible institutions in the areas of research, extension, and resident instruction or any combination thereof.

"(d) METHOD OF AWARDING GRANTS.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary shall determine necessary for carrying out the purposes of this section.

"(e) PROHIBITION OF CERTAIN USES.—Federal funds provided under this section may not be utilized for the payment of any overhead costs of the eligible institutions.

"(f) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary may consider necessary to carry out the provisions of this section.".

(c) NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS.—Such Act is further amended by inserting after section 1445B (as added by subsection (b)) the following new section:

"SEC. 1445C. NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS.

"(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary of Agriculture may make a competitive grant to five national research and training centennial centers located at colleges (or a consortia of such colleges) eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, that—

"(1) have been designated by the Secretary for the fiscal years 1991 through 1995 as national research and training centennial centers; and

"(2) have the best demonstrable capacity, as determined by the Secretary, to provide administrative leadership as—

"(A) a National Center for Goat Research and Training;

"(B) a National Center for Agricultural Engineering Development, Research, and Training;

"(C) a National Center for Water Quality and Agricultural Production Research and Training;

"(D) a National Center for Sustainable Agriculture Research and Training; and

"(E) a National Center for Domestic and International Trade and Development Research and Training.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be expended by a center to—

"(1) pay expenses incurred in conducting research for which the center was designated;

"(2) print and disseminate the results of such research;

"(3) plan, administer, and direct such research; and

"(4) alter or repair buildings necessary to conduct such research.

"(c) PRIORITY.—In making a grant determination under subsection (a), the Secretary shall give priority to those centers that—

"(1) will assure dissemination of information between eligible institutions described in subsection (a) and among agricultural producers; and

"(2) will attract students and needed professionals in the food and agricultural sciences.

"(d) PAYMENTS.—(1) Under the terms of a grant made under subsection (a), funds appropriated under subsection (f) for a fiscal year shall be paid (upon vouchers approved by the Secretary) to a center receiving the grant in equal quarterly installments begin-

ning on or about the first day of October of such year.

"(2) Not later than 60 days after the end of each fiscal year for which funds are paid under this section to a center, the research director of such center shall submit to the Secretary a detailed statement of the disbursements in such fiscal year of funds received by such center under this section.

"(3) If any of the funds received by a center under this section are misapplied, lost, or diminished by any action or contingency on the part of the center—

"(A) the center shall replace such funds; and

"(B) the Secretary shall not distribute to such center any other funds under this subsection until such funds are replaced.

"(e) APPLICATION OF OTHER LAWS.—Section 1445(e) of this title shall apply with regard to research and experiments funded under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for each of the fiscal years 1991 through 1995 for grants under this section.

"(g) CENTER DEFINED.—For purposes of this section, the term 'center' means a national research and training centennial center that receives a grant under this subsection.

"(h) COORDINATION OF CENTER ACTIVITIES.—(1) The center designated under subsection (a)(2)(C) shall coordinate its activities with the water quality research activities conducted under subtitle I of title XIII of the Food and Agricultural Resources Act of 1990.

"(2) The center designated under subsection (a)(2)(D) shall coordinate its activities with the sustainable agriculture research and education program established under subtitle B of title XIII of the Food and Agricultural Resources Act of 1990.".

(d) CLERICAL AMENDMENT.—The table of contents of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 913) is amended by inserting after the item relating to section 1445 the following new items:

"Sec. 1445A. Resident instruction at 1890 land-grant colleges, including Tuskegee University.
"Sec. 1445B. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.
"Sec. 1445C. National research and training centennial centers.".

SEC. 1312. INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION AND INTERNATIONAL TRADE DEVELOPMENT CENTERS.

(a) RESEARCH AND EXTENSION.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in subsection (a)—

(A) by inserting "AUTHORITY OF THE SECRETARY.—" after "(a)";

(B) by striking "assist" in paragraph (2) and inserting "expand collaboration and coordination with";

(C) by striking "with food, agricultural, research and extension" and inserting "regarding food and agricultural research, extension, and education";

(D) by striking "through" in paragraph (4) and all that follows in that paragraph through "; and" and inserting "through—

"(A) the development of highly qualified scientists with specialization in international development;

"(B) the provision of support to State universities and land-grant colleges to do collaborative research with other countries on issues relevant to United States agricultural competitiveness;

"(C) the provision of support for cooperative extension education in agriculture and to promote the application of new technology developed abroad to United States agriculture; and

"(D) the provision of support for the internationalization of resident instruction programs of State universities and land-grant colleges;";

(E) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

"(6) establish in coordination with the International Arid Land Consortium, a program to enhance collaboration and cooperation between institutions possessing research capabilities applied to the development, management, and reclamation of arid lands; and

"(7) cooperate with nongovernmental organizations, both domestic and foreign, for the purpose of expanding the agricultural economic base of middle income and developing countries.";

(2) in subsection (c)—

(A) by inserting "PROVISION OF SPECIALIZED OR TECHNICAL SERVICES.—" after "(c)"; and

(B) by inserting after "universities" in the first sentence the following: "and other nongovernmental organizations, both domestic and foreign,"; and

(3) by adding at the end the following new subsection:

"(d) LIMITATION ON ACTIVITIES.—No activities under this section may promote the production for export of agricultural commodities (or the products thereof) that will compete, as determined by the Secretary, in world markets with similar agricultural commodities (or the products thereof) produced in the United States, where such competition will cause substantial injury to United States producers.".

(b) INTERNATIONAL TRADE DEVELOPMENT CENTERS.—Section 1458A of that Act (7 U.S.C. 3292) is amended—

(1) in subsection (a)—

(A) by inserting "GRANT PROGRAM.—" after "(a)";

(B) by striking "grants to States" in the first sentence and inserting "grants to States (or regional groupings of States)";

(C) by striking "State funding" in the second sentence and inserting "State or regional funding"; and

(D) by striking "State from" in the second sentence and inserting "State or region from";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b) LOCATION AND FUNDING OF CERTAIN CENTERS.—The Secretary shall make determinations regarding the location and funding of international trade development centers established after the date of the enactment of this subsection based on a national plan for agricultural export promotion through international trade development centers. Grants under this section shall be made available on a competitive basis in accordance with such plan."; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) by inserting "PREFERENCES.—" after "(c)";

(B) by inserting after "shall" in the matter preceding the paragraphs the following: ", consistent with the plan developed under subsection (b),"; and

(C) by striking "States" and inserting "States (or regional groupings of States)".

(c) STYLISTIC AMENDMENTS.—(1) Section 1458 of that Act (7 U.S.C. 3291) (as amended by subsection (a)) is further amended—

(A) by striking "Sec. 1458." and inserting the following:

"SEC. 1458. INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION.";

and

(B) by inserting "ENHANCING LINKAGES.—" after "(b)".

(2) Section 1458A of that Act (7 U.S.C. 3292) (as amended by subsection (b)) is further amended—

(A) by striking the section heading and "Sec. 1458A." and inserting the following:

"SEC. 1458A. GRANTS TO STATES FOR INTERNATIONAL TRADE DEVELOPMENT CENTERS.";

(B) by inserting "ACTIVITIES OF CENTERS.—" after "(d)"; and

(C) by inserting "AUTHORIZATION OF APPROPRIATIONS.—" after "(e)".

SEC. 1313. REAUTHORIZATION OF EXTENSION EDUCATION AND PILOT PROJECT TO COORDINATE FOOD AND NUTRITION EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended—

(1) by striking the section heading and "SEC. 1464." and inserting the following:

"SEC. 1464. AUTHORIZATION FOR APPROPRIATIONS FOR EXTENSION EDUCATION AND THE ESTABLISHMENT OF A PILOT PROJECT TO COORDINATE FOOD AND NUTRITION EDUCATION PROGRAMS.

"(a) AUTHORIZATION FOR APPROPRIATIONS.—";

(2) by striking "$370,000,000" and all that follows through "1990." and inserting "$420,000,000 for each of the fiscal years 1991 through 1995."; and

(3) by adding at the end the following:

"(b) PILOT PROJECT.—The Secretary shall establish a five-year pilot project to make available grants to not more than two States, on a competitive basis, for the purpose of implementing in such States, a plan that—

"(1) provides for the full coordination of the conceptual design and program delivery of food and nutrition education programs for potential participants within the State; and

"(2) provides to the greatest extent possible for the coordination of such food and nutrition education programs with related State programs.

"(c) ELEMENTS OF THE PROJECT.—In carrying out subsection (b), the Secretary shall—

"(1) provide for enhanced intraagency and interagency coordination in the design and delivery of food and nutrition education programs;

"(2) develop more efficient methods, and improved agency organization, to inform the public and persons eligible for food and nutrition programs about such education programs (including those education programs regarding nutrition and management of family resources for better nutrition and health) and nutrition education programs available at the Federal, State, and local level; and

"(3) provide for an evaluation of the degree to which stated program coordination objectives are being attained, the impact on actual behavioral change of program participants, and the implication of the program outcomes for future public

health, budget expenditures, and the general public welfare.

"(d) DEFINITIONS.—For the purpose of subsections (b) and (c):

"(1) The term 'coordination' means the development and implementation of a consistent and coherent program of nutrition education regarding the receipt and increased beneficial use of the resources made available to persons for food and nutrition programs and, to the extent possible, related State and local food and nutrition programs.

"(2) The term 'food and nutrition education programs' includes any educational programs or components of the food stamp program, the expanded food and nutrition education program, and such other programs administered by the Department of Agriculture as the Secretary determines necessary to effectively implement the programs required under subsection (b).

"(e) FUNDING.—The Secretary shall make available one-half of one percent of the funds appropriated under this section for each of the fiscal years 1991 through 1995 for the purpose of implementing the pilot project established under subsection (b).".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents of the Food and Agriculture Act of 1977 (Public Law 95–113; 91 Stat. 913) is amended to read as follows:

"Sec. 1464. Authorization for appropriations for extension education and the establishment of a pilot project to coordinate food and nutrition education programs.".

SEC. 1314. AQUACULTURE ASSISTANCE PROGRAMS.

(a) FOOD SAFETY; CLOSED-SYSTEM PRODUCTION; AND REPORTS.—Section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322) is amended—

(1) in subsection (a)

(A) by inserting "RESEARCH AND EXTENSION PROGRAM.—" after "(a)"; and

(B) by striking "United States," and inserting "United States and to enhance further the safety of food products derived from the aquaculture industry,";

(2) in subsection (b)—

(A) by inserting "GRANTS.—" after "(b)";

(B) by inserting "and sea grant" after "land-grant";

(C) by striking the period at the end of the first sentence and inserting "and to enhance further the safety and wholesomeness of those species and products, including the development of reliable supplies of seed stock and therapeutic compounds.";

(3) in subsection (c), by inserting "AQUACULTURE DEVELOPMENT PLANS.—" after "(c)";

(4) in subsection (d)—

(A) by inserting "AQUACULTURAL CENTERS.—" after "(d)";

(B) by striking "four aquacultural research, development, and demonstration centers" in the first sentence and inserting "five aquacultural research, development, and demonstration centers"; and

(C) by adding at the end the following new sentence: "To the extent practicable, the Secretary shall ensure that equitable efforts are made at these centers in addressing the research needs of those segments of the domestic aquaculture industry located within that region.";

(5) in subsection (e)—

(A) by striking "Not later" and all that follows through "subsequent year," and inserting "Reports.—(1) Not later than March 1 of each year,"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary shall, in consultation with the interagency aquaculture coordinating group established under section 6(a) of the National Aquaculture Act of 1980 (7 U.S.C. 2805(a)), conduct a study to assess the economic impact of animal damage to the United States aquaculture industry. In conducting such study, the Secretary shall provide for the consideration of all types of animal damage, including predation, that have an impact on aquaculture enterprises, including fish farming. The Secretary shall submit a report detailing the results of such study to the Committee on Agriculture and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than January 1, 1992."; and

(6) by adding at the end the following new subsection:

"(f) LISTING OF LAWS ON AQUACULTURE.—The interagency aquaculture coordinating group established under section 6(a) of the National Aquaculture Act of 1980 (7 U.S.C. 2805(a)) shall, in consultation with appropriate Federal and State agencies, compile a listing of Federal and State laws, rules, and regulations materially affecting the production, processing, marketing, and transportation of aquaculturally produced commodities and the products thereof. The interagency aquaculture coordinating group shall make such listing available to the public not later than January 1, 1992, and shall update and revise such listing not later than January 1, 1996, to show such laws, rules, and regulations as in effect on that date.".

(b) AQUACULTURE RESEARCH FACILITY.—(1) Subtitle L of that Act (7 U.S.C. 3321 et seq.) is amended by inserting after section 1475 the following new section:

"SEC. 1476. AQUACULTURE RESEARCH FACILITIES.

"(a) GRANT AUTHORIZED.—In order to gain further knowledge of intensive water recirculating aquaculture systems, the Secretary may make grants for the purpose of further developing and expanding aquaculture research facilities at Illinois State University in Normal, Illinois, and Virginia Polytechnic Institute and State University in Blacksburg, Virginia, and to conduct such programs as are necessary to do basic and applied research for intensive water recirculating aquaculture systems.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized, in the event the Secretary decides to take action under subsection (a), to be appropriated $500,000 for each of the two facilities for fiscal years 1991 through 1995 to carry out this section.".

(2) The table of contents of the Food and Agriculture Act of 1977 (Public Law 95–113; 91 Stat. 913) is amended by inserting after the item relating to section 1475 the following new item:

"Sec. 1476. Aquaculture research facility.".

(c) PROGRAM EXTENSION.—Section 1477 of that Act (7 U.S.C. 3324) is amended by striking "each fiscal year" and all that follows through "1990." and inserting "each of the fiscal years 1991 through 1995.".

(d) APPROPRIATIONS FOR AQUACULTURE.—To authorize appropriations to carry out the National Aquaculture Act of 1980 for fiscal years 1991, 1992, and 1993, paragraphs (1), (2), and (3) of section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809 (1), (2), and (3)) are amended to read as follows:

"(1) to the Department of Agriculture, $1,000,000 for each of fiscal years 1991, 1992, and 1993;

"(2) to the Department of Commerce, $1,000,000 for each of fiscal years 1991, 1992, and 1993;

"(3) to the Department of Interior, $1,000,000 for each of fiscal years 1991, 1992, and 1993.".

SEC. 1315. PROGRAM OF COMPETITIVE, SPECIAL, AND FACILITIES GRANTS FOR AGRICULTURAL RESEARCH.

(a) COMPETITIVE GRANTS.—Subsection (b) of section 2 of the Act of August 4, 1965 (7 U.S.C. 450i) is amended—

(1) by inserting "COMPETITIVE GRANTS.—(1)" after "(b)";

(2) in the first sentence, by striking ", for periods not to exceed five years,";

(3) by striking the second, third, seventh, and eighth sentences;

(4) in the fourth sentence, by striking "In seeking" and inserting the following:

"(7) In seeking";

(5) in the fifth sentence, by striking "No grant" and inserting the following:

"(8) Except for grants made under paragraph (3)(E), no grant";

(6) by aligning the text of paragraphs (7) and (8) to be flush with the left margin;

(7) by inserting after paragraph (1) the following new paragraphs:

"(2) The Secretary shall allocate grants made under this subsection to high priority research taking into account the recommendations made by the advisory board established under paragraph (5). For the purposes of this subsection, the term 'high priority research' means basic and applied research in the following areas:

"(A) Plant systems, including research regarding plant genome structure and function; molecular and cellular genetics and plant and microbial biotechnology; plant-pest interactions and biocontrol systems; cover cropping, crop rotation, soil building techniques, crop varietal development, crop diversification, and integrated crop and livestock systems; crop plant response to environmental stresses; improved nutrient qualities of plant products; new food, feed, fiber, and industrial uses of plant products; and development of new crops, best management practices, integrated crop management, and other cropping systems.

"(B) Animal systems, including research regarding cellular, molecular, physiological, and behavioral basis of animal reproduction, growth, disease, and health; identification of genes responsible for improved production traits and resistance to disease, improved nutritional performance of animals; improved nutrient qualities and safety of animal products and development of new animal products; enhanced animal production practices and technologies; animal husbandry and well-being; and animal systems applicable to aquaculture.

"(C) Nutrition, food quality, and health and welfare, including research regarding microbial contaminants and toxic contaminants and residues related to human health; production and processing facilities and systems to address the health and safety of food and farm workers and livestock; the production of nutritional feedstuffs; links between diet and health, including the nutritional status of the population, especially critical subpopulations; nutrition education; rural family welfare; bioavailability of nutrients; postharvest physiology and practices; and improved processing technologies.

"(D) Natural resources and the environment, including research regarding fundamental structures and functions of ecosystems; biological and physical bases of integrated production systems; minimizing soil

losses and degradation, maintaining surface and ground water quality, and maximizing water availability through conservation; soil tilth development, management systems to utilize scarce soil moisture, drought tolerant plant development, evaporation reduction systems, and crop practices to foster soil water absorption and retention; forest and range management and productivity; and weather and climatic effects on agriculture.

"(E) Engineering, products, and processes, including research regarding new uses and new products from crops, animals, byproducts, waste products and natural resources; robotics, computing, and expert systems; energy efficiency, conservation, and the development of alternative, renewable energy sources; new hazard and risk assessment and mitigation measures; and natural resource and environmental quality and management.

"(F) Markets, trade, and agricultural policy, including research regarding optimal strategies for entering and competing in domestic and overseas markets; new decision tools for on-farm and in-market systems; choices and applications of technology; new approaches to economic development and viability in the rural United States, with emphasis on family farming operations; the development of domestic and international markets for resource-conserving and organic crops; international cooperation in agricultural research, extension, and teaching; and agricultural and nutritional improvements in developing nations.

"(3) Grants under this subsection shall be awarded in a variety of types, including the following:

"(A) Single and coinvestigator grants for a single investigator, or coinvestigators, for up to five years with the possibility of one renewal after that period.

"(B) Interdisciplinary team grants for interdisciplinary teams for up to five years with the possibility of one renewal after that period.

"(C) Systems research grants for research teams, including extension staff and producers where appropriate, examining integrated systems approaches to research for up to seven years, with the possibility of renewal for up to three years.

"(D) New investigator grants for newly trained researchers, shall be made under the guidelines of paragraphs (1), (2), and (3), except that principal investigators shall be enrolled in a relevant degree program or have completed research training less than five years before the time of the grant application.

"(E) Equipment grants to obtain scientific equipment for research groups or institutions, where funds are not available by other means, which is necessary to the conduct of needed research.

"(F) Institution development grants to assist smaller research institutions in developing their capacity for research and education related to the relevant priority areas, for up to five years with the expectation that the institution will find alternative funding after that period.

"(4) The Secretary shall appoint a director for the grant program authorized by this subsection. The Secretary, acting through the director, shall be responsible for the overall direction of the grant program and implementation of general policies respecting the management and operation of programs and activities in the program.

"(5) The Secretary shall appoint a board to provide advice on the policies, priorities, and operations of the grant program carried out under this subsection. The advisory board shall be composed of 9 individuals appointed as follows:

"(A) Two-thirds of the members shall be appointed from among the leading representatives of the scientific disciplines relevant to the food and agricultural sciences, including agricultural sciences, biological sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences.

"(B) One-third of the members shall be appointed from the general public and shall include leaders in fields of public policy, agricultural policy, international agriculture, and agricultural production, processing, or marketing.

"(6) The Secretary shall transmit to Congress an annual report describing the policies, priorities, and operations of the grant program authorized by this subsection during the preceding fiscal year. The report shall—

"(A) be prepared by the board established under paragraph (5);

"(B) include a description of the progress being made to comply with subsection (j); and

"(C) be transmitted not later than January 1 of each year."; and

(8) by adding at the end the following new paragraph:

"(9) There are authorized to be appropriated to carry out this subsection $500,000,000 for each of the fiscal years 1991 through 1995. Of the amounts appropriated to carry out this subsection for a fiscal year—

"(A) not more than two percent may be used to make equipment grants under paragraph (3)(E); and

"(B) not more than four percent may be used by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection.".

(b) SPECIAL GRANTS.—Subsection (c) of section 2 of the Act of August 4, 1965 (7 U.S.C. 450i) is amended—

(1) by inserting "SPECIAL GRANTS.—" after "(c)"; and

(2) in paragraph (1), by striking "to land-grant colleges" and all that follows through "by the Secretary" and inserting the following: "to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals".

(c) ADMINISTRATIVE PROVISIONS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i) is amended by adding at the end the following new subsections:

"(j) EMPHASIS ON SUSTAINABLE AGRICULTURE.—The Secretary of Agriculture shall ensure that grants made under subsections (b) and (c) are, where appropriate, consistent with the development of systems of sustainable agriculture. For purposes of this section, the term 'sustainable agriculture' has the meaning given that term in section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17)).

"(k) REPORTS.—The Secretary of Agriculture shall prepare and submit to Congress on January 1 of each year a report on awards made under subsections (b) and (c) during the previous fiscal year.".

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking "SEC. 2. (a)" and inserting the following:

"SEC. 2. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

"(a) ESTABLISHMENT OF GRANT PROGRAM.—";

(2) in subsection (d), by inserting "FACILITIES GRANTS.—" after "(d)";

(3) in subsection (e), by inserting "RECORD KEEPING.—" after "(e)";

(4) in subsection (f), by inserting "LIMITS ON OVERHEAD COSTS.—" after "(f)";

(5) in subsection (g), by inserting "AUTHORIZATION OF APPROPRIATIONS.—" after "(g)";

(6) in subsection (h), by inserting "RULES.—" after "(h)"; and

(7) in subsection (i), by inserting "APPLICATION OF OTHER LAWS.—" after "(i)".

SEC. 1316. MINIMIZATION OF CONFLICTS OF INTEREST OF EMPLOYEES OF COLLEGES RECEIVING FUNDS UNDER THE SMITH-LEVER ACT.

Section 4 of the Act of May 8, 1914 (commonly known as the Smith-Lever Act) (7 U.S.C. 344), is amended by inserting after the second sentence the following: "The Secretary shall ensure that each college seeking to receive funds under this Act has in place appropriate requirements, as determined by the Secretary, to minimize actual or potential conflicts of interest among employees of such college whose salaries are funded in whole or in part with such funds.".

SEC. 1317. GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES.

(a) EXTENSION OF GRANT PROGRAM.—Section 502(f)(2) of the Rural Development Act of 1972 (7 U.S.C. 2662(f)(2)) is amended—

(1) by striking "1990" and inserting "1995"; and

(2) by inserting after "under paragraph (1)" the following: "to eligible applicants in any State applying for such grants".

(b) CHANGES TO GRANT PROGRAM.—Section 502(f)(1) of that Act (7 U.S.C. 2662(f)(1)) is amended—

(1) in subparagraph (A), by striking "special grants" and all that follows through "counseling" and inserting the following: "competitive grants for programs that meet the criteria specified in subparagraph (B) to develop counseling, retraining, and educational";

(2) by redesignating subparagraphs (C) and (D) as (E) and (F), respectively;

(3) in subparagraph (B)—

(A) by striking the "(B) Services to be provided", the matter preceding the clauses, and clause (i); and

(B) by redesignating clauses (ii) through (viii) as clauses (i) through (vii) of subparagraph (D);

(4) by inserting after subparagraph (A) the following new subparagraphs:

"(B) GRANT CRITERIA.—In order to be eligible to receive a grant under this subsection, an applicant must provide suitable assurances that—

"(i) not less than one-half of the grant funds to the applicant will be used for clinical outreach counseling and crisis management assistance, as required by subparagraph (C);

"(ii) a significant number of farms within the State have a ratio of debts to assets of 40 percent or more, the State's rural economy has been facing adverse economic conditions for a period of years, or such other conditions exist, as determined by the Secretary, such that the assistance provided under this subsection is necessary or appropriate;

"(iii) the planning and implementation of the provision of services under this subsec-

tion will be coordinated with the appropriate State agency for mental health, department of health, office of rural health, and any other State agency or department responsible for assisting persons in rural areas of the State; and

"(iv) the planning and implementation of the provision of services under this subsection will be coordinated with the appropriate local governments and other public and private nonprofit agencies and organizations located in rural areas and involved in addressing problems related to the mental health of rural residents.

"(C) COUNSELING AND OUTREACH REQUIRED.—Not less than 50 percent of the grant funds to a State under this subsection shall be used to provide clinical outreach counseling and crisis management assistance through appropriate State officials.

"(D) OTHER SERVICES TO BE PROVIDED.—In addition to the counseling and outreach services required under subparagraph (C), the following services may also be provided through programs funded under this section:";

(5) by adding at the end of subparagraph (D) (as added by paragraph (4)) the following new clause:

"(viii) Assistance for local officials and groups in developing income and employment alternatives."; and

(6) in subparagraph (F) (as redesignated by paragraph (2))—

(A) by striking "is encouraged to work with" and inserting "shall work with the appropriate State office of rural health, State department or agency of mental health, and other";

(B) by striking "a comprehensive plan" and inserting "an annual comprehensive plan";

(C) by striking "special"; and

(D) by adding at the end the following: "For recipients in a State to be eligible for a grant under this subsection in any fiscal year, the Cooperative Extension Service within the State must develop and sign a Memorandum of Agreement with the appropriate State department or agency of mental health and other State agencies as may be appropriate to carry out the comprehensive plan. Such agreement and plan must emphasize the development and delivery of counseling and outreach programs as provided under subparagraph (B).".

(c) CONFORMING AMENDMENTS.—(1) Such section is further amended by striking "(f) Special" and inserting "(f) Competitive".

(2) Section 503(c) of that Act (7 U.S.C. 2663(c)) is amended—

(A) by inserting "ADDITIONAL DISTRIBUTIONS.—(1)" after "(c)";

(B) by striking "and section 502(f)" both places it appears; and

(C) by adding at the end the following new paragraph:

"(2) Such sums as are appropriated to carry out the provisions of section 502(f) of this title shall be distributed by the Secretary to colleges and universities in accordance with the requirements of such subsection.".

(d) EFFECT OF AMENDMENTS ON CURRENT GRANT RECIPIENTS.—The eight States receiving grants under section 502(f) of the Rural Development Act of 1972 (7 U.S.C. 2662(f)) during fiscal year 1990 shall continue to be eligible to receive grants (in an amount not to exceed the amount received during that fiscal year) under that section notwithstanding the requirement that such grants be awarded competitively, so long as such States comply with the requirement that not less than one-half of such grant amount shall be used for clinical outreach counseling and crisis management assistance.

Subtitle B—Sustainable Agriculture Research and Education Program

SEC. 1321. PURPOSE AND DEFINITIONS.

(a) PURPOSE.—It is the purpose of this subtitle to encourage research designed to increase our knowledge concerning agricultural production systems that—

(1) maintain and enhance the quality and productivity of the soil;

(2) conserve soil, water, energy, natural resources, and fish and wildlife habitat;

(3) maintain and enhance the quality of surface and ground water;

(4) protect the health and safety of persons involved in the food and farm system;

(5) promote the well being of animals; and

(6) increase employment opportunities in agriculture.

(b) DEFINITIONS.—For purposes of this subtitle:

(1) The term "sustainable agriculture" shall have the same meaning given to that term by section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17)).

(2) The term "integrated crop management" means an agricultural management system that integrates all controllable agricultural production factors for long-term sustained productivity, profitability, and ecological soundness.

(3) The term "integrated resource management" means livestock management which utilizes an interdisciplinary systems approach which integrates all controllable agricultural production practices to provide long-term sustained productivity and profitable production of safe and wholesome food in an environmentally sound manner.

(4) The term "extension" shall have the same meaning given to that term by section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7)).

(5) The term "Secretary" means the Secretary of Agriculture.

(6) The term "Advisory Council" means the National Sustainable Agriculture Advisory Council established under section 1323(c).

(7) The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, the Trust Territory of the Pacific Islands, or federally recognized Indian tribes.

(8) The term "State agricultural experiment stations" shall have the same meaning given to that term by section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13)).

SEC. 1322. RESEARCH AND EXTENSION PROJECTS.

(a) RESEARCH AND EXTENSION PROGRAM REQUIRED.—The Secretary shall conduct research and extension projects on sustainable farm management systems to obtain data, develop conclusions, demonstrate technologies, and conduct education programs that promote the purpose of this subtitle, including research and extension projects that facilitate and increase scientific investigations and education in order to—

(1) develop and improve sustainable farm management systems which minimize health and environmental risks associated with pesticides and nitrates;

(2) improve sustainable farm management systems that enhance agricultural productivity, profitability, and competitiveness;

(3) develop effective crop, livestock, and enterprise diversification systems; and

(4) develop sustainable agroforestry systems on semiarid lands which minimize topsoil loss, maintain water quality, expand farm income opportunities, and enhance farm productivity and profitability.

(b) METHOD OF CONDUCTING PROGRAM.—The Secretary shall conduct the research and extension projects referred to in subsection (a) by—

(1) studying, to the maximum extent practicable, agricultural production systems that are located in areas that possess various soil, climate, and physical characteristics;

(2) studying farms that have been, and will continue to be managed using farm production practices that rely on sustainable production systems and other conservation practices;

(3) studying farms that are newly adopting sustainable farm production practices;

(4) taking advantage of the experience and expertise of farmers and ranchers through on-farm research and demonstration and through their direct participation and leadership in projects; and

(5) transferring practical, reliable, and timely information to farmers and ranchers concerning practices and systems of sustainable agriculture, including data on economic viability and transition costs.

(c) AGREEMENTS.—The Secretary shall carry out this section through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State governmental entities.

(d) SELECTION OF PROJECTS.—(1) The Secretary shall select research and extension projects under this section after consideration of—

(A) the recommendations of the Advisory Council;

(B) the relevance of the project to the purpose of this subtitle;

(C) the appropriateness of the design of the project;

(D) the likelihood of attaining the objectives of the project; and

(E) the national or regional applicability of the findings and outcomes of the proposed project.

(2) The Secretary shall give priority to projects that—

(A) are recommended by the Advisory Council;

(B) closely coordinate research and extension activities;

(C) indicate how the findings of the project will be made readily usable by farmers;

(D) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;

(E) involve a multidisciplinary systems approach; and

(F) involve cooperation between farms, colleges and universities, and government agencies.

(e) DIVERSIFICATION OF RESEARCH.—The Secretary shall conduct projects and studies under this section in areas that are broadly representative of the diversity of United States agricultural production, including production on family farms, mixed-crop livestock farms and dairy operations.

(f) PROJECT DURATION.—(1) The Secretary may approve projects conducted under this subtitle that have a duration of more than one fiscal year.

(2) In the case of a research project conducted under this section that involves the planting of a sequence of crops or crop rotations, the Secretary shall approve such project for a term that is appropriate to the sequence or rotation being studied.

(g) PUBLIC ACCESS.—The Secretary shall ensure that research projects are open for public observation at specified times.

(h) INDEMNIFICATION.—(1) Subject to paragraph (2), the Secretary may indemnify the operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement of research or demonstration under such project that is not experienced in normal farming operations.

(2) An indemnity payment under paragraph (1) shall be subject to any agreement between a project grantee and operator entered into prior to the initiation of such project.

SEC. 1323. PROGRAM ADMINISTRATION.

(a) DUTIES OF THE SECRETARY.—The Secretary shall—

(1) administer the programs and projects under sections 1322 and 1324 through the Cooperative State Research Service in close cooperation with the Extension Service, the Agricultural Research Service, and other appropriate agencies;

(2) establish an Advisory Council in accordance with subsection (c);

(3) establish a minimum of four Regional Administrative Councils in accordance with subsection (d); and

(4) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out the provisions of such programs or projects.

(b) REPORTS.—The Secretary shall, not later than April 1, 1991, and each April 1 thereafter, prepare and submit, to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Advisory Council—

(1) a report describing the results of the programs carried out under sections 1322, 1324, and 1325; and

(2) a report describing the progress of projects conducted under this subtitle, including—

(A) a summary and analysis of data collected under such projects;

(B) recommendations based on such data for new basic or applied research;

(C) the number, length, and type of projects proposed, funded and carried out, by region; and

(D) the national and regional economic, social, and environmental implications of the adoption of practices developed under this subtitle and section 1346.

(c) NATIONAL SUSTAINABLE AGRICULTURE ADVISORY COUNCIL.—(1) The membership of the National Sustainable Agriculture Advisory Council shall include representatives of—

(A) the Agricultural Research Service;

(B) the Cooperative State Research Service;

(C) the Soil Conservation Service;

(D) the Extension Service;

(E) State cooperative extension services;

(F) State agricultural experiment stations;

(G) the Economic Research Service;

(H) the National Agricultural Library;

(I) the Environmental Protection Agency;

(J) the Board on Agriculture of the National Academy of Sciences;

(K) private nonprofit organizations with demonstrable expertise;

(L) farmers utilizing systems and practices of sustainable agriculture;

(M) the United States Geological Survey;

(N) agribusiness; and

(O) other specialists in agricultural research or technology transfer, including individuals from colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, or other colleges or universities with demonstrable expertise.

(2) The Advisory Council shall—

(A) make recommendations to the Secretary concerning research and extension projects that merit funding under sections 1322 and 1324;

(B) promote the programs established under this subtitle at the national level;

(C) coordinate research and extension activities funded by such programs;

(D) establish general procedures for awarding and administering funds under this subtitle;

(E) consider recommendations for improving such programs;

(F) facilitate cooperation and integration between sustainable agriculture, national water quality, integrated crop management, integrated resource management, integrated pest management, food safety, and other related programs; and

(G) prepare and submit an annual report concerning its activities to the Secretary.

(d) REGIONAL ADMINISTRATIVE COUNCILS.—(1) The membership of the Regional Administrative Councils shall include representatives of—

(A) the Agricultural Research Service

(B) the Cooperative State Research Service;

(C) the Extension Service;

(D) State cooperative extension services;

(E) State agricultural experiment stations;

(F) the Soil Conservation Service;

(G) State departments engaged in sustainable agriculture programs;

(H) nonprofit organizations with demonstrable expertise;

(I) farmers utilizing systems and practices of sustainable agriculture;

(J) agribusiness;

(K) the State or United States Geological Survey; and

(L) other persons knowledgeable about sustainable agriculture and its impact on the environment and rural communities.

(2) The Regional Administrative Councils shall—

(A) make recommendations to the Advisory Council concerning research and extension projects that merit funding under sections 1322 and 1324;

(B) promote the programs established under this subtitle at the regional level;

(C) establish goals and criteria for the selection of projects authorized under this subtitle within the applicable region;

(D) appoint a technical committee to evaluate the proposals for projects to be considered under this subtitle by such council;

(E) review and act on the recommendations of the technical committee, and coordinate its activities with the regional host institution; and

(F) prepare and make available an annual report concerning projects funded under sections 1322 and 1324, together with an evaluation of the project activity.

(e) CONFLICT OF INTEREST.—A member of the regional administration council or a technical committee may not participate in the discussion or recommendation of proposed projects if the member has or had a professional or business interest in, including the provision of consultancy services, the organization whose grant application is under review.

SEC. 1324. FEDERAL-STATE MATCHING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Federal-State matching grant program to make grants to States to assist in the creation or enhancement of State sustainable agriculture research, extension, and education programs, in furtherance of this subtitle.

(b) ELIGIBLE PROGRAMS AND ACTIVITIES.—States eligible to receive a grant under this section may conduct a variety of activities designed to carry out the purpose of this subtitle, including—

(1) activities that encourage the incorporation and integration of sustainable agriculture concerns in all State research, extension, and education projects;

(2) educational programs for farmers, educators, and the public;

(3) the development and funding of innovative research, extension, and education programs regarding sustainable agriculture;

(4) the conduct of research and demonstration projects;

(5) the provision of technical assistance to farmers and ranchers;

(6) activities that encourage farmer-to-farmer information exchanges; and

(7) such other activities that are appropriate to the agricultural concerns of the State that are consistent with the purpose of this subtitle.

(c) SUBMISSION OF PLAN.—(1) States that elect to apply for a grant under this section shall prepare and submit, to the appropriate Regional Administrative Council established under section 1323, a State plan and schedule for approval by such council and the Secretary.

(2) State plans prepared under paragraph (1) shall provide details of the proposed program to be implemented using funds provided under this section for fiscal years 1991 through 1995, or any 5-year period thereafter, and shall identify the sources of matching State funds for the same fiscal year.

(3) To be eligible for approval, State plans submitted under this subsection shall demonstrate that there will be extensive and direct participation of farmers in the development, implementation, and evaluation of the program.

(d) GRANT AWARD.—(1) Subject to paragraph (2), the Secretary shall provide grants to eligible States in an amount not to exceed 50 percent of the cost of the establishment or enhancement of a State sustainable agriculture program under a plan approved by the Secretary under subsection (c) for a period not to exceed 5 years.

(2) To be eligible to receive a grant under this section, a State shall agree to pay, from State appropriated funds, other State revenue, or from private contributions received by the State, not less than 50 percent of the cost of the establishment or enhancement of the sustainable agriculture program under an approved plan under subsection (c).

SEC. 1325. INTEGRATED MANAGEMENT SYSTEMS RESEARCH AND EDUCATION.

(a) ESTABLISHMENT.—The Secretary shall establish a research and education program to enhance research related to farming operations, practices, and systems that optimize crop and livestock production potential and are environmentally sound. The purpose of the program shall be to—

(1) encourage producers to adopt integrated crop and livestock management practices and systems that minimize or abate adverse environmental impacts, reduce soil erosion and loss of water and nutrients, enhance the efficient use of on-farm and off-farm inputs, and maintain or increase profitability and long-term productivity;

(2) develop knowledge and information on integrated crop and livestock management systems and practices, including specific information for inclusion in handbooks, technical guides, and educational materials under section 1327, to assist agricultural producers in the adoption of these systems and practices;

(3) accumulate and analyze information on agricultural production practices researched or developed under programs established in sections 1322, 1324, and 1346 to further the development of integrated crop and livestock management systems;

(4) facilitate the adoption of whole-farm integrated crop and livestock management systems through demonstration projects on individual farms, including small and limited resource farms, throughout the United States; and

(5) evaluate and recommend appropriate integrated crop and livestock management policies and programs.

(b) DEVELOPMENT AND ADOPTION OF INTEGRATED CROP MANAGEMENT PRACTICES.—The Secretary shall encourage agricultural producers to adopt and develop individual, site-specific integrated crop management practices. On a priority basis, the Secretary shall develop and disseminate information on integrated crop management systems for agricultural producers in specific localities or crop producing regions where the Secretary determines—

(1) water quality is impaired as a result of local or regional agricultural production practices; or

(2) the adoption of such practices may aid in the recovery of endangered or threatened species.

(c) DEVELOPMENT AND ADOPTION OF INTEGRATED RESOURCE MANAGEMENT PRACTICES.—The Secretary shall, on a priority basis, develop programs to encourage livestock producers to develop and adopt individual, site-specific integrated resource management practices. These programs shall be designed to benefit producers and consumers through—

(1) optimum use of available resources and improved production and financial efficiency for producers;

(2) identifying and prioritizing the research and educational needs of the livestock industry relating to production and financial efficiency, competitiveness, environmental stability, and food safety; and

(3) utilizing an interdisciplinary approach toward preventing potential problems.

SEC. 1326. TECHNICAL GUIDES AND HANDBOOKS.

(a) DEVELOPMENT.—The Secretary not later than the 1992 crop year shall develop and make available handbooks and technical guides, and any other educational materials that are appropriate for describing sustainable agriculture production systems and practices, integrated crop management systems and practices, integrated resource management systems and practices, nutrient management practices, and integrated pest management practices as researched and developed under this subtitle, subtitle I, and section 1346.

(b) CONSULTATION AND COORDINATION.—The Secretary shall develop the handbooks, technical guides, and educational materials in consultation with the panel established under section 1323(b) and any other appropriate entities designated by the Secretary. The Secretary shall coordinate activities conducted under this section with those conducted under section 1662 of the Food and Agricultural Resources Act of 1990.

(c) CONTENT.—(1) The handbooks and guides, and other education materials, shall include detailed information on the selection of crops and crop-plant varieties, rotation practices, soil building practices, tillage systems, nutrient management, integrated pest management practices, habitat protection, livestock management, soil, water, and energy conservation, and any other practices in accordance with or in furtherance of the purpose of this subtitle.

(2) The handbooks and guides, and other educational materials, shall provide standards and practical instructions and be organized in such a manner as to enable agricultural producers desiring to implement the practices and systems developed under this subtitle, subtitle I, and section 1346 to address site-specific, environmental and resource management problems and to sustain farm profitability, including—

(A) enhancing and maintaining the fertility, productivity, and conservation of farmland and ranch soils, ranges, pastures, and wildlife;

(B) maximizing the efficient and effective use of agricultural inputs;

(C) protecting or enhancing the quality of water resources; or

(D) optimizing the use of on-farm and nonrenewable resources.

(d) AVAILABILITY.—The Secretary shall ensure that handbooks and technical guides, and other educational materials are made available to the agricultural community and the public through colleges and universities, the State cooperative extension service, the Soil Conservation Service, other State and Federal agencies, and any other appropriate entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 1327. EDUCATION AND TRAINING.

(a) ESTABLISHMENT.—The Secretary shall establish a program for the training of appropriate field office personnel in the practices developed under this subtitle, subtitle I, and section 1346, as well as related state activities and federal and state regulatory actions which will affect farming practices.

(b) ADMINISTRATION.—(1) The training program established under subsection (a) shall be organized and administered by the Extension Service, in coordination with other appropriate federal agencies.

(2) To implement this section within each State, the Secretary shall designate an individual from the Extension Service within each State to coordinate the training program established in this section. The coordinators shall be responsible, in cooperation with appropriate Federal and State agencies, for developing and implementing a statewide training program for appropriate field office personnel.

(c) REQUIRED TRAINING.—(1) The Secretary shall insure that all agricultural agents of the Extension Service have completed the training program established in subsection (a) not later than the end of the five-year period beginning on the date of enactment of this subtitle. Such training may occur at a college or university located within each state as designated by the coordinator designated under this section.

(2) Beginning three years after the date of enactment of this subtitle, the Secretary shall ensure that all agricultural Extension Service agents employed by such Service are able to demonstrate, not later than 18 months after the employment of such agents, that such agents have completed the training program established in subsection (a).

(d) ADDITIONAL EDUCATION.—The Secretary shall provide dealers of pesticides, fertilizers, and livestock production equipment, supplies, and feed ingredients with information on the programs detailed in subsection (a) to assist such dealers in transferring this information to agricultural producers.

(e) REGIONAL SPECIALISTS.—(1) To assist county agents and farmers implement production practices developed under this subtitle, subtitle I, and section 1346, regional sustainable agriculture specialists may be designated within each State who shall report to the State coordinator of that State, as designated by the Secretary under subsection (b)(2).

(2) The specialists shall be responsible for developing and coordinating local dissemination of sustainable agriculture information in a manner that is useful to farmers in the region.

(f) INFORMATION AVAILABILITY.—The Extension Service within each State shall transfer information developed under this subtitle, subtitle I, and section 1346, through a program that shall—

(1) assist in developing farmer-to-farmer information exchange networks to enable farmers making transitions to more sustainable farming systems to share ideas and draw on the experiences of other farmers;

(2) help coordinate and publicize a regular series of sustainable agriculture farm tours and field days within each State;

(3) plan for extension programming, including extensive farmer input and feedback, in the design of new and ongoing research endeavors related to sustainable agriculture;

(4) provide technical assistance to individual farmers in the design and implementation of farm management plans and strategies for making a transition to more sustainable agricultural systems;

(5) consult and work closely with the Soil Conservation Service and the Agricultural Stabilization and Conservation Service in carrying out the information, technical assistance, and related programs;

(6) develop, coordinate, and direct special education and outreach programs in areas highly susceptible to groundwater contamination, linking sustainable agriculture information with water quality improvement information;

(7) develop information sources relating to crop diversification, alternative crops, on-farm food or commodity processing, and on-farm energy generation;

(8) establish a well-water testing program designed to provide those persons dependent upon underground drinking water supplies with an understanding of the need for regular water testing, information on sources of testing, and an understanding of how to interpret test results and provide for the protection of underground water supplies;

(9) provide specific information on water quality practices developed through the research programs in section 1367;

(10) provide specific information on nutrient management practices developed through the research programs in section 1368; and

(11) develop whole-farm management systems integrating research results under this subtitle, subtitle I, and section 1346.

(g) DEFINITION.—The term "appropriate field office personnel" includes employees of the Extension Service, Soil Conservation Service, and other appropriate Department of Agriculture personnel, as determined by the Secretary, whose activities involve the provision of agricultural production and conservation information to agricultural producers.

(h) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for each of the fiscal years 1991 through 1995.

SEC. 1328. AUTHORIZATION FOR APPROPRIATIONS.

With the exception of sections 1326 and 1327, there are authorized to be appropriated $40,000,000 for each of the fiscal years 1991 through 1995 to carry out this subtitle. Of any amount that is appropriated under this section for a fiscal year to carry out the programs established under this subtitle, not less than $15,000,000, or not less than two-thirds of the amount appropriated for that fiscal year, whichever is greater, shall be used to carry out sections 1322, 1323, and 1325.

SEC. 1329. REPEAL OF AGRICULTURAL PRODUCTIVITY RESEARCH PROVISIONS.

Subtitle C (sections 1461 through 1471) of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (7 U.S.C. 4701-4710) is repealed. The table of contents at the beginning of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1354) is amended by striking the items relating to that subtitle.

Subtitle C—National Genetics Resources Program

SEC. 1331. ESTABLISHMENT, PURPOSE, AND FUNCTIONS OF THE NATIONAL GENETIC RESOURCES PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall provide for a National Genetic Resources Program (hereafter referred to in this section as the "program").

(b) PURPOSE.—The program is established for the purpose of maintaining and enhancing a program providing for the collection, preservation, and dissemination of genetic material of importance to American food and agriculture production.

(c) ADMINISTRATION.—The program shall be administered by the Secretary through the Agricultural Research Service.

(d) FUNCTIONS.—The Secretary, acting through the program, shall—

(1) provide for the collection, classification, preservation, and dissemination of genetic material of importance to the food and agriculture sectors of the United States;

(2) conduct research on the genetic materials collected and on methods for storage and preservation of those materials;

(3) coordinate the activities of the program with similar activities occurring domestically;

(4) make available upon request, without charge and without regard to the country from which such request originates, the genetic material which the program assembles;

(5) expand the types of genetic resources included in the program to develop a comprehensive genetic resources program which includes plants (including silvicultural species), animal, aquatic, insect, microbiological, and other types of genetic resources of importance to food and agriculture, as resources permit; and

(6) engage in such other activities as the Secretary determines appropriate and as the resources of the program permit.

SEC. 1332. APPOINTMENT AND AUTHORITY OF DIRECTOR.

(a) DIRECTOR.—There shall be at the head of the program an official to be known as the Director of the National Genetic Resources program who shall be appointed by the Secretary. The Director shall perform such duties as are assigned to the Director by this subtitle and such other duties as the Secretary may prescribe.

(b) ADMINISTRATIVE AUTHORITY.—In carrying out this subtitle, the Secretary, acting through the Director—

(1) shall be responsible for the overall direction of the program and for the establishment and implementation of general policies respecting the management and operation of activities within the program;

(2) may secure for the program consultation services and advice of persons from the United States and abroad;

(3) may accept voluntary and uncompensated services; and

(4) may perform such other administrative functions as the Secretary determines are needed to effectively carry out this subtitle.

(c) DUTIES.—The Director shall—

(1) advise participants on the program activities;

(2) coordinate, review and facilitate the systematic identification and evaluation of, relevant information generated under the program;

(3) promote the effective transfer of the information described in paragraph (2) to the agriculture and food production community and to entities that require such information; and

(4) monitor the effectiveness of the activities described in paragraph (3).

(d) BIENNIAL REPORTS.—The Director shall prepare and transmit to the Secretary and to the Congress a biennial report containing—

(1) a description of the activities carried out by and through the program and the policies of the program, and such recommendations respecting such activities and policies as the Director considers to be appropriate;

(2) a description of the necessity for, and progress achieved toward providing, additional programs and activities designed to include the range of genetic resources described in section 1331(d)(5) in the activities of the program; and

(3) an assessment of events and activities occurring internationally as they relate to the activities and policies of the program.

(e) INITIAL REPORTS.—Not later than one year after the date of the enactment of this Act, the Director shall transmit to the Secretary and to the Congress a report—

(1) describing the projected needs over a 10-year period in each of the areas of genetic resources described in section 1331(d)(5), including the identification of existing components of a comprehensive program, policies and activities needed to coordinate those components, and additional elements not in existence which are required for the development of a comprehensive genetic resources program as described in such section;

(2) assessing the international efforts and activities related to the program, and their effect upon and coordination with the program; and

(3) evaluating the potential effect of various national laws, including national quarantine requirements, as well as treaties, agreements, and the activities of international organizations on the development of a comprehensive international system for the collection and maintenance of genetic resources of importance to agriculture.

SEC. 1333. ADVISORY COUNCIL.

(a) ESTABLISHMENT AND MEMBERSHIP.—(1) The Secretary shall establish an advisory council for the program for the purpose of advising, assisting, consulting with, and making recommendations to, the Secretary and Director concerning matters related to the activities, policies and operations of the program.

(2) The advisory council shall consist of ex officio members and not more than nine members appointed by the Secretary.

(b) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall consist of the following (or their designees):

(1) The Director.

(2) The Assistant Secretary of Agriculture for Science and Education.

(3) The Director of the National Agricultural Library.

(4) The Director of the National Institutes of Health.

(5) The Director of the National Science Foundation.

(6) The Secretary of Energy.

(7) The Director of the Office of Science and Technology Policy.

(8) Such additional officers and employees of the United States as the Secretary determines are necessary for the advisory council to effectively carry out its functions.

(c) APPOINTMENT OF OTHER MEMBERS.—The members of the advisory council who are not ex officio members shall be appointed by the Secretary as follows:

(1) Two-thirds of the members shall be appointed from among the leading representatives of the scientific disciplines relevant to the activities of the program, including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences.

(2) One-third of the members shall be appointed from the general public and shall include leaders in fields of public policy, trade, international development, law, or management.

(d) COMPENSATION.—Members of the advisory council shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the advisory council, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5, United States Code.

(e) TERM OF OFFICE OF APPOINTEES; VACANCIES.—(1) The term of office of a member appointed under subsection (c) is four years, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(2) The Secretary shall make appointments to the advisory council so as to ensure that the terms of the members appointed under subsection (c) do not all expire in the same year. A member may serve after the expiration of the member's term until a successor takes office.

(3) A member who is appointed for a term of four years may not be reappointed to the advisory council before two years after the date of expiration of such term of office.

(4) If a vacancy occurs in the advisory council among the members appointed

under subsection (c), the Secretary shall make an appointment to fill such vacancy within 90 days after the date such vacancy occurs.

(f) CHAIR.—The Secretary shall select as the chair of the advisory council one of the members appointed under subsection (c). The term of office of the chair shall be two years.

(g) MEETINGS.—The advisory council shall meet at the call of the chair or on the request of the Director, but at least two times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director.

(h) STAFF.—The Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions.

(i) ORIENTATION AND TRAINING.—The Director shall provide such orientation and training for new members of the advisory council as may be appropriate for their effective participation in the functions of the advisory council.

(j) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in a report submitted under section 1332—

(1) comments respecting the activities of the advisory council during the period covered by the report;

(2) comments on the progress of the program in meeting its objectives; and

(3) recommendations respecting the future directions, program, and policy emphasis of the program.

(k) REPORTS.—The advisory council may prepare such reports as the advisory council determines to be appropriate.

(l) APPLICATION OF ADVISORY COMMITTEE ACT.—Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) relating to the termination of an advisory committee shall not apply to the advisory committee established under this section.

SEC. 1334. DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS.

(a) DEFINITIONS.—For purposes of this subtitle:

(1) The term "program" means the National Genetic Resources Program.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "Director" means the Director of the National Genetic Resources Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out this subtitle for each of the fiscal years 1991 through 1995.

Subtitle D—National Agricultural Library

SEC. 1335. ESTABLISHMENT, PURPOSES, AND FUNCTIONS OF THE NATIONAL AGRICULTURAL LIBRARY.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture the National Agricultural Library (hereafter in this section referred to as the "Library").

(b) PURPOSES.—The Library is established for the purposes of—

(1) furthering the advancement of agricultural and related sciences; and

(2) aiding the dissemination and exchange of scientific and other information important to the progress of agricultural and food production.

(c) ADMINISTRATION.—The Library shall be administered by the Secretary of Agriculture.

(d) FUNCTIONS.—The Secretary, acting through the Library, shall—

(1) acquire and preserve books, periodicals, prints, films, recordings, and other library materials pertinent to agricultural and food related sciences;

(2) organize the materials specified in paragraph (1) by appropriate cataloging, indexing, bibliographical listings, and other methods;

(3) make available, through loans, photographic or other copying procedures, or other methods, such materials in the Library as the Secretary determines appropriate;

(4) provide reference and research assistance;

(5) provide agricultural information and information products and services—

(A) to Congress and agencies of the Federal Government; and

(B) to public and private organizations and individuals within the United States and internationally;

(6) plan for, coordinate, and evaluate information and library needs related to agricultural research and education;

(7) cooperate with and coordinate efforts undertaken by college and university libraries in conjunction with private industry and other agricultural library and information centers to develop a comprehensive agricultural library and information network;

(8) coordinate the development of specialized subject information services among the agricultural and library information communities; and

(9) engage in such other activities as the Secretary determines appropriate and as the resources of the Library permit.

(e) DISPOSAL OF MATERIALS.—The Secretary may exchange, destroy, or otherwise dispose of any books, periodicals, films, and other library materials not needed for the permanent use of the Library.

(f) RULES.—(1) To carry out the functions specified in subsection (d), the Secretary may issue rules under which the Library will make available to public and private entities and to individuals—

(A) copies of its publications or materials;

(B) facilities for research; or

(C) bibliographic, reference, or other services.

(2) Rules issued under paragraph (1) may provide for making available publications, materials, facilities, or services of the Library—

(A) without charge as a public service;

(B) upon a loan, exchange, or charge basis; or

(C) in appropriate circumstances, under contract arrangements made with a public or nonprofit private entity.

(3) Before issuing rules under paragraph (1), the Secretary shall obtain the advice and recommendations of the Board of Regents.

SEC. 1336. GIFTS.

(a) ACCEPTANCE AUTHORIZED.—The Secretary may accept on behalf of the United States gifts made conditionally or unconditionally, by will or other method, for the benefit of the Library or to carry out its functions. The Board of Regents shall make recommendations to the Secretary relating to the establishment within the Library of suitable memorials to donors.

(b) ACCEPTANCE AND USE OF CONDITIONAL GIFTS.—(1) The Secretary may not accept a gift under subsection (a) that is conditioned on the expenditure of Federal funds unless such expenditure has been approved by Act of Congress.

(2) The principal of, and income from, a conditional gift accepted under subsection (a) shall be held, invested, reinvested, and used in accordance with its conditions.

(3) The Board may recommend to the Secretary the acceptance under subsection (a) of conditional gifts for study, investigation, or research respecting the purpose for which the Library is established.

(c) USE OF UNCONDITIONAL GIFTS OF MONEY.—(1) The Secretary shall deposit in the Treasury of the United States—

(A) any unconditional gift of money accepted under subsection (a);

(B) the net proceeds from the liquidation under subsection (d) or (e) of any other property so accepted; and

(C) the proceeds of insurance on any such gift property not used for its restoration.

(2) The funds so deposited shall be held in trust by the Secretary of the Treasury for the benefit of the Library.

(3) The Secretary of the Treasury may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(4) Such gifts and the income from such investments shall be available for expenditure in the operation of the Library and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Library by Congress.

(d) USE OF UNCONDITIONAL GIFTS OF INTANGIBLE PROPERTY.—(1) The evidences of any unconditional gift of intangible personal property, other than money, accepted under subsection (a) shall be deposited with the Secretary of the Treasury, who may hold them or liquidate them, except that such evidences shall be liquidated upon the request of the Secretary of Agriculture, whenever necessary to meet payments required in the operation of the Library or the performance of its functions.

(2) The proceeds and income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in subsection (c).

(e) USE OF UNCONDITIONAL GIFTS OF REAL AND TANGIBLE PROPERTY.—(1) The Secretary may hold and insure any real property or any tangible personal property accepted unconditionally under subsection (a) and may permit such property to be used for the operation of the Library and the performance of its functions. In the alternative, the Secretary may lease such property for the benefit of the Library.

(2) The Secretary shall deposit any income derived from the lease of such property with the Secretary of the Treasury to be available for expenditure as provided in subsection (c), except that—

(A) the income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Secretary for the maintenance, preservation, or repair and insurance of such property; and

(B) any proceeds from insurance may be used to restore the property insured.

(3) Any such property when not required for the operation of the Library or the performance of its functions may be liquidated by the Secretary.

SEC. 1337. BOARD OF REGENTS.

(a) ESTABLISHMENT AND MEMBERSHIP.—(1) The Secretary shall establish a Board of Regents of the National Agricultural Library for the purpose of advising, consulting with, and making recommendations to the Secretary on matters of policy in regard to the Library.

(2) The Board shall consist of ex officio members and 9 members appointed by the Secretary.

(b) EX OFFICIO MEMBERS.—The ex officio members of the Board shall consist of the following (or their designees):

(1) The Assistant Secretary of Agriculture for Science and Education.

(2) The Assistant Director for Biological, Behavioral, and Social Sciences of the National Science Foundation.

(3) The Director of the National Library of Medicine.

(4) The Librarian of Congress.

(c) APPOINTMENT OF OTHER MEMBERS.—The members of the Board who are not ex officio members shall be appointed by the Secretary as follows:

(1) Five members shall be selected from among leaders in fields of the agricultural sciences.

(2) Four members shall be selected from among leaders in the various fields of the fundamental sciences, communication and information sciences, education, or public affairs.

(d) CHAIR; EXECUTIVE SECRETARY.—(1) The Board shall annually elect one of the members appointed under subsection (c) to serve as chair at the pleasure of the Board.

(2) The Secretary shall designate a member of the Library staff to act as executive secretary of the Board.

(e) DUTIES.—(1) To carry out the purpose for which the Board is established, the Board shall provide recommendations to the Secretary regarding such matters as—

(A) the acquisition of materials for the Library;

(B) the scope, content, and organization of the services of the Library; and

(C) the rules under which its materials, publications, facilities, and services are made available to various kinds of users.

(2) The Secretary shall include in the annual report of the Department of Agriculture a statement covering the recommendations made by the Board and any action taken by the Secretary regarding such recommendations.

(f) SERVICES OF MEMBERS.—The Secretary may use the services of any member of the Board in connection with matters related to the work of the Library, for such periods, in addition to conference periods, as the Secretary may determine to be appropriate.

(g) TERM OF OFFICE.—(1) Each member appointed under subsection (c) shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(2) A member who is appointed under subsection (c) may not be reappointed to the Board before 1 year after the date of the expiration of the term of such member.

(h) APPLICATION OF ADVISORY COMMITTEE ACT.—Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) relating to the termination of an advisory committee shall not apply to the Board established under this section.

SEC. 1338. DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS.

(a) DEFINITIONS.—For purposes of this subtitle—

(1) The term "Library" means the National Agricultural Library.

(2) The term "Board" means the Board of Regents of the National Agricultural Library.

(3) The term "Secretary" means the Secretary of Agriculture.

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated amounts sufficient for the erection and equipment of suitable and adequate buildings and facilities for the use of the Library, except that—

(A) the cost of planning any one facility shall not exceed $500,000; and

(B) the total cost of any one facility shall not exceed $5,000,000.

(2) There are authorized to be appropriated such other funds as may be necessary to carry out this subtitle for each of the fiscal years 1991 through 1995.

Subtitle E—National Agricultural Weather Information System

SEC. 1339. SHORT TITLE, FINDINGS, AND PURPOSES.

(a) SHORT TITLE.—This subtitle may be cited as the "National Agricultural Weather Information System Act of 1990".

(b) FINDINGS.—Congress finds that—

(1) a major cause of variability and losses in agricultural production is weather and climate factors;

(2) extreme weather conditions, such as drought, appear to be occurring more frequently, and further climate changes are likely;

(3) the Federal Government has repeatedly assumed responsibility for emergency aid to agricultural producers who suffer losses due to weather;

(4) it would be prudent and cost effective to prevent or reduce agricultural losses due to weather factors through better use of weather and climate information;

(5) current agricultural weather and climate information and its delivery to agricultural producers are not adequate; and

(6) better application of weather and climate information will help conserve water resources, allow agricultural chemicals to be applied in a more efficient fashion with less stress on the environment, and reduce energy consumption by improved management decisionmaking.

(c) PURPOSES.—The purposes of this subtitle are to—

(1) provide a nationally coordinated agricultural weather information system, based on the participation of universities, State programs, Federal agencies, and the private weather consulting sector, and aimed at meeting the weather and climate information needs of agricultural producers;

(2) facilitate the collection, organization, and dissemination of advisory weather and climate information relevant to agricultural producers, through the participation of the private sector and otherwise;

(3) provide for research and education on agricultural weather and climate information, aimed at improving the quality and quantity of weather and climate information available to agricultural producers, including research on short-term forecasts of thunderstorms and on extended weather forecasting techniques and models;

(4) encourage, where feasible, greater private sector participation in providing agricultural weather and climate information, to encourage private sector participation in educating and training farmers and others in the proper utilization of agricultural weather and climate information, and to strengthen their ability to provide site-specific weather forecasting for farmers and the agricultural sector in general; and

(5) ensure that the weather and climate data bases needed by the agricultural sector are of the highest scientific accuracy and thoroughly documented, and that such data bases are easily accessible for remote computer access.

SEC. 1340. AGRICULTURAL WEATHER OFFICE.

(a) ESTABLISHMENT OF THE OFFICE AND ADMINISTRATION OF THE SYSTEM.—(1) The Secretary of Agriculture shall establish in the Department of Agriculture an Agricultural Weather Office to plan and administer the National Agricultural Weather Information System. The system shall be comprised of the office established under this section and the activities of the State agricultural weather information systems described in section 1342(b)(1).

(2) The Secretary shall appoint a Director to manage the activities of the Agricultural Weather Office and to advise the Secretary on scientific and programmatic coordination for climate, weather, and remote sensing.

(b) AUTHORITY.—The Secretary, acting through the Office, may undertake the following activities to carry out this subtitle:

(1) Enter into cooperative projects with the National Weather Service to—

(A) support operational weather forecasting and observation useful in agriculture;

(B) sponsor joint workshops to train agriculturalists about the optimum utilization of agricultural weather and climate data;

(C) jointly develop improved computer models and computing capacity; and

(D) enhance the quality and availability of weather and climate information needed by agriculturalists.

(2) Obtain standardized weather observation data collected in near real time through State agricultural weather information systems.

(3) Make, through the Cooperative State Research Service, competitive grants under subsection (c) for research in atmospheric sciences and climatology.

(4) Make grants to eligible States under section 1342 to plan and administer State agricultural weather information systems.

(5) Coordinate the activities of the Office with the weather and climate research activities of the Cooperative State Research Service, the National Academy of Sciences, the National Sciences Foundation Atmospheric Services Program, and the National Climate Program.

(6) Encourage private sector participation in the National Agricultural Weather Information System through mutually beneficial cooperation with the private sector, particularly in generating weather and climatic data useful for site-specific agricultural weather forecasting.

(7) Represent the Department of Agriculture on agrometeorology and climate matters with the World Meteorological Organization, the Intergovernmental Program on Climate Change, and relevant science and technology agreements.

(c) COMPETITIVE GRANTS PROGRAM.—(1) With funds allocated to carry out this subsection, the Secretary of Agriculture may make grants to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations and corporations, and individuals to carry out research in all aspects of atmospheric sciences and climatology that can be shown to be important in both a basic and developmental way to understanding, forecasting, and delivering agricultural weather information.

(2) Grants made under this subsection shall be made on a competitive basis.

(d) PRIORITY.—In selecting among applications for grants under subsection (c), the Secretary shall give priority to proposals which emphasize—

(1) techniques and processes that relate to weather-induced agricultural losses, and to improving the advisory information on

weather extremes such as drought, floods, freezes, and storms well in advance of their actual occurrence;

(2) the improvement of site-specific weather data collection and forecasting; or

(3) the impact of weather on economic and environmental costs in agricultural production.

SEC. 1341. NATIONAL ADVISORY BOARD ON AGRICULTURAL WEATHER.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the Advisory Board on Agricultural Weather (hereafter referred to in this section as the "Board") to advise the Director of the Agricultural Weather Office with respect to carrying out this Act.

(b) COMPOSITION.—The Board shall be composed of nine members, appointed by the Secretary in consultation with the Director of the National Weather Service. Two of the members shall be from each of the four cooperative extension service regions. Of the two members from each region, one shall be an agricultural producer and one shall be an agricultural or atmospheric scientist. At least two members of the Board shall be appointed from among individuals who are engaged in providing private meteorology services or consulting with a private meteorology firm.

(c) CHAIRPERSON.—The Board shall elect a chairperson from among its members.

(d) TERM.—Each Board member shall be appointed for a three-year term, except that to ensure that members of the Board serve staggered terms, the Secretary shall appoint three of the original members of the Board to appointments for one year, and three of the original members to appointments for two years.

(e) MEETINGS.—The Board shall meet not less than twice annually.

(f) COMPENSATION.—Members of the Board shall serve without compensation, but while away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as individuals employed in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

SEC. 1342. STATE AGRICULTURAL WEATHER INFORMATION SYSTEMS.

(a) GRANTS REQUIRED.—(1) With funds allocated to carry out this section, the Secretary of Agriculture shall make grants to not fewer than 10 eligible States to plan and administer, in cooperation with persons described in paragraph (2), advisory programs for State agricultural weather information systems.

(2) The persons referred to in paragraph (1) are the Director of the Agricultural Weather Office, the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service, and other persons as appropriate (such as the directors of the appropriate State agricultural experiment stations and State extension programs).

(3) For purposes of selecting among applications submitted by States for grants under this section, the Secretary shall take into consideration the recommendation of the Advisory Board on Agricultural Weather and consult with the Director.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under this section, the chief executive officer of a State shall submit to the Secretary an application that contains—

(1) assurances that the State will expend such grant to plan and administer a State agricultural weather system that will—

(A) collect observational weather data throughout the State and provide such data to the National Weather Service and the Agricultural Weather Office;

(B) develop methods for packaging information received from the national system for use by agricultural producers (with State extension services and the private sector to serve as the primary conduit of agricultural weather forecasts and climatic information to producers); and

(C) develop programs to educate agricultural producers on how to best use weather and climate information to improve management decisions; and

(2) such other assurances and information as the Secretary may require by rule.

SEC. 1343. FUNDING.

(a) ALLOCATION OF FUNDS.—(1) Not less than 15 percent and not more than 25 percent of the funds appropriated for a fiscal year to carry out this subtitle shall be used for cooperative work with the National Weather Service entered into under section 1340(b)(1).

(2) Not less than 15 percent and not more than 25 percent of such funds shall be used by the Cooperative State Research Service for a competitive grants program under section 1340(c).

(3) Not less than 25 percent and not more than 35 percent of such funds shall be divided equally between the participating States selected for that fiscal year under section 1342.

(4) The remaining funds shall be allocated for use by the Agricultural Weather Office and the Extension Service in carrying out generally the provisions of this subtitle.

(b) LIMITATIONS ON USE OF FUNDS.—Funds provided under the authority of this subtitle shall not be used for the construction of facilities. Each State or agency receiving funds shall not use more than 30 percent of such funds for equipment purchases. Any use of the funds in facilitating the distribution of agricultural and climate information to producers shall be done with consideration for the role that the private meteorological sector can play in such information delivery.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this subtitle for each of the fiscal years 1991 through 1995.

Subtitle F—Plant and Animal Pest and Disease Control Program

SEC. 1344. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Integrated pest management treats pests as part of a crop production system that includes not only the crop and its pests, but also the physical and biological environment in which the crop is grown.

(2) The environment with respect to pest management is ever changing.

(3) A need continues to exist to coordinate and more fully develop pest control management systems to achieve economical and long-lasting solutions to pest problems.

(4) An urgent need exists to enhance, expand, and better coordinate existing Federal, State, and private research (including research by private industry) regarding integrated pest management.

(5) An expansion of research regarding integrated pest management should enhance—

(A) pest identification;

(B) field monitoring techniques;

(C) action guidelines;

(D) effective prevention and control, including the use of appropriate pesticides when needed; and

(E) available biological controls and methodology and the curtailment of inappropriate techniques.

(6) Integrated pest management is a flexible, evolving strategy that must be updated periodically so as to maximize economical solutions and minimize hazards to human health and the environment.

(b) DEFINITIONS.—For purposes of this subtitle:

(1) The term "integrated pest management" means a pest or disease population management system that uses all suitable techniques, such as biological and cultural controls as well as pesticides, in a total production system to anticipate and prevent pests and diseases from reaching economically damaging levels.

(2) The term "pesticide" shall have the same meaning as given that term in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).

SEC. 1345. ESTABLISHMENT OF OFFICE.

(a) ESTABLISHMENT.—(1) The Secretary of Agriculture, acting through the Assistant Secretary for Science and Education, shall establish an office in the Department of Agriculture to be known as the "Office of Integrated Pest Management".

(2) The Office of Integrated Pest Management shall be established not later than 180 days after the date of enactment of this Act.

(b) CHIEF OF OFFICE.—The Secretary of Agriculture may appoint a chief of the Office of Integrated Pest Management whose duties shall be to—

(1) investigate and report on the status of integrated pest management; and

(2) recommend new research and extension strategies regarding integrated pest management.

(c) ADVISORY COMMITTEE.—(1) The Secretary of Agriculture shall establish a 7-person technical committee to advise the Secretary and the chief of the Office of Integrated Pest Management regarding the development of new integrated pest management research strategies, including research of the type referred to in section 1344(a)(5).

(2) The members of the advisory committee shall be appointed by the Secretary from—

(A) among scientists with appropriate training and experience in the area of integrated pest management; and

(B) among individuals who are actively performing research for Federal or State agencies or for private industries, institutions, or organizations, in a variety of disciplines.

(3) Members of the advisory committee shall be appointed for a 3-year term, except that to ensure that members serve staggered terms, the Secretary shall appoint initial members for 1-, 2-, and 3-year terms.

(4) Members of the technical committee shall serve without compensation, except that while away from their homes or regular places of business in the performance of services for the committee, members of the committee shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as individuals employed in government service are allowed travel expenses under section 5703 of title 5, United States Code.

(d) GIFTS.—The Secretary of Agriculture may accept on behalf of the Office of Integrated Pest Management contributions of money and services from persons, groups, and entities within the United States.

(e) PILOT PROGRAMS.—The Secretary of Agriculture shall cooperate in or initiate pilot programs with respect to integrated pest management strategies.

(f) REPORT.—The Secretary of Agriculture shall submit to the Congress not later than January 15, 1995, a report reviewing existing research and extension activities involving integrated pest management. Such report shall contain recommendations regarding the continuation, modification, or elimination of the Office of Integrated Pest Management.

SEC. 1346. PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary shall undertake or assist in the conduct of research regarding integrated pest management, including research by grant or contract with Federal or State agencies or private industries, institutions, or organizations, as may be necessary to carry out this subtitle. Such research shall include integrated pest management research to benefit the producers of cut roses and other fresh cut flowers.

(2) Implementation of integrated pest management strategies shall be conducted through the Extension Service.

(b) EFFECT ON OTHER LAWS.—Nothing in this Act shall be construed as limiting or repealing the authority of the Administrator of the Environmental Protection Agency to conduct research regarding integrated pest management under section 20(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136r(a)).

SEC. 1347. PEST AND DISEASE CONTROL DATA BASE AND PESTICIDE RESISTANCE MONITORING.

(a) DATA BASE REQUIRED.—The Secretary of Agriculture shall establish and maintain a data base on available materials and methods of pest and disease control available to agricultural producers. The data base required by this subsection shall include a listing (by crop, animal, and pest or disease) of information—

(1) on currently available materials or methods of chemical, biological, cultural, or other means of controlling plant and animal pests and diseases; and

(2) on the extent of pest or disease resistance developed under the monitoring required by subsection (d).

(b) PRIORITIES FOR RESEARCH AND EXTENSION ACTIVITIES.—When the information in the data base established under subsection (a) indicates a shortage of available pest or disease control materials or methods to protect a particular crop or animal, the Secretary of Agriculture shall set priorities designed to overcome this shortage in its pest and disease control research and extension programs conducted under this subtitle.

(c) DISSEMINATION OF INFORMATION IN THE DATA BASE.—The Secretary of Agriculture shall—

(1) make the information contained in the data base established under subsection (a) available through the National Agricultural Library; and

(2) provide such information on an annual basis to the Administrator of the Environmental Protection Agency in support of the activities of that Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(d) PESTICIDE RESISTANCE MONITORING.—The Secretary of Agriculture shall establish a national pesticide resistance monitoring program in accordance with the report developed by the Secretary under section 1437 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1558).

SEC. 1348. RESEARCH ON EXOTIC PESTS.

(a) PURPOSE.—The purpose of this section is to expand the research capacity of the Department of Agriculture and State cooperative institutions in the control and eradication of exotic pests.

(b) RESEARCH PROGRAM.—The Secretary of Agriculture shall expand ongoing research and grant programs designed to control infestations of exotic pests. Expanded research and grant programs shall include—

(1) improvement of existing methods of pest control, including sterile insect release, and development of safer pesticides, including pheremones; and

(2) expansion of research capacity to develop new methods of pest control, including containment of pests for research purposes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program authorized by this section.

SEC. 1349. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle (other than section 1348) $55,000,000 for each of the fiscal years 1991 through 1995. Not less than $30,000,000 of the amounts appropriated to carry out this subtitle (other than section 1348) for a fiscal year shall be available to the Extension Service for implementation of section 1346(a)(2).

SEC. 1350. STUDY OF THE BIOLOGY AND BEHAVIOR OF CHINCH BUGS: FACTORS LEADING TO CROP LOSS AND DEVELOPMENT OF IMPROVED MANAGEMENT PRACTICES.

(a) ESTABLISHMENT.—The Secretary shall establish a research and education program to study the biology and behavior of chinch bugs. The purpose of this study shall be to:

(1) Characterize the relationship between environmental/climatic factors and chinch bug outbreaks in an attempt to predict when these outbreaks occur.

(2) Determine chinch bug dispersal habits, overwintering habitat preferences, and overwintering survival in native and introduced grasses.

(3) Describe the population dynamics of chinch bugs in small grain and noncrop grass hosts in the spring and assess yield losses in small grain crop hosts.

(4) Investigate various aspects of chinch bug behavior (including host habitat preferences, oviposition, and pheromones) that may result in the development of novel management strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Subtitle G—Research Regarding the Production, Preparation, Processing, Handling, and Storage of Agricultural Products

SEC. 1351. FINDINGS, PURPOSE, AND DEFINITION.

(a) FINDINGS.—Congress finds that—

(1) the wholesomeness of agricultural products is important to the welfare of the people of the United States;

(2) it is appropriate to periodically examine agricultural production and preparation, processing, handling, and storage systems for agricultural products, especially with respect to harmful microbiological and chemical agents that seriously undermine product wholesomeness and fitness; and

(3) additional research into the wholesomeness of agricultural products should be conducted to identify needed improvements in production, preparation, processing, handling and storage of agricultural products.

(b) PURPOSE.—The purpose of this subtitle is to authorize agricultural products research, and not to implement any changes to current production, preparation, processing, handling and storage methods and procedures for agricultural products.

(c) EFFECT ON OTHER PROGRAMS.—Nothing in this subtitle shall be construed or interpreted to limit or otherwise affect the research programs of any agency or department of the Federal Government currently conducted or to be conducted under any other statutory authority.

(d) AGRICULTURAL PRODUCT DEFINED.—The term "agricultural product" means the product of an agricultural commodity produced in the United States from a plant or animal or silvicultural activities, or an aquacultural species, including those raised and propagated in a controlled environment.

SEC. 1352. RESEARCH AND GRANT PROGRAM.

(a) RESEARCH PROGRAM.—The Secretary of Agriculture shall establish a research program to—

(1) establish a statistical framework to measure microbiological and chemical agents in or affecting agricultural products that seriously undermine product wholesomeness and fitness;

(2) identify any microbiological or chemical agent under the statistical framework established under paragraph (1); and

(3) identify the means to avoid microbiological and chemical agents in or affecting agricultural products or to control or reduce such agents, including—

(A) developing techniques for the rapid detection and identification of such microbiological and chemical agents;

(B) analyzing the production, preparation, processing, handling, storage, and distribution of agricultural products, to determine those points at which intervention could occur to control microbiological or chemical agents in or affecting an agricultural product; and

(C) research to develop or enhance existing techniques to control microbiological or chemical agents in or affecting an agricultural product, including food irradiation research.

(b) COMPETITIVE GRANT PROGRAM.—The Secretary of Agriculture may make competitive grants, after consultation with the committee established under section 1353, for periods not to exceed five years, to persons and governmental entities for research to be carried out for any of the activities specified in subsection (a). The Secretary shall require the recipient of any such grant to provide matching funds for such research unless the Secretary determines that the research should be performed notwithstanding the lack of matching funds.

(c) PROHIBITED USES.—No grant may be made under subsection (b) (or expended by the recipient of such a grant) for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

(d) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (b), a person or governmental entity shall submit to the Secretary an application that contains—

(1) a proposal to carry out research for one or more of the activities specified in subsection (a);

(2) an assurance that such person or entity will submit to the Secretary a detailed

report of the research conducted with such grant; and

(3) such other terms and conditions as the Secretary may require by rule.

SEC. 1353. ADVISORY COMMITTEE AND GRANT PROCESS.

(a) ADVISORY COMMITTEE.—The Secretary of Agriculture shall establish a committee to set research priorities for, and evaluate, proposed research projects for which grants under section 1352(b) are requested.

(b) MEMBERSHIP.—The committee shall be comprised of nine members as follows:

(A) The Secretary or the designee of the Secretary ex officio.

(B) Two members appointed by the Secretary from among scientists who are employed by colleges, universities, or State agricultural experiment stations and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(C) Two members appointed by the Secretary from among scientists or public health professionals who are employed by private research organizations or other entities involved in food research and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(D) Four members appointed by the Secretary from among individuals who are employees of the Federal Government and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(c) PUBLIC NOTICE.—(1) On receipt of the committee's recommendations with respect to research priorities for grants awarded under section 1352(b), the Secretary shall publish in the Federal Register—

(A) the proposed research priorities, and

(B) a notice requesting persons and governmental entities to submit written comments on the priorities to the Secretary not later than sixty days after publication of such notice.

(2) After review of comments received under paragraph (1), the Secretary shall establish final research priorities by notice in the Federal Register.

(d) REVIEW OF RESEARCH PROPOSALS.—(1) On receipt of an application submitted under section 1352(b) for research, the Secretary shall refer the research proposal contained in such application to the committee established by this section for its review.

(2) To assist the committee in its deliberations, the committee shall establish peer review panels to review the scientific and technical merits of research proposals. The committee shall seek the widest participation of qualified scientists and public health professionals in such panels.

(3) The peer review panels shall report their findings and recommendations to the committee.

(4) Both the committee and the peer review panels shall consult and coordinate with other appropriate Federal advisory committees.

(5) After due consideration of the review panel comments, the committee shall recommend to the Secretary which grants should be made under this subtitle.

(e) BASIC AND APPLIED RESEARCH.—In reviewing research proposals received under subsection (d), the committee and the peer review panels shall identify both—

(1) proposals for basic research, and

(2) proposals for applied research, taking into consideration the practical application of the results of basic research and applied research.

(f) REVIEW OF COMPLETED PROJECTS.—When a research project is completed, the grant recipient shall forward the results of the project to the committee for its review. The committee shall submit the results to the Secretary along with any recommendations or suggestions of the committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the committee or peer review panels established under this section.

SEC. 1354. REPORTS TO CONGRESS.

(a) REPORT ON IMPLEMENTATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implementation of this subtitle.

(b) REPORTS ON RESEARCH.—For each fiscal year in which funding is provided to carry out this subtitle, the Secretary shall report on the findings of the research for which grants were made during such fiscal year under this subtitle and include in such report any recommendations for implementation of the findings to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1355. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1991 through 1995 such sums as may be necessary to carry out this subtitle to be available until expended without fiscal year limitation.

(b) ADMINISTRATIVE EXPENSES.—Not more than 4 percent of the amount appropriated for a fiscal year under subsection (a) may be expended by the Secretary of Agriculture for administrative costs incurred by the Secretary to carry out this subtitle.

SEC. 1355B. STUDY OF THE IMPACT ON UNITED STATES MEAT EXPORTS OF ALLOWING DESTINATION BASED GRADING.

(a) ESTABLISHMENT.—The Secretary shall establish a research program to study the effects of grading meat destined for export, under the grading system of the country of final destination.

(b) PURPOSE.—To determine if allowing meat destined for export to be graded by persons or under the system of the country of final destination shall facilitate the export of United States meat products, improve the competitive position of United States meat exports or provide other benefits.

Subtitle H—National Institute for Alternative Agricultural Products

SEC. 1356. SHORT TITLE, PURPOSES, AND DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the "Alternative Agricultural Products Act of 1990".

(b) PURPOSE.—Through the encouragement of and the provision of assistance to agricultural research and development, it is the purpose of this subtitle to—

(1) substantially increase commercial use of agricultural commodities produced in the United States, through cooperative public and private development of environmentally sound, healthful, and safe new uses, applications, technologies, processes, and products of such commodities;

(2) mobilize private sector initiatives to improve the competitiveness of United States agricultural producers and processors in both domestic and export markets through accelerated development, application, and transfer of advanced technology related to new uses, processes, and products of agricultural commodities;

(3) foster economic development in rural areas of the United States through the introduction of new products obtained from agricultural commodities;

(4) establish markets for new nonfood, nonfeed uses of traditional and new agricultural commodities resulting from cooperative research and development in order to create jobs, enhance the economic development of the rural economy, and diversify markets for raw agricultural commodities;

(5) encourage cooperative development and marketing efforts among manufacturers, investors, universities, and private and government laboratories in order to accelerate the commercialization of new industrial uses for agricultural commodities; and

(6) direct, to the maximum extent possible, commercialization efforts toward the development of new products from raw agricultural commodities that can be raised by family farmers.

(c) DEFINITIONS.—For purposes of this subtitle:

(1) The term "agricultural commodity" means a plant or animal species propagated or raised in a controlled environment, or a tree species, or the products derived from that species.

(2) The term "alternative agricultural product" means a new use, application, or material that—

(A) is derived from an agricultural commodity; and

(B) is not in widespread commercial use and is not expected to significantly displace a use, application, or material derived from an agricultural commodity that already is in widespread commercial use.

(3) The term "commercialization" or "commercialize" includes—

(A) activities associated with the development of prototype products or industrial plants;

(B) the application of technology and techniques to the development of industrial products; and

(C) the market development of new industrial uses of new and traditional agricultural commodities and processes, that will lead to the creation of goods and services that may be marketed for profit.

(4) The term "Institute" means the National Institute for Alternative Agricultural Products.

(5) The term "Secretary" means the Secretary of Agriculture.

(6) The term "Director" means the Director of the Institute.

(7) The term "Board" means the National Alternative Agricultural Products Board.

(8) The term "Regional Center" means a Regional Center established by the Board under section 1362.

(9) The term "Fund" means the Alternative Agricultural Products Technology Revolving Fund.

SEC. 1357. NATIONAL INSTITUTE FOR ALTERNATIVE AGRICULTURAL PRODUCTS.

(a) ESTABLISHMENT OF THE INSTITUTE.—The Secretary of Agriculture shall establish a National Institute for Alternative Agricultural Products to carry out the purpose of this

subtitle. The Institute shall be operated as an independent entity within the Department of Agriculture under the general supervision and policy control of the National Alternative Agricultural Products Board.

(b) FUNCTIONS OF THE INSTITUTE.—The Institute shall have the authority to—

(1) make grants to, and enter into cooperative agreements and contracts with, eligible applicants for research, development, and demonstration projects in accordance with section 1359;

(2) make loans and interest subsidy payments and invest venture capital in accordance with section 1360;

(3) collect and disseminate information about State, regional, and local commercialization projects;

(4) search for new industrial materials that may be produced from agricultural commodities and for processes to produce such materials;

(5) administer, maintain, and dispense funds from the Alternative Agricultural Products Technology Revolving Fund to facilitate the conduct of activities under this subtitle; and

(6) engage in other activities incident to carrying out its functions.

(c) DIRECTOR OF THE INSTITUTE.—(1) The Institute shall be headed by a Director, who shall be appointed by the Board and approved by the Secretary of Agriculture. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall be appointed for a term of five years, subject to removal by the Board before the end of that term.

(d) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall be responsible for the overall management of the Institute and the implementation of general policies respecting the management and operation of programs and activities of the Institute. In carrying out such responsibilities on behalf of the Institute, the Director (subject to the supervision of the Board)—

(1) shall provide for appropriate peer review of—

(A) applications for grants, contracts, and cooperative agreements submitted under section 1359 and applications for financial assistance submitted under section 1360;

(B) the conduct of research for which assistance is provided by the Institute; and

(C) research findings or reports resulting from grants, contracts, and cooperative agreements administered by the Institute as the Board determines necessary;

(2) shall require, where appropriate, licensing and patent agreements, copyright fees, royalties, or other fee arrangements on the sales of products, new uses, applications technologies, or processes developed through assistance provided through a grant made, contract or cooperative agreement entered into, or other assistance provided, under this subtitle; and

(3) shall take appropriate action to ensure that all channels for the dissemination and exchange of agricultural products and processes research are maintained between the Institute and other agricultural, scientific, and business entities.

SEC. 1358. NATIONAL ALTERNATIVE AGRICULTURAL PRODUCTS BOARD.

(a) ESTABLISHMENT OF BOARD.—The Secretary shall establish the National Alternative Agricultural Products Board, which shall consist of ex officio nonvoting members and 12 voting members.

(b) MEMBERS.—(1) The Secretary may appoint as ex officio nonvoting members of the Board such officers or employees of the United States as the Secretary determines to be necessary to assist the Board to effectively carry out its functions.

(2) The voting members of the Board shall be appointed by the Secretary as follows:

(A) Three members who are appointed from among the leading representatives of the scientific disciplines relevant to the activities of the Institute.

(B) Three members who are producers or processors of agricultural commodities.

(C) Three members who are privately engaged in the commercialization of new products from agricultural commodities.

(D) Three members who are representatives of private industries that have a history of successful commercialization of new products.

(c) RESPONSIBILITIES.—The Board shall—

(1) be responsible for the general supervision and policy control of the Institute and Regional Centers;

(2) determine (in consultation with the advisory council appointed under section 1360) high priority commercialization areas to receive assistance under that section;

(3) review any grant, contract, or cooperative agreement to be made by the Institute under section 1359 and any financial assistance to be provided under section 1360;

(4) make the final decision, by majority vote, on whether and how to provide assistance to the applicant;

(5) establish program policy, objectives, research and development, and commercialization priorities to implement this subtitle, through a process of public hearings to be initiated as soon as practicable after the establishment of the Board; and

(6) using the results of such hearings and other information and data collected under paragraph (4), develop and establish a budget plan and a long-term operating plan to implement this subtitle.

(d) TERM; VACANCIES.—The term of office of a voting member of the Board shall be four years, except that six members shall be initially appointed for a two-year term and any member appointed to fill a vacancy for an unexpired term shall be appointed only for the remainder of such term. A vacancy on the Board shall be filled in the same manner as the original appointment.

(e) CHAIR.—The voting members of the Board shall select a chair from among the voting members. The term of office of the chair shall be two years.

(f) MEETINGS.—The Board shall meet at the call of the chair or at the request of the Director, but at least three times each fiscal year. The location of the meetings of the Board shall be subject to the approval of the Director. A quorum of the Board shall consist of a majority of the voting members of the Board.

(g) COMMITTEES.—The Board may establish one or more temporary committees with scientific, technical, or other expertise, whose duties shall be to provide information, analysis, and recommendations, at the request and direction of the Board, on scientific, technological, policy, and other matters, as determined necessary by the Board. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to such temporary committees.

(h) COMPENSATION.—Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board. Members of the Board appointed under subsection (b)(2) shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Board, compensation at a rate not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule. All members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(i) RESTRICTIONS.—(1) Except as provided in paragraph (3), no member of the Board shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Institute, in which, to the knowledge of the member, such member, spouse or minor child of such member, partner or organization (other than the Corporation) in which such member is serving as officer, director, trustee, partner, or employee, or any person or organization with whom such member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Action by a member of the Corporate Board that is contrary to the prohibition contained in paragraph (1) shall be cause for removal of such member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Institute in which the member or officer participated.

(3) The prohibitions contained in paragraph (1) shall not apply if a member of the Board advises the Board of the nature of the particular matter in which such member proposes to participate in, and if such member makes a full disclosure of such financial interest, prior to any participation, and the Board determines, by majority vote, that the financial interest is too remote or too inconsequential to affect the integrity of such member's services to the Institute in that matter. The member involved shall not participate in such determination.

(4) Any final decision made under subparagraph (3) may be vetoed by the Secretary, and the Secretary shall inform the Board of the reasons for such veto.

SEC. 1359. RESEARCH AND DEVELOPMENT GRANTS, CONTRACTS, AND AGREEMENTS.

(a) ELIGIBILITY.—All public and private educational institutions, other public and private research institutions and organizations, Federal agencies, and individuals shall be eligible to receive a grant from, or enter into a contract or cooperative agreement with, the Institute for a research, development, or demonstration project, as provided in this section.

(b) COMPETITIVE BASIS FOR AWARDS.—Grants made, and contracts and cooperative agreements entered into, under this section shall be selected on a competitive basis on the recommendation of a peer review system to be established by the Institute. Such system shall contain peer review expertise in commercial production, product development, processing, and marketing of agricultural commodities as well as in scientific research.

(c) SELECTION CRITERIA.—The Institute shall select a research, development, or demonstration project to receive a grant, contract, or cooperative agreement under this section, based on the likelihood that the project will result in creating or improving economically viable commercial products, applications, processes, or technologies that involve the use of raw or processed agricultural commodities. The criteria to be considered shall include the following:

(1) The potential of the project to develop technologies that use or modify existing ag-

ricultural commodities to provide an economically viable quantity of new products.

(2) The potential of the project to develop new processes that may significantly increase the use of agricultural commodities.

(3) The potential marketability of the new product, the time period needed to market the new product, and the availability of the raw or processed agricultural commodity used in production.

(4) The potential that a project's selection could have on reducing the costs of Federal agricultural assistance programs.

(5) The unavailability of adequate funding from other sources to develop new commercial products or processes from the agricultural commodity proposed to be used in the project.

(6) The positive effect that the new product involved in the project may have on resource conservation, public health and safety, and the environment.

(7) The ability to produce the alternative agricultural product in or near the area where the agricultural commodity is produced.

(d) SET-ASIDE OF FUNDS FOR CERTAIN PROJECTS.—(1) Not less than two-thirds of the funds obligated each fiscal year for grants, contracts, and cooperative agreements under this section shall be awarded only for research, development, and demonstration projects for which the applicant—

(A) has committed substantial funding and support from its own resources; and

(B) has also entered into a cooperative agreement or other contractual arrangement with a commercial company domiciled in the United States that commits such company to—

(i) provide funds for at least 20 percent of the total cost of such project; and

(ii) engage in commercial production and sale of the marketable products, processes, uses, applications, or technologies developed through the project, under appropriate licensing, royalty, or other agreements.

(2) Not less than 5 percent of the funds obligated each fiscal year for grants, contracts, and cooperative agreements under this section shall be awarded only for projects submitted by the 1890 land-grant institutions, eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) including Tuskegee University.

(e) LIMITATION ON FUNDS PROVIDED.—Funds committed by the Institute for any project under a grant, contract, or cooperative agreement under this section shall in no case exceed 50 percent of the total cost of the project.

(f) MATCHING FUNDS.—Assistance shall be provided by the Institute on a matching basis with each dollar of Institute funds to be matched by one dollar or more from funds provided by a source other than the Institute. The actual ratio shall be established by the Institute and the applicant.

SEC. 1360. COMMERCIALIZATION ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Institute, at the discretion of the Board, may provide to eligible entities for projects commercializing new, nonfood, nonfeed products using agricultural commodities, financial assistance in the form of—

(1) loans made or insured by the Institute;

(2) interest subsidy payments made by the Institute (pursuant to an agreement between the Institute, the lender, and the borrower) to the lender in amounts determined pursuant to the agreement;

(3) venture capital invested by the Institute in the form of a convertible debenture; and

(4) repayable grants that are matched by private or local public funds and that are repaid as agreed in a contract between the Institute and the entity.

(b) ADVISORY COUNCIL.—The Board shall appoint an Advisory Council to advise the Director and Board concerning all applications for assistance submitted under this section. The Advisory Council shall—

(1) review (or coordinate the review of) the technical, engineering, financial, and managerial soundness and marketing potential of the applications;

(2) by majority vote, make a nonbinding recommendation on each application submitted under this section;

(3) monitor the progress of ongoing projects and provide technical and business counseling as needed;

(4) monitor the operation of the Regional Centers; and

(5) provide technical and business counseling to entities that are not seeking financial assistance from the Corporation, but which are engaged in commercializing nonfood, nonfeed uses of agricultural commodities.

(c) APPLICATION REQUIREMENTS.—(1) To obtain financial assistance from the Institute under this section, an eligible entity shall file an application with the Director.

(2) An application submitted to the Director under paragraph (1) shall—

(A) describe the proposal of the entity for the commercialization of a new product consistent with this section, including documentation that such proposal is—

(i) scientifically sound;

(ii) technologically feasible; and

(iii) marketable;

(B) provide documentation that adequate private sector funding is not available, but that the applicant has the ability to obtain matching funds from the public or private sectors;

(C) provide documentation that the applicant has invested in the project a significant amount of the applicant's own resources, including time and money;

(D) provide documentation that the product or process has broad application and has the potential to be commercially viable without continual assistance;

(E) provide documentation that the proposal has broad participation by representatives of the public sector, the financial community, the private business community, State and local governments, educational institutions, the farm community, the science and engineering communities;

(F) provide documentation that an established relationship exists between the applicant and other entities to give the applicant access to private business assistance;

(G) provide assurances of legal compliance by the applicant with the terms and conditions of the receipt of assistance under this section; and

(H) provide assurances that the project will result in the creation of new jobs in rural communities.

(d) PRIORITIES.—The Board shall give priority to—

(A) applications that shall create jobs in economically distressed rural areas;

(B) applications that have State or local government financial participation; and

(C) applications that have private financial participation.

(e) ELIGIBLE ENTITY DEFINED.—For purposes of this section, the term "eligible entity" includes—

(1) a university or other educational institution;

(2) a nonprofit organization; or

(3) a business concern.

SEC. 1361. GENERAL RULES REGARDING THE PROVISION OF ASSISTANCE.

(a) NOTICE OF RECEIPT OF APPLICATIONS.—Not later than 30 days before the start of each period established by the Board for receipt of applications for financial assistance under section 1359 or 1360, the Board shall publish in the Federal Register a notice that it will receive such applications.

(b) MONITORING.—(1) The Board shall monitor the progress of projects that receive financial assistance under this subtitle.

(2) Such monitoring may include on-site reviews by representatives of the Board, the requirement of written reports by recipients of assistance, and supportive business and technical counseling as needed by the recipient. The Board may use the Advisory Council appointed under section 1360 to assist in such monitoring.

(c) AUDITING AND ACCOUNTABILITY.—(1) The Board shall establish a thorough and effective system of auditing and accountability to ensure that funds paid under section 1359 or 1360 are used by recipients only for the purposes for which those funds are provided by the Institute.

(2) The Board may require that recipients of assistance demonstrate that the use of financial assistance is in compliance with the agreement by which that assistance is provided.

(d) INFORMATION EXEMPT FROM DISCLOSURE.—With respect to research, development, or demonstration projects carried out with the participation of private research institutions or commercial companies, information received by the Institute incident thereto shall be exempt from disclosure under section 552 of title 5, United States Code, and shall not be made available publicly except in a judicial or administrative proceeding in which such information is subject to protective order.

(e) OVERHEAD AND ADMINISTRATIVE COSTS.—The Board shall require that applications or responses to requests for proposals issued by the Institute for grants, contracts, or cooperative agreements include detailed estimates of project overhead and administrative costs. In selecting such applications or proposals for awards, the Institute shall give preference to those with the lowest effective costs.

(f) TIME LIMITATION.—No grant may be awarded, or contract or cooperative agreement entered into, for a period in excess of three years.

(g) PROHIBITION ON CERTAIN USES OF ASSISTANCE.—No grant may be awarded, or contract or cooperative agreement entered into, for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

(h) REPORTS.—(1) As soon as practicable after the end of each fiscal year, the Board shall prepare and submit to the Secretary a report on the activities, progress, and accomplishments of the Institute during such fiscal year. The report shall include—

(A) a description of the progress, activities, and accomplishments of the Institute during that fiscal year and the expenditures by the Institute for its information and other service activities; and

(B) a copy of the operating plan prepared by the Board under section 1358(c)(5).

(2) The Secretary shall transmit each report received under paragraph (1) to the President and Congress not later than 30

days after the day on which the Secretary receives the report.

SEC. 1362. REGIONAL CENTERS.

(a) ESTABLISHMENT REQUIRED.—(1) Except as provided in paragraph (2), the Board shall establish not less than two nor more than five Regional Centers to carry out the activities specified in this section and such other activities as the Board shall from time to time specify.

(2) A Regional Center may not be established or operated in a fiscal year unless at least $5,000,000 has been appropriated for that fiscal year to carry out this subtitle.

(b) METHOD OF ESTABLISHMENT.—(1) Each Regional Center established under this section shall be located at a host institution. The Regional Centers shall be established in different States to reflect the different regional climatic conditions and rural economic stresses in the United States.

(2) An institution that desires to be selected as a host institution for a Regional Center shall submit an application to the Board. The Board shall determine the location of the Regional Centers based on a competitive review of the contents of such applications and shall consider the ability of the applicant to carry out the activities specified in this section.

(c) MATCHING OF FUNDS.—(1) Each institution submitting an application for a Regional Center under this section shall provide assurances—

(A) that adequate funds or in-kind support (including office space, equipment and staff support) shall be provided to match the amount of funds used for administrative costs that are provided by the Federal Government under this subtitle;

(B) that the institution is qualified to carry out the activities required of a Regional Center; and

(C) concerning such other matters as the Board determines to be appropriate.

(2) The matching funds required under paragraph (1) may be provided by a consortia that may include the host institution and other public or private entities existing within various regions of the United States, including State and local governments, entities created by State and local governments, charitable organizations, public and private universities and other institutions of higher education, cooperatives, and economic development organizations.

(d) DIRECTOR.—Each Regional Center shall be headed by a full-time Regional Director who shall—

(1) be selected by the Board; and

(2) have a scientific or engineering background or have experience in the development of new products or processes in the public or private sector.

(e) ACTIVITIES.—Each Regional Center shall—

(1) encourage interaction among the private and Federal laboratories, National Science Foundation centers, Department of Agriculture research programs (including the Institute), other Federal resources, State and local regional economic development programs, universities, colleges, the private sector, and the financial community, for the purpose of evaluating and commercializing new nonfood, nonfeed uses of agricultural commodities;

(2) identify broad areas where commercialization of new products and processes can contribute to economic growth in rural areas of the United States, through the development of new nonfood, nonfeed uses for agricultural commodities by private companies and businesses;

(3) provide technical assistance and related business and financial counseling for small domestic businesses to commercialize new nonfood, nonfeed uses of agricultural commodities;

(4) identify new nonfood, nonfeed products and processes that are worthy of financial assistance;

(5) make use of existing programs in scientific, engineering, technical, and management education that will support the accelerated commercialization of new nonfood, nonfeed products and processes using agricultural commodities;

(6) advise the Director on the viability of specific proposals submitted for financial assistance and on the type of assistance, if any, to be provided;

(7) coordinate their activities with the Small Business Development Centers; and

(8) coordinate their activities with the Institute.

(f) REVIEW OF PROPOSALS FOR ASSISTANCE.—(1) Persons applying for assistance under this subtitle may submit their applications to a Regional Center for review.

(2) The Directors of the Regional Centers shall work in consultation with the Advisory Council appointed under section 1360(b) to obtain peer review and evaluation of applications submitted to the Regional Centers.

(3) The Advisory Council shall review applications submitted to the Regional Centers. The Advisory Council shall, by majority vote, make a nonbinding recommendation on each proposal to the Regional Director involved.

(4) The Regional Director, after consideration of the Advisory Council's recommendation and based on the comments of the reviewers, shall make and submit a recommendation to the Board along with the recommendation of the Advisory Council.

(5) The recommendation submitted by a Regional Director is not binding on the Board.

SEC. 1363. ALTERNATIVE AGRICULTURAL PRODUCTS TECHNOLOGY REVOLVING FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the Alternative Agricultural Products Technology Revolving Fund. The Fund shall be available to the Institute, without fiscal year limitation, to carry out the authorized programs and activities of the Institute under this subtitle.

(b) CONTENTS OF FUND.—There shall be deposited in the Fund—

(1) such amounts as may be appropriated or transferred to support the programs and activities of the Institute;

(2) payments received from any source for products, services, or property furnished in connection with the activities of the Institute;

(3) fees and royalties collected by the Institute from licensing or other arrangements relating to commercialization of products developed through projects funded in whole or part by grants, contracts, or cooperative agreements executed by the Institute;

(4) donations or contributions accepted by the Institute or the Corporation to support authorized programs and activities; and

(5) any other funds acquired by the Institute.

(c) ACCOUNTS.—(1) The Fund shall be organized into two separate accounts as follows:

(A) An account to cover activities of the Institute under section 1359.

(B) An account to cover activities of the Institute under section 1360.

(2) Monies deposited into the Fund shall be credited (as determined by the Board) to the account to which the monies relate.

(d) FUNDING ALLOCATIONS.—Funding of projects and activities under this subtitle shall be subject to the following restrictions:

(1) Of the total amount of funds made available for a fiscal year under this subtitle—

(A) not more than 5 percent may be set aside to be used for authorized administrative expenses of the Institute in carrying out its functions;

(B) not more than 5 percent may be set aside to be used for information collection and dissemination, and technology transfer programs, authorized in this subtitle; and

(C) not less than 85 percent shall be set aside to be awarded to qualified applicants who file project applications with, or respond to requests for proposals from, the Institute under sections 1359 and 1360.

(2) Any funds remaining uncommitted at the end of a fiscal year shall be credited to the Fund and added to the total program funds available to the Institute for the next fiscal year.

(e) PROHIBITION ON CERTAIN USES OF THE FUND.—None of the funds deposited in the Fund may be used for facilities or equipment by recipients of grants or successful bidders for contracts or cooperative agreements.

(f) TERMINATION OF THE FUND.—On expiration of the provisions of this subtitle, all assets (after payment of all outstanding obligations) of the Fund shall revert to the general fund of the Treasury.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund for each of the fiscal years 1991 through 1995 such sums as may be necessary to carry out this subtitle. Such sums shall be available without fiscal year limitation until expended.

Subtitle I—Agriculture and Water Policy Coordination

PART 1—SHORT TITLE, DEFINITIONS, WATER QUALITY POLICY, COORDINATION, RESEARCH, AND INFORMATION

SEC. 1364. SHORT TITLE, PURPOSE, DEFINITIONS, AND AUTHORIZATION OF APPROPRIATIONS.

(a) SHORT TITLE.—This subtitle may be cited as the "Agriculture and Water Policy Coordination Act".

(b) PURPOSE.—It is the purpose of this subtitle to ensure—

(1) that the Department of Agriculture develops, implements, and sustains a coordinated, integrated, and comprehensive intra-agency program to protect waters from contamination from agricultural chemicals and production and production practices; and

(2) increased efforts by the Department of Agriculture in extension, technical assistance, and research on the relations between agricultural production and the contamination of water.

(c) DEFINITIONS.—For purpose of this subtitle—

(1) The term "agricultural nitrogen" means nitrogen in all forms (whether man-made, chemical, or biological) which may be present or available for crop production.

(2) The term "contaminant" means any matter which, in its original form or as a metabolite, degradation, or waste product, as a constituent of water may impair the quality of water or may have a potential adverse effect on human health or the environment.

(3) The term "Department" means the United States Department of Agriculture.

(4) The term "Food and Agricultural Councils" means those councils established

by the policy of the Secretary in each State and made up of the leaders of programs within each State that represent agriculture.

(5) The term "soil and water conservation committees" refers to the committees established within the respective States by State law and which include the leaders of appropriate State agencies that address soil and water conservation.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and federally recognized Indian tribes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1991 through 1995 to carry out this subtitle.

SEC. 1365. WATER POLICY WITH RESPECT TO AGRICHEMICALS.

(a) AUTHORITY.—The Department of Agriculture shall be the principal Federal agency responsible and accountable for the development and delivery of educational programs, technical assistance, and research programs for the users and dealers of agrichemicals to insure that—

(1) the use, storage, and disposal of agrichemicals by users is prudent, economical, and environmentally sound; and

(2) agrichemical users, dealers, and the general public understand the implications of their actions and the potential effects on water.

The Secretary is authorized to undertake such programs and assistance in cooperation with other Federal, State, and local governments and agencies, and appropriate nonprofit organizations. The Secretary shall disseminate the results of efforts in extension, technical assistance, research, and related activities. The Secretary shall undertake activities under this subtitle in coordination with the Office of Environmental Quality in section 1612 of this Act.

(b) PARTICIPATION.—The following agencies shall participate in the Department's water program: the Agricultural Research Service; the Agricultural Stabilization and Conservation Service; the Animal Plant Health Inspection Service; the Cooperative State Research Service in conjunction with the system of State agricultural experiment stations; the Economic Research Service; the Extension Service, in conjunction with State and county cooperative extension services; the Forest Service; the National Agricultural Library; the National Agricultural Statistics Service; the Soil Conservation Service; and other agencies within the Department deemed appropriate by the Secretary.

SEC. 1366. STATE WATER QUALITY COORDINATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall require the establishment of a water quality coordination program within each State. To the greatest extent possible, the Secretary shall use the expertise of the food and agricultural councils.

(b) MEMBERSHIP.—Each State water quality coordination program shall involve those departmental agencies that are operating within the State that were identified in section 1365(b). For the purpose of coordination, the State water quality coordination program shall include, should they choose to participate, those State agencies with complementary water program authorities and programs. These State agency members should include the State agencies that are members of the respective State's soil and water conservation committees. The program shall also include the education program coordinator designated under section 1327(b)(2).

(c) PROGRAM LEADER.—The program leader of the State water quality coordination program shall be designated by the Secretary from among the Federal agency representatives in subsection (b).

(d) PURPOSE.—The water quality coordination program within each State shall serve as the focal point for coordinating the Department's water programs with agencies of that State. In addition to other actions, each water quality coordination program shall—

(1) serve as the focal point within the State for the coordination of Department-supported agricultural water programs with the water programs being conducted by other Federal agencies within the State;

(2) coordinate Federal activities within the State with water quality plans developed by that State in accordance with applicable Federal and State laws;

(3) review progress being made on identification and mapping of hydrologic units within that State; and

(4) review the needs of that State to assess the Federal assistance required for State programs to address agricultural sources of water contamination.

(e) ADVISORY PANELS.—The chair of the water quality coordination program in each State may establish an ad hoc advisory panel that shall include farmers, representatives of conservation groups, and advocates of sustainable agricultural practices, agribusiness, chemical and fertilizer industries, agricultural commodities, lending institutions, and trade organizations.

(f) STATE AND REGIONAL RESEARCH PRIORITIES.—The water quality coordination program for each State shall request appropriate representative scientists from the Agricultural Research Service, the State agricultural experiment stations and the agricultural departments of the land-grant universities, to work with the water quality coordination program to establish a prioritized agriculture and water research agenda for the State. This agenda shall address the research topics identified in sections 1367 and 1368 and the concerns or findings established by the activities described in subsection (d)(4). The State research priorities identified under this subsection shall be compiled and reviewed by the appropriate regional and area divisions of the Cooperative State Research Service and the Agricultural Research Service to develop coordinated regional research priorities and shall be included in the report under subsection (g).

(g) REPORTS.—The water quality coordination program in each State will provide the Director of the Office of Environmental Quality established in section 1612 of this Act with an annual report of their accomplishments and the State and regional research priorities identified in subsection (f).

SEC. 1367. WATER QUALITY RESEARCH.

(a) PURPOSES.—It is the purpose of this section to establish a coordinated water quality research program at the Department of Agriculture. In carrying out this section, the Secretary shall undertake efforts to—

(1) reduce the sources of contaminants of surface and ground water resources through the development of farm systems which replace or conserve the use of such contaminants while maintaining farm profitability;

(2) develop information and technologies needed to formulate integrated farm chemical and plant nutrient and animal waste management strategies which avoid contamination of surface and ground water, especially in areas identified by State and Federal monitoring or regulatory efforts as having current or potential water quality problems; and

(3) monitor and better evaluate the extent of water contamination caused by farm chemicals, plant nutrients, and animal wastes.

(b) COORDINATION.—In carrying out this section, the Secretary shall ensure that all activities undertaken are coordinated with other programs within the Department of Agriculture, other Federal agencies, and with State governments.

(c) RESEARCH.—Research projects on water quality funded in whole or in part by the Secretary under this section shall include research to help—

(1) develop farming systems and practices which can prevent water contamination while maintaining and improving profitability, including—

(A) integrated crop management systems,

(B) sustainable agricultural practices,

(C) best management practices for use of plant nutrients and animal wastes,

(D) alternative methods of pest and disease control designed to integrate biological, cultural, host-resistance, and judicious use of pesticides, and

(E) improved methods for the storage, use, and safe disposal of potential contaminants;

(2) improve the understanding of the fate and transport of farm chemicals, plant nutrients, and animal wastes which can contaminate water and cause adverse human or environmental effects;

(3) monitor and evaluate the extent of water contamination from agricultural production methods;

(4) improve the understanding of the relationships between water use and the availability and quality of water;

(5) improve the accuracy of yield and nutrient advisories;

(6) improve the understanding of the ecological and biological aspects of agricultural production;

(7) demonstrate the results of research conducted with funds provided under this section, undertaken in cooperation with the Extension Service, the Soil Conservation Service, and other entities;

(8) reduce water contamination and improve water quality relating to the production of cut roses and other fresh cut flowers; and

(9) meet other critical water quality research needs, as determined by the Secretary.

SEC. 1368. NUTRIENT MANAGEMENT RESEARCH.

(a) IN GENERAL.—The Secretary shall provide for the research and development of nutrient management practices which sustain farm profitability and minimize or abate the negative effects of agricultural nitrogen and other crop nutrients on water quality. To the maximum extent practicable, such research should rely on multidisciplinary teams.

(b) COORDINATION.—The Secretary shall implement the research program in cooperation and coordination with Federal, State, and other appropriate public and private sector entities, including the National Fertilizer and Environmental Research Center.

(c) AREAS OF RESEARCH.—The teams referred to in subsection (a) should be given incentives to work together in researching

and developing integrated crop production systems which are more productive, use inputs more efficiently, and are more protective of the environment. Emphasis shall be given to research which considers a whole-farm systems approach to nutrient management practices and the applicability of those practices to integrated crop management systems for sustainable agriculture. Areas of research shall include—

(1) nutrient management and use efficiency;

(2) soil and tissue testing and nutrient availability interactions with specific cropping systems;

(3) plant nutrient needs for nitrogen and elements in intensively managed cropping systems;

(4) enhancement of soil productivity;

(5) varietal and hybrid interactions with plant nutrient requirements and overall crop management;

(6) the relationship of soil microbial activity to nutrient management;

(7) suitability of cover crops in soil protection and nutrient conservation;

(8) the role of crop rotations in intensively managed cropping systems;

(9) legume management for nutrient conservation and environmental protection;

(10) interactions of improved nutrient use efficiency and efficient water use;

(11) nutrient availability interactions with soil physical conditions;

(12) nutrient balance effects on improved nitrogen use efficiency and lowered nitrate carryover in soils;

(13) the importance of subsoil fertility in improved plant yields and nutrient use efficiency; and

(14) other critical areas of research as determined by the Secretary.

SEC. 1369. REPOSITORY OF AGRICULTURE AND WATER QUALITY PLANNING INFORMATION.

The Secretary, through the Director of the National Agricultural Library, shall establish at the Library a repository of the reports developed in response to the provisions of this subtitle. The Library shall also—

(1) compile other planning documents regarding agriculture and water protection produced by the Department and other Federal, regional, and State agencies;

(2) compile and catalog all Federal statutes relevant to the protection of water from agricultural production; and

(3) identify, list, and provide information on access to data bases and information sources on water and agriculture available through the Department, the United States Geological Survey, the Environmental Protection Agency, United States Department of Commerce, the National Oceanic and Atmospheric Agency, the Tennessee Valley Authority, private industry, nonprofit organizations, and other sources.

SEC. 1370. DATA BASE ON STATE PLANS AND PROGRAMS.

(a) ESTABLISHMENT.—The Secretary, through the Director of the National Agricultural Library, and in consultation with relevant efforts underway at the Tennessee Valley Authority, shall establish at the National Agricultural Library an interactive data base on State programs that shall include—

(1) State laws that specifically address the relationships between agricultural production and water quality, and

(2) State programs as compiled by the State water quality coordination programs.

(b) STANDARDIZATION.—The Director of the National Agricultural Library shall collaborate with the Director of the Office of Environmental Quality, the State water quality coordination programs and the Administrators of appropriate departmental agencies, to develop a standardized format for the entry and description of State programs, activities, and their results. The description of these State programs may incorporate information received from the Cooperative State Research Service system and the data bases of the Extension Service. These descriptions shall also include the current status and results of ongoing programs. The listing of State programs shall include programs sponsored by State and other Federal agencies acting within the States. Information shall be categorized in such a manner that it will be possible for interested parties in one State to search and locate information regarding water protection programs in other States.

SEC. 1371. NATIONAL AGRICULTURE AND WATER DATA BASE.

(a) ASSESSMENT.—Within 270 days after the date of enactment, the Secretary shall prepare and submit a report to the Congress on the measures necessary to develop an interactive, descriptive national data base to contain information on agricultural practices and water resources (including research results, monitoring and survey data, pesticide and nutrient use data, and other relevant data bases and information sources relevant to water protection), to be located at the National Agricultural Library. In preparing this report, the Secretary shall—

(1) identify the information required for the development of such an agriculture and water data base and identify the extent to which such information is now collected either publicly or privately;

(2) determine the extent to which such information can be integrated into one data base; and

(3) develop a plan for implementing the development of such a data base.

(b) CONSULTATION.—In preparing the report, the Secretary shall consult as appropriate with the Economic Research Service, the Extension Service, the Cooperative State Research Service, the National Agricultural Statistics Service, the Soil Conservation Service, the United States Geological Survey, the Environmental Protection Agency, such other public and private persons as the Secretary determines appropriate.

(c) DEVELOPMENT.—After 90 days after the date on which the report is submitted under subsection (a), the Secretary shall initiate the development of the data base in accordance with such report.

SEC. 1371A. PESTICIDE RECORDKEEPING.

(a) REQUIREMENTS.—(1) Any person using pesticides for agricultural production, including postharvest treatment of agricultural products, or other commercial purposes shall maintain records of each pesticide application. Such records shall include the product name, amount and rate of application, method of application, target pest, crop, or in the case of a non-agricultural application, the site treated, date and approximate time of application, and location of application of each pesticide used for a 2-year period after such use.

(2) A commercial applicator shall provide a copy of records maintained under subsection (a)(1) to the person for whom the pesticide application was provided within 30 days of the application.

(b) ACCESS.—Information maintained under subsections (a) and (g) shall be made available to Federal, State, or local agencies that deal with pesticide use or any health or environmental issues related to the use of pesticides, after reasonable notice. Federal agency access to pesticide use records will be the responsibility of the Department of Agriculture, or its designee. Non-Federal agency requests for access to records maintained under this section shall be the responsibility of the lead State agency so designated by the State. Information maintained under this section by any government agency shall be subject to public disclosure under section 552(a) of title 5, United States Code, or any similar State law, except the name and address of the individual keeping the records. The specific location of application in the records will be deleted, except designation of the county of application.

(c) HEALTH CARE PERSONNEL.—When a health professional determines that pesticide information maintained under this section is necessary to provide medical treatment or first aid to an individual who may have been exposed to such pesticides, upon request persons covered by this section shall promptly provide record and available label information to that health professional. In the case of an emergency, such record information shall be provided immediately.

(d) INFORMATION.—Upon the request of an employee such persons covered by this section shall provide records on a pesticide to which such employee has or may have been exposed.

(e) PENALTY.—The Secretary of Agriculture shall be responsible for the enforcement of subsections (a), (b), (c), and (d). A violation of this section shall—

(1) in the case of the first offense, be subject to a fine not more than $500; and

(2) in the case of subsequent offenses, be subject to a fine of not less than $1,000 for each violation, except that the penalty shall be less than $1,000 if the Secretary determines that the person made a good faith effort to comply with this section.

(f) FEDERAL OR STATE PROVISIONS.—The requirements of this section shall not affect provisions of other Federal or State laws.

(g) SURVEYS AND REPORTS.—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall survey the records maintained under this section to develop and maintain a data base that is sufficient to enable the Secretary and the Administrator to publish annual comprehensive reports concerning agricultural and nonagricultural pesticide use. The Secretary and Administrator shall enter into a memorandum of understanding to define their respective responsibilities under this subsection in order to avoid duplication of effort. Such reports shall be filed April 1 of each year.

(h) REGULATIONS.—The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall promulgate regulations on their respective areas of responsibility implementing this section within 180 days after enactment of this Act.

Part 2—Experimental Water Quality Enhancement Program

SEC. 1372. PROGRAM ELIGIBILITY.

(a) PROGRAM.—During the 1991 through 1995 crop years, the Secretary shall formulate and carry out an experimental water quality enhancement program, in accordance with this part, through agreements to assist owners and operators of a farm or ranch pursuant to a program under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) or in a water quality project area, as designated by the Secretary,

to minimize ground and surface water contamination from agricultural production practices and improve the quality of the water resources on their farms, and ranches.

(b) AGREEMENTS.—The Secretary shall enter into agreements with owners and operators of farms and ranches contributing to identified water quality problems in the designated areas.

(c) OTHER LAND AND MANAGEMENT PRACTICES.—The Secretary may include in the program established under this part lands that are not located within the designated or approved areas but that are located such that if permitted to continue to operate under existing management practices would defeat the purpose of the program.

(d) WATER QUALITY MANAGEMENT PLAN.—Under the program established by this part, the Secretary shall formulate a water quality management plan to include the entire farming or ranching operation for farms or ranches subject to agreements under this part.

(e) DURATION OF AGREEMENT.—For the purposes of carrying out this part, the Secretary shall enter into agreements of not less than 3, nor more than 5, years.

SEC. 1373. DUTIES OF OWNERS AND OPERATORS.

(a) IN GENERAL.—Under the terms of the agreement entered into under this part, during the term of such agreement, an owner or operator of a farm or ranch must agree—

(1) to implement a water quality management plan approved by the local conservation district (or in an area not located within a conservation district, a plan approved by the Secretary) for improving the water quality by efficient use of nutrients and pesticides through the use of best management practices to minimize adverse impacts on water quality;

(2) to implement a water quality management plan subject to the agreement established under section 1372;

(3) to consider recommendations of application rates and disposal methods of nutrients, pesticides, and animal waste materials as recommended by the Secretary, or designee;

(4) to accurately certify nutrient, pesticide and animal waste materials usage rates for three previous years on applicable areas;

(5) to supply production evidence, well test results, soil tests, tissue tests, nutrient application levels, pesticide application levels, and animal waste material usage levels, to the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located (hereafter in this section referred to as the "county committee") for each year of the agreement as determined necessary by the Secretary of Agriculture;

(6) on the violation of a term or condition of the agreement at any time the owner or operator has control of the land to be ineligible for any price support, payment, or other assistance specified in section 1611 or 1621 of this Act during that crop year;

(7) on the transfer of the right and interest of the owner or operator in land subject to the agreement, unless the transferee of such land agrees with the Secretary to assume all obligations of the agreement, to forfeit all rights to exceed permitted acres or reduced set aside under annual commodity programs, as determined by the Secretary;

(8) not to conduct any practice on the farm or ranch specified by the Secretary in the contract as a practice that would tend to defeat the purposes of this part; and

(9) to comply with such additional provisions as the Secretary determines are desirable and are included in the agreement to carry out this part or to facilitate the practical administration thereof.

(b) BEST MANAGEMENT PRACTICES.—The water quality management plan referred to in subsection (a)(1) shall set forth the best management practices to be carried out by the owner or operator during the term of the contract.

SEC. 1374. DUTIES OF THE SECRETARY.

In return for an agreement entered into by an owner or operator under this part, the Secretary shall, as the Secretary determines appropriate—

(1) reduce the required reductions in set aside;

(2) increase the permitted acreage of program crops except quota or allotment crops;

(3) during the agreement period calculate and provide any applicable program deficiency payments based upon the greater of the established yield or actual yield for the crop land subject to the agreement;

(4) not require structural practices as a requirement to participate in this subtitle;

(5) encourage the participant to obtain cost share assistance under other Federal, State, or local cost share programs;

(6) offer the participant a loan provided for in section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714(h)), to implement the water quality management plan or to perform the well test; and

(7) provide technical assistance to assist the owner or operator in carrying out the terms of the agreement.

SEC. 1375. WATER QUALITY MANAGEMENT PLANS.

(a) LIMITATION.—No plan shall be required under this part that requires above normal expenditures by owners or operators unless—

(1) cost shares are assured under available programs;

(2) loans are provided under title XII; and

(3) such expenditures are agreed to by the owner or operator.

(b) OPERATIONS INCLUDED.—All farm and ranch operations shall be included in the water quality management plan including (but not limited to)—

(1) livestock;

(2) cropping;

(3) packaging or processing;

(4) shipping;

(5) waste disposal; and

(6) excess dairy products.

SEC. 1376. AGREEMENTS.

(a) TRANSFER OF LAND.—If during the term of the agreement entered into under this part an owner or operator of land subject to such agreement sells or otherwise transfers the ownership or right of occupancy of such land, the new owner or operator of such land may—

(1) continue such agreement under the same terms and conditions;

(2) enter into a new agreement in accordance with this part; or

(3) elect not to participate in the program established by this part.

Part 3—Agriculture Environmental Restoration

SEC. 1376A. ENVIRONMENTAL RESTORATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an environmental restoration program in the Department of Agriculture for the purposes of further assessing and identifying any releases of hazardous substances, including ground water contaminants, from facilities owned, operated, or formerly operated by the Department of Agriculture (including grain storage facilities).

(b) PROGRAM REQUIREMENTS.—Under the program, the Secretary of Agriculture shall—

(1) locate and identify each facility owned, operated, or formerly operated by the Department of Agriculture, including grain storage facilities, at which hazardous substances were used, stored, or disposed of and determine, in cooperation with the Administrator of the Environmental Protection Agency and appropriate State officials, whether there has been any release of hazardous substances at such facilities, including any release that may have contaminated the ground water;

(2) after consultation with the Administrator of the Environmental Protection Agency and appropriate State officials, ensure that, in the case of a facility identified under paragraph (1) where ground water contamination is known to exist and where the Department of Agriculture may be responsible, proper notification is made to persons living in the vicinity of the facility of any possible contamination of drinking water; and

(3) submit a report to Congress each year on progress in implementing this section.

(c) COST ESTIMATE.—The Secretary shall prepare a cost estimate and work schedule for response actions with respect to those facilities where the Department of Agriculture has been found by the Environmental Protection Agency or appropriate State agency to be a party potentially responsible for releases at the facility.

(d) APPLICATION OF SECTION 120 OF CERCLA.—Activities of the program shall be carried out subject to, and in a manner consistent with, section 120 (relating to Federal facilities) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620).

(e) CONSULTATION WITH EPA.—The program shall be carried out in consultation with the Administrator of the Environmental Protection Agency.

(f) DEFINITIONS.—In this section, the terms "facility", "hazardous substance", "release" and "response action" have the meaning given those terms by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(b) MODIFICATION.—The Secretary may modify a contract entered into with an owner or operator under this part if—

(1) the owner or operator agrees to such modification; and

(2) the Secretary determines that such modification is desirable—

(A) to carry out this part;

(B) to facilitate the practical administration of this part; or

(C) to achieve such other goals as the Secretary determines are appropriate, consistent with this part.

(c) TERMINATION.—The Secretary may terminate an agreement entered into with an owner or operator under this part if—

(1) the owner or operator requests such termination; or

(2)(A) the owner or operator violates the terms and conditions of the agreement; and

(B) the Secretary determines that such termination would be in the public interest.

Subtitle J—Miscellaneous Research Provisions

SEC. 1377. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

(a) FINDINGS.—Congress finds the following:

(1) Rapid advances in the application of biotechnology to agriculture have resulted, and will continue to result, in the development of products whose research, evaluation, and commercial use require introduction into the environment.

(2) Additional scientific information regarding the effects of the introduction of genetically engineered organisms into the environment, and the development of methods to contain and monitor such introductions, are needed to—

(A) help researchers to make sound judgments regarding the overall environmental impacts of genetically engineered organisms they develop and to design projects that minimize any risks associated with the introduction of such genetically engineered organisms; and

(B) help regulators make scientifically sound and timely decisions regarding the introduction of genetically engineered organisms.

(b) PURPOSE.—It is the purpose of this section to—

(1) authorize and support environmental assessment research to the extent necessary to help address general concerns about environmental effects of biotechnology; and

(2) authorize research to help regulators develop policies, as soon as practicable, concerning the introduction into the environment of such technology.

(c) GRANT PROGRAM.—The Secretary of Agriculture shall establish a grant program within the Cooperative State Research Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered organisms into the environment.

(d) TYPES OF RESEARCH.—Types of research for which grants may be made under this section shall include the following:

(1) Research designed to develop methods to physically and biologically contain genetically engineered animals, plants, and microorganisms once they are introduced into the environment.

(2) Research designed to develop methods to monitor the dispersal of genetically engineered animals, plants, and microorganisms.

(3) Research designed to further existing knowledge with respect to the rates and methods of gene transfer that may occur between genetically engineered organisms and related wild and agricultural organisms.

(4) Other areas of research designed to further the purposes of this section.

(e) ELIGIBILITY REQUIREMENTS.—Grants under this section shall be—

(1) made on the basis of the quality of the proposed research project; and

(2) available to any public or private research or educational institution or organization.

(f) CONSULTATION.—In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service, the Office of Agricultural Biotechnology, and the Agricultural Biotechnology Research Advisory Committee.

(g) PROGRAM COORDINATION.—The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as necessary to carry out this section.

(2) The Secretary of Agriculture shall withhold from outlays of the Department of Agriculture for research on biotechnology, as defined and determined by the Secretary, at least 1 percent of such amount for the purpose of making grants under this section for research on biotechnology risk assessment.

SEC. 1378. GRADUATE SCHOOL OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.

(a) TRAINING AGREEMENTS AUTHORIZED.—Notwithstanding any other provision of law, the head of a Federal agency or major organizational unit within any agency, including agencies and offices within the Department of Agriculture, may place an order, or enter into an agreement, with the Graduate School of the United States Department of Agriculture (hereafter in this section referred to as the "Graduate School") under the provisions of section 1535 of title 31, United States Code, for training as defined in section 4101 of title 5, United States Code, and for other services incidental to the provision of such training.

(b) PROCUREMENT OF GOODS AND SERVICES BY SCHOOL.—The Graduate School may obtain any goods or services necessary to the fulfillment of such order or its obligations under such agreement without regard to the requirements of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), or any other law that prescribes procedures for the procurement of property or services by an executive agency.

(c) AVAILABILITY OF RECORDS.—The financial records of the Graduate School relating to such orders or agreements shall be made available to the Comptroller General of the United States for purposes of conducting an audit.

SEC. 1379. PESTICIDE IMPACT RESPONSE PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish, manage, and coordinate, through a Pesticide Impact Response Program, the collection and analysis of information by the Department of Agriculture and States—

(1) on pesticide use in agricultural activities; and

(2) the impact of pesticide regulations, as proposed and implemented under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) on the agricultural economy, including the impact on the production and prices of agricultural commodities and retail food prices.

(b) BOARD OF PESTICIDE ASSESSMENTS.—The Secretary shall appoint a Board of Pesticide Assessments to provide advice on the policies, priorities, and operations of the staff for, and projects carried out under, the program established in this section. The Board shall be chaired by an appropriate policy level official of the Department of Agriculture.

(c) MEMBERSHIP OF BOARD.—The Board shall consist of the following members:

(1) The Director of the Pesticide Impact Response Program.

(2) A representative of each of the following:

(A) Agricultural Research Service.

(B) Cooperative State Research Service.

(C) Economic Research Service.

(D) Extension Service.

(E) Other agencies as deemed necessary by the Secretary.

(d) PROGRAM STAFF.—(1) The Secretary shall appoint staff as necessary with the appropriate scientific and technical expertise needed to carry out the purposes of the program.

(2) At the request of the Director, the head of any Federal agency may detail to the staff, or to any project administered or coordinated under the program personnel of such agency.

(e) DIRECTOR.—(1) The staff of the program shall be headed by a Director appointed by the Secretary.

(2) The Director shall have the authority and responsibility to—

(A) establish the priorities of the program required by subsection (f); and

(B) coordinate the activities of agricultural agencies under the Assistant Secretary for Science and Education with the activities of other agencies of the Department of Agriculture in order to support the policies of the Department on pesticides.

(f) PESTICIDE IMPACT RESPONSE PROGRAM.—The Secretary, acting through the Board, shall—

(1) establish and conduct a program to be known as the Pesticide Impact Response Program, to assess—

(A) the benefits of pesticides used in agricultural activities; and

(B) the impact of pesticide regulations and actions of the Administrator of the Environmental Protection Agency;

(2) develop a memorandum of understanding with the Administrator of the Environmental Protection Agency, to assure that pesticide assessments developed under the program are—

(A) suitable to the needs and requirements of the Environmental Protection Agency;

(B) of sufficient quality to be publishable works of research; and

(C) released in a timely manner with respect to proposed Environmental Protection Agency regulations;

(3) develop an understanding and a mechanism to assist the Administrator of the Environmental Protection Agency, when the Administrator is developing a suspension order under section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d), in developing benefits and use data regarding the pesticide and information on exposure;

(4) participate in establishing data collection priorities under section 1380 in order to satisfy any requirements or priorities relevant to the program;

(5) consult with the Administrator of the Environmental Protection Agency in order to anticipate actions that may entail the cancellation, restriction, or reclassification of pesticides used in agricultural activities.

(g) REPORTS.—(1) Not later than one year after the date of the enactment of this Act, the Director shall prepare a five-year planning report on the priorities of the program (including the priorities established by the Director) for the five-year period beginning on the date of enactment of this Act. The report required under this paragraph shall be updated for each five-year period thereafter.

(2) The Director shall periodically or as necessary prepare reports and bulletins or issue notices on the extent and nature of the regulatory activities of the Environmental Protection Agency that may result in the cancellation, restriction, or reclassification of pesticides, or otherwise limit their availability or use in agricultural activities. The Secretary shall make such information available to Congress and relevant agricultural crop and commodity groups potentially affected by the cancellation, restriction, and reclassification of a specific pesticide.

(h) DEFINITIONS.—For purposes of this section—

(1) The term "Director" means the Director of the staff of the Pesticide Impact Response Program.

(2) The term "Board" means the Board of Pesticide Assessments.

(3) The term "program" means the Pesticide Impact Response Program established under this section.

(4) The term "Secretary" means the Secretary of Agriculture.

SEC. 1380. COLLECTION OF PESTICIDE USE INFORMATION.

(a) COLLECTION REQUIRED.—The Secretary of Agriculture shall collect data of statewide significance on the use of pesticides to control pests and diseases of major crops and crops of dietary significance, as determined by the Secretary. Such data shall be collected by surveys of farmers or from other sources offering statistically reliable data.

(b) PREPARATION AND AVAILABILITY.—(1) The Secretary of Agriculture shall ensure that the information collected under this section also satisfies the priorities and requirements specified in section 1379 to the extent the Secretary determines necessary.

(2) Pesticide use information collected under this section shall be—

(A) submitted to the Director of the Pesticide Impact Response Program; and

(B) made available to the public through the National Agricultural Library and other sources as appropriate.

(c) TIME FOR COLLECTION.—Pesticide use information required to be collected by this section shall be collected and updated in a timely manner consistent with the needs and purposes established under section 1379.

SEC. 1381. DISPOSAL OF AGRICULTURAL CHEMICALS AND AGRICULTURAL CHEMICAL CONTAINERS.

The Secretary of Agriculture shall direct the Extension Service to operate a program in each State to catalogue the Federal, State, and local laws and regulations which govern the disposal of unused or unwanted agricultural chemicals and agricultural chemical containers in such State. The program established under this section shall also make available to producers of agricultural commodities and the general public, and provide upon request, educational materials developed or collected by the program.

SEC. 1382. NATIONAL FARM SAFETY STUDY.

(a) STUDY REQUIRED.—(1) The Secretary of Agriculture, acting through the Economic Research Service and the National Agricultural Statistics Service, shall conduct a nationwide study of the frequency and the types of agricultural accidents resulting in physical injuries that involve farmers, ranchers, and their employees.

(2) In conducting the study, the Secretary shall analyze agricultural accidents involving the following:

(A) Farm equipment and machinery.

(B) Agricultural chemicals.

(C) Livestock.

(D) Farm buildings.

(3) The study shall differentiate between accidents occurring on farms that are related to agricultural-related employment and those accidents occurring on farms that are not related to agricultural employment.

(b) CONSULTATION.—To provide a comprehensive data base for the study required by this section, the Secretary of Agriculture shall consult with existing informational sources on accidents, such as other appropriate Federal agencies, equipment manufacturers, agricultural producer organizations, State departments of agriculture, health or labor, insurance companies, and other persons, as determined necessary and appropriate by the Secretary.

(c) GRANTS.—To assist the Secretary of Agriculture in the conduct of the study required by this section, the Secretary shall make special grants under section 2(c)(1) of the Act of August 4, 1965 (7 U.S.C. 450i(c)(1)), to public and private institutions to—

(1) gather and provide relevant regional information on agricultural accidents; and

(2) perform such other tasks as determined by the Secretary to be needed to acquire and analyze the information required to be collected under subsection (a).

(d) USE OF COLLECTED INFORMATION.—(1) The Secretary of Agriculture shall use the information gathered pursuant to subsection (a) to instruct the Extension Service of the adequacy or deficiency of existing farm safety programs operating within various regions of the country.

(2) The Secretary, acting through the Extension Service, and in cooperation with agricultural organizations, State departments of agriculture, machinery manufacturers, and land-grant universities, shall coordinate and disseminate information relating to farm safety programs to farmers, ranchers, and their employees.

(3) The Secretary shall use the information gathered pursuant to subsection (a) to prepare a listing of farm injuries and disease-related hazards showing the frequency of such injuries and hazards. The list shall be updated annually by the Secretary.

(4) The Secretary shall establish prioritized objectives for reducing farm accidents, provide a method to evaluate the improvement in farm safety and health achieved, and include the objectives in existing programs. The objectives, methods of evaluation, and programs shall be reviewed annually by the Secretary. Any educational program conducted under this paragraph shall be prioritized consistent with the list prepared under paragraph (3).

(e) CENSUS OF AGRICULTURE.—The Secretary of Agriculture shall request the Secretary of Commerce to include questions relating to agricultural accidents and farm safety in the 1992 Census of Agriculture.

(f) SUBMISSION TO CONGRESS.—Not later than January 1, 1992, the Secretary shall submit a report to Congress describing the findings and recommendations of the study required by this section.

SEC. 1383. PLANT GENOME MAPPING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall conduct a research program for the purpose of—

(1) supporting basic and applied research and technology development in the area of plant genome structure and function;

(2) providing United States leadership in biotechnology; and

(3) providing crop varieties that may be cultivated profitably without negatively impacting the environment.

(b) COMPETITIVE GRANTS.—The Secretary may make competitive grants, for periods not to exceed five years, to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for research projects in the research areas identified in subsection (c).

(c) RESEARCH AREAS.—Grants available under subsection (b) shall be awarded in the following research areas:

(1) Construction of plant genome maps.

(2) Identification, characterization, transfer, and expression of genes of agricultural importance.

(3) Technology development in the areas of plant genome mapping, sequencing, gene transfer, and data management.

(4) Research on microorganisms associated with plants, such as plant pathogens and plant symbionts.

(d) PLAN FOR MAKING GRANTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a detailed plan for awarding grants under this section.

(e) COORDINATION OF EFFORTS.—The Secretary shall coordinate activities under this section with related activities sponsored by the National Science Foundation, the National Institutes of Health, the Department of Energy, and the Department of Commerce.

(f) PROPRIETARY INTERESTS.—The Secretary shall require (when the Secretary considers it to be appropriate) licensing and patent agreements, copyright fees, royalties, or other fee arrangements on the sales of products and new uses, applications, technologies, or processes developed through assistance provided under this section.

(g) REPORTS.—The Secretary shall submit to the Congress an annual report describing the operations of the grant program authorized by this section during the preceding fiscal year.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1384. COMPOSTING RESEARCH AND EXTENSION PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Composting of agricultural wastes can help prevent contamination of water supplies and alleviate waste removal burdens on farmers.

(2) The Department of Agriculture should support an agricultural waste management hierarchy emphasizing—

(A) source reduction;

(B) applying certain agricultural wastes directly to the soil;

(C) recovery and reuse of valuable elements, such as starches, fats, and oils;

(D) composting of wastes following separation of valuable elements; and

(E) safe disposal of waste which cannot be reused or composted.

(3) Compost can be a safe and useful soil additive which can help to stabilize and enrich soil, prevent erosion of farm lands, and reduce the need for chemical fertilizers.

(4) The use of compost as a substitute for other soil additives can help avoid the depletion of raw materials and protect the environment.

(5) The Department of Agriculture is uniquely qualified to research appropriate uses and markets for compost.

(6) The Federal Government, acting through the Department of Agriculture, should help facilitate the use of compost.

(b) PURPOSE.—It is the purpose of this section to require the Secretary of Agriculture to identify appropriate methods of composting agricultural wastes and potential uses for such compost.

(c) ESTABLISHMENT OF COMPOST TASK FORCE.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall

establish a Compost Task Force, which shall meet at least four times annually.

(2) The Compost Task Force shall consist of 15 members, appointed by the Secretary from—

(A) representatives of the Department of Commerce, the Environmental Protection Agency, the Department of the Interior, the Food and Drug Administration, the United States Trade Representative, Federal Highway Administration, States with laws on composting; and

(B) representatives of agricultural interests (including livestock, forestry, fishing, nursery, horticulture, vineyard, and orchard interests), landscapers and builders, the composting industry, microbiological scientists, food and fiber processors, food service industries, public interest groups, and manufacturers of consumer product packaging.

(3) The Secretary shall serve as the chairperson of the Compost Task Force.

(4) In its deliberations, the Compost Task Force shall consult regularly with and solicit recommendations from the agencies, organizations, and entities referred to in paragraph (2).

(5) Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Compost Task Force.

(d) COMPOSTING STUDIES AND RESEARCH.—(1) The Secretary, in consultation with the Compost Task Force, shall conduct a study of processes for composting agricultural wastes. The study required under this paragraph shall include evaluation of composting wastes resulting from the production, processing, and distribution of food, fiber, forestry, livestock, and fish products.

(2) The Secretary, in consultation with the Compost Task Force, shall conduct research on potential uses for compost derived from agricultural wastes, and from other waste streams as appropriate, and identify domestic and international markets for such compost. The research required under this paragraph shall include evaluation of the application of compost derived from agricultural wastes on soil, plants, and food and fiber crops.

(3) The Secretary shall assemble (and submit to the Congress) a catalogue of laws, rules, and programs adopted by State and local governments, and foreign countries, that—

(A) establish standards for compost quality;

(B) set definitions for processing, handling, or using compost; or

(C) otherwise affect the production or use of compost.

(e) COMPOSTING EXTENSION PROGRAM.—(1) Beginning not later than one year after the date of the enactment of this Act, the Secretary shall initiate extension efforts (including seminars, demonstration projects, and dissemination of materials) to inform the agricultural community and the general public regarding—

(A) the desirability and safety of compost derived from agricultural wastes;

(B) on-farm and other composting techniques; and

(C) procedures for using compost.

(2) The Secretary shall consider designating composting as a farm conservation practice eligible for cost-sharing.

(f) INTER-AGENCY AGREEMENTS ON COMPOSTING.—Not later than six months after the date of the enactment of this Act, the Secretary shall undertake efforts to enter into agreements with appropriate Federal agencies, including the Federal Highway Administration and the Department of the Interior, to identify opportunities for applying compost on Federal lands.

(g) PUBLICATION OF FINDINGS.—The Secretary shall publish, and disseminate to all entities which receive United States Department of Agriculture funding, the results of the activities of the Secretary under subsection (d). Such publications shall contain technical and economic information useful to the public concerning composting techniques and uses for compost.

(h) REPORTS TO CONGRESS.—(1) Not later than six months after the date of the enactment of this Act, and every one year thereafter, the Secretary shall submit to the Congress a report on compliance with this section.

(2) The Secretary shall include in each report a description of the results of any study or research conducted under subsection (d) during the period covered by the report.

SEC. 1385. AFLATOXIN RESEARCH PROGRAM.

The Secretary of Agriculture shall conduct a research program for the purpose of determining the presence of aflatoxin in the food and feed chains. The research required under this section shall include research in the following areas:

(1) The examination of agricultural commodities, products, and feeds for the presence and quantity of aflatoxin.

(2) The examination of human populations to assess the exposure level to aflatoxin.

(3) The examination of safe levels of aflatoxin in the food and feed chains.

(4) The development and assessment of control methods for aflatoxin, including methods to handle, store, detoxify, and dispose of aflatoxin-contaminated agricultural commodities, products, and feeds.

(5) The development of effective methods of controlling the aflatoxin contamination of agricultural products in international trade when the level of such contamination exceeds an acceptable level.

(6) The development of plants resistant to aflatoxin contamination.

(7) The improvement of sampling and analysis methods for aflatoxin.

(8) The effect of aflatoxin on animal disease through immunosuppression and interaction with other disease agents.

(9) The economic consequences of aflatoxin contamination.

SEC. 1386. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

(a) PURPOSE.—The program (hereafter referred to in this section as the "program") established under this section is intended to encourage the development and utilization of an agricultural communications network to facilitate and to strengthen agricultural extension, resident education and research, and domestic and international marketing of United States agricultural commodities and products through a partnership between eligible institutions and the Department of Agriculture. The network will employ satellite and other telecommunications technology to disseminate and to share academic instruction, cooperative extension programming, agricultural research, and marketing information.

(b) OBJECTIVES.—The objectives of the program established under this section are—

(1) to make optimal use of available resources for agricultural extension, resident education, and research by sharing resources between participating institutions;

(2) to improve the competitive position of United States agriculture in international markets by disseminating information to producers, processors, and researchers;

(3) to train students for careers in agriculture and food industries;

(4) to facilitate interaction among leading agricultural scientists;

(5) to enhance the ability of United States agriculture to respond to environmental and food safety concerns; and

(6) to identify new uses for farm commodities and to increase the demand for United States agricultural products in both domestic and foreign markets.

(c) DEFINITIONS.—For purposes of this section—

(1) The term "eligible institution" means an accredited institution of higher education determined by the Secretary to be able to meet the objectives identified in subsection (b).

(2) The term "communications network" refers to television or cable television origination or distribution equipment, signal conversion equipment (including both modulators and demodulators), computer hardware and software, programs or terminals, or related devices, used to process and exchange data through a telecommunications system in which signals are generated, modified, or prepared for transmission, or received, via telecommunications terminal equipment or via telecommunications transmission.

(3) The term "delivery" means the transmission and reception of programs by facilities that transmit, receive, or carry data between telecommunications terminal equipment at each end of a telecommunications circuit or path.

(4) The term "facilities" includes microwave antennae, fiberoptic cables and repeaters, coaxial cables, communications satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmission, and similar items as defined by the Secretary.

(5) The term "satellite ground station complex" includes transmitters, receivers, and communications antennae at the Earth station site together with the interconnecting terrestrial transmission facilities (including cables, line, or microwave facilities) and modulating and demodulating equipment necessary for processing traffic received from the terrestrial distribution system prior to transmission via satellite and the traffic received from the satellite prior to transfer to terrestrial distribution systems.

(d) AUTHORIZATION OF ASSISTANCE TO ELIGIBLE INSTITUTIONS.—(1) The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education, under which financial and technical assistance may be provided to eligible institutions that participate in a network that distributes programs consistent with the objectives described in subsection (b).

(2) The Secretary may approve all or part of any application submitted by an eligible institution if the proposed activity will contribute, directly or indirectly, to the purpose and objectives of the program established under this section.

(3) As provided in subsection (f), applications for financial assistance may include requests to fund program production or program delivery, or both.

(e) PRIORITY.—The Secretary, in considering applications for assistance under this program, shall establish procedures to ensure a broad dissemination of programming, giving a preference to applications that—

(1) are submitted by institutions affiliated with an established agricultural telecommunications network that distributes programs to a wide geographical area; or

(2) demonstrate the need for such assistance, taking into consideration the relative needs of all applicants and the financial ability of the applicants to otherwise secure or create the telecommunications system.

(f) APPLICATIONS FOR PROGRAM PRODUCTION AND DELIVERY.—(1) The Secretary shall consider applications for financial assistance for the production and delivery of programs or cooperative extension, academic instruction in agriculture, agricultural research, and other topics consistent with the objectives described in subsection (b).

(2) Eligible institutions shall request assistance by submitting applications to the Assistant Secretary for Science and Education. Applications shall include—

(A) a detailed description of the telecommunications network and programming proposed to be produced and delivered, including to whom the programming will be distributed, how the programming will contribute to achieving the objectives described in subsection (b), and the total cost of producing and delivering such programming;

(B) the amount of assistance requested for the proposed program authorized under this section and other sources of funding that will be used for the proposed program; and

(C) an analysis of the costs and benefits of purchasing (or leasing) different types of facilities, equipment, components, hardware and software, or other items.

(g) LIMITATIONS ON ASSISTANCE.—(1) The Secretary may provide funds totaling not more than 50 percent of the cost of a proposal for which an application is submitted under subsection (f). Notwithstanding the preceding sentence, the Secretary may provide funds totaling up to 100 percent of the cost of such a proposal if the Secretary determines that an eligible institution would otherwise be unable to carry out the proposal.

(2) The Secretary may allocate not more than 10 percent of the funds appropriated under this section for the acquisition and installation of telecommunications transmission facilities.

(h) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of implementing the program established under this section, there are hereby authorized to be appropriated not more than $12,000,000 for each of the fiscal years 1991 through 1995.

SEC. 1387. STUDY OF THE TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS TO FARMERS.

(a) STUDY.—The Secretary of Agriculture, acting through the Office of Transportation of the Department of Agriculture, shall conduct a study regarding the transportation of fertilizer, agricultural crop protection chemicals, and agricultural use hazardous materials such as fuel, to the farm. Such study shall include a review and analysis of—

(1) the transportation of fertilizer, fuels (such as liquid propane gas, diesel, gasoline heating oil, methane and others), and agricultural crop protection chemicals to farms by farmers, hired farm labor, and agribusiness, including—

(A) safety practices used, the nature of the equipment used, roads traveled and employees engaged in such transportation; and

(B) any significant distinctions between transportation by retail dealers and transportation by farmers;

(2) Federal and State requirements imposed on the transportation of fertilizer, fuels, and agricultural crop protection chemicals by farmers, hired farm labor, and agribusiness retail dealers to farms (and exemptions, exclusions or waivers authorized under such requirements), including—

(A) commercial driver's license requirements;

(B) driver qualification requirements;

(C) alcohol and drug testing requirements; and

(D) worker safety requirements.

(3) the compliance by farmers and retail dealers and their employees with such Federal and State requirements and the costs associated with compliance;

(4) the safety history associated with the transport of fertilizers, fuel, and crop protection chemicals by farmers and retail dealers and their employees; and

(5) the impact on rural communities, employment, and the cost and availability of fertilizer, fuel, and agricultural crop protection chemicals associated with complying with such Federal and State requirements.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall publish a report of such study and analyses (including comments on the adequacy of existing Federal and State requirements or exemptions) and submit the report to Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of fulfilling the study, analyses, and reporting requirements under this section, there is hereby authorized to be appropriated not more than $75,000.

SEC. 1388. SPECIAL GRANT TO STUDY CONSTRAINTS ON AGRICULTURAL TRADE.

(a) GRANT REQUIRED.—The Secretary of Agriculture shall provide at least two special grants to land-grant colleges and universities to conduct a study that will evaluate the trade impacts of technical barriers, quality factors, and end-use characteristics in agricultural trade to determine whether such factors are consistent as between commodities. Such study shall be conducted with the objective—

(1) to identify and analyze constraints related to end-use characteristics in trade and competition;

(2) to design production and processing techniques to lessen their impacts; and

(3) to identify public policy alternatives, nationally and internationally, that may reduce the impacts of such trade restrictions.

(b) JOINT DEVELOPMENT.—The Secretary shall ensure that the grants provided for in this section provide for the joint development of the methodology and techniques between the recipients of such grants to meet the objectives set forth in subsection (a).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall report the results of the study grants under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) LAND-GRANT COLLEGES AND UNIVERSITIES DEFINED.—For purposes of this section, the term "land-grant colleges and universities" has the meaning given to that term in section 1404(10) of the National Agricultural Research, Teaching, and Extension Policy Act of 1977 (7 U.S.C. 3103(10)).

SEC. 1389. SPECIAL GRANTS FOR MESQUITE AND PRICKLY PEAR RESEARCH.

(a) MESQUITE RESEARCH PROGRAM.—(1) The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall conduct a research program for the purpose of developing enhanced production methods and commercial uses of mesquite.

(2) The Secretary shall make competitive grants, for periods not to exceed 5 years, to a State agricultural experiment station, State land-grant college or university, or a consortium of such entities, for a research project in the research areas identified in paragraph (3).

(3) A grant available under paragraph (2) shall be awarded to an applicant to conduct research in—

(A) the development of techniques to produce, from small-diameter, short-length, or otherwise irregular mesquite logs, solid-wood products useful as flooring, furniture parts, turning blanks, and such other uses as may have potential economic value;

(B) the development of management techniques designed to improve stands for quality lumber production from mesquite; and

(C) such other methods of production, harvesting, processing, and marketing that are designed to provide viable markets for mesquite and lead to the commercialization of mesquite as a cash crop.

(4) There are authorized to be appropriated $100,000 for each of the fiscal years 1991 through 1995 to carry out this subsection.

(b) PRICKLY PEAR PROGRAM REQUIRED.—(1) The Secretary shall conduct a research program for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

(2) The Secretary shall make competitive grants, for periods not to exceed 5 years, to a State agricultural experiment station, State land-grant college or university, or a consortium of such entities, for research projects in the research areas identified in paragraph (3).

(3) A grant available under paragraph (2) shall be awarded to an applicant to conduct research—

(A) to investigate, through genetic selection, the development of varieties of prickly pear with improved growth, freeze tolerance, and harvest characteristics;

(B) to develop techniques to produce and process prickly pear as a food source; and

(C) to continue to investigate the nutritional value and health benefits of prickly pears.

(4) There are authorized to be appropriated $100,000 for each of the fiscal years 1991 through 1995 to carry out this subsection.

(c) RESEARCH REVIEW.—Research funded under this section shall be subject to peer review at the end of the second and fourth year of such research, for the purpose of reviewing the progress and efficacy of the research and the justification and need for continued funding.

SEC. 1390. NATIONAL CENTERS FOR AGRICULTURAL PRODUCT QUALITY RESEARCH.

(a) FINDINGS.—Congress finds the following:

(1) There is growing concern among consumers, both in the United States and in its trading partners, about the safety and wholesomeness of their food. This concern centers on health effects from chemical residues in food, microbial contamination, and normal constituents of food that compromise health. The sources of possible concern begin with production and include processing, transportation, storage, and marketing of food supplies.

(2) The Department of Agriculture is responsible for research and education that supports the development and use by the De-

partment of new knowledge and technology aimed at reducing the real and perceived concerns about food safety by quantitatively evaluating risk, defining new methods for detection and prevention of factors that compromise agricultural product quality, assessing consumer attitudes and preferences, and assuring the timely transfer and adoption of new technology.

(3) Current research and extension programs of the Department have been enhanced to address these concerns, but there remains a need for an expanded effort that should be undertaken in the immediate future.

(4) In addition to existing funding mechanisms, which may be increased to address specific issues, there is need for regional centers for agricultural product quality research.

(b) PURPOSES.—The purposes of the national centers for agricultural product quality research shall be to—

(1) serve as regional or commodity specific agricultural product quality research and education focal points involving one or more university and Federal participants;

(2) take advantage of opportunities, and establish linkages between universities and other entities with expertise, in basic biology and engineering, the development of new technology, the application of technology to practice, and related quality assurance and regulatory activities;

(3) develop and enhance explicit relationships (including the possible sharing of the cost of center operations) between the research and development community, the Department, and other Federal agencies, and with all aspects of the involved industries;

(4) provide a mechanism for dealing with the safety and wholesomeness of new food products and processes that use biotechnology (including transgenic plants and animals);

(5) provide factual public information about agricultural product quality and wholesomeness on a continuing basis; and

(6) where appropriate, build on existing institutional strengths and commitments to address issues relating to agricultural product quality and wholesomeness and on demonstrated capability to effectively link with operational units of the Department, other Federal agencies, and private industry.

(c) CHARACTERISTICS OF CENTERS.—(1) The centers shall be regional based units that conduct a broad spectrum of research, development, and education programs to assure the safety and wholesomeness of food through the prevention, detection, and modification of processes and products involved in the food chain that potentially compromise agricultural product quality and wholesomeness.

(2) The centers shall involve multidisciplinary and interdisciplinary approaches to the development of new knowledge and technology. The centers may include multiinstitutional linkages between universities or related Federal laboratories.

(3) The centers shall serve as a management focal point for grants that deal with agricultural product quality research, extension, and teaching, including the provision of mechanisms for sharing resources between cooperating institutions and laboratories.

(4) Appropriate linkages within the centers shall include related efforts in agriculture, medicine, veterinary medicine, public health, engineering and related life and physical sciences, and social sciences dealing with health related behavior.

(5) Each center shall conduct research and education on the full spectrum of production, processing, transportation, and marketing for commodity classes, such as animals (including animal products and animal feed), agronomic crops, and horticultural crops.

(d) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall make grants to establish the centers. Such grants establishing centers shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (b).

(2) Grants may be awarded for periods of up to five years and may be renewed in competition with demonstration of adequate performance. The Secretary shall give preference to proposals that demonstrate linkages with action agencies of the Department, with other related Federal research laboratories and agencies, and with private industry.

(3) The primary institution involved in a center shall be a land-grant college with other cooperating or collaborating academic institutions, nonprofit research and development entities, and Federal laboratories. A center may involve institutions or laboratories in more than one State.

(4) The non-Federal sponsors of a center shall contribute an amount of funds for operation of the center equal to not less than the amount awarded by the Federal Government.

(e) PROGRAM PLAN AND REVIEW.—(1) A program plan shall be developed by the Department after obtaining the advice of representative users of the centers, including both action agencies and appropriate representatives from various segments of the food industry. The plan shall be submitted to the Congress for review at intervals of not less than once every three years.

(2) Accomplishments and directions of the centers shall be reviewed by the Department on a periodic basis, but not less frequently than at the end of the second and fourth years after the date of the enactment of this Act. The persons conducting the review shall be appointed by, and report to, the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such funds as may be necessary to carry out this section for each of the fiscal years 1991 through 1995.

(2) The centers shall be funded through the Cooperative State Research Service in the Department.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "center" means a national center for agricultural product quality research established under this section.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "Department" means the Department of Agriculture.

SEC. 1391. IMMUNOASSAY RESEARCH PROGRAM.

(a) GRANT PROGRAM.—The Secretary of Agriculture shall establish and carry out a program to make grants to land-grant colleges and universities for research relating to immunoassay used to—

(1) detect agricultural pesticide residues on agricultural commodities for human consumption; and

(2) diagnose animal and plant diseases.

(b) PREFERENCE.—In making grants under subsection (a), the Secretary may give preference to those land-grant colleges and universities that, as of the date of the enactment of this Act, are conducting research described in that subsection.

(c) LAND-GRANT COLLEGES AND UNIVERSITIES DEFINED.—For purposes of this section, the term "land-grant colleges and universities" has the meaning given to that term in section 1404(10) of the National Agricultural Research, Teaching, and Extension Policy Act of 1977 (7 U.S.C. 3103(10)).

SEC. 1392. RURAL DEVELOPMENT RESEARCH.

(a) COMPETITIVE GRANTS.—(1) The Secretary of Agriculture shall establish a program of competitive grants, to be administered through the Cooperative State Research Service, for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas.

(2) Priority in the award of grants under paragraph (1) shall be given to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

(b) DEMONSTRATION PROJECTS.—The Secretary of Agriculture shall establish a program of competitive grants to rural areas to serve as demonstration areas. In awarding such grants, the Secretary shall favorably consider an application from a rural area that the Secretary determines—

(1) demonstrates the ability of the rural area—

(A) to supplement the grant funds provided under this subsection with other funds from State, local, or private sources; and

(B) to use the grant funds to increase employment in the area; and

(2) can successfully serve as a demonstration area to share the results of the funded project to the benefit of other rural areas in the region in which the rural area receiving the grant is located.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1393. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS.

(a) OUTREACH AND ASSISTANCE.—The Secretary of Agriculture shall provide outreach and technical assistance through the Office of Advocacy and Enterprise to encourage and assist socially disadvantaged farmers to participate in the programs established or authorized in this Act. This assistance should include information on application and bidding procedures and other essential information to participate in the program.

(b) GRANTS AND CONTRACTS.—The Secretary and the Director of the Office of Advocacy and Enterprise may make grants and enter into contracts and other agreements in the furtherance of this section subject to the following conditions:

(1) Of the amounts appropriated to carry out this section, 50 percent of such amounts shall be available only for grants and contracts to community based organizations with demonstrated experience and commitment in providing education, advocacy, or other services to minority farmers. Such community based organizations must provide documentary evidence of—

(A) their past experience and commitment of working with minority farmers during the two years preceding their application for assistance under this section; or

(B) their ability and commitment to establish an organization to provide such services.

(2) Of the amounts appropriated to carry out this section, 50 percent of such amounts shall be available only for grants and contracts to institutions of postsecondary education, with a priority given to—

(A) institutions eligible to receive 1890 Land-Grant Colleges including Tuskegee University;

(B) Indian Tribal Community Colleges and Alaska Native Cooperative Colleges;

(C) Hispanic Serving Institutions of Higher Education; and

(D) other educational institutions with demonstrated experience in providing education, advocacy or other services to minority family farmers in their region.

(c) REPORT.—(1) The Director of the Office of Advocacy and Enterprise shall submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate detailing on a State by State and county by county basis the rate of minority participation for each program under this Act.

(2) Each report required by this subsection shall compare on a State by State and county by county basis the actual application rates, acceptance rates, and participation rates with the target participation rates established by the Secretary pursuant to section 355(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(a)(2)).

(3) The first report required by this subsection shall be submitted not later than September 30, 1992.

(d) SOCIALLY DISADVANTAGED FARMERS DEFINED.—The term "socially disadvantaged farmers" means those farmers who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(e) FUNDING.—There are authorized to be appropriated $10,000,000 for each fiscal year to carry out this section.

SEC. 1394. GRANTS FOR NICHE MARKET DEVELOPMENT.

(a) GRANTS REQUIRED.—The Secretary shall make research and extension grants available for the development of agricultural production and marketing systems that will service niche markets located in nearby metropolitan areas. In awarding such grants, the Secretary shall pay particular attention to areas—

(1) with a high concentration of small farm operations; and

(2) that experience difficulty in delivering products to market due to geographic isolation.

(b) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1395. TURKEY RESEARCH CENTER.

There are authorized to be appropriated $500,000 for fiscal year 1992 to be used by the Agricultural Research Service for planning purposes in the establishment of a facility to be known as the Agricultural Turkey Research Center to be located in Pelican Rapids, Minnesota, and operated in cooperation with the North Dakota State University.

SEC. 1396. SCRAPIE RESEARCH PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) scrapie, a fatal disease of the central nervous system of sheep and goats, has no known cure and currently cannot be detected until the infected animal becomes symptomatic;

(2) countries other than the United States that have significant sheep industries, such as Australia, New Zealand, and the United Kingdom, have determined that the most effective approach to dealing with the problem of scrapie, in the absence of an effective preclinical diagnostic test, is through eradication of the infected populations;

(3) there are data indicating that scrapie may be spread laterally among sheep and goat flocks as well as vertically through sheep and goat bloodlines;

(4) there is a possibility that scrapie can spread to other forms of livestock; and

(5) the Secretary of Agriculture (hereinafter in this section referred to as the "Secretary" should implement a national program to eradicate scrapie in the United States.

(b) RESEARCH PROGRAM.—(1) The Secretary shall establish and carry out a program to conduct research regarding the disease of scrapie in sheep and goats. The program shall include research regarding the following:

(A) Methods for detecting infection of animals with scrapie before the animals become symptomatic.

(B) Methods for treatment, prevention, and cure of scrapie.

(C) Methods for controlling the spread of scrapie.

(2) In carrying out the research program established under this subsection, the Secretary of Agriculture may make grants to and contract with Federal, State, and local agencies and any other organizations that are experienced in research regarding animal diseases.

(3) The Secretary shall coordinate the research program established under this subsection with other research programs regarding encephalopathies, in particular research regarding bovine spongiform encephalopathy in cattle.

(c) REGULATIONS.—The Secretary may issue such regulations as the Secretary considers necessary to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 1397. DEER TICK ECOLOGY AND RELATED RESEARCH.

There are authorized to be appropriated $250,000 for each of the fiscal years 1991 through 1995 to be used by the Agricultural Research Service to assist research in the field of population ecology of deer ticks and other insects and pests which transmit Lyme disease.

SEC. 1398. RESERVATION EXTENSION AGENTS.

(a) ESTABLISHMENT.—The Secretary of Agriculture, through the Extension Service, shall establish appropriate extension education programs on Indian Reservations and tribal jurisdictions. In establishing these extension programs, the Secretary shall consult with the Bureau of Indian Affairs, the Intertribal Agriculture Council, and the Southwest Indian Agriculture Association, and shall make such interagency cooperative agreements or memoranda of understanding as may be necessary. The programs to be developed and delivered on Reservations, and within tribal jurisdictions, shall be determined with the advice and counsel of Reservation or tribal program advisory committees.

(b) ADMINISTRATION AND MANAGEMENT.—Extension agents shall be employees of and administratively responsible to the Cooperative Extension Service of the State within which the Reservation or tribal jurisdiction is located, and employment and personnel management responsibilities shall be vested with the State Cooperative Extension Service. In cases where a Reservation or tribal jurisdiction is located in two or more States, the Secretary shall make the determination of administrative responsibility, including possible divisions along State boundaries.

(c) ADVISORY COMMITTEES.—With the assistance of the Tribal authorities, an advisory committee shall be formed to give overall policy and program advice to the State Extension Director with regard to programs conducted on reservations or within tribal jurisdictions. Program advisory committees may be formed to assist extension staff in development and conduct of program activities.

(d) STAFFING.—Insofar as possible, agent and specialist staff shall include individuals representative of the tribal grouping being served. Programs will emphasize training and employment of local people as program aides, master gardeners, volunteers, etc. Staffing at a particular location will be dependent on the needs and priorities as identified by the advisory committees and the State Extension Director, and may make use of existing personnel and facilities as appropriate.

(e) PLACING OF AGENTS.—The number of offices and their placement shall be jointly determined by the State Extension Directors and tribal authorities of the respective States by taking into consideration the agricultural acreage within the boundaries of an Indian Reservation or tribal jurisdiction, the soil classifications of such acreage, and the population of such Reservation or tribal jurisdiction.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1399. PUBLIC EDUCATION CONCERNING THE DANGERS OF TOBACCO USE.

(a) PUBLIC EDUCATION.—The Extension Service of the Department of Agriculture, in consultation with the Office on Smoking and Health in the Centers for Disease Control in the Department of Health and Human Services, shall carry out a program of public education (with a special emphasis on reaching children and minorities) on the hazards of tobacco use and the advantages of quitting or not starting tobacco use.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1991 through 1995 to carry out this section.

TITLE XIV—FRUITS, VEGETABLES, AND MARKETING

Subtitle A—Fruits and Vegetables

SEC. 1401. FINDINGS.

Congress finds that—

(1) fruits, vegetables, and specialty crops are a vital and important source of nutrition for the general health and welfare of the people of the United States; and

(2) fruits and vegetables are recommended as an essential part of a healthy, nutritious diet by numerous health officials and organizations including the Surgeon General of the United States; the National Institutes of Health; the National Cancer Institute; the American Heart Association; the Committee on Diet, Nutrition and Cancer of the National Academy of Sciences; the Department of Agriculture; and the Department of Health and Human Services.

SEC. 1402. PURPOSES.

The purposes of this subtitle are to—

(1) improve the Nation's dietary and nutritional standards by promoting domestically produced wholesome and nutritious fruit and vegetable products;

(2) increase the public awareness as to the difficulties domestic producers experience regarding the production, harvesting, and marketing of these products; and

(3) aid in the development of new technology and techniques that will assist domestic producers in meeting the challenges of increased demands for fruit and vegetable products in the future.

SEC. 1403. DECLARATION.

Congress declares that the domestic production of fruits and vegetables is an integral part of this Nation's farm policy.

SEC. 1404. STUDY OF THE FRUIT AND VEGETABLE INDUSTRY.

(a) STUDY.—(1) IN GENERAL.—The Secretary shall conduct a study to determine the current state of the domestic fruit and vegetable industry. In conducting such study, the Secretary shall consult with such agencies or departments as determined necessary by the Secretary, including, but not limited to, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Commerce, the Department of Labor, and the Department of Education.

(2) CONTENTS.—Such study shall include—

(A) a review of the availability of an adequate labor supply for producing, maintaining, and harvesting fruits and vegetables;

(B) a review of the availability and adequacy of crop insurance or disaster assistance for fruit and vegetable producers;

(C) a review of scientific and technological advances in the areas of genetics, biotechnology, integrated pest management, post harvest protection, or other scientific developments applicable to the production and marketing of fruits and vegetables;

(D) an examination of the availability of safe and effective chemicals for use in the production of fruits and vegetables, with special emphasis on the value of national uniformity to both consumers and producers;

(E) a review of the requirements and costs of labeling of fruits and vegetables and of the benefits of labeling of these products; and

(F) a review of whether Federal educational programs provide adequate information regarding the importance of fruits and vegetables to a proper diet.

(b) REPORT.—The Secretary shall submit to the Congress the results of the study described in subsection (a) not later than 18 months from the date of the enactment of this subtitle.

(c) DEFINITION.—As used in this section the term "Secretary" means the Secretary of Agriculture.

SEC. 1405. PILOT PROGRAM ON LABELING OF PERISHABLE AGRICULTURAL PRODUCTS.

(a) PILOT PROGRAM.—The Secretary of Agriculture shall implement a 2-year pilot program during which time perishable agricultural products are labeled or marked as to their country of origin. This 2-year program will be conducted nationwide. After the 2-year period, the Secretary will conduct a study to determine the results of the 2-year pilot country of origin labeling program. The Secretary shall submit to the Congress the results of the study within 18 months from the date of completion of the pilot program.

(b) DETAILS OF THE 2-YEAR PILOT PROGRAM.—(1) The labeling program requires that the country of origin on perishable produce is indicated on any such commodity or on the package, display, holding unit, or bin with a label, stamp, mark, placard or other clear and visible indication at the point of sale by any commission merchant, dealer, broker, or grocer. A sign alongside the produce is acceptable for country of origin labeling.

(2) The labeling program applies to imported and domestic perishable agricultural products.

(3) The labeling program applies to those imported perishable agricultural products which enter this country marked as to country of origin and are thus in compliance with section 304(a) of the Tariff Act of 1930.

(4) Exemptions to this labeling law may be made for imported perishable agricultural products which enter this country unpackaged, without any type of container and are thus exempted from country of origin labeling by virtue of the J-list of the Tariff Act of 1930.

Subtitle B—Marketing

SEC. 1411. AMENDMENT TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT.

Section 3(b) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499c(b)) is amended by—

(1) striking ": Provided, That the" and inserting the following: ". Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The"; and

(2) striking ": Provided further, That financial" and inserting ". Financial".

SEC. 1412. ENFORCEMENT OF HANDLER ASSESSMENTS.

Section 8c(14) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(14)) is amended—

(1) in subparagraph (A) by—

(A) striking "(other than a provision calling for payment of a pro rata share of expenses)"; and

(B) striking ": Provided, That if" and inserting ". If"; and

(2) in subparagraph (B) by striking "(other than a provision calling for payment of a pro rata share of expenses)".

SEC. 1413. WINE AND WINEGRAPE INDUSTRY STUDY.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to determine how the Department of Agriculture might best work with and support the United States wine and winegrape industry. Such study shall—

(1) be designed to determine whether existing Department of Agriculture programs could be improved to better assist and support the United States wine and winegrape industry;

(2) be designed to determine whether new methods or programs implemented by the Department of Agriculture could enhance wine and winegrape production and processing and expand markets for United States wine and winegrapes;

(3) be conducted in consultation with local, State, and national associations or organizations of wine and winegrape producers;

(4) give special emphasis to States or other geographic areas that have not traditionally had a wine and winegrape industry.

(b) REPORT.—The Secretary of Agriculture shall submit a report detailing the determinations made in the study under subsection (a) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than December 31, 1991. Such report shall also include any recommendations to the Congress for legislation the Secretary determines may be necessary to implement the programs or methods specified under subsection (a).

SEC. 1414. PRODUCER RESEARCH AND PROMOTION BOARD ACCOUNTABILITY.

(a) FINDINGS.—The Congress finds that—

(1) United States agricultural producers and importers contribute approximately $600 million annually to support agricultural promotion and research, and consumer information relating to food and nutrition, under federally-authorized checkoff programs;

(2) these federally-authorized checkoff programs are self-help efforts that enable the industry members that contribute to these checkoff programs to take an active role in enhancing the marketing of their farm products;

(3) the federally-authorized checkoff programs, while relatively new, have substantially contributed to strengthening markets for the agricultural products covered by the programs;

(4) the authorizing legislation for these agricultural check-off programs provides for the Secretary of Agriculture to appoint boards or councils comprised of producers and importers to assist the Secretary in administering the programs under the Secretary's oversight;

(5) the boards and councils that participate in administering the federally-authorized checkoff programs, in each instance, have important responsibilities under, and make substantial contributions to the effective management of, the programs while serving as a valuable link between the industry members that are funding the promotion, research, and information activities under the programs and the Department of Agriculture;

(6) the producers and importers that pay assessments to support the programs must have confidence in, and strongly support, the checkoff programs if these programs are to continue to succeed; and

(7) the checkoff programs cannot operate efficiently and effectively, nor can producer confidence and support for these programs be maintained, unless the boards and councils faithfully and diligently perform the functions assigned to them under the authorizing legislation.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that, to ensure the continued success of the federally-authorized checkoff programs, boards or councils that participate in the administration of the checkoff programs should take care to faithfully and diligently perform the functions assigned to them under the authorizing legislation and otherwise meet their crucial program responsibilities. It further is the sense of Congress that each of these boards and councils, in carrying out the responsibilities assigned to it, is accountable to the Secretary of Agriculture, Congress, and the industry contributing funds for the checkoff program involved, and that each currently operational checkoff board or council should review its charter and activities to ensure that its responsibilities and duties have not been inappropriately delegated or otherwise relinquished to another organization.

Subtitle C—Commodity Promotion

Part 1—Pecan Promotion

SEC. 1421. SHORT TITLE.

This part may be cited as the "Pecan Promotion and Research Act of 1990".

SEC. 1422. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

(b) POLICY.—It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this part, of an orderly procedure for developing, financing (through adequate assessments on pecans produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, industry information, and consumer information designed to—

(1) strengthen the pecan industry's position in the marketplace;

(2) maintain and expand existing domestic and foreign markets and uses for pecans; and

(3) develop new markets and uses for pecans.

(c) CONSTRUCTION.—Nothing in this part may be construed to provide for the control of production or otherwise limit the right of any person to produce pecans.

SEC. 1423. DEFINITIONS.

As used in this part—

(1) BOARD.—The term "Board" means the Pecan Marketing Board established in section 1426(b).

(2) COMMERCE.—The term "commerce" means interstate, foreign, or intrastate commerce.

(3) CONFLICT OF INTEREST.—The term "conflict of interest" means a situation in which a member has a direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture, or other business entity dealing directly or indirectly with the Board.

(4) CONSUMER INFORMATION.—The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of pecans.

(5) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(6) DISTRICT.—The term "district" means a geographical area of the United States, as determined by the Board and approved by the Secretary, in which there is produced approximately one-fourth of the volume of pecans produced in the United States.

(7) FIRST HANDLER.—The term "first handler" means the first person who buys or takes possession of pecans from a grower for marketing. If a grower markets pecans directly to consumers, such grower shall be considered the first handler with respect to pecans grown by such grower.

(8) GROWER.—The term "grower" means any person engaged in the production and sale of pecans in the United States who owns, or who shares the ownership and risk of loss of, such pecans.

(9) GROWER-SHELLER.—The term "grower-sheller" means a person who—

(A) shells pecans, or has pecans shelled for such person, in the United States; and

(B) during the immediately previous year, grew 50 percent or more of the pecans such person shelled or had shelled for such person.

(10) HANDLE.—The term "handle" means receipt of in-shell pecans by a sheller or first handler, including pecans produced by such sheller or first handler.

(11) IMPORTER.—The term "importer" means any person who imports pecans from outside of the United States for sale in the United States.

(12) INDUSTRY INFORMATION.—The term "industry information" means information and programs that will lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the pecan industry.

(13) IN-SHELL PECAN.—The term "in-shell pecan" means a pecan that has a shell that has not been removed.

(14) TO MARKET.—The term "to market" means to sell or offer to dispose of pecans in any channel of commerce.

(15) MEMBER.—The term "member" means a member of the Board.

(16) PECAN.—The term "pecan" means the nut of the pecan tree carya illinoensis.

(17) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(18) PLAN.—The term "plan" means an order issued under section 1424.

(19) PROMOTION.—The term "promotion" means any action taken by the Board, pursuant to this part, to present a favorable image of pecans to the public with the express intent of improving the competitive position of pecans in the marketplace and stimulating sales of pecans, including paid advertising.

(20) RESEARCH.—The term "research" means any type of test, study, or analysis designed to advance the image, desirability, usage, marketability, production, product development, or quality of pecans.

(21) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(22) SHELL.—The term "shell" means to remove the shell from an inshell pecan.

(23) SHELLED PECAN.—The term "shelled pecan" means a pecan kernel, or portion of a kernel, after the pecan shell has been removed.

(24) SHELLER.—The term "sheller" means any person who—

(A) shells pecans or has pecans shelled for the account of such person; and

(B) during the immediately previous year, purchased more than 50 percent of the pecans such person shelled or had shelled for such account.

(25) STATE.—The term "State" means any of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(26) UNITED STATES.—The term "United States" means collectively the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1424. ISSUANCE OF PLANS.

(a) IN GENERAL.—To effectuate the declared policy of section 1422(b), the Secretary shall, subject to this part, issue and from time to time amend, plans applicable to growers, grower-shellers, shellers, first handlers, and importers of pecans. Any such plan shall be national in scope. Not more than one plan shall be in effect under this part at any one time.

(b) PROCEDURE.—(1) PROPOSAL FOR ISSUANCE OF PLAN.—The Secretary may propose the issuance of a plan under this part, or an association of pecan growers or grower-shellers or any other person that will be affected by this part may request the issuance of, and submit a proposal for, such a plan.

(2) PROPOSED PLAN.—Not later than 60 days after the receipt of a request and proposal by an interested person for a plan, or when the Secretary determines to propose a plan, the Secretary shall publish a proposed plan and give due notice and opportunity for public comment on the proposed plan.

(3) ISSUANCE OF PLAN.—After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue a plan, taking into consideration the comments received and including in the plan provisions necessary to ensure that the plan is in conformity with the requirements of this part.

(4) EFFECTIVE DATE OF PLAN.—Such plan shall be issued and become effective not later than 150 days following publication of the proposed plan.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any plan issued under this section. The provisions of this part applicable to a plan shall be applicable to amendments to a plan.

SEC. 1425. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this part.

SEC. 1426. REQUIRED TERMS IN PLANS.

(a) IN GENERAL.—Each plan issued under this part shall contain the terms and conditions prescribed in this section.

(b) PECAN MARKETING BOARD.—(1) ESTABLISHMENT.—The plan shall establish a Pecan Marketing Board to carry out the program referred to in section 1422(b).

(2) SERVICE TO ENTIRE INDUSTRY.—The Board shall carry out programs and projects that will provide maximum benefit to the pecan industry in all parts of the United States and only generically promote pecans.

(3) BOARD MEMBERSHIP.—The Board shall consist of 15 members, including—

(A) 8 members who are growers;

(B) 4 members who are shellers;

(C) one member who is a first handler and who derives over 50 percent of the member's gross income from buying and selling pecans;

(D) one member who is an importer of pecans into the United States, nominated by the Board;

(E) one member representing the general public, nominated by the Board; and

(F) at the option of the Board, a consultant or advisor representing the views of pecan producers in a country other than the United States who may be chosen to attend Board functions as a nonvoting member.

(4) REPRESENTATION OF MEMBERS.—(A) GROWER REPRESENTATIVES.—Of the growers referred to in paragraph (3)(A), 2 members shall be from each district.

(B) SHELLER REPRESENTATIVES.—Of the shellers referred to in paragraph (3)(B)—

(i) 2 members shall be selected from among shellers whose place of residence is east of the Mississippi River; and

(ii) 2 members shall be selected from among shellers whose place of residence is west of the Mississippi River.

(C) FIRST HANDLER REPRESENTATIVE.—The first handler representative on the Board referred to in paragraph (3)(C) shall be selected from among first handlers whose place of residence is in a district.

(D) IMPORTER REPRESENTATIVE.—The importer representative on the Board referred to in paragraph (3)(D) shall be an individual who imports pecans into the United States.

(E) PUBLIC REPRESENTATIVE.—The public representative on the Board referred to in paragraph (3)(E) shall not be a grower, grower-sheller, sheller, first handler, or importer.

(5) ALTERNATE FOR EACH MEMBER.—Each member of the Board shall have an alternate with the same qualifications as the member such alternate would replace.

(6) LIMITATION ON STATE RESIDENCE.—There shall be no more than one member from each State in each district, except that the State of Georgia may have 2 growers from such State representing the district that it is in.

(7) MODIFYING BOARD MEMBERSHIP.—In accordance with regulations approved by the Secretary, at least once each 3 years and not more than once each 2 years, the Board shall—

(A) review the geographic distribution of pecan production throughout the United States; and

(B) if warranted, recommend to the Secretary that the Secretary reapportion a district in order to reflect the geographic distribution of pecan production.

(8) SELECTION PROCESS FOR MEMBERS.—

(A) PUBLICITY.—The Board shall give reasonable publicity to the industry for nomination of persons interested in being nominated for Board membership.

(B) ELIGIBILITY.—Each grower and sheller shall be eligible to vote for the nomination of members who represent that class of members on the Board. Growers shall be eligible to vote for the nomination of the first handler members on the Board.

(C) SELECTION OF NOMINEES.—Each person referred to in subparagraph (B) shall have one vote. The 2 eligible candidates receiving the largest number of votes cast for each Board position for each class of members shall be the nominees for such position.

(D) CERTIFICATION.—Except for the establishment of the initial Board, the nominations made under subparagraph (C) and subsections (b)(3)(D) and (b)(3)(E) shall be certified by the Board and submitted to the Secretary no later than May 1 or such other date recommended by the Board and approved by the Secretary preceding the commencement of the term of office for Board membership, as established in paragraph (9).

(E) APPOINTMENT.—To each vacant Board position, the Secretary shall appoint 1 individual from among the nominees certified and submitted under subparagraph (D).

(F) REJECTION OF NOMINEES.—The Secretary may reject any nominee submitted under subparagraph (D). If there are insufficient nominees from which to appoint members to the Board as a result of the Secretary's rejecting such nominees, additional nominees shall be submitted to the Secretary in the same manner.

(G) INITIAL BOARD.—The Secretary shall establish an initial Board from among nominations solicited by the Secretary. For the purpose of obtaining nominations for the members of the initial Board described in paragraph 3(A), (B), and (C), the Secretary shall perform the functions of the Board under this subsection as the Secretary determines necessary and appropriate. Nominations for those members of the initial Board described in paragraph (3)(D) and (E) shall be made in accordance with paragraph (3).

(H) FAILURE TO NOMINATE.—If growers and shellers fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the plan. If the Board fails to nominate an importer or a public representative, such member may be appointed without a nomination.

(9) TERMS OF OFFICE.—(A) IN GENERAL.—The members of the Board shall serve for a term of 3 years, except that the members appointed to the initial Board established under paragraph (8)(G) shall serve, proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(B) TERMINATION OF TERMS.—Notwithstanding subparagraph (C), each member shall continue to serve until a successor is appointed by the Secretary.

(C) LIMITATION ON TERMS.—No individual may serve more than 2 consecutive 3-year terms as a member.

(D) VACANCIES.—

(i) SUBMITTING NOMINATIONS.—To fill any vacancy created by the death, removal, resignation, or disqualification of any member of the Board, the Secretary shall request that at least 2 eligible nominations for a successor for each such vacancy be submitted by the Board in the manner provided in paragraph (8).

(ii) LACK OF NOMINATIONS.—If at least 2 eligible nominations are not submitted under clause (i), the Secretary shall determine the manner of submission of nominations for the vacancy.

(10) COMPENSATION.—A member of the Board shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses incurred in the performance of duties for and approved by the Board.

(c) POWERS AND DUTIES OF THE BOARD.—The plan shall define the powers and duties of the Board, which shall include the power and duty—

(1) to administer the plan in accordance with its terms and conditions;

(2) to make regulations to effectuate the terms and conditions of the plan;

(3) to meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) to establish working committees of persons other than Board members;

(5) to employ such persons, other than Board members, as the Board considers necessary and to determine the compensation and define the duties of such persons;

(6) to prepare and submit for the approval of the Secretary, prior to the beginning of each fiscal period, a recommended rate of assessment under section 1428, and a fiscal period budget of the anticipated expenses in the administration of the plan, including the probable costs of all programs and projects;

(7) to develop programs and projects, subject to subsection (d);

(8) to enter into contracts or agreements, subject to subsection (e), to develop and carry out programs or projects of promotion, research, industry information and consumer information;

(9) to carry out research, promotion, industry information, and consumer information, and to pay the costs of such projects with assessments collected pursuant to section 1428;

(10) to keep minutes, books, and records that reflect the actions and transactions of the Board, and promptly report minutes of each Board meeting to the Secretary;

(11) to appoint and convene, from time to time, working committees comprised of growers, grower-shellers, first handlers, shellers, importers, and the public to assist in the development of research, promotion, industry information, and consumer information programs for pecans;

(12) to invest, pending disbursement under a plan or project, funds collected through assessments authorized under this part, only in—

(A) obligations of the United States or any agency thereof;

(B) general obligations of any State or any political subdivision thereof;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may be used for any purpose for which the invested funds may be used;

(13) to receive, investigate, and report to the Secretary complaints of violations of the plan;

(14) to furnish the Secretary with such information as the Secretary may request;

(15) to recommend to the Secretary amendments to the plan; and

(16) to develop and recommend to the Secretary for approval such rules and regulations as may be necessary for the development and execution of programs or projects, or as may otherwise be necessary, to carry out the plan.

(d) PROGRAMS AND BUDGETS.—(1) SUBMISSION TO SECRETARY.—The plan shall provide that the Board shall submit to the Secretary for approval any program or project of promotion, research, consumer information, or industry information. No program or project shall be implemented prior to its approval by the Secretary.

(2) BUDGETS.—The plan shall require the Board, prior to the beginning of each fiscal year, or as may be necessary after the beginning of such fiscal year, to submit to the Secretary for approval budgets of its anticipated expenses (including reimbursements under subsection (b)(10)) and disbursements in the implementation of the plan, including projected costs of promotion, research, consumer information, and industry information programs and projects.

(3) INCURRING EXPENSES.—The Board may incur such expenses for programs or projects of research, promotion, consumer information, or industry information, and other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, including any implementation, administrative, and referendum costs incurred by the Department.

(4) PAYING EXPENSES.—The funds to cover the expenses referred to in paragraph (3) shall be paid by the Board from assessments

collected under section 1428 or funds borrowed pursuant to paragraph (5).

(5) AUTHORITY TO BORROW.—In order to meet the expenses referred to in paragraph (3), the Board shall have the authority to borrow funds, as approved by the Secretary, for capital outlays and startup costs.

(6) LIMITATION ON SPENDING.—Effective on the date that is 3 years after the date of the establishment of the Board, the Board shall not spend in excess of 20 percent of the assessments collected under section 1428 for administration of the Board.

(e) CONTRACTS AND AGREEMENTS.—(1) IN GENERAL.—To ensure efficient use of funds, the plan shall provide that the Board may enter into contracts or agreements for the implementation and carrying out of programs or projects of pecan promotion, research, consumer information, or industry information, including contracts with grower and grower-sheller organizations, and for the payment of the cost thereof with funds received by the Board under the plan.

(2) REQUIREMENTS.—Any such contract or agreement shall provide that—

(A) the contracting party shall develop and submit to the Board a program or project together with a budget or budgets that shall show estimated costs to be incurred for such program or project;

(B) the program or project shall become effective on the approval of the Secretary; and

(C) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(3) GROWER AND GROWER-SHELLER ORGANIZATIONS.—The plan shall provide that the Board may contract with grower and grower-sheller organizations for any other services. Any such contract shall include provisions comparable to those required by paragraph (2).

(f) BOOKS AND RECORDS OF BOARD.—(1) IN GENERAL.—The plan shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Board.

(2) AUDITS.—The Board shall cause its books and records to be audited by an independent auditor at the end of each fiscal year, and a report of such audit to be submitted to the Secretary.

(g) PROHIBITION.—The Board shall not engage in any action to, nor shall any funds received by the Board under this part be used to—

(1) influence legislation or governmental action, other than recommending to the Secretary amendments to the plan;

(2) engage in any action that would be a conflict of interest; or

(3) engage in any advertising that may be false or misleading.

(h) BOOKS AND RECORDS.—(1) IN GENERAL.—The plan shall require that each first handler, grower-sheller, or importer shall—

(A) maintain and submit to the Board any reports considered necessary by the Secretary to ensure compliance with this part; and

(B) make available during normal business hours, for inspection by employees of the Board or Secretary, such books and records as are necessary to carry out this part, including such records as are necessary to verify any required reports.

(2) TIME REQUIREMENT.—The records required under paragraph (1) shall be maintained for 2 years beyond the fiscal period of the applicability of such records.

(3) CONFIDENTIALITY.—(A) IN GENERAL.—Except as provided in subparagraphs (B) and (D), all information obtained from books, records, or reports required to be maintained under paragraph (1) shall be kept confidential, and shall not be disclosed to the public by any person.

(B) DISCLOSURE.—Information referred to in subparagraph (A) may be disclosed to the public only if—

(i) the Secretary considers the information relevant;

(ii) the information is revealed in a suit or administrative hearing brought at the direction or on the request of the Secretary or to which the Secretary or any officer of the Department is a party; and

(iii) the information relates to this part.

(C) MISCONDUCT.—Any disclosure of confidential information in violation of subparagraph (A) by any Board member or employee of the Board, except as required by other law or allowed under subparagraph (B) or (D), shall be considered a violation of this part.

(D) GENERAL STATEMENTS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the plan or statistical data collected therefrom, which statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating the plan, together with a statement of the particular provisions of the plan violated by such person.

(4) AVAILABILITY OF INFORMATION.—(A) EXCEPTION.—Except as provided in section 1432, information obtained under this part may be made available to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the particular information desired and the law enforcement activity for which the information is sought.

(B) PENALTY.—Any person knowingly violating this subsection, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if an officer or employee of the Board or the Department, shall be removed from office.

(5) WITHHOLDING INFORMATION.—Nothing in this part shall be construed to authorize the withholding of information from Congress.

(i) USE OF ASSESSMENTS.—The plan shall provide that the assessments collected under section 1428 shall be used for payment of the expenses in implementing and administering this part, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this part, except for the salaries of Government employees incurred in conducting referenda.

(j) OTHER TERMS AND CONDITIONS.—The plan also shall contain such terms and conditions, not inconsistent with this part, as determined necessary by the Secretary to effectuate this part.

SEC. 1427. PERMISSIVE TERMS IN PLANS.

(a) IN GENERAL.—A plan issued pursuant to this part may contain one or more of the terms and conditions contained in this section.

(b) EXEMPTIONS.—The plan may provide authority to exempt from the plan pecans used for nonfood uses and authority for the Board to require satisfactory safeguards against improper uses of such exemptions.

(c) DIFFERENT PAYMENT AND REPORTING SCHEDULES.—The plan may provide authority to designate different payment and reporting schedules for growers, grower-shellers, first handlers and importers to recognize differences in marketing practices and procedures utilized in different production areas.

(d) PROMOTION.—The plan may provide for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the promotion of pecans and for the disbursement of necessary funds for such purposes, except that—

(1) any such program or project shall be directed toward increasing the general demand for pecans; and

(2) such promotional activities shall comply with other restrictions on the use of funds that are established under this part.

(e) RESEARCH AND INFORMATION.—The plan may provide for establishing and carrying on research, consumer information, and industry information projects and studies to the end that the marketing and utilization of pecans may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(f) RESERVE FUNDS.—The plan may provide authority to accumulate reserve funds from assessments collected pursuant to this part, to permit an effective and continuous coordinated program of research, consumer information, industry information and promotion in years when the production and assessment income may be reduced, except that the total reserve fund may not exceed the amount budgeted for the operation of the plan for 2 years.

(g) FOREIGN MARKETS.—The plan may provide authority to use funds collected under this part, with the approval of the Secretary, for the development and expansion of pecan sales in foreign markets.

SEC. 1428. ASSESSMENTS.

(a) IN GENERAL.—During the effective period of a plan issued pursuant to this part, assessments shall be—

(1) levied on all pecans produced in, and all pecans imported into, the United States and marketed; and

(2) deducted from the payment made to a grower for all pecans sold to a first handler.

(b) LIMITATION ON ASSESSMENTS.—No more than one assessment may be assessed under subsection (a) on a grower (as remitted by a first handler) or importer, for any lot of pecans handled or imported.

(c) REMITTING ASSESSMENTS.—(1) IN GENERAL.—Assessments required under subsection (a) shall be remitted to the Board by—

(A) a first handler; and

(B) an importer.

(2) TIMES TO REMIT ASSESSMENT.—

(A) FIRST HANDLERS.—Each first handler who is not a grower-sheller and who is required to remit an assessment under paragraph (1) shall remit such assessment to the Board no later than the last day of the month following the month that the pecans being assessed were purchased or marketed by such first handler.

(B) GROWER-SHELLERS.—Each first handler who is a grower-sheller and who is required to remit an assessment under paragraph (1)

shall remit such assessment to the Board, to the extent practicable, in payments of one-third of the total annual amount of such assessment due to the Board on January 31, March 31, and May 10, or such dates as may be recommended by the Board and approved by the Secretary, during the fiscal year that the pecans being assessed were harvested.

(C) IMPORTERS.—Importers of pecans into the United States shall pay the assessment at the time the pecans enter the United States and shall remit such assessment to the Board.

(d) ASSESSMENT RATE.—(1) IN GENERAL.—Except as provided in paragraph (2), assessment rates shall be recommended by the Board and approved by the Secretary, except that the maximum assessment shall not exceed—

(A) during the period commencing on the effective date of the issuance of the plan and ending on the date the referendum is conducted under section 1432(a), one-half cent per pound for in-shell pecans as determined by the Board and approved by the Secretary; and

(B) after such period, 2 cents per pound for in-shell pecans.

(2) ADJUSTING RATE FOR OUT-OF-SHELL PECANS.—The rate of assessment of shelled pecans shall be twice the rate established for in-shell pecans pursuant to paragraph (1).

(3) SPECIAL STATE ASSESSMENT.—Notwithstanding any other provision of this part, with the approval of the Secretary and if authorized by State law and requested by such State, a special assessment of one-quarter cent per pound for in-shell pecans, and an appropriate per-pound assessment for out-of-shell pecans as adjusted under paragraph (2), shall be remitted to the Board for the purpose of utilizing such funds by a State pecan marketing board for research projects to promote pecans pursuant to State law. The Board shall collect such assessments and upon receipt of such assessments shall remit such assessments to the State, within a time period mutually agreed upon between the State and the Board, and approved by the Secretary. In the collection of such State assessments, neither the Board nor the Secretary shall in any manner enforce the collection or remittance of any such payment by producers of such State assessments or investigate nonpayment of such State assessments, except to provide to a State the names of growers from whom such assessments were collected and the respective amounts of assessments collected. The Secretary is authorized to make such regulations as may be necessary to carry out the provisions of this section.

(e) LATE-PAYMENT CHARGE.—(1) IN GENERAL.—There shall be a late-payment charge imposed on any person who fails to remit, on or before the due date established by the Board under subsection (c)(2), to the Board the total amount for which such person is liable.

(2) AMOUNT OF CHARGE.—The amount of the late-payment charge imposed under paragraph (1) shall be prescribed by the Board with the approval of the Secretary.

(f) REFUND OF ASSESSMENTS FROM ESCROW ACCOUNT.—(1) ESTABLISHMENT OF ESCROW ACCOUNT.—During the period beginning on the effective date of a plan first issued under section 1424 after enactment of this part and ending on the date the referendum is conducted under section 1432(a), the Board shall—

(A) establish an escrow account to be used for assessment refunds; and

(B) place funds in such account in accordance with paragraph (2).

(2) PLACEMENT OF FUNDS IN ACCOUNT.—The Board shall place in such account, from assessments collected during the period referred to in paragraph (1), an amount equal to the product obtained by multiplying the total amount of assessments collected during such period by 10 percent.

(3) RIGHT TO RECEIVE REFUND.—Subject to paragraphs (4), (5), and (6), any grower, grower-sheller, or importer shall have the right to demand and receive from the Board a one-time refund of assessments paid by or on behalf of such grower, grower-sheller, or importer during the period referred to in paragraph (1) if—

(A) such grower, grower-sheller, or importer is required to pay such assessments;

(B) such grower, grower-sheller, or importer does not support the program established under this part;

(C) such grower, grower-sheller, or importer demands such refund prior to the conduct of the referendum under section 1432(a); and

(D) the plan is not approved pursuant to the referendum conducted under section 1432(a).

(4) FORM OF DEMAND.—Such demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the Board.

(5) MAKING OF REFUND.—Such refund shall be made on submission of proof satisfactory to the Board that such grower, grower-sheller, or importer paid the assessment for which refund is demanded.

(6) PRORATION.—If—

(A) the amount in the escrow account required by paragraph (1) is not sufficient to refund the total amount of assessments demanded by eligible growers, grower-shellers, or importers; and

(B) the plan is not approved pursuant to the referendum conducted under section 1432(a)

the Board shall prorate the amount of such refunds among all eligible growers, grower-shellers, and importers who demand such refund.

(7) PROGRAM APPROVED.—If the plan is approved pursuant to the referendum conducted under section 1432(a), all funds in the escrow account shall be returned to the Board for use by the Board in accordance with this part.

SEC. 1429. PETITION AND REVIEW.

(a) PETITION.—(1) IN GENERAL.—A person subject to a plan issued under this part may file with the Secretary a petition—

(A) stating that the plan, any provision of the plan, or any obligation imposed in connection with the plan is not in accordance with law; and

(B) requesting a modification of the plan or an exemption from the plan.

(2) HEARINGS.—The petitioner shall be given the opportunity for a hearing on the petition, on the record and in accordance with regulations issued by the Secretary.

(3) RULING.—After such hearing, the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(b) REVIEW.—(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of a ruling by the Secretary under subsection (a).

(2) PROCESS.—Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court determines that such ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further proceedings as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The pendency of proceedings instituted under subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from taking any action under section 1430.

SEC. 1430. ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, this part or any plan, order, rule, or regulation issued under this part.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action to be brought under this section, other than under subsection (f), shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this part or any plan, order, rule, or regulation issued under this part if the Secretary believes that the administration and enforcement of this part would be adequately served by administrative action under subsection (c) or by providing a suitable written notice or warning to any person committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—(1) CIVIL PENALTIES.—(A) A person who willfully violates any provision of this part or any plan, order, rule, or regulation issued under this part, including the failure to pay, collect, or remit any assessment or late-payment charge required of the person under this part or any plan, order, rule, or regulation issued under this part, may be assessed by the Secretary a civil penalty of not less than $1,000 nor more than $10,000 for each such violation.

(B) Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from continuing such violation.

(3) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record with respect to such violation.

(4) FINALITY.—The order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the person against whom the order is issued files an appeal from the Secretary's order in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—(1) COMMENCEMENT OF ACTION.—A person against whom a civil penalty is assessed or a cease and desist order is issued under subsection (c) may obtain review of such penalty or order in the district court of the United States for the district in which such person resides or does business, or in the United States District Court for the District of Columbia, by—

(A) filing, within the 30-day period beginning on the date such penalty is assessed or

order issued, a notice of appeal in such court; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall promptly file in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—Any person who fails to obey a cease and desist order after the order has become final and unappealable, or after the appropriate district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing on the record and for judicial review under the procedures specified in subsections (c) and (d), of not more than $1,000 for each offense. Each day during which the failure continues shall be considered a separate violation of such order.

(f) FAILURE TO PAY PENALTY.—If a person fails to pay a civil penalty after it has become a final and unappealable order issued by the Secretary, or after the appropriate district court has entered a final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States in any district in which the person resides or conducts business. In such action, the validity and appropriateness of such order imposing such civil penalty shall not be subject to review.

SEC. 1431. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) IN GENERAL.—The Secretary may make such investigations as the Secretary deems necessary—

(1) for the effective administration of this part; or

(2) to determine whether a person has engaged or is engaging in any act or practice that constitutes a violation of any provision of this part, or of any plan, rule, or regulation issued under this part.

(b) POWER TO SUBPOENA.—(1) INVESTIGATIONS.—For the purpose of an investigation made under subsection (a), the Secretary is authorized to administer oaths and affirmations and to issue a subpoena to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 1429 or section 1430, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring such person to comply with such a subpoena.

(d) CONTEMPT.—Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) PROCESS.—Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

(f) HEARING SITE.—The site of any hearings held under this section shall be within the judicial district where such person resides or has a principal place of business.

SEC. 1432. REQUIREMENT OF REFERENDUM.

(a) IN GENERAL.—Not later than 24 months after the effective date of the plan first issued under section 1424 after enactment of this part, the Secretary shall conduct a referendum among growers, grower-shellers, and importers, who during a representative period determined by the Secretary have been engaged in the production or importation of pecans, for the purpose of ascertaining whether growers, grower-shellers, and importers favor continuation, termination, or suspension of the plan.

(b) OTHER REFERENDA.—(1) IN GENERAL.—After the referendum required under subsection (a), the Secretary shall hold a referendum on request of the Board or 10 percent or more of the total number of growers, grower-shellers, and importers, to determine if growers, grower-shellers, and importers favor the termination or suspension of the plan.

(2) SUSPENSION OR TERMINATION.—The Secretary shall terminate or suspend such plan, in accordance with section 1433(b), whenever the Secretary determines that such suspension or termination is favored by a majority of those voting in a referendum.

(c) COSTS OF REFERENDUM.—The Secretary shall be reimbursed from any assessments collected by the Board for any expenses incurred by the Department in connection with the conduct of any referendum under this part, except for the salaries of Government employees.

(d) MANNER.—(1) IN GENERAL.—Referenda conducted pursuant to this part shall be conducted in such a manner as is determined by the Secretary.

(2) ADVANCE REGISTRATION.—A grower, grower-sheller, or importer who chooses to vote in any referendum conducted under this part shall register in person prior to the voting period at the appropriate local office of the Agricultural Stabilization and Conservation Service, as determined by the Secretary, for such grower, grower-sheller, or importer.

(3) VOTING.—A grower, grower-sheller, or importer who votes in any referendum conducted under this part shall vote in person at the appropriate local office of the Agricultural Stabilization and Conservation Service, as determined by the Secretary.

(4) NOTICE.—Each Agricultural Stabilization and Conservation Service office shall notify all growers, grower-shellers, and importers in the area of such office, as determined by the Secretary, at least 30 days prior to a referendum conducted under this part. Such notice shall explain the registration and voting procedures established under this subsection.

SEC. 1433. SUSPENSION OR TERMINATION OF PLAN.

(a) MANDATORY SUSPENSION OR TERMINATION.—The Secretary shall, whenever the Secretary finds that the plan or any provision of the plan obstructs or does not tend to effectuate the declared policy of this part, terminate or suspend the operation of such plan or provision.

(b) SUSPENSION OR TERMINATION.—If, as a result of any referendum conducted under this part, the Secretary determines that suspension or termination of a plan is favored by a majority of the growers, grower-shellers, and importers voting in the referendum, the Secretary shall—

(1) within 6 months after making such determination, suspend or terminate, as the case may be, collection of assessments under the plan; and

(2) suspend or terminate, as the case may be, activities under the plan in an orderly manner as soon as practicable.

(c) The termination or suspension of any plan, or any provision thereof, shall not be considered a plan within the meaning of this part.

SEC. 1434. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this part.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated to carry out this part shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any plan issued under this part.

PART 2—MUSHROOMS

SEC. 1441. SHORT TITLE.

This part may be cited as the "Mushroom Promotion, Research, and Consumer Information Act of 1990".

SEC. 1442. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) mushrooms are an important food that is a valuable part of the human diet;

(2) the production of mushrooms plays a significant role in the Nation's economy in that mushrooms are produced by hundreds of mushroom producers, distributed through thousands of wholesale and retail outlets, and consumed by millions of people throughout the United States and foreign countries;

(3) mushroom production benefits the environment by efficiently using agricultural byproducts;

(4) mushrooms must be high quality, readily available, handled properly, and marketed efficiently to ensure that the benefits of this important product are available to the people of the United States;

(5) the maintenance and expansion of existing markets and uses, and the development of new markets and uses, for mushrooms are vital to the welfare of producers and those concerned with marketing and using mushrooms, as well as to the agricultural economy of the Nation;

(6) the cooperative development, financing, and implementation of a coordinated program of mushroom promotion, research, and consumer information are necessary to maintain and expand existing markets for mushrooms; and

(7) mushrooms move in interstate and foreign commerce, and mushrooms that do not move in such channels of commerce directly burden or affect interstate commerce in mushrooms.

(b) POLICY.—It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this part, of an orderly procedure for developing, financing through adequate assessments on mushrooms produced domestically or imported into the United States, and carrying out, an effective, continuous, and coordinated program of promotion, research, and consumer and industry information designed to—

(1) strengthen the mushroom industry's position in the marketplace;

(2) maintain and expand existing markets and uses for mushrooms; and

(3) develop new markets and uses for mushrooms.

(c) CONSTRUCTION.—Nothing in this part may be construed to provide for the control of production or otherwise limit the right of individual producers to produce mushrooms.

SEC. 1443. DEFINITIONS.

As used in this part—

(1) COMMERCE.—The term "commerce" means interstate, foreign, or intrastate commerce.

(2) CONSUMER INFORMATION.—The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of mushrooms.

(3) COUNCIL.—The term "Council" means the Mushroom Council established under section 1445(b).

(4) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(5) FIRST HANDLER.—The term "first handler" means any person, as described in an order issued under this part, who receives or otherwise acquires mushrooms from a producer and prepares for marketing or markets such mushrooms, or who prepares for marketing or markets mushrooms of that person's own production.

(6) IMPORTER.—The term "importer" means any person who imports, on average, over 500,000 pounds of mushrooms annually from outside the United States.

(7) INDUSTRY INFORMATION.—The term "industry information" means information and programs that are designed to lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the mushroom industry.

(8) MARKETING.—The term "marketing" means the sale or other disposition of mushrooms in any channel of commerce.

(9) MUSHROOMS.—The term "mushrooms" means all varieties of cultivated mushrooms grown within the United States for the fresh market, or imported into the United States for the fresh market, that are marketed, except that such term shall not include mushrooms that are commercially marinated, canned, frozen, cooked, blanched, dried, packaged in brine, or otherwise processed, as may be determined by the Secretary.

(10) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(11) PRODUCER.—The term "producer" means any person engaged in the production of mushrooms who owns or who shares the ownership and risk of loss of such mushrooms and who produces, on average, over 500,000 pounds of mushrooms per year.

(12) PROMOTION.—The term "promotion" means any action determined by the Secretary to enhance the image or desirability of mushrooms, including paid advertising.

(13) RESEARCH.—The term "research" means any type of study to advance the image, desirability, marketability, production, product development, quality, or nutritional value of mushrooms.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE AND UNITED STATES.—The terms "State" and "United States" include the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1444. ISSUANCE OF ORDERS.

(a) GENERAL.—To effectuate the declared policy of section 1442(b), the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this part applicable to producers, importers, and first handlers of mushrooms. Any such order shall be national in scope. Not more than one order shall be in effect under this part at any one time.

(b) PROCEDURES.—(1) ISSUANCE OF AN ORDER.—The Secretary may propose the issuance of an order under this part, or an association of mushroom producers or any other person that will be affected by this part may request the issuance of, and submit a proposal for, such an order.

(2) PUBLICATION OF ORDER.—Not later than 60 days after the receipt of a request and proposal by an interested person for an order, or when the Secretary determines to propose an order, the Secretary shall publish the proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue the order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this part. Such order shall be issued and, if approved by producers and importers of mushrooms as provided in section 1446(a), shall become effective not later than 180 days following publication of the proposed order.

(c) AMENDMENTS.—(1) IN GENERAL.—The Secretary, from time to time, may amend any order issued under this section.

(2) APPLICATION OF PART.—The provisions of this part applicable to an order shall be applicable to amendments to the order.

SEC. 1445. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—Each order issued under this part shall contain the terms and conditions prescribed in this section.

(b) MUSHROOM COUNCIL.—(1) ESTABLISHMENT AND MEMBERSHIP OF COUNCIL.—(A) ESTABLISHMENT.—The order shall provide for the establishment of, and selection of members to, a Mushroom Council that shall consist of at least 4 members and not more than 9 members.

(B) MEMBERSHIP.—Except as provided for in paragraph (2), the members of the Council shall be mushroom producers and importers appointed by the Secretary from nominations submitted by producers and importers in the manner authorized by the Secretary, except that no more than one member may be appointed to the Council from nominations submitted by any one producer or importer.

(2) APPOINTMENTS.—(A) IN GENERAL.—In making appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of mushroom production throughout the United States, and the comparative volume of mushrooms imported into the United States.

(B) UNITS.—In establishing such geographical distribution of mushroom production, a whole State shall be considered as a unit and such units shall be organized into 4 regions that shall fairly represent the geographic distribution of mushroom production within the United States.

(C) IMPORTERS.—Importers shall be represented as one region, which shall be separate from the regions established for mushrooms produced in the United States.

(D) MEMBERS PER REGION.—The Secretary shall appoint one member from each region if such region produces or imports, on average, at least 35,000,000 pounds of mushrooms annually.

(E) ADDITIONAL MEMBERS.—Subject to the nine-member limit on the number of members on the Council provided in paragraph (1), the Secretary shall appoint an additional member to the Council from a region for each additional 50,000,000 pounds of production or imports per year, on average, within the region.

(F) For purposes of this paragraph, in determining average annual mushroom production in each of the 4 regions of the United States established under this paragraph, the Secretary shall only consider mushrooms produced by producers covered by this part, as defined in section 1443(11).

(G) FAILURE TO NOMINATE.—If producers and importers fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order.

(3) TERMS; COMPENSATION.—(A) TERMS.—The term of appointment to the Council shall be for 3 years, except that the initial appointments shall to the extent practicable be proportionately for 1-year, 2-year, and 3-year terms.

(B) COMPENSATION.—Council members shall serve without compensation but shall be reimbursed for their expenses incurred in performing their duties as members of the Council.

(c) POWERS AND DUTIES OF THE COUNCIL.—The order shall define the powers and duties of the Council, which shall include the following powers and duties—

(1) to administer the order in accordance with its terms and provisions;

(2) to make rules and regulations to effectuate the terms and provisions of the order;

(3) to appoint members of the Council to serve on an executive committee;

(4) to propose, receive, evaluate, approve and submit to the Secretary for approval under subsection (d) budgets, plans, and projects of mushroom promotion, research, consumer information, and industry information, as well as to contract and enter into agreements with appropriate persons to implement such plans or projects;

(5) to develop and propose to the Secretary voluntary quality and grade standards for mushrooms;

(6) to receive, investigate, and report to the Secretary complaints of violations of the order;

(7) to recommend to the Secretary amendments to the order; and

(8) to invest, pending disbursement under a plan or project, funds collected through assessments authorized under this part only in—

(A) obligations of the United States or any agency thereof;

(B) general obligations of any State or any political subdivision thereof;

(C) any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(D) obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may only be used for any purpose for which the invested funds may be used.

(d) PLANS AND BUDGETS.—(1) SUBMISSION TO SECRETARY.—The order shall provide that the Council shall submit to the Secretary for approval any plan or project of promotion, research, consumer information, or industry information.

(2) BUDGETS.—The order shall require the Council to submit to the Secretary for ap-

proval budgets on a fiscal year basis of its anticipated expenses and disbursements in the implementation of the order, including projected costs of promotion, research, consumer information, and industry information plans and projects.

(3) APPROVAL BY SECRETARY.—No plan or project of promotion, research, consumer information, or industry information, or budget, shall be implemented prior to its approval by the Secretary.

(e) CONTRACTS AND AGREEMENTS.—(1) IN GENERAL.—To ensure efficient use of funds, the order shall provide that the Council may enter into contracts or agreements for the implementation and carrying out of plans or projects of mushroom promotion, research, consumer information, or industry information, including contracts with producer organizations, and for the payment of the cost thereof with funds received by the Council under the order.

(2) REQUIREMENTS.—Any such contract or agreement shall provide that—(A) the contracting party shall develop and submit to the Council a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project;

(B) the plan or project shall become effective on the approval of the Secretary; and

(C) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, make periodic reports to the Council of activities conducted, and make such other reports as the Council or the Secretary may require.

(3) PRODUCER ORGANIZATIONS.—The order shall provide that the Council may contract with producer organizations for any other services. Any such contract shall include provisions comparable to those provided in subparagraphs (A), (B), and (C) of paragraph (2).

(f) BOOKS AND RECORDS OF COUNCIL.—(1) IN GENERAL.—The order shall require the Council to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Council.

(2) AUDITS.—The Council shall cause its books and records to be audited by an independent auditor at the end of each fiscal year, and a report of such audit to be submitted to the Secretary.

(g) ASSESSMENTS.—(1) COLLECTION AND PAYMENT.—(A) IN GENERAL.—The order shall provide that each first handler of mushrooms for the domestic fresh market produced in the United States shall collect, in the manner prescribed by the order, assessments from producers and remit the assessments to the Council.

(B) IMPORTERS.—The order also shall provide that each importer of mushrooms for the domestic fresh market shall pay assessments to the Council in the manner prescribed by the order.

(C) DIRECT MARKETING.—Any person marketing mushrooms of that person's own production directly to consumers shall remit the assessments on such mushrooms directly to the Council in the manner prescribed in the order.

(2) RATE OF ASSESSMENT.—The rate of assessment shall be determined and announced by the Council and may be changed by the Council at any time. The order shall provide that the rate of assessment—

(A) for the first year of the order, may not exceed one-quarter cent per pound of mushrooms;

(B) for the second year of the order, may not exceed one-third cent per pound of mushrooms;

(C) for the third year of the order, may not exceed one-half cent per pound of mushrooms; and

(D) for the following years of the order, may not exceed one cent per pound of mushrooms.

(3) USE OF ASSESSMENTS.—The order shall provide that the assessments shall be used for payment of the expenses in implementing and administering this part, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this part, except for the salaries of Government employees incurred in conducting referenda.

(4) LIMITATION ON COLLECTION.—No assessment may be collected on mushrooms that a first handler certifies will be exported as mushrooms.

(h) PROHIBITION.—The order shall prohibit any funds received by the Council under the order from being used in any manner for the purpose of influencing legislation or government action or policy, except that such funds may be used by the Council for the development and recommendation to the Secretary of amendments to the order as prescribed in this part and for the submission to the Secretary of recommended voluntary grade and quality standards for mushrooms under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

(i) BOOKS AND RECORDS.—(1) IN GENERAL.—The order shall require that each first handler and importer of mushrooms maintain, and make available for inspection, such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order.

(2) AVAILABILITY TO SECRETARY.—Such information shall be made available to the Secretary as is appropriate for the administration or enforcement of this part, the order, or any regulation issued under this part.

(3) CONFIDENTIALITY.—(A) IN GENERAL.—All information obtained under paragraph (1) shall be kept confidential by all officers and employees of the Department and the Council, and agents of the Council, and only such information so obtained as the Secretary considers relevant may be disclosed to the public by them and then only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order.

(B) LIMITATIONS.—Nothing in this paragraph may be construed to prohibit—

(i) the issuance of general statements, based on the reports, of the number of persons subject to the order or statistical data collected therefrom, which statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person.

(4) AVAILABILITY OF INFORMATION.—(A) IN GENERAL.—Except as provided in section 1448, information obtained under this part may be made available to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the particular information desired and the law enforcement activity for which the information is sought.

(B) PENALTY.—Any person knowingly violating this subsection, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if an officer or employee of the Council or the Department, shall be removed from office.

(5) WITHHOLDING INFORMATION.—Nothing in this part shall be construed to authorize the withholding of information from Congress.

(j) OTHER TERMS AND CONDITIONS.—The order also shall contain such terms and conditions, not inconsistent with this part, as are necessary to effectuate this part, including provisions for the assessment of a penalty for each late payment of assessments under subsection (g).

SEC. 1446. REFERENDA.

(a) INITIAL REFERENDUM.—(1) IN GENERAL.—Within the 60-day period immediately preceding the effective date of an order issued under section 1444(b), the Secretary shall conduct a referendum among mushroom producers and importers to ascertain whether the order shall go into effect.

(2) APPROVAL OF ORDER.—The order shall become effective, as provided in section 1444(b), if the Secretary determines that the order has been approved by a majority of the producers and importers voting in the referendum, which majority, on average, annually produces and imports into the United States more than 50 percent of the mushrooms annually produced and imported by all those voting in the referendum.

(b) SUCCEEDING REFERENDA.—(1) DETERMINATION CONCERNING ORDER.—(A) IN GENERAL.—Effective 5 years after the date on which an order becomes effective under section 1444(b), the Secretary shall conduct a referendum among mushroom producers and importers to ascertain whether they favor continuation, termination, or suspension of the order.

(B) REQUEST FOR REFERENDUM.—Effective beginning 3 years after the date on which an order becomes effective under section 1444(b), the Secretary, on request of a representative group comprising 30 percent or more of the number of mushroom producers and importers, may conduct a referendum to ascertain whether producers and importers favor termination or suspension of the order.

(2) SUSPENSION OR TERMINATION.—If, as a result of any referendum conducted under paragraph (1), the Secretary determines that suspension or termination of an order is favored by a majority of the producers and importers voting in the referendum, which majority, on average, annually produces and imports into the United States more than 50 percent of the mushrooms annually produced and imported by all those voting in the referendum, the Secretary shall—

(A) within 6 months after making such determination, suspend or terminate, as appropriate, collection of assessments under the order; and

(B) suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as practicable.

(c) MANNER.—Referenda conducted pursuant to this section shall be conducted in such a manner as is determined by the Secretary.

SEC. 1447. PETITION AND REVIEW.

(a) PETITION.—(1) IN GENERAL.—A person subject to an order issued under this part may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—The petitioner shall be given the opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After such hearing, the Secretary shall make a ruling on the petition, which shall be final if in accordance with law.

(b) REVIEW.—(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of such ruling of the Secretary under subsection (a).

(2) PROCESS.—Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court determines that such ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The pendency of proceedings instituted under subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 1448.

SEC. 1448. ENFORCEMENT.

(a) JURISDICTION.—The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this part.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this part, or any order, rule, or regulation issued under this part, if the Secretary believes that the administration and enforcement of this part would be adequately served by administrative action under subsection (c) or suitable written notice or warning to the person who committed or is committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—(1) CIVIL PENALTIES.—A person who willfully violates a provision of any order or regulation issued by the Secretary under this part, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under such order or regulation, may be assessed a civil penalty by the Secretary of not less than $500 nor more than $5,000 for each such violation. Each violation shall be a separate offense.

(2) CEASE-AND-DESIST ORDERS.—In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from continuing such violation.

(3) NOTICE AND HEARING.—No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to such violation.

(4) FINALITY.—The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d).

(d) REVIEW BY DISTRICT COURT.—(1) COMMENCEMENT OF ACTION.—Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (c) may obtain review of the penalty or order by—

(A) filing, within the 30-day period beginning on the date such penalty is assessed or order issued, a notice of appeal in the district court of the United States for the district in which such person resides or does business, or in the United States district court for the District of Columbia; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall promptly file in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—A person who fails to obey a cease and desist order after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d), of not more than $500 for each offense. Each day during which such failure continues shall be considered as a separate violation of such order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay an assessment of a civil penalty after it has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any district court in which the person resides or conducts business. In such action, the validity and appropriateness of such civil penalty shall not be subject to review.

SEC. 1449. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this part or to determine whether any person subject to this part has engaged or is engaging in any act that constitutes a violation of this part or of any order, rule, or regulation issued under this part.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—(1) For the purpose of an investigation made under subsection (a), the Secretary may administer oaths and affirmations and issue a subpoena to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 1447 or section 1448, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring such person to comply with such a subpoena.

(d) CONTEMPT.—Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) PROCESS.—Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

(f) HEARING SITE.—The site of any hearings held under this section shall be within the judicial district where such person resides or has a principal place of business.

SEC. 1450. SAVINGS PROVISION.

Nothing in this part may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State.

SEC. 1451. SUSPENSION OR TERMINATION OF ORDERS.

The Secretary shall, whenever the Secretary finds that the order or any provision of the order obstructs or does not tend to effectuate the declared policy of this part, terminate or suspend the operation of such order or provision. The termination or suspension of any order, or any provision thereof, shall not be considered an order under the meaning of this part.

SEC. 1452. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this part.

(b) ADMINISTRATIVE EXPENSES.—The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provision of an order issued under this part.

SEC. 1453. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this part.

PART 3—POTATOES

SEC. 1461. SHORT TITLE.

This part may be cited as the "Potato Research and Promotion Act Amendments of 1990".

SEC. 1462. FINDINGS AND DECLARATION OF POLICY.

Section 302 of the Potato Research and Promotion Act (7 U.S.C. 2611) is amended—

(1) in the first paragraph—

(A) in the first sentence by inserting "and foreign countries" after "United States";

(B) in the second sentence, by inserting "and imported into the United States from foreign countries" after "United States"; and

(C) by striking the last sentence;

(2) in the second paragraph—

(A) in the first sentence—

(i) by striking ", in a large part,"; and

(ii) by inserting "or foreign" after "channels of interstate"; and

(B) by striking the second sentence; and

(3) in the fourth paragraph—

(A) by inserting "and imported into the United States from foreign countries" after "commercial use"; and

(B) by striking at the end thereof "produced in the United States" and inserting "and potato products".

SEC. 1463. DEFINITIONS.

Section 303 of the Potato Research and Promotion Act (7 U.S.C. 2612) is amended—

(1) in subsection (c)—

(A) by striking "forty-eight contiguous" and inserting "50"; and

(B) by inserting before the period at the end thereof ", and grown in foreign countries and imported into the United States"; and

(2) by adding at the end the following new subsection:

"(g) The term 'importer' means any person who imports tablestock, frozen, or processed potatoes for ultimate consumption by humans or seed potatoes into the United States.".

SEC. 1464. AUTHORITY TO ISSUE A PLAN.

Section 304 of the Potato Research and Promotion Act (7 U.S.C. 2613) is amended—

(1) in the first sentence—

(A) by striking "persons engaged in the handling of potatoes (hereinafter referred to as handlers)" and inserting "handlers and importers", and

(B) by inserting "or imported" after "potatoes handled"; and

(2) in the third sentence—

(A) by striking "forty-eight contiguous" and inserting "50", and

(B) by inserting before the period "and in foreign countries, if importers are subject to a plan and such potatoes are imported into the United States".

SEC. 1465. NOTICE AND HEARINGS.

Section 305 of the Potato Research and Promotion Act (7 U.S.C. 2614) is amended—

(1) in the first sentence by striking "potato producers" and inserting "interested persons"; and

(2) in the second sentence by striking "by potato producers or by any other interested person or persons, including the Secretary" and inserting "by any interested person, including the Secretary".

SEC. 1466. REQUIRED TERMS IN PLANS.

Section 308 of the Potato Research and Promotion Act (7 U.S.C. 2617) is amended—

(1) in subsection (b)—

(A) by inserting after the first sentence the following: "If importers are subject to a plan, the board shall also include up to 5 representatives of importers, appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary.",

(B) after "If producers" by inserting "or importers", and

(C) in the last sentence by inserting ", or to importer approval when importers are subject to a plan," after "approval";

(2) in subsection (e)—

(A) by striking "one cent" and inserting "2 cents", and

(B) by inserting ", and importers when importers are subject to a plan," after "producers";

(3) in subsection (f)(1) by inserting in the proviso ", or importer approval when importers are subject to a plan," after "producer approval"; and

(4) by striking subsection (g) and redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively.

SEC. 1467. PERMISSIVE TERMS IN PLANS.

Section 309 of the Potato Research and Promotion Act (7 U.S.C. 2618) is amended by redesignating subsection (g) as subsection (i) and inserting the following new subsections:

"(g) Providing that any potato producer or importer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment. Such demand shall be made personally by such producer or importer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than 90 days, and upon submission of proof satisfactory to the board that the producer or importer paid the assessment for which refund is sought, and any such refund shall be made within 60 days after demand therefor.

"(h) Providing for authority to assess imports of tablestock, frozen, or processed potatoes for ultimate consumption by humans and seed potatoes into the United States.".

SEC. 1468. ASSESSMENTS.

Section 310 of the Potato Research and Promotion Act (7 U.S.C. 2619) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)" and adding at the end thereof the following new paragraph:

"(2) When importers are subject to a plan, each importer designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes. The assessment on imported tablestock, frozen, or processed potatoes for ultimate consumption by humans, and seed potatoes shall be established by the board so that the effective assessment shall equal that on domestic production and shall be paid by the importer to the board at the time of entry into the United States. Each such importer shall maintain a separate record including the total quantity of tablestock, frozen, processed potatoes for ultimate consumption by humans, and seed potatoes imported into the United States that are included under the terms of the plan as well as those that are exempt under such plan, and shall indicate such other information as may be prescribed by the board. No more than one assessment shall be made on any imported potatoes.";

(2) in subsection (b) by inserting "and importers" after "Handlers"; and

(3) in subsection (c)(1) by inserting "or importers" after "handlers".

SEC. 1469. INVESTIGATION AND POWER TO SUBPOENA.

Section 313 of the Potato Research and Promotion Act (7 U.S.C. 2622) is amended in subsection (a)—

(1) by striking in the first sentence "a handler or any other" and inserting "any"; and

(2) in the last sentence by striking "handler or other".

SEC. 1470. REQUIREMENT OF REFERENDUM.

Section 314 of the Potato Research and Promotion Act (7 U.S.C. 2623) is amended—

(1) in subsection (a) by adding at the end the following sentence: "When the issuance of a plan would subject importers to the terms and conditions of a plan, the Secretary also shall conduct the referendum among importers, who during a representative period determined by the Secretary have been engaged in the importation of potatoes, for the purpose of ascertaining whether the issuance of such plan is approved or favored by such importers.";

(2) in subsection (b) by striking "two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum" and inserting "a majority of the producers voting in such referendum or a majority of the producers and importers when the issuance of a plan would subject importers to the terms and conditions of a plan, voting in such referendum";

(3) in subsection (c) by inserting "and importers" after "producers"; and

(4) in subsection (d) by inserting ", or any importer or the volume of potatoes imported by such importer," after "potatoes".

SEC. 1471. SUSPENSION OR TERMINATION OF PLANS.

Section 315 of the Potato Research and Promotion Act (7 U.S.C. 2624) is amended—

(1) in subsection (b)—

(A) by inserting ", or of the total number of producers and importers when importers are subject to a plan," after "potato producers" the first time it appears;

(B) by inserting "and importers" after "potato producers" the second time it appears;

(C) by inserting "and import" after "produce"; and

(D) by striking "by the potato producers voting in the referendum" and inserting "and imported by those voting in the referendum"; and

(2) by adding a new subsection (c) to read as follows:

"(c) The termination or suspension of any plan, or any provision thereof, shall not be considered the issuance of a plan within the meaning of this part.".

SEC. 1472. AMENDMENT PROCEDURE.

(a) IN GENERAL.—Notwithstanding any provision of the Potato Research and Promotion Act (hereafter in this section referred to as the "Act"), the procedure specified in this section shall apply if a producer or a producer organization requests the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") to amend the plan in effect under that Act (hereafter in this section referred to as the "plan") to—

(1) subject importers to the terms and conditions of a plan, and

(2) eliminate provisions for refunds of assessments for those not in favor of supporting the research and promotion program as provided under that Act.

The procedure under this section shall apply only in the case of the first such request received after the date of enactment of this Act.

(b) PUBLICATION OF PROPOSED AMENDMENTS.—The Secretary shall publish for public comment such proposed amendments to the plan within 60 days.

(c) ISSUANCE OF FINAL AMENDMENTS.—Not later than 150 days after publication of such amendment, and after notice and opportunity for public comment, the Secretary shall issue the amendments to the plan, as described in subsection (a), if the Secretary has reason to believe that such amendments will tend to effectuate the declared policy of this part.

(d) REFERENDUM.—Not later than 24 months after the date of issuance of such amendments to the plan, the Secretary shall conduct a referendum among producers and importers who, during a representative period determined by the Secretary, have been engaged in the production or importation of potatoes. The amendments shall be

continued only if the Secretary determines that the amendments to the plan have been approved by a majority of the total number of producers and importers voting in the referendum.

(e) REFUNDS.—The board shall—

(1) establish an escrow account to be used for assessment refunds, and place funds in such account in accordance with paragraph (2) during the period beginning on the effective date of the amendments to the plan issued under subsection (c) and ending on the date of the referendum on the amendments to the plan;

(2) place in the account established under paragraph (1), from assessments collected under the plan during the period referred to in paragraph (1), an amount equal to the product obtained by multiplying the total amount of assessments collected during such period by 10 percent;

(3) subject to paragraphs (4), (5), and (6), provide that for the period referred to in paragraph (1) any producer or importer shall have the right to demand and receive from the board a one-time refund of assessments collected from such producer or importer during such period if—

(A) such producer or importer is responsible for paying such assessments;

(B) such producer or importer does not support the program established under the plan; and

(C) the amendments to the plan to eliminate provisions for refunds of assessments are not approved pursuant to a referendum conducted under subsection (d);

(4) require such demand to be made in accordance with regulations, on a form, and within a time period prescribed by the board;

(5) require such refund to be made on submission of proof satisfactory to the board that such producer or importer paid the assessment for which refund is demanded; and

(6) if the amount in the escrow account required to be established by paragraph (1) is not sufficient to refund the total amount of assessments demanded by all eligible producers and importers under this subsection, prorate the amount of such refunds among all eligible producers and importers who demand such refund.

(f) If such amendments to the plan are not approved, the Secretary shall terminate the amendments and the plan shall continue in effect without the amendments.

(g) AMENDMENT TO INCLUDE THE 50 STATES.—Notwithstanding any provision of the Act, the Secretary shall, upon request of a producer or a producer organization, issue an amendment to the plan to include the 50 States of the United States. Such amendment shall not be subject to a referendum.

PART 4—COTTON

SEC. 1473. SHORT TITLE.

This part may be cited as the "Cotton Research and Promotion Act Amendments of 1990".

SEC. 1474. FINDINGS AND DECLARATION OF POLICY.

Section 2 of the Cotton Research and Promotion Act (7 U.S.C. 2101) is amended by—

(1) in the second sentence inserting "and also outside the United States" before the period;

(2) in the third sentence by striking "in large part";

(3) striking the fourth and the sixth sentences of the first paragraph;

(4) striking "The great inroads on the market and uses for United States" and inserting "The great inroads on the market and uses for"; and

(5) in the third paragraph—

(A) striking "harvested" and inserting "marketed"; and

(B) inserting "and on imports of cotton" after "United States" the first time it appears.

SEC. 1475. REQUIRED TERMS IN ORDER; COTTON IMPORTS.

Section 7 of the Cotton Research and Promotion Act (7 U.S.C. 2106) is amended—

(1) in subsection (a)(2) by—

(A) striking "handler" and inserting "person"; and

(B) striking "producer";

(2) in subsection (b), in the first sentence, by—

(A) inserting "(1)" after "shall be composed of"; and

(B) striking the colon and all that follows through the end of the sentence and inserting the following: ", and (2) when imports of cotton are subject to an order, an appropriate number of representatives, as determined by the Secretary, of importers of cotton on which assessments are paid under this Act. Such importer representatives shall be appointed by the Secretary after consultation with organizations representing importers, as determined by the Secretary. Each cotton-producing State shall be entitled to at least one representative on the Cotton Board.";

(3) by amending subsection (e) to read as follows:

"(e)(1) Providing that—

"(A) the producer or other person for whom the cotton is being handled shall pay to the handler of such cotton designated by the Cotton Board pursuant to regulations issued under the order;

"(B) such handler shall collect from the producer or other person for whom the cotton, including cotton owned by the handler, is being handled, and shall pay to the Cotton Board; and

"(C) each importer shall pay to the Cotton Board on imports of cotton,

an assessment prescribed by the order, on the basis of bales of cotton handled or imported. The assessment shall cover such expenses and expenditures, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Cotton Board under the order, during any period specified by the Secretary.

"(2) The order shall provide for reimbursing the Secretary—

"(A) for expenses not to exceed $300,000 incurred by the Secretary in connection with any referendum conducted under section 8; and

"(B) for administrative costs incurred by the Secretary for supervisory work up to 5 employee years after an order or amendment to an order has been issued and made effective.

There shall also be included in the order a provision for reimbursing any agency of the Federal Government that assists in administering the import provisions of the order for a reasonable amount of the expenses incurred by that agency in connection therewith.

"(3) To facilitate the collection and payment of such assessments, the Cotton Board may designate different handlers or importers or classes of handlers or importers to recognize differences in marketing practices or procedures utilized in any State or area, except that no more than one such assessment shall be made on any bale of cotton, unless specifically authorized by provisions of this subsection.

"(4) The rate of assessment prescribed by the order shall be $1 per bale of cotton handled, supplemented by an additional per bale amount not to exceed 1 percent of the value of cotton as determined by the Cotton Board and the Secretary. The rate of assessment on imports of cotton shall be determined in the same manner as the rate of assessment per bale of cotton handled, and the value to be placed on cotton imports for the purpose of determining the assessment on such imports shall be established by the Secretary in a fair and equitable manner.

"(5) No authority under this Act may be used as a basis to advertise or solicit votes in any referendum relating to the rate of assessment with funds collected under this Act.

"(6) The Secretary may maintain a suit against any person subject to the order for the collection of such assessment, and the several district courts of the United States are hereby vested with jurisdiction to entertain such suits regardless of the amount in controversy. The remedies provided in this section shall be in addition to, and not exclusive of, the remedies provided for elsewhere in this Act or now or hereafter existing at law or in equity.

"(7) The provisions of this subsection and subsection (b) shall not apply to cottonseed and the products derived from cotton and its seed.

"(8) The provisions of this subsection relating to importers and assessments on imports of cotton shall be effective only if approved in a referendum as provided in section 8(b) or 8(c).".

SEC. 1476. REQUIREMENTS FOR REFERENDA.

Section 8 of the Cotton Research and Promotion Act (7 U.S.C. 2100) is amended by—

(1) inserting "(a)" before "The Secretary"; and

(2) adding at the end the following new subsections:

"(b)(1) Notwithstanding the provisions of sections 4 and 5, not later than 150 days after the date of enactment of the Cotton Research and Promotion Act Amendments of 1990, and after notice and opportunity for public comment, the Secretary shall issue a proposed amendment to the order implementing the provisions of such Act, which shall become effective as provided in paragraph (2).

"(2) Notwithstanding the provisions of subsection (a), the Secretary shall, within a period not to exceed 8 months after the date of enactment of the Cotton Research and Promotion Act Amendments of 1990, conduct a referendum among persons who have been cotton producers and importers during a representative period, as determined by the Secretary, for the purpose of ascertaining if a majority of those voting approve the proposed amendment to the order issued by the Secretary under paragraph (1). The Secretary shall announce the results of the referendum within 30 days after the date of such referendum. If the amendment is approved in the referendum, within a period not to exceed 90 days from the date of announcement of the results of such referendum, the Secretary shall publish the amendment to the order and regulations implementing the amendment provided for in this subsection.

"(c)(1) Notwithstanding the provisions of sections 4 and 5, once every five years after the date of the referendum provided for under subsection (b), the Secretary shall conduct a review to ascertain whether a referendum is needed to determine whether producers and importers favor continuation of the amendment to the order provided for in the Cotton Research and Promotion Act

Amendments of 1990 if such amendment is then in effect or, if such an amendment is not in effect, whether they favor approval of such amendment. The Secretary shall make a public announcement of the results of the review within 60 days after each fifth anniversary date of the referendum provided for under subsection (b). If the Secretary determines to provide for such a referendum, the Secretary shall conduct the referendum within 12 months after a public announcement of the determination to conduct the referendum.

"(2) If the Secretary does not provide for such a referendum on the Secretary's own initiative, the Secretary shall conduct such a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum, except that, in counting such requests for a referendum, not more than 20 percent of such requests may be from producers from any one State. Producers and importers may sign up to request such a referendum at the county office of the Agricultural Stabilization and Conservation Service, or county extension agent, or by mailing such a request to the Secretary, as prescribed in regulations. The signup period shall be for a period not to exceed 90 days, shall commence 60 days after the Secretary makes a public announcement of a determination not to provide for a referendum on the Secretary's own initiative, and shall be publicized by the Secretary and the Cotton Board immediately after such public announcement. The referendum shall be held within 12 months after the end of the signup period, if requested by the requisite number of persons.

"(3) The amendment to the order provided for in this subsection shall not be effective if it is disapproved by a majority of cotton producers and importers of cotton voting in the referendum.".

SEC. 1477. SUSPENSION AND TERMINATION OF ORDERS.

Section 9(b) of the Cotton Research and Promotion Act (7 U.S.C. 2108(b)) is amended to read as follows:

"(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of a number of producers and importers (if subject to the order) equivalent to at least 10 percent of those persons voting in the most recent referendum, to determine whether cotton producers and importers subject to the order favor the termination or suspension of the order. The Secretary shall suspend or terminate the order at the end of the marketing year, as defined in the order, whenever the Secretary determines suspension or termination of the order is approved by a majority of producers and importers (subject to the order) voting in the referendum who, during a representative period determined by the Secretary, have been engaged in the production and importation of cotton and who produced and imported more than 50 percent of the volume of cotton produced and imported by those voting in the referendum.".

SEC. 1478. AMENDMENTS TO THE ORDER.

Section 10 of the Cotton Research and Promotion Act (7 U.S.C. 2109) is amended to read as follows:

"PROVISIONS APPLICABLE TO AMENDMENTS

"SEC. 10. (a) Except as provided in subsection (b), the provisions of this Act applicable to orders shall be applicable to amendments to orders.

"(b) No amendment to an order issued under this Act shall be effective unless the Secretary determines that—

"(1) with respect to an amendment referred to in section 8(b) or (8)(c), the amendment is approved by producers and importers of cotton as provided in such section; or

"(2) with respect to any other amendment, that the amendment is approved by a majority of cotton producers and importers subject to the order voting in the referendum.

"(c) The disapproval of any amendment to an order issued under this Act shall not be deemed to invalidate such order.".

SEC. 1479. PRODUCER REFUNDS.

Section 11 of the Cotton Research and Promotion Act (7 U.S.C. 2110) is amended by—

(1) striking "Notwithstanding any other provision" and inserting "(a) Notwithstanding any other section and except as provided in subsection (b),"; and

(2) adding at the end the following new subsection:

"(b) The right of a producer to demand a refund under subsection (a) shall terminate if the proposed amendment of the order implementing the Cotton Research and Promotion Amendments Act of 1990 is approved in the referendum provided for under section 8. Such right shall terminate 30 days after the date the Secretary announces the results of such referendum if such proposed amendment is approved. Such right shall be reinstated if the amendment should be disapproved in any subsequent referendum.".

SEC. 1480. DEFINITIONS.

Section 17 of the Cotton Research and Promotion Act (7 U.S.C. 2116) is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "means"; and

(B) by striking "its seed." and inserting the following: "its seed and (2) imports of upland cotton. The term 'cotton' shall not, however, include any entry of imported cotton by an importer that has a value or weight less than any de minimis figure established in accordance with regulations issued by the Secretary. Any de minimis figure established under this paragraph shall be such as to minimize the burden in administering the assessment provision but still provide for the maximum participation of imports of cotton in the assessment provisions of this Act.";

(2) in subsection (d), by inserting after "cottonseed" the following:

"or, for the purposes of sections 3, 6(c), and 13, any person who imports cotton, including de minimis amounts of cotton described in subsection (c),"; and

(3) by adding at the end a new subsection to read as follows:

"(h)(1) The term 'importer' means any person who enters, or withdraws from warehouse, cotton produced outside the United States for consumption in the customs territory of the United States.

"(2) The term 'import' means any such entry.".

PART 5—LIMES

SEC. 1481. SHORT TITLE.

This part may be cited as the "Lime Research, Promotion, and Consumer Information Act of 1990".

SEC. 1482. FINDINGS, PURPOSES, AND LIMITATIONS.

(a) FINDINGS.—Congress finds that—

(1) domestically produced limes are grown by many individual producers;

(2) virtually all domestically produced limes are grown in the States of Florida and California;

(3) limes move in interstate and foreign commerce, and limes that do not move in such channels of commerce directly burden or affect interstate commerce in limes;

(4) in recent years, large quantities of limes have been imported into the United States;

(5) the maintenance and expansion of existing domestic and foreign markets for limes and the development of additional and improved markets for limes are vital to the welfare of lime producers and other persons concerned with producing, marketing, or processing limes;

(6) a coordinated program of research, promotion, and consumer information regarding limes is necessary for the maintenance and development of such markets; and

(7) lime producers, lime producer-handlers, lime handlers, and lime importers are unable to implement and finance such a program without cooperative action.

(b) PURPOSES.—The purposes of this part are—

(1) to authorize the establishment of an orderly procedure for the development and financing (through an adequate assessment) of an effective and coordinated program of research, promotion, and consumer information regarding limes designed—

(A) to strengthen the position of the lime industry in domestic and foreign markets, and

(B) to maintain, develop, and expand markets for limes; and

(2) to treat domestically produced and imported limes equitably.

(c) LIMITATION.—Nothing in this part shall be construed to require quality standards for limes, control the production of limes, or otherwise limit the right of the individual producers to produce limes.

SEC. 1483. DEFINITIONS.

For purposes of this part:

(1) BOARD.—The term "Board" means the Lime Board provided for under section 1485(b).

(2) CONSUMER INFORMATION.—The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the use, nutritional attributes, and care of limes.

(3) HANDLE.—The term "handle" means to sell, purchase, or package limes.

(4) HANDLER.—The term "handler" means any person in the business of handling limes.

(5) IMPORTER.—The term "importer" means any person who imports limes into the United States.

(6) LIME.—The term "lime" means the fruit of a citrus aurantifolia tree for the fresh market.

(7) MARKETING.—The term "marketing" means the sale or other disposition of limes in commerce.

(8) ORDER.—The term "order" means a lime research, promotion, and consumer information order issued by the Secretary under section 1484(a).

(9) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other legal entity.

(10) PRODUCER.—The term "producer" means any person who produces limes in the United States for sale in commerce.

(11) PRODUCER-HANDLER.—The term "producer-handler" means any person who is both a producer and handler of limes.

(12) PROMOTION.—The term "promotion" means any action taken under this part (including paid advertising) to present a favorable image for limes to the general public with the express intent of improving the

competitive position and stimulating the sale of limes.

(13) RESEARCH.—The term "research" means any type of research relating to the use and nutritional value of limes and designed to advance the image, desirability, marketability, or quality of limes.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE AND UNITED STATES.—The terms "State" and "United States" include the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1484. ISSUANCE OF ORDERS.

(a) IN GENERAL.—Subject to this part, and to effectuate the declared purposes of this part, the Secretary shall issue and, from time to time, amend lime research, promotion, and consumer information orders applicable to handlers, producers, producer-handlers, and importers of limes. Any such order shall be national in scope. Not more than one order shall be in effect under this part at any one time.

(b) PROCEDURE.—(1) PROPOSAL FOR ISSUANCE OF ORDER.—Any person that will be affected by this part may request the issuance of, and submit a proposal for, an order under this part.

(2) PROPOSED ORDER.—Not later than 60 days after the receipt of a request and proposal by an interested person for an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) ISSUANCE OF ORDER.—After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements of this part.

(4) EFFECTIVE DATE OF ORDER.—Such order shall be issued and become effective not later than 150 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any order issued under this section. The provisions of this part applicable to orders shall be applicable to amendments to orders.

SEC. 1485. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued by the Secretary under section 1484(a) shall contain the terms and conditions described in this section and, except as provided in section 1486, no other terms or conditions.

(b) LIME BOARD.—Such order shall provide for the establishment of a Lime Board as follows:

(1) MEMBERSHIP.—The Board shall be composed of—

(A) 7 members who are producers and who are not exempt from an assessment under subsection (d)(5)(A);

(B) 3 members who are importers and who are not exempt from an assessment under subsection (d)(5)(A); and

(C) one member appointed from the general public.

(2) APPOINTMENT AND NOMINATION.—

(A) APPOINTMENT.—The Secretary shall appoint the members of the Board.

(B) PRODUCERS.—The 7 members who are producers shall be appointed from individuals nominated by lime producers.

(C) IMPORTERS.—The 3 members who are importers shall be appointed from individuals nominated by lime importers.

(D) PUBLIC.—The public representative shall be appointed from nominations of the Board.

(E) FAILURE TO NOMINATE.—If producers and importers fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order. If the Board fails to nominate a public representative, such member may be appointed by the Secretary without a nomination.

(F) INITIAL BOARD.—The Secretary shall establish an initial Board from among nominations solicited by the Secretary. For the purpose of obtaining nominations for the members of the initial Board described in paragraph (1), the Secretary shall perform the functions of the Board under this subsection as the Secretary determines necessary and appropriate.

(3) ALTERNATES.—The Secretary shall appoint an alternate for each member of the Board. An alternate shall—

(A) be appointed in the same manner as the member for whom such individual is an alternate; and

(B) serve on the Board if such member is absent from a meeting or is disqualified under paragraph (5).

(4) TERMS.—Members of the Board shall be appointed for a term of 3 years. Of the members first appointed—

(A) 3 members shall be appointed for a term of 1 year;

(B) 4 members shall be appointed for a term of 2 years; and

(C) 4 members shall be appointed for a term of 3 years;

as designated by the Secretary at the time of appointment.

(5) REPLACEMENT.—If a member or alternate of the Board who was appointed as a producer, importer, or public representative ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(6) COMPENSATION.—Members and alternates of the Board shall serve without pay.

(7) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of duties for the Board, members and alternates shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(8) POWERS AND DUTIES.—The Board shall—

(A) administer orders issued by the Secretary under section 1484(a), and amendments to such orders, in accordance with their terms and provisions and consistent with this part;

(B) prescribe rules and regulations to effectuate the terms and provisions of such orders;

(C) receive, investigate, and report to the Secretary accounts of violations of such orders;

(D) make recommendations to the Secretary with respect to amendments that should be made to such orders; and

(E) employ a manager and staff.

(c) BUDGETS AND PLANS.—Such order shall provide for periodic budgets and plans as follows:

(1) BUDGETS.—The Board shall prepare and submit to the Secretary a budget (on a fiscal period basis determined by the Secretary) of the anticipated expenses and disbursements of the Board in the administration of the order, including probable costs of research, promotion, and consumer information. A budget shall take effect on the approval of the Secretary.

(2) PLANS.—Each budget shall include a plan for research, promotion, and consumer information regarding limes. A plan under this paragraph shall take effect on the approval of the Secretary. The Board may enter into contracts and agreements, with the approval of the Secretary, for—

(A) the development and carrying out of such plan; and

(B) the payment of the cost of such plan with funds collected pursuant to this part.

(d) ASSESSMENTS.—Such order shall provide for the imposition and collection of assessments with regard to the production and importation of limes as follows:

(1) RATE.—The assessment rate shall not exceed $.01 per pound of limes.

(2) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (4), the first handler of limes shall—

(A) be responsible for the collection from the producer, and payment to the Board, of assessments under this subsection; and

(B) maintain a separate record of the limes of each producer whose limes are so handled, including the limes owned by the handler.

(3) PRODUCER-HANDLERS.—For purposes of paragraph (2), a producer-handler shall be considered the first handler of limes produced by such producer-handler.

(4) IMPORTERS.—The assessment on imported limes shall be paid by the importer at the time of entry into the United States and shall be remitted to the Board.

(5) DE MINIMIS EXCEPTION.—The following persons are exempt from an assessment under this subsection—

(A) a producer who produces less than 35,000 pounds of limes per year;

(B) a producer-handler who produces and handles less than 35,000 pounds of limes per year; and

(C) an importer who imports less than 35,000 pounds of limes per year.

(6) CLAIMING AN EXEMPTION.—To claim an exemption under paragraph (5) for a particular year, a person shall submit an application to the Board—

(A) stating the basis for such exemption; and

(B) certifying that such person will not exceed the limitation required for such exemption in such year.

(e) USE OF ASSESSMENTS.—(1) IN GENERAL.—Such order shall provide that funds paid to the Board as assessments under subsection (d)—

(A) may be used by the Board to—

(i) pay for research, promotion, and consumer information described in the budget of the Board under subsection (c) and for other expenses incurred by the Board in the administration of an order;

(ii) pay such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary; and

(iii) fund a reserve established under section 406(4); and

(B) shall be used to pay the expenses incurred by the Secretary, including salaries and expenses of government employees in implementing and administering the order, except as provided in paragraph (2).

(2) REFERENDA.—Such order shall provide that the Board shall reimburse the Secretary, from assessments collected under subsection (d), for any expenses incurred by the Secretary in conducting referenda under this part, except for the salaries of Government employees.

(f) FALSE CLAIMS.—Such order shall provide that any promotion funded with assess-

ments collected under subsection (d) may not make—

(1) any false or unwarranted claims on behalf of limes; and

(2) any false or unwarranted statements with respect to the attributes or use of any product that competes with limes for sale in commerce.

(g) PROHIBITION ON USE OF FUNDS.—Such order shall provide that funds collected by the Board under this part through assessments authorized by this part may not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for in this part.

(h) BOOKS, RECORDS, AND REPORTS.—(1) BY THE BOARD.—Such order shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board;

(B) to submit to the Secretary from time to time such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report regarding the activities of the Board during such fiscal year.

(2) BY OTHERS.—So that information and data will be available to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this part (or any order or regulation issued under this part), such order shall require handlers, producer-handlers, and importers who are responsible for the collection, payment, or remittance of assessments under subsection (d)—

(A) to maintain and make available for inspection by the employees of the Board and the Secretary such books and records as may be required by the order; and

(B) to file, at the times, in the manner, and having the content prescribed by the order, reports regarding the collection, payment, or remittance of such assessments.

(i) CONFIDENTIALITY.—(1) IN GENERAL.—Such order shall require that all information obtained pursuant to subsection (h)(2) shall be kept confidential by all officers and employees of the Department and of the Board. Only such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which the information was furnished or acquired.

(2) LIMITATIONS.—Nothing in this subsection prohibits—

(A) issuance of general statements based on the reports of a number of handlers, producer-handlers, and importers subject to an order, if the statements do not identify the information furnished by any person; or

(B) the publication by direction of the Secretary, of the name of any person violating an order issued under section 1484(a), together with a statement of the particular provisions of the order violated by such person.

(j) WITHHOLDING INFORMATION.—Nothing in this part shall be construed to authorize the withholding of information from Congress.

SEC. 1486. PERMISSIVE TERMS IN ORDERS.

On the recommendation of the Board and with the approval of the Secretary, an order issued under section 1484(a) may—

(1) provide authority to the Board to exempt from such order limes exported from the United States, subject to such safeguards as the Board may establish to ensure proper use of the exemption;

(2) provide authority to the Board to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures;

(3) provide that the Board may convene from time to time working groups drawn from producers, handlers, producer-handlers, importers, exporters, or the general public to assist in the development of research and marketing programs for limes;

(4) provide authority to the Board to accumulate reserve funds from assessments collected pursuant to section 1485(d) to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years in which production and assessment income may be reduced, except that any reserve fund so established may not exceed the amount budgeted for operation of this part for 1 year;

(5) provide authority to the Board to use, with the approval of the Secretary, funds collected under section 1485(d) for the development and expansion of lime sales in foreign markets; and

(6) provide for terms and conditions—

(A) incidental to, and not inconsistent with, the terms and conditions specified in this part; and

(B) necessary to effectuate the other provisions of such order.

SEC. 1487. PETITION AND REVIEW.

(a) PETITION.—(1) IN GENERAL.—A person subject to an order may file with the Secretary a petition—

(A) stating that such order, a provision of such order, or an obligation imposed in connection with such order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—A person submitting a petition under paragraph (1) shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) RULING.—After the hearing, the Secretary shall make a ruling on the petition which shall be final if in accordance with law.

(b) REVIEW.—(1) COMMENCEMENT OF ACTION.—The district courts of the United States in any district in which such person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of a ruling by the Secretary under subsection (a).

(2) PROCESS.—Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) REMANDS.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The pendency of proceedings instituted pursuant to subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 1488.

SEC. 1488. ENFORCEMENT.

(a) JURISDICTION.—Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this part.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this part, or any order or regulation issued under this part, if the Secretary believes that the administration and enforcement of this part would be adequately served by administrative action under subsection (c) or suitable written notice or warning to any person committing the violation.

(c) CIVIL PENALTIES AND ORDERS.—(1) CIVIL PENALTIES.—Any person who willfully violates any provision of any order or regulation issued by the Secretary under this part, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under the order or regulation, may be assessed a civil penalty by the Secretary of not less than $500 nor more than $5,000 for each such violation. Each violation shall be a separate offense.

(2) CEASE AND DESIST ORDERS.—In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from continuing such violation.

(3) NOTICE AND HEARING.—No order assessing a penalty or cease and desist order may be issued by the Secretary under this subsection unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record before the Secretary with respect to such violation.

(4) FINALITY.—The order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the person against whom the order is issued files an appeal from such order with the appropriate district court of the United States, in accordance with subsection (d).

(d) REVIEW BY UNITED STATES DISTRICT COURT.—(1) COMMENCEMENT OF ACTION.—Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (c) may obtain review of the penalty or order in the district court of the United States for the district in which such person resides or does business, or the United States district court for the District of Columbia, by—

(A) filing a notice of appeal in such court not later than 30 days after the date of such order; and

(B) simultaneously sending a copy of such notice by certified mail to the Secretary.

(2) RECORD.—The Secretary shall promptly file in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(e) FAILURE TO OBEY ORDERS.—Any person who fails to obey a cease and desist order issued by the Secretary after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d), of not more than $500 for each offense. Each day during which such failure continues shall be considered a separate violation of such order.

(f) FAILURE TO PAY PENALTIES.—If a person fails to pay an assessment of a civil penalty after it has become a final and unappealable order issued by the Secretary, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States in any district in which the person resides or conducts business. In such action, the validity and appropriateness of the final order imposing such civil penalty shall not be subject to review.

SEC. 1489. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) IN GENERAL.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective carrying out of the responsibilities of the Secretary under this part; or

(2) to determine whether a person subject to the provisions of this part has engaged or is engaging in any act that constitutes a violation of any provision of this part, or any order, rule, or regulation issued under this part.

(b) POWER TO SUBPOENA.—(1) Investigations.—For the purpose of an investigation made under subsection (a), the Secretary may administer oaths and affirmations and may issue a subpoena to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 1487 or section 1488, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

(c) AID OF COURTS.—In case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may issue an order requiring such person to comply with such a subpoena.

(d) CONTEMPT.—Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) PROCESS.—Process in any such case may be served in the judicial district of which such person resides or conducts business or wherever such person may be found.

(f) HEARING SITE.—The site of any hearings held under this section shall be within the judicial district where such person is an inhabitant or has a principal place of business.

SEC. 1490. INITIAL REFERENDUM.

(a) REQUIREMENT.—Not later than 2 years after the date on which the Secretary first issues an order under section 1484(a), the Secretary shall conduct a referendum among producers, producer-handlers, and importers who—

(1) are not exempt from assessment under section 1485(d)(5); and

(2) produced or imported limes during a representative period as determined by the Secretary.

(b) PURPOSE OF REFERENDUM.—The referendum referred to in subsection (a) is for the purpose of determining whether the issuance of the order is approved or favored by not less than a majority of the producers, producer-handlers, and importers voting in the referendum. The order shall continue in effect only with such a majority.

(c) CONFIDENTIALITY.—The ballots and other information or reports that reveal, or tend to reveal, the vote of any person under this section, or section 1491, shall be held strictly confidential and shall not be disclosed.

(d) REFUND OF ASSESSMENTS FROM ESCROW ACCOUNT.—(1) IN GENERAL.—A portion of the assessments collected from producers, producer-handlers, and importers prior to announcement of the results of the referendum provided for in this section shall be held in an escrow account until the results of the referendum are published by the Secretary. The amount in the escrow account shall be equal to the product obtained by multiplying the total amount of assessments collected during such period by 10 percent.

(2) APPROVAL OF ORDER.—If the order is approved by a majority of the producers, producer-handlers, and importers voting in the initial referendum under subsection (a), the funds in the escrow account shall be released to be used for the purposes of this part.

(3) DISAPPROVAL OF ORDER.—(A) PRORATION.—If—

(i) the amount in the escrow account required by paragraph (1) is not sufficient to refund the total amount of assessments demanded by producers, producer-handlers, or importers; and

(ii) the plan is not approved pursuant to the referendum conducted under subsection (a);

the Board shall prorate the amount of such refunds among all eligible producers, producer-handlers, or importers who demand such refund.

(B) RIGHT TO REFUND.—A producer, producer-handler, or importer shall be eligible to receive a refund—

(i) if demand is made personally, in accordance with regulations and on a form and within a time period prescribed by the Board, but in no event less than 90 days after the date of publication of the results of the referendum; and

(ii) on submission of proof satisfactory to the Board that the person paid the assessment for which refund is sought and did not collect the assessment from another person.

(C) SURPLUS FUNDS.—Any funds not refunded under this paragraph shall be released to be used to carry out this part.

SEC. 1491. SUSPENSION AND TERMINATION.

(a) FINDING OF SECRETARY.—If the Secretary finds that an order issued under section 1484(a), or a provision of such order, obstructs or does not tend to effectuate the purposes of this part, the Secretary shall terminate or suspend the operation of such order or provision.

(b) PERIODIC REFERENDA.—The Secretary may periodically conduct a referendum to determine if lime producers, producer-handlers, and importers favor the continuation, termination, or suspension of any order issued under section 1484(a) and in effect at the time of such referendum.

(c) REQUIRED REFERENDA.—The Secretary shall hold a referendum under subsection (b)—

(1) at the request of the Board; or

(2) if not less than 10 percent of the lime producers, producer-handlers, and importers subject to assessment under this part submit a petition requesting such a referendum.

(d) LIMITATION.—The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this part.

(e) VOTE.—The Secretary shall suspend or terminate the order at the end of the marketing year if the Secretary determines that—

(1) the suspension or termination of the order is favored by not less than a majority of those persons voting in a referendum under subsection (b); and

(2) the producers, producer-handlers, and importers comprising this majority produce and import more than 50 percent of the volume of limes produced and imported by those voting in the referendum.

SEC. 1492. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this part.

(b) ADMINISTRATIVE EXPENSES.—The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provisions of an order issued under this part.

SEC. 1493. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this part.

PART 6—APPLICATION OF COMMODITY RESEARCH AND PROMOTION PROGRAMS TO IMPORTS

SEC. 1494. CONSISTENCY WITH INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

(a) IN GENERAL.—The provisions of any commodity research and promotion program may not be applied to imports of the commodity concerned unless the application is in a nondiscriminatory manner consistent with the international obligations of the United States.

(b) PROGRAMS AFFECTED.—Subsection (a) applies to any commodity research and promotion program that is—

(1) provided for under this subtitle, any other provision of this Act, or any other provision of law; and

(2) authorized or in effect on or after the date of the enactment of this Act.

Subtitle D—Organic Certification Standards

SEC. 1495. SHORT TITLE.

This subtitle may be cited as the "Organic Foods Production Act of 1990".

SEC. 1495A. PURPOSES.

The purposes of this subtitle are—

(1) to establish national standards governing the marketing of certain agricultural products as organically produced products;

(2) to assure consumers that organically produced products meet a consistent standard; and

(3) to facilitate interstate commerce in fresh and processed food that is organically produced.

SEC. 1495B. DEFINITIONS.

As used in this subtitle:

(1) AGRICULTURAL PRODUCTS.—The term "agricultural products" means any agricultural commodity or product whether raw or processed, including any commodity or product derived from livestock, or fowl that is marketed in the United States for human and livestock consumption.

(2) BOTANICAL PESTICIDE.—The term "botanical pesticide" means natural pesticides derived from plants.

(3) CERTIFYING AGENT.—The term "Certifying Agent" means the chief executive official of a State or, in a State that provides by law for statewide election of a Commissioner of Agriculture, the Commissioner of Agriculture or an individual (including private entities) who is accredited by the Secretary as a Certifying Agent for the purpose of certify-

ing a farm or handling operation as an organically certified farm or handling operation in accordance with this subtitle.

(4) CERTIFIED ORGANIC FARM.—The term "certified organic farm" means a farm, or portion of a farm, that is certified by the Certifying Agent under this subtitle as utilizing a system of organic farming as established by the Secretary in accordance with this subtitle.

(5) CERTIFYING ORGANIC HANDLING OPERATION.—The term "certified organic handling operation" means any operation, or portion of any handling operation, that is certified by the certifying agent under this subtitle as utilizing a system of organic handling as described under this subtitle.

(6) CROP YEAR.—The term "crop year" means the normal growing season for a crop as determined by the Secretary.

(7) GOVERNING STATE OFFICIAL.—The term "governing State office" means the chief executive official of a State or, in a State that provides by law for statewide election of a Commissoner of Agriculture, the Commissioner of Agriculture who administers the organic certification program established under section 1494C.

(8) HANDLE.—The term "handle" means to sell, process, or package organically produced agricultural products, except such term shall not include final retailers of agricultural products that do not process agricultural products.

(9) INDIVIDUAL.—The term "individual" means a person, group of people, corporation, association, organization, cooperative, or other entity.

(10) NATIONAL LIST.—The term "National List" means a list of approved and prohibited substances as provided for in this subtitle.

(11) ORGANICALLY PRODUCED.—The term "organically produced" means an agricultural product that is produced using organic farming methods as described in this subtitle, on an organically certified farm and handled by organically certified handling operations.

(12) PESTICIDE.—The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. et seq.).

(13) PROCESSING.—The term "processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing such food in a container.

(14) PRODUCER.—The term "producer" means an individual who engages in the business of growing or producing food for consumption by humans or livestock.

(15) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(16) SYNTHETIC.—The term "synthetic" means a substance that is formulated or manufactured by a process which chemically changes a substance extracted from naturally, occurring plant, animal, or mineral sources, excepting microbiological processes.

SEC. 1495C. NATIONAL ORGANIC PRODUCTION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish national minimum standards for producers and handlers of agricultural products that have been produced using organic methods as provided in this subtitle.

(b) STATE PROGRAM.—In establishing standards under subsection (a), the Secretary shall permit each State to implement a State organic certification program for producers and handlers of agricultural products that have been produced using organic methods as provided in this subtitle.

(c) CONSULTATION.—In developing standards under subsection (a), and the National List under section 1494Q, the Secretary shall consult with the National Organic Standards Board established under section 1494R.

(d) CERTIFICATION.—The Secretary shall implement the program established under subsection (a) through Certifying Agents that may certify a farm or handling operation that meets the requirements of this subtitle as an organically certified farm or handling operation.

SEC. 1495D. COMPLIANCE REQUIREMENTS.

(a) IN GENERAL.—

(1) On or after October 1, 1993, no individual may affix a label to an agricultural product that infers, directly or indirectly, that such product is produced, grown or processed using organic methods or otherwise indicate that such product is produced, grown, or processed using organic methods, except in accordance with this subtitle and under an approved organic certification program implemented under this subtitle.

(2) Such label or other market information may indicate that the product meets USDA standards for organic production and may incorporate the United States Department of Agriculture seal.

(b) IMPORTED PRODUCTS.—Imported organically produced agricultural products shall be deemed to be in compliance with paragraph (a)(1) if the Secretary determines that such products have been produced and handled under an organic certification program that provides safeguards and guidelines governing the production and handling of such products that are at least equivalent to the requirements of this subtitle.

(c) EXEMPTIONS FOR PROCESSED FOOD.—Subsection (a) shall not apply for the purpose of describing the organically produced ingredients in the case of products that—

(1) contain at least 50 percent organically produced ingredients by weight, excluding water and salt, if the Secretary, on the recommendation of the National Organic Standards Board, and in consultation with the Secretary of Health and Human Services, has determined to permit the word "organic" to be used on the principal display panel of such products only for the purpose of describing the organically produced ingredients; or

(2) contain less than 50 percent organically produced ingredients by weight, excluding water and salt, if the Secretary, on the recommendation of the National Organic Standards Board, and in consultation with the Secretary of Health and Human Services, has determined to permit the word "organic" to appear on the ingredient listing panel to describe those ingredients that are organically produced in accordance with this subtitle.

(d) SMALL FARMER EXEMPTION.—Subsection (a) shall not apply to individuals who sell no more than $5,000 annually in value of agricultural products.

SEC. 1495E. GENERAL REQUIREMENTS.

(a) IN GENERAL.—A program established under this subtitle shall—

(1) provide that each organically produced agricultural product must—

(A) be produced only on organically certified farms and handled only through organically certified handling operations in accordance with this subtitle; and

(B) be produced and handled in accordance with such program;

(2) require that producers and handlers desiring to participate under such program to establish an organic farm plan under section 1495M;

(3) provide for procedures that allow producers and handlers to appeal an adverse administrative determination under this subtitle;

(4) require each organic farming operation or each organic handling operation to certify to the Secretary, the governing State official (if applicable), and the Certifying Agent on an annual basis, that such producer or handler has not produced or handled any organically produced agricultural product except in accordance with this subtitle and any applicable State program;

(5) provide for annual on-site inspection by the Certifying Agent of each farm and handling operation that has been certified under this section;

(6) provide for periodic residue testing of agricultural products that have been produced on organically certified farms and handled through organically certified handling operations to determine whether such products contain any pesticide or other nonorganic residue or natural toxicants and, upon detection of pesticide residues in excess of tolerance, or any residue of a pesticide which is unregistered or for which the registration has been canceled, or unhealthful levels of other residues or toxicants, provide for the notification of appropriate governmental health agencies;

(7) provide for appropriate and adequate enforcement procedures, as determined by the Secretary to be necessary and consistent with section 1495G;

(8) protect against conflict-of-interest as specified under section 14950(h);

(9) provide for public access to certification documents and laboratory analyses that support certification; and

(10) require such other terms and conditions as may be determined by the Secretary to be necessary.

(11) provide for the collection of reasonable fees from producers, Certifying Agents and handlers who participate in such program; and

(b) DISCRETIONARY REQUIREMENTS.—An organic certification program established under this subtitle may—

(1) provide for the certification of an entire farm or handling operation or specific fields of a farm or parts of a handling operation if—

(A) in the case of a farm, the fields to be certified have distinct, defined boundaries and buffer zones separating the land being operated through the use of organic methods from land that is not being operated through the use of such methods;

(B) the operators of such farm or handling operation maintain separate records of all operations and make such records available at all times for inspection by the Secretary, the Certifying Agent, and the governing State official; and

(C) appropriate physical facilities, machinery, and management practices are established to prevent the possibility of a mixing of organic and nonorganic products or a penetration of prohibited chemicals or other substances on the certified land or area; and

(2) provide, in consultation with the National Organic Standards Board as provided in section 1495R(k)(6), for reasonable exemptions from specific requirements of this subtitle (except the provisions of section 1495L) with respect to agricultural products produced on organically certified farms if

such farms are subject to a Federal or State emergency pest or disease treatment program.

SEC. 1495F. STATE ORGANIC CERTIFICATION PROGRAM.

(a) IN GENERAL.—The governing State official may prepare and submit a plan for the establishment of a State organic certification program to the Secretary for approval. A State organic certification program must meet the requirements of this subtitle to be approved by the Secretary.

(b) ADDITIONAL REQUIREMENTS.—

(1) AUTHORITY.—Such State organic certification program may contain more restrictive requirements governing the organic certification of farms and handling operations and the production and handling of organic agricultural products in accordance with this subtitle than are contained in the program established by the Secretary under this subtitle.

(2) CONTENT OF REQUIREMENTS.—Such additional requirements must—

(A) further the purposes of this subtitle;

(B) not be inconsistent with this subtitle;

(C) not be discriminatory toward agricultural commodities produced in other States that are certified under this subtitle; and

(D) be approved by the Secretary.

(c) REVIEW AND OTHER DETERMINATIONS.—

(1) SUBSEQUENT REVIEW.—The Secretary shall review programs established under plans approved by the Secretary not less than once during each 5-year period following the date of the approval of such program.

(2) CHANGES IN PROGRAM.—The governing State official, prior to implementing any substantive change to such program, must submit such change to the Secretary for approval.

(3) TIME FOR DETERMINATION.—The Secretary shall make a determination concerning any plan, proposed change to a plan, or a review of a plan no later than 6 months after receipt of such plan, such proposed change, or the initiation of such review.

SEC. 1495G. NATIONAL STANDARDS FOR ORGANIC PRODUCTION.

(a) ORGANICALLY PRODUCED PRODUCTS.—To be sold or labeled as an organically produced agricultural product under this subtitle, such commodity shall meet the minimum standards established under this subtitle.

(b) SYNTHETIC CHEMICALS.—To be sold or labeled as an organically produced agricultural product under this subtitle, an agricultural commodity shall have been produced and handled without the use of synthetic chemicals, except as provided in section 1495Q.

(c) TRANSITION PERIODS.—To be sold or labeled as an organically produced agricultural product under this subtitle, an agricultural commodity shall not be produced on land to which any prohibited substances, including synthetic chemicals, have been applied during the 3 years immediately preceding the harvest of such agricultural product.

(d) COMPLIANCE WITH ORGANIC PLAN.—To be sold or labeled as an organically produced agricultural product under this subtitle, an agricultural commodity shall be produced and handled in compliance with an organic plan agreed to by the producer and handler of such product and the Certifying Agent.

SEC. 1495H. PROHIBITED CROP PRODUCTION PRACTICES AND MATERIALS.

(a) SEED, SEEDLINGS AND PLANTING PRACTICES.—For a farm to be certified under this subtitle, producers on such farm shall not apply materials to, or engage in practices on, seeds or seedlings that are determined by the Secretary or by the applicable governing State official to be contrary to, or inconsistent with, this subtitle or the applicable State organic certification program.

(b) SOIL AMENDMENTS.—For a farm to be certified under this subtitle, producers on such farm shall not—

(1) use any fertilizers containing synthetic ingredients or any commercially blended fertilizers containing materials prohibited under this subtitle or under the applicable State organic certification program; or

(2) use as a source of nitrogen: phosphorous, lime, potash, or any materials determined by the Secretary or the governing State official to be inconsistent with the purposes of this subtitle.

(c) CROP MANAGEMENT.—For a farm to be certified under this subtitle, producers on such farm shall not—

(1) use natural poisons such as arsenic or lead salts that have long-term effects and persist in the environment, as determined by the applicable governing State official or the Secretary;

(2) use plastic mulches, unless such mulches are removed at the end of each growing or harvest season; or

(3) use annual transplants that are treated with any synthetic or prohibited material.

SEC. 1495I. ANIMAL PRODUCTION PRACTICES AND MATERIALS.

(a) IN GENERAL.—Any meat, poultry, wild or domesticated game, or other nonplant life that is to be slaughtered and sold as organically produced shall be raised in accordance with this subtitle.

(b) BREEDER STOCK.—Breeder stock may be purchased from whatever source if such stock is not in the last third of gestation.

(c) FEED.—For a farm that produced livestock to be certified under this subtitle, producers on such farm—

(1) shall feed such livestock organically produced feed that meets the requirements of this subtitle; and

(2) shall not use the following feed—

(A) plastic pellets for roughage;

(B) manure refeeding; or

(C) feed formulas containing urea.

(d) SUPPLEMENTS.—For a farm that produces livestock to be organically certified under this subtitle, producers on such farm shall not use growth promoters and hormones, whether implanted, ingested, or injected, including antibiotics and synthetic trace elements used to stimulate growth or production of livestock covered by this subtitle.

(e) HEALTH CARE.—

(1) PROHIBITED PRACTICES.—For a farm that produces livestock to be organically certified under this subtitle, producers on such farm shall not—

(A) use subtherapeutic doses of antibiotics;

(B) use synthetic internal paraciticides on a routine basis; or

(C) administer medication other than vaccinations in the absence of illness.

(2) STANDARDS.—The National Organic Standards Board shall recommend to the Secretary standards in addition to those in paragraph (1) for the care of livestock to ensure that the animal is organically produced.

(f) ADDITIONAL GUIDELINES.—

(1) POULTRY AND LIVESTOCK.—With the exception of day old poultry, all poultry from which meat or eggs will be labeled as organically produced shall be managed in accordance with this subtitle prior to and during the period in which such meat or eggs are sold.

(2) DAIRY LIVESTOCK.—A dairy cow from which milk or milk products will be labeled as organically produced shall be raised in accordance with this subtitle for not less than the 12-month period immediately prior to the sale of such milk and milk products.

(3) OTHER SLAUGHTER LIVESTOCK.—Other meat, from wild or domesticated game, or other nonplant life that is to be slaughtered and sold as organically produced shall be raised in accordance with this subtitle.

(g) LIVESTOCK IDENTIFICATION.—

(1) IN GENERAL.—In order for a farm that produces livestock to be certified under this subtitle, producers shall keep adequate records and maintain a detailed, verifiable audit trail so that each animal or flock can be traced back to such farm.

(2) RECORDS.—In order to carry out paragraph (1), each producer shall keep accurate records on each slaughter animal including—

(A) amounts and sources of all medications administered; and

(B) all feeds and feed supplements bought and fed.

SEC. 1495J. HANDLING.

(a) IN GENERAL.—For a handling operation to be certified under this subtitle, each individual on such handling operation shall not, with respect to any agricultural product covered by this subtitle—

(1) add any synthetic ingredient during the processing or any post harvest handling of the product;

(2) add any ingredient known to contain levels of nitrates, heavy metals, or toxic residues in excess of those permitted by the Secretary or applicable governing State official;

(3) add any sulfites, nitrates, or nitrites;

(4) add any ingredients that are not organically produced in accordance with this subtitle and the applicable State organic certification program, unless such ingredients are included on the National List and represent not more than 5 percent of the weight of the total finished product (excluding salt and water);

(5) use any packaging materials that contain fungicides, preservatives, or fumigants;

(6) use any bag or container that had previously been in contact with any substance that would compromise the organic quality of such product; or

(7) use, in processed food to be labeled organically produced, water that does not meet Safe Drinking Water Act requirements.

(b) MEAT.—For a farm or handling operation to be organically certified under this subtitle, producers on such farm or individual on such handling operation shall ensure that organically produced meat does not come in contact with nonorganically produced meat.

SEC. 1495K. ADDITIONAL GUIDELINES.

(a) IN GENERAL.—The Secretary, the governing State official, or the Certifying Agent shall use a system of residue testing of products labeled as organically produced under this subtitle to assist in the enforcement of this subtitle.

(b) PREHARVEST TESTING.—The Secretary, the applicable governing State official, or the Certifying Agent may require preharvest tissue testing of any crop grown on soil suspected of harboring contaminants.

(c) PRODUCT RESIDUE TESTING.—

(1) INSPECTION.—If the Secretary, the applicable governing State official, or the Certifying Agent determines that an agricultural product sold or labeled as organically produced under this subtitle contains any detectable pesticide or other non-organic resi-

due or prohibited natural substance, the Secretary, the applicable governing State official, or the Certifying Agent shall conduct an investigation to determine if the organic certification program has been violated, and may require the producer or handler to prove that any prohibited substance was not applied to such product.

(2) NONCOMPLIANCE WITH ORGANIC CERTIFICATION.—If, as determined by the Secretary, the applicable governing State official, or the Certifying Agent, the investigation conducted under paragraph (1) indicates that the residue is—

(A) the result of intentional application of a prohibited substance; or

(B) present at levels that are greater than unavoidable residual environmental contamination as prescribed by the Secretary or the applicable governing State official, in consultation with appropriate environmental regulatory agencies; such agricultural product shall not be labeled or sold as organically produced under this subtitle.

(c) RECORDKEEPING REQUIREMENTS.—Producers who operate certified farming or handling operations under this subtitle shall maintain records for 5 years concerning the production or handling of organically produced agricultural products by such operation, including—

(1) a detailed history of substances applied to fields or agricultural products;

(2) the names of persons who applied such substances, dates, the rate and method of application of such substances; and

(3) for handlers, records of the sources, handling, and disposition of all ingredients or production aids acquired for the production of organically produced products.

SEC. 1495L. OTHER PRODUCTION AND HANDLING PRACTICES.

If a production or handling practice is not prohibited or otherwise restricted under this subtitle, such practice shall be permitted unless the Secretary or the applicable governing State official determines that such practice would be inconsistent with the purposes of this subtitle.

SEC. 1495M. CONTENTS OF ORGANIC FARM PLAN.

(a) IN GENERAL.—A producer seeking certification under this subtitle must submit an organic farm plan to the Certifying Agent which meets all the requirements of this subtitle, and such plan must be reviewed by the Certifying Agent and be determined to meet the requirements of such programs.

(b) CROP PRODUCTION FARM PLAN.—

(1) SOIL FERTILITY.—An organic farm plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring.

(2) MANURING.—

(A) INCLUSION IN ORGANIC FARM PLAN.—An organic farm plan shall contain terms and conditions that regulate the application of manure to crops.

(B) APPLICATION OF MANURE.—Such organic farm plan shall provide for the application of raw manure only to—

(i) any green manure crop;

(ii) any perennial crop;

(iii) any crop not for human consumption; and

(iv) any crop for human consumption;

but only if such crop is harvested after a reasonable period of time after the most recent application of raw manure, determined by the Certifying Agent to ensure the safety of such crop, but in no event shall such period be sooner than 60 days after such application.

(C) CONTAMINATION BY MANURE.—Such plan shall provide that raw manure may not be applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria.

(c) LIVESTOCK PLAN.—An organic livestock plan shall contain provisions designed to foster the organic production of livestock consistent with the purposes of this subtitle, as determined appropriate by the Secretary and the applicable governing State official.

(d) MIXED CROP LIVESTOCK PRODUCTION.—An organic plan may encompass both the crop production and livestock production requirements in subsections (b) and (c) if both activities are conducted by the same producer.

(e) HANDLING PLAN.—An organic handling plan shall contain provisions designed to ensure that organically produced agricultural products are processed or packaged in a manner that is consistent with the purposes of this subtitle, as determined appropriate by the Secretary and the applicable governing State official.

(f) MANAGEMENT OF WILD CROPS.—An organic plan for the harvesting of wild crops shall—

(1) designate the area from which the wild crop will be gathered or harvested;

(2) include a 3 year history of the management of the area showing that no prohibited substances have been applied;

(3) include a plan for the harvesting or gathering of the wild crops assuring that such harvesting or gathering will not be destructive to the environment and will sustain the growth and production of the world crop; and

(4) include provisions that no prohibited substances will be applied by the producer.

(g) LIMITATION ON CONTENT OF PLAN.—An organic farm plan shall not include any production practices that are inconsistent with this subtitle and the applicable State organic certification program.

SEC. 1495N. ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall implement a program whereby a governing State official or a private individual that meets the requirements of this section shall be accredited as a Certifying Agent for the purpose of certifying a farm or handling operation as an organically certified farm or handling operation.

(b) REQUIREMENTS.—In order to be designated as a Certifying Agent under this subtitle, a governing State official or private individual must—

(1) prepare and submit, to the Secretary, an application for such accreditation;

(2) have sufficient expertise in organic farming and handling techniques as determined by the Secretary; and

(3) fully comply with the provisions of this subtitle.

(c) DURATION OF DESIGNATION.—An accreditation under this subtitle shall be for a period not to exceed 5 years, or for a shorter period, as determined by the Secretary.

(d) FEES.—The Secretary may provide for the collection of reasonable fees from Certifying Agents seeking accreditation or reaccreditation under this section to assist in defraying the costs of the program established under this subtitle.

SEC. 1495O. REQUIREMENTS OF CERTIFYING AGENTS.

(a) ABILITY TO IMPLEMENT REQUIREMENTS.—To be accredited as a Certifying Agent under section 1495N, a governing State official or an individual must be able to fully implement the organic program established under this subtitle.

(b) INSPECTORS.—Any Certifying Agent must employ a sufficient number of inspectors to implement the program established under this subtitle, as determined by the Secretary.

(c) RECORDKEEPING.—

(1) MAINTENANCE OF RECORDS.—Any Certifying Agent must maintain all records concerning its activities under this subtitle for a period of not less than 10 years.

(2) ACCESS FOR SECRETARY.—Any Certifying Agent must allow representatives of the Secretary and the governing State official access to any and all records concerning the Certifying Agent's activities under this subtitle.

(3) TRANSFERENCE OF RECORDS.—If any private individual that was certified under this substitle is dissolved or loses its accreditation, all records conerning such individual's activities under this subtitle shall become the property of the Secretary and shall be transferred to the Secretary and made available to the applicable governing State official.

(d) AGREEMENT.—Any Certifying Agent must enter into an agreement with the Secretary under which such agent shall—

(1) agree to carry out the provisions of this subtitle; and

(2) agree to such other terms and conditions as the Secretary determines appropriate.

(e) PRIVATE CERTIFYING AGENT AGREEMENT.—Any Certifying Agent that is a private individual, in addition to the agreement required in subsection (e), shall—

(1) agree to hold the Secretary harmless for any failure on the part of the agent to carry out the provisions of this subtitle; and

(2) furnish reasonable security, in an amount determined by the Secretary, for the purpose of protecting the rights of participants in the program established under this subtitle.

(f) COMPLIANCE WITH STATE PROGRAM.—Any Certifying Agent must fully comply with the terms and conditions of the applicable State organic certification program implemented under this subtitle.

(g) CONFIDENTIALITY.—Except as provided in section 1495E(a)(9), any Certifying Agent must maintain strict confidentiality with respect to its clients under this program and may not disclose to third parties (with the exception of the Secretary or the applicable governing State official) any business related information concerning such client obtained while implementing this subtitle.

(h) CONFLICT OF INTEREST.—Any Certifying Agent shall not—

(1) carry out any inspections of any operation in which such agent, or employee of such agent has, or has had, a commercial interest, including the provision of consultancy services;

(2) accept payment, gifts, or favors of any kind from the business inspected in excess of prescribed fees; or

(3) provide advice concerning organic practices or techniques for a fee, other than fees established under such program.

(i) ADMINISTRATOR.—A Certifying Agent that is a private individual shall nominate the person who controls the day to day operation of the agent.

(j) LOSS OF ACCREDITATION.—

(1) NONCOMPLIANCE.—If the Secretary or the governing State official (if applicable) determines that a Certifying Agent is not properly adhering to the provisions of this subtitle, the Secretary or such governing State official may suspend such Certifying Agent's accreditation.

(2) EFFECT ON CERTIFIED OPERATIONS.—If the accreditation of a Certifying Agent is sus-

pended under paragraph (1), the Secretary or the governing State official (if applicable) shall promptly determine whether farming or handling operations certified by such agent may retain their organic certification.

SEC. 1495P. PEER REVIEW OF CERTIFYING AGENTS.

(a) PEER REVIEW.—In determining whether to approve an application for accreditation submitted under section 1494O, the Secretary shall consider the report concerning such applicant prepared by a peer review committee established in accordance with subsection (b).

(b) PEER REVIEW COMMITTEE.—In order to assist the Secretary in evaluating applications under section 1495O, the Secretary may establish a panel consisting of no less than 3 persons who have expertise in organic farming and handling methods for the purpose of evaluating the State or private individual seeking approval as a Certifying Agent under this subtitle. At least 2 members of such committee shall not be employees of the United States Department of Agriculture or of the applicable State government.

SEC. 1495O. NATIONAL LIST.

(a) IN GENERAL.—The Secretary shall establish a National List of approved and prohibited substances that shall be included in the standards for organic production established under this subtitle in order for such products to be labeled "organically produced" under this subtitle.

(b) CONTENT OF LIST.—The list established under subsection (a) shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c)(1) or each natural substances prohibited under subsection (c)(2).

(c) GUIDELINES FOR PROHIBITIONS OR EXEMPTIONS.—

(1) EXEMPTION FOR PROHIBITED SUBSTANCES.—The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this subtitle only if—

(A) the Secretary of Agriculture determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—

(i) would not be harmful to human health or the environment;

(ii) is necessary to the production or handling of the crop because of the unavailability of wholly natural substitute products; and

(iii) is consistent with organic farming and handling; and

(B) the substance (i) is used in production and contains an active synthetic ingredient in the following categories: copper and sulfur compounds; toxins derived from bacteria; pheremones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals; livestock paraciticides and medicines;

(ii) is used in handling and is non-synthetic but is not organically produced; and

(C) the specific exemption is developed using the procedures described in subsection (d).

(2) PROHIBITION ON THE USE OF SPECIFIC NATURAL SUBSTANCES.—The National List may provide for the prohibition on the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this subtitle only if—

(A) the Secretary of Agriculture determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of substances—

(i) would be harmful to human health or the environment; and

(ii) is inconsistent with organic farming and handling, and the purposes of this subtitle; and

(B) the specific prohibition is developed using the procedures specified in subsection (d).

(d) PROCEDURE FOR ESTABLISHING NATIONAL LIST.—

(1) IN GENERAL.—The National List established by the Secretary shall be based upon a proposed national list or proposed amendments to the National List developed by the National Organic Standards Board.

(2) NO ADDITIONS.—The Secretary may not include exemptions for the use of specific synthetic substances in the National List other than those exemptions contained in the Proposed National List or Proposed Amendments to the National List.

(3) PROHIBITED SUBSTANCES.—In no instance shall the National List include any substance, the presence of which in food has been prohibited by Federal regulatory action.

(4) NOTICE AND COMMENT.—Before establishing the National List or before making any amendments to the National List, the Secretary shall publish the Proposed National List or any Proposed Amendments to the National List in the Federal Register and seek public comment on such proposals. The Secretary shall include in such Notice any changes to such proposed list or amendments recommended by the Secretary.

(5) PUBLICATION OF NATIONAL LIST.—After evaluating all comments received concerning the Proposed National List or Proposed Amendments to the National List, the Secretary shall publish the final National List in the Federal Register, along with a discussion of comments received.

(e) SUNSET PROVISION.—No exemption or prohibition contained in the National List shall be valid unless the National Organic Board has reviewed such exemption or prohibition as provided in this section within 5 years of such exemption or prohibition being adopted or reviewed.

SEC. 1495R. NATIONAL ORGANIC STANDARDS BOARD.

(a) IN GENERAL.—The Secretary shall establish a National Organic Standards Board (in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2 et seq.)) to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of this subtitle.

(b) COMPOSITION OF BOARD.—The Board shall be composed of 15 members, of which—

(1) 4 shall be individuals who own or operate an organic farming operation;

(2) 2 shall be individuals who own or operate an organic handling operation;

(3) 1 shall be an individual who owns or operates a retail establishment with significant trade in organic products;

(4) 3 shall be individuals with expertise in areas of environmental protection and resource conservation;

(5) 3 shall be individuals who represent public interest or consumer interest groups;

(6) 1 shall be an individual with expertise in the fields of toxicology, ecology, or biochemistry; and

(7) 1 shall be an individual who is a certifying agent as identified under section 1495O(i).

(c) APPOINTMENT.—Not later than 180 days after the date of enactment of this subtitle, the Secretary shall appoint the members of the Board from nominations received from organic certifying organizations, States, and other interested persons and organizations.

(d) TERM.—A member of the Board shall serve for a term of 5 years, except that the Secretary may shorten the terms of the original members of the Board in order to provide for a staggered term of appointment for all members of the Board. Members cannot serve consecutive terms unless they are members whose terms have been reduced by the Secretary.

(e) MEETINGS.—The Secretary shall convene a meeting of the Board not later than 60 days after the appointment of its members and shall convene subsequent meetings on a periodic basis.

(f) COMPENSATION.—A member of the Board shall serve without compensation, but may be reimbursed by the Secretary for transportation expenses incurred in performing duties as a member of the Board.

(g) CHAIR.—The Board shall select a Chairperson for the Board.

(h) QUORUM.—A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

(i) DECISIVE VOTES.—Two-thirds of the votes cast at a meeting of the Board at which a quorum is present shall be decisive of any motion.

(j) OTHER TERMS AND CONDITIONS.—The Secretary shall authorize the Board to hire a staff director and shall detail staff of the Department of Agriculture or allow for the hiring of staff and may, subject to necessary appropriations, pay necessary expenses incurred by such Board in carrying out the provisions of this subtitle, as determined appropriate by the Secretary.

(k) RESPONSIBILITIES OF THE BOARD.—

(1) IN GENERAL.—The Board shall provide recommendations to the Secretary regarding the implementation of this subtitle.

(2) NATIONAL LIST.—The Board shall develop the proposed National List or proposed amendments to the National List for submission to the Secretary in accordance with section 1495Q.

(3) TECHNICAL ADVISORY PANELS.—The Board shall convene technical advisory panels to provide scientific evaluation of the materials considered for inclusion in the National List. Such panels may include experts in agronomy, entomology, health sciences and other relevant disciplines.

(4) SPECIAL REVIEW OF BOTANICAL PESTICIDES.—The National Organic Standards Board shall, prior to the establishment of any list, review all botanical pesticides used in agricultural production and consider whether any such botanical pesticide should be included in the list of prohibited natural substances.

(5) PRODUCT RESIDUE TESTING.—The board shall advise the Secretary concerning the testing of organically produced agricultural products for residues as a result of unavoidable residual environmental contamination.

(6) EMERGENCY SPRAY PROGRAMS.—The Board shall advise the Secretary concerning rules for exemptions from specific requirements of this subtitle (except the provisions of section 1495L) with respect to agricultural products produced on organically certified farms if such farms are subject to a Federal or State Emergency pest or disease treatment program.

(l) REQUIREMENTS.—In establishing the proposed National List or proposed amendments to the National List, the National Organic Standards Board shall—

(1) review available information from the Environmental Protection Agency, the National Institute of Environmental Health Studies, and such other sources as appropriate, concerning the potential for adverse

human and environmental effects of substances considered for inclusion in the proposed National List;

(2) work with manufacturers of substances considered for inclusion in the proposed National List to obtain a complete list of ingredients and determine whether such substances contain inert materials that are synthetically produced; and

(3) submit to the Secretary, along with the proposed National List or any proposed amendments to such list, the results of the National Organic Standards Board evaluation and the evaluation of the technical advisory panel of all substances considered for inclusion in the National List.

(m) EVALUATION.—In evaluating substances considered for inclusion in the proposed National List or proposed amendment to the National List, the National Organic Standards Board shall consider—

(1) the potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) the toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) the probability of environmental contamination during manufacture, use, misuse or disposal of such substance;

(4) the effect of the substance on human health;

(5) the effects of the material on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including the salt index and solubility), crops and livestock;

(6) the alternatives to using the substance in terms of practices or other available materials; and

(7) its compatibility with a system of sustainable agriculture.

(n) PETITIONS.—The National Organic Standards Board shall establish procedures under which individuals may petition the Organic Standards Board for the purpose of evaluating substances for inclusion on the National List.

(o) CONFIDENTIALITY.—Any business sensitive material obtained by the National Organic Standards Board in carrying out this section shall be treated as confidential business information by such Board and shall not be released to the public.

SEC. 1495S. VIOLATIONS OF SUBTITLE.

(a) MISUSE OF LABEL.—Any individual who knowingly sells or labels a product as organic, except in accordance with this subtitle, shall be subject to a civil penalty of not more than $10,000.

(b) FALSE CERTIFICATION.—Any individual who issues a false certification under this subtitle to the Secretary, a governing State official, or a Certifying Agent shall be subject to the provisions of section 1001 of title 18, United States Code.

(c) INELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any producer who—

(A) issues a false certification;

(B) attempts to have an organically produced label affixed to an agricultural product that such producer knows, or should have reason to know, to have been produced in a manner that is not in accordance with this subtitle; or

(C) otherwise violates the purposes of the national organic certification program established under section 1495C(a) as determined by the Secretary or the applicable governing state official, after notice and an opportunity to be heard, shall not be eligible, for a period of 5 years from the date of such occurrence, to receive certification under this subtitle with respect to any farm or handling operation in which such producer has an interest.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may reduce or eliminate such period of ineligibility if the Secretary determines that such modification or waiver is in the best interests of the national organic certification program established under this subtitle.

(d) REPORTING OF VIOLATIONS.—A Certifying Agent shall immediately report any violations of this subtitle to the Secretary or the governing State official (if applicable), and shall decertify and individual determined to be in violation of this subtitle.

(e) VIOLATIONS BY CERTIFYING AGENT.—A Certifying Agent that is a private individual that violates the provisions of this subtitle or that falsely or negligently certifies any farming or handling operation and that does not meet the terms and conditions of the applicable organic certification program as an organic operation, as determined by the Secretary or the governing State official (if applicable) after notice and an opportunity to be heard, shall—

(1) lose its accreditation as a Certifying Agent under this subtitle; and

(2) be ineligible to be accredited as a Certifying Agent under this subtitle for a period of not less than 3 years subsequent to such determination.

(f) EFFECT OF OTHER LAWS.—Nothing in this subtitle shall alter the authority of the Secretary of Agriculture under the Federal Meat Inspection Act (12 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (12 U.S.C. 451 et seq.) concerning meat and poultry products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), nor the authority of the Administrator of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et. seq.)

SEC. 1495T. ADMINISTRATIVE APPEAL.

(a) EXPEDITED APPEALS PROCEDURE.—The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, a Certifying Agent, or a certified farming or handling operation under this subtitle that—

(1) adversely affects such person; or

(2) is inconsistent with the organic certification program established under the subtitle.

(b) APPEAL OF FINAL DECISION.—A final decision of the Secretary under such process may be appealed to the United States Court of Appeals of the District in which such person is located.

SEC. 1495U. ADMINISTRATION.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this subtitle, the Secretary shall issue proposed regulations to carry out this subtitle.

(b) ASSISTANCE TO STATE.—

(1) TECHNICAL AND OTHER ASSISTANCE.—The Secretary shall provide technical, administrative, and Extension Service assistance to each State that implements an organic certification program under this subtitle.

(2) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any State that implements an organic certification program under this subtitle.

SEC. 1495V. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as necessary to carry out this subtitle.

TITLE XV—STATE AND PRIVATE FORESTRY

SEC. 1501. FIREFIGHTING PREPAREDNESS AND MOBILIZATION ASSISTANCE.

(a) ASSISTANCE TO STATE FORESTERS.—Section 7(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)) (hereafter in this section referred to as the "Act") is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) provide financial, technical, and related assistance to State foresters or equivalent State officials, and through them to other agencies and individuals, including rural volunteer fire departments, to conduct preparedness and mobilization activities, including training, equipping, and otherwise enabling State and local firefighting agencies to respond to requests for fire suppression assistance.".

(b) APPROPRIATIONS.—Section 7(e) of the Act (16 U.S.C. 2106(e)) is amended—

(1) by striking "(e)" and inserting "(e)(1)"; and

(2) in paragraph (1) (as so redesignated), by inserting "paragraphs (1), (2), and (3) of" after "implement"; and

(3) by adding at the end thereof the following:

"(2)(A) There are hereby authorized to be appropriated annually $40,000,000 to carry out subsection (b)(4). Of the total amount appropriated to carry out this subsection—

"(i) one-half shall be available only for State agencies administered by State foresters or equivalent State officials, and through them to other agencies and individuals, to enhance their firefighting capability and conduct mobilization activities, of which not less than $100,000 shall be made available to each State; and

"(ii) one-half shall be available only for rural volunteer fire departments to conduct activities pursuant to subsection (b)(4).

"(B) The Federal share of the cost of any activity carried out with funds made available pursuant to this paragraph may not exceed 50 percent of the cost of that activity. The non-Federal share for such activity may be in the form of cash, services, or in-kind contributions, fairly valued.".

(c) DEFINITIONS.—Section 7 of the Act (16 U.S.C. 2106) is amended by adding at the end the following:

"(g) As used in this Section—

"(1) the term 'rural volunteer fire department' means any organized, not for profit, fire protection organization that provides service primarily to a community or city with a population of 10,000 or less or to a rural area, as defined by the Secretary, whose firefighting personnel is 80 percent or more volunteer, and that is recognized as a fire department by the laws of the State; and

"(2) the term 'mobilization' means any activity in which one fire fighting organization assists another that has requested assistance.".

SEC. 1502. INSECT CONTROL.

Section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2104) is amended—

(1) in subsection (g) by inserting ", other than subsection (h)" after "section"; and

(2) by adding at the end the following:

"(h) Subject to the provisions of subsections (c) and (e) and to the availability of appropriations, the Secretary shall, in cooperation with State foresters or equivalent State officials, subdivisions of States, or other entities on non-Federal lands, (hereafter in this section referred to as the 'cooperator')—

"(1) provide cost-share assistance to such cooperators who have established an acceptable integrated pest management strategy, as determined by the Secretary, that will prevent, retard, control, or suppress gypsy moth, southern pine beetle, or spruce budworm infestations in an amount no less than 50 percent nor greater than 75 percent of the cost of implementing such strategy; and

"(2) upon request, assist the cooperator in the development of such integrated pest management strategy.

"(i) There are hereby authorized to be appropriated annually $10,000,000 to implement subsection (h).".

SEC. 1503. DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a tree stand due to damaging weather, related condition or wildfire.

(b) FORM OF ASSISTANCE.—The assistance, if any, provided by the Secretary under this section shall consist of either—

(1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition or wildfire in excess of 35 percent mortality; or

(2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

(c) CONDITIONS.—(1) LIMITATION ON ASSISTANCE.—No person may receive an amount in excess of $25,000 in any fiscal year, or an equivalent value in tree seedlings, under this section.

(2) INELIGIBILITY.—A person who has qualifying gross revenues in excess of $2,000,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any disaster payment or other benefits under this section.

(3) IMPLEMENTATION.—In implementing this section, the Secretary shall issue regulations—

(A) defining the term "person" for the purposes of this section that shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308);

(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection; and

(C) ensuring that no person receives duplicative payments or assistance under this section and the Stewardship Incentive Program established by Section 4A of the Cooperative Forestry Assistance Act of 1978 as amended by section 1507 of this Act, the Agricultural Conservation Program established by Section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l, or 590p), or other Federal program.

(d) DEFINITIONS.—As used in this section—

(1) the term "damaging weather" includes but is not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof;

(2) the term "eligible landowner" means a person who—

(A) produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees; or

(B) owns 1,000 acres or less of private forest land;

(3) the term "qualifying gross revenues" means—

(A) if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from the person's farming, ranching, and forestry operations; and

(B) if less than a majority of the person's annual income is received from farming, ranching, and forestry operations, the person's gross revenue from all sources;

(4) the term "related condition" includes but is not limited to insect infestations, disease, or other deterioration of a tree stand, that is accelerated or exacerbated by damaging weather;

(5) the term "Secretary" means the Secretary of Agriculture; and

(6) the term "wildfire" means any forest or range fire.

SEC. 1504. RESEARCH AND UTILIZATION.

(a) REFORESTATION RESEARCH; APPROPRIATIONS; PRIVATE FORESTRY.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended—

(1) in subsection (a)(1) by inserting after "energy conservation, and other purposes" the following: ", including activities for encouraging improved reforestation of forest lands from which timber has been harvested";

(2) in subsection (b) by—

(A) inserting "(1)" immediately prior to the words "To ensure the availability,"; and

(B) adding at the end the following:

"(2) In implementing this subsection, the Secretary is authorized to develop and implement improved methods of survey and analysis of forest inventory information, for which purposes there are hereby authorized to be appropriated annually $10,000,000."; and

(3) by adding at the end the following:

"(d) The Secretary is authorized to conduct, support, and cooperate in studies and other activities the Secretary deems necessary to—

"(1) evaluate renewable resource management problems associated with urban-forest interface;

"(2) assess effects of changes in Federal revenue codes on private forest management and investment; and

"(3) develop improved delivery systems for information and technical assistance provided to private landowners.".

(b) RECYCLING RESEARCH.—Section 9 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended to read as follows:

"SEC. 9. RECYCLING RESEARCH.

"(a) FINDINGS.—Congress finds that—

"(1) the United States is amassing vast amounts of solid wastes, which is presenting an increasing problem for municipalities in locating suitable disposal sites;

"(2) a large proportion of these wastes consists of paper and other wood wastes;

"(3) less than one-third of these paper and wood wastes are recycled;

"(4) additional recycling would result in reduced solid waste landfill disposal and would contribute to a reduced rate of removal of standing timber from forest lands; and

"(5) additional research is needed to develop technological advances to address barriers to increased recycling of paper and wood wastes and utilization of products consisting of recycled materials.

"(b) RECYCLING RESEARCH PROGRAM.—The Secretary is authorized to conduct, support, and cooperate in an expanded wood fiber recycling research program, including the acquisition of necessary equipment. The Secretary shall seek to ensure that the program includes the cooperation and support of private industry and that program goals include the application of such research to industry and consumer needs.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available to implement section 3 of this Act, for the 5-year period beginning on October 1, 1990, there are authorized to be appropriated annually $10,000,000 to implement this section.".

(c) MODERN TIMBER BRIDGE INITIATIVE.—(1) IN GENERAL.—The Secretary of Agriculture is authorized to continue the Modern Timber Bridge Initiative to provide Federal funds, on a cost-share basis as determined by the Secretary, for the construction of demonstration bridges, modern bridge technology transfer projects, and conferences.

(2) APPROPRIATIONS.—There are hereby authorized to be appropriated annually $5,000,000 to carry out this subsection.

(d) FORESTRY RESEARCH NEEDS ASSESSMENTS.—Within six months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that responds to the recommendations contained in the report of the National Research Council entitled "Forestry Research: A Mandate for Change". The report shall include—

(1) an assessment of the capability of current forestry research programs to address research areas specified in the report, including research on ecosystem functions and management;

(2) an evaluation of alternatives to current organizational frameworks for providing guidance to forestry research programs and establishing research priorities, including the establishment of a National Forestry Research Council; and

(3) recommendations for changes in current forestry research programs, including levels of research funding, that may be needed to address existing deficiencies.

SEC. 1505. FOREST RESERVE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") may establish a Forest Reserve Program (hereafter in this section referred to as the "Program") in cooperation with States and subdivisions of States for the purpose of protecting environmentally sensitive forest lands that are threatened by conversion to nonforest uses through the creation and administration of easements on such forest lands.

(b) INTERESTS IN LAND.—The Secretary may purchase interests in land eligible for inclusion in the forest reserve program established under this section from willing owners of forest lands, for the protection of forest and environmental resources.

(c) PILOT PROJECTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish four pilot projects to meet the goals and requirements of this section for the Program.

(d) ELIGIBILITY.—The Secretary shall establish eligibility criteria for the inclusion of forest lands threatened by conversion to nonforest uses in the Program. Of forest lands proposed to be included in the Pro-

gram the Secretary shall give priority to forest lands—

(1) that are threatened by development;

(2) with unique scenic character; or

(3) with threatened or endangered species.

(e) APPLICATION.—To be eligible to enter forest lands in the Program, the owner of such forest lands shall prepare and submit, through State foresters or equivalent State officials, an application containing such information as the Secretary shall require including a forest reserve plan that demonstrates satisfaction of the eligibility criteria established under subsection (d) and also provides for—

(1) the identification of the environmental rationale for bringing the forest lands into the Program, including the environmental values to be protected by entry of the lands into the Program;

(2) any management activity that is planned and the manner in which the values identified in such plan are to be protected; and

(3) the disclosure of other information determined appropriate by the Secretary.

(f) CONSULTATION.—The Secretary shall determine the eligibility of forest lands for inclusion within the Program in consultation with the State forester or equivalent State official and other appropriate State natural resource management agencies.

(g) DUTIES OF OWNERS.—Under the terms of an easement acquired under subsection (b), the landowner shall manage such forest lands, and conduct any timber harvesting on such lands, in a manner that is consistent with the forest reserve plan approved by the Secretary and shall not convert such forest lands to agricultural (other than forest), development, or other uses during the life of the interest in the land that is acquired by the Secretary. Hunting, fishing, and similar recreational uses shall not be considered to be inconsistent with the purposes of this program.

(h) REIMBURSEMENT.—(1) IN GENERAL.—In return for an interest in land acquired by the Secretary under this section, the Secretary shall compensate the landowner for such interest according to this subsection.

(2) RATE AND SCHEDULE.—The Secretary, in consultation with the State forester or equivalent State official, shall determine the appropriate reimbursement rate and schedule for each parcel of forest lands proposed for entry into the Program. Such determination shall be based on—

(A) the real estate value of the land;

(B) the ecological and scenic value of the land;

(C) the degree of threat of loss of forest land;

(D) income potential anticipated from use of the land; and

(E) any other criteria that are determined appropriate by the Secretary.

(3) PAYMENTS.—Payments under this section shall—

(A) be lump-sum or periodic payments that are established within the easement; and

(B) be based on other criteria determined appropriate by the Secretary.

(i) PROHIBITIONS ON LIMITATIONS.—Notwithstanding any provision of State law, no easement held by the United States under this section shall be limited in duration or scope or defeasible by—

(1) the easement being in gross or appurtenant;

(2) the management of the easement having been delegated or assigned to a non-Federal entity; or

(3) any requirement under State law for re-recordation or renewal of the easement.

SEC. 1506. FOREST LAND PROTECTION STUDIES.

(a) NORTHERN FOREST LANDS.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") is authorized to continue support for the study of changing land ownership and management patterns in the northern forest lands of Maine, New Hampshire, Vermont, and New York.

(b) NEW YORK-NEW JERSEY HIGHLANDS.—(1) IN GENERAL.—The Secretary is authorized to conduct a study of the region known as the New York-New Jersey Highlands, located in the States of New York, New Jersey, and Pennsylvania, including the Sterling Forest in Orange County, New York.

(2) SCOPE OF STUDY.—The study authorized under this subsection (hereafter in this section referred to as the "study") shall include an identification and assessment of—

(A) the physiographic boundaries of the region referred to in this subsection (hereafter in this section referred to as the "region");

(B) forest resources of the region, including (but not limited to) timber and other forest products, fish and wildlife, lakes and rivers, and recreation;

(C) historical land ownership patterns in the region and projected future land ownership, management, and use, including future recreational demands and deficits and the potential economic benefits of recreation to the region;

(D) the likely impacts of changes in land and resource ownership, management, and use of traditional land use patterns in the region, including economic stability and employment, public use of private lands, natural integrity, and local culture and quality of life; and

(E) alternative conservation strategies to protect the long-term integrity and traditional uses of lands within the region.

(3) ALTERNATIVE CONSERVATION STRATEGIES.—The alternative conservation strategies referred to in paragraph (2)(E) shall include a consideration of—

(A) sustained flow of renewable resources in a combination that will meet the present and future needs of society;

(B) public access for recreation;

(C) protection of fish and wildlife habitat;

(D) preservation of biological diversity and critical natural areas; and

(E) new local, State, or Federal designations.

(4) PUBLIC PARTICIPATION.—In conducting the study, the Secretary shall provide an opportunity for public participation.

(c) APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 1507. FOREST RESOURCES MANAGEMENT IMPROVEMENT, STEWARDSHIP, AND REFORESTATION PROGRAM.

(a) FINDINGS AND PURPOSE.—Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) (hereafter in this section referred to as the "Act") is amended to read as follows:

"SEC. 2. FINDINGS, PURPOSE, AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) most of the productive forest land of the United States is in private, State, and local governmental ownership, and the capacity of the United States to produce renewable forest resources is significantly dependent on such non-Federal forest lands;

"(2) adequate supplies of timber and other forest resources are essential to the Nation and are dependent on proper forest management and efficient methods for establishing, managing, and harvesting trees and processing, marketing, and using wood and wood products;

"(3) nearly one-half of the wood supply of the Nation comes from non-industrial private timberlands and such percentage could rise with expanded assistance programs;

"(4) non-industrial private forest lands provide important habitats for fish and wildlife, as well as aesthetics, outdoor recreation opportunities, and other goods and services;

"(5) the soil, water, air quality, and aesthetics of the Nation can be maintained and improved through good stewardship of privately held forest resources;

"(6) insects and diseases affecting trees occur and sometimes create emergency conditions on all land, whether Federal or non-Federal, and efforts to prevent and control such insects and diseases often require coordinated action by both Federal and non-Federal land managers;

"(7) fires in rural areas threaten human lives, property, and forests and other resources, and Federal-State cooperation in forest fire protection has proven effective and valuable;

"(8) the products and services resulting from non-industrial private forest land stewardship provide income and employment that contributes to the economic health and diversity of rural communities;

"(9) stewardship of privately held forest resources requires a long-term commitment that can only be fostered through local, State, and Federal governmental actions; and

"(10) the Department of Agriculture, through the coordinated efforts of the Agriculture Research Service, Agriculture Stabilization and Conservation Service, Cooperative State Research Service, Extension Service, Forest Service, and Soil Conservation Service, cooperating with other Federal agencies, and State foresters and others, has the expertise and experience to assist private landowners in achieving individual goals and public benefits.

"(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Agriculture (hereafter in this Act referred to as the 'Secretary'), with respect to non-Federal forest lands, to assist in—

"(1) the establishment of a coordinated and cooperative Federal, State, and local forest resources stewardship program to promote the multiple-use management of the non-Federal forest lands of the United States;

"(2) the encouragement of the production of timber;

"(3) the prevention and control of insects and diseases affecting trees and forests;

"(4) the prevention and control of rural fires;

"(5) the efficient utilization of wood and wood residues, including the recycling of wood fiber;

"(6) the improvement and maintenance of fish and wildlife habitat;

"(7) the planning and implementation of urban forestry programs; and

"(8) the strengthening of educational, technical and financial assistance programs that provide assistance to non-Federal forest land owners.

"(c) POLICY.—It is the policy of Congress that it is in the national interest for the Secretary to work in cooperation with State foresters or equivalent State officials and the private sector in implementing Federal programs affecting non-Federal forest lands.

"(d) CONSTRUCTION.—This Act shall be construed to complement the policies and direction under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).".

(b) RURAL FORESTRY ASSISTANCE.— Section 3 of the Act (16 U.S.C. 2102) is amended to read as follows:

"SEC. 3. RURAL FORESTRY ASSISTANCE.

"(a) IN GENERAL.—The Secretary, in consultation with the appropriate Federal, State and local agencies, and the private sector shall establish and implement expanded programs that provide educational and technical assistance to meet the goals of this Act.

"(b) ASSISTANCE TO STATE OFFICIALS.—The Secretary may provide financial, technical, educational, and related assistance to State foresters, State extension directors, and equivalent State officials to enable such officials to provide technical information, advice, and related assistance to private forest land owners and managers, vendors, forest resource operators, forest resource professionals, public agencies and individuals to enable such persons to carry out activities that are consistent with the purposes of this Act, including—

"(1) protecting, maintaining, enhancing, and preserving forest lands and the multiple values and uses that depend on such lands;

"(2) identifying, protecting, maintaining, enhancing and preserving wildlife and fish species and their habitats;

"(3) implementing the latest forest management technologies;

"(4) selecting, producing, and marketing alternative forest crops, products and services from forest lands;

"(5) protecting forest land from damage caused by fire, insects, disease, and damaging weather;

"(6) managing the rural-land and urban-land interface to balance the use of forest resources in and adjacent to urban and community areas;

"(7) identifying and managing recreational forest land resources; and

"(8) administering the management of resources of forest lands, including—

"(A) the harvesting, processing, and marketing of timber and other forest resources and the marketing and utilization of wood and wood products;

"(B) the conversion of wood to energy for domestic, industrial, municipal, and other uses;

"(C) the planning, management, and treatment of forest land, including site preparation, reforestation, thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of timber and other forest resources;

"(D) ensuring that forest regeneration or reforestation occurs if needed to sustain long-term resource productivity;

"(E) protecting and improving forest soil fertility and the quality, quantity, and timing of water yields; and

"(F) protecting and improving fish and wildlife and their habitats.

"(c) ASSISTANCE TO STATE FORESTERS.—The Secretary is authorized to provide financial, technical, and related assistance to State foresters, or equivalent State officials, to—

"(1) develop genetically improved tree seeds;

"(2) procure, produce, and distribute tree seeds and trees for the purpose of establishing forests, windbreaks, shelterbelts, woodlots, and other plantings;

"(3) plant tree seeds and trees for the reforestation or afforestation of non-Federal forest lands that are suitable for timber production, recreational use or the generation of other benefits associated with the growing of trees;

"(4) plan, organize, and implement measures on non-Federal forest lands, including thinning, prescribed burning, and other silvicultural activities designed to increase the quantity and improve the quality of trees and other vegetation, fish and wildlife habitat, and water yielded therefrom; and

"(5) protect or improve soil fertility on non-Federal forest lands and the quality, quantity, and timing of water yields.

"(d) LAND GRANT UNIVERSITIES.—The Secretary, in consultation with the State foresters or equivalent State officials, may cooperate directly with other State and local natural resource management agencies and land grant universities in implementing this Act in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies.

"(e) IMPLEMENTATION.—In implementing this section, the Secretary shall cooperate with other Federal, State, and local natural resource management agencies, universities and the private sector.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

(c) FOREST RESOURCES STEWARDSHIP PROGRAM.— Section 4 of the Act (16 U.S.C. 2103) is amended to read as follows:

"SEC. 4. FOREST RESOURCES STEWARDSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in consultation with State foresters or equivalent State officials, shall establish a Forest Resources Stewardship Program, (hereafter referred to in this section as the 'Program'), to encourage the long-term stewardship of nonindustrial private forest lands by assisting owners of such lands to more actively manage their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise and assistance programs.

"(b) GOAL.—The goal of the Program shall be to enroll at least 25,000,000 acres of nonindustrial private forest land in the Program by December 31, 1995.

"(c) DEFINITION.—For the purposes of this section, the term 'private forest land' means land capable of producing crops of industrial wood and owned by any private individual, group, association, corporation, Indian tribe or other native group, or other legal entity.

"(d) IMPLEMENTATION.—In carrying out the Program the Secretary, in consultation with each State forester or equivalent State official, shall—

"(1) establish a State Advisory Committee in accordance with section 11(b); and

"(2) provide financial, technical, and related assistance to State foresters or equivalent State officials, including assistance to help such State foresters or equivalent officials to provide financial assistance to other State and local natural resource entities, both public and private, and land-grant universities for the delivery of information and professional assistance to owners of nonindustrial private forest lands. The Secretary, in consultation with each State forester or equivalent State official, is also authorized to cooperate directly with other State and local natural resource entities, both public and private, and land-grant universities in implementing this section where the State forester or equivalent State officials are not able to make fund transfers to other agencies. Such information and assistance shall be directed to help the owners of such nonindustrial forest lands understand and evaluate alternative actions they might take, including—

"(A) managing and enhancing the productivity of timber, fish and wildlife habitat, and water, wetlands, and recreation resources;

"(B) investing in practices to protect, maintain, and enhance the resources identified in subparagraph (A);

"(C) ensuring that afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices occur where needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to help meet future public demand for all forest resources and provide the environmental benefits that result; and

"(D) protecting their forests from damage caused by fire, insects, disease, and damaging weather.

"(e) ELIGIBILITY.—All existing private nonindustrial forest lands that are not currently under a forest management plan are eligible for assistance under the Program. Private nonindustrial forest lands that are managed under existing Federal, State, or private sector financial and technical assistance programs may be eligible for assistance under the Program if the landowner agrees to comply with the requirements of the Program or if forest management activities on such forest lands are expanded or enhanced to meet the requirements of this Act.

"(f) DUTIES OF OWNERS.—To enter forest land into the Program, landowners shall—

"(1) prepare and submit to the State forester or equivalent State official a forest resources stewardship plan that meets the requirements of this section and that—

"(A) is prepared by a professional resource manager;

"(B) identifies and describes actions to be taken by the landowner to protect soil, water, range, aesthetic quality, recreation, timber, water, and fish and wildlife resources on such land in a manner that is compatible with the objectives of the landowner; and

"(C) is approved by the State forester, or equivalent State official, in accordance with Federal and State law; and

"(2) agree that all activities conducted on such land shall be consistent with the stewardship plan.

"(g) PREPARATION OF PLANS.—The Secretary shall encourage the use of private agencies, consultants, organizations, and firms to the extent feasible, for the preparation of individual forest resources stewardship plans and the implementation of approved activities.

"(h) STEWARDSHIP RECOGNITION.—The Secretary, in consultation with State foresters or equivalent State officials, is encouraged to develop an appropriate recognition program for landowners who practice stewardship management on their lands, with an appropriate, special recognition symbol and title.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated $20,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter, to carry out this section.".

(d) STEWARDSHIP INCENTIVE PROGRAM.—The Act (16 U.S.C. 2104) is amended—

(1) by inserting after the new section 4, the following new section:

"SEC. 4A. STEWARDSHIP INCENTIVE PROGRAM.

"(a) IN GENERAL.—The Secretary is authorized to develop and implement a Stewardship Incentive Program to provide cost share assistance for tree-planting and other forest management activities in accordance with approved stewardship plans.

"(b) ELIGIBILITY.—Eligibility for cost sharing assistance under the stewardship incentive program established under this section shall be available for owners of existing private nonindustrial forest lands that—

"(1) have developed an approved forest resources stewardship plan pursuant to section 4(f);

"(2) agree to implement approved activities pursuant to subsection (d) in accordance with the plan for a period of not less than 10 years unless the State forester or equivalent State official approves a modification to such plan; and

"(3) own not more than 1,000 acres of private forest land, except that the Secretary may approve the provision of cost-sharing assistance to landowners that own more than 1,000 acres of such land if the Secretary determines that significant public benefits will accrue from such approval. The Secretary shall not approve of the provision of cost-sharing assistance to any landowner owning in excess of 5,000 acres of private forest land.

"(c) STATE PRIORITIES.—The Secretary in consultation with the State forester or equivalent State official, other State natural resource management agencies, and the Advisory Committee established pursuant to section 10A may recommend State priorities for cost-sharing under this section that will promote unique forest management objectives in that State.

"(d) APPROVED ACTIVITIES.—(1) DEVELOPMENT OF LIST.—The Secretary, in consultation with the Advisory Committee established pursuant to section 10A, shall develop a list of approved forest management activities that will be eligible for cost-share assistance under this section within each State.

"(2) TYPE OF ACTIVITIES.—Approved activities under paragraph (1) may include—

"(A) the growing and management of forests for timber production;

"(B) the management and maintenance of forests for shelterbelts, windbreaks, and other conservation purposes;

"(C) the protection, restoration, and use of forest wetlands and native vegetation on other lands vital to water quality;

"(D) the maintenance and improvement of fish and wildlife habitat; and

"(E) the management and protection of forest lands for their aesthetic values and outdoor recreational opportunities.

"(e) REIMBURSEMENT FOR ELIGIBLE ACTIVITIES.—(1) IN GENERAL.—The Secretary may share the cost of developing and carrying out the forest resources stewardship plan under section 4 and of implementing the approved activities that the Secretary determines are appropriate and in the public interest pursuant to subsection (d), with landowners who have entered into agreements to place their forest land into the Stewardship Incentive Program.

"(2) RATE OF REIMBURSEMENT.—The Secretary, in consultation with the State forester, or equivalent State official, shall determine the appropriate reimbursement rate for making cost share payments under paragraph (1), and the schedule of such payments.

"(3) MAXIMUM.—The Secretary shall not make cost share payments under this subsection to a landowner in an amount in excess of 75 percent of the total cost to such landowner of developing and implementing the forest resources stewardship plan. Total payments to any one landowner shall be determined by the Secretary.

"(f) RECAPTURE PROVISION.—The Secretary shall establish and implement a recapture provision to be applied in the event that a landowner terminates any approved practice required under the forest resources stewardship plan.

"(g) DISTRIBUTION OF FUNDS.—The Secretary shall distribute funds available for cost sharing under this section among the States only after assessing the public benefit incident to such distribution, and after giving appropriate consideration to—

"(1) the acreage of private forest land in each State;

"(2) the potential productivity of such land;

"(3) the number of owners of such land eligible for cost sharing in each State;

"(4) the need for reforestation in each State;

"(5) the opportunities to enhance non-timber resources on such forest lands; and

"(6) the anticipated demand for timber and non-timber resources in each State.

"(h) OTHER AUTHORITY.—In implementing this section, the Secretary may use the authorities provided in sections 1001, 1002, 1004, and 1008 of the Agricultural Act of 1970 (16 U.S.C. 1501, 1502, 1504 and 1508), as amended by the Agriculture and Consumer Protection Act of 1973.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 1991 through 1995, and such sums as may be necessary thereafter to carry out this section."; and

(2) in section 9(a), by striking "section 4" and inserting "section 4A".

(e) FEDERAL, STATE, AND LOCAL COORDINATION AND COOPERATION.—The Act (16 U.S.C. 2101 et seq.) is amended—

(1) in section 10 by striking subsection (c) and redesignating subsections (d) through (g) as subsections (c) through (f) respectively; and

(2) by inserting after section 10, the following new section:

"SEC 10A. STATE AND PRIVATE FORESTRY COORDINATING COMMITTEE; STATE ADVISORY COMMITTEES.

"(a) STATE AND PRIVATE FORESTRY COORDINATING COMMITTEE.—(1) ESTABLISHMENT.—The Secretary shall establish an intra-departmental committee, to be known as the State and Private Forestry Coordinating Committee (hereafter referred to in this section as the 'Coordinating Committee') to coordinate forestry activities associated with the implementation of this Act.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of representatives, appointed by the Secretary, from the Agricultural Research Service, Agricultural Stabilization and Conservation Service, Extension Service, Forest Service and Soil Conservation Service.

"(3) CHAIRPERSON.—The Secretary shall designate the Chief of the Forest Service as chairperson of the Coordinating Committee.

"(4) DUTIES.—The Coordinating Committee shall—

"(A) provide assistance in directing and coordinating actions of the Department of Agriculture that relate to the educational, technical, and financial assistance available to private land owners for the protection and management of forest lands;

"(B) clarify individual agency responsibilities concerning forest land, consistent with the legislative authorities of each agency represented on the Committee; and

"(C) advise the Secretary to mediate and facilitate intradepartmental differences regarding the implementation of this Act, and any other Act related to the authority of the Secretary concerning non-Federal forest lands.

"(b) STATE ADVISORY COMMITTEES.—(1) IN GENERAL.—The Secretary, in consultation with the State forester or equivalent State official, shall establish a Forest Resources Stewardship Advisory Committee (hereafter in this section referred to as the 'Advisory Committee') for each such State.

"(2) COMPOSITION.—The Advisory Committee shall be chaired and administered by the State forester, or equivalent State official, and shall be composed, to the extent practicable, of—

"(A) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and Extension Service;

"(B) representatives, to be appointed by the State forester, of forestry interests including—

"(i) individuals that are representative of—

"(I) local government;

"(II) the forest products industry;

"(III) forest land owners;

"(IV) conservation organizations; and

"(V) the State fish and wildlife agency; and

"(ii) any other individuals determined appropriate by the Secretary.

"(3) TERMS.—The members of the Advisory Committee appointed under subparagraph (B)(i)(II) shall serve 3-year terms, with the initial members serving staggered terms as determined by the Secretary, and may be reappointed for consecutive terms.

"(4) EXISTING COMMITTEES.—Existing State forestry committees may be used to complement, formulate, or replace the Advisory Committees to avoid duplication of efforts if such existing committees are made up of membership that is similar to that described in subparagraph (B)(i)(II).

"(5) DUTIES.—The Advisory Committee shall—

"(A) consult with other Department of Agriculture and State committees that address State and private forestry issues;

"(B) make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of this Act by the various Federal and State forest management agencies that take into consideration the mandates of each such agency; and

"(C) make recommendations to the Secretary concerning the development of approved activities for cost-sharing pursuant to section 4A.".

SEC. 1508. URBAN AND COMMUNITY FORESTRY.

(a) FINDINGS.—The Congress finds that—

(1) the health of forests in urban areas and communities, including cities, their suburbs, and towns, in the United States is on the decline;

(2) forest lands, shade trees, and open spaces in urban areas and communities improve the quality of life for residents;

(3) forest lands and associated natural resources enhance the economic value of residential and commercial property in urban and community settings;

(4) tree plantings and ground covers such as low growing dense perennial turfgrass sod in urban areas and communities can aid in reducing carbon dioxide emissions,

mitigating the heat island effect, and reducing energy consumption, thus contributing to efforts to reduce global warming trends;

(5) efforts to encourage tree plantings and protect existing open spaces in urban areas and communities can contribute to the social well-being and promote a sense of community in these areas; and

(6) strengthened research, education, technical assistance, and public information and participation in tree planting and maintenance programs for trees and complementary ground covers for urban and community forests are needed to provide for the protection and expansion of tree cover and open space in urban areas and communities.

(b) PURPOSES.—The purposes of this section are to—

(1) improve understanding of the benefits of preserving existing tree cover in urban areas and communities;

(2) encourage owners of private residences and commercial properties to maintain trees and expand forest cover on their properties;

(3) provide education programs and technical assistance to State and local organizations (including community associations and schools) in maintaining forested lands and individual trees in urban and community settings and identifying appropriate tree species and sites for expanding forest cover;

(4) implement a tree planting program to complement urban and community tree maintenance and open space programs;

(5) promote the establishment of demonstration projects in selected urban and community settings to illustrate the benefits of maintaining and creating forest cover and trees;

(6) enhance the technical skills and understanding of sound tree maintenance and arboricultural practices including practices involving the cultivation of trees, shrubs and complementary ground covers, of individuals involved in the planning, development, and maintenance of urban and community forests and trees; and

(7) expand existing research and educational efforts intended to improve understanding of tree growth and maintenance, tree physiology and morphology, species adaptations, forest ecology, and the value of integrating trees and ground covers and the economic, environmental, social, and psychological benefits of trees and forest cover in urban and community environments.

(c) EDUCATION AND TECHNICAL ASSISTANCE.—Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is amended by redesignating subsection (c) as subsection (i) and inserting the following new subsections:

"(c) The Secretary in cooperation with State foresters and State extension agents or equivalent State officials shall implement a program of education and technical assistance for urban and community forest resources. The program shall be designed to—

"(1) assist urban areas and communities in conducting inventories of their forest resources, including inventories of the species, number, location, and health of trees in urban areas and communities, and the status of related resources (including fish and wildlife habitat, water resources, and trails);

"(2) assist State and local organizations (including community associations and schools) in organizing and conducting urban and community forestry projects and programs;

"(3) improve education and technical support in—

"(A) selecting tree species appropriate for planting in urban and community environments;

"(B) providing for proper tree planting, maintenance, and protection in urban areas and communities;

"(C) protecting individual trees and preserving existing open spaces with or without tree cover; and

"(D) identifying opportunities for expanding tree cover in urban areas and communities;

"(4) assist in the development of State and local management plans for trees and associated resources in urban areas and communities; and

"(5) increase public understanding of the economic, social, environmental, and psychological values of trees and open space in urban and community environments and expand knowledge of the ecological relationships and benefits of trees and related resources in these environments.

"(d) PROCUREMENT OF PLANT MATERIALS.—The Secretary, in cooperation with State foresters or equivalent State officials, shall assist in identifying sources of plant materials and may procure or otherwise obtain such plant materials from public or private sources and may make such plant materials available to urban areas and communities for the purpose of reforesting open spaces, replacing dead and dying urban trees, and expanding tree cover in urban areas and communities.

"(e) CHALLENGE COST-SHARE PROGRAM.—(1) IN GENERAL.—The Secretary shall establish an urban and community forestry challenge cost-share program. Funds or other support shall be provided under such program to eligible communities and organizations, on a competitive basis, for urban and community forestry projects. The Secretary shall annually make awards under the program in accordance with criteria developed in consultation with, and after consideration of recommendations received from, the National Urban and Community Forestry Advisory Council established under subsection (f). Such awards shall be consistent with the cost-share requirements of this section.

"(2) COST-SHARING.—The Federal share of support for a project provided under this subsection may not exceed 50 percent of the support for that project and shall be provided on a matching basis. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

"(f) FORESTRY ADVISORY COUNCIL.—(1) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a National Urban and Community Forestry Advisory Council (hereafter in this section referred to as the 'Council') for the purpose of—

"(A) developing a national urban and community forestry action plan;

"(B) evaluating the implementation of that plan; and

"(C) developing criteria for, and submitting recommendations with respect to, the urban and community forestry challenge cost-share program under subsection (e).

"(2) COMPOSITION AND OPERATION.—(A) The Council shall be composed of 15 members appointed by the Secretary, as follows:

"(i) 2 members representing national nonprofit forestry and conservation citizen organizations,

"(ii) 3 members, 1 each representing State, county, and city and town governments,

"(iii) 1 member representing the forest products, nursery, or related industries,

"(iv) 1 member representing urban forestry, landscape, or design consultants,

"(v) 2 members representing academic institutions with an expertise in urban and community forestry activities,

"(vi) 1 member representing State forestry agencies or equivalent State agencies,

"(vii) 1 member representing a professional renewable natural resource or arboriculture society,

"(viii) 1 member from the Extension Service,

"(ix) 1 member from the Forest Service, and

"(x) 2 members who are not officers or employees of any governmental body, 1 of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

"(B) A vacancy in the Council shall be filled in the manner in which the original appointment was made.

"(C) The Secretary shall select 1 member, from members appointed to the Council, who is not an officer or employee of the United States nor any State, county, city, or town government, who shall serve as the chairperson of the Council.

"(D)(i) Except as provided in clauses (ii) and (iii) of this paragraph, members shall be appointed for terms of 3 years, and no member may serve more than two consecutive terms on the Council.

"(ii) Of the members first appointed—

"(I) 5, including the chairperson and 2 governmental employees, shall be appointed for a term of 3 years,

"(II) 5, including 2 governmental employees, shall be appointed for a term of 2 years, and

"(III) 5, including 2 governmental employees, shall be appointed for a term of 1 year, as designated by the Secretary at the time of appointment.

"(iii) Any member appointed to fill a vacancy occurring before the expiration of the term of the member's predecessor shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until the member's successor has taken office.

"(E)(i) Except as provided in clause (ii) of this subparagraph, members of the Council shall serve without pay, but may be reimbursed for reasonable costs incurred while in the actual performance of duties vested in the Council.

"(ii) Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

"(iii) The Secretary shall provide financial and administrative support for the Council.

"(3) URBAN AND COMMUNITY FORESTRY ACTION PLAN.—Within 1 year after the date of enactment of this subsection and every 10 years thereafter, the Council shall prepare a National Urban and Community Forestry Action Plan. The plan shall include (but not be limited to) the following:

"(A) An assessment of the current status of urban forest resources in the United States.

"(B) A review of urban and community forestry programs and activities in the United States, including education and technical assistance activities conducted by the Forest Service, Extension Service, and other Federal agencies, the State forestry organizations, private industry, private non-

profit organizations, community and civic organizations and interested others.

"(C) Recommendations for improving the status of the Nation's urban and community forest resources, including education and technical assistance and modifications required in existing programs and policies of relevant Federal agencies.

"(D) A review of urban and community forestry research, including—

"(i) a review of all ongoing research associated with urban and community forests, arboricultural practices, and the economic, social, and psychological benefits of trees and forest cover in urban and community environments being conducted by the Forest Service, other Federal agencies, and associated land grant colleges and universities;

"(ii) recommendations for new and expanded research efforts directed toward urban and community forestry concerns; and

"(iii) a summary of research priorities and an estimate of the funds needed to implement such research, on an annual basis, for the next 10 years.

"(E) Proposed criteria for evaluating proposed projects under the urban and community forestry challenge cost share program under subsection (e), with special emphasis given to projects that would demonstrate the benefits of improved forest management (including the maintenance and establishment of forest cover and trees) in urban areas and communities.

"(F) An estimate of the resources needed to implement the National Urban and Community Forestry Action Plan for the succeeding 10 fiscal years.

"(4) AMENDMENT OF THE PLAN.—The plan may be amended by a majority of the Council members. Such amendments shall be incorporated into the Council's annual review of the plan submitted to the Secretary pursuant to paragraph (5) of this subsection.

"(5) REVIEW OF THE PLAN.—The Council shall submit the plan to the Secretary and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate upon its completion. Beginning no later than one year after the plan is submitted and annually thereafter, the Council shall submit a review of the plan to the Secretary no later than December 31. The review shall consist of—

"(A) the Council's assessment of prior year accomplishments in research, education, technical assistance, and related activities in urban and community corestry;

"(B) the Council's recommendations for research, education, technical assistance, and related activities in the succeeding year; and

"(C) the Council's recommendations for the urban and community forestry challenge cost share projects to be funded during the succeeding year.

The review submitted to the Secretary shall be incorporated into the annual report of the Forest Service to the Congress under Section 3(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(d)).

"(6) DETAIL OF PERSONNEL.—Upon request of the Council, the Secretary is authorized to detail, on a reimbursable basis, any of the personnel of the Department of Agriculture to the Council to assist the Council in carrying out its duties under this Act.

"(7) INAPPLICABILITY OF THE FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

"(g) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Council' means the National Urban and Community Forestry Advisory Council established under subsection (f);

"(2) the term 'plan' means the National Urban and Community Forestry Action Plan developed under subsection (f)(3); and

"(3) the term 'urban and community area' includes cities, their suburbs, and towns.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated $30,000,000 for each of the fiscal years 1991 through 1995 for the implementation of subsections (c) through (g).".

(d) AMENDMENT TO RENEWABLE RESOURCES EXTENSION ACT.—(1) PROMOTION OF PUBLIC UNDERSTANDING.—Section 3(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1672(a)) is amended—

(A) by striking "and" at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(9) in cooperation with State foresters or equivalent State officials, promote public understanding of the economic, social, environmental, and psychological values of trees and open space in urban and community area environments and expand knowledge of the ecological relationships and benefits of trees and related resources in urban and community environments.".

(2) URBAN AND COMMUNITY FORESTRY.—Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674(a)) is amended in the final sentence by striking "for planting and management of trees and forests in urban areas," and inserting "for urban and community forestry activities,".

SEC. 1509. TREE PLANTING FOUNDATION.

(a) PURPOSE.—The purpose of this section is to authorize the President to designate a private nonprofit Foundation as eligible to receive a grant from the Department of Agriculture to be used—

(1) to provide grants, including matching grants, to qualifying nonprofit organizations municipalities, counties, towns and townships for the implementation of programs to promote public awareness and a spirit of volunteerism in support of tree planting, maintenance, management, protection, and cultivation projects in rural areas, communities and urban areas throughout the United States;

(2) to solicit public and private sector contributions through the mobilization of individuals, businesses, governments, and community organizations with the goal of increasing the number of trees planted, maintained, managed and protected in rural areas, communities and urban environments;

(3) to accept and administer public and private gifts and make grants, including matching grants, to encourage local participation, for the planting, maintenance, management, protection, and cultivation of trees; and

(4) to ensure that our descendants will be able to share their ancestors' pride when referring to their land as "America the Beautiful".

(b) AUTHORITY.—The President is authorized to designate a private nonprofit organization, hereafter in this section referred to as the "Foundation", as eligible to receive funds pursuant to subsections (d) and (e), upon determining that such organization can, consistent with its charter, carry out the purposes stated in subsection (a), and that the officers of such organization have the experience and expertise necessary to direct the activities of the organization. Nothing in this section shall be construed to make officers, employees, or members of the board of directors of the Foundation officers or employees of the United States. The Foundation shall be a private and nonprofit organization and not an agency or establishment of the United States.

(c) IMPLEMENTATION.—The Foundation shall carry out this section in accordance with the purposes stated in subsection (a).

(d) FUNDING.—For fiscal year 1991, the Secretary is authorized to make a grant of not to exceed $25,000,000 to the Foundation.

(e) USE OF FUNDS.—Funds made available pursuant to subsection (d) shall be granted to the Foundation by the Secretary to enable the Foundation to carry out the purposes specified in subsection (a).

(f) INTEREST.—Notwithstanding any other provision of law, the Foundation may hold funds made available pursuant to subsection (e) in interest-bearing accounts, prior to the disbursement of the funds for purposes specified in subsection (a), and may retain to carry out such purposes any interest earned on the deposits.

(g) LIMITATIONS ON USE OF FUNDS.—(1) IN GENERAL.—The Foundation may use funds provided by this section only for making grants to qualified organizations, municipalities, counties, towns and townships for the implementation of projects and activities that are consistent with the purposes specified in subsection (a).

(2) QUALIFIED ORGANIZATIONS.—For the purposes of this section, qualified organizations shall consist of those organizations that meet the requirements of section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) and have demonstrated a capability to implement the project of activity for which the Foundation funds will be used.

(h) COMPENSATION FROM OUTSIDE SOURCES.—An officer or employee of the Foundation may not receive any salary or other compensation for services rendered to the Foundation from any source other than the Foundation.

(i) STOCK AND DIVIDENDS.—The Foundation shall not issue any shares of stock or declare or pay any dividends.

(j) LOBBYING.—The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(k) SALARY; TRAVEL AND EXPENSES; CONFLICTS OF INTEREST.—(1) PERSONAL BENEFIT FROM FUNDS.—No part of the funds of the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses.

(2) TRAVEL AND EXPENSE REIMBURSEMENT.—Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses.

(3) CONFLICTS OF INTEREST.—No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

(B) the interests of any corporation, partnership, entity, or organization in which such director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(l) RECORDS; AUDITS.—The Foundation shall ensure that—

(1) each recipient of assistance provided through the Foundation under this section maintains, for at least 5 years after the receipt of the assistance, separate accounts with respect to the assistance and such records as may be reasonably necessary to disclose fully—

(A) the amount and the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used;

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(D) such other records as will facilitate an effective audit; and

(2) the Foundation and any duly authorized representative of the Foundation shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this section.

(m) AUDITS.—(1) INDEPENDENT AUDITS.—For the fiscal year in which the Foundation receives the grant awarded under subsection (e), and for the succeeding 5 fiscal years, the accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (n).

(2) AGENCY AUDITS.—For the fiscal year in which the Foundation receives the grant awarded under subsection (d), and for the succeeding 5 fiscal years, the financial transactions undertaken pursuant to this section by the Foundation may be audited by any agency designated by the President.

(n) ANNUAL REPORTS.—(1) IN GENERAL.—Not later than 3 months after the conclusion of each fiscal year, the Foundation shall publish an annual report that includes a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Foundation under this Act during the fiscal year.

(2) TERMINATION.—The obligation of the Foundation to publish annual reports pursuant to this subsection shall terminate after publication of the report incorporating the findings of the final audit required by subsection (l).

(o) PROHIBITION ON COMMERCIAL HARVEST.—Trees planted pursuant to a program receiving funds under this section may not be commercially harvested and sold for Christmas trees.

(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appopriated $25,000,000 to be granted by the Secretary of Agriculture to the Foundation. All funds appropriated under this section remain available until expended.

SEC. 1510. PRESIDENTIAL COMMISSION ON STATE AND PRIVATE FORESTS.

(a) ESTABLISHMENT.—The President shall establish a Commission on State and Private Forests (hereafter in this section referred to as the "Commission" which shall assess the status of the nation's state and private forest lands, the problems affecting these lands, and the potential contribution of these lands to the nation's renewable natural resource needs associated with their improved management and protection.

(b) COMPOSITION.—The Commission shall be composed of 25 members to be appointed by the President of the United States (hereafter in this section referred to as the "President") including Federal, State, and local officials, timber industry representatives, nonindustrial private forest landowners, conservationists, and community leaders. No more than five members shall be appointed from any one State. Not fewer than 20 members shall be appointed by the President from nominations submitted by the following Members of Congress (after consultation by such Members with other Members of Congress who sit on the specified Committee):

(1) The chairman of the Committee on Agriculture of the House of Representatives.

(2) The ranking minority member of the Committee on Agriculture of the House of Representatives.

(3) The chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(4) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) VACANCY.—A vacancy on the Commission shall be filled by appointment by the President in the manner provided in subsection (b).

(d) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission by a majority vote.

(e) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

(f) DUTIES.—(1) STUDY.—The Commission shall conduct a study that shall include—

(A) an assessment of the current status of the nation's state and private forest lands, including—

(i) ownership status and past and future trends;

(ii) renewable natural resource inventories;

(iii) the production of timber and nontimber resources from such lands; and

(iv) landowner attitudes toward the protection and management of these lands;

(B) a review of the problems affecting the nation's state and private forest lands, including—

(i) resource losses to insects, disease, fire, and damaging weather;

(ii) inadequate reforestation;

(iii) fragmentation of the forest land base; and

(iv) constraints on management options; and

(C) recommendations for addressing the problems and capitalizing on the potential of these lands for contributing to the nation's renewable natural resource needs.

(2) FINDINGS AND RECOMMENDATIONS.—On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President with respect to the future demands placed on state and private forests in meeting both commodity and non-commodity needs of our nation in anticipation of impending changes in the management of the national forests, especially with regard to timber harvest. This assessment will place new focus on the role of state and private forest lands and will help to identify means of improving their contribution to meeting the timber and non-timber needs of the nation.

(3) REPORT.—The Commission shall submit to the President, not later than December 1, 1991, a report containing its findings and recommendations. The President shall forthwith submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate, and the report is authorized to be printed as a House Document.

(g) OPERATIONS IN GENERAL.—(1) AGENCY COOPERATION.—The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office shall provide the Commission such information as may be required to carry out its duties and functions.

(2) COMPENSATION.—Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

(3) DIRECTOR.—To the extent there are sufficient funds available to the Commission and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

(A) appoint and fix the compensation of a director; and

(B) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

(4) STAFF AND SERVICES.—On the request of the Commission, the heads of executive agencies, the Comptroller General, and the Director of the Office of Technology Assessment may furnish the Commission with such office, personnel or support services as the head of the agency, or office, and the chairperson of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not be required to pay, or reimburse, any agency for office, personnel or support services provided by this subsection.

(5) EXEMPTIONS.—(A) The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2, 1 et seq.).

(B) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.—(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to implement this section.

(2) SPENDING AUTHORITY.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(i) TERMINATION.—The Presidential Commission on State and Private Forests shall cease to exist 90 days following the submission of its report to the President.

SEC. 1511. BLUE MOUNTAIN NATURAL RESOURCE INSTITUTE.

(a) FINDINGS.—The Congress finds that—

(1) the forests and rangelands in the States of Washington and Oregon east of the Cascade Crest do not yield their productive capacity of multiple products, services and benefits, yet these forests and rangelands are expected to yield more;

(2) these forests are among the most insect and disease infected in North America due to early management practices, including the exclusion of fire and past management treatments, which have allowed these forests to become overstocked or to succeed to pest-susceptible forest types;

(3) forage productivity of these forests and rangelands is reduced due to the spread of nonactive grasses, juniper, and noxious weeds;

(4) the unprecedented build-up of fuel loads in these forests places them under continual threat of catastrophic fire;

(5) losses due to insects, disease, and fire and reduced productivity of these forests and rangelands have far-reaching environmental and economic consequences to local communities and a region entirely dependent on land-based resources; and

(6) concerns over global climate change, water quality and quantity, air quality, fish and wildlife habitat, biodiversity, long-term forest and rangeland health and productivity, welfare of resource-dependent communities and regional economies, catastrophic fire, and scenic quality of landscapes set the dimensions of multi-faceted resources issued which are straining the effectiveness of policy makers and land managers.

(b) ESTABLISHMENT OF RESEARCH AND DEMONSTRATION PROGRAM.—The Secretary of Agriculture shall establish a research, development, and application program for the forests and rangelands of the States of Oregon and Washington located east of the Cascade Crest. The Blue Mountain Natural Resource Institute, headquartered in La Grande, Oregon, shall address research, development, and application needs of the Blue Mountain area in Washington and Oregon and shall plan and initiate the larger program. The program, through research, technology development and application, and public involvement, shall—

(1) compile and develop basic biological and ecological information to improve forest and rangeland health and vigor;

(2) focus research on joint management and production of timber, wildlife, grazing, fish, water quality, and recreation;

(3) stimulate cooperative research between universities and other Federal and State agencies;

(4) identify and evaluate opportunities to enhance the long-term economic and social benefits derived from the region's forest and rangeland resources in concert with county and regional economic strategies;

(5) convert results of research into technology development products and apply new information in a timely manner;

(6) develop technology to guide intensive multi-resource management and policy decisions for sustaining long-term productivity and ecological values into the early decades of the 21st century;

(7) develop new technologies that will enable forest and range managers to maximize multi-resource benefits and minimize the hazards of fire, insect, and disease outbreaks;

(8) develop forest management practices for use by land managers and landowners that are appropriate at the wildland-urban interface and in concert with public values for these areas;

(9) demonstrate the application of technology and resource knowledge on specific management areas; and

(10) establish mutually beneficial relations with the public to inform them regarding research and technology development and new management directions and to obtain feedback.

(c) PARTNERSHIP.—The Secretary shall establish and carry out the program under subsection (b) in consultation and cooperation with Federal, State, and local agencies, universities, and the private sector. In addition, the Secretary shall establish an advisory committee representing broad interests and perspectives to assist in the formulation of plans for implementing the program.

SEC. 1512. INTERNATIONAL FOREST RESOURCES INSTITUTE.

(a) The Secretary shall establish an International Forest Resources Institute (hereafter referred to as the "Institute"), to be operated by the State University of New York College of Environmental Science and Forestry.

(b) The mission of the Institute will be to increase the competitive position of the forest industries of the northeastern United States as major producers of international forest products in order to increase domestic employment, stimulate rural development, and to provide a knowledgeable, objective analysis of global forest resource problems.

(c) The Institute will be comprised of the State University of New York College of Environmental Science and Forestry.

(d) The Institute shall—

(1) emphasize application of existing knowledge to the manufacturing and international marketing of forest products as well as conduct new research related to the competitiveness of the northeastern forest products industry;

(2) study and evaluate domestic and international forest, forest sector, agroforestry, development, economic, and trade policies;

(3) design, analyze and test technologically appropriate manufacturing, processing and marketing systems which are supportive of and consistent with forest policy and management strategies formulated by the Institute and which enhance opportunities for markets in forest products;

(4) formulate and test management strategies for United States forests and for manufacturing facilities that promote rational use, and long term maintenance, of globally important forests; and

(5) design and analyze specific policies for critically important forests in the world with respect to forest sector, agricultural, developmental, and economic policies (giving particular attention to mechanisms to coordinate policy development between countries with significant forest resources).

(e) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 1513. SEMIARID AGROFORESTRY RESEARCH CENTER.

(a) SEMIARID AGROFORESTRY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—The Secretary of Agriculture shall establish at the Forestry Sciences Laboratory of the United States Forest Service, in Lincoln, Nebraska, a Semiarid Agroforestry Research, Development, and Demonstration Center (hereafter referred to in this subsection as the "Center") and appoint a Director to manage and coordinate the program established at the Center under subsection (b).

(b) PROGRAM.—The Secretary shall establish a program at the Center and seek the participation of Federal or State governmental entities, land-grant colleges or universities, State agricultural experiment stations, State and private foresters, National Arbor Day Foundation, and other nonprofit foundations in such program to conduct or assist research, investigations, studies, and surveys to—

(1) develop sustainable agroforestry systems on semiarid lands that minimize topsoil loss and water contamination, and stabilize or enhance crop productivity;

(2) adapt, demonstrate, document, and model the effectiveness of agroforestry systems under different farming systems and soil or climate conditions;

(3) develop dual use agroforestry systems compatible with paragraphs (1) and (2) which would provide high-value forestry products for commercial sale from semiarid land;

(4) develop and improve the drought and pest resistance characteristics of trees for conservation forestry and agroforestry applications in semiarid regions, including the introduction and breeding of trees suited for the Great Plains region of the United States;

(5) develop technology transfer programs that increase farmer and public acceptance of sustainable agroforestry systems; and

(6) develop improved windbreak and shelterbelt technologies for drought preparedness, soil and water conservation, environmental quality, and biological diversity on semiarid lands.

(c) INFORMATION COLLECTION AND DISSEMINATION.—The Secretary shall establish at the Center a program, to be known as the National Clearinghouse on Agroforestry Conservation and Promotion to—

(1) collect, analyze, and disseminate information on agroforestry conservation technologies and practices; and

(2) promote the use of such information by landowners and those organizations associated with forestry and tree promotions.

(d) AUTHORIZATION FOR APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XVI—CONSERVATION

SEC. 1601. MODIFICATION OF HIGHLY ERODIBLE LAND PROGRAM.

(a) PROGRAM INELIGIBILITY.—Section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811) is amended—

(1) in the first sentence by inserting after "is predominate" the following: ", or designates land on which highly erodible land is predominate to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, as determined by the Secretary";

(2) in paragraph (1)(D) by inserting before the semicolon ", under section 132 of the Disaster Assistance Act of 1989 (16 U.S.C. 1421 note), or under any similar provision enacted subsequent to August 14, 1989";

(3) in paragraph (1)(E) by striking the final "or";

(4) in paragraph (2) by striking the period at the end and inserting "; or"; and

(5) by adding at the end the following:

"(3) during such crop year—

"(A) a payment made under section 8, section 12 or section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l or 590p(b));

"(B) a payment made under section 401 or section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 or 2202);

"(C) a payment under any contract entered into pursuant to section 1231;

"(D) a payment under section 1281;

"(E) a loan under section 1256; or

"(F) a payment, loan or other assistance under section 3 or section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 or 1006a)."

(b) EXEMPTIONS.—Section 1212(a) of the Food Security Act of 1985 (16 U.S.C. 3812(a)) is amended—

(1) in paragraph (1) by inserting after "commodity is produced" the phrase "or that is designated to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity, as determined by the Secretary"; and

(2) in paragraph (2) by inserting after the first sentence the following new sentence: "The Secretary shall not approve any conservation plan or any revision to any conservation plan subsequent to the date of enactment of the Food and Agricultural Resources Act of 1990 unless, in addition to the requirements of the preceding sentence, the Secretary determines such plan or revision will reduce erosion by at least 50 percent from the level that would occur if conservation measures were not applied, unless the Secretary determines such level of reduction is not feasible.".

(c) INADVERTENT ACTIONS; REDUCTION IN CERTAIN PAYMENTS, LOANS, AND ASSISTANCE.—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812(b)) is amended—

(1) in subsection (b)(1) by inserting "or" after the semicolon;

(2) in subsection (b)(2) by striking the semicolon and inserting a period;

(3) by redesignating subsection (c) as subsection (d);

(4) by redesignating the remainder of subsection (b) as subsection (c) and inserting after paragraph (2) the following new subsection:

"(c) No person shall become ineligible under section 1211 for program loans, payments, and benefits as the result of the production of a crop of an agricultural commodity or the designation of land to be set aside, diverted, devoted to conservation uses, or otherwise not cultivated under a program administered by the Secretary to reduce production of an agricultural commodity (hereafter 'set aside')—"; and

(5) in the new subsection (c)—

(A) by redesignating paragraph (3) through paragraph (5) as paragraph (1) through paragraph (3) respectively;

(B) in the new paragraph (2)—

(i) by inserting after "that is planted" the words "or set aside";

(ii) by inserting after "that was planted" the words "or set aside"; and

(iii) by striking "or" at the end; and

(C) in the new paragraph (3) by striking the period at the end and inserting "; or";

(d) TENANTS.—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by adding at the end the following new subsection:

"(e) If a tenant is determined to be ineligible for payments and other benefits under section 1211, the Secretary may limit such ineligibility only to the farm which is the basis for such ineligibility determination if—

"(1) the tenant has established to the satisfaction of the Secretary that—

"(A) the tenant has made a good faith effort to meet the requirements of this section, including enlisting the assistance of the Secretary to create a conservation plan for such farm; and

"(B) the landlord or another tenant on the farm refuses to comply with such plan on such farm; and

"(2) the Secretary determines that such lack of compliance is not a part of a scheme or device to avoid such compliance.

The Secretary shall provide an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the ineligibility determinations limited during the previous 12-month period under this subsection."

(e) EXCEPTION.—Section 1212 of the Food Security Act is amended by adding at the end the following new subsection:

"(f)(1) Except to the extent provided in paragraph (2), no person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of such person to actively apply a conservation plan that documents the decisions of such person with respect to location, land use, tillage systems, and conservation treatment measures and schedules prepared under subsection (a), if the Secretary—

"(A) determines that such person has—

"(i) not violated the provisions of section 1211 within the previous 5 years on a farm; and

(ii) acted in good faith and without the intent to violate the provisions of this subtitle;

"(B) determines that such failure is due to circumstances beyond the control of the producer; or

"(C) grants the producer a temporary variance from the practices specified in the plan for the purpose of handling a specific problem.

"(2) If the Secretary determines that a person who has failed to comply with the provisions of section 1211 meets the requirements of paragraph (1), the Secretary shall, in lieu of applying the ineligibility provisions in section 1211, reduce by not less than $375 nor more than $2,500, depending on the seriousness of the violation as determined by the Secretary, program benefits described in section 1211 that such producer would otherwise be eligible to receive in a crop year.

"(3) Any person whose benefits are reduced in any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of such subsequent crop year, the Secretary determines that such person is actively applying a conservation plan prepared under subsection (a) according to the schedule set forth in such plan.".

(f) RESOURCE-CONSERVING CORP.—(1) Subject to paragraph (2) and notwithstanding any other provision of law, that portion of a producer's cropland, up to 25 percent of the producer's total crop acreage base, that—

(A) is highly erodible (as defined by section 1201(a) of the Food Security Act of 1985);

(B) is devoted to a resource-conserving crop (as defined in section 1611 of this Act) in accordance with a conservation plan (referred to in section 1212(a)(2) of the Food Security Act of 1985); and

(C) was planted or considered planted to a program crop during at least one of the 1986 through 1990 crop years,

shall be considered planted to such program crop for the purpose of determining crop acreage base and farm program payments.

(2) Unless the Secretary has permitted haying or grazing of the acreage under paragraph (3), if the producer—

(A) hays such acreage at any time during the year; or

(B) grazes such acreage during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under sections 101B(e)(3), 103B(e)(3), 105A(f)(4), or 107A(f)(4) of the Agricultural Act of 1949,

the Secretary shall withhold any farm program payment a producer is otherwise eligible to receive on such acreage and reduce the crop acreage base by the amount attributable to the acreage planted to resource-conserving crops under this subsection.

(3) In the case of a drought or other natural disaster, the Secretary may permit haying or grazing of acreage planted to a resource-conserving crop this section.

(4) The Secretary shall not reduce a producer's farm program payment yields as a result of planting resource-conserving crops under this subsection.

(5) No producer's individual farm program acreage base shall be greater, due to the operation of this section, then it otherwise would have been if determined in accordance with title V of the Agricultural Act of 1949.

SEC. 1602. MODIFICATION OF WETLAND PROGRAM.

(a) DEFINITION.—Section 1201(a)(16) is amended by amending the first sentence to read as follows:

"(16) The term 'wetland', except when such term is part of the term 'converted wetland', means land that—

"(A) has a predominance of hydric soils;

"(B) is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

"(C) under normal circumstances does support a prevalence of such vegetation.".

(b) WETLAND.—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended—

(1) by striking "the date of" and all that follows through "for—" and inserting the following: "December 23, 1985, any person who in any crop year produces an agricultural commodity on converted wetland or who in any crop year subsequent to the date of enactment of the Food and Agricultural Resources Act of 1990 converts a wetland for the purpose or to have the effect of making the production of an agricultural commodity possible on such converted wetland by draining, dredging, filling, leveling, or any other means shall be ineligible for—";

(2) in paragraph (1)(D) by inserting before the semicolon ", under section 132 of the Disaster Assistance Act of 1989 (16 U.S.C. 1421 note), or under any similar provision enacted subsequent to August 14, 1989";

(3) in paragraph (1)(E) by striking the final "or";

(4) in paragraph (2) by striking the period at the end and inserting a "; or"; and

(5) by adding at the end the following:

"(3) a payment made under section 8, section 12 or section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590l or 590p(b));

"(4) a payment made under section 401 or section 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 or 2202);

"(5) a payment under any contract entered into pursuant to section 1231;

"(6) a payment under section 1281;

"(7) a loan under section 1256; or

"(8) a payment, loan or other assistance under section 3 or section 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 or 1006a).".

(c) DELINEATION OF WETLAND; EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended to read as follows:

"DELINEATION OF WETLANDS; EXEMPTIONS

"SEC. 1222. (a) DELINEATION OF WETLANDS.—(1) MAP.—The Secretary shall delineate wetlands on a map. The Secretary shall make a reasonable effort to make an on-site wetland determination whenever requested by an owner or operator.

"(2) CERTIFICATION.—After providing notice to affected owners or operators, the Secretary shall certify each such map as sufficient for the purpose of making determinations of ineligibility for program benefits under section 1221 and shall, in accordance with section 1243, provide an opportunity to appeal such delineations to the Secretary prior to making such certification. Prior to rendering a decision on any such appeal, the Secretary shall conduct an on-site inspection of the subject land.

"(3) PUBLIC LIST.—The Secretary shall maintain a public listing of all such certifications that have been completed.

"(4) REVIEW OF PRIOR DETERMINATIONS.—The Secretary shall review and certify the accuracy of the mapping of all lands mapped prior to the date of enactment of the Food and Agricultural Resources Act of 1990 for the purpose of wetland delineations to ensure that wetland on such lands has been accurately delineated.

"(5) PERIODIC REVIEW AND UPDATE.—The Secretary shall provide by regulation a process for the periodic review and update of such wetland delineations as the Secretary deems appropriate. No person shall be adversely affected because of having taken an action based on a previous determination by the Secretary.

"(b) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans, payments, and benefits—

"(1) as the result of the production of an agricultural commodity on—

"(A) converted wetland if the conversion of such wetland was commenced before December 23, 1985;

"(B) an artificial lake, pond, or wetland created by excavating or diking non-wetland to collect and retain water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control;

"(C) a wet area created by a water delivery system, irrigation, irrigation system, or application of water for irrigation; or

"(D) wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce agricultural commodities in a manner that is consistent for the area as a result of natural conditions without action by the producer that destroys a natural wetland characteristic; or

"(2) for the conversion of—

"(A) an artificial lake, pond, or wetland created by excavating or diking non-wetland to collect and retain water for livestock, fish production, irrigation (including subsurface irrigation), a settling basin, cooling, rice production, or flood control; or

"(B) a wet area created by a water delivery system, irrigation, an irrigation system, or the application of water for irrigation.

"(c) ON-SITE INSPECTION REQUIREMENT.—No program loans, payments, or benefits shall be withheld from a person under this subtitle unless the Secretary has conducted an on-site visit of the subject land.

"(d) PRIOR LOANS.—Section 1221 shall not apply to a loan described in section 1221 made before December 23, 1985.

"(e) NON-WETLANDS.—The Secretary shall exempt from the ineligibility provisions of section 1221 any action by a person upon lands in any case in which the Secretary determines that any one of the following does not apply with respect to such lands:

"(1) Such lands have a predominance of hydric soils.

"(2) Such lands are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

"(3) Such lands, under normal circumstances, support a prevalence of such vegetation.

"(f) MINIMAL EFFECT; MITIGATION.—The Secretary shall exempt a person from the ineligibility provisions of section 1221 for any action associated with the production of an agricultural commodity on a converted wetland, or the conversion of a wetland, if, as determined by the Secretary—

"(1) such action, individually and in connection with all other similar actions authorized by the Secretary in the area, will have a minimal effect on the functional hydrological and biological value of the wetland, including the value to waterfowl and wildlife; or

"(2) such wetland has been frequently cropped prior to the date of such action and the wetland values, acreage, and functions are mitigated by the producer through the restoration of a converted wetland, the conversion of which occurred prior to December 23, 1985, where such restoration is—

"(A) in accordance with a restoration plan;

"(B) in advance of, or concurrent with, such action;

"(C) not at the expense of the Federal Government;

"(D) on not greater than a one for one acreage basis unless more acreage is needed to provide equivalent functions and values that will be lost as a result of such wetland conversion or production;

"(E) on lands in the same general area of the local watershed as the converted wetland; and

"(F) on lands that the owner has agreed to subject to a perpetual unpaid easement (or an easement for the maximum term allowed by applicable State law) subject to the provisions of section 1282(a).

"(g) MITIGATION APPEALS.—A producer shall be afforded the right to appeal, under section 1243, the provisions of any mitigation agreement requiring greater than one to one mitigation to which the producer is subject.

"(h) GOOD FAITH EXEMPTION; GRADUATED PENALTIES.—(1) GOOD FAITH EXEMPTION.—Except to the extent provided in paragraph (2), no person shall become ineligible under section 1221 for program loans, payments, and benefits as the result of the conversion of a wetland, or the production of an agricultural commodity on a converted wetland, subsequent to the date of enactment of this subsection, if—

"(A) such person, under an agreement entered into with the Secretary, agrees to fully restore the characteristics of the converted wetland to its prior wetland state; and

"(B) the Secretary determines that—

"(i) the person has not otherwise violated the provisions of section 1221 in any 10-year period on a farm; and

"(ii) such person converted a wetland, or produced an agricultural commodity on a converted wetland, in good faith and without the intent to violate the provisions of section 1221.

"(2) GRADUATED PENALTIES.—If the Secretary determines that a person who has violated the provisions of section 1221 meets the requirements of paragraph (1), the Secretary shall, in lieu of applying the ineligibility provisions in section 1221, reduce by not less than $750 nor more than $10,000, (depending on the seriousness of the violation) program benefits described in section 1221 that such producer would otherwise be eligible to receive in a crop year.

"(i) RESTORATION.—Any person who is determined to be ineligible for program benefits under section 1221 for any crop year shall not be ineligible for such program benefits under such section for any subsequent crop year if, prior to the beginning of such subsequent crop year, the person has fully restored the characteristics of the converted wetland to its prior wetland state.

"(j) DETERMINATIONS; RESTORATION AND MITIGATION PLANS; REPORTING; MONITORING ACTIVITIES.—(1) DETERMINATIONS; PLANS.—Determinations and the development of restoration and mitigation plans under this section shall be made through the agreement of the local representative of the Soil Conservation Service and a representative of the Fish and Wildlife Service. If agreement cannot be reached at the local level under the preceding sentence, such determinations shall be referred to the State Conservationist, who in making a determination under this paragraph, shall consult with the Fish and Wildlife Service.

"(2) REPORT OF DETERMINATIONS.—The State Conservationist and the representative of the Fish and Wildlife Service referred to in paragraph (1) shall report to their respective national offices concerning all determinations made under paragraph (1) at the State level as a result of an agreement not being reached at the local level.

"(3) MONITORING ACTIVITIES.—The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of the wetland restoration efforts under this section.".

(d) CONSULTATION.—Section 1223 of the Food Security Act of 1985 (16 U.S.C. 3823) is amended—

(1) in paragraph (2) by striking "and";

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) mitigation; and

"(5) the restoration of wetland values and functions on converted wetland as required under this subtitle.".

(e) FAIRNESS OF COMPLIANCE.—Subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.) is amended by adding at the end the following new section:

"SEC. 1224. FAIRNESS OF COMPLIANCE.

"If the actions of an unrelated person or public entity, outside the control of and without the prior approval of the landowner or tenant result in a change in the characteristics of cropland that would cause the land to be determined to be as wetland, the affected land shall not be considered to be wetland and program benefits may not be denied under this Act for the conversion of such lands.".

(f) PRIOR DETERMINATIONS.—The amendments made by this section shall not be construed to alter or affect any determination by or for the Secretary that found a person exempt from program ineligibility prior to the enactment of the Food and Agricultural Resources Act of 1990 under section 1222 of the Food Security Act of 1985.

SEC. 1603. CONSERVATION RESERVE PROGRAM.

(a) EXTENSION OF PROGRAM.—Title XVI of the Food Security Act of 1985 (hereafter in this section referred to as "the Act") is

amended by amending section 1231 (7 U.S.C. 3831) to read as follows:

"SEC. 1231. CONSERVATION RESERVE.

"(a) IN GENERAL.—(1) PROGRAM.—During the 1986 through 1995 crop years, the Secretary shall formulate and carry out a conservation reserve program through the use of contracts to assist owners and operators of lands specified in subsection (b) to conserve and improve the soil and water resources of such lands.

"(2) CROP YEAR.—For purposes of this subsection, the term 'crop year' means the calendar year in which the crop is normally harvested.

"(b) ELIGIBLE LANDS.—The Secretary may include in the program established under this subtitle—

"(1) highly erodible croplands that—

"(A) if permitted to remain untreated could substantially reduce the production capability for future generations; or

"(B) can not be farmed in accordance with a plan under section 1212 or 1274;

"(2) marginal pasture lands converted to wetland, or established as wildlife habitat;

"(3) marginal pasture lands established to trees in or near riparian areas, not to exceed 10% of the number of acres of land that is placed in the conservation reserve under this subtitle in each of the 1991 through 1995 crop years;

"(4) croplands that are otherwise not eligible—

"(A) if the Secretary determines such lands contribute to the degradation of water quality or would pose an on-site or off-site environmental threat to water quality if permitted to remain in agricultural production;

"(B) if such croplands are newly-created, permanent grass sod waterways, or are contour grass sod strips established and maintained as part of an approved conservation plan;

"(C) that are planted to trees, or are living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, or filterstrips;

"(D) that are farmed wetland if wildlife values and functions are restored by conversion to a less intensive use; or

"(E) if the Secretary determines that such lands pose an off-farm environmental threat or pose a threat of continued degradation of productivity due to soil salinity if permitted to remain in production; and

"(5) croplands on which the Secretary has prevented the production of agricultural commodities.

"(c) ENROLLMENT.—(1) IN GENERAL.—The Secretary shall provide opportunities and give public notice thereof for owners and operators of farms and ranches to enroll eligible lands in the conservation reserve.

"(2) MAXIMUM ENROLLMENT.—The Secretary may enter into contracts under this section to place in the conservation reserve up to 45 million acres.

"(3) COUNTY LIMIT.—Under the programs established under this subtitle, the Secretary shall not place under contract more than 25 percent of the cropland in any one county any land on which easements are acquired pursuant to subtitle I, except that the Secretary may exceed the limitation established by this paragraph in a county to the extent that the Secretary determines that such action would not adversely affect the local economy of such county and producers in such county are having difficulties complying with conservation plans.

"(4) CONSERVATION PRIORITY AREAS.—(A) Upon application by the appropriate State agency, the Secretary shall designate watershed areas of the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia), the Great Lakes Region, the Long Island Sound Region, and other areas of special environmental sensitivity as conservation priority areas.

"(B) Watersheds eligible for designation under subparagraph (A) shall include areas with actual and significant adverse water quality or habitat impacts related to agricultural production activities.

"(C) Conservation priority area designation under subparagraph (A) shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw a watershed's designation—

"(i) upon application by the appropriate State agency; or

"(ii) in the case of areas specified in subparagraph (B), if the Secretary finds that such areas no longer contain actual and significant adverse water quality or habitat impacts related to agricultural production activities.

"(d) CONTRACT PERIOD.—For the purpose of carrying out this subtitle, the Secretary shall enter into contracts of 10 years. With respect to any new or existing contract on land to be devoted to hardwood trees, the owner or operator may extend such contract to a term not to exceed 15 years.".

(b) DUTIES OF OWNERS AND OPERATORS.—Section 1232 of the Act is amended—

(1) in subsection (a)—

(A) by inserting after "(a)" the heading "PLAN.—";

(B) in paragraph (1) by striking "highly erodible cropland" and inserting "eligible lands";

(C) in paragraph (4) by striking "cover" and inserting "or water cover for the enhancement of wildlife";

(D) in paragraph (5) by inserting before "on the violation" the phrase "in addition to the remedies provided under section 1236(d),"; and

(E) in paragraph (7) by inserting after "emergency" the words "and the Secretary may permit limited fall and winter grazing on such land that is incidental to the gleaning of crop residues on the fields in which such land is located for an applicable reduction in rental payment";

(2) in subsection (b) by inserting after "(b)" the heading "REQUIRED PROVISIONS.—";

(3) by striking subsection (c) and adding the following new subsections:

"(c) AGROFORESTRY.—(1) IN GENERAL.—The Secretary may permit agricultural commodities to be produced on land that is subject to contracts entered into under this chapter, if—

"(A) such land is planted to hardwood trees;

"(B) such agricultural commodities will be produced in conjunction with, and in proximity to, such hardwood trees; and

"(C) the owner or operator of such land agrees to implement appropriate conservation practices concerning such land, including agroforestry alley cropping.

"(2) DEFINITION.—For the purposes of this subsection, the term 'agroforestry alley cropping' shall mean the practice of planting rows of trees bordered on each side by a narrow strip of groundcover, alternated with wider strips of row crops or grain.

"(3) BID SYSTEM.—The Secretary shall develop a bid system by which owners and operators may offer to reduce their annual rental payments in exchange for permission to produce agricultural commodities on such land. The Secretary shall not accept offers under this paragraph that provide for less than a 50 percent reduction in such annual payments.

"(4) EXTENSION OF CONTRACTS.—(A) The Secretary may extend any contract entered into under this subtitle for not more than 5 years for owners or operators who plant trees in accordance with this subsection.

"(B) Notwithstanding subparagraph (A), the Secretary shall ensure that the total annual rental payments over the term of any contract modified under this subsection are not in excess of that specified in the original contract.

"(d) ENVIRONMENTAL USE.—To the extent practicable, not less than one-eighth of land that is placed in the conservation reserve under this subtitle during the 1991 through 1995 crop years shall be devoted to trees, shrubs, hydrophytic vegetation, critical area seedings, or other non-crop vegetation or water that provides a permanent habitat for wildlife including migratory waterfowl.

"(e) EXPIRATION OF CONTRACT.—Upon the expiration of the contract, highly erodible land that was the subject of such contract shall be subject to the provisions of subtitle B. The conservation plan referred to in section 1212(a)(2) shall be fully implemented with respect to such lands by the owner or operator not later than 2 years after the date on which the contract expires or such longer period of time as determined appropriate by the Secretary if such plan requires structures to be constructed."; and

(4) by adding at the end the following new subsection:

"(f) INFORMATION CONCERNING FLEXIBILITY.—The Secretary, in providing assistance to an individual in the preparation or revision of a conservation plan under this section, shall provide such individual with information concerning crop flexibility, base adjustment, and conservation assistance options that may be available to such individual to meet the requirements of this section, including, but not limited to, the provisions of sections 1121, 1603, 1605, 1611, 1613, and 1614 of the "Food and Agricultural Resources Act of 1990.".

(5) Section 1232 (a)(6) of the Act is further amended by inserting before "agrees with the Secretary" the phrase "is the United States, a State or local government or an agency of the United States, a State or local government, or".

(c) DUTIES OF THE SECRETARY.—Section 1233 of the Act is amended—

(1) in paragraph (1) by inserting after "carrying out the" the words "water quality and"; and

(2) by amending paragraph (2) to read as follows:

"(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in accordance with section 1234;".

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding the following at the end:

"(4) maximize water quality and habitat benefits by ensuring that program participation in each conservation priority area is equal to at least 50 percent of the national average rate of program participation measured by the ratio of participating acres to eligible acres, which the Secretary may accomplish by—

"(A) providing a one-time cash bonus or an annual rental premium to eligible owners or operators;

"(B) accepting filter strips of less than 66 feet, but not less than 25 feet;

"(C) entering into contracts for not less than 5, and not more than 15 years;

"(D) paying up to 50 percent of the costs of establishing conservation measures and

practices as provided for in section 1234(b); or

"(E) promoting program participation in any other fashion that the Secretary deems appropriate that is consistent with the purposes of this title.".

(d) PAYMENTS.—Section 1234 of the Act is amended—

(1) in subsection (a) by inserting after "(a)" the heading "TIME OF PAYMENT.—";

(2) in subsection (b)—

(A) by inserting after "(b)" the heading "COST SHARING.—(1) IN GENERAL.—";

(B) by inserting after "establishing" the words "water quality and"; and

(C) by adding the following new paragraph:

"(2) MAXIMUM.—The Secretary shall not make any payment under this subtitle to the extent that the total amount of cost sharing payments provided to such owners and operators from all sources would exceed 100 percent of such costs.";

(3) by amending subsection (c) to read as follows:

"(c) ANNUAL PAYMENTS.—(1) IN GENERAL.—The annual rental payments for eligible lands enrolled in the conservation reserve under this subtitle shall be based on comparable local rental rates.

"(2) ACCEPTABILITY OF OFFERS.—In determining the acceptability of contract offers, the Secretary may—

"(A) take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or provide other environmental benefits;

"(B) where appropriate, accept contract offers that provide for the establishment of—

"(i) shelterbelts, windbreaks, or living snow fences; or

"(ii) permanently vegetated stream borders, filter strips of permanent grass, forbs, shrubs, and trees that will substantially enhance water quality; and

"(C) establish different criteria in various States and regions of the United States to determine the extent to which water quality may be improved or erosion may be abated.".

(4) in subsection (d)—

(A) by striking "(1)" and inserting the heading "FORM OF PAYMENT.—(1) IN GENERAL.—";

(B) in paragraph (1)(A) by striking the final "and";

(C) in paragraph (1)(B) by striking the semicolon and inserting "; and";

(D) in paragraph (1) by adding the following new subparagraph:

"(C) shall not exceed the prevailing local rental rate for comparable land.";

(E) in paragraph (2)—

(i) by inserting after "(2)" the heading "IN-KIND COMMODITIES.—";

(ii) in subparagraph (B) by striking the final "or";

(iii) in subparagraph (A) by striking the semicolon and inserting "; or"; and

(iv) by striking subparagraph (C); and

(F) in paragraph (3) by inserting after "(3)" the heading "SUBSTITUTION OF CASH PAYMENT.—";

(G) by adding the following new paragraph:

"(4) STATE PAYMENTS.—Payments to a producer under a special conservation reserve enhancement program described in subsection (f)(4) shall be in the form of cash only.";

(5) in subsection (e) by inserting after "(e)" the heading "PAYMENT TO PERSON OTHER THAN OWNER.—";

(6) in subsection (f)—

(A) by striking "(1)" and inserting the heading "PAYMENT LIMITATION.—(1) LIMITATION.—";

(B) in paragraph (2) by inserting after "(2)" the heading "REGULATIONS.—";

(C) in paragraph (3)—

(i) by inserting after "(3)" the heading "OTHER PAYMENTS.—"; and

(ii) by inserting after "this Act" the words ", the Food and Agricultural Resources Act of 1990,"; and

(D) in paragraph (4) by inserting after "(4)" the heading "SPECIAL CONSERVATION RESERVE ENHANCEMENT PROGRAM.—";

(7) by adding at the end the following new subsections:

"(g) EXEMPTION FROM SEQUESTRATION.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902), shall affect any contract entered into under this subtitle.

"(h) OTHER STATE PAYMENTS.—In addition to any payment under this subtitle, an owner or operator may receive cost share assistance, rental payments, or tax benefits from a State or subdivision thereof for enrolling lands in the conservation reserve program.".

(e) CONTRACTS.—Section 1235 of the Act is amended—

(1) in subsection (a)(1)—

(A) by striking "(1)" and inserting "PERIOD OF OWNERSHIP REQUIREMENT.—(1) IN GENERAL.—"; and

(B) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C) respectively;

(2) in subsection (a)(2)—

(A) by inserting after "(2)" the heading "EXCEPTIONS.—";

(B) in subparagraph (A) by inserting after "subtitle" the phrase "unless the original owner retains a contingent interest in the land as determined by the Secretary"; and

(C) in subparagraph (B)(i) by striking "or since January 1, 1985, whichever is later";

(3) in subsection (b)—

(A) by inserting after "(b)" the heading "TRANSFER OF LAND.—"; and

(B) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2) respectively;

(4) in subsection (c)—

(A) by inserting after "(c)" the heading "MODIFICATION.—(1) IN GENERAL.—"; and

(B) in paragraph (2) by inserting after "(2)" the heading "PRODUCTION OF COMMODITIES.—"; and

(5) in subsection (d) by striking "(1)" and inserting the heading "TERMINATION.—(1) IN GENERAL.—".

(f) BASE HISTORY.—Section 1236 of the Act is amended—

(1) in subsection (a) by inserting after "(a)" the heading "REDUCTION WITH RESPECT TO ANNUAL PRODUCTION ADJUSTMENT PROGRAM.—";

(2) in subsection (b) by inserting after "(b)" the heading "PRESERVATION OF BASE.—"; and

(3) by adding the following new subsections:

"(c) EXTENDED BASE PROTECTION.—The Secretary shall offer the owner or operator of a farm or ranch an opportunity to extend the preservation of cropland base and allotment history pursuant to subsection (b) for up to 10 years after the expiration date of a contract under this subtitle at the request of such owner or operator. In return for such extension, the owner or operator shall agree to continue to abide by the terms and conditions of the original contract, except that—

"(1) such owner or operator shall receive no cost share, annual rental or bonus payment; and

"(2) the Secretary may permit, subject to such terms and conditions, haying and grazing of acreage placed in the conservation reserve established under this subtitle for the purpose of meeting any requirement established under this Act except during any consecutive 5 month period that is established by the State committee. Each 5 month period shall be established during the period beginning April 1 and ending October 31 of a year. In the case of a natural disaster, the Secretary may permit unlimited haying and grazing on such acreage.

"(d) VIOLATION OF TERM OR CONDITION.—In addition to any other remedy prescribed by law, the Secretary may reduce or terminate the amount of cropland base and allotment history preserved pursuant to subsection (c) for acreage with respect to which a violation of a term or condition occurs.".

SEC. 1604. TREE PLANTING INITIATIVE.

(a) TREE PLANTING INITIATIVE.—Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end of subtitle F the following new section:

"SEC. 1256. TREE PLANTING INITIATIVE.

"(a) MAINTENANCE, AFFORESTATION, AND REFORESTATION OF FOREST LANDS.—(1) POLICY.—It is the policy of the United States to—

"(A) promote the retention and management of lands currently in forest cover as forested lands;

"(B) provide for the reforestation of Federal, State, and private non-industrial forest lands following timber harvest or loss of cover due to fire, insect damage, disease or damaging weather;

"(C) encourage the reforestation of previously forested lands and the afforestation of marginal agricultural lands; and

"(D) promote the planting of trees and the proper management of existing forest lands to reduce soil erosion, improve water quality, enhance fish and wildlife habitat, and provide for the sustained production of the commodity and non-commodity resources that these lands can provide to meet the Nation's needs.

"(2) IMPLEMENTATION OF POLICY.—The Secretary is encouraged to use the following programs to accomplish the policy identified in subsection (a)(1):

"(A) The conservation reserve established under subtitle D of this title (16 U.S.C. 3831 et seq.).

"(B) The agricultural conservation program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590(g) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510).

"(C) The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) as amended.

"(D) The provisions of title XVI of the Food and Agricultural Resources Act of 1990.

"(b) AGREEMENTS WITH STATE FORESTRY AGENCIES.—The Secretary shall encourage owners and operators of cropland who enter into agreements in accordance with this section to enlist the cooperative assistance of the State forester or equivalent State official in obtaining technical and financial assistance for tree planting and maintenance activities in accordance with the provisions title XV of the Food and Agricultural Resources Act of 1990.".

(b) INDIGENOUS TREE PLANTING INITIATIVE.—(1) CONTRACT PERIOD.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended by adding the following new subsection—

"(e)(1) Except as provided in paragraph (2) and for the purpose of carrying out this subtitle, the Secretary shall enter into contracts of not less than 10, nor more than 15, years.

"(2) For the purpose of carrying out this subtitle, the Secretary may offer to owners and operators of highly erodible cropland after placement in the reserve an opportunity to extend any existing contract, or to enter into a new contract on such cropland, for a total contract term of not more than 15 years under this subtitle, if such owners or operators agree to devote such cropland to indigenous trees, shelterbelts, windbreaks, wildlife corridors, or filter strips. An owner or operator shall as a condition of entering into a contract under this paragraph participate in the Forest Resources Stewardship Program established under section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).".

(2) COST SHARE ASSISTANCE.—Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3832(b)) is amended by adding at the end the following: "In the case of contracts under this subtitle for acreage planted to indigenous trees, the Secretary shall pay not less than 50 percent and not more than 75 percent of the reasonable and necessary costs associated with establishing trees on such acreage, as determined by the Secretary, taking into consideration the amount necessary to ensure that the acreage levels planted to trees specified in section 1231 are attained. Such cost share assistance may include the costs of establishing windbreaks, shelterbelts, wildlife corridors, and filter strips and other costs incurred by such owner or operator for maintaining new tree plantings (including the cost of replanting, cultivation, nutrient needs, and disease and insect control) during the 2 to 4 year period beginning on the date the acreage is planted to trees, as determined by the Secretary. The Secretary may permit owners or operators who contract to convert at least 10 acres of land to the production of indigenous trees under this subtitle to extend the planting of such trees over a 3-year period if at least one-third of such trees are planted in each of the first 2 years. An owner or operator who receives cost-share assistance under this subsection shall not receive any other Federal cost-share assistance with respect to such land under any other provision of law.".

(c) CONVERSION OF CERTAIN ACRES.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended by adding at the end the following new subsection:

"(i) The Secretary shall permit owners and operators with contracts in effect under this subtitle on the date of enactment of this subsection to convert areas of highly erodible cropland that are planted to grass under such contract to the planting of indigenous trees. The owner or operator shall not require the Secretary, through such conversion, to incur any additional expense on such acres, including the expense involved in the original establishment of the vegetative cover, that is in excess of the average per acre indigenous tree planting expense in the same area. If the original term of contract with respect to land to be planted to indigenous trees under the previous sentence was less than 15 years, the owner or operator may extend such contract to a term of no more than 15 years.".

(d) ECONOMIC USE OPTION.—Section 1235(c) of the Food Security Act of 1985 (16 U.S.C. 3835(c)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall modify or waive a term or condition of a contract entered into under this subtitle in order to permit sustained-yield harvesting of timber or related resources by the owner or operator of such land during the last 3 years of the contract period if such owner or operator agrees to retire permanently the cropland base and allotment history applicable to such land subject to the conservation reserve contract.

"(B) The Secretary shall provide additional compensation to an owner or operator referred to in subparagraph (A) who agrees to retire permanently cropland base and allotment history, as referred to in subparagraph (A).".

SEC. 1605. NATURAL RESOURCES LOAN PROGRAM.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end of subtitle F the following new sections:

"SEC. 1257. NATURAL RESOURCES LOAN PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a natural resources loan program to encourage the alleviation of natural resource conservation problems that reduce the productive capacity of the Nation's land and water resources or that cause degradation of environmental quality.

"(b) IMPLEMENTATION.—The Secretary shall, beginning within 180 days of enactment of this Act, make loans available in cash or in kind to eligible agricultural producers for those resource conservation and environmental enhancement measures that are determined necessary by the applicable county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act in consultation with the Extension Service, the Soil Conservation Service, the applicable conservation district, and the Fish and Wildlife Service, or are included in the water quality protection plan prepared and approved under subtitle H of this Act.

"(c) TERM AND INTEREST RATE.—Loans made under this section shall be for a period not to exceed ten years at a rate of interest based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury on the date such loans are made.

"(d) LIMITATION.—The Secretary may make loans to any one producer in any fiscal year in an amount not to exceed $50,000; loans up to $25,000 in amount may be unsecured and loans in excess of $25,000 shall be secured; and the total of such unsecured and secured loans made in each fiscal year shall not exceed $100,000,000.

"(e) APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as are necessary to implement this section.

"SEC. 1258. SOIL AND WATER LOANS.

"(a) SOIL AND WATER LOAN PROGRAM.—The Secretary may provide loans for soil and water conservation and protection. The Secretary may make or insure loans under this section to farm owners or tenants who are eligible borrowers under subtitle A of title III of the Agricultural Act of 1961 for—

"(1) the installation of conservation structures, including terraces, sod waterways, permanently vegetated stream borders and filter strips, windbreaks (tree or grass), shelterbelts, and living snow fences;

"(2) the establishment of forest cover for sustained timber yield timber management, erosion control, or shelterbelt purposes;

"(3) the establishment or improvement of permanent pasture;

"(4) the conversion to and maintenance of sustainable agricultural production systems, as described by Department technical guides and handbooks;

"(5) the payment of costs of complying with section 1212 of this Act; and

"(6) other purposes consistent with plans for soil and water conservation, integrated farm management, water quality protection, and wildlife habitat improvement.

"(b) PRIORITY.—In making or insuring loans under this section, the Secretary shall give priority to producers who use such loans to build conservation structures or establish conservation practices to comply with section 1212 of this Act.

"(c) LIMITATION ON THE AMOUNT OF LOAN.—The Secretary shall make or insure no loan under this section that exceeds the lesser of—

"(1) the value of the farm or other security for such loan, or

"(2) $50,000.".

"SEC. 1606. STATE TECHNICAL COMMITTEE.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding the following new subtitle:

"Subtitle G—State Technical Committees

"SEC. 1261. ESTABLISHMENT.

"(a) IN GENERAL.—The Secretary shall establish in each State a Technical Committee to assist the Secretary in the technical considerations relating to implementation of the conservation provisions under this title.

"(b) STANDARDS.—Not later than 180 days after enactment of this section, the Secretary shall develop standards to be used by the State Technical Committee in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

"(c) COMPOSITION.—Each State Technical Committee established under subsection (a) shall be composed of professional resource managers that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. Such committee shall include such representatives as may serve from among—

"(1) the Soil Conservation Service;

"(2) the Agricultural Stabilization and Conservation Service;

"(3) the Forest Service;

"(4) the Extension Service;

"(5) the Farmers Home Administration;

"(6) the Fish and Wildlife Service;

"(7) State departments and agencies which the Secretary deems appropriate, including:

"(A) the State fish and wildlife agency;

"(B) the State forester;

"(C) the State water resources agency;

"(D) the State department of agriculture; and

"(E) the State association of soil and water conservation districts; and

"(8) other agency personnel with expertise in soil, water, wetland, and wildlife management as the Secretary determines appropriate.

"SEC. 1262. RESPONSIBILITIES.

"(a) IN GENERAL.—Each Committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title. Such information, analysis, and recommendations shall be provided in a manner that will assist the Department of Agriculture in determining

matters of fact, technical merit, or scientific question. Data, analysis, and recommendations shall be provided in writing and shall reflect the best professional information and judgment of the Committee. The Secretary shall coordinate activities conducted under this section with those conducted under section 1371 of the Food and Agricultural Resources Act of 1990.

"(b) WETLAND AND WILDLIFE HABITAT PROTECTION GUIDELINES.—(1) DEVELOPMENT OF TECHNICAL GUIDES.—Not later than one year after enactment of this section each State Technical Committee shall develop technical guides for the implementation of the Wetland Preservation and Wildlife Habitat Improvement Options of the Agricultural Water Quality Protection Programs under section 1273.

"(2) CONTENT OF GUIDES.—(A) The technical guides required under this subsection shall include detailed information on the selection of crops and crop-plant varieties, cover crops, rotation practices, tillage systems, nutrient management, biological control practices (including biologically intensive integrated pest management practices), soil, water, and natural resource conservation, and other practices useful in developing practices pursuant to such option.

"(B) The technical guides required under subsection (a) shall provide standards and practical instructions for implementation of water quality improvement, wetland protection and wildlife habitat improvement practices based on existing scientific and technical knowledge.

"(C) In consultation with the panel established under section 1314 of the Food and Agricultural Resources Act of 1990, the Secretary may enter into contracts with persons who are eligible to conduct research projects under subtitle B of title XIII of such Act to assist in the development and periodic revision of the technical guides described in this subsection.

"(c) OTHER DUTIES.—Each Technical Committee shall provide assistance and offer recommendations with respect to the technical aspects of—

"(1) wetland protection, restoration, and mitigation requirements;

"(2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive lands in the conservation reserve program;

"(3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on set-aside acreage;

"(4) highly erodible lands exemptions and appeals;

"(5) wetland and conservation compliance exemptions and appeals;

"(6) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program; and

"(7) other matters determined appropriate by the Secretary.

"(d) AUTHORITY.—Each Committee established under section 1261 is advisory and shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such Committees in administering the programs under this title, and to the factual, technical, or scientific findings and recommendations under the Committee's responsibility.".

SEC. 1607. WATER QUALITY PROTECTION.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end the following:

"Subtitle H—Water Quality Protection Program

"SEC. 1271. FINDINGS AND STATEMENT OF POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) the protection of ground water and surface water is essential for the health and well-being of rural America;

"(2) agricultural non-point and point source pollution has been identified by States as contributing to surface and ground water degradation in the United States;

"(3) the agricultural community desires to protect surface and ground water against pollution;

"(4) many existing farming practices and systems have the potential for preventing such pollution by minimizing pollutants at the source while maintaining agricultural productivity and profitability;

"(5) these farming practices and systems usually constitute the most cost-effective and environmentally-sound approach to protecting and enhancing water quality and the environment as affected by agriculture; and

"(6) State and Federal environmental laws increasingly give priority to pollution prevention to protect the environment, natural resources including wildlife, and human health.

"(b) STATEMENT OF POLICY.—The policy of Congress is that water quality protection, including source reduction of agricultural pollutants, henceforth shall be an important goal of the programs and policies of the Department of Agriculture. Furthermore, agricultural producers in environmentally sensitive areas should request assistance to develop and implement on-farm water quality protection plans in order to assist in compliance with State and Federal environmental laws and to enhance the environment.

"SEC. 1272. DEFINITIONS.

"As used in this subtitle—

"(1) AGRICULTURAL WATER QUALITY PROTECTION PRACTICE.—The term 'agricultural water quality protection practice' means a farm-level practice or a system of practices designed to protect water quality by mitigating or reducing the release of agricultural pollutants, including nutrients, pesticides, animal waste, sediment, salts, biological contaminants, and other materials, into the environment.

"(2) SOURCE REDUCTION.—The term 'source reduction' means minimizing the generation, emission, or discharge of agricultural pollutants or wastes through the modification of agricultural production systems and practices.

"SEC. 1273. AGRICULTURAL WATER QUALITY PROTECTION PROGRAM.

"(a) INCENTIVES.—(1) IN GENERAL.—During the 1991 through 1995 crop years, the Secretary shall formulate and carry out a voluntary incentive program, in accordance with this subtitle, through agreements to assist owners and operators of a farm in developing and implementing a water quality protection plan pursuant to this section.

"(2) AGREEMENTS.—The Secretary shall enter into agreements of up to 5 years upon the request of owners and operators of farms in eligible areas and shall not initiate any such agreements beyond December 31, 1995.

"(3) DUTIES OF OWNERS AND OPERATORS.—In order to receive annual incentive payments, an owner or operator of a farm must agree—

"(A) to implement a water quality protection plan approved by the Secretary subject to the agreement established under this subtitle;

"(B) not to conduct any practice on the farm specified in the approved water quality protection plan as a practice that would tend to defeat the purposes of this subtitle;

"(C) to comply with such additional provisions as the Secretary determines are desirable and are included in the agreement to carry out the water quality protection plan or to facilitate the practical administration of the program;

"(D) on the violation of a term or condition of the agreement at any time the owner or operator has control of the land to refund any incentive or cost share payment received with interest and forfeit any future such payments as determined by the Secretary; and

"(E) on the transfer of the right and interest of the owner or operator in land subject to the agreement, unless the transferee of such agrees with the Secretary to assume all obligations of the agreement, to refund any such cost-share and incentive payments received under this subtitle, as determined by the Secretary.

"(4) WETLAND OR WILDLIFE HABITAT OPTIONS.—(A) COST SHARE ASSISTANCE.—Owners and operators who voluntarily agree to develop and implement agricultural production practices, in concert with their water quality protection plan, that preserve and enhance wetland or wildlife habitat, shall also be eligible to receive cost-share assistance for the implementation of such practices. The Secretary shall develop procedures for approving such agricultural practices, as a part of the water quality protection plan, that qualify for cost-share assistance.

"(B) WETLAND PRESERVATION AND WILDLIFE HABITAT IMPROVEMENT OPTIONS.—(i) The Secretary shall encourage owners and operators who choose the wetland preservation option to implement, improve and maintain agricultural production practices, in concert with their water quality protection plan, that are designed to preserve and enhance existing wetland and to restore converted wetland to their natural state.

"(ii) The Secretary shall encourage owners and operators who choose the wildlife habitat improvement option to implement, improve and maintain agricultural production practices, in concert with their water quality protection plan, that are designed to improve on-farm wildlife habitat, including the establishment of perennial cover, the protection of riparian areas, and the creation of wildlife corridors and areas of critical habitat for endangered species.

"(5) DUTIES OF THE SECRETARY.—In return for an incentive agreement voluntarily entered into under this subtitle, the Secretary shall assist the owner or operator in the protection and improvement of surface and groundwater quality and related resources by—

"(A) providing an eligibility assessment of the farming operation as a basis for developing the water quality protection plan and any options associated with such plan;

"(B) providing technical assistance in developing and implementing agricultural water quality protection plans;

"(C) providing an annual incentive payment for developing and implementing agricultural production practices in accordance with an approved water quality protection plan submitted by the owner or operator;

"(D) providing cost share assistance for implementing the wetland preservation or wildlife habitat improvement options; and

"(E) ensuring that participants receive adequate information, education, and training to aid in implementation of a plan.

"(6) PAYMENTS.—(A) TERMS.—Payments shall be made for a period of up to 5 years,

as determined appropriate by the Secretary, as specified in the agreement entered into under this subtitle.

"(B) AMOUNTS.—(i) In determining the amount of incentive payment to be made to a participant under this subtitle, the Secretary shall consider, among other things, the amount necessary on a per acre basis to encourage producers to participate, additional costs incurred by the producer, and the production values forgone, if any, in implementing the practices.

"(ii) Cost-share payments shall be made in an amount not to exceed 50 percent of the cost of the eligible practice.

"(C) LIMITATIONS.—Payments to a participant agreeing to implement a plan on acres devoted to the production of an agricultural commodity under this subtitle shall not exceed—

"(i) $3500 per person per year in the form of incentive payments; and

"(ii) not more than an additional $1500 per person per year in the form of cost share assistance.

"(D) OTHER PROGRAMS.—Payments received by an owner or operator under this subtitle shall be in addition to, and not affect, the total amount of payments that such owner or operator is otherwise eligible to receive under this Act or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), except that payments for a practice or practices shall not be made under this subtitle if payments or assistance is provided for such practice under any other Federal program.

"(7) MODIFICATIONS.—The Secretary may modify an agreement entered into with a participant under this subtitle if the participant agrees to such modification and the Secretary determines such modifications are desirable to—

"(A) carry out this subtitle;

"(B) facilitate the practical administration of this subtitle; or

"(C) achieve such other goals as the Secretary determines are appropriate, consistent with this subtitle;

"(8) TERMINATION.—The Secretary may terminate an agreement entered into with a participant under this subtitle if—

"(A)(i) the producer agrees to such termination; or

"(ii) the producer violates the terms and conditions of the agreement; and

"(B) the Secretary determines that such termination would be in the public interest.

"(9) REFUNDS.—The Secretary shall obtain refunds of incentive and cost-share payments with interest if an agreement is terminated unless it is determined by the Secretary not to be in the public interest.

"(10) BASE AND YIELD PROTECTION.—An owner or operator agreeing to implement an approved water quality protection plan pursuant to this subtitle shall, by regulations established by the Secretary, receive program payment yield and base protection on the farm during the agreement period.

"(11) ACREAGE LEVELS.—The Secretary shall, to the extent possible, seek to enter into agreements with participants to place into the program a total of not less than 20 million acres during the 1991 through 1995 crop years.

"(b) CONTENT OF PLANS.—Agricultural water quality protection plans should include as applicable, but not be limited to—

"(1) a description of the prevailing farm enterprises, cropping patterns, and cultural practices, and other information that may be relevant to protecting water quality on the farm;

"(2) a description of farm resources, including soil characteristics, proximity to water bodies, and other relevant characteristics of the farm related to water quality;

"(3) to the extent practicable, specific, quantitative water quality protection goals and objectives that will minimize contamination or degradation of surface or ground water;

"(4) a range of water quality protection practices that will, if implemented by a producer, assist such producer in complying with State and Federal environmental laws, and where appropriate, will complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

"(5) the specific agricultural production practices that will be implemented, improved and maintained, including practices that ensure continued farm productivity and profitability by promoting the efficient use of fertilizers, other crop nutrients, and pesticides, as well as any management practices that are to be avoided, in order to carry out and achieve the water quality goals and objectives of the producer;

"(6) to the extent practicable, water quality protection practices for safe storage, mixing and loading of pesticides and fertilizers, and storage and handling of animal waste;

"(7) the timing and sequence for implementing such practices that will assist the producer in complying with State and Federal environmental laws, taking into consideration schedules that may be established in such laws; and

"(8) information that will enable the producer to evaluate the effectiveness of the plan in protecting water quality.

"(c) PLAN DEVELOPMENT.—The Secretary shall establish a procedure to enable agricultural producers to develop agricultural water quality protection plans pursuant to this section with the local Soil Conservation Service office.

"(d) PROTECTION OF CONFIDENTIALITY.—The Secretary shall protect the confidentiality of the information contained in these plans to the extent confidentiality is provided under current law to information contained in conservation plans under section 1212. The Secretary shall provide notice to producers that information contained in the plans developed under this subsection will be available to the public upon request.

"(e) PLAN APPROVAL.—The Secretary shall develop procedures for and approve water quality protection plans.

"(f) ACCEPTANCE OF CONTRACTS.—The Secretary shall begin accepting contracts within one year.

"(g) FEDERAL OR STATE PROVISIONS.—The requirements of this section are intended to supplement and support the provisions of other State and Federal laws. This section in no way replaces or substitutes for any other State or Federal laws.

"SEC. 1274. ELIGIBLE LANDS.

"(a) ELIGIBLE LANDS.—Lands eligible for enrollment in the program pursuant to section 1273 or for technical assistance pursuant to section 1275 shall include—

"(1) impaired watersheds identified by a State pursuant to section 319 of the Clean Water Act (33 U.S.C. 1329);

"(2) wellhead protection areas defined under the Safe Drinking Water Act (42 U.S.C. 300h-7);

"(3) other areas recommended by State lead agencies for environmental protection as designated by a Governor of a State; or

"(4) in consultation with the Secretary, other areas recommended by the Administrator of the Environmental Protection Agency or the Secretary of the Interior.

"(b) PRIORITY LANDS.—In accepting agreements pursuant to this section and providing assistance pursuant to section 1275, the Secretary shall give priority to lands on which agricultural production has been determined to contribute to, or creates, the potential for failure to meet applicable water quality standards or the goals and requirements of Federal or State laws governing surface and ground water quality as determined by the Secretary in consultation with State officials having responsibility for monitoring and protecting water quality.

"SEC. 1275. TECHNICAL ASSISTANCE FOR WATER QUALITY PROTECTION.

"(a) IN GENERAL.— Upon request, the Secretary shall provide technical assistance to agricultural producers on eligible lands to assist such producers in developing and implementing agricultural water quality protection plans.

"(b) FIELD OFFICE TECHNICAL GUIDES FOR WATER QUALITY PROTECTION.—(1) Development.—The Secretary shall develop handbooks and local field office technical guides describing a process to assist agricultural producers in preparing and implementing on-farm agricultural water quality protection plans necessary to assist in complying with State and Federal environmental laws, and to implement the agricultural water quality protection policy established by this subtitle.

"(2) CONTENT.—The guides required under this subsection shall reflect local agronomic, economic and ecological conditions, and include and describe in detail—

"(A) procedures to identify potential sources of pollution on a farm;

"(B) to the extent practicable, a range of water quality protection practices, and their economic cost and benefit, that is suitable to local ecological characteristics and prevailing farm enterprises and that complement conservation plans prepared for highly erodible lands under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812);

"(C) storage, mixing, and loading practices for on-farm pesticide and fertilizer use to protect water quality;

"(D) any information regarding relevant State and Federal environmental laws that may impact upon the producer;

"(E) criteria to evaluate the effectiveness of on-farm plans in protecting water quality and provide aggregate data to aid in evaluating compliance with State and Federal environmental laws; and

"(F) means to evaluate the economic costs and benefits of agricultural water quality protection practices, including source reduction practices.

"(3) DEADLINE.—Local field office technical guides shall be developed for environmentally sensitive areas no later than two years after such areas have been designated as such under State or Federal environmental law and up-dated periodically, but not less than every two years, to incorporate any improved water quality protection practices; and

"(4) CONSULTATION.—The Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and with relevant State agencies in developing handbooks and field office technical guides under this section to ensure that such handbooks and guides contain accurate and up-to-date technical information on practices designed to protect water quality.

"(c) PERSONNEL.—The Secretary shall designate the Soil Conservation Service as the

lead agency for purposes of providing technical assistance in connection with implementing this subtitle, and shall assign such personnel from the Extension Service, Agricultural Research Service, and other agencies as are necessary to fulfill the purposes of this subtitle. The Secretary may request the services of the State water quality agencies, State fish and wildlife agencies, State forestry agencies, or any other source deemed appropriate to assist in providing the technical assistance necessary for the development and implementation of the water quality protection plans.

"SEC. 1276. REPORT TO CONGRESS.

"Not later than September 30, 1992, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report describing the degree of participation in the planning process and program established in this subtitle, including the number of plans that have been prepared, any information on the number of plans that are in implementation, including the number and acreage of farms engaged in planning by type of environmentally sensitive area, any information relevant for evaluating the effectiveness of agricultural water quality plans in protecting water quality and the economic costs and benefits of the plans if implemented, and other information pertinent to implementation of this subtitle. A final report shall be submitted no later than September 30, 1994.".

SEC. 1608. WETLAND AND ENVIRONMENTAL EASEMENTS.

Title XVI of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end the following:

"Subtitle I—Wetland and Environmental Easement Program

"SEC. 1281. WETLAND AND ENVIRONMENTAL EASEMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall, during the 1991 through 1995 crop years, formulate and carry out a wetland and environmental easement program (hereafter in this subtitle referred to as the 'easement program') in accordance with this subtitle, through the acquisition of perpetual easements or easements for the maximum term permitted under applicable State law from willing owners of eligible farms or ranches in order to ensure the continued long-term protection of environmentally sensitive lands or reduction in the degradation of water quality on such farms or ranches through the continued conservation and improvement of soil and water resources.

"(b) ELIGIBLE LAND.—(1) IN GENERAL.—The Secretary may acquire easements under this section on land placed in the conservation reserve under subtitle D (other than such land that is likely to continue to remain out of production and that does not pose an off-farm environmental threat), land under the Water Bank Act (16 U.S.C. 1301), or other cropland that—

"(A) is farmed wetland;

"(B) is adjacent to wetland that is functionally dependent on such cropland;

"(C) is converted wetland converted prior to December 23, 1985, the restoration of which is deemed important by the Secretary for the protection of water quality or wildlife;

"(D) contains riparian corridors that provide a link between wetland or that is adjacent to waterways, streams, or other water bodies;

"(E) is an area of critical habitat for wildlife, especially threatened or endangered species; or

"(F) contains other environmentally sensitive areas, as determined by the Secretary, that would prevent a producer from complying with other Federal, State, or local environmental goals if commodities were to be produced on such land.

"(2) INELIGIBLE LAND.—The Secretary may not acquire easements on—

"(A) land that contains timber stands established under the conservation reserve under subtitle D; or

"(B) pasture land established to trees under the conservation reserve under subtitle D.

"(3) TERMINATION OF EXISTING CONTRACT.—The Secretary may terminate any existing contract entered into under section 1231(a) if the land that is subject to such contract is transferred into the program established by this subtitle.

"(c) ACREAGE LIMITATION.—The Secretary shall not acquire easements on more than 10 percent of the cropland in any one county and easements may be acquired only to the extent that such easements, together with lands placed in the conservation reserve under section 1231(c)(3), shall not exceed 25 percent of the cropland in any one county, except that the Secretary may exceed the limitation established by this paragraph in a county to the extent that the Secretary determines that such action would not adversely affect the local economy of such county and producers in such county are having difficulties complying with conservation plans.

"(d) NATIONAL AGRICULTURAL WETLAND RESERVE.—(1) ESTABLISHMENT.—The Secretary shall establish as a component of the easement program established under this section a national agricultural wetland reserve.

"(2) ENROLLMENT.—The Secretary shall seek to enroll 2,500,000 acres of wetland and associated areas in the national agricultural wetland reserve during fiscal years 1991 through 1995.

"(3) PRIORITY.—In establishing the national agricultural wetland reserve, the Secretary, in consultation with the Secretary of the Interior, shall place priority on acquiring easements based on the value of the easement for protecting wetland and associated areas and enhancing habitat for migratory birds and other wildlife.

"SEC. 1282. DUTIES OF OWNERS; COMPONENTS OF PLAN.

"(a) DUTIES OF OWNERS.—(1) PLAN.—In conjunction with the creation of an easement on any lands under this subtitle, the owner of the farm or ranch wherein such lands are located must agree to implement a natural resource conservation management plan approved by the Secretary in consultation with the Secretary of the Interior.

"(2) AGREEMENT.—In return for the creation of an easement on any lands under this subtitle, the owner of the farm or ranch wherein such lands are located must agree—

"(A) to the creation and recordation of an appropriate deed restriction in accordance with applicable State law to reflect the easement agreed to under this subtitle with respect to such lands;

"(B) to provide a written statement of consent to such easement signed by those holding a security interest in the land;

"(C) to comply with such additional provisions as the Secretary determines are desirable and are included in the easement to carry out this subtitle or to facilitate the practical administration thereof;

"(D) to specify the location of any timber harvesting on land subject to the easement; harvesting and commercial sales of Christmas trees and nuts shall be prohibited on such land, except that no such easement or related agreement shall prohibit activities consistent with customary forestry practices, such as pruning, thinning, or tree stand improvement on lands converted to forestry uses;

"(E) to limit the production of any agricultural commodity on such lands only to production for the benefit of wildlife;

"(F) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the easement unless specifically provided for in the easement or related agreement, nor adopt any similar practice specified in the easement or related agreement that would tend to defeat the purposes of this subtitle, as determined by the Secretary;

"(G) not to adopt any other practice specified in the easement or related agreement that would tend to defeat the purposes of this subtitle, as determined by the Secretary;

"(3) Violation on the violation of the terms or conditions of such related agreement, the owner shall have the responsibility—

"(A) to refund to the Secretary any cost share payments received by the owner under this subtitle, together with interest thereon as determined by the Secretary, if the Secretary determines that such violation warrants termination of the agreement; or

"(B) to refund to the Secretary, or accept adjustments to, cost share payments provided under this subtitle as the Secretary determines appropriate, if the Secretary determines that such violation does not warrant termination of the agreement.

"(b) COMPONENTS OF PLAN.—The natural resource conservation management plan referred to in subsection (a)(1), (hereafter referred to as the 'plan')—

"(1) shall set forth—

"(A) the conservation measures and practices to be carried out by the owner of the land subject to the easement; and

"(B) the commercial use, if any, to be permitted on such land during the term of the easement; and

"(2) shall provide for the permanent retirement of any existing cropland base and allotment history for such land under any program administered by the Secretary.

"SEC. 1283. DUTIES OF THE SECRETARY.

"In return for the granting of an easement by an owner under this subtitle, the Secretary shall—

"(1) share the cost of carrying out the establishment or reestablishment of conservation measures and practices set forth in the plan for which the Secretary determines that cost sharing is appropriate and in the public interest;

"(2) pay for a period not to exceed 10 years annual easement payments in the aggregate not to exceed the lesser of—

"(A) $250,000; or

"(B) the value of the land without an easement;

"(3) provide necessary technical assistance to assist owners in complying with the terms and conditions of the easement and the plan; and

"(4) permit the land to be used for wildlife activities, including hunting and fishing, if such use is permitted by the owner.

"SEC. 1284. PAYMENTS.

"(a) TIME OF PAYMENT.—The Secretary shall provide payment for obligations incurred by the Secretary under this subtitle—

"(1) with respect to any cost sharing obligation as soon as possible after the obligation is incurred; and

"(2) with respect to any annual easement payment obligation incurred by the Secretary as soon as possible after October 1 of each calendar year.

"(b) COST SHARING PAYMENTS.—In making cost sharing payments to owners under this subtitle, the Secretary may pay up to 100 percent of the cost of establishing, or reestablishing, conservation measures and practices pursuant to this subtitle.

"(c) EASEMENT PAYMENTS; ACCEPTABILITY OF OFFERS.—(1) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount payable to owners in the form of easement payments under this subtitle, and in making such determination may consider, among other things, the amount necessary to encourage owners to participate in the easement program.

"(2) ACCEPTABILITY OF OFFERS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

"(A) the extent to which the purposes of the easement program would be achieved on the land;

"(B) the productivity of the land; and

"(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.

"(d) FORM OF PAYMENT.—Except as otherwise provided in this section, payments under this subtitle—

"(1) shall be made in cash in such amount and at such time as is agreed on and specified in the easement or related agreement; and

"(2) may be made in advance of a determination of performance.

"(e) PAYMENTS TO OTHERS.—If an owner who is entitled to a payment under this subtitle dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

"(f) PAYMENT LIMITATION.—(1) IN GENERAL.—The total amount of easement payments made to a person under this subtitle for any fiscal year may not exceed $50,000.

"(2) REGULATIONS.—The Secretary shall issue regulations—

"(i) defining the term 'person' as used in this subsection, which shall conform, to the extent practicable, to the regulations defining the term 'person' issued under section 1001; and

"(ii) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

"(3) OTHER PAYMENTS.—Easement payments received by an owner shall be in addition to, and not affect, the total amount of payments that such owner is otherwise eligible to receive under this Act, the Food and Agricultural Resources Act of 1990, or the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(4) STATE WETLAND AND ENVIRONMENTAL ENHANCEMENT.—The provisions of this subsection that limit payments to any person, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note), shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special wetland and environmental easement enhancement program carried out by that entity that has been approved by the Secretary. The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies thereof that the Secretary determines will advance the purposes of this subtitle.

"(g) EXEMPTION FROM AUTOMATIC SEQUESTER.—Notwithstanding any other provision of law, no order issued for any fiscal year from 1991 through 2006 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902), shall affect any payment pursuant to an easement entered into under this subtitle.

"SEC. 1285. CHANGES IN OWNERSHIP.

"(a) LIMITATIONS.—No easement shall be created under this subtitle on land that has changed ownership in the year preceding the year of such acquisition unless—

"(1) the new ownership was acquired by will or succession as a result of the death of the previous owner;

"(2) the new ownership was acquired before January 1, 1990; or

"(3) the Secretary determines that the land was acquired under circumstances that give adequate assurances that such land was not acquired for the purposes of placing it in the program established by this subtitle.

"(b) MODIFICATION; TERMINATION.—(1) MODIFICATION.—The Secretary may modify an easement acquired from, or a related agreement with, an owner under this subtitle if—

"(A) the current owner agrees to such modification; and

"(B) the Secretary determines that such modification is desirable—

"(i) to carry out this subtitle;

"(ii) to facilitate the practical administration of this subtitle; or

"(iii) to achieve such other goals as the Secretary determines are appropriate and consistent with this subtitle.

"(2) TERMINATION.—(A) The Secretary may terminate an easement created with an owner under this subtitle if—

"(i) the current owner agrees to such termination; and

"(ii) the Secretary determines that such termination would be in the public interest.

"(B) At least 90 days before taking any action to terminate under paragraph (A) all easements entered into under this subtitle, the Secretary shall provide written notice of such action to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 1609. ADMINISTRATION OF CONSERVATION PROGRAMS.

(a) DEFINITIONS.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by striking "subtitles A through E:" and inserting "subtitles A through E, H, and I:".

(b) COMMODITY CREDIT CORPORATION.—Section 1241 of such Act (16 U.S.C. 3841) is amended—

(1) in subsection (a)(2), by striking "subtitle D," and inserting "subtitles D, H, and I,"; and

(2) in subsection (b), by striking "subtitles (A) through (E)" and inserting "subtitles A through E, H, and I".

(c) USE OF OTHER AGENCIES.—Section 1242 of such Act (16 U.S.C. 3842) is amended—

(1) in subsection (a), by striking "and D," and inserting "D, H, and I,";

(2) in subsection (b)(1), by striking "subtitle D," and inserting "subtitles D, H, and I,"; and

(3) in subsection (b)(2), by striking "subtitle D" and inserting "subtitles D, H, and I".

(d) ADMINISTRATION.—Section 1243 of such Act (16 U.S.C. 3843) is amended—

(1) in subsection (a), by striking "subtitles A through E" and inserting "subtitles A through E, H, and I";

(2) in subsection (c)—

(A) by striking "subtitles B through E" and inserting "subtitles B through E, and H"; and

(B) by striking "program established by subtitle D" and inserting "programs established by subtitles D and H"; and

(3) by adding the following new paragraphs:

"(d) In making determinations under this title and in conducting appeals from any determination made under this title, the Secretary shall act as expeditiously as possible but shall provide adequate safeguards to protect the interests of the persons involved in such determination.

"(e) The Secretary shall annually review the number and status of appeals pending under this title at the district, area, and state conservationist level, and shall identify those such appeals that have been pending in excess of 120 days. The Secretary shall annually report to Congress the results of such review.".

(e) REGULATIONS.—Section 1244 of such Act (16 U.S.C. 3844) is amended—

(1) by inserting "(a)" after "1244."; and

(2) by adding at the end the following:

"(b) Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue such regulations as the Secretary determines are necessary to carry out subtitles H, and I, including regulations that address, with respect to such subtitles, paragraphs (1), (2), and (3) of subsection (a).".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1245 of such Act (16 U.S.C. 3845) is amended by striking "subtitles A through E." and inserting "subtitles A through E, H, and I."

(g) MONITORING AND EVALUATION.—Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841) is further amended by adding after section 1264 the following new section:

"SEC. 1247. MONITORING AND EVALUATION.

"(a) IN GENERAL.—Not later than December 31, 1992, and each year thereafter, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a comprehensive report that evaluates, in accordance with subsection (b), the programs and policies established and operated under this title.

"(b) REQUIREMENTS.—In conducting the evaluations required under subsection (a), the Secretary shall—

"(1) assess the progress made toward the national objective of nondegradation of the soil resources through the implementation of the relevant provisions of this title, identify obstacles to the attainment of such goal, and recommend manners in which to overcome such obstacles;

"(2) perform on-site evaluations of 5 percent, or such reasonable amount as necessary to produce a statistically valid survey, of all affected acreage of—

"(A) conservation practices on highly erodible lands;

"(B) estimates of erosion reductions that may result from the implementation of conservation plans; and

"(C) the technical adequacy and feasibility of such plans; and

"(3) collect data concerning the social and economic impacts, violations, appeals, and such other matters under this title as the Secretary determines to be necessary to assess the overall impact of this title. Such data collection shall not impose an additional recordkeeping or reporting requirement on the producer.

"(c) REPORT.—The Secretary shall prepare an annual report that shall contain a summary of the results of the monitoring and evaluation conducted under this section.

SEC. 1610. OFFICE OF ENVIRONMENTAL QUALITY.

(a) ESTABLISHMENT.—There is hereby established an Office of Environmental Quality in the Department of Agriculture (hereafter in this section also referred to as the "Department"). The Office shall be under the direct authority of the Secretary of Agriculture (hereafter in this section referred to as the "Secretary").

(b) DIRECTOR.—(1) IN GENERAL.—The Office shall be administered by a Director who shall be appointed by the Secretary. The Director shall be an individual who has demonstrated technical expertise and experience in agricultural and environmental matters.

(2) POSITION AT EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Director of the Office of Environmental Quality.".

(c) STAFF.—(1) APPOINTMENTS.—The Secretary shall appoint such staff as may be necessary to assist the Director in carrying out this section. Staff shall have professional expertise in matters related to environmental quality including, but not limited to, agricultural production, water quality, wetland, wildlife conservation, soil conservation, and agricultural chemical usage.

(2) LIAISONS.—The Secretary shall request that the Administrator of the Environmental Protection Agency and the Secretary of the Interior detail, on a reimbursable basis, to the Office at least one employee of the Environmental Protection Agency and the Department of the Interior, respectively, with expertise in matters related to agriculture and environmental quality, to serve as a liaison for the Environmental Protection Agency and the Department of the Interior, respectively, with the Department of Agriculture to assist the Director in carrying out the duties of the Director under this section.

(3) ADDITIONAL STAFF.—If the Director determines that additional professional individuals are necessary to carry out the duties under this section, then, upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Office to assist the Director.

(4) APPOINTMENT DEADLINE.—The Director shall be appointed not later than 60 days after the date of enactment of this Act.

(d) DUTIES.—The Director shall assist the Secretary in developing a departmental and agency-specific environmental quality policy statement and implementation plan and an annual agricultural environmental quality report, as specified in subsection (f). The Director shall coordinate and monitor the activities of the Department regarding initiatives and programs related to environmental quality and the interpretation of departmental policies affecting environmental quality. The Director shall also be responsible for—

(1) recommending to the Secretary environmental protection goals and specific programs, initiatives, and policies that will balance the needs of production agriculture with environmental concerns;

(2) providing advice to the Secretary on the development, implementation, and review of activities of agencies of the Department to ensure consistency with the Department's environmental protection goals;

(3) coordinating environmental policies within the Department, and between the Department and other Federal agencies, regional authorities, State and local governments, land-grant and other colleges and universities, and nonprofit and commercial organizations, regarding programs and actions relating to environmental quality;

(4) serving as a coordinator for the Department's data, information, programs, and initiatives dealing with environmental quality; and

(5) developing the plans and reports required under subsection (f).

(e) COMMITTEE ON ENVIRONMENTAL QUALITY.—(1) ESTABLISHMENT.—There is established in the Department the Interagency Committee on Environmental Quality. The Committee shall—

(A) advise the Director on the policies and activities of the agencies of the Department which have an impact on environmental quality; and

(B) provide guidance to the Director on actions the Director should undertake.

(2) MEMBERSHIP.—The members of the Committee shall include the Director and the heads of the Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the Animal and Plant Health Inspection Service, the Agricultural Research Service, the Cooperative State Research Service, the Economic Research Service, the Extension Service, the Forest Service, the Farmers Home Administration, the National Agricultural Statistics Service, and other agencies within the Department deemed appropriate by the Secretary.

(3) PROCEDURES.—The Director shall serve as the chair of the Committee. The Committee shall meet at least quarterly.

(4) LIAISON.—The members of the Committee shall serve as liaisons between their agencies and the Committee.

(5) TECHNICAL INTEGRATION GROUPS.—The Director shall provide for technical integration groups to coordinate the research agendas and priorities of the Department of Agriculture, the United States Geological Survey, the Environmental Protection Agency, the National Oceanic and Atmospheric Agency, the National Fertilizer Development Center of the Tennessee Valley Authority and other appropriate Federal agencies.

(f) ENVIRONMENTAL QUALITY POLICY STATEMENT, IMPLEMENTATION PLAN, AND ANNUAL REPORT.—(1) POLICY STATEMENT.—(A) The Director shall prepare an Environmental Quality Policy Statement that identifies goals and objectives for addressing the effects of agriculture on environmental quality and is based upon an assessment, in accordance with subparagraph (B), of the current status and level of effort, in terms of staff and funding, of programs at the Department of Agriculture to evaluate, prevent, and mitigate environmental problems that may result from agricultural production subject to the approval of the Secretary. The policy statement shall be revised at least every 5 years.

(B) The assessment under subparagraph (A) shall include—

(i) detailed descriptions of the roles of the respective divisions and services of the Department;

(ii) a description of current efforts to coordinate the individual activities of each of the involved departmental agencies;

(iii) recommendations for precluding any undesirable duplication of effort within the Department and between the Department and other Federal and State programs; and

(iv) specific recommendations for new initiatives in monitoring, research, extension, and technical assistance efforts to address present and potential environmental quality problems.

The assessment may incorporate existing documents and planning processes within the Department.

(2) IMPLEMENTATION PLAN.—The Director shall prepare a plan to implement the Environmental Quality Policy Statement and to achieve the specific goals and objectives it includes, subject to the approval of the Secretary. The plan shall include an assessment of the activities of each agency to mitigate or reduce any negative effects of agricultural policies, programs, and practices under their jurisdiction on environmental quality and shall describe in detail new Departmental and agency-specific initiatives intended to achieve the goals and objectives of the policy statement. The plan shall be revised at least every 5 years.

(3) ANNUAL ENVIRONMENTAL QUALITY REPORT.—Not later than January 31, 1991, and annually thereafter, the Secretary, through the Director, shall prepare and submit an annual report to the Congress, other appropriate Federal and State agencies, and the public on the progress being made toward the goals and objectives established in the National Environmental Quality Statement. The report shall also include—

(A) a review of the environmental activities and initiatives of the Department during the preceding year;

(B) specific action taken to coordinate the environmental programs of the Department with programs of other Federal agencies and related State programs; and

(C) such recommendations as the Secretary considers appropriate regarding current or additional environmental protection programs, initiatives, or policies that will balance the needs of production agriculture while addressing environmental concerns.

(4) PRELIMINARY DRAFT.—The preliminary draft of the implementation plan required under this subsection shall be developed within 300 days after the date of the enactment of this Act and shall then be made available for public comment for a period of at least 30 days. The final report shall be submitted to the Congress, appropriate State and Federal agencies, and the public not later than one year after the date of the enactment of this Act.

SEC. 1611. INTEGRATED FARM MANAGEMENT PROGRAM OPTION.

(a) ESTABLISHMENT.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall, by regulation, establish a voluntary program, to be known as the "Integrated Farm Management Program Option" (hereafter referred to in this section as the "program"), designed to assist producers of agricultural commodities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship

practices and systems. Participants in the program under this section may plant base acres of one program commodity to a crop of another program commodity and maintain base acreage, but not receive payments unless such planted commodity is part of a resource-conserving crop.

(b) DEFINITIONS.—(1) IN GENERAL.—For purposes of this section—

(A) The term "resource-conserving crop" means legumes, legume-grass mixtures, legume-small grain mixtures, legume-grass-small grain mixtures, and alternative crops.

(B) The term "resource-conserving crop rotation" means a crop rotation that includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility and tilth, interrupts pest cycles, or conserves water.

(C) The term "farming operations and practices" includes the integration of crops and crop-plant variety selection, rotation practices, tillage systems, soil conserving and soil building practices, nutrient management strategies, biological control and integrated pest management strategies, livestock production and management systems, animal waste management systems, water and energy conservation measures, and health and safety considerations.

(D) The term "integrated farm management plan" means a comprehensive, multiyear, site-specific plan that meets the requirements of subsection (e).

(2) CROPS.—For purposes of paragraph (1)(A)—

(A) The term "grass" means perennial grasses commonly used for haying or grazing.

(B) The term "legume" means forage legumes (such as alfalfa or clover) or any legume grown for use as a forage or green manure, but not including any bean crop from which the seeds are harvested.

(C) The term "small grain" shall not include malting barley or wheat, except for wheat interplanted with other small grain crops for nonhuman consumption.

(D) The term "alternative crops" means experimental and industrial crops grown in arid and semi-arid regions that conserve soil and water.

(c) ELIGIBILITY.—To be eligible to participate in the program established by this section, a producer must—

(1) prepare and submit to the Secretary for approval an integrated farm management plan (hereafter referred to in this section as the "plan");

(2) comply with the terms and conditions of the plan, as approved by the Secretary; and

(3) keep such records as the Secretary may require.

(d) CONTRACTS.—The Secretary shall enter into contracts with producers to enroll acreage in the program. Such contracts shall be for a period of not less than 3 years, but may, at the producer's option, be for a longer period of time up to 10 years.

(e) REQUIREMENTS OF THE PLANS.—Each plan approved by the Secretary shall—

(1) specify the acreage to be enrolled in the program;

(2) describe the resource-conserving crop rotation to be implemented and maintained on such acreage during the contract period to fulfill the purposes of the program;

(3) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation described in the plan;

(4) describe the farming operations and practices to be implemented on such acreage and how such operations and practices could reasonably be expected to result in—

(A) the maintenance or enhancement of the overall productivity and profitability of the farm;

(B) the prevention of the degradation of farmland soils, the long-term improvement of the fertility and physical properties of such soils; and

(C) the protection of water supplies from contamination by managing or minimizing agricultural pollutants if their management or minimization results in positive economic and environmental benefits;

(4) comply with all Federal, State, and local requirements designed to protect soil, wetland, wildlife habitat, and the quality of groundwater and surface water; and

(5) contain such other terms as the Secretary may, by regulation, require.

(f) ADMINISTRATION; CERTIFICATION; TERMINATION.—(1) ADMINISTRATION; TECHNICAL ASSISTANCE; FLEXIBILITY; IMPLEMENTATION; DISPLACEMENT.—(A) The program shall be administered by the Secretary.

(B) In administering the program, the Secretary, in consultation with the local conservation districts, and the local conservation committee, shall provide technical assistance to producers in developing and implementing plans, evaluating the effectiveness of plans, and assessing the costs and benefits of farming operations and practices. The plans may draw on handbooks and technical guides and may also include other practices appropriate to the particular circumstances of the producer and the purposes of the program.

(C) In administering the program, the Secretary shall provide sufficient flexibility for a producer to adjust or modify the producer's plan to respond to changes in technology and farm and market conditions. Any such adjustments or modifications shall be consistent with the purposes of the program and approved by the Secretary.

(D)(i) Notwithstanding any other provision of this section, the Secretary shall implement this section in such a manner as to minimize any adverse economic effect on the agribusinesses and other agriculturally related economic interests within any county, State, or region that may result from a decrease of harvested acres due to the operation of this section. In carrying out this section, the Secretary may restrict the total amount of crop acreage that may be removed from production, taking into consideration the total amount of crop acreage that has, or will be, removed from production under other price support, production adjustment, or conservation program activities.

(ii) The Secretary shall, to the greatest extent practicable, permit producers on a farm that desire to participate in the program authorized under this section to enroll acreage adequate to maximize conservation goals on such farm and ensure economic effectiveness of the program in each individual application.

(E)(i) Any enrollment in this program of land on a farm that results in an average decrease of harvested acres on such farm in excess of 25 percent over the life of such plan as compared to current operations shall be deemed as Conservation Reserve Program acres for the purpose of applying the county limit on acres placed in the reserve.

(ii) To the extent practicable, the Secretary shall not enroll any acreage under this program to the extent that the average amount of cropland removed from production in any county under the plan developed for such acreage over the life of such plan plus the total amount of cropland removed from production in such county under—

(I) the Conservation Reserve Program authorized under section 1231 of the Food Security Act of 1985 (hereafter referred to as the "Conservation Reserve Program"); and

(II) a program authorized under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) (hereafter in this section referred to as the "Act")

would exceed 25 percent of the total commercial cropland in any such county.

(F) The Secretary shall not approve any plan that will result in the involuntary displacement of farm tenants or lessees by landowners through the removal of substantial portions of the farm from production of a commodity. In the case of any tenant or lessee who has rented or leased the farm (with or without a written option for annual renewal or periodic renewals) for a period of two or more of the immediately preceding years, the Secretary shall consider the refusal by a landlord, without reasonable cause other than simply for the purpose of enrollment in the program, to renew such rental or lease as an involuntary displacement in the absence of a written consent to such nonrenewal by the tenant or lessee.

(2) CERTIFICATION.—The Secretary shall certify compliance by producers with the terms and conditions of the plans.

(3) TERMINATION.—The Secretary may terminate a contract entered into with a producer under this program if—

(A) the producer agrees to such termination, or

(B) the producer violates the terms and conditions of such contract.

(g) PROGRAM RULES.—(1) BASE, YIELD AND PAYMENT PROTECTION.—Notwithstanding any other provision of law, the Secretary shall not, except as provided in paragraph (3), reduce crop acreage bases, farm program payment yields, or farm program payments of participants in the program as a result of their planting a resource-conserving crop as part of a resource-conserving crop rotation.

(2) ADJUSTMENTS IN ACREAGE REDUCTION REQUIREMENTS.—Notwithstanding any other provision of law, the Secretary shall make fair and equitable adjustments in acreage limitation or set-aside requirements applicable to producers participating in the program giving due consideration to crop rotation, soil and water conservation practices, and other appropriate factors resulting from the implementation of plans. If the Secretary determines that the reduction in program crop production and total crop production on a participating farm referred to in the preceding sentence will equal or exceed any reduction in crop production that occurs on the farm as a result of acreage reduction requirements in the absence of participation in the program, the Secretary shall waive or reduce the acreage limitation or set-aside requirement for the farm.

(3) HAYING AND GRAZING RESTRICTION.—The Secretary shall eliminate any program payments a producer is otherwise eligible to receive with respect to acreage enrolled in the program if such producer hays or grazes such acreage during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under the provisions of the Agricultural Act of 1949, or, if the crop planted on such acreage is a small grain, before the producer har-

vests the small grain crop in kernel form, whichever is sooner.

(4) The Secretary, only for the purpose of establishing a producer's crop acreage base under the Agricultural Act of 1949, shall make such adjustments as the Secretary determines to be fair and equitable to reflect resource-conserving crop rotation practices that were maintained by producers prior to participation in the program and to reflect such other factors as the Secretary determines should be considered, except that the total of such adjustments in any year shall not exceed the total farm program savings in the same year that would result from the implementation of plans.

(5) PAYMENT ACREAGE LIMITATION.—(A) IN GENERAL.—No producer enrolled in a resource-conserving crop rotation shall receive payments under farm programs for wheat, feed grains, rice, or cotton under the Agricultural Act of 1949 on traditionally under-planted acreage.

(B) DEFINITION.—(i) Subject to clause (ii), for the purposes of this paragraph, the term "traditionally under-planted acreage" means—

(I) the average for the 3 crops prior to the date of enactment of this Act of the acreage that is part of a producer's crop acreage base that is not planted to the program crop, less resource conservation.

(II) the portion of the crop acreage base subject to an acreage limitation program or required to be set aside for the current crop year.

(ii) In the case of producers participating in a program authorized under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B) of the Agricultural Act of 1949, the term "traditionally under-planted acreage" means 8 percent of the producer's permitted acreage.

(h) REPORTS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, not later than April 1, 1991, and each April 1 thereafter, a report describing the progress of the program that shall include—

(1) a summary and analysis of participation rates, implementation, and economic and environmental impact of the program, by geographical region, farm type, farm size, and other relevant subdivisions;

(2) a description of administration, technical assistance, and certification procedures undertaken to carry out such program; and

(3) such other information as the Secretary deems appropriate.

SEC. 1612. SOIL AND WATER ACTIVITIES.

(a) PURPOSE.—The Congress declares that an additional purpose of the Soil Conservation Service and the Extension Service is to aid in protecting and improving the quality of water.

(b) CONSERVATION PLANS.—The Secretary, when reviewing conservation plans for compliance certification, shall determine the impact that such plans may have on agriculture and water quality planning. The Soil Conservation Service shall complete this determination by January 1, 2000.

(c) ACQUISITION OF WATER INFORMATION THROUGH THE NATIONAL RESOURCES INVENTORY.—The Secretary shall determine within six months after the date of the enactment of this Act whether the national resources inventory can be modified to acquire useful information on water conditions and surface conditions that affect water quality and supply. In making this determination, the Secretary shall consider—

(1) the costs, limitations, opportunities, and capability of expanding the inventory to include water matters; and

(2) whether the natural resources inventory can be integrated with alternative sources of data on water from Federal and State agencies.

(d) ANNUAL REPORT.—The Secretary shall submit an annual report to the Committee on Agriculture of the House of Representatives and to the Committee on Agricultural, Nutrition, and Forestry of the Senate in conjunction with the report required under section 1610(f)(3) of this Act. The report shall specify the—

(1) activities and accomplishments of the Soil Conservation Service during the preceding year, including measures taken to enhance the ability of the Service to address water contamination problems;

(2) plans of the Chief for the subsequent year, including measures expected to be taken to enhance the ability of the Service to address water contamination problems; and

(3) progress made in carrying out the purpose stated in subsection (a).

SEC. 1613. COST SHARING FOR SOIL ENHANCEMENT.

(a) SOIL FERTILITY.—The first paragraph of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) is amended by adding after the words "enduring conservation (including energy conservation) and environmental enhancement measures" the following: "and other measures that enhance soil fertility and physical characteristics of the soil".

(b) PLANTING OF LEGUMES.—Section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590l) is amended by adding at the end thereof the following new subsection:

"(h) PLANTING OF LEGUMES.—(1) COST-SHARING.—The Secretary is authorized to enter into agreements with producers on farms to provide 50 percent cost-sharing assistance for the costs of establishing short-term stands of soil-building legumes and legume-grass mixtures on harvested or reduced acres when applying a resource-conserving crop rotation, except when planted on acres on which farm program payments are received.

"(2) DEFINITION.—As used in this subsection—

"(A) the term 'legumes' means forage legumes, such as alfalfa or clover, and any legume grown for use as a forage or green manure and does not include any bean crop from which the seeds are harvested;

"(B) the term 'grasses' shall include perennial grasses commonly used for haying or grazing;

"(C) 'short-term stands of soil building legumes or legume-grass mixtures' shall include those maintained for at least one full growing season, but not more than 2 years.

"(3) OTHER LAND.—Producers shall not be ineligible under this subsection solely because they plant on land eroding at rates less than the tolerable rate.

"(4) DISQUALIFICATION.—Assistance may be denied under this subsection if the local Soil Conservation Service office determines that due to the presence of soil nitrates planting of the legume will result in excessive leaching of nitrates into groundwater.

"(5) HERBICIDES.—Herbicide purchases and applications shall be ineligible for assistance under this subsection.".

SEC. 1614. EXTENSION OF GREAT PLAINS CONSERVATION PROGRAM.

Section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)) is amended—

(1) in paragraph (1)—

(A) by striking "September 30, 1991" and inserting "September 30, 2001"; and

(B) by striking "land, and (c)" and inserting "land, (c) enhancing water quality, and (d)"; and

(2) in paragraph (7) by striking "$600,000,000" and inserting "$900,000,000".

SEC. 1615. AMENDMENT TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT.

Section 3(6) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003(6)) is amended by inserting after "recreation resources of" the words "and enhance the water quality of".

SEC. 1616. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM ELIGIBILITY.

Section 1536 of the Agriculture and Food Act of 1981 (16 U.S.C. 3459) is amended by striking "two hundred and twenty-five" and inserting "450".

SEC. 1617. AMENDMENT TO THE NOXIOUS WEED ACT.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 15. MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS.

"(a) DUTIES OF AGENCIES.—Each Federal agency shall—

"(1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;

"(2) establish and adequately fund an undesirable plants management program through the agency's budgetary process;

"(3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency's jurisdiction; and

"(4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

"(b) ENVIRONMENTAL IMPACT STATEMENTS.—In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement plant control agreements, Federal agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

"(c) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—(1) IN GENERAL.—A Federal agency shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

"(2) CONTENTS OF PLAN.—A cooperative agreement entered into pursuant to paragraph (1) shall—

"(A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

"(B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

"(C) detail the means of implementing the integrated management system, define the duties of the Federal agency and the State agency in prosecuting that method and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

"(d) EXCEPTION.—This section does not require a Federal agency to carry out programs on Federal lands if there are no such

programs being implemented on State or private lands.

"(e) DEFINITIONS.—As used in this section:

"(1) COOPERATIVE AGREEMENT.—The term 'Cooperative Agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

"(2) FEDERAL AGENCY.—The term 'Federal agency' means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

"(3) FEDERAL LANDS.—The term 'Federal lands' means lands managed by or under the jurisdiction of the Federal Government.

"(4) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management systems' means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including—

"(A) education;

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

"(5) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which—

"(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling the undesirable plant species;

"(ii) scientific evidence and current technology;

"(iii) the physiology and habitat of a plant species; and

"(iv) the economic, social, and ecological consequences of implementing the program.

"(6) STATE AGENCIES.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

"(7) UNDESIRABLE PLANT SPECIES.—The term 'undesirable plants' means plant species that are classified as undesirable, noxious, exotic, injurious, or poisonous, pursuant to State or Federal law. Designation of undesirable plants under this section is limited by the Endangered Species Act, and shall not include plants indigenous to an area where control measures are to be taken under this section.

"(f) DIRECTION TO SECRETARY.—The Secretary of Agriculture shall exercise the authority granted in this Act to control the spread of undesirable plants as a result of transporting seeds or commodities to or from Federal lands.".

SEC. 1618. AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—As used in this section:

(1) ELIGIBLE LOAN.—The term "eligible loan" means loans entered into on or after January 1, 1991, with terms of not less than 10 years made by lending institutions to State trust funds to further the purposes of this section. No principal payments shall be due on such loans for the first 10 years after each is made and the principal amount shall be paid by the State trust fund at the end of the tenth year. For each such eligible loan, each State trust fund shall be entitled to receive an interest rate subsidy from the Secretary as provided in subsection (b)(2).

(2) ELIGIBLE STATE.—The term "eligible State" means any State which, on or before August 1, 1991—

(A) operates or administers a land preservation fund which invests funds in the protection or preservation of farmland for agricultural purposes; and

(B) works in coordination with the governing bodies of counties, towns, townships, villages, or other units of general government below the State level, or with private nonprofit or public organizations, to assist in the preservation of farmland for agricultural purposes.

(3) LENDING INSTITUTION.—The term "lending institution" means any Federal or State chartered bank, savings association, cooperative lending agency, or other legally organized lending agency.

(4) PROGRAM.—The term "program" means the farmland preservation program established under this section.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) STATE.—The term "State" means any State of the United States, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States.

(7) STATE TRUST FUND.—The term "State trust fund" means a trust fund or an account established by an eligible State which is used for the protection or preservation of land for agricultural purposes, primarily through the purchase of development rights, and which is approved by the Secretary to participate in the program.

(8) ALLOWABLE INTEREST RATE.—The term "allowable interest rate" refers to an interest rate which shall be the current average rate of interest which each State pays on 10-year notes or other similar obligations of the State, or a comparable interest rate as determined by the Secretary.

(b) ESTABLISHMENT OF PROGRAM BY THE SECRETARY.—

(1) IN GENERAL.—(A) The Secretary shall establish and administer a program under this section to provide Federal guarantees and interest rate assistance for loans made by lending institutions to State trust funds, for the purpose of—

(i) protecting farmland for agricultural purposes; and

(ii) assisting in the preservation of the farmland through the establishment of conservation easements and related activities.

(B) Under the program, the Secretary shall guarantee the timely payment of the principal amount and interest due on eligible loans made by lending institutions to State trust funds and shall subsidize the interest on such loans at the allowable interest rate for the first 5 years in accordance with regulations set forth under paragraph (2). Each State trust fund shall pay the rate of interest, and the principal at the end of the tenth year, as set forth in the loan agreement regarding each eligible loan.

(2) ASSISTANT TO EACH STATE TRUST FUND.—Subject to the availability of appropriations for such purpose, the Secretary shall—

(A) fully insure or guarantee each eligible loan made by lending institutions to each State trust fund under regulations issued by the Secretary; and

(B) annually pay to each State trust fund an amount calculated by applying the allowable interest rate to the amount of each loan the State trust fund receives, as determined under regulations issued by the Secretary, during each of the first 5 years after each such loan is made.

(3) REGULATIONS.—The Secretary shall issue such proposed and final regulations, in accordance with the prior public comment provisions of section 553 of title 5, United States Code, as may be necessary to carry out this program.

(d) ADMINISTRATION.—

(1) ANNUAL APPLICATIONS.—Eligible States may apply for Federal assistance under this section on an annual basis.

(2) MATCH AND MAXIMUM AMOUNT.—The total amount of any guarantees provided by the Secretary under this program shall not exceed an amount that is equal to 50 percent of the amount that each eligible State makes available for acquiring interests in land to protect and preserve important farmlands for future agricultural use but in no event shall the total Federal share exceed $10,000,000 in any fiscal year for any State.

(e) DURATION OF PROGRAM.—The program shall expire on September 30, 1995, except that any financial obligations of the Secretary entered into under this section on or before such date shall continue to be met as required by this section.

(f) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary shall issue final regulations to implement this section within 180 days after enactment of this section. This section shall take effect on October 1, 1990.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

TITLE XVII—FOOD STAMP AND RELATED PROVISIONS

SEC. 1700. SHORT TITLE; PRESUMPTION OF REFERENCE TO FOOD STAMP ACT OF 1977.

(a) SHORT TITLE.—This title may be cited as the "Mickey Leland Memorial Domestic Hunger Relief Act".

(b) REFERENCE TO FOOD STAMP ACT OF 1977.—Unless otherwise expressly provided, whenever in this title a reference is made to "the Act" or an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) or to a section or other provision of such Act.

Subtitle A—Reducing Childhood Hunger

SEC. 1701. HOUSEHOLDS WITH HIGH SHELTER EXPENSES.

(a) REMOVAL OF CAP.—The fourth sentence of section 5(e) of the Act (7 U.S.C. 2014(e)) is amended by striking ": Provided, That the amount" and all that follows through "June 30".

(b) TRANSITIONAL CAP.—Effective for the period beginning on the date of enactment of this Act through September 30, 1993, section 5(e), as amended by subsection (a), is amended by inserting after the fourth sentence "Such excess shelter expense deduction, in the twelve months ending September 30, 1991, shall not exceed $219 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $380, $312, $265, and $161 a month, respectively; in the twelve months ending September 30, 1992, shall not exceed $234 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $406, $333, $283, and $172 a month,

respectively; and in the twelve months ending September 30, 1993, shall not exceed $283 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $491, $403, $343, and $208 a month, respectively.".

SEC. 1702. BASIC BENEFIT LEVEL.

Section 3(o) of the Act (7 U.S.C 2012(o)) is amended by striking "(4) through" and all that follows through the end of the subsection and inserting the following:

"(4) on October 1, 1990, adjust the cost of such diet to reflect 103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (5) on October 1, 1991, adjust the cost of such diet to reflect 103 and one-third percent of the cost of the thrifty food plan in the preceding June (without regard to the adjustment made under clause (4)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (6) on October 1, 1992, adjust the cost of such diet to reflect 103 and two-thirds percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4) and (5)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (7) on October 1, 1993, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5) and (6)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (8) on October 1, 1994, and on every October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5), (6), (7) or this clause), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size: Provided: That, in adjusting the cost of such diet in Alaska and Hawaii to reflect the cost of the thrifty food plan in the preceding June, the Secretary shall, in any year in which the cost of the thrifty food plan in June is not available for Alaska and Hawaii, use the average cost of such plan in Alaska and Hawaii, respectively, for the six-month period ending in June, adjusted by a percentage equal to the average percentage difference, for all years in which the monthly cost of the thrifty food plan is available for Alaska and Hawaii, between the cost of such plan in June and the average of the monthly cost of such plan for the six-month period ending in June.".

SEC. 1703. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.

Section 8(c)(2) of the Act (7 U.S.C. 2017(c)(2)) is amended in subparagraph (B) by inserting after "following any period" the phrase "of more than one month in".

SEC. 1704. EMERGENCY FOOD FOR DISASTER VICTIMS.

Section 5(h) of the Act (7 U.S.C. 2014(h)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall provide, by regulation, for emergency allotments to eligible households to replace food destroyed in a disaster; such regulations shall provide for replacement of the value of food actually lost up to a limit approved by the Secretary not greater than the applicable maximum monthly allotment for the household size. The Secretary shall adjust reporting and other application requirements to be consistent with what is practicable under actual conditions in the affected area. In making this adjustment, the Secretary shall consider the availability of the State agency's offices and personnel and any damage to or disruption of transportation and communication facilities.".

SEC. 1705. CLOTHING ALLOWANCES AND GENERAL ASSISTANCE VENDOR PAYMENTS.

(a) CLOTHING ALLOWANCES.—Section 5(d)(5) of the Act (7 U.S.C. 2014(d)(5)) is amended by inserting after "household" the following: "and any allowance a State agency provides no more frequently than annually to families with children on the occasion of those children's entering or returning to school or child care for the purpose of obtaining school clothes".

(b) GENERAL ASSISTANCE VENDOR PAYMENTS.—(1) Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended to read as follows:

"(B) a benefit payable to the household for housing expenses, not including energy or utility-cost assistance, under—

"(i) a State or local general assistance program; or

"(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).".

(2) Section 5(k)(2) of the Act (7 U.S.C. 2014(k)(2)) is amended—

(A) in subparagraph (G), by deleting "Secretary." and inserting "Secretary; or"; and

(B) by adding at the end thereof a new subparagraph:

"(H) assistance provided to a third party on behalf of a household under a State or local general assistance program, or another local basic assistance program comparable to general assistance (as determined by the Secretary), if, under State law, no assistance under such program may be provided directly to the household in the form of a cash payment.".

SEC. 1706. PARTICIPANTS IN DEMONSTRATION PROJECTS.

Section 17(b)(1) of the Act (7 U.S.C. 2026(b)(1)) is amended by inserting "(A)" after "(b)(1)" and adding at the end:

"(B) No waiver or demonstration program shall be approved under this Act after the date of enactment of the Food and Agricultural Resource Act of 1990 unless—

"(i) any household whose food assistance is issued in a form other than coupons has its allotment increased to the extent necessary to compensate for any State or local sales tax that may be collected in all or part of the area covered by the demonstration project or such tax is waived on purchases of food by any such household; and

"(ii) the State agency conducting such demonstration project pays the cost of such increased allotments, unless the Secretary determines on the basis of information provided by the State agency that such increase is unnecessary on the basis of the limited nature of the items subject to such State or local sales tax. The foregoing sentence shall not apply where the waiver or demonstration project already provides a household with assistance that exceeds that which the household would otherwise be eligible to receive by more than the estimated amount of any sales tax on the purchases of food that would be collected from the household in the project area in which the household resides.".

SEC. 1707. ALTERNATIVE METHOD OF ISSUANCE.

(a) ELECTRONIC BENEFIT TRANSFER.—Section 7 of the Act (7 U.S.C. 2016) is amended by adding at the end the following new subsection:

"(i)(1)(A) Any State agency may, with the approval of the Secretary, implement an on-line electronic benefit transfer system in which household benefits determined under section 8(a) are issued from and stored in a central data bank and electronically accessed by household members at the point-of-sale.

"(B) No State agency may implement or expand an electronic benefit transfer system without prior approval from the Secretary.

"(2) The Secretary shall issue final regulations effective no later than April 1, 1992 that establish standards for the approval of such a system. The standards shall include but not be limited to—

"(A) determining the cost-effectiveness of the system to ensure that its operational cost, including the pro-rata cost of capital expenditures, does not exceed, in any one year, the operational cost of issuance systems in use prior to the implementation of the on-line electronic benefit transfer system,

"(B) defining the required level of recipient protection regarding privacy, ease of use, and access to and service in retail food stores,

"(C) the terms and conditions of retailer and financial institution participation,

"(D) system security,

"(E) system transaction interchange, reliability and processing speeds,

"(F) financial accountability,

"(G) the required testing of system operations prior to implementation, and

"(H) the analysis of the results of system implementation in a limited project area prior to expansion.

"(3) In the case of systems described in paragraph (1) in which participation is not optional for households the Secretary shall not approve such a system unless—

"(A) a sufficient number of eligible retail food stores, including those stores able to serve minority language populations, have agreed to participate in the system throughout the area in which it will operate to ensure that eligible households will not suffer significant reduction in their choice of retail food stores or a significant increase in the cost of food or transportation to participating food stores; and

"(B) any special equipment necessary to allow households to purchase food with the benefits issued under this Act is operational at all registers or check-out lines in each participating store.

"(4) Administrative costs incurred in connection with activities under this subsection shall be eligible for reimbursement in accordance with section 16, subject to the limitations in section 16(g).".

(b) CONFORMING AND TECHNICAL AMENDMENT.—Section 17(f) of the Act (7 U.S.C. 2026(f)) is amended by striking "(f)(1)" and inserting "(f)".

SEC. 1708. IMPROVING ASSISTANCE TO THE HOMELESS.

(a) DEFINITION OF MEALS.—Section 3(g)(9) of the Act (7 U.S.C. 2012(g)(9)) is amended by striking "a public" and all that follows through the end and inserting "private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices.".

(b) CONFORMING CHANGE.—Section 11002(f) of the Homeless Eligibility Clarification Act (7 U.S.C. 2012 note) is amended in paragraph (3) by striking "subsection (b)" and inserting "subsections (a) and (b)".

SEC. 1709. REDUCED PAPERWORK FOR HOMELESS HOUSEHOLDS.

Section 11(e)(3)(E) of the Act (7 U.S.C. 2020(e)(3)(E)) is amended by inserting before the final semicolon the following:

". In certifying households in which all members are homeless individuals, the State agency shall calculate the excess shelter deduction provided in section 5(e) on the basis of reported expenses for shelter except where the household's report is questionable. Under rules prescribed by the Secretary, State agencies may develop standard estimates of the shelter and related expenses homeless households may reasonably be expected to incur and may certify households based on expenses that do not exceed this estimate.".

Subtitle B—Promoting Self-sufficiency

SEC. 1711. CHILD SUPPORT.

Section 5 of the Act (7 U.S.C. 2014), as amended by sections 1701, 1704, and 1705 of this Act, is further amended—

(1) in clause (13) of subsection (d)—

(A) by striking "at the option" and all that follows through "subsection (m)," and inserting "(A)"; and

(B) by adding at the end the following:

"and (B) the first $50 of any child support payments for such month received in that month, and the first $50 of child support payments for each prior month received in that month if such payments were made by the absent parent in the month when due,"; and

(2) by striking subsection (m).

SEC. 1712. LIMITATION ON RESOURCES.

(a) INCREASE IN LIMITS.—Section 5(g) of the Act (7 U.S.C. 2014(g)) is amended by—

(1) inserting "(1)" after "(g)";

(2) inserting "(2)" after the first sentence; and

(3) striking "$4,500" and inserting the following: "a level set by the Secretary, which shall be $4,500 through December 31, 1991, $4,750 from January 1, 1992, through September 30, 1992, $5,000 for fiscal year 1993, $5,250 for fiscal year 1994, and $5,500 for fiscal year 1995, and which shall be adjusted on October 1, 1995, and on each October 1 thereafter, to reflect changes in the index determined by the Secretary to be most reasonable".

(b) DEMONSTRATION PROJECTS.—Section 17 of the Act (7 U.S.C. 2026) is amended by adding at the end the following new subsection:

"(h) The Secretary shall conduct a sufficient number of demonstration projects to evaluate the effects, in both rural and urban areas, of counting the fair market value of licensed vehicles to the extent the value of each vehicle exceeds $4,500, but excluding the value of—

"(1) any licensed vehicle that is used to produce earned income, necessary for transportation of an elderly or physically disabled household member, or used as the household's home; and

"(2) one licensed vehicle used to obtain, continue, or seek employment (including travel to and from work), used to pursue employment-related education or training, or used to secure food or the benefits of the food stamp program.".

SEC. 1713. STATE OPTION TO REDUCE UNNECESSARY PAPERWORK.

Section 6(c) of the Act (7 U.S.C. 2015(c)) is amended—

(1) in paragraph (2)(C), by striking "forms approved by the Secretary" and inserting "State agency designed forms"; and

(2) in the first sentence of paragraph (3) by striking ", in accordance with standards prescribed by the Secretary, they contain sufficient information to enable the State agency to determine household eligibility and allotment levels" and inserting "they contain the information relevant to eligibility and benefit determinations that is specified by the State agency".

SEC. 1714. COMBINED HOUSEHOLDS.

Section 6(d)(1) of the Act (7 U.S.C. 2015(d)(1)) is amended by inserting after the first sentence "The State agency shall allow the household to select an adult parent of children in the household as its head where all adult household members making application agree to such selection.".

SEC. 1715. EMPLOYMENT AND TRAINING PROGRAM EXPANSION.

(a) LITERACY TRAINING.—Section 6(d)(4)(B)(v) of the Act (7 U.S.C. 2015(d)(4)(B)(v)) is amended by inserting "and literacy," after "basic skills".

(b) EXPANDING STATE FLEXIBILITY.—Section 6(d)(4)(E) of the Act (7 U.S.C. 2015(d)(4)(E)) is amended by inserting at the end "Through September 30, 1995, four States may, upon application to the Secretary, give priority in the provision of services to voluntary participants, including both exempt and nonexempt participants, but giving such priority shall not excuse the State from compliance with the performance standards issued under subparagraphs (K) and (L), and the Secretary may, at the Secretary's discretion, approve additional States' requests to give such priority if the Secretary reports to the Congress on the number and characteristics of voluntary participants under this authority and such other information as the Secretary determines to be appropriate.".

(c) PROGRAMS THAT FOCUS ON SELF-EMPLOYMENT OPPORTUNITIES.—(1) AUTHORIZATION FOR PROGRAMS.—Section 6(d)(4)(B) of the Act (7 U.S.C. 2015(d)(4)(B)) is amended—

(A) by redesignating clause (vi) as clause (vii); and

(B) by inserting after clause (v) the following new clause:

"(vi) Programs designed to increase the self-sufficiency of recipients through self-employment, including programs that provide instruction for self-employment ventures.".

(2) EXEMPTION FOR RESOURCES USED IN PROJECTS.—The third sentence of section 5(g) of the Act (7 U.S.C. 2014(g)), as amended by section 1712, is further amended by inserting before the period "and non-liquid resources necessary to allow the household to carry out a plan for self-sufficiency approved by the State agency as constituting adequate participation in an employment and training program under section 6(d)(4)(B)(vi)".

(d) EXPENSES FOR JOB SEARCH AND OTHER EMPLOYMENT AND TRAINING ACTIVITIES.—(1) REIMBURSEMENTS TO PARTICIPANTS.—Section 6(d)(4)(I)(i)(I) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking "$25" and inserting "$75".

(2) REIMBURSEMENTS TO STATE AGENCIES.—Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)) is amended by striking "$25" and all that follows through "dependent care costs)" and inserting "the payment made under section 6(d)(4)(I)(i)(I) but not more than $75 per participant per month.".

SEC. 1716. EMPLOYMENT AND TRAINING ALLOCATIONS.

(a) Section 16(h)(1) of the Act (7 U.S.C. 2025(h)(1)) is amended to read as follows:

"(h)(1)(A) The Secretary shall allocate among the State agencies in each fiscal year, from funds appropriated for such fiscal year under section 18(a)(1), the amount of $75,000,000 for each of the fiscal years 1991 through 1995 to carry out the employment and training program under section 6(d)(4), except as provided in paragraph (3), during such fiscal year.".

(b) Section 16(h) of the Act (7 U.S.C. 2025(h)) is amended by adding at the end of paragraph (1) the following new subparagraphs:

"(B) The Secretary shall allocate among the States for fiscal years 1991 through 1995 that portion of funds required to be allocated under paragraph (A) that is not based on State agency performance based upon the ratio of the number of individuals eligible to register for work under section 6(d)(4) in each State divided by the total number of such persons in all States.

"(C) In addition to the funds required to be allocated under subparagraph (A), the Secretary shall allocate $10,000,000 for each of the fiscal years 1991 through 1995 among States that would have received in any such year, under the allocation formula utilized in fiscal year 1990, an amount of funds under subparagraph (A), other than funds based on State agency performance, that exceeds the amount that such States receive under the allocation formula required by subparagraph (B), in order to maintain the level of such nonperformance funding provided to such States at the levels provided in fiscal year 1990.".

SEC. 1717. HELPING LOW-INCOME STUDENTS ACHIEVE SELF-SUFFICIENCY.

(a) ELIGIBILITY FOR LOW-INCOME STUDENTS.—Section 6(e) of the Act (7 U.S.C. 2015(e)) is amended to read as follows:

"(e) No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if that individual is enrolled at least half time in an institution of higher education unless such individual—

"(1) is under age 18 or is age 50 or older;

"(2) is not physically and mentally fit;

"(3) is assigned to or placed in an institution of higher education through or in compliance with the requirements of a program under the Job Training Partnership Act, an employment and training program under this section, a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296), or another program for the purpose of employment and training operated by a State;

"(4) is employed a minimum of 20 hours per week or participating in a State or federally financed work study program during the regular school year;

"(5) is a parent with responsibility for the care of a dependent child under age 6 or a parent with responsibility for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable such individual to attend class and satisfy the requirements of paragraph (4);

"(6) is receiving aid to families with dependent children under part A of title IV of the Social Security Act;

"(7) is so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act or its successor programs; or

"(8) is enrolled full-time in an institution of higher education, as determined by such institution, and is a single-parent with responsibility for the care of a dependent child under age 12.".

(b) TREATMENT OF EDUCATIONAL EXPENSES.—Section 5(d) of the Act (7 U.S.C. 2014(d)), as

amended by sections 1705 and 1711, is further amended—

(1) in paragraph (3)—

(A) by inserting "(A)" after "the like", and

(B) by striking "at an institution" and all that follows through "handicapped, and", and inserting the following: "(including the rental or purchase of any equipment, materials, and supplies required to pursue the course of study involved) at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof, (B) to the extent that they do not exceed the amount made available as an allowance determined by such school, institution, or program, for books, supplies, transportation, and other miscellaneous personal expenses (other than living expenses), of the student incidental to attending such school, institution, or program, and (C)";

(2) in the proviso to clause (5)—

(A) by inserting "and" after "1988),";

(B) by striking "non-Federal"; and

(C) by striking "and no portion of any Federal" and all that follows through "mandatory school fees,"; and

(3) in paragraph 7—

(A) by striking "a student" and inserting "an elementary or secondary student"; and

(B) by striking "his eighteenth birthday" and inserting "the age of nineteen".

(c) CLARIFYING AND TECHNICAL AMENDMENT.—Section 5(e) of the Act (7 U.S.C. 2014(e)), as amended by section 1701, is further amended in the fourth sentence by inserting after "third party" the phrase: ", amounts made available and excluded for such expenses under subsection (d)(3),".

SEC. 1718. FAMILIES IN TRANSITIONAL HOUSING.

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)), is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless in an amount equal to 50 percent of the maximum shelter allowance provided to families not residing in such transitional housing under the States' plan for aid to families with dependent children approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or".

Subtitle C—Simplifying Program Administration

SEC. 1721. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting ". Parents and their minor children who live together and spouses"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

SEC. 1722. AFDC/FOOD STAMP SIMPLIFICATION

Section 17 of the Act (7 U.S.C. 2026), as amended by sections 1706, 1707, and 1712, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary shall conduct 5 demonstration projects, in both urban and rural areas, under which households in which each member receives benefits under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (hereafter in this subsection referred to as 'eligible households') shall be issued monthly allotments following the rules and procedures of programs under part A of title IV of the Social Security Act, and without regard to the eligibility, benefit, and administrative rules established under this Act other than those terms and conditions specified under this subsection or established by the Secretary to ensure program integrity.

"(2) In carrying out such demonstration projects, the Secretary shall ensure that—

"(A) The provisions of sections 6(b), 6(d)(2), and 11(e)(1)(B), (3), (4), and (9), the first sentence of section 6(c), the third sentence of section 3(i), and all applicable provisions of this Act dealing with the treatment of homeless and migrant and seasonal farm worker households shall apply.

"(B) Assistance under the food stamp program shall be furnished to all eligible households who make application for assistance by providing any information that is needed by the State agency to determine the correct monthly allotment and that has not been provided as part of the household's application for assistance under part A of title IV of the Social Security Act.

"(C) Eligible households' monthly allotments shall be calculated under the provisions of section 8(a), except that a household's income shall be determined in accordance with subparagraphs (D) and (E) of this paragraph. Such allotments shall be provided retroactive to the date of application.

"(D) For purposes of determining monthly allotments under this subsection, household income shall be the benefit provided under part A of title IV of the Social Security Act and the amount used to determine the household's benefit under such part (not including any amount disregarded for dependent care expenses), except that such amount shall be calculated without regard to the provisions of section 402(a)(7)(C) of such Act (42 U.S.C. 602(a)(7)(C)) and shall not include nonrecurring lump-sum income and income deemed or allocated to the household under provisions of such part.

"(E) In computing household income for purposes of determining monthly allotments, all eligible households shall be allowed the standard, earned income, excess shelter, and medical expense deductions provided under section 5(e) in lieu of any earned income disregards provided under section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)). Alternatively, the Secretary may approve demonstration projects under which households without earned income are allowed such standard, excess shelter, and medical expense deductions, and household income for households with earned income is computed using the earned income disregards provided under section 402(a)(8) of the Social Security Act to the extent that the Secretary determines they are consistent with the purposes of the demonstration projects required under this subsection.

"(F) Uninterrupted food stamp assistance shall be provided to households who become ineligible to receive such assistance under this subsection but are determined otherwise eligible for food stamp assistance and to households receiving food stamp assistance other than under this subsection who are determined eligible under this subsection.

"(G) Any other requirements and administrative procedures equivalent to those applicable under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) may be used in implementing the demonstration projects required under this subsection, if the Secretary determines that such requirements or procedures further the purposes of this subsection and do not undermine program integrity.

"(3) Demonstration projects established under this subsection may be carried out during the period beginning October 1, 1990, and ending September 30, 1994. In establishing such projects, the Secretary shall solicit proposals from, and consult with, interested State and local agencies and shall consult with the Secretary of Health and Human Services on waivers of Federal rules under part A of title IV of the Social Security Act that would assist in carrying out the projects required under this subsection.

"(4) No later than March 1, 1995, the General Accounting Office and the Secretary shall submit reports to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate evaluating the results of the demonstration projects established under this subsection, including evaluations of the effects on recipients and administrators.".

SEC. 1723. SIMPLIFYING RESOURCE AND ELIGIBILITY DETERMINATIONS.

Section 5 of the Act (7 U.S.C. 2014), as amended by sections 1701, 1704, 1705, 1711, 1712, 1715, 1717, and 1718, is further amended—

(1) in subsection (g) by adding at the end the following new sentence: "The Secretary shall promulgate rules by which State agencies shall develop standards for identifying kinds of resources that, as a practical matter, the household is unlikely to be able to sell for any significant return because the household's interest is so slight or because the cost of selling the household's interest would be so great. Resources so identified shall be excluded as inaccessible resources."; and

(2) in subsection (j)—

(A) by striking "a household in which all members of the household receive" and inserting "the resources of a household member who receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1382 et. seq.) or who receives"; and

(B) by striking "have satisfied the resource limitations prescribed under subsection (g)" and inserting "be exempt for purposes of satisfying the resource limitations prescribed under subsection (g) of this section if such resources are considered exempt for purposes of such title".

SEC. 1724. SIMPLIFIED APPLICATION SIGNING REQUIREMENTS.

Section 11(e)(2) of the Act (7 U.S.C. 2020(e)(2)), is amended by striking "One adult member of a household that is applying for a coupon allotment shall be required to certify in writing, under penalty of perjury, the truth of the information contained in the application for the allotment." and inserting "The State agency shall require that an adult representative of each household that is applying for food stamp benefits shall certify in writing, under penalty of perjury, that the information contained in the application is true and that all members of the household are either citizens or are aliens eligible to receive food stamps under section 6(f). The signature of such adult under this section shall be deemed sufficient to comply with any provision of Federal law requiring household members to sign the application or statements in connection with the application process.".

SEC. 1725. CATEGORICAL ELIGIBILITY FOR RECIPIENTS OF STATE GENERAL ASSISTANCE.

Section 5(a) of the Act (7 U.S.C. 2014(a)) is amended in the second sentence—

(1) by striking "or aid" and inserting "aid"; and

(2) by inserting before "shall be eligible" the following: "or a State general assistance program that the Secretary certifies serves a population appropriate to be categorically eligible for assistance under this Act,".

SEC. 1726. FRAUD CLAIMS REPAYMENT.

Section 13(b)(1)(A) of the Act (7 U.S.C. 2022(b)(1)(A)) is amended by striking "thirty" in the last sentence and inserting "10".

SEC. 1727. COMMISSION ON COORDINATION OF FAMILY SUPPORT AND FOOD STAMP POLICIES.

(a) APPOINTMENT AND MEMBERSHIP OF COMMISSION.—There is hereby established a Commission on the Coordination of Family Support and Food Stamp Policies (hereafter in this section referred to as the "Commission"), consisting of 15 members as follows:

(1) The Secretary of Health and Human Services.

(2) The Secretary of Agriculture.

(3) Two Members of the Senate, one selected by the Majority Leader of the Senate and the other by the Minority Leader of the Senate.

(4) Two Members of the House of Representatives, one selected by the Speaker of the House and the other by the Minority Leader of the House.

(5) Two State Governors, one selected jointly by the Speaker of the House and the Majority Leader of the Senate and the other selected jointly by the Minority Leader of the House and the Minority Leader of the Senate.

(6) Seven other members, including State and local officials responsible for administering the family support and food stamp programs, representatives of welfare advocacy organizations, and individuals with demonstrated expertise in welfare policy, to be selected jointly by the Speaker of the House and the Majority Leader of the Senate in consultation with the Minority Leader of the House and the Minority Leader of the Senate.

(b) PURPOSE.—It shall be the purpose of the Commission—

(1) to study and consider the policies and definitions being implemented or used (under law or administrative practice) in the administration of the family support program under part A of title IV of the Social Security Act and the food stamp program under the Act;

(2) to identify the policies and definitions being implemented or used under each such program that are inconsistent or in conflict with those being implemented or used under the other and to identify those policies and practices implemented or used under each program that result in barriers to the participation of needy persons in those programs; and

(3) to make recommendations for developing common policies and definitions for use under both programs that would eliminate such inconsistency, conflict and barriers to participation to the maximum extent possible in a manner consistent with the protective purposes of the programs.

(c) REPORT.—The Commission shall submit to the President and the Congress within one year after the date of the enactment of this Act a full and complete report on its study under this section, including its recommendations for such legislative, administrative, and other actions as may be considered appropriate.

(d) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1728. DEPENDENT CARE EXPENSES.

(a) INCREASE IN AMOUNT.—Section 5(e) of the Act (7 U.S.C. 2014(e)), as amended by sections 1701 and 1717 is amended in clause (1) of the fourth sentence—

(1) by striking "$160 a month for each dependent" and inserting "$200 a month for each dependent child under age 2 and $175 a month for each other dependent"; and

(2) by striking ", regardless of the dependent's age,".

(b) MAXIMUM.—(1) Section 6(d)(4)(I)(i)(II) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(II)) is amended by striking "reimbursements exceed $160" and all that follows through the end and inserting "reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed the limit established by the State agency under this paragraph (which limit shall not be less than the limit for the dependent care deduction under section 5(e))."

(2) Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)), as amended by section 1715, is further amended by striking "representing $160 per month per dependent" and inserting "equal to the payment made under section 6(d)(4)(I)(i)(II) but not more than the applicable local market rate".

SEC. 1729. STATE FLEXIBILITY IN BUDGETING METHODS.

(a) BUDGETING INCOME AND PROMPT ADJUSTMENT OF BENEFITS.—Section 5(f) of the Act (7 U.S.C. 2014(f)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2)(A) Except as provided in subparagraphs (B), (C), and (D), households shall have their incomes calculated on a prospective basis, as provided in paragraph (3)(A), or, at the option of the State agency, on a retrospective basis, as provided in paragraph (3)(B).

"(B) In the case of the first month, or at the option of the State, the first and second months in a continuous period in which a household is certified, the State agency shall determine eligibility and the amount of benefits on the basis of the household's income and other relevant circumstances in such period.

"(C) Households specified in section 6(c)(1)(A) (i), (ii), and (iii) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(D) Except as provided in subparagraph (B), households required to submit monthly reports of their income and household circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B).";

and

(2) in paragraph (3)(B)—

(A) by inserting "(i)" after the subparagraph designation;

(B) by striking the last sentence and inserting the following sentence: "No household shall have its food stamp allotment for any month based upon income received in two or more separate months under titles IV or XVI of the Social Security Act or a state or local general assistance program."; and

(C) by adding at the end the following new clause:

"(ii) The State shall establish and implement a procedure for the prompt adjustment of benefits for households suffering a severe hardship. This procedure shall provide that households not required to submit monthly reports of their income and circumstances under section 6(c)(1), whose income is calculated on a retrospective basis, as provided in this subparagraph, and who report (I) an increase in household size, (II) a decrease of $50 or more in household income not excluded under subsection 5(d), or (III) an increase of $50 or more in shelter costs, dependent care costs, or medical costs, shall receive benefits that reflect the reported change not later than the first monthly allotment issued to the household 10 or more days after the report of the change. If the first monthly allotment issued to the household after the report of the change is scheduled to be issued less than 10 days after the report of the change, a supplementary allotment shall be issued not later than the tenth day of the month following the report of the change.".

(b) MINIMUM CERTIFICATION PERIOD.—Section 3(c)(2) of the Act (7 U.S.C. 2012(c)(2)) is amended by inserting after "persons, or" the following: "(except in the case of households in which all members are homeless individuals)".

(c)(1) EFFECTIVE DATE OF STATE OPTIONS.—The amendments made by subsection (a)(1) of this section shall be effective on October 1, 1988.

(2) EFFECTIVE DATE OF NEW REQUIREMENTS.—The amendments made by subsection (a)(2) and subsection (b) of this section shall be effective on October 1, 1990, except that no State agency shall be required to implement such amendments prior to the first day of the first month beginning at least 120 days after the date of enactment of this Act.

(3) STATES IMPLEMENTING PRIOR LAW.—Any errors committed in cases as a result of a State agency's good faith implementation of the provisions of law amended by subsection (a)(1) shall be disregarded under section 16(c) of the Act (7 U.S.C. 2025(c)) for purposes of establishing any error rate under such subsection for the period between October 1, 1988, and the first day of the first month beginning at least 120 days after the date of enactment of this Act.

SEC. 1730. ENHANCED WAIVER AUTHORITY FOR DEMONSTRATION PROJECTS.

Section 17(b) of the Act (7 U.S.C. 2026(b)) is amended by—

(1) in the second sentence of paragraph (1), inserting after "eligible households" the following: "or a project authorized under paragraph (3) of this subsection";

(2) inserting at the end a new paragraph (3) to read as follows:

"(3)(A) The Secretary may conduct demonstration projects to test improved consistency or coordination between the food stamp employment and training program and the Job Opportunities and Basic Skills program under title IV of the Social Security Act. Notwithstanding paragraph (1), the Secretary may, as part of a project authorized under this paragraph, waive requirements under section 6(d) to permit a State to operate an employment and training program for food stamp recipients on the same terms and conditions under which the State operates its Job Opportunities and Basic Skills program for recipients of aid to families with dependent children under part F of title IV of the Social Security Act, and any work experience program conducted as part of such project shall be conducted in conformity with section 482(f) of part F of title IV of such Act. A State seeking such a waiver shall provide assurances that the resulting employment and training program shall meet the requirements of sections 402(a)(19) and 402(g) of part A of title IV of the Social

Security Act (but not including the provision of transitional benefits under sections 402(g)(1)(A) (ii) through (vii)) and sections 481-487 of part F of title IV of such Act, and each reference to 'aid to families with dependent children' in those sections shall be deemed to be a reference to food stamps for purposes of the demonstration project. Notwithstanding the other provisions of this paragraph, participation in an employment and training activity in which food stamp benefits are converted to cash shall occur only with the consent of the participant.

"(B) For the purposes of any project conducted under this paragraph, the provisions of this Act affecting the rights of recipients may be waived to the extent necessary to conform to the provisions of section 402 of part A and sections 481-487 of part F of title IV of the Social Security Act. At least 60 days prior to granting final approval of a project under this paragraph, the Secretary shall publish the terms and conditions for any demonstration project conducted under the paragraph for public comment in the Federal Register and shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Waivers may be granted under this paragraph to conduct projects at any one time in a total of up to 60 project areas (or parts of project areas), as such areas are defined in regulations in effect on January 1, 1990.

"(C) A waiver for a change in program rules may be granted under this paragraph only for a demonstration project that has been approved by the Secretary, is being evaluated by the Secretary, and that will be in operation for no more than 4 years.".

Subtitle D—Hunger in Rural America

SEC. 1731. SIMPLIFIED ISSUANCE PROCEDURES IN RURAL AREAS.

Section 11(e) of the Act (7 U.S.C. 2020(e)), as amended by sections 1709 and 1724 of this Act, is further amended—

(1) in paragraph (23) by striking the final "and";

(2) in paragraph (24) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(25) a procedure for designating project areas or parts of project areas that are rural and in which low-income persons face substantial difficulties in obtaining transportation. The State agency shall designate such areas according to procedures approved by the Secretary, and in each area so designated the State agency shall provide for the issuance of coupons by mail to all eligible households in any such area, except that any household with mail losses exceeding levels established by the Secretary shall not be entitled to such a mailing and the State agency shall not be required to issue coupons by mail in those localities within such area where the mail loss rates exceed standards set by the Secretary.".

SEC. 1732. FLEXIBILITY FOR STATE INFORMATIONAL ACTIVITIES.

(a) OPTIONAL INFORMATIONAL ACTIVITIES.—Section 11(e)(1)(A) of the Act (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "(including those activities allowed under regulations issued under this Act in effect on June 1, 1981)" after "stamp program".

(b) ADMINISTRATIVE COSTS.—Section 16(a)(4) of the Act (7 U.S.C. 2025(a)(4)) is amended by inserting "and assistance to households" after "informational activities".

SEC. 1733. VEHICLES NECESSARY TO CARRY FUEL OR WATER.

Section 5(g) of the Act (7 U.S.C. 2014(g)), as amended by sections 1712, 1715, and 1723, is amended by adding at the end "The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.".

SEC. 1734. GRANTS TO IMPROVE FOOD STAMP PARTICIPATION OF RURAL AMERICANS, MINORITIES, ELDERLY AND HOMELESS.

(a) Section 17 of the Act (7 U.S.C. 2020), as amended by sections 1706, 1707, 1712, and 1722, is amended by adding at the end the following new subsection:

"(j)(1)(A) Of sums appropriated pursuant to section 18, $5,000,000 for each of the fiscal years 1992 through 1995 shall, except as provided under paragraph (3)(E), be used by the Secretary to fund food stamp outreach demonstration projects (hereafter in this subsection referred to as the 'projects') and related evaluations in areas of the United States to increase participation by eligible low income households in the food stamp program through grants competitively awarded to public or private non-profit organizations. Such funds shall be used in the year during which they are appropriated. No more than 20 percent of the funds specified in this paragraph shall be used for evaluations.

"(B) The Secretary shall make a grant under this paragraph only to an entity that demonstrates to the Secretary that such entity is able to conduct the outreach functions described in this subsection.

"(2) Outreach projects under this subsection shall be targeted toward members of rural, elderly, and homeless populations, low-income working families with children, and non-English speaking minorities. (Hereafter in this subsection, such groups shall be referred to as 'target populations'.)

"(3)(A) The Secretary shall appoint an advisory panel (hereafter in this subsection referred to as the 'panel') composed of representatives of the target populations as well as individuals with expertise in the area of program evaluation. The panel shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(B) The Secretary shall select recipients for grants, taking into consideration any recommendations from the panel concerning criteria that should be used in selecting recipients, to carry out projects under this subsection based upon the appropriateness of the methods proposed for such projects to reach target populations. Appropriate methods shall include, but not be limited to—

"(i) the production of electronic media campaigns (with the total amount allocated for such campaigns in the aggregate not to exceed 15 percent of the total amount of funds specified in paragraph (1)(A));

"(ii) utilization of local outreach workers and volunteers;

"(iii) development of solutions to transportation and access problems;

"(iv) in-service training for those capable of referring households to the program;

"(v) community presentations and education;

"(vi) pre-screening assistance for program eligibility;

"(vii) individualized client assistance;

"(viii) consultation and referral for benefit appeals; and

"(ix) recruitment of authorized representatives for applicants unable to appear for certification or at authorized food stores.

"(C) In selecting grant recipients, the Secretary shall take into consideration the ability of the applicants to produce useful data for evaluation purposes.

"(D) In selecting grant recipients from among applicant public agencies, preference shall be given to those applicants that propose to involve nonprofit organizations in projects to be carried out with such grants.

"(E) At least one grant shall be provided for the development of outreach materials aimed at the general food stamp eligible population as well as the specific target populations, including written materials and public service announcements, so that such materials may be used or adopted by other grant recipients, as appropriate. In awarding any such grant, the Secretary shall require applicants to provide matching funds equal to 50 percent and shall give preference to applicants that demonstrate the ability to disseminate such materials through other public and private non-profit organizations. Not to exceed $500,000 of the funds provided under this subsection for any fiscal year shall be used for such grant.

"(4)(A) The Secretary shall evaluate a sufficient number of projects to be able to determine the effectiveness of such projects and the techniques employed by such projects with respect to—

"(i) success in reducing barriers to participation,

"(ii) increasing overall program participation including participation among target populations;

"(iii) administrative effectiveness;

"(iv) program efficiency; and

"(v) adequacy of administrative resource levels to conduct such activities effectively.

"(B) The Secretary shall also examine and report on previous research regarding reasons for non-participation and effective methods to conduct outreach and to reduce barriers to participation. The Secretary shall provide an interim report on the results of the evaluation carried out under this paragraph to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than February 1, 1993, and a final report no later than February 1, 1995.

"(5) The Secretary shall—

"(A) within 180 days after the date of the enactment of this subsection, publish such notice as may be necessary to implement this subsection;

"(B) accept proposals from organizations for projects under this subsection for fiscal year 1992 for 90 days following the date such notice is published; and

"(C) begin to award grants under this subsection beginning no later than January 1, 1992.".

(b) Of sums appropriated pursuant to section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027), not to exceed $1,000,000 in fiscal year 1991 may be used by the Secretary of Agriculture to make grants to public or private nonprofit organizations or agencies, in one or more areas of the United States, that have projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals.

Subtitle E—Promoting Access for the Elderly and Disabled

SEC. 1741. CLARIFYING AMENDMENT CONCERNING SIMPLIFIED PROCEDURE FOR CLAIMING EXCESS MEDICAL DEDUCTION.

Section 5(e) of the Act (7 U.S.C. 2014(e)), as amended by sections 1701, 1717, and 1728,

is further amended by inserting before the final period "and shall not require further verification of a change in medical expenses if such change has been anticipated by the State agency for the certification period".

SEC. 1742. VALUE OF MINIMUM BENEFIT.

Section 8(a) of the Act (7 U.S.C. 2017(a)) is amended by inserting before the final period ", and shall be adjusted on each October 1 to reflect the percentage change in the thrifty food plan without regard to the adjustments under section 3(o) for the 12 month period ending the preceding June, with the result rounded to the nearest $5".

SEC. 1743. PROCEDURES FOR ISSUING AGGREGATE ALLOTMENTS.

(a) OPTIONAL PROCEDURE.—Section 8(a) of the Act (7 U.S.C. 2017(a)), as amended by section 1742, is further amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding the following new paragraph:

"(2) State agencies may establish procedures that allow households whose regular food stamp benefits do not exceed $20, at their option, to receive, in lieu of their food stamp benefits for the initial period under subsection (c) and their regular allotment in following months, and at intervals of up to three months thereafter, aggregate allotments not to exceed $60 and covering not more than three months' benefits, which shall be provided in accordance with sections 11(e) (3) and (9) (except that no household shall begin to receive combined allotments under this section until it has complied with all applicable verification requirements of section 11(e)(3)) and (with respect to the first aggregate allotment so issued) within forty days of the last coupon issuance.".

(b) COLLECTION OF IMPROPERLY ISSUED BENEFITS.—Section 13(b)(1)(B) of the Act (7 U.S.C. 2022(b)(1)(B)) is amended by adding at the end "The State agency shall establish a claim for the amount of any benefits issued under section 8(a)(2) for which the household becomes ineligible.".

SEC. 1744. APPLICANTS FOR SUPPLEMENTAL SECURITY INCOME.

Section 11(j)(1) of the Act (7 U.S.C. 2020(j)(1)) is amended by inserting "supplemental security income or" after "recipient of".

SEC. 1745. ASSET LIMITS FOR THE DISABLED.

Section 5(g) of the Act (7 U.S.C. 2014(g)), as amended by sections 1712, 1715, 1723, and 1733, is amended by striking in the first sentence "a member who is 60 years of age or older," and inserting "an elderly or disabled member,".

SEC. 1746. EXTENSION OF PILOT PROJECTS.

Section 17(b)(1) of the Act (7 U.S.C. 2026(b)(1)) is amended by striking "1990" and inserting "1995".

Subtitle F—Program Administration by State Agencies

SEC. 1751. QUALITY CONTROL SANCTIONS WITH RESPECT TO DISALLOWANCES BEFORE FISCAL YEAR 1991.

No disallowance or other similar action shall be applied to any State for any fiscal year before fiscal year 1991 under section 16(c) of the Act (7 U.S.C. 2025(c)) or any predecessor statutory or regulatory provision relating to disallowances for erroneous issuances made in carrying out a State plan under the Act.

SEC. 1752. FOOD STAMP AUTOMATION.

(a) AMENDMENT TO THE ACT.—The Act (7 U.S.C. 2011 et seq.) is amended by adding the following new section:

"AUTOMATION

"SEC. 23. (a) STANDARDS AND PROCEDURES FOR REVIEWS.—(1) INITIAL REVIEWS.—(A) IN GENERAL.—The Secretary shall develop by October 1, 1992, standards for initial approval of automated data processing and information retrieval systems for State agencies and shall further develop written procedures for conducting initial approval reviews for systems described in section 16(g). Such standards shall take into consideration the state of the art in automation technology and those elements identified in section 11(o).

"(B) DEADLINE FOR NEW SUBMISSIONS.—Advance planning documents submitted by State agencies and approved by the Secretary after October 1, 1992, must meet the standards for initial approval required pursuant to subparagraph (A).

"(C) DEADLINE FOR MODIFICATIONS.—Modifications or amendments, submitted after October 1, 1992, to advance planning documents must meet the standards for initial approval required pursuant to subparagraph (A) regardless of when the original advance planning document was submitted to the Secretary for approval.

"(2) DEADLINE FOR STATEWIDE OPERATION.—The deadline for statewide operation of such systems for a State is the earlier of—

"(A) September 30, 1994, or

"(B) the last day of the sixth month following the date specified for operation of such systems in the State's most recently approved advanced planning document submitted before the date of the enactment of this section.

"(3) CONTINUED APPROVAL.—The Secretary shall develop by October 1, 1992, a set of performance standards for continued systems approval and shall further develop procedures for conducting reapproval reviews, including specific criteria for reassessing systems operations no less often than every 2 years to insure that all such performance standards and other requirements are met on a continuous basis.

"(4) CONDITIONS.—In order to receive payments under section 16(g), and not be subject to a penalty pursuant to section 11(g), a State system must be initially approved by the Secretary in accordance with the standards and procedures under paragraph (1), be operational on or before the deadline established under paragraph (2), and, in the fiscal year subsequent to initial approval and continuously thereafter, meet the performance requirements prescribed by the Secretary.

"(b) REVIEW PROCESS.—The Secretary, with respect to State automation systems, shall—

"(1) provide that reviews for reapproval, conducted before October 1, 1994, shall be for the purpose of developing a systems performance data base and assisting State agencies to improve their systems;

"(2) insure that review procedures, performance standards, and other requirements developed under subsection (a) are sufficiently flexible to allow for differing administrative needs among the State agencies, and that such procedures, standards, and requirements are of a nature that will permit their use by State agencies for self-evaluation;

"(3) notify all State agencies of proposed procedures, standards, and other requirements at least 2 quarters prior to the fiscal year in which such procedures, standards, and other requirements will be used for conducting reviews for reapproval;

"(4) provide technical assistance to State agencies in the development and improvement of the systems so as to continually improve the capacity of such systems;

"(5) develop and disseminate clear definitions of those types of reasonable costs relating to State systems that are reimbursable under the provisions of section 16;

"(6) allow State agencies the option of contracting with private vendors for the development or operation of approved systems; and

"(7) report on or before October 1, 1993, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the extent to which State agencies have developed and are operating effective systems.

"(c) WAIVER.—(1) GRANTING.—The Secretary may waive some or all of the provisions of this section with respect to the operation and approval of automated food stamp program and information retrieval systems with respect to any State that—

"(A) has a 1988 population (as reported by the Bureau of the Census) of less than $1,000,000 and made total expenditures (including Federal reimbursement) for which Federal financial participation is authorized under this Act of less than $25,000,000 in federal fiscal year 1989 (as reported by such State agency for such year), or

"(B) reasonably demonstrates that the application of such provision, in whole or in part, would not significantly improve the efficiency of the administration of such State agency's plan under this Act.

"(2) WITHDRAWAL.—If the Secretary determines that the application of the provisions of this section, other than this subsection, to a State agency would significantly improve the efficiency of the administration of the State agency's plan under this Act, the Secretary may withdraw the State agency's waiver under paragraph (1) and shall impose a timetable for such State agency with respect to compliance with the provisions of subsection (a).

"(d) GOOD CAUSE WAIVER.—The Secretary may waive requirements under this section if the Secretary determines that a State agency is unable to comply for good cause. Any such waiver shall be subject to review no less frequently than once every 2 years.

"(e) COST SHARING.—The Secretary shall pay each State agency with an approved system an amount greater than 50 percent but not in excess of 75 percent of the operational cost of such system for any year following the fiscal year in which the Secretary determines that such State agency is operating a significantly more effective and efficient program. The total of such payments shall equal $25,000,000 in fiscal year 1994 and $30,000,000 in fiscal year 1995.".

(b) CONFORMING AMENDMENT.—Section 11(g) of the Act (7 U.S.C. 2020(g)) is amended in the first sentence by inserting after "section 16(b)(1)" the following: "or the requirements established pursuant to section 23".

Subtitle G—Program Integrity

SEC. 1761. AUTHORIZATION OF WHOLESALE FOOD CONCERNS.

Section 9(b)(1) of the Act (7 U.S.C. 2018(b)(1)) is amended by inserting after the first sentence "No combined wholesale and retail food concern may be authorized to accept and redeem coupons as a retail food store unless—

"(A) it does a substantial level of retail food business, or

"(B) the Secretary determines that failure to authorize such a food concern as a retail food store would cause hardship to food stamp households.".

SEC. 1762. BIENNIAL REAUTHORIZATION OF RETAIL FOOD STORES.

Section 9(a) of the Act (7 U.S.C. 2018(a)) is amended by—

(1) inserting "(1)" immediately after the subsection designation; and

(2) adding at the end the following new paragraph:

"(2) The Secretary is authorized to issue regulations providing for a biennial reauthorization of retail food stores and wholesale food concerns.".

SEC. 1763. PER-VIOLATION CIVIL MONEY PENALTY FOR COUPON TRAFFICKING AND PERMANENT DISQUALIFICATION FOR CERTAIN ABUSES.

Section 12(b)(3) of the Act (7 U.S.C. 2021(b)(3)(B)) is amended—

(1) by striking, in subparagraph (A), "or";

(2) by striking, in subparagraph (B), the period at the end and inserting "; or";

(3) in subparagraph (B) by inserting "for each violation" after "$20,000"; and

(4) by adding the following new subparagraph:

"(C) a finding of the sale for coupons of firearms, ammunition, explosives, or controlled substances (as such term is defined in title II, section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).".

SEC. 1764. FINES FOR RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS THAT ACCEPT LOOSE COUPONS.

Section 12(e) of the Act (7 U.S.C. 2021(e)) is amended by adding at the end the following new paragraph:

"(3) The Secretary may impose a fine against any retail food store or wholesale food concern that accepts food coupons that are not accompanied by the corresponding book cover, other than the denomination of coupons used for making change as specified in regulations promulgated under this Act. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations promulgated under this Act in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against such store or concern to collect such fine.".

SEC. 1765. FINES FOR UNAUTHORIZED THIRD PARTIES THAT ACCEPT FOOD STAMPS.

Section 12 of the Act (7 U.S.C. 2021) is amended by adding at the end the following new subsection:

"(f) The Secretary may impose a fine against any person not approved by the Secretary to accept and redeem food coupons who violates any provision of this Act or the regulations promulgated under this Act including violations concerning the acceptance of food coupons. The amount of any such fine shall be established by the Secretary and may be assessed and collected in accordance with regulations promulgated under this Act in combination with any fiscal claim established by the Secretary. The Attorney General of the United States may institute judicial action in any court of competent jurisdiction against such person to collect such fine.".

SEC. 1766. COMPUTER FRAUD PENALTIES.

(a) USE OF AN ACCESS DEVICE.—Section 15(b) of the Act (7 U.S.C. 2024(b)) is amended by—

(1) striking in the first sentence of paragraph (1) "or authorization cards in any manner not authorized by" and inserting ", authorization cards, or access devices in any manner contrary to"; and

(2) inserting in the first sentence of paragraph (1) after "a value of $100 or more" the following: "or if the item used, transferred, acquired, altered, or possessed is an access device,".

(b) DEFINITION.—Section 3 of the Act is amended by adding at the end the following new subsection:

"(t) 'Access device' means any card, plate, code, account number, or other means of access of a type that is used under this Act or regulations issued pursuant to this Act, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or to initiate a transfer of funds.".

(c) CONFORMING CHANGE.—Section 15(g) of the Act (7 U.S.C. 2024(g)) is amended by striking "or authorization cards in any manner not authorized by" and inserting ", authorization cards, or access devices, or anything of value obtained by use of an access device, in any manner contrary to".

SEC. 1767. UNLAWFUL USE OF COUPONS IN LAUNDERING MONETARY INSTRUMENTS.

Section 15(b)(1) is amended by—

(1) inserting after "Act shall," the words "if such coupons or authorization cards are of a value of $5,000 or more, be guilty of a felony and shall be fined not more than $250,000 or imprisoned for not more than twenty years, or both, and shall,"; and

(2) inserting after "$100 or more," the words "but less than $5,000,".

SEC. 1768. ISSUANCE OF WARNING LETTERS.

Section 12(a) of the Act (7 U.S.C. 2021) is amended by inserting after "up to $10,000" the words "or issued a warning letter".

Subtitle H—The Commodity Distribution Programs

SEC. 1771. TEFAP COMMODITY AVAILABILITY.

(a) The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended—

(1) by amending the title to read as follows:

"TITLE II—EMERGENCY FOOD ASSISTANCE ACT";

(2) in section 201 by striking "Temporary";

(3) in section 201A by

(A) inserting "(a)" after "201A"; and

(B) by adding at the end:

"(b) State agencies may, with the approval of the Secretary, determine whether a public or nonprofit organization is an eligible recipient agency on the basis of its service to a substantial number of low-income persons rather than by individual income eligibility determinations if such procedures will reduce administrative burdens to the agency and ensure that most program recipients are low-income persons."; and

(4) in section 202 by adding a new subsection (g) as follows:

"(g)(1) Whenever commodities acquired by the Commodity Credit Corporation are made available for donation to domestic food programs in amounts that exceed Federal obligations for such donations, the Secretary also shall make some portion of such commodities available to emergency feeding organizations authorized by this Act.

"(2) In determining the commodities that will be made available to emergency feeding organizations under the provisions of this Act, the Secretary may distribute commodities that become available on a seasonal or irregular basis.";

(5) by amending section 210(c) to read as follows:

"(c)(1) The Secretary shall as early as feasible but not later than the beginning of each fiscal year, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under the commodity distribution program under this Act during such fiscal year.

"(2) The actual types and quantities of commodities made available by the Secretary under this Act may differ from the estimates made under paragraph (1).".

(b) The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended in section 13(3)(E) by striking "Temporary".

SEC. 1772. FOOD BANK PROJECTS.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended—

(1) in section 4(a) by striking the heading "Demonstration Project" and inserting "Community Food Banks";

(2) in section 4(d) by striking "and ending on December 31, 1990"; and

(3) by amending section 4(e) to read as follows:

"(e) REPORTS.—Not later than July 1, 1991, the Secretary shall submit a report to Congress on each project carried out under this section. Thereafter, the Secretary shall submit biennial reports to Congress on such projects. Such reports shall include analyses and evaluations of the provision and redistribution of agricultural commodities and food products under such projects, recommendations regarding improvements in the provision and redistribution of agricultural commodities and food products to community food banks, and the feasibility of expanding this method of provision and redistribution of agricultural commodities and food products to other community food banks.".

SEC. 1773. AUTHORIZING A COMMODITY SUPPLEMENTAL FOOD PROGRAM FOR THE ELDERLY AND INCREASING ADMINISTRATIVE FUNDING.

The Agriculture and Consumer Protection Act of 1973 is amended—

(1) in section 4(a) (7 U.S.C. 612c note) after "supplemental feeding programs wherever located" by inserting "serving women, infants and children, or elderly persons";

(2) in section 5(a) (7 U.S.C. 612c note) by striking "may not exceed 15 per centum of the sum of (A) the amount appropriated for the commodity supplemental food program and (B)" and inserting "may not be less than the sum of (A) 20 percent of the amount appropriated for the commodity supplemental food program and (B) 15 percent of"; and

(3) in section 5(f) (7 U.S.C. 612c note) by striking "additional sites for the program" and inserting "additional sites for the program, including sites that serve only elderly persons,".

SEC. 1774. FOOD DISTRIBUTION PROGRAM ADVANCE FUNDING FOR STATE OPTION CONTRACTS (SOCs).

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended by inserting after section 3 a new section 3A to read as follows:

"SEC. 3A. STATE OPTION CONTRACTS FOR COMMODITIES.

"The Secretary may use the funds of the Commodity Credit Corporation and the funds available to carry out section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to pay for all or a portion of the cost, as agreed upon with the State distribution agency, of food or the processing or packaging of food on behalf of a State distribution agency. In such cases, the State distribution agency

shall reimburse the Secretary for the agreed upon cost. Any funds received by the Secretary as reimbursement shall be deposited to the credit of the Commodity Credit Corporation or the appropriation originally charged for such costs, as appropriate. If the State distribution agency fails, within 150 days of delivery, to make the required reimbursement in full, the Secretary shall, within 30 days, offset any outstanding amount against the appropriate account.".

SEC. 1775. CLARIFYING AMENDMENT.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612 note) is amended in section 3(a)(3)(A)(i) by adding ", including food banks" after "recipient agencies".

SEC. 1776. DISTRIBUTION OF MILK.

Section 110(c) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c(c) note) is amended—

(1) by inserting "(1)" after "AMOUNTS.—", and

(2) by adding at the end the following:

"(2) During each of the fiscal years 1991 through 1995, whenever milk acquired by the Commodity Credit Corporation is made available for donation to domestic food programs, the Secretary shall make some amount available to States for distribution to food banks and soup kitchens.".

SEC. 1777. COMMODITY ASSISTANCE FOR INFANTS AND CHILDREN.

(a) Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note), as amended in section 1773, is amended by inserting after the words "distribution to institutions" the following: ", including hospitals and facilities caring for needy infants and children".

(b) Section 416(a)(3) of the Agricultural Act of 1949 (7 U.S.C. 1431(a)(3)) is amended by striking the words "hospitals, to the extent that needy persons are served" and inserting the words "hospitals and facilities, to the extent that they serve needy persons, including infants and children".

Subtitle I—Reauthorization of Programs

SEC. 1781. REAUTHORIZATION OF FOOD STAMP PROGRAM AND ELIMINATION OF SPECIFIED AUTHORIZATION LEVELS.

Section 18 of the Act (7 U.S.C. 2027) is amended—

(1) in subsection (a)(1)—

(A) by striking the first two sentences and inserting "To carry out the provisions of this Act, there are hereby authorized to be appropriated such sums as are necessary for the fiscal years 1991 through 1995."; and

(B) by striking in the last sentence "reductions in the value of allotments issued to households certified to participate in the food stamp program will be necessary under subsection (b) of this section" and inserting "supplemental appropriations will be needed to support the operation of the program through the end of the fiscal year"; and

(2) in subsection (b) by striking "amount authorized in subsection (a)(1)".

SEC. 1782. REAUTHORIZATION OF NUTRITION ASSISTANCE PROGRAM FOR PUERTO RICO.

(a) POLICY OF CONGRESS.—It is the policy of Congress that citizens of the United States who reside in the Commonwealth of Puerto Rico should be safeguarded against hunger and treated on an equitable and fair basis with other citizens under Federal nutritional programs.

(b) FUNDING LEVELS.—Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended to read as follows:

"(a)(1)(A) From the sums appropriated under this Act, the Secretary shall, subject to the provisions of this section, pay to the Commonwealth of Puerto Rico $985,000,000 for fiscal year 1991, $1,029,000,000 for fiscal year 1992, $1,074,000,000 for fiscal year 1993, $1,121,000,000 for fiscal year 1994, and $1,170,000,000 for fiscal year 1995, to finance 100 percent of the expenditures for food assistance provided to needy persons and 50 percent of the administrative expenses related to the provision of such assistance.".

(c) STUDY OF NUTRITIONAL NEEDS OF PUERTO RICANS.—The Comptroller General of the United States shall conduct a study of—

(1) the nutritional needs of the citizens of the Commonwealth of Puerto Rico, including—

(A) the adequacy of the nutritional level of the diets of members of households receiving assistance under the nutrition assistance program and other households not currently receiving the assistance;

(B) the incidence of inadequate nutrition among children and the elderly residing in the Commonwealth;

(C) the nutritional impact of restoring the level of nutritional assistance provided to households in the Commonwealth to the level of such assistance provided to other households in the United States; and

(D) such other factors as the Comptroller General considers appropriate;

(2) the potential alternative means of providing nutritional assistance in the Commonwealth of Puerto Rico, including—

(A) the impact of restoring the Commonwealth to the food stamp program;

(B) increasing the benefits provided under the nutrition assistance program to the aggregate value of food stamp coupons that would be distributed to households in the Commonwealth if the Commonwealth were to participate in the food stamp program; and

(C) the usefulness of adjustments to standards of eligibility and other factors appropriate to the circumstances of the Commonwealth comparable to those adjustments made under the Act (7 U.S.C. 2011 et seq.) for Alaska, Hawaii, Guam and the Virgin Islands of the United States.

(d) REPORT OF FINDINGS.—The Comptroller General shall submit a final report on the findings of the study required under subsection (c) no later than August 1, 1992, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1783. REAUTHORIZATION OF THE TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

The Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note), as redesignated by section 1771, is amended—

(1) in section 204 by—

(A) striking subsections (a) and (b);

(B) redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(C) in subsection (a)(1), as so redesignated, striking "ending September 30, 1986, through September 30, 1990," and inserting "1991 through 1995";

(2) in section 212 by striking "1990" and inserting "1995"; and

(3) in section 214 by—

(A) striking in subsection (a) "fiscal years 1989 and 1990" and inserting "fiscal years 1989 through 1992"; and

(B) revising subsection (e) to read as follows:

"(e) AMOUNTS.—During fiscal year 1991, the Secretary shall spend $175,000,000 and during fiscal year 1992 the Secretary shall spend $190,000,000, to purchase, process, and distribute additional commodities under this section. To carry out the provisions of this subsection there are hereby authorized to be appropriated $220,000,000 for each of the fiscal years 1993 through 1995 to purchase, process, and distribute additional commodities under this section. Any amounts provided for fiscal years 1993 through 1995 shall be available only to the extent and in such amounts as are provided in advance in appropriations acts.".

SEC. 1784. SOUP KITCHENS AND FOOD BANKS.

Section 110 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note), as amended by section 1776, is amended—

(1) in subsection (a) by striking "1991" and inserting "1995"; and

(2) in subsection (c)(1) (as redesignated by section 1676) by striking "in fiscal year 1991" and inserting "during each of the fiscal years 1991 through 1995".

SEC. 1785. REAUTHORIZATION OF COMMODITY SUPPLEMENTAL FOOD PROGRAM AND OTHER FOOD DONATION PROGRAMS.

(a) The Agriculture and Consumer Protection Act of 1973 is amended—

(1) in section 4(a) (7 U.S.C. 612c note) by striking "1986, 1987, 1988, 1989, and 1990" and inserting "1991 through 1995";

(2) in section 5(a), as amended by section 1773, by striking "1986 through 1990" in clause (2) and inserting "1991 through 1995"; and

(3) in section 5(d) after "(d)" by inserting "(1)".

(b) Section 130 of the Hunger Prevention Act of 1988 is amended—

(1) by striking "and 1990" and inserting "through 1995";

(2) by striking "of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note)"; and

(3) by redesignating such section, as amended in this subsection, as section 5(d)(2) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note).

SEC. 1786. PROCESSING AGREEMENTS.

Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended by striking "1990" and inserting "1995".

SEC. 1787. NUTRITION EDUCATION AUTHORIZATION.

Section 1588(a) of the Food Security Act of 1985 (7 U.S.C. 3175e(a)) is amended by striking "$5,000,000" and all that follows through the end and inserting "$8,000,000 for each of the fiscal years 1991 through 1995.".

Subtitle J—Miscellaneous; Effective Dates

SEC. 1791. GLEANING ASSISTANCE.

Section 111 of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended to read as follows:

"SEC. 111. NATIONAL GLEANING CLEARINGHOUSE.

"(a) DEFINITION OF GLEANING.—For purposes of this section, the term 'to glean' means to collect unharvested crops from the fields of farmers, or to obtain agricultural products from farmers, processors, or retailers, in order to distribute such products to needy individuals, including unemployed and low-income individuals, and the term includes only those situations in which agricultural products and access to fields and facilities are made available without charge.

"(b) ESTABLISHMENT.—(1) The Secretary of Agriculture (hereafter in this section referred to as the 'Secretary') is authorized to establish a National Gleaning Clearinghouse (hereafter in this section referred to as the 'Clearinghouse').

"(2) Through the Clearinghouse, the Secretary is authorized to—

"(A) encourage public and nonprofit private organizations to initiate and carry out gleaning activities, and to assist other organizations and individuals to do so, through lectures, correspondence, consultation, or such other measures as the Secretary may deem appropriate;

"(B) collect from public and private sources (including farmers, processors, and retailers) information relating to the kinds, amounts, and geographical locations of agricultural products not completely harvested;

"(C) gather, compile, and make available to public and nonprofit private organizations and to the public the statistics and other information collected under this paragraph, at reasonable intervals, as determined by the Secretary;

"(D) establish and operate a toll-free telephone line by which—

"(i) farmers, processors, and retailers may report to the Clearinghouse for dissemination information regarding unharvested crops and agricultural products available for gleaning, and may also report how they may be contacted;

"(ii) public and nonprofit organizations that wish to glean or to assist others to glean, may report to the Clearinghouse the kinds and amounts of products that are wanted for gleaning, and may also report how they may be contacted;

"(iii) persons who can transport crops or products may report the availability of free transportation for gleaned crops or products; and

"(iv) information about gleaning can be provided without charge by the Clearinghouse to the persons and organizations described in clauses (i), (ii), and (iii) above;

"(E) prepare, publish, and make available to the public, at cost and on a continuing basis, a handbook on gleaning that includes such information and advice as may be useful in operating efficient gleaning activities and projects, including information regarding how to—

"(i) organize groups to engage in gleaning; and

"(ii) distribute to needy individuals, including low-income and unemployed individuals, food and other agricultural products that have been gleaned; and

"(F) advertise in print, on radio, television, or through other media, as the Secretary considers to be appropriate, the services offered by the Clearinghouse under this section.".

SEC. 1792. WELFARE SIMPLIFICATION AND COORDINATION ADVISORY COMMITTEE.

(a) APPOINTMENT AND MEMBERSHIP.—There is hereby established an Advisory Committee on Welfare Simplification and Coordination (hereafter in this section referred to as the "Committee") consisting of no fewer than 9 and no more than 15 members appointed by the Secretary of Agriculture (hereafter in this section referred to as the "Secretary"), after consultation with the Secretaries of Health and Human Services and Housing and Urban Development, the Commissioner of Social Security, State and local officials responsible for administering the food stamp program, cash and medical assistance programs for low-income families and individuals under the Social Security Act, and programs providing housing assistance to needy families and individuals, and representatives of recipients and recipient advocacy organizations associated with such programs. The members of the Committee shall be persons who have experience in administering food stamp, cash, medical, and housing assistance programs at the Federal, State, and local levels, are familiar with the rules, goals, and limitations of such programs, and have demonstrated expertise in evaluating the operations of and interaction among such programs as they affect administrators and recipients, and shall include representatives of the administrators and recipients affected by such programs.

(b) PURPOSE.—It shall be the purpose of the Committee—

(1) to identify the policies implemented in the food stamp program, cash and medical assistance programs under the Social Security Act, and housing assistance programs (whether resulting from law, regulations, or administrative practice) that, because they differ, make it difficult for those eligible to apply for and obtain benefits from more than one program and restrict the ability of administrators of such programs to provide efficient, timely, and appropriate benefits to those eligible for more than one type of assistance;

(2) to examine the reasons for such different programs and policies and previous efforts to coordinate and simplify such programs and policies;

(3) to evaluate how and the extent to which such different programs and policies hinder the receipt of benefits from more than one program and limit administrators' ability to provide efficient, timely and appropriate benefits;

(4) to recommend common or simplified programs and policies (including recommendations for changes in law, regulations, and administrative practice and for policies that do not currently exist in such programs) that would reduce difficulties in applying for and obtaining benefits from more than one program and increase the ability of administrators of such programs to efficiently provide timely and appropriate assistance to those eligible for more than one type of assistance; and

(5) to describe the effects of such common or simplified programs and policies (including how such common or simplified programs and policies would enhance or conflict with the purposes of such programs, how they would ease the burdens on administrators and recipients, how they would affect program costs and participation, and the degree to which they would change Federal-State relationships in such programs), and the reasons for recommending such programs and policies (including reasons that might be sufficient to override the purposes of individual programs).

(c) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Committee with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions.

(d) REIMBURSEMENT.—Members of the Committee shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Committee.

(e) REPORTS.—The Committee shall submit a final report, including recommendations for common or simplified programs and policies and the effects of and reasons for such programs and policies, to the Congress and the Secretaries of Agriculture, Health and Human Services, and Housing and Urban Development not later than April 1, 1992, and may submit interim reports to the Congress and such Secretaries as deemed appropriate by the Committee.

(f) EXPIRATION.—The Committee shall expire upon submission of its final report, or at such later time as the Secretary of Agriculture determines appropriate to fulfill its advisory functions.

SEC. 1793. NUTRITION EDUCATION IMPROVEMENTS.

(a) Section 11(f) of the Act (7 U.S.C. 2020(f)) is amended by amending the first sentence to read "To encourage the purchase of nutritious foods the Secretary is authorized to assign responsibility for the nutrition education of people eligible for food stamps to the extension service, as defined in section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)) in cooperation with the Food and Nutrition Service and the Human Nutrition Information Service.".

(b) Section 18 of the Act (7 U.S.C. 2027), as amended by section 1734, is amended by adding at the end the following new subsection:

"(h) Of sums appropriated pursuant to this section, not more than $2,000,000 in any fiscal year may be used by the Secretary to make two-year competitive grants that will (1) enhance interagency cooperation in nutrition education activities and (2) develop cost effective ways to inform people eligible for food stamps about nutrition, resource management, and community nutrition education programs, such as the expanded food and nutrition education program. Awards will be made to one or more cooperative extension services, as defined in section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)), in coordination with local or State agencies serving low income people. Each project shall include an evaluation component and shall develop an implementation plan for replication in other States. The Secretary shall report to the appropriate committees of Congress on the results of the projects and shall disseminate these results through the cooperative extension service system and to State welfare offices, local food stamp program offices, and other entities serving low income households.".

SEC. 1794. EFFECTIVE DATES.

Except as otherwise provided in this title, the provisions of this title shall become effective on October 1, 1990. Sections 1721, 1733 and 1745 shall be effective April 1, 1991. Sections 1703, 1711, 1715, 1717, and 1728 shall become effective July 1, 1991.

SEC. 1795. SPECIAL PROVISION IN CASE OF SEQUESTRATION.

(a) FOOD STAMP PROGRAM.—Notwithstanding any other provision of law, if a final order is issued for any of the fiscal years 1991 through 1995 under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)), or any subsequent enactment extending the effect of such provision, and such order is not subsequently rescinded, the amount made available to carry out the food stamp program under section 18 of the Act (7 U.S.C. 2027) shall be reduced by the amount equal to the amount of the percentage reduction for domestic programs required under such order multiplied by the additional cost over the preceding year, as contained in the Congressional Budget Office's final estimate of the cost of this Act prior to enactment, of the increases as provided for in sections 1701, 1702, 1711, 1712, 1715(d), 1728 and 1745 of this title for the fiscal year for which a final order has been issued.

(b) The reduction required by subsection (a) shall be achieved by reducing the increases in the costs of the provisions under sections 1701, 1702, 1711, 1712, 1715(d), 1728 and 1745 effective January 1 of such fiscal year, by one and one-third times the percentage reduction for domestic programs required under such order.

TITLE XVIII—IMPROVEMENT OF THE AGRICULTURAL ECONOMY

Subtitle A—Grain Quality Improvements

SEC. 1801. COMMITTEE ON GRAIN QUALITY AND GRAIN QUALITY COORDINATOR.

(a) ESTABLISHMENT OF COMMITTEE AND COORDINATOR.—(1) COMMITTEE.—The Secretary of Agriculture (hereafter referred to in this title as the "Secretary") shall establish a Department of Agriculture Committee on Grain Quality that shall remain in existence for at least 10 years.

(2) COORDINATOR.—The committee established under paragraph (1) shall be chaired by an individual who shall serve as the Grain Quality Coordinator (hereafter referred to in this subtitle as the "Coordinator") and carry out the duties described in subsection (b).

(b) DUTIES.—The Coordinator shall be responsible for—

(1) assembling and evaluating, in a systematic manner, concerns and problems, expressed by foreign and domestic buyers and end-users, with the quality of United States grain;

(2) developing and implementing a coordinated effort to inform and educate foreign buyers concerning the proper specification of grain purchase contracts to obtain the quality of grain they desire;

(3) reviewing the programs and activities of the Department of Agriculture with respect to United States grain to determine whether the activities are consistent with the provisions of this subtitle (and other provisions of law relating to agriculture) as such provisions relate to grain quality and grain quality competitiveness;

(4) serving as the Federal Government coordinator with respect to grain quality and grain quality competitiveness; and

(5) investigating and communicating through the Secretary, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, concerning—

(A) actions undertaken by the Department of Agriculture—

(i) to improve the quality of United States grain; and

(ii) that are inconsistent with the goal of improving grain quality;

(B) conditions in the production and marketing sectors that discourage improvements in grain quality;

(C) interrelationships of rules and actions taken by the Federal Grain Inspection Service, Animal and Plant Health Inspection Service, Agricultural Stabilization and Conservation Service, Food and Drug Administration, Environmental Protection Agency, and other Federal agencies, relating to grain production, handling, storage, transportation, and processing as such actions affect the wholesomeness and performance of grain;

(D) recommendations for legislative or regulatory changes that would address grain quality issues;

(E) progress made and benefits expected from the international harmonization of sanitary and phytosanitary requirements affecting grain;

(F) potential opportunities and benefits from the harmonization of grain grades and standards;

(G) alternative forms of financial and technical assistance available and needed by producers and elevator operators to acquire and properly utilize grain cleaning, drying, and storage equipment; and

(H) progress on requirements of other sections of this subtitle.

SEC. 1802. BENEFITS AND COSTS ASSOCIATED WITH IMPROVED GRAIN QUALITY.

The Secretary shall estimate the economic impact, including the benefits and costs and the distribution of such benefits and costs, of any major changes necessary to carry out the amendments made under this subtitle to sections 4, 6, and 7 of the United States Grain Standards Act prior to making such changes.

SEC. 1803. CLASSIFICATION, GRADES AND STANDARDS DESIGN FRAMEWORK.

Section 2(b) of the United States Grain Standards Act (7 U.S.C. 74(b)) is amended by—

(1) striking the "and" at the end of paragraph (3)(C);

(2) striking the period at the end of paragraph (3)(D); and

(3) adding at the end of paragraph (3) the following new subparagraphs:

"(E) reflect the economic value-based characteristics in the end uses of grain; and

"(F) accommodate scientific advances in testing and new knowledge concerning factors related to, or highly correlated with, the end use performance of grain.".

SEC. 1804. IMPROVING THE CLEANLINESS OF GRAIN.

Section 4(b) of the United States Grain Standards Act (7 U.S.C. 76(b)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A)(i) The Administrator shall conduct a study to determine the costs and benefits to the United States grain industry, from producer to end user, of marketing cleaner grain. The study shall identify—

"(I) the need to establish new or revised current factors relating to grain cleanliness; and

"(II) appropriate limits for cleanliness factors taking into consideration the technical ability and practicability of the commercial market to comply with such limits, the economic benefits and costs to the grain industry, and domestic and international demand.

"(ii) If the Administrator determines, after evaluating the results of the study required by clause (i), that establishing new or revised current factors relating to cleanliness would be in the best economic interest of United States agriculture, the Administrator shall establish or amend the standards to include economically and commercially practical levels of cleanliness for the grain. The Administrator shall make a determination under this clause no later than 2 years after enactment of this paragraph.

"(B) In setting requirements for cleanliness characteristics, the Administrator shall—

"(i) consider technical constraints, economic benefits and costs to producers and industry, domestic and international demand; and

"(ii) follow established rule-making procedures, including the solicitation of public comment.

"(C) If the Administrator establishes limits on cleanliness characteristics under this section, the limits shall be fully implemented not later than 3 years after the determination required under subparagraph (A)(ii). Subsequent revision of cleanliness limits shall be conducted consistent with the schedule of the Administrator for reviewing grain standards.".

SEC. 1805. GRADE DETERMINING FACTORS RELATED TO PHYSICAL SOUNDNESS AND PURITY.

Section 4 of the United States Grain Standards Act (7 U.S.C. 76), as amended by section 1804, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) In establishing standards under subsection (a) the Administrator shall establish for each grain official grade-determining factors and factor limits that reflect the levels of soundness and purity that are consistent with end-use performance goals of the major foreign and domestic users of each grain for which official grades are established. The soundness and purity levels established for grades No. 3 and better shall provide users of such standards the best possible information from which to determine end-use product quality. The Administrator shall establish factor limits that will provide that grain meeting the requirements for grades No. 3 and better will perform in accordance with general trade expectations for the predominant uses of such grain.".

SEC. 1806. TESTING FOR AFLATOXIN CONTAMINATION OF CORN SHIPPED IN FOREIGN COMMERCE; DOMESTIC TESTING STANDARDS AND PROCEDURES.

(a) MANDATORY AFLATOXIN TESTING.—Section 5 of the United States Grain Standards Act (7 U.S.C. 77) is amended by inserting at the end the following new subsection:

"(c) The Administrator is authorized and directed to require that all corn exported from the United States be tested to ascertain whether it exceeds acceptable levels of aflatoxin contamination.".

(b) ESTABLISHMENT OF STANDARDIZED TESTING EQUIPMENT AND PROCEDURES.—The Secretary of Agriculture shall—

(1) establish uniform standards for testing equipment; and

(2) establish uniform testing procedures and sampling techniques;

that may be used by processors, refiners, the operators of grain elevators and terminals, and others to accurately detect the level of aflatoxin contamination of corn in the United States.

SEC. 1807. CARGO LOADING REQUIREMENTS.

Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended by adding at the end the following new subsection:

"(k) Except as otherwise authorized by the Administrator, or except on the request of a purchaser, all export grain that is officially inspected shall be loaded aboard the final carrier according to a plan that provides for certification of quality as accurately as practical.".

SEC. 1808. PROHIBITION OF CONTAMINATION.

Section 13 of the United States Grain Standards Act (7 U.S.C. 87b) is amended by adding at the end the following new subsection:

"(e)(1) The Administrator may prohibit the contamination of sound and pure grain through the introduction of—

"(A) nongrain substances; and

"(B) grain that is unfit for the ordinary commercial purposes for which such grain is intended to be used (to the extent that its combination with grades No. 3 or better will

preclude the resultant combination from meeting the performance levels expected of such grades and as is required by section 4(c)(1)).

"(2) In no case shall the Administrator prohibit the blending of an entire grade of grain unless the grade-determining factors are determined to render such mixture unfit for the commercial purposes for which such grain is to be used.

"(3) Prior to taking action under this subsection, the Administrator shall follow established rule-making procedures, including the solicitation of public comment, in identifying and defining actions and conditions subject to prohibition.".

SEC. 1809. SENSE OF CONGRESS CONCERNING TESTS FOR PURITY.

(a) FINDING.—Congress finds that consumers, both internationally and domestically, are aware of, and concerned with, the purity of their food supply.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order to assure buyers of the purity of United States grain, the Federal Grain Inspection Service should, as soon as technically and economically practical, develop tests of mycotoxins and pesticide residues and make such tests available on such impurities in conjunction with official grain inspections established under the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 1810. SENSE OF CONGRESS CONCERNING COOPERATIVE ENFORCEMENT OF FEDERAL GRAIN PURITY REQUIREMENTS.

(a) FINDINGS.—Congress finds that the laws and regulations related to the purity and safety of grain that are administered by the Food and Drug Administration and the Environmental Protection Agency serve to insure the integrity of the United States as a supplier of wholesome grain.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal agencies that are responsible for enforcing the laws and regulations relating to the quality, purity, and safety of grain marketed both domestically and to foreign nations should seek assistance from and cooperate with the Federal Grain Inspection Service in the enforcement of the laws and regulations.

SEC. 1811. ENTRY QUALITY STANDARDS FOR ALL FARMER-OWNED RESERVE GRAINS.

Section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended by adding at the end the following new subsection:

"(k) In announcing the terms and conditions of the producer storage program under subsection (e)(1), the Secretary shall review standards concerning the quality of grain that shall be allowed to be stored under the program, and such standards should encourage only quality grain, as determined by the Secretary, to be pledged as collateral for such loans. The Secretary shall review inspection, maintenance, and stock rotation requirements and take the necessary steps to maintain the quality of such grain.".

SEC. 1812. PRICE SUPPORT LOAN INCENTIVES FOR QUALITY GRAIN.

(a) AMENDMENT TO 1949 ACT.—Section 403 of the Agricultural Act of 1949 (7 U.S.C. 1423), as amended by section 108, is amended in subsection (a)" by inserting after the second sentence: "For each of the crops of wheat, feed grains, and soybeans, the Secretary shall establish premiums and discounts relating to cleanliness factors in addition to any other adjustments in the support price related to quality.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective beginning with the 1991 crops of wheat, feed grains, and soybeans.

SEC. 1813. QUALITY REQUIREMENTS FOR COMMODITY CREDIT CORPORATION-OWNED GRAIN.

The Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting after section 407 the following new section:

SEC. 407A. QUALITY REQUIREMENTS FOR COMMODITY CREDIT CORPORATION OWNED GRAIN.

"(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Notwithstanding any other provision of law, the Secretary shall establish minimum quality standards that shall apply to grain that is deposited for storage for the account of the Commodity Credit Corporation. In establishing such standards, the Secretary shall take into consideration factors related to the ability of grain to withstand storage and assurance of acceptable end-use performance.

"(b) INSPECTION OF GRAIN ACQUISITIONS.—The Commodity Credit Corporation shall utilize Federal Grain Inspection Service approved procedures to inspect and evaluate the condition of the grain it acquires from producers. In no case shall this section require the use of an official inspection unless the producer so requests.".

SEC. 1814. ESTABLISHING QUALITY AS A GOAL FOR COMMODITY CREDIT CORPORATION PROGRAMS.

In carrying out its activities the Commodity Credit Corporation shall, to the extent practicable, provide for program provisions that promote quality in the production and marketing of crops and livestock in the United States.

SEC. 1815. SEED VARIETY INFORMATION.

(a) IN GENERAL.—Grain submitted for public testing shall be evaluated for selected specific agronomic performance characteristics and intrinsic end-use performance characteristics, as determined by the Secretary, with the results of the evaluations made available to the Secretary.

(b) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate varietal performance information to plant breeders, producers, and end users.

SEC. 1816. SURVEY OF GRAIN VARIETIES.

The Secretary shall periodically conduct, compile, and publish a survey of grain varieties commercially produced in the United States.

SEC. 1817. ANALYSIS OF VARIETY SURVEY DATA.

The Secretary shall analyze the variety surveys conducted, in conjunction with available applied research information on intrinsic quality attributes of the varieties, to evaluate general intrinsic crop quality characteristics and trends in production related to intrinsic quality characteristics. This information shall be disseminated as required by section 1815(b).

SEC. 1818. SENSE OF CONGRESS CONCERNING END-USE PERFORMANCE RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) research concerning the end-use performance of grain conducted by the Agricultural Research Service and land-grant universities is critical to improving the quality and competitiveness of United States grains in domestic and world markets;

(2) the work done by the Agricultural Research Service wheat quality laboratories has proven valuable to improving the understanding of individuals concerning the relationships between the physical and chemical properties of wheat and the performance of wheat in milling and baking; and

(3) research conducted by the Agricultural Research Service and at land-grant universities concerning the composition of corn and soybean varieties has proven valuable to feed and food users.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, and in particular the Agricultural Research Service and land-grant universities, should adjust their financial priorities to place increased emphasis on grain variety evaluation and the development of objective tests for the end-use properties of grains.

SEC. 1819. SENSE OF CONGRESS CONCERNING COOPERATION IN OBJECTIVE TESTING.

(a) FINDING.—Congress finds that the close cooperative relationship that exists between the Federal Grain Inspection Service, the Agricultural Research Service, and land-grant universities has proven highly beneficial in identifying grain quality-related characteristics, developing tests, and designing grain standards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the cooperative efforts described in subsection (a), including the sharing of funds and personnel, should be expanded, and that the Federal Grain Inspection Service should continue to utilize the research capabilities of the Agricultural Research Service and the land-grant universities.

SEC. 1820. AUTHORITY TO ASSIST FARMERS AND ELEVATOR OPERATORS.

The Secretary may provide technical assistance (including information on such financial assistance as may be available) to grain producers and elevator operators to assist such producers and operators in installing or improving grain cleaning, drying or storage equipment.

SEC. 1821. STANDARDIZING COMMERCIAL INSPECTIONS.

(a) TESTING EQUIPMENT.—To promote greater uniformity in commercial grain inspection results, the Secretary may work in conjunction with the National Institute for Standards and Technology and the National Conference on Weights and Measures to—

(1) identify inspection instruments requiring standardization under subsection (b);

(2) establish commercial performance criteria for the grain inspection instruments;

(3) develop a National Type Evaluation Program to approve grain inspection instruments for commercial inspection; and

(4) develop standard reference materials or other means necessary for calibration or testing of approved instruments.

(b) GENERAL INSPECTION PROCEDURES.—To ensure that producers are treated uniformly in delivering grain, the Secretary shall develop practical and cost-effective procedures for conducting commercial inspections resulting in price adjustments related to premiums and discounts for quality factors for the grain. The procedures shall be made available to country elevators and others making first-point-of-delivery inspections.

(c) To encourage the use of equipment and procedures developed under subsections (a) and (b), the Administrator of the Federal Grain Inspection Service shall provide for official inspection services by delegated and designated inspection agencies and provide information on the proper use of sampling and inspection equipment, application of the grain standards, and availability of official inspection services, including appeal inspection service, under the United States Grain Standards Act.

Subtitle B—Agricultural Cooperation and Development

SEC. 1831. CONTROL AND ERADICATION OF PLANT PESTS.

Section 102(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a(b)) is amended—

(1) by striking "all countries of the Western Hemisphere" and inserting "foreign countries"; and

(2) by inserting "foreign or" before "international".

SEC. 1832. COOPERATION IN ANIMAL DISEASE CONTROL.

Section 11 of the Act of May 29, 1884 (21 U.S.C. 114b) is amended—

(1) by striking "Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, Belize, Panama, Columbia, and Canada, the Bahama Islands, the Greater Antilles, and the Lesser Antilles" and inserting "foreign countries"; and

(2) by inserting "foreign or" before "international".

SEC. 1833. DEBT FOR AGRICULTURAL DEVELOPMENT EXCHANGES.

(a) DEFINITION.—For purposes of this section, the term "debt for agricultural development exchange" means the voluntary cancellation of the external debt of the government of a foreign country in exchange for—

(1) that government's making available, to a grantee under subsection (b), local currencies (including through the issuance of bonds) to be used only for eligible projects involving the development, research, control, and study of agriculturally related activities in that country; or

(2) that government's financial resources, and policy commitment, to take specific actions to ensure the development, research, control, and study of agricultural activities within that country.

(b) ASSISTANCE FOR COMMERCIAL DEBT EXCHANGES.—(1) GRANTS.—The Secretary is authorized to furnish assistance in the form of grants, on such terms and conditions as the Secretary determines to be necessary, to United States non-governmental organizations, colleges, and universities, for the purchase on the secondary market of discounted external commercial debt of a foreign government to be canceled under the terms of an agreement with that government as part of a debt for agricultural development exchange.

(2) INTEREST ON GRANTS.—The grantee (or any subgrantee) of the grants referred to in paragraph (1) may retain interest earned on the proceeds of any resulting debt for agricultural development exchange pending the disbursement of such funds for approved program purposes without deposit in the Treasury of the United States and without further appropriations by the Congress.

(3) REINVESTMENT OF INTEREST.—Such interest accrued in accordance with paragraph (2) shall be reinvested by the grantee in the approved project in the host country or used for the establishment of an endowment for the purpose for which the grant was provided to the grantee.

(c) ELIGIBLE PROJECTS.—(1) The Secretary shall ensure that the debt for agricultural development exchange under this section is designed to be of mutual benefit to both the agricultural sector of the United States and the agricultural sector of the host country.

(2) In cooperation with international organizations, domestic or foreign non-governmental organizations, colleges, and universities, the Secretary shall seek to identify those areas which, because of their imminent threat to agriculture, are in particular need of immediate attention to support and promote the control of plant and animal diseases in the Western Hemisphere.

(3) The Secretary shall encourage as many countries as possible to propose such exchanges with the purpose of demonstrating to a large number of governments the feasibility and benefits of efficient and successful agricultural development.

(d) ELIGIBILITY.—Before awarding a grant under this section, the Secretary shall determine that—

(1) the grantee and the host country are committed to the long-term viability of the activity that is to be undertaken through the debt for agricultural development exchange;

(2) a plan has been prepared in advance by both the grantee and the host country, which, when implemented, will adequately provide for the viability of the activity that is to be undertaken through the debt for agricultural development exchange;

(3) there is a government agency or a local non-governmental organization, or combination thereof, in the host country with the capability, commitment, and record of agricultural development to oversee the long-term viability of the activity that is to be undertaken through the debt for agricultural development exchange; and

(4) the United States non-governmental organization, college, or university certifies that the host government has accepted the terms of the exchange.

(e) TERMS AND CONDITIONS OF THE EXCHANGE.—(1) Not later than 180 days after the date of enactment of this section, the Secretary shall issue regulations to implement this section. Such regulations shall include provisions to—

(A) detail the general terms and conditions necessary for any proposed exchange to gain approval under paragraph (2); and

(B) protect against the misuse of any assistance provided under subsection (b) contrary to the provisions of this section.

(2) The terms and conditions of any exchange under this section shall be subject to approval by the Secretary.

(3) Grants made under this section are intended to complement, and not to act as a substitute for, assistance otherwise available to a foreign country from the Department of Agriculture.

(4) The Department of Agriculture is prohibited from demanding or accepting any title or interest in any project or program under this section, or any interest accrued by the awarded grant, as a condition of the debt for agricultural development exchange.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Subtitle C—Other Provisions

SEC. 1841. AGRICULTURAL PRODUCT PROMOTION AND ENHANCEMENT.

(a) FINDINGS.—The Congress finds that—

(1) United States agricultural producers and importers contribute approximately $600,000,000 annually to commodity promotion and research programs to maintain and expand markets for their products;

(2) these commodity checkoff programs are funded entirely by producers and importers in a self-help effort to enhance the economic viability of their industries;

(3) these commodity checkoff programs are intended to enhance efforts to market agricultural products, rather than to facilitate advances in production that do not directly relate to strengthening markets of the products;

(4) marketing conditions for agricultural products are dramatically affected by consumer perceptions relating to environmental issues, food safety concerns, animal husbandry practices, and other similar issues; and

(5) advances of technology continue to provide new uses for agricultural products, both in food and nonfood applications, and such new uses present opportunities for increased marketing efforts.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that—

(1) commodity checkoff programs should focus their efforts on improving the marketing conditions for their products and not on efforts to increase production or enhance production techniques of their products where such enhancements do not relate directly to a stronger market for the product;

(2) the boards or councils that oversee commodity checkoff programs under the supervision of the Secretary should implement programs to provide consumers with adequate information on such public issues as environmental developments, food safety, animal husbandry practices, biotechnology, and other similar issues so that the perception of consumers accurately and fairly reflects the relationship between agriculture and these public issues; and

(3) such boards or councils should pursue new food and nonfood uses for agricultural products developed through technological advances that hold promise for increasing the marketability of these products.

SEC. 1842. AGRICULTURE ASSISTANCE PROGRAM FOR FARMER WITH DISABILITIES.

(a) SPECIAL DEMONSTRATION GRANTS.—(1) IN GENERAL.—The Secretary, in consultation with other appropriate Federal agencies including the Secretary of Education, shall make demonstration grants to support cooperative programs between State extension service agencies and private nonprofit disability organizations to provide on-the-farm agricultural education and assistance directed at accommodating disability in farm operations for individuals with disabilities, and their families, who are engaged in farming or farm-related occupations.

(2) EXTENSION SERVICE AGENCIES.—Grants shall be awarded under this subsection directly to State extension service agencies to enable such agencies to enter into contracts, on a multi-year basis, with private nonprofit community-based direct service organizations to initiate, expand or sustain cooperative on-the-farm agricultural education and direct assistance to farmers with disabilities to utilize farm-oriented expertise to promote accommodation of their disabilities in performing farm operations.

(3) MINIMUM AMOUNT.—No grant shall be awarded under this subsection in an amount that is less than $150,000.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 for each of the fiscal years 1991 through 1992 and $5,000,000 for each of the fiscal years 1993 through 1996 to carry out this subsection.

(b) NATIONAL GRANT FOR TECHNICAL ASSISTANCE, TRAINING, AND DISSEMINATION.—(1) IN GENERAL.—The Secretary shall award grants to national private nonprofit disability organizations to enable such organizations to provide technical assistance, training, information dissemination and other activities to support services provided under subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each of the fiscal years 1991 through 1995 to carry out this subsection.

SEC. 1843. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

(a) IN GENERAL.—The Secretary may make grants, not to exceed $20,000,000 annually, to public agencies or private organizations

with tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 that have experience in providing emergency services to low-income migrant and seasonal farmworkers when the Secretary determines that a local, State or national emergency or disaster has caused low-income migrant or seasonal farmworkers to lose income, or to be unable to work, or to stay home or return home in anticipation of work shortages. Emergency services to be provided under this section may include such types of assistance as the Secretary determines to be necessary.

(b) DEFINITION.—For the purposes of this section, a "low-income migrant or seasonal farmworker" is an individual who has, during any consecutive 12 month period within the preceding 24 month period, performed farm work for wages, and who has received at least one-half of total income or been employed at least one-half of total work time in farm work, and whose annual family income within such 12 month period did not exceed the higher of the poverty level or 70 percent of the lower living standard income level.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1844. NARROWING THE DEFENSE EXCEPTION TO THE FARMLAND PROTECTION POLICY ACT.

Section 1547(b) of the Farmland Protection Policy Act (7 U.S.C. 4208) is amended by inserting "during a national emergency" after "purposes".

SEC. 1845. FORAGE RANGELAND INVENTORY SURVEY.

The Secretary shall initiate and collect inventory survey data and statistics on the availability and quality of forage, grasslands and range crops. Such data shall be made available to the public each year.

SEC. 1846. ACCURATE TRACKING OF COSTS OF COMMODITY CERTIFICATE PROGRAM.

The Congress finds that, to ensure proper congressional scrutiny of commodities certificate costs, the Department of Agriculture should develop a new set of budget terms and totals that include commodity certificates in the budget totals submitted by the Administration to the Congress.

SEC. 1847. IMPROVING THE ACCURACY OF COMMODITY PROGRAM BUDGET FORECASTS.

The Congress finds that, to improve the accuracy of commodity program benefit forecasts, the Secretary should designate a single organization to manage its commodity program forecasting and establish a quality control program to—

(1) systematically identify the source of forecasting errors;

(2) maintain records of data used for supply and demand forecasts;

(3) document its forecasting methods; and

(4) correct weaknesses in its various forecasting components.

SEC. 1848. AMENDMENTS TO THE DISASTER ASSISTANCE ACT OF 1989.

(a) DOUBLE CROPPING OF NONPROGRAM CROPS GROWN IN A PRESIDENTIAL DISASTER AREA.—Section 104(a) of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note) is amended by adding at the end the following new paragraph:

"(5) DOUBLE CROPPING.—

"(A) TREATED SEPARATELY.—In the case of a 1989 nonprogram crop that is historically double cropped by the producers on a farm, the Secretary shall treat each cropping separately for purposes of determining under paragraph (1)—

"(i) whether the crop was affected by damaging weather or related conditions in 1989; and

"(ii) the total quantity of the crop that the producers are able to harvest.

"(B) APPLICATION OF PARAGRAPH—This paragraph shall—

"(i) apply only in the case of a 1989 nonprogram crop that is grown in a county declared to be a Presidential disaster area for that crop; and

"(ii) not apply in the case of a replacement crop described in section 110.".

(b) EXCLUSIONS FROM HARVESTED QUANTITIES.—Section 104(a)(4) of that Act is amended by adding at the end the following new sentence: "For a 1989 nonprogram crop that is grown in a county declared to be a Presidential disaster area for that crop, the exclusion required by the preceding sentence shall be 100 percent.".

(c) COVERAGE FOR ORNAMENTALS AND VALENCIA ORANGES.—(1) Section 104(a)(1)(A) of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note) is amended to read:

(A) ELIGIBILITY.—Effective only for the 1989 crops of soybeans and nonprogram crops, and any crop of valencia oranges affected by a freeze, if the Secretary of Agriculture determines that, because of damaging weather or related condition in 1988 or 1989, or freeze, the total quantity of the 1989 crop of the commodity, or the total quantity of any crop of valencia oranges, that the producers on a farm are able to harvest is less than—".

(2) Section 104(d)(1) of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 note) is amended:

(A) by inserting after "(1) Definition of nonprogram crops.—" a new subparagraph designation "(A)";

(B) by inserting after "earthquake" the following: "or grown in a county declared a Presidential disaster area, and shall include any valencia oranges, affected by a freeze, grown in a county declared a Presidential disaster area in 1989"; and

(C) by adding at the end a new subparagraph to read as follows:

"(B) For purposes of this Act, the term "1989 crop" shall include any crop of valencia oranges damaged by freeze in 1989.

(d) APPLICATION OF AMENDMENTS.—Section 152(a) of the Disaster Assistance Act of 1989 is amended by adding at the end the following new paragraph:

"(3) EXTENDED APPLICATION PERIOD.—In the case of producers of a nonprogram crop affected by the amendments made to section 104(a) by section 1848 of the Food and Agricultural Resources Act of 1990, the Secretary shall—

"(A) allow such producers to submit applications for payments under section 104 until December 31, 1990, and

"(B) in the case of applications submitted by such producers before the date of the enactment of that Act, recompute (not later than 90 days after such date) the payment to such producers under section 104 in light of those amendments.".

(e) HURRICANE HUGO FORESTRY ASSISTANCE ACT; COST-SHARE ASSISTANCE.—

"(1) ESTABLISHMENT.—For the purposes of encouraging tree owners to reestablish stands of trees damaged by Hurricane Hugo, the Secretary of Agriculture (hereafter in this subsection referred to as the "Secretary") shall develop and implement a cost-share program to provide financial assistance to owners of private timber stands that were damaged, as determined by the Secretary, in 1989 by Hurricane Hugo. This assistance shall only be made available in those counties in South Carolina, North Carolina, Virginia, Puerto Rico, and the United States Virgin Islands declared by the President to be disaster areas as a result of Hurricane Hugo and any county contiguous to those counties.

(2) ELIGIBLE PRACTICES.—Practices eligible for cost-share assistance under this subsection are—

(A) reforestation;

(B) site preparation; and

(C) such other timber stand reestablishment practices as may be prescribed by the Secretary.

(3) PRIVATE TIMBER STANDS.—(A) For the purpose of this subsection, the term "private timber stand" means a stand of trees damaged by Hurricane Hugo held continuously during the period described in paragraph (b) for commercial purposes by a private individual, group, association, corporation, Indian tribe or other native Indian group, or other legal entity, owning 1,000 acres or less of land planted to trees, except agencies of Federal, State, or local governments. Such term does not include a stand of trees transferred after the date on which such stand was damaged by Hurricane Hugo except for a stand of trees transferred by bequest, devise or inheritance, or acquired from a decedent by reason of death because of the form of ownership or other condition (including trees acquired through the exercise or nonexercise of a power of appointment).

(B) The period referred to in subparagraph (A) is the period beginning on the date on which such trees were damaged by Hurricane Hugo and ending at the time the request is made for assistance under this subsection.

(4) INDIVIDUAL FOREST MANAGEMENT PLANS.—The Secretary may provide assistance under this subsection only after a management plan for the private timber stand has been developed by the holder of the stand in cooperation with, and approved by, the State forester or equivalent State official. Such management plan shall—

(A) include provision for the replacement of the timber stand through reforestation by tree plantings or other means; and

(B) be the basis for an agreement between the holder and the Secretary under paragraph (5).

(5) COST SHARE.—The Secretary shall enter into agreements to share the cost of implementing eligible practices set forth in the agreement with holders who agree to implement those eligible practices. The amount of the Federal cost-share (including labor) for an eligible practice shall be 75 percent of the total cost of implementing eligible practices. The Secretary may consider, in determining the total cost of implementing eligible practices, any revenues from the sale of timber from private timber stands.

(6) DEADLINE.—Requests for assistance under this subsection must be filed with the Secretary not later than December 31, 1993.

(7) PAYMENT LIMITATION.—The total amount of payments that a person shall be entitled to receive under this subsection may not exceed $50,000. The Secretary shall issue regulations defining the term "person" which shall conform, to the extent practicable, to the regulations defining the term "person" issued under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

(8) REGULATIONS.—The Secretary shall issue regulations to implement the provisions of this subsection as soon as practicable after the date of the enactment of this Act, without regard to the requirement for

notice and public participation in rulemaking prescribed in section 553 of title 5, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS.—Any benefits or assistance provided under this section, or under the amendments made by this section to the Disaster Assistance Act of 1989, shall be provided only to the extent provided for in advance by appropriation acts. To carry out this section, and the amendments made by this section to the Disaster Assistance Act of 1989, there are hereby authorized to be appropriated for fiscal years 1991 through 1995 such sums as are necessary.

Subtitle D—Reports and Studies

SEC. 1851. PASS THROUGH OF SAVINGS.

(a) ESTABLISHMENT OF MEASUREMENT SYSTEM.—The Secretary of Agriculture (hereafter in this title referred to as the "Secretary") shall by regulation establish a system to measure the extent to which any reduction in the prices of agricultural commodities or products thereof are passed through to the ultimate consumer. The Secretary shall report annually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the results of such measurements and shall also publish such results in the Federal Register.

(b) PUBLICATION.—To the extent that the Secretary finds that any such price reductions are passed through in an article containing the agricultural commodity or product thereof as savings to the ultimate consumer, the Secretary shall publish the names of any such article, the amount of savings that were passed through to the ultimate consumer, and the seller or manufacturer of the article.

(c) CERTIFICATION REQUIRED.—Prior to publishing such information in the Federal Register, the Secretary shall require a certification from the seller or manufacturer of such article that savings were intended and actually passed through to the ultimate consumer.

SEC. 1852. FARM VALUE OF AGRICULTURAL PRODUCTS.

(a) IN GENERAL.—The Secretary of Agriculture shall provide by rule a system for informing the ultimate consumer of an agricultural commodity or a product thereof, whether produced inside or outside of the United States, of the approximate amount of money (in terms of United States currency) paid the agricultural producer for that commodity, or each commodity contained in that product.

(b) ANNUAL REPORT BY SECRETARY.—The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, by type of commodity or product, a summary of the information required to be made available to the consumer under subsection (a). The Secretary may by rule require the submission of such data from such persons as is necessary to enable the Secretary to carry out this subsection. The Secretary shall provide for the timely publication and wide distribution of such reports.

SEC. 1853. STUDY OF THE CONCENTRATION OF THE MEAT PACKING INDUSTRY.

(a) STUDY REQUIRED.—The Comptroller General, in consultation with the Secretary, shall conduct a study regarding vertical and horizontal concentration in the meat packing industry. In conducting such study, the Comptroller General shall consider the following:

(1) The impact, both short and long term, of such concentration on farm income of livestock producers.

(2) The impact, both short and long term, of such concentration on prices paid by consumers for meat and poultry products.

(3) The impact of such concentration on economic development in agricultural areas, including employment levels, wage rates, the financial condition and competitiveness of the meat industry, and distribution of employment opportunities.

(4) The extent and nature of packer contracting and the pricing arrangements that are typical of packer contracting, including any evidence of price premiums or discounts and the justification of such premiums or discounts.

(5) An evaluation of the adequacy of the voluntary price reporting system of the Department of Agriculture.

(6) The relationship between packer concentration and contracting and the role of packers in the futures market.

(7) The impact of captive supplies on price levels, price variability, and the level of competition in slaughter livestock markets.

(8) The degree of concentration throughout the food chain from producer through the retailer and the impact of such concentration on meat and poultry processors.

(9) An evaluation of alternative marketing systems including a national electronic marketing system, a national market for forward contracts and other alternatives with potential to enhance competitive price discovery in a national market with negotiations between buyers and sellers that are publicly visible so that they may be assessed by the public.

(b) DEFINITION OF PACKER.—For the purposes of this section the term "packer" means any person engaged in the business—

(1) of buying livestock in commerce for purposes of slaughter,

(2) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or

(3) of marketing meats, meat food products, or livestock products in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce.

(c) SUBMISSION OF STUDY.—The study specified in subsection (a) shall be submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

SEC. 1854. COMMODITY REPORTS.

(a) CROP REPORTS.—The Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall gather from producers a monthly crop report, which shall be printed and distributed on or before the twelfth day of each month during the growing season, and shall contain statements of the conditions of crops by States, with such explanations, comparisons, and information as may be useful for illustrating such reports. Reports shall be submitted to and officially approved by the Secretary before being issued or published.

(b) SPECIAL REPORTS.—(1) In addition to the reports compiled pursuant to subsection (a), the Secretary shall survey producers for information for reports regarding supply, acreage, production, disposition, and prices for the following commodities as determined by the Secretary:

(A) fresh market vegetables;

(B) processing vegetables;

(C) fruits and nuts;

(D) forage and turf seeds;

(E) vegetable seeds; and

(F) maple syrup.

(2) The Secretary shall conduct and report the results of the surveys described in paragraph (1) at least annually in such States as determined by the Secretary. Reports shall be submitted to and officially approved by the Secretary before being issued or published.

(c) TREE INVENTORIES.—The Secretary shall survey producers for information for reports regarding fruit and nut tree inventories. Such surveys and reports shall be conducted, printed, and distributed on a regular basis every three to five years as determined by the Secretary. Reports shall be submitted to and officially approved by the Secretary before being issued or published.

(d) CONFORMING AMENDMENTS.—The proviso under the heading "Bureau of Crop Estimates" in the Act of March 4, 1917 (ch. 179; 39 Stat. 1157) and the first proviso under the heading of the "Bureau of Statistics" in the Act of March 4, 1909 (ch. 301; 35 Stat. 1053) (7 U.S.C. 411a) are repealed.

SEC. 1855. RECORDKEEPING.

(a) Not later than 240 days after the date of enactment of this Act, the Secretary of Agriculture shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report which contains specific proposals for reducing and simplifying the recordkeeping and other paperwork required of agricultural producers and cooperatives (hereinafter referred to in this section as "producers") who apply for participation in, or in complying with the requirements of—

(1) agricultural price and income support programs administered by the Secretary, including programs under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.);

(2) voluntary or mandatory soil or water conservation programs administered by the Secretary, including programs under the Food Security Act of 1985 (7 U.S.C. 1281 note); and

(3) any other related programs administered by the Secretary, including programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.), marketing order programs, and programs of crop insurance under the Federal Crop Insurance Corporation.

(b)(1) In the report required by subsection (a) of this section, the Secretary shall set forth the results of a thorough examination of the feasibility of reducing current levels of paperwork and recordkeeping required of producers by providing such producer with access to a computerized Departmental network or system (including the utilization of computer capability and equipment which has been or will be acquired by the Department of Agriculture and its various agencies) and which network or system could be used by producers: (A) to communicate voice, data, video, or a combination thereof for the purpose of submitting electronically all of (or a significant portion of) any necessary and appropriate applications, reports, or other documentation, and (B) to provide updated electronic information and data pertinent to the producer's agricultural operation and marketing activities, or information-sharing by means of video conferencing. For the purpose of preparing the report required by this section, the Secretary shall retain the consulting services of at least one private sector business firm having experience and possessing technical expertise in the fields of wide area computer network design, function, installation, and

maintenance, integrated video conferencing, and data base management systems and may in his discretion award a contract for such services on a sole source basis.

(2) In determining the feasibility and costs of providing a computerized network or system as described in paragraph (1) of this subsection, the Secretary may also recommend a schedule of nominal fees which could be charged to producers and others for a pro-rata share of a portion of the costs associated with access to and use of such system, which fees would partially or entirely defray the costs (after taking into consideration any ongoing savings to the Department) associated with the operation and maintenance and future expansion of such portion of the network or system and its capabilities, but not to include any reimbursement for existent equipment and capabilities nor for the costs associated with the initial establishment of the network or system. The report should also contain initial recommendations outlining additional categories of users who might also be permitted access to the network or system for a fee, and the types of safeguards which would be reasonably necessary to limit file access as may be necessitated in accordance with provisions of the Privacy Act of 1974 (5 U.S.C. 552a) and other relevant authorities governing the disclosure of individual or proprietary infomation.

(c)(1) Insofar as practicable, in preparing the report required by subsection (a) of this section, the Secretary of Agriculture shall take into consideration and incorporate the recommendations of the Commission created by title V, section 501, of the Farm Credit Amendments Act of 1985 as contained in the Report of the National Commission of Agricultural Finance, dated February 22, 1989, insofar as such recommendations relate to the need to develop a universal loan application form and uniform accounting standards for farm businesses. In considering such recommendations, the Secretary shall strive to design and adopt forms and standards which are as brief and succinct as possible, and shall consult with representatives of the Farm Credit System and with representatives of the commercial banking system as well as with those representing other significant providers of farm ownership and operating credit.

(2) In order to increase the efficiency of agricultural programs administered by the Department of Agriculture and to reduce the burden of paperwork on participants in such programs, the Secretary shall design and adopt, insofar as practicable, one brief application form to be used by applicants for participation in the agricultural programs of the Department of Agriculture, including, but not limited to, the programs described in subsection (a) of this section. The report required by subsection (a) shall include information with regard to the progress made by the Department toward compliance with this subsection, and shall also identify any statutory impediments to the use of such single brief from.

(d) Notwithstanding the foregoing provisions of this section, the Secretary shall take appropriate action to integrate the various data bases of the Department of Agriculture relating to agricultural program data, and shall facilitate the sharing of relevant data among the various agencies of the Department, including, but not limited to, the Agricultural Stabilization and Conservation Service and the Soil Conservation Service and the Farmers Home Administration.

SEC. 1856. BUY AMERICA.

(a) It is the sense of Congress that a recipient (including a nation, individual, group, or organization) of any form of farm subsidy, aid, or other Federal assistance under this Act should, in expending that assistance, purchase American-made equipment and products.

(b) The Secretary of Agriculture shall provide procedures to inform recipients under subsection (a) of the Sense of Congress under that subsection.

SEC. 1857.

(a) SHORT TITLE.—This section may be referred to as the Farm Spouse Fairness and Equity Act of 1990.

(b) Effective beginning with the 1991 crop year, section 1001(5)(B) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(B)) is amended by adding the following new clause:

"(iv) Notwithstanding clause (iii), the Secretary may modify such regulations to provide that, with respect to any married couple, the husband and wife shall be considered to be one person, except—

"(I) in the case of a married couple which owns or operates a farming operation otherwise eligible for farm program payments under paragraph (1) of this section, the couple may designate one spouse as the 'primary recipient' for the purpose of receiving such payments and the other spouse (secondary recipient) may be considered to be a separate person actively engaged in farming for the purpose of receiving farm program payments not to exceed the per-person limitation amount contained in paragraph (1) of this section, provided such other spouse makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor; or

"(II) in the case of a married couple consisting of spouses who, prior to their marriage, were separately engaged in unrelated farming operations, each spouse shall be treated as a separate person actively engaged in farming with respect to the farming operation brought into the marriage by such spouse, so long as such spouse continues to provide a significant contribution of active personal management or labor in relation to the farming operation brought into the marriage; or

"(III) in the case of a married couple wherein, following their marriage, either of the spouses becomes the owner of an unrelated farming operation by way of gift (in anticipation of death or upon disability of the donor), devise, or descent, such spouse may be treated as a separate person actively engaged in farming with respect to the acquired farming operation, so long as such spouse shall provide a significant contribution of active personal management or labor in relation to the farming operation so acquired.".

SEC. 1858. SENSE OF CONGRESS CONCERNING CROP INSURANCE.

It is the sense of Congress that a sound system of crop insurance is desirable in that it will promote the national welfare by improving the economic stability of American agriculture and provide reasonable protection against natural disasters; that cancellation of the current crop insurance program would create unequal treatment among farmers; that improvements aimed at increasing the participation and effectiveness of the Crop Insurance Program are being devised, therefore, funding should be continued.

Subtitle E—Food Marketing Research

SEC. 1861. SHORT TITLE.

This subtitle may be cited as the "Agricultural Marketing Research and Reform Act of 1990".

SEC. 1862. DEFINITION.

The term "cosmetic" means superficial damage to, or alteration of, the exterior appearance of an agricultural commodity that does not significantly affect yield, taste, or nutritional value.

SEC. 1863. RESEARCH.

(a) The Secretary of Agriculture shall provide for the conduct of research, through the Economic Research Service and the Cooperative State Research Service, in consultation with other agencies within USDA.

(b) The research shall examine the effects, to the extent listed in the following subsection (c) ("scope of research"), of grade standards and other regulations, as developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), and other statutes governing cosmetic appearance.

(c) SCOPE OF RESEARCH.—The primary goal of this research is to investigate the extent to which grade standards and other regulations governing cosmetic appearance affect pesticide use in the production of perishable commodities. The research shall also—

(1) determine pesticide application levels for United States perishable commodity production and assess trends and factors influencing those trends of such pesticide application levels since 1975;

(2) determine the extent to which Federal grade standards and other regulations affect pesticide use in agriculture for cosmetic appearance;

(3) determine the effect of reducing emphasis on cosmetic appearance in grade standards and other regulations on—

(A) the application and availability of pesticides in agriculture;

(B) the adoption of agricultural practices that result in reduced pesticide use;

(C) production and marketing costs;

(D) domestic and international markets and trade for perishable commodities;

(4) determine the extent to which grade standards and other regulations reflect consumer preferences;

(5) develop options for implementation of food marketing policies and practices that will remove obstacles that may exist to pesticide use reduction, based on the findings of research conducted under this section; and

(6) FIELD RESEARCH.—

(A) The Secretary of Agriculture shall implement, not later than twelve months after enactment of this Act, or upon completion of the first phase of the research, a minimum of three, two-year market research projects, in at least three States, to demonstrate and evaluate the feasibility of consumer education and information programs;

(B) Scope of field research.—Research shall be conducted to evaluate programs designed to—

(i) offer consumers choices among perishable commodities produced with different production practices;

(ii) provide consumers with information about agricultural practices used in the production of perishable commodities; and

(iii) educate the public about the relationship, as determined in the research conducted under this subtitle, between cosmetic appearance of perishable commodities and pesticide use.

(d) DISSEMINATION OF RESULTS.—The Secretary of Agriculture shall disseminate to concerned parties the results obtained from prior scientifically valid research concerning Federal marketing policies and practices described in this section to avoid any duplication of effort and to ensure that current knowledge concerning such policies and practices is enhanced.

(e) ADVISORY COMMITTEE.—

(1) The Secretary of Agriculture shall establish an advisory committee for the purpose of providing ongoing review of the implementation of the requirements in this section and providing the Secretary of Agriculture with recommendations regarding the implementation of those requirements.

(2) MEMBERSHIP.—The Advisory Committee shall consist of twelve members comprising three representatives from not-for-profit consumer organizations, three representatives from not-for-profit environmental organizations, three representatives from production agriculture and the perishable commodity grower/shipper community and three representatives from the food retailing sector, each with experience in the policy issues discussed in this section.

(3) The Advisory Committee shall cease to exist no later than September 30, 1993.

(f) REPORT.—The Secretary of Agriculture shall report to congress on the findings of research under this section no later than September 30, 1992, with the exception of the findings under subsection (6) which shall be reported no later than September 30, 1993.

SEC. 1864. CHANGES IN PROCEDURAL REGULATIONS.

With regard to federal grade standards developed and promulgated pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), the Secretary of Agriculture shall—

(1) take into account the impact of those standards on perishable commodity growers' ability to reduce the use of pesticides;

(2) provide for citizens outside of the perishable commodity industry fair and reasonable opportunity to formally petition a change in grade standards; and

(3) provide for a comment period after a formal petition to change grade standards has been made to enable all interested parties to submit information. The Secretary of Agriculture shall evaluate the information and consider it in the revision process.

SEC. 1865. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

TITLE XIX—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

SEC. 1901. RURAL DEVELOPMENT ADMINISTRATION.

(a) AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by adding at the end the following:

"SEC. 359. RURAL DEVELOPMENT ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture the Rural Development Administration, which shall be headed by an Administrator appointed by the Secretary.

"(b) ADMINISTRATION.—Except as provided in subsection (c), or as otherwise provided in this section, the Secretary shall carry out this Act through the Farmers Home Administration.

"(c) EXCEPTIONS.—The Secretary shall carry out section 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of section 303(a)), section 304(b), section 306(a), section 306B, section 310A, section 310B, section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)), section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate through the Rural Development Administration.

"(d) REFERENCES.—Any reference in any law, regulation, or order in effect immediately before the date of the enactment of the Rural Economic Development Act of 1990 to the Farmers Home Administration or to the Administrator of the Farmers Home Administration or of the Farmers Home Administration relating to any function, power, or duty that is, on or after such date, a function, power, or duty of the Rural Development Administration or the Administrator of the Rural Development Administration, shall be deemed to be a reference to the Rural Development Administration or to the Administrator of the Rural Development Administration, as the case may be.

"(e) EFFECT ON PENDING PROCEEDINGS AND PARTIES TO SUCH PROCEEDINGS.—

"(1) NONABATEMENT OF ACTIONS.—This Act does not abate any proceeding commenced—

"(A) by or against any entity any function of which is transferred by this Act; or

"(B) by or against any officer of any entity referred to in subparagraph (A) in the official capacity of such individual as such an officer.

"(2) EFFECT ON PARTIES.—If an officer of the Farmers Home Administration, in the official capacity of such officer, is a party to a proceeding pending on the date of the enactment of this Act, and under this Act the officer or any function of the officer is transferred to the Rural Development Administration, Department of Agriculture, then such action shall be continued with the Secretary or the Administrator, Rural Development Administration, or other appropriate officer of the Department substituted or added as a party.

"(3) TRANSFER OF CERTAIN RIGHTS OF FARMERS HOME ADMINISTRATION TO RURAL DEVELOPMENT ADMINISTRATION.—The rights, interests, obligations, and duties of the Farmers Home Administration arising before the date of the enactment of the Rural Economic Development Act of 1990 from any loan made, insured, or guaranteed, or any grant or contract made, by the Farmers Home Administration in the exercise of its functions shall—

"(A) with respect to any function to be exercised on or after such date by the Farmers Home Administration under subsection (b), continue to be vested in the Farmers Home Administration; and

"(B) with respect to any function to be exercised on or after such date by the Rural Development Administration under subsection (c), be vested in the Rural Development Administration.

"(f) COMPENSATION OF ADMINISTRATOR.—The Administrator of the Rural Development Administration shall be compensated in accordance with subchapter VIII of chapter 53 of title 5, United States Code."; and

(2) in section 309(e) by—

(A) inserting "and the Rural Development Administration, in proportion to such charges collected in connection with the insurance of loans by such agency" after "Farmers Home Administration"; and

(B) striking "expenses." and inserting "expenses for such agency.".

(b) FACILITATION OF TRANSFER OF FUNCTIONS.—(1) Notwithstanding the provisions of section 331 of the Consolidated Farm and Rural Development Act, as soon as practicable, but in no case later than one hundred and eighty days after the date of enactment of this section, the Secretary shall transfer to the Rural Development Administration the powers, duties, and assets of the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, related to the performance of rural development functions, including, but not limited to, the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, that administer sections 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of subsection (a)), 304(b), 306(a), 306B, 310A, 310B, and section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)) of the Consolidated Farm and Rural Development Act, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate.

(2) INCIDENTAL TRANSFERS.—The Secretary shall make such determinations, and shall transfer such personnel from the Farmers Home Administration, as may be necessary or appropriate with regard to the functions transferred under this section to the Rural Development Administration. The Secretary shall also make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the functions transferred by this section, as the Secretary may deem necessary to accomplish the purposes of this section.

(3) EFFECTIVE AND EFFICIENT TRANSFER OF AUTHORITY.—The Administrator of the Farmers Home Administration and the Secretary shall take whatever steps are necessary to assure the effective and efficient transfer of authority as provided for in this section.

SEC. 1902. CONFORMING AMENDMENTS.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended—

(1) in the first sentence—

(A) by striking "For the purposes of this title and" and inserting "In accordance with section 359, for purposes of this title, and"; and

(B) by inserting before the period ", or may assign and transfer such powers, duties, and assets to the Rural Development Administration as provided by law for that office";

(2) in subsection (d), by striking "under any of its programs" and inserting "or the Rural Development Administration under any of their programs"; and

(3) in subsections (h) and (i), by inserting "Rural Development Administration under this title or by the" before "Farmers Home Administration" each place it appears.

(b) Section 331A of such Act (7 U.S.C. 1981a) is amended by inserting "or by the Rural Development Administration" immediately after "Farmers Home Administration".

(c) Section 335 of such Act (7 U.S.C. 1985) is amended—

(1) in subsection (a), by inserting "or the Rural Development Administration" after "Farmers Home Administration"; and

(2) in subsection (c)(1) by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(d) Section 338(a) of such Act (7 U.S.C. 1988(a)) is amended by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(e) Sections 657, 658, 1006, and 1014 of title 18, United States Code, are each amended by striking "Farmers' Home Administration" and inserting "Farmers Home Administration, the Rural Development Administration".

(f)(1) Section 623(c)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(c)(2)) is amended by inserting ", or the Rural Development Administration" after "Farmers Home Administration".

(2) Section 628 of such Act (42 U.S.C. 9817) is amended—

(A) by amending the heading to read as follows:

"DEPARTMENT OF AGRICULTURE; RURAL DEVELOPMENT ADMINISTRATION PROGRAMS"; and

(B) by inserting ", or of the Rural Development Administration" after "of the Farmers Home Administration".

TITLE XX—LOCAL PRIORITIZATION OF PROJECT FUNDING

SEC. 2001. DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Effective October 1, 1991, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 360. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—(1) ASSISTANCE IN ELIGIBLE STATES.—Assistance under each designated rural development program shall be provided in eligible States to qualified projects in accordance with this section.

"(2) NO ASSISTANCE IN OTHER STATES.—The Secretary shall not provide assistance under any designated rural development program in any State that is not an eligible State.

"(b) DEFINITIONS.—As used in this section and section 361—

"(1) AREA PLAN.—The term 'area plan' means, with respect to a local or regional area in a State, the long range rural development plan developed for the area. Each area plan shall identify the geographical boundaries of the area and include—

"(A) an overall development plan for the area with goals, including business development and infrastructure development goals, and time lines based on a realistic assessment of the area, including, but not limited to—

"(i) the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support;

"(ii) the outstanding need for water and waste and other public services or facilities in the area;

"(iii) the realistic possibilities for industrial recruitment in the area;

"(iv) the potential for the development of tourism in the area;

"(v) the potential for the generation of employment in the area through the creation of small businesses and the expansion of existing businesses; and

"(vi) the potential for the production of value-added agricultural products in the area;

"(B) an inventory and assessment of the human resources of the area, including, but not limited to—

"(i) a current list of organizations in the area and their special interests;

"(ii) the current level of participation of area residents in rural development activities and the level of participation required for successful implementation of the plan;

"(iii) the availability of general and specialized job training in the area and the extent to which the needs of the area for such training are not being met;

"(iv) a list of area residents with special skills which could be useful in developing and implementing the plan; and

"(v) an analysis of the human needs of the area, the resources in the area available to meet those needs, and the manner in which the plan, if implemented, would increase the resources available to meet those needs;

"(C) the current degree of intergovernmental cooperation in the area and the degree of such cooperation needed for the successful implementation of the plan;

"(D) the ability and willingness of governments and citizens in the area to become involved in developing and implementing the plan;

"(E) a description of how the governments in the area will apply budget and fiscal control processes to the plan; and

"(F) the extent to which public services and facilities need to be improved to achieve the economic development and quality of life goals of the plan, taking into consideration, at a minimum—

"(i) law enforcement;

"(ii) fire protection;

"(iii) water and solid waste management;

"(iv) education;

"(v) health care;

"(vi) transportation;

"(vii) housing;

"(viii) communications; and

"(ix) the availability of, and capability to generate, electric power.

"(2) DESIGNATED RURAL DEVELOPMENT PROGRAM.—The term 'designated rural development program' means a program carried out under section 304(b), 306(a), or subsection (a) through (f) and (h) of section 310B of this Act, or under section 1323 of the Food Security Act of 1985, for which funds are available at any time during the fiscal year under such section.

"(3) ELIGIBLE STATE.—(A) REQUIREMENTS.—The term 'eligible State' means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:

"(i) ESTABLISHED RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The State has established an advisory rural economic development review panel meeting the requirements of section 361;

"(ii) APPOINTED STATE COORDINATOR.—The Governor of the State has appointed an officer or employee of the State government to—

"(I) manage, operate, and carry out the instructions of, the panel described in clause (i);

"(II) serve as a liaison between the panel and the Federal and State agencies involved in rural development, including transmitting to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6);

"(III) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(IV) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(V) coordinate the efforts of interested rural residents with the State rural economic development review panel.

"(iii) DESIGNATED AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO PANEL.—The State has designated an agency to provide the panel and the State coordinator with support for the daily operation of the panel described in clause (i).

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.

"(4) QUALIFIED PROJECT.—The term 'qualified project' means any project—

"(A) for which the agency described in paragraph (3)(C) of the State has identified—

"(i) the alternative Federal, State, local, or private sources of assistance, and

"(ii) the related activities in the State; and

"(B) to which the Secretary is required by subsection (c)(4) to provide assistance.

"(5) STATE COORDINATOR.—The term 'State coordinator' means the individual appointed by the Governor of the State to carry out the activities described in paragraph (3)(B).

"(6) STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The term 'State rural economic development review panel' or 'panel' means an advisory panel specified in section 361.

"(c) DUTIES OF THE SECRETARY.—The Secretary shall, with respect to each eligible State—

"(1) review the list, if any, transmitted pursuant to subsection 361(b)(6) by any State coordinator;

"(2) determine whether each project described in an application in the list meets the requirements of the rural development program under which the application seeks assistance;

"(3) remove from the list any application for a project that does not meet the requirements;

"(4) provide assistance, subject to available funds, to the projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (3), giving consideration to the order in which the applications for such projects are ranked by the respective State panel, and, if assistance is provided to any project without providing assistance to all projects ranked higher in priority by the panel than such project, report to the panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate within ten days of determining to fund such lower ranked project on the reasons for that determination;

"(5) within thirty days after the date of the enactment of any Act providing appropriations for any designated rural development program for any fiscal year, notify each State of the amounts to be made available to such State under such program for such fiscal year, and the aggregate for such fiscal year of such amounts under all the designated rural development programs;

"(6) pay per diem or otherwise reimburse each full-time officer or employee of the United States who is a member of a State rural economic development review panel for expenses incurred each day (including travel time) during which the officer or employee is engaged in the actual performance of a duty of the panel;

"(7) from amounts appropriated for grants under any provision of section 306(a), make

grants not to exceed $100,000 annually to each eligible State for the administrative costs associated with the State rural economic development review panel meeting the requirements of section 361; and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).

"(d) OFFICIAL INFORMATION.—The Secretary may appoint as nonvoting members, temporarily and for specific purposes, personnel from any department or agency of the United States, with the consent of the head of such department or agency, with expertise not available among the members of any State rural economic development review panel as may be necessary to enable the panel to perform a duty described in section 361(b).

"(e) ALLOCATION OF APPROPRIATED FUNDS.—(1) INITIAL ALLOCATION.—The Secretary shall allocate the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for any fiscal year to the projects specified in subsection (c)(4) giving great weight to the order in which the applications for such projects are ranked on the list specified in subsection (c)(1).

"(2) EQUITABLE REALLOCATION OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (1), the Secretary shall, on July 15 of each year, and from time to time thereafter during the fiscal year as the Secretary determines appropriate, pool from among the States any unobligated funds appropriated for direct loans, loan guarantees, or grants for each designated rural development program and reallocate such funds to the States according to need, as determined by the Secretary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to any State rural economic development review panel.

"(g) NO LIABILITY OF MEMBERS OF STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANELS.—The members of a State rural economic development review panel shall not be liable to any person with respect to any determination made by the panel.

"(h) ELIGIBILITY FOR WATER AND WASTE FACILITY LOANS.—(1) RURAL ELECTRIFICATION PROGRAM BORROWERS.—Notwithstanding any other provision of law, a borrower under title III of the Rural Electrification Act of 1936 shall be eligible to receive loans and grants under section 306 on an equal basis with any other applicant for such assistance, and the terms and conditions, rules, criteria and other provisions of section 306 shall apply to such a borrower. In the case of applications from such a borrower, the Administrator of the Rural Electrification Administration shall provide technical assistance with respect to such water and waste facilities and loans and grants for such facilities.

"(2) PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.—The Secretary shall establish rules and procedures that prohibit borrowers under title III of the Rural Electrification Act of 1936 from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if such conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by such facility receive, or will accept, electric service from such borrower.

"SEC. 361. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

"(a) IN GENERAL.—Each State rural economic development review panel specified in section 360(b)(3)(A) shall meet all of the requirements of this section.

"(b) DUTIES.—The panel shall advise the Secretary on the desirability of funding applications for funding from designated rural development programs, and, in developing such advice, shall have the following duties:

"(1) REVIEW RURAL DEVELOPMENT PLANS OF LOCAL AREAS.—To review each area plan submitted by a local or regional area.

"(2) EVALUATE AREA PLANS AND APPLICATIONS FOR ASSISTANCE.—(A) AREA PLANS.—To evaluate, pursuant to a written policy and criteria, each area plan submitted by a local or regional area and either—

"(i) accept any area plan that is technically and economically adequate, feasible, and likely to succeed in meeting the stated goals of the plan, unless the plan is incompatible with any other area plan for that area that has been accepted by the panel; or

"(ii) return any plan that is technically or economically inadequate, infeasible, unlikely to be successful, or incompatible with any other area plan for that area that has been accepted by the panel, with an explanation of the reasons for the return with suggested alternative proposals.

In evaluating area plans under this subparagraph, the panel shall give great weight to the area plans or other comments submitted by intergovernmental development councils, or similar organizations made up of local elected officials, charged with the responsibility for rural or regional development.

"(B) APPLICATIONS FOR ASSISTANCE.—To evaluate each application for assistance to determine whether the project to be carried out in any area is compatible with the area plan for the area in which the project described in the application is proposed, and either—

"(i) accept any application that the panel determines to be compatible with such area plan; or

"(ii) return to the Rural Development Administration any application that the panel determines to be incompatible with such area plan.

"(3) REVIEW AND RANK APPLICATIONS FOR ASSISTANCE UNDER DESIGNATED RURAL DEVELOPMENT PROGRAMS FROM AREAS WITH ACCEPTED AREA PLANS.—To review applications for assistance, that have been accepted pursuant to paragraph (2)(B), for projects to be carried out in any area the area plan for which has been accepted pursuant to paragraph (2)(A), taking into account the sources of assistance and related activities identified pursuant to section 360(b)(4)(A), and to rank such applications, subject to paragraphs (4) and (5), pursuant to a written policy and criteria, in an order that takes into account—

"(A) in the case of business projects described in the application—

"(i) the extent to which a project would—

"(I) stimulate rural development by creating new jobs of a permanent nature or retaining existing jobs by enabling new small businesses to be started, or existing businesses to be expanded by local or regional area residents who own and operate the businesses,

"(II) contribute to the enhancement and the diversification of the local or regional area economy,

"(III) generate or retain jobs for local or regional area residents,

"(IV) be carried out by persons with sufficient managerial capability,

"(V) be likely to become financially viable, and

"(VI) assist a local or regional area in overcoming severe economic distress;

"(ii) the distribution of assistance to projects in as many areas as possible in the State, with sensitivity to geographical distribution;

"(iii) the technical aspect of the projects;

"(iv) the market potential and marketing arrangements for the projects; and

"(v) the potential of such project to promote the growth of a rural community by improving the ability of the community to increase the number of persons residing therein and by improving the quality of life of such persons; and

"(B) in the case of infrastructure and community facility projects described in the applications the extent to which a project would—

"(i) have the potential to promote the growth of a rural community by improving the quality of life for local or regional area residents;

"(ii) affect the health and safety of local or regional area residents;

"(iii) affect business productivity and efficiency;

"(iv) enhance commercial business activity;

"(v) have the potential to promote long-term growth, including by increasing the number of persons residing in a rural community;

"(vi) address a severe loss or lack of water quality or quantity;

"(vii) bring a community into compliance with Federal or State water or waste water standards; and

"(viii) consolidate water and waste systems and utilize management efficiencies in new systems.

"(4) PRIORITY RANKING FOR PROJECTS ADDRESSING HEALTH EMERGENCIES.—To give priority in reviewing and ranking, notwithstanding the criteria established in paragraph (3), to applications for projects designed to address a health emergency declared to be such by the appropriate Federal or State government agency.

"(5) PRIORITY BASED ON NEED.—If in ranking applications pursuant to paragraphs (3) and (4), 2 or more applications are determined to have comparable strengths in their feasibility and potential for growth, to give priority to the applications for projects for which there is the greatest need.

"(6) TRANSMIT LIST OF RANKED APPLICATIONS.—To transmit to the State coordinator a list of all applications received and indicate on the list—

"(A) for all applications accepted, the rank of such applications in accordance with paragraphs (3), (4) and (5); and

"(B) for all applications returned, the fact that the application was returned pursuant to paragraph (2) and instruct the State coordinator to transmit the list to the Secretary.

"(7) AVAILABILITY OF LIST OF RANKED APPLICATIONS.—To make available to the public the list of ranked applications submitted under paragraph (6) and to provide a brief explanation and justification of why the project applications received their prioritization.

"(8) ESTABLISHMENT AND REVIEW OF WRITTEN POLICY AND CRITERIA FOR EVALUATING AND RANKING APPLICATIONS.—To establish and annually review the written policy and criteria used by the panel in evaluating and ranking applications in accordance with this subsec-

tion to ensure that the policy and criteria are consistent with current rural developmental needs, and to provide for public input during the development of the initial policy and criteria.

"(c) MEMBERSHIP.—(1) VOTING MEMBERS.—The panel shall be composed of not more than sixteen voting members who are representatives of rural areas—

"(A) one of whom is the Governor of the State or the person designated by the Governor to serve on the panel on behalf of the Governor for that year;

"(B) one of whom is the director of the State agency responsible for economic and community development or the person designated by the director to serve on the panel on behalf of the director for that year;

"(C) one of whom is appointed by a statewide association of banking organizations;

"(D) one of whom is appointed by a statewide association of investor-owned utilities;

"(E) one of whom is appointed by a statewide association of rural telephone cooperatives;

"(F) one of whom is appointed by a statewide association of noncooperative telephone companies;

"(G) one of whom is appointed by a statewide association of rural electric cooperatives;

"(H) one of whom is appointed by a statewide association of health care organizations;

"(I) one of whom is appointed by a statewide association of existing local government-based planning and development organizations;

"(J) one of whom is appointed by the Governor of the State from either a statewide rural development organization or a statewide association of publicly-owned electric utilities, neither of which is described in any of subparagraphs (C) through (I);

"(K) one of whom is appointed by a statewide association of counties;

"(L) one of whom is appointed by a statewide association of towns and townships, or by a statewide association of municipal leagues, as determined by the Governor;

"(M) one of whom is appointed by a statewide association of rural water districts;

"(N) the State director of the Federal small business development center (or, if there is no small business development center in place with respect to the State, the director of the State office of the Small Business Administration);

"(O) the representative for that State of the Economic Development Administration of the Department of Commerce; and

"(P) one of whom is appointed by the Secretary from among the officers and employees of the Federal Government.

"(2) NONVOTING MEMBERS.—The panel shall have not more than four nonvoting members who shall serve in an advisory capacity and are representatives of rural areas—

"(A) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of business of the colleges and universities in the State;

"(B) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of engineering of the colleges and universities in the State;

"(C) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of agriculture of the colleges or universities in the State; and

"(D) the director of the State agency responsible for extension services for the State.

"(3) APPOINTMENT OF REPRESENTATIVES OF STATEWIDE ORGANIZATIONS BY THE GOVERNOR IN CERTAIN CASES.—(A) If there is no statewide association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor of the State will appoint an individual to fill the position or positions, as the case may be, described in the applicable subparagraph from among nominations submitted by local groups of such entities.

"(B) If there is more than one of the statewide associations or organizations described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor shall select which organization shall name a member. The Governor shall rotate such selection among such associations or organizations such that a representative of the selected association or organization shall serve no more than two years before another such association or organization is selected by the Governor.

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).

"(d) NOTIFICATION.—Each statewide organization that selects an individual to represent the organization on the panel shall have notified the Governor of the State of the selection.

"(e) QUALIFICATIONS OF PANEL MEMBERS APPOINTED BY THE GOVERNOR.—Each individual appointed to the panel by the Governor of the State will be specially qualified to serve on the panel by virtue of the individual's technical expertise in business and community development.

"(f) VACANCIES.—A vacancy on the panel shall be filled in the manner in which the original appointment was made.

"(g) CHAIRPERSON AND VICE CHAIRPERSON.—The panel shall have selected two members of the panel who are not officers or employees of the United States to serve as the chairperson and vice chairperson of the panel for a term of one year.

"(h) NO COMPENSATION FOR FEDERAL MEMBERS.—Except as provided in section 360(c)(6), each member of the panel who is an officer or employee of the Federal Government may not receive any compensation or benefits, in addition to that which such officer or employee receives for performance of such officer or employee's regular employment, by reason of service on the panel.

"(i) RULES GOVERNING PANEL MEETINGS.—

"(1) QUORUM.—A majority of the members of the panel shall constitute a quorum for the purpose of conducting business of the panel.

"(2) FREQUENCY OF MEETINGS.—The panel shall meet not less frequently than quarterly.

"(3) FIRST MEETING.—The State coordinator shall schedule the first panel meeting.

"(4) RECORDS OF MEETINGS.—The panel shall keep records of the minutes of the meetings, deliberations, and evaluations of the panel, in sufficient detail to enable the panel to provide to interested persons the reasons for its actions.".

(b) CONFORMING AMENDMENT.—Section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking "and not inconsistent" and all that follows through "undertaken for the area".

SEC. 2002. LOAN AND LOAN GUARANTEE ALLOCATION AND TRANSFER.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended by section 2001 of this Act, is amended by adding at the end the following:

"SEC. 362. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

"(a) TRANSFER OF FUNDS.—If the sums appropriated for direct loans for the water and waste or community facility program authorized under section 306(a) and made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer, subject to subsection (b), to one program from the other such program part or all of the sums appropriated for loans made available to the State for such other program.

"(b) LIMITATION ON LOAN AMOUNTS TRANSFERRED.—(1) AMOUNTS TRANSFERRED WITHIN A STATE.—With regard to each State, the amount of direct loan funds transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.

"(2) AMOUNTS TRANSFERRED ON A NATIONAL BASIS.—On a national basis, the amount of direct loan funds transferred in a fiscal year from a program under this section (after accounting for any offsetting transfers into such program) shall not exceed $90,000,000.

"SEC. 363. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

"(a) ALLOCATION OF LOAN GUARANTEE AUTHORITY.—The Secretary shall allocate among the States the loan guarantee authority appropriated under the water and waste or community facility program authorized under section 306(a), and the business and industry loan program authorized under section 310B, in a manner similar to that used for the allocation of direct loan and grant funds appropriated for such programs, and that the Secretary determines to be fair, reasonable, and appropriate.

"(b) TRANSFER OF LOAN GUARANTEE AUTHORITY.—(1) IN GENERAL.—If the sums appropriated for loan guarantees and made available to the State under a program specified in subsection (a) for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer to the program from the other such programs part or all of the sums appropriated for loan guarantees made available to the State for such other program for such fiscal year.

"(2) LIMITATION ON GUARANTEE AMOUNTS TRANSFERRED.—With regard to each State, the amount of loan guarantees transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.".

TITLE XXI—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

SEC. 2101. REA TECHNICAL ASSISTANCE UNIT.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 17. TECHNICAL ASSISTANCE UNIT.

"(a) ESTABLISHMENT.—The Administrator shall establish a technical assistance unit to perform the duties described in subsection (b).

"(b) DUTIES.—The technical assistance unit established under subsection (a) shall—

"(1) provide advice and guidance to electric and telephone borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse (using, to the extent practicable, the resources of the National Agricultural Library) and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts; and

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development.

"(c) FUNDING.—Not less than 3 per centum of the salaries and expenses of the Rural Electrification Administration shall be made available during each fiscal year to the technical assistance unit established in this section.".

SEC. 2102. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by—

(1) inserting "(a)" before "The Administrator"; and

(2) adding at the end the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in subsection (a), except that such deferment shall not be permitted based on the determination of the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the sixty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the one hundred and twenty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower as described in paragraph (2).

"(B) The amount of the deferment shall not exceed 50 per centum of the cost of financing or assistance provided under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 per centum of the total payments due during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 per centum of such total payments due in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a payment to a cushion of credit account established and maintained pursuant to section 313 in an amount equal to the amount of the payment deferred. The balance of such account shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower shall be included in the interest differential calculation under section 313(b)(2)(A).

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 2103. WATER AND WASTE LENDING BY BANKS FOR COOPERATIVES.

(a) AUTHORIZATION.—Section 3.7 of the Farm Credit Act of 1971 (12 U.S.C. 2128) is amended by adding at the end the following:

"(f) The banks for cooperatives are authorized, for the purpose of the installation, expansion, or improvement of water facilities or systems or waste disposal facilities, to make and participate in loans and commitments and to extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating such systems; and

"(2) rural municipalities having populations not in excess of twenty thousand inhabitants, if the proceeds from such loans are used to expand existing water or waste facilities in such municipalities, to enhance the economic development of such municipalities, or to address health-related problems of the inhabitants of such municipalities.".

(b) CONFORMING CHANGE.—Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

"(D) Any cooperative or municipality described in section 3.7(f).".

SEC. 2104. AMENDMENTS TO THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by—

(1) inserting before the first sentence the following: "The Secretary may also make and insure loans to small and very small rural businesses to assist in the startup and expansion of such businesses that have presented an application for a business project meeting the criteria established under section 361(b)(3)(A) to the applicable State rural economic development review panel defined in section 360(b)(7).";

(2) striking "$25,000,000" and inserting "$5,000,000"; and

(3) adding at the end the following: "The primary purpose of the program established under this subsection shall be to assist small and very small rural businesses, as provided in the first sentence of this subsection. For the purposes of this section, the term 'very small business' means a business having fewer than 30 employees; and the term 'small business' shall not be defined in such a manner as to be inconsistent with the definition of such term established by the Small Business Administration pursuant to section 112(b) of Public Law 94-305 (15 U.S.C. 632).".

SEC. 2105. WATER OR WASTE DISPOSAL LOANS TO BENEFIT RURAL BUSINESSES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting "rural businesses," after "farm laborers,".

SEC. 2106. RURAL WASTEWATER TREATMENT CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 2107. INCREASE ON LIMITATION OF AUTHORIZATION FOR WATER AND WASTE GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended by striking ": Provided, That for fiscal years commencing after September 30, 1981, such grants may not exceed $154,900,000 in any fiscal year".

SEC. 2108. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act.".

TITLE XXII—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

SEC. 2201. RURAL DEVELOPMENT INFORMATION SHARING.

Section 306(a)(12)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)(A)) is amended by inserting ", that shall be located in the National Agricultural Library," after "establish a system".

SEC. 2202. RURAL TECHNOLOGY GRANTS.

(a) AUTHORIZATION.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (f) and inserting the following:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institu-

tions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology or cooperative development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that substantiates that such center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation or cooperative development and the adaptation of existing technology) and commercialization of—

"(i) new services and products that can be produced or provided in rural areas;

"(ii) new processes that can be utilized in the production of products in rural areas; and

"(iii) new enterprises that can add value to on-farm production through processing or marketing.

"(C) A description of the activities that such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology research, investigations, and basic feasibility studies in any field and discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons in rural areas served by the center in the development and commercialization of new products, processes, or services.

"(iii) Programs providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

"(iv) Programs providing loans and grants to individuals, small businesses, and cooperatives in rural areas served by the center for purposes of generating, evaluating, developing, and commercializing new products, processes, or services.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

"(vi) Programs providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

"(D) A description of the contributions that such activities are likely to make to the improvement of the economic conditions of the rural areas for which such center will provide services.

"(E) Provisions that such center, in carrying out such activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) monitoring and evaluating such activities by the institution operating such center; and

"(ii) accounting for money received by such institution under this section.

"(I) Provisions that such center will provide for the optimal application of such technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for—

"(i) rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

"(ii) cooperative development where such development can be implemented by cooperatives

to improve local economic conditions.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology or cooperative development that—

"(A) can demonstrate the capability to transfer for practical application in rural areas the technology generated at such centers and the ability to commercialize products, processes, services, and enterprises in such rural areas;

"(B) will effectively serve in rural areas that have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment or underemployment;

"(iii) high rates of out migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(C) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(g) In carrying out subsection (f), the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment or underemployment of persons residing in economically distressed rural areas that the Secretary determines have a substantial need for such assistance. Such assistance shall include planning and feasibility studies, management and operational assistance, and studies evaluating the needs for development potential of projects that increase employment and improve economic growth in such areas.

"(h) The Secretary may make grants to defray not to exceed 75 per centum of the administrative costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under subsection (f). For purposes of determining the non-Federal share of such costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including but not limited to premises, equipment, and services.".

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out section 310B (f) and (h) of the Consolidated Farm and Rural Development Act, there are authorized to be appropriated to the Secretary not to exceed $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

TITLE XXIII—RURAL BUSINESS AND LEADERSHIP TRAINING

SEC. 2301. EXTENSION SERVICE RURAL BUSINESS AND LEADERSHIP TRAINING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 1 of chapter 79 of the Act of May 8, 1914 (7 U.S.C. 341) is amended by—

(1) inserting "(a) AGRICULTURE, ENERGY AND HOME ECONOMICS EXTENSION WORK.—" before "In order to aid"; and

(2) adding at the end the following:

"(b) RURAL DEVELOPMENT EXTENSION WORK.—(1) NATIONAL PROGRAM.—The Secretary of Agriculture shall establish a national program, to be administered by the Extension Service, to provide rural citizens with training in, technical and management assistance regarding, and educational opportunities to enhance their knowledge of—

"(A) beginning new businesses through entrepreneurship;

"(B) the procedures necessary to establish new businesses in rural areas;

"(C) self-employment opportunities in rural areas;

"(D) the uses of modern telecommunications and computer technologies;

"(E) business and financial planning; and

"(F) such other training, assistance, and educational opportunities as the Secretary determines are necessary to carry out the program established under this subsection.

"(2) LEADERSHIP ABILITIES.—The program established pursuant to this subsection shall provide assistance designed to increase the leadership abilities of residents in rural areas. Such assistance shall include—

"(A) information relative to the development of community goals;

"(B) instruction regarding the methods by which State or Federal funding for rural development projects might be obtained;

"(C) instruction regarding the successful writing of applications for loan or grant funds from government and private sources;

"(D) an updated listing of State, Federal, and other economic development programs available to rural areas; and

"(E) such other training, information, and assistance as the Secretary determines necessary to increase the leadership abilities of residents in rural areas.

"(3) CATALOG OF PROGRAMS.—In order to facilitate the program established under this

subsection, the extension service in each State should develop, maintain, and provide to each community, and make accessible to any other interested party, a catalog of available State, Federal, or private programs that provide leadership training or other information or services similar or complementary to the training or services required by this subsection. Such catalog should include, at a minimum, the following entities within the State that provide such training or services:

"(A) any rural electric cooperative;

"(B) any nonprofit company development corporation;

"(C) any economic development district that serves a rural community;

"(D) any nonprofit subsidiary of any private entity;

"(E) any nonprofit organization whose principal purpose is to promote economic development in rural areas;

"(F) any investor or publicly owned electric utility;

"(G) any small business development center or small business investment company;

"(H) any regional development organization;

"(I) any vocational or technical school;

"(J) any Federal, State or local government agency or department; and

"(K) any other entity that the Secretary deems appropriate.

The extension service in each State should include in the catalog information relative to the specific training or services provided by each entity in the catalog.

"(4) EMPLOYEE TRAINING.—The Secretary shall provide training for State extension service employees to ensure that such employees understand the availability of rural development programs in their respective States and the availability of Extension Service staff qualified to provide to rural citizens and to State extension staff training and materials for technical, management, and educational assistance required by this subsection.".

(b) COORDINATION OF ASSISTANCE.—The Secretary shall ensure, to the extent practicable, that assistance provided under subsection (a) is coordinated with and delivered in cooperation with similar services or assistance provided by other Federal agencies or programs for rural residents.

TITLE XXIV—RURAL ECONOMIC DEVELOPMENT RESEARCH

SEC. 2401. RESEARCH ON NONTRADITIONAL USES OF AGRICULTURAL COMMODITIES.

The Secretary shall establish a program of competitive grants, to be administered in conjunction with the activities required under subtitle C of title XIV of the Food Security Act of 1985 (7 U.S.C. 4701 et seq.), for the purpose of conducting research on nonfood, nonfeed uses of agricultural commodities. The Secretary shall give priority in the awarding of grants under this section to research projects that the Secretary determines have the potential for developing new products from or processes for agricultural commodities that may be commercially implemented by small businesses.

SEC. 2402. AUTHORIZATION OF RURAL DEVELOPMENT RESEARCH COMPETITIVE GRANTS.

The Secretary shall establish a program of competitive grants for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas. Priority in the award of such grants to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

SEC. 2403. DEMONSTRATION PROJECTS.

The Secretary shall establish a program of competitive grants to rural areas to serve as demonstration areas for rural economic development and as models of such development for other areas. In awarding such grants the Secretary shall favorably consider a request for funds from a rural area that the Secretary determines—

(1) demonstrates the ability to supplement the grant funds provided under this section with other funds from State, local, or private sources;

(2) demonstrates the ability to use the grant funds to increase employment in the area; and

(3) can successfully serve as a demonstration area to share the results of the project to the benefit of other rural areas in the region.

SEC. 2404. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

TITLE XXV—RURAL ELECTRIFICATION PROVISIONS

SEC. 2501. SHORT TITLE; AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.

(a) SHORT TITLE.—This title may be cited as the "Rural Telecommunications Improvements Act of 1990".

(b) AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Rural Electrification Act of 1936.

SEC. 2502. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) making modern telecommunications technology and services available in rural areas in the United States promotes economic development and improves the quality of life in rural areas; and

(2) the efficient operation of the Rural Telephone Bank and the Rural Electrification Administration telephone loan programs is essential to the continued development of the telecommunications infrastructure in rural areas in the United States.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that the Rural Telephone Bank and the Rural Electrification Administration make loans that facilitate the development and enhancement of the rural telecommunications infrastructure in order to make modern telecommunications technology and services available at reasonable rates to the greatest practicable number of people in rural areas in the United States.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

SEC. 2511. GENERAL PROHIBITIONS.

Title I (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 18. GENERAL PROHIBITIONS.

"The Administrator and the Governor of the telephone bank shall not—

"(1) deny or reduce any loan or loan advance under this Act based on a borrower's level of general funds; or

"(2) make any loan or grant, or provide any guarantee, under this Act to any borrower of a telephone loan (or any subsidiary or affiliate of such a borrower) for electric service to others, or to any borrower of an electric loan (or any subsidiary or affiliate of such a borrower) for telephone service to others (except that this prohibition shall not apply to loans, grants, or guarantees for telephone service between the borrower and others) unless—

"(A) the borrower has obtained a certificate of convenience and necessity from, or otherwise obtained the consent of, the State regulatory authority with jurisdiction over the provision of such service; and

"(B) the Administrator or the Governor, as the case may be, has determined (and set forth the reasons therefor in writing) that such loan or grant will not be used to duplicate any lines, facilities, or systems.".

Subtitle B—Amendments Relating to Title II of the 1936 Act

SEC. 2521. NONDUPLICATION OF TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 201 (7 U.S.C. 922) is amended by striking the last sentence and inserting "The Administrator and the Governor of the telephone bank shall not make or guarantee a loan, or make a grant, for telephone purposes under this Act if the loan, guarantee, or grant would result in the duplication of lines, facilities, or systems that provide reasonably adequate service. For purposes of this Act, the term 'duplication' does not include upgrading.".

(b) CONFORMING AMENDMENT.—Section 408(b)(5) (7 U.S.C. 948(b)(5)) is amended by striking the 2nd sentence.

SEC. 2522. UPDATED DEFINITION OF TELEPHONE SERVICE.

Section 203(a) (7 U.S.C. 924(a)) is amended—

(1) by inserting "or reception" after "transmission";

(2) by inserting "data," after "voice,"; and

(3) by striking "through the use of electricity between the transmitting and receiving apparatus" and inserting "by wire, fiber, radio, light, or other visual or electromagnetic means".

SEC. 2523. LOAN FEASIBILITY.

Title II (7 U.S.C. 922 et seq.) is amended by adding at the end the following:

"SEC. 204. LOAN FEASIBILITY.

"The Administrator and the Governor of the telephone bank may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

"(1) increase the rates charged to the applicant's customers or subscribers; or

"(2) increase the applicant's ratio of—

"(A) net income or margins before interest; to

"(B) the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 2524. ENCOURAGEMENT OF INVESTMENT BY TELEPHONE BORROWERS IN RURAL DEVELOPMENT PROJECTS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the section added by section 2523 of this title the following:

"SEC. 205. CERTAIN RURAL DEVELOPMENT INVESTMENTS BY QUALIFIED TELEPHONE BORROWERS NOT TREATED AS DIVIDENDS OR DISTRIBUTIONS.

"(a) IN GENERAL.—The Administrator and the Governor of the telephone bank shall not—

"(1) treat any amount invested by any qualified telephone borrower for any purpose described in section 607(c)(2) of the Rural Development Act of 1972 (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed ½ of the net worth of the borrower; or

"(2) require a qualified telephone borrower to obtain the approval of the Administrator or the Governor of the telephone bank in order to make an investment described in paragraph (1).

"(b) QUALIFIED TELEPHONE BORROWER DEFINED.—As used in subsection (a), the term 'qualified telephone borrower' means a person—

"(1) to whom a telephone loan has been made or guaranteed under this Act; and

"(2) whose net worth is at least 20 percent of the total assets of such person.".

SEC. 2525. IMPROVEMENTS IN TELEPHONE PROGRAM.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 2523 and 2524 of this title the following:

"SEC. 206. GENERAL DUTIES AND PROHIBITIONS.

"(a) DUTIES.—The Administrator and the Governor of the telephone bank shall—

"(1) notwithstanding section 553(a)(2) of title 5, United States Code, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this Act;

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and

"(4) make loans for all purposes for which telephone loans are authorized under section 201 or 408, to the extent of qualifying applications therefor.

"(b) PROHIBITIONS.—The Administrator and the Governor of the telephone bank shall not—

"(1) rescind an insured telephone loan, or a Rural Telephone Bank loan, made under this Act without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this Act have been accomplished with funds provided under this Act;

"(2) regulate the order or sequence of advances of funds under telephone loans made under this Act to any borrower who has received any combination of telephone loans from the Rural Electrification Administration, the Rural Telephone Bank, or the Federal Financing Bank; or

"(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this Act for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5, United States Code.".

SEC. 2526. PROMPT PROCESSING OF TELEPHONE LOANS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 2523, 2524, and 2525 of this title the following:

"SEC. 207. PROMPT PROCESSING OF TELEPHONE LOANS.

"Within ten days after the end of the second and fourth calendar quarters of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report—

"(1) identifying each completed application for a telephone loan under section 305, a guarantee of a telephone loan under section 306, or a loan under section 408, that has not been finally acted upon within ninety days after the date the completed application is submitted; and

"(2) stating the reasons for the failure to finally act upon the completed applications within such ninety-day period.".

Subtitle C—Amendments Relating to Title III of the 1936 Act

SEC. 2531. CREATION OF SEPARATE ELECTRIC AND TELEPHONE ACCOUNTS WITHIN RURAL ELECTRIC AND TELEPHONE REVOLVING FUND.

Section 302 (7 U.S.C. 932) is amended by adding at the end the following:

"(c)(1) The Administrator shall maintain two separate accounts within the fund, which shall be known as the electric account and the telephone account, respectively.

"(2)(A) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to electrification loan operations in the electric account.

"(B) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to telephone loan operations in the telephone account.

"(3)(A) The assets accounted for in the electric account shall be available solely for electrification loan operations under this Act.

"(B) The assets accounted for in the telephone account shall be available solely for telephone loan operations under this Act (other than under title IV).".

SEC. 2532. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR INSURED TELEPHONE LOANS.

Section 309 (7 U.S.C. 940) is amended by—

(1) designating the current section as subsection (a); and

(2) adding at the end the following:

"(b) The term of any telephone loan made under this title shall be determined by the borrower at the time the loan application is submitted.".

SEC. 2533. TIER REQUIREMENT FOR INSURED TELEPHONE LOANS.

Section 305 (7 U.S.C. 935) is amended by adding at the end the following:

"(d) The Administrator shall make a telephone loan under this title to an applicant therefor who is otherwise qualified to receive such a loan at the highest interest rate (but not less than the lowest interest rate, nor higher than the highest interest rate, specified in subsection (b)) at which the borrower would be capable of producing net income or margins before interest payments of at least 100 per centum (but not more than 150 per centum) of the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 2534. CLARIFICATION OF TELEPHONE LOAN GUARANTEE AUTHORITY.

Section 306 (7 U.S.C. 936) is amended by inserting after the first sentence the following new sentence: "The Administrator shall not provide such assistance to any borrower of a telephone loan under this Act unless the borrower specifically applies for such assistance.".

Subtitle D—Amendments Relating to Title IV of the 1936 Act

SEC. 2541. MODIFICATION OF RURAL TELEPHONE BANK BOARD.

(a) IN GENERAL.—Section 405 (7 U.S.C. 945) is amended by striking all that precedes subsection (g) and inserting the following:

"SEC. 405. BOARD OF DIRECTORS.

"(a) IN GENERAL.—The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (in this title referred to as the Telephone Bank Board).

"(b) MEMBERSHIP.—The Telephone Bank Board shall consist of thirteen individuals, as follows:

"(1) PRESIDENTIAL APPOINTEES.—The President shall appoint seven individuals to serve on the Telephone Bank Board who shall serve at the pleasure of the President—

"(A) five of whom shall be officers or employees of the Department of Agriculture and not officers or employees of the Rural Electrification Administration; and

"(B) two of whom shall be from the general public and not officers or employees of the Federal Government.

"(2) COOPERATIVE MEMBERS.—The cooperative-type entities, and organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(3) COMMERCIAL MEMBERS.—The commercial-type entities, and the organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(c) ELECTIONS.—(1) VALIDITY.—An election under paragraph (2) or (3) of subsection (b) shall not be considered valid unless a majority of the stockholders eligible to vote in the election have voted in the election.

"(2) BALLOTING.—Balloting in an election under paragraph (2) or (3) of subsection (b) shall be conducted by mail pursuant to the procedures authorized in the bylaws of the telephone bank.

"(3) NO CUMULATIVE VOTING.—Cumulative voting shall not be permitted in any election under paragraph (2) or (3) of subsection (b).

"(d) COMPENSATION.—(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Telephone Bank Board shall

receive $100 per day for each day or part thereof, not to exceed fifty days per year, spent in the performance of their official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(2) EXCEPTIONS.—The five members of the Telephone Bank Board appointed under subsection (b)(1)(A) shall not receive compensation by reason of their service on the Telephone Bank Board.

"(e) SUCCESSION.—A member of the Telephone Bank Board may serve after the expiration of the term of office of such member until the successor for such member has taken office.

"(f) CHAIRPERSON.—The members of the Telephone Bank Board shall elect one of such members to be the Chairperson of the Board, in accordance with the bylaws of the telephone bank. The Chairperson shall preside at all meetings of the Board and may vote on a matter before the Board unless the vote would result in a tie vote on the matter.".

(b) CONFORMING AMENDMENTS.—Section 405 (7 U.S.C. 945) is amended—

(1) in subsection (g) by striking "(g) The" and inserting "(g) BYLAWS.—The";

(2) in subsection (h) by striking "(h) The" and inserting "(h) MEETINGS.—The"; and

(3) in subsection (i) by striking "(i) The" and inserting "(i) ANNUAL REPORT.—The".

(c) APPLICABILITY OF SUNSHINE ACT.—Section 405 (7 U.S.C. 945) is amended by adding at the end the following:

"(j) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Telephone Bank Board shall be treated as an agency within the meaning of subsection (a)(1) of such section.".

SEC. 2542. RURAL TELEPHONE BANK CAPITALIZATION.

Section 406(a) (7 U.S.C. 946(a)) is amended in the second sentence by striking "but not later than fiscal year 1991".

SEC. 2543. PRO RATA PURCHASE OF RURAL TELEPHONE BANK STOCK BY RURAL TELEPHONE BANK BORROWERS.

The second sentence of section 406(d) (7 U.S.C. 946(d)) is amended by inserting ", by paying an amount equal to 5 per centum of the amount of each loan advance, at the time of such advance" before the period.

SEC. 2544. CLARIFICATION OF AUTHORITY TO SET RURAL TELEPHONE BANK LOAN LEVELS.

Section 408(a) (7 U.S.C. 948(a)) is amended by striking "is authorized on behalf of the telephone bank to make loans," and inserting "shall make loans on behalf of the telephone bank, to the extent that there are qualifying applications therefor, subject only to limitations as to amounts authorized for loans and advances as may be imposed by law enacted by the Congress of the United States for loans to be made in any one year, and".

SEC. 2545. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR RURAL TELEPHONE BANK LOANS.

Section 408 (7 U.S.C. 948) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the term of any loan made under this title shall be determined by the borrower at the time the loan is made.

"(2) The term of any loan made under this title shall not exceed the maximum term for which a loan may be made under section 4.".

SEC. 2546. FULL USE OF RURAL TELEPHONE BANK LOAN AUTHORITY.

Section 412 (7 U.S.C. 950b) is amended to read as follows:

"SEC. 412. FULL USE OF TELEPHONE BANK LOAN AUTHORITY.

"(a) FULL USE.—(1) IN GENERAL.—If an appropriations Act authorizes the telephone bank to make loans in a fiscal year and such Act requires that, within available resources and available authority, gross obligations for the principal amount of such loans be not less than a specified amount and not more than a different specified amount, the Governor of the telephone bank shall obligate for such loans for such fiscal year, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor to the extent such unobligated funds do not exceed the greater of such specified amounts.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), until all unobligated funds available to the Governor of the telephone bank for any fiscal year before fiscal year 1990 have been expended, the Governor shall obligate for loans under this title, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor.

"(b) RELATION TO OTHER LAW.—No subsequent statute may be held to supersede or modify this section, except to the extent that it does so expressly.".

SEC. 2547. TECHNICAL AMENDMENTS RELATING TO THE RURAL TELEPHONE BANK PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) SECTION 406(h) AMENDMENTS.—Section 406(h) (7 U.S.C. 946(h)) is amended—

(1) by inserting after the second sentence "All amounts so transferred shall not be transferred, directly or indirectly, to the reserve for contingencies."; and

(2) by striking "Rural Telephone Bank Borrowers Fairness" and inserting "Omnibus Budget Reconciliation".

(b) SECTION 408(b)(3) AMENDMENTS.—Section 408(b)(3) (7 U.S.C. 948(b)(3)) is amended—

(1) in subparagraph (B), by striking "paragraph" and inserting "subparagraph";

(2) in subparagraph (D)(ii), by adding at the end the following: "For purposes of the calculation under this subparagraph, such rate shall be zero."; and

(3) in subparagraph (E), by striking "subparagraph" the second place such term appears and inserting "paragraph".

Subtitle E—Effective Date

SEC. 2551. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) TECHNICAL AMENDMENTS.—The amendments made by section 2547 of this title shall take effect as if such amendments had been included in chapter 2 of subtitle D of title I of the Omnibus Budget Reconciliation Act of 1987 on the date of the enactment of such chapter.

TITLE XXVI—MISCELLANEOUS

SEC. 2600. SHORT TITLE OF TITLES XIX THROUGH XXVIII.

Titles XIX through XXVIII of this Act may be cited as the "Rural Economic Development Act of 1990".

SEC. 2601. REGULATIONS.

Except as otherwise provided in the Rural Economic Development Act of 1990, no later than 180 days after the date of the enactment of such Act, the Secretary shall promulgate such regulations as may be necessary to carry out such Act and the amendments made by such Act.

SEC. 2602. ENCOURAGEMENT OF PRIVATE CONTRACTING.

(a) For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of the Rural Economic Development Act of 1990.

(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of the Rural Economic Development Act of 1990.

SEC. 2603. LOAN RATES APPLICABLE TO CERTAIN LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by—

(1) in subparagraph (A) striking "guranteed" and inserting "guaranteed"; and

(2) adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 2604. ASSISTANCE FOR CERTAIN DISTRESSED COMMUNITY FACILITY PROGRAM BORROWERS.

(a) AMENDMENT.—The Consolidated Farm and Rural Development Act is amended by inserting after section 353 (7 U.S.C. 2001) the following new section:

"SEC. 353A. DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.

"The Secretary shall establish and implement a program that is similar to the program established under section 353, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a).".

(b) REGULATIONS.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 2605. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by adding after section 306A (7 U.S.C. 1926a) the following new section:

"SEC. 306B. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

"(a) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—(1) The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

"(A) water supply systems; or

"(B) waste disposal facilities.

"(2) Loans made or insured or grants made under this section to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, or public agencies shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county in which—

"(A) the per capita income of the residents of such county is less than or equal to 70 per centum of the national average per capita income, as determined by the Department of Commerce; and

"(B) the unemployment rate of the residents of such county is greater than or equal to 125 per centum of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(b) LOANS TO INDIVIDUALS.—(1) The Secretary shall make or insure loans and make grants to individuals who reside in a community described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems or connecting such systems to the residences of such individuals. Such loans shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

"(2) The loans and grants to individuals authorized under paragraph (1) shall be made—

"(A) directly to such individuals by the Secretary; or

"(B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

"(c) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants to—

"(1) rural water supply corporations, cooperatives, or similar entities, or public agencies, as provided under subsection (a), proposing to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

"(2) individuals, as provided under subsection (b), who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

"(d) DEFINITION.—For the purposes of this section the term 'cooperative' means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated funds to carry out the purposes of this section as follows:

"(1) for grants as provided by this section, $30,000,000 per fiscal year; and

"(2) for loans as provided by this section, $30,000,000 per fiscal year.".

SEC. 2606. PRESERVATION OF ELIGIBILITY.

Notwithstanding any other provision of law, nothing in the Rural Economic Development Act of 1990 shall be construed to adversely affect the eligibility, as it existed on the date of enactment of such Act, of cooperatives and other entities for any other credit assistance under Federal law.

SEC. 2607. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by the Rural Economic Development Act of 1990 (including the amendments made by such Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of such Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts that (but for this section) would have been awarded to foreign firms under the Rural Economic Development Act of 1990 and the amendments made by such Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a Federal contract for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any United States district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the United States Federal Government.

SEC. 2608. STATE PROGRAMS NOT AFFECTED.

Nothing in the Rural Economic Development Act of 1990 shall be interpreted to preclude States from creating and maintaining other rural development programs.

SEC. 2609. TECHNICAL CORRECTIONS.

(a) SECTION 308 AMENDMENTS.—Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended—

(1) in paragraph (a), by striking "prescribe,;" and inserting "prescribe;"; and

(2) by redesignating paragraphs (a) and (b), as paragraphs (1) and (2), respectively.

(b) SECTION 310B(d) AMENDMENTS.—Section 310B(d) of such Act (7 U.S.C. 1932(d)) is amended—

(1) by moving paragraphs (4), (5), and (6) two ems to the left so that the left margin of such paragraphs is aligned with the left margin of paragraph (3);

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

(3) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(4) by inserting "(1)" after "(d)".

(c) AMENDMENTS RELATING TO SECTION 331.—

(1) Section 331 Amendments.—Section 331 of such Act (7 U.S.C. 1981) is amended—

(A) in the second undesignated subsection—

(i) by moving paragraphs (f), (g), (h), and (i) two ems to the right so that the left margin of each of such paragraphs is aligned with the left margin of paragraph (e);

(ii) in paragraph (f), by striking "Release" and inserting "release";

(iii) in paragraph (g), by striking "Obtain" and inserting "obtain";

(iv) in paragraph (h), by striking "Not" and inserting "not";

(v) in paragraph (i)—

(I) by striking "Consent" and inserting "consent"; and

(II) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(vii) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively; and

(B) by redesignating the first and second undesignated subsections as subsection (a) and (b), respectively.

(2) CONFORMING AMENDMENTS.—Section 357(b) of such Act (7 U.S.C. 2005(b)) is amended by striking "331(d)" each place such term appears and inserting "331(b)(4)".

(d) SECTION 333A(c) AMENDMENT.—Section 333A(c) of such Act (7 U.S.C. 1983a(c)) is amended by striking "In" and inserting "If".

(e) SECTION 335(c)(2)(D) AMENDMENT.—Section 335(c)(2)(D) of such Act (7 U.S.C. 1985(c)(2)(D)) is amended by striking "caused" and inserting "cause".

(f) SECTION 343(a) AMENDMENTS.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (3), by striking "and" the third place such term appears; and

(3) in paragraph (5), by striking "contract of insurance" and inserting "'contract of insurance'".

(g) SECTION 346(b) AMENDMENTS.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended—

(1) in paragraph (1)(B), by striking "subparagraph (C)" and inserting "paragraph (3)";

(2) in paragraph (1)(C), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) by redesignating paragraphs (1) (A), (B), (C), (D)(i), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(4) in paragraph (2) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(5) in each of the subparagraphs redesignated as such by paragraph (4) of this subsection, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(6) in paragraph (5) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(h) SECTION 349(a) AMENDMENT.—Section 349(a) of such Act (7 U.S.C. 1997(a)) is amended by redesignating paragraph (5) as paragraph (4).

TITLE XXVII—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

SEC. 2701. SHORT TITLE.

This title may be cited as the "National Forest-Dependent Rural Communities Economic Diversification Act of 1990".

SEC. 2702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the economic well-being of rural America is vital to our national growth and prosperity;

(2) the economic well-being of many rural communities depends upon the goods and services that are derived from national forests;

(3) the economies of many of these communities suffer from a lack of industrial and business diversity;

(4) this lack of diversity is particularly serious in communities whose economies are predominantly dependent on timber and recreation resources and where management decisions made on the national forests may disrupt the supply of those resources;

(5) the Forest Service has expertise and resources that could be directed to promote modernization and economic diversification of existing industries and services based on forest resources;

(6) the Forest Service has the technical expertise to provide leadership, in cooperation with other governmental agencies and the private sector, to assist rural communities dependent upon national forest resources to upgrade existing industries and diversify by developing new economic activity in nonforest-related industries; and

(7) technical assistance, training, education, and other assistance provided by the Department of Agriculture can be targeted to provide immediate help to those rural communities in greatest need.

(b) PURPOSES.—The purposes of this title are—

(1) to provide assistance to rural communities that are located in or near national forests and that are economically dependent upon forest resources or are likely to be economically disadvantaged by Federal land management practices;

(2) to aid in diversifying such communities' economic bases; and

(3) to improve the economic, social, and environmental well-being of rural America.

SEC. 2703. DEFINITIONS.

As used in this title—

(1) the term "action team" means a rural forestry and economic diversification action team established by the Secretary pursuant to section 2704(b);

(2) the term "economically disadvantaged" means economic hardship due to the loss of jobs or income (labor or proprietor) derived from forestry, the wood products industry, or related commercial enterprises such as recreation and tourism in the national forest;

(3) the term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government having a population of not more than ten thousand (according to the latest decennial census) that is located in a county where at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism; or

(B) any county or similar unit of general purpose local government having a population of not more than twenty-two thousand five hundred and fifty (according to the latest decennial census) in which at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism

that is located within the boundary, or within one hundred miles of the boundary, of a national forest; and

(4) the term "Secretary" means the Secretary of Agriculture.

SEC. 2704. RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.

(a) REQUESTS FOR ASSISTANCE.—Economically disadvantaged rural communities may request assistance from the Secretary in identifying opportunities that will promote economic improvement and diversification.

(b) ESTABLISHMENT.—Upon request, the Secretary is authorized to establish rural forestry and economic diversification action teams to prepare an action plan to provide technical assistance to economically disadvantaged communities. The action plan shall identify opportunities to promote economic diversification and enhance local economies now dependent upon national forest resources. The action team may also identify opportunities to utilize value-added products and services derived from national forest resources.

(c) ORGANIZATION.—The Secretary shall design and organize any action team established pursuant to subsection (b) to meet the unique needs of the requesting rural community. Each action team shall be directed by an employee of the Forest Service and may include personnel from other agencies within the Department of Agriculture, from other Federal and State departments and agencies, and from the private sector.

(d) COOPERATION.—In preparing action plans, the Secretary is authorized to cooperate with State and local governments, universities, private companies, individuals, and nonprofit organizations for procurement of services determined necessary or desirable.

(e) ELIGIBILITY.—The Secretary shall ensure that no substantially similar geographical or defined local area in a State receives both a grant for technical assistance to an economically disadvantaged community under this title and a grant for assistance under a designated rural development program, as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act, during any continuous five-year period.

(f) APPROVAL.—After reviewing requests under this section for financial and economic feasibility and viability, the Secretary shall approve and implement in accordance with section 2705 those action plans that will achieve the purposes of this title.

SEC. 2705. ACTION PLAN IMPLEMENTATION.

(a) IN GENERAL.—Action plans shall be implemented, insofar as practicable, to upgrade existing industries to use forest resources more efficiently and to expand the economic base of rural communities so as to alleviate or reduce their dependence on national forest resources.

(b) ASSISTANCE.—To implement action plans, the Secretary is authorized to make grants and enter into cooperative agreements and contracts to provide necessary technical and related assistance. Such grants, cooperative agreements, and contracts may be with the affected rural community, State and local governments, universities, corporations and other persons.

(c) LIMITATION.—The Federal contribution to the overall implementation of an action plan shall not exceed 80 per centum of the total cost, including administrative and other costs. The Secretary shall attribute the fair market value of equipment, personnel, and services provided in calculating the Federal contribution.

(d) AVAILABLE AUTHORITY.—The Secretary may utilize the Secretary's existing authorities under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorities in implementing action plans.

SEC. 2706. TRAINING AND EDUCATION.

(a) PROGRAMS.—In furtherance of an action plan, the Secretary is authorized to utilize the Extension Service of the Department of Agriculture to develop and conduct education programs that assist businesses, elected or appointed officials, and individuals in rural communities to deal with the effects of a transition from being economi-

cally disadvantaged to economic diversification. These programs may include—

(1) community economic analysis and strategic planning;

(2) methods for improving and retooling existing enterprises now dependent on national forest resources;

(3) methods for expanding existing enterprises and creating new economic opportunities by emphasizing economic opportunities in other industries or services not dependent on national forest resources; and

(4) assistance in the evaluation, counseling, and enhancement of vocational skills, training in basic and remedial literacy skills, assistance in job seeking skills, and training in starting or operating a business enterprise.

(b) EXISTING EDUCATIONAL AND TRAINING PROGRAMS.—Insofar as practicable, the Secretary shall utilize existing Federal, State, and private education resources in carrying out these programs.

SEC. 2707. LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary, under such terms and conditions as the Secretary shall establish, may make loans to economically disadvantaged rural communities for the purposes of securing technical assistance and services to aid in the development and implementation of action plans, including planning for—

(1) improving existing facilities in the community that may generate employment or revenue;

(2) expanding existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies now dependent on national forest resources; and

(3) supporting the development of new industries or commercial ventures unrelated to national forest resources.

(b) INTEREST AND OTHER CHARGES.—The interest rates on a loan made pursuant to this section shall be as determined by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 2708. AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there is authorized to be appropriated—

(1) an amount not to exceed an amount that is equal to 5 per centum of the sums received by the Secretary from sales of timber and other products of the forests, and of user fees paid in connection with the use of forest lands; and

(2) such additional sums as may be necessary to carry out the purposes of this title.

(b) LIMITATION ON AUTHORIZATION.—Subsection (a) shall not in any way affect payments to the States pursuant to chapter 192 of the Act of May 23, 1908 (16 U.S.C. 500).

(c) SPENDING AUTHORITY.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE XXVIII—ENHANCING HUMAN RESOURCES

SEC. 2801. SHORT TITLE.

This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

Subtitle A—Rural Business Development

SEC. 2811. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 2812. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 2202(a) of this Act the following:

"(i) LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.—

"(1) IN GENERAL.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) GENERAL REQUIREMENTS.—

"(A) APPLICATION PROCESS.—

"(i) SUBMISSION OF APPLICATION.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) CONTENTS OF APPLICATION.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) CONSIDERATION OF APPLICATIONS.—

"(i) REVIEW BY ADMINISTRATOR.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) REVIEW BY STATE REVIEW PANELS.—

"(I) IN GENERAL.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) RANKING OF APPLICATIONS.—

"(I) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) WRITTEN POLICY AND CRITERIA.—

"(aa) IN GENERAL.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) PROHIBITION AGAINST DEVELOPMENT OR ACQUISITION OF TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iv) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(A)(ii) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) PRIORITY.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) MONITORING OF USE OF LOANS.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) RELATIONSHIP TO STATE LAW.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) REGULATIONS.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) DEFINITIONS.—As used in this subsection:

"(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) REVIEW PANEL.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) RURAL AREA.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) TREATMENT OF LOAN PROGRAM AS DESIGNATED RURAL DEVELOPMENT PROGRAM.—For purposes of this title, the loan program established this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) AVAILABILITY.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 2821. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) selects from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 2822. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the

enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 2823. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

TITLE XXIX—IMPROVEMENT OF FARMERS HOME ADMINISTRATION FARM LOAN PROGRAMS

SECTION 2901. SALE OF INVENTORY PROPERTY.

(a) OFFERING PRICE; USE RESTRICTION.—Section 335(c) of the Consolidated Farm and Rural Development Act (hereinafter referred to in this Act as the "Act") (7 U.S.C. 1985(c)) is amended by amending paragraph (2)(B) to read as follows:

"(B) offer such land—

"(i) for sale pursuant to subsection (e)(1)(C), at a price not greater than that which reflects the appraised market value of such farmland; and

"(ii) for all other sales, at a price not greater than that which reflects the fair market value of such land as determined by bids after advertising or by negotiated sale;".

(b) CONFORMING CHANGES.—Section 355(e)(4) of the Act (7 U.S.C. 1985(e)(4)) is amended by—

(1) striking subparagraph (B); and

(2) redesignating subparagraph (C) as (B).

SEC. 2902. GOOD FAITH REQUIREMENT FOR PRESERVATION RIGHTS.

Section 335(e)(1) of the Act (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (A)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with such loan."; and

(2) in subparagraph (C)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with the loan of such borrower-owner for which such property served as security.".

SEC. 2903. INCLUSION OF PROPERTY IN CALCULATING RECOVERY VALUE.

Section 353(c)(2) of the Act (7 U.S.C. 2001(c)(2)) is amended by—

(1) in subparagraph (B)(iv) striking "costs." and inserting "costs; plus"; and

(2) inserting a new subparagraph (C) as follows:

"(C) the value, as determined by the Secretary, of any property not included in subparagraph (A) if the property is specified in any security agreement with respect to such loan and the Secretary determines that the value of such property should be included for purposes of this section.".

SEC. 2904. INCLUSION OF ASSETS IN CLACULATING THE VALUE OF THE RESTRUCTURED LOAN.

Section 353(c)(3) of the Act (7 U.S.C. 2001(c)(3)) is amended by adding at the end the following:

"(C) ASSETS CONSIDERED.—For the purpose of calculating the value of restructured loans under this subsection, the Secretary may consider all the assets of the borrower, other than the value of unencumbered assets determined by the Secretary to be essential for necessary family living expenses or essential to the operation of the farm.".

SEC. 2905. NET RECOVERY BUY-OUT; LIMITATION ON USE; RECAPTURE; APPLICATION DEADLINE; GOOD FAITH REQUIREMENT.

Section 353(c)(6) of the Act (7 U.S.C. 2001(c)(6)) is amended to read as follows:

"(6) PURCHASE AT RECOVERY VALUE.—

"(A) TERMINATION OF LOAN OBLIGATIONS.—The obligations of the borrower to the Secretary under the loan shall terminate if—

"(i) the value of the restructured loan is less than the recovery value;

"(ii) the borrower has not previously been relieved of loan obligations by write-down or termination of loan obligations under this section;

"(iii) the borrower has acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary; and

"(iv) within 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the recovery value.

"(B) RECAPTURE.—The Secretary may require, as a condition of the termination of loan obligations under this paragraph, that the borrower enter into an agreement with the Secretary providing that if the borrower—

"(i) sells or otherwise conveys the real property used to secure such loan within 10 years after the date of such agreement; and

"(ii) realizes a gain on such sale or conveyance over the amount of the recovery value of the loan,

then the Secretary may recapture part or all of the difference between the recovery value of the loan and the fair market value (on the date of such sale or conveyance) of the property securing the loan. In no event shall any such agreement provide for recapture of an amount that exceeds the difference between such recovery value and the outstanding balance of principal and interest owed on the loan immediately prior to the termination of any loan obligations under this paragraph.

"(C) LIMITATION ON AMOUNT OF TERMINATED OBLIGATIONS.—The Secretary may not terminate loan obligations under this section in excess of $250,000 for any one borrower.".

SEC. 2906. LIMITATION ON USE OF DEBT WRITE-DOWN.

(a) LIMITATION ON USE OF DEBT WRITE-DOWN.—Section 353(d) of the Act (7 U.S.C. 2001(d)) is amended by adding the following new paragraphs:

"(3) LIMITATION TO SINGLE WRITE-DOWN.—The Secretary may not restructure a loan under this section by means of a write-down of principal or interest for any borrower who has received a previous write-down of principal or interest or a termination of loan obligations under this section.

"(4) LIMITATION ON AMOUNT OF WRITE-DOWN.—The Secretary may not write-down principal or interest under this section in excess of $250,000 for any one borrower.

"(5) CUT-OFF DATE.—No loan made or insured by the Secretary pursuant to this title on or after January 6, 1988 shall be eligible for write-down or termination of loan obligations under this section.".

(b) TECHNICAL AMENDMENT.—Section 353(e)(1) is amended by striking "written off" and inserting "written down".

SEC. 2907. EXTENSION OF DEADLINES.

(a) APPLICATION FOR LOAN SERVICE.—Section 331D(e) of the Act (7 U.S.C. 1981d(e)) is amended by striking "45 days" and inserting "60 days".

(b) PROCESSING OF APPLICATIONS.—Section 353(c)(4) of the Act (7 U.S.C. 2001(c)(4)) is amended by striking "60 days" and inserting "90 days".

TITLE XXX—SHIPPING PROVISIONS

SEC. 3001. EXEMPTION OF AMERICAN GREAT LAKES VESSELS FROM RESTRICTION ON CARRIAGE OF PREFERENCE CARGOES.

(a) EXEMPTION FROM RESTRICTION.—The restriction described in subsection (b) shall not apply to an American Great Lakes vessel.

(b) RESTRICTION DESCRIBED.—The restriction referred to in subsection (a) is the restriction in section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)(1)), that a vessel which is—

(1) built outside the United States;

(2) rebuilt outside the United States; or

(3) documented under any foreign registry;

shall not be a privately owned United States-flag vessel under that section until the vessel is documented under the laws of the United States for a period of 3 years.

SEC. 3002. DESIGNATION OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—The Secretary shall designate a vessel to be an American Great Lakes vessel for purpose of this title if—

(1) the vessel is documented under the laws of the United States;

(2) the Secretary receives an application for such designation submitted in accordance with regulations issued by the Secretary under subsection (d);

(3) the owner of the vessel enters into an agreement in accordance with subsection (b); and

(4)(A) the vessel was built after January 1, 1985, and before January 1, 1991; or

(B) the vessel was built after January 1, 1980, and before January 1, 1991, and the Secretary determines that suitable vessels are not available for providing the type of

service for which the vessel will be used after designation.

(b) CONSTRUCTION AND PURCHASE AGREEMENT.—As a condition of designating a vessel as an American Great Lakes vessel under this section, the Secretary shall require the person who will be the owner of the vessel at the time of that designation to enter into an agreement with the Secretary which provides that—

(1) all repair, maintenance, reconditioning, and other construction—

(A) required to be performed on the vessel for it to qualify for such designation; or

(B) performed on the vessel during the period of that designation;

shall be performed in the United States, except emergency repairs which are necessary to enable the vessel to sail safely from a port outside of the United States; and

(2) if the Secretary determines that the vessel is necessary to the defense of the United States, the United States Government shall have, during the 120-day period following the date of any revocation of such designation under section 3004, an exclusive right to purchase the vessel for a price equal to—

(A) the approximate world market value of the vessel; or

(B) the cost of the vessel to the owner less an amount representing reasonable depreciation of the vessel;

whichever is greater.

(c) CERTAIN FOREIGN REGISTRY AND SALE NOT PROHIBITED.—Notwithstanding any other law, if the United States does not purchase a vessel in accordance with its right of purchase under a construction and purchase agreement under subsection (b), and owner of the vessel shall not be prohibited from—

(1) transferring the vessel to a foreign registry; or

(2) selling the vessel to a person who is not a citizen of the United States.

(d) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue regulations establishing requirements for submission of applications for designation of vessels as American Great Lakes vessels under this section.

SEC. 3003. RESTRICTIONS ON OPERATIONS OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—Subject to subsection (b), an American Great Lakes vessel shall not be used—

(1) to engage in trade—

(A) from a port in the United States that is not located on the Great Lakes;

(B) between ports in the United States; or

(C) between Great Lakes ports in the United States and Great Lakes ports in Canada;

(2) to carry bulk cargo (as that term defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702(4)); or

(3) to provide any service other than ocean freight service—

(A) as a contract carrier; or

(B) as a common carrier on a fixed advertised schedule offering frequent sailings at regular intervals in the foreign commerce of the United States.

(b) OFF-SEASON CARRIAGE EXCEPTION.—

(1) IN GENERAL.—Subject to paragraph (2), an American Great Lakes vessel may be used to engage in trade otherwise prohibited by subsection (a)(1)(A) for not more than 90 days during any 12-month period.

(2) LIMITATION.—An American Great Lakes vessel shall not be used during the Great Lakes shipping season to engage in trade referred to in paragraph (1).

SEC. 3004. REVOCATION OF DESIGNATION.

(a) REVOCATION.—The Secretary, after notice and an opportunity for a hearing, may revoke the designation of a vessel under section 3002 as an American Great Lakes vessel if the Secretary determines that—

(1) the vessel does not meet a requirement for such designation;

(2) the vessel has been operated in violation of this title; or

(3) the owner or operator of the vessel has violated a construction and purchase agreeement under section 3002(b).

(b) CIVIL PENALTY.—The Secretary, after notice and an opportunity for a hearing, may assess a civil penalty of not more than $1,000,000 against the owner of an American Great Lakes vessel, for any act for which the designation of that vessel as an American Great Lakes vessel may be revoked under subsection (a).

SEC. 3005. ELIGIBILITY OF AMERICAN GREAT LAKES VESSELS FOR OPERATING DIFFERENTIAL SUBSIDY.

(a) CERTAIN VESSELS DEEMED BUILT IN THE UNITED STATES.—Notwithstanding any other law, an American Great Lakes vessel is deemed to have been built in the United States—

(1) for purposes of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1171 et seq.), except for purposes of section 607 of that title; and

(2) for purposes of chapter 37 of title 46, United States Code.

(b) OPERATING DIFFERENTIAL SUBSIDY CONTRACTS.—

(1) IN GENERAL.—Upon application by an operator of an American Great Lakes vessel that otherwise qualifies, the Secretary shall enter into a contract or contracts under title VI of the Merchant Marine Act, 1936, for the payment of operating differential subsidy for that vessel.

(2) CONTRACT TERMS.—A contract or contracts entered into by the Secretary under this subsection—

(A) shall be for a term of not less than 15 years; and

(B) shall include provisions for the payment by the United States of wage, insurance, maintenance, and repair expenses with respect to the vessel convered by the contract or contracts.

(c) LIMITATION ON CONTRACTS.—Contracts entered into by the Secretary under this section shall not provide for payment in any year of operating differential subsidy under all such contracts for more than 6 ship years.

(d) ADDITIONAL TRADE ROUTE RESTRICTIONS PROHIBITED.—The Secretary shall not impose any route or geographic restrictions on the operations of a vessel for which a contract is entered into pursuant to this section, other than the restrictions established by section 3003.

SEC. 3006. GREAT LAKES SET-ASIDE.

Section 901b(c)(2)(B) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(c)(2)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) in clause (i) (as so designated by paragraph (1) of this section) by striking "1986, 1987, 1988, and 1989" and inserting "1991"; and

(3) by adding at the end the following:

"(ii) For each of the calendar years 1992, 1993, 1994, and 1995, the Secretary shall preserve during that year in accordance with clause (i) the metric tonnage required to be preserved for the preceding year, reduced by an amount equal to—

"(I) for 1992, 10 percent of the metric tonnage required to be preserved for 1991;

"(II) for 1993, 20 percent of the metric tonnage required to be preserved for 1991;

"(III) for 1994, 30 percent of the metric tonnage required to be preserved for 1991; and

"(IV) for 1995, 20 percent of the metric tonnage required to be preserved by 1991.".

SEC. 3007. DEFINITIONS.

In this title—

(1) GREAT LAKES.—The term "Great Lakes" means Lake Superior; Lake Michigan; Lake Huron; Lake Erie; Lake Ontario; the Saint Lawrence River west of Saint Regis, New York; and their connecting and tributary waters.

(2) GREAT LAKES SHIPPING SEASON.—The term "Great Lakes shipping season" means the period of each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the Saint Lawrence Seaway Development Corporation created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.).

(3) AMERICAN GREAT LAKES VESSEL.—The term "American Great Lakes vessel" means a vessel which is so designated by the Secretary in accordance with section 3002.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) UNITED STATES.—The term "United States" means the 50 States.

Amend the table of contents, after the matter regarding title XVIII, to read as follows:

TITLE XIX—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Sec. 1901. Rural Development Administration.

Sec. 1902. Confronting amendments.

TITLE XX—LOCAL PRIORITIZATION OF PROJECT FUNDING

Sec. 2001. Delivery of certain rural development programs.

Sec. 2002. Loan and loan guarantee allocation and transfer.

TITLE XXI—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

Sec. 2101. REA technical assistance unit.

Sec. 2102. Deferment of payment on economic development loans.

Sec. 2103. Water and waste lending by banks for cooperatives.

Sec. 2104. Amendments to the business and industry loan program.

Sec. 2105. Water or waste disposal loans to benefit rural businesses.

Sec. 2106. Rural wastewater treatment circuit rider program.

Sec. 2107. Increase on limitation of authorization for water and waste grants.

Sec. 2108. Limitation on conditions for water and sewer grants and loans.

TITLE XXII—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOL-

OGY TRANSFERS
Sec. 2201. Rural development information sharing.
Sec. 2202. Rural technology grants.
TITLE XXIII—RURAL BUSINESS AND LEADERSHIP TRAINING
Sec. 2301. Extension Service Rural Business and Leadership Training Program.
TITLE XXIV—RURAL ECONOMIC DEVELOPMENT RESEARCH
Sec. 2401. Research on nontraditional uses of agricultural commodities.
Sec. 2402. Authorization of rural development research competitive grants.
Sec. 2403. Demonstration projects.
Sec. 2404. Rural development research assistance.
TITLE XXV—RURAL ELECTRIFICATION PROVISIONS
Sec. 2501. Short title; amendment of Rural Electrification Act of 1936.
Sec. 2502. Findings; statement of policy.
Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936
Sec. 2511. General prohibitions.
Subtitle B—Amendments Relating to Title II of the 1936 Act
Sec. 2521. Nonduplication of telephone facilities.
Sec. 2522. Updated definition of telephone service.
Sec. 2523. Loan feasibility.
Sec. 2524. Encouragement of investment by telephone borrowers in rural development projects.
Sec. 2525. Improvements in telephone program.
Sec. 2526. Prompt processing of telephone loans.
Subtitle C—Amendments Relating to Title II of the 1936 Act
Sec. 2531. Creation of separate electric and telephone accounts within rural electric and telephone revolving fund.
Sec. 2532. Borrowers to determine amortization period for insured telephone loans.
Sec. 2533. TIER requirement for insured telephone loans.
Sec. 2534. Clarification of telephone loan guarantee authority.
Subtitle D—Amendments Relating to Title IV of the 1936 Act
Sec. 2541. Modification of Rural Telephone Bank Board.
Sec. 2542. Rural telephone bank capitalization.
Sec. 2543. Pro rata purchase of rural telephone bank stock by rural telephone bank borrowers.
Sec. 2544. Clarification of authority to set rural telephone bank loan levels.
Sec. 2545. Borrowers to determine amortization period for rural telephone bank loans.
Sec. 2546. Full use of rural telephone bank loan authority.
Sec. 2547. Technical amendments relating to the rural telephone bank provisions of the Omnibus Budget Reconciliation Act of 1987.
Subtitle E—Effective Date
Sec. 2551. Effective date.
TITLE XXVI—MISCELLANEOUS
Sec. 2600. Short title of titles XIX through XXVIII.
Sec. 2601. Regulations.
Sec. 2602. Encouragment of private contracting.
Sec. 2603. Loan rates applicable to certain loans under the Consolidated Farm and Rural Development Act.
Sec. 2604. Assistance for certain distressed community facility program borrowers.
Sec. 2605. Water and waste facility loans and grants to alleviate health risks.
Sec. 2606. Preservation of eligibility.
Sec. 2607. Buy-American requirement.
Sec. 2608. State programs not affected.
Sec. 2609. Technical corrections.
TITLE XXVII—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES
Sec. 2701. Short title.
Sec. 2702. Findings and purposes.
Sec. 2703. Definitions.
Sec. 2704. Rural forestry and economic diversification action teams.
Sec. 2705. Action plan implementation.
Sec. 2706. Training and education.
Sec. 2707. Loans to economically disadvantaged rural communities.
Sec. 2708. Authorization of appropriations and spending authority.
TITLE XXVIII—ENHANCING HUMAN RESOURCES
Sec. 2801. Short title.
Subtitle A—Rural Business Development
Sec. 2811. Purposes.
Sec. 2812. Loans for business telecommunications partnerships.
Subtitle B—Rural Telecommunications Provisions
Sec. 2821. Rural telecommunications zones.
Sec. 2822. Grants for emergency public safety telephone answering systems.
Sec. 2823. Study on use of telecommunications infrastructure by businesses in rural areas.
TITLE XXIX—IMPROVEMENT OF FARMERS HOME ADMINISTRATION FARM LOAN PROGRAMS
Sec. 2901. Sale of Inventory Property.
Sec. 2902. Good Faith Requirement for Preservation Rights.
Sec. 2903. Inclusion of Property in Calculating Recovery Value.
Sec. 2904. Inclusion of Assets in Calculating the Value of the Restructured Loan.
Sec. 2905. Net Recovery But-Out; Limitation on Use; Recapture; Application Deadline; Good Faith Requirement.
Sec. 2906. Limitation of Use of Debt Write-Down.
Sec. 2907. Extension of Deadlines.
TITLE XXX—SHIPPING PROVISIONS
Sec. 3001. Exemption of American Great Lakes Vessels From Restriction on Carriage of Preference Cargoes.
Sec. 3002. Designation of American Great Lakes Vessels.
Sec. 3003. Restrictions on Operations of American Great Lakes Vessels.
Sec. 3004. Revocation of Designation.
Sec. 3005. Eligibility of American Great Lakes Vessels for Operating Differential Subsidy.
Sec. 3006. Great Lakes Set-Aside.
Sec. 3007. Definitions.

Strike title XIX of the bill and insert the following:

TITLE XIX—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

SEC. 1901. RURAL DEVELOPMENT ADMINISTRATION.

(a) AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by adding at the end the following:

"SEC. 359. RURAL DEVELOPMENT ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture the Rural Development Administration, which shall be headed by an Administrator appointed by the Secretary.

"(b) ADMINISTRATION.—Except as provided in subsection (c), or as otherwise provided in this section, the Secretary shall carry out this Act through the Farmers Home Administration.

"(c) EXCEPTIONS.—The Secretary shall carry out section 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of section 303(a)), section 304(b), section 306(a), section 306B, section 310A, section 310B, section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)), section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate through the Rural Development Administration.

"(d) REFERENCES.—Any reference in any law, regulation, or order in effect immediately before the date of the enactment of the Rural Economic Development Act of 1990 to the Farmers Home Administration or to the Administrator of the Farmers Home Administration or of the Farmers Home Administration relating to any function, power, or duty that is, on or after such date, a function, power, or duty of the Rural Development Administration or the Administrator of the Rural Development Administration, shall be deemed to be a reference to the Rural Development Administration or to the Administrator of the Rural Development Administration, as the case may be.

"(e) EFFECT ON PENDING PROCEEDINGS AND PARTIES TO SUCH PROCEEDINGS.—

"(1) NONABATEMENT OF ACTIONS.—This Act does not abate any proceeding commenced—

"(A) by or against any entity any function of which is transferred by this Act; or

"(B) by or against any officer of any entity referred to in subparagraph (A) in the official capacity of such individual as such an officer.

"(2) EFFECT ON PARTIES.—If an officer of the Farmers Home Administration, in the official capacity of such officer, is a party to a proceeding pending on the date of the enactment of this Act, and under this Act the officer or any function of the officer is transferred to the Rural Development Administration, Department of Agriculture, then such action shall be continued with the Secretary or the Administrator, Rural Development Administration, or other appropriate officer of the Department substituted or added as a party.

"(3) TRANSFER OF CERTAIN RIGHTS OF FARMERS HOME ADMINISTRATION TO RURAL DEVELOPMENT ADMINISTRATION.—The rights, interests, obligations, and duties of the Farmers Home Administration arising before the date of the enactment of the Rural Economic Development Act of 1990 from any loan made, insured, or guaranteed, or any grant or contract made, by the Farmers Home Administration in the exercise of its functions shall—

"(A) with respect to any function to be exercised on or after such date by the Farmers Home Administration under subsection (b), continue to be vested in the Farmers Home Administration; and

"(B) with respect to any function to be exercised on or after such date by the Rural Development Administration under subsection (c), be vested in the Rural Development Administration.

"(f) COMPENSATION OF ADMINISTRATOR.—The Administrator of the Rural Development Administration shall be compensated in accordance with subchapter VIII of chapter 53 of title 5, United States Code."; and

(2) in section 309(e) by—

(A) inserting "and the Rural Development Administration, in proportion to such charges collected in connection with the insurance of loans by such agency" after "Farmers Home Administration"; and

(B) striking "expenses." and inserting "expenses for such agency.".

(b) FACILITATION OF TRANSFER OF FUNCTIONS.—(1) Notwithstanding the provisions of section 331 of the Consolidated Farm and Rural Development Act, as soon as practicable, but in no case later than one hundred and eighty days after the date of enactment of this section, the Secretary shall transfer to the Rural Development Administration the powers, duties, and assets of the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, related to the performance of rural development functions, including, but not limited to, the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, that administer sections 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of subsection (a)), 304(b), 306(a), 306B, 310A, 310B, and section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)) of the Consolidated Farm and Rural Development Act, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate.

(2) INCIDENTAL TRANSFERS.—The Secretary shall make such determinations, and shall transfer such personnel from the Farmers Home Administration, as may be necessary or appropriate with regard to the functions transferred under this section to the Rural Development Administration. The Secretary shall also make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the functions transferred by this section, as the Secretary may deem necessary to accomplish the purposes of this section.

(3) EFFECTIVE AND EFFICIENT TRANSFER OF AUTHORITY.—The Administrator of the Farmers Home Administration and the Secretary shall take whatever steps are necessary to assure the effective and efficient transfer of authority as provided for in this section.

SEC. 1902. CONFORMING AMENDMENTS.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended—

(1) in the first sentence—

(A) by striking "For the purposes of this title and" and inserting "In accordance with section 359, for purposes of this title, and"; and

(B) by inserting before the period ", or may assign and transfer such powers, duties, and assets to the Rural Development Administration as provided by law for that office";

(2) in subsection (d), by striking "under any of its programs" and inserting "or the Rural Development Administration under any of their programs"; and

(3) in subsections (h) and (i), by inserting "Rural Development Administration under this title or by the" before "Farmers Home Administration" each place it appears.

(b) Section 331A of such Act (7 U.S.C. 1981a) is amended by inserting "or by the Rural Development Administration" immediately after "Farmers Home Administration".

(c) Section 335 of such Act (7 U.S.C. 1985) is amended—

(1) in subsection (a), by inserting "or the Rural Development Administration" after "Farmers Home Administration"; and

(2) in subsection (c)(1) by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(d) Section 338(a) of such Act (7 U.S.C. 1988(a)) is amended by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(e) Sections 657, 658, 1006, and 1014 of title 18, United States Code, are each amended by striking "Farmers' Home Administration" and inserting "Farmers Home Administration, the Rural Development Administration".

(f)(1) Section 623(c)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(c)(2)) is amended by inserting ", or the Rural Development Administration" after "Farmers Home Administration".

(2) Section 628 of such Act (42 U.S.C. 9817) is amended—

(A) by amending the heading to read as follows:

"DEPARTMENT OF AGRICULTURE; RURAL DEVELOPMENT ADMINISTRATION PROGRAMS"; and

(B) by inserting ", or of the Rural Development Administration" after "of the Farmers Home Administration".

TITLE XX—LOCAL PRIORITIZATION OF PROJECT FUNDING

SEC. 2001. DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Effective October 1, 1991, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 360. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—(1) ASSISTANCE IN ELIGIBLE STATES.—Assistance under each designated rural development program shall be provided in eligible States to qualified projects in accordance with this section.

"(2) NO ASSISTANCE IN OTHER STATES.—The Secretary shall not provide assistance under any designated rural development program in any State that is not an eligible State.

"(b) DEFINITIONS.—As used in this section and section 361—

"(1) AREA PLAN.—The term 'area plan' means, with respect to a local or regional area in a State, the long range rural development plan developed for the area. Each area plan shall identify the geographical boundaries of the area and include—

"(A) an overall development plan for the area with goals, including business development and infrastructure development goals, and time lines based on a realistic assessment of the area, including, but not limited to—

"(i) the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support;

"(ii) the outstanding need for water and waste and other public services or facilities in the area;

"(iii) the realistic possibilities for industrial recruitment in the area;

"(iv) the potential for the development of tourism in the area;

"(v) the potential for the generation of employment in the area through the creation of small businesses and the expansion of existing businesses; and

"(vi) the potential for the production of value-added agricultural products in the area;

"(B) an inventory and assessment of the human resources of the area, including, but not limited to—

"(i) a current list of organizations in the area and their special interests;

"(ii) the current level of participation of area residents in rural development activities and the level of participation required for successful implementation of the plan;

"(iii) the availability of general and specialized job training in the area and the extent to which the needs of the area for such training are not being met;

"(iv) a list of area residents with special skills which could be useful in developing and implementing the plan; and

"(v) an analysis of the human needs of the area, the resources in the area available to meet those needs, and the manner in which the plan, if implemented, would increase the resources available to meet those needs;

"(C) the current degree of intergovernmental cooperation in the area and the degree of such cooperation needed for the successful implementation of the plan;

"(D) the ability and willingness of governments and citizens in the area to become involved in developing and implementing the plan;

"(E) a description of how the governments in the area will apply budget and fiscal control processes to the plan; and

"(F) the extent to which public services and facilities need to be improved to achieve the economic development and quality of life goals of the plan, taking into consideration, at a minimum—

"(i) law enforcement;

"(ii) fire protection;

"(iii) water and solid waste management;

"(iv) education;

"(v) health care;

"(vi) transportation;

"(vii) housing;

"(viii) communications; and

"(ix) the availability of, and capability to generate, electric power.

"(2) DESIGNATED RURAL DEVELOPMENT PROGRAM.—The term 'designated rural development program' means a program carried out under section 304(b), 306(a), or subsection (a) through (f) and (h) of section 310B of this Act, or under section 1323 of the Food Security Act of 1985, for which funds are available at any time during the fiscal year under such section.

"(3) ELIGIBLE STATE.—(A) REQUIREMENTS.—The term 'eligible State' means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:

"(i) ESTABLISHED RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The State has established an advisory rural economic development review panel meeting the requirements of section 361;

"(ii) APPOINTED STATE COORDINATOR.—The Governor of the State has appointed an officer or employee of the State government to—

"(I) manage, operate, and carry out the instructions of, the panel described in clause (i);

"(II) serve as a liaison between the panel and the Federal and State agencies involved in rural development, including transmitting to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6);

"(III) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(IV) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(V) coordinate the efforts of interested rural residents with the State rural economic development review panel.

"(iii) DESIGNATED AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO PANEL.—The State has designated an agency to provide the panel and the State coordinator with support for the daily operation of the panel described in clause (i).

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.

"(4) QUALIFIED PROJECT.—The term 'qualified project' means any project—

"(A) for which the agency described in paragraph (3)(C) of the State has identified—

"(i) the alternative Federal, State, local, or private sources of assistance, and

"(ii) the related activities in the State; and

"(B) to which the Secretary is required by subsection (c)(4) to provide assistance.

"(5) STATE COORDINATOR.—The term 'State coordinator' means the individual appointed by the Governor of the State to carry out the activities described in paragraph (3)(B).

"(6) STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The term 'State rural economic development review panel' or 'panel' means an advisory panel specified in section 361.

"(c) DUTIES OF THE SECRETARY.—The Secretary shall, with respect to each eligible State—

"(1) review the list, if any, transmitted pursuant to subsection 361(b)(6) by any State coordinator;

"(2) determine whether each project described in an application in the list meets the requirements of the rural development program under which the application seeks assistance;

"(3) remove from the list any application for a project that does not meet the requirements;

"(4) provide assistance, subject to available funds, to the projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (3), giving consideration to the order in which the applications for such projects are ranked by the respective State panel, and, if assistance is provided to any project without providing assistance to all projects ranked higher in priority by the panel than such project, report to the panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate within ten days of determining to fund such lower ranked project on the reasons for that determination;

"(5) within thirty days after the date of the enactment of any Act providing appropriations for any designated rural development program for any fiscal year, notify each State of the amounts to be made available to such State under such program for such fiscal year, and the aggregate for such fiscal year of such amounts under all the designated rural development programs;

"(6) pay per diem or otherwise reimburse each full-time officer or employee of the United States who is a member of a State rural economic development review panel for expenses incurred each day (including travel time) during which the officer or employee is engaged in the actual performance of a duty of the panel;

"(7) from amounts appropriated for grants under any provision of section 306(a), make grants not to exceed $100,000 annually to each eligible State for the administrative costs associated with the State rural economic development review panel meeting the requirements of section 361; and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).

"(d) OFFICIAL INFORMATION.—The Secretary may appoint as nonvoting members, temporarily and for specific purposes, personnel from any department or agency of the United States, with the consent of the head of such department or agency, with expertise not available among the members of any State rural economic development review panel as may be necessary to enable the panel to perform a duty described in section 361(b).

"(e) ALLOCATION OF APPROPRIATED FUNDS.—(1) INITIAL ALLOCATION.—The Secretary shall allocate the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for any fiscal year to the projects specified in subsection (c)(4) giving great weight to the order in which the applications for such projects are ranked on the list specified in subsection (c)(1).

"(2) EQUITABLE REALLOCATION OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (1), the Secretary shall, on July 15 of each year, and from time to time thereafter during the fiscal year as the Secretary determines appropriate, pool from among the States any unobligated funds appropriated for direct loans, loan guarantees, or grants for each designated rural development program and reallocate such funds to the States according to need, as determined by the Secretary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to any State rural economic development review panel.

"(g) NO LIABILITY OF MEMBERS OF STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANELS.—The members of a State rural economic development review panel shall not be liable to any person with respect to any determination made by the panel.

"(h) ELIGIBILITY FOR WATER AND WASTE FACILITY LOANS.—(1) RURAL ELECTRIFICATION PROGRAM BORROWERS.—Notwithstanding any other provision of law, a borrower under title III of the Rural Electrification Act of 1936 shall be eligible to receive loans and grants under section 306 on an equal basis with any other applicant for such assistance, and the terms and conditions, rules, criteria and other provisions of section 306 shall apply to such a borrower. In the case of applications from such a borrower, the Administrator of the Rural Electrification Administration shall provide technical assistance with respect to such water and waste facilities and loans and grants for such facilities.

"(2) PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.—The Secretary shall establish rules and procedures that prohibit borrowers under title III of the Rural Electrification Act of 1936 from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if such conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by such facility receive, or will accept, electric service from such borrower.

"SEC. 361. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

"(a) IN GENERAL.—Each State rural economic development review panel specified in section 360(b)(3)(A) shall meet all of the requirements of this section.

"(b) DUTIES.—The panel shall advise the Secretary on the desirability of funding applications for funding from designated rural development programs, and, in developing such advice, shall have the following duties:

"(1) REVIEW RURAL DEVELOPMENT PLANS OF LOCAL AREAS.—To review each area plan submitted by a local or regional area.

"(2) EVALUATE AREA PLANS AND APPLICATIONS FOR ASSISTANCE.—(A) AREA PLANS.—To evaluate, pursuant to a written policy and criteria, each area plan submitted by a local or regional area and either—

"(i) accept any area plan that is technically and economically adequate, feasible, and likely to succeed in meeting the stated goals of the plan, unless the plan is incompatible with any other area plan for that area that has been accepted by the panel; or

"(ii) return any plan that is technically or economically inadequate, infeasible, unlikely to be successful, or incompatible with any other area plan for that area that has been accepted by the panel, with an explanation of the reasons for the return with suggested alternative proposals.

In evaluating area plans under this subparagraph, the panel shall give great weight to the area plans or other comments submitted by intergovernmental development councils, or similar organizations made up of local elected officials, charged with the re-

sponsibility for rural or regional development.

"(B) APPLICATIONS FOR ASSISTANCE.—To evaluate each application for assistance to determine whether the project to be carried out in any area is compatible with the area plan for the area in which the project described in the application is proposed, and either—

"(i) accept any application that the panel determines to be compatible with such area plan; or

"(ii) return to the Rural Development Administration any application that the panel determines to be incompatible with such area plan.

"(3) REVIEW AND RANK APPLICATIONS FOR ASSISTANCE UNDER DESIGNATED RURAL DEVELOPMENT PROGRAMS FROM AREAS WITH ACCEPTED AREA PLANS.—To review applications for assistance, that have been accepted pursuant to paragraph (2)(B), for projects to be carried out in any area the area plan for which has been accepted pursuant to paragraph (2)(A), taking into account the sources of assistance and related activities identified pursuant to section 360(b)(4)(A), and to rank such applications, subject to paragraphs (4) and (5), pursuant to a written policy and criteria, in an order that takes into account—

"(A) in the case of business projects described in the application—

"(i) the extent to which a project would—

"(I) stimulate rural development by creating new jobs of a permanent nature or retaining existing jobs by enabling new small businesses to be started, or existing businesses to be expanded by local or regional area residents who own and operate the businesses,

"(II) contribute to the enhancement and the diversification of the local or regional area economy,

"(III) generate or retain jobs for local or regional area residents,

"(IV) be carried out by persons with sufficient managerial capability,

"(V) be likely to become financially viable, and

"(VI) assist a local or regional area in overcoming severe economic distress;

"(ii) the distribution of assistance to projects in as many areas as possible in the State, with sensitivity to geographical distribution;

"(iii) the technical aspect of the projects;

"(iv) the market potential and marketing arrangements for the projects; and

"(v) the potential of such project to promote the growth of a rural community by improving the ability of the community to increase the number of persons residing therein and by improving the quality of life of such persons; and

"(B) in the case of infrastructure and community facility projects described in the applications the extent to which a project would—

"(i) have the potential to promote the growth of a rural community by improving the quality of life for local or regional area residents;

"(ii) affect the health and safety of local or regional area residents;

"(iii) affect business productivity and efficiency;

"(iv) enhance commercial business activity;

"(v) have the potential to promote long-term growth, including by increasing the number of persons residing in a rural community;

"(vi) address a severe loss or lack of water quality or quantity;

"(vii) bring a community into compliance with Federal or State water or waste water standards; and

"(viii) consolidate water and waste systems and utilize management efficiencies in new systems.

"(4) PRIORITY RANKING FOR PROJECTS ADDRESSING HEALTH EMERGENCIES.—To give priority in reviewing and ranking, notwithstanding the criteria established in paragraph (3), to applications for projects designed to address a health emergency declared to be such by the appropriate Federal or State government agency.

"(5) PRIORITY BASED ON NEED.—If in ranking applications pursuant to paragraphs (3) and (4), 2 or more applications are determined to have comparable strengths in their feasibility and potential for growth, to give priority to the applications for projects for which there is the greatest need.

"(6) TRANSMIT LIST OF RANKED APPLICATIONS.—To transmit to the State coordinator a list of all applications received and indicate on the list—

"(A) for all applications accepted, the rank of such applications in accordance with paragraphs (3), (4) and (5); and

"(B) for all applications returned, the fact that the application was returned pursuant to paragraph (2) and instruct the State coordinator to transmit the list to the Secretary.

"(7) AVAILABILITY OF LIST OF RANKED APPLICATIONS.—To make available to the public the list of ranked applications submitted under paragraph (6) and to provide a brief explanation and justification of why the project applications received their prioritization.

"(8) ESTABLISHMENT AND REVIEW OF WRITTEN POLICY AND CRITERIA FOR EVALUATING AND RANKING APPLICATIONS.—To establish and annually review the written policy and criteria used by the panel in evaluating and ranking applications in accordance with this subsection to ensure that the policy and criteria are consistent with current rural developmental needs, and to provide for public input during the development of the initial policy and criteria.

"(c) MEMBERSHIP.—(1) VOTING MEMBERS.—The panel shall be composed of not more than sixteen voting members who are representatives of rural areas—

"(A) one of whom is the Governor of the State or the person designated by the Governor to serve on the panel on behalf of the Governor for that year;

"(B) one of whom is the director of the State agency responsible for economic and community development or the person designated by the director to serve on the panel on behalf of the director for that year;

"(C) one of whom is appointed by a statewide association of banking organizations;

"(D) one of whom is appointed by a statewide association of investor-owned utilities;

"(E) one of whom is appointed by a statewide association of rural telephone cooperatives;

"(F) one of whom is appointed by a statewide association of noncooperative telephone companies;

"(G) one of whom is appointed by a statewide association of rural electric cooperatives;

"(H) one of whom is appointed by a statewide association of health care organizations;

"(I) one of whom is appointed by a statewide association of existing local government-based planning and development organizations;

"(J) one of whom is appointed by the Governor of the State from either a statewide rural development organization or a statewide association of publicly-owned electric utilities, neither of which is described in any of subparagraphs (C) through (I);

"(K) one of whom is appointed by a statewide association of counties;

"(L) one of whom is appointed by a statewide association of towns and townships, or by a statewide association of municipal leagues, as determined by the Governor;

"(M) one of whom is appointed by a statewide association of rural water districts;

"(N) the State director of the Federal small business development center (or, if there is no small business development center in place with respect to the State, the director of the State office of the Small Business Administration);

"(O) the representative for that State of the Economic Development Administration of the Department of Commerce; and

"(P) one of whom is appointed by the Secretary from among the officers and employees of the Federal Government.

"(2) NONVOTING MEMBERS.—The panel shall have not more than four nonvoting members who shall serve in an advisory capacity and are representatives of rural areas—

"(A) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of business of the colleges and universities in the State;

"(B) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of engineering of the colleges and universities in the State;

"(C) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of agriculture of the colleges or universities in the State; and

"(D) the director of the State agency responsible for extension services for the State.

"(3) APPOINTMENT OF REPRESENTATIVES OF STATEWIDE ORGANIZATIONS BY THE GOVERNOR IN CERTAIN CASES.—(A) If there is no statewide association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor of the State will appoint an individual to fill the position or positions, as the case may be, described in the applicable subparagraph from among nominations submitted by local groups of such entities.

"(B) If there is more than one of the statewide associations or organizations described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor shall select which organization shall name a member. The Governor shall rotate such selection among such associations or organizations such that a representative of the selected association or organization shall serve no more than two years before another such association or organization is selected by the Governor.

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).

"(d) NOTIFICATION.—Each statewide organization that selects an individual to represent the organization on the panel shall

have notified the Governor of the State of the selection.

"(e) QUALIFICATIONS OF PANEL MEMBERS APPOINTED BY THE GOVERNOR.—Each individual appointed to the panel by the Governor of the State will be specially qualified to serve on the panel by virtue of the individual's technical expertise in business and community development.

"(f) VACANCIES.—A vacancy on the panel shall be filled in the manner in which the original appointment was made.

"(g) CHAIRPERSON AND VICE CHAIRPERSON.—The panel shall have selected two members of the panel who are not officers or employees of the United States to serve as the chairperson and vice chairperson of the panel for a term of one year.

"(h) NO COMPENSATION FOR FEDERAL MEMBERS.—Except as provided in section 360(c)(6), each member of the panel who is an officer or employee of the Federal Government may not receive any compensation or benefits, in addition to that which such officer or employee receives for performance of such officer or employee's regular employment, by reason of service on the panel.

"(i) RULES GOVERNING PANEL MEETINGS.—

"(1) QUORUM.—A majority of the members of the panel shall constitute a quorum for the purpose of conducting business of the panel.

"(2) FREQUENCY OF MEETINGS.—The panel shall meet not less frequently than quarterly.

"(3) FIRST MEETING.—The State coordinator shall schedule the first panel meeting.

"(4) RECORDS OF MEETINGS.—The panel shall keep records of the minutes of the meetings, deliberations, and evaluations of the panel, in sufficient detail to enable the panel to provide to interested persons the reasons for its actions.".

(b) CONFORMING AMENDMENT.—Section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking "and not inconsistent" and all that follows through "undertaken for the area".

SEC. 2002. LOAN AND LOAN GUARANTEE ALLOCATION AND TRANSFER.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended by section 2001 of this Act, is amended by adding at the end the following:

"SEC. 362. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

"(a) TRANSFER OF FUNDS.—If the sums appropriated for direct loans for the water and waste or community facility program authorized under section 306(a) and made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer, subject to subsection (b), to one program from the other such program part or all of the sums appropriated for loans made available to the State for such other program.

"(b) LIMITATION ON LOAN AMOUNTS TRANSFERRED.—(1) AMOUNTS TRANSFERRED WITHIN A STATE.—With regard to each State, the amount of direct loan funds transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.

"(2) AMOUNTS TRANSFERRED ON A NATIONAL BASIS.—On a national basis, the amount of direct loan funds transferred in a fiscal year from a program under this section (after accounting for any offsetting transfers into such program) shall not exceed $90,000,000.

"SEC. 363. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

"(a) ALLOCATION OF LOAN GUARANTEE AUTHORITY.—The Secretary shall allocate among the States the loan guarantee authority appropriated under the water and waste or community facility program authorized under section 306(a), and the business and industry loan program authorized under section 310B, in a manner similar to that used for the allocation of direct loan and grant funds appropriated for such programs, and that the Secretary determines to be fair, reasonable, and appropriate.

"(b) TRANSFER OF LOAN GUARANTEE AUTHORITY.—(1) IN GENERAL.—If the sums appropriated for loan guarantees and made available to the State under a program specified in subsection (a) for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer to the program from the other such programs part or all of the sums appropriated for loan guarantees made available to the State for such other program for such fiscal year.

"(2) LIMITATION ON GUARANTEE AMOUNTS TRANSFERRED.—With regard to each State, the amount of loan guarantees transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.".

TITLE XXI—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

SEC. 2101. REA TECHNICAL ASSISTANCE UNIT.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 17. TECHNICAL ASSISTANCE UNIT.

"(a) ESTABLISHMENT.—The Administrator shall establish a technical assistance unit to perform the duties described in subsection (b).

"(b) DUTIES.—The technical assistance unit established under subsection (a) shall—

"(1) provide advice and guidance to electric and telephone borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse (using, to the extent practicable, the resources of the National Agricultural Library) and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts; and

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development.

"(c) FUNDING.—Not less than 3 per centum of the salaries and expenses of the Rural Electrification Administration shall be made available during each fiscal year to the technical assistance unit established in this section.".

SEC. 2102. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by—

(1) inserting "(a)" before "The Administrator"; and

(2) adding at the end the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in subsection (a), except that such deferment shall not be permitted based on the determination of the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the sixty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the one hundred and twenty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower as described in paragraph (2).

"(B) The amount of the deferment shall not exceed 50 per centum of the cost of financing or assistance provided under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 per centum of the total payments due during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 per centum of such total payments due in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a payment to a cushion of credit account established and maintained pursuant to section 313 in an amount equal to the amount of the payment deferred. The balance of such account shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower

shall be included in the interest differential calculation under section 313(b)(2)(A).

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 2103. WATER AND WASTE LENDING BY BANKS FOR COOPERATIVES.

(a) AUTHORIZATION.—Section 3.7 of the Farm Credit Act of 1971 (12 U.S.C. 2128) is amended by adding at the end the following:

"(f) The banks for cooperatives are authorized, for the purpose of the installation, expansion, or improvement of water facilities or systems or waste disposal facilities, to make and participate in loans and commitments and to extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating such systems; and

"(2) rural municipalities having populations not in excess of twenty thousand inhabitants, if the proceeds from such loans are used to expand existing water or waste facilities in such municipalities, to enhance the economic development of such municipalities, or to address health-related problems of the inhabitants of such municipalities.".

(b) CONFORMING CHANGE.—Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

"(D) Any cooperative or municipality described in section 3.7(f).".

SEC. 2104. AMENDMENTS TO THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by—

(1) inserting before the first sentence the following: "The Secretary may also make and insure loans to small and very small rural businesses to assist in the startup and expansion of such businesses that have presented an application for a business project meeting the criteria established under section 361(b)(3)(A) to the applicable State rural economic development review panel defined in section 360(b)(7).";

(2) striking "$25,000,000" and inserting "$5,000,000"; and

(3) adding at the end the following: "The primary purpose of the program established under this subsection shall be to assist small and very small rural businesses, as provided in the first sentence of this subsection. For the purposes of this section, the term 'very small business' means a business having fewer than 30 employees; and the term 'small business' shall not be defined in such a manner as to be inconsistent with the definition of such term established by the Small Business Administration pursuant to section 112(b) of Public Law 94-305 (15 U.S.C. 632).".

SEC. 2105. WATER OR WASTE DISPOSAL LOANS TO BENEFIT RURAL BUSINESSES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting "rural businesses," after "farm laborers,".

SEC. 2106. RURAL WASTEWATER TREATMENT CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 2107. INCREASE ON LIMITATION OF AUTHORIZATION FOR WATER AND WASTE GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended by striking ": Provided, That for fiscal years commencing after September 30, 1981, such grants may not exceed $154,900,000 in any fiscal year".

SEC. 2108. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act.".

TITLE XXII—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

SEC. 2201. RURAL DEVELOPMENT INFORMATION SHARING.

Section 306(a)(12)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)(A)) is amended by inserting ", that shall be located in the National Agricultural Library," after "establish a system".

SEC. 2202. RURAL TECHNOLOGY GRANTS.

(a) AUTHORIZATION.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (f) and inserting the following:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology or cooperative development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that substantiates that such center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation or cooperative development and the adaptation of existing technology) and commercialization of—

"(i) new services and products that can be produced or provided in rural areas;

"(ii) new processes that can be utilized in the production of products in rural areas; and

"(iii) new enterprises that can add value to on-farm production through processing or marketing.

"(C) A description of the activities that such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology research, investigations, and basic feasibility studies in any field and discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons in rural areas served by the center in the development and commercialization of new products, processes, or services.

"(iii) Programs providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

"(iv) Programs providing loans and grants to individuals, small businesses, and cooperatives in rural areas served by the center for purposes of generating, evaluating, developing, and commercializing new products, processes, or services.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

"(vi) Programs providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

"(D) A description of the contributions that such activities are likely to make to the improvement of the economic conditions of the rural areas for which such center will provide services.

"(E) Provisions that such center, in carrying out such activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) monitoring and evaluating such activities by the institution operating such center; and

"(ii) accounting for money received by such institution under this section.

"(I) Provisions that such center will provide for the optimal application of such technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for—

"(i) rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

"(ii) cooperative development where such development can be implemented by cooperatives

to improve local economic conditions.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology or cooperative development that—

"(A) can demonstrate the capability to transfer for practical application in rural areas the technology generated at such centers and the ability to commercialize products, processes, services, and enterprises in such rural areas;

"(B) will effectively serve in rural areas that have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment or underemployment;

"(iii) high rates of out migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(C) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(g) In carrying out subsection (f), the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment or underemployment of persons residing in economically distressed rural areas that the Secretary determines have a substantial need for such assistance. Such assistance shall include planning and feasibility studies, management and operational assistance, and studies evaluating the needs for development potential of projects that increase employment and improve economic growth in such areas.

"(h) The Secretary may make grants to defray not to exceed 75 per centum of the administrative costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under subsection (f). For purposes of determining the non-Federal share of such costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including but not limited to premises, equipment, and services.".

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out section 310B (f) and (h) of the Consolidated Farm and Rural Development Act, there are authorized to be appropriated to the Secretary not to exceed $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

TITLE XXIII—RURAL BUSINESS AND LEADERSHIP TRAINING

SEC. 2301. EXTENSION SERVICE RURAL BUSINESS AND LEADERSHIP TRAINING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 1 of chapter 79 of the Act of May 8, 1914 (7 U.S.C. 341) is amended by—

(1) inserting "(a) AGRICULTURE, ENERGY AND HOME ECONOMICS EXTENSION WORK.—" before "In order to aid"; and

(2) adding at the end the following:

"(b) RURAL DEVELOPMENT EXTENSION WORK.—(1) NATIONAL PROGRAM.—The Secretary of Agriculture shall establish a national program, to be administered by the Extension Service, to provide rural citizens with training in, technical and management assistance regarding, and educational opportunities to enhance their knowledge of—

"(A) beginning new businesses through entrepreneurship;

"(B) the procedures necessary to establish new businesses in rural areas;

"(C) self-employment opportunities in rural areas;

"(D) the uses of modern telecommunications and computer technologies;

"(E) business and financial planning; and

"(F) such other training, assistance, and educational opportunities as the Secretary determines are necessary to carry out the program established under this subsection.

"(2) LEADERSHIP ABILITIES.—The program established pursuant to this subsection shall provide assistance designed to increase the leadership abilities of residents in rural areas. Such assistance shall include—

"(A) information relative to the development of community goals;

"(B) instruction regarding the methods by which State or Federal funding for rural development projects might be obtained;

"(C) instruction regarding the successful writing of applications for loan or grant funds from government and private sources;

"(D) an updated listing of State, Federal, and other economic development programs available to rural areas; and

"(E) such other training, information, and assistance as the Secretary determines necessary to increase the leadership abilities of residents in rural areas.

"(3) CATALOG OF PROGRAMS.—In order to facilitate the program established under this subsection, the extension service in each State should develop, maintain, and provide to each community, and make accessible to any other interested party, a catalog of available State, Federal, or private programs that provide leadership training or other information or services similar or complementary to the training or services required by this subsection. Such catalog should include, at a minimum, the following entities within the State that provide such training or services:

"(A) any rural electric cooperative;

"(B) any nonprofit company development corporation;

"(C) any economic development district that serves a rural community;

"(D) any nonprofit subsidiary of any private entity;

"(E) any nonprofit organization whose principal purpose is to promote economic development in rural areas;

"(F) any investor or publicly owned electric utility;

"(G) any small business development center or small business investment company;

"(H) any regional development organization;

"(I) any vocational or technical school;

"(J) any Federal, State or local government agency or department; and

"(K) any other entity that the Secretary deems appropriate.

The extension service in each State should include in the catalog information relative to the specific training or services provided by each entity in the catalog.

"(4) EMPLOYEE TRAINING.—The Secretary shall provide training for State extension service employees to ensure that such employees understand the availability of rural development programs in their respective States and the availability of Extension Service staff qualified to provide to rural citizens and to State extension staff training and materials for technical, management, and educational assistance required by this subsection.".

(b) COORDINATION OF ASSISTANCE.—The Secretary shall ensure, to the extent practicable, that assistance provided under subsection (a) is coordinated with and delivered in cooperation with similar services or assistance provided by other Federal agencies or programs for rural residents.

TITLE XXIV—RURAL ECONOMIC DEVELOPMENT RESEARCH

SEC. 2401. RESEARCH ON NONTRADITIONAL USES OF AGRICULTURAL COMMODITIES.

The Secretary shall establish a program of competitive grants, to be administered in conjunction with the activities required under subtitle C of title XIV of the Food Security Act of 1985 (7 U.S.C. 4701 et seq.), for the purpose of conducting research on nonfood, nonfeed uses of agricultural commodities. The Secretary shall give priority in the awarding of grants under this section to research projects that the Secretary determines have the potential for developing new products from or processes for agricultural commodities that may be commercially implemented by small businesses.

SEC. 2402. AUTHORIZATION OF RURAL DEVELOPMENT RESEARCH COMPETITIVE GRANTS.

The Secretary shall establish a program of competitive grants for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas. Priority in the award of such grants to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

SEC. 2403. DEMONSTRATION PROJECTS.

The Secretary shall establish a program of competitive grants to rural areas to serve as demonstration areas for rural economic development and as models of such development for other areas. In awarding such grants the Secretary shall favorably consider a request for funds from a rural area that the Secretary determines—

(1) demonstrates the ability to supplement the grant funds provided under this section with other funds from State, local, or private sources;

(2) demonstrates the ability to use the grant funds to increase employment in the area; and

(3) can successfully serve as a demonstration area to share the results of the project to the benefit of other rural areas in the region.

SEC. 2404. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversifica-

tion, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

TITLE XXV—RURAL ELECTRIFICATION PROVISIONS

SEC. 2501. SHORT TITLE; AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.

(a) SHORT TITLE.—This title may be cited as the "Rural Telecommunications Improvements Act of 1990".

(b) AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Rural Electrification Act of 1936.

SEC. 2502. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) making modern telecommunications technology and services available in rural areas in the United States promotes economic development and improves the quality of life in rural areas; and

(2) the efficient operation of the Rural Telephone Bank and the Rural Electrification Administration telephone loan programs is essential to the continued development of the telecommunications infrastructure in rural areas in the United States.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that the Rural Telephone Bank and the Rural Electrification Administration make loans that facilitate the development and enhancement of the rural telecommunications infrastructure in order to make modern telecommunications technology and services available at reasonable rates to the greatest practicable number of people in rural areas in the United States.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

SEC. 2511. GENERAL PROHIBITIONS.

Title I (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 18. GENERAL PROHIBITIONS.

"The Administrator and the Governor of the telephone bank shall not—

"(1) deny or reduce any loan or loan advance under this Act based on a borrower's level of general funds; or

"(2) make any loan or grant, or provide any guarantee, under this Act to any borrower of a telephone loan (or any subsidiary or affiliate of such a borrower) for electric service to others, or to any borrower of an electric loan (or any subsidiary or affiliate of such a borrower) for telephone service to others (except that this prohibition shall not apply to loans, grants, or guarantees for telephone service between the borrower and others) unless—

"(A) the borrower has obtained a certificate of convenience and necessity from, or otherwise obtained the consent of, the State regulatory authority with jurisdiction over the provision of such service; and

"(B) the Administrator or the Governor, as the case may be, has determined (and set forth the reasons therefor in writing) that such loan or grant will not be used to duplicate any lines, facilities, or systems.".

Subtitle B—Amendments Relating to Title II of the 1936 Act

SEC. 2521. NONDUPLICATION OF TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 201 (7 U.S.C. 922) is amended by striking the last sentence and inserting "The Administrator and the Governor of the telephone bank shall not make or guarantee a loan, or make a grant, for telephone purposes under this Act if the loan, guarantee, or grant would result in the duplication of lines, facilities, or systems that provide reasonably adequate service. For purposes of this Act, the term 'duplication' does not include upgrading.".

(b) CONFORMING AMENDMENT.—Section 408(b)(5) (7 U.S.C. 948(b)(5)) is amended by striking the 2nd sentence.

SEC. 2522. UPDATED DEFINITION OF TELEPHONE SERVICE.

Section 203(a) (7 U.S.C. 924(a)) is amended—

(1) by inserting "or reception" after "transmission";

(2) by inserting "data," after "voice,"; and

(3) by striking "through the use of electricity between the transmitting and receiving apparatus" and inserting "by wire, fiber, radio, light, or other visual or electromagnetic means".

SEC. 2523. LOAN FEASIBILITY.

Title II (7 U.S.C. 922 et seq.) is amended by adding at the end the following:

"SEC. 204. LOAN FEASIBILITY.

"The Administrator and the Governor of the telephone bank may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

"(1) increase the rates charged to the applicant's customers or subscribers; or

"(2) increase the applicant's ratio of—

"(A) net income or margins before interest; to

"(B) the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 2524. ENCOURAGEMENT OF INVESTMENT BY TELEPHONE BORROWERS IN RURAL DEVELOPMENT PROJECTS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the section added by section 2523 of this title the following:

"SEC. 205. CERTAIN RURAL DEVELOPMENT INVESTMENTS BY QUALIFIED TELEPHONE BORROWERS NOT TREATED AS DIVIDENDS OR DISTRIBUTIONS.

"(a) IN GENERAL.—The Administrator and the Governor of the telephone bank shall not—

"(1) treat any amount invested by any qualified telephone borrower for any purpose described in section 607(c)(2) of the Rural Development Act of 1972 (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed ⅓ of the net worth of the borrower; or

"(2) require a qualified telephone borrower to obtain the approval of the Administrator or the Governor of the telephone bank in order to make an investment described in paragraph (1).

"(b) QUALIFIED TELEPHONE BORROWER DEFINED.—As used in subsection (a), the term 'qualified telephone borrower' means a person—

"(1) to whom a telephone loan has been made or guaranteed under this Act; and

"(2) whose net worth is at least 20 percent of the total assets of such person.".

SEC. 2525. IMPROVEMENTS IN TELEPHONE PROGRAM.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 2523 and 2524 of this title the following:

"SEC. 206. GENERAL DUTIES AND PROHIBITIONS.

"(a) DUTIES.—The Administrator and the Governor of the telephone bank shall—

"(1) notwithstanding section 553(a)(2) of title 5, United States Code, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this Act;

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and

"(4) make loans for all purposes for which telephone loans are authorized under section 201 or 408, to the extent of qualifying applications therefor.

"(b) PROHIBITIONS.—The Administrator and the Governor of the telephone bank shall not—

"(1) rescind an insured telephone loan, or a Rural Telephone Bank loan, made under this Act without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this Act have been accomplished with funds provided under this Act;

"(2) regulate the order or sequence of advances of funds under telephone loans made under this Act to any borrower who has received any combination of telephone loans from the Rural Electrification Administration, the Rural Telephone Bank, or the Federal Financing Bank; or

"(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this Act for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5, United States Code.".

SEC. 2526. PROMPT PROCESSING OF TELEPHONE LOANS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 2523, 2524, and 2525 of this title the following:

"SEC. 207. PROMPT PROCESSING OF TELEPHONE LOANS.

"Within ten days after the end of the second and fourth calendar quarters of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report—

"(1) identifying each completed application for a telephone loan under section 305, a guarantee of a telephone loan under section 306, or a loan under section 408, that has not been finally acted upon within ninety days after the date the completed application is submitted; and

"(2) stating the reasons for the failure to finally act upon the completed applications within such ninety-day period.".

Subtitle C—Amendments Relating to Title III of the 1936 Act

SEC. 2531. CREATION OF SEPARATE ELECTRIC AND TELEPHONE ACCOUNTS WITHIN RURAL ELECTRIC AND TELEPHONE REVOLVING FUND.

Section 302 (7 U.S.C. 932) is amended by adding at the end the following:

"(c)(1) The Administrator shall maintain two separate accounts within the fund, which shall be known as the electric account and the telephone account, respectively.

"(2)(A) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to electrification loan operations in the electric account.

"(B) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to telephone loan operations in the telephone account.

"(3)(A) The assets accounted for in the electric account shall be available solely for electrification loan operations under this Act.

"(B) The assets accounted for in the telephone account shall be available solely for telephone loan operations under this Act (other than under title IV).".

SEC. 2532. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR INSURED TELEPHONE LOANS.

Section 309 (7 U.S.C. 940) is amended by—

(1) designating the current section as subsection (a); and

(2) adding at the end the following:

"(b) The term of any telephone loan made under this title shall be determined by the borrower at the time the loan application is submitted.".

SEC. 2533. TIER REQUIREMENT FOR INSURED TELEPHONE LOANS.

Section 305 (7 U.S.C. 935) is amended by adding at the end the following:

"(d) The Administrator shall make a telephone loan under this title to an applicant therefor who is otherwise qualified to receive such a loan at the highest interest rate (but not less than the lowest interest rate, nor higher than the highest interest rate, specified in subsection (b)) at which the borrower would be capable of producing net income or margins before interest payments of at least 100 per centum (but not more than 150 per centum) of the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 2534. CLARIFICATION OF TELEPHONE LOAN GUARANTEE AUTHORITY.

Section 306 (7 U.S.C. 936) is amended by inserting after the first sentence the following new sentence: "The Administrator shall not provide such assistance to any borrower of a telephone loan under this Act unless the borrower specifically applies for such assistance.".

Subtitle D—Amendments Relating to Title IV of the 1936 Act

SEC. 2541. MODIFICATION OF RURAL TELEPHONE BANK BOARD.

(a) IN GENERAL.—Section 405 (7 U.S.C. 945) is amended by striking all that precedes subsection (g) and inserting the following:

"SEC. 405. BOARD OF DIRECTORS.

"(a) IN GENERAL.—The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (in this title referred to as the Telephone Bank Board).

"(b) MEMBERSHIP.—The Telephone Bank Board shall consist of thirteen individuals, as follows:

"(1) PRESIDENTIAL APPOINTEES.—The President shall appoint seven individuals to serve on the Telephone Bank Board who shall serve at the pleasure of the President—

"(A) five of whom shall be officers or employees of the Department of Agriculture and not officers or employees of the Rural Electrification Administration; and

"(B) two of whom shall be from the general public and not officers or employees of the Federal Government.

"(2) COOPERATIVE MEMBERS.—The cooperative-type entities, and organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(3) COMMERCIAL MEMBERS.—The commercial-type entities, and the organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(c) ELECTIONS.—(1) VALIDITY.—An election under paragraph (2) or (3) of subsection (b) shall not be considered valid unless a majority of the stockholders eligible to vote in the election have voted in the election.

"(2) BALLOTING.—Balloting in an election under paragraph (2) or (3) of subsection (b) shall be conducted by mail pursuant to the procedures authorized in the bylaws of the telephone bank.

"(3) NO CUMULATIVE VOTING.—Cumulative voting shall not be permitted in any election under paragraph (2) or (3) of subsection (b).

"(d) COMPENSATION.—(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Telephone Bank Board shall receive $100 per day for each day or part thereof, not to exceed fifty days per year, spent in the performance of their official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(2) EXCEPTIONS.—The five members of the Telephone Bank Board appointed under subsection (b)(1)(A) shall not receive compensation by reason of their service on the Telephone Bank Board.

"(e) SUCCESSION.—A member of the Telephone Bank Board may serve after the expiration of the term of office of such member until the successor for such member has taken office.

"(f) CHAIRPERSON.—The members of the Telephone Bank Board shall elect one of such members to be the Chairperson of the Board, in accordance with the bylaws of the telephone bank. The Chairperson shall preside at all meetings of the Board and may vote on a matter before the Board unless the vote would result in a tie vote on the matter.".

(b) CONFORMING AMENDMENTS.—Section 405 (7 U.S.C. 945) is amended—

(1) in subsection (g) by striking "(g) The" and inserting "(g) BYLAWS.—The";

(2) in subsection (h) by striking "(h) The" and inserting "(h) MEETINGS.—The"; and

(3) in subsection (i) by striking "(i) The" and inserting "(i) ANNUAL REPORT.—The".

(c) APPLICABILITY OF SUNSHINE ACT.—Section 405 (7 U.S.C. 945) is amended by adding at the end the following:

"(j) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Telephone Bank Board shall be treated as an agency within the meaning of subsection (a)(1) of such section.".

SEC. 2542. RURAL TELEPHONE BANK CAPITALIZATION.

Section 406(a) (7 U.S.C. 946(a)) is amended in the second sentence by striking "but not later than fiscal year 1991".

SEC. 2543. PRO RATA PURCHASE OF RURAL TELEPHONE BANK STOCK BY RURAL TELEPHONE BANK BORROWERS.

The second sentence of section 406(d) (7 U.S.C. 946(d)) is amended by inserting ", by paying an amount equal to 5 per centum of the amount of each loan advance, at the time of such advance" before the period.

SEC. 2544. CLARIFICATION OF AUTHORITY TO SET RURAL TELEPHONE BANK LOAN LEVELS.

Section 408(a) (7 U.S.C. 948(a)) is amended by striking "is authorized on behalf of the telephone bank to make loans," and inserting "shall make loans on behalf of the telephone bank, to the extent that there are qualifying applications therefor, subject only to limitations as to amounts authorized for loans and advances as may be imposed by law enacted by the Congress of the United States for loans to be made in any one year, and".

SEC. 2545. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR RURAL TELEPHONE BANK LOANS.

Section 408 (7 U.S.C. 948) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the term of any loan made under this title shall be determined by the borrower at the time the loan is made.

"(2) The term of any loan made under this title shall not exceed the maximum term for which a loan may be made under section 4.".

SEC. 2546. FULL USE OF RURAL TELEPHONE BANK LOAN AUTHORITY.

Section 412 (7 U.S.C. 950b) is amended to read as follows:

"SEC. 412. FULL USE OF TELEPHONE BANK LOAN AUTHORITY.

"(a) FULL USE.—(1) IN GENERAL.—If an appropriations Act authorizes the telephone bank to make loans in a fiscal year and such Act requires that, within available resources and available authority, gross obligations for the principal amount of such loans be not less than a specified amount and not more than a different specified amount, the Governor of the telephone bank shall obligate for such loans for such fiscal year, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor to the extent such unobligated funds do not exceed the greater of such specified amounts.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), until all unobligated funds available to the Governor of the telephone bank for any fiscal year before fiscal year 1990 have been expended, the Governor shall obligate for loans under this title, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor.

"(b) RELATION TO OTHER LAW.—No subsequent statute may be held to supersede or modify this section, except to the extent that it does so expressly.".

SEC. 2547. TECHNICAL AMENDMENTS RELATING TO THE RURAL TELEPHONE BANK PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) SECTION 406(h) AMENDMENTS.—Section 406(h) (7 U.S.C. 946(h)) is amended—

(1) by inserting after the second sentence "All amounts so transferred shall not be transferred, directly or indirectly, to the reserve for contingencies."; and

(2) by striking "Rural Telephone Bank Borrowers Fairness" and inserting "Omnibus Budget Reconciliation".

(b) SECTION 408(b)(3) AMENDMENTS.—Section 408(b)(3) (7 U.S.C. 948(b)(3)) is amended—

(1) in subparagraph (B), by striking "paragraph" and inserting "subparagraph";

(2) in subparagraph (D)(ii), by adding at the end the following: "For purposes of the calculation under this subparagraph, such rate shall be zero."; and

(3) in subparagraph (E), by striking "subparagraph" the second place such term appears and inserting "paragraph".

Subtitle E—Effective Date

SEC. 2551. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) TECHNICAL AMENDMENTS.—The amendments made by section 2547 of this title shall take effect as if such amendments had been included in chapter 2 of subtitle D of title I of the Omnibus Budget Reconciliation Act of 1987 on the date of the enactment of such chapter.

TITLE XXVI—MISCELLANEOUS

SEC. 2600. SHORT TITLE OF TITLES XIX THROUGH XXVIII.

Titles XIX through XXVIII of this Act may be cited as the "Rural Economic Development Act of 1990".

SEC. 2601. REGULATIONS.

Except as otherwise provided in the Rural Economic Development Act of 1990, no later than 180 days after the date of the enactment of such Act, the Secretary shall promulgate such regulations as may be necessary to carry out such Act and the amendments made by such Act.

SEC. 2602. ENCOURAGEMENT OF PRIVATE CONTRACTING.

(a) For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of the Rural Economic Development Act of 1990.

(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of the Rural Economic Development Act of 1990.

SEC. 2603. LOAN RATES APPLICABLE TO CERTAIN LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by—

(1) in subparagraph (A) striking "guranteed" and inserting "guaranteed"; and

(2) adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 2604. ASSISTANCE FOR CERTAIN DISTRESSED COMMUNITY FACILITY PROGRAM BORROWERS.

(a) AMENDMENT.—The Consolidated Farm and Rural Development Act is amended by inserting after section 353 (7 U.S.C. 2001) the following new section:

"SEC. 353A. DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.

"The Secretary shall establish and implement a program that is similar to the program established under section 353, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a).".

(b) REGULATIONS.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 2605. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by adding after section 306A (7 U.S.C. 1926a) the following new section:

"SEC. 306B. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

"(a) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—(1) The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

"(A) water supply systems; or

"(B) waste disposal facilities.

"(2) Loans made or insured or grants made under this section to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, or public agencies shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county in which—

"(A) the per capita income of the residents of such county is less than or equal to 70 per centum of the national average per capita income, as determined by the Department of Commerce; and

"(B) the unemployment rate of the residents of such county is greater than or equal to 125 per centum of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(b) LOANS TO INDIVIDUALS.—(1) The Secretary shall make or insure loans and make grants to individuals who reside in a community described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems or connecting such systems to the residences of such individuals. Such loans shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

"(2) The loans and grants to individuals authorized under paragraph (1) shall be made—

"(A) directly to such individuals by the Secretary; or

"(B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

"(c) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants to—

"(1) rural water supply corporations, cooperatives, or similar entities, or public agencies, as provided under subsection (a), proposing to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

"(2) individuals, as provided under subsection (b), who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

"(d) DEFINITION.—For the purposes of this section the term 'cooperative' means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated funds to carry out the purposes of this section as follows:

"(1) for grants as provided by this section, $30,000,000 per fiscal year; and

"(2) for loans as provided by this section, $30,000,000 per fiscal year.".

SEC. 2606. PRESERVATION OF ELIGIBILITY.

Notwithstanding any other provision of law, nothing in the Rural Economic Development Act of 1990 shall be construed to adversely affect the eligibility, as it existed on the date of enactment of such Act, of cooperatives and other entities for any other credit assistance under Federal law.

SEC. 2607. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by the Rural Economic Development Act of 1990 (including the amendments made by such Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of such Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts that (but for this section) would have been awarded to foreign firms under the Rural Economic Development Act of 1990 and the amendments made by such Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a Federal contract for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any United States district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the United States Federal Government.

SEC. 2608. STATE PROGRAMS NOT AFFECTED.

Nothing in the Rural Economic Development Act of 1990 shall be interpreted to preclude States from creating and maintaining other rural development programs.

SEC. 2609. TECHNICAL CORRECTIONS.

(a) SECTION 308 AMENDMENTS.—Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended—

(1) in paragraph (a), by striking "prescribe,:" and inserting "prescribe;"; and

(2) by redesignating paragraphs (a) and (b), as paragraphs (1) and (2), respectively.

(b) SECTION 310B(d) AMENDMENTS.—Section 310B(d) of such Act (7 U.S.C. 1932(d)) is amended—

(1) by moving paragraphs (4), (5), and (6) two ems to the left so that the left margin of such paragraphs is aligned with the left margin of paragraph (3);

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

(3) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(4) by inserting "(1)" after "(d)".

(c) AMENDMENTS RELATING TO SECTION 331.—

(1) Section 331 Amendments.—Section 331 of such Act (7 U.S.C. 1981) is amended—

(A) in the second undesignated subsection—

(i) by moving paragraphs (f), (g), (h), and (i) two ems to the right so that the left margin of each of such paragraphs is aligned with the left margin of paragraph (e);

(ii) in paragraph (f), by striking "Release" and inserting "release";

(iii) in paragraph (g), by striking "Obtain" and inserting "obtain";

(iv) in paragraph (h), by striking "Not" and inserting "not";

(v) in paragraph (i)—

(I) by striking "Consent" and inserting "consent"; and

(II) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(vii) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively; and

(B) by redesignating the first and second undesignated subsections as subsection (a) and (b), respectively.

(2) CONFORMING AMENDMENTS.—Section 357(b) of such Act (7 U.S.C. 2005(b)) is amended by striking "331(d)" each place such term appears and inserting "331(b)(4)".

(d) SECTION 333A(c) AMENDMENT.—Section 333A(c) of such Act (7 U.S.C. 1983a(c)) is amended by striking "In" and inserting "If".

(e) SECTION 335(c)(2)(D) AMENDMENT.—Section 335(c)(2)(D) of such Act (7 U.S.C. 1985(c)(2)(D)) is amended by striking "caused" and inserting "cause".

(f) SECTION 343(a) AMENDMENTS.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (3), by striking "and" the third place such term appears; and

(3) in paragraph (5), by striking "contract of insurance" and inserting "'contract of insurance'".

(g) SECTION 346(b) AMENDMENTS.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended—

(1) in paragraph (1)(B), by striking "subparagraph (C)" and inserting "paragraph (3)";

(2) in paragraph (1)(C), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) by redesignating paragraphs (1) (A), (B), (C), (D)(i), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(4) in paragraph (2) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(5) in each of the subparagraphs redesignated as such by paragraph (4) of this subsection, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(6) in paragraph (5) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(h) SECTION 349(a) AMENDMENT.—Section 349(a) of such Act (7 U.S.C. 1997(a)) is amended by redesignating paragraph (5) as paragraph (4).

TITLE XXVII—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

SEC. 2701. SHORT TITLE.

This title may be cited as the "National Forest-Dependent Rural Communities Economic Diversification Act of 1990".

SEC. 2702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the economic well-being of rural America is vital to our national growth and prosperity;

(2) the economic well-being of many rural communities depends upon the goods and services that are derived from national forests;

(3) the economies of many of these communities suffer from a lack of industrial and business diversity;

(4) this lack of diversity is particularly serious in communities whose economies are predominantly dependent on timber and recreation resources and where management decisions made on the national forests may disrupt the supply of those resources;

(5) the Forest Service has expertise and resources that could be directed to promote modernization and economic diversification of existing industries and services based on forest resources;

(6) the Forest Service has the technical expertise to provide leadership, in cooperation with other governmental agencies and the private sector, to assist rural communities dependent upon national forest resources to upgrade existing industries and diversify by developing new economic activity in non-forest-related industries; and

(7) technical assistance, training, education, and other assistance provided by the Department of Agriculture can be targeted to provide immediate help to those rural communities in greatest need.

(b) PURPOSES.—The purposes of this title are—

(1) to provide assistance to rural communities that are located in or near national forests and that are economically dependent upon forest resources or are likely to be economically disadvantaged by Federal land management practices;

(2) to aid in diversifying such communities' economic bases; and

(3) to improve the economic, social, and environmental well-being of rural America.

SEC. 2703. DEFINITIONS.

As used in this title—

(1) the term "action team" means a rural forestry and economic diversification action team established by the Secretary pursuant to section 2704(b);

(2) the term "economically disadvantaged" means economic hardship due to the loss of jobs or income (labor or proprietor)

derived from forestry, the wood products industry, or related commercial enterprises such as recreation and tourism in the national forest;

(3) the term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government having a population of not more than ten thousand (according to the latest decennial census) that is located in a county where at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism; or

(B) any county or similar unit of general purpose local government having a population of not more than twenty-two thousand five hundred and fifty (according to the latest decennial census) in which at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism

that is located within the boundary, or within one hundred miles of the boundary, of a national forest; and

(4) the term "Secretary" means the Secretary of Agriculture.

SEC. 2704. RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.

(a) REQUESTS FOR ASSISTANCE.—Economically disadvantaged rural communities may request assistance from the Secretary in identifying opportunities that will promote economic improvement and diversification.

(b) ESTABLISHMENT.—Upon request, the Secretary is authorized to establish rural forestry and economic diversification action teams to prepare an action plan to provide technical assistance to economically disadvantaged communities. The action plan shall identify opportunities to promote economic diversification and enhance local economies now dependent upon national forest resources. The action team may also identify opportunities to utilize value-added products and services derived from national forest resources.

(c) ORGANIZATION.—The Secretary shall design and organize any action team established pursuant to subsection (b) to meet the unique needs of the requesting rural community. Each action team shall be directed by an employee of the Forest Service and may include personnel from other agencies within the Department of Agriculture, from other Federal and State departments and agencies, and from the private sector.

(d) COOPERATION.—In preparing action plans, the Secretary is authorized to cooperate with State and local governments, universities, private companies, individuals, and nonprofit organizations for procurement of services determined necessary or desirable.

(e) ELIGIBILITY.—The Secretary shall ensure that no substantially similar geographical or defined local area in a State receives both a grant for technical assistance to an economically disadvantaged community under this title and a grant for assistance under a designated rural development program, as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act, during any continuous five-year period.

(f) APPROVAL.—After reviewing requests under this section for financial and economic feasibility and viability, the Secretary shall approve and implement in accordance with section 2705 those action plans that will achieve the purposes of this title.

SEC. 2705. ACTION PLAN IMPLEMENTATION.

(a) IN GENERAL.—Action plans shall be implemented, insofar as practicable, to upgrade existing industries to use forest resources more efficiently and to expand the economic base of rural communities so as to alleviate or reduce their dependence on national forest resources.

(b) ASSISTANCE.—To implement action plans, the Secretary is authorized to make grants and enter into cooperative agreements and contracts to provide necessary technical and related assistance. Such grants, cooperative agreements, and contracts may be with the affected rural community, State and local governments, universities, corporations and other persons.

(c) LIMITATION.—The Federal contribution to the overall implementation of an action plan shall not exceed 80 per centum of the total cost, including administrative and other costs. The Secretary shall attribute the fair market value of equipment, personnel, and services provided in calculating the Federal contribution.

(d) AVAILABLE AUTHORITY.—The Secretary may utilize the Secretary's existing authorities under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorities in implementing action plans.

SEC. 2706. TRAINING AND EDUCATION.

(a) PROGRAMS.—In furtherance of an action plan, the Secretary is authorized to utilize the Extension Service of the Department of Agriculture to develop and conduct education programs that assist businesses, elected or appointed officials, and individuals in rural communities to deal with the effects of a transition from being economically disadvantaged to economic diversification. These programs may include—

(1) community economic analysis and strategic planning;

(2) methods for improving and retooling existing enterprises now dependent on national forest resources;

(3) methods for expanding existing enterprises and creating new economic opportunities by emphasizing economic opportunities in other industries or services not dependent on national forest resources; and

(4) assistance in the evaluation, counseling, and enhancement of vocational skills, training in basic and remedial literacy skills, assistance in job seeking skills, and training in starting or operating a business enterprise.

(b) EXISTING EDUCATIONAL AND TRAINING PROGRAMS.—Insofar as practicable, the Secretary shall utilize existing Federal, State, and private education resources in carrying out these programs.

SEC. 2707. LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.

(a) IN GENERAL.—The Secretary, under such terms and conditions as the Secretary shall establish, may make loans to economically disadvantaged rural communities for the purposes of securing technical assistance and services to aid in the development and implementation of action plans, including planning for—

(1) improving existing facilities in the community that may generate employment or revenue;

(2) expanding existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies now dependent on national forest resources; and

(3) supporting the development of new industries or commercial ventures unrelated to national forest resources.

(b) INTEREST AND OTHER CHARGES.—The interest rates on a loan made pursuant to this section shall be as determined by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 2708. AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there is authorized to be appropriated—

(1) an amount not to exceed an amount that is equal to 5 per centum of the sums received by the Secretary from sales of timber and other products of the forests, and of user fees paid in connection with the use of forest lands; and

(2) such additional sums as may be necessary to carry out the purposes of this title.

(b) LIMITATION ON AUTHORIZATION.—Subsection (a) shall not in any way affect payments to the States pursuant to chapter 192 of the Act of May 23, 1908 (16 U.S.C. 500).

(c) SPENDING AUTHORITY.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

TITLE XXVIII—ENHANCING HUMAN RESOURCES

SEC. 2801. SHORT TITLE.

This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

Subtitle A—Rural Business Development

SEC. 2811. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 2812. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 2202(a) of this Act the following:

"(i) LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.—

"(1) IN GENERAL.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) GENERAL REQUIREMENTS.—

"(A) APPLICATION PROCESS.—

"(i) SUBMISSION OF APPLICATION.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) CONTENTS OF APPLICATION.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) CONSIDERATION OF APPLICATIONS.—

"(i) REVIEW BY ADMINISTRATOR.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) REVIEW BY STATE REVIEW PANELS.—

"(I) IN GENERAL.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) AUTHORITY TO OBTAIN INFORMATION FROM APPLICANTS.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) AUTHORITY TO REQUEST APPLICANTS TO MODIFY PROJECTS.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) RANKING OF APPLICATIONS.—

"(I) IN GENERAL.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) GROUPING OF APPLICATIONS.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) COMPETITION AMONG APPLICATIONS.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) WRITTEN POLICY AND CRITERIA.—

"(aa) IN GENERAL.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) PROHIBITION AGAINST DEVELOPMENT OR ACQUISITION OF TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iv) TRANSMITTAL OF RANKED APPLICATIONS.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(A)(ii) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) PRIORITY.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) REPORT REQUIRED IF ADMINISTRATOR INTENDS TO FUND PROJECTS OTHER THAN AS RECOMMENDED BY REVIEW PANEL.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) MONITORING OF USE OF LOANS.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) RELATIONSHIP TO STATE LAW.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) REGULATIONS.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) DEFINITIONS.—As used in this subsection:

"(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) REVIEW PANEL.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) RURAL AREA.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) TREATMENT OF LOAN PROGRAM AS DESIGNATED RURAL DEVELOPMENT PROGRAM.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) AVAILABILITY.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 2821. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the

Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) selects from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 2822. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 2823. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

TITLE XXIX—IMPROVEMENT OF FARMERS HOME ADMINISTRATION FARM LOAN PROGRAMS

SECTION 2901. SALE OF INVENTORY PROPERTY.

(a) OFFERING PRICE; USE RESTRICTION.—Section 335(c) of the Consolidated Farm and Rural Development Act (hereinafter referred to in this Act as the "Act") (7 U.S.C. 1985(c)) is amended by amending paragraph (2)(B) to read as follows:

"(B) offer such land—

"(i) for sale pursuant to subsection (e)(1)(C), at a price not greater than that which reflects the appraised market value of such farmland; and

"(ii) for all other sales, at a price not greater than that which reflects the fair market value of such land as determined by bids after advertising or by negotiated sale;".

(b) CONFORMING CHANGES.—Section 355(e)(4) of the Act (7 U.S.C. 1985(e)(4)) is amended by—

(1) striking subparagraph (B); and

(2) redesignating subparagraph (C) as (B).

SEC. 2902. GOOD FAITH REQUIREMENT FOR PRESERVATION RIGHTS.

Section 335(e)(1) of the Act (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (A)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with such loan."; and

(2) in subparagraph (C)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with the loan of such borrower-owner for which such property served as security.".

SEC. 2903. INCLUSION OF PROPERTY IN CALCULATING RECOVERY VALUE.

Section 353(c)(2) of the Act (7 U.S.C. 2001(c)(2)) is amended by—

(1) in subparagraph (B)(iv) striking "costs." and inserting "costs; plus"; and

(2) inserting a new subparagraph (C) as follows:

"(C) the value, as determined by the Secretary, of any property not included in subparagraph (A) if the property is specified in any security agreement with respect to such loan and the Secretary determines that the value of such property should be included for purposes of this section.".

SEC. 2904. INCLUSION OF ASSETS IN CLACULATING THE VALUE OF THE RESTRUCTURED LOAN.

Section 353(c)(3) of the Act (7 U.S.C. 2001(c)(3)) is amended by adding at the end the following:

"(C) ASSETS CONSIDERED.—For the purpose of calculating the value of restructured loans under this subsection, the Secretary may consider all the assets of the borrower, other than the value of unencumbered assets determined by the Secretary to be essential

for necessary family living expenses or essential to the operation of the farm.".

SEC. 2905. NET RECOVERY BUY-OUT; LIMITATION ON USE; RECAPTURE; APPLICATION DEADLINE; GOOD FAITH REQUIREMENT.

Section 353(c)(6) of the Act (7 U.S.C. 2001(c)(6)) is amended to read as follows:

"(6) PURCHASE AT RECOVERY VALUE.—

"(A) TERMINATION OF LOAN OBLIGATIONS.—The obligations of the borrower to the Secretary under the loan shall terminate if—

"(i) the value of the restructured loan is less than the recovery value;

"(ii) the borrower has not previously been relieved of loan obligations by write-down or termination of loan obligations under this section;

"(iii) the borrower has acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary; and

"(iv) within 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the recovery value.

"(B) RECAPTURE.—The Secretary may require, as a condition of the termination of loan obligations under this paragraph, that the borrower enter into an agreement with the Secretary providing that if the borrower—

"(i) sells or otherwise conveys the real property used to secure such loan within 10 years after the date of such agreement; and

"(ii) realizes a gain on such sale or conveyance over the amount of the recovery value of the loan,

then the Secretary may recapture part or all of the difference between the recovery value of the loan and the fair market value (on the date of such sale or conveyance) of the property securing the loan. In no event shall any such agreement provide for recapture of an amount that exceeds the difference between such recovery value and the outstanding balance of principal and interest owed on the loan immediately prior to the termination of any loan obligations under this paragraph.

"(C) LIMITATION ON AMOUNT OF TERMINATED OBLIGATIONS.—The Secretary may not terminate loan obligations under this section in excess of $250,000 for any one borrower.".

SEC. 2906. LIMITATION ON USE OF DEBT WRITE-DOWN.

(a) LIMITATION ON USE OF DEBT WRITE-DOWN.—Section 353(d) of the Act (7 U.S.C. 2001(d)) is amended by adding the following new paragraphs:

"(3) LIMITATION TO SINGLE WRITE-DOWN.—The Secretary may not restructure a loan under this section by means of a write-down of principal or interest for any borrower who has received a previous write-down of principal or interest or a termination of loan obligations under this section.

"(4) LIMITATION ON AMOUNT OF WRITE-DOWN.—The Secretary may not write-down principal or interest under this section in excess of $250,000 for any one borrower.

"(5) CUT-OFF DATE.—No loan made or insured by the Secretary pursuant to this title on or after January 6, 1988 shall be eligible for write-down or termination of loan obligations under this section.".

(b) TECHNICAL AMENDMENT.—Section 353(e)(1) is amended by striking "written off" and inserting "written down".

SEC. 2907. EXTENSION OF DEADLINES.

(a) APPLICATION FOR LOAN SERVICE.—Section 331D(e) of the Act (7 U.S.C. 1981d(e)) is amended by striking "45 days" and inserting "60 days".

(b) PROCESSING OF APPLICATIONS.—Section 353(c)(4) of the Act (7 U.S.C. 2001(c)(4)) is amended by striking "60 days" and inserting "90 days".

TITLE XXX—SHIPPING PROVISIONS

SEC. 3001. EXEMPTION OF AMERICAN GREAT LAKES VESSELS FROM RESTRICTION ON CARRIAGE OF PREFERENCE CARGOES.

(a) EXEMPTION FROM RESTRICTION.—The restriction described in subsection (b) shall not apply to an American Great Lakes vessel.

(b) RESTRICTION DESCRIBED.—The restriction referred to in subsection (a) is the restriction in section 901(b)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)(1)), that a vessel which is—

(1) built outside the United States;

(2) rebuilt outside the United States; or

(3) documented under any foreign registry;

shall not be a privately owned United States-flag vessel under that section until the vessel is documented under the laws of the United States for a period of 3 years.

SEC. 3002. DESIGNATION OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—The Secretary shall designate a vessel to be an American Great Lakes vessel for purpose of this title if—

(1) the vessel is documented under the laws of the United States;

(2) the Secretary receives an application for such designation submitted in accordance with regulations issued by the Secretary under subsection (d);

(3) the owner of the vessel enters into an agreement in accordance with subsection (b); and

(4)(A) the vessel was built after January 1, 1985, and before January 1, 1991; or

(B) the vessel was built after January 1, 1980, and before January 1, 1991, and the Secretary determines that suitable vessels are not available for providing the type of service for which the vessel will be used after designation.

(b) CONSTRUCTION AND PURCHASE AGREEMENT.—As a condition of designating a vessel as an American Great Lakes vessel under this section, the Secretary shall require the person who will be the owner of the vessel at the time of that designation to enter into an agreement with the Secretary which provides that—

(1) all repair, maintenance, reconditioning, and other construction—

(A) required to be performed on the vessel for it to qualify for such designation; or

(B) performed on the vessel during the period of that designation;

shall be performed in the United States, except emergency repairs which are necessary to enable the vessel to sail safely from a port outside of the United States; and

(2) if the Secretary determines that the vessel is necessary to the defense of the United States, the United States Government shall have, during the 120-day period following the date of any revocation of such designation under section 3004, an exclusive right to purchase the vessel for a price equal to—

(A) the approximate world market value of the vessel; or

(B) the cost of the vessel to the owner less an amount representing reasonable depreciation of the vessel;

whichever is greater.

(c) CERTAIN FOREIGN REGISTRY AND SALE NOT PROHIBITED.—Notwithstanding any other law, if the United States does not purchase a vessel in accordance with its right of purchase under a construction and purchase agreement under subsection (b), and owner of the vessel shall not be prohibited from—

(1) transferring the vessel to a foreign registry; or

(2) selling the vessel to a person who is not a citizen of the United States.

(d) ISSUANCE OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue regulations establishing requirements for submission of applications for designation of vessels as American Great Lakes vessels under this section.

SEC. 3003. RESTRICTIONS ON OPERATIONS OF AMERICAN GREAT LAKES VESSELS.

(a) IN GENERAL.—Subject to subsection (b), an American Great Lakes vessel shall not be used—

(1) to engage in trade—

(A) from a port in the United States that is not located on the Great Lakes;

(B) between ports in the United States; or

(C) between Great Lakes ports in the United States and Great Lakes ports in Canada;

(2) to carry bulk cargo (as that term defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702(4)); or

(3) to provide any service other than ocean freight service—

(A) as a contract carrier; or

(B) as a common carrier on a fixed advertised schedule offering frequent sailings at regular intervals in the foreign commerce of the United States.

(b) OFF-SEASON CARRIAGE EXCEPTION.—

(1) IN GENERAL.—Subject to paragraph (2), an American Great Lakes vessel may be used to engage in trade otherwise prohibited by subsection (a)(1)(A) for not more than 90 days during any 12-month period.

(2) LIMITATION.—An American Great Lakes vessel shall not be used during the Great Lakes shipping season to engage in trade referred to in paragraph (1).

SEC. 3004. REVOCATION OF DESIGNATION.

(a) REVOCATION.—The Secretary, after notice and an opportunity for a hearing, may revoke the designation of a vessel under section 3002 as an American Great Lakes vessel if the Secretary determines that—

(1) the vessel does not meet a requirement for such designation;

(2) the vessel has been operated in violation of this title; or

(3) the owner or operator of the vessel has violated a construction and purchase agreeement under section 3002(b).

(b) CIVIL PENALTY.—The Secretary, after notice and an opportunity for a hearing, may assess a civil penalty of not more than $1,000,000 against the owner of an American Great Lakes vessel, for any act for which the designation of that vessel as an American Great Lakes vessel may be revoked under subsection (a).

SEC. 3005. ELIGIBILITY OF AMERICAN GREAT LAKES VESSELS FOR OPERATING DIFFERENTIAL SUBSIDY.

(a) CERTAIN VESSELS DEEMED BUILT IN THE UNITED STATES.—Notwithstanding any other law, an American Great Lakes vessel is deemed to have been built in the United States—

(1) for purposes of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1171 et seq.), except for purposes of section 607 of that title; and

(2) for purposes of chapter 37 of title 46, United States Code.

(b) OPERATING DIFFERENTIAL SUBSIDY CONTRACTS.—

(1) IN GENERAL.—Upon application by an operator of an American Great Lakes vessel that otherwise qualifies, the Secretary shall enter into a contract or contracts under title VI of the Merchant Marine Act, 1936, for the payment of operating differential subsidy for that vessel.

(2) CONTRACT TERMS.—A contract or contracts entered into by the Secretary under this subsection—

(A) shall be for a term of not less than 15 years; and

(B) shall include provisions for the payment by the United States of wage, insurance, maintenance, and repair expenses with respect to the vessel convered by the contract or contracts.

(c) LIMITATION ON CONTRACTS.—Contracts entered into by the Secretary under this section shall not provide for payment in any year of operating differential subsidy under all such contracts for more than 6 ship years.

(d) ADDITIONAL TRADE ROUTE RESTRICTIONS PROHIBITED.—The Secretary shall not impose any route or geographic restrictions on the operations of a vessel for which a contract is entered into pursuant to this section, other than the restrictions established by section 3003.

SEC. 3006. GREAT LAKES SET-ASIDE.

Section 901b(c)(2)(B) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f(c)(2)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) in clause (i) (as so designated by paragraph (1) of this section) by striking "1986, 1987, 1988, and 1989" and inserting "1991"; and

(3) by adding at the end the following:

"(ii) For each of the calendar years 1992, 1993, 1994, and 1995, the Secretary shall preserve during that year in accordance with clause (i) the metric tonnage required to be preserved for the preceding year, reduced by an amount equal to—

"(I) for 1992, 10 percent of the metric tonnage required to be preserved for 1991;

"(II) for 1993, 20 percent of the metric tonnage required to be preserved for 1991;

"(III) for 1994, 30 percent of the metric tonnage required to be preserved for 1991; and

"(IV) for 1995, 20 percent of the metric tonnage required to be preserved by 1991.".

SEC. 3007. DEFINITIONS.

In this title—

(1) GREAT LAKES.—The term "Great Lakes" means Lake Superior; Lake Michigan; Lake Huron; Lake Erie; Lake Ontario; the Saint Lawrence River west of Saint Regis, New York; and their connecting and tributary waters.

(2) GREAT LAKES SHIPPING SEASON.—The term "Great Lakes shipping season" means the period of each year during which the Saint Lawrence Seaway is open for navigation by vessels, as declared by the Saint Lawrence Seaway Development Corporation created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.).

(3) AMERICAN GREAT LAKES VESSEL.—The term "American Great Lakes vessel" means a vessel which is so designated by the Secretary in accordance with section 3002.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) UNITED STATES.—The term "United States" means the 50 States.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill entitled the 'Food and Agricultural Resources Act of 1990.' "

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3950) was laid on the table.

AUTHORIZING CERTAIN SERVICES TO BE PROVIDED TO THE ARMED FORCES IN CONNECTION WITH MILITARY HISTORICAL COLLECTIONS

Mr. HUTTO. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 3762) to amend title 10, United States Code, to authorize certain services to be provided to the Armed Forces in connection with military historical collections, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I want to give the gentleman from Florida an opportunity to explain this legislation.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. SPEAKER, H.R. 3762 is an amendment to change title 10, section 2572, to specifically allow the exchange of "items for services" as well as "items for similar items."

The existing provision in title 10, section 2572 specifically allows the Service Secretary to "exchange items not needed by the armed forces for similar items held by any organization, institution, agency or nation."

The property transferred to the Service must be equal to or greater than the property transferred from the Service.

Property covered under the act includes books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat material.

Service secretaries would like to include exchange of Government resources for services such as the restoration of historic aircraft in the museum inventory and recovery of submerged aircraft, but this is not allowed within the scope of the existing statute.

H.R. 3762 simply allows this exchange of resources for services.

Mr. LENT. Mr. Speaker, further reserving the right to object, we support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill as follows:

H.R. 3762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO EXCHANGE PROPERTY FOR SERVICES IN CONNECTION WITH HISTORICAL COLLECTIONS.

Section 2572(b) of title 10, United States Code, is amended—

(1) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "or for search, salvage, and restoration services which directly benefit the historical collection of the armed forces."; and

(2) in paragraph (2)—

(A) by inserting ", or services provided," in the first sentence after "property transferred" the first place it appears; and

(B) by inserting "in the case of an exchange of property for property" in the second sentence after "preceding sentence".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF BROCHURE DESCRIBING THE HISTORY, DESIGN, AND FUNCTIONS OF THE U.S. CAPITOL

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate concurrent resolution (S. Con Res. 118), to authorize the printing of a brochure describing the history, design, and functions of the U.S. Capitol as the seat of the legislative branch of the Government, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That a brochure describing the history, design, and functions of the United States Capitol as the seat of the legislative branch of the Government shall be printed as a Senate document, with appropriate illustrations and diagrams. In addition to the usual number, 250,000 copies of the brochure shall be printed for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

Mr. BATES. Mr. Speaker, I rise today in support of Senate Concurrent Resolution 118 to authorize the printing of a brochure describing the history, design, and functions of the U.S. Capitol as the seat of the legislative branch of the Government. This accomplishes one of the goals set by the Commission on the Bicentenary of the House of Representatives, to create a simple, colorful, informative brochure

to be available for the many thousands of tourists who visit the Capitol each year.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. BATES. I yield to the gentlewoman from Lousiana.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I want to thank Mr. BATES for bringing House Concurrent Resolution 338 and Senate Concurrent Resolution 118 to the floor at this time so that work on these publications related to the bicentennial of Congress can be completed in a timely fashion during the remaining months of the bicentennial Congress.

House Concurrent Resolution provides for the publication of the proceedings of one of the finest conferences held during our bicentennial celebrations. This was a research conference that brought together Members of the House and Senate, former members, journalists, political scientists, and historians to discuss the many ways in which all of us can benefit from new research on the workings of Congress, and new directions in interdisciplinary study combining the skills of individuals from various specialties. We hope the wider dissemination of the fine papers at this conference will lead to exciting new directions in research on Congress in the decades ahead.

Senate Concurrent Resolution 118 provides for the printing of a handsome one page brochure on the history, design, and functions of the Capitol as the seat of the legislative branch of Government. This brochure will be available for distribution through the Members offices to the many thousands of tourists who visit the Capitol each year. While many State capitols have such a brochure, until now there has been no general brochure on the U.S. Capitol that places the building in its historical perspective and describes the nature of the legislative branch of Government, as well as giving visitors some orientation to the building itself.

These two publications are part of our ongoing efforts, launched during the bicentennial last year, to reach a broad cross section of the citizens of this country with accurate and interesting information on the workings of Congress. I am very pleased that with the other pressing matters before the House at this time that these two resolutions should receive the attention of the House.

The SPEAKER. The question is on the Senate concurrent resoluton.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF PROCEEDINGS OF BICENTENNIAL RESEARCH CONFERENCE ENTITLED "UNDERSTANDING CONGRESS"

Mr. BATES. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the House concurrent resolution (H. Con. Res. 338), authorizing the printing of the proceedings of the bicentennial research conference entitled "Understanding Congress," and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 338

Resolved by the House of Representatives (the Senate concurring), That the proceedings of the bicentennial research conference entitled "Understanding Congress" (prepared by the Congressional Research Service of the Library of Congress) shall be printed as a House document, with illustrations and suitable binding. In addition to the usual number, 2,000 copies of the document shall be printed for the use of the House of Representatives and 2,000 copies of the document shall be printed for the use of the Senate.

Mr. BATES. Mr. Speaker, I rise in support of House Concurrent Resolution 338 to authorize the printing of the proceedings of the bicentennial research conference entitled "Understanding Congress." This publication summarizes the activities of last year's highly successful 2-day conference entitled, "Understanding Congress," which brought together Members of Congress and scholars from a variety of disciplines to discuss a wide range of topics in order to improve public understanding of the legislative branch of government.

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two resolutions, Senate Concurrent Resolution 118 and House Concurrent Resolution 338, just adopted.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SENSE OF HOUSE THAT PEOPLE'S REPUBLIC OF ANGOLA AND UNITA PUT HUMANITARIAN NEEDS ABOVE MILITARY GOALS IN FAMINE RELIEF

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 446) expressing the sense of the House of Representatives that the Government of the People's Republic of Angola and the National Union for the Total Independence of Angola should put humanitarian needs above military goals in their conflict and allow famine relief assistance to be delivered through corridors of safe passage to areas of Angola threatened by famine, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 446

Whereas it is the policy of the United States to offer humanitarian assistance to countries whose population is suffering from famine or natural or manmade disaster;

Whereas Angola has experienced a severe drought since 1988;

Whereas many people in Angola have already died of starvation and 250,000 other civilians in Angola are at immediate risk of famine;

Whereas famine conditions throughout Angola will become especially severe unless food and other famine relief assistance are delivered through international relief and private voluntary organizations through areas of safe passage;

Whereas the famine in Angola has been exacerbated by the ongoing civil war between the Government of the People's Republic of Angola and the National Union for the Total Independence of Angola (commonly referred to as "UNITA");

Whereas both the Angolan Government and UNITA have indicated their willingness to meet the emergency needs of the people of Angola;

Whereas the United Nations has played a useful role in facilitating relief assistance in countries where conflicts exist: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Government of the People's Republic of Angola and UNITA should—

(A) put humanitarian needs above military goals in their conflict;

(B) reaffirm that deprivation of food and medicine will not be used as a weapon in the course of their political and military conflict;

(C) agree to free passage arrangements between themselves, neighboring countries, and private voluntary relief organizations to allow the safe delivery of the necessary amount of food and other relief assistance to all areas of Angola threatened by famine;

(D) enter into discussions with international relief organizations and countries willing to offer famine relief assistance to develop a comprehensive agreement relating to the most efficient and cost-effective means of delivering the required famine relief supplies to Angola;

(E) work toward a cessation of hostilities and conclude the ongoing negotiations aimed at bringing an end to the civil war and establishing a lasting peace in Angola; and

(F) take immediate steps to encourage other southern African countries to cooperate in the delivery of famine relief supplies;

(2) the Government of Angola should continue to work with the United Nations and donor countries and should develop a comprehensive agreement for the delivery of the required famine relief supplies through international relief and private voluntary organizations using efficient and cost-effective means of transporting such relief throughout Angola;

(3) the Administrator of the Agency for International Development should be prepared to participate in and contribute to an emergency famine relief plan consistent with any agreement described in paragraph (2) for the delivery of famine relief assistance from the United States to Angola; and

(4) all those entities supplying external military support to either the Government of Angola or UNITA should work with the Government of Angola and UNITA to promote the successful conclusion of the ongoing negotiations, and end to the civil war, and a lasting peace in Angola.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, and I will not object, I yield to my colleague, the gentleman from Michigan.

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this urgent resolution, which I believe to be noncontroversial, has been introduced by Congressman TONY HALL, chairman of the Select Committee on Hunger, and 21 of our colleagues from both sides of the aisle. It addresses what may be the greatest humanitarian crisis in Africa today: starvation in Angola. As in Ethiopia, Sudan, and Mozambique, a combination of intensified war and continuing drought have compounded Angola's ongoing tragedy of political conflict. On top of more than half a million Angolans who have died as a direct or indirect result of the war between the Angolan Government and UNITA insurgents, well over 200,000 Angolans now appear to be at immediate risk of starvation. Comprehensive, up-to-date, independent assessments of emergency needs in both government and UNITA-controlled areas are nonexistent. There is no internationally approved plan of action for overland deliveries of food and medicine to all needy Angolans. Moreover, even if such a plan is developed in the next few weeks, it will be almost entirely ineffective unless both parties to the conflict in Angola put a new emphasis upon humanitarian as opposed to military priorities and evidence a new willingness to renounce the use of food as a weapon of war.

The resolution therefore expresses the sense of Congress that: the Government of Angola and UNITA should put humanitarian goals above military ones, reaffirm they will not use deprivation of food and medicine as a weapon, agree to free passage arrangements between themselves, neighboring countries and private and voluntary organizations to allow safe delivery of food to all threatened areas, work with international relief organizations and donors to develop a comprehensive agreement on the most efficient and cost-effective means of delivering famine relief, and encourage other southern African nations to cooperate in this effort.

The Government of Angola should continue to work with the United Nations and the donors to develop a comprehensive agreement for the delivery of relief through international and private and voluntary organizations using efficient and cost-effective means of transport; and the U.S. Agency for International Development should contribute to emergency relief consistent with such a plan.

It is encouraging that both Government of Angola and UNITA have indicated a willingness to cooperate with relief efforts and have intensified their discussions with the United Nations, the International Red Cross, and other donors.

However, the resolution also recognizes that starvation and suffering in Angola will not end unless the war itself ends. As we have seen in Ethiopia, Sudan, and Mozambique, humanitarian efforts can only do so much in a country that is gradually being destroyed by war. And until there is an effective cease-fire, the odds of establishing effective safe passage arrangements for food supplies will be low. Even before the current crisis, over 500,000 Angolans, out of a population of only 9.5 million, had perished in the last decade of this tragic war. Most deaths were of children under 5 and resulted from war-induced starvation, disease, and the destruction of health services. By the end of 1988, UNICEF estimated that a child under 5 died every 3 to 5 minutes in Angola—17 an hour and 409 a day. Over one-third of the population has been displaced or forced to flee the country. Approximately three-fourths of small town and rural water systems have been destroyed as well as 25 percent of health and primary education units. The country has been devastated, its whole future jeopardized.

Therefore, the resolution calls for both the Angolan Government and UNITA to work toward a cease-fire and complete ongoing negotiations for an end to the war. It also underlines the responsibilities of "all those entities supplying external military supplies to either the Government of Angola or UNITA to promote an end to the war. As we all know, the foremost military suppliers are the Soviet Union and the United States. Each day that external lethal arms flow into Angola from the Soviet Union, the United States, South Africa, or other countries is another day that perpetuates Angola's humanitarian crisis and tarnishes our own credibility on humanitarian issues.

Mr. BURTON of Indiana. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. I thank the gentleman from Indiana for yielding, and I thank the gentleman from Michigan.

Mr. Speaker, I would just want to say briefly the gentleman from Michigan [Mr. WOLPE] explained very adequately what the resolution is all about. We think it is a good, positive statement about 250,000 people in Angola who are at risk. We have great bipartisan support, and we hope that this paves the way for humanitarian assistance and so forth through the corridors of safe passage in Angola.

Mr. BURTON of Indiana. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to commend the gentleman from Ohio [Mr. HALL], our distinguished chairman of the Select Committee on Hunger, as well as the gentleman from Michigan [Mr. WOLPE], our distinguished chairman of the subcommittee of the Committee on Foreign Affairs, and the ranking minority member, the gentleman from Indiana [Mr. BURTON], for bringing this measure to the floor despite the late hour.

This is a critical matter affecting hundreds of thousands of people in Angola. I think it important that this body give attention to this matter as well as the entire world.

I ask support for the measure.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of Angola have suffered far too long from war, famine, and starvation. It is high time that their plight be alleviated. Our first priority in Angola is to ensure that close to 1 million people who are in danger of starvation are adequately fed. The Office of Foreign Disaster Assistance at the State Department says southern Angola is Africa's worst humanitarian disaster. This resolution is part of an urgent effort to meet that emergency.

Our long-term goal in Angola is the achievement of a peaceful democracy. If Namibians have the right to choose their own leaders, Angolans should have that very same right. A border created by European powers should not determine that democracy is valid on one side of the border but not the other.

Our support for UNITA remains firm until reconciliation is achieved. I am very hopeful about recent indications from Angola. There are signs that both sides are ready for serious talks and an end to that horrible conflict. Both sides must recognize that a military solution is not possible in Angola. It is time to end the war and let the Angolan people decide their future on their own. I urge the Government of Angola and UNITA to negotiate in earnest and reach a peace settlement. The United States stands ready to assist, of course. It is my fervent hope that this famine emergency will be met, and that it will spur both sides to make a permanent peace.

Mr. HEFLEY. Mr. Speaker, I rise today in strong support of this resolution. As cochairman of the House Task Force in Angola, I have become increasingly concerned about the desperate situation in Angola. Hundreds and thousands of people are in danger of dying if assistance does not begin within the month.

This resolution seeks to bring together, for the first time, the Government of Angola [MPLA] and the National Union for the Total Independence of Angola [UNITA] in an act of humanitarian cooperation.

As my colleagues know, Angola has been enbroiled in a bitter civil war for the last 15 years. This, combined with the recent drought has created a truly alarming situation. We ask that the MPLA and UNITA begin discussions with international relief organizations, the United Nations and any countries willing to offer assistance, to create an agreement to allow relief supplies to be distributed throughout all of Angola by the most efficient manner.

It is my hope, and the hope of many of my colleagues, that the peace negotiations between the MPLA and UNITA, which began several months ago, will be further faciliated as they work together to resolve this desperate crisis. We must do what we can foster peace in Angola and bring an end to the civil war.

I ask the members of this Chamber to put aside your own political beliefs on this manner, and to trust your heart. Do the humanitarian thing. Do the right thing. Vote in favor of this resolution.

Mr. MCCURDY. I rise in strong support of the resolution concerning the tragic famine that is threatening the lives of so many people in Angola. This resolution was put together on a bipartisan basis under the leadership of the chairman of the Hunger Committee, Representative TONY HALL, and it ranking minority member, Representative BILL EMERSON. It addresses what the U.S. Office of Foreign Disaster Assistance has called the worst humanitarian crisis on the African Continent.

Mr. Speaker, the importance of this resolution is highlighted by the fact that Angola faces a famine that could easily rival those experienced by Ethiopia and Sudan in recent years. At least 250,000 Agolans face the immediate threat of starvation, and it is possible that even more people are at risk. This resolution serves as a vehicle to bring this crisis to the world's attention.

Perhaps equally important, Mr. Speaker, this resolution is a balanced, bipartisan effort which urges the Government of Angola and the UNITA rebels to set aside political differences and work with other countries in southern Africa to ensure that food is delivered to all Angolans throughout the country, and to do so in the most efficient and cost-effective manner. It also calls upon the United Nations to play an active role in developing a comprehensive agreement for the safe passage of relief supplies, including from neighboring countries.

Finally, Mr. Speaker, this resolution points out the important fact that this famine is exacerbated by the ongoing civil war in Angola and uges all parties to the conflict to work toward a cessation of hostilities and to reach a negotiated settlement. As chairman of the bipartisan House task force on Angola, I, too, support a negotiated settlement. Indeed, negotiations are the only path to peace in Angola. But if Angola is to have a lasting peace and reduce the possibility of future famines, a vital component of any negotiated settlement must be a firm guarantee that Angolans will be able to determine their own destiny through the democratic process—a process based on the consent of the governed through free, multiparty elections.

Mr. Speaker, Angola is a country of great potential. Instead of experiencing the horrors of famine, Angola could serve as a breadbasket for the rest of southern Africa. It is my hope that this resolution will play a part in helping Angolans overcome this crisis and join the community of democratic nations.

Mr. BURTON of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 446, the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CIVIL SERVICE DUE PROCESS AMENDMENTS

Mr. SAWYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3086) to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Service Due Process Amendments".

SEC. 2. EXCEPTED SERVICE APPEAL RIGHTS.

(a) IN GENERAL.—Section 7511 of title 5, United States Code, is amended to read as follows:

"§ 7511. Definitions; application

"(a) For the purpose of this subchapter—

"(1) 'employee' means—

"(A) an individual in the competitive service—

"(i) who is not serving a probationary or trial period under an initial appointment; or

"(ii) who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

(B) a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions—

"(i) in an Executive agency; or

"(ii) in the United States Postal Service or Postal Rate Commission; and

"(C) an individual in the excepted service (other than a preference eligible)—

"(i) who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service; or

"(ii) who has completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less;

"(2) 'suspension' has the same meaning as set forth in section 7501(2) of this title;

"(3) 'grade' means a level of classification under a position classification system;

"(4) 'pay' means the rate of basic pay fixed by law or administrative action for the position held by an employee; and

"(5) 'furlough' means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

"(b) This subchapter does not apply to an employee—

"(1) whose appointment is made by and with the advice and consent of the Senate;

"(2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by—

"(A) the President for a position that the President has excepted from the competitive service;

"(B) the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

"(C) the President or the head of an agency for a position excepted from the competitive service by statute;

"(3) whose appointment is made by the President;

"(4) who is receiving an annuity from the Civil Service Retirement and Disability Fund, or the Foreign Service Retirement and Disability Fund, based on the service of such employee;

"(5) who is described in section 8337(h)(1), relating to technicians in the National Guard;

"(6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;

"(7) whose position is with the Central Intelligency Agency, the General Accounting Office, or the Veterans Health Services and Research Administration;

"(8) whose position is within the United States Postal Service, the Postal Rate Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, the National Security Agency, the Defense Intelligence Agency, or an intelligence activity of a military department covered under section 1590 of title 10, unless subsection (a)(1)(B) of this section or section 1005(a) of title 39 is the basis for this subchapter's applicability; or

"(9) who is described in section 5102(c)(11) of this title.

"(c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office which is not otherwise covered by this subchapter.".

"(b) ACTIONS BASED ON UNACCEPTABLE PERFORMANCE.—Section 4303(e) of title 5, United States Code, is amended to read as follows:

"(e) Any employee who is—

"(1) a preference eligible;

"(2) in the competitive service; or

"(3) in the excepted service and covered by subchapter II of chapter 75,

and who has been reduced in grade or removed under this section is entitled to appeal the action to the Merit Systems Protection Board under section 7701.".

"(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any personnel action taking effect on or after the effective date of this Act.

SEC. 3. ANNUITANT STATUS NOT A BAR TO APPEALING ONE'S REMOVAL.

Section 7701 of title 5, United States Code, is amended—

"(1) by redesignating subsection (j) as subsection (k); and

"(2) by inserting after subsection (i) the following:

"(j) In determining the appealability under this section of any case involving a removal from the service (other than the removal of a reemployed annuitant), neither an individual's status under any retirement system established by or under Federal statute nor any election made by such individual under any such system may be taken into account.".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, and, except as provided in section 2(c), shall apply with respect to any appeal or other proceeding brought on or after such date.

Mr. SAWYER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

(Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3086, the legislation just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 695, EQUITY AND EXCELLENCE IN EDUCATION ACT OF 1990

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make certain corrections in the engrossment of the House amendment to S. 695, the Equity and Excellence in Education Act of 1990.

The SPEAKER. The Clerk will report the corrections.

The Clerk read as follows:

(1) Page 77, line 18, insert after "section" the following: "on a regional level, a State level, or both,".

(2) Page 90, line 24, strike "$1,00,000" and insert "$250,000".

(3) Page 94, after line 2, insert the following:

"(3) The Secretary shall make funding available for the training of volunteer literacy providers at the national, State, or local level.

Mr. SAWYER (during the reading). Mr. Speaker, I ask unanimous consent that the corrections be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the matter just considered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 296) designating August 7, 1990, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey [Mr. HUGHES] who is the chief sponsor of the joint resolution.

Mr. HUGHES. Mr. Speaker, I rise in support of House Joint Resolution 468 which will designate August 7, 1990 as National Neighborhood Crime Watch Day. This resolution is intended to promote public awareness of crime prevention organizations and their effectiveness in fighting crime.

National Neighborhood Crime Watch Day will culminate with the seventh annual National Night Out Against Crime on August 7, 1990. At least 21 million people from over 8,000 communities in all 50 States will participate in this anticrime demonstration. From 8 to 10 p.m. eastern standard time, people will sit on their porches, light up their houses, meet with neighbors, and attend various events and activities, like block parties and walk-a-thons. I will be attending a Rock Against Drugs concert in the town of Sea Isle City, NJ in my district on this special evening.

National Night Out Against Crime is a "night for the good guys to take back the streets." It is a show of force uniting citizens and law enforcement officers as they work together in a common cause, to insure safety and protection.

The event is coordinated by the National Association of Town Watch, which serves as liaison between the thousands of communities and organizations involved in crime prevention programs. National Night Out Against Crime serves as an important deterrent to crime by increasing public awareness and encouraging neighborhood patrols. This anticrime effort demonstrates solidarity against crime, the effectiveness of cooperation between citizens and law enforcement, and the willingness of the American people to be involved in protecting their neighborhoods. Such organized community action is an extremely effective way to fight crime. Mr. Speaker, I urge my colleagues to join me in supporting this important resolution.

Mr. RIDGE. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, it is a privilege to join my good friend and colleague from New Jersey, the distinguished chairman of the Subcommittee on Crime, Mr. HUGHES in support of Senate Joint Resolution 296 desig-

nating August 7, 1990 as "National Neighborhood Crime Watch Day."

Mr. Speaker, for each of the past 7 years, millions of Americans have participated in National Neighborhood Crime Watch Day to demonstrate their solidarity against crime.

The terrible violence and suffering associated with the national scourge of illicit drug abuse, has helped energize the public's outcry against all crime. While personal efforts by individual citizens is important, organized community action is indispensable if the war on drugs and other crime is to be won.

National Neighborhood Crime Watch Day is designed to coincide and complement the National Night Out, an anticrime event celebrating its seventh anniversary. An estimated 21 million people from over 7,500 communities in all 50 States will unite in this nationwide event on August 7, 1990.

A neighborhood can effectuate positive change, when in cooperation with local law enforcement officials, it mobilizes its members in an effort to eradicate crime from its streets and homes.

I invite our colleagues to join in support of this legislation.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 296

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness of, and participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the national war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across the United States will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock p.m. on August 7, 1990, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1990, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe National Neighborhood Crime Watch Day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOME HEALTH AIDE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of Senate joint resolution (S.J. Res. 343) to designate August 13 through August 19, 1990, as "Home Health Aide Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentlmam from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the chief cosponsor of the joint resolution, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I am pleased to announce that 223 of my colleagues are joining me in recognizing the week of August 13, 1990 as "Home Health Aide Week," to honor home health aides.

House Joint Resolution 618 designates the week of August 13 as Home Health Aide Week, and recognizes the important contributions of home health aides in the provision of quality health care. More importantly, it will encourage others to choose this important vocation.

Due to skyrocketing medical costs, those in need of medical support are turning to more efficient, innovative ways to assure quality, affordable health care. At one-third to one-half the cost of hosptial or nursing home care, home care provides skilled medical care, hospice care, and support services by a team of health care and other professionals. Home Health Aides are a critical component in providing this important, alternative health and social service.

As vital members of the home health care team, home health aides render personal care and assit patients with daily living activities including bathing, dressing, and feeding. Home health aides also provide patients with a clean and safe environment by performing light housekeeping duties.

More importantly, by maintaining close and regular contact with patients, home health aides perform the critical role of observing, monitoring, and reporting changes in patient health status to other providers on the patient home health care team.

I want to thank my colleagues for joining me in recognizing and honoring this valued health care resource. I urge swift passage of this resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S. J. RES. 343

Whereas a home health aide is a person who is a member of a multi-disciplinary team which provides health care for patients in a home environment;

Whereas the personal care and health-related services provided by a home health aide are a vital part of the services provided by home care companies and hospices and help to maintain a patient's physical and emotional well-being;

Whereas a home health aide is responsible for assisting members of a health-care team in following a pragmatic, goal-oriented plan of patient care;

Whereas the duies performed by a home health aide include assisting patients in their daily living activities, providing them with a clean and safe environment, providing them with personal care rehabilitative and supportive services, and observing and reporting to other members of the health-care team significant changes in the status of the patient; and

Whereas by providing such important health-care services, a home health aide has a significant beneficial impact on the lives of the patients served by the aide: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of August 13 through August 19, 1990, is designated as "Home Health Aide Week", and the President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and the motion to reconsider was laid on the table.

INTERNATIONAL VISITORS' MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 248) to designate the month of September 1990 as "International Visitors' Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the geneltman from New Mexico [Mr. RICHARDSON], who is the chief cosponsor of this joint resolution.

Mr. RICHARDSON. Mr. Speaker, this year the U.S. Information Agency celebrates its 50th anniversary of its International Visitor Program. This outstanding program brings up-and-coming foreign leaders to the United States to see firsthand America's pluralism and diversity. They meet and

exchange ideas with American citizens.

In a highly competitive process, American embassies overseas select the most promising mid-career professionals to participate in the month long exchange program. Last year, the program brought more than 5,000 visitors to the United States. Among the international visitor alumni are more than 120 current and former chiefs of state and more than 600 cabinet level ministers around the world. British Prime Minister Margaret Thatcher and Costa Rican President Oscar Arias are two of the most notable alumni.

Once the visitors arrive in our country, members of the National Council for International Visitors carry out the program. NCIV relies on the support of American volunteers, acting as citizen diplomats, who meet the visitors and share their professional and personal experiences. Nationwide, more than 800,000 Americans in 106 communities and 44 States are active as volunteers in support of the International Visitor Program.

Clearly, this is an outstanding program which deserves congressional recognition. I am pleased to be the sponsor of a resolution designating this September as "International Visitors Month." More than 230 of my colleagues have joined me in support of this resolution.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILLMAN.)

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 248, a bill that designates the month of September 1990, as "International Visitors Month." I would also like to commend the gentleman from New Mexico [Mr. RICHARDSON] for his efforts on behalf of this legislation.

The International Visitors Program administered through the U.S. Information Agency brings up and coming foreign leaders to the United States to develop a better understanding of American culture and the American people. This program gives these individuals the opportunity to personally experience the American way of life.

Last year over 5,000 foreign leaders visited United States through this month long program, which not only creates opportunities for international business but helps shape American foreign policy. The participants can draw from an array of foreign experts to examine current domestic policy problems.

In its 50-year history more than 800,000 Americans in 106 communities and 44 States have supported the program with volunteer assistance from the National Council for International Visitors.

Mr. Speaker, Prime Minister Margaret Thatcher and the President of Costa Rica, Oscar Arias are a few examples of world leaders who have participated in the International Visitors Program. Accordingly, I invite my colleague to join in supporting this legislation.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 248

Whereas the United States Information Agency conducts educational and cultural exchange programs that bring current and future foreign leaders to the United States, often for their first visit;

Whereas the experiences of these visitors affect attitudes and decisions regarding our country and international relations in general;

Whereas the success of these programs depends on the visitors' seeing American democracy in all its openness and diversity;

Whereas such broad and meaningful exposure requires thousands of volunteers, who open their homes, businesses and communities to more than 5,000 visitors each year;

Whereas such volunteer efforts are coordinated by the National Council for International Visitors, comprised of 103 not-for-profit community organizations throughout the United States and 42 national programming agencies;

Whereas these international visits not only enrich the United States and the world in cultural, social, and human terms, but also provide the United States and foreign nations opportunities in international trade, commerce, and economic development; and

Whereas the continuing vitality and growing value of such programs depend upon community awareness and support: Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That September 1990 is designated as "International Visitors' Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and the motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 5350. An act to provide for a temporary increase in the public debt limit; and

H. Con. Res. 360. Concurrent resolution providing for an adjournment of the House from the legislative day of August 3 to September 5, 1990, and a recess or adjournment of the Senate from any day between August 3 and August 10 to September 10, 1990.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4790. An act to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 996) "An Act to establish the Congressional Scholarships for Science, Mathematics, and Engineering, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. HATCH, and Mrs. KASSEBAUM, to be the conferees on the part of the Senate.

□ 0300

NATIONAL SARCOIDOSIS AWARENESS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 519) designating April 16, 1990, as "National Sarcoidosis Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from Kansas [Mr. SLATTERY], who is the chief sponsor of this joint resolution.

Mr. SLATTERY. Mr. Speaker, I thank Mr. SAWYER for this opportunity to talk briefly about a disease called sarcoidosis, which has personally affected a member of my staff—Carolyn Anderson—and has dramatically altered the lives of thousands of other Americans.

Sarcoidosis was first medically described more than 100 years ago but it continues to be a mysterious and difficult disease to successfully diagnose and treat.

Today, an estimated 100,000 Americans have sarcoidosis. And this disease strikes black Americans 10 times more often than any other racial or ethnic group in the United States.

Fortunatley, like my receptionist, Carolyn, many of these individuals are in remission and are not actively suffering from the symptoms of this disease.

However, hundreds of sarcoidosis victims do suffer every day from a variety of painful and potentially debilitating conditions including fatigue, headaches, persistent coughing, and in extreme instances—death.

Despite the physical limitations caused by sarcoidosis, these individuals and their families remain optimistic about treatment options and attempt to lead near-normal lives.

This afternoon, I am very pleased to bring to the floor House Joint Resolution 519, which

will designate August 29, 1990, as National Sarcoidosis Awareness Day.

Enactment of this resolution is the result of months of work by my staff, the American Lung Association, and the Sarcoidosis Family Aid and Research Foundation. House Joint Resolution 519 also has the strong endorsement of HHS Secretary Louis Sullivan and the support of medical researchers across the Nation.

Working together, we have chosen August 29, which also happens to be Carolyn's 42d birthday, to focus national attention on the urgent need for increased research into understanding and finding a cure for this medical enigma.

This national day of recognition also is an important opportunity to provide information to at-risk populations and to increase public awareness of sarcoidosis.

In addition, I intend to work with my colleagues in Congress to increase Federal funding for research into sarcoidosis detection and treatment. Currently, the National Institute of Allergy and Infectious Diseases and the National Heart, Lung, and Blood Institute are conducting important sarcoidosis research.

With adequate funding, these and other research efforts underway across the country will provide new clues to help solve the mystery of sarcoidosis.

In closing, I want to thank my good friend and colleague from Maryland, KWEISI MFUME, for his personal commitment to House Joint Resolution 519 and his leadership in drawing much needed understanding and compassion to the victims of sarcoidosis.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 519

Whereas sarcoidosis is a systemic disease of unknown causes that can affect any part of the body;

Whereas sarcoidosis affects between 20 and 50 individuals in the United States in 100,000;

Whereas most victims of the disease range in age between 20 and 40 years, with blacks being affected at least 10 times more often than other ethnic groups in the United States;

Whereas between 10 and 20 percent of individuals stricken with sarcoidosis eventually develop serious disabling conditions caused by damage to vital organs, such as lungs, heart, and central nervous system;

Whereas sarcoidosis is an enigma in the realm of medicine and disease requires extensive and ongoing study and research in an effort to develop an effective treatment and eventually a cure;

Whereas individuals with sarcoidosis and family members across the United States are seeking treatment and support services to assist in controlling the effects of the disease;

Whereas grassroot support groups and nonprofit organizations are forming across the United States to encourage public awareness of the mysterious and debilitating disease;

Whereas the Federal Government has a responsibility to lead a nationwide effort to find a cure for the disabling disease; and

Whereas the Federal Government should make research into the causes of the life-threatening ailment a greater priority and provide the public with more information about potential treatments for individuals with sarcoidosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 16, 1990, is designated as "National Sarcoidosis Awareness Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike "April 16, 1990," and insert "August 29, 1990,".

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution designating August 29, 1990, as 'National Sarciodosis Awareness Day'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

IRISH-AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 482) designating March 1990 as "Irish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The Speaker. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of the gentleman from New York [Mr. MANTON], who is the chief sponsor of this joint resolution.

Mr. SPEAKER, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 482, designating Irish American Heritage Month. And I would like to commend my colleague from New York [Mr. MANTON] for introducing this resolution.

The Irish, and in particular, the New York Irish have had a proud and rich history in the United States of America.

However, this year is particularly significant for one group of American Irish. This year, the American-Irish Carmelites celebrate their 100th anniversary of ministering to the poor and the sick in New York.

As you may know, the Carmelite Order originated on Mount Carmel in the Holy Land. After being driven from that land, the Carmelites settled in Ireland in 1271. Centuries later missions were established in New York and Australia to minister to the sick and the poor.

And for 100 years, the Carmelite Order in New York has been reaching out to the sick and the poor, regardless of who they might be or what they might believe.

Mr. Speaker, I am particularly proud to note that the Carmelite Province of Saint Elias, the Carmelite Mission to the United States, is headquartered in my hometown of Middletown, NY. Further, the largest Carmelite parish outside of New York City, is located in Tarrytown, NY, which is also within my congressional district.

I am pleased to rise in support of this measure, and I urge my colleagues as well to join in support of this important measure.

Mr. IRELAND. Mr. Speaker, I rise in strong support of House Joint Resolution 482 a resolution to proclaim the month of March 1991 "Irish-American Heritage Month." I wish to compliment the original cosponsors of this initiative, Representatives THOMAS MANTON and BRIAN DONNELLY for their foresight in offering this historic tribute to the enormous contributions made to this great Nation by the millions of Irish immigrants who have come to our shores and by the tens of millions of their descendents who now number some 42 million. I also wish to commend the American Foundation for Irish Heritage and their hard-working chairman, Mr. John W. O'Beirne, who has spent months working the Halls of the House and Senate seeking cosponsors for this legislation. It was Mr. O'Beirne who originally approached Congress with this idea.

One does not have to look far here in the Nation's Capitol to see the Irish influence on America. The Great Seal of the United States was designed by Charles Thomson, a native of County Derry. Thomson was the only Secretary of the Continental Congress and was assigned by the Congress to notify George Washington that he had been elected to serve as our first President. The White House, home to our Presidents, was designed by James Hoban who emigrated from County Kilkenny in 1785. Hoban also supervised its reconstruction after it had been burned in 1814. Hoban went on to design the State and War Offices and also assisted in the building of the U.S. Capitol. Thomas Lincoln Casey, a member of a Rhode Island Irish family directed the com-

pletion of the Washington Monument. And on and on it goes.

All walks of life in this Nation have been home to the Irish, from literature, to education, to the arts, to sports, to business, to labor, to government. Appreciation of that fact is often seen most particularly during the month of March. I, myself, host an annual St. Patrick's event in my home area. Many communities in the State of Florida have annual St. Patrick's Day parades led by large gatherings in Jacksonville, Fort Lauderdale, and Miami.

Mr. Speaker in honor of the 42 million Irish-Americans which include the more than 1½ million Floridians who claimed Irish heritage in the 1980 census, I am pleased to support this legislation and was honored to have been the 12th Member of the House to have signed on in support of his historic resolution.

Mr. CONTE. Mr. Speaker, I am proud to be an original cosponsor of House Joint Resolution 482 which would designate the month of March 1991 as "Irish-American Heritage Month."

I have participated for many, many years in the annual St. Patrick's Day parade in Holyoke, MA. It is one of the largest St. Patrick's Day parades in the country and I am proud to have been a participant and I hope to be included in many in the future. There are over 200 communities in the country that support such parades and they are only one manifestation of the growing interest in Irish heritage across the land.

In the 1980 census Massachusetts reported over 1.5 million citizens of Irish descent and there were 40.7 million in the country as a whole. I am sure that this number will be even higher when the 1990 census is reported.

In Massachusetts the contributions of Irish-Americans are too numerous to mention. From Patrick Carr, who died in the Boston Massacre of 1770, and the Irish-Americans who fought at Bunker Hill to latter-day famous sons like President John F. Kennedy, Jr. and my good friend, Speaker of this House for 10 years, Thomas P. "Tip" O'Neill, Jr. Irish-Americans from Massachusetts have helped to shape our Nation's history.

That is why, when I was asked by the American Foundation for Irish-American Heritage to support this resolution, I was more than pleased to help. The foundation seeks to bring attention to the significant contributions the Irish have made to America and I applaud their efforts.

Since the founding of our Nation Irish-Americans have been active in making America great. In the law, in politics, in literature, in the arts, in sports, and in business the contributions of Irish-Americans deserve the recognition this legislation would bestow.

Mr. DONNELLY. Mr. Speaker, I rise today in strong support of House Joint Resolution 482. This is a resolution to designate the month of March 1991, as Irish American Heritage Month.

This is a noncontroversial resolution commemorating the heritage of over 40 million Americans of Irish descent. Irish American Heritage Month celebrates a national recognition of the contributions made by Americans of Irish ancestry.

The Irish have played a significant role in the United States' rise to independence. By 1776 nearly 300,000 natives of Ireland had emigrated to the United States. A French major general, who witnessed the U.S. victory at Yorktown over the English, reported that Congress owed it's existence to the fidelity of the Irish that fought there. The Declaration of Independence was signed by at least eight Irish Americans. The Irish have contributed to the advancement of our culture, including education, art, science, business, industry, governmental service and athletics. The Irish that have emigrated to this country have embodied, promoted and perserved American Ideals.

This resolution is an expression of sincere appreciation of Irish Americans commitment to the growth and development of the United States. This commemorative resolution will provide Members with an opportunity to recognize and honor the lasting contributions that have enriched many aspects of life in these United States.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 482

Whereas by 1776 nearly 300,000 natives of Ireland had emigrated to the United States;

Whereas, following the victory at Yorktown over the English, a French Major General reported that Congress owed its existence, and America, possibly her preservation, to the fidelity of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas Charles Thomson, born in Ireland, was Secretary of the Continental Congress;

Whereas Irish-born James Hoban designed the White House, the State and war offices, and assisted in the building of the United States Capitol;

Whereas on March 17th each year, St. Patrick's Day, 130 community parades honor the patron saint of Ireland;

Whereas more than 480 institutions of higher learning in the United States offer courses in Irish studies;

Whereas the Irish and Irish descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and governmental service, science, education, art, agriculture, business, industry, and athletics; and

Whereas, in the 1980 census, 40,700,000 individuals in the United States claimed to be of Irish descent: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1990 is designated as "Irish-American Heritage Month", and the President of the United States of America is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 3, strike "March 1990" and insert "March 1991".

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The SPEAKER. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. SAWYER:

In the preamble, strike the 6th clause and insert the following:

Whereas on March 17, 1990, Saint Patrick's Day, 206 community parades honored the patron saint of Ireland;

The SPEAKER. The question is on the amendment to the preamble offered by the gentleman from Ohio [Mr. SAWYER].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. SAWYER: Amend the title so as to read: "Joint resolution designating March 1991 as 'Irish-American Heritage Month'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DRIVE FOR LIFE WEEKEND

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 627) designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. (Mr. NAGLE). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object for the final time this evening, I do so to acknowledge the work of the gentleman from California [Mr. MINETA].

Mr. HAMMERSCHMIDT. I rise in support of H.J. Res. 627 designating Labor Day weekend, September I through September 3, 1990 as "National Drive for Life Weekend."

We have made great progress in the fight against drunk driving in recent years. By raising the public's awareness of the problem and passing tougher drunk driving laws at both the Federal and State levels, alcohol use by our

Nation's drivers has steadily decreased. But still, 23,000 lives were needlessly lost last year in drunk driving related accidents. Our fight is not yet over.

National Drive for Life Weekend is a public awareness campaign which asks all Americans to pledge to be responsible by driving sober and encouraging others to do the same. In addition, drivers are urged to turn on their headlights while driving on Saturday, September 1, as a remembrance of those people killed or injured by drunk-driving incidents. In these ways, we can all demonstrate our commitment to help reduce the tragic consequences of mixing alcohol and driving.

I urge all my colleagues to support this resolution in a further effort to make our highways safer for all of us.

Mr. ANDERSON. Mr. Speaker, let me express my support of House Joint Resolution 627, "National Drive for Life Weekend."

In 1989, more than 23,000 individuals were killed in alcohol-related crashes. Estimates of the economic costs of drunk driving in the United States are as high as $24 billion. The human cost is incalculable.

We may not erase the drunk driver from the scene totally, but we can go a long way toward reducing the human and economic costs currently associated with drunk driving.

Last year, during the annual National Drive for Life weekend, the number of individuals killed in drunk driving related crashes in the United States was 25.7 percent lower than the average number of deaths that resulted from drinking and driving the year before.

Last year's National Drive for Life campaign featured endorsements from all 50 U.S. Governors, more than 160 mayors, and all 50 State police departments, and other prominent public officials.

This year's resolution, by bringing to the public's attention the need for a continued commitment not to drink and drive, can again have a significant effect on reducing fatalities on our Nation's highways.

I urge adoption of this resolution.

Mr. MINETA. Mr. Speaker, I rise in support of House Joint Resolution 627, which would designate Labor Day weekend, September 1 through September 3, 1990, as National Drive for Life Weekend.

Although there has been a decrease in drunk-driving fatalities over the last 10 years, drunk driving is still the number one killer on our Nation's highways.

An average of 65 individuals are killed in drunk driving related crashes every day.

Two out of every five individuals in the United States will be involved in a drunk driving related crash at some point in their lives.

The Surgeon General has reported that life expectancy has risen for every age group over the past 75 years, except for Americans aged 15 to 24 years old. For this group, the leading cause of death is drunk driving, and the death rate for this group is higher now than it was 20 years ago.

Moreover, drunk-driving arrests are three times the number of arrests for all violent crimes combined.

One reason for the decrease in drunk-driving fatalities in the past 10 years has been increased public awareness. Previous National Drive for Life Weekend campaigns have contributed to this decrease by educating the public about the dangers of drunk driving during the Labor Day weekend.

If we are to significantly reduce the tragedies of drunk driving in the future, we must continue to demonstrate our commitment to such campaigns. Because the bottom line is: drunk-driving deaths are preventable.

Through this resolution, we can again join with those who will be bringing this message home during this year's Labor Day weekend: don't drink and drive.

I urge passage of this resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 627

Whereas drunk driving is the most frequently committed violent crime in the United States, with arrests for driving while intoxicated totaling more than 3 times the number of arrests for all violent crimes combined;

Whereas 1 individual in the United States is killed every 22 minutes in a drunk-driving-related crash, an average of 65 individuals each day;

Whereas more than 23,000 individuals were killed in the United States in drunk-driving-related crashes in 1989;

Whereas 2 out of every 5 individuals in the United States will be involved in a drunk-driving-related crash at some point in their lives;

Whereas the estimates of the economic costs of drunk driving in the United States are as high as $24,000,000,000;

Whereas Americans are also asked to turn on their headlights while driving on Drive for Life Day as a remembrance of those people killed or injured by drunk-driving incidences;

Whereas Drive for Life is a public awareness campaign which asks all Americans to pledge to be responsible by driving sober and encouraging others to do the same on the Drive for Life Day and thereby demonstrating a commitment to significantly reduce the tragedies of drunk driving and which serves to educate the public about the dangers of drunk driving;

Whereas on the third annual National Drive for Life Day, the toll of individuals killed in drunk-driving-related crashes in the United States was 25.7 percent lower than the average number of deaths due to drunk-driving-related crashes on Labor Day weekend Saturday, in 1988, reflecting the success of this campaign;

Whereas the third annual National Drive for Life campaign featured endorsements from all 50 United States Governors, more than 160 mayors, and all 50 State police departments and other prominent public officials; and

Whereas the fourth annual National Drive for Life Day will occur on September 1, 1990, the Saturday of the Labor Day weekend, when drunk-driving-related crashes are traditionally at their peak: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Labor Day weekend beginning on September 1, 1990, is designated as "National Drive for Life Weekend". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe that weekend with a pledge to not drink and drive and other appropriate activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DECLARATION OF NATIONAL EMERGENCY WITH REGARD TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc.)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed.

(For message, see proceedings of the Senate of today, Friday, August 3, 1990.)

AUTHORIZING MEMBERS TO REVISE AND EXTEND REMARKS IN THE CONGRESSIONAL RECORD NOTWITHSTANDING ADJOURNMENT OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Wednesday, September 5, 1990, all members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and may also include therein such short quotations as may be necessary to explain or complete such extensions of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 5, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, September 5, 1990, be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 5, 1990, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House, and that the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REGULATORY PROGRAM OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations:

(For message, see proceedings of the Senate of today, Friday, August 3, 1990.)

ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance, and Urban Affairs.

(For message, see proceedings of the Senate of today, Friday, August 3, 1990.)

ANNUAL REPORT WITH RESPECT TO FUEL CONSERVATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Friday, August 3, 1990.)

DESIGNATION OF HON. STENY H. HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 5, 1990

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 4, 1990.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore and to sign enrolled bills and joint resolutions through September 5, 1990.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

□ 0310

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will begin to call special orders without prejudice to return to special business.

INTRODUCTION OF H.R. 5454, THE TECHNICAL CORRECTIONS ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today, along with Congressman ARCHER, I am introducing the Technical Corrections Act of 1990, a bill which would make technical and clerical corrections to the Revenue Reconciliation Act of 1989, the Technical and Miscellaneous Revenue Act of 1988, and other recently enacted tax legislation.

This bill will assist taxpayers to comply with recent tax law changes by making technical improvements and clarifications to that legislation. The technical corrections included in this legislation are based upon comments received by tax practitioners and other members of the public, policymakers, and staff. I invite the public to comment on these corrections, and to suggest further technical modifications which will improve taxpayers' ability to comply and plan under the existing tax laws.

Mr. Speaker, I believe that it is very important to the efficient administration of the tax law and to taxpayers' confidence in the tax system for Congress to strive to make the language of the law understandable and clear. To the extent mistakes are made in drafting or clarifications are necessary to make statutory provisions more understandable, I believe that such technical corrections must be made as quickly as possible so that taxpayers can plan business affairs with certainty knowing that they are in compliance with existing law. Although the Committee on Ways and Means will be extremely busy with other legislation during the remainder of the 101st Congress, it is of the utmost importance that the committee make the effort to clarify and correct existing statutory provisions where necessary. For these reasons, I intend to bring this technical corrections package to the Committee on Ways and Means for consideration at the earliest opportunity.

Mr. Speaker, it is my hope that these technical corrections will provide assistance to taxpayers in complying with the tax law, and that this package of technical clarifications, along with any further suggestions from taxpayers that may be incorporated into the legislation, will be enacted this year.

I would like to include a copy of the legislation and an accompanying summary of the bill's provisions:

H.R. 5454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Technical Corrections Act of 1990".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. AMENDMENTS RELATED TO REVENUE RECONCILIATION ACT OF 1989.

(a) AMENDMENTS RELATED TO SECTION 7108.—

(1) Paragraph (2) of section 42(o) is amended to read as follows:

"(2) EXCEPTION FOR BOND-FINANCED BUILDINGS IN PROGRESS.—for purposes of paragraph (1)(B), a building shall be treated as placed in service before 1991 if—

"(A) the bonds with respect to such building are issued before 1991,

"(B) the taxpayer's basis in the project (of which the building is a part) as of December 31, 1990, is more than 10 percent of the taxpayer's reasonably expected basis in such project as of December 31, 1992, and

"(C) such building is placed in service before January 1, 1993."

(2)(A) Paragraph (2) of section 42(c) is amended by adding at the end thereof the following new sentence: "Such term does not include any building with respect to which moderate rehabilitation assistance is provided, at any time during the compliance period, under section 8(e)(2) of the United States Housing Act of 1937."

(B) Paragraph (1) of section 42(b) is amended by striking the last sentence.

(3) Subclause (I) of section 42(d)(5)(C)(ii) is amended—

(A) by inserting "which is designated by the Secretary of Housing and Urban Development and, for the most recent year for which census data are available on house-

hold income in such tract," after "census tract", and

(B) by inserting before the period "for such year".

(4)(A) Clause (i) of section 42(g)(2)(D) is amended by inserting before the period "and such unit continues to be rent-restricted".

(B) In the case of a building to which (but for this subparagraph) the amendment made by subparagraph (A) does not apply, such amendment shall apply to—

(i) determinations of qualified basis for taxable years beginning after the date of the enactment of this Act, and

(ii) determinations of qualified basis for taxable years beginning on or before such date except that determinations for such taxable years shall be made without regard to any reduction in gross rent after August 3, 1990, for any period before August 4, 1990.

(5) Clause (ii) of section 42(g)(2)(D) is amended by adding at the end thereof the following new sentence: "In the case of a project described in section 142(d)(4)(B), the preceding sentence shall be applied by substituting '170 percent' for '140 percent'."

(6)(A) Subparagraph (A) of section 43(g)(3) is amended by striking "the 12-month period beginning on the date the building is placed in service" and inserting "the 1st year of the credit period for such building".

(B) In the case of a building to which the amendment made by subparagraph (A) does not apply, the period specified in section 42(g)(3)(A) of the Internal Revenue Code of 1986 (as in effect before the amendment made by subparagraph (A)) shall not expire before the close of the taxable year following the taxable year in which the building is placed in service.

(7)(A) The second sentence of section 42(h)(3)(C) is amended by striking "the amount described in clause (i)" and inserting "the sum of the amounts described in clauses (i) and (iii)".

(B) Subclause (II) of section 42(h)(3)(D)(ii) is amended by striking "the amount described in clause (i)" and inserting "the sum of the amounts described in clauses (i) and (iii)".

(8)(A) Clause (i) of section 42(h)(6)(B) is amended by inserting before the comma "and which prohibits the actions described in subclauses (I) and (II) of subparagraph (E)(ii)".

(B) Clause (ii) of section 42(h)(6)(B) is amended by striking "requirement" and inserting "requirement and prohibitions".

(9)(A) Subparagraph (B) of section 42(h)(6) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) which prohibits the disposition to any person of any portion of the building to which such agreement applies unless all of the building to which such agreement applies is disposed of to such person,".

(B) Paragraph (6) of section 42(h) is amended by striking subparagraph (J) and by redesignating subparagraphs (K) and (L) as subparagraphs (J) and (K), respectively.

(C) Subclause (II) of section 42(h)(6)(E)(ii) is amended by inserting before the period "not otherwise permitted under this section".

(D) Subparagraph (F) of section 42(h)(6) is amended by inserting "the nonlow-income portion of the building for fair market value and" before "the low-income portion".

(10) Subclause (I) of section 42(h)(6)(E)(i) is amended by inserting before the comma "unless the Secretary determines that such acquisition is part of an arrangement with the taxpayer a purpose of which is to terminate such period".

(11) Paragraph (8) of section 42(i) is redesignated as paragraph (7).

(12) Paragraph (2) of section 7108(r) of the Revenue Reconciliation Act of 1989 is amended by inserting before the period "but only with respect to bonds issued after such date".

(13) Paragraph (6) of section 7108(r) of the Revenue Reconciliation Act of 1989 is amended by inserting "after" after "issued".

(b) AMENDMENT RELATED TO SECTION 7110.—Paragraph (2) of section 7110(a) of the Revenue Reconciliation Act of 1989 is amended by adding at the end thereof the following new subparagraph:

"(C) Section 41 of such Code shall not apply to any taxable year beginning after September 30, 1990."

(c) AMENDMENTS RELATED TO SECTION 7202.—

(1) Subparagraph (A) of section 163(e)(5) is amended by striking the last sentence and inserting the following:

"For purposes of this paragraph, rules similar to the rules of subsection (i)(3)(B) shall apply in determining the amount of the original issue discount and when the original issue discount is paid."

(2) Paragraph (3) of section 163(i) is amended—

(A) by striking "(or stock)" each place it appears in subparagraph (B), and

(B) by adding at the end thereof the following new sentence:

"Except for purposes of paragraph (1)(B), any reference to an obligation in subparagraph (B) of this paragraph shall be treated as including a reference to stock."

(d) AMENDMENTS RELATED TO SECTION 7210.—

(1) Subparagraph (C) of section 163(j)(2) is amended by striking "less such" and inserting "reduced (but not below zero) by such".

(2) Clause (ii) of section 163(j)(2)(A) is amended by striking "and on such other days" and inserting "or on any other day".

(e) AMENDMENTS RELATED TO SECTION 7211.—Clause (iii) of section 172(b)(1)(M) is amended—

(1) by striking "a C corporation" in the material preceding subclause (I),

(2) by striking "which acquires" in subclause (I) and inserting "a C corporation which acquires",

(3) by striking "a corporation" in subclause (II) and inserting "a C corporation", and

(4) by striking "any successor corporation" in subclause (III) and inserting "any C corporation which is a successor".

(f) AMENDMENTS RELATED TO SECTION 7301.—

(1) Paragraph (2) of section 4978B(e) is amended to read as follows:

"(2) SECTION 133 SECURITIES.—The term 'section 133 securities' means employer securities acquired by an employee stock ownership plan in a transaction to which section 133 applied."

(2) Subsection (d) of section 4978B is amended by adding at the end thereof the following new paragraph:

"(4) COORDINATION WITH OTHER TAXES.—This section shall not apply to any disposition which is subject to tax under section 4978 or section 4978A (as in effect on the day before the date of the enactment of this section)."

(g) AMENDMENT RELATED TO SECTION 7401.—Paragraph (2) of section 6038(e) is amended by adding at the end thereof the following new sentence: "In the case of a specified foreign corporation (as defined in section 898), the taxable year of such corporation shall be treated as its annual accounting period.".

(h) AMENDMENT RELATED TO SECTION 7601.—Effective with respect to transfers after August 3, 1990, paragraph (3) of section 1031(f) is amended by striking "section 267(b)" and inserting "section 267(b) or 707(b)(1)".

(i) AMENDMENT RELATED TO SECTION 7622.—Paragraph (4) of section 1253(d) is amended by striking "or any period of amortization under this subsection" and inserting "under this section or any period of amortization under this subtitle".

(j) AMENDMENTS RELATED TO SECTION 7652.—

(1) Subclause (II) of section 148(f)(4)(B)(i) is amended by striking "6 months" and all that follows and inserting "6 months."

(2) The last sentence of clause (i) of section

(2) The last sentence of clause (i) of section 148(f)(4)(B) is amended by striking "replacement fund" and all that follows and inserting "replacement fund, and gross proceeds which arise after such 6 months and which were not reasonably anticipated as of the date of issuance, shall not be considered gross proceeds for purposes of subclause (I) only."

(3) Paragraph (4) of section 148(f) is amended—

(A) by striking clause (iv) of subparagraph (B),

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) EXCEPTION FROM REBATE FOR CERTAIN PROCEEDS TO BE USED TO FINANCE CONSTRUCTION EXPENDITURES.—

"(i) IN GENERAL.—In the case of a construction issue, paragraph (2) shall not apply to the available construction proceeds of such issue if the spending requirements of clause (ii) are met.

"(ii) SPENDING REQUIREMENTS.—The spending requirements of this clause are met if at least—

"(I) 10 percent of the available construction proceeds of the construction issue are spent for the governmental purposes of the issue within the 6-month period beginning on the date the bonds are issued,

"(II) 45 percent of such proceeds are spent for such purposes within the 1-year period beginning on such date,

"(III) 75 percent of such proceeds are spent for such purposes within the 18-month period beginning on such date, and

"(IV) 100 percent of such proceeds are spent for such purposes within the 2-year period beginning on such date.

"(iii) EXCEPTION FOR REASONABLE RETAINAGE.—The spending requirement of clause (ii)(IV) shall be treated as met if—

"(I) such requirement would be met at the close of such 2-year period but for a reasonable retainage (not exceeding 5 percent of the available construction proceeds of the construction issue), and

"(II) 100 percent of the available construction proceeds of the construction issue are spent for the governmental purposes of the issue within the 3-year period beginning on the date the bonds are issued.

"(iv) CONSTRUCTION ISSUE.—For purposes of this subparagraph, the term 'construction issue' means any issue if—

"(I) at least 75 percent of the available construction proceeds of such issue are to be used for construction expenditures with respect to property which is to be owned by a governmental unit or a 501(c)(3) organization, and

"(II) all of the bonds which are part of such issue are qualified 501(c)(3) bonds, bonds which are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a 501(c)(3) organization.

For purposes of this subparagraph, the term 'construction' includes reconstruction and rehabilitation, and rules similar to the rules of section 142(b)(1)(B) shall apply.

"(v) PORTIONS OF ISSUES USED FOR CONSTRUCTION.—If—

"(I) all of the construction expenditures to be financed by an issue are to be financed from a portion thereof, and

"(II) the issuer elects to treat such portion as a construction issue for purposes of this subparagraph,

then, for purposes of this subparagraph and subparagraph (B), such portion shall be treated as a separate issue.

"(vi) AVAILABLE CONSTRUCTION PROCEEDS.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'available construction proceeds' means the issue price (within the meaning of section 1273 and 1274) of the construction issue, increased by earnings on the issue price, earnings on any reasonably required reserve or replacement fund not funded from the issue, and earnings on all of the foregoing earnings, and reduced by the amount of the issue price in any reasonably required reserve or replacement fund.

"(II) EARNINGS ON RESERVE INCLUDED ONLY FOR CERTAIN PERIODS.—The term 'available construction proceeds' shall not include amounts earned on any reasonably required reserve or replacement fund after the earlier of the close of the 2-year period described in clause (ii) or, if the election under clause (ix) is made, the date of such election.

"(III) REPAYMENTS ON ACQUIRED PURPOSE OBLIGATIONS EXCLUDED.—The term 'available construction proceeds' shall not include repayments on any obligation acquired to carry out the governmental purposes of the issue and shall not include earnings on such repayments.

"(IV) ELECTION TO REBATE ON EARNINGS ON RESERVE.—At the election of the issuer, the term 'available construction proceeds' shall not include earnings on any reasonably required reserve or replacement fund.

"(vii) ELECTION TO PAY PENALTY IN LIEU OF REBATE.—

"(I) IN GENERAL.—At the election of the issuer, paragraph (2) shall not apply to available construction proceeds which do not meet the spending requirements of clause (ii) if the issuer pays a penalty, with respect to each 6-month period after the date the bonds were issued, equal to 1½ percent of the amount of the available construction proceeds of the issue which, as of the close of such 6-month period, is not spent as required by clause (ii).

"(II) TERMINATION.—The penalty imposed by this clause shall cease to apply only as provided in clause (viii) or after the latest maturity date of any bond in the issue (including any refunding bond with respect thereto).

"(III) PAYMENTS OF PRINCIPAL NOT TO AFFECT REQUIREMENTS.—For purposes of this clause and clause (viii), payments of principal on the bonds which are part of the construction issue shall not be treated as an expenditure of the available construction proceeds of the issue.

"(viii) ELECTION TO TERMINATE 1½ PERCENT PENALTY.—At the election of the issuer, the penalty under clause (vii) shall not apply to any 6-month period after the initial temporary period under subsection (c) if the requirements of subclause (I), (II), and (III) are met.

"(I) 3 PERCENT PENALTY.—The requirement of this subclause is met if the issuer pays a penalty equal to 3 percent of the amount of available construction proceeds of the issue which is not spent for the governmental purposes of the issue as of the close of such initial temporary period multiplied by the number of years (including fractions thereof) in the initial temporary period.

"(II) YIELD RESTRICTION AT CLOSE OF TEMPORARY PERIOD.—The requirement of this subclause is met if the amount of the available construction proceeds of the issue which is not spent for the governmental purposes of the issue as of the close of such initial temporary period is invested at a yield not exceeding the yield on the issue.

"(III) REDEMPTION OF BONDS AT EARLIEST CALL DATE.—The requirement of this subclause is met if the amount of the available construction proceeds of the issue which is not spent for the governmental purposes of the issue as of the earliest date on which bonds may be redeemed is used to redeem bonds on such date.

"(ix) ELECTION TO TERMINATE 1½ PERCENT PENALTY BEFORE END OF TEMPORARY PERIOD.—If—

"(I) the construction to be financed by a construction issue is substantially completed before the end of the initial temporary period,

"(II) the issuer identifies an amount of available construction proceeds which will not be spent for the governmental purposes of the issue,

"(III) the issuer has made the election under clause (viii), and

"(IV) the issuer makes an election under this clause before the close of the initial temporary period and not later than 90 days after the date the construction is completed,

then clauses (vii) and (viii) shall be applied to the available construction proceeds so identified as if the initial temporary period ended as of the date the election is made.

"(x) FAILURE TO PAY PENALTIES.—In the case of a failure (which is not due to willful neglect) to pay any penalty required to be paid under clause (vii) or (viii) in the amount or at the time prescribed therefor, the Secretary may treat such failure as not occurring if, in addition to paying such penalty, the issuer pays a penalty equal to the sum of—

"(I) 50 percent of the amount which was not paid in accordance with clauses (vii) and (viii), plus

"(II) interest (at the underpayment rate established under section 6621) on the portion of the amount which was not paid on the date required for the period beginning on such date.

The Secretary may waive all or any portion of the penalty under this clause. Bonds which are part of an issue with respect to which there is a failure to pay the amount required under this clause (and any refunding bond with respect thereto) shall be treated as not being, and as never having been, tax-exempt bonds.

"(xi) ELECTION FOR POOLED FINANCING BONDS.—At the election of the issuer of an issue the proceeds of which are to be used to make or finance loans (other than nonpurpose investments) to 2 or more persons, the periods described in clauses (ii) and (iii) shall begin on—

"(I) the date the loan is made, in the case of loans made within the 1-year period after the date the bonds are issued, and

"(II) the date following such 1-year period, in the case of loans made after such 1-year period.

If such an election applies to an issue, the requirements of paragraph (2) shall apply to amounts earned before the beginning of the periods determined under the preceding sentence.

"(xii) REFUNDING BONDS.—Except as provided in this clause, clause (vii)(II), and the last sentence of clause (x), this subparagraph shall not apply to any refunding bond and no proceeds of a refunded bond shall be treated for purposes of this subparagraph as proceeds of the refunding bond. For purposes of clause (v), any portion of an issue which is used to refund any bond shall be treated as a separate issue.

"(xiii) ELECTIONS.—Any election under this subparagraph (other than clause (ix)) shall be made on or before the date the bonds are issued; and, once made, shall be irrevocable.

"(xiv) TIME FOR PAYMENT OF PENALTIES.—Any penalty under this subparagraph shall be paid to the United States not later than 90 days after the period to which the penalty relates."

(4) Subparagraph (D) of section 148(c)(2) is amended—

(A) by striking "subsection (f)(4)(B)(iv)(IV)" and inserting "subsection (f)(4)(C)(iv)", and

(B) by striking "subsection (f)(4)(B)(iv)(VIII)" and inserting "subsection (f)(4)(C)(v)".

(5) Subsection (c) of section 7652 of the 1989 Act is amended by striking "Subparagraph (A) of section 148(c)(2)" and inserting "Section 148(c)(2)".

(6) In the case of a bond issued before the date of the enactment of this Act, the period for making the election under section 148(f)(4)(C)(viii) of the Internal Revenue Code of 1986 (as added by this subsection) shall not expire before the date which is 180 days after such date of enactment.

(k) AMENDMENT RELATED TO SECTION 7811.—The second sentence of section 403(b)(12)(A) is amended by inserting "involving a one-time irrevocable election" after "similar arrangement".

(l) AMENDMENTS RELATED TO SECTION 7815.—

(1) Subsection (d) of section 2056 is amended by redesignating the paragraph relating to reformations permitted as paragraph (5).

(2) The period during which a proceeding may be commenced under section 2056(d)(5)(A)(ii) of the Internal Revenue Code of 1986 (as redesignated by paragraph (1)) shall not expire before the date 6 months after the date of the enactment of this Act.

(3) Paragraph (16) of section 7815(d) of the Revenue Reconciliation Act of 1989 is amended by inserting "(or would have been so treated if the donor were a citizen of the United States)" after "of such Code".

(m) EFFECTIVE DATE.—Any amendment made by this section shall take effect as if included in the provision of the Revenue

Reconciliation Act of 1989 to which such amendment relates.

SEC. 3. AMENDMENTS RELATED TO TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988.

(a) AMENDMENTS RELATED TO SECTION 1006.—

(1) Paragraph (5) of section 367(a) is amended by striking "section 361" and inserting "subsection (a) or (b) of section 361".

(2) Subsection (d) of section 453B is amended to read as follows:

"(d) EXCEPTION FOR DISTRIBUTIONS TO WHICH SECTION 337(a) APPLIES.—Subsection (a) shall not apply to any distribution to which section 337(a) applies."

(b) AMENDMENTS RELATED TO SECTION 1008.—

(1) Subparagraph (B) of section 447(g)(4) is amended to read as follows:

"(B) QUALIFIED FARMING TRADE OR BUSINESS.—

"(i) IN GENERAL.—The term 'qualified farming trade or business' means the trade or business of farming—

"(I) sugar cane,

"(II) any plant with a preproductive period (as defined in section 263A(e)(3)) of 2 years or less, and

"(III) any other plant (other than any citrus or almond tree) if an election by the corporation under this subparagraph is in effect.

In the case of a partnership and for purposes of paragraph (3)(A), subclauses (II) and (III) shall not apply.

"(ii) EFFECT OF ELECTION.—For purposes of paragraphs (1) and (2) of section 263A(e), any election under this subparagraph shall be treated as if it were an election under subsection (d)(3) of section 263A.

"(iii) ELECTION.—Unless the Secretary otherwise consents, an election under this subparagraph may be made only for the corporation's 1st taxable year which begins after December 31, 1986, and during which the corporation engages in a farming business. Any such election, once made, may be revoked only with the consent of the Secretary."

(2) Subparagraph (A) of section 447(g)(1) is amended by striking "qualified farming trade or business" and inserting "trade or business of farming".

(c) AMENDMENT RELATED TO SECTION 1012.—Subsection (b) of section 6114 is amended by striking "by regulations".

(d) AMENDMENTS RELATED TO SECTION 1014.—

(1) Subparagraph (B) of section 59(j)(1) is amended by inserting "(or, if greater, the child's share of the unused parental minimum tax exemption)" before the period at the end thereof.

(2) Subsection (j) of section 59 is amended by adding at the end thereof the following new paragraph:

"(3) UNUSED PARENTAL MINIMUM TAX EXEMPTION.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'unused parental minimum tax exemption' means the excess (if any) of—

"(i) the exemption amount applicable to the parent under section 55(d), over

"(ii) the parent's alternative minimum taxable income.

"(B) CERTAIN RULES MADE APPLICABLE.—A child's share of any unused parental minimum tax exemption shall be determined under rules similar to the rules of section 1(i)(3)(B), and rules similar to the rules of paragraphs (3)(D) and (5) of section 1(i) shall apply for purposes of this paragraph."

(3) Subparagraph (D) of section 59(j)(2), is amended by striking "paragraphs (5) and (6)" and inserting "paragraphs (3)(D), (5), and (6)".

(e) AMENDMENTS RELATED TO SECTION 1018.—

(1) Subsection (e) of section 468B is amended by striking "This section" and inserting "This section (other than subsection (g))".

(2) Subsection (c) of section 355 is amended to read as follows:

"(c) TAXABILITY OF CORPORATION ON DISTRIBUTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no gain or loss shall be recognized to a corporation on any distribution to which this section (or so much of section 356 as relates to this section) applies and which is not in pursuance of a plan of reorganization.

"(2) DISTRIBUTION OF APPRECIATED PROPERTY.—

"(A) IN GENERAL.—If—

"(i) in a distribution referred to in paragraph (1), the corporation distributes property other than stock or securities in the controlled corporation, and

"(ii) the fair market value of such property exceeds its adjusted basis (in the hands of the distributing corporation),

then gain shall be recognized to the distributing corporation as if such property were sold to the distributee at its fair market value.

"(B) TREATMENT OF LIABILITIES.—If any property distributed in the distribution referred to in paragraph (1) is subject to a liability or the shareholder assumes a liability of the distributing corporation in connection with the distribution, then, for purposes of subparagraph (A), the fair market value of such property shall be treated as not less than the amount of such liability.

"(3) COORDINATION WITH SECTIONS 311 AND 336(a).—Sections 311 and 336(a) shall not apply to any distribution referred to in paragraph (1)."

(f) AMENDMENTS RELATED TO SECTION 5033.—

(1) Subsection (i) of section 2523 is amended by adding at the end thereof the following new sentence:

"This subsection shall not apply to any transfer resulting from the acquisition of rights under a joint and survivor annuity described in subsection (f)(6)."

(2)(A) Paragraph (1) of section 2056A(a) is amended to read as follows:

"(1) the trust instrument—

"(A) requires that at least 1 trustee of the trust be an individual citizen of the United States or a domestic corporation, and

"(B) provides that no distribution (other than a distribution of income) may be made from the trust unless a trustee who is an individual citizen of the United States or a domestic corporation has the right to withhold from such distribution the tax imposed by this section on such distribution,".

(B) Subsection (b) of section 2056A is amended by adding at the end thereof the following new paragraphs:

"(14) COORDINATION WITH TERMINABLE INTEREST RULES.—Any interest in a qualified domestic trust shall not be treated as failing to meet the requirements of paragraph (5) or (7) of section 2056(b) merely by reason of any provision of the trust instrument permitting the withholding from any distribution of an amount to pay the tax imposed by paragraph (1) on such distribution.

"(15) NO TAX ON CERTAIN DISTRIBUTIONS.—No tax shall be imposed by paragraph (1) on any distribution to the surviving spouse to the extent such distribution is to reimburse such surviving spouse for any tax imposed by subtitle A on any item of income of the trust to which such surviving spouse is not entitled under the terms of the trust."

(3) Subsection (d) of section 2056A is amended by adding at the end thereof the following new sentence: "No election may be made under this section on any return if such return is filed more than one year after the time prescribed by law (including extensions) for filing such return."

(4) Subparagraph (A) of section 2056A(b)(10) is amended by striking "section 2032" and inserting "section 2011, 2014, 2032".

(5) Paragraph (3) of section 2056(d) is amended by striking "section 2056A(b)(6)" and inserting "section 2056A(b)(7)".

(g) AMENDMENTS RELATED TO SECTION 6009.—

(1) Subparagraph (B) of section 135(b)(2) is amended by striking "each dollar amount" and inserting "the $40,000 and $60,000 amounts".

(2) Subparagraph (C) of section 135(b)(2) is amended by striking "(A) or".

(h) AMENDMENTS RELATED TO SECTION 6282.—Subsection (e) of section 216 is amended—

(1) by striking "ASSOCIATIONS" in the subsection heading and inserting "CORPORATIONS", and

(2) by striking "association" and inserting "corporation".

(i) EFFECTIVE DATE.—Any amendment made by this subsection shall take effect as if included in the provision of the Technical and Miscellaneous Revenue Act of 1988 to which such amendment relates.

SEC. 4. MISCELLANEOUS AMENDMENTS.

(a) SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.—

(1) IN GENERAL.—Subsection (a) of section 1043 is amended by striking "reduced by any basis adjustment under subsection (c) attributable to a prior sale" and inserting "to the extent not previously taken into account under this subsection".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales after November 30, 1989.

(b) CONFORMING AMENDMENT TO REPEAL OF SECTION 89.—

(1) IN GENERAL.—Subparagraph (B) of section 414(n)(2) is amended by striking "(6 months in the case of core health benefits)".

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 1151 of the Tax Reform Act of 1986.

(c) AMENDMENTS TO GENERATION-SKIPPING TRANSFER TAX.—

(1) Subparagraph (B) of section 2642(c)(2) is amended by striking "such individual dies before the trust is terminated" and inserting "the trust does not terminate before the individual dies".

(2) Paragraph (2) of section 2642(c) is amended by adding at the end therefore the following new sentence: "Rules similar to the rules of section 2652(c)(3) shall apply for purposes of subparagraph (A)."

(3) Subparagraph (C) of section 1433(b)(2) of the Tax Reform Act of 1986 shall not exempt any generation-skipping transfer from the amendments made by subtitle D of title XVI of such Act to the extent such transfer is attributable to property transferred by gift or by reason of the death of another person to the decedent (or trust) re-

ferred to in such subparagraph after August 3, 1990.

(4) The amendment made by paragraphs (1) and (2) shall apply to transfers after March 31, 1988.

(d) TREATMENT OF CERTAIN PARTNERSHIP INTEREST UNDER SECTION 1031.—

(1) IN GENERAL.—Paragraph (2) of section 1031(a) is amended by adding at the end thereof the following new sentence: "For purposes of this section, an interest in a partnership which has in effect a valid election under section 761(a) to be excluded from the application of all of subchapter K shall be treated as an interest in each of the assets of such partnership and not as an interest in a partnership."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to transfers after July 18, 1984.

(e) TREATMENT OF CERTAIN SEPARATED EMPLOYEES.—

(1) IN GENERAL.—Paragraph (6) of section 79(d) is amended by striking "any retired employee" and inserting "any former employee".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to employees separating from service after the date of the enactment of this Act.

SEC. 5. MISCELLANEOUS CLERICAL CHANGES.

(a) GENERAL RULE.—

(1) Clause (ii) of section 56(g)(4)(D) is amended by striking "year" and inserting "years".

(2) The heading of subparagraph (B) of section 172(m)(4) is amended by striking "SUBSECTION (B)(2)" and inserting "SUBSECTION (b)(2)".

(3) Paragraph (2) of section 351(e) is amended by striking "are used" and inserting "is used".

(4) The heading of subparagraph (B) of section 413(c)(7) is amended by striking "ASSET" and inserting "ASSETS".

(5) Subparagraph (C) of section 461(i)(3) is amended to read as follows:

"(C) any tax shelter (as defined in section 6662(d)(2)(C)(ii))."

(6) Subparagraph (A) of section 469(m)(3) is amended by striking "preenactment" and inserting "pre-enactment".

(7) Subsection (c) of section 597 is amended by striking "The purposes of" and inserting "For purposes of".

(8) The last sentence of subsection (a) of section 860D is amended by inserting a closing parenthesis before the period at the end thereof.

(9) Subparagraph (A) of section 860G(a)(3) is amended by striking the comma after "secured".

(10) Subparagraph (B) of section 927(g)(2) is amended by striking "prescribed" and inserting "prescribe".

(11) Paragraph (1) of section 936(e) is amended by striking "subsection (a)(1)" each place it appears and inserting "subsection (a)(2)".

(12) Subparagraph (C) of section 1017(b)(4) is amended by striking "subparagraph" and inserting "subparagraphs".

(13) The material preceding subparagraph (A) of section 1245(a)(3) is amended by striking "or (3)" and inserting "or (3))".

(14) Paragraph (2) of section 1441(b) is amended by inserting "section" before "170(b)(1)(A)(ii)".

(15) Clause (ii) of section 2056A(b)(2)(B) is amended by striking "therefore" and inserting "therefor".

(16) The item relating to section 2056A in the table of sections for part IV of subchapter A of chapter 11 is amended by striking "trusts" and inserting "trust".

(17) Subclause (I) of section 2642(d)(2)(B)(i) is amended by striking "state" and inserting "State".

(18) The heading of chapter 23A is amended by striking "CHAPTER 23A. RAILROAD" and inserting "CHAPTER 23A—RAILROAD".

(19) Paragraphs (9) and (10) of section 3231(e) are redesignated as paragraphs (8) and (9), respectively.

(20) Subparagraph (D) of section 4093(c)(4) is amended by striking "reduced tax sale" and inserting "reduced-tax sale".

(21) Paragraph (3) of section 5061(b) is amended to read as follows:

"(3) section 5041(e),".

(22) Paragraph (3) of section 6013(e) is amended by striking "section 6661(b)(2)(A)" and inserting "section 6662(d)(2)(A)".

(23) Subsection (c) of section 6038A is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(24) Paragraph (3) of section 6039D(d) is amended by striking all that follows "plan (and not" and inserting "the employer)."

(25) Paragraph (4) of section 6045(e) is amended by striking "broker" and inserting "reporting person".

(26) The heading for subsection (a) of section 6323 is amended by striking "PURCHASES" and inserting "PURCHASERS".

(27) Subsections (a) of section 6332 is amended by striking "subsections (b) and (c)" and inserting "this section".

(28) The last sentence of section 6655(g)(3) is amended by striking all that follows "'11 months'" and inserting "in clause (i)(IV)."

(29) Paragraph (3) of section 7519(c) is amended by striking "payable on later of" and inserting "payable on the later of".

(30) The section 7521 added by section 6233 of the Technical and Miscellaneous Revenue Act of 1988 is redesignated as section 7522.

(31) The table of sections for chapter 77 is amended by striking the item added by such section 6233 and inserting the following:

"Sec. 7522. Content of tax due, deficiency, and other notices."

(32) Subparagraph (B) of section 7608(c)(1) is amended by striking the comma after "operations".

(33) Subparagraph (C) of section 7608(c)(5) is amended—

(A) by striking "interested" in clause (i)(I) and inserting "interest", and

(B) by striking "title 3" in clause (ii) and inserting "title 31".

(34) Subparagraph (C) of section 7701(j)(1) is amended by striking so much of such subparagraph as precedes "contributions to the Thrift" and inserting the following:

"(C) subject to section 401(k)(4)(B) and any dollar limitation on the application of section 402(a)(8),".

(35) Paragraph (1) of section 1012(t) of the Technical and Miscellaneous Revenue Act of 1988 is amended by inserting "(as amended by paragraph (2))" after "clause (ii)".

(36) Subparagraph (F) of section 1014(g)(4) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "subparagraph" in clause (ii) and inserting "paragraph".

(37) Paragraph (28) of section 1018(u) of the Technical and Miscellaneous Revenue Act of 1988 is amended by inserting "net" before "capital loss" each place it appears.

(38) Subparagraph (C) of section 2001(d)(6) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "a gallon" and inserting "per gallon".

(39) Paragraph (3) of section 5033(a) of the Technical and Miscellaneous Revenue Act of 1988 is amended by striking "chapter 1" and inserting "chapter 11".

(4) Paragraph (2) of section 232(a) of the Railroad Retirement Revenue Act of 1983 is amended by striking "section 516(b)" each place it appears and inserting "section 7106(b)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

DESCRIPTION OF THE TECHNICAL CORRECTIONS ACT OF 1990

The amendments made by the Technical Corrections Act of 1990 are intended to correct, clarify, or conform various recently enacted tax provisions. Provisions in the bill are generally effective as if included in the original legislation, unless otherwise provided. Provisions in the bill for which no descriptions are provided are clerical in nature.

Part I describes technical corrections to the Revenue Reconciliation Act of 1989 ("1989 Act"). Part II describes technical corrections to the Technical and Miscellaneous Revenue Act of 1988 ("1988 Act") and other recent tax legislation.

I. TECHNICAL CORRECTIONS TO THE REVENUE RECONCILIATION ACT OF 1989

A. Low-income rental housing tax credit provisions (sec. 2(a) of the bill, sec. 7108 of the 1989 act, and sec. 42 of the code)

Present Law

A tax credit is allowed in annual installments, generally over 10 years, for qualifying low-income rental housing, which may be newly constructed or substantially rehabilitated property. The credit is expressed as a percentage of the qualified basis of each qualified low-income building. For newly constructed housing and substantial rehabilitation expenditures, the credit percentages are generally adjusted monthly to maintain a present value of the credit stream of 70 percent of qualified basis. For the acquisition cost of existing housing, and housing that is federally subsidized (e.g., that is funded with the proceeds of tax-exempt bonds or below market Federal loans), monthly adjustments generally are made to maintain a present value of the credit stream of 30 percent of qualified basis. The Statement of Managers for the 1989 Act stated that property receiving assistance under the HUD Section 8 Moderate Rehabilitation program would receive neither the 70-percent nor the 30-percent credit. Nonetheless, the statute denies such property only the 30-percent credit.

Qualified basis

The qualified basis of a building is the percentage of eligible basis in a qualified low-income building attributable to the rent restricted low-income rental housing units. This percentage is the lesser of (1) the percentage of low-income units to all residential rental units or (2) the percentage of the floor space of the low-income units to the floor space of all residential rental units.

Eligible basis generally is the cost of acquiring and rehabilitating existing buildings, or the cost of acquiring or constructing new buildings. Eligible basis may be increased by 30 percent for a building within a

difficult development area or a designated qualified census tract. A qualified census tract generally is any census tract of a metropolitan statistical area in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income.

Qualified low-income building

A building is treated as a qualified low-income building only if it is a part of a qualified low-income project within 12 months after the building is placed in service. For a project to be a qualified low-income project, a specified percentage of units must be rent restricted and occupied by individuals with income below specified limits. A unit is rent restricted if its gross rent does not exceed 30 percent of the imputed income limitation applicable to the unit. If the tenant's income rises above 140 percent of the income limitation, the unit is treated as rent restricted only if the next vacant unit is rented to a tenant whose income is within the limitation ("the next available unit" rule).

Allocation of credit

In order for a building to be a qualified low-income building, the building owner generally must receive a credit allocation from the appropriate housing credit agency. An exception is provided for property which is substantially financed with the proceeds of tax-exempt bonds subject to the State's private-activity bond volume limitation. The low-income housing credit is allocated by State or local housing credit agencies subject to an annual limitation for each State. The annual credit limitation was $1.25 per resident for years before 1990 and is $0.9375 per resident for 1990.

In recognition of the fact that a State may not allocate or use all available credits in a given year, present law provides that such unused credit may be carried over for one year. If any amounts are still unallocated at the end of the succeeding calendar year: (1) those unallocated amounts are placed in the national pool for allocation among qualifying States, and (2) the State with such unallocated amounts is not eligible for the national pool that year. Unused credits are defined as the difference between the State's annual credit limitation for a calendar year and the State's aggregate credit allocations for that year.

The statute does not address the carryover of returned credits, e.g., credits previously allocated to projects which do not become qualified projects within the applicable time limitation or any credits for which an allocation is cancelled by the mutual consent of the housing credit agency and the allocation recipient. Returned credits may be reallocated during the taxable year they are returned.

Extended low-income use commitment

A taxpayer may claim low income housing credits only if an extended low-income housing commitment is in effect as of the end of such taxable year. The commitment is an agreement between the taxpayer and the housing credit agency which must be binding on the taxpayer and all successors of the taxpayer with respect to the property for which the credit is claimed. The commitment must require that the portion of the building occupied by low-income tenants (the applicable fraction) for each taxable year in the extended use period is not less than the amount specified in the commitment. The commitment must be recorded under State law as a restrictive covenant and must permit eligible low-income individuals the right to enforce the commitment in the courts of the State in which the property is located. The commitment must provide for an extended period of low-income use. The extended use period must extend at least 15 years beyond the close of the compliance period.

There are two exceptions to the extended use requirement. First, if a building subject to an extendded use commitment is acquired by foreclosure, the extended use period terminates on the date of such acquisition. Second, if after the fourteenth year of the compliance period the taxpayer submits a written request to the housing credit agency to find a person to acquire the taxpayer's interest in the low-income portion of the building, and if by the end of the fifteenth year of the compliance period the housing credit agency has been unable to present a qualified contract for acquisition by any person who will continue to operate the low-income portion of the building as a qualified low-income building, the extended use period will terminate with the termination of the compliance period. A qualified contract is a *bona fide* contract to acquire the low-income portion of the building for a price not less than the applicable fraction multiplied by a minimum purchase price.

Termination of credit with respect to bond financed property

Authority to allocate credit available under the annual credit ceiling expires December 31, 1990. Generally, the credit may be claimed only for preoperty placed in service in the year the credit allocation is received. An exception to this rule exists for newly constructed or substantially rehabilitated property which is placed in service within two years after the credit allocation was received, if, at the close of the calendar year of allocation, the taxpayer's basis in the project exceeds 10 percent of its reasonably expected basis. For property which is substantially bond financed, a similar exception (the "10-percent exception") applies only with respect to reasonably anticipated costs of construction, reconstruction, or rehabilitation incurred as of January 1, 1990, if the bonds were issued before 1990 and the building is placed in service before January 1, 1992.

Effective date

The amendments to the low-income credit enacted by the Omnibus Budget Reconciliation Act of 1989 are generally applicable in the case of substantially bond financed property if the property is placed in service after December 31, 1989.

Under the 1989 Act, property that is substantially bond financed (and therefore excepted from credit allocation requirements) must be evaluated under the criteria of the qualified allocation plan applicable to the area in which the project is located, and it must be determined that the credit claimed for the property does not exceed the amount necessary to ensure its economic feasibility (the "conformity to State plan requirement").

Explanation of Provisions

HUD section 8 programs

The bill contains a technical amendment providing that property receiving assistance under the Section 8 Moderate Rehabilitation program at any time during the compliance period receives neither the 70- nor the 30-percent credit.

Qualified census tracts

The bill clarifies that a qualified census tract is one that is designated by the Secretary of HUD based on the most recent year for which census data is available on household income in such tract.

Qualified low-income building

Under the bill, a qualified low-income building must meet the requirements for a qualified low-income project not later than the close of the first year of the credit period for the building. Buildings for which allocations were made under annual State housing credit ceilings before 1990 would be treated as qualified low-income buildings if the requirements for being a qualified low-income housing project are met by the close of the taxable year following the taxable year in which the building is placed in service.

The bill clarifies that a unit will not cease to be a low-income unit because the low-income tenant's income rises above the income threshold, provided that the rent continues to be restricted. This clarification would apply to determinations of qualified basis made after the date of enactment of the bill or made prior to such enactment if the rent was actually restricted for the period of such determination.

The next available unit rule is applied to deep rent skewed projects only for tenants whose incomes rise above 170 percent of the threshold.

Allocation of credit

Under the bill, returned credits, like unused credits, may be carried over for one year. It is intended that credits allocated in excess of the amount necessary to assure project feasibility could be returned.

It is intended that the Internal Revenue Service's responsibility to ensure taxpayer compliance with the minimum standards of the credit does not authorize the Service to examine particular state agency allocations provided that such minimum standards are satisfied. It also is intended that the Service generally not challenge allocations made pursuant to a plan meeting the statutory requisites.

Extended low-income use

The bill clarifies that the extended low-income housing commitment must prohibit the eviction or termination of tenancy (other than for good cause) of an existing tenant of a low-income unit or any increase in the gross rent inconsistent with the rent restrictions on the unit.

The bill also clarifies that an acquisition by foreclosure will not terminate the extended use period if the Secretary of the Treasury determines that the purpose of the foreclosure is part of an arrangement a purpose of which is to terminate that period.

Finally, the bill contains extended use rules for mixed use buildings. It clarifies that the commitment must prohibit the disposition of a part of a building, and that the qualified contract for a mixed use building must specify a price for the nonlow-income portion equal to fair market value.

Termination of credit with respect to bond financed property

The bill modifies the 10-percent exception for bond-financed property to apply only if the bonds are issued before 1991, and the building is placed in service before January 1, 1993. The bill also conforms the 10-percent exception for bond financed projects to that for non-bond financed projects.

Effective date

Under the bill, the amendments to the low-income housing credit provisions en-

acted by the Omnibus Budget Reconciliation Act of 1989 are generally applicable in the case of substantially bond financed property where such property is placed in service after December 31, 1989, but are applicable only with respect to bonds issued after December 31, 1989.

In addition, the conformity to State plan requirement applies in the case of property substantially financed with bonds if the bonds are issued after December 31, 1989.

B. Research credit provision

Effective date of extension of credit for qualified research expenditures (sec. 2(b) of the bill, sec. 7110 of the 1989 Act, and sec. 41 of the Code)

Present Law

For purposes of the research credit provided for by section 41, the credit will not apply to amounts paid or incurred after December 31, 1990, and a special rule to prorate qualified research expenditures applies in the case of any taxable year which begins before October 1, 1990, and ends after September 30, 1990. Under this special proration rule, the amount of qualified research expenses incurred by a taxpayer prior to January 1, 1991, is multiplied by the ratio that the number of days in that taxable year before October 1, 1990, bears to the total number of days in such taxable year before January 1, 1991.

Explanation of Provision

The research credit will not apply to any amounts paid or incurred in a taxable year which begins after September 30, 1990.

C. Corporate provisions

1. Treatment of certain high-yield original issue discount obligations (sec. 2(c) of the bill, sec. 7202 of the 1989 Act, and sec. 163 of the Code).

Present Law

The 1989 Act imposed special limitations upon the deductibility of interest on applicable high-yield discount obligations ("AHYDO") issued by a corporation. No deduction is allowed for the disqualified portion of the original issue discount (OID) on an AHYDO and the remainder of the OID is not deductible until paid. The disqualified portion cannot exceed the amount of the OID on the instrument. Deductions are not disallowed for amounts that qualify as qualified periodic interest payments (i.e., generally, interest based on a fixed rate and payable unconditionally at fixed periodic intervals of 1 year or less during the entire term of the debt instrument).

An AHYDO is a debt instrument with (1) a maturity date more than five years from date of issue, (2) a yield to maturity, equal to, or in excess of, five points over the applicable Federal rate, and (3) significant OID. For purposes of determining whether a debt instrument is an AHYDO, any payment to be made in the form of another obligation (or stock) of the issuer (or a related person) is assumed to be made when such obligation (or stock) is required to be made in cash or in property other than such obligation (or stock) (the "payment assumption rule").

Rules similar to the payment assumption rule apply for purposes of determining when the OID portion of an AHYDO is paid.

Explanation of Provision

The bill modifies the manner in which the payment assumption rule is to be applied for determining whether certain instruments are AHYDOs. Under the bill, the payment assumption rule does not apply to a payment in stock for purposes of determining the debt instrument's yield to maturity. However, the payment assumption rule will continue to apply to a payment in stock for purposes of determining whether the debt instrument's term is greater than 5 years and whether the debt instrument has significant OID.

The bill also provides that rules similar to the payment assumption rule will apply in determining the OID portion of an AHYDO. Thus, under the bill, the portion of the yield of an AHYDO that is paid in obligations (or stock) of the issuer (or a related party) is treated as OID that is subject to the special limitations.

2. Limitation on deduction for certain interest paid by corporation to related person (sec. 2(d) of the bill, sec. 7210(a) of the 1989 Act, and sec. 163(j) of the Code).

Present Law

Subject to certain limitations, a taxpayer may deduct interest paid or accrued on indebtedness within a taxable year (sec. 163(a)). The 1989 Act added a so-called "earnings stripping" limitation on interest deductibility with respect to certain interest paid by corporations to related persons. In general, the rule disallows deductions for certain amounts of "disqualified interest," that is, interest paid by a corporation to related persons that are not subject to U.S. tax on the interest received, if two thresholds are exceeded. (If, in accordinace with a U.S. income tax treaty, interest income of a related person is subject to a reduced rate of U.S. tax, a portion of the interest paid to the related person is deemed to be interest on which no tax is imposed.)

To exceed the first threshold, the corporation must have "excess interest expense" as that term is defined in the code for this purpose. To exceed the second threshold, the corporation must have a ratio of debt to equity as of the close of the taxable year in question that exceeds 1.5 to 1. For this purpose, a corporation's ratio of debt to equity generally means the ratio which the total indebtedness of the corporation bears to the sum of its money and all other assets less such total indebtedness. The Secretary is also authorized to prescribe by regulations other days during the taxable year on which the debt-equity ratio must be tested.

Explanation of Provision

The bill clarifies that for purposes of determining whether a corporation's ratio of debt to equity exceeds 1.5 to 1, the term "ratio of debt to equity" means the ratio which the total indebtedness of the corporation bears to the sum of its money and all other assets reduced, but not below zero, by such total indebtedness. Thus, the provision clarifies that if a corporation's total indebtedness is equal to or exceeds the sum of its money and all other assets, then the corporation's ratio of debt to equity is in excess of 1.5 to 1 for purposes of these rules.

The bill also clarifies that the provisions of section 163(j) apply to a corporation for any taxable year if it has excess interest expense, and if its ratio of debt to equity exceeds 1.5 to 1 either on the last day of that taxable year or on any other day prescribed by the Secretary in regulations. Thus, the bill clarifies that if a corporation does not have a debt to equity ratio in excess of 1.5 to 1 on the last day of its taxable year, but does have a debt to equity ratio in excess of 1.5 to 1 on another day during the taxable year on which regulations require that ratio to be computed, then the corporation's deduction for interest expense for the taxable year may be limited under the earnings stripping rules.

D. Employee Benefit Provisions

1. Excise tax on disposition of employer securities (sec. 2(f) of the bill, sec. 7301 of the 1989 Act, and sec. 4978B of the Code).

Present Law

Under present law, an excise tax applies to certain dispositions of employer securities acquired by an employee stock ownership plan (ESOP) in a transaction to which the partial interest exclusion of section 133 applies. Similar excise taxes apply to dispositions of securities acquired in a transaction to which the nonrecognition treatment of section 1042 applied and to dispositions of securities acquired in a transaction to which the estate tax deduction (former sec. 2057) applied. The tax on section 133 securities does not apply to "qualified securities (as defined in section 4978(e)(2)" or to "qualified employer securities (as defined in section 4978A(f)(2)), as in effect on the day before the date of the enactment" of the excise tax.

Explanation of Provision

The bill clarifies that the tax on securities acquired in a transaction to which section 133 applies does not apply to securities to which a tax is imposed under the provisions relating to dispositions of securities acquired in a section 1042 or section 2057 transaction. This clarification conforms the statute to Congressional intent that only one excise tax should be imposed with respect to the disposition of any employer securities and eliminates an unintended inference that the excise tax does not apply in the case of nonpublicly traded securities.

2. Definition of elective deferrals (sec. 2(k) of the bill, sec. 7811 of the 1989 Act, and sec. 403(b)(12)(A) of the Code).

Present Law

Under present law, for purposes of applying the nondiscrimination rules to tax-sheltered annuities, contributions to a tax-sheltered annuity are not considered made pursuant to a salary reduction agreement if the contributions are made pursuant to a one-time irrevocable election made by the employee at the time of initial eligibility to participate in the agreement or is made pursuant to a similar arrangement specified in regulations (sec. 403(b)(12)). Under present law as amended by the Omnibus Reconciliation Act of 1989, a contribution to a tax-sheltered annuity under a salary reduction agreement is not treated as an elective deferral for purposes of the limit on elective deferrals if the contribution is made pursuant to a one-time irrevocable election made by the participant at the time of initial eligibility to participate or is made pursuant to a similar arrangement involving a one-time irrevocable election specified in regulations (sec. 402(g)).

Explanation of Provision

The bill conforms the definition of salary reduction contributions under a tax-sheltered annuity for nondiscrimination testing purposes to the definition of elective deferrals by amending section 403(b) to provide that contributions under a tax-sheltered annuity are not considered to be made under a salary reduction agreement if the contribution is made pursuant to a one-time irrevocable election made by the participant at the time of initial eligibility to participate or is made pursuant to a similar arrangement involving a one-time irrevocable election specified in regulations.

E. Foreign Provision

Definition of annual accounting period for foreign corporations (sec. 2(g) of the bill, sec. 7401 of the 1989 Act, and sec. 6038 of the Code).

Present Law

A U.S. person must furnish the IRS certain information with respect to any foreign corporation which the person controls (sec. 6038). This information is to be furnished for the annual accounting period of the foreign corporation ending with or within the U.S. person's taxable year. For purposes of section 6038, the annual accounting period of a foreign corporation is the annual period on the basis of which the corporation regularly computes its income in keeping its books (sec. 6038(e)(2)).

Similarly, the taxable year of a corporation is generally its annual accounting period, which means for this purpose the annual period on the basis of which the corporation computes its income in keeping its books (sec. 441(b)(1) and (c)). However, the 1989 Act added new Code section 898, under which in certain cases a "specified foreign corporation" is required to adopt a taxpayer year based on the taxable year of its U.S. shareholders.

Explanation of Provision

The bill clarifies that in the case of a specified foreign corporation (as that term is defined in section 898) the corporation's annual accounting period, for purposes of the information reporting and other rules of section 6038, will be its taxable year.

F. Like-Kind Exchange Provision

Like-kind exchanges involving related persons (sec. 2(h) of the bill, sec. 7601 of the 1989 Act, and sec. 1031 of the Code).

Present Law

The 1989 Act provided that if a taxpayer exchanges property with a related person, the exchange would otherwise be eligible for nonrecognition treatment as a like-kind exchange under section 1031, and within two years either the related person or the taxpayer disposes of the property, the original exchange will not qualify for nonrecognition under section 1031. Certain dispositions will not invalidate the nonrecognition treatment of the original exchange. However, nonrecognition will not be accorded to any exchange which is part of a transaction or series of transactions structured to avoid the purposes of the related person rule.

For purposes of this rule, the term "related person" means any person bearing a relationship to the taxpayer described in section 267(b).

Explanation of Provision

The bill provides that the term "related person" includes any person bearing a relationship to the taxpayer described in section 707(b)(1) (relating to certain partnerships). The term continues to include any person bearing a relationship to the taxpayer described in section 267(b).

The amendment is effective with respect to transfers after August 3, 1990.

G. Accounting Provision

Period of amortization for franchises, trademarks, and trade names (sec. 2(i) of the bill, sec. 7622 of the 1989 Act, and sec. 1253 of the Code).

Present Law

Section 1253(d)(3) provides that amounts paid or incurred on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name are treated as amounts charged to capital account unless an exception under section 1253(d) (1) and (2) applies. Under general income tax principles, amounts charged to capital account under section 1253(d)(3) are amortized over the useful life of the franchise, trademark, or trade names. Section 1253(d) permits a taxpayer to amortize certain amounts over 25 years rather than under this general rule, if the taxpayer so elects.

Section 1253(d)(4) provides that for purposes of determining the period of amortization under section 1253(d), there shall be taken into account all renewal options and any other period for which the parties reasonably expect the agreement to be renewed.

Explanation of Provision

The bill clarifies that section 1253(d)(4) provides rules for determining the period of amortization for income tax purposes under the Code. Thus, a taxpayer that must charge amounts to capital account under section 1253(d) and that does not elect the 25-year amortization permitted by section 1253(d) must determine the period of amortization by including the period of any renewal option or any other period for which the parties reasonably expect the agreement to be renewed.

H. Tax-Exempt Bond Provisions

Arbitrage rebate exception for certain construction issues (sec. 2(j) of the bill, sec. 7652 of the 1989 Act, and sec. 148 of the Code).

Present Law

In general

Interest on State and local government bonds generally is excluded from gross income of the holder thereof (sec. 103). Interest on arbitrage bonds is taxable. In general, a bond is an arbitrage bond if more than a minor portion of the proceeds is invested at a yield materially higher than the yield on the issue of which the bond is a part. An exception to this yield restriction requirement is provided for certain temporary investments.

In addition to the yield restriction requirement, arbitrage earned on investments unrelated to the governmental purpose for the bonds ("nonpurpose arbitrage") generally must be rebated to the Federal Government. Nonpurpose arbitrage (other than arbitrage on a reasonably required reserve or replacement fund or a debt service fund) is not required to be rebated if all gross proceeds of an issue (other than such reserve and debt service funds) are spent for the purpose of the borrowing within 6 months after the bonds are issued (the "6-month exception"). Present law is unclear concerning the effect of certain amounts not intended to be spent on eligibility for the 6-month exception.

Construction issues

The 1989 Act provided, in addition to the 6-month exception, an alternative 24-month expenditure period (the "24-month exception") for construction issues. A construction issue is defined as an issue (or a portion of an issue) at least 75 percent of the net proceeds of which is to be used for construction. Qualifying bonds are (a) bonds which are not private activity bonds; (b) qualified 501(c)(3) bonds; or (c) private activity bonds for facilities owned by governmental units.

Under the 24-month exception, a prescribed percentage of the net proceeds of the issue must be spent by the end of each 6-month period within the 24-month expenditure period. At the conclusion of that 24-month period, 100 percent of the net proceeds of the issue must have been spent, except for limited amounts of retainage which must be spent within the succeeding 12 months.

During the expenditure period, the 24-month exception generally applies to amounts in a reasonably required reserve or replacement fund, although only the earnings of such a fund are subject to the spending requirements of the exception. If the issuer elects to rebate those earnings from the date the bonds are issued, however, the 24-month exception does not apply to the fund or earnings thereon.

Issuers may elect to bifurcate an issue into a construction portion and a nonconstruction portion, with the construction portion qualifying for the 24-month exception and the nonconstruction portion being subject to the general rebate requirement. Such an election must be made when the bonds are issued, and at least 75 percent of the designated construction portion must be used to finance construction expenditures. Present law does not expressly address the treatment under this rule of bonds and portions of bonds used to refund other bonds.

Penalty alternative to rebate

Issuers of construction issues also are permitted to elect to pay a penalty in lieu of rebate if the spending requirements of the 24-month exception are not satisfied. The penalty is equal to 1.5 percent of the net proceeds required to be spent but not spent, and is determined as of the end of each 6-month period following issuance of the bonds. Present law is not clear whether the penalty terminates before the final maturity date of the bonds. Present law also is unclear about the interaction of this penalty with another penalty alternative to loss of tax-exemption that applies to governmental bonds (sec. 148(f)(7)).

Special rules for pooled bonds

Special rules determine when the spending requirements of the 24-month exception commence in the case of pooled bonds, i.e., bonds issued to make or finance loans to multiple borrowers.

Explanation of Provisions

The bill makes numerous technical amendments to the 6- and 24-month exceptions. For clarity and ease of administration, the bill restates the entire substantive provisions of the 24-month exception. The following describes the technical amendments made by the bill.

6-month exception

The bill clarifies that, in addition to amounts in a reasonably required reserve or replacement fund and a bona fide debt service fund, proceeds arising after issuance of the bonds that were not reasonably anticipated on the date of issue, are not included in gross proceeds solely for purposes of determining compliance with the 6-month exception. Earnings on such amounts are, however, subject to rebate.

24-month exception

eligible proceeds

The bill clarifies that the 24-month exception applies to the "available construction proceeds" of a construction issue. A "construction issue" is an issue at least 75 percent of the available construction proceeds of which are to be used to finance construction expenditures. The term "available construction proceeds" is defined as the sum of (a) the issue price of the construction issue (less amounts invested in a reasonably required reserve or, replacement fund), (b)

earnings on the issue price and on any reasonably required reserve or replacement fund (regardless of whether funded from other than bond proceeds), and (c) earnings on (b). Available construction proceeds does not include amounts received as repayments of acquired purpose or acquired program obligations (and earnings on such amounts).

Earnings on a reasonably required reserve or replacement fund are eligible for the 24-month exception unless the issuer elects to apply the general rebate requirement to such amounts from the date the bonds are issued. Earnings on such a fund arising after conclusion of the 24-month expenditure period (or after the substantial completion of construction if earlier and so elected by the issuer) are subject to rebate in all cases. The special rules of section 148(f)(4)(A) continue to apply to earnings on a bona fide debt service fund. Other amounts not included in available construction proceeds are subject to the rebate requirement under generally applicable rules.

For purposes of both the spending requirements of the 24-month exception and the penalty alternatives, payment of principal on construction bonds is not treated as an expenditure.

Penalty alternatives

1.5-percent penalty

The bill clarifies that issuers may elect to terminate the 1.5-percent penalty which is imposed on unspent available construction proceeds as of the end of each 6-month period at the earlier of (a) expiration of the initial temporary period applicable to the bonds or (b) with respect to any portion of bond proceeds identified as excess, upon substantial completion of construction to be financed with available construction proceeds of the issue. The determination of when construction is substantially complete is intended to be made under rules similar to those of Rev. Proc. 79-5, 1979-1 C.B. 485 as modified by Rev. Proc. 81-22 (1981-1 C.B. 692). For purposes of the 24-month exception, the term initial temporary period means the temporary period described in section 1.103-14(b)(1) of the Income Tax Regulations.

To terminate the 1.5-percent penalty, the issuer must pay a special penalty equal to 3 percent per year (measured from the date of issue through the date described in the preceding paragraph) of the unspent available construction proceeds. Additionally, proceeds for which this election is made must be invested at all subsequent times at a yield not exceeding the yield on the issue of which they are a part, and such proceeds must be used to redeem bonds of the construction issue at the first date on which such redemption is not prohibited under the terms of the bond (regardless of whether the redemption price is above par value).

The bill clarifies that if the issuer does not elect this special 3-percent penalty, the 1.5-percent penalty continues to be payable at the end of each 6-month period until the last bond that is part of the issue (including refunding bonds) matures. As stated above, redemption of bonds before their stated maturity does not terminate liability for this 1.5-percent penalty.

For example, if a construction issue with a 20-year maturity and a 10-year call prohibition qualified for a 5-year temporary period and had $1 million of unspent available construction proceeds at the end of that 5-year temporary period, the issuer could elect to pay a penalty of $150,000 ($1 million multiplied by 3 percent for 5 years) and restrict the yield on the $1 million for 5 years at which time the bonds would be required to be redeemed, or pay $450,000 ($1 million multiplied by 1.5 percent every 6 months for 15 years).

Failure to pay penalties

The bill clarifies that the 1.5-percent and 3-percent penalties are the exclusive alternatives to the payment of rebate under the general rebate requirement. Failure to pay either of these penalties as required results in loss of tax-exemption (from the date bonds are issued) for both original and any refunding bonds unless, in the case of noncompliance which is not due to willful neglect, the Treasury Department waives such a result or accepts in lieu of loss of tax-exemption payment of (a) all such penalty amounts due, (b) an additional penalty of 50-percent of the amount not paid as required, and (c) interest on all unpaid amounts.

Time for payment of penalties

The bill clarifies that all penalties associated with the 24-month exception must be paid no later than 90 days after the period to which the penalty relates.

Portions of an Issue

As stated above, an issuer may designate a portion of an issue as eligible for the 24-month spending requirements. As under present law, such a designated portion must include all proceeds of the issue of which it is a part that are to be used for construction expenditures. Further, for purposes of the spending requirements, the portion is deemed to include earnings on an allocable portion [1] of any reasonably required reserve or replacement fund associated with the issue unless an election is made to apply the general rebate rules to the reserve fund earnings.

Refunding Bonds

The bill clarifies that, in general, the 24-month spending requirement and the penalty alternatives do not apply to refunding bonds. Thus, if bonds are issued partially to fund new money construction and acquisition expenditures and partially to refund other bonds, the portion of the issue properly allocable to the refunding must in all cases be treated as a separate issue not eligible for the 24-month exception, regardless of the purpose for which the refunded bonds were issued. Proceeds of a "new money" construction bond are not affected by a refunding of a new money construction bond and continue to be subject to the provisions of the 24-month exception. A refunding of a bond that was not eligible for the 24-month exception does not permit the proceeds of such refunded bond to be eligible for any portion of the 24-month exception.

This rule is illustrated by the following example: The proceeds of an issue are to be used for $100,000 of construction costs, $50,000 for acquisition of equipment, and $75,000 for the refunding of prior bond issue. The issuer may elect to treat up to $133,000 as a construction issue (i.e., $100,000 divided by .75) but may not treat less than the $100,000 as the construction issue. The issuer may not include any of the refunding amount in the construction issue.

The bill further clarifies that the measurement of the 24-month exception spending periods is not affected by any subsequent refunding of a construction issue, and that any failure to pay a required penalty that results in loss of tax exemption relates both to the original bonds and to all refunding bonds.

Special Rule for Pooled Bonds

The bill codifies the statement in the 1989 legislative history that the general rebate requirement, and not the 24-month exception, applies to pooled bond proceeds during periods when such proceeds are held by the issuer of the pool rather than the ultimate borrower from the pool, if the issuer elects to delay the start of the 24-month expenditure period.

Time for Making Elections

The bill clarifies that, in general, all elections with respect to the 24-month spending requirement and associated penalties are irrevocable and must be made no later than the date the bonds are issued. The election to terminate the 1.5-percent penalty upon completion of construction must be made within 90 days after such completion.

Effective Dates

These provisions of the bill generally are effective as if included in the Omnibus Budget Reconciliation Act of 1989; however, for bonds for which the 1.5-percent penalty alternative is elected before the date of the bill's enactment, the period for electing the new procedures to terminate that penalty does not expire until 180 days after the bill's enactment.

II. TECHNICAL CORRECTIONS TO THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988 AND OTHER RECENT TAX LEGISLATION

A. Corporate Provision

Conforming amendments to the repeal of the General Utilities doctrine (secs. 3(a) and (e) of the bill, secs. 1006 and 1018 of the 1988 Act, and secs. 355, 367, 453B of the Code).

Present Law

As a result of changes made by the Tax Reform Act of 1984 and the Tax Reform Act of 1986, gain is generally recognized on the distribution of appreciated property by a corporation to its shareholders. Exceptions apply to certain reorganizations, certain distributions of stock and securities of a subsidiary, and liquidations of certain subsidiary corporations.

Explanation of Provision

The bill makes three conforming amendments. First, the rule set forth in section 355(c) is rewritten to state the rule in the affirmative rather than through a reference to another section (sec. 311); second, the bill clarifies that the addition of section 361(c), relating to distributions in reorganizations, did not create a separate class of section 361 exchanges for purposes of section 367(a) in the absence of an exchange under section 361(a) and (b); and third, the installment sale rules relating to liquidations of subsidiary corporations (sec. 453B(d)) is conformed to the amendments made by the 1986 Act.

B. Accounting Provision

Annual accrual method of accounting (sec. 3(b) of the bill, sec. 1008(b)(6) of the 1988 Act, and sec. 447(g) of the Code)

[1] Allocation of a reasonably required reserve or replacement fund between the construction and nonconstruction portion of an issue should be pro-rata unless another method of allocation more accurately reflects the economics of the financing. Likewise, allocation of issue price between the construction and nonconstruction must be pro rata unless another allocation more correctly reflects the economics of the bifurcation.

Present Law

Application of uniform cost capitalization rules to certain farmers

Under the uniform cost capitalization rules, the direct and indirect costs of producing property generally are required to be capitalized (or included in inventorible costs) and are recovered as income is derived from the sale or use of the property to which the costs relate. In the case of a plant that is produced by a taxpayer in a farming business, the uniform cost capitalization rules apply only if (1) the plant has a preproductive period of more than two years, or (2) the taxpayer is a corporation, partnership, or tax shelter that is required to use an accrual method of accounting.

A taxpayer that is engaged in the production of a plant that has a preproductive period of more than two years generally may elect to deduct the costs of producing the plant as paid or incurred. A taxpayer that makes this election is required to use the alternative depreciation system (which provides for straight-line cost recovery over a longer recovery period than generally applies) for all farm assets that are placed in service in taxable years for which the election is in effect. In addition, if this election is made, gain from the disposition of the plant is taxed as ordinary income to the extent of prior deductions that would have been capitalized but for the election. The election may not be made by a corporation, partnership, or tax shelter that is required to use an accrual method of accounting.

Annual accrual method of accounting

An exception to the uniform cost capitalization rules is provided for certain corporations and qualified partnerships that are permitted to use the annual accrual method of accounting with respect to the trade or business of farming sugar cane. Under the annual accrual method of accounting, revenues, costs, and expenses are determined under an accrual method of accounting and the preproductive period expenses incurred during any taxable year are charged to harvested crops or are deducted in determining taxable income for such year.

Explanation of Provision

Under the bill, certain corporations are allowed to use the annual accrual method of accounting with respect to the trade or business of farming any plant that has a preproductive period of two years or less. In addition, such corporations may elect to use the annual accrual method of accounting with respect to the trade or business of farming any plant (other than citrus or almond trees) with a preproductive period of more than two years provided that the alternative depreciation system is used with respect to all farm assets and the expensed costs are recaptured as ordinary income upon disposition of the plant.

In the case of any corporation that for its first taxable year beginning after December 31, 1986, ceased using the annual accrual method of accounting with respect to a trade or business of farming any plant and that is allowed to use the annual accrual method of accounting with respect to such trade or business for such year only by virtue of this provision, special rules shall apply. The corporation shall be allowed to use the annual accrual method of accounting with respect to such trade or business for such year and for any subsequent year for which a timely Federal income tax return has been filed by filing amended returns with the Internal Revenue Service before January 1, 1991. In the case of a trade or business of farming any plant (other than citrus or almond trees) with a preproductive period of more than two years, the alternative depreciation system must be used with respect to all farm assets placed in service during the years for which an amended return is filed. A taxpayer that files amended returns as required by this paragraph shall not be required to obtain the consent of the Secretary of the Treasury to use the annual accrual method of accounting for such years.

C. Foreign Provision

Treaty-based return positions (sec. 3(c) of the bill, sec. 1012 of the 1988 Act, and sec. 6114 of the Code).

Present Law

Any treaty-based position taken by a taxpayer that overrules or otherwise modifies the operation of an internal revenue law shall be disclosed on the taxpayer's tax return (or by such other means as the Secretary of the Treasury may provide, if no return is required to be filed) in such manner as the Secretary may prescribe (Code sec. 6114(a)). Section 6114(b) of the Code provides that the Secretary may by regulations waive the general requirements for treaty-based return position reporting with respect to classes of cases for which the Secretary determines that the waiver will not impede the assessment and collection of tax. The current regulations enumerate several instances in which the reporting requirements are to be waived (Treas. Reg. sec. 301.6114-1(c)).

Explanation of Provision

The bill clarifies that the Secretary may, by means other than regulations (e.g., by revenue procedure), provide classes of cases with respect to which the treaty-based return position reporting requirements will be waived.

D. Minor Child Provision

Alternative minimum tax treatment of unearned income of minor children (sec. 3(d) of the bill, sec. 1014(e)(5) of the 1988 Act, and sec. 59 of the Code).

Present Law

The 1988 Act generally limited the alternative minimum tax exemption for the unearned income of children under the age of 14 to $1,000. The Act also provided that the child's alternative minimum tax could not exceed the alternative minimum tax which would be imposed on the parent if the parent were allocated the child's tentative minimum tax and the child's regular tax. The 1988 Act provision may result in a family not being entitled to a full alternative minimum tax exemption ($30,000 for a single individual; $40,000 for a joint return) where the parent's alternative minimum taxable income is less than the parent's minimum tax exemption amount.

Explanation of Provision

The bill provides that the child's minimum tax exemption amount with respect to unearned income shall not be less than the child's share of the "unused parental minimum tax exemption". This amount is the excess of the parent's exemption amount over the parent's alternative minimum taxable income for the taxable year.

E. Estate and Gift Tax Provisions

1. Marital deduction for property passing to noncitizen spouses (secs. 2(1) and 3(f) of the bill, sec. 7815 of the 1988 Act, sec. 5033 of the 1988 Act, and secs. 2056(d), 2056A and 2523(i) of the Code).

Present Law

Marital deduction in general

A deduction generally is allowed for Federal estate and gift tax purposes for the value of property passing to a spouse. Generally, no deduction is allowed if the interest passing to the spouse is terminable (i.e., will terminate upon a lapse of time, the occurrence of a contingency, or on the failure of an event or contingency to occur) (secs. 2056(b), 2523(b)).

There are several exceptions to this "terminable interest" rule. One requires that the spouse be entitled to all the income from the interest and have the power to appoint the entire interest (secs. 2056(b)(5), 2523(e)). Another requires that the spouse be entitled to all the income from the property, that no person have a power to appoint any part of the property to a person other than the surviving spouse during the spouse's life, and that an election be made (secs. 2056(b)(7), 2523(f)) (the "QTIP rule"). Unless otherwise elected, the transfer to a spouse of an interest in a joint and survivor annuity under which only the spouses have the right to receive payments before the death of the last spouse to die qualifies for the marital deduction under the QTIP rule (secs. 2056(b)(7)(C), 2523(f)(6)).

Annual exclusion and marital deduction for property passing to noncitizen spouse

The marital deduction generally is disallowed for the value of property passing to a noncitizen spouse. The first $100,000 per year of gifts to a noncitizen spouse, however, is not subject to gift tax if such amount would qualify for the marital deduction if the donee were a U.S. citizen. In addition, property passing at death to a noncitizen spouse may qualify for the marital deduction so long as it passes in a qualified domestic trust (QDT) and satisfies the generally applicable requirements for the marital deduction.

Definition of qualified domestic trust (QDT)

To be a QDT, a trust must meet three conditions. First the trust instrument must require that one trustee be a U.S. citizen or domestic corporation and that no distribution be made without that trustee's approval. Second, the trust must meet regulatory requirements prescribed by the Secretary of the Treasury. Third, an election must be made on an estate tax return. The 1989 Act contained provisions allowing reformation of a trust to meet these conditions if the reformation suit is commenced before the estate tax return is filed.

Estate tax on QDT

An estate tax is imposed upon a distribution of principal (other than on account of hardship) from a QDT made prior to the surviving spouse's death and upon the value of property remaining in a QDT upon that spouse's death. Certain benefits are allowed in determining the deathtime tax on QDTs so long as that property is includible in the surviving spouse's gross estate (or would have been includible had the surviving spouse been a U.S. citizen) and the requirements for receiving those benefits are otherwise met by the surviving spouse's estate.

Explanation of Provisions

Transfer tax on property passing to noncitizen spouse

The bill extends the gift tax marital deduction allowed for transfers to citizen spouses of survivor benefits under a joint and survivor annuity to transfers to noncitizen spouses. Upon death, however, such an-

nuity would qualify for the marital deduction only if it met the QDT requirements.

It is intended that the entire $100,000 annual exclusion for gifts to a noncitizen spouse qualify as a present interest under section 2503(b), while only the additional $90,000 exclusion permitted noncitizen spouses must be transferred in a form that would qualify for the marital deduction if the donee spouse were a citizen.

The bill also provides that a QDT will not fail the exceptions for power of appointment and QTIP trusts merely because it permits withholding from distributions to pay the QDT tax.

Definition of QDT

The bill replaces the requirement that the U.S. trustee approve all QDT distributions with a requirement that no corpus distribution be made without being subject to the U.S. trustee's right to withhold the estate tax imposed on such distribution.

The bill also provides that no QDT election may be made on a return filed more than one year after the due date of the return, including any extension. In addition, a reformation to meet the QDT requirements may be commenced any time prior to six months after the enactment of this bill, notwithstanding the prior filing of an estate tax return.

Estate tax on QDT

The bill provides that the QDT tax is not imposed upon any distribution to reimburse the spouse for Federal income tax paid on an item of income of the QDT to which the spouse is not entitled under the terms of the trust, e.g., capital gains if such gains are taxable to the spouse. The bill also allows the State and foreign death tax credits for state or foreign taxes paid by the surviving spouse's estate against the deathtime tax on QDTs if the property is includible in the gross estate of the spouse (or would have been had the spouse been a U.S. citizen).

2. Joint tenancies (sec. 2(1)(3) of the bill, sec. 7815(d)(16) of the 1989 Act, sec. 5033 of the 1988 Act, and sec. 2040 of the Code).

Present Law

The creation of a joint tenancy in property is generally treated as a completed gift. Prior to the 1988 Act, such gift between spouses qualified for the gift tax marital deduction. Only one-half of the jointly held property was subsequently included in the estate of the first spouse to die.

Effective July 14, 1988, the 1988 Act repealed the marital deduction for gifts made to a noncitizen spouse. That Act also provided that jointly held property was fully includible in the estate of the first spouse to die, reduced by the portion of the property for which consideration was received.

The 1989 Act provided that a gift made by creating a jont tenancy in property prior to July 14, 1988 is treated as consideration belonging to the surviving spouse for purposes of determining the value of the tenancy includible in the decedent spouse's estate. The rule does not apply if the creation did not result in a gift, as where a nonresident noncitizen transfers property not situated in the United States.

Explanation of Provision

The bill treats a transfer creating a joint tenancy as consideration belonging to the surviving spouse if the transfer would have constituted a gift had the donor been a U.S. citizen. Accordingly, the amount of joint tenancy property included in the estate of the first spouse to die is reduced proportionately by the amount of the gift.

3. Generation-skipping transfer tax: a. Treatment of certain notaxable gifts in trust (sec. 4(c)(1), (2) of the bill, sec. 1431 of the 1986 Reform Act, and sec. 2642(c) of the Code).

Present Law

The applicable rate for the generation-skipping transfer tax equals the maximum Federal estate tax rate times the inclusion ratio with respect to the transfer. For trusts, the inclusion ratio equals the excess of one over a fraction, the numerator of which is the amount of GST exemption allocated to the trust, and the denominator of which is the value of the property transferred to the trust, with certain reductions.

A direct skip is a transfer subject to the Federal gift or estate tax, determined without reference to deductions, exclusions or credits. A direct skip includes, for example, a gift regardless of whether the gift is a taxable gift under the Federal gift tax.

A nontaxable gift is any transfer of property to the extent such transfer is not treated as taxable because of certain exclusions. Nontaxable gifts which are direct skips have a zero inclusion ratio.

A nontaxable gift in trust has an exclusion ratio of zero only if (1) no portion of the corpus or income of the trust could be distributed to a person other than the individual benefited by the gift, and (2) if the individual benefited dies before termination of the trust, the trust assets will be includible in his estate (the "trust exception").

It is unclear whether the discharge of an obligation of support is treated as a distribution for the benefit of a person other than the beneficiary of the gift. It is also unclear whether to qualify for the trust exemption a trust that terminates on the beneficiary's death must be includible in the beneficiary's estate.

Explanation of Provision

The bill provides that the use of trust property to satisfy any obligation of support arising by reason of State law is to be disregarded in determining whether a portion may be distributed to, or for the benefit of, a person other than the beneficiary of the gift if such use is discretionary or pursuant to any State law substantially equivalent to the Uniform Gifts to Minors Act. Thus, a parent is not treated as having an interest in a trust by reason of powers he may have as a guardian for the child. On the other hand, a parent will be treated as having an interest in a trust if the trust instrument mandates that trust assets be used to discharge a support obligation.

In addition, the bill clarifies that to qualify for one trust exception, the assets of a trust that terminates on the beneficiary's death must be includible in the beneficiary's estate.

b. Effective date of the revised generation-skipping transfer tax (sec. 4(c)(3) of the bill and sec. 1433 of the 1986 Reform Act).

Present law

The generation-skipping transfer tax generally applies to transfers made after October 22, 1986, and to certain inter vivos transfers made after September 25, 1985.

The generation-skipping transfer tax does not apply, however, to transfers under a trust to the extent that such trust consists of property included in the gross estate of the decedent or which are direct skips which occur by reason of the death of any decedent if the decedent was incompetent on the date of enactment of the Reform Act (October 22, 1986) and at all times thereafter until death (the "incompetency exemption"). The tax does apply, however, to a transfer of qualified terminable interest property made after October 21, 1988, to a mentally incompetent spouse.

Explanation of Provision

The bill provides that the incompetency exemption does not apply to property transferred by gift or by means of death to the decedent or trust after August 3, 1990. Thus, property transferred after August 3, 1990 to an incompetent will nonetheless be subject to the generation-skipping tax.

F. Employee Benefit Provisions

1. Definition of leased employee (sec. 4(b) of the bill and sec. 414 of the Code).

Present Law

Under present law, for purposes of certain pension and employee benefit requirements, a leased employee (sec. 414(n)) is treated as the employee of the person for whom the leased employee performs services. A leased employee includes any person who is not an employee of the service recipient if (1) the person performs services pursuant to an agreement between the service recipient and a leasing organization, (2) the person has performed services for the service recipient on a substantially full-time basis for a period of at least 1 year (6 months in the case of core health benefits), and (3) the services performed are of a type historically performed by employees in the business field of the service recipient. The rule under which a person can be treated as a leased employee after performing services for 6 months for the service recipient was added in the Tax Reform Act of 1986 when the employee leasing rules were made applicable for purposes of the nondiscrimination rules for employee benefit plans (sec. 89).

Explanation of Provision

The bill repeals the rule under which a person can be treated as a leased employee after performing services on a substantially full-time basis for 6 months in the case of core health benefits. The repeal of this rule conforms the employee leasing rules to the repeal of the section 89 nondiscrimination requirements for employee benefit plans.

2. Group-term life insurance rules (sec. 4(e) of the bill and sec. 79(d)(6) of the Code).

Present Law

Under present law, group-term life insurance plans cannot discriminate in favor of key employees (sec. 79). For such purpose, a key employee is defined as under the rules relating to top-heavy pension plans (sec. 416). In addition, the term key employee includes any retired employee if the employee was a key employee when he retired or separated from service (sec. 79(d)(6)). For purposes of the group-term life insurance rules, the term employee includes a former employee.

Explanation of Provision

The bill provides that, for purposes of the group-term life insurance rules, a key employee includes any former employee (rather than just a retired employee) if the employee was a key employee when he separated from service. This change relates to provisions that were repealed when section 89 was enacted in the Tax Reform Act of 1986. With the repeal of section 89, these provisions are again operative. The change conforms the definition of key employee to the definition of employee generally under the group-term life insurance rules.

The provision applies to employees who separate from service after the date of enactment.

G. Miscellaneous Provisions

1. Education savings bonds (sec. 3(g) of the bill, sec. 6009 of the 1988 Act, and sec. 135 of the Code).

Present Law

Section 135 provides that interest earned on certain U.S. Series EE savings bonds issued after December 31, 1989, is excludible from gross income if the proceeds of the bonds upon redemption do not exceed qualified higher education expenses paid by the taxpayer during the taxable year. The exclusion is phased out for taxpayers with modified adjusted gross income (AGI) between $40,000 and $55,000 (the phase-out range is between $60,000 and $90,000 in the case of a joint return). For taxable years beginning after 1990, the phaseout ranges are adjusted for inflation. Such adjustments will be rounded to the nearest $50.

Explanation of Provision

The provision clarifies that, after 1990, the $40,000 threshold ($60,000 in the case of a joint return) for the phase-out range will be adjusted for inflation, but that the size of the phase-out range will not change due to inflation. Thus, the phase-out of the interest exclusion will occur over a $15,000 range (a $30,000 range in the case of a joint return), the threshold of which will be adjusted for inflation.

The provision also clarifies that the requirement that the inflation adjustment be rounded to the nearest $50 applies only to establishing the thresholds of the phase-out ranges.

2. Like-kind exchanges of certain partnership interests (sec. 4(d) of the bill, sec. 77 of the Tax Reform Act of 1984, and sec. 1031 of the Code).

Present Law

The Tax Reform Act of 1984 provided that the like-kind exchange rules of section 1031 do not apply to an exchange of interests in a partnership. It is not entirely clear, however, whether this provision applies to organizations which have elected, under section 761(a) of the Code, not to be subject to the partnership provisions of Subchapter K of the Code. The legislative history indicates that this provision was not intended to apply to organizations which have made a section 761 election; instead, an exchange of interests in such organizations would be treated as an exchange of interests in the assets of the respective organizations and the applicability of section 1031 would be determined on the basis of those exchanges. See 130 Cong. Rec. H. 7113 (June 27, 1984) (statement of Mr. Rostenkowski), S. 8410 (June 27, 1984) (statement of Sen. Dole).

Explanation of Provision

The bill provides that, for purposes of section 1031, an interest in a parnership that has in effect a valid election under section 761(a) to be excluded from the application of all of Subchapter K is treated as an interest in each of the assets of such partnership and not as an interest in a partnership.

A SOLUTION TO THE POLLUTION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, too many Americans continue to breathe dirty air. Ironically, Webster's defines air as "the mixture of invisible, odorless, tasteless gases that surrounds the earth." I wonder if he had in mind acid rain, urban smog, and air toxics.

What can be done to conserve and strengthen a healthy economic atmosphere? First, we must do the obvious and that is address the problems and the issues that are causing the unhealthy atmosphere. Second, find the solution, and last, take the appropriate steps to improve it. And we have made strides in this area.

But over the last 4 years we have been trying to break the logjam over clean air legislation. Altercations with environmentalists and industrial representatives plagued Congress from passing legislation last year. But this year the House recently passed H.R. 3030, the Clean Air Act Amendments of 1990, a major victory of which I am proud to have cosponsored. And above all, the provisions in this comprehensive legislation will work.

Mr. Speaker, we have made a lot of progress in cleaning up our environment over the last 20 years. Yet there is still much to be done. Back in 1970 when Congress passed the Clean Air Act, it got us moving in the right direction in establishing national air quality standards. And then in 1977 we amended the Clean Air Act. But environmental issues have persisted and will continue to command attention throughout the 1990's.

Global climate warming—commonly known as the greenhouse effect—is in an early stage and acid rain is just coming through this year. Two very vital and rather perplexing issues.

The most pressing environmental issue is global climate warming. Unfortunately, what we currently know about global climate change is only a fraction of what we do not know. What we do know, however, is that human activities affect the environment and these activities are changing the Earth's climate. Activities from the burning of fossil fuels in our powerplants and factories, to the driving of our automobiles, to the destruction of tropical rain forests.

The summer of 1989's record-breaking ozone levels, the scorching temperatures, widespread drought, and new weather data actually made Congress, the media, and the public aware of the dangers of the greenhouse effect.

According to scientists, the burning of oil, coal, and natural gas produces carbon dioxide, which is the most prevalent of the heat-trapping gases contributing about half of the worldwide emissions leading to the suspected warming effect. Chlorofluorocarbons, man-made chemicals such as freon, contribute to another 20 percent. These chemicals are known to have damaged the Earth's protective ozone layer, that part of the stratosphere which absorbs dangerous ultraviolet radiation from the Sun. Other greenhouse gases such as methane—livestock, wetlands, and rice paddies—and nitrogen oxides are believed to account for the rest of the phenomenon.

Some experts contend that acid rain causes such environmental problems as loss of fish in lakes, damage to crops and forests, and corrosion of materials. As rain falls, it absorbs gases and tiny solid particles from the atmosphere. When the absorption of sulfur and nitrogen oxides results in an above-normal degree of acidity, the precipitation is called acid rain. These oxides are primarily products of the combustion of fossil fuels such as petroleum products and coal.

And to complicate the problem, Third World countries are systematically destroying their rain forest in the face of mounting economic and population pressures. That contributes to the problem because when trees decay or are burned, they release carbon dioxide into the atmosphere. An important fact, as I am sure we all know, is that healthy trees absorb carbon dioxide, so it follows that with fewer trees on the planet, more carbon dioxide remains in the air.

I cosponsored H.R. 39, a bill to designate certain lands in Alaska as wilderness. And H.R. 987, the Tongass Timber Reform Act, a bill to amend the Alaska Natural Interest Lands Conservation Act, designating certain lands in the Tongass National Forest as wilderness.

The acid deposition control provision in H.R. 3030 provides for a stringent 10-year phase-in reduction of sulfur dioxide, and reduction of emissions of nitrogen oxides. It will also impose excess emissions fees on any emissions exceeding allowances, and provide deadline extensions for clean coal technologies.

The environment is not a fad. It's here to stay. And every American living deserves to enjoy it without the worry of some life-threatening pollutant entering their system. Perhaps best described by Samuel Coleridge's line from "The Rhyme of the Ancient Mariner"—"water, water everywhere, nor any drop to drink"—could conceivably characterize a growing number of American communities, where the drinking water has been tainted by pollutants. Since the passage of the Clean Water Act 20 years ago and the enactment of the 1987 Water Quality Act amending and extending the Clean Water Act, water issues continue to remain a national concern.

In the past we were concerned about surface waters like lakes, rivers, streams, and open reservoirs that might harbor infectious organisms form sewage and wildlife. Modern agricultural and industrial practices have changed all this. Surface waters have been contaminated by industrial wastes, chemical spills, and runoff from highways and city streets, and the most persistent runoff hazards are asbestos and sodium from the sand and salt used on icy roads. But the greatest havoc has been wrought on land where chemicals from industrial dumps, waste disposal tanks, and wells and septic tanks have seeped into the ground water, the source of drinking water for half the country. Cleaning up the environment is a tremendous and tough challenge.

Several years ago I authored legislation to clean up the north branch of the Chicago River. The Army Corps of Engineers is directed to coordinate the annual north branch debris removal. These types of projects are vital in the continuing effort of maintaining clean rivers and helping the overall reduction of water pollution within major cities. This year the corps, with funds from both fiscal years

1989 and 1990, will be able to perform a complete cleanup of the three forks of the north branch within Cook County.

Every living thing on this Earth deserves to breathe clean air. I do not know of one person that would not want to see the natural beauty of our country preserved and who would not appreciate the value of clean air and clean water. Therefore, Mr. Speaker, I say let us clear the air. The solution to the pollution is in our Clean Air Act Amendments of 1990.

A NATIONAL DISGRACE: RELATIVE HEALTH OF BLACKS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, The health of blacks in America is a national disgrace, and it is a national disgrace that the administration and its Secretary of Health have not made health policy their highest domestic priority.

As the figures will show, smoking is one small part of the black health disaster. Secretary Sullivan has picked up the battle that Surgeon General Koop so well started, and that is good. But it is a tiny part of the total problem. Secretary Sullivan has proposed new initiatives for work on minority health initiatives. But the amount budgeted for that program is rounded to zero in the larger health picture. Indeed, the administration proposed to spend more on extra and—according to GAO—unnecessary payments to HMO's than they proposed to spend on the Secretary's initiative.

The numbers are so grim, that if I were Secretary of HHS, I would spend every working day trying to get better health care to the Nation's uninsured and under insured people who are disproportionately minorities. And if the Office of Management and Budget ignored my cries and proceed to cut key budgets in the health field, I would resign as a matter of principle.

There was a book written about the failure of the West in World War II to act to save European Jewry, and it shows that even though we knew what was going on, we were silent. It is called "While Six Million Died."

We know what is going on in the life and death of those in our society without health insurance. Why are we silent?

Failure to make this a battle of principle, is really to turn one's head while thousands die needlessly and millions endure shortened lives and unnecessary tragedy.

Is the lust for office in our society so overwhelming, that otherwise good people look the other way and mouth support for further cuts in health care for the uninsured and poor? That they would oppose every effort to extend health insurance coverage to some of the 60-plus million Americans who are without health care during some part of every year?

No one can read the following statistics and not feel that it is a national disgrace to remain silent on this Government neglect.

The memo follows; I would just note that the data compares blacks with Caucasians; similar disparities occur between Caucasians and the other minority groups in our society.

1. Infant mortality:

Infant mortality for Blacks is twice that of whites—17.9 per 1,000 for Blacks vs 8.6 for whites.

Between 1980 and 1987, white infant mortality fell by 22 percent while Black infant mortality fell by only 16 percent.

Blacks living in the District of Columbia have an infant mortality rate that is higher than many nations.

Mortality rate per 1,000:

Blacks in DC, 23.5.

Chile, 19.1.

Costa Rica, 17.8.

Poland, 17.5.

2. Life expectancy:

White life expectancy at birth is 6 years longer than Blacks.

Death rates for Black males are: 27 percent higher from heart disease, 44 percent higher from cancer, 92 percent higher for diabetes, 3 times as high for AIDS, and 7 times as high for homicides.

3. Risk factors:

Vaccination rates for Blacks are ⅓ lower than for whites, 50 percent of Blacks have hypertension, 40 percent of whites; 38 percent of Blacks are overweight; 25 percent of whites; 39 percent of Black males smoke, compared to only 30 percent of white males.

4. Health status:

42 percent of whites rate their health as "excellent" compared to only 28 percent of Blacks; 8 percent of whites rate their health as "fair or poor", compared to 16 percent of Blacks.

5. Use of physicians:

Whites have more physician visits per year: Average of 5.5/yr compared to 4.8/yr; whites usually see physicians in their offices; 60 percent of visits for whites compared to 50 percent for Blacks.

Blacks are twice as likely to rely on emergency rooms and hospital outpatient departments; 22 percent of visits compared to 11 percent.

Whites have twice as many dental visits per year as Blacks. Only 6 percent of medical students are Black, compared to 12 percent of total population.

6. Insurance status:

23 percent of Blacks under age 65 are uninsured; only 14 percent of whites; Blacks more likely to be dependent on Medicaid, 17 percent of Blacks; 4 percent of whites.

7. President's FY 91 budget proposed to spend more on "overpaying" HMOs than on Sullivan's minority health initiative: $180 million for HMOs vs. $117 million for minority initiative.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 5 minutes.

[Mr. PARRIS addressed the House, his remarks will appear hereafter in the Extensions of Remarks.]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEAR 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of spending, credit, and revenues for fiscal year 1990. This is the 3d report of the 2d session of the 101st Congress.

The term "current level" refers to the estimated amount of budget authority, outlays, credit authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

Current level reports are intended to provide Members information to compare enacted spending and revenues with the aggregate ceilings on budget authority, outlays, and revenues established in a budget resolution, and also to compare enacted legislation with the allocations of new discretionary budget authority, entitlement authority, and credit authority made to a committee pursuant to subsection 302(a) of the Budget Act. This report compares the spending, credit, and revenue levels in current level with those assumed in the budget resolution for fiscal year 1990 (House Concurrent Resolution 106), adopted on May 18, 1989.

Current level reports provide information that is necessary for enforcing section 311 of the Budget Act. Section 311(a) prohibits the consideration of a spending or revenue measure if the adoption of that measure would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause revenues to be less than the appropriate level of revenues set forth in the budget resolution.

Section 311(b) provides an exception to the 311(a) point of order for measures that would breach the ceilings on total spending set forth in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of discretionary spending made pursuant to section 302(a) of the Budget Act. Such an exception was first provided by the budget resolution for fiscal year 1985 (House Concurrent Resolution 280, 98th Congress). The exception was made permanent by the amendments to the Budget Act included in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, Gramm-Rudman-Hollings). This exception is intended to protect a committee that has stayed within its allocation of discretionary budget authority and new entitlement authority from points of order if the total spending ceilings have been breached for reasons outside of its control. For fiscal year 1990, the 302(a) allocations to House committees made pursuant to the conference report on House Concurrent Resolution 106 were printed in House Report 101-50, May 18, 1989.

Section 311(c) of the Budget Act provides that, for purposes of enforcing section 311, the levels of new budget authority, entitlement authority, outlays, and revenues shall be determined on the basis of estimates made by the Committee on the Budget. Current level reports repre-

sent partial fulfillment of this enforcement responsibility of the Budget Committee by providing both estimates of enacted aggregate spending and revenues, and, for purposes of determining the applicability of the section 311(b) exception, estimates of the relationship between the budgetary effect of enacted legislation within a committee's jurisdiction and the allocation of spending authority made to that committee.

The estimates in this report are based on economic and technical assumptions in place at the time of the adoption of the budget resolution, House Concurrent Resolution 106, on May 18, 1989. This is intended to protect committees which acted on the basis of the assumptions of the budget resolution from changes in economic and technical factors over which they have no control. Unless the Congress adopts a subsequent budget resolution for a fiscal year that alters the assumptions concerning legislative actions, committees should be able to expect that measures that conform with the budget resolution will not be subject to points of order for violation of the Budget Act. To do otherwise and base enforcement on constantly changing economic and technical estimates would seriously disrupt the legislative process, penalize committees that are unable to complete work on legislation within a short period after adoption of a budget resolution, and undermine respect for budget enforcement procedures.

In addition to section 311, the Budget Act contains another point of order that requires Budget Committee estimates for enforcement. Section 302(f)(1) of the Budget Act prohibits the consideration of a measure providing new budget authority, new entitlement authority, or new credit authority if the adoption of that measure would cause a committee to exceed its allocation of new spending or credit authority made pursuant to subsection 302(b) of the Budget Act. The 302(b) allocation is a subdivision of the new spending, new entitlement, and new credit authority allocated to a committee pursuant to section 302(a), among either the subcommittees of that committee or among programs over which the committee has jurisdiction. This point of order was added to the Budget Act by the amendments included in the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 302(g) provides that the enforcement of section 302 shall be based on estimates of spending and credit authority made by the Committee on the Budget. The Budget Committee fulfills this responsibility by providing, as necessary, a separate section 302 status report to the Speaker.

For information purposes only, current level reports will continue to include a comparison of the budget and credit authority divided among the Appropriations subcommittees by that committee's 302(b) division with the actual enacted spending and credit legislation within each subcommittee's jurisdiction.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, August 1, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974, as amended, to provide estimates of the current level of revenues and spending.

I am herewith transmitting the status report under H. Con. Res. 106, the Concurrent Resolution on the Budget for Fiscal Year 1990.

In the House of Representatives, the procedural situation with regard to the spending ceilings (total new budget authority and total outlays) and the revenue floor is affected by Section 311 of the Congressional Budget Act of 1974, as amended by P.L. 99-177. Section 311(a) prohibits the consideration of a spending or revenue measure which would cause the ceiling on total new budget authority or total outlays set in the budget resolution for a fiscal year to be exceeded or would cause total revenues to be less than the appropriate level set in the budget resolution. Section 311(b) provides an exception to the 311(a) point of order for measures which would breach the ceilings on total spending in the budget resolution but would not cause a committee to exceed its "appropriate allocation" of new discretionary budget authority or new entitlement authority under Section 302(a) of the Budget Act.

The intent of Section 311(b) of the Budget Act is to protect a committee that has stayed within its spending authority allocations—new discretionary budget authority or new entitlement authority—from points of order if the total spending ceilings have been breached for reasons outside of its control. The 302(a) allocations to House committees made pursuant to the conference report on H. Con. Res. 106 were printed in the joint explanatory statement of the Committee of Conference in H. Rept. 101-50. (May 15, 1989).

The enclosed tables compare enacted legislation to each committee's 302(a) allocation of discretionary budget authority, new entitlement authority, new direct loan obligations and new primary loan guarantee commitments. The estimates of spending and revenues for purposes of the application of points of order under the Budget Act are based upon the economic and technical assumptions underlying the fiscal year 1990 budget resolution, H. Con. Res. 106.

Sincerely,

LEON E. PANETTA,
Chairman.

Enclosures.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1990 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 106

REFLECTING COMPLETED ACTION AS OF JULY 31, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	1,329,400	1,165,200	1,065,500
Current level	1,327,198	1,171,640	1,060,256
Amount under ceilings	2,202		
Amount over ceilings		6,440	
Amount under floor			5,244
Amount over floor			

BUDGET AUTHORITY

Any measure which provides budget or entitlement authority and which is not included in the current level estimate and that exceeds $2,202 million in budget authority for fiscal year 1990, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 106 to be exceeded.

OUTLAYS

Any measure which provides budget or entitlement authority that increases outlays and which is not included in the current level estimate for fiscal 1990, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 106 to be exceeded.

REVENUES

Any measure that would result in a revenue loss which is not included in the current level revenue estimate for fiscal year 1990, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 106.

FISCAL YEAR 1990 BUDGET AUTHORITY: COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION ALLOCATION BY COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

	Current level budget authority
House committee:	
Agriculture	+604
Appropriations [1]	+1,960
Armed Services	+177
Banking, Finance, and Urban Affairs	+3,491
District of Columbia	
Education and Labor	
Energy and Commerce	+321
Foreign Affairs	
Government Operations	
House Administration	+4
Interior and Insular Affairs	+205
Judiciary	
Merchant Marine and Fisheries	+200
Post Office and Civil Service	−330
Public Works and Transportation	
Science and Technology	
Small Business	
Veterans' Affairs	
Ways and Means	−7,695

	Current level budget authority
Unassigned (sequestration)	−4,288

[1] See next table for detail.

NOTE.—Committees are over (+) or under (−) their 302(a) allocation for "discretionary action".

FISCAL YEAR 1990 HOUSE APPROPRIATIONS COMMITTEE DISCRETIONARY ACTION: COMPARISON OF CURRENT LEVEL AND BUDGET RESOLUTION SUBDIVISIONS OF THE HOUSE APPROPRIATIONS COMMITTEE PURSUANT TO SEC. 302

[In millions of dollars]

House Appropriations subcommittee	Current level budget authority	Direct loans	Primary loan guarantees
Commerce, State, Justice	+648	−32	+806
Defense	−1,911		
District of Columbia	−2		
Energy and Water	+37		
Foreign Operations	+885	−31	+2,309
Interior	+14		
Labor, HHS, Education	−1,107		
Legislative Branch	−52		
Military Construction	−243		
Rural Development and Agriculture	+128	−71	
Transportation	+2,113	−3	
Treasury, Postal Service	+207		
VA/HUD/Independent Agencies	+1,243		
Total	+1,960	−137	+3,115

Note.—Subcommittees are over (+) or under (−) their 302(b) subdivisions for "discretionary action".

FISCAL YEAR 1990 ALLOCATION OF NEW ENTITLEMENT AUTHORITY (NEA) PURSUANT TO SEC. 302

[In millions of dollars]

Committee	Allocation	Reported [1]	Enacted [2]	Enacted over (+)/ under (−) allocation
Agriculture	−600	−1,740	−86	+514
Appropriations		+1,676	+1,676	+1,676
Armed Services		+1,953	+2,060	+2,060
Banking, Finance and Urban Affairs	+399	+1,000	+2,000	+1,601
Education and Labor	+15	−24	−25	−40
Energy and Commerce	+200	+256	+151	−49
Interior and Insular Affairs		+205	+205	+205
Post Office and Civil Service	−550	−700	−745	−195
Veterans' Affairs	+457	+453	+458	+1
Ways and Means	−2,700	−4,278	−4,800	−2,100

[1] These figures are used for 401(b)(2) of the Budget Act.
[2] These figures are used for 302(f) points of order.

The figures for the Armed Services and Appropriations Committees represent the full costs of the January 3.6% pay raise for Federal military and civilian personnel respectively. The pay raise was assumed in the budget resolution, but New Entitlement Authority (NEA) was not allocated to any committee because the budget resolution assumed that the pay raise would be achieved through administrative action.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 1990.

Hon. LEON E. PANETTA,
Chairman, Committee on Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays, estimated revenues, and direct and guaranteed loan levels in comparison with the appropriate levels for those items contained in the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report, for fiscal year 1990, is tabulated as of close of business July 31, 1990. A summary of this tabulation follows:

[In millions of dollars]

	Current level	Budget resolution H. Con. Res. 106	Current level +/− resolution
Budget authority	1,327,198	1,329,400	−2,202
Outlays	1,171,640	1,165,200	6,440
Revenues	1,060,256	1,065,500	−5,244
Direct loan obligations	19,118	19,300	−182
Guaranteed loan commitments	115,051	107,300	7,751

Since my last report, dated June 6, 1990, the President has signed into law the Amtrak Reauthorization and Improvement Act (P.L. 101-322). This action has no effect upon the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG. 2D SESS.: HOUSE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS JULY 31, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,059,700
Permanent appropriations and trust funds	937,469	772,111	
Other legislation	583,287	591,457	566
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	1,327,650	1,170,462	1,060,266
II. Enacted this session:			
Dire emergency supplemental appropriations (P.L. 101-302)	2,293	666	
Technical amendments to title 5, U.S. Code (P.L. 101-303)		−1	
Amtrak Reauthorization and Improvement Act (P.L. 101-322)	−10		−10
Total enacted this session	2,283	665	−10
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−8	1	
Payment to judicial officers; retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−5		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−1,057	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to states for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to states for AFDC programs	15	15	
Payments to states for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−2,000		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	258	208	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	−7		
Total entitlement authority	−2,734	512	
Total current level as of July 31, 1990	1,327,198	1,171,640	1,060,256
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		6,440	
Under budget resolution	2,202		5,244

[1] Less than $500,000.
Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.

RE-HIRE QUALIFIED AIR TRAFFIC CONTROLLERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HOCHBRUECKNER] is recognized for 5 minutes.

Mr. HOCHBRUECKNER. Mr. Speaker, today, August 3, 1990 marks the ninth anniversary of President Reagan's decision to fire 11,400 air traffic controllers who were participation in the Professional Air Traffic Controllers Organization [PATCO] strike. Today, air traffic controllers at the Washington Air Route Traffic Control Center in Leesburg, VA are picketing to protest the continued critical shortage of full performance level [FPL] controllers at many of the Nation's busiest air traffic control facilities.

I am introducing legislation today which can address the problem of our severe shortage of fully trained air traffic controllers in the quickest and most cost-effective manner possible. My legislation would require the rehiring of 1,000 former air traffic controllers over the next 2 years. Identical legislation was passed by the House on March 30, 1988 by a vote of 234 to 180. Thirty-six of my colleagues, from both

sides of the aisle, are joining me as original cosponsors of this legislation. This legislation is not a blanket rehire; however, it would allow these highly qualified and experienced individuals to compete competitively for new controller positions in the FAA.

While over the past 9 years the Federal Aviation Administration [FAA] has been able to restore the number of air traffic controllers to close to its prestrike level, the FAA is still far below the necessary number of FPL controllers. FPL controllers are the only ones who are fully qualified to operate all positions in a defined area. Prior to 1981, the FAA air traffic controller work force included 13,000 FPLs. By August 31, 1987, the number of FPL's was 9,695. This year, the FAA has just over 10,000 FPL's. Meanwhile, the number of flight operations handled by air traffic controllers has increased 20 percent from 66.7 million flight operations in 1981 to 80.4 million 1989.

Increased air traffic combined with an overworked and understaffed corp of air traffic controllers has resulted in an overburdened system in which flight delays are the rule rather than the exception. The lack of fully trained controllers is especially severe at our Nation's busiest airports. Incidents such as the recent Avianca Airlines' crash in Cove Neck, NY, illustrate the hazards of not having available a sufficient number of fully trained air traffic controllers.

Maintaining order throughout the hectic, crowded skies of our Nation is a complicated and highly stressful job. It is a job which demands special talents and training to perform properly. As the volume of air traffic continues to increase, it is urgent that the FAA be equipped to handle this traffic in a safe, efficient and cost-effective manner. While it takes an average of 3 to 4 years to fully certify a developmental controller to FPL status, it has been estimated that recertification of former controllers could be accomplished in as little as 3 to 6 months.

The National Air Traffic Controllers Association [NATCA] supports allowing controllers fired in the 1981 strike to be rehired on a competitive basis. The legislation I am introducing today can make available 1,000 individuals with the proven ability and dedication to help manage the Nation's air traffic. I hope that the House will be able to consider this legislation in September so that we can restore the number of FPL controllers to an appropriate level as soon as possible.

THE 97TH ANNIVERSARY OF BIRTH OF WRIGHT PATMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, next Monday, we mark the 97th anniversary of the birth of one of the giants of this institution—Wright Patman.

Wright Patman has been dead for 14 years, but his influence is still felt in the Banking Committee, in the House, and among what he liked to call the "plain people" of the Nation—the little people. Patman was fond of telling us that the big boys—the bankers and the business establishment—had their representatives—the lobbyists—on a permanent full-time detail in Washington. It was the Congress' job, Wright reminded his colleagues constantly, to represent the people.

It was good advice often repeated during his 48 years in the House of Representatives.

When Wright Patman died on March 7, 1976, the New York Times noted:

> To Wright Patman, the root of all evil was the concentration of economic power in the hands of a small number of bankers, business executives and government officials. He spent his life trying to expose the evils and restrict the power and his record contained many successes and many failures. His tenacity in fighting those who he felt had too much power was legendary. His critics called it "pigheadedness". His charges and proposals were ignored over and over by his colleagues in Congress, but he would come back the next week, the next month, the next year with the same charges and the same plans. He lived to see many of the ideas embodied in law and many others, originally denounced as far out, become a standard part of the platform of liberal Democrats everywhere.

Patman was involved in a wide ranging array of legislation, investigations, and studies—credit unions, small business, full employment, bank regulation, numerous anticoncentration, antiinterlock, antimonopoly efforts, impeachment proceedings against Secretary of the Treasury Andrew Mellon, the ultimate resignation of Mellon, the World War I veterans bonus, passed as an economic pump-priming legislation over three Presidential vetoes, the first investigation of the Watergate scandal and the movement of the coverup money through the banking system.

This list is long. As the old Washington Star once commented:

> A flood of studies, reports and educational materials poured from the Committee and its enthusiastic staff. He became a public educator of the people of money and banking, and his studies of conflicts and financial interlocks radiated sunshine into long-darkened corridors of the powerful money centers.

But, for all the studies, investigations and legislation, Wright Patman will best be remembered for one thing—his life-time battle against high interest rates, tight money and the Federal Reserve. He saw the Federal Reserve not as a manager, but a manipulator of monetary policy—manipulation for the benefit of the big banks and the big business establishment to the detriment of the home buyer, the worker, the consumer.

High interest rates, he correctly argued, prices people out of homes, eliminates opportunities for small businesses, and puts millions of workers out of jobs.

Patman was always concerned that high interest rates were taking an inordinate portion of the national budget, transferring wealth from the ordinary taxpayer to the banks and the wealthy who purchased the Government debt.

He would have been appalled at President Bush's current budget which contains $175 billion just to pay interest on the debt—a whopping 15 percent of the total Federal outlays—and a rising number.

Wright Patman was on the floor often to protest high interest rates. Here are some of his comments when interest rates went up in the late 1960's—typical of his philosophy:

> This action of forcing higher and higher interest rates on the American people, if not stopped, will lead to the worst depression in our history, bringing along with it massive unemployment, sheriff sales, and bankruptcy.
>
> The biggest bankers in the nation who make the most money from high interest rates are in charge of our monetary policy. Certainly the people who profit from high interest rates should not be allowed to fix the interest rates at higher and higher levels, but this is in fact what is happening.
>
> Inflation is given as the cause of these higher interest rates but our own history indicates that the higher interest rates go, the more inflation there is. Inflation cannot be stopped by creating more inflation through higher interest rates.
>
> Stopping inflation with higher interest is about as effective as putting out a fire with gasoline.

SOME GRANDFATHERLY ADVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, it is 15 minutes.

The SPEAKER pro tempore. The order in front of the Chair is for 5 minutes.

If the gentleman wishes to proceed for 15 minutes, and there is no objection, it is granted.

There was no objection.

Mr. DORNAN of California. Mr. Speaker, I was first sworn into this House on January 4, 1977, and I have served under three Speakers. I have had excellent relations with all three, friendly, cordial, professional, and with the longest relationship, a decade with the inestimable Tip O'Neill of Massachusetts, a somewhat warm relationship due to a shared Irish heritage.

I came across a passage in his book, "A Man of the House" which were the

last words I heard him speak in this Chamber when he bid adieu to all his colleagues.

He said, "I will always remain a man of the House," hence the title of that book.

There was something in that book that haunted me during that painful and tortuous ethics debate that we had a week ago yesterday in this Chamber. I would like to refresh everybody's memory by reading from "A Man of the House" published by Random House, on page 216. It was about a long-standing Member from the great State of Presidents, the State of Ohio, Wayne Hays and the ethics problems that he got into that caused the termination of his career here in Congress, although he was born again back to the legislature in Ohio as a State senator.

The former Speaker, Tip O'Neill, writes:

There was no way that someone with Hays' personality would ever be elected Majority Leader——

At this point Mr. O'Neill was already majority leader. He says:

When Wayne Hays resigned from Congress, most of us were delighted to see him go. It was Hays, of course, who hired Elizabeth Ray as a secretary who worked for the House Administration Committee and was paid $14,000 a year, even though she couldn't type or file. In May of 1976 she got her boss in real trouble when she told two reporters from the Washington Post that her real job was to be his girlfriend. I was Majority Leader at the time and when the story broke, Carl Albert and I were on a plane to London to pick up the Magna Carta——

This magnificent document was in the Rotunda when I arrived as a freshman a few months later.

which was being loaned to the United States for the Bicentennial. By the time we landed in London, the news was all over the world. As soon as I returned to Washington, Congressman Hayes came in to see me.

"I have been to see the Speaker and he says we can forget about this whole thing, that the leadership can let me off with a warning."

"No way," I replied. "You have disgraced the Congress and you have got to resign your chairmanships.

"But Carl said it would be all right."

Now, Carl's problem——

Mr. O'Neill writes—

was that he said yes to everybody.

"It may be all right with the Speaker" I told Hays, "but it's not all right with me. If you don't resign, I am going to bring this business before the Caucus and we will strip you of your chairmanships on the spot."

Not surprisingly, Wayne Hays chose to resign.

Now, I do not know if we have different standards in this Chamber than when I came here, but I am going to use an Irish device first brought to notoriety in the English-speaking world by the great Irish writer, Jonathan Swift, the author of Gulliver's Travels and other great political stories disguised in satire, so I am going to use just a bit of satire here in my last talk to my colleagues before we take this break, Mr. Speaker. I am going to speak with some grandfatherly advice, because God willing, the first week of August, that is the week we are in, I am supposed to become a grandfather for the eighth time. My older son, Bob Jr., is expecting a little girl or boy before the 10th of August. If it is a girl it will be probably Catherine Octavia Dornan, Kate O'Dornan. If it is a boy, we have not really talked about it, but I would be honored if it were Robert Kenneth Patrick Dornan, III.

Now, let me as the father of eight grandchildren to give some grandfatherly advice to the heterosexual Members of this Congress.

□ 0320

My male and female colleagues who are heterosexuals, here is the advice: If during this break you are tempted to pick up some of the salacious heterosexual pornographic literature around this country available on street corners unfortunately in my State, resist any Henry Higgins urge for that Pygmalion desire to redeem Eliza Doolittle. Do not take any prostitutes or gigolos home, put them on any salary, Federal as Wayne Hays did or private, and expect that a terrible scandal will not befall you.

Human nature being what it is, if you keep them around for 18 months, you are going to find yourself involved beyond your depth. Do not think the Ethics Committee will show any mercy to you, my fellow heterosexuals, if you get so deeply into a scandal that you are fixing parking tickets, that you are telling lies on official stationery to people that maybe are supposed to watch the conduct of some of these prostitutes, and heaven forbid if one of them has been involved in a scandal involving child pornography or has dealt in drugs, the curse of our time, our generation in this country, because the Ethics Committee will not allow you to apologize and cop a plea that in some way society made you do this. That will not fly for any of the heterosexuals in this House, and you will probably be, as Wayne Hays was, forced to leave this Chamber, and if you are on the outside, here are the professions you will not be able to pursue.

This thought came to me when several of our Hill police officers said,

Congressman, if I were involved in any kind of scandals that I have seen here over the last few years, any one of us on this Hill, any of the male or female police officers would be fired before the Sun set.

That was said to me by a police officer right outside that east door.

Now, I asked my staff to put together some professions that they think any one of us busted out of this distinguished legislative body would not be able to pursue. Then I had a staffer put them all in alphabetical order. It starts off with airline cockpit crews. Do not think if you leave here even if you were young enough you could enter the staff of any airline in the world. Of course, you cannot be an astronaut, could not be an accountant, if bonded. You would not be selected as an ambassador to any country in the world. You would not be accepted on the board of directors of the American Bar Association. You would not be an anchorman or woman, radio, television, any station in this country or Europe. If you are in the armed services and you were commissioned, you get a dishonorable discharge. If you were a reservist here, the same if you were enlisted or an NCO or reservist, of course, and you would not be hired by the Attorney General for any position in the Justice Department, top to bottom. You could not be a baseball club owner in any of the major leagues or minors. You could not be a Big Brother. You could not give blood. You could not fly with the Blue Angels or the Thunderbirds, but then you could not be an officer, but then you could not be in the military at all. You would not get appointed to any Cabinet posts or any confirmable position in the U.S. Government at all. You could not be a candy striper at a hospital; could not be the CEO of any Fortune 500 company. I mentioned that on the floor here recently. You could not be a child-care provider; could not be a child photographer, oh, you could open a store, but you would not have any clients. You could not be a CIA agent or a DEA agent, could not be a city manager anywhere in the country. You could not be a congressional staffer if the Congressman was on Armed Services or the Intelligence Committee, because you would never get a security clearance, so do not think you will come back here that way. You could not be a district attorney anywhere in the country. You could not be a dogcatcher out there in the heartland even in most of California. You could not be a drug czar. You could not get Father of the Year award; you could not get Mother of the Year award; could not be an FBI agent, a fireman, could not be a high-school coach or principal of a high school or any officer position; probably could not sit on most school boards, a member of the House of Commons or the House of Lords, or most parliaments of the world. It seems I mentioned that. So do not go to England. You could not be a journalist. Ben Bradlee certainly would not hire you. You could not work as a judge at any level, could not clerk at the Supreme Court, and do not expect to get nominated for a Supreme Court position. Remember what happened to the circuit court justice Doug Ginsberg for smoking merely some mari-

juana cigarettes as a law professor. You could not join the Kiwanis, the Elks, Sertoma, Rotary or the masonic lodge. You could not be a little league coach. You could not be Mayor of Washington, even though that is opening up soon, or mayor anywhere. You could not be a medical student. Yes, a Pygmalion attempt gone awry will deny you entry into medical school even in Grenada or Mexico. You cannot be a meter maid, a missionary to Asia or Africa or anywhere else, a parole officer, a pediatrician, but you could probably set up office but parents would not bring their children to you, and I repeat, police officer, sheriff anywhere that I know, prison guard, rabbinical studies would be denied to you, Christian seminary training would be denied to you. And notice the Pygmalion problem with the distinguished archbishop of my faith down in Atlanta.

You cannot be the Republican national chairman, a school nurse, a scoutmaster. You cannot have a security position at the Department of Defense, because it would require a security clearance. You could not be a sportsman-president—think of Misters Rose and Steinbrenner—or a university president.

And I close again in the clouds, you could not be a steward or stewardess at any airline.

I am not being sarcastic, my colleagues, Mr. Speaker, about these professions. I would say to my heterosexual brothers and sisters, be careful how you conduct yourself out there during this break. It is a district work period. Do not bring disgrace upon this Chamber, and if you think you can run for reelection and get elected again, you can. And if you are qualified to serve, over 25, an American citizen, naturalized or born, there is a third leg to that stool to serve here, and it is in the Constitution. Look it up during the break. This body, both Houses, shall be the judge of their Members.

And that is what we forget sometimes when people take this well and say leave it to the voters. If I may be so bold, in the Jonathan Swift tradition, may I give some advice to my homosexual colleagues in this House. There is no such thing as safe sex. We have already buried one Member who died of AIDS. Try celibacy. It tends to build character.

I thank the Speaker. I yield back the balance of my time. Have a good district work period.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4790) to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Mortality Prevention Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR PREVENTION AND CONTROL OF BREAST AND CERVICAL CANCER.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XIV the following new title:

"TITLE XV—PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS

"SEC. 1501. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States on the basis of an established competitive review process for the purpose of carrying out programs—

"(1) to screen women for breast and cervical cancer as a preventive health measure;

"(2) to provide appropriate referrals for medical treatment of women screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) to develop and disseminate public information and education programs for the detection and control of breast and cervical cancer;

"(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of breast and cervical cancer;

"(5) to establish mechanisms through which the States can monitor the quality of screening procedures for breast and cervical cancer, including the interpretation of such procedures; and

"(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

"(b) GRANT AND CONTRACT AUTHORITY OF STATES.—A State receiving a grant under subsection (a) may expend the grant to carry out the purpose described in such subsection through grants to, and contracts with, public or nonprofit private entities.

"SEC. 1502. REQUIREMENT OF MATCHING FUNDS.

"(a) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such section, to make available non-Federal contributions (in cash or in kind under subsection (b)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 1501 for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

"(3) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the State involved toward the purpose described in paragraphs (1) and (2) of section 1501(a).

"SEC. 1503. REQUIREMENTS WITH RESPECT TO TYPE AND QUALITY OF SERVICES.

"(a) REQUIREMENT OF PROVISION OF ALL SERVICES BY DATE CERTAIN.—The Secretary may not make a grant under section 1501 unless the State involved agrees—

"(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;

"(2) subject to subsection (b), to ensure that—

"(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

"(B) in the case of cervical cancer, both a pelvic examination and the screening procedure known as a pap smear are conducted;

"(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant, each of the services or activities described in section 1501(a) is provided; and

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

"(b) USE OF IMPROVED SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) becomes commonly available and is recommended for use, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

"(c) QUALITY ASSURANCE REGARDING SCREENING FOR BREAST CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for breast cancer conducted pursuant to such section and, in the case of mammography, will provide that—

"(1) the equipment used to perform the mammography will be specifically designed for mammography and will meet appropriate radiologic standards for mammography;

"(2) the mammography will be performed by an individual who—

"(A) is licensed by a State to perform radiological procedures; or

"(B) is certified as qualified to perform radiological procedures by an appropriate organization;

"(3) the results of the mammography will be interpreted by a physician who—

"(A) is certified as qualified to interpret radiological procedures by an appropriate board; or

"(B) is certified as qualified to interpret screening mammography procedures by an appropriate program for assuring the qualifications of the individual with respect to such interpretations; and

"(4) with respect to the first screening mammography performed on a woman for which payment is made pursuant to section 1501(a), there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(d) QUALITY ASSURANCE REGARDING SCREENING FOR CERVICAL CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for cervical cancer conducted pursuant to such section and, in the case of the pap smear (or other cytological screening procedure replacing the pap smear pursuant to subsection (b)), will provide—

"(1) the maximum number of cytology slides that any individual may screen in a 24-hour period;

"(2) requirements that a clinical laboratory maintain a record of—

"(A) the number of cytology slides screened during each 24-hour period by each individual who examines cytology slides for the laboratory; and

"(B) the number of hours devoted during each 24-hour period to screening cytology slides by such individual;

"(3) criteria for requiring rescreening of cytological preparations, such as—

"(A) random rescreening of cytology specimens determined to be in the benign category;

"(B) focused rescreening of such preparations in high risk groups; and

"(C) for each abnormal cytological result, rescreening of all prior cytological specimens for the patient, if available;

"(4) periodic confirmation and evaluation of the proficiency of individuals involved in screening or interpreting cytological preparations, including announced and unannounced on-site proficiency testing of such individuals, with such testing to take place, to the extent practicable, under normal working conditions;

"(5) procedures for detecting inadequately prepared slides, for assuring that no cytological diagnosis is rendered on such slides, and for notifying referring physicians of such slides;

"(6) requirements that all cytological screening be done on the premises of an appropriately qualified laboratory;

"(7) requirements for the retention of cytology slides by laboratories for appropriate periods of time; and

"(8) requirements of periodic inspection of cytology services by persons capable of evaluating the quality of cytology services.

"(e) ISSUANCE BY SECRETARY OF GUIDELINES WITH RESPECT TO QUALITY OF MAMMOGRAPHY AND CYTOLOGICAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall establish guidelines for assuring the quality of any mammography and cytological screening procedure conducted pursuant to section 1501(a). Such guidelines with respect to mammography shall include the provisions of paragraphs (1) through (4) of subsection (c), and such guidelines with respect to cytological screening procedures shall include the provisions of paragraphs (1) through (8) of subsection (d).

"(2) APPLICABILITY WITH RESPECT TO GRANTS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, with respect to any mammography or cytological screening procedure conducted pursuant to such section, ensure that the procedure is conducted in accordance with the guidelines issued by the Secretary under paragraph (1).

"(3) RESPONSIBILITY OF STATES IN ABSENCE OF GUIDELINES.—With respect to circumstances in which a State receives a grant under section 1501 before the issuance of guidelines under paragraph (1), this subsection may not be construed to affect in such circumstances the obligation of the State pursuant to subsection (a)(1) to provide for screening procedures and referrals or the obligations under subsections (c) and (d) with respect to providing for quality in the screening procedures.

"SEC. 1504. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PRIORITY FOR LOW-INCOME WOMEN.—The Secretary may not make a grant under section 1501 unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 1501(a).

"(b) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(c) STATEWIDE PROVISION OF SERVICES.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees that services and activities under the grant will be made available throughout the State, including availability to members of any Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1) for a State if the Secretary determines that compliance by the State with the requirement would result in an inefficient allocation of resources with respect to carrying out the purpose described in section 1501(a).

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

(e) COORDINATION WITH OTHER BREAST AND CERVICAL CANCER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the services and activities funded through the grant shall be coordinated with other Federal, State, and local breast and cervical cancer programs.

"(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to provide inpatient hospital services for any individual.

"(h) RECORDS AND AUDITS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that—

"(1) the State will establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received by the State under such section; and

"(2) upon request, the State will provide records maintained pursuant to paragraph (1) to the Secretary or the Comptroller of the United States for purposes of auditing the expenditures by the State of the grant.

"(i) REPORTS TO SECRETARY.—The Secretary may not make a grant under section 1501 unless the State involved agrees to submit to the Secretary such reports as the Secretary may require with respect to the grant.

"SEC. 1505. DESCRIPTION OF INTENDED USES OF GRANT.

"The Secretary may not make a grant under section 1501 unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for the services or activities described in section 1501(a);

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprivate entities; and

"(4) the description provides assurances that the grant funds be used in the most cost-efficient manner.

"SEC. 1506. REQUIREMENT OF SUBMISSION OF APPLICATION.

"The Secretary may not make a grant under section 1501 unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 1505, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

"SEC. 1507. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to section 1501. The Secretary may provide such technical assistance directly or through grants to, or contracts with, public and private entities.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1501, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out such section and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant under section 1501 to the State involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1508. EVALUATIONS AND REPORTS.

"(a) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1501.

"(b) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to subsection (a) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this title as the Secretary determines to be appropriate.

"SEC. 1509. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

"(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not more than 20 percent for carrying out section 1507."

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the request of the gentleman from California?

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I make this reservation for the purpose of asking the gentleman from California if he would explain the Senate amendment to the legislation.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. LENT. Further reserving the right to object, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, this legislation has enjoyed strong bipartisan support from the beginning. My distinguished colleagues, the ranking minority member of the subcommittee, Mr. MADIGAN, the chairman of the committee, Mr. DINGELL, and the ranking minority member of the committee, Mr. LENT, are original sponsors of the legislation. It passed the House on suspension by voice vote on June 18. It passed the Senate today with a small amendment by unanimous consent.

The Senate has made only minor amendments to the bill, generally having to do with the distribution of grants among the States. With respect to such grants, it our understanding that the Centers for Disease Control has traditionally awarded grants in a manner that distributes funds equitably among the principal geographic regions of the United States. Further, it is our understanding that CDC takes into account the severity of the problems that the grants are meant to address and the availability of existing services to deal with such problems. It is our intention that, in making grants under this new program, CDC will continue to follow these practices.

I urge all Members to support H.R. 4790.

A few weeks ago, thousands of people gathered for a marathon race that was to call attention symbolically to the "Race for the Cure" to breast cancer. Today, it is necessary for the Congress to take an important step to make the prevention and treatment of such cancer a reality.

H.R. 4790 would establish a new State grants program within the Public Health Service Act to provide preventive mammography and Pap smear screening services for low-income women for the early detection of breast and cervical cancer. In addition, this program would support public information activities relating to the detection and control of breast and cervical cancer; in-service education for health care providers; and quality control standards for mammography and Pap smear screening procedures.

At our hearings on this legislation last month, Marilyn Tucker Quayle, the wife of the Vice President, came before the subcommittee "to declare all-out war against the tragedy of breast cancer." I think all of us share Mrs. Quayle's concern that we have waited far too long in addressing this major public health problem. I believe H.R. 4790 will help us finally to mobilize our public health forces and to win our war against both breast and cervical cancer.

Mr. LENT. Mr. Speaker, further reserving the right to object.

Last year an estimated 43,000 women died from breast cancer and 6,000 died from cervical cancer. Many of these women died because they did not have access to early screening, and their cancers were not discovered until it was too late. H.R. 4790 attempts to prevent this situation and reduce the mortality from breast and cervical cancer.

□ 0330

The bill is an important public health measure, and I urge all Members to join me in supporting it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore (Mr. NAGLE). Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4790.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of medical reasons.

Mr. HALL of Texas (at the request of Mr. GEPHARDT), for today on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. DOUGLAS, for 5 minutes, today.

Mr. PARRIS, for 5 minutes, today, in lieu of 60 minutes.

Mr. KYL, for 60 minutes, on September 5.

Mrs. BENTLEY, for 60 minutes, each day, on September 5, 6, 11, 12, and 13.

Mr. DREIER of California, for 60 minutes, on September 5, 6, 11, 12, and 13.

Mr. DORNAN, for 15 minutes, today, in lieu of 60 minutes.

Mr. MCEWEN, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. HOCHBRUECKNER, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, during debate today on H.R. 4000.
Mr. CRAIG, on H.R. 1465, today.
Mr. CRAIG, on H.R. 1594, today.
Mr. PACKARD, on H.R. 1465, today.

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and to include extraneous matter:)

Mr. HANSEN.
Mr. CONTE in three instances.
Mr. HORTON in five instances.
Mr. DENNY SMITH.
Mr. GILMAN in two instances.
Mr. MILLER of Washington.
Mr. PURSELL in two instances.
Mr. SHUMWAY.
Mr. BEREUTER.
Mr. THOMAS of California.
Mr. GREEN of New York.
Mr. MICHEL.
Mr. HILER.
Mr. MCEWEN in two instances.
Mr. COX.
Mr. MCCANDLESS.
Mr. HASTERT.
Mr. PARRIS.
Mr. BURTON of Indiana.
Mr. PORTER in two instances.
Mr. DORNAN of California.
Mrs. BENTLEY.
Mr. GUNDERSON.
Ms. ROS-LEHTINEN in four instances.
Mr. CRANE in three instances.
Mr. SHAYS.
Mrs. JOHNSON of Connecticut.
Mr. GALLO in two instances.
Mr. HYDE.
Mr. BARTLETT.
Mr. BUECHNER.
Mr. LAGOMARSINO.
Mr. BOEHLERT.
Mr. PACKARD.
Mr. KYL.
Mr. NIELSON of Utah.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and to include extraneous matter:)

Mr. COLEMAN of Texas.
Mr. YATRON.
Mr. HOCHBRUECKNER in two instances.
Mr. NOWAK.
Mrs. BYRON.
Mr. MURTHA.
Mr. NELSON of Florida in two instances.
Mr. MATSUI.
Mr. FASCELL in four instances.
Mr. CARR.
Mr. TOWNS.
Mr. ROWLAND of Georgia.
Mr. MONTGOMERY.
Mr. ROSTENKOWSKI.
Mr. ENGEL.
Mr. ROYBAL.
Mr. APPLEGATE.
Mr. DYSON.
Mr. SKELTON.
Mr. BARNARD.
Mr. MILLER of California.
Mr. RICHARDSON.
Mr. WEISS.
Mr. LAFALCE.
Mr. LANTOS in four instances.
Mr. HOYER.
Mr. ACKERMAN.
Mr. WYDEN.
Mr. MAVROULES in two instances.
Mr. TORRES.
Mr. SHARP.
Mr. SANGMEISTER.
Mr. HERTEL.
Mr. CONYERS.
Mr. BORSKI.
Mr. PALLONE.
Mr. FAZIO.
Mr. ERDREICH.
Mr. KOSTMAYER.
Mr. TRAFICANT.
Mr. BRYANT.
Mr. DONNELLY.
Mr. VISCLOSKY.
Mr. MCMILLEN of Maryland.
Mr. ATKINS.
Ms. PELOSI.
Mr. DELLUMS.
Mr. MFUME.
Mr. FEIGHAN in two instances.
Mr. KENNEDY.
Ms. LONG.
Mr. STARK.
Mr. BROOKS.
Mr. MARKEY.
Mr. DOWNEY.
Mr. GREEN of New York.
Mr. STOKES.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1770. An Act to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2597. An Act to amend the Act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges; to the Committee on Interior and Insular Affairs.

S.J. Res. 309. Joint resolution designating the month of October 1990 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 122. Concurrent resolution to establish an Albert Einstein Congressional Fellowship Program; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 76. An Act to amend the Wild and Scenic River Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 293. To direct the completion of the research recommended by the Technical Study Group on Cigarette and Little Cigar Fire Safety and to provide for an assessment of the practicality of a cigarette fire safety performance standard;

H.R. 4872. To establish the National Advisory Council on the Public Service;

H.J. Res. 548. Designating the week of August 19 through 25, 1990, as "National Agricultural Research Week"; and

H.J. Res. 625. Designating August 6, 1990, as "Voting Rights Celebration Day."

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 5, 1990

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 360 of the 101st Congress, the House stands adjourned until 12 noon Wednesday, September 5, 1990.

Thereupon (at 3 o'clock and 30 minutes a.m.), pursuant to House Resolution 360, the House adjourned until Wednesday, September 5, 1990, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currency and U.S. dollars utilized by them during the first and second quarters of 1990, and a consolidated report and amended reports concerning the foreign currency and U.S. dollars utilized by various individuals and delegations traveling under an authorization from the Speaker during the first and second quarters of 1990 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Schuette	1/17	1/18	Colombia								
	1/18	1/20	Peru								
	1/20	1/20	El Salvador								
Doug McAuliffe	1/17	1/18	Columbia	43,346	99.00					43,346	99.00
	1/18	1/20	Peru	2,345,032	180.11					2,345,032	180.11
	1/20	1/20	El Salvador								
Committee total					279.11						279.11

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEON E. PANETTA, Chairman, July 30, 1990.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ZAMBIA, SOUTH AFRICA, NAMIBIA AND BARBADOS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 1 AND MAR. 5, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William H. Gray III	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Vic Fazio	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Ron Dellums	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Howard Wolpe	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Steven Solarz	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Beverly Byron	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Mike Andrews	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbardos		236.00						236.00
Local transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Dean Gallo	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Hon. Jim McCrery	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Mr. Jon Plebani	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Mr. Jerome Mondesire	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Mr. Alan Bowser	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Ms. Deborah Johns	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3] 236.00						236.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ZAMBIA, SOUTH AFRICA, NAMIBIA AND BARBADOS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 1 AND MAR. 5, 1990—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Ms. Tami McMinn	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3]236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Mr. Robert Legrand	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3]236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Ms. Lorraine Miller	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3]236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Mr. Mike O'Neil	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3]236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Salih Booker	3/1	3/2	Zambia								
	3/2	3/4	South Africa								
	3/4	3/4	Namibia		[3]236.00						236.00
	3/5	3/5	Barbados		236.00						236.00
Surface transportation									56.52		56.52
Military transportation							11,742.34				11,742.34
Committee total					8,496.00		211,362.12		1,026.87		220,884.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents 3-day total for per diem/subsistence.

WILLIAM H. GRAY III.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BERLIN AND BONN, WEST GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 16 AND MAR. 19, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John W. Bryant	3/16	3/19	West Germany		414.00		5,814.00				6,228.00
Hon. David Skaggs	3/16	3/19	West Germany		414.00		5,814.00				6,228.00
Hon. Jack Buechner	3/16	3/19	West Germany		414.00		5,814.00				6,228.00
Dr. Robert Hunter	3/16	3/19	West Germany		414.00		5,814.00				6,228.00
Ms. Tara Federici	3/16	3/19	West Germany		414.00		5,814.00				6,228.00
Committee total					2,070.00		29,070.00				31,140.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL BY MR. ANTHONY J. RODA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 and MAY 31, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anthony J. Roda	5/28	5/31	Ivory Coast	303,050	1,045.00		2,488.00				3,533.00
Committee total					1,045.00		2,488.00				3,533.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANTHONY J. RODA, June 30, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Joan Kois Woodward	5/1	5/1	India		659.00						659.00
Hon. Helen Delich Bentley	4/8	4/11	Yugoslavia	5,230	437.00						437.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/11	4/12	Romania	NA	NA						
	4/12	4/13	Bulgaria	NA	NA						
Commercial aircraft (Dulles to Frankfurt, W. Germany and return).							4,374.00				4,374.00
Military aircraft (inside Yugoslavia, Romania and Bulgaria).							804.45				804.45
Committee total					1,096.00		5,178.45				6,274.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEON E. PANETTA, Chairman, July 30, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ripley Forbes	3/30	4/10	Australia		1,700.00						1,700.00
Commercial air fare							5,270.00				5,270.00
John A. Riggs	5/1	5/6	Belgium		850.00						850.00
Commercial air fare							581.30				581.30
David Schooler	4/8	4/15	Japan		1,370.62						1,370.62
Commercial air fare							2,892.00				2,892.00
Sue Sheridan	4/8	4/14	Japan		1,138.62						1,138.62
Commercial air fare							2,746.00				2,746.00
John Chesson	6/3	6/9	England		1,296.00						1,296.00
Commercial air fare							3,366.00				3,366.00
John Shelk	6/3	6/9	England		1,296.00						1,296.00
Commercial air fare							3,366.00				3,366.00
David Nelson	4/10	4/15	Hong Kong		1,050.00						1,050.00
	4/15	4/25	China		1,704.00						1,704.00
Commercial air fare							2,632.00				2,632.00
Stephen Sims	4/10	4/15	Hong Kong		1,050.00						1,050.00
	4/15	4/25	China		1,704.00						1,704.00
Commercial air fare							2,632.00				2,632.00
John Shelk	4/10	4/15	Hong Kong		1,050.00						1,050.00
	4/15	4/25	China		1,704.00						1,704.00
Commercial air fare							2,632.00				2,632.00
Committee total					15,913.24		26,117.30				42,030.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hayden Gregory	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00				24.11		1,139.11
	4/11	4/14	Greece		528.00		84.64		178.16		790.80
	4/14	4/17	Morocco		588.00						588.00
Military transportation							3,485.31				3,485.31
Committee total					2,320.95		3,581.78		202.27		6,105.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Francis T. Miko	5/26	5/28	Czechoslovakia		392.00						392.00
	5/28	5/31	Hungary	33,753.10	522.00						522.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							1,419.00				1,419.00
Commercial transportation							3,366.00				3,366.00
Hon. Gerald B. Solomon	5/27	5/29	Korea	276,900	390.00						390.00
Air Force transportation							6,023.33				6,023.33
Committee total					2,116.00		10,808.33				12,924.33

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. MOAKLEY, Chairman, July 27, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kitty Rising	4/8	4/15	Japan	216,763	1,370.62				275.00	216,763	1,645.62
Commercial air							2,892.00				2,892.00
Robert Liimatainen	4/8	4/15	Japan	216,763	1,370.62				275.00	216,763	1,645.62
Commercial air							2,892.00				2,892.00
Robert Palmer	5/29	6/3	Japan	173,246	1,160.00					173,246	1,160.00
Commercial air							2,624.00				2,624.00
Anne Polansky	6/20	6/24	England	516.42	884.00					516.42	884.00
	6/24	6/26	Switzerland	637	450.00					637.00	450.00
	6/26	6/30	England	513.51	884.00					513.51	884.00
Commercial air							2,700.00				2,700.00
Committee total					6,119,24		11,108.00		550.00		17,777.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, July 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON NARCOTIC ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles B. Rangel, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,485.31
Cardiss Collins, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							43,485.31				3,485.31
William Hughes, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)				588.00
Military transportation							3,485.31				3,485.31
Solomon Ortiz, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
Military transportation							1,166.24				1,166.24
Commercial transportation							1,724.67				1,724.67
Edward H. Jurith	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00				(3)		588.00
Military transportation							3,485.31				3,484.31
Rebecca Hedlund	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,48.31
Michael Oxley, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,485.31
Stan Parris, MC	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.00
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,485.31
Benjamin A. Gilman, MC			Canada								
	4/8	4/11	United Kingdom		669.00		(3)		24.11		693.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							2,319.07				2,319.07
Commercial transportation							274.00				274.00
Richard Baum	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,485.31
Robert Weiner	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		790.80
	4/13	4/17	Morocco		588.00		(3)		(3)		588.00
Military transportation							3,485.31				3,485.31
Melanie Young	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		(3)		24.11		1,139.11
	4/11	4/13	Greece		528.00		84.64		178.16		179.80
	4/13	4/17	Morocco		588.00		(3)				588.00
Military transportation							3,485.31				3,485.31
Committee total					26,162.95		41,398.25		606.84		69,845.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Information not yet available.

JACK BROOKS, Chairman, July 24, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative Steny H. Hoyer	6/15	6/18	Denmark		720.00		[3] 8,230.20				8,950.20
Representative Frank R. Wolf	6/15	6/18	Denmark		720.00		[3] 8,230.20				8,950.20
Mary Sue Hafner	6/14	6/19	Denmark		1,200.00		[4] 2,000.00				3,200.00
Jesse Jacobs	6/14	6/19	Denmark		1,200.00		[4] 2,000.00				3,200.00
Representative Steny H. Hoyer	4/8	4/11	Yugoslavia		473.57		[4] 4,374.00				4,847.57
	4/11	4/12	Romania						116.90		116.90
	4/12	4/13	Bulgaria								
	4/8	4/13	Above				[5] 804.45				804.45
Committee total					5,313.57		25,638.85		116.90		31,069.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip transportation provided by USAF.
[4] Round trip commercial transportation.
[5] In-theater transportation provided by USAF.

STENY HOYER, July 30, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, REYKJAVIK, ICELAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 8, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Brooks	4/5	4/8	Iceland		560.00						
Military transportation							3,600.00				4,160.00
Hon. Charlie Rose	4/5	4/8	Iceland		560.00						
Military transportation							3,600.00				4,160.00
Committee total					1,120		7,200.00				8,320.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, May 16, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, ARGENTINA, COSTA RICA AND BARBADOS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 17, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George Miller	4/5	4/8	Brazil	39.999	727.25						727.25
	4/8	4/11	Argentina	2,176,2000	468.00		155.55		270.68		894.23
	4/11	4/13	Costa Rica	28,191.60	328.00				37.28		365.28
	4/13	4/17	Barbados	2,399.94	1,176.00						1,176.00
Military transportation							2,928.16				2,928.16
Donnald K. Anderson	4/5	4/8	Brazil	39.999	727.25						727.25
	4/8	4/11	Argentina	2,176,2000	468.00		155.55		270.68		894.23
	4/11	4/13	Costa Rica	28,191.60	328.00				37.28		365.28
	4/13	4/17	Barbados	2,399.04	1,176.00						1,176.00
Military transportation							2,928.16				2,928.16
Committee total					5,398.50		6,167.42		615.92		12,181.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE MILLER, May 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SAN SALVADOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 20, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael J. O'Neil	4/19	4/20	El Salvador	1,054.10	127.00					1,054.10	127.00
Military transportation							1,808.30				1,808.30
James P. McGovern	4/19	4/20	El Salvador	1,054.10	127.00					1,054.10	127.00
Military transportation							1,808.30				1,808.30
William Woodward	4/19	4/20	El Salvador	1,054.10	127.00					1,054.10	127.00
Military transportation							1,808.30				1,808.30
Nancy Agris	4/19	4/20	El Salvador	1,054.10	127.00					1,054.10	127.00
Military transportation							1,808.30				1,808.30
Randy Scheunemann	4/19	4/20	El Salvador	1,054.10	127.00					1,054.10	127.00
Military transportation							1,808.30				1,808.30

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SAN SALVADOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 20, 1990—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					635.00		9,041.50				9,676.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL J. O'NEIL, May 16, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 28 AND MAY 3, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jack Owen Andresen	4/28	5/3	Switzerland	1,203.70	825.00					1,203.70	825.00
Commercial air transportation							592.00				592.00
Mark B. Benedict	4/28	5/3	Switzerland	1,203.70	825.00						825.00
Commercial Air							592.00				592.00
Committee total					1,650.00		1,184.00				2,834.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK OWEN ANDRESEN, May 22, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, PARIS, FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 11 AND MAY 14, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Brooks	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Charles Rose	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Ronald D. Coleman	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. James H. Bilbray	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Nancy Pelosi	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Gerald B.H. Solomon	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Thomas J. Bliley, Jr.	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Sherwood Boehlert	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Tom Lewis	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. J. Alex McMillan	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Ralph Regula	5/12	5/14	France		456.00						
Commercial transportation							2,555.00				
Military transportation							2,200.83				5,211.83
Hon. Ronald Lasch	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Hon. Sharon Matts	5/11	5/14	France		912.00						
Military transportation							4,486.31				5,398.31
Committee total					11,400.00		58,591.55				69,991.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, June 1, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRUSSELS, BELGIUM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 2, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cong. Connie Morella	5/28	6/1	Brussels	17,528.70	510.00		2,343.40				2,853.40
Cong. James Scheuer	5/28	6/1	Brussels	23,372	680.00		2,223.40				2,903.40
	6/1	6/2	Poland	1,843	190.00		737.40				927.40
Lisa Jordan	5/26	6/1	Brussels	29,215	850.00		567.00				1,417.00
Committee total					2,230.00		5,871.20				8,101.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES H. SCHEUER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, HUNGARY, AUSTRIA AND FRANCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 4, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. William H. Gray III	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Newt Gingrich	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. William Clay	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Charles Rangel	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Norman Dicks	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.79	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Marvin Leath	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.79	8,079.79	681.31
	6/1	6/4	France								
Military transporetation							8,035.94				
Hon. Robert Walker	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.79	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Andy Ireland	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Robert Livingston	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	393.00	2,498.44	209.72	948.15	75.79	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Duncan Hunter	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. John Hastert	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Hon. Jamie Fuster	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Mr. Jon Plebani	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military Transportation							8,035.94				
Mr. William Pitts	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				
Ms. Mary Brown	5/26	5/29	Czechoslovakia								
	5/29	5/30	Hungary								
	5/30	6/1	Austria	4,633.20	396.00	2,498.44	209.72	948.15	75.59	8,079.79	681.31
	6/1	6/4	France								
Military transportation							8,035.94				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM H. GRAY III, July 23, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, HUNGARY, POLAND AND THE UNITED KINGDOM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 4, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Martin Frost	5/27	5/29	Czechoslovakia		392.00						392.00
	5/29	5/31	Hungary	22,502	348.00						348.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							9,222.38				9,222.38
Hon. James A. Leach	5/27	5/29	Czechoslovakia		392.00						392.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECHOSLOVAKIA, HUNGARY, POLAND AND THE UNITED KINGDOM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 4, 1990—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	5/29	5/31	Hungary	22,502	348.00						348.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							9,222.38				9,222.38
Hon. Barton J. Gordon	5/27	5/29	Czechoslovakia		392.00						392.00
	5/29	5/31	Hungary	22,502	348.00						348.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							9,222.38				9,222.38
Hon. Doug Bosco	5/26	5/29	Czechoslovakia		588.00						588.00
	5/29	5/31	Hungary	22,502	348.00						348.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/3	United Kingdom	257.30	432.00						432.00
Military transportation							1,419.00				1,419.00
Commercial transportation							3,970.00				3,970.00
Hon. Lucien Nedzi	5/26	5/28	Czechoslovakia		392.00						392.00
	5/28	5/31	Hungary	33,753.10	522.00						522.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							1,419.00				1,419.00
Commercial transportation							4,039.00				4,039.00
Hon. Kristi E. Walseth	5/26	5/28	Czechoslovakia		392.00						392.00
	5/28	5/31	Hungary	33,753.10	522.00						522.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							1,419.00				1,419.00
Commercial transportation							3,059.00				3,059.00
Hon. Karen L. Lightfoot	5/26	5/28	Czechoslovakia		392.00						392.00
	5/28	5/31	Hungary	33,753.10	522.00						522.00
	5/31	6/2	Poland	3,686	380.00						380.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Military transportation							1,419.00				1,419.00
Commercial transportation							3,059.00				3,059.00
Hon. Linda K. Berdine	5/26	5/28	Czechoslovakia		392.00						392.00
	5/28	5/31	Hungary	33,753.10	522.00						522.00
	5/31	6/2	Poland	3,686	380.00						380.00
Military transportation							1,419.00				1,419.00
Commercial transportation							2,663.00				2,663.00
Hon. James W. McCormick	5/26	5/29	Czechoslovakia		588.00						588.00
	5/29	6/2	Poland	7,372	760.00						760.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Commercial transportation							3,364.00				3,364.00
Hon. David P. Saybolt	5/26	5/29	Czechoslovakia		588.00						588.00
	5/29	6/2	Poland	7,372	760.00						760.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Commercial transportation							3,364.00				3,364.00
Hon. John F. Whorley	5/26	5/29	Czechoslovakia		588.00						588.00
	5/29	6/2	Poland	7,372	760.00						760.00
	6/2	6/4	United Kingdom	257.30	432.00						432.00
Commercial transportation							3,364.00				3,364.00
Committee total					18,216.00		61,644.14				79,860.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARTIN FROST, July 26, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE AND ISRAEL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 8, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rickey L. Stephens	6/3	6/4	France								
	6/4	6/8	Israel	1,427.53	706.00	7,018.60	3,694.00			8,446.13	4,400.00
Michael P. Conway	6/3	6/4	France								
	6/4	6/4	Israel	1,427.53	706.00	7,018.60	3,694.00			8,446.13	4,400.00
Committee total					1,412.00		7,388.00				8,800.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Lodging and meals.
[4] R/T commercial airline from Washington, DC/Paris to Tel Aviv and Return.

RICKEY L. STEPHENS, Chairman, July 6, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SWITZERLAND, POLAND, AND CZECHOSLOVAKIA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 8 AND JUNE 14, 1990

	Date			Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure	Country	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nancy A. Panzke	6/8	6/9	Switzerland	321.39	275.00						275.00
	6/9	6/13	Poland		693.58						693.58
	6/13	6/14	Czechoslovakia		146.00						146.00
Military transportation	6/8	6/14					15,405.83				15,405.03
Mary A. Lesinski	6/8	6/9	Switzerland	321.30	275.00						275.00
	6/9	6/13	Poland		693.58						693.58
	6/13	6/14	Czechoslovakia		146.00						146.00
Military transportation	6/8	6/14					15,405.83				15,405.83
Committee total					2,229.16		30,811.66				33,040.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NANCY A. PANZKE, July 20, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ELLIOTT DRITCH, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 10 AND APR. 15, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott Dritch	4/11	4/11	West Germany		204.00		4,932.00				5136.00
	4/12	4/15	Ethiopia		534.00						534.00
Committee total					738.00		4,932.00				5,670.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S currency is used, enter amount expended.

ELLIOTT DRITCH, MAY 19, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PATRICIA BRADLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 5 AND APR. 17, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia Bradley	4/5	4/6	Canada		89.95		11.83				101.78
	4/6	4/11	United Kingdom		1,115.00		([3])		([3])		1,115.00
	4/11	4/13	Greece		528.00		([3])		([3])		528.00
	4/13	4/17	Morocco		588.00		([3])		([3])		588.00
Military transportation							([3])				
Committee total					2,320.95		11.83				2,332.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not yet available.

PATRICIA BRADLEY, June 4, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ANTHONY J. RODA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND MAY 31, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anthony J. Roda	5/28	5/31	Ivory Coast	312,330	1,077.00		2,488.00				3,565.00
Committee totals					1077.00		2,488.00				3,565.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANTHONY J. RODA, June 25, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. JACK OWEN ANDRESEN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 2, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jack Owen Andresen	5/29	6/2	Switzerland	695.90	495.00					695.90	495.00
Commercial air transportation							598.00				598.00
Committee totals					495.00		598.00				1,093.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK OWEN ANDRESEN, June 29, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. BENJAMIN L. CARDIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 15 AND JUNE 18, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Benjamin L. Cardin	6/15	6/18	Denmark	4631.04	720.00		8,230.00				8,950.20
Committee total					720.00		8,230.00				8,950.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BENJAMIN L. CARDIN, July 23, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROSS E. EISENBREY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 17 AND JUNE 24, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ross E. Eisenbrey	6/17	6/24	Japan		1,450.00		1,236.00				2,686.00
Committee total					1,450.00		1,236.00				2,686.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROSS E. EISENBREY, July 15, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROBERT SHERMAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 22 AND JUNE 26, 1990

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Sherman	6/23	6/23	Switzerland	945	675.00		4,522.00				5,192.00
Committee total					675.00		4,522.00				5,192.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT SHERMAN, July 27, 1990.

EXECUTIVE COMMUNICATIONS,

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3681. A letter from the Secretary, Department of Housing and Urban Development, transmitting a report on the disposition of coinsured multifamily housing projects held by the Government National Mortgage Association, pursuant to Public Law 101-235, section 139(b) (103 Stat. 2030); to the Committee on Banking, Finance and Urban Affairs.

3682. A letter from the Administrator, Environmental Protection Agency, transmitting a report on special wastes from mineral processing, pursuant to 42 U.S.C. 6982(p); to the Committee on Energy and Commerce.

3683. A letter from the Secretary, Consumer Product Safety Commission, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3684. A letter from the Secretary, Consumer Product Safety Commission, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3685. A letter from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

3686. A letter from the Vice President for Human Resources, Federal Home Loan Mortgage Corporation, transmitting a copy of the 1989 Corporation's employees' pension plan annual report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3687. A letter from the Administrator, General Services Administration, transmitting a copy of a lease prospectus for the Federal Aviation Administration's eastern region in New York, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 5132. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes; with an amendment (Rept. 101-661, Pt. 1). Ordered to be printed.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 5070. A bill to amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts, and for other purposes; with an amendment (Rept. 101-662). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. House Concurrent Resolution 316. Concurrent resolution expressing the sense of Congress on the strike of Greyhound employees, with an amendment (Rept. 101-663). Referred to the House Calendar.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3200. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes; with an amendment (Rept. 101-664). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee on Armed Services. H.R. 4739. A bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes;

with amendments (Rept. 101-665). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 4593. A bill to transfer to the Secretary of the Interior the administration of the surface rights in approximately 10,650 acres of land presently within the boundaries of the San Carlos Indian Reservation, AZ, and managed by the Forest Service as part of the Coronado National Forest; with an amendment (Rept. 101-666). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. H.R. 4793. A bill to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; with an amendment (Rept. 101-667). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 457. Resolution providing for the consideration of H.R. 4739, a bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes (Rept. 101-668). Referred to the House Calendar.

[Submitted Aug. 4 (legislative day, Aug. 3), 1990]

Mr. LAFALCE: Committee on Small Business. H.R. 4773. A bill to authorize the President to call and conduct a National White House Conference on Small Business; with amendments (Rept. 101-669). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5178. A bill to provide for the equitable treatment of oil and gas resources from certain public lands in the State of California, and for other purposes (Rept. 101-670). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on Education and Labor. H.R. 3684. A bill to increase public understanding of the natural environment and to advance and develop environmental education and training; with an amendment (Rept. 101-671). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself and Mr. ARCHER):

H.R. 5454. A bill to make technical corrections related to the Revenue Reconciliation Act of 1989, and other recent tax legislation; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. SISISKY, Mr. WOLPE, Mr. MFUME, and Mr. UPTON):

H.R. 5455. A bill to amend the Internal Revenue Code of 1986 with respect to treatment of small businesses; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mrs. JOHNSON of Connecticut, and Mr. WEISS):

H.R. 5456. A bill to amend the Public Health Service Act to establish certain provisions regarding the technical, scientific, and ethical review of research conducted or supported by the National Institutes of Health, to establish a program of research on the transplantation of human fetal tissue for therapeutic purposes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BORSKI:

H.R. 5457. A bill to amend the Urban Mass Transportation Act of 1964 to authorize appropriations for mass transportation programs, to amend the Internal Revenue Code of 1986 to provide for a 5-year extension of the highway trust fund, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. GILMAN (for himself, Mr. HORTON, Mr. MANTON, Mr. SOLOMON, Mr. ENGEL, Mrs. MORELLA, Mr. FRANK, Mrs. LOWEY of New York, Mr. ROWLAND of Connecticut, and Mr. DORNAN of California):

H.R. 5458. A bill to amend title 32, United States Code, to authorize enlistment of certain nonresident aliens in certain understrength National Guard units during a 3-year test period and to amend the Immigration and Nationality Act to provide for adjustment of status of aliens so enlisting; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. BARNARD:

H.R. 5459. A bill to amend title 39, United States Code, to authorize the U.S. Postal Service to cash U.S. Government checks for the public, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BARTLETT. (for himself, Mr. TOWNS, Mr. COUGHLIN, Mrs. COLLINS, Mr. OXLEY, Mrs. MEYERS of Kansas, Mr. BLILEY, Mr. MFUME, Mr. LEWIS of California, Mr. EDWARDS of Oklahoma, Mr. BROWN of Colorado, Mr. DEWINE, and Mr. DONALD E. LUKENS):

H.R. 5460. A bill to reduce unlawful drug use in the United States through the development of local laws, policies, and programs related to user accountability; by promoting behaviors on the part of the general public that express nonacceptance of and intolerance for unlawful drug use; by providing recognition to local governments that have implemented effective, aggressive user accountability programs; and by disseminating information about local laws, policies, and programs that have been proven effective in reducing unlawful drug use; jointly, to the Committees on the Judiciary, Education and Labor, and Energy and Commerce.

By Mr. BATES:

H.R. 5461. A bill to provide for the disposal of Government-owned contractor-operated industrial facilities under the jurisdiction of the Department of Defense; to the Committee on Armed Services.

H.R. 5462. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to publish information on the degree of effluent reduction attainable through the application of chemical processes; to the Committee on Public Works and Transportation.

H.R. 5463. A bill to amend title 10, United States Code, to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under the Medicare Program or the Civilian Health and Medical Program of the Uniformed Services; jointly, to the Committees on Armed Services, Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. BILBRAY (for himself Mrs. VUCANOVICH, Mr. MCMILLEN of Maryland, Mr. DELLUMS, Mr. LEHMAN of California, Mr. LEWIS of Georgia, Mr. SKELTON, Mr. LEWIS of California, Mr. FLAKE, Mr. ROYBAL, Mr. VOLKMER, Mr. KLECZKA, Mr. TOWNS, Mr. BERMAN, Mr. HOYER, Mr. DIXON, Mr. WHEAT, Mr. MFUME, Mr. BATES, Mr. EDWARDS of California, Mr. FAZIO, Mr. HEFNER, Mr. SMITH of Florida, Mr. DYSON, Mr. STALLINGS, Mr. COLEMAN of Texas, Mr. CAMPBELL of Colorado, Mr. CLAY, Mr. MARTINEZ, Mr. LANTOS, Mr. FROST, Mr. HAYES of Illinois, Mr. HAWKINS, and Mr. LEVINE of California):

H.R. 5464. A bill to provide for procedural and substantive due process of law for coaches and players subject to suspension as a result of sanctions imposed or threat of sanctions, upon an educational institution by the National Collegiate Athletic Association; to the Committee on Education and Labor.

By Mr. BOEHLERT (for himself and Mr. CARPER):

H.R. 5465. A bill to establish a Presidential Awards Program, administered by the Council on Environmental Quality, to recognize and stimulate excellence in environmental education in grades kindergarten through 12; jointly, to the Committees on Education and Labor and Merchant Marine and Fisheries.

By Mrs. BOGGS:

H.R. 5466. A bill to establish an Advisory Committee on the Records of the Congress and to improve the archival management of congressional records; jointly, to the Committees on House Administration, Government Operations, and Post Office and Civil Service.

By Mrs. BOXER (for herself and Mr. BERMAN):

H.R. 5467. A bill to authorize the Secretary of Labor to make grants to local governments to assist in the carrying out of community economic adjustment activities required by defense budget reductions; jointly, to the Committees on Education and Labor and Armed Services.

By Mrs. BOXER (for herself, Mr. MILLER of California, Mr. ACKERMAN, Mr. ATKINS, Mr. AUCOIN, Mr. BATES, Mr. CAMPBELL of Colorado, Mrs. COLLINS, Mr. CROCKETT, Mr. DEFAZIO, Mr. DELLUMS, Mr. DOWNEY, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FUSTER, Mr. GEJDENSON, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOAGLAND, Ms. KAPTUR, Mrs. KENNELLY, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, Mr. MCDERMOTT, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. OWENS of Utah, Ms. PELOSI, Mrs. SAIKI, Ms. SCHNEIDER, Mrs. SCHROEDER, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. TOWNS, Mr. WOLPE, Mr. KASTENMEIER, and Ms. SNOWE):

H.R. 5468. A bill to combat violence and crimes against women on the streets and in homes; jointly, to the Committees on the Judiciary, Public Works and Transportation, Interior and Insular Affairs, Energy and Commerce, and Education and Labor.

By Mr. BROWN of California:

H.R. 5469. A bill to provide research information in a usable form to potential end users of renewable energy and energy-efficiency technologies in order to accelerate

the commercialization of such technologies; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. BRYANT:

H.R. 5470. A bill to restore the prohibition against all racial discrimination in the making and enforcement of contracts, including surety contracts; to the Committee on the Judiciary.

By Mr. BRYANT (for himself and Mr. COOPER):

H.R. 5471. A bill to require the Federal Communications Commission to establish procedures to prevent price-cap regulation from leading to degradation in the quality of the telephone network; to the Committee on Energy and Commerce.

By Mr. BUECHNER (for himself and Mr. WHEAT):

H.R. 5472. A bill to amend the Family Violence Prevention and Services Act to provide for the establishment of certain procedural protections with respect to incidents of family violence among adults, and to amend title 18, United States Code, to establish certain prohibitions against violence among spouses; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. BUSTAMANTE (for himself, Mr. ANDREWS, Mr. BRYANT, and Mr. ORTIZ):

H.R. 5473. A bill to amend the Caribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mrs. BYRON:

H.R. 5474. A bill to promote the greater use of recycled paper by mailers of third-class mail matter; to the Committee on Post Office and Civil Service.

H.R. 5475. A bill to promote the greater use of recycled paper by mailers of third-class mail matter; to the Committee on Post Office and Civil Service.

By Mr. CAMPBELL of Colorado:

H.R. 5476. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLEMAN of Texas (for himself, Mr. JOHNSON of South Dakota, Mr. MARTIN of New York, and Mr. BRYANT):

H.R. 5477. A bill to provide that States that are not members of interstate compacts for the disposal of low-level radioactive waste may not site low-level radioactive waste disposal facilities within 60 miles of an international border, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. CRANE:

H.R. 5478. A bill to remove the prohibitions on the export of domestically produced crude oil; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Energy and Commerce.

By Mr. DOWNEY (for himself and Mr. STARK):

H.R. 5479. A bill to provide economic adjustment assistance to certain dislocated workers; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DURBIN (for himself, Mrs. MORELLA, and Mr. MILLER of California):

H.R. 5480. A bill to amend title XIX of the Social Security Act to increase Medicaid enrollment of eligible pregnant women and children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. MORRISON of Connecticut, Ms. SLAUGHTER of New York, Mr. KLECZKA, Mr. ANNUNZIO, Mr. LIPINSKI, Mr. DORNAN of California, Mr. TORRICELLI, Mrs. KENNELLY, Ms. OAKAR, and Mr. RUSSO):

H.R. 5481. A bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency; to the Committee on Foreign Affairs.

By Mr. FAUNTROY:

H.R. 5482. A bill to waive the period of congressional review of certain District of Columbia acts authorizing the issuance of District of Columbia revenue bonds; to the Committee on the District of Columbia.

By Mr. FAZIO (for himself, Mrs. BOXER, Mr. DICKS, Mr. HOYER, and Ms. PELOSI):

H.R. 5483. A bill to amend title 5, United States Code, to make retraining and other forms of reemployment assistance available to individuals who have been separated (or who face separation) from Government service due to a major reorganization, reduction in force, or transfer of function; jointly, to the Committees on Post Office and Civil Service and Government Operations.

By Mr. FLIPPO (for himself and Mr. BROWN of Colorado):

H.R. 5484. A bill to amend the Internal Revenue Code of 1986 to modify the provisions permitting certain entities to elect a taxable year other than the required year; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 5485. A bill to provide for the deductibility of certain mortgage interest and real property taxes by Federal employees receiving overseas housing allowances; to the Committee on Ways and Means.

By Mr. GALLO (for himself and Mr. ROE):

H.R. 5486. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to provide protection for sole-source aquifers; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. GILMAN:

H.R. 5487. A bill to suspend temporarily the duty on galanthamine hydrobromide; to the Committee on Ways and Means.

By Mr. GRANT:

H.R. 5488. A bill to amend the Child Nutrition Act of 1966 to make revisions in the special supplemental food program of women, infants, and children, and for other purposes; to the Committee on Education and Labor.

By Mr. HASTERT:

H.R. 5489. A bill to authorize appropriations for highway, mass transit, and aviation programs, to provide off-budget treatment for the airport and airway trust fund and the highway trust fund, and for other purposes; jointly, to the Committees on Public Works and Transportation, Government Operations, and Ways and Means.

By Mr. HOCHBRUECKNER (for himself, Mr. MURPHY, Mr. DE LUGO, Mr. ACKERMAN, Mr. COYNE, Mr. TRAFICANT, Mr. GONZALEZ, Mr. ANNUNZIO, Mrs. BENTLEY, Mr. RAHALL, Mr. APPLEGATE, Mr. HUGHES, Mr. DELLUMS, Ms. KAPTUR, Mr. ROE, Mr. BEILENSON, Mr. STUDDS, Mr. WISE, Mr. TORRES, Mr. SAVAGE, Mr. KANJORSKI, Mrs. MORELLA, Mr. EDWARDS of California, Mrs. BOXER, Mr. BEVILL, Mr. MCGRATH, Mr. BOEHLERT, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. CAMPBELL of Colorado, Mr. LAFALCE, Ms. PELOSI, Mr. CLAY, Mr. FRANK, Mr. RANGEL, Mr. FAUNTROY, Mr. JONTZ, Mr. DOWNEY, Mr. MATSUI, Mr. SCHUMER, Mr. MRAZEK, Mr. MCNULTY, Mr. WILSON, and Mr. GEJDENSON):

H.R. 5490. A bill to provide for the rehiring of certain former air traffic controllers; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 5491. A bill to amend the Internal Revenue Code of 1986 to permit a deduction for certain educational costs of licensed practical or vocational nurses; to the Committee on Ways and Means.

By Mr. HORTON (for himself, Mrs. SCHROEDER, Mr. BARNARD, Mr. SMITH of Vermont, Mr. SHAYS, Mr. BUSTAMANTE, and Mr. KYL):

H.R. 5492. A bill to amend title 31, United States Code, to improve the management of the Federal Government by establishing in the Office of Management and Budget a Chief Financial Officer of the United States and an Office of Federal Financial Management, and for other purposes; to the Committee on Government Operations.

By Mrs. JOHNSON of Connecticut:

H.R. 5493. A bill to amend the Internal Revenue Code of 1986 to allow small- and medium-sized manufacturers to expense certain acquisitions of productive equipment; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 5494. A bill to amend the act of December 22, 1944 (known as the "Flood Control Act of 1944") to establish statutory procedures for the preparation of an annual plan for operations of water control projects in the Missouri River Basin, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 5495. A bill to establish U.S. Army Corps of Engineers standards for management of the Missouri River mainstream reservoirs and to authorize a basin States damage fund; to the Committee on Public Works and Transportation.

By Mr. JONES of Georgia (for himself, Mr. APPLEGATE, Mr. RICHARDSON, Mr. VALENTINE, Mr. RAHALL, and Mr. LEWIS of Georgia):

H.R. 5496. A bill to amend the Internal Revenue Code of 1986 to allow the targeted jobs credit for hiring economically disadvantaged veterans who are discharged involuntarily as a result of budget cuts; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 5497. A bill to authorize the Secretary of the Interior to acquire certain lands to be added to the Fort Raleigh National Historic Site and the Alligator River National Wildlife Refuge in North Carolina; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself, Mr. SYNAR, and Mr. MOORHEAD):

H.R. 5498. A bill to amend title 17, United States Code, relating to computer software,

fair use, and architectural works; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. EDWARDS of California, Mrs. SCHROEDER, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. GEJDENSON, Mr. FAZIO, Mr. LEWIS of Georgia, Mr. TORRICELLI, Mr. WHEAT, Mr. HAYES of Illinois, Mr. MFUME, Ms. OAKAR, Mr. DIXON, Mr. CLAY, Mrs. UNSOELD, Mr. FORD of Tennessee, Mr. NEAL of Massachusetts, Mr. STOKES, Mr. DEFAZIO, Mr. MARKEY, Mr. EVANS, and Mr. GAYDOS):

H.R. 5499. A bill to provide direct funding support for the Resolution Trust Corporation which is fair for all taxpayers and additional tools to attack fraud in the savings and loan industry; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; and the Judiciary.

By Mr. LaFALCE:

H.R. 5500. A bill to entitle employees to family leave in certain cases involving a birth, and adoption, or a serious health condition of a child and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights; jointly, to the Committees on Education and Labor, Post Office and Civil Service, and House Administration.

By Mr. LEVIN of Michigan (for himself and Mr. PEASE):

H.R. 5501. A bill to amend the Internal Revenue Code of 1986 to provide for a carryover basis of property at death, indexing the basis of certain property, and for other purposes; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 5502. A bill to amend title 10, United States Code, to reduce the service obligation for graduates of a military service academy to 4 years; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. RICHARDSON, Mr. DE LUGO, Mr. LEWIS of Georgia, Mr. KOSTMAYER, Mr. DEFAZIO, and Mr. LEVINE of California):

H.R. 5503. A bill to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, as a national park, recreational area, or seashore; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI (for himself, Mr. STARK, Mr. JENKINS, Mr. GRADISON, Mr. THOMAS of California, Mr. MCGRATH, Mr. FLIPPO, and Mr. MOODY):

H.R. 5504. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of governmental plans; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. CONTE, Mr. MARKEY, Mr. WOLPE, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. ATKINS, Mr. JOHNSON of South Dakota, Mr. DEFAZIO, and Mr. MCDERMOTT):

H.R. 5505. A bill to amend the Atomic Energy Act of 1954 to authorize the States to regulate the disposal of low-level radioactive waste for which the Nuclear Regulatory Commission does not require disposal in a licensed facility; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. MONTGOMERY (for himself and Mr. STUMP):

H.R. 5506. A bill to provide for the transfer of an existing U.S. memorial erected under the auspices of the American Legion, Inc., for use and benefit of all American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Washington (for himself and Mr. DICKS):

H.R. 5507. A bill regarding the Early Winters Resort; to the Committee on Interior and Insular Affairs.

By Mr. MRAZEK:

H.R. 5508. A bill to provide for the waiver of the Export Administration Act and certain authorities invoked under the Trading With the Enemy Act with respect to oil and gas exploration and development in Vietnam by United States persons; to the Committee on Foreign Affairs.

By Mr. MRAZEK (for himself, Mr. ANDREWS, Mr. KOSTMAYER, and Mr. SHAW):

H.R. 5509. A bill to establish a commission to study the significance of Civil War sites and alternatives for their preservation and interpretation; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY (for himself, Mr. PERKINS, Mr. HAWKINS, Mr. POSHARD, Mr. JONTZ, Mr. RAHALL, Mr. MOLLOHAN, Mr. STAGGERS, Mr. WISE, Mr. BEVILL, Mr. YATRON, Mr. KANJORSKI, Mr. DYMALLY, Mr. CLAY, Mr. WILLIAMS, Mr. MILLER of California, Mr. HAYES of Illinois, Mr. TOWNS, Mr. MCCLOSKEY, Mr. EVANS, Mr. APPLEGATE, Mr. GAYDOS, Mr. KOLTER, Mr. BOUCHER, and Mr. WALGREN):

H.R. 5510. A bill to amend the Black Lung Benefits Act; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 5511. A bill to amend the Federal Aviation Act of 1958 to enhance competition in the airline computer reservations system industry; to the Committee on Public Works and Transportation.

By Mr. PARKER (for himself, Mr. ESPY, and Mr. MONTGOMERY):

H.R. 5512. A bill to authorize financial assistance for the Tougaloo College of Tougaloo, MS; to the Committee on Education and Labor.

By Ms. PELOSI (for herself, Mr. OWENS of Utah, Mr. DELLUMS, and Mr. FAUNTROY):

H.R. 5513. A bill to amend the Clean Air Act to require employers in nonattainment areas to make certain payments to employees who are not provided with employer-subsidized parking; to the Committee on Energy and Commerce.

By Mr. PENNY:

H.R. 5514. A bill to establish a program of voluntary domestic and international service, to establish a Police Corps program, to enhance benefits under the all-volunteer force educational assistance program, and for other purposes; jointly, to the Committees on Education and Labor, Foreign Affairs, the Judiciary, Veterans' Affairs, and Armed Services.

By Mr. RICHARDSON:

H.R. 5515. A bill to amend the Internal Revenue Code of 1986 to provide credit for producing fuel from nonconventional sources; to the Committees on Ways and Means.

By Mr. RINALDO (for himself, Mr. HERTEL, and Mr. STAGGERS):

H.R. 5516. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt payments for home health services under the Medicare Program from reduction under a sequestration order; jointly, to the Committees on Government Operations, Energy and Commerce, and Ways and Means.

By Mr. ROYBAL (for himself, Mr. WAXMAN, Mr. RINALDO, and Mr. REGULA):

H.R. 5517. A bill to provide for a service to assist Medicare beneficiaries in receiving services under health insurance programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. SAIKI:

H.R. 5518. A bill to establish as the policy of the United States the preservation, protection, and promotion of the rights of native Americans to use, practice and develop native American languages, to take steps to foster such use, practice, and development, and for other purposes; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

By Mr. SCHIFF:

H.R. 5519. A bill to establish the National Atomic Museum; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mr. SHARP (for himself, Mr. MOORHEAD, Mr. LENT, and Mr. SCHUMER):

H.R. 5520. A bill to amend the Petroleum Marketing Practices Act to require certification and posting for all liquid automotive fuels, to provide the States more authority to enforce automotive fuel posting requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself and Mrs. LLOYD):

H.R. 5521. A bill to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. SHAW (for himself, Mr. JAMES, Mr. GOSS, Mr. LEHMAN of Florida, Mr. MCCOLLUM, and Ms. ROS-LEHTINEN):

H.R. 5522. A bill to authorize the Secretary of Education to make a grant to Stetson University for the construction of library facilities; to the Committee on Education and Labor.

By Mr. SHAW (for himself, Mr. DONALD E. LUKENS, Mr. ROBINSON, Mr. COURTER, Mr. FIELDS, Mr. GOSS, Mr. HILER, Mr. DORNAN of California, and Mr. GILMAN):

H.R. 5523. A bill to amend title 10, United States Code, to provide enhanced authority for members of the Armed Forces in drug interdiction activities; jointly, to the Committee on Armed Services and the Judiciary.

By Mr. SHUMWAY:

H.R. 5524. A bill to suspend temporarily the duty on canned corned mutton; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York:

H.R. 5525. A bill to amend the Controlled Substance Act to limit the retention of seized assets by the Attorney General for administrative expenses; jointly, to the Committee on Energy and Commerce and the Judiciary.

By Mr. ROBERT F. SMITH:

H.R. 5526. A bill to provide for the designation and conservation of certain lands in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5527. A bill to provide the counties of the Pacific Northwest a portion of the reve-

nues lost by reduced timber harvest receipts due to timber sale volume reduction caused by new Federal land use plans, protection for northern spotted owls and other species, and protection for old growth ecosystem, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. SOLARZ:

H.R. 5528. A bill to provide for a clearinghouse for the credentials for physicians, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 5529. A bill to amend title XIX of the Social Security Act to prevent and detect illegal and inappropriate drug distribution leading to increased health costs and drug abuse by requiring prescriptions of drugs that are controlled substances in any of schedules II through V be written on prescription forms that are accountable; to the Committee on Energy and Commerce.

H.R. 5530. A bill to amend the Controlled Substances Act and other laws to provide for a system of accountable prescription forms to prevent and detect illegal and inappropriate drug distribution leading to increased health costs and drug abuse; to the Committee on Energy and Commerce.

H.R. 5531. A bill to amend part A of title XVIII of the Social Security Act to prevent and detect illegal and inappropriate drug distribution leading to increased health costs drug abuse by requiring prescriptions of drugs that are controlled substances in any of schedules II through V be written on prescription forms that are accountable; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STUDDS (for himself and Ms. SCHNEIDER):

H.R. 5532. A bill to establish a Presidential awards program, administered by the Council on Environmental Quality, to recognize and stimulate excellence in environmental education in Grades Kindergarten through 12; jointly, to the Committees on Education and Labor and Merchant Marine and Fisheries.

By Mr. TAYLOR (for himself, Mr. TAUZIN, Mr. TRAFICANT, Mrs. BENTLEY, Mrs. UNSOELD, Mr. RAVENEL, Mr. TALLON, and Mr. BORSKI):

H.R. 5533. A bill to provide for restricting foreign flagged gambling vessels to territorial seas; to the Committee on Merchant Marine and Fisheries.

By Mr. TAYLOR (for himself, Mr. TAUZIN, Mr. TRAFICANT, Mrs. BENTLEY, Mrs. UNSOELD, Mr. RAVENEL, Mr. HUBBARD, Mr. TALLON, Mr. JONES of North Carolina, Mr. LIPINSKI, Mr. YOUNG of Alaska, and Mr. BORSKI):

H.R. 5534. A bill to provide for safety and competitiveness on vessels documented as vessels of the United States; jointly, to the Committees on Merchant Marine and Fisheries and the Judiciary.

By Mr. TORRICELLI (for himself, Mr. ROE, Mr. MRAZEK, Mr. BROWN of California, Mr. MCCURDY, Mr. NELSON of Florida, Mr. VALENTINE, Mr. HOCHBRUECKNER, Mr. HAYES of Louisiana, Mr. MCMILLEN of Maryland, and Mr. SCHUMER):

H.R. 5535. A bill to establish a program of research and development on magnetic levitation transportation, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. TOWNS:

H.R. 5536. A bill to amend title XIX of the Social Security Act to permit coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself, Mr. BLAZ, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. OWENS of New York, Mr. POSHARD, Mr. RANGEL, Mr. SERRANO, Mr. VALENTINE, and Mr. WEISS):

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for tuition paid for the college education of children of the taxpayer; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself, Mr. JONES of North Carolina, Mr. DE LUGO, Mr. RICHARDSON, Ms. KAPTUR, Mr. KOLTER, Mr. MRAZEK, Mr. SAVAGE, Mr. FROST, Mr. WEISS, Mr. DELLUMS, Mr. TOWNS, Mr. MFUME, and Mr. JONTZ):

H.R. 5538. A bill to establish a National Academy of Science, Space, and Technology; to the Committee on Science, Space, and Technology.

By Mr. UDALL (for himself and Mr. RHODES):

H.R. 5539. A bill to provide for the settlement of the water rights claims of the San Carlos Apache Tribe in Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VALENTINE (for himself, Mr. CLARKE, Mr. HEFNER, Mr. JONES of North Carolina, Mr. LANCASTER, Mr. NEAL of North Carolina, Mr. PRICE, and Mr. ROSE):

H.R. 5540. A bill to provide for construction and lease-purchase acquisition, on Government-owned land, of a building to provide housing for the Environmental Protection Agency in the Research Triangle Park, NC; to the Committee on Public Works and Transportation.

By Mr. VANDER JAGT (for himself and Mr. DAVIS):

H.R. 5541. A bill to permit trapping in Sleeping Bear Dunes National Lakeshore and Pictured Rocks National Lakeshore; to the Committee on Interior and Insular Affairs.

By Mr. VISCLOSKY:

H.R. 5542. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to permit certain projected benefit increases to be taken into account in determining the amount of the full-funding limitation, and to amend such Code to increase the excise tax of employer reversions from qualified plans; jointly, to the Committee on Ways and Means and Education and Labor.

By Mr. WALGREN (for himself and Mr. BROWN of California):

H.R. 5543. A bill to establish a Directorate for Behavioral and Social Sciences within the National Science Foundation; to the Committee on Science, Space, and Technology.

By Mr. WEISS:

H.R. 5544. A bill to improve the enforcement of criminal and regulatory provisions of law applicable with respect to insured depository institutions; jointly, to the Committees on the Judiciary and Banking, Finance and Urban Affairs.

By Mr. WISE (for himself, Mr. MCCANDLESS, and Mr. SCHIFF):

H.R. 5545. A bill to amend title 18, United States Code, to permit the Attorney General to grant permanent resident status for certain alien participants in the Witness Security Program; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. DEFAZIO, Mrs. UNSOELD, Mr. DENNY SMITH, Mr. MORRISON of Washington, and Mr. MILLER of Washington):

H.R. 5546. A bill to direct the Secretaries of Agriculture and the Interior to conduct a yield and cost study of timber management investment opportunities on Federal timberlands in California, Oregon, and Washington and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. GILMAN:

H.J. Res. 636. Joint resolution to designate September 15, 1990 to October 15, 1990, as "Community Center Month"; to the Committee on Post Office and Civil Service.

By Mr. ALEXANDER (for himself, Mr. EMERSON, Mr. HERGER, Mr. HAYES of Louisiana, Mr. LAUGHLIN, Mr. ROBINSON, Mr. HUCKABY, Mr. BROOKS, Mr. FAZIO, Mr. WILSON, Mr. DELAY, Mr. LEWIS of Florida, Mr. STANGELAND, and Mr. TAUZIN):

H.J. Res. 637. Joint resolution to declare September 1991 as "National Rice Month"; to the Committee on Post Office and Civil Service.

By Mrs. BENTLEY (for herself, Mr. ALEXANDER, Mr. ASPIN, Mr. AUCOIN, Mr. BATEMAN, Mr. BATES, Mr. BENNETT, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of Colorado, Mr. BUSTAMANTE, Mr. CALLAHAN, Mr. CARPER, Mr. CHAPMAN, Mr. CLARKE, Mr. CLEMENT, Mr. COBLE, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONYERS, Mr. COSTELLO, Mr. COUGHLIN, Mr. COYNE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DERRICK, Mr. DE LUGO, Mr. DINGELL, Mr. DORNAN of California, Mr. DURBIN, Mr. EMERSON, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FROST, Mr. FUSTER, Mr. GALLEGLY, Mr. GRANT, Mr. GILMAN, Mr. GONZALEZ, Mr. GUARINI, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HENRY, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. HUCKABY, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JENKINS, Mr. JONTZ, Mr. KASICH, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. LOWERY of California, Mr. MCDADE, Mr. MCEWEN, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MANTON, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NEAL of Massachusetts, Mr. NIELSON of Utah, Ms. OAKAR, Mr. PARKER, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. QUILLEN, Mr. RAY, Mr. RINALDO, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SCHIFF, Mr. SLATTERY, Mr. ROBERT F. SMITH, Mr. SPENCE, Mr. STALLINGS, Mr. STANGELAND, Mr. TOWNS, Mr. VANDER JAGT, Mr. WALGREN, Mr. WHEAT, Mr. WOLF, Mr. YATRON, and Mr. SKEEN):

H.J. Res. 638. Joint resolution to designate the week of September 23 through 29, 1990,

as "Religious Freedom Week"; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH (for himself, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. FLIPPO, Mr. HARRIS, Mr. COLEMAN of Texas, Mr. DEWINE, Mr. HENRY, Mr. WAXMAN, Mrs. BOXER, and Mr. TOWNS):

H.J. Res. 639. Joint resolution designating October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT (for himself and Mr. MICHEL):

H.J. Res. 640. Joint resolution designating 1991 as the "Year of Thanksgiving for the Blessings of Liberty"; to the Committee on Post Office and Civil Service.

By Mr. HAYES of Louisiana (for himself and Mr. TAUZIN):

H.J. Res. 641. Joint resolution to designate October 1, 1990, through October 1, 1991, as the "Year of the Wetlands"; to the Committee on Post Office and Civil Service.

By Mr. HILER:

H.J. Res. 642. Joint resolution designating October 1 through 7, 1990, as "National Customer Service Week"; to the Committee on Post Office and Civil Service.

By Mr. PARKER:

H.J. Res. 643. Joint resolution designating November 4 through 10, 1990, as "National Key Club Week"; to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 644. Joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. GRAY:

H. Con. Res. 360. Concurrent resolution providing for an adjournment of the House from the legislative day of August 3 to September 5, 1990, and a recess or adjournment of the Senate from any day between August 3 and August 10 to September 10, 1990; considered and agreed to.

By Mr. GEPHARDT:

H. Con. Res. 361. Concurrent resolution to establish a time table with respect to the Congressional budget process for fiscal year 1991; to the Committee on Rules.

By Mr. ANDERSON (for himself, Mrs. BOXER, Mr. HAMMERSCHMIDT, Mr. ROE, Mr. MINETA, Mr. OBERSTAR, Mr. NOWAK, Mr. RAHALL, Mr. APPLEGATE, Mr. DE LUGO, Mr. SAVAGE, Mr. BOSCO, Mr. BORSKI, Mr. KOLTER, Mr. VALENTINE, Mr. LIPINSKI, Mr. VISCLOSKY, Mr. TRAFICANT, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. SKAGGS, Mr. HAYES of Louisiana, Mr. CLEMENT, Mr. PAYNE of Virginia, Mr. COSTELLO, Mr. PALLONE, Mr. JONES of Georgia, Mr. PARKER, Mr. LAUGHLIN, Mr. GEREN, Mr. SANGMEISTER, Mr. ACKERMAN, Mr. PERKINS, Mr. SHUSTER, Mr. STANGELAND, Mr. CLINGER, Mr. MCEWEN, Mr. PACKARD, Mr. LIGHTFOOT, Mr. HASTERT, Mr. INHOFE, Mr. EMERSON, Mr. GRANT, Mr. DUNCAN, Ms. MOLINARI, Mr. COLEMAN of Texas, Mr. COYNE, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DOWNEY, Mr. DURBIN, Mr. EVANS, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. KLECZKA, Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of Utah, Mr. PANETTA, Ms. PELOSI, Mr. SCHEUER, Mr. SERRANO, Mr. TORRES, Mrs. UNSOELD, Mr. WISE, and Mr. WOLPE):

H. Con. Res. 362. Concurrent resolution expressing the sense of Congress concerning the need for a national policy to rebuild the infrastructure of the United States; to the Committee on Public Works and Transportation.

By Mr. SHAYS (for himself and Mr. SMITH of Vermont):

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress concerning future defense contracting with the Northrop Corp.; to the Committee on Armed Services.

By Mr. COX (for himself, Mr. HUNTER, Mr. LAGOMARSINO, Mr. GINGRICH, Mr. DORNAN of California, Mr. DONALD E. LUKENS, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. DANNEMEYER, Mr. DREIER of California, Mr. GOSS, and Mr. MCCOLLUM):

H. Res. 458. Resolution concerning the normalization of relations between the United States and the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. MCGRATH (for himself, Mr. MATSUI, Mr. JACOBS, Mr. CRANE, Mr. BROWN of Colorado, Mr. DOWNEY, Mr. MRAZEK, Mr. PAXON, Mr. WOLPE, Mr. GREEN, Mr. MCHUGH, Mr. HOUGHTON, Mr. WEISS, Mr. BOEHLERT, Mr. HOCHBRUECKNER, Mr. LENT, Mr. SCHEUER, Mr. NOWAK, Mr. HERGER, Mr. GALLO, Mr. ACKERMAN, Ms. MOLINARI, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. SERRANO, Mr. DONALD E. LUKENS, Mr. GILMAN, Mr. FISH, Mrs. LOWEY of New York, Mr. RINALDO, Mr. MCNULTY, Mr. ANNUNZIO, Mr. HORTON, Mr. SHUMWAY, Mr. SOLOMON, Ms. SLAUGHTER of New York, Mr. EVANS, Mr. MANTON, Mr. BROOMFIELD, Mr. CAMPBELL of Colorado, Ms. LONG, and Mr. SCHUMER):

H. Res. 459. Resolution expressing the House of Representatives' opposition to restriction or elimination of the Federal tax deduction for State and local income and property taxes; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself and Mr. QUILLEN):

H. Res. 460. Resolution clarifying the jurisdiction of the Committee on Rules with respect to the rules; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, Mr. FRANK introduced a bill (H.R. 5547) for the relief of Ovidio Javier Morla Paredes, Maria Estrada de Morla, Javier Alfredo Morla Estrada, and Carlos Andres Morla Estrada; to the Committee on the Judiciary.

Mr. JONES of North Carolina introduced a bill (H.R. 5548) to transfer certain lands placed within the Cape Hatteras National Seashore because of an eroneous survey to those individuals claiming the lands; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. DYSON.

H.R. 118: Mr. ECKART.

H.R. 188: Mr. BUSTAMANTE, Mr. PICKLE, Mr. SMITH of Texas, Mr. BROOKS, Mr. DE LA GARZA, Mr. ANDREWS, Mr. WASHINGTON, Mr. LAUGHLIN, Mr. WOLPE, Mr. WYDEN, Mr. BARTON of Texas, Mr. SLATTERY, Mr. GEREN, Mr. NIELSON of Utah, Mr. HANSEN, Mr. FIELDS, Mr. HARRIS, Mr. BROWDER, Mr. HUCKABY, Mr. ENGLISH, Mr. ARMEY, Mr. DANNEMEYER, Mr. COBLE, Mr. PACKARD, Mr. RHODES, Mr. LEWIS of California, Mr. COLEMAN of Texas, Mr. HOPKINS, Mr. HUBBARD, Mr. CALLAHAN, Mr. ROBINSON, Mr. BRYANT, Mr. ORTIZ, Mr. FROST, Mr. DELAY, Mr. GINGRICH, Mr. GUNDERSON, Mr. MCEWEN, Mr. WALKER, and Mr. SOLOMON.

H.R. 290: Mr. GILMAN.

H.R. 446: Mr. PERKINS.

H.R. 496: Mr. CHAPMAN.

H.R. 567: Mr. HOAGLAND.

H.R. 780: Mr. ESPY, Mr. MOODY, Mr. BILBRAY, Mr. TOWNS, and Mr. MFUME.

H.R. 857: Mr. KENNEDY.

H.R. 933: Mr. ENGEL and Mr. ECKART.

H.R. 950: Mr. DYSON.

H.R. 984: Mr. GIBBONS.

H.R. 1047: Mr. ACKERMAN, Mr. ANDERSON, Mr. BALLENGER, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BOSCO, Mr. BOUCHER, Mr. BROWDER, Mr. BROWN of Colorado, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. CARPER, Mr. CARR, Mr. CLARKE, Mr. CLEMENT, Mr. CLINGER, Mr. COLEMAN of Missouri, Mrs. COLLINS, Mr. CONTE, Mr. CRAIG, Mr. CROCKETT, Mr. DARDEN, Mr. DAVIS, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEWINE, Mr. DICKS, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DUNCAN, Mr. FAWELL, Mr. FLIPPO, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. GALLO, Mr. GEKAS, Mr. GEREN, Mr. GILLMOR, Mr. GONZALEZ, Mr. GORDON, Mr. GOSS, Mr. GRAY, Mr. GUARINI, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HENRY, Mr. HILER, Mr. HUTTO, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mr. JONES of North Carolina, Mr. KASICH, Mrs. KENNELLY, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LOWERY of California, Mr. DONALD E. LUKENS, Mr. MACHTLEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MILLER of Washington, Mrs. MORELLA, Mr. MRAZEK, Mr. MURPHY, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NIELSON of Utah, Mr. NOWAK, Ms. OAKAR, Mr. OWENS of Utah, Mr. PACKARD, Mr. PARKER, Mrs. PATTERSON, Mr. PAYNE of Virginia, Mr. PICKETT, Mr. PICKLE, Mr. PORTER, Mr. POSHARD, Mr. RAHALL, Mr. RAVENEL, Mr. RHODES, Mr. RINALDO, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr. SABO, Mrs. SAIKI, Mr. SARPALIUS, Mr. SCHAEFER, Mr. SCHEUER, Mr. SCHIFF, Ms. SCHNEIDER, Mr. SHAYS, Ms. SLAUGHTER of New York, Mr. SMITH of New Hampshire, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of Iowa, Ms. SNOWE, Mr. SPRATT, Mr. STAGGERS, Mr. STENHOLM, Mr. STUDDS, Mr. STUMP, Mr. TAUZIN, Mr. THOMAS of Wyoming, Mr. TOWNS, Mr. TRAFICANT, Mr. UDALL, Mrs. UNSOELD, Mr. VENTO, Mrs. VUCANOVICH, Mr. WALGREN, Mr. WHITTAKER, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr WOLPE, Mr. WYLIE, and Mr. YOUNG of Alaska.

H.R. 1136: Mr. DENNY SMITH.

H.R. 1140: Mr. DYSON.

H.R. 1171: Mr. BOEHLERT.

H.R. 1227: Mr. OWENS of Utah, Mr. BATES, Mr. HUGHES, Mr. RAVENEL, Mr. DELAY, and Mr. BAKER.

H.R. 1317: Mr. BROWN of Colorado, Mr. COMBEST, and Mr. WILSON.

H.R. 1400: Mr. ROGERS, Mrs. KENNELLY, Mr. YOUNG of Florida, and Mr. RINALDO.
H.R. 1540: Mr. JOHNSON of Connecticut.
H.R. 1663: Mr. MFUME.
H.R. 1675: Mr. COX.
H.R. 2037: Mr. BATES, Mr. MCMILLAN of North Carolina, Mr. FLAKE, and Mr. ECKART.
H.R. 2098: Mr. MADIGAN, Mr. CLINGER, Mr. COOPER, and Mr. KANJORSKI.
H.R. 2319: Mr. TANNER and Mr. SMITH of New Hampshire.
H.R. 2460: Mr. NEAL of Massachusetts.
H.R. 2532: Mr. JOHNSTON of Florida, Mrs. MEYERS of Kansas, and Mr. DEFAZIO.
H.R. 2798: Mr. BROWN of California, Mr. DOWNEY, Mr. TRAFICANT, Mr. STALLINGS, Mr. ACKERMAN, Mr. SCHEUER, Mr. SCHUMER, Mr. MCHUGH, Ms. PELOSI, Mr. MCNULTY, and Mr. GRAY.
H.R. 2807: Mr. PACKARD.
H.R. 2926: Mrs. MORELLA.
H.R. 2992: Mr. VANDER JAGT.
H.R. 3017: Mr. BRYANT.
H.R. 3129: Mr. BROWN of California, Mr. CAMPBELL of California, Mr. DARDEN, Mr. DUNCAN, Mr. FRANK, Mr. FROST, Mr. GUNDERSON, Mr. JENKINS, Mr. LAUGHLIN, Mr. PERKINS, and Mr. ROWLAND of Georgia.
H.R. 3280: Mr. TRAFICANT, Mr. SUNDQUIST, and Mr. YOUNG of Florida.
H.R. 3389: Mrs. BOXER, Mr. IRELAND, Mr. STUDDS, Ms. SNOWE, Mr. WEISS, Mr. DORNAN of California, Mr. FALEOMAVAEGA, Mr. HORTON, Mr. WILSON, Mrs. COLLINS, Mr. WALSH, Mr. FASCELL, Mr. OWENS of Utah, and Mr. BENNETT.
H.R. 3472: Mr. STEARNS.
H.R. 3595: Mr. YOUNG of Florida.
H.R. 3604: Mr. WILSON and Mr. YOUNG of Florida.
H.R. 3690: Mr. GILLMOR.
H.R. 3734: Mrs. SAIKI.
H.R. 3798: Mr. MCMILLAN of North Carolina.
H.R. 3800: Mr. SPRATT, Mr. MACHTLEY, Mr. DREIER of California, Mr. HERGER, Mr. RAVENEL, Mr. NIELSON of Utah, Mr. GOSS, Mr. GILMAN, Mr. MCMILLAN of North Carolina, Mr. LIGHTFOOT, Mr. STEARNS, Mr. PAXON, Ms. ROS-LEHTINEN, Mr. DENNY SMITH, Mr. FIELDS, Mr. LEACH of Iowa, Mr. INHOFE, Mr. BUNNING, Mr. RITTER, Mr. BROOMFIELD, Mr. MADIGAN, Ms. SCHNEIDER, Mr. LEWIS of Florida, and Mr. SHUMWAY.
H.R. 3830: Mrs. MEYERS of Kansas.
H.R. 3854: Mr. GORDON.
H.R. 3909: Mr. PETRI.
H.R. 3914: Mr. HUCKABY.
H.R. 3925: Mr. DE LUGO, Mr. HENRY, Mr. ROE, Mr. ROSE, and Mr. SMITH of Florida.
H.R. 3933: Ms. SNOWE and Mr. CHAPMAN.
H.R. 3936: Mr. DAVIS, Mr. THOMAS A. LUKEN, Mr. CONDIT, Mr. HORTON, and Mr. WAXMAN.
H.R. 3959: Mr. JOHNSTON of Florida and Mr. PALLONE.
H.R. 4011: Mr. GORDON, Mr. MORRISON of Connecticut, Mr. ENGEL, and Mr. SKAGGS.
H.R. 4121: Mrs. BYRON, Mr. JONTZ, and Mr. BUSTAMANTE.
H.R. 4149: Mr. GALLO.
H.R. 4181: Mr. CALLAHAN and Mr. WALGREN.
H.R. 4212: Mr. STANGELAND, Mr. RAY, Mr. RICHARDSON, and Mr. SHUMWAY.
H.R. 4223: Mr. JONES of Georgia.
H.R. 4224: Mr. ANNUNZIO, Mr. COLEMAN of Texas, Mr. DIXON, Mr. GILMAN, Mr. GONZALEZ, Mr. HORTON, Mr. JONES of Georgia, Ms. SLAUGHTER of New York, Mr. SOLARZ, and Mr. WILSON.
H.R. 4258: Mr. RINALDO, Mr. DWYER of New Jersey, Mr. BLILEY, Mrs. LOWEY of New York, and Mr. DYSON.
H.R. 4308: Mr. HEFNER, Mr. WILSON, Mr. BUSTAMANTE, and Mr. RINALDO.
H.R. 4311: Mr. BUSTAMANTE.
H.R. 4433: Mr. GILLMOR, Mr. ROSE, Mr. BILBRAY, Mr. FAUNTROY, and Mr. DWYER of New Jersey.
H.R. 4475: Mr. GALLO, Mr. MCCOLLUM, Mr. MCMILLEN of Maryland, Mr. LIPINSKI, Mr. STENHOLM, Mr. ENGEL, Mr. FIELDS, Mr. WHITTAKER, Mrs. BYRON, Mr. SKEEN, Mr. VOLKMER, Mr. HOAGLAND, Mr. NEAL of North Carolina, Mr. RINALDO, Mr. GLICKMAN, Mr. COLEMAN of Texas, Mr. MANTON, Mr. FROST, Mr. WHEAT, Mr. COLEMAN of Missouri, Mr. EDWARDS, of Oklahoma, Mr. CAMPBELL of Colorado, Mr. KASICH, Mr. GRANT, Mr. OLIN, Mr. LANCASTER, Mr. THOMAS of Wyoming, Mr. TAUZIN, Mr. HAWKINS, Mr. NEAL of Massachusetts, Mr. MCCANDLESS, Mr. DREIR of California, and Mrs. VUCANOVICH.
H.R. 4483: Mr. CAMPBELL of Colorado, Mr. MACHTLEY, Mr. COLEMAN of Missouri, Mr. WALSH, Mr. STENHOLM, Mr. SKEEN, Mr. WOLPE, Mr. JACOBS, Mr. LAGOMARSINO, and Mr. WALGREN.
H.R. 4492: Mr. ASPIN, Mr. LANCASTER, and Mr. COSTELLO.
H.R. 4499: Mr. STUMP.
H.R. 4512: Mr. PARKER.
H.R. 4517: Mr. GEJDENSON.
H.R. 4530: Mr. MARKEY.
H.R. 4531: Mr. OBERSTAR, Mr. HUGHES, and Mr. SISISKY.
H.R. 4568: Mr. PEASE.
H.R. 4571: Ms. PELOSI.
H.R. 4669: Mrs. COLLINS, Mr. DURBIN, Mr. EDWARDS of California, Mr. MAVROULES, Mr. TORRES, and Mr. WALSH.
H.R. 4683: Mr. WYLIE.
H.R. 4733: Mr. SOLARZ, Mr. WEISS, Mr. ROE, and Mr. GAYDOS.
H.R. 4770: Mr. HOCHBRUECKNER, Mr. WILLIAMS, Mr. EDWARDS of California, Mr. COSTELLO, and Mr. DELLUMS.
H.R. 4801: Ms. SCHNEIDER.
H.R. 4824: Mr. DELLUMS.
H.R. 4840: Mr. BILBRAY and Mr. MCNULTY.
H.R. 4863: Mr. FOGLIETTA, Mrs. COLLINS, Mr. HERTEL, Mr. FORD of Tennessee, Mr. RANGEL, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. ANNUNZIO, Mr. CROCKETT, Mr. KOLTER, Mr. JONTZ, Mr. DYSON, and Mr. HUGHES.
H.R. 4868: Mr. DELLUMS, Mr. OXLEY, Mr. MCNULTY, Ms. PELOSI, and Mr. ACKERMAN.
H.R. 4909: Mr. CRAIG.
H.R. 4921: Mr. HANSEN.
H.R. 4948: Mr. WEISS.
H.R. 4959: Mr. THOMAS of Georgia and Mr. HERGER.
H.R. 4970: Mr. FORD of Michigan, Mr. SHUMWAY, and Mr. GOODLING.
H.R. 4994: Mr. MACHTLEY, Mr. GEJDENSON, and Mr. TOWNS.
H.R. 4997: Mr. JONTZ.
H.R. 5007: Mr. GONZALEZ.
H.R. 5008: Mr. LAGOMARSINO.
H.R. 5028: Mr. NIELSON of Utah.
H.R. 5049: Mr. BEVILL, Mr. CALLAHAN, and Mr. DICKINSON.
H.R. 5080: Mr. FROST.
H.R. 5086: Mr. MCDADE, Mr. CLINGER, and Mr. MOLLOHAN.
H.R. 5094: Mr. CLINGER, Mr. NIELSON of Utah, and Mr. DICKINSON.
H.R. 5120: Mr. WEISS, Mr. LANCASTER, Mr. COSTELLO, and Mr. CROCKETT.
H.R. 5156: Mr. HARRIS.
H.R. 5174: Mr. HAMILTON and Mr. MAZZOLI.
H.R. 5189: Mr. LEWIS of Florida and Mr. LAGOMARSINO.
H.R. 5190: Mr. SISISKY and Mr. BATES.
H.R. 5202: Ms. PELOSI.
H.R. 5226: Mr. SMITH of Vermont, and Mr. MORRISON of Connecticut.
H.R. 5231: Mr. KOSTMAYER, Mr. MATSUI, Mr. FAUNTROY, Mr. UDALL, Mr. FRANK, Mr. BEILENSON, Mr. LEVIN of Michigan, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. JOHNSTON of Florida, Mr. FRENZEL, Mrs. COLLINS, Mr. JONES of Georgia, Mr. WOLPE, Mr. FAZIO, Mr. SMITH of Vermont, Mr. CROCKETT, Mr. SMITH of Florida, Mrs. LOWEY of New York, Mr. OWENS of New York, Mr. BOUCHER, Mr. ACKERMAN, Mr. SERRANO, Mr. WHEAT, Mr. EVANS, Mr. DICKS, Mr. FOGLIETTA, Mr. DEFAZIO, Mrs. BOXER, Mr. BRYANT, Mr. SKAGGS, Mr. BATES, Mr. STUDDS, Mr. SOLARZ, Mr. PAYNE of New Jersey, Ms. SLAUGHTER of New York, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. STARK, Mr. ANDREWS, Mr. MACHTLEY, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Mr. GREEN, Mr. LEVINE of California, Mr. WILSON, and Mr. SCHEUER.
H.R. 5235: Mr. ALEXANDER, Mr. BATEMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. CAMPBELL of Colorado, Mr. CONTE, Mr. CONYERS, Mr. DE LUGO, Mr. DICKS, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. FROST, Mr. HARRIS, Mr. HORTON, Mr. LANCASTER, Mr. LANTOS, Mr. RANGEL, Mr. SMITH of Florida, Mr. SPENCE, and Mr. SERRANO.
H.R. 5240: Mr. CHAPMAN, Mr. GREEN, Ms. OAKAR, Mr. SAVAGE, Mr. WHEAT, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. CROCKETT, Mrs. COLLINS, Mr. RANGEL, and Mr. MARTINEZ.
H.R. 5244: Mr. CAMPBELL of Colorado.
H.R. 5246: Mr. JONTZ.
H.R. 5262: Mr. HORTON, Mr. ANNUNZIO, and Mr. LAGOMARSINO.
H.R. 5281: Mr. BALLENGER, Mr. BAKER, Mrs. BENTLEY, Mr. BLAZ, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. DAVIS, Mr. DELAY, Mr. DUNCAN, Mr. GILMAN, Mr. GOSS, Mr. GRANT, Mr. IRELAND, Mr. HORTON, Mr. HOLLOWAY, Mr. LIVINGSTON, Mr. DONALD E. LUKENS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCEWEN, Mr. PACKARD, Mr. PAXON, Mr. RITTER, Mr. ROBERTS, Ms. ROS-LEHTINEN, Mrs. SAIKI, Mr. SAXTON, Mr. SOLOMON, Mr. ROBERT F. SMITH, Mr. THOMAS of Wyoming, Mr. VANDER JAGT, Mr. WALSH, and Mr. WYLIE.
H.R. 5282: Mr. BOEHLERT, Mr. FLAKE, Mr. ESPY, Mr. FROST, Ms. SLAUGHTER of New York, Mr. FISH, Mr. WEISS, Mr. GILMAN, and Mr. HOUGHTON.
H.R. 5288: Mr. ENGEL, Mrs. JOHNSON of Connecticut, Mr. LENT, Mr. LIPINSKI, Mr. MCNULTY, Mr. PAXON, and Mr. RANGEL.
H.R. 5290: Mr. EVANS, Mr. HAYES of Illinois, and Mr. BENTLEY.
H.R. 5297: Mr. DORNAN of California, Mr. CHANDLER, Mr. MRAZEK, Mr. MORRISON of Washington, Mr. PORTER, and Mr. HANSEN.
H.R. 5306: Mr. BATES, Mrs. BOXER, Mrs. COLLINS, Mr. DWYER of New Jersey, Mr. EVANS, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. GEJDENSON, Mr. GEKAS, Mr. HAYES of Illinois, Mr. JONTZ, Ms. KAPTUR, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. MACHTLEY, Mr. MCDERMOTT, Mr. MORRISON of Connecticut, Ms. PELOSI, Mr. ROWLAND of Connecticut, Mr. SCHEUER, Mr. SIKORSKI, Mr. SYNAR, and Mr. TOWNS.
H.R. 5316: Mr. SMITH of Texas.
H.R. 5323: Mr. STALLINGS, Mr. MILLER of Washington, Mr. PENNY, Mr. MCDADE, Mr. HYDE, Mr. GUNDERSON, Mr. GRANDY, Mr. POSHARD, Mr. TRAXLER, Mr. HAYES of Illinois, Mr. CROCKETT, Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. DORGAN of North Dakota, Mr. SMITH of Vermont, Mr. PARRIS, Mr. FUSTER, Mr. MOAKLEY, Mr. ROWLAND of Georgia, Mr.

TOWNS, Mr. DELLUMS, Mr. RANGEL, Mr. DWYER of New Jersey, Mr. STANGELAND, and Mr. MARKEY.

H.R. 5326: Mr. JOHNSON of South Dakota.

H.R. 5328: Mr. FROST and Mr. WALGREN.

H.R. 5332: Mr. ACKERMAN, Mr. HORTON, Mr. GORDON, Mr. ERDREICH, and Mr. MCNULTY.

H.R. 5341: Ms. LONG, Mr. WALSH, Mr. KLECZKA, Mr. MCGRATH, Mr. PAXON, Ms. ROS-LEHTINEN, Mr. CAMPBELL of Colorado, Mr. SERRANO, Ms. SNOWE, Mr. SMITH of New Jersey, and Mr. BROWN of Colorado.

H.R. 5351: Mr. VANDER JAGT.

H.R. 5356: Mr. HYDE and Mr. RANGEL.

H.R. 5359: Mr. MAVROULES, Mr. RAVENEL, Mr. BILBRAY, Mr. LEVINE of California, Mr. ROE, Mr. SKELTON, Mr. ROSE, Mr. TALLON, and Mr. PANETTA.

H.R. 5362: Mr. ANTHONY and Mr. MATSUI.

H.R. 5368: Mr. BILBRAY, Mr. GALLEGLY, Mr. WILSON, and Mr. HYDE.

H.R. 5373: Mr. FLIPPO.

H.R. 5377: Mr. LEWIS of Georgia, Mr. WEISS, Mr. MCGRATH, Mr. KOSTMAYER, Mr. FAZIO, Mr. WELDON and Mr. RANGEL.

H.R. 5379: Mr. HENRY.

H.R. 5389: Mr. DWYER of New Jersey.

H.R. 5394: Mr. STARK, Mr. DYMALLY, and Mr. COYNE.

H.R. 5410: Mrs. BOXER, Mr. SWIFT, and Mr. KANJORSKI.

H.J. Res. 468: Mr. FROST and Mr. CALLAHAN.

H.J. Res. 498: Mr. BARNARD, Mrs. BOGGS, Mr. CLEMENT, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYES of Illinois, Mr. HERTEL, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MATSUI, Mr. MAVROULES, Mr. MCHUGH, Mr. MINETA, Mr. PALLONE, and Mr. VOLKMER.

H.J. Res. 509: Mr. BATES, Mr. PANETTA, Mrs. BOXER, and Mr. CLAY.

H.J. Res. 513: Mr. CONTE, Mr. KLECZKA, Mr. BATEMAN, Mr. YOUNG of Florida, Mr. GALLO, Mr. MCHUGH, Mr. MCCOLLUM, Mr. HAYES of Louisiana, Mr. SABO, Mr. SKAGGS, Mr. MONTGOMERY, Mr. COURTER, Mr. SHAW, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. LOWERY of California, Mr. HUNTER, Mr. BAKER, Mr. INHOFE, Mr. PICKLE, Mr. KASICH, Mr. BATES, Mr. PALLONE, Mr. PRICE, Mr. SUNDQUIST, Mr. KASTENMEIER, Mr. STALLINGS, Mr. HARRIS, Mr. KOSTMAYER, and Mr. VOLKMER.

H.J. Res. 514: Mr. CHAPMAN.

H.J. Res. 518: Mr. CARPER, Mr. RAY, Mr. EMERSON, Mr. WALSH, Mr. ROGERS, Mr. KLECZKA, Mr. MORRISON of Connecticut, Mr. MARTIN of New York, Mr. ROWLAND of Connecticut, Mr. SAVAGE, Mr. MCNULTY, and Mr. LEWIS of Georgia.

H.J. Res. 524: Mr. FUSTER, Mr. MANTON, and Mr. MORRISON of Washington.

H.J. Res. 526: Mr. HAMILTON, Mr. DE LUGO, Mr. SLATTERY, Mrs. SAIKI, Mr. PANETTA, Mr. BARTLETT, Mr. SISISKY, Mr. THOMAS of California, Mr. MOORHEAD, Mr. CLINGER, Mr. JOHNSON of South Dakota, Mr. BROWDER, Mr. PRICE, Mr. WHEAT, Mr. COX, Ms. BOGGS, Ms. LONG, Mr. STARK, Mr. MAZZOLI, Mr. RINALDO, Mr. RUSSO, Mr. MCCRERY, Mr. OLIN, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. JONTZ, Mr. BURTON of Indiana, Mr. OBERSTAR, and Mr. BAKER.

H.J. Res. 552: Mr. FOGLIETTA, Mrs. MARTIN of Illinois, Mr. STUMP, Mrs. BOXER, Mr. HATCHER, Mr. HOAGLAND, Mr. DUNCAN, Mr. HOCHBRUECKNER, Mr. GREEN, Mr. BAKER, Mr. KOLTER, Mr. TAUKE, Mr. EMERSON, Mr. DARDEN, Mr. CLINGER, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. VOLKMER, and Mr. ROWLAND of Connecticut.

H.J. Res. 560: Mrs. BENTLEY, Mr. CHAPMAN, and Ms. ROS-LEHTINEN.

H.J. Res. 570: Mr. MCEWEN, Mr. PRICE, Mr. SANGMEISTER, Mr. FEIGHAN, Mr. DUNCAN, Mr. MOORHEAD, Mr. RUSSO, Mr. MILLER of Ohio, Mr. JONES of Georgia, Mr. DONALD E. LUKENS, Mrs. LOWEY of New York, Mr. LANTOS, Mr. MRAZEK, Mr. MCDADE, Mr. YATRON, Mr. WELDON, Mr. CARDIN, Mr. DIXON, and Mr. TORRES.

H.J. Res. 571: Mr. FROST, Mr. GONZALEZ, and Mrs. MARTIN of Illinois.

H.J. Res. 586: Mr. ROHRABACHER.

H.J. Res. 602: Mr. KASTENMEIER, Ms. OAKAR, Mr. MACHTLEY, Mr. SMITH of Florida, and Mr. SPENCE.

H.J. Res. 603: Mr. ARMEY, Mr. BENNETT, Mr. BOSCO, Mr. BRUCE, Mr. CARDIN, Mr. COX, Mr. DURBIN, Mr. GEPHARDT, Mr. GRANT, Mr. HAMILTON, Mr. HILER, Ms. KAPTUR, Mr. MCHUGH, Mr. RAHALL, Mr. ROWLAND of Georgia, Mr. SAXTON, Mr. SHUSTER, Mr. SKAGGS, Mr. SWIFT, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. UPTON, Mr. VALENTINE, Mr. WALKER, Mr. WATKINS, and Mr. WHITTEN.

H.J. Res. 613: Mr. WISE, Mr. BROWN of California, Mr. RANGEL, and Mr. SMITH of New Hampshire.

H.J. Res. 627: Mr. ROBERT F. SMITH, Mr. CONYERS, Mr. TAUKE, Mr. MANTON, Mr. DIXON, Mr. KASICH, Mr. SCHUMER, Mr. SCHEUER, Mr. MAVROULES, Mr. STANGELAND, Mr. HARRIS, Mr. KOLTER, Mrs. COLLINS, Mr. JONES of North Carolina, Mr. WEISS, Mr. DYMALLY, Mr. LEWIS of Florida, Mr. MCHUGH, Mr. NAGLE, Mr. PARRIS, Mr. MOODY, Mr. LIVINGSTON, Mr. DAVIS, Mrs. BENTLEY, Mr. BILBRAY, Mr. MILLER of Ohio, Mr. NOWAK, Mr. LAUGHLIN, Mr. PAYNE of Virginia, Mr. SANGMEISTER, Mr. SAVAGE, Mr. SKAGGS, Mr. TRAFICANT, Mr. DEFAZIO, Mr. GEREN, Mr. PERKINS, Mr. JONES of Georgia, Mr. PURSELL, Ms. SLAUGHTER of New York, Mr. VISCLOSKY, Mr. LEWIS of California, Ms. LONG, Mr. REGULA, Mr. BRENNAN, Mr. CLEMENT, Mr. FEIGHAN, Mr. FLAKE, Mrs. PATTERSON, Mr. STARK, Mr. TANNER, Mr. WISE, Mr. JONTZ, Mr. LEVINE of California, Mr. GEJDENSON, Mr. ANDREWS, Mr. AUCOIN, Mr. BERMAN, Mr. BOUCHER, Mr. BRUCE, Mr. BRYANT, Mr. CARDIN, Mr. CARR, Mr. CHANDLER, Mr. DARDEN, Mr. ECKART, Mr. EDWARDS of California, Mr. FASCELL, Mr. HAYES of Illinois, Mr. HOUGHTON, Mr. HUCKABY, Mr. HUGHES, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEWIS of Georgia, Mr. MCCANDLESS, Mr. MCDERMOTT, Mr. MADIGAN, Mr. MILLER of California, Ms. MOLINARI, Mr. MOLLOHAN, Mrs. MORELLA, Mr. MORRISON of Washington, Mr. NEAL of North Carolina, Mr. PASHAYAN, Mr. ROWLAND of Georgia, Mr. SHAW, Mr. SIKORSKI, Mr. SISISKY, Mr. THOMAS of California, Mr. TORRES, Mrs. UNSOELD, Mr. WAXMAN, Mr. WYDEN, Mr. YOUNG of Alaska, and Mrs. BOGGS.

H. Con. Res. 98: Mr. FAWELL.

H. Con. Res. 151: Mr. PASHAYAN.

H. Con. Res. 246: Mr. SERRANO and Mr. MCCLOSKEY.

H. Con. Res. 264: Mr. CHAPMAN.

H. Con. Res. 293: Mr. LOWERY of California.

H. Con. Res. 306: Mr. SHUMWAY.

H. Con. Res. 315: Mr. STARK.

H. Con. Res. 316: Mr. MCMILLEN of Maryland.

H. Con. Res. 331: Mr. ROE, Mr. RANGEL, and Mr. LAGOMARSINO.

H. Con. Res. 356: Mr. BEILENSON, Mr. CLAY, Mr. FAUNTROY, Mr. FUSTER, Mr. HYDE, Mr. LEVINE of California, Mr. MCDERMOTT, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MORRISON of Connecticut, Mr. ROSE, Mr. SERRANO, Ms. SLAUGHTER of New York, Mr. TRAFICANT, and Mr. YATRON.

H. Con. Res. 357: Mr. MACHTLEY, Mr. SMITH of Florida, Mr. BLILEY, and Mr. HORTON.

H. Res. 312: Mr. MOODY.

H. Res. 390: Mr. ECKART, Mr. SMITH of Florida, and Mrs. BOXER.

H. Res. 438: Mr. STUMP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mrs. SAIKI.

H.R. 2584: Mr. HAYES of Louisiana.

H.R. 4496: Mr. GEREN.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

Organization or Individual Filing	Employer/Client
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Cotton Bowl Athletic Assn
Do	Cummins Engine Company, Inc
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises (For:American Precision Industries)
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Precision Industries
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Energen Corp)
Alliance for Medical Nutrition, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)
Susan E. Alvarado, 1440 New York Ave., NW, #320 Washington, DC 20005	Alvarado Group (For:Chevron USA, Inc)
Do	Alvarado Group (For:National Environmental Development Assn)
Do	Alvarado Group (For:Serono Laboratories, Inc)
Do	Alvarado Group (For:UST Public Affairs, Inc)
Alvarado Group, 655 Fifteenth street, NW, #300 Washington, DC 20005	Chevron USA, Inc
Do	National Environmental Development Assn
Do	Puerto Rico Statehood Party
Do	Sunono Laboratories, Inc
Do	UST Public Affairs, Inc
American International Automobile Dealers Assn, 1128 16th Street, NW Washington, DC 20036	American Intrernational Automobile Dealers Assn
American Osteoporosis Alliance, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Embassy of South Africa)
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute
Do	Coalition for Intermarket Coordination
Do	Matson Navigation Company
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical Imaging, Inc)
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Second Street Limited Partnership
Kay Kelley Arnold, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross
Do	ACPC
Do	General Conference of Seventh-day Adventists
Do	Penn Central Industries Group
Norman Assed, 1319 San Padro, NE Albuquerque, NM 87102	Mimbres Enterprises, Inc
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	ACPC
Do	Coalition to Oppose Log Exports (COLE)
Do	Colorado River Energy Distributors
Do	Emerald Public Utility district
Do	Geophysical Environmental Research Corp
Do	High Technology Coalition
Do	Joint Maritime Congress
Do	Kansas Municipal Energy Agency
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Genentech
Bronwyn Bachrach, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)
Do	Hecht Spencer & Associates (For:Mars, Inc)
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc
Do	Cominco Ltd
Do	Corroon & Black Corp
Do	Frank B. Hall & Co, Inc
Do	Johnson & Higgins
Do	Marsh & McLennan Companies
Do	Mutual of Omaha Insurance Company
Do	Sedgwick James, Inc
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW #1201 Washington, DC 20004	Lockheed Air Terminal
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Oregon Economic Development Department
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Famous Raincoat Co, Inc
Do	Industrial Fastener Equity Committee
Do	Marion Merrell Dow, Inc
Barr Laboratories, Inc, 2 Quaker Road Pomona, NY 10970	
Patricia L. Bartlett, 2501 M Street, NW, #500 Washington, DC 20037	Georgia Institute of Technology
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Clean Air Working Group
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)
Do	Graham & James (For:R.R. Donnelley & Sons Company)
Do	Graham & James (For:English Bay Corp)
Do	Graham & James (For:Federal Administrative Law Judges Conference)
Do	Graham & James (For:Federal Judges Assn)
Do	Graham & James (For:National Council of U.S. Magistrates)
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Jenny Craig International
Do	Mallinckrodt, Inc
J. David Bernardy, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co., Inc
Rachelle B. Bernstein, 1666 K Street, NW Washington, DC 20007	Arthur Andersen & Co (For:Protestant Episcopal Church Foundation of Diocese of Okla.)
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Duquesne Light
Do	Martech U.S.A., Inc
Do	Northwest Forest Resource Council
Do	Orange & Rockland
Do	Western Forest Industries Assn
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	City of Baltimore
Do	Families of Pan Am 103/Lockerbie
Do	Federal Intermediate Credit Bank of Jackson
Do	National Bulk Vendors Assn
Do	National Glass Assn
Do	National Independent Automobile Dealers Assn
Do	Pyropower Corp
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	League of Leaders for Philippine Development
Do	United Way of America
Norma Blankenship, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Company
Terry K. Bolger, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:American Foundation for AIDS Research (AMFAR))
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Orment Corp)
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)
Bond Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	East Coast Tuna Assn
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson ...(for Naman Howell Smith...) (For:Temple Junior College)
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Naman Howell Smith & Lee, Inc (For:Temple Junior College)
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Caribbean Marine, Inc
Do	Enterprise Products, Co
Do	Lyondell Petrochemical, Co
Do	Joseph E. Seagram & Sons, Inc
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Association of Battery Recyclers
Raymond F. Bragg Jr., 1275 Penn Ave., NW, #301 Washington, DC 20004	Legislative Strategies (For:American Independent Refiners Assn)
Do	Legislative Strategies (For:Associated Aviation Underwriters)
Do	Legislative Strategies (For:Consolidated Natural Gas Service Company, Inc)
Do	Legislative Strategies (For:Delavan Lake Sanitary District)
Do	Legislative Strategies (For:Globos International, Inc)
Do	Legislative Strategies (For:Huntway Refining Company)
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)
Do	Legislative Strategies (For:National Hydropower Assn)
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)
Do	Legislative Strategies (For:Penntech Papers, Inc)
Do	Legislative Strategies (For:Tosco Corp)
Do	Legislative Strategies (For:Western Pennsylvania Environmental Complex Development)
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Bluebonnet Savings Bank
William M. Brodhead, 900 Ma.quette Building Detroit, MI 48226	Plunkett & Cooney (for Little Ceasar Enterprises, Inc)

Organization or Individual Filing	Employer/Client
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For:C.A.W.G)
Julia B. Brown, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy
Omer F. Brown II, 1752 N Street, NW, #800 Washington, DC 20036	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Anchor Glass Container Corporation
Do	Vitro
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Envirocare of Utah, Inc)
Do	Fabian & Clendenin (For:Devon Kerry Whitlock, et al.)
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601	
Judith A. Buckalew, 1300 Eye Street, NW, #520-W Washington, DC 20005	Hoffmann-La Roche
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Comcisco Medical Leasing Group, Inc)
Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036	Matsushita Electric Corp of America
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Ethyl Corp
Do	EWC, Inc
Do	US Olympic Committee
James J. Butera, 4901 Quebec Street, NW Washington, DC 20016	Bethel Savings Bank, FSB
Do	Home Federal Savings Bank of GA
Do	Standard Federal Savings Bank
Kenneth W. Butler, P.O. Box 3089 Fairfax, VA 22038	Association of American Railroads
Cable TV Consumers, P.O. Box 2218 La Mesa, CA 92044	
Donald L. Cahill, 347 Widewater Road Stafford, VA 22554	Fraternal Order of Police
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Allison Transmission
Allan W. Cameron, 2932 28th Street, NW Washington, DC 20008	Bender Shipbuilding & Repair Co, Inc
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	MRO
Do	Super 8 Motels, Inc
Do	Toy Importers Working Group
Do	World Fuel Services
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Campbell-Raupe, Inc (For:Coalition for Affordable Home Financing)
Michael F. Canning, 17921 Queen Anne Road Upper Marlboro, MD 20772	National Troopers Coalition
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Timken Company)
Do	Stewart & Stewart (For:Torrington Company)
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc
Kate Carey, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance, Cos.
Melissa Coggeshall Carey, 3415 North 21st Ave. Arlington, VA 22207	Harris Corporation
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Company
Peter F. Carpenter, 950 Page Mill Road Palo Alto, CA 94303	ALZA Corp
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Califonia Livestock Production Credit Assn
Do	Dairymen, Inc
Do	Equipment Manufacturers Institute
Do	First South Production Credit Assn
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Hahnemann University Hospital
Do	Jones Intercable, Inc
Do	MIC Industries
Do	Scott County Highway Department
Quentin Caudle, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Commercial Union Energy Corp
Walton M. Chalmers II, 122 C Street, NW, #500-A Washington, DC 20001	Fujisawa Pharmaceutical Co
Mark G. Chalpin, 1730 M Street, NW, #900 Washington, DC 20036	National Hydropower Assn
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assembly of Collegiate Schools of Business
Do	Columbia Falls Aluminum Company
Do	Committee for Equitable Compensation
Do	Eagle-Picher Industries, Inc
Do	Fund to Assure Public Infrastructure Financing
Do	Lead Industries Assn
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	Metropolitan Museum of Art
Elaine K. Church, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Retirement Income Security)
Citizens for an Independent Press (C.I.P.), 345 Fleet Street Plymouth, MI 48170	
Citizens for Protection of the Constitution, P.O. Box 8711 San Jose, CA 95155-8711	
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611	
Eddie L. Clark III, 1342 66th Ave. Philadelphia, PA 19126	
Clean America!, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	Magic Spout, Inc
George Stephen Clifton, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Co
Coffield Ungaretti Harris & Slavin, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Massachusetts Mutual Life Insurance Company
Do	Metropolitan Mutual Life Insurance Company
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Australian Wheat Board
Terese Colling, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Davidson Colling Group, Inc (For:Media General)
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Mutual Life Insurance Legislative Committee
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association fo University Programs in Hazardous Waste Resch.
Do	Association of University Environ. Health Sciences Centers
Do	Association of University Programs in Occupational Safety...
Do	International Chemical Workers Union
Do	Laborers Employers Cooperative & Education Trust
Do	Laborers National Health & Safety Fund
Do	Laborers/AGC Education & Training Fund
Do	Metal Trades Department, AFL-CIO
Do	National Coordination Committee for Multiemployer Plans
Do	University of Cincinnati
Consortium for Int'al Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107	
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd.
Shawn Coughlin, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Corrections Corporation of America
Do	State of Arkansas, Dept of Human Services
Do	State of Connecticut, Dept of Income Maintenance
Do	State of Hawaii, Dept of Human Services
Do	State of Illinois, Dept of Public Aid
Do	State of Louisiana, Dept of Health & Hospitals
Do	State of Michigan, Dept of Mental Health
Do	State of Missouri, Dept of Social Services
Do	State of New York, Office of Mental Health
Do	State of North Carolina, Dept of Human Resources
Do	State of Oklahoma, Dept of Human Services
Do	State of South Carolina, Health & Human Services Finance Com
Do	State of West Virginia, Division of Human Services
Do	State of Wisconsin, Dept of Health & Social Services
Do	Washington Post Company (for: Media Group)
David T. Crow, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:United Fresh Fruits & Vegetables)
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Electronics Assn
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)
Curtis Thaxter Lipez Stevens Broder & Micoleau, 1 Canal Plaza P.O. Box 7326 Portland, ME 04112	Philip Morris, Inc
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	CoreStates Financial Corp
Do	John Hancock Mutual Life Insurance Company
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	Spaceport Florida Authority
William T. Deitz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Society of Composers Authors & Publishers)
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)

Organization or Individual Filing	Employer/Client
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	National Council of Business Advisors
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	City of Huntsville
Do	City of Mobile
Do	Deep Sea International, Inc
Do	Louisiana Nature & Science Center, Inc
Do	Spring Hill College
Do	William Carey College
George G. Demougeot, 1825 Eye Street, NW, #400 Washington, DC 20006	Joseph Companies, Inc of Minneapolis
Barry L. Dennis, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Retirement Income Security)
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp
Robert L. Dewey, 1525 New Hampshire Ave., NW Washington, DC 20036	Energy Conservation Coalition/Environmental Action Found.
Dewey Ballantine Bushby Palmer & Wood, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	RMI Company
Matthew D. DeConcini, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	C-3, Inc
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Moss McGee Bradley Kelley & Foley (For:Policy & Management Asso (for: Community Development Corp's))
Brian M. Dolan, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Company
Selena Dong, 1012 14th Street, NW, #207 Washington, DC 20005	U.S. Student Assn
Paul Donnellan, 1128 16th Street, NW Washington, DC 20036	American International Automobile Dealers Assn
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn
Jeffrey D. Doranz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)
Do	Palumbo & Cerrell, Inc (For:American Society of Composers, Authors & Publishers)
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	Maersk, Inc
Do	Royal Boskalis Westminster NV
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Nevada Resort Assn
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Greater Orlando Aviation Authority
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Pemco Aeroplex
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Bedford Properties
Do	Building Industry Assn of Southern California
Do	Council of Great Lakes Governors
Do	Satellite Broadcasting & Communications Assn
Dworbell, Inc, 1726 18th Street, NW Washington, DC 20009	Title One Home Improvement Lenders Assn
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For:Philip Morris, Inc)
Environmental Business Assn, 1150 Connecticut Ave., NW, 9th Floor The Connecticut Building Washington, DC 20036	
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	Grocery Manufactuers of America (GMA)
Do	MFJ Task Force
Do	Revlon, Inc & Subsidiaries
Nitza Escalera, 105 East 22nd Street New York, NY 10010	Community Service Society
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	United States Olympic Committee
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Emergency Medical Services Associates
Do	National Subacute Care Assn, Inc
Joseph B. Fallon, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	Clean America!
Do	Trees America!
Renelda Moorehead Fallon, 1761 R Street, NW Washington, DC 20009	Trees America!
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Coca-Cola Foods
Joseph T. Findaro Jr., 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:San Luis & Delta Mendota Water Users Assn)
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Esselte Pendaflex Corp
Do	Sony Corporation of America
Karen Florini, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	Foley & Company, Inc (For:National Consulting Strategies, Inc)
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Institute on Deafness & Other Communication Disord.
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:First South Production Credit Assn)
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Goldrich & Kest
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc
Gordon H. Fry, 1111 19th Street, NW, Washington, DC 20036	Aluminum Assn, Inc
Pattison Fulton, 601 Pennsylvania Ave., #900-W Washington, DC 20004	CH2M Hill
Do	McDermott Will & Emery (for: California Energy Commission)
Do	Northern California Power Agency
Do	Sacramento Area Flood Control Agency
Do	Solano Water Authority
Harold W. Furman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)
Do	Hill & Knowlton, Inc (For:Bechtel Civil, Inc)
Do	Hill & Knowlton, Inc (For:Central Utah Water Conservancy District)
Do	Hill & Knowlton, Inc (For:Central Valley Project Water Assn)
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)
Do	Hill & Knowlton, Inc (For:Florida Lime & Avocado Trustees)
Do	Hill & Knowlton, Inc (For:Friant Water Users Authority)
Do	Hill & Knowlton, Inc (For:Granite Rock Company)
Do	Hill & Knowlton, Inc (For:Mid-Valley Water Authority)
Do	Hill & Knowlton, Inc (For:Riverside Resort & Casino)
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)
Do	Hill & Knowlton, Inc (For:Spelman & Company)
Do	Hill & Knowlton, Inc (For:Steele & Gilliland Realty)
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)
Do	Hill & Knowlton, Inc (For:Westlands Water District)
Gwen Gampel, 511 Capitol Court, NE, #300 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)
Do	Congressional Consultants (For:Child Welfare League of America)
Do	Congressional Consultants (For:National Renal Administrators Assn)
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)
Lee D. Garrigan, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Ibrahim Jabie Gassama, 1663 Kramer Street, NW Washington, DC 20002	TransAfrica, Inc
George Associates, 555 13th Street, NW #1010 East Washington, DC 20004	Black & Decker Corporation
Do	PepsiCo, Inc
Do	Pizza Hut, Inc
Forrest Gerard & Associates, 1155 Conn., Ave., NW, #400 Washington, DC 20036	Ak-Chin Indian Community
David A. Gerken, 2210 Hill Place, NW Washington, DC 20007	Alvarado Group (For:Puerto Rico Statehood Party)
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Itel Rail Corp, et al.
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Edison Electric Institute
Do	Genentech, Inc
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)
Edwin J. Gilroy, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	International Mobil Machines Corp
Do	Mineral Insulation Manufacturers Assn
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	Capital-International Communications (For:Paradise Valley Homeowners Assn)
Caralyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	Paradise Valley Homeowners Assn
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Convex Computer Corp
Donald G. Goff, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufactuters Assn
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	American Academy of Dermatology
Government Affairs-Maryland, 220 Prince George Street Annapolis, MD 21401	Philip Morris, USA
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Clarion Manufacturing Corp of America
Robert T. Grand, 1313 Merchants Bank Building Indianapolis, IN 46204	Salt Creek & Little Calumet River Preservation Assn

Organization or Individual Filing	Employer/Client
Edwin C. Graves, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)
Do	Hill & Knowlton, Inc (For:Bolivar Aviation)
Do	Cellular Telecommunications Industry Assn
Do	Hill & Knowlton, Inc (For:Church of Scientology International)
Do	Hill & Knowlton, Inc (For:City of Chattanooga)
Do	Hill & Knowlton, Inc (For:Comdisco)
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)
Do	Desert Research Institute
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)
Do	Hill & Knowlton, Inc (For:Ferruzzi)
Do	Friant Water Users Authority
Do	Hill & Knowlton, Inc (For:General Atomics)
Do	Hill & Knowlton, Inc (For:Gerber Products Corp)
Do	Hill & Knowlton, Inc (For:Organization of Professional Employees of USDA (OPEDA))
Do	Hill & Knowlton, Inc (For:Pacific Trade & Investment Corp)
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)
Do	Hill & Knowlton, Inc (For:Trustees)
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)
Do	Hill & Knowlton, Inc (For:Village of Palatine)
Carol J. Gray, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	Securities Industry Assn
Lori Gribbin, 1128 16th Street, NW Washington, DC 20036	American International Automobile Dealers Assn
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	City of Broomfield
Do	Ethyl Corporation
Do	Genentech, Inc
Do	General Atomics
Do	W.R. Grace
Do	Transport Life Insurance Co (for Resource Deployment, Inc)
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research)
Do	Hill & Knowlton, Inc (For:Cetus Corp)
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)
Paul Hahn, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Riverview Towers Limited Partnership
John P. Hall Jr., 1667 K Street, NW, #410 Washington, DC 20006	Johnson & Johnson
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corp
D. Bryce Hallowell, 717 2nd Street, NE Washington, DC 20002	Albanian American Civil League
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Mobile, AL 36601	General Electric Company
Jake Hansen, P.O. Box 5000 McLean, VA 22103	Seniors Coalition
John Harman II, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates
Jonathan L. Harris, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Foundation for AIDS Reasearch)
Do	Hill & Knowlton, Inc (For:Hertz Corp)
Rebecca J. Hartman, 1100 Citizens Building Cleveland, OH 44114	Centerior Energy
Arnold I. Havens, 1156 15th Street, NW, #1100 Washington, DC 20005	White Fine & Verville (For:Ashland Oil, Inc)
Laurie L. Hawkins, 980 Jolly Road P.O.Box 1109 Blue Bell, PA 19422	U.S. Healthcare
F. William Hawley, 1101 Pennsylvania Ave., NW Washington, DC 20004	Citicorp/Citibank
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Wathins (For:American Electronics Assn)
Do	Latham & Watkins (For:Semiconductor Industry Assn)
Mark F. Haynes, 1627 K Stret, NW, #300 Washington, DC 20006	Fluor Corp
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)
Do	Hecht Spencer & Associates (For:Mars, Inc)
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs.)
Do	Hecht Spencer & Associates (For:Timber Assn of California)
Do	Hecht Spencer & Associates (For:Western Forest Industries Assn)
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Farmers Insurance Group
Do	Mars, Inc
Do	National Assn for the Support of Long Term Care
Do	Timber Assn of California
Do	Western Forest Industries Assn
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company
Do	DePaul Univiersity
William M. Hendon, Box 6863 McLean, VA 22106	National Rifle Assn
Cedric R. Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Pierson & Hendricks (For:Washington Trainsportation Supervisors Assn)
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Universal Leaf Tobacco
Donita Hicks, 2033 M Street, NW, #802 Washington, DC 20036	Aids Action Council
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
Tamara Hirschfeld, 888 17th Street, NW, #308 Washington, DC 20036	(For:American Stock Exchange)
Glen D. Hofer, 1000 16th Street, NW Washington, DC 20036	Fettig & Donalty
Do	National Barley Growers Assn
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Fettig & Donalty
Do	National Barley Growers Assn
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Sound Refining, Inc
Do	Sound Refining, Inc
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Communications Corp
Do	Michigan Consolidated Gas Company
Do	National Assn of Tobacco Distributors
Benny Holland Jr., 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Carnival Cruise Lines
Do	Hospice Care, Inc
Do	Rollerball Pen Coalition
Do	United Fresh Fruit & Vegetable Assn
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Business Immigration Coalition
Homeport Information Task Force, 130 Bay Street Staten Island, NY 10301	
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	National Milk Producers Federation
Do	Rogers American Cable Systems, Inc
Do	U.S. Sugar Corp
Sylvester Howell Sr., P.O. Box 5500-H/H Chillicothe, OH 45601	Ohio Prison Education Network, Inc (OPEN)
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)
Do	Hecht Spencer & Associates (For:Mars, Inc)
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)
Hughes Hubbard & Reed, 901 Fifteenth Street, NW, #540 Washington, DC 20005-2301	General Electric Company
Huizenga Fay & Assn, 2011 Eye Street, NW, 5th floor Washington, DC 20006	Alliance for Responsible CFC Policy
Kimberly Hyatt, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research (AMFAR))
Do	Hill & Knowlton, Inc (For:Cetus Corp)
Do	Hill & Knowlton, Inc (For:Hertz Corp)
Do	Hill & Knowlton (For:Johnson Controls)
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)
Ice Miller Donadio & Ryan, Box 82001 One American Square Indianapolis, IN 46282	Service Supply Co, Inc
International Speedway Corp, 1801 Volusia Ave. Daytona Beach, FL 32114	
Candace James, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Chem-Nuclear Environmental Services, Inc
Blake Jeffery, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	National Assn of Industrial & Office Parks
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council
David M. Jenkins II, 1127 Myrtle Street, #40 Elkhart, IN 46515-2201	SmithKline Beecham Corp (Beecham Inc)
David M. Jennings, 115 West College Drive marshall, MN 56258	Schwan's Sales Enterprises, Inc.
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Do	Parsons Behle & Latemer (For:Intermountain Consumer Power Assn)
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Organization or Individual Filing	Employer/Client
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Do	McCamish Martin Brown & Loeffler (For:Coastal Corp)
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Trade Council)
Do	McCamish Martin Brown & Loeffler (For:Sematech)
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)
Theodore L. Jones, 412 First St. SE, #260 Washington, DC 20003	United Illuminating Company
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	CBS, Inc
Do	Telemundo Group, Inc
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Nevada Power Company
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Diagnostic & Instrumentation Laboratory at Mississippi Univ.
David Josephs, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	Matson & Navigation Company, Inc
Do	Towers Financial Corp
Do	U.S. Telephone Assn
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insuranace Assn
Do	Norton Company
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Homeport Information Task Force, et al.)
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Hartford Insurance Group
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Arkansas Oklahoma Gas Company
Do	Arkansas Western Gas Company
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	National Assn of Manufacturers
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy
Cathy Ann Kenny, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute
J. H. Kent, Kent & O'Cononor 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:Siegel Mandel & Davidson (for:))
Carolyn Kiely, 1015 Fifteenth Street, NW Washington, DC 20005	American Consulting Engineers Council
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Management Insights, Inc
James L. Knowles Jr., P.O.Box 888 Sandstone, MN 55072	James L. Knowles
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc (ATMI)
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange
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Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
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Linda L. Lane, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)
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Do	Legislative Strategies (For:Associated Aviation Underwriters)
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc)
Do	Legislative Strategies (For:Delavan Lake Sanitary District)
Do	Legislative Strategies (For:Globos International, Inc)
Do	Legislative Strategies (For:Huntway Refining Company)
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)
Do	Legislative Strategies (For:National Hydropower Assn)
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)
Do	Legislative Strategies (For:Penntech Papers, Inc)
Do	Legislative Strategies (For:Tosco Corp)
Do	Legislative Strategies (For:Western Pennsylvania Environmental Complex Development)
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004-2505	Flood Prevention Committee
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Amber Milling
Do	Glasstech, Inc
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Imrex Company, Inc
Do	Mason Chamberlain, Inc
Kathleen W. Lawrence, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Burchette & Associates (For:Federal Agricultural Mortgage Corp)
Lawyers for Civil Justice, 1225 19th Street, NW, #470 Washington, DC 20036	
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Financial Services Coalition of America
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Martin Marientta Corp
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	Behtune-Cookman College
Do	City of Philadelphia
Do	Electronic Data Systems, Inc
Do	Greater Cleveland Regional Transit Authority
Do	Opeda
Do	Philip Morris, USA
Do	Renselear Development Corp
Do	State Bar of California
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc
Cynthia C. Lebow, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Edison Electric Institute)
Do	Gibson Dunn & Crutcher (For:Genentech, Inc)
Legislative Strategies, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	American Independent Refiners Assn
Do	Associated Aviation Underwriters
Do	Cogeneration & Independent Power Coalition of America, Inc
Do	Consolidated Natural Gas Service Company, Inc
Do	Delavan Lake Sanitary District
Do	Globos International, Inc
Do	Huntway Refining Company
Do	Miami-Dade Water & Sewer Authority Dept.
Do	National Hydropower Assn
Do	Natural Gas Vehicle Coalition
Do	Penntech Papers, Inc
Do	Tosco, Corp
Do	Western Pennsylvania Environmental Complex Development
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	Cordage Institute
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Groom & Nordberg (for: Chevron)
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	San Francisco Bay Guardian
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)
Do	Hecht Spencer & Associates (For:Mars, Inc)
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)
Do	Hecht Spencer & Associates (For:Northwest Independent Forest Mfrs.)
Do	Timber Assn of California
Do	Western Forest Industries Assn
Thomas G. Loeffler, Post Office Box 2999 San Antonio, TX 78299-2999	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)
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Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Century Power Corp
Paul L. Loveday, 550 California Street, 10th Floor San Francisco, CA 94104	Itel Rail Corp
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn
Sarah E. Lynn, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)
Robert A. Macari, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Blunt Ellis & Loewi, Inc)
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc
Anthony B. MacDonald, 1350 New york Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)
Susan Magaw-Stout, 1010 Wisconsin Avenue, NW Washington, DC 20007	Grocery Manufacturers of America, Inc
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)
Manatt Phelps Rothenberg & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	J.G. Boswell, Co
Do	New York Stock Exchange
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Johnson Controls)
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	Health Industry Manufacturers Assn
Do	Rorer Pharmaceutical Company
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	John L. Adams & Co.Inc
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	City of Sarasota
Kathleen Marquardt, 6302 30th Street, NW Washington, DC 20015-2238	Putting People First
Michael Marvin, 1156 15th Street, #1100 Washington, DC 20005	American Wind Energy Assn
Robert A. Marzoccchi, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:Assn of the United States Army)
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Village of Palatine)

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Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Associates (For:Georgia Peanut Producers Assn)
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Georgia Peanut Producers Assn
Dale L. Matschullat, 21300 Clearfield Count Brookfield, WI 53005	Newell Company
Laurie Mauldin, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:American Federation for AIDS Resarch (AMFAR))
Maupin Taylor Ellis & Adams, 1130 Connecticut Ave., NW, #750 Washington, DC 20036	International Hardwood Products Assn, Inc
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Acxiom Corp
Do	Bank for Foreign Economic Affairs of the USSR
Harry E. McAdams, 555 13th Street, NW #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Nevada Resort Assn
Do	Potomac Investment Associates
Robert H. McBride, 1007 Marquette, NW Albuquerque, NM 87102	McBride-Mahr, Inc (For:Philip Morris)
McCamish Martin Brown & Loeffler, P.C., P.O. Box 2999 San Antonio, TX 78299-2999	Hong Kong Trade Development Council
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.
Robert A. McConnell, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Gibson Dunn & Crutcher (For:Edison Electric Institute)
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Phillip Morris, USA)
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Ocean Spray Cranberries, Inc
Andrew S. McElwaine, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries
Susan McGolrick, 215 Constitution Ave., NE, Apt. 408 Washington, DC 20002	American Civil Liberties Union
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp
Timothy P. McKone, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:Coalition for Affordable Home Financing)
Do	McLeod & Pires (For:Mid-Valley Water Authority)
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Hercules, Inc
Do	McNair Law Firm, P.A. (for: Intermountain Western Railroad)
Do	(For:McNair Law Firm, P.A. (for: Paine Webber))
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company
John Melcher, 230 Maryland Ave., NE Washington, DC 20002	Food for Peace Coalition
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Company
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Greater Orlando Aviation Authority
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University
Marc E. Miller, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:Coalition for Affordable Home Financing)
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Health Care Assn
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Northern States Power Company
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque
Do	Montgomery County Government
Miller Hamilton Snider Odom & Bridgeman, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	Chase Manhattan Corp
Do	J.P. King Auction Co.
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Biogen, Inc
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp
C. Manly Molpus, P.O. Box 3556 Washington, DC 20007	Grocery Mfg. of America, Inc
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	Murray Scheer & Montgomery (For:National Assn of State Outdoor Recreation Liaison Officers)
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)
Graham B. Moody, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	Agusta Group
Eugene Moos, 1000 16th Street, NW, #702 Washington, DC 20036	Coalition for Advment of Research on Agri, Food & Environmt
Do	Harvest States Cooperative
Do	Korean Soybean Processors Assn
Do	Kraft General Foods
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Ad Hoc Committee on NHTSA FMVSS 205 Standard
Do	Hazardous Waste Action Coalition
Do	Safety-Kleen Corp
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers
William Morris, 1737 H Street, NW Washington, DC 20006	CFC Coalition
Michael J. Mullen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers
Morton L. Mullins, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Company
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:Coalition for Affordable Home Financing)
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools
Do	Atochem
Do	City of Philadelphia
Do	Independence Blue Cross
Do	Independent Laboratory Consortium
Do	Philadelphia Port Corp
Do	Players Club International
Do	Temple University
Peter C. Myers, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council
MMB Associates, Inc, 122 C Street, NW, #240 Washington, DC 20001	National Head Start Assn
Do	NFCDCU
Do	PMA
Irene Natividad, 400 S Kensington Street Arlington, VA 22204	Natividad Associates (For:Philippine Embassy)
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Joint Diseases North General Hospital
Do	Korea Foreign Trade Assn
Do	Rossing Uranium Ltd
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	Rochester Gas & Electric Corp
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Homeport Information Task Force, et al.)
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Society of Composers Authors & Publishers
Do	National Football League Players Assn
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:United Fresh Fruits & Vegetables)
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Golden Nugget, Inc
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc
Robert O'Neill, 1600 Wilson Blvd, #100 Arlington, VA 22209	American Waterways Operators
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Boston College
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents
Nancy R. Page, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)
Candido R. Palting III, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)
Do	Palumbo & Cerrell, Inc (For:American Society of Composers Authors & Publishers)
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	Arco Chemical Company
Do	Atlantic Richfield Co
Do	Farmers Insurance
Do	Rockport Fine Arts Council
Norman T. Parnes, 8823 Vernon View Dr. Alexandria, VA 22308	Air Force Sergeants Assn
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	Burke Williams & Sorensen (For:City of Santa Clarita)
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination
Do	Association of Biotechnology Companies

Organization or Individual Filing	Employer/Client
Do	Dairy Institute of California
Do	Denver Department of Transportation
Do	Discovery Channel
Do	Northwest Forest Resource Council
Do	Sprat Bay Corp
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Business Council on Indoor Air
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Carl Marks & Co, Inc (For:Royal Seafoods, Inc)
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Krupp Atlas Elektronik GmbH
Wendi L. Petsinger, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp
Pierson & Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	(For:Washington Transportation Supervisors Assn)
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	National Assn of Manufacturers
Do	Southern Companies Services
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International
Do	Allied Signal, Inc
Do	American Assn of Airport Executives
Do	Human Growth Foundation
Porte Stafford & Associates, Inc, 1050 17th Street, NW, #840 Washington, DC 20036	Long Term Care Section
Jennifer Powell, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Business & Professional Womens Clubs
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Osteoporosis Alliance
Do	International Business Machines Corp (IBM)
Do	Lockheed Engineering & Sciences Company
Do	Simmons Communications
William Clare Pratt, 1307 Mearns Meadow Blvd. Austin, TX 78758	Green Earth Coalition
Preston Gates Ellis & Rouvelas Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Brown Forman Corp
Do	Lilyblad Petroleum, Inc
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp
Putting People First, 4200 Wisconsin Ave., NW, #106 Washington, DC 20016	
Patricia A. Quealy, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blue Cross & Blue Shield Assn)
Do	Eckert Seamans Cherin & Mellott (For:Orment Corp)
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute
Michele Radosevich, 11 Sixth Street, SE Washington, DC 20003	National Abortion Rights Action League
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Academy of Cosmetic'Surgery, Inc)
Do	Graham & James (For:English Bay Corp)
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:C & D Lumber Co.)
Do	Lindsay Hart Neil & Weigler (For:Herbert Lumber Co.)
Do	Lindsay Hart Neil & Weigler (For:D.R. Johnson Lumber Co.)
Do	Lindsay Hart Neil & Weigler (For:Nordic Veneer, Inc)
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	National Council of La Raza
Do	Rural Community Assistance Corp
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corp)
Donald W. Reed, 1776 I Street, NW, #575 Washington, DC 20006	Dow Chemical Company
Reform Coalition, c/o WSD P.O.Box 308 Lorton, VA 22199	
Jeffery A. Reich, 1401 new York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn
Diane Reis, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Business & Professional Womens Clubs
Clarinda Renner, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Pratt & Whitney
Karen Rindge, 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Federation of America
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	Joseph A. Seagram & Sons
Do	Sweetener Users Assn
William J. Roberts, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Bluebonnet Savings Bank
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc
Frances F. Rogala, 1750 Pennsylvania Ave., NW, #1201 Washington, DC 20006	Interturbine Corp
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company
Mims Rogers Jr., P.O.Box 1064 Florence, AL 35631	Philip Morris U.S.A.
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	Rugby-Darby Group Companies, Inc
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Standard Federal Savings Bank
Jason Rubin, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Cetus Corp)
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc
Rush Russell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Peter J. Rusthoven, 1313 Merchants Bank Building Indianapolis, IN 46204	Salt Creek & Little Calumet River Preservation Assn
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Illinois Central Railroad
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacjer Sale Quinn & Deese (For:CSC Credit Services, Inc)
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn
Robert L. Sarber, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America
Donald M. Saunders, 1625 K Street, NW, #800 Washington, DC 20006	National Legal Aid & Defender Assn
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp
Melvin Seitz, 603 East Washington Street Indianaplois, IN 46204	Service Supply Co, Inc
Service Supply Co, Inc, 603 East Washington Street Indianapolis, IN 46204	
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Ceres Enterprises, Inc
Do	Harbert Corp
Do	RJR Nabisco
Victor M. Sher, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund
R. Bradley Shinn, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:American Chamber of Commerce in Hong Kong)
Do	Hill & Knowlton (For:Central Utah Water Conservancy District)
Do	Hill & Knowlton (For:Central Valley Project Water Assn)
Do	Hill & Knowlton (For:Church of Scientology International)
Do	Hill & Knowlton (For:Desert Research Institute)
Do	Hill & Knowlton (For:Granite Rock Company)
Do	Hill & Knowlton (For:Mid-Valley Water Authority)
Do	Hill & Knowlton (For:Republic of Turkey)
Do	Hill & Knowlton (For:Spelman & Company)
Do	Hill & Knowlton (For:Steele & Gilliland Realty)
Do	Hill & Knowlton (For:University of Nevada, Reno)
Do	Hill & Knowlton (For:West Basin Municipal Water District)
Do	Hill & Knowlton (For:Westlands Water District)
Pamela R. Shubitowski, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	Stuart A. Lewis & Company, Inc
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Newell Co.
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	County of Hudson (NJ)
Do	Stevens Institute of Technology
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Geddes Resources)
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:American Airlines)
Robert H. Sindt, 1029 Vermont Ave., NW, #200 Washington, DC 20005	Rhone-Poulene
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	HartMarx Corp
James A. Skinner Jr, 1825 I Street, NW, #400 Washington, DC 20006	Southland Corp
Paul A. Skrabut Jr., 1629 K Street, NW, 1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)
Do	Palumbo & Cerrell, Inc (For:American Society of Composers Authors & Publishers)
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)
Do	Palumbo & Cerrell, Inc (For:Rockport Fine Arts Council)
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc
Douglas Allen Smith, #40223-080 P.O.Box 1000 Leavenworth, KS 66048-1000	
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Co (For:City of Victorville, CA)
Do	E. Del Smith & Co (For:South Orange County Consortium)
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp
Do	National Motorsports Committee of ACCUS-FIA
Marguerite A. Snyer, 1227 25th Sttreet, NW, #610 Washington, DC 20037	American Managed Care & Review Assn
SL Sommer & Associates, Inc, 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp

Organization or Individual Filing	Employer/Client
Richard L. Spees, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)
Do	Hill & Knowlton, Inc (For:Cellular Telecommunications Industry Assn)
Do	Hill & Knowlton, Inc (For:City of Chattanooga)
Do	Hill & Knowlton, Inc (For:Comdisco Medical LeasingGroup, Inc)
Do	Hill & Knowlton, Inc (For:Council of American Overseas Research Centers)
Do	Hill & Knowlton, Inc (For:Desert Research Institute)
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)
Do	Hill & Knowlton, Inc (For:General Atomics)
Do	Hill & Knowlton, Inc (For:Johnson Controls)
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)
Do	Hill & Knowlton, Inc (For:Village of Palatine)
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers
Janet G. St. Amand, 60 Wall Street New York, NY 10260	Financial Services
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Ormet Corp)
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	Jordan Coyne Savits & Lopata (For:Calhoun County, Alabama Chamber of Commerce)
Stephen O. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	National Council on Teacher Retirement
J. Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	Vulcan Gulf Coast Materials (For:Vulcan Materials Company, et al.)
Ann Sullivan, 2111 Wilson Boulevard, #531 Arlington, VA 22201-3008	Holt Miller & Associates (For:Potomac Partners (for:National Nutritional Food Assn))
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Eagle Picher Industries, Inc)
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Johanna Farms
Ronald L. Tammen, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Tammen Group (For:Coleman Natural Beef)
Do	Potomac Partners (For:Interturbine Corp)
Do	Tammen Group (For:LTV Corp)
Do	Potomac Partners (For:National Nutritional Food Assn)
Elizabeth L. Taylor, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc
Sid Taylor, 325 Pennsylvania Ave., SE Washington, DC 20003	National Taxpayers Union (NTU)
Alan C. Thiebaud, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	Great Lakes Products, Inc
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Lifeshares Group, Inc
Do	Republic of Turkey
Anna Thronson, 1275 Pennsylvania Ave, NW, #301 Washington, DC 20004	Legislative Strategies (For:American Independent Refiners Assn)
Do	Legislative Strategies (For:Associated Aviation Underwriters)
Do	Legislative Strategies (For:Cogenation & Independent Power Coalition of America, Inc)
Do	Legislative Strategies (For:Delavan Lake Sanitary District)
Do	Legislative Strategies (For:Globos International, Inc)
Do	Legislative Strategies (For:Huntway Refining Company)
Do	Legislative Strategies (For:Miami-Dade Water & Sewer Authority Department)
Do	Legislative Strategies (For:National Hydropower Assn)
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)
Do	Legislative Strategies (For:Penntech Papers, Inc)
Do	Legislative Strategies (For:Tosco Corp)
Do	Legislative Strategies (For:Western Pennsylvania Environmental Complex Development)
Michael L. Tiner and Associates, 1112 16th Street, NW, #750 Washington, DC 20036	Parry & Romani, Associates
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research (AMFAR))
Trees America!, 1761 R Street, NW Washington, DC 20009	
Todd D. True, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn
Do	Norton Company
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafurers International Union
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
John M. Urbanchuk, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:National Corn Growers Assn)
Joseph Van Eaton, 1350 New York Ave, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Wakefield Municipal Light Department)
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Andrew Corp
Do	Koncor Forest Products Company
Do	National Wetlands Coalition
Do	Oneida Nation of New York
Do	TransAlta Resources Corp
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Plumbing Maufacturers Institute
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	International Assn of Fairs & Expositions
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Memphis Area Transit Authority
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Guadalupe Valley Electric Cooperative
Robin J. Wagner, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Honeywell, Inc
Do	Mezzanine lending Associates I, II, & III, L.P.
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Mallinckrodt Medical, Inc
Do	Sumitono Chemical Co
William C. Walsh, 1436 U Street, NW Washington, DC 20009	Greenpeace Action
Joan Strickler Weeks, 2300 M Street, NW Washington, DC 20037	International Advisors, Inc (For:Republic of Turkey, Embassy of)
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #600 East Washington, DC 20005	Battery Council International
Do	National Assn for Plastic Container Recovery (NAPCOR)
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute
Do	Apple Processors Assn
William Wewer, 6302 30th Street, NW Washington, DC 20015-2238	Putting People First
Wexler Reynolds Fuller Harrison and Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Coca-Cola Company
Do	Columbia Hospital for Women Medical Center
Do	FHP
Do	Norton Company
Do	Ohio Edison
Do	Serono Laboratories
Do	State of Oregon, Office of the Governor
Do	Stock Information Group
Do	U.S. Bioscience
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Ormet Corp)
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Bear Stearns, Inc)
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Rain & Hail Insurance Services, Inc
Christopher D. Williams, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:Mid-Valley Water Authority)
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Gtech
Do	North American Assn of State & Provincial Lotteries
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	Greenwich Capital Markets, Inc
Lois A. Williamson, 1034 E. Sedgwick Street Philadelphia, PA 19150	C.U.R.E.-PA
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st St., NW Washington, DC 20036	Standard Commercial Tobacco Co.
Charlotte M. Wilmer, 1317 F Street , NW, #400 Washington, DC 20004	R. Duffy Wall & Associates, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Alexander & Alexander, Inc
Do	Association of American Universities
John P. Winburn, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:American Insurance Assn)
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Kern County, CA
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries
Julienne Wood, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Guatemala)
Do	Bruce P. Cameron (For:Embassy of Mozambique)
Mark E. Woodbridge, 1825 Eye Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce
James H.B. Woodroffe III, 2805 Samara Drive Tampa, FL 33618	Teco Energy, Inc
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Johanna Dairies, Inc
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife

Organization or Individual Filing	Employer/Client
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road and Transportation Builders Assn
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Judith Ziewacz, National Cooperative Business Center 1401 New York, NW, #1100 Washington, DC 20002	National Rural Cooperative Development Task Force
David W. Zimmerman, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Company

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1990:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER_____ Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $......"Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor ("Period" from Jan. 1 through....., 19.....)*
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Golden Gate Bridge Highway & Transportation District	6,300.00	4,258.45
Do	Reclamation District 1000		
Do	Tobacco Institute	138,925.00	38,326.08
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	150.00	26.00
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers	291.36	
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	1,723.16	20.00
Jessica R. Aberly, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	1,619.15	
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Jeffery A. Abrahamson, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	128.44	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Association	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	2,500.00	
Do	CANAMCO (For:Canadian Shipowners Assn)	500.00	
Abukari, 322 D Street, NE Washington, DC 20002	Rainbow Lobby, Inc	4,858.80	647.48
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	350.00	
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
Action for Children's Television, 20 University Road Cambridge, MA 02138		2,630.00	468.21
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 225 N. Washington St. Alexandria, VA 22314	Retired Enlisted Assn	2,036.32	2,760.67
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	127.00
Wayne W. Adams, 611 East Druid Road, #401 Clearwater, FL 34616			
Adams Quackenbush Herring & Stuart, P.O. Box 394 Columbia, SC 29202	Empire of America	1,878.12	251.53
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	834.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW Washington, DC 20036	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave. NW, #450-N Washington, DC 20004	Southern California Edison Co	4,950.00	4,500.00
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			12,218.43
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		16,458.85	16,458.85
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	American Assn of Retired Persons		
Do	Association for Gerontology in Higher Education	1,000.00	
Agendas International, 820 Second Avenue, #1302 New York, NY 10017	Ministerio del Exterior, Republic of Nicaragua		
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Agricultural Policy Working Group, 517 C Street, NE Washington, DC 20002		80,000.00	6,191.80
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	10,000.00	2,748.38
Donald R. Aikens, 1000 Thomas Jefferson Str., NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)	13,491.51	
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		22.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209		175.00	175.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005			1,812.70
Air Traffic Control Assn, Inc, 2020 North 14th Street, #410 Arlington, VA 22201		3,485.94	3,485.94
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		5,631,544.00	86,302.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	5,200.00	13.00
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	19,500.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	1,685.00	19.00
Do	American General Investment Corp	8,290.00	152.00
Do	American Telephone & Telegraph Co		
Do	Bank of Nova Scotia		
Do	Boone Co	2,050.00	30.00
Do	Buckeye Pipeline Co, L.P		
Do	Burger King	8,600.00	152.00
Do	California Institute of Technology		
Do	Cambridge Information Group	650.00	19.00
Do	Citizens & Southern Corp		
Do	Clark/Bardes Organization, Inc	285.00	
Do	Cotton Bowl Athletic Assn	265.00	
Do	Cummins Engine Company, Inc	4,170.00	76.00
Do	CRS Sirrine, Inc	200.00	
Do	Drexel Burnham Lambert, Inc		
Do	Eastern Air Lines, Inc		
Do	First City Bankcorporation of Texas, Inc	300.00	
Do	Fujitsu America, Inc		
Do	W. R. Grace & Co	2,185.00	38.00
Do	Guardian Industries	690.00	
Do	Houston Oilers	950.00	19.00
Do	Peter Kiewit Son's, Inc	7,075.00	133.00
Do	Levi Strauss & Co	350.00	
Do	Long Island Lighting Co	2,405.00	38.00
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	1,400.00	19.00
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp	350.00	
Do	Mesa Petroleum Co		
Do	Metropolitan Transit Authority of Harris County	6,800.00	114.00
Do	Miller Brewing Company	13,665.00	247.00
Do	Minnesota Power		
Do	Morgan Stanley & Co, Inc	2,475.00	95.00
Do	Motion Picture Assn of America, Inc	1,120.00	19.00
Do	National Football League		
Do	National Health Laboratories	450.00	
Do	News America		
Do	Pepsico, Inc		
Do	Pillsbury Company	660.00	19.00
Do	R. Lacey, Inc	1,090.00	19.00
Do	RJR Nabisco, Inc	1,430.00	19.00
Do	Shell Oil Co		
Do	Southern California Edison Co	1,310.00	19.00
Do	Texas Air Corp		
Do	Texas Education Agency	100.00	
Do	Texas National Research Laboratory Commission	300.00	
Do	Textron, Inc		
Do	Trump Organization	125.00	
Do	United Gas Pipeline		
Do	Upjohn Company	4,520.00	76.00
Do	Warner-Lambert Co	350.00	
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	5,241.34
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,527.55	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:American Business Conference)	6,000.00	6,500.00
Do	American Diabetes Assn	1,526.66	6,673.99
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)	30,000.00	7,700.00
Do	Albertine Enterprises (For:Coalition for Assn Postal Policy)		
Do	Albertine Enterprises (For:Employers Council for Flexible Compensation)	2,250.00	7,325.00
Do	Albertine Enterprises (For:Fruit of the Loom)	20,000.00	9,300.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	25,000.00	10,300.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	20,000.00	9,300.00
Do	Albertine Enterprises (For:Western Digital Corp)	30,000.00	11,300.00
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference	3,600.00	8,220.00
Do	American Diabetes Assn	1,526.66	5,376.33
Do	Albertine Enterprises (For:American Precision Industries)	1,500.00	6,800.00
Do	Albertine Enterprises, Inc (For:Castle-Harlan Delaware Management Corp)	18,000.00	17,620.00
Do	Albertine Enterprises, Inc (For:Coalition for Assn Postal Policy)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Employers Council on Flexible Compensation)	2,250.00	5,412.50
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	20,000.00	17,300.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	25,000.00	20,300.00
Do	Albertine Enterprises, Inc (For:Western Digital Corp)	30,000.00	23,300.00
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	American Business Conference	6,000.00	11,300.00
Do	American Diabetes Assn	1,526.66	1,812.66
Do	American Precision Industries	1,500.00	6,800.00
Do	Castle-Harlan Delaware Management Corp	30,000.00	35,300.00
Do	Employers Council on Flexible Compensation	2,250.00	7,550.00
Do	Fruit of the Loom, Inc	20,000.00	25,300.00
Do	SMS Corp	25,000.00	30,300.00
Do	West Point Pepperell, Inc	30,000.00	25,300.00
Do	Western Digital Corp	30,000.00	35,000.00
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)		
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)	82.88	
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	55.25	
Do	Cadwalader Wickersham & Taft (For:Aon Corporation)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)		
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)	110.50	
Do	Cadwalader Wickersham & Taft (For:Energen Corp)		
Do	Cadwalader Wickersham & Taft (For:Family Life Insurance Co)		
Do	Cadwalader Wickersham & Taft (For:Harsco Corporation)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)	27.63	
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	331.50	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	
Nancy C. Alexander, 245 Second Street, NE Washington, DC 20002	Friends Comm on National Legislation	5,193.60	
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Investment Company Institute	15,000.00	
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	11,299.00	1,876.71
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Laura L. Allendorf, 1101 Vermont Avenue, NW Washington, DC 20005	American Society of Internal Medicine	1,250.00	167.60
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		30,000.00	4,749.00
Alliance for Capital Access, 1919 Pennsylvania Ave., NW, #704 Washington, DC 20006		90,000.00	49,081.72
Alliance of American Insurers, 1501 Woodfield Road, #400 West Schaumburg, IL 60173			65,431.10
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		2,156.10	3,715.92
Alliance to Save Energy, 1725 K Street, NW, #914 Washington, DC 20006			1,659.46
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			2,170.00
Michael J. Altier, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Federation	2,600.00	30.85
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	1,282.50	80.00
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn		
Alvarado Group, 655 Fifteenth street, NW, #300 Washington, DC 20005	Puerto Rico Statehood Party	11,250.00	200.20
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016		5,000.00	
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	400.09	
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		22,157.59	22,157.59
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			7,479.34
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		6,000.00	6,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		21,717.00	21,717.00
American Arts Alliance, 1319 F Street, NW, #307 Washington, DC 20004-1182			23,353.10
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		20,913.40	22,349.15
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		3,750.00	3,750.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Equipment Lessors, 1300 North 17th St., #1010 Arlington, VA 22209			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		57.10	50.00
American Assn of University Women, 2401 Virginia Avenue, NW Washington, DC 20037			555.70
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		127,852.67	127,852.67
American Cement Alliance, Inc, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004			36,941.55
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		6,801.00	11,062.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		57,168.01	57,168.01
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			5,000.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		153,808.00	153,808.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			160,754.15
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		4,365.00	4,365.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			788.00
American Financial Services Assn, 1101 14th St., NW Washington, DC 20005			1,000.00
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		2,500.00	
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		10,000.00	10,000.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		334,604.34	85,585.72
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		24,304.74	10,202.07
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,695.10
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		8,207.00	8,207.00
American International Group, Inc, 70 Pine Street New York, NY 10270			52,409.78
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		118,770.00	170,581.08
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			2,400.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		210,800.00	18,673.23
American Library Assn, 50 E. Huron St. Chicago, IL 60611		2,298.55	8,428.29
American Life Lobby, Inc, P.O. Box 490 Stafford, VA 22554		15,000.00	15,000.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		17,859.14	7,017.53
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			2,400.00
American Meat Institute, P.O. Box 3556 Washington, DC 20007		48,375.00	7,199.03
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			208,674.01
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Movers Conference, 2200 Mill Road Alexandria, VA 22314			700.00
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		54,953.98	54,953.98
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		235,492.84	116,940.63
American Nurses' Assn, 2420 Pershing Rd Kansas City, MO 64108		32,433.89	32,433.89
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		6,757.20	6,757.20
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 717 Pendleton St. Alexandria, VA 22314-1885		150,000.00	15,161.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			19,163.35
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		315,012.74	259,443.71
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		6,008.65	6,008.45
American Pilots Association, 1055 Thomas Jefferson Street, NW, #404 Washington, DC 20007		19,758.00	26,794.07
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			24,221.76
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		76,044.57	66,839.11
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		37,689.00	37,689.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			8,067.00
American Retreaders' Assn, P.O. Box 17203 Louisville, KY 40217		500.00	500.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			11,051.66
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Soc of Anesthesiologists, 1111 14th Street, NW, #501 Washington, DC 20005			26,939.50
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			12,000.00
American Society of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			10,891.08
American Soybean Association, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		18,764.40	4,986.01
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			4,400.00
American Tax Reduction Movement, 6302 30th Street, NW Washington, DC 20015-2238		6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		40,471.08	53,252.77
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		2,000.00	1,870.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		461,807.00	315.17
American Wood Preservers Institute, 1945 Gallows Road, #550 Vienna, VA 22180			15,120.63
Americans for Common Cents, 1026 16th Street, NW, #101 Washington, DC 20036		9,687.50	797.83
Americans for Immigration Control, Inc, P.O. Box 738 Monterey, VA 24465		8,606.52	8,606.52
Americans for Nonsmokers' Rights, 2054 University Ave., #500 Berkeley, CA 94704		2,880.00	4,293.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe	1,197.73	614.19
John Amick, 1010 Pennsylvania Ave., SE Washington, DC 20003	Campbell-Raupe, Inc (For:American Assn of Advertising Agencies)		
Do	Campbell-Raupe, Inc (For:National Auctioneers Assn)		
Do	Securities Industry Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Free Trade Assn	5,000.00	
Do	Coalition for American Energy Security	3,600.00	
Do	Free Angola Information Service	15,000.00	
Do	Northrop Corp	9,000.00	
Do	Thompson Medical Co	4,000.00	
Eiji Amito, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	American Honda Motor Co, Inc	200.00	
John G. Ams, 555 13th Street, NW, #300-W Washington, DC 20004	Interstate Natural Gas Assn of America		
Jan S. Amundson, North Lobby, #1500 1331 Pennsylvania Ave., NW Washington, DC 20004-1703	National Assn of Manufacturers		
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Embassy of South Africa)		
Anthony A. Anderson, 1818 N St., NW Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Bette B. Anderson, 1030 15th St., NW, #700 Washington, DC 20036	KCI (For:US Banknote Corp)		
Cynthia C. Anderson, 1020 16th Street, NW Washington, DC 20036-5754	Enron Corp	3,000.00	
David J. Anderson, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	500.00	
Fred E. Anderson, 2397 W. 29th Street Loveland, CO 80537	Philip Morris, Inc	1,500.00	3,796.30
H. Kim Anderson, Virginia Petroleum Council 1001 E. Broad Street Richmond, VA 23219	American Petroleum Institute	1,500.00	1,738.69
J. Lem Anderson, 4111 Franconia Rd. Alexandria, VA 22310	Temple-Inland		
J. Mark Anderson, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	1,125.00	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp		4,123.94
Kevin N. Anderson, 215 South State Street 12th Floor Salt Lake City, UT 84111	Fabian & Clendenin (For:Nevada Electric Investment Company, Inc)		
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,000.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	480.00	137.58
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	300.00	74.00
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Robert B. Andrews, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,188.44
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	7,842.14	7,842.14
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	City of Denver, Colorado		
Do	Interstate Natural Gas Assn (INGA)		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Wayne County, Michigan		
Do	Westinghouse Electric Corp		
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	800.00	695.24
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			310.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,168.00	
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical Imaging, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Virginia Antos, 1717 Connecticut Avenue, NW, 7th Floor Washington, DC 20009	Association of American Publishers		45.00
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			2,241.33
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	5,886.00	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	60.00	210.93
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	9,315.08	2,026.78
Do	American Assn of Occupational Health Nurses	7,950.92	558.41
Do	American Medical Imaging Corp	5,186.79	266.34
Do	Ameritech		
Do			26.85
Do	Association of Professeional Flight Attendants		843.00
Do	Central States SE & SW Areas Health Welfare & Pension Funds	30,362.15	362.15
Do	City of San Diego		
Do	Finnish Guarantee Board	1,947.30	102.56
Do	Guardian Life Insurance Co of America	19,737.69	702.73
Do	HECO, Inc		
Do	Independent Federation of Flight Attendants	3,000.00	113.83
Do	Mercy Hospital of Des Moines, Iowa		
Do	National Assn of College Stores	6,576.00	177.40
Do	National Field Selling Assn		
Do	National Parking Association	42,263.69	1,310.28
Do	Popular Democratic Party		585.57
Do	Puerto Rico Federal Affairs Administration	93,323.33	1,365.07
Do	Second Street Limited Partnership		
Do	Stant, Inc	3,847.64	252.41
Do	SO-PAK-CO, Inc		
Do	Toshiba America, Inc	169,740.05	9,509.98
Do	Video Software Dealers Assn	30,359.60	4,632.10
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	210.00	
William E. Armstrong, 2410 Brickell Ave., #306-C Miami, FL 33129	Armstrong Associates		
Carl F. Arnold, 617 Rivercrest Drive McLean, VA 22101	American Iron & Steel Institute	750.00	
Do	Ashland Oil Co	750.00	
Do	Corporate Property Investors	749.99	
John E. Arnold, 2001 L Street NW, Suite 1000 Washington, DC 20036	Unisys Corporation	1,000.00	
Kay Kelley Arnold, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	816.45	280.17
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Jay P. Altmayer		
Do	American Institute of Certified Public Accountants	4,405.00	302.22
Do	Asea AB		
Do	Asocolflores		
Do	Avatar Utilities, Inc		11.25
Do	Avis, Inc		
Do	Board of Estimate	2,337.50	12.00
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Business Roundtable	812.50	9.50
Do	Continental Corporation		
Do	Donohue & Associates, Inc		
Do	Earthquake Project		
Do	Werner Fleischmann		
Do	Fluor Corporation		
Do	Fujisawa USA, Inc	6,860.00	146.30
Do	General Conference of Seventh-day Adventists	11,975.00	
Do	Grain & Feed Trade Assn		
Do	Hopi Indian Tribe	602.50	
Do	International Commodities Clearing House		
Do	London Commodity Exchange	495.00	
Do	London International Financial Futures Exchange, Ltd		
Do	Metal Market & Exchange Co, Ltd		
Do	Mutual of America		
Do	MCorp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Coordinating Comm for Multiemployer Plans	15,313.00	862.00
Do	Philip Morris, Inc		
Do	Recording Industry Assn of America, Inc	3,200.57	77.15
Do	Republic of Panama		
Do	Sacramento Municipal Utility District	1,028.25	
Do	State Farm Mutual Automobile Insurance Co	12,090.00	319.53
Do	Survival Technology, Inc		
Do	Unilever United States, Inc	241.25	
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
Thomas M. Arrasmith, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	269.50	183.26
Asbill Junkin Myers & Buffone, 1607 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	19,955.50	18,866.86
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Companies	3,050.00	
Nicholas J. Ashooh, 1000 Elm Street P.O. Box 330 Manchester, NH 03105	Public Service Co of New Hampshire	900.00	297.71
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippine			
Asphalt Roofing Manufacturers Association, 6288 Montrose Road Rockville, MD 20852			
Mark D. Aspinwall, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	2,500.00	4.39
Associated Credit Bureaus, Inc, 16211 Park 10 Place Houston, TX 77084		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,250.00
Association for Commuter Transportation, Inc, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036			13.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		12,911.00	12,911.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		146,483.33	146,483.33
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			352.20
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		123,902.34	10,409.02
Association of Certified Trucking Schools, 1055 Thomas Jefferson St., NW Washington, DC 20007			
Association of Independent Television Stations, Inc, 1200 18th Street, NW Washington, DC 20036			8,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		13,084.75	13,084.75
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,950.58
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	743.66	
Robb Austin & Associates, 600 New Hampshire Ave., NW, #1020 Washington, DC 20037	Philip Morris, Inc	5,400.00	1,198.00
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
Automotive Refrigeration Products Institute, 5100 Forbes Blvd. Lanham, MD 20706			
John S. Autry, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp	5,000.00	1,296.00
Rebecca Avila, 2030 M St., NW Washington, DC 20036	Common Cause	8,132.52	1,818.04
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Marguerite D. Ayers, 10 Light Street P. O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Michael G. Ayre, P.O. Box 139 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, Metropolitan Square #205 655 15th Street, NW, Washington, DC 20005	National Independent Energy Producers		8,987.24
Richard E. Ayres, 1350 New York Ave., NW, #300' Washington, DC 20005	Natural Resources Defense Council, Inc	4,696.55	47.50
ADAPSO - The Computer Software & Services Industry Assn, 1300 North 17th Street, #300 Arlington, VA 22209			293.44
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			399.00
ATOCHEM North America, Three Parkway Philadelphia, PA 19102			6,426.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	3,750.00	1,359.00
Hope M. Babcock, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Bronwyn Bachrach, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:BATUS)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)		
Kenneth L. Bader, P.O. Box 27300 540 Maryville Centre Drive St. Louis, MO 63141-1700	American Soybean Assn	5,000.00	2,500.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1700 Pennsylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	523.70
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,000.00	35.00
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	500.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Emil F. Baker, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	764.18
James A. Baker IV, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Cabot Corp)		
Do	Baker & Botts (For:Sonat, Inc)	7,420.00	
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,815.95	92.91
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremens Assn, AFL-CIO	7,068.00	170.00
Quinter S. Baker, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	225.00	
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Federation of German Industries		
Do	Greater Houston Partnership		
Do	National Machine Tool Builders Assn		
Do	Rhone-Poulec		
Do	U.S. West		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Abbey/Foster		26.44
Do	Alexander & Alexander Services, Inc	2,500.00	2,500.00
Do	American Protestant Health Assn	30,000.00	737.97
Do	American Resort & Residential Development Assn	2,000.00	2,000.00
Do	Bell Canada	49,296.42	
Do	California Independent Casualty Companies Assn	7,500.00	7,500.00
Do	Camp Barsh Bates & Tate		
Do	Chubb Group of Insurance Cos	7,500.00	7,500.00
Do	Cominco Ltd		
Do	Committee on Problems of Drug Dependence (CPDD)	3,831.67	29.86
Do	Corroon & Black Corp	2,500.00	2,500.00
Do	Edison Electric Institute	8,000.00	8,000.00
Do	Elyria Memorial Hospital & Medical Center		
Do	Employee Health Programs, Inc	5,000.00	473.03
Do	Federal Deposit Insurance Corp		
Do	Financial Holding Corp	3,500.00	3,500.00
Do	Firemans Fund	2,000.00	2,000.00
Do	Greater New York Hospital Assn	10,509.59	153.22
Do	Frank B. Hall & Co, Inc	2,500.00	2,500.00
Do	Hermann Hospital	31,090.20	
Do	Homedco	7,952.72	1,203.12
Do	INVACARE Corporation	3,924.97	928.41
Do	Johnson & Higgins	2,500.00	2,500.00
Do	Life Gift Organ Donor Center	1,908.28	87.05
Do	Lorain Community Hospital		
Do	Marsh & McLennan Companies	2,500.00	2,500.00
Do	Massachusetts Eye & Ear Infirmary		
Do	Mutual of Omaha Insurance Company		
Do	MMI Companies, Inc		
Do	National Assn of Insurance Brokers	2,500.00	2,500.00
Do	National Assn of Professional Insurance Agents	1,000.00	1,000.00
Do	National MRO, Inc	2,807.35	411.09

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Renal Physicians of Texas	3,257.51	25.14
Do	Sedgwick James, Inc	2,500.00	2,500.00
Do	Society of Cardiovascular & Interventional Radiology	13,681.05	791.15
Do	St Joseph Hospital & Health Center	223.28	
Do	St. Paul Fire & Marine	5,000.00	5,000.00
Do	Substance Abuse Management, Inc		679.95
Do	Telecommunications Industry Assn	12,622.19	
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	Uniden Corp of America	30,070.76	
Do	United Fidelity Life Insurance	2,000.00	2,000.00
Baker Worthington Crossley Stansberry & Woolf, 1001 Pennsylvania Ave., NW #1201 Washington, DC 20004	American Airlines, Inc	715.00	
Do	Contel Corporation	1,670.00	78.94
Do	Day & Zimmerman, Inc	430.00	79.87
Do	Dinamo	6,097.50	22.50
Do	Dunigan Enterprises	4,815.00	
Do	DKT Memorial Fund	540.00	
Do	Federal Express Corp	3,015.00	
Do	International Barrier Corp		
Do	Lawler/Wood, Inc	720.00	
Do	Lockheed Air Terminal	4,835.00	28.93
Do	Los Angeles County Transportation Commission	4,657.50	
Do	National Label Co., Inc	1,687.50	
Do	Occidental Petroleum Corp	6,795.00	52.91
Do	Pennzoil Company		
Do	Philip Morris Management Corp	9,245.00	65.37
Do	Pillsbury Company	1,507.00	
Do	Public Service Company of New Mexico		
Do	Schering-Plough Corp	1,712.50	
Do	Southern California Edison Company	1,755.00	
Do	Warner-Lambert Company		
Patricia A. Baldi, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		777.90
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))	60.00	0.10
Helen M. Ball, 1016 16th St., NW, #100 Washington, DC 20036	Brown Bridgman & Co, Inc	12,500.00	
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	312.50	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation	3,000.00	2,231.56
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Portland, Oregon	18,900.95	2,319.58
Do	Clackamas County	15,482.50	1,491.31
Do	CH2M Hill	12,808.00	456.78
Do	Fresno County		
Do	Fujitsu Microelectronics	97.50	50.30
Do	Greenbrier Leasing, Inc	43,149.50	2,277.03
Do	Harsh Investment Corporation	22,082.50	2,646.62
Do	Lower Columbia Regional Navy Task Force	10,000.00	1,510.94
Do	Mt. Hood Meadows Oregon, Ltd	8,198.00	698.42
Do	Northwest Industrial Gas Users	95.50	11.59
Do	Northwest Marine Iron Works	12,671.00	1,246.67
Do	Northwest Woodland Owners Council	12,000.00	1,526.22
Do	Oregon Department of Transportation	21,000.00	2,408.18
Do	Oregon Economic Development Department	4,225.50	302.65
Do	Oregon Graduate Institute of Science & Technology	4,404.50	470.99
Do	Port of Tillamook Bay	1,603.50	360.84
Do	Riedel Environmental Services		
Do	Section 8 Housing Group	39,574.50	498.38
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	5,000.00	484.36
Charles E. Bangert, P.C., 662 Mallard Court Arnold, MD 21012	Business Roundtable	2,500.00	
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Capital Markets Assn, National Press Building, 2nd Fl. Washington, DC 20045		47,825.00	59,947.19
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	596.40
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	3,000.00	82.50
Do	Bannerman and Associates, Inc (For:Government of Tunisia)	3,000.00	105.26
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	5,000.00	564.56
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,500.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,424.00	550.98
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	22,500.00	918.16
Do	American Rice Incorporated	15,600.00	176.30
Do	A. L. Williams & Company	16,000.00	122.70
Rebecca T. Barbour, 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Company	500.00	
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		2,211.16
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	4,000.00	138.94
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc	500.00	288.00
Barnett D'Amours Sivon & Shay, P.C., 1400 L Street, NW, #600 Washington, DC 20005	Investors in Industry		1,287.47
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Consumers for Competitive Fuels	6,000.00	6,948.09
Do	Marathon Oil Company	9,000.00	9,582.89
Michael E. Baroody, 1331 Pensylvania Ave, NW, 1500-North Washington, DC 20004-1703	National Assn of Manufacturers	550.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Barr Laboratories, Inc, 2 Quaker Road Pomona, NY 10970			2,350.00
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain And Feed Assn		2,250.00
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	12.50	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	3,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Dave Barrows & Associates, 1201 SW, 12th Avenue, #200 Portland, OR 97205	Philip Morris, Inc	1,200.00	3,983.01
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	750.00	
Patricia L. Bartlett, 2501 M Street, NW, #500 Washington, DC 20037	Georgia Institute of Technology	8,524.90	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
James E. Bartley, 1090 Vermont Avenue, NW, #410 Washington, DC 20005	National Industrial Transportation League	8,500.00	16.00
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	16,999.00
Jo-Anne R. Basile, 1990 M Street, NW, #610 Washington, DC 20036	Cellular Telecommunications Industry Assn	3,125.00	281.58
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Clean Air Working Group	7,500.00	3,428.72
Stephen R. Bassett, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	2,076.44
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor & Equipment Manufacturers Assn	1,750.00	1,774.85
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	2,000.00	
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	6,272.88	490.00
Gary Lee Bauer, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	875.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,400.00	918.72
Barbara Bauman, 1990 M Street, NW, #480 Washington, DC 20036	Detroit Edison Company	820.00	60.00
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)	62.23	
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)	54.50	
Do	Graham & James (For:Federal Judges Assn)	6.41	
Do	Graham & James (For:National Council of U.S. Magistrates)	18.77	
Bayless & Boland, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Psychemedics Corp		
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc		
Bruce A. Beam, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	255.68	475.81
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard F. Bechtel, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,957.27	
Edward A. Beck III, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	5,087.50	224.23
Lee Becker, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	541.35	100.00
Stacey Beckhardt, 1625 I Street, NW, #911 Washington, DC 20006	Consortium of Social Science Assn		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,185.42	25.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Howard Bedlin, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	531.92	
Norman R. Beebe, 1440 Corcoran Street, NW Washington, DC 20009	Medtex Products		607.41
Beer Institute, 1225 'Eye' Street, NW, #825 Washington, DC 20005	American Foreign Service Assn	5,748.00	
Robert M. Beers, 2101 E Street, NW Washington, DC 20037	Magnavox Government & Industrial Electronics Co	3,675.00	2,909.14
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Procter & Gamble Manufacturing Co	46.08	
Edwin L. Behrens, 801 18th Street, NW, #400 Washington, DC 20006	National Association of Realtors	2,500.00	
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	Major League Baseball Players Assn		
Mark Belanger, 805 Third Avenue New York, NY 10022	National Assn of Realtors	2,500.00	549.51
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Air Traffic Controllers Assn		
R. Steve Bell, 444 North Capitol Street, NW #845 Washington, DC 20001	Salomon Brothers, Inc	5,000.00	
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004			
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126	Association of National Advertisers, Inc		
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	American Consulting Engineers Council	1,250.00	
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	Madison Public Affairs Group, Inc (for Philip Morris, USA)	12,000.00	4,731.83
Benito Advertising, Inc, 600 N. Westshore Blvd., #1100 Tampa, FL 33609	American Postal Workers Union	2,999.90	67.96
Mike Benner, 1300 L St., NW Washington, DC 20005	National Society of Porfessional Engineers	1,250.00	
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	American Soc of Travel Agents	8,500.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	Weyerhaeuser Company		195.15
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Co)	306.80	
Hu A. Benton, 1500 K Street, NW, #200 Washington, DC 20005	American Petroleum Institute	425.00	411.90
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	Rainbow Lobby, Inc	3,575.00	
Todd P. Bentsen, 322 D. St., NE Washington, DC 20036	American Farm Bureau Federation	6,975.00	17.00
George L. Berg Jr., 600 Maryland Avenue, SW Washington, DC 20024	Sea-Land Corporation	450.00	
Rebecca J. Berg, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	National Forest Products Assn		
Richard Scott Berg, 1250 Connecticut Avenue, NW, #210 Washington, DC 20036	Third Class Mail Assn	3,000.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	National Rural Electric Cooperative Assn	450.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	Avianca, Inc	6,000.00	375.00
Bergner Boyette & Bockorny, Inc, 1016 16th Street, NW, #700 Washington, DC 20036	Bell Atlantic Corp	5,000.00	850.00
Do	China External Trade Development Council	2,000.00	1,600.00
Do	Dead Pigeon River Council		
Do	Electronic Industries Assn	3,000.00	2,210.00
Do	Eli Lilly & Company	700.00	350.00
Do	First Boston Corp	10,000.00	2,880.00
Do	Flo-Sun Land Corp	10,000.00	2,039.99
Do	Fox Broadcasting Company	6,500.00	946.18
Do	Friendship in Freedom Assn	3,000.00	880.00
Do	Garden Way, Inc	400.00	88.30
Do	Health Industry Manufacturers Assn	4,000.00	612.00
Do	Jenny Craig International	3,000.00	410.00
Do	Landmark Hotel Corp		
Do	Mallinckrodt, Inc	6,000.00	430.00
Do	McDonnell Douglas Corp	3,600.00	397.00
Do	Murry's, Inc	400.00	88.30
Do	National American Wholesale Grocers Assn (NAWGA)	3,600.00	200.00
Do	National Assn of Business & Educational Radio	5,000.00	1,000.00
Do	National Soft Drink Assn	4,000.00	3,365.87
Do	Natural Gas Supply Assn	7,500.00	2,480.96
Do	Okeelanta Corp	10,000.00	2,177.99
Do	Orange & Rockland	9,000.00	1,633.18
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 136 North Summit Street, #213 Toledo, OH 43604	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	5,000.00	2,300.00
Do	Bergson & Company (For:RJR Nabisco)	1,000.00	
Do	Smokeless Tobacco Council	1,160.00	160.00
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	6,509.53	561.21
Peter M. Berkery Jr., 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants		
Nathan R. Berkley, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	100.00	
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,514.00	276.00
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	15,000.00	4,472.70
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		67.75
Richard B. Berman, 1025 Connecticut Ave. NW, #1010 Washington, DC 20036	Burger King Corp		14.56
Do	Pillsbury Company		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Susan M. Bernard, 1350 New York Ave., NW Washington, DC 20005	Spiegle & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S	108.00	
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,067.22	284.50
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Jauch & Hubener, O.H.G		
Do	Nationwide Insurance Companies		
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	20,750.00	9,836.86
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	650.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economie Laitiere		
Do	Committee to Assure the Availability of Casein		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		1,181.25
Michael J. Bertelsen, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowner)		
Do	Perkinson & Associates, Inc (For:Beneficial Management Corp)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Bill Bertera, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:United States Telephone Association)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	6,545.00	
Ed Bethune, 704 N Monroc Little Rock, AR 72205	FBI Agents Assn (FBIAA)	7,500.00	745.00
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	10,000.00	396.49
Do	American Assn of Eye & Ear Hospitals	10,000.00	281.51
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	FMC Corporation		
Cheryl Beversdorf, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		
Sheldon D. Beychok, 10481 Old Hammond Hwy., #A Baton Rouge, LA 70816	Community Health Network of Louisiana, Inc		
Do	Lamar Corporation		
Do	Ramsay Hospital Corporation of Louisiana, Inc		
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	577.19	512.43
John C. Biechman, 655 15th St., NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Richard H. Bierly, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	13,149.83	
Robert D. Billings, 15 West Glebe Road, Apt. C-7 Alexandria, VA 22305	American Conservative Union		4,634.00
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Oxford Energy	23,387.66	
Do	Santa Barbara County Air Pollution Control District	7,269.00	
Do	South Coast Air Quality Management District	23,567.77	
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	8,390.00	
Andrea Bilson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 810 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	1,750.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Chugach Alaska Corp		
Do	City of Cordova		
Do	City of St. George		
Do	City of Valdez		
Do	Entergy Services Corp		
Do	Grand Targhee Ski Resort		
Do	Kodiak Island Borough		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Regional Citizens Advisory Committee		
Do	Sealaska Corp		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
Do	Yukon Pacific Corp		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,384.62	
McNair Bishop, 1725 k Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc.		
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Barr Laboratories	1,000.00	150.00
Do	CompuServe Incorporated		1,690.00
Do	International Mass Retail Association	3,000.00	
Do	Milk Industry Foundation/Int'l Ice Cream Manufacturers	3,750.00	
Do	National Cable Television Assn	34,438.75	659.82
Do	Natural Gas Pipeline Coalition		
Do	Population Services International		
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	50.00	
Wayne V. Black, Keller and Heckman 1150 17th Street, NW, #1000 Washington, DC 20036	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Do	Electronic Data Systems Corp		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, P.C., 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	756.28
Do	Allied-Signal Corp	22,500.00	302.79
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,000.00	
Do	Clark Construction Group	9,000.00	49.97
Do	Cooper's Ferry Development Assn, Inc	5,000.00	
Do	Financial Security Assurance	22,500.00	
Do	Johnson & Johnson, Inc	30,000.00	199.59
Do	Kaman Aerospace Corp	25,000.00	
Do	League of Leaders for Philippine Development	7,500.00	
Do	MacAndrews & Forbes Holdings, Inc / Revlon Group, Inc.	6,000.00	
Do	Mortgage Insurance Co of America	31,250.00	
Do	NOVA University	30,000.00	145.00
Do	Puerto Rico Federal Affairs Administration	9,000.00	323.52
Do	Regional Transit Authority	9,000.00	
Do	Republic of Kenya	31,250.00	244.24
Do	South Carolina Economic Development Board	2,000.00	
Do	Tobacco Institute	22,500.00	152.13
Do	Trump Organization	18,000.00	730.48
Do	Union Pacific Corp	22,500.00	
Do	UNITA	75,000.00	
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt (For:Health Care Coalition)		403.60
Do	Sirote & Permutt, PC (For:McAbee Construction)		
Do	Sirote & Permutt (For:Taxpayers for Capital Gains)		
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	277.25
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc.	3,645.00	1,661.68
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen Blair, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	750.00	
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris Incorporated	9,000.00	574.04
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	4,871.25	
Julia M. Blankenship, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	1,480.00	507.16
Norma Blankenship, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	3,000.00	420.83
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc		
Do	Brother International Corp		
Do	Fluor Corporation		
Do	National Paint & Coatings Assn, Inc.	3,360.00	288.17
Do	Philip Morris Cos, Inc	1,635.00	319.68
Do	PB-KBB, Inc		
Do	Texstor	405.00	29.68
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,200.00	
Patricia Blood, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	1,537.72
Anne Bloom, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	5,250.00	
Mark Bloomfield, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	438.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,378.50
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	990.63
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	207.38
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Robert A. Blum, 400 Sansome Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		
Patti Blumer, 1667 K Street, NW, #430 Washington, DC 20006	American Dietetic Assn	1,000.00	3,566.13
Wayne F. Boan, 16019 Mickleham Drive Spring, TX 77379	Employers Council on Flexible Compensation	200.00	
John A. Boardman, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	2,900.00	18.00
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		90,000.00	90,000.00
Judith Ann Boddie, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,931.31	617.52
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic	3,000.00	
Do	Cruiseship Alliance	7,500.00	
Do	National Apparel & Textile Assn	5,000.00	
Do	United Sport Fishermen	1,500.00	
Robert Z. Bohan, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Terry K. Bolger, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:American Foundation for AIDS Research (AMFAR))		
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Orment Corp)		49.00
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		49.00
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	3,900.00	
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America	1,500.00	50.00
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	596.00	
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	100.00	
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,375.00	192.55
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	3,165.00	23.10
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al	1,500.00	100.00
John C. Bottenberg, 702 Jayhawk Tower 700 S.W. Jackson Topeka, KS 66603	Philip Morris, Inc	3,750.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	400.00	249.99
Albert D. Bourland, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	2,937.50	
Albert D. Bowers, 1025 Conn. Ave., #200 Washington, DC 20036	Shell Oil Company	500.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	15,525.00	1,787.35
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	1,876.16
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Gina M. Bowman, P.O. Box 7305, Dept. 178 Kansas City, MO 64116	Farmland Industries, Inc		
Jim D. Bowmer, P.O. Box 844 Temple, TX 76503	Bowmer Courtney Burleson ...(for Naman Howell Smith...) (For:Temple Junior College)		
Bowmer Courtney Burleson Pemberton & Normand, P.O. Box 844 Temple, TX 76503	Naman Howell Smith & Lee, Inc (For:Temple Junior College)		516.30
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1801 K St., NW Washington, DC 20006	International Business Machines Corp	725.00	98.90
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,475.00	160.25
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	American Council on Education		
Do	Caribbean Marine, Inc		
Do	Centex Corporation		
Do	Chemical Manufacturers Assn, Inc	6,345.00	3,807.00
Do	Enron Corp	1,351.00	810.60
Do	Enterprise Products, Co		
Do	Genetech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Louisiana Land & Exploration Co	193.00	115.80
Do	Lyondell Petrochemical, Co		
Do	Massachusetts Mutual Life Insurance	1,544.00	926.40
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	2,115.00	1,269.00
Do	Pennsylvania Natural Gas Assn		
Do	Joseph E. Seagram & Sons, Inc	705.00	423.00
Do	Southdown/Pelto Oil Company	117.50	70.50
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	8,460.00	5,076.00
Bracy Williams & Company, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Arkla, Inc	7,000.00	250.00
Do	City of Klamath Falls		
Do	City of Tucson	7,000.00	100.00
Do	Coin Coalition	10,000.00	280.00
Do	Daishowa America Company, Ltd	6,000.00	120.00
Do	Energy Absorption Systems, Inc		
Do	Fieldstone Co	1,000.00	65.00
Do	Millicom, Inc	4,000.00	120.00
Do	Pratt & Whitney Aircraft Group	4,000.00	60.00
Do	St. Louis Airport Authority	4,000.00	100.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	45,000.00	
Martha Braddock, 6808 Hathaway Street Springfield, VA 22152	Electronic Data Systems Corp	2,900.00	73.38
Wayne W. Bradley, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn		
Dennis M. Bradshaw, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Mary I. Bradshaw, 2000 M Steet, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	16,346.14	
Charles G. Bragg, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Stuart J. Brahs, 655 15th St., NW, #950 Washington, DC 20005	Principal Financial Group	484.38	
Sally M. Brain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	679.88	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Arnall Golden... (for Amer Colleges for the Applied Arts)		
Do	Marriott Corporation		
Do	National Assn for Home Care		
Do	S.A.F.E.		
Do	Seafarers International Union		
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Sarah J. Brandt-Erichsen, 1050 17th Street, NW, #700 Washington, DC 20036	National Ocean Industries Assn	925.00	
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical and Electronics Engineers (IEEE)		
William C. Brashares, Mintz Levin Cohn Ferris Glovsky & Popeo 1825 Eye St., NW, #1200 Washington, DC 20006	Smith Barney Harris Upham & Co, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	260.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,412.84	151.71
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Bregman Abell & Kay, 1156 15th St., NW, #1212 Washington, DC 20005	Air Transport Assn of America		
Do	American Fed of Labor & Congress of Industrial Organizations		
Do	American Federal Savings Bank		
Do	Car Rental Coalition		
Do	Committee to Eliminate Equipment Giveaways		
Do	Federal Home Loan Bank of San Francisco		
Do	Temistocles Ramirez		
Do	Trans World Airlines, Inc		
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	Truck Renting & Leasing Assn	10,000.00	
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	General Motors Corp	3,000.00	3,089.45
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	488.30
Richard Brescia, N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	Ameritrust Co, Nat'l Assn		
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	American Petroleum Institute		
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Chevron USA, Inc	1,500.00	50.00
Paul J. Breuer, 807 Maine Ave., SW Washington, DC 20024	Texaco, Inc	250.00	
Shannon P. Breuer, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Disabled American Veterans	13,436.31	270.00
F.H. Brewer III, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Sun Company, Inc	1,003.00	333.05
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	Chemical Specialties Manufacturers Assn	1,577.00	201.51
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Emerson Electric Co		901.75
Karen B. Brigham, 1615 H Street, NW Washington, DC 20062	Waste Management, Inc	3,550.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	U.S. Chamber of Commerce	2,500.00	134.00
Bradly A. Broadwell, 2501 M Street, NW Washington, DC 20037	National Roofing Contractors Assn	3,645.00	193.67
David M. Brockman, 1201 New York Avenue, NW, #850 Washington, DC 20005	Chemical Manufacturers Assn, Inc	2,750.00	
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Grain & Feed Assn		3,093.75
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	National Legal Aid & Defender Assn	1,500.00	3.40
Do	Plunkett & Cooney (For:National Bank of Detroit)	5,250.00	2,438.68
Do	Plunkett & Cooney (for Blue Cross & Blue Shield of Michigan)	2,000.00	537.00
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	25.00
Do	Plunkett & Cooney (for Detroit Educational TV Foundation)		
Do	Plunkett & Cooney (for Little Ceasar Enterprises, Inc)	3,240.00	584.00
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	9,855.00	4,082.64
David A. Brody, 1100 Connecticut Avenue, NW Washington, DC 20036	American Fiber Manufacturers Assn		
Do	Anti-Defamation League of B'nai B'rith		
Do	Corn Coalition	1,500.00	
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	1,200.00	
Michael J. Brokovich, 2001 L Street, NW, Suite 1000 Washington, DC 20036	Unisys Corp	1,000.00	
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Dale E. Brooks, 1700 K St., NW Washington, DC 20006	Chevron USA, Inc	2,825.00	
E. R. Brooks, 2121 San Jacinto Street, #2500 Dallas, TX 75201	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	6,358.00	89.50
Maria Brousse, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	1,550.76	
Cynthia A. Brown, 1640 Wisconsin Ave., NW, Washington, DC 20007	American College of Surgeons		28.45
Cynthia L. Brown, 1110 Vermont Ave., NW, #1250 Washington, DC 20005	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	1,887.86

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David S. J. Brown, 700 14th Street, NW Washington, DC 20036	Monsanto Co.	700.00	105.15
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp.		
Do	Summa Corporation		
Doreen L. Brown, 1726 M Street NW Washington, DC 20036	Consumers for World Trade		
George L. Brown, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	1,250.00	326.87
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	City of St. Louis - City Hall	10,000.00	5,075.00
Julia B. Brown, 1725 K Street, NW, #914 Washington, DC 20006	Alliance to Save Energy	79.10	
Michael J. Brown, 1026 16th Street, #101 Washington, DC 20036	Klein & Saks (For:Americans for Common Cents)	4,371.00	51.70
Omer F. Brown II, 1752 N Street, NW, #800 Washington, DC 20036	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)	3,265.85	62.35
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc.	6,159.60	331.87
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	5,000.00	1,725.52
Virginia Brown, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Profitt & Wood (For:Federal Home Loan Mortgage Corp)		
Do	Thacher Proffitt & Wood (For:General Electric Mortgage Insurance Cos)	7,345.00	268.49
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)	25.00	
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	324.00	
William R. Brown, 122 C Street, NW, #200 Washington, DC 20001	Council of State Chambers of Commerce	361.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc.	3,550.00	
T. G. Brown & Associates, Inc, #995 National Press Building 529 14th Street, NW Washington, DC 20045	Velsicol Chemical Corp.	115.00	
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc.	2,475.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America,Inc	3,000.00	1,030.00
Do	Ohio Edison	14,725.00	
Do	United Television, Inc		
Brown Coates & McCarthy Inc, 1825 K Street, NW, #807 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch	750.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	10,000.00	969.10
Brownstein Hyatt Farber & Madden, 410 17th Street, 22nd Floor Denver, CO 80202	Alliance for Capital Access		
Do	Western Union Corp	51,312.75	8,605.53
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Association Local Housing Finance Agencies	6,000.00	6,963.10
Do	Commuter Transportation Services, Inc	5,250.00	5,605.80
Do	New York City Housing Development Corp.	9,426.00	143.36
Do	New York State Mortgage Loan Enforcement & Admin Corp	9,038.00	116.05
Do	Related Companies, Inc	9,000.00	9,171.90
Do	Schochet Associates		
Do	USGI, Inc	10,000.00	10,452.90
Broydrick Associates Inc, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	6,125.00	2,136.21
Do	Children's Hospital of Wisconsin	3,037.50	947.72
Do	Meehan Seaway	90.00	81.19
Do	Oneida Nation	8,445.00	1,524.84
Do	Waste Management	15,787.50	5,368.45
Do	Watertown Memorial Hospital	250.00	122.00
Jeanne Broyhill, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp	11,037.60	4,276.43
Thomas P. Bruderle, 4630 Montgomery Ave. Bethesda, MD 20814	American Society of Hospital Pharmacists		9,000.00
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Kathryne M. Bruner, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,068.00	644.32
William K. Brunette, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	536.54	535.38
J. M. Brunkenhoefer, 227 Massachusetts AVenue,NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	261.26
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	38.00
Kenley W. Brunsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Nevada Electric Investment Co, Inc)	16,380.00	4,739.28
Do	Fabian & Clendenin (For:Utah Power & Light Co)		
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,830.00	620.23
Barbara L. Bryant, P.O. Box 9997 Washington, DC 20016	American Physical Therapy Assn, Private Practice Section		
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacurers Institute	274.00	53.80
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601			1,948.13
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,631.00	
Judith A. Buckalew, 1300 Eye Street, NW, #520-W Washington, DC 20005	Hoffmann-La Roche	5,500.00	634.34
Virginia M. Buckhold, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Commerce Clearing House)		
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	641.00
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		30.00
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron	600.00	150.00
J. Bruce Bugg Jr., 660 N. Main Ave., #350 San Antonio, TX 78205	J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn)		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc.	4,800.00	54.00
Kim H. Bullerdick, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc.		
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	5,997.00	3,658.12
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
T. Scott Bunton, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	10,000.00	1,466.48
Norman D. Burch, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	9,000.00	243.00
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Ambase		
Do	Carteret Savings and Loan Assn	16,544.92	1,574.07
Do	City of Newark		1,958.83
Do	Colorado-Ute Electric Assn, Inc.	20,030.00	1,562.70
Do	Carl J. Maggio		30.00
Do	Mutual Benefit Life	28,324.82	1,652.07
Do	New York University	23,494.33	2,231.69
Do	NTEC	14,270.00	1,371.45
Do	Ogden, Utah		60.43
Do	Tex-La	14,487.50	1,065.20
Do	United Power	3,747.69	350.70
Do	University of Medicine and Dentistry of New Jersey	17,170.25	1,972.71
Do	University of Miami	32,894.41	2,315.34
David G. Burden, 200 E. Randolph Dr. Chicago, IL 60601	Amoco Corporation		
Paul F. Burdett, 1776 Eye Street, NW, #575 Washington, DC 20036	Sandoz Pharmaceuticals Corp.		34.50
David P. Burford, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,908.18
Burger King Corp, P.O. Box 520783 Gen. Mail Facility Miami, FL 33152			14.56
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	New York Puerto Organizing Company of America (For:Telefonica Large Distancia)		
William J. Burhop, 1101 17th Street, NW Washington, DC 20036	American Airlines, Inc.	2,125.00	263.18
April L. Burke, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:Association of Independent Research Institutes (AIRI))		
Do	Hill & Knowlton, Inc (For:Comcisco Medical Leasing Group, Inc)	1,560.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co.		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	2,015.25	360.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW Washington, DC 20036		51,406.00	1,150.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	3,750.00	85.42
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp.	1,200.00	
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	146.50
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Arthur Andersen & Co		
Do	Chicago & Northwestern Transportation Co		
Do	CEMEX		
Do	Lever Brothers Company	500.00	
Do	National Food Processors		
Do	Thomson-CSF, Inc	1,000.00	
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp.		8,888.41
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Business Committee for Fair Civil RICO Legislation, 1400 16th Street, NW #400 Washington, DC 20036-2220			482.42
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	4,000.00	1,749.88
Henry Butler, 3707 Woodview Trace Indianapolis, IN 46268	Crop Insurance Research Bureau	230.00	230.00
Patrick Butler, 1875 Eye Street, NW, #1110 Washington, DC 20006	Times Mirror Co		
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Bruce Butterfield, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufacturing Housing Institute	49.00	
Mary Jane Butterfield, 3022 Porter Street, NW, #202 Washington, DC 20008	Harff Butterfield (For:Turkish Republic of Northern Cyprus)		
Robert L. Byer, 600 Grant Street Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	331.00	
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe	1,373.00	
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,000.00	
Patrick J. Cacchione, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers		
Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	500.00	100.00
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	6,250.00	
Christopher G. Caine, 1801 K St., NW, #1200 Washington, DC 20006	IBM Corp	16,000.00	2,472.33
Tony Calandro, 2251 Wisconsin Ave., NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
James D. Calaway, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001	Space Industries, Inc		
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,155.25	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	2,948.64
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160			
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
John C. Callihan, 299 Park Avenue New York, NY 10171	Westvaco Corporation		
Cambridge International, Inc, 1600 Wilson Boulevard, #713 Arlington, VA 22209	Allison Transmission	500.00	
Do	Eastern Technologies, Inc	500.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	General Dynamics Valley Systems Division		
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Optic-Electronic Corp	500.00	
Do	Textron Lycoming	500.00	
Allan W. Cameron, 2932 28th Street, NW Washington, DC 20008	Bender Shipbuilding & Repair Co, Inc	3,750.00	
Arthur E. Cameron, 1111 14th Street, NW, #1001 Washington, DC 20005	Amerace Corporation	1,500.00	
Do	Lukens General Industries, Inc	1,500.00	
Do	National Greyhound Assn	4,500.00	
Do	Potters Industries, Inc	2,250.00	
Do	Safetran Systems Corporation	2,288.00	
Do	Syro Steel Co, et al	1,875.00	
Do	3M Company	8,625.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of the Republic of Guatemala	40,000.00	2,222.80
Do	Embassy of Mozambique		2,222.80
Nancy Camm, 1800 K Street, NW, #900 Washington, DC 20006	Bank of America	158.68	48.02
Camp Barsh Bates & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum Inc	250.00	
Do	Associated Financial Corp		
Do	ARA Services		
Do	BellSouth Corp	2,096.05	
Do	Blue Cross & Blue Shield Assn	83.33	
Do	California Pipe Trades Council		
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	1,125.00	
Do	Cleveland Clinic Foundation		
Do	Columbia Gas Systems		
Do	Committee for Equitable Compensation		
Do	Fashion Accessories Shippers Assn (FASA)		
Do	Goldbelt, Inc	200.00	
Do	Home Intensive Care, Inc	104.16	
Do	K-Mart Corp		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Olin Corporation		
Do	Pennzoil Co		
Do	PGA Tour		
Do	PPG Industries, Inc		
Do	Russ Berrie & Co, Inc		
Do	Sears Roebuck & Co	2,050.00	
Do	Shell Oil Co	2,229.20	
Do	Southland Corporation	687.50	
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	Western Mobilehome Assn		
Do	World Airways		
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		9,773.80	10,167.61
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	5,771.00
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	400.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	106.73	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Airlines, Inc		
Do	American Nuclear Energy Council		
Do	Invest to Compete Alliance		
Do	LTV Aerospace & Defense Co		
Do	The New England		
Do	Product Liability Alliance		
Do	Stone & Webster Engineering Corp		
Do	Texas Utilities Services, Inc		
Do	United Illuminating Co		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	General Motors Corp		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	Loral Corp		
Do	ManTech International Corp		
Do	Syracuse University		
Do	West Virginia University		
Do	John G. Campbell, Inc (For:3M Company)		
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,915.09
Canadian Coalition on Acid Rain, 112 St. Clair Avenue, #401 Toronto, Ontario Canada M4V 2Y3		9,275.00	5,341.07
Canady Law Legislative Group, 310 N. Grand Ave., #110 Lansing, MI 48933-1279			
Robert P. Canavan, 701 N Fairfax Street Alexandria, VA 22314-7807	United Way of America		
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	14,250.00	321.00
Candlelighters, 123 C St., SE Washington, DC 20003			
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 17921 Queen Anne Road Upper Marlboro, MD 20772	National Troopers Coalition	3,500.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Timken Company)	112.39	
Do	Stewart & Stewart (For:Torrington Company)	112.39	
W. Dean Cannon Jr., 9800 S. Sepulveda Blvd., #500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	
David L. Cantor, 1233 20th St., NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Francis J. Cantrel Jr, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	36.00
Charles Hollister Cantus, 555 13th Street, NW, #450 west Washington, DC 20004	Union Pacific Corporation	8,000.00	778.01
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	8,025.00	
Do	Madison Group (for: Northern State Power)	750.00	
Do	Philip Morris, Inc	10,428.57	
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Argo-Tech Corp		
Do	Honeywell, Inc	318.16	51.38
Do	Loral Corp		
Do	Rockwell International Corp		
Do	Sofec, Inc	392.70	75.58
Capital Representation Group, Inc, 1127 11th Street, #1003 Sacramento, CA 95814	Philip Morris, Inc	280.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Assn for Cancer Research	300.00	
Do	American Assn of Nurse Anesthetists	7,787.30	
Do	American Assn of Retired Persons	2,080.00	
Do	American Biotechnology Companies	750.00	
Do	American Society of Nephrology	4,750.00	
Do	American Society of Tropical Medicine and Hygiene	300.00	
Do	Arthritis Foundation	937.50	
Do	Cambridge BioScience	600.00	
Do	Carnation Co	5,000.00	
Do	Child Welfare League of America		
Do	Citizen's for the Treatment of High Blood Pressure	400.00	
Do	Citizens Comm for Medical Research & Health Education		
Do	Coordinating Council for Cancer Research	2,250.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Emergency Nurses Assn	500.00	
Do	Endocrine Society	437.50	
Do	FDA Council	10,237.50	
Do	Hutchinson Cancer Center	1,800.00	
Do	Illinois Collaboration on Youth	88.00	
Do	Joint Council of Allergy & Immunology	433.13	
Do	Massachusetts General Hospital	3,600.00	
Do	Museum of Science & Industry	750.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,188.00	
Do	National Center for Health Education	1,050.00	
Do	National Coalition for Cancer Research	375.00	
Do	National Coalition for Volunteer Protection	150.00	
Do	National Crime Protection Council	825.00	
Do	National Multiple Sclerosis Society	633.23	
Do	National Renal Administrators Assn		
Do	Linda Pollin Foundation	600.00	
Do	Ringling Brothers	3,750.00	
Do	Technicon Data Systems Corp	600.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Children's Television Workshop		
Do	Council on Foundations, Inc		
Do	Foundation Center		
Do	National Council of YMCA of the USA		
Do	National Wildlife Federation		
Do	Wisconsin Alumni Research Foundation (WARF)		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Michael J. Carey, 111 West Washington Street, #1017 Chicago, IL 60602	City of Chicago	7,500.00	7,784.85
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	29,653.00	994.02
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power and Light Company		
Caribbean Trade and Apparel Coalition (C-TAC), 1215 17th Street, NW Washington, DC 20036			
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	32,893.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,375.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,275.65	
Eileen Shannon Carlson, 2000 M St., NW Washington, DC 20036	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:Federal Administrative Law Judges Conference)		
Do	Graham & James (For:Federal Judges Assn)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Sierra Pacific Resources)		
Do	Graham & James (For:Stock Information Group)		
Do	Graham & James (For:Walt Disney Co)		
Carmen & Muss, 1901 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Carmen Group (for CareerCom)	1,137.50	95.18
Carmen Group, 1667 K Street, NW, #700 Washington, DC 20006	CareerCom	1,137.50	1,144.50
Julia Carol, 2054 University Avenue, #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	796.00	
Douglas G. Caroom, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)	3,551.11	198.24
Bertram W. Carp, 111 Massachusetts Ave., NW, 3rd Fl. Washington, DC 20001	Turner Broadcasting System, Inc	6,750.00	
George D. Carpenter, 6110 Center Hill Road Cincinnati, OH 45224	Procter & Gamble Co	46.08	
Peter F. Carpenter, 950 Page Mill Road Palo Alto, CA 94303	ALZA Corp		200.00
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)	1,500.00	177.27
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	633.00	46.00
John K. Carson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	11,100.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		1,355.65
John R. Carter, 1000 Wilson Blvd., #2600 Arlington, VA 22209	TRW, Inc	340.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,047.94	64.65
Tristan Carter, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	613.21
Melanie Carter-Maguire, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Cascade Natural Gas Corp, 222 Fairview Avenue N Seattle, WA 98109			
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	10,000.00	420.37
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	California Livestock Production Credit Assn	2,100.00	99.86
Do	Council on Education Development and Research	300.00	126.09
Do	Dairymen, Inc	12,500.00	223.84
Do	First South Production Credit Assn	13,600.00	1,049.99
Do	National Assn of Crop Insurance Agents	33,000.00	737.22
Do	United Foods, Inc	21,000.00	137.15
Paul S. Caskey, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	325.00	15.00
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	118.23
Marwin S. Cassel, 175 Northwest First Ave., #2000 Court House Center Miami, FL 33128-9965	Broad and Cassel (For:U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc))		
William E. Casselman II, 1800 M Street, NW, #300-South Washington, DC 20036	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)		
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	30,262.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Alexander Graham Bell Assn for the Deaf		
Do	American Dredging Company	3,600.00	
Do	American Hospital in Shanghai Foundation	2,250.00	
Do	American Science and Engineering, Inc	675.00	7.13
Do	AmeriFlora '92	450.00	
Do	Anatolia College Board of Trustees		
Do	Arizona State University		
Do	Barry University		
Do	Bean Dredging Company	3,600.00	
Do	Biopure Corp	300.00	
Do	Bolt Beranek & Newman, Inc		
Do	Boston Carmen's Union		
Do	Boston College		
Do	Boston University	450.00	
Do	Cardinal Hill Hospital	350.00	
Do	Catholic University of America	600.00	
Do	Centex Communications, Inc		
Do	Challenger Center		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital and Health Center of San Diego	1,575.00	
Do	Children's Hospital in Michigan	1,500.00	
Do	Children's Hospital National Medical Center	1,350.00	
Do	Clark-Atlanta University	750.00	
Do	Columbia University		
Do	Commonwealth of Puerto Rico	150.00	
Do	Community College Assn for Technology Transfer	150.00	
Do	Critical Languages & Area Studies Consortium, Inc	3,150.00	
Do	Deleware State Dept of Transportation	4,800.00	
Do	Epcint		
Do	Experiment in International Living	1,350.00	
Do	Friends of the American Tel Aviv Museum of Art		
Do	Fudan Foundation	2,250.00	
Do	Gonzaga University	900.00	
Do	Great Lakes Dredge and Dock Company	3,600.00	7.13
Do	Hawaii Dept of Business & Economic Development	975.00	
Do	Infirmary Health Systems, Inc	1,875.00	
Do	Intechnica International, Inc	375.00	
Do	International Data Group		
Do	ITT Gilfillan	2,025.00	
Do	T.L. James & Company	3,600.00	
Do	JBS & Associates, Inc	450.00	
Do	K.G. Land New York Corp	225.00	
Do	Kerr-McGee	225.00	14.26
Do	Kimberly Quality Care	1,200.00	
Do	A.J. Lane and Company, Inc	2,975.00	
Do	Thomas H. Lee Co		
Do	Lehigh University	150.00	
Do	LiTel Telecommunications Corp	3,375.00	
Do	Lockheed IMF		
Do	Loma Linda University Medical Center, Inc	3,600.00	
Do	Louisiana Public Facilities Authority	600.00	
Do	Loyola College (Baltimore)	75.00	
Do	Loyola Marymount University	1,200.00	
Do	Loyola University of Chicago	600.00	
Do	Massachusetts Corp for Education Telecommunication		
Do	Massachusetts League of Banks		
Do	Medical College of Wisconsin	3,150.00	
Do	Michigan Biotechnology Institute	1,800.00	
Do	Michigan Technological University	450.00	
Do	Monterey Institute of International Studies	1,050.00	
Do	Mt. Sinai Medical Center of Greater Miami	3,600.00	
Do	Mutual Interest Transactions		
Do	National Jewish Center for Immunology & Respiratory Medicine	2,250.00	
Do	NeoRx		
Do	Northwestern University	1,012.20	
Do	Ocean Spray Cranberries, Inc	2,325.00	
Do	Oceanit Laboratories, Inc		
Do	Pennsylvania Turnpike Commission	3,150.00	
Do	Pirelli Cable Co	75.00	
Do	Polytechnic University	450.00	
Do	PHH Corp	150.00	
Do	Rochester Institute of Technology	450.00	7.13
Do	Saint Joseph's University	600.00	14.26
Do	Schultz American School		
Do	Societa Cavi Pirelli S.p.A	150.00	
Do	Spring Garden College		
Do	St. Norberts College	2,550.00	7.13
Do	State of Indiana Dept of Commerce		
Do	State of Indiana, Office of the Governor	750.00	
Do	Tougaloo College		
Do	Tufts University	900.00	
Do	U.S. Healthcare, Inc		
Do	Universal Med Center/U of TX Health Science Center at Dallas	900.00	
Do	University of the Arts	2,700.00	
Do	University of Hawaii	225.00	
Do	University of Kentucky Research Foundation	2,025.00	
Do	University of Nebraska		
Do	University of Pennsylvania	1,050.00	
Do	University of Southern Mississippi	600.00	
Do	University of Utah	75.00	
Do	University of Vermont	150.00	
Do	Western Townships Utilities Authority	4,800.00	
Do	Wojdak & Assocs, Inc for: Children's Hospital of Pittsburgh	300.00	
Do	World Trade Center Boston		
Do	Zamias Group		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	7,500.00	
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Company	15,000.00	
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	22,250.00	620.64
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	6,000.00	
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	2,600.00	
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Grumman Corporation	250.00	
Cendrowski & Selecky, P.C., 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	12,362.50	
Peter J. Censky, 4151 Naperville Road Lisle, IL 60532	Water Quality Assn		
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			4,158.50
David Certner, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	555.00	387.35
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Amalgamated Metal Corp PLC	840.00	75.00
Do	American Paper Institute, Inc		
Do	AES Corporation	9,065.00	405.00
Do	Inter-Power of New York, Inc	245.00	35.00
Do	Napp Chemicals, Inc	840.00	80.00
Do	Ormat Energy Systems, Inc	490.00	65.00
Do	Oxbow Geothermal Corp		
Do	Ruan Transportation Management Systems		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Deborah M. Chalfie, 1319 F St., NW, #300 Washington, DC 20004	Halt, Inc		
Mark G. Chalpin, 1730 M Street, NW, #900 Washington, DC 20036	National Constructors Association		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assembly of Collegiate Schools of Business	1,275.00	
Do	American Express Co		
Do	American Postal Workers Union, AFL-CIO		
Do	Coalition of Publicly Traded Limited Partnerships		
Do	Committee for Equitable Compensation		
Do	Eagle-Picher Industries, Inc	1,275.00	
Do	Fund to Assure Public Infrastructure Financing	2,238.00	
Do	Lead Industries Assn	1,050.00	
Do	Manville Corporation	300.00	
Do	Metcalf & Eddy/KVB Group		
Do	Newhall Land and Farming Company		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	4,000.00	125.00
Robert T. Chancler, 1101 Connecticut Ave., NW Washington, DC 20036	American Wire Producers Assn		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	13,200.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Nancy Chapman, 1625 K Street, NW, #375 Washington, DC 20006	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	90.00
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	13,515.00	2,554.62
William C. Chapman, 2801 Fort Scott Drive Arlington, VA 22202	General Motors Corp	23,538.00	1,138.00
O. Donaldson Chapoton, 555 13th Street, NW, #500 East Washington, DC 20004	Baker & Botts (For:Rhone-Poulenc)		
Peggy Charren, 975 Memorial Drive, #504 Cambridge, MA 02138	Action for Children's Television	450.00	
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	12,000.00	823.07
William Chasey Organization, 855 La Jolla Corona Court La Jolla, CA 92037	Ehrenborg Foundation		
Do	Falc Securities, Inc		
Do	Indo-U.S. Pac		
Do	Life Insurance Coalition of America		
Do	Walter Taylor		
David F. Chavkin, 733 15th Street, NW, #912 Washington, DC 20005	National Center for Clinical Infant Programs	1,733.01	1,307.55
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	33,000.00	334.09
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			50,630.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,212.63
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1826 Jefferson Place, NW, #101 Washington, DC 20036	American Museum of Natural History	4,000.00	1,209.00
Do	Arena Stage	1,162.00	1,268.75
Do	Art Museum Princeton University	500.00	
Do	Bishop Museum		
Do	Buffalo Museum of Science		
Do	Capital Childrens Museum	1,076.00	1,182.75
Do	Cincinnati Museum of Natural History		
Do	Cleveland Museum of Natural History		409.00
Do	Corcoran Gallery of Art	1,205.25	1,312.00
Do	Denver Museum of Natural History		409.00
Do	Directors Guild of America	26,177.00	17,661.17
Do	Field Museum of Natural History		1,209.00
Do	Fine Arts Museums of San Francisco		
Do	Ford's Theater	1,076.00	1,182.75
Do	Friends of the New Jersey State Museum		
Do	Hebrew Union College, Skirball Museum	200.00	
Do	Illinois State Museum Society		
Do	Los Angeles County Museum of Art		
Do	Meridian House International	1,032.75	1,139.50
Do	Metropolitan Museum of Art	4,000.00	
Do	Milwaukee Public Museum	1,000.00	9.00
Do	Museum of Natural History University of Kansas		
Do	Museum of Northern Arizona		409.00
Do	National Museum of Women in the Arts	1,076.00	1,182.75
Do	National Symphony	1,248.50	1,355.25
Do	Natural History Museum of Los Angeles County	4,000.00	1,209.00
Do	Oakland Museum		
Do	Peabody Museum of Salem	2,000.00	
Do	Phillips Collection	1,119.00	1,225.75
Do	Rochester Museum & Science Center		409.00
Do	Santa Barbara Museum of Art		
Do	Shakespeare Theater at the Folger	1,076.00	1,182.75
Do	Shelburn Museum	500.00	
Do	Textile Museum	1,032.50	1,139.25
Do	University of Nebraska State Museum		409.00
Do	University of Pennsylvania Museum		
Do	Washington Ballet	1,032.75	1,139.50
Do	Washington Opera	1,119.00	1,225.75
Do	Washington Performing Arts Society	1,119.00	1,225.75
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	7,500.00	150.00
Do	Freedman Levy Kroll & Simonds (For:Universal Frutrade Co-operative, Ltd)	5,000.00	100.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		
Nam-Hong Cho, 1030 15th Street, NW, #776 Washington, DC 20005	Korea Foreign Trade Assn	1,500.00	690.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	3,960.00	2,376.76
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Samuel W. Christine III, 1129 20th St., NW, #200 Washington, DC 20036	Greater Washington Board of Trade		
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	1,800.00	12.70
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			30,500.00
Chugach Electric Assn, Inc, P.O. Box 196300 Anchorage, AK 99519-6300			5,212.75
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,550.00	602.04
Chwat/Weigend Associates, 400 First Street, NW, #100 Washington, DC 20001	American Home Sewing Assn, Inc	750.00	750.00
Do	American Radio Relay League, Inc	3,750.00	3,750.00
Do	Associated Locksmiths of America	1,332.00	1,332.00
Do	National Licensed Beverage Assn	4,050.00	4,050.00
Do	National Weather Service Employees Organization	360.00	360.00
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Linda Church Ciocci, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	250.00	
Citizens for Sensible Control of Acid Rain (CSCAR), c/o 1301 Connecticut Avenue, NW Washington, DC 20036			408,887.73
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		630,533.35	168,018.01
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Grocery Manufacturers of America, Inc		
Do	Tele-Press Associates, Inc (For:Japan Fisheries Association)	3,000.00	1,117.46
Gilbert Clark, 1117 N. 19th Street, NW, #600 Arlington, VA 22209	American Assn of Blood Banks		
James F. Clark, P.O. Box 2121l Juneau, AK 99802-1211	Alaska Loggers Assn		
Lynn C. Clark, 1411 K Street, NW, #500 Washington, DC 20005	District of Columbia Chamber of Commerce	975.00	
Marshall C. Clark, 5709 W. 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	636.87
Robert G. Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Vernon A. Clark, 1818 N Street, NW #700 Washington, DC 20036	Vern Clark & Associates (For:Metromedia Company)		
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)		
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	500.00	
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	5,375.50	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	493.14	
Clean Sound, 110 West Dayton, #202 Edward, WA 98020		360,000.00	5,130.93
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		84.57
Do	Day-Glo Color Corp	112.50	14.50
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Security Pacific National Bank	2,838.55	15.00
Do	Union Oil Co of California, et al	595.00	20.00
Ronald D. Clements, 1111 19th St., NW, 9th Floor Washington, DC 20036	Edison Electric Institute	3,190.33	457.08
Cleveland Electric Illuminating Co, 55 Public Square P.O. Box 5000 Cleveland, OH 44113			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			
W. M. Click, P.O. Box 711 Dallas, TX 75221-0711	Southland Corporation		
Clifford & Warnke, 815 Connecticut Ave., NW Washington, DC 20006	American Electric Power Co, Inc	7,500.00	4,958.61
Do	Australian Meat & Live-Stock Corp	7,500.00	4,958.61
Do	Nonprescription Drug Manufacturers Assn	300.00	106.00
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition for Higher Education Assistance Organizations	375.00	
Do	Consumer Bankers Assn	15,390.00	
Do	Student Loan Funding Corp of Ohio	300.00	
Sam E. Clonts, 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Bickerstaff Heath & Smiley (For:Upton County)	3,551.11	150.24
Edward T. Cloonan, 70 Pine Street, 39th Floor New York, NY 10270	American International Group, Inc		
Pilar M. Cloud, 1201 Pennsylvania Ave., NW, #807 P.O. Box 7566 Washington, DC 20044	BSA Business Software Assn, Inc		
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coalition for Acid Rain Equity (CARE), P.O. Box 33924 Washington, DC 20033-0924		5,000.00	26,597.43
Coalition for Affordable Home Financing, 1350 New York Ave, NW, #800 Washington, DC 20005			34,622.64
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW Washington, DC 20036			
Coalition to Keep Alaska Oil, AFL-CIO Building 815 16th Street, NW, #309 Washington, DC 20006		7,405.00	144.77
Coalition to Preserve Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		72,196.00	113,108.00
Coan & Lyons, 1625 Eye St., NW, #1015 Washington, DC 20006	National Assisted Housing Management Assn	9,379.80	116.50
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,363.10
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	2,000.00	4,771.06
Coffield Ungaretti Harris & Slavin, 3500 Three First National Plaza Chicago, IL 60602	Blunt Ellis & Loewi, Inc		
Do	Comdisco, Inc		
Do	Massachusetts Mutual Life Insurance Company	2,500.00	
Do	Metropolitan Mutual Life Insurance Company	2,500.00	
Do	Smokeless Tobacco Council, Inc	18,000.00	
Cogeneration & Independent Power Coalition of America(CIPCA), 1133 21st Street, NW, #420 Washington, DC 20036			
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	750.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	12,875.00	571.40
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,153.86	
Jacqueline Abelman Cohen, 1199 N. Fairfax St., #701 Alexandria, VA 22314	National Assn of Tobacco Distributors	2,500.00	
John Cohen, 1331 Penn Ave., NW, #!500-North Washington, DC 20004-1703	National Association of Manufacturers	145.00	
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Maclean Hunter Cable TV	2,232.50	91.53
Do	USA Network	31,667.50	1,776.75
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		785.16
Douglas Cole, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	1,500.00	
E. William Cole, 1050 Connecticut Avenue, NW, #760 Washington, DC 20036	Union Oil Co of California	500.00	100.00
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BR Services, Inc -	1,000.00	499.66
Colette R. Coleman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Colex & Associates, P.O. Box 700 Annandale, VA 22203	Homedco	2,500.00	
Do	National Assn of TJTC Consultants	1,500.00	
Jessie M. Colgate, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company	175.00	38.65
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for Capital Access	12,500.00	12,500.00
Do	American Car Rental Assn	3,182.50	3,182.50
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	180.00	180.00
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	3,582.50	3,582.50
Do	Bicycle Mfgrs Assn of Amer, Inc	2,125.00	2,125.00
Do	Coalition for Safe Ceramicware		
Do	Committee of American Ammunition Manufacturers	680.00	680.00
Do	Crop Insurance Research Bureau	5,767.50	5,767.50
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	382.50	382.50
Do	Gerry Baby Products Co	425.00	425.00
Do	Independent Lubricant Manufacturers Assn	2,366.25	2,366.25
Do	Inland Steel Corp	2,500.00	2,500.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	6,393.75	6,393.75
Do	National Assn of Mutual Insurance Cos	650.00	650.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	195.00	195.00
Do	National Pasta Assn		
Do	Nutriclean	2,842.50	2,842.50
Do	Outdoor Power Equipment Institute		
Do	Petroleos de Venezuela, S.A	9,460.00	9,460.00
Do	PetroJam, Ltd	14,250.00	14,250.00
Do	Pittsburgh Corning Corporation		
Do	Shipbuilders Council of America	80.00	80.00
Do	Society of Independent Gasoline Marketers of America	11,596.25	11,596.25
Do	Specialty Steel Industry of the United States	1,120.00	1,120.00
Do	Zurich-American Insurance Companies	390.00	390.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	350.78
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	Southern Company Services, Inc	1,000.00	
Collins & Associates, 6269 Franconia Road Alexandria, VA 22310	City of Pompano Beach, Florida		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,250.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute	2,100.00	3,226.98
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	75.00
Comfort Lipe & Green, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc	5,217.00	19.00
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite		
Committee for America's Copyright Community, 2000 K Street, NW, #600 Washington, DC 20006-1809		5,500.00	5,500.00
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee for Fair Trade with China, Evergreen Point Rd., Box 288 Medina, WA 98039			
Committee for Humane Legislation, Inc, 1506 19th Street, NW, #3 Washington, DC 20036		1,942.98	16,379.25
Committee of Public Fiscal Policy, 214 Massachusetts Ave., NE, #210 Washington, DC 20002			
Committee on U.S. Business Canadian Life & Health Ins. Assn, 20 Queen Street West Toronto, Ontario M5H 3S2			45,313.00
Committee to Assure the Availability of Casein, 3213 O St., NW Washington, DC 20007		3,000.00	
Committee to Protect the Family, 8001 Forbes Place, #102 Springfield, VA 22151		36,220.86	41,735.46
Committee to Support the Antitrust Laws, 1401 New York Avenue, NW, #740 Washington, DC 20005		9,500.00	12,000.00
Common Cause, 2030 M St., NW Washington, DC 20036		2,984,993.34	918,947.57
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE,#200 Washington, DC 20003		188,250.00	
Compressed Gas Assn/Helium Advisory Council, Crystal Gateway #1, Suie 501 1235 Jefferson Davis Highway Arlington, VA 22202.		11,393.00	11,393.00
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Bert M. Concklin, 1500 Planning Research Drive Mclean, VA 22102	Planning Research Corporation		211.60
Gary L. Conkling, P.O. Box 500, 50-705 Beaverton, OR 97077	Tektronix, Inc	10,600.00	2,269.71
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Do	Automotive Refrigeration Products Institute		
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	343.05
Brian L. Connor, 1235 Jefferson Davis Hgwy., #606 Arlington, VA 22202	National Utility Contractors Assn	10,000.00	3,486.86
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff, Inc	675.00	
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	765.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,092.75	70.65
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	8,754.78	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			20.00
Consolidated Rail Corporation, P.O. Box 23451 Washington, DC 20026			15,849.01
Consortium for Int'al Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107		15,035.55	15,035.55
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		56,685.00	3,036.86

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			67.75
Consumers for World Trade, 1726 M Street, NW Washington, DC 20036		58,520.00	20,144.12
Consumers Union of U.S., Inc, 256 Washington St. Mount Vernon, NY 10553			13,370.00
John J. Contney, Suite B 1130 E. Hallandale Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, 1133 Connecticut Ave., NW, #400 Washington, DC 20036	Chubb Corp	10,000.00	150.00
John A. Conway, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John J. Coogan, 1776 Eye Steet, NW, #1050 Washington, DC 20006	Eastman Kodak Co	250.00	223.00
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	112.00	122.20
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-operative Union of America	7,987.72	74.72
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
K. Richard Cook, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	250.00	
Robert M. Cook, 2910 E. Camelback Road, #150 Phoenix, AZ 85016-4406	Livestock Marketing Association		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			30,694.72
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,625.00	4,500.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	1,027.00	
Robert M. Coon Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security		
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,793.00	
Brian D. Cooney, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,045.00	219.00
Benjamin Y. Cooper Jr., 1730 North Lynn St. Arlington, VA 22209	Printing Industries of America, Inc	12,500.00	
C. William Cooper, 203 Pittsburgh Nat'l Bank Building Sewickley, PA 15143	United Distribution Companies		
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	26,500.00	7.30
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	769.00	7,015.00
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	978.00
James M. Copeland, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:County of Alameda)	15,000.00	
Jim Copeland & Associates, 1341 G Street, NW, #200 Washington, DC 20005	Pacific Mutual Life Insurance Co	6,000.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	663.24
Copyright Remedies Coalition, 2000 K Street, NW, #600 Washington, DC 20006-1809		4,350.00	4,350.00
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Tom Corcoran, 360 E. Randolph, #2402 Chicago, IL 60601	Wallace Associates Corp	10,000.00	
Frank W. Corley, 8430 Blakiston Lane Alexandria, VA 22308	ITT Electro-Optical Products Div	9,900.00	1,743.94
Do	Pilkington Optronics, Inc	7,500.00	1,151.24
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		6,217.00	3,198.00
David L. Cornwell, 2217 Casemont Drive Falls Church, VA 22046	Wackenhut Corp		
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,609.00	86.10
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	703.85	325.32
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning Glass Works	500.00	
Anthony R. Corso, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	3,500.00	
William R. Corson, 1725 K Street, NW, #903 Washington, DC 20006	Penthouse International, Ltd		
Cosmetic Toiletry & Fragrance Assn, Inc, 1110 Vermont Ave., NW, #800 Washington, DC 20005			
Gregory Costa, 1000 Vermont Avenue, NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	
Michael E. Costello, 1025 Connecticut Ave., NW, #404 Washington, DC 20036	Panhandle Eastern Corporation		1,212.46
Donna J. Costlow, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004	National Assn of Manufactuers	500.00	
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government		
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd.		8.00
Daniel T. Coughlin, 1155 15th Street, NW, #502 Washington, DC 20005	Bristol Myers Co		
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609			2,100.00
Council for Rural Housing and Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1420 16th Street, NW, #405 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #200 Washington, DC 20001		3,175.00	723.06
Council on Alternate Fuels, 1225 Eye St., NW, #320 Washington, DC 20005			
Susan M. Cousins, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 918 16th St., NW, #702 Washington, DC 20006	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Do	Grumman Corporation		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	6,000.00	
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American Watch Assn		
Do	Association of Maximum Service Telecasters, Inc	420.00	
Do	Brown Brothers Harriman & Co		1,466.00
Do	BSA Business Software Assn, Inc		
Do	Coalition to Preserve the Integrity of American Trademarks	11,530.00	747.90
Do	Commonwealth of Puerto Rico		
Do	Corrections Corporation of America		11,874.93
Do	CBS Television Network Affiliates Assn		
Do	ERISA Industry Committee	1,500.00	40.50
Do	International Swap Dealers Assn		
Do	Investment Company Institute		
Do	Lin Broadcasting Corp		
Do	Maui Land & Pineapple Co, Inc	5,035.00	110.00
Do	Midwest Television, Inc	420.00	
Do	National Football League	5,030.00	
Do	Post-Newsweek Stations, Inc		
Do	Public Broadcasting Service	150.00	
Do	State of Arkansas, Dept of Human Services		2,110.26
Do	State of Connecticut, Dept of Income Maintenance	2,100.00	2,110.26
Do	State of Hawaii, Dept of Human Services	2,100.00	2,110.26
Do	State of Illinois, Dept of Public Aid	2,100.00	2,110.26
Do	State of Louisiana, Dept of Health & Hospitals		2,110.26
Do	State of Michigan, Dept of Mental Health	2,100.00	2,110.26
Do	State of Missouri, Dept of Social Services		2,110.26
Do	State of New York, Office of Mental Health	20,800.00	20,800.00
Do	State of North Carolina, Dept of Human Resources	2,100.00	2,110.26
Do	State of Oklahoma, Dept of Human Services	2,100.00	2,110.26
Do	State of South Carolina, Health & Human Services Finance Com	2,100.00	2,110.26
Do	State of West Virginia, Division of Human Services		
Do	State of Wisconsin, Dept of Health & Social Services		2,110.26
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	United Technologies Corporation		
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Society of Mechanical Engineers		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capitol Cities/ABC, Inc	577.20	
C. Deming Cowles, 6th Floor 1050 Thomas Jefferson Street, NW Washington, DC 20007	Bering Sea Fishermen's Assn	13,450.00	287.97
Do	Cordova District Fishermen United		365.66
Do	Fairbanks/North Star Borough	3,915.00	160.64
Do	Pacific Marine Fisheries Commission	7,550.00	266.24
Do	United Fishermen of Alaska		1,608.07
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	6,287.52	
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,687.51	54.68
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:American Mobile Satellite Corporation)		
Do	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	1,120.00	98.00
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn	3,075.00	
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc		
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Mary T. Cramer, 1830 Platte St. Denver, CO 80202	Philip Morris, Inc	4,000.00	348.00
Dale A. Crane, 7822 Byrds Nest Pass Annadale, VA 22003	National Parks and Conservation Assn		98.55
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,375.00	
Eric F. Craven, P.O. Box 2943 Fort Worth, TX 76113	Texas-New Mexico Power Co	1,397.50	2,699.19
Kelly Craven, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard C. Crawford, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc.		
Creative Dynamics, Inc, 1143 N. General Pershing Hammond, LA 70401	Reese Communications Cos (for: Philip Morris U.S.A.)	1,875.00	1,483.58
Richard C. Creighton, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Alliance	11,812.61	26.16
Ken A. Crerar, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	79.30
Douglas P. Crew, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar Tractor Co	3,000.00	
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc.		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,856.00	
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		25.00
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp	3,000.00	
Do	McDonnell Douglas Helicopters	2,000.00	
Do	MTS Systems Corp.	1,000.00	
Do	Northrop Corp	2,000.00	
Rae E. Cronmiller, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	130.00	
Crop Insurance Research Bureau, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		5,997.50	5,997.50
Mark E Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc.		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	1,350.00	
Do	Asarco Inc.		
Do	Associated Gas Distributors		
Do	Avon Products, Inc.		
Do	Brooklyn Union Gas Co		
Do	Central Nebraska Public Power & Irrigation District		
Do	Chesapeake Utilities Corp		
Do	City of North Miami		
Do	Communications Satellite Corp.		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc.		
Do	Eli Lilly & Company	1,377.50	10.00
Do	Emery Worldwide		
Do	Lehn & Fink Products Group	411.25	6.00
Do	Meridian Minerals Co.		
Do	Minnesota Mining & Manufacturing		
Do	National Assn of Wholesaler-Distributors	2,247.50	10.00
Do	National Risk Retention Assn		
Do	Nebraska Public Power District		
Do	Pan American World Airways, Inc, et al.		
Do	Regional Airline Association		
Do	Tiffany & Co.		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn.		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Avon Products, Inc.		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	Emerson Electric Co		1,601.16
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		25,072.95	24,082.64
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Electronics Assn		7,326.00
Do	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)		65,381.50
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries)		1,075.00
Do	McCutchen Doyle Brown & Enersen (For:Carlsmith Wichman Case... (for Hilo Coast Proscessing), et a).		
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)		3,102.00
Do	McCutchen Doyle Brown & Enersen (For:General Electric Company)		12,878.50
Do	McCutchen Doyle Brown & Enersen (For:Gulf Coast Waste Disposal Authority)		
Do	McCutchen Doyle Brown & Enersen (For:National Assn of Regional Councils)		3,010.00
Do	McCutchen Doyle Brown & Enersen (For:New York Dept of Environmental Conservation).		
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments)		4,128.00
Law Ofs of Jonathan W. Cuneo, 1300 I Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	71.00
Do	National Assn of Securities and Commercial Law Attorneys	24,000.00	120.50
Do	National Coalition of Petroleum Retailers, Inc.	5,000.00	72.50
Do	Songwriters Guild of America	7,500.00	170.00
William Hodge Cunningham, 111 Bay Drive Stevensville, MD 21666			
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,571.10	1,548.56
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, 3000 K Street, NW, #3-A Washington, DC 20007	Motorcycle Riders Foundation, Inc.	5,000.00	7,062.68
Curtis Thaxter Lipez Stevens Broder & Micoleau, 1 Canal Plaza P.O. Box 7326 Portland, ME 04112	Philip Morris, Inc.	4,800.05	2,431.82
M. Rupert Cutler, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	181.92	5.00
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	General Atomics		
Do	Mountains Recreation and Conservation Authority	887.50	8.00
Do	Potomac Investment Associates	12,286.25	212.00
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	3,725.00	6,825.66
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,500.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833	Plumbing Manufacturers Institute	500.00	
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn.	1,200.00	
Do	Seton Hall University		
D'Amore & Doyle, Inc, 1156 15th St., NW, #1100 Washington, DC 20005	Gafney Bennett & Associates, Inc	13,005.00	220.72
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	American Council of State Savings Supervisors		
Do	Credit Union National Assn, Inc.		
William K. Dabaghi, Arter & Hadden 1919 Pennsylvania Ave., NW, #400 Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)	246.00	16.00
Do	Houston Clearing House Assn.		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Committee to Preserve Social Security	14,808.00	1,795.59
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	187.00	21.00
Dairy Farmers for Responsible Dairy Policy, 514 C Street, NE Washington, DC 20002		33,750.00	20,718.77
Donna M. Daley, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn.	2,887.50	
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc.		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co.		7,872.64
John E. Daniel, 1233 20th St., NW, #701 Washington, DC 20036	International Technology Corporation		
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		210.00
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn.		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	3,941.43	
Dale Danks Jr., 1000 Thomas Jefferson Street, NW, 6th FL Washington, DC 20007	Leonard Ralston Keyes and Danks (For:Krueger International, Inc)	13,491.51	
David E. Danovitch, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	6,000.00	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	112.49	33.66
Richard C. Darling, 1156 15th St., NW Washington, DC 20005	J. C. Penney Co. Inc		
Diane Davenny Darneille, 1850 K Street, NW, Suite 1195 Washington, DC 20006	Schering-Plough Corp.	14,000.00	14,610.27
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	12,913.00	
Becky L. Davenport, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & International Ice Cream Assn.		
Theodore S. J. Davi, 624 South Quincy Street Green Bay, WI 54301			
Earl F. David, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co.	1,000.00	
John C. David, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	500.00	
Davidoff & Malito, 100 East 42nd Street New York, NY 10017	Long Island University	9,000.00	290.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nassau-Suffolk Hospital Council, Inc	9,000.00	442.00
Do	Sequor Group	9,000.00	690.12
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	1,200.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	450.62	127.58
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	11,750.00	528.12
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	10,622.02	
Fred G. Davis, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	3,993.33	715.35
Kenneth E. Davis, Suite 1210 1667 K St., NW Washington, DC 20006	Rohm & Haas Co	3,125.00	465.00
Lizanne H. Davis, 1627 K Street, NW, #500 Washington, DC 20006	FMC Corp	13,000.00	316.39
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,425.00	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,900.00	597.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	Alcoma Packing Company, Inc		10.00
Do	American General Life Insurance Co	880.00	69.52
Do	American Horse Council	938.00	43.10
Do	Armco Steel Co	1,560.00	114.81
Do	Bethlehem Steel Co	1,560.00	114.81
Do	Chicago Board of Trade	8,502.00	103.10
Do	Committee of Annuity Insurers	752.50	117.64
Do	Committee of Life Insurers		
Do	Dresser Industries, Inc	136.25	
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	795.80	108.90
Do	Florida Sugar Cane League, Inc	450.00	35.00
Do	Hughes & Luce	1,750.00	40.00
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	350.00	86.75
Do	National Assn of Life Companies	1,000.00	9.00
Do	National Cattlemen's Assn	600.00	43.10
Do	Stock Information Group	32,161.70	346.07
Do	Travelers Companies		
Do	U.S. Sugar Corp	450.00	35.00
Do	Underwriters of Lloyd's, London	1,730.30	9.00
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	2,550.00	37.00
Do	CoreStates Financial Corp		
Do	John Hancock Mutual Life Insurance Company	250.00	50.00
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	265.00	6.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	950.00	15.00
Do	Occidental International Corp	450.00	53.00
Davis Wright & Tremaine, 1752 N St., NW, #800 Washington, DC 20036	American Honda Motor Co., Inc	1,975.00	447.40
Do	American Tunaboat Assn	12,961.00	
Do	Klukwan Forest Products, Inc		
Do	McCaw Communications Cos	19,573.55	885.79
Do	Turner Broadcasting System	4,535.00	
Do	Western Pioneer, Inc	7,486.00	
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Company		
Robert M. Dawson, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	584.31
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Gaston De Bearn, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Ralph De La Cruz, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,380.00	
O. Mark De Michele, P.O. Box 53999 - Sta. 9060 Phoenix, AZ 85072-3999	Arizona Public Service Company		
James D. Deal, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc		6,916.00
Maryann M. Dean, 1875 Eye Street, NW, #400 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 888 17th Street, NW, #500 Washington, DC 20006	Auto Internacional Assn	577.66	272.37
Do	Coalition of Automotive Assns	1,986.62	921.83
Do	Specialty Equipment Market Assn	7,946.47	3,687.41
Debevoise & Plimpton, 555 13th Street, NW Suite 1100E Washington, DC 20004	Sony Corp of America		
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
William R. Deere, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,486.00	2,367.94
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive Mclean, VA 22101	Association of State & Territorial Health Officials		3,000.00
William T. Deitz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Society of Composers Authors & Publishers)	397.50	
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)	120.00	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)	1,627.50	20.70
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	1,410.00	13.80
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	2,685.00	7.65
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Third Class Mail Association	1,407.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc	10,693.75	242.94
Do	Harcourt Brace Jovanovich, Inc		
Do	National Assn of Independent Insurers	18,000.00	1,852.92
Regis J. Delmontagne, 1899 Preston White Drive Reston, VA 22091	National Printing Equipment & Supply Association, Inc		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Coalition Against the Loss Disallowance Rule	10,000.00	
Do	National Housing Partnership		
Do	J. C. Robinson Seed Co	650.00	
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:American Mobile Satellite Consortium)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:United States Telephone Association)		
George G. Demougeot, 1825 Eye Street, NW, #400 Washington, DC 20006	Joseph Companies, Inc of Minneapolis	3,500.00	3,500.00
Donna Dempsey, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		3,637.50
Perry Como Denby, 1301 Franklin Street Tank 6-B-1 Houston, TX 77002			
George H. Denison, 4801 Massachusetts Ave., NW, #400 Washington, DC 20016	American Nuclear Energy Council		
Do	Edison Electric Institute	1,200.00	
Do	National Office Products Assn		
Do	Westinghouse Electric Corp	750.00	
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,095.80	129.35
Daniel B. Denning, 1331 Pennsylvania Ave., NW #930 Washington, DC 20004	General Electric Company	386.00	110.00
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,013.00	4,500.00
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Republic of Bophuthatswana (For:Allpoints International, Inc)	15,000.00	537.20
Janet Ann Denton, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	10,062.50	
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	751.20	
Wells Denyes, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,350.00	1,414.90
Department for Professional Employees, AFL-CIO, 815 16th St., NW Washington, DC 20006		6,044.85	6,044.85
Brian R. Detter, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	300.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	10,000.00	
Samuel L. Devine, 170 Burning Tree Drive Naples, FL 33942	Grocery Manufacturers of America, Inc		
Devine Millimet Stahl & Branch, 111 Amherst Street Manchester, NH 03105	State of New Hampshire, Attorney General		
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1525 New Hampshire Ave., NW Washington, DC 20036	Energy Conservation Coalition/Environmental Action Found	663.00	
Doris J. Dewton, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alex J. DeBoissiere, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Marydale DeBor, 1001 Pennsylvania Avenue #715 South Concourse Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	700.00	
Michael DeEmilio, 400 First St., NW, #801 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	10,000.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,562.53
Lisa M. DeFusco, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	612.00	
Mary Elise DeGonia, c/o Jane Gilmore Chateau Apartments, #636 Rt. 54 By-Pass Carrboro, NC 27510	Alternative Schools Network		
Do	ACBE, et al		
Do	National Council of La Raza		
Do	National Puerto Rican Forum		
Do	US Basics		
Law Offices of Paul H. DeLaney, Jr., 1826 Jefferson Place, NW, #201 Washington, DC 20036	Embassy of Japan	15,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Gail DeLoach, P.O. Box 8091 Falls Church, VA 22041	Friendship Hill Assn		
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	79.08
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,168.78
William R. DeReuter, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn	3,500.00	228.44
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	75.87
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Cos		
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School	21,988.80	
Chester T. Dickerson Jr., 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		190.61
Ann Sanders Dickey, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	4,674.50	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc	997.00	
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Boundary Gas, Inc		
Do	BATMAN Corp		
Do	Car Audio Specialists Assn (CASA)		
Do	Cordova District Fishermen United, Inc		
Do	Embassy of Malaysia	561.25	
Do	Federal National Mortgage Assn	5,436.00	
Do	Federated Cash Management Systems	7,500.00	
Do	First Annapolis Savings Bank F.S.B		
Do	Guess, Inc		
Do	Harbour Group Ltd	4,621.22	
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc	30,870.00	
Do	IPP Working Group	2,082.50	
Do	Marine Engineers' Beneficial Assn		
Do	Medtronic, Inc	2,993.75	
Do	J. P. Morgan Securities, Inc		
Do	National Fed of Societies for Clinical Social Work	820.00	
Do	Newport Group	34.75	
Do	North Carolina Dept of Natural Resources and Community Devlp		
Do	Ocean State Power	356.25	
Do	Paulucci Enterprises	1,100.00	
Do	Sea Hawk Seafoods, Inc		
Do	State of Connecticut		
Do	States of Arkansas, et al		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 7373 Hunt Avenue Garden Grove, CA 92642	Hyundai Motor America	137.50	3,492.98
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	24,549.98	1,754.38
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	528.95	43.56
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Companies, Inc)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	209.25	131.44
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	633.55	61.23
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	186.00	
Do	Lumbermens Mutual Casualty Company	2,100.00	187.93
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 511 Capitol Court, NE, Suite 300 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		142,507.05	142,507.05
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,348.10	87.00
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Foundation Health Corp	6,500.00	6,590.22
Do	Fresno Surgery & Recovery Care Center	1,560.00	6,186.83
Do	Institute for Clinical PET	2,340.00	6,206.47
Do	Moss McGee Bradley Kelley & Foley (For:Policy & Management Asso (for: Community Development Corp's)).	4,875.00	6,277.85
Do	Southern California Rapid Transit District (SCRTD)	3,250.00	6,287.34
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	Mackey & DiMarco (For:Tom Gosnell)		
Do	Mackey & DiMarco (For:Greater Rochester Council)		
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,732.50	
Anthony F. DiPasquale, 902 Renfroe Road Talladega, AL 35160			
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	363.75
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		4,162.98
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	397.50	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Daniel P. Doherty, 2001 S St., NW, #540 Washington, DC 20009	Alliance of Nonprofit Mailers	1,489.20	30.01
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	1,712.50	
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Dolphin Group, Inc, 1047 Gayley Avenue, 2nd Fl Los Angeles, CA 90024	Philip Morris, Inc	1,500.00	25.00
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	276.92	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	9,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			
Charles Donovan, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	14,166.67	
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	152.35
Jeffrey D. Doranz, 1629 K Street, NW, #1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	46.88	60.00
Do	Palumbo & Cerrell, Inc (For:American Society of Composers, Authors & Publishers)	1,282.50	440.00
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)	855.00	221.24
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)	262.50	1,002.89
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	667.54	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	22.50	
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform		
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	9,240.00	1,361.28
Ira Dorfman, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn	2,240.00	100.00
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		179,755.00	235,301.00
Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402	City of St. Paul	6,636.00	32.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	FilmTec Corporation		
Do	Morgan Stanley, Inc		
Do	Regional Transit Board	5,208.00	55.00
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	867.00	
Terrie M. Dort, 1023 15th Street, NW, 7th Fl Washington, DC 20007	Rowland Government Relations (For:Job Opportunities Business Symposium)		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	103.50
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	31.25	
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc	1,600.00	1,115.00
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance (CEEB)).		
Charles P. Downer, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,375.00	250.00
Jane Lind Downey, 2200 Mill Rd Alexandria, VA 22314	American Movers Conference	100.00	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Cos	2,000.00	469.26
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,384.80	101.94
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	126.00
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
Andrea N. Dravo, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	3,712.50	205.28
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,250.00	54.07
Anthony V. Dresden, 444 N. Capitol Street, NW, #801 Washington, DC 20001	National Air Traffic Controllers Assn	2,645.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Metropolitan Insurance Cos		
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	5,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	300.00	100.56
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	(For:Colonial Penn Life Insurance Co.)	632.50	107.00
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	9,000.00	
Do	PHLCORP	30,000.00	215.25
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	6,815.00
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn	500.00	
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life and Casualty	2,250.00	
Do	Consolidated Rail Corp	2,057.00	
Do	Fiber Optic Competition US, Inc	7,875.00	
Do	General Motors Corp	11,250.00	
Do	Goldman Sachs & Co	1,250.00	
Do	Mansanto Company	5,250.00	
Do	McCaw Cellular Communications, Inc	750.00	
Do	National Cable TV Assn	15,000.00	
Do	Warner Communications	19,500.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Morgan D. Dubrow, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	140.00	
Dudek Communications, 4915 St Elmo Avenue, #206 Bethesda, MD 20814	Lyonnaise Marianas America, Inc	4,000.00	1,023.91
Michael J. Duff, 225 Reinekers Lane, #625 Alexandria, VA 22314	Scientific Apparatus Makers Assn	1,400.00	
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Stephen C. Duffy, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	652.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	18,125.00	49.06
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	69.25
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	792.49
Duncan Allen & Talmage, 1575 Eye Street, NW Washington, DC 20005	Colorado River Energy Distributors Assn	3,387.50	297.27
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	General Atomics	82.50	
Do	Kenai Natives Assn, Inc		
Do	Lake Andes-Wagner Water Systems, Inc	34.00	6.00
Do	Mid-West Electric Consumers' Assn, Inc	92.50	
Do	National Assn of State Energy Officials		
Do	Pemco Aeroplex		
Do	Western Fuels Association, Inc		
Mari Lee Dunn, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	14,806.25	848.98
James A. Dupree, 815 Connecticut Ave., NW Washington, DC 20006	Ford Motor Co	1,166.00	1,194.00
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	633.75	
Katherine M. Dutilh, 214 Massachusetts Ave., NE, #420 Washington, DC 20002	Milliken & Company	5,000.00	1,700.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	15,331.00	1,173.50
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,571.10	780.57
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	1,669.00	
Dworbell, Inc, 1726 18th Street, NW Washington, DC 20009	Title One Home Improvement Lenders Assn	1,000.00	1,000.00
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc	9,375.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
James W. Dyer, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,775.00	1,225.00
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Alliance for Corporate Growth		
Do	Apex Marine Corp	3,900.00	370.09
Do	Bobbie Brooks, Inc		
Do	PubCo Corp		
Do	The Torrington Company	8,100.00	258.73
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn	41,140.00	
Do	Military Boot Manufacturing Assn		
Do	Total Petroleum, Inc	1,620.00	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DC Statehood Party, 1742 Massachusetts Ave., SE Washington, DC 20003			
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	2,925.00	1,295.47
Do	Sofreavia	784.00	12.00
Do	Teledyne Brown Engineering		
E.D.E.A., Inc, 1151 Acquidneck Avenue Middletown, RI 02840	American Ship Building Co		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Wisconsin Electric Power Company)	16,000.00	2,299.19
Charles H. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Robert E. L. Eaton, 1725 K St., NW, #1111 Washington, DC 20006	Eaton Associates, Inc		
Eaton Associates, Inc, 1725 K St., NW, #1111 Washington, DC 20006			
Heidi M. Ebel, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)		
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	781.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	10.00
Charles J. Eby, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Monsanto)		
N. Boyd Ecker, 1100 Connecticut Ave., NW,#620 Washington, DC 20036	Mobil Oil Corp	1,500.00	72.00
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	614.69	
Edison Electric Institute, 9th Floor 1111 19th St., NW Washington, DC 20036		82,396.14	127,094.61
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling	1,100.00	321.00
V. Anne Edlund, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	162.33
Do	Pinnacle Data Corp	12,500.00	273.72
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	700.00	21.50
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Fiat USA, Inc		
Do	Matra Aerospace, Inc	1,215.84	
Do	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	524.58	
Do	Teledyne Industries, Inc	439.17	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,962.49	144.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	12,555.00	245.75
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	78.58
Roy L. Eiguren, 350 North 9th Street, #400 Boise, ID 83702	Lindsay Hart Neil & Weigler (For:Idaho Cooperative Utilities Assn)		16.81
Do	Lindsay Hart Neil & Weigler (For:Philip Morris, Inc)		36.79
Do	Lindsay Hart Neil & Weigler (For:Soap & Detergent Assn)		
Albert A. Eisele, 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Cornerstone Associates, Inc		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	14,722.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	11,000.00	1,650.00
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Jane Elder, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club		
Law Offices of Peter L Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Do	Fox Chase Cancer Center		
Do	Fred Hutchinson Cancer Research Center		
Do	Kenneth Norris Jr. Comprehensive Cancer Center		
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	1,987.50	2,885.62
Emily K. Elliott, 107 Whitehurst Stillwater, OK 74078	Oklahoma State University	7,115.63	1,097.18
John M. Ellis, P.O. Box 2022 North Highlands, CA 95660	Alliance of Government Managers	2,742.50	
Do	Nor-Cal Federal Coalition		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Mark M. Ellison, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc	220.00	
Do	French & Company (For:Int'l Electronics Mnfctrs & Consumers of America, Inc)	1,350.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	170.00	
Do	French & Company (For:Wheels, Inc)	100.00	
Gary Elmestad, P.O. Box 3153 St Charles, MO 63302	City of St. Peters, Missouri	3,000.00	1,323.67
Do	St. Charles Co Economic Development Council	8,750.00	232.39
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corporation	146.50	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		85,761.00	104,575.83
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			3,342.42
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,325.00	43.00
Randy Eminger, 5205 West 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,500.00	49.27
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
End Notch Discrimination, 59 West La Sierra Drive Arcadia, CA 91006			825.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74868		6,400.00	
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	166.00	22.00
John T. Engelen, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	500.00	50.67
English First, 8001 Forbes Place, #102 Springfield, VA 22151		145,178.00	253,394.22
Jon Englund, 1225 Eye Street, NW, #950 Washington, DC 20005	American Electronics Association		
Christopher Engquist, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Richard Engram Jr., P.O. Box 506 Merchants & Miners Bank Bldg. Welch, WV 24801			
David Eppler, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
Mark A. Epstein, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	4,583.34	150.55
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	American Managed Care & Review Assn	2,400.00	
Do	Anheuser Busch		
Do	Doctors National Homecare Corp		
Do	Edison Electric Institute		1,788.75
Do	Grocery Manufactuers of America (GMA)		795.00
Do	Missouri Blue Cross/Blue Shield		
Do	National Shorthand Reporters Association		1,523.75
Do	Pfizer, Inc	927.50	567.50
Do	Pharmaceutical Manufactuters Assn	848.00	832.50
Do	Revlon, Inc & Subsidiaries		
Do	Voluntary Hospitals of America, Inc	11,250.00	
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	43,615.00	
John Ernst, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	351.48	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Kaman Diversified Technologies Corp	9,008.05	8.05
Do	Mip Instadsetzungstriebe Gmbh	19,026.11	4,026.11
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	11,844.00	765.89
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines	1,200.00	590.00
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,500.00	
European Travel Commission, 630 Fifth Avenue New York, NY 10111			
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Brown & Williamson Tobacco Corp)		
Do	B.L. Evans & Associates (For:BATUS)		
Do	B.L. Evans & Associates, Inc (For:Fleishman-Hillard, Inc (for: CAWG))	2,000.00	
Do	B.L. Evans & Associates (For:Great Western Financial Corp)		
Brock Evans, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society	4,400.00	165.00
C. Lawrence Evans Jr., 51 Louisiana Avenue, NW Washington, DC 20001	Acacia Mutual Life Insurance Company	25,000.00	
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	American Family Corp		
Do	Stepan Company		
Robert B. Evans, 1101 14th Street, NW Washington, DC 20005	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
William J. Evans Jr., 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc	845.00	290.22
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Batus	5,000.00	
Do	Brown & Williamson Tobacco Corp	3,000.00	
Do	Great Western Financial Corp	15,000.00	
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform (ARR)	2,000.00	
Do	MICA	1,000.00	
Do	SIA	1,000.00	
Do	United States Olympic Committee	1,000.00	
Evans Group, Ltd, 1010 Wisconsin Ave., #810 Washington, DC 20007	Federal Republic of Nigeria	36,500.00	
Do	Government of Cyprus	7,300.00	
Do	Matlack, Inc	7,100.00	
Do	Matteson Investment Corp		
Do	Mortgage Bankers Assn of America	2,500.00	
Do	National Multi Housing Council	2,550.00	
Do	New York State Mortgage Loan Enforcement & Admin. Corp		
Do	Remodelers National Funding Corp	8,600.00	
Do	Republic of China	1,500.00	
Do	Towers Financial Corp	6,200.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	2,000.00	100.99
Wayne S. Ewing, Associated Petroleum Industries of Pa P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,500.00	
EDS Corporation, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004			2,099.96
F/P Research Associates, 1700 K St., NW, #404 Washington, DC 20006	National Cable Television Assn, Inc	500.00	
Do	Northrop Corp	200.00	
Dan L. Fager, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,400.00	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Leslie Fain, 1506 19th Street, NW, #3 Washington, DC 20036	Committee for Humane Legislation	7,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
F. S. Fallon Jr., 4202 West Waters Avenue, #3-4 Tampa, FL 33614			
Joseph B. Fallon, 1825 Connecticut Ave., NW, #200 Washington, DC 20009	National Organization Against Invisible Disease Spread		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA		5,821.00
Thomas B. Farley II, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,750.00	151.90
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	7,000.00	
Greg Farmer, 600 Maryland Ave., SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	5,570.67
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		220,911.00	113,120.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dagmar T. Farr, 1750 K Street, N.w. Washington, DC 20006	Food Marketing Institute	300.00	
Farragut Group, 1825 K Street, NW, #807 Washington, DC 20006	Southern Company Services	12,500.00	
Christopher G. Farrand, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Co, Inc		200.00
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	200.00	
Richard T. Farrell, 1133 15th St., NW, #210 Washington, DC 20005	Syntex (USA) Inc	4,125.00	682.40
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	23,475.00	2,074.80
Do	Clark County, Nevada	15,000.00	610.35
Do	Kirton McConkie & Bushnell	1,725.00	20.39
Do	Las Vegas Valley Water District	20,700.00	357.59
Do	Nevada Power Company	2,962.50	95.95
Do	Public Service Co of New Mexico	15,575.00	432.83
Do	Sierra Pacific Power Co	21,698.75	2,422.41
Jane Fawcett-Hoover, 801 18th St., NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	70.84	
Robert C. Fay, 205 The Strand Alexandria, VA 22314	American Amusement Machine Assn		
William D. Fay, 818 Connecticut Ave., N.W., #900 Washington, DC 20006	Clean Air Working Group	5,250.00	1,067.77
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			1,860.17
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		1,536.83	1,536.83
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002			2,805.68
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			220.00
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)	480.51	480.51
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	539.97	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	5,000.00	59.27
Chai Rachel Feldblum, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,650.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers Inc	5,000.00	
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	545.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Edward T. Fergus, 100 Gold St. New York, NY 10292	Prudential-Bache Securities, Inc	750.00	
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers, Inc	7,500.00	728.46
Stephen L. Ferguson, CFC, Inc 405 N. Rogers St. Bloomington, IN 47401	Cook Group, Inc	9,469.42	2,352.10
John H. Ferman, 1050 20th Street Sacramento, CA 95816	California Assn of Hospitals & Health Systems	20,000.00	1,441.00
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Optic Competition US, Inc, 804 W. Diamond Ave., 3rd Floor Gaithersburg, MD 20878		175,000.00	7,875.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	12,900.00	799.91
Do	Bollinger Machine Shop & Shipyard, Inc	29,475.00	
Do	Coca-Cola Foods	344.50	344.50
Do	Dyer Ellis Joseph & Mills (For:Intertanko)		
Do	Spar Aerospace, Ltd	2,550.00	320.91
Do	A. L. Williams & Company	1,600.00	734.35
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	4,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Jay Fikes, 245 Second St., NE Washington, DC 20002	Friends Committee on National Legislation	4,154.88	
Marshall S. Filler, 1330 Connecticut Ave. NW Suite 250 Washington, DC 20036	Continental Airlines, Inc, et al		
Do	Eastern Air Lines, Inc		
Do	Texas Air Corp		
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		14,000.00	4,803.00
William J. Finch, 403 East Sixth St. Bloomington, IN 47401	Cook Group, Inc	3,045.00	118.46
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Nelson L. Fink, 378 Valley Oak Court Waldorf, MD 20601-3500	Air Force Sergeants Assn, Inc		
Patricia M. Fink, 1385 Piccard Dr. Rockville, MD 20850	Mechanical Contractors Assn of America, Inc		
Ben Finkelstein, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Department)		
Stephen Finley, 12606 SE 30th, #3 Bellevue, WA 98005	Emerald Seafoods	6,000.00	10,200.00
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Company	919.85	786.04
M. J. Fiocco, 1090 Vermont Ave., NW, #410 Washington, DC 20005	National Industrial Transportation League	6,500.00	52.00
Fire Equipment Manufacturers & Services Assn, Inc, 1776 Massachusetts Avenue, NW, #521 Washington, DC 20036			
First National Bank of Boston, 100 Federal St. Boston, MA 02110			22,427.90
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Madeline Fishel, 312 Massachusetts Ave. Washington, DC 20002	Trust for Public Land	14,190.00	6,860.60
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	69.00	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,100.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
Janet S. Fisher, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Company	160.00	
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,312.20	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	18,500.00	1,722.00
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute	2,090.00	1,797.84
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corporation)	660.00	
Hilliard J. Fjord, 602 Main St., #600 Cincinnati, OH 45202	Ohio River Co	3,000.00	925.65
Susan G. Flack, 1320 19th St., NW, #400 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc		
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manfacturing Assn	750.00	251.00
Daniel V. Flanagan Jr., 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Flanagan Group, Inc (For:Port of San Francisco)		
Do	Virginia Power		
Flanagan Group, Inc, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Dominion Resources, Inc		
Do	Port of San Francisco		
Do	Virginia Power		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	22,000.00	196.01
Do	Automotive Refrigeration Products Institute	36,000.00	3,389.42
Do	Centel Federal Systems	30,000.00	90.30
Do	Certified Auctioneers Institute	6,000.00	173.12
Do	Citizens for a Drug Free America	45,000.00	113.60
Do	Coalition for Responsible Juice Companies		
Do	Coastal Barrier Relief Fund	21,000.00	78.20
Do	Eveready		
Do	Ferrellgas		
Do	Members Only		
Do	Murdock International		
Do	National Spiritual Assembly of the Baha'is of the U.S.	13,100.00	2,850.00
Do	Pathology Practice Assn	24,000.00	10.03
Do	Spectacor Management Group		
Do	St. Louis NFL Partnership		
Do	Syva Company	37,000.00	225.85
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	2,000.00	2,188.74
Florida Business Associates, 1146 19th St., NW, #400 Washington, DC 20036-3703	Convex Computer Corporation	10,922.00	
Do	HNSX Supercomputers, Inc	24,089.00	
Do	MEDCO Containment	7,070.00	
Do	State University System	31,248.00	
Do	University of Alaska	8,332.00	
Do	University of Nevada-Las Vegas	13,336.00	
Do	Westinghouse Electric Corp	12,173.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Karen Florini, 1616 P Street, NW, #150 Washington, DC 20036	Environmental Defense Fund	3,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,193.60	
Focus on the Family, 801 Corporate Center Drive Pomona, CA 91768		32,402.00	30,942.00
David H. Foerster, 1201 16th St., NW Washington, DC 20036	National Education Assn		
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc & Sinai Samaritan Medical Center,Inc		3,674.96
Do	Coldwell Banker Real Estate Group		
Do	Kohlberg Kravis Roberts & Co		
Do	United Savings of America		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo Inc	1,000.00	
Do	R. Duffy Wall & Associates		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		17,037.00	17,037.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			5,050.00
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	504.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			9,156.00
Edward H. Forgotson, 1350 I Street, NW, #700 Washington, DC 20005	Ensearch Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	Superior National Insurance Group		
Do	Texas Oil & Gas Corp		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Sallie H. Forman, 1331 Pennsylvania, NW, #700-South Washington, DC 20004	National Broadcasting Co, Inc	1,900.00	
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al	1,318.27	4,158.50
Larry Forrester, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	370.89
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	672.00	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty	500.00	
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Association	5,498.93	360.55
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems		2,892.77
Do	Delaware Container Corporation		4,116.73
Do	Giant Cement Company		1,694.25
R. Mark Fowler, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	12,500.00	4,116.35
Barbara Fox, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	5,785.80	751.76
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord		1,088.82
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al		
Phillip L. Fraas, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Soybean Assn)	837.45	
John R. Frahm, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Frances E. Francis, 1350 New York Ave., NW Washington, DC 20037	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	California Dept of Education	2,000.00	
Do	FMR Group (For:Hazel Farms Bakeries, Inc)		
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		76.00
Anthony M. Franco, Inc, 400 Renaissance Center, #600 Detroit, MI 48243	Philip Morris, U.S.A	15,000.00	2,233.82
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)	200.00	
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Calcitek	1,500.00	
Do	Church of Scientology	1,500.00	
Do	Eagle Group (For:Tailored Baby, Inc)	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,790.00	80.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Pat Franklin, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	1,523.06	
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	257.40
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	875.00	145.00
Charles L. Frazier, 475 L'Enfant Plaza, SW, #2250 Washington, DC 20024	National Farmers Organization	5,250.00	3,709.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
Free the Eagle, 25 E Street, NW, 8th Floor Washington, DC 20001		110,153.86	101,136.77
Joel Freedman, 1600 M St., NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance Co	10,000.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	1,095.00	35.00
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Mary Ann Freeman, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	533.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)	650.00	
Do	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	1,350.00	
Do	French & Company (For:Wheels, Inc)	370.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Batus, Inc	1,170.00	
Do	International Electronics Mfgrs & Consumers of America, Inc	2,700.00	
Do	Montgomery Ward & Co, Inc	1,870.00	
Do	Wheels, Inc	620.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn	31,000.00	175.87
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)	2,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004	Forstmann-Little & Co		
Do	General Electric Co		
Do	Goldrich & Kest		
Do	Lonza, Inc	2,502.50	85.27
Do	Virgin Islands Rum Industries, Ltd	3,086.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	3,000.00	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy	62,857.00	2,291.38
Do	Coalition for Environmental-Energy Balance	730.00	
Do	Philip Morris, U.S.A	750.00	
Do	Reese Communications Cos (for: Philip Morris, USA)	750.00	
Gay H. Friedmann, 655 15th Street, NW, #300 Washington, DC 20005	Northern States Power Company	10,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #420 Portland, OR 97204			
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		23,700.00	11,750.40
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			41,934.90
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	3,812.00	362.62
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	380.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	500.30
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause	6,362.52	
Gordon H. Fry, 1111 19th Street, NW, Washington, DC 20036	Aluminum Assn, Inc		
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Crysen Corp	13,350.00	814.49
Do	Memorial Hospital System		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	8,223.00	105.68
Fulton Energy, 2727 E. 21st St. Tulsa, OK 74114		4,000.00	20.00
Kristen Funk, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	865.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,312.50	
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807			
Eric Keith Gabrielle, P.O. Box 12532 Gainsville, FL 32604			
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	2,808.75	
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		
Charles V. Gallagher, 639 Woodchuck Lane Lake St. Louis, MO 63367	British Consulate General	10,000.00	550.00
Janne G. Gallagher, 3373 Rittenhouse Street, NW Washington, DC 20015	Human Services Forum on Government Relations	979.00	25.35
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Air Jamaica, Ltd	1,989.00	27.00
Do	Soule Corp	1,037.00	210.25
Do	South Africa Sugar Association	640.00	405.97
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,000.00	333.55
Mark Gallant, 40 Ivy Street, SE Washington, DC 20003	National Lumber & Building Material Dealers Assn	4,500.00	
Galvin Haroian & Mlawski, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce Gamble, 122 C St., NW, #580 Washington, DC 20001	National Bankers Assn		333.37
Gwen Gampel, 511 Capitol Court, NE, #300 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Congressional Consultants (For:Child Welfare League of America)		
Do	Congressional Consultants (For:National Renal Administrators Assn)		
Cheryl Gannon, 2000 K Street, NW Washington, DC 20006	National Committee to Preserve Social Security and Medicare	10,096.00	226.28
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies	1,800.00	18.00
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access).	227.50	
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	2,655.40	122.77
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Theodore J. Garrish, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Flanagan Group, Inc (For:American Nuclear Energy Council)		
Do	Flanagan Group, Inc (For:California Desert Coalition)	2,115.00	
Do	National Outdoor Coalition		
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Ann Lakin Garver, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	251.16
Patrick J. Garver, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	263.25	
Garvey Schubert & Barer, 1000 Potomac St., NW Washington, DC 20007	American Iron & Steel Institute		
Do	Canadian Embassy	6,256.68	
Do	City of Aberdeen	12,333.75	
Do	Early Winters Resorts, Inc	35,418.00	
Do	J & B Management Company		
Do	Ministry of the Environment	14,571.75	
Do	Philip Morris, Inc	12,000.00	3,360.95
Do	Province of Manitoba Department of Natural Resources	2,732.37	
Do	Space Industries, Inc	562.50	
Do	Totem Ocean Trailer Express, Inc	40,445.10	
Do	Washington Citizens for World Trade	78,057.75	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			9,212.00
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,100.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
W. Mark Gavre, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	741.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	168.00	188.57
Ruthann Geib, 1156 15th Street, NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342	Robert H. Kellen Co (For:Infant Formula Council)	240.00	
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			9,212.00
General Instrument Corporation, 767 Fifth Avenue New York, NY 10153		6,500.00	497.61
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		3,015.20	3,015.20
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Fred J. Gentile, 195 Montague Street Brooklyn, NY 11201	Brooklyn Union Gas Co		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Jawad F. George, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans		
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Transco, Inc		
George Associates, 555 13th Street, NW #1010 East Washington, DC 20004	Black & Decker Corporation		
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		
George W. Gephart, P.O. Box 1475 Baltimore, MD 21203	Baltimore Gas & Electric Co		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,131.23
Forrest Gerard & Associates, 1155 Conn., Ave., NW, #400 Washington, DC 20036	Ak-Chin Indian Community	675.00	
Do	Commissioned Officers Assn of the U.S.P.H.S. Inc	300.00	
Do	Leech Lake Reservation Business Committee		
Do	Santa Clara Indian Pueblo	486.00	
Do	Siletz Tribal Council	857.25	
Do	Tulalip Tribes	967.00	
Do	White Earth Tribal Council	506.25	
Ted P. Gerarden, 1275 K Street, NW, #850 Washington, DC 20005	Donelan Cleary Wood & Maser (For:Cascade Natural Gas Corp)		
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	6,833.75	196.30
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,189.50	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	200.00	165.06
David A. Gerken, 2210 Hill Place, NW Washington, DC 20007	Alvarado Group (For:Puerto Rico Statehood Party)	11,250.00	200.20
Gerry Baby Products, Co, 12520 Grant Drive Box 33755 Denver, CO 80233			425.00
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	447.41	
John J. Gersuk, 3100 Windwood Farms Drive Oakton, VA 22124	Bechtel Group, Inc		
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Benchmarks, Inc		
Do	Grupo Industrial Alfa, SA		
Do	Renewable Fuels Assn	340.00	
Dorothy F. Gevinson, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Manufacturing Co	76.54	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	6,000.00	1,697.78
Clair Ghylin, 1700 K Street NW, #1200 Washington, DC 20006	Chevron USA, Inc	7,500.00	50.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,655.00	
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Providential Home Inc Plan	1,000.00	1,000.00
William T. Gibb, 1001 Pennsylvania Ave., NW9 Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Wayne Gibbens, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	21,840.00	189.00
William L. Gifford, 100 Interpace Parkway Parsippany, NJ 07054	GPU Service Corporation		
Lucie Kriste Gikovich, 866 Second Avenue New York, NY 10017	Watts & Company Communications, Inc (For:Pacific Telesis)	35,000.00	
Robert C. Gilardi, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Heliun Advisory Council		
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	7,750.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Michael Gildea, 815 16th St., NW #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,123.21	
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Astra Holdings Corp	200.00	
Do	DynCorp		
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)	1,500.00	
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	970.39
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Michael B. Gillett, 1425 N. 46th Street Seattle, WA 98103	American Petroleum Institute	30,000.00	
Do	Pacific Lumber & Shipping Co	15,000.00	136.82
Daniel F. Gilligan, 1701 K Street, NW, #400 Washington, DC 20006	National Manufactured Housing Federation	1,000.00	
Brad Gilman, 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Robertson Monagle & Eastaugh (For:Anchorage School District)	750.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	3,200.00	
Do	Robertson Monagle & Eastaugh (For:Coastal Coalition)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Cook Inlet Aquaculture Assn)	2,200.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)	3,250.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,690.00	
Do	Robertson Monagle & Eastaugh (For:Puget Sound Cruiseship Alliance)		
Do	Robertson Monagle & Eastaugh (For:Reeve Aleutian Airways)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	2,750.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Factory Trawler Assn	16,500.00	283.33
Ginn Edington Moore & Wade, 803 Prince Street Alexandria, VA 22314	Agusta Aviation Corp	11,000.00	
Do	Allied Signal Aerospace Co	10,000.00	48.64
Do	AB BOFORS	6,000.00	29.61
Do	Chrysler Corporation		
Do	Equifax		
Do	Gilman Paper Company	5,000.00	23.36
Do	Lockheed Corporation	5,000.00	25.26
Do	Oglethorpe Power Corp		
Do	Outdoor Advertising Assn of America	10,000.00	50.02

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Rockwell International Corp		
Do	Turner Broadcasting System, Inc	8,000.00	38.06
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	Chugai-Upjohn, Inc		
Do	International Mobil Machines Corp	160.00	16.00
Do	Mineral Insulation Manufacturers Assn	175.00	
Do	United States Telephone Association	900.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,634.69
Brenda M. Girton, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	551.00	33.54
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	600.00	86.00
Donna Siss Gleason, 2001 L Street, NW, #1000 Washington, DC 20036	Unisys Corp		
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	16,524.00	
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the United States	9,875.04	1,660.36
Sara B. Glenn, 1100 Connecticut Ave., NW Washington, DC 20036	Mobil Corp	1,125.00	
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp	86.53	
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc	72.11	
Do	Komatsu Ltd	48.07	
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd	36.05	
Do	South Louisiana Port Commission		
Do	Teco Transport & Trade Corp		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,050.00	20.52
Kevin C. Goebel, 2054 University Avenue, #500 Berkeley, CA 94704	Americans for Nonsmokers' Rights	722.00	
KayLynn Goelzer, 1600 Wilson Boulevard, #1000 Arlington, VA 22209	American Waterways Operators	1,000.00	19.10
Donald G. Goff, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufactuters Assn	1,600.00	
Judith M. Goff, P.O. Box 130092 St. Paul, MN 55113	Farm Credit Services	160.00	551.87
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Loggers Assn		1,642.00
Do	American Academy of Dermatology		1,642.00
Do	American Academy of Ophthalmology	3,885.00	1,914.00
Do	American Medical Assn	27,560.00	2,042.00
Do	Bausch and Lomb	7,531.00	2,042.00
Do	Beretta U.S.A. Corp	9,600.00	2,042.00
Do	BAA plc	3,200.00	2,042.00
Do	Camp Barsh Bates & Tate	175.00	1,687.00
Do	Chemical Manufacturers Assn, Inc	9,406.00	2,042.00
Do	College of American Pathologists	5,000.00	2,042.00
Do	Electronic Data Systems Corp	6,548.00	2,042.00
Do	Energy Research Corp	16,800.00	2,042.00
Do	Equicor, Inc	1,000.00	2,042.00
Do	Equitable Life Assurance Society of the U.S	25,000.00	2,042.00
Do	Eye Bank Assn of America	4,500.00	1,829.00
Do	Federated Investors, Inc	15,000.00	2,042.00
Do	Fiat, USA	24,400.00	2,042.00
Do	Ford Motor Co	9,319.00	1,955.00
Do	Fox Broadcasting Company	32,000.00	2,042.00
Do	Genentech, Inc	12,000.00	1,740.00
Do	Hopi Tribe	28,000.00	1,591.00
Do	Investment Company Institute	6,812.00	2,042.00
Do	Martin Marietta Corp	387.00	1,642.00
Do	MCI Communications Corp	14,950.00	2,042.00
Do	National Business Aircraft Assn, Inc	900.00	2,042.00
Do	National Cattlemen's Assn	534.00	1,885.00
Do	National Football League	9,820.00	2,042.00
Do	National Restaurant Assn	18,000.00	2,062.00
Do	National School Transportation Assn	8,000.00	2,042.00
Do	Pacific Enterprises	9,900.00	2,042.00
Do	Pennzoil Co	4,000.00	2,042.00
Do	Philip Morris Company	50,000.00	2,042.00
Do	Phillips Petroleum Co	7,500.00	2,042.00
Do	Public Securities Assn	3,000.00	2,042.00
Do	Salomon Brothers, Inc	8,000.00	2,042.00
Do	Thomson-CSF, Inc	21,010.00	2,042.00
Do	Times Mirror Co	5,804.00	2,042.00
Do	Washington Metropolitan Area Transit Authority	16,250.00	2,042.00
Allen Goldberg, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	580.00	
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		2,350.00
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Wildlife Federation	2,343.04	
Janice Goldman-Carter, 1400 16th Street, NW Washington, DC 20036	Americans for Immigration Control, Inc	6,600.00	
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Kelley Drye & Warren (For:Coalition to Preserve the Low-Income Housing Tax Credit)		
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Department for Professional Employees, AFL-CIO	4,834.16	
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Sheet Metal Workers' International Association	15,000.00	
William Gonnelly, 1750 New York Avenue, NW Washington, DC 20006	Rockwell International Corp	5,000.00	5,743.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Norfolk Southern Corp		
David R. Goode, 8 N. Jefferson Street Roanoke, VA 24042	Murphy & Demory, Ltd (For:California Energy Company, Inc)		
Alan Goodfader, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Prodigy Services Corportion)		
Do	Browning-Ferris Industries, Inc	1,500.00	257.90
Richard F. Goodstein, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Meredith Corp	30.00	24.00
Robert F. Goodwin, 1850 K St., NW, Suite 275 Washington, DC 20006	Iowa Pork Producers Assn		
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	National Sunflower Assn	18,000.00	4,881.83
Do	Nebraska Wheat Board	36,000.00	11,978.69
Do	U.S. Canola Association	6,000.00	7,012.50
Do	Union of Concerned Scientists	825.00	
Deborah Gordon, 1616 P Street, NW #310 Washington, DC 20008	Northern Telecom, Inc		1,445.00
Mary S. Gordon, 600 Maryland Ave, SW, #607 Washington, DC 20024	National Grain & Feed Assn		
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	BP America, Inc		
John C. Gore, 1776 Eye Street NW Suite 1000 Washington, DC 20006	American Optometric Assn		
Millicent Gorham, 1505 Prince Street, #300 Alexandria, VA 22314	Disabled American Veterans	16,780.80	352.06
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	National Restaurant Assn	1,500.00	990.00
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	General Aviation Manufacturers Association	1,817.00	
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	American Mining Congress		
Ann M. Gosier, 1920 N St., NW Washington, DC 20036	Massachusetts Mutual Life Insurance Co		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Philip Morris, USA	7,500.00	7,484.11
Government Affairs-Maryland, 220 Prince George Street Annapolis, MD 21401	Philip Morris, Inc	6,000.00	1,415.05
Governmental Affairs, Inc, 100 West 5th, #911 Tulsa, OK 74103	Associated General Contractors of America	2,000.00	500.00
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Contel Corp	9,000.00	25.00
James E. Graf II, 555 13th Street NW, #480 W. Washington, DC 20004-1109	International Assn of Amusement Parks & Attractions		
John R. Graff, 4230 King Street Alexandria, VA 22302	Dow Chemical USA		5,540.00
David W. Graham, 1776 Eye Street, NW, Ste. 575 Washington, DC 20006	Citibank	825.00	50.00
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Clarion Manufacturing Corp of America	765.00	
Do	Contact Lens Manufacturers Assn	700.00	5.50
Do	Investors in Industry		
Frances Turk Granahan, 1025 Connecticut Avenue, NW, #404 Washington, DC 20036	Panhandle Eastern Corporation		261.00
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Alphonso L. Grant, P.O.Box 2688 Lynchburg, VA 24501	Grant, Inc	1,000.00	
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,000.00	
Edwin C. Graves, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Bolivar Aviation)	1,012.50	
Do	Hill & Knowlton, Inc (For:Church of Scientology International)	562.50	
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	1,162.50	
Do	Hill & Knowlton, Inc (For:Comdisco)	225.00	
Do	Hill & Knowlton, Inc (For:CBI Sugar Group)	5,771.25	
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)	2,250.00	
Do	Hill & Knowlton, Inc (For:Ferruzzi)		
Do	Hill & Knowlton, Inc (For:General Atomics)	525.00	
Do	Hill & Knowlton, Inc (For:Gerber Products Corp)	1,068.75	
Do	Hill & Knowlton, Inc (For:Organization of Professional Employees of USDA (OPEDA))	175.00	
Do	Hill & Knowlton, Inc (For:Pacific Trade & Investment Corp)	2,250.00	
Do	Hill & Knowlton, Inc (For:South Dade Land Corp)	975.00	
Do	Hill & Knowlton, Inc (For:Trustees)	1,113.75	
Do	Hill & Knowlton, Inc (For:Village of Palatine)	731.25	
Peter Gray, 1275 Pennsylvania Ave., NW Washington, DC 20004	Citicorp Washington, Inc	3,138.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill & Knowlton, Inc (For:Budd Company)		
Do	Hill and Knowlton, Inc (For:Church of Scientology International)		
Do	Hill & Knowlton, Inc (For:First American Bank, N.A.)		
Do	Hill & Knowlton, Inc.		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton, Inc (For:Tobacco Institute)		
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Board of Trade, c/o Ellie Weilenmann 1129 20th Street, NW, #200 Washington, DC 20036			
Ed Greelegs, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)		
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	417.69
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
Harold B. Green, 5011 Victor Dallas, TX 75214	American Consulting Associates, Inc (For:Chief Auto Parts, Inc)	7,250.00	4,533.38
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corporation	1,125.00	
John K. Green, 800 American Charter Center 1623 Farnam St. Omaha, NE 68102-2130	Papillion-Lavista School District		
Lynn S. Green, 1120 19th Street, NW, #310 Washington, DC 20036-3605	Institute of Makers of Explosives		
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	1,070.08
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Robert H. Green, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	1,687.04
Wayne Green, Forest Road Hancock, NH 03449	73, Inc		
William Green, 1001 Pennsylvania Ave, #715 S Concourse Washington, DC 20004	MacAndrews & Forbes Holdings Incorporated		
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	1,700.00
Eldon V. C. Greenberg, Galloway & Greenberg 1835 K St., NW, #801 Washington, DC 20006	Midwater Trawlers Cooperative		
Do	Pacific Coast Federation of Fishermen's Assn, Inc	778.78	407.99
Do	Southeastern Fisheries Assn, Inc		407.99
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Howard W. Greene, 205 E. 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Charles Greener, 900 Second Street, NE #201 Washington, DC 20002	Eddie Mahe Company (For:Tridec (Tri-City Industrial Development Council))	500.00	
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	5,980.02	823.41
Robert Greenstein, 236 Massachusetts Ave, NE, #305 Washington, DC 20002	Center on Budget & Policy Priorities	980.90	
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Gregory Company, 2300 N Street, NW, #600 Washington, DC 20037	T. Ramirez & Co, Inc	4,500.00	
Greyhound Lines, Inc, 1101 14th Street, NW, #1201 Washington, DC 20005			17,687.52
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,401.00	200.00
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy, Inc)	6,000.00	
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)		
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers		
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	2,500.00	210.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	750.00	18.00
Do	American Coal Ash Assn	6,000.00	144.00
Do	American Nuclear Energy Council	8,500.00	204.00
Do	American Petroleum Institute		
Do	American Psychological Assn	875.00	21.00
Do	Arthur Andersen & Co		
Do	Blue Cross & Blue Shield Association	175.00	6.00
Do	City of Broomfield	3,750.00	90.00
Do	CBS, Inc	5,750.00	138.00
Do	COMSAT Corp	1,250.00	30.00
Do	Edison Electric Institute		
Do	Ethyl Corporation		
Do	Genentech, Inc	10,000.00	240.00
Do	General Atomics	250.00	6.00
Do	W.R. Grace	2,500.00	60.00
Do	Grumman Corporation	2,500.00	60.00
Do	Martin-Marietta		
Do	McCaw Communications Cos	5,000.00	120.00
Do	Merck & Co, Inc		
Do	Motorcycle Industry Council		
Do	National Music Publichers' Assn	14,250.00	342.00
Do	Nus Corp	2,500.00	60.00
Do	Outdoor Advertising Assn of America	1,750.00	42.00
Do	Pharmaceutical Manufacturers Assn	175.00	6.00
Do	Tobacco Institute	1,000.00	24.00
Do	Transport Life Insurance Co (for Resource Deployment, Inc)	4,250.00	102.00
Do	United Illuminating		
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	300.00	
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	1,075.00	147.50
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc	10,000.00	6,340.00
A. Jack Grimes, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		62.20
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	300.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Olga Grkavac, 1300 North 17th St., #300 Arlington, VA 22209	ADAPSO, the Computer Software & Services Industry Assn		
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			1,919.06
Grogan Graffam McGinley & Lucchino, P.C., 22nd Floor, Three Gateway Center Pittsburgh, PA 15104	Steel Valley Authority		
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	335.16	
Beverly Bennett Groom, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc	2,500.00	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chevron Corp	1,500.00	1,100.00
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	150.00	200.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	150.00	200.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	1,200.00	1,100.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation		
Do	Reading & Bates Corporation		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America	5,000.00	
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research)	600.00	
Do	Hill & Knowlton, Inc (For:Cetus Corp)	720.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical Leasing Group, Inc)	960.00	
Do	Hill & Knowlton (For:Gerber Products Corp)	360.00	
Do	Hill Knowlton (For:Nintendo of America, Inc)	120.00	
Do	Hill & Knowlton, Inc (For:Serono, Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corp)	840.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	42,500.00	
Carlos A. Guerra, 23733 North Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	O'Connor & Hannan (For:Blanchfield & Moore)	2,000.00	
Do	Dillon Read & Co, Inc		
Do	LF Rothschild Unterberg Towbin, Inc		
Do	Michigan State Housing Development Authority		
Do	Morris Communications	38,000.00	
Do	Naegle Outdoor Advertising	1,500.00	
Do	O'Connor & Hannan	45,000.00	
Do	Paine Webber Group, Inc		
Do	Bettis Rainsford	4,000.00	
Do	Riverton Investment Corp	2,000.00	
Do	Simpson Thacher & Bartlett (for Sol Goldman Estate)		
Do	Western Electrochemical Company	15,000.00	
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corp	5,000.00	325.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corporation	2,500.00	70.00
Do	KMS Fusion, Inc	550.00	75.00
Do	Walk-Haydel & Associates, Inc	750.00	125.00
Lewis Gulick, 1911 Ft. Myer Drive, #702 Arlington, VA 22209	TCR Services, Inc	5,000.00	
Deborah H. Gum, 2445 M Street, NW Washington, DC 20037	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		174,706.00	220,051.42
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Alvin M. Guttman, 1924 N Street, NW Washington, DC 20036	Towing & Recovery Assn of America, Inc	600.00	
Milton S. Gwirtzman, 1250 24th St., NW, #600 Washington, DC 20037	Lazare Kaplan International, Inc	750.00	16.00
GA Assn of Petroleum Retailers, Inc, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083			
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	125.00	25.00
Dana W. Haas, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Co, et al	15,150.00	8,736.47
Charles W. Hackney Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	2,181.30	2,509.73
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	502.37	11,781.71
Tom Hagedorn Associates, 1704 23rd St., So. Arlington, VA 22202	Mirrlees Blackstone (USA), Inc		
Barry Hager, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Fund for Private Assistance in International Development)	2,000.00	
John F. Haifley, 500 E STreet, SW, #950 Washington, DC 20024	American Automobile Assn		
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al	5,892.00	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	1,875.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	487.45	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	7,000.00	591.57
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	America Mining Congress	60.00	
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Dakota Wesleyan University		7.50
Do	Genetics Institute	6,110.00	179.25
Do	Metalor USA Refining Corp		
Do	Northeastern University	2,912.00	127.20
Do	Prime Computer, Inc		
Do	Riverview Towers Limited Partnership	5,883.50	13.20
Do	State Street Development Corp	11,275.00	184.10
Do	Town of Mashpee		
Do	USS Constitution Museum	260.00	
Hale Foundation, 422 First Street, SE, #208 Washington, DC 20003			
Anne Hall, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Edwin K. Hall, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	5,000.00	121.00
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,000.00	1,186.10
John F. Hall, 1945 Old Gallows Road, #550 Vienna, VA 22180	American Wood Preservers Institute	5,000.00	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corp	1,475.00	2,027.81
Richard F. Hall, 1700 K Street, NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,800.00	2,595.68
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	668.76
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company	2,000.00	
Steve Halsey, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:D/FW Railtran System)	500.00	
Do	McAuliffe Kelly Raffaelli & Siemens (For:National Telephone Services)		
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	6,000.00	4,721.98
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	56.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	5,423.10	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	1,000.00	
Philip W. Hamilton, 1825 K St., NW, #218 Washington, DC 20006	American Soc of Mechanical Engineers		
Ronald P. Hamm, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	7,500.00	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,012.00	314.74
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	20,625.00	2,804.07
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	DAF		
Do	Ingalls Shipbuilding	774.16	22.18
Do	Lockheed Corp	45.42	
Do	Northrop Corp	732.51	
Do	Panavia		
Do	Trump Companies, Inc	20.83	
Do	Veda, Inc	1,197.92	
Do	Waste Management, Inc	1,750.85	
William G. Handfield, 50 F Street, NW Washington, DC 20001	Association of American Railroads	932.68	
Donald K. Hanes, 50 F St., NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Elisabeth Hanlin, 2000 L St., NW, #1000 Washington, DC 20036	Unisys Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	350.00	
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Financial Assistance Inequity Relief Coalition		
Do	Peoples Republic of Congo		
Do	Royal Embassy of Saudi Arabia		
Do	3M Corporation		
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
M. Arnita Hannon, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,826.40	1,151.00
Dolly A. Hanrahan, 1030 15th Street, NW, #1100 Washington, DC 20005	Hima	1,650.00	100.50
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	5,175.00	1,157.10
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Brian T. Hanson, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	25.00	
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Cancer Treatment Holdings, Inc)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Stuart B. Hardy, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Harff Butterfield, 1615 M Street, NW, #220 Washington, DC 20036	Turkish Republic of Northern Cyprus	25,000.00	
Charles A. Harkey, 1101 14th Street, NW, #400 Washington, DC 20005	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp		
John Harman II, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates		
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #301 Washington, DC 20003	San Diego Gas & Electric	900.00	2,517.88
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	252.07
Wiley C. Harrell Jr., 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Toni Harrington, 950 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #750 Washington, DC 20006	CIGNA Corp	4,673.00	675.47
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	5,000.00	
Marilyn A. Harris, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	150.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Committee of American Axle Producers	350.00	14.00
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	112.00	
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	1,204.00	1,776.04
Robert W. Harrison, 1213 Jefferson Davis Highway, #1400 Arlington, VA 22202	CAE-LINK Corporation		
Anne Harrison-Clark, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	4,125.00	55.30
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,655.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			43,800.00
Gabriel A. Hartl, 2020 N. 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc		
Rebecca J. Hartman, 1100 Citizens Building Cleveland, OH 44114	Centerior Energy	62,857.00	3,725.90
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,384.62	
Kathleen Hartnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation	365.00	124.00
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
James C. Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	20.83	
Fred Hatfield, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:American Capital & Research Corp)	2,500.00	
Do	McAuliffe Kelly Raffaelli & Siemens (For:County of Merced)	1,500.00	
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	10,639.38	119.36
Hauck & Associates, 1255 23rd Street, NW Washington, DC 20037	National Oilseed Processors Assn	12,751.00	12,751.00
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	4,500.00	
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,062.84
Pamela Haughton-Denniston, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	8,395.26	241.12
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,000.00	320.31
James W. Hawkins III, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Association (HIMA)	4,900.00	610.00
Paul M. Hawkins, 1 Whispering Pines Court Hilton Head Island, SC 29926	Colonial Life & Accident Insurance Co		
Edmund S. Hawley, 555 13th St., NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	55.40
F. William Hawley, 1101 Pennsylvania Ave., NW Washington, DC 20004	Citicorp/Citibank		
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Hogan & Hartson (For:American Electronics Assn)	2,500.00	88.86
Do	Hogan & Hartson (For:Semiconductor Industry Association)	3,173.12	22.55
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	2,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	23,808.00	1,611.38
R. Dennis Hayward, P. O. Box 5554 Eugene, OR 97405	North West Timber Assn		7,961.28
Holly Elisabeth Hazard, 900 2nd Street, NE, #3030 Washington, DC 20002	Doris Day Animal League		
Do	New England Anti-Vivisection Society	49.00	
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	10,000.00	165.09
Robert Healy Jr., 1201 New York Ave., NW Wasshington, DC 20005	American Public Transit Assn	4,280.00	123.00
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	300.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	979.00	
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	4,375.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	3,000.00	309.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Marwais Steel Co)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)		
Do	Hecht Spencer & Associates, Inc (For:Organization for Fair Treatment of Int'l Investments (OFTII)).		
Do	Hecht Spencer & Associates (For:Traditional Industries, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Airtrax	200.00	
Do	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	BATUS, Inc	3,000.00	
Do	Farmers Insurance Group		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Marwais Steel Co	500.00	
Do	National Assn for the Support of Long Term Care	500.00	
Do	Organization for Fair Treatment of Int'l Investments (OFTII)		
Do	Texas Clinical Laboratories, Inc		
Herbert A. Hedden, 1350 New York Ave., NW, #900 Washington, DC 20005	Traditional Industries, Inc	1,000.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	International Franchise Assn		
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Common Cause	13,552.50	8.08
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	Anheuser-Busch Companies, Inc		
Do	Chicago Board Options Exchange	1,000.00	
Do	CSX Corporation	5,000.00	442.95
Do	DePaul Univiersity	3,000.00	
	Estate of Edwin A. Gallun	1,900.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Harza Engineering Co		
Do	Renewable Fuel Association	3,000.00	844.56
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	21,350.00	366.08
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	397.00	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc.	675.00	
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	12,500.00	399.62
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			20,906.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #402 Arlington, VA 22202	Smiths Industries		
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc.		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corporation	3,000.00	131.46
Edward A. Helme, 444 N. Capitol Street, #526 Washington, DC 20001	Alliance for Acid Rain Control	2,516.00	271.00
Nancy Ginn Helme, Box 723 Washington Grove, MD 20880	Weil and Howe, Inc (for: Vermont Gas)		
Thomas M. Helscher, 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co.		40.68
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute	1,500.00	2,348.97
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,278.00	
Donald E. Henderson, 130 E. Washington Street Indianapolis, IN 46204	Indiana Farm Bureau, Inc.	6,000.00	6,685.48
Leonard N. Henderson, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Wade J. Henderson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	11,850.00	100.00
Karen Hendricks, 1319 F Street, NW, #604 Washington, DC 20004	Association of Junior Leagues Int'l, Inc.	5,875.00	775.00
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
George H. Henry, 1130 Connecticut Ave., NW #1100 Washington, DC 20036	American Insurance Association	425.00	16.00
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	8,900.00	1,327.34
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,190.00	267.78
M. Lyn Herdt, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc.		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	140.31
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	California Almond Growers Exchange	5,400.00	50.54
Do	Carl J. Maggio		
Do	Sunkist Growers, Inc	15,250.00	215.31
Do	Universal Leaf Tobacco	1,012.50	1.42
Marsha Herzstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn	2,400.00	8,943.65
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	85.63
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	12,090.00
Ted Allen Heydinger, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	2,437.50	112.08
Dale E. Heydlauff, 1667 K St., NW, #450 Washington, DC 20006	American Electric Power Service Corp	283.50	924.93
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	615.00	339.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc.	2,062.50	18.00
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	3,000.00	1,924.96
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	23.79	15.00
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		12,114.74
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	900.00
Vivian A. Hightower, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	200.00	
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc.	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union	2,000.00	638.83
Damian P. Hill, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Gerald 'Jerry' Hill, P.O. Box 5077 Atlanta, GA 30302	Amoco Corporation		
J. Eldred Hill Jr., 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc.	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc.		
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	12,141.00	
Karen K. Hillenbrand, 1155 15th Street, #600 Washington, DC 20005	Pennzoil Company	519.23	
Edward Joseph Hillings, 1020 16th Street, NW Washington, DC 20036	Enron Corp	7,500.00	
Arthur William Hillman, 3709 Colonial Ave. Alexandria, VA 22309	Humane Society of the United States	6,250.02	126.57
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	2,337.00	1,470.67
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,590.50	
Rick Hind, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	6,923.04	
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	3,771.14	38.15
J. D. Hittle, 3137 S. 14th St. Arlington, VA 22204	KMS Industries, Inc.	1,500.00	95.75
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alaska Legal Services Corp		
Do	Aroostook Band of Micmacs	300.00	11.45
Do	Bristol Bay Area Health Corp	150.00	
Do	Evergreen Legal Services		
Do	Menominee Indian Tribe		
Do	National Indian Education Assn	1,670.00	15.90
Do	Norton Sound Health Corp	210.00	
Do	Pueblo de Cochiti	2,100.00	
Do	Seminole Tribe of Florida		
Do	Spokane Legal Services Center		
John C. Hockenbury, 901 15th Street, NW, #900 Washington, DC 20005	Drinker Biddle & Reath (For:Colonial Penn Life Insurance)	1,435.00	
Scott Hodes, 180 North La Salle St., #3800 Chicago, IL 60601	Investment Company Institute	12,626.44	
Deanna Hodge, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	8,000.00	1,953.44
Glen D. Hofer, 1000 16th Street, NW Washington, DC 20036	National Barley Growers Assn	9,000.00	3,043.00
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Fettig & Donalty	10,000.00	5,812.00
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc.	26,230.80	
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	7,730.50
Walter F. Hoffmann, 418 7th Street, SE Washington, DC 20003	Campaign for U.N. Reform-PEC	640.65	
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Comdial, Inc		
Do	Crysen Corp		
Do	Interstate Natural Gas Assn of America		
Do	Marine Engineers' Beneficial Assn		
Do	National Education Assn		
Do	Wilmorite, Inc		
Elizabeth Hogan, 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	7,000.00	870.47
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	Amgen, Inc.	157.50	5.00
Do	Banco Nacional, N.A.	3,097.50	9.00
Do	Caremark Homecare, Inc.		
Do	Champon Flavors & Fragrances, Inc		
Do	Cryo-Chem International, Inc	215.00	
Do	Fiber Optic Competition US, Inc.		
Do	Fox Broadcasting Company		
Do	Freightliner Corp	750.00	
Do	Government of the Commonwealth of the Bahamas		123.30
Do	Manufacturers Hanover Trust Co.		
Do	May Department Stores Co	1,100.00	
Do	Mercedes-Benz of North America, Inc.	18,276.50	
Do	Michigan Consolidated Gas Company		
Do	Millicom, Inc.		
Do	Mutual Life Insurance Co of New York		
Do	National Broiler Council		
Do	National Hospice Organization	1,517.25	
Do	National Telecommunications Network		
Do	Ontario Ministry of Industry, Trade & Technology		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Payload Systems, Inc		
Do	Software Co Task Force on Foreign Market Penetration	1,596.80	
Do	Tektronix, Inc	1,597.50	27.87
Do	Telecom USA, Inc		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	3,020.00	
Do	Underwriters at Lloyd's London	5,474.00	
Do	University of Pennsylvania		
Philip A. Hogue, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Adams-Cohen Securities, Inc	2,500.00	
Do	Community Capital Group	2,000.00	
Do	U.S. League of Savings Institutions	5,500.00	334.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	23,000.00	
Philip C. Holladay Jr., 1025 Connecticut Avenue, NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Benny Holland Jr., 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,068.00	
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	700.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alyeska Pipeline Service Co	1,150.00	
Do	Citgo Petroleum Corp	2,000.00	5,000.00
Do	Council for Solid Waste Solutions	1,580.00	
Do	Grocery Manufacturers of America, Inc	4,575.00	
Do	Precious Metals Producers Group		
Do	Scott's Liquid Gold	750.00	
Do	Southland Corporation		
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Carnival Cruise Lines		
Do	Florida Celery Exchange		
Do	General Development Corp		
Do	Hospice Care, Inc	2,000.00	
Do	Indian River Citrus League	500.00	
Do	Pan American Satellite Corp	2,100.00	
Do	Rollerball Pen Coalition	4,812.00	
Do	Joseph E. Seagram & Sons, Inc		
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn	614.50	161.88
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,290.00	2,738.45
Holly Corporation, 2600 Diamond Shamrock Tower 717 North Harwood Street Dallas, TX 75201			
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	525.00	665.32
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,348.10	113.00
Engin Inel Holmstrom, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,251.00	
E. Y. Holt Jr., 3138 North 10th St., Arlington, VA 22201	National Assn of Federal Credit Unions		
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	80.00	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	350.00	
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Agricultural Producers		
Do	AmBase Corp		
Do	Fruit Growers League of Jackson County		
Do	Home Insurance Company	1,666.00	227.75
Do	Mountain Plains Agricultural Service		
Do	National Agricultural Coalition		
Do	Texas & Southwestern Cattle Raisers Assn		
Do	Texas Ranchers Labor Assn		
Do	U.S. English		
Do	Western Range Assn		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		165,000.00	168,811.91
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,443.59	
Lindsay Hooper, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Hallmark Cards)	24,000.00	
Do	Winburn VanScoyoc & Hooper (For:Jackson National Life Insurance Co)	37,500.00	
Do	Winburn VanScoyoc & Hooper (For:Kansas City Southern Industries)	30,000.00	
Do	Winburn VanScoyoc & Hooper (For:Phlcorp)	18,750.00	
Do	Winburn VanScoyoc & Hooper (For:Utilicorp United, Inc)	40,000.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,900.00	132.50
Mark Hopkins, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	93.79	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,000.00	1,000.00
Virginia E. Hopkins, 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (for:Star Banc Corporation)	205.50	
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Hopkins & Sutter (Chicago), Three First National Plaza, #4200 Chicago, IL 60602	Cash Station, Inc	5,922.50	32.00
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Estate of Helen Wodell Halbach		
Do	Grand Trunk Corp	11,774.65	222.51
Do	Tandy Corporation		
Darnell K. Horio, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	8,225.00	111.51
Gary N. Horlick, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:Amax, Inc)		
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,471.17	
Robert Jack Horn, 1990 M St., NW, #480 Washington, DC 20036	Detroit Edison Company	1,320.00	75.00
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		8,226.00	8,226.00
Sarah Hospodor, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	184.00
Jack W. Houston, 900 N. Hairston Road, Suite D Stone Mountain, GA 30083	GA Assn of Petroleum Retailers, Inc		
Hoving Group, 910 17th St., NW, #318 Washington, DC 20006	American Film Marketing Assn	4,000.00	305.35
Do	Eagle-Picher Industries, Inc	136,600.00	47,830.32
Do	Western-Southern Life Insurance Co	26,300.00	747.26
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,026.00	1,467.47
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad		
Allynn Howe, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	10,725.00	1,852.00
Christopher W. Howe, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	887.00	
Jonathan Howe, 1200 18th Street NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,250.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	800.00	
J. William Howell, 1801 K St., NW, #1200 Washington, DC 20006	International Business Machines Corp		
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,517.00	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Company, Inc	2,875.00	1,354.69
John A. Howes, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Co	6,000.00	6,998.00
Susan Howland, 20 Black Oak Mews Newtown, PA 18940	Philadelphia Maritime Exchange		
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	8,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	7,500.00	
David S. Hubbard, 1331 Pennsylvania Ave., NW, #910 Washington, DC 20004	American Cement Alliance	4,125.03	105.41
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,465.74	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Camp Barsh Bates & Tate	5,000.00	24.35
Do	Coastal Corporation		
Do	Louisiana State University Foundation	3,000.00	181.11
Do	Philip Morris, U.S.A	6,000.00	450.00
Do	United Gas Pipe Line Company		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	2,500.00	353.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, P.O. Box 844 Easton, MD 21601	National Assn of Federal Veterinarians	23.97	
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates (For:Geo Centers, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Michael Hugo & Associates, Inc (For:Professional Services Council)		
Do	Warner-Lambert Company	13,560.00	788.59
B. Jeanine Hull, 1001 30th Street, NW, #340 Washington, DC 20007	Hadson Power Systems	1,000.00	11,106.57
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,392.51	1,179.67
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)	8,525.00	24.00
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	987.86	
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,046.00
Harriet Hunt-Burgess, 116 New Montgomery Street, 4th Floor San Francisco, CA 94105	Trust for Public Lands		282.24
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	9,937.20	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	13,375.00	1,746.00
Michael M. Hunter, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	1,200.00	53.00
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W N Hunter & Associates	2,000.00	
W. N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	1,200.00	2,646.69
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Copyright Justice Coalition		
Do	Edison Electric Institute	62,975.00	188.35
Adele M. Hurley, 112 St. Clair Ave., West, #401 Toronto, Ontario Canada M4V 2Y3	Canadian Coalition on Acid Rain	600.00	1,146.65
Ronald A. Hurst, 1127 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co		
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International		
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	150.00	25.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	175.87
Helena C. Hutton, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,651.28	
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Intermec Corp)	2,200.00	499.88
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research (AMFAR))	1,300.00	
Do	Hill & Knowlton, Inc (For:Asarco Inc)		
Do	Hill & Knowlton, Inc (For:AMR Corporation)		
Do	Hill and Knowlton (For:Brush/Wellman)		
Do	Hill & Knowlton, Inc (For:Cetus Corp)	500.00	
Do	Hill & Knowlton, Inc (For:Church of Scientology International)	8,350.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Hertz Corp)	250.00	
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)	250.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)	3,300.00	
Do	Hill & Knowlton, Inc (For:Ryder Systems Inc)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Do	Hill & Knowlton (For:Textron, Inc)		
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	134.40
Brian M. Hyps, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	142.40
Ice Miller Donadio & Ryan, Box 82001 One American Square Indianapolis, IN 46282	Service Supply Co, Inc	740.00	9,236.11
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Unocal Corporation		924.60
Richard H. Ichord, 800 K Street, NW, #830 Washington, DC 20001	AAI Corporation	562.50	29.70
Kevin J. Igli, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Kris H. Ikejiri, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	400.00	
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Braun & Company		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		6,698.00	6,698.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		48,034.00	48,034.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			2,366.25
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		2,018.23	2,018.21
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			240.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	10,050.00	24.86
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc	416.25	
Do	Hawaiian Sugar Planters Assn		
Do	Kamehameha Schools/Estate of Bernice P. Bishop	277.50	
Do	U.S. Windpower, Inc		
Margaret B. Ingraham, 1001 Prince Street Alexandria, VA 22314	Borden Group		
Charles W. Ingram, 305 C Street, NE, #309 Washington, DC 20002	S.K.C. & Associates	6,000.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,308.99	
Larry R. Innis, 695 Americana Drive, #23 Annapolis, MD 21403	Marine Retailers Assn of America	15,000.00	1,250.00
Institute of International Bankers, 299 Park Avenue New York, NY 10171			
Institute of International Container Lessors, Bedford Consultants Building Box 605 Bedford, NY 10506		862.50	1,196.50
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (uaw) 8000 E. Jefferson Avenue Detroit, MI 48214.		134,068.76	134,068.76
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	218,750.00	32,675.62
International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		13,277.91	24,077.91
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			66,221.86
International Communications Industries Assn, 3150 Spring St. Fairfax, VA 22031		32,799.00	2,513.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		11,102.77	11,102.77
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			102,373.53
International Public Strategies, Inc, 1030 Fifteenth St., NW, #408 Washington, DC 20005	Government of Pakistan	71,250.00	20,285.38
International Speedway Corp, 1801 Volusia Ave. Daytona Beach, FL 32114			12,541.11
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,122.00
Investment Company Institute, 1600 M St., NW Washington, DC 20036			50,684.79
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,084.60	1,255.18
Kathy D. Ireland, 1600 M Street, NW Washington, DC 20036	Investment Co Institute		
Charles C. Irions, 2200 Mill Rd. Alexandria, VA 22314	American Movers Conference	250.00	
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		5,393.29	13,000.92
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	4,776.21	
Edrie Irvine, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	105.00	
Robert R. Isaacs, 711 South Fifth Ave. Nashville, TN 37203	Greyhound Lines, Inc	3,331.51	606.01
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
Do	Employee Relocation Council		
Do	Family Holding Company Advocacy Group		
Do	Grand Metropolitan Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
III Dimension of Indiana, Inc, 730 Century Bldg. 36 S. Pennsylvania St. Indianapolis, IN 46204	Philip Morris, Inc	500.00	24.37
Robert A. Jablon, 1350 New York Ave., NW Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)	1,312.50	1.80
Dennis J. Jackman, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	12,675.00	513.86
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	22,265.81
Glenn Jackson, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Company		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	787.50	925.21
Julia Jackson, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	746.86
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	2,500.00	547.89
Lynnette Jacquez, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffailli & Siemens (For:National Assn of Jai Lai Frontons)	1,107.00	
Do	McAuliffe Kelly Raffailli & Siemens (For:White Mountain Apache Tribe)		
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	National Cooperative Bank	900.00	
Do	University of Kansas	3,750.00	3,099.41
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		235.96
Jaffe Snider Raitt & Heuer, P.C., 1800 First National Building Detroit, MI 48226			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #713 Washington, DC 20036	PPG Industries, Inc	306.00	
Khalil E. Jahshan, 2033 M Street, NW, #300 Washington, DC 20036	National Assn of Arab Americans	6,250.00	500.00
Candace James, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,500.00	568.19
Jerry James, 816 Congress Ave., #501 Austin, TX 78701	ATC-ClayDesta Communications		1,062.78
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	21,217.50	8,785.89
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		744.00	744.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		16,287.00	15,947.98
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	330.00	
Do	Ferranti Defense & Space Group	240.00	
Do	John Deere Technology Int'l, Inc	270.00	
Do	Litton Data Systems	150.00	
Do	McDonnell Douglas Corp	150.00	
Do	Raytheon Corp	180.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	Adolph Coors Co	18,550.00	770.00
Do	ASARCO, Inc	126,849.00	4,109.00
Do	Los Angeles County Sanitation District	2,884.00	78.00
Do	National Assn of Wheat Growers, et al	4,462.00	58.00
Do	National Independent Energy Producers	56,318.00	1,648.00
Do	Rhone-Poulenc Ag Co		
Do	Union Pacific Corp	17,893.00	986.00
Do	Waste Management Lawncare	5,628.00	144.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	Dental Gold Institute		
Do	International Soc for Hybrid Microelectronics		
Do	National Glass Association		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
David M. Jennings, 115 West College Drive marshall, MN 56258	Schwan's Sales Enterprises, Inc	3,807.69	783.04
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	650.00	
Do	Parsons Behle & Latemer (For:Intermountain Consumer Power Assn)	6,012.50	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Jet, Inc. 1100 Huntington Building Cleveland, OH 44115			
Jewish Peace Lobby, 4431 Lehigh Road College Park, MD 20740		20,670.00	13,407.06
Charles B. Jiggetts, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,571.10	1,709.75
Carl T. Johnson, 1235 Jefferson Davis Highway Crystal Gateway #1, Suite 501 Arlington, VA 22202	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	220.00	
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	United States Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joel L. Johnson, 1250 Eye street, NW Washington, DC 20005	Aerospace Industries Association of America, Inc	1,346.80	
John W. Johnson, P.O. Box 35106 Minneapolis, MN 55435	American Collectors Assn	1,000.00	
Michael S. Johnson, 555 13th Street, NW, #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)	30.00	
Do	McCamish Martin Brown & Loeffler (For:Coastal Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Trade Council).		
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
Rady A. Johnson, 200 East Randolph Drive P.O. Box 87703 Chicago, IL 60680-9978	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	7,274.88	105.00
Stanley L. Johnson, 5344 29th St., NW Washington, DC 20015	Texaco, Inc		
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	2,750.00	299.74
Tom L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 100 Congress Avenue, #1400 Austin, TX 78701	Philip Morris, Inc	7,500.00	
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	8,204.62	264.62
Barbara W. Johnston, 1700 K Street, NW, #502 Washington, DC 20006	BHP-UTAH International, Inc		278.70
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	500.00	
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	6,581.00	51.25
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	5,576.86
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,203.38	73.81
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas	2,043.75	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Phillip Morris, Inc	7,500.00	1,190.47
Edwin M. Jones, 970 Summer Street Stamford, CT 06905-5518	Bentley Mosher & Babson, PC (For:United Engineering, Inc)		
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,084.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Theodore L. Jones, 412 First St. SE, #260 Washington, DC 20003	Hartford Group		
Do	Lafourche Telephone Company, Inc		
Do	Maxicare Health Plans, Inc		
Do	South Central Bell Telephone		
Do	United Companies Life Insurance Companies		
Do	Zapata Corporation		
Do	Zapata Gulf Marine Corp		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	AmeriTrust Co, Nat'l Assn		
Do	Centex Corp		
Do	Chevy Chase Savings Bank		
Do	Citadel Holding Corp		
Do	Day Kimball Hospital		
Do	Greyhound Lines, Inc		
Do	Health Policy Coalition		
Do	Heron International, Ltd		
Do	Kentucky Utilities		
Do	Laurel Industries, Inc		
Do	Morgan Grenfell & Co, Ltd		
Do	National Beer Wholesalers Assn		
Do	Pfizer, Inc		
Do	RJR Nabisco, Inc	1,703.75	
Do	SCM Corp		
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	Nevada Power Company		
Do	Utah State University	4,200.00	33.00
G. Harris Jordan, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	13,000.00	15,035.55
Do	Diagnostic & Instrumentation Laboratory at Mississippi Univ		12,000.00
Do	United States Global Strategy Council		
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Mary Lou Joseph, 2025 M Street, NW Washington, DC 20036	National Public Radio	17,254.75	1,696.26
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Kathy L. Judd, 1700 K St., NW, #1204 Washington, DC 20006	Chevron Chemical Co		
Amy E. Judy, 2030 M St., NW Washington, DC 20036	Common Cause	6,240.00	1,116.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	2,973.93
Do	Hotel Employees & Restaurant Employees Int'l Union	34,000.02	2,791.57
Do	International Speedway Corp	9,000.00	
Do	Matson & Navigation Company, Inc	20,000.00	
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
Do	Towers Financial Corp	20,000.00	
Do	U.S. Telephone Assn	15,000.00	
Justice Fellowship, P.O. Box 17181 Washington, DC 20041			576.38
Sherry F. Kaiman, 122 C Street, NW, #875 Washington, DC 20001	Robert A. Rapoza Associates (For:National Rural Health Assn)	9,999.99	161.86
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Marilyn Kalusin, 7300 NW 35th Terrace, # 105 Miami, FL 33122	Cuban American Foundation	7,146.99	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	5,000.00	198.41
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insuranace Assn	4,370.00	585.75
Do	Cambridge Redevelopment Authority	3,910.00	562.75
Do	Humane Society of the U.S., et al.	2,300.00	502.50
Do	Iroquois Gas Transmission Systems	4,370.00	600.75
Do	National Venture Capital Assn		
Do	Norton Company	1,564.00	192.25
Do	Thermedics, Inc		
Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402	Cook Group Incorporated	4,950.00	202.61
Martin B. Kanner, 2301 M St., NW Washington, DC 20037	American Public Power Assn	4,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	210.00	319.00
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc.)	4,000.00	
Do	Karalekas & McCahill (For:American Retirees Assn)	4,500.00	260.17
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,500.00	
Do	Karalekas & McCahill (For:Gates Rubber Company)	4,000.00	8.46
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	9,000.00	402.12
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Society of Cataract & Refractive Surgery	674.34	110.83
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	7,730.76	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	8,390.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,200.00	69.10
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Anthony P. Kavanagh, 2100 Penn. Ave., #675 Washington, DC 20037	Consolidated Edison Co of New York, Inc	2,115.00	1,613.16
Everett E. Kavanaugh, 1110 Vermont Ave., NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	528.70
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	3,750.00	
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	American Nuclear Energy Council		
Do	Robert Bosch Corp		
Do	Brown Brothers Harriman & Co		
Do	Carlon Company		
Do	City of Newport Beach		
Do	Eastern Airlines		
Do	Educational Media, Inc		
Do	Goldman Sachs & Co		
Do	GAF Corporation		
Do	Michigan Consolidated Gas Co		
Do	Siemens Medical Systems, Inc		
Kevin B. Kearney, 14 Webb Road Cabin John, MD 20818	American Sunbathing Assn, Inc		
Richard F. Keating, 1211 Connecticut Ave., NW, #502 Washington, DC 20036	Anheuser-Busch Companies, Inc		211.00
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)	1,500.00	
Do	TKC International (For:International Public Relations Co, Ltd)	2,500.00	
Do	Keefe Co (For:Sanders Associates, Inc)	2,500.00	
Do	TKC International (For:UNIAO Nacional Para Independencia Total DeAngola)		
Mary Catherine Keegan-Ayer, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc		
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	ESOP Association of America	2,680.00	
Do	National Assn of Royalty Owners, Inc	60.00	
Do	Small Business Council of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,285.00	433.39
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	40.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		
William D. Kelleher, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	2,500.00	
Keller & Heckman, 1150 17th Street, NW, #1000 Washington, DC 20036	Specialty Advertising Assn Int'l	1,250.00	137.50
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	4,000.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Cushman & Wakefield	2,890.00	556.85
Do	Fuji Electric Co, Ltd		
Do	Great Western Financial Corporation		
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	J.P. Morgan & Co, Inc		
Do	National Assn of Manufacturers		
Do	National Leased Housing Assn	2,000.00	
Do	Society for Human Resources Management		
Do	Tokyo Electric Co, Ltd		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	2,100.00	1,639.77
Stephen S. Kellner, 1001 Connecticut Ave., NW, #1120 Washington, DC 20036	Chemical Specialties Manufacturers Assn, Inc	246.12	
Carol A. Kelly, 1615 L Street, NW, #1210 Washington, DC 20036	Meropolitan Life Insurance Companies	1,000.00	
Cynthia K. Kelly, 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Society of Real Estate Appraisers	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,500.00	176.16
John F. Kelly, 1828 L Street, NW # 906 Washington, DC 20036	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Company	425.00	597.25
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,359.16
Coletta Kemper, 1401 New York Avenue, NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Reinsurance Company, Long Grove, IL 60049			186.00
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	6,430.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp	500.00	
Do	Manville Corporation	5,000.00	
Do	Rose Communications		
Do	Toyota Motor Sales, USA, Inc	6,000.00	
Do	Worldwide Information Resources, Inc		
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	752.63
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	500.00	70.00
Art Kennedy, Box 200576 Anchorage, AK 99520	Koniag, Inc	17,190.00	15,460.29
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners and Pilots Assn	6,250.00	813.27
James J. Kennedy Jr., 400 First St., NW, #804 Washington, DC 20001	Railway Labor Executives' Assn	11,250.00	
John Paul Kennedy, 57 W. 200 S, #400 Salt Lake City, UT 84101	Edwards McCoy & Kennedy		
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033	Hadson Development Corp		
Do	National Wood Energy Assn, Inc		
Erica G. Kenney, 499 South Capitol St., SW, #520 Washington, DC 20003	Petroleum Marketers Assn of America	1,250.00	9.00
Jeremiah J. Kenney Jr., 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Hughes Aircraft Company		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	764.18

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cathy Ann Kenny, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	1,560.00	914.63
Henry J. Kenny, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance	6,250.00	124.02
J. H. Kent, Kent & O'Cononor 1825 K Street, NW, #305 Washington, DC 20006	American Soc of Plastic & Reconstructive Surgery	2,000.00	2,273.91
Do	American Supply Association	1,500.00	710.60
Do	International Assn of Airport Duty Free Stores	4,781.25	2,273.91
Do	National Customs Brokers & Forwarders Assn of America	12,172.50	5,826.89
Do	Kent & O'Connor, Inc (For:Siegel Mandel & Davidson (for:))	3,000.00	1,421.20
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	8,791.25	4,334.63
Elizabeth Kepley, 601 Pennsylvania Ave., NW, #901 Washington, DC 20004	Focus on the Family	10,621.98	
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,000.00	1,881.19
Alison A. Kerester, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)		
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	172.84
Michael J. Kerrigan, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	300.00	
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931			
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
William S. Kies, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	200.00	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,220.26
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,021.20	
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Phillips Kimball Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #730 Washington, DC 20004	Kimberly-Clark Corp	2,957.50	285.92
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			4,112.42
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,000.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	28.20
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	5,000.00	187.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Capital Access		
Do	Charter Medical Corp		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn		
Do	Georgia International Investment Coalition		
Do	GPIA-Animal Drug Alliance		
Do			
Do	Lincoln Property Co, et al		
Do	Martin-Marietta		
Do	National Assn of Bond Lawyers		
Do	National Pharmaceutical Alliance		
Do	Trammell Crow Co		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloy Assn	7,500.00	3,985.24
Kathleen N. Kingscott, 1801 K Street, NW, #1200 Washington, DC 20006	IBM Corp	6,075.00	539.37
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Jan Kinney, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn		
Janie A. Kinney, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	575.00	175.00
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	11,900.00	3,451.85
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
David M. Kiser, 1919 Pennsylvania Ave., NW, #705 Washington, DC 20006	Eastman Kodak Co	1,500.00	80.00
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)		
Do	Kito, Inc (For:North Slope Borough)	7,200.00	1,563.61
Do	Kito, Inc (For:Sealaska Corporation)	16,620.00	2,247.71
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	5,550.14
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,326.00	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	3,800.00	
William Klinefelter, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	7,405.18	
Jeffery L. Klinger, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		115.08
Mary Jane Klocke, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Co	500.00	
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
Theodore Knappen, 1101 14th Street, NW, #1201 Washington, DC 20005	Greyhound Lines, Inc	9,000.00	
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	630.00	93.00
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	575.00	
Peter E. Knight, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	10,000.00	939.65
Karen Theibert Knobloch, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	60.00	7.70
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,447.82
Mark S. Knouse, 555 Thirteenth Street, NW, #450 West Washington, DC 20004	Union Pacific Corporation	13,750.00	459.46
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906		10,000.00	650.00
Bradley R. Koch, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	60.00	
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	1,289.65	1,289.65
Mary Jane Kolar, 601 Wythe Street, #204 Alexandria, VA 22314	Association of Government Accountants		
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		835.25
Michael S. Koleda, 1225 Eye St., NW, #320 Washington, DC 20005	Council on Alternate Fuels		
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Political Caucus		69.20
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	2,500.00	237.28
Nicholas Kominus, 1001 Connecticut Ave., NW Washington, DC 20036	U.S. Cane Sugar Refiners' Assn		
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,862.40	
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Company (EOSAT))	43.26	
Steven Kopperud, 1501 Wilson Boulevard Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Stephen M. Koslow, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Marilyn S. Koss, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	280.00	
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Gerald J. Kovach, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	73,029.79
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	12,940.73	
Joan M. Kovalic, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp	80.76	13.00
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation & Ice Cream Assn		
Mylio S. Kraja, 1608 K St., NW Washington, DC 20006	American Legion	4,250.00	652.07
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange	5,750.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Raymond R. Krause, 37R7 Pillsbury Center Minneapolis, MN 55402	Pillsbury, Inc	1,500.00	820.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	334.00	
Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	6,500.00	119.04
Kroger Company, P.O. Box 1199 Cincinnati, OH 45201-1199			4,150.39
Robin L. Kropf, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Ohio Prison Education Network (OPEN)		
Paul R. Kruse, 1155 15th St., NW, #600 Washington, DC 20005-2770	Pennzoil Co	625.00	
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses)	130.00	31.20
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	8,350.00	3,857.00
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn	16,875.00	661.41
Do	St. Lawrence Seaway Pilots Assn	4,032.50	43.58
Ruth M. Kurtz, 1455 Pennsylvania Avenue, NW #1260 Washington, DC 20004	French & Company (For:BATUS, Inc)	300.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	750.00	
Do	French & Company (For:Wheels, Inc)	150.00	
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	23,599.98	1,554.67

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock & Campbell, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	America First	150.00	
Do	Capital Markets Assurance Corporation		18.60
Do	Financial Security Assurance		18.50
Do	Municipal Bond Insurance Assn	3,126.25	
Peter Kyros, 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	Allsup & Associates, Inc		
Do	Kyros Associates (For:American Society for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Cooperative of American Physicians, Mutual Protection Trust		
Do	Uniformed Services Disabled Retirees		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corp	500.00	
Marc E. Lackritz, 1850 M Street, NW, #550 Washington, DC 20036	Public Securities Assn	12,500.00	804.12
Do	Securities Industry Assn	6,731.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	64.00	
Richard L. Ladd, 2300 N Street, NW, #600 Washington, DC 20037	Allied-Signal Aerospace Co, Inc	1,500.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,450.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,450.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace, Inc)	2,530.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	850.00	410.58
Shayne Ladner, 600 Pennsylvania Ave., SE, #200 washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	8,515.00	
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Robert Lamb, 1627 Eye St., NW Washington, DC 20006	American Petroleum Institute		
Do	McGuire Woods Battle & Boothe (For:Combined Sewer Overflow)	5,000.00	
Do	James River Corp	5,000.00	
Do	National Paint & Coatings Assn	5,000.00	
Do	Occidental Chemical Corp	5,000.00	
Do	Sun Company, Inc	5,000.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Martha D. Lamkin, P.O. Box 3005 Columbus, IN 47202	Cummins Engine Co, Inc	3,845.60	1,306.07
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp	3,000.00	197.30
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	4,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Linda L. Lane, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)	400.80	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Adrienne C. Lang, 1111 14th Street, NW, #501 Washington, DC 20005	American Soc of Anesthesiologists	5,000.00	
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	20.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	1,200.00	
George D. Lapointe, 444 North Capitol Washington, DC 20001	International Assn of Fish and Wildlife Agencies	11,313.00	106.46
J. Stephen Larkin, 9225 Katy Freeway, #310 Houston, TX 77024	Petroleum Equipment Suppliers Assn	2,250.00	121.50
Peter J. Larkin, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	750.00	
Mary Ellen Larson, 1420 King Street Alexandria, VA 22314-2715	National Soc of Professional Engineers	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Boren Clay Products (dba Boren Brick)	15,000.00	895.71
Do	Freedom Fund of New Jersey, Inc	15,000.00	895.73
Do	Harold & Ronald McMaster DBA McMaster Motors	9,000.00	895.73
Do	MidAm, Inc	5,000.00	
Do	Spangler Candy Company	7,500.00	895.70
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,468.75	733.45
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Imrex Company, Inc		
Do	Mason Chamberlain, Inc		72.55
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	172.13
Charles B. Lavin Jr., 7101 Wisconsin Ave., #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn (For:Alarm Industry Communications Committee)		
Do	Central Station Alarm Association		
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Association of Chain Drug Stores, Inc	500.00	
Jonathan Lawnniczak, 925 15th St., NW Washington, DC 20005	National Council of Senior Citizens	5,000.00	
Kathleen W. Lawrence, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Burchette & Associates (For:Federal Agricultural Mortgage Corp)	8,723.25	754.65
Lloyd R. Lawrence Jr., Bob Lawrence & Associates 803 Prince Street Alexandria, VA 22314	Valmont Industries, Inc	3,000.00	400.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,185.74	107.92
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn for Public Broadcasting	3,250.00	
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	51.26	
Laxalt Corporation, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Boone Company	3,300.00	
Do	Financial Services Coalition of America	3,500.00	
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Co		
Do	Motion Picture Assn of America, Inc	1,500.00	
Paul Laxalt Group, 1455 Pennsylvania Ave, NW, #975 Washington, DC 20004	Coalition for Affordable Housing	5,000.00	
Do	OPTUR	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Laxalt Washington Perito & Dubuc, 1120 Connecticut Ave., NW Washington, DC 20036	American College of Neuropsychopharmacology	445.00	
Do	BTS Development Corp		
Do	City of Philadelphia		
Do	Cohen Flax Management		
Do	District of Columbia Armory Board		
Do	Electronic Data Systems, Inc	1,800.00	
Do	Government of the People's Republic of Angola	8,635.00	
Do	Government of Antigua	300.00	
Do	Greater Cleveland Regional Transit Authority	1,300.00	
Do	Greenebaum & Rose Associates		
Do	Healthdyne, Inc		
Do	Home Group		
Do	Novo-Nordisk Pharmaceutical, Inc	13,347.00	
Do	Opeda	1,100.00	
Do	Renselear Development Corp		
Do	State Bar of California	1,602.00	
Jennifer Layman-Heitman, 2030 M Street, NW Washington, DC 20036-0	Common Cause	5,408.01	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	1,370.00	433.93
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	13,000.00	437.49
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Leach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		72,484.97	72,484.97
League to Save Lake Tahoe, 2197 Lake Tahoe Blvd. P.O. Box 10110 South Lake Tahoe, CA 95731			3,073.01
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		
Alisa J. Learner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	562.00
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable	1,450.00	
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,401.00	100.00
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc	4,510.00	70.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Firemans Fund Insurance Cos	4,500.00	789.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,160.00	434.85
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	229.00
Leslie A. Lehmann, 500 NE Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	6,765.00	
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Cordage and Netting Manufacturers	500.00	
Do	American Dairy Products Institute	300.00	
Do	ALPO Petfoods, Inc		
Do	Clorox Company		
Do	Express Foods Co, Inc		
Do	General Instrument Corporation		
Do	GTE Products Corp		
Do	Leprino Foods, Inc		
Do	Merrick's, Inc		
Do	Visiting Nurse Assn of America	1,500.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:Northern Jaeger)	2,000.00	
Do	Bogle & Gates (For:Wright Schuchart, Inc)	2,000.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	2,877.00	3,006.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,720.00	496.67
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Jerris Leonard, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Leonard & Ralston (For:Krueger, Inc)	13,491.51	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	7,235.96	262.22
Lepon McCarthy & Jutkowitz, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn	27,543.40	27,573.40
Charles Leppert Jr., 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Co	63.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	440.00	
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher & Russell, Inc		
Lesher & Russell, Inc, 517 C Street, NE Washington, DC 20002	Agricultural Policy Working Group		
Do		6,000.00	6,100.00
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	91.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	4,411.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Wilner & Scheiner (For:Graco, Inc)	245.00	3.78
Joseph S. Lester Jr., 1201 Pennsylvania Ave., NW, #370 Washington, DC 20004	Control Data Corporation		
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,422.95	423.81
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Leventhal Senter & Lerman, 2000 K Street, NW, #600 Washington, DC 20006-1809	Aeronautical Radio, Inc		
Do	Committee for America's Copyright Community	5,500.00	39.25
Do	Copyright Remedies Coalition	4,350.00	4.25
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
S. R. Levering, Route 2 Ararat, VA 24053	U.S. Committee for the Oceans		
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	2,500.00	
David A. Lewis, 1000 16th St., NW., #810 Washington, DC 20036	Physicians for Social Responsibility	4,537.08	
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Association of Manufacturers	2,500.00	200.00
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	4,000.00	
Michael R. Lewis, 1133 15th St., NW, #640 Washington, DC 20005	International Longshoremen's & Warehousemen's Union	11,900.00	1,451.74
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Richard W. Lewis, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron USA, Inc	1,450.00	
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,250.00	18.70
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	150.00	
Do	Manufacturers Hanover Corp	850.00	
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,241.89	
LeBoeuf Lamb Leiby & MacRae, 1333 New Hampshire Ave., NW, #1100 Washington, DC 20036	Golden Nugget Corp	1,280.00	338.74
Do	Groom & Nordberg (for: Chevron)	320.00	33.00
Do	Maritrans Operating Partners, L.P.	1,697.00	190.57
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	1,260.78	2,184.29
Lynn H. LeMaster, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute	2,003.09	345.95
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance	4,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Fern Z. Liang, 4630 Montgomery Ave. Bethesda, MD 20814	American Society of Hospital Pharmacists		3,000.00
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	302.00
David W. Liddle, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	560.00	
Richard A. Lidinsky Jr., 1440 New York Ave., NW, #430 Washington, DC 20005	Sea Containers America, Inc		
Janet Lieberman, 1012 14th St., NW, #207 Washington, DC 20005	U.S. Student Association	2,500.00	15.00
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	279.30
William C. Lienesch, 238 10th St., SE Washington, DC 20003	National Parks & Conservation Association	1,695.00	112.00
Richard K. Liggitt, National Press Building, #200 Washington, DC 20045	Bank Capital Markets Assn	3,150.00	
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,618.05
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,224.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corp)		
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	1,500.00	
Lindsay Hart Neil & Weigler, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition	19,465.00	471.37
Do	AVIA Footwear, Inc	13,529.00	2,066.14
Do	Columbia Aluminum		
Do	Crowley Maritime Corp		146.33
Do	E.I. du Pont de Nemours & Co	606.25	241.15
Do	Indiana Ports Commission		122.93
Do	Maritime Fire and Safety Assn	735.00	3.20
Do	Oregon Economic Development Dept, Marine Div	19,102.00	745.76
Do	Pacific Coast Coun of Custom Brokers & Freight Forwarders	9,000.00	613.61
Do	Port of Portland	7,500.00	456.15
Do	Port of Redwood City	4,500.00	704.22
Do	Reebok International Ltd	21,271.50	3,453.12
Donald Lindsey, 400 First Street, NW, #819 Washington, DC 20001	Brotherhood of Locomotive Engineers (OH)	415.17	53.68
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc	1,250.00	150.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	7,500.00	36.00
Do	Iowa Department of Transportation		
Do	Madison Gas & Electric Co	2,350.14	
Do	Metropolitan Sanitary District of Greater Chicago	11,961.80	
Do	Michigan Dept of Transportation	4,849.31	
Do	Northern States Power Co	4,235.90	
Do	State of Colorado, Dept of Highways	5,134.50	
Do	State of IL, Dept of Transportation	9,666.70	
Do	State of IL, Dept of Transportation, Div of Water Resources	3,854.50	
Do	Wisconsin Power & Light Co	4,410.23	
Do	Wisconsin Public Service Corp	4,262.00	
Gregory Owen Lipscomb, P.O. Box 18958 Washington, DC 20036	OPT in America		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Debra J. Lipson, 122 C Street, NW Washington, DC 20001	Children's Defense Fund		
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	3,000.00	
Charles B. Little, 600 Maryland Ave., SW, #603 Washington, DC 20024	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	595.55
Roy Littlefield, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Greater Washington/Maryland Service Station Assn	500.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc	4,000.00	
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	112.50	
Robert W. Lively, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	115.00	
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64190-1402		33,500.00	43,617.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	4,880.00	129.59
Do	San Francisco Bay Guardian	3,099.00	
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates (For:Bixby Ranch Company)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco)		
Do	Hecht Spencer & Associates (For:BATUS)		
Do	Hecht Spencer & Associates (For:Farmers Insurance Group of Companies)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Asso, Inc (For:Marwais Steel Company)		
Do	Hecht Spencer & Associates (For:National Assn for the Support of Long Term Care)		
Do	Hecht Spencer & Associates (For:Texas Clinical Laboratories, Inc)		
Robert F. Lockhart Jr., 1667 K Street, NW #300 Washington, DC 20006	Amdahl Corporation	1,000.00	
Laura Loeb, 730 11th Street, NW, #300 Washington, DC 20001	Older Women's League		
Thomas G. Loeffler, Post Office Box 2999 San Antonio, TX 78299-2999	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)	60.00	
Do	McCamish Martin Brown & Loeffler (For:Coastal Corporation)	60.00	
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Harper Long, 61 W. Tropical Way Plantation, FL 33314	American Flyer		
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Carpenter Medical Labortory Services, Inc).		
Do	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).	605.00	1.50
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	60.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	720.00	2.50
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	Farley Industries	1,925.06	
Do	National Assn of Manufacturers	306.00	153.75
Sherlyn E. Long, 61 W. Tropical Way Plantation, FL 33317	American Flyers		
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Baker Manufacturing Company, Inc		
Do	Century Power Corp	200.00	165.24
Do	Champion International Corporation	1,487.50	
Do	CIGNA Corp		
Do	Greater New York Hospital Assn	350.00	
Do	International Paper	1,487.50	
Do	Metropolitan Life Insurance Co		
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Peter A. Loomis, One Commercial Place Norfolk, VA 23510-2103	Sovran Financial Corp	1,200.00	200.00
Susan J. Loomis, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Loomis Owen Fellman & Howe, 2020 K St., NW, #800 Washington, DC 20006	Association of Bituminous Contractors		
Do	Classroom Publishers Assn		
Do	First Co		
Do	Industrial Diamond Assn		
Do	National Assn of Theatre Owners		
Do	Optical Manufacturers Assn		
Do	Textile Rental Services Assn of America		
Ann Looper, 1735 New York Ave. Washington, DC 20006	American Institute of Architects	250.00	
Henry J. Loos, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)	86.00	
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg. #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	1,356.00
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,200.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al	31,251.00	5,170.74
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen R. Lozowick, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO)	4,000.00	700.00
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	11,576.37	17.50
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	9,000.00	468.18
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)		
Do	Bannerman & Associates, Inc (For:Sawyer/Miller Group (for: Government of Philippines)).		
Mary Riddle Ludke, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	100.00	32.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	City of Miami	2,750.00	
Do	City of Miami Beach	12,500.00	
Do	Dade County, Florida	15,416.00	
Do	Florida Medical Center	20,000.00	
Do	School Board of Dade County, Florida	6,000.00	
Do	Stephens, Inc	30,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants	4,600.00	4,240.78
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			20,767.93
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Lund & O'Brien, 1625 Eye St., NW, #406 Washington, DC 20006	Pennsylvania Power & Light Co	1,627.50	192.80
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,952.85	588.76
Marshall L. Lynam, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dallas-Fort Worth International Airport	12,000.00	
Do	Kelly Hart & Hallman (for: Perry R. Bass)	3,000.00	17.28
Do	Kelly Hart & Hallman (For:Tandy Corporation)	6,000.00	65.58
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		29.63
Timothy P. Lynch, 1901 N. Fort Myer Dr., #204 Arlington, VA 22209	Roadway Express, Inc	425.00	200.00
Barry W. Lynn, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberites Union		
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Sarah E. Lynn, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	2,475.00	90.00
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,625.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	7,563.00	7,764.00
M.O.A./AIOA & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Robert A. Macari, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Massachusetts Mutual Life Insurance Company).		
Do	Ciffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Julie Maccabee, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	96.00	
James E. Mack, 9005 Congressional Court Potomac, MD 20854	National Assn of Mirror Manufacturers		
Do	Peanut Butter & Nut Processors Assn	18,750.00	2,880.69
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	National Machine Tool Builders' Assn	20,955.00	500.00
Thomas L. Mack, 23529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc	900.00	
Olivia C. Mackin, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Mackin Sorensen Peizer Richards & Edwards, PS, 2201 Sixth Avenue, #1301 Seattle, WA 98121	Shee Atika, Inc		
Robert A. Macrory, C/O Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36195	American Petroleum Institute	2,780.00	1,979.79
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	900.00	
Timothy MacCarthy, 1620 I Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	10,400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anthony B. MacDonald, 1350 New york Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Reponsible Electric Systems for Energy Access)		
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)		
Do	Spiegel & McDiarmid (For:Government Refuse Collection and Disposal Assn, Inc (GRCDA)).	2,800.00	344.98
Do	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)		
Jack A. MacDonald, 1901 N. Fort Meyer Drive, #302 Rosslyn, VA 22209-1606	Beverly Enterprises, Inc	6,250.00	75.00
Paul MacMurdy, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,027.50	339.75
John H. Madigan Jr., 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	6,000.00	280.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Buenaventura	10,500.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	22,500.00	
Do	Mark Air, Inc	15,000.00	
Do	Regency Outdoor Advertising		
Do	Sarasota-Bradenton Airport	6,000.00	
Do	Ventura Port District	9,000.00	
Shayne M. Madsen, 3050 Broadway, #202 Boulder, CO 80304	Philip Morris, Inc	1,500.00	3,796.30
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,615.38	
Susan Magaw-Stout, 1010 Wisconsin Avenue, NW Washington, DC 20007	Grocery Manufacturers of America, Inc	150.00	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	270.00
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
Do	Paul Magliocchetti Associates, Inc (For:United Technologies Corp)		
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	16,924.50	605.64
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	9,692.34	1,364.65
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	9,000.00	652.58
Do	James J. Magner & Associates, Inc (For:Superconducting Core Technologies)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	28,207.50	19,800.50
Do	Kaibab Forest Products Company	16,153.90	11,799.17
Do	Northern Arizona University Foundation	15,000.00	11,876.85
Do	Superconducting Core Technologies		
A. John Maguire, 1110 Vermont Ave. NW Suite 430 Washington, DC 20005	National Cotton Council of America	30,000.00	2,412.54
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn		
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:Teledyne Brown Engineering)		
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corp	1,998.00	464.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	Rollins Jamaica Ltd	9,375.00	394.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	39.50
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Anthony S. Makris, 2508A South Walter Reed Drive Arlington, VA 22206	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	489.00	20.00
Andrew T. Malleck, 400 First Street, NW Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Conrad L. Mallett Jr., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	12,980.79	1,421.49
Management & Government Resources, 1305 Mt. Holly Road Burlington, NJ 08016	Burlington Coat Factory	38,979.77	35,516.27
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	Specialty Vehicle Institute of America		
Manatt Phelps Rothenberg & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak	100.00	
Do	American Assn of Nurse Anesthetists		
Do	American Institute of Real Estate Appraisers	2,400.00	
Do	J.G. Boswell, Co	6,000.00	
Do	Bowling Proprietors Assn of America	150.00	
Do	California Bankers Assn		
Do	Centre Pointe Associates		
Do	Edison Electric Institute		
Do	EDU-DYNE Systems, Inc		
Do	Fairfield Communities, Inc		
Do	Federal Express Corp		
Do	Home Group, Inc		
Do	Melrose Company	150.00	
Do	Missouri Assn of Private Career Schools		
Do	Money Store		
Do	National Cable Television Assn, Inc	9,000.00	
Do	New York Stock Exchange	1,200.00	
Do	North Beach Property Owners' Assn	200.00	
Do	Northrop Corp	1,500.00	
Do	NEC Corporation		
Do	Phillip Morris Management Corp		
Do	Security First Group, Inc		
Do	United Airlines		
Do	Vero Beach Oceanfront Investors Limited Partnership	200.00	
Do	Watt-Albrecht		
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Company	5,610.00	2,063.27
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	147.90
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Textron, Inc)		
Donald W. Mann, 60 B Franklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Thomson Consumer Electronics)		
Do	Hill & Knowlton, Inc (For:Village of Palatine)	1,925.00	
Richard J. Mannix, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	Crowell & Moring (For:Lehn & Fink Products)		
Cynthia Mansfield, 600 Maryland Ave., SW, #520 Washington, DC 20024	GPU Service Corporation	20,585.00	853.52
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			20,895.33
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	611.40	
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	505.00	151.65
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	Affiliated Leadership League of & for the Blind		
Do	Am. College of Nuclear Physicians-Soc. of Nuclear Medicine	2,000.00	
Do	American Assn of Colleges of Oesteopathic Medicine	1,666.00	
Do	American Society for Bone and Mineral Research	4,000.00	
Do	American Society for Gastrointestinal Endoscopy	2,500.00	
Do	American Society of Anesthesiologists	19,500.00	
Do	American Society of Clinical Pathology	4,000.00	
Do	American Society of Hematology	1,000.00	
Do	American Urological Assn/Am Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn	22,500.00	
Do	Helen Keller National Center	250.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Association of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	6,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Rorer Pharmaceutical Company	18,000.00	
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		19,089.36	18,587.55
Michael Marchese Jr., 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
R. V. Mariani, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	3,000.00	3,000.00
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			20,329.00
Lawrence D. Markley, P.O. Box 196300 Anchorage, AK 99519	Chugach Electric Assn, Inc	5,194.45	18.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marc L. Marks, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
Luther A. Markwart, 1156 15th St., NW, #1020 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,500.00	
Howard Marlowe, 1667 K St., NW, #660 Washington, DC 20006	John L. Adams & Co.Inc		31.00
Marlowe & Company, 1667 K Street, NW, #660 Washington, DC 20006	City of Sarasota	750.00	30.00
Do	City of Venice, Florida	2,112.50	102.35
Do	Coalition to Keep Alaska Oil	7,403.00	144.77
Do	End Notch Discrimination	825.00	38.50
Do	Lazare Kaplan International, Inc	2,590.00	91.96
Do	Memphis-Shelby County Airport Authority	10,995.00	470.40
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Kathleen Marquardt, 6302 30th Street, NW Washington, DC 20015-2238	Putting People First		
Chalmers H. Marquis, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association for Public Broadcasting	3,000.00	233.88
Do	Children's Television Workshop		
C. Travis Marshall, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	1,500.00	
Cornel Martin, 228 St. Charles Avenue, #1027 New Orleans, LA 70130	American Waterways Operators		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	
Donald N. Martin, Donald N. Martin & Company, Inc 630 Fifth Ave. #565 New York, NY 10111			
Fred J. Martin Jr., 1800 K Street, NW Washington, DC 20006	Bank of America	374.99	308.44
J. Ross Martin, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute	813.00	1,482.05
John M. Martin Jr., 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	641.15	1,163.89
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Maureen A. Martin, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co		
Stephen I. Martin, Hartford Plaza Hartford, CT 06115	Hartford Fire Insurance Co		
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 1156 15th Street, #1100 Washington, DC 20005	White Fine & Verville (For:Armstrong World Industries)	1,686.25	
Do	White Fine & Verville (For:Association of American Railroads)	356.25	
Do	White Fine & Verville (For:Burlington Northern, Inc)	47.50	
Do	White Fine & Verville (For:CSX Corp)	213.75	
Do	White Fine & Verville (For:MetPath, Inc)	1,401.25	
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc	3,000.00	700.00
Mike M. Masaoka, Suite 520, The Farragut Bldg. 900 17th St., NW Washington, DC 20006	Japan Telescope Manufacturers Assn	200.00	
Do	Toyota Motor Sales, USA, Inc	750.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	117.88
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Leva Hawes Mason Martin & Bebchick (For:Association of the U.S. Army)		
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	177.95
Ned W. Massee, 299 Park Avenue New York, NY 10171	Westvaco Corporation		706.94
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Church of Scientology International)	1,350.00	
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Gerber Products Corporation	1,800.00	
Do	Hill and Knowlton (For:Johnson Controls, Inc)		
Do	Hill & Knowlton, Inc (For:Monsanto Co)		
Do	Hill and Knowlton, Inc (For:Ninentdo of America, Inc)	3,900.00	
Do	Hill & Knowlton, Inc (For:Panhandle Eastern Corp)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill and Knowlton, Inc (For:Ryder, Inc)		
Do	Hill & Knowlton, Inc (For:Tesoro Petroleum Corp)		
Do	Hill & Knowlton (For:Village of Palatine)	150.00	
Do	Hill & Knowlton, Inc (For:Wilfred American Education, Corp)		
James T. Massey, P.O. Box 1689 317 East Cascade Sisters, OR 97759	Farmers Legal Action Group, Inc		130.00
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates		
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	144.81	4.00
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	1,150.00	
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)	9,550.00	
Richard D. Mathias, 1200 17th Street, NW, #500 Washington, DC 20036	Pan American World Airways, Inc		
Dawson Mathis, 1900 L Street, NW, #300 Washington, DC 20036	Dawson Mathis & Associates (For:Crowley Maritime Corp)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Crowley Maritime Corp	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	3,000.00	
Dale L. Matschullat, 21300 Clearfield Count Brookfield, WI 53005	Newell Company		20.00
Ann H. Mattheis, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Charles D. Matthews, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,250.00	
K. Michael Matthews, 629 Constitution Ave., NE, #201 Washington, DC 20002	U.S. Strategies Corp (for: Cancer Treatment Holdings, Inc)		
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,285.63	
Suzette Matthews, 2020 North 14th Street, #410 Arlington, VA 22201	Air Traffic Control Assn, Inc	3,485.94	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		4,240.43
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Equitable Financial Companies	1,800.00	66.00
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:Abbott/Ross Laboratories)	8,500.00	
Do	American School Food Service Assn	9,000.00	493.42
Do	Holland & Knight (For:Carnival Cruise Lines)		
Do	Holland & Knight (For:City of Orlando)	2,250.00	
Do	Holland & Knight (For:Electronic Data Systems)	3,000.00	
Do	Hospice Care of Deleware, Inc		
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	500.00	70.00
Laurie Mauldin, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:American Federation for AIDS Resarch (AMFAR))		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,579.19
Nelson Maurice, 3501 Thurston Ave. Anoka, MN 55303	National AG Underwriters, Inc		
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	12,790.02	214.50
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	4,000.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	3,150.00	
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	5,500.00	21.00
Peter G. Mayberry, 1150 17th Street, NW, #1000 Washington, DC 20036	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	7,831.00
Marion R. Mayer, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	574.61	745.28
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Acxiom Corp		
Do	Arkansas Electric Cooperative Corporation	87.50	93.50
Do	Attorneys' Liability Assurance Society Ltd		
Do	Bank for Foreign Economic Affairs of the USSR	507.90	507.90
Do	Brambles USA, Inc		
Do	Brunswick Corp		
Do	Business Roundtable		
Do	Cabot Cabot & Forbes		
Do	City Colleges of Chicago		192.00
Do	Comdisco, Inc		
Do	Continental Bank, N.A		
Do	Corn Products Co		
Do	Entergy Corporation		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	Goldman Sachs & Co		
Do	Grocery Manufacturers Assn of America, Inc		
Do	GATX Corporation		
Do	Hewlett-Packard Co		
Do	Honeywell, Inc		
Do	Household Commercial Financial Services, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	Lasalle Partners, Inc		
Do	Lawyers Committee for Human Rights		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		
Do	National Faculty		
Do	Nestle, SA		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Sara Lee Corp		
Do	Sears Roebuck & Co		
Do	Shearson Lehman Brothers, Inc		
Do	Shell Oil Co		
Do	Smith Barney Harris Upham & Co, Inc		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	900.00	240.33
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Ellen Mazer, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	3,039.67	80.85
Harry E. McAdams, 555 13th Street, NW #300 East Washington, DC 20004	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,000.00	
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
James J. McAlpin, 1899 L Street, NW, #500 Washington, DC 20036	Commission of Accredited Truck Driving Schools		
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	13,750.00	1,329.56
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Rebecca Craford Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	American Nuclear Energy Council	20,000.00	
Do	Arlington Cancer Center	500.00	
Do	Association of Human Resource Consultants	764.00	
Do	Bay Area Rapid Transit District	12,540.00	
Do	Browning Ferris, Inc		
Do	Cellular Telecommunications Industry Assn	4,500.00	
Do	Clark County	15,000.00	
Do	COSTEP	1,000.00	
Do	Dallas/Ft. Worth Railtran System	1,000.00	
Do	Dean Witter Realty	2,000.00	
Do	Gulf Coast Waste Disposal Authority		
Do	Lloyd's U.S.	2,000.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	National Telephone Services, Inc	1,200.00	
Do	Nevada Resort Assn	7,000.00	
Do	Philip Morris Co	2,000.00	
Do	Sweetener Users Assn	750.00	
Do	Transamarica Corporation	200.00	
Do	Union Labor Life Insurance	1,000.00	
Do	University of Nevada/Las Vegas/Research Center	7,500.00	
Do	University of Nevada/Reno	12,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,202.54	240.00
Susan E. McCaffrey, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	35.83	
McCamish Martin Brown & Loeffler, P.C., P.O. Box 2999 San Antonio, TX 78299-2999	Central & South West Corp		
Do	Citicorp	750.00	90.00
Do	Coastal Corp	500.00	60.00
Do	Hong Kong Trade Development Council		
Do	Sematech		
Do	U.S. Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn	125.00	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	1,000.00	
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Association of American Publishers, Inc		41.27
Do	Coca-Cola Company	3,523.50	156.05
Do	Coca-Cola Enterprises, Inc		
Do	Metfuel, Inc	2,359.75	45.84
Do	Mobil Oil Corp		
Do	Motion Picture Association of America, Inc		
Do	Paramount Communications Inc	1,534.50	83.27
Do	Rank Video Services America		20.74
Do	TeknaMed Corp		116.13
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
G. McConnell & Associates, Inc, 4716 Neptune Drive Alexandria, VA 22309	Grumman Corp		100.00
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Dennis C. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Philip Morris, USA)	2,505.00	219.41
Kimberly A. McCoy, 220 Prince George Street Annapolis, MD 21401-1991	Government Affairs-Maryland (For:Phillip Morris, USA)	2,505.00	48.58
Meredith McCoy, 1800 Mass. Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
Steven A. McCoy, 1030 15th Street, NW #1020 Washington, DC 20005	North American Export Grain Assn, Inc		450.00
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Security to Preserve Social Security and Medicare	3,572.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	42.25
Daniel J. McDermott, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council		
Frank X. McDermott, Apruzzese McDermott Mastro & Murphy 25 Independence Bvld., P.O. Box 112 Liberty Corner, NJ 07938	Philip Morris, Inc	9,000.00	1,312.81
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #450 Washington, DC 20006-2296	Alaska Seafoood Marketing Institute	21,126.25	3,213.50
Do	American Dental Hygienists Assn	3,000.00	
Do	American Imaging Assn		
Do	American Meat Institute	21,600.00	
Do	American Soc of Outpatient Surgeons		
Do	California Assn of Children's Hospitals	2,500.00	
Do	California Avocado Commission	18,000.00	3,992.40
Do	California Canning Peach Assn	43,965.00	2,951.65
Do	California Energy Commission	24,999.00	4,141.33
Do	California Kiwi Fruit Commission	45,987.50	5,872.81
Do	California Raisin Advisory Board	35,966.25	1,865.97
Do	Caterpillar Tractor Co		
Do	Concord Grape Assn	10,801.25	1,001.25
Do	Federal Kemper Life Assurance Co		
Do	Globe Corporation		
Do	Good Sam Club		323.40
Do	Hitachi America, Ltd		
Do	Juvenile Diabetes Foundation, International	10,000.00	
Do	Kemper Investors Life Insurance Co		
Do	Lumbermens Mutual Casualty Company		
Do	National Grocers Assn	3,010.00	
Do	National Potato Council	25,425.00	1,888.43
Do	Ocean Spray Cranberries, Inc		
Do	Outpatient Opthalmic Surgery Society	9,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Peterson & Sullivan	260.00	2.00
Do	Public Employees Retirement Assn of Colorado	1,430.00	6.00
Do	U.S. Mink Export Development Council	36,708.75	2,650.03
Do	Welch Foods, Inc	5,072.50	306.25
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	4,000.00	
Edward T. McDonald, 815 16th St., NW Washington, DC 20006	Transportation - Communications Union	2,000.00	2,000.00
Jack McDonald, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	Jack McDonald Co (For:American Express Corp)		
Do	Jack McDonald Co (For:Ameritech)		
Do	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co (For:Outboard Marine Corporation)		
Do	Jack McDonald Co (For:Royal Zenith Corp)		
Do	Jack McDonald Co. (For:Tuteur Associates, Inc)		
Do	Jack McDonald Co. (For:WMW Machinery, Inc)		
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	750.00	289.61
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Jet, Inc		
Jack McDonald Co, 1001 Pennsylvania Avenue, NW, #625-S Washington, DC 20004	American Express Corp		
Do	Ameritech		
Do	Dow Corning Corp		
Do	Hitachi America, Ltd		
Do	Hitachi Sales Corp of America	650.00	
Do	Outboard Marine Corporation	2,250.00	
Do	Planeta North America, Inc		
Do	Tuteur Associates, Inc		
Do	WMW Machinery, Inc		
Dinah D. McElfresh, 1255 23rd Street, NW, #850 Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
McElroy & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	Outdoor Advertising Assn of America, Inc	41,665.00	10,631.01
Andrew S. McElwaine, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	12,000.00	1,765.70
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	3,480.00	
Robert J. McFarlin Jr., 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	700.00	15.93
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	175.10	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Dana McGee, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corp	1,250.00	399.85
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	3,000.00	2,450.00
Gale W. McGee, 901 31st St., NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Karen McGee, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	43.22
Kate McGee, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		18,832.81
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	10,505.04	106.50
Patricia McGill, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn	3,000.00	71.88
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	40,000.00	13,780.86
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,831.02	3,650.31
Susan McGolrick, 215 Constitution Ave., NE, Apt. 408 Washington, DC 20002	American Civil Liberties Union	4,846.00	10.00
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	166.20	9.60
Richard L. McGraw, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,500.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn		
Do	Association of Human Resource Consultants		
Do	Farm Labor Alliance		
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Monica M. McGuire, 1331 Pennsylvania Ave., NW, #1500 North Lobby Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
McGuire Woods Battle & Boothe, 8280 Greensboro Drive, #900 McLean, VA 22102	RF&P Railroad		
Do	Vulcan Materials Co		
McHale Cook & Welch, P.C., 1100 Chamber of Commerce Building Indianapolis, IN 46204	Indiana Bell Telephone Co	1,000.00	600.00
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	246.00	
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	7,003.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	154.82
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	85.63
Ira E. McKeever, 1224 17th Street, NW Washington, DC 20036	Western Coal Traffic League	23,333.35	7,933.98
McKenna Conner & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America		
Do	Fertilizer Institute		
Jan E. McKenzie, 1111 19th St., NW, #702 Washington, DC 20036	Edison Electric Institute	2,215.38	78.79
Robert T. McKernan, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	500.00	
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assn	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,000.00	881.68
Steven G. McKinney, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services, Inc)		
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	2,746.00	
Robert A. McKnight, 25 Monument Circle Indianapolis, IN 46206-1595	Indianapolis Power & Light Company		17,938.82
Timothy P. McKone, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	7,404.00	
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	2,362.50	
Do	Rowan & Blewitt Inc (For:Cosmetic Toiletry and Fragrance Assn)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	4,397.50	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	2,700.00	
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,360.25	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	525.00	
John R. McLaurin, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	5,370.00	
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	11,097.00	50.92
Michael R. McLeod, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	7,517.50	354.92
Do	McLeod & Pires (For:American Peanut Product Manufacturers, Inc)	15,163.50	243.12
Do	McLeod & Pires (For:American Soybean Association)	197.00	
Do	McLeod & Pires (For:Chicago Board of Trade)	10,000.00	137.00
Do	McLeod & Pires (For:Mushroom Council)	3,295.80	46.00
Do	McLeod & Pires (For:State of Florida Department of Citrus)	715.50	
Do	United Egg Producers	6,621.40	
Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164	West Publishing Company		
Rosemary McManus, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	9,995.17	502.13
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc		
James D. McMillan, 1899 L St., NW, #1100 Washington, DC	Exxon Corporation	700.00	103.85
Sandra H. McMullan, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	4,368.00	108.00
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Clemson University	5,000.00	62.67
Do	Correctional Concepts, Inc		
Do	CSX Corporation		
Do	Defense Group, Inc		
Do	Harmon Industries, Inc	9,819.00	144.95
Do	Japonica Partners, L.P.		
Do	McNair Law Firm, P.A. (for: Columbia Farms)		
Do	McNair Law Firm, P.A. (for: Environment America)		
Do	McNair Law Firm, P.A. (for: Gateway Freight Services, Inc)		
Do	McNair Law Firm, P.A. (for: GTE)		
Do	McNair Law Firm, P.A. (for: Japan Airlines)		
Do	McNair Law Firm, P.A. (for: Oakleaf Development Corp)		
Do	McNair Law Firm, P.A. (for: Sabena Belgian World Airlines)		
Do	McNair Law Firm, P.A. (for: San Juan Ports Authority)		115.28
Do	McNair Law Firm, P.A. (for: Westinghouse Electric Corp)		
Do	Pennsylvania Shipbuilding		
Do	Railstar Control Technology, Inc		
Do	Riedel Environmental Services, Inc		
Do	South Carolina State College		6.51
Do	State of Hawaii/Dept of Transportation		1,199.15
Do	Texas Instruments, Inc		
Do	Virginia Tech		13.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Westinghouse Environmental Services		
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc.	1,325.00	
Do	American Insurance Assn	90.00	8.60
Do	BOC Group, Inc.	500.00	
Do	Edison Electric Institute	190.00	
Do	Georgia-Pacific Corp	1,890.00	6.00
Do	GSX Corporation		
Do	GTE Government Systems Corporation		
Do	Insurance/Financial Affiliates of America	1,155.00	
Do	International Assn for Financial Planning	273.00	17.00
Do	Joesph E. Seagram & Son, Inc.	482.75	7.40
Do	New York State Bankers Assn	2,187.50	0.90
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Company	5,175.00	
Do	South Carolina Research Authority	3,994.00	
Do	State of Hawaii		
Do	Westinghouse Electric Corp		
Ray McNally & Associates, Inc, 1817 Capitol Ave., #A Sacramento, CA 95814	Philip Morris, Inc.	10,055.85	16,220.47
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc.	493.00	450.00
Laramie Faith McNamara, 1000 Wilson Blvd., #2700 Arlington, VA 22209	TRW, Inc	31,000.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc	6,000.00	182.85
Peter F. McNeish, 1156 15th Street, NW, #1101 Washington, DC 20005	National Assn of Small Business Investment Cos	3,000.00	
John P. McNicholas, 2001 L Street, NW #1000 Washington, DC 20036	Unisys Corporation		
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	1,179.46	125.68
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund	109.90	
Michael J. McShane, 1101 30th Street, NW, #500 Washington, DC 20007	National Computer Systems		
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	America Osteopathic Assn	3,500.00	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	18,536.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,072.00	1,879.58
Brose McVey, 1255 23rd Street, NW Washington, DC 20037	Hauck & Associates (For:National Oilseed Processors Assn)	5,000.00	784.40
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc	1,650.00	
James Meadows, 600 Congress Ave., #1250 Austin, TX 78701	Capital Network System, Inc.	4,500.00	2,460.00
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	750.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company	125.00	651.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	4,000.00	
Joseph J. Meder, 1730 M St., NW, #515 Washington, DC 20036	Interlake Corp	3,000.00	
Larry Mehlhaff, 23 N. Scott Sheridan, WY 82801	Sierra Club	2,143.74	2,143.74
Ira Mehlman, 4201 Massachusetts Ave., NW, #3073 Washington, DC 20016	Federation for American Immigration Reform		
Joseph Mehrkens, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society		
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Vernon H. Meier, 1448 Duke Street Alexandria, VA 22314	National Rural Letter Carriers Assn	18,651.00	
Marilyn F. Meigs, 555 13th Street, NW, #410W Washington, DC 20004	Morrison Knudsen Corp		900.00
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Society of Assn Executives	300.00	
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Howard H. Menaker, 1199 North Fairfax Street, #801 Alexandria, VA 22313	National Assn of Truck Stop Operators, Inc		
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
David Mengebier, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc.	29,516.92	
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc.	540.00	41.30
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M		
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)	28.00	
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors)	81.25	
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)	354.25	
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)		
Do	Cadwalader Wickersham & Taft (For:Princeton Univ Investment Co & American Council on Education).		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	4,508.76	
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		8.00
Nancy Jo Merrill, 1725 K St., NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 1828 L St., NW, #906 Washington, DC 20036			28,516.66
Gordon Merritt, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	50.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	259.78
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co.	1,500.00	142.50
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	1,211.82	179.25
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc.		
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,472.00	
Ferd. C. Meyer Jr., 2121 San Jacinto Street, #2500 Dallas, TX 75266-0164	Central and South West Corp.	800.00	979.90
Karl Leonard Meyer, 201 N. Heritage Circle Burnsville, MN 55337			899.64
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn	50.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #40 Washington, DC 20003	American Beekeeping Federation	3,000.00	232.81
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	36,000.00	1,597.34
Do	National Peanut Growers Group	12,000.00	648.51
Do	Rice Belt Warehouse, Inc.	4,500.00	262.57
Do	Texas A&M Research Foundation	21,420.00	1,414.85
Meyers & Associates, 412 First St., SE, #40 Washington, DC 20003	Alnor Oil Company, Inc	2,500.00	
Do	American Sheep Industry	16,500.00	1,181.03
Do	Anodyne, Inc.	6,000.00	2,285.74
Do	Centergas, Inc.		
Do	Texas International Education Consortium	15,000.00	532.18
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	1,025.00	1,657.73
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	5,000.00	2,715.00
Laurie J. Micciche, 1747 Pennsylvania Ave., NW Third Floor Washington, DC 20006	Occidental Chemical Corp	125.00	149.82
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Chicago Board Options Exchange		
Do	Corn Coalition	10,000.00	
Do	DePaul University	10,000.00	
Do	Estate of Edwin A. Gallun	5,000.00	
Do	Harza Engineering Company		
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	Medco Containment Services, Inc.	4,000.00	1,268.18
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdell Co		2,389.37
Kathleen Michels, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn		
Mid-Continent Oil & Gas Assn, 1919 Pennsylvania Ave., NW, #503 Washington, DC 20006		18,299.61	43,838.43
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, Ten Light Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc.		
Roger E. Middleton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,100.00	217.58
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S Public Interest Research Group	5,307.72	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	951.09	
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	32.10
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc.		
Nelson L. Milder, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers		
Milgrim Thomajan & Lee, P.C., 1025 Connecticut Ave, NW, #1000 Washington, DC 20036	Lloyds U.S.A.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New York Mercantile Exchange (NYMEX)	34,054.50	35,722.71
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222	American Group Practice Assn	341.00	
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	National Fed of Independent Business	3,189.00	200.00
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	Texasgulf, Inc		
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	National Assn of Home Builders of the U.S.		
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	Denny Miller Associates	7,500.00	
Denny Miller, 409 South Barton St. Arlington, VA 22204	American Council of Life Insurance	1,000.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	Rainbow Lobby, Inc	7,292.40	447.00
Francine Miller, 1627 Lamont Street, NW, Apt #41 Washington, DC 20010	LTV Aerospace & Defense Co	2,500.00	125.00
Grant Miller, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Lead Industries Association, Inc		69,434.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Citizens for Sensible Control of Acid Rain	675.00	
Martha L. Miller, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	American Health Care Assn	16,000.00	1,082.61
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	Denny Miller Associates	1,250.00	
Sandra Miller, 409 South Barton St. Arlington, VA 22204	American Bankers Assn		
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	Kahn Soares & Conway (For:Westlake Farms, Inc)	3,768.75	123.27
W. Kirk Miller, 1001 Pennsylvania Ave., NW, #1350 Washington, DC 20004	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Ameribanc Investors Group		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Nuclear Energy Council		
Do	Association of Thrift Holding Cos		
Do	Boeing Company		
Do	Chevy Chase Savings & Loan Assn		
Do	Electronic Industries Assn		
Do	Great Northern Insured Annuity Corp	1,880.00	
Do	Long Island Assn		
Do	Martin Marietta Corp		
Do	McDonnell Douglas Corp		
Do	Northern States Power Company	2,000.00	
Do	Pacific Medical Center		
Do	Pillsbury Madison & Sutro (for: Intermedia Partners)		
Do	Professional Services Council		
Do	Schultz & Chez (for: Chicago Research and Trading Group)		
Do	United States Fidelity and Guaranty Company		
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Laredo	166.50	
Do	City of St. Louis, MO	6,916.00	10.00
Do	Kenton-Boone Cable Television Board	261.50	
Denny Miller Associates, Inc, 400 N. Capitol St., NW, #325 Washington, DC 20001	Boeing Company	3,000.00	2,460.00
Do	Coeur d'Alene Mines Corp	1,000.33	833.33
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do			
Do	Momentum 88	1,875.00	1,530.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Sunshine Mining Company	1,000.33	33.33
Do	Tri-City Industrial Development Council (TRIDEC)	4,000.00	3,265.00
Do	Troutlodge, Inc	1,000.33	833.33
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	Independent Insurance Agents of America, Inc, et al	1,425.00	
Do	National Assn of Life Underwriters, et al	2,945.00	
Do	National Motorsports Comm of Accus		
Miller Hamilton Snider Odom & Bridgeman, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	American Brush Manufacruters Assn	9,000.00	1,083.16
Do	Chase Manhattan Corp	3,700.00	
Do	Federation for American Immigration Reform	1,047.00	2.50
Do	J.P. King Auction Co.		
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		860.39
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	600.00	261.21
Amy J. Millman, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	600.00	700.00
Joseph H. Miltenberger, 2939 Van Ness Street, NW, #839 Washington, DC 20008	U.S. Strategies Corp (for Cancer Treatment Holdings, Inc)		
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	19,000.00	
Mineral Insulation Manufacturers Association, 1420 King Street Alexandria, VA 22314		2,610.00	20,400.28
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Caguas Central Federal Savings Bank		
Do	Prudential Insurance Co of America	3,461.00	127.00
Timothy H. Minor, Salem Lake Drive Long Grove, IL 60047	CF Industries, Inc	500.00	
J. Robert Minter, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	396.90	4,524.49
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 1825 I Street, NW, #1200 Washington, DC 20006	Biogen, Inc		
Do	Cablevision		
Do	Coalition for High Definition TV	4,200.00	
Do	Communications Industry Assn of Japan	10,000.00	
Do	Home Recording Rights Coalition		
Do	Houghton Mifflin Company		
Do	Mortgage Insurance Companies of America		
Do	National Cable Television Assn, Inc		
Do	Siemens Corp	1,000.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	Turner Broadcasting System, Inc	540.00	
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	6,000.00	500.00
Charles P. Mitchell, 1501 16th Street, NW Washington, DC 20036	Center for Science in the Public Interest	602.00	18.90
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Lawrence W. Mitchell, 100 Maryland Ave., NE, #500 Box 69 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Mitchell Friedlander & Gittleman, 1201 Conn. Ave., NW Washington, DC 20036	National Bank Of Liberia		
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	5,000.00	
John Moehring, 2200 Mill Road Alexandria, VA 22314	American Movers Conference	250.00	
Robert E. Moffit, 660 Creek Rd. Severna Park, MD 21146	National Alliance of Physicians and Surgeons	6,300.00	8,501.33
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	2,154.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Crop		
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	145.00
C. Manly Molpus, P.O. Box 3556 Washington, DC 20007	Grocery Mfg. of America, Inc	1,540.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Montana Market Development Co, 305 West Mercury St., #303 Butte, MT 59701	Philip Morris, Inc	1,650.00	10,299.00
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	2,175.00	23.56
Graham B. Moody, P.O. Box 10110 South Lake Tahoe, CA 95731	League to Save Lake Tahoe		681.36
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	15,881.00	
Karl R. Moor, P.O. Box 306 Birmingham, AL 35201	Balch & Bingham (For:Alabama Power Company)		
Do	Balch & Bingham (For:Southern Company Services Inc)		
Alan J. Moore, 1001 Pennsylvania Ave., NW, #675 Washington, DC 20004	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	497.00	40.00
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	1,279.35
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Powell A. Moore, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale d'Dtude et de Const de Moteurs d'Aviation)		
Ann Moorhead, 2571 Vernon Drive, NE Palm Bay, FL 32905	Press Television		
Eugene Moos, 1000 16th Street, NW, #702 Washington, DC 20036	Gene Moos & Associates (For:American Oat Assn)	11,446.73	4,091.33
Do	Coalition for Advment of Research on Agri, Food & Environmt	6,868.04	2,454.79
Do	Harvest States Cooperative	6,868.04	2,454.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Korean Soybean Processors Assn	13,736.07	4,909.61
Do	Kraft General Foods	6,868.04	2,454.79
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		181.98	181.98
Lori M. Moran, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	3,375.00	
Tim E. More, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	4,256.00	122.44
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	14,061.00	
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,195.10
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	36.17
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Ad Hoc Committee on NHTSA FMVSS 205 Standard	1,040.00	20.00
Do	Consolidated Natural Gas Co		
Do	Hazardous Waste Action Coalition		
Do	Presbyterian Hospital City of New York, et al		
Do	Safety-Kleen Corp		
Do	Scotch Whisky Assn		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	90.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	117.72
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
W. Patrick Morris, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	500.00	
William Morris, 1737 H Street, NW Washington, DC 20006	CFC Coalition	5,000.00	351.20
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	787.50	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco		
Do	Ford Motor Co		
Do	Mastercard International, Inc, et al	2,250.00	
Do	Matteson Investment Corp		
Do	Micron Technology, Inc	1,880.00	18.00
Do	National Electrical Manufacturers Assn		
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Evelyn M. Morton, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	507.69	453.23
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		2,140.30
Jack Moskowitz, 701 N. Fairfax Street Alexandria, VA 22314-7807	United Way of America	17,156.25	205.18
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	900.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Abecitrus - Brazilian Citrus Assn		
Do	Adical		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)	5,500.00	888.67
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			11,313.31
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		404,598.66	404,598.66
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	5,992.50	
Paul W. Mousseau Jr., 3000 K Street, NW Penthouse 3-A Washington, DC 20007	Wealth Management Corp (For:Finryan International, Ltd)	3,000.00	
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,400.05	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Long Island Savings Bank	1,370.00	
Do	Northeast Savings, F.A	1,175.00	
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	121.26
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	20,000.00	
Tracy Mullin, 1000 Connecticut Ave., NW, #700 Washington, DC 20036	National Retail Merchants Assn	2,800.00	40.00
William F. Mullin, 1615 L St., NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Co	1,000.00	
Morton L. Mullins, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Company		184.61
Betty J. Munis, 1301 Pennsylvania Ave., #300 Washington, DC 20004	Public Lands Council	1,000.00	
Evelyn Fiemann Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
James Brian Munroe, 1050 Connecticut Avenue, NW, #401 Washington, DC 20036	Hoffmann-La Roche, Inc		
Barbara Munson, 1300 North 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn		728.27
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)		
Elizabeth A. Murphy, 1901 N. Fort Myer Drive, #204 Arlington, VA 22209	Roadway Express, Inc		
James F. Murphy, 6200 Oaktree Blvd. Independence, OH 44131	Centerior Energy Corp, et al		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	475.19
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al	9,300.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp		7,344.42
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	2,708.00	10.70
James E. Murray, 815 Connecticut Avenue, NW, #701 Washington, DC 20006	Brown & Wood (For:Citicorp Investment Bank, et al.)		
Margaret R. Murray, 2501 M Street,NW, #400 Washington, DC 20037	McLeod & Pires (For:American Assn of Crop Insurers)	1,578.70	
Do	McLeod & Pires (For:National Rural Telecom Assn)	558.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	USAir, Inc		
Murray & Scheer, 2715 M Street, NW, #300 Washington, DC 20007	Bear Stearns & Co	500.00	
Do	Benton Mortgage Company	500.00	
Do	Cleveland Cliffs Iron Co	250.00	
Do	Connecticut Mutual Life Insurance Co	500.00	
Do	Home Life Insurance Co	500.00	
Do	Industry Council for Tangible Assets	400.00	
Do	Iron Ore Assn	250.00	
Do	LTV Corporation	450.00	
Do	National Council of Coal Lessors	300.00	
Do	New England Mutual Life Insurance Co	500.00	
Do	Pacific Mutual Life Insurance Co	500.00	
Do	Penn Mutual Life Insurance Co	500.00	
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	
Do	Shubert Organization, Inc	400.00	
Do	Swaziland Sugar Assn	400.00	
Do	Sweetner Users Assn	500.00	
Robert Musil, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	3,294.75	18,080.16
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco Inc	1,750.00	
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202		8,000.00	10,262.50
Paul J. Myer, 600 Maryland Ave., SW, #605-607 Washington, DC 20024-2520	Northern Telecom Inc		1,445.00
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	86.46
Karen Magee Myers, 1331 Pennsylvania Ave., #1300-N Washington, DC 20004	Electronic Data Systems Corp	280.00	318.49
Christopher Alton Myrick, P.O. Box 65493 Washington, DC 20035-5493	National AgriChemical Retailers Assn		15,127.50
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
MMB Associates, Inc, 122 C Street, NW, #240 Washington, DC 20001	Pacifica Services, Inc	1,000.00	
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
David Scott Nance, 808 17th Street, NW, #300 Wasshington, DC 20006-3910	Stewart and Stewart		
Karen J. Nardi, 1455 Pennsylvania Avenue, NW, #650 Washington, DC 20004	McCuthchen Doyle Brown & Enersen (For:Southern California Ass'n of Governments)		
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	3,200.00
Gary M. Nateman, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Academies of Practice, 1023 15th Street, NW, #300 Washington, DC 20005		8,430.00	830.27
National Ag Underwriters, Inc, 3501 Thurston Ave. Anoka, MN 55303			10,572.00
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		12,309.00	7,860.64
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		185,935.00	15,874.74
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218		1,150.46	1,128.11
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,175.84	6,559.25
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		49,718.32	45,879.16
National Assn of Casualty & Surety Agents, 600 Pennsylvania Ave., SE, #211 Washington, DC 20003			8,839.69
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Crop Insurance Agents, 3501 Thurston Ave. Anoka, MN 55303		16,894.00	72,139.00
National Assn of Federal Employees, 3500 Maple Avenue, Suiie 1650 Dallas, TX 75219			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			23.97
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		400.00	81,769.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004		1,800.00	1,862.70
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		228,862.52	228,862.52
National Assn of Mutual Insurance Cos, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268		800.00	800.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036		481.51	481.51
National Assn of Securities and Commercial Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		60,000.00	24,000.00
National Assn of Trade & Technical Schools, 2251 Wisconsin Ave., NW Washington, DC 20007		54,785.65	54,785.65
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		4,950.00	6,700.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			25,365.00
National Beer Wholesalers' Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		161,347.00	14,423.74
National Broiler Council, 1155 15th St., NW Washington, DC 20005		2,750.00	2,750.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			23,885.52
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		129,833.42	133,293.51
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Coalition for Fair Trade, 7200 Wisconsin Avenue Bethesda, MD 20814			
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		6,522.54	2,000.00
National Comm to Preserve Social Security, 2000 K Street, NW, #800 Washington, DC 20006		895,047.00	895,047.00
National Comm Against Repressive Legislation, 236 Massachusetts Avenue, NE, #406 Washington, DC 20002		4,723.65	5,890.23
National Commercial Finance Assn, 225 W. 34th St. New York, NY 10122			12,650.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		62,034.57	48,907.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	524.09
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		86,698.09	86,698.09
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,034.58	21,362.68
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		1,250.00	1,250.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		14,057.29	9,711.26
National Council of Savings Institutions, 1101 15th St., NW, #400 Washington, DC 20005		27,221.96	
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,744.95	1,744.95
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403		43,429.00	2,700.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #850 Washington, DC 20005			5,843.75
National Grain Trade Council, 1030 15th Street, NW, #1020 Washington, DC 20005			
National Grange, 1616 H St., NW Washington, DC 20006		21,625.00	21,625.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,700.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		6,633.50	12,090.35
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5203			19,200.18
National Industrial Transportation League, 1090 Vermont Ave., NW, #410 Washington, DC 20005		18,000.00	18,215.01
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,437.27
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Licensed Beverage Assn, 4214 King Street, West Alexandria, VA 22302			
National Motorsports Comm of Accus, 1501 Skokie Boulevard, #101 Northbrook, IL 60062			
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			13,524.66
National Organization for Women, 1000 16th STreet, NW, #700 Washington, DC 20036			
National Organization Against Invisible Disease Spread, 1825 Connecticut Ave., NW, #200 Washington, DC 20009			
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Public Affairs Corp, 6296 Dunaway Court McLean, VA 22101	Westinghouse Electric Corp		
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		5,289.00	5,289.00
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,301.98	8,301.98
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			7,646.00
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20002		10,500.00	19,467.58
National Rural Letter Carriers Assn, 1448 Duke St., #100 Alexandria, VA 22314		18,158.00	32,742.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		10,100.00	10,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			142.58
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Alliance for Capital Access	22,500.00	
Do	Banner Industries	4,699.12	3.63
Do	Manor Care	5,000.00	111.47
Do	Trian Group	2,040.00	65.09
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	5,075.92
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		9,705.00	9,705.00
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,768.35
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			22,907.01
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		1,000.00	
Irene Natividad, 400 S Kensington Street Arlington, VA 22204	Natividad Associates (For:Philippine Embassy)	15,000.00	1,371.14
Natural Gas Vehicle Coalition, Two Lafayette Centre 1133 21st Street, NW, #500 Washington, DC 20036			4,961.00
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	51.15
Karen J. Neale, 2501 M Street N.w. Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,250.00	200.58
Jeffrey Nedelman, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	129.31	37.92
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	75,000.00	3,142.15
Do	General Electric Industrial and Power Systems		239.77
Do	Government of Jamaica		12,601.46
Do	Hashemite Kingdom of Jordan	110,000.00	7,557.95
Do	Joint Diseases North General Hospital	3,000.00	36.33
Do	Kingdom of Morocco	300,000.00	16,463.69
Do	Korea Foreign Trade Assn		40.11
Do	Puerto Rico Economic Development Administration	10,875.00	573.91
Do	Republic of Cote d'Ivoire	137,500.00	964.15
Do	Republic of Guinea		1,094.21
Do	Republic of Kenya		2,502.63
Do	Rossing Uranium Ltd	72,000.00	1,770.23
Neill Mullenholz & Shaw, 815 Connecticut Ave. NW Washington, DC 20006	City of Fergus Falls		
Do	Florida East Coast Railway Co	1,000.00	
Do	National Assn of Chapter 13 Trustees		
Do	National Council Social Security Management Assns, Inc	4,000.00	140.00
Do	North American Equipment Dealers Assn	1,500.00	
Do	PHH Group, Inc	3,500.00	310.00
Do	Senior Executives Assn	5,000.00	145.00
Do	Soo Line Corporation	2,500.00	
Do	TACA International Airlines		
Joseph L. Nellis, 1350 I Street, NW, 9th Floor Washington, DC 20005	Pharmacy Freedom Fund		609.28
Christine V. Nelson, 2501 M Street, NW, #400 Washington, DC 20037	McLeod & Pires (For:United Egg Assn)	2,893.76	37.40
Do	McLeod & Pires (For:United Egg Producers)	4,114.60	92.77
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	3,500.00	
Eric G. Nelson, 2000 M Street, NW, #550 Washington, DC 20036	North American Telecommunications Assn		
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co	70.00	
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	Sematech		6,888.00
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	1,503.13	796.98
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	73.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	13,572.00	
Mark Nestlen, 1300 L Street, NW, #950 Washington, DC 20005-4107	American Soybean Assn	5,000.00	528.75
Network, 806 Rhode Island Ave., NE Washington, DC 20018		57,366.35	43,275.98
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	4,514.13	7,225.76

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)		3.00
Do	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)		3.00
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		3.00
Do	Thacher Proffitt & Wood (For:River Bank America)		
Do	Thacher Proffitt & Wood (For:Standard Federal Savings & Loan)		
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			4,857.50
New Jersey State Bar Assn, One Constitution Square New Brunswick, NJ 08901-1500		37,500.00	399.62
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		25,000.00	12,723.57
Lilian Ann Newby, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,500.00	80.00
Linton C. Newlin, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste Management Group		
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,951.12	
E. Archie NeSmith Jr., 1001 Pennsylvania Ave., NW, #700 Washington, DC 20004	Allied-Signal Aerospace Co		
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	8,400.00	1,192.40
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	270.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	90.00	
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,479.00	2,383.38
Nissan Motor Corporation, U.S.A., 750 17th Street, NW, #901 Washington, DC 20006			
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	7,595.00	36.75
Do	Exell Container, L.P.	4,023.75	43.00
Do	Ogden Martin Systems	752.00	
Do	Rochester Gas & Electric Corp	698.75	
Do	Tetrapak, Inc	2,566.25	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	200.00	
A. Allan Noe, 816 Connecticut Ave Nw 7th Floor Washington, DC 20006	Unilever United States, Inc	1,500.00	177.84
Walker F. Nolan, 1111 19th St., NW, Washington, DC 20036	Edison Electric Institute	15,762.73	619.54
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Proprietary Association		4,400.00
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International,Inc)	2,000.00	16.50
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	230.24
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	1,000.00	8.25
Do	Karalekas & McCahill (For:Gates Rubber Company)	4,000.00	18.00
Do	Karalekas & McCahill (For:Homeport Information Task Force, et al.)	6,000.00	244.80
Do	Karalekas & McCahill (For:National Agriculture Aviation Assn)	2,000.00	24.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,112.00	422.23
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Carpenter Medical Laboratory Services, Inc).		
Do	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).	1,400.00	3.00
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	1,000.00	3.00
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	4,750.00	14.50
Myron H. Nordquist, 1776 K Street, NW, #210 Washington, DC 20006			
North American Export Grain Assn, Inc, 1030 15th Street, NW, #1020 Washington, DC 20005			606.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		16,450.00	16,450.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,280.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			5,134.70
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Washington Citizens for World Trade	5,067.50	386.82
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
Russell C. Notar, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	2,000.00	23.00
Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,200.00	
Steven R. Nousen, P.O. Box 3529 Portland, OR 97208	Port of Portland	13,717.00	129.16
Mary Ann Novak, 555 12th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff, Inc	1,587.00	
Silas O. Nunn, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America		
Nussbaum & Waid, One Thomas Circle, NW #200 Washington, DC 20005	American Society of Composers Authors & Publishers	2,500.00	
Do	National Football League Players Assn	5,000.00	
C. D. Nyberg, 103 S.W. 24th Street Austin, MN 55912	Geo. A. Hormel & Co		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	638.69	1,002.89
O'Bannon & Gibbons, 2550 M Street, NW, #250 Washington, DC 20037	Mutual Life Insurance Company of New York	7,143.75	
Do	Underwriters at Lloyd's London		
George O'Bea Jr., 815 16th Street, NW, #701 Washington, DC 20006	United Paperworkers International Union		
Dinah K. O'Berry, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	13,115.00	355.12
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	10,500.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	12,000.00	852.88
Nancy O'Brien, 2251 Wisconsin Avenue, NW Washington, DC 20007	National Assn of Trade & Technical Schools	1,750.00	
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	1,500.00	75.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	62.95
David O'Brien & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	A. L. Williams & Company	16,000.00	468.91
James J. O'Connell, 1201 Pennsylvania Avenue, NW, #370 Washington, DC 20004	Control Data Corporation		
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:Sanders Associates, Inc)		
Do	TKC International (For:UNIAO Nacional Para Independencia Total DeAngola)		
James E. O'Connor, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	20,000.00	
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	36.25
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Association	2,000.00	
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	722.50	73.52
Do	Kent & O'Connor, Inc (For:American Supply Association)	1,500.00	735.19
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	11,988.50	5,955.05
Do	Steel Tank Institute		
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Bus Assn	3,750.00	
Do	American Clinical Laboratory Assn	4,000.00	
Do	American Family Life Assurance Co	3,168.56	
Do	American Health Care Assn		
Do	American Inst of Certified Public Accountants		
Do	American Insurance Assn		
Do	American Maritime Transport, Inc		
Do	American Orthotics & Prosthetics Association	7,676.05	
Do	American Soc of Assn Executives	175.00	
Do	American Soc of Cataract & Refractive Surgery		
Do	Arthur Andersen & Co	1,000.00	
Do	Bionox		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	8,000.00	
Do	Citizens Savings and Loan		
Do	City of Minneapolis	875.00	
Do	Coalition for Affordable Home Financing		
Do	Coca-Cola Company	20,268.75	
Do	Connaught Laboratories, Inc	23,960.56	
Do	CNA Insurance Co	2,770.33	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	8,000.00	
Do	Eastern Michigan University	373.06	
Do	Ecomarine, Inc	2,000.00	
Do	Electronic Data Processing Auditors Association	3,028.06	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Electronic Data Systems Corp	11,192.50	
Do	Federal Home Loan Bank of Seattle		
Do	Forstmann Little & Co		
Do	Glass Packaging Institute	2,812.50	
Do	Government of El Salvador	7,500.00	6,689.26
Do	Government of Israel Supply Mission	550.00	
Do	Government of Netherlands Antilles	50,788.75	
Do	Health Care Financing Study Group		
Do	Hennepin County		
Do	Housing Study Group	6,037.50	
Do	Hutchinson Island Limited, Inc		
Do	Investment Company Institute	6,605.50	
Do	J.C. Penney Company, Inc		
Do	Kawasaki Kisen Kaisha, Ltd		
Do	MasterCard International, Inc		
Do	Mercedes-Benz of North America, Inc	8,500.00	
Do	Minnesota Mutual Life Insurance Co	1,120.00	
Do	Mitchell Sweet & Associates	1,000.00	
Do	Morgan Grenfell Group, PLC	8,350.00	
Do	Mortgage Bankers Assn	2,950.00	
Do	Mullendore & Tawney		
Do	National Apartment Assn		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers	1,000.00	
Do	National Funeral Directors Assn	7,500.00	
Do	National Retail Hardware Association	3,619.50	
Do	New York State Assembly	1,200.00	
Do	Outdoor Advertising Assn of America, Inc	1,000.00	
Do	Pacific Telesis Group	5,500.00	
Do	Philadelphia Stock Exchange		
Do	Prudential Insurance Co of America	1,250.00	
Do	Joseph E. Seagram & Sons, Inc	227.33	
Do	Securities Industry Assn	7,250.00	
Do	SmithKline Beckman Corp	26,313.75	
Do	State of Alaska		
Do	Summer Island, Inc	150.00	
Do	SCS Business and Technical Institute, Inc		
Do	U.S. Tuna Foundation		
Do	US Wild Horse & Burro Foundation	200.00	
Do	Visa, USA, Inc		
Do	Wards Cove Packing Company	32,268.00	
Do	Westinghouse Electric Corp	1,834.58	
Emily O'Connor-Karolyi, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors		
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	400.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	21,250.00	
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	1,000.00	
Karen O'Donnell, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Bridget O'Grady, 955 L'Enfant Plaza, SW, #1202 N Washington, DC 20024	National Water Resources Assn	5,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,852.68	394.45
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,203.40	218.05
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc	5,000.00	
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	106.05
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Amax, Inc		
Do	CIGNA Corp	9,212.50	382.48
Do	Ford Motor Company		
Daniel J. O'Neal III, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses Assn		
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	4,025.00	
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	Allegheny County Commission		
Do	American Bankers Assn	1,300.00	
Do	Bank of New England		
Do	Beth Israel Hospital		
Do	Boston College		
Do	Brandeis University		
Do	Brigham and Women's Hospital		
Do	Coalition of Boston Teaching Hospitals		
Do	Compu Chem Corp		
Do	Connecticut Bank & Trust Corp		
Do	Cruise America Line, Inc		
Do	P.W. Gillibrand and Co		
Do	Glass Packaging Institute		
Do	Massachusetts General Hospital		
Do	Massachusetts Hospital Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northwestern Mutual Life		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Source Data Network		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USTA		
Do	USX Corporation		
Do	Viacom International	4,300.00	
Kathleen F. O'Reilly, 510 E Street, SE Washington, DC 20003	National Insurance Consumer Organization		
Do	Wisconsin Citizens Utility Board		
John T. O'Rourke, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,733.00	
John O'Shaughnessy, 1825 K Street, NW, #807 Washington, DC 20006	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	U.S. League of Savings Institutions	18,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	406.93
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	4,257.98
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	18,000.00	
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al	2,000.00	620.71
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	400.00	2,095.04
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,750.00	
Michael D. Oldak, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	150.00	
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	2,000.00	500.00
Lawrence Olsen, 400 W. 15th, #417 Austin, TX 78701	Texas Good Roads/Transportation Assn		3,035.94
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Eric Olson, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,658.44	
Richard C. Olson, 2000 Edmund Valley Drive, #400 Reston, VA 22091	Citibank, N.A.		
Do	DynCorp	8,160.00	
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Meat Institute	100.00	
Do	Beef Products, Inc	1,300.00	
Do	Cambridge Products, Ltd	1,500.00	
Do	Duramed Pharmaceuticals, Inc	400.00	
Do	National American Wholesale Grocers Assn	400.00	
Do	National Food Processors Assn	9,000.00	
Do	Pillsbury Company	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	San Tomo Group	800.00	
Do	Schwan's Sales Enterprises	2,000.00	
Do	U.S. Surgical Corporation	400.00	
Do	Vicam	500.00	
Do	Western States Meat Assn	500.00	
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	Los Angeles-Long Beach Harbor Repair Council		
Do	Mar Inc		
Clark Onstad, 901 15th St., NW, #500 Washington, DC 20005	Texas Air Corp, et al	10,000.00	5,092.00
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Oppenheimer Rosenberg Kelleher & Wheatley, Inc, 711 Navarro, #600 San Antonio, TX 78205	First City-Texas		
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Duane Morris & Heckscher (for State of Delaware)		81.04
Do	Korean Footwear Exporters Assn	15,105.00	
Do	Nishika Corp	1,152.89	2,592.87
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	West Publishing Company	375.00	
Michel Orban, American Express Company World Financial Center 200 Vesey Street New York, NY 10285-4890	American Express Co		
Elvira J. Orly, 1150 Connecticut Ave., NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	7,220.99	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,200.00	
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	4,650.00	209.10
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	899.28
Thomas E. Owens, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Continental Savings Bank		
Do	Dollar Savings Bank, et al	55,400.00	13,897.08
Do	Pacific First Financial Corp		
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	2,964.00	66.00
R. Ray Paabo, P.O. Box 25019 Washington, DC 20007	Santa Fe Pacific Pipelines, Inc		
Do	Sierra Pacific Industries, Inc		
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,348.10	216.98
Eileen E. Padberg, 2081 Business Center Drive, #125 Irvine, CA 92715	Philip Morris, Inc	4,000.00	741.11
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	155.32
Nancy R. Page, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:South Hadley Electric Light Dept)	78.75	1.97
Candido R. Palting III, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Benjamin L. Palumbo, 1629 K St., NW Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	3,187.50	34.65
Do	Palumbo & Cerrell, Inc (For:American Society of Composers Authors & Publishers)	13,900.00	197.75
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)		
Do	Atlantic Richfield Co	862.50	14.64
Do	European Community		
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	2,937.50	33.75
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	887.50	
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	American Insurance Assn	50,240.00	4,705.09
Do	American Soc of Composers Authors & Publishers	57,500.00	36,510.15
Do	Arco Chemical Company	12,000.00	2,957.28
Do	Atlantic Richfield Co	27,000.00	6,725.05
Do	Farmers Insurance	3,368.75	7,392.34
Do	Rockport Fine Arts Council		
Do	RJR Nabisco, Inc		
Do	Southern California Rapid Transit District	18,750.00	5,030.81
Virginia N. Pape, 888 17th Street, NW, #308 Washington, DC 20006	American Stock Exchange		
Marcia M. Pape-Daniels, 655 15th Street NW, Suite #444 Washington, DC 20005	CH2M Hill	1,000.00	
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,962.00	
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.25	2,916.63
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	10,570.66	953.90
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	1,002.00	1,424.75
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	10,000.00	169.00
Ann M. Parman, 1701 K Street NW, Suite 400 Washington, DC 20005	National Manufactured Housing Federation	100.00	
Ken Parmelee, 1448 Duke Street, #100 Alexandria, VA 22314	National Rural Letter Carriers Assn	20,075.00	3,140.00
Norman T. Parnes, 8823 Vernon View Dr. Alexandria, VA 22308	Air Force Sergeants Assn		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corp	8,974.35	549.41
Amber Parson, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn	1,620.00	500.00
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	16,461.56	
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels		6,816.21
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)		16,868.80
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038		12,875.00	40,174.49
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Jack Partridge, 1014 Vine St. Cincinnati, OH 45201	Kroger Company	2,500.00	690.39
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell	600.00	129.51
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	2,000.00	9.00
Melissa B. Patack, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	14,700.00	838.30
M. Stephanie Patrick, 1101 15th Street, NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	1,564.29	967.94
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency	1,285.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)	3,288.00	
Richard M. Patterson, 1776 EYE St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,146.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,303.00	
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	2,105.00	47.00
Do	Advanced Technology, Inc	95.00	300.00
Do	Air Products & Chemicals, Inc	330.00	5.00
Do	Aiwa America, Inc	0.82	0.22
Do	Akai America, Ltd	0.66	0.18
Do	Alain Wertheimer		
Do	Alaska Crab Coalition		
Do	Alexander & Baldwin, Inc		
Do	American Assn of Equipment Lessors	330.00	5.00
Do	American Congress on Surveying & Mapping		
Do	American Express Co		
Do	American International Automobile Dealers Assn		
Do	American Logistics Assn		
Do	American Maritime Assn		
Do	American Stock Exchange		
Do	Armco, Inc	330.00	5.00
Do	Association of Biotechnology Companies	333.75	22.00
Do	Association of Professional Flight Attendants		
Do	Association of Trial Lawyers of America	3,173.75	71.00
Do	Avon Products, Inc		
Do	Bath Iron Works Corp		
Do	Bethlehem Steel Corp	330.00	5.00
Do	Bic Corporation		
Do	Biogen		
Do	Blair Corporation		
Do	Business and Institutional Furniture Manufacturers Assn	16,870.00	1,550.00
Do	BATUS, Inc		
Do	Casio	0.33	0.08
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology	250.00	133.00
Do	Center City-Inner Harbor Management, Inc	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	3,610.00	1,100.00
Do	Cherokee Nation Industries, Inc	1,330.00	200.00
Do	Chicago Board Options Exchange	1,280.00	40.00
Do	Chrysler Corporation	330.00	5.00
Do	City & County of Denver	1,110.00	253.77
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Columbia Farm Credit District		
Do	Columbia, Inc	0.33	0.10
Do	Corridor Broadcasting Corp	3,675.50	150.00
Do	Costa Rican Foreign Trade Committee		
Do	Council of Graduate Schools		
Do	Cryolife, Inc		
Do	CIGNA Corporation		
Do	Dairy Institute of California	3,158.75	47.00
Do	Dealer Action Association		
Do	Denver Department of Transportation		
Do	Discovery Channel	693.75	
Do	Dole Fresh Fruit Co	2,060.00	17.50
Do	Dredging Industry Size Standards Committee (DISSC)		
Do	Duty Free Shoppers Group, Ltd		
Do	DOYON, Ltd		
Do	Electric Reliability Coalition	100.00	
Do	Federation of Postal Police Officers	56.25	
Do	Fiart Cantieri Italiani, S.P.A.	997.50	250.00
Do	Fidelity Investors		
Do	Fishing Vessel Owner's Assn		
Do	Flexi-Van Leasing, Inc	520.00	3.75
Do	Freedom to Advertise Coalition	2,965.00	54.00
Do	Fuji Photo Film USA, Inc	3.30	0.92
Do	Fundacion de Defensa del Comerio Exterior		
Do	Fundacion Pro Imagen de Columbia		
Do	Gana-A'Yoo, Limited		
Do	Genstar Container Corporation	520.00	3.75
Do	Goldbelt, Inc		
Do	Government of the Marshall Islands		
Do	Government of Iceland		
Do	Halogenated Solvents Industry Alliance	1,570.00	37.00
Do	Charles Heilbronn, et al		
Do	Hitachi Sales Corp of America	14.85	4.14
Do	Hobby Industries Assn		
Do	Immune Response Corp		
Do	Incorporated Research Institutions for Seismology		
Do	Institute of Scrap Recycling Industries	375.00	75.00
Do	International Fabricare Institute		
Do	International Thomson, Inc		
Do	Itel Containers International Corp	520.00	3.75
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation	1.48	0.42
Do	Loop, Inc	2,820.00	
Do	Magnuson Act Coalition	920.00	16.00
Do	Marathon Oil Co	740.00	
Do	Mars, Inc	3,490.00	33.00
Do	Mass Mutual	1,056.25	203.00
Do	Matson Navigation Co	1,665.00	41.50
Do	Matsushita Electric Corp of America	41.25	11.50
Do	Maxell Corp of America	4.95	1.38
Do	May Department Stores Co		
Do	Metropolitan Life		
Do	Minerals Marketing Corp of Zimbabwe		
Do	Mitsubishi Electric Sales American, Inc	9.90	2.76
Do	Mocatta Metals Corp		
Do	Mutual Benefit Life	600.00	66.00
Do	Mutual Legislative Committee	4,068.75	176.00
Do	MCI Telecommunications, Inc	1,356.25	16.33
Do	Nakajima USA		
Do	Nakamichi USA	0.66	0.18
Do	National Assn of Life Underwriters	200.00	16.00
Do	National Assn of Retail Druggists	185.00	
Do	National Cable Television Assn, Inc	100.00	3.33
Do	National Con-serv, Inc		
Do	National Intergroup, Inc		
Do	National Marine Manufacturers Assn	475.00	59.00
Do	National Soft Drink Assn		
Do	Navajo Nation		
Do	New York Life Insurance Co	100.00	10.00
Do	Newmont Mining Corp		
Do	Northwest Forest Resource Council	831.25	9.50
Do	Northwestern Mutual Life		
Do	Nutri/Systems, Inc	745.00	297.76
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc	4.95	1.38
Do	NMTBA-National Machine Tool Builder's Assn	330.00	5.00
Do	Olympic Fibers		
Do	Onkyo USA Corp	0.99	0.28
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	2,617.50	45.50
Do	Paine Webber, Inc		
Do	Pioneer Electronics (USA), Inc	1.65	0.46
Do	Prince George Center, Inc		
Do	Reader's Digest Assn, Inc		
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc	520.00	3.75
Do	Retail Industry Trade Action Coalition	1,395.00	12.00
Do	Retail Tax Committee		
Do	Rice Millers' Assn		
Do	Royal Trustco, Ltd		
Do	Sansui Electronics Corp	0.16	0.04
Do	Sanyo Electronics, Inc	11.55	3.22
Do	Save Chanute Committee		
Do	Seafood Wholesalers, Inc		
Do	Sharp Electronics Corp	14.85	4.14
Do	Charles E. Smith Companies	100.00	
Do	Smokeless Tobacco Council, Inc	3,978.75	111.60
Do	Sony Corp of America	18.15	5.06
Do	Specialty Seafoods		
Do	Sprat Bay Corp		
Do	Squibb Corporation		
Do	Standard Federal Savings Bank		
Do	Sultantate of Oman	230.00	
Do	Teac Corp of America	0.49	0.14
Do	Teknika Electronics Corp	0.16	0.04

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thornycraft Giles & Co., Inc	920.00	
Do	Toshiba America, Inc	8.25	2.30
Do	Trans Ocean Ltd	520.00	3.75
Do	Transamerica Leasing, Inc	520.00	3.75
Do	Triton Container	520.00	3.75
Do	TDK USA Corp	4.95	1.38
Do	U.S. Air, Inc		
Do	U.S. Tobacco Co	3,160.00	60.00
Do	Union Pacific Corp	330.00	5.00
Do	United States Tuna Foundation		
Do	Universal Lottery Co		
Do	University of Arizona Foundation	6,000.00	
Do	US JVC Corporation	19.80	5.52
Do	USX Corp	330.00	5.00
Do	Waste Management Inc		
Do	Wayne County Michigan	168.75	
Do	Westinghouse Electric Corp	19,396.25	281.75
Do	WWL-TV		
Do	XTRA Corp	520.00	3.75
Do	Yamaha Electronics Corp, USA	0.99	0.28
Andrew R. Paul, 1875 Eye Street, NW, #1225 Washington, DC 20006	Paramount Communications, Inc	5,250.00	176.12
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al	1,718.75	
Do	Amdahl Corporation	1,233.50	
Do	American Trucking Assn	1,925.00	
Do	Business Council on Indoor Air	560.00	
Do	CalMat Company		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	8,643.75	
Do	Kawasaki Motors Corp, USA	4,755.00	
Do	Koito Manufacturing Co	1,171.21	69.00
Do	Paul D. Lieb		
Do	Norfolk Southern Corp	825.00	
Do	Security Life of Denver	450.00	
Do	Tobacco Institute	10,047.75	
Do	Union Pacific Corp		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Carl Marks & Co, Inc (For:Royal Seafoods, Inc)		71,858.18
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,100.00	253.26
Richard A. Paysor, 1415 Elbridge Payne Rd., #135 St. Louis, MO 63017	First Capitol Associates - Gateway, Inc		
Norman E. Pearson, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn	100.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Embassy of South Africa	7,500.00	
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Lee Peckarsky, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Savings Institutions	37,500.00	335.87
John M Pelkey, 2000 M Street, NW, #600 Washington, DC 20036	American Electronics Association		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Randall G. Pence, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn	5,416.67	626.98
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	8,346.00	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	2,756.25	
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			1,820.30
Barbara K. Pequet, 609 Bonifant Street Silver Spring, MD 20910	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Perkins Coie, 1110 Vermont Ave., NW, #1200 Washington, DC 20005	Arctic Alaska Fishing Corp		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Company	190.00	95.00
Do	Kootznoowoo, Inc		
Do	Krupp Atlas Elektronik GmbH		1,827.50
Do	Wood Heating Alliance		977.00
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Perkinson & Associates, Inc (For:Alliance for America's Homeowners)		
Do	Perkinson & Associates, Inc (For:Beneficial Management Corp of America)		
Do	Perkinson & Associates, Inc (For:National Second Mortgage Assn)		
Perkinson & Associates, Inc, 453 New Jersey Ave., SE Washington, DC 20003	Alliance for America's Homeowners		
Do	Beneficial Management Corp		
Do	National Second Mortgage Assn		
Ernest Michael Perley, 112 St. Clair Avenue, West, #401 Toronto, Ontario M4V 2Y3	Perley & Hurley Ltd (For:Canadian Coalition on Acid Rain)	1,000.00	1,792.50
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,000.00	558.68
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehab Counseling Assn		
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,019.00	
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	6,000.00	162.07
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	46.55
Do	Bannerman and Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	1,000.00	161.91
Do	Bannerman and Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	250.00	
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	100.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	6,480.00	2,870.71
Robert Peters, 342 West 15th Street New York, NY 10011	Morality in Media, Inc	6.88	
Robert A. Peters, 1730 Rhode Island Ave., NW, Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Bank Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Mary Jo Peterson, 1957 E Street, NW Washington, DC 20006	National Automobile Dealers Assn	3,300.00	
Sheryl L. Peterson, 1101 14th St, NW Washington, DC 20005	American Financial Services Assn	250.00	
Dayna Petete, 1325 G Street, NW, #1003 Washington, DC 20005	Population Environment Balance	213.00	11.90
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1110 Vermont Avenue, NW, #800 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc		
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	18,719.07
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	95.00	
Wendi L. Petsinger, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	4,000.00	93.00
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company	500.00	5,496.00
Susan M. Pettey, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	37.23	18.85
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Madison Public Affairs Group (for: Philip Morris USA)	18,000.00	9,800.00
Do	Southwestern Bell Corp-Washington, Inc	24,000.00	300.00
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia	21,750.00	
Do	Greyhound Lines, Inc		
Do	MacAndrews & Forbes Holdings, Inc	12,500.00	
Do	Metro	7,400.00	
Do	Metropolitan Toledo Consortium	12,000.00	
Do	Mothers Against Drunk Driving (MADD)	9,000.00	
Do	National School Health Education Coalition	6,800.00	
Do	Regional Transit Authority	8,333.33	
Do	Southeastern Pennsylvania Transit Authority	7,500.00	
Steven J. Pfister, 1000 Connecticut Avenue, NW Washington, DC 20036	National Retail Merchants Assn	3,000.00	352.34
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		29,691.00	29,691.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,914.00	753.81
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	19,000.00	840.00
Laura Phelps, 2501 M Street, NW, #400 Washington, DC 20037	American Assn of Crop Insurers	3,285.00	
Do	McLeod & Pires (For:Mushroom Council)	3,290.00	20.40
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		60.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	American Petrofina, Inc	27,161.32	7,990.53
Deborah M. Phillips, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	1,500.00	
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston		
Patricia Lynn Phillips, P.O. Box 10891 McLean, VA 22102	National Assn of State Agencies for Food Distribution	7,245.00	
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		12,910.59	14,337.50
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	2,000.00	708.42
Donald S. Picard, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	88.00	125.64
Joan Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	2,090.64	217.74
Wayne Pierce, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	12,000.00	
Pierson Semmes & Finley, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		96.32
Do	Oklahoma Natural Gas Company		
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piliero Tobin and Mazza, Farragut Square 888 17th Street, NW Washington, DC 20006	Ad Hoc Committee of Mutual Fund Managers	3,543.42	
Do	National Fire Protection Assn	1,200.00	
Do	Villa Banfi, U.S.A.	5,350.88	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	Chevron Corporation	20,000.00	
Do	Federal Home Loan Bank of San Francisco		
Do	Geneva Steel	5,000.00	
Do	National Assn of Manufacturers	3,000.00	
Do	Southern Companies Services	3,000.00	
Do	Temis Ramires de Arellano		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,010.00	
Emily C. Piper, P.O. Box 3556 Washington, DC 20007	American Meat Institute	2,600.00	28.30
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute	3,941.25	
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	16.00	25.65
Lillian M.S. Pitcaithly, 1250 24th Street, NW, #1000 Washington, DC 20037	Albertine Enterprises (For:American Diabetes Assn)	1,526.66	5,376.33
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management Corp)	30,000.00	11,300.00
Do	Albertine Enterprises (For:Coalition for Assn Postal Policy)		
Do	Albertine Enterprises (For:Employers Council On Flexible Compensation)	2,250.00	5,412.50
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	20,000.00	9,300.00
Do	Albertine Enterprises, Inc (For:SMS Corporation)	25,000.00	10,300.00
Do	Albertine Enterprises (For:West Point Pepperell, Inc)	20,000.00	9,300.00
Do	Western Digital Corp	30,000.00	11,300.00
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Peggy Pizzo, 2000 14th Street, North #380 Arlingtonn, VA 22201	National Center for Clinical Infant Programs	410.72	279.34
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	5,250.00	1,683.89
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	85.64	8.50
E. R. Plourd, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	2,500.00	
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International	1,800.00	
Do	Allied Signal, Inc		73.14
Do	American Assn of Airport Executives	1,800.00	45.16
Do	American Newspaper Publishers Assn	1,200.00	196.13
Do	Computer and Business Equiptment Manufactuteres Assn (CBEMA)		260.03
Do	Digital Equipment Corp	1,500.00	
Do	Genentech, Inc	3,200.00	1,601.40
Do	Human Growth Foundation		
Do	National Artists Equity Assn		603.01
Do	National Conference of Bankruptcy Judges	1,178.97	118.97
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	
Poffenberger Associates, 43 The Green Dover, DE 19901	Philip Morris, Inc	9,000.00	
Marc R. Poirier, Spiegel & Mcdiarmid 1350 New York Ave., NW Washington, DC 20005	South Hadley Electric Light Department		
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		62.50
Michele Pollak, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	561.92	700.98
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp		
John Pomeranz, 1319 F Street, NW, #300 Washington, DC 20004	HALT		
Amy L. Pompilin, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	50.00	
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Edward T. Porcaro, 1615 L Street, NW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			7,281.75
Porte Stafford & Associates, Inc, 1050 17th Street, NW, #840 Washington, DC 20036	Council on Accreditation of Services for Families & Children	5,000.00	
Do	Dietary Managers Assn	4,000.00	
Do	National Assn of Medical Directors of Respiratory Care	6,000.00	
Do	National Dialysis Assn	6,000.00	
Porter Wright Morris & Arthur, 41 South High Streetg Columbus, OH 43215	Coalition for Environmental-Energy Balance		9,048.00
Do	Industrias Trele, S.A.	12,485.53	202.00
John C. Pouland, 5757 Martel, B-9 Dallas, TX 75206	Philip Morris, USA	1,800.00	
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Bayley Seton Hospital		
Do	Belz Investment Co	3,093.00	
Do	Coalition for Equitable Compensation		
Do	Committee for Competitive Marketing	1,108.00	
Do	CORETECH	10,791.00	
Do	Federal National Mortgage Assn	360.00	
Do	Flour Corporation		
Do	Hadson Electric, Inc		
Do	Hewlett-Packard & Co		
Do	Hitachi Sales Corp of America	1,848.00	
Do	Hitachi, Ltd	2,705.00	
Do	International Telecommunications Satellite Organization		
Do	Krupp Financial Group	1,524.00	
Do	Massachusetts Housing Finance Agency		
Do	National Multi Housing Council		
Do	Public Service Company of Indiana, Inc	10,358.00	
Do	Republic of Palau		
Do	Simmons Communications	19,100.00	
Do	Starrett Housing Corp	665.00	
Do	Sunbelt Corp		
Do	Westinghouse Electric Corp	20,844.00	
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,852.68	284.25
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	750.00	255.00
Preston Gates Ellis & Rouvelas Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Alaska Loggers Assn		
Do	American Forest Resource Alliance		
Do	American President Lines	6,210.50	
Do	Arctic Sounder Enterprises, Inc	3,064.00	
Do	Bellingham Cold Storage		
Do	Boeing Company		
Do	Burlington Northern Railroad	160.00	
Do	Calista Corp		
Do	Coastal Transportation, Inc	300.00	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	2,040.00	
Do	COMPACT		
Do	Data General Corp	2,635.00	
Do	Earthquake Project	6,045.00	
Do	Fusion Power Associates		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Jackson Laboratory	450.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lilyblad Petroleum, Inc		
Do	Lutheran Medical Center		
Do	Martin's Point Health Care Center		
Do	National Council on Compensation Insurance		
Do	National Private Truck Council		
Do	OMI Corp	562.50	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Seattle Organizing Comm		
Do	South Dakota Dept of Transportation	1,000.00	
Do	Sunmar Shipping, Inc	300.00	
Do	Tele-Communications, Inc	19,390.00	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	94.50	
Do	U.S. Cruises, Inc		
Do	University of Washington		
Do	Wheelabrator		
Preti Flaherity Beliveau & Pachios, 443 Congress Street Portland, ME 04101	Energy Efficient Insulation Manufacturers		5,316.11
James M. Price, 730 Polk Street San Francisco, CA 94109	Sierra Club	833.33	628.82
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	275.08
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Company		
Do	Investment Company Institute	368.00	
Do	Union Labor Life Insurance Co	862.00	8.00
Patricia Pride, 1350 Connecticut Avenue, NW, #620 Washington, DC 20036	Financial Accounting Foundation		664.24
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	600.00	
William Prindle, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy		
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	76.74
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		2,003.54	1,718.98
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219		610.00	12,487.58
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
Prudential-Bache Securities, Inc, 100 Gold St. New York, NY 10292			750.00
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc	23.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	85.63
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		53,958.50	58,298.50
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		75,745.04	24,212.87
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			1,674.50
Public Strategies, 620 Congress, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	790.13
Do	Southwest Airlines Co	4,000.00	6,584.08
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Julie F. Pulliam, 803 Prince Street Alexandria, VA 22314	Equifax, Inc	10,000.00	4,500.00
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Thomas W. Purcell, 1730 North Lynn Street Arington, VA 22209	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,500.00	2,589.08
Do	Florida Progress Corp	650.00	287.68
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Putting People First, 4200 Wisconsin Ave., NW, #106 Washington, DC 20016		2,695.00	14,637.80
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	6,500.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	AMP Ohio	1,000.00	50.00
Do	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	150.00
Do	International Investors, Inc	2,000.00	250.00
Do	Stratcor	3,000.00	
Do	Welch Foods, Inc	3,750.00	
John R. Quarles Jr., Morgan Lewis & Bockius 1800 M St., NW Washington, DC 20036	National Environmental Development Assn	6,000.00	
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	7,800.00	8.00
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	3,000.00	1,783.13
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	500.00	300.00
Theresa Rabel, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	981.82
Steve Rabin, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs		
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	1,125.00	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)	750.00	
Do	Washington Public Utility Districts Assn	4,550.00	
Radio-Television News Directors Assn, 1717 K Street, NW, #615 Washington, DC 20006		2,500.00	
W. A. Radziewicz, 400 First Street, NW, #708 Washington, DC 20001	Brotherhood of Railroad Signalmen	350.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	94.57
Do	American Ship Building Co	5,000.00	92.52
Do	Bechtel Corp		
Do	Childrens Television Workshop	40,000.00	
Do	Commonwealth of Pennsylvania		
Do	Diagnostic/Retrieval Systems, Inc	24,000.00	
Do	Klukwan		
Do	Marco Shipyard-Seattle		
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc	21,000.00	
Do	Sea-Land Service, Inc	20,000.00	173.58
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Do	Territorial Savings & Loan Assn		
Do	Transprotation Institute		
Do	U.S. Telephone Assn	24,000.00	
Kelly Rahach, 3213 Roberts Drive Richfield, OH 44286			1,415.86
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	12,000.00	13.50
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	160.00	87.71
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Academy of Cosmetic'Surgery, Inc)	1,602.00	
Do	Graham & James (For:American Hawaii Cruises)		
Do	Graham & James (For:Contact Lens Manufacturers Assn)	412.00	
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)	1,237.50	
Do	Graham & James (For:Federal Administrative Law Judges Conference)	210.00	
Do	Graham & James (For:Federal Judges Association)	385.00	
Do	Graham & James (For:Holland America Line Westours, Inc)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Mutual of Omaha)		
Do	Graham & James (For:National Council of U.S. Magistrates)	44.00	
Do	Graham & James (For:Sierra Pacific Resources)	825.00	
Do	Graham & James (For:Stock Information Group)	962.50	
Do	Graham & James (For:Walt Disney Company)		
Railway Labor Executives' Assn, 400 First St., NW, #804 Washington, DC 20001		156,082.50	299,253.57
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Law Offices of John Rainbolt, Suite 429 1800 K Street, N.w. Washington, DC 20006	Metal Market & Exchange Co, Ltd	500.00	
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		370,576.92	371,164.25
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:C & D Lumber Co.)		295.00
Do	Stoel Rives Boley Jones & Gray (For:Gregory Affiliates, Inc)		
Do	Lindsay Hart Neil & Weigler (For:Herbert Lumber Co.)		295.00
Do	Lindsay Hart Neil & Weigler (For:D.R. Johnson Lumber Co.)		295.00
Do	Lindsay Hart Neil & Weigler (For:Nordic Veneer, Inc)		295.00
Kathleen Marie Ramsey, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	60,179.18	
Do	National Independent Dairy-Foods Assn	23,209.08	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc		
Rebecca G. Range, 901 15th Street, NW, #500 Washington, DC 20005	Continental Airlines Holdings, Inc	13,500.00	7,639.00
Tim Ransdell, 1000 Potomac St., NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farm Bakeries, Inc)		
Elizabeth Ransom, 888 16th Street, Nw Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		
Do	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)		
Do	Bannerman & Associates, Inc (For:Government of Tunisia)		
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for: Government of the Philippines)).		
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	9,166.66	40.49
Do	Center for Community Self Help	625.00	
Do	Coastal Enterprises, Inc	1,250.00	
Do	Community Enterprise Development Corp of Alaska	1,250.00	
Do	Community Transportation Association of America		
Do	Local Initiatives Support Corp	12,000.00	96.66
Do	National Rural Housing Coalition	12,000.00	
Do	Northern Community Investment Corp	2,500.00	
Do	Ridgecrest Enterprises	2,500.00	
Do	Rural Community Assistance Corp	750.00	
Do	Rural Opportunities, Inc	750.00	
Do	Southern Development Bancorporation	1,250.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	4,520.49
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,490.00	112.00
Larry Rasky, 253 Summer Street Boston, MA 02210	Rasky & Company (For:National Cable Television Assn)	12,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
Robert Rathe, 8451-A Hilltop Road Fairfax, VA 22031	American Soc of Magazine Photographers	1,250.00	
Robert Ratliffe, 5808 Lake Washington Blvd., 3rd Fl. Kirkland, WA 98033-7397	McCaw Communications Cos		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc	3,000.00	1,808.02
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	3,000.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William R. Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn	25.00	330.75
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	10,500.00	369.78
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,379.00	1,603.40
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers and Allied Craftsmen	3,000.00	122.00
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Fred J. Redeker, 811 Rusk, #200 Houston, TX 77002	Houston Bankers Association		
Donald L. Redfoot, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	500.77	245.56
Donald W. Reed, 1776 I Street, NW, #575 Washington, DC 20006	Dow Chemical Company		5,683.50
Jo Reed, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	611.54	92.29
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	46.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	American Academy of Pediatrics	10,000.00	
Do	American College of Osteopathic Surgeons	9,000.00	
Do	Amgen	36,000.00	
Do	Damon Corp	2,000.00	
Do	Genentech		
Do	Infectious Diseases Society of America	12,000.00	
Do	National Assn of Minority Business	10,000.00	
Do	National Cellular Resellers Assn	1,095.00	32.00
Do	Radio-Television News Directors Assn	1,377.50	
Do	Society of Critical Care Medicine	6,750.00	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	FMR Group (For:Hazelwood Farms Bakeries, Inc)		
Do	National Coalition Burn Center Hospitals	6,000.00	
J. Mitchell Reese, 1700 K Street, NW, #1204 Washington, DC 20006	Chevron USA, Inc	400.00	25.00
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,450.00	979.75
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Citizens for Sensible Control of Acid Rain (CSCAR)	7,256.00	2,641.50
Do	Philip Morris USA		318.31
Benjamin F. Reeves, 1100 17th Street, NW Washington, DC 20036	Burley & Dark Leaf Tobacco Export Assn	1,150.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	231.25
Martin A. Regalia, 1101 15th Street, NWn #400 Washington, DC 20005	National Council of Saving Institutions	11,000.00	98.68
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		295.69
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning Glass Works	5,000.00	414.55
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW Washington, DC 20036		2,000.00	1,000.00
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Reichler, Appelbaum & Wippman, 1701 K Street, NW, #700 Washington, DC 20006	Republic of Guatemala	28,000.00	2,351.09
Do	Republic of Nicaragua		
Do	United Coconut Assn of the Philippines	18,000.00	622.64
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,056.04	396.29
Stanley Lewis Reid, 1776 I Street, NW, #750 Washington, DC 20006	British Nuclear Fuels, Inc		
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	City of Philadelphia	30,100.00	2,886.48
Do	CIAC Group	442.00	6.00
Do	Edison Electric Institute	155.00	
Do	Philadelphia Industrial Development Corp		
Do	Rhode Island, Inc	750.00	
Do	Smith Barney Harris Upham & Co, Inc		
Do	SPD Technologies		
Do	Transol USA, Inc		
Do	Utility Decommissioning Tax Group	32.00	18.00
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Company	2,250.00	597.55
Joseph J. Reilly, Jr, 62A Winn Street Burlington, MA 01803	Morality in Media, Inc		
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		11,952.50	240,834.64
Diane Rennert, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	5,000.00	613.05
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc)	1,073.00	
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Committee to Preserve Social Security & Medicare	10,769.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Riley Repko, 1627 Eye Street, NW #880 Washington, DC 20006	Oracle Corporation		9,737.50
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Co	286.00	232.91
Resources Fund, Inc, 1535 P Street, NW Washington, DC 20005			
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		98,369.50	31,881.44
Vincent P. Reusing, 1615 L Street, MW, #1210 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	20,744.45	290.48
Allan R. Rexinger, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	Nonprescription Drug Manufacturers Assn	4,250.00	
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Renee Reymond, 1331 Pennsylvania Ave, NW, #1500 N Washington, DC 20004	National Assn of Manufacturers		
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	8,475.00	203.76
Lois D. Rice, 1201 Pennsylvania Avneue, NW, #370 Washington, DC 20004	Control Data Corporation	350.00	
James E. Rich Jr., 1025 Connecticut Ave., NW, #200 Washington, DC 20036	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1050 Thomas Jefferson Street, NW, 6th Fl Washington, DC 20007	Hughes Aircraft Company		
Do	Pratt & Whitney	1,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Donna Richardson, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Assn	4,935.00	9.02
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's, London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,687.50	4,663.96

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	320.54
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Wesley S. Richardson, P.O. Box #65 Washington Grove, MD 20880	Washington Lobby Group, Inc (For:Preston Corp)	1,500.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,250.00	
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Committee to Preserve Social Security and Medicare	25,415.00	133.90
Larry D. Rickards, 1112 16th Street, NW, #100 Washington, DC 20036	National Assn of Area Agencies on Aging	2,500.00	35.00
Thomas P. Rideout, National Press Building, #200 Washington, DC 20045	Bank Capital Markets Assn	9,383.20	
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	1,000.00	1,142.99
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Savings Institutions	10,000.00	
Siert F. Riepma, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	14,790.00	232.22
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Association	5,625.00	29.00
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	2,000.00	310.82
Dale P. Riordan, 3900 Wisconsin Avenue, NW Washington, DC 20016	Federal National Mortgage Assn		
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	8,695.31	
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Edward W. Rissing, 1111 19th Street, NW Washington, DC 20036	Edison Electric Institute (EEI)	607.91	
Jeanne M. Ritchie, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn	8,000.00	
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	3,742.00	
Valentin J. Riva, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Phillip W. Rivers, 1050 17th St., NW #500 Washington, DC 20036	Texaco, Inc		
Rivers Trainor Doyle & Leicht, Inc, One Catamore Blvd East Providence, RI 02914	Philip Morris, Inc	8,000.00	10,184.48
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	Akin Gump... (Drexel Burnham Lambert, Inc)		
Do	ALC Communications Corp	817.70	90.00
Do	Chemical Bank	25,866.02	5,295.00
Do	Cook Group	9,316.17	450.00
Do	Indiana Coalition for Acid Rain Equity	11,604.10	350.00
Do	Merrill Lynch & Co, Inc	12,066.23	300.00
Do	Milk Industry Foundation	1,922.71	275.00
Do	National Soft Drink Assn		
Do	Real Estate Capital Recovery Assn (Asset Managers Coalition)		
Do	Renewable Fuels Assn		
Andrew W. Robart, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	1,384.62	193.56
Bill Roberts, P.O. Box 20406 Broomington, MN 55420	National Computer Systems, Inc		
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,175.00	65.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		839.51
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Hillsborough Area Regional Transit)	1,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
Do	TKC International, Inc (For:UNIAO Nacional Para Independencia Total DeAngola)	12,500.00	
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	8,088.00	67.65
Ernestine S. Robinson, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	2,800.00
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	A.E. Staley	2,000.00	
Do	Atari Games Corp	1,000.00	
Do	Commission on Self-Determination	1,000.00	
Do	Illinois Power	15,000.00	
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association	2,500.00	
Do	Parxons Brinckerhoff Quade & Douglas	7,500.00	
Do	Sun-Diamond Growers of California	2,000.00	
Robison International, Inc, 2300 N St., NW, #600 Washington, DC 20037	FMC Corporation	4,500.00	5,078.00
Do	General Atomics Technologies	4,500.00	4,250.00
Do	McDonnell Douglas Corp	7,500.00	5,483.00
Do	Royal Ordnance, Inc	12,000.00	8,772.00
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al	2,500.00	176.27
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	5,654.00	
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	522.80	64.32
Quincy Rodgers, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	5,000.00	497.61
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Kevin Rogers, Two Union Square, 53rd Floor 601 Union Street Seattle, WA 98101	Washington Citizens for World Trade	65,428.00	14,544.00
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		5,821.00
Mims Rogers Jr., P.O.Box 1064 Florence, AL 35631	Philip Morris U.S.A.	15,000.00	507.30
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		
Do	Dreyfus Corporation	5,000.00	157.00
Do	Internor Trade, Inc		
Do	Investment Partnership Assn	4,000.00	262.16
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Hutton		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Walker Telecommunications Corp		
Do	Wine & Spirits Wholesalers of America, Inc		
Carole M. Rogin, 1255 23rd Street, NW, Washington, DC 20037	Hauck & Associates, Inc (For:Hearing Industries Assn)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	62.08
Stephen F. Rohrkemper, 150 S. Washington St., #403 Falls Church, VA 22046	International Technical Expertise Ltd		
Fernando D. Rojas, 7300 NW 35th Terrace, #105 Miami, FL 33122	Cuban American Foundation, Inc	4,069.59	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Michael Rolnick, 818 Connecticut Ave., NW, 200 Washington, DC 20006	U.S. English	500.00	200.00
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	3,700.00	3,012.68
John F. Rolph III, 1101 Pennsylvania Ave, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,000.00	
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	6,000.00	
Michael J. Romig, 1001 Pennsylvania Avenue, nw Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,500.00	
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 1050 Connecticut Ave., NW, #1200 Washington, DC 20036	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	Specialty Vehicle Institute of America	200.00	
James Roosevelt, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Committee to Preserve Social Security	2,250.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Butler Capital Corp		
Do	Industrial Development Authority of Ireland		
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	3,968.75	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Johnson Matthey, Inc	8,315.00	7,500.00
Rose Schmidt Hasley & DiSalle, 1701 Pennsylvania Ave., NW, #1040 Washington, DC 20006	Equimark Corporation	240.00	
Do	Joy Technologies, Inc		
Do	Socie Security Protection Bureau		
Burt E. Rosen, 1155 15th St. NW., #502 Washington, DC 20005	Bristol-Myers Co	25,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	10,000.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	1,535.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc.	3,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	10,730.58	
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon (For:National Assn of Crop Insurance Agents)	3,900.00	30.00
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc.		
Joe Ross, P.O. Box 1582 Little Rock, AR 72201			
Nancy Ross, 1830 17th Street NW Washington, DC 20009	Rainbow Lobby	5,850.00	1,647.97
William F. Ross, South Carolina Petroleum Council 1340 Bull Street, #250 Columbia, SC 29201	American Petroleum Institute	1,971.00	2,806.43
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,261.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Rhond Rudolph Roth, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,800.00	
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,384.00	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l. Union of Electronic, Electrical, Salaried, Machine	8,590.02	828.96
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	6,000.00	789.63
Emily B. Rothrock, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority	300.00	
Do	Florida Institute of Technology	7,000.00	728.85
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc.		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Brigette M. Rouson, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	450.79
Eugene F. Rowan, 2550 M Street, NW Washington, DC 20037	National Assn of Chain Drug Stores, Inc		
Do	Rugby-Darby Group Companies, Inc		
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland Government Relations Associates (For:Baker Industries)	1,500.00	
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	2,000.00	
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	
Do	Rowland Government Relations (For:GE Plastics)	1,000.00	
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	2,000.00	
Do	National Check Cashers Assn, Inc	3,000.00	
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	
Charles Rowton, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,800.00	266.18
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Chrysler Military Sales Corp		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)	7,500.00	
Do	Rubin Winston & Diercks (For:Wayne Phillips)		
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Bass & Ullman (For:National Assn of Pharmaceutical Manufacturers)	7,920.00	
Jason Rubin, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton, Inc (For:Cetus Corp)	800.00	
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	77.87
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Nicholas L. Ruggiere, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
John Runyan, 1730 North Lynn St., #409 Arlington, VA 22209	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 600 Pennsylvania Avenue, SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	32,981.00	
R.K. Rushin, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	1,200.00	264.00
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	499.11
Randall M. Russell, 517 C Street, NE Washington, DC 20002-5809	Lesher & Russell, Inc		
Robert M. Russell, 2170 Piedmont Rd., NE Atlanta, GA 30324	Orkin Pest Control		
Rush Russell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	10,000.00	309.64
Jonathan Russin, 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	2,781.25	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology		650.20
Do	American Optometric Assn		659.40
Do	Association of Federal Investigators		31.10
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	4,666.68	275.94
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas L. Ryan, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA		
Kermit W. Ryman, 1700 K St., NW, #1200 Washington, DC 20006	Chevron USA, Inc	162.00	17.00
RBC Associates, 324 Fourth Street, NE Washington, DC 20002	Ann Arbor Railroad	2,500.00	6,042.35
Do	Bangor & Aroostook Railroad	9,750.00	6,042.35
Do	Chicago & Northwestern Railroad	36,000.00	6,042.35
Do	Delaware Otsego System	24,000.00	6,042.35
Do	Investment Counsel Assn of America	16,037.50	
Do	Regional Railroads of America	39,000.00	6,042.34
Do	Turbomeca Engine Corp	21,857.50	
RCF Group, 1200 19th Street, NW, #606 Washington, DC 20036	Mapco, Inc	32,538.00	16,800.00
Do	Teleserv Corporation International	3,750.00	1,175.00
RJR Nabisco, Inc, 300 Galleria Parkway, NW Atlanta, GA 30339-3149			24,793.83
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:GE Plastics)	1,000.00	
Do	Rowland Government Relations (For:National Check Cashers Assn, Inc)	1,500.00	
Do	Rowland Government Relations (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	
Kevin M. Sabo, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute		
Catherine Sadell, 322 D Street, NE Washington, DC 20002	Rainbow Lobby, Inc		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	557.11
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Frank Max Salinger, 1101 14th St., NW, 4th Floor Washington, DC 20005	American Financial Services Assn	250.00	
Sammons Enterprises, Inc, 403 South Akard Dallas, TX 75202			
James C. Sanders, 1225 'Eye' Street, NW, #825 Washington, DC 20005	Beer Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	200.00	163.17
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives		
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Myron G. Sandifer III, 1001 Pennsylvania Ave., NW, #625-South Washington, DC 20004	Jack McDonald Co (For:Dow Corning Corp)		
Do	Jack McDonald Co (For:Hitachi America, Ltd)		
Do	Jack McDonald Co (For:Hitachi Sales Corp of America)		
Do	Jack McDonald Co. (For:Outboard Marine Corporation)		
Do	Jack McDonald Co (For:Planeta North America)		
Do	Jack McDonald Co. (For:Tuteur Associates, Inc)		
Do	Jack McDonald Co (For:WMW Machinery, Inc)		
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1725 Eye St., NW, #315 Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	300.00	
Robin K. Santangelo, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	2,300.00	
Kathleen L. Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,290.00	75.00
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	California Assn of Sanitation Agencies	3,000.00	2,168.10

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cure Corp		
Do	ENS Resources, Inc (For:East Bay Mud)		
Do	In-Situ, Inc	625.00	399.61
Do	Las Virgenes Municipal Water District		
Do	ENS Resources, Inc (For:Orange County Sanitation Districts)		
Do	Western Research Institute	1,032.00	2,466.32
Betty O. Sapp, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,000.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn, Inc	500.00	
Susan Sarason, 2111 Wilson Boulevard, #1000 Arlington, VA 22201	Ebasco Services, Inc	477.45	
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Madison Group (for: Philip Morris, Inc)	1,500.00	1,137.98
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	17.00
Charles P. Saunders, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		13,602.00	51,800.00
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Mark S. Schacht, 1900 K St., #200 Sacramento, CA 95814	California Rural Legal Assistance, Inc		1,353.51
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al	3,312.50	3,519.10
William T. Schapaugh, 1030 15th Street, NW Washington, DC 20005	American Seed Trade Assn	1,666.66	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	2,212.80	20.25
Jay T. Scheck Jr., Rt. 202-206 North Somerville, NJ 08876	Hoechst Celanese Corp		
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,000.00	200.00
Jill L. Scheldrup, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power and Light Company		
Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037			500.00
James P. Schlicht, 655 15th Street NW #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	500.00	
John E. Schmick, 1700 N.Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	National Assn of Trade & Technical Schools	1,250.00	
Robert Richard Schmitt, #12453-047 PO Box 1000 Leavenworth, KS 66048-1000			
John Noehl Schmitz, P.O. Box 501, Rt. 2 Box 184-C Licking, MO 65542-0501			
Thomas J. Schneider, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Zoe Schneider, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,615.38	
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			1,439.93
Paul Schoellhamer, 900 17th St., NW, #526 Washington, DC 20006	Northwest Airlines, Inc	1,500.00	200.00
Martha J. Schoonover, Fulbright & Jaworski 801 Pennsylvania Avenue, NW Washington, DC 20004-2604	Merichem Company		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S	9,072.00	67.41
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Leah Webb Schroeder, 1030 15th Street, NW, #1100 Washington, DC 20005	Health Industry Manufacturers Assn	2,400.00	142.50
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	540.00	163.93
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	647.31	627.46
Mark Schultz, 918 16th Street, NW, #406 Washington, DC 20006	Professional Services Council	1,500.00	57.16
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	14,455.20	660.85
Ralph D. Schumack, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp		547.00
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company	24.00	
Aaron R. Schwartz, 10 South Shore Drive Galveston, TX 77551	American Insurance Assn	5,000.00	3,014.60
Do	Houston Lighting & Power Company		
Do	National Assn of Theatre Owners		
Do	Vulcan Materials Company	2,500.00	1,616.79
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Savings Institutions	2,000.00	69.75
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	10,800.00	494.33
Do	Washington State Department of Natural REsources	9,075.00	180.49
Michael Schwartz, P.O.Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	3,000.00	332.98
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	14,000.00	
Stephen I. Schwartz, 1436 U Street, NW Washington, DC 20009	Greenpeace USA	95.48	209.45
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,900.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,200.00	
Scientific Apparatus Makers Assn, 225 Reinekers Lane, #625 Alexandria, VA 22314		6,989.57	1,400.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	1,400.00	
Melanie Scofield, 901 Main Street, #2555 Dallas, TX 75202	Greyhound Lines, Inc	4,000.00	
Harold B. Scoggins Jr., 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		26.50
David A. Scott, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	429.39
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	7,770.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris, Inc	956.25	390.00
James L. Scott, 1919 Pennsylvania Ave., NW, #703 Washington, DC 20006	American Healthcare Institute	11,125.00	173.75
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	682.50	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	170.70
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co	16,835.00	
Do	Transamerica Corporation	420.00	
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	3,750.00	2,690.90
Don G. Scroggin, 1350 I Street, NW #700 Washington, DC 20005	Beveridge & Diamond (For:FMC Corporation)		
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	1,725.00	2,173.64
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	15,204.00	
Walter J. Sczudlo, 1025 Connecticut Ave., NW Washington, DC 20036	Shell Oil Company	500.00	
Pamela C. Seamans, 1000 Potomac Street, NW #401 Washington, DC 20007	California State Department of Education	5,500.00	111.00
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			319,330.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			5,700.00
Pamela Sederholm, 1919 Pennsylvania Avenue, NW #504 Washington, DC 20006	Foodservice and Lodging Institute		
Charles M. Seeger III, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	4,500.00	
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	23,500.00	200.00
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	10,767.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	1,656.07	1,682.99
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	
Melvin Seitz, 603 East Washington Street Indianaplois, IN 46204	Service Supply Co, Inc		3,365.54
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. Du Pont de Nemours & Co, Inc		
Marlissa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	1,769.00
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	10,500.00	41.60
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Aerojet General Corp	298.16	47.90
Do	McDonnell Douglas Corp	223.62	27.16
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	12,090.00
Terry L. Serie, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc	1,000.00	
Service Supply Co, Inc, 603 East Washington Street Indianapolis, IN 46204			3,365.54
Sarah Setton, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			155.00
J. Richard Sewell, 1800 K St., NW, #1110 Washington, DC 20006	Florida Power & Light Co	3,000.00	4,126.16
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	
Do	Employers Council on Flexible Compensation	7,500.00	
Stephen Shaffer, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English Foundation, Inc	500.00	200.40
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Alex Shami, 6863 Calhoun Dearborn, MI 48126	United Lebanese Lobby of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc	854.16	532.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pipe Tobacco Council	500.00	375.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	Alabama Contruction Contractors	1,347.50	200.45
Do	American Coke and Chemicals Institute	7,547.81	187.50
Do	American Council on Education		
Do	American Hellenic Institute	1,000.00	50.91
Do	American Insurance Assn	2,395.63	101.33
Do	American Savings and Loan of Florida		
Do	Aronov Realty	512.19	0.31
Do	Auburn University	3,000.00	590.41
Do	ADDSCO Industries, Inc		
Do	City of Houston		
Do	Drummond Company, Inc	21,136.92	835.62
Do	Emerson Electric Co		
Do	Florida Citrus Mutual		
Do	General Electric Corp		
Do	Gerard Daniel & Company, Inc		
Do	Institute of International Bankers		300.00
Do	Intergraph Corporation	1,017.81	30.24
Do	InterGate Company, Inc		
Do	Jim Walter Corp	3,000.00	132.48
Do	Kangol Headwear, Inc		
Do	Michelin Tire Company	11,760.31	491.50
Do	Mortgage Insurance Companies of America	6,997.44	470.43
Do	National Automobile Dealers Assn	2,791.69	79.49
Do	National Industries	984.38	200.44
Do	Pfizer, Inc		
Do	Poly Insulation Manufacturers Assn (PIMA)		
Do	Private Child Care Providers	8,750.00	682.12
Do	Product Liability Coordinating Committee	7,500.00	335.72
Do	Public Service of New Hampshire	2,007.52	153.59
Do	Rust Engineering	4,130.98	175.25
Do	RJR Nabisco	1,605.31	31.98
Do	South Central Bell	2,662.18	38.76
Do	Southern Company Services, Inc	7,500.00	1,360.30
Do	Taiwan Power Company	819.38	
Do	Vulcan Materials Co	17,793.75	294.24
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 1666 Manhasset Drive Atlanta, GA 30338	Siemens Energy & Automation, Inc		122.11
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 153 East 53rd Street New York, NY 10022	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a	12,500.00	1,291.80
Dennis W. Shedd, 914 Richland Street, #C-100 Columbia, SC 29201	American Chiropractic Assn	30,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	13,500.00	
John Thomas Sheehan, 733 15th Street, NW, #700 Washington, DC 20005	UST, Inc		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	1,770.00	36.00
Shaun M. Sheehan, 1111 19th Street, NW, #1000 Washington, DC 20036	Tribune Broadcasting Co	3,000.00	2,358.96
Kathleen Sheekey, 3rd Floor 2030 M Street, NW Washington, DC 20036	Common Cause	14,975.04	760.84
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Victor M. Sher, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund	718.00	448.97
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Nelson T. Shields, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	2,388.46	
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
R. Bradley Shinn, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:American Chamber of Commerce in Hong Kong)	210.00	
Do	Hill & Knowlton (For:Central Utah Water Conservancy District)	52.50	
Do	Hill & Knowlton (For:Central Valley Project Water Assn)	1,785.00	
Do	Hill & Knowlton (For:Church of Scientology International)	52.50	
Do	Hill & Knowlton (For:Desert Research Institute)	105.00	
Do	Hill & Knowlton (For:Granite Rock Company)		
Do	Hill & Knowlton (For:Mid-Valley Water Authority)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Spelman & Company)		
Do	Hill & Knowlton (For:Steele & Gilliland Realty)		
Do	Hill & Knowlton (For:University of Nevada, Reno)		
Do	Hill & Knowlton (For:West Basin Municipal Water District)	1,102.50	
Do	Hill & Knowlton (For:Westlands Water District)		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	20,308.71	168.00
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central and South West Corp		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	400.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Association of Advertising Agencies	2,500.00	
Jill Showell, 1776 G Street, NW, 3rd Floor Washington, DC 20006	Federal Home Loan Mortgage Corp		
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Eric Shulman, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	12,750.00	
Kathy Shulman, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	4,837.14	661.05
Walter Shur, 51 Madison Ave, New York, NY 10010	New York Life Insurance Co	518.50	987.09
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		2,356.38
Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Donrey, Inc	90.55	
Do	Newell Co	1,690.00	1,770.00
Do	North West Timber Assn	36,790.00	2,744.38
Do	Tootsie Roll Industries, Inc	6,778.75	11.25
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Business Committee for Fair Civil RICO Legislation	450.00	
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Commonwealth of Puerto Rico	19,862.50	458.07
Do	Power Authority of the State of New York	13,175.00	2,491.87
Do	Stevens Institute of Technology	12,000.00	717.92
Susan Siemietkowski, 1730 North Lynn Street Arlington, VA 22209	Printing Industries of America	2,000.00	
Jill Lea Sigal, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Webster & Sheffield (For:ASARCO Corp)		
Do	Webster & Sheffield (For:PG&E Generating Company)		
Christine Sigler, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	3,675.00	
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,615.38	
Stephan Silberfarb, 500 North Capitol St., NW, #300 Washington, DC 20001	American Israel Public Affairs Comm	12,000.00	585.31
Hilary Sills, 901 31st Street, NW Washington, DC 20007-3838	Hill & Knowlton (For:Florida Municipal Electric Assn (FMEA))	36,000.00	3,297.08
Do	Hill & Knowlton, Inc (For:Geddes Resources)	10,000.00	643.11
David Silver, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Steve Silver, 1050 Thomas Jefferson St., NW, 6th Fl. Washington, DC 20007	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	18,000.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	3,500.00	
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corporation)	500.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	12,500.00	
Do	Robertson Monagle & Eastaugh (For:Sea-Land Services, Inc)	5,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		1,475.60	3,246.94
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy & Mather Public Affairs		
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of Bangladesh)	900.00	42.00
Do	Bannerman & Associates, Inc (For:Government of Tunisia)	750.00	
Do	Bannerman & Associates, Inc (For:Sawyer-Miller Group (for Government of the Philippines)).	1,000.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn	12,000.00	
Do	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cushman & Wakefield		
Do	Goodwill Industries		
Do	Walter Harris, et al	800.00	
Do	Kelso & Company		
Do	Majestic Realty Co		
Do	Music Corp of America, Inc		
Do	MCA, Inc	15,000.00	
Do	National Assn of Home Builders of the U.S		
Do	National Structured Settlements Trade Assn	30,000.00	
Do	Republic National Bank of New York		
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co	15,000.00	
Do	United States League of Savings Institutions		
Do	5600, Inc	300.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	1,000.00	200.00
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co		618.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW #435 Washington, DC 20036	Cheetah Aviation Transport Service, Inc	5,027.17	4,659.70
Do	City of Fresno, CA	9,631.88	6,449.90
Do	City of Portland, OR	9,628.50	5,173.98
Do	East Bay Dischargers Authority	3,949.97	4,828.39
Do	Elkhart, IN	5,310.92	5,432.65
Do	Gary, Indiana	8,149.56	5,265.24
Do	Newark, Ca	5,113.38	5,227.56
Do	San Bernardino, CA	7,218.86	6,696.03
Do	San Leandro, CA	4,749.73	5,381.76
Do	Tacoma, WA	2,529.40	5,252.96
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp		4,263.49
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	599.06	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Robert H. Sindt, 1029 Vermont Ave., NW, #200 Washington, DC 20005	Rhone-Poulene	15,375.00	163.70
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Donna L. Singletary, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	300.00
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America	7,000.00	
Do	Akzo America, Inc	3,000.00	
Do	Allied Signal, Inc	10,000.00	
Do	Amoco Corp		
Do	Anadarko Petroleum Corp		
Do	Anheuser-Busch Companies, Inc	2,000.00	
Do	ATMOS Energy Corp		
Do	Bethlehem Steel Corp	3,000.00	
Do	Comdisco	3,000.00	
Do	Deposit Guaranty Corporation		
Do	General Development Corp		
Do	General Mills		
Do	HartMarx Corp	2,000.00	
Do	Hoylake Investments, Ltd		
Do	Merrill Lynch & Co, Inc		
Do	Mesa Limited Partnership		
Do	National Assn of Energy Service Companies		
Do	Oryx Energy Co		
Do	Partida Popular Democratico	29,500.00	
Do	Sonat Exploration Co		
Do	Time/Warner, Inc		
Do	UAL Corp		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	80.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	570.00	16.60
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,125.00	
Steven A. Skonberg, 3138 North 10th Street, Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Glen J. Skovholt, Honeywell Plaza Minneapolis, MN 55408	Honeywell Inc		
Paul A. Skrabut Jr., 1629 K Street, NW, 1100 Washington, DC 20006	Palumbo & Cerrell, Inc (For:American Insurance Assn)	30.00	
Do	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,847.50	286.65
Do	Palumbo & Cerrell, Inc (For:Arco Chemical Company)	337.50	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Company)	600.00	
Do	Palumbo & Cerrell, Inc (For:Farmers Insurance Group of Companies)	967.50	14.40
Do	Palumbo & Cerrell, Inc (For:Rockport Fine Arts Council)		
Dale D. Skupa, 3707 Woodview Trace P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	150.00	
Jonathan Slade, 444 North Capitol St., NW, #711 Washington, DC 20001	Cuban American Foundation	6,000.00	369.00
Do	TKC International (For:Free Angola Information Service)	4,500.00	
Do	Keefe Company (For:Hadassah Medical Relief Organization)	6,000.00	325.00
Do	Keefe Company (For:Seminole Tribe of Florida)	4,500.00	
F. Slatinshek & Associates, Inc, 1102 Belle Vista Dr. Alexandria, VA 22307	Grumman Aero Corp, et al		
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corp	4,998.00	636.78
R. Barry Sleight, P.O. Box 30199 Bethesda, MD 20824-0199	CFIDS Assn		589.54
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	1,150.00	200.00
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	496.15	32.00
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	130.00	
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	91,942.50	38,017.92
Stephan K. Small, 1850 M Street, NW, Washington, DC 20036	Securities Industry Assn	2,450.00	
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		16,932.98	43,733.45
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlns C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For:Chattanooga Production Credit Assn, et al.).		
Caroline A. Smith, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,883.00	
Grant Smith, 110 Southeast Sixth Street, 28th Floor Ft. Lauderdale, FL 33301	Tripp Scott Conklin & Smith (For:Alamo Rent-A-Car, Inc)		
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	21,464.88	2,488.85
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West	100.00	
Kirkland Smith, Docs# 83-A-4548 Great Meadow Correctional Facility Box 51 Comstock, NY 12821-0015			
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,400.00	1,033.00
Owen T. Smith, 215 Townsend Square Oyster Bay, NY 11771	Philip Morris, Inc	1,000.00	296.00
Patricia Smith, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	630.00	143.25
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	1,200.00	2,341.11
Do	National Motorsports Committee of ACCUS-FIA	1,200.00	2,341.11
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc	137.50	4.00
Do	Castle & Cooke (For:Dole Fresh Fruit Company)	550.00	16.75
Do	Flexi Van Leasing, Inc	206.25	7.25
Richard A. Smith, 7920 Robinson Road Bethesda, MD 20817	Hill and Knowlton (For:CBI Sugar Group)	3,000.00	
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,000.00	1,180.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	9,937.50	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	534.21

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	3,300.00	1,003.83
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	12,750.00	
Do	Energy Transportation Group	4,000.00	30.00
Do	Haarmann & Reimer Corp	6,000.00	190.00
Do	Illinois Diversatech Corp		
Do	N.Y. Metropolitan Transportation Agency	24,999.99	250.00
Do	National Assn of Foreign Trade Zones	2,500.00	175.00
Do	S & F Warehouses, Inc		
Do	San Francisco Public Utilities Commission	8,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Insitute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		24,128.02	24,128.02
Larry S. Snowhite, 1825 Eye St., NW, #1201 Washington, DC 20006	Massachusetts Education Loan Authority		
Do	New England Education Loan Authority		
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn	500.00	30.00
Gene Snyder, 205 North Third Street LaGrange, KY 40031	Arthur Cameron	9,000.00	
Do	Cincinnati Microwave, Inc	15,000.00	110.12
Do	Norfolk Southern Corp	12,000.00	2,137.69
Do	United Parcel Service	16,500.00	2,593.50
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc		
Do	General Motors Corp	140.00	232.40
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Do	Service Engineering Company		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		24,089.33	45,717.30
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314	American Soc for Personnel Administration		30,000.00
Society of Real Estate Appraisers, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Thomas J. Soles Jr., 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sandra M. Solowiej, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Frederick P. Somers, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	181.87
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
Ronald J. Somerville, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	17,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	750.00	
SL Sommer & Associates, Inc, 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp	4,500.00	1,420.00
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers)		
Southern Forest Products Assn, P.O. Box 52468 New Orleans, LA 70152		21,357.63	21,357.63
Southwest Airlines Co., P.O. Box 36611 Dallas, TX 75235-1611			4,000.00
Space Industries, Inc, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001			562.50
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	13,000.00	572.88
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
Do	Tobacco Institute	4,600.00	
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Company	1,539.18	197.42
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,216.72	
Jonathan B. Spear, 1100-15th Street, NW, #900 Washington, DC 20005	Phamaceutical Maufacturers Assn	4,000.00	10.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Richard L. Spees, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Chamber of Commerce in Hong Kong)		
Do	Hill & Knowlton, Inc (For:Cellular Telecommunications Industry Assn)		
Do	Hill & Knowlton, Inc (For:City of Chattanooga)	750.00	
Do	Hill & Knowlton, Inc (For:Comdisco Medical LeasingGroup, Inc)		
Do	Hill & Knowlton, Inc (For:Council of American Overseas Research Centers)		
Do	Hill & Knowlton, Inc (For:Desert Research Institute)	200.00	
Do	Hill & Knowlton, Inc (For:Emerald Seafoods, Inc)	225.00	
Do	Hill & Knowlton, Inc (For:General Atomics)	1,125.00	
Do	Hill & Knowlton, Inc (For:Johnson Controls)		
Do	Hill & Knowlton, Inc (For:University of Nevada, Reno)	2,025.00	
Do	Hill & Knowlton, Inc (For:Village of Palatine)		
Do	Hill & Knowlton, Inc (For:West Basin Municipal Water District)	450.00	
Sandra Spence, 1776 Massachusetts Ave., NW, #521 Washington, DC 20036	Spence Group (For:Association for Commuter Transportation, Inc)		
Ray L. Spickler, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	350.04	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	American Assn of Airport Executives		
Do	City & County of Denver, Director of Aviation	780.00	
Do	Columbia Metropolitan Airport		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Ft. Wayne-Allen County Airport Authority		
Do	LeHigh-Northhampton Airport Authority		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	St. Lucie County, Florida		
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn		
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	102.99
Spriggs & Hollingsworth, 1350 I Street, NW, 9th Floor Washington, DC 20005	Eagle-Picher Industries, Inc	53,887.50	702.22
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
Earl C. Spurrier, The Madison Building, #900 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	ADAPSO, the Computer Software & Services Industry Assn	255.00	
Do	Independent Data Communications Manufacturers Assn	2,550.00	188.00
Do	National Collegiate Athletic Assn	13,600.00	38.25
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
John W. Sroka, 8224 Old Courthouse Road Vienna, VA 22180	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Janet G. St. Amand, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	75.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	1,213.07	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	600.00	2,320.65
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Do	Specialty Vehicle Institute of America, Inc		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Tyrone Stallworth, 220 North Devillers Street Pensacola, FL 32501			
David P. Stang, P.C., 1629 K St., NW, #601 Washington, DC 20006	McDermott, Inc	9,188.18	
Theresa Stanion, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn		
Joseph M. Stanton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	International Longshoremen's Assn AFL-CIO		
Do	National Spa & Pool Institute		
Do	Philip Morris		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	1,191.33
David Michael Staton, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Empire Resources, Inc)	1,776.00	
Do	Barnes & Thornburg (For:Indiana Glass Company)		
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Do	Barnes & Thornburg (For:Westland Oil Development Corp)	222.00	6.00
Barbara E. Steakley, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	691.58
Kathryn A. Steckelberg, 1111 19th Street, NW Washington, DC 20036-3691	Edison Electric Institute	2,555.76	320.02
Jeffrey V. Steele, 2033 M Street, NW, #300 Washington, DC 20036	National Association of Arab Americans	6,250.00	
Carol Higgins Steenland, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	61.80	72.72
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	Jordan Coyne Savits & Lopata (For:Calhoun County, Alabama Chamber of Commerce)		460.00
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Alliance of Resposible Electric Systems for Energy Access)	13,837.50	2,894.23
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)	6,825.00	96.66
Do	Government Refuse Collection and Disposal Assn, Inc (GRCDA)	1,650.00	185.77

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kristin Stelck, 2401 Virginia Avenue, NW Washington, DC 20037	American Assn of University Women	5,000.00	176.95
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group		
Stephen O. Stephens, 114 East Capitol Little Rock, AR 72201	Stephens Group, Inc		
Stephens Group, Inc, 114 East Capitol Little Rock, AR 72201			
Stephens Overseas Services, Inc, 114 East Capitol Avenue Little Rock, AR 72201			
Stanley Stephenson, 3501 Thurston Ave. Anoka, MN 55303	National Assn of Crop Insurance Agents		1,755.00
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	19,055.00	1,056.62
Do	Bear Stearns & Co		
Do	Caltex Petroleum Corp		
Do	Canadian Sugar Institute		
Do	Cement Importers Assn		
Do	Christie's		
Do	Citizens Savings Financial Corp		
Do	Clean Sound	4,926.00	5,581.00
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	National Antique & Art Dealers Assn of America		
Do	Sotheby's		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
J. Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates		
Richard W. Sternberg, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	105.00	
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	2,210.00	156.33
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Roses, Inc		
Do	Timken Co		
Robert B. Stewart, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,875.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)	8,684.17	3,064.97
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Smith Corona Corp		
Do	(For:Stewart & Stewart)		
Do	Timken Co	18,769.76	6,888.54
Do	Torrington Company	18,769.76	6,888.54
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	1,220.00	61.00
Do	Cheminova		
Do	International Sanitary Supply Assn	1,350.00	69.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,075.01	25.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309			15.00
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	462.13
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 1110 Vermont Avenue, NW, #1250 Washington, DC 20005	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 1625 Eye Street, NW, #724A Washington, DC 20006		9,635.00	810.85
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	300.00	
Do	National Assn of Business PACs	750.00	
Do	Springs Industries	2,650.00	
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,050.00	171.45
Robin E. Stombler, 1640 Wisconsin Avenue, NW, Washington, DC 20007	American College of Surgeons		142.13
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,884.61	
Dena G. Stoner, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,800.00	
Harry L. Storey, 8400 E Prentice Ave. 15th Floor Englewood, CO 80111	Alliance for Clean Energy	20,000.00	12,378.00
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		130.00
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	4,166.00	190.21
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	Public Service Co of Indiana	15,250.00	9,446.56
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al		
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		
Strasburger & Price, 1200 One Main Place Dallas, TX 75250	Dallas/Ft. Worth Regional Airport Board	1,650.00	
Raymond L. Strassburger, 600 Maryland Avneue, SW, #607 Washington, DC 20024	Northern Telecom, Inc		1,445.00
Terrence D. Straub, 818 Connecticut Avenue, N.w. Washington, DC 20006	USX Corporation	250.00	326.41
David R. Straus, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Alliance of Responsible Electric Systems for Energy Access)	25,691.25	4,164.87
Do	Spiegel & McDiarmid (For:Connecticut Municipal Electric Energy Cooperative)	5,996.25	64.44
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	457.12	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	7,875.00	90.00
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	8,287.50	
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc	600.00	20.00
Do	Dreyfus Corporation		
Do	Vulcan Gulf Coast Materials (For:Vulcan Materials Company, et al.)		
William M. Stroud, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,100.00
Cory N. Strupp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co	2,581.30	412.48
Stryker Weiner Associates, Inc, 737 Bishop Street, #2860 Honolulu, HI 96813	Madison Public Affairs Group, Inc (for Philip Morris, USA)	1,000.00	75.00
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	724.17	570.42
Charlene A. Sturbitts, 901 15th Street, #570 Washington, DC 20005	Interstate Natural Gas Assn of America	12,137.38	
Eugene F. Sturgeon, 182 Crater Lane Kensington, CT 06037	Northeast Utilities Service Co	2,481.55	947.26
Lawrence J. Suffredin Jr., 55 West Wacker Drive, #702 Chicago, IL 60601	City of Evanston, Illinois	500.00	
Do	Harza Engineering Co	2,500.00	
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	41.31	
Arthur E. Sullivan Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	3,250.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	1,483.43	3,896.00
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20005	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Marcia Z. Sullivan, 1300 N. 17th St., #1200 Arlington, VA 22209	Consumer Bankers Assn		
Margaret Cox Sullivan, 1625 Eye St., NW, #724A Washington, DC 20006	Stockholders of America, Inc		
Pauline Sullivan, #11 15th St., NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants		
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	BHP Holdings (USA) Inc		
Do	Grand Met USA, Inc		
Do	Securities Industry Assn		
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	7,500.00	
Bruce W. Sumner, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		225.00
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:Digital Equiptment Corp)		
Do	Ropes & Gray (For:Eastern Enterprises)		
Donald B. Sussewein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Savings Bank, FSB)		
Do	Thacher Proffitt & Wood (For:Binghamton Savings Bank)	935.00	
Do	Thacher Proffitt & Wood (For:Great Western Savings, Federal Savings & Loan)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	Ad Hoc Comm for a Competitive Electric Supply System		
Do	American Council on Education		
Do	American Industrial Clay & Georgia Kaolin	1,666.66	609.39
Do	Anglo-American Clays Corp	1,666.66	609.39
Do	Bank of Baltimore		
Do	Committee Against Revising Staggers	3,331.50	
Do	Council of Industrial Boiler Owners	22,837.00	
Do	Duke University		
Do	Engelhard Minerals & Chemicals Corp	1,666.66	609.39
Do	Equifax, Inc		
Do	J. M. Huber Corp	1,666.66	609.39
Do	Industrial Oil Consumers Group		
Do	Mutual of Omaha Insurance Co		87.90
Do	Nord Resources Corp	1,666.66	609.39
Do	Process Gas Consumers Group		
Do	Thiele Kaolin Co	1,666.66	609.39
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers	3,150.00	
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	107.38
Douglass W. Svendson Jr., 1730 Rhode Island Avenue, NW, #417-19 Washington, DC 20036	Hollywood Marine, Inc	6,000.00	
Do	Shell Oil Co		
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	22,282.96	
William R. Sweeney Jr., 536 7th Street, SE Washington, DC 20003	China External Trade Development Council		
Do	Embassy of Japan		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	700.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	11,250.00	885.96
Robert D. Swezey Jr., 1133 19th St., NW Washington, DC 20036	MCI Communications Corp	250.00	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		165.65
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	2,500.00	6,806.54
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	1,260.00	3,732.21
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	3,750.00	334.27
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
SKC & Associates, 1825 K Street, NW Washington, DC 20006	Southern Company Services	10,000.00	
Janis Tabor, 1825 K Street, NW, #218 Washington, DC 20006	American Society of Mechanical Engineers		
Robert Taft Jr., 1620 Eye St., NW, #800 Washington, DC 20006	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Eagle Picher Industries, Inc)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Special Comm for Workplace Product Liability Reform).		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Do	Taft Stettinius & Hollister (For:Westland Oil Development Corp)	6,200.00	18.00
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Animal Health Institute		
Do	Association of American Railroads		
Do	M&M/Mars		
Do	Marion Laboratories, Inc		
Do	Telephone & Data Systems, Inc		
Tanaka Ritger & Middleton, 1919 Pennsylvania Ave., NW, #303 Washington, DC 20006	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	6,907.50	183.00
William E. Tanner, 10803 Norman Ave. Fairfax, VA 22030	Coalition for Environmental-Energy Balance	9,000.00	1,995.99
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	8,242.50	
David R. Tatum, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			485.00
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Elizabeth L. Taylor, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc	7,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Associated Electric Cooperative, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For:Eagle-Picher Industries, Inc)	5,000.00	
Do	Gene Taylor Associates, Inc (For:Empire District Electric Company)	5,000.00	
Do	Empire Gas Corp	1,000.00	
Do	Gene Taylor Associates, Inc (For:FAG Bearings Corporation)	5,000.00	
Do	Gene Taylor Associates, Inc. (For:National Assn of Postmasters of the U.S.)	6,000.00	
Do	Gene Taylor Associates, Inc (For:Norfolk Southern Corporation)	12,000.00	
Jefferson D. Taylor, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	582.03
John A. Taylor, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Virginia Power	2,771.28	143.53
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Company	100.00	
Patricia Taylor, 1501 16th St., NW Washington, DC 20036	Center for Science in the Public Interest	572.25	65.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,388.28	404.70
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Company	200.00	
Sid Taylor, 325 Pennsylvania Ave., SE Washington, DC 20003	National Taxpayers Union (NTU)	3,600.00	
Sunny Taylor, 6269 Franconia Road Alexandria, VA 22310	Collins & Associates (For:City of Pompano Beach, Florida)		
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al		
Templeton & Company, 1925 North Lynn Street, #701 Arlington, VA 22209	Space Industries, Inc		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	267.77
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	5,135.00	1,586.32
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	9,207.00	94.00
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230	Texas Committee on Nutural Resources	85.07	922.74
Textbook Authors Association, P.O. Box 535 Orange Springs, FL 32182			
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Savings Bank, FSB		727.00
Do	Boston Five Cents Savings Bank, FSB		752.00
Do	Castine Partners		727.00
Do	Chicago Board Options Exchange		
Do	Citicorp Mortgage Finance, Inc	11,039.40	1,662.00
Do	Federal Home Loan Mortgage Corp		
Do	General Electric Mortgage Insurance Co	12,317.00	8,079.00
Do	Great Western Savings, Federal Savings & Loan		727.00
Do	Massachusetts Bankers Assn	3,213.00	727.00
Do	Peoples Westchester Savings Bank	5,820.00	727.00
Mary Kay Thatcher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	4,586.00	301.74
Patrick M. Theisen, 4151 Naperville Road Lisle, IL 60532	Water Quality Assn		
Janelle C. Morris Thibau, 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	1,500.00	
Alan C. Thiebaud, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		34.73
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corp		
Third Class Mail Association, 1333 F Street, NW, #710 Washington, DC 20004-1108		5,894.00	5,894.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	348.00	139.00
Doris I. Thomas, 15th & M St, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	230.00	
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Bruce E. Thompson Jr., 1828 L Street, NW, #906 Washington, DC 20036	Merrill Lynch & Co, Inc	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Kenneth W. Thompson, 1919 Pennsylvania Ave., NW, 8th Floor Washington, DC 20006	BellSouth Corp	1,500.00	
Do	Duke Power Company	3,000.00	30.00
Do	National Funeral Directors Assn	300.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		2,259.38
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Bluebonnet Savings Bank	6,318.43	230.26
Do	CareerCom Corp	4,147.50	377.84
Do	Chicago Research & Trading Group, Ltd	18,749.99	3,554.47
Do	Corken International	200.00	7.54
Do	Mid America Institute for Public Policy Research		
Do	Mitsubishi Electronics America, Inc	9,000.00	2,555.56
Do	Morse/Diesel	5,600.00	682.15
Do	Republic of Turkey	25,000.00	418.85
Do	Joesph J. Ritchie	4,091.25	1,581.95
Do	Trans World Airways	750.00	5.69
Do	Robert Wang	15,000.00	1,989.31
Thompson & Mitchell, 1120 Vermont Avenue, NW, #1000 Washington, DC 20005	Cold Finished Steel Bar Institute	430.00	
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		
Do	National Pork Producers Council		
Thompson Mann & Hutson, 3000 K Street, NW, #600 Washington, DC 20007	Bechtel Group, Inc		
Do	Combustion Engineering, Inc		
Do	Fluor-Daniel, Inc	3,750.00	
Do	M.W. Kellogg Company		
Do	Milliken & Co		
Do	Morrison-Knudsen Co, Inc		
Do	National Dual Shop Coalition		
Thomson Consumer Electronics, Inc, 1200 19th Street, NW #601 Washington, DC 20036			
Joseph Thorndike, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn's (COSSA)		
James L. Thorne, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Margo Thorning, 1850 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	161.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	2,885.00	
Gary Thorup, 2564 Wilmington Avenue Salt Lake City, UT 84109	Philip Morris, Inc	7,500.00	159.71
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Julianne S. Thrift, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	3,375.00	408.00
Timothy B. Tierney, 5100 Forbes Blvd Lamham, MD 20706	Automotive Refrigeration Products Institute		
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	2,500.00	
Wallace Tillman, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Gary G. Timmons, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Timmons & Co, Inc, 1850 K St., NW Washington, DC 20006	American Petroleum Institute	1,443.77	
Do	American Trucking Assns, Inc	687.50	
Do	Amoco Corporation	1,581.25	
Do	Anheuser-Busch Companies, Inc	1,856.25	
Do	Association of Trial Lawyers of America	2,340.00	
Do	Capital Cities/ABC, Inc	1,856.25	
Do	Chrysler Corporation	2,406.25	
Do	Entergy Services, Inc	1,443.77	
Do	H. J. Heinz Co	1,856.25	
Do	Major League Baseball	1,718.75	100.17
Do	Morgan Stanley & Co, Inc	275.00	
Do	Mutual Fairness Taxation Association	893.75	
Do	National Rifle Assn of America	1,718.75	
Do	Northern Telecom, Inc	687.50	
Do	Northrop Corp	1,523.73	
Do	NutraSweet Co	825.00	
Do	G. D. Searle & Co	550.00	
Do	Union Pacific Corp	1,168.75	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	22,354.90
Michael L. Tiner and Associates, 1112 16th Street, NW, #750 Washington, DC 20036	Parry & Romani, Associates	500.00	
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	United Food and Commercial Works International Union	900.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	Milk Industry Foundation/Int'l Ice Cream Assn		493.00
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	Milk Industry Foundation & Int'l Ice Cream Assn		493.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	3,000.00	454.50
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			5,971.60
James S. Todd, 535 North Dearborn Street Chicago, IL 60610	American Medical Assn	1,500.00	
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	211.00
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	400.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,888.89	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc Inc	905.00	195.31
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	21.94
Peter W. Tooker, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Company		
Total Petroleum, Inc, 999 18th Street, Suite 2201 Denver, CO 80202			1,690.00
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,186.00	
Joseph P. Trainor, 400 1st Street, NW, #804 Washington, DC 20001	National Assn of Retired Veteran Railroad Employees	500.00	500.00
Do	Railway Labor Executives' Assn	1,500.00	500.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Federation for AIDS Research (AMFAR))	1,960.00	
Do	Hill & Knowlton (For:Florida Municipal Utilities)	490.00	
Do	Hill & Knowlton (For:Hertz Corp)	245.00	
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Do	Hill & Knowlton Inc (For:Ryder Systems Inc)		
Do	Hill & Knowlton, Inc (For:Serono Inc)		
Do	Hill & Knowlton (For:Textron, Inc)		
Transafrica, 545 8th Street, SE, #200 Washington, DC 20003		152,793.80	171,720.04
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		12,000.00	18,475.86
Travel & Tourism Government Affairs Policy Council, 1133 21st Street, NW Washington, DC 20036		4,300.00	4,300.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			8,200.00
Tretter-Gorman, Inc, 711 N. Eleventh Street St. Louis, MO 63101	Philip Morris, Inc	1,254.83	8,561.04
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		2,261.49
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	10,500.00	
George G. Troutman, Suite 1100 1090 Vermont Ave., NW Washington, DC 20005	Bell Helicopter Textron, Inc	150.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	Public Service Co of Indiana	5,000.00	6,491.83
Todd D. True, 216 First Ave., South, #330 Seattle, WA 98104	Sierra Club Legal Defense Fund	326.00	120.62
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	1,585.84
E.F. Trumble Public Relations Inc, 700 New Hampshire Ave., NW, #1017 Washington, DC 20037	National Investor Relations Institute	6,600.00	8.91
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn	7,560.00	987.25
Do	Cambridge Redevelopment Authority	6,480.00	366.25
Do	Humane Soc of the U.S., et al	5,580.00	90.00
Do	Iroquois Gas Transmission Systems	4,680.00	151.00
Do	National Venture Capital Assn		
Do	Northeast Solvents Recovery		
Do	Norton Company	4,320.00	276.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Thermedics, Inc		
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	New York Life Insurance Company		
Do	Regional Transportation District	3,000.00	
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Audrey Schumacher Turner, 1001 22nd Street, NW, #400 Washington, DC 20037	Mercer Meidinger Hansen, Inc		
Garry R. Turner, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform (FAIR)		
J. Terry Turner, 1641 Besley Road Vienna, VA 22182	Interstate Truckload Carriers Conference	500.00	1,000.00
Do	Seafarers Inernational Union	3,125.00	300.00
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
John H. Turner, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Turner, 1875 Eye St., NW, #400 Washington, DC 20006	Georgia-Pacific Corp	3,500.00	
Pamela Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn	6,375.00	
Turner Broadcasting System, Inc, 810 First Street, NE, #620 Washington, DC 20002		25,910.00	25,910.00
Richard F. Turney, 1725 K St., NW, #710 Washington, DC 20006	Courtney McCamant & Turney	300.00	
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	12,500.00	
Jeannine Dowling Twomey, 5 Virginia Place Larchmont, NY 10538	Madison Public Affairs Group, Inc (for Philip Morris USA)	900.00	266.00
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade		
Joseph D. Tydings, 2000 Pennsylvania Avenue, NW #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)	315.00	
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	44.00	
U.S. Border Control, 8001 Forbes Place Springfield, VA 22151		27,837.31	24,644.09
U.S. Cane Sugar Refiners' Assn, 1001 Connecticut Ave., NW Washington, DC 20036			59.50
U.S. Committee for the Oceans, Route 2, Box 91 Ararat, VA 24053			
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			170,915.98
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		84,786.36	121,143.18
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Strategies Corp, 104 North Carolina Ave., SE Washington, DC 20003	Cancer Treatment Holdings, Inc		
Do	Healthsouth Rehabilitation Corp		
Stewart L. Udall, 511 E. Palace Avenue Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Elizabeth Ullmer, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	5,116.50	2,192.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	297.22
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Unilever United States, Inc, 390 Park Ave. New York, NY 10022			4,768.98
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			27,082.75
United International Consultants, 1800 Diagonal Road Alexandria, VA 22314	Republic of South Africa	40,000.00	6,000.00
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		13,767.00	10,868.00
Anne I. Urban, 311 First Street, NW Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	3,000.00	
Utility Nuclear Waste and Transportation Program, c/o Edison Electric Institute 1111 19th St., NW Washington, DC 20036	Utility Nuclear Waste Management Group		
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	
Debra A. Valentine, 555 13th Street, NW Washington, DC 20004	O'Melveny & Myers (For:AMAX, Inc)		
Do	O'Melveny & Myers (For:Ford Motor Company)		
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	320.00	
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Boston Company		
Do	USF&G Corp		
Joseph Van Eaton, 1350 New York Ave, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:Wakefield Municipal Light Department)		
Laura Van Etten, 1700 Pennsylvania Avenue, NW, #525 Washington, DC 20006	Equitable Financial Companies		
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	14,250.00	
Do	Cincinnati Electronics		
Do	Harsco Corp	24,000.00	9,833.09
Do	Magnavox Government and Industrial Electronics Co	18,760.00	
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	Diagnostic/Retrieval Systems, Inc		
Do	Electrospace Corporation	6,000.00	
Do	Miltope Corp	7,500.00	
Do	Thermo Electro Technologies	7,500.00	
Henry B. Van Gieson, 1700 North Moore St., 2120 Arlington, VA 22209	Boeing Company	1,872.50	215.75
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Kloberg & Associates, 1900 L Street, NW, #500 Washington, DC 20036	Embassy of the Republic of Niger	9,000.00	5,550.00
Do	Embassy of the Republic of Zaire		19,573.75
Do	Government of the Republic of Liberia	15,000.00	10,390.41
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	American Inst of Certified Public Accountants		
Do	American President Lines		
Do	Andrew Corp		
Do	Arctic Slope Regional Corp	315.00	
Do	Barron Collier Company		
Do	Bumble Bee Seafoods, Inc	2,745.00	
Do	Clean Coal Technology Coalition		
Do	Committee of Hydroelectric Dam Owners		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Department of Water & Power		
Do	Energy Fuels Nuclear, Inc		
Do	Fort Belknap Tribes		
Do	Ganado Unified School District No. 20	1,400.00	
Do	Geothermal Resources Assn	810.00	
Do	Intertribal Agricultural Council	3,920.00	30.00
Do	Jicarilla Apache Tribe	2,325.00	32.00
Do	Koncor Forest Products Company	1,395.00	
Do	Lower Colorado River Authority	6,040.00	
Do	LUZ International Ltd	3,510.00	
Do	McKesson Corporation		
Do	National Nutrition Coalition		
Do	National Wetlands Coalition		
Do	Pacific West Cable Television		
Do	Qualified Personnel, Inc		
Do	Seneca Resources, Inc	2,632.50	
Do	Southern California Edison Co		
Do	TransAlta Resources Corp		
Do	Uranium Producers of America		
Do	Wagner & Brown		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	19,021.00	13.40
Marjorie Vanderbilt, 1101 14th Street, NW, #200 Washington, DC 20005	American Nurses' Association	3,500.00	319.98
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute	1,248.00	1,116.19
H. Stewart VanScoyoc, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:Champion International Corp)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Coalition of EPSCoR States)		
Do	Winburn VanScoyoc & Hooper (For:E. I. Du Pont de Nemours & Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:International Paper)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Quanex)	16,050.00	
Do	Winburn VanScoyoc & Hooper (For:Scott Paper Co)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:University of Alabama System)	21,000.00	
Do	Winburn VanScoyoc & Hooper (For:USF&G Corp)	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Weyerhaeuser)	5,000.00	
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
R. Glenn Vawter, 2500 Clarendon Blvd, #T-2 Arlington, VA 22201		7,714.89	2,764.89
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
William P. Verdon, 1627 K Street, NW, #1200 Washington, DC 20006	United Shipowners of America	13,500.00	1.43

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	140.67
Vern Clark & Associates, 1818 N Streett, NW, #700 Washington, DC 20036	Metromedia Company		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Verstandig & Associates, Inc, 1455 Pennsylvania Avenue, NW, #1180 Washington, DC 20004	Anheuser-Busch Companies, Inc.		
Do	Plumbing Maufacturers Institute		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Inusrance Agents	18,750.00	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	California Franchise Tax Board	9,888.75	
Do	California Public Employees' Retirement System	16,932.50	
Do	California State Senate	9,566.25	
Do	Pacific Stock Exchange, Inc.	7,601.25	
Do	State Board of Equalization (Calif)	4,515.00	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	2,636.00	1,007.46
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	155.52
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Allied Signal, Inc		
Do	Bank Tax Group		
Do	Citicorp Washington, Inc		1,400.00
Do	Citizens Utilities Company	4,989.70	5,741.50
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co	1,564.80	3,765.00
Do	Guadalupe Valley Electric Cooperative	880.00	
Do	Merrill Lynch & Co, Inc		
Do	Modar, Inc		
Do	National Corporation for Housing Partnerships		
Do	Section 29 Assn		
Do	United Savings Assn of Texas FSB		
Walter D. Vinyard Jr., Zuckert, Scoutt, Rasenberger & Johnson 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	4.00	
Do	National Fraternal Congress of America	5.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		590.00	7.70
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	6,249.99	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			650.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	24,356.10	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	National Assn of Trade & Technical Schools	1,250.00	
Do	Cohn & Marks (For:USA Network)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 Connecticut Ave., NW, #800 Washington, DC 20036			11,250.00
Ann Hadley Vom Eigen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	9,000.00	287.00
Ingrid A. Voorhees, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	125.00	100.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Bell Communications Research	4,230.50	92.85
Do	Committee of Publicly Owned Companies	1,260.50	124.94
Do	Dale Michael A/K/A Riviera Bowling Lanes		72.07
Do	Fraternal Order of Police - National Headquarters		
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Broadcasters Assn	107.09	12.50
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Ohio Soft Drink	81.04	12.50
Do	Snow Aviation International, Inc		
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	13,277.91	591.08
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee	10,220.00	
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	261.76
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,250.00	
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	3,750.00	1,553.00
Do	Independent Federation of Flight Attendants	3,000.00	997.00
Do	Independent Union of Flight Attendants	3,750.00	682.00
Do	Union of Flight Attendants	1,500.00	120.00
Marvin Wagner, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc		562.50
Wagner Communications, Inc, 2300 M Street, NW, #800 Washington, DC 20037	Cummins Engine Company, Inc		
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corporation	15,000.00	4,300.00
Robert A. Wait, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods		
Frederick P. Waite, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs (For:American Wire Producers Assn)		
Herbert R. Waite, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	10,800.00	11,627.90
Donna Waks, 1627 Lamont St., NW #41 Washington, DC 20010	Rainbow Lobby	3,900.00	
Susan Stephenson Walden, 1667 K St., NW, #410 Washington, DC 20006	Johnson & Johnson	1,000.00	225.00
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	8,250.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Institute of Certified Public Accountants	3,600.00	
Do	American Telephone & Telegraph Co	3,250.00	
Do	Anheuser-Busch Companies, Inc	10,000.00	
Do	Atchison Topeka & Santa Fe Railway Co	2,550.00	
Do	Baker & Botts (for: Texas Chemical Council)		
Do	Broadcast Music, Inc	1,875.00	
Do	Burlington Northern, Inc		
Do	Coalition for Competitive Capital	7,500.00	
Do	Columbia Pictures Entertainment, Inc	9,375.00	
Do	CBS Records, Inc	1,250.00	
Do	CSX Corporation	3,000.00	
Do	Enron Corp	375.00	
Do	Federal Home Loan Mortgage Corp	3,600.00	
Do	Goodyear Tire & Rubber Co	250.00	
Do	HealthTrust, Inc	187.50	
Do	Honeywell, Inc		
Do	Ioptex Research, Inc	1,500.00	
Do	John Zink Company	1,950.00	
Do	Lone Star Steel Co		
Do	Mezzanine lending Associates I, II, & III, L.P.	2,000.00	
Do	Mid Continent Oil and Gas Assn	1,500.00	
Do	National Stone Association		
Do	Northville Industries Corp	1,500.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Southern Company Services, Inc	9,375.00	
Do	Texas Ozone Task Force	3,375.00	
Do	U.S. Fidelity & Guaranty Co	3,000.00	
Do	Weyerhaeuser Company	1,500.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	
Do	Bell Atlantic Corp	500.00	
Do	BHP Holdings, Inc	1,000.00	
Do	Footwear Retailers of America	1,500.00	
Do	Hong Kong Trade Development Council	1,500.00	
Do	Mallinckrodt Medical, Inc	1,000.00	
Do	Peabody Holding Company	1,000.00	
Do	Pennsylvania Engineering	1,000.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pittston Group	1,000.00	
Do	Securities Industry Assn	1,500.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	1,000.00	
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	15,000.00	50.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	157.31
Do	Alaska Pulp Corp	12,000.00	
Do	American Society of Farm Managers and Rural Appraisers	6,500.00	
Do	American Sugar Cane League	17,500.00	343.75
Do	Amstar Corp	7,500.00	
Do	Cotton Warehouse Assn of America	5,375.00	
Do	Fiber Fabric & Apparel Coalition for Trade	18,000.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Grocery Manufacturers of America, Inc	1,000.00	
Do	Merchants Grain & Transportation, Inc	5,000.00	
Do	Service Corporation International	3,750.00	
Do	U.S. Canola Association	5,000.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Bethany Waller, 500 23rd Street, NW, B907 Washington, DC 20037	Entrepreneurs of America	3,750.00	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	875.00	107.45
Samuel J. Walsh, 1608 K Street, NW Washington, DC 20006	American Legion	11,316.00	51.05
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	32,000.00	
Do	General Dynamics Corp	12,499.98	
Do	ISC Defense & Space	10,500.00	
Do	Stone & Webster Engineering, Inc	12,750.00	
Do	Textron, Inc	13,749.99	717.00
Do	Thiokol Corp	7,000.00	82.85
Bonnie B. Wan, 1201 Pennsylvania Ave., NW, #730 Washington, DC 20004	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Gregg Ward, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Michael D. Ward, 1001 E. Broad Street, #330 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1919 Pennsylvania Avenue, NW, #503 Washington, DC 20006	Mid-Continent Oil & Gas Assn	3,065.00	80.00
Barbara F. Warden, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department, AFL-CIO	10,117.64	
Richard D. Warden, 1757 N St., NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	22,947.09	332.00
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	539.45
Peter F. Warker, Suite 2700 1000 Wilson Boulevard Arlington, VA 22209	TRW, Inc	4,845.00	6.27
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		12.00
Do	DGA International, Inc (For:SNECMA)		1,287.47
Do	DGA International, Inc (For:Teledyne Brown Engineering)		
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Betsy R. Warren, 2555 Pennsylvania Avenue, NW Washington, DC 20037	Allied-Signal Inc		
Do	Edison Electric Institute		
Barbara J. Washburn, 1201 Pennshlvania Ave, NW, #370 Washington, DC 20004	General Motors Corp	3,000.00	2,265.85
Washington Independent Writers, Inc, 733 15th St., NW, #220 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	5,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,800.00	
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	National Security Traders Assn, Inc	5,700.00	
Julian K. Watson, 413 East Mason Ave. Alexandria, VA 22301	Brennan International		
Do	Citizens For A Drug Free America		
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,300.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,500.00	
Norman E. Watts Jr., P.O. Box 270 Woodstock, VT 05091	Grocery Manufacturers of America, Inc	3,282.00	2,481.62
Bruce H. Watzman, 1130 17th Street, N.w. Washington, DC 20036	National Coal Assn	8,800.00	223.48
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	2,000.00	2,333.28
A. Vernon Weaver, 114 East Capitol Ave. Little Rock, AR 72201	Stephens Group, Inc		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,384.62	
Rebecca Weaver, 1616 P St., NW #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,525.98	
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Webster & Sheffield, 2000 Pennsylvania Ave., NW, #7400 Washington, DC 20006	Asarco Corporation	275.00	30.00
Do	Liggett Group, Inc		
Do	Magma Copper Corp		
Do	Mazda Motor Manufacturing (USA) Corp		
Do	PG&E Bechtel Generating Company		
Do	Tobacco Institute	275.00	8.00
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab Assn		
Do	INTERARMS		
Lee J. Weddig, Suite 580 2000 M St., NW Washington, DC 20036	National Fisheries Institute	4,000.00	
Joan Strickler Weeks, 2300 M Street, NW Washington, DC 20037	International Advisors, Inc (For:Republic of Turkey, Embassy of)	565.00	3.60
Edward L. Weidenfeld, 1899 L Street, NW, #500 Washington, DC 20036	Pillsbury Madison & Sutro (for Southern Company Services)		
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services		
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,012.00	
Weil & Howe, Inc, Two Central Plaza Augusta, ME 04330	Vermont Gas		
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #600 East Washington, DC 20005	Battery Council International	6.75	189.00
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Deborah Feldman Weiner, 19 Turnham Court Gaithersburg, MD 20878	American Society for the Prevention of Cruelty to Amimals	1,500.00	
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn		
Weiner McCaffrey Brodsky & Kaplan, P.C., 1350 New York Ave., NW, #800 Washington, DC 20005	National Manufactured Housing Finance Assn	5,628.50	451.80
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Anna Weinroth, 1666 Connecticut Ave., NW #400 Washington, DC 20009	Federation for American Immigration Reform		
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		350.00
Arthur A. Weiss, 1800 First National Building Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	80.67	11.50
Bryant L. Welch, 1200 17th St., NW, Suite 106 Washington, DC 20036	American Psychological Assn	592.50	
Don Welch, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Co		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Suzanne Welch, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,500.00	35.00
Jerry Welcome, P.O. Box 3556 Washington, DC 20007	American Meat Institute	10,312.50	476.65
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		523.08
L. H. Wells, Suite 200 1025 Connecticut Avenue, NW Washington, DC 20036	Shell Oil Co	500.00	
Robert C. Wells, 1275 Pennsylvania Ave., NW, #503 Washington, DC 20004	Citicorp Washington, Inc	2,454.30	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,862.50	565.00
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	1,762.34
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	15,000.00	
Do	Oklahoma Natural Gas	9,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	870.52
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1511 K Street, NW, #1100 Washington, DC 20005	City of Detroit	24,382.59	10,936.28
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		79,580.00	137,894.46
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	2,806.68	
Joseph J. Westwater, 2501 M Street, NW # 400 Washington, DC 20037	McLeod & Pires (For:American Peanut Product Manf'trs, Inc)	13,949.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	464.20	297.25
William Wewer, 6302 30th Street, NW Washington, DC 20015-2238	American Tax Reduction Movement	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Putting People First		
Wexler Reynolds Fuller Harrison and Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	American Institute for Foreign Study Scholarship Foundation	2,650.00	91.55
Do	Coca-Cola Company	50.00	22.85
Do	Columbia Hospital for Women Medical Center	2,880.00	214.55
Do	Consortium of State Maritime Schools		18.15
Do	Massachusetts Maritime Academy		
Do	Norton Company	29,598.75	1,096.85
Do	Serono Laboratories	2,080.00	50.25
Do	Simon Wiesenthal Center/Museum of Tolerance	6,300.00	88.50
Do	State of Oregon, Office of the Governor	400.00	195.35
Do	U.S. Bioscience	2,175.00	71.50
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	916.37
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,250.00	10,432.70
Curtis E. Whalen, 555 13th Street, NW, Suite 430W Washington, DC 20004	Transco Energy Company	10,000.00	4,574.24
Whalen Company, Inc, 1717 K Street, NW, #706 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	1,000.00	
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:National Assn of Public Television Stations)	3,663.00	68.00
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Company	29,583.00	14,102.86
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	204.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare	2,637.00	
Jeffrey T. Whipple, 20 S. Clark Street, #800 Chicago, IL 60603	Philip Morris, Inc	6,000.00	
John C. Whitaker, 2021 L Street, NW, #320 Washington, DC 20036-4909	Union Camp Corporation	3,325.00	51.50
Deborah A. White, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	74.08	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries	21,996.00	9,563.90
John C. White, White Consulting Group, Suite 380 2000 M Street, NW Washington, DC 20036	AMGEN	8,000.00	
Do	Camp Barsh Bates & Tate	16,500.00	
Do	Chicago Mercantile Exchange	4,160.00	
Do	Coastal Corp	12,500.00	
Do	Tobacco Institute	4,800.00	
John Thomas White III, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco Gas		
Larry White, 1909 K St., NW Washington, DC 20049	American Assn of Retired Persons	531.92	
Leland J. White, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn	7,700.00	2,954.22
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	3,132.74
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	78.84
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments	444.60	228.90
W. Keith White, 412 First St., SE, #100 Washington, DC 20003	White & Associates (For:Concerned Shrimpers of America)		
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Caribbean Trade and Apparel Coalition (C-TAC)		
Do	Edison Electric Institute		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos		
Elizabeth D. Whitley, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	99.00
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	911.09
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	2,100.00	437.90
Pamela J. Whitted, 1700 K St., NW, #502 Washington, DC 20006	Pacific Resources, Inc	500.00	
Whitworth & Associates, 1455 Pennsylvania Ave., NW, #985 Washington, DC 20004	Churchill County Nevada	5,000.00	
Do	Mesa Limited Partnership	3,000.00	
Wickwire Gavin, PC, 1133 21st St., NW, #500 Washington, DC 20036	Consolidated Natural Gas Service Co		
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Company	3,168.00	
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	20,166.64	14,618.61
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Wiggin & Dana, 195 Church Street P. O. Box 1832 New Haven, CT 06508	Villa Banfi, U.S.A.	22,396.00	1,739.81
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	7,500.00	318.00
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	191.44
Richard P. Wild, 3400 Centre Square West Philadelphia, PA 19102	Dechert Price & Rhoads (For:Oxford Foundation)	7,649.95	304.03
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1002 Washington, DC 20036			17,000.00
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	City of Jacksonville, FL	200.00	
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	State of Michigan Department of Commerce		211.90
Wiley Rein & Fielding, 1776 K St, NW, 12th Fl. Washington, DC 20006	American Newspaper Publishers Assn	2,599.00	23.26
Do	Association for Public TV (APTV)	658.00	9.38
Do	Association of Telemessaging Services, International	856.00	
Do	Chaparral Steel Co		
Do	Georgetown Industries	124.00	
Do	Marine Mammal Coalition	9,152.00	301.88
Do	Operator Service Providers of America	4,004.00	14.18
Do	Pharmaquest		
Do	Prodigy Services Company	1,092.00	
Do	Raritan River Steel Co	325.00	32.00
Do	United Parcel Service	14,482.00	344.34
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Horace Wilkins Jr., 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Wythe Willey, 2333 Blake Blvd., SE Cedar Rapids, IA 52401	Philip Morris, Inc	7,500.00	827.00
Do	Rain & Hail Insurance Services, Inc	5,100.00	895.72
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	15,000.00	
Faith Williams, 600 New Hampshire Ave., NW Washington, DC 20037	New York Life Insurance Company	270.00	69.89
Floyd L. Williams, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	American Insurance Assn	1,600.00	250.00
Do	Ark-Best Co	1,600.00	250.00
Do	Arkansas Louisian Gas Co (ARKLA)	1,600.00	250.00
Do	Cooper Communities, Inc	1,600.00	250.00
Do	Electro Com Automation, Inc	1,600.00	250.00
Do	Riceland Foods, Inc	1,600.00	250.00
Do	Tyson Foods, Inc	1,600.00	250.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	50.00	
Loretta Morris Williams, 1725 K Street, NW, #814 Washington, DC 20006	March of Dimes Birth Defects Foundation	1,131.25	14.65
Lucinda L. Williams, 1155 15th Street, NW, #1100 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Merrill Williams, 3701 Connecticut Ave., NW, #802 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactica Biochemical		
Do	National Credit Improvement Group		
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	320.00	247.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	450.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robin L. Williams, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	5,000.00	77.75
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Air Transport Assn of America	11,029.65	
Do	Gtech		
Do	National Comm to Preserve Social Security	310.00	318.50
Do	North American Assn of State & Provincial Lotteries		
Do	Northcote Parkinson Fund		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	405.00	25.15
Do	Association of Family Farmers	135.00	8.88
Do	Robert M. Bass Group	135.00	8.88
Do	Beverly Enterprises	135.00	8.88
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn		
Do	CIGNA Corporation	1,040.00	34.04
Do	Estee Lauder, Inc	135.00	8.88
Do	Executive Life Insurance	457.50	34.04
Do	Financial Security Assurance		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First Boston Corp		34.04
Do	FAIR	675.00	25.15
Do	Glaxo, Inc	5,990.00	244.16
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Higher Education Assistance Foundation		
Do	Kelly Appleman Hart & Hallman	971.00	41.42
Do	Keystone Provident Life Insurance Co		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards	585.00	70.31
Do	National Soft Drink Assn		
Do	Norfolk Southern Corp		
Do	Pharmaceutical Manufacturers Assn	1,750.00	84.33
Do	Pittston Co		
Do	Recording Industry Assn of America, Inc	6,432.00	335.90
Do	Southwest Airlines		8.88
Do	Student Loan Marketing Assn	90.00	8.88
Do	Texaco, Inc	270.00	16.28
Do	Texas Air Corp	1,080.00	66.59
Do	Trailer Train Co	750.00	70.31
Do	Turner Broadcasting System, Inc	8,320.00	402.47
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		16.28
Do	USAA Financial Service Co		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	10,696.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		245.43
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,032.25	53.50
Willkie Farr & Gallagher, Three Lafayette Center 1155 21st St., NW Washington, DC 20036	Association of International Auto Manufacturers	3,387.50	132.47
Do	Institute of Resource Recovery (IRR)	8,995.00	27.31
Do	National Assn of Independent Fee Appraisers	612.50	
Do	Standard Commercial Tobacco Co	1,320.00	
Do	Telecommunications Industry Assn	200.00	
Do	Westinghouse Electric Corp	21,745.00	277.52
Do	Yamaha Motor Co, Ltd, et al	14,337.50	213.43
Do	Yamaha Motor Manufacturing Corp of America	38.75	
Charlotte M. Wilmer, 1317 F Street , NW, #400 Washington, DC 20004	R. Duffy Wall & Associates, Inc		
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co	10,656.25	321.75
Do	Alexander & Alexander, Inc		694.50
Do	Amerada Hess Corporation		
Do	American Honda Motor Co, Inc	2,625.00	28.00
Do	Association of American Universities		29.80
Do	Bank Capital Markets Assn	765.00	
Do	Bankers Trust Co		
Do	Capital Cities/ABC, Inc		
Do	Citibank		
Do	Cook Inlet Communications, L.P		
Do	CPC International, Inc	3,041.25	
Do	Federal Home Loan Bank of San Francisco		
Do	Ford Motor Co		
Do	Handgun Control, Inc		
Do	International Metals Reclamation Company, Inc	412.50	
Do	International Swap Dealers Assn	9,622.50	196.86
Do	Long Island Savings Bank	1,527.50	
Do	Pepsico, Inc		
Do	Southeast Banking Corporation		
Do	Trans-Alaska Pipeline Liability Fund	4,897.50	142.50
Do	Unisys Corp	645.00	
Do	World Savings & Loan Assn		
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	2,769.12	2,265.67
Dena L. Wilson, Suite 1000 1600 Wilson Blvd. Arlington, VA 22209	American Waterways Operators, Inc	4,500.00	296.07
Denise Wilson, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,000.00	
Don A. Wilson, 106 Dartmouth Waxahachie, TX 75165			
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,181.00	15.00
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corp		
Robert Dale Wilson, 1900 L Street, NW, #500 Washington, DC 20036	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Stephany Wilson, P.O. Box 2187 Santa Fe, NM 87504-2187	Sutin Thayer & Browne (For:Lovelace, Inc)		
Warren A. Wilson III, 624 US Highway 19 South Palm Harbor, FL 34684	Philip Morris, Inc	2,250.00	99.19
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	140.00	66.95
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Company	13,529.06	
John P. Winburn, 453 New Jersey Ave., SE Washington, DC 20003	Winburn VanScoyoc & Hooper (For:American Assn of Equipment Lessors)	7,500.00	
Do	American Automotive Leasing Assn	2,000.00	
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)	30,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Railroad Company)	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Burlington Northern Services, Inc)	5,000.00	
Do	FAG Bearings Corporation	5,000.00	
Do	Winburn VanScoyoc & Hooper (For:Hartford)	45,000.00	
Do	Winburn VanScoyoc & Hooper (For:Independent Stave Co, Inc)		
Do	Winburn Associates, Inc (For:Leggett & Platt)	12,000.00	
Do	Winburn VanScoyoc & Hooper (For:Matteson Investment Corporation)	15,000.00	
Do	Winburn VanScoyoc & Hooper (For:National Assn of County Office Employees (NASCOE))	3,000.00	
Do	Winburn VanScoyoc & Hooper (For:Pennzoil)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For:Philip Morris)	9,000.00	
Do	Winburn VanScoyoc & Hooper (For:University of Michigan)	15,000.00	
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,857.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	50.30
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	American Resort & Residential Development Assn	4,000.00	
Do	Winkelmann & Associates, Inc (For:International Video Broadcasts, Inc)	10,000.00	
Do	National Assn of Industrial & Office Parks		
Lars Winoy, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,738.75	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	787.50	71.00
James L. Winston, 1730 M Street, NW, #412 Washington, DC 20036	National Assn of Black Owned Broadcasters		
Winston & Strawn, 2550 M St., NW, #500 Washington, DC 20037	International Council of Shopping Centers	802.50	28.25
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Amoco Performance Products, Inc		
Do	Association of Seat Lift Manufacturers	2,834.00	
Do	Bowater, Inc		
Do	Brown & Bain		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Grocery Manufacturers of America	290.00	6.00
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Macrovision, Inc	2,799.00	28.00
Do	National Vehicle Leasing Assn		
Do	Navajo Nation	7,680.00	104.00
Do	Queen City Home Health Care		
Do	Singer Co	4,425.00	77.49

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Snappy Car Rental		
Do	Thrifty Rent-A-Car System, Inc		102.32
Do	Westinghouse Electric Corp	1,200.00	62.00
Jim Wise Associates, 1707 Duke St., #300 Alexandria, VA 22314	Kern County, CA	10,000.00	130.00
Do	National Assn of Credit Management	10,500.00	895.00
Do	San Francisco Bar Pilots Assn	7,000.00	950.00
Marcia A. Wiss, 1215 17th Street, NW Washington, DC 20036	Canned and Cooked Meat Importers Association	1,785.00	717.45
Robert V. Witeck, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton (For:Republic of Turkey)		
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors		
Cynthia D. Witkin, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Hope R. Wittenberg, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	7,500.00	354.53
Judith A. Wittig, 1213 Jefferson Davis Hwy., #1414 Arlington, VA 22202	Defense Products Marketing, Inc		16.00
Raymond S. Wittig, 4618 Holly Ridge Road Rockville, MD 20853	Geocenters, Inc		
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc	1,000.00	80.00
Sandra W. Wobbe, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,500.00	
James Wolf, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	873.11	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	10,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	3,200.00	
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	350.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	613.98
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,375.00	49.76
Linda Womack, 2100 E. Exchange Place Tucker, GA 30085-1349	Oglethorpe Power Corp	877.50	863.17
Richard Marvin Womack, 801 18th Street, NW, #400 Washington, DC 20006	Procter & Gamble Company	170.56	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,400.00	354.00
Julienne Wood, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Guatemala)	3,339.83	
Do	Bruce P. Cameron (For:Embassy of Mozambique)	3,339.83	
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,258.00	
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	1,500.00	18.50
W. Robert Woodall, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	28,080.00	4,866.54
Mark E. Woodbridge, 1825 Eye Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171	Maule Air, Inc		60.00
Do	OTL, Inc	400.00	65.00
Do	Woods Research Associates, Inc		
Cynthia Woodside, 701 N. Fairfax Street Alexandria, VA 22314-2045	(For:United Way of America)	4,282.68	14.75
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Edward A. Woolley, Bedford Consultants Building P.O. Box 605 Bedford, NY 10506	Institute of International Container Lessors	862.00	181.54
Howard E. Woolley, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,300.00	833.87
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Owen Wormser, 406 N Pitt Street Alexandria, VA 22314-2315	Command & Control Consulting, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, P.O. Box 94661 Cleveland, OH 44101-4661	Centerior Energy Corp, et al	24,000.00	10,827.96
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	362.50	63.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	1,046.64
Wyman Bautzer Kuchel & Silbert, 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006	American Boiler Manufacturers Assn, Inc		
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	170.00
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	550.00	3,104.33
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road and Transportation Builders Assn	8,067.90	143.00
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co		
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 999 West Street Rocky Hill, CT 06067-4002			1,294.59
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,863.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	22,500.00	739.71
Edward R. Yawn, 1111 19th St., NW Washington, DC 20036-3691	Edison Electric Institute	3,274.62	51.60
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	11,065.32	130.64
Jack Yelverton, 1303 New Hampshire Ave., NW Washington, DC 20036	Fleet Reserve Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	7,000.00	318.69
Larry E. Yoakam, 650 S. Front Street Columbus, OH 43206	Grange Mutual Casualty Co		
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	9,795.25	49.00
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	158.60
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Dana D. Young, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	1,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipefig Industry	1,500.00	
Thomas F. Youngblood, 1201 New York Ave, NW, #600 Washington, DC 20005	American Hotel & Motel Assn	2,069.33	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	277.25
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
John R. Zagame, John R. Zagame Associates, Inc 7611 Virginia Lane Falls Church, VA 22043	National Music Publishers Assn	12,000.00	468.19
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	14,712.51	678.80
Albert C. Zapanta, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Company (ARCO)		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Zapruder & Odell, 1001 22nd Street, NW, #700 Washington, DC 20037	Wheels, Inc	6,285.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Sharon G. Zedd, 1945 Old Gallows Road, #550 Vienna, VA 22182	American Wood Preservers Institute	3,500.00	
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 11209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Do	Sikorsky Aircraft		
Geoffrey Zeh, 12050 Woodward Avenue Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,200.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	227.82
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,350.00	3,583.01
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents and Teachers		1,978.00
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	547.95
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,806.37
David W. Zimmerman, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	3,297.50	
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	150.91
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Company		
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Association	2,000.00	519.39
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	Federal Express Corp	3,500.00	
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	Advance Petroleum, Inc		
Do	National Comm of Cities & States for Airline Service	2,000.00	785.00
Admiral Zumwalt & Consultants, Inc, 1500 Wilson Boulevard Arlington, VA 22209	Robert E. Derecktor of Rhode Island, Inc		
Zurich-American Insurance Co, 800 North Plaza Drive Schaumburg, IL 60196		390.00	390.00
Murray Zweben, 1140 19th St., NW, #600 Washington, DC 20036	General Celluar Corporation		2,583.75
23rd Congressional District Action Comm, 575 Charles St. St. Marys, PA 15857			
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1990 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . .

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $....."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than Item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Golden Gate Bridge Highway & Transportation District	6,300.00	6,975.40
Do	Reclamation District 1000		675.40
Do	Tobacco Institute	87,312.50	34,875.40
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries	3,000.00	1,939.67
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
John R. Adams, One Tabor Center 1200 17th Street, #2500 Denver, CO 80202	Energy Fuels Nuclear, Inc		
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		134,432.16	134,432.16
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	19,500.00	
Alagia Day Marshall Mintmire & Chauvin, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	5,055.25
C. Eddie Aldrete, 7007 Bright Avenue McLean, VA 22101	National Turkey Federation		
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	
Nicholas W. Allard, 750 17th Street, NW, #1100 Washington, DC 20006	Fox Weinberg & Bennett (For:Wireless Cable Assn, Inc)		
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,259.02	695.75
Laura L. Allendorf, 1101 Vermont Avenue, NW Washington, DC 20005	American Society of Internal Medicine	1,250.00	386.04
Alliance for Medical Nutrition, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004		5,051.00	5,051.00
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn (APA)	1,666.66	50.00
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	9,500.00	4,079.99
American Advertising Federation, 1400 K Street, NW, #1000 Washington, DC 20005			9,298.26
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302		25,000.00	12,475.00
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		3,750.00	3,750.00
American Camping Association, Bradford Woods Martinsville, IN 46151			
American Conservative Union, 38 Ivy Street, SE Washington, DC 20003			9,634.00
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			102,621.50
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036		2,500.00	
American Hospital Assn, 50 F Street NW, # 1100 Washington, DC 20001		71,786.08	71,786.08
American Humane Association, 9725 East Hampden Denver, CO 80231		18,032.00	18,032.00
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Osteoporosis Alliance, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004			10,057.00
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		156,142.10	144,969.47
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			9,111.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036			
American Subcontractors Assn, 1004 Duke St. Alexandria, VA 22314			3,000.00
American Tax Reduction Movement, 6302 30th Street, NW Washington, DC 20015-2238		6,000.00	6,000.00
American Wood Preservers Institute, 1945 Gallows Road, #550 Vienna, VA 22180		24,000.00	21,793.70
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Paul S. Anderson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Scott G. Anderson, 50 F St., NW, #1080 Washington, DC 20001	Burlington Northern Railroad Company	1,900.00	760.83
Anderson & Pendleton, 1000 Connecticut Avenue, NW, S.1200 Washington, DC 20036	Corporacion Nacional del Cobre de Chile		
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	8,223.46	844.11
Do	Amerop Sugar Corporation		
Do	Bay Area Rapid Transit District	1,538.13	
Do	Communications Industries Assn of Japan	1,578.00	
Do	Eco Corporation		
Do	Electronic Industry Assn of Japan	6,474.93	200.89
Do	Institute for Financial & Fiscal Studies		
Do	Japan Machine Tool Builders Assn	338.40	
Do	National Multi-Family Housing Finance Assn	119.88	25.95
Do	Navajo Nation	4,908.36	608.15
Do	Oregon Landmark-Three		
Do	Project Orbis, Inc	119.88	25.95
Owen W. Anglum, 1667 K Street, NW, #650 Washington, DC 20006	Armco, Inc	1,100.00	724.06
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Bankruptcy Estate of Wartsila Marine Industries, Inc		
Do	Finnish Guarantee Board		455.63
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	49.00	
William E. Armstrong, 2410 Brickell Ave., #306-C Miami, FL 33129	Armstrong Associates		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	AFL-CIO		10.50
Do	Building & Construction Trades Dept, AFL-CIO		
Do	Republic of Panama		24.75
Christopher Ashe & Associates, 46 Tracy Lyn Road Holliston, MA 01746		1.00	
Milton F. Ashford, P.O. Box 24305 Oakland, CA 94623	Clorox Company		
Association of Biotechnology Companies, 1120 Vermont Avenue, NW, #601 Washington, DC 20005		109,430.00	9,066.00
Association of Independent Television Stations, Inc, 1200 18th Street, NW Washington, DC 20036			8,000.00
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	320.00	
Automotive Parts Rebuilders Assn, 6849 Old Dominion Drive Mclean, VA 22101			
Automotive Refrigeration Products Institute, 5100 Forbes Blvd. Lanham, MD 20706			
AFL-CIO Maritime Committee, 444 North Capitol Street, #820 Washington, DC 20001		4,200.00	5,859.01
APCO Associates, 1155 21st Street, NW, #1000 Washington, DC 20036	J.P. Altmayer		
Do	American Indian Trade Development Council		
Do	Asocoliflores		
Do	Canadian Meat Council		
Do	City Utilities of Springfield	75.00	61.74
Do	E-Z America Limited	7,812.50	201.11
Do	Excess Deferred Tax Coalition		
Do	Ferroalloy Association		
Do	Heart of America Northwest	1,600.00	13.25
Do	Honeywell, Inc		
Do	Intermountain Consumer Power Assn		
Do	London Futures and Options Exchange	1,395.00	
Do	Lyphomed, Inc		
Do	Niedermeyer-Martin Co		
Do	Philip Morris Management Corp		
Do	Profilo Holding A.S	195.00	3.00
Do	Recording Industry Assn of America		
Do	Sacramento Municipal Utility District		
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public	10,382.50	
Do	Unilever United States, Inc	720.00	
ATOCHEM North America, Three Parkway Philadelphia, PA 19102			5,781.00
Gregory R. Babyak, 1747 Pennsylvania Ave., NW Washington, DC 20006	Contact Lens Institute		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	501.41	
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	106.50
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort & Residential Development Assn	2,000.00	2,000.00
Do	California Independent Casualty Companies Assn	5,000.00	5,000.00
Do	Chemed Corporation		
Do	Chubb Group of Insurance Cos	7,500.00	7,500.00
Do	CIGNA Corp		
Do	CNA Insurance Cos		
Do	Edison Electric Institute	4,000.00	4,000.00
Do	Federal Deposit Insurance Corp	2,000.00	2,000.00
Do	Financial Holding Corp	3,500.00	3,500.00
Do	Firemans Fund	2,000.00	2,000.00
Do	Hartford Insurance Group		
Do	National Assn of Insurance Brokers	1,000.00	1,000.00
Do	National Assn of Professional Insurance Agents	1,000.00	1,000.00
Do	North American Co		
Do	St. Paul Fire & Marine		
Do	Tele-Media Corp		
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	U.S. Fidelity & Guaranty Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	United Fidelity Life Insurance	4,000.00	4,000.00
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation	3,000.00	2,109.63
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	6,000.00	
Charles E. Bangert, P.C., 662 Mallard Court Arnold, MD 21012	Business Roundtable	1,500.00	
Linda W. Banton, 7900 Westpark Drive, #A524 McLean, VA 22102	Honeywell, Inc	1,300.00	
Baraff Koerner Olender & Hochberg, P.C., 2033 M Street, NW, #203 Washington, DC 20036	National Basketball Assn	1,035.00	
Do	National Hockey League	400.00	
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Association of Fastener Importers	4,135.39	742.35
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		318.26
Do	Marion Merrell Dow, Inc		604.62
Do	Miles, Inc	1,847.75	139.79
Do	Sundstrand Corp	4,570.25	267.60
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	17,894.25	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	15,561.00
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Corporation	1,000.00	50.00
Anthony R. Battista, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	350.00	40.00
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,600.00	1,039.10
Ann F. Bavaria, 36 North Sixth Street Reading, PA 19601	Meridian Bancorp, Inc		
Bayless & Boland, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Psychemedics Corp	2,000.00	29.50
Do	Southwestern Bell Corp	1,000.00	78.80
Merritt Becker, 1844 Kalorama Rd. NW Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)		
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)	7,019.50	502.14
Howard H. Bell, 1400 K St., NW, #1000 Washington, DC 20036	American Advertising Federation		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union	2,972.17	1,971.52
Alan R. Bennett, 750 17th Street, NW, #1000 Washington, DC 20006	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For:Hoffmann La Roche, Inc)		
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
J. David Bernardy, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co., Inc	50.00	
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	715.50	
Charles Bernhardt, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	403.94
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	5,000.00	1,100.00
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:United States Telephone Association)		
Leonard Bickwit Jr., 655 15th Street, NW Washington, DC 20005	Miller Chevalier & Chartered (For:Ameribanc Investors Group)		
Do	Miller & Chevalier, Chtd (For:American Continental Corp)		
Do	Miller Chevalier & Chartered (For:Long Island Assn)		
Do	Miller & Chevalier (For:Northern States Power Company)		
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,053.36	
Robert D. Billings, 15 West Glebe Road, Apt. C-7 Alexandria, VA 22305	American Conservative Union		5,842.00
Bipartisan Budget Appeal, P.O. Box 9 Bowling Green Station New York, NY 10004			
Bishop Cook Purcell & Reynolds, 1400 L Street, NW, #1000 Washington, DC 20005-3502	Aleut Corporation	1,000.00	
Do	Aleutian/Pribilof Islands Assn, Inc	1,047.31	
Do	American Honey Producers Assn	1,630.00	87.84
Do	American Rice, Inc		
Do	City of St. Paul		
Do	CSR, Ltd	4,909.00	790.59
Do	Houston Agricultural Credit Corp	8,093.75	201.94
Do	IBP, Inc		
Do	Mississippi Department of Economic Development	17,252.48	747.52
Do	Population Services International		
Do	U.S. Rice Producers' Legislative Group	9,565.63	507.65
Roger Blacklow, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,719.60	200.09
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	468.37
Alice Bodley, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,312.50	
Timothy A. Boggs, 1133 21st Street, NW, #400 Washington, DC 20036	Warner Communications, Inc	16,000.00	10,738.09
Carol Bok, 1133 15th St., NW, #640 Washington, DC 20005	American Logistics Association		
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,200.00	2,062.60
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	1,250.00	360.00
Stephen Bosworth, 19 Silvermine Road New Canaan, CT 06840	Fidelity Pacific Group Inc	12,000.00	2,261.27
Josh Bowers, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Raymond F. Bragg Jr., 1275 Penn Ave., NW, #301 Washington, DC 20004	Federal Stategies, Inc (For:American Independent Refiners Assn)	2,400.00	2,367.49
Do	Legislative Strategies (For:Associated Aviation Underwriters)	75.00	
Do	Federal Strategies, Inc (For:Consolidated Natural Gas Company)	1,575.00	3,258.68
Do	Legislative Strategies (For:Delavan Lake Sanitary District)	600.00	2.60
Do	Legislative Strategies (For:Huntway Refining Company)	337.50	
Do	Legislative Strategies (For:National Hydropower Assn)	150.00	
Do	Federal Strategies, Inc (For:Tosco)	1,350.00	1,908.63
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,680.53	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,299.22	784.39
Peter E. Brereton, 900 Euclid Avenue P.O. Box 5937 Cleveland, OH 44107	Ameritrust Co, Nat'l Assn		
Robert J. Brinkmann, 1627 K Street, NW, #400 Washington, DC 20006	National Newspaper Assn	5,000.00	24.99
Donald K. Brown, 1121 L St., #810 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	City of St. Louis - City Hall	30,350.00	5,600.00
John J. Brown, 50 E Street, SE Washington, DC 20003	International Union of Operating Engineers		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	6,159.60	380.46
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	24,000.00	1,317.59
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Forest City Residential Development, Inc		
Do	Schochet Associates		
Kenley W. Brumsdale, P.O. Box 510210 215 S. State St., 12th Fl. Salt Lake City, UT 84151	Fabian & Clendenin (For:Nevada Electric Investment Co, Inc)	12,108.35	4,495.90
Do	Fabian & Clendenin (For:Utah Power & Light Co)	720.00	
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Thomas J. Bulger, Government Relations, Inc 1620 Eye Street, NW, #300 Washington, DC 20006	County of Fairfax	25,300.00	15,380.00
Do	County of San Mateo	15,000.00	2,586.00
Do	Metropolitan Transportation Commission	26,749.98	32,570.00
Do	Oakland County	8,345.75	9,150.00
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,315.24	326.86
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		76.11
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	4,400.00	621.97
James J. Butera, 4901 Quebec Street, NW Washington, DC 20016	Bank of Baltimore	5,000.00	
Do	Bank of Chester County	500.00	
Do	Dime Savings Bank of New York	4,500.00	
Do	Federal Home Loan Bank of Boston	600.00	
Do	Federal Home Loan Bank of New York	6,000.00	
Do	Municipal Savings Bank	500.00	
Do	New Jersey Council of Savings Institutions	3,000.00	
Do	People's Bank	1,000.00	
Do	River Bank America	4,500.00	
Do	Rochester Community Savings Bank	3,000.00	
Do	Savings Banks Assn of New York	4,500.00	
Do	Wilmington Savings Fund Society		
Sydney J. Butler, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
Robert L. Byer, 600 Grant Street Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)	1,210.00	699.14
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			99,936.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	6,250.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of the Republic of Guatemala	15,000.00	326.19
Do	Embassy of Mozambique	50,000.00	2,597.06
Campaign for U.N. Reform-Political Education Committee, 418 7th St., S.E. Washington, DC 20003		15,082.67	14,339.77
Capital Marketing Analytics, Inc, 2001 Jeferson Davis Highway, #1012 Arlington, VA 22202	Argo-Tech Corp		
Do	Loral Corp		
Do	Rockwell International Corp		
Carole-jean M. Carbone, 1201 New York Ave., NW, #530 Washington, DC 20005	Logs Group		
Linda E. Carlisle, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors)		
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)		
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	32,893.00	
Robert E. Carlstrom Jr., 1341 G St., NW #1100, NW Washington, DC 20005	Jefferson Group (For:Alumax, Inc)	2,295.00	
Do	Jefferson Group (For:Conundrum Joint Venture)		
Do	Jefferson Group, Inc (For:Doe Run Company)	4,972.50	56.50
Do	Jefferson Group (For:Zinc Corp of America)	5,036.25	56.00
Charles T. Carroll, 2011 Eye Street, NW, #601 Washington, DC 20006	National Association of Stevedores	650.00	
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	542.00	137.00
Anjean Carter, 105 East 22nd Street New York, NY 10010	Community Service Society	398.90	
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Equipment Manufacturers Institute	800.00	
Cassidy and Associates, Inc, 655 15th St., NW, #1100 Washington, DC 20005	Drexel University		
John J. Castellani, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc	800.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	2,500.00	5,500.00
Cederberg & Associates, 7100 Sussex Place Alexandria, VA 22307	Martin Marietta Corp		
Peter J. Censky, 4151 Naperville Road Lisle, IL 60532	Water Quality Assn		
Center for Law and Education, Inc, 955 Massachusetts Ave., #3A Cambridge, MA 02139		4,447.65	860.32
Century Public Affairs, 1752 N Street, NW, #800 Washington, DC 20036	Dallas/Fort Worth Int'l Airport		
Do	Intermec Corporation		
Do	New United Motor Manufacturing, Inc	6,000.00	332.70
Do	Port of Oakland	22,500.00	3,522.82
Do	Transcontinetal Development Corp	25,359.00	4,590.96
Chadwell & Kayser, Ltd, 35 West Wacker Drive, #3300 Chicago, IL 60601	Chicago Board Options Exchange		
Do	Corn Coalition		
Do	Harza Engineering Co		
Mark G. Chalpin, 1730 M Street, NW, #900 Washington, DC 20036	National Constructors Association		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Assembly of Collegiate Schools of Business	800.00	
Do	American Assn of Retired Persons		
Do	American Express Co		
Do	American Postal Workers Union, AFL-CIO	75.00	
Do	Coalition of Publicly Traded Limited Partnerships	100.00	
Do	Committee for Equitable Compensation	200.00	
Do	Fund to Assure Public Infrastructure Financing	1,025.00	
Do	Manville Corporation		
Do	Metcalf & Eddy/KVB Group		
Do	Newhall Land and Farming Company		
Robert T. Chancler, 1101 Connecticut Ave., NW Washington, DC 20036	American Wire Producers Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,600.75
Michael R. Chellis, 739 S 22nd Street Arlington, VA 22202	Penco International		
John H. Chettle, 1050 Connecticut Ave., NW, #825 Washington, DC 20036	Chamber of Mines of South Africa	7,500.00	500.00
Citizens for Stabilizing Corporate Taxes & Foreign Policy, P.O. Box 1036 Guthrie, OK 73044-1036			
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	12,386.00	78.48
Lynn C. Clark, 1411 K Street, NW, #500 Washington, DC 20005	District of Columbia Chamber of Commerce	975.00	
Guy Clough, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	15,873.12	
Coalition of Supporters of the Shipping Act, 1800 M Street, NW Washington, DC 20036			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		107,632.00	92,521.00
Coan & Lyons, 1625 Eye St., NW, #1015 Washington, DC 20006	National Assisted Housing Management Assn	2,096.20	15.50
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	900.00	1,612.61
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	Sacks Tierney Kasen & Kerrick (For:City of Tucson)		
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 50 F St., NW, #1080 Washington, DC 20001	BR Services, Inc -	1,000.00	992.23
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	National Broiler Council		
Do	National Coalition of Fresh Potato Processors		
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,058.28	80.58
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
Stephen J. Collins, 1620 Eye St., NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Dominique Colon, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc		4.10
Committee for Do-It-Yourself Household Moving, 2011 Eye Street, NW, #500 Washington, DC 20006			
Committee of Public Fiscal Policy, 214 Massachusetts Ave., NE, #210 Washington, DC 20002			
Community Service Society, 105 East 22nd Street New York, NY 10010			1,728.74
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE,#200 Washington, DC 20003		66,700.00	
Veronica Compton, Reg. #276077 P.O Box 17 Gig Harbor, WA 98335-0017			
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn		
Do	Automotive Refrigeration Products Institute		
Robert J. Conner, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	500.00	332.05
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,634.69	
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		74,041.00	76,732.00
Edward Cooney, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	1,047.31	
Cherry E. Cooper, 2301 Market Street, S13-1 Philadelphia, PA 19101	Philadelphia Electric Co		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Assn of New York State	769.00	7,149.00
Jack L. Copeland, 3633 M Street, NW Washington, DC 20007	Fidelity Pacific Group Inc	30,000.00	661.00
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government	607.50	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	8,200.60	
Eric Cox, 418 7th St., SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,687.51	
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:American Mobile Satellite Corporation)		
Do	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
David T. Crow, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Alumax, Inc)	740.00	74.81
Do	Jefferson Group (For:Apache Powder)		
Do	Jefferson Group (For:Conundrum Joint Venture)		
Do	Jefferson Group (For:Doe Run Company)	4,486.25	122.71
Do	Jefferson Group (For:Lockheed Corp)	370.00	1.60
Do	Jefferson Group (For:O. M. Scott & Sons)	2,358.75	444.87
Do	Jefferson Group (For:Zinc Corporation of America)		
Cuban American Foundation, Inc, 7300 N.W. 35th Terrace, #105 Miami, FL 33122		11,228.97	27,429.49
Curtis Thaxter Lipez Stevens Broder & Micoleau, 1 Canal Plaza P.O. Box 7326 Portland, ME 04112	Philip Morris, Inc	4,500.00	3,718.33
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,107.00	1,069.50
Cutler & Stanfield, 1850 M Street, NW Washington, DC 20036	University of Colorado	877.50	
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Seton Hall University		
Leslie Dach, 1420 K Street, NW Washington, DC 20005	Daniel J. Edelman, Inc (For:Collagen Corporation)	3,587.50	1,070.29
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Tracy Danese, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co	4,620.00	19,690.79
Linda Daschle, 4224 King Street Alexandria, VA 22302	American Assn of Airport Executives	7,800.00	
William E. Deegans, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation		
Deloitte Haskins & Sells, 1001 Pennsylvania Ave., NW, #350 Washington, DC 20004-2505	Financial Institution Retirement Fund		
Do	U.S. Olympic Committee	185.00	
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	748.97	195.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:American Mobile Satellite Consortium)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:United States Telephone Association)		
Perry Como Denby, 1301 Franklin Street Tank 6-B-1 Houston, TX 77002			
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc	1,200.00	1,560.00
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School		
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	5,000.00	
Brad L. Doores, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	1,000.00	1,631.11
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc	69.00	7.00
Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402	Automobile Importers of America, Inc	3,000.00	18.00
Do	Guam Commission on Self Determination	1,085.00	1,258.50
Do	International Electronics Mfgrs & Consumers of America, Inc		
Dow Lohnes & Albertson, 1255 23rd St., NW Washington, DC 20037	American Integrity Insurance Co	6,490.00	
Do	California Wine Commission	2,495.65	76.29
Do	Carlyle Group		
Do	Cellular Communications, Inc, et al	4,304.66	48.50
Do	Chamber of Commerce of the U.S	2,940.00	
Do	General Aviation Manufacturers Assn		
Do	Monarch Wine Co of Georgia, et al		
Do	National Business Aircraft Assn	1,990.00	
Do	Sporicidin Company	405.00	
Do	Washington Area Bankers Assn		
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Cos	2,000.00	232.86
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,000.00	300.00
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	210.00	212.87
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	7,291.00
Dudek Communications, 4915 St Elmo Avenue, #206 Bethesda, MD 20814	Lyonnaise Marianas America, Inc	6,000.00	1,186.49
John Dudinsky Jr., 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems		
Do	Hvide Shipping, Inc	1,000.00	240.00
Michael J. Duff, 225 Reinekers Lane, #625 Alexandria, VA 22314	Scientific Apparatus Makers Assn	1,400.00	
Kevin Dufficy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Daniel A. Duffy, 1400 K St., NW, #900 Washington, DC 20005	Rubber Manufacturers Assn	2,500.00	
Jean Durning, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	280.94	
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Miguel H. Agosto		2,908.94
Do	American Free Trade Assn		
Do	American Nuclear Energy Council		
Do	Anchor Industries, Inc	1,012.50	
Do	Anesthesia Care Team Society		
Do	Associates of North America		
Do	Association of Progressive Rental Organizations	30,000.00	2,418.84
Do	Building Industry Assn of Southern California	45,000.00	5,536.38
Do	Citgo Petroleum Corp		3,124.17
Do	Colorado River Municipal Water District (CRMWD)		
Do	Communications Satellite Corp	16,000.00	1,449.81
Do	Council for Solid Waste Solutions	120,000.00	3,982.29
Do	D & B Wholesale Cosmetics, Inc	2,211.08	
Do	DSC Communications Corp	31,475.00	\2,129.74
Do	William Gold		
Do	Granger Associates		
Do	Hart-Culp International		
Do	International Craniofacial Foundations	2,500.00	
Do	International Telecharge, Inc	31,500.00	5,552.06
Do	Jewish National Fund	60,000.00	3,141.35
Do	Lusk Company		
Do	McDonalds Corp	5,587.50	
Do	MedMax		
Do	Midlands Consortium		
Do	Model Imperial Supply Co, Inc		
Do	National Cellular Resellers Assn	5,000.00	510.84
Do	Oklahoma State University		
Do	PacifiCare Health Systems	23,512.50	3,767.47
Do	Paramount Communication, Inc	11,250.00	
Do	Phoenix Mutual Life Insurance	42,025.00	5,544.27
Do	Rmax, Inc	70,681.35	760.76
Do	Sims Walker... (for Creditors Alliance for Freight ...)	5,931.13	
Do	Southland Corporation		
Do	Stedman Foundation, Inc		
Do	M. Stevens Cosmetics Co		
Do	Waste Conversion Systems, Inc		5,188.12
Do	Wespar Financial Services		
Do	Yavapai Telephone Exchange		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Apex Marine Corp		
Do	Bay Area Renal Stone Center	2,500.00	105.44
Do	Bender Shipbuilding & Repair Co, Inc		
Do	Liberty Shipping Group Limited Partnership		
Do	Medical Care International, Inc		
Do	Renal Physician Assn		
Do	REN Corporation, USA	1,400.00	68.71
Do	Smith Corona Corp	2,500.00	244.29
Do	Surgical Care Affiliates, Inc	1,250.00	45.53
Do	T/2 Medical, Inc	1,300.00	320.58
Do	The Torrington Company	6,592.00	434.76
Mary A. Dyess, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	650.00	
E. I. du Pont de Nemours & Co, 1007 Market Street Wilmington, DE 19898		430.00	
Jack D. Early, 1155 15th St., NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	37.50	8.00
Hope B. Eastman, 4800 Hampden Lane, 7th Floor Bethesda, MD 20814	Paley Rothman Goldstein Rosenberg & Cooper (For:National Assn of Women Business Owners)		
Pam Eaton, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	550.00	
Kevin James Echols, 425 2nd Street, NW Washington, DC 20001	American Determination for Peace Co		5.00
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	5,088.00	1,425.37
Robert Eisenbud, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Energy Fuels Nuclear, Inc, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202			12,567.16
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		4,466.92
Cheryl Anthony Epps, 1110 North Glebe Road, #200 Arlington, VA 22201	International Assn of Chiefs of Police	10,180.65	1,921.27
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20036	Telesphere International, Inc		3,643.75
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell Inc	540.00	500.00
Nitza Escalera, 105 East 22nd Street New York, NY 10010	Community Service Society	54.73	
Andreas W. Evans, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Dave Evans Associates, 406 3rd Street, SE Washington, DC 20003	Association for Regulatory Reform (ARR)		
Robbie G. Exley, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Paul K. Eyer, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,000.00	
Leslie Fain, 1506 19th Street, NW, #3 Washington, DC 20036	Committee for Humane Legislation	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Roger C. Fairchild, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For:Shutler and Low (for: Nissan R&D, Inc))	3,712.50	52.00
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Kevin J. Fay, 2011 Eye Street, NW, #500 Washington, DC 20006	Huizenga Fay and Associates (For:Alliance for Responsible CFC Policy)	6,000.00	300.00
Frederick Fedeli, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,600.00	1,068.00
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			2,397.44
Federation of Behavioral Psychological & Cognitive Sciences, 1200 17th Street, NW Washington, DC 20036			40.00
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,119.81	
Claudia Feller, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences	40.00	
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Fensterwald Alcorn & Vangellow, 2112C Gallows Road Vienna, VA 22180	Concerned Federal Railroad Administration Employees		
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Alaska Loggers Association, Inc	4,000.00	698.30
Do	Conoco, Inc	1,250.00	625.12
Do	Dillingham Construction Group	2,156.25	681.15
Do	Global Marine, Inc	4,580.00	715.45
Do	Haida Corporation	6,500.00	715.45
Do	Klukwan, Inc	3,062.50	675.73
Do	Northern Air Cargo	2,500.00	663.27
Do	Tacoma Boatbuilding Co	1,500.00	630.57
Do	U.S. Borax & Chemical Corp	3,500.00	894.80
Do	Western Forest Industries Assn	3,500.00	643.75
Do	Williams Companies	6,357.50	763.82
John H. Ferman, 1050 20th Street Sacramento, CA 95816	California Assn of Hospitals & Health Systems	20,000.00	4,973.00
Robert J. Fersh, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center	1,491.27	
Fidelity Pacific Group L.P., 10 South Broadway Irvington-on-Hudson, NY 10533		54,000.00	47,216.77
William A. Finerfrock, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	12,444.00	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Council of Community Mental Health Centers	1,540.00	155.56
Barry Flamm, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	1,066.67	14.00
Flanagan Group, Inc, 11 Canal Center Plaza, #250 Alexandria, VA 22314	Dominion Resources, Inc		
Do	Port of San Francisco		
Do	Virginia Power		
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	300.00
Cynthia Folcarelli, 12300 Twinbrook Parkway, #320 Rockville, MD 20852	National Council of Community Mental Health Centers	1,328.58	23.60
Joseph P. Foley, 206 G St., NE, #201 Washington, DC 20002	American Security Fence Corp		
Do	Coalition Against Noneffective Lighting Protection Tech		
Do	PolyPhaser Corp		
Footwear Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	Coalition to Protect the Integrity of American Trademarks	350.00	
Do	Columbia Hospital for Women Medical Center		
Do	United Food & Commercial Workers Int'l Union	3,650.00	124.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty	500.00	
Allan M. Fox, 750 17th Street NW, # 1100 Washington, DC 20006	Fox Weinberg & Bennett (For:Bristol-Myers Co)		
Do	Fox Weinberg & Bennett (For:National Coalition for Cancer Research)		
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Institute on Deafness & Other Communication Disord		1,763.61
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Society of Clinical Oncology		
Do	Battery Council International		
Do	Bristol-Myers Co		
Do	Courtaulds North America, Inc		
Do	Fisons Corp		116.25
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle Laboratories		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc		160.00
Do	Wireless Cable Assn, Inc		548.75
Michael Francis, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	12,018.74	784.57
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	152.77
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Gay H. Friedmann, 655 15th Street, NW, #300 Washington, DC 20005	Northern States Power Company	10,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #420 Portland, OR 97204			
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		35,091.00	14,387.93
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn		
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Gartrell & Alexander, 8601 Georgia Ave., #805 Lee Plaza Silver Spring, MD 20910	Washington Metropolitan Area Transit Authority	27,420.00	1,816.00
Patrick J. Garver, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	681.75	
Louis C. Gasper, 6253 Park Road McLean, VA 22101	York Associates, Inc	1,125.00	
W. Mark Gavre, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	1,167.50	
Karl Gawell, 1400 16th St., NW, #320 Washington, DC 20036	Zero Population Growth	606.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		5,899.00	5,899.00
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Mary E. Gill, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Maureen Gilman, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	15,000.00	406.63
Gilmartin Poster & Shafto, One William Street, 5th Floor New York, NY 10004	B & B Dredging Corp		701.00
Tod I. Gimbel, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	115.38	106.43
George E. Glasier, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Donald R. Glenn, 1627 K Street, NW, #200 Washington, DC 20006	Energy Research Corp		
A. James Golato, 1641 Route 3 North, #101 Crofton, MD 21114	H&R Block, Inc		
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	4,645.70	281.88
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	4,693.36	
Alan Goodfader, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Company, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corportion)		
Stephen Gordon, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc	957.00	1,669.84
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,624.52	3,728.52
Government Liaison Project, 6313 Tulsa Lane Bethesda, MD 20817		40.00	137.99
Winston S. Graham, 91 Macon Street Brooklyn, NY 11216			
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc	8,000.00	901.56
David C. Gray, 3728 Kanawha Street, NW, Washington, DC 20015	American Camping Association	3,000.00	
Do	Portsmouth-Kittery Armed Services Committee, Inc	100.00	
James A. Gray, 7901 Westpark Dr. McLean, VA 22102	National Machine Tool Builders' Assn	2,250.00	25.00
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		2,77,928.00	82,695.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,300.00	1,887.60
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	United States Telephone Association	250.00	
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy, Inc)	6,000.00	
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)		
Do	Murphy & Demory, Ltd (For:Tridec Westinghouse)		
Ellen Griffee, 1413 K Street, NW, 10th Fl. Washington, DC 20005	Association of Science-Technology Centers	10,462.00	300.90
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	2,500.00	185.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Martin-Marietta		
Gary E. Griffith, 3209 Mockingbird Lane Dallas, TX 75205	EPIC Healthcare Group		
Grogan Graffam McGinley & Lucchino, P.C., 22nd Floor, Three Gateway Center Pittsburgh, PA 15104	Steel Valley Authority		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	42,500.00	
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
Lewis Gulick, 1911 Fl. Myer Drive, #702 Arlington, VA 22209	TCR Services, Inc	5,000.00	
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	4,254.25	1,596.96

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	350.00
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Tom Hagedorn Associates, 1704 23rd St., So. Arlington, VA 22202	Mirrlees Blackstone (USA), Inc	10,000.00	
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	Messerschmitt Bolkow-Blohm Gmbh, et al	465.50	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,130.90	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	National Corporation for Housing Partnerships		
Do	Town of Mashpee		
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	15,404.55	
John F. Hall, 1945 Old Gallows Road, #550 Vienna, VA 22180	American Wood Preservers Institute	5,000.00	
Julius L. Hall, 695 Americana Drive, #23 Annapolis, MD 21403	National Federation of Federal Employees	9,372.82	
Steve Halsey, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:D/FW Railtran System)	500.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	7,188.46	397.34
Daniel J. Hanson Sr., 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn		
Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	15,000.00	3,006.13
Robert L. Harris, 1341 G St., NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Alumax, Inc)	2,220.00	32.00
Do	Jefferson Group (For:Conundrum Joint Venture)		
Do	Jefferson Group, Inc (For:Doe Run)	4,255.00	60.00
Do	Jefferson Group, Inc (For:Zinc Corporation of America)	3,700.00	25.00
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn	2,000.00	
Paul M. Harrison, P.O. Box 4079 Gulfport, MS 39502	Mississippi Power Co	4,245.00	207.00
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Arthur W. Hartmann, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	9,906.00	335.60
Howard M. Haug, 100 East 42nd St. New York, NY 10017	National Foreign Trade Council, Inc	4,500.00	
James M. Hawes, 5527 Briar Drive Houston, TX 77506	Fidelity Pacific Group Inc		
Paul M. Hawkins, 1 Whispering Pines Court Hilton Head Island, SC 29926	Health Insurance Assn of America, Inc		
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		729.95	729.95
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	4,375.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Dan C. Heinemeier, 1722 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Don Hellmann, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	7,080.21	5,923.58
Cedric R. Hendricks, 601 Indiana Ave., NW #900 Washington, DC 20004	Pierson & Hendricks (For:Multinational Business Services)		
Michael T. Henson, 2313 Garrett Avenue Baltimore, MD 21218			
Barry Alexander Herring, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products, Ltd		
Marsha Herzstein, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
George K. Hickox Jr., 246 Willcrest Houston, TX 77042	Fidelity Pacific Group Inc		
Pamela Hill, One Tabor Center, #2500 1200 17th Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,590.50	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alaska Legal Services Corp		
Do	Aroostook Band of Micmacs	1,300.00	
Do	Association of Navajo Community-Controlled School Boards		
Do	Bristol Bay Area Health Corp		
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe	500.00	
Do	Metlakatla Indian Community	800.00	15.90
Do	Miccosukee Tribe of Indians of Florida	1,570.00	7.95
Do	National Indian Education Assn	720.00	75.52
Do	Norton Sound Health Corp	400.00	23.85
Do	Oglala Sioux Tribe		
Do	Oglala Sioux Tribe Public Safety Commission		
Do	Pueblo de Cochiti	3,400.00	52.20
Do	Seminole Tribe of Florida	1,700.00	113.50
Do	Spokane Legal Services Center	60.00	
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Michele O'Donnell Holbrook, 10 Lafayette Square, Rm. 900 Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al	4,112.64	8,064.06
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alyeska Pipeline Service Co	1,450.00	
Do	Citgo Petroleum Corp	1,375.00	
Do	Council for Solid Waste Solutions		
Do	Grocery Manufacturers of America, Inc	2,250.00	
Holt Miller & Associates, 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)	4,352.93	4,030.10
Do	American Council of International Personnel	3,593.94	668.77
Do	Interstate Natural Gas Association of America (INGAA)	9,225.00	120.86
Do	Irish Immigration Reform Movement	4,154.00	522.10
Do	McDonald's Corp	4,741.50	232.77
Do	Natural Gas Vehicle Coalition	2,775.00	41.20
Lois Holwerda-Hoyt, 600 Maryland Avenue, SW, #770 Washington, DC 20024	American Academy of Family Physicians	3,062.50	171.41
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		135,000.00	128,935.45
Marian Hopkins, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S	3,900.00	434.09
Hopkins & Sutter (Chicago), Three First National Plaza, #4200 Chicago, IL 60602	Cash Station, Inc	1,150.00	
Hopkins Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		
Do	Cook Inlet Land Exchange, Inc		
Do	First Federal Savings Bank		
Do	Geonex Corp	2,410.00	
Do	Greenwich Capital Markets, Inc	755.00	
Do	Infinite Research, Inc		
Do	Louisiana Pacific Corp	20,915.00	111.26
Do	Safe Travel America		
Do	United Video		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		8,433.00	8,433.00
Karen Howard, 1400 K St., NW Washington, DC 20005	American Psychiatric Assn	2,125.00	1,168.09
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Service Company, Inc	1,653.00	988.98
Walter D. Huddleston, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Airtrax)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:BATUS, Inc)		
Do	Hecht Spencer & Associates, Inc (For:Organization of Fair Treatment for Int'l Investments (OFTII))		
Terry D. Hudgins, P.O. Box 53999 Station 9910 Phoenix, AZ 85072-3999	Arizona Public Service Company	12,286.00	546.16
Stewart Hudson, 1412 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,156.52	
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	574.54	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Historic Ricefields Assn		
Do	Long Island Lighting Co	1,000.00	
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
HCA The Healthcare Co, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550			
I. A. B., 14 Dayton Street Westover, NY 13790			
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		7,500.00	300.00
Richard Munroe Irby III, 1222 Warrington Place Alexandria, VA 22307	American Gas Assn	4,000.00	
Edrie Irvine, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	314.00	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer USA, Inc		
Do	Family Holding Company Advocacy Group		
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	11,025.17	
Benjamin R. Jackson, 14500 Avion Parkway,#300 Chantilly, VA 22021	TechLaw (For:Shutler & Low (for Nissan Research & Development))	15,000.00	199.32
Glenn Jackson, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	2,996.14
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers		
T. Destry Jarvis, 1800 N. Kent Street, #1120 Arlington, VA 22209	Student Conservation Association (SCA)	959.00	20.00
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	
Linda Jenckes, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Kempton B. Jenkins, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	300.00	618.00
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Donaldson Lufkin & Jenrette (for Equitable Financial Cos)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dallin W. Jensen, 185 S. State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	494.00	
Karen Jettmar, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
Ronald P. Johnsen, 1250 Eye St., NW, #703 Washington, DC 20005	Columbia Gas System Service Corp	175.00	411.91
David H. Johnson, 1200 17th Street, NW Washington, DC 20036	Federation of Behavioral Psychological & Cognitive Sciences		
Michael A. Johnson, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)	99.00	
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Silvestri Corp)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	297.00	6.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)	347.00	4.00
Nancie S. Johnson, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	430.00	
Barbara W. Johnston, 1700 K Street, NW, #502 Washington, DC 20006	BHP-UTAH International, Inc		93.01
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,641.00	109.29
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Ethyl Corporation		12.00
Do	First Church of Christ-Scientists	665.00	
Do	Laurel Industries, Inc		
Do	Morgan Grenfell & Co, Ltd		
Do	RJR Nabisco, Inc		12.00
Andrew P. Jovanovich, 2801 N. Somerset Street Arlington, VA 22213	Technology Services Group, Inc		
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	1,496.95
Do	Hotel Employees & Restaurant Employees Int'l Union	32,937.52	1,752.49
Do	International Speedway Corp	9,000.00	
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
JAR-MON Consultants, 214 Massachusetts Ave., NE #300 Washington, DC 20002	American Business Council, Inc		
Do	American Freedom Coalition		
Geza Kadar Jr., 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Sherry F. Kaiman, 122 C Street, NW, #875 Washington, DC 20001	Robert A. Rapoza Associates (For:National Rural Health Assn)	999.99	169.60
Steve Kallick, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	43.00	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Cambridge Redevelopment Authority	8,579.00	205.59
Do	Humane Society of the U.S., et al	14,053.00	1,366.17
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	5,812.00	1,811.44
Barbara J. Katz, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	5,997.00	
JoAnn Kauffman, 206 G St., NE #100 Washington, DC 20002	American Indian Health Care Assn	6,000.00	89.04
Do	Evergreen Associates, Ltd (For:Nez Perce Tribe of Idaho)	8,175.00	
Bronwen A. Kaye, 1575 Eye St., NW, #200 Washington, DC 20005	American Cyanamid Co	301.40	90.00
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Arkla, Inc	1,010.00	107.20
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)	3,200.00	
Do	TKC International (For:International Public Relations Co, Ltd)	3,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	2,097.00	
Do	TKC International (For:UNIAO Nacional Para Independencia Total DeAngola)	4,800.00	
J. Michael Keeling, Zuckert Scoutt & Rasenberger 888 17th Street, NW, #600 Washington, DC 20006	American Truck Dealers		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	4,000.00	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	National Assn of Manufacturers	9,000.00	
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	LTV Corporation		
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	Perdue Farms Inc	18,000.00	
Kemper Financial Companies, 120 South LaSalle Street Chicago, IL 60603			888.75
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			1,294.75
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			626.40
Patricia Kennedy, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation		
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,952.52	128.19
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society	314.52	238.00
Dale Rodney Ketcham, 1980 N. Atlantic Ave., #918 Cocoa Beach, FL 32931			
Eun Sang Kim, 1030 15th Street, NW, #776 Washington, DC 20005	Korea Foreign Trade Assn		
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	9,144.00	200.00
Marcia Y. Kinter, 10015 Main Street Fairfax, VA 22031-3489	Screen Printing Assn International		
Ronald Kipke, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Empolyees	1,393.60	
Peter C. Kirby, 1400 Eye St., NW Washington, DC 20005	Wilderness Society		
Kirkland & Ellis, 655 15th Street, NW, #1200 Washington, DC 20005	Corning Glass		
Do	General Motors Corp	4,468.75	
Do	Service Master		
Do	Valhi, Inc		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	American Chipper Knife Coalition		
Do	Goldman Sachs & Co		
Do	Grocery Manufacturers of America, Inc		
Do	Search Group, Inc	16,140.00	1,708.90
Carla Kish, D & R International 962 Wayne Avenue, #800 Silver Spring, MD 20910	Florida Solar Energy Center	3,000.00	
Do	University of Oregon	2,000.00	
William J. Kissick, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Robert W. Kleinman, 150 North Michigan Avenue Chicago, IL 60601-7567	Ross & Hardies (For:Citicorp North America, Inc)		
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	22,500.00	840.64
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	480.00	
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	6,250.00	1,630.00
Darrell Knuffke, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	213.75	
Bart Koehler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	325.00	
Julie Koheler, Box 021692 Juneau, AK 99802	Southeast Alaska Conservation Council	459.00	
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	1,950.00	
Steven Krause, 105 East 22nd Street New York, NY 10010	Community Service Society	221.18	
Hugh A. Krentz, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Institute of Steel Construction		
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	249.35	39.00
Krooth & Altman, 2101 L Street, NW, #210 Washington, DC 20037	Healthcare Financing Study Group		
Do	Housing Study Group		
Herb B. Kuhn, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	2,941.79	568.54
Frederick L. Kumar, 8002 Sleepy View Lane Springfield, VA 22153			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		1,965.00	1,965.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			35,768.09
Janice R. Lachance, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	1,990.70	
Lachelli Waller & Asso, 600 Maryland Ave, SW, #302 W Washington, DC 20024	ASARCO, Inc		
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc		
Katherine D. Ladd, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc		
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	400.00	
Denise M. Larr, 1275 Pennsylvania Ave.,NW, #301 Washington, DC 20004	Legislative Strategies (For:American Independent Refiners Assn)	55.50	
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).	74.00	14.00
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)	296.00	12.00
Do	Legislative Strategies (For:Huntway Refining Company)	37.00	
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)	37.00	
George H. Lawrence, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	4,000.00	
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		132,271.68	68,036.48
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	United States Telephone Association	2,500.00	
Legislative Strategies, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	American Independent Refiners Assn	7,500.00	5,272.27
Do	Associated Aviation Underwriters	225.00	86.36
Do	Cogeneration & Independent Power Coalition of America, Inc	1,987.50	1,044.56
Do	Consolidated Natural Gas Service Company, Inc	6,025.00	5,694.28
Do	Delavan Lake Sanitary District	1,800.00	1,228.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Huntway Refining Company	1,122.50	436.98
Do	Miami-Dade Water & Sewer Authority Dept.	450.00	172.22
Do	National Hydropower Assn	450.00	172.72
Do	Natural Gas Vehicle Coalition	845.00	429.14
Do	Penntech Papers, Inc	35.00	17.18
Do	Tosco, Corp	4,050.00	3,463.17
Dale Leibach, 1901 L Street, NW, #320 Washington, DC 20036	Powell Adams & Rinehart		
Lesher & Russell, Inc, 517 C Street, NE Washington, DC 20002		6,000.00	6,100.00
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
David A. Lewis, 1000 16th St., NW., #810 Washington, DC 20036	Physicians for Social Responsibility	4,812.33	
David J. Lewis, 2111 Jefferson Davis Highway Arlington, VA 22202	International Trade & Development Agency, Inc	5,000.00	
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	389.00
Pamela Lichtman, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	821.00	
Janet Lieberman, 1012 14th St., NW, #207 Washington, DC 20005	U.S. Student Association	2,500.00	165.00
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	1,500.00	
Paul E. Linet, 176 Federal Street Boston, MA 02210	The Afa Corporation		375.00
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation		1,109.50
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	13,978.74	1,372.41
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Lund & O'Brien, 1625 Eye St., NW, #406 Washington, DC 20006	Pennsylvania Mines Corporation		
Carla J. Lunetta, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		942.79
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security and Medicare		
John E. Lynn, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,625.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	7,563.00	7,692.00
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	GE-Government Services	315.00	210.38
Do	Northern States Power Company	22,580.00	15,054.00
Do	Philip Morris USA		
Do	Stratco, Inc	1,112.50	741.60
Susan Magaw-Stout, 1010 Wisconsin Avenue, NW Washington, DC 20007	Grocery Manufacturers of America, Inc	400.00	
Mimi Mager, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	10,399.06	272.36
Paul J. Magliocchetti, 9527 Wallingford Drive Burke, VA 22015	Paul Magliocchetti Associates, Inc (For:United Technologies Corp)		
James W. Magner, Reg # 38670-019 Box 4000 Springfield, MO 65808	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)		
David A. Makarechian, 470 L'Enfant Plaza East Bldg. #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	489.00	15.00
Manatt Phelps Rothenberg & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	American Institute of Real Estate Appraisers	100.00	
Do	J.G. Boswell, Co	2,850.00	
Do	New York Stock Exchange	900.00	
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Company	2,803.00	2,384.35
Manchester Group, Ltd, 1250 24th Street, NW, 7th Floor Washington, DC 20037-1142	America Committee for Vietnam Claims Justice	3,000.00	
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America		
Donald W. Mann, 60 B Franklin Street Tenafly, NJ 07670	Negative Population Growth, Inc	500.00	
Marc Associates, Inc, 1030 15th Street, NW, #468 Washington, DC 20005	Affiliated Leadership League of & for the Blind		
Do	Am. College of Nuclear Physicians-Soc. of Nuclear Medicine	2,000.00	
Do	American Assn of Colleges of Oesteopathic Medicine	1,666.00	
Do	American Society for Bone and Mineral Research	4,000.00	
Do	American Society for Gastrointestinal Endoscopy	2,500.00	
Do	American Society of Anesthesiologists	10,500.00	
Do	American Society of Clinical Pathology	4,000.00	
Do	American Society of Hematology	1,000.00	
Do	American Urological Assn/Am Assn of Clinical Urologists	5,500.00	
Do	Helen Keller National Center	250.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Association of Epilipsy Centers		
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	6,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Richard F. Mark, 1000 16th St., NW #810 Washington, DC 20036	20/20 Vision	3,334.00	1,939.55
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	BHP Holdings (USA), Inc		
Scott M. Matheson, 185 South State Street, #700 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Energy Fuels)	1,000.00	
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)	20,400.00	
Herbert S. Matthews, 2500 Q Street, NW, #228 Washington, DC 20007	Martin Marietta Corp	6,500.00	
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:Carnival Cruise Lines)	550.00	
Do	Hospice Care of Deleware, Inc	1,400.00	
Albert E. May, 1627 K Street, NW, 1200 Washington, DC 20006	United Shipowners of America	3,150.00	
McAuliffe Kelly Raffaelli & Siemens, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Association of Human Resource Consultants		
Beth McConnell, 555 13th Street, NW #300W Washington, DC 20510	Interstate Natural Gas Assn of America		
Stephen McConnell, 1334 G Street, NW Fifth Floor Washington, DC 20005	Alzheimer's Assn	3,625.00	
Molly McCormick, 2301 Market Street, box 8699 Philadelphia, PA 19101	Philadelphia Electric Company		
Francis O. McDermott, 888 16th Street, N.W. Suite 624A Washington, DC 20006	Hopkins Sutter Hamel & Park (For:Association Management Corp)		
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Robert A. McFadden, 1187 National Press Bldg. Washington, DC 20045	Ad Hoc Committee in Defense of Life, Inc	4,225.00	7,803.56
Bertra B. McGann, One Elmcroft Road Stamford, CT 06926-0700	Pitney Bowes, Inc	7,000.00	5,808.74
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,282.55	2,228.52
McGuire Woods Battle & Boothe, 8280 Greensboro Drive, #900 McLean, VA 22102	Aaronson Properties, Inc		
Do	RF&P Railroad		
Do	Vulcan Materials Co		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	300.00	47.50
McKenna Conner & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America		
Do	Savings and Loan League of Colorado, Inc		
Francis X. McLaughlin Jr., 1730 K St., NW, #1100 Washington, DC 20006	National Treasury Employees Union	11,360.25	
Joseph E. McMahon, 1331 Pennsylvania Avenue, NW, #909 Washington, DC 20004	Rodale Press	450.00	2.00
Tara McMahon, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Association of America, Inc		
C. W. McMillan, 2021 K Street, NW, #306 Washington, DC 20006	McMillan & Farrell Associates, Inc		
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	McNair Law Firm, P.A.		
Susan McNally, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Larry McNickle, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	1,040.70	91.00
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	America Osteopathic Assn	3,500.00	
Francis X. Meaney, 1825 Eye Street, NW Washington, DC 20006	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	1,500.00	
Medtronic, Inc, 7000 Central Ave., NE Minneapolis, MN 55432			2.40
Joseph Mehrkens, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	205.00	1,270.17
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Carol Melton, 1133 21st St., NW, #400 Washington, DC 20036	Warner Communications, Inc	9,250.00	900.00
James T. Melville, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)	28,020.00	
J. Roger Mentz, 1333 New Hampshire Ave., NW Washington, DC 20036	Cadwalader Wickersham & Taft (For:Clayton & Dubilier, Inc)		
Do	Cadwalader Wickersham & Taft (For:Government of Puerto Rico)		
Do	Cadwalader Wickersham & Taft (For:Institute of International Container Lessors)	55.25	
Do	Cadwalader Wickersham & Taft (For:Kern River Gas Transmission Company)	406.25	
Do	Cadwalader Wickersham & Taft (For:Mercedes-Benz of North America, Inc)	162.50	
Do	Cadwalader Wickersham & Taft (For:Princeton Univ Investment Co & American Council on Education)		
John L. Mica, 201 Massachusetts Ave., NE, #C-9 Washington, DC 20002	Harris Government Systems		
Do	Harris-RF Communications	3,000.00	550.00
Do	Hvide Shipping, Inc	1,000.00	240.00
Michael G. Michaels, P.O. Box 150160 Lakewood Station Box PMB Atlanta, GA 30315			
Michaels & Wishner, P.C., 1726 M St., NW, #500 Washington, DC 20036	Medco Containment Services, Inc	7,500.00	3,592.53
Do	National Assn for Ambulatory Care		
Do	Watts Health Foundation, Inc	9,697.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund of the Washington Research Project	417.32	
Miles & Stockbridge, 1701 Pennsylvania Ave., NW, #500 Washington, DC 20006	Black and Decker Corp		
Do	PepsiCo, Inc		
Do	Pizza Hut, Inc		150.00
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	1,500.00	1,414.00
Do	National Health Federation	1,500.00	1,756.00
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Health Federation		
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,604.00	164.00
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Ameribanc Investors Group		
Do	American Nuclear Energy Council		
Do	Association of Thrift Holding Cos		
Do	Chevy Chase Savings & Loan Assn		
Do	Long Island Assn		
Miller Cassidy Larroca & Lewin, 2555 M St., NW, #500 Washington, DC 20037	47th Street Photo	1,000.00	
Miller Hamilton Snider Odom & Bridgeman, 1747 Pennsylvania Ave, NW, #1150 Washington, DC 20006	Honfed Savings Bank	1,575.00	10,178.61
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	320.00	
Montana Market Development Co, 305 West Mercury St., #303 Butte, MT 59701	Madison Public Affairs Group (for: Philip Morris, Inc)		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	3,625.00	192.09
Randall B. Moorhead, 2000 K Street, NW, #201 Washington, DC 20006	North American Philips Corp	4,000.00	460.00
Eugene Moos, 1000 16th Street, NW, #702 Washington, DC 20036	Gene Moos & Associates (For:American Oat Assn)	14,654.00	17,846.50
Do	Coalition for Advment of Research on Agri, Food & Environmt	8,792.40	10,707.90
Do	Harvest States Cooperative	8,792.40	10,707.90
Do	Korean Soybean Processors Assn	17,584.80	21,415.80
Do	Kraft General Foods	8,792.40	10,707.90
Anne L. Morgan, 1016 16th St., NW Washington, DC 20036	National Fed of Federal Employees		
John Morgan, 1925 K St., NW Washington, DC 20006	Communications Workers of America		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Presbyterian Hospital City of New York, et al.		
Do	Wheels, Inc		
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	6,249.99	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	28,910.98	711.04
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	Consolidated Freightways, Inc		
Do	Federal Home Loan Bank of Des Moines		
Do	Federal Home Loan Bank of Seattle		
Do	Federal Home Loan Bank of Topeka		
Do	Ford Motor Co	7,207.50	61.25
Do	Mastercard International, Inc, et al.	11,206.25	85.00
Do	Matteson Investment Corp	1,163.75	18.00
Do	Micron Technology, Inc	1,460.00	15.00
Do	RREEF Funds, Inc		
Shelley R. Moskowitz, 236 Mass. Ave., NE, #608 Washington, DC 20002	Neighbor to Neighbor Action Fund	3,030.00	327.00
Beth Moten, 80 F Street, NW Washington, DC 20001	American Federation of Government Employees	9,245.80	93.00
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		20,652.50	30,371.36
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Susan Connolly Moya, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Cheryl L. Moyer, RDI Box 628 Shermansdale, PA 17090	Pennsylvania Assn of Families		
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	3,155.88	
Richard J. Muller, P.O. Box 66763 Washington Square Station Washington, DC 20036	Chrysler Corporation	2,250.00	150.00
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross and Blue Shield Assn	1,380.00	567.53
Evelyn Fiemann Munley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	8,473.73	230.05
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Korea Tacoma Marine Industries, Ltd)		
Do	Murphy & Demory, Ltd (For:Tridec Westinghouse)		
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware		
Christopher Alton Myrick, P.O. Box 65493 Washington, DC 20035-5493	National AgriChemical Retailers Assn	99,166.66	17,404.50
MLR Associates, 3805 Alton Place, NW Washington, DC 20016	Neighborhood Housing Services of America		
MMB Associates, Inc, 122 C Street, NW, #240 Washington, DC 20001	Job Training Assn		
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005			8,145.66
National Air Carrier Assn, 1730 M St., NW, #710 Washington, DC 20036			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		7,257.32	103,968.01
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,746,550.61	127,581.51
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			51,895.83
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006		3,300.00	4,800.00
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	6,345.00
National Bicycle Dealers Assn, Inc, 129 Cabrillo Street, #201 Costa Mesa, CA 92627-3006			
National Child Care Assn, P.O. Box 161206 Austin, TX 78716-1206		4,000.00	4,000.00
National Co-Op of Farmers & Laborers, 2718 E. Manford Street Fort Wayne, IN 46806			
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		25,747.00	18,550.76
National Coalition for Fair Trade, 7200 Wisconsin Avenue Bethesda, MD 20814			
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		174,404.45	39,310.00
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		11,129.00	11,129.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		36,698.10	36,698.10
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		76,540.00	4,809.00
National Fed of Federal Employees, 1016 16th Street, NW Washington, DC 20036		23,396.89	23,483.78
National Foreign Trade Council, Inc, 100 East 42nd St. New York, NY 10017		79,414.00	79,414.00
National Forest Products Assn, 1250 Connecticut Avenue, NW Washington, DC 20036		1,634,775.00	1,595,818.00
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,709.42
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			37,910.00
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		418,409.00	7,800.00
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		515,717.06	367,049.07
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20002		2,157.52	20,044.30
National Tax Equality Assn, 1629 K Street, NW #1000 Washington, DC 20006		8,625.00	9,518.60
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,351.00	6,351.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		52,106.00	52,106.00
Irene Natividad, 400 S Kensington Street Arlington, VA 22204	Natividad Associates (For:Philippine Embassy)	5,000.00	544.95
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	22,884.68	236.30
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	119.83	266.00
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		206,390.60	200,168.87
Joshua E. Neiman, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees	10,387.92	
E. Colette Nelson, 1004 Duke St. Alexandria, VA 22314	American Subcontractors Assn	3,000.00	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Janis A. Nero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	510.21	113.91
Neal Neuberger, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,263.21	919.84
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn		
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	18,882.48	3,922.64
Peter Nixon, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Algoma Steel Corp, Ltd		
Alan J. Nolan, 1277 Kilbee Trail Orlando, FL 32825	International Ferret Assn	1.00	96.00
Susan M. Noon, 1255 23rd Street, NW, #500 Washington, DC 20037	Dow Lohnes & Albertson (For:Profit Sharing Council of America)		235.95
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	500.00	75.00
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
Nossaman Gunter Knox & Elliott, 1227 25th St., NW, #800 Washington, DC 20037	Aetna Life & Casualty	1,750.00	8,415.20
Do	Northwestern National Life Insurance Co	300.00	1,484.00
Do	PKR Foundation	325.00	495.50
Do	Southern California Edison Co	375.00	2,194.20
Jack O. Nutter II, 1341 G St., NW #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health Systems)	900.00	74.90
Do	Jefferson Group (For:Lockheed Corp)	562.50	59.07
Do	Jefferson Group (For:O. M. Scott & Sons)	1,125.00	59.54
Do	Jefferson Group (For:3M Safety & Security Systems)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Commonwealth of Puerto Rico)		
Do	Keefe Co (For:Sanders Associates, Inc)	6,292.00	
Do	TKC International (For:UNIAO Nacional Para Independencia Total DeAngola)		
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	70.00
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Family Life Assurance Co		
Do	American Soc of Cataract & Refractive Surgery		
Do	Citizens Savings and Loan		
Do	Forstmann Little & Co		
Do	Health Care Financing Study Group		
Do	Minnesota Mutual Life Insurance Co	1,500.00	
Do	Morgan Grenfell Group, PLC		
Do	Pacific Telesis Group	4,150.00	
Do	Perpetual Savings Bank		
Do	Prudential Insurance Co of America	390.00	
Do	Securities Industry Assn	7,250.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	164.75
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	5,162.50	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Thomas J. Oden, 1503 N. Filmore St. Arlington, VA 22201	National Milk Producers Federation	3,500.00	
Nancy L. Oliver, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	98.60
Olwine Connelly Chase O'Donnell & Weyher, 1701 Pennsylvania Ave, NW, #1000 Washington, DC 20006	Ad Hoc Comm for Small Hydro Power		
Do	Alexander & Alexander Services, Inc		
Do	Energy Factors, Inc		
Do	Grants & Contracts Projects		
Do	Intercontinental Energy Corp		
Do	Long Lake Energy Corp		
Do	Manville Corp		
Do	National Corp for Housing Partnerships		
Do	National Independent Energy Producers	2,000.00	
Do	Sithe Energies USA, Inc		
Do	YMCA of the USA		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	300.00
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:City of Carolina, PR)		
Do	Jefferson Group (For:City of San Juan, PR)		
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries, Inc	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Pagonis & Donnelly Group, Inc, c/o Dow Lohnes & Albertson 1255 Twenty-Third Street, NW Washington, DC 20037	Government of the Republic of Transkei	8,200.00	599.81
Palumbo & Cerrell, Inc, 1629 K St., NW, # 1100 Washington, DC 20006	Atlantic Richfield Co	27,000.00	
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Kimberly C. Parker, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	10,472.86	529.57
Sara Lynn Parker, 1319 F St., NW, #500 Washington, DC 20004	Food Research & Action Center		
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	2,059.54	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Family Life Assurance Co	1,750.00	
Do	Bell Helicopter Textron, Inc		
Do	Blue Sea Corporation	1,200.00	
Do	Brown & Root U.S.A., Inc		
Do	Cardiac Pacemakers, Inc	2,100.00	
Do	Cessna Aircraft Compnay	1,500.00	
Do	Genentech	1,400.00	
Do	Generic Pharmaceutical Industry Assn	1,000.00	
Do	Herbalife International	750.00	
Do	Industrial Biotechnology Association, Inc		
Do	Lockheed Aeronautical Systems Co	1,500.00	
Do	Miles Group	250.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	National Assn of Independent Insurers	1,500.00	
Do	New Mexico State University	500.00	
Do	Pfizer, Inc	1,200.00	
Do	Research Corp Technology, Inc		
Do	Systech Environmental Corp	1,200.00	
Do	Telephonics Command Systems Division		
Do	TCOM, L.P.	500.00	
Do	United Food & Commercial Workers International Union	3,000.00	
Do	Upjohn Company	2,100.00	
Do	Warner-Lambert Co		
Do	Won Door Corporation	750.00	
Do	World Chiropractic Alliance	300.00	
Richard M. Parsons, 1652 Wainwright Dr. Reston, VA 22090	Safari Club International	2,962.50	
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels		3,343.25
Do	Parsons Behle & Latimer (For:Intermountain Consumer Power Assn)		37,126.15
David J. Pattison, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Thomas B. Patton, 2000 K Street, NW, #201 Washington, DC 20006	North American Philips Corporation	4,000.00	460.00
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Municipal Assistance Corp for the City of New York	952.00	62.25
Do	National Music Publisher's Assn, Inc	29,231.70	1,471.71
James M. Peirce Jr., 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees	2,242.52	
John M Pelkey, 2000 M Street, NW, #600 Washington, DC 20036	American Electronics Association		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	8,346.00	
Pennsylvania Assn of Families, RDI Box 628 Shermansdale, PA 17090			
Joseph M. Penot Sr., 100 Indiana Ave, NW, #311 Washington, DC 20001	Radio Officers Union	15,243.00	
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		369.95
Pepper & Corazzini, 1776 K St., NW Washington, DC 20006	Tempo Enterprises, Inc		
Francisco J. Pereiro, 3500 Three First National Plaza Chicago, IL 60602	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation	15,000.00	450.00
Roxanne Perugino, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Government of Tunisia)	1,000.00	71.23
Susan M. Petley, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	37.23	20.90
Pettit & Martin, 601 13th Street, NW, 6th Floor Washington, DC 20005	American Suzuki Motor Corp		
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		11,037.13	11,283.88
Joan Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Pillsbury Madison & Sutro, 1667 K St., NW, #1100 Washington, DC 20006	National Assn of Manufacturers	5,000.00	
Do	Southern Companies Services	5,000.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Consolidated Rail Corporation	6,867.50	557.73
E. R. Plourd, 400 First Street, NW, #704 Washington, DC 20001	United Transportation Union	2,500.00	
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	American Newspaper Publishers Assn	1,645.00	116.71
Do	Computer and Business Equiptment Manufactuteres Assn (CBEMA)	700.00	
Do	Digital Equipment Corp	4,000.00	26.26
Do	Genentech, Inc	6,000.00	617.93
Do	National Artists Equity Assn		305.88
Do	National Conference of Bankruptcy Judges	3,320.25	219.85
Laura Polacheck, 2001 S Street, NW Washington, DC 20009	Center for Auto Safety		
Jane Polansky, 1016 16th Street, NW Washington, DC 20036	National Federation of Federal Employees		
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	5,851.46	213.72
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Donna Potemken, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Jennifer Powell, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Business & Professional Womens Clubs	4,750.00	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Osteoporosis Alliance	62,492.96	
Do	Hitachi, Ltd	5,672.00	
Do	Krupp Financial Group	576.00	
Do	Republic of Palau	3,112.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	3,025.00	272.85
Do	Cadmium Council, Inc	6,890.00	
Do	John Hancock Mutual Life Insurance Co	250.00	6.00
Do	Lead Industries Assn, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert L. Pratt, 303 Wyman Street Waltham, MA 02154	Thermo Electron Corporation	6,250.00	1,372.00
Preti Flaherity Beliveau & Pachios, 443 Congress Street Portland, ME 04101	Energy Efficient Insulation Manufacturers		12,613.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	391.78
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		410.00	822.76
Stuart E. Proctor Jr., 11812 Hitchings Post Lane Rockville, MD 20852	National Turkey Federation		321.58
Project Cure, Inc, 2020 K St., NW, #350 Washington, DC 20006			
Public Land Users Society, 6824 19th West P.O. Box 282 Tacoma, WA 98466			
Howard Pyle III, 1050 17th Street, NW, #550 Washington, DC 20036	Houston Lighting & Power Company	6,500.00	
Patricia A. Quealy, 1818 N Street, NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blue Cross & Blue Shield Assn)		55.40
George Gregory Raab, 2000 L Street, NW, #200 Washington, DC 20036	Medtronic, Inc.		2.40
Robert A. Radcliff, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Radio-Television News Directors Assn, 1717 K Street, NW, #615 Washington, DC 20006		2,500.00	
Elizabeth L. Raisbeck, 801 Pennsylvania Ave., SE, #301 Washington, DC 20003	National Audubon Society	19,760.00	
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	12,166.66	138.22
Do	Center for Community Self Help	625.00	
Do	Coastal Enterprises, Inc.		
Do	Community Enterprise Development Corp of Alaska	1,250.00	
Do	Local Initiatives Support Corp.	12,000.00	
Do	Mississippi Action for Community Education	1,250.00	
Do	National Rural Housing Coalition	12,000.00	
Do	Northern Community Investment Corp.		66.00
Do	Ridgecrest Enterprises	1,250.00	
Do	Rural Opportunities, Inc	1,500.00	
Do	Southern Development Bancorporation	1,250.00	
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,135.00	59.00
Stephen F. Ready, 129 Cabrillo, #201 Costa Mesa, CA 92627	National Bicycle Dealers Assn, Inc		
Clark E. Rector Jr., 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	803.33	
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	American Academy of Pediatrics	15,000.00	
Do	American College of Osteopathic Surgeons	9,000.00	
Do	Amgen	10,000.00	
Do	Damon Corp	2,000.00	
Do	Genentech		
Do	Infectious Diseases Society of America	12,000.00	
Do	National Assn of Minority Business	13,900.00	
Do	National Cellular Resellers Assn	1,856.00	38.00
Do	National Rifle Assn		
Do	Radio-Television News Directors Assn	12,000.00	
Do	Society of Critical Care Medicine	6,750.00	
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,825.35	1,647.60
Diane Reis, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Business & Professional Womens Clubs	8,500.00	150.00
Renewable Fuels Assn, 201 Massachusettes Ave, NE, #C-4 Washington, DC 20002		41.00	162,216.74
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	1,099.09	42.54
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance	1,500.00	
Do	National Forest Products Assn	1,500.00	
Alan K. Richards, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Kevin C. Richardson, 2001 Eye St., NW Washington, DC 20006	Electronic Industries Assn	3,000.00	2,520.29
Ron Ricks, P.O. Box 36611 Dallas, TX 75235-1611	Southwest Airlines Co.		
Glenn Wadsworth Riddell, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Laurel Steel Products Ltd, et al		
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	International Telephone & Telegraph Corporation	1,000.00	50.00
Mark Joesph Riedy Esq, 1775 Pennsylvania Ave., NW, 7th Floor Washington, DC 20006	Shea & Gould (For:Haiti West Indies, S.A.)		
Do	Ripac, Inc	1,000.00	
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Association	5,625.00	17.65
P. Robert Rigney Jr., 1117 North 19th Street, #600 Arlington, VA 22209	American Assn of Blood Banks	1,250.00	
Leslie Sue Ritts, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	National Environmental Development Assn	4,000.00	
Rivkin Radler Bayh Hart & Kremer, 1575 I Street, NW, #1025 Washington, DC 20005	ALC Communications Corp	1,780.52	95.00
Do	Business Coalition for RICO Reform	3,000.00	50.00
Do	Chemical Bank	25,876.46	5,325.00
Do	Cook Group	7,680.04	400.00
Do	Indiana Coalition for Acid Rain Equity	6,449.58	250.00
Do	Merrill Lynch & Co, Inc	62,489.34	450.00
Do	National Basketball Assn		
Do	National Foreign Trade Council	4,067.50	1,900.00
Do	National Soft Drink Assn		
Do	Real Estate Capital Recovery Assn (Asset Managers Coalition)	9,234.33	375.00
Robert Branand International, Four E Street, SE Washington, DC 20003	E.W. Bliss Company	57,227.00	58,644.50
Richard R. Roberts, 402 8th Street, N.E. Washington, DC 20002	American Council of Highway Advertisers	9,135.00	2,329.42
Mark Robertson, The Power House 3255 Grace Street, NW Washington, DC 20007	Hill & Knowlton (For:Republic of Turkey)		
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	4,831.66	1,865.00
Michael F. Rodgers, 1129 20th St., NW, #400 Washington, DC 20036	American Assn of Homes for the Aging		
John F. Rolph III, 1101 Pennsylvania Ave, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Mary F. Rooney, One North Dearborn #1100 Chicago, IL 60602	Chicago Regional Transportation Authority	15,000.00	
Sara Rosenbaum, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,790.00	
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Intertek Services International, Ltd.		
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,615.00	
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority	1,600.00	649.76
Do	Florida Institute of Technology	7,500.00	2,198.25
Melanie J. Rowland, 1400 Eye St., NW Washington, DC 20006	Wilderness Society	230.77	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Chrysler Military Sales Corp.		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc.		
Do	Michigan Trade Exchange		
Do	Morgan Stanley & Co, Inc		
Do	Municipal Finance Industry Assn		
Do	Overseas Military Sales Group		
Do	Phillips Petroleum Co.		
Do	Securities Industry Assn		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Do	Securities Industry Assn		
James S. Rubin, 747 Third Ave., 14th floor New York, NY 10017	Allied-Signal, Inc.		
Do	Bass & Ullman (For:National Assn of Pharmaceutical Manufacturers)		
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc.	500.00	521.90
Robert E. Rude, 4500 Vestal Parkway East Binghamton, NY 13903	New York State Electric & Gas Corp	13,575.00	9,614.88
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology		531.10
Do	American Optometric Assn		501.10
Do	Association of Federal Investigators		21.00
Ryan-McGinn, Inc, 1110 Vermont Avenue, NW, #820 Washington, DC 20005	Cabot Energy Corporation	10,686.25	264.66
Do	Massey Coal Services, Inc		
Do	(For:Oregon Assn of Hospitals)	9,000.00	882.67
Do	West Virginia Bankers Assn		
Do	West Virginia Hospital Assn	6,000.00	640.69
Do	West Virginia Independent Oil & Gas Assn	7,500.00	833.26
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Indiana Electric Assn	22,283.25	1,426.10
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	241.27
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	Cure Corp.		
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Restaurant Assn		
Steffan B. Sarkin, D-4, 2529 Kantz Drive Fayetteville, AR 72703	Fidelity Pacific Group Inc		
Save Our Security, 1201 16th St., NW, #222 Washington, DC 20036		151,775.00	52,449.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Eric V. Schaeffer, 1800 M Street, NW Washington, DC 20036	Hazardous Waste Action Coalition		20.00
Do	Morgan Lewis & Bockius (For:U.S. Gypsum Co)		4.00
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	2,212.50	25.25
Ella M. Schiralli, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Association	625.00	
James P. Schlicht, 655 15th Street NW #410 Washington, DC 20005	Squibb Corporation	1,000.00	
Sandra A. Schlicker, McMahon and Associates 1331 Pennsylvania Avenue, NW Washington, DC 20004	Rodale Press	8,000.00	262.78
Ken Schlossberg Consultants, 317 Massachusetts Avenue, NE, #200 Washington, DC 20002	Bowman Gray School of Medicine	10,000.00	10,174.00
Do	Marine Biological Laboratory	11,150.00	5,265.00
John E. Schmick, 1700 N.Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	975.00	
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	157.35
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			110.00
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	580.00	
Richard Schum, 1901 N. Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company		
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	920.00	
Scientific Apparatus Makers Assn, 225 Reinekers Lane, #625 Alexandria, VA 22314		6,989.57	1,400.00
Michael Scott, 1400 Eye St., NW, 10th Fl. Washington, DC 20005	Wilderness Society	1,338.75	304.07
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Association of Realtors	1,725.00	3,217.87
Law Offices of John Sears, 818 Connecticut Avenue, NW Washington, DC 20006	Embassy of the Republic of South Africa	15,000.00	
Seattle 1990 Goodwill Games, 1701 K Street, NW, #400 Washington, DC 20006	Seattle Organizing Committee	30,600.00	1,927.08
James E. Secrist, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	660.00	132.94
Pamela Sederholm, 1919 Pennsylvania Avenue, NW #504 Washington, DC 20006	Foodservice and Lodging Institute		
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. Du Pont de Nemours & Co, Inc		
Seven Months Session for Congress, 4210 Spicewood Road, #202 Austin, TX 78759			156.00
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	2,000.00	
Kevin J. Shannon, 2001 Eye Street, NW Washington, DC 20006	Electronic Industries Assn	625.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	18,183.36	3,372.41
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	
Susan Shaw, 2729 S. Veitch Street Arlingtonn, VA 22206	National Treasury Employees Union	1,278.25	1,241.14
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW Washington, DC 20037	National Automobile Dealers Assn		
Shea & Gould, 1775 Pennsylvania Ave, NW, #700 Washington, DC 20006	Group Health, Inc		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
R. Parker Sherrill, One Park Plaza P.O. Box 550 Nashville, TN 37202-0550	Health Trust, Inc, et al		
R. Philip Shimer, 444 N. Capitol St., NW, #526 Washington, DC 20001	Western Governors Assn		
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	1,100.00	
John B. Shlaes, 5629 Lambeth Road Bethesda, MD 20814	Edison Electric Institute		
Lisa Shuger, Suite 380, 122 C Street, NW Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn	1,623.00	22.00
Sierra Club, 408 C Street, NE Washington, DC 20002		506,280.88	506,280.88
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 444 North Capitol Street, NW, #820 Washington, DC 20001	AFL-CIO Maritime Committee	300.00	437.18
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Association		
Do	Computer & Business Equipment Manufacturers Association		
Do	Council on Research & Technology		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Debbi L. Smith, 374 Jamie Ct. Glen Burnie, MD 21061	Center for Electrochemical Systems & Hydrogen Research	6,210.00	1,794.50
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:American Assn of Petroleum Geologists)	2,560.00	472.93
Do	E. Del Smith and Company (For:Bright & Associates)	9,010.00	652.58
Do	E. Del Smith and Company (For:California Independent Oil Producers Assn)	5,300.00	6,049.57
Do	E. Del Smith and Company (For:Cement Free Trade Assn)	7,500.00	1,945.17
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	10,650.00	3,377.12
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	6,825.00	2,127.21
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	2,400.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties)	6,660.00	2,184.52
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	13,640.00	5,738.98
Do	E. Del Smith & Co (For:City of Santa Barbara)	1,500.00	97.29
Do	E. Del Smith and Company (For:City of Santa Monica)	2,400.00	
Do	E. Del Smith & Co (For:City of Victorville, CA)	1,000.00	
Do	E. Del Smith and Company (For:County of L.A. Community Development Commission).		
Do	E. Del Smith and Company (For:County of Los Angeles)	11,001.00	898.37
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)	1,500.00	
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	2,100.00	
Do	E. Del Smith and Company (For:Northern California Power Agency)	13,900.00	450.76
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)	8,750.01	2,873.09
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	28,749.97	
Do	E. Del Smith and Company (For:Rancho Palos Verdes)	1,350.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	7,500.00	4,078.36
Do	E. Del Smith & Co (For:South Orange County Consortium)	2,000.00	
Ellen S. Smith, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,700.00	1,437.04
Grant Smith, 110 Southeast Sixth Street, 28th Floor Ft. Lauderdale, FL 33301	Tripp Scott Conklin & Smith (For:Alamo Rent-A-Car, Inc)		
William C. Smith, 317 Massachusetts Ave., NE #200 Washington, DC 20002	Ken Schlossberg Consultants (For:Bowman Gray School of Medicine)	6,249.00	
Wallace S. Snyder, 1400 K Street, NW, #1000 Washington, DC 20005	American Advertising Federation	6,250.00	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,511.09	
Steven P. Sonnenberg, 200 West Adams Street, #2625 Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Trek Bicycle Corp)	301.00	6.00
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
Southeast Alaska Conservation Council, Box 021692 Juneau, AK 99802		10,533.00	4,647.00
Southwest Airlines Co., P.O. Box 36611 Dallas, TX 75235-1611			5,000.00
Thomas J. Spangler, 1730 K Street, NW, #1100 Washington, DC 20006	National Treasury Employees Union	13,000.00	481.71
Spriggs & Hollingsworth, 1350 I Street, NW, 9th Floor Washington, DC 20005	Eagle-Picher Industries, Inc	40,872.50	900.35
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	Public Securities Assn		
James St. Pierre, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	50.33	5.00
Melvin R. Stahl, 1235 Jefferson Davis Hwy., #1410 Arlington, VA 22202	Motorcycle Industry Council, Inc		
Do	Specialty Vehicle Institute of America, Inc		
Jane Sutter Starke, 1818 N St., NW, #700 Washington, DC 20036	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)	1,155.00	20.75
Do	Eckert Seamans Cherin & Mellott (For:Media General, Inc)	275.00	86.21
David Stawick, 201 Massachusettes Ave., NE Washington, DC 20002	National Corn Growers Assn	3,187.50	
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	2,397.00	1,074.00
H. Donald Stewart, 188 W. Main Street Penns Grove, NJ 08069			
Sandra Stewart, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel		
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	1,020.00	55.00
Do	Cheminova		
Do	International Sanitary Supply Assn	506.25	28.00
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	151.20
Stephen P. Strickland, 110 Maryland Ave., NE, #409 Washington, DC 20002	National Peace Institute Foundation	192.30	
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	5,950.00
John N. Sturdivant, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees	3,180.14	6,797.65
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	250.63	
Sullivan & Worcester, 1025 Connecticut Ave., NW Washington, DC 20036	Marion Laboratories, Inc	7,500.00	
Jeffrey Sumberg, 1016 16th Street, NW Washington, DC 20036	National Fed of Federal Employees		
Bruce W. Sumner, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security		
David A. Super, 1319 F Street, NW, #500 Washington, DC 20004	Food Research & Action Center	1,318.56	
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:Digital Equiptment Corp)	6,670.00	44.00
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004-2404	Bank of Baltimore		
Do	Charter Federal Savings & Loan Assn		
Do	Equifax, Inc		
Do	Mutual of Omaha Insurance Co		20.41

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Rosemarie Sweeney, Suite 770 600 Maryland Ave., SW Washington, DC 20024	American Academy of Family Physicians		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Akin Gump Strauss Hauer & Feld (for Drexel Burnham Lambert)		
Do	American Bakers Assn	3,335.00	
Do	Assn of Data Processing Service Organizations (ADAPSO)	1,012.50	
Do	Business Coalition For RICO Reform	9,851.25	263.68
Do	Design Protection Coalition	6,187.50	
Do	MacAndrews & Forbes Group, Inc		158.00
Do	National Council of Community Hospitals	4,190.00	
Do	Renewable Fuels Assn	12,370.00	103.00
Do	Rivkin Radler Bayh Hart & Kremer (for Merrill Lynch & Co)	4,308.75	47.00
Do	Software Publishers Assn	1,012.50	
Do	Software Rental Coalition	12,262.50	
Do	Typeface Design Coalition	2,362.50	
Ivan Swift, P.O. Box 607 Arlington, VA 22216	New England Anti-Vivisection Society	3,000.00	1,600.00
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill Hardwick Gable Golden & Nelson (For:Seminole Nation)	17,650.00	3,534.77
Scott R. Swirling, 122 C St., NW, #380 Washington, DC 20001	National Family Planning & Reproductive Health Assn, Inc	212.00	
Ronald L. Tammen, 1750 Pennsylvania Avenue, NW, #1201 Washington, DC 20006	Tammen Group (For:Cray Research, Inc)		
Do	Tammen Group (For:Decision Insights, Inc)		
Do	Potomac Partners (For:Organic Food Alliance (OFA))		
Do	Tammen Group (For:Population-Environment Balance)		
Do	Tammen Group (For:Standard Federal Savings Bank)		
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Margaret J. Taylor, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	1,750.00	56.01
Technology Services Group, Inc, 1625 K Street, NW, #375 Washington, DC 20006			
Fred H. Telmer, c/o Dow Lohnes & Albertson 1255 Twenty-third Street, NW Washington, DC 20037	Stelco Steel		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For:American Licensed Practical Nurses Assn)		
Do	Tendler & Biggins, Chtd (For:Bascom, Inc)		
Do	Tendler & Biggins, Chtd (For:Geodesco)		
Do	Tendler Goldberg & Biggins (For:Hugo Boss Fashions, Inc)		
Do	Tendler Goldberg & Biggins (For:Joseph and Feiss, Inc)		
Do	Tendler & Biggins, Chtd (For:Mears International Sales Co)		
Do	Tendler & Biggins, Chtd (For:Rasche Elektroniks)		
Do	Tendler & Biggins, Chtd (For:Solargistics Corp)		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Joseph L. S. Terrell, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Patrick M. Theisen, 4151 Naperville Road Lisle, IL 60532	Water Quality Assn		
Diane Kay Thomas, 2327 Nebraska Ave., NW Washington, DC 20016	National Assn of Investment Companies		
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	5,500.00	160.10
Law Offices of Fred Thompson, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	300.00
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Bluebonnet Savings Bank		
Do	CareerCom Corp		
Do	Chicago Research & Trading Group, Ltd	18,750.00	1,421.07
Do	Mid America Institute for Public Policy Research		
Do	Mitsubishi Electronics America, Inc	7,500.00	2,632.80
Do	Morse/Diesel		
Do	Republic of Turkey	90,000.00	1,719.41
Do	Joesph J. Ritchie	1,896.00	245.63
Do	Trans World Airways		
Thompson & Mitchell, One Mercantile Center, #3400 St. Louis, MO 63101	Mutual Fairness Taxation Assn	43,750.00	8,205.10
Gary J. Thompson and Associates, 8513 Red Oak Dr. Warren, OH 44484			
Thompson Hine & Flory, 1920 N St., NW, #700 Washington, DC 20036	American Tie Fabric Assn		
Do	National Pork Producers Council		
Anna Thronson, 1275 Pennsylvania Ave. NW, #301 Washington, DC 20004	Legislative Strategies (For:Cogenation & Independent Power Coalition of America, Inc).	580.75	66.25
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)	138.00	17.00
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)	241.50	20.00
Do	Legislative Strategies (For:Penntech Papers, Inc)	11.50	
Timothy B. Tierney, 5100 Forbes Blvd Lamham, MD 20706	Automotive Refrigeration Products Institute		
Julie Tippens, 254A Maryland Avenue, NE Washington, DC 20003	National Abortion Rights Action League	811.80	
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	National Child Care Assn	4,000.00	18.00
Do	National Hearing Aid Society	100.00	3.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Do	Western Utilities Clean Air Group		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	12,500.00	193.24
Joseph P. Trainor, 400 1st Street, NW, #804 Washington, DC 20001	National Assn of Retired Veteran Railroad Employees	200.00	300.00
Robert C. Troup, Box 893 New Canaan, CT 06840			
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	Cambridge Redevelopment Authority		
Do	Humane Soc of the U.S., et al		
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
Do	Northeast Solvents Recovery		
Do	Norton Company	8,640.00	
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,490.00	53.40
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		21,180.00	10,407.50
United States Telephone Association, 900 19th Street, NW, #800 Washington, DC 20036		50,399.99	50,399.99
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the United States	57,918.01	100,844.55
Nancy Van Duyne, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	10,026.86	
George F. Vary, 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	700.00	762.36
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	120.15
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW #700 Washington, DC 20005-2301	Atlantic Richfield Co		
Do	Bell Atlantic Corp	1,991.25	
Do	Brown & Root, Inc		
Do	Central Gulf		
Do	Continental Airlines	5,450.00	
Do	General Aviation Manufacturers Association	3,000.00	
Do	General Dynamics Corp	2,000.00	
Do	GenCorp	21,868.75	
Do	Investment Company Institute	1,175.00	
Do	John F. Kennedy Center for the Performing Arts	750.00	
Do	Mars, Inc	2,212.50	
Do	McDonnell Douglas Corp	2,000.00	
Do	New Progressive Party	4,875.00	
Do	NYNEX Corp	4,592.50	
Do	Rayburn Country Electric Cooperative, Inc		
Do	Travelers Corporation	217.50	
Do	TRW, Inc		
Do	UNC, Inc	502.50	
Do	Wings Holdings Inc	2,557.50	
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Dallas Area Rapid Transit Authority	8,500.00	1,767.16
Do	Hillsborough Area Regional Transit Authority	2,000.00	1,490.56
Do	Jacksonville Transportation Authority		
Do	Lipton Sports, Inc		
Do	Metropolitan Dade County	9,416.00	685.00
Do	Metropolitan Transportation Authority	3,500.00	
Do	Niagara Frontier Transportation Authority	10,500.00	
Marcos Von Goihman, P.O. Box 65475 Washington, DC 20035	Guyana Airways Corp		
Wagner Hines & Avary, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Charter Federal Savings & Loan Assn		
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corporation	15,000.00	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Baker & Botts (for: Texas Chemical Council)		
Anne Marie Walsh, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	32,000.00	
Do	General Dynamics Corp	16,666.64	2,309.57
Do	General Electric Co	6,600.00	400.66
Do	ISC Defense & Space	14,000.00	
Do	Martin Marietta Corp	5,800.00	2,032.30
Do	Stone & Webster Engineering, Inc	8,850.00	
Do	Textron, Inc	9,166.66	2,155.44
Do	Thiokol Corp		
Barbara F. Warden, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department, AFL-CIO	8,241.93	
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Susan Warner, P.O. Box 21692 Juneau, AK 99800-2	Southeast Alaska Conservation Council	900.00	
Washington Gas Light Co, 1100 H St., NW Washington, DC 20080			2,059.54
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	13,650.00	3,025.00
Do	Wisconsin Counties Assn	7,875.00	4,035.60
Do	Wisconsin Department of Industry, Labor & Human Relations	12,975.00	3,205.00
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	5,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	4,800.00	
Lucy R. Watkins, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	307.50	
Jerry B. Watson Jr., P.O. Box 90317 Washington, DC 20090-0317			
James D. Webb, 1400 Eye Street, NW Washington, DC 20005	Wilderness Society	435.63	53.35
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Paul Weckstein, 236 Massachusetts Ave., NE, #504 Washington, DC 20002	Center for Law and Education, Inc	367.50	
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Noranda, Inc	930.00	
Suzanne Weiss, 1129 20th Street, NW, #400 Washington, DC 20036	American Assn of Homes for the Aging	451.78	23.85
Robert A. Weissman, 14500 Avion Parkway, #300 Chantilly, VA 22021	TechLaw, Inc (For:Shutler & Low (for: Nissan R&D, Inc))	5,224.50	114.00
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
William Wewer, 6302 30th Street, NW Washington, DC 20015-2238	American Tax Reduction Movement	6,000.00	
Wexler Reynolds Fuller Harrison and Schule, Inc, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc	2,350.00	36.50
Do	American Airlines, Inc	6,750.00	97.60
Do	American Institute for Foreign Study Scholarship Foundation	2,950.00	93.10
Do	Americans For Safe & Competitive Trucking		
Do	Blue Cross & Blue Shield Assn		
Do	Communications Satellite Corp	2,400.00	24.45
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand	400.00	
Do	Foothills Pipe Lines (Yukon) Ltd	5,700.00	89.35
Do	General Motors Corp	1,125.00	
Do	Massachusetts Maritime Academy		
Do	Monarch Capitol Corp		
Do	Motion Picture Assn of America, Inc	3,780.00	132.30
Do	MCI Communications Corp	8,925.00	52.40
Do	Natioanl Assn of Social Workers		
Do	National Gypsum Co	500.00	5.45
Do	New England Electric System		
Do	Nova, An Alberta Corp		
Do	Novacor Chemicals, Ltd		
Do	Oceanic Institute	120.00	
Do	Paul Weiss Rifkind Wharton & Garrison		
Do	Radio Assn Defending Airwave Rights, Inc		
Do	Regional Planning Commission		
Do	Simon Wiesenthal Center/Museum of Tolerance	2,250.00	30.00
Do	Training Media Distributors Assn	675.00	6.00
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	3,545.20
Curtis E. Whalen, 555 13th Street, NW, Suite 430W Washington, DC 20004	Transco Energy Company	10,000.00	5,379.24
Gordon B. Wheeler, 1025 Connecticut Ave, NW Washington, DC 20036	Health Insurance Assn of America, Inc	60.00	7.00
John Thomas White III, 490 L'Enfant Plaza East, SW, #2202 Washington, DC 20024	Tenneco Gas		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	United States Telephone Association	10,000.00	
Kathleen M. Whyte, 1776 Eye Street, NW Washington, DC 20006	Sterling Drug, Inc	35,000.00	
Wickwire Gavin, PC, 1133 21st St., NW, #500 Washington, DC 20036	HYDRA-CO Enterprises, Inc		
Do	Indeck Energy Services, Inc		
Do	Thermo-Electron Corp		
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores	2,250.00	
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	City of Jacksonville, FL	200.00	
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	1,050.00	
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Lucinda L. Williams, 1155 15th Street, NW, #1100 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Marcia E. Williams, 1150 Connecticut Avenue, NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
Margie R. Williams, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	420.00	
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	842.00	769.00
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Air Transport Assn of America		129.65
Denise Wilson, 1350 Eye Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,000.00	
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	790.00	57.00
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	2,460.00	629.55
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	1,681.27
Do	All Children's Hospital	3,000.00	424.96
Do	Cardinal Glennon Children's Hospital		
Do	Children's Hospital of Buffalo	3,000.00	424.96
Do	Children's Hospital of Los Angeles	3,000.00	424.96
Do	Children's Hospital of Michigan	3,000.00	424.96
Do	Children's Hospital of Pittsburgh	21,000.00	2,602.70
Do	Children's Hospital Medical Center of Akron	5,100.00	212.10
Do	Children's Hospital Research Foundation	3,000.00	424.96
Do	Children's Memorial Medical Center	3,000.00	424.96
Do	Hahnemann University	22,500.00	2,178.05
Do	Health Industry Manufacturers Assn		
Do	Henrietta Egleston Hospital for Children	3,000.00	424.96
Do	Magee-Womens Hospital	7,500.00	2,120.78
Do	Medical College of Pennsylvania		
Do	Mercy Catholic Medical Center	6,000.00	1,586.29
Do	National Assn of Children's Hospitals & Related Institutions	12,000.00	1,198.90
Do	National League of Nursing	9,600.00	1,655.39
Do	Spring Garden College		
Do	St. Christopher's Hospital for Children		
Do	St. Francis Medical Center		
Do	St. Louis Children's Hospital		
Do	University of Pennsylvania	30,000.00	1,538.35
Do	Western Pennsylvania Hospital	3,900.00	191.87
Do	Wyler Children's Hospital		
Kenneth L. Wolf, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Hertz Corp)		
Mark E. Woodbridge, 1825 Eye Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	7,500.00	1,307.91
W. Robert Worley, 190 St.Clair Drive St. Simmons Island, GA 31522	Southern Company Services, Inc	2,060.00	2,417.00
Wunder Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American International Group, Inc	898.17	243.29
Do	American Iron & Steel Institute	13,207.50	478.65
Do	Association of American Railroads	1,666.60	39.16
Do	Bermuda, Government of	1,311.25	66.59
Do	Business Council on Indoor Air		
Do	Environmmental Air Control, Inc		
Do	Falcon Safety Products		
Do	Ford Motor Co		
Do	General Aviation Manufacturers Association		
Do	Gesamtverband der Deutschen Versicherungswirtschart e.V.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GTE Corporation		
Do	Hook-SuperRx, Inc		
Do	Investment Company Institute	2,000.00	78.50
Do	Kohlberg Kravis Roberts & Co	8,060.75	677.99
Do	National Cable Television Assn, Inc	937.50	18.10
Do	Pfizer, Inc	1,876.50	116.52
Do	Philip Morris Management Corp	750.00	22.72
Do	Product Liability Coordinating Committee	11,250.00	202.74
Do	RJR Nabisco	2,095.10	118.47
Do	Wheelabrator Technologies	1,875.00	28.45
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	9,512.76	129.45
Sharon G. Zedd, 1945 Old Gallows Road, #550 Vienna, VA 22182	American Wood Preservers Institute	10,000.00	
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		3,118.00	2,795.00
Elaine Ziemba, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	722.95
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	National Comm of Cities & States for Airline Service	8,000.00	1,429.00

SENATE—*Friday, August 3, 1990*

(Legislative day of Tuesday, July 10, 1990)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God our Father, we find comfort and confidence in Your promise, "The Lord shall preserve thy going out and thy coming in from this time forth, and even for evermore."—Psalm 121:8. As the Senators and their families disperse for the August recess, may this promise from the psalms be an encouragement to them. Protect from harm those who travel, bless the purposes for which they journey, and return them safely home. Prosper their activities when they are busy with campaigns and constituent relationships. Guide them in the stewardship of their time that there will be ample opportunity for deepening and strengthening family relationships. And help them, Father, to get rest in preparation for the weeks before adjournment. Let them go in peace and return renewed, ready for the final achievements of the 101st Congress.

We pray in the name of Jesus, Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9 a.m., and the Senator from Texas [Mr. BENTSEN] will be recognized for a speech not to exceed 10 minutes.

IRAQ

Mr. BENTSEN. Mr. President, when the Iraqi tanks rolled into Kuwait yesterday, they posed one of the most major economic threats that this country has seen since World War II.

We should understand the magnitude of the problem that we are facing. Kuwait has fallen, taken overnight. Saudi Arabia is the next big bull's-eye in the target and can well be the real objective of Saddam Hussein.

This is an unusual man. I have heard some say he is a madman. I do not believe that at all. He wants to be the Nasser of the Middle East, but with a great difference. This is a man who practices deception, deceit, who meets with one of the recognized leaders of the Middle East, President Mubarak, gives him all kinds of assurances and then acts to the contrary. He takes a country, Kuwait, which has been his major benefactor, principal financial source in his war against Iran, which gave years of that kind of support, and he turns on it overnight, even after Kuwait had acquiesced in virtually every demand that he had made. That was not enough.

This is not a man in the Middle East who is seeking a place in Beverly Hills, a spot in London, not one that is looking just for the personal satisfaction of luxury or planes or yachts.

This is a man that seeks power. And he is ready to pay any price to get it including the lives of his own people, as he has shown by practicing genocide on his own people and resorting to chemical warfare. This man is rabid about power.

If he takes Saudi Arabia then he really will have achieved enormous influence over the economic destiny of Europe, of Japan, and, yes, of this country. He has battle-hardened Iraqi forces, well over 100,000 of them in Kuwait already. He has several divisions massed, ready to move, and it is obvious he would not hesitate to do it.

Right now 12 percent of our oil comes from the Persian Gulf, 5 percent comes from Iraq and Kuwait alone. The nations in the Persian Gulf account for almost 40 percent of Europe's oil, virtually all of Japan's.

I was meeting with the then Prime Minister of Japan, Mr. Takeshita, with members of what was tantamount to their U.S. Chamber of Commerce, talking to them about some of our economic concerns. He said the major problem you have is that, "You cannot control your own economy; that you cannot take care of your deficit, that you will not turn that around." I stated, "Well, you know, if we spent the same amount of our GNP as you spend, which is 1 percent, on defense forces, we would have ourselves a balanced budget." And that year we would have. "But what you would have, you would have economic chaos because you get so much of your oil from the Persian Gulf and you would not have the U.S. Navy down there to break that blockade. Your industrial might would grind to a halt."

When I look at the kind of situation the world is facing and I make the comment that 12 percent of our oil comes from the Persian Gulf, there are some that say, "Well, then that is not so bad for us. We can get by without that 12 percent; hurt, but get by."

But that is not the way it works out. If you have virtually all of Japan's and 40 percent of Europe's and that is then denied them or is put at some unacceptable price that results in enormous inflation or pushes them into a recession, we are involved with them at the same time. We would compete for whatever oil is left. That is the kind of power that he has.

Today, 50 percent of our oil is now imported. Time and time again, I have warned this body of the dangers of growing dependence on Middle East oil, one of the most volatile areas, the risks that it poses to our economy and to our own security. And I regret that we did not take the preventive measures that I have recommended previously.

Now we have to respond internationally and domestically. Together with other nations, we need to punish Iraq, try to force an end to that kind of aggression. And as a first step, of course, we need to have a worldwide boycott against the purchase of anything from Iraq. Military options preserved—of course we have to preserve them—preserved as long as we are assured we can get support from other countries throughout Europe and the region.

But I want to tell you, a military option would be an extremely expen-

sive and difficult one. There is a better way to do it and that is with the kind of economic blockade that the President is trying to bring about.

Saddam Hussein owes enormous amounts of money. That is his vulnerability. If he cannot sell his product—and oil is virtually the only product he has that we in the West have any interest in—if he cannot sell it, that brings him to his knees and that gets the message across. But there is no other way it could be accomplished. And that is not going to be easy for other nations, to stand fast on that point and not to cheat and not to try to get around a boycott.

We have to consult with those other countries to try and see what other defensive measures which we can take to guard against further Iraqi attacks, because I am convinced they will come about, be it Saudi Arabia, the Emirates, whatever he thinks he can mop up.

We also need to strengthen our energy security here at home. We need to accelerate our efforts to develop alternative sources of energy which are available here in the United States.

I look at my own State. I look at the fact that the price of oil going up $3 boosts our economy, creates jobs, and in the short term helps us. But in the long term, that kind of a transfer of power and control abroad is highly dangerous to my State and to the Nation.

Time and time again, I have introduced oil and gas incentive packages, including such items as credit for production of nonconventional fuels, making tight sands production more feasible, and enhanced oil recovery. A breakthrough in those enhanced recovery techniques that would yield a mere 10 percent of the oil that is now considered unrecoverable would double U.S. domestic reserves.

One means of pursuing that kind of breakthrough is an aggressive Federal research and development program, centered on enhanced tertiary recovery. The idea is to bring all the scientific resources of this Nation to bear in a coordinated fashion.

This has to be a long-term effort. It cannot be sustained by short-term spikes in the international price of oil. For our domestic oil and gas industry to rebound there has to be some sense of stability and only the President and the Congress can provide it. It requires a national strategy and time for rational planning by the private sector.

But we need to take such an approach. This week's news makes us even more vulnerable and makes it more evident that our response has to be urgent. Hindsight is always clearer than foresight, but a lot of us, 41 of us in this body 3 years ago, voted for the Bentsen peril point legislation, arguing that we were imperiled because of increasing dependence on foreign oil. We voted for my Emergency Energy Security Act, which would have required the President, in the event that we saw our dependence on oil reaching 50 percent—which I forecast it would and now it has—required the President to submit to the Congress a plan to prevent imports from reaching that dangerous level.

Well, we are there and we do not have such a plan. No one knows when this crisis is going to be over or what we may have to suffer to regain some measure of energy security.

When I offered my forward-looking legislation 3 years ago, the administration weighed in with vigorous opposition. Six of the votes we had changed against us in the last 2 days. We were accused of offering a supposed tax on imported oil, but that was a straw man. We simply asked the administration for a realistic energy policy and we retained the right of the Congress to review it and decide it.

Since that turning point 3 years ago we have continued in the wrong direction. Oil imports have increased, as I said they would, and still no comprehensive policy. The domestic energy industry remains in a slump.

Conservation—here is a fellow from Texas talking about conservation; we need it—once an all-purpose answer to energy needs, has not lived up to its promise. The Federal Government has relaxed its own conservation standards as if the problem had permanently vanished. We used to have temperature controls in the Government buildings to save energy. Now Government offices are cooler in the summer and warmer in the winter because they think the threat to energy security has faded away.

The administration has rolled back the corporate average fuel economy [CAFE] standards for the auto industry. They have done it in each of the past 4 years. We did not have to roll back those standards. They were working. Since they were first enacted in 1975, our cars have doubled their fuel efficiency. We had a relatively painless, safe, and successful method of conservation. What short memories.

Mr. President, why do we have to wait for a crisis in order to face up to our vulnerabilities? Why can we not anticipate and then be prepared? By failing to learn from the lessons of history, we are condemning ourselves to repeat it.

Mr. President, I will be offering additional incentives to encourage domestic production and to do those things that are necessary to get conservation back on track in this country and to once again try to develop alternative sources of energy.

I yield the floor.

OIL POLLUTION ACT OF 1990

Mr. BIDEN. One and one-half years ago, the Nation's eyes were opened to the devastation that can be brought by oilspills. The wreck of the *Exxon Valdez* in Prince William Sound in Alaska tore into the national consciousness, starting an irresistible drive toward reform of our Federal oilspill laws that is near culmination today.

But this bill is much more than the result of a year and one-half of work. It is closer to the result of a decade and a half of effort and, up to now, frustration. For although the Nation as a whole awoke to the threat and damage of oilspills as the *Exxon Valdez'* cargo slipped into Prince William Sound, there are many of us who have witnessed far too many smaller spills over the years and are well aware of the need for a stronger Federal program.

The Delaware River is heavily traveled by oil tankers. As is the habit of tankers, from time to time one of them strayed out of the shipping lane and had its tanks ripped open by rocks. Well before the *Exxon Valdez*, ships like the *Grand Eagle, Intermar Alliance, Viking Osprey*, and *Corinthos* provided proof to Delawareans of the risks associated with oil transportation.

Fifteen years ago, I introduced one of the first bills to establish a Federal oilspill liability and compensation program. The basic structure of proposals has not changed dramatically over the years. What has changed is the public's awareness of the damage these spills do to the environment.

There has been another important change. Until recently, many Americans viewed oilspills as an unfortunate but inevitable and uncontrollable part of doing business. But the *Exxon Valdez* came along at a time when many people were starting to question the underlying assumption about what should be considered normal.

The fact is that the oil industry can improve its performance. Those who suffer at the hands of the careless captains or inattentive owners should not have to wait years for compensation. Some of our Nation's most valuable yet fragile natural resources—wetlands and coastal areas—should not be left to fend for themselves when oil oozes in.

The conference report we will soon pass addresses the many shortcomings of the existing patchwork of laws on oilspills. Increases in insurance requirements will focus greater industry attention on operating practices and conditions. A $1 billion compensation fund will speed reimbursement to individuals damaged by spills.

States will have access to a portion of the fund so that they can start cleanup operations immediately after

a spill, when the chances of containment are greatest. Compensation will also be allowed for damage to natural resources, so that the wetland areas and wildlife refuges of the Delaware Bay will not suffer interminably from the effects of spills.

A research and development program is established to look at new methods to cleanup spills. This is perhaps the clearest failure of the current system. Most oilspills contingency plans expect to pull only a very small amount of oil out of the water. The vast majority is allowed to evaporate or simply "go away" through dispersal into the water. That is not what the public was led to believe would be the case with spills. This program will seek to improve the last line of defense, cleanup equipment, in oilspills.

The change in the public's attitude, I believe, was also an important factor in adoption of several other provisions that would have been considered impossible a few years ago. Among those are the requirement for double hulls and the rejection of preemption of State laws explicitly and through rejection of participation in an international agreement, developed by shipowners, that would have unduly limited liability.

This bill represents a tremendous step forward, one that is long overdue but most welcome. The *Exxon Valdez* may have served as the catalyst for passage of this bill, and the public may measure its success or failure by the number of huge spills in the future. But many of us will look to a different measure, the number of smaller spills that do not capture national attention, but cumulatively devastate our Nation's rivers and bays. Victims of those spills, which I hope will shrink in number, will be the ones best served by this bill.

DOWNWINDERS BILL

Mr. REID. Mr. President, I am pleased that Senator HATCH's bill, the National Atmospheric Nuclear Testing Compensation Act, has passed the Senate. I believe this is a giant step forward for justice.

When I was growing up in Searchlight, NV, we could see the flashes light up the dark morning from tests being conducted at the Nevada Nuclear Test Site. But we were lucky. The wind was blowing the other way.

Others were not so lucky. Kent Carroll was tending sheep when a bomb was set off in 1953. He was 17. After 9 years of acute suffering, he died of pancreatic cancer. Nobody told him to take cover. Nobody told him about the dangers.

The horror stories are endless. And they are the result of Government negligence and the negligence of contractors conducting the tests.

The Government and contractors knew the dangers, but they did nothing to protect either their employees or innocent civilians living downwind from the tests.

Senator HATCH's bill, of which I was a cosponsor, is a start. But it is just the first step. My bill, S. 982, the Radiation Victims Fair Treatment Act, is the important second step.

S. 982 would repeal the Warner amendment, which prohibits radiation victims from suing the Government contractors who conducted the tests. This bill has 38 cosponsors, and I look forward to bringing it to the floor in the near future.

Again, I want to congratulate Senator HATCH for his efforts, and I want to congratulate the Senate for seeing to it that justice is done.

COLLEGE WORK STUDY—COMMUNITY SERVICE LEARNING PROGRAM

Mr. BUMPERS. Mr. President, the Department of Education has recently pledged to me that it will take action suggested by me to enhance the effectiveness of the Community Service Learning Program. This pledge is consistent with the President's professed interest in promoting voluntary service in our communities and I am delighted to report it to my Senate colleagues.

The Community Service Learning Program is one component of the College Work Study Program. Most students who participate in the Work Study Program work for the colleges and universities that they attend. But, under the Work Study Program the college or university may place its students in a Community Service Learning Program designed to develop, improve, or expand services for low-income individuals and families, to solve particular programs related to the needs of low-income individuals. The college or university may use up to 10 percent of its work study funds for this program. This is the Community Service Learning Program.

The Work Study Program is a program that includes a matching requirement. Colleges and universities that participate in the program are required to contribute 25 percent of the compensation of the student, a matching requirement that rises to 30 percent for 1990-91. But, with the Community Service Learning component of the program, the share that must be paid by the college and university is only 10 percent.

Many students participating in the Community Service Learning Program are employed by local, private sector, nonprofit community service organizations. When this is the case, colleges and universities are required to insist that the community service organization pay the part of the student's compensation that is not covered by the Federal payment. In addition, the community service organization must pay the employer's share of Social Security taxes or workman's compensation.

It has come to my attention that some colleges and universities have required that the community service organization pay an additional amount that would, in effect, subsidize the fringe benefits of the college or university paid to its employees who are not participating in a work study program. This additional payment corresponds to the cost of the fringe benefits that the university pays to its employees, an overhead cost.

On March 20 of this year I wrote to Education Secretary Cavazos to inquire whether this additional payment requirement is appropriate. I asked why a college or university should be able to impose this additional payment if the fringe benefits that are involved are not being paid to the work study student.

I said that this additional payment would reduce the utilization of the Community Service Learning Program as it would raise the cost of the program to the community service that would employ the students participating in the Service Learning Program.

On June 6, Secretary Cavazos responded to my inquiry by stating that, "An institution is not authorized to require such excess matching amounts—that force a community service organization to make payments that subsidize the fringe benefits of the institutions—non-CWSP—employees—as a means of covering the costs of fringe benefits of its other employees."

In a second letter of July 17, Larry Oxendine, Director of the Division of Policy and Program Development, pledged that the Department of Education would exercise its administrative responsibilities by issuing a "Dear Colleague" letter to the institutions participating in the work study program reminding "the financial aid community of the work study matching requirements and limitations, particularly with respect to community service organizations."

This is welcome news from the Department of Education. We should do all that we can to encourage utilization of the Community Service Learning Program. This information from the Department should end the misuse of the work study matching requirements and increase the number of community service organizations that will employ students in community service projects.

The issue I have raised here is related to the pending national service legislation. The Senate version of this bill would eliminate the matching requirement for the Community Service Learning Program. Section 221 of S.

1430. The current program and this new proposal are both undermined if colleges and universities can require the additional payments that I have described. Mr. Oxendine's letter was written to me in part to obviate the need for me to address the additional matching requirement issue with an amendment to the national service bill. With his pledge, there is no need for me to pursue a legislative solution to this problem.

I ask unanimous consent that the three letters to which I have referred in this statement be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, March 20, 1990.

Hon. LAURO F. CAVAZOS,
Secretary, Department of Education,
Washington, DC.

DEAR MR. SECRETARY: I am continuing to work on a variety of issues connected with promoting community service and I am writing here to inquire about the terms of the current college work-study program as it relates to students who work for non-profit community service organizations.

As I understand it, the current college work-study program permits colleges and universities to require that non-profit community service organizations contribute 25% of the wages of a student receiving a college work-study grant under the community service-learning program. This matching requirement rises to 30% for C.W.S. grants in 1990–1991.

Of course, non-profit community service organizations have a difficult time making this contribution due to the financial constraints that are common with such organizations and, for this reason, this matching payment requirement is eliminated in the national and community service legislation that was recently adopted by the Senate.

It has come to my attention, however, that in addition to this 25% to 30% matching contribution some colleges and universities may also be requiring that the non-profit community service organization for which the student works pay an additional amount to the college or university equal to the cost of the fringe benefits that the university provides to its own employees.

This payment apparently is required to be made to the university even though these college or university fringe benefits are not being provided to the student receiving the college work-study grant. In effect, this requirement forces the community service organization to subsidize the fringe benefits of the college or university's own employees.

These additional payments can equal or exceed the 25% to 30% matching contribution that the community service organization is already required to make, which makes it even more difficult for the non-profit organization to hire the student under the community service-learning program.

My first question is whether the Department's regulations and policies permit colleges and universities to require off-campus, non-profit community service organizations to pay an amount in addition to the 25%–30% matching requirement to cover the cost of fringe benefits that are provided by the college or university to its own employees.

If the answer to this question is that this practice is permitted, my second question is whether the Higher Education Act gives the Department the discretion to adopt policies and issue regulations that would bar or modify this practice.

My third question is whether the Department will, in fact, proceed to amend its policies and regulations to bar or modify this practice. If the Department chooses not to adopt such policies and regulations, I would appreciate a full explanation of the basis for this decision.

Finally, I am interested in the Department's position on the college work-study provision in the Senate national service bill, which would eliminate the matching requirement. Specifically, I need to know if the provision in the Senate bill eliminating the matching requirement is sufficient to address the issue raised in this letter, which concerns additional matching requirements and not the basic matching requirement.

Requiring non-profit community service organizations to make this additional matching contribution will certainly reduce the utilization of the community service-learning component of the college work-study program. The Bush Administration has stated its firm support for community service and, if this is the case, it should proceed to implement currently authorized federal government programs to further this commitment. I see no basis for the college or university requiring this payment for fringe benefits when the fringe benefits are not being provided to the student.

These questions regarding the college work study program are similar to the questions I have raised several times with you regarding the Department's implementation of the current deferment for student borrowers who perform community service. In that regard, I appreciate your March 8 response to my letter of June 8 regarding the regulations regarding the current deferment program.

I need your response to the issues raised in this letter no later than April 20. The college-work study issue is one we could and may need to address in the national service legislation and I need your answers to determine how best to proceed.

If you have any questions about these issues, please have your staff contact Chuck Ludlam of my staff at 224–3095.

I look forward to working with you on the community service issue. Thank you very much for your cooperation.

Sincerely,

DALE BUMPERS.

DEPARTMENT OF EDUCATION,
THE SECRETARY,
Washington, DC, June 6, 1990.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: This is in response to your letters concerning the College Work-Study Program (CWSP) with particular reference to the practices of postsecondary institutions in requiring matching funds from community service organizations.

Section 443(b)(5) of the Higher Education Act of 1965, as amended (HEA), and 34 CFR 675.26 provide that the Federal share of compensation of students employed in the CWSP will not exceed 75 percent for academic year 1989–90 and 70 percent for academic year 1990–91 and succeeding years. One exception to the Federal share requirement is that an institution may use an amount, up to 10 percent of its award period allocation, to pay a Federal share not to exceed 90 percent of the compensation to students employed under the CWSP for community service-learning programs.

The regulations governing the CWSP, in 34 CFR 675.20, provide that the agreement between the institution and the employing agency or nonprofit organization may require the employer to pay the non-Federal share of the student's earnings and other required employer costs. Required employer costs in this context may include the employer's share of social security taxes or workers' compensation, fringe benefits, retirement, or any other welfare or insurance program costs which must be paid on account of the student employee. However, an institution itself may (and may also require an off-campus organization to) provide a greater non-Federal share of student compensation than is required by the statute. Some institutions use this means to increase the amounts available for student financial assistance. Because the statute and regulations require only that the Federal share not exceed a specified percentage of a student's compensation, this practice of requiring a greater non-Federal share is not in violation of the governing statutes or regulations.

The regulations also provide, in 34 CFR 675.26, that an institution may not include the required employer costs in calculating the Federal share of a student's compensation. Further, if an institution receives more money under an employment agreement from an off-campus employer than the required employer costs, the employer's non-Federal share of a student's compensation, and any administrative costs that the employer had agreed to share, the institution must: (1) use the excess funds to reduce the Federal share on a dollar-for-dollar basis, (2) hold the funds for off-campus student employment for the next year, or (3) provide a refund to the off-campus employer. It would appear, therefore, that the practice whereby some institutions of postsecondary education apparently force community service organizations to subsidize the fringe benefits of the institution's (non-CWSP) employees is not in compliance with the CWSP regulations. If you are able to provide me with specific information regarding this practice or can otherwise identify the institutions involved, please notify me, and I will follow up with the institutions directly.

In summary response to your questions, an institution would be permitted to require an off-campus agency or organization to pay a non-Federal share of compensation under the CWSP in excess of the 25 or 30 percent matching amount. The HEA does not authorize the Department to adopt policies and issue regulations which would bar this practice. However, an institution is not authorized to require such excess matching amounts as a means of covering the costs of fringe benefits for its other employees.

Finally, the Department has not yet taken a position on the College Work-Study provision in the Senate's national service bill which would eliminate the matching requirements. However, we would like to note that the elimination of the statutory minimum matching requirement would not prevent an institution from requiring a contribution from the employing organization. Furthermore, if the participating institution were prevented, by statute, from requiring the full employer match—or any match—from community service-learning employers, such a prohibition may well serve as a disin-

centive to the institution for placing students in these jobs. Institutions generally want to generate as much student aid as possible from their Federal allocations.

If we can provide further information, please let me know.

Sincerely,

LAURO F. CAVAZOS.

DEPARTMENT OF EDUCATION,
Washington, DC, July 17, 1990.

Hon. DALE BUMPERS,
U.S. Senate, Washington, DC.

DEAR SENATOR BUMPERS: This letter responds to your follow-up letter of June 8 and also confirms the substance of a telephone conversation between Frank Williar of my staff and Chuck Ludlam of your staff.

As was learned during that telephone conversation, you had just received Secretary Cavazos' response to your earlier letters concerning the College Work-Study Program (CWSP). Inasmuch as your particular concern (on practices of some institutions in requiring excessive CWSP matching funds from community service organizations) is already addressed in the CWSP regulations, Messrs. Ludlam and Williar agreed that your concern would be more appropriately addressed by the Department exercising its administrative responsibilities as opposed to recommending legislative remedies. Therefore, the Department will, at our next opportunity through a "Dear Colleague" letter or other communication, remind the financial aid community of the CWSP matching requirements and limitations, particularly with respect to community service organizations.

If we can be of further assistance, please let us know.

Sincerely,

LARRY OXENDINE,
Director, Division of Policy and Program Development.

WOMEN'S HEALTH EQUITY ACT

Mr. KENNEDY. Mr. President, I would like to express my support for the Women's Health Equity Act. This initiative addresses a number of pressing women's health concerns, including adolescent pregnancy, infant mortality, breast and cervical cancer, AIDS in women, infertility and contraception, and continuation of health insurance coverage for displaced spouses. Many Members of the Senate have been involved in this legislative package. I would like to thank Senator MIKULSKI for her leadership in the area as well as Senators HARKIN, SIMON, ADAMS, and PELL.

This act contains three titles, which address the key areas of health research, health services, and prevention. The seven research bills include legislation which would establish important new programs in women's health research at the National Institutes of Health and ensure that women are included in clinical research in appropriate numbers. The five service bills include bills which will improve Medicaid coverage for pregnant women and children, expand services for adolescent pregnancy, and extend the health insurance coverage guaranteed under COBRA to women over age 50 who are widowed, divorced, or legally separated. There are six prevention bills, including a bill which would improve screening for breast cancer, and an AIDS initiative which would target high risk and HIV infected women for education to be done through family planning and public health clinics.

It has been noted that in research, the health problems of women often do not receive the same attention as those of men. Some examples of this are a lack of research on the health effects of menopause, the lack of research on the different responses of women to alcohol, and the absence of women from important clinical trials on the prevention and treatment of heart disease.

Yesterday, the Labor and Human Resources Committee marked up a bill, the reauthorization of the National Institutes of Health, which addresses these problems and attempts to increase the responsiveness of the Nation's leading research institutes to women's health concerns. The committee's bill will establish an Office of Women's Health Research and entrust it with the task of developing plans for a new Center for Women's Health Research to open in 1993. The committee also directs the NIH to establish a new intramural research program in gynecology and to concentrate more resources on contraceptive and infertility research through the funding of extramural research centers.

The 18 bills in this package merit serious attention. The measures have impressive bipartisan support. They offer great promise for all aspects of health care for women. I intend to give them high priority on the Labor and Human Resources Committee, and I hope that many of them can be enacted before adjournment of this Congress.

RETIREMENT OF BERTIE BOWMAN

Mr. PELL. Mr. President, I would like to take this occasion to pay tribute to a valued committee staff member, Bertie Bowman, who is retiring on August 14 after serving the U.S. Government for 40 years.

Mr. Bowman, known as Bertie by all his friends—which number many—began his tenure on Capitol Hill on June 16, 1950, in the Office of the Architect of the Capitol.

After service in the Armed Forces, he returned to the Senate, and on October 5, 1966, Bertie came to work for the Committee on Foreign Relations and stayed—serving under 6 chairmen—Senators Fulbright, Sparkman, Church, Percy, LUGAR, and myself.

Throughout this time, Bertie has been an example to all staff displaying nonpartisanship, professionalism, and honesty. I am sure I speak for all members and staff of the committee in saying that we will certainly miss him and wish him the best in the years to come.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2884.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2884) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Warner amendment No. 2482, expressing the sense of the Congress regarding greater utilization of the reserve components of the armed forces.

(2) Nunn amendment No. 2483 (to amendment No. 2482), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIXON. Mr. President, before we turn to my distinguished friend from Colorado to take up his amendment, as chairman of the Subcommittee on Readiness, Sustainability and Support, I plan to speak today about our subcommittee's portion of this bill.

Mr. President, the Armed Services Committee has completed work on the fiscal year 1991 Defense authorization bill, and the full Senate is now debating on this important legislation. Under the leadership of our able and distinguished chairman, the committee has exhaustively examined the Nation's defense needs in light of the breathtaking changes that have occurred in the national security environment over the past year. The Defense authorization bill represents the outcome of this tremendous effort.

The transformation we are witnessing in the Soviet Union and Eastern Europe provides the United States and its allies an opportunity to achieve real, long-lasting stability in the world. However, the pace and sheer magnitude of these changes also present a special challenge to those of us charged with making U.S. defense policy. On the one hand, we must immediately begin reformulating U.S. defense strategy and the Defense budget to reflect the newly emerging national security situation. If we do not, we risk

wasting the American taxpayers' money.

Yet on the other hand, we must directly link this reformulation to the needs of our national defense—not simply to the demands of the budget process. Moreover, we must proceed in a fashion that allows us to preserve healthy Armed Forces. Otherwise, we risk jeopardizing the peace and stability that we have worked so long and hard to achieve.

I believe that the Defense authorization bill strikes a reasonable balance between these two objectives. The measure authorizes $289 billion in budget authority for fiscal year 1991—which is an $18 billion cut from the President's original request in January. It is also possible that the austere funding environment imposed by the huge budget deficit may force larger reductions in defense spending than are called for by this bill. The bipartisan budget summit now in progress between Congress and the administration will largely determine whether bigger defense cuts are required. Should deeper reduction be necessary, it is imperative that we demonstrate how the cuts can be made sensibly and coherently. Again, a proper balance will be the key.

Mr. President, I believe that we can and must take more decisive action than is now planned on reducing U.S. troops stationed abroad. Overseas troop cuts would not necessarily save substantial funds in the fiscal year 1991 budget, but moving in this direction now would pay significant dividends in the future. Already, during the recent markup, the Armed Services Committee passed an amendment—sponsored by myself and Senator LEVIN—which requires the removal of 50,000 United States troops from Europe by the end of fiscal year 1991. This measure also suggests that the United States should begin planning for a lower level of troops in Europe than the 225,000 called for in the Conventional Forces in Europe [CFE] talks. Our amendment in no way seeks to supplant these important negotiations, but rather is designed "to put the United States on an orderly course toward" the deep troop reductions that will ultimately result from the CFE talks and likely subsequent actions.

I intend to offer a simlar amendment on the floor that will reduce United States troops in Korea by approximately 10,000 over the next fiscal year. I believe that this reduction is warranted by the obvious capability of South Korea to take care of far more of its own defense, as well as by the overall climate of diminishing East-West tension.

I also have brought to the floor an amendment that will prohibit the expenditure of any United States funds for the planned construction of the Crotone Airbase in Italy. This will save at least $320 million in total. Frankly, Mr. President, I think it is ridiculous to even think about spending money on a brand new military base in Europe given the sea changes we have seen in that region, and the cuts we are already planning in the Defense budget. I will have more to say about both of these amendments at the appropriate time.

I would also like to highlight a few aspects of the authorization bill that I have been particularly interested in throughout this year's Defense budget debate. In a floor speech back in March, I argued that—in order to respond to the changes that have been occurring—the United States should take actions such as the following: We should begin cutting strategic nuclear modernization programs; we should place more reliance on the Reserves and National Guard; we should proceed cautiously on committing to costly next generation weapons programs—especially if we can improve and continue to use systems that we already have.

The legislation that the Senate is now considering reflects all three of these priorities. First, the bill eliminates all procurement and military construction funds for the rail garrison MX missile—which is 1 of 2 programs intended to modernize the land-based leg of the U.S. nuclear triad. Cutting the MX produces approximately a $1.6 billion savings in fiscal year 1991. Second, the bill contains a major Guard and Reserve initiative that calls for preserving current Reserve strength, increasing and modernizing Reserve equipment, and transferring selected missions from the Active Forces to Reserve components. This approach will allow the United States to preserve strength in a time of diminishing threat and a declining Defense budget. Third, the bill puts the brakes on some enormously expensive next generation systems such as the Army's proposed $42 billion light helicopter program.

Finally, Mr. President, as chairman of the Armed Services Readiness, Sustainability and Support Subcommittee, I would like to focus on this area of the bill for a moment. In total, approximately 35 percent of the administration's Defense budget request for fiscal year 1991—or $107 billion—falls under the jurisdiction of this subcommittee. In order to reflect the changed threat and the constrained Defense budget, the bill incorporates the concept of flexibilie readiness. Essentially, we insure that high priority forces—the ones that we are most likely to use first—are maintained at appropriate readiness levels. I am confident that careful implementation of this type of approach will insure that we do not return to the days of hollow military forces that we experienced in the 1970's. Another major thrust of the bill in this area is to make massive reductions in U.S. spending on military construction overseas. I believe that these provisions and others will allow the United States to maintain strong, healthy defenses while adapting to a changing world.

Specifically, readiness, sustainability and support covers the operation and maintenance accounts, spare parts and ammunition procurement, the Defense stock funds, and military construction and family housing. Examples of the authorization bill's provisions in these areas include several elements. In the operation and maintenance area, we have made a number of adjustments to the administration's request that are based on the changes in the threat, the overall international situation, and the reduction in the size of our military forces.

There is a $392 million reduction in operating tempo and a corresponding $158 million reduction in depot maintenance. I think this reduction is justified both on the grounds that the overall force will be smaller, and therefore less costly to operate, as well as the fact that the reduced threat allows us to reduce the overall readiness level of some lower priority forces.

Training and education programs and recruiting and advertising were two areas of the budget where the military services inexplicably requested increases this year, despite the reduction in the size of the force. The bill includes reductions in both areas.

Real property maintenance, Defense agencies workload, and base operations support are other areas of the O&M budget that are sensitive to the size of the force and the level of operating activity. These areas have also been reduced.

There is a large reduction—$962.5 million—for the effect of the current hiring freeze on civilian personnel in the Defense Department. Putting in place a hiring freeze this year will mean considerable savings next year.

The bill also includes a 10-percent reduction, or $139 million, in the level of foreign national civilian employees in the Department of Defense. I think this reduction is particularly appropriate in light of the upcoming reduction in U.S. forces stationed overseas.

I want to mention the bill's provisions in the area of inventory management. We have spent a great deal of time on this subject this year. The bill includes a three-part initiative to deal with the problems of excessive inventory buying and retention of outdated material and equipment. Overall, this initiative reduces the fiscal year 1991 budget request by $1.2 billion.

First, this initiative eliminates all funding—$565 million—requested in fiscal year 1991 to increase war reserve

inventories of secondary items in the Defense Department stock funds. This reduction on the supply side of the inventory process is fully justified by the inventory management problems of the past, as well as the military services' reduced force structure in the future.

Second, on the demand side, this initiative reduces the funds in each active and reserve component for units to buy secondary items from the stock funds by 5 percent, or a total of $380 million. This is an attempt to reduce excessive ordering and stocking of secondary items at the unit level that may not be used, either because of reduced force levels or reduced operating tempo.

Third, this initiative attempts to increase disposal of unneeded items in the DOD supply system by giving inventory managers an incentive to dispose of unneeded inventory. In the future, receipts from the sale of unneeded items will be returned to the stock fund cash balances, rather than going into the general fund of the Treasury. This change in policy is accompanied by a reduction of $250 million in anticipation of greater disposal activity next year.

The bill also includes an amendment by Senator LEVIN in this area requiring the Secretary of Defense to establish uniform inventory guidelines and to improve the personnel evaluation process for people in the inventory management area.

These recommendations result in a total reduction of $3.7 billion below the fiscal year 1991 budget request for the operation and maintenance accounts.

In the area of revolving funds, the bill includes a reduction of $644 million. The largest part of this reduction—$564.7 million—is the 1-year moratorium on funding to increase war reserve stocks in the DOD stock funds which I mentioned earlier.

The request for U.S. military construction projects overseas is reduced by approximately three-quarters in light of uncertainties over future overseas deployments of U.S. Forces. The budget request for NATO infrastructure funding has been cut in half for the same reason.

The bill includes legislative provisions in the military construction area—most of which are noncontroversial. The bill approves the administration's request to transfer control of the Pentagon Reservation from the GSA to the DOD. It also includes several provisions which will permit DOD to capture and retain the proceeds from leases and the disposal of excess property. Currently, these funds go to the U.S. Treasury. These provisions improve upon proposals in the defense management review legislative package. The most significant among these provisions is a proposal to ensure the highest possible return to the Defense Department for vacating our bases overseas.

The provisions authorizing DOD to retain the proceeds of property sales and leases, coupled with provisions encouraging multiple use of DOD facilities for civil aviation, drug treatment and prisons, and broadening the scope of economic adjustment assistance, are all designed to ease the transition for DOD and communities to a smaller defense installation infrastructure.

Mr. President, given the many tough challenges we faced this year in producing a sensible Defense authorization bill, I would like to thank Dave Lyles, Bob Bayer, John Hamre, and Mary Kampo of the majority staff for all of their hard work. Moreover, as this bill represents a bipartisan effort, I would like to also thank Ron Kelly and Ken Johnson of the minority staff. A special thanks to Jim Seavers, a congressional fellow in my office, for his outstanding work this year.

In closing, Mr. President, I would like to thank my good friend and colleague, Senator GORTON—the ranking member on the Readiness, Sustainability, and Support Subcommittee—for his cooperation and assistance. It has been a pleasure working with him and our colleagues this year on the subcommittee.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Colorado [Mr. WIRTH] is recognized to offer an amendment. There will be 90 minutes of debate.

The Senator from Colorado.

AMENDMENT NO. 2514

(Purpose: To amend title 10, United States Code, regarding the entitlement of members of the Armed Forces and their dependents to receive reproductive health services in uniformed services medical facilities outside the United States)

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself, Mr. GLENN, Mr. ADAMS, Mr. AKAKA, Mr. BRADLEY, Mr. CRANSTON, Mr. METZENBAUM, Mr. PACKWOOD, Mr. SIMON, and Mr. DODD, proposes an amendment numbered 2514.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 91, between lines 5 and 6, insert the following:

SEC. 705. REPRODUCTIVE HEALTH SERVICES IN UNIFORMED SERVICES MEDICAL FACILITIES.

(a) MEMBERS OF THE UNIFORMED SERVICES.—Section 1074 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(d)(1) A member of the uniformed services stationed outside the United States is entitled to the provision of any reproductive health service in a facility of the uniformed services outside the United States in the same manner as any other type of medical care if the provision of such service is not prohibited under United States law.

"(2)(A) The administering Secretaries shall require a member of the uniformed services referred to in paragraph (1) to pay the cost, including all indirect costs, for any reproductive health service provided to such member in a facility referred to in such paragraph if payment for such service out of appropriated funds is not permitted. Appropriated funds shall be deemed not to have been used for providing a reproductive health service if such service is paid for pursuant to the requirement imposed under this paragraph.

"(B) Amounts paid under this paragraph for provision of a reproductive health service to a member of the uniformed services in a facility of the uniformed services shall be credited to the appropriation account for the provision of care under this chapter by facilities of the uniformed services, shall be merged with funds in such account, and shall be available for the purpose for which funds in such account are available but may be obligated and expended only by or for the facility in which the service was provided.".

(b) DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.—Section 1077 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(d)(1) A dependent of a member of the uniformed services stationed outside the United States, if such dependent is accompanying such member outside the United States, is entitled to the provision of any reproductive health service in a facility of the uniformed services outside the United States in the same manner as any other type of medical care if the provision of such service is not prohibited under United States law.

"(2)(A) The administering Secretaries shall require a member of the uniformed services referred to in paragraph (1) to pay the cost, including all indirect costs, for any reproductive health service provided to a dependent of such member in a medical facility referred to in such paragraph if payment for such service out of appropriated funds is not permitted. Appropriated funds shall be deemed not to have been used for providing a reproductive health service if such service is paid for pursuant to the requirement imposed under this paragraph.

"(B) Amounts paid under this paragraph for provision of a reproductive health service to a dependent of member of the uniformed services in a facility of the uniformed services shall be credited to the appropriation account for the provision of care under this chapter by facilities of the uniformed services, shall be merged with funds in such account, and shall be available for the purposes for which funds in such account are available but may be obligated and expended only by or for the facility in which the service was provided.".

The ACTING PRESIDENT pro tempore. The Chair will note the time under this amendment is equally divided and controlled by the Senator from Colorado [Mr. WIRTH] and the Senator from New Hampshire [Mr. HUMPHREY].

Mr. WIRTH. Mr. President, the amendment we will be considering for the next 1½ hours and upon which we will then have a cloture vote allows members of our armed services and their dependents stationed overseas the same access to the full range of quality health care as those stationed in the United States, and as that which is available to all citizens of the United States.

This amendment is cosponsored by Senators GLENN, ADAMS, AKAKA, BRADLEY, CRANSTON, METZENBAUM, PACKWOOD, SIMON, and DODD and is supported by the National Abortion Rights Action League, Planned Parenthood, Zero Population Growth, Alan Guttmacher Institute, the League of Women Voters, Americans for Democratic Action, the Religious Coalition for Abortion Rights (34 religious organizations), the National Organization of Women, the American Civil Liberties Union, the National Women's Political Caucus, the American Association of University Women, the Women's Legal Defense Fund, the National Women's Law Center, the American Jewish Congress, and the American Jewish Committee, the National Council of Jewish Women—a broad tent of support, Mr. President.

This is a simple amendment about assuring that members of the armed services can exercise their own constitutional freedoms and be confident about the quality of medical care that they receive while serving in the military overseas. In short, the amendment will allow those stationed overseas to be able to use military medical facilities for the full range of reproductive health services permitted under U.S. law—permitted under U.S. law. Any service that cannot be funded by appropriated funds is paid for by the individual.

Under the laws of the United States, Mr. President, women may enter a hospital or a clinic to receive an abortion. Public funds are not to be used to pay for the service. This is the law of the land. Abortion is available if you pay for it.

Some may disagree with this law. They may want to restrict abortions in particular ways, or to fund them in particular ways, and we have had debates about these issues—whether to restrict abortions to rape or incest, whether to punish doctors who perform abortions, or whether to outlaw abortions altogether. Those debates we have been through quite endlessly.

We have also had debates about liberalizing abortions, Mr. President, to make them available to everybody in our society, regardless of their income.

While these debates have gone on, Mr. President, the law has remained the same: Abortions are legal if you pay for them. If that is the law, I assumed that it applied to everyone. The 14th amendment is in the Constitution to provide equal protection of the laws to all citizens. So I assumed that all Americans would have equal protection under the abortion laws.

But I was wrong. The United States Government currently has a policy that creates two classes of citizens: those in the military, and everyone else. The average citizen has one kind of treatment available, but if you are in the military or a dependent of somebody in the military, you have another kind of treatment. You are treated as a second-class citizen.

This amendment is about restoring equal access and equal rights to military people and their dependents. We should not have second-class citizens. We should treat people in the military as we treat everybody else in our society.

How did this come about, Mr. President?

On October 1, 1988, the Reagan administration issued a directive. The directive said:

* * * the performance of pre-paid abortions in military treatment facilities is not authorized.

I ask unanimous consent, Mr. President, to have that full directive printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, June 31, 1988.

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

Subject: DOD Policy Regarding Providing Non-Funded Abortions in Outside the Continental United States Military Medical Treatment Facilities.

Until this time, there has been no formal Department of Defense policy on the issue of performing abortions, not funded by the government, in military medical treatment facilities in certain countries in which quality medical care may not be locally available. In a very small number of cases, military medical facilities in several locations around the world have performed abortions when paid for, not by appropriated funds, but by the patient.

Under the law, funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. The informal practice of performing so called "pre-paid" abortions in very limited circumstances outside the United States does not violate the legal prohibition. However, it might suggest insensitivity to the spirit of the Congressionally-enacted policy of withholding government involvement in the provision of abortions.

It therefore appears appropriate to establish formally a uniform Department of Defense policy in this regard. The policy is that the performance of pre-paid abortions in military treatment facilities is not authorized. To permit time for necessary instructions to be issued to facilities, this policy becomes effective October 1, 1988.

WILLIAM MAYER, M.D.

Mr. WIRTH. This was a change in longstanding policy. That longstanding had been, Mr. President, that a member of the military or a dependent could use a military facility for an abortion if that individual paid for it. That was changed on October 1, 1988. An individual in the military can no longer go into a military medical facility and, paying for it, have an abortion.

Why is this important? Let us look at the situation. Our service members are frequently serving our country in locations where safe health care is not available at local facilities. This is precisely why the United States has established medical facilities at bases around the world: To meet the needs of DOD personnel and dependents in these locations outside the United States. That is why we do not depend on local hospitals in the Philippines or in Panama or Korea or wherever it may be.

In many countries where U.S. military personnel are stationed, abortion is illegal or access to abortion is severely restricted. For example, in the Philippines where nearly 34,000 members of the U.S. military and their dependents are stationed, and in Panama where about 25,000 are stationed, abortions are simply illegal—except to protect the health of the mother. This is also the only situation in which abortions may be performed on base.

So a member of the U.S. military or a dependent would have to leave the country to have a legal abortion or else pursue illegal options. That is the other choice. Illegal options are increasingly dangerous and understood to be so, Mr. President.

In Latin America complications of illegal abortions are thought to be the main cause of death in women between the ages of 15 and 39. A small 16 percent of the illegal abortions performed in the Philippines are done by physicians; 84 percent are done by nonphysicians.

The alternatives that we have left to U.S. service people and their dependents is the option of seeking unsafe, illegal abortions in the country where they are stationed at risk to the woman's life or forcing her at enormous expense to travel to another country.

Why should this be important to us? Because we are unnecessarily endangering the lives of our service people and their dependents who chose to terminate a pregnancy. Unless the woman's life is in danger by carrying the fetus to term, we turn around and force her to pursue unsafe medical practices that put her life in danger.

Even in countries where abortion services are legal, many subject American women to substandard health care. In many countries when a woman cannot use an overseas U.S. military facility, she has to go out into the local medical community. There she may face the very real problem of a countrys' unanimity to test its blood

supply for the HIV virus. We may be exposing U.S. military people unnecessarily to the HIV virus.

In many of those countries as well, Mr. President, we know that they reuse disposable needles which are not intended for reutilization and which cannot be sterilized. Is this a price that we are asking those who are serving the Nation to pay simply because they are stationed overseas? That is fundamentally wrong, Mr. President.

Many U.S. military personnel and their dependents stationed overseas do not not have full command of the language of their host country. As with any medical procedure, the abortion decision requires a woman to communicate fully with her physician. But we send these women off base to discuss this medical decision in a different language than her own. That is wrong, Mr. President.

Is this an abstract or hypothetical issue? Not at all. This came to my attention, Mr. President, in a letter that I received from Charles Zwierzynski, a second-class petty officer in the United States Navy stationed in Japan. Let me share with my colleagues some of the comments that Petty Officer Zwierzynski wrote to me:

Recently, my 28-year-old Japanese wife, Kaoru, and I went through a very trying time when she was pregnant with our first child. * * *

At Kaoru's 18th week of pregnancy, an ultrasound at our local naval hospital was performed and found the baby may have a very serious amount of multiple birth defects. Initially, the naval officer who was our doctor felt the entire stomach, liver, and intestine areas were growing on the outside of the baby's body (the heart had then moved to where the stomach should be) along with a possibility of a spine defect due to the position of the neck and head. To be sure, the navy paid for a visit to a local Japanese doctor who is an expert in pre- and postnatal care to do another ultrasound. His opinion was the same (Kaoru was in the 19th week at this time). Both doctors recommended termination of the pregnancy—

The Navy doctor recommended termination of the pregnancy, Mr. President, and the local doctor recommended termination of the pregnancy—

as they both felt there was absolutely nothing they could do for the baby and that if it did survive the birth there would be no guarantees as to its continued survival or quality of life.

After considerable frustration and discussion and with no one who wanted to plant false hopes in our minds, we felt the best thing to do was terminate the pregnancy especially since time was very short as Kaoru was now between her 20th and 21st weeks. We felt we just didn't have enough time or information to make any other decision, but we also felt we did not want this baby to suffer.

In the military we have excellent health benefits and doctors. However, in making a decision like this, and once you make this decision, you are on your own. Military hospitals are not authorized to perform abortions or terminations of pregnancy unless the mother's health is in danger. Military insurance will not pay for it and the local Navy Relief Society will not provide a no-interest loan to be deducted from your paycheck due to their regulations in such cases. There is no support group and no program set-up to send you to an advanced birth defect facility such as at Yale or UCLA to see if any fetal operation can be done. Thus, since the cost of performing the termination was prohibitive by going to a stateside hospital, it was performed by the local Japanese doctor who my wife was comfortable with anyway. Her stay was four days, she went through a 10-hour induced labor, two Japanese women had babies born while she was in the four-table operating room, and the baby died during the 7th hour of the labor. I saw the baby and was saddened by the condition it was in (as the doctors said) but felt we did the best we could for what information we had. Since the military insurance did not cover the procedure and Navy Relief would not provide a loan we paid for the entire $2,400 bill ourselves. Luckily, we had the money—our entire savings account.

Since we had the money the military considers everything taken care of. But our questions are: what if we did not have the money? What if we were a younger military couple, both American, who just would not know what to do while serving overseas? Would the military be willing to pay the thousands and thousands of dollars just to keep this baby alive and then have it finally die after much suffering? If we did have the baby and I was separated from the service, the military would no longer pay for the baby's care and no insurance company would touch us, true?

I ask unanimous consent, Mr. President, that the full text of the Chief Petty Officer Zwierzynski's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FPO SEATTLE, WA, *November 7, 1989.*
National Abortion Rights Action League,
Washington, DC.

Attn: Kate Michelman, Executive Director

MS. MICHELMAN: I am a 31-year-old Second Class Petty Officer in the United States Navy stationed in Yokosuka, Japan on a three-year tour. Recently, my 28-year-old Japanese wife, Kaoru, and I went through a very trying time when she was pregnant with our first child. And because of this we wanted to write your organization and ask that you continue your work/lobbying for a "pro-choice" decision on abortion as we would like the situation that happened to us to never happen again to another service member and his wife serving overseas.

To understand our strong feeling towards "pro-choice" (our situation and that of rape and incest), here's the story of what happened to my wife just over two months ago: At Kaoru's 18th week of pregnancy, an ultrasound at our local naval hospital was performed and found the baby may have a very serious amount of multiple birth defects. Initially, the naval officer who was our doctor felt the entire stomach, liver, and intestine areas were growing on the outside of the baby's body (the heart had then moved to where the stomach should be) along with a possibility of a spine defect due to the position of the neck and head. To be sure, the Navy paid for a visit to a local Japanese doctor who is an expert in pre- and postnatal care to do another ultrasound. His opinion was the same (Kaoru was in the 19th week at this time). Both doctors recommended termination of the pregnancy as they both felt there was absolutely nothing they could do for the baby and that if it did survive the birth there would be no guarantees as to its continued survival or quality of life.

After considerable frustration and discussion and with no one who wanted to plant false hopes in our minds, we felt the best thing to do was terminate the pregnancy especially since time was very short as Kaoru was now between her 20th and 21st weeks. We felt we just didn't have enough time or information to make any other decision, but we also felt we did not want this baby to suffer.

In the military we have excellent health benefits and doctors. However, in making a decision like this, and once you make this decision, you are on your own. Military hospitals are not authorized to perform abortions or terminations of pregnancy unless the mother's health is in danger. Military insurance will not pay for it and the local Navy Relief Society will not provide a no-interest loan to be deducted from your paycheck due to their regulations in such cases. There is no support group and no program set-up to send you to an advanced birth defect facility such as at Yale or UCLA to see if any fetal operation can be done. Thus, since the cost of performing the termination was prohibitive by going to a stateside hospital, it was performed by the local Japanese doctor who my wife was comfortable with anyway. Her stay was four days, she went through a 10-hour induced labor, two Japanese women had babies born while she was in the four-table operating room, and the baby died during the 7th hour of the labor. I saw the baby and was saddened by the condition it was in (as the doctors said) but felt we did the best we could for what information we had. Since the military insurance did not cover the procedure and Navy Relief would not provide a loan we paid for the entire $2,400 bill ourselves. Luckily, we had the money—our entire savings account.

Since we had the money the military considers everything taken care of. But our questions are: what if we did not have the money? What if we were a younger military couple, both American, who just would not know what to do while serving overseas? Would the military be willing to pay the thousands and thousands of dollars just to keep this baby alive and then have it finally die after much suffering? If we did have the baby and I was separated from the service, the military would no longer pay for the baby's care and no insurance company would touch us, true? Why does Navy Relief provide a $1,500 loan to a young sailor off a ship to replace an engine in his Lincoln Continental (this actually happened over here just recently) but not our type of situation? And why not provide fetal operation assistance?

What my wife and I would like to do now is make sure no other military couple has to go through financially, emotionally, and uninformed as we were again. We are currently starting a support and volunteer group here for sailors' wives who are pregnant and to assist an over-burdened OB/GYN department that is experiencing financial cuts like anything else in the military. We felt there is a need for more informed decision and also a free choice.

My command here in Yokosuka, Japan has done everything possible to help us through this experience and my command-

ing officer even went so far as to try and get us some financial assistance. But, of course, he was stone-walled by regulations at every turn. Here was a group of sailors trying to help one of their shipmates and there was nothing they could do. We ask that your organization continue your work for prochoice and to please feel free to use our situation as an example. We would also appreciate it if your organization knows of any lobbyists or other individuals who can take a look at this type of situation happening to a service member and help us in our attempt to get this hard-line policy changed to at least a study of a case-by-case basis. It's not fair for this to happen to anyone.

Thank you for your time in reading this letter. Any questions, opinions, or ideas you may have would be greatly appreciated. We hope to hear from you soon.

Sincerely,

CHARLES ZWIERZYNSKI.

Mr. WIRTH. Mr. President, this is not a complex issue. It does not get into public financing for abortions, nor does it remotely address whether a woman should have a choice to have an abortion or not. Rather, this amendment simply allows our 1 million active duty personnel and dependents overseas to be privy to the same rights as those stationed in the United States and to be sure, while serving our Nation, they are able to obtain the level of medical care that they deserve and which is available to all other Americans.

I hope that my colleagues will vote with me for this amendment.

Mr. President, I yield the floor.

Mr. HUMPHREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield 10 minutes to my colleague from Indiana.

Mr. COATS. Mr. President, I thank the Senator for yielding.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, it is surprisingly odd that in the middle of the debate on our defense priorities, we should be forced to take up the issue of abortion. But the Senator from Colorado has made that decision for us and, as a member of the Armed Services Committee, I believe that since this issue has been raised, it requires a response. I am disappointed that we have to deal with this issue on this bill, but, nevertheless, the issue is raised and we, therefore, must respond.

It is my conviction that this amendment is unnecessary and extreme. It violates the spirit of current law, it misdirects an important national security debate, and it hides unprecedented Federal actions behind a screen of misleading language.

First, as I indicated, this amendment is simply unnecessary. One would assume with a measure so controversial and far-reaching that some urgent needs had been established, that some great harms had been done, that a large number of serious wrongs had been committed. One would guess that a cry had been raised from within the military demanding action. But if one assumed or guessed any of these things, he or she would be wrong.

Since 1979, the Department of Defense has complied with Hyde-type restrictions on the use of public funds for abortion. In 1984, Senator Jepsen codified that prohibition into permanent law. Some prepaid abortions were allowed, but only if local facilities did not meet health standards. In 1985, just 19 prepaid abortions were performed overseas.

Finally, in 1988, in a measure urged by the Senator from New Hampshire [Mr. HUMPHREY] the current policy was put in place prohibiting prepaid abortions on military bases but continuing to perform abortions to save the life of the mother.

According to the Defense Department, there have been no problems whatever in implementing this current policy. To the best of their knowledge, no one has been denied access to any medical procedure or abortion. If safe available medical facilities for elective abortions are not available to military women, then these women are permitted to use military airlifts to places where these facilities are available.

Mr. President, I would like to read and submit for the RECORD a response that I have received from the Department of Defense relative to some questions I asked them about the nature of this problem. My letter states that, as I had discussed earlier with them, I would greatly appreciate their response to some questions which pertain to the Wirth amendment. I described the Wirth amendment to them, and these were their responses.

Question No. 1. Has the Department of Defense had any difficulty in implementing this policy? The answer is "no."

Question No. 2. Have any formal complaints, any formal complaints, been filed concerning this policy, to the best of your knowledge and information? The answer is a categorical "no."

Question No. 3. Have any legal challenges been instituted concerning this policy, to the best of your knowledge and information? The answer, a categorical "no."

Question No. 4. Have any members or their dependents been denied access to an abortion as a result of this policy? The answer again was "no."

Question No. 5. Have any members or their dependents been denied leave for the purpose of procuring an abortion off base? The answer, a categorical "no."

Question No. 6. Have any members or their dependents been denied access to military transport for the purpose of procuring an abortion? Again a categorical "no."

The Senator from Colorado argues that women in the military have been stripped of their rights, that they are second-class citizens, but not one voice has been raised from one woman in the military that her rights have been denied, not a single case has been filed in the courts challenging this policy as a violation of constitutional protections.

These procedures, as I have said, according to the Department of Defense, have caused no conflict or resentment. The bottom line is that the need for the legislation has not been proven.

The Senator from Colorado states that we have created two classes of citizens: Those not in the military have access to an abortion; those in the military have no access to abortion. This is simply wrong and untrue. Those in the military have the same access to abortion that those not in the military have. It is just that those abortions cannot be performed in military facilities.

If those people find themselves in situation as the Senator from Colorado described, they have access to safe and legal abortions as provided at the nearest nonmilitary facility that they might choose. If they are not happy with the procedures or the laws of the country in which they are stationed, the U.S. military will airlift them, give them leave to go wherever they want.

So if they are dependent whose residence is California or Colorado or Indiana, or any other State, the military will airlift them to whatever point they need to go to receive the abortion, if that is their choice.

Mr. President, the vague discontent on the part of legislators is a fragile foundation for a measure as controversial as this. We should not allow this defense bill to be used as a vehicle for making social policy, committing this Congress to radical, unrestricted abortion on demand. We cannot allow the careful deliberation of our defense priorities to be held hostage to endless and unrelated conflicts over the issue of abortion on demand in military hospitals.

Let me make a second point. This amendment uses taxpayers' funds to help provide abortion services, in spite of what has been said. According to this measure, people will pay for their own abortions, including indirect costs.

But to maintain that fiction is simply to misunderstand the nature of military medicine. Unlike other medical facilities, medical clinics and hospitals receive 100 percent of their funds from Federal taxpayers. Physicians in the military are Government employees, paid entirely by tax revenues. All of the operational and administrative expenses of military medicine are paid

by the taxpayers. All of the equipment used to perform abortions is purchased at taxpayer expense.

It is impossible to imagine that taxpayers' money can be preserved from entanglement with abortion in military medicine. The Department has told me personally that any attempt would be an accounting nightmare. In direct response, again, to my question to them as to whether they believe they could separate the cost and make sure that no Federal taxpayer funds were used in performing abortions, their answer is that given our current cost-accounting capabilities, this would be an extraordinarily difficult task.

We here in Congress have already accepted a strict wall of separation between public funds and abortion. The only way to protect the integrity of taxpayer funds, consistent with current law, is to keep the military out of the abortion business. We must not take money from citizens and then use it to vandalize their moral values. I think Congress has spoken very clearly on this point.

Third, this amendment, even in the mainstream of those who support abortion, is as radical an abortion measure as can be written or imagined. Under the Wirth amendment, abortions could be performed at any time, for any reason. They could be performed in the ninth month of pregnancy. Abortion could be performed to select the sex of a child. It could be performed to eliminate the handicapped. Abortions could be performed without parental consent, without spousal notification.

In the language of this measure, an unrestricted absolute right to abortion on demand is established. Even the most minimal, reasonable restrictions, even the most limited concern for the unborn child, is rejected out of hand. The assertion that we are simply putting people on an equal footing denies the numerous laws that exist in numerous States relative to the restriction of abortion, in a number of cases.

This amendment would allow unrestricted abortion at a military facility for whatever reason the mother chose. That does not create equality. That creates an inequality that does not now exist under current law.

The PRESIDING OFFICER (Mr. KERREY). The Senator's time has expired.

Mr. COATS. Mr. President, I ask the Senator from New Hampshire for 2 more minutes.

Mr. HUMPHREY. I yield 2 minutes further to the Senator.

Mr. COATS. I thank the Senator.

Fourth, this amendment does not contain a definition of "reproductive health services." And that poses a problem. Currently, certain health services, such as sex change operations, are not allowed in military facilities. This amendment appears to establish a military right to those operations, surely a milestone in the long history of military medicine. And without a better definition in this amendment of what "reproductive health services" does and does not include, it opens up a number of problems which I do not believe this body wants to address.

When all of these objections are totaled and considered, when each extreme provision is examined, it is clear the amendment is unneeded. It amounts to an unrestricted entitlement to abortion on demand for over 1 million military personnel and their dependents stationed overseas. Through arbitrary power, it forces on many taxpayers a violation of their deepest convictions. It departs from every precedent and places this Congress firmly on the radical fringe of a bitter, controversial debate.

We cannot allow this vital discussion on American security to be turned into a contest of ideology. We cannot create issues where needs do not exist.

I strongly urge my colleagues to oppose this unnecessary and very extreme amendment, and to vote no on cloture, which will be forthcoming.

Mr. President, I thank the Senator from New Hampshire for yielding the time, and I yield back whatever remaining time I have.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, will the Senator from Colorado yield 5 minutes to me?

Mr. WIRTH. Yes. I am pleased to yield to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Chair. I thank my colleague, the Senator from Colorado.

Our good friend from Indiana made reference to this radical change. Let us put things in perspective. In 1988 military hospitals did perform abortions and then, by an administrative policy change, not congressional change, it was changed. The radical change was done in 1988 when the policy that had been followed for years and years in the hospitals was suddenly turned upside down.

All we are trying to do is go back to what the policy was 2 years ago. It is hardly a radical change.

Second, our distinguished colleague from Indiana said you can be airlifted to wherever you want to go. If you are stationed in Japan, in Iceland, you can be airlifted to wherever you want to go if you cannot adequately get an abortion where you are. That is easier said than done. That is on a space-available basis. All are aware of the military overseas and their dependents. There are more people who would like to fly on the space-available basis than there is space available. We do not have military transport planes going back and forth for the sole purpose of ferrying people on a space-available basis back and forth.

Last, it does not include your spouse. Now, there is a humane policy on a decision that a woman has to make, probably the most important decision in her life, as to whether or not to terminate a pregnancy. She cannot get it done at the military hospital because they will not do it at all even though you are willing to pay for it. You mistrust the local medical system or perhaps the laws are such you cannot get an abortion locally.

But in the spirit of humaneness, our military will fly you; that is, the woman, on a space-available basis to some place that will do it, and you are going without your spouse. You are going to be alone without your spouse when this abortion is done, when it could be done in the military hospital when you are willing to pay for it. What kind of sense does that make?

As to this argument that the military hospitals are 100 percent paid for by the Federal Government and therefore the Federal Government is paying for the abortion, let us be serious. You have the hospital, you have the doctors, the nurses, and not another doctor is hired because you want to have an abortion, not another nurse is hired, not another bed is added to the hospital. If the argument is going to be made that because some minuscule amount of Federal money might be used because the pencil you use to make out the form is paid for by the Government and therefore that is the Government paying for abortions, then we have reached a folly. No wonder we do not understand our budget system, if that is the idea of Government paying for abortion.

Mr. President, this is simply a request for the Government to allow equal access for military personnel overseas that they would have in this country without difficulty. Why place an unfair burden on a small, but very important, part of our military personnel that does not need to be placed in that position?

As to whether this is an appropriate or inappropriate bill on which to discuss this topic, Mr. President, I have been here 22 years, and in past Department of Defense authorization debates we have talked about military housing, we have talked about military medical services, we have had amendments on these bills passed and been accepted by conference unrelated to the military. This is military. This is military medicine. This is what our military hospital is going to be used for. We have discussed those topics all the time in the past on this bill.

So I hope even Senators who do not want to fund abortions could see their way clear to say this is not funding in any normal sense of the word. This is not an issue as if we were voting in the

Senate on a constitutional amendment to overturn Roe versus Wade or one of those court stripping statutes that says the Supreme Court may not consider abortion cases. This is not that.

This is simple justice, decency, equality, an humaneness, so a woman in the military, if she chooses, can get an abortion, with her spouse with her, instead of hoping she can hop on some bucket seat transport plane leaving from Reykjavik flying to Newfoundland, finally getting to the United States, landing close to where she can have an abortion in a State perhaps she is not from with people she does not know.

All this is humaneness and equality in this amendment, and I very much hope that the Senate, regardless of their views on the subject of abortion, will support the amendment of the Senator from Colorado.

I thank the Chair.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield myself such time as I may need.

First, I want to thank the Senator from Indiana for his important contribution to the debate. I think his citing of the letter from the Department of Defense was particularly elucidating in making apparent the lack of the case on the part of the proponents of this amendment.

Mr. President, what we are debating here once again is the Hyde amendment. That is the fundamental matter that is at issue here. The Senator from Colorado is seeking to unsettle long settled policy with respect to Government involvement, Government facilitation of abortions. That is the key issue—Government involvement in abortions. It has been settled for a long time. The Senator from Colorado seeks now to unsettle it.

Since 1988, DOD hospitals have performed abortions only where necessary to save the life of the mother. The Wirth amendment would reverse that policy. Under the Wirth amendment abortions could be performed in DOD hospitals abroad for any reason, not just the life of the mother, but for any reason during all 9 months of pregnancy. What the Senator from Colorado is calling for is abortion on demand in DOD hospitals abroad during any time during the 9 months of pregnancy as long as DOD is reimbursed for the costs.

In seeking adoption of his amendment, the Senator from Colorado, it seems to me, asks Senators to accept three premises, each of which is false. The first premise is that members of the Armed Forces posted overseas and likewise dependents accompanying members posted overseas have no suitable recourse when DOD hospitals refuse to provide abortion.

This is simply not so. In many places, not all, where U.S. Forces are posted, medical facilities that are up to Western standards are nearby. What about those places where such facilities are not available? Mr. President, I point out that members of the Armed Forces have generous leave benefits. Every member is entitled to 30 days leave per year. A member of the Armed Forces intent upon securing an abortion in a place some distance removed from where the member is posted is perfectly free to take that leave and to travel to that place whether near or far.

Indeed, Defense Department policy encourages members to take leave for reasons of health and morale. For example, Air Force regulation 35-9, section A, paragraph 1(3)(c) makes it clear that leave is to be granted under a variety of circumstances, including, to quote from the regulation, "* * * where there is evidence of possible adverse impact on the member's health or morale."

What if a member's hospital leave has been used up? Again, Defense Department leave policy is very liberal. For example, Air Force regulation 35-9 again says the following: "Members with no accrued leave or limited accrued leave may be granted advanced leave to resolve extremely urgent personal or emergency situations." That is precisely what we are talking about here.

Clearly, members of the Armed Forces posted abroad are perfectly free to take leave to journey to any place near or far to secure whatever medical care they deem appropriate. And, thus, the premise that members of the armed services overseas have no suitable recourse when DOD hospitals refuse to perform abortion on demand is simply false.

The second premise is that the Government has an obligation to make abortion conveniently available. Some would observe correctly that taking leave and traveling is inconvenient. But there is no obligation on the part of the Government to make abortion convenient to those who desire it any more than there is an obligation on the part of the Government to pay for the abortions of those who desire it.

That is why I say we are talking here essentially about the Hyde amendment, which has long since been settled and which the Senator now seeks to unsettle.

Likewise dependents are free to travel and seek appropriate medical care. And members of the Armed Forces who might wish to accompany dependents are free to take leave for that purpose. That issue was raised a moment ago.

Again, that is inconvenient, but the premise that the Government has an obligation to make abortion convenient, the performance of abortion, is false.

The third premise is that providing abortions, as long as the cost is reimbursed, is somehow consistent with the longstanding refusal of Congress to use Federal funds to pay for abortion. That premise is false, too. Why has Congress consistently refused to provide Federal funds for abortion? Is it because we deem the dollar impact, the fiscal impact, too great?

Of course not. That is not the point at all. It is not the dollar cost that resolves the Congress not to pay. It is the involvement of Government in abortion, the involvement of Government in a matter over which society is very deeply divided, that moves Congress to adopt the Hyde language. It is not a matter of dollars; it is a matter of the Federal Government facilitating a procedure that many Americans find repugnant. That is why Congress—not because of fiscal impact—refuses to fund abortions.

The key word is "involvement." If Senators are opposed to Federal involvement in providing abortions, Senators should preserve existing DOD policy of providing abortion only where the life of a mother is in danger. If Senators are opposed to the Federal Government facilitating abortion, they should preserve DOD policy, where abortion is provided only where the mother's life is endangered. It is not the dollars; it is the involvement.

The reimbursement feature of this amendment negates the dollar cost to the Government, but it ignores the basic fundamental reason that Congress refuses to fund abortion in the first place: The importance of avoiding Government involvement in the provision of abortion. Cost is not the issue. Involvement is the issue.

The Wirth amendment would involve the Government in the provision of abortion on demand for any reason, any time during the 9 months of pregnancy.

I think Senators can see the distinction, and it is an important distinction. So the third premise that reimbursement of the Government makes the performing of abortion value neutral is patently and obviously false.

I point out, Mr. President, that the memorandum which outlined current DOD policy, dated June 21, 1988, and signed by the Assistant Secretary of Defense for Health makes precisely this point. Referring to the earlier practice of providing prepaid abortion on demand, the memorandum states that such a practice:

> * * * might suggest insensitivity to the spirit of the congressionally-enacted policy of withholding Government involvement in the provision of abortions.

There is that key word, Mr. President, "involvement." It is wrong for

the Government to fund abortion; it is wrong for the Government to provide abortion; it is wrong for the Government to facilitate abortion, because it is wrong for the Government to be involved, as the Congress has repeatedly found, in a matter that deeply divides the country.

We have repeatedly attached Hyde amendment language to legislation over the last 15 years. Since 1979, the law with respect to the Department of Defense has been clear: "Funds available to the Department of Defense may not be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." That is the law and has been so since 1979.

The spirit of that law was violated up through 1988, until the regulations were changed to conform with the spirit of the law. We should leave it just that way. The policy is now settled. It is wise policy, and we should not unsettle it.

Where did this proposal come from? Did it come from the Secretary of Defense? No. Did it come from the Assistant Secretary of Defense for Health? No. Did it come from the White House? No. Indeed, in my talks with high level officials at the Department of Defense over the last week or 10 days, everyone is opposed to changing this policy. Not only they did not ask for a change, but opposed a change in policy. You would think there was a significant problem and, of course, the Senator cited a hard case—and we all know the maxim about setting policy on the basis of a few hard cases—but if there were a significant number of such cases, are we to believe the Secretary of Defense and the Assistant Secretary of Defense for Health would be so callous as to ignore the problem? Of course not. They have not asked for a change. Indeed, they oppose such a change.

The Wirth amendment proposes to turn back the clock, Mr. President, and this is a very, very, very, very serious matter; it is serious because Americans are firmly convinced—many of them, including this one—as a matter of self-evident biology that the offspring of human beings are human beings, and therefore every abortion kills a human being.

It is serious because many Americans, including this one, as a matter of science—not religion—science, recognize that if you were conceived of human parents, you are a human being and that, therefore, every abortion kills a human being.

That is why there is such great moral revulsion against abortion. In recognizing this division in our society and these strongly held views on both sides, Congress has wisely refused to involve—there is the word, not "pay," it is not fiscal cost; it is "involvement"—the Government in abortion.

The Wirth amendment proposes once again to involve the Government. This is a very serious matter, so serious, as the Republican leader will attest, when he arrives momentarily, that the White House is indicating that this entire bill will be vetoed, if the Wirth amendment is adopted.

Adoption, may I point out also, is likely to provoke a series of additional amendments. Adoption of the Wirth amendment is likely to provoke a series of additional amendments, some of them dealing with abortion. So if the Senate is in a mood to deal with an abortion amendment this morning, no doubt the Senate will welcome further abortion amendments as the day goes on. I can think of several we ought to offer in connection with the Wirth amendment, if adopted.

Maybe we ought to qualify the policy the Senator from Colorado seeks to enact.

Should sex-selection abortions be performed in DOD hospitals? That is one we ought to clarify.

Should abortions after viability be adopted? There is another good amendment. Should abortions be performed after viability? There is another good amendment that demands to be offered, if we adopt the Wirth amendment.

We will need amendments to clarify the Wirth amendment, if it is adopted. Those amendments will be controversial and could be debated at considerable length on both sides of the question, may I say, by those possessed of both points of view.

Evidently, may I observe that, according to the language of the Wirth amendment, the Senator from Colorado wants to involve DOD hospitals abroad in the performance of abortion for any reason during all 9 months of pregnancy. That is the U.S. law under Rowe versus Wade.

Is that what we want DOD hospitals involved in, abortion because the mother is unwed, abortion because the timing of the pregnancy is inconvenient? Do we want DOD physicians counseling patients on whether to have an abortion in the case of a fetus that is to some degree less than perfect?

Then there are the logistics, training doctors and nurses in order to provide for the vastly increased numbers of abortions that would be demanded and what to do about fetuses that survive abortions in DOD hospitals. The complications that flow from the Wirth amendment are staggering.

The Senate should reject this amendment. It should reject this amendment by refusing to invoke cloture, because under the unanimous-consent agreement that obtains here if cloture fails the Senator from Colorado will withdraw his amendment and, therefore Senators, who oppose WIRTH, Senators who support the existing Hyde amendment law and its spirit should vote against cloture.

The Senate should reject the Wirth amendment because its premises are false; the premises are false.

The first premise that members of the armed services posted abroad and desiring abortion have no recourse when DOD hospitals refuse to perform them is false. Local care is often up to medical standards and where it is not members have liberal leave policies which they may use to travel for any purpose including to seek an abortion.

The second premise is that the Government has an obligation to make the procurement of abortion convenient. This has no more validity than the charge that the Government has an obligation to pay for the abortions.

The third premise is that the mechanism of prepayment or reimbursement somehow renders the involvement of DOD hospitals in abortion value-neutral. It is not, as I pointed out, the fiscal cost of abortions that Congress is concerned with when we annually attach Hyde language to the various bills. Rather it is the involvement of the Government in providing abortion, in facilitating abortion, that we wisely seek to avoid. The Wirth amendment promises to involve DOD hospitals during abortion on demand for any reason during all 9 months of pregnancy.

Mr. President, we should strive to avoid involving the Government in the provision of abortions. We should do so on this bill by voting against cloture, at which point the amendment will be withdrawn. DOD provides abortion when the life of the mother is in danger. That is sound policy; it is consistent with Hyde language that the Congress has embraced over the years. That policy ought not to be changed. The Wirth amendment ought to be rejected and Senators desiring to do so should vote against cloture.

Mr. President, I believe my colleague from Colorado desires the floor. I am happy to yield.

Mr. ARMSTRONG. I do think others are seeking recognition. I am happy to wait.

Mr. WIRTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WIRTH. Could you explain to the Senate the procedures and the agreement as to a vote on the cloture vote?

The PRESIDING OFFICER. When time has expired on the amendment, we will proceed to a cloture vote. There are 41 minutes and 45 seconds remaining.

Mr. WIRTH. To make sure all Senators understand, the Senator from New Hampshire referred to a cloture vote. We agreed to an hour and a half

debate; at the end of an hour and a half debate there would be a vote on cloture, and that is under the previous agreement, and that will occur at 10:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. WIRTH. Those voting for cloture are voting to stop the potential filibuster against the bill, voting for cloture will be voting for the Wirth-Glenn-Packwood amendment. Those voting against cloture are voting to continue effectively to continue the filibuster and voting against the Wirth-Glenn-Packwood amendment.

Mr. President, I yield to the Senator from Ohio, the distinguished chairman of the subcommittee on the Armed Services Committee, the cosponsor of this amendment, Senator GLENN, such time as he may consume.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Colorado. Before he leaves the floor, I want to particularly thank him for bringing this amendment up. It takes a lot of guts to raise this issue.

These are not easy matters to discuss. They inflame passions, people get revved-up, as is evident on the floor here this morning.

Some of us on the Armed Services Committee, including the Senator from Colorado and I feel we are in many respects the ombudsmen for our military people, all over the world. They are not all serving in this country. Personnel stationed in the U.S. can go out off the base and they can obtain reproductive health services, and that is all legal.

But what if you are stationed overseas and you are often not in an area where that kind of facility is available.

We do not want to make this into a debate over the statement made a moment ago that every abortion kills a human being. That is the heart of the argument, is when the fetus becomes a viable human being.

Now we have two camps on this argument. One is prochoice where the woman should decide; and the other is the pro no-choice people, who impose their minority opinion on all the rest.

I know how heartfelt these feelings are. I know that people believe in their opinions to the very core of their being. What they say, they say from the heart.

But are we dealing fairly with our people in the military that we put out in foreign lands where they do not have the facilities available to do what they would be able to do lawfully, legally, and of their own free choice in the United States of America? We are the ones who send them out there. And they go and they serve and they serve willingly. It is a volunteer force, and they are out there sometimes under arduous conditions.

I just feel I have an ombudsman obligation to ensure that each individual in the military who serves our country overseas has access to the same family health care that could be received here in the United States. To deny any service members and their families this protection seems to me truly discriminatory and unfair.

I know those on the other side would ban abortions in any case, and that is their right to advocate that view. But the current laws of the United States permit a different situation. Yet we put military people out there and then at the same time say that the only way they can take advantage of what they can do in the States would be to go into places where it might be unsanitary, where there are better chances of needles being reused, and AIDS, and a whole host of things.

I have been stationed abroad. My wife was not with me during most of the tours. Marines did not have many accompanied tours then, not in those places. I remember some of the places my wife would have had to have been dependent on going if it were her decision to terminate a pregnancy, whatever she decided to do. I emphasize to everyone that this amendment grants access only. It does not dictate in any way how any individual may in her own conscience decide to act.

The Assistant Secretary of Defense for Health Affairs put out his letter in June of 1988 prohibiting U.S. military health care facilities overseas from providing the full range of reproductive health services after September 30, 1988, a situation that had prevailed since 1982, legally. The Secretary decided to reverse that decision in 1988. He was not reacting to any statutory direction. There was not any new law passed. There was not anything that said he had to do it or not do it. Rather he was reflecting a judgment of the administration at that time that to allow military members and their families overseas to continue to receive prepaid, reproductive health services in U.S. facilities, and I quote here "might suggest insensitivity to the spirit of the congressionally enacted policy of withholding Government involvement in the provision of abortions."

He suggested it was insensitivity. Well, you know, I am concerned about the insensitivity about how our people feel when they are overseas and cannot get the same adequate health facilities that they can in this country off-base. You do not have that option out there.

It is insensitivity, I think gross insensitivity, to not be able to use a local service in a U.S. military facility and reimburse the Government for that. So I suggest that, far from curing a problem, the Secretary in that letter did exactly the opposite by demonstrating gross insensitivity when it comes to the needs of our military personnel and their families.

Senator Wirth eloquently expressed the fact that many of our military personnel overseas are indeed stationed in areas where safe health care is not available in local facilities, or if it is available, it may be extremely expensive compared to services that were provided in U.S. military facilities on a prepaid basis prior to October 1988.

All this amendment does is restore that right of access to these services on a prepaid basis.

It corrects the second-class citizenship status of our people serving in these countries overseas.

Mr. President, I have here a list of different countries around the world, as to the differences in what they permit in those countries. Some countries are very tight in their restrictions; some countries are very loose. In some, it can only be for rape and incest; some can be of the women's choice; some can be if there are genetic deficiencies. There are a whole host of things that are quite different from anything we have in this country.

All we are saying is that if Americans are over there, that base there does, in fact, become a little bit of America for them and that those people should be able to have access to the same kind of medical facilities they have in this country.

Now it has been mentioned they can always take leave; and they can. They can apply for emergency and morale leave, EML, as it is called. They can go space available. But they may or may not get on the airplane. So how about those people that cannot get on space available in the time required or when they have appointments set up at the other end of the line?

So I just do not see that this treats our people fairly at all. It is not an argument to be pro abortion. It is an effort to make certain that our people overseas are treated fairly. I think that that is all this amendment tries to do.

Is there a huge number of people involved with this? No, there is not. And that statement made a few moments ago here is absolutely correct.

In one report I read this morning, I think the service averaged about 50 a year, between 1982 and 1988, who paid for their abortions at military hospitals overseas. I also understand that the last year it was available in 1988 it was only 15. So it is not a huge number of people we are talking about. But we do want to see that every single person in the military is treated fairly. And that is what this amendment by the distinguished Senator from Colorado does.

So I urge support for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. I yield 5 minutes to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I am grateful to my friend from New Hampshire for yielding me a few minutes to speak on this matter. I am especially grateful to him for his leadership on this issue. Over and over in this Chamber, the senior Senator from New Hampshire has demonstrated his concern for the cause of those who are unable to speak for themselves, who are helpless, who are dependent, who are the innocent victims of abortions which have occurred in scores of millions of cases in this country in recent years, and I thank him for it.

Mr. President, the amendment presented by my colleague from Colorado, Mr. WIRTH, brings into focus not only some very deeply held differences of opinion about medical science and politics and freedom of choice and a lot of other things. It seems to me, it brings into perspective the very essence of why governments are instituted among men. Very, very close to the heart of the reason why governments are instituted is the protection of those who are defenseless, the helpless, the weak of our society.

It was not very long ago that we passed a bill in this Chamber for protecting those who had disabilities and yet this morning we have heard a presentation on behalf of the right to abortion because a child who might otherwise be born would be disabled. I hope my colleagues and friends will reflect upon the logic of that.

By an overwhelming margin, and properly so, we are on record as favoring protections for those who are disabled. And yet today we are considering whether or not to deny the most basic of rights, the right to life, to those who might be disabled.

I believe those are the facts that were outlined by my colleague, Mr. WIRTH. I regret I was not on the floor to listen to his presentation. But as it was presented to me, the specific case which suggested to him the need for this amendment was in fact a case involving a child whom the doctors predicted would be born with a disability.

Mr. President, I think a lot of Senators dread any debate on abortion. For years, whenever the subject of abortion came up, I cringed. Whenever somebody suggested, let us have a discussion on abortion, I thought, no, let us not have a discussion on it.

But I have changed my mind, Mr. President, I reached a point where I am glad to discuss this matter on any occasion, in any setting, in any forum. The more often we discuss it, the better I like it. Personally, I would be pleased if the Senate would discuss the matter every morning, 5 days a week, say, at noon or 1 o'clock, from now until this issue is finally settled, and I will tell you why.

Because there remains in this country a huge number of people, I judge maybe 80, perhaps 90 percent of the people in this country, whose opinion remains yet unformed. There is a very small group that is adamantly opposed to abortion under almost any circumstances for reasons which are well-known, and I happen to be one of that group. There is another group which is in favor of abortion under practically any circumstances and almost without exception.

But in the middle, there are a lot of people who do not know much about abortion, who have never sought to become knowledgeable about it, who in fact have an instinctive aversion to the idea of abortion and yet also have a very natural aversion to the government interfering in any so private a matter.

Well, then why do I think it is important that we discuss this early and often and repeatedly? Why do I welcome it? I can tell you very simply. It is because I have never, in my own personal experience, encountered anyone who became more permissive about abortion as they learned more about what abortion is and its moral consequences.

Now there is one caveat to what I have just said. I do know a handful of political people, people in public office or candidates for public office, who have become more pro choice or, more accurately I think, pro abortion. With the exception of a handful of political people, I have never met, never encountered even one individual who has studied the matter, studied the science of it, that thought it through, talked to people who had abortions or performed abortions, who looked at the kind of photographs which are contained in the Life magazine issue which I have caused to be distributed and placed on every Senator's desk, that became more permissive. The facts are so strong about the humanity of the unborn child, that what we are talking about is in fact an innocent life, that as people know more about it they become less and less willing to countenance the idea of abortion.

Mr. President, on previous occasions, I have shared with my colleagues a fairly extensive body of scientific information, including particularly the writings of Dr. Koop, the former Surgeon General.

The PRESIDING OFFICER. The time allocated to the Senator from Colorado has expired.

Mr. ARMSTRONG. Mr. President, I note that my time has expired. I wonder if my colleague will yield me 1 more minute.

Mr. HUMPHREY. I would be glad to do so.

First, I ask how much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes 44 seconds.

Mr. HUMPHREY. I yield a minute to my colleague.

Mr. ARMSTRONG. I thank my friend from New Hampshire.

Today, because the scheduled time for this debate is so short, it is not my intention to rehash those arguments, although on another occasion I shall welcome the opportunity to do so. The science is very, very strong in support of the reality that what we are talking about are human lives.

But since that is not possible this morning, I do invite my colleagues to take a look at this Life magazine article and the pictures of how life begins and the progressive growth of the unborn child. In fact, in the middle of the magazine is a picture of a child just about the age of that which first came to the attention of the Senate this morning as the excuse for an abortion, as an excuse for this amendment.

Mr. President, I earnestly hope this amendment will be defeated, that cloture will not be granted. If it is not, obviously then we shall need to ask the Senate to consider other related issues—when such an abortion is appropriate, is it appropriate before and after viability or only before, and all of these other related issues. I do not think this is perhaps the best moment for us to do so, but for my part, I shall not be unwilling to continue debate if cloture is not granted.

Mr. WIRTH. Mr. President, I yield 5 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Washington [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. President I rise in support of the amendment before us offered by Senator WIRTH. We are not, let me repeat—not—talking about the use of Federal funds for abortions. What we are talking about is quality health care for our military personnel.

Current DOD policy needlessly and unjustly sacrifices the health care of our military personnel. The Wirth amendment would correct this injustice. Under the Wirth amendment, U.S. military personnel stationed overseas may use U.S. military medical facilities for the full range of reproductive health services. Yes, included in these services is the service of abortion. But, no Federal money would be used for these abortions and the service would only be provided on a prepaid basis.

Our overseas military personnel make many sacrifices. Serving overseas means that these individuals are separated from family and friends and have given up a home and a community where they are established. When entering the military, one expects these types of sacrifices. Substandard health care, however, is not part of the bargain and our overseas military

personnel should not be forced, as they are now, to accept this as part of the deal.

Let's consider the situation facing women in the military should they choose to have an abortion. In countries where abortion is legal, health care services are often grossly substandard. Many countries, for example, cannot afford to test their blood supply for the HIV virus. Many countries are also known to reuse disposable needles which are not intended for reutilization and which cannot be sterilized.

The reality gets worse for women in the military who are stationed in countries where abortion is illegal. According to the World Health Organization, 200,000 women's lives are lost annually to illegal abortions, with more than half of them occurring in Southeast Asia, sub-Saharan Africa, Latin America, and the Caribbean. The United States has over 225,000 military personnel stationed in these areas. Current DOD policy is promoting the very real possibility that these people may become part of these statistics.

I implore my colleagues to support the Wirth amendment. Our U.S. military personnel deserve to be assured that quality health will be available to them under all circumstances regardless of where they are stationed, regardless of what their duties may be.

Mr. President, with the changes occurring in the world, more and more of our personnel will be subjected to these dangers. So I hope the Wirth amendment is adopted. I fully support it and I hope the Senate will go on record overwhelmingly, agreeing to it today.

I yield any remaining time back to the manager of the bill.

Mr. HUMPHREY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 10 minutes and 10 seconds.

Mr. HUMPHREY. And the other side?

The PRESIDING OFFICER. Ten minutes, 1 second.

Mr. HUMPHREY. Mr. President, how much time does the Senator from Indiana wish? I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to make two points. The question has come up relative to the availability of military transport if a woman determines that a safe abortion cannot be obtained in the place of station somewhere in the world.

Obviously, we have concerns about our military personnel being stationed in places where medical care is not adequate for their purposes. I want to repeat that in response to my direct question yesterday, the Department of Defense has replied categorically that no woman, no dependent stationed anywhere in the world, has ever been denied leave for the purpose of obtaining an abortion, or space on a military airlift to a place of her choosing for an abortion. So that argument simply should not be used as a basis for Senators deciding to support the amendment that is before us.

Second, those of us who support the pro life position do understand and have compassion for those cases which place mothers in a very difficult situation. That is a difficult question that, as the Senator from Colorado said, has to be debated and argued; it should be debated at length on this floor.

But let us understand the Wirth amendment also presents some difficult situations in cases on the other side of the coin. By allowing unrestricted abortion at any time in the pregnancy, it raises some very extreme questions. It raises the issue whether or not this body wants to establish a policy that would allow a military dependent to use taxpayer-financed facilities to perform abortions beyond the age of viability; to perform abortions in the ninth month; to perform abortions for sexual choice, because the mother does not like the sex of the child; for any reason whatsoever. I suggest that is an extreme response to a problem that is basically not properly before us this morning.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield myself such time as I require.

I thank the Senator from Indiana for pointing out once again that no member of the armed services and no dependent of a member of the armed services seeking leave in order to secure an abortion has ever been denied such leave, and that no member of the Armed Forces or dependent of a member of the Armed Forces seeking to travel aboard military aircraft for the purpose of securing an abortion elsewhere has ever been denied.

It is important to say that. Because no case has been made here today by the proponents of this amendment for a change in policy.

It is true, of course, the Senator from Colorado [Mr. WIRTH] cited one hard case. But, Mr. President, we cannot make policy, as every Senator appreciates, on the basis of a few hard cases. No case has been made.

The Department of Defense does not want to change policy; opposes the Wirth amendment. The Secretary opposes it, the Assistant Secretary for Health, who is charged above all others with the health and well-being of the members of our Armed Forces and their dependents, does not want a change in policy. Why? Is it because they are by nature intransigent, or is it because they see no need, they see no cause? Well, obviously it is the latter, because no case has been made on this floor.

I thank my colleague the Republican Senator from Colorado for his contribution to the debate; wise, as always, temperate and insightful. I likewise thank him for his willingness to offer with me further amendments to clarify the intent of this body should the Wirth amendment be adopted.

Mr. President, I will reserve the remainder of my time. I know the Republican leader wants to speak on this matter briefly. I will reserve some time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. President, I yield myself such time as I many consume.

Mr. President, the arguments from those who oppose the amendment have some interesting inconsistencies. The argument has been made that somehow the military—although they did it for 9 years prior to 1988—cannot account for how much an abortion costs.

I would be embarrassed if I were the Secretary of Defense to know his Department is making that argument. No wonder they have accounting problems and procurement scandals, if they cannot add up simple costs.

The argument is made that somehow we allow people to be transported on military planes to go someplace else to have an abortion. Yet they say we cannot have any public financing for abortion.

Mr. President, what is transporting somebody to have an abortion? Is that transport not occurring on military aircraft paid for by the taxpayers? Of course it is, Mr. President.

The inconsistencies continue. The argument is made that nobody has ever been denied leave to go have an abortion. I never argued that anybody had been denied leave to have an abortion. The argument is made that there have been no complaints on this issue. Well, I read a very eloquent and very moving letter. To suggest that there are no complaints is absolutely untrue. The record is replete. I have made that case over and over again.

The argument is made that there have been no legal challenges. Why in the world should there have to be legal challenges from people whose career is in the military or whose dependents are worried about endangering the career of their spouse who is in the military? It does not make any sense whatsoever.

On the issue of airlift and airlift availability, the Senator from Oregon was absolutely eloquent. At a time of crisis in an individual's life, she is put in a bucket seat from Reykjavik to

Newfoundland, and maybe she ends up in the United States someplace where she can have an abortion, but probably an unfamiliar place, indeed.

On vandalizing their moral values: My values are vandalized at the idea that somehow the people in the military are treated as second-class citizens. These are people who make a major commitment to our country, their career, and their lives. My values are vandalized at the idea that they are treated as second-class citizens.

The argument is made that somehow this is out of the mainstream of American institutions. I read a long and very distinguished list of individuals and organizations supporting this amendment. I would hardly suggest that the American Association of University Women or the League of Women Voters are out of the mainstream of American values.

The argument is made that sex-change operations might be allowed, an argument that not only confuses the issue but I think now trivializes the issue. Mr. President, this suggestion is an insult to women who must make one of the most intense, difficult decisions of their lives.

My distinguished colleague from the State of Colorado has given us all a copy of Life magazine, and he says we ought to understand and think about the matter of when life begins. This amendment does not have anything to do with when life begins. It does not have anything to do with that whatsoever. It is simply a matter of access—access to quality medical care for people in the military and their dependents. This is not a matter of permissiveness or nonpermissiveness. It is simple a matter of access to quality care for people in the military.

I would hope, as we look at publications, that my colleagues might have a chance to look at the July 1990 World Watch paper, "The Global Politics of Abortion." It is an absolutely wonderful piece on what is going on around the world—the increasing concern about women's rights, the increasing empowerment of women, the increasing understanding of the brutality of governments create in making the kinds of decisions that are being made, and where they are.

Finally, the distinguished Senator from Colorado argues that somehow this is an issue of pro or con disability and disabled individuals. Let me again read the exact text of the letter we received.

This is what Chief Petty Officer Zwierzynski, said:

* * * the naval officer who was our doctor felt the entire stomach, liver, and intestine areas were growing on the outside of the baby's body (the heart had then moved to where the stomach should be) along with a possibility of a spine defect due to the position of the neck and head. * * *

The opinion of another physician was the same. "Both doctors recommended termination of the pregnancy," as they both felt there was absolutely nothing they could do for the baby.

That is not an issue of being pro or con disability. That is an issue of having respect for the man's wife and an individual's right to determine what is going to happen to her body, particularly in the situation where obviously both doctors are saying there is nothing they could do for that child.

Finally, the Senator from New Hampshire bases his argument on the Hyde amendment, that somehow this is a revisitation or a violation of the Hyde amendment.

Let me remind my colleagues that the prohibition for using DOD funds to pay for abortions was passed in 1979 with language similar to the Hyde amendment. If this were a Hyde amendment issue, the Department of Defense would have issued the regulation to end prepaid abortions in 1977, but it did not. If this were a Hyde amendment issue, this regulation would have been issued when the law was passed. It was not issued then. Nor was it issued, Mr. President, when similar Hyde language was attached to the DOD authorization in 1985.

If this had been, as has been argued, a Hyde amendment issue, then presumably the Hyde amendment would have applied at the time of its passage on the DOD appropriations bills, or at the time it was tied to the DOD authorization bill. This was not done until the Reagan administration in 1988. The simple matter of its timing belies this as a Hyde amendment issue; it is not that.

Finally, I was astonished this morning to hear the distinguished Senator from New Hampshire say that the White House had said that this entire bill will be vetoed if this amendment is agreed to. The entire bill will be vetoed if this amendment is agreed to. Is the position of the White House that this White House is going to provide such distinctive, different treatment for people in the armed services? Is the White House honestly saying that they are going to veto this bill if we in the U.S. Congress decide that we are going to treat people in the military with the same rights and the same access to quality medical care that the rest of the citizens in the United States are entitled to? They are going to veto this bill because of that? Astonishing.

And the White House is going to veto this bill when the President of the United States has said over and over again: "The Republican Party has a big tent; there is room for many, many views." Is this a big tent' I think this is a narrow pup-tent view of the rights of women, of the rights of individuals in the military.

I do not believe that the White House would say such a thing, Mr. President. I cannot believe that.

In any case, the issue before us is not complex. This is not an issue about public funding of abortions. If it had been, this regulation would have been issued a long time earlier. This is not an issue of when life begins or does not begin. This is not an issue of permissiveness or nonpermissiveness. This is very simply an issue of access to quality medical care for people in the military.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes 44 seconds. The Senator from Colorado has 1 minute 5 seconds.

Mr. HUMPHREY. Mr. President, the Senator from Colorado wishes to impose a policy of abortion on demand with respect to DOD hospitals abroad. And yet there is no case for it. He has failed to establish a case. The one statistic he can cite, and to be sure, it is a compelling statistic with which we must be sympathetic, is one hard case. One.

Mr. President, we cannot make important and controversial public policy based on a handful of hard cases. We all know that, and we always try to avoid that. No case has been made for the amendment. The Department of Defense does not want the change; the White House does not want the change. No case has been made for a change in policy from abortions performed only to save the life of a mother to abortion on demand for any reason during pregnancy, during all 9 months. No case has been made.

Therefore, let us leave this settled matter settled. It is fundamentally an issue we have gone over and decided in dealing with the Hyde amendment language time and time again.

Again, I make the point it is not the dollar cost. It is simply reimbursing the Government. It does not remove the central difficulty; namely, that the Senator from Colorado wants to involve the Government in facilitating abortion. That is the problem. That is what we have always sought to avoid, and that is what we should seek to avoid.

Mr. DOLE. Will the Senator from New Hampshire yield?

Mr. HUMPHREY. I will be happy to yield to the Republican leader.

Mr. DOLE. In response to the Senator's statement, I am in a position to say that if this amendment should be adopted, this bill will be vetoed.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, I am prepared to yield back whatever time remains if the other side is likewise prepared.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. As a closing issue, we have heard, Mr. President, a great deal about the fact that we are in a kinder and gentler time. We have heard a great deal about the fact that we have a rapidly changing world and a rapidly changing defense force, and that one of our greatest assets is the people in the military. This is true. We have never had such quality individuals in the military, but we have never had a time when there was also more turbulence going on in the military. This is clearly a time in which we have to say loudly and clearly to those in the military and their dependents that we respect them; we want them to be treated as other individuals are treated.

The issue before us is one simply of assuring that individuals who are members of the military and their dependents have access to rights under the law and the quality medical care just like everybody else in our society.

This is not about public funding for abortion. This is not about when life begins. It simply allows our nearly 1 million active duty personnel and dependents to have access to quality medical care. I urge my colleagues to vote with me and Senator GLENN and Senator PACKWOOD on this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire has 2 minutes 45 seconds remaining.

Mr. HUMPHREY. Mr. President, I listened very carefully to the argument just raised by the Senator from Colorado. It is the same argument we hear whenever the Hyde amendment language is before the Senate. We hear on one side that the Government should not provide Federal funds for abortion because the Government should not be involved in facilitating abortion.

From the other side, on which the Senator from Colorado stands, we hear that is discriminatory against those who cannot afford to pay for abortions, or cannot easily afford to pay for abortions. It is the same argument we hear now. The Senator from Colorado bases his final plea on the premise that we have an obligation to make abortion conveniently available to those who desire it. But we do not have that obligation any more than we have an obligation to pay for abortions. The Supreme Court has upheld that view a number of times, that you do not have to subsidize the exercise of a right.

So no case whatever has been built for the Wirth amendment, it seems to me. I am sure the Senator from Colorado feels otherwise. One case he cited is troubling, but we cannot build policy on a controversial area based on even a few hard cases. No case has been built for abortion on demand in DOD hospitals abroad.

I hope Senators will leave this matter, which is essentially a Hyde amendment matter, settled and not unsettle it today because, if we do, then those of us on this side, who feel as strongly as the Senator feels on his side, have no recourse but to seek to clarify this matter further, with further amendments on abortion.

Mr. President, if I have any time remaining, I yield it back.

VOTE

The PRESIDING OFFICER. All time having been yielded back or expired, under the previous order the live quorum under rule XXII has been waived.

The question before the Senate is, Is it the sense of the Senate that further debate on the Wirth amendment (No. 2514) should be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—58

Adams	Gore	Moynihan
Akaka	Gorton	Nunn
Baucus	Graham	Packwood
Bentsen	Harkin	Pell
Biden	Heinz	Pryor
Bond	Hollings	Riegle
Bradley	Inouye	Robb
Bryan	Jeffords	Rockefeller
Bumpers	Kassebaum	Rudman
Burdick	Kennedy	Sanford
Byrd	Kerrey	Sarbanes
Chafee	Kerry	Sasser
Cohen	Kohl	Shelby
Cranston	Lautenberg	Simon
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Wilson
Dodd	Metzenbaum	Wirth
Fowler	Mikulski	
Glenn	Mitchell	

NAYS—41

Armstrong	Ford	McCain
Boren	Garn	McClure
Boschwitz	Gramm	McConnell
Breaux	Grassley	Murkowski
Burns	Hatch	Nickles
Coats	Hatfield	Pressler
Cochran	Heflin	Reid
Conrad	Helms	Roth
D'Amato	Humphrey	Simpson
Danforth	Johnston	Symms
Dole	Kasten	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	

NOT VOTING—1

Bingaman

The PRESIDING OFFICER. On this vote the yeas are 58, nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, cloture not having been invoked, the Wirth amendment, No. 2514, is withdrawn.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I hope the Senate will come to order, because I think Senators might be interested in a little status report here.

The PRESIDING OFFICER. The Senate will come to order. The Senators will clear the aisle. The Senator from Georgia [Mr. NUNN] has the floor.

Mr. NUNN. Mr. President, if the Senators will give me their attention for a moment, let me say where we are at this time.

We have handled 25 amendments now, and we have had 11 hours of debate. We are working on lining up 10 amendments on which we know there will have to be rollcall votes because there is strong opposition to the amendments.

We have a Conrad amendment on European troop cuts, which we hope will come up next. Then we have a Kerry amendment on Asat, which we hope will come up sometime this morning. We have a Bumpers amendment on base closure; a Cohen amendment on drug technology; a Dixon amendment on Federal Prison industries; a Dixon amendment on Korean fighters; a Bumpers amendment on battleships; a Glenn amendment on pay raise; a Reid amendment on atomic veterans.

On most of these, we think we can get very short time agreements. I hope Senators will begin to take 30 minutes equally divided. We have Senators now asking for an hour, some for an hour and a half. I hope we can get it down to 30, 40 minutes equally divided on most of these. We still have to get an agreement on SDI. That is one big hurdle we have not crossed. I think if Senators have amendments——

Mr. President, can I get the attention of the Senate?

The PRESIDING OFFICER. The Senators will please clear the aisle, and staff will return to their chairs so the Senator from Georgia can proceed to describe the status of this very important bill.

Mr. NUNN. Mr. President, we are also asking for a list of all amendments Senators would like to have on this bill. We have a long list now, and we believe a number of them can be worked out. I urge all Senators who have amendments that they believe may be acceptable to please get us the amendments. Even regarding those that may not be acceptable, the sooner we have the amendments, the sooner we can begin to find out where the opposition is and what the time agreements can be.

So we are making progress now. I think we can come very close to finishing all these amendments this evening, with the exception of SDI; we do not know about that one. But it is my view now that we can finish that one and conclude it sometime tomorrow afternoon. If we work hard today and get time agreements, I think we can be well along to finishing this bill by 11 or 12 o'clock tonight.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to add to the Senator's remarks that on this side we have some 70 amendments, at the moment. A number of Senators have indicated to the Republican leader, to myself, and others, that perhaps they need not go forward with those amendments. Now is the time—and we ask the cooperation of all Senators on this side of the aisle—to reconfirm their intention to press forward on their amendment or to drop it. We are anxious to take our list of over 70 and reduce it by two-thirds, hopefully, within the next hour or two.

Mr. STEVENS. Mr. President, will the floor manager yield?

The PRESIDING OFFICER. The Chair counts nine individual conversations taking place on the floor, and we will not proceed until all the conversations have ceased and the Senate is silent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Georgia.

Mr. NUNN. Mr. President, I believe the Senator from Alaska wanted to pose a question. I am glad to yield to him.

Mr. STEVENS. Mr. President, I want to ask the Senator from Georgia. Last evening, I listed 10 amendments. We reviewed those, and eight of them are matters that will be in conference. They are not in the House bill. So I will not offer those. I did have two, one of which is controversial, the National Guard amendment. I hope the Senator from Georgia will put that down, and we will get to that.

Mr. NUNN. I am glad to.

Mr. STEVENS. There are at least eight cosponsors on that. I do not know how much time the cosponsors will want. I am willing to negotiate on the time limit for those who desire to speak. I want to bring it up as soon as possible. I am at your call anytime you want to bring it up.

Mr. NUNN. I understand the Senator from Alaska. It is an important amendment. I am glad to discuss it with him. I say we put together the most favorable package for the Guard and Reserve of any bill in the last 25 years since I have been here, a lot of it premised on the provision that the Senator from Alaska wants to delete.

If that provision is deleted, then we are going to have to revisit a number of other provisions in the package because we are shifting major missions, new missions to the Guard and Reserve, like airlift and others.

So I hope the people proposing that amendment—I talked to the Senator from Missouri yesterday—will take a good look at the overall package in there because I say we have to revisit a number of other issues, including some major missions that have been shifted. I am not willing to shift major missions to the Guard and Reserve if we are not going to have increase in active Guard mix in training. That is a matter of debate.

I would say that will not be a simple amendment. I will take some time and I will have at least three or four other amendments if that one is adopted, including proposing to shift back missions that we have in this bill going to the Guard from the active.

I would have to know if the amendment of the Senator from Alaska is agreed to, we will have to shift those back. Maybe I will lose. But I will say that amendment will, if adopted, need at least three or four other amendments.

Mr. STEVENS. Mr. President, just a slight response if the Senator will yield again: I hope the Senator will examine the amendment before he reaches that conclusion. Senator Stennis and I spent at least 8 years building up this Guard and Reserve and that was the basis of the battle between the Appropriations Committee and the Armed Services Committee for those 8 years because we did exceed the authorized levels of appropriations for the Guard and Reserve.

Now the Armed Services Committee is going to phase out 30 percent of the buildup in reserve, that 30 percent for those who are on active duty. I have no problem with reserving spaces for the active duty, but there ought to be increases to the Guard and Reserve. It should not mean that the 200 to 300 families in my State that are part of that 10 percent reduction each year must leave the State.

I think this is going to be a long debate and I will say to the Senator if that is the case and he has three or four other amendments, then I reserve my right to put back in the other eight that I have which also deal with the same concepts that are in this bill about trying to destroy the citizen soldier, the mechanism of the Guard and Reserve, in order to preserve spaces for those who might be back from Europe and overseas.

This is a significant policy decision, and after hearing the Senator from Georgia, Mr. President, I will not seek a time agreement on my amendment. We will have a nice, long debate on this and it will go on. There are several other sections of this bill that I decided not to attack because they are in conference. I am depending upon my good friend from Mississippi, Congressman MONTGOMERY, to feel the same way I do about the Guard and Reserve.

If we are going to face this Guard and Reserve problem at length on this issue and not be willing to increase the Guard and Reserve to the extent that you want to move people from the regular Army and regular Air Force into the National Guard, and instead fire the people who are there now in order to reserve spaces for future people who might want to come into the Guard—not into the Guard. By the way, the bill, Mr. President, does not put these people in the Guard. It merely detaches them from the Air Force and the Army and assigned people to fill slots in the Guard. This is not just a simple dispute, then; it is a philosophical dispute. I will not seek a time agreement on the amendment. It will be a long debate.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I hear what the Senator from Alaska is saying. I am perfectly willing to be here all next week. I planned my schedule accordingly, that is, the schedule that the majority leader announced earlier that we would probably be in next week. That is fine with the Senator from Georgia. I am delighted to have all the amendments on that subject the Senator from Alaska wants to debate. We will have a good debate on it, and I look forward to doing it this week or next week.

Mr. STEVENS. I am delighted to hear that. My reservation to leave here is on August 9.

Mr. NUNN. We will have a good debate.

Would the Senator from North Dakota be willing to enter into a time agreement on his amendment?

Mr. CONRAD. I am glad to enter into a time agreement.

Mr. NUNN. Mr. President, I will propose a time agreement and ask unanimous consent that there be 40 minutes equally divided on the Conrad amendment; there be no amendment to the amendment and there be a vote on or in relation to the amendment at the conclusion of the time which will be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from North Dakota [Mr. CONRAD] is recognized.

AMENDMENT NO. 2515

(Purpose: To further reduce the end strength for military personnel assigned to duty in Europe)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. DASCHLE, and Mr. METZENBAUM, proposes an amendment numbered 2515.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 181, line 18, strike out "261,855" and insert in lieu thereof "231,855".

On page 182, between lines 9 and 10, insert the following:

(c) RELATIONSHIP TO AUTHORIZED END STRENGTHS FOR THE ARMED FORCES.—(1) The total number of the authorized end strengths provided in subsection (a) of section 401 and the total number of the authorized end strengths provided in subsection (b) of such section are each reduced by 30,000. The Secretary of Defense shall allocate the total reduction to the authorized end strengths provided in each such subsection as the Secretary considers appropriate.

(2) In the event of a waiver pursuant to subsection (b), the number specified in the first sentence of paragraph (1) shall be reduced by the number, if any, by which the total number of members of the Armed Force of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) on September 30, 1991, exceeds the number provided in section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), as amended pursuant to subsection (a).

The PRESIDING OFFICER. The Senator from North Dakota may proceed.

Mr. CONRAD. Mr. President, my amendment would do three things:

First, it would reduce our troops in Europe by 30,000, over and above the 50,000 reduction in troop levels contained in the committee bill. That would bring the total ceiling in troop strength in Europe to 231,000. I note that that would be above the conventional forces in the Europe talks level of 225,000.

Second, my amendment would require the demobilization of those troops, reducing our total in strength from 1,976,000 to 1,946,000.

Third, my amendment would authorize the President to waive the ceiling requirement if national security interests dictate.

Mr. President, last week, I noted that West Germany announced it will be paying the Soviet Union to keep its troops in East Germany. At the very same time the West Germans will be paying to keep Soviet troops in East Germany, we are paying to keep troops in West Germany to protect against those Soviet forces.

Mr. President, let me just repeat that. The West Germans are paying to keep the Soviet troops in East Germany at the very time we are paying to keep our troops in West Germany to protect against the Soviet troops in East Germany. This makes no sense and Mr. President, maybe it is time to move further than the committee has suggested.

I would note that President Eisenhower 30 years ago upon leaving office said this, and I quote:

For 8 years in the White House I believe that a reduction of American strength in Europe should be initiated as soon as European economies were restored. I believe that time has now come for withdrawing some of those troops.

That was Dwight David Eisenhower, 30 years ago.

Mr. President, the Europeans themselves acknowledge that it is time to review the relationship. The respected publication, the Economist, noted 2 years ago:

Two hundred forty-one million Americans with an income a bit over $4 trillion do not see why 374 million Europeans with nearly $3½ trillion should need 300,000 American servicemen and about $100 billion a year of the American defense budget to guard them.

Mr. President, I want to stress that point. At a time when we are faced with massive budget deficits, we are spending, according to the Europeans themselves, over $100 billion a year to pay for their defense. At the very time they are reducing their defenses and, in fact, we now know, paying the Soviets to keep their troops in East Germany, we continue to spend tremendous sums of money on their defense.

I quote another European source, the Secretary of the French Parliament's National Defense Committee, who said 2 years ago:

Do you think 320 million Europeans can continue forever to ask 240 million Americans to defend us against 280 million Soviets?

I think that pretty well sums up the argument: "Do you think 320 million Europeans can continue forever to ask 240 million Americans to defend us against 280 million Soviets?"

Since those statements by Europeans, we have witnessed dramatic changes, changes that have swept Europe. We all know what has happened. The Warsaw Pact has disintegrated. Warning time in Europe, which was once calculated to be 2 weeks, we are now told by our military planners has been stretched to 12 to 18 months.

Gorbachev announced in December 1988 that the Soviets would unilaterally cut their armed forces by 500,000 men, 250,000 of those out of Europe.

In January, the CIA Director, William Webster, confirmed that significant cuts are being made by the Soviets. Large numbers of Soviet troops are being removed from Warsaw Pact countries; 75,000 from Czechoslovakia by July of next year, 65,000 from Hungary by June of next year. In fact one-half of those troops from Hungary have already been removed. We have seen Germany move to reunify. And, even more remarkable, the Soviets removed any objection to the Germans staying in NATO.

The British have announced that they are withdrawing one-half of their troops from West Germany. Belgium has announced they are withdrawing their 25,000 troops. Italy and Greece have announced dramatically reduced conscription in their countries. Those reductions in forces are justified not only by the reduced threat in Europe, but by our own budget imperatives.

Mr. President, there is not a Member of this body that does not know what has happened to the fiscal condition of this country. In just 8 years, we have tripled the national debt. We have gone from being the largest creditor nation in the world to the largest debtor nation. We still face massive budget deficits, $231 billion next year. And that is counting the Social Security surplus. That rises to $300 billion next year if we exclude the Social Security surplus from the calculation, as many of us advocate.

This year, we face a sequester of some $100 billion; $100 billion cut out if we do not face up to the problem ourselves.

Mr. President, what can be more clear than that we are undermining the strength of America? Many of us believe that the greatest threat to our national security is our economic vulnerability.

The amendment that I have sent to the desk today is a modest step: 30,000 additional troops removed from Europe in addition to the 50,000 proposed by the committee. That is approximately one-quarter of our troop strength in Europe. We will still have 231,000 troops remaining in Europe and we will still have a final troop strength, end strength, of 1,946,000.

Mr. President, the committee has indicated, that if conditions continue to improve in Europe, troop levels should be reduced to no more than 75,000 to 100,000 by 1995. I applaud this proposal as well. But, Mr. President, I contend that we do not need to wait until later to reduce our troops in Europe. In fact, I contend that we cannot afford to wait until later to reduce our troops. With our budget deficit of over $230 billion next year, I contend that we must look for additional savings

anywhere we can responsibly find them.

According to a CBO estimate, my amendment will save us approximately $380 million in fiscal year 1991 from reduction in personnel alone. Add to that CBO's estimated savings in operating and maintenance cost and this amendment will save approximately three-quarters of a billion dollars each year.

I am not proposing to turn these dedicated and loyal troops out of the service without adequate separation pay and training and relocation assistance to allow them to make the transition from the military to civilian jobs. The $400 million savings in personnel costs have already been reduced to account for separation costs and benefits at the levels proposed elsewhere in the bill.

It is time for a proposal like mine to pass. It is 45 years after the last great war in Europe. Dramatic events in Europe have changed the threat there. Our own economic condition requires substantial savings. This is one place to start.

Let me just close by quoting our former Defense Secretary, Mr. Schlesinger, who said earlier this year:

> We should plan now radically to scale back our forces in Europe. Implementation may extend over months or years, but the reduction should not be precluded by the ongoing negotiations in Vienna. The time has come for Europe to move towards the condition stated by former Chancellor Helmut Schmidt. Europe should be defended primarily by French and German forces.

Mr. President, I submit that if we are to get America back on track to start rebuilding its lost economic strength then we have to get our fiscal house in order. That requires spending cuts across the broad range of Federal spending. One place that we must look is to the military. And when we look to the military, we ought to first look to what we are spending in Europe—over $100 billion a year. And we have to borrow the money from them to do it.

We have nearly 500,000 people on our payroll in Europe. That is the greatest economic development scheme in the world today. I submit to my colleagues we simply can no longer afford that. To reduce our forces in Europe by one-quarter, after everything that has happened in the last 12 months, is not imprudent or unwise. In fact, it is dictated by economic circumstances here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair makes it clear at this point that the time in opposition to the amendment is controlled by Senator NUNN. The Senator from Arizona is recognized.

Mr. NUNN. I yield such time as the Senator may desire.

Mr. McCAIN. Mr. President, I will not take too much time here. I certainly know my friend from North Dakota reflects the aspirations and hopes of the American people, who have grown weary of these 45 years of bearing the burden of the defense of freedom of Europe and throughout the world. He makes a very logical argument that the time has arrived.

But I would counsel to my friend from North Dakota that patience might be appropriate on this particular issue. I think caution might be appropriate, particularly on a day like today and yesterday, where no credible expert in this country or around the world believed that Kuwait would be the subject of an invasion. No credible expert today or yesterday believed that Saudi Arabia would be the subject of an invasion. Yet, I note with some interest, the latest news reports indicate that Iraqi forces are now amassed on the Saudi border.

Peace is at hand, Mr. President. But too rapid deescalation and dismantling of those very factors which were the basic pillars of the recipe for success is, frankly, unwise at this time.

Let me remind my friend from North Dakota, and again I appreciate his sincerity and his commitment on this issue, let me remind him the committee has already taken action to reduce the number of U.S. military personnel stationed in Europe.

The Dixon amendment already called for a reduction of 50,000. We do have some very serious and important conventional force reduction talks ongoing as we speak. There are expert opinions which conclude that we can reach a successful conclusion of those talks, at least in intermediate bilateral reduction of forces, within the next few months.

I would like to also point out a couple of the realities. Despite the dramatic changes that have taken place in Europe, let us not forget that the Soviet Union still maintains a formidable military establishment in Europe. There are still approximately 500,000 Soviet soldiers in Europe. Are they leaving? Yes. Are they leaving immediately? Not that I know of. And the best way for them to leave as rapidly as possible is through the successful conclusion of an agreement between our two nations.

I might point out again that these 500,000 Soviet troops who are stationed in Eastern Europe are roughly double the 231,000 that my friend from North Dakota referred to.

Let me also remind him, as he well knows, the total Soviet military force consists of 4.5 million persons. Much of it is stationed just east of the Urals.

Does that mean, Mr. President, we are on the verge of war; the cold war still goes on; et cetera? No. I do not make that case. It would be ludicrous to do so.

I do submit that a measured reduction of our forces, consonant with a reduction of Soviet forces, is probably in the best interests of stability and the security of Western Europe, as well as the world.

Mr. President, I also want to point out one additional factor. If this amendment were enacted, the additional end-strength reduction would probably trigger the involuntary separation-transfer benefits provision which we have put into this legislation, which is very generous. This will add approximately $315 million to the bill, which is calculated on the basis of about $105 million per 10,000 involuntary separations.

So we will be adding to the deficit in the short-term, Mr. President, rather than alleviating it. If these troops are brought back and not demobilized, then of course we know the expenses go up, because none of the expenses are shared by our European allies when we leave Western Europe.

I suggest, Mr. President, a year of patience may save a century of crisis. I do not believe it is appropriate, particularly on this date, for the U.S. Congress to be imposing, unilaterally and without the assent and agreement of the executive branch, further reductions in troops until we can achieve a conventional force reduction agreement.

If at this time next year we have not made significant and substantial agreements between ourselves and the Soviet Union to orchestrate the kinds of reductions he is recommending here and even more, I will be one who will be willing to support him, because I agree with his precept; I agree with his principle. I just oppose his methodology.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, we are embarked on a reduction in the military end strengths of the total number of people in the services. The bill authorizes military end strengths totaling 1,976,400 for fiscal year 1991; that is a 100,000 reduction in the current level.

Mr. President, that figure was not just chosen off the tops of our collective heads in the committee.

The Secretary of Defense has set as an objection, which has been confirmed by the President in his speech of yesterday, I believe, that the reduction of about 20 percent over a 5-year period is what we are aiming for.

That seemed to us to set us on a very prudent glide slope that reduces, over a 5-year period, 20 to 25 percent in end strength, and does it on a steady basis. They can reduce 100,000 by cutting back on accessions, on new recruits, and retiring those who are already eligible for retirement between the 20- and 30-year points, and by having a

package of benefits for those who might be forced to involuntarily retire.

In other words, we now are operating with an All-Volunteer Force. We got those people in. They are on contract. They are not planning to serve for a year or 2 and go home; they are planning to make a career out of this. Now we are saying because of a changed world situation, we are going to have to cut back. So we set this orderly progression, and that 100,000 number was set as the figure which the Pentagon agrees they can do just by cutting accessions and retirements, out of the force now, without having to go to involuntary separations.

If we go to involuntary separations above that 100,000, then it becomes more expensive per man that you let out. You save less, in other words, because we have to get into this package of involuntary separation benefits, that means we have to go way up, then, in the number of people we get out.

As I understand it, my distinguished colleague's proposal would mean that 30,000 people coming back would be out of the service. They would not just be relocated to the United States. That was my understanding of it. This would mean we do get into these force-outs, that we cannot take over the 100,000 level without activating the involuntary separation benefit package.

The bill proposes to gradually reduce military personnel strength over the next 5 years. By 1995, it comes down to an end strength of 1.6 million, a reduction of 475,000 from the current level.

There is one other factor here, too. I do not want to overly complicate this debate, but I think it is a factor.

We still have a commitment to NATO. That obligation has not been negated. It even gets beyond just our commitment to NATO.

As long as we have a commitment that is on a very steady, gradual basis and not subject to just a current amendment that says, well, we will whack another 30,000 out of that—that makes the NATO people nervous because they do not know what to plan for. Their forces are coming down. Our forces are coming down; 100,000 is about the level we think we should be coming down to along with them in order to keep NATO, both as a military and as a political organization.

Some people look at NATO as being passé now. I certainly do not, because if we look at what confidence the Soviets were able to have over the reunification of Germany—part of it at least came because our commitment in NATO was still there—the Russians feel we will still be a good influence. That, from their standpoint, we would prevent the Germans from ever again doing what they have already done twice in this century.

We do not like to talk about that because that ruffles some feathers, but those are the facts of life. Every time you go to the Soviet Union, if you make a stop through Leningrad, you lay the wreath at the memorial to the 20 million Soviets who died in World War II.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. NUNN. I yield the Senator 2 more minutes.

Mr. GLENN. They lost 20 million people in World War II. So they are concerned about seeing stability in Europe that can do them that kind of harm. Our commitment to NATO is part of the reassurance that it cannot happen again.

I am not trying to lay all the world's woes at the feet of my distinguished colleague, but that is something that we really do have to think of if we go beyond this steady reduction that we have discussed with them. And their forces are coming down, too. We are not taking U.S. forces out of NATO willy-nilly after we have worked out this specific plan.

Mr. President, for all those reasons, I, regretfully, must oppose this amendment, and urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Will the distinguished Senator yield 3 minutes to me?

Mr. NUNN. I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, this amendment is to reduce, by an additional 30,000, the ceiling on the number of U.S. military personnel authorized to be permanently stationed in Europe and to reduce the overall military end strength by an additional 30,000.

I just want to call the attention of the Senate to the fact that we have already agreed, by a vote of 15 to 5, to lower the statutory ceiling on United States troops in Europe from 311,855 to 261,855, a reduction of 50,000, effective September 30, 1991. The committee also reduced the overall military end strength by 100,000.

The House has taken the same action that we have taken in the committee. The House has agreed to reduce to the same ceiling, 261,855.

Mr. President, further unilateral cuts at this time would, I think, undercut the U.S. negotiating position in the CFE talks. In other words, what incentive will the Soviets have to reach an agreement if their objectives can be achieved in the United States Congress?

The Soviet Union continues to maintain a formidable military presence in Europe. The total Soviet military force consists approximately of 4.5 million military personnel. It seems to me that we should not reduce the United States military capabilities in Europe on the basis of statements of intent by the Soviets. Reductions, I think, should be made in accordance with the arms control agreements, which would require corresponding cuts in Soviet military power. If we take actions here unilaterally, what incentive do the Soviets have to negotiate in these arms agreements? I think it would be a mistake to make further cuts, and I hope the Senate will stand by the action of the committee.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. NUNN. Mr. President, let me take a couple of minutes for remarks. I agree with the Senator from North Dakota that we are going to need to reduce our forces in Europe. When I made my presentations to the Senate in April of this year, laying out what I thought were the implications of the tremendous change in threat in Central Europe, particularly the increase in warning time, I said then that I felt American troop levels ought to be reduced down year by year to about 75,000 troops in Europe, 50,000 to 75,000 by the end of 5 years. I still believe that. We have now moved from 2 weeks' warning time to probably closer to 2 years' warning time; no one knows precisely, perhaps a year, perhaps 18 months. It makes an enormous amount of difference in the threat.

But we still have a NATO alliance. It is still important that we keep that alliance together in a cohesive way. There remain all sorts of instabilities in that part of the world. It is going to be important that we have a chance to let arms control work. Some people would say, why have arms control with the Soviets moving forces out anyway?

There are a couple of important reasons for that. One is verification, setting up a regime of verification in arms control that allow us not only to get forces out, but to make sure that we understand when they are coming back and that the whole world will understand that there has been a serious breach in an agreement if they do come back in. So verification is important, and that is one of the reasons we need to take enough time to get the arms control agreements right.

There is an even more significant reason for letting this take its course in a logical, normal, steady way. The other reason is if both sides, NATO and Warsaw Pact, particularly the Soviets and United States, move our forces out with no agreements whatsoever, if everybody does it on their own, move our equipment out, so forth, there is going to be no destruction of equipment. We are not going to see tanks destroyed, we are not going to see artillery tubes destroyed. What we

are going to see is a proliferation of those sold around the world on a fire sale basis. The arms control regime doing this in a logical, normal, steady fashion gives us an opportunity to require both sides to destroy a great deal of military equipment.

The Conrad amendment has two problems. One is it goes, in my opinion, a little too far in terms of taking forces out this year. The allies and the United States have not gotten together. We have in this bill a reduction of about 50,000; no one knows the precise number.

But my larger objection to the Conrad amendment is that it requires us to go over the 100,000 mark in reducing force structure the first year. If we go beyond 100,000 troops coming out of the force structure, and that is what our bill has, 100,000, then we know after going through this for months and months that we are going to have to send out pink slips; that is, we are going to have to involuntarily separate at least 30,000, if the Conrad amendment is agreed to. That means the men and women in the military who are terminated, who have gone in on a volunteer base, those terminated, involuntarily separated, will have to, of course, leave the service, and that is an important consideration. But even more important is the morale of those who are left, because they are going to believe they are next. We have to have a military force with high morale, particularly as we draw down.

So, Mr. President, I respect the Senator from North Dakota and what he is trying to do. I can assure him that 3 years from now he will see that this is being done, and perhaps even the amount he is talking about will come out of Europe in the first year. We do not know when that is going to happen. But I do believe it is better to do it along the line of what the committee has done. I think it is very important we not go beyond the 100,000 reduction in force structure the first year. I urge this amendment be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. CONRAD. How much time remains on the other side?

The PRESIDING OFFICER. One and one-half minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes to myself.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CONRAD. Mr. President, I have enormous respect for the chairman of the authorization committee on the Senate side, Senator NUNN, and I have great respect for the Senator from Arizona [Mr. MCCAIN] as well as the Senator from Ohio [Mr. GLENN]. I not only have respect for the three of them, I have affection for them.

But on this question, I also profoundly disagree on the timing of reducing troop levels. I offered this same amendment a year ago, before all of the dramatic events in Europe, because I did not believe we could justify the kind of expenditures we were making in Europe then, and I think it is more clear we cannot continue to pay everyone else's bills when we cannot pay our own. When do we stop?

Mr. President, we have heard the argument that the problem in Iraq should keep us from making additional troop reductions in Europe. I point out these troops are in Europe to meet a Soviet threat. The Warsaw Pact has disintegrated. Warning time has gone from 2 weeks to 12 to 18 months, according to our military leaders. Most of all, the West Germans have sent a signal. My God, they said last week, they are paying to keep the Soviet troops in East Germany.

Mr. President, we have heard talk of force levels. The House had exactly the same information before them as the Senate committee, and the House decided to reduce force levels 130,000; the Senate committee 100,000. With my amendment, another 30,000, we will equal what they did on the House side.

Third, we heard claims that this will actually increase the budget deficit. Not according to the Congressional Budget Office. They said my amendment will reduce the deficit $380 million on personnel and another $30 million on operations and maintenance; a total reduction of over three quarters of a billion dollars.

Finally, Mr. President, we heard the statement that the Europeans are nervous. This will make the Europeans nervous. I think the only thing the Europeans are nervous about is that maybe Uncle Sam is going to wake up and decide to quit paying their bills. Our taxpayers have been spending 6 percent of GNP on defense. They have been spending 3 percent of GNP on defense.

What is their response to developments in Europe? The British have decided to take out half of their troops. The Belgians have decided to take out all of their troops. And West Germany has decided to pay to have the Soviet troops stay in Eastern Germany.

My God, Mr. President, what does it take before the United States decides we are going to withdraw some additional troops—only one quarter of all of our troops in Europe. How gradual do we have to be? Forty-five years after the last war and we still want to keep paying Europe's bills.

I submit to my colleagues we are going to find out about tough economic competition. It is coming in 1992. Some have said the cold war is over and Japan and Germany have won. Mr. President, I do not want to see the United States decline another inch. We have seen the United States fall back, fall back, fall back while we spend ourselves poor.

I submit to my colleagues it is time to make a total force reduction along the lines of what the House has decided to do. It is time to send our friends in Europe a message. They need to start paying their own defense bills and stop counting on the United States to pay them.

Mr. President, I will yield the floor and retain the remainder of my time.

Mr. NUNN. Mr. President, the managers are prepared to yield back all time and go to a vote, if the Senator is prepared to do that. We will do that or let him complete his time and when we will yield back and go to a vote.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes remaining.

Mr. CONRAD. Mr. President, let me sum up.

Again, I want to indicate my respect for the Senator from Georgia and the Senator from Arizona. There really are not two Senators in this Chamber for whom I have any greater respect, but I really do have a difference of opinion on what is important for America.

I believe the greatest threat to our national security is our economic vulnerability. We are faced next year with a $230 billion deficit, and that is counting the Social Security surplus. If we exclude that, we are faced with a $300 billion deficit next year.

Everything has to be on the table. Everything has to be addressed. One element is our military spending, and the place to start is in Europe. What could be more clear? The Soviets are pulling out. The Warsaw Pact has disintegrated. The Western Europeans themselves have sent a very clear signal. They do not believe the threat is there. Why in God's name are we continuing to spend our money, which we have to borrow from them, to protect them against a threat they do not see.

Mr. President, I retain the remainer of my time.

The PRESIDING OFFICER. Those in opposition indicate their willingness to yield back time. The Senator from North Dakota has 20 seconds remaining. Does he wish to yield it back?

Mr. CONRAD. I am willing to yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MCCAIN. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The motion to table has been made. Is there a sufficient second?

Mr. NUNN. I yield back whatever time I have.

Mr. CONRAD. Mr. President, has there been a request for the yeas and nays?

The PRESIDING OFFICER. There has been a request for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from North Dakota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—59

Akaka	Glenn	Mack
Armstrong	Gore	McCain
Bentsen	Gorton	McClure
Bond	Graham	McConnell
Boschwitz	Gramm	Murkowski
Breaux	Grassley	Nunn
Bumpers	Hatch	Packwood
Burns	Heflin	Robb
Byrd	Heinz	Roth
Chafee	Hollings	Rudman
Coats	Humphrey	Shelby
Cochran	Inouye	Simpson
Cohen	Jeffords	Specter
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Symms
Dole	Kerrey	Thurmond
Domenici	Leahy	Wallop
Durenberger	Lieberman	Warner
Ford	Lott	Wilson
Garn	Lugar	

NAYS—40

Adams	Fowler	Nickles
Baucus	Harkin	Pell
Biden	Hatfield	Pressler
Boren	Helms	Pryor
Bradley	Kasten	Reid
Bryan	Kennedy	Riegle
Burdick	Kerry	Rockefeller
Conrad	Kohl	Sanford
Cranston	Lautenberg	Sarbanes
Daschle	Levin	Sasser
DeConcini	Metzenbaum	Simon
Dixon	Mikulski	Wirth
Dodd	Mitchell	
Exon	Moynihan	

NOT VOTING—1

Bingaman

So the motion to table the amendment (No. 2515) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Georgia is recognized.

Mr. NUNN. For the benefit of Senators, we have a Murkowski amendment that will be proposed, that will take a very short time. Then we have a Glenn amendment on the military pay, on which we hope to get a 40-minute time agreement equally divided, which means that, it is my best guess, we will have an additional rollcall vote in about 45 minutes.

Mr. DOLE. Mr. President, I want to underscore what the managers have done. We have a list of 70-plus amendments on this side. I urge my colleagues on this side, as well as the other side—they have 60 some—to go over that list. We are in the process of doing that now through staff. Unless you feel totally compelled to offer the amendment, maybe you can resist the temptation and give the information to our staff. If you are going to offer it, I hope you will accept a short time agreement. That is key to getting this matter finished today or even next week.

It is my hope, if we are not going to finish today, that we go out and come back on Monday and get rested up over the weekend.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair advises that the pending amendments by Senators NUNN and WARNER must be temporarily laid aside before proceeding to an amendment by the Senator from Alaska.

Mr. MURKOWSKI. The Senator from Alaska so asks unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2516

(Purpose: To establish an emergency national energy security plan designed to reduce U.S. dependence on foreign oil supplies to a level which does not pose an unacceptable threat to the national security)

Mr. MURKOWSKI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. MCCLURE, and Mr. BURNS, proposes an amendment numbered 2516.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

DIVISION D—NATIONAL ENERGY SECURITY

TITLE XLI—NATIONAL ENERGY SECURITY

SEC. 4101. SHORT TITLE.

This title may be cited as the "National Energy Security Act of 1990".

SEC. 4102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(a) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports;

(5) increasing dependence on foreign oil imports has and continues to impose severe risks to the lives of United States service men and women and unacceptable costs to the national defense; and

(6) an emergency national energy security plan should be developed and implemented to ensure that adequate supplies of energy shall be available at all times free of the threat of embargo or other foreign hostile acts.

(b) PURPOSE.—The purpose of this title is to establish an emergency national energy security plan designed to reduce United States dependence on foreign oil supplies to a level which does not pose an unacceptable threat to the national security.

SEC. 4103. DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—There is established a national oil import ceiling (referred to in this title as the "ceiling level") of foreign crude and oil product imports at 50 percent of United States consumption.

(b) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection which shall contain a forecast of domestic oil and natural gas liquid demand and production, and imports of crude and oil product for the subsequent year. The report shall indicate the likelihood of foreign crude and oil product imports exceeding the ceiling level during the next year and the actions which the President will take to maintain crude and oil product imports below the ceiling level.

(2) At the time of the budget transmitted under Section 1105(a) of title 31, United States Code, by the President to the Congress, the projection prepared pursuant to paragraph (1) shall be presented to Congress with a description of the actions which the President would take under Section 4104.

SEC. 4104. NATIONAL ENERGY PRODUCTION AND SECURITY ACTION PLAN.

(a) ESTABLISHMENT OF ACTION PLAN.—The President shall at all times monitor the level of foreign crude and oil product imports as a share of United States oil consumption. Upon a finding that the ceiling level has been exceeded for any six months within any continuous twelve month period, the President shall within 30 days submit an Energy Production and Security Action Plan (referred to in this title as the "Action Plan") to the Speaker of the House of Representatives and the President of the Senate. The Action Plan shall indicate specific actions to be taken to reduce crude and product imports below the ceiling level. Notwithstanding any other provision of law, the Action Plan shall be immediately implemented by the President upon enactment of a joint resolution by the Congress approving the Action Plan.

(b) ACTION PLAN.—The Energy Production and Security Action Plan shall include but not be limited to—

(1) a certification by the President that the ceiling level has been exceeded;

(2) a list of Federal land tracts, offshore and onshore, in order of their potential for oil and gas discovery, including any Federal land outside units of the National Park System, currently off-limits to oil and gas leasing;

(3) a schedule for leasing the tracts identified in subparagraph (B) in order of their potential for oil and gas discovery, including number of tracts to be leased and the timing for individual lease sales;

(4) energy conservation actions including improved fuel efficiency for automobiles and the development and utilization of alternative transportation fuels; and

(5) production incentives for domestic oil and gas including recommendations on the imposition of oil import fees, royalty reductions, tax and other incentives for stripper well production and the production of offshore, frontier, and other oil produced with tertiary recovery techniques.

Mr. MURKOWSKI. Mr. President, the amendment I offer is cosponsored by Senator MCCLURE and Senator BURNS.

The amendment would specifically establish a national energy security plan designed to reduce U.S. dependence on foreign oil, and it has been discussed at length with the minority and the majority floor managers.

Mr. President, the amendment of the Senator from Alaska would specifically establish a national oil import ceiling for crude oil and other oil products of 50 percent of U.S. consumption.

The matter has been cleared on both sides. I defer to the floor manager at this time.

Mr. NUNN. Mr. President, I do not know much about this subject. I hope everyone understands that is because this subject would normally come up on an energy bill.

We have had the Senator from Alaska get in touch with the Senator from Louisiana, Senator JOHNSTON, and I understand Senator MCCLURE, the ranking Republican member, is a cosponsor of this amendment. Senator JOHNSTON has authorized me to say after examining the amendment he has no objection. From that point of view, speaking on behalf of Senator JOHNSTON, we would not object to it being put on this bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in like fashion, on this side of the aisle, we have deferred to the distinguished Senator from Idaho, the ranking member of the Energy Committee, Mr. MCCLURE. He advises me that we should interpose no objection; as a matter of fact, go ahead and urge the adoption of this amendment such that the Senator from Georgia [Mr. NUNN] and I would view it as not the jurisdiction of this committee. Nevertheless, it could be considered germane in some respect to the bill.

On behalf of the chairman and ranking member of the Energy Committee, we interpose no objection.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I unfortunately have just gotten word that there is objection to this amendment on this side. I just found this out. So I will have to interpose an objection at this point.

I am now getting a contrary message. If I could get the message straight, I would inform the Chair and the Senator from Alaska.

Mr. President, could the Senator from Alaska temporarily withhold his amendment and temporarily set it aside and come hopefully right back to it? I do not believe there is opposition, but we do not have clear word.

Mr. MURKOWSKI. Might I have the assurance, since I have the floor at this time, and we attempted to bring this up last night as well as this morning.

Mr. NUNN. I ask unanimous consent that the amendment of the Senator from Alaska be temporarily set aside and he be recognized on the disposition of the amendment of the Senator from Ohio on military pay.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2517

(Purpose: To increase the amount of the pay raise for members of the uniformed services to 4.1 percent)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], on behalf of himself, Mr. MCCAIN, Mr. KENNEDY, and Mr. BRADLEY, proposes an amendment numbered 2517.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, line 13, strike out "3.5 percent" and insert in lieu thereof "4.1 percent".

On page 39, line 12, strike out "$77,553,700,000" and insert in lieu thereof "$77,853,700,000".

Mr. NUNN. Mr. President, I ask unanimous consent that on the Glenn amendment on pay that there be a 40-minute time limit with the time equally divided between the Senator from Ohio and the managers of the bill, and there be no amendment to the amendment, and that a motion on or in relation to the amendment occur at the conclusion of the time set forth.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we will have to ask that be withheld for the moment. We hope to achieve that objective. So the Senator can withhold his request for a time agreement. We are optimistic we can get it.

Mr. NUNN. I withhold the request and I hope we get started with the debate. I inform the Senator we will be keeping time with the hope we make it retroactive.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I will not extend my remarks due to lack of a time agreement, I assure the manager.

Mr. President, this is not a pay increase. It is pay equity. It is just keeping even. Those who would call it a big pay increase are wrong. You sometimes hear, as I said earlier, that those of us on the committee feel we are almost in an ombudsman position for our military personnel—trying to make sure they are dealt with fairly. This is a proposal for fairness and for equity.

This proposal would increase military pay recommended in this bill from 3.5 to 4.1 percent just to keep abreast of inflation.

I would draw the attention of my colleagues—and those who are watching in the office of TV—to this chart. I hope they can focus on this disparity. Here is what happened to the military pay versus cost-of-living index, CPI and ECI, going back to about 1983, compared to the civilian counterparts of the military where you can make a comparison. There was a smaller pay difference back in 1983. But year by year, it eroded. Now if we stick with this 3.5-percent raise, we would be 12.6 percent behind in 1991. That means our people in the military will have absorbed a 12.6-percent decrease in pay by 1991.

I know there are those who say that since we are cutting down anyway, why do we pay more when cutting out numbers of people? It does not make sense. But we want to keep good people. We want to keep the people who really do it right. We want the best. We are not going to do that if we let this pay inequity slide further on down.

Mr. NUNN. Mr. President, will the Senator yield one moment for a unanimous-consent request?

Mr. GLENN. Certainly.

Mr. NUNN. Mr. President, I ask unanimous consent there be a period of 40 minutes equally divided on the Glenn amendment, with no amendment thereto, and at the conclusion of the debate on the amendment, the time on the amendment, there be a motion on or pertaining to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I also ask the time so far expired on the Senator from Ohio count against his time.

The PRESIDING OFFICER. The Senator from Ohio has consumed 2½ minutes.

Mr. MURKOWSKI. I ask the floor manager, under the circumstances, my pending amendment be temporarily set aside.

Mr. NUNN. I hope that the unanimous consent did not disrupt the previous unanimous consent which has the amendment of the Senator from Alaska recurring at the end of the Glenn amendment.

The PRESIDING OFFICER. The Chair advises this did not disrupt the previous unanimous-consent request.

The Senator from Ohio.

Mr. GLENN. Mr. President, to draw attention to these figures once again, we are now adding to the slide of the military pay that has occurred since 1983. The bill as it stands will mean the military will be 12.6 behind in pay. That is not fair. All we do by moving this up 3.5 to 4.1 percent in 1991 is keep abreast of inflation, so this line here will remain even, so we do not add a bigger erosion to the military pay erosion than has already occurred.

Mr. President, the administration requested a 3.5-percent military pay increase effective January 1, 1991, in the fiscal year 1991 defense authorization request. That 3.5-percent pay increase recommended by the administration is just not adequate. The 3.5-percent military pay raise falls well short of the 4.8-percent wage growth projected in the private sector for 1991. In other words, the private sector is going up by 4.8 and the administration is not even trying to keep even with inflation, which is less than that.

The projected growth of inflation in 1991 is 4.1 percent as measured by the CPI, Consumer Price Index. So that is all we are trying to do with this, keep even with inflation. It just makes sure there is no further erosion of military pay.

Mr. President, since the last catch-up pay raise for military personnel, which was back in 1981, the administration proposed, and Congress approved, annual pay increases for military personnel that have fallen short of private sector wage increases, as I pointed out on the chart back here. Military pay increases now lag private sector wage increases by 11.2 percent and the gap will grow to 12.6 percent if a 3.5 percent pay raise is all our men and women in uniform receive in fiscal year 1991.

Mr. President, I would like to call the attention of my colleagues to this chart which I also attached to my "Dear Colleague" letter on this amendment. The chart, which I wish to include in the record at this point, graphically depicts this slide in military pay comparability with the private sector. The chart also shows that military pay raises since 1987 have failed to keep pace with inflation as measured by the CPI.

I would like to see us go beyond 4.1 percent, something like 4.8, so we could catch up with something like what the private sector is doing. But we are not even trying to do that because we know the tight budget restrictions we are operating under. That is the reason I offer my amendment—to restrain the erosion of the value of pay to our men and women in uniform by increasing the military pay raise in fiscal year 1991 to match projected inflation.

Mr. President, I wish we could do more than this and close the pay comparability gap. Unfortunately, we are laboring under very difficult fiscal constraints so I think matching inflation is about all we can do this year. However, I want to serve notice to the Department of Defense that I will be pressing very hard in the coming year for a plan to restore military pay to comparability with pay in the private sector.

In this regard, I find it hard to believe that given its own description of the gap between military pay and private sector pay, and the loss in purchasing power of military pay since 1987, that the Department of Defense would characterize its recommended 3.5-percent pay raise for military personnel in fiscal year 1991 in its annual report on the adequacy of pay and allowances for military personnel as "adequate at this time to support our force objectives going into the early 1990's."

In other words, Mr. President, the Pentagon accepts the fact that the pay erosion the military has experienced is something they are happy to live with, and even ready to see it get worse. To me that does not make much sense. We have seen some examples of that attitude by DOD already this year when the Pentagon talked about our most valuable resource being not our hardware, not battleships, not planes, but our people in uniform, the good people we have got in the all volunteer force. And yet this year the Pentagon did not ask for a Presidential exemption on reprogramming that could have exempted the manpower accounts from the Gramm-Rudman-Hollings cuts. DOD says that it gives manpower top priority. But they are not even putting in pay raises high enough to just keep up with inflation.

Another one is CHAMPUS. The administration did not budget enough and had to come back once again with another reprogramming, this time for $750 million. Congress is looking out for the people in the services perhaps more than the Pentagon on many of these issues that deal directly with our people. I plan to look into the underlying basis of this assessment when the Subcommittee on Manpower and Personnel of the Committee on Armed Services, which I chair, considers the pay adequacy report and the associated military pay raise request for fiscal year 1992.

Mr. President, our men and women in uniform will be going through some very uncertain times over the next few years. The bill provides for a regulated strength reduction process to protect the most vulnerable of them as our military forces draw down. The bill also provides a safety net of benefits for those who may be required to be involuntarily separated from the service because of the force draw down. I think the bill should also provide fairly for those who will continue to serve.

Mr. President, as our forces build down over the next few years, I believe it will be even more critical that we keep our Armed Forces combat ready with highly motivated, skilled men and women. It is a matter of equity. In this regard, the $300 milion cost of increasing the military pay raise in fiscal year 1991, to match projected inflation, is a smart investment and a signal to our men and women in uniform and their families that we care about treating them fairly.

I know that under the budget resolution under which we are operating, we have to have an offset. It establishes a funding ceiling if necessary. It is not required that I identify an offset to the cost of the equity pay increase. However, I believe in operating within the funding guidelines of the bill as reported, so I have identified a potential offset.

I understand the distinguished Senator from Arkansas [Mr. BUMPERS] will offer an amendment that I will support that cuts back on SDI. That money could be used to cover this pay equity investment.

Mr. NUNN. Mr. President, would the Senator allow for a brief yielding on my time to the Senator from Alaska who has been patiently waiting? He has now cleared his amendment and we would like to wrap that up.

Mr. GLENN. I would be happy to.

AMENDMENT NO. 2516

Mr. MURKOWSKI. It is my understanding that my amendment is before the body.

The PRESIDING OFFICER. The Chair will advise the Senator that that would require another unanimous consent.

Mr. MURKOWSKI. I ask unanimous consent that my amendment which was pending previously and the amendment pending by the Senator from Ohio be very, very temporarily set-aside.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Ohio will be temporarily

set-aside. The pending business will be the amendment previously offered by Senator from Alaska.

Without objection, the Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to add the cosponsorship of Senator BENTSEN, Senator MCCLURE, and Senator NICKLES to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I rise in support of the amendment by the Senator from Alaska. It is modeled on legislation that I first proposed in 1987. It was necessary then—and it is even more necessary now.

Mr. President, the events of the last 48 hours have underscored what I have been saying for years: The United States is slipping inexorably into excessive dependence on foreign oil The news of the last few days makes our vulnerability more evident and our response more urgent.

Three years ago, I introduced the Energy Security Act, which would have required the President—in advance of crossing a 50-percent import penetration level—to submit to Congress a plan to prevent imports from reaching that level. I introduced that legislation because—even at that time—it was clear to me that we were reaching a dangerous dependence on foreign oil, and we needed to plan for the future.

I brought that legislation to this floor and 41 of us supported taking that strong action. Well, now we have reached a crisis in the Middle East and we still do not have a plan. I wish we had acted before, but I support the amendment by the Senator from Alaska, which would at least help give us a plan to reduce our vulnerability to foreign oil.

The Senator's amendment is very much like the legislation 41 of us supported 3 years ago. Under the amendment, if U.S. dependence on foreign oil exceeds 50 percent for any 6 months within a continuous 12-month period, the President would be required to submit an action plan to Congress designed to reduce oil imports below the 50-percent danger level. The action plan would then be submitted to Congress for its consideration.

The action plan may include various measures, including energy conservation measures, production incentives for domestic oil, royalty reductions, a schedule for leasing Federal land tracts for oil and gas discovery, and other measures. The amendment does not require these actions. It does not restrict the President to these actions. But it does require that he recommend clear action to reduce our dependence on foreign oil below the danger level.

Mr. President, we simply must learn the lessons of history. During the 1973 oil embargo we learned the painful lesson of what happens when America is too dependent on foreign oil. We all remember the long lines at the gas pumps and skyrocketing fuel prices. We all learned how it threatens our national security.

But we seem to have forgotten the experience of the 1970's and we have allowed ourselves to drift back into a position of vulnerability like the one we faced at that time.

The events in Kuwait pointedly remind us of our vulnerability. But, in fact, that vulnerability has been growing in a dangerous fashion for some time.

U.S. dependence on foreign oil has risen dramatically in the past 5 years. In 1985, approximately one-quarter of our oil was imported. Today we are importing one-half of our oil. Even during the height of the Arab oil embargo in 1979, imports were only 43 percent. That was considered a crisis. But today we are already past that crisis—and the new crisis in Kuwait is just beginning.

Meanwhile, oil production here at home has plunged to the lowest level since 1962. The fall has been particularly dramatic in recent years. Since 1986, domestic exploratory drilling has plunged by three-quarters and domestic production has fallen 15 percent. Alaskan production—which previously had offset the declines in the other 48 States—peaked in 1988 and began declining last year for the first time, leading to a 6-percent drop in domestic production.

Most experts now predict that we will annually and regularly import more than one-half of our oil. The events in the Persian Gulf today underscore the dangers of becoming that dependent on foreign oil.

Mr. President, there are many reasons to prevent excessive dependence on foreign oil. But none is more important than the need to ensure our national security.

My concern for this Nation's energy security is shared in many quarters. The Department of Energy concluded emphatically 2 years ago that there existed a very real threat to the security of the United States from overdependence on imported oil—and, since then, the situation has just gotten worse.

What particularly concerns me is that we are letting our national energy security depend on a man like Saddam Hussein, a dictator, a man with a record of brutality and a complete disregard for the rules of civilized nations. Can we risk trusting our national energy security to man like that? We would never do that intentionally. But we are doing so implicitly by permitting ourselves to become so dependent on Middle East oil.

Mr. President, I am also concerned about the effect of increasing energy dependence our our competitiveness as a nation. Last year, energy imports totaled $43 on a net basis—fully 40 percent of our $108 billion merchandise trade deficit. Net energy imports in 1989 were up 30 percent over 1988, and they are running 21 percent higher this year.

At that pace, net U.S. oil imports will total $50 billion this year, accounting for about one-half of the trade deficit. If this trend continues, the Nation's deficit in imported oil in 1990 will exceed our trade deficit with Japan.

Mr. President, last night many Senators came to the floor to deplore the invasion of Kuwait. They recognized that it raised the specter of global energy instability. I agree.

But the point was made that talk is cheap—and I agree with that too. You cannot have it both ways. You cannot decry actions like those in Kuwait, but do nothing to protect us against excessive dependence on foreign oil.

Mr. President, we simply must stop this downward spiral into the abyss of energy dependence. Three years ago, we should have required the President to present an energy action plan when our dependence on foreign oil reached the 50-percent danger level. We certainly should do so today.

I urge my colleagues to support the amendment.

Mr. McCLURE. Mr. President, I rise in support of the amendment offered by the Senator from Alaska [Mr. MURKOWSKI] which would require the President to establish a national energy security plan to reduce our dependence on foreign oil supplies to a level which does not pose an unacceptable threat to our national security.

Upon a finding that our imports of crude oil and petroleum products exceed 50 percent of U.S. consumption over a 6-month period, the amendment would require the President to submit an energy production and security action plan to the Congress which identifies the specific actions to be taken to reduce our import dependence below the trigger level.

Mr. President, it is clear that we must take this action to help protect our energy and economic security. Since 1973, total U.S. oil production has declined by 20 percent, and lower 48 oil production has fallen by an astounding 38 percent.

It is clear from our growing dependence on foreign oil that our economy and national security is increasingly at risk. In 1973, the year of the Arab oil embargo, the United States was 36 percent dependent on imported oil; in 1979, the year of the Iraq-Iran war-induced oil shortage, we were 46 percent foreign dependent; and this year; we are now slightly more than 50 percent dependent. And the predictions are that in just a few years, we will likely

be two-thirds foreign dependent, that is unless we begin now to take action.

Mr. President, no commodity is more essential to a modern society than energy, yet it is largely taken for granted, until we are told we will have to do with less or have to pay sharply higher prices.

Like in 1973 and in 1979, we are today facing the prospects of another significant oil price disruption and price run up. As we all know from news reports, once again the Persian Gulf is in the middle of a crisis which threatens world oil supplies. Saddam Hussein has sent part of his million-man army into Kuwait to take over that oil-rich, but militarily weak country. Kuwait is but a few hundred miles from the oil fields of Saudi Arabia, Qatar, the United Arab Emirates, and the other oil-producing gulf countries.

In this context, it is important to note that what is motivating Iraq is not a political dispute with Kuwait, but instead is largely a desire for higher oil prices driven by a need for revenues. And if their incursion into Kuwait does not succeed, who knows who next Iraq will threaten or where next they will invade.

Iraq and Kuwait together account for 10 percent of the free world's oil supplies. Altogether, the oil-producing countries of the Middle East account for nearly 40 percent of the free world's oil supplies.

The 1973 Arab oil embargo reduced world oil supplies by 1.6 million barrels per day and quadrupled oil prices; the 1979 supply disruption cost the world 3.7 million barrels per day of supply, and tripled the price of oil. Iraq and Kuwait together produce 5.2 million barrels per day of oil, and who knows what impact the shut off of that oil would have on prices, to say nothing if the entire Persian Gulf supply is disrupted.

As a result of our concerns about the situation there, and the potential impact on international oil supplies, the United States now has increased from six to eight U.S. Navy warships in the Persian Gulf, and has ordered the attack aircraft carrier battle group led by the U.S.S. *Independence* to proceed to the mouth of the gulf.

For a number of years now I have been saying that we need to develop and implement a national energy strategy which promotes the production of all forms of energy: oil, natural gas, hydropower, nuclear power, and so forth. I think that it is fair to say that my concerns about our short- and long-term energy needs have been pooh-poohed by many as being excessive. Some States believe that it is all right to shut down operable nuclear powerplants; others believe that it is OK to impose offshore leasing moratoria; and on a national level, still others are comfortable imposing new clean air requirements which not only constrain future energy development, but also may well result in the closure of existing facilities, refineries in particular. But the events of the last few days clearly demonstrate otherwise.

Mr. President, it is clear that this Nation and the other nations of the industrialized world are threatened by developments in the Persian Gulf. These events underscore once again the fragility of the economies of the Western World and the marginal supply of energy that fuels it. It is clear that we must begin to take action to stabilize, and begin to reduce, our foreign oil dependence and vulnerability. It is likewise important that we preserve the strategic petroleum reserve for the purposes for which it was originally intended, that of responding to international disruptions of oil supplies.

It is for these reasons that I strongly support the amendment of the Senator from Alaska and urge my colleagues to vote for it.

Mr. DOMENICI. Mr. President, I am pleased to cosponsor the amendment offered by Senator MURKOWSKI and MCCLURE. This amendment would finally put into place an Energy Secuirty Policy. It establishes a 50 percent percent peril point or import ceiling. It creates a mechanism for putting into place specific actions to reduce our dependence on foreign oil to a level below that peril point.

Each year when the President transmits his budget to the Congress, he would be required under this amendment to include a forecast of domestic oil and gas production, and the level of imports for the subsequent year. The report would include the likelihood of imports exceeding the peril point during the next year and the actions which the President would take to maintain crude and oil product imports below the peril point.

Congress would be required to vote on the plan.

This amendment draws a line in the sand. It says to the world that a level of energy dependence greater than fifty percent presents a danger to America's national security and requires an effective, certain policy response.

Specifically, the President could submit a plan with recommendations for an oil import fee or tax incentives for exploration and development, for maintaining the stripper production and for enhancing production through enhanced oil recovery techniques.

This legislation is long overdue. We tried to enact it in 1987.

Mr. President, I want to read a statement I made on the Senate floor on June 2, 1987, when the Senate was considering some very similar provisions. At that time the Senate was debating the trade bill and Senator BENTSEN and I were defending the Energy Security Act of 1987—provisions very similar to the amendment that I am cosponsoring today.

At that time I said:

> Our current energy policies do not protect our economic and national secuirty. We are losing our domestic industry at the hands of the OPEC cartel, our oil imports are soaring, and recent events in the Persian Gulf show the fragility of that region to disruptions in world oil supplies.

At that time we were spending $40 billion a year to keep the shipping lanes of the Persian Gulf open. We were about to provide American flags for Kuwaiti tankers traveling through a free-fire zone. We were mourning the tragic death of 37 Americans who lost their lives in an unprovoked attack in the Gulf.

This week Saddam Hussein invaded Kuwait. The situation is uncertain at best. In response to the hostilities in the region the United States has increased our naval presence in the Pesian Gulf—once again. We have added two more U.S. Navy warships and ordered the aircraft carrier *Independence* to proceed to the area.

As Yogi Berra was fond of saying, "I feel like deja vu all over again."

As in 1973 and 1979, in 19909 we are once again facing the prospects of another oil price disruption. In the past few days, gasoline at the wholesale level is up 11 cents a gallon because Saddam Hussein has sent his army into Kuwait to take over that oil rich country. Kuwait is a few hundred miles from the oil fields of significant oil producing Gulf countries.

While there is no imemdiate threat to the supply of petroleum for American consumes, we are vulnerable because of our heavy reliance on imported oil.

CRS in 1987 estimated that a 1973-style embargo would cost the United States $700 billion in lost GNP, 2 million jobs, and a doubled rate of inflation.

While history has given us a few economically devastating lessons in the form of the 1973 and 1979 embargoes, we have not learned much.

We have allowed our domestic industry to deteriorate. Since 1973, total U.S. oil production has declined by 20 percent. Rig counts are at the lowest level in 50 years. Imports accounted for 42 percent of U.S. oil consumption in 1989 and are projected to increase to 54 to 67 percent by 2010 according to the Department of Energy.

Mr. President, I am very pleased that the Senate has included this amendment to the Defense bill. I am hopeful that when the budget summit resumes its negotiations the topic of implementing specific oil and gas incentives will be considered.

Thank you, Mr. President.

Mr. MURKOWSKI. I also ask unanimous consent that Senator GRAMM and Senator BURNS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (2516) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2517

The PRESIDING OFFICER. Pending is the amendment of the Senator from Ohio [Mr. GLENN]. Senator GLENN is recognized.

Mr. GLENN. Mr. President, to wrap this up, I mentioned that an offset is possible from the SDI reduction that will be proposed by Senator BUMPERS. I would propose using that money to cover the cost of my amendment. I hope the SDI amendment passes, but even if it does not, there will be other amendments that will free up funds that could be applied to the cost of paying for the military pay raise. Therefore, I urge my colleagues to join me in supporting fair compensation to our men and women in uniform by voting for this amendment.

Mr. President, Senator MCCAIN wanted a few minutes. I think Senator KENNEDY can finish his statement in a couple of minutes.

Mr. WARNER. Mr. President, if we might just follow the current situation of going back and forth, I will yield to Senator KENNEDY and I would like to follow the Senator from Massachusetts, if it is agreeable, then the Senator from Arizona.

Mr. GLENN. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Ohio.

I commend the Senator from Ohio and urge our colleagues to support this measure. As we are going to be restructuring the military forces of our country to meet the current challenges which we are facing today that are considerably different from what we were facing some years ago, it is imperative, I believe, that we do not lose the competence and the determination and the skill of the members of the military forces.

It ought to be very, very clear to them, on measures of financial security and support for the wide range of different family issues, that we here in the Senate and in Congress are going to indicate our strong support. Quite clearly, the issue of compensation, of just keeping level, is one of the most basic and fundamental of those questions.

I think the amendment is correct on the basis of equity in demonstrating our concern to them that they not be placed at a further disadvantage because of increases in inflation. We are going to be facing these kinds of issues all along the way as we restructure our forces.

I commend the Senator from Ohio for recognizing this. Whether it has been this issue, the child care program, or the educational benefit program, the Senator from Ohio has been there on these issues.

I think it is important that the Senate speak very clearly in support of this measure because of the message that it sends not only to the pockets and pocketbooks of the members of the Armed Forces but it is a strong and important message that we intend to stand by them. They are, after all, the backbone of the security of our Nation.

So I thank the Senator from Ohio. I urge my colleagues to support the amendment.

Mr. GLENN. I thank the distinguished Senator from Massachusetts for his comments and his work on our subcommittee along this same line.

Mr. WARNER. Mr. President, if I might have a word or two?

Mr. GLENN. Mr. President, who yields time on this?

The PRESIDING OFFICER. The managers of the bill have 17 minutes remaining. The Senator from Ohio has 7½ minutes remaining.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Mr. NUNN. Mr. President, I ask the Chair to notify the managers when we are down to 5 minutes remaining.

Mr. WARNER. Mr. President, the distinguished Senator from Georgia [Mr. NUNN] and I have to oppose this amendment. We do so because the Secretary of Defense has made it unequivocally clear, by letter to the Senate, of his objections. I would like to read the letter, dated August 2.

DEAR MR. CHAIRMAN: The President's FY91 budget request included a 3.5 percent military pay raise which supports the Department's long term objective to keep military pay and allowances comparable to private sector compensation. We believe 3.5 percent is the appropriate increase for FY91.

The House Armed Services Committee included a 4.1 percent military pay increase in the FY91 Defense Authorization bill recently reported out of committee. The additional cost in 1991, for active duty members alone, would be $314 million. The total budgetary impact of the increase is not restricted to basic military compensation. It also drives increases in the retired pay accrual fund, reserve pay, and certain special pays, and will create significant increased costs in the future.

My goal is to reduce the size of the force to meet changing requirements, but to do so in a deliberate manner, without causing an unncessary increase in involuntary separations. Unfortunately, when operating under current fiscal constraints, an increase in the proposed FY91 pay raise to 4.1 percent would require additional offsets in end strength.

Therefore, Mr. President, I ask the Senate consider this will not become a conferenceable item, if the Senate were to adopt this amendment. The Senate conferees' hands would be tied. It would become law, and they would then be compelled to go further into the end strength reduction. For those reasons we have to oppose it.

The PRESIDING OFFICER. The Chair will advise that the Senator from Georgia has 14½ minutes remaining, the Senator from Ohio has 7½ minutes remaining.

Mr. GLENN. I yield such time as he may require to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased to cosponsor this amendment along with the distinguished chairman of the Manpower Subcommittee of the Armed Services Committee. Senator GLENN has displayed his leadership on this, and many other issues, in this very difficult time of transition.

Mr. President, we are undergoing a period of unprecedented transition in the history of the men and women of the armed services. We are, for the first time telling men and women who have decided to make the military a career, and who are all volunteers, that their services will no longer be needed. Some 100,000 to 150,000 men and women will be separated from the service during the next year, many of them in an involuntary fashion.

Mr. President, if we go to the military bases, the ships, and the other establishments that compose our defense establishment, we find this turbulence in our manpower policy causes enormous uncertainty, tremendous concern, and all of which is understandable. These men and women no longer can predict their futures and we have added insult to injury by failing to give them a pay raise which is sufficient to keep up with inflation.

This failure is part of a 7-year record of letting pay fall behind inflation. It is a failure which has resulted, as Senator GLENN stated, in an 11.2-percent real decrease in military incomes during that period.

Mr. President, I do not intend to describe the demographics of our military establishment in detail. Let me point out, however, that most of our military are not colonels or generals, but young men and women. Many have families. Many are single parents. Most have great difficulty in surviving in today's economy, having experienced a real decrease in their incomes over the past few years.

I might add that most of our men and women believed, when they volunteered for the military, that their pay

scale would keep up with inflation. This, as Senator GLENN has so graphically demonstrated, has not been the case.

Mr. President, I am not in the business of pointing out detailed places where money can be saved. But, let me give some examples. Take the $200 million we are authorizing for the strategic environmental research program. This program may be a worthy cause but it is scarcely the mission of the Department of Defense. Take the add-ons to our milcon projects which include a long series of $5, $10, and $50 million projects. After all, what we are taking about in terms of total cost is $300 million of additional cost during the next year, $300 million out of a total budget of over $280 billion.

Mr. President, I think we can afford $300 million for the men and women in the military today; $300 million addition out of more than $280 billion budget. I think we owe it to them. I think it is fair.

If there is ever a time, Mr. President, when we need to send a signal to the men and women of the military that we cherish and value their service to our Nation, it is now. I think that would be a critical and valuable message to send to our military at this particular time in history.

I might also add that many of them are looking at the news at this minute and are wondering today whether they will again be called upon to risk their lives in combat in the defense of someone else's freedom. They will continue to harm their lives long after this crisis is over. Their risks are not vanishing with the cold war.

Mr. President, let us give them this annual pay raise, if only to keep up with 1 year of inflation, which it barely will. Let us send the kind of signal to the men and women in the military that they are, indeed, our most important resource. Let us be fair. We are dealing with people, not paying for equipment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio has 5 minutes remaining.

Mr. GLENN. Mr. President, I yield myself 2 minutes.

I want to respond to the remarks of the distinguished Senator from Virginia, talking about the letter yesterday from the Secretary of Defense. The Secretary of Defense, with all due respect, is just flat wrong in his statement, what he says in the first paragraph. He says they "included a 3.5-percent military pay raise which supports the Department's long-term objective"—listen to this—"to keep military pay and allowances comparable to private sector compensation." He says, "3.5 percent is the appropriate increase for fiscal year 1991."

Mr. President, that is just flat wrong. I use the Defense Department's own figures right here to show how wrong they are and what has happened since 1983, the steady downhill slide for the men and women of the services as far as what their pay is. If we go with Secretary Cheney's recommendation of 3.5 percent when we go from this line here down to this line here, we increase that erosion of pay even further.

So the Secretary of Defense is just not correct. I do not know who wrote this letter for him, or if he wrote it himself, but that is just not a statement of fact.

I said before, it is a matter of equity, a matter of fairness. We are not trying to recover all that has been done in the past in this one year when we have all these budget constraints, but now at least let us not let it get worse.

I identified a source on this. We will be having shortly a vote on SDI. We will be coming up with several other things we are voting on here, but I think SDI will be a likely candidate for how to pay for the pay raise because the funds reduced will come out just about even.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio has 1½ minutes remaining; the Senator from Georgia has 14 minutes remaining.

Mr. NUNN. I thank the Chair. Senator WARNER has already read from the letter of Secretary Cheney, but I want to emphasize the particular part of the letter from Secretary Cheney that I think is decisive, in my mind, in trying to decide how to vote on this amendment.

Secretary Cheney says, "3.5 percent is the appropriate increase for fiscal year 1991." He goes on to say:

> My goal is to reduce the size of the force to meet changing requirements, but to do so in a deliberate manner, without causing unnecessary increase in involuntary separations. Unfortunately, when operating under current fiscal constraints, an increase in the proposed fiscal year 1991 pay raise to 4.1 percent would require additional offsets in end strength.

That means, in effect, we tell the men and women of the military, with this vote if we agree to it, the good news is we are going to go from 3.5 percent to 4.1 percent in your pay. The bad news is an awful lot of you are going to be involuntarily retired and will never get it.

We already are taking 100,000 people out of the force structure. According to the information I have received from the Department of Defense, if we have to pay for this increase from the manpower account, and when you look at both bills and you look at the chemistry between the House and Senate and look at the conference, it is my opinion—no one can prove it—it is my opinion, in the final analysis, we will have to pay for this pay increase out of the manpower accounts. When you do that, that means that 30,000 people are going to get pink slips and not be able to remain in the military because we have raised it from 3.5 to 4.1 percent.

Perhaps there will be a quarrel on this. That is my opinion about how it will all shake down in the final analysis.

Mr. President, I understand Secretary Cheney's position. The cost of the 3.5-percent military pay raise in the budget for fiscal year 1991 and what we have in our bill now is $1.8 billion. The cumulative cost of this raise over 5 years, and that is what we have in the bill at the moment before this amendment, is $11 billion. Both of these figures take into account the strength reductions recommended by the committee. That means that we have anticipated cuts in order to figure how much this is going to cost to give these raises that are already in the bill.

Increasing the military pay raise to 4.1 percent in fiscal year 1991 would add $300 million to manpower costs in fiscal year 1991. That is not the big problem, though. I think it could be accommodated for 1 year. The problem is it is $2 billion to the cumulative cost of manpower over the next 5 years; $2 billion.

This budget squeeze is going to get worse. In theory, the Senator from Ohio is absolutely correct. He is right. We ought to be raising the military to 4.1. They deserve it. The men and women in the military deserve it.

I have joined with Senator WARNER, Senator MCCAIN, Senator GLENN and others in promoting the whole theory of pay equity. Senator WARNER and I started back in 1979 working on a whole package of pay incentives, including the variable housing allowance which became law and helped turn around the severe morale and quality problem we were developing in the military.

I cannot in good conscience support this amendment under the fiscal squeeze we are in now because if we do, we are really kidding people. We are saying we can afford to pay you 4.1 percent, but we are not telling them directly this is going to mean an awful lot more if you are going to be laid off and involuntarily terminated; 30,000 this year. But by the time we count the $2 billion and we look at the fiscal squeeze we are in and look at the summit conference and what they are doing and the fact we are probably going to have to take more out of defense than we have already taken out of this bill, we are basically talking about increasing the pay to 4.1. And to pay that $2 billion over 5 years, we are talking about laying off an enormous number of military men and women who would otherwise not have to be terminated.

So, Mr. President, I respect what the Senator from Ohio is doing. I know there is a case for what he is doing. I respect his leadership as head of the Manpower Subcommittee. In theory he is absolutely right. In practice, I think this amendment is counterproductive. I believe it is going to be more harmful to the men and women of the military than helpful.

I believe that when you see a large number of people get involuntary separations, the small amount of money that people are going to get in raising from 3.5 percent, which is in the bill, to 4.1, is not going to compensate for the feeling that the military men and women will have who remain, who are not involuntarily separated but they are going to think we are next. They are going to think we have no job stability. They are going to think my buddies are all being drummed out of the military; they did not think they were going to be terminated, can I afford to stay?

So I think this amendment, as well-intentioned as it is, and as correct in theory as it is, and as much as the men and women in our military uniform deserve it, I do not believe we are doing them any service by agreeing to it, and I urge its defeat.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. If I might yield to myself such time as is required.

The PRESIDING OFFICER. The Senator from Georgia has 8 minutes 45 seconds remaining.

Mr. WARNER. Mr. President, I think any time we address an issue of this importance, we should also know the facts as they relate to the civilians who work in the U.S. military and, therefore, I ask the distinguished chairman to respond on his time, what is the intention of the various committees of the Congress, particularly the Senate, with respect to the civilians?

My understanding is the Senate Appropriations Committee is going to adhere to the President's request of 3.5 and, therefore, were this amendment to carry, it would be in sharp contrast to what is being done to the civilians.

Mr. GLENN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. GLENN. I only say this vote might be a guide for them to help make up their minds.

Mr. WARNER. It may be a guide but, on the other hand, we build an inequity in the two structures in the Department of Defense which causes frictions and problems. Recognizing the fiscal restraints across the board, that is further reason to continue to adhere to the parallelism between the two categories of personnel.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I yield myself such time as I have remaining.

Let me respond to Mr. Cheney's letter. He says it will require offsets in end strength. I do not accept that at all because that is not the case. It is not going to cause involuntary separations.

I already identified one other area in the budget where I think we can get the money from, and I am sure there are others we can tap if this amendment is agreed to. Raising the specter for our people out there in the services that they have to choose between seeing a lot of people involuntarily separated or not getting their pay raise, that just is not the choice that I see. I want to see this come out of other functions. I would rather see it out of SDI. I think we have to keep faith with our people there.

I refer once again to the chart back here. Here is what happens if we do not do this. It means the pay erodes even further for our military, as it has over the past 8 years. Here we are still going down hill, and still saying how fairly we want to treat our people in the military, which we are just flat not doing.

So, Mr. President, I do not think there is any need to prolong the debate. If the floor managers are prepared, I am prepared to yield back whatever time I have, if any. I am probably over my time now.

The PRESIDING OFFICER. The Senator from Ohio has 2 seconds remaining.

Mr. GLENN. I yield back.

Mr. NUNN. Why does the Senator not go ahead and use all his time?

The PRESIDING OFFICER. The Senator from Georgia has 7½ minutes.

Mr. NUNN. I assure the Senator from Ohio I will yield as much additional time as he needs out of my time. I will yield him 5 minutes.

Mr. GLENN. We are prepared to yield back. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator from Georgia has 6½ minutes remaining.

Mr. NUNN. Mr. President, I yield back the remainder of my time, and I move to table the amendment on behalf of Senator WARNER and myself. I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment of the Senator from Ohio. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in his family.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—67

Akaka	Durenberger	McClure
Armstrong	Exon	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Garn	Murkowski
Bond	Gore	Nickles
Boren	Gorton	Nunn
Boschwitz	Graham	Packwood
Bryan	Gramm	Reid
Burdick	Grassley	Robb
Burns	Hatch	Rockefeller
Byrd	Heinz	Roth
Chafee	Helms	Rudman
Coats	Humphrey	Shelby
Cochran	Inouye	Simpson
Cohen	Kassebaum	Specter
Conrad	Kasten	Stevens
D'Amato	Kerrey	Symms
Danforth	Kohl	Thurmond
DeConcini	Levin	Wallop
Dixon	Lieberman	Warner
Dodd	Lott	Wirth
Dole	Lugar	
Domenici	Mack	

NAYS—32

Adams	Heflin	Moynihan
Biden	Hollings	Pell
Bradley	Jeffords	Pressler
Breaux	Johnston	Pryor
Bumpers	Kennedy	Riegle
Cranston	Kerry	Sanford
Daschle	Lautenberg	Sarbanes
Ford	Leahy	Sasser
Glenn	McCain	Simon
Harkin	McConnell	Wilson
Hatfield	Metzenbaum	

NOT VOTING—1

Bingaman

So the motion to lay on the table amendment No. 2517 was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2518

(Purpose: To grant a Federal charter to the 82d Airborne Division Association, Incorporated)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes amendment numbered 2518.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

CHARTER

SECTION 1. The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

POWERS

SEC. 2. The 82nd Airborne Division Association, Incorporated (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for our Nation,

(2) furthering the common bond between retired and active members of the 82nd Airborne Division,

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members,

(4) promoting civic and patriotic activities, and

(5) promoting the indispensable role of airborne defense in our national security.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. (a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the consitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) 82nd Airborne Division Association, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

SEC. 13. The right to amend, alter, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

Mr. THURMOND. Mr. President, I am pleased to offer as an amendment to the Department of Defense authorization bill, legislation which would grant a Federal charter to the 82d Airborne Division Association. I introduced identical language as a bill (S. 82) on January 25, 1989. On October 5, 1989, S. 82 passed the Senate as an amendment to S. 1711, a bill to implement the President's 1989 national drug control strategy. S. 82 also passed the Senate as a free-standing bill on November 3, 1989 with the bipartisan support of 52 cosponsors and is currently pending in the House Judiciary Committee.

The 82d Airborne Division was activated initially as an infantry division which participated in three of the major campaigns of World War I: Lorraine, St. Michiel, Meuse-Argonne. On May 27, 1919, the 82d Airborne was inactivated. The division was reactivated on March 25, 1942, under the command of Maj. Gen. Omar Bradley and became the Army's first airborne division under the command of Maj. Gen. Matthew B. Ridgway. Deployed to North Africa in 1943, the 82d made parachute and glider assaults on Sicily and Salerno. In a 2-year period during World War II, the regiments of the 82d saw action in Italy at Anzio, in France at Normandy, where I landed with them, and at the Battle of the Bulge.

Following the end of the war, the sky soldiers of the 82d were ordered to Berlin to serve as "America's Guard of Honor" for 5 months of 1945. Due to logistical problems associated with the servicing of an airborne division overseas, the division returned to the United States where it was greeted with a New York City tickertape reception as it marched triumphantly on Fifth Avenue, on January 12, 1946.

The division was assigned to Fort Bragg, NC, to become a leading element of the Nation's military reaction force as well as to participate in a number of peacekeeping missions. Elements of the division have valiantly served in Korea, the Dominican Republic, Vietnam, and Grenada. Peacekeeping units have served in Sinai.

Designed to move quickly to any part of the world and to be prepared to fight immediately upon arrival, the members of the 82d Airborne have served with distinction for over 45 years. They have demonstrated a tireless commitment to our Nation's de-

fense and ideals. Therefore, I can think of no other military association more deserving of the recognition given by Congress in the granting of a Federal charter. I urge my colleagues to join me in supporting the passage of this amendment to grant such a charter to the 82d Airborne Division Association.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I think this is an excellent amendment. I urge its support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2518) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, in a moment I will propound a unanimous-consent agreement. I believe the Senator from Arkansas and I have an understanding on this. It would be my intent to, in a moment, propound an agreement that would have 40 minutes on this amendment with the time equally divided, with a reservation for a second-degree amendment by Senator WARNER, which would be germane to the amendment.

Mr. BUMPERS. With no tabling motion in order.

Mr. NUNN. We have not been doing that, but do I not mind an up-or-down vote on this amendment.

Mr. BUMPERS. What is the nature of the second-degree amendment?

Mr. WARNER. The nature of the second-degree amendment is, recognizing the uncertainties in fiscal year 1992, that we constrain the goals of the Senator from Arkansas to a single fiscal year; namely, the Senator from Virginia would propose that we take out but one battleship at this time and retain flexibility in the hands of the President and Secretary of Defense to make such decision, as they feel prudent, for the second fiscal year.

Mr. BUMPERS. Is the Senator talking about the first or second one?

Mr. WARNER. Leaving the second one and taking the first. The amendment of the Senator from Virginia would provide for elimination of one battleship in fiscal year 1991.

Mr. BUMPERS. Then leaving discretion with the Secretary in 1992 on the other one?

Mr. WARNER. By virtue of leaving nothing in there, the discretion is reposed in the Commander in Chief.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

MEMORANDUM OF AGREEMENT BETWEEN THE NAVY AND SAN DIEGO CHILDREN'S HOSPITAL

Mr. WILSON. Mr. President, I would like to engage the distinguished ranking member of the Armed Services Committee in a colloquy concerning the provision of medical services for the families of our military personnel, namely pediatric trauma and specialty acute care for dependents of Navy personnel in the San Diego area.

Mr. WARNER. Mr. President, I would be happy to engage in a colloquy with my good friend, the Senator from California, on this very important subject.

Mr. WILSON. Mr. President, with pressing budget constraints and with the cost of providing health care rising, the Navy faces increasing challenges in its efforts to provide specialty services such as pediatric acute care. Yet, a top priority for Navy personnel is assuring the availability of quality health care for their spouses and children. I know that the Senator from Virginia shares my concern that members of the military and their families should have access to the best possible medical care.

A unique situation exists in our States in this regard. Both San Diego and Norfolk have a large Navy presence. In both communities, the military looks to the private sector health care community for specialized pediatric services. Although the Navy hospital is able to provide most of the necessary pediatric care, it faces a shortfall in supplying specialized and acute care medical services. Members of the House Armed Services Committee have expressed their concern in this matter and encouraged the Navy to enter into a memorandum of understanding for the provision of such services. Also, the Navy was directed last year by Congress to conduct a study to determine if existing facilities and equipment are sufficient for the provision of specialized pediatric care. I have reviewed this report recently and am concerned with its conclusion that the Navy hospital can offer only between 85 to 90 percent of these specialized services.

Mr. WARNER. Mr. President, I understand and appreciate the situation which the Senator from California describes. The main consideration is that the families of military personnel should have access to the highest quality medical care, including trauma care and other specialized treatment. At the same time, this medical care should be provided as cost-effectively as possible.

Mr. WILSON. Mr. President, an available solution for this problem is the initiation of public-private partnerships geared toward insuring that trauma and acute care services remain available. In this partnership, financial resources from both public and private entities are combined to ensure that the supply and availability of medical care, such as specialized pediatric services continue. The Congress has recognized the benefits of public-private partnerships and has passed legislation in 1985 authorizing them in instances where medical services can be provided more efficiently and at lower cost. In San Diego, this arrangement would be cost-effective for the Federal Government because hospitals presently exist that specialize in this type of care. Consequently, the naval hospital would be freed from committing extensive resources for purchasing duplicate equipment and contracting out to provide these specialty services in house.

Mr. WARNER. I agree with the Senator from California.

Mr. WILSON. Providers of acute care services in San Diego are overwhelmed with demand for services, and need to expand in order to continue to admit and treat children. The alternative to meeting this pressing demand is that children will have to go outside the San Diego area to receive acute care, which adversely affects the morale of Navy personnel. My concern is that health care should be readily available for the children of the area, including both civilian and military, and the public-private partnership seems a sensible and cost-effective method with which to address the present shortfall of trauma and acute care services and guarantee the continued access to medical care for children that need it.

Mr. WARNER. Mr. President, I appreciate the comments of the Senator and his suggestion of an innovative solution for this problem. I look forward to working with the Senator from California on this matter and to ensuring that our military families receive the specialized health care they need.

Mr. WILSON. Mr. President, I thank the Senator for his attention to this matter and I also look forward to working with him.

SANTA BARBARA NAVAL RESERVE CENTER

Mr. WILSON. Mr. President, I rise to engage the distinguished ranking member of the Armed Services Committee in a colloquy concerning the status of the Santa Barbara, CA, Naval Reserve Center.

Mr. WARNER. I am pleased to respond to the Senator from California on this matter.

Mr. WILSON. The Naval Reserve still owns a large building dominating the Santa Barbara waterfront which the city deeded to the Navy for the war effort in 1942. The Navy refuses to cede the building's ownership back to the city even though it has returned all the other local public facilities that municipal officials made available during the war. Today, the city wishes to reclaim ownership of the Reserve Center because it stands

directly in the path of a major waterfront redevelopment project. Alternative compromises exist to accommodate the needs of both the city and the Navy, but the latter is a reluctant party to negotiations which Representative ROBERT LAGOMARSINO and I have tried to foster to solve the problem.

Mr. WARNER. I understand the Senator's concern and join him in urging the Navy to negotiate in good faith with the city of Santa Barbara to achieve a settlement without any further delay. Either the Navy Reserve can find space at other military locations in the area or it could make an arrangement with the city whereby its operations at the building would continue after the retransfer of the property. I am sure that Secretary Garrett and his staff have every interest in bringing this issue to a mutually satisfactory conclusion.

Mr. WILSON. I thank the distinguished ranking member of the committee for his guidance and support.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I understand there is a McConnell amendment that has been agreed to on both sides. Perhaps the Senator from Virginia would like to present that at this time, while we have a brief interlude.

Mr. BUMPERS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. NUNN. I yield.

PRIVILEGE OF THE FLOOR

Mr. BUMPERS. Mr. President, I ask unanimous consent that Bruce MacDonald of my staff be permitted privileges of the floor during debate and proceedings on the DOD bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Virginia.

AMENDMENT NO. 2519

(Purpose: To provide surplus military equipment to State and local drug enforcement authorities)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Kentucky [Mr. MCCONNELL].

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Senator MCCONNELL, proposes an amendment numbered 2519.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend title XI, by adding new section 1103 as follows:

SEC. 1103. TRANSFER OF EXCESS DEFENSE ARTICLES

Pursuant to Public Law 100-456, section 1208 and section 372 of title 10, United States Code, the Secretary of Defense shall review the availability of equipment resulting from the withdrawal of United States Forces from Europe and Asia for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate state or local civilian law enforcement authorities.

Mr. MCCONNELL. Mr. President, this week the Senate Judiciary Committee issued a grim forecast: the Nation's murder toll is heading to a record level with the tragic increase due largely to drug-related violence. The committee estimated more than 23,000 people will be murdered in 1990, the third year in a row of increasing murders.

Statistics have a way of making a problem impersonal and distant. But, the victims have a way of focusing our attention and, Mr. President they get younger every day. The dramatic scope of the problem compels us to support dedicating every available resource and agency to the drug war. For this reason, I voted in 1986 along with 13 other Senators to commit the Defense Department to the drug war. Eventually, a majority of the Senate came to share this view and the Department has launched plans to work with Federal agencies to support drug enforcement efforts.

Now, there is a new and important role the Defense Department can and should play in the drug war at the scene of most crimes, at the local level. Although the Congress has authorized the Defense Department to coordinate and cooperate with State and local authorities in drug enforcement activities, there has been little effort to date to meet this objective. There seems to be a real gap between what DOD can do and make available in training and resources and what local authorities are taking advantage of.

As a first step in upgrading this effort, I have introduced an amendment which will assure the Secretary of Defense provides on a priority basis to local law enforcement agencies any equipment resulting from the withdrawal of United States forces from Europe and Asia. Although some people have suggested we use this surplus materiel to compensate countries where we have bases or to fulfill security assistance obligations, I think American needs must come first. For example, if there is secure communications equipment which might assure the success of a local sheriff's drug enforcement operation, DOD should accommodate the American community's needs before shipping the equipment overseas.

Once, in 1987, DOD is said to have published in national law enforcement journal a list of surplus military goods which could be provided to State and local authorities. I think we should encourage DOD to strengthen this very limited effort. When they bring back equipment from Europe, as they will over the next few years, it should end up being put to the best possible use in our war on drugs in our communities.

Mr. WARNER. Mr. President, I ask that the amendment be considered.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2519) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. WARNER. Mr. President, momentarily we will be considering an amendment by the Senator from Arkansas [Mr. BUMPERS], to which I will attach an amendment in the second degree.

The Senator from Arkansas is addressing the issue of the force structure of naval forces as it relates to the battleships. It is a subject in which I have been involved for many years.

I also observe on the floor the distinguished Senator from Rhode Island, the former Secretary of the Navy, under whom I served as his deputy for many years and then had the privilege to succeed him. The Senator from Rhode Island and I have had some differences on this issue during the years.

But at this time, I think the best solution and the one that will save time is if the amendment in the second degree, which is being drawn in the nature of a substitute amendment, would be the one that will be accepted by the managers. I do this primarily to resolve a problem at this time because I still firmly believe that the battleship plays a vital role in today's naval force structure, particularly as the changing threat places greater emphasis in requirements on the Armed Forces of the United States to meet the contingencies in Third World areas, and also terrorist activities. I think the battleship will play a very useful role in those contingency operations.

Perhaps at this time the Senator from Arkansas might like to say a word, or perhaps the Senator from Rhode Island, who also is anxious to address this issue.

Mr. CHAFEE. Mr. President, first of all I want to thank my distinguished

colleague and friend from Virginia for the action he has taken on this. I think there is no point in belaboring this subject. This is a matter that we have debated.

I have reviewed the RECORD, and we first debated this in 1980; at which time the *New Jersey* was taken out of mothballs. Then there were subsequently debates in connection with the *Missouri* and the *Iowa* and the other battleships. I think we had votes on three of them.

When we got to the fourth, I think the distinguished Senator from Arkansas and myself—and the Senator from Nebraska has been active in this—I think we ran out of gas when we got to the fourth one, since we never got more than about 36 votes in our favor.

We had the distinguished chairman of the committee with us on a couple of those votes, but those are the days when there was great enthusiasm for these vessels. Since then——

Mr. WARNER. Mr. President, that enthusiasm, I am proud to say, was led by the former deputy to Senator CHAFEE, the Senator from Virginia; am I not correct on that?

Mr. CHAFEE. That is right. I believe to err is human and to forgive devine. So since then, two have been taken out, and now we are discussing the third one. I do not want to belabor the subject.

I think my distinguished colleague from Arkansas is here, who worked so hard on this over many years.

Mr. BUMPERS. I thank the Senator from Rhode Island very much for his comments.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

AMENDMENT NO. 2520

(Purpose: To retire the remaining battleships)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself, Senator CHAFEE, and Senator EXON, and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be laid aside.

The clerk will report the amendment.

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. CHAFEE, and Mr. EXON, proposes an amendment numbered 2520.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following: "Notwithstanding any other provision of law, no funds may be obligated or expended to maintain in active service more than one Iowa-class battleship after 30 September 1991; and no funds may be obligated or expended to maintain in active service any Iowa-class battleship after 30 September 1992.

Mr. BUMPERS. Mr. President, I think the distinguished ranking member of the Armed Services Committee has a second-degree amendment that he wants to offer to this.

Does the Senator have a second-degree amendment prepared?

AMENDMENT NO. 2521 TO AMENDMENT NO. 2520

(Purpose: To amend the Bumpers amendment on battleships)

Mr. WARNER. Mr. President, I send an amendment to the desk, on behalf of myself and Mr. NUNN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. NUNN, proposes an amendment numbered 2521 to amendment No. 2520.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out "1991;" and all that follows and insert in lieu thereof the following: "1991."

"Furthermore, the Secretary of Defense shall conduct an analysis of the need for battleships to be used in situations arising in the Third World in which the full capabilities may not be needed or cannot be fully utilized and any other alternative use of the battleships due to the changing nature of the threat facing the United States and its allies.

Mr. WARNER. Mr. President, I have a second-degree amendment that I offer on behalf of myself and the Senator from Georgia [Mr. NUNN].

The essence of this amendment would be to add—I want to emphasize that—to the 1991 budget direction to the Secretary of Defense to retire the third battleship. Two are already scheduled in the 1991 budget for retirement. This occurred at the direction of the President and the Secretary of Defense. The third will be added, assuming the Senate adopts the amendment in the second degree, and the fourth will remain in active service subject to further consideration regarding its future beyond the fiscal year 1991.

The distinguished Senator from Georgia, in joining me on this amendment, desires that language be incorporated which will state that the Secretary of Defense will conduct an analysis of the need for battleships to be used in situations arising in Third World areas in which the full capabilities may not be needed or cannot be fully utilized, and any other alternative use of the battleships.

Again, the thrust of the added language in the second-degree amendment is to point out the changing threat and the belief of the Senator from Virginia, and I assume the Senator from Georgia, that it is very important, in view of the nature of the changing threat, that we reexamine the role of the battleships out of concern that next year Congress might also retire the fourth ship.

Mr. BUMPERS. Mr. President, will both sides agree to the first and second-degree amendment? I am prepared to vote. This has been debated here many, many times. I doubt that further debate will shed a great deal of light on it.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, in my view, we are about to undertake something very foolish, and that disregards our national security needs. In case my friend from Arkansas has missed the television, radio, newspapers, and other information about the events of the last 48 hours, let me be one of the first to inform him, Iraq has invaded Kuwait and may invade Saudi Arabia.

What is the best response to that? It happens to be naval capabilities, and it happens to be ships with the capability to project long-range power. I wonder if my friend from Arkansas has some other options that he might propose in order for us to counter this threat to the very economic structure of this Nation and the free world. If so, I would like to hear him describe them.

I might like to remind my friend from Arkansas that battleships have 16-inch guns with ranges of many miles; they are equipped with cruise missiles, with ranges of 900 to 1,600 kilometers, which are very accurate in nature, which have highly lethal conventional warheads, and which can inflict damage in a very accurate and persuasive fashion.

To make the case, at this particular moment in history that we should force the President to dismantle a significant naval capability strikes me as nearly incredible. Yes, these ships are old, although they have been rebuilt and modernized. Yes, they are manpower intensive, although not nearly so as they were many years ago. But they are also powerful and effective. To suggest at this moment that we need to dismantle the very equipment which could help us counter the activities of the thug who threatens the very economic structure of the world, is, I say to my colleagues, incredible.

I will not take too much more time on this amendment. I could at least understand this amendment, if it were some days or weeks ago, even though I would have disagreed at the time. Today, history speaks for itself.

I do not have to make the case for the battleship, Mr. President. Saddam Hussein has made the case for the battleship. Saddam Hussein has shown that the cold war with the Soviet bloc may be over, but conflicts by no means are over. In most parts of the world,

the key capability we have to counter thugs of Saddam Hussein's ilk is by deploying significant naval capability and by having the ability to project power, whether it be through aircraft, long-range artillery, or cruise missiles.

Let me remind my friend from Arkansas that when we launch air strikes with manned, piloted aircraft, we run the risk, as we have in the past, of having American citizens being held hostage. We had this happen to a young Navy lieutenant in Lebanon, and we had a devil of a time retrieving him from the tenacles of some people who are scarcely "very nice."

Let me also say a word about guns. They are not obsolete. What do 16-inch guns do? They hurl projectiles the size of Cadillacs about 17 miles, if I remember my previous learning. They are equipped with cruise missiles which go many, many, many miles and strike targets very accurately. There is no possibility of either of those forces being shot down and anyone become captive.

So, Mr. President, let us remember where we are, and when we are. Let us remember what is happening as we speak. We must not dismantle our Nation's abilities to protect our interests and that of the free world.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE. Mr. President, I will not try to add any more to this debate but just to make an observation. Last evening, after much debate and angry rhetoric, the United States Senate, by a unanimous vote, voted to condemn Iraq. It said:

Whereas Iraq's military power in the Persian Gulf area is virtually unchallenged, and its record of callous brutality, opportunism, and belligerency demonstrates that no policy of appeasement or cooperation will constrain the threat Iraq now poses to the security of nations throughout the entire Persian Gulf region and to the international order; Now, therefore, be it

Resolved:

And we set forth of a whole series of programs anywhere from sanctions to blockade. And then we finally said:

If such measures prove inadequate to secure Iraq's withdrawal from Kuwait, additional multilateral actions * * * involving air, sea, and land forces as may be needed to maintain or restore international peace and security in the region.

On April 5, before my Subcommittee on Defense, Admiral Trost, the former Chief of Naval Operations, testified as follows:

I am opposed to the decommissioning any (Battleships) because * * * they continue to play a very significant role in our efforts to provide that forward-deployed presence that deters terrorist actions or regional instabilities * * * they provide a degree of survivability, of presence that we cannot replace.

And on May 15, just a few months ago, Admiral Nyquist, Assistant Chief of Naval Operations, also testifying before the Defense Appropriations Subcommittee, had this to say:

The battleship * * * has tremendous combat capability. It has tremendous presence. And it is the least vulnerable of all of our ships * * * And it is also an ideal regional conflict, Third World kind of ship.

This is what my friend from Arizona was trying to tell our colleagues.

With that observation, I realize that arrangements have been made. I just hope that when this matter is taken up in conference, it will be given a full airing.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, when we started this battleship business several years ago, I was persuaded by the Navy they were going to have new and innovative uses for the battleship. I supported two of them, and then I opposed the next two because, by the time we got to the last two, it was apparent to me there was no real effort by the Navy to look at innovative ways to use the battleship.

The advantage of these battleships is that they are very difficult to sink because they have an awful lot of armor on them so they can be put in harm's way. They are much better, in some cases, than even modern ships. The disadvantage to them is they are manpower intensive because they have not been fully modernized and, of course, we have problems with the big guns.

But the main case for the battleships when they were first sold was not the old guns, with which there have been some troubles, but rather the armor, the heavy armor, plus the fact they would be ideal for carrying large numbers of cruise missiles.

Now we find ourselves with the Navy several years later still not having used the battleships to their potential, in my view. There is every reason to believe that the Navy—I thought they would find ways to use them. For instance, you could take amphibious ships and you could load them up with Harriers and you could combine the amphibious ships with Harriers with the battleships, and then you would have a lot of striking power with the battleships and you would have some air cover with the Harriers.

The problem now is battleships do not have air cover. I think the Navy could use battleships with amphibious ships in much cheaper fashion in Third World countries than employing an entire carrier battle group. Right now the Navy has a dilemma because in the Persian Gulf—and the Senator from Arizona mentioned the Persian Gulf—the problem there is that in the Persian Gulf, the carrier battle group cannot get in there and maneuver. So the Navy has to stand way outside the Persian Gulf and depend on refueling, and, of course, that takes a lot of time and you really do not have much striking power there.

So with the scenario that has been talked about a lot in the last 48 hours, as I said at the very beginning, if you really wanted to use power in that part of the world, you would have to use long-range air power, which means bombers. You are not going to be able to use effectively very many of the Navy assets in that area in terms of air striking offensive power.

Now we are in a dilemma because the Navy has never used innovative ways to handle the battleships, and, of course, they have come under great scrutiny because they are expensive, they are manpower expensive.

I added a provision to the second-degree amendment of the Senator from Virginia because I think it is time to invite the Secretary of Defense, if the Navy will not do it, and apparently they never will, to take a look at how you could use those battleships, not in a Soviet type confrontation, but in Third World countries where you are showing the flag, where you do not have a sophisticated opposition in terms of modern aircraft. I think they would be very useful and much cheaper than sending very large, very expensive carrier task forces with all their ships all over the world. But the Navy has never done that. In this amendment, I am hoping the Secretary of Defense will take a look at that.

In the meantime, it is very hard to defend the battleship. I was opposed to the last two. I felt four of them were entirely too many. I think we have wasted an enormous amount of money by going with four. Now we are left with two and no Navy innovations.

So I am willing to go along, reluctantly, because of the situation we are in, with cutting one battleship, still feeling that if there was any innovative thinking going on and if there was any relationship between the threat in the world, which there is increasingly going to be in Third World areas, and the battleships themselves, they could be utilized properly.

So I think that the best solution at this juncture is to cut the one battleship out that is remaining and then go to conference and see where we are, and perhaps the Navy will come up with something innovative, after all of these years of not doing it, with the battleship.

We had the most discouraging time when we investigated the battleship *Iowa*, when the captain of the battleship was telling us things he thought his ship could do and yet he was not called on to do them and he was not really given a mission, according to his own testimony. Not only did he not have the Navy's support in terms of giving him the kind of personnel he needed, the battleship was relegated by the Navy to the bottom of the pile

after having the Secretary of the Navy come over and make the hardest sell on the battleship in the early 1980's that I had ever seen.

So, it has been a series of mishaps, and I think at this juncture the best solution is to go ahead with the second-degree amendment. I do not think we need a rollcall vote. I hope we would not. Then, take it to conference and see if there is anybody at the Department of Defense who is interested in taking another look at this whole area.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. President, I do not disagree with some of the criticism just made about the Navy. It should have plans to use battleships in more creative and innovative ways. Those ships are enormously versatile, so their advantages should be exploited. But there is still time to develop such plans, especially if we reject this amendment.

Battleships are potent weapons. They have awesome firepower and amazing survivability. They can show the flag and carry the fight to the enemy.

I have learned a lot more about these mighty ships because the Navy has planned to send the battleship *Wisconsin*, to a new homeport at Ingleside, TX, near Corpus Christi, next spring.

That base is already more than half completed, and funds have been approved for the entire project. What is unusual about this base is that the State and local community voted $50 million of their own funds for the base. Another $100 million in local money has gone for highways and infrastructure.

By contrast, the Federal cost is only $93 million. This is a state-of-the-art facility, built with substantial local funding, ready for that battleship. I would not want the Senate to foreclose the option or derail the plan to base the *Wisconsin* there.

Mr. President, our military capability will be enhanced by having a battleship based in the Gulf of Mexico, not far from potential trouble spots in Central America and the Caribbean. Remember, only a few months ago we sent troops into Panama. Earlier this week, there was a problem in Trinidad which might have endangered Americans.

We never know just where we might need to demonstrate our power and resolve.

Iraq's invasion of Kuwait is only the latest—and far from the last—occasion of conflict and instability in the Third World. Now that we have added to our fleet the enormous capability of our battleships, we should not lock them away. To do so would be wasteful and foolhardy.

Mr. GLENN. Mr. President, I hate to oppose the Senator from Arkansas on this, but back here a few years ago we were debating the battleship. I thought, at first, all we had was a bunch of people in the black-shoe Navy that would not let go. They had to have a battleship out there to ride around on and that was about it, and we had to have 16-inch guns. But that was not the reason at all that we brought the battleship back.

At the time, the fleet had a need to be able to put at sea two of their new weapon systems, the Tomahawk missile and the Harpoon missile. They were trying to find out how they were going to do that and what kind of platforms they would put them on.

If we start designing a ship to carry more Tomahawks and more Harpoon missiles, and we make it a defendable ship and an armored ship and something that is not going to be too vulnerable, it winds up that we had that kind of a hull actually sitting in the yards in the form of the battleships. That is the reason the battleships were brought back. Even if they had not had any 16-inch guns on them, we probably would use those hulls to put those missiles at sea, because we needed that capability for fleet defense and for the attack capability.

About the 16-inch guns? They came along for free because we would not have resurrected the battleships and put them at sea just to get those 16-inch guns out there. I do not believe we would. So the guns came along as sort of an auxiliary weapon system: Yes; we will keep them in ship and if we ever need shore bombardment or have targets that are somewhat close to the beach, why, we can do something about them, we have those 16-inch guns. They are mammoth. But mainly the battleship is an armored platform, a stable platform, from which to launch cruise missiles.

The Tomahawk—the figures are that the battleship carries 32 Tomahawks. Those things will carry a warhead, a nuclear warhead as I understand it, out over 1,300 miles for land attack. Fantastic. And for conventional warhead, which is heavier, it goes out to about 600 miles to hit land targets.

It is good for either ship or land targets, either one.

That is the Tomahawk. That is a tremendous capability.

The Harpoon is basically antiship, that is for fleet defense. Battleships carry 16 Harpoons which have a 60-mile range, with an antiship capability, and radar guidance; very good.

If we knock battleships out, I do not know what happens to fleet defense. Maybe there are other ships carrying these missiles and Harpoons and maybe we have developed new means of delivering that Tomahawk capability that can go out and can strike either land or shore targets.

But the battleship was brought back for that purpose, not basically to get the 16-inch guns that everyone still raises their eyebrows at, but they sure still might be useful once in a while.

Let me give an example. In the Iran-Iraq war, we were concerned about Iran if they prevailed, if they came around the head of the gulf through Kuwait and down Saudi Arabia or Bahrain or whatever, how were we going to oppose that? Could we control that? We were not prepared to go to war with Iran to prevent that in a ground warfare situation.

But in any war, just as we are faced with today with regard to Iraq, you have two things in war you have to control. One is your immediate tactical situation, whatever is opposing you on the ground. We have all sorts of weapons to bring to bear on that.

The other thing you try to do is, you try to cut the economic base of your opponent so he cannot support war.

If we had been required to do that with Iran, we could have done it very easily. If we put a battleship over there. It could have gone up to the head of the Persion Gulf, it is armored, they could not have badly hurt the battleship. It could have sat there and taken out the 14 loading docks at Kharg Island with no problem, and do it with impunity, no problem whatsoever, with 16-inch guns. That mission would not require Tomahawks, not require Harpoons or anything else like that. We would not have to do that.

Mr. WARNER. Mr. President, I cannot stand here and listen to my good friend without challenging him on that.

Correct, that battleship could move in tomorrow and blow the pants off Saddam Hussein. But once it blew his pants off, he has some 500 tactical aircraft that could be targeted against that battleship. We cannot bring a carrier into the gulf safely to protect and give the adequate air cover to the battleship. If you want to start a fight in the gulf——

Mr. GLENN. If my friend would yield, I have not mentioned Iraq except to say it had been brought up this morning. I am referring to a previous situation. Do not get too excited.

Mr. WARNER. There was another Senator here a moment ago and I held to my seat firmly when he was talking about this.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. I have the floor. I am not talking about the Iraq war. What I am pointing out is, once in a while we find a use for these 16-inch weapons systems, such as in the Iranian situation which I was speaking of. I was not talking about our ability to hit Iraq at

all. They do not have the same kind of oil there.

Iraq has different places, they send most of their oil out by pipeline—a battleship is not going to run out in the middle of the desert, between there and Turkey where they have their main pipeline where most of their oil goes out. They send very little down the gulf. I am not talking about Iraq.

I am pointing out an example where even the 16-inch guns on the battleship could have been useful in a certain situation; and might again be sometime. I do not know. Obviously, that weapons system cannot be applied as well as the Iraqi situation.

But the point is, and the reason I back the substitute amendment is, that it does give us time to study whether we have other replacements in the fleet, and in fleet defense, for the Tomahawk missiles that are aboard the battleships and the Harpoon missiles that are aboard the battleships. If we in fact are providing other means for that kind of attack capability, or that kind of defense capability, then I would favor taking these battleships out of commission because we do not want to save them just for the 16-inch guns.

But I think this gives the Navy time, then, for that kind of study, and to me it makes a lot more sense than just our deciding here today what fleet defense and fleet attack capabilities should be or should not be, as we vote on the battleship.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I cannot tell my colleagues how pleased I am that the Senator from Arkansas offered this extremely reasonable amendment. I stood on this floor on many occasions, many times with only one or two supporters, when the battleships 2 years ago were taken out of mothballs and placed on active duty. I pointed out all of the reasons at that time, why the modern-day Navy cannot afford a battleship. There has been no reasonable, affordable, rational need for battleships since World War II.

We can always invent reasons for reinstituting a system.

But that does not change the fact that battleships are a very wonderful part of the history of the Navy. There is no question but what the battleships in their day provided the real thrust and support of the U.S. Navy to project military power around the world.

I will not go through all of those arguments that I used before, except to say that the amendment offered by the Senator from Arkansas, supported by the Senator from Georgia, the chairman of the Armed Services Committee, and also supported by the ranking member of that committee, the distinguished Senator from the State of Virginia, indicates that the total reasonableness of this proposal to eliminate one of the two proposed battleships that even the administration feels that four were unnecessary.

I simply point out, Mr. President, I just hope we are not going to buy this argument that the Harpoon and the Tomahawk missiles just cannot be deployed unless we have those battleships. One of the arguments that I guess was made, when I think back, was that this would be a great platform for Tomahawks and Harpoons. That was, in my opinion, one more of the crazy ideas that was advanced, crazy from the standpoint, not that the battleship would not be a good platform, but crazy from the idea of the cost of that type of a platform.

I also wish to point out, Mr. President, that I think it is rather interesting that in this body, we have two former very distinguished Secretaries of the Navy: The Senator from Virginia, who I just mentioned, and Senator CHAFEE. Both of those individuals are supportive, as I understand it, of the amendment offered by our colleague from Arkansas. So I hope whether we can do it by voice vote, or whether we can and should do it in the form of a rollcall vote, if that is required, I think it is important this be included in our bill.

The only reason that one could reasonably be for the continuation of even two battleships is from the standpoint of nostalgia. Certainly it is an impressive sight.

In fact, during the earlier debate that I led against restructuring those four battleships and the construction of all that home porting, Mr. President, that took place around the United States, it simply did not make any sense then. It makes no sense whatsoever now, except for nostalgia.

As I started to say, during that debate, there was a former Admiral of the Navy who said we should have these battleships, if I can remember what he printed in an article that it is very impressive to draw a battleship up to one of those islands in the South Pacific and raise the American flag, and the natives would come out of the jungle and say we believe, we believe. That is nostalgia. That is a great thing for symbolism. We cannot afford it at this juncture.

If we are going to have a modern Navy that is designed to fight a modern war, then the battleship, in the view of this Senator, has very little, if any, important role to play. Let us put our money in the U.S. Navy that I am very proud of and have been a strong supporter of where it is needed. Look at the programs that are being cut in the U.S. Navy today, important modern programs for future naval warfare. I think it is very wrong that we are keeping up this very expensive system for what I believe to be unsound reasons advanced on the floor of the Senate. I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to recount for the Senate how we arrived at where we are. The distinguished chairman and I were made aware of an amendment by the Senator from Arkansas to delete two battleships, one in 1991 and one in 1992. It was my judgment that we could not predict with great accuracy how that vote would come to pass. The best chance to have the view prevail that we should keep as many battleships as possible was to settle it in conference.

So, as a tactic, I offered a second-degree amendment to just take the one. That amendment was to be accepted by the Senator from Arkansas, to be voice voted, and then in conference we would have had the benefit of the further studies that the distinguished chairman suggested, and we could then make an informed decision.

It is now apparent that many Senators are very much interested in this issue on both sides. The Senator from Virginia has always been a strong proponent of the battleships. I feel we should keep both battleships. I simple put in the amendment as a holding action to preserve the rights of the conferees after the conferees receive further information from the Department of the Navy.

So at this time, in view of the parliamentary situation and the expression of interest on both sides, Mr. President, since the yeas and nays have not been ordered, the Senator from Virginia asks to withdraw his amendment.

The PRESIDING OFFICER. The Senator has right. The amendment is withdrawn.

The amendment (No. 2521) was withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I started off about 50 minutes ago propounding a unanimous-consent request to have 20 minutes equally divided on this amendment. Obviously, we have passed that stage. What I would like to do is go ahead and finish the debate and vote on the amendment of the Senator from Arkansas. We do not necessarily need a time agreement. Do the Senators who are going to speak have any indication about how long they will need?

Mr. GRAMM. Will the distinguished Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. GRAMM. Mr. President, we have a limited number of people who want to speak on this subject. There will be a motion to table the amendment. If that is successful, that will be the end of the debate. I do not want to prejudge where we are at this point, and I reserve my right at that point to see that we have a broader debate. I think we are looking at a fairly short debate and a motion to table that is not debatable, and we will vote on it.

Mr. NUNN. Mr. President, I suggest, instead of tryng to struggle to get a time agreement, let the debate proceed and have whatever motions are going to be made and have a rollcall vote.

What I would like to do is tell the Senators who are following the floor action that we would like to move to the DeConcini amendment next after this one is concluded. That is an amendment, I understand, on transferring Department of Defense money to care for some of the critical problems relating to crack babies. We also have a Kerry amendment on ASAT. I understand both will accept brief time agreements. I would like them to come over after the rollcall vote and see if we can handle those amendments in the near term.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, at such time as we have conclusion of the debate and whenever the vote is to be had, I will move to table because I stand in opposition to the amendment of the Senator from Arkansas.

Several Senators addressed the Chair.

Mr. INOUYE. Will the Senator from Virginia permit me to join him on that motion?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

AMENDMENT NO. 2520, AS MODIFIED

Mr. BUMPERS. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of law, no funds may be obligated or expended to maintain in active service more than Iowa-class battleship after 30 September 1991;

"Furthermore, the Secretary of Defense shall conduct an analysis of the need for battleships to be used in situations arising in the Third World in which the full capabilities may not be needed or cannot be fully utilized and any other alternative use of the battleships due to the changing nature of the threat facing the United States and its allies.

PRIVILEGE OF THE FLOOR

Mr. FORD. Mr. President, I ask unanimous consent that Jane Matthias of my staff be given privilege of the floor during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas.

Mr. GRAMM. Mr. President, can we hear the modification?

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of law, no funds may be obligated or expended to maintain in active service more than Iowa-class battleship after 30 September 1991;

"Furthermore, the Secretary of Defense shall conduct an analysis of the need for battleships to be used in situations arising in the Third World in which the full capabilities may not be needed or cannot be fully utilized and any other alternative use of the battleships due to the changing nature of the threat facing the United States and its allies.

Mr. BUMPERS. Mr. President, the modification is simply a modification with precisely the wording of the second-degree amendment which has just been withdrawn by the Senator from Virginia.

Now, Mr. President, as I was about to say, I thought there had been an agreement here on some middle ground regarding these battleships, and apparently there are various interests: of course, home porting. I know that the Navy has promised one sometime in the future to Hawaii. It would be difficult to get one into Pearl there because we have so many battleships on the bottom of the ocean. And another port in Galveston, TX.

Now, when you saw the distinguished junior Senator from Texas coming charging through the door of the Senate, you did not have to be a rocket scientist to figure our his interest. I do not mean that in a denigrating way. I would have come charging through the door, too.

Mr. President, we have debated these battleships on the floor of the Senate a number of times, and we now come down to the point where we have this defense bill, roughly a $296 billion authorization. What a lot of people in the Senate are trying to do is to figure out how we can save the taxpayers of this Nation some money, reduce even the amount of spending cuts on other programs and tax increases that we are talking about in the budget summit to try to reduce the Nation's debt. In the process we are trying to find where we can save money that will do the least damage to our military posture, indeed, maybe not affect our capabilities at all.

Somebody mentioned a moment ago that Iraq had invaded Kuwait. I do not think that has escaped anybody's attention. But let me ask you, where are the four battleships we have? Are they steaming for the Persian Gulf? The mention has been made that we need these battleships in the Third World.

I resisted taking battleships out of mothballs in 1981, because they had been obsolete since World War I. We are the only Navy in the world that has such a behemoth as this.

Let me ask you one other thing. If they were all four in the Persian Gulf, do my colleagues realize that the Navy will not let them even fire the 16-inch guns because they are afraid they will blow up? You want Tomahawks and Harpoons. The best, most invulnerable platform for cruise missiles is the submarine. We have cruise missiles on our improved *Los Angeles 688* class submarines. We have Tomahawks on 15 of our *Aegis* cruisers. We have Tomahawks on 10 *Spruance* class destroyers.

You want cruise missiles in the Persian Gulf? We have scads of them. And you want Harpoons? They are on everything. We hardly have anything that does not carry Harpoons.

Now, President, why do you think the Defense Department on its own initiative with no prodding from Congress decided on its own to mothball two of the four battleships next year? They did it for a lot of reasons. The rationale that was used here time and time again for bringing those old World War II vintage battleships out of mothballs was that those 16-inch guns could fire a shell the size of a Toyota.

Today, the Senator from Arizona has upscaled it to a Cadillac. Tomorrow, it will be an M-1 tank. And when we shelled, with the battleship *New Jersey*, the Shouf Mountains in Lebanon to punish them for destroying our barracks, our Marine barracks, in which we lost 240 fine young Marines, what happened? Those magnificent 16-inch guns, which are now obsolete because the powder explodes—and we have already lost 47 sailors on the battleship *Iowa*—when they steamed along the shores of Lebanon to punish the people that they said were terrorists up in the Shouf Mountains, what happened? They did not come within a half mile of the target and slaughtered a lot of innocent women and children.

You go to Lebanon today, to that vicinity, and the first thing they will talk to you about was what they considered a barbaric shelling. It was not intended to be barbaric. It just happened that way because those guns were so inaccurate, and they were using powder left over from World War II.

The Armed Services Committee must not be all that red hot about

keeping these other two battleships. As I told you, the Defense Department has agreed to take out two battleships. They cannot be very red hot to keep the other two because the Defense Department asked for $30 million for new powder to fire the 16-inch guns, and the Armed Services Committee zapped it. It did not give them a penny.

Mr. President, surely, there is some sanity left in this country. Surely, Saddam Hussein, the admitted madman of the Middle East, is not going to cause everybody to just take leave of their senses. If you want to steam into the Persian Gulf, for God sakes, do it with something that works. Do not go there to show your strength when there is no strength.

The worst thing the United States or any nation could do is to bluff. Why would you steam in there with those big 16-inch guns aimed at the shore when even Hussein knows you cannot fire them. But there is more to it than that.

I am not offering this amendment because I hate battleships. I am offering this amendment because we have a solemn duty to the American people in the interest of our national security to spend their money not based on who is going to get the home port of the battleship but based on what is the most effective platform and weapons system we can have for the Third World, for strategic forces, for everything. It is a tragedy of monumental proportions that you cannot debate a sensible defense policy without somehow or other the argument being turned on patriotism or who wants a stronger defense.

I tell you that in the past 8 to 9 years as we have spent over $2 trillion on our defense posture, a lot of it has been squandered. I think probably the worst example of that is the battleship. Back in those days in 1981-82, President Reagan said "You can have it all. Tell us what you want. You can have it."

Some smart lobbyist representing some shipbuilding outfit said why do not we bring those old rust buckets out of mothballs; they will scare the Third World to death. So they brought one out. They said we are going to bring out the battleship *New Jersey.* That was the first one. The first thing you know somebody says that is such a dynamite idea, let us do the *Iowa.* And the same old story. The first thing you know we have four of them.

Now we have four, and the rationale for bringing them out was because those big 16-inch guns can fire a Toyota for 23 miles, and now they cannot shoot a popcorn seed any distance because there is a moratorium on firing those big 16-inch guns because they are too dangerous.

Do you know what the cost of operating these ships is? It is staggering. To his eternal credit, the reason Secretary Cheney has chosen to take two battleships out of commission and put them into mothballs next year is because he is under budget constraints, and he did exactly what he should have done. He looked over all the Navy systems, said where can I save money without losing any of our firepower. You do not have to be a rocket scientist to know why he homed in on the battleships immediately.

Mr. President, we have cruisers. The reason I know about it is because the U.S.S. *Arkansas* is one, the good ship U.S.S. *Arkansas,* CG44. Betty busted the bottle of champagne over the bow of it. It is a magnificent ship, unbelievable firepower, unbelievable sophistication; every kind of a missile you can think of. At the time it cost $400 million. Today they cost $1 billion. But they can defend themselves. What is more important, they have all that firepower for 500 men. You want to do something in the Persian gulf? Send those Virginia class cruisers.

You know something else? That ship—at a cost today of $1 billion, we do not make them anymore—had a 35- to 40-year life expectancy, and only 500 men to man it. So what do we do? We go out and we planned—we did not do it—but we planned through phase I and phase 2 to spend $1 billion on retrofitting battleships that require 1,550 men to man.

So Dick Cheney said that is too much manpower. The cost is staggering.

Mr. President, this amendment was crafted to try to make our military posture and particularly our Navy more streamlined.

When I think of the money that we spend on these battleships, not just retrofitting them, but keeping them afloat, that could be used to a better purpose; if you took one battleship out next year and the other out in 1992, if you discharged those men, you save $700 million between now and 1995. Even if you do not discharge those men on the ships, you are going to save $234 million. In an almost $300 billion budget, I guess that is not much money. But down in Arkansas $234 million "ain't beanbag."

When you start talking about raising people's taxes, or cutting their Social Security cost of living or eliminating a couple of battleships that should never have been placed in the fleet in the first place, I know what they would take.

You know, I can tell you what this body will take, too. A lot of people will vote against this amendment in saying we just cannot do that. We cannot afford to save that money. They will vote against everything else when it comes to cutting entitlements, whether it is Medicare, Social Security, drug enforcement, FBI; they will vote against cutting those, too. We have some painful choices coming.

I think what former Secretary of the Navy Lehman did to co-opt Congress and to say we will put one of these battleships in your State, you compete—there will not be a single vote cast on this from any State that has a chance of home porting one. I am not squawking about that. If I were a Senator from that State, I would not, either. But that is not the way you build a defense.

Mr. President, I want to thank my distinguished colleague from Rhode Island, Senator CHAFEE, who is a former Secretary of the Navy. He knows a little bit about the Navy. He was head of the Navy Department for years. He feels the same way about it.

Another former Secretary of the Navy, now Senator JOHN WARNER, thought it was a good amendment, and originally was willing to accept it.

The distinguished chairman of the Armed Services Committee supports this amendment for a lot of reasons, not the least of which he wants to save the money, but the other is he wants the Navy to give him some justification for a battleship. He voted with me when we were trying to keep the last two from being taken out of mothballs.

Mr. President, I know other Senators wish to speak on this both for and against. So I yield the floor.

The PRESIDING OFFICER. Who seeks recognization?

Mr. CHAFEE. Mr. President, I want to commend the Senator from Arkansas for both the amendment that he presented and also for the consistent stand he takes. As he mentioned, the debate on this subject goes back to 1980 when both he and I and others opposed the reactivation of the battleships. As he mentioned, it started off with the *New Jersey.* Then I believe the next one was the *Iowa,* then the *Missouri,* and then there was the *Wisconsin.* There seemed to be no end to it.

Mr. President, I would like to make a point that deals with why these vessels were brought out of mothballs in the beginning. I do not think it reflects great credit upon the U.S. Navy because of the system which the Navy used at that time.

First, the argument they brought out was that you get a very durable platform for a relatively modest amount of money, the argument being that you could reactivate each battleship for something less than $500 million apiece. That was the first argument.

The second argument was that when we bring these battleships out of mothballs we will situate them judiciously around the Nation, thus garner greater support for the U.S. Navy in the Congress, both in the House and

the Senate of the United States. That, to me, was the most blatant waste of the taxpayers' money I believe I have seen since I have been here.

So those ports were selected judiciously: New York, Texas, State of Washington. Finally, apparently when we were doing the debate, it was not clear that Hawaii was being selected which apparently it was.

Mr. President, we had a chance to use those battleships. It came in Lebanon in a situation that is not totally unlike the situation in the Persian Gulf.

As the Senator from Arkansas has pointed out, the use of the *New Jersey* in Lebanon was a total disaster.

It turned out that it could not hit what it was trying to hit. Instead, it destroyed the villages and incurred the wrath of those who, at the time, were favorable toward the United States. I think people will recall that the United States came into Lebanon and appeared to be somewhat of a peacekeeper, whose presence was respected, and indeed desired, by many in Lebanon at the time.

But the faulty performance of the *New Jersey* in Lebanon led to a reversal of the situation, to the United States incurring the wrath of those that previously had been on our side.

Now there will be those who say we just did not have enough experience with the *New Jersey*, or if we kept that moving along, we would have perfected our system.

Since then, Mr. President, other things have occurred that have demonstrated that these battle ships are not safe as far as the 16-inch guns go. We have had reference to the tragedy that occurred on the *Iowa* when 47 sailors were lost. Since then, we have not been using them, and the Navy has refused to permit the 16-inch guns to be fired.

The argument comes, we will not use the 16-inch guns. We have these Tomahawk missiles. There is a marvelous platform for that, because of its durability, principally. Let us review a little bit of the durability of battleships.

First, we had the situation that arose December 7, 1941, when four battleships were sunk by airplanes. Subsequently, the *Prince of Wales*, a great British battleship, was lost off Singapore in the early days of the war. I think that was probably about as depressing an incident as occurred in the early days of the war, when the Japanese torpedo planes ganged up on the *Prince of Wales* and sank it.

About the success of the others: the *Bismarck*, or the largest battleship ever built; the *Amato*, a Japanese battleship sunk by our planes as it came down in Japan, in Okinawa, in the closing days of the war. To suggest that these battleships are invulnerable is not remembering history.

We have other platforms—as has been pointed by the distinguished Senator from Arkansas, of the launching of the Tomahawk missile—if we choose to proceed in the Persian Gulf and partake in deterring the crazy Iraqis from what they are doing in Kuwait.

So, Mr. President, it is not that we lack platforms. Indeed, we still have one; which one they will choose to keep, I do not know, but there will be a battleship. As I understand it, the *Iowa* and the *New Jersey* are being taken out. That leaves the *Wisconsin* and/or the *Missouri*. This will take one out.

To my knowledge, we have not read of the battleships steaming toward the Persian Gulf, and indeed the distinguished Secretary of Defense has not backed off from his request that two go out. So, obviously, they are in a quandry about what to do with these vessels.

So, Mr. President, at a time when we are short of money—and just as important, Mr. President, we are going to be short of manpower—these arguments were being made 8 years ago and 5 years ago.

Like every Senator, I have said things on the floor of this Senate that I wish I could retract. I have had a chance to eat my words many a time, as I suppose most of us have. What we said 8 years ago and 5 years ago when we debated this issue has not proven far off the mark. The large number of personnel required in these vessels saps up people we could use elsewhere more effectively in the U.S. Navy, for other platforms that can proceed into the Persian Gulf.

I support the amendment of the Senator from Arkansas, and I hope it will be adopted.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). Senator Cohen is recognized.

Mr. COHEN. Mr. President, I want to respond to a couple of comments made by my friend from Rhode Island.

First of all, the initial decision to reactivate battleships was to reactivate four, provided the Secretary performs on his original pledge to reactivate that first ship; I believe "under $348 million" was the figure originally cited. He made good on that pledge. Then it was decided to bring the other three back.

Second, it had nothing to do with the homeporting. The decision to reactivate the battleships had nothing whatsoever to do with the homeporting issue. That decision was made independent of the homeport issue.

The third point: On the one hand, the Senator from Arkansas praises Secretary Cheney for agreeing to retire two, and then condemns him for not retiring all four. It seems to me that the Secretary of Defense is put under severe budgetary restrictions, and he responded responsibly; that is, "I will do the best I can with the amount of money I am likely to get, and therefore, I will retire these two ships and keep the other two."

So now we say, "You did not go far enough. We want to take the other two out." Frankly, I think this amendment ought to be defeated. If you are going to leave one, take them all out. Do not hold one ship there. It is meaningless. If you want to kill the battleships, then take them all out. Do not just leave one in; that is sort of tokenism. Take them both out. This would only take the one. I suggest going back to the original amendment and taking the two out.

The fourth point is this: Do not cite the failure of the *New Jersey* in Lebanon as a reason why this ship ought to be retired, or all the ships retired. If it had been a cruiser and missed, would we retire cruisers?

By the way, the most sophisticated system we have is the Aegis air defense system. What happened in the Persian Gulf? We shot down an Iranian airbus. Does that mean we cancel the cruisers and destroyers? A mistake was made, a malfunction—human or mechanical. "Bring them all home." Do we do that?

We have weapon systems on the battleships which are less than flawed. We have an enormous military capability that still remains on the ships. Forget about the 16-inch guns. Saw them off. Take them off. You still have a very capable, durable ship.

Is it unsinkable? No. The Senator from Rhode Island is correct. No ship in existence is unsinkable. It is hard to sink, but not unsinkable. We are dealing with margins of safety here. If there is any question about the vulnerability of battleships to modern warfare, go back to what the Iraqis did to the U.S.S. *Stark*. One missile, and the *Stark* was out. I doubt whether that could happen with any of the battleships.

I rise in opposition to the amendment of the Senator from Arkansas. At the appropriate time, if the Senator from Virginia does not move to table, I intend to do so.

Mr. GRAMM. Mr. President, I think we would do well here to judge people on the content of the debate. I do not think we serve the Senate well by trying to impugn the motives of either the Navy or the people who engage in the debate.

As our distinguished colleague from Maine has pointed out, the decision was made on the battleships before anybody ever contemplated that there would be home ports, much less before any decision was made as to where home ports would be.

I think if our dear colleague from Arkansas will check, he will find that those who are here today arguing for

the preservation of two battleships were for those battleships before any decision was made as to where they would be deployed.

Also, if I might say to our colleague from Rhode Island, during this whole debate over battleships, as a member of the Armed Services Committee, never, ever, did I hear anybody make an argument that stationing battleships was somehow better politics than stationing any other ship. That is an argument that I never heard, an argument that, in my opinion, was never made anywhere.

Mr. President, we have heard a lot of discussion about the fact that battleships were sunk in World War II, and we hear a lot of armchair decisionmaking based on it. The Germans had the greatest submarine fleet in history and lost World War II, but did we conclude that the submarine was obsolete and not useful? No.

After Pearl Harbor, how many American battleships were sunk in World War II, as compared to Korea? Has everybody forgotten Lebanon, when an A-6 was shot down and a pilot captured? Did we terminate the carriers; did we ground the A-6?

We hear discussion about the 16-inch guns. We heard the opinion of our two highly esteemed colleagues. Yet, when the U.S. Navy, with the greatest experts in the world, studied this problem, they said it was sabotage.

Of course, we are hearing varying opinions today, and we have to judge the content of those opinions in terms of an active study that is conducted.

The battleships are valuable for several reasons. They are valuable because they have a capacity to support amphibious landings that we do not have with other vessels. They cannot put a shell on a target with the accuracy of a cruise missile. That is right. But they can deliver to the beaches, to the landing areas where marines might be engaged in an amphibious assault, a killing field of fire that no other weapon in the American arsenal can deliver.

The battleship gives us the capacity to put down massive firepower in fighting future conflicts against Third World nations. I do not know anybody on the floor here today that contemplates at the present time, thank God, any other kind of conflict. Quite frankly, I am sorry we have to contemplate this kind of conflict, but I think with what is happening in the world today only a fool would fail to contemplate that such a conflict could occur. The battleship can do that job.

Second, in showing American power and showing the American flag, something that we have done in our Navy from the time of the framing of the Constitution and gaining our independence, no other ship gives the visual presence in delivering the American flag to show our military power than the battleship.

Let me also say, Mr. President, I have great regard for our two colleagues who have spoken here today. I have great regard for their opinion, but if we were debating subjects related to lawmaking, subjects related to appropriations, subjects related to the environment, I might be swayed by their opinion. But we are debating a subject where the Secretary of Defense and the Secretary of the Navy, based on the advice of the greatest living experts in this country, decided that, even with massive defense cuts, they wanted to keep two battleships in the fleet.

Mr. President, that was not a casual decision based on nostalgia. That was not a decision based on politics. That was a cold decision based on the fact that the battleship can do things that other ships cannot do.

So, Mr. President, I do not have any doubt, as we look into the future, as we go on this mad rush to declare a peace dividend before any money is in the bank, as we have a free-fall in defense spending, beating swords into plowshares even on a day when we may need swords, I do not have any doubt that this decision will be revisited by the Pentagon. But let us not engage in micromanagement here where people who were opposed to the battleship in 1980, who were opposed to the battleship every day since the decision was made, now seek an opportunity to attack it. The Secretary of the Navy says, even with the cuts we are talking about, that he wants two. The Secretary of Defense says that he wants two.

Our colleagues from Arkansas asks, where are the four battleships? Two of them are on their way to mothballs. We need these two ships. If the Secretary of the Navy and the Secretary of Defense, after studying the naval requirements of America in projecting power around the world, say we do not need them, then that is another issue. But for us on the floor of the Senate to override the decision of the Armed Services Committee, for us on the floor of the Senate to override the decision of the Secretary of the Navy and the Secretary of Defense, based on opposition that has existed from the very beginning, not based on any revolutionary, new evidence, Mr. President, I think that is a mistake. So I urge my colleagues, when the motion to table is made, to table this amendment. Let us let the decision be made by those who have the capacity to look at the facts and make the decision.

Mr. President, in a budget that cuts defense by $18 billion in spending authority, the Senate Armed Services Committee recommended the keeping of two battleships.

Mr. President, should we, on the basis of opposition to the battleships that has always existed, override the determination of the President, the Secretary of Defense, the Secretary of the Navy, and the Senate Armed Services Committee, and, might I add, the Armed Services Committee in the House?

I say, no, Mr. President; and I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. The Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, it is very difficult to add much to the wise words of my friends from Texas and from Maine. But I would just like to make an observation and also a reminder to all of us. I note that history was invoked which suggested the vulnerability of the battleship.

Mr. President, it is true that, on December 7, 1941, five battleships were sunk. Proud ships and thousands of lives were lost. One was in drydock. To suggest that the drydocked battleship was ready for action is stretching it a bit too far. The other four had men lining up for breakfast. It was a sneak attack. No one expected the attack. But after December 7, not a single U.S. battleship was sunk during the Second World War.

I presume that most of us here are not old enough to recall the battles of World War II. But ask those who participated in the landing in Saipan, or Tarawa, or Kwajalein, or Leyte Gulf, or Luzon. They will tell you that without the battleships they would have had a much tougher time. Ask the Marines. I think we should remind ourselves, it is not nostalgia.

Yesterday, all of us with grandiloquence spoke up for the resolution condemning Iraq. I think we should remind ourselves on what we said at that time. Those were eloquent words speaking of the brutality and the unconscionable action taken by Saddam Hussein, and we said: "Appeasement or cooperation will not constrain the threat Iraq now poses to the security of nations throughout the entire Persian Gulf," and we suggested that the President of the United States should take into account all possibilities from sanctions to blockade. But then we ended the whole resolution by saying:

> If such measures prove inadequate to secure Iraq's withdrawal from Kuwait, additional multilateral actions * * * involving air, sea, and land forces as may be needed to maintain or restore international peace and security in the region should be employed.

Then we speak of experts before this crisis occurred. On April 5, Admiral Trost, the former Chief of Naval Operations, strongly supporting these battleships testified before my Subcommittee on Defense, said:

> I am opposed to decommissioning any (battleships) because * * * they continue to play a significant role in our efforts to pro-

vide that forward-deployed presence that deters terrorist actions or regional instabilities * * * they provide a degree of survivability, of presence that we cannot replace.

And the Assistant Chief of Naval Operations, Admiral Nyquist, had this to say, on May 15, of this year:

The battleship * * * has tremendous combat capability. It has tremendous presence. And it is the least vulnerable of all our ships. * * * And it is also an ideal regional conflict, Third World kind of ship.

It was tailored for this coming era. It was tailored to counter men like Hussein. It was tailored for regional conflicts. I would hope that we would not take the precipitous actions this afternoon to do away with what we yesterday voted to support. This is the wherewithal we need. This is the kind of support our men would need if landings were necessary.

I hope that we would ask those men who served in Saipan and Kwajalein, Leyte Gulf, Luzon, and Iwo Jima. I think we owe it to them.

Mr. BUMPERS. Mr. President, I think the distinguished ranking member of the Armed Services Committee will probably move to table this amendment shortly. I do not want to prolong it. We have a long night ahead of us and the majority leader has a terrible task to get this bill through.

First of all, I want to say to the Senator from Hawaii, anything I said about battleships and Pearl Harbor was not meant in any way to denigrate any of the men there at the time, or certainly condone the sneak attack on Pearl Harbor.

The point was very simple. That air power, our air power, is so preferable to a battleship. The Japanese sank our fleet in Pearl Harbor. And the Senator from Hawaii is right, we did not lose a battleship after that. But battleships were sunk all over the world. We sank Japanese battleships. We and the British sank German battleships. Every one of them were sunk by airpower.

The battleships that we have right now, the only air defense system they have is the Phalanx, which is essentially a rapid firing machinegun. It does not have the Sea Sparrow, not even a Sea Sparrow to defend it. And the truth of the matter is they are very vulnerable.

I mentioned the bombardment of the Shouf Mountains in Lebanon and how far off target the battleship *New Jersey* was, a half mile in some instances, and the Senator from Maine said, well, the cruiser that we had in the Persian Gulf made a mistake when they shot down the Iranian aircraft, the air bus. But, you are talking about in one instance a mechanical failure, and in another a human failure. The cruiser that shot down the Iranian air bus went right on target, hit exactly what they were shooting at, very accurate. The problem was human error.

And at the Shouf Mountains, those magnificent 16-inch guns missed their target by a half mile. And now those 16-inch guns have been silenced. We lost 47 fine young men on the battleship *Iowa*. And so tragic was that, that the Navy said, do not shoot those 16-inch guns anymore. It would be foolish in the extreme to send battleships into the Persian Gulf with those great big 16-inch guns, full or sawed off, where they could not even fire for fear of the damage it would do to our own men.

Dick Cheney will tell you, we have nothing in the Navy, nothing to sail that costs anything like what those battleships cost for what good you get out of it. The cost in manpower is staggering. And their life expectancy is short.

The Senator from Maine has said it would just leave us with one battleship. I confess, I wanted to take it out too, but the Senator from Georgia [Mr. NUNN] had said he would support the amendment if we would leave it in and instruct the Navy to give us some kind of study on what role this battleship is supposed to play, particularly in the Third World.

And somebody said, "You just want to save one little, lone battleship?" Do you know what we did in Vietnam? I believe it was in 1968 or 1969, we rushed to take the battleship *Missouri* out of mothballs. We said we are going to use this battleship to teach those Vietnamese a lesson. We are going to cruise along the shore and we are going to bombard Vietnam with this battleship.

Within 6 months that had been such a dismal, dismal failure, they took it back and put it back in mothballs.

Generals always want to fight the war the way they fought the last one. Do you remember the Poles at the beginning of World War II had a big cavalry. They went out to meet Hitler's mechanized division with cavalry. That is all they knew from the last war.

It is my firm opinion that the battleship has technically been obsolete since World War I. And to have brought those things out at a staggering cost and the continuing cost—we have to cut some money somewhere. If you want to cut money where you lose the least capability—talk about the Persian Gulf, you have cruisers, you have everything in the world with more effective firepower than a battleship has. I hope you will support this amendment.

Mr. McCAIN addressed the Chair.

Mr. WARNER. Mr. President, the Senator from Virginia is about to move to table, but I defer it to the Senator from Arizona.

Mr. McCAIN. I will make my remarks brief Mr. President. An interesting view of history has been displayed here from time to time during this debate. The allegation has been made that although no U.S. battleship was sunk after Pearl Harbor—and no proponent of battleships or any other ship has ever claimed that they are invulnerable to a surprise attack while tied up at the dock on Sunday morning—many other battleships were sunk by airpower. Well battleships were sunk on both sides of World War II by both aircraft and guns—and sometimes the guns of other battleships. So, I might remind my friend from Arkansas that our enemies had very, very few ships remaining by the time the United States had finished with them, thank God, at the end of World War II. I also might remind him that there are still many marines who are alive today because of the guns of our battleships, and the firepower they provided in World War II.

The inference has been made that the battleship somehow sits out at sea; all by itself, with only the Phalanx to defend it. I would remind my friends that the battleship travels in good company. It has Aegis cruisers, destroyers, and other equipment which are highly capable to defend it.

I particularly was intrigued by the depiction of the battleship being a failure—I believe the word was dismal failure—during the Vietnam war. I happen to have a friend who is a Marine colonel. I know him very well. He happened to be in command of a unit during the Vietnam war. They were on the verge of being totally overrun by, and attacked by, the North Vietnamese. With the help of an air spotter, a barrage of 16-inch guns was fired and destroyed that attack. We have seen this happen time and again when close air support directs naval gunfire. It does so in most accurate fashion.

I think the Senator from Arkansas knows that the arrival of the *Wisconsin* off Vietnam coincided with the end of the Tet offensive, a scaling down of United States involvement, a cessation of United States bombing, which prevented the *Wisconsin* from being sent north to attack the very targets that would have had a significant impact on the war if struck. And I am specifically speaking of the Port of Haiphong.

To allege that somehow—because of the political reasons which are the real cause the *Wisconsin* stayed for only 6 months—that the battleship lacked value or capability—differs rather significantly from my knowledge of history.

The amendment asks us to study whether we should keep one battleship. Frankly, if we are going to keep only one, I must agree with my friend from Maine, we should get rid of both of them. The idea that we should again study the role of the battleship is absurd. I have heard of wastes of money in my time, and I have heard of

some ludicrous studies. If we do not know what a battleship can be used for at this point, I can absolutely assure my colleague from Arkansas, we never are going to find out from another study.

I suggest if this motion to table fails, we should propose another amendment very shortly, and get rid of the other battleship, as the Senator from Arkansas had originally proposed. We need military capability, not expensive exercises in symbolism.

In closing I would like to take a moment to thank our friend from Hawaii for his very eloquent statement. His presence, I think, is eloquent testimony to sacrifice and experience in war. I think his comments have been very important to this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, is it possible to come to conclusion on this debate?

Mr. WARNER. Mr. President, I think this debate is completed. The Senator from Virginia is ready.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. LEVIN. Mr. President, I believe that the Bumpers amendment to eliminate battleships from the Navy's inventory has considerable merit, but unfortunate timing.

The Department of Defense has already offered to mothball two of the four battleships in order to be able to live within their shrinking budget. The Bumpers amendment would have the Navy cut one more battleship and study the need for the last remaining ship.

Given the events in the Middle East within the last 2 days, I believe that we should send a signal to the Iraqi Government that we have significant sea power at our disposal and we are willing to project our power into the Persian Gulf in order to protect our interests there. To put the Senate on record in support of mothballing one of the most survivable ships in our inventory at this point would send the wrong signal in this time of crisis.

I believe that at some near point in the future we may need to retire the two additional battleships, but at this point in time I believe that it is more prudent to keep this capability at hand.

Mr. BUMPERS. Mr. President, I said the battleship brought out of mothballs for Vietnam duty was the *Missouri.* The Senator from Arizona said it was the *Wisconsin.* We are both wrong, it was the *New Jersey.* I thought we ought to clarify the record.

For those who might be interested, it cost $100 million to take the *New Jersey* out of mothballs back in the late 1960's. They kept it out 6 months and then put it back in mothballs.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator WARNER is recognized.

Mr. WARNER. On behalf of the distinguished Senator from Hawaii [Mr. INOUYE] and myself, I move to table. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion to lay on the table the amendment of the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

The PRESIDING OFFICER (Mr. GLENN). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 55, nays 44, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—55

Adams	Garn	Mack
Akaka	Glenn	McCain
Armstrong	Gorton	McClure
Bentsen	Gramm	McConnell
Bond	Hatch	Murkowski
Boren	Heflin	Nickles
Boschwitz	Heinz	Packwood
Burns	Helms	Rudman
Byrd	Hollings	Shelby
Coats	Humphrey	Simpson
Cochran	Inouye	Specter
Cohen	Jeffords	Stevens
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
DeConcini	Kasten	Wallop
Dodd	Levin	Warner
Dole	Lieberman	Wilson
Domenici	Lott	
Durenberger	Lugar	

NAYS—44

Baucus	Gore	Nunn
Biden	Graham	Pell
Bradley	Grassley	Pressler
Breaux	Harkin	Pryor
Bryan	Hatfield	Reid
Bumpers	Kennedy	Riegle
Burdick	Kerrey	Robb
Chafee	Kerry	Rockefeller
Conrad	Kohl	Roth
Cranston	Lautenberg	Sanford
Daschle	Leahy	Sarbanes
Dixon	Metzenbaum	Sasser
Exon	Mikulski	Simon
Ford	Mitchell	Wirth
Fowler	Moynihan	

NOT VOTING—1

Bingaman

So the motion to lay on the table the amendment (No. 2520), as modified, was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I will advise my colleagues that in the next couple of hours we will have an amendment by the Senator from Arizona, 40 minutes evenly divided between the two sides, an amendment on crack babies, I believe.

We will have about eight agreed amendments that will be taken in that period of time. At approximately the hour of 5 o'clock we will go to an amendment by the Senator from Massachusetts, Senator JOHN KERRY, on a reduction in Asat.

I think we are going to be fairly busy until the hour of about 5 o'clock. But I urge Senators to come in here because we are very anxious to move along expeditiously. I think it is the feeling of the majority and minority leader and the distinguished manager of the committee we could dispose of this matter tonight if we will cooperate.

We are ready to yield now to the Senator from Arizona for 40 minutes.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. The last amendment took 2 hours. If we are going to have much more of this, we are not going to finish this bill this week or next week. It seems to me we should not consider any amendment on which there is not a time agreement unless it is going to be accepted.

The last one got out of hand and took 2 hours. Who knows what may happen next. We are trying very hard on this side to shrink the number of amendments, and we are going to continue to do that, but I hope the managers would help us by not bringing up any amendment unless they will agree to a 40-minute time agreement. Those who want longer can stay here next week. The rest of us will go home.

Mr. NUNN. Will the Senator from Kansas yield for a brief observation? I agree with the minority leader on this description. I think we should not take up amendments without time agreements. The problem on the last one was that we thought we had a time agreement. There was objection. We also thought we had worked it out and there was objection.

Mr. DOLE. I do not fault the managers.

Mr. NUNN. The best laid plans went astray.

AMENDMENT NO. 2522

(Purpose: To establish a demonstration program to allow drug-addicted mothers to reside in drug abuse treatment facilities with their children, and to offer such mothers new behavior and education skills which can help prevent substance abuse in subsequent generations)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. BRADLEY, proposes an amendment numbered 2522.

Mr. DECONCINI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 212, between lines 20 and 21, insert the following new section:

SEC. 1103. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) research studies strongly suggest that the incidence of drug abuse among women in general and women of childbearing age in the United States is increasing;

(2) drug-abusing women who have children traditionally experience significant barriers to drug abuse treatment because most residential drug abuse treatment programs do not accommodate the children of such women;

(3) many women with children are either reluctant to seek the drug abuse treatment they need or are forced to put their children in State foster homes at a time when there is a severe shortage of people willing and able to provide foster care in the United States;

(4) for the first time since the turn of the twentieth century, orphanages are filling up primarily because of the growing drug problem; and

(5) there is mounting evidence that women whose children reside with them during treatment for drug abuse consistently stay in treatment longer than women separated from their children, thereby increasing the chances of recovery for women whose children reside with them during drug abuse treatment.

(b) PURPOSE.—It is the purpose of this section to attempt to rebuild economically disadvantaged drug-affected families by—

(1) reducing the barriers to successful drug abuse treatment for economically disadvantaged high-risk mothers by permitting such mothers to bring their children into residential drug abuse treatment programs with them, and

(2) teaching such mothers new behavior and employment skills which can help to break the cycle of drug addiction in the next generation.

(c) ESTABLISHMENT OF PROJECT.—Part A of the title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"SEC. 509H. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

"(a) PROJECT AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office, shall make grants to establish not less than 5 projects in which addicted mothers in residential drug abuse treatment facilities are permitted to have their children reside with them during the course of such treatment. Such residential drug abuse treatment and prevention projects shall target economically disadvantaged addicted women and their children (age 10 years and younger) and shall offer child care, parenting and jobs skills, nutrition, and other health, social, education, and employment services as necessary.

"(2) PERIOD OF OPERATION.—The Secretary, acting through the Director of the Office, shall only award grants under this section for projects which will be operated for a period of at least 3 years.

"(b) APPLICATION.—Each entity desiring a grant under this section shall submit an application to the Director of the Office at such time, in such manner and accompanied by such information as the Director of the Office may reasonably require. Each such application shall include assurances that the mothers selected for participation in such project have been evaluated to ensure that such mothers are committed to remaining in drug abuse treatment and prevention projects assisted under this section.

"(c) EVALUATION.—The Director of the Office shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of this of section.".

(d) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense for fiscal year 1990 and which remain unobligated on September 30, 1990, $100,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1991. Of such amount—

(1) $50,000,000 shall be available for the program established under section 509F of the Public Health Service Act; and

(2) $50,000,000 shall be available for the program established under section 509H of the Public Health Service Act (as added by the amendment made by subsection (c)).

Mr. NUNN. Mr. President, I ask unanimous consent on the DeConcini amendment there be a time of 40 minutes equally divided and that there be——

Mr. DECONCINI. No intervening amendments.

Mr. NUNN. No second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. That at the end of the time a motion on the amendment, or pertaining to the amendment, be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DECONCINI. Mr. President, this amendment address an explosive problem in our country, a problem that may prove to be the biggest challenge to our economy in this decade and the next decade. I am talking about the devastating effect of drugs on American families.

On Wednesday, the distinguished Senator from California spoke movingly of the tragedy of drug babies in America and the urgent need for the Congress to help addicted pregnant women find the treatment they require. Senator WILSON'S amendment to the Campaign Finance Reform Act in support of necessary funds for the Office of Substance Abuse Preventions program for pregnant women and their infants was successfully adopted by this body. I commend the Senator from California.

I admire his tireless work in this area. He has been moving in this area for a long time, as I have. I do not question for one moment the need for the distinguished colleague's amendment.

However, whether the Campaign Finance Reform Act will pass both Houses of Congress and become law is in doubt. But there is no doubt that we are going to pass a Department of Defense authorization bill.

Therefore, I am offering an amendment today that would authorize the transfer of $100 million from the unobligated balance of funds available within the Department of Defense budget at the end of fiscal year 1990 to the Department of Health and Human Services to fund prevention and treatment programs for addicted mothers with infants and other young children.

Such a transfer has precedent on the Senate floor. It is the same mechanism used last year by the distinguished chairman of the Armed Services Committee during debate of the fiscal year 1990 Defense Department authorization bill.

The amendment of the Senator from Georgia authorized the transfer of $1.7 billion from the total unobligated balances from discretionary funds available to each agency on September 30, 1989, to fund the Anti-Drug Abuse Act of 1988. I complimented the Senator from Georgia then for his leadership and for working a way for this body to find the money to fund that very important bill.

Specifically, my amendment would authorize $50 million for the Pregnant Mothers Program administered by the Office of Substance Abuse Prevention and $50 million to establish a new demonstration program to allow drug-addicted mothers to reside in substance-abuse treatment centers with their children.

This new program would address one of the major barriers to drug treatment for low-income addicted mothers, particularly single mothers. Currently, most residential treatment programs do not allow clients to bring their children into treatment with them. As a consequence, a woman who needs help is often forced to choose between drug treatment and her children. All too often mothers are reluctant to seek the treatment, or they are forced to put their children into State foster homes. It is a no-win choice, with the cards stacked against families.

The demonstration treatment projects authorized by this amendment would target economically disadvantaged addicted women and their children and would offer child care, parenting, and jobs skills, nutrition, and other health and education services, as deemed necessary. The idea is to maximize successful treatment,

keep families together, and prevent substance abuse in the second and third generations.

Mr. President, I do not want to revisit the ground already covered by the distinguished Senator from California. Let me just say that I recently visited an intensive care nursery in Phoenix, AZ. I saw babies hooked up to tubes who weighed less than 1 pound. That room of struggling babies is only a small fraction of the tidal wave of drug babies being born every year.

I want to refer to chart No. 1, Mr. President. This is a chart by the U.S. Department of Health and Human Services which projects the number of crack babies by the year 2000 according to low, moderate, and high estimates. What this chart tells me is that we really do not know for sure the number of drug babies born every year. Is it 100,000? Is it 375,000?

In one hospital in this country, almost half its babies born last year—42 percent—were babies born exposed to drugs. Hopefully, this is not the norm, but I have a feeling deep inside me that we are just looking at the tip of the iceberg.

Let us not fool ourselves. The problem is worse in the inner cities. But it also cuts across lines of race and class. It infects not just our cities, but our suburbs and rural towns. It is a national tragedy that threatens to overwhelm our health-care system our overburdened foster care system, our system of education, and our families.

The problem is explosive, and it is getting bigger because we simply do not have enough treatment programs for women. Women and children are on the bottom of our totem pole in the treatment services that are delivered.

A recent General Accounting Office report tells us that 280,000 pregnant women in this country need treatment. One out of 10 get it. We must increase the treatment opportunities for women, and we should try, where it is practical, to rebuild families affected by these drugs.

I will admit that the uncertainty of successfully treating drug-addicted parents has made reuniting some families very difficult, even impossible. But hope exists. I want to maximize that hope.

This hope is reinforced by hard data from the handful of facilities that do allow mothers to have their children with them in treatment: Odyssey House in New York; Pomperoy House in San Francisco; Amity, in my hometown of Tucson, are just a few examples of successful programs.

Their data show that these women are consistently staying in treatment longer than women separated from their children. Expert testimony indicates that the longer a person stays in treatment, the better the chance is for recovery.

I want to close with this chart. Chart No. 2 speaks to the heart and the crux of that old saying, "penny-wise and pound foolish." These are conservative figures, and the figures speak for themselves.

The cost of providing foster care in drug-exposed babies is almost $500 million a year. Hospital care is $1.8 billion. Preschool costs for these babies who require special care is another $2.5 billion. This does not even touch the amount we will spend to get the most severely impaired through high school. Just over $100 million—less than 1 percent of the Federal budget for the drug war is spent today—is what we spend on treatment for women. Less than 1 percent.

During the debate on the Wilson amendment, the distinguished chairman of the Appropriations Committee, Senator BYRD, talked about this, stating that his committee intends to appropriate more than the $100 million for crack babies called for in the Senator from California's amendment, the 302(b) allocation is not further reduced by virtue of a sequestration or the summit agreement.

However, it is my understanding that the appropriation to which the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, was referring includes more than $20 million for NIDA research, and another $20 million for the newly created Office of Treatment Improvement for programs just now getting underway.

Currently, the operating, ongoing Pregnant Women's Program, under the offices of OSAP—the specific program to which the amendment of the Senator from California referred—is funded at $33 million. President Bush recommended only $4 million in new money for fiscal year 1991. I understand that from previous reviews, OSAP has approved 58 applications—good applications—that go unfunded because there is no money. The new money the administration has requested will all go—every single penny of it—to help those programs already approved. So we are looking at a year in which no new applications for the addicted pregnant women program can be considered—no matter how worthy.

Mr. President, I think this chart speaks for itself. This is what we are spending in the area of drug-exposed babies, research, everything. The amendment before us today will increase that and put it into two programs, programs that I think are most worthy.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. DIXON. Mr. President, it is the plan of the managers to make very brief remarks and move to table when my colleague and friend from Arizona has concluded.

I yield whatever time to my colleague.

Mr. WALLOP. Mr. President, I ask that I be yielded 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, this is one of the most dreadful amendments. It causes people who oppose the amendment to appear as if they oppose drug treatment for crack babies and for social ills in America. But I rise in protest and opposition to the amendment for one very simple reason. That is, the DOD authorization is becoming a cash cow to be milked for every social ill in the country.

I suggest to my good friend from Arizona that in his State, mine, and most others, unemployment in the defense industry is going to be a social ill. I suggest that base closings are going to seem, in the areas where they close, very serious social ills.

I will suggest that the inability of the U.S. military to provide for the comfort and security of the families of our soldiers is going to be viewed by them as a social ill.

I suggest that our inability to respond in the ways in which we might like in Iraq will cause this Nation to feel much the same way. This "cow" is not for every soda fountain in America. It is for the defense of our country. We have other obligations and other means to take care of these problems. Nobody is opposed to taking care of the infants of addicted mothers in this country. It is a question of where you search for the source of funds. I suggest that it is not wise for us to so milk this poor cow called the DOD budget. We must be able to protect U.S. power on behalf of U.S. interests as conflicts emerge around the world.

So I rise in opposition to this amendment. I think it is unwise as a source of funds for a perfectly acceptable and perfectly noble requirement of the U.S. Government on behalf of its own people. But the source of funding is my objection to it, and I think that the Senate would be wise to defeat this amendment.

I yield the remainder of my time.

Mr. DIXON. Mr. President, I yield myself 1 minute to say to my colleague from Arizona that we have said about all we will say against his amendment, but to advise him that I will take about 2 more minutes of our time, thus using in total only 5 or 6 minutes, prior to moving to table. I yield to him any additional time he wants to consume, and I will take about 2 more minutes and move to table on behalf of the managers.

Mr. DECONCINI. I thank the Senator. I hoped he would let me have an up-or-down vote on this.

Mr. DIXON. I would be delighted to, but before I make that commitment, I will check with some people. We had planned to move to table.

Mr. DECONCINI. The Senator from Wyoming makes a point that is often made, and a legitimate point, about why are we using a defense bill for doing something in drugs. Well, this body, and the President made that judgment back in 1989 when we authorized and appropriated $300 million from the defense budget for drug purposes.

In 1990 we appropriated and authorized $700 million. And in this particular authorization bill we have $1.2 billion. That is important. That is a commitment. And that is a commitment I think we can be proud of.

I am asking that out of whatever money is unobligated from defense—and we know that in 1989 there was $40 million unobligated, and this year it is estimated that there will be $42 million unobligated—I am suggesting by this amendment that we take $100 million of that which is not going to be spent and use it in two very important programs.

This year, the DOD is having the same kind of problem expending the money that we allocated and set aside for drug programs in the defense bill, a $40 million fund set up particularly to give or grant money to Federal law enforcement agencies involved in drug programs.

As of the first of this month, only $6 million of that fund had been granted. So we can see that the Defense Department is not really pushing these dollars into programs that are needed. We know the problem here with these drug-addicted mothers and their children, and, putting them together, there is no better investment.

Why should the defense budget not participate in a problem that is devastating to this country? We have decided to do that, and for us now to say, well, we ought not to go along with this because we do not want to "milk the cow," misses the mark. Well, you milk the cow when you have a hungry child or a hungry family or a hungry nation.

This cow has milk and, as a matter of fact, we have gone so far as to tell the dairies that we want some of that milk put into the drug war—$1.2 billion. The Senator from Illinois has been one of the leaders in getting that kind of money obligated and authorized for that. Now we are saying, let us use some of this money, some of this milk, for drug-exposed babies and their mothers. We know that with mothers who have their children with them in residential treatment the rate of nonrecidivism and the rate of success are much higher.

So, Mr. President, I really hope that the yeas and nays have not been ordered. I hope that the distinguished chairman of the committee, Senator NUNN—who has been a leader in the effort to allocate up to $1.2 billion last year and who transferred $1.7 billion in funding for the 1988 drug bill—would accept this amendment and take it to conference. I think it makes a lot of sense.

Mr. President, how much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. Six minutes, twenty-two seconds.

Mr. DECONCINI. I yield to the Senator from Illinois.

Mr. DIXON. Mr. President, I yield myself as much time as may be required. I will be very brief. We are checking a matter right now that might take a couple of minutes.

May I say, Mr. President, that I essentially agree with what my colleague, the manager on the other side, has said. What the Senator from Arizona is attempting to do here has a great deal of appeal to all of us, because we are entirely sympathetic to the plight of crack babies, and I am greatly supportive of the plot behind what the Senator from Arizona would like to do in this case.

But while a demonstration project of this kind, Mr. President, may be highly desirable, it is the opinion of the managers on both sides that it should not be funded from the DOD budget. This, of course, would result in a reduction in the 050 account at a time when that account is being reduced dramatically. We have seen all the evidence of that here on the floor in our discussions about the very substantial reductions that have already been made in this authorization bill this year.

I think it is necessary for me to observe, Mr. President, that notwithstanding the very deep reductions we have made here, the other body has made even deeper reductions, and everyone here is perfectly aware of the fact that when this bill is conferenced, we will be subject to some kind of an accommodation to reach a lower figure than the Senate figure, and then, in line with that, we also have the problem of what might be the result of the ultimate summit conference that may impact on what we do as well.

I observe that just because the Department of Defense has an unobligated balance, does not mean that those funds are not needed for multiyear programs. The Appropriations Committee, Mr. President, has traditionally opposed this type of an amendment on the basis that, while an authorization bill can authorize the transfer of funds, it cannot actually transfer funds as is done here.

So while I have the greatest appreciation for the cause articulated by my distinguished friend, the senior Senator from Arizona, I must suggest to my colleagues that there is a very strong feeling on the part of both managers that we should not support the request of the Senator from Arizona.

Mr. President, how much time does this point of view that I represent still have?

The PRESIDING OFFICER (Mr. BRADLEY). The Senator has 13 minutes and 26 seconds.

Mr. DIXON. Mr. President, in about 1 minute or so I will make a motion or otherwise suggest what the managers would like to do, but I now suggest the absence of a quorum and ask that the time be charged to our side.

Mr. DECONCINI. Mr. President, will the Senator withhold?

Mr. DIXON. Yes; I withhold.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DIXON. I yield the floor then.

Mr. DECONCINI. How much time do I have?

The PRESIDING OFFICER. Six minutes and 17 seconds.

Mr. DECONCINI. Mr. President, as my good friend and distinguished colleague from Illinois points out, this is an exceptional process we are going through here. Indeed it is. We did it last year. We did it last year on this bill. We made a determination—and I know the Chair is interested in this—that it could be done and then we passed legislation by transferring $1.7 billion from the total unobligated balances from discretionary funds available to each agency on September 30, 1989, making it available to drug programs across the country.

It is interesting to note that to this day, I cannot find out, and I am not sure the Armed Services Committee knows, where the $700 million is being spent this year, or where it is going to be spent next year.

I have tried a number of times to get a designation from the Defense Department on where they have spent this money. One thing I found out. Out of $40 million that was set aside for direct funding to Federal law enforcement agencies, as I said, as of August 1, only $6 million of that has been spent. We have the money. The question is whether or not we want to tell the Department of Defense that we are going to take some of this money out of its budget and transfer it to treatment programs for drug-exposed babies and addicted mothers. I hope we can do just that.

Mr. President, this is not a matter of any less importance, in my opinion, than the defense of the United States. We are talking about the defense of the United States and we are talking about taking some money and putting it into the best defense that we can possibly do. We are supposed to have our drug funds equally divided, 50–50 on supply and demand, and we know that it has not quite worked out that way.

That upsets me because I happen to believe in that principle. This amendment will help balance the heavy weighted enforcement which I also support and think we have to maintain.

Mr. WALLOP. Mr. President, will my colleague yield for a question?

Mr. DIXON. I yield on the Senator's time.

Mr. WALLOP. On my time.

Mr. DIXON. I yield to my colleague.

Mr. WALLOP. The question is this: Has the Senator inquired of the Department of Health and Human Services what levels of unobligated funds they may have that might be more appropriately subject to this kind of amendment?

Mr. DECONCINI. No; the Senator has not.

Mr. WALLOP. My view and response is that would be a more appropriate place to absorb unobligated funds than would be the Department of Defense budget.

Mr. DECONCINI. I appreciate the opinion of the Senator from Wyoming on that. But the fact is the discretionary funding in Labor, HHS as a percentage of the budget has declined in relation to discretionary spending in DOD.

The PRESIDING OFFICER. Who yields the floor?

Mr. DIXON. Mr. President, I yield myself as much additional time as may be necessary, assuring the Chair and my colleagues it will only be a matter of moments until we reconcile what we intend to do with reference to this amendment offered by my distinguished friend and colleague from Arizona.

I simply make this observation to my colleagues, that while this amendment has a great deal of appeal, I am sure it would be an amendment that would set a significant precedent late in the proceedings when we are trying to dispose of this legislation.

If we are going to begin to make transfers to funds from the Department of Defense for other social purposes, no matter how important, I suggest that we are going to have a great deal of difficulty about this.

Again, I stress to my colleagues that the Appropriations Committee has traditionally opposed this type of amendment on the basis of, while an authorization bill can authorize a transfer of funds, it cannot actually transfer funds as is done here.

For this reason, Mr. President, I think that it would be a very serious mistake for us to support what the Senator from Arizona is suggesting.

I regret very much, may I say to my friend from Arizona, the necessity of moving to table here, but it is the substantial opinion of all those managing, that that is the way to go.

Mr. WILSON. Will my friend from Illinois yield?

Mr. DECONCINI. I yield 2 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank my friend, the Senator from Illinois. I understand he has a motion to table and I understand why. Before he does so I would like to use some of the time remaining to the Senator from Arizona, who is opposing the amendment.

Mr. President, this is not an easy question for a number of Members on this floor. People who are members of the Armed Services Committee, like myself, devote a great deal of time and effort to the defense budget.

I have to agree with the Senator from Arizona that in terms of the urgency of the threat we are facing I described that the other day as an epidemic. I do not think that is in any way an exaggeration. The unobligated funds in this fund to which he refers are not truly unobligated. There are more claims on them than we would like. We are engaged in an effort here on this floor to try to reduce, in order, those competing claims. I would have to say, though, that in terms of the immediacy, in terms of the urgency, I agree, and not only agree, I have been emphatic in urging that this is the most urgent of unmet needs, the most deserving.

It may be that in accordance with the question asked by my friend from Wyoming, there will be unobligated funds within the Department of Health and Human Services. I would agree it would be more appropriate that they be expended. I am going to vote, though, for the amendment being offered by my friend from Arizona, because if, in fact, it turns out that other funds are available from other sources, that is all to the good. But if not, if the question becomes very narrowly focused upon whether or not, with no other funds available, we are going to add to the amount that we are expending now to combat the addiction of innocent newborns by trying to do something to arrest drug abuse among pregnant women, then I would spend money from even the funds that we allocate to those very hard-pressed competing priorities claiming our national security funds.

I do not like to do that, but, frankly, we are talking about priorities and what he is proposing here is the beginning of what we are going to actually have to expend.

So, reluctantly, with some not misgiving, actually, but with some understanding of the difficulty that the good men, the Democrats and the Republicans on this committee feel in opposing this and offering a motion to table, I cannot support them in this instance.

I will support the Senator from Arizona because I think that whether it is this bill or some other bill, we are going to have to come to grips with this problem. We are going to have to provide funds in a magnitude that begins to be realistic about dealing with it. Otherwise, we cannot realistically or honestly state that we are making the effort required to contain and reverse what is, in fact, an epidemic.

I simply remind my colleague that what we are not spending on this is a disgrace. What we will be compelled to spend on it if we do not contain and reverse the epidemic, will make even this expenditure literally the tip of the financial iceberg.

Mr. President, I relinquish the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from California for his remarks on this. Since he serves on the Armed Services Committee, I understand the importance of supporting the bill which came out of the Armed Services Committee. I appreciate his perspective on this approach. This is important enough to make some difference and some changes. That is exactly what we have the opportunity to do.

I thank the Senator from Illinois and the Senator from Wyoming.

Mr. DIXON. Mr. President, on behalf of the managers, Senators NUNN and WALLOP, I move to table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Arizona yield back all of his time?

Mr. DECONCINI. Yes; I yield back my time.

Mr. DIXON. We yield back our time as well.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DIXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIXON], to table the amendment of the Senator from Arizona [Mr. DECONCINI]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], is absent because of illness in the family.

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—51

Armstrong	Breaux	Chafee
Bentsen	Bryan	Coats
Bond	Burns	Cochran
Boschwitz	Byrd	Danforth

Dixon	Heflin	Murkowski
Dole	Heinz	Nickles
Domenici	Hollings	Nunn
Durenberger	Humphrey	Roth
Exon	Jeffords	Rudman
Ford	Johnston	Sanford
Garn	Kassebaum	Shelby
Glenn	Kasten	Simpson
Gore	Kerrey	Stevens
Gorton	Lott	Symms
Graham	Lugar	Thurmond
Gramm	Mack	Wallop
Hatch	McClure	Warner

NAYS—48

Adams	Grassley	Mitchell
Akaka	Harkin	Moynihan
Baucus	Hatfield	Packwood
Biden	Helms	Pell
Boren	Inouye	Pressler
Bradley	Kennedy	Pryor
Bumpers	Kerry	Reid
Burdick	Kohl	Riegle
Cohen	Lautenberg	Robb
Conrad	Leahy	Rockefeller
Cranston	Levin	Sarbanes
D'Amato	Lieberman	Sasser
Daschle	McCain	Simon
DeConcini	McConnell	Specter
Dodd	Metzenbaum	Wilson
Fowler	Mikulski	Wirth

NOT VOTING—1

Bingaman

So the motion to lay on the table the amendment (No. 2522) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Will the distinguished manager yield?

Mr. NUNN. I will be glad to.

Mr. DECONCINI. I want to thank Senators for voting for this amendment and I also want to indicate we will be visiting this subject matter again. I want to thank Lynn Kimmerly of my staff, the chairman, and the ranking member.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). There will be order in the Chamber.

The Senator from Georgia.

Mr. NUNN. Mr. President, we have three Roth amendments, and he is willing to enter into a time agreement on each one of them. I ask the Senator, the first amendment is called a base conversion amendment; is that the way he describes it?

Mr. ROTH. That was not the amendment I had planned to bring up.

Mr. NUNN. We do not care in which order they are brought up.

Mr. ROTH. The first amendment I propose to bring up is a prohibition of a transfer of land to the Department of Defense of lands under the jurisdiction of any other department or agency in the Federal Government for 1 year.

Mr. NUNN. Mr. President, I ask unanimous consent that on the first amendment as described by the Senator from Delaware, there be a time limitation of 20 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I also add to that unanimous-consent request that any second-degree amendment be relevant or germane, with the same time agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Will the Senator be willing to stack his votes?

Mr. ROTH. I will be happy to stack the votes.

Mr. NUNN. If he could describe the other two amendments, and then we will seek unanimous consent on each one of those.

Mr. ROTH. The second amendment involves a number of people that can be withdrawn off a base without referring it to the Congress. It is currently 300, and we would raise that to 1,000.

Mr. NUNN. Will the Senator agree to 20 minutes?

Mr. ROTH. I will happy to agree to 20 minutes.

Mr. NUNN. I ask unanimous consent that there be a time agreement of 20 minutes on this amendment, with second-degree amendments being relevant and germane.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Under the same time.

Mr. ROTH. My third amendment involves base conversion, a proposal to turn over bases that will be closed to the local communities if they so choose and enable them to develop a plan to make it a community development.

Mr. NUNN. Forty minutes on that one?

Mr. ROTH. I would be happy to limit that to 40 minutes.

Mr. NUNN. Will the Senator be willing to do less than that? Could he do 30?

Mr. ROTH. Yes; we will be happy to do 30.

Mr. NUNN. How about 20?

Mr. ROTH. No. No.

Mr. NUNN. Mr. President, I ask unanimous consent there be a 30-minute time agreement on the third Roth amendment as described, with any amendments thereto being relevant and germane under the same time agreement.

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, I had talked to the manager of the bill about an amendment that I had.

I will not object to this, but I would like to be able to see if we could follow the Roth amendment. I will be glad to follow whatever procedure the floor managers would like in terms of the amendment, which I believe the managers have had some opportunity to look at.

Mr. NUNN. Will the Senator from Massachusetts be willing to have a time agreement on his amendment? Can he describe the amendment briefly?

Mr. KENNEDY. Yes. Does the Senator want to get his consent on Roth before I do it?

Mr. NUNN. Mr. President, could we get consent on the third Roth amendment?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. Mr. President, can the Senator from Massachusetts describe the amendment?

Mr. KENNEDY. Mr. President, the purpose of the amendment is to strengthen the foundation for confident verification of deep reduction in the nuclear arsenal by encouraging analyses of possible monitoring arrangements for controls on the production of nuclear explosive materials and the dismantlement of workloads.

It is basically a report and advisory group to help assist in the areas of verification, looking down the road that if we do get verification, we will have built up some additional information that will be useful to verification.

Mr. NUNN. Mr. President, I thank the Senator from Massachusetts. Will the Senator be willing to enter into, say, a 20-minute time agreement?

Mr. WARNER. Mr. President, we cannot at this time enter into that time agreement. We have had the amendment for a brief period. As soon as we get some responses, we would be happy to accommodate the Senator from Massachusetts.

Mr. NUNN. I will try to accommodate the Senator after the Roth amendment, and perhaps we could be able to work out that amendment.

Mr. KENNEDY. I thank the Senator. I thought the minority had it for a period of time, 2 weeks, but perhaps they did not.

Mr. WARNER. I apologize to the Senator.

Mr. KENNEDY. It is no problem. We will come back and visit it at the conclusion of the Roth amendment and work out something. We welcome that opportunity.

I thank the Senator.

Mr. NUNN Mr. President, perhaps the Senator from Delaware could begin. I am asking if the majority leader would agree, and I ask the Senator from Delaware if he could agree, for the votes to be stacked, with the first vote to be 15 minutes and the subsequent votes to be 10 minutes each. But I need to clear that with the majority leader.

Mr. ROTH. That will be very satisfactory to this Senator.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The Senator from Delaware is recognized.

AMENDMENT NO. 2523

(Purpose: To prohibit the transfer to the Department of Defense of lands under the jurisdiction of any other department or agency of the Federal Government)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. BIDEN, proposes an amendment numbered 2523.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON TRANSFER OF LANDS TO THE DEPARTMENT OF DEFENSE

(a) IN GENERAL.—(1) Notwithstanding any other provision of law and except as provided in subsection (b)—

(A) the Department of Defense may not procure, purchase, or otherwise acquire any lands; and

(B) a department or agency of the Federal Government may not transfer to, or make available for use by, the Department of Defense any lands under the jurisdiction of that department or agency.

(2) Funds made available to or for the use of the Army National Guard of the United States, the Air National Guard of the United States, or the Reserve components of the Armed Forces may not be used for the procurement, purchase, acquisition, or transfer of any lands.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply—

(1) to the acquisition or transfer of any parcel of land involving 25 acres or less; or

(2) to lands that have been made available on a regular basis to the Department of Defense by a department or agency in any area before the date of the enactment of this section so long as (A) such lands are made available for the same purpose and for the same period of time as in previous years, and (B) the total acreage of the lands made available to the Department of Defense in that area after the date of the enactment of this section does not exceed the annual average number of acres made available to the Department of Defense by that department or agency in that area in the five years preceding the year in which this section is enacted.

(c) EXPIRATION OF PROHIBITIONS.—The prohibitions in subsection (a) shall expire on September 30, 1991.

Mr. ROTH. I propose this amendment on behalf of myself and the junior Senator from Delaware.

Mr. President, the Department of Defense now has 25 million acres in land holdings, and it is seeking this year to increase its holding by some 20 percent, or 4.5 million acres, an amount that is 3.5 times the size of my State of Delaware. The targeted lands include New England hardwood forests, Southern pine forests, Northern prairie, and Western rangeland.

While most of the acreage desired by the Pentagon is owned by the Department of Interior's Bureau of Land Management and the Department of Agriculture Forest Service, large tracts of private lands will be condemned and then purchased.

Additionally, the Pentagon is offering to trade to other Federal agencies 16,000 acres of Army-owned land in Colorado worth $2.2 million or 32,000 acres of forest land in Mississippi worth $46.6 million.

According to DOD, the capability of our airplanes to fly faster and lower, of our units to travel quicker and farther, and advances in weapons and technology, requires this land so that training can keep pace.

Let me draw a salient point to your attention, Mr. President. DOD put its plan together at least 2 years ago, and these land acquisitions, which may well have been reasonable at the time they were formulated, are no longer reasonable.

Times have changed. The Warsaw Pact threat to NATO is greatly diminished. The changes that flow from this changed threat have not yet been determined. Almost everyone agrees that these changed circumstances will result in a smaller U.S. Military Establishment. Presumably, a smaller establishment will not require so much property.

This analysis may be incorrect, but we at least owe it to the taxpayer to stop and evaluate the impact of the changed international environment on our land acquisition plans before we proceed. I should point out that the Secretary of Defense has recognized this principle by freezing military construction. If we are to freeze construction, which I agree should be done, should we not also freeze land acquisition, at least until we have had time to reassess the military property requirements in light of a changed military structure?

I also want to point out to all Senators that a total force structure report is due in November. I do not think that any purchase decision should be made until this report is in hand.

Mr. President, we are already wrestling with the problem of disposing of unwanted military property. Let us not exacerbate this problem by rushing ahead to acquire more property. I suggest that we have time to revisit this decision before we commit to a decision to condemn and purchase private land, or to withdraw such a vast amount of land from the public domain for use by the military.

I believe that my proposed amendment is germane. It is reasonable. I think it deserves the support of all Senators.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I yield 6 minutes to the manager on the other side, the distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Senator from Illinois.

I rise in opposition to this amendment. I understand this amendment would prohibit the Department of Defense from acquiring or receiving by way of transfer or interchange with other Federal agencies any parcels of lands in excess of 25 acres.

First, I would like to point out that in many instances, these transfers, or interchanges in particular, are actively sought by not only the Department of Defense but by other agencies or departments of the Government, whether it is the Forest Service or BLM. Quite often, it is to the benefit of all concerned.

Perhaps you have some military training exercise in an area that is causing some problems that could be moved to another area that would be much more acceptable environmentally, or from a conservation standpoint. These interchanges quite often are initiated by the other department or agency. It is not even necessarily just the Department of Defense.

Now, a statutory prohibition of these interchanges, transfers or interchanges, certainly is unnecessary micromanagement of the Department of Defense. Each proposed land acquisition receives careful scrutiny from the Armed Services Committee and from the Committee on Energy and Natural Resources.

In fact, in the fiscal year 1991 budget, there were, I believe, five significant land acquisition proposals but only one was approved. The rest were deferred because of questions about their underlying requirements, not because of a bias against land acquisition.

The Armed Services Committee gives very close scrutiny to these issues, and I thnk they will continue to do so. Also, you have very imortant environmental impact statements. You have cooperation and communication between the departments that might be involved. And many times IIS would say, "Well, this is really not justified. We should not do it. Therefore, it will not be done."

In this particular case, this amendment would effectively block expenditure of the bill's authorization of $10 million for an option for the purchase of some 55,000 acres of a critical safety zone underlying the Vandenberg Air Force Base, California, missile launch corridor.

So you not only have environmental considerations that would mitigate for and urge that these transfers, or interchanges take place for conservation

factors as well as safety. Without timely acquisition of this option, land development might make it impossible, therefore, substantially or, if not impossible, at least certainly more expensive in its cost to the Government.

The Energy Committee, likewise, exercises very careful scrutiny of these DOD requests. These actions reach the Congress for review only after extensive environmental impact statements and other justifications that are required.

Another example that I am personally familiar with is an example where the National Guard, working with officials at DOD and the Forest Service in my own State of Mississippi, are looking at some land interchange between the Forest Service and DOD for tank training. This land would actually be in a different area, in some instances, from where they presently train, which would be environmentally advantageous. It is something that the National Guard has been very careful about.

They are very good stewards, by the way, of these areas. They pay attention to endangered species. That is one of the reasons why we are looking at perhaps some different acreage.

This is one other factor that I think we need to consider in this particular area.

Yes, we are going to be bringing troops home from Europe and other places around the world. I voted for the amendment of the distinguished Senator from Illinois in the Armed Services Committee to bring home an additional number of troops from Europe, 50,000. I voted for that in the committee, to some people's surprise, but I think it is time to start bringing them home a little faster perhaps.

But as we bring home troops, as we bring home tanks, they are going to need places to train. Perhaps in the past they have been doing that training in Europe. As we bring more of them home, there must be some arrangement for that, even if we reduce overall numbers of troops, and overall number of tanks. They have to go some place.

So I urge that this not be done. There are certain exchanges now or interchanges that are in process that may be completed soon or final decision could be made.

You might say, well, we are only talking about a 1-year moratorium. Many of these have been under way for months, even years. Many of them make very good sense from every standpoint.

So I think that, while I am sure this is very well-intentioned, when you get into it, look at all the arguments, the fact is it is not necessary. It is micromanagement, it could lead to increased costs, it could lead to safety dangers, and it could lead to environmental conservation problems.

I just do not think it is necessary, and I urge my colleauges to defeat this amendment that would place this moratorium on the interchange and transfer of lands.

I yield the floor.

Mr. DIXON. Mr. President, I yield myself 1 minute simply to say that I concur thoroughly in everything that my colleague from Mississippi has said. In view of his very able articulation of the point of view of the managers opposing this amendment, I see nothing more to add.

I simply want to ask unanimous consent of the Senate that the votes on or in relation to the three Roth amendments be stacked to occur at the conclusion of the debate on all three amendments with the first vote being 15 minutes and the remaining votes being 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I yield the floor.

Mr. ROTH. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes remaining on the first amendment.

Mr. ROTH. Mr. President, as I have already pointed out, the Department of Defense now has 25 million acres in land holdings and is seeking to increase that holding by some 20 percent, or 4.5 million acres, as I already pointed out, an amount that is 2.5 times the size of my State.

All I am asking is a moratorium for 1 year. The Secretary of Defense has already given a moratorium on construction. What concerns me is that we should not be acquiring additional land that can have a very, very disruptive influence on other citizens.

For example, there was an article recently in the U.S. News that said it is a time of rural despair. Hundreds of farmers, anxious and angry, pack into a local hall to counter a tenuous future, the threat of loss of their farms and homes. The agenda is organize and fight. What they are concerned about is that their land is going to be acquired by the Pentagon, and they will lose their livelihood.

We are not saying that it should not be done under any circumstance. What we are arguing is that with this much land, we should not be acquiring additional land when presumably we are in a period of retrenchment. It may be that some of this land will have to be acquired. Let us take time and do it carefully. Let us not put at risk families, farmers, business people when it is not necessary. This should be a time that we study carefully where we are moving, and do it in a manner that is compassionate, thought out and does not adversely affect other citizens of this great country.

Mr. President, I would be willing to yield the balance of my time.

Mr. DIXON. On behalf of the managers, Mr. President, we yield the remainder of our time on this particular amendment. We can go to the second amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized on the second amendment.

AMENDMENT NO. 2524

(Purpose: To minimize the adverse effects on local communities caused by the closure of military installations)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. BIDEN, proposes an amendment numbered 2524.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new title:

TITLE —BASE CONVERSION

SEC. . DEFINITIONS

As used in this title:

(1) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(2) The term "Administrator" means the Administrator of General Services.

(3) The term "local community" means the incorporated town, village, city, or similar entity of the State in which a military installation is located or, if the military installation is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property on which the military installation is located.

SEC. . DISPOSITION OF PROPERTY

(a) IN GENERAL.—The real property constituting each military installation identified by the Secretary of Defense on January 29, 1990, as a military installation in the United States proposed to be closed by the Department of Defense shall, if such installation is closed, be disposed of as provided in this title.

(b) TRANSFER OF PROPERTY TO THE ADMINISTRATOR.—Thirty days after the date on which a military installation referred to in subsection (a) is officially closed by the Department of Defense, the Administrator shall have jurisdiction over the real property constituting the military installation.

(c) PRIORITY FOR DISPOSITION.—Within six months after a military installation referred to in subsection (a) has been closed, the Administrator shall offer title to the real property constituting the military installation to the local community concerned. Title to the property shall be offered subject to the conditions prescribed in this title.

(2) If the local community concerned refuses the property, or fails to notify the Administrator of the community's acceptance of the property within six months after the date on which the Administrator notifies the community in writing of the availability

of the property (and the conditions under which the property will be granted to the community), the Administrator shall offer the property to the county in which the military installation is located.

(3) If the county refuses the property, or fails to notify the Administrator of the county's acceptance of the property within three months after the date on which the Administrator notifies the county in writing of the availability of the property (and the conditions under which the property will be granted to the county), the Administrator shall offer the property to the State in which the military installation is located.

(4) If the State refuses the property, or fails to notify the Administrator of the State's acceptance of the property within 60 days after the date on which the Administrator notifies the State in writing of the availability of the property (and the conditions under which the property will be granted to the State), the Administrator shall offer the property to other departments and agencies of the Federal Government.

(5) If no department or agency of the Federal Government requests the property within 30 days after the date on which the notice of the availability of the property is published in the Federal Register, the Administrator shall dispose of the property to the highest responsible bidder.

(d) PROPERTY LOCATED IN MORE THAN ONE LOCAL COMMUNITY.—In any case in which a military installation referred to in subsection (a) is located in more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the laws of the State concerned.

(e) PROPERTY LOCATED IN MORE THAN ONE COUNTY.—In any case in which a military installation referred to in subsection (a) is located in more than one county of a State and the real property constituting the installation is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

SEC. . CONDITIONS

(a) IN GENERAL.—Title to the real property constituting a military installation referred to in section (a) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Administrator, in such manner as the Administrator may prescribe, a plan under which the local community agrees—

(1) to reimburse the United States for the training or retraining of all Federal civilian employees whose employment is terminated as a direct result of the closing of the military installation concerned;

(2) to reimburse the United States for all severance payments made by the United States to employees described in paragraph (1) as a result of the closing of the military installation;

(3) to reimburse the United States for payments made to employees described in paragraph (1), in addition to any other payments to which they may be entitled, an adjustment allowance equal to one week's pay for each year employed, but not more than an amount equal to 10 weeks' pay;

(4) that if the property is sold by the local community, county, or State, as the case may be, within 25 years after the date of the conveyance of the property to the local community, county, or State, to pay to the United States an amount equal to 25 percent of the proceeds from the sale of the property after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent the costs have not been deducted from any proceeds referred to in paragraph (5));

(5) to pay to the United States 25 percent of any income realized by the local community, county, or State, as the case may be, from the rental or lease of the property during the first 25 years following the date of the conveyance of the property to the local community, county, or State, after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent that the costs have not been deducted from any proceeds referred to in paragraph (4));

(6) to make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under section ; and

(7) to such other terms and conditions as the Administrator determines necessary to prevent the local community, county, or State from entering into an arrangement that would postpone payment of part or all of the sale price of the property or postpone payment of part or all of the rental payments so as to avoid any payment to the United States required under paragraph (4) or (5).

(b) REQUIREMENTS REGARDING PLAN.—(1) Property referred to in section (a) may not be conveyed under this title to a local community, county, or State unless the plan submitted by the community, county, or State, as the case may be, is approved by the Administrator, in consultation with the heads of other appropriate departments and agencies.

(2) The Administrator may not approve a plan submitted by a local community, county, or State unless—

(A) the plan describes, in such manner as the Administrator may provide, the manner in which the benefits referred to in subsection (a) will be provided and the manner in which the other conditions prescribed in such subsection will be met by the local community, county, or State; and

(B) the Administrator determines on the basis of the information contained in the plan that there is a reasonable likelihood that the plan will be successful.

(c) APPROVAL OR DISAPPROVAL OF PLAN.—The Administrator shall review each plan submitted pursuant to subsection (b) and shall notify the local community, county, or State concerned of the approval or disapproval of the plan within 30 days after receipt of the plan. If the plan is disapproved, the Administrator shall specify the reasons for the disapproval and the changes necessary to obtain approval of the plan.

SEC. . FAILURE TO COMPLY WITH CONDITIONS.

If a local community, county, or State to which real property is conveyed pursuant to this title fails to comply with any condition provided for in this title, the Administrator, after providing written notice to the community, county, or State, as appropriate, may withhold from any payments otherwise payable to the community, county, or State under any Federal program, such amounts as may be necessary for the United States to meet the expenses of complying with the conditions provided for in section (a). The Administrator may provide any benefit described in section (a) to any employee referred to in paragraph (1) of that section in any case in which a local community, county, or State, as the case may be, fails to provide that benefit.

SEC. . REVIEW BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct such reviews of the transactions carried out pursuant to this title as may be necessary to determine whether the transactions are in compliance with this title.

SEC. . REGULATIONS.

The Administrator shall prescribe such regulations as may be appropriate to carry out this title.

SEC. . AUTHORIZATION OF APPROPRIATONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Mr. ROTH. Mr. President, the purpose of this amendment is to allow us to put the best possible face on the difficult transition of closing unnecessary military bases. I introduced this amendment as a freestanding bill earlier. The bill was cosponsored by Senators HOLLINGS and LUGAR.

My proposed amendment does three things. First, it supersedes existing regulations that deal with disposal of Federal surplus property and permits the transfer of property to local communities to own and develop.

Second, it provides retraining, severance pay, and an adjustment allowance for the workers who are impacted by the closing of the military base.

Third, it provides an opportunity to reduce radically or eliminate base closing costs which would accrue to the Federal Government under existing law.

Mr. President, I would like to say that on the whole we are facing an enviable position in the arena of defense spending. Of course, there are some very serious considerations that must be made, and the task ahead of us is both formidable and serious. But there is reason for good heart. While the answers will be difficult, the questions are widely agreed upon. No longer are we asking should we cut defense spending. Instead we are asking in what manner and by how much.

My amendment is designed to provide for a lowering of the national defense budget and the deficit by ending the operation and maintenance costs of unneeded bases to benefit local communities that are impacted when bases are closed, to provide retraining, adjustment allowances, and severance benefits for civilian Federal employees whose jobs are lost because of bases closed to empower local communities to determine how to use former bases, without outside interference.

Mr. President, where local opposition to base closings exist, congressional opposition is generated, and the Department of Defense has a difficult time in closing that base. Because the base is not closed, the cost of operating it continues. The Federal Government continues to operate a facility which, according to the Secretary of

Defense, it does not need. In such a case, nobody wins, and everybody loses a little each year, so long as that unneeded facility remains open.

There is no way that one can consider an unneeded base an asset. A base becomes an asset only when sold. And we have found it virtually impossible to sell many bases. In reality, unneeded bases are a liability that continue to drain the limited resources of the Department of Defense. According to the Grace Committee, closed, unneeded bases can save several billions of dollars.

This estimate was made before the recent changes in Eastern Europe. As we reduce the size of our Armed Forces, even more bases may need to be closed. The key to breaking the logjam of local resistance, so that bases can be closed and the potential savings can be realized, is to devise a method that turns base closings into an attractive economic opportunity for the impacted community.

A base closure process that is slow, painful, and politically agonizing, benefits no one. It means that the financial savings remain largely theoretical, while the process is dragged out in legal and political arenas.

A system is needed that begins to change base closings into real opportunities which will win the support of local communities. We need to create win-win situations.

I am pleased to report, Mr. President, that the U.S. Conference of Mayors, in its annual meeting in Chicago on June 20, 1990, strongly endorsed my legislation. I believe, and the Nation's mayors agree, that the principle is sound, and that this amendment will provide assistance to those communities where this approach makes good economic sense.

The reason why the mayors agree is that my amendment represents a new, constructive, voluntary arrangement available to communities undergoing the transition brought about by closing a defense facility. It is a proposal true to basic Federalist principles, and it gives the communities impacted by the closure of a Federal facility the opportunity to control the fate of its closed facility.

It is a voluntary program that is triggered when the community decides that the program serves its best interests. The community decides the best use of the property, not the Federal Government. Unlike other Federal programs, no one from Washington will be traveling to the community to tell the community the best use of its property. That is something that the community understands better than anyone here in Washington.

At the same time, it is not a simple giveaway of the property. The community must agree to reimburse the United States from proceeds of the development or for the cost of protecting the impacted Federal civilian workers. It must also share 25 percent of any profits with all of the taxpayers.

In short, my amendment offers economic conversion of unneeded military facilities at no cost to the Federal Government.

Even with these strings attached, the bill provides the incentive for aggressive community leaders to turn what in the past has been viewed as a negative experience into a positive development experience, under the community's control.

This amendment tells the community that Washington is willing to work with them in establishing a program that will benefit both parties, as well as the many civilian employees, and this is what we are here for, after all, not to protect obsolete and useless bases, but to help our States and our communities help themselves.

As I said before, these people, as well as these communities, have every right to be concerned about the loss of jobs and economic activity from the necessary closings. And we have an obligation to assist them by adopting policies that turn base closings into economic opportunities for the individuals, opportunities for the community, and opportunities for the country. Mr. President, I urge the Senate to adopt my proposed amendment.

I yield the floor.

Mr. DIXON. Mr. President, I yield myself as much time as may be required. I will be brief.

With all due respect to my colleague, I think the basic hypothesis he articulates here is flawed. With extremely rare exceptions, communities have almost always gained access to closing bases. Opposition to closure is based upon wanting Federal Government activities to remain—to remain, not to leave. Take the work of this Senator.

In Illinois, we took a tremendous hit on the base closure commission report. Two bases closed: Fort Sheridan near Highland Park in northern Illinois, and Chanute adjacent to Rantoul in central Illinois.

The concern of those communities is more addressed to the Federal and other involvements adjacent to their communities, than to acquisition of the remaining installation by the municipalities. Making communities responsible for funding displaced Government employees, severance pay, training and retraining assistance, and a new category of adjustment allowance, one week's pay for each year's service up to 10 years, removes the military service from its legitimate obligations to its employees.

If communities have to fund these benefits, the Department of Defense will lose its incentive to place these workers in other kinds of Government jobs.

My friend's amendment further establishes a very complex structure of reimbursement to the U.S. Government, a 25 percent fee on rents and revenues from the redeveloped property for 25 years, without giving the Federal Government any kind of voice in the site's management at all.

So under this provision, the property would be encumbered for 25 years, and it would be subject to Federal garnishment of benefits occurring in the community, if all conditions were not met. It would give the General Services Administration administrator approval authority over community re-use plans, imposing Federal micromanagement on all the local issues.

I am afraid my friend's amendment contradicts streamlined closure provisions provided in the bill in section 2805, which delegates disposal authorities from the GSA to the Department of Defense.

Mr. President, the current system protects local redevelopment interests and priorities. Let me give you an example. The Department of Defense has resisted the VA's desires to expand the cemetery at Fort Sheridan in my State, where we are going through this experience right now, because it is incompatible with community redevelopment plans. They have worked with the community, they have worked with this Senator, they worked with JOHN PORTER, a Congressman, of the other political persuasion, but a very fine fellow, who has worked with me, as we have worked together in connection with that community's needs.

It is forcing the Bureau of Prisons to secure community approval before siting new prisons at Fort Meade and at the Brooklyn Naval Station.

So I think that while my friend's intentions are good, his amendment contradicts the longstanding guidelines of the Federal Property Act, which has worked successfully for years, and section 2813 of the committee bill, this committee's bill, which has been carefully studied. May I say, my friend was heard in my subcommittee. We gave him a full hearing, and he presented his case persuasively.

We did not think we should change existing law. The existing law reiterates right now Congress' priority of using closed bases for a variety of reasons, and we think that is the proper approach to the problem.

So, while I consider the intention of my colleague, and my colleague has been a very fine one in his work here, in his demonstrably excellent usual manner of approaching each and every problem, I do not think there is any call for changing existing law. I urge my colleagues not to do so.

At the appropriate time I will make the appropriate motion.

I yield whatever time my colleague, the other manager, has from what I have remaining. How much time do I

have remaining? I yield the remaining time to my colleague.

The PRESIDING OFFICER. Five minutes and 20 seconds.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I will be brief. I say on behalf of the managers on this side we concur in what has been said by the Senator from Illinois.

I might touch on a couple points, though, that I think important. First of all, it is not a remove thing now. It could affect any of our States. We better think about what the priorities are and how it will be handled. I guarantee I have been having that go through my mind.

I think one of the major problems with the problem like the previous one is another case of micromanagement with an extremely complex system of reimbursement regarding cost of rents and leases. I really do not like that.

As a matter of fact, I can envision where if a facility might be closed in my State I really would feel the Federal Government ought to give it to the local community because they certainly would be experiencing a lot of costs. We should not be shackling it with a lot of new rules or costs.

That is one point in particular I want to make. There would be cost, I understand it, to the communities under this arrangement. It establishes a structure of reimbursement to the United States of 25 percent of rents and revenues from the redeveloped property for 25 years, without giving the Federal Government an ongoing voice in the site's management.

I do not think I would like the Federal Government to have that much voice in site management. It is one of the problems involved.

Also the fact that the property would be encumbered for 5 years really bothers me. I think the local community will wind up with this property when they really want it anyway. We have a current system that I think works very smoothly. We have closure provisions that are in the bill, that will help make it clear how this will be done.

I feel while this is certainly well intentioned, I am certainly sympathetic to the community. I have a little feeling this is a way to transfer some responsibility from the Federal Government to the communities and I do not like that.

So I join my colleague from Illinois and urge once again we not start down this road of micromanagement, that we defeat this amendment.

I yield the floor.

Mr. DIXON. Does our colleagues have objection to yielding back time?

Mr. LOTT. Will the Senator yield for one comment?

Mr. DIXON. I yield.

Mr. LOTT. We do understand also the Department of Defense opposes this amendment.

Mr. DIXON. That is correct. I thank the Senator for mentioning that.

We do yield back the remainder time for the managers.

Mr. ROTH. How much time do I have?

The PRESIDING OFFICER. One minute, 46 seconds remaining.

Mr. ROTH. Mr. President, what we are seeking to do here is to provide an opportunity to our local community. Currently base closings are looked upon as a catastrophy both by the local community and State. As a result, we have witnessed very, very few base closings until this last year. There was one reason and one reason for it, because the legislation now in effect does not benefit the community. What I am proposing changes that, converts from what is a loss to an opportunity.

I cannot agree with my distinguished managers of the bill who says that this does not provide an opportunity. If that were the case, if this was not providing an opportunity to the local community, then why would the Conference of Mayors strongly endorse my proposal?

The fact is whether we like it or not we are going to see base closings in the future. This is a changing situation. There is going to be less money available. What we are trying to do is to seize this situation and make it an opportunity rather than a tragedy.

For that reason, I urge my colleagues to support this legislation, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The Chair recognizes the Senator from Delaware for 30 minutes.

AMENDMENT NO. 2525

(Purpose: To amend section 2687 of title 10, United States Code, relating to the closure and realignment of military installations—

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 2525.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . MODIFICATION OF REQUIREMENTS FOR NOTICE AND WAIT.

Section 2687(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "300" and inserting in lieu thereof "1,000"; and

(2) in paragraph (2), by striking out "1,000" and inserting in lieu thereof "2,500".

Mr. ROTH. Mr. President, the purpose of this amendment is to grant the Secretary of Defense an increased measure of flexibility in closure and realignment of military installations, especially smaller installations. In 1985 the Congress provided the Secretary of Defense with limited authority to close or realign certain installations. Under this authority the Secretary, without notice to the Congress, controlled an installation if it employed fewer than 300 civilians.

Additionally, the Secretary could realign an installation if the realignment involved fewer than 1,000 citizens or less than 50 percent of the number of civilian employees.

If the Secretary proposed to close an installation that employed more than 300 civilian employees or if he proposed a realignment that involved more than 1,000 civilian employees, the Secretary was required to give notice to the Congress and wait 60 days.

I think you will agree, Mr. President, that this authority was reasonable in face of the conditions that existed in 1985.

But the situation that existed in 1985 has changed. Today the Director of Intelligence is forecasting a greatly deceased chance of conflict in central Europe between the Warsaw Pact and NATO. As a result of this change in the threat, the deficit and other related conditions, the Secretary of Defense has proposed another round of base closures and realignment.

Most of us believe that the expected build down in the size of our military establishment will require even more closures and realignment. Now my amendment would provide more flexability to the Secretary of Defense for dealing with smaller installations and permit us to concentrate on the closure and realignment of major installations. It would do so by allowing the Secretary of Defense to close installations that employ fewer than 1,000 Federal workers without notice to the Congress. It would also allow the Secretary to realign installations so long as the realignment involved fewer than 2,500 civilian employees.

The change I propose does not surrender congressional control over base closure and realignment and will primarily affect smaller installations. The Secretary will be able to close them without a notice and wait, period. For example, the 19 realignments and closures listed on the Secretary's February 1990 list could have been closed under this proposal. I believe that this is a step in the right direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The chair recognizes the Senator from Illinois.

Mr. DIXON. My distinguished friend from Arkansas is going to speak against this amendment. I wonder how

we can accommodate him? How much time does he need?

Mr. BUMPERS. How about 10 minutes on the Senator's side?

Mr. DIXON. We have a total of 15 minutes.

Mr. BUMPERS. Mr. President, will the Senator yield me, say, 6 minutes?

Mr. DIXON. May I inquire of the Chair? I was told there were 30 minutes equally divided.

The PRESIDING OFFICER. That is correct.

Mr. DIXON. I yield 6 minutes to the Senator from Arkansas.

Mr. ROTH. I do not think that is correct. The base conversion was 30 minutes, 15 minutes on a side. And on this one and the first one were 20 minutes equally divided.

The PRESIDING OFFICER. The Chair's impression is that this amendment has 30 minutes equally divided.

Mr. ROTH. That was not what was stated by the Senator at the time the unanimous consent was agreed to.

Mr. DIXON. Mr. President, perhaps we can accommodate our colleague. I do not think I am going to take any time. My friend from Arkansas wishes to have 6 minutes. If the other manager does not want more than 4, we will take no more than 10.

The PRESIDING OFFICER. Is that satisfactory?

Mr. ROTH. That is satisfactory. We changed the order.

Mr. DIXON. I yield 6 minutes to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank the distinguished floor manager. I want to say, first of all, everybody in this body knows that bases have to be closed. But that is not the debate here. The debate is, No. 1, are those bases going to be closed in accordance with a 5-year projected force structure which the bill now requires? Are they going to be similiarly closed by the Secretary, or what kind of equity and fairness is there going to be?

Mr. President, I have the utmost respect for the Secretary of Defense, but when the Senator from Delaware says that the Secretary of Defense ought to have the right to close bases that will cost 1,000 people their jobs or realign a base that could cost 2,500 people their jobs, that is a lot of power in one man.

You might trust Dick Cheney to do that but you might not trust Caspar Weinberger or vice versa. And everybody in this body knows that when a base closes in his State, as the Senator from Illinois suffered last year, it is a traumatic event. You are dealing with human lives and people's livelihood. I think it is too much power to put in one person.

And if I were the Secretary, I would not want it. I would want the right to submit to Congress some input into it. The Base Closing Commission under Secretary Carlucci did not work to the advantage of the Senator from Illinois but it worked to my advantage because a base in my State that we were worried about was not closed. But I will say this, if Eaker Air Force Base had been on the list, I would have been upset because of the economic and environmental impact of the closing of the base, but at least I could have said, these are honorable men.

My distinguished former colleague, Tom Eagleton, was on that Base Closing Commission, Abe Ribicoff was on it, whose integrity was unimpeachable. I could at least say this is not a political decision. This is not a decision to punish a Member of Congress.

You cannot close a base anywhere at all and keep a Senator or a Congressman whose district or State that base is located in happy. Scoop Jackson used to say to me "I wish I did not have a military base in my State. You get no credit for getting one. You take all the flak if you lose one."

Do you know that the ordinary standard size air base has 300 civilian employees and 3,500 airmen. So you are giving the Secretary carte blanche on a lot of air bases and other bases in this country. I do not want him to have it.

I would ask my distinguished friend from Delaware how he would, if he were me—and I ask this not as a rhetorical question but a question that I would like for the Senator from Delaware to respond to—when I go to Blytheville, AR, I would like to take the Senator from Delaware with me. It is a city of 25,000-30,000 fine citizens, where Eaker Air Force Base is located. Secretary Cheney announced earlier this year he wanted to close it. We have discovered of the 21 bases affecting 44,000 employees that the Secretary sent us earlier this year, 99 percent of the jobs lost are in Democratic districts. I can tell you that mathematically the chances of that happening by coincidence is 244 to 1.

Let me further say to my distinguished friend from Delaware that of the 14 bases that have realignments, all of those jobs, 88 percent of those realignments where they take men and airplanes and equipment from these bases in Democratic congressional districts and move them, 88 percent of them go to Republican districts.

So I ask the Senator from Delaware, how would he answer the folks in Mississippi County about whether there was any politics involved in this base-closing proposal or not? Could the Senator answer that?

(Ms. MIKULSKI assumed the chair.)

Mr. ROTH. Well, of course, I would point out to my distinguished friend, I think we all agree that the closing of bases should not be done on a political basis. But I would have to point out that I suppose in today's world, because there are more Democratic congressional districts than Republicans, it is natural that in a close-down more Democratic districts would be involved.

Mr. BUMPERS. Senator, not 99 to 1.

Mr. ROTH. Well, of course, the other side is that, traditionally, more money went into those districts.

But let me say this to the distinguished Senator. If we find the criteria collected by the Secretary to be reasonable and in the best interest of the Government, we should be willing to accept the fair application of that criteria across the length and breadth of the Department of Defense. If we find the criteria to be lacking, then we should demand that they be reviewed and reconsidered.

Mr. BUMPERS. Let me ask the Senator this question. Secretary Cheney is a Republican; he is a former Republican House Member. That is just hunky-dory with me. He was appointed by the President. I thought he was a very able House Member, and I think he is an able Secretary of Defense. We have our differences, naturally.

But when he came before the Appropriations Subcommittee, I asked him, I said, "Mr. Secretary, let us change positions. Let us put me down there as Secretary of Defense, as a Republican, and you as a Democratic Senator sitting in my position, and I will tell you that I just got through announcing the closing or realignment of 35 bases, 99 percent of the 44,000 jobs lost will be in Republican congressional districts, and 8 percent of the realignments will go to Democratic districts. Would you have any trouble believing that that had been determined by a computer programming system or something?"

He just smiled. He did not answer that. There is not any answer to that. And as I say, I really hate to put this on this basis. But I think the Base Closing Commission, for all of its flaws, at least gave somebody a little cover.

The answer to the question I asked you a moment ago, I say to the Senator, is when you go to Mississippi County and when you tell those people, where not hardly a house has sold since the announcement that base would be closed because their total economy is dependent on that base, the answer is you cannot tell them anything, except, yes, it is blatantly probably political and I am certainly sorry about it, but there is nothing I can do about that. There is not anything I can do. But I can tell you there is something I am going to try to do. I am going to try to get this body to adopt the same amendment that the House has adopted to try to do this in a fair, equitable, military, economic, environmental basis.

I have to resist, strongly resist, the amendment of the Senator from Delaware for whom I have the utmost respect. He is a man of immense integrity. Yet, as they say, figures do not lie but liars can figure. And here we have unassailable statistics on the base-closing proposal that has already been made this year that is absolutely, absolutely unfair and cannot be accepted without a fight. So, I must resist.

I helped the distinguished Senator from Illinois last night on the amendment on Crotone, Italy. Again go to Blytheville, AR, and say we are going to dry this town up. It is already one of the 10 poorest counties in America, but "you ain't seen nothing yet," one of the 10 poorest counties in America and the unemployment rate will go to 30 percent when you close that base.

Yet, you say, we have to have this F-14 base in Crotone, Italy, at a cost of $1 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Delaware controls 6 minutes and 40 seconds.

Who yields time?

Mr. DIXON. I am prepared to yield 4 minutes to the Senator from Mississippi on our time, Madam President. Then we are not going to use the rest of ours because we agreed to yield it back.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired. The Senator from Illinois has no time.

Mr. DIXON. That had to be a miscalculation, I yielded only 6 minutes to the Senator from Arkansas. But, in all due deference, I do not care about the time, if my colleague has no problem.

Mr. ROTH. I will yield 2 minutes to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. LOTT. Thank you, Madam President.

I especially thank the Senator for yielding that time since I am going to oppose his amendment. But the Senator from Arkansas was about to talk me out of it.

The Department of Defense supports this amendment. But on behalf of the managers of this side of this bill, we are opposed to this amendment. I am opposed to it personally.

But I have total confidence in the Secretary of Defense, Secretary Cheney. I served in the House with him. I am confident that he is trying to do the best possible job with a very bad situation.

I might point out to the Senator from Arkansas, all these closures are not occurring just in Democratic districts or Democratic States. There are a lot of statistics which show that maybe that occurs because maybe more of them are in urban areas and urban Congressmen or Senators represent those areas. I will bet we could go back and show a set of statistics in the Carter administration or the Nixon administration. But I think if we check around, a lot of the Senators here on this side of the aisle have installations being closed in their State. I am one of them. I do not like it at all. I feel the same way the Senator from Arkansas feels.

I think it is unfair to say this is just being done on a partisan basis. Maybe it has been in the past. Maybe that is a factor. But let us get to this particular amendment.

The Congress has an absolute right—in fact I think a responsibility—to be involved in this decision process. It is a tough process. I do not want the Secretary of Defense or the administration to just be able to make a decision without us being involved. When we raise these numbers up to 1,000 or 2,500 civilian employees, that is a large number of people.

In the next few years, as the numbers are reduced, we are going to have serious problems. There are going to be closures. And Congress should be involved in that process. We should leave these numbers alone, leave them where they are and work with the administration.

I urge Senators to oppose this amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, on behalf of the managers, I ask unanimous consent that I may be permitted to make a motion to table, at one time, all three of the amendments.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator's request is agreed to.

Mr. DIXON. If I may have unanimous consent to simply remind the Senators now of what is transpiring so they know. I want to remind all my colleagues, if there is no objection to that, that we have three stacked votes here. The first one is an amendment offered by the Senator from Delaware, a prohibition of land transfers to the Department of Defense for 1 year. The managers oppose that and move to table. The second one is an amendment that changes the property disposal process for closing bases. The managers oppose that and move to table. The third changes the civilian personnel thresholds at which congressional review of base closures occurs. This would allow the Defense Department to close additional bases without oversight. We also move to table that.

My recollection is we had agreed to 15 minutes on the first rollcall and 10 on each succeeding rollcall.

The PRESIDING OFFICER. The Senator from Delaware has 4 minutes remaining.

Mr. ROTH. Madam President, I will be very brief. First I want to point out, already the Secretary of Defense has the authority to close down bases where there are 300 or less civilian employees. We have proposed increasing that to 1,000 as a step toward expediting the necessary savings and actions that are going to be taken, or have to be taken, if this country is going to meet the reductions of deficits that both parties want.

I reemphasize what the distinguished Senator from Mississippi said. I have every confidence in the Secretary of Defense. He is a very bright, a very able, and a very fair man. I believe he is seeking to act in that fashion in his actions as Secretary.

Madam President, I urge the Senate adopt my amendment. I yield the remainder of my time.

Mr. DIXON. We yield back any time we have.

VOTE ON MOTION TO TABLE AMENDMENT 2523

The PRESIDING OFFICER. All time has been yielded back. The question is on the motion to table the amendment No. 2523. All in favor, signify by saying "aye."

Mr. DOLE. Madam President, I ask unanimous consent I may ask for the yeas and nays on all three motions with a single show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I ask for the yeas and nays on all three.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the motion of the Senator from Illinois.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—93

Adams	Cohen	Glenn
Akaka	Conrad	Gore
Armstrong	Cranston	Gorton
Baucus	D'Amato	Graham
Bentsen	Danforth	Gramm
Bond	Daschle	Grassley
Boren	DeConcini	Harkin
Boschwitz	Dixon	Hatch
Bradley	Dodd	Hatfield
Breaux	Dole	Heflin
Bumpers	Domenici	Heinz
Burdick	Durenberger	Helms
Burns	Exon	Hollings
Byrd	Ford	Inouye
Coats	Fowler	Jeffords
Cochran	Garn	Johnston

Kassebaum	McConnell	Rudman
Kasten	Metzenbaum	Sanford
Kennedy	Mikulski	Sarbanes
Kerrey	Mitchell	Sasser
Kerry	Moynihan	Shelby
Kohl	Murkowski	Simon
Lautenberg	Nickles	Simpson
Leahy	Nunn	Specter
Levin	Packwood	Stevens
Lieberman	Pell	Symms
Lott	Pressler	Thurmond
Lugar	Pryor	Wallop
Mack	Riegle	Warner
McCain	Robb	Wilson
McClure	Rockefeller	Wirth

NAYS—6

Biden	Chafee	Reid
Bryan	Humphrey	Roth

NOT VOTING—1

Bingaman

So the motion to lay on the table the amendment (No. 2523) was agreed to.

Mr. DIXON. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2524

The PRESIDING OFFICER. The question is now on agreeing to the motion to table amendment 2524. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—81

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Bond	Gorton	Murkowski
Boren	Graham	Nickles
Boschwitz	Gramm	Nunn
Bradley	Grassley	Packwood
Bryan	Harkin	Pell
Bumpers	Hatfield	Pryor
Burdick	Hollings	Reid
Burns	Humphrey	Riegle
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dodd	Lieberman	Wallop
Domenici	Lott	Warner
Durenberger	Mack	Wilson
Exon	McCain	Wirth

NAYS—18

Armstrong	Hatch	McClure
Biden	Heflin	McConnell
Breaux	Heinz	Pressler
Coats	Helms	Roth
Dole	Kassebaum	Specter
Garn	Lugar	Symms

NOT VOTING—1

Bingaman

So the motion to table the amendment (No. 2524) was agreed to.

Mr. DIXON. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the third Roth amendment on which the yeas and nays had been ordered.

The PRESIDING OFFICER. Is there objection? Without objection, the yeas and nays are now vitiated.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The motion to table the amendment (No. 2525) was agreed to.

Mr. DIXON. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2526

(Purpose: Relating to the conveyance by the Secretary of the Army of Fort A.P. Hill, VA)

Mr. WARNER. Madam President, I send to the desk a technical amendment to the bill and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Hearing none, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. Warner] proposes an amendment numbered 2526.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 356, lines 10 and 11, strike out "Northern Virginia Regional Correctional Commission" and insert in lieu thereof "Commonwealth of Virginia".

On page 356, lines 17 through 19 strike out "the Northern Virginia Regional Correctional Commission" and all that follows through "to be completed" and insert in lieu thereof "construction of a regional correctional facility on the land be completed".

On page 356, line 21, strike out "and".

On page 356, lines 22 and 23, strike out "by the Northern Virginia Regional Correctional Commission (or any successor governmental entity)".

On page 356, line 25, strike out the period and insert in lieu thereof "; and".

On page 356, below line 25, insert the following new subparagraph:

"(C) the Commonwealth of Virginia offer to Arlington County, Fairfax County, the City of Alexandria, Loudoun County, Fauquier County, Prince William County, Stafford County and Caroline County, Virginia, and any other Virginia county that the Commonwealth of Virginia may choose, the opportunity to participate in the governmental entity created under the law of the Commonwealth of Virginia to construct and operate the regional correctional facility.".

On page 357, strike out lines 1 through 5, and insert in lieu thereof "If a regional correctional facility is not constructed on the land conveyed pursuant to this section in accordance with paragraph (1)(A), such land is used for any purpose other than the purpose specified in paragraph (1)(B), or the counties referred to in paragraph (1)(C) are not offered the opportunity to participate in the entity referred to in such paragraph".

On page 357, line 18, strike out "public".

On page 357, lines 21 through 23, strike out "The cost of such survey shall be borne by the Northern Virginia Regional Correctional Commission.".

Mr. WARNER. This is a technical amendment which has been cleared on the other side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2526) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, if I can inquire of the distinguished floor manager, I furnished the staff and the distinguished managers a copy of an amendment that I had, which would require the Defense Department to annually brief certain Members of Congress. I was wondering if we could agree to that quickly and perhaps move on to the amendment of the Senator from Massachusetts.

Mr. NUNN. Madam President, is the Senator prepared to present that amendment? Is that the annual briefing?

Mr. BUMPERS. Yes.

Mr. NUNN. I think if the Senator will send it to the desk, we can dispose of it rapidly.

AMENDMENT NO. 2527

Mr. BUMPERS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment. The pending amendments will be set aside, and the amendment will be reported.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2527.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

"It is the sense of the Congress that the President should provide for the Speaker of the House, the President pro tempore of the Senate, the minority leaders of the House and Senate, and the chairmen and ranking minority members of the Armed Services and Appropriations Committees of the House and Senate to be given annually an overview presentation on the United States' top level military strategy and its implemen-

tation by strategic forces, including the impact on targeting requirements, resources, and force structure.".

Mr. BUMPERS. Madam President, this amendment is a simple one. It requires the chairman and ranking members of the Appropriations Committee, and of the Armed Services Committee, and the leaders of both Houses, to be briefed annually on our national military strategy.

Mr. NUNN. Madam President, I have read the amendment and discussed it with the Senator from Arkansas. I recommend its approval.

Mr. WARNER. Madam President, we have no objection on this side.

The PRESIDING OFFICER (Mr. ADAMS). The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2527) was agreed to.

AMENDMENT NO. 2528

(Purpose: To urge formation of a United States-Soviet technical working group to examine the technical basis for verification of potential provisions in future arms reduction agreements providing for dismantlement of nuclear weapons and a halt to further production of plutonium and highly enriched uranium for nuclear weapons, and to require a report)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. WIRTH, Mr. HATFIELD, Mr. KERRY, Mr. ADAMS, and Mr. CRANSTON, proposes an amendment numbered 2528.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XXXI (page 380, after line 12), add the following new part (and conform the table of contents accordingly):

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

SEC. 3135. PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS AND DISPOSAL OF NUCLEAR STOCKPILES.

(a) PRODUCTION BY THE SOVIET UNION.—Congress urges the President and the Supreme Soviet of the Soviet Union—

(1) to cease production by the Soviet Union of plutonium;

(2) to maintain the cessation in production by the Soviet Union of highly-enriched uranium for weapons that was announced on April 7, 1989.

(b) TECHNICAL ASPECTS OF FISSILE MATERIAL MONITORING AND NUCLEAR WARHEAD DISMANTLEMENT.—Should the President determine that future international agreements should provide for dismantlement of nuclear warheads and a ban on further production of fissile materials for weapons, then the Congress urges the President to seek to establish with the Soviet Union a joint technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the design and verification of these potential provisions.

(c) REPORT ON VERIFICATION TECHNIQUES.—(1) The Secretary of Energy, in consultation with the Secretary of Defense and in coordination with the Director of Central Intelligence, shall prepare a comprehensive technical report on the verification matters described in paragraph (2) of this subsection.

(2) The report shall describe the on-site monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify the actions of other nations with respect to the following:

(A) dismantlement of nuclear warheads in the event that a future agreement between the United States and the Soviet Union should provide for such dismantlement to be carried out in a mutually verifiable manner.

(B) a mutual U.S.-Soviet ban, leading to a multilateral, global ban on the production of additional quantities of plutonium and highly-enriched uranium for nuclear weapons.

(C) the end use or ultimate disposal of any plutonium and highly enriched uranium recovered from the dismantlement of nuclear warheads.

(3) In order to prepare the report required by paragraph (1) of this subsection, the Secretary of Energy, in coordination with the Director of Central Intelligence, shall establish a Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls, composed of preeminent government and nongovernment experts in the fields of radiation detection, nondestructive examination, nuclear safeguards, nuclear materials production, and nuclear warhead dismantlement. This committee, which shall be established not later than December 31, 1990, shall advise the Secretaries of Energy and Defense, and the Director of Central Intelligence on the availability, utilization, and further development of techniques which could be applied to the verification of the prospective actions described in paragraph (2) of this subsection.

(4) The report required by paragraph (1) shall be submitted to Congress not later than April 30, 1991. The report shall be submitted in unclassified form, with such classified appendices as may be necessary.

SEC. 3136. DEVELOPMENT AND DEMONSTRATION OF MEANS FOR WARHEAD DISMANTLEMENT VERIFICATION.

The Secretary of Energy may use funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1991 to carry out a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

Mr. KENNEDY. Mr. President, I offer this on behalf of Senators WIRTH, HATFIELD, KERRY, ADAMS, and CRANSTON. I have given this amendment to both managers, and I understand that it will be acceptable.

The purpose of the amendment is to strengthen the foundation for verification of reductions in nuclear arsenals by encouraging both unilateral and joint United States-Soviet analysis of possible monitoring arrangements for dismantling nuclear warheads and controlling further production of nuclear explosive materials.

I believe that the floor managers have had an opportunity to review it. I would be glad to describe it further, if it is desired.

The amendment urges the Government in the Soviet Union to halt the production of the plutonium for weapons and continue its current moratorium on highly enriched uranium weapons. I have had the opportunity to talk with the managers on it. I will put in a statement. They have had a good opportunity to review it. I can take as much or as little time to accommodate the other Members.

Let me briefly summarize the amendment:

It urges the Government of the Soviet Union to halt production of plutonium for weapons, and to continue their current moratorium on the production of highly enriched uranium for weapons.

The amendment urges the formation of a United States-Soviet technical working group to examine the technical basis for verification of agreements that would provide for mutually verifiable nuclear warhead dismantlement, and a ban on the production of additional fissile materials for weapons.

The amendment directs the Secretary of Energy, in coordination with the CIA Director, to establish an expert Technical Advisory Committee on the Verification of Fissile Material and Nuclear Warhead Controls.

The amendment also directs the Secretary of Energy, in coordination with the Director of the CIA, to prepare a comprehensive technical report on the verification issues associated with dismantling nuclear warheads and a ban on fissile material production for weapons.

The amendment authorizes the Secretary of Energy, at his discretion, to use DOE defense program funds for fiscal year 1991 to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

Mr. President, one of the disputed issues during consideration of the INF Treaty was the lack of a requirement to verifiably dismantle the warheads on delivery systems to be eliminated under the treaty. This issue was raised by a number of Senators from across the political spectrum. It remains to be explored as a potential component of future arms reduction agreements.

Especially as arms control agreements move into the domain of dual-capable weapons—weapons that can be equipped with either nuclear or conventional rounds—it becomes important to gain a measure of direct control over nuclear warhead inventories.

There is another important dimension to verifying future reductions in warhead stockpiles, and that is providing assurance that additional plutonium, or highly enriched uranium, is not being produced to replace the warheads being dismantled.

This would require a capability to monitor a future agreement banning the production of additional fissile material for weapons.

Mr. President, stopping further proliferation of nuclear weapons will require more than simply extending the existing Nonproliferation Treaty when it comes up for renewal in 1995.

Many of the nuclear threshold states with the greatest incentives toward further proliferation are not parties to the NPT. Persuading these nations not to construct nuclear arsenals will require a concerned approach by the United States, the U.S.S.R., and the other declared nuclear weapon states.

What is needed in the nuclear arena is a new set of verifiable international obligations banning the production of nuclear explosive materials for weapons.

These obligations would be equally binding upon all nations, much like the proposed international convention now under negotiation to ban chemical weapons production.

In view of the large nuclear warhead inventories on both sides, and the surplus of fissile materials now available from weapon retirements, as we move toward smaller nuclear arsenals in the post-cold-war era, neither the United States nor the Soviet Union has any need for the production of more fissile materials for weapons.

Both sides have already ceased the production of highly enriched uranium for weapons—the United States over two decades ago, and the U.S.S.R. more recently, in the spring of 1989.

Two years ago the United States halted its production of additional plutonium. Last year, at the urging of Congress, the Department of Energy deferred construction of a special isotope separation plant to produce additional weapons grade plutonium.

While it has apparently shut down 4 out of an estimated 14 reactors originally dedicated to plutonium and tritium production, the Soviet Union has not yet announced the shutdown of its remaining plutonium production reactors.

Nor has the Soviet Union announced, as our Government has, which reactors it intends to maintain in operation for the production of tritium.

The amendment we are offering urges the Government of the Soviet Union to reciprocate the current halt in United States production of fissile materials for weapons.

This action would put an end to what appears to be, at this point, an excessive Soviet accumulation of additional plutonium for weapons.

The official United States reluctance to begin negotiations does not obscure the fact that it is the Soviet Union—not the United States—that is continuing to produce plutonium for weapons. The political burden is clearly on the Soviet Union to end its current production and invite reciprocal inspection visits to each Nation's shutdown facilities.

Finally, Mr. President, there is tremendous underutilized potential in our Department of Energy laboratories to apply the nuclear monitoring technologies developed for the nuclear nonproliferation regime to the technical problems of global nuclear arms reduction.

Our proposed amendment will spur greater Government activity in this area, and speed the development of a wider range of verification options for our treaty negotiators.

I thank those Senators who have joined with me in sponsoring this amendment, and I would urge all my colleagues to support this amendment.

But, effectively, it requires a report and also the establishment of an advisory committee to be able to better determine the verification opportunities, problems in nuclear warhead dismantling and also develop the kinds of verification for the production of plutonium and enriched plutonium.

As I say, I see the manager on his feet at the present time. I am glad to give a further description. I think we have accommodated both the minority and majority leader's concerns in adjusting the amendment, and if it is agreeable, then I would be glad to hear from the manager. Otherwise, I will take a brief time to have a further description.

Mr. NUNN. Mr. President, we have worked with the Senator from Massachusetts on this amendment. The staff worked on it. We have gone over it with him personally. I recommend this amendment be approved.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, the Senator from Massachusetts is quite correct. We have worked on it. The amendment is now acceptable.

I would say that even in its present form, it comes uncomfortably close by arms control by statute rather than negotiation. But with the new language in it, which gives the President some judgment as to whether or not we enter into these negotiations, it is comforting to this Senator, at least.

One of the very few privileges and obligations that the Constitution bestows upon the President of the United States is to choose when to and what to negotiate. I think the Senate and the Congress generally ought to be very careful about jumping in there and directing.

So I thank the Senator from Massachusetts, and I appreciate the work we have had with his staff and with himself, and I say also just because we have a truthful data exchange with the Soviet Government, the President should not feel pressured to appoint an Ambassador to initiate negotiations on plutonium. It is still his judgment what constitutes national security interests.

With that understanding, I say to the Senator from Massachusetts I appreciate his comments.

Mr. KENNEDY. I thank the Senator for his comments.

The Senator stated correctly a number of the items brought up in the INF debate and discussion on verification issues. If there is going to be future agreements which this administration has committed itself to, I believe that trying to develop this kind of information will be valuable both to the President and to the Senate during the time of consideration of the verification.

I heard the comments of the Senator from Wyoming, and we are glad to make those kinds of adjustments to clarify the amendment.

I hope the Senate will accept it.

Mr. WALLOP. Mr. President, I will say the exchange is unfortunate. It is that judgment which the Senator from Massachusetts spoke on the national interest and the circumstances between the countries also has a relevance.

I yield the floor.

Mr. KENNEDY. I add that the amendment urges technical changes and the report and does not urge negotiations.

Mr. WIRTH. Mr. President, this amendment is intended to help us think through a new set of challenges and requirements in nuclear arms control for the 1990's and beyond. As we all know, the world is changing very rapidly. Most of these changes have occurred in the political landscape in East-West relations. Changes in the military relationship are catching up with the political world, but much work remains to be done in thinking through the relationships which will define nuclear arms control in the years ahead.

This amendment would help us better understand the technical aspects of verifiable deep reductions in nuclear weapons and mutual limits on the production of weapons-grade materials for nuclear weapons. Rather than relying on the destruction of delivery vehicles, we may want to pursue verifiable reductions in fissile material—the nuclear material itself. I am aware of the importance of handling nuclear materials resulting from arms reductions through my experience with the Rocky Flats plant in Colorado. A major function at that plant is to dismantle the nuclear warheads.

If we are to seek genuinely deep reductions in the vast nuclear arsenals of the superpowers, we need to have a better understanding of the technical, physical, and economic problems associated with reducing nuclear weapons

materials as well as aircraft, submarines, and missiles.

Given high cost of our nuclear weapons complex, we may have added incentive to pursue deep reductions in nuclear weapons materials and production.

I believe this amendment is a forward-looking and useful contribution to our understanding of the world we will face in the 1990's and I urge my colleagues to support it.

The PRESIDING OFFICER. The Chair will put the question.

The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 2528) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, it is my understanding the Senator from Illinois has two amendments that he is willing to accept 50-minute time agreements on each with the time equally divided.

Could I ask the Senator to give the title of each of the amendments?

Mr. SIMON. One is regarding medical coverage for those who are voluntarily retired from the armed services with a preexisting condition. That is kind of a long title. That is what it is about.

Mr. NUNN. On that amendment the Senator from Maine.

Mr. COHEN. Could I inquire whether or not we have the two amendments back to back?

Mr. NUNN. That is what I am going to propose.

Mr. President, on the first amendment I ask unanimous consent that there be a 20-minute time limit, with the time equally divided between the Senator from Illinois and the managers of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. With no second-degree amendment unless relevant and germane thereto and the vote to occur on the amendment or motion pertaining thereto at the conclusion of the time.

Mr. WARNER. Mr. President, reserving the right to object, I regret I shall object, we have not yet seen the amendment and, therefore, cannot consent to the time agreement.

Mr. SIMON. I asked the page for copies of the amendment. We get them to Senators right away here.

Mr. NUNN. Mr. President, I withdraw my unanimous-consent request. If the Senator could send the amendments down and let them be reviewed, and go ahead and begin the debate, that might be the most expeditious way to proceed.

The PRESIDING OFFICER. The Senator must ask consent to ask the two amendments be set aside that are presently pending.

Mr. SIMON. Mr. President, I ask unanimous consent that the two amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2529

(Purpose: To direct the Secretary of Defense to establish a health insurance program for temporary coverage of members of the Armed Forces voluntarily discharged or released from active duty for health conditions existing before the date of the discharge or release from active duty and for dependents of such members for such preexisting conditions)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2529.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, line 15, strike out "section:" and insert in lieu thereof "sections:".

On page 74, line 9, strike out the end quotation marks and the period following the end quotation marks.

On page 74, between lines 9 and 10, insert the following:

"§ 1106. Temporary health coverage for persons voluntarily discharged or released from active duty

"(a) IN GENERAL.—The Secretary of Defense shall develop a program for providing health insurance coverage described in subsection (b) for—

"(1) members of the armed forces who are voluntarily discharged or released from active duty after completing two or more years of continuous service and who voluntarily enroll in such program; and

"(2) the dependents of such a member.

"(b) COVERAGE.—The health insurance provided under this section shall cover health conditions existing before the date of the discharge or release, including pregnancy existing before such date, for one year after such date.

"(c) PAYMENT OF PREMIUMS.—A member enrolled in such program shall be responsible for payment of the premiums required for the insurance coverage provided under the program.

"(d) CONTRACT.—The Secretary may enter into a contract with an insurance underwriter to furnish the health insurance under the program.".

On page 74, strike out the matter between lines 12 and 13 and insert in lieu thereof the following:

"1105. Temporary health coverage for persons involuntarily discharged or released from active duty.

"1106. Temporary health coverage for persons voluntarily discharged or released from active duty.".

Mr. SIMON. Mr. President, if I may have the attention of my colleagues from Georgia and Virginia.

Mr. FORD. They are reading the Senator's amendment now.

Mr. SIMON. If I may ask for their attention, there may be a way of solving this without going through the process of a vote on the amendment, if I may have the attention of my colleague from Georgia here, too.

Mr. WARNER. Mr. President, we are now engaged in listening to our colleague.

Mr. SIMON. Here is the situation we face right now. It is an unusual situation that if you are involuntarily discharged from the armed services you can have coverage for preexisting medical conditions. You have to make payments, and I understand it, or contract with Mutual of Omaha. If, however, you are voluntarily discharged and you have a preexisting medical condition, you cannot get that health insurance coverage.

That just does not make sense. We are going to be in a situation where we are going to have more and more people voluntarily discharged from the Armed Forces.

I recognize this is a somewhat technical amendment, and if my colleagues would assure me that the Armed Services Committee is going to take a look at this question, to see what is clearly something that should not exist, that we can rectify this, then I would be willing to withdraw the amendment. But clearly there is a wrong, there is an injustice to people now because if you are voluntarily discharged, if you serve your 4 years or whatever time, you do not get the same benefits as those who are involuntarily discharged.

Mr. NUNN. Mr. President, I say to my friend from Illinois I think he makes a good point. I am not sure of the cost ramifications of this. What I prefer to do if the Senator could give us a little bit of leeway is to take this one to conference in terms of the Senator's advice.

We will work on it in conference. I prefer not to put the amendment in without having a cost analysis of it. But my staff informs me that they believe there is merit to the proposal and we will work it in conference in connection with all of the compensation packages.

Mr. SIMON. If I can have the same assurance from the ranking member.

Mr. WARNER. Mr. President, if I understood the petition of the Senator, it was for Senate Armed Services Committee to look at this in the legislative year as opposed to conference.

Mr. SIMON. Frankly, if we can work it out in conference, that is ideal. If you cannot, I understand.

Mr. WARNER. We have just gotten it. It seems to me the petition by the Senator for us to look at it in the course of the normal legislative year I think is a reasonable one. I think we can give full assurance.

Mr. SIMON. Maybe we can look at it in conference if the Senator can get it worked out. He has an able staff. We are going to have time now over the recess to look at this. If the Senator cannot work it out in conference, I want the assurance he will move on it.

Mr. NUNN. The Senator has the assurance. The reason I mentioned conference that is certainly not a pledge. The Senator knows that I cannot pledge we are going to come out with this in conference.

What I pledge is we will take a look at this in conference in connection with the overall compensation package. The House has passed a very comprehensive package including many items that are related to this health insurance issue. So I think the issue will be left in conference and we will consider this.

Mr. SIMON. With that assurance, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2529) was withdrawn.

Mr. SIMON. Mr. President, I do not know whether technically we have to read that second amendment or whether it has been read.

The PRESIDING OFFICER. The second amendment has not been read.

AMENDMENT NO. 2530

(Purpose: To establish a Presidential Advisory Committee for Policy Toward Cuba)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Mr. MACK, Mr. GRAHAM, and Mr. DECONCINI, proposes an amendment numbered 2530.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, below line 24, insert the following new section:

SEC. 1216. PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA

(a)(1) PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA.—There is hereby established a presidential advisory committee to be known as the Presidential Advisory Committee for Policy Toward Cuba (hereafter in this section referred to as the "Advisory Committee"). The purpose of the Advisory Committee shall be to provide advice and recommendations relating to all aspects of United States policy toward Cuba.

(2) The Advisory Committee shall consist of seven members each of whom shall be citizens of the United States. The President shall appoint such members of the Advisory Committee not later than 60 days after the date of the enactment of this Act. Not more than four of such members may be from the same political party. Each member of the Advisory Committee shall serve for the life of the Advisory Committee.

(3) The President shall appoint one of the members of the Advisory Committee to serve as Chairman. The Advisory Committee shall meet as may be necessary, at the call of the Chairman, or at the call of two-thirds of the members of the Committee.

(4) The Secretary of State shall make available to the Advisory Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(b) PURPOSE.—(1) It shall be the purpose of the Advisory Committee to advise and make policy recommendations to the President and the Secretary of State on sound policies toward Cuba.

(2) In carrying out the purposes referred to in paragraph (1), the Advisory Committee shall—

(A) make recommendations relating to policy options to encourage freedom for the people of Cuba;

(B) propose a plan for providing appropriate assistance to the people of Cuba in the event the present government is changed; and

(C) make recommendations on immigration and trade between the United States and Cuba.

(c) REPORTS.—(1) The Advisory Committee shall submit annual reports detailing the advice and recommendations referred to in subsection (b).

(2) The Advisory Committee shall submit a final report detailing such advice and recommendations 30 days before its termination date.

(3) The Advisory Committee shall submit a copy of the report referred to in paragraphs (1) and (2) to the President, the Secretary of State, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

(d) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall apply to the Advisory Committee, except that—

(1) the meetings of the Advisory Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of policy toward Cuba; and

(2) meetings may be called of special task forces or other such groups made up of members of the Advisory Committee.

(e) OTHER ACTIVITIES BY MEMBERS OF ADVISORY COMMITTEE.—Nothing contained in this section may be construed to authorize or require any member of the Advisory Committee or any other individual to participate directly in any other official Government meeting on any matter referred to in subsection (b). To the maximum extent practicable, the members of the Advisory Committee shall be informed and consulted before and during any such meetings. Advisory Committee members may be designated as advisors to a United States delegation to such meeting and may be permitted to participate in other international meetings to the extent the President deems appropriate, except that they may not speak or negotiate for the United States at such meetings.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TERMINATION.—The Advisory Committee shall terminate 3 years after the date of enactment of this Act.

Mr. SIMON. Mr. President, I do not ordinarily come in the last minute with amendments, and I apologize to my colleagues for not providing this in advance. This is an amendment that is cosponsored by Senator MACK, Senator GRAHAM, and Senator CRANSTON. This would provide an advisory committee to the President, appointed by the President, of seven persons to advise on the situation in Cuba, and what we should do.

We do not want a repetition of what has happened in Eastern and Central Europe where all of a sudden they were free of Communist shackles and we did not know what to do, and we had to scurry around. This is an advisory committee.

My hope is that my colleagues could accept this without a rollcall. It is one that just makes sense. It is backed by the Cuban American community. It is a concern, I think, of anyone who looks at this situation and recognizes that Castro could fall at any point. We ought to be preparing for the day when he does fail.

This simply asks for a committee of seven, seven American citizens appointed by the President, no more than four from any one party. I think this could be accepted. I hope we do not have to go to a rollcall. If we have to, I am willing to. But it seems to me this is something that my colleagues could accept.

Mr. WARNER. Mr. President, having just looked at this for several minutes, I would like to ask a question of my distinguished colleague from Illinois.

I will express my initial concern for several reasons and then I will pose a question.

First, the amendment provides that the President establish a Cuban-American advisory committee for policy toward Cuba, to provide overall policy and recommendations on matters concerning this policy toward Cuba.

Indeed, the situation in Cuba, I am certain, will be impacted by the dramatic advancement of democracy in Eastern Europe and may well be the next nation to fall in line. But I could suggest that the President establish similar commissions for other nations.

To the best knowledge that this Senator has, there is no precedent for this, nor is there any other nation in the world given the recognition that would be sought in here; namely to establish a special committee for them.

Mr. SIMON. Mr. President, in response to my colleague from Virginia, let me say as one who has spent a great deal of time on the Polish situation, I wish we had had this for Poland. There are only two other countries that possibly fall into this category and those are Albania and North Korea. Neither has been anywhere near as involved in our foreign policy as has been Cuba.

We have spent a great deal of time and effort and resources on the Cuban situation. If someone wants to introduce an amendment at another time to have a similar committee for Albania and North Korea, I would be happy to support it. But I do not think real candidly they fall in the same category as Cuba does. I think my colleague from Virginia would agree with that.

Mr. WARNER. Mr. President, I do believe we are departing from precedent. I do not at this time recognize those facts as being present that would justify this exception. Therefore, this side would have to register its opposition to establishing this precedent, I regret to advise the Senator.

It may well be that I would be willing to withhold that until such time as perhaps the chairman and ranking member of the Foreign Relations Committee might wish to take a look at it, and perhaps they could dissuade me from the position I am taking.

Mr. SIMON. If the request of the Senator from Virginia is we set it aside temporarily, I am willing to do that.

Mr. WARNER. That is a parliamentary situation. I would certainly want to permit the chairman of the committee to look at that. At this time, I would not be able to indicate my consent to it, but I would be willing to hear from others.

Mr. SIMON. Let me just add if my colleague from Georgia is more sympathetic, I am willing to go to a voice vote, as long as we have good lungs on this side, Mr. President.

Mr. NUNN. Mr. President, this matter really is more in the nature of a matter before the Foreign Relations Committee. I think we would probably need to notify them.

I have some sympathy for this amendment. I think Cuba is unique. It is right off our shores. We have had very grave difficulties with the governmental leadership there. There have been tremendous abuses of human rights. We have a tremendous and outstanding Cuban-American community in this country. I am sure they are very concerned about this.

It is my opinion that at some point the Soviet Union is going to decide that continuing to prop up Mr. Castro is not in their economic or even their political interest, and I do not think that day is far around the corner, so getting out in front of the problem and beginning to take a closer look at it with all of the other problems in the world, it seems to me this kind of advisory committee would have merit.

But at this stage I know that my colleague and partner from Virginia has a problem with it and so what we really have to do is defer to him as to whether he would like to have a rollcall vote on it.

Mr. President, if the Senator has confidence in a voice vote, then I believe we could have one.

Mr. SIMON. That is satisfactory with me, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2530) was agreed to.

Mr. SIMON. I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I object.

I say to the Senator, the distinguished chairman of Foreign Relations Committee, if I heard his vote, it was in the negative; am I correct?

Mr. PELL. Yes.

Mr. WARNER. The Senator from Virginia wishes to reflect that his vote and the vote of the chairman of the Foreign Relations Committee were in the negative.

With that, I withdraw my objection and make note of the fact there are less than a half dozen Senators on the floor of the Senate.

The PRESIDING OFFICER. It will be so recorded.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to reconsider.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to say in connection with the previous voice vote, I want to be recorded in the negative.

The PRESIDING OFFICER (Mr. SIMON). Does anyone seek recognition? The Senator from Georgia.

Mr. NUNN. Mr. President, it is my hope we could have the Senator from Massachusetts present his amendment on Asat. I know he is not on the floor at the moment. That would be the next amendment I know we can get a time agreement on.

Mr. President, I see the Senator from Arkansas on the floor. Is he willing to take up his base closure amendment at this time? Or does he have another amendment?

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I will be ready very shortly with the base closing amendments. But I also have another short amendment here. I was wondering if the managers had a chance to look over it.

What it does, it says simply that defense contractors shall have the right, if they pay for parking for their employees, to also pay their employees the same amount in cash that they pay for parking in order to enable them to take mass transit to and from work. The idea is to take some automobiles off the road.

Mr. NUNN. This is an area that is beyond the jurisdiction of this committee.

Mr. President, I am told this applies only to the Department of Defense, so it would be within the jurisdiction of this committee. We do not have any idea what this amendment would cost. Does the Senator have any cost figures?

Mr. BUMPERS. It should not cost anything. Bear in mind, Senator, this is a cost that is being charged to the Federal Government, to the Defense Department. If they provide free parking for employees who are working on a defense contract, they would have an obligation to provide anybody who wanted an equal amount in fare cards or whatever, so they could take mass transit. They would be entitled to that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I will just utilize this time to discuss two amendments which I understand have been cleared on both sides. Certainly on this side.

I shall at this time not send them to the desk, but to create the record, such that at the appropriate time they could be sent to the desk.

Mr. President, I rise to propose an amendment to establish an environmental education program for personnel of the Department of Defense.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 2531

(Purpose: To require the Secretary of Defense to establish a program for the purpose of educating Department of Defense personnel in environmental management)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2531.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 321. ENVIRONMENTAL EDUCATION PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL

(a) REQUIREMENT TO ESTABLISH PROGRAM.—The Secretary of Defense shall establish a program for the purpose of educating Department of Defense personnel in environmental management.

(b) PROGRAM REQUIREMENTS.—Under the program, the Secretary shall—

(1) in consultation with environmental education personnel of colleges and universities in the United States that offer undergraduate and graduate level courses in a wide range of environmental disciplines, develop a curriculum of environmental management courses offered by such colleges and universities;

(2) provide opportunities for Department of Defense personnel to attend such courses at such colleges and universities; and

(3) develop the criteria for the selection of Department of Defense personnel to attend such courses.

(c) FISCAL YEAR 1991 FUNDING MATTERS.—Of the funds authorized to be appropriated pursuant to section 301, not more than $100,000 shall be available for the program established pursuant to subsection (a).

(d) RECOMMENDATIONS REGARDING CONTINUATION OF PROGRAM AFTER FISCAL YEAR 1991.—Not later than the date on which the President submits the budget for fiscal year 1992 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives in writing his recommendations regarding whether the program established under subsection (a) should be continued after September 30, 1991.

Mr. WARNER. Mr. President, the amendment I have proposed would establish an environmental education program for personnel of the Department of Defense. I am informed that the amendment has been cleared on both sides.

Mr. President, during hearings this year, the members of the Armed Services Committee have heard testimony concerning the large task the Department of Defense has in front of it to clean up environmental pollution at many of its domestic and foreign military bases. In addition, we are all aware of the increasing number of environmental requirements being imposed on all sectors of the economy, including the military. These facts point up the need for more and better education for personnel engaged in environmental control and management.

Mr. President, new developments in natural resource and environmental management are occurring so rapidly that traditional methods of training and education used by DOD are no longer adequate. Expertise in the management of wetlands, shorelines, rivers, lakes, arid lands, and forests is greatly needed. Personnel who are both knowledgeable about the proper handling and disposal of hazardous waste and able to quantify pollution risks are essential. The enlisted and officer corps do not provide sufficient personnel to meet these needs, and adequately prepared civilian environmental scientists are not readily available to many installations and programs.

Mr. President, my amendment is a simple one that is intended to address this problem. It requires the Department of Defense, in consultation with colleges and universities with expertise in environmental education, to develop a curriculum of environmental management courses. In addition, the amendment directs the Department of Defense to develop criteria for the selection of individuals to attend these courses.

Mr. President, this is a modest attempt to address the educational needs in this area. It is my hope that the Department of Defense will find this a useful start in providing badly needed education for its personnel, and in minimizing future environmental problems on military installations. During the fiscal year 1992 budget review process, the Armed Services Committee will review this program to determine whether this program is indeed effective and whether its continuation and expansion would be worthwhile.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, this has been cleared on our side. We think it is a good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2531) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

Mr. WARNER. Mr. President, I believe the Senator from Virginia still has the floor. I will be another 2 minutes.

Mr. LEVIN. If the Senator from Arkansas also will withhold, there are a couple of cleared amendments on our side.

Mr. BUMPERS. I was going to offer an amendment that has just been cleared.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2532

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. GORE, proposes an amendment numbered 2532.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert the following new section:

SEC. 3XX. USE OF OZONE DEPLETING SUBSTANCES WITHIN THE DEPARTMENT OF DEFENSE.

(A) DOD REQUIREMENTS FOR OZONE DEPLETING CHEMICALS OTHER THAN CFC'S—

(1) In addition to the functions of the Committee designated by section 356(c) of the National Defense Authorization Act for fiscal year 1990, it shall be the function of the Committee to study (A) the use of methyl chloroform, Hydrochlorofluorocarbons (HCFC's) and carbon tetrachloride by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the costs and feasibility of using alternative compounds or technologies for methyl chloroform, HCFC's, and carbon tetrachloride.

(2) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that specify the use of methyl chloroform, HCFC's or carbon tetrachloride.

(3) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that do not specify use of methyl chloroform, HCFC's, or carbon tetrachloride.

(b) In preparing reports the Committee shall work closely with the Strategic Environmental Research Program Council, and shall provide to the Strategic Environmental Research Program Council its reports and recommendation with respect to section (a).

(c) EXTENSION OF REPORTING DEADLINE FOR CFC's.—The deadline for submitting a final report to the Congress concerning uses of CFCs, established in section 356(d) of the National Defense Authorization Act for fiscal year 1990, is hereby extended to June 30, 1991.

(d) REPORTING DEADLINE FOR METHYL CHLOROFORM, HCFC'S, AND CARBON TETRACHLORIDE.—Not later than September 30, 1991, the Secretary shall submit to Congress a report containing the results of the study by the Committee authorized under subsection (b)(1) of this section.

Mr. WARNER. Mr. President, I rise to propose an amendment concerning ozone-depleting chemicals in military specifications. I have been informed that the amendment has been cleared on both sides.

Mr. President, last year, I, along with my colleague on the Armed Services Committee, Senator GORE, offered an amendment that established a CFC Advisory Committee to assist the Department of Defense in: First identifying military specifications requiring the use of chlorofluorocarbons [CFC's]; and second, studying the feasibility of changing those specifications to allow for substitutes as expeditiously as possible. That amendment became law as part of the National Defense Authorization Act for fiscal year 1990.

Mr. President, we offered this amendment because the Department of Defense is an important user of CFC's, in items from guided missile systems to airplane parts. In addition, electronics equipment for military communications systems, as well as weapons systems, are manufactured using CFC's for various cleaning and testing processes.

Our amendment of last year recognized that, given our present understanding of the adverse environmental impact CFC's have on the Earth's ozone layer, it was essential that DOD expeditiously reduce its use of CFC's in those areas where safe substitutes have been made available. The CFC Advisory Committee was established to identify all DOD military specifications that directly and indirectly required the use of CFC's and to identify processes and specifications where available CFC alternatives can be substituted safely and expeditiously.

The CFC Advisory Committee has already begun work on this enormous task. Just last week, the committee submitted a report to Congress describing the Department's strategy to reduce and eliminate the use of CFC's.

Mr. President, despite this progress on CFC's, we now need to focus on the phaseout of the Department's use of other ozone depleting chemicals. This focus is consistent with the broadening scope of the phaseout called for just recently in the Montreal protocol, as well as clean air legislation now pending in a House-Senate conference.

Both the Montreal protocol and the House and Senate clean air bills call for the phaseout of the use of carbon tetrachloride, methyl chloroform, and hydrochlorofluorocarbons, HCFC's. In light of these internationally supported changes in policy, the Defense Department needs to follow suit and begin work to eliminate uses of these chemicals wherever possible, and to change military specifications requiring such use.

Mr. President, that is exactly what my amendment would do. It would expand the jurisdiction of the CFC Advisory Committee, established as I indicated in last year's DOD authorization bill, to study the use of methyl chloroform, HCFC's, and carbon tetrachloride by the Department of Defense and by contractors in the performance of contract for the Department of Defense. Based on the results of that study, the committee will work with DOD to identify processes and specifications where available alternatives to those chemicals can be substituted safely and expeditiously.

Mr. President, approval of this amendment represents a major step in eliminating ozone-depleting substances from military uses. I have been informed it is cleared on both sides.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. We have no objection to it.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, is it correct that Senator GORE is a cosponsor of this amendment?

Mr. WARNER. The Senator from Michigan is correct. I appreciate very much his bringing it to my attention. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2532) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, if the Senator from Arkansas is ready with that modified amendment relative to transportation, I suggest we dispose of it at this time since it was raised.

AMENDMENT NO. 2533

(Purpose: To provide for the payment of certain mass transit costs of employees under contracts with the Federal Government, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2533.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 181, insert between lines 8 and 9 the following new section:

SEC. 854. PAYMENT OF MASS TRANSIT COSTS OF EMPLOYEES UNDER CERTAIN GOVERNMENT CONTRACTS

(a) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a regulation to provide that mass transit costs incurred by contractor employees in commuting to a place of performance of a contract for the Department of Defense may be treated in the same manner as parking costs of contractor employees are treated under such contract, to the extent that the Secretary deems appropriate, and consistent with otherwise applied cost principles.

(b) MASS TRANSIT COSTS.—The mass transit costs referred to under subsection (a) may include the cost of transit tokens, farecards, or other access devices for an employee commuting on mass transit.

(c) LIMITATION.—The mass transit costs payable to or for an employee under any contract described under subsection (a) may not exceed the parking costs which would be payable to or for an employee under such contract.

Mr. BUMPERS. Mr. President, this is an amendment that we have agreed to modify from its original purpose to, No. 1, confine it to the Department of Defense and not the entire Government.

What it does is it says the Secretary of Defense shall have the discretion of permitting a defense contractor who is providing free parking for the employees who are working on a defense contract the discretion to provide, I would say order, if that contractor is billing the U.S. Government for that free parking, as a part of the contract, the Secretary can also provide him the right to provide fare cards, coins, or cash to those employees in order to allow them to take mass transit. There would be no additional cost to the Government because they are being billed for the free parking, and the employer, if the Secretary chose to let him do that, would only pay employees what he is paying for free parking and would allow them to take that cash and take mass transit and take some automobiles off the highway and help clean up the environment.

Mr. LEVIN. Mr. President, first let me thank the Senator from Arkansas for his work on this. It has been modified so that it is now discretionary, to be consistent with existing cost principles. We thank the Senator for the

amendment. We think it is a good amendment. It has been cleared on this aisle.

Mr. GORTON. The amendment has been cleared on this side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2533) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2534

(Purpose: To set aside $5,000,000 for certain registration, monitoring, and notification activities of the States of Washington, Oregon, and Idaho in connection with the releases of radionuclides from the Department of Energy Hanford Nuclear Reservation, Hanford, WA, during the years 1944 through 1972)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator ADAMS and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ADAMS (for himself and Mr. HATFIELD), proposes an amendment numbered 2534.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 380, between lines 12 and 13, insert the following:

SEC. 3135. FUNDING FOR REGISTERING, MONITORING, AND NOTIFYING PERSONS EXPOSED TO RADIONUCLIDES RELEASED FROM THE DEPARTMENT OF ENERGY HANFORD NUCLEAR RESERVATION, HANFORD, WASHINGTON

Of the funds authorized to be appropriated to the Department of Energy pursuant to this title, the Secretary of Energy shall make available to the State of Washington $3,000,000, and to the State of Oregon and the State of Idaho $1,000,000 each for the following purposes:

(1) To implement one or more programs to register and monitor those persons who may have been exposed to radionuclides released from the Department of Energy Hanford Nuclear Reservation, Hanford, Washington, between the years of 1944 and 1972.

(2) To develop procedures for notifying each such person of the potential adverse health effects of such exposure and of any recommended course of medical action regarding such adverse health effects.

Mr. LEVIN. Mr. President, this amendment would set up a registry of exposed persons so that, through the States, the Federal Government may begin to dispense health advice and information to any citizens who are concerned about being exposed to radiation from DOE operations at the Hanford, WA, site.

Mr. ADAMS. Mr. President, today I have proposed to the Department of Defense authorization bill an amendment that will start to address the concerns of U.S. citizens who were exposed to high levels of the radiation from the operations of the Hanford facility in Washington State.

My amendment will set up a registry of exposed persons so that, through the States, the Federal Government may begin to dispense health advice and information to any citizens who are concerned about being exposed to radiation from DOE operations at the Hanford site.

This registry is a modest first step in addressing people's concerns about radiation exposure in the Northwest. Ultimately, some form of compensation legislation will probably be enacted to redress any harm suffered as a result of DOE operations at Hanford. Yet, such compensation legislation should only be enacted after health studies have been completed, and these studies are several years away from completion. In the meantime, people who live or lived in the area downwind of Hanford will continue to see preliminary health and exposure reports published, and they will understandably be alarmed. It is expected that the registry and information dissemination system proposed by this legislation could settle unwarranted fears and provide sound medical advice where warranted.

The registry would also be a means by which the U.S. Government could find and track citizens who were exposed to high levels of radiation during Hanford's early operations. This could substantially facilitate the completion of present and future health studies of downwinders and would make it much simpler to provide compensation to those folks when and if it is needed.

I am pleased to have offered this amendment with Senator HATFIELD today. I expect that it will serve Hanford downwinders well. This is an important first step toward addressing the concerns of folks who were essentially guinea pigs of the U.S. Government in the early days of our atomic weapons production.

Mr. LEVIN. I understand it has been cleared.

Mr. GORTON. Mr. President, the amendment indeed has been cleared. It is a very good and a very important one. We recommend its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2534) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2535

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. DOLE, proposes an amendment numbered 2535.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SENSE OF THE SENATE RELATING TO THE DEVELOPMENT AND PRODUCTION OF WEAPONS AND WEAPON SYSTEMS HAVING STANDOFF ATTACK CAPABILITIES AND EMPLOYING SENSOR-FUSED DEVICES

Findings:

(1) The worldwide proliferation of sophisticated and highly lethal, advanced technology weapons systems continues at rapid pace; and

(2) These increasingly lethal weapons place United States and Allied forces at greater risk; and

(3) The development of standoff weapons to attack highly defended targets while minimizing risk to United States Forces is a high priority; and

(4) The results of research and testing conducted by or for the Department of Defense on weapons and weapon systems having standoff capabilities and employing sensor-fused devices demonstrates that such weapons satisfy such needs; now

The Air Force should complete development of weapons and weapon systems having standoff attack capabilities and employing sensor-fused devices and, upon completion of such development, should proceed with the production of such weapons and weapon systems, and that such production should take place at facilities so selected during the development phase of these weapons.

Mr. GORTON. Mr. President, this is a sense-of-the-Senate amendment to reinforce the need to continue development of weapons systems having stand-off attack capabilities and employing sensor-fused devices. It has been cleared on both sides for adoption.

Mr. LEVIN. The amendment has, indeed, been cleared. We have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2535) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2536

(Purpose: To broaden the scope of certain acquisition workforce enhancements)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. BINGAMAN, proposes an amendment numbered 2536.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 153, line 23, strike out "(1) Chapter 81 of title 10" and insert in lieu thereof "Section 5532 of title 5".

On page 153, line 24, strike out "inserting before section 1583 the following new section:" and insert in lieu thereof "adding at the end thereof the following new subsection:".

On page 154, strike out line 1 and all that follows through page 155, the matter between lines 7 and 8, and insert in lieu thereof the following:

"(g)(1) Upon a finding by the head of an Executive agency that it is difficult to recruit qualified persons for appointment to a particular scientific, engineering, professional, or managerial position in such Executive agency, the head of such Executive agency may request, and the Director of the Office of Personnel Management may grant, a waiver of the applicability of the other provisions of this section and sections 8344 and 8468 of this title (relating to annuities and pay on reemployment) to any person appointed to such position. There may not be in effect at any time waivers under this paragraph for more than 1,500 employees of the Executive Branch.

On page 155, line 20, strike out "373 of title 10," and insert in lieu thereof "41 of title 5,".

On page 155, line 21, strike out "inserting" and all that follows through line 23 and insert in lieu thereof the following: "adding at the end thereof the following new section:

" '4119. Degree training".

On page 155, line 25, strike out "Department of Defense" and insert in lieu thereof "Executive branch".

On page 156, line 2, strike out "Secretary" and all that follows through line 4, and insert in lieu thereof "Director of the Office of Personnel Management may establish a program for the heads of Executive agencies to furnish financial assistance for an agency".

On page 156, strike out line 9, and insert in lieu thereof the following:

"(2) an academic degree which would enhance the employee's ability to serve the federal goverment.

On page 156, line 24, strike out "the Secretary of Defense with the concurrence of".

On page 157, line 1, strike out "Secretary of Defense, in coordination with the".

On page 157, line 5, strike out "title 5" and insert in lieu thereof "this title".

On page 157, line 8, strike out "373" and insert in lieu thereof "41".

On page 157, line 9, strike out "inserting" and all that follows through "4021" on line 10 and insert in lieu thereof "adding at the end thereof".

On page 157, in the matter between lines 10 and 11, strike out "4022." and insert in lieu thereof "4119.".

On page 158, line 16, strike out "373" and insert in lieu thereof "41".

On page 158, line 17, strike out "10" and insert in lieu thereof "5".

On page 158, line 18, strike out "inserting" and all that follows through line 20 and insert in lieu thereof the following: "adding at the end thereof the following new section:

" '4120. Student loan repayments".

On page 158, line 23, strike out "Department of Defense, the Secretary of Defense" and insert in lieu thereof "Executive branch, the Director of the Office of Personnel Management".

On page 158, line 24, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 159, line 1, strike out "the department" and insert in lieu thereof "that executive agency".

On page 159, line 7, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 159, strike out lines 11 through 22.

On page 159, line 23, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 160, line 1, strike out "Secretary" and insert in lieu thereof "head of the executive agency".

On page 160, line 3, strike out "by" and all that follows through "Defense" on line 4, and insert in lieu thereof "in the Executive branch".

On page 160, line 14, strike out "Secretary" and insert in lieu thereof "head of the executive agency".

On page 160, strike out lines 15 through 22.

On page 161, line 11, strike out "Secretary" and insert in lieu thereof "head of an executive agency that entered into an agreement with an employee under subsection (a)".

On page 161, line 12, insert "in connection with such agreement" after "this subsection".

On page 161, line 12, strike out "Department of Defense" and insert in lieu thereof "Executive branch".

On page 162, line 1, strike out "by" and all that follows through line 2, and insert in lieu thereof "in the Executive branch; or".

On page 162, line 5, strike out "Secretary of Defense" and insert in lieu thereof "Director of the Office of Personnel Management".

On page 162, line 7, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 162, line 9, strike out "title 5" and insert in lieu thereof "this title".

On page 162, line 19, strike out "Secretary of Defense" and insert in lieu thereof "Director of the Office of Personnel Management".

On page 162, strike out line 21 and all that follows through line 10 on page 163 and insert in lieu thereof the following:

"(j) In this section, the term 'student loan' means—

"(1) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(2) a loan made under part E of such title (20 U.S.C. 1087aa et seq.); and

"(3) a health education assistance loan made or insured under part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) or under part B of title VIII of such Act (42 U.S.C. 297 et seq.).

On page 163, line 13, strike out "373" and insert in lieu thereof "41".

On page 163, line 15, strike out "inserting" and all that follows through the end of that line and insert in lieu thereof "adding at the end thereof".

On page 163, in the matter between lines 16 and 17, strike out "4023." and insert in lieu thereof "4120.".

On page 164, line 2, strike out "4022 and 4023 of title 10" and insert in lieu thereof "4119 and 4120 of the title 5".

On page 164, line 6, strike out "Department" and all that follows through line 8, and insert in lieu thereof "civilian workforce in the Executive branch.".

Mr. LEVIN. Mr. President, the amendment I am offering, and which the managers of this bill have agreed to accept, would give certain provisions of this bill relating to DOD personnel Governmentwide effect.

The Armed Services Committee, in an effort to enhance the DOD work force, has included certain incentives to both incoming and current DOD personnel. These incentives are similar to those included in recent recommendations made for the entire Federal work force by experts who have reviewed the compensation and benefits package of Federal employees.

One provision, section 4022 of the bill, would permit the Secretary of Defense to pay for academic degrees for employees in positions requiring critical skills. Section 4023 of the bill would permit the Secretary of Defense to pay for the outstanding student loans of up to 500 incoming employees in order to attract top candidates for important positions. Section 1581 of the bill would allow the Secretary of Defense—for up to 1,000 DOD employees—and the Secretary of Energy—for up to 250 energy employees—to waive the provisions prohibiting dual compensation for Federal retirees.

My amendment would expand these provisions to make them available for all executive branch agencies.

Mr. President, these provisions are designed to enhance the quality and caliber of the Federal work force. To apply these provisions only to the Department of Defense would suggest that Congress views that Department as the most important agency for attracting and retaining talented Federal employees. I do not think any of us, here, agree with that proposition. We need top talent in all of our Federal agencies—at the Environmental Protection Agency, at NASA, at the National Institutes of Health, at the Fish and Wild Life Service, at NOAA, at the Food and Drug Administration—to

name a few. That is why my amendment would make these opportunities available to employees of any Federal agency.

My amendment also establishes tighter standards for two of these provisions. For the provision on academic degrees, my amendment would permit payment for such a degree only where the academic degree would enhance the employee's ability to serve the Federal Government. I want to make clear that we will not pay for an academic degree for a Federal employee that serves only personal advancement and is not related to the employee's ability to perform his or her job in the Government. It is expected that agency heads will require strict adherence to this principle in order to make sure that this money is wisely spent for the benefit of the Federal Government as well as the Federal employee.

For the provision waiving dual compensation, my amendment would require the agency head to make a finding that the position to be filled by a retiree is otherwise difficult to fill. This waiver, in other words, is not to be granted automatically, but only where it is necessary to hire a retiree in order to adequately fill a Government position.

Finally, Mr. President, I should point out that the amendment would maintain limits on the number of employees who could avail themselves of these provisions. The amendment, like the bill, limits the number of persons for whom student loan debt could be waived to 500 persons Government-wide. It limits the waiver authority for dual compensation to 1,500 employees in the executive branch.

Mr. GORTON. Mr. President, this is a good amendment. We agree it should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2536) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, if my friend will yield for a minute, I ask unanimous consent that Senator WALLOP be added as a cosponsor on the work force amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2537

(Purpose: Sense of the Congress regarding the effective utilization of counternarcotics funds and report requirement)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator D'AMATO and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. D'AMATO, proposes an amendment numbered 2537.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 212, between lines 20 and 21, insert the following section:

SEC. . SENSE OF THE CONGRESS REGARDING THE EFFECTIVE UTILIZATION OF COUNTERNARCOTICS FUNDS AND REPORT REQUIREMENT.

(a) FINDINGS.—The Congress finds that—

(1) Secretary Cheney has declared that combatting illegal drugs is a high priority national security mission for the Department of Defense;

(2) All funds authorized and appropriated for Operations and Maintenance and Military Personnel in the Department of Defense's counternarcotics budget for Fiscal Year 1990 have not been obligated;

(3) If such funds are not obligated during Fiscal Year 1990 such funds will no longer be available for counternarcotics efforts; and

(4) Such funds should not be allowed to lapse.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff must continue to emphasize the Department of Defense's commitment to this extremely important mission so that the entire chain of command ensures that funds are fully and effectively utilized so as to maximize the military's contribution to the national counterdrug efforts.

(c) REPORT.—Not later than January 15, 1991, the General Accounting Office shall report to the Armed Services Committees of the Senate and the House of Representatives, the Senate Appropriations Subcommittee on Defense, the House Appropriations Subcommittee on Defense, and the Senate Caucus on International Narcotics Control on the Department of Defense's counternarcotics budget, providing the following—

(1) An analysis of the funds authorized and appropriated in Fiscal Year 1989; how these funds were obligated and expended, including a month by month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year;

(2) An analysis of the funds authorized and appropriated in fiscal year 1990; how these funds were obligated and expended, including a month by month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year;

(3) An analysis of whether there is any information available with respect to the obligations and expenditures from the fiscal year 1989 and fiscal year 1990 counternarcotics budget that suggest a systemic problem in reference to the timely obligation and expenditure of counternarcotics funds;

(4) An analysis of the effectiveness of the role of the Department of Defense Coordinator for Drug Enforcement Policy and Support; whether his dual responsibility as Assistant Secretary of Defense for Reserve Affairs and as Drug Coordinator complicates his ability to coordinate all entities within the Department of Defense in the counternarcotics mission; and the adequacy of personnel levels in his Office to meet his responsibility for coordinating these funds and ensuring that the funds are obligated and expended in a timely manner; and

(5) Recommendations for correcting any problems found in the course of this review.

Mr. GORTON. Mr. President, this amendment is a sense-of-the-Congress resolution designed to address the issue of lapsing fiscal year 1990 counternarcotics funds.

Mr. D'AMATO. Mr. President, my amendment is a sense of the Congress designed to address the issue of lapsing fiscal year 1990 counternarcotics funds. It also requires the General Accounting Office to report to Congress by January 15, 1991, on the problems associated with the fiscal year 1989 and fiscal year 1990 Department of Defense counternarcotics budget.

On July 31, 1990, I learned the status of the Department of Defense fiscal year 1990 counternarcotics account as of May 31, 1990—the most recent numbers available. I was shocked to learn that of $645,192,000 available, $466,370,000—73 percent—remained unobligated.

Last year, we went through a similar exercise. The issue then was fiscal year 1989 counternarcotics obligations and expenditures.

On May 17, 1989, only $200,000 of the $300,000,000 available had been expended. Senator DECONCINI and I attempted to transfer these funds to other drug-fighting agencies who needed, and who would use, the money.

One year later, we are facing a similar problem.

The funds contained in the operations and maintenance and military personnel accounts of the Defense counternarcotics budget are in danger of lapsing if they are not obligated by September 30.

On August 1, I wrote to Secretary Cheney and called his attention to the following facts:

Of the $645,192,000 available in the counternarcotics account, only $178,822,000—27 percent—has been obligated.

With two-thirds of the fiscal year completed, only $51,169,000 of the $181,400,000—28 percent—available for operations and maintenance accounts has been obligated for the armed services to increase their operational tempo for, among other things, increased steaming days for ships and flying hours for surveillance aircraft.

With only one-third of the fiscal year remaining, $130,231,000 of the operations and maintenance accounts for

operational tempo—72 percent—will have to be obligated or these funds will lapse.

As of May 31, $27,363,000 of the $56,369,000—48 percent—available for the National Guard military personnel account had been obligated.

I have asked Secretary Cheney to provide me with updated information that reflects obligations and expenditures as of July 31 and I have asked the Secretary for his assurance that none of the funds would lapse and that all funds in these accounts would be obligated by the end of the fiscal year.

On April 24, 1990, the Senate Appropriations Subcommittee on Defense held a hearing on the topic of our military's counternarcotics efforts.

At that hearing, I expressed, along with Senator STEVENS, to the Defense Department drug coordinator, Assistant Secretary Stephen Duncan, that I had hoped that the slowness in getting the money out last year would not occur again this year.

Secretary Duncan, in response to an inquiry from Senator STEVENS, replied:

We are putting renewed emphasis on making sure this money gets released. In recent days and weeks, there have been several additional moneys released, and I am satisfied that everybody has the word * * * we will continue to make it a high priority to make that money get out.

The figures speak for themselves.

We cannot tolerate a chronic delay in obligating funds.

We cannot allow these moneys to lapse.

To do so would betray the trust of the American people.

Mr. President, I ask unanimous consent that the text of my amendment, a copy of the material on the counternarcotics obligations status for fiscal year 1990 funds, provided by the Department of Defense, a copy of a letter dated October 18, 1989, from the Office of Management and Budget, and a copy of my remarks on August 4, 1989, and November 21, 1989, in the CONGRESSIONAL RECORD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTERNARCOTICS OBLIGATION STATUS AS OF MAY 31, 1990

[In millions of dollars]

Department/agency	Available	Obligated
a. PRIOR YEAR FUNDS		
Detection and monitoring: Fiscal year 1989 procurement:		
Air Force	70.802	50.138
Army	2.950	2.950
Navy (ships)	17.670	1.000
Navy	35.896	8.452
Defense agencies	62.503	17.852
Total	189.821	80.392
b. CURRENT YEAR FUNDS		
OPTEMPO: Fiscal year 1990 O&M:		
Air Force	17.600	10.940
Army	5.600	2.576
Army Guard	5.200	2.392
Army Reserve	3.000	1.380
Navy	148.600	33.392
Navy Reserve	1.400	.489
Total	181.400	51.169
Demand reduction: Fiscal year 1990 O&M:		
Air Force	6.200	4.154
Army	42.700	28.609
Army Guard	.700	.690
Army Reserve	.800	.536
Navy	30.200	20.234
Navy Reserve	.200	.134
Marines	2.800	1.876
Defense agencies	.500	.267
Total	84.100	56.500
Detection and monitoring:		
Fiscal year 1990 procurement:		
Air Force	111.387	0
Army	27.387	1.538
National Guard	40.000	0
Navy	2.075	0
Defense agencies	40.680	3.694
Total	221.529	5.232
Fiscal year 1990 RDT&E:		
Air Force	2.100	0
Army	1.500	0
Navy	2.000	0
Defense agencies	4.800	.261
Total	10.400	0.261
Fiscal year 1990 O&M:		
Air Force	17.901	5.756
Air Guard	2.685	.539
Civil Air Patrol	1.000	.083
Army	24.622	18.090
Army Guard	10.946	2.427
Navy	10.379	3.470
Marines	.932	.932
Defense agencies	19.229	6.300
Total	87.694	37.597
Fiscal year 1990 MILCON:		
Air Force	3.000	0
Navy	.700	.700
Total	3.700	0.700
Fiscal year 1990 National Guard military personnel:		
Air Guard	6.383	2.437
Army Guard	49.986	24.926
Total	56.369	27.363
c. SUMMARY		
Fiscal year 1989: Detection/monitoring	189.821	80.392
Fiscal year 1990:		
OPTEMPO	181.400	51.169
Demand reduction	84.100	56.500
Detection/monitoring	379.692	71.153

[From the CONGRESSIONAL RECORD, Aug. 4, 1989]

DEPARTMENT OF DEFENSE COUNTERNARCOTICS EFFORTS

Mr. D'AMATO. Mr. President, I rise today to call the attention of my colleagues to the abysmal performance—and nonperformance—of the Defense Department in spending the $300 million we provided to fund their part in the war on drugs.

Last year, we authorized and appropriated $300 million for DOD to take charge of detection and monitoring of air- and sea-borne smugglers. We put them in charge of integrating the counternarcotics communication system.

Mr. President, I have two questions: Where is the money? and, Who is in charge?

On May 17, I received a letter from Mr. L. Paul Dube "accounting" for the $360 million. According to that letter, $30.2 million had been made available to the services for the National Guard program on April 19, and a total of $200,000 had actually been expended.

That's right, only $200,000 of the $300 million had been spent by May 17, 7½ months into fiscal year 1990.

During the markup of the dire emergency supplemental, I, along with the distinguished senior Senator from Arizona, Senator DECONCINI, offered an amendment to take $227.8 million of the $300 million away from DOD and give it to other agencies that are actually fighting the war on drugs.

That amendment lost, because OMB argued that it violated the budget summit agreement. As part of the debate on that amendment, DOD promised to spend the money we had provided.

On July 7, the Department spent over two reprogramming requests to move approximately $193 million from the "Drug Interdiction, Defense, 1989" account into a variety of procurement and research and development accounts. I cannot be more specific because the actual requests are classified.

I wrote to the distinguished chairman and the distinguished ranking member of the Defense Appropriations Subcommittee, requesting an immediate hearing on these reprogramming requests. Because time was so short, my request could not be accommodated. However, the chairman responded that there would be a special hearing on DOD counternarcotics efforts after we return from the August recess.

Mr. President, we need to know what is going on with DOD's drug war effort. I understand that there is at least one classified section of the national drug strategy due to be issued on September 5 that will discuss the military's role in the drug war. We need to know more.

We need a plan—not just any plan, but one that meets Defense Department planning, programming, and budget standards for tackling the drug war. We do not have such a plan.

We need to have someone in charge over there. We do not have anyone in charge now. What we have is a recipe for disaster.

We have the Assistant Secretary of Defense for Reserve Affairs, Mr. Stephen Duncan, serving as the Secretary's principal adviser on narcotics matters. We are told that the Office of the Deputy Assistant Secretary of Defense for Drug Policy and Enforcement, is being moved into Mr. Duncan's organization.

But most of the budget authority will continue to rest in agencies and offices under the supervision of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

The Pacific Command, Atlantic Command, Southern Command, and the North American Air Defense Command are the operating agencies in the war on drugs, but DOD-level supervision of their drug war budget activities will be split, as will counternarcotics policy development and planning.

I repeat—Who is in charge here? The answer cannot be Dick Cheney, because, like President Bush, he has a few other high priority items competing for his time and attention.

DOD needs a single manager for the war on drugs, in whom policy, planning, programming, and budgeting functions are focused. Right now, we cannot hold any one person accountable if the Department's efforts are disorganized and late. A basic principle is that when many people are responsible, no one is responsible.

Last night, we authorized another $450 million for DOD's role in the war on drugs. Will it again take them most of fiscal year 1990 to make the money available? Will part of it expire at the end of the year because they have not used it?

This is a scandal and an outrage. At a time when we say we are nationalizing and mobilizing our efforts on the war on drugs, to have almost all of the $300 million unspent, poorly allocated, with a rush to beat the spending deadline.

The time has come for the Defense Department to put its first team to work on this problem, to sort out the organizational lines of authority, to make budget and policy decisionmaking functional and effective, and to actually start fighting the war on drugs.

They have sat on their hands long enough. I plan to ask them very tough questions at the forthcoming hearing. I am giving them fair notice, so that they will have time to develop good answers.

Alone among Federal agencies, DOD has the resources, the experience, and the ability to make a serious dent in drug smuggling and to discourage other aspects of the international drug trade.

Mr. President, I serve public notice that it is time for DOD to join the team. If they do not, they will bear the blame for it, and will lose the resources we have authorized. I am dead serious about this and I hope they receive this message loud and clear.

Mr. President, to date their handling of these resources, these precious resources, is nothing short of shocking and scandalous. We must do better, otherwise we make a sham of the so-called war on drugs.

I thank the Chair and I yield the floor.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 18, 1989.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: Thank you for your letter of September 5, 1989 concerning the Department of Defense's anti-narcotics efforts.

As you know, the President shares your concern about the narcotics threat to the United States. He unveiled a comprehensive National Drug Control Strategy for dealing with that threat on September 5, 1989. His strategy calls for a substantial DOD role in the anti-narcotics effort and increases Defense anti-narcotics funding to $450 million.

Secretary Cheney announced his program to implement the National Drug Control Strategy on September 18. He is insuring that DOD anti-narcotics efforts fully support the President's strategy and are accomplished in a prudent and timely manner.

The Department of Defense will be responding to you on each of your questions about the DOD anti-narcotics program.

Sincerely,

THOMAS A. SCULLY,
Associate Director for Legislative Affairs.

DEPARTMENT OF DEFENSE ANTINARCOTICS EFFORTS

Mr. D'AMATO. Mr. President, on August 4, 1989, I spoke on the floor to call attention to the poor performance of the Defense Department in spending the $300 million we appropriated to fund the Department's role in the war on drugs. On that day, I stated, "I have two questions: Where is the money? and, Who is in charge?"

On September 5, 1989, I wrote to the Secretary of Defense, Dick Cheney, in reference to my concerns about the Defense Department's counternarcotics efforts, particularly about how the Department was allocating fiscal year 1989 and fiscal year 1990 funds appropriated and the organization of the Defense Department's efforts.

On November 13, 1989, I received Secretary Cheney's response to my letter. I know that many of my colleagues have also had questions on this issue and I believe that they would find the Secretary's answers enlightening.

I commend Secretary Cheney for beginning to turn around the old attitude in the Defense Department, which was not fully supportive of fighting the drug war. In his letter, the Secretary stated, "The detection and countering of the production and trafficking of illegal drugs is a high priority national security mission of the Department of Defense. Pursuant to my direction, the commanders-in-chief of the key unified and specified commands have now submitted their plans for carrying out this mission in their respective areas of responsibility. I am currently reviewing those plans."

He further stated, "I am confident now that we have the management and organizational structure that will maximize our contribution to the administration's goal of a drug-free America."

A few of the major areas of progress Secretary Cheney mentions in his letter are:

First, the Chairman of the Joint Chiefs of Staff now has, within his staff, a Counternarcotics Division which coordinates operational issues with the unified and specified commands.

Second, the full defense planning process for fiscal years 1992 through 1997 is now underway, and it will give special attention to narcotics production and trafficking in Latin America.

Third, a Defense Planning Resource Board has been established to review and provide recommendations on all defense and counternarcotics issues.

Fourth, two joint task forces, JTF-4 in Florida and JTF-5 in California, are now operational 24 hours a day, 7 days a week. A new joint task force, JTF-6, has been established along the southwest border to coordinate DOD support to Drug Law Enforcement Agency operations.

Fifth, a unique circuit of the Defense Data Net, "NARC Net," is expanding.

Sixth, specific Defense Department goals for fiscal year 1990 are as follows: First, support the President's national drug strategy; second, develop an effective counternarcotics surveillance capability along the southern border; third, enhance intelligence systems to provide timely, relevant intelligence support to the operating forces and law enforcement agencies; fourth, develop an effective integrated communications network to support drug interdiction command, control, communications, and intelligence capabilities; and fifth, support energetic National Guard counternarcotics operations under the command of the State Governors.

I look forward to working with Secretary Cheney to help him meet all of these goals. I ask that my letter of September 5, 1989, and the Secretary's response of November 13, 1989, be printed in their entirety at the conclusion of my remarks.

U.S. SENATE,
Washington, DC, September 5, 1989.

Hon. RICHARD CHENEY,
The Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my concern about a number of unresolved issues regarding the role of the Department of Defense in combatting the narcotics threat. I spoke on this matter on the floor of the U.S. Senate on August 4, 1989. I have enclosed a copy of my remarks for your information.

My August 4 remarks show a high level of exasperation with the Department's progress. The basis for my exasperation is the slowness and obvious reluctance the Department has shown in the past in becoming engaged in this great national struggle against drugs. As one of those responsible for the authorization and appropriation of $300 million in FY89 for the Department's counternarcotics efforts, I was sharply disappointed by the way these funds were utilized and, in fact, attempted to transfer the unused balance to agencies that could and would use them effectively.

I note that since that effort the Department has moved out quickly to use those funds. I look forward to receiving the answers to the specific questions I ask below, in the hope that these funds are being obligated according to a well thought-through plan.

In contrast with the Department's past record, I want to commend you for the efforts you have made and are continuing to make in support of our national counternarcotics efforts. As the May 1989 Report to Congress entitled, "Integration of Command Control, Communications and Technical Intelligence into an Effective Communications Network for Drug Interdiction" makes clear, much good work is being done. However, a number of key questions remain. As recent events in Colombia demonstrate, it is time they were answered.

The Chairman of the Senate Defense Appropriations Subcommittee, in response to my request, promised a special hearing after the August recess on the Department's counternarcotics efforts. To help me prepare for this hearing, I would very much appreciate a description of how the Defense Department plans to manage its role in the war on drugs.

This description should explain how the Department's counternarcotics policy, planning, programming, and budgeting functions and responsibilities will be coordinated and exercised, with particular attention to the following points:

—The key organizational lines of authority (in particular, both operational command and control and policy, administrative and budget supervisory responsibilities) for each of the offices and agencies invovled in your counternarcotics efforts;

—Identify with specificity which office below the Secretary's level has executive authority over budget and policy decisions for each of the Department's drug war roles;

—What kind and level of decisions are made by the ASD(RA), ASD(C3I), Defense Communications Agency, and operating agencies such as SOUTHCOM, CINCPAC, NORAD, CINCLANT, and the Joint Chiefs of Staff;

—Please explain the Department's relationship with Ambassador David Miller's office on the NSC staff, the Communications Interoperability Working Group (CIWG), and the Director of National Drug Control Policy.

In addition, I would appreciate responses to the following questions (the responses may be in both classified and unclassified versions, as necessary):

1. Is there a clear statement of the goals the Department seeks to accomplish with the FY 1989 appropriation of $300 million for DOD's counternarcotics efforts and a plan for achieving its objectives? Is there a clear statement of the goals the Department seeks to accomplish with the $450 million authorized for counternarcotics efforts in the FY 1990 Senate Defense Authorization Bill and a plan for achieving those objectives?

2. How much of the $300 million appropriated in FY 1989 will be carried over to FY 1990 and what are current plans for those funds?

3. Will all remaining funds that have not been reprogrammed as of September 1 be obligated within FY 1989? Will any part of the $300 million appropriated in FY 1989 lapse?

4. Will any procurement actions be completed (in the sense that equipment or materials are actually delivered to a procuring authority) using reprogrammed FY 1989 funds before the end of FY 1989?

5. Why did the FY 1989 reprogramming request come to Congress without full programmatic documentation to support the request, including a plan explaining what the Defense Department expects these expenditures to accomplish and how programmatic documentation and budget justification documents are now available to support the Department's reprogramming request?

6. Has a Concept of Operation been completed for each Joint Task Force (JTF) site?

7. Have all intelligence and radar assets been identified and designated for communications integration into the JTF's?

8. Is the Department developing a plan to phase out use of operational military sensor platforms in favor of dedicated drug enforcement sensor platforms, e.g. Aerostats, off shore oil rigs, etc.?

9. Have communications plans been established between JTF-4 and JTF-5, Customs C3I and other federal, state and local drug interdiction agencies? Please also explain the organizational lines of authority between the JTF's and higher DOD authorities, from both policy and budget perspectives.

10. What are your plans to ensure the integrity and protection of classified information within and between facilities?

11. What is the planned Defense Department interface with the Customs C3I Centers with respect to type and quality of interdiction data provided?

12. Has the Defense Department requested and received industry support to validate operational concepts and system availability?

13. What is the status of the JTF-4 and JTF-5 facilities regarding construction, operating equipments, staffing, etc.?

14. Will the JTF sites be used for functions other than drug interdiction?

15. Will Southern Command move from Panama City? If so, has a location for its new headquarters been selected? Will the new location incorporate communication coordination for the Defense Department's drug interdiction activities?

16. On July 19, you sent a memorandum to your subordinates on the subject of the Defense Planning Guidance for FY 1992-1997. In that memorandum, you indicate that you have asked the Under Secretary of Defense for Policy to prepare Proposed Defense Planning Guidance for FY 1992-1997 program and budget planning on the issue of: U.S. interests in Latin America of countering the production and trafficking of illegal drugs and of assisting countries in providing for their own security.

(A) Are there any plans for similar direction regarding development of Defense Planning Guidance for the FY 1992-1997 program for accomplishing the Department's counternarcotics detection and monitoring mission, and for support for drug enforcement generally, as provided for in 10 U.S.C. 371, et seq.?

(B) For which part of the counternarcotics expenditures presented for the Senate Appropriations Committee's approval has five year planning, programming, and budget documentation been prepared?

17. When did the Department send Congress the May 1989 Report on the "Integration of Command, Control, Communications and Technical Intelligence into an Effective Communications Network for Drug Interdiction"? When will Congress receive the June 1989 Implementation Plan described on page 20 of the May 1989 Report? Does the June 1989 report exist?

18. Please explain how the Department's plans for its internal organization fulfill its responsibilities under the President's and the Director of National Drug Control Policy's National Drug Strategy?

19. How will the officer in charge of the counternarcotics element in the Office of the Joint Chiefs of Staff (J-3) coordinate with and exercise staff supervision over other offices and agencies?

20. How will the Military Departments (as distinguished from the unified and specified commands) participate in your counternarcotics strategy and activities, and who will be in charge of the effort in each Department?

I look forward to working with you to ensure that your nation's counternarcotics efforts are as sound and effective as possible. Thank you for your prompt attention to my request.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

[From the CONGRESSIONAL RECORD, Aug. 4, 1989]

DEPARTMENT OF DEFENSE COUNTERNARCOTICS EFFORTS

Mr. D'AMATO. Mr. President, I rise today to call the attention of my colleagues to the abysmal performance—and nonperformance—of the Defense Department in spending the $300 million we provided to fund their part in the war on drugs.

Last year, we authorized and appropriated $300 million for DOD to take charge of detection and monitoring of air- and sea-borne smugglers. We put them in charge of integrating the counternarcotics communication system.

Mr. President, I have two questions: Where is the money? and, Who is in charge?

On May 17, I received a letter from Mr. L. Paul Dube "accounting" for the $300 million. According to that letter, $30.2 million had been made available to the services for the National Guard program on April 19, and a total of $200,000 had actually been expended.

That's right, only $200,000 of the $300,000 million had been spent by May 17, 7½ months into fiscal year 1989!

During the markup of the dire emergency supplemental, I, along with the distinguished senior Senator from Arizonz, Senator DECONCINI, offered an amendment to take $227.8 million of the $300 million away from DOD and give it to other agencies that are actually fighting the war on drugs.

That amendment lost, because OMB argued that it violated the budget summit agreement. As part of the debate on that amendment, DOD promised to spend the money we had provided.

On July 7, the Department sent over two reprogramming requests to move approximately $193 million from the "Drug Interdiction, Defense, 1989" account into a variety of procurement and research and development accounts. I cannot be more specific because the actual requests are classified.

I wrote to the distinguished chairman and the distinguished ranking member of the Defense Appropriations Subcommittee, requesting an immediate hearing on these reprogramming requests. Because time was so short my request could not be accommodated. However, the chairman responded that there would be a special hearing on DOD counternarcotics efforts after we return from the August recess.

Mr. President, we need to know what is going on with DOD's drug war effort. I understand that there is at least one classified section of the national drug strategy due to be issued on September 5 that will discuss the military's role in the drug war. We need to know more.

We need a plan—not just any plan, but one that meets Defense Department planning, programming, and budget standards for tackling the drug war. We do not have such a plan.

We need to have someone in charge over there. We do not have anyone in charge now. What we have is a recipe for disaster.

We have the Assistant Secretary of Defense for Reserve Affairs, Mr. Stephen Duncan, serving as the Secretary's principal adviser on narcotics matters. We are told that the Office of the Deputy Assistant Secretary of Defense for Drug Policy and Enforcement, is being moved into Mr. Duncan's organization.

But most of the budget authority will continue to rest in agencies and offices under the supervision of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

The Pacific Command, Atlantic Command, Southern Command, and the North American Air Defense Command are the operating agencies in the war on drugs, but DOD-level supervision of their drug war budget activities will be split, as will counternarcotics policy development and planning.

I repeat—Who is in charge here? The answer cannot be Dick Cheney, because, like President Bush, he has a few other high priority items competing for his time and attention.

DOD needs a single manager for the war on drugs, in whom policy, planning, programming, and budgeting functions are focused. Right now, we cannot hold any one person accountable if the Department's efforts are disorganized and late. A basic principle is that when many people are responsible, no one is responsible.

Last night, we authorized another $450 million for DOD's role in the war on drugs. Will it again take them most of fiscal year 1990 to make the money available? Will part of it expire at the end of the year because they have not used it?

This is a scandal and an outrage. At a time when we say we are nationalizing and mobilizing our efforts on the war on drugs, to

have almost all of the $300 million unspent, poorly allocated, with a rush to beat the spending deadline.

The time has come for the Defense Department to put its first team to work on this problem, to sort out the organizational lines of authority, to make budget and policy decisionmaking functional and effective, and to actually start fighting the war on drugs!

They have sat on their hands long enough. I plan to ask them very tough questions at the forthcoming hearing. I am giving them fair notice, so that they will have time to develop good answers.

Alone among Federal agencies, DOD has the resources, the experience, and the ability to make a serious dent in drug smuggling and to discourage other aspects of the international drug trade.

Mr. President, I serve public notice that it is time for DOD to join the team. If they do not, they will bear the blame for it, and will lose the resources we have authorized. I am dead serious about this and I hope they receive this message loud and clear.

Mr. President, to date their handling of these resources, these precious resources, is nothing short of shocking and scandalous. We must do better, otherwise we make a sham of the so-called war on drugs.

THE SECRETARY OF DEFENSE,
Washington, DC, November 13, 1989.

Hon. ALFONSE M. D'AMATO,
U.S. Senate,
Washington, DC.

DEAR AL: Thank you for your letter of September 5 concerning the Department of Defense role in combatting the threat to our society of illegal narcotics. Answers to the questions you posed in your letter are enclosed.

In April, I asked Steve Duncan, the Assistant Secretary of Defense for Reserve Affairs, to assume a new responsibility as the DOD Coordinator for Drug Enforcement Policy and Support. On September 18, I issued guidance, a copy of which is attached, designed to assist in the swift and effective implementation of the President's National Drug Control Strategy within the Department. In that guidance, I made clear that the detection and countering of the production and trafficking of illegal drugs is a high priority national security mission of the Department of Defense. Pursuant to my direction, the Commanders-in-Chief of the key Unified and Specified Commands have now submitted their plans for carrying out this mission in their respective areas of responsibility. I am currently reviewing those plans.

I am confident now that we have the management and organizational structure that will maximize our contribution to the Administration's goal of a drug-free America. Your continuing commitment to the fight against illegal drugs is appreciated.

Sincerely,

DICK CHENEY.

ANSWER TO SENATOR D'AMATO'S QUESTIONS

The following answers respond to the four unnumbered questions on page two of Senator D'Amato's September 5, 1989, letter, as well as Questions 18 and 20.

Answer: Anti-drug missions have a high priority within the Department of Defense. Executive decision making authority for issues concerning the Department's anti-drug activities is exercised by myself or, in my absence, by the Deputy Secretary. I have designated Mr. Stephen Duncan, the Assistant Secretary for Reserve Affairs, as the DOD Coordinator for Drug Enforcement Policy and Support. As such, he is responsible for the coordination and staffing of all drug policy issues relevant to the Department. I have assigned the responsibility to conduct operations to detect and monitor aircraft and maritime vessels suspected of smuggling drugs into the United States to the Combatant Commands through the Chairman, JCS. The Chairman also has the responsibility for overseeing the activities of the Combatant Commands in the performance of this mission as well as their other missions. He has, within his staff, a counternarcotics division which coordinates operational issues with the Unified and Specified Commanders. All policy and operational issues are fully staffed and recommendations are provided by the appropriate DOD agencies, the Joint Staff and my own staff. Decision making authority for these important issues has not been delegated. In addition to staffing within the Department of Defense, I participate in NSC deliberations and decisions which affect the Department's counternarcotics work. Our relationship with the Director, Office of National Drug Control Policy (ONDCP), has been, and continues to be, one of mutual respect, cooperation, and close coordination. we provide personnel and logistical support to ONDCP as well as staff input and suggestions as requested.

The defense planning process for FY 1992 through 1997 is underway. As you correctly noted, I have directed that special attention be given to U.S. interests in Latin American concerning illegal drug production and trafficking. Since detection and monitoring is a formal mission of the Department, the issues are automatically included in our planning process. In order to prepare the Defense Planning Guidance, I have established the Defense Planning Resources Board (DPRB) to review and provide recommendations on all issues. The Secretaries of the Military Departments sit on the DPRB and, for selected issues, the Chiefs of the Military Services also participate in Board deliberations. I expect that, when completed, the Defense Planning Guidance will fully address DOD anti-drug issues.

We look forward to continued cooperation with the Director, ONDCP in combatting our Nation's drug problem. The Department of Defense is enthusiastically participating in the fight against the epidemic of illegal drugs while maintaining our defense readiness posture. My DOD Coordinator for Drug Enforcement Policy and Support has an excellent relationship with the Secretaries of the Military Departments and the senior leadership of the Defense Agencies who have the appropriate personnel within their staffs to coordinate their activities in support of the DOD's role in the National Drug Strategy.

The following are responses to your numbered questions:

1. Is there a clear statement of the goals the Department seeks to accomplish with the FY 89 appropriation of $300 million for DOD's counternarcotics efforts and a plan for achieving its objective? Is there a clear statement of the goals the Department seeks to accomplish with the $450 million authorized for counternarcotics efforts in the FY 1990 Senate Defense Authorization Bill and a plan for achieving those objectives?

Answer: The following goals of the FY 1989 program are carried forward for the FY 1990 program: (1) Support the President's National Drug Strategy; (2) Develop an effective counternarcotics surveillance capability along the southern border; (3) Enhance intelligence systems to provide timely, relevant intelligence support to the operating forces and law enforcement agencies; (4) Develop an effective integrated communications network to support drug interdiction command, control, communications, and intelligence capabilities; and (5) Support energetic National Guard counternarcotics operations under command of the State Governors. In addition, the FY 1990 program has the additional goals set forth in the Secretary's September 18th DOD Counternarcotics Guidance.

2. How much of the $300 million appropriated in FY 1989 will be carried over to FY 1990 and what are current plans for those funds?

Answer: The FY 1989 National Defense Appropriations Act appropriated $300 million to DOD for counternarcotics. Initially, the funding was appropriated for operations and maintenance (O&M), and military personnel. DOD submitted for congressional approval requests to reprogram the $300 million appropriation as follows:

Procurement (3 year funds), $192.077 million.

RDT&E (2 years funds), $1.5 million.

The remaining balance of $106.423 O&M was internally reprogrammed to the appropriate Services and Defense Agencies. Approval from the final congressional committee for the procurement reprogramming was signed on August 8, 1989. The $1.5 million RDT&E reprogramming request was not approved by the requisite Congressional committees.

Procurement funds were needed to acquire land and sea-based aerostats, communications equipment and other necessary items. Upon receipt of Congressional approval, the procurement reprogramming funds were released to the Services and Defense Agencies for obligation to the various projects which were approved as part of the FY 1989 DOD Counterdrug Program. The funds will carry forward into FY 1990 for execution.

All of the $300 million was identified to fund specific programs and projects that were contained in the approved FY 1989 DOD Counterdrug Program.

3. Will all remaining funds that have not been reprogrammed as of September 1 be obligated within FY 1989? Will any part of the $300 million appropriated in FY 1989 lapse?

Answer: It appears that some of the funds provided for O&M and MILPERS in support of the National Guard were not obligated. With heavy seasonally driven program execution now taking place and the normal lag in receiving accounting data, we do not yet know the amount of funds that have lapsed.

4. Will any procurement actions be completed (in the sense that equipment or materials are actually delivered to a procuring authority) using reprogrammed FY 1989 funds before the end of FY 1989?

Answer: Yes. Subsequent to receipt of congressional procurement reprogramming approval and release of funds to the respective Services and Defense Agencies, procurement actions have proceeded rapidly towards fruition. The contracting and delivery process will be completed as rapidly as possible. However, in view of the relatively compressed time frame between reprogramming approval and the end of FY 1989, most deliveries will occur in FY 1990.

5. Why did the FY 1989 reprogramming request come to Congress without full programmatic documentation to support the request, including a plan explaining what the Defense Department expects these expenditures to accomplish and how the Department intends to manage these programs? What programmatic documentation and budget justification documents are now available to support the Department's reprogramming request?

Answer: The February 1989 DOD Report to Congress outlined DOD's intentions and plans for execution of the $300 million appropriation, and provided much of the underpinning for the development of the FY 1989 Counterdrug Program which was approved on May 23, 1989. Both formed the basis for justification of the reprogramming requests. Although the actual transmittal on which the reprogramming requests are conveyed to Congress (Department of Defense Form 1415) does not normally include substantial programmatic documentation, DOD staff members have responded to requests for elaboration and clarification and will continue to do so.

6. Has a Concept of Operation been completed for each Joint Task Force (JTF) site?

Answer: Yes. Two Joint Task Forces, JTF-4 in Key West, Florida, reporting to Commander-in-Chief Atlantic and JTF-5 in Alameda, California, reporting to Commander-in-Chief Pacific were created to conduct surveillance missions, fuse technical intelligence, and coordinate detection and monitoring missions with law enforcement agencies. JTF-4 has been operational 24-hours a day, 7 days a week since April 1989. JTF-5 became operational 24-hours a day, 7 days a week in October 1989. They are currently conducting operations against both airborne and seagoing targets employing a variety of DoD assets. The JTF commanders hold quarterly planning conferences with the law enforcement agencies to schedule joint counterdrug surveillance and interdiction missions. These conferences reduce duplication of effort and ensure detection and interdiction assets are available to respond to emergent intelligence. The JTFs have been successful in joint "hand off" operations, and have provided valuable fused intelligence to the law enforcement agencies. The Secretary of Defense has approved in principle a Commander, U.S. Forces Command recommendation that a new JTF-6 be established to coordinate DoD support to drug law enforcement agency operations along the southwest border. Detailed planning and interagency coordination have been initiated.

7. Have all intelligence and radar assets been identified and designated for communications integration into the JTF's?

Answer: Yes. In early FY 1990 both JTFs 4 and 5 will have complete intelligence centers capable of fully fusing intelligence products from all DoD sources. The JTFs will have access to the target data from all operational land-based and sea-based aerostats, deployed mobile radars and the radars in the Caribbean Basin Radar Network.

8. Is the Department developing a plan to phase out use of operational military sensor platforms in favor of dedicated drug enforcement sensor platforms, e.g. aerostats, off shore oil rigs, etc?

Answer: No. The drug smugglers mainly use altered civilian aircraft and boats to transport drugs. Radar detection capabilities vary by platform, and small targets often fall below detection parameters. A short warning time, the potential of "low flyers," and exceptionally small, surface targets dictate continued support and employment of operational military sensors. DoD has selected a mix of land and sea-based aerostats to provide the needed continous coverage along the approaches to our borders. The JTFs will use military aircraft, ships, and mobile radars to fill in the gaps in land and sea-based aerostat coverage. In addition, a number of military platforms will be on standby to respond to intelligence cueing. Together, the dedicated sensor platforms and military platforms will provide a cost-effective and flexible radar barrier.

9. Have communications plans been established between JTF-4 and JTF-5, Customs C3I and other Federal, state and local drug interdiction agencies? Please also explain the organizational lines of authority between the JTFs and higher DoD authorities, from both policy and budget perspectives.

Answer: DoD and Law Enforcement Agency communications plans were reviewed in the DoD's January and May 1989 reports to Congress. Additionally, the National Telecommunications Master Plan for Drug Enforcement provides the required guidance, recommendations, standards, and strategy for effecting a secure and interoperable communications capability. The Drug Enforcement Telecommunications Implementation Plan (DETIP), developed to implement the Master Plan, is now prepared for intra-agency coordination and will provide DoD with a detailed plan for fielding the required communications equipment and security plans. All communication plans will be updated as the strategy and participants evolve.

Regarding the organizational lines of authority, the JTFs respond directly to the respective CINC tasking and the CINCs receive their policy guidance from the Secretary of Defense. The JTFs receive their budget authority through the same budgetary channels as their respective CINCs.

10. What are your plans to ensure the integrity and protection of classified information within and between facilities?

Answer: The integrity and protection of classified information is the responsibility of every agency. A communications infrastructure, when fully implemented (as described in the Master and Implementation Plans), will provide the required protection and security to pass sensitive intelligence relating to narcotics activities. Information referred to a DoD agency by a law enforcement agency (LEA) will maintain the classification applied to it by the LEA. The current and planned mode of transmission of classified information to the various facilities is through the rapidly expanding "NARC NET" which is a unique circuit of the Defense Data Net. Information transmitted is encrypted and may be classified up to Top Secret. Additionally, STU III telephones are employed for the rapid transmission of classified information, with units available at all sites.

11. What is the planned Defense Department interface with the Customs C3I Centers with respect to type and quality of interdiction data provided?

Answer: By capitalizing on various sophisticated technologies currently available, DOD will provide fused intelligence to the C3I centers utilizing JTF-4 and JTF-5 as the conduits for the flow of that information. The types of intelligence passed will be both tactical and strategic in nature, derived from human and electronic detection resources. The information will be evaluated for effectiveness and serviceability and immediately relayed to the civilian law enforcement agencies.

12. Has the Defense Department requested and received industry support to validate operational concepts and system availability?

Answer: DOD's interface with representatives of industry is extensive and continuing. Active solicitation for presentations on technology which may be applied to the counterdrug effort have been forwarded to all major corporations, and a number of innovative concepts have been added to procurement plans. Additionally, consulting firms with longstanding DOD contracts have been asked to review several issues related to communications connectivity and tactics development.

13. What is the status of the JTF-4 and JTF-5 facilities regarding construction, operating equipment, staffing, etc?

Answer: JTF-4 is an operational Headquarters. Facility enhancement and equipment integration is nearly 80 percent complete; funding has been provided to permit the achievment of full capability by summer 1990. Manning has been provided by TDY up until August 1989; however, PCS personnel replacements are arriving at this time. Full permanent manning will occur by January 1990.

JTF-5 is currently operating at approximately 75 percent of planned capacity. Full manning will occur in the spring of 1990 and all construction will be complete in FY 1991. JTF-4 was given priority in funding and personnel because threats in that region are higher at the present time.

14. Will the JTF sites be used for functions other than drug interdiction?

Answer: No. Both JTFs are conducting counternarcotic operations only.

15. Will Southern Command move from Panama City? If so, has a location for its new headquarters been selected? Will the new location incorporate communication coordination for the Defense Department's drug interdiction activities?

Answer: Southern Command must move no later than December 31, 1999 in accordance with the Panama Canal Treaty. The decision on its new headquarters location has not been made. The new location will be tied into the Defense Data Network and fully linked into counternarcotic operations.

16. On July 19, you sent a memorandum to your subordinates on the subject of the Defense Planning Guidance for FY 1992-1997. In that memorandum, you indicate that you have asked the Under Secretary of Defense for Policy to prepare Proposed Defense Planning Guidance for FY 1992-1997 program and budget planning on the issue of: U.S. interests in Latin America of countering the production and trafficking of illegal drugs and of assisting countries in providing for their own security.

a. Are there any plans for similar direction regarding development of Defense Planning Guidance for the FY 1992-1997 program for accomplishing the Department's counternarcotics detection and monitoring mission, and for support for drug enforcement generally, as provided for in 10 U.S.C. 371, et seq.?

Answer: The Secretary's Counternarcotics Guidance of September 18, 1989 provides the basis guidance for the DOD counternarcotics program, covering all facets of the program. Further internal planning guidance in the form of the Defense Planning Guidance is in process.

b. For which part of the counternarcotics expenditures presented for the Senate Appropriations Committee's approval has five year planning, programming, and budget documentation been prepared?

Answer: DOD is finalizing the program and budget to support the three mission areas outlined in the FY 1989 Defense Authorization Act (National Guard, C3I, Detection and Monitoring). The process to determine the employment of funds earmarked for support of the international initiative has been initiated.

17. When did the Department send Congress the May 1989 Report on the "Integration of Command, Control, Communications and Technical Intelligence into an Effective Communications Network for Drug Interdiction?" When will Congress receive the June 1989 Implementation Plan described on page 20 of the May 1989 Report? Does the June 1989 report exist?

Answer: The May 1989 Report on the "Integration of Command, Control, Communications and Technical Intelligence into an Effective Communications Network for Drug Interdiction" was forwarded by the President to the HAC, SAC, HASC, and SASC on July 20, 1989. The Drug Enforcement Telecommunications Implementation Plan (DETIP), described on page 20 of the May 1989 report, does exist and is currently undergoing agency review. The DETIP was developed by the Interagency Communications Interoperability Working Group, under the auspices of the Science and Technology Committee, with DoD as the major contributor. The DETIP will be forwarded to the Director, ONDCP for approval upon completion of interagency review.

18. Please explain how the Department's plans for its internal organization fulfill its responsibilities under the President's and the Director of National Drug Control Policy's National Drug Strategy?

Answer. See page one.

19. How will the officer in charge of the counternarcotics element in the Office of the Joint Chiefs of Staff (J-3) coordinate with, and exercise staff supervision over other offices and agencies?

Answer. The officer in charge of counternarcotics operations on the Joint Staff coordinates operations between all law enforcement agencies and the DoD. Members of the Joint Staff attend all interagency meetings to ensure connectivity between all agencies involved. Additionally there are U.S. Customs and U.S. Coast Guard representatives on the Joint Staff attached to the counternarcotics branch. These representatives ensure the smooth flow of information between the DoD and law enforcement agencies.

20. How will the Military Departments (as distinguished from the unified and specified commands) participate in your counternarcotics strategy and activities, and who will be in charge of the effort in each Department?

Answer. See page one.

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 1989.

DEPARTMENT OF DEFENSE GUIDANCE FOR IMPLEMENTATION OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

On September 5, 1989, the President issued the National Drug Control Strategy pursuant to the Anti-Drug Abuse Act of 1988. The President's strategy provides for an integrated program of counternarcotics actions designed to move the country substantially closer to the goal of a drug-free America. This guidance is designed to assist in the swift and effective implementation of the President's strategy within the Department of Defense.

The supply of illict drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country. The threat of illicit drugs strikes at the heart of the Nation's values. It inflicts increased crime and violence on our society and attacks the well-being and productivity of our citizenry. One of the principal foreign policy objectives of this Administration is to reduce, and if possible to eliminate, the flow of illegal narcotic substances to the United States. Also, the Congress has by statute assigned to the Department the duty to serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs to the United States. For these reasons, the detection and countering of the production, trafficking and use of illegal drugs is a high priority national security mission of the Department of Defense.

The Nation ultimately will be rid of the scourge of illegal drugs only through the sustained application of the energy, courage and determination of the American people. As the President's strategy reflects, the Nation must seek to eliminate both the demand and the supply for illegal drugs, for the Nation will conquer neither if the other is left unchecked.

The Department of Defense, with the Department of State and U.S. law enforcement agencies, will help lead the attack on the supply of illegal drugs from abroad under the President's strategy. The efforts of the Department of Defense will complement those of other U.S. agencies and cooperating foreign countries. The Department of Defense will work to advance substantially the national objective of reducing the flow of illegal drugs into the United States through the effective application of available resources consistent with our national values and legal framework.

An effective attack on the flow of illegal drugs depends upon action at every phase of the flow: (1) in the countries that are the sources of the drugs, (2) in transit from the source countries to the United States, and (3) in distribution in the United States. The United States Armed Forces can assist in the attack on the supply of drugs in each of these phases.

I. THE ATTACK ON DRUGS AT THE SOURCE

The Department of Defense will assist in the attack on production of illegal drugs at the source. The production of illegal drugs is a complex criminal enterprise. The criminal enterprise requires illicit labor, capital, entrepreneurship and a substantial infrastructure to grow the plants that are the raw materials for illegal drugs and to refine and manufacture the illegal drugs. Reducing the availability of these elements of illegal drug production in the countries from which illegal drugs originate would reduce the flow of illegal drugs to the United States.

The Department of Defense can assist in the three elements of an effective attack on the supply of drugs in source countries: (1) assistance for nation-building, (2) operational support to host-country forces, and (3) cooperation with host-country forces to prevent drug exports. Pursuant to the National Drug Control Strategy near-term efforts will focus on the Andean nations from which most cocaine entering the United States originates. A key requirement for the success of U.S. efforts directed at the supply of illegal drugs, and in particular U.S. counternarcotics operations, will be the cooperation of the foreign countries involved.

As the National Drug Control Strategy indicates with respect to the Andean countries, a sustained, multi-year effort to provide economic, security, and law enforcement assistance is an essential element for a successful fight against illegal drugs abroad. Drug-producing criminal organizations control what amounts to private armies that challenge the law enforcement and military forces of their countries. Often such organizations are intertwined with insurgent forces that challenge directly the governments of their countries. The National Drug Control Strategy calls for the United States to reinforce the abilities of the governments of the countries cooperating in the fight against illegal drugs to combat drug-producing organizations. Security assistance will help enable such a government to protect itself from criminal drug enterprises and drug-related insurgencies, and to enforce its laws against drug producers and traffickers. Future economic assistance will help to strengthen the national economy and keep the labor, capital and entrepreneurship available in the country channeled toward useful production and away from drug production. Success in other efforts to attack the supply of illegal drugs depends in the long-run upon the establishment of healthy economies in drug-producing countries and the restoration of government authority in those countries. To assist in the implementation of this element of the National Drug Control Strategy, the Department of Defense will execute security assistance programs in accordance with Presidential instructions and applicable law, and in coordination with the Department of State.

Effective implementation of the National Drug Control Strategy requires that the Department of Defense be prepared to provide counternarcotics operational support to the forces of cooperating countries. The U.S. Armed Forces can provide foreign forces substantial assistance in training, reconnaissance, command and control, planning, logistics, medical support and civic action in connection with foreign forces' operations against the infrastructure of drug-producing criminal enterprises. Such U.S. military support would be designed to increase the effectiveness of foreign forces' efforts to destroy drug processing laboratories, disrupt drug-producing enterprises, and control the land, river and air routes by which the enterprises exfiltrate illegal drugs from the country.

In addition to assistance for nation-building and support for foreign forces' strikes on drug-producing enterprises, the U.S. can assist law enforcement agencies of cooperating foreign countries in combatting the export of drugs from those countries. The Department of Defense can assist with an improved intelligence collection effort, which will be essential not only to assist the governments of the source countries, but also for U.S. actions in the second line of defense—the attack on drugs in transit to the United States.

II. THE ATTACK ON DRUGS IN TRANSIT

The substantially increased effort to attack drugs at their source in the drug-producing countries as a first line of defense should help reduce over time the export of illegal drugs to the U.S. Nevertheless, drug-

producing criminal enterprises in those countries currently are so vast in scope that, even if U.S. efforts to attack drugs at the source are highly successful, the flow of drugs by sea, air, and land will continue. As the second line of defense against the flow of illegal drugs, the U.S. armed forces will implement the National Drug Control Strategy through substantial efforts to counter the flow of illegal drugs in transit to the United States, both outside the United States and at the Nation's borders and ports of entry. The Department's service pursuant to statutory direction as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs to the United States will prove particularly important to the success of this effort.

Deployment of appropriate elements of the U.S. armed forces with the primary mission to interdict and deter the flow of drugs should over time help reduce the flow of illegal drugs into the U.S. At a minimum, deploying the armed forces with this mission should have the immediate effect of substantially complicating the logistical difficulties of criminal drug traffickers and increasing the costs and risks of their drug smuggling activities.

As a high priority, United States military counternarcotics deployments will emphasize combatting the flow of drugs across the Caribbean Sea and across the southern border of the United States. The Department of Defense will proceed with planning to deploy a substantial Caribbean Counternarcotics Task Force, with appropriate air and maritime drug interdiction assets and aerial and maritime detection and monitoring assets, to combat the flow of illegal drugs from Latin America through the Caribbean Sea. The Department also will proceed with planning for other deployments of U.S. forces to complement the counternarcotics actions of U.S. law enforcement agencies and cooperating foreign governments.

Success of the attack on drugs in transit will require sustained deployment of appropriately trained and equipped members of the U.S. armed forces and substantially improved cooperation between the armed forces and U.S. law enforcement agencies. The substantial increase in military participation in the attack on drugs in transit is intended to be in addition to, rather than in place of, Federal law enforcement agencies' efforts.

The success of interdiction and deterrence efforts will depend greatly upon the ability of the Department of Defense and law enforcement agencies to marshal effectively the myriad command, control, communications and intelligence resources they possess into an integrated counternarcotics network. The Department of Defense will serve as the single lead Federal agency for the detection and monitoring of aerial and maritime transit of illegal drugs and will be prepared, with the cooperation of U.S. enforcement agencies, to integrate expeditiously into an effective network the Federal command, control, communications, and technical intelligence assets that are dedicated to the mission of interdicting illegal drugs from abroad. The Department of Defense will seek to develop and employ when appropriate the capability to exercise tactical control of Federal detection and monitoring assets actively dedicated to counternarcotics operations outside the United States and in border areas.

To ensure that action to implement the President's National Drug Control Strategy begins immediately, the Commanders-in-Chief of all unified and specified combatant commands will be directed to elevate substantially the mission priority within their commands of actions to fight illegal drugs.

III. THE ATTACK ON DRUGS IN THE UNITED STATES

After the first and second lines of defense—actions directed at illegal drugs in source countries and in transit—the third line of defense against drugs will be in the United States itself. The role of the armed forces in the third line of defense includes both actions to reduce the supply of illegal drugs and actions to reduce the demand for those drugs.

Within the United States, to assist in reducing the supply of illegal drugs, the counternarcotics actions of the Department of Defense will emphasize support to Federal, State and local law enforcement agencies, and the National Guard in State status. The Department of Defense will assist requesting law enforcement agencies and the National Guard with training, reconnaissance, command and control planning, and logistics for counternarcotics operations. In appropriate cases, armed forces personnel and equipment will be detailed directly to law enforcement agencies to assist in the fight. The Department of Defense will ensure that its administrative and command structures permit rapid and effective response to appropriate requests for counternarcotics assistance from law enforcement agencies and the National Guard. The Department will continue to assist the Governors of the several States in employing the National Guard in the fight against illegal drugs.

With respect to reduction of demand for drugs within the United States, the Department of Defense bears an important responsibility to reduce the use of illegal drugs within the armed forces and among its civilian personnel. The Department of Defense has met with substantial success in its demand reduction efforts with armed forces personnel through aggressive drug abuse education and drug-testing programs—an 82% reduction in drug abuse since 1980. The Department will step up its efforts to combat illegal drug use by departmental personnel and will make available to other large organizations its experience in reducing the demand for illegal drugs. The Department also will emphasize drug abuse awareness and prevention programs in the Department's school system, which educates over 190,000 of America's children.

The Department of Defense will be prepared to assist the Department of Justice with its responsibilities for incarceration and rehabilitation of drug criminals, through means such as training Federal, State and local personnel in the conduct of rehabilitation-oriented training camps for first-offense drug abusers and providing overflow facilities for incarceration of those convicted of drug crimes.

The President's National Drug Control Strategy emphasizes a multi-national and multi-agency approach to reduction of the drug supply. The Department of Defense has a crucial role in defending the United States from the scourge of illegal drugs. The Department will employ the resources at its command to accomplish that mission effectively. Should it prove necessary in implementing the President's strategy effectively, any needed additional statutory authority will be sought. The men and women of America's armed forces will fight the production, trafficking and use of illegal drugs, as an important part of the national effort to secure for all Americans a drug-free America.

RICHARD B. CHENEY,
Secretary of Defense.

Mr. GORTON. Mr. President, I believe it has been cleared on both sides.

Mr. LEVIN. Mr. President, this amendment of Senator D'AMATO has indeed been cleared on this side. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2537) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2538

(Purpose: To enhance participation of historically black colleges and universities and minority institutions in defense research)

Mr. LEVIN. Mr. President, on behalf of Senators NUNN, BINGAMAN, THURMOND, WARNER, MCCAIN, and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. NUNN (for himself, Mr. BINGAMAN, Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, and Mr. LEVIN) proposes an amendment numbered 2538:

At the end of title XII insert the following new section:

SEC. 1216. ENHANCING PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS IN DEFENSE RESEARCH.

Section 1207 of the National Defense Authorization Act of Fiscal Year 1987 (10 U.S.C. 2301 note) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "Except";

(B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall establish a specific goal for the award of prime contracts and subcontracts to historically Black colleges and universities and Minority Institutions in order to increase the participation of such colleges and universities in the program provided for by this section."; and

(3) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) TYPE OF ASSISTANCE.—(1) To attain the goal specified in subsection (A)(1), the Secretary of Defense shall provide technical assistance to the entities referred to in that subsection and, in the case of historically black colleges and universities and minority institutions, shall also provide infrastructure assistance.

"(2) Technical assistance provided under this section shall include information about the program, advice in preparation of pro-

posals, and other such assistance as the Secretary considers appropriate. If the resources of the Department of Defense are inadequate to provide such assistance, the Secretary may enter into contracts with minority private sector entities with experience and expertise in the design, development, and delivery of technical assistance services to eligible individuals, business firms and institutions, defense acquisitions agencies, and defense prime contractors. Department of Defense contracts with the entities referred to in subsection (a)(1) shall be awarded annually, based upon, among other things, the number of minority small business concerns, historically Black colleges and universities, and minority institutions that each such entity brings into the program.

"(3) Infrastructure assistance provided under this section may include programs to:

"(A) establish and enhance undergraduate, graduate, and doctoral programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(B) make Department of Defense personnel available to advise and assist faculty at the school in the performance of defense research and in scientific disciplines critical to the national security functions of the Department of Defense;

"(C) establish partnerships between defense laboratories and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines critical to the national security functions of the Department of Defense;

"(D) award scholarships, fellowships, and the establishment of cooperative work-education programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(E) attract and retain faculty involved in scientific disciplines critical to the national security functions of the Department of Defense;

"(F) equip and renovate laboratories for the performance of defense research;

"(G) expand and equip Reserve Officer Training Corps activities devoted to scientific disciplines critical to the national security functions of the Department of Defense; and

"(H) provide other assistance as the Secretary determines appropriate to strengthen scientific disciplines critical to the national security functions of the Department of Defense or the college infrastructure to support the performance of defense research.

"(4) The Secretary shall, to the maximum extent practical, carry out programs under this section at institutions that agree to bear a substantial portion of the cost associated with the programs.".

Mr. NUNN. Mr. President, I rise to offer an amendment to broaden the national defense research base by increasing the participation of historically black colleges and universities and other minority institutions in the performance of defense research.

Four years ago the Congress passed section 1207 of the National Defense Authorization Act for fiscal year 1987, which established a 5 percent goal for the award of certain DOD dollars to small disadvantaged businesses [SDB's], historically black colleges and universities [HBCU's], and other minority institutions [MI's]. The Department's 1990 report on the operation of this program indicates that SDB prime and subcontractors were awarded $5.2 billion in defense contracts. While the opportunity for participation of SDB's in defense contracting needs to be expanded, the record demonstrates that the legislation we enacted 4 years ago to establish the 5-percent goal has increased small disadvantaged business participation in defense contracting.

With regard to the participation of the historically black colleges and universities and other minority institutions in the defense research arena, much needs to be done. In fiscal year 1989, historically black colleges and universities were awarded little more than $6 million in the defense research awards. During this same period majority institutions of higher education received $1.2 billion in defense prime contracts alone.

To begin the expansion of our vital national defense research base and to address this critical problem, my amendment would direct the Secretary to establish a distinct goal for historically black colleges and universities and other minority institutions to increase their participation in defense research. This distinct goal for these educational institutions would be a part of the overall 5-percent goal established by section 1207.

My amendment would provide the tools necessary to accomplish this vital goal. Although section 1207 currently authorizes DOD to provide technical assistance, this assistance does not address the fundamental problems limiting the participation of historically black colleges and universities and minority institutions in the 1207 program. Many of these institutions do not possess the infrastructure necessary to compete in the defense research arena.

To address this problem, my amendment would authorize DOD to assist these institutions in enhancing the faculty, programs, and equipment necessary to successfully compete in the defense research arena. Where this assistance is provided the schools must bear a substantial portion of the cost associated with upgrading defense research capacity to the maximum extent practical.

In establishing programs for the award of scholarships, fellowships, and work-education programs in scientific disciplines critical to the Department's national security functions, I would expect DOD to fully utilize all authorities provided in current law to assist in the establishment of such programs.

To ensure the successful implementation of this authority, I would expect each military department to submit management plans to the Secretary of Defense, broken down by individuals buying commands, setting forth implementation schedules and milestones with specific actions to be taken to attain the goal established by the Secretary. The Secretary shall review and include in the annual section 1207 report to the Congress an assessment of the actions taken by the military departments to attain their goals.

Mr. LEVIN. Mr. President, the amendment would direct the Secretary to establish a specific goal for the award of contracts and subcontracts to historically black colleges and universities and minority institutions and these shall be part of the overall 5 percent goal which is previously established in section 1207.

Mr. GORTON. Mr. President, this amendment is one of which we highly approve.

The PRESIDING OFFICER. Is there further discussion?

If not, the question is on agreeing to the amendment.

The amendment (No. 2538) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2539

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOLE, proposes an amendment numbered 2539.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 261, on line 2, strike out "$61,800,000" and insert "$74,300,000".

On page 261, on line 5, strike out "$1,495,150,000" and insert "$1,482,650,000".

Mr. DOLE. Mr. President, it is my understanding that this amendment has been cleared on both sides of the aisle.

In the military construction portion of this bill, $12.5 million is provided for family housing improvements at Fort Riley, KS. Enlisted housing at Ellis Heights, Fort Riley, is in poor, substandard condition—it has not been renovated since it was built in 1959.

Since this bill was reported out, the Army has informed the Armed Services Committee that it would be less expensive to fund new construction in this case, than to fund whole house improvements.

Therefore, this amendment seeks to change the funding from improvements to new construction. With this change, 250 units of housing can be built, instead of 216 units being rebuilt. The result of this amendment is improved housing and greater cost-effectiveness.

Mr. GORTON. Mr. President, this amendment relates to housing at Fort Riley, KS, that slightly increases the authorization therefor. I believe it has been approved on both sides.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2539) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2540

(Purpose: To require the Secretary of Defense to establish and conduct a Mentor-Protege Pilot Program)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators NUNN, WARNER, BINGAMAN, and MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] (for himself, Mr. NUNN, Mr. WARNER, Mr. BINGAMAN, Mr. MCCAIN, and Mr. LEVIN), proposes an amendment numbered 2540.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 181, between lines 8 and 9, insert the following:

SEC. . MENTOR-PROTEGE PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to be known as the "Mentor-Protege Pilot Program".

(b) PURPOSE.—The purpose of the pilot program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance designed to enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts in order to increase the participation of such business concerns as subcontractors and suppliers in Department of Defense contract business.

(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns under the pilot program pursuant to such agreement upon making application to the Secretary of Defense and being approved for participation in the pilot program by the Secretary. A business concern approved for participation pursuant to this paragraph shall be known, for the purposes of the pilot program, as a "mentor firm".

(2) A disadvantaged small business concern may obtain assistance from a mentor firm under the program upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a "protege firm".

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the pilot program.

(4) It is not necessary for a disadvantaged small business concern to obtain the approval of the Secretary of Defense before receiving assistance as a protege firm under the pilot program. However, the Secretary may disapprove the participation of a disadvantaged small business concern in the program on the basis of criteria which the Secretary shall specify in the regulations prescribed pursuant to subsection (k). If the Secretary disapproves the participation of a disadvantaged small business concern in the program, he shall transmit a written notification of such disapproval to the disadvantaged small business concern and the mentor firm furnishing the assistance. Assistance furnished that disadvantaged small business concern by the mentor firm after the mentor firm receives such notification may not be considered as assistance furnished under the pilot program.

(d) MENTOR FIRM ELIGIBILITY.—A business concern generally eligible for award of contracts by the Department of Defense is eligible to enter into an agreement with a protege firm under subsection (e) and to furnish assistance under the pilot program pursuant to that agreement if, during the fiscal year preceding the fiscal year in which the business concern enters into the agreement, the total amount of the Department of Defense contracts awarded such business concern and the subcontracts awarded such business concern under Department of Defense contracts was equal to or greater than—

(1) $100,000,000; or

(2) such lesser amount as the Secretary specifies in the regulations prescribed pursuant to subsection (k) for application to any business concern which is a disadvantaged small business concern or, except for the size of that business concern, would be a disadvantaged small business concern.

(e) MENTOR-PROTEGE AGREEMENT.—(1) Before furnishing assistance to a protege firm under the pilot program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be furnished by the mentor firm to the protege firm. The agreement shall include the following:

(A) A program of assistance that is designed to develop the capabilities of the protege firm to perform as a subcontractor or supplier under Department of Defense contracts.

(B) The period, not to exceed four years, during which the mentor firm is to furnish assistance to the protege firm under the agreement.

(C) Procedures for the mentor firm or protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(2) A mentor-protege agreement under this subsection may cover more than one protege firm.

(f) FORMS OF ASSISTANCE.—A mentor firm may furnish the following assistance to a protege firm:

(1) Assistance, by using mentor firm personnel or other means, in—

(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

(B) engineering and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to develop the capabilities referred to in subsection (e)(1)(A).

(2) Noncompetitive award of subcontracts under Department of Defense contracts to the protege firm.

(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

(4) Advance payments under such a subcontract.

(5) Loans.

(6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest.

(7) Assistance obtained by the mentor firm for the protege firm from one or more of the small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648), acting to the maximum extent practicable in cooperation with a historically Black college or university or a minority institution of higher education.

(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense shall provide for the reimbursement of a mentor firm for the total amount of any progress payment or advance payment made under the pilot program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

(2) The Secretary of Defense shall provide for the reimbursement of a mentor firm for the costs of furnishing assistance referred to in paragraphs (1) and (7) of subsection (f) to a protege firm. The Secretary shall ensure that payment of reimbursements under this paragraph is provided for in a Department of Defense contract awarded to the mentor firm or in another agreement entered into by the Secretary and the mentor firm. The contract or other agreement shall specify the maximum amount of the reimbursement that may be made. The Secretary and the mentor firm may provide in the contract or other agreement for allocation of the costs to Department of Defense cost-reimbursement contracts awarded the mentor firm.

(3)(A) Any costs incurred by a mentor firm in furnishing assistance to a protege

firm that are not reimbursed pursuant to paragraph (2) shall be counted in the amount for which the mentor firm receives credit for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract.

(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

(i) four times the total amount of such costs attributable to assistance described in subsection (f)(7);

(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

(iii) two times the total amount of any other such costs.

(C) The amount of the credit given for any such unreimbursed costs may not exceed a maximum amount which shall be specified in the contract provision or agreement referred to in paragraph (2).

(4) The Secretary of Defense shall ensure that each Department of Defense contract awarded a mentor firm includes a provision for payment of an incentive or award fee to the mentor firm if the mentor firm exceeds the subcontracting participation goal, if any, applicable to such mentor firm under the contract.

(5) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

(6) Notwithstanding subsection (j), a mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for any subcontract that the mentor firm awards under that contract to a business concern referred to in paragraph (5) within 9 years after the date on which the mentor firm and such business concern entered into the mentor-protege agreement referred to in clause (B) of such paragraph.

(h) NONAFFILIATION TREATMENT.—For purposes of the Small Business Act, a protege firm may not be considered an affiliate of a mentor firm solely on the basis that the protege firm is receiving assistance referred to in subsection (f) from such mentor firm under the pilot program.

(i) PARTICIPATION IN PILOT PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

(j) DURATION OF PILOT PROGRAM.—The Secretary of Defense shall conduct the Mentor-Protege Pilot Program during the period beginning on October 1, 1991, and ending on September 30, 1995.

(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the pilot program. The Secretary shall publish the proposed regulations not later than the earlier of April 1, 1991, or the date 180 days after the date of the enactment of this Act. The Secretary shall promulgate the final regulations not later than June 1, 1991, or the date 270 after the date of the enactment of this Act.

(l) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a) and the regulations promulgated pursuant thereto.

(2) The term "disadvantaged small business concern" means a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(4) The term "historically Black college and university" means any of the historically Black colleges and universities referred to in section 1207(a)(2) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(5) The term "minority institution of higher education" means an institution of higher education with a student body that reflects the composition specified in section 312(b) (3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b) (3), (4), and (5)).

(6) The term "subcontracting participation goal", with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 1207 of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

Mr. THURMOND. Mr. President, I rise in support of the amendment by the chairman, Senator NUNN.

The Department of Defense has an important stake in engaging historically black colleges/universities and minority institutions. It has a greater stake in assuring that both groups of institutions contribute to the national interest in meeting the defense challenges of the 21st century. If current funding patterns persist, historically black colleges/universities and minority institutions will remain conspiciously absent from the defense enterprise while the Nation faces the challenge of cultivating the best and the brightest minority talent in response to a 60-percent growth in science-related jobs in the service-producing industries by the end of the century.

Mr. President, Senator NUNN's amendment will provide the incentive to the Department of Defense to improve the participation of historical black colleges and minority institutions in defense-related activities. I urge my colleagues to support the amendment.

Mr. LEVIN. Mr. President, the purpose of the amendment of Senator NUNN is to broaden the defense industrial base by increasing the number and quality of small disadvantaged businesses in the defense subcontracting base. I believe this amendment has been cleared on the other side.

Mr. GORTON. Mr. President, this is, indeed, a very good small business amendment. It has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2540) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2541

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. PELL, proposes an amendment numbered 2541.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 269, after line 25, add the following:

Newport Naval Underwater Systems Center, $13,700,000

Mr. PELL. Mr. President, this amendment makes provisions for significant long-range enhancement of our undersea defense capability, namely construction of a facility for advanced R&D on quiet propulsion for underwater vehicles.

The project involves the construction of a 100,000 square foot facility at the Naval Underwater Systems Center [NUSC] at Newport, RI. It will provide valuable capability to develop and test propulsion technology, with special emphasis on reduction of acoustic, electric and magnetic signatures of submarine launched weapons. This is a critically important component of the SSN-21 Seawolf submarine program which depends on substantial signa-

ture reduction to operate undetected at high speeds.

While this item was not included in the budget request, I am pleased to note that it is included in the House Military construction appropriation bill for fiscal year 1991, H.R. 5313, which provides $13.7 million for the project.

Notwithstanding the interest we all share in reduction in military spending in this era of reduced international tensions, I believe that prudence dictates that we maintain our technological lead in undersea defenses, which contribute so much to long range stability and security. This modest amendment will contribute significantly to that end and I urge its adoption.

Mr. LEVIN. Mr. President, this amendment would authorize the construction of a 100,000-square-foot facility at the Naval Underwater Systems Center at Newport, RI, and would provide capability to develop and test propulsion technology, with special emphasis on the reduction of acoustic, electric, and magnetic signatures of submarine-launched weapons.

Mr. GORTON. Mr. President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2541) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2542

(Purpose: To provide authority, under certain circumstances, to replace or restore certain property lost or damaged during Operation Just Cause)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator COATS and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for Mr. COATS, proposes an amendment numbered 2542.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . AUTHORITY TO REPLACE OR RESTORE LOST OR DAMAGED PROPERTY.

(a) AUTHORITY.—In order to assist the entities described in this section to continue to provide services to the United States, The Secretary of the Army may replace or restore property of a contractor of the United States which was lost or damaged during Operation Just Cause begun on December 22, 1989, to the extent—

(1) such property was located on a military installation in Panama pursuant to the requirements of the contract and such military installation was used or occupied by United States Armed Forces prior to December 22, 1989;

(2) such damage was caused by United States Armed Forces; and

(3) such loss or damage was not caused in whole or in part by the negligent or wrongful act of such contractor or an agent or employee thereof.

(b) LIMITATION.—The Secretary of the Army may replace or restore property under this section only if—

(1) a request for such action is presented to the Secretary in writing within two years after such property was lost or damaged;

(2) the Secretary determines that such request is substantiated; and

(3) the Secretary determines that the contractor has made every reasonable effort to obtain compensation, replacement, or restoral of such property through other means.

Mr. GORTON. Mr. President, this relates to the restoration of certain property in Indiana and is approved on both sides, I believe.

Mr. LEVIN. Mr. President, the amendment has, indeed, been cleared on this side. We have no objection.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2542) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2543

(Purpose: To ensure that the national defense science and engineering education initiatives covers persons traditionally underrepresented in the engineering and science progessions and includes authority for Department of Energy programs)

Mr. LEVIN. Mr. President, on behalf of Senators SIMON and BINGAMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SIMON (for himself and Mr. BINGAMAN), proposes an amendment numbered 2543.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 179, between lines 3 and 4, insert the following:

"(d) In entering into education partnership agreements with public school systems under this section, each director of a defense laboratory shall give a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

On page 181, between lines 8 and 9, insert the following:

(c) DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy may establish programs and award grants for the purpose of enhancing the mathematics, science, and engineering education of students in elementary and secondary schools and institutions of higher education.

Mr. LEVIN. Mr. President, this amendment modifies section 854 of the act in two ways: It adds the requirement that educational partnerships with precollege public school systems given priority to populations underrepresented in science and engineering, and it grants the Secretary of Energy authority to establish programs and award grants to enhance science, mathematics, and engineering education at all levels, elementary through graduate.

Mr. GORTON. Mr. President, this is an important amendment with respect to science and mathematic education programs. We enthusiastically recommend its adoption.

Mr. LEVIN. We thank the Chair for this amendment. It is an important initiative.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2543) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2544

(Purpose: To require the Secretary of Defense to conduct a study to determine the effectiveness of the OH-58D helicopter for use in detecting drug smuggling across the southwest border of the United States)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Senator HATCH, and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. HATCH, proposes an amendment numbered 2544.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 212, between lines 20 and 21, insert the following new section:

SEC. 1103. STUDY OF UTILITY OF OH-58D HELICOPTER IN DETECTION OF CROSS-BORDER INTRUSIONS BY DRUG SMUGGLERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility and effectiveness of utilizing OH-58D Scout helicopters for detecting, monitoring, and conducting surveillance of the ground movements of drug smugglers along the southwest border of the United States. In carrying out such study, the Secretary shall consider in particular the following matters:

(1) The suitability of the OH-58D helicopter for performing the missions described in the first sentence.

(2) The feasibility of having personnel of the Army National Guard operate and maintain OH-58D helicopters when such personnel are not in Federal service.

(3) The desirability of having the Army pay for operation and maintenance expenses in connection with the OH-58D helicopters pursuant to a plan developed by the United States Customs Service or having the Secretary of Defense pay such expenses out of funds appropriated for National Guard counterdrug activities pursuant to a plan developed by the Governors of Southwestern States.

(4) The feasibility of coordinating National Guard activities and civilian law enforcement activities through the command, control and intelligence center of the United States Customs Service at Riverside, California.

(b) INTERAGENCY COORDINATION.—The Secretary shall carry out the study required by subsection (a) in consultation with the Commissioner of the United States Customs Service.

(c) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the result of the study required by subsection (a) not more than 180 days after the date of the enactment of this Act. The Secretary shall include in the report the conclusions of the Secretary based on the study together with such comments and recommendation as the Secretary considers appropriate.

Mr. HATCH. Mr. President, the amendment I am offering today requires the Secretary of Defense to conduct a study of the feasibility and effectiveness of using the OH-58D AHIP helicopter for detecting drug smuggling along the Southwest border.

Our ability to disrupt and deter air and sea drug trafficking operations has in part forced the drug cartels to resort to smuggling narcotics over land routes along our 2,000-mile border with Mexico. In many places, the border is poorly marked and the rugged terrain makes it difficult to patrol. In this environment, Federal, State, and local law enforcement agencies are attempting to suppress border intrusions by persons, vehicles, and aircraft. To date, these operations have yielded minimal success with the limitations resulting not from a lack of effort on the part of the agencies but from a shortage of manpower and capable equipment.

As the Army's premier scout helicopter, the OH-58D has the capability of becoming the long-range eyes for the civilian law enforcement community. Designed to detect enemy targets and relay that information to a command center, the OH-58D is ideally designed for flying drug detection and surveillance missions along the Southwest border. With its mast mounted sensor and enhanced technological design, the OH-58D can perform day and night operations and detect persons and vehicles at up to 6-10 miles and aircraft at distances up to 20-30 miles. Once a detection is made the data can be transmitted by data link to the Customs Service's Command, Control, Communications, and Intelligence [C-31] in California. This will allow the C-31 to get a real-time picture of what the OH-58D is seeing during a surveillance operation and be able to direct law enforcement assets to the location with an accuracy of 8 meters.

Mr. President, in undertaking this study, the Secretary will evaluate the effectiveness of the OH-58D in fulfilling this mission. In doing so, the study will look at the ability of the Army National Guard to operate and maintain the OH-58D. The National Guard has provided much needed assistance to the Customs Service at the ports-of-entry. I believe the Guard has a greater role to play, and my amendment will evaluate this potential. Moreover, within 6 months of enactment, my amendment requires the Secretary, after consultation with the Commissioner of the Customs Service, to issue a report to Congress on the findings, conclusions, and recommendations from the study. I am confident this study will confirm what many already know: the OH-58D will dramatically assist civilian law enforcement agencies in their effort to disrupt drug trafficking operations along our Southwest border.

While on the issue of drugs, I would like to speak on another matter of great importance.

During consideration of H.R. 4404, the dire emergency supplemental appropriations bill, the Senate passed by unanimous consent an amendment I offered to direct the President to transfer four AH-1J Cobras from the Marine Corps for use by the Colombian National Police in carrying out antidrug operations in Colombia. During conference with the House of Representatives the provision was dropped over a failure of the conferees to agree over a means to transfer these assets to Colombia. In dropping the amendment, the conferees stated, "the conferees are in general agreement with the purposes of the Senate amendment which provided for the lease of four helicopters to Colombia for its drug interdiction program." The conferees went on to "urge the President to use draw down authority to aid drug interdiction programs."

Subsequent to this, on May 24, 1990, I introduced S. 2695, the Anti-Drug Abuse Act of 1990, which among other things, contained authorizations for $40,000,000 for the procurement of additional AH-1W Cobra helicopters for the Marine Corps, and a directive that a similar number of Cobras be transferred by the Secretary of Defense to the Colombian Government to be used to support antinarcotic operations in that country.

As both distinguished managers of this bill know, the Colombians, particularly the National Police, are in desperate need of this aircraft and other assistance to bolster their courageous efforts to uphold the rule of law and democracy in Colombia. Moreover, this assistance will help protect the American personnel and equipment already engaged in the struggle to eliminate the cocaine business from Colombia.

In a letter supporting this proposal, Colombian Ambassador Victor Mosquera Chaux wrote:

> Your proposal, is very timely. The drug trafficking organizations are continuing to wage a campaign of terror and violence against Colombian society, and the government must press harder in its attempts to dismantle these groups. The Cobra gunships would provide much needed firepower to our transport helicopters when flying missions into dangerous territory. Unarmed transport helicopters can become easy targets for automatic weapon or missile fire and have a higher inherent risk of loss of equipment and human lives. The Cobra escort helicopters would decrease the dangers involved in drug interdiction operations conducted by our security forces.

Mr. President, it was my intention to offer an amendment to the Department of Defense authorization bill to authorize the procurement of additional Cobras, thus allowing the Marine Corps to declare four older J-model Cobras in the Reserve as surplus and turn them over to the Colombian National Police for antinarcotic operations. However, it is my understanding that the bill before us contains additional authorizations for the procurement of AH-1W Cobras for the Marine Corps Reserves and authority for the release of fiscal 1990 procurement funds for six additional Cobras. I am delighted to see that the committee has made this recommendation to the Senate. Moreover, it is my understanding that staff discussions with the Marine Corps have indicated that should additional Cobras be made available to the Reserves, they would be willing to declare a like number of J-model Cobras as excess to the needs of the Reserves and make them available for other purposes, including transfer to the Colombians to help them fight their drug war.

I cannot emphasize enough how important I believe it is that we provide this additional helicopter support to the Government of Colombia who is in the frontlines of the battle against the drug trafficking cartels. I believe that the J-model Cobra, with the proper

training, will assist their efforts to accomplish that objective in Colombia.

Mr. President, if the Senate position regarding AH-1W Cobras prevails in conference with the House in whole or in part, I will work to ensure that Senate conferees include language in the statement of the managers that would direct the Secretary of Defense to transfer a sufficient number of J-model Cobra helicopters to the Colombian National Police to help them in their antidrug efforts. Moreover, I pledge to work with all Members of Congress and the administration to make sure that these important military assets would be put to work in the antidrug effort in Colombia.

Mr. GORTON. Mr. President, this amendment requires the Secretary of Defense to conduct a study of the feasibility and effectiveness of using the OH-58D helicopter for detecting drug smuggling along the Southwest border.

Mr. LEVIN. Mr. President, we have cleared this amendment on this side. There is no objection

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2544) was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2545

(Purpose: To provide funds for the removal of certain obstructions at the Warfield Air National Guard Base, Martin State Airport, Maryland)

Mr. LEVIN. Mr. President, on behalf of Senator MIKULSKI I send an amendment to the desk.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 2545.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 302, line 25, strike out "$124,530,000" and insert in lieu thereof "$131,830,000".

Ms. MIKULSKI. Mr. President, this amendment provides for $3.7 million to be used to remove utility wires that are preventing full use of the runway at Martin State Air Field, home base of the Maryland Air National Guard.

Extending the runway at Martin will allow the Maryland Guard to handle any necessary mission through the 1990's and will provide more flexibility to the Air National Guard in its planning. In addition, Martin is often called upon to accept overflow traffic from Andrews AFB and needs the extra runway footage to accommodate certain aircraft.

Mr. LEVIN. Mr. President, this amendment provides for $3.7 million to be used to remove utility wires that are preventing full use of the runway at Martin State Airport, home base of the Maryland Air National Guard.

Mr. GORTON. Mr. President, this Milcon project has been cleared on this side.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 2545) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2546

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DOLE, for himself, Mr. WARNER, and Mr. LUGAR, proposes an amendment numbered 2546.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

FINDINGS.—The Senate makes the following findings:

(1) The United States and the Soviet Union are engaged in the Strategic Arms Reduction Talks (START).

(2) In the Joint Statement on the Treaty on Strategic Offensive Arms signed in June 1990, the two sides reaffirmed their determination to have the Treaty completed and ready for signature by the end of this year.

(3) Under the provisions of a START Treaty, both sides will carry out significant reductions in strategic offensive arms.

(4) In the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, the United States and the Soviet Union agreed to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms.

(5) The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both countries.

(6) The President's effort to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(7) The Soviet Union has maintained a robust strategic modernization program throughout the course of the START negotiations which continues today.

It is the sense of the Senate that—

(1) The Senate fully supports United States efforts to enhance strategic stability.

(2) The United States should pursue stabilizing strategic arms reduction agreements while maintaining a vigorous research and development and modernization program for United States strategic forces.

Mr. GORTON. Mr. President, the amendment is acceptable to this side, and we urge its adoption.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. There is no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2546) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is a Nunn second-degree amendment to the Warner first-degree amendment.

Mr. KERRY. Mr. President, I ask unanimous consent that the amendment be temporarily set-aside for the consideration of an amendment according to a unanimous-consent agreement.

Mr. NUNN. Mr. President, will the Senator from Massachusetts agree to a time?

Mr. KERRY. If the Senator could reserve 20 minutes with the probability that I will give some of that back.

Mr. NUNN. Twenty minutes on each side?

Mr. KERRY. That would be all right.

Mr. NUNN. Mr. President, I ask unanimous consent that there be a time agreement on this amendment with 20 minutes one each side, a total of 40 minutes with all amendments to the Kerry amendment being required to be germane and relevant.

Mr. WALLOP. Mr. President, reserving the right to object, I shall not, I would like to have a short quorum call of 1 or 2 minutes.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, as a matter of inquiry, I believe we are prepared——

The PRESIDING OFFICER. If the Senator will withhold, may we have order.

Mr. KERRY. It is my understanding that the distinguished manager would like to try to keep this to 30 minutes. I would certainly be amenable to try to do that. Is that agreeable?

Mr. NUNN. That would be very agreeable. I appreciate the Senator making that suggestion.

Mr. President, I ask unanimous consent that on the Kerry amendment which is concerning Asat's there be a time limit of 30 minutes to be equally divided with no second-degree amendments, and with a vote on the amendment or pertaining to the amendment to occur at the conclusion of the allocated time.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, I understand that will be a vote up or down on the amendment?

Mr. NUNN. I do not know. I think there has been a request to move to table the amendment. I do not mind. I understand the minority wants the right to table.

The PRESIDING OFFICER. Is there objection? Without objection, the unanimous-consent request is agreed to.

AMENDMENT NO. 2547

(Purpose: To limit to $77,000,000 the amount of 1991 fiscal year funds that may be obligated for the kinetic energy Asat program)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set-aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. SIMON, and Mr. BUMPERS, proposes an amendment numbered 2547.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, between lines 14 and 15, insert the following new section:

SEC. 225. LIMITATION ON FUNDS FOR THE KINETIC ENERGY ASAT PROGRAM.

Of the amounts appropriated pursuant to section 201, not more than $77,000,000 may be obligated for research, development, test, and evaluation in connection with the kinetic energy anti-satellite (ASAT) program.

Mr. KERRY. Mr. President, I send this amendment to the desk on behalf of myself, Senator BUMPERS, and the distinguished Chair.

This is a different amendment from the amendment on antisatellite weapons that we have debated on the floor of the Senate in previous years. In previous years we have discussed a moratorium on testing. This has nothing to do with moratorium on testing. It has nothing to do with the moratorium. It is not a restraint on the satellite program per se. It is a restraint on the speed with which the development and research program is currently being undertaken.

Mr. President, last year we spent some $73 million for the development of an Asat system, antisatellite weapons system. This year the mark in the committee bill at this moment is $208 million but the distinguished chairman has indicated that he is in agreement that $49 million of that is in excess at this point because the Army has reduced from two contractors to one contractor.

So there is already $49 million that you could draw back from the $208 million. My amendment would bring the spending for the development of the antisatellite weapons system back to last year's level plus inflation.

The reason for that ought to be very very clear to every Member of the Senate. We are cutting countless weapons systems. We have cut Milstar. We have cut in the course of the committee proceedings countless systems which we funded over the years. This is a research program. It is a development program. It is a development program in an area where clearly the Soviet Union we know has not tested in 8 years, and has a rudimentary system. It is evident from the CIA briefings and the private briefings that this is not something that at this moment in time given developments in Europe and the Soviet Union remains a frontline priority of the country.

I am not suggesting that this money be taken out of the defense budget. I am not suggesting that the money be transferred for another specific purpose within the budget. I am merely suggesting that this money be restrained in the rate of spending for this program.

This is the largest single increase in a research and development program in the entire military budget; 181 percent.

Mr. President, there is simply no rationale for that. The simple reality is that if you look at the deputy program manager's own statements you could even question the rationale for the system in the first place.

But I am not suggesting that we should not continue to research. The distinguished Senator from Wyoming will no doubt take the floor and point out that the Soviet Union has conducted research in other areas. I acknowledge that. That is not in contention here.

Yes, they have conducted that research. But the question is do we need in the face of changes in the Soviet Union and in the face of what has happened in Europe to prepare for a war-fighting strategy against satellites of the Soviet Union in a headlong rush to deployment at this particular moment in time? I do believe we ought to research adequately so that we prevent Soviet breakout in this field, and $77 million does that. I believe we ought to continue the research program in an adequate fashion to maintain the possibilities of the future, and $77 million does that.

But there are countless programs in the defense budget today that are not only not getting last year's budget, let alone plus inflation, but they are being cut in real terms.

Mr. President, I suggest respectfully that for those who have been clamoring about the deficit, clamoring about the budget, and raising a hue and cry about a budget from the defense markup that does not even meet the budget mark, this is an opportunity to restrain spending, and in a sensible and responsible way.

I am not even going to go into the issues of the realities of this program which I think are legitimate and ought to cause some people concern about this rate of expenditure. When you have the deputy program manager himself saying:

"When you examine Asat and wargame it, you reach a point where you say, well, if we have started to take out each other's satellites to this degree, nukes are flying. Your sensors and their sensors get nuked and it breaks down."

What they are saying is, quoting the former Asat Chief, John Petroski, he said "it is OK to the level of theater nuclear war."

Well, Mr. President, where in the world at this particular moment is there such a threat requiring a 181-percent increase because of the potential of a theater nuclear war? It is unrealistic for us to be spending that kind of money.

We have even taken our bomber force off the 24-hour alert for the first time in 25 years. It seems to me that at this particular moment, when we are about to see West Germany spending money to subsidize Soviet troops staying in East Germany for a period of time, it is extraordinary to me that we are going to be spending money to supposedly ward off an increase in threat from the very people the West Germans are supporting, when we are supporting the West Germans with our own troop forces in West Germany.

It seems to me that if we limited the funding, then this money could go to sensible programs. We can put it into the high altitude reconnaissance. We can put it into increasing funding for efforts to boost responsive launch capabilities, to research for the DARPA

satellite program for rapid replenishment of U.S. satellites.

It is extraordinary that we are cutting money from this budget from the building of our own satellites, which are the principal form of command and control for our country, and we are going to rush to judgment on a system to shoot down Soviet satellites when the Soviet threat is diminished beyond anything it has been in the last 40 years.

I reserve the remainder of my time, and I, at this point, yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. How much time is remaining on this side, Mr. President?

The PRESIDING OFFICER (Mr. SARBANES). Fifteen minutes.

Mr. EXON. I yield myself 5 minutes.

I have listened with great interest to the comments made by my friend and colleague from Massachusetts. I guess what I do not quite understand is where did the figure come from that he is suggesting that would be incorporated in the amendment that has been offered.

Apparently, the figure is last year's Asat funding level plus inflation; may I ask the Senator if that is correct?

Mr. KERRY. The Senator from Nebraska is correct. Last year's figure, according to the Army plan, was 72.9.

Mr. EXON. I thank the Senator.

With that, we have established, basically, a concern that we have in the leadership in the Armed Services Committee. It is simply, Mr. President, that the funding level in the amendment is arbitrary and has no internal logic as to, if we address it from a programmatic sense. It is certainly higher than the level that would terminate the Asat development effort, but much lower than the level required to keep the Asat effort on track toward a meaningful objective.

The committee will be addressing Asat in conference and I simply suggest that for the sake of maintaining a reasonable bargaining position with the House of Representatives, especially in view of the other strategic issues in which there is wide differences among the position taken by the House and the position taken by the Senate, we will certainly need all of the bargaining position that we can have.

Congress has repeatedly urged the current and previous administrations to pursue some sort of arms control initiative in the Asat area. Should the administration seek to negotiate some partial restrictions in the area of Asat, in START II, the United States will lead a forward leaning Asat development program as leverage for these talks.

At the present time, Mr. President, I point out that, as of right now, the Senate Armed Services Committee has a mark of $158.4 million. The House of Representatives has a mark of $100 million. If the amendment adopted by the Senator from Massachusetts would be accepted by the Senate, it would be even below the House mark, at the mark offered by the Senator from Massachusetts of $77 million.

Obviously, with that kind of a mark, we would be in not only a no-leverage position, but a no-win position, as we attempt to work out the compromises that are obviously going to have to be necessary in the very tenuous conference that we have upcoming with the House of Representatives on this matter.

I certainly suggest that the Armed Services Committee, before the debate is over, take a look at the funding level. But I simply say that I hope that the Senator's amendment is turned down for the reason I have outlined.

Mr. WALLOP. Will the Senator yield to me?

Mr. EXON. How much time would the Senator like to have?

Mr. WALLOP. About 2, 3 minutes. With the subcommittee chairman's permission, I would like to use as much of the remainder of that time as is necessary.

The PRESIDING OFFICER. The Senator has 10 minutes 20 second remaining.

Mr. EXON. I will yield 6 minutes to the Senator from Wyoming.

Mr. WALLOP. Mr. President, I strenuously resist any congressional limits on Asat testing, or a congressional attempt, as we have seen with so many other promising technologies, to keep bottled up forever in the laboratory Asat technology which is of so much potential value to our country.

Furthermore, I oppose any language that construes this funding reduction as a congressional condemnation of or criticism of the Asat Program, a program vitally needed to protect U.S. interests in space. This reduction is possible without damage to the program because of available savings costs already identified by the committee.

With that, I would like to read from two letters, one from the Secretary of Defense, signed by the Under Secretary for Acquisitions, Mr. Atwood:

I believe that the U.S. ASAT capabilities are critical to our ability to deter the Soviets from war and from exploiting their present ASAT space-based targeting capabilities. This report confirms the vital importance to national security of devloping U.S. ASTA capabilities.

And from the National Security Director, Brent Scowcroft, the following:

As I noted in a letter to Senator McClure last year "it is essential for the U.S. to develop an operational ASAT system to deter the Soviets from exploiting their space control and space-based targeting capabilities."

Indeed, the Soviet ability to target our forces from space alone constitutes a compelling rationale for deploying a U.S. ASAT system.

The ASAT program remains a top Administration priority, and I urge Congress to act favorably on the President's budget request.

I ask unanimous consent that those letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, February 13, 1990.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter forwards the Anti-Satellite (ASAT) Report to Congress, as requested in Senate Report 101-132 (Department of Defense Appropriation Bill, 1990) and in Senate Report 101-41 (Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Bill, 1989).

This report provides detailed information on the cost-effectiveness, military-effectiveness, and arms control implications of various kinetic energy (KE) and directed energy (DE) ASAT weapons. I believe that U.S. ASAT capabilities are critical to our ability to deter the Soviets from war and from exploiting their present ASAT and space-based targeting capabilities. This report confirms the vital importance to national security of developing U.S. ASAT capabilities. The policy sections have been reviewed and approved by other Executive branch agencies, including the National Security Council and State Department.

I hope this report will prove useful to your Committee and assure you of the Department's continued willingness to provide information on our ASAT effort for the consideration of Congress. An unclassified version of the report will be available at a later date.

Sincerely,

D.J. ATWOOD.

THE WHITE HOUSE,
Washington, June 22, 1990.

Hon. WILLIAM L. DICKINSON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN DICKINSON: The press report that the White House has reduced its commitment to the ASAT program is untrue. As I noted in a letter to Senator McClure last year "it is essential for the U.S. to develop an operational ASAT system to deter the Soviets from exploiting their space control and space-based targeting capabilities."

Indeed, the Soviet ability to target our forces from space alone constitutes a compelling rationale for deploying a U.S. ASAT system.

The ASAT program remains a top Administration priority and I urge the Congress to act favorably on the President's budget request.

Sincerely,

BRENT SCOWCROFT.

Mr. President, space is not merely one vital factor of U.S. security Space control, or at the very least assured space access and unrestricted freedom to operate, are indistinguishable from our long-term national security and prosperity, for the following reasons.

First, space is the ultimate strategic high ground, the terrain from which conflicts of the future will be decided.

We are embarking on a new revolution in military affairs, an era when traditional concepts and means of war fighting are yielding to the dominance of new high technologies and the importance of military assets in space.

Already our terrestrial forces, whether Army, Navy, or Air Force, rely heavily upon space for surveillance and intelligence, navigation, command, control, and communications. In many ways the crucial military leverage is shifting to space in such a way that space control may determine the course of events on the ground—without a shot ever being fired by terrestrial forces. These, in effect, are means by which we can keep the peace through deterrence.

The Soviets clearly understand the strategic dominance of space, and have a vigorous military space doctrine coupled to a formidable operational capability. Their low Earth orbit platforms pose a serious threat to United States and allied forces on the Earth's surface as well as in space. They can identify the location of U.S. naval units at sea, and provide effective and timely information to Soviet commanders on the status and location of U.S. forces worldwide.

In addition to extensive space platforms for surveillance, command, and control, the U.S.S.R. has had for more than a decade the world's only operational Asat system, always dismissed as incompetent. I suggest to you it is a great deal more competent than the nonexistent one that the U.S. possesses today, since as you know, the United States has no operational Asat. And they have been an extensive launch infrastructure and launch capability far exceeding that of the United States.

The Soviets may well believe that a military monopoly in space is the one thing that could salvage the dramatic unraveling of the Soviet empire. Certainly, they believe that denying space dominance to us assures their continued presence as a superpower on the world's stage.

If Gorbachev or some resurgent Stalinist leader should decide reform has gone far enough, or if the U.S.S.R. acquires a sufficient transfusion of trade, credits, hard currency, and western technology to resuscitate their dying empire; then a Soviet monopoly in space could reverse the supposedly irreversible process.

I can envision a future scenario in which the Soviets could checkmate us from the ultimate high ground, in keeping with their doctrine of victory without war. With a monopoly of military spacepower they would be able to dictate terms, to coerce us peacefully into submission. And if they can control the ultimate high ground of space, then it matters little who rules Poland or East Germany—their dominance and leverage would be global, and their diplomacy would reflect it. Control of space would enable them to engage in a new type of strategic intimidation, with the possibility of a more subtle but more powerful form of coercion than is possible even with traditional nuclear strike forces.

Conversely, to deny the Soviets the ability to blackmail us from space is one way to secure the victory which has begun, and ensure the one-time "evil empire" changes irrevocably into a nonthreatening confederation of democratic states or independent nations. And a key part of our ability to do so will be an operational Asat and substantial, secure presence in orbit.

This is why congressional attempts to limit testing or undermine Asat and other critical military space programs—including SDI—are so potentially damaging to the long-term security of America and the West.

Commitment to space will also give us inexpensive, reliable space lift, and free us from such dependence on the exorbitantly expensive and unreliable space shuttle.

Space is the great high seas of the future. It is the new frontier, with unique properties that will make possible forms of human endeavor generating wealth and benefits to mankind that we can now only begin to imagine, and make the United States truly competitive with the rising economic centers of Europe and the Pacific.

In the 16th and 17th centuries, the nations which learned to exploit the new frontier of the high seas prospered. Spain, Holland, and England in particular became great nations because they were sea-faring nations. In the same way the great nations of the future will be the space-faring nations. Consequently, it makes no more sense to kill off or restrict Asat and similar space programs than it does to mothball the U.S. Navy and give up assured access to the world's oceans.

Space will become increasingly essential for communications, data handling, and transportation. It will generate new forms of products manufactured in near-zero gravity, new minerals mined on the surface of the Moon and asteroids; even an inexhaustible source of energy if solar-power satellites prove feasible—something to keep in mind as current events in the Persian Gulf dramatize the vulnerability of our foreign oil supply. In any case, the list of possible civil and economic benefits to be gained in space is endless. But if the United States cannot protect both civil and military assets with a space navy, no business enterprise is going to risk the enormous investments required to get into space.

A number of my colleagues appear to see space as somehow sacrosanct, a realm which must remain unsullied by mundane human endeavors—and especially any endeavor with military applications. Mr. President, this attitude is naive at best, and dangerous to our future at worst. As long as there is conflict between nations and competing interests, it is inevitable that confrontation—either implicit or actual—must spill upward into space. It is naive and dangerous to believe that unilateral restrictions on our part will somehow preserve space inviolate from the self-interested actions of other nations.

The high ground of space is where the United States may renew its strength, and find new national purpose. Mankind benefited immeasurably from the exploration of the New World. Americans benefited immeasurably from the settlement of the western frontier. The same benefits are available in space if we do not turn our backs on them through unilateral, ill-considered decisions.

I again urge the Senate not to fall into the comfortable thought that somehow or other we are advancing peace by denying ourselves capability which the Soviets presently have and we could achieve.

Mr. President, we reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. Mr. President, I support this amendment, although frankly I support one that went much farther than this. If a man from Mars came down here right now and looked at our budget he would assume, seeing we are spending $300 billion on defense and $22 billion for education, the assumption would be we face a massive military threat and our schools are in great shape. We know to the contrary.

If there is anything that is destabilizing in terms of the arms threat, it is the Asat weapon, because the reality is we can monitor each other through these satellite weapons in terms of any kind of arms control agreements and if you put antisatellite weapons out there we take away the ability to monitor any arms control agreements, and because our weapons are, frankly, more spohisticated than the Soviet weapons, we end up being the loser if we get into this race.

The Senator from Massachusetts has been, frankly, very, very generous to the defense establishment by letting it continue at the present rate plus inflation. But without this amendment we are going head on an antisatellite weapon that is destabilizing and we are going to increase the spending 181 percent. That just does not make sense, Mr. President, and I hope there will be enough people around here—though I confess I am

not optimistic—I hope there will be enough people around here to support the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield 4 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 4 minutes.

Mr. BUMPERS. Mr. President, the thing that is discouraging to me about this debate is not just on the Asat, the thing that is discouraging to me is the whole process of arms control and ending the cold war.

If you go to Vienna or Geneva you will find that the Soviets are very forthcoming and have agreed to virtually everything we ever asked for. Just yesterday the Soviet Uniion announced that they were discontinuing the manufacturing of SS-24's, going to cut back about 20 from the number they originally intended to deploy. They condemned Iraq's invasion of Kuwait before we did. They announced they were not going to sell the Iraqis another single tank. And today you saw a spirit of cooperation between Secretary Baker and Foreign Minister Shevardnadze that 2 years ago would have sent chills down the spine of people to think that we were cooperating as closely as that on something as ominous as the Iraqi invasion of Kuwait.

And the Soviets had a proposal on the table almost "since the memory of man runneth not" to ban Asat's. We have not had any of that.

You ask yourself at the belt buckle level, common sense: Are we better off with the United States and the Soviet Union both having sophisticated Asat systems or would we be better off with an absolute ban on both sides of Asat's? That is a simple question, is it not?

What happens if we have a system and all of a sudden a couple of our satellites disappear? Is the threshold for nuclear war raised or lowered?

That letter from Secretary Cheney is absolutely staggering to say that our antisatellite capability is critical, critical and essential, to deter the Soviets from war. Name one system we have ever built that they did not respond to.

We develop a bomb, they develop a bomb; we go intercontinental, they go intercontinental; we develop a MIRV, they develop a MIRV; we put them on submarines, they put them on submarines; we put up satellites, they put up satellites. And where has it gotten us?

And now that we have an opportunity for some sane arms control proposals that would allow both countries to provide housing, medical care, education, and health care for their people, we just simply cannot handle it.

Mr. President, it is a curious thing. Just 6 years ago today, August 3, 1984, from Current News, this is the local defense paper:

> Senior military officers, countering the view of some civilian leaders, have expressed reservations about the need for a low-altitude antisatellite weapon, according to administration sources.
>
> Important segments of the Navy, in particular, are said to believe that ships at sea can evade detection by Soviet satellites, making it unnecessary to shoot them down.

There it is, 6 years ago.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. M. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KERRY. Mr. President, I reserve the remainder of my time.

Mr. President, will the Senator from Wyoming, or whoever is controlling time, agree to an additional 2 minutes on each side?

Mr. EXON. I have no objection to agreeing to 2 additional minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that each side be given an additional 2 minutes for debate? Hearing no objection, it is so ordered.

Mr. KERRY. Mr. President, I yield an additional minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. BUMPERS. Just to close out, make no mistake about it, we are not talking about beanbags. There is still $100 million in here for continuing research on antisatellite technology. And here, from "Inside the Pentagon," February 17, 1989, listen to this:

> A classified briefing by the Central Intelligence Agency [CIA] to Members of Congress on the Soviet's capability in antisatellite [Asat] weapons is showing the Soviets have negligible antisatellite weapons capability and have made little if any progress toward an Asat since 1985.

Now, why do we want to spend $200 million to keep up with somebody who is not even in the race, who is not proposing to get into the race; has not tested one since 1982, but who wants to embark on a program of a very sophisticated system—and we are not saying you cannot do it; we are simply saying let us save $100 million and spend it maybe to educate our children.

I thank the Senator for yielding.

Mr. KERRY. I reserve the remainder of my time.

Mr. EXON. I yield 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. WALLOP. Mr. President, it is always so easy to become glib in these dialogs and arguments. What the Senator read was only partly true. His definition of an Asat was a machine which would go up and destroy another satellite. But this idea somehow or another that the Soviets have not been testing Asat's is absolute rubbish. They have tested means of blinding those satellites that see, deafening those that hear, and silencing those that communicate.

Those are Asat weapons, and the Soviets work on them all the time. They have operated them from space platforms, and they have operated them by rote. There is no means by which anyone, the Senator from Arkansas, the Senator from Massachusetts, or anyone else can determine whether those things are going on and can verify that they do not exist.

Our livelihood as a spacefaring Nation depends on our ability in space. For us to naively pretend that the day when the lion will lie down with the lamb has dawned on us, is to at least say if we are going to be one or the other, it would be preferable for America to be the lion and not the lamb.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. EXON. Mr. President, I hope that, notwithstanding the arguments that we have had here today, we understand that the Asat Program is an integral part of our overall deterrent. The Senate should understand, as I tried to outline a few moments ago, that has not been responded to by those who want to make the cuts down to the mark suggested by the Senator from Massachusetts, that we feel it is absolutely necessary to go into a conference with a mark higher, somewhat higher than what he has recommended.

Certainly, the Asat Program is a critical part of our deterrent. I do not think there is any question but what we are going to be taking a very hard look at this.

With the 2 minutes that I have remaining, I would like to yield to the chairman of the Armed Services Committee with whom I have worked for a long, long time on this important matter. I would advise the chairman of the committee that we have approximately 23 minutes remaining on our side of the aisle. I know that he has been intricately involved in this program for a long, long time.

What I have been recommending is to hold with the position of the committee on this, and allow us to be in a position to bargain with the House on this and several other matters.

Mr. NUNN. Mr. President, I oppose the amendment offered by the junior Senator from Massachusetts. The Senator has accurately noted that due to a restructuring of the Asat develop-

ment program—which was not announced until the day after the armed services committee completed our markup—the full $207.8 million requested by the administration is no longer required.

However, the Senator's amendment would reduce the Asat level in fiscal 1991 to $77 million, and that is $80 billion below the Army's funding requirement, which has now been adjusted.

With regard to Asat policy, however, I do share some of the Senator's concerns. I have long thought the United States should have a forward-leaning posture in Asat arms control area. The United States has a greater stake than the Soviets in the survivability of space-based C3I assets, and thus has more to lose in an Asat arms race.

The development of U.S. Asat capability could encourage renewed efforts by the Soviets to require more modern Asat interceptors.

But I do believe that we are going to have additional effort in that respect—I hope we will—and by this administration. I do not think it is too late to do something about high altitude Asat's. I think that that would be in our interest. But it remains a matter of negotiation.

Mr. President, I also note the House Armed Services committee has reduced the Asat Program to a level in fiscal year 1991 of $100 million, and we will thus address the Asat issue again in conference.

We believe that it is really important to go forward with our Asat Program, while at the same time some of us will continue to push the administration to be more forward-leaning in the Asat arms control area.

I oppose the amendment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts, who has 2 minutes 52 seconds.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Georgia for his comments. While he does oppose this amendment, I appreciated the concerns that he expressed.

Mr. President, the distinguished Senator from Wyoming said: Do not deny us the capability to proceed forward. There is nothing in my amendment that denies the capability for proceeding forward. There is nothing in this amendment that stops the Asat Program.

The question ought to be asked, why is the Asat Program different from so many others which have received cuts? And the question ought to be asked, why is it that the Asat Program could not tighten its belt a little bit and be redesignated in a way that does not require $120 million for the prime contractor next year?

There is only one reason. The distinguished Senator from Nebraska said it is not enough money to allow it to meet its objectives. Well, that is the objectives as defined with $120 million for the prime contractor. Why cannot the prime contractor get $80 million next year? Why can we not slow it down?

We have just been through that debate on the B-2 bomber. There is no military strategic rationale for rushing this program, and there is nothing in this amendment that denies us the capability or restricts us from developing this capacity. It merely suggests that we ought to be as rational and as hardnosed with respect to this program as we have been to every other program.

I thank the distinguished Senator from Arkansas for raising the issues about strategy that he raised, because they are very significant in the context of deciding how much money we ought to spend how rapidly.

I respectfully suggest, Mr. President, the Senator from Wyoming has given us the very reason why we should not proceed so rapidly. He said himself the satellites are critical to surveillance; they are critical to intelligence, and they are critical to command and control.

I would respectfully suggest that if we move too rapidly in this area, those very concerns—intelligence, command and control, and surveillance—will be the ones that will be threatened in the end.

Today they are not. So I respectfully suggest to my colleagues, if we are going to restrain the spending in every other area, we ought to be prepared to do it in this one where there is no rationale to proceed forward.

Mr. HEFLIN. Mr. President, I rise in strong opposition to the amendment offered by Senator KERRY. The Department of Defense has called the lack of an Asat capability the most vulnerable point in U.S. defenses. On the other hand, the Soviet Union does have an operational Asat Program and have had one for over 15 years.

Proponents of the amendment have stated that the Asat Program is not needed because of the reduced Soviet threat. Mr. President, the Soviets have not reduced their nuclear arsenal and have not abandoned their co-orbital Asat system. To fail to develop our own Asat capability would only perpetuate the destabilizing position we now find ourselves in.

Unfortunately, this unbalanced situation can not be rectified by an arms control agreement. Compliance with an Asat arms control agreement would be extremely difficult if not impossible to verify. The Soviets have stated that there is no way to verify such an agreement. There are simply too many types of systems which will accomplish the Asat mission.

In the past, some Senators have expressed concern about the possibility of violating the United States-Soviet moratorium on testing of Asat systems. Mr. President, this not the case now. First, the testing moratorium agreement has expired. Second, the U.S. Asat Program would not begin full scale testing until 1994. During the next few years, testing would be at the component level, which would be in compliance with the old moratorium if it were still in effect.

It is true that the Soviets have not actually launched and tested their Asat system in a fullup scenario for a number of years. They do, however, routinely conduct Asat missile crew drills so that they will be ready to use the system. Mr. President, the last such drill and simulated firing occurred just last year. They also continue to test the individual components of this system. For example, over the past few years, the booster motor has been tested several times. Some may ask whether, in a tight fiscal environment, this is the best use of our defense dollar. Mr. President, the Asat system is not like the Advanced Tactical Fighter program or the B-2 bomber which gives us defensive capabilities far greater than any other nation. The Asat program merely brings our defenses to the same level as the Soviets and insures the survivability and effectiveness of our existing forces.

I, therefore, urge my fellow Senators to vote against this amendment.

Thank you, Mr. President.

Mr. KOHL. Mr. President, I rise today in support of the amendment offered by my colleague, Senator KERRY, to reduce the Army's kinetic energy Asat Program request from $208 million to $74 million.

I am disturbed about the strategic implications that the Asat Program has for space weaponry. The committee bill and the administration are requesting an increase of 181 percent for the Army rocket Asat, a kinetic energy antisatellite weapon. The purpose of this request, and of the Asat Program itself, is to gain total and complete military control over the Earth's space environment.

Now if that goal is viewed in pure military terms—in isolation from political realities on Earth—there is no question that complete control of space would produce a significant military advantage. In a global conflict, the ability to destroy an enemy's satellites, while simultaneously having unimpeded command, control and communications capabilities in space for one's own tactical and strategic forces, would place any enemy in an untenable position. It is understandable why military strategists would pursue this goal.

But, Mr. President, I think we need to reconsider this course we are pursuing. To begin with, of course, the changing nature of our relationship with the Soviet Union has made it pos-

sible for us to cut back on a number of nuclear systems: the B–2 has been reduced, the MX road mobile has been delayed, restraints on submarines have been enacted, Milstar has been canceled—the list goes on. I'm not sure why we should expand Asat spending when we are constricting spending on other strategic systems because we recognize a reduced Soviet threat.

But even if that threat was to increase, I don't believe that military superiority is a concept which makes sense in terms of strategic nuclear systems. We all recall Henry Kissinger's almost tortured confession that nuclear superiority had no meaning when even the weaker nuclear power had the power to destroy life as we know it. And we remember that it was in the Nixon-Ford administrations that we began to recognize that our national self-interest was best served if we settled for equivalence rather than superiority. Expanding our Asat capabilities as the administration requests would upset the balance that now exists and inevitably drive the arms race into space just as we begin to control it here on Earth.

Now, some will say that the Soviet Union already has an Asat superiority and that the only way to compete with that threat is to build our own, and then—from a position of equal power—negotiate an elimination of them. I might be persuaded to accept that logic, Mr. President, if I thought we needed to improve our system before we could negotiate down. But that just isn't the case with Asat's.

To begin with, many experts dispute the actual level of Soviet Asat capabilities. And after all the testimony we have received on this subject, one conclusion emerges very clearly: no matter how effective the Soviet coorbital Asat might be, it poses no threat to our geosynchronous orbit satellites which are responsible for early warning, nuclear-attack assessment, and military communications. In addition, Soviet ability in laser Asat's remains questionable at best—the one facility our intelligence claimed was definitely a laser Asat facility turned out to have no such capability when it was visited by a delegation of U.S. Congressmen and scientists. They haven't tested their Asat system for 8 years and I don't think we are facing a threat in any meaningful sense from what they had or have.

The point, Mr. President, is that we don't need to spend hundreds of millions of dollars to attain parity so that we can begin to negotiate down. We have enough parity—and enough power—to begin serious negotiations to ban Asat's now. Under current conditions, with neither side having a true Asat capability, this approach would save us money while still protecting our military interests.

While we don't need to spend millions on Asat's, we should spend additional funds on research in promising verification technologies. With proper research and careful negotiating, the difficulties associated with verfiying a ban on Asat's could be overcome. But, on this point, I would simply suggest that verification isn't what is preventing Asat negotiations; it is the administration's attitude which is preventing real progress from being made in this area.

Asat's are a destabilizing weapon that ought to be controlled. If an enemy depends on satellites for its warfighting capability, a threat to those satellites is a vital threat to that Nation's security. That means that if our research succeeds and we develop a functioning Asat, the Soviet Union will need to have its finger that much closer to the nuclear trigger. Use of an Asat against an enemy in a tactical conflict could also provoke a dangerous escalation into nuclear war, as attacking an enemy's satellites is an assault on its nuclear fighting capability.

Mr. President, I believe we need to rethink our military strategy in space. I urge my colleagues to support this amendment, and no matter how this amendment is finally disposed, I hope the current momentum on arms control agreements will soon carry over into the Asat realm.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. The opponents of the amendment have 45 seconds.

Mr. NUNN. Has all time expired? I did not hear the Chair.

The PRESIDING OFFICER. The time of the proponents of the amendment has expired. The time of the opponents to the amendment still remaining is 38 seconds.

Mr. NUNN. Mr. President, I yield the remainder of our time. I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. There being no further debate, the question is on agreeing to the motion of the Senator from Georgia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS] and the Senator from Oklahoma [Mr. BOREN] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—52

Armstrong	Gorton	Murkowski
Bentsen	Graham	Nickles
Bond	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bryan	Hatch	Pressler
Burns	Heflin	Roth
Byrd	Heinz	Rudman
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Humphrey	Specter
D'Amato	Inouye	Stevens
Danforth	Kasten	Symms
Dixon	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Exon	McCain	Wilson
Fowler	McClure	
Garn	McConnell	

NAYS—45

Akaka	Glenn	Metzenbaum
Baucus	Gore	Mikulski
Biden	Harkin	Mitchell
Bradley	Hatfield	Moynihan
Breaux	Jeffords	Pell
Bumpers	Johnston	Pryor
Burdick	Kassebaum	Reid
Chafee	Kennedy	Riegle
Conrad	Kerrey	Robb
Cranston	Kerry	Rockefeller
Daschle	Kohl	Sanford
DeConcini	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Durenberger	Levin	Simon
Ford	Lieberman	Wirth

NOT VOTING—3

Adams	Bingaman	Boren

So the motion to lay on the table the amendment (No. 2547) was agreed to.

Mr. NUNN. Mr. President, let me inform Senators who would like to know a little bit about what is happening, we are moving out a lot of amendments. We have few amendments left for rollcall votes. My estimate is now we have about 6 or 7 that will require rollcall votes. Assuming that Senators continue to cooperate, with the exception of SDI, within the next 2 or 3 hours we ought to be finished with virtually everything else.

Senator BINGAMAN will be getting back here late this evening. He had waited the other day all day willing to take up his SDI amendment and there were objections to taking it up at that time. So we will be taking up the SDI amendment, I assume, as soon as we get word that there is willingness to enter into some kind of time agreement.

But there is no reason that we cannot finish this bill tonight or, if the leadership desires, tomorrow depending on the leadership and the will of the body. We have a couple of amendments that can be accepted now and then we have a Bumpers amendment that will not be accepted. It will require a rollcall vote. We will be seeking a 30-minute agreement. So I notify Senators we will probably have a vote somewhere around 8:30.

Mr. WALLOP. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Georgia still has the floor.

Mr. NUNN. Mr. President I yield to the Senator from Wyoming for a question.

Mr. WALLOP. I would say to the able chairman that I am willing to enter into some kind of time agreement, but it is going to be some kind of time agreement when the Senate is awake. I am not going to do this from 1 to 4 in the morning for some other inopportune time. And if that is what is forced on me, then I will have a pile of things to read until we get to the time when we are awake. I hope we can come to some kind of reasonable arrangement, start early in the morning, conduct the debate in front of the Senate and in front of the public, because I still believe that this is the most important of the strategic modernization debates. It is really not principled or wise to do it in the middle of the night.

Mr. NUNN. May I say to my friend from Wyoming I think from the managers' point of view that is perfectly acceptable. We could work out something on SDI. There are three or four amendments on SDI. I know the one the Senator is focusing on and perhaps will take the most time is the Bingaman-Shelby amendment.

Mr. WALLOP. That is the one.

Mr. NUNN. If we could get a time agreement on that one, it seems to me the other SDI amendments could be handled probably with 15 minutes on each side. So I suggest to the Senator from Wyoming, if he would propose now or in a few minutes a suitable time ageement, I think, on behalf of Senators BINGAMAN and SHELBY, they would be willing to go along with anything that was equally divided and have a reasonable amount of time. It is an important amendment; it needs discussion, and I certainly respect the Senator in wanting to do it in daylight. That is fine with me.

Mr. WARNER. Mr. President, I wish to inform the manager that the amendment of the Senator from Virginia on SDI would require, I think, an hour equally divided.

Mr. NUNN. All right, that is one equally divided hour, and I believe that there is an SDI amendment or two on this side of the aisle. Does the Senator from Arkansas have an SDI amendment?

Mr. BUMPERS. I may or may not. I am willing to agree to a 30-minute time limit right now if I do offer it.

Mr. NUNN. We will not seek an agreement yet, but I say that means that is about an hour and a half plus whatever time the Senator from Wyoming deems necessary. If we could get an indication of that somewhere in the next hour and get that agreement nailed down, then we would be in a position to finish everything else I believe tonight and give people a chance to get some sleep.

Mr. METZENBAUM. Will the Senator from Georgia yield for a question?

Mr. NUNN. Yes.

Mr. METZENBAUM. The Senator from New York [Mr. D'AMATO] and myself have an amendment having to do with economic blockade. This pertains to Iraq. It is also my understanding that the House passed some legislation specifically dealing with that matter and that Senator PELL very well may make an effort to bring that matter to the floor yet this evening. Can we be informed as to whether or not there is any intention on the part of the Senator from Rhode Island—could I have his attention, please. I am inquiring of the fact Senator D'AMATO and I have an amendment having to do with an economic blockade of Iraq.

The PRESIDING OFFICER. Will the Senator from Ohio suspend momentarily. Senators will please take their seats.

Mr. PELL. What was the question again?

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. The question is, the Senator from New York and I have an amendment having to do with the economic blockade of Iraq. I have also been informed by my staff that the House has passed legislation on the subject of an economic blockade of Iraq and that the chairman of the Foreign Relations Committee may make an effort to pass that bill on the floor of the Senate before we adjourn. If that were the case, that I think is a more comprehensive piece of legislation. It would have some relevance as to whether or not Senator D'AMATO and I go forward with respect to our amendment on this bill.

Mr. PELL. The important thing is the national interest. Which bill is more strong and more successful. Is the Senator's bill stronger or the banking bill stronger?

Mr. METZENBAUM. I am not sure which is stronger, but I know our amendment has a place on the calendar, can be heard and can be voted on. I am not at all certain that the Senator from Rhode Island is going to be able to get the bill from the House up this evening, and I would be very happy to show the amendment that I have on the subject to the Senator from Rhode Island.

Mr. PELL. Why not talk about this informally and let me see it.

Mr. METZENBAUM. Very good. I thank the Senator from Georgia as well as the Senator from Rhode Island.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2548

(Purpose: To require a report on andean antidrug efforts, and for other purposes)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will need unanimous consent to lay aside the pending amendment.

Mr. CRANSTON. I so ask.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendment of the Senator from California.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. KENNEDY, Mr. PELL, Mr. BIDEN, Mr. SIMON, and Mr. SANFORD, proposes an amendment numbered 2548.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title XI, add the following new section:

SEC. 1103. ANDEAN ANTI-DRUG EFFORTS.

(a) The Congress finds that—

(1) support for democratic process and civilian governance in Andean countries of Peru, Boliva, and Colombia, the first two of which have only recently emerged from periods of military rule, is a necessary precondition for the successful fight against narcotics production and traffic and long-term stability in that region;

(2) separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States;

(3) there is a need to determine whether existing U.S. policies unduly emphasize assistance to military entities rather than civilian law enforcement entities in the Andean antidrug effort and whether such policies might tend to undermine the dual long-term policy goals of the United States of stopping the traffic of drugs at their sources and the preservation of civilian control over the newly established democracies of this region; and

(4) there is a need to assess the impact that United States assistance in the Andean anti-drug effort will have on reducing drug activity and supporting democratic processes in this region.

(b)(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense shall, in consultation with the Director of the Office of National Drug Control Policy, jointly submit a report to the Senate and the House of Representatives dealing current United States policies, anti-narcotics enforcement activities and associated training programs in the Andean region.

(2) Such report shall also include an analysis of the impact of the Andean countries' militaries' role in counternarcotics enforcement on democratic institutions in the region and how civilian institutions might be strengthened in order to assure the successful pursuit of antinarcotics strategy.

(3) Such report shall contain specific legislative recommendations as may be necessary to clarify and streamline United States assistance activities in order to avoid unneces-

sary duplications and contradictions in meeting United States policy goals in the Andean region.

Mr. CRANSTON. Mr. President, I believe this amendment is acceptable on both sides, so this will just take a very few moments.

Mr. President, this will just take a few moments since the amendment, I understand, is acceptable to both sides. It is concerned with the question of whether current United States efforts tend to give the military a leading role in the drug war in the Andean region, particularly in the countries of Peru, Bolivia, and Colombia. These three nations have been the focal point of efforts to win the anti-drug battle by stopping the traffic of drugs at their source.

Both Peru and Bolivia have only recently emerged from periods of military rule. In Colombia more than three decades of political violence have given the military an increasingly large role in policy. It is clear that support for the democratic process in Peru, Bolivia, and Colombia is a necessary precondition for the successful fight against narcotics production and traffic.

At the same time demilitarization of the Andean drug war raises fundamental questions about its efficiency. By focusing on the military role, I fear we might lose the drug war, exacerbate human rights and economic problems, and end up upsetting the delicate balance of civilian control over the Armed Forces in these countries.

As you know, Mr. President, the separation of military and civilian law enforcement functions has historically been a critical element in the democracies around the world, including our own country. Unfortunately, there appears to be insufficient information currently available to determine the extent to which existing United States policies unduly emphasize the assistance to military entities rather than civilian law enforcement agencies in the Andean antidrug effort.

I am concerned the present form of anti-narcotics aid may well contribute to the undermining of the dual long-term policy goals of the United States, of stopping the traffic of drugs at their sources, and the preservation of civilian control over the newly established democracies of this region.

The amendment I am proposing together with the my distinguished colleagues, Senators KENNEDY, PELL, BIDEN, SANFORD, and SIMON, seeks to elicit from the administration a report on current U.S. policy and activities relating to these concerns. Such a report will assist us in evaluating the current policy and determining whether there are any further actions necessary.

I thank the floor managers for their assistance in this matter.

The amendment is concerned with current United States activities which appear to have the effect of militarizing the drug war in the Andean region. It is meant to respond to a disturbing reality which is now vaguely beginning to make itself understood:

All is not quiet on the anti-narcotics front.

Mr. President, I am as committed as any Member of this body to fighting, and winning, the battle against substance production and abuse. Drugs threaten America's future, while making much of our present a nightmare of violence and degradation.

The question before us, however, is not whether something should be done, for surely it must. The question is: What should we do, while making our efforts fully consistent with our best selves?

In few areas of the antinarcotics struggle, do our intentions, our best selves, run smack into the realities of expediency, of quick-fixes, of policies that may create problems as grave as those they seek to solve, as they do in the Andean drug war. The prescription we are offering to democratic governments in that region represents a deadly mix that long ago our forefathers wisely decided contained ingredients that would be dangerously toxic for our own democracy.

The question is: Is the United States heading in the direction of strengthening the hand of the militaries of Latin America at the expense of fragile civilian governments, and thereby undermining other U.S. policy goals?

Mr. President, for 110 years the laws of the United States have largely forbidden the military from taking on the law enforcement responsibilities of our civilian police agencies. There has been a longstanding consensus in the United States that, by giving the military civilian law enforcement functions, they would have a role in our governance, through the illegitimate use of the tools of a police state.

Thus, these powers have remained the responsibility of civilianized police forces. This fact, so ingrained in the American psyche that it is rarely debated, has been a major factor for democratic stability. The principles set down in posse comitatus and similar restrictions on military intervention in internal security have helped keep our military, one of the world's largest and certainly over the past 50 years one of the most prepared, from suffering from the virus of militarism—the open intervention of the Armed Forces in partisan politics.

Law enforcement has remained primarily the responsibility of local government, and thus enjoys broad-based community support. The Armed Forces' almost exclusive mission has been to defend this Nation's physical borders, and in doing so admirably have, at the same time, avoided becoming immersed in domestic politics.

There are, of course, many nations in the world where the military are used for law enforcement. And by taking this first stelp, too many of these have eventually found themselves subject to military dominance of their politics.

Nowhere is this more true than in Latin America. Today, many of the governments there are recently emerged democracies which have barely shaken off the dark legacy of military rule. In almost all, elected civilian rulers still find their mandates questioned, and often openly challenged, by a politicized military officer corps.

What's more, in at least one of these countries, Bolivia, the last military regime was infamous for its own extreme involvement in the drug trade. Bizarre alliances by the highly politicized military with European Nazis such as Klaus Barbie, the "Butcher of Lyon"—fueled by the big bucks of international narcotics trafficking—left a trail of corruption and death that reached into the Presidential palace itself.

It is clear that support for the democratic process in countries such as Peru, Bolivia, and Colombia is a necessary precondition for the successful fight against narcotics production and traffic. At the same time, the militarization of the Andean drug war has raised fundamental questions about its efficacy. By focusing on the military, I fear we might lose the drug war, exacerbate human rights and economic problems, and end up upsetting the delicate balance of civilian control over the Armed Forces.

The question remains: Could not the same amount of resources, if devoted to civilian police agencies and to economic assistance, render a higher degree of effectiveness in the anti-drug battle?

There will always be the need for a tough law enforcement component to our international drug policy. However, the root of the drug production problem is clearly economic. Will not dealing with the region's economic crisis be in the long run more effective in eliminating the drug trade than a quick-fix military approach?

These questions, which reach deep into the heart of the democratization process throughout the region, have not been sufficiently addressed.

A fundamental problem with the militaries in most of these countries is that they feel "different and better" than their civilian counterparts. In a democracy, this is a corrosive idea.

Is this feeling, of being better and different, not certain to be reinforced by U.S. policies which encourage expansion of their role in the anti-nar-

cotics battle at the expense of civilian law enforcement agencies?

As corrupt and brutal as some police forces might be, the nature of civilian control over them at least allows for the possibility of change and renewal through democratic means. Would the increasing militarization of these societies allow for the same possibilities for reform?

I think not.

Mr. President, as I mentioned before, the genius of our system is reinforced by the clear distinction between national defense and public safety. Although there is certainly some, well-regulated, overlap, in general terms the military are responsible for the defense of our borders, and the police for maintaining internal order.

Unfortunately, in Latin America, this distinction has always been blurred, with the military often carrying out an important internal security function. In countries such as Argentina and Panama, the result has been that the Armed Forces of both countries ended up being incapable of either assuring public safety or providing for the national defense.

This confusion of roles has contributed to a legacy of authoritarian rule by the military in these countries. Despite the fact that both military officers and the police wear uniforms and carry guns, their functions and world views are in fact quite distinct.

In Latin America, a military officer swears allegiance "to the fatherland." A police officer, a good one at least, is a public servant at the service of his community.

And the differences run even deeper.

A military officer, when confronted with a threat, is trained to react immediately to destroy it. The threat is called the enemy.

A police officer is not trained to destroy a disturbance, but to control it. It is a more subtle task, governed by the rule of law and the protection of fundamental human and civil rights.

The military chain of command is strictly hierarchical. It has to be. A soldier cannot be expected—from his vantage point—to be able to take in the "big picture." His duty is to obey.

The police officer is given more latitude; his superiors expect that he will understand the law of the land better than they and that, acting within the law, will be able to arrive at the best decision.

Mr. President, there is a saying in Spanish, "no pidas peras al olmo," Don't ask for pears from an oak tree. Yet, apparently, that is what could happen by giving the military a leading role in the antinarcotics fight in Latin America.

In Colombia and Peru, the Armed Forces see their primary role as combating guerrilla organizations. U.S. aid cannot change that. We have already seen in Colombia that providing military aid has not resulted in a corresponding increase in antinarcotics operations by the military; in fact, except for a few high profile operations, it is the police who carry out the vast majority or drug-related operations. There has, however, been an increase in counter insurgency operations by the Colombian military. Mr. President, there have been voices in our own military that have been raised to question the rush to involve the Armed Forces in the antinarcotics fight. There is no question we must be tough, the toughest possible, in fighting drugs.

But it seems to me that we should be wise. And part of wisdom is taking stock of what we have, of what works, and being very careful about rash innovations that could cause problems of untold magnitude.

In June 1988, the Congressional Research Service held a seminar on narcotics interdiction and the use of the military. One of the panelists was Lt. Gen. Stephen G. Olmstead, then the Deputy Assistant Secretary for Drug Policy and Enforcement at the Defense Department. Let me quote a few passages from his remarks:

> I don't want a bunch of untrained soldiers performing law enforcement missions. Now, if the Congress of the United States does away with the [Posse Comitatus] Act and the President says, "go arrest people," obviously we're going to obey. * * * We believe in the Posse Comitatus Act, it's been a good act. One of the strengths of our Union is the distinction between military and civilian police powers. * * *
>
> Congress could pass a law to expand the military authority in law enforcement roles, but that's not what we really want to do. Those countries that have had a successful military police include Nazi Germany, the existing East Germany and many others around the world. That's against the American way of life. I want a policeman on the beat who is not one of my sergeants or one of my lieutenants.

And in another context, General Olmstead was even blunter. If the military does take on the "war," he said, it will be on its own terms. The Armed Forces "would use machine guns and not worry about Miranda rights."

Mr. President, the present course of militarization of the drug war in many respects bears an uncanny, and unfortunate, resemblance to U.S. security assistance programs in Latin America in the 1960's and early 1970's.

Eventually many of these programs were halted. Some of them were ended out of a healthy desire to disassociate the United States from military regimes which ran roughshod over their own people. Others were stopped after allegations—which I believe were often true—that we were turning a blind eye to, or condoning, brutal interrogation techniques.

But there was another aspect at work which also proved destructive of Latin democracies—in the final analysis, United States policymakers signaled Latin elites that it was their military, not their elected leadership, which we regarded as the bulwark for stability in the region. And this idea became self-fulfilling.

In the early 1960's, United States counterinsurgency plans began to stress a Latin military role that was significantly broader than the protection of a nation's borders. Through civil action training programs, Latin officers received training in fiscal planning, development policy and public administration.

In 1969, New York Gov. Nelson Rockefeller headed a Presidential Mission for the Western Hemisphere. In his report he hailed the nation-building potential of the Latin military. It was, he said, "the essential force for constructive social change."

Two years later, Luigi Einaudi—now the U.S. Ambassador to the Organization of American States—and academician Alfred Stephan III conducted a study for the Rand Corp. They reported that:

> A rationale sometimes used for certain U.S. military assistance programs is that "professionalism" contributes to lessened political involvement on the military's part, and to their concentration on exclusively military affairs. Logic, however, suggests that to the extent that military expertise, or professionalism, is increased in the area of counter-insurgency, nation-building and multi-sector development planning, the military would tend to become more rather than less involved in politics.

By 1976 all the nations of South America, except for Colombia and Venezuela, had fallen prey to military dictatorship. Rather than being "strong" regimes, most were merely brutal. But, as one Argentine admiral recently admitted, the Armed Forces had developed a planning ideology with which they believed they held the answers to a whole host of social ills. The subsequent dirty war in that country was perhaps one of the consequences of this nation-building concept run wild.

Mr. President, by militarizing the drug war, by making a country's Armed Forces, rather than its civilian political leaders and the law enforcement agencies under their control, the focal point of our antidrug efforts, I am afraid we would be doomed to repeal the experiences of the sixties and seventies.

The sheer dollar amounts of military assistance versus other kinds of aid proposed by the administration suggest that, once again, the armed forces of these countries, rather than their cash-strapped civilian leaders, are our preferred allies.

Yesterday we looked to the Latin military to carry out nation-building tasks—a mission that has nothing to do with protecting a nation's borders. Today, again we seem to be inventing

a new role for the Latin military—that of policeman—a role which our own military is not allowed to engage in and one that signals a complete lack of confidence in the ability of Latin civilian leaders to do the job that needs to be done.

Added to this conceptual confusion concerning military and law enforcement functions, Mr. President, is a certain hypocrisy in U.S. policy when it comes to drugs and other national security concerns. In a recent study, Coletta Youngers and John Walsh, of the Washington office on Latin America, point out that:

> To promote its policy interests in Central America, the U.S. Government fostered relations with Honduran military officials known to be linked to drug trafficking operations and blatantly kept Panamanian ruler Gen. Manuel Antonio Noriega on the CIA payroll long after his ties with Medellin drug leaders were known. Some evidence suggests that the Contras raised revenue through drug trafficking activities. The Central Intelligence Agency and other senior U.S. policy makers have had full knowledge about individual Contras involved with drug traffickers and some, in fact, advocated drug money as the solution to the Contras' financial problems.

It has also been widely reported that the same Argentine military officers who helped direct the Garcia Meza cocaine coup against the democratic government in Bolivia in 1980, were later sent to Central America by the Reagan administration to train the Contras.

Mr. President, I do not want to rehash old policy disputes. I believe that American foreign policy works the best when it is the result of a broad, bipartisan consensus. But there is increasing talk in this town that in countries such as Peru, making a distinction between antinarcotics assistance and counterinsurgency aid does not make sense. According to this line of reasoning, at some point the United States is going to have to bite the bullet and become actively engaged in supporting Peru's vicious counterinsurgency program.

United States involvement in the Peruvian counterinsurgency efforts would be a descent into hell, an accident or a foolhardy policy choice that could make Vietnam look like a picnic. There would be nothing so detrimental to the bipartisan foreign policy consensus we seek, as for U.S. antinarcotics policy to turn into a backdoor entrance into Peru's civil war. Such a step would be to turn our backs on two decades of effort to make Washington's rhetoric on human rights fully consistent with its practice.

In September of last year President Bush issued the national drug control strategy report, which includes unprecedented levels of military assistance and significantly bolsters the role of U.S. military operations overseas. The numbers provided by various Federal agencies since that time bear out this heavy reliance on the armed forces of Colombia, Peru, and Bolivia.

But, what have the civilian leaders of these countries been telling us about their needs in fighting this U.S.-consumption fueled battle on their national territory?

None of these countries have been using their military as the lead agency in the drug war, and one appear happy to do so now. All of the top civilian leadership seems genuinely concerned about the further empowerment of their militaries in what is essentially an internal security role.

For example, late last year Colombia's attorney general, Alfonso Gomez Mendez, said that drug barons in his country had infiltrated the military. It was a mistake, he said, for the army to become involved in the antinarcotics campaign.

The degree of infiltration and corruption by narcotics traffickers was infinitely less in the police forces than in the army, according to Mendez.

"It was really a mistake to place the Colombian Army in contact with the drug criminals, who have an immense capacity to corrupt," Gomez Mendez said. "The battle in the matter of repression should have been circumscribed within the police. This is a police function."

I should point out that in Colombia, some 90 percent of the seizures of drugs have been carried out by the police. Meanwhile, the Colombian military has become one of the worst violators of human rights in the Western Hemisphere. While the news media has presented a picture of unfathomable carnage in Colombia, it should be pointed out that violence by the drug barons is only a small—if spectacular—part of the story.

"Among United States policymakers," Latin American expert Alexander Wilde has pointed out, "much has been made of the so-called narco-guerrilla connection—an alleged alliance between drug traffickers and armed revolutionaries to overthrow electoral democracy.

"It is certainly true that during this last decade, different guerrilla groups protected and taxed local drug producers in various regions of the country," Wilde noted. "However, the far more striking and important connection for the drug mafias was the alliance they struck with extreme right-wing elements among large landowners, economic elites—and members of the Colombian security forces."

"Who will guard the guardians?" Was the question that perplexed the philosophers of Athenian democracy many centuries ago. It is clear that what Colombia does not need, in this moment of crisis, are steps that strengthen the Colombian Armed Forces. By taking power out of the hands of civilian law enforcement agencies and putting it in the hands of the military, the rule of law and the very civilian governments the U.S. says it is supporting are weakened.

Mr. President, recently Mr. Melvyn Levitsky, Assistant Secretary of State for International Affairs, testified before the Subcommittee on Western Hemisphere and Peace Corps Affairs and the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations.

Mr. Levitsky said three things which greatly disturbed me, for differing reasons.

First he said that U.S. security assistance will be negotiated with and has been negotiated with, approved by and deivered through civilian governments.

Second, he said an impoverished, poorly trained and equipped military, unable to feed its troops, is far more susceptible to corruption and human rights abuses.

And last, he noted that "our decision to encourage greater participation of local militaries in the counternarcotics efforts, parallels the evolution of our own policy that projects a greater role for the Department of Defense in the war on drugs."

All of these statements, on the face of it, seem unobjectionable. But each crumble when examined closely.

It is no secret that I, like many law enforcement officers and not a few military officers around the United States, strongly opposed increasing our Armed Forces' role in the antidrug battle. I stand by that position, which for the sake of time, I will not get into here.

But it seems to me, that—although I do not like the precedent of military involvement in law enforcement—civilian control over the Armed Forces in the United States is not immediately threatened. More than 200 years of highly successful civil-military relations in this country make it very unlikely that the drug war could undo these durable democratic traditions.

But what about a country like Bolivia, where there have been almost 200 coups since independence from Spain? What value do Mr. Levitsky's assurances about the growing role of our Department of Defense have in the case of Bolivia?

Little or none. I suspect. Presonally, I would bet more on President Bush in a game of horseshoes. Maybe a lot more.

Similarly, in the case of the Andean nations' "impoverished, poorly trained and equipped military, unable to feed its troops," I have a lot of trouble sharing Mr. Levitsky's obvious empathy. Impoverishment and a lack of education goes far beyond the barracks in all of these countries. It is a condition of life for many millions.

But to spend the money on the military, means that those resources are not available for civilian law enforcement, nor for the many alternative crop strategies our elected Latin allies tell us are absolutely essential for winning the war on drugs.

Also, Mr. Levitsky's own assurances on this point were contradicted by another segment of his own testimony. Speaking to the issue of military needs, he said: "We know the Peruvian military are in garrison. They cannot patrol. They do not have boots. They do not have food. They are likely to prey on the host population. What we are trying to do is get them involved in helping to solve this basic problem in this area, in a modest way, with the proper training and equipment."

Mr. President, I am frankly skeptical of the agrument that a military so prone, in Mr. Levitsky's own words, to prey on the civilian population, is a very reliable partner in the drug war. The record so far has not been encouraging in this regard.

Last, I am also skeptical about assurances that our security assistance is the result of friendly negotiations among mature partners.

In another part of Mr. Levitsky's testimony, there was an interesting exchange with our distinguished colleague, Senator DODD. Mr. Levitsky was talking about the reservations expressed on United States antinarcotics policy by incoming Peruvian President Fujimori. The exchange, I think, was revealing:

Mr. LEVITSKY. Yes, and we have talked with him (Fujimori) as well. Let me just say what I think the case is. I believe that this interview that you cited, and some previous comments he made, were reacting to questions about the introduction of U.S. forces to fight the narcotics war in Peru. We have never proposed that.

Senator DODD. Let me ask you this.

Mr. LEVITSKY. Okay.

Senator DODD. Call them advisers at this point, whatever, is the economic——

Mr. LEVITSKY. Trainers.

Senator DODD. Trainers. We will use your words. Are the existence of those trainers in this program, is his acceptance of that contingent—

Mr. LEVITSKY. No.

Mr. LEVITSKY. You mean, is the economic assistance contingent on that?

Senator DODD. Contingent on that.

Mr. LEVITSKY. No. It is contingent on performance. And I would add that—

Senator DODD. Performance of what?

Mr. LEVITSKY. Narcotics performance in effective programs.

Senator DODD. But is this not a catch-22 you are placing him in? You are suggestion that unless he goes with this program, he cannot demonstrate effectiveness.

Mr. LEVITSKY. Unless they can show results. That is right.

Senator DODD. And the only way he is going to get results is by accepting what we want to place in down there, and trainers, and that is how he gets the economics assistance package. I mean, you are placing him in a dreadful position in that sense.

Mr. LEVITSKY. Not necessarily, not necessarily. If, let us say, if the Peruvian—

Senator DODD. In other words, he could achieve success without us being involved, in your view?

Mr. LEVITSKY. I believe that they could achieve success, if they make a decision to commit the resources necessary to deal with the security situation, not necessarily dependent on U.S. military assistance. If they can do it on their own, and the Peruvian Army has the resources to do it on its own, to take on and make the security—we do not have to produce—we do not have to provide the military assistance.

Senator DODD. Do you think they could do it on their own?

Mr. LEVITSKY. It would take a decision on the part of the government to shift resources, I believe, and I do not know whether they would be willing to do that.

Mr. President, the answer is obvious. A government which is broke, in the mideast of a great civil strife, does not have many policy options. Their dilemma, as Senator DODD correctly pointed out, is a catch-22. Either they fight the drug war our way, or they shift mythical resources to that war—but in order to receive our help in other areas, the performance criteria are the same.

That, to, me is like the story about the man who was drowning 20 feet offshore, a passerby throws him a rope 11 feet long, and points out that he is meeting him more than halfway.

This is no option. And it does not take into account the many suggestions the civilian political leadership of these Andean countries are making, ideas which will be just or more effective in fighting drugs, while ensuring the sustenance of the democratic process. One of these, or course, and perhaps the most neglected in the current policy mix, is a targeted program of economic assistance.

Mr. President, I was one of those who was involved in the fight to shut down several security assistance programs during the 1970's, based on the record of excesses I alluded to earlier.

I, for one, believe it is now time to put the divisive policy debates of the 1970's and 1980's behind us. It is vital that the whole area of police and law enforcement assistance be reviewed, with a view to making future policy aid fully consistent with both our antinarcotics and human rights goals.

I believe it can be done, and must be done in order to strengthen our efforts to stop the traffic of drugs at their source and the preservation of civilian control over the fragile democracies of Latin America.

Mr. President, the amendment I am proposing together with my distinguished colleagues, Senators KENNEDY, PELL, BIDEN, SIMON, and SANFORD, seeks to elicit from the administration a report that addresses the concern that existing United States policies unduly emphasize assistance to Andean militaries rather than civilian law enforcement agencies, thereby undermining our goals of stopping the traffic of drugs at their source and the preservation of civilian control over the fragile democracies of this region.

I thank the floor managers for assistance in this matter.

Mr. President, I ask for unanimous consent that an article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROOPS' DRUG-WAR ROLE QUESTIONED

(By Douglas Farah)

BOGOTA, COLOMBIA, July 23.—U.S. efforts to expand the Colombian military's involvement in fighting drug traffickers has generated controversy here and in the United States, as legislators and analysts voice fears that the policy will lead to human rights abuses and a weakening of civilian rule and government officials defend it on national security grounds.

Critics of the U.S. policy contend that drugs are a law-enforcement and judicial problem and advocate giving most responsibility and resources to the police and courts. Bush administration officials say drug trafficking is a threat to U.S. and Colombian security that requires the military of both countries to take a broader role. The administration denies any plan to involve U.S. troops in combat.

Under the Bush administration's current Andean strategy, the Office of National Drug Control Policy projects that military aid to Colombia in fiscal 1990-94 will total $282 million, nearly triple the $100 million allocated for law enforcement.

With the additional aid, the military is expected to take primary responsibility for interdicting chemicals used to make cocaine, raiding cocaine laboratories, gathering intelligence and chasing leaders of the Medellin cocaine cartel and other narcotics rings. Until now, those functions have been performed largely by the National Police.

U.S. and Colombian officials say the military carried out a spectacular raid on March 3 that netted 18 tons of cocaine, but more than 80 percent of all drug raids are carried out by the police, despite their getting less aid.

A European narcotics specialist said the military remains geared primarily to threats from outside the country, not the internal fight against traffickers. As an example, he cited the navy, which recently spent millions of dollars repairing submarines but little on developing a small-boat, "brown-water navy" to patrol the rivers along which most chemicals are transported.

Many Colombian leaders agree that the Colombian military, which traditionally has been used to combat Marxist guerrillas, is ill-prepared to take on the traffickers and reluctant to do so out of fear that cocaine money will corrupt the institution.

There is strong evidence, according to human rights workers and senior government officials, that some military officers in rural areas cooperated with and aided drug traffickers and their paramilitary bands in the slaying of peasants suspected of being Marxist guerrillas. An alliance was forged, they say, because many in the army still view the guerrillas, not the drug traffickers, as the principal enemy.

Rep. Peter Kostmayer (D-PA.), a leading critic of U.S. policy, accused the Bush administration in a recent interview in Wash-

ington of seeking a "quick fix" in the drug war.

"I think we are headed down the wrong road, and a very dangerous road at that," said Kostmayer. "We are asking for trouble by providing assistance to a military with very serious human rights problems. There are problems with the police too, but not as great."

Some analysts also fear the large influx of military aid will shift the balance of power from the civilian government to the military in South America's oldest democracy, although few believe there is a possibility of a military coup.

"The National Police are much more subject to civilian control than the military," said Jorge Orlando Melo, director of the Institute for Political Studies at the National University. "What is needed is greater investigative capacity, controlled by civilians, and a greatly increased judicial capacity, not a great military campaign.

Melo said that while most people who go into the police do so as a career, all military personnel except officers are drafted for two years, are paid less than police and are thus more susceptible to corruption.

Sources close to President-elect Cesar Gaviria, who takes office Aug. 7, say he favors the police as the lead agency and wants most U.S. aid directed to them and toward strengthening the fragile judicial system. Outgoing President Virgilio Barco had fewer reservations about getting the military involved.

Responding to the growing concern, William J. Bennett, the Bush administration's drug-policy chief, defended military aid in a speech last month and blasted the "anxious hand-wringing among certain members of the press and Congress"' over providing military assistance to Colombia, Peru and Bolivia.

"If these efforts are caricatured as another Vietnam, an American invasion or involvement in a foreign war, then we risk crippling a series of strengthened relationships that our president and the presidents of the Andean region have recently forged," Bennett said.

Administration officials say the aid to Colombia and other Andean nations was carefully negotiated with the host governments. "If those countries want to change the mix, we will continue to work with them," said John Walters, Bennett's chief of staff and national security adviser, in an interview.

The debate in Colombia also centers on whether a strategy of repression, by police or the military, can work at all if demand in cocaine-consuming countries is not cut substantially.

Rodrigo Losada, an analyst of Colombian social violence at the Ser Institute of Investigation, said that repression, whether by the police or army, would have little impact on cocaine production because it is such a lucrative business.

"In that sense, it is very similar to Vietnam, where one is seeking an enemy that has great possibilities of moving and hiding," Losada said "And repression has not worked. If the United States, with all its technology and military might, cannot control its own borders, why does it think it will work in a foreign country?"

Mr. KENNEDY. Mr. President, I rise to support an amendment being offered to the Defense authorization bill by Senator CRANSTON to require the administration to report on antinarcotics law enforcement efforts in Latin America.

The United States is pursuing a militarized antinarcotics program in the Andean nations that could foster the destruction of the fragile democracies in these countries and lead to another protracted war in Latin America. Expanding the role of the military has become a critical issue in our foreign relations with the Andean countries and Senator CRANSTON's amendment, which would provide the Congress with a detailed analysis of the administration's antinarcotics programs, deserves all of our support.

During the past year, the Bush administration has put heavy pressure on these governments to expand the role of their armed forces in antinarcotics law enforcement activities. According to the Ambassadors from Peru, Bolivia, and Colombia, United States Government officials have indicated that continued United States economic support is contingent on their acceptance of military aid—which none of these countries requested.

In addition, as part of its drug war in Peru, the administration has announced its intention to use United States military assistance to support the Peruvian Army in its civil war against the Shining Path guerrillas in areas where there is narcotics trafficking.

Although the administration's goal of formulating a coordinated international drug strategy is commendable, expanding the role of military forces in the antinarcotics campaign is likely to be detrimental to long-term U.S. policy objections. Militarization of the antinarcotics campaigns could undercut our most important policy objective of all in Latin America strengthening their new civilian democracies.

Supporting the Peruvian counterinsurgency effort with United States trainers and advisers risks drawing the United States into yet another unwinnable war in the Third World. As in El Salvador, Nicaragua, Angola, Cambodia, and Afghanistan, it is far easier to commit ourselves to these conflicts than it is to extricate ourselves.

Moreover, bolstering the military, especially during the current period of political transition in these nations, could shift the delicate balance in power between civilian and military leadership. Following President Fujimori's recent victory over Vargas Llosa in Peru, crowds of supporters surged through the streets in downtown Lima chanting "coup, coup, coup."

In the face of these events, the United States should be doing everything it can to support democratic institutions and civilian control in Latin America—not enhancing the power in the hands of the military.

U.S. support for militaries with poor human rights records is also antithetical to U.S. human rights policies. Peru's military has flagrantly violated basic standards of international law with respect to fundamental freedoms and has one of the most abysmal human rights records in Latin America. While battling the Shining Path guerrillas the Peruvian Army has killed thousands of civilians. Last year alone the military was responsible for nearly 300 disappearances. In addition, the Colombian military has cooperated with drug traffickers in killing peasants suspected of being Marxists.

Finally, a militarized antinarcotics strategy fails to address the root cause of the drug problem. Many of the resources employed under the administration's emphasis on a military solution would be better spent in alternative economic strategies designed to address the drug problem, such as substitute crop programs and job training programs.

Obviously, combating the narcotics traffickers in the Andean countries demands skills that the military possesses and civilian-controlled law enforcement agencies do not possess. But we must do all we can to see that the military role is narrowly tailored to preserve human rights and civilian control over law enforcement activities and democratic institutions.

The pending amendment requires the administration to detail all current antinarcotics enforcement activities and training programs in Latin America. In addition, it requires the administration to make recommendations on how civilian institutions can best be strengthened to assure the success of antinarcotics strategies. By requiring the administration to address these issues, the amendment takes a significant step toward achieving our long-run goals in the region, and I urge the Senate to adopt it.

Mr. NUNN. Mr. President, I think this is an excellent amendment. I believe that we need to focus on our policy in the Andean region. I believe very strongly it has to be much broader than simply law enforcement policy. It has to include economic analysis, it has to include crop substitution, and it has to include trade policies.

I support the amendment and urge its adoption.

Mr. WARNER. Mr. President, likewise, this side accepts the amendment that has been offered.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 2548) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I yield to my distinguished colleague, Mr. President.

AMENDMENT NO. 2549

(Purpose: To impose certain restrictions on the Airborne Self Protection Jammer program)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 2549.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, between lines 6 and 7, insert the following:

SEC. 113. PROCUREMENT OF THE AIRBORNE SELF PROTECTION JAMMER.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of the Airborne Self Protection Jammer or of any component or spare part for the Airborne Self Protection Jammer.

(b) BUDGET LINE ITEM REQUIRED.—If the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 1992 includes funds for the Airborne Self Protection Jammer program, the President shall specify in such budget the amount included for such program.

(c) LIMITATION RELATING TO MILESTONE III DECISIONS.—A decision to proceed with low-rate production of a second or subsequent lot of the Airborne Self Protection Jammer, or to proceed beyond low-rate production of the Airborne Self Protection Jammer, may not be made until the Director of Operational Test and Evaluation has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Airborne Self Protection Jammer—

(1) has undergone thorough and effective operational testing; and

(2) has met or exceeded all operational test criteria.

Mr. PRYOR. Mr. President, I thank my friend and senior colleague, Senator BUMPERS, for meeting in here for 60 seconds, relating to an amendment on the ASPJ. The ASPJ is, of course, the airborne radar system that has never really worked. In its wisdom and at my request, the Armed Services Committee deleted $113 million that was earmarked for production. It allowed $48 million still for the Navy that it claimed it absolutely must have to perform the testing on this particular jammer.

Mr. President, I think in its wisdom also, the Armed Services Committee attempted to fence this particular program until the proper tests were completed. What I am doing, Mr. President, is making certain that fence is constructed high enough so that no production will take place until all of the tests have been completed.

Mr. President, the amendment I am offering will prohibit any fiscal year 1991 production funding for a military program that is one of the worst Pentagon horror stories in recent history.

The $4 billion Airborne Self Protection Jammer, or ASPJ, program is the Divad of the nineties. It miserably failed preproduction tests, it is $1 billion over budget, it is years behind schedule, and investigations of the ASPJ Program have found mismanagement, coverups, and bad judgment by top officials.

I will discuss a Defense Department inspector general's investigation of abuse in the ASPJ Program shortly.

Despite the ASPJ's failures, the Pentagon's fiscal year 1991 request for ASPJ was roughly $173 million. The Armed Services Committee deleted $113 million that was earmarked for production but allowed $48 million the Navy says it absolutely must have to perform testing on the jammer. The committee also retained roughly $10 million for ASPJ spare parts.

At my request and the request of the appropriations committees, the General Accounting Office is reviewing Navy budget documents to verify that this money is indeed needed for further tests. Their analysis will be ready in time for the appropriations bill.

I can go along with providing testing money but think it is ridiculous to fund further ASPJ production. Accordingly, my amendment strictly prohibits the use of any funds in this bill for any form of ASPJ production. Practically speaking this will delete the $10 million for spare parts that is provided for in this bill and any other production funds that may be buried in the budget.

My amendment does not kill the ASPJ Program, it simply enforces a fly-before-you-buy policy. Already over $660 million has been authorized to produce 120 ASPJ's despite all the evidence against it. We cannot recover these funds, but at least we can stop further waste.

Now, Mr. President, let me turn to the case against the ASPJ.

A good place to start is about 1 year ago—after ASPJ tests found serious problems with the jammer's performance and reliability. The Pentagon was then considering whether to begin producing the ASPJ, which at the time was a $9 billion program.

At about the same time, Secretary Cheney proudly released his "Defense Management Review." In it, he firmly stated that all weapons systems must meet strict performance and cost criteria. In other words, weapons must work as advertised before production begins.

On July 13, the Under Secretary of Defense for Acquisition, Michael Stone, told his colleagues on the powerful Defense Acquisition Board, "Based on my review of the alternatives for ASPJ, I believe terminating the ASPJ must be seriously considered due to issues of operational effectiveness, demonstrated reliability, and affordability."

On July 25, 1989, Stone wrote his superior, the Deputy Secretary of Defense, Donald Atwood. He said, "There is clearly no doubt that the ASPJ has not satisfactorily met the criteria for the authorization to proceed to (production)." In effect, Stone was saying the ASPJ was a test case for Secretary Cheney's "Fly Before You Buy" procurement policy.

He also wrote that program costs were underestimated by at least $1 billion and then said, "The services all vote in favor of (production). Most of the Office of the Secretary of Defense staff votes to terminate. My disposition is to terminate. * * *"

On July 31, Deputy Secretary Atwood wrote back to Stone. He said that the ASPJ "has not satisfactorily passed the tests relative to cost, performance and reliability * * * This is a clear case of not meeting the exit criteria for transition from the Full Scale Development Phase to the Production Phase."

Secretary Atwood concluded that "it appears mandatory that one of two actions be taken: (1) cancel the program. (2) Discontinue all production efforts and relegate the program to an effective test and evaluation activity."

He considered limited ASPJ production but stated, "It is difficult to see how this is realistic given that the system has been in development for 13 years and as yet has not proven out."

So last Summer DOD's acquisition chief Stone wanted to kill the ASPJ, Deputy Secretary Atwood wanted to kill the ASPJ, and many of Secretary Cheney's staff wanted to kill the ASPJ.

Yet, last August these same men not only approved keeping the ASPJ, they also voted to spend $420 milliion to start production for 100 jammers.

What magic occurred in those weeks? What made these good men trade their convictions on a $9-billion gamble?

Last September, the Senate Appropriations Committee wondered the same thing and cut over 90 percent of the ASPJ production funds and told the Pentagon to withhold all production pending further tests. The Pentagon thumbed its nose at the restriction and started production anyway.

During the fall, the truth about the ASPJ began coming out. In early December, Secretary Cheney approved a

memorandum that terminated the entire ASPJ Program. Let me say that again, Secretary Cheney killed the ASPJ Program.

However, 4 days later a memorandum by the Deputy Secretary brought the ASPJ back to life.

The ASPJ is like a cat with nine lives. Secretary Cheney says cancel the program, but then Secretary Atwood, a man who suggested canceling the program 5 months earlier, says no; it should be continued.

If this is not crazy enough, at roughly the same time as Mr. Atwood canceled Mr. Cheney's cancellation, the U.S. Air Force canceled its 60-percent participation in the program. In January, Secretary Cheney proudly put the Air Force part of the ASPJ Program on the list of terminated programs he presented to Congress. This left the Navy all alone with rising ASPJ unit costs.

This could almost be comical if billions of dollars and national security were not at issue.

This spring, the inspector general released the results of his report on the ASPJ. Some of the results were:

First, ASPJ did not pass effectiveness, performance, or reliability standards;

Second, the Navy plans to spend over $1 billion producing the ASPJ before further tests are completed;

Third, the Navy and a top Pentagon procurement panel essentially whitewashed bad ASPJ test results to make it look good; and

Fourth, the Air Force's withdrawal from the ASPJ Program will inflate ASPJ unit costs.

In our hearing on this system last May, inspector general and General Accounting Office witnesses recommended against any further funds for the ASPJ in fiscal year 1991.

To top all of this off, Mr. President, I have received new allegations of abuse relating to the ASPJ. The charges claim that over 30 contract specifications have been waived for an ASPJ contractor. This could indicate lowered quality standards for the ASPJ. I have referred this and other allegations I received after an oversight hearing this spring to the Defense inspector general for investigation.

In light of this, my amendment seems mild. We are not killing the ASPJ, we are simply saying what Secretary Cheney and his executives should have said last summer, which is: Fly Before You Buy—no more money will be wasted until the system proves itself.

This amendment also creates a budget line item for the ASPJ. This is because ASPJ costs are so deeply buried in the budget that it takes a GAO investigation just to find all of them. And finally, the amendment instructs the Pentagon to withhold all further production decisions until operational tests are completed. The current Pentagon schedule calls for the next production decision based only on inadequate tests to be conducted by ASPJ contractors in ASPJ contractor factories. This is an end run around all of the Pentagon's independent testing office and is bad procurement policy.

Mr. President, there is no better example than the ASPJ of a Pentagon program that does not deserve a large influx of scarce defense dollars. This amendment is consistent with White House policy, congressional policy, and just plain common sense.

I ask for my colleagues' support.

Mr. President, I ask that a summary of the IG investigation, Pentagon memoranda, several press clippings, and other background material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF DOD IG INVESTIGATION OF THE ASPJ MAY 1990

Tests to date indicate that the ASPJ does not meet effectiveness (performance) or reliability standards.

Deputy Secretary Atwood was aware of ASPJ performance and reliability failures and a $1 billion understatement of costs when he approved low rate production in August, 1989.

The Navy currently plans to commit $1 billion on production contracts before operational tests are completed. $668 million is already on contract.

The Navy's arguments in support of ASPJ production, vendor base dry up and 1,000 aircraft without jammers, was overstated.

The Air Force withdrawal from the joint Navy/Air Force program will increase unit costs to the Navy.

The Navy Acquisition Review Board, chaired by the NAVAIR Commander, unduly directed operational testers to present favorable test results during the Defense Acquisition Board review process.

The Review Board directed such actions because the testers briefed test results and conclusions that did not present a clear and supportive recommendation for initial production.

The C3I Systems Committee provided minutes of their review of the ASPJ program to the Defense Acquisition Board that falsely stated that the ASPJ had satisified test requirements and that the Navy testing commander fully supported initial production.

[From the New York Times, July 9, 1990]

PENTAGON PLANS $4 BILLION DEVICE THAT HAS FAILED KEY FLIGHT TESTS

(By Eric Schmitt)

WASHINGTON, July 7.—Breaking its own rules on buying major new weapons, the Pentagon is pressing ahead with a $4 billion electronic radar-jamming device that has failed crucial flight tests on fighter planes it is designed to protect.

The system, the Airborne Self-Protection Jammer, has provoked debate at the highest levels of the Pentagon and become a litmus test of Defense Secretary Dick Cheney's ability to reverse a decadelong pattern of buying weapons before all the bugs have been worked out.

Under Mr. Cheney's direction, the Pentagon last summer adopted guidelines requiring that major projects pass strict performance tests before the Government buys them. The guidelines were intended to guard against embarrassing failures in major projects such as occurred with the Divad, an antiaircraft gun that the Pentagon spent $2 billion on, but canceled in 1985 after it failed in tests.

The battle over the jammer also underscores a frantic scramble among Pentagon weapons-buyers to secure a piece of the dwindling military budget for their pet projects.

The jammers are designed to identify dozens of incoming radars, distinguish which are the most threatening to the plane, then emit electronic signals to block or confuse the enemy air defenses that aim deadly antiaircraft missiles. The system was designed to handle more enemy radars more efficiently than existing jammers.

The Defense Department has spent more than $1 billion on the project, but the system is five years behind schedule and engineers have yet to build a prototype that works as promised. The Air Force, which was to have been the jammer's largest customer, has dropped out of the project because the system costs too much.

Internal Defense Department memorandums indicate that senior Pentagon officials, including the Deputy Defense Secretary, Donald J. Atwood, expressed grave reservations about the program last year. Mr. Cheney, in fact, approved a decision to cancel the program.

A few days later, intense lobbying by the Navy, which argued that 1,000 warplanes would be vulnerable to attack without the jammers, persuaded senior officials to award production contracts for the first 100 devices last fall. The decision to proceed was made despite the new Defense Department acquisition guidelines.

"This program is an example of absolutely thumbing your nose at the systems of checks and balances," said Senator David Pryor, an Arkansas Democrat and the jammer's fiercest critic in Congress.

Flight-test results on the jammer's effectiveness and reliability are not expected until 1992, and the program's supporters and opponents are bracing for a showdown in the next several weeks, when Congress will decide whether to approve the Pentagon's request for $173 million for a second batch of jammers.

PRICE RISES TO $4 MILLION

The devices initially were to cost about $3 million each, but the Air Force's decision to drop out of the program is likely to raise the cost to about $4 million, some experts said.

Mr. Pryor and other critics argue that the program should be canceled or, at the least, delayed until flight-test results are available. Moreover, they say that the easing of tensions with the Soviet Union and the emerging democracies in Eastern Europe has diminished a major threat to United States warplanes.

Pentagon officials say that the need for the jammers is too great and the problems with it too small to warrant canceling the program. They say that flawed testing methods were largely to blame for the test failures and that modifications that have been made since the tests were conducted

have yielded near-perfect results in laboratory simulations.

Mr. Atwood has promised Congress that the Pentagon would not spend anymore money on the jammer until it met all performance standards. "This system, if it proves out in tests, will be well worth everything we put into it," Mr. Atwood recently told the Senate Governmental Affairs Subcommittee on Federal Services. "If it does not, we will cancel it."

Great expectations have enveloped the jammer since its beginning 15 years ago, when Navy and Air Force engineers set out to build a sophisticated electronic countermeasure device to protect United States warplanes on the battlefields of the future.

In the largest electronic combat project pursued jointly by the Navy and Air Force, the Pentagon planned to buy the jammers in bulk, about 2,300 in all, with 800 going to the Navy. The Pentagon said buying the jammers in bulk would save hundreds of millions of dollars.

But tests in 1988 and 1989 at the China Lake Naval Air Weapons Center in California and at Eglin Air Force Base in Florida showed that the device, carried aboard F-16 and F-18 fighters, had difficulty detecting, identifying, and jamming some older types of radar. The tests also revealed serious problems with the jammer's reliability and its ability to diagnose internal malfunctions.

Engineers have struggled for the past two decades to develop electronic defensive systems, but Anthony R. Grieco, the Defense Department's director of electronic combat, concedes that such devices' reliability has been "poor."

A classified General Accounting Office report shows that four jamming devices bought by the Air Force have failed operational tests. In some cases, it said, entire systems were bought, at $200 million to $300 million, and shipped to warehouses, never to be used.

The Airborne Jammer's poor test results set off a debate in the Pentagon last summer, putting military program managers against civilian Defense Department budget officials intent on canceling a troubled program.

A Defense Department Inspector General's investigation earlier this year found that acquisition officials had manipulated the testers' reports to play down the device's flaws and emphasize its strengths.

The Pentagon denies that the test results were misrepresented in any way.

Pentagon program managers are under increasing pressure to present projects in the most optimistic light to secure financing in competition with other projects, acquisition experts say.

Internal Defense Department memorandums that tell of last summer's debate over the device indicate that senior Pentagon officials had strong reservations about the jammer.

"Terminating the ASPJ program must be seriously considered due to issues of operational effectiveness, demonstrated reliability and affordability," said Michael P.W. Stone in a July 13, 1989, memorandum to members of a high-level Pentagon acquisition review board. Mr. Stone was then acting as Under Secretary of Defense for Acquisition.

By the end of July, a compromise plan was under discussion to begin limited production. "If you decide to go ahead with a very limited production, then it must be mandatory that full demonstration of the performance and reliability be demonstrated within one year," Mr. Atwood wrote on July 31, in reply to Mr. Stone. "If it is not, then the program must be canceled."

In August, just weeks after Mr. Atwood outlined the Pentagon's new acquisition guidelines, the Defense Department approved the limited initial production.

"Here was a major decision right on the heels of their stated position where they just ignored the things they set out," said Louis J. Rodrigues, who is responsible for electronic warfare issues at the General Accounting Office.

Navy and Pentagon officials say that despite dramatic political changes in the world, the Airborne Jammer, flaws and all, is still more effective than any existing alternative.

"We have had growing pains in the electronic combat business, no question about that," said Duane P. Andrews, the Assistant Secretary of Defense for Command, Control, Communications and Intelligence. "But we can fix this a lot cheaper than starting over from scratch."

[From the Baltimore Sun, May 6, 1990]

RADAR JAMMER FOR WARPLANES RUNS INTO SNAGS

(By Richard H.P. Sia)

WASHINGTON.—Future production of Westinghouse Electric Corp.'s much-ballyhooed radar jammer, a computerized set of black boxes designed to protect U.S. fighter pilots from enemy missiles, has run into strong interference because of marginal test results, long delays and runaway costs.

At stake are billions of dollars in future military contracts, potentially hundreds of jobs and, some defense officials say, the survival of subcontractors and parts suppliers.

Also at stake, critics of the project argue, are the lives of U.S. pilots who need reliable protection from radar-guided missiles and other air defenses into the next century.

The project, dubbed the Airborne Self-Protection Jammer and made at the Westinghouse plant near Baltimore-Washington International Airport, doesn't provide the needed protection—at least not yet, according to Pentagon reports.

"I don't understand why we continue to sink money into this weapon, which doesn't work, at a time when we are being forced to slash other weapon systems that have already proven to be effective." Sen. David H. Pryor, D-Ark., said recently.

Troubles for the project have been mounting steadily this year.

At the Pentagon, the chief weapons tester recently opposed a Navy plan to buy more than a quarter of its planned new radar jammers before tests are completed to show off the system works as designed. Testing is not scheduled to end until April 1992.

The ASPJ's inability to meet established cost, performance and reliability criteria does not justify going beyond the initial production units needed for testing, said Robert C. Duncan, director of Operational Test and Evaluation, in a March 29 memo obtained by The Sun.

It was an unusually tough call, considering that the testing office has been criticized for years for being too timid in evaluating the performance of complex weaponry.

An unclassified version of the 1989 annual report by Mr. Duncan's office, released last month, confirmed that the Navy's initial operational tests on prototypes rated the system marginally effective and marginally suitable for aerial combat. It added that Air Force testers found the jammer "was unable to meet several user requirements."

The Air Force, which was to have been the biggest buyer of the high-technology jammers pulled out of the program in January, mainly because it was too expensive.

Last week, an Air Force spokesman said the service had no plans to buy even a smaller, cheaper version of the jammer recently offered by Westinghouse, preferring instead to seek funds in the fiscal 1992 budget for an alternative system.

Some Navy officials, who see the entire project becoming more vulnerable to cancellation, are bitter. The Air Force is cutting everything to get money for the B-2 [Stealth bomber] groused a senior Navy officer.

Pentagon Inspector General Susan Crawford and the General Accounting Office are wrapping up separate investigations on how the flawed project was able to move from the drawing board to the initial production phase.

Ms. Crawford already has urged the Navy to stop work temporarily so that costs can be re-evaluated in the wake of the Air Force withdrawal.

Deputy Defense Secretary Donald J. Atwood, a key player in major procurement decisions, has been concerned recently that the project may have advanced too hastily, said a knowledgeable Pentagon source. "He's the kind of guy who believes you can't put quality in at the end of a program," the source said.

In Congress, longtime critics of Pentagon weapons-buying practices have renewed their attack on the project, which they consider the latest in a series of boondoggers since the ill-fated DIVAD anti-aircraft gun was canceded in 1985. A hearing has been set for Friday by Senator Pryor, who worked successfully last fall with Sen. Charles E. Grassley, R-Iowa, to cut 95 percent of the project's current financing.

The Airborne Self-Protection Jammer—produced jointly by Westinghouse Electronic Systems Group, based near BWI Airport, and ITT Avionics, of Nutley, N.J.—is designed to increase the ability of fighter planes to survive in combat by sorting out a barrage of enemy radar signals and then jamming or deceiving the radars of the most threatening anti-aircraft weapons.

The jammer consists of five to seven boxes installed inside each plane, unlike more typical external jamming "pods" that create drag and take up space that could be used for weapons.

It has been touted widely as the most advanced in the U.S. inventory, capable of defeating any known enemy weapons system while being easily reprogrammed to counter new threats through the year 2000.

The project began in 1976, when defense officials, seeking to minimize wasteful duplication, ordered the Air Force to collaborate with the Navy on a common jammer for Air Force F-16s and Navy F/A-18s, F-14a, A-6Ea and AV-88s.

Production was supposed to begin in 1965, but it fell four years behind schedule because of several technical difficulties, the GAO reported. By lst August, when the project advanced to limited production, its original $1.8 billion price tag had soared to between $4.8 billion and $5.5 billion for 2,200 jammers—1,450 for the Air Force and 750 for the Navy. A subsequent estimate before the Air Force withdrew from the program pegged the cost at $9 billion.

Representative Thomas McMillen, D-MD-4th, whose district includes the Westing-

house unit producing the jammer, has spearheaded a defense of the project, but his efforts have been modest, even as threats to its survival have increased. In February, he criticized the Air Force withdrawal in a House floor speech and promoted the radar jammer as "the most thoroughly tested system in the history of jammer developments," with more than 8,000 hours of ground tests and 500 hours of flight tests.

"ASPJ is ready, and it performs," he said.

Neither contractor concedes the program is in serious trouble, and a confident ITT spokesman even declared recently, "I don't believe the Air Force is out of the picture."

Both companies said the current production model of the jammer is an improvement over the 12 prototypes that performed poorly in the initial testing.

Early tests failed to evaluate what they consider probably the best feature of the jammer, namely its ability to wreak havoc on air-defense radars to prevent missiles from ever being launched, they said.

The latest congressional attack aims squarely at heading off Navy plans for a second production lot of radar jammers which would add another 127 devices to an initial order last October of 100.

Senator Pryor, who thinks high-technology military hardware should not be bought in mass quantities until it passes rigorous performance tests, has advocated putting the jammer program on hold "until its bugs can be worked out."

"We all know the power game around here," he said. "After one year of production, after another quarter-billion dollars into the jobs and factors associated with the production, it will be almost impossible to stop."

[From Defense Week, May 14, 1990]

NAVY GAVE "INCOMPLETE" ASPJ TEST DATA

(By Tony Capaccio)

Following orders to stress positive test results, Navy officials last summer presented "incomplete and misleading" information to Pentagon officials reviewing a $3.7 billion aircraft jammer program, according to a report by the Pentagon's inspector general.

The misleading description of the test results was part of a flawed Pentagon decision last August to produce the first 100 Airborne Self Protection Jammers (ADPJ), according to the report and congressional testimony.

Despite eight years of development, the system has yet to demonstrate that it can protect pilots and meet its reliability goals. The Navy intends to buy 770 of the jammers for $3.5 million apiece.

The program came under fire Friday during a hearing convened by Sen. David Pryor (D-Ark.), chairman of the Senate Governmental Affairs subcommittee on federal services.

Combined, the testimony and documents give a rare inside glimpse at a breakdown in the oversight of billion-dollar weapons systems.

The ASPJ is touted as the Pentagon's next generation aerial combat radar jammer. But citing cost and performance concerns, the Air Force pulled out of the program this year.

Navy testers got their orders to soft-peddle the test results during an April 20, 1989 meeting of the ASPJ Acquisition Review Board, according to service documents uncovered by the IG. According to the meeting minutes, "it was also recommended that positive test results would be stressed" to a Pentagon board of officials reviewing the program.

Deputy Inspector General Derek Vander Schaaf in his testimony said these instructions led Navy testers to provide "incomplete and misleading" information to the Pentagon panel. The Navy ADPJ Board was chaired by now retired Vice Adm. J.B. Wilkinson, then-commander of the Naval Air Systems Command.

The Navy testers failed to inform the panel of major limitations in the testing and "significant" unresolved testing issues concerning the jammer, Vander Schaaf said.

According to Vander Schaaf, the transmittal of misleading information about the test results did not stop with the Navy. Instead, the panel of Pentagon communications experts informed the DAB before its decision that the Navy's top operational tester "fully supported" a decision to produce low quantities of the jammer, Vander Schaaf said.

But when questioned by IG investigators, the test commander said he did not back a low-rate production decision, Vander Schaaf said.

Despite the rosy test assessment, DAB members were aware of the ASPJ's problems when they decided to allow production of the first 100 systems, Vandar Schaaf said. The decision led to the award of $420 million in contracts to ITT Avionics and Westinghouse Electric Systems Group.

Internal Pentagon documents reveal that weeks before the DAB decision, two board participants, Deputy Secretary of Defense Donald Atwood and then-acting Under Secretary for Acquisition Michael Stone, considered killing the 14-year-old program.

Atwood recommended July 31, 1989 that the jammer be canceled if it did not demonstrate by this summer it can protect pilots in combat, according to an internal memo.

Atwood wrote to Stone, who is now secretary of the Army, that it was difficult to envision how the jammer could within a year demonstrate its effectiveness "given that the system has been in development [since 1976] and as yet has not proven out." Atwood also wrote it was mandatory that the program be canceled this year if it did not demonstrate its performance and reliability.

But according to the Navy's operational testing schedule it will be difficult to meet Atwood's deadline because the next round of exercises are not scheduled to begin until August 1991 and run through April 1992.

Navy Secretary Lawrence Garrett testified that he was confident in the service's ability "to manage satisfactorily the ASPJ program and successfully fulfill our requirement." Garrett said that the contract for the first 100 jammers "is always under scrutiny" and that the Navy was considering delaying award of a second contract for up to 127 more jammers until additional testing is completed.

Garrett said that ASPJ performance demonstrated during the early operational tests "was superior to any existing system in terms of the number and types of threats to which it responds. The performance can only improve from there."

In contrast. Stone warned Atwood last year: "There is clearly no doubt that the ASPJ has not satisfactorily met the criteria to proceed to low rate production . . . Despite a program that now goes back almost 13 years, system progress has been extremely slow and many enemy threats cannot be satisfactorily handled."

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, July 31, 1989.

Memorandum for Mike Stone.

Subject: Airborne Self Protection Jammer (ASPJ).

This is in response to your memorandum of July 25, 1989, relative to the Airborne Self Protection Jammer.

Your memorandum indicates that the program has been in development since March 1976, and to date it has not satisfactorily passed the tests established relative to cost, performance and reliability. This is a clear case of not meeting the exit criteria established for transition from the Full Scale Development Phase to the Production Phase. Therefore, it appears mandatory that one of two actions be taken:

1. Cancel the program.

2. Discontinue all production efforts and relegate the program to an effective test and evaluation activity. If the system demonstrates the required performance and reliability and is cost effective, then a production program could be initiated.

There is one alternative to the above which could be considered. This is based on the fact that the services feel that the system is essential and that it will ultimately meet the performance and reliability targets. If this is the case and can be demonstrated within a reasonable period (i.e. one year), then in order to maintain program continuity, it might be acceptable to proceed with a very *limited* production phase while test and evaluation is conducted.

However, it is difficult to see how this is realistic given that the system has been in development for 13 years and as yet has not proven out. If, in spite of this you decide to go ahead with a very limited production, then it must be mandatory that full demonstration of the performance and reliability be demonstrated within one year. If it is not, then the program must be cancelled.

DONALD J. ATWOOD.

Mr. PRYOR. Mr. President, I want to take a personal opportunity at this time to thank Kirk Robertson, on the Governmental Affairs staff who, for a period of 1 year, has tracked this system, who has found the savings of several million dollars in this system and who has also, in working with the minority and majority staffs, come up, we think, with a very good solution.

I want to thank Kirk Robertson, and I want to thank both of the managers for accepting what I believe to be acceptance of this amendment.

Mr. President, I have nothing further. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2549) was agreed to.

AMENDMENT NO. 2550

(Purpose: To Improve the Process for Base Closures and Realignments)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendments are set aside.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] (for himself, and Mr. FORD, Mr. CRANSTON, Mr. MCCONNELL, Mr. LAUTENBERG, and Mr. SHELBY), proposes an amendment numbered 2550.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plans shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), the expended (whether obligated before the date of enactment of this act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as a installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States.

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements of section 2687 of title 10, United States Code, or the National Environmental Policy Act that are applicable to the closure or realignment of military installations.

(3) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defesne and the Secretaries of the military departments shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50% of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(4) Paragraphs (1), (2), and (3) shall not apply to—

(A) Closures and realignments carried out under title II of Pubic Law 100-256; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—(1) The provisions of the transmittal to the Congress by the Secretary of Defense, dated January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installations that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(E) CLARIFYING AMENDMENT.—Section 2687(e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jursdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

Mr. BUMPERS. Mr. President, this is the so-called base closing amendment.

Mr. NUNN. Mr. President, would the Senator yield? Do we have a time agreement?

Mr. BUMPERS. We have 40 minutes equally divided. That is not a matter of record.

Mr. WARNER. Mr. President, I urge our colleague from Arkansas to reduce that amount of time.

Mr. BUMPERS. Perhaps we can. I would like to be accommodating. I may be able to yield time back, but I have two or three people who want to speak.

Mr. WARNER. Could we start with 30 minutes equally divided in the hopes that could be efficiently used and then determine in the course of the amendment if a few minutes are additionally required?

Mr. BUMPERS. I would rather do it the other way. We are going to spend 10 minutes here arguing.

Mr. NUNN. May I suggest we have a 30-minute time agreement with 20 minutes on his side and 10 minutes on the opposition.

Mr. BUMPERS. I will buy that in a New York minute.

Mr. NUNN. I ask unanimous consent there be a period for 30 minutes on the Bumpers amendment, 20 minutes managed by Mr. BUMPERS, and 10 minutes managed by the managers of the bill, with no second-degree amendments, and with a vote to occur on expiration of the time on or relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. This amendment is characterized as the base closing amendment. I hope that a number of colleagues who are not on the floor are watching this debate because I consider it a very serious one. I hope they do too.

Most people know that back in January of this year, Secretary Cheney sent us a list of bases that he proposed to close. On the face of it, there is absolutely nothing wrong with that. He was complying with the law. He did what he had the authority to do.

Under present law, he would come back after the first of the year and formalize these, along with an environmental statement, and say these are the bases I am going to close.

Nobody, we have debated this in a small way earlier in the day, no Senator, no Congressman likes to get a military establishment closed in his State.

As I said earlier today, the late Senator JACKSON used to say he wished he did not have any bases in his State because he got no credit for getting them, and he got all the flak for losing them.

But I will tell you something. Having said that, you are dealing with human trauma. You are dealing with people's jobs, their livelihood. This is not an amendment that says you cannot close bases. Everybody in this audience, everybody in the Senate, and the Congress knows we have to close bases.

What we are talking about is how are we going to close them? What kind of an environmental impact statement, what kind of criteria?

Mr. President, after Secretary Cheney submitted his list of bases that he proposed to close over here, a study was done. I invite your attention to the results of that study. The study showed that 99 percent—I repeat 99 percent—of the 44,000 civilian jobs that would be lost happened to be in Democratic congressional districts.

Mr. President, I cannot speak for Navy and Marine Corps or Air Force, but 60 percent of the Army bases in this country are in Democratic districts; 59 percent of the membership of the U.S. House of Representatives is Democratic; and here we have 99 percent of 44,000 jobs to be eliminated under the Secretary's base closing proposal in Democratic districts.

Some people came up to me today and said, "maybe there are just more bases there." I just gave the statistics showing you that the number of Army bases is almost identical to the number of percentage Democrats in the House. Do you know what the statistical chances of that happening by coincidence are? One in 244. Do you want to hear the rest of the story? I invite my friends on the other side of the aisle to indulge me in something that is not meant in any way as a reflection on them. I am not sure if the Secretary of Defense were a Democrat, it would not have turned out the very opposite.

But in addition to 21 base closures, there are 14 realignments. What is that? That is where you take men, planes, tanks, airplanes, from one base and transfer them to another. So we find that not only in the 21 bases closures are 99 percent of the jobs in Democratic districts, but how many of these people who are being transferred to other bases do you think are going to bases where it is a Republican district? You guessed it, Mr. President; 87 percent.

Some of us may not be "broke out with brilliance," as we say back home, but you do not have to be a rocket scientist to know this did not happen by coincidence.

So, Mr. President, what this amendment does is say, Mr. Secretary, we have a problem with this. We are not really shaming you or anything like that. And I know that you are going to say, Mr. Secretary, there they go again; they say they want to cut defense spending, but you try to cut a little military base in their State, and they squeal like a pig under a gate.

Do you know what? Since that list was submitted to Congress, President Bush has said that three times. Well, yes, I am squealing like a pig under a gate. If I am going to lose a base, I want to lose it on the criteria that Congress has set up, on an environmental impact statement, on an economic impact statement; but, above all, Mr. President—and this is where I invite my distinguished friends from the other side of the aisle to join me on this, and forget politics for a moment—the U.S. Congress is entitled to know in these very dramatic times when we are cutting down on manpower, cutting down on weaponry, the people of the Congress and people of the United States are entitled to know what is our force posture going to be: What is our force structure going to be for the next 5 years? And then once you tell us that, Mr. Secretary, you can go back, and on September 30 of next year you can submit another list of bases. But we do not want a list from you, Mr. Secretary, that is highly suspect on a political basis, without us even being privy to what our force structure is going to be over the next 5 years.

People may come in here and they may defeat this. But I will tell you one thing, the people of this body, you take the politics out of it and assume there is not a single base in a single Senator's district being closed, and this amendment which says do not go running off and closing bases that we may want left open because we think they make good military sense. So give us your force structure, then submit us a list, and we will consider it.

Mr. President, incidentally, I ask unanimous consent that Senator HOLLINGS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I am not trying to slow down the process. Speed is just fine with me, if we are going to do this. But I want this to be done in a fair and impartial manner.

I have some other things I want to say on this amendment later on. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. SHELBY. Mr. President, I rise today in support of the amendment of the Senator from Arkansas. I believe that this amendment would place an element of fairness into the current base closure process.

While Secretary Cheney is certainly within his rights to propose or recommend the closure or realignment of military facilities, it seems to this Senator that the list that was received as part of the fiscal year 1991 defense budget was put together in a haphazard fashion, with little thought to economic or environmental effect. Moreover, this latest list was put together

without any real coordination within the services.

Fort McClellan, in my home State, is a perfect example of such an activity. I have found through many conversations with DOD and Department of Army officials, as well as through testimony before the Readiness Subcommittee of the Armed Services Committee that little or no thought was given to the environmental impact of the closure of this military facility. Instead, a decision seems to have been based solely on the size of the base.

The Alabama delegation came in possession of the memo that was the basis by which a decision was made. When asked, however, who was the author of such a memo, no officials within the Department of the Army would claim authorship. What we were left with was a decision to propose closure, but no one willing to tell us who made the decision.

The Bumpers amendment would put some sanity into this process. It allows for a more coordinated effort to be made before any further actions are taken on this or any new list that might be presented to Congress. I would have preferred a 2-year moratorium, instead of a moratorium of 1 year. However, the House has a similar provision in its bill that calls for 2-year period. Thus, adoption of this amendment would allow for a much better position in conference with the House than we currently maintain.

Mr. BUMPERS. Mr. President, I yield 3 minutes to my distinguished colleague from Kentucky, Senator FORD.

Mr. FORD. Mr. President, I rise in strong support of the Bumpers amendment on base closure and realignment. We have to bring some order to these proceedings, Mr. President, we must have a set and impartial procedure for establishing candidates for closure—if for no other reason than to avoid the air of capriciousness that surrounds the Cheney list of January.

I want to give you one case in point, that of the Louisville Naval Ordnance Station [NOSL], which embodies two of the major criticisms of the Cheney list. First, there have been allegations, backed up by head counts, that over 90 percent of the installations targeted for closure are in Democratic districts. Such is true of the Naval Ordnance Station; it is in the district of my friend RON MAZZOLI who, as a Democrat, has represented his district since 1970. Congressman MAZZOLI had a hard primary this year from which he emerged victorious, but the inclusion of the NOSL on the new closure list played a role in his opponent's attack against him.

Second, other than for reason of politics, there is no apparent justification for the NOSL even being considered for closure. As Acting Secretary of the Navy for Shipbuilding and Logistics, Frank Swofford said, "I find Naval Ordnance to be a gold mine of skills and opportunity that doesn't exist elsewhere." It is a unique installation which performs work done nowhere else in the world. When the guns on Navy ships run into trouble, as in the case of the U.S.S. *Iowa*, the Navy calls the Navy Ordnance Station. The NOSL is also the sole provider of overhaul and maintenance support for the Phalanx system, which is scheduled to remain in the Navy inventory for years to come, as well as for other weapons which will remain in use even though our active duty forces are being drawn down. Finally, the work force at the NOSL is top flight and highly skilled; its performance is absolutely beyond reproach.

I do not see how the Navy can honestly justify closing the Louisville Naval Ordnance Station. In fact, through an internal Navy document obtained a few months ago by a House defense subcommittee, we have already seen evidence that it cannot. That document indicated it would cost the Government $201.8 million to close down the NOSL, while only $1 million a year would be saved in the closure process. What kind of a hot deal is it that would take over 200 years to be realized?

The case of the Louisville Naval Ordnance Station is precisely why, Mr. President, we are so in need of the Bumpers amendment. We need a process which will guarantee that the next round of candidates for closure and realignment is politically impartial and that these bases really are no longer needed in the new defense environment. The Bumpers amendment will provide just that and I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong opposition to this amendment. Every night, just about, the Secretary of Defense is on national television trying to defend his actions in cutting back military personnel. The proposed plan by the President is 25 percent over 5 years, many of them being forced out against their will.

Every night, the Secretary is explaining how he has to cancel this contract and that contract. And now we are about to handcuff him and not allow him in an orderly way of managing, sizing down the Department of Defense and to leave all of the bases and installations in the various States of the Members of Congress.

Mr. President, the Senate Armed Services Committee, in its bill this year, carefully laid down some 12 pages here of guidelines by which base closures, installations, and the like should be eliminated from the future defense budgets.

I hope that the Members will not slip into this trap, as I call it, with no disrespect to my good friend, to really obviate the necessity of even putting this section in our bill. It would basically postpone it for 2 years, and allow us to stand back here and get the criticism from the American public that we are beginning to protect our own interests because we cannot face up to the fact that a reasonable management of this department requires at the same time we reduce people, the same time we reduce contracts, the same time as we reduce O&M and steaming hours and flying hours, and today we were able to curtail a pay raise, all of these steps to, in an orderly way, reduce the size of our defense establishment and sit back here and preserve as hallowed ground the bases and installations until the Members of Congress can cease to quarrel about it.

I hope the Members of this body will see through this amendment and it will not be accepted.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, while the Senator from Virginia is still on his feet, first of all I would like to say this does not postpone anything for 2 years. This amendment is not precisely the amendment that is in the House version. This says that the Secretary will submit a 5-year force structure to us, and that he will on September 30, 1991, just a little over a year from now, or when the 102d Congress changes the law and dictates otherwise, whichever is first, submit his base closures.

I want to correct the record on this. It is not a 2-year delay or moratorium for 2 years. I have two questions for the Senator from Virginia.

On page 295 of the committee report, the last paragraph, it says that:

> The committee anticipates that the Department will be providing the Congress a number of base closure decisions next year with the submission of the fiscal year 1992-1993 budget request. The committee expects that these decisions will be accompanied by a full description of the Department's 6-year force structure and basing plan for fiscal years 1992-1997. This long term force and base structure plan, addressing both domestic and overseas installations, will be essential to Congressional review of the Secretary's closure decisions. The committee serves notice that, absent a long term force and base structure plan accompanying recommended base closures, it will be impossible for the committee to adequately assess closure recommendations by the Department.

That is in the committee report. I ask the Senator, does he agree with that?

Mr. WARNER. Mr. President, it is important, and I agree with it.

Mr. BUMPERS. The Senator should vote for my amendment, because all it does is codify what he said. The words,

there is nothing mandatory here. You say the committee anticipates; the committee expects; the committee serves notice. The Secretary can thumb his nose at that, and you are powerless to do anything about it.

I am saying to the Secretary, you will do these things because they make good military sense; they make good economic sense.

Mr. WARNER. Mr. President, the time is short, and I will defer to the chairman momentarily.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield myself time.

The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. WARNER. The schedule laid down in the proposed amendment by the Senator from Arkansas simply would not enable many of these things to be accomplished for a period of 2 years. I say to my good friend, I just think it is a management handcuff that the Secretary of Defense does not need at this critical time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I agree with some of the points the Senator from Arkansas has made. I think the Secretary would have been well advised instead of announcing a list of bases to be closed to have formed another commission, which worked so well on the last commission where Congress was basically in on the act and was assured that the commission that was going to look at these bases was going to be a nonpartisan commission composed of people who had the respect of both sides of the aisle so that we could take politics out of it.

That is the reason that Base Closing Commission report was approved by the Congress, even though there was some 88 bases closed, or something of that nature. There were a lot of people who got hurt in that, a lot of communities that got hurt, but Congress accepted it. It was not even a close vote, because they thought it was fair and impartial.

The Secretary of Defense and I had a conversation last November. My advice to him was then when he told me he knew there were going to more bases that had to be closed, I agreed with him that there would be and advised him to go back to the same route we did before with the Base Closing Commission. I am sure for his own good reasons he thought that was not the way to go, and he went the other direction.

The result is we have a whole lot of communities now that think their bases are going to be closed, with a whole list of bases being closed, and with charges of tremendous bias and partisanship in the entire exercise.

I have to say, frankly, that I have not looked at the details of the list. I have not looked at whether it is a Democratic district or Republican district. I know the Senator from Arkansas has taken a closer look at this, and I trust his analysis is correct.

Our committee is going to have to get into this, but I urge all of our colleagues, do not tie the hands right now of the Secretary of Defense to the point that we are saying to the whole country: We are going to reduce defense force structure 25 percent over the next 5 years, but for the next 2 years we are putting a moratorium on, and you cannot do anything about military bases.

We all know that certain installations have to be closed, but as I understand the Bumpers' amendment, it would not allow any kind of identity or identify through any transmittal to Congress, or any other public announcement or notification to any military installation of the United States as an installation to be closed or realigned.

It would not allow the closing or realignment of any military installation, and it would not even allow the study, initiating a study necessary to meet the requirements of the National Environmental Policy Act. That is the way I read it.

Mr. President, I just believe this amendment goes too far. I think we would be putting the situation in almost an absurd position where we know we are reducing force structure; we know we are reducing expenditures in the military; we know we are pulling back forces in bases around the world. And we simply have to be willing to make some changes.

I hope this amendment will not be agreed to. I just think our colleagues ought to recognize the things the Secretary already has to do under existing law. Under existing law, the bases that he wants to close, he first has to send up in a budget. He has done that. Then he has to send up in a subsequent budget six reports. That means next year, he will have to send up six reports relating to these bases. He cannot do anything before that.

It is not like anything is going to happen in the next 6 months; it is not. He has to send up an economic report as to the economic affect; he has to send up an operational report; he has to send up an environmental report; he has to send up a local fiscal report; he has to send up a budgetary report; and he has to send up a strategic report.

After that, Congress has 30 calendar days, or 60 legislative days—30 days or 60 days—to react. So Congress has the ability to react in that time. In addition to all of that, the only way you can close any bases is to seek appropriations from the Congress to close the base. We would have to fund the base closures.

There is no appropriation being requested now to close these bases. That will come next year. If the Secretary does not change his mind on these bases, he will ask for appropriations. Without the money, he cannot close the bases.

So setting up this additional 2-year or 1-year—whatever it is—moratorium saying they cannot initiate or even study it just seems to me goes too far. We are going to be in conference on this proposal because the House has passed something very similar to this, and I would say that in the conference we are going to have some time to work on it and perhaps to come up with something more like a commission.

So the Senator raises a legitimate point, but if this provision is put on the Senate bill tonight, there will not be any flexibility in Congress. This will be the law. We are basically going to be saying to the Secretary of Defense and executive branch: Reduce military expenditures by billions of dollars. We are cutting your budget $25, $26 billion, but you cannot even study closing a base.

I think that would be not only counterproductive, I think it would really send a signal to the American people that the Congress has a lot of rhetoric in terms of cutting defense expenditures, but when it comes down to the base structure, we are not willing to make any adjustments.

I would have to close by saying that, while I am against this amendment, I can assure the Senator from Arkansas that whatever we come out of conference with will be aimed to prevent bias and partisanship in any kind of final package of bases to be closed. I can assure him that we will not be permitting that in any kind of base package that comes out of our committee. I am sure it will not be permitted on the appropriation bill, and I am sure it will not be permitted when we have an appropriation requested for base closure. We are not going to see a Secretary of Defense under a Republican administration pinpoint Democratic bases all over the United States and exempt Republican bases and close Democratic bases. I am not charging he is doing that because I have not been able to analyze it. I have not, frankly, had time. But I can assure you that is not going to happen in the final analysis.

I urge this amendment be defeated.

Has all time expired?

The PRESIDING OFFICER. The managers have 30 seconds. The Senator from Arkansas has 6 minutes, 13 seconds.

Mr. NUNN. Mr. President, when the Senator from Arkansas is prepared, we will yield back the remainder of our time.

Mr. BUMPERS. Mr. President, I want to point out to the Senator, and I think he already knows this, the Senator from Georgia heard my statistics

on what we consider to be the political aspects of this, did he not?

Mr. NUNN. I did.

Mr. BUMPERS. Can the Senator tell me whether or not he could go with me to Blytheville, AR, and speak to roughly 25,000 people there with those statistics and say to them that this has been a very closely studied proposition and we have decided that our force structure, which we do not know yet what it is going to be, demands that we close and realign these bases, and it is a sheer coincidence that 99 percent of these jobs just happen to be in Democratic districts and the fact that 87 of the jobs in realignment go to Republican districts. Please do not think that is political now; I am sorry about your getting hurt in this.

Do you think you could go do that with a straight face, I ask the Senator?

Mr. NUNN. No, I do not and I would not.

MR. BUMPERS. I thank the Senator for that.

Let me make one additional observation.

Incidentally, I ask unanimous consent that my colleague, Senator PRYOR, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. We are not just handcuffing the Secretary. Incidentally, contrary to what the Senator from Georgia has said, we are not prohibiting him from studying this. We are prohibiting him from transmitting the list prior to September 30, 1991, just a little over a year away. I am telling you the reason we are doing this is precisely the reason the Armed Services Committee asked for the same thing in their committee report.

All in the world this amendment does is codify almost precisely the language of the committee report of the Armed Services Committee saying we expect the Secretary to do this, we anticipate the Secretary will do this, and we are serving notice on the Secretary that if he does not, we are going to have a close look at it and we will say, in light of the numbers that are so palpably suspicious, we are telling you to do it, we are not giving you any option.

And if we do not do that, Mr. President, we are the ones, Congress is the one that is handcuffed. We are saying Mr. Secretary, you can make the most blatantly political decision you want, but we are going to stick with the law which gives you the right to do that. We are going to handcuff ourselves and say, Mr. Secretary, do it to us again as often as you want because we are not going to change the law. We love it.

Mr. President, when it comes to handcuffing people we are handcuffing ourselves. We should say to the Secretary of Defense, Mr. Secretary, this just smells too badly.

Now, this does not cost anything, Mr. President. The money for closing bases has to be appropriated, as the chairman has correctly said. But we all know that you save nothing from closing a base. For example, at Eaker Air Force Base in my State, you do not save a dime until 5 years after you close it. And the truth of the matter is not a single base on the Secretary's list saves a dime in less than 2 to 3 years, none of them, and some of them much longer.

Mr. President, I am saying here is a fair way to address this. I want to say to all good friends on the other side of the aisle, please be patient. This is not meant as any reflection on you. But I can promise you that if you were in our shoes, you would be raising the same kind of Cain I am raising here tonight.

I want to say to all of you who breathed a sigh of relief because your base was not on there, this is just the tip of the iceberg. If you let the Secretary get by with this tonight, you will get another list next year and another list the next year. So do not anybody think because you dodged the bullet this time you are going to dodge another.

Does the Senator from Delaware wish to speak?

Mr. BIDEN. Yes.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has remaining 1 minute and 45 seconds.

Mr. BUMPERS. I yield to the Senator from Delaware for 1 minute.

Mr. BIDEN. Mr. President, I strongly support the efforts of the Senator from Arkansas.

Mr. BUMPERS. Mr. President, mea culpa. I made a mistake and I apologize to the Senator from Georgia. This does include a study—

None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements * * *

I am prepared to modify the amendment. I will tell you that it is too late to do that, but I am prepared to tell the Senator from Georgia that he certainly, if this should prevail, has my permission, and I hope the permission of the Senate, to strike that part of the provision because I think he certainly ought to have a right to have a study before he could make a decision.

Mr. NUNN. I would say that is in conflict. Does the Senator from Arkansas want him to make this study?

Mr. BUMPERS. Absolutely.

Mr. NUNN. I always felt it probably almost unconstitutional, if not unconstitutional, if not unenforceable, to tell anybody in the executive branch that they cannot study something.

Mr. BUMPERS. That is like telling somebody they cannot pray.

Mr. President, I hope the Members of the Senate will not misunderstand anything I said or consider it a reflection on any one of them, but I think we will be making a very bad mistake if we allow this proposal of the Secretary to stand.

Mr. WARNER. Mr. President, I think in fairness we ought to allow the Senator to modify the amendment.

Mr. BUMPERS. Mr. President, all of our time is up.

Mr. WARNER. I am quite certain the managers will prevail in the vote.

Mr. BUMPERS. If the managers are willing, I ask unanimous consent that we have a quorum call for, say, 2 minutes in order to allow me to modify that part of the amendment.

Mr. NUNN. I have no objection to that.

The PRESIDING OFFICER. Is there objection. Hearing none, it is so ordered.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I rise in support of Senator BUMPERS' amendment on base closing.

In my own State, Fort McClellan, the home of the U.S. Army Chemical School, is on Secretary Cheney's list. Even though it is the only facility in the United States where live agent training may be performed, the Department of Defense recommended this base be closed without considering alternative locations for its mission.

Mr. President, the Department of Defense did not use a rational plan when determining which bases to close. When I questioned Secretary Cheney and asked him for a copy of the study used, he could not provide one.

Mr. President, I believe this course of action is foolish. Though I certainly hope tensions in the Middle East will ease, we must continue to be prepared for the worst. In the past, Iraq has used chemical weapons, not only against Iran, but also against members of their own population. I am certain they will not hesitate to use these chemical weapons again. In view of our vital interest in the area, I am proud soldiers in our Army have been training to meet this treat. They received this vital training at Fort McClellan. But in its rush to close bases, the Defense Department suggested the fort without investigating whether it would be feasible to move this training facility to another location.

I am sure this is just one case out of many. We must take action to ensure the DOD takes time to review its decisions on base closure before it takes

action. I therefore urge my colleagues to support Senator BUMPERS' amendment. Thank you Mr. President.

BASE CLOSINGS

Mr. CRANSTON. Mr. President, I rise today as a cosponsor of this amendment which would create a more equitable process for base closings, a process which would be driven by the changes we will be making in our force structure.

As one who has called for deep cuts in defense spending over the next decade, I am well aware that bases in this country, and perhaps even in my State, will be closed.

However, I am deeply troubled by the political way in which Secretary Cheney has proceeded with this next round of potential closures and realignments. Rather than proceeding with an independent commission, as we had in the last round of closures, the Defense Department leaked a list of candidate bases for closure to deflect attention from the fiscal year 1991 budget.

I understand that there were some questions about the last base closure commission and the criteria it used to close bases. Those bases were to be closed primarily on cost savings grounds. Although cost savings are always a primary consideration, we are now closing bases for very different reasons. We are closing bases as a result of changes in our force structure and reductions which make many of our bases irrelevant.

We need a base closure process which is based on broader assessments about our force structure needs. We need a process which looks at all of our bases, not just the few that may have been considered during a previous round, as I suspect is how this latest list was put together. And we need a process which is nonpartisan.

Eleven of the twenty one bases proposed for closure are from my State of California—over 50 percent of the bases on the list, yet only 12 percent of all domestic bases are actually in California. Eight of these facilities are Navy facilities. If we actually go through with these closures, and there are rumblings from the Navy would be pulling out of northern California. We would be closing one of the most efficient and profitable naval shipyards, the Long Beach Naval Shipyard. And we would be leaving many unanswered questions.

I have noted a common theme in many of the communities around the bases in California, "We understand why bases are being closed, we just don't understand: why this particular base?" When I asked Secretary Cheney and Navy Secretary Garrett this question, their answers were sorely lacking: DOD said that the Navy chose the bases, and the Navy said that DOD made them put together a list. We need a process which can provide answers to these questions for the dedicated men and women who serve in these facilities.

Mr. President, one final word to my colleagues who do not have bases on the latest list, and who may be disinclined to support a process to close bases. This is only the beginning. There are more closures down the road. It is imperative that we step back and set in place a process to ensure that bases are closed in a manner which reflects our defense needs and is implemented in a nonpartisan fashion.

Mr. BIDEN. Mr. President, I strongly support the Bumpers amendment regarding future base closures. His amendment is a common sense approach to the base closure process.

This amendment is not designed to prevent base closures; far from it. Everyone recognizes that more base closures are coming—no one doubts that. Given the major troop reductions that will be made over the next few years, it is obviously logical that base closures will follow.

But let's not kid ourselves—the process of closing military installations in this country has long been a political football—in both Democratic and Republican administrations. That's why we couldn't close any bases for over a decade until we created the commission in 1988.

The amendment before us is a sound approach to this difficult problem. It defers base closures until the Secretary of Defense formulates a force-structure plan for the next 5 years. It directs the Secretary to submit a proposal for a process by which domestic bases could be closed. And it prevents the Pentagon from "bleeding" bases—not spending construction money that Congress has appropriated—which it is only considering for closure.

I commend the Senator from Arkansas for his amendment. I urge my colleagues to support it.

Mr. BUMPERS. Mr. President, I modify my amendment. I hope this is consistent. I believe it is. I modify my amendment to strike paragraph (c)(B)(2); to strike that paragraph. Under the title "Military Installations Inside the United States."

The PRESIDING OFFICER. The amendment is so modifed.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as the result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance

to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military department shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(3) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—The provisions of the transmitted to the Congress by the Secretary of Defense, date January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687 (e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

The Senator from Virginia.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. NUNN. Does the Senator from Arkansas desire the yeas and nays?

Mr. BUMPERS. Yes, I do, Mr. President.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I move to table.

Mr. BUMPERS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are now ordered on the motion to table by the Senator from Virginia. The question is on agreeing to the motion of the Senator from Virginia.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] is absent on official business.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—43

Baucus	Fowler	McClure
Bond	Garn	Murkowski
Boschwitz	Gorton	Nickles
Bradley	Grassley	Nunn
Bryan	Harkin	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Robb
Coats	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Jeffords	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Wallop
Dixon	Lott	Warner
Durenberger	Lugar	
Exon	Mack	

NAYS—54

Adams	Graham	Mikulski
Akaka	Gramm	Mitchell
Bentsen	Heflin	Moynihan
Biden	Heinz	Pell
Breaux	Hollings	Pryor
Bumpers	Inouye	Reid
Burdick	Johnston	Riegle
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sanford
Cranston	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Dole	Levin	Simpson
Domenici	Lieberman	Specter
Ford	McCain	Thurmond
Glenn	McConnell	Wilson
Gore	Metzenbaum	Wirth

NOT VOTING—3

Armstrong	Bingaman	Boren

So the motion to lay on the table the amendment (No. 2550), as modified, was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia [Mr. NUNN].

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of

the Senator from Arkansas [Mr. BUMPERS].

Mr. NUNN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been previously ordered. The question is on agreeing to the amendment of the Senator from Arkansas.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—43

Akaka	Heinz	Moynihan
Biden	Hollings	Pell
Breaux	Inouye	Reid
Bumpers	Johnston	Riegle
Burdick	Kennedy	Rockefeller
Byrd	Kerrey	Sanford
Conrad	Kerry	Sarbanes
Cranston	Kohl	Sasser
Daschle	Lautenberg	Shelby
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Ford	Lieberman	Thurmond
Glenn	McConnell	Wilson
Gore	Metzenbaum	
Heflin	Mikulski	

NAYS—54

Adams	Durenberger	Mack
Baucus	Exon	McCain
Bentsen	Fowler	McClure
Bond	Garn	Mitchell
Boren	Gorton	Murkowski
Boschwitz	Graham	Nickles
Bradley	Gramm	Nunn
Bryan	Grassley	Packwood
Burns	Harkin	Pressler
Chafee	Hatch	Robb
Coats	Hatfield	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
D'Amato	Jeffords	Stevens
Danforth	Kassebaum	Symms
Dixon	Kasten	Wallop
Dole	Lott	Warner
Domenici	Lugar	Wirth

NOT VOTING—3

Armstrong	Bingaman	Pryor

So the amendment (No. 2550) was rejected.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The manager, the Senator from Georgia, is recognized.

Mr. NUNN. Mr. President, I am about to propound a unanimous-consent request on the SDI amendments, and I hope the Senate will give me their attention.

Mr. President, I yield the floor. We can go ahead with the Moynihan dialog. I do not want to hold him up.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2551

(Purpose: To require the publication as parts of the President's annual budget statement an unclassified aggregate figure for expenditures on intelligence activities)

Mr. MOYNIHAN. Mr. President, on behalf of myself and Mr. SPECTER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. SPECTER, proposes an amendment numbered 2551.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

Section 1105(a) of title 31 of the United States Code is amended to add at the end thereof—

(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence.

Mr. MOYNIHAN. Mr. President, the Founders of the United States were very emphatic when they came to the subject of money. The Congress would dispose of public funds and the public would monitor expenditures. Article I, section 9, clause 7 of the Constitution states:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; *and a regular Statement and Account of all Receipts and Expenditures of all public Money shall be published from time to time.*

There were many things that we sacrificed during the cold war. We compromised our commitment to international law by mining harbors. We compromised our commitment to free speech by excluding foreigners with "dangerous" opinions. But we also compromised our constitutional obligation to provide the American people with "a regular statement and account of the receipts and expenditures of all public money." Mr. President, the American people have never been told how much they are spending on intelligence activities. The figure for 1989 is just one of the literally 6,796,501 secrets created by the United States last year, and not shared with the American people according to the annual report of the Information Security Oversight Office.

Mr. President, I speak of the secrecy system. It withholds information from the American people. It protects intelligence errors, it protects officials from criticism. Even with the best of intentions the lack of public information tends to produce errors; the natural correctives—public debate, academic criticism—are missing. We must begin to end this secrecy system and the best way to start is by letting the American people know how much the intelligence community costs them in tax dollars. They should know that much at least. It is their constitutional right.

It may well be that the secrecy system has cost the American taxpayers much more than the direct cost of its satellites, planes, listening posts, and salaries. Is it the case that trillions of dollars were spent unnecessarily because of intelligence errors? Perhaps. Throughout the cold war we were forever responding to bomber gaps which did not exist, missile gaps which did not exist, a Sino-Soviet alliance which had ceased to exist. Now we have learned that for 40 years we were responding to dynamic Soviet economic power which did not exist. According to the Central Intelligence Agency the Soviet economy was estimated to have reached 62 percent of the United States level in 1975. Even today, according to Michael Boskin, the chairman of the President's Council of Economic Advisers, the CIA is overestimating the size of the Soviet economy by almost $1 trillion. The secrecy system protected and perpetuated these errors.

This is not a partisan matter. Both parties helped to create and expand the secrecy system. The CIA's Soviet economic analysis took place under five Republican Presidents and three Democratic Presidents.

Nor do I claim to have been immune to the siren's song of national security concerns. In 1977 in the Senate Select Committee on Intelligence I voted not to disclose the figure for total intelligence spending for 1978. Whatever the justification for keeping this figure secret in 1977, there can be none now. I believe that disclosure of this figure will not damage our national security. Others agree. For instance, for more than a year Adm. Bobby Ray Inman, former Deputy Director of Central Intelligence, and before that Director of the National Security Agency, and Director of Naval Intelligence, has been arguing that this figure should be released.

One important reason for releasing this figure is that it will allow us to consider the defense budget and the intelligence budget independently. The reductions that will inevitably occur in defense spending are due to factors which may or may not apply with equal force to spending on intelli-

gence collection. We should be careful to ensure that the two are not simply merged together in the public mind. Spending on intelligence is an important subject in its own right. The public has an active interest in the debate over defense spending; it should as well be allowed to have at least the basic information concerning total expenditures on intelligence.

Mr. President, this is a simple amendment. It provides that a separate and unclassified statement on the aggregate global outlays of the intelligence community be published once each year. The reasons for it are many. And we have inquired into this subject before.

As I have mentioned, in 1977 the Senate Select Committee on Intelligence asked whether this would not be a useful thing to do. It asked whether the public had a right to know and a need to know and whether, indeed, the whole of the Congress had a need for a public figure because not every Member chose to inform himself or herself in this regard.

At that time the Director of the Central Intelligence Agency, Admiral Turner, testified before us that disclosure would be in the public interest. No witness spoke against the release of the figure for just one year. A number of Senators, myself included, thought it was not a good idea and, although the Senate committee proposed that this be done, the House did not. It did not happen.

In the interval there has been great change in the world and there are now those, including Admiral Inman, who say that this aggregate number should be known lest the size of the intelligence community shrink greatly under the press of demands elsewhere in the defense system, without anyone knowing about it.

The argument can also be made that we should know if it continues to grow, whilst national defense funding declines.

We propose simply that the number be published, and the public, as well as the Congress, can make judgments in that regard.

Mr. President, my distinguished cosponsor, the Senator from Pennsylvania is on the floor and on his feet. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my distinguished colleague from New York, Senator MOYNIHAN, in cosponsoring this amendment.

Basically it is my view that the public has a right to know the total expenditure for intelligence purposes. It would in no way compromise the confidentiality of what those funds are being expended for, but it would provide the public with that overall figure.

In addition to the public's right to know, Mr. President, I think it would be salutary and would promote more prudent public policy. In this way we could consider whether enough or too much money was being spent on intelligence matters.

After having served on the Intelligence Committee for almost 6 years now, I believe that we do not have enough of our resources devoted to intelligence issues; that the current problems in the Mideast, for example, with Iraq, would benefit enormously if we had more intelligence information.

When we seek to locate our hostages, we are unable to find them because of the lack of Humint, the shorthand for human intelligence.

When we seek to locate those who are under indictment for terrorism around the world—Mr. President, may I suggest the Senate is not in order.

Mr. MOYNIHAN. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. SPECTER. The point I was making involved the terrorists under indictment. We cannot locate them. If we had more human intelligence we might be able to do so.

The distinguished Senator from New York has recounted the many agencies and commissions: Rockefeller Commission, Church Committee, House Spy Committee, the Inouye Committee, when our distinguished colleague from Hawaii chaired the Intelligence Committee.

I offer one additional concern, and that is a constitutional concern. The Constitution provides in article I, section 9, clause 7 that there be "a regular Statement and Account of the Receipts and Expenditures of all the Money * * * published from time to time."

While there has been broad latitude for what the Government does, Mr. President, I suggest that the thrust and the policy and the intent of the framers was to have an overall figure published. I think that would be very salutary indeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank my two distinguished colleagues for bringing this matter to the Senate and for offering this amendment. It is a matter that is certainly worthy of our thought and of our discussion.

Both of the authors of this amendment, of course, have had long experience with the intelligence appropriating process. The distinguished Senator from New York served long and well as a member of the Intelligence Committee and indeed as a vice chairman of that committee at a very important period of time.

The Senator from Pennsylvania serves as a very important and active member of the Intelligence Committee at the current time and makes a great contribution to the deliberations of our committee.

It is, indeed, true that Senate Resolution 400 under which the Intelligence Committee operates and under which it exercises its jurisdiction, called upon the committee to make a study of whether or not the final amount of appropriations, at least in aggregate, should be made a part of the public budget. As the Senator from New York just explained, that was done about 13 years ago. In 1977, the committee undertook such a study.

I do not think that there is any doubt that while there is certainly a policy of the Government and embodied in the Constitution that wherever possible, wherever we can make information public without comprising the national security interests that it should be done so.

At the same time, there is, I think, constitutional precedent for maintaining secrecy where necessary. The Supreme Court ruled in the case of United States versus Richardson in 1974 that a taxpayer does not have standing to challenge the constitutionality of the secrecy of the CIA budget under article I, section 9, clause 7 of the Constitution.

In addition, there is historical precedence dating back to the earliest days of the Republic. In 1793, a contingent fund was approved allowing the President to account for certain expenditures by certification without disclosing the amount.

The Constitution itself recognizes the need for secrecy in some of our provisions. Article I, section 5, clause 3 states that each House shall keep a journal of its proceedings and from time to time publish the same except such parts as in their judgment requires secrecy.

So I think there is legal and constitutional authority to maintain secrecy, it is incumbent upon us from time to time to revisit the issue and to determine whether or not it is now appropriate for us to make public at least an aggregate figure in terms of the intelligence budget of the United States.

We do under the current rules, I might say, make every effort that all 100 Members of the U.S. Senate be thoroughly informed. The vice chairman, Senator COHEN, and I, for example, wrote a letter to all Members of the Senate on July 20 of this year indicating that we have reported a bill, including the appropriations for fiscal year 1991 for U.S. intelligence activities, and inviting all Members of the Senate to come and view the entire bill and to ask any questions they wish to

ask. We offered in this letter to make arrangements for Members to do so.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, July 20, 1990.

The Honorable ——,
U.S. Senate, Washington, DC.

DEAR ——: The Select Committee on Intelligence has reported the bill, S. 2834, authorizing appropriations for fiscal year 1991 for U.S. intelligence activities.

The classified nature of such activities prevents the Committee from disclosing the details of its budgetary recommendations in its public report (Senate Report 101-358). However, the Committee has prepared a classified supplement to the report, which describes the full scope and intent of its action.

In accordance with the provisions of Sec. 8(c)(2) of the Senate Resolution 400, the classified supplement is available to any member of the Senate and can be reviewed in the Committee's offices at room SH-211. Should you wish to do so, please contact the Committee's Director of Security, Mr. Jim Wolfe, at 224-1700 to arrange a time at your convenience for such review.

Sincerely,

DAVID L. BOREN,
Chairman.
WILLIAM S. COHEN,
Vice Chairman.

Mr. BOREN. Mr. President, we certainly understand our responsibility to other Members of this body and other committees.

There may be reasons why the figures should remain secret. This could be circumstances, for example, in which a major new initiative of such size and magnitude might be undertaken in the intelligence community that it might cause a bump up in the total figure in a way that it might disclose or indicate to those in other parts of the world that we have made some major new initiative at a time when it might not be in our national interest to have this known.

On the other hand, as the Senator from New York has pointed out and the Senator from Pennsylvania has pointed out, much has changed in the world since 1977 when this matter was last reviewed. There may be good reason, the kind of reasons suggested by the Senator from New York who himself, as he has indicated on previous occasions, has felt that the figures should remain secret, that that decision should change.

We are, indeed, in a new environment and a new environment in which the role of the Central Intelligence Agency itself is going to be changing dramatically. Different kinds of assets are going to be required as has just been said by both of my colleagues. There will be more of an emphasis on human intelligence and human intelligence of a different kind, personnel with economic expertise, with linguistic and cultural skills to penetrate narcotics rings and terrorist groups and others are going to be much more essential.

I think all of our colleagues need to be assured, as the Senator from New York has said, that adequate funds are being approved for this purpose, especially for those areas in which human intelligence is involved that requires adequate appropriations to secure the human and personnel skill that is necessary for a rapidly changing world.

I would say to my two colleagues, as they both know, under Senate Resolution 400, this is a matter that the Intelligence Committee is directed to consider from time to time. I see my distinguished colleague, the vice chairman of the committee, the Senator from Maine, on the floor. I would like to defer to him to comment before we hear additional responses from our colleagues, the two cosponsors of this measure. It would be my thought—and I would hope that my colleague from Maine would agree—we should put this matter on the agenda of the Intelligence Committee; we should have hearings on this issue: that we should call in not only experts familiar with the intelligence community and former members of the community, perhaps, but also invite all of our colleagues, including the distinguished past vice chairman of our committee, to share in these deliberations, and other colleagues who might be interested in these deliberations, and fully reconsider whether the changed circumstances in the world should result in a change in our policy.

I suggest that I think that perhaps is the best way to consider this very serious matter that should be addressed, that needs to be reevaluated in light of changes in the world, perhaps the better, more appropriate forum than would be for us to try to decide this matter tonight in the midst of so many other pressing issues that are before us that divert our attention because I think this is a matter that does require a great deal of thought, it does merit it, and I believe it merits discussion in a forum and a time in which all of our colleagues can really devote the attention to this subject that it deserves.

If I could, I would like to yield the floor and yield to my distinguished vice chairman of the committee, Senator COHEN, who is my working partner in every way on this committee and who has operated truly in a bipartisan spirit. He has an excellent perspective on the work of this committee.

I yield for any comments he might like to make.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I agree completely with my distinguished chairman that this is not the appropriate place to be debating this issue this evening. I also agree that it is perhaps time that we review the decision that was made back in 1977. But I would like to offer a few comments in terms of my own personal perspective on this.

The Senator from New York, I know, is unhappy with the CIA's analytic performance in recent years, particularly as it pertains to an analysis of the Soviet Union's economic potential.

The Senator from Pennsylvania has indicated perhaps we need more humint, or more human intelligence, as it applies to the Middle East.

My own reaction, if there is really a question about whether we are doing enough or we are doing it well, is that we can either get more people or better people or both or perhaps even cut people. I fail to understand what the value would be of identifying publicly a single figure for global intelligence activities.

We ask the question, what is in a name? What is in a number? If we were to publish a number, I fail to understand what that would do, other than to prod, what is behind the number? What does this number mean?

Let us suppose, if we are required to disclose our financial worth, that we simply publish one number, no breakdown, no indication of assets, liabilities, holdings, nonholdings real property, personal property. The next thing we are asked is, be a little more specific. As has been said of our own financial disclosures, it is sort of like a fan dancer's fan. What it reveals is interesting, but what it conceals is vital. We need not apply that particular test, I think, to the intelligence budget of this country.

For example, what would be under this number? Would it be hardware? How much for hardware? How many satellites are we, in fact, producing? How about covert action? How about human intelligence? How about signals intelligence? We would like to see a breakdown so we can determine whether we need more or need less.

As our chairman has indicated, suppose there is a bump or swing one year in the budget. Suppose we have a dramatic increase in the intelligence budget one year, what does that mean? A new satellite collection system? Is that what we want to disclose at that time? Whose interest would that be at that point? Domestic critics who would like to kill the program or foreign intelligence services who would like to target it for whatever information they could?

So I think that we gain nothing, in my personal view, by publishing a single figure on what is being spent. If there is a question of whether we are spending enough, we should look to

the chairman of the Armed Services Committee, we should look to the ranking Republican member of the Armed Services Committee, both of whom serve on the Intelligence Committee, in addition to myself and Senator BOREN.

In addition, we should go to the President of the United States, the ultimate Commander in Chief. He makes an analysis of what is required for intelligence as part of the overall defense of this country. He has the backup of the chairman of the Armed Services Committee and the ranking Republican member, as well as those in the House.

So I think, Mr. President, from a personal point of view, the notion that we publish one figure and that that is going to satisfy a desire for disclosure, an impulse to exhibit what, in fact, we are spending would be counterproductive, to say the least. But nonetheless, there is room for legitimate difference. In fact, there was legitimate difference back in 1977. I believe the Senate committee voted 9 to 8 to publish. The House voted overwhelmingly against publishing. As a result, a decision was reached not to go forward with publishing that figure.

I think, Mr. President, that it is worthy of debate. It would entail significant debate this evening if we were to go forward. But I am happy to join my chairman in suggesting that perhaps next year the Intelligence Committee should have an open, public set of hearings, during which time the distinguished Senator from New York and the Senator from Pennsylvania and others would make the case for publishing a number.

Mr. MOYNIHAN. Mr. President, I have heard from the learned Senator from Maine the suggestion that he and the chairman, next year, next Congress, hold open public hearings on this subject, and that we discuss all these matters. This seems to me a very useful approach. That was the approach we took 13 years ago. A very close vote was the result.

I wonder if my cosponsor, the Senator from Pennsylvania, would not agree that this was more than satisfactory outcome at this point; that having this agreement we could take down the measure.

Mr. SPECTER. Mr. President, if this colloquy sounds scripted, I certainly would not want to appear to be the cause. But I think that the suggestions my colleagues would be a good resolution to this issue because it is complicated, it is involved, and there ought to be hearings.

If I might, while having the floor just for another moment or so, disagree respectfully with the very distinguished vice chairman. It is true that one number will not tell everything, but it will show a proportion of intelligence to other defense matters. It will show a proportion of intelligence to the overall budget, and therefore there will be a picture as to how the intelligence budget changes from year to year. So some information will be useful.

It may be, as suggested, this will just be a starting point. It is not a commitment. But it is not unusual to raise an amendment in this form and then to move to the next step: to have hearings. I think that is a very constructive result, especially one at which we arrived in a fairly brief period of time. In light of the hour and the interest of the Members to move on to other matters, I yield the floor.

Mr. BOREN. Mr. President, I am very pleased to hear the comments of my two colleagues, the cosponsors of this amendment. I might say I think the colloquy and the expression of differing views that we have just heard in summary form between the Senator from Pennsylvania and the distinguished vice chairman, the Senator from Maine, indicates why this matter is a very serious one that merits the attention that can be given in the proper forum at the proper time.

There are, indeed, competing arguments that need to be carefully weighed in this matter and thoughtfully considered and I believe in a forum in which that is the sole focus of the discussion, as opposed to the situation in which we find ourselves tonight.

So I appreciate the suggestion of the Senator from New York and the Senator from Pennsylvania that the amendment might be drawn down tonight.

I again reiterate our pledge to hold hearings, including open public hearings on this matter. I invite not only the input of the distinguished Senator from New York and, of course, our current member of the committee, the Senator from Pennsylvania, but also other Members of the body, as well as others who have experience in this field outside of Government, former members of Government and academics that we can bring in to discuss this matter.

It would be my hope we could do so in a very full and complete way.

I thank my colleagues for the indication of their willingness to allow us to consider it in that form.

Mr. EXON. May I ask a question of the chairman of the committee.

I have been listening with great interest to this debate. I get the feeling it is unanimous among the leadership of the committee that this total figure should be made public. I am not a member of the committee. But the committee has some financial arrangements with the committee with which I am associated, so I happen to know something about it.

Do I understand the chariman of the committee is indicating he thinks it would be a great idea to publish this figure?

Mr. BOREN. I say to my colleague from Nebraska that is not what the Senator from Oklahoma has indicated. In fact, the Senator from Maine has just indicated to the contrary, that he does not believe it should be made public.

Mr. EXON. The committee is going to hold hearings, on whether it should or should not be?

Mr. BOREN. I have indicated we would hold hearings. It has been 13 years since we examined this issue. I must say I would be skeptical, I would start from the point of view of skepticism as to whether or not it would be advisable to make it public.

As I indicated, it could cause some divulging of information if we had a large initiative, it might show a bump in the appropriation that would not be a financial interest.

I certainly would be willing to have an open mind, to have a full discussion, and to do so on an impartial basis to try to determine the right way to proceed.

As I indicated to the Senator from New York, I do not believe tonight, as we have our attention diverted to the pending bill, would be the time to make a change in policy of this magnitude.

Mr. EXON. I am pleased to know at the present time before the hearing the chairman and ranking member are opposed to the concept. I thank the Senator.

Mr. MOYNIHAN. Mr. President, may I simply make two points. The first is that the amendment offered refers only to outlays and not to authorizations, having very much in mind the question of the bubble which has been suggested as a problem.

In 1977, Admiral Turner specifically suggested it was not a problem

In any event, we have an agreement to hold public hearings on an important subject.

I would like to make the final point that those who are concerned for the intelligence community would be interested to know if it was being cut in half without their knowledge, just as others would be interested to know if it was being doubled without their knowledge.

So, Mr. President, with the agreement of my distinguished cosponsor, I would ask that the amendment be withdrawn and express the gratitude of Senator SPECTER and myself to Senator BOREN, the chairman, and Senator COHEN, the vice chairman, of the select committee.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

The amendment (No. 2551) was withdrawn.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that at 9 a.m. tomorrow, Senator WARNER be recognized to offer an SDI ATBM amendment on which there shall be 1 hour for debate, with time between 9 and 9:30 a.m. to be divided as follows: 20 minutes for Senator WARNER, 10 minutes for Senator NUNN; that the Warner amendment be laid aside at 9:30 a.m., and Senator BINGAMAN be recognized to offer his SDI amendment, on which there shall be 4 hours for debate to be equally divided between Senator BINGAMAN and Senator WALLOP; that no second-degree amendments be in order to either the Warner or the Bingaman amendments; that upon the completion or yielding back of time on the Bingaman amendment the Senate proceed to vote on or in relation to the Bingaman amendment; that upon the disposition of the Bingaman amendment, the Senate resume consideration of the Warner amendment with remaining time to be equally divided between Senators NUNN and WARNER; that upon the completion or yielding back of that time, the Senate proceed to vote on or in relation to the Warner amendment; that upon the disposition of the Warner amendment, Senator KERRY be recognized to present an amendment on behalf of Senator KERRY and Senator HARKIN on SDI, on which there would be 1 hour for debate to be equally divided in the usual form and with no second-degree amendment in order thereto; and that upon the disposition of these amendments, no other amendment on the subject of SDI be in order to the bill.

Mr. DOLE. Mr. President, as I understand, we have not seen the Kerry-Harkin amendment on this side.

Mr. WARNER. That is my understanding, Mr. President.

Mr. NUNN. My understanding is that it is a simple reduction amendment, and one of the authors is in the chair. I believe it is simply a dollar reduction amendment.

Mr. WARNER. If we could have the occupant of the chair temporarily relieved from his prestigious duties, maybe he could come to the floor and explain that amendment.

Mr. EXON assumed the chair.

Mr. HARKIN. If the Senator will yield, the amendment that Senator KERRY and I are offering would reduce the SDI by $400 million, and we will argue that $200 million would be to go to fight the war on drugs, and $200 million would go to veterans' benefits.

Mr. WARNER. We understand the amendment to be a straight cut of a $400 million allocation of those funds to two other accounts.

Mr. HARKIN. Exactly.

Mr. NUNN. I see the Senator from Arkansas, Mr. President. May I ask whether I may have overlooked something? Does he have an SDI amendment?

Mr. BUMPERS. I do .

Mr. NUNN. Could the Senator indicate the amount of time, because I would add him to this unanimous-consent request if he could indicate the time he needs, and also perhaps he could describe the amendment.

Mr. BUMPERS. My amendment is a pretty straightforward amendment. It cuts about $600 million from SDI.

Mr. NUNN. That is not part of the Harkin amendment.

Mr. BUMPERS. It is not. I would say probably 30 minutes.

Mr. NUNN. Equally divided?

Mr. BUMPERS. Yes.

Mr. NUNN. Mr. President, I add to the unanimous-consent agreement as follows: Upon the disposition of the Kerry-Harkin amendment, the Senator from Arkansas, Senator BUMPERS, be recognized to offer an SDI amendment on which there shall be 30 minutes to be equally divided in the usual form, and no second-degree amendments be in order to the Bumpers amendment.

Mr. DOLE. Mr. President, reserving the right to object, is that just a $600 million cut, or allocated somewhere?

Mr. BUMPERS. I am sorry?

Mr. DOLE. Is that simply a reduction, or a reallocation?

Mr. BUMPERS. No. It is just a plain reduction. It goes on the deficit.

Mr. WALLOP. Reserving the right to object, Mr. President. The first thing one would ask is if we are likely to be finished with the amendment tonight before we start at 9 in the morning.

If we are, it might be of some use to start a little earlier.

Mr. NUNN. I say to my friend from Wyoming, I really believe—I do not know that anyone would object. Let us put it this way. If we get through in the next couple of hours, then I would suggest we start at 8:30 or 8 o'clock. I would suggest we nail down this agreement, and then we could ask unanimous consent to slide it forward.

I do not think anyone—Senator WARNER would be the first up. He would have no trouble. He will be here. We could be here as late as 4 or 5 o'clock in the morning. We have seven Grassley amendments. We do not know what they are. We think we have only one more rollcall vote required on this side with the Glenn amendment.

Right now, if we get through at 4, 5 o'clock in the morning, it would be hard to get people in here at 8.

Mr. DANFORTH. Reserving the right to object——

Mr. WALLOP. Would the Senator let me try to finish?

As the chairman well knows, I have spoken to him and I had reserved earlier the right to add an additional SDI amendment.

But I had thought we had squared the circle, as it were, and the Bumpers amendment is a new concept. I am reluctant to ask for authority to offer yet another one. But if this continues to keep going on, I will not agree to the end of the unanimous-consent request that no further amendments regarding SDI be in order.

We are going to have one, Warner, Bingaman, Shelby; we are going to have the straight Harkin-Kerry cut and reallocation.

Mr. NUNN. Will the Senator yield? The Bumpers amendment has been on the list all along.

Mr. WALLOP. So have two of mine.

Mr. NUNN. If the Senator would like to add one on here, we will do it.

Mr. WALLOP. Let me reserve the right to offer an amendment, 30 minutes equally divided, which I probably shall not offer. But I would like to reserve some rights in defense.

Mr. NUNN. I add to the unanimous-consent request that upon the conclusion of the disposition of the Bumpers amendment, that the Senator from Wyoming [Mr. WALLOP] be recognized for an SDI amendment on which there will be 30 minutes equally divided with no amendments thereto, and that upon the conclusion of the time there be a motion on the amendment, or pertaining thereto.

Mr. WALLOP. I would agree to that. It would be the hope of the Senator from Wyoming that both of those amendments would fall on the basis of the performance of the Senate up to that time.

Mr. NUNN. I thank the Senator.

Mr. DANFORTH. Reserving the right to object——

Mr. WILSON. Reserving the right to object.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Missouri.

Mr. DANFORTH. I wonder if the manager of the bill can tell us how much time in the aggregate would be spent under this time agreement on the subject of SDI?

Mr. NUNN. I say to my friend from Missouri that the way I count it, Senator WARNER would have an hour; Senator BINGAMAN'S amendment would have 4 hours; Senators KERRY and HARKIN'S amendment would have an hour; Senator BUMPERS' amendment would have a half hour; and Senator WALLOP'S amendment would have half hour. That is 7 or 8 hours.

Mr. DANFORTH. I just wonder if it is basically one subject; is it not? Is there some way to consolidate some of that? Maybe stack votes?

Mr. NUNN. I say I hope that can be done tomorrow. But if we can get this agreement now, I think that nature would take its course then. I think maybe with 4 or 5 hours of debate, we

will be able to make a move in that direction.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Reserving the right to object, may I make an inquiry of the distinguished chairman and make this comment, without intending to offend anyone who is offering a serious amendment?

The question was just asked as to the total time that we consume by all of these amendments. I think it points up the fact that we could consume the entire day in this debate. I do not begrudge that. It is an important subject.

On the other hand—this is where I do not wish to offend anyone—a series of amendments that simply step down the amount are not nearly as important as focusing upon the fundamental question that is proposed in the Shelby-Bingaman amendment, or the Bingaman-Shelby amendment.

The chairman has just indicated in his response what I am sure is a heartfelt wish on his part, and that is tomorrow there will be some who wish to not prolong the debate. It seems to me that the quality is more important than the quantity.

Perhaps we might advance the quality by focusing upon the central issue, the Bingaman-Shelby amendment, by setting a time certain for a vote. I suggest that if we are to achieve the kind of full participation the Senator from Wyoming wants in the debate so that there are people actually present on the floor and people willing to be counted, that it would be well to consider an ordering of these amendments that would allow debate and a vote at a time certain, sometime prior to noon.

Mr. NUNN. I say to my friend from California, that we could not make a vote, because the time limit itself would start at 9 o'clock in the morning, and we would move for one-half hour on the Warner amendment and 4 hours on the Bingaman amendment. That makes it 1:30. Another one-half hour on the Warner amendment, and then we vote on the Bingaman amendment. So I think everyone would know, if my arithmetic is correct, that is in the neighborhood of 2 o'clock.

Mr WARNER. Mr. President, on that, I have to say that I think it is best we keep absolute flexibility within the control of the managers and the time agreement, in the hopes that we can condense some of these times, and the sequence of voting could be changed.

Mr. NUNN. Nobody can be assured we would not have time yielded back and vote earlier in the day. That is our hope. But, on the other hand, I think everybody can be assured, if this unanimous-consent agreement goes through, we would be voting no later than 2 o'clock.

Mr. WALLOP. If the chairman would yield, it would be and it is my intention that some of the time be yielded back. As I understood it, the consent agreement as propounded was that the vote would take place at the conclusion of the debate on the Bingaman amendment.

Mr. NUNN. That is exactly right. That could take place at 11 o'clock, 11:30, or 12. But it will take place at the conclusion of the debate, when all time is yielded back.

Mr. WALLOP. I urge Senators not to be too far away and to listen to the debate.

Mr. NUNN. Anybody trying to play an early round of golf should play only nine holes tomorrow.

Mr. WILSON. Is there, as part of the unanimous-consent request, a definite order? I do understand that the first item in this order would be the Warner amendment, to be followed by the Bingaman-Shelby amendment?

Mr. NUNN. Debate will be on the Warner amendment, but the first vote on the Bingaman amendment. The Warner amendment will have one-half hour of debate without a vote, followed by 4 hours of debate on Bingaman, followed by a vote on Bingaman, followed by another one-half hour on Warner.

Mr. WILSON. I thank the Chair. I do not object.

Mr. NUNN. Mr President, I propose the request.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The text of the agreement is as follows:

Ordered, That Senator Warner be recognized at 9:00 a.m., Saturday, August 4, to offer an amendment on SDI, on which there shall be 1 hour for debate, with the time between 9:00 and 9:30 a.m. divided with 20 minutes under the control of Senator Warner, and 10 minutes under the control of Senator Nunn.

Ordered further, That at 9:30 a.m., the Warner amendment be laid aside and Senator Bingaman be recognized to offer an amendment on SDI, on which there shall be 4 hours for debate, equally divided and controlled between Senator Bingaman and Senator Wallop.

Ordered further, That no second degree amendments be in order to either the Warner or Bingaman amendment.

Ordered further, That upon the expiration or yielding back of time on the Bingaman amendment, the Senate proceed to vote on, or in relation to, the Bingaman amendment.

Ordered further, That upon the disposition of the Bingaman amendment, the Senate resume consideration of the Warner amendment, with the time remaining to be equally divided and controlled by Senator Warner and Senator Nunn.

Ordered further, That upon expiration or yielding back of time on the Warner amendment, the Senate proceed to vote on or in relation to the Warner amendment.

Ordered further, That upon the disposition of the Warner amendment, Senator Kerry be recognized to offer, on behalf of himself and Senator Harkin, an amendment on SDI, on which there shall be 1 hour for debate to be equally divided and controlled in the usual form.

Ordered further, That no second degree amendments be in order to the Kerry-Harkin amendment.

Ordered further, That upon the expiration or yielding back of time on the Kerry-Harkin amendment, the Senate proceed to vote on or in relation to the Kerry-Harkin amendment.

Ordered further, That upon disposition of the Kerry-Harkin amendment, Senator Bumpers be recognized to offer an amendment on SDI, on which there shall be 30 minutes for debate, equally divided and controlled in the usual form.

Ordered further, That no second degree amendments be in order to the Bumpers amendment.

Ordered further, That upon the expiration or yielding back of time on the Bumpers amendment, the Senate proceed to vote on or in relation to the Bumpers amendment.

Ordered further, That upon disposition of the Bumpers amendment, Senator Wallop be recognized to offer an amendment on SDI, on which there shall be 30 minutes for debate, equally divided and controlled in the usual form.

Ordered further, That no second degree amendments be in order to the Wallop amendment.

Ordered further, That upon the expiration or yielding back of time on the Wallop amendment, the Senate proceed to vote on or in relation to the Wallop amendment.

Mr. NUNN. Mr. President, I thank all Senators. I thank the Senator from Wyoming for his cooperation. I thank the Senator from Alabama [Mr. SHELBY] and I thank Senator BINGAMAN for his cooperation, in coming back in here late tonight. He has had a very strenuous day. He has had illness in his family. I thank the Senator from Virginia.

I propose to the Chair at this point that we go to the Glenn amendment. My understanding is there will be a 30-minute limit on that.

Mr. WARNER. Reserving the right to object, and I shall not, can we have the further understanding that, at the conclusion of the Glenn amendment, Senator GRASSLEY would be recognized for the purpose of propounding his amendment?

Mr. NUNN. I think that would be fine. The Senator is not propounding it in the unanimous consent but as a matter of information.

Mr. GORE. Reserving the right to object, Mr. President.

Mr. NUNN. I do not think there is a unanimous consent propounded as yet.

Mr. GORE. I thought consent was requested that we go to the Glenn amendment. I do not intend to object. I was just going to say that the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Arizona [Mr. MCCAIN] and I have worked all through the last couple of days, and finally have reached agreement on a significant amendment we thought might be controversial, but now has been cleared on both sides. It is not expect-

ed to take any length of time at all. I simply ask that after the Glenn amendment, and before we get into a long series of other subjects, that we might be able to take that up, and we would agree to any time limit the manager would suggest.

Mr. NUNN. I have no objection to that. I wonder if he would not want to wait until Senator BINGAMAN was here before bringing that one up.

Mr. GORE. We have consulted with him on that matter. It is the Bingaman-Gore-McCain amendment. Because he is going to be absorbed in the other matter when he returns here, he expressed a preference that we go ahead and do this, as he returns after midnight.

Mr. NUNN. I would like to accommodate my friend from Tennessee, but I have a request from Senator GLENN, who has a controversial amendment that has to have a rollcall, and then Senator GRASSLEY has six or seven amendments, and we would like to give him a chance after Senator GLENN, because it demands a rollcall vote. If we have an interlude where we can work it in, we will do that.

Mr. GORE. I say to the Chairman we would accept the time limit of 10 minutes equally divided. It is just that we were hoping to do this before we got into six amendments that would take so long.

Mr. NUNN. Has that amendment been worked out?

Mr. GORE. Yes

Mr. NUNN. How long will it take the Senator to explain it?

Mr. GORE. We would accept a time limit of 10 minutes equally divided.

Mr. NUNN. Mr. President, I say to my friend from Tennessee, I think what we are trying to do now is alternate. We have had several amendments on this side, and we have not had any on that side. We have not had Senator GRASSLEY here to present his amendments, but he is coming. I suggest that we go to the Senator from Ohio at this point in time, and I will work with my friend from Tennessee.

Mr. WARNER. Mr. President, if we can accommodate the Senator from South Carolina at his earliest possible convenience.

Mr. NUNN. Mr. President, I yield for a question to the Senator from Ohio.

Mr. METZENBAUM. We have been spending a lot of time talking about how much time will be allocated on each amendment. I have no problem about that at all, but the Senator from Ohio, and I think some others as well, would like to have an opportunity at some point to debate the merits of the whole bill, and I just want to be assured that there will be no effort made by the managers of the bill to preclude that from happening, when we are off the floor, with some unanimous-consent agreement that we vote at a time certain and therefore preclude the opportunity to debate the substance of the bill

Mr. NUNN. I say that we are going to be here all night, or as long as necessary, until everyone is finished, everything but SDI. We do intend to propound a unanimous-consent agreement sometime this evening that we would have a time certain for final passage.

Mr. METZENBAUM. I will stay and I will object, because I do not think we ought to have to debate the merits of this bill in its entirety at 4 o'clock in the morning. I do not think that is reasonable. I think it is appropriate to expect to be able to debate it during the daylight hours, and I am not talking about a filibuster or any extended debate.

Mr. NUNN. How much time would the Senator like to have? Perhaps we can get unanimous consent for that now.

Mr. METZENBAUM. Sometime tomorrow, one-half hour.

Mr. NUNN. Would the Senator be willing to start at 8:30 in the morning?

Mr. METZENBAUM. No. I would not.

Mr. NUNN. What time does the Senator desire? When would the Senator want to have the one-half hour?

Mr. METZENBAUM. 10:30, 11 o'clock, 1 o'clock, 2 o'clock.

Nr. NUNN. I will try to work with the Senator, and if he objects to a final passage——

Mr. METZENBAUM. I am just asking the manager of the bill not to ask for unanimous consent with respect to a time certain for final passage, unless the Members of the Senate are given adequate notice so we can be here to object.

Mr. NUNN. I will do my best to accommodate the Senator. I am sure the staff will note his objection to a unanimous-consent agreement on final passage. I want to put the Senator on notice, it is my intention to seek a definite time for that. A lot of Senators want that. I am getting requests from people who want to know when we are going to finish the bill.

Mr. METZENBAUM. I understand what the Senator is saying, but I am sure the Senator respects the right of each Member of this body to be able to divest himself or herself to the substance of the bill.

Mr. NUNN. I do, and the Senator makes a reasonable request. Does the Senator from Ohio, Senator GLENN, agree to 30 minutes?

Mr. GLENN. Yes.

Mr. NUNN. Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for an amendment on a 30-minute time period, with 15 minutes on each side, and that there be second-degree amendments and, upon concluding the debate and yielding back of time there will be a vote on or release to the Glenn amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I yield to the Senator from Nebraska.

Mr. EXON. Mr. President. having been involved in the debate of the Defense authorization bill, I am encouraged that so many Members of this body have become increasingly aware of the complexities of the defense bill and the many systems that we deal with in the committee.

There has been considerable debate on the legitimate concerns of many about assuring as best we can that there are adequate tests and assessments before we launch into full production of any system. That is good and I assure all that the Armed Services Committee focus on this proposition of "fly before you buy."

Incorporated in the bill this year there is further protections than ever before to carry out this concept. Often-times the committee has been unjustly criticized for wanting to "micro—manage" the programs. We would rather not "manage" but are convinced that greater involvement by the committee is necessary both to carry out the intent of the laws that we pass and to keep in operation the checks and balances that are necessary by our system. Two things are paramount, protecting the taxpayers' investment are providing for a sound national defense.

We welcome the suggestions of others. We call for and received information, briefings, reports as we discharge our oversight responsibilities. Any suggestions for additional key information is welcome.

We frequently call on the General Accounting Office and others for studies and reports back to us on a variety of issues. While we do not always accept at face value such reports they have been very helpful and are oftentimes balanced with other expert witnesses called before our committee.

We have had extensive debate on the B-2 system. There have been good questions asked by both opponents and proponents. As a committee we have been addressing concurrency in this expensive system along with others.

The 13 fences or hoops that we have included in this bill for the B-2 is vivid demonstration of how the committee is insisting on proceeding only on a most prudent basis. There are billions of dollars not yet spent because of restrictions on the B-2 from last year's authorization.

The Rail-Garrison MX Program also was found by the GAO to have substantial concurrency between acquisi-

tion of the trains and the start of test launches of MX missiles from a rail-car launcher. For this reason, the committee eliminated all the procurement funding for the MX trains. Of course, the committee is also aware that the Air Force has proposed in its fiscal years 1992-97 POM to abandon all mobility options for both MX and the small ICBM, but we will not know whether or not Secretary Cheney accepts that proposal before the fall. Accordingly, the committee has fully funded the requested R&D Program for both the rail-garrison MX and the small ICBM, maintaining options for mobility and preserving the leverage of our arms control negotiators.

A second element of guidance was to maintain nuclear deterrence at lower force levels, and, by inference, at lower overall cost. Accordingly, the committee made several important decisions.

First, the administration was unable to tell us authoritatively how many Trident submarines they seek. Secretary Cheney said "20 or 21 Tridents" in testimony earlier this year. Navy witnesses at first declared the answer to be "24, with 21 accountable." However, when asked to state how many Tridents were in the Navy's fiscal years 1992-97 POM submission to Secretary Cheney, they gave evasive answers. Two days later the press exposed the fact that the Navy proposed in the POM submission to stop at 18 Tridents.

Given this conflicting evidence, the committee has authorized the 18th Trident submarine in this bill, but has authorized no advance procurement for any Trident submarines beyond this. Should the administration decide and the Congress agree that more than 18 Tridents are needed, new Trident submarines will have to be authorized at a slower pace, such as 2 every 3 years, or perhaps 1 every other year.

Second, after careful consideration and extended debate, the committee accepted my recommendation to terminate the troubled and costly Milstar Strategic C3 Satellite Program. Long-delayed and well over budget, Milstar would have required us to spend some $40 billion over the next 20 years, to acquire and operate this Rolls Royce of Strategic C3. Given the budget outlook, the committee decided that the Nation couldn't afford either the monthly payments or the gas money for a new Rolls Royce.

Indeed, we concluded that the $40 billion we have invested over the last decade in improving Strategic C3 has provided us with at least the equivalent of a Chevy—good, basic, reliable Strategic C3. In addition, one of the major capabilities Milstar would have provided is what SAC and the DOD call dynamic planning. In plain English, this means they want the capability to replan our targeting of strategic weapons—that's the SIOP—right in the middle of World War III.

If you accept this concept, then Milstar would be needed to send out all those changed orders to bombers flying over the North Pole, and so forth. In my view, we don't need that capability for deterrence and we can't afford it. We have invited DOD to put together a cheaper and less gold-plated substitute for Milstar, for our consideration on next year's authorization bill.

The committee's third action under this heading was to reduce the funding for the strategic defense initiative by $887 million in DOD and by $85 million in DOE. This puts the DOD figure at the same level as last year, $3.573 billion, and cuts DOE funding below last year's level. In its report, the committee took exception to the administration's plan to make, in the summer of 1993, an informed decision on development of a phase 1 missile defense system. In our view, the SDI will not be ready for such a decision by then—a view which was strongly supported in a GAO report released last week.

We were prepared to debate and vote in committee proposals for a fundamental restructuring of the SDI Program, but, at the chairman's request, we decided to defer this debate until the bill reached the floor. I am sure we will have a vigorous debate over the Bingaman/Shelby amendment.

Since I mentioned DOE, let me take a minute to outline adjustments to the budget request for DOE defense programs. As Members will recall, in each of the last 2 years, the committee transferred a substantial sum from DOD accounts to the Department of Energy in order to increase the funds available for cleanup of DOE sites. However, this has led to problems with 302B allocations, to friction with the two sets of appropriate funds pursuant to this authorization, and to the prospect of a continuing, long-term drain on DOD funds at a time when the DOD defense budget is itself plummeting.

Accordingly, last year we put down a marker telling the administration that, if it didn't fund DOE cleanup adequately in this year's request, rather than transferring money from DOD accounts, we would take money from the DOE weapons accounts and put it into cleanup. Sure enough, the administration didn't request adequate funds for DOE cleanup again this year; as a result, we have taken $380 million from the DOE weapons accounts and given it to the DOE cleanup fund.

Let me repeat last year's warning to the administration. This underfunding problem at DOE is getting worse, not better. The latest DOE estimate for the 5-year cost of cleanup at DOE facilities is $28 billion, or between $5 and $6 billion per year, and roughly 90 percent of that bill has to be paid by DOE defense programs. That rate is two to three times greater than the funding level for cleanup in this bill. Next year we will have to spend still more on cleanup. The Armed Services Committee will not, repeat, will not, transfer DOD funds to DOE to cover cleanup costs next year. Indeed, DOD's own cleanup costs are about to go through the roof, as we close down bases and installations, here and abroad. So, I hope my message is clear—if cleanup is not adequately funded in the DOD and the DOE budget requests next year, we intend to cut the requests for weapons programs in both DOD and DOE, and use those savings to increase the cleanup funds in both Departments.

Finally, Mr. President, let me quickly enumerate the other terminations or cancellations in the strategic forces area. The bill terminates further DOD participation in the National Aerospace Plane—or NASP—Program. We have canceled funding for the development of Follow-on-to-Lance, the new 155MM nuclear artillery shell, the Bigeye binary chemical bomb, the binary warhead for the MLRS system, and the 155MM binary chemical artillery round. All of these actions are consistent with recent administration policy decisions.

Overall, the committee reductions to strategic forces total over $5 billion from the amended budget request. While many of these decisions were difficult and the cuts will be painful, I must reiterate the message that this is only the beginning. It is quite likely that further reductions to this bill will be required before the Congress adjourns, and next year we will be required to make further difficult termination, slowdown, and deferral decisions. To those who say, "How can you cut this program?" I would simply say, "Tell me what you would propose to cut instead." Indeed, in my judgment, it would be irresponsible for this body to accept any amendment which would increase defense BA outlays unless that amendment also clearly identifies offsetting BA and outlay reductions.

Mr. President, in closing I would like to thank all the members of the Strategic Forces and Nuclear Deterrence Subcommittee for their assistance and support during this difficult process. I also want to thank the chairman of the full committee, Senator NUNN, and the ranking minority member, Senator WARNER, for their clear and compelling guidance and leadership. And, above all, I want to recognize the able leadership and stalwart activities of my friend and colleague, the ranking minority member on my subcommittee, Senator STROM THURMOND, and who has made major contributions to

the work of the Strategic Subcommittee.

Mr. President, I shall have much more to say about particular decisions on strategic forces during the course of the debate on this bill.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2552

(Purpose: To strike out sections 2809 and 2810, relating to the use of funds from the leasing and disposal of Department of Defense property)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio, [Mr. GLENN] proposes an amendment numbered 2552.

Mr. GLENN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 321, beginning on line 4, strike out all down through line 19 on page 323.

Redesignate sections 2811 through 2814 as sections 2809 through 2812, respectively.

Mr. GLENN. Mr. President, I had a "Dear Colleague" put around on each one of the desks here that explains the basic parts of this amendment, and why I am putting it in. I hope people will take time to read it.

This amendment deletes sections 2809 and 2810 from the bill. Mr. President, these provisions provide that the revenue obtained from the sale of excess Department of Defense land and from the lease of Department of Defense assets not go back into the Treasury they normally would, but be returned to the Department of Defense.

This may have been OK at one time, when there were very small amounts. When the funds were not that large but that was in the past. Now we are going to be disposing of major chunks of property, and splitting properties up. And where properties are split up, the way the law reads now, what is provided in this bill, is that when property is sold the money goes back to the Defense Department.

The current law provides for the funds from the sale to be earmarked for the land and water conservation fund and the funds from lease of Government property are generally to be returned to the Treasury.

My amendment would continue the current law. It would not permit the additional amounts to be given to the Department of Defense.

The Department of Defense requested this change. I thought this was rather interesting. The reason the Department of Defense requested this change was to provide an incentive, they said, to encourage their commanders to pursue excess property disposal and lease of department assets.

The Defense Department request was that only 50 percent of the proceeds be returned to them, but here in the Senate this amount was raised to 100 percent.

Mr. President, it is my opinion that pursuing property management of all their resources, whether it is real estate, real property, personnel or anything of a value, is already a duty. It is a responsibility of these commanders. I am not in any way convinced that incentives are required to motivate them to do their job. If incentives are required, then there is something wrong with the system and something wrong with the people assigned to these particular jobs.

In addition, I am concerned that DOD should be singled out of all Government agencies to receive this authority. If we do it for one department we should do it for all.

What happens in Interior when they sell some park lands, should that money go back to the Interior Department, or should it go back to the Treasury to be applied to the national debt? I think most would say it should go back to the Treasury. That is not what is happening in the Department of Defense with what is provided in this bill.

The provisions in the sections that I wish to delete limit the expenditure of these funds to facility maintenance and repair, and for environmental restoration. This is true. However, separate accounts within the Defense Department budget already provide for these accounts. We already provide for maintenance and repair facilities and for environmental restoration, by other accounts. So this, in effect, lets them bring back in surplus money that can be used for other things. Providing this extra money wil give the Defense Department ability, to upgrade the facilities without the proper oversight, for which we in Congress are responsible.

That begins to be a very questionable procedure to me. I have been informed that the General Services Administration thinks there should be some provision like this, but for application governmentwide. However, their request will limit the agency share to 50 percent, not the 100 percent that is in this bill.

So GSA opposes the provisions in the DOD bill because of this difference.

Mr. President, I do not favor a provision which provides a monetary reward to agencies for selling or leasing Government property. That smacks of a contingency fee; it smacks of a formation of a slush fund. I do not think we need any more of those set up in Government.

However, if we must implement something like this, it is appropriate that we wait for the GSA proposal, that we hold hearings on governmentwide implementations, and only then take action.

I see no reason why Defense should be singled out, especially when there is no oversight on their expenditure. I am uncertain how much money these provisions would generate. In the past, we have talked about $20 million, $40 million, $45 million. I have been given an estimate from the Defense Department of about $80 million a year. However, the rational accompanying the estimate lacks any detail, and I do not know whether or not this is a fair representation.

The Interior Department has said that the portion of the proceeds that went to the land and water conservation fund in fiscal 1988 was $36.7 million. But listen to this. That was in 1988. It was $36.7 million. The estimate for 1990, just 2 years later, is $214 million.

It has gone up about 6 to 7 times in just 2 years. And that may just be the start. However, this may be just another of the rosy estimates of receipts to support deficit projections. I do not know how much money it is; I think $80 million is too conservative by any estimate. And if this is correct, then it is $80 million more spent on Defense facilities than prudent review by the authorization appropriations committees adjudged was necessary and available under current conditions.

In other words, what was necessary for this type operation was already provided. This money comes back as extra money. And it comes back, let me tell my colleagues, outside of authorization control by the Congress, outside of an appropriation control by the Congress, and it would give authority to spend this money, however large the account became. There is no limit on it.

As we get into a period where there is liable to be more, instead of less, money coming back to the Government because of land sales and asset turnover, because of our drawdown of our defense capability, it means that more and more comes back into an authorized, unappropriated account for use by the Defense Department or base commanders at their discretion and with no control, no oversight by the Congress whatsoever.

So, Mr. President, finally, this money has to come from somewhere. Currently the Government gets back about $50 to $100 million a year from all these accounts. If we give this to DOD and they spend it, it means that much that is not being used to eradicate the debt. In other words it adds that much to the debt.

I urge the adoption of this amendment. I want to see us set up a very responsible policy into the future, and, to me, this is not the way to do it.

I reserve the remainder of my time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator has 6 minutes and 36 seconds left. The Senator from Illinois controls 15 minutes of time.

Mr. DIXON. Mr. President, I yield such time to my colleague from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, I urge my colleagues to oppose the Glenn amendment. The Glenn amendment, I think, is overreaction to an understandable desire on the part of Members of not just the Senate Armed Services Committee but those concerned with our national security, to try to provide some flexibility and some material assistance to those who routinely find that the easiest thing for us to cut in the Defense budget is military construction, the kinds of things, the kinds of routine maintenance that seems to be endlessly deferred as the path of least resistance.

What is proposed here is very simply that base commanders have an option not simply to cast caution to the winds, indeed they would have to gain appropriations in order to spend the money that would be the proceeds of the sale or lease of property.

But what we are talking about is not an enormous amount of money to begin with. It is $40 million annually. It is not enough, in fact, to do something that I wish we could do, which is to put a great deal more into the environmental cleanup fund within the Pentagon to deal with those sites that are on the national priority list. It does not begin to approach that magnitude to permit that kind of accelerated cleanup.

What it does do is to allow a base commander who is faced, perhaps as he comes to relieve his predecessor and finds that there is serious long-term deferral of maintenance that is routine, it gives him the opportunity if a farmer says to him, I would like to lease 20 acres that you do not seem to be using and I would like to be able to farm there, the base commander can receive the proceeds from that sale and he can gain approval of their expenditure for routine maintenance.

I think, Mr. President, that in a time in which we are increasingly faced with the reality of constraints upon defense spending and particularly upon military construction, and particularly upon routine maintenance, that this is simply a flexibility that is highly desirable.

I see no reason to cloud the recommendations that brought this to us. It came from recommendations of the defense management review. It was in that legislative package. And what we have done is go it better, slightly. It is true that they recommended that half be kept. We are allowing discretion to be made over the full procedure.

Let me suggest, Mr. President, that when we go to conference there will be in the House conferees a dissimilar passion and that this gives us some bargaining power. If in fact we intend to come out at that point that was recommended by the defense management review, then we had better start by having the kind of provision that passed out in the committee report and in the committee bill.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 11 minutes and 30 seconds remaining.

Mr. DIXON. Mr. President, I yield 5 minutes.

I thank my friend, the Senator from California, for his observations. I totally agree with him. My friend from Ohio is a very astute and fine Senator and an excellent member of the committee.

But I put it to my colleagues in the Senate: We live in a time where for years and years and years as far as the eye can see in the future, the amount of money for the Department of Defense and its efforts is going to be substantially reduced.

Let me tell my colleagues what we are talking about here is a limited thing. The sales or leases or monetary dispositions of real estate and property of the Department of Defense, under the provision of the bill that came out of my subcommittee that I chair Mr. President, would be funds that would go into the Department of Defense account rather than the general revenue fund.

Now let me tell my colleagues several things. First, those funds would have to be appropriated by the jurisdictional committee, the Appropriations Committee and, obviously, I think in almost every case, the Subcommittee on Defense Appropriations. That is No. 1.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. DIXON. May I conclude first?

Second, the money must be used for real property maintenance and environmental purposes. Can I tell the Members of the Senate one thing that is clear: We have been cutting real property maintenance for years in my subcommittee. I am telling you, if you do not believe this Senator, go around the country. Any person that is involved in the Armed Services Committee or cares about the quality of life and the maintenance of real property in this country, it will bring tears to your eyes to see what we are doing to our real property in the country by not keeping it up like you keep up your own home.

I see my friend, the Senator from Nevada. He just bought a house on the Hill. He is trying to fix it up. I just went through it myself. I will tell you if you own a piece of real property, you have to fix it up once in a while—paint it a little bit, fix it up, put some hinges on the doors.

We are not doing that now. This money is going to be used for real property maintenance that has been getting it in the neck year after year and it is going to be used for environmental purposes, I say to my friends on this side who cry and are always concerned about what we do for environmental concerns. This is the money from the real estate that we sell from our bases and the leases and rentals we collect being used by the armed services, the Department of Defense, for real property and maintenance.

Now let me make this last point. Near my hometown of Belleville, 7 miles from my hometown is a great airbase, Scott Air Force Base. It is the Military Airlift's communications command, transportation command. Right now my hometown of Belleville and the whole State of Illinois is trying to start joint usage at that airbase so we will have commercial aviation that could go in there that cannot fit in from St. Louis—my friend from Kentucky knows when you try to get in St. Louis they are backed up to often—trying to put joint use in their passenger airplanes.

If that base wants to cooperate, and they do, and they want to lease some land so we put in joint use, so cargo airplanes, Federal Express, maybe if we are lucky American Airlines, TWA, United sometimes come in when they cannot get into St. Louis and other things, we that is the inducement to do it. If they do it now, the money goes into the Treasury to the general revenue fund for other purposes.

But under this amendment in our subcommittee that money would be used for real property maintenance to paint those buildings and fix those hinges and do the things that benefits Scott Air Force Base and maybe clean-up some of the shooting ranges in places where there is environmental concerns.

My friend from Ohio is a great Senator, and there is no more valuable person on the Armed Service Committee. But I am going to tell you something. I will bet when they come in this Senate next time and they want to do this with GSA, which goes into his subcommittee, he will like that all right.

This is fair, it is reasonable. Now if my good friend the Senator from Ohio will say we are not going to look at it anymore, then he would be right. We are going to be looking at this every year in the Appropriation Committees. This is a good bill now and we should not adopt this amendment. I urge my colleagues to not support the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes, 36 seconds. The Senator from Illinois has 6 minutes, 33 seconds.

Mr. GLENN. Mr. President, I yield myself 3 minutes.

The distinguished Senator from California said $40 million is not a big amount. It is a big amount, but comparatively he is right. But that was the DOD figure based on 50 percent. The DOD estimate that they gave us was that if we go to 100 percent, which is in the bill right now, that takes it up to $80 million right there.

And GSA, quite contrary to what my friend from Illinois says, GSA says one of their objections in this bill is that there is no authorization and no appropriation process. And if the distinguished floor manager will listen, I am commenting on what he said a moment ago, that GSA's comment on this is there is no authorizing process or no appropriations process. This becomes a giant slush fund. That is all you can call it. Why we let these people go out and say I am going to get this money back, and then I am going to decide where it goes, and I am going to try to attract an airline into a certain base in Illinois at their discretion to pursue these funds.

When defense dollars are reduced, we need better control, not less. We are the ones that establish a maintenance schedule at a base, and a base planning schedule and a base refurbishing schedule. We provide maintenance funds to do that every year in this budget.

Now we are saying "But we are going to give them a big slush fund that they can use as they see fit out there." How ridiculous. We just discovered all the M accounts that nobody ever knew anything about. I had a hearing the other day on the merged account where there are billions of dollars in authority over there and we are in effect going down that same track, setting up more M accounts, more slush fund accounts. I submit we need more control instead of less.

Contrary to what was said, this money that will come back in does not go through an authorizing process. It does not go through an appropriate process. And that is one of the things that GSA wants to provide when they bring the bill up.

I must say, I get a little incensed when implication is cast around here that the reason I am doing this is so when it comes back from GSA, it will come to the Governmental Affairs Committee. Nothing could be further from the truth. I really do not want to deal with this in particular, but I see this as an inequity and a potential M account, a potential slush fund account, a potential account here that is not covered by authorization, it is not covered by appropriations processes, and ordinarily we would be really out there objecting to something like this except it happens to be in this bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, my friend has laid so much emphasis upon what GSA told him that I have the painful duty to tell him that they have misinformed him. He has laid great emphasis upon the fact that there is not sufficient oversight; there is no appropriation required, he has been told, by GSA.

Let me invite the attention of GSA, and my good friend from Ohio, to the language in the bill at page 321, line 24:

> The amount deposited in such account with respect to the disposal of any such land shall be available to the extent provided in appropriation acts as follows.

I think my friend has been misinformed by GSA.

Mr. DIXON. Will my colleague yield for a moment?

Mr. WILSON. I will be happy to yield.

Mr. GLENN. Where are you reading from?

Mr. DIXON. I want to inform my friend from California—who is absolutely correct that that is what the bill provides—when we got it from the administration, it did not provide it and we put it in in committee. It does now provide it. My friend from California is absolutely correct, that was the work of the subcommittee and then the committee, and it is appropriated funds now.

Mr. WILSON. Mr. President, let me simply continue by saying the other argument that my friend from Ohio makes is that this will create a slush fund. I wonder if he thinks the Federal building fund is a slush fund? It is, after all, the fund into which we deposit the proceeds of sale of Federal buildings.

GSA administers that fund. I do not think GSA more competent than the Congress of the United States when we are required, as the law requires, as set forth in the language that I quoted, to exercise our powers of appropriation.

Mr. President, what we have is something very similar to what happens now when Federal buildings are sold. The proceeds go into a Federal building fund. The purpose of that fund is to finance the construction of new Federal buildings.

It does not seem to me to be terribly different than what is being proposed here in order to address what has been perennially shortchanged, maintenance projects which do not quite make the cut in those tight years, year after year, in which we find the path of least resistance is to cut the military construction budget and, in particular, those maintenance projects that are not very glamorous, those environmental programs which do not begin to come to the magnitude of national priority listings.

But, at the very least, we should allow these base commanders to be good corporate citizens. We should allow the Air Force, the Army, the Navy, and the Marine Corps to be good corporate citizens. We do not want their property to be a blight upon the neighborhood. We do not want them to be shabby. And we certainly do not want them ignoring their environmental duties.

What we are saying is that whether we lease or sell some portion of an existing military site, that with congressional oversight, with the requirement for congressional appropriation, we permit the use of these funds in the very same way that the proceeds of sale from Federal buildings go back into a Federal building fund to be used for the acquisition of new Federal buildings by the GSA.

Mr. President, that is all this is. It is a very good idea, and if we are to recognize and realize the full value of this good idea, then I think we ought to leave it as the subcommittee and the committee passed it. Leave it this way. If there are changes to be made in conference to diminish it by those who are eager to see it go into the hands of GSA exclusively, then let the conferres do battle. Let us not change it here on this floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I will make a short remark and yield back the remainder of my time if the floor managers are willing to do that.

Mr. President, whether it is authorized or appropriated, this is an effort as they stated when they proposed this, that they wanted this to encourage people to go out and raise money, which they would be able to spend on their own bases, for their own purposes. Whether it is authorized or appropriated is something else. But to me it is not the right incentive.

We normally provide the funds for maintenance and for upkeep of these bases. It should not be up to the base commanders to have to go out and do that, to try and get some of the money which the committee cut back. We went from 50 percent up to 100 percent. We are not talking about small amounts of money.

The Interior Department has said the portion of the proceeds that went to the land and water conservation in fiscal 1988 was $36.7 million. They estimate that for fiscal 1990 it could be as much as $214 million. That is not small money. That is getting up close

to a quarter of a billion dollars, or 20 percent of a billion dollars when we get up there. We are not talking about little amounts of money. We are talking about giant amounts of money out there.

Mr. President, I think when we are doing away with M accounts and things like that, it just seems to me we are going in the wrong direction with this, and that is the reason I put this amendment in. I urge support for it.

If there are not comments on the other side I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DECONCINI). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. In the brief couple of minutes we have left, let me say to my colleagues this whole thing was designed to be an incentive for bases around the country to sell some of their real estate from time to time or to lease some of it, if it is advisable.

Under this kind of law on the books, they will do that because the money will accrue to their benefit for real property maintenance and for environmental purposes only if it is appropriated properly by the appropriators in the Congress. If we do not do that, why would they ever sell any real estate? Why would they ever lease any? Why would they put it right in the general revenue fund for some other purpose, whatever it might be, that does not accrue to their benefit? There is absolutely no incentive to do it. I hope my colleagues see that.

This is a good, commonsense amendment. The Congress positively has a right to control it by the appropriating process. It is a real good idea; we studied it carefully. I assure my colleagues it makes good sense. I admire my colleague from Ohio. I ask my colleagues to oppose his amendment.

I yield back whatever time we have left.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I would rather see this money go back into the U.S. Treasury. We have enough debt. We provide the money for the maintenance of these bases. It should not be up to them to generate their own funds. What I want these funds to do is go back into the U.S. Treasury to be used for the debt, not out there as some sort of slush fund.

Mr. President, I yield the remainder of my time and ask for a vote.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Ohio.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. PRYOR] is necessarily absent.

I also announce that the Senator from New Mexico [Mr. BINGAMAN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 67, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—29

Biden	Grassley	Mitchell
Bumpers	Harkin	Moynihan
Burdick	Hatfield	Pressler
Cohen	Heinz	Reid
Conrad	Kerrey	Roth
Cranston	Kohl	Sanford
Daschle	Leahy	Sarbanes
DeConcini	Levin	Sasser
Fowler	Lieberman	Simon
Glenn	Metzenbaum	

NAYS—67

Adams	Ford	McClure
Akaka	Garn	McConnell
Baucus	Gore	Mikulski
Bentsen	Gorton	Nickles
Bond	Graham	Nunn
Boren	Gramm	Packwood
Boschwitz	Hatch	Pell
Bradley	Heflin	Riegle
Breaux	Helms	Robb
Bryan	Hollings	Rockefeller
Burns	Humphrey	Rudman
Byrd	Inouye	Shelby
Chafee	Jeffords	Simpson
Coats	Johnston	Specter
Cochran	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Kennedy	Thurmond
Dixon	Kerry	Wallop
Dodd	Lautenberg	Warner
Dole	Lott	Wilson
Domenici	Lugar	Wirth
Durenberger	Mack	
Exon	McCain	

NOT VOTING—4

Armstrong	Murkowski
Bingaman	Pryor

So the amendment (No. 2552) was rejected.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield to the majority leader if he seeks recognition.

Mr. MITCHELL addressed the Chair.

Mr. LEAHY. Mr. President, I make a point of order that the Senate is not in order.

Mr. DIXON. Mr. President, the Senate is not in order.

Mr. LEAHY. Those of us who are standing 4 feet from the majority leader cannot hear him.

The PRESIDING OFFICER. The majority leader is not talking. That is why you cannot hear him. [Laughter.]

Mr. LEAHY. I knew there was a reason.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. MITCHELL. Mr. President, I commend the managers for the perseverance that they have displayed in moving this bill forward.

I understand that we are now close to the point when there will be no further amendments requiring rollcall votes other than the SDI amendments, which are already scheduled for consideration tomorrow under the previous order.

I suggest that any Senators who have amendments which are to be presented and will require rollcall votes should come forward to present them now so we can complete the voting that is necessary. The managers can then take whatever other amendments will be required, and we can have everything done, except for the debt limit, which remains for consideration this evening, and then the SDI amendment tomorrow. We can have final action on the bill sometime tomorrow afternoon.

Mr. McCLURE. Mr. President, will the majority leader yield?

I say to the distinguished majority leader I have a problem because I do not know what amendments are going to be offered. I do not know whether the amendments that I have on the list are precautionary, in the event that something else is done that has been on a prior list, and I do not know whether those other items are still on the list or not. If they are off the list, mine will go away. If they are still on the list, mine are there. They may require a rollcall.

Mr. MITCHELL. Might I suggest to the distinguished Senator that the respective staffers, majority and minority, are maintaining current lists of the status of amendments.

Mr. McCLURE. I understand that. But until we have an agreement with respect to whether or not these amendments are going to be offered, any person can come in and offer any amendment that they wish. All I can say is I would like to be able to assure everyone that I have no amendments. I can make that assurance as soon as I know that the other amendments will not be offered. The only way I know to get that done is to have an agreement entered on the RECORD that says these amendments and only these amendments shall be offered.

Mr. REID. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. REID. I have been waiting around for 2 days to offer an amendment. We had two amendments. One

we worked out during the day, and I had another tentative agreement worked out with the Senators from New Mexico. It is my understanding now that the senior Senator from Wyoming has a problem with the amendment.

I wanted to make sure that I was still on the list. I waited a long time to offer this amendment.

Mr. NUNN. Is that the atomic veterans amendment?

Mr. REID. The underlying bill is floating around in the committee some place, and has been for a long time. There are 39 cosponsors.

Mr. NUNN. We know about the amendment that Senator BINGAMAN also, I think, is involved in. I do not know about the second amendment.

Mr. RUDMAN. Let me say to the distinguished leader that I have an amendment that would be, I think, of very substantial interest to this entire body because it would remove a quirk from the law which I tell my colleagues will make every military base that is closed in this country impossible to develop because of a quirk in the environmental law. I have been hoping it would be accepted. I cannot believe that it would not be.

I do not want a rollcall vote on this, but I am concerned because when a base is closed you could not have anybody to go to work there. If the Environmental Committee would advise me that they will accept it, I will not require a vote or even any debate.

Mr. MITCHELL. Mr. President, this represents an effort on my part to expedite matters and accommodate the many Senators who do not have amendments to offer, and would like to have the matters promptly disposed of so they could, understandably, leave and go home. They are all very tired, having been here many long nights.

But it appears I was a little premature. This is one of those many occasions where the effort to save time is merely spending time. Might I suggest under the circumstances that the managers simply proceed and let us get as many more amendments as possible completed. At the earliest time that we deem wise and appropriate, we will make another effort.

Mr. SIMPSON. Mr. President, the Republican leader will return in a few moments, but at this time we will try to assess, the best we can, if I could get some evidence from those of us on our side of the aisle, those who would require rollcall votes on their amendments, if they could stand and identify themselves or let the minority leader know who on our side of the aisle will require a rollcall vote.

I heard the explanation of the Senator from Idaho. I understand that. Either that or seal off the amendments and just have a unanimous consent where we just say no more amendments will be accepted, and I think we are at that point. We might do that.

Mr. NUNN. I say to my friend I think that is a good idea. The problem is we are going to have to consolidate lists. We have one list over here that is being worked hard on that side, and another list over here. We will try to do that. We do not have a consolidated list. There is no way you can refer to a list when there are several lists floating around. We will try to get a consolidated list together.

But at this time, we really are not in a position to know which ones are there. I would say all Senators ought to be on notice that we are at some point going to ask all amendments be closed out.

Mr. MITCHELL. Mr. President, might I suggest, so we do not waste any more time, why do not the staffs of the respective majority and minority attempt to consolidate a list of those amendments that remain that have been indicated to be offered. Let us proceed with an amendment now, and, after the next vote, we will attempt to limit the amendments to those that are on the list. Hopefully, all of those will not be offered. But at the very least the Senate is going to have the assurance that there will be nothing added to that list. So let us proceed in that fashion.

Do the managers have another amendment ready to go that will require a rollcall vote?

Mr. NUNN. We do not have one that necessarily requires a vote. We have several we think we may work out. We cannot tell whether we will have a vote.

Mr. President, we have an amendment that will take about 20 minutes to debate.

The PRESIDING OFFICER. The Senate is not in order. The majority leader has the floor.

Mr. MITCHELL. Mr. President, I will yield to the managers with the understanding that sometime within the next ½ hour we will attempt to get an agreement limiting the amendments to those on the list to be described at that time. In the meantime, I yield the floor.

Mr. NUNN. Mr. President, the Senator from South Carolina, I know, has been trying to get recognition for a couple of hours on his amendment. I believe that is one of the amendments that is going to be controversial. I suggest that the Senator from South Carolina be permitted to proceed. I know he will seek recognition in his own right.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am willing to agree to about 12 minutes to the side to save time.

Mr. NUNN. I have no objection to that. I would like to have even a more compressed time.

Mr. WARNER. Mr. President, the distinguished Senator from South Carolina has an amendment which I understand has been cleared on the other side. The rare coincidence is that I am going to interpose an objection, but I may be alone. So my suggestion is as follows: that the Senator bring up his amendment, I will address those objections that I have, and then if there is no further consideration, it could well be voice voted.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2553

(Purpose: To amend Title 18, United States Code to prohibit any Person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis)

Mr. THURMOND. Mr. President, I ask unanimous consent to set aside the pending amendment. I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The Senator from South Carolina [Mr. THURMOND] for himself, Mr. LEVIN, Mr. SIMPSON, Mr. GRASSLEY, Mr. MACK, Mr. HELMS, Mr. DOMENICI, Mr. BUMPERS, Mr. DANFORTH, Mr. EXON, Mr. BURNS, Mr. HATFIELD, Mr. LUGAR, Mr. CONRAD Mr. MCCONNELL, Mr. SIMON, Mr. D'AMATO, Mr. GRAHAM, Mr. NICKLES, Mr. PRYOR, Mr. PRESSLER, Mr. SPECTER, Mr. HEINZ, Mr. FOWLER, Mr. COATS, Mr. STEVENS, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. WILSON, Mr. MCCAIN, Mr. KASTEN, Mr. RIEGLE, Mr. DODD, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. LEAHY, Mr. BAUCUS, Mr. BENTSEN, Mr. DIXON, Mr. BURDICK, Mr. FORD, Mr. BRYAN, Mr. HEFLIN, Mr. MOYNIHAN, Mr. SASSER, Mr ROTH, Mr. DOLE, Mr. KERREY, Mr. CRANSTON, Mr. DASCHLE, Mr. REID, Mr. ROCKEFELLER and Mr. DECONCINI, proposes an amendment numbered 2553.

Mr. THURMOND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States, to any department, agency, court, House of Congress, or commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the

passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award, of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $50,000 or imprisoned not more than 2 years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

SEC. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

Mr. THURMOND. Mr. President, today, I rise to offer an amendment which would prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis. This measure is identical to S. 91, a bill I introduced on the first day of this Congress. This legislation takes an important step towards ensuring integrity in the administration of the Federal Government.

The underlying goal of this amendment is to help ensure integrity in Government procurements. Congress has a great responsibility to ensure integrity in the administration of the Federal Government at all levels—including the Department of Defense. This amendment addresses these same goals. Now that we have entered the era of the $1 trillion Federal budget, this amendment is even more important. Vast sums of money are appropriated by Congress for various projects and studies. Contracts worth millions of dollars are regularly entered into by Federal agencies. This Defense authorization bill carries a price tag of approximately $289 billion. The competition for these funds and contracts is intense.

While it is not always easy to legislate integrity, we can undertake appropriate efforts to remove certain incentives to use undue influence and to enter into contracts which are contrary to the fiscal and ethical interests of our Nation. Accordingly, I have introduced this legislation which will prohibit payment for lobbying on a contingency fee basis.

Mr. President, I have heard reports of certain lobbying activities which greatly disturb me. Specifically, I was informed that one lobbyist approached an institution and inquired as to how much Federal money was needed to fund a particular project. When the response was $12 million, the lobbyist responded that he would ask Congress for $14 million. If successful, he would be paid $2 million. If he was unsuccessful, only a base fee would be charged. When our Nation is bridled with such a huge debt, we certainly cannot afford to borrow more money to provide such suspect incentive payments which work to further increase the deficit.

Last session, Congress passed, and the President signed into law, a major ethics bill. Included as part of that bill was an amendment offered by our colleague from West Virginia, Senator BYRD, which attempts to address the type of lobbying abuses I outlined above. The Byrd provision prohibits the spending of Federal funds to pay lobbyists, either directly or indirectly. Anyone who is awarded a Federal contract, grant, loan, loan extension, or enters into a cooperative agreement with the Federal Government, must file a written declaration. However, it does not prohibit the practice of contingency fee lobbying. In fact, lobbyists appear to be ignoring the Byrd reporting requirements. For example, for the period of December 23, 1989 to March 31, 1990, only one disclosure form was filed with the Department of Defense.

Mr. President, the question of the propriety of contingency fees in lobbying activities is not a new one. Common law has held such contracts unenforceable for decades. In fact, in 1916, the Supreme Court ruled on the character of such financial arrangements in the case of Crocker versus United States. The Court, quoting from a prior case, stated:

All contracts * * * should be made with those * * * who will execute them most faithfully, and at the least expense to the Government. Contingency fee arrangements * * * tend to introduce personal solicitation, and personal influence, as elements in the procurement of contracts; and thus directly lead to inefficiency in the public service, and to unnecessary expenditures of the public funds.

Mr. President, recognizing the improper incentives contingency fees for lobbyists have injected into Government, 40 States have laws on the books which prohibit payment for lobbying on a contingency fee basis. My home State of South Carolina has prohibited this type of lobbying since 1935.

At the Federal level, contingency fee arrangements are addressed to some extent in the executive branch in addition to the Byrd provisions. Two laws covering contracts awarded by the executive departments—41 U.S.C. 254 (a) and 10 U.S.C. 2306 (b)—restrict the use of "commission, percentage, brokerage or contingent fee" arrangements to secure these contracts. However, the scope of these statutes is deficient in two respects. First, the violation of these provisions carries little penalty. The Government can only annul the contract secured by a contingency fee arrangement, or deduct from the contract the full amount of the contingency fee. Second, these statutes only apply to the executive branch and not to activities involving Congress.

Mr. President, the amendment I am offering would make contingency fee arrangements to influence Government action a criminal offense under Federal law. Any person who violates the provisions of this section shall be fined up to $50,000, or imprisoned not more than 2 years, or both.

Moreover, the Attorney General is empowered to bring a civil action to recover twice the proceeds obtained by that person due to such conduct. This act is prospective in nature and would only apply to contracts entered into after enactment.

Lobbyists often provide expertise and helpful information not otherwise available. I want to be clear on this point. There is an important role for lobbyists, but I am opposed to contractual arrangements which impugn the integrity and efficiency of our system. Clearly, a person should be entitled to reasonable fees for legitimate services in presenting officials of the Government with information as may apprise them of the character and value of the project or service offered, and thus enable those officers to act for the best interest of the Nation. However, the law has long recognized that contingency fees are not appropriate in areas such as criminal and domestic law. These fees are inappropriate because they introduce improper incentives into the system. Similar principles should apply to contingency fees for lobbying.

Mr. President, I urge my colleagues to support this amendment. The public deserves action on the part of Congress.

Mr. WARNER. Mr. President, I certainly want to join with my distinguished colleague and do anything we can to promote the integrity of Government. But I am concerned about the manner in which this particular bill is drawn up. It has a very stiff penalty of $50,000, or 2 years in prison, or both, and I am not entirely sure that

the language is not subject to the challenge of constitutional vagueness.

I wonder if I might ask my distinguished colleague a question. This is a criminal statute to amend title XVIII. Of course, the Armed Services Committee has no jurisdiction over it. I am perplexed as to why it should be added to this particular bill.

We, of course, have had no hearings on it. So my first question to my distinguished friend and colleague would be, have there been any hearings by the Senate on this important piece of legislation?

Mr. THURMOND. There have been no hearings on it, but I say to the Senator, it is a very simple matter. It simply provides that anyone who is going to lobby the Government cannot do it on an incentive basis. It is very clear and very simple. It is time. We need to pass this legislation and stop some of this corruption that is going on in this country.

Mr. WARNER. I might propound an additional question to my friend. I am not familiar with the lobbying business, and in my career I have not engaged in it. I am going to ask a somewhat basic question.

I understand there is a common practice of what is known as "value billing," whereby you charge a standard fee and then, should your efforts produce a very satisfactory result, it is common practice that your fee, understandably, can be doubled. Would that be covered by this?

Mr. THURMOND. Yes, it would.

Mr. WARNER. Supposing a firm that had a standard retainer was quite successful before a Government agency, or, indeed, before the Congress, and the client was desirous of paying a bonus; would that be subjected to this statute?

Mr. THURMOND. Yes, it would. You get on a contingency basis.

Mr. WARNER. I am not entirely sure. I think that question might be dependent on the intent of the client as to whether or not it was considered a bonus which was not part of the original contract.

This type of question, I say to my good friend, I think should be carefully explored before we place this criminal statute on the books of the United States. I think we owe it to the very large segment of those who work in this area to have the opportunity to be heard before it becomes law.

Mr. THURMOND. There is no question about it. When one is on a contingency fee basis, this is incentive to gouge the Government and get all they can out of the Government because they make more. Lawyers or lobbyist can operate on a basis of fair and equitable fees. That is what they ought to do in dealing with the Government. If they want to deal with private business and private contracts that is a different matter. When they deal with the Government this should not be allowed. It is a temptation to gouge the Government.

Mr. WARNER. I yield such time as required by the Senator from Idaho.

Mr. McCLURE. Mr. President, I am troubled by the amendment for quite a different reason than ennunicated, although I certainly share the feelings stated by the Senator from Virginia. I do not think it is a casual matter. I do not think it should be treated as casual matter. I am afraid we are doing that tonight.

The distinguished Senator from South Carolina made up his mind and other people who have not thought about it are persuaded to come in in a rush of emotion. I think this is the wrong way to legislate.

Beyond that we are not talking about gouging the Government despite that rhetoric. We are talking about an arrangement with two people who are not in Government dealing with each other. It has nothing to do with dealing with the Government. It is their private relationship and how they will compensate one for services provided to the other.

I practiced law for 16 years before I was elected to the Congress, and in that period of time I never once had a contingent fee because I did not believe in a contingent fee. Most of the brothers at the bar did accept cases on a contingent fee basis, and I lost more than one client. People that came in and said, "I want you to have a contingent fee because I want you to be interested in the outcome," my response was always, "If you think you have to pay me extra to be interested in the outcome, then you got the wrong fellow in the first place. Go get another attorney." And they did, because I did not believe in the contingent fee. But that was my business and my client's business.

Whether I was dealing with a third party or dealing with the Government, it has nothing to do with the question of whether or not the Government will get gouged or not. It has to do with the private arrangement between one private citizen and another private citzen who happen to be arranging the kind of terms of compensation to be given to them in that relationship and for the services rendered.

I do not think it is right for us to attempt to regulate that kind of private relationship. As a matter of fact, I am not certain at all that it is constitutional for us to restrict the way in which people contract between themselves with respect to the way they exercise their right either to approach Government or in the freedom of speech between themselves or between themselves and their Government.

I feel that this is simply wrong. Even though I personally do not like contingent fees and never charged them in my practice of the law, I do not think it is right for us to say it is morally reprehensible for people to make that kind of arrangement which they find to be suitable as between themselves. I am strongly opposed to the amendment. Although with the number of cosponsors, I suppose maybe unless some cosponsors change their minds, it is a fait accompli and it will be agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Again I must confess not to have the background that the distinguished Senator from South Carolina has on this issue. It was handed to me a short time ago. It appears to me the judicious thing for the Senate to do is hold hearings in that committee of jurisdiction, namely the Senate Judiciary Committee.

But, nevertheless, I agreed with my good friend that I would not ask for a RECORD vote, and I urge others not to do so. We can voice vote this matter and then consider it at an appropriate time during the course of the conference.

So, I do not know how I will eventually come down on this thing, yea or nay. I sound the alarm bell I am concerned about the procedures we are following at 4 minutes before midnight on a piece of legislation that could result in criminal penalties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise to support the amendment of Senator THURMOND. It gets to a really deep problem that we have and that is a perception that the fee of somebody that is lobbying for a Government contractor for an award of some kind is going to be contingent and indeed is contingent upon the success. The fee that is received by that person will be determined by whether or not the award is made. If an award is made, these then become Government funds. This is not quite the same as a private contract. This involves a Government award or a Government contract.

We have many restrictions on lobbyists already. It is not unheard of that we have restrictions. We have regulations of persons lobbying the Government, requiring them to register. We have a restriction in last year's Interior appropriations bill, I believe it was the Byrd amendment, that says that you cannot lobby with appropriated funds. We have a requirement in the Defense Department, a requirement of certification by the persons obtaining a defense contract that in fact the person lobbying for that contract did not have a contingent fee. So we already have a civil prohibition on the use of contingent fees inside the Defense Department when it comes to lobbying for defense contracts.

This type of a prohibition on contingent fees exists in 37 States, or 35 States. Thirty-five States have laws that prohibit the use of contingent fees by lobbyists. We know what the odor is with these kind of fees. We saw it in the Wedtech deal where a lobbyist was going to receive a $200,000 payment if he obtained a Navy contract of one type, and a fee of twice that amount if he obtained a different kind of a Navy contract.

These kind of contingent fees contract simply do not pass the smell test. We ought to do what 35 States have done, which is to prohibit these kind of contracts and I would urge the adoption of the Thurmond amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, very briefly because there is anxiety in the Chamber to conclude, the substance of the amendment offered by the distinguished Senator from South Carolina is fundamentally different from a contingent fee arrangement for a lawyer because that contract is entered into where the client can afford to pay a fee and can secure a lawyer only if the lawyer gets a share of the recovery.

When the distinguished Senator from Idaho comments about his interest in a case, whether or not he has a contingent fee, he is talking about a client who can afford to pay him a fee in advance.

What this amendment really goes to is the problem of corruption where you have lobbying and the enormous sums of money which may be obtained, and if someone has a percentage of a contingency on the result there is the motivation for a corrupt practice. I am not 100 percent sure, as I listened to this matter, that there is a broad evidentiary base, but I do think that a hearing would likely advance that cause substantially. That is why I support this amendment.

The PRESIDING OFFICER. Is there futher debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2553) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator is advised that there are pending amendments.

Mr. GORE. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2554

(Purpose: To enhance the United States' missile non-proliferation policy)

Mr. GORE. Mr. President, I send an amendment to the desk on behalf of Mr. BINGAMAN, myself, Mr. MCCAIN, Mr. PELL, and Mr. HELMS, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The amendment will be stated.

The asssistant legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for Mr. BINGAMAN (for himself, Mr. GORE, Mr. MCCAIN, Mr. PELL, and Mr. HELMS), proposes an amendment numbered 2554.

Mr. GORE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missile Technology Control Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the global spread of weapons of mass destruction, accompanied by the proliferation of sophisticated missile delivery systems and missile technology, poses a serious threat to stability and peace in many regions;

(2) the Missile Technology Control Regime (MTCR) was established in 1987 to restrict such proliferation;

(3) nothwithstanding the existence of the MTCR, companies situated in countries which are adherents to the MTCR have transferred, in violation of the principles of that agreement, missile equipment and technology to nonadherents;

(4) the MTCR is further weakened as it does not include the Soviet Union, China, Agrentine, North Korea, Brazil, and other countries, which have transferred missiles and missile technology to countries without this capability;

(5) missile proliferation could be better controlled if MTCR adherents shared a common interpretation of the MTCR principles and strictly enforced its provisions;

(6) the spread of missiles can be effectively restricted only if all countries involved in the transfer of such missiles and technology agree to restrict such transfers;

(7) coordination and cooperation between the agencies charged with responsibility for carrying out United States policy on missile control is essential; and

(8) greater consultation between the President and the Congress is needed to ensure that Congress is being kept fully informed about missile proliferation and development, and ongoing measures to halt missile proliferation.

SEC. 3 PURPOSE.

It is the purpose of this Act—

(1) to restrict the proliferation of missiles and missile equipment and technology;

(2) to encourage greater international adherence to the Missile Technology Control Regime (MTCR) of 1987;

(3) to strengthen the MTCR through increased cooperation among adherents to strengthen coordination of export controls;

(4) to seek further bilateral and multilateral agreements which complement the MTCR;

(5) to encourage countries without missiles to forego the development or acquisition of these weapons; and

(6) to require stricter enforcement procedures and improved cooperation among the U.S. agencies responsible for controlling missile and missile technology exports.

SEC. 4. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b. et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT AND TECHNOLOGY.

"SEC. 71. POLICY.—It is the policy of the United States to improve the control of and reduce the proliferation of missiles and missile equipment and technology by taking all appropriate measures—

"(1) to improve enforcement and seek a common and broader interpretation among Missile Technology Control Regime (MTCR) members of MTCR principles;

"(2) to increase the number of countries that adhere to the MTCR;

"(3) to explore with nations that do not adhere to the MTCR and which export missiles and missile equipment and technology the negotiation of bilateral and multilateral agreements consistent with the principles of the MTCR or which, at a minimum, do not undercut the MTCR;

"(4) to promote the international review of measures and development of common standards to reduce the proliferation of missiles and missile equipment and technology; and

"(5) to seek binding multilateral agreements prohibiting the global spread of missiles that are subject to MTCR guidelines.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT AND TECHNOLOGY BY UNITED STATES PERSONS.—(a) SANCTION.—If the President determines that a United States person has transferred, or conspired to transfer or facilitated the transfer in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), or any regulations issued under any such provisions of

(1) MTCR category II missile equipment and technology then the President shall deny to such United States person for a period of two years

(A) U.S. government contracts relating to missile equipment and technology, and

(B) licenses for the transfer of missile equipment and technology controlled pursuant to this Act.

(2) MTCR category I missile equipment and technology, then the President shall deny to such United States person for a minimum of two years.

(A) all U.S. government contracts, and

(B) all export licenses and agreements for items on the United States Munitions List.

(b) DISCRETIONARY SANCTIONS.—In the case of any determination made pursuant to subsection (a), the President may pursue any sanctions listed in Section 38(c) of this Act.

(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States; or

(2) such person is a sole supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments;

SEC. 73.—TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY BY FOREIGN PERSONS (a) SANCTIONS.—If the President determines that a foreign person has transferred, after the date of enactment, MTCR missile equipment or technology that would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act,

(1) within category II of the MTCR annex or the President has made a determination under section 11B(b)(1) of the Export Administration Act of 1979, as amended, then the President shall deny, for a period of two years

(A) U.S. government contracts relating to missile equipment and technology, and

(B) licenses for the transfer to such foreign person of missile equipment and technology controlled pursuant to this Act.

(2) within category I of the MTCR annex, then the President shall deny for a period of not less than two years

(A) all U.S. government contracts with such foreign person, and

(B) licenses for the transfer to such foreign person of all items on the U.S. Munitions List.

(b) DISCRETIONARY SANCTIONS.—If the President determines that a foreign person has transferred missile equipment and technology he may impose any sanction described in Section 11A(b) of the Export Administration Act of 1979, as amended.

(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

(1) in the case of an item the transfer of which has been authorized by an MTCR adherent, after consultation with the licensing government, the transfer did not violate the principles of the MTCR guidelines;

(2) the product or service is essential to the national security of the United States;

(3) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; or

(4) the foreign person has been appropriately sanctioned by its national government.

"SEC. 74. PROHIBITION ON SATELLITE LICENSING.—The United States Government shall not, through the issuance of licenses under this Act, assist any missile program of the People's Republic of China, directly or indirectly, and shall not, through the issuance of licenses under this Act, permit the export or the shipment of United States satellites for launch on Chinese space launch vehicles and shall revoke any previously issued licenses granted for the export of such satellites unless the President certifies to the Congress that, in the one year prior to the certification, China has not supplied missiles, missile equipment and technology, or chemical or biological weapons, including precursors intended for use in such weapons, to Iran, Iraq, Syria, Libya, or any non-MTCR adherent, and has provided reasonable assurances that no future sales of missiles, missile equipment and technology or chemical or biological weapons to such countries are planned.

"SEC. 75. REPORT ON MISSILE PROLIFERATION.—(a) CONTENTS OF REPORT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereafter referred to as "NBC capable aircraft") and international transfers of missiles and missile equipment and technology to Syria, Iraq, Libya, and Iran, and any other nation seeking to acquire such equipment or technology in violation of MTCR principles, other than those listed in subsection (d) that shall include—

"(1) the status of missile and aircraft development programs in such nations, including efforts by those nations to acquire missiles and missile equipment and technology and NBC capable aircraft and an assessment of the present and future capability of those countries to produce and utilize such weapons;

"(2) a description of particular significant assistance provided, after the date of enactment, to such

"(3) a list of companies which continue to provide missile equipment and technology to such nations, as of the date of the report;

"(4) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private firms and countries suspected of violating the MTCR;

"(5) an analysis of the effectiveness of the regulatory and enforcement regimes of the U.S. and its MTCR partners to control the export of missile and missile technology; and

"(6) a determination as to whether transfers of missile equipment and technology by any country pose a significant threat to the national security of the United States.

"(b) CLASSIFICATION.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

"(c) CONSTRUCTION.—Nothing in this section—

"(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(A) jeopardize the national security of the United States;

"(B) undermine existing and effective efforts to meet the policy objectives outlined in section 71 of this Act; or

"(C) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"(d) EXCLUSIONS.—Australia, Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom.

"SEC. 77. DEFINITIONS.—For purposes of this chapter—

"(1) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on annex of missile equipment and technology, and any subsequent amendments;

"(2) the terms 'missile' and 'missile equipment and technology' means those items listed in the MTCR Equipment and Technology Annex, as amended;

"(3) the term 'person' includes the singular and plural and any individual, partnership, corporation, or other form of association; and

"(4) the term 'foreign person' means any non-United States person.

SEC. 5. TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY TO COUNTRIES THAT TRANSFER OR RECEIVE MISSILE EQUIPMENT AND TECHNOLOGY.

(a) SANCTIONS.—If the President determines that as of the date of enactment of this act, or at any time thereafter, a MTCR non-adherent, authorizes the transfer of, receives, or attempts to acquire missiles or missile equipment and technology that contributes materially to the development of missile systems capable of delivering at least a 500 kg payload to a range of at least 300 km, then the President shall deny all export licenses for the transfer of—

(1) all items on the U.S. Munitions List, and

(2) missile equipment and missile technology controlled pursuant to the Export Administration Act of 1979, as amended.

(b) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions pursuant to subsection (a) if the President certifies to Congress that—

(1) to do so would be in the national security interests of the United States; or

(2) the transfer in question was licensed by a government adhering to the MTCR; or

(3) the transfer in question is for an item for which the President has received reliable assurances that that item is intended for civilian end use.

(c) REMOVAL OF SANCTIONS.—The President may remove the sanctions imposed pursuant to subsection (a) if the President determines that the country under sanction has suspended attempts to acquire, transfer or receive missile equipment and missile technology for a period of at least one year.

The PRESIDING OFFICER. The Senate is not in order. It is very difficult to hear.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. GORE. Yes.

Mr. WARNER. Given the lateness of the hour and given the fact this amendment has been accepted on both sides, I am wondering if the Senator from Tennessee, and perhaps other Senators, recognizing that the amendment could be accepted, could make his statement somewhat brief out of courtesy to others.

Mr. GORE. I would say to the Republican manager of the bill, I fully

intend to do that. Indeed, earlier when my colleagues and I sought recognition, I made that point.

Mr. WARNER. I did not mean to be in any way offensive.

Mr. GORE. I fully intend to be brief in propounding the amendment.

I might say, however, Mr. President, that I believe this to be a matter of some importance.

Mr. President, Senator BINGAMAN's statement will speak for itself. As our colleagues know, he was detained and unable to be here to propose this amendment himself.

This amendment has been more than a year in the making. The Senator from Arizona [Mr. MCCAIN] and myself introduced a similar measure some time ago. Just before that, the Senator from New Mexico [Mr. BINGAMAN] introduced a separate measure.

The two bills were very different but, over the course of the last year, we have narrowed our differences and found ways to create a measure superior to the versions we each had at the beginning of this process.

I want to thank my colleague, Senator MCCAIN, for the very close working relationship that he and I have had in this measure and, of course, as I already noted, Senator BINGAMAN for his leadership, both on the issue and in the committee.

I would like to just take a moment to thank the Senator from Virginia [Mr. WARNER] and the Senator from Georgia [Mr. NUNN] for their help. Finally, I would like to say a special word about the contribution of Senator PELL, the chairman of the Foreign Relations Committee, who has given his good offices and worked extremely diligently to help us solve many problems so that we could bring this measure to the floor. The ranking Republican member of the Foreign Relations Committee, Senator HELMS, has done so, as well.

This issue involves the control of ballistic missile technology, which is now being exported by companies interested in making a profit, to foreign countries that are often extremely irresponsible. For example, Iraq has received ballistic missile technology. Let me quote from a report on U.S. export control policy published by the Rand Graduate School:

> On December 7, 1989, Hussein Kamel, Iraqi minister of industry and military industrialization announced that his country had demonstrated its ability to launch satellites two days earlier by firing a three-stage rocket. The rocket launch was later confirmed by members of the U.S. intelligence community. Hussein also claimed that Iraq had fired two surface-to-surface missiles with sufficient range to reach Cairo, Istanbul, all of Iran and southern parts of the Soviet Union.

We have for years attempted to control the proliferation of fissionable material in order to prevent the spread of nuclear weapons. We have not applied the same diligence to the effort to control the technologies which go into the manufacture and creation of those systems which are capable of delivering nuclear weapons over great distances. The same missiles, of course, are capable of delivering chemical and biological weapons over long distances, and this is a matter of grave importance.

Last year, the issue of missile proliferation was still at the periphery of attention for many Members, although by and large it was getting to be well recognized that this was an important problem. Now, the situation is different. We can clearly see that even as the threat of war with the Soviet Union recedes, other actors are on the stage bent upon acquiring weapons of mass destruction and the means to deliver them.

Moreover, unlike the Soviets—upon whose caution and ultimate rationality we have depended—these new actors are not necessarily operating by rules we comprehend. In their zealotry and ferocious nationalism, they might well be capable of doing the unthinkable—or at least what we have considered unthinkable. In a sense the threshold of the unthinkable has already been crossed, with the first use of poison gas in open warfare since the First World War.

The fight against the proliferation of missiles can easily be lost. These are items that can be shipped, or technologies that can be transferred with much less difficulty than is the case for nuclear weapons. Once the technology has been passed to the wrong parties it will be reexported, and a chain reaction will take place after which proliferation is complete, and the fight is lost.

What every study on this subject emphasizes is how widespread proliferation is becoming, how rapidly it can proceed once past the threshold stage, and how it can quickly move beyond our grasp. It also documents the fact that the spread of these missiles and their technologies is propelled by the desire to turn a profit: Whether that is a desire felt by a company somewhere in Europe, or by the Soviet Union or the PRC, or perhaps by a country in Latin America—such as Brazil—for mass production and reexport to whomever.

That is why we have to act firmly now. It is specifically why the very gradual diplomatic processes that have been underway among potential suppliers of missiles and their related technologies are too slow. And it is for that reason that Congress should act in accordance with its sense of the urgency of the matter, rather than in the light of concerns about the most comfortable pace of diplomats.

The purpose of our proposal is simple. We wish to create new and important areas of action by the President, designed to inhibit the flow of missile technology by hurting those who engage in this traffic where we can most easily reach them: In the pocketbook. We wish to make it clear that corporations or parastatal groups that operate as corporations must consider a choice between such gain as they may obtain by sneaking missile technology to others, and such loss as they may incur through a cutoff in their ability to do business with the U.S. Government.

Let me be clear about why we think we can have an impact. We believe that this technology is being sold in many instances by corporations—perhaps domestic, perhaps foreign—that either do or want to do business with the Government of the United States or with its permission. It is a tidy matter on the side for some corporations and some governments to dally in the proliferation of these technologies. We want to make them think about their larger interests. Our proposed penalties do that. So too does a reporting requirement which we intend would name names and strip away respectability from corporations and governments that are willing to speed the proliferation of ballistic missiles regardless of the consequences.

I think it is also important to know some things that this bill will not do, even though some may assert otherwise. We are not proposing to legislate for countries that are partners with us in the MTCR. If they grant exports licenses on to corporations that apply on the up and up, it will not matter if we disagree with their judgment: This bill and its sanctions do not apply. We are also not proposing to bind the President's hands. He has mechanisms in the bill that give him considerable flexibility as to the severity of his response, and even as to waiver of a response.

The fact remains that the missiles which have already found their way into the arsenals of some of the most dangerous governments on Earth were sold for profit. Technologies for the creation of such delivery systems have been sold for profit. Time is running out. We respect the administration efforts to use diplomacy to regard the spread of these weapons, but we reject their contention that they are succeeding. We are losing the fight. Congress has a duty to assert its views in this matter. Let us therefore deal a blow to proliferation of missiles at its core, by passing the Bingaman-Gore-McCain amendment.

Mr. BINGAMAN. Mr. President, the amendment that was just sent to the desk, the Missile Technology Act of 1990, represents the culmination of a long legislative process. I am joined by Senators GORE, MCCAIN, PELL, and HELMS in offering the amendment.

The amendment we are offering is a composite of the contributions of many Senators. Last year, I introduced S. 1227 and Senators GORE and MCCAIN introduced S. 1830. Both of these bills were intended to be comprehensive approaches to controlling the spread of this critical and dangerous technology, which in the hands of a Saddam Hussein or Mùammar Qadhafi would destabilize whole regions.

Both bills were referred to the Foreign Relations Committee, where hearings were held last October 31. Since sections of both bills also amended the Export Administration Act, we have also worked closely with the Banking Committee, especially in the last few days to ensure what we are doing in this amendment is consistent with their work on the Export Administration Act reauthorization, S. 2927, which was reported by that committee on July 27.

I am pleased to say that both committees are now in accord on a comprehensive approach this legislation. The amendment I have sent to the desk includes all elements of this legislation which pertain to the Arms Export Control Act. Senators RIEGLE and GARN have agreed to include in the managers' amendment to S. 2927, a provision amending the Export Administration Act, which complements the amendment we are currently debating. My understanding is that S. 2927 will be taken up before we recess tomorrow. I ask unanimous consent that the text of my EAA amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MODIFICATION OF MISSILE TECH SECTION

1. On page 30, line 12, delete all from "(a)" through "(1)" on line 13 and insert the following:

"Proliferation Control Violations.

"(a) VIOLATIONS BY UNITED STATES PERSONS.—(1) SANCTION.—If the President determines that a United States person has transferred or conspired to transfer or facilitated the transfer, in violation of the provision of section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405) or any regulations issued under any such provisions, of any item on the annex of goods and technology to the Missile Technology Control Regime, then the President shall deny to such United States person for a period of two years licenses issued pursuant to this Act for the transfer of missile equipment and technology.

"(2) DISCRETIONARY SANCTIONS.—In the case of any determination referred to in subsection (a), the Secretary may pursue any other appropriate penalties available under section 11 of this Act.

"(3) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

"(A) the product or service is essential to the national security of the United States; or

"(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"(b) TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY BY FOREIGN PERSONS.—(1) SANCTION.—"

2. On page 30, line 15, strike "1 year" and insert "2 years".

3. On page 30, line 15, after "(b)" insert "—(A)".

4. On page 30, line 24, after "State" insert ", or (B) the President has made a determination under section 73(a) of the Arms Export Control Act."

5. On page 28, line 24, after "technology" insert ", including all dual-use goods and technology on the Missile Technology Control Regime Annex,".

6. On page 30, line 3, strike "." and insert ", or is a potential channel of diversion identified pursuant to paragraph (5) of this subsection."

7. On page 30, after line 7, insert: "(5) The Secretary shall establish a procedure for information sharing with appropriate officials at the Central Intelligence Agency and the Defense Intelligence Agency that will ensure effective monitoring of flows of MTCR technology to all countries that the Secretary of State has determined are of concern to the United States regarding missile proliferation in order to ensure detection of channels of diversion."

Mr. BINGAMAN. Mr. President, the Armed Services Committee conferees and the Banking Committee conferees will need to work very closely in their respective conferences with the House Foreign Affairs Committee to ensure that the end result of the legislative process this year remains consistent in the respective bills. Senators RIEGLE and GARN have assured me that that is their intention and it is certainly mine.

Mr. President, I particularly want to commend the work of Senator PELL on this legislation. He was an original cosponsor of S. 1227. I worked closely with him in formulating the nonproliferation approach in this bill. He has long experience in these matters, particularly from his work on chemical, biological, and nuclear nonproliferation. I appreciate his counsel.

The same is true for the senior Senator from Ohio [Mr. GLENN]. He has done more than any other individual in this body to combat the proliferation of nuclear weapons. The model for the legislation I am offering this evening is the landmark Nuclear Non-Proliferation Act of 1978. I was delighted to have him as an original cosponsor of S. 1227.

Finally, I want to commend Senators GORE and MCCAIN for their tremendous contributions to this legislation. We have, I believe, put together the best parts of the two bills, which fundamentally pursued a common approach.

Mr. President, the problem we are addressing with this legislation is truly frightening. Last year, before the Senate Governmental Affairs Committee, CIA Director William Webster estimated that by the year 2000, 15 countries would have intermediate range ballistic missiles. Many of these countries are in the most unstable regions of the world. Regional arms races are not new. However, they are unfortunately now fueled by missile technology transfers, open and covert, both from East and from West. This raises the potential for much greater destruction and for broadening of regional conflicts beyond their borders.

POTENTIAL FOR MASS DESTRUCTION

Moreover, it is a very real possibility that atop these missiles, nations will place nuclear or chemical warheads. It makes little sense, from either a military or an economic perspective, to make the large investment required to develop longer range missiles, if the intent is not to couple that capability with warheads of great lethality.

HAIR TRIGGER INSTABILITY

Finally, the introduction of long-range missiles with potential chemical or nuclear warheads into regional hotspots is likely to increase instability and bring on conflict. Few, if any, of the Third World nations currently developing long-range missile capabilities will have the resources to address survivability or command and control requirements as part of their efforts. Their potential foes may well see preemption as an attractive option. Knowing that, these nations may put their small missile forces on hair-trigger alert, increasing the likelihood of accidental launch. Finally, whatever potential ballistic missile defenses will be an affordable option in the Third World. As a consequence, the potential for military confrontations getting out of hand will be significantly increased by the proliferation of long-range ballistic missiles.

SIMILARITY TO NUCLEAR PROLIFERATION PROBLEM

It is easy to spin out frightening future scenarios. It is far more difficult to come up with effective means of blocking, or at least delaying them. The problems we face in constructing an effective missile nonproliferation regime are strikingly similar to the problems we earlier faced in developing an effective nuclear nonproliferation regime. It seems to me that we have today arrived at the same crossroads on the missile proliferation issue as we were at in 1976 and 1977 in dealing with nuclear proliferation.

GROWING LIST OF PROLIFERATION CASES

We have recently seen missile technology proliferation developments that raise grave concerns: Iraqi attempts to obtain technology, Saddam Hussein's threats to his entire region,

covert transfers from Western Europe to Argentina, Chinese sales of CSS-2 missiles to Saudi Arabia, Indian testing of the Agni missile, statements in the Egyptian press that Egypt now can manufacture its own surface-to-surface missiles, reports of West German scientists in Libya working on a ballistic missile, and the list could go on.

Fifteen years ago, we faced similar developments in the nuclear arena: The 1974 Indian nuclear explosion, carried out after diversion of Canadian supplied technology, and a growing number of cases of transfer and indigenous development of nuclear reprocessing and enrichment technologies, such as the West German-Brazil reactor deal into which reprocessing technology was thrown as a sweetener to win the contract. These developments helped focus international attention on the problem. Both the Ford and Carter administrations played a leadership role in shaping the international response, and Congress was motivated to act as well with the overwhelming passage of the landmark Nuclear Non-Proliferation Act [NNPA] of 1978.

DUAL-USE TECHNOLOGIES WITH MANY SUPPLIERS

The problems we are dealing with in both the nuclear and missile arenas are very similar and I believe we can learn a great deal from our earlier experience with combatting nuclear nonproliferation.

In both cases we are dealing with technologies that have both peaceful and military purposes. The question we faced in the nuclear sphere was how to build additional barriers between legitimate nuclear energy development and weapons programs. The Nuclear Nonproliferation Treaty and the International Atomic Energy Agency safeguards were already in effect. But more was needed. We chose then to focus on the concept of timely warning. Certain nuclear technologies, such as enrichment and reprocessing technologies, brought nations so close to a weapons capability that we decided with other suppliers to restrict their transfer.

Since the United States was by no means the sole source of enrichment and reprocessing technologies, or of special nuclear materials, such an agreement with fellow suppliers was absolutely necessary. We could not go it alone.

In the missile arena, the technology is less specialized, and, as a result, there are even more suppliers. Furthermore, our technological dominance has declined in the past 15 years, and our commercial position has deteriorated in parallel. Thus, the commercial interests of others may be even harder to check. Moreover, drawing technical lines may be more difficult in the missile area, although the timely warning concept is still valid. The equivalents of reprocessing and enrichment technologies in the nuclear case are rocket launchers, guidance systems, and reentry vehicles in the missile case. The equivalents of the reactors and fuel cycle services which we were willing to supply in the nuclear case, are space launch services and peaceful space cooperation.

SOLUTIONS ON NUCLEAR SIDE

Let me summarize then the actions taken both on a multilateral basis and in the Congress in the mid-1970's to deal with nuclear proliferation.

MULTILATERAL

The major nuclear technology suppliers, East and West, came together and created the London Suppliers Group they agreed on guidelines aimed at stopping sensitive nuclear technology transfers, in particular transfer of reprocessing and enrichment technologies, while peaceful nuclear power development continued.

The nuclear suppliers agreed not to be drawn into a commercial competition which required the transfer of reprocessing and enrichment technologies as technology transfer sweeteners in order to win lucrative contracts for nuclear energy facilities. By avoiding such a competition, the supplier nations hoped to avoid giving Third World countries the means for nuclear breakout.

CONGRESSIONAL

At the same time, the U.S. Congress wisely saw fit to legislate tools for U.S. involvement in multilateral action and for unilateral action in the event that multilateral arrangements should breakdown or prove ineffective. On March 10, 1978, the Congress enacted Public Law 95-242, the Nuclear Non-Proliferation Act of 1978. The act relied on multilateral efforts to promote peaceful uses of nuclear energy and to prevent military uses, while at the same time tightening the U.S. nuclear licensing process and holding out the risk of unilateral U.S. sanctions should other members of the international community fail to uphold the nonproliferation regime as laid out in the Nuclear Non-Proliferation Treaty and the London suppliers group guidelines.

SOLUTIONS ON MISSILE SIDE

As the 1980's conclude, a similar process is underway to control missile proliferation. However, the international community is not very far along in developing solutions to the threat of missile proliferation. I believe that the only viable solution is to construct a multilateral system of incentives and controls as we did in the nuclear case, with the United States taking the mantle of leadership, including a willingness to exercise unilateral controls and sanctions, where a multilateral regime fails.

In the past few years, there has been some success in building a multilateral approach to controlling missile proliferation. The Reagan administration did successfully negotiate the missile technology control regime [MTCR] with the United Kingdom, Canada, Japan, France, Italy and West Germany. Recently, The Netherlands, Spain, Belgium, Luxembourg, and Australia have all joined the MTCR, and the Soviet Union has said it will cooperate in this area as well. The MTCR has to be at the core of the international missile control regime, and I support broadening it as widely as possible. I commend the President and the Vice-President for expressing their grave concerns about missile proliferation and for making controlling it a high priority of the administration. I fear that they are going to have their mettle tested all too often by events around the globe as they try to construct an effective antiproliferation regime. And I believe that legislation in this area is essential to bolstering their effectiveness, just as it was in the nuclear case.

WHY LEGISLATION?

The administration will question why we need legislation. The same question was raised by some during the Carter administration on the need for the Nuclear Non-Proliferation Act of 1978, on which Senators GLENN and Percy played the leading role. My answer now will parallel theirs then, and our legislation parallels theirs as well in its essential features.

First if the United States is to show leadership, I think that it is important that we enumerate a clear national policy in this area. That policy must transcend the time in office of any single administration or personality, and this is only possible through the legislative process. Our amendment attempts to outline such a policy.

Second, there are some very real deficiencies in the current multilateral approach, which we need to take the lead in correcting, if we hope to stop or at least effectively control the proliferation of missiles. Not only are there far too few countries committed to the MTCR or any other proliferation restraints, but also those that are committed disagree on what technologies are controlled and whether or not exceptions are allowed. In addition, the MTCR may not be adequately designed to add controls on currently uncontrolled items, which becomes necessary when existing or on-the-horizon technolgy turns out to have missile applications.

A thoughtful and deliberative legislative process, such as we have had on this amendment, can be helpful in developing a consensus, not only here but abroad, on how to correct those deficiencies. Our amendment lays out an approach for strengthening the multilateral missile nonproliferation regime.

Third, there are problems in the U.S. export licensing system that need to be corrected to be sure that we are above reproach in carrying out our own obligations under the MTCR. Problems of interpreting our obligations under the MTCR have, at times, been pervasive in the administration.

Let me cite some cases. Last year, the Commerce Department was reportedly prepared to approve the export of hybrid digital analog computers to Iraq for use at its Sa'ad 16 complex. We use these computers at the White Sands Missile Testing Range. The issue reportedly had to be elevated to the NSC before the license was blocked. Recently, Commerce again was prepared to export titanium forging equipment to Iraq before congressional and interagency discussions led to denial of the license.

Last year, the administration had to go through some regulatory gymnastics in order to find a way to make the right decision to deny a license for export of a reentry vehicle heat and vibration simulator to India. Commerce did not feel that it had the authority to deny the license, so the item had to be added to the munitions control list. Some at State were still prepared to approve the license because of concern over our relations with India. The NSC had to finally intervene to block the deal.

A good example of problems in export control for new technologies arises with remotely piloted vehicles [RPV's]. RPV's are an annex one item of the MTCR. However, many do not have the range and payload by themselves to constitute a missile threat. However, with the implementation of the global positioning satellite system by the Air Force, foreign nations could tap into the GPS to improve RPV range and accuracy and thus use RPV's as cruise missiles.

These and other cases have convinced me we need to improve the coordination of our separate licensing processes in this area. I am pleased to say that we have worked with the Foreign Relations and Banking Committees to reach an accord on a comprehensive approach that includes such a provision. Senators RIEGLE and GARN have agreed to include a provision amending the Export Administration Act in the managers' amendment to S. 2927, which will complement this amendment and strengthen coordination among the agencies.

Cooperation between agencies has improved in recent months and that DOD is now seeing far more export cases. Nevertheless, that improvement does not obviate the need for legislation. The bad old days were very recent and could return without the sort of legislative mandate for cooperation in the Export Administration Act amendments.

Let me add, I am not one who generally endorses a strong Defense Department role in the export of dual-use technologies. Too often DOD has tried to control too many products and too many technologies at the expense of our competitiveness, rather than focusing in on truly critical technologies. But, the missile technology area is one area where I believe the consequences of proliferation are so great that we should err on the side of restraint.

Fourth, legislation is needed to ensure that the executive branch has an appropriate set of incentives with which to bring other nations into a missile nonproliferation regime and of sanctions with which to deal with violators of the regime.

INCENTIVES

Our amendment does not include additional incentives to nations not to develop their own missiles or space launch vehicles. This is an area the Congress may want to explore further in future legislation.

From a strictly economic perspective, developing independent space launch services is already unattractive for Third-World nations. The United States, France, The Soviet Union, and China already offer relatively inexpensive launch services, although unfortunately our prices, even for expendable launch vehicles, appear to be at the high end of the spectrum, largely because of subsidies provided to our competitors. We could do a better job in this area.

We could also, I believe, do a better job in involving Third World nations in our peaceful space exploration program, both manned and unmanned. NASA, ESA, and the U.S.S.R. have included foreign nationals in their space programs in the past. More involvement in these kinds of opportunities is a positive incentive which should be expanded.

However, we should not, and I wish to emphasize this, we should not be providing space launch vehicles or related technology as an incentive not to proliferate, as suggested in a State Department report submitted to Congress last year. It is simply too difficult to prevent such technology from being used for missile purposes. Timely warning of diversion to military uses would be lost.

SANCTIONS

Our amendment does include sanctions on both United States and foreign violators of missile nonproliferation restraints. As in the Nuclear Non-Proliferation Act of 1978, sanctions are among the most controversial sections of our amendment. In the amendment, sanctions are calibrated to the degree of violation. Exporters of missile equipment and technology will risk losing export licenses and U.S. Government contracts for missile technology, for varying lengths of time, subject to a Presidential waiver.

The administration will say that there are already numerous mechanisms available to send signals to foreign governments and companies about sensitive missile transfers. The problem is that interagency coordination is poor, and there is often disagreement about whether a missile technology transfer has occurred and what is sensitive. Different standards of proof and different definitions abound. Presidents also tend not to use broad powers to address narrow problems. The President needs sanctions specifically tailored to missile proliferation. In addition, there will always be U.S. interests arguing against the imposition of sanctions that hurt them. Denial of export licenses, for example, will affect cooperative projects of U.S. firms with foreign violators of missile controls. We need some degree of automaticity to the sanctions to insure that they actually take place.

I believe that we need to be on record as to whom we will do business with. Companies, whether domestic or foreign, who endanger international security and stability by proliferating missile technology for short-term profits, should not have the benefit of U.S. Government contracts or technology transfer. In the Nuclear Non-Proliferation Act of 1978, Congress established similar sanctions for transfer of enrichment and reprocessing technology and, in so doing, helped crystallize an effective multilateral regime against transfer of those technologies. Legislation should be clear, however, that sanctions apply to everyone, whether members of the MTCR or not.

CONCLUSION

In conclusion, Mr. President, legislation in this area can help foster greater dialog between the executive branch and the Congress on this problem. I fully recognize that missile proliferation is a problem we are going to have for as long in the future as I can see. It is going to have to be managed year in and year out. The problem is not going to be solved by a single piece of legislation. That is why our amendment puts in place several new reporting requirements to ensure that the executive branch keeps Congress fully informed on a timely basis on its successes and failures in stemming the flow of missile technology.

Mr. President, this amendment and its counterpart on S. 2927 provide a comprehensive strategy for restricting the transfer of ballistic and cruise missiles. If passed, it will allow the United States to take the lead in restricting the development and transfer of intermediate range ballistic and cruise missiles.

It improves export controls and enforcement; it takes a global approach to enforcement which will not disadvantage American industry. It pro-

vides sanctions calibrated to the degree of violation, which are sufficiently strict to discourage countries and companies from cheating by denying American missile equipment and technology.

It allows the United States to take the lead in seeking international cooperation in restricting the transfer of ballistic and cruise missiles. It reenforces U.S. adherence to the missile technology control regime [MTCR], encouraging the administration to seek a common and broader interpretation of MTCR provisions and more adherents to the MTCR.

If the administration is serious about the President's commitment to control missile proliferation, this legislation sets the agenda. It the administration is serious about keeping missiles out of the hands of unstable nations and terrorist groups, this legislation will help it do that. If the administration is serious about keeping America safe, this legislation places appropriate restrictions on a set of potentially destabilizing technologies and thereby promotes a more peaceful world.

Nonproliferation of missiles is not a partisan issue. Rather it is an issue of the gravest concern to every one of us. The decision before Congress is not whether we should pass legislation to prevent missile proliferation, but what type of legislation will best ensure the effective implementation of a missile nonproliferation policy.

Mr. President, I submit that this amendment is the best strategy for restricting the spread of ballistic and cruise missiles around the globe.

I urge adoption of this amendment.

Mr. GLENN. Mr. President, I would like to enter into a colloquy with my distinguished colleague from New Mexico, Senator BINGAMAN.

Mr. BINGAMAN. I would be pleased to engage in such a colloquy with my friend from Ohio, Senator GLENN.

Mr. GLENN. The proposed amendment addressing missile proliferation will signal to the world that America's support for the guidelines of the Missile Technology Control Regime is not limited to words alone. We are not only willing, but able, to take concrete actions in defense of that regime and the principles for which it stands. And what are these actions?

The amendment straightforwardedly provides that if a foreign firm illicitly exports controlled missile technology, it will pay a price as far as the United States is concerned. What price? The firm will lose its ability to do business with U.S. Government agencies. It will no longer be able to import U.S. missile-related technology, and it will stand a good chance of being exposed to the public. A similar penalty would be imposed on U.S. firms that may engage in such activities.

I do wish to take a moment to comment briefly about one provision in this amendment. The reporting requirement contains language exempting 18 nations that are friendly with the United States from the Secretary of State's missile reporting requirement. As I vote for this amendment, I do so with the understanding that if any of these nations should engage in illicit sales of equipment or technology that is specifically designated for special controls under the Missile Technology Control Regime, Congress would be so informed in those portions of the required report dealing with the would-be recipients.

Mr. BINGAMAN. I share the Senator from Ohio's understanding.

Mr. GLENN. I would like to ask my distinguished colleague if it is his interpretation of this reporting requirement that illicit sales by West Germany, for example, to Iraq of controlled missile technology would be the type of transaction that would be included in the Secretary's report?

Mr. BINGAMAN. The Senator is correct.

Mr. GLENN. I thank the Senator and will vote for the proposed amendment.

Mr. PELL. Mr. President, I am very pleased to be an original cosponsor of this amendment. The proliferation of ballistic missiles capable of carrying nuclear, chemical, or biological weapons poses an extremely serious threat to regional stability and peace in many parts of the world. The events of the last 48 hours show only too clearly that there are still governments willing and able to use force to crush those weaker than they. We must do everything in our power to prevent nations such as Iraq from adding to their already considerable military capabilities.

The amendment before the Senate provides for a framework for an effective U.S. policy to respond to the growing threat of missile proliferation. Broadly speaking, the bill mandates sanctions against United States and foreign companies that engage in the transfer of the most dangerous categories of missiles and missile technology. In addition, the legislation mandates the denial equipment to certain countries that transfer or receive missiles or missile equipment and technology. Finally, the bill includes reporting requirements that I believe will provide a clearer view of the threat posed by missile proliferation and, equally important, will highlight the companies that are engaged in the transfer of these deadly weapons.

In addressing the threat posed by the proliferation of delivery systems for nuclear, chemical, and biological weapons, this amendment provides an important and necessary complement to the Chemical and Biological Weapons Control Act adopted by the Senate earlier this year.

I would like to commend Senators BINGAMAN, GORE, and MCCAIN for their outstanding initiatives in this field. I had hoped that the Foreign Relations Committee would be able to act on a missile proliferation measure in advance of the defense authorization bill. Unfortunately this was not possible. However, the excellent legislation before the Senate now has been developed by our staffs and has been agreed to by Senators BINGAMAN, GORE, MCCAIN, as well as Senator HELMS and myself.

Mr. President, I think this is an important piece of legislation, and I think it is a timely piece of legislation. I urge my colleagues to support it.

Mr. MCCAIN. Mr. President, I thank Sennator GORE, Senator BINGAMAN, Senator PELL, Senator HELMS, and Senator SPECTER for their contribution to this, important amendment. I have worked with Senator GORE and Senator BINGAMAN on this amendment for over a year now, I as well as with Congressman BERMAN in the House. I think it is long overdue.

Mr. President, the time has come to stop talking about proliferation and to do something to prevent it. It has now been nearly a decade since Iraq first used chemical weapons in the Iran-Iraq war. It has been more than 5 years since Iraq first made massive use of poisonous gas to practice genocide against its own citizens.

It has been more than 2 years since Iran and Iraq launched a war of missiles against their respective capital cities. We are nearing the second anniversary of the time when both Iran and Iraq casually used poisonous gas to butcher innocent Kurdish civilians.

Proliferation proceeds unabashed, unconstrained by words and unaddressed by actions. We have yet to use the power of our leadership, the strength of our economy, or our vast information gathering capability to curb this deadly progression. The end result is a situation that Secretary of Defense Richard Cheney made brutally clear in a recent speech:

> As we look around the world's potential tinder boxes, perhaps the most disturbing development we can foresee is the likely proliferation of weapons of mass destruction. Ten years from now, by the year 2000, the number of developing countries producing their own ballistic missiles is expected to be up to 15. Some of the 15 are already producers, and others are likely to have this capability by the end of this decade. And that list of 15 does not count the countries that could end up buying missiles on the international arms market.
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> Included among the 15 are such countries as Iran, Iraq, Libya, Syria, and North Korea. That is hardly a list that can make an . . . audience feel comfortable. And at least six of the 15 countries will have intermediate range missiles by the turn of the century—not merely short range missiles.

Missiles that can be equipped to carry a wide variety of warheads—chemical, biological, and nuclear, as well as conventional. Some of the countries now developing missiles are ones that have nuclear weapons programs and by the end of the decade, the list of nuclear club members with missiles will almost surely be far larger than it is now.

As for chemical and biological weapons, 23 foreign countries have confirmed or suspected chemical warfare programs, and ten have or may have biological warfare programs. Many of these countries have, or soon will have, ballistic missiles. Once again, that list would include Iran, Iraq, Syria, Libya, and North Korea.

These words are backed by our intelligence community, experts from virtually every major research group studying foreign policy, the global military balance, and news report after news report. Mr. President, we are no longer dealing with a theoretical situation, this is a real and worsening threat to global peace.

The threat of proliferation is immediate, not simply a threat for the mid or late 1990's. Iraq—a nation armed with long-range missiles and chemical weapons—has threatened the very survival of Israel and before it invaded ruthlessly intimidated Kuwait with the prospect of annhilation from chemical weapons.

Iraq has missiles permanently targeted at Israel, and has recently borrowed from the Nazi manual of international behavior by invading Kuwait—despite Kuwait's repeated attempts to pacify Iraqi aggression. Not since 1938, have we seen such bold intentions and open aggression.

Further, this spring we saw India and Pakistan—two nations that can rapidy assemble nuclear weapons, and that are rapidly acquiring long range missiles—nearly go to war. These supposedly stable democracies suddenly, and with little warning, lost much of their moderation and restraint. For the first time, we heard rumors of plans to attack nuclear facilities, and veiled threats of escalation. Mr. President, this is dramatic proof that there are no good or safe proliferators.

We may not face such threats to our own territory today, but no one can deny that we are likely to face them tomorrow. It does not take great vision to imagine what may happen if a leader like Saddam Hussein, a madman who has threatened to "let our fire eat half of Israel" and to "retaliate for days and weeks and years" is able to equip his long range missile boosters with nuclear warheads.

It does not take much imagination to envision the horrors which a nuclear armed Qadhafi, a man who has already threatened the United States with "our special means, the right to actually practice terrorism against the American presence everywhere" might inflict upon an unsuspecting world.

Rear Adm. Thomas A. Brooks, the Director of Naval Intelligence, has referred to the present Missile Technology Control Regime as largely ineffective and likely to remain so. This legislation would finally address the failure of all existing arms control agreements.

Fortunately, we now have an the opportunity to take an important step forward to deal with this grave situation. The legislation we are debating would carefully target sanctions against both the sellers and buyers of such missiles and technology, it would strengthen the Missile Technology Control Regime, and it would require semiannual reporting by the President that would expose the names of merchants of mass destruction.

It would complement the legislation this body approved on chemical and biological weapons, and take an important step toward the comprehensive approach to fighting proliferation that I beleive is the only approach that can succeed.

The vast resources of the U.S. Government would be used to expose the names of both proliferators and merchants of mass destruction. The reporting provisions would shed light where today there is only darkness. Additionally, they would apply to aircraft when the President has reason to believe they are being used to deliver weapons of mass destruction.

This requirement to report on such aircraft recognizes the fact that while missiles are ultimately the most dangerous threat to the United States, for at least the next decade aircraft are most likely to be used to deliver large amounts of chemical and biological weapons against our friends and allies in the developing world.

If we do not act now, we and the Soviet Union will beat our swords into plowshares, only to see the rest of the world beat their plowshares into swords. We owe our sons and daughters a sense of vision and a far better legacy than this.

Mr. GARN. Mr. President, I rise in support of adoption of the amendment offered by Senators BINGAMAN, GORE, and MCCAIN to create a sanctions regime for proliferation of missile technology. I strongly support this amendment even though it does only half the job. The other half of the puzzle, controls and sanctions under the Export Administration Act, was something I proposed along with Senator HEINZ in the EAA reauthorization bill recently reported by the Banking Committee. Our provisions are being further modified by a Bingaman amendment to the banking bill that I will be happy to support. Taken together, this amendment and the Banking Committee amendments will put individuals, companies, and countries that assist the proliferation of missile systems on notice that the United States stands ready to impose severe penalties for their actions.

My support for this legislation represents the continuation of a 15-year personal effort in the Senate to stop the transfer of sophisticated Western technology to our adversaries. My recent efforts have focused on stopping such transfers by punishing the companies that profit from them. This effort began with my 1987 Toshiba amendment and continued with sanctions for chemical weapons proliferation first championed by the Republican leader and adopted by the Senate as part of S. 195, the Chemical and Biological Weapons Proliferation Act of 1990.

The combined effect of this amendment and the Banking Committee legislation would place sanctions on countries and individuals that assist missile proliferation. Like my Toshiba amendment and the CBW bill, the company sanctions title places authority to impose sanctions on foreign persons that assist proliferation through sale of so-called dual use technology in the Export Administration Act. In cases of proliferation involving munitions items, the bill also permits sanctions under the Arms Export Control Act. Unlike those other proposals, there is a crossover of sanctions between the two acts because the multilateral control arrangement for missile technology, the Missile Technology Control Regime, covers both munitions as well as dual use goods and technology.

While this legal structure is sound, the task we face is very difficult. Many countries have the technology and many of them are not cooperating in multilateral controls. There are many channels of diversion, and more coming as we free up trade with the former Soviet bloc. Our ultimate control mechanism, the threat of sanctions, always raises howls of protest from foreign governments and industry. But just as in the Toshiba-Kongsberg case, we must put the world on notice that there are some crimes we will not tolerate. We must stand ready to take unilateral action, hitting violators with criminal and financial penalties, to stop the spread of this deadly technology.

With regard to the details of the amendment, I have worked with the sponsors to conform the language to the well established structure of laws and regulations for controlling critical exports to our adversaries, punishing violators, and projecting our policy internationally. These laws—the Export Administration Act and the Arms Export Control Act—have been developed over many decades and provide a well understood structure of legal procedures and safeguards for U.S. policy. When it is possible to fit new policies into the existing structure of laws, this offers the best chance to produce sensible and consistent policy. We have done this.

Because of the complexity of the law in this area, this legal structure is somewhat complicated and will involve coordination of provisions in two different legislative conferences. There will have to be close coordination of Armed Services conferees and Banking conferees in our respective conferences with the House Foreign Affairs Committee to ensure that the resulting policy is balanced and sensible. I have spoken with the other Members involved with this issue and I am confident that we will produce such a policy.

I thank the sponsors of the amendment for their cooperation and look forward to working with them in conference on this issue.

Mr. LUGAR. Mr. President, the committee draft bill on missile proliferation addresses an important issue, the severity of which threatens to grow. Every member of this committee seeks to curb missile proliferation. By the same token, the authors of the draft purport to wish to strengthen the Missile Technology Control Regime through this legislation.

But the committee needs to be certain that this legislation, in fact, contributes to, and does not detract from, the fight against missile proliferation and the efficacy of the Missile Technology Control Regime.

There are several elements in this draft legislation that unwittingly might harm U.S. efforts to control missile proliferation. In particular, this committee must determine whether the imposition of unilateral U.S. sanctions on foreign firms could hurt rather than help our promising efforts to deal with this difficult problem through the Missile Technology Control Regime [MTCR].

MTCR BACKGROUND

In order to determine whether such legislation is helpful or harmful to these efforts, the committee needs to understand what the Missile Technology Control Regime is and what it is not. The MTCR is the primary international, multinational mechanism for sharing information and controlling missile proliferation. It was created in 1987 by the G-7 countries—the United States, the United Kingdom, France, Canada, Japan, West Germany, and Italy. Its mandate consists of a set of export guidelines for missiles and related components and technology, and applies to missiles capable of delivering a 500-kilogram payload a distance of 300 kilometers.

Two categories of items and technology are covered. Category I items—those of greatest sensitivity—include complete rocket systems and complete subsystems—reentry vehicles, engines, guidance sets, and so forth. Category II items are items of lesser sensitivity: propellants, structural materials, avionics equipment, and so forth. Greater emphasis is placed on transfers of category I items, for obvious reasons. They are licensed on rare occasions only, where the licensing government takes all necessary steps to ensure that the item will be put to an acceptable end-use.

It is important to stress that the MTCR is a voluntary, cooperative arrangement. It is not binding, and for good reason. Unlike chemical weapons, there is neither an international consensus against development and use of missiles, nor a legal basis for prohibiting their use. At the time the MTCR was created in 1987, a regime based on voluntary participation was all the traffic would bear. This is, unfortunately, still the case today.

To be sure, the MTCR is far from perfect, but is has nonetheless had a significant impact on worldwide missile proliferation:

It has hindered—not prevented—but hindered missile development programs in Argentina, Brazil, India, Iraq, Libya, and other countries.

It has established a range/payload standard for missile transfers around which an international consensus has formed.

It is supported by most of the remaining missile supplier countries. Some, while not wishing to join formally, have implemented controls on missile technology similar or identical to those of the MTCR.

Moreover, the MTCR is currently expanding. Australia, Belgium, Luxembourg, and The Netherlands have all recently joined. Most importantly, the Soviet Union very recently not only has stated that it supports the MTCR objectives, but it has asked to join the MTCR. This I find to be a most significant development.

The MTCR partners have just concluded a successful meeting in Ottawa, Canada. Some of the results coming out of Ottawa included:

A meeting of technical experts to review licensing and other implementation procedures and to work toward greater harmonization.

A strengthened commitment to even further expansion of the Missile Technology Control Regime.

Strengthened coordination procedures.

The MTCR has its limitations, but it is critical to a multilateral effort against missile proliferation. The United States cannot fight missile proliferation alone; we need the cooperation of our allies, our friends, and even some of our enemies.

PROBLEMS WITH SANCTIONS

A key question for this committee to consider is whether mandatory sanctions as contained in the draft legislation will aid in the multilateral effort against missile proliferation. Will such sanctions, no matter how carefully crafted and well-intended, contravene the spirit of the MTCR and damage its cooperative nature?

The G-7 countries in the MTCR, whose cooperation we need to combat missile proliferation, are firmly opposed to unilateral U.S. sanctions. They believe that such sanctions will weaken the MTCR as well as erode the political consensus within their countries to continue with this effort.

An important element of the MTCR is information-sharing on activities of government and private companies. The United States routinely discusses with its partners the activities of some of their companies which may be involved in missile proliferation. In general, the MTCR partners are very open in these discussions. But the question must be posed: Would such partners be as willing to share sensitive information on missile-related activities of their own companies if such a sharing could lead to U.S. sanctions? Even an exemption for companies in the MTCR countries themselves would do nothing for those countries which cooperate with the United States on missile proliferation, but without formally joining the MTCR—that is, Sweden and Switzerland.

SPECIFIC PROBLEMS WITH DRAFT LEGISLATION

Let me just enumerate some of the problem areas in the draft legislation which the committee ought to consider in reaching a judgment on the bill.

In general, part of the problem with the draft legislation stems from the fact that it is free-standing and its relationship to other legislation is unclear. Specifically, it is often unclear which type of export licenses are referred to. The term "missile equipment and technology" is defined as items on the Annex, but in many places it seems limited to dual-use items on the Annex, since it is juxtaposed with U.S. munitions list items.

The bill is subject to all of the problems of other bills mandating unilateral U.S. sanctions against foreign companies, including those previously mentioned.

It could damage the cooperative nature of the MTCR. Sanctions may anger MTCR partners to the point where their willingness to share information on missile-related activities of their own companies could be substantially reduced.

It could transform productive discussions with allies on how best to deal with missile proliferation into an adversarial dialog on the extraterritorial reach of U.S. law.

The bill uses the missile technology control regime to define the prohibited act. The problem is that, although the MTCR is an internationally agreed document, it has no special status under United States or foreign law. To be sure, using the MTCR to define prohibited conduct may appear to be simply holding other partners to what they have previously agreed to. However, under the MTCR each ad-

herent has preserved the sovereign right to export covered items. In short, this legislation goes far beyond anything the MTCR partners have agreed to.

The Annex is a poor standard to employ. No MTCR partner, including the United States, has incorporated the Annex into its national law. Indeed, there is disagreement among technical experts about what exactly is covered by some items in the Annex. The partners began work at the MTCR meeting in Ottawa this month on correcting these problems. Nevertheless, there are inherent problems in using a document for a purpose for which it was never intended.

If the MTCR partners know that their companies may be punished for trading in items on the Annex, they may be inclined to take items off the Annex or reword them very narrowly, thereby defeating the very purpose of the Missile Technology Control Regime. To be sure, the prohibited transfers could be spelled out explicitly in the bill, perhaps by limiting it to the most important items such as complete rockets or rocket stages, guidance equipment, et cetera. However, by seeking to punish foreign companies for exporting items identified by the United States rather than the MTCR, the extraterritorial nature of the legislation would become both clearer and more contentious.

PROBLEM AREAS BY SECTION

Many of these general problems can be found with greater or lesser degrees of specificity in individual sections of the draft legislation. A few examples may suffice for illustrative purposes:

Section 16, sanctions against U.S. violators, is potentially very sweeping in its scope and provides few safeguards to protect the due process interests of any individuals involved. Moreover, the waiver provided for in this section seems to apply to the procurement sanctions, not the export license prohibition.

Section 7(b) allows the President to waive the sanctions against foreign persons where the transfer is authorized by an MTCR adherent and where it does not violate the principles of the MTCR guidelines. However, limiting this waiver to MTCR adherents could adversely affect cooperative relationships with countries such as Sweden and Switzerland which, while not formally adhering to the MTCR guidelines, are committed to observing them in practice. Moreover, it is unclear what is meant by principles. The United States and its partners license hundreds of category II items annually—all presumably in keeping with the principles of the MTCR.

The second and third waiver provisions of section 7(b) seem only to apply, again, to the procurement sanctions, while the fourth provision—allowing the President to waive these sanctions if the foreign government has appropriately sanctioned the offending firm—is probably necessarily vague. However, it would be difficult to apply in practice, given the differences between U.S. export controls and those of other countries.

CONCLUSION

The purpose of these comments is not to discourage efforts aimed at curbing missile proliferation. Quite the contrary. We have some nascent efforts underway in this area through the vehicle of the Missile Technology Control Regime. I applaud the efforts of the committee staff in attempting to draft appropriate legislation. In fact, it may prove to be impossible to legislate constructively in this area.

In any event, the committee should be certain that efforts to legislate in this area are helpful to, or at least consistent with, the MTCR efforts—and do not run counter to or undermine the multilateral efforts to control missile proliferation.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. The majority accept the amendment.

Mr. SPECTER. Mr. President, this amendment clarifies the President's authority to impose sanctions on any foreign person engaged in the transfer of Missile Control Technology Regime [MCTR] category I or MCTR category II missile equipment or technology. The amendment further requires the President of the United States to determine whether transfers of these technologies pose a significant threat to the national security interests of the United States.

Without an effective means of curbing the proliferation of ballistic missile technology, there is a danger that any regional conflict, especially in the Middle East, could escalate toward a massive conflagration. Accordingly, I believe we need to prepare ourselves to send a strong signal to any country actively disseminating or seeking these technologies, that such actions are unacceptable and risk permanently damaging our relations. This amendment clarifies the President's authority to take such actions and through the reporting requirement provides him with a rationale if our national security interests are directly threatened.

Mr. President, Iraq's invasion of Kuwait illustrates how quickly crises can arise in some regions when one state possesses an overwhelming military capability and a will to use it. This situation is made even more dangerous since many countries in the region have developed ballistic missile capabilities to offset conventional deficiencies and match the missile capabilities of countries such as Iraq.

During the Iran-Iraq war, between February and May 1988 the Iraqis fired more than 190 Scud missiles against Iranian cities, while the Iranians in turn fired approximately 75 missiles at Iraq. The Iraqi missile used during these exchanges had a range of between 600 and 900 kilometers. This so-called War of the Cities illustrates how vulnerable states are to missile attacks. This fact becomes even more ominous given Iraqi efforts to jointly develop an intermediate range missile, the Condor II, with Egypt and Argentina. In 1988, it was reported that Iraq had developed and tested an intermediate range missile called the Tammuz I, with a range of approximately 1,250 miles.

The threat to stability posed by Iraq's missile capabilities must be viewed in the context of the larger missile buildup taking place throughout the Middle East and the subcontinent. In addition to Iraq and Iran, Egypt, Syria, Libya, Saudi Arabia, Israel, India, and Pakistan have all developed intermediate range ballistic missile capabilities. Since these weapons can easily be fitted with chemical and biological warheads, the potential for large-scale destruction is clear. Moreover, given the demonstrated willingness of someone such as Saddam Hussein to use these types of weapons, it is possible that in a crisis a country may consider preemption which could escalate to a full-scale exchange.

Mr. President, we need to take concerted action to stem the flow of these technologies. It may be wishful thinking to presume that we can dissuade certain states from pursuing ballistic missile capabilities, but we can at least discourage them from seeking superiority and assisting other countries in acquiring the technology. I believe that the provisions contained within the underlying amendment contain the necessary steps to achieve this objective. I have offered a provision, which was accepted and incorporated by the principal authors, to ensure that an attempt is made to understand how any foreign person's transfer of these technologies may affect our national security interests. With this knowledge we can better gauge what type of action, if any, is appropriate.

The PRESIDING OFFICER. Is there further debate?

Mr. GORE. I ask unanimous consent Senator PELL and Senator HELMS be added as original cosponsors.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment (No. 2554) was agreed to.

Mr. WARNER. I say this in a friendly spirit to my colleagues, but there are 30 amendments known to exist on this side of the aisle and an approximate equal number on the other side of the aisle; two indicated rollcall votes on this side of the aisle; one indi-

cated rollcall vote on this side of the aisle.

I draw my colleagues' attention to the clock. It is 10 minutes past the hour of midnight.

Mr. GORE. Will the Senator from Virginia yield?

Mr. WARNER. If I can just finish? Those amendments which are to be accepted on both sides, I leave it to your judgment as to how much time shall be required so as to minimally inconvenience the Senators.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I wonder if I might suggest we have those who are going to require rollcalls, so three-fourths of the Senators can go home. Those who want their amendments accepted can stay here and talk by themselves. Why should the rest of us have to listen to amendments that are going to be accepted and listen to 20 minutes of debate? We are not going to give any more agreements until we get the ones with rollcalls out of the way so the rest of the Senators can go home. It is quarter after 12. If we have to stay here while everybody makes a speech when their amendment is accepted it will be 4 or 5 in the morning.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I agree with the Republican leader. We really would like to get all the rollcall amendments up now. Those who have uncontested amendments, they will not take very long, we can do them very quickly. In fact, the floor managers can do them on behalf of Senators once they have been accepted on both sides. They can be done rapidly and the Senators who would like to depart after rollcall votes are over will be able to do so and get a little sleep before tomorrow morning.

I say to the Republican leader we have one amendment that Senator BINGAMAN will be involved in. He should be back here, I understand, very shortly. That is going to require a rollcall vote.

Beyond that I know of no other rollcall vote requirements on this side. Perhaps I am missing one?

Mr. REID. Do not forget about me.

Mr. NUNN. I was talking about the Reid amendment, but I mentioned it as Bingaman. On this side.

Mr. DOLE. Will the tobacco amendment be offered?

Mr. NUNN. I do not know, but I hope not.

Mr. DOLE. That will bring us to a halt pretty quickly.

Mr. NUNN. May I inquire of the Republican leader about which amendments on the Republican side might require rollcall votes at this time, that he knows about?

Mr. DOLE. The Senator from California is the only one we know of, and maybe the Senator from Idaho, depending what the problems are on that.

Mr. NUNN. The amendment of the Senator from California we recommend accepting.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. McCLURE. As I said a moment ago, the moment I know what amendments are going to be offered I can tell the Senator. Until I know what amendments are going to be offered I have no way of responding to the question.

Mr. NUNN. We are trying to consolidate the list out there right now.

Mr. DECONCINI. Will the Senator from Georgia yield? I wonder, even if we had to have a vote on the Bingaman-Reid amendment, we could have the vote tomorrow. If we want to have a debate now, have the debate now and have the vote at 8:30 or 9 in the morning. Everybody is tired. Maybe everybody is not tired. Maybe it is just me. It seems to me it is getting ridiculous. I see the majority leader in here. It is 12:15. We have 8 hours, if I am correct, on SDI, could be maximum.

There are only so many hours we can put in here, I think, to keep a civil relationship.

It seems to me it is time to fold the tent for the evening.

Mr. NUNN. May I say to my friend from Arizona we are trying to get the list together. The list has been coming down. Senators have been cooperative. Usually I get two questions from Senators, and the two questions are when are we going to get out of here, and the second one is, "I have another amendment I would like for you to take a look at."

Those two questions may not be incompatible and inconsistent to the ones who are asking them but to the managers of the bill they are both inconsistent. We are getting new amendments all the time.

I would love to be able to close them out if we can get a consolidated list and then knock off all amendments.

I am prepared, if the leadership is prepared, to ask that this many amendments be the limited number and not have any more beyond that. If we can simply get the consolidated list. We have asked for it. I assume we will get it in the next 10 or 15 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I say to the distinguished minority leader I have two amendments that are my own amendments. I have been a good boy and managed all day. They are agreed to. As long as they are doing nothing, I would surely like to get rid of those and usefully employ the time we have.

I am not going to make a long speech.

Mr. DOLE. I think we ought to accept every amendment where people agree not to talk.

Mr. DIXON. All right.

Mr. McCAIN. We accept the amendment.

AMENDMENT NO. 2555

(Purpose: To authorize pap smear and mammogram tests under CHAMPUS without extra charge.)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for himself, Mr. BINGAMAN, Mr. GLENN, Mr. DOLE, Ms. MIKULSKI, and, Mrs. KASSEBAUM, proposes an amendment numbered 2555.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 23, strike out "$22,110,045,000" and insert in lieu thereof "$22,068,345,000".

On page 16, line 24, strike out "$23,359,084,000" and insert in lieu thereof "$23,343,784,000".

On page 17, line 1, strike out "$20,856,814,000" and insert in lieu thereof "$20,845,714,000".

On page 17, line 2, strike out "$8,373,663,000" and insert in lieu thereof "$8,372,263,000".

On page 39, line 21, strike out "$373,280" and insert in lieu thereof "$369,641".

On page 39, line 22, strike out "$329,217" and insert in lieu thereof "$327,897".

On page 39, line 23, strike out "$247,420" and insert in lieu thereof "$246,443".

On page 39, line 25, strike out "$98,717" and insert in lieu thereof "$98,603".

On page 91, between lines 5 and 6, insert the following new section:

SEC. 805. PROVISION OF PAP SMEARS AND MAMMOGRAMS UNDER CHAMPUS.

(a) CARE AUTHORIZED.—Section 1079(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: ", except that pap smears and mammograms may be provided on a diagnostic or preventive basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990, and shall apply to the provision of pap smears and mammograms under section 1079 or 1086 of title 10, United States Code, on or after that date.

Mr. DIXON. Mr. President, this is an amendment by Senator BINGAMAN, Senator GLENN, and myself. It provides for CHAMPUS coverage for routine pap smears and mammogram examinations, agreed to on both sides.

Mr. McCAIN. We accept the amendment with great pleasure.

Mr. BINGAMAN. Mr. President, I am pleased to join my good friends and distinguished colleagues, Senators DIXON, GLENN, and MIKULSKI, as a sponsor of this simple, yet important, amendment. This amendment would allow CHAMPUS, the Civilian Health and Medical Program for the Uniformed Services, to provide coverage of routine Pap smears and mammograms for military personnel and their dependents.

I urge my colleagues to support this long over-due amendment. Its importance to thousands of military women and their families cannot be understated. It is, literally, a life-saving measure because through the simple, relatively inexpensive tests that our amendment would make more readily available, a variety of life-threatening infections and cancers can be detected early, at stages when they can be successfully—and usually inexpensively—treated.

The importance of early detection through tests such as mammograms and Pap smears was recently underscored for all of us when we learned that Marilyn Quayle, the wife of our Nation's Vice-President, had undergone surgery for cervical cancer. I am confident that I speak for every Member of this body when I wish Mrs. Quayle a safe, speedy, and complete recovery. Fortunately, Mrs. Quayle is expected to fully recuperate because of early detection. A simple, inexpensive Pap smear, performed in the course of a routine examination, detected her condition before it had progressed into more deadly stages of development.

Since its introduction nearly 50 years ago, the Pap smear has been credited with saving thousands of lives every year and has become the single most important test for detecting and preventing cervical cancer. The American College of Obstetricians and Gynecologists, or ACOG, estimates that deaths from cervical cancer have dropped 70 percent since the test was developed in 1943. Still, nearly 6,800 women die annually because of cervical cancer. The great tragedy of these deaths is that 90 percent of them—6,120 deaths—could have been prevented if more women had regular Pap smears.

The statistics regarding breast cancer are even more dramatic: according to ACOG, breast cancer accounts for nearly 30 percent of all cancers in U.S. women, and one in ten women will develop breast cancer during her lifetime. In 1988, about 135,000 women in the United States developed breast cancer. Of those, 43,000 have died, or will die, from this deadly disease. Many of these deaths could be prevented if more women, particularly those at higher risk for developing breast cancer, had mammograms. Women at higher risk include women whose mother or sister have had breast cancer or women who notice specific breast changes during monthly self-examinations.

All too often, however, the cost of preventive care, which most health insurance companies do not cover, discourages women from having these crucial, yet simple, tests. For the sake of humanity and economy, it is time that we offer some form of assistance to these women and their families. I believe this assistance should begin with the members of our country's armed forces, but I am hopeful that private insurance companies will see the wisdom of our decisions and follow our lead.

Mr. President, as I stated earlier, this amendment would allow CHAMPUS to pay the costs of routine Pap smears and mammograms for military personnel and their dependents. The cost to the Government would be minimal—about $13 per Pap smear, according to CHAMPUS' fiscal year 1989 statistics. Because mammograms are more complex, their cost per procedure is somewhat higher. The total cost of this amendment is estimated at about $55 million annually. That figure may seem high, but when it is compared with the expected savings in health care costs and lives, I believe it becomes clear that it is a wise investment for the Department of Defense and the Federal Government. It is an investment in cost-effective, preventive health care, which should be the ultimate objective of all health care legislation.

Mr. President, I am pleased that our colleagues in the House of Representatives recognize the wisdom of an investment such as the one we are proposing today. Through the diligent and capable leadership of Representative BEVERLY BYRON, chairperson of the subcommittee on Military Personnel and Compensation, the House Armed Services Committee recently included in its fiscal year 1991 Defense Authorization Bill language identical to our amendment. Representative BYRON has long championed this issue, and to ensure that her provision is retained in the bill we will eventually send to the President, I urge my colleagues to support this amendment.

In closing, I want to commend my good friend, Senator MIKULSKI, for the leadership she has shown in the Senate on this issue and other vital issues related to the health and well being of women and their families. Without her guidance, compassion, and diligence, I doubt that this amendment would have been possible. Senator MIKULSKI has increased the sensitivity of every Member of the Senate, the administration, and the American public to the dangers and costs incurred by ignoring women's health issues. As a nation and as individuals, we will reap the benefits of her work long into the future, and we will owe her a debt of gratitude that probably can never be repaid.

Mr. President, I urge my colleagues to recognize the need for this salient measure. I urge my colleagues to recognize the wisdom and cost effectiveness of prevention. I urge my colleagues to support this amendment. Thank you.

Mr. President, I ask, that two news articles, one from the July 24, 1990, edition of the Washington Post on the importance of Pap smears and another from today's edition of the New York Times on breast cancer and mammograms, be included in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IMPORTANCE OF PAP TESTS

(By Sally Squires)

Medical experts say that Marilyn Quayle's surgery for cervical cancer underscores the need for women to have an annual Pap smear, one of the oldest—and often most misunderstood—screening tests for cancer.

Many women do not understand the scope of problems that can be detected by the Pap test. These range from a variety of infections to invasive cancer of the cervix.

Pap smears also tend to give false readings in a significant number of cases. About 10 to 15 percent of the time, the results do not reflect a problem when one exists. This is why Pap smears need to be repeated at regular intervals, usually each year, once a woman has become sexually active.

"That way if they get a false negative test result this year, it will be picked up the next year," said Ralph M. Richart, chief of gynecological pathology and cytology at the Columbia-Presbyterian Medical Center in New York City.

Introduced in 1943 by Greek-born George Papanicolaou, the Pap smear has been credited with saving thousands of lives. "We have made an enormous impact in reducing the incidence and mortality of cervical cancer," said Robert Kurman, professor of obstetrics and gynecology at the Johns Hopkins Medical Institutions in Baltimore.

Deaths from cervical cancer have dropped 70 percent since the test was introduced, according to the American College of Obstetricians and Gynecologists (ACOG). The disease strikes 14,000 American women a year and causes 6,800 deaths.

What's more, public health officials estimate that 90 percent of these deaths could be prevented if more women had regular Pap smears. A 1983 national survey showed that only 57 percent of women, ages 40 to 70, had a Pap smear at least once every three years. In younger women, nearly 80 percent had regular Pap tests.

In the vast majority of cases, abnormal Pap test results do not indicate cancer but precancerous conditions of the cervix, Richart said. Since it takes an average of 10 years for most of these precancerous cells to develop into full-blown cervical cancer, early detection and prompt treatment are usually enough to cure the disease.

In addition, a growing number of studies since the mid-1970s have shown that many abnormal Pap test results are actually caused by infections with human papilloma virus (HPV), a sexually transmitted disease.

More than 22 different strains of HPV have now been identified in the female genital tract. Many cause no apparent symptoms, but others produce genital warts and can lead to cancer. Estimates are that "between 40 to 90 percent of cervical cancers are now related to HPV infections," said George Malkasian, past president of ACOG and a senior consultant to the Mayo Clinic's department of obstetrics and gynecology.

Because of this, many physicians are now advising women with abnormal Pap smears and those with cervical cancer to have their sexual partners tested. "We find that a significant number of the partners of women with abnormal Pap smears [are also affected]," said Columbia-Presbyterian's Richart.

The examination for male partners, called an androscopy, is usually performed by a specially trained dermatologist. Treatment involves the use of topical drugs, such as podophyllin or trichloroacetic acid. In cases where the man is found to have precancerous cells, laser therapy is used to kill the cells.

In Malkasian's view, women who have an abnormal Pap test should ask their physicians if it is related to an HPV infection. "If the answer is yes, then they should ask, "Should my husband or partner be tested too?" he said.

Doctors also have a new test to detect HPV infections in women—the Virapap. Gynecologists perform the Virapap the same way they do a regular Pap smear. They scrape cells from the cervix, the lower part of the uterus, which is the doorway to the vagina, place the cells on a slide and send them to a laboratory for analysis. Instead of looking for abnormal cells as the Pap test does, the Virapap detects genetic material from the human papilloma virus, and in many cases can identify which strain is present.

After one abnormal Pap smear result, the test is usually repeated to confirm the findings. Some doctors are now recommending that a colposcopy be performed after the first abnormal smear. This relatively painless procedure involves examining the cervix under magnification. It takes about 10 to 20 minutes to perform in the doctor's office.

During the colposcopy, which means literally looking at the cervix, doctors search for abnormal-appearing cells, particularly in the endocervical junction—a region located inside the cervix, near the floor of the uterus. It is at the junction—also known as the transformation zone—where cervical cancer is most likely to arise.

As part of the colpolscopic exam, doctors often sample or biopsy a small portion of suspicous-looking tissue. Test results are available in a week to 10 days.

When the diagnosis is a precancerous condition or related to an HPV infection, "most of the time these patients can be treated in the office," Richart said. Usual therapy is cryosurgery—literally killing the abnormal cells by freezing. Another option is laser surgery, which also destroys the cells. Both procedures take about 20 minutes to perform.

If the abnormal cells involve a large area or extend high into the cervical canal close to the uterus, doctors usually turn to a more invasive procedure called conization. This therapy is performed under general anesthesia and involves either an overnight stay in the hospital or treatment in a same-day surgery unit. In conization, doctors remove a cone-shaped piece of tissue around the abnormal cells. Childbearing is not affected by this procedure.

For most women, treatment is successful. Only about "one in 500 will ultimately require a hysterectomy," he said.

In a minority of women who have an abnormal Pap test, doctors find that the cancer has already grown about an eighth of an inch into the surface of the cervix or that it is a relatively fast-growing type of cervical cancer. Treatment for these women is a hysterectomy that removes the uterus and cervix.

If more invasive cancer is present, then doctors will also remove nearby lymph nodes, as well as the cervix and uterus. Another option is radiation therapy, which is about as effective as surgery for advanced cervical cancer.

For most women, however, regular Pap smears can assure that this kind of surgery is not necessary.

"The overwhelmingly majority of women—if they have Pap smears taken on a regular basis—will have abnormalities detected in a stage when they can be readily treated and are virtually treatable 100 percent of the time," Richart said.

PERSONAL HEALTH—IN FIGHT AGAINST BREAST CANCER MAMMOGRAMS ARE A CRUCIAL TOOL, BUT NOT FOOLPROOF

(By Jane E. Brody)

The incidence of breast cancer is rising among American women. One woman in 10 will eventually get this disease, up from one in 11 just four years ago.

The disease is the most common life-threatening cancer and the second leading cause of cancer deaths in American women. This year it will strike 150,000 women and claim 44,000 lives.

Lacking a cure or a clear-cut way to prevent breast cancer, specialists are urging women to take advantage of the one measure they know can reduce deaths from it: mammography.

When this specially designed X-ray of the breast is properly performed and correctly interpreted, it can often pick up very tiny, highly curable cancers that have not yet formed a lump that can be detected by touch.

For the earliest cancers detectable by mammography, the cure rate exceeds 90 percent. Some experts estimate that if women followed current mammography guidelines, which have been endorsed by 11 major health organizations, deaths from breast cancer could be cut at least 30 percent.

Under these guidelines, women who are 40 to 49 years old are urged to have a mammogram every year or two, and women 50 and older are urged to have one annually. For women from 35 to 39, a single exam is recommended as a baseline for use as a comparison with results of X-rays after age 40.

A TEST OFTEN AVOIDED

But all is not sanguine with screening mammography, which would be applied to millions of ostensibly healthy women. (Women with suspicious symptoms in their breasts are given diagnostic mammograms, which are more elaborate than the two-view x-rays taken when symptom-free women go through a routine screening.)

Fewer than 40 percent of women over age 40 have ever had a mammogram, and only a relative handful of women have one annually. When women are asked in surveys why they do not have such tests, two answers predominate: They see no need for a mammogram, presumably because they have no symptoms or family history of the disease, and their physicians never advised them to have one.

The potential influence of a woman's physician can be seen in another survey finding: Ninety-four percent of women whose doctors tell them to have mammograms had one in the previous two years, but only 36 percent of women whose doctors said nothing about a mammogram had one.

Of course, many women are relieved not to be urged to get a mammogram, because they are afraid something might be found. They do not realize that 95 percent of women are given an immediate clean bill of health, and for the remaining 5 percent follow-up tests on most show no cancer.

But if a cancer is present, it is best found and treated as soon as possible. The prognosis can only get worse if cancer is not detected early.

A woman already uncertain about getting a mammogram can easily find other deterrents. One is concern about radiation. Although radiation exposure is not negligible, when a mammogram is done with modern, properly maintained equipment, the amount of radiation even from 30 years of annual exams is believed by experts not to be hazardous, particularly for women past menopause.

But some experts are concerned that the accumulated radiation may be a greater risk to young women, whose hormone-stimulated breast tissue is more sensitive to radiation. Furthermore, clear-cut benefits of screening mammography for women under 50 have not yet been demonstrated in well-designed studies, in part because early cancers are harder to pick up in the denser breasts of younger women.

On the other hand, about 10 percent of breast cancers occur in women in their 40's, and these women have more to gain if early detection saves their lives. At the least, premenopausal women with a family history of breast cancer should discuss with their doctors the advisability of annual mammography.

Another deterrent is cost and availability. More than 7,000 mammography sites exist in the United States, but not all are top quality. And while the average screening mammogram costs $100 to $125, through the efforts of the American Cancer Society low-cost mammography—about $40 to $50 per exam—is available in many areas, often through special screening centers or mobile units. And in about two dozen states, including New York, insurers are obliged to cover part or all the cost of a routine mammogram.

FINDING EXPERT MAMMOGRAPHY

For a list of accredited mammography facilities, call the National Cancer Institute at (800) 4-CANCER, or ask the local chapter of the American Cancer Society. If no accredited facility is nearby, the Center for Medical Consumers, a public interest organization based in New York City, suggests that a woman ask about the following before making an appointment for a mammogram.

Is the radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology?

If not certified, has the radiologist had at least two months training in reading mammograms?

Are the technicians certified by the American Registry of Radiologic Technologists or the state licensing board?

Is the X-ray equipment specifically designed to do mammograms?

Is mammography a regular part of the practice?

Specialists say that the technician should administer and the radiologist should read a minimum of 10 mammograms a week to maintain expertise.

PROBLEMS WITH THE TEST

But proponents and opponents agree that a serious problem exists with mammography: A large proportion of test sites use substandard equipment, are staffed by inadequately trained technicians and radiologists, or are rarely if ever inspected to be sure the equipment is working properly at a minimal dose of radiation.

Three years ago, the American College of Radiology began an accreditation program to correct these problems. Of the 2,936 test sites that have applied for accreditation, 29 percent failed on the first try. The organization has accredited 1,560 sites so far and 1,400 are still under review.

Then there is the question of negative mammograms. Even in the best of circumstances, mammography is not perfect. About 10 percent of breast cancers do not show up in mammograms.

Hence, the continuing importance of monthly breast self-examination and a yearly physicial breast exam by a physician.

Finally, there is the debate over how to treat those early, noninvasive lesions that are virtually 100 percent curable through surgical removal. Experts estimate that about half of these malignant lesions never develop into a full-blown cancer, but it is currently not possible to predict which half. Thus, most cancer specialists advocate removing all that are found rather than waiting to see if an invasive, and thus less curable, cancer will result.

Women interested in more detailed information about early detection of breast cancer can consult a new book, "Make Sure You Do Not Have Breast Cancer" (St. Martin's Press, $15.95) by Dr. Philip Strax, a radiologist who pioneered breast cancer screening in this country.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2555) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2556

(Purpose: To express the sense of Congress regarding the closure of United States military installations outside the United States)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Sentor from Illinois [Mr. DIXON] proposes an amendment numbered 2556.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, after line 24, insert the following new section:

SEC. 1216. SENSE OF CONGRESS REGARDING THE CLOSURE OF UNITED STATES MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES

(a) FINDINGS.—Congress makes the following findings:

(1) It was reported in the July 28, 1990, European edition of the Stars and Stripes publication that General John R. Galvin, Commander-in-Chief of the United States European Command, has submitted to the Secretary of Defense a list of United States military installations located outside the United States that the General recommends be closed.

(2) During consideration of legislative proposals authorizing appropriations for the Department of Defense for fiscal year 1991 by the Committee on Armed Services of the Senate, General Galvin indicated he would announce a list of 100 United States military installations outside the United States he recommends for closure.

(3) Many members of Congress strongly believe that United States military installations outside the United States should be closed in lieu of closing military installations located in the United States.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should make public any recommendations made to the Secretary of Defense by General John R. Galvin regarding the closure of United States military installations outside the United States and any other recommendations submitted to the Secretary by other commanders of combatant commands regarding the closure of United States military installations outside the United States; and

(2) The closure of such installations located outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

Mr. DIXON. Mr. President, this is an agreed amendment that simply says that the list that General Galvin has sent to the Department of Defense suggesting 100 bases to be closed be publicized and that the Secretary of Defense use his discretion at his earliest convenience to look at closing some of those bases.

It is agreed to on both sides.

I also ask unanimous consent that a July 28, 1990, article from the European Stars and Stripes be printed in the RECORD. It is entitled "Galvin Wants To Close 100 Bases."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From European Stars and Stripes, July 28, 1990]

GALVIN WANTS TO CLOSE 100 BASES

(By Vince Crawley)

STUTTGART, WEST GERMANY.—Gen. John R. Galvin said Thursday that he's sent to Washington for approval a list of 100 bases that he wants closed.

Galvin, who is NATO's top general in Europe and the commander of the U.S. European Comd, would not reveal the list's contents during an interview with The Stars and Stripes. He told the Wall Street Journal earlier this month that most of the bases are in West Germany and that 12 are major military complexes.

"We've got all the planning done," Galvin said Thursday afternoon at his Stuttgart headquarters.

Galvin hinted that the contents of his list probably won't be revealed anytime soon. After congressional approval, there will still be "government-to-government consultations" between the United States and the host nations.

"Then it will be a matter of coordination at the local level, and we intend to do plenty of that with the German side and with the other host nations," he said.

"Obviously, we're going to listen very carefully to host nations' opinions (about base closings). We have done that already. Of course, you don't live with your neighbors, as we have with the host nations, and not know what their desires are.

"And, we will continue to regard their decisions as part of the equation."

In the interview, Galvin also talked about the historic NATO summit held three weeks ago in London.

"The declaration (after the summit) was pretty clear that we want to use arms control as a way to reduce the level of confrontation," Galvin said. "The declaration made a statement that we no longer consider the Warsaw Pact nations as adversaries."

The summit also called for a change in NATO's strategy of forward-deployed forces, "and we are now, on the U.S. side, looking at what that means to all of us," Galvin said.

"We already know, of course, that arms control means smaller forces," he said. He pointed out that NATO's "overall aim is to bring the Soviets down to parity and be willing to take reductions in order to make that happen."

He said he expects that diplomats in Vienna, Austria, will reach a Conventional Forces in Europe agreement by year's end.

"I don't mean that there won't be any glitches," Galvin said of the imminent U.S. troop reductions and withdrawals from Europe. "You don't do an operation as big as this without some (problems)."

He acknowledged that "there will be some people who will leave (the military) involuntarily. And if you don't want to be one of them . . . you have to make sure your record looks good."

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2556) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2557

(Purpose: Expressing the sense of the Senate to facilitate the creation of a multilateral anti-narcotics strike force)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2557.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amemdment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to counter major international drug traffickers.

SEC. . CREATION OF A MULTILATERAL COUNTER NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international counternarcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of consideration; and

(3) the Manley plan is the first operative proposal for the use of a multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal; and

(2) the United States should work through the United Nations and other multilateral organizations to determine the feasibility of such a force and to assist in the establishment of this force, if it is found to be feasible.

Mr. SPECTER. Mr. President, this amendment has been cleared on both sides. It expresses the sense of the Senate to facilitate the creation of a multinational antinarcotics strike force. I urge its adoption.

Mr. DIXON. We support the amendment on this side, Mr. President.

Mr. McCAIN. Mr. President, we support the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Pennsylvania.

So the amendment (No. 2557) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2558

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 2558.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . DEADLINE FOR COMPLETION AND EXECUTION OF AGREEMENTS WITH THE ENVIRONMENTAL PROTECTION AGENCY.

"(a) Whenever a Department of Defense facility is proposed to be listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, including those facilities proposed for listing as of the date of enactment of this Act, the Secretary of Defense shall, not later than one year after the date of such proposal or the date of enactment of this Act, whichever is later, enter into an interagency agreement with the Administrator of the United States Environmental Protection Agency, which shall be subject to and comply with the Comprehensive Environmental, Response, Compensation and Liability Act, as amended, and shall include, but not be limited to, a procedural framework and schedule for developing, implementing, and monitoring appropriate response actions for any such facility in accordance with the Comprehensive Environmental, Response, Compensation and Liability Act, as amended.

"(b) This section shall be construed consistently with any existing federal laws, and nothing in this section shall be construed as limiting any rights, authorities, requirements, or obligations of or provided by any existing Federal laws. Nothing in this section shall be construed as preempting, affecting, or modifying any state laws, including, but not limited to, any laws concerning removal or remedial action, enforcement, discharge control, solid waste disposal, or the application of such laws to facilities owned or operated by a department, agency, or instrumentality of the United States.".

Mr. WILSON. Mr. President, this amendment has been cleared on both sides.

Mr. President, all of us are only too aware that many of our Nation's military installations have serious problems with environmental contamination. Maintenance cleaning of military machinery at a number of these bases has resulted in ground water pollution, and in some cases the contaminated ground water plume threatens drinking water supplies of nearby residential areas.

We need to ensure that these problems are addressed, and we cannot tolerate any unreasonable delay. My amendment is a very straightforward attempt to eliminate delay in the cleanup at these installations, and I would respectfully suggest to my colleagues that it is an amendment which deserves their support.

Very simply, my amendment would require the Department of Defense to accelerate the process by which it enters into cleanup agreements with the Environmental Protection Agency once a military installation has been proposed to be listed on the National Priorities List under the Superfund statute. The amendment would require such agreements to be executed within 1 year after the proposal to list.

Now the Defense Department already has a duty to execute these agreements under existing law. The problem is that it has been taking DOD as many as 4 or 5 years after its installations are proposed for inclusion on the National Priorities List to conclude such agreements. Frankly, that is much too long. It delays cleanups that are necessary to protect the public health and environment, and it cannot be tolerated.

Let me note here that this is hardly a matter of concern only to my State of California. This National Priorities List is a list of the most contaminated sites in the country. Last year at this time, nearly 90 military installations from some 24 States were on that list. Those States included Alaska, Arizona, Florida, Georgia, Hawaii, Iowa, Idaho, Kansas, Massachusetts, Maine, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wyoming.

And as if that list was not long enough, EPA then proposed to add roughly 50 more military bases to that list. So this problem is a large one, and it is growing.

California, unfortunately, has had to deal with at least 20 of these installations that are on the NPL, and the progress has been excruciatingly slow. Norton Air Force Base was first proposed for listing on the NPL in October 1984—but the interagency agreement between DOD and EPA wasn't concluded until June 1989. Sharpe Army Depot also was proposed for NPL listing in October 1984—but, again, the interagency agreement was not completed until 1989. The Naval Air Station at Offutt Field was proposed for inclusion on the list in April 1985, and DOD and EPA were still negotiating the interagency agreement 4 years later.

Mr. President, 4 years' delay in executing these agreements is simply too long. These military bases that are contaminating drinking water supplies must be cleaned up promptly. That is why I am offering this amendment. It is a needed amendment, it protects the public health, and it furthers the goals of our environmental laws that are already on the books—not only Superfund but also the Defense environmental restoration account that is the source of DOD's money for cleaning up these installations.

And again, this is a very straightforward amendment. It simply takes the existing duty of the Defense Department to execute these agreements, and requires that the agreement process be concluded within 1 year of the time any particular military base is

proposed to be listed on the NPL. This is a reasonable approach. It is an approach that would provide quicker environmental restoration at a number of military installations around the country. It is the very least we can do for the local communities that have been suffering the effects of contamination.

Mr. President, I have personally visited the Norton Air Force Base, Mather AF Base, and the Sharpe Army Depot, and Moffatt Field, and others. I have met with the people affected by contamination at these military installations, and I have worked to ensure that prompt remedial actions are taken. I have shared their frustration at the pace with which that action has proceeded. These communities have waited long enough. The time to clean up these sites has long since arrived. So let us seize this opportunity now to accelerate the process and move forward on an expedited basis to clean up these military installations and restore the environment.

I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from California a few questions about his amendment on the execution of agreements with the Environmental Protection Agency [EPA]. What impact would your amendment have on the current EPA approaches to interagency agreements?

Mr. WILSON. Mr. President, my amendment would, in effect, codify what I understand to be the current EPA approach to the interagency agreement process, already being pursued pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended [CERCLA, as amended]. EPA currently attempts to enter into such agreements with Federal facilities at an early stage in the process. Such agreements include a procedural framework and schedule for developing, implementing, and monitoring appropriate response and remedial actions for any such facility in accordance with CERCLA, as amended. Such agreements incorporate all content specified by section 120(e)(4) of CERCLA, as amended, and are subject to and comply with CERCLA, as amended. So my amendment would not disrupt this process; it would simply add a new and clear deadline and requirement to section 120 of Superfund for the execution of these agreements.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from California for a clarification of his amendment's requirement that the agreements are subject to and comply with CERCLA, as amended.

Mr. WILSON. Mr. President, by indicating that such agreements are subject to and comply with CERCLA, as amended, the amendment makes clear that the agreements in the amendment are subject to and must comply with all requirements, authorities, rights, and obligations of CERCLA, as amended, including but not limited to the content specifications of section 120(e)(4), the public participation requirements of section 120(e)(2), and section 117, all other provisions of section 120, and other CERCLA provisions, including section 310 authorities on citizens suits, and section 121 cleanup standards.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from California to elaborate on the amendment's effects on State and Federal laws.

Mr. WILSON. Mr. President, while the amendment creates a new requirement to execute the agreements in question by a specified deadline, the amendment does not limit any rights, authorities, requirements or obligations of or provided by any existing Federal laws. In addition, the amendment clearly does not preempt, affect, or modify any State laws. The amendment preserves the applicability of all Solid Waste Disposal Act, as amended, enforcement authorities and corrective action requirements at Department of Defense facilities, including those proposed for or listed on the National Priorities List [NPL]. This includes preserving the rights of States at proposed and final NPL sites to enforce all requirements of the Solid Waste Disposal Act, as amended, including corrective action requirements, as well as any State laws, regulations, and requirements pertaining to solid waste.

Mr. LAUTENBERG. On last year's DOD authorization bill, the Senator from California offered and withdrew a related amendment, that specifically referenced States as parties to the agreement. I note that the Senator's current amendment does not reference States as parties, and would like to ask him to confirm that the current amendment does not change the obligations, rights, or role of States with respect to the current CERCLA interagency agreement process.

Mr. WILSON. Mr. President, the Senator from New Jersey is correct, in addition to other modifications to the amendment from last year, the reference to States has been dropped in an effort to conform to the current CERCLA section 120 process. The current amendment in no way changes the obligations or role of States with respect to the interagency agreement process. As is the case currently, were this current amendment enacted, States have free choice about such agreements. They can enter into such agreements or exercise their freedom not to enter such agreements.

Mr. President, simply stated, this is a requirement that the Department of Defense and EPA enter into an interagency agreement for the cleanup of contaminated military bases within 1 year after the listing of those bases on the Superfund National Priorities List. It is an effort to accelerate attention to needed environmental cleanup on military installations. It has been cleared on both sides.

Mr. NUNN. Mr. President, we have looked at the amendment of the Senator and I think certainly it is aiming in the right direction. There may be some things we have to look at in conference after we hear a little more from the Department of Defense, but I recommend we accept the amendment.

Mr. McCAIN. We recommend acceptance of the amendment.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from California.

So the amendment (No. 2558) is agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we now have, I believe, a list of all the amendments that are known to us. What we would like to do at this time is propose that these amendments be all the amendments that will be eligible for debate or for consideration on this bill, with the exception of those amendments, of course, that are set forth in the unanimous consent request relating to SDI.

The PRESIDING OFFICER. The Senator will suspend. This will be an important list. The Senator needs to be heard. All Senators will cease audible conversations. The Senate is not in order.

Mr. DIXON. Mr. President, while the distinguished manager is doing his work, may I make a statement that will eliminate another amendment?

The PRESIDING OFFICER. The Senator may proceed.

Mr. DIXON. Mr. President, I had a Korean fighter FSX amendment on the list, and it may now be deleted from the list.

Mr. President, I had intended to offer an amendment today on the Korean fighter program, with the cosponsorship of Senator BYRD, Senator FORD, Senator BRYAN, and Senator HEINZ. However, the distinguished leadership has requested that we not address this issue today, in the interests of finishing the Defense authorization bill. I would be pleased to accommodate this request and not offer this amendment now, however, I ask unanimous consent that the amendment be printed in the RECORD.

Mr. President, my amendment would have provided that the Korean fighter program not be carried out unless Congress passed a joint resolution of approval. I realize that the Korean fighter program is not the FSX: It is a coproduction rather than a codevelopment program. However, it involves many of the same basic issues, and must be a matter of congressional concern. I believe this program should have been handled differently from the beginning: Specifically, the Koreans could have bought the F/A-18's off the shelf, rather than insisting on coproduction.

Congress must take some kind of action to make clear to the administration that we are concerned about the way it handles these types of programs, and that the deal itself—if carried out—does not harm U.S. interests. Although I will not offer my amendment today, I plan to offer legislation on the Korean fighter program in the future.

The Korean fighter program involves 120 F/A-18 *Hornets.* 12 will be purchased off the shelf, 36 will be assembled from kits in Korea, and the remaining 72 will be coproduced in Korea by Korean industry under U.S. license—with U.S. industry providing technical assistance and training. I believe that given the special circumstances surrounding the United States-Korean relationship, there should have been no doubt that this would be an entirely off-the-shelf sale.

The United States maintains over 40,000 troops in Korea, at a cost of $2.6 billion per year. We have given Korea billions of dollars in economic assistance, which has played a major role in building Korea's present day prosperity. The United States trade deficit with Korea remains large, even though it has been declining. Korea has engaged in unfair trade practices with the United States, and in 1989 only narrowly escaped being named a priority country under the Super 301 provision of United States trade law. Given these circumstances, I believe that common sense requires that Korea buy our planes outright, rather than require a coproduction arrangement.

Moreover, I have serious reservations as to whether this coproduction arrangement is in the long-term interest of the United States. For example, is it in the United States interest to help Korea build an aerospace industry that we will later have to compete with? The GAO testified earlier this year that the Korean fighter program "involves the transfer of manufacturing and assembly know-how." In addition, the GAO indicated that "the Koreans' desire for a coproduction program has been driven by their industrial goals and interests."

Also, I question whether it is in our interest to give manufacturing and assembly know how on the F/A-18 to a country that is widely known to have violated coproduction agreements in the past. Classified GAO testimony, that is available to all the Members of this body, provides details on this matter. My concern is whether we can guarantee that Korea will not allow dangerous countries access to the F/A-18.

Finally, Mr. President, I understand that the administration is not, as of now, planning to provide the memorandum of understanding on the Korean fighter program to Congress for consideration. I do not see how Congress can carry out its constitutional responsibility to regulate foreign commerce if we are not even able to examine the agreement, and make sure that it is not detrimental to U.S. interest.

Mr. BOND. Mr. President, on behalf of Senator DANFORTH and myself, I object to the amendment proposed by Senator DIXON. There are so many problems with the amendment before us that I am not sure just where to start.

This amendment would set aside the law under which all arms sales are now considered—the Arms Export Control Act—and would establish, in its place, a new unworkable and unnecessary process for considering the Korean fighter deal.

There is simply no reason to take this action. The Arms Export Control Act establishes a reasonable framework for addressing arms sales—one that has worked well over the years. Under the act, the administration provides Congress with notice of a sale. Congress then has 30 days to review the proposed deal. That is in addition to another 20 days during which the administration routinely provides informal notice to allow Congress to begin to prepare for the formal notification. During the formal notification period, any Member of Congress who choose to oppose the sale, may introduce a resolution of disapproval and that resolution must be dealt with under expedited procedures. Put simply this is a deal killer directed at the sale of 120 F/A-18 *Hornets* to Korea.

These are not lax or unreasonable procedures, and this Congress has found them adequate for all past coproduction arms deals.

I would further point out that it makes no sense to make a major modification to the Arms Export Control Act in a floor amendment which has never been considered in a hearing and which is being debated under the time constraints we now face.

I would like to point out to my colleagues that there is nothing unusual, new or unique about this deal. It is a standard coproduction agreement—almost identical to many that have taken place in the past, all without interference, or even much interest—on the part of Congress.

Under the proposed deal, the United States and Korea will coproduce F/A-18 fighter aircraft. We are currently participating in similar coproduction deals on the F/A-18 with Canada, Spain, and Australia. In addition, we have a comparable coproduction arrangement with Turkey for the F-16 *Falcon.*

I ask my colleague from Illinois, what is the difference? Why is he opposed to this deal? Why did he not oppose earlier such arrangements?

Mr. President, I also would like to point out to my colleagues that the Korea fighter is not the "Son of FSX" as some would have you believe. The FSX deal, which we debated extensively last year was a codevelopment deal under which the United States and Japan will develop a new fighter plane. And that deal involves transfers of technology between the two countries and the development of new systems and technologies. That is not at all what we are talking about here.

The Korean fighter program is a procurement of 120 F/A-18 *Hornet* aircraft. Unlike the FSX, the *Hornet* is a fully developed fighter and no changes will be made to the plane beyond those necessary to make it adaptable to Korean Air Force needs. No development or design work will be transferred to Korea. High-technology items are excluded from coproduction—the radar, electronic countermeasures, and avionics, for example—will be completely produced in the United States.

Another objection that has been raised is that this program will establish Korea as a competitor in the commercial aerospace field. This is truly a specious argument. If helping the Koreans to develop an aerospace industry is a mistake, then we've been making that mistake for years. Korean companies currently produce parts of the Boeing 767, 757, and 737, as well as the McDonnell Douglas MD-80. And that is not all. The Koreans also have done work on the F-15, the F-16, the F-4, the F-5 and the C-130, not to mention the MD-500 and Bell 212 helicopters.

I have to say I am perplexed as to what is the motivation behind this amendment. I do not understand the reasons behind it, but I certainly know what the likely results will be if it is passed.

At the very least this amendment will strengthen in the minds of potential customers throughout the world the image of U.S. companies as unreliable and problematic suppliers of defense items. But the impact could be a lot worse than that. If this amendment results in an extended delay in getting the program under contract, the entire deal could be jeopardized by price increases.

I am deeply concerned about that possibility because it has a direct and major impact on workers in my State. Defense workers in Missouri have seen tough times in recent weeks and they are likely to see further cuts in the next few years. I do not want to go back to them and try to explain why—at a time when they are struggling to find any way to keep workers on the line—Congress saw fit to put roadblocks in the way of a deal that will keep U.S. aerospace workers employed for years to come.

The men and women who live in Missouri and Illinois and work on the F/A-18 program support this program and they oppose efforts to impede it. Last night I spoke to Mr. Cass Williams, head of the Machinists Local 837 that represents McDonnell Douglas workers. He told me in no uncertain terms that the men and women of the union need all the work they can get and they support the Korean deal 100 percent. He asked that I pass that message to my colleague from Illinois.

I ask unanimous consent that a letter from Mr. Williams be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO, AEROSPACE DISTRICT LODGE 837,
Hazelwood, MO, August 2, 1990.

Senator CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: We believe that the Korean Fighter Program (KFP) is good for American Labor:

Almost 3 years of production for 8,000 people employed on the FA-18 program at MCAIR;

About 23 million manhours of work in the U.S.;

Spare parts, weapons and other systems which are sold along with the fighters will provide additional work.

There is no need for more delays in giving U.S. labor these jobs. KFP negotiations have already dragged on for two years, and there have been plenty of opportunities for all parties to be heard. The deal is good enough as it is.

The Koreans are trying to "buy American." Labor will not understand if Congress does something that makes this hard, especially at a time when U.S. Navy production rates are falling. Delaying or killing the program will only help the British and French, who are trying to sell Tornados and Mirage fighters to the Korean Air Force.

Your help in this matter will be greatly appreciated!

Yours very truly,

CASSELL WILLIAMS.

Mr. BOND. Mr. President, at a time when U.S. defense companies are facing declining defense budgets and the need to curtail programs and cut back on jobs, it seems to me that we ought to be taking actions to help them sell more, not less. Foreign sales such as this one are the only hope that workers such as the members of local 837 in St. Louis have of ensuring their jobs beyond the next few years. I cannot understand how we could afford to bomb this deal with a major procedural delay.

In conclusion, I would just point out that this is a good deal for the United States. It will reduce the United States-Korean trade imbalance by almost $4 billion, and that does not include follow-on purchases and spares. It will provide work to approximately 1,500 U.S. companies and it will mean more than 23 million man-hours of jobs for American workers. We can pass this amendment and take a step toward sending those jobs to France or the United Kingdom, but I am pretty sure my colleagues do not want to do that. I certainly hope they do not. I know I do not.

I yield to my colleague.

Mr. KERRY. Mr. President, I simply want to indicate my strong support for the FA-18 arrangement between the United States and our Korean allies. I too opposed the FSX deal with Japan as an arrangement that was not in the long-term, best interests of the United States, particularly from an economic competitiveness standpoint. However, the current proposal regarding United States-Korean cooperation on the FA-18 poses no such threat. In fact, General Electric engines for the FA-18 under this arrangement will be built in Lynn, MA, where we make and have made for years the finest jet engines manufactured anywhere in the world. This is a coproduction agreement, not a codevelopment agreement, and it makes sense.

Mr. President, this is a good deal for the Koreans and a good deal for the American people and a good deal for the workers in Lynn and I am pleased to join in the comments of my colleagues in support of this important agreement with our Korean allies.

Mr. DANFORTH. Mr. President, this Senator, who had strong reservations about the codevelopment arrangement with Japan for the FSX last year, has absolutely no doubt about the wisdom of the Korean arrangement. It is entirely different from the Japan transaction. This does not involve codevelopment.

In this agreement, the Commerce Department has been involved since the outset in the deliberations, unlike the FSX deal with Japan.

Mr. President, I ask unanimous consent that a letter I have received from Thomas J. Murrin, Acting Secretary of Commerce, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, DC, August 3, 1990.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: Thank you for your inquiry today concerning the Korean Fighter Program (KFP). As you are aware, the U.S. and Korea completed negotiations on this agreement in June 1990. While the Koreans have not yet signed the Memorandum of Understanding (MOU) pending their own approval process, the Administration has received assurances of their intent to implement the program. Based on this stated intent, the Department of State submitted the KFP agreement to Congress under informal notification on July 16, 1990.

The Department of Commerce has been involved in the KFP since June 1989 when we received our initial in-briefing from the Defense Security Assistance Agency (DSAA). The Department of Defense has kept Commerce updated on all developments since that time. More recently, Commerce and Defense have cooperated in the review and negotiation of the MDU. In January 1990, we co-chaired an interagency review that assessed the economic, technical, and industrial effects of the KFP MOU. The results of this review indicated that the Korean Fighter Program would have an overall positive effect on the U.S. industrial base. Also, our Commerce staff has been part of the U.S. negotiating teams that met with the Koreans in March 1990 and June 1990. Commerce will continue to actively monitor the industrial arrangements associated with the KFP.

In September 1989, Secretaries Mosbacher and Cheney reached agreement with Korean Minister of National Defense Lee Sang Hoon to limit the industrial offsets associated with the program to 30 percent of the contract value. This 30 percent limit is stipulated in the Offset Side Letter to the MOU. Commerce played an important role in assessing the probable effects of the McDonnell-Douglas proposed offset package on the U.S. aerospace industry. In addition, Commerce was very much involved in determining whether all Korean work associated with the program would fall within the 30 percent limit. We have concluded that the U.S. aerospace industry will not be adversely affected by either the quality or quantity of Korean co-assembly work.

We believe the level of cooperation proposed in the KFP will be beneficial to the U.S. aerospace industry and the trade and economic interests of the United States. Based on our independent assessment, and the cooperative review performed by the interagency group, we strongly support the Korean Fighter Program.

Sincerely,

THOMAS J. MURRIN,
Acting Secretary of Commerce.

Mr. BYRD. Mr. President, I compliment Senator Dixon for his leadership on this issue. He was among the first to bring attention to possible problems with the Korean Fighter Program last year. I was pleased to cosponsor his amendment in July 1989 focusing light on the negotiations between the Republic of Korea and our Defense Department. At that time we were in the midst of an acrimonious debate over the FSX fighter program with Japan. It was my hope that we could avoid a repeat of that extremely divisive argument.

I still hope it is possible to avert such an outcome, but the administration seems determined to push Congress into another fight. I thought we

made it clear last year that we had a continuing interest in this program and in all such coproduction and codevelopment ageements in the future. To the Defense Department's credit, they have made an effort to provide staff briefings as the negotiations have progressed. Unfortunately, now that the deal is completed, the administration tells us that the unsigned memorandum of understanding is a confidential document because it is part of Executive negotiations with a foreign power. They say that there are no surprises in the final agreement, but they will not share the details with Congress until it is signed and it will not be signed until after the 30-day notification waiting period has expired.

Mr. President, as far as I can tell from the information the Defense Department has provided, this is a typical coproduction arrangement, much like a dozen other programs the United States currently has under way. If that is the case, then it should go through with no problem, but I am not prepared to give a blanket go-ahead without all of the details. If the administration has nothing to hide then why are they so reluctant to give us the full picture?

Senator DIXON's amendment was intended to make sure that Congress has the opportunity to thoroughly evaluate the merits of this deal. I want to emphasize that I am not opposing the Korean fighter program. I simply want to know all the details. The provisions of this amendment would ensure that Congress has the opportunity to judge whether or not this is a good deal.

On a more fundamental level, this situation demonstrates the administration's continued insistence that these arrangements are purely defense transfers over which they have undisputed primacy. They have yet to fully recognize the economic security aspects of these deals. One of the central arguments of the FSX debate was over the constitutional role of the Congress in regulating foreign commerce. A $3 billion coproduction deal involving the U.S. aerospace industry is clearly foreign commerce. This amendment was intended to ensure that Congress would have a more active role in this extremely important agreement.

Mr. McCAIN. Mr. President, before I send an amendment to the desk, I also point out to my friend from Missouri the aircraft are built in different places, different parts of the country, which I think is an essential aspect of this very important transaction.

AMENDMENT NO. 2559

(Purpose: To establish the Counter-Narcotics Technology Assessment Center within the Office of National Drug Control Policy, and for other purposes)

Mr. McCAIN. Mr. President, on behalf of Senator COHEN and Senator BIDEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COHEN for himself and Mr. BIDEN), proposes an amendment numbered 2559.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 255, insert between lines 15 and 16 the following new title:

TITLE XV—COUNTER-NARCOTICS TECHNOLOGY CENTER

SEC. 1501. SHORT TITLE.

This title may be cited as the "Counter-Narcotics Technology Act of 1990".

SEC. 1502. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—Title I of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501 et seq.) is amended by inserting after section 1003 the following new section:

"SEC. 1003a. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

"(a) ESTABLISHMENT.—There is established within the Office of National Drug Control Policy, the Counter-Narcotics Technology Assessment Center (hereafter in this section referred to as the 'Center'). The Center shall operate under the authority of the Director of National Drug Control Policy, and shall serve as the central counter-narcotics enforcement research and development organization of the United States Government.

"(b) DIRECTOR.—There shall be at the head of the Center, the Chief Scientist of Counter-Narcotics Technology who shall be appointed by the Director of National Drug Control Policy from individuals qualified and distinguished in areas of science, engineering or technology. The Chief Scientist shall be paid at the highest rate of basic pay set under the provisions of section 5382(b) of title 5, United States Code.

"(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—(1) The Director, acting through the Chief Scientist, shall—

"(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

"(i) surveillance, advanced tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and gravitron) and other means of detection;

"(B) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Narcotics Enforcement Research and Development Strategy;

"(C) oversee and coordinate counter-narcotics technology initiatives with related activities of other Federal civilian and military departments; and

"(D) under the general authority of the Director of National Drug Control Policy, submit reprogramming or transfer requests of funds appropriated for counter-narcotics enforcement research and development to Congress.

"(2) The authority granted to the Director under this section shall not extend to the award of contracts, management of individual projects, or other operational activities.

"(d) COUNTER-NARCOTICS BUDGET SUBMISSION.—Beginning with the fiscal year 1992 budget, the Director of National Drug Control Policy in his budget shall submit a separate and detailed request relating to all Federal agencies for counter-narcotics enforcement research and development programs.

"(e) PERSONNEL.—Subject to subsections (d) and (e) of section 1003 of this Act, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering and technical affairs. The Chief Scientist may appoint and fix the compensation of such personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule.".

SEC. 1503. EFFORTS BY PRIVATE INDUSTRY.

It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications equipment should cooperate with law enforcement agencies to ensure that communications systems permit law enforcement agencies to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law.

Mr. COHEN. Mr. President, at the present time, the Office of National Drug Control Policy is attempting to manage the research and development aspects of U.S. counternarcotics policy with a skeletal staff, minimally authority, and a residual lbudget derived from the sale of assets confiscated from drug dealers. In sum, Director Bennett's office does not currently have either the authority or the human and fiscal resources necessary to effectively bring advanced technology to bear against our adversaries in the war on drugs.

While I recognize that there is no substitute for reducing the demand for illegal narcotics, I also believe that it is important to minimize the temptation faced by millions of Americans in their neighborhoods and places of employment. In that regard, officials from the Customs Department, the FBI, Los Alamos National Laboratory, and the Defense Advanced Research Projects Agency, have indicated that there are a number of technologies that might be useful in our efforts to thwart narcotics traffickers. Examples include sensors that can remotely detect drug processing activities; computer software to detect money laundering schemes; intrusion detectors for

remote border locations; and electronic and chemical tags to trace the flow of illegal narcotics from their countries of origin into the United States. In short, there is a great deal more that can and should be done to make life difficult for the Colombian drug cartels and their counterparts in other countries.

As a first step toward developing a more robust and focused counternarcotics research and development effort for the United States this amendment would:

First, establish an office in ONDCP to manage the U.S. counternarcotics R&D effort;

Second, permit the drug czar to hire up to 10 individuals to staff this office;

Third, require the Director of the Office of National Drug Control Policy to prepare and submit to Congress a detailed accounting of the expenses related to counternarcotics R&D programs.

Fourth, this amendment expresses the sense of the Congress that the providers of electronic communications services and manufacturers of electronic equipment should cooperate with the law enforcement community to make it possible to monitor electronic communications when appropriately authorized by law.

We are all familiar with the rhetoric of the war on drugs, but I think most of us would agree that the rhetoric has often outpaced the reality when it comes to government action. In previous wars, our Government didn't hesitate to turn to the scientific community for solutions and to generously fund research and development projects when national security was at stake. Indeed, as a Nation, we have taken great pride in the discovery and development of such things as computers, lasers, hard plastics,0 and a wide variety of sophisticated electronics. These technologies have not only helped to protect the country, by keeping us one scientific step ahead of potential adversaries, but they have also produced substantial benefits for the civilian economy.

These technologies and many others were made possible, at least in part, because Congress has provided the funds necessary for Government labs to do basic research and because the Defense Department has been well-organized to evaluate and coordinate alternative research projects. While this combination of resources and organization has proven effective in support of our national defense needs, we have yet to undertake similar initiatives to support the civilian law enforcement community in the war on drugs. As I noted earlier, the only organization presently seeking to coordinate the U.S. counternarcotics R&D effort is a committee in the Office of National Drug Control Policy that has a skeletal staff, no budget, and minimal authority with regard to the different organizations involved in counternarcotics research and development.

In the Defense Department, and even among many corporations in the private sector, it is not uncommon for research and development costs to constitute 5 to 10 percent of the total operating budget. With regard to counternarcotics matters, however, we are only investing about two-thirds of 1 percent of the overall supply side budget on research and development activities.

In considering this measure, I believe it is important to point out that we can achieve the benefits of a more coherent and effective national counternarcotics research and development program without creating a vast new bureaucracy or establishing new laboratory facilities. With regard to personnel, this legislation authorizes Secretary Bennett to add not more than 10 individuals with scientific and technical backgrounds to his staff in order to form the Counternarcotics Technology Assessment Center. I believe that this staff will enable the drug czar to give impetus and direction to the fledgling efforts currently underway to pit an old and invaluable ally, namely technology, against the rapidly evolving threat of illegal narcotics. Let me also say that I recognize that we are going to need more funding for counternarcotics research and development activities in the future, but I think that rather than include additional funds at this time, this amendment appropriately puts the initial emphasis on developing a core staff with technical expertise to develop plans for the future. The provision of this amendment that requires the Director of the Office of National Drug Control to submit a separate and detailed request relating to counternarcotics R&D activities should help to clarify the range of projects and activities currently underway and the scope of the current Federal effort. Finally, the sense of the Congress provision relating to communications equipment is intended to make it more difficult for drug smuggling organizations to evade scrutiny when appropriate court orders have been obtained to monitor their communications.

It is my hope that by establishing an effective managerial mechanism for counternarcotics research and development activities, we will have taken the first step toward making drug smuggling a far more difficult and costly enterprise for the Colombian cartels and their counterparts in other countries.

Mr. BIDEN. Mr. President, the purpose of the Biden-Cohen amendment is very simple: To harness the expertise of America's leading scientists and engineers in the fight against the international drug trade.

The notion of harnessing high-technology weapons in our fight against drugs is not farfetched. In testimony before my committee, leading scientists previewed their work on advanced counterdrug technologies.

Scientists at Los Alamos National Laboratory are investigating how lasers can be used to detect remote cocaine processing sites in the Andean jungle.

Experts at the Defense Advanced Research Projects Agency [DARPA], the research arm of the Pentagon, are examining supersensors that can be used to detect the chemical smell of cocaine in cargo shipments; and officials at the Customs Service are exploring look-through radar imaging to detect false compartments in aircraft, boats, and containers.

The defense authorization bill is an appropriate vechicle for this amendment. Many of the most promising technologies have already been developed by the Pentagon for military purposes. U.S. taxpayers have already footed the bill for this research. Now it's time to adapt these innovations to our fight against drugs.

In conclusion, Mr. President, I want to say that new weapons to fight drug traffickers are no substitute for reducing the demand for drugs through prevention and treatment. But until demand can be reduced our battle against the traffickers must continue.

These technologies offer new promise that our undermanned, underarmed, and underfunded forces will soon have new weapons to control the drug flow into this country.

Finally, I want to thank Senator COHEN for his effort and leadership on this amendment.

Mr. McCAIN. Mr. President, this amendment has been accepted on both sides. I urge adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2559) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I ask the Republican leader if his side is ready to propound this list? Understand, this is not a time agreement on these amendments, but we are just basically saying this is the end of the list.

Mr. McCAIN. Mr. President, I might advise my colleagues, while we are compiling this list, that if there are other amendments that have been accepted on both sides, this will be an excellent time to dispense with them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, we have some other amendments that have been cleared. As soon as the staff can bring them to me, we are going to proceed and dispose of some of these amendments. Will my friend from Arizona manage on the other side with me.

AMENDMENT NO. 2560

(Purpose: To authorize the use of RDT&E funds of the Defense agencies to continue development of the special operations variant of the V-22 *Osprey* aircraft)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. GLENN (for himself, Mr. BENTSEN, Mr. COATS, Mr. HEINZ, Mr. SPECTER, Mr. SYMMS, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GRAMM, Mr. PELL, and Mr. MCCAIN), proposes an amendment numbered 2560.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 18, insert "(1)" after "Funds.—".

On page 11, between lines 22 and 23, insert the following new paragraph:

(2) Of the amounts authorized to be appropriated pursuant to section 201(4) for the Defense Agencies, $8,000,000 shall be available for research, development, test, and evaluation in connection with the Special Operations variant of the V-22 Osprey aircraft.

Mr. GLENN. Mr. President, I understand this amendment has been accepted by both floor managers. It provides research and development [R&D] funds to continue further development of the unique components of the special operations forces [SOF] variant of the marine Corps and Navy version of the V-22 tiltrotor aircraft. The SOF variant is designated CV-22.

In the fiscal year 1991 Defense authorization bill now under consideration, the Armed Services Committee recommends authorization of $238 million to continue R&D of the joint service V-22 *Osprey* aircraft. The V-22 airframe is essentially common to the Marine Corps, Navy and SOF versions, but the SOF CV-22 has unique avionics components, including a sophisticated radar and communications suite that are not common to the other V-22 versions.

The development of the unique components of the CV-22 has been ongoing since 1986, but unless a minimum of $8 million is added in fiscal year 1991, that effort will have to be terminated. The $8 million in Defense agency R&D funds will allow the Air Force managed CV-22 program to continue. The offset for these R&D funds will be provided from other DOD managed SOF development funds.

Mr. President, because of the repeated attempts to label the V-22 a single service, Marine ship-to-shore aircraft, my colleagues may not be fully aware of the true joint nature of the ongoing V-22 development program. In May 1983, a memorandum of agreement was signed by the Assistant Secretaries of the Army, Navy, and Air Force to particiate in the development of the V-22.

When the full scale development [FSD] phase began in 1986, a joint program management office was established with representatives from the Marine Corps, Air Force, and Navy participating. The Marine Corps, as the executive service, has the largest organization, but the Air Force CV-22 management team has over 23 military and civilian personnel including test pilots, engineers, logistics experts, and plant representatives, actively involved in the program.

Mr. President, the sponsors of this amendment believe that this amendment is valid and urgently required. The former commander of the Special Operations Forces, General Lindsay, has repeatedly testifed before the Armed Services Committee that his No. 1 operational requirement is a long-range infiltration/exfiltration aircraft. The current SOF commander, General Steiner, reaffirmed this requirement during his recent confirmation process.

Mr. President, the Armed Service Committee has taken a significant step by choosing to continue overall R&D funding for the V-22. This action sends a clear message to DOD that the majority or our committee believes that the V-22 is the kind of versatile, joint service weapons system that will be required to implement a new military strategy.

My personal support for the V-22 program is certainly not new or a surprise to my colleagues, I, along with many others from both sides of the aisle, have spoken on this floor many times about the tremendous potential tiltrotor technology has for military and civilian applications. I flatly reject Secretary Cheney's past criticism that supporters of the V-22 are doing so solely for parochial reasons.

I firmly believe that after 10 years of solid congressional support, an investment of $2.5 billion and a recent revalidation of the operational and cost effectiveness of the V-22, the time has come to go forward with the V-22 program.

To state the obvious one more time, helicopters have myriad military and civilian uses. If all of these thousands of helicopter applications could be accomplished twice as far, twice as fast, and with one-third more payload, we would be rushing to get that capability.

That kind of major advance in vertical lift technology is available now in the V-22 Osprey tiltrotor aircraft, developed over a 10-year period with full congressional and administration support. The V-22 is a very carefully developed, new concept, vertical lift vehicle, that first was flown, and very successfully, in a two-third scale version designated the XV-15. During the last few days, the XV-15 has logged over 600 flight hours.

The V-22 has been supported all these years because it represents a major step forward in vertical lift capability for a wide range of military, as well as potential civilian, applications. In the Pentagon fiscal year 1990 budget, however, the V-22 program was zeroed-out because the only mission considered for it was the Marine ship-to-shore movement. Considering that narrow application alone, I would agree that it is an expensive program, yet it was on that basis alone that the Secretary of Defense decided to cancel the program.

As already mentioned, the V-22 mission capability has always been envisioned to encompass many and varied vertical lift requirements for all the services—and eventual civilian use—with marine ship-to-shore and shore based tactical uses only the first application.

As to the future potential of tiltrotor technology, we have been aware for some time of Japanese interest in the V-22, and of their preliminary discussions with V-22 project personnel concerning Japanese licensing arrangements. A recent article in the Defense Daily indicated the seriousness of that interest. If we once again see United States-generated technology developed and put on sale by the Japanese around the world in the form of the V-22, we will have no one to blame but ourselves.

Mr. President, in conclusion, I would like to summarize the major factors in the Armed Services Committee decision to fund the V-22 program in fiscal year 1991.

The joint service operational requirement [JSOR] for the V-22 remains valid. The Marine Corps, the Special Operations Command [SOC], and the Navy have once again reaffirmed their urgent need for the combat capabilities of the V-22. The Corps is in dire need of a replacement for its aging CH-46 medium lift helicopter, the SOC requires a long-range

infiltration/exfiltration tactical aircraft to accomplish its basic mission which is why the amendment before us is so important, and the Navy needs a long-range combat search and rescue aircraft.

The congressionally directed cost and operational effectiveness analysis [COEA] study supports the V-22 alternative. Study results show that the V-22 is significantly more operationally and cost effective than the DOD-proposed CH-60/CH-53 medium lift alternative for most joint service combat scenarios. The study also notes that the V-22 is the only aircraft that meets the joint service requirement; that it is the most survivable in a combat environment; and that it has the least development risk.

The V-22, with its unique tiltrotor technology, conforms to the armed service's philosophy for the fiscal year 1991 budget.

First, we need a revised military strategy: Earlier this year Senator NUNN, in a series of excellent strategy speeches, emphasized the need for "forces that are inherently mobile and rapidly deployable," the need for flexible readiness, and the need for systems with breakthrough or leapfrogging potential. The V-22 meets these criteria and more.

Second, the need to fly-before-buy: The V-22 flight test program is proceeding smoothly, with four of six R&D aircraft flying. Through July 31, 1990, the test aircraft have completed 185 flights and accumulated 190 flight test hours. As substantiated by the most recent flight test summary, which I will ask to have entered in the RECORD following my remarks, I believe that a solid argument can be made for adding advance procurement funds for the first production aircraft in fiscal year 1991. However, in keeping with the fly-before-buy principles, our committee chose to add only development funds for fiscal year 1991.

So Mr. President, I want to thank Senator KENNEDY, chairman of the Projection Forces and Regional Defense Subcommittee, whose amendment proposed adding the R&D funding for the V-22 in fiscal year 1991, and to Senator NUNN and Senator WARNER for their support in keeping this vital program moving forward, including this amendment to continue development of the V-22 SOF variant.

I am hopeful that when this bill goes to conference, procurement money can also be added to retain the V-22 manufacturing base and preserve a viable production option.

Mr. President, I ask that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

V-22 FLIGHT TEST SUMMARY

[Through July 31, 1990]

1. The V-22 Full Scale Development (FSD) flight test program consists of 6 test aircraft. First flight for aircraft 1 occurred March 19, 1989. Aircraft 5 and 6 are scheduled for first flight late Fall 1990.

2. Aircraft 1, 2, 3 and 4 have completed preliminary helicopter flight envelope and conversion to the fixed wing airplane mode.

3. Flight envelope to date:

Forward flight to 280 KTS (Knots) = 322 MPH (Miles per Hour).

Altitude 15,000 ft.

Takeoff and landing at 60 KIAS (Knots Indicated Air Speed).

Taxi at 50 KIAS.

Load factors of 0.5 to 2.3 Gs.

Angle of bank—60 degrees.

Gross weight 37,500 to 45,000 lbs.

Demonstrated single engine flight and aircraft stalls.

4. Aircraft 1 and 3 are conducting Development Test and Evaluation DT&E flights at Bell Helicopter Fort Worth, Texas. Aircraft 2 and 4 are assigned to the Boeing Test Facility in Wilmington, Delaware.

ACFT 1: Flights 79, hours 58.3.

ACFT 2: Flights 70, hours 95.1.

ACFT 3: Flights 10, hours 5.8.

ACFT 4: Flights 26, hours 30.7.

5. Total number of test flights/hours through July 31, 1990: Flight, 185. Flight Test Hours, 189.9.

Mr. President, I strongly support the V-22 program and this amendment to earmark funds for continued investigation of the utility of tilt-rotor aircraft to the vital missions of Special Operations Forces.

The V-22's revolutionary technology will speed Marines into battle twice as far and twice as fast as today. But the aircraft's ability to land like a helicopter also makes it ideal for a wide range of special operations—hostage rescue, counterterrorism, intelligence, and infiltration. This amendment by the distinguished Senator from Ohio [Mr. GLENN] permits the air force to test a variant of the V-22 for these important missions.

Although the administration still wants to cancel the V-22, the Congress is determined to keep it alive. The Senate Armed Services Committee approved $238 million for continued research and development and noted independent analyses which suggest that the V-22 is potentially more militarily useful than other alternatives under consideration

The House Armed Services Committee, while cutting defense spending more deeply, nevertheless agreed to add production funds to its authorization bill. That issue will be resolved in conference.And I hope that the Senate conferees will be attentive and sympathetic to the arguments for permitting us to move to production.

We have to build and fly these aircraft to prove without doubt that tiltrotor technology is safe, reliable, and cost effective. Paper studies won't convince airlines to commit to purchase such radically better aircraft.

But once that proof is in, I foresee a huge market for civil aviation and a welcome boost to American exports abroad. Europe and Japan already acknowledge that they face gridlock at their congested airports. Tilt-rotor Aircraft could solve their problems, as well as some of our own.

Mr. President, the V-22 represents a dramatic advance in aviation and a remarkable opportunity to strengthen our international competitiveness. We should take full advantage of it while we have the lead. For if we hestitate, if we stop with research and development, others will seize the opportunity and reap the benefits.

Mr. DIXON. Mr. President, this amendment by Senator GLENN and others provides research and development funds on the V-22. It has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Mr. President, this side supports this amendment very strongly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2560) was agreed to.

Mr. GLENN. I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2561

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. JOHNSTON, (for himself, Mr. MCCLURE, and Mr. GLENN), proposes an amendment numbered 2561.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF ENERGY FOR MEDICAL AND ENVIRONMENTAL PROGRAMS IN THE REPUBLIC OF THE MARSHALL ISLANDS.

Effective on the date of enactment of this Act, all responsibilities of the Secretary of Energy for, and all activities currently underway at the Department of Energy with respect to, medical and environmental programs applicable in the Republic of the Marshall Islands shall be managed, controlled and conducted through the Office of Environment, Safety and Health of the Department of Energy.

Mr. JOHNSTON. Mr. President, this amendment is intended to transfer the Northern Marshall Islands program of

the Department of Energy's Defense Programs to the Office of Environment, Safety and Health [EH]. I am reluctant to support this transfer without a more complete review of its implications, and without the benefit of conclusions from the National Academy of Science's ongoing review of important program activities. However, my colleague from Ohio is commited to a decision on this issue at this time.

This amendment is not intended to suggest that any operational changes are needed in the existing program. It is merely a transfer to consolidate management responsibility for the health and epidemiologic related activities of the Department. It is also specifically not intended to cast any doubt on the scientific or medical findings of the current program.

The Marshall Islands program is a controversial program. It is responsible for monitoring the health and environment of the people and islands affected by United States' nuclear testing that occurred in the Northern Marshall Islands in the 1940's and 1950's.

Re-establishing trust between DOE and the People of the Marshall Islands has taken years of work by the personnel of this program. After these years of commitment, DOE's scientists and doctors have gained a significant measure of trust from many of the people of the Marshall Islands. In fact, it is fair to say that the DOE program personnel now have the confidence of the national government of the Republic of the Marshall Islands, and of the people of the nuclear affected atolls of Bikini and Enewetak. Thus, it is important that the transfer made by this amendment not disrupt the operations of this program nor damage the fragile goodwill that has been built. Significant shifts in policy direction of this program could not only threaten the effectiveness of this program, but could potentially threaten our relations with the Republic of the Marshall Islands.

I wrote to Secretary Watkins on May 23, 1990, seeking a delay in this transfer, which he initiated several weeks ago, to allow time to get his assurance that the personnel essential to the continuity of this program would not be replaced, nor would they have their activities disrupted. He wrote in reply that this was merely "management consolidation", and I appreciate his clarification.

I have followed this program and our relations with the Marshall Islands since coming to the Senate in 1972. For the past several years I have specifically guided the policy by langauge in the Energy and Water Appropriations legislation. I do not want to see those years of effort destroyed by a poorly considered transfer.

What my concern is, and why I think assurances regarding this transfer are needed, is that there are those who are seeking to disrupt our relations with the Marshall Islands, and are seeking to undermine the broad legal settlement reached between the Republic of the Marshall Islands and the United States on nuclear claims under the Compact of Free Association.

I was willing 5 years ago to question DOE's claims. Therefore, I supported a requirement in the Compact of Free Association Act that DOE's data be reviewed by an independent scientist. That scientist supported DOE's conclusions about the habitability of these islands. In fact, he has stated that, because of new methods and understanding, the best current estimate of the radiological dose is about half of what DOE calculated in 1982. This would be about 1.2 rem over 30 years, or less than one-quarter of the safety guideline of 5 rem.

Mr. President, I have become convinced that DOE is on the right track and believe that the people of the Marshall islands should thoughtfully consider these facts. These new findings also explain my interest in seeing that this amendment should not be interpreted as casting any doubt upon the DOE program, nor should it suggest that there is any need to alter any operational aspects of the program.

I wish to thank my colleague from Ohio, Senator GLENN, for his understanding of my concerns in this matter. I also want to thank my colleague on the Committee on Energy and Natural Resources, Senator MCCLURE, for contributing to this amendment.

I would like to engage my distinguished colleague from Ohio, Senator GLENN, in a colloquy.

Mr. GLENN. I would be happy to entertain such a colloquy.

Mr. JOHNSTON. Would the Senator from Ohio agree that the intent of this amendment respecting the Marshall Islands medical and environmental programs deals solely with the administrative process within the Department of Energy?

Mr. GLENN. I would agree. This amendment solely addresses the issue of management consolidation. What this means is that the management responsibility for the Marshall Islands medical and environmental programs will be exercised and managed through the Office of Environment, Safety and Health, which is what Secretary Watkins has already proposed.

Questions have been raised, and concerns expressed that Secretary Watkins' decision and this amendment, would lead to the substitution or replacement of the existing scientific and medical personnel, and support, provided by or through various DOE offices, and the national laboratories. This amendment is not intended to imply that the medical and environmental operation activities relating to the Marshall Islands should be altered, nor is it intended to be interpreted as an indication of any need for changes within the current program.

Mr. JOHNSTON. I thank the Senator from Ohio.

REPUBLIC OF THE MARSHALL ISLANDS

Mr. McCLURE. I would like to discuss the intent of the amendment we are proposing. Like the Senator, I believe that there is no reason to change in any way Department of Energy medical and environmental programs for the Marshall Islands. The present program management and the present program execution are sound. Notwithstanding this fact, the Secretary of Energy's overall reorganization of health and safety matters at the Department has swept the Marshall Islands programs along. There has been a change of management within DOE from the Office of Defense Programs to the Office of Environment, Safety and Health.

Mr. JOHNSTON. The Senator is correct. Our amendment will ensure that the activities currently underway with respect to the Marshall Islands will not be disrupted by this reoganization. Our amendment provides that the activities for the Marshall Islands formerly conducted through the Office of Defense programs will continue, with the only difference being that in the future these activities will be conducted through the Office of Environment, Safety and Health. The point of our amendment is to guarantee this continuity.

Mr. McCLURE. Exactly. The intent of this amendment is to preserve the credibility, expertise, and experience that has been acquired over years of work by DOE and its laboratory personnel with the Marshallese. It would be a tragedy if these hard-won assets were lost in a bureaucratic shuffle. I do not think this was the Secretary's intent in the reorganization, but this amendment eliminates the possibility of any bureaucratic mischief.

Mr. JOHNSTON. And it is important to retain this credibility and expertise and to use it in furtherance of these programs. There continues to be important work to do in these islands. There are complex scientific and social issues to resolve, and their resolution is well underway. Some would set up obstacles to resolving these issues, in some cases because they do not understand the science, and in others because they hope to profit from this misunderstanding. The Senator and I know that DOE's science is sound. This science has passed independent review and the test of the scientific marketplace.

Mr. McCLURE. Correct. That is no reason to doubt this science, which

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has passed the toughest peer review, that of the scientific community. Our amendment makes this quite clear. There is no dissatisfaction on my part with the conclusions DOE scientists have reached or with the way in which the Department has been carrying out its responsibilities to this time. There is no expectation of dissatisfaction for the future.

Mr. JOHNSTON. The Senator states my own views exactly.

Mr. DIXON. Mr. President, this is an amendment which has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2561) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2562

Mr. MCCAIN. Mr. President, I have an amendment at the desk. This amendment, on behalf of Senator GORE and Senator WARNER, has been accepted by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GORE (for himself and Mr. WARNER), proposes an amendment numbered 2562.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26 strike lines 21 through 26, and on page 27 strike lines 1 through 3, and insert the following:

To the extent provided for in interagency agreements entered into between the Department of Defense and the Environmental Protection Agency, the Secretary of Defense shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Defense facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (42 U.S.C. 9620).

In addition, not withstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Defense facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Defense.

On page 380 strike lines 4-12 and insert the following:

To the extent provided for in interagency agreements entered into between the Department of Energy and the Environmental Protection Agency, the Secretary of Energy shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Energy facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (42 U.S.C. 9620).

In addition, not withstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Energy facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Energy.

Mr. LAUTENBERG. Mr. President, I rise in support of this amendment. The amendment addresses the need for the Departments of Defense and Energy to reimburse the Environmental Protection Agency [EPA] for its oversight costs at DOD and DOE National Priorities List [NPL] sites.

With 110 DOE and DOD NPL sites, the oversight task facing EPA is large. This task is in addition to EPA's duties at the 1101 non-Federal NPL sites. With limited funds in the Superfund trust fund, reimbursement by DOD and DOE will greatly aid EPA in implementing its Superfund mission.

This amendment requires such reimbursement and also requries that EPA have the reimbursable authority and staffing, the so-called FTE ceiling, to carry out these oversight activities.

Mr. President, the amendment provides for a fair sharing of the Superfund cleanup burden among the Federal agencies, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2562) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2563

(Purpose: to clarify the legislative intent of certain provisions of the National Defense Authorization Act for Fiscal Years 1990 and 1991)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. BINGAMAN (for himself and Mr. DOMENICI), proposes an amendment numbered 2563.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Immediately following section 804, insert the following new section:

SEC. 804a. OTHER TECHNOLOGY TRANSFER MATTERS.

Section 3133(d)(4) of Public Law 101-189 is hereby amended by adding a sentence at the conclusion thereof which shall read as follows:

"Such contract provisions or separate writing shall: (i) include only such provisions as are specifically required by paragraphs (1) and (2) of this subsection 3133(d), and such additional provisions as are deemed necessary by the head of the agency for the purpose of the implementation of this Act but which cannot be effected by the promulgation of regulations, the issuance of agency orders, or other similar administrative processes; (ii) not condition the entering into of cooperative research and development agreements upon the issuance of agency waivers to rights to inventions and intellectual property where such issuance is not required by section 12 of the Stevenson-Wydler Act of 1980; and (iii) not operate to discourage the exercise of rights pursuant to other statutes intended to foster technology transfer, such as the provisions of 35 U.S.C. 202 et seq.".

Mr. BINGAMAN. Mr. President, I rise tonight to offer an amendment critical to the implementation of extremely important provisions of last year's Defense bill—those sections which are now referred to as constituting the National Competitiveness Technology Transfer Act of 1989, the NCTTA.

The NCTTA was an attempt by the Congress to force agencies with Government-owned, contractor operated national defense laboratories to join, with some urgency, the rest of the Government in implementing an aggressive economic competitivness program involving technology transfer. In particular, the NCTTA was intended to end over a decade of Department of Energy resistance to technology transfer legislation and executive orders. In the 1980's, the Department relied liberally on the exceptional circumstances and weapons exceptions of the Bayh-Dole Act to prevent its laboratories from exercising rights in many circumstances under that act. The Department then apparently wrote itself an exemption for the President's Executive order of April 12, 1987, even though it is difficult to find any exemption or exception for the Department's activities. And throughout the decade of the 1980s, the Department resisted every effort of the Armed Services Committee to make technology transfer in our national defense laboratories.

But last year, hopes were high. In the NCTTA, the Armed Services Committee, together with the Energy Committee, representatives of the Department of Energy, and the relevant House committees, drafted what we thought was an end to the Department of Energy's finding excuses about why it could not get on with

technology transfer. Secretary Watkins was supportive of the legislation and was himself changing the mission of the Department in exactly the same direction.

The law was enacted in November 1989. The statute provided that the Department of Energy should draft what we thought would be a simple proposal for modifying the laboratories' operating contracts by April 1990, and then inform us in May 1990 as to the exact language of these modifications as finally negotiated with the labs. Surely, we thought, technology transfer work under cooperative research and development agreements would be well underway no later than June 1, 1990.

It is now after August 1. No laboratory contracts have been modified. The prospects for modifying the laboratories' contracts by September 1 are extremely dim. Laboratories have entered into preliminary discussions with industry about possible cooperative research and development agreements, but none can be submitted for Department review. Skepticism in industry about whether the Department of Energy will ever change its block, drag, and delay approach to technology transfer grows daily and will soon become hard-core cynicism.

What went wrong? First, in April, the Department of Energy produced a proposal for contract modifications which was nothing like the simple contract modification we contemplated. Their proposal turned out to be 11½ pages, single-spaced, of detailed, complex contract provisions, including issues not even mentioned in the NCTTA. The detail and the number of issues in the Department's proposal absolutely precluded a speedy conclusion to operating contract negotiations. Renegotiation of operating contracts only two or three times as long as DOE's proposal typically take 1 to 2 years to conclude.

Second, the Department apparently is trying to insist on consistency in negotiations of the contract modifications. That is, the Department demands that all of its labs agree to the same 11½ pages of changes to their very different contracts. This insistence only complicates and extends the negotiations exponentially.

Third, it seems that the field staff for the Department has little authority to negotiate. All substantial, significant proposals different from the DOE contract modification must be okayed at headquarters. Again, the inability of DOE's negotiators to negotiate only delays the day when these modifications can be agreed to.

Finally, many laboratories may be reluctant to sign the Department proposal because it conflicts directly with the language of the NCTTA and the conference report which accompanied passage of the act. On the one hand, the Department is conditioning the submitting of cooperative research and development agreements on the issuance of class waivers to department rights in inventions and intellectually property, whereas the NCTTA, pursuant to negotiations with Department representatives explicitly on this issue, clearly requires no such waivers. And on the other hand, the DOE proposal discourages the exercise of laboratory rights under Bayh-Dole by refusing to reimburse any costs associated with that exercise, even though the conference report made clear that the NCTTA was intended to encourage technology transfer using all existing legal mechanisms.

The proposed amendment is designed to make a mid-course correction to bring the Department's implemention effort back to the legislative intent of the NCTTA. It mandates a simple contract modification, but allows the Secretary to include provisions which address problems which cannot be solved through other available administrative procedures. It makes clear that no class waivers are required. Finally, it prohibits the creation of disincentives for laboratories to exercise rights under other statutes also intended to foster technology transfer.

It is my hope, Mr. President, that by the time we conclude our conference with the House on this bill, my amendment will be unnecessary. It is possible that between now and that time, the Secretary of Energy will take steps which will dramatically speed up the contract modification negotiations. But we have a responsibility to maintain a healthy skepticism at this point. And we must be ready to mandate the changes required, if the Department fails to do so on its own. For these reasons, I urge adoption of the amendment.

Mr. President, I yield the floor.

Mr. DIXON. Mr. President, this is an amendment by the distinguished Senator from New Mexico [Mr. BINGAMAN] to clarify DOE National Laboratory agreements with the Department of Energy. The jurisdictional subcommittee is the Armed Services Committee. It has been agreed to.

Mr. McCAIN. Mr. President this amendment is supported by this side.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2563) was agreed to.

Mr. DIXON. I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

the motion to lay on the table was agreed to.

AMENDMENT NO. 2564

(Purpose: To enhance the use of the Department of Energy facilities so as to improve the Nation's competitive posture, and for other purposes)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 2564.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place the following:

SEC. . DEPARTMENT OF ENERGY SCIENCE AND EDUCATION PROGRAMS.

(A) SHORT TITLE.

This section may be cited as the "Department of Energy Science and Education Enhancement Act".

(B) FINDINGS.

The Congress finds that—

(1) scientific, technical, and engineering competence is essential to the Nation's future well being;

(2) the scientific, technical, and engineering capability at the Federal laboratories is unmatched throughout the world;

(3) superb research, development, testing, and evaluation occurs in Department laboratories;

(4) Department laboratories will play an increasing role in assuring that America remains competitive in world markets;

(5) improvements in mathematics, science, and engineering education are needed desperately to provide the trained and educated citizenry essential to the future competitiveness of the United States;

(6) greater effort and funding must be devoted to technology transfer from Department laboratories;

(7) the ability of the Nation to fight disease and overcome human suffering can be greatly enhanced by fully utilizing the health research resources of the Department; and

(8) Department laboratories are in a unique position to take on increased responsibilities in the interest of improving our Nation's competitiveness and our quality of life.

(C) DEFINITIONS.

For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "Department" means the Department of Energy.

(D) MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2121(a)) is amended by adding at the end the following new paragraph:

"(6) use the facilities, equipment, personnel, and other resources of the Department of Energy to the fullest extent possible to enhance educational opportunities in science, mathematics, and engineering for American students and educators so as to improve the scientific literacy and competitiveness of the Nation.".

(E) SCIENCE AND EDUCATION PROGRAMS.

(a) IN GENERAL.—(a) To the extent appropriate, the Secretary may establish programs, to be operated at or through the support of each Department facility, that will use fully the unique scientific resources of the Department to promote—

(1)(A) transfers of federally owned or originated technology to State and local governments, private industry, and universities or other nonprofit organizations so that the prospects for commercialization of such technology are enhanced;

(B) activities enhancing the quality of mathematics, science, and engineering education throughout the Nation, so as to improve the scientific and technical capability and literacy of the Nation and improve the Nation's overall educational capability; and

(C) research, development, and other activities intended to enhance the health and quality of life of the Nation, particularly in areas that pertain to environmental improvement and biomedical research.

(b)(1) The programs described in paragraph (a) shall supplement and be coordinated with current activities of the Department, but shall not supplant them.

(2)(A) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1991, an amount up to the amount described in subparagraph (B) may be made available to a Department of Energy laboratory for the purpose of paragraph (1).

(B) The amount referred to in subparagraph (A) is 10 percent of the amount made available to such laboratory by the Department of Energy in fiscal year 1990.

(F) TECHNOLOGY DEVELOPMENT PROGRAM.

(1) ESTABLISHMENT OF PROGRAM.—(a) The Secretary shall establish a program to develop Department-originated technologies, directed at the stage of technology development beyond the basic research stage.

(b) The program established pursuant to paragraph (a) shall develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development.

(c)(1) The program established pursuant to paragraph (a) may be conducted at any Department facility and shall enhance the commercial development and transfer to private industry of Department-originated technologies, consistent with the technology transfer mission of the Department.

(2) As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, wholly non-Federal funding of commercial development of particular technologies.

(3) Establishment of the program described in paragraph (a) shall not preclude the Department or its facilities from continuing operation or support of other programs to advance technology development, but all of the technology development programs of the Department shall be coordinated.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(G) LABORATORY COOPERATIVE SCIENCE CENTERS.

(a) IN GENERAL.—The Secretary of Energy may establish Laboratory Cooperative Science Centers (referred to as the "Centers") as national laboratories operating under the authority of the Department of Energy.

(2) FUNCTION.—The Center shall coordinate both laboratory based and offsite programs designed to advance the purposes of this Act.

(3) ACTIVITIES.—The activities of the Center shall include—

(a) supporting semester-length research appointments for college and university science and engineering students, and faculty/students teams, at the Centers;

(b) supporting research appointments for high school science teachers at the Centers;

(c) supporting research apprenticeship appointments at the Centers for students uderrepresented in science and technology careers;

(d) supporting research experience programs at the Centers for nationally selected high school honor students;

(e) supporting cost-shared projects to encourage more students to pursue careers in precollege science and mathematics teaching;

(f) participating in collaborative projects with other Federal agencies and the private sector to further the objectives of this Act;

(g) operating precollege mathematics and science education programs at the national laboratories;

(h) establishing a museum-based science education program;

(i) establishing collaborative inner-city and rural partnership programs designed to meet the special mathematics and science education needs of students in inner-city and rural areas; and

(j) engaged in other activities to advance the purposes of this Act.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(H) UNIVERSITY-BASED PROGRAMS.

(1) IN GENERAL.—The Secretary may coordinate and sponsor university-based programs directed at encouraging more students to pursue energy-related scientific and technical careers, with a particular focus on the recruitment of women and minority students.

(2) PREFRESHMAN ENGINEERING PROGRAM.—The programs referred to in subsection (a) shall include a prefreshman engineering program in which middle school students attend summer workshops on mathematics, science, and engineering conducted by universities on their campuses.

(3) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

Mr. DOMENICI. Mr. President, I rise to offer an amendment to help enable DOE to use the full benefit of its tremendous resources to the benefit of the Nation.

I introduced this legislation a few weeks ago as S. 2856, the Department of Energy Science and Education Enhancement Act.

This bill takes modest steps to expand the mission and authorities of the Department, enabling it to respond to critical national needs in three areas: Math, science, and engineering education; technology transfers and economic competitiveness; and environment and health.

Our Nation has a critical need for a more scientifically literate citizenry, and high-quality stock of scientists and engineers—but we are getting neither.

The defense efforts of our DOE national labs has not only functioned to "keep the peace" for many years, but have also developed tremendous scientific capabilities that have applications in many areas.

We need to take advantage of tremendous existing resources—like those of the Department of Energy and its labs—and enable them to become highly constructive parts of our educational systems.

Secretary Watkins recognizes the importance of this issue to his department, as well as the resource his department could be for the Nation.

Secretary Watkins has put forth an excellent vision of how the DOE labs can provide assistance beyond its predominant defense and energy security missions.

Secretary Watkins worked on this legislation with me and supports this bill.

This amendment does five things. First, it expands upon the basic mission of DOE, directing DOE to use its resources to the fullest extent possible to improve American scientific education.

Second, it also directs DOE to establish specific programs to promote technology transfer, math and science education, and environment and health activities.

Third, it establishes a technology development program to move DOE technology beyond the basic research stage to a point of commercial viability.

Fourth, this amendment authorizes laboratory cooperative science centers at the DOE, which will enable the labs to operate creative, lab-based education programs for students.

Last, it authorizes university-based programs to encourage students to pursue energy-related science careers.

Mr. President, as our world changes and the need declines for the kind of defense research several DOE labs provide, we should not rush to dismantle the tremendous scientific resources at these labs that are vitally important to so many other national interests.

Which are in New Mexico we have Sandia and Los Alamos National Laboratories, both of world leaders in such non-defense areas as specialty metals, semiconductors, superconductivity, human gene mapping, and environmental improvement.

These labs are beginning to operate aggressive technology transfer and math, science and engineering education assistance programs.

The education programs include precollege, undergraduate, and graduate school programs for students, teachers, and researchers.

Among the more exciting are a rural teacher training program for predominantly Hispanic middle-school teachers, and a science consultant program for Native American schools.

My amendment will give the Department of Energy and its labs the proper authority, focus, and flexibility to make these efforts, and future programs, work and fit the capabilities of the labs.

With this amendment, we will be far better able to harness the full potential of the Department of Energy to enhance the scientific capability of the Nation.

Mr. President, this is an amendment that will enhance the educational potential of the national laboratories. It has been approved by the managers on both sides and subcommittee chairmen on both sides.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2564) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NO. 2565

Mr. McCAIN. Mr. President, I have a block of amendments on military construction. I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments en bloc numbered 2565.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:0

On page 302, line 19, strike out "$175,947,000" and insert in lieu thereof "$177,323,000".

On page 302, line 19, add $3,417,000 to the number shown.

On page 302, line 25, add $2,480,000 to the number shown.

On page 302, line 19, add $11,900,000 to the number shown.

On page 256, line 6, strike $5,600,000 and insert in lieu thereof, $13,900,000.

On page 260, line 3, add $8,300,000 to the number shown.

On page 260, line 6, add $8,300,000 to the number shown.

On page 260, line 6, after the period, add: *"Provided*, That the expenditure of the construction funds for a school at Fort Wainwright, Alaska are hereby restricted contingent upon agreement from the local education agency to accept ownership for said facility constructed with said funds."

On page 302, line 19, add $5,400,000 to the number shown.

On page 332, beginning with line 21, strike out all down through line 2 on page 338 and insert in lieu thereof the following:

SEC. 2823. TRANSFER OF LANDS TO SECRETARY OF AGRICULTURE.

(a) TRANSFER.—Notwithstanding any other provision of law and subject to subsections (b) through (d), the Secretary of the Army shall transfer administrative jurisdiction of approximately 16,707 acres of land at the Pinon Canyon Maneuver Site, Colorado, consisting of all parcels of land identified by the Secretary of the Army as uneconomic remnant lands, to the Secretary of Agriculture for inclusion in the Comanche National Grassland. The Secretary of Agriculture shall administer the transferred lands in accordance with laws applicable to the National Forest system.

(b) DESCRIPTION OF THE PROPERTY.—(1) The exact acreage and legal description of the property to be transferred under this section shall be determined by surveys satisfactory to the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of Agriculture, with the concurrence of the Secretary of the Army, shall prepare a map of the lands to be conveyed. These lands shall be known as the Picket Wire Canyonlands (hereafter in this section referred to as the "PWC").

(3) The legal description and map referred to in paragraphs (1) and (2) shall be kept on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) ADMINISTRATION OF LANDS.—(1) The Secretary of Agriculture shall administer the transferred lands so as to conserve and protect the paleontological, archeological, wildlife, vegetative, aquatic, and other natural resources of the area.

(2) The management provisions of this section shall apply only to those parcels of the transferred lands comprising approximately 11,507 acres in the Purgatoire River Canyon.

(3) The Secretary of Agriculture may permit access to the PWC for the purpose of permiting scholarly research, interpretation to the public, and recreational activities to the extent that such access does not—

(A) impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the area is intended to be used by the Army; or

(B) impair the conservation and protection of paleontological, archeological, or natural resources of the area.

(4) The Secretary of Agriculture may permit livestock grazing in the PWC only to the extent that the Secretary determines necessary to benefit the natural resources of the area.

(5) Lands of the PWC are withdrawn from operation of the mining, mineral leasing, and other mineral entry laws of the United States.

(6) No activity shall be permitted in the PWC that would impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the site is intended to be used by the Army or the conservation and protection of the paleontological, archeological, and natural resources of the area, including production of or exploration for oil, gas, or minerals of any kind.

(7) Lands to be transferred may not be used for the storage or processing of nuclear waste, other hazardous waste, or any other waste.

(8) The Secretary of Agriculture, in consultation with the Director of the National Park Service, the Director of United States Fish and Wildlife Service, the Secretary of the Army, the head of the Colorado Department of Natural Resources, and the head of the Colorado State Historic Preservation Office, shall, after notice and opportunity for public comment, develop a management plan for the PWC that includes—

(A) a complete survey and an inventory of the paleontological and archeological resources of the area; and

(B) a strategy for protecting and conserving the dinosaur trackway in the Purgatoire River Canyon and other paleontological and archeological resources in the PWC.

(d) INTERAGENCY AGREEMENT.—(1) When the lands referred to in subsection (a) are transferred, the Secretary of the Army and the Secretary of Agriculture shall enter into an interagency agreement providing for—

(A) access to the PWC through the Pinon Canyon Maneuver Site for the Secretary of Agriculture (for the purpose of taking action to conserve and protect the area's resources) and the public (for educational purposes) in such manner, at such times, and to such an extent as will not interfere (as determined by the Secretary of the Army) with the Army's use of the site; and

(B) cooperation between the Army and the Forest Service in the protection and conservation of the paleontological, archeological, and natural resources in the PWC.

(2) In determining whether the manner, time, and extent of access through the Pinon Canyon Maneuver Site for a particular purpose will constitute interference with the Army's use of the site for the purpose of paragraph (1)(B), the Secretary of the Army shall—

(A) with respect to access by the Secretary of Agriculture for management purposes, take into consideration that the high importance of protecting and conserving the resources of the PWC may justify the imposition of some inconvenience to the Army, so long as the inconvenience does not prevent the Army from accomplishing its purposes on the Pinon Canyon Maneuver Site; and

(B) with respect to access by the public, take into consideration comments solicited from the public by the Secretary of Agriculture concerning the need for and the kind of access that should be provided.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture such sums as are necessary to carry out this section, including such sums as are necessary to pay for—

(1) a study of the paleontological resources of the PWC and action to prevent erosion of the dinosaur track way;

(2) a complete cadastral survey of the PWC; and

(3) an archaeological, paleontological, and historical survey of the PWC.

RIEGLE/PELL DEFENSE ECONOMIC AJDUSTMENT AMENDMENT

Mr. RIEGLE. Mr. President, on May 3, 1990, Majority Leader MITCHELL announced the appointment of a Senate Democratic Task Force on the U.S. Economy in the 1990's: Defense adjustment and productivity growth. The task force has been instructed to review the effect of declining defense spending and increasing global compe-

tition on the U.S. economy and to recommend to the Democratic conference policies to expand and strengthen our economy as we begin the new decade.

On August 3, 1990, an initial report was transmitted to the majority leader containing the task force's recommendations on the topic of defense adjustment: Easing the economic and social adjustment to lower defense spending. This report reflects a consensus within the task force, which includes Senators PELL, ADAMS, BENTSEN, BINGAMAN, BOREN, CONRAD, EXON, HOLLINGS, KENNEDY, LEVIN, NUNN, SHELBY, and WIRTH as members.

The amendment we are now offering incorporates the recommendations of the task force.

The task force found that because defense spending is not distributed evenly across the economy, the magnitude of the adjustment problem caused by major defense cuts should not be gauged purely in national or macroeconomic terms. Certain regions and communities within such regions depend disproportionately on military activities for their livelihood and economic stability. They are likely to bear the brunt of any defense adjustment. For this reason, the task force believes it is important to address the regional and local economic dislocation caused by any significant program of defense cuts.

Almost every week there are reports of major layoffs due to defense cutbacks. To illustrate, the August 3 edition of Wall Street Journal reports that 4,000 jobs will be eliminated by United Technologies over the next 3 years. Last week, McDonnell Douglas announced plans to layoff 17,000 workers. The list goes on. These layoffs are not evenly distributed across the country, they are concentrated in certain communities in Connecticut, Missouri, and other States.

The task force found that providing for an orderly transition in these concentrated pockets of dislocation is not only humane and just social policy, but also sound economic policy. The smoother the transition of these communities, the more efficient is the deployment of our economy's most valuable resource—our people.

The major features of the amendment are as follows:

First. Adequate warning: Successful adjustment to economic dislocation requires sufficient advance warning. Accordingly, the amendment requires the administration to identify and notify communities likely to be affected by defense budget cuts either proposed in the President's budget or enacted into law by Congress. The criteria for determining which communities receive notification are already in the pending Armed Services Committee bill: Job loss of 2,500—urban communities, 1,000—rural communities—or 1 percent of the work force, whichever is less.

Second. Community planning assistance: The amendment provides financial assistance from the Office of Economic Adjustment in the Pentagon to communities to help them plan to diversify their economic bases away from dependence on military.

Third. Small business planning assistance: The amendment provides financial assistance from the Small Business Administration to small businesses which have high degree of reliance upon military business to help them diversify into commercial activities.

Fourth. Community adjustment assistance: The amendment provides Economic Development Administration [EDA] assistance to help communities implement plans to diversify their economic bases—public works improvement, customized retraining programs, loan guarantees, other incentives for business development.

Fifth. Worker adjustment assistance: The amendment provides retraining, job placement and relocation assistance through the Job Training Partnership Act Employment Services to workers dislocated by defense cuts.

Sixth. Increased funding: The amendment provides increased funding for these existing programs by the amount of claims related to the defense adjustments. The Congressional Budget Office is unable at this time to produce a cost estimate because that would depend on the shape of the defense budget legislation that is ultimately enacted into law—something that no one can predict with certainty at this point. Nonetheless, a credible, independent source, the Defense budget project, has recently estimated costs to be in the range of $200 million per year as follows:

[In millions of dollars]

JTPA (worker retraining, relocation)	160
Employment Services (job placement)	8
EDA (community adjustment assistance)	31
SBA (small business planning—no estimate)	x
Total (approximately)	200

In authorizing higher assistance for these programs, we strongly believe that funding in fiscal year 1991 and future years should increase by amounts in this range.

Seventh. Coordinated budget planning and delivery of assistance: The amendment directs the President through an existing interagency council—President's Economic Adjustment Council--to use Department of Defense projections of the number of impacted communities and associated job loss to adjust budget requests for JTPA, SBA, EDA etc. to the extent of anticipated increases in claims related to defense.

Eighth. Accountability: The amendment directs the President to include in the annual budget submission to Congress a report on the extent of adjustments made to the budgets of these agencies and a list of notified communities.

At this time, I ask unanimous consent to print in the RECORD a copy of the task force's report and summary of recommendations to the majority leader.

I urge my colleagues to support this important amendment.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 3, 1990.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR GEORGE: On May 3, 1990, you announced the appointment of a Senate Democratic Task Force on the U.S. Economy in the 1990s: Defense Adjustment and Productivity Growth. The Task Force has been instructed to review the effect of declining defense spending and increasing global competition on the U.S. economy and to recommend to the Democratic Conference policies to expand and strengthen our economy as we begin the new decade. We are pleased to transmit herewith an initial report containing the Task Force's recommendations on the topic of Defense Adjustment: easing the economic and social adjustment to lower defense spending.

During the past 40 years, Americans have invested more than their chief economic competitors in national security. This investment has paid a handsome return for U.S. foreign policy, but it has also contributed to the decline of our relative economic strength. Higher investment in defense has been accompanied by the devotion of fewer capital, technological and human resources to the performance of the civilian economy.

The United States now has a golden opportunity to consolidate its victory in the global political competition by tending to its eroding position in the global economic competition. Economic strength is increasingly the currency of global influence and leadership. Indeed, it is what propelled the United States into its leading role in the early years of this century. Whether there will be a second American Century is also likely to be determined by our relative economic performance.

For this reason, the thaw of the Cold War makes a strategic review of economic policy every bit as important as a strategic review of national security and foreign policy. The United States would benefit by having a coherent national strategy for managing the transition and capitalizing upon the economic opportunity represented by the prospect of significantly less defense spending. To this end, the Task Force on the U.S. Economy in the 1990s is engaged in a comprehensive review of U.S. economic policy and intends to issue policy recommendations designed to: 1) facilitate our economic and social adjustment to lower defense spending; and 2) raise our rate of productivity growth—the ultimate determinant of our standard of living and international competitiveness.

This initial report of the Task Force's recommendations in the area of Defense Ad-

justment represents the consensus view of the Task Force membership and reflects consultations with a broad range of experts and constituencies in meetings and public hearing testimony. The Task Force drew in particular upon the work of Senator Pell, whose legislation, S. 2097, served to focus the Task Force's work. It also benefited from consultations with Senator Lieberman, who recently introduced legislation in this area. Later this year, the Task Force plans to issue recommendations in four other areas related to the economy's productivity growth performance (Capital Formation, Technology, Human Infrastructure and Physical Infrastructure).

EXPLANATION OF DEFENSE ADJUSTMENT RECOMMENDATIONS

In its deliberations, the Task Force was mindful that the major pending defense budget proposals offered by the Administration, Senate Armed Services Committee and House Budget Committee indicate that real annual defense spending reductions will range from 2% to 5% over the next several years. Based on this range of estimates, defense spending as a share of GNP is likely to fall to between 4.2% and 3.5% of GNP by 1995. It has already fallen from a high of 6.5% in FY 1986 to approximately 5.5% in FY 1990, suggesting that, by one measure, over a third of the defense adjustment may have already taken place.

A defense adjustment of this magnitude would be smaller than the three others the U.S. has experienced since World War II. The Defense Budget Project estimates that cuts of 5% per year in real terms would represent only a 0.27% drop in national employment from 1989 levels. Few believe that, by itself, a program of defense cuts in this range would have a significant direct effect upon macroeconomic stability and growth. Nevertheless, the defense adjustment has important implications for economic policy for two reasons.

First, the defense adjustment's impact on macroeconomic growth and stability ought not to be considered in isolation from other factors affecting economic stability, including developments in fiscal and monetary policy as well as changes in domestic and world economic conditions. Specifically, major fiscal deficit reduction (beyond anticipated defense cuts) and a slowing economy could serve to magnify the influence of major defense spending cuts in the direction of the economy. While careful management of the resources freed by the defense adjustment has the potential to help reduce these threats to economic growth and stability, capitalizing upon this potential will require, first, a fresh inventory of the economic challenges facing the nation and the policy responses now at its disposal; and second, a deliberate effort to set policy priorities for the use of all available economic resources. The Task Force is currently conducting this exercise and plans to issue its recommendations in a later report.

Second, because defense spending is not distributed evenly across the economy, the magnitude of the adjustment problem caused by major defense cuts should not be gauged purely in national or macroeconomic terms. Certain regions and communities within such regions depend disproportionately on military activities for their livelihood and economic stability. They are likely to bear the brunt of any defense adjustment. For this reason, the Task Force believes it is important to address the regional and local economic dislocation caused by any significant program of defense cuts. Accordingly, this initial report focusses on the federal government's responsibility and role in facilitating an orderly transition to lower defense spending especially within such regions and communities.

During this century, the federal government has assumed growing responsibility for helping to moderate the hardships of economic dislocation. Such involvement is particularly appropriate when the government itself is the cause of dislocation. Individuals, families and communities responsible for supporting the nation's security over the years deserve their government's cooperation and assistance in securing an orderly transition. The Task Force believes that providing for an orderly transition is not only humane and just social policy; it is also sound economic policy. The smoother the transition, the more productive is the deployment of our economy's most precious resource—our people.

Specifically, the Task Force recommends that the federal government assume five primary responsibilities. In fulfilling these responsibilities, existing programs and administrative mechanisms should be used whenever possible in order to avoid duplication and bureaucratic waste. There should be sufficient flexibility to permit assistance to be tailored to suit local conditions. However, abuse of such flexibility to ignore the legitimate needs of eligible communities, workers and small businesses must not be permitted.

(1) ADEQUATE WARNING

Adequate warning of impending dislocation is essential to successful economic adjustment strategies. Since the government is the source of defense-related dislocation, it should be in a position to identify and notify communities likely to be disproportionately affected by defense cuts. But while the Office of Economic Adjustment (OEA) in the Department of Defense presently is capable of providing this information on base closures, it often lacks adequate information to anticipate the accumulated impact of production cutbacks on communities. The Task Force believes that the development of a database to provide information on the prime and subcontractor production base for major weapon systems is a prerequisite to an adequate system of advance warning. For this reason, the Task Force endorses and urges adequate funding for the systematic and continuous database on the nation's defense industrial base mandated by the Defense Production Act Amendments of 1990, as reported by the Senate Banking Committee on May 24, 1990.

The Task Force recommends that the responsibility for identifying and notifying communities be exercised by the Office of Economic Adjustment of the Department of Defense, based on the job loss criteria included in the Department of Defense FY 1991 Authorization bill reported by the Senate Armed Services Committee on July 20, 1990. These criteria would require notification of communities likely to experience defense-related job losses of 2,500 for urban areas, 1,000 for rural areas or 1% of the local workforce, whichever is less. Using its database on the defense industrial base, OEA should identify communities likely to experience this degree of defense-related dislocation based on (1) the president's annual budget proposal to Congress; and (2) enactment of major defense budget legislation.

(2) Planning assistance for communities and small businesses

Careful planning before the onset of dislocation can moderate and even obviate the costs of dislocation. For this reason, the Task Force recommends that planning assistance be provided by OEA to all eligible notified communities (as well as others which may apply to OEA and appear likely to receive notification) and by the Small Business Administration (SBA) to all eligible defense-related small businesses. Communities should be encouraged to develop plans to diversify their economic bases as early as possible in order to limit the impact of defense-related dislocation in their area. Small businesses should be eligible for planning assistance if they offer a bona fide diversification proposal indicating how they would use such assistance and if they derive a significant proportion of their total revenues from the direct or indirect sale of goods or services to the military.

(3) ADJUSTMENT ASSISTANCE FOR COMMUNITIES AND WORKERS

In the absence of careful planning and follow-up action to diversify their economic bases, communities experiencing dislocation as a result of defense cuts may face the prospect of disintegration. Without alternative job opportunities, many workers and their families will have little choice but tu uproot themselves. People are not as mobile as and should not be treated like financial assets; there are real human, social and economic costs to the disintegration of communities. While a certain amount of relocation is to be expected in defense-related communities, the Task Force recommends that the federal government provide adjustment assistance to communities which help themselves by taking advantage of advance notification and planning assistance to develop concrete plans to diversify their economic bases.

The Economic Development Administration (EDA), which presently possesses the necessary tools, but not sufficient resources, should be responsible for providing adequate assistance to such communities. EDA assistance authorized by Title IX of the Public Works and Development Act of 1965 includes grants and loan guarantees for technical assistance, relocation of businesses and individuals, infrastructure improvements, business development, customized training programs, etc.

Similarly, the Department of Labor, through Title III of the Job Training Partnership Act (JTPA) and the Employment Services (ES) program, has the necessary programmatic tools, but not sufficient resources, to assist workers dislocated from defense-related occupations. Eligible dislocated workers should be provided with adequate retraining, placement and relocation assistance, and unemployment compensation through these existing programs.

(4) Funding

Although the Task Force finds that the federal government possesses the necessary program authority to provide community, worker and small business planning and adjustment assistance, these programs are not funded adequately to accomodate defense adjustment needs without compromising assistance for dislocation unrelated to the defense adjustment. The Task Force's recommendation to utilize existing programs is not intended to displace federal support for non-defense adjustment. The Task Force recommends that funding for OEA, EDA,

JTPA, ES, and SBA be increased to the full extent of defense-related claims on such programs and that such increased funding be considered a cost element in reducing the nation's defense activities. Substantial defense cuts should therefore be accompanied by increases in funding for these programs to the extent of increases in defense-related claims. The Task Force notes that the Defense Budget Project has recently estimated that such increases could be in the neighborhood of $200 million for FY 1991.

For this reason, the Task Force recommends that the President's Economic Adjustment Committee be directed to coordinate increases to Administration budget requests for OEA, EDA, JTPA, ES, and SBA in response to projections of dislocation made by OEA as a result of its analysis of the president's annual defense budget and relevant Acts of Congress. The Committee is chaired by the Secretary of Defense and consists, among others, of the heads of each of these agencies as well as the Director of the Office of Management and Budget.

(5) Accountability

The federal government has important responsibilities in connection with helping our defense workforce to secure an orderly transition to significantly lower levels of defense spending. The seriousness of these responsibilities requires that government be fully accountable to the public for its activities. Such accountability is made more critical by the placement of defense adjustment assistance functions in existing programs having numerous other activities and responsibilities.

For this reason, the Task Force recommends that the President be directed to report on the activities of his Economic Adjustment Committee in his annual budget proposal to Congress. Such report should include a list of communities identified as qualifying or likely to qualify for notification as well as the amount of corresponding increases made to budget requests for OEA, EDA, JTPA, ES, and SBA.

In addition, the Task Force wishes to acknowledge and endorse relevant and complementary elements of two pending bills. The FY 1991 Department of Defense Authorization bill reported on July 20, 1990 by the Senate Armed Services Committee provides adjustment assistance for military personnel, continued support for strong defense R & D with increased support for development of commercial technology, and an expanded scope and funding level for community planning assistance. Further, the Defense Production Act Amendments of 1990, reported by the Senate Banking Committee on May 24, 1990, include provisions to improve information on the defense industrial base and boost support for the development of critical technologies under certain circumstances.

Finally, the Task Force wishes to identify certain areas not addressed in this initial report which are important to a smooth transition for the defense-related workforce. First, the Task Force believes that the present system of health insurance coverage hinders smooth adjustment to economic dislocation, whether caused by defense cuts or otherwise. Expanding access to health care should be a national priority. The Task Force wishes to acknowledge the efforts of the Senate Working Group on Universal Access to Health Care, which is an attempt to develop a consensus approach to the problem of access to care by the uninsured. Second, the nation's worker training and employment services programs are in need of better coordination and greater resources. The Task Force is reviewing policy options and hopes to make recommendations in this area in the context of its report on Human Infrastructure policy at a later date. Third, in order to maintain its industrial prowess and standard of living while substantially reducing military production, the Task Force believes the United States must improve its performance in the area of commercial technology development and innovation. Again, the Task Force plans to issue comprehensive recommendations on this topic at a later date.

It is our hope that the foregoing initial report and attached summary of recommendations will be of benefit to the Democratic Conference. We thank you for your support and look forward to continuing to work with you on issues vital to our Nation's economic well-being and world standing.

Sincerely,

Don Riegle, Chairman; Edward M. Kennedy, Jim Wirth, Richard Shelby, James Exon, Jeff Bingaman, Sam Nunn, Claiborne Pell, Kent Conrad, Carl Levin, Lloyd Bentsen, Brock Adams, David L. Boren.

TASK FORCE ON THE U.S. ECONOMY IN THE 1990'S: DEFENSE ADJUSTMENT—SUMMARY OF RECOMMENDATIONS

I. EXECUTIVE BRANCH COORDINATION

A. The Task Force recommends that the existing President's Economic Adjustment Committee be directed to do the following:

(1) Notification: Through the Office of Economic Adjustment (OEA) in Department of Defense, identify and notify communities (and corresponding states) likely to be affected by defense spending cuts either proposed in the president's annual budget submission to Congress or enacted into law by Act of Congress. In determining which communities are to be notified, OEA should apply eligibility criteria proposed in the pending Senate Armed Services Defense Authorization bill, namely job loss of 2500 (urban), 1000 (rural) or 1% of total workforce, whichever is less;

(2) Coordination of Funding: Coordinate budget planning for adjustment assistance to communities and workers and businesses through the Economic Development Administration (EDA), Department of Labor (DOL) and Small Business Administration (SBA), respectively. Specifically, OEA projections of the impact of the President's defense budget proposal on communities and small businesses should be integrated into the process of developing the Administration's annual budget proposals for EDA, the Job Training Partnership Act (JTPA) and Employment Services (ES) programs and SBA; and

(3) Coordination of Assistance: Coordinate delivery of adjustment assistance to communities, businesses and workers through OEA, EDA, the Department of Labor and SBA.

B. The Task Force recommends that the President be directed to discuss such activities of the Economic Adjustment Committee in his annual budget proposal to Congress. Such discussion should include a list of communities identified as qualifying or likely to qualify for notification as well as the amount of corresponding adjusments made to budget requests for EDA, JTPA, ES and SBA.

II. COMMUNITY PLANNING ASSISTANCE

The Task Force recommends that the Office of Economic Adjustment in the Department of Defense be directed to provide grants to communities for the purpose of planning the diversification of their economic bases. Communities notified by OEA would be eligible for such grants. Alternatively, they should be eligible to apply for such grants before receiving formal notification. Both OEA's notification of affected communities and the delivery of planning and adjustment assistance should be coordinated with the affected state agencies.

III. COMMUNITY ADJUSTMENT ASSISTANCE

The Task Force recommends that the full range of adjustment assistance available under Title IX of the Public Works and Economic Development Act of 1965 be made available to communities notified by OEA. Assistance authorized by Title IX includes grants and loan guarantees for technical assistance, relocation of businesses and individuals, infrastructure improvement, business development, customized retraining programs, etc. Title IX is administered by the Economic Development Administration.

IV. WORKER ADJUSTMENT ASSISTANCE

The Task Force recommends that dislocated worker assistance benefits under the Job Training Partnership Act and Employment Services programs be made fully available to dislocated defense workers. Funding for these programs should be increased to reflect the extent of such defense-related dislocation.

IV. SMALL BUSINESS ASSISTANCE

The Task Force recommends that assistance be made available defense-related small businesses (including subcontractors) to help them develop business plans for diverisfication into commercial activities. To be eligible for assistance a company should be required to include in its application a preliminary diversification proposal. Assistance would be administered by the Small Business Administration. Small businesses for whom the sale of goods or services directly or indirectly to the military constituted a significant proportion of total revenues should be eligible for assistance.

V. FUNDING

Funding for all planning and adjustment assistance should be considered as a cost element in reducing defense activities. Defense spending reductions should be reflected by the Administration in adjustments to the budgets of OEA, EDA, JTPA, ES and SBA to the extent necessary to fund defense-related community, worker and small business planning and adjustment assistance and to prevent the displacement of funding for non-defense-related dislocaton. The Task Force notes that the Defense Budget Project has recently estimated that such adjustments could require increased funding in the neighborhood of $200 million in FY 1991.

VI. Other

A Related Legislation

(1) DOD Authorization Bill—The Task Force endorses those elements of the DOD Authorization bill (adjustment benefits for military personnel; continued support for strong defense R&D with increased support for development of commercial technology; and an expanded scope and funding level for community planning assistance) which help to facilitate the nation's defense adjustment.

(2) Defense Production Act Admendments—The Task Force erndorses those elements of the Defense Production Act amendments of 1990 (increased information

on defense industrial base, increased support for crittical defense and dual-use technologies) which help to facilitate the nation's defense adjustment.

B. Need for longer-term initiatives

The Task Force wishes to underscore the need for longer-term initiatives in three areas relating to the nation's capacity to undergo a smooth transition to significantly less defense spending.

(1) Health insurance coverage;

(2) Dislocated worker assistance programs; and

(3) Employment services

The Task Force intends to issue recommendations on dislocated worker assistance and employment services at a later date.

Mr. MITCHELL. Mr. President, on May 3, 1990, I appointed a Task Force on the U.S. Economy in the 1990's consisting of Democratic Senators, Chaired by Senato DON RIEGLE of Michigan.

I asked the task force to review of the effect of changes in the international strategic environment, increased global economic competition, and decreased defense spending on the U.S. economy. Earlier today the task force tansmitted to me an initial report, with legislative recommendations, on the issue of defense adjustment that is easing the economic and social adjustment of businesses, workers, and communities to lower levels of defense spending.

The task force is taking a wide-ranging look at the problems confronting the United States as we enter the 1990's and the new era of reduced defense spending and increased international economic competition. These longer-term issues will greatly affect the quality of life of future generations of Americans.

In its initial report to me today, the task force is focusing on the short-term adjustment problems faced by communities and workers around the country as the levels of expenditure on defense in this country decline. In essence, the task force recommends that we act now to ensure that existing Government programs are provided the resources, personnel, and authority to act to assist effectively communitues undergoing defense readjustment.

The legislative recommendations of the task force toady are offered as an amendment to the Defense bill sponsored by Senators RIEGLE and PELL. I greatly appreciate—and commend—the leadership of Senator RIEGLE in developing this initiative. I also appreciate the commitment and contributions of other Senators participating in the task force.

The amendment provides for greater executive branch coordination and advance warning to impacted communities, along with increased levels of community planning and adjustment assistance, small business assistance, and worker adjustment assistance. Its basic thrust is to reinforce leadership at the State and local level in meeting challenges of economic diversification and adjustment that result from Federal actions affecting defense industries.

This amendment is important throughout the United States. It is also important to the State of Maine. On May 4, 1990, I submitted testimony to the Senate Armed Services Subcommittee on defense industry and technology, which outlined many of the State's concerns for defense adjustment and economic diversification issues.

Maine is proud of its contribution to our Nation's defense needs. The State's defense installations and industries include Loring Air Force Base; Bangor's Air National Guard; Brunswick Naval Air Station; Portsmouth Naval Shipyard [PNSY]; the Cutler Naval Installation; Bath Iron Works; Saco Defense, Inc., Pratt & Whitney; and Fiber Materials, Inc. They all play an important role in our national defense and in the life of Maine workers and communities.

Maine's interests have fared relatively well in this year's Defense authorization bill. The Senate's fiscal year 1991 legislation includes 5 Aegis destroyers for Navy shipbuilding programs; funding of the Army's MK-19 program; and additional investment and improvements for Maine defense installations, including PNSY's Drydock No. 2 modernization. Under the Senate bill, PNSY also be given the opportunity to bid competitively for additional categories of defense work.

Nonetheless, Maine cannot help but be affected by broader trends and changes in the Defense budget. For shipyards especially, there is concern that bidding competition will be tougher and overall workload levels leaner in the years ahead.

Senator RIEGLE's task force amendment is intended to help businesses and communities—like those in Maine—plan for adjustments that inevitably will occur as a result of changes in the defense budget. On April 30, 1990, the Bangor Daily News stated in an editorial:

The Congress has a responsibility to help all States ease the pain of transition from military to peacetime use of land and resources, but Maine, like every other State, has an obligation to its people to prepare them for the worst economically, even while they hope for the best in harmonious international relations.

Federal support of State and local leadership is essential to meeting the economic challenges of defense adjustment in the 1990's. Those challenges do not necessarily have to be a case of "preparing for the worst," but can be used as opportunities to build new foundations for the future. That is the kind of assistance that this amendment is intended to provide. I thank Senator RIEGLE and the task force for their recommendations and urge adoption of the amendment.

Mr. WIRTH. Mr. President, I am pleased to cosponsor the pending amendment along with Senator RIEGLE and others. Continued reductions in defense spending are certain to impose real hardship on workers and communities now engaged in defense production and services. This amendment seeks to address the need to assist dislocated workers and devastated communities in making the transition from defense work to other economic opportunities.

The amendment identifies existing Federal programs which can and should be strengthened to deal with the effects of anticipated defense cuts. The amendment stresses the need for effective coordination and long-lead notice and planning for workers and communities. This represents a first effort at a defense adjustment package, and I am certain that we will monitor carefully the impact of defense curts and the adequacy of this package to deal with it.

Given the lateness of the hour, I will not speak at length on this issue. I would, however, ask unanimous consent that a statement prepared by the "Task Force on Defense Spending, the Economy and the Nation's Security" be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WIRTH. This task force, cochaired by Senator HEINZ and myself, consists of representatives from government, labor, and industry and is a joint effort of the Henry Stimson Center and the Defense budget project.

EXHIBIT 1

[Task Force on Defense Spending, The Economy & The Nation's Security, July 30, 1990]

STATEMENT: ADJUSTING TO LOWER DEFENSE BUDGETS

The likelihood of major reductions in defense spending over the next five years has raised concerns about possible adverse effects on the nations economy, the defense industrial and technology base, and on specific communities, groups of workers, and private firms.

When viewed from a national economic perspective, concerns about the aggregate economic impact of lower defense budgets may be overstated. Even a five-year, twenty-five percent cut in defense spending, which in total accounts for only about 5.5 percent of the nation's annual gross product of goods and services, is not large enough to have first order effects, one way or the other, on the country's overall rate of economic growth, on the rate of inflation, or on employment levels.

When viewed from a local perspective, however, the effects of reduced budgets on the defense industrial and technology base and on communities, workers, and firms could be significant. Specific communities, or even whole regions of certain states, certain kinds of workers, and many individual companies could be hard hit by the cuts now contemplated in defense spending.

In our view, it is in the national interest for the federal government, together with

state and municipal governments, to assist communities, workers, and companies to make a smooth and rapid transition to lower levels of defense spending.

A number of legislative initiatives toward this end are pending in the House of Representatives and in the Senate. We believe that any legislation in this area should serve the following objectives:

(1) Seek to preserve vital elements of the nation's defense industrial and technological base by encouraging greater interaction between the defense and commercial sectors;

(2) Address the immediate needs of federal military and civilian employees and of dislocated defense workers in industry, emphasizing retraining and assistance in the search for new employment;

(3) Assist impacted communities in adjusting to economic dislocations by identifying means of diversifying and strengthening local economies;

(4) Focus existing federal assistance on small businesses as they diversify into new commercial markets and new technologies;

(5) Ensure that industry can tailor appropriate responses to the transition, avoiding unnecessary federal expenditures and unwarranted intrusion into the private sector.

(6) Reduce the institutional barriers that now exist between the defense and commercial sectors, such as unnecessarily narrow standards for military products, as one way to help preserve a mobilizable defense industrial base.

Federal policies should complement state and local efforts rather than replace them. State and local public officials understand local economic strengths and weaknesses and generally have in place economic development and retaining programs tailored to those realities. Federal programs can only catalyze community responses to adjustment problems, and facilitate smooth access to federal programs.

Federal adjustment policy should integrate defense adjustment into other economic adjustment efforts. It should be based on existing federal programs for community planning and economic development, worker retraining, job search employment assistance, and small business development.

A key responsibility of the federal government during this transition is to maintain a health U.S. economy; the transition to lower defense spending will be facilitated by a climate of economic growth and job creation.

The critical aspect of federal policy is coordination. Given the wide variety of existing programs that can be used to help communities and workers adjust to lower defense spending, a coordinating body should be established and work to combine the following elements into a coherent strategy.

DEFENSE INDUSTRIAL AND TECHNOLOGY BASE PROGRAMS

The federal government should encourage innovation and technology development in both the civil and defense sectors in the interest of the overall economic competitiveness of the nation. Such programs also would help preserve the defense industrial base, allowing the United States to maintain its lead in many critical defense technologies. Federal programs should include support for critical defense technologies, steady or growing levels of funding for technology development and independent R&D, encouragement for defense manufacturers to explore the commercial applications of defense technologies, and the consolidation of military and industrial specifications to reduce barriers between defense and commercial sectors.

Loans and loan guarantees should be provided through existing Small Business Administration programs to qualified small businesses as gap-financing to fund expansion, new ventures, or research and development efforts. Defense-related firms should not be singled out for unique treatment in such programs.

A data base on defense contracts, prime contractors, and subcontractors should be developed in the Department of Defense. At present, such data is limited to prime contracts. In order to design effective adjustment policies and track the effects of contract cancellations, especially on small business and subcontractors, federal and local policy makers require more information than is currently available.

COMMUNITY ASSISTANCE

Federal adjustment policies for communities should be flexible, allowing communities to design their own responses in the framework of their individual economic and political needs.

Provision of information will be key. In particular, early notification to state and local officials of prospective changes in defense programs is vital to the success of economic adjustment at the community level.

Community adjustment assistance should be provided by the federal government through grants from DoD's Office of Economic Adjustment, and the Economic Development Administration Title IX planning grant program. Eligibility for community assistance should be based on the magnitude of the prospective dislocations in the context of the local economy. Communities facing major dislocations in an environment of high unemployment and regional recession are more likely to need adjustment assistance than communities with low unemployment and healthy regional economies.

WORKFORCE ASSISTANCE

Workers likely to be affected by defense cut-backs should be notified as early as possible, allowing them to anticipate a dislocation and to explore alternative employment opportunities in a timely manner. Training and retraining assistance should be provided through current federal programs such as the Job Training Partnership Act. In addition, the Department of Labor can play an active role in encouraging labor-management cooperation in the adjustment effort through its Bureau of Labor-Management Relations and Cooperative Programs.

Extended unemployment insurance should be provided to allow workers to enter and complete training and retraining programs while unemployed. Such extended coverage should be provided for a limited time only and should be made contingent upon enrollment in certified retraining programs. Job search assistance also should be provided to dislocated workers in order to assist them in locating new employment as soon as possible.

Change from well established patterns always raises apprehensions and can be painful. Experience has demonstrated, however, that communities, companies, and workers can adjust to cut-backs in defense spending and emerge with a more stable and prosperous economic future, if given time to respond and reasonable support. Effective federal programs can help to ensure such favorable outcomes.

The members of the Task Force who endose this statement are listed below. While each signatory supports the broad thrust and overall recommendations contained in the statement, he or she may not necessarily agree with every specific phase.

Senator John Heinz, Pennsylvania, Co-chair.

Senator Tim Wirth, Colorado, Cochair.

Dr. Gordon Adams, Defense Budget Project.

Mr. Norman Augustine, Chairman, Martin Marietta Corporation.

Dr. Barry Blechman, Henry L. Stimson Center.

Representative Tom Campbell, California.

Governor John Carlin, former Governor, State of Kansas.

Governor Richard Celeste, State of Ohio.

Senator William Cohen, Maine.

Dr. Robert Costello, Hudson Institute.

Mr. Gerald Ebker, President, Federal Sector Division, IBM Corporation.

Mayor Wilson Goode, Philadelphia, Pennsylvania.

Representative Nick Mavroules, Massachusetts.

Mr. Sandy McDonnell, Chairman Emeritus, McDonnell Douglas Corporation.

Dr. William Perry, Chairman, Technology Strategies and Alliances.

Dr. Charles Schultze, Brooking Institution.

Mr. Harold Palmer Smith.

Mr. Alexander Trowbridge, President, Trowbridge Partners.

Mr. J. Fred Weintz, Jr., Limited Partner, Goldman Sachs and Co.

Mr. Earle Williams, President, BDM International Corporation.

Mr. Charles Zraket, The MITRE Corporation.

Mr. PELL. Mr. President, I am very pleased indeed to join my distinguished colleagues from Michigan, Senator RIEGLE, in urging approval of our amendment providing adjustment assistance for workers and communities adversely effected by the decline in defense spending.

This amendment has been carefully crafted to deal promptly and effectively with disclocations resulting from reduced defense spending, and to do so with an absolute minimum of new bureaucratic overhead. I am very pleased that it echoes many of the provisions of the bill I introduced last February 7, S. 2097, the Defense Diversification and Adjustment Act.

The amendment addresses a problem which is bound to impact every State in the Union, to a greater or lesser degree, as we face defense cuts aggregating 25 percent or more over the next 5 years, by which time defense spending may have fallen to its lowest share of GNP since the late 1940's. I refer in particular to the plight of the some 3.4 million civilians who work at defense-related jobs—for the most part employees of defense contractors—as distinct from uniformed military personnel or civilian employees of the Department of Defense.

The amendment addresses the impact of this adjustment on communities and local economies as well as on the people involved. And I would note that one of my basic objectives in

S. 2097 was to preserve wherever possible the elements of the defense industrial base which might otherwise be lost to future needs.

I would note as well that the underlying rationale of my original bill, which I believe is carried forward in this amendment, is simply that the Federal Government has a compelling obligation to mitigate economic distress which results from massive shifts in Government spending caused by factors far beyond the control of those who are most affected.

While the problem we address is national in scope, the New England region is particularly vulnerable and my own small State of Rhode Island is perhaps a useful microcosm of the nationwide dilemma facing civilian defense workers.

The Federal Reserve Bank of Boston published a very useful study entitled "Defense Cutbacks and the New England Economy" which notes that defense spending as a percentage of GNP is about twice the national rate in New England and that its decline can be expected to be more precipitous as a result. While reductions in defense employment overall are not expected to have devastating effects, they are expected to have more concentrated, burdensome effect in localized areas of special vulnerability.

Rhode Island is one such area. Some 14,000 Rhode Islanders work for defense contractors, and over half of them work for one company, the Electic Boat Division of General Dynamics, manufacturer of nuclear submarines. Electric Boat is the largest single private sector employer of Rhode Island workers.

Workers at Electric Boat and at other defense industries in the State are in general well educated, high-skilled engineers, craftsmen, and technicians. They constitute an important core of the State economy in terms of their buying power and their status as homeowners, taxpayers, and savers. But most of all they represent an irreplaceable asset in terms of skill and talent. Their absence would constitute a serious brain drain as well as a significant drain on the economy.

The amendment we offer today is designed to cushion the effect of decreased defense spending on such workers and on the local economy. It provides for advance warning to communities, and planning assistance for communities and for small businesses. And it provides adjustment assistance in terms of retraining, public works and economic development.

I would note especially that we achieve these objectives entirely through existing programs and agencies. No new bureaucratic entities are required. We utilize in particular the existing Office of Economic Adjustment of the Department of Defense and an existing interagency committee known as the President's Economic Adjustment Committee.

I also note that the amendment as offered addresses, I believe, the most urgent aspects of the defense adjustment problem. As such it provides a timely legislative response to existing circumstances. Other provisions of my bill S. 2097 dealing with the long-range question of conversion and diversification of defense industries still remain to be addressed in another legislative setting.

For the present, I am very pleased indeed that we have been able to move swiftly to address the most pressing issues. I am most appreciative of the support of the distinguished majority leader, Senator MITCHELL, and of the outstanding leadership of Senator RIEGLE in his capacity as chairman of the Senate Democratic Task Force on the U.S. Economy in the 1990's. Only through their leadership and the efforts of the task force staff are we able to offer this amendment today.

I believe the amendment is a necessary companion piece to the reduction in defense spending contemplated by the bill. I urge its adoption.

Mr. LIEBERMAN. Mr. President, I rise in strong support of the amendment offered by Senator RIEGLE. This amendment is a useful first step in assisting our defense sector and work force with what may prove to be a difficult transition. I was pleased to be able to assist with the development of the amendment. I am also pleased that a number of the provisions in the amendment are similar to those in my bill on this subject, S. 2893.

The problems facing defense workers were driven home to me by the trials of one of the defense companies in Connecticut, the United Nuclear Corp. [UNC]. For more than 30 years, UNC has made nuclear reactor cores for the Navy. They competed for the Government business with another company. Then suddenly earlier this year, they were told that all future business would be given to the other company. Earlier today, we heard much talk about the greater warning time that U.S. troops now have in Europe, 12 to 24 months. Unfortunately, UNC was not so lucky.

The only Government agency in a position to respond to UNC's needs was the Office of Economic Adjustment [OEA] the Pentagon. Their response was inadequate because of serious understaffing. Now, UNC and its 1,200 employees face an uncertain future at best. In short, no warning and little help adds up to an economic disaster.

This amendment would begin to remedy some of these problems. It would direct the OEA to identify and notify communities that would likely be affected by future defense cuts. This would reduce the possibility of defense companies being blind-sided. Defense workers would not wake up someday to be told that they would be out on the street within several months. They would have time to look for other jobs or convert their defense plants into commercial production.

Second, this amendment would allow increased funding for the Office of Economic Adjustment. As I mentioned previously, the OEA is vastly underfunded. Its response to the UNC tragedy was extreme; this situation must change. My own bill authorizes greater spending for the OEA, but I believe that this is a useful first step.

Third, the amendment allows title IX community adjustment assistance and other OEA programs to be made available to communities affected by defense cuts.

Fourth, the Small Business Administration is directed to furnish assistance to small defense businesses to enable them to develop plans for diversifying into nondefense commercial business.

Fifth, the amendment calls on the Labor Secretary to furnish retraining, job placement, and relocation assistance under the Job Training Partnership Act programs for displaced defense workers.

Sixth, the amendment to create accountability calls on the President to annually report, in conjunction with budget submissions, on the activities of OEA and review whether OEA is adequately funded to meet its obligation.

Finally, the amendment requests the President to institute an analysis of our industrial base to ensure that we retain the capacity, in the face of future defense cutbacks, to meet our national security needs. This process would include identification of the industrial capacity of prime defense contractors and the first two layers of subcontractors. Development of this data base will be crucial to evaluating the effects of defense cutbacks. As of now, we are operating in the dark. We don't even know the extent of the damage that has been inflicted on the defense industrial base, let alone what will happen in the future.

Mr. President, this amendment is the beginning of a long road toward economic fairness and adjustment. The veterans of the cold war, who include our defense workers, don't want ticker tape parades as victory is declared. They just want jobs and economic security for their families. This amendment begins to remedy the gaping holes in the current support system. While it is only a first step, it is a step in the right direction.

Mr. BINGAMAN. Mr. President, I rise today in support of the amendment offered by Senator RIEGLE on economic adjustment to lower levels of defense spending.

Mr. President, as a member of the task force which developed this amendment, I would like to comment briefly on the issues it addresses. I would also like to commend Senator RIEGEL for his leadership on the task force.

I believe that the defense spending declines we are likely to see over the next 5 years represent an opportunity for the United States to begin focusing on pressing domestic issues that have been neglected in recent years. The disintegrating threat from the Soviet Union should allow us to turn our attention to critical issues here at home such as the health of our citizens, the education of our children, and the ability of our companies to compete in the global market.

Like my colleagues, I realize that what is an opportunity for us as a nation could become a disaster for some communities. There is no doubt that lower defense budgets will severely impact some local areas. We should do what we can to assist those communities in adjusting to the new situation. However, I do not believe that we should provide an entitlement to defense workers that is not available to other workers dislocated by either foreign trade or nondefense related government actions. My position, and the position of the task force, has been to support those existing programs which support workers dislocated for any reason, and assist communities impacted by any plant closings.

Mr. President, this amendment would lay the groundwork for a coordinated approach to helping communities adjust to lower defense spending. It would utilize existing programs in the Department of Defense, Department of Commerce, and Department of Labor to address problems associated with worker dislocation and to assist impacted communities. It provides us with a means to address and alleviate impacts caused by lower defense spending, and focuses on issues such as worker training and community conversion which will allow us to move ahead, rather than fall behind.

Defense adjustment is a 5-year proposition, and I believe that more needs to be done to help integrate the military and civilian production sectors and aid the defense industry in making the transition to other markets. Several provisions in the bill before us are designed to do just that. One would foster high-technology development, particularly in dual-use technologies, an area that is of critical importance to our future competitiveness. Another would allow defense contractors to use independent research and development funds to do R&D into waste cleanup technology, with the Strategic Environmental Research Program providing funding for those technologies. There is a provision relating to manufacturing extension which would aid the transition of advanced manufacturing technology into defense contractors, and in particular to small subcontractors, making it easier for them to diversify into nondefense markets.

Mr. President, this amendment complements the provisions we have included in this bill. It was developed over the last few months with input from Senators from many different committees, and is a step forward in both aiding communities and workers and in addressing domestic issues that have been neglected for too long. I urge adoption of this amendment.

Mr. GRASSLEY. Mr. President, I rise to offer an amendment which will provide an additional $3,417,000 for Army National Guard facility requirements and $2,480,000 for Air National Guard facility requirements in Iowa.

Mr. President, I understand that these increases to the Army and Air National Guard military construction accounts will be accepted. I further understand that offsets to the amounts added have been offered to the committee. These offsets are based on the House-passed and Senate-reported military construction appropriations bills. The offsets represent amounts appropriated which are in agreement in the appropriations bill; thus, they would not be considered in the appropriations conference committee meeting and the higher authorization in this bill is therefore not necessary. The offsets are in the various family housing accounts and there is no impact on any individual project.

Mr. President, the projects I am seeking to add are as follows:

Army Guard: Des Moines, STARC armory vehicle storage facility, $575,000; Council Bluffs, organizational maintenance shop [OMS], $528,000; Corning, armory, $1,008,000 and Oskaloosa, armory, $1,306,000.

Air National Guard: Des Moines International Airport, upgrade aircraft hangar, $1,800,000; and Sioux City Gateway Airport, alter composite support facility, $680,000.

Mr. President, all of the projects mentioned above can be put under contract during fiscal year 1991. Two projects—Des Moines STARC armory and vehicle storage and Council Bluffs armory and OMS—have been partially authorized in this bill, but unfortunately the numbers allowed were based on incorrect information. The others are self-explanatory and involve replacement and/or improved facilities for the Army and Air National Guard and units of Iowa.

Mr. President, the Guard and Reserve units of our total force continue to be the best investment in the Department of Defense. However, they continue to do a first-rate job in facilities that just are not adequate.

The Subcommittee on Military Construction appropriations, of which I am the ranking member, has again this year recommended substantial increases for Guard and Reserve facilities—as has the bill before us today. Funding for the projects I am seeking is available in the appropriation bill. None of the units involved with the new facilities will be impacted by base closures or substantial strength reductions.

I want to thank the distinguished chairman and ranking member of the Senate Armed Services Committee, Senators NUNN and WARNER, as well as the chairman and ranking member of the Readiness Subcommittee, Senators DIXON and GORTON, for their support of this amendment and their support of the Iowa military construction program, Iowa is one of the few States without any active military installation. The Guard and Reserve are a vital and visible part of the State; and the units in Iowa are award winning and almost all above their strength levels with waiting lists. These personnel deserve decent facilities in which to work.

Mr. President, I urge the adoption of the amendment.

Mr. GARN. Mr. President, I rise today to offer an amendment to authorize the Army aviation support facility in West Jordan, UT. I appreciate the support it has received so far and can assure you that it would benefit the Army National Guard operations in Utah.

I am very interested in the expansion and reorganization under way with the Army aviation units in Utah. The units presently use a facility that was constructed in 1976 for a light helicopter company with 150 personnel. Since that time, the Utah National Guard has undergone two major reorganizations resulting in the present designation of the 211th Aviation Group. The Utah Guard is currently receiving 18 of the Army's AH-64 Apache helicopters, 3 of the UH-60 Blackhawk helicopters, and 13 of the OH-58 Scout helicopters. In addition, on September 1, 1990, an AERO medical evacuation company will be assigned to this facility, which will result in six additional UH-60 Blackhawk helicopters assigned to the unit.

Many of the Apaches that the State of Utah has received in this reorganization came from Fort Hood. These helicopters were seriously damaged during a hurricane last year because of inadequate storage space in the hangar. Ironically, these same helicopters are being stored outside, while the Utah Army National Guard awaits construction of the Army aviation support facility. These same helicopters again run the risk of damage from the elements. I believe it is shortsighted to further delay initiation of this project.

Last year, the project received support in the House and the Senate.

Language was included in the military construction appropriations bill for 1990 to direct the Army National Guard to initiate planning and design of the armory, the Army aviation support facility, the organizational maintenance ship and associated ramp facility, and to include these projects in the fiscal year 1991 budget request. Unfortunately, this project has slipped to the fiscal year 1993 budget. I believe that it would be prudent to support this project and avoid further unnecessary delays.

This project has been included in the military construction appropriations bill for 1991. I would appreciate support for the inclusion of this project in the Department of Defense Authorization Act for 1991.

Mr. BENTSEN. Mr. President, I am pleased to join with my distinguished colleague from Texas in proposing this amendment to add $5.4 million for a project at the Addicks armory in Houston.

I have been advised by Maj. Gen. Charles Wilson, the adjutant general of Texas, that this is one of his top priorities.

Right now, Guard units are in leased facilities and the lease will not be extended beyond June of 1992. This new facility is for 6 units comprising 543 personnel.

These funds will also permit construction of an organizational maintenance shop which is now in an overcrowded leased facility that has proven inadequate and counterproductive.

I deeply appreciate the committee's willingness to accept this amendment in order to expedite the construction of this much-needed project.

Mr. McCAIN. Mr. President, these Milcon amendments have been accepted by both sides. I urge their immediate consideration.

IOWA MILITARY CONSTRUCTION PROJECTS

Mr. HARKIN. Mr. President, the amendment being offered provides for authorization of a number of important National Guard facility projects in Iowa. The National Guard not only provides for a military reserve, it is also available to provide assistance in times of disaster.

The amendment includes funding for the Corning Armory and the Oskaloosa Armory. The existing Corning facility was built as a vehicle maintenance facility in 1950. The Oskaloosa Armory that is to be replaced was built in 1923 and was designed for a horse cavalry unit. The amendment also authorizes a vehicle storage facility and a maintenance shop in Council Bluffs.

Under the amendment, $1.8 million is included for the Air National Guard at Des Moines for the modification of an administrative facility and $680,000 for the alteration of Air National Guard composite support facility at the Sioux City Airport.

I urge that the amendment be accepted.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the amendment.

The amendment (No. 2565) was agreed to.

Mr. kMcCAIN. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion will be considered to be laid on the table.

AMENDMENT NO. 2566

(Purpose: To provide for the economic adjustment of communities, small businesses, and workers adversely affected by reductions in the programs, projects, and activities of the Department of Defense)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follow:

The Senator from Illinois [Mr. DIXON], for Mr. RIEGLE (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. BINGAMAN, Mr. WIRTH, and Mr. CONRAD), proposes an amendment numbered 2566.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, below line 24, insert the following:

SEC. 1216. NATIONAL DEFENSE ECONOMIC ADJUSTMENT

(a) FINDINGS.—Congress makes the following findings:

(1) There are likely to be significant reductions in the programs, projects, and activities of the Department of Defense during the first several fiscal years following fiscal year 1990.

(2) Such reductions will adversely affect the economies of many communities in the United States and small businesses and civilian workers throughout the United States.

(b) POLICY.—In view of the findings expressed in subsection (a), it is the policy of the United States that—

(1) assistance be provided under existing planning assistance programs and economic adjustment assistance programs of the Federal Government to communities, small businesses, and workers referred to in subsection (a)(2) to the extent necessary to facilitate an orderly transition for such communities, small businesses, and workers from economic reliance on Department of Defense spending to economic reliance on other sources of business, employment, and revenue; and

(2) funding for such programs be increased by amounts necessary to meet the needs of such communities, small businesses, and workers without reducing the funding that would otherwise be available under those programs by reason of causes unrelated to the reductions referred to in subsection (a)(1).

(c) ACTIONS OF THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense, through the Office of Economic Adjustment of the Department of Defense shall—

(A) identify each community in the United States likely to experience significant economic dislocation as a result of the reductions referred to in subsection (a)(1), including a loss of at least 2,500 civilian jobs (in the case of an urban community), 1,000 civilian jobs (in the case of a rural community), or a number of civilian jobs equal to at least one percent of the total number of civilian jobs in the community;

(B) transmit to the governments of each such community (and to the Governor of the State in which such community is located) advance notification of the planned reductions referred to in subsection (a)(1) that are likely to affect such community adversely, including an estimate of the number of jobs that will be lost in the community as the result of the planned reductions;

(C) transmit to the President a list of all such communities;

(D) make community planning assistance grants to such communities in order to assist such communities in planning for economic diversification likely to minimize the adverse economic effects referred to in subsection (a)(2) and to facilitate economic recovery from any such adverse effects.

(2) For fiscal year 1992 and each fiscal year thereafter, the Secretary of Defense—

(A) shall—

(i) in the budget proposals of the Department of Defense prepared for submission to the President for such fiscal year, identify those communities that are likely to experience significant economic dislocation described in paragraph (1)(A) in the event that such budget proposals are enacted into law; and

(ii) upon the submission of the budget for such fiscal year to Congress pursuant to section 1105(c) of title 31, United States Code, provide the notifications required by paragraph (1)(B); and

(B) upon the enactment of an appropriations Act providing funds for programs, projects, and activities of the Department of Defense for such fiscal year, shall identify the communities likely to experience significant economic dislocation described in clause (A) of paragraph (1) as a result of the funding levels contained in such Act and take the actions required by clauses (B) and (C) of such paragraph.

(d) ACTIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall furnish community adjustment assistance under title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.), and such other assistance as may be provided under programs administered by the Economic Development Administration of the Department of Commerce, to communities receiving a notification pursuant to subsection (c)(1)(B) in order to carry out the policy set out in subsection (b)(1).

(e) ACTIONS OF THE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.—(1) The Administrator of the Small Business Administration shall furnish assistance to small businesses described in paragraph (2) for the purpose of facilitating the development of business plans for diversifying into commercial activities other than the furnishing of products or services for the Department of Defense.

(2) A small business referred to in paragraph (1) is a small business that derives a significant portion of its gross receipts from

the direct and indirect furnishing of goods or services for the Department of Defense.

(3) To be eligible for the assistance referred to in paragraph (1), a small business shall be required to submit to the Administrator an application for assistance containing a preliminary business diversification proposal applicable to such small business.

(f) ACTIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall furnish retraining, job placement, and relocation assistance pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and other employment services to workers referred to in subsection (a)(2) in order to carry out the policy set out in subsection (b)(1).

(g) ACTIONS OF THE PRESIDENT.—(1) In the preparation of the budget for a fiscal year for submission to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall—

(A) take into consideration the needs of the communities identified by the Secretary of Defense pursuant to subsection (c)(1) and the small businesses and workers referred to in subsection (a)(2) and include in such budget proposed funding levels for the assistance and services referred to in subsections (c) through (f) sufficient to carry out the policy set out in subsection (b)(2); and

(B) include in the justifications and supporting information transmitted to Congress in connection with such budget—

(i) a discussion of the extent to which the proposed funding for such programs is sufficient to carry out such policy; and

(ii) a list of the communities that are to receive a notification from the Secretary of Defense pursuant to subsection (c)(1) in connection with such budget.

(2) It is the sense of Congress that, in order to ensure that paragraph (1) and subsections (c) through (f) are carried out effectively—

(A) the President should direct the interagency committee known as the President's Economic Adjustment Committee to carry out coordinating and oversight activities with respect to the development of budget requests for and the furnishing of assistance under the programs referred to in such paragraph and subsections and to keep the President currently informed regarding the effectiveness of the programs; and

(B) the President should implement a systematic, continuous procedure to collect and analyze information necessary to evaluate the adequacy and identify the sources of industrial capacity and capability in items and technologies essential to the execution of the national security strategy of the United States, including the industrial capacity and capabilities of Department of Defense prime contractors and at least the first two tiers of subcontractors.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the fiscal year beginning October 1, 1990 such sums as may be necessary for carrying out subsections (c)(1)(D), (d), (e), and (f).

(2) Amounts authorized to be appropriated under paragraph (1) are in addition to any amounts authorized to be appropriated for activities and programs referred to in such subsections for such fiscal year under any other provision of law.

Mr. McCAIN. Mr. President, this side reluctantly supports this amendment.

Mr. KENNEDY. Mr. President, I rise in support of the Defense adjustment amendment offered by the distinguished Senator from Michigan [Mr. RIEGLE]. I have worked closely with Senator RIEGLE and the other members of the Task Force on the U.S. Economy in the 1990's in developing this amendment and believe it not only makes good economic sense, but is essential for equity reasons as well.

Throughout the cold war, our military forces, the civilian employees of the Defense Department, and many thousands of employees of defense contractors and subcontractors have labored long and hard to sustain the Nation's defense effort. Now that we are able to cut back on defense programs, it is only fair that we provide essential transitional assistance to those on whom the Nation relied for so many years.

Moreover, these individuals possess a wealth of talent and knowhow that can be put to highly productive uses in other sectors of the economy. So offering a helping hand in their transition is a wise investment in economic stability and strength, as well as the humane, decent thing to do.

None of us knows the precise magnitude and timing of defense cutbacks over the coming decade, but all of us know that these cutbacks will be substantial and will continue throughout the 1990's. However, economic analysts point out that defense spending in fiscal year 1990 amounted to only about 5.5 percent of the GNP. This represented a decrease from the high of 6.5 in fiscal year 1986. By the mid-1990's, this share will probably fall to between 4 and 3 percent of GNP.

But as significant as these amounts will be in channeling resources to our unmet social, economic, and human needs, they are not large enough relative to the overall economy to have major macroeconomic effects. Nevertheless, impacts centered on particular communities and regions can have devastating effects on individuals, small businesses, and communities.

In New England, which is in a state of virtual recession, such cutbacks could have devastating effects unless we take prompt measures to aid in an effective transition to civilian activities. For example, in 1989 Massachusetts had $17.7 billion in defense business or 7.2 percent of the gross State product. Massachusetts is fifth in the Nation in defense prime contractors, sixth in the number of defense-related jobs, and ninth in defense jobs as a percentage of overall State employment.

So further cutbacks in Massachusetts could have a major impact on the State's economy. But the Massachusetts work force and small business community are noted for their talent and innovative abilities. If they are given advance notification, the wherewithal to plan, and necessary adjustment assistance, they will surely be able to make an effective transition to productive civilian activities.

In short, human compassion and a sense of fairness—along with good economic sense—dictate that the Federal Government has an obligation to provide defense adjustment assistance to impacted regions, communities, small companies, and affected individuals.

Rather than create new Federal bureaucracies, however, the aid should be channeled through existing institutions and programs, and should be structured in such a way that it does not create any unfair privileges for displaced defense workers over displaced workers in other sectors.

The proposed amendment is designed to accomplish those goals. It provides three basic kinds of aid: First, it ensures advance warning to communities and companies of impending base closures and contract terminations. Second, it offers planning grants to communities and small businesses to plan for diversification and economic adjustment. Third, it provides a package of adjustment assistance measures to aid individuals in making the transition to civilian activities.

The Defense Department's Office of Economic Adjustment [OEA] will be given necessary resources to provide the advance warning to communities and companies and to offer communities planning grants to promote diversification.

Additional adjustment assistance to communities would come from the Department of Commerce's Economic Development Administration [EDA]. And adjustment assistance to small business firms would be channeled through the Small Business Administration [SBA].

Adjustment assistance to individuals would come from the Department of Labor's JTPA Program and Employment Services Program and would include: job retraining; job placement and relocation; and extension of unemployment benefits.

All of these programs would be coordinated through the existing President's Economic Adjustment Committee.

These programs are essential to ensure an equitable and effective transition for the communities, companies, and individuals impacted by defense cutbacks. But defense adjustment assistance is just one part of a national strategy for economic conversion.

Defense cutbacks must be viewed not just as posing problems, but rather as opportunities to shift national priorities to our unmet social needs, revitalize the civilian economy, and enhance U.S. international competitiveness.

However, the real challenge of economic conversion occurs at the local level, where—if given adequate warning and assistance—communities can

create a variety of new opportunities that stimulate economic growth and development.

Thus, in the 1970's during the Vietnam cutbacks, a number of Massachusetts communities showed how to turn the challenge of conversion into opportunities for economic revitalization. For example, after the Springfield Armory was closed some of its land was utilized to create the Springfield Armory Museum, and other portions were utilized for high school playgrounds. Furthermore, nine industries now occupy former armory property and employ about a thousand persons. And the Smith & Wesson Co., successfully converted its gun range and testing laboratory into a police academy.

Similar community efforts helped Chicopee and Ludlow to adjust to the cutbacks at Westover Air Force Base. And in the Taunton area, when Raytheon shut down its North Dighton plant in 1972, the community used that land to develop the Myles Standish Industrial Park which has enhanced the economic development of the entire region.

The individuals and resources which have been committed to defense programs have enormous potential for conversion to civilian activities. Once they make the transition, they will be able to hold their own and make substantial contributions to the civilian economy and society at large.

This amendment is designed to provide them with advance warning, the opportunity to plan for diversification, and necessary adjustment assistance to make the transition in an equitable and effective fashion. As a nation, we owe them no less; and as an economy, there are few investments from which we can gain so much. I urge the Senate to agree to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2566) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

Mr. President, I ask unanimous consent to amend the bill, to amend language previously amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2567

(Purpose: To reduce funding for secondary items in Defense Department inventories)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. LEVIN, proposes an amendment numbered 2567.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 23 strike "$22,068,345,000" and insert in lieu thereof "$22,008,345,000".

On page 16, line 24, strike "$23,343,784,000" and insert in lieu thereof "$123,283,784,000".

On page 17, line 1, strike "$20,845,714,000" and insert in lieu thereof "$20,785,714,000".

On page 27, between lines 11 and 12, insert the following new section:

REDUCTION IN STOCK FUND OBLIGATIONS

SEC. . The Secretary of Defense may not incur obligations against the Department of Defense stock funds during fiscal year 1991, except for obligations for fuel and subsistence items, in excess of 80 percent of the sales from such stock funds during that fiscal year, except for sales for fuel and subsistence items.

ON WASTEFUL INVENTORY PURCHASING BY THE PENTAGON

Mr. LEVIN. Mr. President, earlier this year the GAO issued a series of highly actual reports on the status of the DOD inventory of supplies and spare parts. Waste and excess, the GAO found, are everywhere. We have literally billions of dollars of items we don't need, and the worst part is we continue to buy items of which we already have an oversupply. Our warehouses are bulging at the seams with things we don't need and things it will take us decades to use.

As a result of an incredible spending spree during the 1980's, DOD's unused inventory has more than doubled over the last decade, from $43 billion in 1980 to $103 billion in 1988. DOD says that more than $30 billion of this inventory is inapplicable—meaning that it will probably never be used. Another $11 billion is potential excess—meaning that DOD doesn't need it now, but might be able to find a use for it somehow, someday.

According to GAO, the wasteful spending practices that led to this immense stockpile of unneeded inventory continue unabated today. GAO found that the Pentagon routinely overestimates its inventory needs; maintains duplicative stocks at different inventory levels; buys inventory before it is needed; and fails to cancel the purchases when it finds they are not needed.

For example, the GAO found that the Air Force Logistics Command [AFLC], has standing instructions to make sure that all money available for inventory purchases get spent. As recently as January 1988, an AFLC memorandum warned inventory managers that unspent inventory funds cannot be tolerated.

The result is hardly surprising—billions of Federal tax dollars wasted on inventory that will never be used. In one case reviewed by GAO, the Air Force purchased $8 million of spare parts in excess of requirements in an effort to obligate funds before they were returned to the Treasury. GAO found that it was unlikely that the parts would ever be used. In several other cases, inventory managers declined to terminate orders for unneeded items because of spending goals set to encourage the use of appropriated funds.

A second GAO report found similar problems in the Navy inventory system. According to the GAO, the Navy does not have any formal system at all to notify buyers when items are being replaced or phased out. As a result, the Navy keeps on buying inventory, even when the items are no longer needed and will not be used. In one case reviewed by GAO, the Navy already had nine power transformers for a sonar system in stock, when it only needed one. In April 1985, the power transformers were declared obsolete. Seven months later, the buyer—who had not been informed that the transformers were obsolete—ordered three more.

When some Navy inventory levels are compared to projected requirements, the results are extraordinary. For example, the Navy has projected an annual demand of 82 housing seals for the Mark 46 torpedo. It has 2,526 housing seals on hand—an estimated items on 30-year supply.

How did the Navy end up with so many housing seals? Faulty math seems to be part of the problem. Here's how the Navy calculated it's requirements for 2 years: 84 items, a 1-year supply, for the first 6 months; 170 items, about a 2-year supply, for the next 12 months; and 167 items, about a 2-year supply, for the following year. That's a total of 421 housing seals—a 5-year supply, to cover the Navy's requirements for 2 years.

For good measure, the Navy said that it needed an additional 154 items for a safety level; 58 items to meet additional needs estimated by users; and 274 items to cover procurement lead times. That's another 5 year's supply. And here's the icing on the cake: on top of all of these so-called required items, it turns out that the Navy has 1,619 unrequired housing seals—about 20 more years of supplies—that even they admit they don't need.

And the Army? In case after case, GAO found, the Army overestimated its requirements, ordered items it did not need, and failed to terminate orders for items that would not be used. Here are just a few examples, from the GAO report:

In 1987, the Army decided that it would need 88 centrifugal diffusers for the AH-64 helicopter, based on an estimated need for 35 diffusers per 100 engines. Six months before contract award, the Army discovered that only 10 diffusers were needed per 100 engines, but the buyers were never told, and

did not reduce the order quantity. As a result, the Army is stuck with 95 centrifugal diffusers—at a cost of almost $700,000—that it doesn't need.

In a second case, the Army computed a war reserve requirement of 55 tailboom assemblies for the AH-1F helicopter when only 4 were needed to meet its needs, according to GAO. On the basis of this requirement, the Army bought 32 assemblies in September 1985. The error was discovered in 1986; however, no action was taken to cancel or reduce the procurement. As a result, the Army now has 102 tailboom assemblies, worth more than $7 million, that are not needed, even in case of war.

These are not isolated examples. Even in the case of common supplies like clothing and medical and dental supplies, DOD has managed to purchase far more inventory than it can possibly use. To take just one example, DOD stocks 118 different sizes of women's long sleeve dress shirts. According to GAO, DOD has an estimated 33-year supply of one size alone.

Mr. President, I worked in the committee with Chairman NUNN and Senator DIXON, the chairman of the Armed Services Subcommittee on Readiness to address the problem of wasteful inventory practices. The committee agreed to an amendment, which I offered, to require DOD to institute new guidelines on inventory levels and personnel evaluations for inventory item managers based on their cost-cutting success.

With my amendment, the committee bill would require a single, uniform inventory policy, which should limit ordering and acceptance of inventory items to only those levels that are actually needed. The committee report clearly states that inventory levels should be limited in all but the most exceptional cases to no more than 2 years of operating stocks on hand and often substantially less.

The bill would also require DOD to establish procedures to evaluate personnel who participate in the acquisition and management of inventory on the basis of their cost-cutting success. At present, the GAO has reported, inventory managers are judged primarily on the basis of their success in making parts available when needed, regardless of cost.

Mr. President, these are important measures, but the one step that will make a real difference is a limitation on DOD's inventory funding. As long as DOD has excessive money for inventory purchases, it will continue to waste money. If we are going to instill real discipline in the system, what we really need is an immediate reduction in the amount of money DOD has available for such purchases.

GAO has testified that "there is potential to reduce the DOD's proposed 1991 funding levels of secondary inventory items by at least 10 to 20 percent or about $2 to $4 billion." This estimate, according to GAO, is based on DOD's propensity to overstate requirements, the impending force reductions, and the excesses that exist in the system today.

The GAO recommendation would require real change in DOD's inventory management systems. It would require the Army, Navy, and Air Force to start using up some of the $100 billion inventory stockpile they have built up over the last decade. It would require the services to prioritize their requirements and stop ordering items they don't need. One of the major problems identified by GAO is that DOD fails to terminate supply contracts, even when the items on order are no longer needed. That practice would have to change.

Mr. President, I had hoped to persuade the committee to accept GAO's recommendation and make realistic cuts in inventory spending. Unfortunately, the committee declined to do so, and agreed to only a nominal, $380 million cut in DOD's funding request for the purchase of secondary inventory items. That's less than a tenth of what GAO says we could cut.

This cut is intended to be a 5-percent cut in DOD's spending on inventory from one source—the operation and maintenance accounts. The committee report estimates DOD's O&M spending on secondary inventory items at $7.7 billion. As the report explains:

> The amended budget request includes approximately $7.7 billion in operation and maintenance funds for operating units of the military services to purchase secondary items from the DoD stock funds during fiscal year 1991. To reduce excessive orders of secondary items from the stock funds by operating units, and in light of the reductions in the size of the military services, the committee recommends a reduction of $380 million, or 5 percent, in operations and maintenance funds requested to purchase inventory items from DoD's stock funds in fiscal year 1991.

However, but it appears that the cut in the committee bill isn't even a full 5 percent. According to figures provided by the DOD comptroller's office, direct O&M expenditures on secondary inventory items other than fuel amount to $8,182,900,000—or almost $500 million more than the committee estimate.

In addition, a substantial amount of O&M money is spent indirectly on inventory purchases, through the so-called industrial funds. The DOD comptroller's office states that the industrial funds will make $4.4 billion of inventory purchases next year. At least half of this sum—or $2.2 billion—will come out of the O&M accounts. Another $900 million is spent every year on purchases of clothing and similar items from the stock funds.

In other words, DOD's actual spending on secondary inventory items—as estimated by the DOD comptroller's office—is $3.6 billion higher than the committee initially estimated. Thus, even accepting the committee's premise of a 5-percent cut in DOD's request, the cut should be increased by $180 million.

Mr. President, the taxpayers are fed up with wasteful defense spending. At a time when the President is asking for increased taxes and major cuts in important Federal programs, this waste is offensive. If the most we can do is to cut DOD's request by 5 percent, we should at least follow through and do that right.

Moreover, even if we accept the premise that we cannot cut any more than 5 percent this year, we must take steps to ensure that we will not be in the same bind next year. If we do not want DOD to lock us into a higher budget than we want next year, we have to limit the stock funds' authority to enter new obligations that would tie our hands as they have been tied now.

By limiting the stock funds' obligation authority to 80 percent of the sales made out of the fund, we would reduce the funds' authority to make purchase commitments and incur bills that we will have to pay next year. This measure should set the stage for a 20-percent reduction in DOD's funding for inventory expenditures—a cut of at least $2 billion—in the budget for fiscal years 1992 and 1993.

The DOD comptroller's office has indicated that an 80-percent cap on obligation authority for stock fund purchases is doable. I say that it is the least we can do.

This amendment will cut an additional $180 million from the O&M budget and to limit the stock funds' obligation authority for purchases of items other than fuel and subsistence to 80 percent of sales. This amendment would apply the 5-percent cut in the committee bill to all O&M expenditures other than fuel for stock fund inventory, instead of just some of those expenditures, and it would ensure that we are not locked into unreasonably high inventory expenditures in the future.

Over the past 10 years, DOD's inventory levels have gone from $43 billion to $103 billion. During that time, we have spent billions of dollars on unneeded items. DOD has refused to terminate contracts, even when its own figures indicated that it already had 10, 20, even 30 years of supplies on hand. DOD memos have insisted on continued spending, regardless of whether the inventory was needed. This misuse of taxpayer dollars must end.

Last year, DOD spent an estimated $12 to $14 billion on these supplies; this year, despite report after report unveiling wasteful spending practices, and despite a sea change in global politics, DOD wants to spend the same. That is a formula for continued waste, and it is just not good enough.

Mr. DIXON. Mr. President, this amendment has to do with further reduction in the inventory account of the jurisdictional subcommittee I Chair. It has been agreed to on both sides.

Mr. McCAIN. Mr. President, we support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2567) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2568

(Purpose: To amend title 31 of the United States Code to more effectively control the availability of appropriations accounts)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. ROTH, Mr. GRASSLEY, Mr. PRYOR, and Mr. KOHL, proposes an amendment numbered 2568.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CONTROLS ON THE AVAILABILITY OF APPROPRIATION ACCOUNTS.

(a) AMENDMENTS TO TITLE 31.—

(1) IN GENERAL.—Subchapter IV of chapter 15 of subtitle 2 of title 31, United States Code, is amended by striking sections 1552 through 1556 and inserting the following:

"§ 552. Procedure for appropriation accounts available for definite periods

"(a) On September 30th of the 5th fiscal year after the period of availability of an appropriation account available for obligation for a definite period ends, the account is closed and any remaining obligated and unobligated balance is canceled and thereafter shall not be available for obligation or expenditure for any purpose.

"(b) Collections authorized to be credited to an appropriation, but not received before closing of the account under subsection (a) or section 1555 of this title shall be deposited in the Treasury as miscellaneous receipts.

"§ 1553. Availability of appropriation accounts to pay obligations

"(a) After the end of the period of availability of an appropriation account available for a definite period and prior to closing of that account under section 1552(a) of this title, the account shall remain available for recording, adjusting, and liquidating obligations properly chargeable to that account. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

"(b)(1) Subject to the provisions of paragraph (2), after closing of an account under section 1552(a) or section 1555 of this title, obligations and adjustments to obligations that would have been chargeable to that account prior to closing and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose.

"(2) The total of charges to any current account under paragraph (1) shall not exceed—

"(A) An amount equal to one percent of the total appropriations for that current account; or

"(B) the amount of the original appropriation, whichever amount is less.

"(c)(1) Obligations under this section may be paid without prior action of the Comptroller General.

"(2) This subchapter does not—

"(A) relieve the Comptroller General of the duty to make decisions requested under law; or

"(B) affect the authority of the Comptroller General to settle claims and accounts.

"(d)(1) If an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount of such obligations during a fiscal year for contract changes for that program, project, or activity to exceed $4,000,000, the obligation may only be made if the obligation is approved by the head of the agency (or an officer of the agency within the Office of the head of the agency to whom the head of the agency has delegated the authority to approve such an obligation).

"(2) In a case in which an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount so obligated during a fiscal year for that program, project, or activity to exceed $25,000,000, the obligation may not be made until—

"(A) the head of the agency submits to the appropriate authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives a notice in writing of the intent to obligate such funds, together with a description of the legal basis for the proposed obligation and the policy reasons for the proposed obligation; and

"(B) a period of 30 days has elapsed after the notice is submitted.

"(3) As used in this subsection, the term 'contract change' means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under an escalation clause.

"§ 1554. Audit, control, and reporting

"(a) Any audit requirement, limitation on obligations, or reporting requirement that is applicable to an appropriation account shall remain applicable to that account after the end of the period of availability of that account.

"(b)(1) The head of each Federal agency shall provide an annual report to the President and the Department of the Treasury regarding the unliquidated obligations, unobligated balances, and adjustments made to such accounts during the completed fiscal year. The report shall be provided no later than 15 days after the President's budget submission.

"(2) The report required by this subsection shall—

"(A) provide a description, with reference to the fiscal year of appropriations, of the amount in each account, its source, and an itemization of the appropriations accounts;

"(B) describe all current and expired appropriations accounts;

"(C) describe any payments made under section 1553 of this title;

"(D) describe any adjustment of obligations during that fiscal year pursuant to section 1553 of this title;

"(E) contain a certification by the head of the agency that the obligated balances in each appropriation account of the agency reflect proper existing obligations and that expenditures from the account since the preceding review were supported by a proper obligation of funds and otherwise were proper;

"(F) describe all balances canceled under sections 1552 and 1555 of this title; and

"(G) be provided to the Appropriations Committees of the Senate and the House of Representatives, to the House of Representatives Committee on Government Operations and the Senate Committee on Governmental Affairs, and other appropriate oversight and authorizing committees of the House and Senate.

"(c) The Congressional Budget Office shall—

"(1) annually estimate the outlay impact on the Federal deficit on an agency-by-agency basis, of payments and adjustments with respect to sections 1552 and 1553 of this title; and

"(2) include estimates required by paragraph (1) in the annual report of the Congressional Budget Office to Congress entitled 'The Economic and Budget Outlook', and its report entitled 'The Economic Budget Outlook: An Update'.

"(d) Each agency head shall establish internal controls to assure that an adequate review of obligated balances has been performed to support the certification required by section 1108(c) of this title.

"§ 1555. Closing of appropriation accounts available for indefinite periods.

"An appropriation account available for an indefinite period shall be closed and any remaining obligated or unobligated balance shall be canceled and thereafter shall not be available for obligation of expenditure for any purpose—

"(1) when the head of the agency concerned or the President decides that the purposes for which the appropriation was made have been carried out; and

"(2) when no disbursement is made against the appropriation for 2 consecutive fiscal years.

"§ 1556. Comptroller General reports on appropriation accounts.

"(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

"(1) the head of the agency concerned;

"(2) the Secretary of the Treasury; and

"(3) the President.

"(b) A report under this section shall include an appraisal of unpaid obligations under appropriation accounts the period of availability of which has ended.".

(2) EXTENSION OF AVAILABILITY.—Section 1551 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) The limitations on availability for expenditure prescribed in this subchapter shall apply to all other appropriations unless otherwise authorized by subsequent law that specifically—

"(1) identifies the appropriate account to be extended;

"(2) provide that such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to that account; and

"(3) extends the availability for expenditure of the obligated balances.".

(b) EFFECTIVE DATE.—

(1) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply to any appropriation account the obligated balance of which, on the date of enactment of this section, has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section.

(2) RESTORATION OF CERTAIN UNOBLIGATED AMOUNTS.—On the date of enactment of this section, the balance of any unobligated amount withdrawn under section 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section, from an account the obligated balance of which has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, is hereby restored to that account.

(3) CANCELLATION OF UNOBLIGATED BALANCES.—Thirty days after enactment of this section, all balances of unobligated funds withdrawn from any account under subsection 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section, (other than funds restored under paragraph (2)) are canceled.

(4) CANCELLATION OF OBLIGATED BALANCES.—On the 3rd September 30th after enactment of this section, all obligated balances transferred under subsection 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, are canceled.

(5) OBLIGATIONS AND ADJUSTMENT OF OBLIGATIONS.—(A) After cancellation of unobligated balances under paragraph (3) or cancellation of obligated balances under paragraph (4) and subject to the provisions of subparagraph (B), obligations and adjustments to obligations that would have been chargeable to those balances prior to such cancellations and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

(B) Any charge made pursuant to subparagraph (A) shall be subject to the maximum amount chargeable subsection (b) under section 1553 of title 31, United States Code, as amended by this section, and shall be included in the calculation of the total amount charged to any account under that section.

(c) ANTI-DEFICIENCY ACT.—Section 1341(a)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: ", including an obligation exceeding the original obligation and the use of such obligation for new obligations".

Mr. GLENN. Mr. President, the Glenn-Roth amendment on expired appropriation accounts has been cleared on both sides of the aisle. I ask for its immediate consideration.

Mr. President, I suspect that most Senators have always assumed that if budget authority expires without being used, the funds revert back to the Treasury and U.S. taxpayers benefit. Alas, once appropriated, authority to spend money never goes away.

At this late hour, I hope my colleagues do not mind if I paraphrase Douglas MacArthur, who, if he were alive today, might say: "Old appropriations never die * * * nor do they fade away. They retire in the merged accounts to be used for a rainy day."

Senator ROTH and I are offering this amendment to put an end once and for all to perhaps the most incredible government accounting practice in history. This amendment is similar to the bill I introduced on Wednesday of this week, S. 2951. We are also offering this amendment on behalf of Senators GRASSLEY, PRYOR, and KOHL.

At the outset, let me thank my good friend, Senator BILL ROTH. A lot of the credit for this amendment belongs to Bill. He got the ball rolling on the committee with the Roth-Grassley bill, S. 2699. He played an important part in our hearing yesterday on this subject. I am glad to have his support on this Glenn-Roth amendment.

I also want to thank Senator GRASSLEY and Senator PRYOR for their support on this amendment. Senator GRASSLEY's concern over the impact of these accounts on outlay projections led to a key addition to this proposal. Finally, I want to thank Senator KOHL for his interest in this subject and his efforts to draft a critical reporting requirement in the amendment.

The thrust of our proposal is that it will eventually abolish these accounts that contain over $50 billion Governmentwide in unused and old spending authority.

We need reform immediately. I would like to take a few moments to tell you why.

First, these accounts have become enormous. The balances in them are well above what the agencies could reasonably expect to use. The Defense Department has $18 billion in its M accounts, and $30 billion in its merged surplus accounts. The other agencies have billions in these accounts as well.

Second, Congress has inadequate control over the use of these funds. Specifically, an agency like DOD can issue a change to an existing contract that increases the cost of a program above what Congress originally authorized and pay for it out of these merged accounts—all without ever coming back to Congress for approval. The most notorious case involved the B-1 bomber. The Air Force took $500 million out of the merged surplus account to pay for extra work on the B-1's electronic countermeasure systems.

Third, the maintenance of large balances of unobligated funds in the merged surplus accounts seems clearly unnecessary. These accounts are as large as they are now because the agency long ago found it didn't have to use these funds for a particular program. Why let unused spending authority sit around in this account forever—available to pay for extra work on this or another program?

Fourth, the M account contains left over obligated funds from all the programs within the same appropriations account going back many years. The same is true of the merged surplus account's unobligated balances.

That means that DOD can use funds from one program to pay for work on another program. This is exactly what happened on the B-1 bomber. In an Armed Services hearing last spring, I discovered this use of funds and thought then, as I do now, that this just isn't right.

Fifth, the public can't help but think that these accounts are slush funds. Calling them this might be an overstatement. Or maybe it is even erroneous. But how do you begin to explain to constituents that $50 billion worth of expired spending authority that can be tapped to pay for cost overruns is not a slush fund?

Finally, these accounts need attention because their financial management is terribly inadequate. This is particularly so with the unpaid obligations in the M accounts.

Far too many items languish in the accounts for too many years without any real management attention. Records are often lost, misplaced or sent to storage. This makes it even harder to tell if the obligations are still needed. And annual reviews, if done at all, are often done very poorly.

Several recent reports, including one by the DOD inspector general, demonstrated very serious shortcomings in the financial management of the M accounts. Systemic problems in the areas of reconciliation and validation, oversight and policy were found, and weak internal controls and poor record maintenance produced suspect accounting data.

What does all this mean?

I believe that the lack of good financial controls on these account presents a serious risk of misuse of funds and even fraud. One AID employee embezzled over $1.3 million out of the M accounts after warning his superiors about the weak controls in the accounts.

Even worse, the laxity with which these accounts are reviewed and their general availability to the agencies must create an environment conductive to sloppy or wasteful program management practices.

This amendment would do the following:

First, it would eliminate the M account, containing obligated balances, in 3 years. The unobligated balances in the merged surplus account would be abolished immediately.

This amendment also accommodates the agencies' need to satisfy valid obligations of the U.S. Government by keeping the appropriation accounts open for 5 years. These accounts, because they would be kept by fiscal year and line item, would have a greater degree of control and financial integrity than the merged accounts. At the end of 5 years, the balances are rescinded. Any remaining bills could be paid out of current appropriations under certain conditions.

The amendment would also require the agencies to report to Congress annually on the condition and use of these new 5-year accounts. It would require the agency to review the obligations and clean out what is not needed and justify what is in them. Congress will get the information it needs to satisfy itself that the financial integrity of the expired accounts is sound.

Before I close, I want to make an important point. Our bill does not abolish the M accounts right away. That makes us all a little nervous. Consequently, I view these reporting provisions as especially important during the next 3 years when agencies can continue to make payments out of the M accounts. We fully expect DOD and other agencies will use the next 3 years to clean up the M accounts and rid these accounts of the many invalid, unneeded obligations they now contain. What I and the other cosponsors of this amendment do not anticipate—I repeat do not anticipate—is that the cleaning up of these accounts through canceling old obligations will free budget authority to be used improperly. The agency inspectors general will be asked to monitor the cleanup of these accounts and report any financial high jinks that occur. We do not want a raid on these accounts.

The Governmental Affairs Committee held a hearing on August 2 on the management of these expired accounts. All the witnesses, including representatives of the Office of Management and Budget, General Accounting Office, DOD inspector general and the Department of Defense, strongly endorsed the approaches embodied in this proposal.

I urge my colleagues to support this amendment.

EXPIRED APPROPRIATIONS ACCOUNTS

Mr. KOHL. Mr. President, the importance of immediate reforms to prevent continuing abuses of expired appropriations accounts cannot be ignored. When I was a member of the business community, I have often heard it said, that "if the Government were only run like a business we wouldn't have these problems." Government and business are very different, and I know that the private sector is not always a model of good management. However a common bond in the management of any organization, public or private, is sound financial management, accurate accounting, reliable information, and of course, rational spending practices.

From what we know about expired appropriations accounts, it is clear that we have has failed to meet these fundamental management standards. Today's amendment is a product of a bipartisan effort to restore some sanity and accountability to this process. Senators GLENN, ROTH, PRYOR, GRASSLEY, and I recognized that Congress must act to protect the integrity of appropriations and stem the potential growth of the Federal deficit. This amendment does so while preserving the flexibility of agencies to find emergencies, meet unanticipated justified costs, and make necessary adjustments. I have been pleased to work with my colleagues to address issues of such importance to the Nation.

This amendment dismantles a "financial formula for failure" in agencies ranging from the Department of Defense where the expired accounts funds are over $18 billion, to the Department of Agriculture where it is an estimated $183 million. The General Accounting Office has determined that a total of $28 billion is sitting in these accounts at 20 Federal offices—plus the Executive Office of the President and independent agencies.

The amendment improves the integrity of the appropriations process, sets controls on the use of Federal funds, restricts access by agencies so that funds cannot be applied to unauthorized or invalid obligations, and perhaps most important requires agencies to report annually to the Congress and the President as to the existence and use of all appropriations accounts.

As chairman of the Subcommittee on Government Information and Regulation, I am bothered by the fact that we do not know how many expired accounts exists; we do not know how much in unliquidated obligations exists; we do not know how much in unobligated balances exists. If we are serious about controlling Federal spending, then we must have a map to navigate. Our objective is to lead the public out of a financial swamp, not deeper into one.

IMPROVING CONTROL OF EXPIRED APPROPRIATIONS ACCOUNTS

Mr. ROTH. Mr. President, for several decades, I have been working to improve government accounting and financial practices. Over the last year, I have focused on a range of initiatives including a chief financial officer for the Federal Government and improved management of expired appropriations accounts. Today, Senators GLENN, GRASSLEY, PRYOR, KOHL, and I are proposing an amendment that makes great strides in clarifying the Government accounting code. The amendment that we are proposing improves the ability of the Department of Defense as well as the agencies to efficiently execute programs that we are authorizing in this bill. It has the added benefit of preventing a potentially uncontrollable multibillion dollar increase in the Federal deficit.

Yesterday, the Governmental Affairs Committee held hearings on the issue of government accounting practices. It is difficult to shed light on the bureaucratic games in this arcane area. Witnesses from the Office of Management and Budget, the General Accounting Office, the Department of Defense deputy inspector general, and the Department of Defense Comptroller testified about their efforts to control long expired spending authority held in the merged surplus and M accounts. The DOD inspector general described the nightmare they discovered in auditing these accounts. All presented suggestions for resolving problems. They also commented on the bill submitted by Senator GLENN—S. 2951—and the bill I submitted with Senators GRASSLEY and SYMMS—S. 2699. The amendment we are presenting integrates the two bills with recommendations from the hearing and the version of the ROTH, GRASSLEY, SYMMS bill approved by the Senate Budget Committee on a 19 to 1 vote.

In conjunction with the chairman, and Senators GRASSLEY, PRYOR, and SASSER, I have been engaged in a broad range of activities to understand and resolve problems associated with these accounts. I congratulate my colleagues on their expeditious efforts in this esoteric area.

OVERVIEW OF M AND MERGED SURPLUS ACCOUNTS

A lot of people believe that after an appropriation expires, any unused spending authority is returned to the Treasury. However, under the current law, United States Code, title 31, sections 1552 and 1553, "expired" only means that for 2 years following the period for which Congress authorized spending, no new contracts can be written.

Even then the unused spending authority does not go back to the Treasury; it gets transferred into two accounts that have been accumulating since 1956. One account, called the M account, contains spending authority that has been set aside to pay bills on existing contracts. The other account, often called a merged surplus, contains old spending authority that has not been obligated. The merged surplus accounts can only be used to supplement the M account.

At the working level, budget analysts do not differentiate between the M and merged surplus accounts. The practice is to spend the M account

funds as needed and if they run low they can be supplemented by restoring old spending authority contained in the merged surplus accounts. Under the current United States Code, this old spending authority can legally be used to extend current contracts, thereby increasing the deficit. Since these two accounts contain spending authority that has been building up since 1956, it is as if each Federal agency has a large contingency fund. Billions of dollars are legally available for spending, even though not specifically authorized by Congress.

AGENCY USE OF M AND MERGED SURPLUS ACCOUNTS

Federal agencies can use these accounts to write more contracts than Congress intends for a given year's appropriation, to hide cost overruns, to circumvent the contracting process, and to keep programs alive despite budget cuts. The practice is to use the M account funds as needed and if the M account runs low, it is supplemented by restoring old spending authority contained in merged surplus accounts.

One reason that these sums have grown into billions of dollars appears to be that program managers set aside reserve spending authority in case of a cost overrun. No one really knows how much is in reserve. In addition, the M account includes spending authority set-aside for contracts which have become inactive. So the M account appears to be comprised of billions of dollars of obligations, when indeed much of it may only be unused spending authority.

One practice, which is completely within the law, is to use the spending authority in the M account to increase the value of a contract. For example, if there is a cost overrun on a contract, an agency may use M accounts to pay the bill, rather than going to Congress to get the funds. The best example of how this cost overrun justification is used to get around Congress appeared in the Air Force's attempt to fix the avionics on the B-1B bomber by adding more than $1 billion of M account funds to old contracts. We only found out about it when DOD answered a question from Senator GLENN during an Armed Services Committee hearing. Not only can the M account be used to fund cost overruns, it can also be used to keep old efforts alive.

In addition, agencies can leverage funds in the M account to maximize the amount of contracts; a kind of bureaucrats version of the old con game called pyramiding. In these situations, the agencies understate the amount of spending authority that will actually be needed.

An example of how this works was highlighted in the DOD inspectors general's discovery of such practices at the Army Depot Systems Command. The report on M accounts noted that an existing contract was only paritally completed when a new contract was awarded. The IG found that, "* * * the funding agency's unliquidated obligation increased, but the contractor's production did not." [1]

If an agency runs low on M account funding authority, there is no danger of being in violation of the Anti-Deficiency Act because authority can be refilled from the merged surplus account. All agencies possess merged surplus accounts comprised of unused spending authority.

FINANCIAL MANAGEMENT PROBLEMS

I have been particularly distressed by several recent inspectors general reports that state that neither the Treasury nor the inspectors general can verify or dispute the levels of accounts containing old obligations. These reports say that while some problems appear to be due to the difficulty associated with maintaining an audit trail of obligations and expenditures stretching more than 5 years, a large portion of the problem is due to perverse budget games. Given the lack of an audit trail at some agencies, the disposition of M accounts occurs without appropriate checks and balances. These accounts can be as flexible as the agency wants—it is a program manager's dream, a financial manager's headache, and a taxpayer's nightmare.

On the basis of the inspectors general reports, there are five problems that cut across agencies:

Validation of M account balances: The inability to reconcile balances against actual obligations;

Internal controls: The inability to certify bills charged to M accounts and the lack of internal review;

Financial management systems: The inability to track accurately M account balances and poor records maintenance;

Policy and procedures: Policy is incomplete, inconsistently interpreted and implemented, and inadequately enforced, not in compliance with GAO standards;

Quality assurance: The above lack of management indicates that there is a lack of routine quality assurance, and points to the necessity of a chief financial officer for the Federal Government.

INABILITY TO ESTIMATE OUTLAYS

A Joint Economic Committee staff analysis, released 2 weeks ago, found that even though M account balances have risen exponentially at DOD, outlays have remained relatively constant. The results are based on a statistical analysis that quantifies the fact that only 4 to 25 percent of the amount of M account outlays, from fiscal year 1980 through midyear 1990, can be explained by actual preexisting obligations. In other words, either agencies have great discretion in using the M account or there is a multi-billion-dollar backlog of outlays just around the corner. Given the tens of billions of dollars in these accounts across the Federal Government, the current deficit estimate may be significantly understated. While the White House and Congress are engaged in a budget summit to reduce the Federal deficit, their efforts may be largely ineffective since agencies can access tens of billions of dollars in spending authority and appear willing to do so.

MAGNITUDE OF THE ACCOUNTS

We may never know the exact magnitude of the problem. The Treasury Department does not maintain data by agency on the M account and does not even track the merged surplus balance. No one really knows the actual amount, and for some agencies there are different numbers depending on whether you talk to the agency comptroller, the agency inspector general, the Treasury Department, or the General Accounting Office.

The documents I have gathered, with Senators PRYOR and GRASSLEY, say that DOD has over $50 billion; the Agency for International Development, has anywhere from $3 to $11 billion; the Department of Energy may have over $325 million; and last year, the International Monetary Fund, not even a U.S. Government agency, received funds from the merged surplus account totaling $1.6 billion. We have found some discrepancies between the numbers that the GAO has reported and the agency figures. For example, the GAO says the Office of Personnel Management has an M account of over $13 billion, but OPM says they have less than half that amount—$6.3 billion; the GAO's number for the Department of Labor is more than $1.2 billion, but Labor says it only has $220 million; and according to GAO the State Department has $120 million, but the Department told us that they have over $230 million. There are other examples, however, such as the Department of Defense, where the numbers match.

It would take an army of auditors looking through thousands of documents to determine facts, and while the amendment does not specifically require the inspectors general to validate these obligations, it is a requirement called out elsewhere in the title 31 of the United States Code. I firmly expect the DOD inspector general to conduct such an audit as we transition the proposed amendment into effect.

SUMMARY OF THE AMENDMENT

The amendment that we are introducing clarifies the accounting techniques that Federal agencies use in managing funds. It allows for clear traceability between the amount of appropriations and the disposition of

[1] Inspector general, Department of Defense, merged accounts, 90-INS-05, March 22, 1990, p. 26.

funds throughout the life cycle of a given agency's spending authorization. Rather than unused spending authority flowing into a multi-billion-dollar contingency fund, the proposed amendment makes unavailable any spending authority that is not used in the time frame allowed by the appropriations committees plus a 5-year period to execute those contracts. It also precludes obligations in excess of the amounts Congress authorizes and appropriates for a given account. It thereby prevents the practices of pyramiding and extending contracts.

The amendment prohibits the use of M account funds for increasing the value of contracts, which removes an agency's ability to circumvent either the contracting process or congressional efforts to kill programs. Instead, it requires the agencies to explicitly account and budget for the executing an authorized program in a reasonable time frame. In addition, the bill removes an agency head's access to the merged surplus account.

Finally, perhaps most importantly, the bill removes the need for extensive government accounting, which accounting to several inspectors general reports, the agencies are unable to accomplish because of the difficult nature of trucking multiple years of appropriation that have been merged together as in the M account. Under the provisions in the amendment, there are only two types of accounts—obligated and unobligated—rather than the six in the present government accounting framework. Unused funds will not be merged together in two different contingency funds. Instead, they will be explicitly quantified and canceled, or made unavailable.

CONCLUSION

In conclusion, it is important keep in mind the potential magnitude of the problem. A recent letter from Air Force Secretary Donald Rice to the Armed Services Committee chairmen explained how the Air Force considered tapping the M account to pay for a $1.4 billion shortfall in funding for the B-2 Stealth bomber, but decided instead to use a less controversial source of funding. If the problem might have resulted such a large expenditure for just one program, we need to consider how big of an impact such practices may have across the Federal Government. And, we must act to prevent agencies from making similar dips into the M and merged surplus account.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues in supporting this significant legislation to reform the laws governing the use of no-year funds by Federal agencies. The extent of cooperation and leadership on this issue, Mr. President, particularly by the Governmental Affairs Committee, has been truly remarkable.

I wish to thank the managers of the bill for accepting this amendment. I commend the distinguished chairman of the Governmental Affairs Committee, Mr. GLENN, for moving the bill forward and in a timely way. I would also commend the distinguished ranking member, Senator ROTH, for his leadership, for his sponsorship of the original M account bill in the Senate, which I joined, and for the analysis he supplied that provided needed insight into the poor management practices associated with these M accounts. And I would acknowlege the effort and interest of our chief cosponsors, Senators PRYOR, SASSER, and KOHL who helped improve the final product.

Mostly, Mr. President, I think credit for our ability to accomplish this bill and move it so quickly should go to the administration. The Department of Defense and the Office of Management and Budget recognized the problems—both potential and real—acknowledged that they should be fixed, and moved quickly to cooperate with Congress on this language.

What the language does, Mr. President, is it eliminates the merged surplus accounts of Federal agencies and restricts use of the current M account funds. This action will save the taxpayers tens of billions of dollars over the coming years. In essence, it will prevent a potential hemorrhage of outlays that would have dramatically increased future deficits.

This is a problem, Mr. President, that I first touched upon back on May 6, 1987. In a speech right here, before this body, I presented analysis to show we were providing DOD with more money than it could obligate—as much as 4 percent of the Defense budget—and that tens of billions of dollars in unobligated balances were building up. In point of fact, that money was later obligated and ended up in the M account. That account began to swell beginning in 1985 or 1986, as the JEC data shows, which is about the time Congress plateaued the Defense budget. The JEC data released by Senator ROTH last month seems to confirm my contention of 3 years ago that DOD was socking away money for later to cushion against future cuts, or to at least provide much more flexibility for DOD program managers when those funds would roll over into the M account and become no-year money. The problem is that increased flexibility led to contract pyramiding and systematic funding of cost overruns. This bill is designed to stop those two practices.

Mr. President, for the purposes of historical context in understanding the evolution of this M account problem, I ask unanimous consent to have printed in the RECORD my floor speech on unobligated balances from May 6, 1987, when I first raised this issue.

Again, Mr. President, I wish to commend all those who worked diligently and quickly on this language on behalf of the taxpayers of this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, May 6, 1987]

Mr. GRASSLEY. Mr. President, and Members of this body, before the adoption of the substitute by the distinguished chairman of the committee, Senator CHILES, as things were evolving, we would have probably under another procedure had an amendment offered by somebody who thinks we ought to spend more on defense to increase the numbers in the resolution that came out of the Budget Committee. But since this grand compromise has been put together, that means basically we are going to go through this debate on this important budget resolution without the proper consideration of whether the numbers suggested here or in the Senate Budget Committee resolution are the appropriate figures.

It seems to me when we are spending one-third of our budget or 30 percent of our budget on defense, we cannot be casual about whether we are spending $289 billion, $295 billion or $301 billion.

My amendment reduces expenditures for each of the next 3 fiscal years by $2 billion a year, and that would reduce budget authorization in this resolution from the $301.5 billion. This does not just deal with reducing defense expenditures. But this amendment of mine also reduces the revenue side of this compromise by a corresponding $2 billion a year for fiscal years 1988, 1989, and 1990.

In other words, Mr. President, this amendment would limit the increase in defense spending to halfway between the original committee number and the numbers amended here on the floor. It would reduce the revenues in this contingency fund for defense by $2 billion in each of the next 3 years.

I suppose I am a little surprised that just 2 years from this week in 1985, we were considering on the floor of this body a dramatic increase in the defense numbers beyond that recommended by the Budget Committee. Except for 1986, this body has gone along with the recommendations of the Budget Committee.

In 1985, we came out with a higher number, and on a vote of 51 to 48 on this floor, this body agreed to taking the real growth out of the budget resolution for defense, saving the taxpayers $17 billion, and loosened up money to save a lot of domestic programs that the President either cut or eliminated.

In that 51 votes, there were 39 Democrats, as I recall, and 12 Republicans. It was a fairly historic vote at that particular time because there had been real growth in the previous years of this administration for the budget defense. We decided enough was enough, and we decided it a clear-cut enough manner that both in this 1986 debate in the Budget Committee and in the 1987 debate in the Budget Committee we adopted resolutions that did not have real growth in the defense budget.

I have to ask, what has happened in the last 2 years that has so concerned a majority of the Members on the other side? I have always had to talk to a minority, the Mem-

bers in this side of the aisle, about the necessity for reducing defense budgets because we have always had more Republicans for increasing defense. But on the other side of the aisle there has always been a vast majority for reducing.

It seems somehow, without any debate, without any indication from anybody that the Defense Department is spending our money more wisely than before, that we are getting more for the defense dollar, that there is a greater need. But I would suggest there has been no demonstration of that on any of those points.

I do not know whether it is because people do not want to be accused of being soft on defense, or what the reason might be. But what has happened in this body in the last 2 years since we cut $17 billion out of the budget resolution on a very narrow 51-to-48 vote that has changed the reasoning in the terms of expenditure for defense. The only thing I know is that the majority has changed from the Republicans to the Democrats. But I would think that should have strengthened the position that somehow we were going to have a more fair division between defense and the domestic programs than what the President would suggest.

I would also suggest that there has not been demonstrated that we are getting more for that defense dollar than we have had before. If there is one way to send a clear signal from this branch of Government to the other branch of Government it is to hit them where it hurts the most. And the best way to do that, Mr. President, is to send a signal that you do not like the way they are spending their money.

But more important, whether it is at the level that I suggest or the level suggested in this compromise, I want to say that we are appropriating money faster than the best of the big spenders across the river in the Pentagon can spend it. You ought to think in terms of a certain amount of money being needed and justified. But beyond that, can it be spent? And if it can be spent? And if it can be spent, can it be spent wisely?

Based upon actual data so far this year, DOD's budget will end up with $16 billion in authority that will not be able to obligate before the end of the year. To demonstrate this is my colleagues on the floor, and I hope those back in their office will observe this when they come to their desks on the floor of the Senate, I have passed out a chart that demonstrates that we are appropriating money way beyond the ability not only to not spend it wisely but to spend it at all.

Last year's analysis showed the same size number, and the result was that last year we rescinded $5.3 billion.

The point I am making, Mr. President, is that we do not need to raise this defense number to $301 billion. I think the real question is not whether or not you are going to be pushed for being too soft on defense, but the real question is, how strong are we going to be on making sure that our defense dollars are being spent effectively?

It is not the size of the defense budget that is important; it is what we are getting for it that ought to be important. I, for one, do not believe that we should be raising taxes to pay for defense dollars that will only end up in the mattress across the river. That has happened year after year after year. We have seen, even beyond the estimates of the Department of Defense officials themselves, the category of unobligated, unspent funds growing more than what even the Defense Department thinks they would have.

How do you justify to your constituents back home, even those who say we ought to spend more on defense, giving more money to the Defense Department than they can spend? Why should they have the right to take that money that we give them that they cannot spend and put it away in a fund that grows even beyond their expectations?

I urge my colleagues to support a more prudent defense number, and I think that this number that I suggest brings back a little more balance to this package.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2568) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2569

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. GARN, proposes an amendment numbered 2569.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 21, strike out "$354,400,000" and insert in lieu thereof "$365,700,000".

On page 9, line 12, strike out "$5,746,723,000" and insert in lieu thereof $5,741,723,000".

On page 3, line 18, strike out "$6,749,657,000" and insert in lieu thereof "$6,743,357,000".

CHEMICAL DEMILITARIZATION

Mr. GARM. Mr. President, I have been greatly concerned about the safe and efficient destruction of this country's unitary chemical weapons for many years. Most of these munitions are located in Utah. However, many munitions are also located throughout the United States, so this is not simply a local matter.

The amendment that I have proposed authorizes $11.3 million for the design and final testing of the cryofracture alternative for chemical demilitarization. This funding will meet the Army's shortfall for fiscal year 1991. I would also request that report language reflect the desire of the Senate for the Army to seek reprogramming funds for the site preparation and planning, once the testing is successfully completed.

The amendment reduces the Air Force procurement line for the DMPS Program by $6.3 million. The amendment also reduces the Army research and development line for electronics and electronic devices by $5 million. The Senate Armed Service Committee has identified these programs as available funds for these reductions.

I strongly believe that the Army needs to continue to develop alternative technologies to the "baseline technology." As background, the Department of Defense has been developing the baseline technology at Tooele, UT, for nearly 20 years. The first full scale plant has been constructed at Johnston Island in the Pacific. However, the progress on this plant has not been encouraging. Therefore, I believe that the continued testing of alternatives will ensure that the Nation's stockpile of chemical weapoins will be destroyed in the safest and most cost-effective manner.

I thank Senator NUNN and Senator WARNER for their support of this program adn their efforts to encourage the Army to continue the development of this program.

Mr. McCAIN. Mr. President, this is a Garn amendment. It has been accepted by both sides.

Mr. EXON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. EXON. I am very fearful that someday there is going to be a videotape taken and shown in a court on a very important matter that is going to pass the U.S. Senate, and I would not be suprised if the courts would maybe rule the matter unconstitutional.

I am sitting back here trying to at least get some sembalance of what is going on. I know that the hour is late. I know tempers are short. I know everybody is hustling to get things done so we can get out of here. I concur. I just wish we could slow down just enough. The last two amendments, I have been trying to hear what they are about. I have no idea what they are about. I am sure the managers do. I very much trust in them. I just wish we could have enough order so that at least we could hear when the motion is made to reconsider so we can basically understand what is going on.

The PRESIDING OFFICER. The Senator's point of order is well taken. The Senate is not in order. The Chair has tried to achieve order. The Senator from Illinois.

Mr. McCAIN. Mr. President, I ask for the consideration of the GArm amendment that I have at the desk.

Mr. EXON. Question: What is the amendment about?

Mr. McCAIN. Mr. President, the Garn amendment adds $11.3 million to the chemical demilitarization line, section 107, to meet an unfunded fiscal

year 1991 requirement identified by the Army for the fracture incineration program.

The amendment uses an offset cleared by the majority and minority staffs; 5.0 from an Army R&D line, electronics and electronics devices and $6.3 million from an Air Force missile procurement line, advanced procurement for the defense meterological satellite program.

The Army has indicated that funds for this purpose are needed in fiscal year 1991. The fracture program has been supported by Congress and offers a useful alternate approach, which may be needed if the Army's incineration process' does not work out.

Mr. EXON. I thank my friend. Was this matter considered in committee?

Mr. McCAIN. Staff informs me, I say to my friend from Nebraska, that this issue was not specifically addressed. The issue in general was.

Mr. EXON. It was not specifically addressed in the committee, but it has been cleared on both sides and is fully supported. I thank the Senator. At least I understand it. I appreciate that.

Mr. McCAIN. I thank my friend from Nebraska. I sympathize with his concern about the rapidity in which the legislation seems to be passing by.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 2569) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO 2570

(Purpose: To provide funds for research in connection with the inertial confinement fusion program at the University of Rochester, Rochester, NY)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. MOYNIHAN (for himself and Mr. D'AMATO), proposes an amendment numbered 2570.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 359, line 4, change to "$1,042,775,000".

On page 378 between lines 14 and 15, insert the following new section:

SEC. 3131. INERTIAL CONFINEMENT FUSION PROGRAM

Of the funds authorized to be appropriated pursuant to section 3101(1)(A) $167,900,000 shall be made available for the purpose of Inertial Confinement Fusion.

Mr. DIXON. Mr. President, in explanation to my colleagues this amendment by the Senators from New York, agreed to on both sides, provides additional funds for research in inertial confinement fusion at the University of Rochester in Rochester, NY.

It provides an additional $10 million for that program over and above the amount originally allowed for. It has been agreed to on both sides.

I now see the distinguished Senator from New York is here. He may want to elaborate further.

Mr. MOYNIHAN. Mr. President, if I may simply say that the most important fusion work being done in our Nation today is at Rochester. We look forward to the time when we may not need the Persian Gulf and the work at Rochester could well enable us to turn nuclear waste into usable energy. This is the way to go. I very much thank the distinguished manager for his cooperation.

Mr. McCAIN. Mr. President, may I ask my friend from New York if he clearly understands that these funds are not earmarked specifically for the University of Rochester, since it is the custom and tradition of the committee not to do so?

Mr. MOYNIHAN. Yes, of course.

Mr. EXON. Mr. President, I ask again was this matter covered in the Armed Services Committee?

Mr. DIXON. May I say to my distinguished colleague, my understanding is that the bulk of this had already been authorized. This was an additional modest amount that was negotiated on both sides by both distinguished Senators from New York State, and was acquiesced in by managers on both sides after substantial negotiations.

Mr. EXON. Well, in other words, we approved a certain amount, and now it is being increased.

Mr. DIXON. A modest amount of increase, incrementally.

Mr. EXON. I was somewhat confused. This is not earmarked funds, but going to the university?

Mr. DIXON. Rochester, for research.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2570) was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. DIXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2571

(Purpose: To reduce funds provided for certain projects in the Energy title of the bill and to increase funds provided for environmental restoration in title III of the bill)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DIXON], for Mr. WIRTH, (for himself, and Mr. WILSON), proposes an amendment numbered 2571.

Mr. DIXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 16, strike out "$1,017,000,000" and insert in lieu thereof "$1,062,527,000".

On page 359, line 17; strike out "$302,043,000" and insert in lieu thereof "$292,043,000".

On page 361, strike out lines 20 through 22.

On page 362, line 7, strike out "$19,600,000" and insert in lieu thereof "$9,600,000".

On page 362, line 25, strike out "$128,587,000" and insert in lieu thereof "$106,806,000".

On page 364, strike out lines 4 through 6.

Mr. DIXON. This amendment by the distinguished Senator from Colorado [Mr. WIRTH], which is agreed to on both sides, transfers money in the bill reported by the Senate Armed Services Committee to the Defense Department environmental cleanup cause, and it has been agreed to on both sides.

Mr. McCAIN. Mr. President, I have to ask, even though it has been cleared, how much are we talking about that is being transferred?

Mr. DIXON. I think it transfers $45 million in budget authority in the bill reported by the Senate Armed Services Committee to the Defense Department environmental cleanup. This is budget authority not appropriated to the House or Senate energy appropriations bills.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the amendment of the Senator from Illinois.

The amendment (No. 2571) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senator WILSON be added as a cosponsor to the last amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Nr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia [Mr. NUNN].

AMENDMENT NO. 2572

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 2572.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . HONORING GENERAL MATTHEW B. RIDGWAY.

(a) FINDINGS.—The Congress finds that—

(1) General Matthew Bunker Ridgway, United States Army (Retired) served his country with great honor and distinction for more than 40 years;

(2) during World War II, General Ridgway commanded the 82nd Airborne Division and later the XVIII Airborne Corps, leading his soldiers in some of the toughest fighting of the European theater to achieve Allied victories in North Africa, Sicily, Italy, the Normandy invasion, the Battle of the Bulge, and the crossing of the Rhine and Elbe Rivers.

(3) in Korea, during the depths of the bitter winter of 1950, General Ridgway took command of the seriously demoralized Eighth Army, motivated and inspired it to "Stand and Fight," and led it on the offensive again;

(4) under his leadership, the military forces of the United Nations Command in Korea recaptured territory that had been lost earlier to overwhelming enemy forces and forced the onset of armistice negotiations; and

(5) after his commands in the Korean War, General Ridgway continued his outstanding service to his country by serving in the positions of Supreme Commander of Allied Powers in Europe and Chief of Staff of the United States Army.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of Congress that—

(1) General Ridgway deserves the highest honor and utmost respect of the United States and its citizens for his extraordinary service and dedication to their security; and

(2) a Congressional Gold Medal should be struck in honor of his lifetime of superior achievements.

Mr. NUNN. Mr. President, this amendment is an amendment on behalf of myself and Mr. WARNER. The amendment is one that a number of our colleagues may want to cosponsor. This is an amendment that honors retired Army General Matthew Ridgway. In particular, it would express the sense of the Congress that a congressonal gold medal should be struck in recognition of his outstanding service to our country.

Many Members of the Senate are familiar with General Ridgway's inspiring service during World War II and the Korean war. He commanded the 82d Airborne Division and the 18th Airborne Corps in many of the most significant campaigns in World War II. In Korea, he revitalized the Eighth U.S. Army and the entire United Nations command to push the enemy force back out of the Republic of Korea.

I urge my colleagues to join Senator WARNER and myself in honoring this great American military leader.

Mr. WARNER. Mr. President, I respectfully yield my place to the distinguished Senator from South Carolina, who served in Europe with the man we are honoring tonight.

Mr. THURMOND. Mr. President, I rise in support of the amendment honoring Gen. Matthew Ridgway, a great patriot and soldier.

General Ridgway's military career spanned more than 40 years of distinguished and honorable service. His career led him from Camp Eagle Pass, TX, where he served as a company commander in 1917 and culminated at the banks of the Potomac, as chief of staff, U.S. Army.

During World War II, General Ridgway served as the commander of the 82d Airborne Division. He parachuted with leading elements of the division into Normandy, where the division played a key role in securing a beachhead. I landed with the division that same day with General Ridgway and can personally speak to the general's leadership and bravery.

In 1951, President Truman appointed General Ridgway to succeed General MacArthur as commander in chief of the United Nations Command in Korea. One year later, he succeeded General Eisenhower as the Supreme Commander Allied Powers Europe.

Mr. President, the amendment proposed by Senator NUNN and Senator WARNER is a lasting tribute to this American hero and distinguished soldier. I urge my colleagues to give their unanimous support.

Mr. WARNER. Mr. President, I wonder if I might ask the distinguished Senator from New Hampshire to add some remarks, he served with him in Korea.

Mr. RUDMAN. Mr. President, I add the comments of the distinguished Senator from Georgia, the distinguished Senator from South Carolina.

I just want to say that General Ridgway was much admired even by those of us who served as mere first lieutenants in a rifle company. He was a great commander of the 8th Army. He was an inspiring commander. We saw him in the lines and he was one of the great generals of our time.

I commend my friend from Georgia, my friend from Virginia in offering this resolution to this great American.

Mr. WARNER. Mr. President, I am extremely proud to have the opportunity to honor Gen. (ret.) Matthew B. Ridgway, U.S. Army, whose record of service and dedication to the Nation is truly deserving of our recognition.

General Ridgway, I am proud to report, is a native Virginian—born at Fort Monroe on March 3, 1895. His career in the military began at West Point, where he was graduated as a lieutenant of infantry in the class of 1917.

General Ridgway distinguished himself in combat in World War II as the commander of the famed 82d Airborne Division, and later as corps commander of XVIII Airborne Corps.

General Ridgway led his soldiers through some of the toughest battles in the European theater. He was a brilliant tactician and a strong commander, who possessed all the best military virtues—courage, intelligence, leadership, and decisiveness.

He has been regarded not only by his fellow countrymen, but by our allies as well, as one of the most outstanding soldiers of World War II. As a veteran myself of both World War II and Korea, I can affirm that he was truly one of the great heroes of both those wars.

In Korea, it is widely recognized that he literally made possible the achievement of a tolerable outcome of that war. The Army that he found when he took command during the deeply cold and bitter winter of 1950 was bewildered and demoralized.

The transformation of the 8th Army, as a direct result of General Ridgway's demanding leadership, was astonishing and profoundly impressed all who witnessed it. The fighting spirit he installed in his troops reflected his own aggressive sense of battle.

One officer, then in the 27th Infantry described the situation as, "Magic, the way Ridgway took that defeated Army and turned it around. He was a breath of fresh air, a showman, what the Army desperately needed".

General Ridgway truly inspired his troops—the two grenades he wore on the shoulder straps of his uniform became his own trademark. His revitalized Army, though greatly outnumbered, wrested the initiative from the enemy and battled them to a standstill.

General Ridgway was subsequently appointed Supreme Commander for the Allied Powers, Commander in Chief of the U.N. Command in the Far East, and Commander in Chief of the Far East Command in Japan, succeeding General MacArthur.

A year later in May 1952, General Ridgway was named Supreme Commander, Allied Powers Europe, with headquarters in Paris, succeeding General Eisenhower.

In the summer of 1953, he departed Europe to become Chief of Staff of the Army.

General Ridgway has been awarded the Distinguished Service Cross with Oak Leaf Cluster, the Silver Star with Oak Leaf Cluster, and the Purple Heart, to name just a few.

I know that all my colleagues are proud to join in honoring this brave and distinguished soldier.

General Ridgway, we thank you again for the noble service you have rendered to the Nation, and we wish you many more long and happy years.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2572) was agreed to.

Mr. WARNER. Mr. President, I ask that the previous amendment reflect the Senator from South Carolina to be cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2573

(Purpose: To authorize the President to initiate multilateral efforts to establish an international force to restore peace in any region where the national security interests of the United States are directly threatened by an armed aggressor.)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2573.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

In the event Iraqi hostilities continue, and action is not initiated under article 42 of the U.N. Charter to force cessation of such hostilities, and the President determines the national security interests of the United States may be directly threatened, the President of the United States should initiate negotiations to create a multilateral air, sea and land force outside the United Nations to furnish such assistance as may be necessary to restore international peace and security in Kuwait.

Mr. SPECTER. Mr. President, this amendment provides that in the event that Iraq continues hostilities, and action is not initiated under article 42 of the U.N. Charter of force the cessation of such hostilities, and the President determines that the national security interests of the United States may be directly threatened, the President shall initiate negotiations to create a multinational air, sea, and land force outside the United Nations to furnish such assistance as may be necessary to restore international security and peace in Kuwait.

Mr. President, this is a companion to the resolution which was adopted last night, 97 to nothing, which provided for multinational action under article 42 of the U.N. Charter. It is our hope that such action will be forthcoming. But in the event that is not successful by virtue of a veto or otherwise, the purpose of this amendment is to provide authority and encouragement for the President to proceed outside the purview of the United Nations to establish a multinational force so that the United States may have assistance from others in restoring peace in the Mideast and in Kuwait.

The PRESIDING OFFICER. Is there further debate?

The Senator from Virginia.

Mr. WARNER. Mr. President, I commend the distinguished Senator from Pennsylvania. I think it is a very valuable addition to the legislation, thus far.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I tried to hear. I think I heard what I heard. Here we are at 5 minutes after 1 with everybody rushing for adjournment, and if I understood what the Senator is proposing, it is not just another resolution, it is not just another salute to someone. If you listen to what he said, we are taking a suggestion or at least authorizing, at least making some suggestions to the Commander in Chief as to what he might or might not do or should or should not do in a very, very serious international situation.

I do not believe that the Commander in Chief needs the encouragement to do things of the nature just outlined by the proposal made by the Senator from Pennsylvania. This is an extremely serious matter. I would hope we would not want anything passing the U.S. Senate at this late hour in the day or early hour in the morning that could later be described as a Gulf of Tonkin resolution.

I am not going to insist for a rollcall vote on this but if we go to a vote, I will want to be recorded in the negative.

The PRESIDING OFFICER. Is there further debate?

The Senator from Alaska.

Mr. STEVENS. Might I ask the Senator from Pennsylvania what his intention is with regard to the War Powers Act in connection with this amendment?

Mr. SPECTER. Mr. President, I do not believe that this would have any impact on the War Powers Act and I would reiterate that this really tracks the action taken by the Senate last night unanimously, 97 to nothing, when this identical language was used to provide for action within the United Nations. And that action could be thwarted by a veto or it might not occur, and in the debate last night, this Senator was the only one to make reference to the Gulf of Tonkin resolution and saying the resolution which was put forward yesterday under the sponsorship of the chairman of the Foreign Relations Committee and the ranking member and about many other Senators I had read the Gulf of Tonkin resolution and pointed out that factor.

But it seems to this Senator that I do agree with the Senator from Nebraska, that this is a serious matter. There is no doubt about it. And it was a serious matter which was passed last night. But I do believe that if the processes under the U.N. Charter article 42 are not satisfactory, that this is an expression that should be made by this body.

The PRESIDING OFFICER. The Senator from Alaska retains the floor.

Mr. STEVENS. Mr. President, I think I am one of the few people here who voted against the War Powers Act, and I still maintain that it gives the President power to put the United States into situations which will lead to war beyond the power he previously had.

That happens to be the law now, and I thought it very clearly stated the extent to which the Congress had authorized the President under such circumstances.

I would like to ask the Senator from Pennsylvania another question.

What authority does this give the President that he does not have under the War Powers Act and under existing law?

I fully well understand I might say to my friend from Pennsylvania that the resolution last night authorized, requested us to take action pursuant to the U.N. Charter and our treaties pursuant to that charter. I supported that action. But I take it it is a little different than telling the President of the United States to organize a war party and take Kuwait back.

Mr. SPECTER. I am delighted to respond. I do not believe there is any treaty that is relevant here. But this is a sense-of-the-Senate resolution, so that it is precisely what occurred yesterday, except it covers the contingency if the action is not possible under article 42 of the U.N. Charter.

It may be that the President has approximately the same authority, if not identical authority. If so, it would not be the first sense-of-the-Senate resolution or action taken by the Senate or Congress which restated what the

President already had the authority to do.

Mr. STEVENS. Mr. President, this Senator has no problem with the President of the United States as Commander in Chief and particularly pursuant to the authority he would have to work through the United Nations to try and bring about resolution of the Kuwaiti problem and restore Kuwaiti's sovereignty.

This Senator would have extreme difficulty right now in taking the position to urge the President to actively go out and organize what amounts to a task force, to do just that without regard to the provisions of the War Powers Act as I think give him tremendous powers. It would seem to me that this is the kind of thing that even as a sense of the Senate that ought to be more deliberate than this.

I say that as one who firmly believes the President should show the power and might of this Nation in the most effective way possible. But I question seriously whether we should go further than we have already gone with regard to the U.N. resolution until the United Nations acts. I wonder if the Senator would not want to see what happens in the United Nations before we ask the President to do this.

Mr. NUNN. Mr. President I share the sentiment of the Senator from Alaska. I just saw this amendment. I know it had been given to us and I know the staff had been working it. I think at this hour of the night, with the seriousness of this amendment and what it conveys on behalf of the United States, that we have to make sure every Senator understands it and have to make sure the Foreign Relations Committee had completed focusing on it. So there would be no way we could agree on this amendment at this hour of the night on behalf of anyone.

For one thing, most of what is happening right now in terms of talking about the use of force or the deployment of force is to prevent further aggression. Basically this is saying we are going to organize a force and go in and have a direct confrontation with 1 million people under arms that are already there. I do not know that anyone is contemplating that at the moment.

I believe there are all sorts of embargoes that are hopefully underway. I think we could consider the possibility of cutting pipelines. I think we could consider the possibility of blockades. There are four or five things that I think are more appropriate in terms of getting the Iraqis out of Kuwait than organizing an international force and going in and invading at the moment. I may change my mind later.

But I would be able to agree with this tonight. I think we ought to make our position very clear that we think there has been aggression, that we want the Iraqis out of Kuwait, that we ought to make our position clear that we are going to join with others if requested by Saudi Arabia to help deter any further aggression.

But there are other steps that may be preferable to this as far as taking steps to get the Iraqis out of Kuwait. I just do not believe we ought to pass this tonight.

Mr. STEVENS. Will the Senator yield just one moment?

Mr. NUNN. I am happy to yield.

Mr. STEVENS. Mr. President, we received word earlier this evening that the Iraqi tanks are now on the border of Saudi Arabia. The President of the United States has a most touchy circumstance to deal with. I think this is the time when the Senate ought to keep its powder dry in terms of what we must do to help our Commander in Chief, rather than giving him instructions on what we think he should do that might well add to the problem.

This, I think, is probably the tinderbox of the world right now, and I am not ready to assist to light the match.

Mr. SPECTER. Mr. President, I am a little surprised to hear the argument advanced by the distinguished Senator from Alaska because all of those were equally applicable to the resolution which he supported last night. When you talk about the tinderbox of the world and you talk about giving direction to the President, of course, the sense-of-the-Senate resolution does not give direction to the President; it makes a suggestion. But all of those considerations were equally applicable to the resolution which was passed 97 to nothing last night.

When I hear the comments of the distinguished chairman of the Armed Services Committee, the alternatives were spelled out in the resolution last night with respect to the suggestion of a blockade and with respect to the suggestion of economic sanctions, so that there is no need in this resolution to repeat those alternatives. This sense-of-the-Senate resolution is limited to a gap which was present in the one last night.

Mr. President, I am well aware of the 1:14 hour of the night. If this matter is not be cleared, if it is to result in considerable discussion, it would be satisfactory to this Senator if there were commitments by the distinguished chairman of the Armed Services Committee and/or the distinguished chairman of the Foreign Relations Committee to have prompt hearings on this issue.

Mr. NUNN. Mr. President, I would say to the Senator that I think we ought to have some hearings on this. It is a question of how prompt they would be. It would be a question of how many people are going to be here next week. My impression is people are trying to leave. So I do not know that I would be able to give an absolute timeframe.

But I would say the Armed Services Committee is going to stay in very close touch with this situation. We will be arranging briefings. I am sure the Intelligence Committee is going to have briefings. I am sure all of us are going to be having a dialog with the administration from time to time. I am sure the Foreign Relations Committee is already involved in it. I see the Senator from North Carolina here on the floor.

So I would not be in a position of guaranteeing a meeting next week or anything of that nature in a formal sense. But I certainly would be in a position to say we are going to stay in close touch, as I am sure the Senator from Pennsylvania will, in this situation. I will be, personally, discussing this matter with the people at the White House and the Pentagon over the next 2 or 3 days.

Mr. PELL. Mr. President, I must say I just came into the Chamber and heard some of the argument. But I would concur with Senator NUNN, the Senator from Georgia, that it would not seem to me wise to go ahead with this proposal at this time. Actually, we have asked for a briefing tomorrow—or I guess that is today now—on the Iraqi situation to which all Members are invited, in room S-116. I am not yet sure of the time. I think it would be best not to vote on this at this time.

Mr. SPECTER. Mr. President, I had already commented, and perhaps the distinguished chairman of the Foreign Relations Committee did not hear the comment, that I would not press for a vote tonight in view of the lateness of the hour and the expressions which had been made.

When I had requested the hearings, I did not request them for next week. I am not expecting that Senators will remain to proceed with hearings on this matter. I did not set any timeframe, nor would I insist on one. It would be satisfactory to this Senator if the assurances are received in terms of what is practical to be conducted by the relevant committee.

Mr. NUNN. I say to my friend from Pennsylvania, if he would yield for a brief response, I would certainly do that.

I will consult with the chairman of the Foreign Relations Committee and ranking member and Senator WARNER and I will see what perhaps can be arranged even tomorrow while we are here. We are going to be here 8 hours tomorrow and if we can have somebody come over and brief us—and I believe that is going to be in the Foreign Relations Committee now and the Senator from Rhode Island already said other Members would be invited. So that would be the right time and right place for us to go in and focus on that. I would hope to be a part of that.

Mr. SPECTER. Mr. President, if I may direct an additional question of the distinguished chairman of the Armed Services Committee. Would the chairman be willing to undertake hearings of a more formal nature when we return in session after the recess?

Mr. NUNN. Absolutely.

Mr. SPECTER. That is satisfactory, Mr. President.

I must say that in proposing this sense-of-the-Senate resolution which covered a gap in what we did yesterday, and in receiving the clearance on both sides of the aisle, that the response is a little surprising in light of the resolution which passed last night. I think it really underscores perhaps the seriousness of the resolution which passed last night. But I do think it was an important resolution last night and we ought to follow through.

But if the United Nations does not act, this Senator believes that it is very important for the United States to secure assistance from our friends and allies and that we do maintain a very positive and very forceful response to the Iraqi aggression.

But, as I say, in view of this lateness, I am not going to pursue the matter any further at this time, with the assurances which have been received so far.

Accordingly, Mr. President, I do formally withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2573) was withdrawn.

Mr. NUNN. Mr. President, I know that all Members are anxious to go home and get a little sleep before tomorrow. We have two amendments that I believe will require some debate and probably a rollcall. That would be the Reid amendment on radiation victims and the Stevens amendment on the National Guard. And I also understand that there is a Daschle amendment on Air Force health study. I did not think that study amendment was controversial. I hope it is not, but it may be.

Mr. REID. It is my understanding, having conferred with the assistant majority leader, Senator SIMPSON, and Senator DOMENICI, that the Reid amendment will not require a vote.

Mr. DOMENICI. Mr. President, let me say to the distinguished manager, the Senator from New Mexico did not agree to that. As a matter of fact, the junior Senator, Senator BINGAMAN, is going to be here. He certainly wanted a vote.

Mr. REID. I am sorry; I thought Senator SIMPSON had conferred with the Senator. I am sorry.

Mr. DOMENICI. He may have indicated that, but that is not the case; and I apologize.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I would say to my friend from Nevada, indeed I thought originally this would not be a rollcall vote. I did not want to mislead there, but the two Senators from New Mexico have an even more vital interest than I in it, and requested that.

I might say Senator DASCHLE's amendment is not one without controversy.

Mr. LEAHY. Will the Senator yield for a question?

Mr. NUNN. I will be glad to.

Mr. LEAHY. I wonder, if we do have two matters that would require rollcall votes—I commend the managers for moving things forward—I wonder if it might be possible to have the debate, and have the rollcall votes back to back at a time certain later this morning in daylight hours. These are not Dracula amendments; they are not the type that just come out at night. They have been on the list.

I wonder if we might do that? Even if SDI was up during the morning, it could be set aside for two back-to-back votes, the second one being a 10-minute vote.

Under those circumstances, some of us could probably listen to it on the car radio or watch at home.

Mr. NUNN. Mr. President, I think the Senator makes a good suggestion. What I propose to do is to list the amendments here that we have on our list on both sides, and then lock out all further amendments. Because if we do not do that, when we get back here in the morning we could have another 100 amendments.

That would be what I would propose if we are going to do that. Then we could have the debate on all the amendments tonight, and then have a period of time during the SDI where we decide by unanimous consent the time and vote on those amendments.

That would be the sensible way to do it, but I say I would first like to propound a list of amendments.

Mr. STEVENS. Mr. President, if the Senator will yield, I can save you breath. I have no desire, having waited and tried to negotiate all day long, to stay here and debate this amendment for 2 hours and leave at 4 o'clock, then come back at 8 o'clock to vote, and listen to someone else.

If the Senator wants to postpone the debate on the amendments that are controversial and have a reasonable limitation tomorrow, that is fine with me. But I am prepared to have the debate tonight, if people are here. But I am not prepared to talk to an empty hall on a policy issue like the guard issue.

Mr. NUNN. Perhaps we should just move along, then. I think the unanimous consent is not going to make any progress, and we should just proceed.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I commend the managers for the diligence with which they have moved this bill forward and made enormous progress. I am confident that we will be able to complete action on the measure tomorrow.

As Senators know, it is essential that we all enact legislation extending the debt limit. I have had, over the past 2 days, extensive discussions with the distinguished Republican leader and several interested Senators, and I believe we have come up with a process for handling this that will be the most convenient for the largest number of Senators.

I am about to propound a request that will enable us to dispose of this in a relatively short period of time.

This agreement is, as I indicated, the result of extensive consultations with the distinguished Republican leader. I invite his comment as soon as I complete propounding it.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn at any time, notwithstanding the provisions of rule XXII, to the consideration of H.R. 5355, a bill to provide for a permanent increase in the public debt limit, and that it be considered under the following time agreement:

That immediately after the bill has been reported by the Clerk, Senator HOLLINGS be recognized to offer an amendment on behalf of himself, Senator HEINZ, and Senator MOYNIHAN, to remove the Social Security trust fund from the budget; that no amendments to that amendment be in order; that there be 30 minutes of debate on the amendment, equally divided and controlled in the usual form, at the conclusion of which, without any intervening action or debate, there be a vote on, or in relation to the amendment; that no motion to commit the bill be in order prior to the commencement of the August recess; that following the disposition of the Hollings-Heinz-Moynihan amendment, the bill be laid aside; and that the bill not recur except by a call for the regular order made by the majority leader, after consultation with the Republican leader.

I further ask unanimous consent that after H.R. 5355 is laid aside, the Senate immediately proceed to the consideration of H.R. 5350, a bill to provide for a temporary increase in the public debt limit, and that it be considered under the following time limitation:

That there be 10 minutes on the bill with no amendments or motion to

commit in order; and that at the conclusion or yielding back of time on the bill, the Senate proceed to vote, without any intervening action or debate, on, or in relation to final passage of the bill.

Mr. President, that concludes the request. Let me provide a brief explanation of it before Senators are asked to agree on it.

The short-term debt limit goes to October 2. That is the second measure to which I referred, which I would hope we could pass by voice vote after 10 minutes of presentation of that measure.

On or prior to October 2, of course, Congress will have to act on a long-term debt limit. That is the first measure to which I referred. It is my hope that Senators would agree to this.

That measure would be set aside after the Hollings-Heinz-Moynihan amendment taking Social Security off budget is adopted, but would have to come back prior to October 2. So any Senator who wishes to offer an amendment, and there are many who have indicated their intention to do so, at least 14 at the last count, would have the opportunity to do so when that vehicle is brought back. No Senator would be prejudiced or lose any right to offer an amendment at that time.

The only reason for permitting the one amendment to it, the Hollings-Heinz-Moynihan amendment dealing with Social Security off budget, is that the bill itself, that is the permament debt limit extension as it comes from the House, has such a provision in it already which takes Social Security off budget, effective the fiscal year 1993.

The Hollings-Heinz-Moynihan amendment would move that date up to fiscal year 1991. Therefore, it is directly relevant to a provision in the bill.

None of the other proposed amendments are in the same category. Therefore, if we follow this process, we could complete action on the debt limit within 40 minutes, the only vote being on the Hollings-Heinz-Moynihan amendment to move Social Security off budget in fiscal year 1991 as opposed to fiscal year 1993, which is the bill.

The long-term debt limit would remain alive, required to be acted on prior to October 2, when the short-term would expire, and every Senator—the 14 who previously expressed their intention to offer amendments, and others if they so chose—could offer their amendments at that time.

We have spent a great deal of time on this, dozens and dozens of hours. I am particularly grateful to the distinguished Republican leader. He has probably spent more time than anyone, myself included, on it. I hope very much we can adopt this, which it is my intention it will be adopted, and it will be seen as a fair and appropriate manner to deal with this, enabling us to complete action shortly, and yet offering all Senators a full opportunity to offer their amendments on the long-term debt limit.

I yield to the distinguished Republican leader for his comments before asking the Chair for a final action.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first of all, I had discussed this at length with the majority leader; in fact, numerous times with a number of my colleagues. I know there are some who have concerns about their particular amendments.

Let me indicate there are 14 amendments that we know of to the long-term debt ceiling. First, the Social Security amendment has been mentioned; then there is a second-degree amendment by Gramm, with reference to compliance with the Gramm-Rudman-Hollings; there is a Coats waste disposal amendment; a Kasten-Mack capital gains amendment; a Dole S&L amendment; McConnell, part-time farmers; Moynihan, Social Security payroll tax deduction; Coats or Exon, budget process reform; Metzenbaum, check cashing; Hollings, enhanced rescission; Sanford, budget reform; Exon, include debt ceiling increase in reconciliation; Boschwitz, honest baseline which excludes inflation; and Symms, remove highway trust fund.

That is just the first cut. I am certain there will be, as soon as other staff hear, behind these Members' 80 others.

So as the majority leader has pointed out, no one is disenfranchised; they will not lose any rights because, when the long-term debt ceiling comes up, it will be the responsibility of the chairman of the Finance Committee and Senator PACKWOOD, the ranking Republican, to deal with all these amendments, many of which are not even in the jurisdiction of the Finance Committee.

I believe it is a fair proposal. I also indicate I have had calls from my counterpart on the House side, Congressman MICHEL, the Republican leader. They want to go home. They do not want to stay all evening just because we want to stay all evening. They are waiting for the short-term debt limit extension and the adjournment resolution. Both of those can be done if we can get agreement on this. I know the record should show that there are a number of my colleagues on this side who are particularly interested in a capital gains amendment. I think there is some feeling of frustration that they cannot offer it and have a vote this morning or later this morning. But, on the other hand, if that is the case, I think there are others who would like to also offer their amendments and have votes on their amendments.

So it seems to me that since the Heinz-Hollings-Moynihan amendment is germane to the long-term debt ceiling with the amendment sent over from the House side, and since the majority leader has indicated to those three of our colleagues that they might have this opportunity, and that he is keeping his word in that respect, I think it is a fair unanimous-consent request, and I hope none of my colleagues on this side and the other side will object.

If there is objection, then the majority leader has no other recourse than to call up the short-term debt ceiling, see if that can be taken care of without amendment, pass the adjournment resolution, and then we can complete our work in the Senate tomorrow. The House can complete their work this evening.

I have no objection, but I leave it to my colleagues.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Reserving the right to object, and I will object, I do not understand why the House Rules Committee, in effect, ends up deciding what our rules will be. I ask the majority leader if we could have the same treatment given to the Kasten-Mack-Shelby amendment with regard to capital gains that he has given to the Hollings-Heinz-Moynihan amendment with regard to Social Security?

Mr. MITCHELL. I regret that will not be possible because, if we agree to that, then all of the other Senators who have potential amendments and who have agreed to withhold, and have done so, on the condition that there be no other amendments, other than the Hollings-Heinz-Moynihan amendment. That means that we would have, at a minimum, 14 amendments and, if the past is my guide, I expect that we would have many more than 14 amendments with respect to this measure, which means almost certainly that we will be in session continuously for the next several days in an effort to complete action on the debt limit.

Mr. KASTEN. If the majority leader will yield, why can the House Rules Committee pick the one amendment that would be in order in the Senate?

Mr. MITCHELL. I understand and appreciate the Senator's concern. There is, of course, a long history with respect to the Social Security off-budget provision. The Senator from Pennsylvania is not on the floor at this time. I apologize; I did not see him behind the Senator. My view was obscured.

He and the Senator from South Carolina and the Senator from New York have attempted to bring this for-

ward for over a year. I made a commitment to them that I will make every effort to do so. I believe that the provision has broad bipartisan support in the Senate, and for reasons which I am not privy to, the House did choose to put it in.

I think there is validity to the Senator's point that this amendment is being treated in a manner different from others, but I think there is also validity to the point that there is a rational basis for doing so, given the circumstances which have led us to this point and the makeup of the legislation as it comes from the House.

Mr. HEINZ. Will the Senator yield? Mr. President, the Senator from Wisconsin has asked why is the Senate, in his words, agreeing to a procedure by the House Rules Committee? I think if we were to examine the record that the Senate made prior to the July 4 recess, what we would find is the Senate went on record by a vote of 96 to 2, I say to my friend from Wisconsin, that we would not pass a debt ceiling bill unless Social Security was taken out of the budget deficit calculation. The Senator from Wisconsin voted for that, along with 95 of his colleagues.

I have no doubt in my mind that the reason the House and the Rules Committee acted the way they did is that we had, as a body, overwhelmingly gone on record stating what we would and would not do.

So I think, to the contrary, it would not be accurate, in this Senator's view, to say that the Senate is dancing to the Rules Committee. They really should have made that argument against it because we forced their hand. I would hope, therefore, the Senator from Wisconsin will reconsider both the premise of his argument, as well as his conclusion, and not object to this request.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, might I indicate, and I know the Senator from Wisconsin is aware of this, whether there is a vote or not on the other amendments, nothing is going to happen until September, in any event. It is going to go to conference, or it is going to be laid aside. I do not know of anybody else, I have not heard of any others who have amendments who would object. They indicate a willingness to agree with the unanimous-consent request. If I thought the Senator from Wisconsin was being prejudiced in any way, I would not suggest the request be made. No one's rights are diminished, as I understand it.

We will have to bring up the long-term debt ceiling; there is no doubt about it. The other one is going to expire October 2. Sometimes you need some lead time for all these amendments. So it surely will not be as late as October 2. There are at least 2 or 3 days work here, and by the time word gets around, it will be much longer.

So I say there is probably a good chance we will be on the long-term debt ceiling mid- or third week of September, if that is any consolation to the Senator from Wisconsin. Does the Senator object?

Mr. KASTEN. I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I deeply regret that.

I will now make a request that I will renew the latter part of my request and limit it only to the short-term debt limit and see if we can get agreement to pass that tonight after a short presentation and without amendment.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

MR. MITCHELL. I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 5350, a bill to provide for a temporary increase in the public debt limit and that it be considered under the following time limitation: That there be 10 minutes on the bill with no amendments or motions to commit be in order; that at the conclusion or yielding back of time on the bill, the Senate proceed to vote without any intervening action or debate on or in relation to final passage of the bill.

The PRESIDING OFFICER. Is there an objection?

The Chair hears noe, and it is so ordered.

MR. MITCHELL. I thank my colleagues.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5350) to provide for a temporary increase in the public debt limit.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The time is controlled by the two leaders or their designees.

MR. MITCHELL. Mr. President, I designate Senator BENTSEN.

Mr. BENTSEN. Mr. President, due to the lateness of the hour, it will be a short presentation.

Let me state that last Friday I received a letter from Secretary of the Treasury Brady, stating that on August 15 the Federal Government would run out of cash reserves, run out of funds, and had a bill of some $21 billion in interest coming due that obviously had to be met.

So what we have proposed here is an extension of the debt limit until October 2, to raise the debt limit to $3.195 trillion. That is an increase of approximately $72 billion.

Now, this is something that we have to pass. Obviously for us not to honor our commitments, not to meet our obligations would be disastrous. It has to be increased so the Government can accomplish those objectives. Failure to pass this increase would result in the financial markets being in extremely difficult condition, and not meeting the obligations of the U.S. Government would be unprecedented.

We will have to deal with the need for an increase in the long-term debt limit at a later time. I am hopeful that we will be able to do so in the context of reaching a substantial budget agreement between the Congress and the administration. In a summit agreement we must make serious and credible headway in bringing the Federal budget deficit down.

So, I strongly urge my colleagues to pass the extension, the temporary extension of the debt limit, and then that will be further followed by a permanent debt limit extension. I look forward to the consideration of some of the amendments that might be offered at that time.

Mr. President, I relinquish the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I represent Senator PACKWOOD and I have nothing to say. I yield back our time.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5350) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I wish the record to show I voted in the negative on the temporary increase in the debt limit.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is so recorded.

Mr. SANFORD. Mr. President, I had pledged that I would not vote for another debt ceiling increase until the President and Congress had established a serious plan to reduce the the real deficits and the debt. That has not been done, I am sorry to say.

I will offer an amendment this fall to debt ceiling legislation. It will provide a definition of deficit that is honest. It will require the President to prepare a schedule for the reduction of this debt.

In the meantime, consistent with my pledge to the people of North Carolina, I am voting against this short-term increase being decided tonight. I wish the record to reflect that had this been a rollcall vote, I would have voted no, and hereby express my opposition to this increase in the debt ceiling.

HOUSE CONCURRENT RESOLUTION 360—PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM THE LEGISLATIVE DAY OF AUGUST 3 TO SEPTEMBER 5, 1990, AND A RECESS OR ADJOURNMENT OF THE SENATE FROM ANY DAY BETWEEN AUGUST 3 AND AUGUST 10 TO SEPTEMBER 10, 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 360, just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 360) providing for an adjournment of the House from the legislative day of August 3 to September 5, 1990, and a recess or adjournment of the Senate from any day between August 3 and August 10 to September 10, 1990.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 360) was agreed to; as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, August 3, 1990, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recess or adjourns on any day from Friday, August 3, 1990, to Friday, August 10, 1990, pursuant to a motion made by the majority leader, or his designee, it stand in recess or stand adjourned until 10 o'clock ante meridian on Monday, September 10, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I would like to propound a unanimous-consent request, but I am going to list the amendments that we have on both sides that we know about, and I am going to ask unanimous consent that this be all the amendments permitted on this bill with the exception, of course, of the amendments that have already been set by unanimous consent for tomorrow.

Mr. President, I am going to read the amendments and then I will propound the unanimous-consent request and make reference to these amendments.

The amendments that we have are a Bryan amendment on NATO training in the United States; a Bingaman amendment on tobacco; a Daschle amendment on Air Force health study; a Dixon amendment on Federal prison industries; a Heflin amendment on warfare; a Metzenbaum amendment on Iraqi blockade; two Nunn technical amendments; one Nunn-Warner amendment, which is on additional authorization which will, I believe, be accepted; a Nunn technical modification to the strategic environment program; a Reid amendment on radiation victims; a Stevens National Guard amendment; a Domenici, strategic environmental program amendment—I have already called out the Stevens National Guard amendment—a Warner amendment on Milstar; a Warner amendment on ATBM, but that is covered under the SDI, so strike that one; a Rudman amendment on environmental provisions for closing military installations. I think it still has to be done. It should remain on.

We can strike the Rudman amendment on environmental provisions; an Armstrong amendment on Lithuania.

Those are the amendments that I have.

Mr. WARNER. Mr. President, there is one further amendment of the Senator from Virginia on the environment subject to being accepted on both sides.

Mr. NUNN. An amendment by the Senator from Virginia on the environment.

Mr. President, we are not asking for a time agreement on the amendments at this time. What we are asking for is that this be all the amendments in order on this bill with the exception of the SDI amendments, which are subject to the unanimous consent. So, Mr. President, I propose that as a unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NUNN. I thank the Chair. I thank all Senators.

Mr. President, we do not have many amendments that are going to be contested. I know that there is a Daschle amendment on Air Force health study; there is a Reid amendment on radiation victims; there is a Metzenbaum amendment on the Iraqi blockade.

Perhaps we could proceed with one or two of those if we have the authors here, and then the other amendments, most others, can be accepted. So I would suggest that any amendment that the author would like to bring up now would be in order, but I would particularly like to have those that are most controversial so we can let Senators go home at a certain point, where we get to a point where we think there will be no more rollcalls.

Mr. REID. Will the Senator yield?

Mr. NUNN. I will be glad to.

Mr. REID. I have been waiting for several days. I am ready to proceed.

Could we proceed now?

Mr. NUNN. I defer to the Senator from New Mexico.

Mr. DOMENICI. I am expecting my colleague to arrive. I have not heard to the contrary. He is supposed to be here. I think he very much wants to be heard on their amendment. I do not want to delay the Senate. I would like to hear a brief argument on this amendment.

Mr. REID. Maybe I could at least get mine started. It will take maybe 6 to 7 minutes. Could we perhaps have a time agreement?

Mr. DOMENICI. Why don't we go ahead?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I would like to make the additional request that a second-degree amendment be reserved by the Senator from Virginia to one of the amendments enumerated.

Mr. NUNN. Which one?

Mr. WARNER. The tobacco amendment.

Mr. NUNN. Is there objection to that? I propound the unanimous-consent agreement that if there is a tobacco amendment by Senator BINGAMAN that Senator WARNER have a second-degree amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. You moved fast on the gavel there. I reserve the right to object. I probably will not object. I would like to ask the Chair or the Par-

liamentarian through the Chair whether the unanimous consent agreed to was not solid as to such a second-degree amendment?

The PRESIDING OFFICER. There was no reference in the unanimous-consent agreement as to second-degree amendments. However, the Parliamentarian would note that the amendments that were listed in the unanimous-consent agreement could be either first-degree amendments or second-degree amendments.

Mr. HELMS. I think we ought to leave the dog lie.

Mr. WARNER. Mr. President, to clarify, the Senator from Virginia now has the right to offer an amendment in the second degree to the amendment from the Senator from New Mexico relating to tobacco.

The PRESIDING OFFICER. The Senator is inquiring of the Chair whether or not he has the right to offer a second-degree amendment.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The Chair would hold that the Senator from North Carolina has at least registered the right to object. He has not raised objection.

Mr. HELMS. I do not object.

The PRESIDING OFFICER. He does not object. Therefore, the Senator from Virginia has the right to raise a second-degree amendment. Hearing no other objection, without objection, the Senator from Virginia does have that right.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NUNN. Would the Senator yield?

Mr. REID. Of course.

Mr. NUNN. I would like to propose that all the amendments that have been listed, with the exception of the Senator from Virginia's amendment that he has gotten the permission in the second degree, be first-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2574

(Purpose: To repeal a provision of Federal tort claim law relating to contractor liability for injury or loss of property arising out of atomic weapons testing programs)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, and Mr. BRYAN, proposes an amendment numbered 2574.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, below line 24, insert the following:

SEC. 1216. REPEAL RELATING TO CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS.

(a) REPEAL.—Section 1631 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2646; 42 U.S.C. 2212) is repealed.

(b) RELATIONSHIP TO STATUTES OF LIMITATIONS.—(1) The period during which section 1631 of the Department of Defense Authorization Act, 1985 was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in subsection (a)(1) of such section.

(2) In the case of any civil action referred to in paragraph (1) which was filed before October 19, 1984, and was subsequently dismissed pursuant to the provisions of section 1631 of the National Defense Authorization Act, 1985, the period beginning on the date of the initial filing of such action and ending on the date of the enactment of this Act shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to such civil action.

(3) If the period provided in any Federal or State statute of limitations applicable to a civil action referred to in paragraph (1) expires within the one-year period beginning on the date of the enactment of this Act, the action shall not be barred by such statute, but shall be forever barred if not commenced within one year after such date.

Mr. REID. Mr. President, I rise today to offer an amendment—namely the Radiation Victims Fair Treatment Act. This amendment is the same as my bill, S. 982, which I introduced last year, and which now has 38 cosponsors.

Mr. President, I ask unanimous consent that a list of cosponsors of S. 982 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF COSPONSORS

Bryan; Warner; Simon; Cranston; DeConcini; Mitchell; Metzenbaum; Thurmond; Hatch; Daschle; Bradley; Hollings; McCain; Rockefeller; Wirth; Shelby; Pell; Graham; Chafee; Sanford; Matsunaga.

Moynihan; Riegle; Sasser; Harkin; Burdick; Kohl; Kerry; Mikulski; Garn; Adams; Gore; Robb; Levin; Kennedy; Burns; Glenn; Cohen; Akaka; D'Amato.

Total Cosponsors: 40.

Mr. REID. Mr. President, late Wednesday evening—actually, very early Thursday morning—Senator HATCH's bill, the National Atmospheric Nuclear Testing Compensation Act, passed the Senate. I applaud the efforts of Senator HATCH, who is a cosponsor of my bill, to seek justice for the victims of ionizing radiation—victims of our own Government's negligence and the negligence of nuclear weapons contractors.

Senator HATCH's bill is a great step forward, but it is just the first step. We all recognize that a grave injustice has been done to the many victims of radiation exposure, and they have been effectively denied their day in court.

Between 1946 and 1962, approximately 235 atomic tests were conducted by the United States. Until 1985, those who incurred injuries as a result of exposure to radiation caused by these tests could file suit against contractors who participated in the testing programs. The contractors were indemnified by the Government for the cost of litigators, judgments, and settlement.

The 1985 Defense Authorization Act, however, included a provision, section 1631, offered by Senator WARNER—who, I am happy to say is now a cosponsor of this bill—which drastically altered the legal rights of these individuals by establishing the United States as the defendant in such suits and providing that these cases fall under the Federal Tort Claims Act [FTCA]. This amendment was adopted in conference without ever being considered by the House or Senate Judiciary Committees, and without being debated on the floor of either House.

Limiting radiation victims, both civilian and veteran, to suit under FTCA deprives potential plaintiffs of a variety of previously held rights, including the fundamental right to a jury trial.

In addition, because the United States is provided with certain sovereign immunity defenses not available to contractors, judgments on behalf of veteran and civilian claimants against the Government are effectively barred. This leaves the vast majority of those exposed to radiation in the Atomic Weapons Testing Program with no legal remedy.

In fact, this provision has resulted in the abrupt dismissal of approximately 50 lawsuits that had been filed by radiation victims against various nuclear weapons contractors, including the University of California, Los Alamos and Lawrence Livermore Laboratories, and AT&T. In addition, section 1631 has adversely affected the rights of approximately 220 civilians, former employees at the Nevada Nuclear Test Site, who had filed suit against their former employer, Reynolds Electric & Engineering.

The Radiation Victims Fair Treatment Act would repeal section 1631, restoring to individuals the right to seek redress in court for acts or omissions by atomic weapons contractors which, in many cases, have resulted in premature death or painful disability.

The sad part about all this is that the Government and the contractors knew there were dangers involved with radiation exposure, and they failed to tell the people in Nevada and Utah who were downwind from the tests. And they failed to tell their own employees.

A Federal judge in Nevada outlined the Government's and the contractors' gross negligence. A few specific examples are worth listing here:

First, failure to establish or supervise the establishment of adequate procedures to monitor and determine the amount of radiation in a given geographic area or the amount of radiation to which an individual had been exposed.

Second, failure to instruct and advise workmen at the Nevada Test Site as to the possible detrimental health effects of radiation exposure.

Third, failure to provide protective clothing or other apparatus to eliminate, reduce, or minimize the radiation exposure and consequent adverse health effects.

Fourth, conducting drilling and other test related operations in areas of known radiation contamination.

Fifth, continuing to expose or to allow the exposure of workmen to radiation contamination well knowing or having reason to believe that said continued exposures were actually or potentially unsafe.

Sixth, failure to advise workers that because of their exposure to radiation they should have medical checkups and followup medical observations in order to diagnose as early as possible any cancers which might develop.

In the lawsuit of Alice P. Broudy versus United States of America, et al., the U.S. district court judge notes in ruling in favor of the defendent's motion for summary judgment that, "The Government has been aware of the hazards of radiation since the inception of the nuclear weapons program" and cites a number of different documents indicating that the Government knew exposure to radiation could cause cancer, genetic defects, decreased fertility, cataracts, and leukemia. This also means that the university and corporate contractors also knew this from the beginning.

The horror stories of the victims are endless. When leaving her employment at the Nevada test site after a year and a half, Bonnie McDaniel was told she had had too much radiation and she should not have dental or lung X rays. Her son Shaun, who is now 20 was born with cleft lip, no stomach muscles and elephant man disease. He had the first of many operations when he was 3 days old. Nobody told her it was dangerous.

In another of many cases, Bennie F. Levy, who worked at the Nevada test site for 27 years, began to notice, in 1956, that all his friends were dying. After researching the death certificates of 330 fellow workers, he found that 202 had died of colon cancer. Mr. Levy is now the president of the Nevada Test Site Radiation Victims Association. He is also very ill.

When I was growing up in Searchlight, NV, we could watch the nuclear explosions light up the dark mornings. But we were lucky; the wind was blowing the other way. Some, though, were not so lucky.

Kent Carroll was tending sheep downwind when a bomb was set off in 1953. He was 17. After 9 years of acute suffering, he died of pancreatic cancer.

Veterans involved with the tests, employees of the test sites, and innocent downwinders have sacrificed for their country in extraordinary ways. These patriotic citizens deserve better treatment than they have received from the Government they have served. They deserve fair treatment. They deserve their day in court to seek redress from the parties responsible for the radiation.

In a judicial impact statement prepared by the Administrative Office of the U.S. Courts, Director Ralph Mecham states that "If section 1631 were repealed, there could be additional litigation in the Federal courts, but it does not appear that a significant number of new claims would be filed. * * * The nature of the claims indicates that cases could be consolidated and many could be settled or otherwise disposed of without going to trial." He goes on to state that, "This type of case should not be beyond the ability of the courts to handle, as the courts have had experience in dealing with complex product liability and disaster cases."

The repeal of the Warner amendment will not create a burden for the courts. Only 51 cases subject to the Warner amendment had been filed as of June 1, 1986. A large number of these were veterans, and the enactment of the Radiation-Exposed Veterans Compensation Act of 1988 has made it easier for veterans to receive benefits if they are suffering from 1 of 13 identified cancers and they had participated in a radiation-risk activity.

At present, there is one consolidated case of 220 claims still active in the U.S. District Court of Nevada. The plaintiffs are test site workers who experienced radiation exposure. Repeal of the Warner amendment would not bring additional claimants because the statute of limitations in Nevada is 2 years, and any claimants became aware of their claims in 1979. In addition, it is doubtful that new claimants would appear based on recent discovery of ill effects from exposure, since most of these took place in the 1950's and 1960's, and the diseases are generally past their expected latency periods. This is the analysis of the Administrative Office of the U.S. Courts.

Besides passage of the radiation-exposed veterans bill, the Senate has just passed Senator HATCH's downwinders bill. Senator HATCH's bill will eliminate many other possible claims by compensating innocent civilians who lived downwind from the test site.

In fact, the Warner amendment has served to lengthen radiation cases. In 1985, the defense lawyers in the test site workers case in Nevada were preparing to go to trial when the Warner amendment was enacted. Five years later, the Government was still seeking dismissal of the case.

Make no mistake, there will not be an outpouring of citizens suing Government contractors. Many of these victims will be compensated by either the veterans or downwinders compensation bills. Though the $50,000 they will receive from the downwinders bill will not pay for much, given current health care costs, it is a sign to them that their Government is sorry for what it did. This is all most of these patriotic victims want: an apology, a gesture.

Only those most desperate will take the chance of seeking redress in the courts. For if they accept compensation from the downwinders bill, their case will be considered settled. They will have to make a choice. But the right to a day in court is every American's right, and these victims should not be treated any differently.

It is unconscionable that we drag our heels on this any further. Some of the radiation victims with unheard claims have died, and many are dying. Let those who are dying know that we understand their suffering.

This bill does not guarantee compensation, but, rather, reiterates a basic American right: the right to a day in court. There is no other way to honorably address this issue.

Mr. GRASSLEY. Mr. President, it is ironic that exactly 1 year ago today, the subcommittee on courts, of which I am ranking member, held a hearing on the Senator from Nevada's proposal. That bill, S. 982, was favorably reported by the subcommittee, and is now pending before the full Senate Judiciary Committee.

Tonight, we again pause to consider the tragic case of the hundreds of thousands of servicemen, civilian Government workers, employees of private contractors, and downwind civilians affected by exposure to radiation as part of our Government's Atomic Weapons Testing Program. More than 200,000 people are estimated to be affected.

The proposed solution, again, is to permit these private parties to bring lawsuits against various Government contractors. This solution is tempting; it is billed as a return to the status quo before passage of the Warner amendment on the 1985 authorization bill. It is simple, straightforward, and appeals to our sense of justice by giving people "their day in court."

The attractiveness of the proposal to repeal the Warner amendment is demonstrated by the impressive array of cosponsors to S. 982. It is a tribute to the dedicated efforts of those who sin-

cerely believe that they have been deprived of their only legal remedy.

Mr. President, I am not a lawyer, but I am a keen observer of our civil justice system. I frankly believe that litigation is almost never a solution to people's problems. This is particularly true in this case, where these victims simply can't afford to wait through years of discovery, trial, and appeal. They need to have their physical and medical needs cared for now—not based on the false hope of some large, but speculative, recovery in court years from now.

Moreover, our federal courts are already choked beyond recognition with pending cases, civil and criminal. Far too often, Congress creates dramatic new causes of action, without so much as a nod to what it might mean to the overall administration of justice in America.

Haven't we learned that merely providing a new cause of action is a disastrous approach? The litigation solution works as a cruel hoax on the intended beneficiaries; it holds out the prospect for recovery, but frustrates the victims by delay and expense. The Justice Department testified that radiation cases take much longer to prepare and try than do most other types of litigation; a typical case would take more than 5 years to resolve. Worse, simply repealing the Warner amendment will do nothing to solve the enormous proof problems that plaintiffs will face, attempting to link their exposure to current disease.

A straight repeal of the Warner amendment may give some a warm feeling, and it will surely bring a smile to a lawyer's face, but it will mean scant little for those who need help the most.

Mr. President, these people don't need lawyers, they need money to pay their medical bills, to care for their sick or terminally ill.

If the Government is responsible, and the evidence strongly suggests that it is, then let's create a compensation system outside of the courts to provide relief—faster, without litigation expenses, without having to prove fault, and without lengthy appeals.

In recent years, we have shown a preference for compensation over ltigation, with enactment of the child vaccine compensation legislation, the Radiation-Exposed Veterans Compensation Act of 1988, and the Veterans Dioxin and Radiation Exposure Act (Public Law 98-542) among others.

I wish that we had before us something other than a straight repeal of the Warner amendment; a nonlitigation compensation system, where claimants could represent their claims and be compensated in a timely fashion. Unfortunately, that's not the option before us.

Mr. DOMENICI. I was going to say, I am not going to ask for a rollcall vote.

Mr. WARNER. I thank the Senator very much.

Mr. DOMENICI. Senator BINGAMAN does not desire a rollcall vote.

Mr. BINGAMAN. I do not.

Mr. WARNER. Mr. President, I yield.

Mr. NUNN. If the Senator will yield, I believe I am able to announce to all Senators—and I can assure Senators this is the first time I have been able to announce it, and I have consciously been waiting—we do not foresee any other rollcall votes tonight. There may be two or three, and they will be stacked until after the last vote on SDI tomorrow afternoon.

Mr. President, I think all Senators who do not have amendments involved here could, therefore, either stay and listen to the debate, or if they have other things to do, they could take care of other things. So I make that announcement.

Mr. McCLURE. What time would we be coming in the morning.

Mr. NUNN. Nine o'clock on this bill. I do not know what time we will be coming in.

The PRESIDING OFFICER. The Senator from Virginia retains the floor.

Mr. WARNER. I yield the floor.

Mr. MITCHELL. Mr. President, as I understand the unanimous-consent agreement with respect to the SDI votes, there is first scheduled one-half hour on the Warner amendment and then 4 hours on the Bingaman amendment, at which time there will occur a vote on the Bingaman amendment; am I correct?

Mr. WARNER. Mr. President, the leader is correct, if not before the expiration of 4 hours.

Mr. MITCHELL. So the Senate will be in at 9. There is scheduled a maximum of 4½ hours of debate on SDI before the first vote occurs. Senators should be aware that the vote could occur prior to the expiration of 4½ hours, if all of the time is not used.

But in any event, there will then ensue under the order additional debate and vote on SDI, following which any votes ordered this evening will be stacked to occur.

Mr. NUNN. The majority leader is correct.

Mr. MITCHELL. I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I simply wish to commend my distinguished colleague from Nevada for bringing this legislation of which I am a cosponsor. I wish to add one bit of history.

During the period when the Republicans were in the majority, the Senator from Virginia was the chairman of the Subcommittee on the Armed Services Committee for Strategic and Theater Nuclear Forces. It was at that time the administration forwarded to the Senate a package of legislation of which this particular legislation, which the Senator mentioned, having been sponsored by the Senator from Virginia, was a part of a large package of pieces of legislation, and it was handled by the Senator from Virginia in a routine way without hearings. To his knowledge no one at that time objected, and it was incorporated into the armed services authorization bill of that year and eventually became law. That is the corporate history of this particular problem.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator from Virginia, knowingly or unknowing, he did a great thing for the country and it is deplorable that tonight we are probably going to undo that. Frankly, I cannot think of worse legislation than that which is before the Senate right now. And I truly hope that one way or another it does not become law.

Let me briefly tell the Senate why. The United States of America as a government has been involved in atomic and nuclear activity in defense of this Nation and for nuclear deterrent activities for many, many years. There is longstanding policy that says that the United States of America is solely responsible for the nuclear and atomic activity of the type that certain veterans are complaining about because they may have been exposed to radiation as part of the military of the United States as we attempted to develop our nuclear weapons and our atomic weapon.

So there is a long-established doctrine called the Ferris doctrine that says the United States of America cannot be sued for negligence with reference to alleged injury by those serving in the military who might have been exposed. Whether one likes that doctrine or not, it is the doctrine.

If you want to permit veterans to file lawsuits over the facts which I just described, then I submit you should face up forthrightly and change that law and say to the American veterans you can sue the United States of America, and I believe that is what anyone who wants to let litigation ensue ought to do. But we are not doing that.

Just listen to what we are going to do. Because, in fact, litigation is not permitted against the United States of America directly—although shortly I will tell you even that is evolving and perhaps that will be the remedy—because that has not been the case, lawyers have clamored to sue the national laboratories, contractors, universities who worked for the U.S. Government

in nuclear and atomic defense work. They are kind of itching, just salivating, not necessarily to get remedies and relief for the veterans, but to get their hands on the documents that are in the national laboratories so they can expose to the American people what went on the past 50 years. And if a mistake has been made we are going to read it all over the headlines as America prepared itself over the past 40 years, all in the name of trying to help the veteran.

Because we cannot sue the Federal Government, the adoption of the Reid amendment tonight is going to say you cannot sue Uncle Sam and even through the national laboratories, contractors, universities, and other institutions are totally subjected to the Federal Government's domination in this activity and indeed, Mr. President, are going to be ultimately indemnified by the Federal Government, this amendment says you can now start suing them in the name of giving relief to the atomic veterans.

Frankly, I cannot conceive of worse American policy than that. First, you are kidding the veteran. These lawyers who are running around trying to do this are not necessarily interested in the veterans. These are going to be in court forever while subpoenas are issued, while scientists are called in for depositions across this land; in fact we have one of the Presidents of the national laboratory, Sandia Laboratory, which was asked in 1949 by President Harry Truman, and the letter is here. I will later make it a part of the RECORD.

He asked AT&T to establish this lab on a nonprofit basis to do this kind of work and they have been doing it ever since. The current President says pandemonium will be the result of this. The lawyers will be in those laboratories where the scientists worked 20 and 30 years ago. They will be demanding the records all in the name of helping the veteran.

Now, I believe there is another way to do it. First, I think the Senate, the Congress, and the President, if they want to permit more lawsuits, ought to be more forthright and say sue the United States of America. But we will not do that. We are going to go around to the back door and attempt at compensation and say sue the labs, the universities, and the contractors, and the Federal Government will ultimately indemnify.

That is unfair to responsible scientists, the laboratories and the contractors, but we are going to do it anyway. I believe it is unfair to the injured persons because they really are not going to get the kind of compensation they expect. They are going to be part of untold litigation just so we can say they had a chance to go to court.

I believe that better way is to pass specific legislation granting relief, and within the past couple of days the Senate passed a bill granting downwinders relief—the distinguished Senator from Wyoming was part of that—wherein we established they are entitled to $50,000 compensation if they were at a certain place for a certain time suffering from a certain illness. We did the same for uranium miners, and 18 months ago we did the same when we passed the atomic veterans relief bill, which added to the veterans compensation 13 different ailments for veterans who might have received those injuries and illnesses from their service occuring in this nuclear age and atomic age. I think that is the way to resolve the issue.

But there are lawyers around who continue to tell our veterans the only way you can really get any kind of satisfaction and the American way is to go to court, and tonight we are saying even though you cannot sue the Federal Government we are going to go around by the back door and let you sue people who worked exclusively for the Federal Government who are not personally liable, who are not liable as institutions, but we are going to let the suits flow.

I wish we would have had more time on this amendment. I wish we would have had an opportunity to tell each and every Senator what is going to ensure if this becomes law. But I will conclude that we are not going to have that chance and that with 41 or 42 cosponsors this legislation is going to pass. My hope is that it will not become law. I think it is serious enough to jeopardize this bill.

I am hopeful one way or another that it will not find its way to the President's desk.

I also want to indicate that the Department of Justice, which is in charge of litigating for the Federal Government, has a very detailed letter sent to the Republican leader indicating that they think the law as it is is fair, and to change it as proposed is unfair. They recommend that we not change it.

Mr. President, I strongly oppose this amendment to repeal the Warner amendment.

The effect of this amendment would be to permit individuals who were exposed to radiation as a result of Federal Government's nuclear weapons testing program, and who have subsequently become afflicted with illnesses that can be traced to that exposure, to sue, not the Federal Government, but the contractors who served the Federal Government—including the National Laboratories—for these injuries.

Clearly, Mr. President, the Federal Government has an obligation to compensate individuals who suffered injuries as a result of their participation in the nuclear testing program. I am sure that every Member of this body agrees with me on that point.

Therefore, Mr. President, what we are really talking about here is what is the best way—the most compassionate way—to compensate individuals for radiation exposure.

This amendment would provide relief in the wrong way.

Mr. President, between 1945 and 1963, the U.S. Government conducted approximately 235 atmospheric tests of nuclear weapons. The estimated 220,000 military personnel and 150,000 civilians took part in this testing and the approximately 170,000 citizens who lived downwind of the test sites may have been exposed to ionizing radiation as a result of these tests. These individuals contracted a variety of illnesses, mostly various forms of cancer, that were in all probability caused by their exposure to radiation.

There were significant legal obstacles to these individuals recovering damages for their injuries from the Federal Government. In the early 1980's, therefore, they filed a multitude of lawsuits against the Government contractors who assisted the Federal Government in carrying out the Government's nuclear weapons testing program in order to gain the compensation from the contractors that they could not legally get from the Government.

In order to prevent this backdoor attempt to recovery, Congress enacted the Warner amendment, section 1631 of the Omnibus Defense Authorization Act of 1985.

The Warner amendment substitutes the United States as the proper defendant in the place of Government contractors in lawsuits for injuries allegedly caused by the U.S. nuclear testing program. It also establishes the Federal Tort Claims Act as the exclusive remedy for such claims. The Warner amendment states that the employees of the Government contractors, which primarily are the National Laboratories, are considered employees of the Federal Government for the purposes of such lawsuits. It also subjects such actions to the defenses which are traditionally available to the United States.

The adoption of the Warner amendment was not a departure from past policy. Rather, the Warner amendment simply codified the relationship between the Federal Government and the National Laboratories. Since the advent of the nuclear weapons testing program, all parties have understood that the National Laboratories were acting on behalf of and in the place of the Federal Government in the conduct of the nuclear weapons testing program and that the responsibility for the program rested solely with the Federal Government. In response to the number of lawsuits against the National Laboratories that challenged that understanding, Congress codified

the relationship in the Warner amendment.

The underlying policy rationale for the Government's relationship with the National Laboratories as reflected in the Warner amendment is abundantly clear from the committee report that accompanied the Omnibus Defense Authorization Act of 1984.

In that report, Congress acknowledged that the contractors operating nuclear weapons research facilities for the Federal Government are unique. These Government contractors are basically the National Laboratories: Los Alamos National Laboratory and Lawrence Livermore National Laboratory, which are operated by the University of California, and Sandia National Laboratories, which are operated by AT&T. They conduct research, development, and testing on nuclear weapons for the Federal Government as a public service and are operated on a nonprofit basis. The National Laboratories were and are still operated by non-Federal organizations, but these laboratories are owned, directed, and controlled by the Federal Government.

The National Laboratories do not set policy or make the decisions which implement those decisions. As the committee report stated, "[o]nly the [Federal] Government sets the policy, makes the decisions, and controls activities and circumstances regarding atomic weapon research, development, and testing. Consequently, these contractors were utilized by the United States as instruments of national policy to assist in this entirely governmental task [i.e., nuclear weapons research, development, and testing]."

The committee report noted that Congress has established a comprehensive scheme of Federal control of the nuclear weapons program and concluded:

> Each nuclear test that has been made since 1946 has been made under the statutory direction of Congress. Each nuclear test has been approved, before the fact, by the President of the United States. Each nuclear test has been under the direct supervision of government officials. Each nuclear test has been participated in by hundreds, and in some cases thousands, of government officials and military and civilian personnel.
>
> The committee recognizes, as has the Congress, that the military applications of atomic energy could not proceed either technically or economically without the participation of organizations that posses both scientific management skills and a high degree of scientific and technical expertise. Several such organizations were placed under contract almost at the inception of the nuclear weapons program in 1942 and have performed in an outstanding manner in the national interest for more than three decades. These organizations have provided scientific, engineering and technical support for nuclear tests carried out by the government and for the government in the exercise of a governmental function, i.e., providing for the national defense. These organizations did not order the tests to be performed; they did not set the times or places for the tests; nor did they direct military or civilian government personnel to participate in them. It should appear, without question, that these contractors were acting as the de facto instruments of the United States Government in carrying out a governmental purpose.
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> * * * * *
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> [T]he Committee does not believe that any contractor should be used as an instrumentality of the government and then abandoned when inundated by a flood of litigation arising from that same government activity.

Similar rationales were expressed in the House report which accompanied the Department of Energy National Security and Military Applications of Nuclear Authorizations Act of 1984, which contained a similar provision.

It has been asserted that the Warner amendment deprives some individuals of their right to sue for their radiation-related injuries. The courts which have examined this issue, however, have found the Warner amendment to be a proper and constitutional exercise of congressional power. As one court noted, prior to the Warner amendment "[p]laintiffs had the best of both possible worlds, a right to sue free of any [Federal Tort Claims Act] limitations with the government guaranteeing payment of the judgment."

Furthermore, legislation similar to the Warner amendment is not unique in our legislative annals. In a number of other laws, specifically in regard to Public Health Service medical personnel, Veterans' Affairs medical personnel, Armed Forces medical personnel, and the Federal Drivers Act, Congress substituted the Federal Tort Claims Act remedy against the Government for remedies available against private parties. These acts have been uniformly upheld.

This amendment would repeal the Warner amendment outright and return to the procedure that was in place prior to 1984. Under that procedure, suits could be brought against Government contractors who participated in the nuclear testing program for injuries related to that program. The Government contractors were indemnified by the Federal Government for all costs of litigation, judgments, and settlements.

Some believe that this procedure adequately protects the interests of the Government contractors. This argument, however, overlooks the fact that these lawsuits divert human and financial resources away from the National Laboratories' mission and into litigation. This disrupts the vital national security work which is conducted at the National Laboratories. In addition, much of the evidence relevant to the issues in these suits are classified and not available for the National Laboratories to use in defending themselves.

Most importantly, however, the debate over whether the interests of the Government contractors would be adequately protected in the event of the repeal of the Warner amendment ignores the essential point—that is, that the U.S. Government was exclusively responsible for the nuclear weapons testing program. It is simply unfair and unconscionable for the U.S. Government to allow the National Laboratories which assisted it in carrying out this program to be held responsible for the consequences of the Government's policies, decisions, and actions.

If it is the belief of the proponents of this amendment that the measure would not hold the National Laboratories responsible for the nuclear testing program, since the National Laboratories are indemnified, then the amendment is exposed as a mere ploy for recovering judgments from the Federal Government in an area where injured parties cannot otherwise recover from the Government.

Under existing law, some persons injured as a result of their participation in the nuclear weapons testing program have been unable to recover directly from the Federal Government because of the Feres doctrine, the discretionary function exception, the foreign country exception, and/or the combatant activities exception. This amendment would allow persons injured by the nuclear weapons testing program to sue the Federal Government for injuries arising out of those tests by fostering the illusion that the National Laboratories were responsible for the nuclear weapons testing program.

Mr. President, the effect of this amendment is to subject the National Laboratories to a multitude of lawsuits regarding injuries for which the Federal Government, and not the National Laboratories, is solely responsible. Alternatively, the effect of the amendment is to permit litigants to use the legal status of the National Laboratories in order to circumvent the obstacles that prohibit direct recovery from the Federal Government.

In either case, the Congress should not enact a measure that has such an effect.

It is argued that the Warner amendment should be repealed because it effectively bars deserving individuals from recovering damages for their injuries due to the statutory defenses available to the United States under the Federal Tort Claims Act. However, two recent decisions from the U.S. District Court in Nevada—Prescott versus U.S. and Roberts versus U.S.—found that the discretionary function exception does not bar suits by Nevada test site workers for Government negligence in the carrying out of the nuclear weapons tests. Thus, the Warner

amendment does not prevent individuals who were injured by the nuclear weapons tests from recovering for their injuries.

Mr. President, the Department of Justice opposes this amendment. DOJ has noted that it would be unfair to the Government contractors to subject them to liability for the nuclear weapons testing program.

Even if Congress were to enact this amendment, it is doubtful that injured parties would ever be able to obtain a judgment based on a radiation-related claim. The Government contractor defense and other obstacles would most likely prevent a recovery against the National Laboratories.

Even if a successful suit were a realistic possibility, it is unfair to subject deserving claimants to the time-consuming, expensive, and unpredictable legal system in order to recover for their injuries.

The Congress must now decide whether it is fairer to these individuals to allow them to sue the Government contractors who participated in the nuclear weapons testing program in the hope, however remote, costly, and time consuming, that they may be able to recover a judgment against them, or whether it is better to provide a predictable, efficient, systematic program for evaluating claims and providing compensation.

The best way to assure compensation is to establish an administrative mechanism to provide relief to those injured as a result of the nuclear weapons testing program. For many of the individuals injured as a result of the weapon testing program, there already exists or will soon exist an effective program to provide compensation.

The Atomic Veterans Compensation Act of 1988, Public Law 100-321, provides disability payments through the VA to atomic veterans and survivors' benefits to their families by creating a presumption of service connection for 13 diseases. This means an atomic veteran need only prove that he is, in fact, an atomic veteran and he is at least 10 percent disabled as a result of one of the 13 diseases in order to obtain disability compensation from the VA for his illness. The VA may deny the claim only if it can prove that the disease is not service connected.

A bill that the Senate passed this week, the Radiation Exposure Compensation Act, will establish a $100 million trust fund to provide compensation to downwinders and individuals who worked in the uranium mines.

Individuals who lived downwind of the atmospheric atomic testing sites, or their survivors, would receive $50,000 if they: First, lived at least 2 years in a downwind area during the times of the atmospheric testing program or were present in the downwind area in July 1962; and second, developed one of 13 specified diseases.

Miners, or their survivors, would be entitled to $100,000 in compensation if they: First, worked in the uranimum mines in New Mexico, Arizona, Colorado, Utah, or Wyoming between 1947 and 1971; second, were exposed to a certain level of radiation; and third, contracted lung cancer or a nonmalignant respiratory disease.

I expect this bill will become law this year.

Mr. President, these compensation systems are adequate to address the Federal Government's responsibility to these individuals. There are others, most notably civilians who worked at the Nevada test site, who participated in the nuclear testing program but who are not currently entitled to compensation.

Rather than repealing the Warner amendment and forcing these individuals to sue, we should establish a compensation system for them. We need to compensate them through administrative system like the Atomic Veterans Compensation Act and the Radiation Exposure Compensation Act, and not by sending them into court.

In addition, repealing the Warner amendment would allow some individuals already entitled to compensation under the Atomic Veterans Compensation Act and the Radiation Exposure Compensation Act to receive double compensation.

Finally, let me point out that the Judiciary Committee currently has before it a bill to repeal the Warner amendment. Hearings have been held on this measure, S. 982, and the committee will act on it soon.

We should allow the Judiciary Committee to complete its work on this proposal and make its recommendation to the Senate.

In sum, Mr. President, the Warner amendment was a codification of the longstanding policy of the Federal Government toward the National Laboratories. This policy is eminently reasonable and is based on a recognition of the unique situation of the National Laboratories who were enlisted to assist the Federal Government in its nuclear weapons testing program. Congress should not abandon the National Laboratories by repealing the Warner amendment.

This amendment would abandon the sound policy toward Government contractors that Congress affirmed in 1984. It would not achieve the goal of assuring that persons subjected to radiation as a result of their participation in the nuclear weapons testing program receive the compensation that they deserve. The way to guarantee that these individuals receive the compensation to which they are entitled is to assure that a fair, predictable, efficient, and systematic program for compensation exists. To the extent that deserving individuals are not being compensated, Congress should establish administrative mechanisms to give them the compensation to which they are entitled.

Mr. President, I have received a letter from the President of Sandia National Laboratories, Al Narath, describing the devastating impact the repeal of the Warner amendment would have on Sandia and their ability to serve our Nation.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SANDIA NATIONAL LABORATORIES
Albuquerque, NM, August 3, 1990.

Re S. 982 (Repeal of the Warner Amendment—Sec. 1631 of Public Law 98-525).

Hon. PETE V. DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for asking me to convey the views of Sandia and AT&T concerning repeal of Section 1631 ("the Warner Amendment").

We have a deep concern over repeal legislation which, if enacted, would once again encourage lawsuits against the National Laboratories for injuries attributed to the United States' atmospheric nuclear testing program. Congress took much needed action in October 1984 when it enacted Section 1631, which substitutes the United States for the National Laboratories as the proper defendant in such lawsuits and also brings such litigation within the coverage of the Federal Torts Claim Act.

Congress' action six years ago was both wise and correct. The Warner Amendment, in our view, serves the overall interests of all Americans and it should not be repealed. It is our conviction that repeal would cause grave injury to this country's national security efforts, and for that reason we believe that the Congress should be fully informed of such potential consequences prior to any precipitous consideration of this bill.

The continued long-term participation in our nation's nuclear weapons program by AT&T and other national laboratory contractors is, in my opinion, critical to the continued success of the programs. Section 1631 did much to ensure that continued participation in that it clarified beyond any question that the Government, and the Government alone, sets the policies, makes the decisions, and controls the activities and circumstances regarding nuclear weapons testing.

Since 1949, AT&T has managed Sandia National Laboratories on a no-fee, no-profit, no-loss basis solely because the nation's nuclear weapons program in which the laboratories participate is considered to be so vitally important. The record shows that we have been conscientious about our management and oversight responsibility, and that we have acted safely, effectively, and reliably.

Nevertheless, some stockholders and customers have regularly questioned AT&T's continued participation in the nuclear weapon program. In opposing those dissenters, we have been buttressed by the strong and unwavering support for Sandia programs manifested by the Congress, the President of the United States, and the Department of Energy and its predecessor

agencies. The Warner Amendment demonstrates that participation in the nuclear weapons program at Sandia is in the national interest, and consequently it reinforces AT&T's position.

Although Sandia and AT&T will continue to be fully indemnified and held harmless even if the Warner Amendment is repealed, such repeal would have significant and harmful effects on both the National Laboratories and on the contractors which manage them. At Sandia, repeal and the litigation which will result would cause a diversion of resources and high-level attention from its primary mission—nuclear weapons safety and security. At AT&T, repeal followed by litigation in which it is implicated in radiation-caused injuries will harm a valued, well-deserved, an irreplaceable reputation which has been established through more than a century of hard work and public service.

These severe and harmful effects are simply not necessary to provide adequate remedies for citizens who attribute various illnesses to the testing programs.

For example, in 1988 Congress enacted Public Law 100-321, the Radiation-Exposed Veterans Compensation Act of 1988, to provide a readily available administrative remedy for military participants in our nation's nuclear weapons tests. Just this week, similarly, the Senate passed S. 2466, the National Atmospheric Nuclear Testing Compensation Act of 1990, a bill little different from H.R. 2372, the Radiation Exposure Compensation Act, passed by the House of Reprsentatives earlier this session. Both bills provide readily available administrative remedies for "downwinders" and uranium miners, and their families, who contracted diseases attributed to their connection to the nuclear weapons testing programs. Enactment of those bills and the new assistance program which they would establish is virtually assured. Sandia and AT&T wholeheartedly support such federally-provided administrative remedies.

On the other hand, the severe negative effects that would accrue to Sandia and the other National Laboratories and the laboratory contractors should Section 1631 be repealed is simply unnecessary. The interests and concerns of our veterans and other citizens are already being served by administrative mechanisms which, unlike litigation, actually work, and which treat their claims expeditiously, fairly, and equitably.

In fact, although it is accepted as gospel that the effect of the Warner Amendment is to leave radiation claimants with no judicial recourse whatsoever, in two recent decisions of the United States District Court in Nevada, it was held that civilians who claim to have contracted radiation-caused illnesses as a result of the weapons tests could successfully sue the Government directly under the Federal Tort Claims Act. (The two cases are Prescott versus United States and Roberts versus United States, both of which were decided October 27, 1989.) That development alone should be more than enough to dispel the notion that repeal of the Warner Amendment seves a beneficial public purpose.

I want to thank you once again for giving us an opportunity to express our views. Please feel free to again call upon me or any of Sandia's other key personnel should you desire any elaboration.

Very truly yours,

A. NARATH.

Mr. DOMENICI. Mr. President, I have a copy of the letter that President Truman sent to the President of AT&T asking them to help the Federal Government by operating Sandia National Laboratories. The President referred to this as "an opportunity to render an exceptional service in the national interest." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, May 13, 1949.

Mr. LEROY A. WILSON,
President, American Telephone & Telegraph Co., New York, NY.

DEAR MR. WILSON: I am informed that the Atomic Energy Commission intends to ask that the Bell Telephone Laboratories accept under contract the direction of the Sandia Laboratory at Albuquerque, New Mexico.

This operation, which is a vital segment of the atomic weapons program, is of extreme importance and urgency in the national defense, and should have the best possible technical direction.

I hope that after you have heard more in detail from the Atomic Energy Commission, your organization will find it possible to undertake this task. In my opinion you have here an opportunity to render an exceptional service in the national interest.

I am writing a similar note direct to Dr. O.E. Buckley.

Very sincerely yours,

HARRY TRUMAN.

Mr. DOMENICI. Mr. President, I have a letter from Deputy Assistant Attorney General Bruce Navarro opposing this amendment. I will ask that it be included in the RECORD. The Justice Department notes that it would be unfair to the Government contractors to subject them to liability for atomic weapons testing program, for which the Government was solely responsible.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 2, 1990.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: This is to furnish the views of the Department of Justice on an amendment that may be offered to the Department of Defense Authorization bill that is under consideration in the Senate. We object strongly to this amendment, which would repeal Section 1631 of Public Law 98-525, sometimes referenced as the "Warner Amendment." S. 982, a bill to repeal the Warner Amendment, remains pending in the Senate Judiciary Committee.

Section 1631 creates an exclusive remedy—a cause of action solely against the United States—for injuries "due to exposure to radiation based on acts or omissions by a contractor in carrying out an atomic weapons testing program under a contract with the United States." Any suit arising from specified activities of these contractors is to be brought under the Federal Tort Claims Act, subject to the specific exceptions in that Act. A savings provision enables plaintiffs to file administrative claims pursuant to the Federal Tort Claims Act even if their claims might otherwise be time barred.

We believe that Section 1631 is sound and should not be repealed. It is appropriate for the Government to assume liability for the activities of federal contractors engaged in the federal atomic weapons testing program. The government alone establishes the policies, makes the decisions and controls the activities relating to atomic weapons research, development and testing. In that respect, the contractors were essentially instruments of national policy. Under these circumstances, it would be unfair to leave them as parties to suits arising out of the Atomic Weapons Testing Program.

The liability of the United States is governed by the Federal Tort Claims Act (FTCA). Section 1631 substitutes the United States for contractor defendants in both pending and future suits alleging radiation injuries arising from this national defense program. The United States generally cannot be sued for such activities of the contractors arising out of their operations under the contracts. Plaintiffs in these special cases have the same rights against the United States as other FTCA litigants. This Statutory scheme presents a fair and reasonable resolution of the problems presented by the unprecedented litigation against the atomic weapons contractors arising from the vital assistance they provided to our national defense effort.

Section 1631 reflects the equitable balance between the interests of the alleged victims of the atomic weapons testing program and the United States. It precludes that visitation of expensive, time-consuming litigation upon the contractors who conducted that program pursuant to the government's guidance and in order to further the national defense. We urge the Congress to preserve Section 1631 intact and to reject any amendments to the pending DOD Authorization bill that would repeal it.

The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

BRUCE C. NAVARRO,
Deputy Assistant Attorney General.

Mr. McCLURE. Mr. President, I rise today to oppose this amendment repealing the Warner amendment. Supporters of this repealer view it as the proper mechanism for ensuring that persons who may have been injured as a result of the Federal Government's atomic weapons testing program have an avenue for compensation. Certainly, no one in good conscience can deny that the Government has an obligation to individuals injured by the testing program. However, this vehicle which would open the doors of the courts and, consequently the Federal purse strings, is simply not the fair or prudent way to deal with this issue.

The amendment is unfair to both the Government contractors and to potential claimants. Government contractors for the testing programs, principally the national laboratories, should not be held accountable for consequences of activities that were

conceived, directed and funded by the Federal Government. With a potential pool of 133,000 claimants, even if only 10 percent file a court claim, there would be 13,000 cases clogging the courts and tying up the national laboratories in defending claims instead of proceeding with their important national missions.

Equally important is the fact that potential claimants will be required to spend years litigating cases that, because of the passage of time, may result in little or no recovery. Statutory remedies have been provided for some classes of claimants in the Atomic Veterans Compensation Act of 1988 and in the Radiation Exposure Compensation Act passed by the Senate this week. Similar remedies should be crafted for others injured during the testing program.

Lastly, this amendment cuts against the grain of the conventional wisdom of the Congress in limiting suits against the Federal Government. It essentially would accomplish indirectly what we have never allowed directly—unlimited recovery payable out of the Federal Treasury through suits against contractors who are indemnified by the Federal Government. This measure could add between $5 and $10 billion to the Federal deficit, depending on the amount of awards granted to the claimants.

It is clear that passage of this amendment would not only be senselessly damaging to the ongoing activities of the important national laboratories with potentially grievous effects on the Treasury, but would also operate unfairly against those entitled to assistance.

MORNING BUSINESS

FARM BILL PRIORITIES IN CONFERENCE

Mr. DOLE. Mr. President, I appreciate the timely manner in which the Senate considered the Food, Agriculture, Conservation, and Trade Act of 1990.

I also fully realize that this would not have been possible had I or other Members more aggressively pursued amendments pertaining to the policy or the cost of the bill. That cost can be seen in the attached summary outlining projected CCC outlays associated with the final Senate package. Looking at CCC outlays alone, the bill is approximately $1 billion over budget.

Taking into account such items as shifts in FmHA lending from direct to guaranteed loans, as well as APHIS user fees, the cost of the bill is reduced relatively close to the baseline. However, one thing that stands out is the level of new authorization included in the bill. Based on current estimates, the amount of newly authorized spending may exceed $5 billion.

I had hoped to provide this information last Friday, but the budgetary analysis of the final bill had not been completed.

This Senate stated on last Friday that what we have ended up with is more or less an extension of some of the policies adopted in 1985. But nonetheless, there are serious problems with the bill passed by the Senate. We have placed a support floor in the dairy program which will create an over-budget cost of $2.3 billion over the 5-year life of the bill. There is a high-price bonus plan which would provide a handout to producers each time the USDA incorrectly projects season-average prices 1 year in advance. Aside from a lack of sound reasoning for this program, it is estimated that this provision could add up to $1.5 billion over 5 years. We have effectively raised the target prices on oats and barley, and allowed the programs with hidden consumer costs such as sugar and peanuts to come through unscathed. The loan rate package consists of two plans; one which would undermine our export competitiveness and another which would cause administrative difficulties in implementing the policy, and most likely result in excessive advance deficiency payments.

There are still many problems with this bill, problems which represent a reversal of the market-oriented policies adopted in 1985.

I assume we will go to conference upon completion of the budget summit talks, or face the implications of a 38 percent sequester if the conference does not act responsibly. It is and will continue to be irresponsible to assume that agriculture will be exempt from budget reckoning.

I hope the conferees will be able to work in conference with these realities in mind so that we may wrap up with a bill that keeps the budget, the consumer, the taxpayer, and the long-term interests of producers in mind.

I ask that the summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OUTLAYS FOR FISCAL YEAR 1991–95—CHANGE FROM MID-SESSION REVIEW BASELINE—COMMODITY BY COMMODITY

[In millions of dollars]

Commodity	Committee bill	Senate passed	Change
Dairy	2,317	2,317	
Honey	116	−183	−299
Wool/Mohair	−26	−69	−43
Wheat	1,167	28	−1,139
Corn	208	−2,240	−2,448
Sorghum	9	−190	−199
Barley	126	38	−88
Oats	94	87	−7
Net Oilseeds	488	488	0
Cotton	564	534	−30
Rice	71	26	−45
Sugar	0	0	0

OUTLAYS FOR FISCAL YEAR 1991–95—CHANGE FROM MID-SESSION REVIEW BASELINE—COMMODITY BY COMMODITY—Continued

[In millions of dollars]

Commodity	Committee bill	Senate passed	Change
Tobacco	0	0	0
Peanuts	0	0	0
Conservation [1]	100	100	0
CCC commodity subtotal	5,234	936	−4,298

[1] Increased deficiency payments due to water quality incentives provision. Not included elsewhere.

THE COHEN B-2 AMENDMENT

Mr. HEINZ. I want to comment on Senator COHEN's amendment, which I support. This is an extremely far-reaching issue, and I fully recognize the implications of the Cohen amendment—no less than others here—and, like our colleagues, I am determined that our deterrent remain firm and reliable. However, the time has come to reassess this program honestly and realistically.

The issue, Mr. President, is larger than the B-2 itself. The more important question is whether there is still a realistic case to be made for bombers at all—and in particular, a penetrating bomber. The triad—that is, missiles, submarines, and bombers—apparently served us well during the cold war, when we needed to make clear to the Soviet leadership that the United States was willing and able to fight a nuclear war, that we would engage in all-out conflict rather than surrender and accept Soviet domination.

At the time, our maintenance of a bomber force was yet one more signal of our resolve, particularly when we were faced with the possibility that the Soviets might be tempted, as their doctrine then dictated, to destroy the United States land-based deterrent force by surprise during a crisis. In retrospect, this may sound outdated and irrational, but the Soviet leadership of the time itself was somewhat outdated and hardly rational when it came to such matters.

Even, then, however, it was unclear what our bombers were going to do in wartime except exact revenge, a task they shared with the strategic submarine fleet. The Air Force disagrees, of course; we are told now, as we were then, that American bombers are needed to strike at mobile targets within the Soviet Union, from missiles to Army divisions, during a protracted nuclear conflict.

This scenario is sheer science fiction, especially today. If a major Soviet-American conflict took place today, bombers would find nothing of value left to destroy in the U.S.S.R. Soviet strategy does not envision waiting around for American bombers to find and destroy precious targets; the first

exchanges of intercontinental missiles will leave little for the bombers to do once they arrive—I should say if they arrive—at their destinations within the U.S.S.R.

Let us reflect on this for a moment: We are forced to envision a situation in which, through some terrible sequence of events, the United States and the Soviet Union have actually begun to engage each other in nuclear combat. Each side will strike at the other's nuclear forces and communication structures, immediately destroying the cores of our respective societies. The majorities of both our populations will be killed, and both of our economies will collapse.

Yet, we are asked to believe that the outcome may yet be decided by 75 pilots scouring the remnants of the Soviet Union for targets that are not yet destroyed. This strikes me as irrational. It's not that I reject the goal of seeking to prevail under such horrible circumstances, Mr. President; rather, I question that our survival or defeat will rest on a group of airplanes roaming the Soviet Union hours after that country has effectively ceased to exist.

Leave aside the question of war for the moment; central nuclear war between the United States and the U.S.S.R. was never likely and it is becoming less so. We have also been told that the B-2 will enhance deterrence, even if its missions are unclear or secondary to the missions to be performed by land and sea based components of our deterrent.

But how? Are the Soviets somehow less likely to attack us because we can threaten to bomb secondary targets in the U.S.S.R. long after the missiles on both sides have flown? Remember, Mr. President, that the Soviets granted significant concessions to the B-2 on the START Treaty. Why do you suppose this is? Could it be because the B-2 is one of the least useful components of our strategic deterrent, one on which they felt they could afford to compromise? While we sought to secure the future of the B-2 during START, the Soviets were quite prudently exacting concessions of their own, forcing us to allow them to modernize the SS-18 missile, a much more threatening weapon than the B-2.

Mr. President, the fact of the matter is that we Americans have had a longstanding attachment to bombers because we believe that they allow us to play to our strenght, namely, air power. Since the end of World War II, we have placed more faith in the strategic bomber than any of our allies or the Soviet Union itself.

This faith in a penetrating bomber is misplaced. Furthermore, what kept the peace, and what continues to keep the peace, is American resolve coupled with American nuclear and conventional might. While I can certainly accept that there are some useful missions that such bomber forces can undertake, I would argue that the existence of these forces does not constitute the cornerstone of deterrence.

This brings me to the B-2 specifically. Let us even assume that the bomber mission is crucial to deterrence, unproven though that assumption may be. We will then hear over and over that our B-1 bombers will not be able to penetrate improved Soviet air defenses in the next century and carry out those missions, due to putative improvements in Soviet defense due to take place soon. This supposedly leaves the B-2 as the only weapon available for those missions.

Mr. President, this is nonsense. Soviet air defenses are competent, but they are not superhuman. Since 1980, the Soviets themselves have reorganized their air defense no less than three times, each time finding that they were dissatisfied with the results. It is ironic that we apparently have more faith in their defenses than they do. You see the rationale here: We need to maintain a bomber threat, and the B-2 is the only credible instrument of that threat. Both are dubious assumptions.

So what are we left with? Occasionally, the Air Force tries to tell us that the B-2 can be used for conventional missions in Third World hot spots. But if the whole point of developing the B-2 was to overcome Soviet air defenses, then why do we need 75 to overcome Third World air defenses? And one might wonder, too, if the Air Force is willing to risk an $860 million bomber for a mission that could just as easily be performed by an F-111 or B-1B? Mr. President, I'm afraid that this argument only shows how desperate we have become to find some rationale, any rationale, for a bomber whose time has gone.

Let me conclude, Mr. President, by saying that I am neither naive or complacent about the continuing threats to our security. The situation is the Soviet Union has yet to stabilize, and there is always a small but finite risk of conflict with the Soviets or others. But I am more than confident that our deterrent is a stable and convincing one, even without the B-2. It is time we recognize that our years of solid dedication and attention to our military requirements have finally begun to bear fruit, and we should not jeopardize that achievement by chasing down yet another weapons system that will serve only to drain our Treasury while adding little to our security.

COMMENDING THE STAFF OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to take this opportunity to praise the staff of the Committee on Agriculture, Nutrition, and Forestry.

On Friday, July 27, the Senate passed the 1990 farm bill, the Food, Agriculture, Conservation, and Trade Act of 1990. This important legislation represents a major bipartisan effort that will guide the Nation's agricultural policy for the next 5 years. In addition to the traditional farm bill titles the 1990 farm bill contains the most significant revision in food aid and trade laws in 25 years; a research title which will refocus agricultural research for the 21st century; the first forestry title, which implements the most important revision of national forestry laws in 14 years; the first fruit and vegetable title; breaking of the "Circle of Poison" by banning the export of pesticides prohibited from U.S. farm use; and a conservation title that protects our Nation's wetlands and farmers.

The 1990 farm bill passed the Senate in a sweeping 70 to 21 vote. The passage of the bill in this body would not have been possible without the professionalism and dedication of the Agriculture Committee staff. Their efforts were a model of competence and diligence for the entire Senate.

Senior counsel, Bill Gillon, deserves special recognition for his outstanding professional effort, which included drafting the thousands of pages of the farm bill as well as 82 amendments. His resolute efforts were instrumental in translating ideas into effective legislation. Often working throughout the night into the mornings and on many weekends, Bill's dedication exemplifies the true spirit of the Agriculture Committee staff.

Chief economist, Bob Young, spent countless hours crunching numbers for the committee to ensure that the bill's cost fell within budgetary constraints. During markup negotiations, Bob's impressive knowledge of commodities provided the guidance necessary to reach successful agreements within the committee.

Janet Breslin, deputy staff director, did a tremendous job shaping the dairy and trade titles of the farm bill. Her strong conviction and determination guaranteed successful negotiations. Janet and legislative fellows, Jim Phippard and Lisa Witt, combined their extensive knowledge of foreign food aid to create landmark revisions in the Food for Peace Program.

Deputy chief counsel, Ed Barron, spent endless hours on a number of issues critical to the committee's success including nutrition, fish inspection, rural development, and farm credit. His assiduous attention to detail in the drafting of legislation and his extraordinary ability to forge compromises on the most difficult issues have greatly aided the committee's work.

Professional staffer, Tom Hebert, was instrumental in shaping the complicated conservation title. His perseverance and knowledge of environmental issues and farming practices contributed immeasurably to the effectiveness of the legislation. Professional staffer, Tom Tuchman's extensive background in forestry management made it possible for him to develop the first forestry title ever included in a farm bill.

Professional staffer Kathleen Merrigan's tireless efforts and patience led to comprehensive legislation that creates a first-ever national organic certification program and revamps important agricultural research programs. Her uncanny ability to pull together diverse interests contributed greatly to the success of the committee's efforts.

Professional staffer, Margaret Huessy, worked diligently on some of the farm bill's most difficult issues. Her knowledge of complex commodity programs and farm credit greatly facilitated committee negotiations.

Senior counsel, Carolyn Brickey, and communications director, Jon Haber, spent endless hours developing consensus on difficult policy issues of the fruit and vegetable title. Together they worked to end the circle of poison which allows dangerous pesticides to reenter the United States on the surface of imported produce.

Jon Haber and deputy press secretary, Julie Bernstein, did a superb job keeping the press informed of the bill's progress as it made its way through the committee and the Senate. Their ability to translate complex agricultural issues for the press, and operate under severe time constraints ensured that the public was well informed.

Special counsel, Ken Ackerman, and legislative fellow, Lisa Witt, worked diligently to negotiate crop insurance provisions. Ken's legal expertise and knowledge of commodity futures trading have been invaluable to the committee. Professional staffer, Lynette Wagner, only with the committee for 6 months, made significant contributions to the commodity titles. She has impressed the committee with her endless energy and dedication.

Legislative staff assistance Andy Fish and Laura Madden provided essential research information and writing efforts that added immeasurably to many titles of the farm bill. Andy's work on nutrition and Laura's work on rural development made a real difference in this legislation.

Bob Sturm, administrative clerk of the committee, orchestrated the work of support staff. His diligence and loyalty to the committee has kept the office running smoothly throughout the farm bill process. Staff assistances Valerie Callands, Alan Surchin, Mary Kinzer, Annalisa Milas, and Sylvia Gaudette worked long hours cheerfully and diligently. Without the tremendous efforts of Bob and the support staff, the committee would have had difficulty proceeding with the hectic agenda.

Chief clerk, Chris Sarcone, along with Cynthia Neuwalder and Mary Byrne, coordinated the more than 22 markups and 80 hearings held in preparation for the 1990 farm bill. Their proficiency and attention to detail ensured that committee markups proceeded efficiently and that the voluminous committee records were in order.

Jasper Womack from the Congressional Research Service and legislative fellow, Keith Bulatto, provided invaluable assistance to the committee throughout the process. Jasper's hours of research on grain quality provided a solid underpinning for the committee's legislation. Don Finch, the committee printer and Tim Young, his assistant, ensured that the committee paperwork was in order.

I am especially pleased that the Rural Partnerships Act of 1990 was included as an amendment to the 1990 farm bill. I would particularly like to thank Jim Cubie, Ed Barron, Carolyn Brickey, and Laura Madden for their dedicated perseverance on this issue. Their strong belief in this important issue during the past year has made possible the inclusion of this amendment in the bill.

The committee as a whole is particularly indebted to Gary Endicott and Bill Baird from the Legislative Counsel's Office. They were always ready, willing, and able to respond to the committee's requests and lend their valuable expertise to the development of the bill. Gary and Bill took their responsibilities seriously and have always gone the extra mile to provide the committee with excellent work. We cannot thank Gary and Bill enough for their dedication and effort.

I would like to thank minority staff director Chuck Conner. As I mentioned before, the 1990 farm bill is a result of an impressive bipartisan effort. With the help and dedicated professionalism of Chuck and the minority staff, the committee was able to come to agreement on many contentious issues. The Agriculture Committee continues to operate in a bipartisan manner in large part because of the professionalism and cooperation of the minority staff.

I would especially like to commend staff director, Chuck Riemenschneider, and chief counsel, Jim Cubie, for their temendous contribution to the committee. Chuck is a good friend and his leadership of the committee staff and broad expertise in agricultural policy provided the committee with sound guidance on key issues. He has truly molded a superb staff. With his skill in Senate procedure and his familiarity with complex legal language, Jim navigated a steady course during drafting and passage of this legislation as he has for many years with me on this committee and previously on the Appropriations Committee.

Mr. President, the success of the 1990 farm bill is attributable to the concerted efforts of the Agriculture Committee staff. During the 7 days that this bill was debated on the Senate floor and in the months prior to floor debate, the committee staff demonstrated their loyalty and commitment to mission of the committee. I am proud to recognize their efforts and enter into the RECORD the names of those who served the Committee on Agriculture, Nutrition, and Forestry and the Senate so well.

The public rarely sees the work of Senate staff but they give so much to our country and its Government. Their sacrafice and long hours are shared by their families and I applaud them.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1990

Mr. SANFORD. Mr. President, I rise today in support of S. 1379, the Defense Production Amendments Act of 1990. I want to commend the bill's sponsor, Senator DIXON, for drafting this legislation and for his efforts and those of Senator RIEGLE, in illustrating for the committee the effects the declining defense industrial base has had on our entire national economy and our national security.

As the hearings began on the DPA in the Banking Committee last summer, the members of the committee were brought face to face with the inadequacies of the defense industrial base and the declining state of our national competitiveness posture in world markets. We heard testimony from industry representatives stressing the need for the United States to develop policies which would encourage them to undertake joint efforts in developing emerging technologies. And we have heard from Government representatives citing numerous studies which show the erosion of U.S. leadership in high-technology industries which have become vital to our national defense.

The Defense Production Act was originally adopted in 1950, in the early part of the cold war, and provided the President with an array of authorities to mobilize defense production, especially in times of national emergency. The legislation before us today expands the reach of the DPA and adapts it to reflect the changes that have occurred in the industry due to the reliance upon critical technologies that form the basis of defense industries as well as domestic industries.

At issue with this legislation is the sentiment that the defense industrial base and the civilian industrial base

have became indistinguishable and that the United States no longer maintains its leadership in producing such dual use technologies. As industry representatives have testified before the Senate Banking Committee, our industries today have come to rely increasingly upon foreign sources to supply key industrial products and we have "lost the indigenous capacity to produce key components of weapons systems essential to national defense." Provisions within S. 1379 offer support for American industries to foster new technologies and expand production capabilities.

The competitiveness problems our Nation faces with respect to both defense and civilian industries are critical to the stability of our national economy. The Office of Technology Assessment examined the issue and laid bare the steps we need to take before we see improvements. Those steps include getting our Federal deficit under control; investing in human resources—improving education, training the modern work force, stimulating research at universities; and changing the focus away from short-term investments to long-term investments. Most of us recognize the need to improve in these areas, but we must not allow ourselves to be satisfied with the small accomplishments we may make in legislation today. We can no longer continue to mask the Federal deficit and get by with the appearances of improving the debt problem. We can no longer continue to make small contributions in the education of our children, offering them our support in name only. We can no longer continue our shortsighted investment practices.

Although S. 1379 does little to remedy our overall competitiveness situation, it has served to highlight the problem and establishes such issues as a priority for future legislation.

I support S. 1379 and the purposes for which it was drafted. I hope that we may build upon it as we work to improve our overall competitiveness position in the world market.

TRIBUTE TO JUNE M. COLLIER

Mr. HEFLIN. Mr. President, recently, the Automotive Hall of Fame honored seven individuals who have made an indelible mark on the automotive industry. I am proud to say that one of the recipients of the Hall of Fame's Distinguished Service Citation for 1990 is my constituent, June M. Collier, president and chief executive officer of National Industries, Inc. The hall of fame recognized June for her "lifelong, sustained superior performance" to the automotive industry.

Mr. President, I would like to include in the RECORD an excerpt from the Automotive Hall of Fame News citing June's accomplishments.

June M. Collier personifies today's successful businesswoman: she rose from modest beginnings, without the benefit of advanced educational degrees, and built National Industries, Inc., one of the industry's leading suppliers of automotive wiring, from a back-room job shop to a $130-million-a-year corporation.

Today, her business opinion is valued not only in automotive circles, but also among key government officials, who frequently call on Mrs. Collier for advice regarding pending legislation and regulations. Frequently, she is a guest on national radio and TV talk shows.

As president of National Industries, Mrs. Collier is responsible for a variety of commercial interests, including the manufacture of wiring harnesses for automotive, applicance, and aerospace needs; injection mold design and construction; machine tooling; manual and electric automotive antennae; and a variety of other products.

She is an active supporter of the presentation of the American industrial base and speaks frequently around the country on the issue of international economics. Mrs. Collier previously represented the Secretary of Commerce and the U.S. Special Trade Representative as a member of the President's Industrial Policy Advisory Committee.

She has been honored by inclusion in the Committee of 200, an organization limited to the top women business leaders in the country. She has testified before the U.S. Congress, dined at the White House, and appeared on numerous radio and television shows, including those of Larry King and Phil Donahue.

Mrs. Collier has written articles for a number of major publications, including the New York Times and USA Today. Articles about her have appeared in the Washington Post, Fortune, Savvy Woman, and the Journal of Commerce.

REMEMBRANCE OF DR. JOHN GRONVALL, FORMER CHIEF MEDICAL DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. AKAKA. Mr. President, earlier today I was informed that Dr. John Gronvall, who only recently stepped down as Chief Medical Director of the Department of Veterans Affairs, suffered a fatal heart attack while on vacation in the Outer Banks of North Carolina. I was deeply saddened to hear about this good man's untimely death—he was only 59.

Dr. Gronvall was a pathologist who had a long and distinguished academic career, reaching the position of dean of the University of Michigan Medical School, before coming to the Department of Veterans Affairs. At the VA, he worked his way up from Deputy Assistant Chief Medical Director for Academic Affairs to Deputy CMD and finally to Chief Medical Director in January 1987. In his 3-year tenure as head of the Nation's largest healthcare system, during the VA's worst budget crisis, he worked closely with Congress to help preserve the integrity of the VA's health care system.

Being new to the Senate Veterans' Affairs Committee, I knew Dr. Gronvall more from reputation than from personal experience. However, I know that my predecessor, the late Sparky Matsunaga, thought the world of him. I ask, Mr. President, that the text of a letter that Senator Matsunaga sent Dr. Gronvall, shortly before Sparky's own untimely demise last Easter, honoring the former CMD's contributions to the Nation's and Hawaii's veterans, be inserted in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 3, 1990.

JOHN A. GRONVALL, M.D.,
Chief Medical Director, Department of Veterans Affairs, Washington, DC.

DEAR JOHN: As you step down as head of the Veterans Health Services and Research Administration (VHS&RA), please accept my sincere gratitude and appreciation for your outstanding accomplishments in behalf of the Nation's veterans. Your distinguished career in the Department of Veterans Affairs (VA), after coming from the University of Michigan Medical School, has been marked by deep compassion for veterans and an abiding concern that they receive the highest quality health care their government can provide.

In your capacity as Chief Medical Director, and as Assistant, Deputy, and Acting CMD prior to that, you administered a medical system employing more than two hundred thousand health care personnel in 172 hospitals, 228 outpatient clinics, 116 nursing homes, and 16 domiciliaries. The magnitude of that task is not lost on those of us who have oversight responsibilities for veterans issues. But you did far more than manage employees and ensure the smooth operation of hundreds of health care facilities—you helped guide the organization through some of its most difficult years, when budget cuts threatened to undermine the system and the Legislative and Executive branches skirmished over fiscal priorities. On many occasions, your calm demeanor and forthright answers at Senate Veterans Affairs Committee hearings helped forestall serious misunderstandings between the Administration and Congress. Finally, you led VHS&RA into the 1990s, helping prepare the service for a veterans population significantly different in character from that which existed in previous years, as the VA made the difficult transition from an independent agency to a cabinet-level department.

John, I am particularly grateful to you for your responsiveness in addressing the concerns of the veterans of my state. At the Committee's oversight hearing in Honolulu, in April 1987, you displayed a rare sympathy for the unique health care requirements of Hawaii veterans, who had long been neglected by the mainland-oriented VA. By expeditiously organizing the Special Task Force on Hawaii Veterans Health Care and subsequently endorsing the group's recommendations, including the establishment of a medical center in Oahu and satellite health care facilities in the neighbor islands, you helped restore confidence in the promises made by our government to care for those who have worn the uniform. In

large measure due to you, Hawaii veterans are at last beginning to receive the attention they earned in sevice to their country, in peace as well as in war.

Thank you again for your outstanding contributions to the care of the Nation's veterans. I am pleased that we will continue to benefit from your wisdom and experience in your new capacity as a Distinguished VA Physician. Please accept my best wishes for continued success in the future.

Aloha and best wishes.

Sincerely,

SPARK MATSUNAGA,
U.S. Senator.

Mr. President, I think that Sparky's letter hints at the many contributions Dr. Gronvall made to veterans. By all accounts, he was a gifted man who had a flair for quietly doing the things that needed to be done to care for the collective health of the Nation's 27 million veterans. I am deeply saddened that, even as the VA is engaged in a far-reaching review of the entire VA health care system, we will no longer have the benefit of his sage advice and vast experience. We are all the poorer for his death.

In closing, Mr. President, let me express my sincere condolences to Dr. Gronvall's family, including his wife, Cynthia, and his two sons and daughter. As they have lost a fine husband and father, we have lost an outstanding public servant whose contributions we are only just beginning to measure.

RISK REDUCTION INITIATIVE AND TRIBUTE TO GENERAL ELLIS

Mr. NUNN. Mr. President, at the June summit Presidents Bush and Gorbachev signed an important declaration committing the two nations to pursue additional nuclear confidence-building measures. The United States-Soviet "Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability" includes a section which reads as follows:

> The sides will pursue additional measures to build confidence and ensure predictability of the military activities of the United States of America and the Union of Soviet Socialist Republics that would reduce the possibility of an outbreak of nuclear war as a result of accident, miscalculation, terrorism, or unexpected technological breakthrough, and would prevent possible incidents between them.

The fiscal year 1991 defense authorization bill reported by the Armed Services Committee includes an amendment sponsored by myself and Senators WARNER and WIRTH that commends President Bush and President Gorbachev for committing our two countries to this undertaking. The amendment urges President Bush to pursue two initiatives with the Soviets pursuant to this commitment. First, the provision urges the President to invite the Soviets to join with us in conducting separate but parallel, comprehensive reviews of each nation's respective nuclear control procedures and failsafe mechanisms. Second, it urges him to propose to the Soviets that the two sides explore possible expanded roles and functions which could be performed by the existing United States-Soviet nuclear risk reduction centers.

The provision also requires a Presidential report assessing various nuclear risk reduction measures which could be considered pursuant to the summit agreement. These include:

First, a list of options for expanded roles for the nuclear risk reduction centers;

Second, putting PAL's on all our nuclear weapons, including those deployed at sea; and

Third, installing post-launch autodestruct mechanisms on our ICBM's and SLBM's.

Mr. President, I would emphasize that the amendment does not direct the installation of these failsafe devices; rather, it asks the executive branch to assess each option and report its conclusions to Congress.

As many of my colleagues are aware, I have been engaged in discussions this year with Secretary Cheney with regard to my interest in persuading him to order a top-to-bottom, A-to-Z review of our failsafe procedures. I wish I could report that the Secreatry's response has been completely positive, but I cannot. However, we are continuing to discuss the matter.

It has been 4 years since the Defense Department conducted a comprehensive review of its nuclear safeguard and control procedures. Much has changed since then. In my opinion, the need has increased both for absolute guarantees against an accidental or unauthorized use of a U.S. nuclear weapon and for the U.S. Congress to gain a greater awareness of existing failsafe procedures. Having won the cold war, it would be truly tragic if a nuclear war now broke out inadvertently.

I am sure that we all agree that the ethnic, national, economic, and political turmoil in the Soviet Union has given rise to some very valid concerns on our part about the safekeeping and control of their nuclear weapons. According to Aleksandr Katusev, the Soviet Union's chief military prosecutor, a quarter of a million weapons are now missing from Soviet storage centers, and the stolen weapons are not just firearms but also artillery, land mines, and surface-to-air missiles. If we are to persuade the Soviets to review their controls over nuclear weapons and their failsafe procedures, it would obviously help if we volunteered to review our own procedures in parallel with their review.

Mr. President, as I mentioned, this provision also recommends expanded roles for the United States-Soviet nuclear risk reduction centers. Senator WARNER and I were very involved in their creation, and we certainly think they have made a useful contribution since their operations began in 1988. Nonetheless, the actual functioning of the centers is a far cry from what Senator WARNER and I originally envisioned—or, for that matter, from what we agreed with Robert McFarlane when he was serving as President Reagan's National Security Adviser in 1985.

The unfortunate reality is that over 97 percent of the centers' operations involve passing messages and arms control notifications. This is an appropriate and useful function for the centers to perform, but we saw an equally important role for the centers in such critical areas as discussion centers for joint efforts to anticipate and plan for possible nuclear terrorist contingencies. As the centers take on notification responsibilities for the nuclear testing treaties, START, and other arms control agreements, their concentration on communications functions will become even greater.

When Senator WARNER and I reached agreement with the Reagan administration in 1985, on a modest set of initial responsibilities for the centers, we made it clear that we reserved the right to revisit this issue once the centers got a few years of practical experience under their belt. I believe the time is now right to take this up again—especially in light of the Bush-Gorbachev summit agreement on pursuing additional nuclear confidence-building measures.

Our amendment identifies a list of possible additional roles for the centers and asks the administration to evaluate them. With this report in hand next year, we can be better informed in deciding whether to mandate changes in the operations and orientation of the centers.

Mr. President, with these important nuclear risk reduction initiatives in mind, it is particularly appropriate that we pause to remember and pay tribute to one of the earliest and most farsighted advocates of finding ways to prevent inadvertent crises between the United States and the Soviet Union, Gen. Richard H. Ellis.

General Ellis died last year on March 29, after a courageous battle with cancer, and was buried with full military honor at Arlington National Cemetery. General Ellis was a true military professional and an accomplished diplomat who served his country with distinction in time of war and peace.

Born in Laurel, DE, where he completed elementary and high school, General Ellis received his bachelor of arts degree in history from Dickinson College, Carlisle, PA, in 1941, and a law degree from Dickinson School of

Law in 1949. During World War II, he served with the 3d Bombardment Group in Australia, New Guinea, and the Philippines, and flew more than 200 combat missions in the western Pacific area. Later in his Air Force career, he held such important positions as Vice Chief of Staff, Commander, Allied Air Forces Central Europe, and Commander in Chief of U.S. Forces in Europe.

As Commander in Chief of the Strategic Air Command, Dick Ellis understood that our Nation's security is underpinned by a strong nuclear deterent. As Ambassador in Geneva heading our delegation to the United States-Soviet Standing Consultative Commission, he understood the significant contribution which arms control can make to our security. And as an informal adviser to Democratic and Republican Senators on a host of important defense and arms control issues, including the critical area of nuclear risk reduction, General Ellis understood that our Nation's security is best served when the Congress and the executive branch work together.

The origins of the Nuclear Risk Reduction Center initiative date back to an Armed Services Committee hearing in 1981, when I talked to General Ellis who was the commander of SAC, about U.S. capabilities to identify the origin of a nuclear blast were a single weapon to be detonated over one of our major cities. General Ellis suggested I formally request that SAC conduct a study of this and other possible nuclear scenarios which had the potential to drag the United States and the Soviet Union into an accidental nuclear war. The SAC analysis which General Ellis directed showed that both the United States and the Soviet Union needed to improve dramatically their warning and attack characterization capabilities to deal with the use of a nuclear device by a terrorist or other third party is either peacetime or a crisis situation.

During that first conversation, General Ellis recounted to me his experiences as an Air Force commander in Europe, when use of constant communications channels available through the four nation air traffic control command post in Berlin prevented a number of instances where aircraft inadvertently strayed outside the designated corridors from provoking unnecessary hostilities. In his view, a similar communications network was needed between the superpowers to prevent inadvertent nuclear crises. This conversation planted the seed which 6 years later bore fruit in the form of the 1987 United States-Soviet agreement establishing the centers.

Dick Ellis was a friend and a valued counselor. He was a man of vision who never forgot his substantial operational experience and his time in combat. He was also a diplomat who urged that the United States and the Soviet Union work together for peace and stability. As the United States and the Soviet Union pursue the additional nuclear risk reduction measures called for in the June 1 joint statement, his expertise and wise counsel will be greatly missed. I know he would be pleased with this and other recent developments that hold such encouragement for a more peaceful and stable world. Our Nation must never forget men like Dick Ellis.

AIDS UPDATE

Mr. CRANSTON. Mr. President, according to the Centers for Disease Control, as of June 31, 139,765 Americans have been diagnosed with AIDS; 84,164 Americans have died from AIDS; and 55,601 Americans are currently living with AIDS.

Some 3,496 more Americans have developed AIDS and 2,256 Americans have died from this horrible disease during the month of May.

FUNDING FOR AIDS

Mr. President, the House has passed its fiscal year 1991 appropriations bill containing funding for Federal AIDS programs. The Senate will act after the upcoming August recess. In the meantime, both Houses will have likely passed the conference report to accompany the comprehensive AIDS care bill, to provide emergency relief to areas hardest hit by the AIDS epidemic. In addition to support for hospitals, clinics, community health centers, and other facilities, the bill provides for early intervention services and for HIV health services research. This legislation is the most important single Federal contribution to the war on AIDS we have yet enacted, and I will be joining Senators on both sides of the aisle in urging full and expeditious funding for its critically important provisions.

Health care in America is increasingly expensive, and so is our battle against AIDS. To do the research that needs to be done and to care for the people who now have AIDS requires an aggressive effort, both in terms of programs and funds.

The epidemiology of AIDS is so unique as to require a virtual assault of adequately funded programs to keep it from spreading through America and, indeed, the world. It is new: The appearance of AIDS, the spread of AIDS, and all our research and treatment programs have occurred within the last 10 years. The disease is preventable: Our need for a national education campaign has been intense and immediate. AIDS hits hard among inner-city, low-income groups with little or no ability to pay for needed care, and the resulting impact on hospitals and other parts of our health care system has been devastating. Hospitalization costs for people with AIDS are astronomical, and the number of people with AIDS who have no insurance is increasing. Drugs that slow the progress of the disease are extremely expensive, beyond the ability of many people with AIDS to pay for them, in whole or in part.

The twin goals of our Federal anti-AIDS effort have been to find a cure for the disease and to alleviate the suffering of those who are infected. We have made clear progress on both fronts. And there have been other, hopeful results. In the Los Angeles Times, Michael Schrage writes of the global aspects of AIDS research through which fundamental insights into the HIV virus and the immune system will likely provide insights into other diseases. Schrage quotes Dr. Anthony Fauci, director of the National Institute for Allergy and Infectious Diseases, as arguing that AIDS research cannot help but offer insights into degenerative diseases such as multiple sclerosis and autoimmune diseases such as lupus, and Schrage argues that "AIDS has become the engine for critical biomedical research in this country."

S&L WINDFALL PROFITS RECAPTURE

Mr. SASSER. Mr. President, I rise today to address the issue of fraud and windfall profits associated with the savings and loan debacle.

As this sad chapter in our financial history continues to unfold, it's increasingly clear that fraud has played a major role in the failure of numerous institutions. Indeed, the Resolution Trust Corporation suspects that fraud contributed to the collapse of 40 percent of the savings and loans it has investigated.

In too many cases, Mr. President, those who committed this fraud made a great deal of money. It is now the obligation of the bank regulators and the Justice Department to pursue these people to the fullest extent of the law.

However, in looking to the future, there is still enormous potential for fraudulent operators to profit at the taxpayers' expense.

Over the next several years the RTC, on behalf of the taxpayers, will be selling tens of billions of dollars worth of assets. There are 14,700 properties in Texas alone. Independent contractors—private parties—will sell all of these assets.

Mr. President, I cosponsored the Senate S&L crime package; I obviously think it's a very good bill. But I am concerned that financial fraud, by its very complex nature, will continue to be difficult to detect, investigate, and prosecute.

In fact, Mr. President, I think it may be beyond the ability of the RTC to

effectively monitor every transaction. And given what we know about the character and scope of the problem, there is a great probability that collusion, speculation, land flips, and other fraud could take place.

There is evidence that a wave of profiteering is indeed surging toward the RTC. We read in the newspapers about the "great S&L firesale". Mailings are going out from hungry consultants with the slogan "You too can profit on the savings and loan bailout" printed right on the envelope.

Mr. President, the taxpayers have already been swindled once in this process, we should not let them be swindled again.

Therefore, Mr. President, I am proposing the Congress enact legislation to permit the Treasury to recapture windfall profits that result from the sale of RTC property. If you purchase and then resell RTC assets, and you have an extraordinary profit, under my bill, you will have to share it with the taxpayers.

The savings and loan bailout is now projected to cost several thousand dollars for every American family. Under the bailout plan as it now stands, the taxpayers only share in the downside. Under my bill, they will have a chance to share in the upside.

My proposal is fairly simple: If you buy property from the RTC and you double your money in less than 3 months—in other words, if you sell it for more than twice what you paid for it—you pay a hefty tax on the excess gain.

My proposal would only affect properties purchased for over $250,000, so I am targeting sophisticated investors. This extra tax would be reduced, the longer the asset was held. After 2 years, there would be no extra tax. And the tax would only apply to the excess gain over doubling your money or over 100%.

I think this is a reasonable proposal. I do not think it will deter serious, long-term investors from bidding on RTC property. I do not think it will affect the prices that the RTC receives.

But I do think it will discourage speculation. It will help prevent manipulative and collusive activities. It will protect the taxpayers from being ripped off for a second time. And it will bring in some revenue to the Treasury that is sorely needed.

I think that the Justice Department and the bank regulators are doing a much better job in pursuing savings and loan fraud. But it is an extremely difficult task. And it will only get worse.

The asset sale that the RTC has planned over the next few years is unprecedented in size, scope, and monetary value. You can almost guarantee that fraud will be present—we must prepare now to stop it. The taxpayers need extra protection. And I think one of the easiest and most efficient ways to provide that protection is by bringing in the tax collector.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,966th day that Terry Anderson has been held in captivity in Beirut.

CHEMICAL DEMILITARIZATION ON JOHNSTON ISLAND

Mr. INOUYE. Mr. President, today I rise to speak on a matter of compelling urgency to the people of Hawaii and to the people of the Pacific.

At this moment, United States owned chemical weapons, which have been stored in Germany for nearly 25 years, are being packaged in secure containers, which are then placed in larger, secure containers, called milvans, for shipment by truck to Miesau, Germany. At the United States army depot in Miesau, these secure containers will be placed on railcars for shipment by train to the German Port of Nordenham. Once there, they will be placed onboard specially configured ships of the U.S. Ready Reserve force for transshipment to Johnston Island in the Pacific.

In recent weeks, as these plans, which earlier had been publicized, began to be implemented, they drew more attention and the weapons themselves came to be regarded as a more present danger by the people of Hawaii and the Pacific. As attention sharpened, suddenly, weapons which were stored in remote places, and largely out of mind, became a matter of urgent concern. In Yap, in Tuvalu, in Kiribati, and in other island nations of the Pacific, political leaders became alarmed. Many passed resolutions in opposition to the proposed shipment. In Hawaii, the state legislature and many city councils took the matter under urgent consideration. The Governor of Hawaii wrote to the United States Secretary of Defense imploring him to stop the shipment of chemical agents to the Pacific.

Mr. President, my constituents fear these chemical weapons, as well they should. Of all the horrible weapons produced by man, perhaps none instills fear as readily as chemical agents—the nerve gas which silently strikes the central nervous system and incapacitates and kills those who come into contact with it. These agents, these weapons, are to be feared, for they are extraordinarily dangerous. I do not deny or disparage the fears of my constituents, Mr. President. Indeed, I share them.

I will say that many of the fears expressed by my constitutents are not grounded in fact and arise because they have not been provided adequate or timely information on the program of chemical demilitarization on Johnston Island. U.S. military officers and Defense Department officials responsible for the safe and secure movement and destruction of these weapons have not been as forthcoming as they should have been in responding to the swell of public unease. Their concern over the safe and secure transport is commendable; their failure to grasp the significance of public concern is inexcusable. My constitutents unnecessarily have been subjected to unfounded rumors and speculation which have fed natural anxieties and increased opposition to the planned destruction of chemical weapons on Johnston Island. Fear is often accentuated by uncertainty, and uncertainty is compounded by a lack of knowledge. Today, I hope to provide information which will help to dispel that uncertainty and reduce those fears. Let me state from the outset that I support the plan to incinerate these chemicals—at very high temperatures which destroy the agents and break down their chemical makeup—as the best available means of ridding the world of these horrible weapons. Let me state a simple truth—if we are to rid the world of chemical weapons, they must be destroyed.

Mr. President, when the Senate begins the August recess, I, along with senior staff on my Defense Appropriations Subcommittee, will travel to Johnston Island for an onsite inspection and review of the safety of procedures for the destruction of chemical weapons at the Johnston Atoll chemical agent disposal system. To provide further assurances to my constituents and the people of the Pacific region, I have received approval from the Secretary of Defense to invite members of the news media to travel with me. Arrangements for a media pool are presently being made by the public affairs office of the commander-in-chief of U.S. Forces in the Pacific.

Mr. President, today, recognizing that the concerns of my constituents cannot await my inspection of the facilities on Johnston Island, I hope to respond to the questions which have so troubled my constituents and others in the Pacific. Let me assure everyone concerned that I am not holding back any information. The only classified information which I know and which I am unable to release is the actual date on which the shipments will begin and the exact route of the voyage.

Mr. President, I will now address the principal questions which have been raised.

First, is Johnston Island, in the Pacific, to become a dumping ground for U.S. chemical weapons or the U.S. chemical weapons stockpile?

No! By percent of agent tonnage, no more than 6.6 percent of the U.S. chemical weapons stockpile will be destroyed on Johnston Island. The Secretary of Defense, in a letter to Gov. John Waihee, has unequivocally stated, and I quote, the total percentage that will be destroyed on Johnston Island is 6.6 percent. The rest will be destroyed within the continental United States at the locations where they are currently stored.

Second, where are chemical weapons stored and where will the stockpiles be destroyed?

In accordance with the letter of Secretary Cheney to Governor Waihee, dated 20 July 1990, the following is the distribution by percent of agent tonnage of the United States chemical weapons stockpile. Within the continental United States, these chemicals will be destroyed at the locations where they are stored.

	Percent
Tooele, UT	42.3
Pine Bluff, AR	12.0
Umatilla, OR	11.6
Pueblo, CO	9.9
Anniston, AL	7.1
Aberdeen, MD	5.0
Newport, IN	3.9
Lexington, KY	1.6
Johnston Island	5.2
Europe (Germany)	1.4

Third, apart from Johnston Island, are any chemical weapons stored in the Hawaiian Islands.

No!

Fourth, will Soviet chemical weapons or those of other nations be destroyed at Johnston Island?

No! While I hope that the lessons learned and the technologies developed at Johnston Island will be broadly shared in order that we may hasten the day when the world is free of chemical weapons, no additional chemical weapons will be destroyed at Johnston Atoll.

Fifth, is the destruction of chemical weapons proceeding without adequate testing of the facilities?

No! Construction and testing of the Johnston Atoll chemical agent disposal system began in 1985. In the 5 years which have since passed, numerous and increasingly stringent tests have been conducted to ensure the integrity of construction, the adequacy of safeguards, and the safety of processes employed.

As part of an ongoing 16-month operational verification test chemical agents will be incinerated. Frequent, periodic reports will be made to assure compliance with the provisions of the Toxic Substances Control Act and the Resource Conservation and Recovery Act.

Sixth, why are these weapons being transported to Johnston Island instead of being destroyed where they are located in Germany?

These are United States owned chemical weapons which were stockpiled in Germany for use by United States Forces in time of war. The introduction of chemical weapons into Germany by the United States was covered by the terms of the underlying status of forces agreement between the United States and the Federal Republic of Germany. Under that agreement it is our responsibility to remove these weapons. The decision on the timing of withdrawal was made by the Secretary of State in consultation with our German allies. Frankly, I believe the decision on timing was made because the removal of chemical weapons was believed to be a positive step which would encourage counterpart measures by the Soviet Union.

Seventh, will the ships transporting the chemical agents from Germany pass within the State territorial waters of Hawaii?

No. While the exact route of the vessels must remain secret to guard against any possible acts of terrorism, the ships will not pass within Hawaiian waters. Although the initial plans indicated that the ships might call at Honolulu after all chemicals had been offloaded at Johnston Atoll, I have insisted that they remain outside Hawaiian waters at all times and I have been assured that they will not enter our waters at any time.

I should also note that the crew and officers of these ships will be highly trained members of the U.S. merchant marine. Moreover, the ships will be escorted by U.S. naval vessels while in transit.

Eight, will the U.S. chemical weapons in Germany be transported to Johnston Island before it is determined that the facility is operational and completely safe?

No. My amendment to the fiscal year 1990 Department of Defense Appropriations Act signed into law by the president on November 21, 1989, required that the Secretary of Defense certify to the Congress that the Johnston Atoll chemical agent disposal system had safely destroyed live agent chemical munitions prior to the transport of any chemical munitions or hazardous materials to the JCADS site. The Secretary of Defense made this certification to the Congress on July 23, 1990.

Moreover, I can assure all concerned that no transhipment will occur until after I have visited Johnston Atoll and have determined that satisfactory safeguards are in place.

Ninth, do the chemical weapons stockpile already on Johnston Island pose any danger to the Pacific region?

No. Adequate storage facilities have been constructed and the chemical agents are continuously monitored. However, prolonged storage therein poses risks to the entire Pacific. In time, the structure of the weapons themselves can degrade making them more volatile. For this reason, early destruction of the chemical agents in the best approach to avoiding such dangers in the future.

A NATIONAL AGENDA FOR HEALTH CARE REFORM

Mr. COHEN. Mr. President, the American health care system provides the finest, most innovative and technologically advanced care in the world. The latest in diagnostic and therapeutic hardware is available to Americans in virtually every region of the country. Advances and innovations in technology and surgical technique have dramatically improved the practice of medicine and have improved the quality of life for millions of Americans. However, while America's system is capable of providing the finest health care in the world, it is critically flawed. For all of its sophistication and technological expertise, our current health care insurance has failed to fulfill its primary mission to provide access to affordable quality health care for all Americans.

As many as 37 million people—at least one in every eight Americans—are without health insurance and are therefore denied access to even basic health care. In my home State of Maine, there are approximately 130,000 individuals who have no health insurance at all. They are not old enough for Medicare, not poor enough for Medicaid, and have limited or no access to health insurance provided through their employers. Working Americans and their families make up the great majority—80 percent—of the uninsured. Many have been denied coverage because of preexisting medical conditions. Most have simply been priced out of the market. Rising health costs and government-mandated comprehensive benefit packages have sent health insurance premiums skyrocketing, virtually precluding small businesses from providing adequate coverage for their workers and individuals and families of modest means from purchasing coverage on their own.

For the most part, the remaining uninsured are unemployed persons and their families who are near or below the federally established poverty level, but who are not covered under Medicaid. In actuality, Medicaid only covers about 40 percent of Americans who live below the poverty line.

The problem of access to affordable health care services is not limited to the uninsured. The problem of access is shared by the one-fourth of our Nation's population who live in rural areas.

Last year, I presided at a joint hearing of the Senate and House Aging Committees in my hometown of Bangor, ME. Together with my colleague from Maine, Representative

OLYMPIA SNOWE, I heard testimony which only confirmed what we already knew too well—that many rural Americans do not have adequate access to the health professionals and facilities necessary to basic health care. Our rural population tends to be older, poorer, and less likely to be insured than their urban counterparts. Rural residents also have higher rates of chronic health conditions than do urban residents. Rural Americans not only have a greater need for health care, but also a greater difficulty obtaining it.

The access problem is also shared by the growing numbers of elderly and disabled Americans in need of long-term care. The primary problem restricting access to long-term care for most Americans is cost. A nursing home patient in Maine today can expect to pay an average of $25,000 a year for care. Since less than 2 percent of America's elderly have long-term care insurance, the cost for such care is borne almost entirely by individuals, their families, and finally, only after personal resources have been spent down to the poverty level, Medicaid.

In the near future I will be introducing legislation setting a national agenda for health care reform. The legislation addresses the three major problems plaguing our current health care system: quality, affordability, and accessibility. It is comprised of five major components which are designed to: First, make health insurance more accessible and affordable for individuals and small businesses; second, make health care services more available for rural Americans; third, reduce health care costs; fourth, provide for medical liability reform and the development of national standards of care; and fifth, increase access to coverage for long-term care.

PROVISIONS TO MAKE HEALTH INSURANCE COVERAGE MORE ACCESSIBLE AND AFFORDABLE FOR INDIVIDUALS AND SMALL BUSINESSES

As much as possible, individuals must assume the responsibility for the cost of their health care, allowing government to concentrate its resources on those Americans most in need. My proposal will call for the elimination of existing barriers to coverage and will provide special tax incentives for individuals and small businesses wishing to purchase health insurance.

A major impediment to expanding private coverage is the proliferation of Government-mandated health benefits that must be included in all policies offered for sale. A recent study estimated that as many as one-quarter of the uninsured lacked coverage because they had been priced out of the market by increases in State-mandated benefit laws. More than 640 specific State mandates now require insurers to include particular benefits in health plans such as mental health, podiatry services, chiropractic care, and alcohol and drug-abuse treatment. While such services are important, these requirements price insurance coverage out of reach for many individuals and small businesses. I will propose calling for the preemption of State-mandated benefits and for the development of a uniform, low-cost, minimum benefit package that would be available for purchase by individuals and businesses nationwide. Individuals choosing to pay more for comprehensive coverage could certainly continue to do so. However, the availability of a no-frills package would help ensure universal access to affordable basic coverage for hospital, physician, primary, and preventive care services. The legislation will also call for the development of a plan for standardizing and simplifying public and private insurance forms and procedures to facilitate comparisons between policies and to expand consumer choice.

The bill will also provide for the development of State-run risk pools for the medically uninsurable. Individuals who are uninsurable because of a preexisting medical condition would have the option of purchasing—or having their employer purchase—health insurance from a State pool. The legislation authorizes a block grant program for States to develop programs for individuals who are uninsurable. Twenty-four States, including my home State of Maine, have already provided for the creation of such pools.

This section also would provide parity for self-employed persons and unincorporated businesses by granting them the same 100-percent deduction for health benefit costs granted to incorporated businesses. Currently, 2 million of the estimated 37 million uninsured are self-employed. In addition, unincorporated small businesses are about half as likely to provide health care coverage to owners and workers as incorporated businesses of a comparable size. Enactment of the full 100-percent deduction for health benefit costs should encourage greatly expanded coverage for these individuals.

This section also incorporates legislation I introduced earlier in the session to provide a refundable tax credit to help the cost of the insurance premiums for low- and moderate-income individuals and families not covered by employer-provided plans. A credit of 60 percent would apply to premiums of up to $1,200 for individuals and $2,400 for families. Individuals with adjusted gross incomes of less than $18,000 and families with adjusted gross incomes of less than $28,000 would be eligible for the full 60-percent credit. The credit would be phased out for individuals with incomes between $18,000 and $23,000 and families with incomes between $28,000 and $33,000.

Finally, the proposal would provide for expanded medicaid coverage to enable poor and near-poor individuals, not currently eligible for benefits, to buy in to the program, with premiums set on a sliding scale based upon income.

PROVISIONS TO MAKE HEALTH CARE SERVICES MORE AVAILABLE IN RURAL AMERICA

One of the most critical problems facing Americans in rural areas is the scarcity of doctors and other health professionals. My proposal will incorporate elements of legislation I introduced last year, the Rural Physician Shortage Act, which includes provisions to revitalize the National Health Service Corps and to increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas.

In addition, the bill will include provision of a special tax credit for health care providers serving in rural areas. It also includes provisions of a bill introduced by my distinguished colleague from Maine, the majority leader, which would provide Federal matching funds for communities wishing to finance medical education costs for local residents in return for commitments for community service. The legislation draws upon the experience of one of my constituents, Dr. Roger Pelli, who testified at the Senate Aging Committee hearing I chaired in Bangor last year about the innovative arrangement he has with six central Aroostook County towns. These communities levied a tax on each resident, then pooled their resources to finance Dr. Pelli's medical school education. In return, Dr. Pelli committed to 8 years of service to these communities upon his graduation. Federal encouragement of such creative and innovative arrangements in essential if we are to overcome the critical health manpower shortages plaguing rural areas.

PROVISIONS TO REDUCE COSTS

Health insurance alone will not ensure good health. It won't protect the smoker from the ravages of lung cancer or the heavy drinker from cirrhosis of the liver. Americans must be encouraged to engage in healthy behavior and to accept more responsibility for their physical well-being. My proposal would reduce health care costs by encouraging health promotion and prevention programs. It provides clarification that work-based prevention and promotion efforts are considered health benefits for tax treatment and provides incentives for the development of such programs in the workplace.

The legislation will also reduce costs by encouraging neighboring hospitals to band together to share costly high-tech equipment or services for which there is limited demand to eliminate duplication of services.

MEDICAL LIABILITY REFORM PROVISIONS AND THE DEVELOPMENT OF NATIONAL STANDARDS OF CARE

Medical malpractice costs have reached an estimated $5 billion annually nationwide. When legal costs are added, the estimated annual costs climb to $20 billion. The medical malpractice crisis has also had a serious negative impact on the availability of care, particularly in rural areas. Many family physicians have given up the high-risk practice of obstetrics because they simply do not deliver enough babies annually to justify the added cost to their malpractice premiums.

My proposal will require States to institute prelitigation screening panels which are charged with determining whether an injury has occurred and whether that injury has resulted from negligence. My home State of Maine has had great success in reducing medical malpractice costs enough through the use of these panels. As a result, malpractice premiums for both physicians and hospitals have declined.

The proposal will also direct the newly created Agency for Health Care Policy and Research to expedite the development of national practice guidelines and standards of care in order to ensure appropriate and effective care. Development of such guidelines and standards will also help to reduce the practice of defensive medicine, which is costing the American public as much as $121 billion a year. The legislation will also allow health care providers to use the practice guidelines as the standard of care in medical liability cases.

PROVISIONS TO INCREASE ACCESS TO COVERAGE FOR LONG-TERM CARE

Only 2 percent of our Nation's elderly have long-term care insurance. In order to increase access to coverage for long-term care, my proposal would reclassify long-term care insurance as health insurance rather than disability insurance for tax purposes. This would enable individuals to deduct long-term care expenses and would ensure that long-term care benefits would not be subject to income tax.

The proposal will also provide for the inclusion of long-term health care coverage in cafeteria benefit plans, and will allow individuals to roll over funding held in individual retirement account to long-term care insurance without penalty.

Mr. President, it is true that our health care system is plagued by serious problems primarily related to cost and access to care. However, there is much that is good about the American system, and, while these problems are critical, they are not terminal. I intend to propose an agenda for reform which builds upon the existing public-private health care partnership to preserve what is best about the American system. At the same time, it takes important steps toward resolving the problems plaguing the system and toward ensuring the availability and accessibility of quality health care for all Americans at a price they can afford.

TRIBUTE TO ROBERT W. PAGE, ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

Mr. THURMOND. Mr. President, I rise today to pay tribute to Mr. Robert W. Page, Assistant Secretary of the Army (Civil Works). Mr. Page has announced his intentions to step down from this post on September 1, 1990.

Mr. Page has served the Army Corps of Engineers for over 2½ years. He was originally appointed to the position of Assistant Secretary of the Army (Civil Works) by President Reagan in December 1987 and President Bush reappointed him in June 1989. Prior to his service with the Department of the Army, Mr. Page had a very distinguished career in the private sector as the chairman and chief executive officer of the largest engineering and construction firm in the world, Kellogg Rust, Inc. Mr. Page is also a veteran of World War II.

Mr. Page has provided able and dedicated leadership to the Department of the Army and the Corps of Engineers. During his tenure as Assistant Secretary, Mr. Page's work on the National Wetlands Policy Council helped to establish a sound wetlands permitting process—one that preserves this valuable resource, but also allows a sense of reasonableness to the process. In addition, he was instrumental in assisting many parts of our Nation recover from natural disasters by directing corps resources to these stricken areas. Moreover, Mr. Page very ably directed the recovery of Panama following Operation Just Cause. The manner in which Assistant Secretary Page handled the recovery of Panama provided stability to a potentially volatile situation.

The State of South Carolina is particularly appreciative of the invaluable assistance he has offered as the head of the Corps of Engineers. Mr. Page visited South Carolina with me during the drought of 1986 and following Hurricane Hugo in 1989. The two natural disasters were both, times of great need for South Carolina, and his leadership and assistance helped the State recover from those difficult times. It just so happened that it started raining the day we visited in 1986 and the drought was soon over. I knew that Mr. Page was a man of action, but I did not think he could solve problems so quickly. Mr. Page also played a very important role in the development of the Savannah Lakes Village in rural McCormick County, SC. This development provided an economic boon to McCormick County, and the project served as a model for the limited development of Federal lands.

It is largely through Assistant Secretary Page's efforts that the corps has become a more environmentally sensitive organization and is diversifying its mission to become a better partner in rebuilding the Nation's infrastructure. Mr. Page has developed and maintained a good working relationship with Members of Congress, and through his leadership and direction, the Army Corps of Engineers is now in a position to better serve the needs of the American people.

Mr. President, Bob Page is an outstanding man and patriotic citizen, and I consider him to be one of the finest assistant secretaries of the Army (Civil Works) with whom I have had the pleasure of working. I am sure that my colleagues would join me in thanking Bob Page for his dedicated service to our great Nation, as well as wishing him well in all his future endeavors.

RHODE ISLAND BIDS FOND FAREWELL TO SUPERINTENDENT JOSEPH ALMAGNO

Mr. PELL. Mr. President, we in Rhode Island must regrettably say a fond farewell to a prominent figure in education, Providence Superintendent, Joseph A. Almagno. Mr. Almagno has just retired from a long and distingushed career of nearly 30 years in education.

Beginning as a fourth grade teacher in Providence in 1965, Joseph Almagno launched a career which has, ultimately, placed Providence on the map as an example of a city which truly has developed extraordinary methods to deal with tragic problems plaguing our schools and society, most notably the school dropout situation. In 1970, Almagno went on to become an elementary school principal, and then, in 1973, began to hold a series of administrative posts in the Providence school system. In 1987, Almagno became the superintendent of schools.

The trademark of Joseph Almagno's tenure as the Providence superintendent of schools is also his legacy: the Providence School Partnership Program, a unique assortment of coalitions of educators, parents, community leaders, and members of the business and labor fields. These collaborative efforts have resulted in hundreds of thousands of Federal dollars for Providence schools in such critical areas as magnet schools and dropout prevention programs.

As a result of Joseph Almagno's efforts, the Providence School department is a member of at least 15 separate partnerships. With organized labor, Providence schools work with the Providence Teachers' Union in a teacher education initiative concern-

ing effective teaching and critical thinking skills.

A particularly successful series of partnerships have teamed the Providence schools with four postsecondary institutions in Rhode Island. Brown University and the Providence schools have joined together on three initiatives, including the coalition of essential schools, secondary teaching institutes, and drug-free schools program. The University of Rhode Island/Providence partnership has gained recognition for several initiatives, including the Providence dropout collaborative, a magnet schools program and the guaranteed admissions program. The Community College of Rhode Island and the Providence schools together run a highly successful tech-prep program. And finally, Providence schools and Rhode Island College collaborate to run an early childhood program at the West Broadway Elementary School.

Providence schools and the Rhode Island business community are also partners in several collaborative efforts. As but two examples, Providence schools work with the greater Providence Chamber of Commerce, a coalition which has yielded an adopt-a-school program for jobs for youth program, among other vital activities. Providence schools and the private industry council collaborate in operating the junior achievement and vocational exploration programs.

Perhaps the words of Joseph Almagno, himself, can best sum up his accomplishments: "We need a public policy where focus is placed on children and their families * * * no one discipline has the answer, but we must collaborate to find the answers * * * our initiatives must involve multiple agencies, parents, teachers, and students and address multiple problems." His words have truly taken root, not only changing the face of education in Rhode Island, but also across the country. Other cities are attempting to duplicate the efforts which Providence has implemented with the sterling leadership of Joseph Almagno, particularly in the area of school dropout prevention. To my mind the work of Joseph Almagno has dramatically improved the way schools will face a whole series of the social problems they face. We in Rhode Island have been extremely fortunate to have had such an innovative and dedicated leader at the helm in Providence, and I wish him the very happiest of retirements.

PARENTS AS TEACHERS

Mr. PELL. Mr. President, I am pleased to cosponsor S. 2366, the Parents as Teachers: The Family Involvement in Education Act of 1990. I offer my wholehearted support to this bill, and in doing so wish to highlight a successful program in East Providence, RI, which has been in operation since 1988. The East Providence plan was modeled after a program that began 9 years ago in Missouri and has produced exciting results.

Parental involvement in educating children is not a new concept. Rather, it has been of proven success in raising the achievement of children and facilitating the best possible education and future for young people. It is my sincere hope that this concept will be implemented throughout Rhode Island and the rest of the Nation as well.

In addition, PAT programs have also raised the level of literacy among participating parents, while providing parenting skills and a much needed support network, especially for new parents. Specifically, the parents as teachers program assists parents in dealing with child development and providing instruction in how to handle behavioral changes in their children as they grow, thus helping to alleviate a common source of tension and frustration for new parents. Of particular importance is that these programs provide the opportunity for meetings among these parents, allowing them to share experiences and offering a great source of moral support for parents of young children. Additionally, this crucial program can detect early signs of audio, visual, and cognitive delays or disabilities, which can often be cured if they are checked before a child enters kindergarten.

It is my belief that both children and parents would flourish given this great opportunity to develop to their fullest potential. With enhanced support from informed parents, children will live in homes which are truly the educational environment they should be. They will be in a better position to make smarter, healthier choices for themselves. And to my mind, this program should be encouraged and replicated nationwide, for it will be of significant benefit in addressing the school dropout and drug and alcohol abuse problems currently plaguing our schools.

Mr. President, this program is important for children, parents, and our entire Nation. It will help to launch a new generation of young people who will be provided with a goundwork for later successes. This program cuts across lines of age, occupation, income, race, and family size, giving all participants an equal chance to excel. I hope all of my colleagues will join me in supporting this important legislation.

ENERGY AND WATER MEASURE WOULD SAVE RHODE ISLAND LANDMARK

Mr. PELL. Mr. President, I am pleased to note that the Senate energy and water appropriations bill, which we have just passed, contains a provision to fund an important Army Corps action in Rhode Island that would save one of our most beautiful and evocative landmarks.

The Southeast Lighthouse sits as a proud beacon at the top of Mohgan Bluffs on Blocks Island, but this historical and architectural treasure is in imminent danger of falling into the ocean. It is a symbol of both Rhode Island and our New England maritime history.

The Southeast Light, built in 1873, is a truly remarkable structure and unique among all lighthouses. A massive red brick structure in the Victorian Gothic Revival style, it consists of a double cottage attached to an octagonal light tower.

This month the U.S. Coast Guard retired the light, which has been considered one of the primary beacons along the east coast, and activated a steel tower aid to navigation as a replacement.

A group of Rhode Islanders has been working since 1983 to save the original lighthouse. They formed the Southeast Lighthouse Foundation in 1987 and are working to raise the necessary funds to share 50 percent of the total expense of moving the landmark from the edge of the cliff.

The bluff upon which the light sits has been eroding for more than 100 years. The structure now is about 60 feet from the nearly vertical cliff. The situation is particularly alarming because more than 40 feet of land would be required to support the relocation.

Upon completion of the move, the Southeast Lighthouse Foundation envisions the establishment of permanent maritime and natural history exhibits on display and open to the general public at the light.

I joined with my colleague, the junior Senator from Rhode Island [Mr. CHAFEE], in offering an amendment to provide $970,000 to the U.S. Army Corps of Engineers in fiscal year 1991 to contract and oversee the lighthouse move.

I commend Senator CHAFEE for his work to save the Southeast Light and I thank the senior Senator from Louisiana [Mr. JOHNSTON] and the senior Senator form Oregon [Mr. HATFIELD] for accepting our amendment.

Although our amendment has been accepted and approved by the Senate, the lighthouse's future remains in doubt. The Senate has authorized and appropriated funds to move the lighthouse, but no similar action has occurred in the House.

I hope that the conferences on both the appropriations and authorization measures will agree to the Senate language, because the Southeast Lighthouse is the only light in the Nation facing immediate destruction.

GASOLINE PUMP PRICE GOUGERS

Mr. LEVIN. Mr. President, I want to direct the attention of the Senate very briefly to some very important news that is being reported across the country. It has to do with prices for gasoline that have reportedly risen as much as 12 cents per gallon in the last 24 hours in this country.

The reports are largely anecdotal at this point, but consumers in many States have been telling the media this afternoon that the price at the pump is rising fast. The Automobile Association of America-Michigan chapter put out a press release today saying that the Middle East crisis is already affecting pump prices. AAA-Michigan's survey of retail outlets shows jumps of 5 to 10 cents per gallon over a period of 3 days, some of those increases occurring overnight as news of the Iraqi invasion spread.

Some of my colleagues may have received calls in their offices as I have from Michigan.

Mr. President, it sounds an awful lot like the tremendous increase in home heating oil prices that occurred in the Northeast and Midwest during the bitter-cold winter of 1989.

In some cases, these increases doubled the heating bills of Michigan residents. The price rise caused serious, temporary, economic damage to many parts of the Upper Peninsula of Michigan.

We are moving very strongly to prevent this from happening again and I do not want this to happen with gasoline prices.

Mr. President, I want to warn those in our country who control gasoline prices and may consider taking advantage of consumers at this time. You may get away with price gouging for a short time, but we are coming after you. We will not let you get away with it. We are not going to let anyone hide behind the bitterness of war and the potential of energy disruption as an excuse to fleece the driving public.

That is why Senator LIEBERMAN and I have introduced legislation to make it a criminal offense for anyone to create a fuel shortage or probable shortage of fuel with the intent of manipulating prices. I urge my colleagues to cosponsor this legislation so every time that the Persian Gulf balance of power tilts, American consumers are not filling the coffers of greedy opportunists.

My warning is not just to profiteers, Mr. President. It is also to the administration and the Energy Department. I urge the Department to monitor this situation closely, to prosecute the price gougers, and to cushion the economic blow to consumers. This is an essential role for the Federal Government and I will be paying close attention to its progress as chairman of the Governmental Affairs Oversight Subcommittee.

NO REASON ON EARTH FOR PRICE INCREASE AT THE GAS PUMP

Mr. PELL. Mr. President, I wish to deplore today's panic driven price increases at gas pumps across America. I am told that at many gas stations in my home State of Rhode Island, prices were increased by 5 to 7 cents a gallon. It has also been reported that similar increases have taken place all across the country. There is no reason on Earth to increase prices so rapidly. Consumers deserve better treatment than this.

We learned some hard lessons from the Arab oil embargo of the early 1970's. We learned that the United States needed a strategic petroleum reserve and now we have a reserve of almost 600 million gallons. The Department of Energy has also stated that other domestic petroleum reserves are at a healthy level right now.

The Department of Energy has also said that there is currently no threat to oil availability in the United States and no supply-and-demand reason for price increases based on current information.

Iraq provides the United States with 8 percent of its imported oil and Kuwait currently provides us with about 1 percent of our imported oil needs. These figures do not warrant the panic pricing that consumers are now facing at the gas pumps.

I ask those who are involved in wholesale and retail sales of gasoline to move with caution and clear thinking in the pricing of gasoline.

TRIBUTE TO DR. JOHN GRONVALL

Mr. CRANSTON. Mr. President, I am deeply saddened to advise my colleagues of the sudden death yesterday of Dr. John A. Gronvall, the former Chief Medical Director of the Department of Veterans Affairs. Dr. Gronvall was on vacation in North Carolina at the time of his death.

This is terribly shocking news to all who knew John. I offer my sincere condolences to his wife Cindy, and to their children, Brad, Paul, and Jennifer.

There was not the slightest prior indication that John was not in the best of health. This tragedy came as a complete shock to all who knew John. We will all miss him very much.

John first joined the VA in 1983 after a highly distinguished career in academic medicine which concluded with the deanship of the School of Medicine of the University of Michigan.

His first appointment in VA was as the Deputy Assistant Chief Medical Director Academic Affairs. In September 1983, he became VA's Deputy Chief Medical Director, the No. 2 medical position. He served in that role or as Acting Chief Medical Director until January 1987 when he was named Chief Medical Director, the position he held until April 1990. After he left the CMD's position, he continued to serve the Department as a VA distinguished physician, his position at the time of his death.

John was an outstanding leader and manager in the VA system. He cared deeply about each individual as well as the health and well-being of all of our Nation's veterans. He provided the vision and leadership necessary for the Department to make great strides in developing programs to assure that veterans receive high quality care and to make increasingly efficient and productive use of available resources through innovative methods of budgetary allocation.

Mr. President, John was always forthright and direct in providing members of our committee and other Members of the Senate with assistance and information that reflected his great personal integrity.

John Gronvall was a good, wise, compassionate, and decent man. He was a fine leader. He was a first-rate public health official. He was someone I enjoyed very much knowing and working with. I know that I speak for all the members of the Committee on Veterans' Affairs in saying that we are all the less for his death.

BRUTALITY IN EL SALVADOR

Mr. McCAIN. Mr. President, I have heard reports today from El Salvador that in the northeastern province of Morazan, 11 Salvadorans were dragged from their homes and brutally murdered. Among those reported to have been killed were four children.

We do not yet know if these reports are correct in every detail. If they are true, we do not yet know who the killers are. Both the left and the right extremes of El Salvador's violent political culture are quite capable of committing such atrocities.

Mr. President, if these reports are true, if innocent men, women, and children have been slaughtered with guns and machetes to satisfy yet again the bloodthirsty madness of one terrorist or another in El Salvador, there is little I can say to adequately express my disgust and my grave, grave disappointment with the painfully slow process of establishing justice in El Salvador.

It is hard sometimes to keep hope. The merciless opponents of peace, freedom, and justice in El Salvador are too frequently successful in disrupting progress toward those conditions. It is

hard sometimes to keep hope. But we must, Mr. President.

We cannot, and El Salvador cannot, succumb to the determined ruthlessness of these criminals. This latest incident, if it has indeed occurred, must not serve as the pretext for either an FMLN offensive or a resurgence of right wing violence.

We in the United States must endure this setback, as we have endured others. We must not abandon El Salvador. We must not let El Salvador become the sole property of killers. I know that this is a formidable task. But we must find the courage to keep our faith in the ultimate triumph of freedom and to continue working toward that moment.

We will soon discover the details of this crime. I imagine we will soon have a good idea who is responsible. I will be among the first to condemn what has happened, and who has caused it to happen, and my condemnation will not be conditioned on who the guilty parties are. I long for the day when El Salvador will finally be free of the avarice, the powerlust, the tortured politics, and depraved philosophy of every type of Salvadoran killer. I wish them all an early encounter with God's justice.

Until that moment, let us not flag in our dedication to another, better El Salvador, at peace with itself and devoted to the rights of man.

TRIBUTE TO REPUBLICAN SUMMER PAGES

Mr. DURENBERGER. Mr. President, as we draw near to the summer recess, I wish to acknowledge and express appreciation for all of the Republican summer pages who have contributed so much to the U.S. Senate during the summer of 1990.

These young people came to us highly recommended by their communities for their intelligence and interest in Government and community affairs. They also demonstrated their energy, maturity, and commitment to the work of the Senate. They did their families, friends, schools, and their generation proud every day they served on the floor.

Mr. President, following are the names of the 32 Republican summer pages. Thanks and best wishes.

Jared Spahn, Warren Bloom, Megan McCray, Hayley Cashen, Heather Tucker, Christian Templeton, James Sparber, Kelly Walker, Sean Evans, Frances Lumpkin, Kristin Barkett, Amy Jackson, Heather Conner, Greer Blackwell, Amanda Bergner, Edouard Gershel, Andrew Ammerman, Rindi Savitt, Dax Dorough, Heather Ensign, Tom Danforth, Amanda Johnson, Jason Glaser, Will Bishop, Mary Long, John Liebengood, Darian Unger, Kirsten Palmer, Lori Benjamin, Damon Watkins, Kelsey Haddow, and Kelly Walker.

AMENDMENT TO ESTABLISH A NATIONAL COMMISSION ON SAVINGS AND LOANS

Mr. CONRAD. Mr. President, when the Senate considered a long-term debt extension, I intended to offer an amendment which would create a National Commission on Savings and Loans. However, because of the agreement on debt extension that has been reached, I will not offer that amendment. However, I come to the floor today to let my colleagues know that I will offer this amendment to the next appropriate vehicle that comes before this body.

As my colleagues know, there is a great deal of support for this concept. On July 31, the House passed a bill which included a provision to establish a commission to investigate the collapse of the savings and loan industry.

My amendment would create an eight-member commission to investigate the savings and loan scandal. It would have two duties: First, examine the structure that is in place to clean up the thrift industry to make certain that it will do the job—in a financially sound manner and one that will minimize the costs to the American taxpayers.

Second, the commission will investigate the reasons for the collapse of the thrift industry. They will report on their findings and recommend ways to prevent another financial collapse like the thrift crisis.

Mr. President, it is time for a full accounting of the S&L scandal. The American people have the right to know what caused this crisis and to demand that it does not ever happen again.

The first task must be to make certain that the regulatory framework that is in place is absolutely the best way to clean up the S&L mess. Every single aspect of the bailout has been bungled: the bureaucratic structure results in policy paralysis; the costs are multiplying; the authority lines are confused; politics prevents honesty on the resources necessary for the cleanup; S&L crooks are getting away with their loot; and there is a leadership vacuum within the cleanup apparatus.

We must not ignore these problems of the ongoing cleanup. Mr. President, the costs are growing—they have multiplied in just a few months. The administration itself admitted in May that the costs may be as high as $300 billion. The GAO puts its own estimate at anywhere from $325 to $500 billion. With these staggering costs—costs that our grandchildren will be bearing—we must act now. We must address the problems of the cleanup squarely and as quickly as possible. Making certain that our cleanup operation is efficient and effective will dramatically reduce the costs to the taxpayers.

Second, Mr. President, this commission will get to the bottom of the what caused the S&L collapse. The burden of cleaning up will be borne for years to come. The American people have the right to know exactly what caused the biggest financial scandal in this Nation's history. It is these American people who will make good on the commitment of the Government to insure deposits. They are demanding to know what caused the crisis and they want a guarantee that another crisis of this nature will not happen. A high-level, independent body can provide them with that accounting and, hopefully, that guarantee.

This is not the first time I have called for such a commission, Mr. President. On March 1 of this year I came to the floor of the Senate to express my concern about the ongoing cleanup operation. At that time, Mr. President, I called for a special investigatory panel to examine the operation of the S&L cleanup. Two weeks earlier, I had met with some of the most knowledgeable people in the financial services industry. They predicted that the estimated costs of the bailout would steadily increase. And that happened. We are now faced with aggregate costs of anywhere from $200 to $500 billion.

Mr. President, we have no other choice but to appoint an independent commission to first look into the short-term matter of what changes, if any, should be made in FIRREA to make the cleanup operation more effective and, second, to examine the longer term matter of the causes of the thrift industry collapse and recommend legislative or regulatory changes to prevent a similar disaster of this nature.

It is my hope that the Senate will adopt this amendment in the near future. After reconciling differences with the House, I hope a commission will soon be appointed.

CONFERENCE REPORT ON THE VOCATIONAL EDUCATION ACT

Mr. LAUTENBERG. Mr. President, yesterday the Senate approved the conference report on the Carl D. Perkins Vocational Education Act. I supported the conference agreement on this legislation, which authorizes critical dollars for vocational education programs nationwide.

I commend the chairman of the Education Subcommittee, Senator PELL, for the leadership he has demonstrated throughout consideration of this important legislation. His efforts in crafting this legislation and moving it through Congress demonstrate once again his commitment to improving

vocational education in this Nation. The chairman has been a good friend to the education community and has been tireless in his efforts to defend education programs.

I am particularly pleased that the Carl D. Perkins Vocational Education Act includes a $7.5 million authorization for a demonstration program I authored that is designed to address the significant barriers to education that confront so many of our Nation's low-income youth. The Senate version of the bill authorized $16 million for this demonstration program. The House bill did not include any funds. While I would have preferred to have this program authorized at $16 million, I am pleased that the House and Senate conferees agreed to provide $7.5 million to test this model program aimed at helping the poorest of the poor of America's youth.

Mr. President, under the demonstration program authorized in this act, the Secretary of Education would provide grants to establish a limited number of model educational centers throughout the Nation. The centers would be established in areas with especially high concentrations of children from low income families. Operated by the local school district or area vocational school district in which they are located, the schools would provide expanded services for these children in great need. While originally designed to address the needs of city youth, rural areas would also be eligible for funding.

I offered an amendment during Senate consideration of the bill to authorize $16 million to establish 10 center schools nationwide. My amendment was based on a bill I introduced along with Senators BRADLEY, MOYNIHAN, and SPECTER in August, S 1477, the Community Education Employment Center Act of 1989. The amendment had the support of Senators KOHL and HEFLIN as well. I testified before the Education Subcommittee of the Labor and Human Resources Committee on that bill.

I was pleased that Representative PAYNE agreed to introduce a companion to the bill in the House of Representatives and served as a conferee on the vocational education bill.

This demonstration program has support of vocational educators: the American Vocational Association, the National Association of State Directors of Vocational Education.

It has the support of professional educators: the American Federation of Teachers.

It has the support of people in the counseling profession—people who realize that we need to give our disadvantaged kids confidence and direction, if they are going to make the most of their education. The American Association for Counseling and Development supports the legislation.

It has the support of those who are on the front lines of urban poverty, trying to cope. It has the support of the National Urban League and the U.S. Conference of Mayors.

It has the support of business. In my State, businesses are facing labor shortages. While they have jobs that go begging for workers, there are workers that go begging for jobs. But they don't have the education. They don't have the skills. That's why the Business and Industry Association supports the legislation.

It has enjoyed the support of the State of New Jersey under both the past Republican administration and the current Democratic administration of Gov. Jim Florio.

Mr. President, the centers that would be created under this demonstration project are specifically designed to address the barriers to education for our Nation's poor children. The concept for the centers was developed after extensive consultation with numerous individuals who have been actively involved in education and education policy for many years. It responds to their specific concerns and recommendations.

The need to establish and test these model schools couldn't be greater. Although the Nation as a whole enjoyed economic growth, not everyone shared in the prosperity. Minority and youth unemployment is topping 30 percent. And while many suburban areas grew, many once great cities were overwhelmed by unrelenting poverty, homelessness, and joblessness.

If young kids from poor families are to be integrated into America's economic mainstream, they must meet the education and skills requirements of tomorrow's jobs. But not if they drop out of school. Not if they can't read and write.

Students in schools in poverty stricken areas are confronted with considerable barriers to graduation. Too many lack good role models. Too many have parents on welfare struggling to make ends meet.

America's poor teens are more than three times as likely to drop out of school to help support themselves and their families. Dropout rates in many urban schools are 50 percent or more. Dropout rates in rural schools average almost 16 percent, which greatly exceeds the average for suburban schools. Employment prospects for these kids are dismal at best. Too many lack the basic skills necessary to find jobs.

Traditional inner-city schools have been unable to surmount the formidable barriers to urban education. Urban school expenditures fall far below national averages. While our inner cities pay a higher than average proportion of their income to support schools, a shrinking tax base and poverty deny them the resources needed to launch the kind of effort required.

Rural schools in poor areas suffer as well. Those students who do graduate from many rural schools in poor areas are less prepared to deal with the demands of working life than many from more affluent areas. Many rural students from poor areas consistently perform more poorly in reading and writing.

We cannot let there become a permanent urban and rural underclass. We must assume a greater responsibility for the education of low-income youth.

Mr. President, the centers that would receive funding through this demonstration program would have the resources to address and help combat these problems.

They would test a comprehensive program that gives disadvantaged students not just what they need in the classroom, but also the services and support they need to make the most of what they learn in the classroom. It would pull together a variety of educational programs and social services programs. It would try to link these kids up with employment.

To do all this the centers would operate on an extended year and extended day basis. They could operate from 6 o'clock in the morning until 7 o'clock in the evening. That would help keep young people off the streets and provide them with maximum opportunities to learn and become productive members of society.

The centers would maintain small class sizes. Too many young people in our inner-city schools are expected to learn in classes with 30 and 40 other kids. But that's just not possible. Research shows that class sizes of 15 students can make an important difference in student learning. Centers would have small classes, ideally on average of 15.

Center students would be offered both academic and vocational education training, regardless of their career objectives.

A strong emphasis on guidance and counseling services is a key component of the model program. The centers would establish comprehensive guidance counseling services for students and their parents. These kids lack role models frequently. In many cases, both parents have been unemployed—on welfare. They need guidance and they need motivation to break out of the kind of life their parents have led. Center students would be referred to appropriate social services. And young mothers would have access to day care services for their children. How can a teenage mother learn, get the skills to make a decent life for herself, without care for her child?

The centers would also operate a job service office to offer students career

guidance, development, and employment opportunities and information about a broad range of occupations and career paths. The job service office would provide labor market information, job development, career testing. The office would assist students in arranging parttime, summer, and employment upon graduation.

The centers would encourage community involvement. They would have a parent community coordinator to keep parents involved in the activities of the center. A council of advisers would be created to seek active participation and input from local teacher organizations, guidance counselors, students, parents, community-based organizations, business, and labor representatives.

If the community takes an interest in the students, the chances are greater that the students will take more of an interest in learning and becoming productive members of society. If the community takes an interest, the chances are better that these kids will find jobs in the community. Because the community will have a stake in their success they'll be willing to give these kids a chance.

Mr. President, the money we spend on these centers is a wise investment that could lead to savings down the road. Each year 1 million kids drop out of school. America's drop outs lose $240 billion in earnings and foregone taxes over their lifetimes. Lost productivity and the remedial programs cost business $25 billion a year.

Our economy needs these kids trained. It needs them educated. Business leaders are concerned because they can't find skilled, educated workers. By the year 2005, most 18- to 24-year-old entry level workers will come from the public schools of distressed urban districts. When it comes to education the disadvantaged in our society, we are not just talking about a social obligation, we're talking about an economic imperative.

If we make bold investments in the education of young people in low-income areas, they will pay us back many times with increased productivity and employment, and reduced need for safety net and law enforcement expenditures.

Mr. President, I am pleased that this act authorizes funds to test this program. If we fund just 5 or 6 of these centers, we can see if this model works, and if there are ways we could better invest our education dollars.

I am pleased that the Senate has approved the conference report and I urge the House of Representatives to act swiftly as well.

SEED II AND THE INTERNATIONAL AFFAIRS AUTHORIZATION ACT OF 1990

Mr. PELL. Mr. President, I wish to provide a summary of a major piece of legislation, the International Affairs Authorization Act—S. 2944—which was recently reported by the Foreign Relations Committee and which may well be before the Senate in the near future.

This legislation consist of four titles:

Title I is the SEED II Act, a comprehensive revision of the Support for East European Democracy Act of 1989 [SEED I] enacted last November;

Title II is the Peace Crops authorization for fiscal years 1991 and 1992;

Title III creates a legislative basis for a major foreign aid instrumentality, the Development Fund for Africa; and

Title IV provides the necessary authorization for continued United States participation in the International Development Association.

TITLE I—SEED II

Title I of this legislation is among the most important pieces of foreign policy legislation to be reported by the Foreign Relations Committee during my three decades in the Senate.

My colleagues will recall that last fall, having received a rather modest administration request for aid to Poland and Hungary, the Foreign Relations Committee began from scratch and drafted comprehensive SEED legislation to set the stage for a new American initiative in Eastern Europe. The SEED Program created by that legislation is directed toward an unprecedented goal: that of helping new or evolving governments in Eastern Europe build successful free-market democracies on the rubble of failed communism.

In November, the SEED bill initially generated some controversy—the vote in committee was 10 to 9, on party lines. But eventually, in virtually identical form, SEED I passed the Senate overwhelmingly and with administration support. My impression is that we may now be facing a similar uphill sequence. On July 19, the Foreign Relations Committee, in the face of a total absence of minority members at a scheduled committee markup, ordered reported an original SEED II legislation by a vote of 10 to nothing.

I regret the partisan aspect of that proceeding, because I had hoped—and still hope—for bipartisan support of this bill. For the SEED II Act is based upon and embodies the most fundamental aims of American foreign policy: to assist in the building of free-market democracy. Nowhere could this aim be more important and pertinent to American security interests than in the nations of Europe now emerging from the tyranny and legacy of Communist rule.

SEED II is designed to provide the legislative basis, and the budgetary means, for expanded American participation in a cost-effective effort to help transform Eastern Europe—not through a monetary giveaway, but predominantly through targeted technical assistance aimed at building institutions for democracy and institutions for free-market economies.

This is an original bill, on which Senator BIDEN played a major drafting role, and which is cosponsored by myself, and Senators BIDEN, CRANSTON, DODD, KERRY, SIMON, MOYNIHAN, and ROBB.

Two points about the SEED II legislation bear emphasis:

First, this bill is totally congruent with administration policy as regards the kind of aid it envisages. It permits technical economic assistance and democracy building assistance in all European countries that have been Communist. But aside from authority to act in multilateral efforts to provide stabilization back-up loans for countries such as Poland, all of the focus is on advisory how-to-do-it aid—not on financial loans to governments. Indeed, such financial assistance is explicitly prohibited in the case of the Soviet Union.

Second, while providing a sound framework for action, the bill contains no provisions that require the President to take any particular action he does not regard as advancing the cause of building free-market democracies in Eastern Europe. The bill does mandate the President to implement two new programs, but ones administration officials have agreed are sound in the context of this legislation's purpose. These programs are:

The Books for Eastern Europe Program, which will assist in the publication of a whole new political and economic textbook literature; and

American Business Centers, two of which will be built as models to provide support, on a user fee basis, for the startup activities of U.S. firms. These activities would eventually, like the entire SEED Program, be phased out as the free market, based on free political institutions, gained strength.

A third program mandated in the bill—the Parliamentary Partnership—is congressionally run and will simply formalize, and expand to other countries, the already existing Gift-of-Democracy Program that now provides material aid to the new parliament in Poland.

My view, which I share with Senator BIDEN, is that this bill does what good legislation should do. It sets out:

Broad goals and authorities,

A number of actions recommended for Presidential consideration,

Certain actions required,

An adequate amount of money to do the job,

The Executive flexibility to allocate that money under changing circumstances, and

Reporting requirements adequate to facilitate congressional oversight.

I would emphasize that, at my instruction, the majority staff of the Foreign Relations Committee went to great pains to keep committee members apprised of this bill's development.

In essentially its current form, the bill was distributed 2 weeks before the markup, and there were several full-scale staff meetings to discuss the bill's contents. As a result, the bill underwent numerous minor modifications, as the suggestions of various committee members, other committees, and the administration were taken into account.

But let me emphasize that even these were minor changes. The SEED II legislation has, for several weeks, been available in essentially its current form for all concerned to review.

In this regard, I should make reference to what has been described by some as "a 29-page list of serious administration criticisms" of the committee's SEED II bill. That description is hyperbole of the first order. What the committee received, after its markup, was a stapled stack of papers representing individual agency comments on the SEED II bill.

Much of the commentary was repetitive, and some of it reflected no more than interagency competition for jurisdiction over various aspects of the SEED Program. But some of this commentary contained points well taken, and accordingly numerous suggestions were incorporated in the bill after markup because they were so minor in nature as to fall under the heading of technical adjustments, which commonly occur in the legislative process between the time a bill is ordered reported and the time of filing.

I hope these changes were helpful in smoothing the way toward enactment of SEED II. But I would emphasize that they were technical in nature. No changes were made in any essential aspects of the bill—its authorities, funding levels, or required programs. The SEED II legislation before the Senate is, in all pertinent respects, the measure ordered reported by the committee on July 19.

As regards the administration's position, I ask that there be printed at the end of my remarks an exchange of correspondence between Senator BIDEN and Deputy Secretary of State Eagleburger, which occurred earlier in the process but which I believe reasonably captures where we stand with regard to the administration's views.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. In essence, the committee and the administration have agreed to disagree on the funding level: the adminstration has requested $300 million for fiscal year 1991; the committee bill authorizes $535 million, which is quite similar to the level already approved for appropriation by the full House of Representatives.

Apart from that, however, and recognizing that the bill has been altered to address the residual concerns expressed in the Eagleburger letter, I understand that the adminstration's position is that it does not endorse—but does not oppose—the bill. That, I think, is about as strong a formulation as we are ever likely to get on a politically sensitive subject like this.

At this point I ask unanimous consent that there be printed in the RECORD a table showing the funding levels in the SEED II bill, in comparison with funding levels contained in SEED I and in the SEED II appropriation recently passed by the House; and also a section-by-section summary of the SEED II legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEED FUNDING LEVELS

	Seed I Auth. 3 year [1]	Seed I App.	Seed II H. App [2]	Seed II SFRC
Large scale loans/grants and food aid:				
Food aid	125	125		
Multilateral action	200	200		
Enterprise funds	300	50	214	225
AID/E.F.-type activities				
Private sector development:				
Labor transition	5	1.5		
Technical training	10	3		
Scholarships	10	2	80	100
Trade/develop. program	6	2		
Peace Corps	6	2		
(American business centers)				
Dem. institutions/exchanges:				
Dem. Institutions/exchanges	12	4	20	40
Exchanges/ed. and Cul	12	3		
Science/technology	8	3		
(Parliamentary partnership)				([3])
(Books-for-Eastern-Europe				([4])
Environment/housing/health:				
Environment	40	13.5		
Housing			105	100
Medical	4	2		
EBRD			70	70
Total	738	411	489	535
Supp. for missions/personnel				50

[1] Seed I authorizations unused during FY 90 will be repealed by Seed II, and the process shifted onto an annual basis.

[2] The House Appropriations bill has already passed the House.

[3] $12 million to be transferred to support the Parliamentary Partnership program of material and advisory assistance to new parliaments, overseen by the Joint Task Force on East European Parliamentary Development.

[4] Activity is mandatory, but with no specific amount earmarked.

SECTION-BY-SECTION SUMMARY—THE SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT (AS AMENDED BY SEED II)

Sec. 1. Title and Table of Contents.

Sec. 2. United States Policy Regarding Eastern Europe.—This section provides an overall statement of United States policy, which is to promote the transition of communist countries of Europe to free-market democracy and full membership in the family of democratic nations.

Sec. 3. Legislative Authority for Presidential Action.—This key section describes the essence of the SEED legislation, which is to provide technical assistance for environmentally-sound development of private sector economic institutions and democratic political institutions.

The definition of an "eligible" country is set forth such that the President is authorized to use any particular authority in the SEED Act if he determines that the use of the authority would assist a particular European country in the emergence or transition from communist rule "though the development or strengthening of democratic institutions and the practices of a free-market economy."

While this authority would enable the President to extend technical assistance (primarily in the nature of instruction and advice) into the Soviet Union or any of its republics for purposes of strengthening the private sector or building institutions needed for democracy, loans or grants to the Soviet Government, or any instrumentality thereof, are explicitly prohibited in Title XII.

Sec. 4. Support for East European Democracy (SEED) Program.—This existing, but now expanded section, identifies all of the activities of the U.S. Government—some authorized in this bill, some authorized and funded elsewhere—that comprise the overall SEED effort.

TITLE I—STRUCTURAL ADJUSTMENT AND U.S. SUPPORT FOR MULTILATERAL ACTION

Sec. 101. Policy and Authority on Structural Adjustment.—This section encourages and authorizes the President to join in a multilateral debt write-down in Eastern Europe. This section would be highly cost-effective inasmuch as the U.S. would sacrifice an almost worthless "asset" (debt unlikely to be repaid) for the enormous financial improvement in the condition of countries such as Poland that would result from an across-the-board lifting of debt by all Paris Club lenders.

Sec. 102. Agricultural Assistance.—This section encourages appropriate P.L. 480 assistance as part of a multilateral program of agricultural aid for Poland and other eligible countries.

Sec. 103. Debt-for-Equity Swaps and Other Special Techniques.—This section advocates innovative techniques for accomplishing multiple goals, such as debt reduction combined with environmental improvement.

Sec. 104. IMF Membership.—This section urges U.S. efforts to promote International Monetary Fund membership for East European countries at the appropriate time.

Sec. 105. OECD East-West Center.—This section urges United States participation in this new institution.

Sec. 106. European Bank for Reconstruction and Development.—This section sets forth relevant findings, followed by authorization of U.S. participation in the EBRD.

TITLE II—PRIVATE SECTOR DEVELOPMENT

Sec. 201. Enterprise Funds for Poland and Hungary.—This section, enacted in SEED I, provides basic authority for the Polish-American and Hungarian-American Enterprise Funds.

Sec. 202. A.I.D. Authority to Support Private Sector Development.—This section provides broad authority to AID to conduct Enterprise-Fund type activities.

Sec. 203. Labor Market Transition.—This section, enacted in SEED I, provides basic Dept. of Labor authority for SEED activities.

Sec. 204. Technical Training for Private Sector Development.—This section authorizes a variety of AID programmatic goals in many fields. The activities described in 208-

216 would be specific ways to accomplish a number of these goals.

Sec. 205. Free Enterprise Corps.—This section defines the concept of a Free Enterprise Corps to promote private sector development and encourages AID to aggregate a number of programs under this heading.

Sec. 206. Peace Corps Programs.—This section encourages Peace Corps activities supportive of the SEED Program and consistent with the Peace Corps Act.

Sec. 207. Use of Local Currency Generated by Agricultural Assistance.—This section authorizes certain uses for local East European currency produced by the sale of U.S. agricultural aid.

Sec. 208. International Executive Service Corps (IESC).—This section encourages effective utilization of the IESC.

Sec. 209. Practical Business Training Program.—This section describes and encourages estalishment of a program to support practical business training for East European business managers and executives.

Sec. 210. Worker Retraining Assistance.—This section encourages U.S. support for worker retraining and job placement in eligible East European countries and use of the AFL-CIO Free Trade Union Institute as a key agency for such assistance.

Sec. 211. Travel/Tourism Training for Early Hard-Currency Earnings.—This section encourages U.S. assistance for training in the skills needed to realize the hard-currency earnings potential of the travel/tourism industry in East European countries.

Sec. 212. SEED Foundation.—This section authorizes and encourages the establishment of a new foundation, modeled on the highly successful Inter-American Foundation, to operate at the grass roots level to assist the start-up of small businesses in Eastern Europe. (Sec. 101 encourages arrangements whereby East European governmental debt not forgiven is repaid in local currencies which are then channeled into SEED Foundation activities.)

Sec. 213. Business and Management Education Initiative.—This section encourages the President to provide financial support for a comprehensive program under which American universities with strong business schools would assist East European institutions of higher education in developing curricula in business and management skills.

Sec. 214. Support for Family Farm and Agribusiness Development.—This section sets forth policy goals for U.S. assistance for family farm and agribusiness development in eligible East European countries.

Sec. 215. United States Policy of Private Financial Support for Credit Unions.—This section sets forth a policy regarding U.S. encouragement of the development of credit unions in Eastern Europe.

Sec. 216. Small Business Administration Programs.—This section encourages SBA programs in Easten Europe where those activities would augment and not duplicate other U.S. private sector development initiatives.

TITLE III—TRADE AND INVESTMENT

Sec. 301. Use of Generalized System of Preference.—This section notes that Poland was granted eligibility for GSP trade treatment by SEED I, and encourages the President to use such authority as appropriate to promote private sector development in that country.

Sec. 302. Overseas Private Investment Corporation Programs.—This section (in conjunction with amendments elsewhere in the SEED II bill) urges and authorizes the President to expand OPIC programs in Eastern Europe in accord with the eligibility criteria set forth in section 3.

Sec. 303. Export-Import Bank Programs.—This section urges and authorizes the President to expand EXIM Bank activities in Eastern Europe in accord with the eligibility criteria set forth in section 3 (while noting that EXIM Bank activities in any country can begin only after trade normalization has occurred under the criteria and procedures of the Jackson-Vanik amendment).

Sec. 304. Trade Credit Insurance Program for Poland.—This section notes that SEED I authorizes the President to provide back-up guarantee to the EXIM Bank for the short-term financing of exports to Poland; notes further that elsewhere in SEED II the President is authorized to guarantee medium-term financing as well; and encourages the President to use such authorities as appropriate to promote Polish private sector development.

Sec. 305. Trade and Development Program Activities.—This section authorizes Trade and Development Program activities in eligible East European countries.

Sec. 306. Bilateral Investment Treaties.—This section urges the President to seek bilateral investment treaties with eligible East European countries.

Sec. 307. Reduction of Cocom Restrictions.—This section encourages further reduction in Cocom export controls consistent with the need to protect militarily sensitive technology.

Sec. 308. Conference on Expanded Technological Cooperation.—This section "urges the President to act, in cooperation with its allies and eligible East European countries, to support the convening of a non-governmental international conference, involving key leaders in science and industry, that would yield analysis and recommendations of means by which valuable advanced technologies might be incorporated safely with rigid and effective safeguards against diversion and military use, in expanded East-West economic activity."

Sec. 309. Port Access.—This section promotes a policy of granting greater access to U.S. ports for the vessel of eligible East European countries by mandating that access of such vessels shall not be denied except for reasons of "safety, protection of the national security, and the need to rectify unfair foreign trade and shipping practices."

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

Sec. 401. Educational and Cultural Exchanges and Sister Institutions Programs.—This section urges the expansion of various government-funded and privately-funded exchange activities, and governmental support for the establishment of "sister institution" relationships between American and East European cities, universities, and other organizations.

Sec. 402. Scholarship Partnership.—This section authorizes AID to establish and administer a program of scholarship aid to enable East European students to study in the United States, with an emphasis on business and economics.

Sec. 403. Science and Technology Exchange.—This section authorizes funding for implementation of existing science and technology exchange agreements with Hungary and Poland, and urges negotiation of similar agreements with other eligible East European countries.

Sec. 404. Clearinghouse to Promote Cooperation in Higher Education—This section urges USIA and the Department of Education to cooperate in providing a clearinghouse to facilitate creation of "sister institution" relationships between American and East European colleges and universities.

Sec. 405. Soviet Debt Repayment and United States-Soviet Exchange.—This section expresses congressional approval of the concept of Soviet repayment of outstanding Lend-Lease debts in the context of a bilateral agreement under which the United States would agree to use proceeds from such repayment to support educational exchange and SEED Foundation activities that would strengthen free-market democracy in the Soviet Union.

Sec. 406. Books-for-Eastern-Europe Program.—This section requires implementation of a Books-for-Eastern-European program designed to enhance the printing and publication capabilities of eligible East European countries in order to meet their urgent need for new political, historical, and economic literature.

Sec. 407. Library Exchange.—This section urges financial support for efforts by U.S. libraries with relevant resources to assist East European libraries in reconstituting themselves as repositories of national culture and heritage.

Sec. 408. Andrei Sakharov Education Exchanges.—This section, in combination with another, authorizes and urges implementation of an Andrei Sakharov exchange program to facilitate study by graduate students in the United States and eligible East European countries in the fields of environmental protection and the health sciences.

TITLE V—DEMOCRATIC INSTITUTION-BUILDING

Sec. 501. Sustained Support for Transition to Democracy.—This section authorizes the President to use AID, USIA, the National Endowment for Democracy, and other agencies in a "comprehensive and sustained effort to facilitate the transition in Eastern Europe from totalitarian communist rule to a system of political democracy" through assistance in the building of judicial, economic, journalistic, trade union, and political institutions.

Sec. 502. Association of Former Members of Congress.—This section urges appropriate utilization of the Association of Former Members of Congress in "a constructive role in advising government and organizations in Eastern Europe of electoral and legislative procedures of constitutional democracy."

Sec. 503. Civic Education Exchanges.—This section urges implementation of a USIA program to familiarize educators in East European countries with American curricula concerning the principles and practice of constitutional democracy.

Sec. 504. Institutionalizing Civilian Control of Security Forces.—This section urges U.S. leadership in a multilateral effort to promote instruction designed to assist East European nations in establishing civilian oversight and management of defense and internal security forces.

Sec. 505. Strengthening Institutions of Free Broadcasting.—This section urges U.S. leadership in a multilateral effort to assist eligible East European governments in establishing institutions of governance and operation for editorially independent radio and television broadcasting.

Sec. 506. Rule-of-Law Initiative.—This section urges utilization of the American Bar Association in a program that would mobilize the Association's resources to provide technical assistance and training in the areas of constitutional law, criminal justice,

judicial reform, and other legal areas of interest to eligible East European countries.

TITLE VI—FOSTERING PARTNERSHIP

Sec. 601. Parliamentary Partnership Program.—This section establishes a Parliamentary Partnership program, funded at $12 million, to provide material assistance and advisory support to newly established East European parliaments. This effort, to be overseen by a joint congressional task force, will be supplemented by exchange activities administered by USIA.

Sec. 602. Multilateral Interparliamentary Cooperation.—This section expresses congressional support for the establishment of a 35-nation (CSCE member) interparliamentary assembly modeled (and perhaps built on the North Atlantic Assembly, in which Congress has participated actively since 1955. The provision mandates appointment of a small congressional delegation to explore and participate in current European efforts to form such an institution.

Sec. 603. Joint Commission on Economic Conversion and Constructive Partnership.—This section urges U.S. participation in a joint U.S.-Soviet commission mandated to identify potential joint economic ventures of mutual benefit; means by which defense resources could simultaneously be reallocated to non-military purposes; and ways in which the two powers could exercise joint leadership in improving the global environment, world health care, and human welfare.

Sec. 604. Role of the States.—This section encourages participation by governors and state agencies in SEED Program-related activities, and mandates the Executive branch to provide necessary information to assist governors in preparing proposals for SEED Program participation.

TITLE VII—SUPPORT FOR AMERICAN BUSINESS INITIATIVE

Sec. 701. Director for American Business Initiative in Eastern Europe.—This section mandates the President to designate a Director for American business initiative in Eastern Europe to be responsible for operations of the East European Business Information Center system (and related job bank and market research activities); to asssist in establishment and operation of American Business Centers in Eastern Europe; and to coordinate the White House Conference and Presidential Advisory Board mandated by this Title.

Sec. 702. East European Business Information Center System.—This section mandates the President to establish an information system to serve as a clearinghouse for information needed by Americans engaged in business and voluntary activities in Eastern Europe.

Sec. 703. Creation of American Business Center to Promote Technical Assistance and Trade Opportunity.—This section urges the creation of a network of American Business Centers to support, on a user-fee basis, the start-up business activities of U.S. firms in Eastern Europe. The provision mandates creation of two such Centers at locations to be determined by the President.

Sec. 704. Market Research and Job Banks.—This section mandates the Director of American business initiative in Eastern Europe to undertake an intensified program of market research in that region to identify the full range of business opportunities for American firms, and urges the establishment of a job bank system to catalog the names and skills of American and East European applicants.

Sec. 705. White House Conference and Presidential Advisory Board to Promote American Business Initiative in Eastern Europe.—This section urges the President to convene a White House conference and assemble a Presidential Advisory Board in order to develop effective means of supporting American business activity in Eastern Europe.

TITLE VIII—ENVIRONMENTAL PROGRAMS

Sec. 801. Environmental Initiatives.—This section authorizes a range of assistance activities in Eastern Europe to be conducted by the Environmental Protection Agency and the Department of Energy, to include U.S. support for the establishment of a Regional Environmental Center in Budapest.

Sec. 802. Technical Assistance to Prepare for Environmentally Sound Infrastructure Modernization.—This section urges emphasis on technical assistance that serves to assist eligible East European countries in planning for environmentally-sound infrastructure modernization and, in the process, orients decision-makers in such countries to the merits of American-produced environmental technologies.

Sec. 803. Conference on the Environment.—This section urges U.S. support for an international environmental conference under the auspices of the Regional Environmental Center in Budapest.

Sec. 804. Energy and Environmental Institutes.—This section urges U.S. support for the creation of national energy and environmental institutes in eligible East European countries to promote sound national decision-making and the successful functioning of the Regional Environmental Center.

Sec. 805. Cooperation on Conservation.—This section urges U.S. support for the development of sound conservation policies in Eastern Europe, with emphasis on protection of water resources, fish, and wildlife, and authorizes participation by the U.S. Fish and Wildlife Service.

Sec. 806. Agenda for Regional Environmental Center.—This section urges the President to advocate certain goals in the context of negotiations aimed at creating an agenda for the Regional Environmental Center in Budapest.

Sec. 807. Safer Nuclear Power.—This section urges the President to promote the attainment of a multilaterally-supported, independent and objective examination of nuclear facilities in Eastern Europe, leading to recommendations regarding the future of such facilities.

TITLE IX—HEALTH, HOUSING, AND HUMANITARIAN PROGRAMS

Sec. 901. Medical Assistance.—This section authorizes assistance to eligible East European countries for medical training and health care planning.

Sec. 902. Assistance for Housing.—This section authorizes technical assistance to eligible East European countries to improve housing and associated infrastructure, and authorizes guaranties under the housing guarantee provisions of the Foreign Assistance Act of 1961.

Sec. 903. Aid for Victims of Communist Regimes.—This section urges the Administration to act, with allies and multilateral humanitarian agencies, to assist persons traumatized by brutal treatment under the old order in Eastern Europe, and specifically calls for the President to act to ameliorate the plight of Romanian orphans.

TITLE X—SEED PROGRAM MANAGEMENT

Sec. 1001. Policy Coordination of Seed Program.—This section, enacted in SEED I, directs the President to designate a SEED Program Coordinator within the Department of State.

Sec. 1002. Encouragement and Support of Volunteerism.—This section urges the Director of American business initiative in Eastern Europe, under the direction of the President, to use the East European Business Information System, the job banks under section 704, periodic mailings to American civic organizations, and other means to encourage and support voluntary assistance to eligible countries.

Sec. 1003. Adequate Staffing at United States Embassies and Missions.—This section directs the Secretary of State to study the personnel needs of U.S. mission and trade centers in Eastern Europe, and directs that the $50 million in additional funds authorized to be appropriated by section 1201(a)(3) be used so as to meet increased personnel needs in Eastern Europe while sustaining U.S. representation levels in Western Europe during a time of sweeping economic change throughout Europe.

Sec. 1004. Soviet-Eastern European Research and Training Act Program.—This section urges allocation of some of the funds authorized by section 1201(a)(3) to this program that supports training of U.S. experts on Eastern Europe.

Sec. 1005. Cost-Effective Use of Surplus Equipment.—This section mandates the General Services Administration and the Department of Defense to survey existing U.S.-Government-owned surplus equipment for possible cost-effective use in the SEED Program, and authorizes such assistance with certain limitations.

TITLE XI—REPORTS TO CONGRESS

Sec. 1101. Report on Initial Steps Taken by United States and on Poland's Requirement for Agricultural Assistance.—This section, enacted in SEED I, required a report on early actions and needs under the SEED Program.

Sec. 1102. Report on Confidence-Building Measures by Poland and Hungary.—This section, enacted in SEED I, required a report concerning certain measures that could be taken by Poland and Hungary.

Sec. 1103. Report on Environmental Problems.—This section, enacted in SEED I and modified by SEED II, elaborates on the environmental reporting required to be included in the annual reports submitted under section 1104.

Sec. 1104. Annual SEED Program Report.—This section requires and describes an annual SEED Program report to be submitted beginning not later than January 31, 1991.

Sec. 1105. Reports on Certain Activities.—This section requires a simultaneous classified report on any espionage activities against the U.S. and its allies by any country receiving assistance under this act.

Sec. 1106. Notifications to Congress Regarding Assistance.—This section requires notifications concerning reprogramming of funds in accord with established procedures under the Foreign Assistance Act of 1961.

TITLE XII—SEED PROGRAM FUNDING

Sec. 1201. Authorization of Appropriations.—This section authorizes:

a $465 million in FY91 funding for various kinds of bilateral SEED Progrm assistance to eligible countries;

a $70 million FY 91 contribution to the European Bank for Reconstruction and Development as the first of five equal annual contributions; and

a $50 million in additional FY 91 funding for the Department of State and other foreign affairs agencies.

The $465 million for bilateral aid is further allocated (without specific earmarks) among various titles of the SEED Act, and three activities are established as mandatory:

the Parliamentary Partnership program (required by sec. 601);

the Books-for-Eastern-Europe program (required by sec. 406); and

two model American Business Centers (required by sec. 703).

Sec. 1202. Technical Provisions.—This section contains certain technical provisions relating to the use of funds authorized by section 1201.

TITLE II—PEACE CORPS

Mr. PELL. Mr. President, this title of the International Affairs Authorization Act is derived from S. 2436, introduced on April 5 by Senators CRANSTON, PELL, BOREN, DECONCINI, and ROCKEFELLER.

Its essential purpose is to authorize Peace Corps appropriations of some $215 million for fiscal year 1991 and $228 million for fiscal year 1992. These amounts are based on levels called for in the plan submitted by former Peace Corps Director Loret Ruppe to attain the congressionally mandated goal of 10,000 volunteers, a goal added to the Peace Corps Act in 1985. An additional $17 million for each fiscal year is provided for the expansion of Peace Corps programs, especially in Eastern Europe.

But here I would emphasize that while the Foreign Relations Committee wholeheartedly endorses the emerging Peace Corps role in Eastern Europe, committee members are concerned that the Peace Corps should pursue balanced expansion worldwide—by responding to opportunities in new countries and by expanding existing programs. The committee most emphatically does not wish to see the Peace Corps expand its efforts in Eastern Europe through the diversion of resources from current programs or new programs possibilities elsewhere.

The committee avoided earmarking funds for particular regions or countries, in recognition of the need to insulate the Peace Corps from short-term pressures. Overall, the committee's aim is to maintain the Peace Corps' full credibility as a nonpolitical, person-to-person expression of the Nation's commitment to international peace and understanding—and not as a normal tool of American foreign policy. In the words of Secretary of State Dean Rusk, spoken when the Peace Corps was launched in 1961, the committee continues to believe that "to make the Peace Corps an instrument of foreign policy is to deprive it of its contribution to foreign policy."

This section also would prohibit funds appropriated pursuant to this authorization from being used in the United States to refer to the agency by any name other than "Peace Corps."

TITLE III—AFRICA DEVELOPMENT FUND

Title III of the International Affairs Authorization Act provides a permanent authorization for the Development Fund for Africa [DFA].

In 1987 Congress embarked on an experiment by replacing the traditional functional accounts for African development aid with new Development Fund for Africa. The DFA was designed to improve the quality of American aid to sub-Saharan Africa by providing considerably greater flexibility to the Agency for International Development.

Current law, however, provides only general recommendations and basic guidelines for the DFA. This new legislation provides clearer policy guidance and sound mechanisms for congressional oversight. The legislation does so by adding a new chapter 10 to the Foreign Assistance Act of 1961. This chapter authorizes and describes project and program assistance to help Africans participate in a development process that emphasizes equitability, participation, environmental sustainability, and self-reliance.

This title, I am pleased to report, has strong bipartisan support. It is based on legislation first introduced in 1987 by Senators SIMON and KASSEBAUM and cosponsored by Senators KENNEDY and KASTEN, authors of the first bill to create a development fund for Africa. This language has been passed three times by the House and the Foreign Relations Committee. It has been negotiated in close consultation with AID, and the administration does not oppose it.

TITLE IV—INTERNATIONAL DEVELOPMENT ASSOCIATION

Title IV of the International Affairs Authorization Act contains the administration's requested authorization of U.S. participation in the ninth replenishment of the resources of the International Development Association [IDA], the concessional lending affiliate of the World Bank. It provides an authorization of $3.2 billion—representing the U.S. contribution to the $15 billion replenishment. These funds are to be appropriated in three equal installments beginning with fiscal year 1991.

IDA was first established in 1960, as a result of strong American leadership. At that time, the United States provided more than 42 percent of the startup funding. This new replenishment, known as IDA-9, would augment IDA's resources by some $15 billion over the next 3 years, with the United States providing 21 percent of the funds.

By way of contrast, in 1960 Japan's share of the initial IDA funding represented a mere 4.4 percent of the total. In the IDA-9 replenishment, Japan will assume nearly 19 percent of the funding burden. We have come a long way toward more equitable burden-sharing among IDA participants, in large measure as a result of U.S. efforts.

The Multilateral Development Banks, including IDA have in the past come under criticism for not adequately considering environmental concerns and for failing to involve affected citizens and nongovernmental organizations in the development process advocated by these institutions. Having reviewed the IDA-9 agreement that sets forth the goals for IDA lending over the next 3 years, I find real progress in addressing some of these concerns, at least on paper. Now the Bank must give substance to the agreement.

This title also includes an important provision concerning IDA lending to the People's Republic of China. Unless there is measurable improvement in the human rights practices of that government, the United States contribution to IDA-9 will be reduced on a proportionate basis equal to what would have been the United States share of any IDA lending to the People's Republic of China, with the exception of lending primarily aimed at basis human needs of the Chinese people.

Finally, this title incorporates technical changes requested by the administration with respect to the International Finance Corporation [IFC]—also a World Bank affiliate. These technical changes to United States securities laws will allow IFC borrowings in the United States to receive the same exemptions from United States securities laws as those currently enjoyed by the International Bank for Reconstruction and Development and regional development banks such as the Asian and African Banks.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 12, 1990.

Hon. LAWRENCE EAGLEBURGER,
Deputy Secretary of State, Washington, DC.

DEAR MR. SECRETARY: I enjoyed meeting with you yesterday, and believe we accomplished a great deal in eliminating areas of serious disagreement in the Committee's SEED II legislation. The purpose of this letter is to record our discussion and to convey the amended text that reflects our understanding.

FUNDING LEVELS

On funding levels, we agreed to disagree. The Administration supports a total of $300 million. Congressional authorizers and appropriators are now heading toward a considerably larger figure, on the premise that a well devised program of technical assistance and democratic institution-building in Eastern Europe represents a highly cost-effective allocation of national security dollars.

DEFINITION OF COUNTRIES TO BE INCLUDED

On the question of which countries will be included in the scope of SEED Program activities, I believe you concluded—after fo-

cusing on our text—that the formulation in the Committee bill is congruent with Administration policy.

The SEED Program defined by the bill consists predominately of activities of a kind the President has stated he is prepared to consider not only for Poland, Hungary, and Czechoslovakia, but also for the Soviet Union. The bill comports with this policy by authorizing the President to use any particular authority or program in any European country "seeking to emerge from the tyranny and legacy of communist rule" if the President determines that such action would "assist the emergence or transition of that country from communist rule through the development or strengthening of democratic institutions and the practices of a free-market economy."

To underscore that none of the SEED Program funds in this bill will be used for loans or grants to the Soviet Government—a policy on which Congress and the President are currently in substantial agreement—the bill states this explicitly in the funding provisions of Title XIII.

EARMARKS

At your strenuous behest, Senator Pell and I have agreed to remove all funding-level earmarks from Title XII of the Committee bill, and also to eliminate all "notional" funding levels from particular programmatic activities recommended elsewhere in the bill. This was a significant alteration. Congress has every constitutional right to designate funding levels for specific programs, but in the overall context of our constructive discussion, I was prepared to accept these changes in this case.

AGREED-PERFORMANCE ACTIVITIES

I was very glad to have your pledge to implement in good faith four provisions in the bill, even though they will not carry funding-level earmarks:

1. Parliamentary Partnership Program. This two-part program, which I put forward in concert with Senator Pell, consists of:

a. Start-Up Support.—This will use a $12 million direct pass-through from AID to a new congressional Joint Task Force, which will oversee material and advisory aid to new East European parliaments using the personnel resources of Congress and its support agencies. This activity is actually already under way on an ad hoc basis vis-a-vis the Polish Sejm, and this provision will formalize it and expand its scope.

The provision is designed, in accord with a concern you expressed, to avoid getting bogged down with AID. It does not involve an earmark that limits Presidential flexibility, but rather is simply a device for funding a congressional activity under the general—and I believe appropriate—umbrella of the SEED Program. If another method of achieving a prompt appropriation for this purpose appears more suitable, we will use it. But meanwhile this should be regarded not as an earmark but as a funding device for a congressional effort, technically fundable in other ways, to participate constructively in the SEED effort.

b. Parliamentary Exchanges.—On this part of the program, to be administered by USIA, we have removed the $4 million "notional" funding level.

2. Books for Eastern Europe Program. On this program, which I proposed in concert with Senator Bradley, I was pleased that you appeared to accept as sound the program's premise, which is that the countries of Eastern Europe need a massive transfusion of new political and economic literature, and a focused effort to help them produce it will pay dividends both in the educational value of the books themselves and in the intended goodwill. The earmark we removed was for "not less than $8 million."

3. American Business Centers. I was particularly pleased to reach an understanding that the Administration will "build" two of these Centers, for which the draft bill earmarked "not less than $10 million." This is a concept I developed over the course of a number of hearings. I view it as a low-risk undertaking which could result in a high pay-off and which therefore warrants top-level attention and a serious effort. As described in section 703, which I believe reflects our discussion, the two Centers will:

be built at locations (perhaps Warsaw and Prague) to be selected by the President,

be staffed as the Administration finds appropriate to support American business in this new and potentially very productive way,

fully embody the goal of providing to American businesses (on a user fee basis) modern, centrally located office facilities in key East European cities.

4. SEED Foundation. This proposal, to which I understood you to be favorably disposed, would replicate in Eastern Europe the small-scale highly effective "grass roots" private sector aid model represented by the Inter-American Foundation. I share your concern that any such activity be configured to avoid bureaucratic pitfalls. I think you will agree that the provision accomplishes that by creating, on the established model, an oversight board that will operate autonomously and in direct consultation with you as Coordinator of the SEED Program.

MISCELLANEOUS ITEMS

1. Governors' SEED Fund. In keeping with your concern, the draft provision for an American Governors' SEED Fund has been altered so as to reflect no more than congressional encouragement for state agency participation in support of the SEED Program.

2. Reduction of Export Restrictions. You expressed concern that section 309 might, conceptually at lest, put the United States at odds with its allies by encouraging a bilateral superpower negotiation that bypassed COCOM. I think this has been accommodated by a change in the section title, because the text itself simply calls for a conference, with a multinational participation, to discuss a simultaneous and mutually beneficial East-West reduction of controls on sensitive technology. Thus, the operative concept is not "bilateral negotiation" but "multilateral conference."

I appreciated your constructive and cooperative attitude, and trust you will recognize that our own efforts are similarly motivated. I have endeavored to reflect the tenor of our discussion in this letter and in the revised bill text. Having removed points of major disagreement, I hope we can now move forward with the Administration's support.

Sincerely,

JOSEPH R. BIDEN, JR.,
Chairman,
European Affairs Subcommittee.

DEPARTMENT OF STATE,
Washington, DC, July 17, 1990.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, European Affairs Subcommittee, Committee on Foreign Relations, U.S. Senate.

DEAR SENATOR BIDEN: Thank you very much for your letter of July 12 concerning the SEED II legislation that the Foreign Relations Committee plans to mark up this week. I share your view that our meeting last week helped to remove several areas of disagreement. In my judgment, the bill has been much improved, and I am confident that our staffs will continue to work in a constructive spirit on issues that were either unresolved or not discussed at our meeting.

I would like to take this opportunity to offer a few comments on your record of our discussion. First, I must clarify for the record that, even with the changes that have been made in the Committee's legislation, we prefer the House authorization and appropriations bills as currently drafted. In particular, we prefer the House authorization language on overall policy, since it is closer to the Administration position. We do not seek to authorize SEED assistance to the USSR.

As you know, the President has stated that the United States is prepared to provide limited technical assistance to the Soviet Union to support political and economic reform. Therefore, while we do not oppose the discretionary authority given to the President in this legislation to accomplish this goal, we do oppose the application of any SEED program authority to the Soviet Union that would exceed the scope of technical assistance. We strongly support the provision in Title XII that no SEED program funds may be used for loans or grants to the Soviet Government. It should be further noted that we have no intention of providing any SEED program assistance to the Soviet Union beyond that which might support limited technical assistance designed to advance political and economic reform, and that the President may not decide to use SEED program funds for this purpose.

I greatly appreciate your agreement to remove funding-level earmarks for the three programs in which you expressed particular interest. Our understanding concerning these programs is as follows:

1. Parliamentary Partnership Program. We are prepared to implement this program. We continue to believe that it would be preferable to implement the program through an authorization of funds within the direct control of the Congress, but we will work with you, if necessary, on an AID passthrough.

2. Books for Eastern Europe. We agree with this program and will work with USIA to implement it. However, we suggest a small change in the current language to provide specific authority to use funds for copyright purchase, translation service, and direct purchase of paper or newsprint. Because of the absence of such authority, we are now missing opportunities to get books printed in translation in Eastern Europe.

3. American Business Centers. We agree to establish two American Business Centers in locations determined by the President and will be in touch with the Commerce Department on implementation. Decisions on whether to build the centers or to rent existing facilities will depend upon circumstances at each site, and establishment of the two centers will not necessarily be simultaneous.

Although we are favorably disposed toward the concept of a SEED Foundation and will explore it seriously, it is not my impression that this initiative came out in the category of "agreed performance." A decision to go ahead will depend upon reaching agreement within the Administration on whether receipts of official debt repayment may be used to provide operating capital, as well as upon consultations with potential recipient governments. We therefore cannot endorses the proposal at this time.

As I explained during our meeting, there are a number of additional provisions in the bill which we oppose and will seek to change as the legislative process proceeds. These provisions include, but are not necessarily limited to, the following:

Section 302(c).OPIC. We strongly oppose this section. OPIC worked closely with the AFL-CIO and Committee staff on the language contained in the original SEED Act concerning worker rights. The Administration continues to support this language. By contrast, the language contained in Section 302(c) would have a chilling effect on OPIC-supported private sector investment in Eastern Europe by raising uncertainty about the actural term of OPIC guarantees, thereby diluting their value. OPIC has agreed to a recommendation by the AFL-CIO to incorporate in its insurance contracts in Eastern Europe language which is intended to insure that investors receiving OPIC insurance coverage respect internationally recognized worker rights.

Section 309—U.S.-Soviet negotiation on export restrictions. We appreciate your clarification that the intent of this section is to convene a multilateral conference rather than to mandate a bilateral negotiation. We continue to be concerned, however, that this initiative would amount to a superpower negotiation that bypassed COCOM. We believe that the recommendation in section 309 that the President frequently reassess the COCOM lists encompasses the concerns addressed in Section 309. We oppose the creation of any bilateral forum for consideration of these issues.

Section 310—Non-discriminatory shipping practices. We oppose this provision because it would circumscribe the President's responsibility to protect the national security. In addition, this provision could interfere with the application of certain laws administered by the Federal Maritime Commission which are designed to deal with maritime trade related problems, and it may also interfere with the the application of U.S. visa requirements.

The Administration has in progress a review of the security requirement of closed and request ports with a view to determining changes in access for East European countries, and further liberalization of port access, as has already occurred for Poland, is likely. We believe strongly, however, that access rules for the East European countries must continue to be based upon national security considerations as well as the criterion of safety, which is the only one identified in Section 310.

We believe that the section should be revised as follows to reflect the above concerns:

"(a) FINDING.—Congress finds that—

(1) by traditional practice, embodied in laws and regulations, vessels from East European countries have been subject to discriminatory treatment based on national security and reciprocity that has impeded the access of such vessels to United States ports;

(2) the purposes of the SEED Program would be furthered by the elimination of unnecessary discriminatory practices with regard to eligible East European countries.

(b) Elimination of Discriminatory Practices.

The President shall regularly review the port access requirements for eligible East European flag cargo, passenger, and fishing vessels and crews with a view to ensuring that access granted is consistent with the U.S. national security, reciprocity, and the objectives of the SEED Program."

As I noted during our meeting, there are concerns about a number of the financial provisions of the bill. These are under review at the Department of the Treasury, which will be in touch with the Committee separately.

There also are a number of provisions in the bill which call upon the President to establish programs or set up new institutions which we do not consider necessary or which we are pursuing by other means. Examples of such programs are the Free Enterprise Corps, the Center for Law Reform and Comparative Law, and the Clearinghouse for Cooperation in Higher Education. I appreciate your description of these programs as a menu from which the Administration can choose in setting priorities for FY 1991. In that spirit, we will not argue the merits of individual proposals, but we will not feel obligated to implement them if they do not fit with our overall strategy.

I welcome the opportunity you have provided to highlight informally some of the key concerns that have arisen with respect to this legislation. The Office of Management and Budget will provide an official statement of the Administration's position. I also appreciate the constructive atmosphere of our meeting and look forward to working with you and your staff as the legislative process develops.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

PHILIPPINE DISASTER AID

Mr. AKAKA. Mr. President, last Friday the Senate adopted Senate Resolution 315, expressing the sense of the Senate that President Bush should provide relief to the Philippines in the aftermath of the devastating July 16 earthquake. I introduced both Senate Resolution 315 and an earlier bill, S. 2883, because the Philippine people are our oldest allies in Asia, and are deserving of our help in this hour of great need.

Earlier today, I had the privilege of meeting with the Philippine Secretary of Finance, who advised me that although the initial relief efforts are largely complete, the toughest part of the job remains. Massive repairs must be undertaken to put the earthquake-damaged region back on its feet again. The death toll will ultimately reach several thousand. Property losses are estimated at $300 million. The Philippine people are pleading for assistance in meeting this crisis.

I understand the Department of State is looking for ways to help fund the rehabilitation efforts and is considering using money available under the authority of the Foreign Assistance Act. I commend the administration for moving to lend assistance to the Philippines, but I would urge President Bush to act quickly to provide additional assistance under authority of the Foreign Assistance Act.

Mr. President, we must bear in mind the overall situation in the Philippines. The freely elected Government faces many problems that have strained resources to the limit. Unemployment and poverty remain very high. The Government must still contend with threats from rural insurgents and rebel elements of the military. On top of all this, a crushing foreign debt takes up to 40 percent of the national budget for repayment.

Given these facts, an event like the recent earthquake is a heavy bodyblow that could undermine the stability of the Philippine Government at a time when it is particularly vulnerable. It is imperative that the United States act compassionately and quickly to provide funding to one of our most trusted allies in this time of need. I urge my colleagues to join me in this effort.

THE INVASION OF KUWAIT BY IRAQ

Mr. DIXON. Mr. President, should we be surprised that Saddam Hussein invaded Kuwait? Should we be surprised that he stormed out of talks with Kuwait, and sent his army rolling across the Kuwaiti border en route to Kuwait City?

I am not.

While many of us may not have thought that President Hussein would have moved his troops into Kuwait last night, all of us knew he was giving every indication that he had little patience for negotiations. Saddam Hussein has never been one to negotiate. Bullies do not negotiate.

His history of finding justification for acts of aggression, against Iran, against his own Kurdish minority, is well known. In that sense, Mr. President, no one should be surprised that he found justification for invading Kuwait.

Saddam Hussein has been amassing his troops and his weapons stockpiles for some time in his effort to become the biggest kid on the block. His country is deeply in debt from the Iran-Iraq War, and he saw a way to regain some lost revenues. His motives may be as bald as that.

His decision to invade Kuwait is a breach of international law and should be condemned by all civilized countries.

Anyone with a knowledge of Iraqi affairs knows that Iraq has engaged in aggressive behavior for years. In 1982, my distinguished colleague Senator BOSCHWITZ and I spoke on the floor of this Chamber against the sale of military equipment to Iraq. A number of

my colleagues and I strongly protested the administration decision to remove Iraq from the list of terrorist nations. Then, as now, Iraq has posed a threat to Israel, and her Arab neighbors.

So, Mr. President, I am not surprised at the invasion. I am deeply saddened by the loss of life suffered by our good friends the Kuwaitis. They need our support and assistance.

While the Kuwaitis have requested military intervention, I do not believe that is a path we should take. We need the pressure of the United Nations and the Arab League brought to bear on President Hussein to remove his troops from Kuwait.

Additionally, the administration must urge our allies in Europe and Japan to agree not to purchase any Iraqi oil until Iraq removes its troops from Kuwait. We must make it clear that acts of aggression will have the international community in united opposition.

The Persian Gulf states have long opposed the use of military force to settle disputes among Arab states. They can be a key element in the success of a economic embargo by the industrialized nations of the world. They, and we, must ensure that Saddam Hussein removes his troops, and ends his occupation of Kuwait. I urge their cooperation in this effort.

I thank my colleagues.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j-2(i)), I transmit herewith the thirteenth annual Report of the National Institute of Building Sciences for 1989.

GEORGE BUSH.

THE WHITE HOUSE, *August 3, 1990.*

NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I hereby report that I have exercised my statutory authority to declare a national emergency and to issue two Executive orders that:

—prohibit exports and imports of goods and services between the United States and Iraq and the purchase of Iraqi goods by U.S. persons for sale in third countries;
—prohibit transactions related to travel to or from Iraq, except for transactions necessary for journalistic travel or prompt departure from Iraq;
—prohibit transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;
—prohibit the performance of any contract in support of Government of Iraq projects;
—ban all extensions of credit and loans by U.S. persons to the Government of Iraq;
—block all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
—prohibit all transfers or other transactions involving assets belonging to the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches.

The Secretary of the Treasury is authorized to issue regulations implementing these prohibitions. These two orders were effective 5:00 a.m. e.d.t., August 2, 1990.

I am enclosing a copy of each Executive order that I have issued making these declarations and exercising these authorities.

I have authorized these measures in response to the Iraqi invasion of Kuwait, which clearly constitutes an act of aggression and a flagrant violation of international law. This action is in clear violation of the national sovereignty and independence of Kuwait and the Charter of the United Nations. It threatens the entire structure of peaceful relations among nations in this critical region. It constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.

The measures we are taking to block Iraqi assets will have the effect of expressing our outrage at Iraq's actions, and will prevent that government from drawing on monies and properties within U.S. control to support its campaign of military aggression against a neighboring state. Our ban on exports to Iraq will prevent the Iraqi government from profiting from the receipt of U.S. goods and technology. Our ban on imports, while not preventing sales of Iraqi oil to third countries, denies Iraq access to the lucrative U.S. market for its most important product.

At the same time, in order to protect the property of the legitimate Government of Kuwait from possible seizure, diversion, or misuse by Iraq, and with the approval of the Kuwaiti government, we are blocking Kuwaiti assets within the jurisdiction of the United States or in the possession or control of U.S. persons.

We are calling upon our friends and allies, and all members of the world community who share our interest in the peaceful resolution of international disputes, to join us in similar actions against Iraq and for the protection of Kuwait.

GEORGE BUSH.

THE WHITE HOUSE, *August 3, 1990.*

FEDERAL ACTIONS WITH RESPECT TO PETROLEUM AND NATURAL GAS USE AND CONSERVATION—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

As required by section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, as amended (42 U.S.C. 8373(c)), I hereby transmit the eleventh annual report describing Federal actions with resptct to the conservation and use of petroleum and natural gas in Federal facilities, which covers calendar year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *August 3, 1990.*

REGULATORY PROGRAM OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

The annual *Regulatory Program of the United States Government* sets forth the Administration's regulatory priorities for the coming year. This is my Administration's first *Regulatory Program* published pursuant to Executive Order No. 12498. It represents my long-standing commitment to prudent and cost-effective Federal regulation.

The decade of the nineties will demand governmental action to meet a broad range of challenges and opportunities. Cleaning up the environment, encouraging the use of new technologies, maintaining America's global competitiveness—these are just a few of the issues that will vitally affect the quality of life of all Americans.

My Administration is committed to using necessary Federal regulation, reasonably applied, as an effective tool for positive change. At the same time, imprudent and unnecessary regulation can create greater cost than benefit. Further, many regulations burden the economy by staying on the books long after their useful life is over.

Federal regulations impose estimated direct costs on the economy as high as $175 billion annually—more than $1,700 for every taxpayer in the United States. These costs are in effect indirect "taxes" on the American public—taxes that should only be levied the benefits clearly exceed the costs.

I strongly believe in the commonsense regulatory principles that I helped develop and implement when as Vice President I chaired the Task Force on Regulatory Relief. These principles provide that regulations should be issued only when they are necessary, economically sensible, responsive to public comments and concerns, and understandable. Except where prevented by law, agencies should not take regulatory actions unless the benefits outweigh the costs. Regulations should also improve the quality of life for all Americans, rather than benefit a narrow special interest.

Agencies need to consider the effect of new regulations in the context of existing ones. The overall regulatory structure should be coherent, and obsolete regulations should be eliminated or revised. After considering all of these factors, agencies should select the best regulatory options from among the available alternatives. In doing so, they should select alternatives that minimize paperwork burdens on the public. Agencies should, where appropriate, establish performance standards that allow American businesses (and the marketplace) to choose the most cost-effective way to reach those standards; they should avoid command-and-control regulations that dictate specific solutions. I count on our Cabinet Secretaries and agency heads to use these principals of prudence and cost-effectiveness in developing regulations consistent with law.

To ensure that this Administration continues to remove unnecessary regulatory burdens from the American people, I have asked the Council on Competitiveness, chaired by Vice President Quayle, in conjunction with the Office of Information and Regulatory Affairs, to oversee the regulatory review process established by Executive Order Nos. 12291 and 12498. Such review should bolster our Nation's competiveness and strengthen the economy.

Regulatory reform is a continual, dynamic process. In the coming months, agencies within the executive branch will propose, under the guidance of the Council on Competitiveness, new and revised regulatory reforms to reflect the priorities and policies of this Administration. I expect our agency heads to report to me on their progress in these areas. I also expect our regulatory review process will continue to lead to important improvements in the regulatory program of the United States.

GEORGE BUSH.

THE WHITE HOUSE, *August 3, 1990.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 10:12 a.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1046. An act to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the Merrimack River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 1524. An act to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 1543. An act to authorize the Board of Gunston Hall to establish a memorial to George Mason in the District of Columbia;

S. 1875. An act to redesignate the Calamus Dam and Reservoir Recreation Area;

S.J. Res. 77. Joint resolution recognizing the National Firefighters' Memorial at the National Fire Academy in Emmitsburg, MD, as the official national memorial to volunteer and career firefighters who die in the line of duty;

S.J. Res. 256. Joint resolution to designate the week of October 7, 1990, through October 13, 1990, as "Mental Illness Awareness Week";

S.J. Res. 316. Joint resolution to designate the second Sunday in October 1990 as "National Children's Day"; and

H.R. 293. An act to direct the completion of the research recommended by the Technical Study Group on Cigarette and Little Cigar Fire Safety and to provide for an assessment of the practicality of a cigarette fire safety performance standard.

The enrolled bills and joint resolutions were subsequently signed by the Acting President pro tempore [Mr. CONRAD].

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5432. An act to extend the expiration date of the Defense Production Act of 1950.

At 4:54 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 1199) to amend title 38, United States Code, to improve recruitment and retention of nurses in the Department of Veterans Affairs by providing greater flexibility in the pay system for those nurses and to authorize the Secretary of Veterans Affairs to provide certain procreative services for married veterans with service-connected disabilities which impair their ability to procreate.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 360. A concurrent resolution providing for an adjournment of the House from the legislative day of August 3 to September 5, 1990, and a recess of adjournment of the Senate from any day between August 3 and August 10 to September 10, 1990.

At 12:59 a.m. (Saturday, August 4, 1990), a message from the House of Representatives announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5350. An act to provide for a temporary increase in the public debt limit.

At 2:42 a.m. (Saturday, August 4, 1990), a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 1594) to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for 3 years.

The message also announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2240) to amend the Public Health Service Act to provide grants to improve the quality and availability or care for individuals and families with HIV disease, and for other purposes, and that the House recedes from its amendment to the title of the said bill.

The message further announced that the House diagrees to the amendments of the Senate to the bill (H.R. 987) to amend the Alaska National Interest Lands Conservation Act, to deisgnate certain lands in the Tongass National Forest as wilderness, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Interior and Insular Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. UDALL, Mr. MILLER of California, Mr. SHARP, Mr. MARKEY, Mr. RAHALL, Mr. VENTO, Mr. GEJDENSON, Mr. KOSTMAYER, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. CRAIG, Mr. RHODES, and Mr. ROBERT F. SMITH.

From the Committee on Agriculture, for consideration of titles I, II, and IV of the House bill, and titles I and III and section 402 of the Senate amendment, and modifications committed to conference: Mr. DE LA GARZA, Mr. VOLKMER, and Mr. MORRISON of Washington.

As an additional conferee, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. MRAZEK.

The message also announced that the Speaker makes the following additional appointments of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1630) entitled "An Act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes":

As a conferee from the panel from the Committee on Energy and Commerce for consideration of title II of the Senate bill and title II of the House amendment: Mr. TAUKE, in lieu of Mr. BILIRAKIS.

As a conferee from the second panel from the Committee on Public Works and Transportation for consideration of that portion of section 301 adding new section 112(n) to the Clean Air Act of the Senate bill, and that portion of section 301 adding a new section 112(n)(1) to the Clean Air Act of the House amendment: Mr. OBERSTAR, in lieu of Mr. ROE.

As conferees for consideration that portion of section 401 of the House amendment adding a new section 402(b)(3) to the Clean Air Act: The third panel from the Committee on Ways and Means.

As an additional conferee for consideration of section 715 of the House amendment and modifications committed to conference, in lieu of section 709: Mr. COOPER.

As a conferee from the panel from the Committee on Merchant Marine and Fisheries: Mr. HUGHES, in lieu of Mr. TAUZIN.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4877. An act to redesignate the Austin Dam located near Austin, TX, as the "Tom Miller Dam"; and

H.R. 5400. An act to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in the House of Representatives elections, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, August 3, 1990, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1046. An act to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the Merrimack River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 1524. An act to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 1543. An act to authorize the Board of Gunston Hall to establish a memorial to George Mason in the District of Columbia;

S. 1875. An act to redesignate the Calamus Dam and Reservoir authorized under the Reclamation Project Authorization Act of 1972 as the Virginia Smith Dam and Calamus Lake Recreation Area;

S.J. Res. 77. Joint resolution recognizing the National Firefighters' Memorial at the National Fire Academy in Emmitsburg, MD, as the official national memorial to volunteer and career firefighters who die in the line of duty;

S.J. Res. 256. Joint resolution to designate the week of October 7, 1990, through October 13, 1990, as "Mental Illness Awareness Week"; and

S.J. Res. 316. Joint resolution to designate the second Sunday in October 1990 as "National Children's Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers; reports, and documents, which were referred as indicated:

EC-3385. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, the report on progress of the Board over the past eighteen months; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3386. A communication from the Assistant Secretary of Health and Human Services (Health) and the Assistant Secretary of Agriculture (Science and Education), transmitting, pursuant to law, a progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3387. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Thailand for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3388. A communication from the Acting Deputy Secretary of the Army (Programs and Installation Assistance), transmitting, pursuant to law, a report on the conversion of the custodial services function at Matin Army Community Hospital, Fort Benning, Georgia, to performance by contract; to the Committee on Armed Services.

EC-3389. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to the Coordination Council for North American Affairs for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-3390. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer by lease of a specified naval landing ship dock to the Government of Brazil; to the Committee on Armed Services.

EC-3391. A communication from the Secretary of Defense, transmitting a draft of proposed legislation to provide translation assistance to military personnel separated from the Armed Services during force reductions, and for other purposes; to the Committee on Armed Services.

EC-3392. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the disposition of coinsured multifamily housing projects held by the Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC-3393. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend section 3413 of title 12, United States Code, to add an exception authorizing financial institutions to disclose to the Department of Veterans Affairs the names and current addresses of their customers who are receiving payments, by direct deposit or Electronic Funds Transfer into their accounts, of Compensation, Dependency and Indemnity Compensation or pension benefits under title 38, United States Code; to the Committee on Veteran's Affairs.

EC-3394. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on

offsets in military exports; to the Committee on Banking, Housing, and Urban Affairs.

EC-3395. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on progress in establishing a program to demonstrate the effectiveness of disposing of distressed HUD-owned projects through a partnership with State housing finance agencies; to the Committee on Banking, Housing, and Urban Development.

EC-3396. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on alternatives for adjusting contract rents for projects which are assisted under the Section 8 Housing Assistance Payments Program and are subject to annual adjustment factors; to the Committee on Banking, Housing, and Urban Affairs.

EC-3397. A communication from the Secretary of Transportation, transmitting, pursuant to law, a study regarding the exchange of information between the Federal Government and State law enforcement officials on all arrests for drunk driving offenses in all States; to the Committee on Commerce, Science, and Transportation.

EC-3398. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of fiscal year 1989 research and development funds for the design and construction of an addition to the Avionis Systems Laboratory, Building 16, at the Johnson Space Center; to the Committee on Commerce, Science, and Transportation.

EC-3399. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Technology Administration in the Department of Commerce to provide certain services to the Advisory Council on Federal Participation in Sematech; to the Committee on Commerce, Science, and Transportation.

EC-3400. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3401. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3402. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1989"; to the Committee on Energy and Natural Resources.

EC-3403. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, an informational copy of a construction prospectus for the Federal Bureau of Investigation, Washington Field Office, Washington, D.C.; to the Committee on Environment and Public Works.

EC-3404. A communication from the Interagency Task Force of the National Acid Precipitation Assessment Program, transmitting, pursuant to law, the annual report of the Program for 1989; to the Committee on Environment and Public Works.

EC-3405. A communication from the Assistant Attorney General (Office of Justice Programs), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3406. A communication from the Assistant Comptroller (Insurance) of the Army and Air Force Exchange Service, transmitting, pursuant to law, the retirement annuity plan for employees of the Army and Air Force Exchange Service and the Supplemental Deferred Compensation Plan for Members of the Executive Management Program; to the Committee on Governmental Affairs.

EC-3407. A communication from the Acting Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, the annual report required under the Inspector General Act for fiscal year 1989; to the Committee on Governmental Affairs.

EC-3408. A communication from the Chief, Insurance and Employee Benefits, Directorate of MWR Operations, Air Force Military Personnel Center, transmitting, pursuant to law, the annual report on the Air Force Nonappropriated Fund Plan for Civilian Employees for the plan year ended September 30, 1989; to the Committee on Governmental Affairs.

EC-3409. A communication from the Postal Rate Commission, transmitting, pursuant to law, the summary of the Commission's advisory opinion on first-class standards realignment; to the Committee on Governmental Affairs.

EC-3410. A communication from the Archivist of the United States, transmitting, pursuant to law, a report on the administration of the functions of the Archivist, the Administration, the National Historical Publications and Records Commission, the National Archives Trust Fund, and a report concerning records management activities; to the Committee on Governmental Affairs.

EC-3411. A communication from the Administration of the Small Business Administration, transmitting, pursuant to law, a report on the Administration's plan to enhance competition and reduce sole source contacts in fiscal year 1990; to the Committee on Governmental Affairs.

EC-3412. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual Training and Employment Report of the Secretary of Labor; to the Committee on Labor and Human Resources.

EC-3413. A communication from the Assistant Attorney General (Civil Rights Division) as Chairperson of the Interagency Coordinating Council, transmitting, pursuant to law, the 1990 annual report of the Interagency Coordinating Council; to the Committee on Governmental Affairs.

EC-3414. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority for fiscal year 1990—The Program of Special Projects and Demonstration for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps; to the Committee on Labor and Human Resources.

EC-3415. A communication from the Assistant Secretary of the Interior (Territories and International Affairs), transmitting a draft of proposed legislation to eliminate "substantial documentary evidence" requirement for minimum wage determination in American Samoa; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-565. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION No. 153

"Whereas Friday, December 22, 1989, was the beginning of the coldestg arctic blast ever experienced in the state of Louisiana, with continuous subfreezing temperatures extending for a record eighty hours; and

"Whereas the United States Department of Agriculture Sugarcane Field Laboratory ih Houma, Louisiana, registered a record low temperature during this time of 8.9 degrees Fahrenheit; and

"Whereas the previous recorded low temperature was 13.5 degrees set during the Christmas freeze of 1983, when continuous subfreezing temperatures lasted for fifty-nine hours and, as a result, the 1984 sugarcane crop production was reduced by over twenty-five percent; and

"Whereas given the longer duration and colder temperatures experienced in the December, 1989 freeze compared to 1983, the potential for as much or even greater loss in production for the coming sugarcane crop year is apparent; and

"Whereas the Louisiana Emergency Response Committee has completed evaluating parish sugarcane damage assesment reports and has found that the most recent freeze will prove to be the worst disaster to hit the Louisiana sugarcane industry since disease nearly wiped out the industry in the 1920's with estimates indicating yield losses could run as high as one hundred percent in some areas; and

"Whereas the Louisiana sugar industry accounts for over ten percent of the gross farm income in our state; and

"Whereas the industry includes eight hundred growers, twenty sugar factories, three refineries, several support industries, and provides over twenty thousand year-round and seasonal jobs: Now, therefore, be it

Resolved, That the legislature of Louisiana does hereby memorialize the Congress of the United States, and in particular the members of the Louisiana congressional delegation, to provide federal disaster relief for the sugarcane industry in Louisiana: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana congressional delegation."

POM-566. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"JOINT RESOLUTION No. 78

"Whereas California is the third largest user of transportation fuel in the world, behind only the United States and the Soviet Union, consuming over 12 billion gallons of transportation fuels per year; and

"Whereas approximately 257 million barrels of crude oil are transported by tanker into California's refining facilities each year; and

"Whereas approximately 310 million barrels of petroleum products and 290 million barrels of crude oil are moved between California ports and coastal facilities each year; and

"Whereas the continued reliance on petroleum as a major component of California's energy use is forecasted by the State Energy Resources Conservation and Development Commission; and

"Whereas the movement by sea of petroleum and petroleum products involves both interstate and international transportation; and

"Whereas the federal government has the sole constitutional authority to conduct foreign affairs and regulate interstate and international transportation; and

"Whereas the federal government is currently either considering or conducting numerous activities related to marine safety; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to support and enact legislation which would do all of the following:

"(1) Require the United States Coast Guard to make a thorough review of tanker design, construction, and operating procedures to lessen the potential for human error resulting in loss of oil or tanker cargo, and revise the applicable requirements or standards where appropriate.

"(2) Require the Coast Guard to evaluate coastal tanker traffic and routes to ensure that tankers operate at a sufficient distance from the coast to minimize the possibility for oil to reach the shoreline in case of an accidental spill.

"(3) Require the Coast Guard to evaluate alarm interlocks on all automatic steering devices, which will activate visual and audible warnings sufficient to warn personnel on a tanker's bridge whenever manual operation of a steering system set in automatic steering is attempted.

"(4) Require a minimum of two licensed officers to be on a tanker's bridge whenever the ship is closing with a port, navigating in difficult or congested waters, or operating under reduced visibility, and direct the Coast Guard to enforce this requirement.

"(5) Require the Coast Guard to implement new certification and training requirements for maritime personnel designed to improve personnel selection and training for vessels of today and tomorrow.

"(6) Support the efforts of the Coast Guard to review requirements for expanded vessel traffic systems (VTS) throughout the couintry, provide adequate funding for a national VTS program to include uniform standards for operations and training of VTS personnel, and require participation by all commercial vessels, both United States and foreign, in the VTS program.

"(7) Since English is the internationally recognized language of the sea, require that all vessels operating within the territorial waters of the United States have navigation personnel and radio operators on duty who are able to communicate in English.

"(8) Establish a national marine safety and emergency response inspection program for all tankers operated in United States territorial waters and provide for input and participation by the states, where appropriate.

"(9) Ratify the International Convention of Standards of Training and Certification of Watchkeepers.

"(10) Provide adequate funding for the Coast Guard to carry out its mission, as defined in federal law, with regard to oilspill prevention and response; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-567. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"JOINT RESOLUTION No. 86

"Whereas experts in the field of radiation and radioactivity disagree as to whether, for public health purposes, there is any safe level of exposure to radiation or radioactivity; and

"Whereas exposure to radiation and radioactivity can result in leukemia and other types of cancer; and

"Whereas it is difficult to distinguish radiation-induced biological damage from similar damage caused by other types of environmental insults, including exposure to chemical contaminants, particularly where both types of environmental insults have occurred; and

"Whereas the half-lives of radionuclides range from seconds to millions of years; and

"Whereas contamination of soil and groundwater involving both radioactive and chemical contamination presents special problems for cleanup; and

"Whereas the Federal Resources Conservation and Recovery Act has granted broad authority to states to regulate the release of chemical contaminants from private and federal facilities, providing the states have established regulatory programs which meet specified criteria; and

"Whereas the Federal Atomic Energy Act has largely preempted state and local agencies in the regulation of federal agencies carrying out activities authorized by the provisions of the act which involve the use of radioactive materials, the federal Environmental Protection Agency is not empowered to regulate federal facilities, and the federal Department of Energy has regulated its own activities through the use of internal procedures manuals known as "Department of Energy Orders," which are not subject to the federal Administrative Procedures Act; and

"Whereas the guidance provided by the Department of Energy Orders has failed to prevent serious environmental contamination problems at more than 40 Department of Energy facilities nationwide, where chemical and/or radioactive releases will now require costly and difficult environmental restoration work; and

"Whereas at least five of these sites are located in California near major population areas; now therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending the Atomic Energy Act to allow the states to regulate federal facilities to prevent the release of both radioactive and chemical contaminants which threaten the environment and the health of nearby communities; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-569. Joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"JOINT RESOLUTION No. 87

"Whereas the Presidential Medal of Freedom was instituted by President Harry S. Truman in 1945 to recognize Americans who have made especially meritorious contributions to world peace, the security or national interest of the United States, or other public or private endeavors; and

"Whereas during World War II while touring with the USO, Martha Raye entertained American troops in North Africa, Europe, the South Pacific, and on Navy warships; she also entertained American troops during the Korean War; and

"Whereas from 1965 to 1974, Miss Raye spent over two years in Vietnam entertaining American troops, often venturing to the most remote outposts, for which she became known affectionately as "The Old Lady of the Boondocks;" her close association with the Special Forces earned her the honorary rank of lieutenant colonel, a tiger suit with Special Forces insignia, a green beret, and their love and respect; and

"Whereas while on tour in Vietnam, she often found herself in combat situations; she was wounded twice and on numerous occasions she tended American wounded near the battlefield; and

"Whereas Miss Raye has also been awarded other well deserved honors such as the Combat Field Medical Badge, but has yet to receive from the United States government recognition in commensurate with her valuable contributions and her courageous and unselfish commitment to this country during three wars; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to award Martha Raye the Presidential Medal of Freedom in recognition of her distinguished record of lifetime service to this country; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representatives from California in the Congress of the United States."

POM-569. Resolution adopted by the City Council of Lakewood, Ohio supporting S. 2112 which amends the National Labor Relations Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2648. A bill to amend title 28, United States Code, to provide for civil justice expense and delay reduction plans, authorize additional judicial positions for the courts of appeals and district courts of the United States, and for other purposes (Rept. No. 101-416).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with the amendments in the nature of a substitute:

S. 2056. A bill to amend title XIX of the Public Health Service Act to provide grants to States and implement state health objectives plans, and for other purposes (Rept. No. 101-417).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2669. A bill to provide for increases in appropriation ceilings for land acquisition and development in certain units of the National Park System, and for other purposes (Rept. No. 101-418).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with the amendment in the nature of a substitute:

S. 2398. A bill to authorize the continuation of the National Senior Olympic Games (Rept. 101-419.

S. 2759. A bill to authorize the appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes (Rept. 101-420).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with the amendments in the nature of a substitute:

H.R. 4151. A bill to authorize the appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for purposes (Rept. 101-421).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with the amendments in the nature of a substitute and an amendment to the title:

S. 2680. A bill to provide for the relief of certain persons in Stone County, Arkansas deprived of property as a result of a 1973 dependent resurvey by the Bureau of Land Management (Rept. 101-422).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with the amendment:

H.R. 2174. A bill to establish a commission to prepare a report on the feasibility of creating a Mississippi River National Heritage Corridor (Rept. 101-423).

H.R. 4501. A bill to provide for the acquisition of the William Johnson House and its addition to the Natchez National Historical Park, and for other purposes (Rept. 101-424).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 5131. A bill to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes (Rept. No. 101-425).

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. 2999. An original bill to exclude the Social Security Trust Funds from the deficit calculation (Rept. No. 101-426).

By Mr. SASSER, from the Committee on the Budget, with an amendment in the nature of a substitute:

S. 101. A bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes (Rept. No. 101-427).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment and with a preamble:

S. Con. Res. 99. Concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965.

S. Con. Res. 123. Concurrent resolution to encourage State governments, local governments and local educational agencies to adopt a comprehensive curricular program which provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights and which fosters civic competence and civic responsibility.

S. Con. Res. 127. Concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services to American communities.

S. Con. Res. 132. Concurrent resolution expressing the sense of the Congress that August 30, 1990, be observed as "1890 Land-Grant Institutions Centennial Recognition Day".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Timothy John McBride, of Michigan, to be an Assistant Secretary of Commerce;

C. M. Schauerte, of Texas, to be Federal Insurance Administrator, Federal Emergency Management Agency; and

Bert W. Corneby, of New York, to be Superintendent of the Mint of the United States at West Point, New York.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1995; and

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Kenneth N. Peltier.

Post: American Embassy Moroni.

Contributions, Amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, Jean-Philippe N. Peltier, none, Marianne E. Peltier, none, Charlotte E. Peltier, none.

4. Parents, Eugene J. Peltier, $89, 1985, $105, March 1986, $50, June 1986, $105, March 1987, $105, Feb. 1988, $50, Sept. 1988, $105, 1989, National Republican Senatorial Committee; $35, 1985, $25, 1986, $35, 1987, $35, 1988, $35, 1989, Republican National Committee; $35, 1985, Presidential Trust.

Lena E. Peltier (deceased), none.

By Mr. PELL, from the Committee on Foreign Relations:

Kenneth Noel Peltier, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

5. Grandparents, all are deceased. Last remaining grandparent died in 1974.

6. Brothers and spouses, Eugene J. Peltier Jr., none; JoAnne Peltier, none.

7. Sisters and spouses, Carole J. Coulter, none; Wayne F. Coulter $52, Yellow Freight Systems Political Action Committee; $74, May 1985 $74, Nov. 1985, $100, May 1986, $100, Nov. 1986 $100, May 1987 $100, Nov. 1987, Republican Victory Fund.

Anne P. Davis, none; Jim Davis none.

Marion Springer none; Byron Springer Jr., none; $25, 1985, Praeter, Lawrence, KA, City Commissioner; $25, 1985, Haill, Lawrence, KA, City Commissioner; $25, 1985, Dollars for Democrates; $75, 1986, Dollars for Democrates; $25, 1986, Branson for Kansas Legislature; $100, 1986, Docking for Governor, KA; $25, 1987, Langhurst for Lawrence KA, City Commission; $25, 1987, Hill for Lawrence, KA City Commission; $30, 1987, Dollars for Democrates; $25, 1988, Flory for Douglas County (KA) District Attorney; $25, 1988, Kansan's for the 1990's; $20, 1988, Dollars for Democrates; $25, 1988, Rhodes for Douglas, County (KA) City Commission; $25, 1988, Branson for Kansas State Legislature; $50, 1988, Douglas County (KA); Democrate Central Commission; $50, 1988, Bond for Kansas State Senate; $200, 1988, Walthers for City; Commission (KA); 1989 Dollars for Democrates; and $20, 1989, Douglas County (KA);$50, 1989, Douglas County (KA); Democrate Central Commission.

Townsend B. Friedman, Jr., of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Townsend E. Friedman, Jr.

Post: Mozambique.

Contributions, amount, date, and donee:

1. Self, Townsend B. Friedman, none.

2. Spouse, Eli Friedman, none.

3. Children and spouses, Patricia Friedman and Elia Friedman, none.

4. Parents, Dr. and Mrs. Townsend Friedman (deceased).

5. Grandparents, Mr. and Mrs. Morris Friedman (deceased). Mr. and Mrs. Milton Newberger (deceased).

6. Brothers and spouses, none.

7. Sisters and spouses, see attached page.

8. Sisters and brother-in-law, Mr. and Mrs. Joseph Reich.

Donee	Date	Amount
Senator William Bradley	May 1989	$2,000.
Senator Tom Harkin	May 1989	1,000.
Senator Daniel Moynihan	September 1988	1,000.
Representative Charles Green	August 1988	500.
Representative Charles Schumer	July 1988	1,000.
Senator William Bradley	June 1987	2,000.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to the State of Kuwait. (Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Edward William Gnehm, Jr.

Post: U.S. Ambassador to the State of Kuwait.

Contributions, amount, date, and donee:

1. Self, Edward William Gnehm, Jr, none.
2. Spouse, Margaret Scott Gnehm, none.
3. Children and spouses, Cheryl and Edward, III, none.
4. Parents, Beverly Thomasson (mother), father (deceased), none.
5. Grandparents, deceased.
6. Brothers and spouses, not applicable.
7. Sisters and spouses, Barbara, none (no spouse), Jane Ellen, none (no spouse).

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Genta Hawkins Holmes.

Post: Ambassador to the Republic of Namibia.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents, deceased.
5. Grandparents, deceased.
6. Brothers and spouses, Ronald H. Hawkins, none, and Lynn A. Hawkins, none.
7. Sisters and spouses, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those indentified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) ar to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 20, March 20, April 4, May 10, May 23, June 7, June 18, June 21, July 10, July 12, July 18, and July 26, 1990 at the end of the Senate proceedings.)

* Lieutenant General Claude M. Kicklighter, USA, to be reassigned in the grade of lieutenant general (Reference No. 825).

* In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (Lyle R. Hall) (Reference No. 976).

* In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (William A. Heine III) (Reference No. 977).

* In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (Roger W. Triftshauser) (Reference No. 978).

* In the Navy there are 2 promotions to the grade of rear admiral (lower half) (list begins with Patrick W. Drennon) (Reference No. 981)

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (lower half) (list begins with Grant Thomas Hollett, Jr.) (Reference No. 982).

* In the Navy there are 21 promotions to the grade of rear admiral (list begins with Richard Charles Allen) (Reference No. 1058).

* In the Naval Reserve there are two promotions to the grade of rear admiral (list begins with Gerald E. Gilbert) (Reference No. 1088).

* Rear Admiral (lower half) Brian T. Sheehan, USNR, to be rear admiral (Reference No. 1089).

** In the Naval there are 339 promotions to the grade of captain (list begins with Robert James Abbott) (Reference No. 1098).

** In the Naval Reserve there are 437 promotions to the grade of captain (list begins with David Donald Abelson) (Reference No. 1155).

** In the Navy there are 178 promotions to the grade of captain (list begins with Stephen Albert Baez) (Reference No. 1174).

* Rear Admiral (Lower Half) William C. Bowes, USN, to be rear admiral (Reference No. 1184).

* In the Naval Reserve there are two promotions to the grade of rear admiral (lower half) (list begins with William D. Sullins, Jr.) (Reference No. 1200).

* Rear Admiral Stephen F. Loftus, USN to be vice admiral (Reference No. 1215).

* Rear Admiral (Selectee) William A. Owens, USN, to be vice admiral (Reference No. 1242).

** In the Navy there are 820 promotions to the grade of commander (list begins with Robert John Abel) (Reference No. 1255).

* Vice Admiral Stanley R. Arthur, USN, for reappointment in the grade of vice admiral (Reference No. 1267).

** In the Navy there are 478 promotions to the grade of commander (list begins with Sandra Kraus Adsit) (Reference No. 1302).

** In the Naval Reserve there are 806 promotions to the grade of commander (list begins with Ariel Abriam) (Reference No. 1337).

** In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Charles T. Wallace) (Reference No. 1356).

** In the Air Force Reserve there are 35 promotions to the grade of lieutenant colonel (list begins with Stephen E. Asbhier) (Reference No. 1357).

** In the Army there are 7 promotions to the grade of colonel and below (list begins with David L. Michaels) (Reference No. 1358).

** In the Army there are 43 promotions to the grade of colonel and below (list begins with James W. Cartwright) (Reference No. 1359).

** In the Air Force Reserve there are 12 appointments to the grade of colonel and below (list begins with Deo K. Bhati) (Reference No. 1374).

* In the Air Force Reserve there are 23 appointments to the grade of major general and below (list begins with Russell C. Davis) (Reference No. 1381).

* In the Army Reserve there are 2 appointments to the grade of major general and below (list begins with Thomas T. Thompson) (Reference No. 1382).

* Lieutenant General Ernest T. Cook, Jr., USMC for reappointment in the grade of lieutenant general (Reference No. 1383).

* Major General Walter E. Boomer, USMC to be lieutenant general (Reference No. 1384).

** In the Air Force there is one appointment in the grade of second lieutenant (David b. Cox) (Reference No. 1391).

** In the Army there are 3 promotions to the grade of lieutenant colonel (list begins with William H. Jockheck) (Reference No. 1392).

** In the Navy there are 37 appointments to the grade of ensign (list begins with Marquerite R. Boyd) (Reference No. 1393).

** In the Navy and Naval Reserve there are 21 appointments and reappointments to the grade of commander and below (list begins with James E. Taylor) (Reference No. 1394).

** In the Air Force Reserve there are 73 promotions to the grade of colonel (list begins with Jacob C. Armstrong, Jr.) (Reference No. 1395).

** In the Air Force there are 256 appointments to the grade of second lieutenant (list begins with Sean J. Allburn) (Reference No. 1396).

** In the Naval Reserve there are 157 promotions to the grade of captain (list begins with Harvey C. Aaron) (Reference No. 1397).

** In the Naval Reserve there are 360 promotions to the grade of commander (list begins with Robert Enrique Aguirre) (Reference No. 1398).

** In the Air Force there are 22 promotions to the grade of colonel and below (list begins with Charles G. Jones) (Reference No. 1400).

** In the Air Force Reserve there are 30 promotions to the grade of Lieutenant colonel (list begins with Loren K. Acker) (Reference No. 1401).

** In the Army there are 6 appointments to the grade of captain and below (list begins with Lawrence G. Ferguson) (Reference No. 1402).

** In the Navy there are 48 appointments to the grade of ensign (list begins with George T. Adams) (Reference No. 1403).

** In the Navy there are 1,267 promotions to the grade of lieutenant commander (list begins with Craig Sidney Abernathy) (Reference No. 1408).

** In the Air Force there are 47 appointments to the grade of colonel and below (list begins with Djalma A. Braga) (Reference No. 1419).

** In the Army there are 3 promotions to the grade of major (list begins with Robert L. Beaver, Jr.) (Reference No. 1420).

** In the Army there are 52 promotions to the grade of colonel and below (list begins with John R. Ady) (Reference No. 1421).

** In the Navy Reserve there are 12 appointments to the grade of commander (list begins with Gary L. Biesecker) (Reference No. 1422).

** In the Army there are 694 promotions to the grade of major (list begins with Michael R. Arcuri) (Reference No. 1423).

** In the Marine Corps Reserve there are 93 appointments to the grade of colonel (list begins with Michael G. Akin) (Reference No. 1424).

** In the Navy there are 956 promotions to the grade of lieutenant commander (list begins with Motaz Albahra) (Reference No. 1425).

** In the Army Reserve there are 76 promotions to the grade of colonel and below

(list begins with Richard H. Clark) (Reference No. 1426).

Total.—7,439.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2965. A bill to designate the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building"; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. SIMON, Mr. DECONCINI, Mr. HATCH, Mr. BIDEN, and Mr. KENNEDY):

S. 2966. A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the act, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 2967. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the provision of health insurance, and for other purposes; to the Committee on Finance.

By Mr. WALLOP (for himself, Mr. BURNS, Mr. SYMMS, Mr. GRASSLEY, Mr. BOND, Mr. DOLE, Mr. MCCLURE, and Mr. NICKLES):

S. 2968. A bill to exempt certain operators of farm vehicles operating within 600 miles of a farm from the commercial driver's license program; to the Committee on Commerce, Science, and Transportation.

By Mr. GARN (for himself and Mr. HATCH):

S. 2969. A bill to increase the amounts authorized to be appropriated for the Central Utah project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY (for himself and Mr. RUDMAN):

S. 2970. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2971. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography from women at high risk of developing breast cancer, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 2972. A bill to amend the XVIII of the Social Security Act to provide an additional payment under part A of the Medicare Program for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. METZENBAUM, Mr. HATFIELD, Ms. MIKULSKI, Mr. PELL, Mr. SIMON, Mr. ADAMS, Mr. DECONCINI, Mr. BRADLEY, Mr. KERREY, Mr. MOYNIHAN, Mr. KERRY, Mr. INOUYE, Mr. BURDICK, Mr. BIDEN, Mr. ROCKEFELLER, Mr. GORE, Mr. WIRTH, Mr. LIEBERMAN, Mr. KOHL, Mr. LAUTENBERG, Mr. REID, Mr. SARBANES, and Mr. AKAKA):

S. 2973. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 2974. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax exemption to sales of certain trucks assembled by nonprofit educational organizations; to the Committee on Finance.

By Mr. REID:

S. 2975. A bill to amend title II of the Social Security Act to provide for a more gradual 10-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers attaining age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits accordingly; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 2976. A bill to establish a National Center for Mine Waste Technology Research, Development and Demonstration in Butte, MT; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 2977. A bill to prohibit certain RTC asset sales; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S. 2978. A bill to provide that Federal employees may participate in State and local government programs encouraging the use of public transportation; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. GORE, Mr. HARKIN, Mr. BRYAN, Mr. DURENBERGER, Mr. EXON, Mr. KERREY, Mr. HEINZ, Mr. REID, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 2979. A bill to protect the public from health risks from radiation exposure from low-level radioactive waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. HEINZ):

S. 2980. A bill to amend the Internal Revenue Code of 1986 to modify the provisions permitting certain entities to elect a taxable year other than the required year; to the Committee on Finance.

By Mr. THURMOND:

S. 2981. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls Clubs of America; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 2982. A bill to establish the Fox River National Heritage Corridor; to the Committee on Energy and Natural Resouces.

By Mr. ROTH:

S. 2983. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the passive foreign investment company rules, to repeal the export trade corporation rules, and for other purposes; to the Committee on Finance.

By Mr. BOSCHWITZ:

S. 2984. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eligible child care services; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. D'AMATO, and Mr. HARKIN):

S. 2985. A bill to amend the Controlled Substances Act to limit the retention of seized assets by the Attorney General for administration expenses; to the Committee on the Judiciary.

By Mr. KERRY:

S. 2986. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services; to the Committee on Finance.

By Mr. SIMON:

S. 2987. A bill to establish the Lovejoy Building as an African-American Higher Education Center, and for other purposes; to the Committee on Labor and Human resources.

By Mr. MOYNIHAN (for himself, Mr. HEINZ, Mr. BAUCUS, Mr. ROTH, Mr. BOREN, Mr. DANFORTH, Mr. PRYOR, Mr. DURENBERGER, Mr. RIEGLE, Mr. ARMSTRONG, Mr. SYMMS, Mr. SARBANES, Mr. WILSON, Mr. KENNEDY, Mr. COATS, Mr. HELMS, Mr. BURDICK, Mr. BUMPERS, Mr. JOHNSTON, Mr. CRANSTON, Mr. SHELBY, Mr. JEFFORDS, Mr. KERRY, Mr. DIXON, Mr. COCHRAN, Mr. BOND, Mr. BOSCHWITZ, Mr. DODD, Mr. LUGAR, Mr. CONRAD, Mr. LAUTENBERG, Mr. INOUYE, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SIMON, Mr. MURKOWSKI, Mr. REID, Mr. SANFORD, Mr. LOTT, Mr. HARKIN, Mr. PELL, Mr. SIMPSON, Mr. GLENN, Mr. LEVIN, Mr. KASTEN, Mr. HATFIELD, Mr. HOLLINGS, Mr. COHEN, Mr. NICKLES, Mr. BURNS, Mr. BINGAMAN, Mr. AKAKA, Mr. D'AMATO, Mr. MACK, Mr. BIDEN, Mr. BRYAN, Mr. GORE, Mr. KERREY, and Mr. HEFLIN):

S. 2988. A bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee education assistance permanent, and for other purposes; to the Committee on Finance.

By Mr. HEINZ:

S. 2989. A bill to amend title XIX of the Social Security Act to provide for an expansion of Medicaid benefits to low-income pregnant women and children, and to raise the tax on cigarettes to fund such Medicaid expansion; to the Committee on Finance.

By Mr. COCHRAN:

S. 2990. A bill to extend the period for credit or refund of certain overpayments of the windfall profit tax on domestic crude oil; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. LOTT, Mr. INOUYE, Mr. AKAKA, and Mr. MITCHELL):

S. 2991. A bill to reauthorize the Fish and Seafood Promotion Act of 1986; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 2992. A bill to amend the Act of December 22, 1944 (known as the "Flood Control Act of 1944") to establish statutory procedures for the preparation of an annual plan for operations of water control projects in the Missouri River Basin, and for other purposes; to the Committee on Environment and Public Works.

S. 2993. A bill to amend the Internal Revenue Code of 1986 to extend the solar, geothermal, ocean thermal energy tax credits through 1995; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 2994. A bill to require the Secretary of the Treasury to mint coins in commemoration of James Madison and the bicentennial anniversary of the signing of the Bill of

Rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BURDICK):

S. 2995. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under the Social Security Act or any other Federal or federally assisted program; to the Select Committee on Indian Affairs.

By Mr. REID (for himself, Mr. BRYAN, Mr. BOND, and Mr. LIEBERMAN):

S. 2996. A bill to provide for procedural and substantive due process of law for coaches, players, and institutions of higher education subject to suspension as a result of sanctions imposed, or threat of sanctions, upon an educational institution by the National Collegiate Athletic Association; to the Committee on Labor and Human Resources.

By Mr. BOSCHWITZ:

S. 2997. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources. .

S. 2998. A bill to amend the Public Health Service Act to revise and extend title X, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER, from the Committee on the Budget:

S. 2999. An original bill to exclude the Social Security trust funds from the deficit calculation; placed on the calendar.

By Mr. SIMPSON (for Mr. HEINZ):

S. 3000. A bill to strike coins for Pearl Harbor veterans, for the Yosemite National Park Centennial, and for the bicentennial of the United States Constitution, considered and passed.

By Mr. D'AMATO:

S.J. Res. 359. A joint resolution designating the week of beginning September 16, 1990, as "Emergency Medical Services Week"; to the Committee on Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 360. A joint resolution to apologize to the Hawaiian people for the overthrow of the kingdom of Hawaii in 1893 and to declare the trust relationship between the United States Government and Native people of Hawaii; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD:

S. Res. 319. A resolution to express the sense of the Senate that the Willamette Meteorite should be returned to the State of Oregon; to the Committee on Rules and Administration.

By Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. KERRY, Mr. DECONCINI, Mr. REID, Mr. BURNS, and Mr. MCCONNELL):

S. Res. 320. A resolution expressing the sense of the Senate regarding controls by certain European countries on chemicals that are used in the processing of illegal drugs; to the Committee on Foreign Relations.

By Mr. ARMSTRONG (for himself, and Mr. MCCAIN):

S. Con. Res. 144. A concurrent resolution expressing the sense of the Congress regarding the need to account as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to secure the return of Americans who may still be held captive in Southeast Asia; to the Committee on Foreign Relations.

By Mr. NUNN (for Mr. MITCHELL, for himself, Mr. DOLE, Mr. DOMENICI, and Mr. SIMON):

S. Con. Res. 145. A concurrent resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the Polish Constitution; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOSCHWITZ:

S. 2967. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the provision of health insurance, and for other purposes; to the Committee on Finance.

ACCESS TO HEALTH INSURANCE ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce the Small Business Access to Health Insurance Act of 1990.

Mr. President, we are all aware that approximately 30 million Americans are without health insurance. Several studies have now been completed which give us a much better picture of who they are and why they are uninsured. According to one recent study by the Employee Benefit Research Institute [EBRI] a majority, 20.6 million, 62 percent worked full-time, all year, and were never unemployed during that period. Another 4.6 million, 13.9 percent worked full or part time with some unemployment, and 3.1 million worked part-year, full or part time. Only 4.9 million of the uninsured, 14.8 percent, Mr. President, were nonworkers. While it is true that some of the uninsured chose not to carry health insurance, the vast majority are uninsured because of the high cost of insurance or its unavailability.

The EBRI study also stated that almost 12 percent of the uninsured are self-employed, and nearly 50 percent are employees of small companies, those with fewer than 25 employees. Currently, there are several tax advantages for large companies who can afford to self-insure. Such companies are allowed to deduct 100 percent of their insurance costs as a business expense. In contrast, the self-employed are allowed to deduct only 25 percent of their costs, and this option expires at the end of this year. Further, those who self-insure are exempt from State mandates and do not have to pay State excise taxes on insurance premiums. In addition, large companies, whether they self-insure or purchase coverage from a carrier, have the advantage of spreading the risk over a wider population, thereby reducing the cost of coverage.

Mr. President, before I came to the Senate I owned and operated a small business. I know that nearly all small businesses want to provide health care for their employees, but in many cases, as the statistics reveal, doing so is financially impossible. Unfortunately, I believe that we in Government have created road blocks for small businesses seeking to purchase health insurance. My small business "Access to Health Insurance Act of 1990" seeks to remove some of these obstacles and to increase affordability and accessibility for small businesses.

DEDUCTION FOR SOLE PROPRIETORS

According to the Small Business Administration [SBA], there are at least 8.6 million self-employed individuals; they in turn employ about 8.2 million workers. The SBA further states that no more than 47 percent of the self-employed and their employees are covered by health insurance, accounting for one out of every four who are uninsured. It is a fact that inadequate profits is the principal reason small firms do not provide health care coverage for their employees. And in the case of sole proprietors, if there is not sufficient incentive to insure the boss, there is no incentive to insure the employee. While we can not legislate adequate business profits, we should not continue a tax policy which denies full deductibility of health insurance cost to the self-employed.

Section 2 of my bill will modify section 162(1) of the Internal Revenue Code of 1986 to phase-in greater tax deductions for health insurance costs incurred by the self-employed. The deduction would increase to 100 percent by 1994.

STATE MANDATES

In a 1989 study, the Health Insurance Association of America [HIAA] stated that each new mandate enacted between 1982 and 1985 lowered by 1.5 percent the likelihood that a small firm would offer coverage to its employees. Currently, there are over 700 State health insurance mandates across the country; my State of Minnesota has 29. While I support the concept of a basic plan that will provide adequate care, I do not believe that a multitude of mandated services and coverages is necessary in every case, especially where they have the effect of making insurance nearly unavailable. It certainly has not been demonstrated to be cost-effective. In fact, some States are now requiring that a cost effectiveness study be completed before new mandates are enacted.

My proposal is aimed at providing health care for those who are uninsured. Consequently, section 3 of the bill will preempt State health care mandates for employers who have not previously provided a health care plan, or due to financial hardships have dis-

continued a health care plan, as long as a "no-frills" package is offered. The State will review all hardship applications before an employer is permitted to offer the basic health plan.

UNINSURABLE POOLS

Finally, Mr. President, some individuals are uninsured because they are a high risk. Because of a physical or emotional condition, their insurance premiums are prohibitively expensive, if they can purchase coverage at all. I believe it is appropriate for the Federal Government to provide assistance to ensure the accessibility and affordability of health insurance for such Americans. Section 4 of my bill authorizes $50 million to establish State uninsurable pools in 1991, and such sums as may be necessary in subsequent fiscal years. Small businesses would be benefited because individual employees who were uninsurable could be covered under the State's uninsurable-pool policies and would not render a small business group uninsurable as a whole.

Mr. President, my proposal is a basic small business health insurance plan. Its purpose is to provide incentives so that health care will be more affordable and accessible for small businesses. I urge my colleagues to join me in this effort by cosponsoring my bill.

Mr. President, I ask unanimous consent that the complete text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Health Insurance Act of 1990".

SEC. 2. DEDUCTION FOR HEALTH INSURANCE BY SELF-EMPLOYED.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended—

(1) by striking "25 percent of" in paragraph (1), and

(2) by striking paragraph (6) and inserting the following new paragraph:

"(6) PHASE-IN OF ALLOWANCE.—

"(A) IN GENERAL.—In the case of any taxable year beginning in calendar years 1990 through 1993 the amount allowed as a deduction under this subsection (determined without regard to this paragraph) shall be multiplied by the applicable percentage for such year.

"(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be determined in accordance with the following table:

"In the case of taxable years beginning in:	The applicable percentage is:
1990 or 1991	25
1992	50
1993	75."

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 7107(a) of the Omnibus Budget Reconciliation Act of 1989 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 3. PREEMPTION OF STATE MANDATED BENEFITS FOR CERTAIN EMPLOYER PLANS.

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end thereof the following new paragraph:

"(9)(A) Subsection (a) shall not apply to any provision of law of any State to the extent that such provision mandates or provides any requirement relating to the type or level of benefits that are to be provided under contracts or policies of health insurance issued to or under a plan that—

"(i) constitutes an employee welfare plan (as defined in section 3(1));

"(ii) is established by an employer who—

"(I) has never provided health insurance coverage to the employees of such employer, or

"(II) has not provided such coverage during the 6-month period ending before the establishment of such plan and demonstrates to the appropriate State official that any termination of any previous employee health insurance coverage was for reasons other than to qualify under this subclause;

"(iii) provides minimum benefits for a covered individual equal to—

"(I) 75 percent of the first $2,000 of excess cost,

"(II) 90 percent of such excess cost from $2,001 to $25,000, and

"(III) 100 percent of such excess cost over $25,000;

"(iv) provides that the annual deductible shall not exceed $350 per person, except that such deductible solely with respect to prenatal care costs shall not exceed $200 per person;

"(v) provides that the annual deductible plus the total annual copayment of excess cost shall not exceed $3,150 per person; and

"(vi) provides maximum lifetime benefits of not less than $100,000.

"(B) For purposes of this paragraph, the term 'excess cost' means the cost of covered services in excess of the annual deductible.

"(C) For purposes of this paragraph, the term 'cost of covered services'—

"(i) means the usual and customary charges for—

"(I) hospital and surgical services prescribed by a physician not to exceed 30 days of hospitalization per year, and $200 per day or the average semiprivate rate for room and board, and services and supplies in the amount of 8 times the room and board rate for each stay, and

"(II) professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a physician or at the physician's direction; and

"(ii) does not mean any charge for—

"(I) care for injury or disease either arising out of an injury in the course of employment and subject to a workers' compensation or similar coverage, for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or for which benefits are payable under another policy of accident and health insurance, medicare, or any other governmental program,

"(II) treatment for cosmetic purposes other than for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness, or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician,

"(III) care which is primarily for custodial or domiciliary purposes which would not qualify as eligible services under medicare,

"(IV) confinement in a private room to the extent it is in excess of the institution's charge for the institution's most common semiprivate room, unless a private room is prescribed as medically necessary by a physician, or the institution does not have semiprivate rooms, in which case the institution's most common semiprivate room charge shall be considered to be 90 percent of the institution's lowest private room charge,

"(V) services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceed the prevailing charge in the locality where the service is provided, and

"(VI) services or articles the provision of which is not within the scope of authorized practice of the institution or individual providing the services or articles."

SEC. 4. STATE UNINSURABLE POOLS.

(a) IN GENERAL.—Title XIX of the Public Health Service Act (42 U.S.C. 1901 et seq.) is amended—

(1) in the heading of part D, by striking out "Part D" and inserting in lieu thereof "Part C"; and

(2) by adding at the end thereof the following new part:

"PART D—STATE UNINSURABLE POOLS

"SEC. 1941. DEFINITIONS.

"As used in this part:

"(1) MEDICALLY UNINSURABLE INDIVIDUAL.—The term 'medically uninsurable individual' means an individual—

"(A) who is a resident of a State;

"(B) who does not have health insurance coverage on the date on which the individual applies for health insurance coverage under a qualified uninsurable pool in the State;

"(C) who has received—

"(i) a notice of rejection from one or more insurance providers for coverage that is substantially similar to the coverage offered by the qualified uninsurable pool in the State, without material underwriting restriction;

"(ii) a notice of a reduction or limitation in health insurance benefits that substantially reduces benefits compared to benefits available to other individuals, such as a rider that excludes or modifies benefits for a condition for a period that is not less than 6 months; or

"(iii) a notice of an increase in premiums because of medical reasons for substantially similar health coverage, either applied for or in force, that exceeds the premium rate for coverage provided by the qualified uninsurable pool in the State; and

"(D) who is not eligible to receive benefits under title XVIII or XIX of the Social Security Act (42 U.S.C. 1396 et seq.)

"(2) QUALIFIED UNINSURABLE POOL.—The term 'qualified uninsurable pool' means any organization that—

"(A) is a nonprofit corporation established pursuant to and regulated by State law;

"(B) has a membership that may include—

"(i) insurers writing expense-incurred health insurance;

"(ii) hospital and medical service plan corporations;

"(iii) health maintenance organizations; and

"(iv) employers;

"(C) makes available (without regard to health conditions) to all medically uninsurable individuals in a State, levels of health insurance that is similar to the levels of coverage provided in the State by other insurers;

"(D) charges a pool premium rate that is not less than 125 percent, nor more than 150 percent, of the average premium rates for individual standard risks in the State for comparable coverage;

"(E) finances the losses of the pool through general revenue sources; and

"(F) at the option of the State and to the extent practicable, constrains costs through the use of appropriately managed care.

"SEC. 1942. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making allotments to States to carry out the activities described in section 1945, there are authorized to be appropriated $50,000,000 in fiscal year 1991, and such sums as may be necessary in each subsequent fiscal year.

"SEC. 1943. ALLOTMENTS.

"(a) IN GENERAL.—From the total amount appropriated under section 1942 for a fiscal year, the Secretary shall allot to each State for such fiscal year an amount that bears the same ratio to the amount appropriated as the population of the State bears to the population of all States, except as provided in subsections (b) and (d).

"(b) LIMITATIONS.—Notwithstanding subsection (a), the allotment of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands under this section for a fiscal year—

"(1) shall not be less than one-half of one percent of the total amount appropriated under section 1942 for such fiscal year; and

"(2) shall not be more than 3 percent of the total amount appropriated under such section for such fiscal year.

"(c) ACTION BY SECRETARY.—If a State does not submit an application or description of activities in accordance with section 1946 for a fiscal year or does not otherwise establish an uninsurable pool as required under this part, the amount of funds allotted to such State shall be used by the Secretary to establish, through grants or contracts, a qualified uninsurable pool within the State that meets the requirements of this part.

"(d) REVERSION OF FUNDS.—To the extent that all of the funds appropriated under section 1942 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(2) some State allotments are offset or repaid under section 1947(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"SEC. 1944. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—

"(1) AMOUNT OF PAYMENT.—Each State that—

"(A) has an application approved by the Secretary under section 1946(a); and

"(B) demonstrates to the satisfaction of the Secretary that it will provide from non-Federal sources the State share of the aggregate amount to be expended by the State under the application submitted by the State for the fiscal year for which it requests funds;

shall receive a payment under this section for such fiscal year in an amount (not to exceed its allotment under section 1943 for such fiscal year) equal to the Federal share of the aggregate amount to be expended by the State under the application submitted by the State for such fiscal year.

"(2) FEDERAL SHARE.—The Federal share for each fiscal year shall be 75 percent.

"(3) STATE SHARE.—The State share equals 100 percent minus the Federal share.

"(b) AVAILABILITY.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"(c) REDUCTION OF PAYMENTS.—The Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(1) the fair market value of any supplies or equipment furnished to the State under this part; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government, when detailed to the State, and the amount of any other costs incurred in connection with the detail of such officer or employee;

if the furnishing of supplies or equipment or the detail of an officer or employee is for the convenience of, and at the request of, the State and for the purpose of conducting activities described in section 1945. The amount by which any payment is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"SEC. 1945. USE OF ALLOTMENTS.

"(a) QUALIFIED UNINSURABLE POOLS.—Except as provided in subsection (b), amounts paid to a State under section 1944 shall be used by the State to develop and operate qualified uninsurable pools to provide health insurance for medically uninsurable individuals.

"(b) UNDERWRITING OF COSTS.—If the Secretary determines a qualified uninsurable pool exists in a State during a fiscal year for which the State receives an allotment under section 1943, the State may use any amount paid to the State under section 1944 for such fiscal year to assist in the underwriting of the costs of such pool that may conform with the requirements of this part.

"(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount paid to a State under section 1944 for a fiscal year shall be used for administering the funds made available under such section.

"(e) USE OF CERTAIN FUNDS.—A State may transfer not to exceed 10 percent of the amounts provided to such State under other parts of this title each fiscal year to carry out the activities described in this section.

"SEC. 1946. APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS.

"(a) APPLICATION.—

"(1) IN GENERAL.—To receive an allotment for a fiscal year under section 1943, a State shall submit an application to the Secretary in such form, by such date, and containing such information as the Secretary shall require.

"(2) REQUIREMENT.—Each application under paragraph (1) for an allotment under section 1943 for a fiscal year shall contain assurances that the State will meet the requirements of subsection (b).

"(b) ASSURANCES.—As part of the annual application required by subsection (a)(1) for an allotment for any fiscal year, the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to the State under section 1943 in accordance with this part;

"(2) certify that the State agrees that Federal funds made available under section 1944 for any period will be used to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify the aggregate amount that the State intends to spend to carry out this part, including the amount of Federal funds that the State intends to use; and

"(4) provide such other certifications and assurances as the Secretary may require.

"SEC. 1947. REPORTS AND AUDITS.

"(a) REPORTS.—

"(1) ANNUAL REPORT BY STATE.—

"(A) IN GENERAL.—A State that receives funds under this part shall prepare and submit, to the Secretary, at least one report each year concerning its activities under this part.

"(B) FORM AND CONTENTS.—Reports submitted under this paragraph shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary—

"(i) to determine whether funds were expended in accordance with this part and consistent with the insurance needs within the State;

"(ii) to secure a description of the activities of the State under this part, including a summary of the insurance services that were provided, the entities involved in the pool, and the individuals who received such services; and

"(iii) to secure a record of the purposes for which the funds were spent, of the recipients of such funds, and of the progress made toward achieving the purposes for which the funds were provided.

"(C) COPIES.—Copies of the report submitted under this paragraph shall be provided, on request, to any interested person (including any public agency).

"(2) BURDENSOME REPORTING REQUIREMENTS.—In determining the information that States must include in the report required by this subsection, the Secretary shall not establish reporting requirements that are burdensome.

"(b) AUDITING PROCEDURES.—

"(1) ESTABLISHMENT OF FISCAL CONTROLS.—Each State shall establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under section 1944.

"(2) ANNUAL AUDITS.—

"(A) REQUIREMENT.—Each State shall annually audit its expenditures from payments received under section 1944.

"(B) AUDITING ENTITY.—State audits under this paragraph shall be conducted by an

entity independent of any agency administering a program funded under this part and, insofar as practical, in accordance with the Comptroller General's standards for auditing governmental organizations, programs, activities, and functions.

"(C) COPIES.—Not later than 30 days after the date each audit is completed, the chief executive officer of the State shall transmit a copy of such audit to the Secretary.

"(3) REPAYMENTS TO THE UNITED STATES.—Each State shall, after being provided by the Secretary with adequate notice and opportunity for a hearing within the State, repay to the United States amounts found not to have been expended in accordance with the requirements of this part. If such repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing within the State, offset such amounts against the amount of any allotment to which the State is or may become entitled under this part.

"(4) COPIES.—The State shall make copies of the reports and audits required by this subsection available for public inspection within the State.

"(5) EVALUATION OF EXPENDITURES.—The Comptroller General of the United States shall, from time to time, evaluate the expenditures by States of payments under this part in order to assure that expenditures are consistent with the provisions of this part.

"(6) REPORT BY SECRETARY.—Not later than October 1, 1991, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the activities of the States that have received funds under this part and may include in such report any recommendations for appropriate changes in legislation.

"(c) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Title XVII of the Omnibus Budget Reconciliation Act of 1981 shall not apply with respect to audits of funds allotted under this part.

"(d) DATA AND INFORMATION.—The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part to enable States to share uniform data and information with respect to the provision of such services.

"SEC. 1948. WITHHOLDING.

"(a) IN GENERAL.—

"(1) NOTICE AND HEARING.—The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not use its allotment in accordance with the requirements of this part. The Secretary shall withhold such funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) INVESTIGATION.—The Secretary shall not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part. Investigations required by this paragraph shall be conducted within the affected State by qualified investigators.

"(3) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part.

"(4) MINOR FAILURE.—The Secretary shall not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part.

"(b) INVESTIGATIONS.—

"(1) BY SECRETARY.—The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part.

"(2) BY COMPTROLLER GENERAL.—The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part.

"(c) AVAILABILITY OF RECORDS.—Each State that has received funds from an allotment made to a State under this part, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity on a reasonable request therefor.

"(d) UNREASONABLE REQUESTS.—

"(1) IN GENERAL.—In conducting any investigation in a State, the Secretary or the Comptroller General of the United States shall not make a request for any information not readily available to such State or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) JUDICIAL EXCEPTION.—Paragraph (1) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"SEC. 1949. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) CONSTRUCTION.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance.

"(2) GENDER OR RELIGIOUS DISCRIMINATION.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this part.

"(b) FAILURE TO COMPLY.—Whenever the Secretary finds that a State has failed to comply with a provision of law referred to in paragraph (1) or (2) of subsection (a), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request such officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable; or

"(3) take such other action as may be provided by law.

"(c) REFERENCE TO ATTORNEY GENERAL.—When a matter is referred to the Attorney General under subsection (b)(1), or whenever the Attorney General has reason to believe that a State is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1) or (2) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1950. CRIMINAL PENALTY FOR FALSE STATEMENTS.

"Whoever—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting the initial or continued right of an individual to any such payment conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such payment is authorized;

shall be fined not more than $25,000 or imprisoned for not more than 5 years, or both."

(b) EFFECTIVE DATE.—The amendment made by this section shall become effective on October 1, 1990.●

By Mr. WALLOP (for himself, Mr. BURNS, Mr. SYMMS, Mr. GRASSLEY, Mr. BOND, Mr. DOLE, Mr. MCCLURE, and Mr. NICKLES):

S. 2968. A bill to exempt certain operators of farm vehicles operating within 600 miles of a farm from the commercial drivers license program; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL MOTOR VEHICLES

● Mr. WALLOP. Mr. President, today I introduce legislation to address a particular problem related to the operation of commercial motor vehicles by farmers and ranchers in my State of Wyoming. I am pleased to be joined in this effort by Senators BURNS, SYMMS, SIMPSON, GRASSLEY, BOND, DOLE, MCCLURE and NICKLES. The purpose of my legislation is to amend the Commercial Motor Vehicle Safety Act of 1986 to permit States with a rural population of 30 percent or more to waive application of the act with respect to farm vehicles, provided such vehicles are operating within 600 miles of a home or place of business.

As my colleagues may recall, in 1986, Congress enacted the Commercial Motor Vehicle Safety Act to establish standards for testing and licensing commercial drivers involved in interstate and intrastate commerce. When the Department of Transportation issued regulations in 1988 to implement this law, it gave States the authority to waive commercial drivers license requirements for farm vehicles. It did so, however, if certain conditions

were met. One of those conditions was that farm vehicles could be driven no further than 150 miles from the home or place of business.

Recently several members of the Wyoming Stockgrowers Association complained to me about just how restrictive this 150-mile limit is to the successful operation of their business. For instance, under this restriction, stockgrowers whose place of business is Evanston, WY, cannot travel the distance to Billings, MT, to deliver their stock unless they obtain a commercial license or hire someone to deliver products to market in their behalf.

In drafting this restriction of 150 miles, the Federal Highway Administration wanted to ensure that the waiver was focused on legitimate farm-to-market operations. Mr. President, let me assure you that these operations by the stockgrowers are indeed legitimate farm-to-market movements.

With this in mind, Mr. President, I find this regulatory condition very impractical and extremely burdensome. I would also like to point out that in safety studies done for farm vehicles, the Department of Transportation found that farmers constituted a very small proportion of fatal truck accidents and to be significantly underinvolved in such accidents. I am certain that this statistic holds true whether or not farmers drive 150 miles, 250 miles, or 600 miles from their home or place of business. Therefore, in the interest of fairness and basic States rights, it seems only reasonable that States should be given the freedom to extend the 150-miles limit to 600 miles, thus allowing farmers a more productive and efficient way of doing business.

We are not attempting to turn seasonal farmers and ranchers into commercial, for-hire truck drivers. We are merely asking that these hardworking men and women be allowed to move their products to and from the most lucrative marketplace. This is what free enterprise is all about, Mr. President; it is the American way, and we should not hamper it with excessive regulatory burdens.

Mr. President, this legislation is supported by the Wyoming Stockgrowers Association, the Wyoming Department of Revenue and Taxation, the Wyoming Department of Agriculture, the National Federation of Independent Business, and the National Fertilizer Institute. I urge my colleagues to join me in cosponsoring this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the authority which the Department of Transportation granted to States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to farm vehicles contained in volume 53, pages 37313-37316, of the FEDERAL REGISTER (September 26, 1988), the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, by regulation, may authorize a State, with a rural population of 30 percent or more, to exempt an operator of a farm vehicle, who uses such vehicle within 600 miles of the farm at which such vehicle is primarily operated, from the commercial driver's license program established pursuant to the Commercial Motor Vehicle Safety Act of 1986.●

By Mr. GARN (for himself and Mr. HATCH):

S. 2969. A bill to increase the amounts authorized to be appropriated for the Central Utah Project, and for other purposes; to the Committee on Energy and Natural Resources.

CENTRAL UTAH PROJECT COMPLETION ACT

● Mr. GARN. Mr. President, I rise with my colleague from Utah, Senator HATCH, to introduce legislation to complete the Central Utah Water Project [CUP] and to increase the authorization ceiling necessary to accomplish that task.

Since the Utah congressional delegation first introduced the CUP completion bill almost 3 years ago, we have endeavored to craft legislation which is sensitive to the new realities of the arid west. We've learned that in order to build water projects, they must be cost-efficient, environmentally sound, and in this case, address the legitimate needs of Native Americans who are participants in the project.

Our delegation has negotiated with our Colorado River Basin State neighbors, environmental groups in Utah and here in Washington, Indian Tribal representatives, Public Power entities, farmers, and urban water users. We have not found reaching an agreement amongst these disparate groups to be easy. In fact, negotiations have been protracted and frustrating. Yet, now, after some 3 years, we do have a bill which we think meets all of those tests which are demanded of westerners who want Federal water projects.

First, by having the Central Utah Water Conservancy District construct the remaining water delivery features, the cost of construction can be reduced substantially. This is borne out by previous experiences where, with the district in charge of contracting authority, construction costs were reduced by over 35 percent from projections made by the Bureau of Reclamation. The bill authorizes completion of both the municipal and irrigation features of the CUP.

Second, the bill establishes what the National Wildlife Federation refers to as one of, if not the most, aggressive water conservation plans for the Central Utah project of any conservation plan in the country. Local water districts have embraced the proposed plan and look forward to stretching out the scarce water supplies the project will provide.

The legislation requires local cost-sharing for the remaining construction features at a rate of 35 percent. This is a substantial sum for the people of Utah to pay. But, Mr. President I believe this burden is one Utahns will bear in order to assure an adequate, long-term water supply for our State.

Finally, the bill will provide for completion of the long neglected environmental mitigation features associated with the CUP and as I mentioned earlier, will honor the Government's commitments to the Ute Indian Tribe. All-in-all, this legislation represents a substantial change in approach to water resource development projects. I believe it reflects the realities of the 1990's while honoring the commitments made by the Government to the people of Utah in the 1950s. This Government will be made to keep its word. Senator HATCH and I, along with our three House colleagues, are pleased to recommend this bill to the Congress and hope that it will be enacted into law before the 101st Congress comes to an end.

Mr. President, I ask unanimous consent that an explanation of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE CENTRAL UTAH PROJECT BILL

Section 1. Short Title and Table of Contents.

Sec. 2. Definitions.

TITLE I. CENTRAL UTAH PROJECT CONSTRUCTION

Sec. 101. Authorization of additional amounts for the Colorado River storage project.—Increases the authorized appropriation ceiling for the Colorado River Storage Project (CRSP) by $679,853,537 to allow for completion of the Central Utah Project; requires implementation of certain recommendations of the Inspector General; prohibits expenditure of funds on construction of certain project features; terminates authorization of certain CRSP participating projects after five years unless cost-sharing is agreed to and construction funds are requested.

Sec. 102. Bonneville unit water development. Authorizes appropriations of $150 million for irrigation and drainage system construction; imposes procedural requirements to be met before construction can begin; provides for construction of the project by the Central Utah Water Conservancy District; authorizes four water resource studies; authorizes $69 million to complete construction of the Diamond Fork System by the District.

Sec. 103. Uinta Basin replacement project. Describes projects authorized for construction to increase efficiency, enhance benefi-

cial uses, and achieve greater water conservation within the Uinta Basin; imposes certain procedural requirements to be met before construction can begin; provides for resolution of matters associated with the Uintah Indian Irrigation Project and the Brush Creek and Jensen Unit.

Sec. 104. Non-Federal contribution. Requires 35% cost-sharing from State or local sources.

Sec. 105. Definite plan report and environmental compliance. Requires completion of a Definite Plan Report and environmental impact statement for the Irrigation and Drainage system; requires compliance with environmental laws; requires initiation of repayment.

Sec. 106. Local development in lieu of irrigation and drainage. Provides for optional development of local projects with Federal financial assistance in lieu of construction of the Irrigation and Drainage System.

Sec. 107. Water management improvement. Imposes water conservation planning and management requirements; provides for funding of water conservation plans and programs; requires establishment of a Utah Water Conservation Advisory Board; provides financial incentive for continued implementation of the Water Management Improvement Plan; provides for judicial review and citizen suits.

Sec. 108. Limitation on hydropower operations. Specifies certain requirements regarding the generation of hydroelectric power project water supplies.

Sec. 109. Operating agreements. Encourages the execution of certain operating agreements.

Sec. 110. Jordan aqueduct prepayment. Allows for the prepayment or other disposition of costs associated with construction of the Jordan Aqueduct System.

Sec. 111. Audit of Central Utah project cost allocations. Requires the Comptroller General to audit project cost allocations and requires the Secretary to re-allocate costs as necessary.

Sec. 112. Excess crops. Imposes financial penalties for the use of project water to grow surplus crops.

TITLE 2. FISH, WILDLIFE, AND RECREATION MITIGATION AND CONSERVATION

Sec. 201. Utah Reclamation Mitigation and Conservation Commission. Establishes Commission to oversee funding and implementation of fish and wildlife mitigation activities for Reclamation projects within the State of Utah; requires the Commission to establish plans for fish and wildlife mitigation activities; sets forth funding requirements for Commission activities and projects.

Sec. 202. Increased project water capability. Requires acquisition of water for fish and wildlife purposes.

Sec. 203. Stream flows. Sets forth requirements for certain minimum stream flows.

Sec. 204. Fish, wildlife, and recreation projects identified or proposed in the 1988 definite plan report for the central Utah project. Requires completion of the fish, wildlife, and recreation projects identified or proposed in the 1988 Definite Plan Report.

Sec. 205. Wildlife lands and improvements. Requires acquisition of big game winter range lands to compensate for the impacts of Federal reclamation projects in Utah; requires construction of big game crossings and wildlife escape ramps.

Sec. 206. Wetlands acquisition, rehabilitation, and enhancement. Sets forth requirements for wetlands and sensitive species.

Sec. 207. Fisheries acquisition, rehabilitation, and enhancement. Specifies requirements for fisheries projects and studies.

Sec. 208. Stabilization of high mountain lakes in the Uinta Mountains. Requires stabilization of certain lakes at levels beneficial for fish habitat and recreation.

Sec. 209. Stream access and riparian habitat development. Specifies requirements for stream access and riparian habitat studies and development in the State of Utah.

Sec. 210. Section 8 expenses. Provides for treatment of fish and wildlife expenses under section 8 of CRSP.

Sec. 211. Jordan and Provo River parkways and natural areas. Specifies the development of certain fish and wildlife and recreational projects.

Sec. 212. Recreation. Specifies development of certain recreational projects.

Sec. 213. Fish and wildlife features in the Colorado River storage project. Specifies development of certain projects to provide mitigation and restoration of watersheds and fish and wildlife resources in Utah impacted by the Colorado River Storage Project.

Sec. 214. Concurrent mitigation appropriations. Requires that project construction be concurrent and proportionate with the implementation of the fish, wildlife, and recreation mitigation and conservation schedule.

Sec. 215. Fish, wildlife, and recreation mitigation schedule. Identifies the schedule as Appendix "B" of the Committee report.

TITLE III. UTAH RECLAMATION MITIGATION AND CONSERVATION ACCOUNT

Sec. 301. Findings and purpose.

Sec. 302. Utah Reclamation Mitigation and Conservation Account. Establishes in the Treasury of the United States a Utah Reclamation Mitigation and Conservation Account; sets forth procedures for State, local, and Federal contributions to the account; sets forth procedures for contributions to the account from power revenues; provides for funding of fish and wildlife mitigation projects from the account; sets forth requirements for management of the account.

TITLE IV. UTE INDIAN RIGHTS SETTLEMENT

Sec. 401. Findings.

Sec. 402. Provisions for payment to the Ute Indian Tribe. Sets forth requirements and procedures for financial compensation to the Ute Indian Tribe; provides for the use of project facilities by the Tribe.

Sec. 403. Tribal use of water. Allows the Tribe to enter into a compact reserving waters to the Tribe; states applicability of certain laws.

Sec. 404. Tribal farming operations. Authorizes $45 million for development of Tribal farming operations.

Sec. 405. Reservoir, stream, habitat and road improvements with respect to the Ute Indian Reservation. Authorizes funds for certain improvements to projects and facilities with respect to the Ute Indian Reservation; sets certain minimum stream flow requirements; provides for land transfers and recreation enhancements.

Sec. 406. Tribal development funds. Establishes $125 million Tribal Development Fund.

Sec. 407. Waiver of claims. Authorizes waiver of water rights claims.

TITLES V–XXIV. RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1990

These titles incorporate the full text of H.R. 2567 as passed by the House of Representatives on June 14, 1990.●

By Mr. HARKIN:

S. 2971. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography for women at high risk of developing breast cancer, and for other purposes; to the Committee on Finance.

BREAST CANCER SCREENING ACT OF 1990

● Mr. HARKIN. Mr. President, today, I am introducing legislation which will save the lives of thousands of women each year and relieve much suffering. The Breast Cancer Screening Act of 1990 would provide elderly and other American women at high risk of developing breast cancer an annual mammography screening.

Breast Cancer is epidemic in our Nation and its rate is escalating. Fully 1 of every 10 American women will develop breast cancer in their lifetime. Over 44,000 American women will die this year alone from breast cancer, making it the leading cause of cancer deaths among women.

Mr. President. This horrible disease preys most heavily on middle-aged and older women. Well over half of the women who lose their lives are age 50 and over. While we have made great strides in reducing the incidence of many forms of cancer, from 1973 to 1986 there has been a 21.8-percent increase in the number of new cases of breast cancer among women age 50 and older. Over that same period, the breast cancer death rate among these women increased nearly 5 percent.

Mr. President, In my own State of Iowa, breast cancer is a large and growing problem. This year alone, as estimated by the American Cancer Society, some 1,800 Iowa women will develop breast cancer. Even more tragically, over 500 women will lose their lives to this incidious disease.

But there is hope, Mr. President, because while there are no known ways of fully preventing breast cancer, early detection through periodic screening mammography can lower a woman's risk of dying for the disease by 30 percent. The National Cancer Institute and the American Cancer Society recommend that all women age 50 and over get a screening mammography every year. The Office of Technology Assessment [OTA] found that if just the women age 65 and over got an annual mammogram, 5,200 lives could be saved each year. Despite this compelling evidence, the National Center Institute reports that only 16 percent of women age 50–74, had had a mammography screening within the past year. Only 39 percent had ever had it.

Why, if so many lives could be saved, so much suffering avoided, is that figure so low? The experts say that cost and lack of information are major barriers. Most health insurance plans, including Medicare, don't cover preventive or screening services. It's just another example of how our health

care system is penny-wise and pound-foolish. Medicare will pay over $10,000 for care necessary to treat a terminal breast cancer victim, but it won't pay the $50 needed to detect the disease before such expensive treatment is necessary. It would be laughable if it wasn't so tragic.

The Medicare Catastrophic Act created a new benefit for periodic screening mammography for Medicare-eligible women which was scheduled to go into effect this past January. While the Senate voted to preserve this vital benefit, the House of Representatives prevailed and Medicare coverage was ended before it got started. Mr. President, I was also proud to have offered, along with my friend from Michigan, Senator LEVIN, an amendment which would have preserved the screening mammography benefit as well as most of the other important benefits while eliminating the controversial surtax. Unfortunately, our plan wasn't accepted. So today, the women of America are left with nothing. That's got to change.

I was pleased to join my distinguished colleague from Maryland, Senator MIKULSKI in sponsoring legislation earlier this year to restore the breast cancer screening benefit. This bill would provide payment for 80 percent of the cost of an annual screening for Medicare eligible women. The legislation I am introducing today goes a step further. It would offer breast cancer screening to all women in the age group at highest risk for developing breast cancer—those age 50 and older. In addition, my plan would address another barrier to getting this life-saving service—information. The Secretary of Health and Human Services would be required to notify each eligible woman of the availability of the screening and to take steps to promote the use of it. In doing so, he must take into account the special circumstances of rural and other medically underserved areas. My proposal also requires that all mammography screening provided follow strict quality controls to assure that tests are safe and accurate.

Mr. President, I want to relay to you and our other colleagues one personal example of why this proposal is so needed and the good that it would do. Mrs. Jean Kelly of Fonda, IA had been a leader in her community in the fight against cancer. She worked to increase awareness among women of the need for breast cancer screening. Jean even set up a program with the local hospital to provide lower cost mammography screenings. Three years ago, she got her first screening as a part of the program she set up. The screening revealed an abnormality which was later confirmed as cancerous. The cancer was caught at a very early stage, thankfully, and surgery and chemotherapy weren't necessary. Shortly after her experience, Jean urged her sister to get a screening. Remarkably she too was found to have breast cancer. Again, though, it was caught at a very early stage and was removed without complication. She says that both their lives were saved by early detection. I am happy to say that Jean and her sister are healthy today and Jean continues her good work in conjunction with the Iowa chapter of the American Cancer Society.

Mr. President, I believe that one story tells it all. We can save lives if we act. I urge my colleagues to join me in supporting this timely and greatly needed legislation.

I ask unanimous consent that a copy of the bill, the Breast Cancer Screening Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast Cancer Screening Act of 1990".

SEC. 2. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as revived by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (s)—

(A) in paragraph (11), by striking all that follows "(bb))" and inserting a semicolon,

(B) in paragraph (12)(C), by striking all that follows "area)" and inserting "; and", and

(C) by inserting after paragraph (12) the following new paragraph:

"(13) screening mammography (as defined in subsection (jj));"; and

(2) by inserting after subsection (ii) the following new subsection:

"SCREENING MAMMOGRAPHY

"(jj) The term 'screening mammography' means a radiologic procedure provided to a woman for the purpose of early detection of breast cancer and includes a physician's interpretation of the results of the procedure.".

(b) PAYMENT AND COVERAGE.—Section 1834 of such Act (42 U.S.C. 1395m), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subsection (b)(1)(B), by inserting "and subject to subsection (c)(1)(A)" after "conversion factors", and

(2) by inserting after subsection (b) the following new subsection:

"(c) PAYMENTS AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part, with respect to expenses incurred for screening mammography (as defined in section 1861(jj))—

"(A) payment may be made only for screening mammography conducted consistent with the frequency permitted under paragraph (2),

"(B) payment may be made only if the screening mammography meets the quality standards established under paragraph (3); and

"(C) the amount of the payment under this part shall be equal to 80 percent of the least of—

"(i) the actual charge for the screening,

"(ii) the fee schedule established under subsection (b) or the fee schedule established under section 1848, whichever is applicable, with respect to both the professional and technical components of the screening mammography, or

"(iii) the limit established under paragraph (4) for the screening mammography.

"(2) FREQUENCY COVERED.—

"(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (C):

"(i) No payment may be made under this part for screening mammography performed on a woman under 35 years of age.

"(ii) Payment may be made under this part for only 1 screening mammography performed on a woman over 34 years of age, but under 40 years of age.

"(iii) In the case of a woman over 39 years of age who—

"(I) is at a high risk of developing breast cancer (as determined pursuant to factors identified by the Secretary), payment may not be made under this part for a screening mammography performed within 11 months after a previous screening mammography, or

"(II) is not at a high risk of developing breast cancer, payment may not be made under this part for a screening mammography performed within 23 months after a previous screening mammography.

"(B) SPECIAL PAYMENT RULE.—Notwithstanding any other provision of this Act, in the case of a woman over 49 years of age—

"(I) payment may be made for screening mammography for such a woman, regardless of whether or not such a woman meets the eligibility requirements of this title (except that if such a woman does not meet the eligiblity requirements of this title, such payment may be made only to the extent that the cost of the screening mammography is not reimbursable by any other public or private health insurance plan); and

"(II) payment for screening mammography for such a woman who does not meet the eligibility requirements of this title shall be made from the Federal Hospital Insurance Trust Fund described in section 1817.

"(C) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection, but no such revision shall apply to screening mammography performed before January 1, 1993.

"(3) QUALITY STANDARDS.—The Secretary shall establish standards to assure the safety and accuracy of screening mammography performed under this part. Such standards shall include the requirements that—

"(A) the equipment used to perform the mammography must be specifically designed for mammography and must meet radiologic standards established by the Secretary for mammography;

"(B) the mammography must be performed by an individual who—

"(i) is licensed by a State to perform radiological procedures, or

"(ii) is certified as qualified to perform radiological procedures by such an appropriate organization as the Secretary specifies in regulations;

"(C) the results of the mammography must be interpreted by a physician—

"(i) who is certified as qualified to interpret radiological procedures by such an appropriate board as the Secretary specifies in regulations, or

"(ii) who is certified as qualified to interpret screening mammography procedures by such a program as the Secretary recognizes in regulation as assuring the qualifications of the individual with respect to such interpretation; and

"(D) with respect to the first screening mammography performed on a woman for which payment is made under this part, there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(4) LIMIT.—

"(A) $50 INDEXED.—Except as provided by the Secretary under subparagraph (B), the limit established under this paragraph—

"(i) for screening mammography performed in 1991, is $50, and

"(ii) for screening mammography performed in a subsequent year is the limit established under this paragraph for the preceding year increased by the percentage increase in the MEI for that subsequent year.

"(B) REDUCTION OF LIMIT.—The Secretary shall review from time to time the appropriateness of the amount of the limit established under this paragraph. The Secretary may, with respect to screening mammography performed in a year after 1992, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that screening mammography of an appropriate quality is readily and conveniently available during the year.

"(C) APPLICATION OF LIMIT IN HOSPITAL OUTPATIENT SETTING.—The Secretary shall provide for an appropriate allocation of the limit established under this paragraph between professional and technical components in the case of hospital outpatient screening mammography (and comparable situations) where there is a claim for professional services separate from the claim for the radiologic procedure.

"(5) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of mammography screening performed on or after January 1, 1991, for which payment is made under this subsection, if a nonparticipating physician or supplier provides the screening to an individual entitled to benefits under this part, the physician or supplier may not charge the individual more than the limiting charge (as defined in subparagraph (B), or if less, as defined in subsection (b)(5)(B) or as defined in section 1848(g)(2)).

"(B) LIMITING CHARGE DEFINED.—In subparagraph (A), the term 'limiting charge' means, with respect to screening mammography performed—

"(i) in 1991, 125 percent of the limit established under paragraph (4),

"(ii) in 1992, 120 percent of the limit established under paragraph (4), or

"(iii) after 1992, 115 percent of the limit established under paragraph (4).

"(C) ENFORCEMENT.—If a physician or supplier knowing and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(c) CERTIFICATION OF SCREENING MAMMOGRAPHY QUALITY STANDARDS.—

(1) Section 1863 of such Act (42 U.S.C. 1395z), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "or whether screening mammography meets the standards established under section 1834(c)(3)," after "1832(a)(2)(F)(i),".

(2) The first sentence of section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting before the period the following: ", or whether screening mammography meets the standards established under section 1834(c)(3)".

(3) Section 1865(a) of such Act (42 U.S.C. 1395bb(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "1834(c)(3)," after "1832(a)(2)(F)(i),".

(d) CONFORMING AMENDMENTS.—

(1) Section 1833(a)(2)(E) of such Act (42 U.S.C. 1395l(a)(2)(E)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting ", but excluding screening mammography" after "imaging services".

(2) Section 1862(a) of such Act (42 U.S.C. 1395y(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "subparagraph (B), (C), (D), or (E)" and inserting "a succeeding subparagraph",

(ii) in subparagraph (D), by striking "and" at the end,

(iii) in subparagraph (E), by striking the semicolon at the end and inserting ", and", and

(iv) by adding at the end the following new subparagraph:

"(F) in the case of screening mammography, which is performed more frequently than is covered under section 1834(c)(2) or which does not meet the standards established under section 1834(c)(3), and, in the case of screening pap smear, which is performed more frequently than is provided under section 1861(nn);"; and

(B) in paragraph (7), by inserting "or under paragraph (1)(F)" after "(1)(B)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to screening mammography performed on or after January 1, 1991.

SEC. 3. NOTIFICATION OF MAMMOGRAPHY SCREENING ELIGIBILITY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall implement procedures to—

(1) notify all eligible individuals of the availability of medicare coverage for screening mammography as provided under this Act; and

(2) promote the use of such mammography services taking into account the special circumstances of rural and other medically underserved areas.

(b) IMPLEMENTATION DATES.—The Secretary of Health and Human Services shall implement the procedures described in subsection (a), within 60 days of the date of enactment of this Act, or no later than January 1, 1991, whichever date is earlier.

By Mr. HUMPHREY (for himself and Mr. RUDMAN):

S. 2970. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Lamprey River in the State of New Hampshire for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

LAMPREY RIVER STUDY ACT OF 1990

● Mr. HUMPHREY. Mr. President, on behalf of Senator RUDMAN, and on my own behalf, I am introducing legislation to designate a 9-mile segment of the Lamprey River in New Hampshire for study under the National Wild and Scenic River System.

The Lamprey River, which is a mere 60 miles from Boston is a remarkably untouched scenic and recreational resource. Not only has the National Park Service included this river segment on its nationwide inventory of outstanding rivers published in January 1982, but the New Hampshire Fish and Game Department has identified the Lamprey as the "most important coastal river for anadromous fish in the State." As part of its commitment to maintaining this vital resource, New Hampshire is involved in a major effort to restore Atlantic, coho and chinook salmon as well as shad, and brown trout to the Lamprey.

Located in the seacoast area of New Hampshire, the Lamprey is a 60-mile long river flowing from Lake Pawtuckaway to the Great Bay. Recently, the Great Bay was designated as part of the National Estuarine Research Reserve System, and the Lamprey is a major tributary of this environmentally sensitive area.

The 9-mile river segment flowing through Lee and Durham has been the focus of an aggressive local protection effort. The Lee selectmen, the Durham Town Council, the State commissioner of environmental services, and Gov. Judd Gregg, have all written the New Hampshire congressional delegation urging that the Lamprey be designated by Congress for study. Their letters point out the river's outstanding scenic, recreational, and natural resource assets, as well as the increasingly high growth rates which threaten the area. I ask that a copy of these letters be inserted in the RECORD at the close of my remarks.

Although the New Hampshire Rivers Management Program has recently placed the Lamprey on its priority list for protective action this effort will not prevent the Federal Energy Regulatory Commission [FERC] from proceeding on an application to build a hydro project at Wiswall Falls in Durham. A dam at this site would affect not only the scenic and recreational value of the Lamprey, but it would also have a deliterious effect on an unusual prehistoric native American site adjacent to the project.

The New Hampshire Historic Preservation Office has determined that this site is eligible for listing on the National Historic Register of places, and currently they are taking steps to seek this designation.

Mr. President, as with the recent study of the Wildcat River, in Jackson, NH, it is our intention that the National Park Service pursue a strategy which emphasizes a Federal-State-local government and private landowner partnership to protect the integrity of the river. Given the fact of the land ownership pattern and the needs of the local community, it would seem apparent that Federal land acquisition would not be necessary to protect the river, should it be designated as a component of the Wild and Scenic Rivers System.

I am confident that a thorough study of the Lamprey River will lead to development of a long-term protection plan and will highlight the outstanding features of the Lamprey. I look forward to working with my colleagues to enact this important legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lamprey River Study Act of 1990".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following new paragraph:

"(106) Lamprey, New Hampshire.—The segment from the southern Lee town line downstream to Packers Falls Road in Durham.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

"(8) The study of the Lamprey River, New Hampshire, shall be completed by the Secretary of the Interior and the report thereon submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

STATE OF NEW HAMPSHIRE,
OFFICE OF THE GOVERNOR,
Concord, NH, November 14, 1989.

Hon. GORDON HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUMPHREY: As Governor, I would like to bring to your attention my support for the proposal of a study for the designation of a segment of the Lamprey River as Wild and Scenic under the National Wild and Scenic River System. In our review of the proposal, it would appear that there is wide spread support for the study in the area affected. This is substantiated by support from elected leaders from the region, and public input that we have received.

The Lamprey River Watershed Association has submitted a nomination for a 9.5 mile segment of the river under New Hampshire's Rivers Management Protection Program. I believe that the river's proximity to the Great Bay provides outstanding resources in terms of its scenic beauty, its value for anadromous fish, and its historic contributions. Thus, I would support federal legislation relative to a study for the inclusion of this part of the Lamprey River for Wild and Scenic designation.

Sincerely,

JUDD GREGG,
Governor.

STATE OF NEW HAMPSHIRE, DEPARTMENT OF ENVIRONMENTAL SERVICES, OFFICE OF THE COMMISSIONER,
Concord, NH, October 23, 1989.

FRANK M. GRAHAM,
Lamprey River Watershed Association,
Durham, NH.

DEAR MR. GRAHAM: Thank you for your letter relative to the proposed study of the Lamprey River under the Federal Wild and Scenic Rivers Act. After reviewing the information which accompanied your letter and the strong local support for the legislation, I am very pleased to support your request to the Congressional delegation.

I appreciate the efforts of your organization on behalf of the Lamprey River and look forward to working with the Watershed Association as you pursue state designation of the river under the New Hampshire Rivers Management and Protection Program.

Sincerely,

ROBERT W. VARNEY,
Commissioner.

TOWN OF LEE, NH,
September 14, 1989.

Senator GORDON J. HUMPHREY,
1 Eagle Square, Suite 507,
Concord, NH.

DEAR SENATOR HUMPHREY: The Selectmen of Lee are deeply concerned about the threat posed to the Lamprey River by the proposed construction of a hydropower facility at Wiswall Dam, Durham. We believe this facility has the potential of causing serious and irreversible damage to the quality and character of riverine life, not only in Durham, but in Lee as well.

The Selectmen have long recognized that the Lamprey River provides our residents with many outstanding scenic, recreational, ecological, cultural, historical and other resource opportunities. In order to protect these resources, not only from the threat of hydropower development, but also from the long-term pressures of rapid growth in the Seacoast region, we urge you and other members of the New Hampshire delegation to work toward the enactment of legislation to designate the Lamprey River for study under the provisions of the National Wild and Scenic Rivers Act.

If such legislation is enacted, the Selectmen intend to work with the National Park Service and with other river towns to assist in the preparation of a local conservation plan to protect the Lamprey River and its environs for future generations.

We hope that you and your colleagues will do everything possible to assist us in this important effort.

Sincerely,

JOSEPH P. FORD,
Chairman, Lee Board of Selectmen.

SEPTEMBER 19, 1989.

The Durham Town Council at their meeting on September 18, 1989 approved the attached Resolution which supports a study for the Lamprey River under the provisions of the National Wild and Scenic Rivers Act. The property owners along the Lamprey River and the community at large support the preservation and the protection of the Lamprey River in its current state.

The Town Council urges you to support our efforts in designating the Lamprey River for study. Please contact me on what additional steps the Town of Durham must undertake to achieve this result. Thank you very much for your prompt consideration of this request.

Sincerely yours,

RALPH FREEDMAN,
Town Administrator.

RESOLUTION NO. 89-12

Now comes the Durham Town Council, the governing body of the Town of Durham, and resolves as follows:

Whereas, the majority of landowners along the Lamprey River in Durham, NH, have petitioned by signature the Durham Town Council to pass a resolution requesting members of Congress to enact legislation designating the Lamprey River for study under the provisions of the National Wild and Scenic Rivers Act; and

Whereas, the petitioners and the Durham town Council recognize that the Lamprey River provides residents with many outstanding recreational, ecological, scenic, historic, and other resources; and

Whereas, the local concern about this important river has increased due to a number of factors, including the proposed development of a hydroelectric facility, which may diminish or preclude local control of this resource; and

Whereas, the National Park Service, under the provisions of the National Wild and Scenic Rivers Act, can assist local communities in preparing a long-term protection plan for the Lamprey River which will rely on the use of existing state and local government authorities, as well as voluntary private landowner actions: Now, therefore, be it

Resolved, That the Durham Town Council hereby urges members of Congress to enact legislation to designate that segment of the Lamprey River within the Durham Town boundaries for study under the provisions of the National Wild and Scenic Rivers Act; and be it further

Resolved, That our intent is to protect the river and its important related adjacent land areas for future generations through the development of a locally prepared and controlled river management plan.

UNIVERSITY OF NEW HAMPSHIRE,
Durham, NH, January 29, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: Thank you for your recent inqury regarding the University's position relative to the proposed efforts to designate the Lamprey River for study

under the National Wild and Scenic Rivers Act.

The University does indeed enthusiastically support such a study to determine the eligibility of the Lamprey River for such designation; we would welcome your efforts to introduce legislation to accomplish this study.

If there is anything more that we can do in this regard, please do not hesitate to let us know. Thank you for your interest in the efforts to protect the Lamprey River.

Sincerely,

GEORGE E.R. KINNEAR II,
Executive Vice President.

● Mr. RUDMAN. Mr. President, I rise today to cosponsor legislation introduced by my colleague, Senator HUMPHREY authorizing the National Park Service to study a 9 mile segment of the Lamprey River running through Lee and Durham, NH.

This legislation is the culmination of aggressive and carefully coordinated local efforts to protect the Lamprey from hydroelectric development. In response to plans to construct a dam on the Lamprey River, the Lamprey River Watershed Association [LRWA] was born. This organization has actively pursued Federal legislation authorizing a National Park Service study of the Lamprey River and have successfully garnered the strong support of Governor Gregg, the towns of Durham and Lee, the Strafford Regional Planning Commission as well as the vast majority of local residents and landowners.

Mr. President, the Lamprey River is worth protecting. It serves as a major tributary to the recently protected Great Bay which has been designated as part of the National Estuarine Research Reserve System. In order to meet the protection goals for Great Bay, we must carefully manage and preserve the tributaries that feed into it. With this in mind, in August 1989 Governor Gregg stated:

> The whole question of how we address the issue of use of lakes, rivers and Great Bay is a core concern. . . . I look at them as the crown jewels in the State's natural environment.

The Lamprey River and its shoreline serves as an important breeding ground and habitat for anadromous and game fish, mammals, and birds. One Audubon Society observer has noted 140 species of birds in the Lamprey River corridor. The New Hampshire Fish and Game Department have cited the presence of 26 species of commonly seen mammals, including otter, beaver, mink, coyote, red fox and fisher. Moose and signs of black bear have also been reported.

The Lamprey River corridor contains two historically significant sites that are worth noting. In 1987, the Wiswall Falls Mill Site was placed on the National Register of Historic Places, a site which contains extensive remains of a 19th century mill complex. Archeological digs have discovered Indian sites along the river corridor, one of which is estimated to be over 8,500 years old.

Recreational opportunities abound on the Lamprey River—everything from canoeing and kayaking to swimming, tubing, and fishing. In fact, a survey conducted by the New Hampshire Fish and Game Department found that anglers spent 875 fishing-hours on a ¾-mile stretch of river in a single month. The AMC River Guide highlights several portions of the river for canoeing and goes on to note the challenging rapids at Durham's Packers Falls recreation area for those looking for more adventurous canoeing and kayaking.

Enactment of the legislation we are introducing today will mean a careful study by the National Park Service of the outstanding values I noted previously, along with the development of a comprehensive river management plan in conjunction with the State and local governments as well as private groups, citizens, and landowners. This process has worked well in New Hampshire. Let me highlight the very positive experience in Jackson which led to congressional designation of Wildcat Brook as a Wild and Scenic River. The New Hampshire Congressional Delegation continues to be committed to river protection. Senator HUMPHREY and I have jointly introduced the Pemigewasset and Merrimack River bills in the 101st Congress, both of which have passed both the House and Senate and now await Presidential approval.

Passage of this legislation is critical to delaying the construction of a hydroelectric facility at Wiswall Dam in Durham, which has tentatively received a Federal Energy Regulatory Commission license. Barring a reversal by the FERC or a Federal court, the project is expected to go forward. It is obvious to me that an overwhelming majority of the citizens in these two communities oppose this project and support the legislation we are introducing today.

I continue to support local efforts to preserve our natural resources. I am happy to support this legislation and I look forward to the Senate considering it in the very near future.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 2972. A bill to amend title XVIII of the Social Security Act to provide an additional payment under part A of the Medicare Program for the operating cost of inpatient hospital services of hospitals with a high proportion of patients who are medicare beneficiaries; to the Committee on Finance.

HIGH MEDICARE HOSPITAL RELIEF ACT OF 1990

● Mr. MACK. Mr. President, I am introducing the High Medicare Hospital Relief Act of 1990 with my colleague, Senator BOB GRAHAM. This legislation is designed to assist the approximately 170 urban and 250 rural hospitals throughout the United States which continue to struggle financially on a day-to-day basis, while providing quality health care to an ever growing Medicare patient population. These hospitals, commonly referred to as high Medicare hospitals, are hospitals for which not less than 65 percent of their inpatient days or discharges are attributable to patients who are entitled to benefits under Medicare part A. The hospitals which would benefit from this legislation are vital to our Nation's health care system, to our seniors, and to my home State of Florida, which has more of these institutions than any other State.

High Medicare hospitals are experiencing severely reduced, and, in some cases, negative Medicare operating margins. These hospitals have little or no choice but to either cut back on medical personnel or consider the rationing of services. Additionally, when these hospitals attempt to cost shift, they become less competitive and risk losing the few non-Medicare payers that they have.

In the Omnibus Budget Reconciliation Act of 1989 [OBRA], Congress asked the Prospective Payment Assessment Commission [ProPAC], to study the issue of high Medicare hospitals. In its preliminary findings, ProPAC acknowledged that hospitals with high Medicare shares have greater negative PPS operating margins than other hospitals. ProPAC's recommendation was to withhold action while it continues further study.

I believe closure of many of these Medicare dependent hospitals is a real possibility unless immediate temporary assistance is given. Doctors and administrators of high Medicare hospitals must not be told, "wait until further study can be performed before we can help you." Mr. President, we cannot wait for yet another study, we must act now.

The High Medicare Hospital Relief Act of 1990 attempts to address a critical disparity between the operating margins of high Medicare and non-high Medicare hosptials. This bill works in a simple, yet logical and equitable way. It provides a formula for an additional payment for each Medicare discharge from a high Medicare hospital in both rural and urban areas.

My home State of Florida has many qualities which make it an ideal place for Americans to spend their golden years. However, States, such as Florida, which have a high concentration of Medicare patients, are being undermined by the very system which was designed to provide assistance to hospitals serving the elderly. This issue is not a question of large States versus small States. It is not a question of urban areas versus rural areas. It is, quite simply, a question of fairness

and equity for all hospitals providing health care for America's seniors.

Mr. President, I urge my colleagues to join Senator GRAHAM and me in supporting the High Medicare Hospital Relief Act of 1990.●

● Mr. GRAHAM. Mr. President, I am introducing a bill with Senator MACK to provide relief to hospitals with a high proportion of Medicare patients. These high Medicare hospitals, whose Medicare utilization is 65 percent or more of total inpatient days, concentrate in the care of the aged.

Average Medicare prospective payment system [PPS] operating margins for high Medicare hospitals are significantly lower than for other hospitals, and they are declining rapidly. Although average per case costs are not significantly different, recent data shows that in the fourth year under PPS, high Medicare hospitals received payments per case 11.9 percent lower than the average hospital.

There are approximately 400 high Medicare hospitals in the United States overall, Medicare dependent hospitals receive about 5 percent of total PPS revenues. About 46 of these hospitals are in Florida, representing 9 percent of high Medicare hospitals.

Mr. President, low PPS margins are problematic for facilities where Medicare is the principal source of revenues. These Medicare-dependent hospitals are less able to revenue shift to make up for shortfalls in Medicare payments. In Florida, these hospitals do not have sufficient numbers of non-Medicare patients to whom they can shift costs, and they must face the Florida Health Care Cost Containment Board, whose responsibility it is to help prevent cost shifting.

In Ormond Beach, FL, Ormond Beach Memorial, a provider with 70 percent Medicare utilization, terminated their lifeline program, an emergency beeper system for seniors who need lifesaving trauma care. Seconds can mean a grave difference in the emergency room, where Ormond Memorial now relies solely on phone and radio service. Leesburg Hospital, another Florida high Medicare provider, closed a specialty pharmacy outlet which prescribed drugs often unavailable in pharmacies. In both cases, seniors lost access to health care because hospitals cut services due to financial duress.

Last year, the Omnibus Budget Reconciliation Act required the Prospective Payment Assessment Commission [ProPAC] to study a potential adjustment to PPS payments for hospitals that have a high Medicare utilization level. ProPAC acknowledged that operating margins for Medicare-dependent hospitals are lower than average operating margins for hospitals. ProPAC, however, recommended further study on the issue before supporting a payment adjustment for high Medicare hospitals.

My colleague from Florida and I are convinced that waiting even a year for further analysis would be detrimental to the Nation's Medicare-dependent hospitals, which desperately need interim relief. Even a temporary measure will prevent downsizing or closure by high Medicare hospitals and will allow more time for additional study of the reasons for low and negative operating margins.

That is why Senator MACK and I are introducing a bill to provide an additional payment under Medicare, part A for hospitals with 65 percent of inpatient days or discharges requiring Medicare reimbursement. The high Medicare adjustment percentage would equal the difference between the average Medicare operating margin of non-Medicare dependent hospitals and the average Medicare operating margin for high Medicare hospitals, with separate payment adjustments for urban and rural hospitals.

Medicare eligible Americans will not benefit from downsized or closed hospitals which could not face declining or outright negative PPS operating margins. Medicare eligible Americans and the hospitals which provide their health care deserve temporary financial assistance while ProPAC takes the time to explain their financial distress and to determine a long-term solution for this problem.

Medicare eligible Americans need access to quality health care. With some 33 million Medicare eligible Americans, we cannot allow further irreparable harm to the institutions dependent on Medicare for most of their reimbursement.

Mr. President, I urge my Senate colleagues to join me in cosponsoring this important measure to provide relief to some of our Nation's neediest hospitals.●

By Mr. DODD (for himself, Mr. KENNEDY, Mr. PACKWOOD, Mr. METZENBAUM, Mr. HATFIELD, Ms. MIKULSKI, Mr. PELL, Mr. SIMON, Mr. ADAMS, Mr. DECONCINI, Mr. BRADLEY, Mr. KERREY, Mr. MOYNIHAN, Mr. KERRY, Mr. INOUYE, Mr. BURDICK, Mr. BIDEN, Mr. ROCKEFELLER, Mr. GORE, Mr. WIRTH, Mr. LIEBERMAN, Mr. KOHL, Mr. LAUTENBERG, Mr. REID, Mr. SARBANES, and Mr. AKAKA):

S. 2973. A bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY AND MEDICAL LEAVE ACT OF 1990

● Mr. DODD. Mr. President, I wish I were standing before this body to claim victory in our fight to help American families keep their jobs in times of family crisis. Instead, due to the recent Presidential veto, I am today reintroducing the Family and Medical Leave Act which passed both Houses of Congress with strong bipartisan support just 7 weeks ago. I do this with ever stronger commitment to enacting this profamily legislation. I also do this with great frustration.

Seven weeks ago the Senate passed the Family and Medical Leave Act by unanimous voice vote. A month earlier the House passed the bill by a very strong margin. We did so because too many workers across the Nation lose their jobs when they must care for a newborn, or must be home when an adopted child joins the family, or when a child is seriously ill. Similarly, in the absence of a national standard for job protection, too many workers lose their jobs when they must care for their elderly parents or when they themselves are ill.

During his campaign, George Bush agreed. Addressing a women's conference in the fall of 1988, he said:

> We also need to assure that women do not have to worry about getting their jobs back after having a child or during a serious illness. This is what I mean when I talk about a gentler nation. That isn't fair the other way, and it's not right and we've got to do something about it.

Once in office, this campaign promise somehow evaporated. The President has reversed himself on this critical family issue and vetoed the bill. Now he only supports voluntary family leave. So-called voluntary family leave is exactly what we have now. Many employers have excellent policies in place, and I commend them for their leadership. But the vast majority of American workers risk their jobs when they seek unpaid time to care for their families.

The bill I am introducing today picks up where the Senate left off on June 14. Workers would have the right to job protection for up to 12 weeks in times of family crisis—the joyful times of birth or adoption, and the difficult times of family illness. Small businesses are exempt. Any business with fewer than 50 employees is not covered, which means 95 percent of businesses will not be covered. This is a very reasonable proposal, a carefully crafted compromise that addresses concerns raised during eight hearings and extensive debate in the Senate during the 100th and 101st Congresses.

I am very pleased to be joined by a large number of my colleagues as cosponsors, including Senator KENNEDY, chairman of the Committee on Labor and Human Resources, and Senator PACKWOOD. They have both worked long and hard to make this legislation a reality. I also appreciate the support given to family leave legislation in June by so many other colleagues here.

I have pledged to do everything possible to put this bill back on the Presi-

dent's desk. If the press of other Senate business precludes further consideration of the bill again this year, then I hope there will be an opportunity early next year. Every poll on this issue shows that three-quarters of the American people support family leave legislation. At some point, I am confident that the President will respond to the needs of working families and will carry through on his campaign pledge by signing this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1990".

(b) TABLE OF CONTENTS.—

Section 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—GENERAL REQUIREMENTS FOR LEAVE
Sec. 101. Definitions.
Sec. 102. Leave requirement.
Sec. 103. Certification.
Sec. 104. Employment and benefits protection.
Sec. 105. Prohibited acts.
Sec. 106. Administrative enforcement.
Sec. 107. Enforcement by civil action.
Sec. 108. Investigative authority.
Sec. 109. Relief.
Sec. 110. Special rules concerning employees of local educational agencies and private elementary and secondary schools.
Sec. 111. Notice.
Sec. 112. Regulations.
TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES
Sec. 201. Leave requirement.
TITLE III—COMMISSION ON LEAVE
Sec. 301. Establishment.
Sec. 302. Duties.
Sec. 303. Membership.
Sec. 304. Compensation.
Sec. 305. Powers.
Sec. 306. Termination.
TITLE IV—MISCELLANEOUS PROVISIONS
Sec. 401. Effect on other laws.
Sec. 402. Effect on existing employment benefits.
Sec. 403. Encouragement of more generous leave policies.
Sec. 404. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of their family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects their working lives more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish such purposes in a manner which accommodates the legitimate interests of employers;

(4) to accomplish such purposes in a manner which, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

TITLE I—GENERAL REQUIREMENTS FOR LEAVE

SEC. 101. DEFINITIONS.

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any activity or industry "affecting commerce" within the meaning of the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means any employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed by the employer with respect to whom leave is sought under section 102 for at least—

(i) 1,000 hours of service during the previous 12-month period; and

(ii) 12 months.

(B) EXCLUSIONS.—The term "eligible employee" does not include—

(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II); or

(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.

(3) EMPLOY; STATE.—The terms "employ" and "State" have the same meanings given such terms in sections 3(g) and 3(c), respectively, of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g), 203(a), 203(c)).

(4) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(5) EMPLOYER.—

(A) IN GENERAL.—The term "employer"—

(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(ii) includes—

(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(II) any successor in interest of an employer; and

(iii) includes any public agency, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).

(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(6) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a policy or practice of an employer or through an employee benefit plan as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(7) HEALTH CARE PROVIDER.—The term "health care provider" means—

(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine and surgery by the State in which the doctor performs such function or action; or

(B) any other person determined by the Secretary to be capable of providing health care services.

(8) PARENT.—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

(9) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(10) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(12) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—

(A) inpatient care in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment or continuing supervision by a health care provider.

(13) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

SEC. 102. LEAVE REQUIREMENT.

(a) IN GENERAL.—

(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to 12 workweeks of leave during any 12-month period—

(A) because of the birth of a son or daughter of the employee;

(B) because of the placement of a son or daughter with the employee for adoption or foster care;

(C) to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) shall expire at the end of the 12-month period beginning on the date of the birth or placement involved.

(3) INTERMITTENT LEAVE.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subsection (e), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.

(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled.

(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave under subsection (a) may consist of unpaid leave.

(d) RELATIONSHIP TO PAID LEAVE.—

(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

(2) SUBSTITUTION OF PAID LEAVE.—

(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subparagraphs.

(B) HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under paragraph (1)(D) of subsection (a) for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(e) FORESEEABLE LEAVE.—

(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with prior notice of such expected birth or adoption in a manner that is reasonable and practicable.

(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and

(B) shall provide the employer with prior notice of the treatment or supervision in a manner that is reasonable and practicable.

(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—

(1) under subparagraph (A) or (B) of subsection (a)(1); or

(2) to care for a sick parent under subparagraph (C) of such subsection.

SEC. 103. CERTIFICATION.

(a) IN GENERAL.—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide a copy of such certification to the employer.

(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—

(1) the date on which the serious health condition commenced;

(2) the probable duration of the condition;

(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition; and

(4)(A) for purposes of leave under section 102(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee.

(c) SECOND OPINION.—

(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at its own expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.

(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.

(d) RESOLUTION OF CONFLICTING OPINIONS.—

(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).

(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.

(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.

(a) RESTORATION TO POSITION.—

(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for its intended purpose shall be entitled, on return from such leave—

(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(3) LIMITATIONS.—Except as provided in subsection (b), nothing in this section shall be construed to entitle any restored employee to—

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.

(c) MAINTENANCE OF HEALTH BENEFITS.—During any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).

SEC. 105. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—

(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;

(2) has given, or is about to give, any information in connection with any inquiry or

proceeding relating to any right provided under this title; or

(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.

SEC. 106. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—The Secretary shall issue such rules and regulations as are necessary to carry out this section, including rules and regulations concerning notice of foreseeable leave, service of complaints, notice of hearings, answers and amendments to complaints, and copies of orders and records of proceedings.

(b) CHARGES.—

(1) FILING.—Any person (including a class or organization, on behalf of any person) alleging an act that violates any provision of this title may file a charge respecting such violation with the Secretary. Charges shall be in such form and contain such information as the Secretary shall require by regulation.

(2) NOTIFICATION.—Not more than 10 days after the Secretary receives notice of a charge under paragraph (1), the Secretary—

(A) shall serve a notice of the charge on the person charged with the violation; and

(B) shall inform such person and the charging party as to the rights and procedures provided under this title.

(3) TIME OF FILING.—A charge shall not be filed more than 1 year after the date of the last event constituting the alleged violation.

(4) SETTLEMENT PRIOR TO DETERMINATION BY SECRETARY.—The charging party and the person charged with the violation under this section may enter into a settlement agreement concerning the violation alleged in the charge before any determination is reached by the Secretary under subsection (c). Such an agreement shall be effective unless the Secretary determines, not later than 30 days after the notice of the proposed agreement is received, that the agreement is not generally consistent with the purposes of this title.

(c) INVESTIGATION AND COMPLAINT ON NOTICE OF A CHARGE.—

(1) INVESTIGATION.—Within the 60-day period after the Secretary receives any charge respecting a violation of this title, the Secretary shall investigate the charge and issue a complaint based on the charge or dismiss the charge.

(2) DISMISSAL.—If, while conducting an investigation under paragraph (1), the Secretary determines that there is no reasonable basis for the charge that is being investigated, the Secretary shall dismiss the charge and promptly notify the charging party and the respondent as to the dismissal.

(3) COMPLAINT BASED ON CHARGE.—If, while conducting an investigation under paragraph (1), the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based on the charge and promptly notify the charging party and the respondent as to the issuance.

(4) SETTLEMENT WITH SECRETARY.—On the issuance of a complaint under paragraph (3), the Secretary and the respondent may enter into a settlement agreement concerning a violation alleged in the complaint. Any such settlement shall not be entered into over the objection of the charging party, unless the Secretary determines that the settlement provides a full remedy for the charging party.

(5) CIVIL ACTIONS.—If, at the end of the 60-day period referred to in paragraph (1), the Secretary—

(A) has not made a determination under paragraph (2) or (3);

(B) has dismissed the charge under paragraph (2); or

(C) has disapproved a settlement agreement under subsection (b)(4) or has not entered into a settlement agreement under paragraph (4) of this subsection;

the charging party may elect to bring a civil action under section 107. Such election shall bar further administrative action by the Secretary with respect to the violation alleged in the charge.

(6) COMPLAINT AND RELIEF ON INITIATIVE OF SECRETARY.—

(A) COMPLAINT.—The Secretary may issue and serve a complaint alleging a violation of this title on the basis of information and evidence gathered as a result of an investigation initiated by the Secretary pursuant to section 108.

(B) RELIEF.—On the issuance of a complaint under subparagraph (A), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for appropriate temporary relief or a restraining order. On the filing of any such petition, the court shall cause notice of the petition to be served on the respondent, and the court shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as the court determines just and proper.

(d) RIGHTS OF PARTIES.—

(1) SERVICE OF COMPLAINT.—In any case in which a complaint is issued under subsection (c), the Secretary shall, not later than 10 days after the date on which the complaint is issued, cause to be served on the respondent a copy of the complaint.

(2) PARTIES TO COMPLAINT.—Any person filing a charge alleging a violation of this title may elect to be a party to any complaint filed by the Secretary alleging such violation. Such election must be made prior to the commencement of a hearing.

(3) CIVIL ACTION.—The failure of the Secretary to comply in a timely manner with any obligation assigned to the Secretary under this title shall entitle the charging party to elect, at the time of such failure, to bring a civil action under section 107.

(e) CONDUCT OF HEARING.—

(1) PROSECUTION BY SECRETARY.—The Secretary shall have the duty to prosecute any complaint issued under subsection (c).

(2) HEARING.—An administrative law judge shall conduct a hearing on the record with respect to any complaint issued under this title. The hearing shall be commenced not later than 60 days after the issuance of such complaint, unless the judge, in the discretion of the judge, determines that the purposes of this Act would best be furthered by commencement of the action after the expiration of such period.

(f) FINDINGS AND CONCLUSIONS.—

(1) IN GENERAL.—After a hearing conducted under this section, the administrative law judge shall promptly make findings of fact and conclusions of law, and, if appropriate, issue an order for relief as provided in section 109.

(2) NOTIFICATION CONCERNING DELAY.—The administrative law judge shall inform the parties, in writing, of the reason for any delay in making such findings and conclusions if such findings and conclusions are not made within 60 days after the conclusion of such hearing.

(g) FINALITY OF DECISION; REVIEW.—

(1) FINALITY.—The decision and order of the administrative law judge under this section shall become the final decision and order of the Secretary unless, on appeal by an aggrieved party taken not more than 30 days after such action, the Secretary modifies or vacates the decision, in which case the decision of the Secretary shall be the final decision.

(2) REVIEW.—Not later than 60 days after the entry of the final order of the Secretary under paragraph (1), any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

(3) JURISDICTION.—On the filing of the record of an order under this subsection with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States on writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

(1) POWER OF SECRETARY.—If an order of the Secretary is not appealed under subsection (g)(2), the Secretary may petition the United States district court for the district in which the violation is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the Secretary, by filing in such court a written petition praying that such order be enforced.

(2) JURISDICTION.—On the filing of a petition under paragraph (1), the court shall have jurisdiction to make and enter a decree enforcing the order of the Secretary. In such a proceeding, the order of the Secretary shall not be subject to review.

(3) DECREE OF ENFORCEMENT.—If, on appeal of an order under subsection (g)(2), the United States court of appeals does not reverse or modify such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the Secretary.

SEC. 107. ENFORCEMENT BY CIVIL ACTION.

(a) RIGHT TO BRING CIVIL ACTION.—

(1) IN GENERAL.—Subject to the limitations contained in this section, an eligible employee or any person, including a class or organization on behalf of any eligible employee, or the Secretary may bring a civil action against any employer (including any State employer) to enforce the provisions of this title in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) NO CHARGE FILED.—Subject to paragraph (3), a civil action may be commenced under this subsection without regard to whether a charge has been filed under section 106(b).

(3) LIMITATIONS.—No civil action may be commenced under paragraph (1) if the Secretary—

(A) has approved a settlement agreement or has failed to disapprove a settlement agreement under section 106(b)(4) or 106(c)(4), as appropriate, if such action is based on a violation alleged in the charge and resolved by the agreement; or

(B) has issued a complaint under section 106(c)(3) or 106(c)(6), if such action is based upon a violation alleged in the complaint.

(4) ENFORCEMENT OF SETTLEMENT AGREEMENTS.—Notwithstanding paragraph (3)(A), a civil action may be commenced to enforce the terms of any such settlement agreement.

(5) TIMING OF COMMENCEMENT OF CIVIL ACTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no civil action may be commenced later than 1 year after the date of the last event that constitutes the alleged violation.

(B) EXCEPTION.—In any case in which—

(i) a timely charge is filed under section 106(b); and

(ii) the failure of the Secretary to issue a complaint or enter into a settlement agreement based on the charge (as provided under section 106(c)(4)) occurs later than 11 months after the date on which any alleged violation occurred;

the charging party may commence a civil action not later than 60 days after the date of such failure.

(6) AGENCIES.—The Secretary shall not bring a civil action against any agency of the United States.

(7) EXCLUSIVE JURISDICTION ON COMPLAINT.—On the filing of a complaint with the court under this subsection, the jurisdiction of the court shall be exclusive.

(b) VENUE.—An action brought under subsection (a) in a district court of the United States may be brought—

(1) in any appropriate judicial district under section 1391 of title 28, United States Code; or

(2) in the judicial district in the State in which—

(A) the employment records relevant to such violation are maintained and administered; or

(B) the aggrieved person worked or would have worked but for the alleged violation.

(c) NOTIFICATION OF THE SECRETARY; RIGHT TO INTERVENE.—A copy of the complaint in any action by an eligible employee under subsection (a) shall be served on the Secretary by certified mail. The Secretary shall have the right to intervene in a civil action brought by an employee under subsection (a).

(d) ATTORNEYS FOR THE SECRETARY.—In any civil action under subsection (a), attorneys appointed by the Secretary may appear for and represent the Secretary, except that the Attorney General and the Solicitor General shall conduct any litigation in the Supreme Court.

SEC. 108. INVESTIGATIVE AUTHORITY.

(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).

(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.

(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 106.

(d) SUBPOENA POWERS, ETC.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

SEC. 109. RELIEF.

(a) INJUNCTIVE RELIEF.—

(1) CEASE AND DESIST.—On finding a violation under section 106, the administrative law judge shall issue an order requiring such person to cease and desist from any act or practice that violates this title.

(2) INJUNCTIONS.—In any civil action brought under section 107, the court may grant as relief against any employer (including any State employer) any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate.

(b) MONETARY DAMAGES.—

(1) IN GENERAL.—Any employer (including any State employer) that violates any provision of this title shall be liable to the injured party in an amount equal to—

(A) any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) an additional amount equal to the greater of—

(i) the amount determined under subparagraph (A), as liquidated damages; or

(ii) consequential damages, not to exceed 3 times the amount determined under such subparagraph.

(2) GOOD FAITH.—If an employer who has violated this title proves to the satisfaction of the administrative law judge or the court that the act or omission that violated this title was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this title, such judge or the court may, in its discretion, reduce the amount of the liability provided for under this subsection to the amount determined under paragraph (1)(A).

(c) ATTORNEYS' FEES.—A prevailing party in an action described under this section (other than the United States) may be awarded a reasonable attorneys' fee as part of the costs, in addition to any relief awarded. The United States shall be liable for costs in the same manner as a private person.

(d) LIMITATION.—Damages awarded under subsection (b) shall not accrue from a date that is later than 2 years prior to the date on which a charge is filed under section 106(b) or a civil action is brought under section 107.

SEC. 110. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of any employee's leave under this section), remedies, and procedures under this Act shall apply to—

(1) any local educational agency (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and its employees; and

(2) any private elementary and secondary school and its employees.

(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Education of the Handicapped Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.

(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which an employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is forseeable based on planned medical treatment or supervision and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—

(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment or supervision; or

(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and which—

(i) has equivalent pay and benefits; and

(ii) better accommodates recurring periods of leave than the regular employment position of the employee.

(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an employee who complies with section 102(e)(2).

(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any employee employed principally in an instructional capacity by any such educational agency or school:

(1) If the employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is at least 3 weeks duration; and

(B) the return to employment would occur during the 3-week period before the end of such term.

(2) If the employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—

(A) the leave is greater than 2 weeks duration; and

(B) the return to employment would occur during the 2-week period before the end of such term.

(3) If the employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.

(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.

(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in its discretion, reduce the amount of the liability provided for under section 109(b)(1) to the amount determined under subparagraph (A) of such section.

SEC. 111. NOTICE.

(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on its premises where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filing of a charge.

(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.

SEC. 112. REGULATIONS.

Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title (including regulations under section 106(a)).

TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES

SEC. 201. LEAVE REQUIREMENT.

(a) IN GENERAL.—(1) Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V—FAMILY LEAVE

"§ 6381. Definitions

"For purposes of this subchapter:

"(1) 'employee' means—

"(A) an employee as defined by section 6301(2) of this title (excluding an individual employed by the government of the District of Columbia); and

"(B) an individual under clause (v) or (ix) of such section;

who has been employed for at least 12 months and completed at least 1,000 hours of service during the previous 12-month period.

"(2) 'serious health condition' means an illness, injury, impairment, or physical or mental condition that involves—

"(A) inpatient care in a hospital, hospice, or residential medical care facility; or

"(B) continuing treatment, or continuing supervision, by a health care provider;

"(3) 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

"(A) under 18 years of age; or

"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability; and

"(4) 'parent' means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.

"§ 6382. Leave requirement

"(a)(1) An employee shall be entitled, subject to section 6383, to 12 workweeks of leave during any 12-month period—

"(A) because of the birth of a son or daughter of the employee;

"(B) because of the placement of a son or daughter with the employee for adoption or foster care;

"(C) in order to care for the son, daughter, spouse, or parent of the employee who has a serious health condition; or

"(D) because of a serious health condition that makes the employee unable to perform the functions of the position.

"(2) The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

"(3) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency agree otherwise. Leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary, subject to subsection (e).

"(b) On agreement between the employing agency and the employee, leave under this section may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

"(c) Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.

"(d)(1) If an employing agency provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.

"(2)(A) An employee may elect, or an employing agency may require the employee, to substitute for leave under subparagraph (A), (B), or (C) of subsection (a)(1) any of the accrued paid vacation leave, personal leave, or family leave of the employee for any part of the 12-week period of such leave under such paragraph.

"(B) An employee may elect, or an employing agency may require the employee, to substitute for leave under paragraph (1)(D) of subsection (a) any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for any part of the 12-week period of such leave under such paragraph, except that nothing in this Act shall require an employing agency to provide paid sick leave or paid medical leave in any situation in which such employing agency would not normally provide any such paid leave.

"(e)(1) In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the employee shall provide the employing agency with prior notice of such expected birth or adoption in a manner which is reasonable and practicable.

"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment or supervision, the employee—

"(A) shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee; and

"(B) shall provide the employing agency with prior notice of the treatment or supervision in a manner which is reasonable and practicable.

"§ 6383. Certification

"(a) An employing agency may require that a claim for leave under subparagraph (C) or (D) of section 6382(a)(1), be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employer, as appropriate. The employee shall provide a copy of such certification to the employing agency.

"(b) A certification under subsection (a) shall be sufficient if it states—

"(1) the date on which the serious health condition commenced;

"(2) the probable duration of the condition;

"(3) the appropriate medical facts within the knowledge of the provider regarding the condition; and

"(4)(A) for purposes of leave under section 6382(a)(1)(C), an estimate of the amount of time that the eligible employee is needed to care for the son, daughter, spouse, or parent; and

"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position.

"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.

"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.

"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).

"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.

"(e) The employing agency may require that the employee obtain subsequent recertifications on a reasonable basis.

"§ 6384. Job protection

"(a) Any employee who takes leave under section 6382 for its intended purpose shall be entitled, upon return from such leave—

"(1) to be restored by the employing agency to the position of employment held by the employee when the leave commenced; or

"(2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

"(c) Nothing in this section shall be construed to entitle any restored employee to—

"(1) the accrual of any seniority or employment benefits during any period of leave; or

"(2) any right, benefit, or position of employment other than that to which the employee was entitled to on the date the leave was commenced.

"(d) As a condition to restoration under subsection (a), the employing agency may have a policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to periodically report to the employing agency on the status and intention of the employee to return to work.

"§ 6385. Prohibition of coercion

"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.

"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6386. Health insurance

"An employee enrolled in a health benefits plan under chapter 89 of this title who is placed in a leave status under section 6382 of this title may elect to continue the health benefits enrollment of the employee while in leave status and arrange to pay into the Employees Health Benefits Fund (described in section 8909 of this title), through the employing agency of the employee, the appropriate employee contributions.

"§ 6387. Regulations

"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1990.".

(2) The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER V—FAMILY LEAVE AND TEMPORARY MEDICAL LEAVE

"6381. Definitions.
"6382. Leave requirement.
"6383. Certification.
"6384. Job protection.
"6385. Prohibition of coercion.
"6386. Health insurance.
"6387. Regulations.".

(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended by striking out "53" and inserting in lieu thereof "53, subchapter V of chapter 63,".

TITLE III—COMMISSION ON LEAVE

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title referred to as the "Commission").

SEC. 302. DUTIES.

The Commission shall—

(1) conduct a comprehensive study of—

(A) existing and proposed policies relating to leave;

(B) the potential costs, benefits, and impact on productivity of such policies on employers; and

(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 110; and

(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report that may include legislative recommendations concerning coverage of businesses that employ fewer than 50 employees and alternative and equivalent State enforcement of this Act with respect to employees described in section 110.

SEC. 303. MEMBERSHIP.

(a) COMPOSITION.—

(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex-officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:

(A) One Senator shall be appointed by the majority leader of the Senate, and one Senator shall be appointed by the minority leader of the Senate.

(B) One member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the minority leader of the House of Representatives.

(C)(i) Two members each shall be appointed by—

(I) the Speaker of the House of Representatives;

(II) the majority leader of the Senate;

(III) the minority leader of the House of Representatives; and

(IV) the minority leader of the Senate.

(ii) Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.

(2) EX-OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex-officio members.

(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among its members.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.

SEC. 304. COMPENSATION.

(a) PAY.—Members of the Commission shall serve without compensation.

(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.

SEC. 305. POWERS.

(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.

(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. On the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out its duties.

(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.

(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out its duties.

SEC. 306. TERMINATION.

The Commission shall terminate 30 days after the date of the submission of its report to the Congress.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or handicapped status.

(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law which provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.

SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective-bargaining agreement or any employment benefit program or plan which provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.

(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.

SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies which comply with the requirements under this Act or any amendment made by this Act.

SEC. 404. EFFECTIVE DATES.

(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.

(b) OTHER TITLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), titles I and II and this Act shall take effect 6 months after the date of the enactment of this Act.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—

(A) the date of the termination of such agreement; or

(B) the date which occurs 12 months after the date of the enactment of this Act.

SEC. 405. REGULATIONS.

The Secretary shall prescribe such regulations as are necessary to carry out this title within 60 days after the date of the enactment of this Act.●

● Mr. PACKWOOD. Mr. President, the President's veto of the Family and Medical Leave Act and the subsequent failure of the House to override that veto, while a setback, should not be seen as the end of our efforts to ensure that working people are able to care for their families and meet basic economic needs.

Today, we are reintroducing the Family and Medical Leave Act. We are sending a signal that we stand firmly behind our Nation's families and our commitment to enact a comprehensive and sound family leave policy.

What we are saying with this bill is simple justice: A single mother shouldn't be forced to lose her job to take care of a dangerously ill child. A father should be able to count on returning to work after taking care of his family's emergency at home.

Fairness in the workplace will pay off for employers, too. Understanding the problems that families face will bring dividends in the way workers feel about their work. Instead of losing valuable productivity on the job, employers with leave policies in place report gains in productivity and retention of a loyal and experienced workforce.

The demographic revolution in the American work force is having a profound effect on the lives of working men and women and their families. Today, more than half of the 45.6 million children in two-parent families have both parents in the work force. The number of women working outside the home has increased 178 percent since 1950. More than one-half of all mothers with infants under 1 year of age now work outside the home. Two-thirds of mothers of children under the age of 3 work outside the home.

We are not strangers to these statistics. We have heard them here before. It is time we face up to the changing reality of our economy—single parents and two wage-earning parents dominate the work force. It is time now to take action, to ensure that no longer will American workers have to face difficult choices as they seek to balance family and workplace responsibilities. The dual goals of family and work are important to our Nation's well-being. It is time we support working parents by providing flexible leave options which promote family stability and job security.

The Family and Medical Leave Act being introduced again today will help ease the tremendous pressures parents face in balancing workplace and family responsibilities. It is essentially the same bill passed by the Senate on June 14 this year. That bill was the result of months of effort and was a carefully-tuned compromise which sought to take into consideration the concerns of business and the needs of our Nation's working families.

This legislation requires companies of 50 or more employees to allow their permanent workers 12 weeks of unpaid leave per year for the birth of a baby or serious family illness. Data from my own State of Oregon, which has a family leave standard of 12 weeks, finds that businesses have had little trouble in complying with the standard.

Under this bill, only workers who have been on the job for a year or more and who have worked an average of half time or more during that year would be eligible for unpaid leave. Employees would be assured of reinstatement to the same or equivalent job upon their return, and would continue to receive health care coverage during their absence. The General Accounting Office estimates the cost of the bill to be no more than $188 million per year, most of which will result from the continuation of health insurance coverage for employees.

This bill is a reasonable approach. It seeks to meet the needs of families while helping businesses plan for workers taking leave. An estimated 95 percent of all firms, those with fewer than 50 employees, would be exempt from the bill's requirements. The Family and Medical Leave Act is not antibusiness. Indeed, many firms that already have leave policies in place report improved employee loyalty, reduced turnover and absenteeism, and enhanced productivity.

It seems clear that business owners and their employees will benefit mutually from an unpaid leave policy such as envisioned in this bill. I urge my colleagues and the Nation to rally behind this long-overdue policy to help our Nation's families strike a balance between the needs of their loved ones and the demands of the workplace.●

● Mr. ADAMS. Mr. President, I am outraged that President Bush has vetoed the family and medical leave bill and terribly disturbed that Congress did not act to override the President's actions. I want President Bush to know that he has not heard the last from us on this issue. Those of use in Congress who are profamily and who want to give working America a helping hand are going to continue the struggle. The reintroduction today by Senator DODD of the family and medical leave bill sends this message out loud and clear. I want my colleague from Connecticut to know that as an original cosponsor, I am behind him all the way.

The family and medical leave bill that President Bush vetoed simply would have ensured that the mother or father of a newborn child will have a period of time to bond with that child after birth and that working people in this country will not have to sacrifice their jobs when their elderly parents or their children are seriously ill.

Families of America deserve no less than required in this bill. President Bush must understand that advocates of family and medical leave will not let up until this bill becomes Federal law. He should also understand that the already overwhelming support for this measure by the American public will only continue to grow.

If we cannot as a nation demonstrate this kind of compassion for our Nation's families, then I would like to know how the President proposes to face the tremendous social, demographic, and economic challenges we must meet in the nineties.●

● Mr. KENNEDY. Mr. President, today I join Senator DODD and others in introducing a new Family and Medical Leave Act. This bill is almost identical to the bill passed with solid bipartisan support in both the House and the Senate, but vetoed by President Bush.

Our message in reintroducing a bill essentially the same as the vetoed measure is clear: this issue is not going away. The President may have violated a campaign promise to working families, but Congress intends to keep it. The failure to override the veto was a pyrrhic victory for the President. The cost of his accommodation of the business lobby is the denial of fundamental fairness to working Americans.

Family and medical leave is too important to be left to the whim of management. President Bush, in his veto message, tried to explain his action by objecting to Government mandates of employee benefits. He claims that the bill "ignores the realities of today's workplace, and the diverse needs of workers". But it is the President who is ignoring the demographics of the 1990's. Women and mothers are working in record numbers—some by choice—some by economic necessity—and it is time to recognize this changing reality of the workplace.

Time off to care for a new baby or a child or parent who is seriously ill is not just another employee benefit. It is a basic protection for workers faced with a family emergency, not a benefit that can be chosen in advance.

The amount of family leave provided in the bill is already made available by many employers. Since the leave is unpaid, the cost to business is minimal.

Senator DODD and I intend to do all we can, with or without the President, to see that reasonable and realistic family leave becomes available for American workers. Just as workers deserve other statutory protections ranging from Social Security to workplace

safety, they deserve protection against unscrupulous employers who refuse to make reasonable accommodations for workers facing family emergencies. In this day and age, no employees should lose their jobs because they needed family leave.●

By Mr. GRASSLEY:

S. 2974. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax exemption to sales of certain trucks assembled by nonprofit educational organizations; to the Committee on Finance.

TAX-FREE SALES OF TRUCKS ASSEMBLED BY EDUCATIONAL ORGANIZATIONS

● Mr. GRASSLEY. Today, I am introducing legislation to address another misguided policy decision by the IRS. This particular problem concerns a vocational technical college in my State.

This college, the Northwest Iowa Technical College, had as part of its curriculum, a truck and diesel program where students assembled a truck from a kit each year. At the end of the year, the completed truck was sold at no profit to help cover the costs of the program.

The program had been proceeding for a number of years until it came to the attention of the IRS. Unfortunately, the IRS claims that this educational program falls under the retailer excise tax and is, therefore, subject to the tax.

Of course the intention behind this tax was to apply it to manufacturers in the business of making and selling trucks. It's preposterous to conclude that Congress intended to impose this tax on a college's educational program.

Mr. President, it's cases such as this that futher erode confidence in the tax system. At this time, I do not know how extensive this problem is around the country, but I do know the problem exists and it needs to be corrected. I am, therefore, introducing this bill, which will add an exemption to the retailer tax for non-profit educational institutions that build trucks as part of its curriculum and sell the trucks to help cover the costs of the program. It just doesn't make sense for the Government to be talking about increasing funds for education and then turn around and tax educational programs.

I urge my colleagues to join me in making this correction by supporting this legislation.●

By Mr. REID:

S. 2975. A bill to amend title II of the Social Security Act to provide for a more gradual 10-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers attaining age 65 in or after 1982 (and related beneficiaries) and to provide for increases in their benefits accordingly; to the Committee on Finance.

SOCIAL SECURITY TRANSITION BENEFIT COMPUTATION ACT

Mr. REID. Mr. President, I rise today to introduce a "notch" bill.

There are other notch bills pending in both the House and Senate. Why introduce another? Because of the great injustice of this unfair, inequitable problem. Because the only way we will ever pass a bill is if we keep the notch issue at the forefront of everyone's mind, where it should be.

When the notch babies worked and paid into Social Security, they were promised that they would be treated fairly.

Yet, these 7 million Americans born between 1917 and 1921 are not being treated fairly or equally.

No one in their right mind can justify radically different benefit checks for two people who have identical earnings histories, yet happen to have been born a few months apart—one in 1916 and one in 1917.

In some cases, people received hundreds of dollars less than someone a week older—for no other reason than having the wrong birthday in the wrong year.

That is not equal treatment under the law. it is outrageous. And un-American.

The 1972 Social Security Amendments changed the way Social Security benefits were calculated. The intention of Congress was good—to see that benefit levels compensated for inflation.

However, the changes were too drastic and would have resulted in some people earning more in Social Security than they did before they retired. Five years later, in 1977, Congress again tried to fix the Social Security benefit formulas. Again measures taken were too extreme.

The intention that time was to reduce benefit levels by 6 to 10 percent for those born after 1917. A gradual, 5-year transition was created.

The first group affected by the change were those born between 1917-1921—people retiring between 1979 and 1983. That was the cut—1917 to 1921—and these are the people we call notch babies.

What went wrong in 1977? Again, faulty benefit formulas. The reductions were severe—not the 6- to 10-percent goal. Many retirees suffered reductions ranging from 10 to 20 percent.

When someone is living on a fixed income, a 10 to 20 percent pension cut can be a disaster.

It's the difference between buying groceries and not having enough to eat.

It's not having enough money to pay the heating bill on time.

It's not being able to take a bath because you're afraid to run the water—because you can't pay the water bill.

In short, it's the difference between living with dignity and suffering in silence—because nobody cares and Social Security doesn't make up the difference.

I rise today to offer legislation which will reverse this discrimination.

This bill is modeled after H.R. 917, a bill introduced in the House by Congressman ROYBAL and supported by 151 Members of Congress.

My bill would return benefit levels to where they were intended to be. It would eliminate those severe reductions of 10 to 20 percent and bring them in line with what Congress intended—6 to 10 percent.

I wish we could replace all of the missed Social Security earnings of the past 11 years—but there are people who say that the system does not have the money to pay 13-years worth of earnings to all retirees.

The bill I offer is fiscally responsible. It is reasonable. It does not bankrupt the system.

My bill extends the transition formula to 10 years. Further, it determines benefits based on the 1972 formula—the old formula—the one we used before the whole problem began in the first place. The bottom line for beneficiaries would be an estimated increase of between $37 to $114 per month.

Thirty seven to 114 dollars may not sound like much to my colleagues who have good steady incomes, but to that senior citizen on a fixed income, it's money for food, bills, prescription drugs and other necessities.

The cost of this bill can be borne by the Social Security surpluses. By 1992 the surpluses are expected to reach $350 billion. This bill will cost approximately $49 billion over the next 7 years. Surely we can see fit to use a small amount of the trust funds tremendous resources to address the notch inequity.

Those trust fund resources are there for the well being of those who have paid into the Social Security System. We should use those resources to see that Social Security recipients are treated well—treated fairly—treated equitably.

It is time for Congress to take its hands off of the Social Security surpluses. Stop hiding the horrible truth of its fiscal irresponsibility. It is time to return those dollars to the hands of those who earned them: Social Security beneficiaries and future beneficiaries.

In two steps, we can treat those born after 1917 fairly and protect the future of the trust funds.

First, take Social Security off budget; and

Second, pass legislation to correct the notch.

Today, we can address the notch issue.

I urge my colleagues on the Finance Committee to consider and report at least one of the notch bills before them. Let the Congress debate and vote. Allow us to speak for those we represent. Allow us to speak for fairness.

By Mr. LEAHY:

S. 2977. A bill to prohibit certain RTC asset sales; to the Committee on Banking, Housing, and Urban Affairs.

LIMITATION ON RTC ASSET SALES

Mr. LEAHY. Mr. President, I rise today to offer a bill that is a complement to the S&L fraud package that was passed 3 weeks ago in this Chamber as an amendment to the crime bill.

That package was designed to strengthen our efforts at rooting out and prosecuting the swindlers and crooks who helped bring about the collapse of the savings and loan industry. As a result of that collapse, the Resolution Trust Corporation, which is trying to clean up the mess, will become the Nation's largest holder of real estate.

Its portfolio, as of June, included nearly 36,000 properties with a book value of some $15 billion. Some analysts estimate that, before this whole debacle is behind us, the RTC will have to sell more than 300,000 properties.

The RTC is under great pressure to sell these properties quickly and at top dollar.

At the same time, however, the enormous size of the selloff and the pressure to maximize recovery creates a serious risk of abuse.

Already we hear that the same S&L con artists who gambled with borrowed money may now be getting ready to cash in on the sale of properties held by the RTC.

We hear that high-rolling developers who defaulted on loans used to buy property will line up to buy the same property back from the RTC at fire-sale prices.

We hear that S&L executives who drove their institutions into the ground are expected to lineup, too. No doubt they figure they will have a leg up on the bidding thanks to the inside information they have about properties that were held by their own institutions.

We even hear that Charles Keating—the original S&L Kingpin whose failed Lincoln S&L will cost the taxpayers over $1 billion—says the assets of Lincoln should be sold back to him.

This is just unacceptable. The last thing we need now is to open the door to a new round of fraud and chicanery. The American people are outraged at the S&L scandal—angry at the greed and waste; disgusted that they are getting stuck with the bill now that the federally-insured party is over. Most of them, like the frugal people of Vermont where I come from, are blameless. They will not sit idly by if we allow the same wheeler-dealers who fleeced us once to do it again.

I am therefore offering a bill requiring the RTC to establish some minimal rules and regulations governing who can buy RTC properties.

First, any executive of a failed S&L who played a significant role in squandering the assets of his institution would be barred from buying those assets back from the RTC. We are not going to allow those with inside information about the true value of assets once held by their S&Ls to bid against the general public.

Second, anyone who defaulted on a major loan from a failed S&L would be barred from turning around and buying back RTC assets unless he put down cash on the barrelhead. This is no time to take I.O.U.'s from large-scale borrowers who have already defaulted once. As the old saying goes—fool me once, shame on you; fool me twice, shame on me.

In addition, the bill would exclude from the RTC bidding process any deadbeat who has been thrown out of the banking business by a Federal banking agency or who has repeatedly defaulted on bank loans.

The American people have a right to expect that the public trough has closed and that the season for fraud and abuse has come to an end. We owe it to them both to recover as much as we can from the wreckage of the S&L industry and to do it in a fair and honorable way.

This bill says to all those sharp operators who have taken us to the cleaners once—we won't be fooled again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECION 1. LIMITATION ON RTC ASSET SALES.

Section 21A(b)(12) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(12)) is amended by adding at the end the following:

"(G) CERTAIN SALES PROHIBITED.—Notwithstanding any other provision of law, the Corporation shall prescribe regulations to prohibit the sale of assets of a failed institution by the Corporation to any person who—

"(i)(I) defaulted on an obligation or obligations in excess of $1,000,000 to a failed institution or was a member of a partnership or an officer or director of a corporation which defaulted on an obligation or obligations in excess of $1,000,000 to a failed institution, and (II) proposes to purchase the asset or assets in question in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from an insured institution subject to the jurisdiction of the Corporation pursuant to paragraph (3)(A),

"(ii) was an officer or director of the failed institution or of any affiliate thereof who participated in a material way in transactions that resulted in a substantial loss to the failed institution or affiliate,

"(iii) has been removed from, or prohibited from participating in the affairs of, any insured depository institution pursuant to any final enforcement action by any appropriate Federal banking agency, or

"(iv) demonstrated a pattern or practice of defalcation regarding obligations to insured depository institutions.

For the purpose of this subparagraph—

"(i) the term 'default' means a failure to make timely payments on a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon; and

"(ii) the term 'affiliate' has the same meaning as in section 2(k) of the Bank Holding Company Act of 1956.".

By Ms. MIKULSKI:

S. 2978. A bill to provide that Federal employees may participate in State and local government programs encouraging the use of public transportation; to the Committee on Governmental Affairs.

ENCOURAGING THE USE OF PUBLIC TRANSPORTATION

● Ms. MIKULSKI. Mr. President, I rise today to introduce legislation to let Federal agencies—and their employees—participate in State and local government programs encouraging the use of public transportation.

As our urban and suburban streets become increasingly congested and our air becomes increasingly polluted, Federal, State, and local governments, along with the private sector, have got to put our heads together. We've got to find ways to get people out of their cars and into trains, trolleys, buses, vanpools, and other forms of mass transit. That's just good common sense.

This legislation opens the door to that kind of cooperation by letting Federal agencies participate in transit incentive programs to which a significant local commitment exists. I hope it will inspire local communities across the country to seek creative commuting alternatives.

Mr. President, I identify with the frustrations of commuters, because I am one myself. Every day, I travel back and forth along the Baltimore-Washington Parkway from my home in Fells Point, Baltimore, to Capitol Hill. And let me tell you, it is stressful. Backups, accidents, road construction delays—it's no wonder that families in my State ask me for help to make that commute easier. I want to help. I think this legislation will begin to help.

The idea for this legislation originated with a local government in my State—the government of Montgomery County, MD—which operates an innovative and highly successful program to encourage employees to ride

public transportation, instead of driving to work.

Under Montgomery County's "Fare Share" program, the County and private employers cooperate to reduce the cost to workers of buying transit fares. For example, under the Fare Share program, the County purchases a $21 Metrorail subway farecard, which it then sells to the employer for $15. The employer sells the farecard to the employee for just $10—cutting the employee's cost of taking public transportation in half.

The Fare Share program celebrated its 100th participating company in the fall of 1989. Some 3,000 employees receive discounted Metrorail, Metrobus, local "Ride-on" bus, and Marc train passes under the program. Half of these are new transit riders.

Montgomery County has sought to expand this program to include Federal Government employees; but has run up against an obstacle: Federal law prohibits Federal employees whose pay is fixed by statute or regulation from receiving additional pay or benefits unless specifically authorized by law.

That's why my bill specifically authorizes agencies to participate in any program established by a State or local government that encourages employees to use public transportation, through discounted transit passes or other incentives.

This is the kind of common-sense program that the Federal Government should encourage and participate in. Getting employees out of their cars and onto public transportation is good public policy.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PARTICIPATION IN STATE AND LOCAL PROGRAMS TO ENCOURAGE PUBLIC TRANSPORTATION.

(a) AUTHORIZATION OF FEDERAL AGENCY PARTICIPATION.—An Executive agency may participate in any program established by a State or local government that encourages employees to use public transportation. Such programs may involve the sale of discounted transit passes or other incentives that reduce the cost to the employee of using public transportation.

(b) FEDERAL EMPLOYEE PARTICIPATION.—Notwithstanding the provisions of section 5536 of title 5, United States Code, an employee may participate in a program described under subsection (a).

(c) DEFINITIONS.—(1) For purposes of this section the term "Executive agency" shall have the same meaning as such term is defined under section 105 of title 5, United States Code.

(2) For purposes of subsection (b), the term "employee" shall have the same meaning as such term is defined under section 2105 of title 5, United States Code.●

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. GORE, Mr. HARKIN, Mr. BRYAN, Mr. DURENBERGER, Mr. EXON, Mr. KERREY, Mr. HEINZ, Mr. REID, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, and Mr. KENNEDY):

S. 2979. A bill to protect the public from health risks from radiation exposure from low-level radioactive waste, and for other purposes; to the Committee on Environment and Public Works.

RADIATION PROTECTION ACT

Mr. MITCHELL. Mr. President, today I and others are introducing legislation to assure that States are not prevented by the Federal Government from doing more to protect their citizens from the risks of radiation exposure. Representative GEORGE MILLER today is also introducing comparable legislation in the House.

This legislation is prompted by a July 3, 1990, policy statement by the Nuclear Regulatory Commission in which the Commission determined that they would allow some low-level radioactive waste to be deregulated. As a result of this decision, up to 30 percent of radioactive waste could be allowed to be disposed of in landfills.

Not all States agree that this is sound public policy. Maine, Minnesota, Vermont, and Iowa have State statutes that ban disposal of radioactive waste in landfills. The NRC suggests that such State laws are not compatible with the NRC policy and thus may be preempted. Such preemption is unacceptable.

The legislation I am introducing today addresses the problems created by the NRC policy in several ways.

First, it provides that no State may be preempted from imposing more stringent standards on deregulated radioactive waste.

Second, it provides that States would not be preempted from imposing more stringent State standards on regulated low-level waste.

Third, the bill prohibits the NRC from implementing its low-level waste deregulation policy.

The NRC's decision does not protect public health. Richard J. Guimond, Director of the EPA Office of Radiation Programs stated on January 12, 1989 that "we do not believe that, as proposed—the NRC policy—would adequately protect public health and the quality of man's environment."

And the health risks of radiation exposure are greater than estimated when Mr. Guimond made this statement. In December, 1989, the National Research Council of the National Academy of Sciences issued a report entitled "Health Effects of Exposure to Low Levels of Ionizing Radiation," the BEIR [Biological Effects of Ionizing Radiation] V report. In that report, the BEIR committee stated:

[L]ifetime risk of cancer attrributable to a given dose of gamma radiation now appears somewhat larger than formerly estimated (page 5).

The risk from exposure during childhood is estimated to be about twice as large as the risk for adults, but such estimates of lifetime risk are still highly uncertain due to the limited follow-up of this age group (p. 6).

The cancer risk estimates derived with the preferred models used in this report are about 3 times larger for solid cancers (relative risk projection) and about 4 times larger for leukemia than the risk estimates presented in the BEIR III report (p. 6).

The NRC proposes to allow the public to experience greater radiation exposure while at the same time the scientific community determines that the risks of such exposure are greater than previously estimated. The result of the NRC policy would be more people facing a higher cancer risk. I do not support this result.

The second problem with the NRC policy is that it is inconsistent with other policies on this issue. The NRC proposed a 10 millirem per year individual dose limit per exempted practice and a 1,000 person-rem annual collective dose. No one else has adopted such a lenient standard.

The EPA recommends no more than a 4-millirem-per-person exposure. The International Atomic Energy Agency recommends no more than a 100 person-rem annual collective dose: one-tenth of that proposed by the NRC. Canada, the United Kingdom, Japan, Sweden, Italy, and others all have more protective standards than that proposed by the NRC.

The NRC's deregulation policy is in conflict both with previous NRC policy and with the technical recommendations of the NRC staff. In 1986, NRC published a notice stating the individual dose level should be "a few millirem" per exempted practice annually.

The NRC staff recommended a 1-millirem-per-year individual exposure per exempted practice. Staff objections were muted so long as a 100 person-rem annual collective dose limit was being discussed. Unfortunately, the NRC decided to increase the individual and collective exposure limits 10 fold above the staff recommendations.

If the United States were to maintain this ill-conceived policy, we would be endorsing greater cancer exposure than most other developed nations. The United States has for two decades been a leader in protecting the public health and environment. We have some of the most stringent pollution control laws of any nation.

But this policy relegates us to the bottom of the ladder in radiation protection. This policy is not needed—in fact, it is a policy we need not to have.

The last objection I have to this policy is NRC's apparent intention to claim that more stringent State standards are not compatible with the NRC policy. This means that States like Maine, Minnesota, Vermont, and Iowa would not be allowed to ban deregulated radioactive waste from landfills.

On May 23, 1990, the NRC sent to Mr. W. Clough Toppan, manager of the Maine Radiological Health Program a copy of a paper by Donald Silverman, a private attorney, on the limits of State and local authority to regulate low-level waste. Specifically as to the existing Maine law, Mr. Silverman wrote:

Federal law clearly provides that the NRC has exclusive preemptive authority over the regulation of radiological hazards from source, special nuclear and byproduct materials. No State . . . may regulate such hazards. The Maine legislation by its title and express language attempts to achieve that result. As such it is an unconstitutional encroachment on the authority of the Federal government.

What are Maine and other States seeking to do that is so objectionable to the NRC? These States merely want to assure that radioactive waste will not be dumped in landfills. The NRC is prepared to allow up to 30 percent of low-level waste to be dumped in landfills instead of low-level waste disposal sites, as currently required. In New England, we already have too much waste being landfilled. We hardly need to add radioactive waste to the Nation's serious solid waste disposal problems.

The Atomic Energy Act authorizes the NRC to enter into agreements with States so that they may regulate radioactive material. Section 274 of the act provides that States must be "compatible" with NRC regulations. The NRC unfortunately prefers to define compatible as requiring State requirements and standards to be identical to the Federal standards. This is unfortunate and unwise.

I do not believe that the NRC's radioactive waste deregulation policy is sound. It should not be allowed to stand. The NRC should also not be empowered to override States' interests in providing greater public health protection than the NRC is willing to provide. I hope my colleagues will join me in achieving these goals.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation Protection Act of 1990".

SEC. 2. STATE AUTHORITY TO REGULATE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

(a) STATE AUTHORITY.—

(1) IN GENERAL.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 275 the following new section:

"SEC. 276. STATE AUTHORITY TO REGULATE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

"(a) IN GENERAL.—

"(1) BELOW REGULATORY CONCERN OF COMMISSION.—No provision of this Act, or of any other Federal law, may be construed to prohibit or otherwise restrict the authority of any State to regulate, on the basis of radiological hazard, the disposal of low-level radioactive waste designated a State responsibility for which the Commission does not require disposal in a low-level radioactive waste disposal facility licensed by the Commission or by an Agreement State.

"(2) STATE AUTHORITY.—No provision of this Act, or of any other Federal law, may be construed to preclude or otherwise restrict the authority of any State to impose standards for the protection from radiological hazards more stringent than the Commission for the disposal of low-level radioactive waste in a low-level radioactive waste disposal facility.

"(b) DEFINITIONS.—For purposes of this section:

"(1) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' has the meaning given such term in section 2 of the Low-Level Radioactive Waste Policy Act.

"(2) LOW-LEVEL RADIOACTIVE WASTE DESIGNATED A STATE RESPONSIBILITY.—The term 'low-level radioactive waste designated a state responsibility' means low-level radioactive waste for which the states are responsible for providing for disposal pursuant to section 3 of the Low-Level Radioactive Waste Policy Act.

"(3) LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY.—The term 'low-level radioactive waste disposal facility' means a facility for the disposal, as defined in section 2 of the Low-Level Radioactive Waste Policy Act, of low-level radioactive waste.

"(4) STATE.—The term 'State' has the meaning given such term in section 274 n.

"(5) AGREEMENT STATE.—The term 'Agreement State' has the meaning given such term in section 2 of the Low-Level Radioactive Waste Policy Act."

(2) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by inserting after the item relating to section 275 the following new item:

"Sec. 276. State authority to regulate disposal of low-level radioactive waste.".

(c) REVOCATION OF RELATED NRC POLICIES.—The following policy statements of the Nuclear Regulatory Commission, relating to radioactive waste below regulatory concern, shall have no effect after the date of enactment of this Act:

(1) The policy statement published in the Federal Register on July 3, 1990 (55 Fed. Reg. 27522).

(2) The policy statement published in the Federal Register on August 29, 1986 (51 Fed. Reg. 30839).

Mr. REID. Mr. President, I rise in strong support of the legislation introduced by my colleague, Senator GEORGE MITCHELL, addressing the regulation of low-level nuclear waste.

In June, the Nuclear Regulatory Commission announced its approval of a new policy for determining when "radiation levels are so low that they do not warrant further regulatory control." This policy is known as the "below regulatory concern", or BRC proposal.

The BRC proposal does not exempt specific items from regulation. What it does is define radiation levels which the agency feels are so low that they do not warrant the same regulatory controls as do higher levels of radioactivity. The agency believes the protection of public health and the environment would not be compromised.

As proposed in the Federal Register of December 12, 1988, a 10-millirem-per-year individual whole body dose would be established as the limit for BRC determinations. The Nuclear Regulatory Commission press release explaining BRD notes that:

Individuals are exposed to similar levels when they choose to live in a brick rather than a frame house (a difference that can exceed 10 millirem per year).

BRC means that certain practices involving radioactive materials would be exempt from regulatory control. Possible applications of the BRC policy include: Cleanup of contaminated sites; distribution of consumer products containing small amounts of nuclear materials; disposal of very low-level radioactive waste; and recycle or reuse of slightly contaminated equipment and materials. BRC means that certain radioactive materials may be dumped in the local landfill.

At the request of the Senate Environment and Public Works Committee, the Office of Technology Assessment studies the progress made by the States since passage of the Low Level Radioactive Waste Policy Amendments Act 5 years ago to manage low-level waste. According to the OTA study, in 1988, about 1.4 million cubic feet of commercial low-level waste was generated in the United States and disposed of at licensed sites in South Carolina, Washington, and Nevada.

This volume of waste would fill about 390 average-size tractor trailers, forming a line over 3 and a half miles long. This volume contains about 260,000 curies of radioactivity."

Up to 30 percent of this waste could end up in landfills if BRC is adopted and implemented.

Mr. President, the below regulatory concern policy advocated by the Nuclear Regulatory Commission may, in fact, establish the soundest approach to manage low-level radioactive waste and properly protect the public and the environment. But, many questions still remain. First of all, the Environmental Protection Agency advocates a 4-millirem exposure standard. The ability of States and local govern-

ments to control waste disposal is also of concern.

The bill introduced today by Senator MITCHELL will address these issues. The Nuclear Regulatory Commission BRC policy statements could not be implemented. States could impose more stringent standards on BRC low-level waste. The bill I am cosponsoring is prudent and sensible and deserves our support.

Mr. COHEN. Mr. President, I am pleased to be joining my colleague from Maine, Senator MITCHELL, and several other Senators, in introducing legislation to ensure that States will have the authority to set adequate standards for the disposal of low-level radioactive waste.

Our legislation is necessary because several weeks ago the Nuclear Regulatory Commission announced a policy which states that some low-level waste could be found to be below regulatory concern and thus exempt from waste disposal regulations. This label demonstrates great insensitivity on the part of the Commission to public concerns about the difficulty of disposing of hazardous wastes properly.

I do not think that this issue will ever be below the concern of the citizens of Maine. When we are trying to deal with the solid waste disposal problem nationally, adding levels of radioactive waste that are below regulatory concern doesn't make sense. I would note that, in some areas, wastes disposed of in incinerators and landfills already pose a threat to human health and the environment. The NRC's decision would aggravate the problem while heightening citizen concern. Our bill prohibits the NRC from implementing the policy it issued on July 3, 1990.

I am also particularly concerned about indications that the NRC will assert Federal preemption over State regulation of this type of waste. The State of Maine was one of the first in the Nation to enact legislation prohibiting low-level radioactive waste from being disposed of in any facility not licensed by the NRC. Several other States, including Vermont, Iowa, Minnesota, and Pennsylvania, have since passed similar laws, and the State of Virginia has passed a resolution expressing concern about this issue.

I have reviewed a copy of NRC Chairman Carr's response to Commissioner Curtiss' view that State regulation of low-level waste should not be subject to the requirement of strict compatibility with Federal laws, and I am extremely concerned about the direction in which the Commission seems to be headed.

In addition, I have seen a copy of an abstract written by Donald J. Silverman of the firm Newman and Holtzinger, which is being distributed by the NRC. This abstract, on the limits of State and local authority to regulate low-level waste, states that a Maine law prohibiting the disposal of this waste in ordinary landfills is unconstitutional.

There is certainly nothing in the Constitution that prohibits a State from acting to ensure the safety of public health. In fact, most of our major environmental laws allow States to regulate threats to public health with standards stricter than Federal ones. We have not had to amend the Constitution to achieve this goal.

Since the States are held responsible for the disposal of waste, they ought to be able to set the minimum levels of safety that are necessary to protect public health. I think the NRC is completely wrong, if the signals that are being sent are accurate indications of the Commission's intentions. If States want to insist upon more rigid, stringent controls, they ought to be able to do so. The legislation we are introducing today would achieve that goal.

I hope that this legislation will be supported by my colleagues, as it is necessary to ensure the continued protection of public and environmental health from radiation hazards. I look forward to working with my Senate colleagues to see that the bill is considered by the Senate.

Mr. HEINZ. Mr. President, I am pleased today to introduce, along with other of my colleagues, legislation which will help ensure the safe management and disposal of low-level radioactive waste.

The Nuclear Regulatory Commission recently announced its "below regulatory concern" [BRC] policy. The BRC policy effectively deregulates certain low-level radioactive waste materials. As a result of this policy, it is estimated that up to about 30 percent of these low-level waste materials originally slated for disposal in special low-level waste disposal facilities may end up in our municipal waste landfills and incinerators.

Mr. President, from both a public health and environmental protection perspective, this is an unacceptable consequence of the recent NRC ruling.

Further, Mr. President, the existing NRC authority to preempt State regulation of these wastes is wholly inconsistent with national policy established by our Federal environmental law. The Resource Conservation and Recovery Act, written to set the national standard for management of hazardous and non-hazardous wastes, specifically remands to the States authority to set more stringent standards. I believe this policy is sound and should be extended to these low-level radioactive wastes, particularly given that the States bear the greatest direct burden in providing for the safety of their citizens and the protection of their unique environments. By way of example I would note that my home State of Pennsylvania has recently begun the costly development of a special facility to handle these wastes. Pennsylvanians are willingly making considerable investment in the protection of their health and environment; that concerned investment should not be jeopardized.

Mr. President, I urge my colleagues to consider this legislation in a timely manner and I thank my colleagues for their attention.

By Mr. BAUCUS (for himself and Mr. HEINZ):

S. 2980. A bill to amend the Internal Revenue Code of 1986 to modify the provisions permitting certain entities to elect a taxable year other that the required year; to the Committee on Finance.

REFORM OF FISCAL YEAR RETENTION RULES

● Mr. BAUCUS. Mr. President, today I rise to introduce legislation, along with Senator HEINZ, which provides small businesses greater flexibility in electing their taxable year. The increased complexity of the law resulting from the Tax Reform Act of 1986 has resulted in more time being devoted by Montana small businesses and their tax advisors to both the planning and preparation of individual and business tax returns. The requirement that forced many small business taxpayers to a calendar year for tax purposes has further compounded the burdened placed on these individuals. More tax planning and preparation must now be done in a shorter period of time. These problems are occurring throughout the country.

The Tax Reform Act of 1986 imposed a provision requiring many small businesses to adopt a calendar year for tax purposes. The Revenue Act of 1987 modified this requirement by adding section 444 which allowed entities to retain a fiscal year if certain tax requirements were met. The 1987 modification of the law provided some relief to small businesses, but, it did not go far enough. Time has demonstrated that the original section 444 rules need modification.

A nationwide survey conducted by a national organization of certified public accountants indicates that there has been a 20-percent increase in accountants' workload during the period January 1 to April 30 with a corresponding decrease during the remainder of the year. This has historically been a heavy workload period, but it has now become unacceptably heavy for taxpayers and their advisors.

Automatic extensions are available for many returns which provides minimal relief to small business taxpayers and advisors. However, extensions are costly and inconvenient. The tax liability must still be computed with great accuracy by the original due date. Further, it makes it difficult to

obtain the information necessary to estimate the tax liability of owners in order for them to apply for an extension.

This workload compression problem is not limited to tax work. It has become an even greater problem with accounting and auditing work. Owners and creditors typically demand financial statements and audit reports within 90 days after year end. Now this work must also be done between January 1 and April 15.

On average, only about 20 percent of small businesses which were on a fiscal year prior to TRA 1986 remain on a section 444 fiscal year as of December 31, 1989.

The administration of the tax system is also damaged by the resulting uneven workload experienced by the Internal Revenue Service. The IRS, taxpayers, and tax practitioners can better meet tax filing requirements if the demands are spread throughout the year.

With the enactment of the section 444 fiscal year retention rules, Congress acknowledged that there are legitimate business reasons for allowing fiscal years. Fiscal years are ordinarily chosen to coincide with the natural business year of the taxpayer. The year end conformity requirement of TRA 1986 unduly interfered with business operations, and the fiscal year retention rules of the Revenue Act of 1987 did not go far enough in remedying the problem.

The legislation we are introducing today modifies a portion of the rules for fiscal year retention in a way which addresses the continuing problems in this area without sacrificing revenue. The general rules of Internal Revenue Code sections 444, 7519, and 280H would remain relatively unchanged. The proposed legislation would re-open the election process to allow existing entities to either elect, re-elect, or modify an existing election for a fiscal year. The Secretary of the Treasury would prescribe rules consistent with current IRS practices for the frequency of changes and limitations on the utilization of any resulting net operating losses.

In addition, no restriction would be imposed on the length of the deferral period. Entities would be allowed to elect a fiscal year which ends in any month. The proposed legislation would also make minor technical corrections which will ease the administrative burden.

This corrective legislation is intended to be revenue neutural. Preliminary data received from the IRS indicate that the required payments collected from the entities which elected section 444 fiscal years may actually exceed the 1986 revenue estimate. It is anticipated that the proposed changes to the law will sustain the anticipated revenue levels. A revenue estimate on the proposal to confirm this neutrality has been requested. If necessary, the required payment made by taxpayers retaining a fiscal year under section 444 would be adjusted to meet revenue shortfalls.

The proposed legislation would allow taxpayers, tax practitioners, and the Internal Revenue Service to better meet tax filing requirements by spreading work demands throughout the year. Taxpayers, workloads and the administration of the tax system will benefit.

I ask unanimous consent that a copy of the bill appear in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF PROVISIONS PERMITTING ELECTION OF CERTAIN TAXABLE YEARS.

(a) REPEAL OF LIMITATIONS ON TAXABLE YEARS WHICH MAY BE ELECTED.—Subsection (b) of section 444 of the Internal Revenue Code of 1986 is hereby repealed.

(b) MODIFICATION OF ELECTION PROCEDURES.—Subsection (d) of section 444 of such Code is amended to read as follows:

"(d) ELECTIONS; CHANGES IN TAXABLE YEAR.—

"(1) PERSON MAKING ELECTION.—An election under subsection (a) shall be made by the partnership, S corporation, or personal service corporation.

"(2) PERIOD OF ELECTION.—

"(A) IN GENERAL.—Any election under subsection (a) shall remain in effect until the partnership, S corporation, or personal service corporation terminates such election. A change of a taxable year shall not be treated as a termination of such election unless such change is to a required taxable year.

"(B) ELECTION AFTER TERMINATION.—

"(i) IN GENERAL.—If an election under subsection (a) by any partnership, S corporation, or personal service corporation is terminated, such entity (and any successor thereof) shall not be eligible to make an election under subsection (a) for any subsequent taxable year before its 5th taxable year which begins after the 1st taxable year for which such termination is effective, unless the Secretary consents to such election.

"(ii) SPECIAL RULE.—Notwithstanding clause (i), any entity referred to in clause (i) may make an initial election under subsection (a) for any taxable year beginning after the date of the enactment of this clause, without the consent of the Secretary.

"(3) CERTAIN CHANGES IN TAXABLE YEAR PERMITTED.—A partnership, S corporation, or personal service corporation to which an election under this section applies may, without the consent of the Secretary—

"(A) change its taxable year, effective for any taxable year beginning after the date of the enactment of this subparagraph if it has not previously changed its taxable year under this paragraph,

"(B) change its taxable year for any other taxable year if such change is to a required taxable year, and

"(C) change its taxable year effective for any taxable year beginning after the 5th taxable year that the taxable year change pursuant to subparagraph (A) was effective.

"(4) TIERED STRUCTURES.—

"(A) IN GENERAL.—Except as othewise provided in this paragraph—

"(i) no election may be made under subsection (a) with respect to any entity which is part of a tiered structure, and

"(ii) an election under subsection (a) with respect to an entity shall be terminated if such entity becomes part of a tiered structure.

"(B) EXCEPTIONS FOR STRUCTURES CONSISTING OF CERTAIN ENTITIES WITH SAME TAXABLE YEAR.—Subparagraph (A) shall not apply to any tiered structure which consists only of partnerships or S corporations (or both) all of which have the same taxable year.

"(5) LIMITATION ON LOSS FOR SHORT PERIOD RESULTING FROM CHANGE OF YEAR.—

"(A) IN GENERAL.—If any entity to which an election under this section applies changes its taxable year, any loss (including a capital loss) for the short period resulting from such change—

"(i) shall not be allowed as a carryback to any preceding taxable year (or, in the case of a partnership or S corporation, shall not be taken into account by any partner or shareholder for his taxable year in which such short period ends), and

"(ii) shall be taken into account by the entity (or, in the case of a partnership or S corporation, by the partner or shareholder) ratably over the first 6 taxable years beginning after the short period (or over such other period as the Secretary may prescribe)."

(c) INCREASE IN RATE USED IN DETERMINING REQUIRED PAYMENT.—Subsection (b) of section 7519 of such Code is amended by striking "1 percentage point (or, in the case of taxable years beginning in 1987, 36 percent)" and inserting " percentage points".

(d) TECHNICAL MODIFICATIONS.—

(1) INTEREST ON LATE REFUNDS OF REQUIRED PAYMENTS.—Paragraph (3) of section 7519(f) of such Code is amended to read as follows:

"(3) INTEREST.—For purposes of determining interest, any payment required by this section shall be treated as a tax; except that—

"(A) no interest shall be allowed with respect to any refund of a payment made under this section if such refund is made on or before the date prescribed by subsection (c)(3), and

"(B) if such refund is not made on or before such date, interest shall be allowed but only with respect to periods after such date."

(2) CERTAIN CARRYBACKS PERMITTED.—Subsection (e) of section 280H of such Code is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any net operating loss carryback from a taxable year to which an election under section 444 does not apply."

(3) ADMINISTRATIVE CHANGE.—Paragraph (1) of section 7519(f) of such Code is amended by inserting before the period at the end thereof the following: "; except that the Secretary shall prescribe a separate form for making such payments (or claiming any refund of such payments) and the Secretary may permit such payments to be made through deposits".

(e) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 280H(f)(3) of such Code is amended to read as follows:

"(A) DEFERRAL PERIOD.—Except as provided in regulations, the term 'deferral period'

means, with respect to any taxable year of the entity, the months between—

"(i) the beginning of such year, and

"(ii) the close of the 1st required taxable year (as defined in section 444(e)) ending within such year."

(2) Subsection (g) of section 444 of such Code is amended by striking "or (d)(2)(B)".

(3) Paragraph (1) of section 7519(e) of such Code is amended by striking "section 444(b)(4)" and inserting "section 280H(f)(3)(A)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act, except for amendments made by subsections (d)(1) and (d)(2), which shall take effect as if included in section 10206 of the Omnibus Budget Reconciliation Act of 1987.●

By Mr. THURMOND:

S. 2981. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boy's and Girls Clubs of America; to the Committee on the Judiciary.

BOYS' CLUBS OF AMERICAN NAME CHANGE

● Mr. THURMOND. Mr. President, in August 1956, the Congress of the United States recognized the work of Boys' Club of America by presenting to it a Federal charter on the occasion of its 50th anniversary. This outstanding organization has a superlative record of service to youth with a special concern for girls and boys from disadvantaged circumstances.

For 130 years, the young people of this country have benefited from caring people who serve as Board members and staff and who truly believe, "there's no such thing as a bad kid."

In 1860, the first clubs were founded in New England during the height of the industrial revolution. This concept of providing after school and evening growth-enhancing activities for young people grew and in 1906 the national organization, now known as Boys' Club of America, was founded. For the next six decades, local clubs served a growing youth population primarily made up of boys.

Today, there are 1,100 clubs across the country serving 1.4 million girls and boys.

Mr. President, in May of this year the National Council of Boys Clubs of America voted to change the name of the national organization to Boys & Girls Clubs of America in recognition of more than 400,000 girls who are now members of Boys & Girls Clubs across the country. Therefore, I urge my colleagues to join with me in supporting this amendment to the Boys Clubs Federal charter which reflects the change of the name of the organization to the Boys & Girls Clubs of America and also updates the names of the board members.

I ask unanimous consent that the text of this bill be printed in the RECORD after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Act entitled "An Act to incorporate the Boys' Clubs of America", approved August 6, 1956 (70 Stat. 1052) is amended—

(1) in the title by striking "Boys'" and inserting "Boys & Girls";

(2) in the first section by striking "successors," and inserting "successors: Gerald W. Blakeley, Jr. Boston, Massachusetts; Roscoe C. Brown, Jr., Bronx, New York; Cees Bruynes, Stamford, Connecticut; Honorable Arnold I. Burns, New York, New York; John L. Burns, Greenwich, Connecticut; Hays Clark, Hobe Sound, Florida; Mrs. Albert L. Cole, Hobe Sound, Florida; Honorable Michael Curb, Burbank, California; Robert W. Fowler, Atlantic Beach, Florida; Thomas G. Garth, New York, New York; Moore Gates, Jr., Princeton, New Jersey; Ronald J. Gidwitz, Chicago, Illinois; John S. Griswold, Greenwich, Connecticut; Claude H. Grizzard, Atlanta, Georgia; George V. Grune, Pleasantville, New York; Peter L. Haynes, New York, New York; James S. Kemper, Northbrook, Illinois; Plato Malozemoff, New York, New York; Edmund O. Martin, Oklahoma City, Oklahoma; Donald E. McNicol, Esq., New York, New York; Carolyn P. Milbank, Greenwich, Connecticut; Jeremiah Milbank, New York, New York; C. W. Murchison, III, Dallas, Texas; W. Clement Stone, Lake Forest, Illinois,";

(3) in the first section by striking "Boys'" and inserting "Boys & Girls";

(4) in section 3 by striking "boys" and inserting "youth".

By Mr. KOHL (for himself and Mr. KASTEN):

S. 2982. A bill to establish the Fox River National Heritage Corridor; to the Committee on Energy and Natural Resources.

FOX RIVER NATIONAL HERITAGE CORRIDOR ACT OF 1990

● Mr. KOHL. Mr. President, I am very pleased to introduce legislation to establish the Fox River National Heritage Corridor in Wisonsin.

The bill that Senator KASTEN and I are proposing today has two basic purposes: to federally recognize the Fox River corridor's role in our Nation's development; and to coordinate Federal, State and local efforts aimed at preserving and enhancing the corridor's unique natural, historical, and cultural heritage.

The Fox River winds across Wisconsin, starting in Columbia County, traveling through Portage on its way to Lake Butte des Morts and Lake Winnebago, then continuing northward until it empties into Green Bay—where the river joins Lake Michigan.

Long before European explorers arrived on the scene, native Americans had traveled the Fox River and inhabited its shores. Later, history was made when explorers Marquette and Joliet followed the Fox and Wisconsin Rivers to reach the Mississippi River. After that discovery, the Fox River played a critical role in the opening of the Northwest Territory, serving as a significant transportation corridor for settlers traveling into the Nation's vast interior.

Throughout the 19th and 20th centuries, the Fox River has played a significant role in the commercial and industrial development of this country. Besides serving as a transportation corridor, the Fox River's plentiful water supply attracted various industries to the region. In particular, the Fox River corridor quickly became famous for its concentration of paper mills, attracted by the region's vast forest reserves, access to major markets, and water supply. In fact, the Lower Fox River has the Nation's highest concentration of paper mills along a single stretch of river.

Development in the region was further enhanced by construction of the world's first successful hydroelectric plant, powered by dams along the river. A local residence was the first to get electricity from a centrally located hydroelectric plant.

One of the most significant and historic features of the Fox River is the remarkable system of locks and dams. Although the locks along the Upper Fox were abandoned in 1956, most of the locks along the Lower Fox have been operational for the past 140 years. This lock system has the distinction of being one of only two hand-operated systems in the Nation, and the only one in continual operation since the time of its construction.

But this bill is not intended to focus on the individual parts that make up the Fox River corridor. Instead, the legislation attempts to tie together the many different aspects of the corridor. The Fox River, the locks and dams, the historic buildings and sites, the industrial and cultural heritage which has developed along the corridor—all these parts taken together represent a unique slice of American life which should be preserved for ourselves and future generations. That's why I'm introducing this bill today.

Now more than ever, Americans want to learn more about their history, their roots. We want to know how this great Nation came to be what it is today. Tourism is on the rise, with people looking for new and different educational experiences to share with their families. The Fox River National Heritage Corridor will provide the region with the identity it needs to maximize its tourism potential.

This legislation establishes a Fox River National Heritage Corridor Commission to integrate Federal, State, and local activities aimed at preserving and interpreting the corridor's diverse resources. The Commission will be composed of 21 members representing the State, local governments, and interested members of the general

public. Commissioners will be appointed by the Secretary of the Interior, with input from the Governor of Wisconsin.

The Commission's chief duty will be the development of a cultural heritage and corridor management plan, which will coordinate and consolidate any Federal, State, and local plans in order to present a unified historic preservation and interpretation plan for the Corridor. The Commission will hold public hearings and make every attempt to involve the public in development of the plan.

The plan will define the boundaries of the corridor, provide an inventory of all properties and structures of significance to the corridor, and outline an historic interpretation plan to illustrate the history of the corridor. The plan will also recommend policies for comprehensive resource management throughout the corridor, and contain a program for implementation of those policies.

After review and approval of the plan by the Secretary of the Interior, the Commission will take steps to implement the plan. In so doing, the Commission will work closely with the State and with local governments in the region, as well as with the public. Interpretive materials, like guide brochures and historical markers, will be produced with the help of the Secretary of the Interior.

Finally, I should describe what this bill does not do. It does not involve any land acquisition, unless the land is offered as a donation, or money is donated for the acquisition of a property which has been offered for sale by a willing seller. In such cases, the land will be immediately transferred to whatever public agency is deemed appropriate by the Commission. There will be no condemnation of private lands for purposes of this legislation, and no land will be purchased with public funds.

Furthermore, this bill does not involve a significant expenditure of public funds. The bill authorizes Federal appropriations of up to $350,000 annually, but any Federal dollars spent must be matched by State, local, or private dollars. In other words, this bill will accomplish its goals with very few dollars.

In sum, I believe that this bill represents an impressive commitment on the part of many people living and working in the Fox River corridor. I have already met with many groups and individuals in the area, and I plan to meet with others very soon. I have seen their commitment and resolve toward preserving the region's unique cultural and historical heritage. Through this legislation, I plan to work with the communities in the Fox River corridor to help them achieve their worthwhile goals. In addition, Senator KASTEN and I will work together in the Senate to steer this legislation through Congress, and I am very hopeful that the Fox River National Heritage Corridor will soon become a reality.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fox River National Heritage Corridor Act of 1990".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet. Connecting the Great Lakes to the Great River, this waterway was critical in the opening of the Northwest Territory, serving as a major artery in bringing commerce to the interior of the Nation and providing a vital communication link for early explorers, missionaries and fur traders.

(2) Within the Fox River corridor are an abundance of historic and archeological sites and structures representing early Native Americans, European exploration, and 19 century transportation and settlement. Today, over 50 jurisdictions and a population of more than half a million inhabit the corridor, located within 300 miles of 22,000,000 people.

(3) Historically tied to the development of the paper industry, the Lower Fox River is noted for having the Nation's highest concentration of paper mills along a single stretch of river. Power generated from the river's early dams was responsible for the first successful hydroelectric plan in the world and the first residence electrified from a centrally-located hydroelectric plant.

(4) The Lower Fox River lock and dam system is the dominant historical element in the corridor. The 140-year old lock system is one of only 2 hand operated systems in the Nation and the only hand operated system continually functioning since its inception. This system represents a distinct era in water transportation technology, falling between the earlier tow-path oriented models and the modern automated systems.

(5) This lock and dam system is under threat of abandonment by the Army corps of Engineers. The lock system has been placed in caretaker status by the Corps and operated by the State since 1984. Despite State and local efforts, there is concern that this system will meet the same fate as the locks and dams of the Upper Fox River, which were abandoned in 1956. On the Upper Fox River, only the Eureka lock still operates, with restoration underway on the Portage Canal, the linkage between the Fox and Wisconsin Rivers.

(6) The full potential of the diverse natural and cultural features of the waterway, extending from Green Bay to Portage, and connecting to the Lower Wisconsin Riverway, will best be realized with assistance from the Federal Government. The unique aspects of the waterway, from heavily developed portions of the Lower Fox River to the pristine expanses of the Upper Fox River, offer an opportunity to establish a nationally significant corridor representative of the Nation's midwest heritage.

SEC. 3. ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Wisconsin the Fox River National Heritage Corridor (referred to as the "corridor").

(b) PURPOSE.—It is the purpose of this Act to provide a management framework to assist the State and its political subdivisions in developing and implementing integrated cultural, historical, and natural resource policies and programs that will preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within and surrounding the Fox River.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the corridor shall include the lands generally, depicted on the map entitled "Fox River National Heritage Corridor" numbered ———— and dated April, 1990. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and the Wisconsin Department of Natural Resources. As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries established under this subsection.

(b) ADMINISTRATION.—The corridor shall be administered in accordance with this Act.

SEC. 5. FOX RIVER NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Fox River National Heritage Corridor Commission (referred to as the "Commission"). The Commission shall assist Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the corridor.

(b) MEMBERSHIP.—(1) The Commission shall be composed of 21 members appointed not later than 180 days after the date of enactment of this Act as follows:

(A) The Director of the National Park Service ex officio (or the Director's delegate).

(B) Four persons appointed by the Secretary, who shall represent the Wisconsin Department of Natural Resources, the State Historical Society of Wisconsin, the Wisconsin Department of Development, and the Wisconsin Department of Administration.

(C) Eight representatives of local governments from the State appointed by the Secretary, of whom 6 shall be representatives from the Lower Fox region and 2 shall be representatives from the Upper Fox region.

(D) Eight persons from the general public who are citizens of the State appointed by the Secretary, who shall have knowledge and experience in appropriate fields of interest, relating to the preservation, use, and interpretation of the corridor, of whom 6 shall be residents of the Lower Fox region and 2 shall be residents of the Upper Fox region.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) CONSULTATION.—In making the appointments pursuant to subsection (b), the Secretary shall consult with and seek the advice of the Governor of the State.

(d) TERMS.—Members of the Commission shall be appointed for terms of 3 years and may be reappointed. A member appointed to

fill a vacancy occuring before the expiration of the term of which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member of the Commission appointed for a definite term may serve until the member's successor has taken office.

(e) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission. The term of the chairperson shall be 2 years.

(g) QUORUM.—(1) Eleven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of 6 members of the Commission shall be required to approve the budget of the Commission.

(h) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairpeson or 6 of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

SEC. 6. STAFF OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the extent authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasoanble.

(c) STAFF OF OTHER AGENCIES.—(1) On request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the State and any political subdivision thereof and may reimburse the State or such political subdivision for those services.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if authorized by the Commission, may take any action that the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, such political subdivision, or such person which may affect the implementation of the plan.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as it deems necessary to ensure open communication with, and assistance from, the State, political subdivisions of the State, and interested persons.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—(1) Within 1 year after the Commission conducts its first meeting, it shall submit to the Secretary a Cultural Heritage and Corridor Management Plan.

(2) The plan shall be based on existing Federal, State, and local plans, but shall coordinate and consoldiate those plans to present a unified historic preservation and interpretation plan for the corridor.

(3) The plan shall—

(A) define the specific boundaries of the corridor;

(B) provide an inventory that includes any property in the corridor that should be preserved, restored, managed, developed, maintained, or acquired because of its national State or local historic or cultural significance;

(C) develop a historic interpretation plan to illustrate the history of the waterway and its surrounding area;

(D) recommend policies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the corridor's historical cultural, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization and expansion efforts;

(E) identify activities of mutual interest with the Fox River Management Commission;

(F) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(G) contain a program for implementation of the plan by the State and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—(1) After review and approval of the plan by the Secretary as provided in section 10(a), the Commission shall implement the plan by taking steps to preserve and interpret the historic resources of the waterway and its surrounding area, and to support public and private efforts in economic revitalization and expansion consistent with the goals of the plan.

(2) The steps that the Secretary may take may include—

(A) assisting the State in preserving and renovating the lock and waterway system;

(B) assisting the State and local governments in designing, establishing, and maintaining visitor centers and other interpretive areas and exhibits in the corridor;

(C) assisting the State, local governments and nonprofit organizations in increasing public awareness of an appreciation of the historical, engineering, architectural, environmental and geological resources and sites in the corridor;

(D) assisting the State, local governments, and nonprofit organizations in the restoration of historic buildings with nationals State or local significance in the corridor;

(E) encouraging enhanced economic and business development in the corridor consistent with the goals of the plan;

(F) encouraging local governments to adopt land use policies consistent with the management of the corridor and the goals of the plan and to take actions to implement those policies;

(G) ensuring that clear, consistent signs identifying access points and sites of interest are placed throughout the corridor; and

(H) establishing corridor recognition by actively promoting the cultural, historical, natural, and recreational resources on a community, regional, state-wide, national, and international basis.

SEC. 9. TERMINATION OF COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the date that is 5 years after the day after the date of the enactment of this Act.

(b) EXTENSIONS.—The Commission may be extended for a period of not more than 5 years beginning on the date of termination specified in subsection (a), if, not later than 180 days before that date—

(1) the Commission determines that an extension is necessary in order to carry out this Act;

(2) the Commission submits a proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

(3) The Governor of the State and the Secretary approve the extension.

SEC. 10. DUTIES OF THE SECRETARY.

(a) APPROVAL OF PLAN.—(1) The Secretary shall approve or disapprove a plan submitted by the Commission not later than 60 days after date of receipt.

(2) The Secretary shall approve a plan if the Secretary—

(A) finds that the plan would adequately protect the significant historical and cultural resources of the corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the corridor;

(B) determines that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the plan; and

(C) receives adequate assurances from appropriate State officials that the implementation program recommended in the plan will be initiated within a reasonable time after the date of approval of the plan, and that the implementation program will ensure effective implementation of the State and local aspects of the plan.

(b) DISAPPROVAL OF PLAN.—(1) If the Secretary disapproves a plan submitted by the Commission, the Secretary shall advise the Commission in writing of the reasons for the dsapproval and shall make recommendations for revisions in the plan.

(2) The Commission shall, not later than 90 days after receipt of a notice of disapproval, revise and resubmit the plan to the Secretary, who shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(c) INTERPRETIVE MATERIALS.—(1) Following approval of the plan under subsection (a), the Secretary shall assist the Commission in designing and producing interpretive materials based on the plan.

(2) Interpretive materials may include—

(A) guide brochures for exploring the corridor by automobile, train, bicycle, boat, or foot;

(B) indoor and outdoor visitor displays, which may include video presentations, at several locations along the corridor; and

(C) a mobile display describing the history of the corridor, to be used in the corridor, public buildings, libraries, and schools.

(d) TECHNICAL ASSISTANCE.—The Secretary shall, on the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the plan.

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the flow of the canal or the natural resources of the corridor shall—

(1) consult with the Secretary and the Commission with respect to those activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct or support those activities in a manner consistent with the plan and this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There is authorized to be appropriated annually to the Commission to carry out its duties under this Act $350,000, but the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) SECRETARY.—There are authorized to be appropriated annually to the Secretary such sums as are necessary to carry out the Secretary's duties under this Act.

SEC. 13. DEFINITIONS.

For the purposes of this Act—

(1) the term "Commission" means the Fox River National Heritage Corridor Commission established section 5(a);

(2) the term "corridor" means the Fox River National Heritage Corridor established under section 3(a);

(3) the term "plan" means the Cultural Heritage and Corridor Management Plan prepared by the Commission pursuant to section 8(a);

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of Wisconsin or a State-designated management agency.

SEC. 14. WISCONSIN RIVER STUDY.

(a) FINDINGS.—The Congress finds the following:

(1) The Fox River was an essential access way into the Nation's heartland.

(2) Movement up the Fox River and subsequent travel along the Wisconsin River created one of the most important corridors opening the Upper Midwest.

(b) ASSESSMENT.—(1) The Secretary, in consultation with the Governor of the State, shall conduct an assessment of the historic linkage of the Fox River corridor and the Lower Wisconsin River.

(2) The assessment required by paragraph (1) shall identify the historic value of the Lower Wisconsin River, including points of special note and threats to the historic integrity of the corridor or points of special note.

(3) The Secretary shall report to Congress the findings of the assessment not later than 2 years after the date of enactment of this Act.●

● Mr. KASTEN. Mr. President, I rise to introduce legislation to create the Fox River National Heritage Corridor. The legislation that Senator KOHL and I are introducing establishes a mechanism to protect and restore the historic Fox River system.

The Fox River has an important and varied history. The Fox River played a key role in the settlement of the Midwest. First discovered by the French Canadians, early explorers and fur trappers paddled their canoes into Green Bay and up the Fox River.

The Fox River was the lynchpin of the establishment of a trade route which allowed the development of commerce throughout the Midwest. Not only did the Fox serve as an important corridor to Wisconsin's heartland, but it granted access to the entire Mississippi basin.

At Portage, WI, the Great Lakes, and Mississippi basins are separated by a distance of only a couple of miles.

By portaging their canoes between the Fox and Wisconsin Rivers, early travelers gained access to the entire Mississippi River system. A link was established to the South reaching to the Gulf of Mexico, and to the West reaching to Montana via the Missouri River.

The Fox River link is the closest thing to a Northwest Passage ever established. It provided an easy means of transport and for the movement of settlers into the heart of America.

With the industrial revolution, the Fox River again played a key historic role. A system of locks and dams were established on the Fox to allow the easy movement of goods.

Shortly thereafter, the Fox became an industrial center.

The Fox River hosted the establishment of the U.S. paper industry. Today, more paper is made in the Fox River Valley than anywhere else in the world. Much of our domestic technology was born there, and the Fox Valley continues to lead the world in the development of paper products.

But the Fox River corridor is not just the home to the modern paper industry, or a monument to the early history of our Nation. It is truly a multiple use waterway.

Today the Fox River system attracts extensive recreational use. Some of the best fishing in the world is in this basin. There is a very high concentration of pleasure boats, as well as the center of commerce.

This legislation will establish a mechanism to protect this valuable resource. Without this legislation, critical historical and natural resources will likely be lost.

We owe it to ourselves and future generations of Americans to protect this fabulous system.

Senator KOHL and I have worked together for months on the crafting of this legislation. It draws a proper balance between preservation and the continued utilization of a dynamic resource.

Over the past 3 years, I have toured the corridor and sought the establishment of such a comprehensive preservation program.

This legislation brings together the need to protect unique historic features, promote tourism, protect natural areas, and support the economic development of the Fox River Valley.

I hope that these years of work can pay dividends.●

By Mr. ROTH:

S. 2983. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the passage of foreign investment company rules; to repeal the export trade corporation rules, and for other purposes; to the Committee on Finance.

EXPORT COMPANY INCENTIVE ACT OF 1990

● Mr. ROTH. Mr. President, today I am introducing the Export Company

Incentive Act of 1990. This bill is important because it clarifies an area of law that clearly the Congress did not address when it passed the Tax Reform Act of 1986. And had the Congress addressed the issue, it certainly would have included this, or similar, legislation as part of the bill.

THE PROBLEM

The problem has resulted because of the overly broad inclusion of income under the passive foreign investment company [PFIC] rules of the 1986 act. The PFIC rules were passed in 1986 because Congress did not believe that tax rules should effectively operate to provide U.S. investors tax incentives to make investments outside the United States rather than inside the United States. Since the tax law at that time generally required current taxation for passive investments in the United States, Congress did not believe that U.S. persons who invest in passive assets should avoid the economic equivalent of current taxation merely because they invest those assets directly through a foreign corporation. Congress believed that the subpart F rules did not act to properly subject this passive income to tax because those rules looked only to the nationality of the owners of controlling interests of a corporation. The PFIC rules were the result of these problems, but we intended the rules to subject entities that were in essence foreign mutual funds or investment vehicles to current taxation.

THE RESULT

The result turned out to be much broader than we intended. The 1986 act defined a PFIC to mean any foreign corporation if 75 percent or more of its gross income for the taxable year consists of passive income, or any foreign corporation if 50 percent or more of the average value of its assets consists of assets that produce, or are held for the production of, passive income. Passive income generally is defined to include dividends, interest and its equivalents, passive rents and royalties, annuities, gains from the disposition of stocks and securities and certain other assets, certain gains from commodity trading, and certain foreign currency exchange gains. Herein lies the problem. Because the definition of a PFIC is so broad, an unintended result has occurred. In short, Congress set out to catch a minnow—offshore investment funds—and it caught a whale.

The PFIC rules specifically excluded income earned by banks, because Congress realized that even though banks earned most of their money from interest, which was normally passive income, the banks were not investors but rather were in an active trade or business, that is, banking. However, banks are not the only entity that we should be concerned with. Other businesses, although active in nature, may be treated as passive under the PFIC rules and therefore unintentionally subject to the PFIC tax rules. Those businesses that were unintentionally harmed are the ones I have to concentrate on in this legislation.

THE SOLUTION

Rather than trying to redefine what constitutes PFIC income, or simply repealing the rules altogether, I have taken a very conservative approach. I limit this bill to resolving the problem faced by U.S. companies which have organized export companies under specific U.S. laws designed to increase trade abroad. What Congress did not realize when it passed the PFIC rules was that it was punishing the very companies it had intended to encourage by specific tax incentives by taxing foreign sales corporations [FSC's] and export trade companies [ETC's]. This is a clear case of Congress throwing the baby out with the bath water, and it makes absolutely no policy sense. As a result, I am introducing this legislation to exempt FSC's and ETC's from the PFIC rules.

In fact, this bill closely mirrors a proposal contained in a letter from the chief of staff of the Joint Committee on Taxation to the chairman of the Ways and Means Committee in the House on April 20, 1990. The letter was sent in response to the chairman's request of the Joint Committee's staff to suggest proposals to simplify the Federal tax laws. As stated in the Joint Committee on Taxation letter, the bill would:

repeal the export trade corporations rules and avoid the application of the PFIC rules (or full deferral elimination regime) to foreign sales corporations. To the extent the FSC rules constitute a desirable export incentive, the export trade corporation rules may be superfluous. Arguably, they also are somewhat arbitrary, since they only apply to a limited number of grandfathered enities.

The Joint Committee proposal does not address the transition rules for existing export trade companies whose status would be terminated. My bill follows the precedent of prior law transitions, especially the 1984 legislation in which the Domestic International Sales Corporation [DISC] Program was replaced with the FSC Program. Consistent with the rules of the 1984 legislation, under my legislation, an existing ETC could elect to be treated as a FSC, transfer its assets to a FSC, or simply stop operating as an ETC. As in 1984, the accumulated earnings of an ETC would be treated as previously taxed income.

I welcome the cosponsorship of my fellow Senators and would encourage them to do so in an effort to continue the longstanding policy of the Senate to encourage the export of U.S. goods and services, and I ask that a copy of the bill be included in the RECORD with my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Company Incentive Act of 1990".

SEC. 2. FOREIGN SALES CORPORATIONS AND EXPORT TRADE CORPORATIONS NOT SUBJECT TO PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) IN GENERAL.—Subsection (d) of section 1296 of the Internal Revenue Code of 1986 (defining passive foreign investment company) is amended to read as follows:

"(d) EXCEPTIONS.—For purposes of this part, the term 'passive foreign investment company' does not include—

"(1) any foreign investment company to which section 1247 applies,

"(2) any export trade corporation (as defined in section 971), and

"(3) any FSC (as defined in section 922)."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1235(a) of the Tax Reform Act of 1986.

SEC. 3. REPEAL OF EXPORT TRADE CORPORATION RULES.

(a) REPEAL.—Subpart G of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 (relating to export trade corporations) is repealed.

(b) ACCUMULATED ETC INCOME TREATED AS PREVIOUSLY TAXED.—In the case of any export trade corporation (whether or not an election is made by such corporation under subsection (c)), rules similar to the rules of paragraph (2) of section 805(b) of the Deficit Reduction Act of 1984 shall apply to treat actual distributions made by such corporation in taxable years beginning after December 31, 1984, as previously taxed income (within the meaning of section 996(f) of the Internal Revenue Code of 1986), if such income is derived before the first taxable year beginning after December 31, 1990.

(c) ELECTION OF STATUS AS FOREIGN SALES CORPORATION.—

(1) IN GENERAL.—Any export trade corporation may make an election under section 927(f)(1) of the Internal Revenue Code of 1986 to be treated as a FSC with respect to taxable years beginning after December 31, 1990. Such election shall be made by filing a statement of such election signed by each stockholder with the tax return filed with respect to such corporation's last taxable year beginning on or before December 31, 1990.

(2) TERMINATION AS ETC.—Any export trade corporation making an election described in paragraph (1) shall cease to be an export trade corporation for any taxable year beginning after December 31, 1990, under regulations prescribed by the Secretary of the Treasury.

(3) TREATMENT OF TRANSFERS TO FSC.—In the case of any export trade corporation which—

(i) makes an election described in paragraph (1), and

(ii) transfers before the last day of the first taxable year beginning after December 31, 1990, any portion of its property to a FSC in a transaction described in section 351 or 368(a)(1) of the Internal Revenue Code of 1986,

then, subject to such rules as the Secretary of the Treasury or the delegate of the Secretary may prescribe based on principles similar to the principles of subsections (a) and (b) of section 505 of the Revenue Act of 1971, no income, gain, or loss shall be recognized on such transfer or on the distribution of any stock of the FSC received (or treated as received) in connection with such transfer.

(d) EXPORT TRADE CORPORATION.—For purposes of this section, the term "export trade corporation" has the meaning given such term by section 971 of the Internal Revenue Code of 1986.

(e) CONFORMING AMENDMENT.—Subparagraph (A) of section 865(e)(2) of such Code is amended by striking the last sentence.

(f) EFFECTIVE DATE.—The repeal and amendment made by subsections (a) and (e) of this section shall apply to taxable years beginning after December 31, 1990.●

By Mr. BOSCHWITZ:

S. 2984. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for eligible child care providers; to the Committee on Finance.

TAX CREDIT FOR CHILD CARE PROVIDERS

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce legislation that will provide an income tax credit for licensed child care providers and for providers that receive additional education.

Both the House and Senate have passed child care legislation, which is currently in conference, in an attempt to enhance the quality of child care. While I support State-controlled licensing and safety regulations, I believe that the best way to increase the quality of child care is by giving incentives for providers to become licensed and to receive additional education.

My proposal would provide a 4 percent tax credit on a provider's gross child care income for those who meet State licensing qualifications and an additional 2 percent tax credit for those providers with a 2-year degree—or its equivalent. The percentages would be based on a provider's gross child care income that does not exceed $20,000.

Mr. President, child care providers do not currently receive any pay raises for being licensed or for upgrading their education. I have traveled throughout my State and have heard repeatedly that additional education is key to keeping providers up-to-date and keeping them in the child care business.

Mr. President, I believe that my proposal provides necessary incentives to increase the quality of child care providers and keep child care providers in the business. I urge my colleagues to join me in supporting this legislation to increase the years of service and quality of child care providers.

Mr. President, I ask unanimous consent that the complete text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR ELIGIBLE CHILD CARE PROVIDERS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. CREDIT FOR CHILD CARE PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible child care provider, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the applicable percentage of so much of such provider's gross income for the taxable year derived from providing child care services as does not exceed $20,000.

"(2) APPLICABLE PERCENTAGE.—

"(A) GENERAL RULE.—For purposes of this section, the applicable percentage is 4 percent.

"(B) ADDITIONAL CREDIT FOR SPECIALLY TRAINED PROVIDER.—In the case of an eligible child care provider who has completed at least 60 semester or 90 quarter hours of study (or the equivalent) to be determined by the State agency responsible for licensing child care providers, the applicable percentage shall be 6 percent.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CHILD CARE PROVIDER.—The term 'eligible child care provider' means an individual who—

"(A) provides child care services for children 13 years of age or younger, and

"(B) owns or is employed by a facility which meets the licensing requirements described in section 280A(c)(4)(B) (to the extent such requirements apply to child care facilities).

"(2) EDUCATIONAL ORGANIZATION.—The term 'educational organization' has the same meaning as under section 170(b)(1)(A)(ii).

"(c) INFLATION ADJUSTMENT FOR YEARS AFTER 1991.—In the case of any taxable year beginning in a calendar year after 1991, the $20,000 amount under subsection (a)(1) shall be increased by an amount equal to—

"(1) $20,000, multipled by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, by subsituting 'calendar year 1990' for 'calendar year 1987' in subparagraph (B) thereof.

"(d) REGULATIONS.—The Secretary may by regulation establish criteria to be used to determine equivalents to degrees which qualify under subsection (a)(2)(B)."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Credit for child care providers."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, and Mr. HARKIN):

S. 2985. A bill to amend the Controlled Substances Act to limit the retention of seized assets by the Attorney General for administrative expenses; to the Committee on the Judiciary.

USE OF SEIZED ASSETS FOR ADMINISTRATIVE EXPENSES

● Mr. DECONCINI. Mr. President, I rise today with my colleagues, Senators D'AMATO and HARKIN, to introduce a bill that will be of great benefit to our frontline forces in the war against drugs—the State and local law enforcement agencies. These agencies have combined with our Federal law enforcement agencies in an all-out assault upon the scourge of drugs that is ripping apart this country. However, their essential participation in this war has left them in critical need of resources to pursue the battle.

In the 1984 crime bill, we created the asset forfeiture fund. Through this fund, Federal law enforcement agencies were authorized to share proceeds from a drug seizure with the State and local law enforcement agencies that participated in that particular seizure. There is no doubt that local law enforcement agencies benefit greatly from the sharing of the ill-gotten booty of the drug pushers. The sharing of these assets has done more to foster cooperation between the Federal and local enforcement agencies than any other single initiative.

Currently, the Attorney General requires the deduction of 10 percent of the proceeds of a drug seizure for Federal administrative expenses. However, from time to time, the Justice Department has considered increasing the percentage of this administrative surcharge. Such action, quite simply, would greatly jeopardize the cooperative effort that has been achieved between Federal and State and local law enforcement agencies.

My legislation will try to put an end to this process. If passed, this legislation will prohibit the Justice Department from keeping more than 10 percent of the total proceeds derived from forfeitures for administrative expenses. Thus, this measure will retain the incentive for State and local cooperation with Federal law enforcement officials. This relationship is critical to the success of this drug war, for without these agencies' coordination, the war would be lost.

This legislation would also make it possible for financially strapped local agencies to continue their assault on this deadly enemy without having to worry about the Justice Department taking a greater percentage of the forfeiture assets they deserve.

Mr. President, in my State—with its 360 miles of common border with Mexico—city, county, and State officials have worked in concert with Federal agencies to fight the illicit drug

trade. Over the last few years, I have held several drug hearings in Arizona and have heard from local law enforcement officials who have emphatically expressed the importance of asset-sharing as a tool in combating the drug trade. Let me share with you the comments of one local police chief:

It is the use of these monies that allow agencies such as ours to increase in personnel and equipment to help stymie this epidemic. Further, it affords Federal agencies the leverage needed to gather State and local agencies in a cooperative effort to conduct effective investigations.

The assets State and local law enforcement agencies receive from their participation in joint investigations with Federal agencies is critical to their ability to continue to operate as this Nation's front line forces in the war on drugs. It is time to focus on the needs of the local law enforcement agencies. They need an enhancement of resources, not a reduction. This bill will ensure that the State and local agencies entitlement is preserved and that the Justice Department cannot balance its books on the back of the State and local police.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended by adding at the end thereof the following:

"In determining the equitable share of proceeds for a State or local law enforcement agency from a drug-related asset seizure under subparagraph (A), the Attorney General shall not retain more than 10 percent of the total proceeds to cover the costs of administrative expenses.".●

By Mr. KERRY:

S. 2986. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services; to the Committee on Finance.

DEDUCTION FOR SEWER AND WATER FEES

● Mr. KERRY. Mr. President, I rise today to introduce legislation that will help ease the tax burden of middle-class homeowners throughout the country, by allowing an income tax deduction for user fees and water and sewer services.

Many State and local municipalities are faced with cleanup efforts like the one now confronting my home State of Massachusetts. Under a Federal court mandate, Massachusetts has begun the task of cleaning up Boston Harbor, and I am proud to say the State has met the enormity of this challenge head on. The Massachusetts Water Resources Authority, created to head the cleanup of Boston Harbor, will soon become the largest bond issuer in the country. It will pay off the bonds through revenue raised from user fees on water and sewer services.

The cost of the cleanup will not be cheap, and the Bush administration, despite its rhetoric of the 1988 campaign, has not proposed one dime for the cleanup of Boston Harbor. As a result, State and local governments have been hard pressed for additional revenues and have raised user fees on water and sewer services to raise the necessary funds to come into compliance with Federal water standards. These user fees have increased significantly in the past couple of years and have hit middle-class homeowners hard. In Massachusetts, user fees on water and sewer services have increased by 70 percent over the past 3 years. In the city of Boston, a household of four now pays $600 a year in water and sewer user fees, and the rates are expected to reach well over $1,000 in 5 years.

Massachusetts is not the only State facing the financial problems of complying with Federal water standards. Sioux Falls, SD and parts of New York State, to name a few, face similar problems. As America faces the challenge of cleaning up polluted rivers and contaminated water supplies, user fees on water and sewer services will certainly increase across the country. Therefore, I believe this legislation is critically important if we are to meet the challenges of environmental cleanup and ease the tremendous burden it places on middle-class homeowners.

Traditionally, the moneys raised for cleanup efforts in these areas have come from local real property taxes, which are tax deductible. However, many local and State governments have been forced to use alternative methods, such as user fees on water and sewer services, to raise the revenue for these projects. Therefore, I believe the Tax Code should reflect this change and allow for local water and sewer fees to be deductible in the same manner as local real property taxes.

This bill has been introduced in the House by Congressman DONNELLY. I urge my colleagues to join me in supporting this legislation, which provides significant tax relief for middle-class homeowners while maintaining our commitment to environmental cleanup.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 164 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) DEDUCTION ALLOWED FOR LOCAL SEWER AND WATER FEES.—

"(A) IN GENERAL.—Local sewer and water fees shall be allowed as a deduction under subsection (a) in the same manner as local real property taxes.

"(B) DEFINITION.—The term 'local sewer and water fees' means any amount imposed by a local government, State government (or any agency or instrumentality thereof), or by the District of Columbia as a charge for sewer or water service."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1990.●

By Mr. SIMON:

S. 2987. A bill to establish the Lovejoy Building as an African-American Higher Education Center, and for other purposes; to the Committee on Labor and Human Resources.

AFRICAN-AMERICAN HIGHER EDUCATION CENTER

● Mr. SIMON. Mr. President, I introduce legislation to authorize Federal assistance to establish the historical Lovejoy Elementary School Building in Washington, DC, as an African-American Higher Education Center. I am pleaseld to do so as a tribute to the remarkable career of Elijah Parish Lovejoy.

Elijah Parish Lovejoy was a fiery abolitionist, a newsman, and an educator. Born in 1802, his varied career included the founding of an innovative school in St. Louis, MO for African-American children. He suffered many hardships for defending his views against slavery and his belief in the education of all children. He was forced to flee St. Louis and settle in Alton, IL because he stood up and spoke out for what he believed. In Illinois, using his press and editorial skills, he battled for the rights of all Americans. Tragically in 1837, at the young age of 35, Elijah Lovejoy gave his life defending the right to free speech and civil rights.

In addition to being named after Elijah Lovejoy, the Lovejoy Building, located at the corner of 12th and D Streets, NE., in Washington, DC, has an exciting and rich history. Not only was it used as Army barracks during the Civil War, but also it was one of the first schools in the District of Columbia for African-American children. The school has undergone many changes since it was first erected, but it's dedication to education has remained. At present, it is the home of the National Association for Equal Opportunity in Higher Education [NAFEO]—nonprofit, voluntary, membership organization dedicated to promoting and enhancing the participation of minorities in higher education. NAFEO represents 117 historically and predominantly black colleges and universities in the United States.

I commend NAFEO for its efforts to preserve Elijah Lovejoy's legacy by establishing the Lovejoy Building as an African-American Higher Education Center. The African-American Education Center would serve as a research and demonstration center, research training center and think tank for the 117 NAFEO member institutions, as well as other African-American higher education organizations. By providing Federal assistance for this effort, the needed renovation and rehabilitation of this building may be accelerated.

Mr. President, much attention has been paid recently to the status of education quality and opportunity in America. In its recent report, "Education That Works: An Action Plan for the Education of Minorities," the Action Council on Minority Education reported that although the educational attainment of African-Americans during the last 20 years has been impressive, the growth in overall college enrollment for African-Americans has fallen significantly. Furthermore, while African-Americans and Hispanic-Americans make up 21 percent of the population, they are only 2 percent of the doctorates in science and engineering. Of those who hold bachelor's level degrees in science and engineering, African-Americans account for only 5.5 percent.

Mr. President, the establishment of the Lovejoy Building as an African-American Education Center can be a symbol of the progress we have made as a nation in providing a quality education to all and the vital importance of keeping open the doors of educational opportunity.

Mr. President, I ask unanimous consent that following my remarks the full text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. GENERAL AUTHORITY.

In recognition of the remarkable career of Elijah Parish Lovejoy as an abolitionist, educator, and newsman, and in order to enhance the ability of the National Association for Equal Opportunity in Higher Education to properly serve the higher education interest of African-Americans, the Secretary of Education (hereinafter referred to as the "Secretary"), using funds appropriated pursuant to the authority of section 4, shall provide financial assistance to the National Association for Equal Opportunity in Higher Education, located in the District of Columbia, to enable the National Association for Equal Opportunity in Higher Education to establish the Lovejoy Building as an African-American Higher Education Center.

SEC. 2. APPLICATION.

No financial assistance may be provided under this Act unless the National Association for Equal Opportunity in Higher Education submits an application at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

SEC. 3. USE OF FUNDS.

Financial assistance made available pursuant to this Act shall be used for the renovation and rehabilitation of, and the acquisition of necessary equipment for, the African-American Higher Education Center described in section 1.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $2,000,000 for fiscal year 1994 to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.●

By Mr. MOYNIHAN (for himself, Mr. HEINZ, Mr. BAUCUS, Mr. ROTH, Mr. BOREN, Mr. DANFORTH, Mr. PRYOR, Mr. DURENBERGER, Mr. RIEGLE, Mr. ARMSTRONG, Mr. SYMMS, Mr. SARBANES, Mr. WILSON, Mr. KENNEDY, Mr. COATS, Mr. HELMS, Mr. BURDICK, Mr. BUMPERS, Mr. JOHNSTON, Mr. CRANSTON, Mr. SHELBY, Mr. JEFFORDS, Mr. KERRY, Mr. DIXON, Mr. COCHRAN, Mr. BOND, Mr. BOSCHWITZ, Mr. DODD, Mr. LUGAR, Mr. CONRAD, Mr. LAUTENBERG, Mr. INOUYE, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SIMON, Mr. MURKOWSKI, Mr. REID, Mr. SANFORD, Mr. LOTT, Mr. HARKIN, Mr. PELL, Mr. SIMPSON, Mr. GLENN, Mr. LEVIN, Mr. KASTEN, Mr. HATFIELD, Mr. HOLLINGS, Mr. COHEN, Mr. NICKLES, Mr. BURNS, Mr. BINGAMAN, Mr. AKAKA, Mr. D'AMATO, Mr. MACK, Mr. BIDEN, Mr. BRYAN, Mr. GORE, Mr. KERREY, and, Mr. HEFLIN):

S. 2988. A bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent, and for other purposes; to the Committee on Finance.

EMPLOYEE EDUCATIONAL ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Employee Educational Assistance Act of 1990, legislation that will make permanent section 127 of the Internal Revenue Code. This bill ensures that employees will be able to continue to receive up to $5,250 annually in tuition reimbursements or similar educational benefits from their employers on a tax-free basis. It also restores tax-free treatment under section 127 to graduate-level courses. I am pleased to be joined in introducing this legislation by 59 of my distinguished colleagues, including a majority of the members of the Senate Finance Committee. I think the level of support for this legislation speaks for itself, and reflects the importance that so many of us attach to this provision of the Tax Code.

First enacted in 1978, section 127 has enabled over 7 million working men and women to advance their education and improve their job skills without incurring additional income tax liabilities and a reduction in take-home pay. Without this provision, employees would owe taxes on the value of any educational benefits provided by their employers that do not directly relate to the current job held. For example, a clerical worker pursuing a college diplomat who earns $21,000 annually and who receives tuition reimbursement for two semesters of night courses worth $4,270 would owe additional Federal income and payroll taxes of $1,370 on this educational assistance. If the educational benefits are accepted, the employee's annual take-home pay after Federal income and payroll taxes falls from $16,730 to $15,360. It is shortsighted to impose such a tax burden on employees seeking to further their education. For many low- and moderate-income employees, this cut in take-home pay is simply prohibitive, preventing them from enrolling in courses that would upgrade their job skills and improve their future career prospects. Without this investment in our employees' education, the ability of our work force to compete in the global economy erodes. By removing the requirement that educational assistance be job-related, section 127 eliminates the tax burden on workers seeking to further their education and improve their career prospects. Moreover, section 127 removes a tax bias against lesser skilled workers who have greater difficulty proving that educational benefits are directly related to their narrower job descriptions.

Congress has until now only enacted section 127 for temporary periods. It has repeatedly allowed the provision to lapse, only to reextend it on a retroactive basis for another temporary period. Most recently, the Omnibus Budget Reconciliation Act of 1989 provided for a 9-month extension of section 127 through September 30, 1990. Without further action by Congress, the provision will again expire on that date.

It is past time for this cliffhanger approach to cease. Employees cannot plan sensibly for their educational goals, not knowing the extent to which accepting educational benefits from their employers will reduce their take-home pay. And for employers, the fits and starts of the legislative history of section 127 have been a serious administrative nuisance. If section 127 is in force, then there is no need to withhold taxes on the value of educational benefits provided; if not, the "job-relatedness" of the educational assistance must be ascertained, a value assigned, and withholding adjusted accordingly. And we leave everyone to guess until late in the year whether

Congress will extend the provision, or reenact it retroactively if it has already expired. The extension periods have grown shorter, increasing the frequency with which these periods of limbo recur. This is needlessly uncertain and inefficient, and does not reflect well on the legislative process.

The Employee Educational Assistance Act would extend section 127 on a permanent basis. I hope Congress will adopt it in this form, and abandon what has become an inexcusably haphazard approach to the tax treatment of employee education assistance.

The bill would also restore coverage to graduate-level courses—eliminated in 1988—as well as maintain the present-law maximum exclusion under section 127 at $5,250.

Mr. President, I introduced similar legislation in the last session. That bill, S. 260, as well as its companion bill in the House, H.R. 2037, enjoyed wide bipartisan support. Encouraging workers to further their education and to improve their job skills is an important national priority, crucial for preserving our competitive position in the global economy. Permitting employees to receive educational assistance on a tax-free basis, without incurring significant cuts in take-home pay, is a demonstrated cost-effective means to achieve these objectives.

Section 127 is not an extravagant fringe benefit for highly paid executives. Rather, it largely benefits low- and moderate-income employees seeking access to higher education or further job training. A recent survey undertaken by the American Society for Training and Development indicated that 71 percent of recipients of section 127 educational assistance earn less than $30,000 annually. In fact, lower income employees are even more likely to participate in educational assistance programs than those on the higher end of the income scale. Employees earning less than $30,000 participate at a much higher rate than those above that income, and participation rates decline as salary levels increase. Moreover, employees making less than $15,000 participate at almost twice the rate of those who earn over $50,000.

Today, American workers are the most productive in the industrialized and developing world. Yet pressures from international competition and the pace of technological change require continual adjustment by our work force. Section 127 permits employees to adapt and retrain without incurring additional tax liabilities. By removing the tax burden from workers seeking retraining, section 127 will enable employees displaced by foreign competition or technological change to learn new job skills. Retraining will take on an increasing importance in this decade, given that approximately 85 percent of those who will make up the work force in the year 2000 are already working today. Work force growth in the next decade is expected to barely match that during the Great Depression.

Reinstating the tax-free treatment for graduate-level courses would remove impediments against employees' pursuit of advanced degrees and training in vocations such as engineering, health science and nursing, education, and computer science. The American Electronics Association has noted that the United States is experiencing an acute shortage of engineers—some 20,000 engineers between 1981 and 1985. It has also emphasized the troubling fact that the United States produces fewer engineers per capita than many of our major trading partners and has relatively smaller numbers of workers in research and development. To counter this trend, almost half of America's largest electronics firms have initiated educational assistance programs to encourage employees to pursue advanced degrees in electronics. Without section 127, employees who participate in this effort to shore up the Nation's expertise in this field do so at the cost of take-home pay reductions. The Tax Code should not hinder such an effort, and section 127 is designed to make sure that it does not.

Section 127 has also helped to improve the quality of America's public education system, at a fraction of the cost of direct-aid programs. It has enabled thousands of public school teachers to obtain advanced degrees, augmenting the quality of instruction in our schools. A survey by the National Education Association a few years ago found that almost half of all American public school systems provide tuition assistance to teachers seeking advanced training and degrees. Again, the Tax Code should not impose obstacles to this kind of shared effort at improvement. This legislation, by making section 127 permanent, will ensure that it does not.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Educational Assistance Act of 1990".

SEC. 2. EXCLUSION FOR EDUCATIONAL ASSISTANCE PROGRAMS.

(a) EXCLUSION MADE PERMANENT.—

(1) IN GENERAL.—Section 127 of the Internal Revenue Code of 1986 (relating to educational assistance programs) is amended by striking subsection (d).

(2) CONFORMING AMENDMENT.—Section 7101(a) of the Revenue Reconciliation Act of 1989 is amended by striking paragraph (2).

(b) RESTRICTIONS RELATING TO EDUCATION AT THE GRADUATE LEVEL.—

(1) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) CONFORMING AMENDMENT.—Section 132(h)(9) of such Code (relating to application of section to otherwise taxable employer-provided educational assistance) is amended by striking "or the last sentence of subsection (c)(1) thereof".

(c) EFFECTIVE DATES.—

(1) PERMANENT EXCLUSION.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

(2) GRADUATE LEVEL ASSISTANCE.—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1990.

By Mr. HEINZ:

S. 2789. A bill to amend title XIX of the Social Security Act to provide for an expansion of Medicaid benefits to low-income pregnant women and children, and to raise the tax on cigarettes to fund such Medicaid expansion; to the Committee on Finance.

CHILDREN'S HEALTH ACCESS AND PREVENTION ACT

● Mr. HEINZ. Mr. President, I rise today to introduce legislation to deal with this Nation's crisis in maternal and child health. America is indeed a land of opportunity, where a child can dream of becoming an astronaut, a gold medal swimmer, or even a Senator, and make that dream come true. But literally millions of our children, Mr. President, enter life with less than a fair chance at a dream—or grow up with the distinct risk of losing the dream to an accident or an illness. Forty thousand of these children each year never reach their first birthday. These are children whose mothers were likely to have received inadequate prenatal care. Twelve million are children for whom preventative care is unlikely, and necessary care is usually found in a hospital emergency room, not a physician's office. These are our children who lack even minimum health insurance.

The fact is that with all this Nation's wealth and medical expertise, we rank only 22d among industrialized nations in infant mortality, and 29th in the percent of low birthweight babies. Compared to normal birthweight infants, these low-birthweight infants are 40 times more likely to die during their first month of life, are 2-to-3 times more likely to suffer from certain chronic conditions, and face lifelong health and learning impairments. Our incidence of low-birthweight babies is, is large part, the cause of our high infant mortality rates.

The percent of children who die before age 5 ranks us only 21st in the world. A recent national commission found our adolescent children less healthy and less ready than their parents had been at their age to take a

productive role in society. Without adequate health care, both the education and future health status of our children are severely threatened—a double-edged threat to both our Nation's productivity and to our society.

I could go on and on. Consider the large—and growing—disparity in infant mortality rates between white and black babies. Many of our cities have infant mortality rates double our national rates and more than the rates in some Third World countries. The 20 percent of poor children have no physician contact at all in a year. Mr. President, these deaths, impairments, and lack of care are a national tragedy. That we have it in our power to greatly reduce these losses, and do not act, is a national disgrace.

We need no magic medical breakthroughs, no undiscovered pots of gold, to solve these problems. Few health problems are as amendable to simple preventative and routine care as maternal and child health problems. Treatment is simple, inexpensive—and extremely cost-effective over the long term.

For example, the rates of both infant mortality and low-birthweight babies can be greatly reduced through proper prenatal care. One dollar of prenatal care can save over $3 in the first year of life alone, and over $10 over the child's life. Unfortunately, it is estimated that one in three births are to mothers who did not receive prenatal care that is considered adequate, in terms of the number and timing of visits. Some 150,000 infants are born each year to mothers who received prenatal care only in the third trimester—and another 70,000 mothers received none at all. Here, again, the gap between black and white Americans is appalling—in my State of Pennsylvania, less than 45 percent of black infants were born to mothers who have been able to obtain even such minimally adequate care, while over 75 percent of white infants had the advantage of such care.

Through the miracles of medical science, we have immunizations to free us from the scourge of such killers as polio, measles, and mumps. Immunizations are the classic public health intervention, preventing costly and dangerous outcomes by an inexpensive treatment. Unfortunately, millions of children are not properly immunized, and there are indications that the rates of immunizations are dropping. An old foe, polio for example, may again rear its head—over 20 percent of 2-year-olds are not fully immunized.

Mr. President, the United States is at a crossroads in our role as a world leader. Each life that is lost, each life that starts with health or intellectual impairments due to low birthweight, each life that is crippled through not receiving proper preventive or curative care in childhood or adolescence—these are lives lost as fully productive members of our society. These are potential workers, scholars, leaders—the very stuff we need to build on for our Nation's strength in the future.

We are all tired of being compared unfavorably to Japan in economics, but it may come as a surprise to find that we suffer by comparison in health care as well. Japan in the 1950's ranked 17th among industrialized nations in infant mortality, but mounted a nationwide initiative to reduce those deaths. As a result, they now rank first. The State in the United States with the lowest infant mortality—Massachusetts—has a rate 44 percent higher than Japan's. Japan protects their next generation of workers, while we are allowing a significant percentage of ours to die or be handicapped.

The price of this human neglect comes full circle to our economic vulnerability. Let me give an example of the orders of magnitude of the problem. One study found that, each year, our infant deaths represent a future earnings loss of up to $18.9 billion, and the disabilities related to low-birthweight births represent a loss of up to an additional $3.7 billion.

Several of my colleagues and I spent many months as members of the Pepper Commission studying the problems of access of health care and long-term care. We debated many solutions, and issued a set of far-reaching recommendations. Several of us developed our own set of comprehensive solutions to these problems. Our proposals join the many other ideas and reports, from numerous distinguished groups, on possible comprehensive solutions. But, Mr. President, as realists, we know that broad solutions require wide consensus. Candidly, we are a long way off from that level of agreement. Nevertheless that must not be an excuse for total inaction. We must not sit by and watch our children die while we struggle for perfect solutions to the broader issues.

Mr. President, the bill I am introducing today, The Children's Health Access and Prevention Act of 1990 [CHAP], is a positive first step. It is not a perfect solution, and it will not overcome all of the health care access problems in our country. What it will do is to assure Medicaid coverage to low-income pregnant women and children. CHAP would extend Medicaid eligibility to pregnant women and children from birth to age 6 who are between 100 and 200 percent of the Federal poverty level, expanding the current eligibility requirements while also removing some of the current crushing fiscal burden forced on States by previous Federal mandates. It would also cover children 6 to 18 who are under 200 percent of poverty and not otherwise eligible for Medicaid, a significant increase in coverage.

The Nation's Governors have pleaded with us to stop adding Federal mandates to their budgets—they cannot afford any further expansions. CHAP is different in this respect than other Medicaid expansions: the cost for these expansions would be funded totally by the Federal Government, through an increase in the cigarette tax.

Increasing the cigarette tax makes perfect sense in the context of children's health. It is expected to reduce consumption among teenagers, persuading some 500,000 to stop smoking. This alone translates into saving 125,000 premature deaths among our Nation's children. Moreover, one of the groups most affected by passive smoking is young children. If we could eliminate maternal smoking, we could reduce infant mortality by 10 percent, and the incidence of low-birthweight births by 25 percent. Passive smoking has direct impact on the health of infants, contributing to the rates of conditions such as sudden infant death syndome. Reducing consumption will help prevent some of the damage to these inadvertent victims, and will make smokers help pay for some of the remaining damage they cause to children.

CHAP answers many of the objections raised to the Pepper Commission recommendations. It does not require radical changes in who must provide coverage or how coverage is provided. It has clearcut goals and an affordable price tag. Perhaps most importantly to many skeptics of the Pepper Commission, it comes with a specific funding source that covers its costs.

CHAP would have a dramatic effect on reducing the number of uninsured children. Preliminary estimates indicate that in its first year it would cover 4.1 million pregnant women and children, and over 5 million by 1993. In Pennsylvania, where there are an estimated 300,000 uninsured children, CHAP has been estimated to cover 200,000.

There is one more provision of the bill I want to mention, and that is the inclusion of a sunset provision for the revenue source. Mr. President, I don't like the Medicaid Program. It is complicated and confusing, it comes with an unfortunate welfare stigma, and it has numerous intrinsic structural and reimbursement problems. Nevertheless, it is there, and I see no good alternative to getting coverage to these pregnant women and children as quickly as we can using Medicaid. But I do not want to just set up another wrinkle on Medicaid eligibility standards and be done with it. Having the new revenue source sunset will force us to reconsider the issue. It is the guantlet I am throwing down to myself and to our colleagues, saying, "We can do better than this, and the

clock is ticking." Our task is to do something better before the end of the 3 years, and I believe we can.

Mr. President, I look into our future and the picture is not a rosy one. I see a work force crippled by health, educational, and social impairments, ill-equipped to compete internationally or to continue to provide the standard of living for which America is justly known. I see a generation beset with avoidable health and health-related problems. But this picture can be redrawn with an investment now in the health of our children. The CHAP Program is that investment. I urge my colleagues to support this legislation and enact CHAP into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the legislation I offer be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Access and Prevention Act of 1990".

SEC. 2. EXPANSION OF MEDICAID ELIGIBILITY FOR PREGNANT WOMEN, INFANTS, AND CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(1) by striking "or" at the end of subclause (V); and

(2) by adding "or" at the end of subclause (VI) and by adding at the end thereof the following new subclause:

"(VII) who are described in section 1905(t);".

(b) ELIGIBLE INDIVIDUALS DESCRIBED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end thereof the following new subsection:

"(t)(1) Individuals described in this subsection are—

"(A) individuals described in subparagraph (A), (B), or (C) of paragraph (1) of section 1902(1) of the Social Security Act (42 U.S.C. 1396a(1)) with an income at a level not less than 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and not more than 200 percent of such poverty line, and

"(B) children who have attained 6 years of age but who have not attained 19 years of age and whose family income does not exceed 200 percent of the income official poverty line (as described in paragraph (1)), and who are not otherwise covered under the State plan for medical assistance in effect in the State on September 30, 1990, under an optional category and who are not otherwise eligible to receive benefits under part A of title IV or part A of title XVI.

"(2) Notwithstanding any other provision of this title, for purposes of this subsection, States may apply a resource test in determining the eligibility of individuals described in subparagraphs (A) and (B) of paragraph (1) for purposes of determining such individuals' eligibility for medical assistance under this title, but such resource test applied to such individuals may be no more restrictive than that applied by the State with respect to determining eligibility of individuals described in subparagraph (A), (B), or (C) of paragraph (1) of section 1902(1).

"(3) Notwithstanding any other provision of this title, and in addition to any payments authorized under such title, the Federal share of the expenditures with respect to payments for medical assistance coverage for individuals described in subparagraphs (A) and (B) of paragraph (1) (including any administrative costs for the provision of such coverage) shall be 100 percent of such payments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments for calendar quarters under title XIX of the Social Security Act beginning after September 30, 1990.

SEC. 3. INCREASE IN EXCISE TAX ON CIGARETTES TO FUND 3-YEAR MEDICAID BENEFITS EXPANSION.

(a) RATE OF TAX.—Subsection (b) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigarettes) is amended—

"(1) by striking out "$8" in paragraph (1) and inserting in lieu thereof "$16"; and

(2) by striking out "$16.80" in paragraph (2) and inserting in lieu thereof "$33.60".

(b) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigarettes manufactured in or imported into the United States which are removed before October 1, 1990, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $8 per thousand;

(B) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $16.80 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on October 1, 1990, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on October 15, 1990, in the same manner as the tax imposed under such section is payable with respect to cigarettes removed on October 1, 1990.

(3) EXCEPTION FOR RETAILERS.—The taxes imposed by paragraph (1) shall not apply to cigarettes in retail stocks held on October 1, 1990, at the place where intended to be sold at retail.

(4) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigarettes—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before October 1, 1990, and

(ii) which are entered into the customs territory of the United States on or after October 1, 1990, from a foreign trade zone, and

(B) cigarettes which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before October 1, 1990, and

(ii) are entered into the customs territory of the United States on or after October 1, 1990, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigarettes shall, for purposes of paragraph (1), be treated as being held on October 1, 1990, for sale.

(5) CIGARETTE.—For purposes of this subsection, the term "cigarette" shall have the meaning given to such term by subsection (b) of section 5702 of the Internal Revenue Code of 1986.

(c) MEDICAID EXPANSION TRUST FUND.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to Trust Fund Code) is amended by adding at the end thereof the following new section:

"SEC. 9511. MEDICAID EXPANSION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Medicaid Expansion Trust Fund', consisting of such amounts as may be appropriated, credited, or transferred to the Medicaid Expansion Trust Fund as provided in this section and section 9602(b) (relating to crediting of interest, etc.).

"(b) TRANSFERS TO MEDICAID EXPANSION TRUST FUND.—There are hereby appropriated to the Medicaid Expansion Trust Fund amounts equivalent to the following:

"(1) CIGARETTE TAXES.—50 percent of the taxes received in the Treasury after September 30, 1990, under subsection (b) of section 5701.

"(2) FLOOR STOCK TAXES.—100 percent of taxes received in the Treasury under section 3(b) of the Medicaid Expansion Act of 1990.

"(c) EXPENDITURES FROM TRUST FUND.—There are hereby appropriated and made available amounts in the Medicaid Expansion Trust Fund for payment of medicaid benefits provided under section 2 of the Medicaid Expansion Act of 1990 and for payment of administrative costs of providing and administering such benefits.".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. Medicaid Expansion Trust Fund.".

(e) EFFECTIVE DATE.—

(1) TAX INCREASE.—The amendment made by subsection (a) shall apply with respect to cigarettes removed after September 30, 1990, and before October 1, 1993.

(2) TRUST FUND.—The amendments made by subsections (c) and (d) shall take effect on October 1, 1990.●

By Mr. COCHRAN:

S. 2790. A bill to extend the period for credit or refund of certain overpayments of the windfall profit tax on domestic crude oil; to the Committee on Finance.

EXTENSION OF PERIOD FOR REFUND OF WINDFALL PROFIT TAX OVERPAYMENTS

● Mr. COCHRAN. Mr. President, today I am introducing legislation designed to allow a county in Mississippi to file for a refund of overpayments of

windfall profit taxes which were withheld in the early 1980's.

The Windfall Profits Tax Act of 1980 provided an exemption from the tax for qualified governmental entities. Wilkinson County, MS, was such a qualified entity. However, because the county did not employ a tax counsel, they were unaware of this exemption. As a result, windfall profit taxes were withheld from payments to the county and were forwarded to the Internal Revenue Service.

The 1980 law provided that a taxpayer could file a claim for reimbursement of overpaid windfall profit taxes. Upon learning of this provision, Wilkinson County filed a claim for a refund, but the IRS ruled that the statute of limitations had expired for refund of the 1980-82 taxes withheld. Despite Wilkinson County's assertion that they were not subject to this statute of limitations, the IRS ruled that they had no authority to issue such a refund. In a letter addressed to my colleague in the other body, the gentleman from Mississippi, MIKE PARKER, the Internal Revenue Service's Deputy National Director of Appeals stated, "Although this decision does not seem equitable, the Service is by law precluded from approving this claim."

Mr. President, this bill will remedy this situation by allowing the statute of limitations to be extended only for Wilkinson County, and only for the years prior to 1983. This bill will cost just over $100,000, which is a small expense for the Federal Government but a very significant amount for a small, predominately minority school district.●

By Mr. BREAUX (for himself, Mr. LOTT, Mr. INOUYE, Mr. AKAKA, and Mr. MITCHELL):

S. 2991. A bill to reauthorize the Fish and Seafood Promotion Act of 1986; to the Committee on Commerce, Science, and Transportation.

NATIONAL FISH AND SEAFOOD PROMOTIONAL COUNCIL REAUTHORIZATION ACT

Mr. BREAUX. Mr. President, I rise today to introduce legislation to reauthorize the National Fish and Seafood Promotion Act of 1986, and to provide for the uninterrupted continuation of the successful work done by the National Fish and Seafood Promotional Council created by that act.

The purposes of the Fish and Seafood Promotion Act of 1986 are to: First, strengthen the competitive position of the U.S. commercial fishing industry in the domestic and international marketplace; second, encourage the utilization of all species of fish available for harvest by the U.S. fishing industry; third, encourage the utilization of domestically produced fisheries products through enhancement of markets, promotion, and public relations; fourth, help the U.S. fishing industry develop methods to improve quality and efficiency in the marketplace; fifth, educate and inform consumers on the use of fish; sixth, develop better coordination of fisheries marketing and promotion activities with commercial fisheries research and development programs; and seventh, educate and inform the public about the nutritional value of fish in the diet.

The National Fish and Seafood Promotion Council established by the act has representatives from the harvesting, processing, and marketing sectors of the fishing industry from every coastal region in the country. This Council has responsibility for carrying out of the marketing programs, consumer education, and research dictated by the act. However, the Council needs the additional time provided by this bill to allow it to fully carry out its mandated functions. The regulatory requirements, and delays beyond the control of the Council, have prevented it from realizing its full potential. The final Council appointment was not made until January 1989, and final approval of efforts to contract with an advertising agency was received in February, 1989.

The Council, in meeting the purposes of the act, adopted the straightforward mission of increasing the per capita consumption of fish and seafood in the United States, while strengthening the position of the U.S. fishing industry. Although the full program has been underway for only a brief period of time, it is viewed by the industry as unusually successful. The promotional campaign emphasizes the proven health benefits of increased seafood consumption, and intelligent and health-conscious consumers have responded. The annual per capita consumption of seafood products in 1989 set a new record of 15.9 pounds.

Regrettably, under existing law the Council would terminate on October 1, 1990, just as it has built up momentum, and before its successes can be measured accurately. The bill I am introducing today, along with Senator LOTT, Senator INOUYE, Senator AKAKA, and Senator MITCHELL, provides additional time for the Council to continue its efforts to promote the health of the American public through consumption of seafood products, and to enhance the competitive position of an important contributor to the national economy, the U.S. fish and seafood industry. This bill will go far toward educating the American public and improving the awareness of the health benefits of fish and seafood product. The 1986 act envisioned a 4-year period to commence promotional activities. Due to the delays in initiating activities, the promotion campaign has only been underway for about 1 year.

Mr. President, this is not a give-away program or a free ride. My bill requires the industry to hold a referendum to determine whether this Council should be continued. If the Council and its activities continue, it will be funded through assessments made by the members of the industry upon themselves. Should the referendum fail, the Council and the act would terminate no later than September 30, 1993. In other words, our U.S. fish and seafood industry simply wants the time to establish the Council as a body paid for by the industry, and not by the taxpayers. The minimal level of funding to be authorized for fiscal years 1991 and 1992 will allow them to continue their efforts uninterrupted while preparing for and conducting the referendum.

Mr. President, I urge my colleagues to join me in supporting this important measure, so that the important work being done by the National Fish and Seafood Promotional Council can continue uninterrupted.

By Mr. DASCHLE:

S. 2993. A bill to amend the Internal Revenue Code of 1986 to extend the solar, geothermal, and ocean thermal energy tax credits through 1995; to the Committee on Finance.

RENEWABLE ENERGY TAX CREDITS

● Mr. DASCHLE. Mr. President, as my colleagues are aware, I have long been a supporter of renewable alternative energy sources. I have been especially active in promoting alcohol fuels, which have enormous potential both for their positive environmental effects and their contribution to our energy security.

Today, in continuation of my interest in the area of renewable energy sources, I am introducing legislation to extend through 1995 three tax credits available to businesses that develop energy through solar, geothermal, and ocean thermal technologies.

The late Senator Spark Matsunaga previously championed these three energy credits, and he did so effectively for a number of years. It would be a mistake based on the merits of these measures and a dishonor to his memory to allow these credits to fall by the wayside as a result of his untimely passing. It is with great enthusiasm and pride that I take the baton from my friend and former colleague.

Recent events in the Middle East highlight the need to speed up our development of alternative energy sources. Not to do so would be both foolish and irresponsible. We cannot afford, for example, to sit back and hope for an endless supply of oil. It is a fact that oil reserves will not last forever. Our children and grandchildren will see the depletion of these resources. Nor can we be sure that the flow of imported oil will not be interrupted for political or other reasons. Iraq's current offensive in the Persian

Gulf evokes memories of the oil shocks of the 1970's.

As important as energy supply and security is the need to slow the detrimental effects on our environment of traditional sources of energy. I strongly believe that renewable energy sources are the answer to this need. My colleagues have heard me speak at length on the merits of alcohol fuels, in this regard. Solar, geothermal, and ocean thermal energy have similar potential for the environment.

Let me mention just a few of the environmental pluses of these renewable energy sources. In the solar mode of operation, solar technology has no combustion-related emissions at all. Even using back-up fossil fuel to assure reliability, present generation solar technology produces one-quarter as much carbon dioxide as natural gas, the cleanest fossil fuel alternative, and one-third the nitrous oxide emissions. Geothermal plants emit between 7 and 10 times less carbon dioxide than gas, oil, or coal-fired powerplants for the same electrical output.

I would emphasize that we are not talking here about backyard solar panels. We are talking about business enterprises that are taking the risks necessary to develop solar, geothermal, and ocean thermal facilities on a scale that could ultimately replace, in whole or in part, traditional sources of energy that are polluting the environment and depleting valuable natural resources.

The business energy credits provide the margin of viability needed to keep renewable energy projects in operation. These relatively new technologies already have proven their potential, but they are not yet at the stage where they are commercially viable on their own. We should not pull the rug out from under them at this critical juncture.

Given the harm to our environment from traditional energy sources in the form of global warming and other detrimental effects, it is safe to say that the modest cost of the business energy credits is more than offset by the environmental benefits associated with these technologies. It is also important to know, in this regard, that the credits are only available to projects that are acutally placed in service, and strict recapture rules are triggered if a project fails to remain in service.

I will be working in the weeks and months ahead to see that these credits are extended, and I hope to have the strong support of my colleagues as I do so.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD in full at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SOLAR, GEOTHERMAL, AND OCEAN THERMAL ENERGY CREDITS.

The table contained in section 46(b)(2)(A) of the Internal Revenue Code of 1986 (relating to energy percentage) is amended by striking "Sept. 30, 1990" in clauses (viii), (ix), and (x) and inserting "Dec. 31, 1995".●

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. BURDICK):

S. 2995. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under the Social Security Act of any other Federal or federally assisted program; to the Select Committee on Indian Affairs.

EXEMPTION FOR CERTAIN PROPERTY OWNED BY INDIANS

● Mr. DASCHLE. Mr. President, I rise to introduce legislation that will restore a measure of equity to the treatment of native Americans under Federal entitlement programs. This bill exempts up to $4,000 per year in income from tribal lands that are held in trust for individual Indians for the purpose of the calculation of benefits under Social Security and other federally assisted programs.

In Indian country, land owned jointly by a number of heirs is often leased to non-Indians by the Bureau of Indian Affairs [BIA] on behalf of those tribal members. The lease payments are, in turn, allocated to the individual heirs based on their specific interest in the land.

In the majority of cases, income from leased tribal lands is not substantial. Nor is it regular in many cases. It is not uncommon for inherited trust lands to be owned by such a large number of heirs that the lease income from them is less than $50 per year. Also, the availability of leasees often changes from year to year, which leaves heirs without income for a period of months or even years.

Under current law, the Federal Government counts each small lease payment from inherited trust lands as income and then reduces the individual recipient's Federal benefits by a corresponding amount. Also, since these calculations are often based on trust income received in the previous year, benefit reductions can be made in years when income is not even received.

Federal programs treat individual trust moneys with such harshness that the Nation's poorest population repeatedly faces distressing and unnecessary benefit denials or reductions, and loss of medical benefits, due to small amounts of unpredictable income from fractionated trust lands. The practical result of current policy is that tribal members frequently end up with neither trust money nor Federal benefits during one or many months of the year.

For example, the SSI program, upon which many tribal elders depend, bases its monthly payments on increasingly inaccurate estimates of future trust income and counts trust income even if it is unavailable, that is, previously assigned with BIA consent. The VA's improved pension program, the AFDC program, and even the BIA's own general assistance program are harsher yet, leaving poor Indian families with inadequate income for months on end by averaging the trust money over several or many months to assure that every dollar of trust money that may arguably be received is offset by loss of equivalent Federal benefits. In many cases, this offset trust income is never received and not even available.

The bill I am introducing today would benefit primarily tribal members, and especially tribal elders, who face continuing financial uncertainty as they seek to supplement small trust income with Federal welfare benefits. A study of income received from land lease rentals on the Rosebud Reservation in South Dakota, conducted by Sinte Gleska College in 1988, found that over 70 percent of those receiving trust income received less than $200 per year. The study also showed that 50 percent received less than $50 per year or no income at all.

The counting of trust income against Federal entitlement benefits is a breach of the fiduciary duty that every Federal agency owes to protect trust income for the benefit of Indian people, and this breach invites endless administrative appeals and repeated litigation. Even without appeals and litigation, the cost to the BIA and other Federal agencies of keeping accurate track of multitudinous small lease and grazing payments for purposes of program eligibility is enormous in terms of program time and money, undoubtedly more than the Federal money saved by resulting reduction in entitlements. Additional costs are transferred to tribes, which try to mitigate the financial and emotional harm to tribal members caused by these policies.

Congress has specifically protected all types of Indian moneys other than trust income, including tribal per capita payments, 1983; and Alaska Native Claims Settlement Act moneys, 1987; from this offset requirement. The bill I am introducing would provide the tribal elders and families who are current heirs to allotted and restricted trust lands with similar protection for their trust income up to $4,000 per year. I hope the Senate will

consider it carefully and move to address this important problem.●

By Mr. BOSCHWITZ:

S. 2997. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources.

S. 2998. A bill to amend the Public Health Service Act to revise and extend title X, and for other purposes; to the Committee on Labor and Human Resources.

FAMILY PLANNING AMENDMENTS AND FAMILY PLANNING SERVICES ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce two bills: The Family Planning Amendments Act of 1990 and the Family Planning Services Act of 1990. These bills would reauthorize title X of the Public Health Services Act, which authorizes grants and contracts to organizations that provide family planning services.

Mr. President, the need for comprehensive family planning services is greater now than ever. The problems of unplanned pregnancies, abortions, infant mortality, and sexually transmitted diseases are all growing more prevalent in our society, especially among teenagers and low-income women. Many of these people do not seek family planning services—whether it be for contraceptives, pregnancy counseling or maternal health care—because they are either unaware of its availability or cannot afford the cost.

To make these other services more available, the Federal Government has been appropriating funds for the title X program since 1970. According to the Department of Health and Human Services, title X supports approximately 4,000 family planning clinics through 89 grantees and serves an estimated 4.3 million individuals. Over 85 percent of title X clients are low-income and approximately one-third more are adolescents.

Unfortunately, the title X program has not been reauthorized since 1985 and funding for the program has been cut from $162 million in fiscal year 1981, to about $139 million last year. As a strong supporter of family planning services, I believe that Congress should reauthorize the title X program this year and provide adequate funding to meet the demand for these services.

The reauthorization process, however, has been complicated by the abortion issue. I understand that many family planning advocates are disappointed that S. 110, a bill introduced by Senator KENNEDY to reauthorize the title X program, has not received consideration since it was reported out of committee last July. This delay has been caused, in part, by the objections made by pro-life organizations that S. 110 promotes abortion as a method of family planning, which is strictly prohibited in title X. The involvement of the abortion issue has made this matter a difficult one for Senators like myself who actively support family planning but also oppose abortion. For that reason I have introduced legislation that I hope will expedite the reauthorization process.

Both of the bills that I am introducing today are very similar to S. 110; in fact, that Family Planning Amendments Act of 1990 is almost identical to S. 110. It would reauthorize the title X program for 3 years and increase the funding level from $139 million last year to $171 million for the upcoming fiscal year—a $32 million increase. It would also reauthorize the adolescent family life program—title XX—to promote abstinence projects for young people. The only difference between the Family Planning Amendments Act of 1990 and S. 100 is that my bill removes or clarifies the provisions objected to by pro-life organizations. By doing this, I hope to keep the abortion issue from holding up reauthorization of title X.

The Family Planning Services Act of 1990 is also very similar to S. 110. It too authorizes the increased funding for title X and reauthorizes the title XX program. However, this bill enhances some of the provisions of S. 110. For example, like S. 110, my bill provides grants to train personnel—including technical assistance, clinical training, and training for educators and counselors. But my bill also encourages grants recipients to provide language training for the improvement of counseling services for non-English-speaking people. In addition, it encourages training in the recognition of chemical dependency and sexual abuse as well as treatment referral for these cases.

My bill also replaces the provision in S. 110 earmarking $10 million for contraceptive research with $25 million to develop and operate centers for improving the methods of contraception—those drugs and devices which act to prevent fertilization or implantation. Reports show that the United States is lagging behind many countries in the range of contraceptive choices available. A recent study by the Institute of Medicine reports that some women—teenagers, women over 35 who smoke, breast-feeding women and those who suffer from hypertension and diabetes—find the current array of contraceptives in the United States unreliable or risky. If we do not act now to support contraceptive research, the result will be more unplanned pregnancies and more abortions. I believe that my bill will provide the necessary resources to provide better means of contraception.

By bill also includes some initiatives not found in S. 110; for example, it earmarks $10 million to establish and implement a program to educate people—particularly young people—on the risks of sexually transmitted diseases and to prevent and treat such diseases. Everyone is aware of AIDS and most people know how to prevent the transmission of this disease—even if they do not practice caution. But there are other sexually transmitted diseases—like chylyamydia—that are less notorious but dangerous as well. These diseases are most widespread on college campuses and in low-income neighborhoods. The need for educating people about these diseases and treating those infected must be made a priority and my bill does just that.

In addition, it encourages title X grant recipients to provide access to prenatal care for pregnant women as well as preventive health services for infants and children. The United States ranks 19th out of 36 industrialized nations in infant mortality. According to the national commission on infant mortality, this problem is especially prevalent among poor, minority mothers, many of whom have little knowledge of prenatal care or how to seek it out. For many of these women, the title X program is the only way to receive such care and it is essential that title X recipients offer these health services, in addition to screening for breast and cervical cancer and sexually transmitted diseases.

As I mentioned before, neither of these bills contain the provisions in S. 110 that the pro-life community finds objectionable. Because these provisions have been removed or revised, these bills are ones which all family planning proponents—whether they be pro-life or pro-choice—can support. I believe that the legislation that I am introducing today will help expedite the title X reauthorization process and it is my hope that my colleagues will support these measures to provide family planning services to those Americans who need them most.●

By Mr. D'AMATO:

S.J. Res. 359. Joint resolution designating the week beginning September 16, 1990, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

EMERGENCY SERVICES WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation designating the week of September 18 through 24, 1990, as "Emergency Medical Services Week."

This legislation recognizes those dedicated men and women who have given their time and talents to providing Emergency Medical Services [EMS]. The American College of Emergency Physicians will be sponsoring events across the country during the week of September 18, and they need our full support to give members of every community the opportunity

to update their knowledge of emergency medical procedures.

Advancements in the speciality of emergency medicine have contributed to a dramatic reduction in the number of accidental deaths due to injury. Statistics from the National Center for Health Statistics indicated that since 1968, the number of persons per 100,000 who have died from automobile accidents has decreased from 27.5 to 19.8; from accidential falls, 9.4 to 4.8; from fires and burns, 3.7 to 1.9; and from drowning, 3.0 to 1.5.

Improvements in the quality and effectiveness of EMS are especially vital to the elderly. Older Americans are more susceptible than any other group to death due to injury. Moreover, they are less likely than others to recover completely from their injuries. It is critical, therefore, that senior citizens become familiar with the steps to take in an emergency medical situation.

EMS is equally important to the welfare of our children. Accidents are the leading cause of death among children under 14 years of age. When appropriate treatment is administered within the first hour of injury, mortalitty, morbidity, and residual disability can be greatly reduced. Timely and effective treatment, therefore, is a must.

Of course, prompt treatment depends on adequate manpower—and many concerned citizens have responded to this need. In fact, in some areas of the country, between 50 and 80 percent of all pre-hospital care is provided by trained volunteer personnel.

Providers of emergency medial services include emergency physicians, nurses, emergency medical technicians, paramedics, educators, administrators, and lay people who have learned CPR and other medical stablization procedures. These men and women, dedicated to the health and welfare of millions of Americans every day, deserve our recognition.

The dedication of September 18–24, 1990, as Emergency Medical Services Week will help provide our EMS providers with this well-deserved recognition, while creating an important opportunity for greater public education about accident prevention and medical emergency management.

I urge my colleagues to consider the importance of this resolution to the health and well-being of all Americans, and to join me in supporting its prompt passage.

By Mr. AKAKA (for himself and Mr. INOUYE):

S.J. Res. 360. Joint resolution to apologize to the Hawaiian people for the overthrow of the Kingdom of Hawaii in 1893 and to declare the trust relationship between the U.S. Government and the native people of Hawaii; to the Committee on Governmental Affairs.

APOLOGY FOR THE OVERTHROW OF THE KINGDOM OF HAWAII

● Mr. AKAKA. Mr. President, it is a deep honor and privilege for me to introduce legislation to formally apologize to the Hawaiian people for the overthrow of the Kingdom of Hawaii and to declare a trust relationship between the United States Government and the Native people of Hawaii.

Mr. President, it was nearly a century ago that the Kingdom of Hawaii was overthrown by an annexation party calling itself the Committee of Safety, and was accompanied by U.S. Armed Forces, consisting of one company of Marines and two companies of sailors, numbering over 100 men. On orders of the United States Minister, John L. Stevens, American troops landed in Honolulu on January 16, 1893, and blockaded the Queen's palace, denying the leadership access to the government building which allowed the insurrectionists to occupy the government building.

Even before the takeover of the Hawaiian Government was complete, the U.S. Minister recognized the new "Provisional Government as the de facto government of the Hawaiian Islands". The Queen was forced to abdicate but did so under protest and subject to a later review of the situation by the American Government. To ensure order, the Marines took custody of the government building and raised the American flag, signifying the demise of the existing government. Queen Lili'uokalani, beloved by her people, refused to risk the lives of her citizens and never stopped believing that the United States would recognize its error and restore her government.

Native Hawaiians were citizens of an aboriginal nation with internal and external attributes of sovereignty. If not for the actions of the United States and its agents in 1893, Native Hawaiians would still be citizens of such a nation and would still exercise those self-governing rights. Native Hawaiians were deprived of the most basic right of nationhood—the right to exist. Those actions were a clear violation of the Hawaiian Kingdom's right to independence and the principle of nonintervention in the affairs of another nation. Additionally, those actions subsequently led to annexation of Hawaii by the United States and to the Federal Government's acquisition of approximately 2 million acres of native land. All of this was accomplished in spite of overwhelming opposition by Native Hawaiians.

In formally acknowledging the wrongdoing of the actions of the United States, the duty then arises on the part of the United States to assume a fiduciary relationship between the Native Hawaiians and the United States. As with other native groups, a portion of the aboriginal lands acquired by the United States was specifically set aside in trust for the protection and rehabilitation of the people whose lands were taken. The second major piece of legislation establishing a trust relationship between the United States and Native Hawaiians is Hawaii's Admission Act, under which the Federal Government gave the fee title to ceded lands—those lands obtained at the time of annexation—to the State, but specified five trust purposes for which those lands and the proceeds and incomes generated therefrom could be used. Among those purposes was the betterment of the conditions of Native Hawaiians. Additionally, the Hawaii Admission Act provides that failure to use the lands and funds as specified "shall constitute a breach of trust, for which suit by the United States may be brought." By placing these restrictions upon the State's use of ceded lands, which originally were the Government and Crown lands acquired by the Federal Government at the time of annexation, the United States implicitly recognized its obligation to the native people of Hawaii.

The United States has continued to recognize Native Hawaiians as an aboriginal group in numerous legislative acts since 1959, including the Administration for Native Americans Act, the American Indian Religious Freedom Act, the Native Hawaiian Education Act, the Native Hawaiian Health Act and others.

Mr. President, the Hawaiian people were dealt a severe psychological blow when their kingdom was overthrown. The fact that the United States has never acknowledged its action or apologized for its insurrection has deepened the wound as exemplified by the poor socio-economic status of Native Hawaiians. Apologizing to the descendants of Native Hawaiians who suffered the loss of their Queen and the sovereignty they have and should continue to enjoy will begin the process of healing the wounds. It is with deep humility that I stand before you on behalf of my people to request this simple but important gesture. I hope we will not have to wait any longer to begin to correct this fundamental injustice that was done to the Hawaiian people nearly 100 years ago.●

● Mr. INOUYE. Mr. President, it is with great honor that I join my colleague, Senator AKAKA, in sponsoring a resolution to apologize to the Hawaiian people for the overthrow of the Kingdom of Hawaii and to declare formally that there is a trust relationship between the U.S. Government and the Native Hawaiian people.

Mr. President, this apology is long overdue. Although it was nearly 100 years ago that the U.S. Government, through the intervention of American Armed Forces, assured the overthrow of the Hawaiian Kingdom, the scars

on the Native Hawaiian people remain. During the first two decades of the 20th century, the already depressed economic conditions of Native Hawaiians deteriorated further, and thus the U.S. Congress enacted the Hawaiian Homes Commission Act to rehabilitate Native Hawaiians by returning them to a pastoral life.

Overall, Native Hawaiians have a death rate that is 34 percent higher than the death rate for the United States all races. While diseases of the heart and cancer account for more than half of all deaths in all races in the general population, the death rate is even higher in Hawaiian and part-Hawaiian populations. Yet history has shown Hawaiians to be a healthy, robust population prior to European contact.

The deep psychological and physical damage that was done to the Native Hawaiians as a result of the loss of their Kingdom will not be undone by an acknowledgement of the illegal activities of the U.S. Government committed 100 years ago or by an apology today. Yet it is crucial that the gesture be made and that the United States formally recoginize what it has done. Only then can we begin the healing. I congratulate Sentor AKAKA on his introduction of this measure.●

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 849

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 982

At the request of Mr. REID, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths, and for other purposes.

S. 1007

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1007, a bill to amend title 23, United States Code, regarding the reduction in apportionment of Federal-aid highway funds to certain States, and for other purposes.

S. 1273

At the request of Mr. BOREN, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Vermont [Mr. JEFFORDS], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. SHELBY], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1636

At the request of Mr. BRYAN, the names of the Senator from California [Mr. CRANSTON] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1636, a bill to amend the Internal Revenue Code of 1986 to extend the period for issuing small issue bonds for manufacturing facilities through 1991.

S. 1651

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States Organization.

S. 1808

At the request of Mr. BREAUX, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1808, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 2258

At the request of Mr. BRYAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2258, a bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998.

S. 2283

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 2283, a bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes.

At the request of Ms. MIKULSKI, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 2283, supra.

S. 2313

At the request of Mr. BIDEN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2313, a bill to provide emergency Federal assistance to drug emergency areas.

S. 2415

At the request of Mr. DOMENICI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2415, a bill to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Act of 1978.

S. 2462

At the request of Mr. WIRTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2462, a bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes.

S. 2663

At the request of Mr. MCCAIN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2663, a bill to provide increased and special benefits to individuals involuntarily separated from the Armed Forces, and for other purposes.

S. 2664

At the request of Mr. BENTSEN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 2664, a bill to provide disaster assistance for agricultural producers, and for other purposes.

S. 2689

At the request of Mr. HEINZ, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2689, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of the costs of home hemodialysis staff assistance, and for other purposes.

S. 2796

At the request of Mr. COHEN, the name of the Senator from Oregon [Mr. HATFIELD] was added as cosponsor of S. 2796, a bill to amend title IV of the Higher Education Act of 1965 to allow resident physicians to defer repayment of their title IV student loans while completing a resident training program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association.

S. 2801

At the request of Mr. DOLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2801, a bill to direct the Secretary of Health and Human Services to phase in the update to the area wage index used to determine the amount of payment made to a hospital under part A of the Medicare Program for the operating costs of inpatient hospital services for inpatient discharges occurring during fiscal year 1991, and for other purposes.

S. 2806

At the request of Mr. HEINZ, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2806, a bill to redesignate the Interstate Highway System as the Dwight D. Eisenhower Interstate Highway System.

S. 2819

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. LEVIN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 2819, a bill to amend title XVIII of the Social Security Act to provide coverage of services rendered by community mental health centers as partial hospitalization services, and for other purposes.

S. 2903

At the request of Mr. BOND, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2903, a bill to establish a National Commission on Financial Institution Reform, Recovery, and Enforcement.

S. 2936

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2936, a bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes.

SENATE JOINT RESOLUTION 263

At the request of Mr. HELMS, the names of the Senator from Georgia [Mr. NUNN] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day."

SENATE JOINT RESOLUTION 284

At the request of Mr. BYRD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Colorado [Mr. WIRTH], the Senator from Oklahoma [Mr. NICKLES], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 284, a joint resolution to designate the week beginning September 16, 1990 as "National Give the Kids a Fighting Chance Week."

SENATE JOINT RESOLUTION 342

At the request of Mr. SIMON, the names of the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 342, a joint resolution designating October 1990 as "Ending Hunger Month."

SENATE JOINT RESOLUTION 351

At the request of Mr. BYRD, the names of the Senator from California [Mr. CRANSTON], the Senator from North Carolina [Mr. HELMS], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 351, a joint resolution to designate the month of May 1991, as "National Trauma Awareness Month."

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. REID], the Senator from California [Mr. CRANSTON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Nevada [Mr. BRYAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. AKAKA], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Oregon [Mr. HATFIELD], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from Iowa [Mr. HARKIN], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. MACK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from West Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. KERRY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution to recognize the uniqueness of and express strong support for the maritime policy of the United States, and to urge the President in the strongest possible terms to ensure that the United States does not propose maritime transportation services for inclusion in the General Agreement of Tariffs and Trade discussions and that any proposal that would consider maritime transportation as an area for negotiation is actively opposed by the United States.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the names of the Senator from Kentucky [Mr. FORD] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 296

At the request of Mr. ROTH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from California [Mr. CRANSTON], the Senator from Tennessee [Mr. GORE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Resolution 296, a resolution to express the sense of the Senate to the support of Taiwan's membership in the General Agreement on Tariffs and Trade.

SENATE RESOLUTION 313

At the request of Mr. LAUTENBERG, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 313, a resolution relating to Vladimir Tsivkin.

SENATE CONCURRENT RESOLUTION 144—ACCOUNTING FOR AMERICANS MISSING IN ACTION

● Mr. ARMSTRONG (for himself and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 144

Expressing the sense of the Congress regarding the need to account as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to secure the return of Americans who may still be held captive in Southeast Asia.

Whereas nearly 2,300 Americans are still missing or otherwise unaccounted for in Southeast Asia;

Whereas by not knowing the fates of their loved ones, the families of those unaccounted for in Southeast Asia have suffered tremendous hardship;

Whereas the United States is committed to resolving the fates of Americans unaccounted for in Southeast Asia as a matter of the highest national priority; and

Whereas the United States must consistently reaffirm that commitment and fulfill its promise to the families of the Americans unaccounted for in Southeast Asia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should—

(1) continue to give the highest national priority to accounting as fully possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to securing the return of any Americans who may still be held captive in Southeast Asia;

(2) ensure that there is a viable, sustained process of joint cooperation with the Socialist Republic of Vietnam and the Lao People's Democratic Republic to achieve credible answers for the families of America's servicemen and civilians who are missing or otherwise unaccounted for, including pri-

mary-next-of-kin access to all records and information resulting from the process of joint investigations, surveys, and excavations;

(3) develop a means to obtain the fullest possible accounting for Americans who are listed as missing or otherwise unaccounted for in Cambodia, without placing this humanitarian objective into conflict with United States efforts to obtain an acceptable political settlement of the Cambodian situation; and

(4) heighten responsible public awareness of the Americans still missing or otherwise unaccounted for in Southeast Asia through the dissemination of factual data.●

● Mr. ARMSTRONG. Mr. President, I rise today with my distinguished colleague from Arizona, Senator MCCAIN, to introduce a resolution here in the Senate that was introduced in the House of Representatives by my dear friend and colleague, Congressman HANK BROWN. HANK, along with Congresswoman LYNN MARTIN, introduced this resolution which expresses the sense of Congress that the Federal Government must continue to give the highest national priority to accounting for the 2,303 Americans still missing in Southeast Asia.

This resolution comes at an important time in our history. Vietnam, Laos, and Cambodia all, in various ways, seek our support, our trade or our friendship. We must be clear that in the case of these nations, not only will we require their progress toward freedom, democracy, and increased human rights for their own peoples before we can extend our assistance, but we will also require the aid of these governments to resolve the many questions surrounding those still carried as "Missing In Action."

Over the last 2 years, the heartrending uncertainty faced by families of these missing servicemen has taken on a particularly personal note, as Hank and I and others have assisted Mrs. Lillian (Grace) Bickel in her quest to find out the facts surrouding her husband's disappearance in Laos during the Vietnam conflict. Maj. Jim Grace was an Air Force pilot, known for his steely nerves and his extreme devotion to his country. On June 14, 1969, Major Grace left his base on a bombing run from which he never returned. His plane was irreparably damaged by antiaircraft fire and Major Grace and his copilot were forced to eject over the dense Laotian jungle. According to Air Force witnesses, although an attempt was made to retrieve him, Grace fell from the rescue hoist and disappeared into the jungle.

Meanwhile, this incomplete account of Grace's possible death coupled with an unidentified photo of an American prisoner of war has haunted Mrs. Bickel. She and her two children have anguished over the possibility that her husband, their father, may still be alive, held somewhere in Southeast Asia against his will. Only with cooperative efforts by the Lao Government will the mystery of Major Grace's death or secret detention be put to rest. Only through the assistance of the governments of these tiny nations will the uncertainty and accompanying anguish of many American families be extinguished.

It is with great hope I introduce this resolution. With the hope it will send a continuing message of American concern about the resolution of these very sensitive cases. And with the hope of eventual relief for the many American families suffering quietly from uncertainty. I commend Congressman HANK BROWN for his leadership and statesmanship on this very important issue. I urge my colleagues to pass this resolution quickly.●

● Mr. MCCAIN. Mr. President, much consideration has been given lately to how the United States can best affect progress toward peace and stability in Indochina. Often lost in our recent deliberations, has been discussion of how the nations of Indochina that seek improved relations with the United States can best affect American attitudes toward their governments. In short, better relations with Vietnam, Cambodia, and Laos depend upon their cooperation in obtaining the fullest possible accounting for the thousands of Americans who remain missing in action in Southeast Asia. This resolution, Mr. President, seeks to reassert the primacy of Congress' concern for American MIA's in all our discussions of U.S. policies in the region.

I have no doubt that if the Government of Vietnam, Cambodia, and Laos wanted to resolve this outstanding issue, they could do so immediately. We must convince them that it is in their best interest do do so. Until they do, the issue will remain an unbreachable impediment to normal relations with the United States. It is incumbent upon American public officials to impress upon these Southeast Asian governments how seriously committed we and the people who elect us are to the resolution of this matter. This legislation is evidence that Congress takes that obligation seriously.

I can assure my colleagues that this resolution's message will not be misunderstood by its intended audience. Eager for better relations, the highest governing circles of Vietnam, Cambodia, and Laos take very serious notice of congressional expressions on any aspect of our relationships with their countries.

Mr. President, we are elected to represent the concerns of our constituencies. Ask any American what issue should be first addressed in discussions with Southeast Asian governments and the answer almost invariably is MIA's. The U.S. Congress must frequently and without qualifications make clear to the governments of Southeast Asia that resolution of the question which animates so many American attitudes on Southeast Asia will remain the impetus for American policies in the region.

It is with these responsibilities in mind that I join Senator ARMSTRONG to introduce this resolution. And I want to commend my good friend in the other body, Representative HANK BROWN, for the devotion he showed to the cause of America's missing in action by first introducing this measure in the House. His compassion on the subject is appreciated by all those who want to provide relief to the thousands of American families who still suffer from a cruel uncertainty. They know only that their sons, husbands, fathers, and brothers left one day for Southeast Asia and that they did not return. They do not know why. We must help them answer that question. This resolution is a step in that direction. I urge my colleagues to quickly and favorably consider it.●

SENATE CONCURRENT RESOLUTION 145—RELATIVE TO THE TWO HUNDREDTH ANNIVERSARY OF THE ADOPTION OF THE POLISH CONSTITUTION

Mr. NUNN (for Mr. MITCHELL, for himself, Mr. DOLE, Mr. DOMENICI, and Mr. SIMON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

Whereas, the Polish Constitution of 1791 was designed to protect Poland's sovereignty and national unity, and replaced a feudal system of rule in Poland with a progressive constitutional monarchy;

Whereas, the Polish Constitution secured individual freedom for all persons in Poland and guaranteed religious tolerance by assuring "to all persuasions and religions freedom and liberty", and formed a government composed of three distinct powers: Legislative, Executive, and Judicial, while declaring that "all power in civil society should be derived from the will of the people";

Whereas, the Polish Constitution revitalized the parliamentary system by placing preeminent lawmaking power in a House of Deputies, by subjecting the legislative Diet to majority rule, and by granting the Diet the power to remove ministers, appoint commissars, and choose magistrates;

Whereas, the Polish Constitution provided for significant economic, social, and political reforms for its time by removing inequalities between the nobility and bourgeois, recognizing town residents as "freemen" that had judicial autonomy and expanded rights, and extending the protection of law to the peasantry, which previously had no recourse against the arbitrary action of fuedal lords;

Whereas, the Polish Constitution endured and became the symbol around which a powerful new national consciousness was born, helping the Polish nation to survive long periods of misfortune over the next two centuries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the people of the United States of America salute and congratulate the people of Poland as they commemorate the two-hundredth anniver-

sary of the adoption of the Polish Constitution on May 3, 1991, and recognize that Poland's rebirth as a free nation is supported by the legacy of the Polish Constitution of 1791;

SEC. 2. The Library of Congress is authorized and directed to commemorate this anniversary with appropriate ceremonies and activities.

SEC. 3. The President is requested to issue a proclamation calling upon the Governors of the several States, the chief officials of local governments, and the people of the United States to observe this anniversary with appropriate ceremonies and activities.

SEC. 4. The Secretary of the Senate is directed to transmit copies of this resolution to the President, the Secretary of State, and the Marshalls of the Senate and Sejm of Poland.

SENATE RESOLUTION 319—RELATING TO THE RETURN OF THE WILLAMETE METEORITE TO THE STATE OF OREGON

● Mr. PACKWOOD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 319

Whereas in 1902, the nation's largest meteorite, known as the "Willamette Meteorite", was found 2 miles west of the city of Willamette, Oregon, on land owned by the Oregon Iron and Steel Company;

Whereas in 1904, the Willamette Meteorite was determined to be the legal property of the Oregon Iron and Steel Company;

Whereas in 1905, the Willamette Meteorite was displayed at the Lewis and Clark Exposition in Portland, Oregon, and then Governor George Earle Chamberlain of Oregon declared that the meteorite always remain within the State;

Whereas in 1906, the Willamette Meteorite was sold to a resident of the State of New York by the Oregon Iron and Steel Company, was subsequently donated to a New York museum, and is presently on display at the American Museum of Natural History's Hayden Planetarium in New York City;

Whereas a group known as the "Help End Willamette Meteorite Absence Committee" (HEWMAC), established by students from the Forest Hills Elementary School in Lake Oswego, Oregon, is presently campaigning to bring the Willamette Meteorite back to Oregon;

Whereas Oregonians, including a coalition of Oregon City businessmen, have attempted without success to have the Willamette Meteorite returned to the State of Oregon for more than 50 years; and

Whereas the Oregon Museum of Science and Industry, scheduled to relocate to new facilities in the city of Portland in 1992, would be an ideal location to display the Willamette Meteorite: Now, therefore, be it

Resolved, That the United States Senate supports the efforts of HEWMAC to have the Willamette Meteorite returned for display to its place of discovery in the State of Oregon.●

● Mr. PACKWOOD. Mr. President, as early as 1880, when local native Americans attributed supernatural powers to the rock, the Willamette Meterorite has had special significance for Oregonians. As the largest meteorite ever discovered in the United States, it has been a source of pride for us. Despite regional enthusiasm, however, the meteorite was sold to a resident of New York City, and in 1936 became part of the Hayden Planetarium collection.

In 1990, the third graders at Forest Hills Elementary School in Lake Oswego, OR, formed a committee, the Help End Willamette Meteorite Absence Committee [HEWMAC], in an effort to return the meteorite to Oregon. The resolution I am introducing today is intended to help these third graders in their quest. Our goal is to see the Willamette Meteorite returned for display to its place of discovery in the State of Oregon.

I am proud of the efforts of these third graders. These young citizens have learned an important lesson in the value of political activism and the difference individuals can make within their communities. I hope they will be successful in their efforts to return the Willamette Meteorite to Oregon for display. I will work with them every step of the way.●

SENATE RESOLUTION 320—RELATIVE TO EUROPEAN CONTROL OF CHEMICALS USED IN PROCESSING OF ILLEGAL DRUGS

Mr. BRYAN (for himself, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. KERRY, Mr. DECONCINI, Mr. REID, Mr. BURNS, and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 320

Whereas it is widely known that chemicals are critical in the processing of illegal narcotics, that chemicals produced worldwide are shipped to Colombia, and that more than 40 percent of these chemicals are being diverted to the drug cartels;

Whereas the United States took positive action in 1988 by passing the Chemical Diversion and Trafficking Act which gives the Drug Enforcement Administration the authority to stop shipments of chemicals not destined for legitimate industrial, commercial, or scientific use;

Whereas the importance of the effort by the United States to control exports of these chemicals is illustrated by the fact that following passage of an earlier Senate Resolution, President Bush raised the issue of chemical control at the drug summit in Houston in July 1990;

Whereas an escalated effort by Latin American countries to restrict imports, exports, and production of chemicals is demonstrated by the recommendations for model regulations to control chemicals used in the processing of cocaine passed by the General Assembly of the Organization of American States in June 1990;

Whereas according to a recent Drug Enforcement Administration report, while United States exports of essential chemicals to Colombia have declined, exports from Europe increased 340 percent;

Whereas it is vital to the worldwide anti-drug abuse effort that chemicals used to process narcotics are controlled and monitored at the source; and

Whereas the Council of Ministers of the European Communities is currently considering a directive for the control of chemicals which, if adopted, would be binding on each member country in the European Community for use as its domestic chemical control legislation: Now, therefore, be it

Resolved, That the Senate—

(1) urges the European Communities' Council of Ministers to adopt a directive that would impose controls as strict as those in current United States law on precursor and essential chemicals used in the production of cocaine, heroin, and other clandestinely produced drugs; and

(2) urges the chemicals producing nations of England, Finland, France, Holland, Italy, Spain, and the Federal Republic of Germany to work with the Drug Enforcement Administration and the international Narcotics Control Board to draft and enact laws as strong as the United States chemical diversion laws.

Mr. BRYAN. Mr. President, I rise today to submit a sense-of-the-Senate resolution urging the European Communities' Council of Ministers to adopt a directive that will impose controls as strict as those in current U.S. law on precursor and essential chemicals used in the production of cocaine and heroin.

The Chemical Diversion and Trafficking Act of 1988 and its regulations on exports of percursor and essential chemicals became effective November 1, 1989. The Chemical Diversion Act covers 12 precursor chemicals—chemicals which must be used in drug manufacturing, and 8 essential chemicals—chemicals that may be used in the processing of drugs.

Exporters of these chemicals must clear their customers in advance with the Drug Enforcement Administration or give DEA 15 days notice prior to shipment. The DEA has the authority to stop a shipment, if the DEA has reason to believe the customer does not have a legitimate need for the chemical.

Mr. President, on February 8, 1990, the Senate passed a sense-of-the-Senate resolution urging President Bush to raise the critical issue of chemical diversion to narcotics producers at the international drug summit in Cartagena.

Since that time, we have made substantial progress in this area. U.S. exports to South America of the essential chemicals used to make cocaine are down from 90,000 metric tons to 40,000 metric tons. However, European exports of essential chemicals to Colombia increased 340 percent. It is clear that the Europeans have filled the void. The U.S. Congress did not pass strict controls on American chemical producers only to see the West European producers reap immense profits.

In June, the General Assembly of the Organization of American States approved a model regulation on chemical diversion which obliges all those who manufacture, trade, or use the 15

precursor chemicals listed to obtain an express permit from the Government. It is evident that the countries of the Western Hemisphere are committed to controlling this flow of chemicals. Regardless, we do not operate in a vacuum. It is imperative that the European nations join us in our effort.

There is some reason to be hopeful. A proposed directive under consideration as part of the EC 92 program will subject some precursor chemicals to notification and seizure. However, control of the essential chemicals used to process cocaine relies solely on voluntary compliance. Unless essential chemicals are strictly controlled, the directive is of little value.

Mr. President, the U.S. Senate has a firm record on restricting chemical diversion. The Senate recently included a measure in the omnibus crime bill cosponsored by Senators Mitch McCONNELL, JOHN KERRY, and myself which calls for the administration to enter into negotiations on controlling foreign sources of chemicals necessary for the production of cocaine. The legislation provides the President with the power to ban foreign producers of chemicals from the American market if they do not assist U.S. efforts to control these chemicals.

Our message to the European chemical producers is help us control the flow of chemicals to the drug cartels or sacrifice the American market.

The scourge of drugs must be stopped. It is critical that all nations work together on this problem. Our European allies must enact strong and comprehensive laws to control the export of these chemicals. I urge my colleagues to pass this resolution. Effective measures are needed to prevent the diversion of precursor and essential chemicals.●

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

WIRTH (AND OTHERS) AMENDMENT NO. 2514

Mr. WIRTH (for himself, Mr. GLENN, Mr. ADAMS, Mr. AKAKA, Mr. BRADLEY, Mr. CRANSTON, Mr. METZENBAUM, Mr. PACKWOOD, Mr. SIMON, Mr. DODD, and Mr. CHAFEE) proposed an amendment to the bill (S. 2884) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, as follows:

On page 91, between lines 5 and 6, insert the following:

SEC. 705. REPRODUCTIVE HEALTH SERVICES IN UNIFORMED SERVICES MEDICAL FACILITIES.

(a) MEMBERS OF THE UNIFORMED SERVICES.—Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A member of the uniformed services stationed outside the United States is entitled to the provision of any reproductive health service in a facility of the uniformed services outside the United States in the same manner as any other type of medical care if the provision of such service is not prohibited under United States law.

"(2)(A) The administering Secretaries shall require a member of the uniformed services referred to in paragraph (1) to pay the cost, including all indirect costs, for any reproductive health service provided to such member in a facility referred to in such paragraph if payment for such service out of appropriated funds is not permitted. Appropriated funds shall be deemed not to have been used for providing a reproductive health service if such service is paid for pursuant to the requirement imposed under this paragraph.

"(B) Amounts paid under this paragraph for provision of a reproductive health service to a member of the uniformed services in a facility of the uniformed services shall be credited to the appropriation account for the provision of care under this chapter by facilities of the uniformed services, shall be merged with funds in such account, and shall be available for the purpose for which funds in such account are available but may be obligated and expended only by or for the facility in which the service was provided.".

(b) DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES.—Section 1077 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(d)(1) A dependent of a member of the uniformed services stationed outside the United States, if such dependent is accompanying such member outside the United States, is entitled to the provision of any reproductive health service in a facility of the uniformed services outside the United States in the same manner as any other type of medical care if the provision of such service is not prohibited under United States law.

"(2)(A) The administering Secretaries shall require a member of the uniformed services referred to in paragraph (1) to pay the cost, including all indirect costs, for any reproductive health service provided to a dependent of such member in a medical facility referred to in such paragraph if payment for such service out of appropriated funds is not permitted. Appropriated funds shall be deemed not to have been used for providing a reproductive health service if such service is paid for pursuant to the requirement imposed under this paragraph.

"(B) Amounts paid under this paragraph for provision of a reproductive health service to a dependent of a member of the uniformed services in a facility of the uniformed services shall be credited to the appropriation account for the provision of care under this chapter by facilities of the uniformed services, shall be merged with funds in such account, and shall be available for the purposes for which funds in such account are available but may be obligated and expended only by or for the facility in which the service was provided.".

CONRAD (AND OTHERS) AMENDMENT NO. 2515

Mr. CONRAD (for himself, Mr. DASCHLE, and Mr. METZENBAUM) proposed an amendment to the bill S. 2884, supra, as follows:

On page 181, line 18, strike out "261,855" and insert in lieu thereof "231,855".

On page 182, between lines 9 and 10, insert the following:

(c) RELATIONSHIP TO AUTHORIZED END STRENGTHS FOR THE ARMED FORCES.—(1) The total number of the authorized end strengths provided in subsection (a) of section 401 and the total number of the authorized end strengths provided in subsection (b) of such section are each reduced by 30,000. The Secretary of Defense shall allocate the total reduction to the authorized end strengths provided in each such subsection as the Secretary considers appropriate.

(2) In the event of a waiver pursuant to subsection (b), the number specified in the first sentence of paragraph (1) shall be reduced by the number, if any, by which the total number of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) on September 30, 1991, exceeds the number provided in section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), as amended pursuant to subsection (a).

MURKOWSKI (AND OTHERS) AMENDMENT NO. 2516

Mr. MURKOWSKI (for himself, Mr. BENTSEN, Mr. MCCLURE, Mr. NICKLES, Mr. GRAMM, Mr. BURNS, Mr. SYMMS, Mr. STEVENS, Mr. DOMENICI, Mr. GARN, Mr. SIMPSON, Mr. BREAUX, Mr. BOREN, Mr. CONRAD, Mr. WALLOP, and Mr. DOLE) proposed an amendment to the bill S. 2884, supra, as follows:

DIVISION D—NATIONAL ENERGY SECURITY

TITLE XLI—NATIONAL ENERGY SECURITY

SEC. 4101. SHORT TITLE.

This title may be cited as the "National Energy Security Act of 1990".

SEC. 4102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(a) the United States is the leader of the free world and has worldwide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports;

(5) increasing dependence on foreign oil imports has and continues to impose severe risks to the lives of United States service men and women and unacceptable costs to the national defense; and

(6) an emergency national energy security plan should be developed and implemented to ensure that adequate supplies of energy shall be available at all times free of the threat of embargo or other foreign hostile acts.

(b) PURPOSE.—The purpose of this title is to establish an emergency national energy security plan designed to reduce United States dependence on foreign oil suppolies to a level which does not pose an unacceptable threat to the national security.

SEC. 4103. DUTIES OF THE PRESIDENT.

(a) ESTABISHMENT OF CEILING.—There is established a national oil import ceiling (referred to in this title as the "ceiling level") of foreign crude and oil product imports at 50 percent of United States consumption.

(b) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection which shall contain a forecast of domestic oil and natural gas liquid demand and production, and imports of crude and oil product for the subsequent year. The report shall indicate the likelihood of foreign crude and oil product imports exceeding the ceiling level during the next year and the actions which the President will take to maintain crude and oil product imports below the ceiling level.

(2) At the time of the budget transmitted under Section 1105(a) of title 31, United States Code, by the President to the Congress, the projection prepared pursuant to paragraph (1) shall be presented to Congress with a description of the actions which the President would take under Section 4104.

SEC. 4104. NATIONAL ENERGY PRODUCTION AND SECURITY ACTION PLAN.

(a) ESTABLISHMENT OF ACTION PLAN.—The President shall at all times monitor the level of foreign crude and oil product imports as a share of United States oil consumption. Upon a finding that the ceiling level has been exceeded for any six months within any continuous twelve-month period, the President shall within 30 days submit an Energy Production and Security Action Plan (referred to in this title as the "Action Plan") to the Speaker of the House of Representatives and the President of the Senate. The Action Plan shall indicate specific actions to be taken to reduce crude and product imports below the ceiling level. Notwithstanding any other provision of law, the Action Plan shall be immediately implemented by the President upon enactment of a joint resolution by the Congress approving the Action Plan.

(b) ACTION PLAN.—The Energy Production and Security Action Plan shall include but not be limited to—

(1) a certification by the President that the ceiling level has been exceeded;

(2) a list of Federal land tracts, offshore and onshore, in order of their potential for oil and gas discovery, including any Federal land outside units of the National Park System, currently off-limits to oil and gas leasing;

(3) a schedule for leasing the tracts identified in subparagraph (B) in order of their potential for oil and gas discovery, including number of tracts to be leased and the timing for individual lease sales;

(4) energy conservation actions including improved fuel efficiency for automobiles and the development and utilization of alternative transportation fuels; and

(5) production incentives for domestic oil and gas including recommendations on the imposition of oil import fees, royalty reductions, tax and other incentives for stripper well production and the production of offshore, frontier, and other oil produced with tertiary recovery techniques.

GLENN (AND OTHERS) AMENDMENT NO. 2517

Mr. GLENN (for himself, Mr. MCCAIN, Mr. KENNEDY, and Mr. BRADLEY) proposed an amendment to the bill S. 2884, supra, as follows:

On page 52, line 13, strike out "3.5 percent" and insert in lieu thereof "4.1 percent".

On page 39, line 12, strike out "$77,553,700,000" and insert in lieu thereof "$77,853,700,000".

THURMOND AMENDMENT NO. 2518

Mr. THURMOND proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place, add the following:

CHARTER

SECTION 1. The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

POWERS

SEC. 2. The 82nd Airborne Division Association, Incorporated (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall included—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for our Nation,

(2) furthering the common bond between retired and active members of the 82nd Airborne Division,

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members,

(4) promoting civic and patriotic activities, and

(5) promoting the indispensable role of airborne defense in our national security.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. (a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the consitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) 82nd Airborne Division Association, Incorporated.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the ac-

tivities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

SEC. 13. The right to amend, alter, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF STATE

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

McCONNELL AMENDMENT NO. 2519

Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 2884, supra, as follows:

Amend title XI, by adding new section 1103 as follows:

SEC. 1103. TRANSFER OF EXCESS DEFENSE ARTICLES.

Pursuant to Public Law 100-456, section 1208 and section 372 of title 10, United States Code, the Secretary of Defense shall review the availability of equipment resulting from the withdrawal of U.S. forces from Europe and Asia for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate state or local civilian law enforcement authorities.

BUMPERS (AND OTHERS) AMENDMENT NO. 2520

Mr. BUMPERS (for himself, Mr. CHAFEE, and Mr. EXON) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

"Notwithstanding any other provision of law, no funds may be obligated or expended to maintain in active service more than Iowa-class battleship after 30 September 1991;

"Furthermore, the Secretary of Defense shall conduct an analysis of the need for battleships to be used in situations arising in the Third World in which the full capabilities may not be needed or cannot be fully utilized and any other alternative use of the battleships due to the changing nature of the threat facing the United States and its allies.

NUNN (AND WARNER) AMENDMENT NO. 2521

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to amendment No. 2520 proposed by Mr. BUMPERS (and others) to the bill S. 2884, supra, as follows:

Strike out "1991;" and all that follows and insert in lieu thereof the following: "1991."

"Furthermore, the Secretary of Defense shall conduct an analysis of the need for battleships to be used in situations arising in the Third World in which the full capabilities may not be needed or cannot be fully utilized and any other alternative use of the battleships due to the changing nature of the threat facing the United States and its allies.

DeCONCINI (AND BRADLEY) AMENDMENT NO. 2522

Mr. DeCONCINI (for himself and Mr. BRADLEY) proposed an amendment to the bill S. 2884, supra, as follows:

On page 212, between lines 20 and 21, insert the following new section:

SEC. 1103. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) research studies strongly suggest that the incidence of drug abuse among women in general and women of childbearing age in the United States is increasing;

(2) drug-abusing women who have children traditionally experience significant barriers to drug abuse treatmet because most residential drug abuse treatment programs do not accommodate the children of such women;

(3) many women with children are either reluctant to seek the drug abuse treatment they need or are forced to put their children in State foster homes at a time when there is a severe shortage of people willing and able to provide foster care in the United States;

(4) for the first time since the turn of the twentieth century, orphanages are filling up primarily because of the growing drug problem; and

(5) there is mounting evidence that women whose children reside with them during treatment for drug abuse consistently stay in treatment longer than women separated from their children, thereby increasing the chances of recovery for women whose children reside with them during drug abuse treatment.

(b) PURPOSE.—It is the purpose of this section to attempt to rebuild economically disadvantaged drug-affected families by—

(1) reducing the barriers to successful drug abuse treatment for economically disadvantaged high-risk mothers by permitting such mothers to bring their children into residential drug abuse treatment programs with them, and

(2) teaching such mothers new behavior and employment skills which can help to break the cycle of drug addiction in the next generation.

(c) ESTABLISHMENT OF PROJECT.—Part A of the title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"SEC. 509H. MODEL RESIDENTIAL PROJECTS FOR ALCOHOL AND DRUG ABUSING WOMEN AND THEIR CHILDREN.

"(a) PROJECT AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office, shall make grants to establish not less than 5 projects in which addicted mothers in residential drug abuse treatment facilities are permitted to have their children reside with them during the course of such treatment. Such residential drug abuse treatment and prevention projects shall target economically disadvantaged addicted women and their children (age 10 years and younger) and shall offer child care, parenting and jobs skills, nutrition, and other health, social, education, and employment services as necessary.

"(2) PERIOD OF OPERATION.—The Secretary, acting through the Director of the Office, shall only award grants under this section for projects which will be operated for a period of at least 3 years.

"(b) APPLICATION.—Each entity desiring a grant under this section shall submit an application to the Director of the Office at such time, in such manner and accompanied by such information as the Director of the Office may reasonably require. Each such application shall include assurances that the mothers selected for participation in such project have been evaluated to ensure that such mothers are committed to remaining in drug abuse treatment and prevention projects assisted under this section.

"(c) EVALUATION.—The Director of the Office shall conduct evaluations to determine the effectiveness of the projects assisted under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of this of section.".

(d) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense for fiscal year 1990 and which remain unobligated on September 30, 1990, $100,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1991. Of such amount—

(1) $50,000,000 shall be available for the program established under section 509F of the Public Health Service Act; and

(2) $50,000,000 shall be available for the program established under section 509H of the Public Health Service Act (as added by the amendment made by subsection (c)).

ROTH (AND BIDEN) AMENDMENT NO. 2523

Mr. ROTH (for himself and Mr. BIDEN) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . PROHIBITION ON TRANSFER OF LANDS TO THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law and except as provided in subsection (b)—

(A) the Department of Defense may not procure, purchase, or otherwise acquire any lands; and

(B) a department or agency of the Federal Government may not transfer to, or make available for use by, the Department of Defense any lands under the jurisdiction of that department or agency.

(2) Funds made available to or for the use of the Army National Guard of the United States, the Air National Guard of the United States, or the Reserve components of the Armed Forces may not be used for

the procurement, purchase, acquisition, or transfer of any lands.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply—

(1) to the acquisition or transfer of any parcel of land involving 25 acres or less; or

(2) to lands that have been made available on a regular basis to the Department of Defense by a department or agency in any area before the date of the enactment of this section so long as (A) such lands are made available for the same purpose and for the same period of time as in previous years, and (B) the total acreage of the lands made available to the Department of Defense in that area after the date of the enactment of this section does not exceed the annual average number of acres made available to the Department of Defense by that department or agency in that area in the five years preceding the year in which this section is enacted.

(c) EXPIRATION OF PROHIBITIONS.—The prohibitions in subsection (a) shall expire on September 30, 1991.

ROTH AMENDMENTS NOS. 2524 AND 2525

Mr. ROTH proposed two amendments to the bill S. 2884, supra, as follows:

AMENDMENT NO. 2524

At the appropriate place in the bill, insert the following new title:

TITLE —BASE CONVERSION

SEC. . DEFINITIONS

As used in this title:

(1) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(2) The term "Administrator" means the Administrator of General Services.

(3) The term "local community" means the incorporated town, village, city, or similar entity of the State in which a military installation is located or, if the military installation is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property on which the military installation is located.

SEC. . DISPOSITION OF PROPERTY

(a) IN GENERAL.—The real property constituting each military installation identified by the Secretary of Defense on January 29, 1990, as a military installation in the United States proposed to be closed by the Department of Defense shall, if such installation is closed, be disposed of as provided in this title.

(b) TRANSFER OF PROPERTY TO THE ADMINISTRATOR.—Thirty days after the date on which a military installation referred to in subsection (a) is officially closed by the Department of Defense, the Administrator shall have jurisdiction over the real property constituting the military installation.

(c) PRIORITY FOR DISPOSITION.—Within six months after a military installation referred to in subsection (a) has been closed, the Administrator shall offer title to the real property constituting the military installation to the local community concerned. Title to the property shall be offered subject to the conditions prescribed in this title.

(2) If the local community concerned refuses the property, or fails to notify the Administrator of the community's acceptance of the property within six months after the date on which the Administrator notifies the community in writing of the availability of the property (and the conditions under which the property will be granted to the community), the Administrator shall offer the property to the county in which the military installation is located.

(3) If the county refuses the property, or fails to notify the Administrator of the county's acceptance of the property within three months after the date on which the Administrator notifies the county in writing of the availability of the property (and the conditions under which the property will be granted to the county), the Administrator shall offer the property to the State in which the military installation is located.

(4) If the State refuses the property, or fails to notify the Administrator of the State's acceptance of the property within 60 days after the date on which the Administrator notifies the State in writing of the availability of the property (and the conditions under which the property will be granted to the State), the Administrator shall offer the property to other departments and agencies of the Federal Government.

(5) If no department or agency of the Federal Government requests the property within 30 days after the date on which the notice of the availability of the property is published in the Federal Register, the Administrator shall dispose of the property to the highest responsible bidder.

(d) PROPERTY LOCATED IN MORE THAN ONE LOCAL COMMUNITY.—In any case in which a military installation referred to in subsection (a) is located in more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the laws of the State concerned.

(e) PROPERTY LOCATED IN MORE THAN ONE COUNTY.—In any case in which a military installation referred to in subsection (a) is located in more than one county of a State and the real property constituting the installation is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

SEC. . CONDITIONS

(a) IN GENERAL.—Title to the real property constituting a military installation referred to in section (a) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Administrator, in such manner as the Administrator may prescribe, a plan under which the local community agrees—

(1) to reimburse the United States for the training or retraining of all Federal civilian employees whose employment is terminated as a direct result of the closing of the military installation concerned;

(2) to reimburse the United States for all severance payments made by the United States to employees described in paragraph (1) as a result of the closing of the military installation;

(3) to reimburse the United States for payments made to employees described in paragraph (1), in addition to any other payments to which they may be entitled, an adjustment allowance equal to one week's pay for each year employed, but not more than an amount equal to 10 weeks' pay;

(4) that if the property is sold by the local community, county, or State, as the case may be, within 25 years after the date of the conveyance of the property to the local community, county, or State, to pay to the United States an amount equal to 25 percent of the proceeds from the sale of the property after deducting the costs incurred in carrying out paragraphs (1), (2), and (3), (to the extent the costs have not been deducted from any proceeds referred to in paragraph (5));

(5) to pay to the United States 25 percent of any income realized by the local community, county, or State, as the case may be, from the rental or lease of the property during the first 25 years following the date of the conveyance of the property to the local community, county, or State, after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent that the costs have not been deducted from any proceeds referred to in paragraph (4));

(6) to make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under section ; and

(7) to such other terms and conditions as the Administrator determines necessary to prevent the local community, county, or State from entering into an arrangement that would postpone payment of part or all of the sale price of the property or postpone payment of part or all of the rental payments so as to avoid any payment to the United States required under paragraph (4) or (5).

(b) REQUIREMENTS REGARDING PLAN.—(1) Property referred to in section (a) may not be conveyed under this title to a local community, county, or State unless the plan submitted by the community, county, or State, as the case may be, is approved by the Administrator, in consultation with the heads of other appropriate departments and agencies.

(2) The Administrator may not approve a plan submitted by a local community, county, or State unless—

(A) the plan describes, in such manner as the Administrator may provide, the manner in which the benefits referred to in subsection (a) will be provided and the manner in which the other conditions prescribed in such subsection will be met by the local community, county, or State; and

(B) the Administrator determines on the basis of the information contained in the plan that there is a reasonable likelihood that the plan will be successful.

(c) APPROVAL OR DISAPPROVAL OF PLAN.—The Administrator shall review each plan submitted pursuant to subsection (b) and shall notify the local community, county, or State concerned of the approval or disapproval of the plan within 30 days after receipt of the plan. If the plan is disapproved, the Administrator shall specify the reasons for the disapproval and the changes necessary to obtain approval of the plan.

SEC. . FAILURE TO COMPLY WITH CONDITIONS.

If a local community, county, or State to which real property is conveyed pursuant to this title fails to comply with any condition provided for in this title, the Administrator, after providing written notice to the community, county, or State, as appropriate, may withhold from any payments otherwise payable to the community, county, or State under any Federal program, such amounts as may be necessary for the United States to meet the expenses of complying with the conditions provided for in section (a). The Administrator may provide any benefit described in section (a) to any employee referred to in paragraph (1) of that section in

any case in which a local community, county, or State, as the case may be, fails to provide that benefit.

SEC. . REVIEW BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct such reviews of the transactions carried out pursuant to this title as may be necessary to determine whether the transactions are in compliance with this title.

SEC. . REGULATIONS.

The Administrator shall prescribe such regulations as may be appropriate to carry out this title.

SEC. . AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

AMENDMENT No. 2525

At the appropriate place in the bill, insert the following new section:

SEC. . MODIFICATION OF REQUIREMENTS FOR NOTICE AND WAIT

Section 2687(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "300" and inserting in lieu thereof "1,000"; and

(2) in paragraph (2), by striking out "1,000" and inserting in lieu thereof "2,500".

WARNER AMENDMENT NO. 2526

Mr. WARNER proposed an amendment to the bill S. 2884, supra, as follows:

On page 356, lines 10 and 11, strike out "Northern Virginia Regional Correctional Commission" and insert in lieu thereof "Commonwealth of Virginia".

On page 356, lines 17 through 19 strike out "the Northern Virginia Regional Correctional Commission" and all that follows through "to be completed" and insert in lieu thereof "construction of a regional correctional facility on the land be completed".

On page 356, line 21, strike out "and".

On page 356, lines 22 and 23, strike out "by the Northern Virginia Regional Correctional Commission (or any successor governmental entity)".

On page 356, line 25, strike out the period and insert in lieu thereof "; and".

On page 356, below line 25, insert the following new subparagraph:

"(C) the Commonwealth of Virginia offer to Arlington County, Fairfax County, the City of Alexandria, Loudoun County, Fauquier County, Prince William County, Stafford County and Caroline County, Virginia, and any other Virginia county that the Commonwealth of Virginia may choose, the opportunity to participate in the governmental entity created under the law of the Commonwealth of Virginia to construct and operate the regional correctional facility.".

On page 357, strike out lines 1 through 5, and insert in lieu thereof "If a regional correctional facility is not constructed on the land conveyed pursuant to this section in accordance with paragraph (1)(A), such land is used for any purpose other than the purpose specified in paragraph (1)(B), or the counties referred to in paragraph (1)(C) are not offered the opportunity to participate in the entity referred to in such paragraph".

On page 357, line 18, strike out "public".

On page 357, lines 21 through 23, strike out "The cost of such survey shall be borne by the Northern Virginia Regional Correctional Commission.".

BUMPERS AMENDMENT NO. 2527

Mr. BUMPERS proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill insert the following:

"It is the sense of the Congress that the President should provide for the Speaker of the House, the President pro tempore of the Senate, the minority leaders of the House and Senate, and the chairmen and ranking minority members of the Armed Services and Appropriations Committees of the House and Senate to be given annually an overview presentation on the United States' top level military strategy and its implementation by strategic forces, including the impact on targeting requirements, resources, and force structure.".

KENNEDY (AND OTHERS) AMENDMENT NO. 2528

Mr. KENNEDY (for himself, Mr. WIRTH, Mr. HATFIELD, Mr. CRANSTON, Mr. KERRY, and Mr. ADAMS) proposed an amendment to the bill S. 2884, supra, as follows:

At the end of title XXXI (page 380, after line 12), add the following new part (and conform the table of contents accordingly):

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

SEC. 3135. PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS AND DISPOSAL OF NUCLEAR STOCKPILES.

(a) PRODUCTION BY THE SOVIET UNION.—Congress urges the President and the Supreme Soviet of the Soviet Union—

(1) to cease production by the Soviet Union of plutonium;

(2) to maintain the cessation in production by the Soviet Union of highly-enriched uranium for weapons that was announced on April 7, 1989.

(b) TECHNICAL ASPECTS OF FISSILE MATERIAL MONITORING AND NUCLEAR WARHEAD DISMANTLEMENT.—Should the President determine that future international agreements should provide for dismantlement of nuclear warheads and a ban on further production of fissile materials for weapons, then the Congress urges the President to seek to establish with the Soviet Union a joint technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the design and verification of these potential provisions.

(c) REPORT ON VERIFICATION TECHNIQUES.—(1) The Secretary of Energy, in consultation with the Secretary of Defense and in coordination with the Director of Central Intelligence, shall prepare a comprehensive technical report on the verification matters described in paragraph (2) of this subsection.

(2) The report shall describe the on-site monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify the actions of other nations with respect to the following:

(A) dismantlement of nuclear warheads in the event that a future agreement between the United States and the Soviet Union should provide for such dismantlement to be carried out in a mutually verifiable manner.

(B) a mutual U.S.-Soviet ban, leading to a multilateral, global ban on the production of additional quantities of plutonium and highly-enriched uranium for nuclear weapons.

(C) the end use or ultimate disposal of any plutonium and highly enriched uranium recovered from the dismantlement of nuclear warheads.

(3) In order to prepare the report required by paragraph (1) of this subsection, the Secretary of Energy, in coordination with the Director of Central Intelligence, shall establish a Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls, composed of preeminent government and nongovernment experts in the fields of radiation detection, nondestructive examination, nuclear safeguards, nuclear materials production, and nuclear warhead dismantlement. This committee, which shall be established not later than December 31, 1990, shall advise the Secretaries of Energy and Defense, and the Director of Central Intelligence on the availability, utilization, and further development of techniques which could be applied to the verification of the prospective actions described in paragraph (2) of this subsection.

(4) The report required by paragraph (1) shall be submitted to Congress not later than April 30, 1991. The report shall be submitted in unclassified form, with such classified appendices as may be necessary.

SEC. 3136. DEVELOPMENT AND DEMONSTRATION OF MEANS FOR WARHEAD DISMANTLEMENT VERIFICATION.

The Secretary of Energy may use funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1991 to carry out a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

SIMON AMENDMENT NO. 2529

Mr. SIMON proposed an amendment to the bill S. 2884, supra, as follows:

On page 72, line 15, strike out "section:" and insert in lieu thereof "sections:".

On page 74, line 9, strike out the end quotation marks and the period following the end quotation marks.

On page 74, between lines 9 and 10, insert the following:

"§ 1106. Temporary health coverage for persons voluntarily discharged or released from active duty

"(a) IN GENERAL.—The Secretary of Defense shall develop a program for providing health insurance coverage described in subsection (b) for—

"(1) members of the armed forces who are voluntarily discharged or released from active duty after completing two or more years of continuous service and who voluntarily enroll in such program; and

"(2) the dependents of such a member.

"(b) COVERAGE.—The health insurance provided under this section shall cover health conditions existing before the date of the discharge or release, including pregnancy existing before such date, for one year after such date.

"(c) PAYMENT OF PREMIUMS.—A member enrolled in such program shall be responsible for payment of the premiums required for the insurance coverage provided under the program.

"(d) CONTRACT.—The Secretary may enter into a contract with an insurance underwriter to furnish the health insurance under the program.".

On page 74, strike out the matter between lines 12 and 13 and insert in lieu thereof the following:

"1105. Temporary health coverage for persons involuntarily discharged or released from active duty.
"1106. Temporary health coverage for persons voluntarily discharged or released from active duty.".

SIMON (AND OTHERS) AMENDMENT NO. 2530

Mr. SIMON (for himself, Mr. MACK, Mr. GRAHAM, and Mr. DECONCINI) proposed an amendment to the bill S. 2884, supra, as follows:

On page 223, below line 24, insert the following new section:

SEC. 1216. PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA

(a)(1) PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA.—There is hereby established a presidential advisory committee to be known as the Presidential Advisory Committee for Policy Toward Cuba (hereafter in this section referred to as the "Advisory Committee"). The purpose of the Advisory Committee shall be to provide advice and recommendations relating to all aspects of United States policy toward Cuba.

(2) The Advisory Committee shall consist of seven members each of whom shall be citizens of the United States. The President shall appoint such members of the Advisory Committee not later than 60 days after the date of the enactment of this Act. Not more than four of such members may be from the same political party. Each member of the Advisory Committee shall serve for the life of the Advisory Committee.

(3) The President shall appoint one of the members of the Advisory Committee to serve as Chairman. The Advisory Committee shall meet as may be necessary, at the call of the Chairman, or at the call of two-thirds of the members of the Committee.

(4) The Secretary of State shall make available to the Advisory Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(b) PURPOSE.—(1) It shall be the purpose of the Advisory Committee to advise and make policy recommendations to the President and the Secretary of State on sound policies toward Cuba.

(2) In carrying out the purposes referred to in paragraph (1), the Advisory Committee shall—

(A) make recommendations relating to policy options to encourage freedom for the people of Cuba;

(B) propose a plan for providing appropriate assistance to the people of Cuba in the event the present government is changed; and

(C) make recommendations on immigration and trade between the United States and Cuba.

(c) REPORTS.—(1) The Advisory Committee shall submit annual reports detailing the advice and recommendations referred to in subsection (b).

(2) The Advisory Committee shall submit a final report detailing such advice and recommendations 30 days before its termination date.

(3) The Advisory Committee shall submit a copy of the report referred to in paragraphs (1) and (2) to the President, the Secretary of State, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

(d) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall apply to the Advisory Committee, except that—

(1) the meetings of the Advisory Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of policy toward Cuba; and

(2) meetings may be called of special task forces or other such groups made up of members of the Advisory Committee.

(e) OTHER ACTIVITIES BY MEMBERS OF ADVISORY COMMITTEE.—Nothing contained in this section may be construed to authorize or require any member of the Advisory Committee or any other individual to participate directly in any other official Government meeting on any matter referred to in subsection (b). To the maximum extent practicable, the members of the Advisory Committee shall be informed and consulted before and during any such meetings. Advisory Committee members may be designated as advisors to a United States delegation to such meeting and may be permitted to participate in other international meetings to the extent the President deems appropriate, except that they may not speak or negotiate for the United States at such meetings.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TERMINATION.—The Advisory Committee shall terminate 3 years after the date of enactment of this Act.

WARNER AMENDMENT NO. 2531

Mr. WARNER proposed an amendment to the bill S. 2884, supra, as follows:

On page 27, between lines 11 and 12, insert the following:

SEC. 321. ENVIRONMENTAL EDUCATION PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL

(a) REQUIREMENT TO ESTABLISH PROGRAM.—The Secretary of Defense shall establish a program for the purpose of educating Department of Defense personnel in environmental management.

(b) PROGRAM REQUIREMENTS.—Under the program, the Secretary shall—

(1) in consultation with environmental education personnel of colleges and universities in the United States that offer undergraduate and graduate level courses in a wide range of environmental disciplines, develop a curriculum of environmental management courses offered by such colleges and universities;

(2) provide opportunities for Department of Defense personnel to attend such courses at such colleges and universities; and

(3) develop the criteria for the selection of Department of Defense personnel to attend such courses.

(c) FISCAL YEAR 1991 FUNDING MATTERS.—Of the funds authorized to be appropriated pursuant to section 301, not more than $100,000 shall be available for the program established pursuant to subsection (a).

(d) RECOMMENDATIONS REGARDING CONTINUATION OF PROGRAM AFTER FISCAL YEAR 1991.—Not later than the date on which the President submits the budget for fiscal year 1992 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives in writing his recommendations regarding whether the program established under subsection (a) should be continued after September 30, 1991.

WARNER AMENDMENT NO. 2532

Mr. WARNER proposed an amendment to the bill S. 2884, supra; as follows:

On page——, line——, insert the following new section:

SEC. 3XX. USE OF OZONE DEPLETING SUBSTANCES WITHIN THE DEPARTMENT OF DEFENSE.

(a) DOD Requirements for Ozone Depleting Chemicals Other than CFC's—

(1) In addition to the functions of the committee designated by section 356(c) of the National Defense Authorization Act for fiscal year 1990, it shall be the function of the Committee to study (A) the use of methyl chloroform, hydrochlorofluorcarbons (HCFC's) and carbon tetrachloride by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the costs and feasibility of using alternative compounds or technologies for methyl chloroform, HCFC's, and carbon tetrachloride.

(2) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the committee with a list of all military specifications, standards, and other requirements that specify the use of methyl chloroform, HCFC's or carbon tetrachloride.

(3) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the committee with a list of all military specifications, standards, and other requirements that do not specify use of methyl chloroform, HCFC's or carbon tetrachloride.

(b) In preparing reports the committee shall work closely with the Strategic Environmental Research Program Council, and shall provide to the Strategic Environmental Research Program Council its reports and recommendation with respect to section (a).

(c) EXTENSION OF REPORTING DEADLINE FOR CFC'S.—The deadline for submitting a final report to the Congress concerning uses of CFC's, established in section 356(d) of the National Defense Authorization Act for fiscal year 1990, is hereby extended to June 30, 1991.

(d) REPORTING DEADLINE FOR METHYL CHLOROFORM, HCFC'S, and CARBON TETRACHLORIDE.—Not later than September 30,

1991, the Secretary shall submit to Congress a report containing the results of the study by the committee authorized under subsection (b)(1) of this section.

BUMPERS AMENDMENT NO. 2533

Mr. BUMPERS proposed an amendment to the bill S. 2884, supra, as follows:

On page 181, insert between lines 8 and 9 the following new section:

SEC. 854. PAYMENT OF MASS TRANSIT COSTS OF EMPLOYEES UNDER CERTAIN GOVERNMENT CONTRACTS

(a) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a regulation to provide that mass transit costs incurred by contractor employees in commuting to a place of performance of a contract for the Department of Defense may be treated in the same manner as parking costs of contractor employees are treated under such contract, to the extent that the Secretary deems appropriate, and consistent with otherwise applied cost principles.

(b) MASS TRANSIT COSTS.—The mass transit costs referred to under subsection (a) may include the cost of transit tokens, farecards, or other access devices for an employee commuting on mass transit.

(c) LIMITATION.—The mass transit costs payable to or for an employee under any contract described under subsection (a) may not exceed the parking costs which would be payable to or for an employee under such contract.

ADAMS (AND HATFIELD) AMENDMENT NO. 2534

Mr. LEVIN (for Mr. ADAMS, for himself and Mr. HATFIELD) proposed an amendment to the bill S. 2884, supra; as follows:

On page 380, between lines 12 and 13, insert the following:

SEC. 3135. FUNDING FOR REGISTERING, MONITORING, AND NOTIFYING PERSONS EXPOSED TO RADIONUCLIDES RELEASED FROM THE DEPARTMENT OF ENERGY HANFORD NUCLEAR RESERVATION, HANFORD, WASHINGTON.

Of the funds authorized to be appropriated to the Departmen of Engery pursuant to this title, the Secretary of Energy shall make available to the State of Washington $3,000,000, and to the State of Oregon and the State of Idaho $1,000,000 each for the following purposes:

(1) To implement one or more programs to register and monitor those persons who may have been exposed to radionuclides released from the Department of Energy Hanford Nuclear Reservation, Hanford, Washington, between the years of 1944 and 1972.

(2) To develop procedures for notifying each such person of the potential adverse health effects of such exposure and of any recommended course of medical action regarding such adverse health effects.

DOLE AMENDMENT NO. 2535

Mr. GORTON (for Mr. DOLE) proposed an amendment to the bill S. 2884, supra; as follows:

SENSE OF THE SENATE RELATING TO THE DEVELOPMENT AND PRODUCTION OF WEAPONS AND WEAPON SYSTEMS HAVING STANDOFF ATTACK CAPABILITIES AND EMPLOYING SENSOR-FUSED DEVICES

Findings:

(1) The worldwide proliferation of sophisticated and highly lethal, advanced technology weapons systems continues at rapid pace; and

(2) These increasingly lethal weapons place United States and Allied forces at greater risk; and

(3) The development of standoff weapons to attack highly defended targets while minimizing risk to United States Forces is a high priority; and

(4) The results of research and testing conducted by or for the Department of Defense on weapons and weapon systems having standoff capabilities and employing sensor-fused devices demonstrates that such weapons satisfy such needs; now

The Air Force should complete development of weapons and weapon systems having standoff attack capabilities and employing sensor-fused devices and, upon completion of such development, should proceed with the production of such weapons and weapon systems, and that such production should take place at facilities so selected during the development phase of these weapons.

LEVIN (AND OTHERS) AMENDMENT NO. 2536

Mr. LEVIN (for himself, Mr. BINGAMAN, and Mr. WALLOP) proposed an amendment to the bill S. 2884, supra, as follows:

On page 153, line 23, strike out "(1) Chapter 81 of title 10" and insert in lieu thereof "Section 5532 of title 5".

On page 153, line 24, strike out "inserting before section 1583 the following new section:" and insert in lieu thereof "adding at the end thereof the following new subsection:".

On page 154, strike out line 1 and all that follows through page 155, the matter between lines 7 and 8, and insert in lieu thereof the following:

"(g)(1) Upon a finding by the head of an Executive agency that it is difficult to recruit qualified persons for appointment to a particular scientific, engineering, professional, or managerial position in such Executive agency, the head of such Executive agency may request, and the Director of the Office of Personnel Management may grant, a waiver of the applicability of the other provisions of this section and sections 8344 and 8468 of this title (relating to annuities and pay on reemployment) to any person appointed to such position. There may not be in effect at any time waivers under this paragraph for more than 1,500 employees of the Executive Branch.

On page 155, line 20, strike out "373 of title 10," and insert in lieu thereof "41 of title 5,".

On page 155, line 21, strike out "inserting" and all that follows through line 23 and insert in lieu thereof the following: "adding at the end thereof the following new section:

" '4119. Degree training".

On page 155, line 25, strike out "Department of Defense" and insert in lieu thereof "Executive branch".

On page 156, line 2, strike out "Secretary" and all that follows through line 4, and insert in lieu thereof "Director of the Office of Personnel Management may establish a program for the heads of Executive agencies to furnish financial assistance for an agency".

On page 156, strike out line 9, and insert in lieu thereof the following:

"(2) an academic degree which would enhance the employee's ability to serve the federal government.

On page 156, line 24, strike out "the Secretary of Defense with the concurrence of".

On page 157, line 1, strike out "Secretary of Defense, in coordination with the".

On page 157, line 5, strike out "title 5" and insert in lieu thereof "this title".

On page 157, line 8, strike out "373" and insert in lieu thereof "41".

On page 157, line 9, strike out "inserting" and all that follows through "4021" on line 10 and insert in lieu thereof "adding at the end thereof".

On page 157, in the matter between lines 10 and 11, strike out "4022." and insert in lieu thereof "4119.".

On page 158, line 16, strike out "373" and insert in lieu thereof "41".

On page 158, line 17, strike out "10" and insert in lieu thereof "5".

On page 158, line 18, strike out "inserting" and all that follows through line 20 and insert in lieu thereof the following: "adding at the end thereof the following new section:

" '4120. Student loan repayments".

On page 158, line 23, strike out "Department of Defense, the Secretary of Defense" and insert in lieu thereof "Executive branch, the Director of the Office of Personnel Management".

On page 158, line 24, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 159, line 1, strike out "the department" and insert in lieu thereof "that executive agency".

On page 159, line 7, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 159, strike out lines 11 through 22.

On page 159, line 23, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 160, line 1, strike out "Secretary" and insert in lieu thereof "head of the executive agency".

On page 160, line 3, strike out "by" and all that follows through "Defense" on line 4, and insert in lieu thereof "in the Executive branch".

On page 160, line 14, strike out "Secretary" and insert in lieu thereof "head of the executive agency".

On page 160, strike out lines 15 through 22.

On page 161, line 11, strike out "Secretary" and insert in lieu thereof "head of an executive agency that entered into an agreement with an employee under subsection (a)".

On page 161, line 12, insert "in connection with such agreement" after "this subsection".

On page 161, line 12, strike out "Department of Defense" and insert in lieu thereof "Executive branch".

On page 162, line 1, strike out "by" and all that follows through line 2, and insert in lieu thereof "in the Executive branch; or".

On page 162, line 5, strike out "Secretary of Defense" and insert in lieu thereof "Di-

rector of the Office of Personnel Management".

On page 162, line 7, strike out "Secretary" and insert in lieu thereof "head of an executive agency".

On page 162, line 9, strike out "title 5" and insert in lieu thereof "this title".

On page 162, line 19, strike out "Secretary of Defense" and insert in lieu thereof "Director of the Office of Personnel Management".

On page 162, strike out line 21 and all that follows through line 10 on page 163 and insert in lieu thereof the following:

"(j) In this section, the term 'student loan' means—

"(1) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(2) a loan made under part E of such title (20 U.S.C. 1087aa et seq.); and

"(3) a health education assistance loan made or insured under part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) or under part B of title VIII of such Act (42 U.S.C. 297 et seq.).

On page 163, line 13, strike out "373" and insert in lieu thereof "41".

On page 163, line 15, strike out "inserting" and all that follows through the end of that line and insert in lieu thereof "adding at the end thereof".

On page 163, in the matter between lines 16 and 17, strike out "4023." and insert in lieu thereof "4120.".

On page 164, line 2, strike out "4022 and 4023 of title 10" and insert in lieu thereof "4119 and 4120 of the title 5".

On page 164, line 6, strike out "Department" and all that follows through line 8, and insert in lieu thereof "civilian workforce in the Executive branch.".

D'AMATO AMENDMENT NO. 2537

Mr. GORTON (for Mr. D'AMATO) proposed an amendment to the bill S. 2884, supra, as follows:

On page 212, between lines 20 and 21, insert the following section:

SEC. . SENSE OF THE CONGRESS REGARDING THE EFFECTIVE UTILIZATION OF COUNTERNARCOTICS FUNDS AND REPORT REQUIREMENT.

(a) FINDINGS.—The Congress finds that—

(1) Secretary Cheney has declared that combatting illegal drugs is a high priority national security mission for the Department of Defense;

(2) All funds authorized and appropriated for Operations and Maintenance and Military Personnel in the Department of Defense's counternarcotics budget for Fiscal Year 1990 have not been obligated;

(3) If such funds are not obligated during Fiscal Year 1990 such funds will no longer be available for counternarcotics efforts; and

(4) Such funds should not be allowed to lapse.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff must continue to emphasize the Department of Defense's commitment to this extremely important mission so that the entire chain of command ensures that funds are fully and effectively utilized so as to maximize the military's contribution to the national counterdrug efforts.

(c) REPORT.—Not later than January 15, 1991, the General Accounting Office shall report to the Armed Services Committees of the Senate and the House of Representatives, the Senate Appropriations Subcommittee on Defense, the House Appropriations Subcommittee on Defense, and the Senate Caucus on International Narcotics Control on the Department of Defense's counternarcotics budget, providing the following—

(1) An analysis of the funds authorized and appropriated in Fiscal Year 1989; how these funds were obligated and expended, including a month by month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year;

(2) An analysis of the funds authorized and appropriated in fiscal year 1990; how these funds were obligated and expended, including a month by month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year;

(3) An analysis of whether there is any information available with respect to the obligations and expenditures from the fiscal year 1989 and fiscal year 1990 counternarcotics budget that suggest a systemic problem in reference to the timely obligation and expenditure of counternarcotics funds;

(4) An analysis of the effectiveness of the role of the Department of Defense Coordinator for Drug Enforcement Policy and Support; whether his dual responsibility as Assistant Secretary of Defense for Reserve Affairs and as Drug Coordinator complicates his ability to coordinate all entities within the Department of Defense in the counternarcotics mission; and the adequacy of personnel levels in his Office to meet his responsibility for coordinating these funds and ensuring that the funds are obligated and expended in a timely manner; and

(5) Recommendations for correcting any problems found in the course of this review.

NUNN (AND OTHERS) AMENDMENT NO. 2538

Mr. LEVIN (for Mr. NUNN, for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. THURMOND, Mr. WARNER, and Mr. MCCAIN) proposed an amendment to the bill S. 2884, supra, as follows:

At the end of title XII insert the following new section:

SEC. 1216. ENHANCING PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS IN DEFENSE RESEARCH.

Section 1207 of the National Defense Authorization Act of Fiscal Year 1987 (10 U.S.C. 2301 note) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "Except";

(B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall establish a specific goal for the award of prime contracts and subcontracts to historically Black colleges and universities and Minority Institutions in order to increase the participation of such colleges and universities in the program provided for by this section."; and

(3) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) TYPE OF ASSISTANCE.—(1) To attain the goal specified in subsection (A)(1), the Secretary of Defense shall provide technical assistance to the entities referred to in that subsection and, in the case of historically black colleges and universities and minority institutions, shall also provide infrastructure assistance.

"(2) Technical assistance provided under this section shall include information about the program, advice in preparation of proposals, and other such assistance as the Secretary considers appropriate. If the resources of the Department of Defense are inadequate to provide such assistance, the Secretary may enter into contracts with minority private sector entities with experience and expertise in the design, development, and delivery of technical assistance services to eligible individuals, business firms and institutions, defense acquisitions agencies, and defense prime contractors. Department of Defense contracts with the entities referred to in subsection (a)(1) shall be awarded annually, based upon, among other things, the number of minority small business concerns, historically Black colleges and universities, and minority institutions that each such entity brings into the program.

"(3) Infrastructure assistance provided under this section may include programs to:

"(A) establish and enhance undergraduate, graduate, and doctoral programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(B) make Department of Defense personnel available to advise and assist faculty at the school in the performance of defense research and in scientific disciplines critical to the national security functions of the Department of Defense;

"(C) establish partnerships between defense laboratories and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines critical to the national security functions of the Department of Defense;

"(D) award scholarships, fellowships, and the establishment of cooperative work-education programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(E) attract and retain faculty involved in scientific disciplines critical to the national security functions of the Department of Defense;

"(F) equip and renovate laboratories for the performance of defense research;

"(G) expand and equip Reserve Officer Training Corps activities devoted to scientific disciplines critical to the national security functions of the Department of Defense; and

"(H) provide other assistance as the Secretary determines appropriate to strengthen scientific disciplines critical to the national security functions of the Department of Defense or the college infrastructure to support the performance of defense research.

"(4) The Secretary shall, to the maximum extent practical, carry out programs under this section at institutions that agree to bear a substantial portion of the cost associated with the programs.".

DOLE AMENDMENT NO. 2539

Mr. GORTON (for Mr. DOLE) proposed an amendment to the bill, S. 2884, supra, as follows:

On page 261, on line 2, strike out "$61,800,000" and insert "$74,300,000".

On page 261, on line 5, strike out "$1,495,150,000" and insert "$1,482,650,000".

NUNN (AND OTHERS) AMENDMENT NO. 2540

Mr. LEVIN (for Mr. NUNN, for himself, Mr. WARNER, Mr. BINGAMAN, Mr. MCCAIN, and Mr. LEVIN) proposed an amendment to the bill, S. 2884, supra, as follows:

On page 181, between lines 8 and 9, insert the following:

SEC. . MENTOR-PROTÉGÉ PILOT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to be known as the "Mentor-Protégé Pilot Program".

(b) PURPOSE.—The purpose of the pilot program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance designed to enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts in order to increase the participation of such business concerns as subcontractors and suppliers in Department of Defense contract business.

(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns under the pilot program pursuant to such agreement upon making application to the Secretary of Defense and being approved for participation in the pilot program by the Secretary. A business concern approved for participation pursuant to this paragraph shall be known, for the purposes of the pilot program, as a "mentor firm".

(2) A disadvantaged small business concern may obtain assistance from a mentor firm under the program upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a "protégé firm".

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the pilot program.

(4) It is not necessary for a disadvantaged small business concern to obtain the approval of the Secretary of Defense before receiving assistance as a protégé firm under the pilot program. However, the Secretary may disapprove the participation of a disadvantaged small business concern in the program on the basis of criteria which the Secretary shall specify in the regulations prescribed pursuant to subsection (k). If the Secretary disapproves the participation of a disadvantaged small business concern in the program, he shall transmit a written notification of such disapproval to the disadvantaged small business concern and the mentor firm furnishing the assistance. Assistance furnished that disadvantaged small business concern by the mentor firm after the mentor firm receives such notification may not be considered as assistance furnished under the pilot program.

(d) MENTOR FIRM ELIGIBILITY.—A business concern generally eligible for award of contracts by the Department of Defense is eligible to enter into an agreement with a protégé firm under subsection (e) and to furnish assistance under the pilot program pursuant to that agreement if, during the fiscal year preceding the fiscal year in which the business concern enters into the agreement, the total amount of the Department of Defense contracts awarded such business concern and the subcontracts awarded such business concern under Department of Defense contracts was equal to or greater than—

(1) $100,000,000; or

(2) such lesser amount as the Secretary specifies in the regulations prescribed pursuant to subsection (k) for application to any business concern which is a disadvantaged small business concern or, except for the size of that business concern, would be a disadvantaged small business concern.

(e) MENTOR-PROTÉGÉ AGREEMENT.—(1) Before furnishing assistance to a protégé firm under the pilot program, a mentor firm shall enter into a mentor-protégé agreement with the protégé firm regarding the assistance to be furnished by the mentor firm to the protégé firm. The agreement shall include the following:

(A) A program of assistance that is designed to develop the capabilities of the protégé firm to perform as a subcontractor or supplier under Department of Defense contracts.

(B) The period, not to exceed four years, during which the mentor firm is to furnish assistance to the protégé firm under the agreement.

(C) Procedures for the mentor firm or protégé firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(2) A mentor-protégé agreement under this subsection may cover more than one protégé firm.

(f) FORMS OF ASSISTANCE.—A mentor firm may furnish the following assistance to a protégé firm:

(1) Assistance, by using mentor firm personnel or other means, in—

(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

(B) engineering and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to develop the capabilities referred to in subsection (e)(1)(A).

(2) Noncompetitive award of subcontracts under Department of Defense contracts to the protégé firm.

(3) Payment of progress payments for performance of the protégé firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protégé firm for the performance.

(4) Advance payments under such a subcontract.

(5) Loans.

(6) Cash in exchange for an ownership interest in the protégé firm, not to exceed 10 percent of the total ownership interest.

(7) Assistance obtained by the mentor firm for the protégé firm from one or more of the small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648), acting to the maximum extent practicable in cooperation with a historically Black college or university or a minority institution of higher education.

(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense shall provide for the reimbursement of a mentor firm for the total amount of any progress payment or advance payment made under the pilot program by the mentor firm to a protégé firm in connection with a Department of Defense contract awarded the mentor firm.

(2) The Secretary of Defense shall provide for the reimbursement of a mentor firm for the costs of furnishing assistance referred to in paragraphs (1) and (7) of subsection (f) to a protégé firm. The Secretary shall ensure that payment of reimbursements under this paragraph is provided for in a Department of Defense contract awarded to the mentor firm or in another agreement entered into by the Secretary and the mentor firm. The contract or other agreement shall specify the maximum amount of the reimbursement that may be made. The Secretary and the mentor firm may provide in the contract or other agreement for allocation of the costs to Department of Defense cost-reimbursement contracts awarded the mentor firm.

(3)(A) Any costs incurred by a mentor firm in furnishing assistance to a protégé firm that are not reimbursed pursuant to paragraph (2) shall be counted in the amount for which the mentor firm receives credit for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract.

(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

(i) four times the total amount of such costs attributable to assistant described in subsection (f)(7);

(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

(iii) two times the total amount of any other such costs.

(C) The amount of the credit given for any such unreimbursed costs may not exceed a maximum amount which shall be specified in the contract provision or agreement referred to in paragraph (2).

(4) The Secretary of Defense shall ensure that each Department of Defense contract awarded a mentor firm includes a provision for payment of an incentive or award fee to the mentor firm if the mentor firm exceeds the subcontracting participation goal, if any, applicable to such mentor firm under the contract.

(5) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing such product or service is a small business concern; and

(B) the business concern formerly had a mentor-protégé agreement with such mentor firm that was not terminated for cause.

(6) Notwithstanding subsection (j), a mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for any subcontract that the mentor firm awards under that contract to a business concern referred to in paragraph (5) within 9 years after the date on which the mentor firm and such business concern entered into the mentor-protégé agreement referred to in clause (B) of such paragraph.

(h) NONAFFILIATION TREATMENT.—For purposes of the Small Business Act, a protégé firm may not be considered an affiliate of a mentor firm solely on the basis that the protégé firm is receiving assistance referred to in subsection (f) from such mentor firm under the pilot program.

(i) PARTICIPATION IN PILOT PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

(j) DURATION OF PILOT PROGRAM.—The Secretary of Defense shall conduct the Mentor-Protégé Pilot Program during the period beginning on October 1, 1991, and ending on September 30, 1995.

(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the pilot program. The Secretary shall publish the proposed regulations not later than the earlier of April 1, 1991, or the date 180 days after the date of the enactment of this Act. The Secretary shall promulgate the final regulations not later than June 1, 1991, or the date 270 after the date of the enactment of this Act.

(l) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a) and the regulations promulgated pursuant thereto.

(2) The term "disadvantaged small business concern" means a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(4) The term "historically Black college and university" means any of the historically Black colleges and universities referred to in section 1207(a)(2) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(5) The term "minority institution of higher education" means an institution of higher education with a student body that reflects the composition specified in section 312(b) (3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b) (3), (4), and (5)).

(6) The term "subcontracting participation goal", with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 1207 of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

PELL AMENDMENT NO. 2541

Mr. LEVIN (for Mr. PELL) proposed an amendment to the bill S. 2884, supra, as follows:

On page 269, after line 25, add the following:

Newport Naval Underwater Systems Center, $13,700,000.

COATS AMENDMENT NO. 2542

Mr. GORTON (for Mr. COATS) proposed an amendment to the bill S. 2884, supra, as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . AUTHORITY TO REPLACE OR RESTORE LOST OR DAMAGED PROPERTY.

(a) AUTHORITY.—In order to assist the entities described in this section to continue to provide services to the United States, The Secretary of the Army may replace or restore property of a contractor of the United States which was lost or damaged during operation Just Cause begun on December 22, 1989, to the extent—

(1) such property was located on a military installation in Panama pursuant to the requirements of the contract and such military installation was used or occupied by United States Armed Forces prior to December 22, 1989;

(2) such damage was caused by United States Armed Forces; and

(3) such loss or damage was not caused in whole or in part by the negligent or wrongful act of such contractor or an agent or employee thereof.

(b) LIMITATION.—The Secretary of the Army may replace or restore property under this section only if—

(1) a request for such action is presented to the Secretary in writing within two years after such property was lost or damaged;

(2) the Secretary determines that such request is substantiated; and

(3) the Secretary determines that the contractor has made every reasonable effort to obtain compensation, replacement, or restoration of such property through other means.

SIMON (AND BINGAMAN) AMENDMENT NO. 2543

Mr. LEVIN (for Mr. SIMON, for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 2884, supra, as follows:

On page 179, between lines 3 and 4, insert the following:

"(d) In entering into education partnership agreements with public school systems under this section, each director of a defense laboratory shall give a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

On page 181, between lines 8 and 9, insert the following:

(c) DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy may establish programs and award grants for the purpose of enhancing the mathematics, science, and engineering education of students in elementary and secondary schools and institutions of higher education.

HATCH AMENDMENT NO. 2544

Mr. GORTON (for Mr. HATCH) proposed an amendment to the bill S. 2884, supra, as follows:

On page 212, between lines 20 and 21, insert the following new section:

SEC. 1103. STUDY OF UTILITY OF OH-58D HELICOPTER IN DETECTION OF CROSS-BORDER INTRUSIONS BY DRUG SMUGGLERS

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility and effectiveness of utilizing OH-58D Scout helicopters for detecting, monitoring, and conducting surveillance of the ground movements of drug smugglers along the southwest border of the United States. In carrying out such study, the Secretary shall consider in particular the following matters:

(1) The suitability of the OH-58D helicopter for performing the missions described in the first sentence.

(2) The feasibility of having personnel of the Army National Guard operate and maintain OH-58D helicopters when such personnel are not in Federal service.

(3) The desirability of having the Army pay for operation and maintenance expenses in connection with the OH-58D helicopters pursuant to a plan developed by the United States Customs Service or having the Secretary of Defense pay such expenses out of funds appropriated for National Guard counterdrug activities pursuant to a plan developed by the Governors of Southwestern States.

(4) The feasibility of coordinating National Guard activities and civilian law enforcement activities though the command, control and intelligence center of the United States Customs Service at Riverside, California.

(b) INTERAGENCY COORDINATION.—The Secretary shall carry out the study required by subsection (a) in consultation with the Commissioner of the United States Customs Service.

(c) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report containing the results of the study required by subsection (a) not more than 180 days after the date of the enactment of this Act. The Secretary shall include in the report the conclusions of the Secretary based on the study together with such comments and recommendation as the Secretary considers appropriate.

MILKULSKI AMENDMENT NO. 2545

Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 2884, supra, as follows:

On page 302, line 25, strike out $124,530,000" and insert in lieu thereof "$131,830,000".

DOLE AMENDMENT NO. 2546

Mr. GORTON (for Mr. DOLE) proposed an amendment to the bill S. 2884, supra, as follows:

FINDINGS.—The Senate makes the following findings:

(1) The United States and the Soviet Union are engaged in the Strategic Arms Reduction Talks (START).

(2) In the Joint Statement on the Treaty on Strategic Offensive Arms signed in June 1990, the two sides reaffirmed their determination to have the treaty completed and ready for signature by the end of this year.

(3) Under the provisions of a START Treaty, both sides will carry out significant reductions in strategic offensive arms.

(4) In the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, the United States and the Soviet Union agreed to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms.

(5) The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both countries.

(6) The President's effort to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(7) The Soviet Union has maintained a robust strategic modernization program throughout the course of the START negotiations which continues today.

It is the sense of the Senate that—

(1) The Senate fully supports United States efforts to enhance strategic stability.

(2) The United States should pursue stabilizing strategic arms reduction agreements while maintaining a vigorous research and development and modernization program for United States strategic forces.

KERRY (AND OTHERS) AMENDMENT NO. 2547

Mr. KERRY (for himself, Mr. SIMON, and Mr. BUMPERS) proposed an amendment to the bill S. 2884, supra, as follows:

On page 16, between lines 14 and 15, insert the following new section:

SEC. 225. LIMITATION ON FUNDS FOR THE KINETIC ENERGY ASAT PROGRAM

Of the amounts appropriated pursuant to section 201, not more than $77,000,000 may be obligated for research, development, test, and evaluation in connection with the kinetic energy anti-satellite (ASAT) program.

CRANSTON (AND OTHERS) AMENDMENT NO. 2548

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. PELL, Mr. SANFORD, and Mr. SIMON) proposed an amendment to the bill S. 2884, supra, as follows:

At the end of title XI, add the following new section:

SEC. 1103. ANDEAN ANTI-DRUG EFFORTS.

(a) The Congress finds that—

(1) support for democratic process and civilian governance in Andean countries of Peru, Bolivia, and Columbia, the first two of which have only recently emerged from periods of military rule, is a necessary precondition for the successful fight against narcotics production and traffic and long-term stability in that region;

(2) separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States;

(3) there is a need to determine whether existing U.S. policies unduly emphasize assistance to military entities rather than civilian law enforcement entities in the Andean antidrug effort and whether such policies might tend to undermine the dual long-term policy goals of the United States of stopping the traffic of drugs at their sources and the preservation of civilian control over the newly established democracies of this region; and

(4) there is a need to assess the impact that United States assistance in the Andean anti-drug effort will have on reducing drug activity and supporting democratic processes in this region.

(b)(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense shall, in consultation with the Director of the Office of National Drug Control Policy, jointly submit a report to the Senate and the House of Representatives dealing with current United States policies, anti-narcotics enforcement activities and associated training programs in the Andean region.

(2) Such report shall also include an analysis of the impact of the Andean countries' militaries' role in counternarcotics enforcement on democratic institutions in the region and how civilian institutions might be strengthened in order to assure the successful pursuit of antinarcotics strategy.

(3) Such report shall contain specific legislative recommendations as may be necessary to clarify and streamline United States assistance activities in order to avoid unnecessary duplications and contradictions in meeting United States policy goals in the Andean region.

PRYOR AMENDMENT NO. 2549

Mr. PRYOR proposed an amendment to the bill S. 2884, supra, as follows:

On page 7, between lines 6 and 7, insert the following:

SEC. 113. PROCUREMENT OF THE AIRBORNE SELF PROTECTION JAMMER.

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of the Airborne Self Protection Jammer or of any component or spare part for the Air-borne Self Protection Jammer.

(b) BUDGET LINE ITEM REQUIRED.—If the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 1992 includes funds for the Airborne Self Protection Jammer program, the President shall specify in such budget the amount included for such program.

(c) LIMITATION RELATING TO MILESTONE III DECISIONS.—A decision to proceed with low-rate production of a second or subsequent lot of the Airborne Self Protection Jammer, or to proceed beyond low-rate production of the Airborne Self Protection Jammer, may not be made until the Director of Operational Test and Evaluation has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Airborne Self Protection Jammer—

(1) has undergone thorough and effective operational testing; and

(2) has met or exceeded all operational test criteria.

BUMPERS (AND OTHERS) AMENDMENT NO. 2550

Mr. BUMPERS (for himself, Mr. FORD, Mr. CRANSTON, Mr. MCCONNELL, Mr. LAUNTENBERG, Mr. SHELBY, Mr. PRYOR, and Mr. HOLLINGS) proposed an amendment, which was subsequently modified, to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried out under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsection (a)(1), and (ii) the policy referred to in paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under

such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) administrative procedures and a methodology which result in a fair and non-partisan process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1). The Secretary is urged to consult with Congress on a bipartisan basis as he develops his legislative proposal.

(B) A policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as the result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until September 30, 1991, whichever occurs first.

(2) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military department shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 50 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(3) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—The provisions transmitted to the Congress by the Secretary of Defense, date January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687 (e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

MOYNIHAN (AND SPECTER) AMENDMENT NO. 2551

Mr. MOYNIHAN (for himself and Mr. SPECTER) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place insert—

Section 1105(a) of Title 31 of the United States Code is amended to add at the end thereof—

(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence.

GLENN AMENDMENT NO. 2552

Mr. GLENN proposed an amendment to the bill S. 2884, supra, as follows:

On page 321, beginning on line 4, strike out all down through line 19 on page 323.

Redesignate sections 2811 through 2814 as sections 2809 through 2812, respectively.

THURMOND (AND OTHERS) AMENDMENT NO. 2553

Mr. THURMOND (for himself, Mr. LEVIN, Mr. SIMPSON, Mr. GRASSLEY, Mr. MACK, Mr. HELMS, Mr. DOMENICI, Mr. BUMPERS, Mr. DANFORTH, Mr. EXON, Mr. BURNS, Mr. HATFIELD, Mr. LUGAR, Mr. CONRAD, Mr. MCCONNELL, Mr. SIMON, Mr. D'AMATO, Mr. GRAHAM, Mr. NICKLES, Mr. PRYOR, Mr. PRESSLER, Mr. SPECTER, Mr. HEINZ, Mr. FOWLER, Mr. COATS, Mr. STEVENS, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. WILSON, Mr. MCCAIN, Mr. KASTEN, Mr. RIEGLE, Mr. DODD, Mr. LAUTENBERG, Mr. DURENBERGER, Mr. LEAHY, Mr. BAUCUS, Mr. BENTSEN, Mr. DIXON, Mr. BURDICK, Mr. FORD, Mr. BRYAN, Mr. HEFLIN, Mr. MOYNIHAN, Mr. SASSER, Mr. ROTH, Mr. DOLE, Mr. KERREY, Mr. CRANSTON, Mr. DASCHLE, Mr. REID, Mr. ROCKEFELLER, and Mr. DECONCINI) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place, add the following:

That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States, to any department, agency, court, House of Congress, or commission of the United States, for compensation if such compensation has knowlingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award, of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more

than $50,000 or imprisoned not more than 2 years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

SEC. 2. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2554

Mr. GORE (for Mr. BINGAMAN, for himself, Mr. GORE, Mr. MCCAIN, Mr. PELL, and Mr. HELMS) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missile Technology Control Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the global spread of weapons of mass destruction, accompanied by the proliferation of sophisticated missile delivery systems and missile technology, poses a serious threat to stability and peace in many regions;

(2) the Missile Technology Control Regime (MTCR) was established in 1987 to restrict such proliferation;

(3) notwithstanding the existence of the MTCR, companies situated in countries which are adherents to the MTCR have transferred, in violation of the principles of that agreement, missile equipment and technology to nonadherents;

(4) the MTCR is further weakened as it does not include the Soviet Union, China, Agrentina, North Korea, Brazil, and other countries, which have transferred missiles and missile technology to countries without this capability;

(5) missile proliferation could be better controlled if MTCR adherents shared a common interpretation of the MTCR principles and strictly enforced its provisions;

(6) the spread of missiles can be effectively restricted only if all countries involved in the transfer of such missiles and technology agree to restrict such transfers;

(7) coordination and cooperation between the agencies charged with responsibility for carrying out United States policy on missile control is essential; and

(8) greater consultation between the President and the Congress is needed to ensure that Congress is being kept fully informed about missile proliferation and development, and ongoing measures to halt missile proliferation.

SEC. 3 PURPOSE.

It is the purpose of this Act—

(1) to restrict the proliferation of missiles and missile equipment and technology;

(2) to encourage greater international adherence to the Missile Technology Control Regime (MTCR) of 1987;

(3) to strengthen the MTCR through increased cooperation among adherents to strengthen coordination of export controls;

(4) to seek further bilateral and multilateral agreements which complement the MTCR;

(5) to encourage countries without missiles to forego the development or acquisition of these weapons; and

(6) to require stricter enforcement procedures and improved cooperation among the U.S. agencies responsible for controlling missile and missile technology exports.

SEC. 4. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b. et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT AND TECHNOLOGY.

"SEC. 71. POLICY.—It is the policy of the United States to improve the control of and reduce the proliferation of missiles and missile equipment and technology by taking all appropriate measures—

"(1) to improve enforcement and seek a common and broader interpretation among Missile Technology Control Regime (MTCR) members of MTCR principles;

"(2) to increase the number of countries that adhere to the MTCR;

"(3) to explore with nations that do not adhere to the MTCR and which export missiles and missile equipment and technology the negotiation of bilateral and multilateral agreements consistent with the principles of the MTCR or which, at a minimum, do not undercut the MTCR;

"(4) to promote the international review of measures and development of common standards to reduce the proliferation of missiles and missile equipment and technology; and

"(5) to seek binding multilateral agreements prohibiting the global spread of missiles that are subject to MTCR guidelines.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT AND TECHNOLOGY BY UNITED STATES PERSONS.—(a) SANCTION.—If the President determines that a United States person has transferred, or conspired to transfer or facilitated the transfer in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), or any regulations issued under any such provisions of

(1) MTCR category II missile equipment and technology then the President shall deny to such United States person for a period of two years

(A) U.S. government contracts relating to missile equipment and technology, and

(B) licenses for the transfer of missile equipment and technology controlled pursuant to this Act.

(2) MTCR category I missile equipment and technology, then the President shall deny to such United States person for a minimum of two years.

(A) all U.S. government contracts, and

(B) all export licenses and agreements for items on the United States Munitions List.

(b) DISCRETIONARY SANCTIONS.—In the case of any determination made pursuant to subsection (a), the President may pursue any sanctions listed in Section 38(c) of this Act.

(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States; or

(2) such person is a sole supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments;

SEC. 73.—TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY BY FOREIGN PERSONS

(a) SANCTIONS.—If the President determines that a foreign person has transferred, after the date of enactment, MTCR missile equipment or technology that would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act,

(1) within category II of the MTCR annex or the President has made a determination under section 11B(b)(1) of the Export Administration Act of 1979, as amended, then the President shall deny, for a period of two years

(A) U.S. government contracts relating to missile equipment and technology, and

(B) licenses for the transfer to such foreign person of missile equipment and technology controlled pursuant to this Act.

(2) within category I of the MTCR annex, then the President shall deny for a period of not less than two years

(A) all U.S. government contracts with such foreign person, and

(B) licenses for the transfer to such foreign person of all items on the U.S. Munitions List.

(b) DISCRETIONARY SANCTIONS.—If the President determines that a foreign person has transferred missile equipment and technology he may impose any sanction described in Section 11A(b) of the Export Administration Act of 1979, as amended.

(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

(1) in the case of an item the transfer of which has been authorized by an MTCR adherent, after consultation with the licensing government, the transfer did not violate the principles of the MTCR guidelines;

(2) the product or service is essential to the national security of the United States;

(3) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; or

(4) the foreign person has been appropriately sanctioned by its national government.

"SEC. 74. PROHIBITION ON SATELLITE LICENSING.—The United States Government shall not, through the issuance of licenses under this Act, assist any missile program of the People's Republic of China, directly or

indirectly, and shall not, through the issuance of licenses under this Act, permit the export or the shipment of United States satellites for launch on Chinese space launch vehicles and shall revoke any previously issued licenses granted for the export of such satellites unless the President certifies to the Congress that, in the one year prior to the certification, China has not supplied missiles, missile equipment and technology, or chemical or biological weapons, including precursors intended for use in such weapons, to Iran, Iraq, Syria, Libya, or any non-MTCR adherent, and has provided reasonable assurances that no future sales of missiles, missile equipment and technology or chemical or biological weapons to such countries are planned.

"SEC. 75. REPORT ON MISSILE PROLIFERATION.—(a) CONTENTS OF REPORT.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereafter referred to as "NBC capable aircraft") and international transfers of missiles and missile equipment and technology to Syria, Iraq, Libya, and Iran, and any other nation seeking to acquire such equipment or technology in violation of MTCR principles, other than those listed in subsection (d) that shall include—

"(1) the status of missile and aircraft development programs in such nations, including efforts by those nations to acquire missiles and missile equipment and technology and NBC capable aircraft and an assessment of the present and future capability of those countries to produce and utilize such weapons;

"(2) a description of particular significant assistance provided, after the date of enactment, to such

"(3) a list of companies which continue to provide missile equipment and technology to such nations, as of the date of the report;

"(4) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private firms and countries suspected of violating the MTCR;

"(5) an analysis of the effectiveness of the regulatory and enforcement regimes of the U.S. and its MTCR partners to control the export of missile and missile technology; and

"(6) a determination as to whether transfers of missile equipment and technology by any country pose a significant threat to the national security of the United States.

"(b) CLASSIFICATION.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

"(c) CONSTRUCTION.—Nothing in this section—

"(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(A) jeopardize the national security of the United States;

"(B) undermine existing and effective efforts to meet the policy objectives outlined in section 71 of this Act; or

"(C) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"(d) EXCLUSIONS.—Australia, Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom.

"SEC. 77. DEFINITIONS.—For purposes of this chapter—

"(1) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on annex of missile equipment and technology, and any subsequent amendments;

"(2) the terms 'missile' and 'missile equipment and technology' means those items listed in the MTCR Equipment and Technology Annex, as amended;

"(3) the term 'person' includes the singular and plural and any individual, partnership, corporation, or other form of association; and

"(4) the term 'foreign person' means any non-United States person.

SEC. 5. TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY TO COUNTRIES THAT TRANSFER OR RECEIVE MISSILE EQUIPMENT AND TECHNOLOGY.

(a) SANCTIONS.—If the President determines that as of the date of enactment of this act, or at any time thereafter, a MTCR non-adherent, authorizes the transfer of, receives, or attempts to acquire missiles or missile equipment and technology that contributes materially to the development of missile systems capable of delivering at least a 500 kg payload to a range of at least 300 km, then the President shall deny all export licenses for the transfer of—

(1) all items on the U.S. Munitions List, and

(2) missile equipment and missile technology controlled pursuant to the Export Administration Act of 1979, as amended.

(b) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions pursuant to subsection (a) if the President certifies to Congress that—

(1) to do so would be in the national security interests of the United States; or

(2) the transfer in question was licensed by a government adhering to the MTCR; or

(3) the transfer in question is for an item for which the President has received reliable assurances that that item is intended for civilian end use.

(c) REMOVAL OF SANCTIONS.—The President may remove the sanctions imposed pursuant to subsection (a) if the President determines that the country under sanction has suspended attempts to acquire, transfer or receive missile equipment and missile technology for a period of at least one year.

DIXON (AND OTHERS) AMENDMENT NO. 2555

Mr. DIXON (for himself, Mr. BINGAMAN, Mr. GLENN, Mr. DOLE, Ms. MIKULSKI, and Mrs. KASSEBAUM) proposed an amendment to the bill S. 2884, supra, as follows:

On page 16, line 23, strike out "$22,110,045,000" and insert in lieu thereof "$22,068,345,000".

On page 16, line 24, strike out "$23,359,084,000" and insert in lieu thereof "$23,343,784,000".

On page 17, line 1, strike out "$20,856,814,000" and insert in lieu thereof "$20,845,714,000".

On page 17, line 2, strike out "$8,373,663,000" and insert in lieu thereof "$8,372,263,000".

On page 39, line 21, strike out "$373,280" and insert in lieu thereof "$369,641".

On page 39, line 22, strike out "$329,217" and insert in lieu thereof "$327,897".

On page 39, line 23, strike out "$247,420" and insert in lieu thereof "$246,443".

On page 39, line 25, strike out "$98,717" and insert in lieu thereof "$98,603".

On page 91, between lines 5 and 6, insert the following new section:

SEC. 805. PROVISION OF PAP SMEARS AND MAMMOGRAMS UNDER CHAMPUS.

(a) CARE AUTHORIZED.—Section 1079(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: ", except that pap smears and mammograms may be provided on a diagnostic or preventive basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990, and shall apply to the provision of pap smears and mammograms under section 1079 or 1086 of title 10, United States Code, on or after that date.

DIXON AMENDMENT NO. 2556

Mr. DIXON proposed an amendment to the bill S. 2884, supra, as follows:

On page 223, after line 24, insert the following new section:

SEC. 1216. SENSE OF CONGRESS REGARDING THE CLOSURE OF UNITED STATES MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES

(a) FINDINGS.—Congress makes the following findings:

(1) It was reported in the July 28, 1990, European edition of the Stars and Stripes publication that General John R. Galvin, Commander-in-Chief of the United States European Command, has submitted to the Secretary of Defense a list of United States military installations located outside the United States that the General recommends be closed.

(2) During consideration of legislative proposals authorizing appropriations for the Department of Defense for fiscal year 1991 by the Committee on Armed Services of the Senate, General Galvin indicated he would announce a list of 100 United States military installations outside the United States he recommends for closure.

(3) Many members of Congress strongly believe that United States military installations outside the United States should be closed in lieu of closing military installations located in the United States.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of the Congress that—

(1) the Secretary of Defense should make public any recommendations made to the Secretary of Defense by General John R. Galvin regarding the closure of United States military installations outside the United States and any other recommenda-

tions submitted to the Secretary by other commanders of combatant commands regarding the closure of United States military installations outside the United States; and

(2) The closure of such installations located outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

SPECTER AMENDMENT NO. 2557

Mr. SPECTER proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to counter major international drug traffickers.

SEC. . CREATION OF A MULTILATERAL COUNTER NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international counternarcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of consideration; and

(3) the Manley plan is the first operative proposal for the use of a multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal; and

(2) the United States should work through the United Nations and other multilateral organizations to determine the feasibility of such a force and to assist in the establishment of this force, if it is found to be feasible.

WILSON AMENDMENT NO. 2558

Mr. WILSON proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place, insert the following:

"SEC. . DEADLINE FOR COMPLETION AND EXECUTION OF AGREEMENTS WITH THE ENVIRONMENTAL PROTECTION AGENCY.

"(a) Whenever a Department of Defense facility is proposed to be listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, including those facilities proposed for listing as of the date of enactment of this Act, the Secretary of Defense shall, not later than one year after the date of such proposal or the date of enactment of this Act, whichever is later, enter into an interagency agreement with the Administrator of the United States Environmental Protection Agency, which shall be subject to and comply with the Comprehensive Environmental, Response, Compensation and Liability Act, as amended, and shall include, but not be limited to, a procedural framework and schedule for developing, implementing, and monitoring appropriate response actions for any such facility in accordance with the Comprehensive Environmental, Response, Compensation and Liability Act, as amended.

"(b) This section shall be construed consistently with any existing Federal laws, and nothing in this section shall be construed as limiting any rights, authorities, requirements, or obligations of or provided by any existing Federal laws. Nothing in this section shall be construed as preempting, affecting, or modifying any State laws, including, but not limited to, any laws concerning removal or remedial action, enforcement, discharge control, solid waste disposal, or the application of such laws to facilities owned or operated by a department, agency, or instrumentality of the United States.".

BIDEN (AND COHEN) AMENDMENT NO. 2559

Mr. McCAIN (for Mr. BIDEN, for himself and Mr. COHEN) proposed an amendment to the bill S. 2884, supra, as follows:

On page 255, insert between lines 15 and 16 the following new title:

TITLE XV—COUNTER-NARCOTICS TECHNOLOGY CENTER

SEC. 1501. SHORT TITLE.

This title may be cited as the "Counter-Narcotics Technology Act of 1990".

SEC. 1502. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—Title I of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501 et seq.) is amended by inserting after section 1003 the following new section:

"SEC. 1003a. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER.

"(a) ESTABLISHMENT.—There is established within the Office of National Drug Control Policy, the Counter-Narcotics Technology Assessment Center (hereafter in this section referred to as the 'Center'). The Center shall operate under the authority of the Director of National Drug Control Policy, and shall serve as the central counter-narcotics enforcement research and development organization of the United States Government.

"(b) DIRECTOR.—There shall be at the head of the Center, the Chief Scientist of Counter-Narcotics Technology who shall be appointed by the Director of National Drug Control Policy from individuals qualified and distinguished in areas of science, engineering or technology. The Chief Scientist shall be paid at the highest rate of basic pay set under the provisions of section 5382(b) of title 5, United States Code.

"(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—(1) The Director, acting through the Chief Scientist, shall—

"(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

"(i) surveillance, advanced tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron, and gravitron) and other means of detection;

"(B) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Narcotics Enforcement Research and Development Strategy;

"(C) oversee and coordinate counter-narcotics technology initiatives with related activities of other Federal civilian and military departments; and

"(D) under the general authority of the Director of National Drug Control Policy, submit reprogramming or transfer requests of funds appropriated for counter-narcotics enforcement research and development to Congress.

"(2) The authority granted to the Director under this section shall not extend to the award of contracts, management of individual projects, or other operational activities.

"(d) COUNTER-NARCOTICS BUDGET SUBMISSION.—Beginning with the fiscal year 1992 budget, the Director of National Drug Control Policy in his budget shall submit a separate and detailed request relating to all Federal agencies for counter-narcotics enforcement research and development programs.

"(e) PERSONNEL.—Subject to subsections (d) and (e) of section 1003 of this Act, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering and technical affairs. The Chief Scientist may appoint and fix the compensation of such personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule.".

SEC. 1503. EFFORTS BY PRIVATE INDUSTRY.

It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications equipment should cooperate with law enforcement agencies to ensure that communications systems permit law enforcement agencies to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law.

GLENN (AND OTHERS) AMENDMENT NO. 2560

Mr. DIXON (for Mr. GLENN, for himself, Mr. BENTSEN, Mr. COATS, Mr. HEINZ, Mr. SPECTER, Mr. SYMMS, Mr. D'AMATO, Mr. LAUTENBERG, Mr. GRAMM, Mr. PELL, and Mr. McCAIN) proposed an amendment to the bill S. 2884, supra, as follows:

On page 11, line 18, insert "(1)" after "FUNDS.—".

On page 11, between lines 22 and 23, insert the following new paragraph:

(2) Of the amounts authorized to be appropriated pursuant to section 201(4) for the Defense Agencies, $8,000,000 shall be available for research, development, test, and evaluation in connection with the Special Operations variant of the V-22 Osprey aircraft.

JOHNSTON (AND OTHERS) AMENDMENT NO. 2561

Mr. DIXON (for Mr. JOHNSTON, for himself, Mr. GLENN, and Mr. McCLURE) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF ENERGY FOR MEDICAL AND ENVIRONMENTAL PROGRAMS IN THE REPUBLIC OF THE MARSHALL ISLANDS.

Effective on the date of enactment of this Act, all responsibilities, of the Secretary of Energy for, and all activities currently underway at the Department of Energy with respect to, medical and environmental programs applicable in the Republic of the Marshall Islands shall be managed, controlled and conducted through the Office of Environment, Safety and Health of the Department of Energy.

GORE (AND WARNER) AMENDMENT NO. 2562

Mr. McCAIN (for Mr. GORE, for himself and Mr. WARNER) proposed an amendment to the bill S. 2884, supra, as follows:

On page 26 strike lines 21 through 26, and on page 27 strike lines 1 through 3, and insert the following:

To the extent provided for in interagency agreements entered into between the Department of Defense and the Environmental Protection Agency, the Secretary of Defense shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Defense facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (42 U.S.C. 9620).

In addition, notwithstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Defense facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Defense.

On page 380 strike lines 4-12 and insert the following:

To the extent provided for in interagency agreements entered into between the Department of Energy and the Environmental Protection Agency, the Secretary of Energy shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Energy facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (42 U.S.C. 9620).

In addition, notwithstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Energy facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Energy.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2563

Mr. DIXON (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the bill S. 2884, surpa, as follows:

Immediately following section 840, insert the following new section:

SEC. 804a. OTHER TECHNOLOGY TRANSFER MATTERS.

Section 3133(d)(4) of Public Law 101-189 is hereby amended by adding a sentence at the conclusion thereof which shall read as follows:

"Such contract provisions or separate writing shall: (i) include only such provisions as are specifically required by paragraphs (1) and (2) of this subsection 3133(d), and such additional provisions as are deemed necessary by the head of the agency for the purpose of the implementation of this Act but which cannot be effected by the promulgation of regulations, the issuance of agency orders, or other similar administrative processes; (ii) not condition the entering into of cooperative research and development agreements upon the issuance of agency waivers to rights to inventions and intellectual property where such issuance is not required by section 12 of the Stevenson-Wydler Act of 1980; and (iii) not operate to discourage the exercise of rights pursuant to other statutes intended to foster technology transfer, such as the provisions of 35 U.S.C. 202 et seq.".

DOMENICI AMENDMENT NO. 2564

Mr. DOMENICI proposed an amendment to the bill S. 2884, surpa, as follows:

Insert at the appropriate place the following:

SEC. . DEPARTMENT OF ENERGY SCIENCE AND EDUCATION PROGRAMS.

(A) SHORT TITLE.

This section may be cited as the "Department of Energy Science and Education Enhancement Act".

(B) FINDINGS.

The Congress finds that—

(1) scientific, technical, and engineering competence is essential to the Nation's future well being;

(2) the scientific, technical, and engineering capability at the Federal laboratories is unmatched throughout the world;

(3) superb research, development, testing, and evaluation occurs in Department laboratories;

(4) Department laboratories will play an increasing role in assuring that America remains competitive in world markets;

(5) improvements in mathematics, science, and engineering education are needed desperately to provide the trained and educated citizenry essential to the future competitiveness of the United States;

(6) greater effort and funding must be devoted to technology transfer from Department laboratories;

(7) the ability of the Nation to fight disease and overcome human suffering can be greatly enhanced by fully utilizing the health research resources of the Department; and

(8) Department laboratories are in a unique position to take on increased responsibilities in the interest of improving our Nation's competitiveness and our quality of life.

(C) DEFINITIONS.

For the purposes of this Act—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "Department" means the Department of Energy.

(D) MISSION.

Section 91(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2121(a)) is amended by adding at the end the following new paragraph:

"(6) use the facilities, equipment, personnel, and other resources of the Department of Energy to the fullest extent possible to enhance educational opportunities in science, mathematics, and engineering for American students and educators so as to improve the scientific literacy and competitiveness of the Nation.".

(E) SCIENCE AND EDUCATION PROGRAMS.

(a) IN GENERAL.—(a) To the extent appropriate, the Secretary may establish programs, to be operated at or through the support of each Department facility, that will use fully the unique scientific resources of the Department to promote—

(1)(A) transfers of federally owned or originated technology to State and local governments, private industry, and universities or other nonprofit organizations so that the prospects for commercialization of such technology are enhanced;

(B) activities enhancing the quality of mathematics, science, and engineering education throughout the Nation, so as to improve the scientific and technical capability and literacy of the Nation and improve the Nation's overall educational capability; and

(C) research, development, and other activities intended to enhance the health and quality of life of the Nation, particularly in areas that pertain to environmental improvement and biomedical research.

(b)(1) The programs described in paragraph (a) shall supplement and be coordinated with current activities of the Department, but shall not supplant them.

(2)(A) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1991, an amount up to the amount described in subparagraph (B) may be made available to a Department of Energy laboratory for the purpose of paragraph (1).

(B) The amount referred to in subparagraph (A) is 10 percent of the amount made available to such laboratory by the Department of Energy in fiscal year 1990.

(F) TECHNOLOGY DEVELOPMENT PROGRAM.

(1) ESTABLISHMENT OF PROGRAM.—(a) The Secretary shall establish a program to develop Department-originated technologies, directed at the stage of technology development beyond the basic research stage.

(b) The program established pursuant to paragraph (a) shall develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development.

(c)(1) The program established pursuant to paragraph (a) may be conducted at any Department facility and shall enhance the commercial development and transfer to private industry of Department-originated technologies, consistent with the technology transfer mission of the Department.

(2) As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, wholly non-Federal funding of commercial development of particular technologies.

(3) Establishment of the program described in paragraph (a) shall not preclude the Department or its facilities from continuing operation or support of other programs to advance technology development, but all of the technology development pro-

grams of the Department shall be coordinated.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(G) LABORATORY COOPERATIVE SCIENCE CENTERS.

(a) IN GENERAL.—The Secretary of Energy may establish Laboratory Cooperative Science Centers (referred to as the "Centers") as national laboratories operating under the authority of the Department of Energy.

(2) FUNCTION.—The Center shall coordinate both laboratory based and offsite programs designed to advance the purposes of this Act.

(3) ACTIVITIES.—The activities of the Center shall include—

(a) supporting semester-length research appointments for college and university science and engineering students, and faculty/students teams, at the Centers;

(b) supporting research appointments for high school science teachers at the Centers;

(c) supporting research apprenticeship appointments at the Centers for students uderrepresented in science and technology careers;

(d) supporting research experience programs at the Centers for nationally selected high school honor students;

(e) supporting cost-shared projects to encourage more students to pursue careers in precollege science and mathematics teaching;

(f) participating in collaborative projects with other Federal agencies and the private sector to further the objectives of this Act;

(g) operating precollege mathematics and science education programs at the national laboratories;

(h) establishing a museum-based science education program;

(i) establishing collaborative inner-city and rural partnership programs designed to meet the special mathematics and science education needs of students in inner-city and rural areas; and

(j) engaged in other activities to advance the purposes of this Act.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(H) UNIVERSITY-BASED PROGRAMS.

(1) IN GENERAL.—The Secretary may coordinate and sponsor university-based programs directed at encouraging more students to pursue energy-related scientific and technical careers, with a particular focus on the recruitment of women and minority students.

(2) PREFRESHMAN ENGINEERING PROGRAM.—The programs referred to in subsection (a) shall include a prefreshman engineering program in which middle school students attend summer workshops on mathematics, science, and engineering conducted by universities on their campuses.

(3) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

McCAIN AMENDMENT NO. 2565

Mr. McCAIN proposed an amendment to the bill, S. 2884, supra, as follows:

On page 302, line 19, strike out "$175,947,000" and insert in lieu thereof "$177,323,000".

On page 302, line 19, add $3,417,000 to the number shown.

On page 302, line 25, add $2,480,000 to the number shown.

On page 302, line 19, add $11,900,000 to the number shown.

On page 256, line 6, strike $5,600,000 and insert in lieu thereof, $13,900,000.

On page 260, line 3, add $8,300,000 to the number shown.

On page 260, line 6, add $8,300,000 to the number shown.

On page 260, line 6, after the period, add; "Provided, That the expenditure of the construction funds for a school at Fort Wainwright, Alaska are hereby restricted contingent upon agreement from the local education agency to accept ownership for said facility constructed with said funds."

On page 302, line 19, add $5,400,000 to the number shown.

On page 332, beginning with line 21, strike out all down through line 2 on page 338 and insert in lieu thereof the following:

SEC. 2823. TRANSFER OF LANDS TO SECRETARY OF AGRICULTURE

(a) TRANSFER.—Notwithstanding any other provision of law and subject to subsections (b) through (d), the Secretary of the Army shall transfer administrative jurisdiction of approximately 16,707 acres of land at the Pinon Canyon Maneuver Site, Colorado, consisting of all parcels of land identified by the Secretary of the Army as uneconomic remnant lands, to the Secretary of Agriculture for inclusion in the Comanche National Grassland. The Secretary of Agriculture shall administer the transferred lands in accordance with laws applicable to the National Forest system.

(b) DESCRIPTION OF THE PROPERTY.—(1) The exact acreage and legal description of the property to be transferred under this section shall be determined by surveys satisfactory to the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of Agriculture, with the concurrence of the Secretary of the Army, shall prepare a map of the lands to be conveyed. These lands shall be known as the Picket Wire Canyonlands (hereafter in this section referred to as the "PWC").

(3) The legal description and map referred to in paragraphs (1) and (2) shall be kept on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) ADMINISTRATION OF LANDS.—(1) The Secretary of Agriculture shall administer the transferred lands so as to conserve and protect the paleontological, archeological, wildlife, vegetable, aquatic, and other natural resources of the area.

(2) The management provisions of this section shall apply only to those parcels of the transferred lands comprising approximately 11,507 acres in the Purgatoire River Canyon.

(3) The Secretary of Agriculture may permit access to the PWC for the purpose of permitting scholarly research, interpretation to the public, and recreational activities to the extent that such access does not—

(A) impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the area is intended to be used by the Army; or

(B) impair the conservation and protection of paleontological, archeological, or natural resources of the area.

(4) The Secretary of Agriculture may permit livestock grazing in the PWC only to the extent that the Secretary determines necessary to benefit the natural resources of the area.

(5) Lands of the PWC are withdrawn from operation of the mining, mineral leasing, and other mineral entry laws of the United States.

(6) No activity shall be permitted in the PWC that would impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the site is intended to be used by the Army or the conservation and protection of the paleontological, archeological, and natural resources of the area, including production of or exploration for oil, gas, or minerals of any kind.

(7) Lands to be transferred may not be used for the storage or processing of nuclear waste, other hazardous waste, or any other waste.

(8) The Secretary of Agriculture, in consultation with the Director of the National Park Service, the Director of United States Fish and Wildlife Service, the Secretary of the Army, the head of the Colorado Department of Natural Resources, and the head of the Colorado State Historic Preservation Office, shall, after notice and opportunity for public comment, develop a management plan for the PWC that includes—

(A) a complete survey and an inventory of the paleontological and archeological resources of the area; and

(B) a strategy for protecting and conserving the dinosaur track way in the Purgatoire River Canyon and other paleontological and archeological resources in the PWC.

(d) INTERAGENCY AGREEMENT.—(1) When the lands referred to in subsection (a) are transferred, the Secretary of the Army and the Secretary of Agriculture shall enter into an interagency agreement providing for—

(A) access to the PWC through the Pinon Canyon Maneuver Site for The Secretary of Agriculture (for the purpose of taking action to conserve and protect the area's resources) and the public (for educational purposes) in such manner, at such times, and to such an extent as will not interfere (as determined by the Secretary of the Army) with the Army's use of the site; and

(B) cooperation between the Army and the Forest Service in the protection and conservation of the paleontological, archeological, and natural resources in the PWC.

(2) In determining whether the manner, time, and extent of access through the Pinon Canyon Maneuver Site for a particular purpose will constitute interference with the Army's use of the site for the purpose of paragraph (1)(B), the Secretary of the Army shall—

(A) with respect to access by The Secretary of Agriculture for management purposes, take into consideration that the high importance of protecting and conserving the resources of the PWC may justify the imposition of some inconvenience to the Army, so long as the inconvenience does not prevent the Army from accomplishing its purposes on the Pinon Canyon Maneuver Site; and

(B) with respect to access by the public, take into consideration comments solicited from the public by the Department of Agri-

culture concerning the need for and the kind of access that should be provided.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture such sums as are necessary to carry out this section, including such sums as are necessary to pay for—

(1) a study of the paleontological resources of the PWC and action to prevent erosion of the dinosaur track way;

(2) a complete cadastral survey of the PWC; and

(3) an archaeological, paleontological, and historical survey of the PWC.

RIEGLE (AND OTHERS) AMENDMENT NO. 2566

Mr. DIXON (for Mr. RIEGLE, for himself, Mr. PELL, Mr. LIEBERMAN, Mr. KENNEDY, Mr. BINGAMAN, Mr. WIRTH, and Mr. CONRAD) proposed an amendment to the bill, S. 2884, supra, as follows:

On page 223, below line 24, insert the following:

SEC. 1216. NATIONAL DEFENSE ECONOMIC ADJUSTMENT

(a) FINDINGS.—Congress makes the following findings:

(1) There are likely to be significant reductions in the programs, projects, and activities of the Department of Defense during the first several fiscal years following fiscal year 1990.

(2) Such reductions will adversely affect the economies of many communities in the United States and small businesses and civilian workers throughout the United States.

(b) POLICY.—In view of the findings expressed in subsection (a), it is the policy of the United States that—

(1) assistance be provided under existing planning assistance programs and economic adjustment assistance programs of the Federal Government to communities, small businesses, and workers referred to in subsection (a)(2) to the extent necessary to facilitate an orderly transition for such communities, small businesses, and workers from economic reliance on Department of Defense spending to economic reliance on other sources of business, employment, and revenue; and

(2) funding for such programs be increased by amounts necessary to meet the needs of such communities, small businesses, and workers without reducing the funding that would otherwise be available under those programs by reason of causes unrelated to the reductions referred to in subsection (a)(1).

(c) ACTIONS OF THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense, through the Office of Economic Adjustment of the Department of Defense shall—

(A) identify each community in the United States likely to experience significant economic dislocation as a result of the reductions referred to in subsection (a)(1), including a loss of at least 2,500 civilian jobs (in the case of an urban community), 1,000 civilian jobs (in the case of a rural community), or a number of civilian jobs equal to at least one percent of the total number of civilian jobs in the community;

(B) transmit to the governments of each such community (and to the Governor of the State in which such community is located) advance notification of the planned reductions referred to in subsection (a)(1) that are likely to affect such community adversely, including an estimate of the number of jobs that will be lost in the community as the result of the planned reductions;

(C) transmit to the President a list of all such communities;

(D) make community planning assistance grants to such communities in order to assist such communities in planning for economic diversification likely to minimize the adverse economic effects referred to in subsection (a)(2) and to facilitate economic recovery from any such adverse effects.

(2) For fiscal year 1992 and each fiscal year thereafter, the Secretary of Defense—

(A) shall—

(i) in the budget proposals of the Department of Defense prepared for submission to the President for such fiscal year, identify those communities that are likely to experience significant economic dislocation described in paragraph (1)(A) in the event that such budget proposals are enacted into law; and

(ii) upon the submission of the budget for such fiscal year to Congress pursuant to section 1105(c) of title 31, United States Code, provide the notifications required by paragraph (1)(B); and

(B) upon the enactment of an appropriations Act providing funds for programs, projects, and activities of the Department of Defense for such fiscal year, shall identify the communities likely to experience significant economic dislocation described in clause (A) of paragraph (1) as a result of the funding levels contained in such Act and take the actions required by clauses (B) and (C) of such paragraph.

(d) ACTIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall furnish community adjustment assistance under title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.), and such other assistance as may be provided under programs administered by the Economic Development Administration of the Department of Commerce, to communities receiving a notification pursuant to subsection (c)(1)(B) in order to carry out the policy set out in subsection (b)(1).

(e) ACTIONS OF THE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.—(1) The Administrator of the Small Business Administration shall furnish assistance to small businesses described in paragraph (2) for the purpose of facilitating the development of business plans for diversifying into commercial activities other than the furnishing of products or services for the Department of Defense.

(2) A small business referred to in paragraph (1) is a small business that derives a significant portion of its gross receipts from the direct and indirect furnishing of goods or services for the Department of Defense.

(3) To be eligible for the assistance referred to in paragraph (1), a small business shall be required to submit to the Administrator an application for assistance containing a preliminary business diversification proposal applicable to such small business.

(f) ACTIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall furnish retraining, job placement, and relocation assistance pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and other employment services to workers referred to in subsection (a)(2) in order to carry out the policy set out in subsection (b)(1).

(g) ACTIONS OF THE PRESIDENT.—(1) In the preparation of the budget for a fiscal year for submission to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall—

(A) take into consideration the needs of the communities identified by the Secretary of Defense pursuant to subsection (c)(1) and the small businesses and workers referred to in subsection (a)(2) and include in such budget proposed funding levels for the assistance and services referred to in subsections (c) through (f) sufficient to carry out the policy set out in subsection (b)(2); and

(B) include in the justifications and supporting information transmitted to Congress in connection with such budget—

(i) a discussion of the extent to which the proposed funding for such programs is sufficient to carry out such policy; and

(ii) a list of the communities that are to receive a notification from the Secretary of Defense pursuant to subsection (c)(1) in connection with such budget.

(2) It is the sense of Congress that, in order to ensure that paragraph (1) and subsections (c) through (f) are carried out effectively—

(A) the President should direct the interagency committee known as the President's Economic Adjustment Committee to carry out coordinating and oversight activities with respect to the development of budget requests for and the furnishing of assistance under the programs referred to in such paragraph and subsections and to keep the President currently informed regarding the effectiveness of the programs; and

(B) the President should implement a systematic, continuous procedure to collect and analyze information necessary to evaluate the adequacy and identify the sources of industrial capacity and capability in items and technologies essential to the execution of the national security strategy of the United States, including the industrial capacity and capabilities of Department of Defense prime contractors and at least the first two tiers of subcontractors.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the fiscal year beginning October 1, 1990 such sums as may be necessary for carrying out subsections (c)(1)(D), (d), (e), and (f).

(2) Amounts authorized to be appropriated under paragraph (1) are in addition to any amounts authorized to be appropriated for activities and programs referred to in such subsections for such fiscal year under any other provision of law.

LEVIN AMENDMENT NO. 2567

Mr. DIXON (for Mr. LEVIN) proposed an amendment to the bill, S. 2884, supra, as follows:

On page 16, line 23 strike "$22,068,345,000" and insert in lieu thereof "$22,008,345,000".

On page 16, line 24, strike "$23,343,784,000" and insert in lieu thereof "$23,283,784,000".

On page 17, line 1, strike "$20,845,714,000" and insert in lieu thereof "$20,785,714,000".

On page 27, between lines 11 and 12, insert the following new section:

REDUCTION IN STOCK FUND OBLIGATIONS

SEC. . The Secretary of Defense may not incur obligations against the Department of Defense stock funds during fiscal year 1991, except for obligations for fuel and subsistence items, in excess of 80 percent of the sales from such stock funds during that fiscal year, except for sales for fuel and subsistence items.

GLENN (AND OTHERS) AMENDMENT NO. 2568

Mr. GLENN (for himself, Mr. ROTH, Mr. GRASSLEY, Mr. PRYOR, and Mr. KOHL) proposed an amendment to the bill, S. 2884, supra, as follows:

At the appropriate place, insert the following:

SEC. . CONTROLS ON THE AVAILABILITY OF APPROPRIATION ACCOUNTS.

(a) AMENDMENTS TO TITLE 31.—

(1) IN GENERAL.—Subchapter IV of chapter 15 of subtitle 2 of title 31, United States Code, is amended by striking sections 1552 through 1556 and inserting the following:

"§ 1552. Procedure for appropriation accounts available for definite periods

"(a) On September 30th of the 5th fiscal year after the period of availability of an appropriation account available for obligation for a definite period ends, the account is closed and any remaining obligated and unobligated balance is canceled and thereafter shall not be available for obligation or expenditure for any purpose.

"(b) Collections authorized to be credited to an appropriation, but not received before closing of the account under subsection (a) or section 1555 of this title shall be deposited in the Treasury as miscellaneous receipts.

"§ 1553. Availability of appropriation accounts to pay obligations

"(a) After the end of the period of availability of an appropriation account available for a definite period and prior to closing of that account under section 1552(a) of this title, the account shall remain available for recording, adjusting, and liquidating obligations properly chargeable to that account. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

"(b)(1) Subject to the provisions of paragraph (2), after closing of an account under section 1552(a) or section 1555 of this title, obligations and adjustments to obligations that would have been chargeable to that account prior to closing and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose.

"(2) The total of charges to any current account under paragraph (1) shall not exceed—

"(A) An amount equal to one percent of the total appropriations for that current account; or

"(B) the amount of the original appropriation, whichever amount is less.

"(c)(1) Obligations under this section may be paid without prior action of the Comptroller General.

"(2) This subchapter does not—

"(A) relieve the Comptroller General of the duty to make decisions requested under law; or

"(B) affect the authority of the Comptroller General to settle claims and accounts.

"(d)(1) If an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount of such obligations during a fiscal year for contract changes for that program, project, or activity to exceed $4,000,000, the obligation may only be made if the obligation is approved by the head of the agency (or an officer of the agency within the Office of the head of the agency to whom the head of the agency has delegated the authority to approve such an obligation).

"(2) In a case in which an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount so obligated during a fiscal year for that program, project, or activity to exceed $25,000,000, the obligation may not be made until—

"(A) the head of the agency submits to the appropriate authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives a notice in writing of the intent to obligate such funds, together with a description of the legal basis for the proposed obligation and the policy reasons for the proposed obligation; and

"(B) a period of 30 days has elapsed after the notice is submitted.

"(3) As used in this subsection, the term 'contract change' means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under an escalation clause.

"§ 1554. Audit, control, and reporting

"(a) Any audit requirement, limitation on obligations, or reporting requirement that is applicable to an appropriation account shall remain applicable to that account after the end of the period of availability of that account.

"(b)(1) The head of each Federal agency shall provide an annual report to the President and the Department of the Treasury regarding the unliquidated obligations, unobligated balances, and adjustments made to such accounts during the completed fiscal year. The report shall be provided no later than 15 days after the President's budget submission.

"(2) The report required by this subsection shall—

"(A) provide a description, with reference to the fiscal year of appropriations, of the amount in each account, its source, and an itemization of the appropriations accounts;

"(B) describe all current and expired appropriations accounts;

"(C) describe any payments made under section 1553 of this title;

"(D) describe any adjustment of obligations during that fiscal year pursuant to section 1553 of this title;

"(E) contain a certification by the head of the agency that the obligated balances in each appropriation account of the agency reflect proper existing obligations and that expenditures from the account since the preceding review were supported by a proper obligation of funds and otherwise were proper;

"(F) describe all balances canceled under sections 1552 and 1555 of this title; and

"(G) be provided to the Appropriations Committees of the Senate and the House of Representatives, to the House of Representatives Committee on Government Operations and the Senate Committee on Governmental Affairs, and other appropriate oversight and authorizing committees of the House and Senate.

"(c) The Congressional Budget Office shall—

"(1) annually estimate the outlay impact on the Federal deficit on an agency-by-agency basis, of payments and adjustments with respect to sections 1552 and 1553 of this title; and

"(2) include estimates required by paragraph (1) in the annual report of the Congressional Budget Office to Congress entitled 'The Economic and Budget Outlook', and its report entitled 'The Economic Budget Outlook: An Update'.

"(d) Each agency head shall establish internal controls to assure that an adequate review of obligated balances has been performed to support the certification required by section 1108(c) of this title.

"§ 1555. Closing of appropriation accounts available for indefinite periods.

"An appropriation account available for an indefinite period shall be closed and any remaining obligated or unobligated balance shall be canceled and thereafter shall not be available for obligation of expenditure for any purpose—

"(1) when the head of the agency concerned or the President decides that the purposes for which the appropriation was made have been carried out; and

"(2) when no disbursement is made against the appropriation for 2 consecutive fiscal years.

"§ 1556. Comptroller General reports on appropriation accounts.

"(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

"(1) the head of the agency concerned;

"(2) the Secretary of the Treasury; and

"(3) the President.

"(b) A report under this section shall include an appraisal of unpaid obligations under appropriation accounts the period of availability of which has ended.".

(2) EXTENSION OF AVAILABILITY.—Section 1551 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) The limitations on availability for expenditure prescribed in this subchapter shall apply to all other appropriations unless otherwise authorized by subsequent law that specifically—

"(1) identifies the appropriate account to be extended;

"(2) provide that such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to that account; and

"(3) extends the availability for expenditure of the obligated balances.".

(b) EFFECTIVE DATE.—

(1) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply to any appropriation account the obligated balance of which, on the date of enactment of this section, has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section.

(2) RESTORATION OF CERTAIN UNOBLIGATED AMOUNTS.—On the date of enactment of this section, the balance of any unobligated amount withdrawn under section 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section, from an account the obligated balance of which has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, is hereby restored to that account.

(3) CANCELLATION OF UNOBLIGATED BALANCES.—Thirty days after enactment of this section, all balances of unobligated funds withdrawn from any account under subsection 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section, (other than funds restored under paragraph (2)) are canceled.

(4) CANCELLATION OF OBLIGATED BALANCES.—On the 3rd September 30th after enactment of this section, all obligated balances transferred under subsection 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, are canceled.

(5) OBLIGATIONS AND ADJUSTMENT OF OBLIGATIONS.—(A) After cancellation of unobligated balances under paragraph (3) or cancellation of obligated balances under paragraph (4) and subject to the provisions of subparagraph (B), obligations and adjustments to obligations that would have been chargeable to those balances prior to such cancellations and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

(B) Any charge made pursuant to subparagraph (A) shall be subject to the maximum amount chargeable subsection (b) under section 1553 of title 31, United States Code, as amended by this section, and shall be included in the calculation of the total amount charged to any account under that section.

(c) ANTI-DEFICIENCY ACT.—Section 1341(a)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: ", including an obligation exceeding the original obligation and the use of such obligation for new obligations".

GARN AMENDMENT NO. 2569

Mr. MCCAIN (for Mr. GARN) proposed an amendment to the bill S. 2884, supra, as follows:

On page 4, line 21, strike out "$354,400,000" and insert in lieu thereof "$365,700,000".

On page 9, line 12, strike out "$5,746,723,000" and insert in lieu thereof "$5,741,723,000".

On page 3, line 18, strike out "$6,749,657,000" and insert in lieu thereof "$6,743,357,000".

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2570

Mr. DIXON (for Mr. MOYNIHAN, for himself and Mr. D'AMATO) proposed an amendment to the bill S. 2884, supra, as follows:

On page 359, line 4, change to "$1,042,775,000."

On page 378 between lines 14 and 15, insert the following new section:

SEC. 3131. INTERNAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated pursuant to section 3101(1)(A) $167,900,000 shall be made available for the purpose of inertial confinement fusion.

WIRTH (AND WILSON) AMENDMENT NO. 2571

Mr. DIXON (for Mr. WIRTH, for himself and Mr. WILSON) proposed an amendment to the bill S. 2884, supra, as follows:

On page 17, line 16, strike out "$1,017,000,000" and insert in lieu thereof "$1,062,527,000".

On page 359, line 17; strike out "$302,043,000" and insert in lieu thereof "$292,043,000".

On page 361, strike out lines 20 through 22.

On page 362, line 7, strike out "$19,600,000" and insert in lieu thereof "$9,600,000".

On page 362, line 25, strike out "$128,587,000" and insert in lieu thereof "$106,806,000".

On page 364, strike out lines 4 through 6.

NUNN (AND OTHERS) AMENDMENT NO. 2572

Mr. NUNN (for himself, Mr. WARNER, Mr. DOLE, and Mr. THURMOND) proposed an amendment to the bill S. 2884, supra, as follows:

SEC. . HONORING GENERAL MATTHEW B. RIDGWAY.

(a) FINDINGS.—The Congress finds that—

(1) General Matthew Bunker Ridgway, United States Army (Retired) served his country with great honor and distinction for more than 40 years;

(2) during World War II, General Ridgway commanded the 82d Airborne Division and later the XVIII Airborne Corps, leading his soldiers in some of the toughest fighting of the European theater to achieve Allied victories in North Africa, Sicily, Italy, the Normandy invasion, the Battle of the Bulge, and the crossing of the Rhine and Elbe Rivers.

(3) in Korea, during the depths of the bitter winter of 1950, General Ridgway took command of the seriously demoralized 8th Army, motivated and inspired it to "Stand and Fight," and led it on the offensive again;

(4) under his leadership, the military forces of the United Nations Command in Korea recaptured territory that had been lost earlier to overwhelming enemy forces and forced the onset of armistice negotiations; and

(5) after his commands in the Korean war, General Ridgway continued his outstanding service to his country by serving in the positions of Supreme Commander of Allied Powers in Europe and Chief of Staff of the United States Army.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of the Congress that—

(1) General Ridgway deserves the highest honor and utmost respect of the United States and its citizens for his extraordinary service and dedication to their security; and

(2) a Congressional Gold Medal should be struck in honor of his lifetime of superior achievements.

SPECTER AMENDMENT NO. 2573

Mr. SPECTER proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following: it is the sense of the Senate that:

"In the event Iraqi hostilities continue and action is not instructed under Article 42 of the United Nation Charter to force cessation of such hostilities, and the President determines the National Security interest at the United States may be directly throught the President of the United States should initiate negotiations to create a multilateral air, sea and land force outside the United Nations to furnish such assistance as may be necessary to restore international peace and security in Kuwait."

REID (AND BRYAN) AMENDMENT NO. 2574

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill S. 2884 , supra, as follows:

On page 223, below line 24, insert the following:

SEC. 1216. REPEAL RELATING TO CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS.

(a) REPEAL.—Section 1631 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2646; 42 U.S.C. 2212) is repealed.

(b) RELATIONSHIP TO STATUTES OF LIMITATIONS.—(1) The period during which section 1631 of the Department of Defense Authorization Act, 1985 was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in subsection (a)(1) of such section.

(2) In the case of any civil action referred to in paragraph (1) which was filed before October 19, 1984, and was subsequently dismissed pursuant to the provisions of section 1631 of the National Defense Authorization Act, 1985, the period beginning on the date of the initial filing of such action and ending on the date of the enactment of this Act shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to such civil actions.

(3) If the period provided in any Federal or State statute of limitations applicable to a civil action referred to in paragraph (1) expires within the one-year period beginning on the date of the enactment of this Act, the action shall not be barred by such statute, but shall be forever barred if not commended within one year after such date.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT

MIKULSKI AMENDMENT NO. 2575

Mr. NUNN (for Ms. MIKULSKI) proposed an amendment to the bill (H.R. 4790) to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Mortality Prevention Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR PREVENTION AND CONTROL OF BREAST AND CERVICAL CANCER.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XIV the following new title:

TITLE XV—PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS

"SEC. 1501. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States on the basis of an established competitive

review process for the purpose of carrying out programs—

"(1) to screen women for breast and cervical cancer as a preventive health measure;

"(2) to provide appropriate referrals for medical treatment of women screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) to develop and disseminate public information and education programs for the detection and control of breast and cervical cancer;

"(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of breast and cervical cancer;

"(5) to establish mechanisms through which the States can monitor the quality of screening procedures for breast and cervical cancer, including the interpretation of such procedures; and

"(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

"(b) GRANT AND CONTRACT AUTHORITY OF STATES.—A State receiving a grant under subsection (a) may expand the grant to carry out the purpose described in such subsection through grants to, and contracts with, public or nonprofit private entities.

"SEC. 1502. REQUIREMENT OF MATCHING FUNDS.

"(a) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such section, to make available non-Federal contributions (in cash or in kind under subsection (b)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 1501 for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

"(3) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the State involved toward the purpose described in paragraphs (1) and (2) of section 1501(a).

"SEC. 1503. REQUIREMENTS WIH RESPECT TO TYPE AND QUALITY OF SERVICES.

"(a) REQUIREMENT OF PROVISION OF ALL SERVICES BY DATE CERTAIN.—The Secretary may not make a grant under section 1501 unless the State involved agrees—

"(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;

"(2) subject to subsection (b), to ensure that—

"(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

"(B) in the case of cervical cancer, both a pelvic examination and the screening procedure known as a pap smear are conducted;

"(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant, each of the services or activities described in section 1501(a) is provided; and

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

"(b) USE OF IMPROVED SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) becomes commonly available and is recommended for use, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

"(c) QUALITY ASSURANCE REGARDING SCREENING FOR BREAST CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for breast cancer conducted pursuant to such section and, in the case of mammography, will provide that—

"(1) the equipment used to perform the mammography will be specifically designed for mammography and will meet appropriate radiologic standards for mammography;

"(2) the mammography will be performed by an individual who—

"(A) is licensed by a State to perform radiological procedures; or

"(B) is certified as qualified to perform radiological procedures by an appropriate organization;

"(3) the results of the mammography will be interpreted by a physician who—

"(A) is certified as qualified to interpret radiological procedures by an appropriate board; or

"(B) is certified as qualified to interpret screening mammography procedures by an appropriate program for assuring the qualifications of the individual with respect to such interpretations; and

"(4) with respect to the first screening mammography performed on a woman for which payment is made pursuant to section 1501(a), there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(d) QUALITY ASSURANCE REGARDING SCREENING FOR CERVICAL CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for cervical cancer conducted pursuant to such section and, in the case of the pap smear (or other cytological screening procedure replacing the pap smear pursuant to subsection (b)), will provide—

"(1) the maximum number of cytology slides that any individual may screen in a 24-hour period;

"(2) requirements that a clinical laboratory maintain a record of—

"(A) the number of cytology slides screened during each 24-hour period by each individual who examines cytology slides for the laboratory; and

"(B) the number of hours devoted during each 24-hour period to screening cytology slides by such individual;

"(3) criteria for requiring rescreening of cytological preparations, such as—

"(A) random rescreening of cytology specimens determined to be in the benign category;

"(B) focused rescreening of such preparations in high risk groups; and

"(C) for each abnormal cytological result, rescreening of all prior cytological specimens for the patient, if available;

"(4) periodic confirmation and evaluation of the proficiency of individuals involved in screening or interpreting cytological preparations, including announced and unannounced on-site proficiency testing of such individuals, with such testing to take place, to the extent practicable, under normal working conditions;

"(5) procedures for detecting inadequately prepared slides, for assuring that no cytological diagnosis is rendered on such slides, and for notifying referring physicians of such slides;

"(6) requirements that all cytological screening be done on the premises of an appropriately qualified laboratory;

"(7) requirements for the retention of cytology slides by laboratories for appropriate periods of time; and

"(8) requirements of periodic inspection of cytology services by persons capable of evaluating the quality of cytology services.

"(e) ISSUANCE BY SECRETARY OF GUIDELINES WITH RESPECT TO QUALITY OF MAMMOGRAPHY AND CYTOLOGICAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall establish guidelines for assuring the quality of any mammography and cytological screening procedure conducted pursuant to section 1501(a). Such guidelines with respect to mammography shall include the provisions of paragraphs (1) through (4) of subsection (c), and such guidelines with respect to cytological screening procedures shall include the provisions of paragraphs (1) through (8) of subsection (d).

"(2) APPLICABILITY WITH RESPECT TO GRANTS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, with respect to any mammography or cytological screening procedure conducted pursuant to such section, ensure that the procedure is conducted in accordance with the guidelines issued by the Secretary under paragraph (1).

"(3) RESPONSIBILITY OF STATES IN ABSENCE OF GUIDELINES.—With respect to circumstances in which a State receives a grant under section 1501 before the issuance of guidelines under paragraph (1), this subsection may not be construed to affect in such circumstances the obligation of the State pursuant to subsection (a)(1) to provide for screening procedures and referrals or the obligations under subsections (c) and (d) with respect to providing for quality in the screening procedures.

"SEC. 1504. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PRIORITY FOR LOW-INCOME WOMEN.—The Secretary may not make a grant under

section 1501 unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 1501(a).

"(b) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(c) STATEWIDE PROVISION OF SERVICES.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees that services and activities under the grant will be made available throughout the State, including availability to members of any Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1) for a State if the Secretary determines that compliance by the State with the requirement would result in an inefficient allocation of resources with respect to carrying out the purpose described in section 1501(a).

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

(e) COORDINATION WITH OTHER BREAST AND CERVICAL CANCER PROGRAMS.—The Secretary may not make a grant under Section 1501 unless the State involved agrees that the services and activities funded through the grant shall be coordinated with other federal, state and local breast and cervical cancer programs.

"(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to provide inpatient hospital services for any individual.

"(h) RECORDS AND AUDITS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that—

"(1) the State will establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received by the State under such section; and

"(2) upon request, the State will provide records maintained pursuant to paragraph (1) to the Secretary or the Comptroller of the United States for purposes of auditing the expenditures by the State of the grant.

"(i) REPORTS TO SECRETARY.—The Secretary may not make a grant under section 1501 unless the State involved agrees to submit to the Secretary such reports as the Secretary may require with respect to the grant.

"SEC. 1505. DESCRIPTION OF INTENDED USES OF GRANT.

"The Secretary may not make a grant under section 1501 unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for the services or activities described in section 1501(a); and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprivate entities; and

"(4) the description provides assurances that the grant funds will be used in the most cost-effective manner.

"SEC. 1506. REQUIREMENT OF SUBMISSION OF APPLICATION.

"The Secretary may not make a grant under section 1501 unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 1505, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

"SEC. 1507. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to section 1501. The Secretary may provide such technical assistance directly or through grants to, or contracts with, public and private entities.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1501, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out such section and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant under section 1501 to the State involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1508. EVALUATIONS AND REPORTS.

"(a) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1501.

"(b) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to subsection (a) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this title as the Secretary determines to be appropriate.

"SEC. 1509. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

"(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not more than 20 percent for carrying out section 1507.

EXCELLENCE IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION ACT

KENNEDY AMENDMENT NO. 2576

Mr. NUNN (for Mr. KENNEDY) proposed an amendment to the bill (H.R. 996) to establish the congressional scholarships for science, mathematics, and engineering, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excellence in Mathematics, Science and Engineering Education Act of 1990".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—NATIONAL GOAL AND POLICY FOR MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION
Sec. 101. Findings and objectives.
Sec. 102. Declaration of policy and principles.
Sec. 103. National goals for the year 2000.
TITLE II—SCIENTIFIC AND TECHNICAL LITERACY
PART A—INFORMATION DISSEMINATION IN MATHEMATICS AND SCIENCE EDUCATION
Sec. 201. National clearinghouse for mathematics, science and technology education.
PART B—REGIONAL MATHEMATICS AND SCIENCE EDUCATIONAL PROGRAMS
Sec. 211. Regional mathematics and science education consortia.
PART C—TECHNOLOGY AND LEARNING
Sec. 221. National Center of Technology and Learning.
Sec. 222. Start Schools Telecommunications Demonstration Program.

PART D—INFORMAL MATHEMATICS, SCIENCE AND TECHNOLOGY EDUCATION PROGRAMS
Sec. 231. Museums, planetariums, libraries and zoos.
PART E—GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR SYSTEMIC REFORM
Sec. 241. Systemic reform.
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Sec. 251. Technical amendment.
TITLE III—EDUCATION OF SCIENTISTS AND ENGINEERS
PART A—UNDERGRADUATE PROGRAMS
SUBPART 1—INSTRUCTION IMPROVEMENT
Sec. 301. Centers of excellence.
Sec. 302. National mathematics-science teacher corps.
SUBPART 2—NATIONAL SCIENCE SCHOLARS PROGRAM
Sec. 311. National science scholar's program.
Sec. 312. Conforming amendments.
PART B—GRADUATE FELLOWSHIPS AND TRAINEESHIPS
Sec. 321. Statement of purpose.
Sec. 322. Graduate fellowships.
Sec. 323. Graduate traineeships.
TITLE IV—WOMEN AND MINORITIES IN MATHEMATICS, SCIENCE AND ENGINEERING
Sec. 401. Statement of purpose.
Sec. 402. Distinguished visiting professors.
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TITLE V—FEDERAL LABORATORY EDUCATION PARTNERSHIPS
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TITLE VI—GENERAL PROVISIONS AND AUTHORIZATION OF APPROPRIATIONS
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Sec. 621. Authorization of appropriations.
Sec. 622. Availability of appropriations.
PART F—EFFECTIVE DATE
Sec. 631. Effective date.

TITLE I—NATIONAL GOAL AND POLICY FOR MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION

SEC. 101. FINDINGS AND OBJECTIVES.

(a) FINDINGS.—The Congress finds that—

(1) America's competitive position in the global economy is eroding, and it is paramount that the competitive position of the United States be restored;

(2) advances in science and technology depend, in large part, on the quantity and quality of the Nation's mathematicians, scientists, and engineers;

(3) international comparisons show American students are consistently behind their foreign counterparts in mathematics and science achievement;

(4) currently 60,000 teachers in the fields of mathematics, science and engineering are not fully qualified to teach in such fields, and by the year 2000 the Nation must produce an additional 300,000 mathematics, science and engineering teachers;

(5) projections by the National Science Foundation estimate a shortage of 675,000 scientists and engineers by the year 2000; and

(6) women and minorities are significantly underrepresented in the fields of mathematics, science and engineering, and this is unacceptable if all citizens are to have equal opportunity to pursue careers of their choosing.

(b) NATIONAL OBJECTIVES.—The Congress, as a consequence of the findings described in subsection (a), declares that it shall be a national objective to—

(1) encourage American students to pursue careers in mathematics, science and engineering;

(2) improve the quality of teaching in mathematics and science made available to all Americans;

(3) have American students rank first in the world in mathematics and science;

(4) substantially increase the number of graduates with degrees in mathematics, science and engineering; and

(5) substantially increase the number of women and minorities pursuing careers in mathematics, science and engineering.

SEC. 102. DECLARATION OF POLICY AND PRINCIPLES.

(a) POLICY.—The Congress declares that it shall be the policy of the United States to—

(1) improve the academic performance of all elementary and secondary school students in mathematics and science;

(2) recognize the special value to the Nation of, and meet the special requirements for, educating and training sufficient numbers of mathematicians, scientists and engineers; and

(3) devote the necessary resources to stimulate and foster the education, training, and substantially increased participation of women and minorities in mathematics, science and engineering.

(b) PRINCIPLES.—The Congress further declares that the policies described in subsection (a) shall be implemented in accordance with the following principles:

(1) The strength of the American educational system stems from the system's grounding in local communities, the diversity of educational approaches employed by State governments, the voluntary participation of the private sector, and informal education through public television, museums, and other community programs.

(2) In order for the Federal Government to carry out its role more effectively, the Federal Government should improve the exchange of information and coordination among the National Science Foundation, the Departments of Education, Energy, and Defense, the National Aeronautics and Space Administration, and other Federal agencies that have mathematics, science and technology education programs.

(3) It shall be a priority of the Congress to adequately fund existing programs in mathematics and science education in the Department of Education, the National Science Foundation, and other Federal departments and agencies.

SEC. 103. NATIONAL GOAL FOR THE YEAR 2000.

(a) DECADE DESIGNATION.—The Congress declares that the period from January 1, 1990 through December 31, 1999, shall be designated as the "Decade of Excellence in American Mathematics, Science and Engineering Education".

(b) NATIONAL GOAL.—The Congress declares that it shall be a paramount national goal of the United States to achieve the objectives set forth in section 101(b) by the beginning of the year 2000.

(c) ASSESSMENT AND ACHIEVEMENT.—In order to assess progress toward, and achievement of, the goal set forth in subsection (b) of this section, the National Science Foundation, the Department of Education, and the Science Adviser to the President, shall—

(1) set forth the objectives described in section 101(b) in sufficient detail so that such objectives provide for—

(A) acceptable standards of public literacy in mathematics, science and technology,

(B) increase student interest and academic performance in mathematics and science,

(C) the professional development of sufficient numbers of mathematicians, scientists, and engineers,

(D) the attraction and retention of sufficient numbers of fully qualified teachers in the fields of mathematics, science and engineering, and

(E) greater participation of women and minorities in the fields of mathematics, science and engineering;

(2) develop and disseminate appropriate criteria and guidelines to assess the extent of the Nation's achievement of such objectives;

(3) collect relevant statistics and other necessary data throughout the decade described in section 103(a), and analyze such information to assess progress toward the goal set forth in subsection (b);

(4) sponsor an international survey in 1999, to determine whether American students have improved their academic performance and surpassed their counterparts in other nations in knowledge and understanding of mathematics, science and engineering; and

(5) provide a final report to the President and the Congress which provides a comprehensive assessment of the extent to which such national goal has been achieved by the year 2000.

TITLE II—SCIENTIFIC AND TECHNICAL LITERACY

PART A—INFORMATION DISSEMINATION IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION

SEC. 201. NATIONAL CLEARINGHOUSE FOR MATHEMATICS, SCIENCE AND TECHNOLOGY EDUCATION

(a) CLEARINGHOUSE AUTHORIZED.—(1) The Secretary, in consultation with the Director, is authorized to award a grant or contract to establish a National Clearinghouse for Mathematics, Science and Technology Education (hereinafter referred to as the "Clearinghouse".

(2) The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

(3) The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary no later than 30 months from the date the grant or contract is awarded.

(b) USE OF FUNDS.—(1) The grant or contract awarded under this section shall be used to—

(A) maintain a permanent repository of mathematics, science and technology education instructional materials and programs which shall—

(i) emphasize elementary school teachers preparation materials, and

(ii) include all materials and programs developed in whole or in part with Federal funds;

(B) compile information on all mathematics, science and technology education administered by each Federal agency or department;

(C) coordinate with identifiable and existing data bases containing mathematics, science curriculum and instructional materials, including Federal and non-Federal data bases; and

(D) disseminate instructional materials and programs.

(2) The Clearinghouse, in carrying out the provisions of this section, shall ensure compliance with the provisions of title 17 of the United States Code.

(c) PROGRAMS AND MATERIALS.—Each Federal agency or department which develops mathematics, science and technology education instructional material or programs, including the National Science Foundation, and the Department of Education, shall submit to the Clearinghouse copies of such material or programs.

(d) APPLICATION.—Each entity desiring to establish and operate the Clearinghouse authorized in subsection (a) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

PART B—REGIONAL MATHEMATICS, SCIENCE AND EDUCATIONAL PROGRAMS

SEC. 211. REGIONAL MATHEMATICS, SCIENCE AND EDUCATION CONSORTIA.

(a) PROGRAM ESTABLISHED.—(1) The Secretary, in consultation with the Director, is authorized to award grants or contracts to eligible entities to establish and operate regional mathematics, science and education consortia for the purpose of—

(A) disseminating exemplary mathematics, science and technology education instructional materials; and

(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

(2) The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

(3) If the amount appropriated pursuant to the authority of section 621(b) is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out the provisions of this section.

(4) The Secretary shall carry out the provisions of this section in consultation and cooperation with the Director.

(5) Grants or contracts awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretray no later than 30 months from the date the grant or contract is awarded.

(6) Each Regional Consortium, in carrying out the provisions of this section, shall ensure compliance with the provisions of title 17 of the United States Code.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "eligible entity" means—

(A) a private nonprofit organization of demonstrated effectiveness;

(B) an institution of higher education;

(C) an elementrary or secondary school;

(D) a State or local educational agency;

(E) a regional educational laboratory and the research and development center established under section 405(d)(4)(A) of the General Education Provisions Act; or

(F) a combination of the entities set forth in subparagraphs (A) through (E);

with demonstrated expertise in mathematics, and science education;

(2) the term "region" means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act; and

(3) the term "Regional Consortium" means each regional mathematics, science and education consortium established pursuant to subsection (a).

(c) USE OF FUNDS.—Funds provided under this section may be used by a Regional Consortium, under the direction of a regional board established pursuant to subsection (f), to—

(1) disseminate information on exemplary precollege mathematics, science education instruction materials, teaching methods and assessment tools;

(2) assits, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the Regional Consortium;

(5) enable highly qualified mathematics and science teachers, designated as Roving Master Teachers, to visit a number of elementary and secondary schools throughout the region to conduct special classes in mathematics and science in each such school, including—

(A) utilizing experiments, demonstrations, and audio visual displays to stimulate student interest in mathematics and science; and

(B) conducting periodic workshops for teachers in the schools visited;

(6) assist elementary and secondary schools in restructuring mathematics, science and technology instruction, and in organizing teacher training programs;

(7) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics, science and technology education;

(8) help State and local educational agencies or consortia thereof assess the need for and the desirability of regional mathematics, science and technology academies;

(9) develop and disseminate early childhood education mathematics and science instructional materials; and

(10) develop intergenerational projects to train senior citizen volunteers in the implementation of interactive science processes and activities for use by elementary and secondary school students.

(d) APPLICATION AND REVIEW.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary, in consultation with the Director, may reasonably require. Each such application shall—

(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods and assessment tools;

(3) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics, science and education;

(4) demonstrate that the business community in the region served by the Regional Consortium will play an integral role in designing and supporting the Regional Consortium's work;

(5) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia in carrying out the provisions of this part, where appropriate.

(e) APPROVAL OF APPLICATION.—(1) The Secretary, in consultation with the Director, shall approve applications submitted pursuant to subsection (d) in accordance with the criteria and procedures established under paragraph (2).

(2) The Secretary, in consultation with the Director, shall develop procedures and criteria designed to ensure that grants or contracts are awarded on a competitive, merit basis as determined by the peer review process described in paragraph (3).

(3) The Secretary, in consultation with the Director, shall establish for each region a panel which shall conduct the technical review of the applications from such region for grants or contracts under this section and submit its recommendations to the Secretary and Director. The Secretary and Director shall each appoint one-half of the members of each panel, who, to the extent feasible, shall reside in the region for which applications are being considered.

(4) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to review the recommendation made by each regional technical review panel and submit to the Secretary and Director final recommendations for awards under this section. The Secretary and the Director shall each appoint one half of the members of such panel or panels.

(f) REGIONAL BOARDS.—Each eligible entity receiving a grant or contract under this section shall establish a regional board to oversee the administration and establishment of program priorities for the Regional Consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the Regional Consortium.

(g) PAYMENTS: FEDERAL SHARE; NON-FEDERAL SHARE.—(1) The Secretary shall pay to each eligible entity having an application approved under subsection (e) of this section the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for the first and second years in which an eligible entity receives assistance shall be 90 percent;

(B) for the third and fourth such years shall be 75 percent; and

(C) for the fifth and each succeeding year shall be 50 percent.

(3) The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated.

(h) EVALUATIONS.—(1) The Secretary, through the Office of Educational Research and Improvement, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each Regional Consortium.

(2) The evaluations described in paragraph (1) shall include an assessment of—

(A) student development as measured by achievement gains; and

(B) the effectiveness of the Regional Consortium in meeting the needs of the schools, teachers, administrators and students in the region.

(3) At the end of each grant or contract period, the Secretary shall submit to Congress a report on the effectiveness of the programs conducted at each Regional Consortium.

(i) AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT.—Section 405(d)(4) of the General Education Provisions Act is amended by inserting at the end thereof the following new subparagraph:

"(G) The Secretary shall only award a grant or enter into a contract for a regional educational laboratory if such regional educational laboratory is to be located in the region of the Nation served by such regional educational laboratory.".

PART C—TECHNOLOGY AND LEARNING

SEC. 221. NATIONAL CENTER OF TECHNOLOGY AND LEARNING.

(a) PROGRAM AUTHORIZED.—The Secretary, through the Office of Educational Research and Improvement, is authorized to award a grant or contract to a private nonprofit institution or organization for the establishment and management of a National Center of Technology and Learning (hereafter in this section referred to as the "Center").

(b) DUTIES.—The Center shall conduct interdisciplinary research on the processes by which individuals learn and the ways in which advanced technologies can be utilized to facilitate such processes and shall widely disseminate the results of such research.

(c) INTERDISCIPLINARY RESEARCH.—In conducting the interdisciplinary research described in subsection (b), the Center shall utilize state-of-the-art developments in advanced technologies and research findings in all relevent fields, including the social sciences, cognitive sciences, computer science, communications technology, information storage and retrieval and audio-visual technologies.

(d) APPLICATION.—Each private nonprofit institution or organization desiring a grant or contract pursuant to subsection (a) shall submit an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

SEC. 222. STAR SCHOOLS TELECOMMUNICATIONS DEMONSTRATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Director is authorized to award grants on a competitive basis to partnerships consisting of State educational agencies, public television, institutions of higher education, and local school districts, for projects that demonstrate statewide or multi-state application of innovative telecommunications and computer networking technology that will provide effective mathematics and science education programs to rural and urban areas which are underserved in fields of mathematics and science institution or to areas which have a high number or percentage of students below the poverty line.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—

(1) purchasing and updating equipment;

(2) the development of interactive linkages with several school districts;

(3) teacher training; or

(4) other appropriate projects that will improve math and science education in such underserved areas.

(c) DEFINITION.—For the purpose of this section, the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

PART D—INFORMAL MATHEMATICS, SCIENCE AND TECHNOLOGY EDUCATION PROGRAMS

SEC. 231. MUSEUMS, PLANETARIUMS, LIBRARIES, AND ZOOS.

(a) IN GENERAL.—(1) The Director is authorized to award grants to museums, planetariums, libraries, zoos, and other science-technology centers to enable such organizations to—

(A) develop more effective, hands-on, interactive mathematics, science and technology programs and activities;

(B) make such programs and activities more widely available throughout the surrounding community, giving special attention to the needs of female and minority children and economically disadvantaged areas; and

(C) report on such programs and activities to the Clearinghouse established under section 201 for subsequent dissemination through the Regional Consortia established under section 211.

(2) Grants awarded pursuant to subsection (a) shall be awarded on a competitive basis.

(b) SPECIAL CONSIDERATION.—In awarding grants pursuant to subsection (a), the Director shall give special consideration to programs designed primarily for elementary school-aged children.

(c) GEOGRAPHIC DISTRIBUTION.—In awarding grants pursuant to subsection (a), the Director shall, to the extent practicable, ensure an equitable geographic distribution of such grants.

PART E—GRANTS TO LOCAL EDUCATIONAL AGENCIES FOR SYSTEMIC REFORM

SEC. 241. SYSTEMIC REFORM.

(a) IN GENERAL.—The Director is authorized to award grants to local educational agencies in urban and rural areas for projects that implement system-wide improvement in elementray or secondary school mathematics and science education.

(b) IMPROVEMENT COMPONENTS.—Each project for which a grant is awarded pursuant to subsection (a) shall include the following components:

(1) increased student achievement;

(2) improvements in organizational structure and decision-making;

(3) modifications in the provision and allocation of resources;

(4) improvement in the recruitment, retention and continuing professional development of teachers and other educators;

(5) improved curriculum content and learning goals; and

(6) other systemic reform issues as appropriate.

(c) SPECIAL RULE.—In awarding grants pursuant to subsection (a), the Director shall—

(1) to the extent practicable, ensure an equitable geographic distribution of such grants; and

(2) give priority to school districts whose improvement plans place a strong emphasis on increasing the academic achievement of females and minority students.

PART F—TECHNICAL AMENDMENT

SEC. 251. TECHNICAL AMENDMENT.

Section 14(f) of the National Science Foundation Act of 1950, is amended by inserting "or education" after "research".

TITLE III—EDUCATION OF SCIENTISTS AND ENGINEERS

PART A—UNDERGRADUATE PROGRAMS

Subpart 1—Instruction Improvement

SEC. 301. CENTERS OF EXCELLENCE.

(A) STATEMENT OF PURPOSE.—It is the purpose of this section to strengthen undergraduate teaching of mathematics, science and engineering at institutions of higher education that do not have strong departments in such fields.

(b) PROGRAM AUTHORIZED.—(1) The Director is authorized to award grants to institutions of higher education to establish centers of excellence for the purpose described in subsection (a).

(2) Grants made pursuant to paragraph (1) may be made for institution-wide projects or for projects to be carried out within a specific department or by several departments of an institution of higher education.

(c) SPECIAL RULE.—In awarding grants pursuant to subsection (b), the Director shall—

(1) to the extent practicable, ensure an equitable geographic distribution of such grants; and

(2) ensure that priority is given to institutions that educate a large number of women and minorities.

SEC. 302. NATIONAL MATHEMATICS-SCIENCE TEACHER CORPS.

(a) ESTABLISHMENT OF PROGRAM.—The Director is authorized to make awards to students enrolled in a baccalaureate degree program in mathematics, science or engineering who are willing to commit themselves to teach elementary or secondary mathematics or science as provided in this section.

(b) ELIGIBILITY.—Awards under this section shall only be made to students who are—

(1) majoring in mathematics, science or engineering;

(2) in the last 2 years of a baccalaureate degree program; and

(3) enrolled in an institution of higher education which is accredited by a nationally recognized accrediting agency or association.

(c) CRITERIA FOR SELECTION.—Students shall be selected to receive awards under this section primarily on the basis of academic merit, with consideration given to financial need and to the goal of increasing the participation in elementary and secondary mathematics and science teaching of minorities, women, and individuals with disabilities.

(d) AMOUNT OF AWARD.—(1) Awards under this section shall be $5,000 per year, except that no grant may exceed the cost of attendance at the institution of higher education as defined in section 472 of the Higher Education Act of 1965. Except as provided in paragraph (2) of this subsection, a student may receive a maximum of 2 awards under this section.

(2) An individual may receive a maximum of 3 awards under this section if such individual has completed requirements for the baccalaureate degree but requires additional credits in education courses in order to obtain certification to teach.

(e) GRANT AGREEMENT.—Each individual receiving an award under this section shall enter into an agreement with the Director. Each such agreement shall require the individual to complete, within 6 years after graduation from the baccalaureate degree program for which the award was made, at least 2 years of service as an elementary or secondary mathematics or science teacher for each award received. Service required under this section shall be performed at a school described in section 465(a)(2)(A) of the Higher Education Act of 1965.

(f) FAILURE TO COMPLETE SERVICE OBLIGATION.—If an individual who has received an award under this section—

(1) fails to maintain an acceptable level of academic standing in the educational institution in which he is enrolled;

(2) is dismissed from such educational institution;

(3) withdraws from the baccalaureate degree program for which the award was made before the completion of such program; or

(4) fails to fulfill his service obligation under this section,

such individual shall be liable to the United States for repayment of the award received under this section, plus interest at a rate and on a schedule to be determined by the Director.

Subpart 2—National Science Scholars Program

SEC. 311. NATIONAL SCIENCE SCHOLARS PROGRAM.

Part A of title IV of the Higher Education Act of 1965 (hereafter in this subpart referred to as the "Act") is amended—

(1) by redesignating subparts 7 and 8, as subparts 8 and 9, respectively; and

(2) by inserting after subpart 6 the following new subpart:

"Subpart 7—National Science Scholars Program

"PURPOSE

"SEC. 419L. (a) It is the purpose of this subpart—

"(1) to establish a National Science Scholars Program to recognize student excellence and achievement in the physical, life, mathematics, computer sciences, and engineering;

"(2) to encourage role models in physical, life, mathematics, computer sciences and engineering fields for young people by offering opportunities to pursue a postsecondary education in such fields;

"(3) to strengthen the leadership of the United States in the fields of physical, life, mathematics, computer sciences and engineering; and

"(4) to assist students who have demonstrated outstanding academic achievement in continuing their education in these fields of study.

"SCHOLARSHIPS AUTHORIZED

"SEC. 419M. (a) PROGRAM AUTHORITY.—(1) The Secretary is authorized, in consultation with the Director of the National Science Foundation (hereinafter referred to as the 'Director') and in accordance with the provisions of this subpart, to carry out a program of awarding scholarships for the study of the life, physical, mathematics, computer sciences or engineering.

"(2) The Director, in consultation with the Secretary, shall establish and implement a merit-based program for annually awarding scholarships for the study of physical, life, mathematics, computer sciences or engineering to—

"(A) one male and one female from each congressional district of the United States, the District of Columbia, and Puerto Rico; and

"(B) one male and one female from Guam, the Virgin Islands, American Samoa, Palau, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Commonwealth of the Northern Mariana Islands.

"(3) Wherever possible in awarding scholarships, special consideration shall be given to economically disadvantaged students or students from groups traditionally underrepresented in the life, physical, mathematics, computer sciences and engineering professions.

"(b) NOTIFICATION OF SECONDARY SCHOOLS.—The Secretary shall notify all public and private secondary schools and all institutions of higher education in each State and in each of the entities set forth in subsection (a)(2)(B) annually of the availability of scholarships under this subpart.

"(c) CRITERIA AND PROCEDURE FOR NOMINATION AND SELECTION.—(1) Individuals shall be nominated and selected for scholarships under this subpart on the basis of the student's—

"(A) academic achievement in the life, physical, mathematics, computer sciences or engineering;

"(B) promise of outstanding academic achievement in physical, life, mathematics, computer sciences or engineering;

"(C) potential to successfully complete a postsecondary program in physical, life, mathematics, computer sciences or engineering; and

"(D) motivation to pursue a career in physical, life, mathematics, computer sciences or engineering.

"(2) The Director, in consultation with the Secretary, shall appoint a National Science Scholars Program Board (hereinafter referred to as the 'Board'), composed of scientists, mathematicians, educators, engineers, and representatives of the business community, to—

"(A) recommended to the Director specific academic achievement criteria for use in the nomination of scholars; and

"(B) make recommendations for awarding scholarships to the Director.

The Director, in consultation with the Secretary, shall review the Board's recommendations and the Director and the Secretary shall each publish the appropriate academic achievement criteria in the Federal Register.

"(3) The Director, in consultation with the Secretary, is authorized to establish, either directly or by contract, a procedure for nominating at least 4, but not more than 10 students from each congressional district and from each of the entities set forth in subsection (a)(2)(B), for scholarships under this subpart. The Director shall ensure that such nominations shall be made in consultation with educators, scientists, mathematicians, engineers, and representatives of the business community.

"(4) After considering the students nominated under paragraph (3), the Director, in consultation with the Board, shall recommend to the President one male and one female from each congressional district of the United States, and one male and one female from each of the entities set forth in subsection (a)(2)(B), for scholarships under this subpart.

"(d) DISBURSAL OF SCHOLARSHIP PROCEEDS.—Scholarship proceeds shall be disbursed by the Secretary on behalf of students who receive scholarships under this subpart to the institutions of higher education at which the students are enrolled. No scholarship proceeds shall be disbursed on behalf of a student until the student is enrolled at an institution of higher education.

"(e) NATIONAL SCIENCE SCHOLARS.—(1) Students awarded scholarships under this subpart shall be known as 'National Science Scholars'.

"(2) Students nominated under subsection (c) but not awarded scholarships under this subpart shall be known as 'National Science Scholarship Finalists'.

"(f) NATURE AND AMOUNT OF SCHOLARSHIPS.—(1) Scholarships shall be limited to a maximum of $5,000 per student, per year, for a period not to exceed 4 years.

"(2) In the event that funds available in a fiscal year are insufficient to fully fund all awards under this subpart, the amount paid to each student shall be ratably reduced.

"(g) USE OF EXCESS FUNDS.—If the funds available under this subpart for any fiscal year exceed the amounts required for initial and continuing awards under this section, additional scholarships may be awarded by the President, in consultation with the Director, to students selected as National Science Scholarship Finalists for the award year.

"(h) RELATION TO COST OF ATTENDANCE AND OTHER GRANTS AND SCHOLARSHIPS.—(1) The amount of a scholarship awarded under this subpart shall be reduced by the amount that the scholarship exceeds the student's cost of attendance, as defined in section 472 of the Act.

"(2) Notwithstanding any other provision of law, the award made under this subpart shall be considered as income for the purposes of awarding Federal student financial aid.

"(i) SPECIAL RULE.—The Director shall encourage the support and assistance of civic groups, the business community, professional associations, institutions of higher education, and others in providing scholarship assistance to National Science Scholarship Finalists.

"(j) ANNOUNCEMENT AND AWARD OF SCHOLARSHIPS.—The selection process shall be completed, and the announcement of the selection of National Science Scholars will be made by the President prior to January 1st of each fiscal year. The Secretary shall notify Members of Congress of selections before the public announcement by the President. Presentation of scholarships shall be made in a public ceremony.

"ELIGIBILITY OF SCHOLARS

"Sec. 419N. (a) REQUIREMENTS FOR INITIAL AWARD.—To be eligible to receive a scholarship under section 419M, a student shall—

"(1) be scheduled to graduate from a public or private secondary school, or to obtain the equivalent of a certificate of graduation (as recognized by the State or entity in which the student resides), during the school year in which the award is made;

"(2) be a citizen or national of the United States or the entities set forth in subsection (a)(2)(B), or be an alien lawfully admitted to the United States for permanent residence; and

"(3) have applied, or intend to apply, for admission to an institution of higher education in the United States or an institution of higher education in the entities set forth in subsection (a)(2)(B), that is accredited by a nationally recognized accrediting agency or association in accordance with the provisions of section 1201(a) of the Act.

"(b) MAINTAINING ELIGIBILITY.—(1) In order to maintain eligibility to receive funds pursuant to a scholarship awarded under this subpart, a student must—

"(A) be enrolled at an institution of higher education that is accredited by a nationally recognized accrediting agency or association in accordance with the provisions of section 1201(a) of the Act;

"(B) major in any field of physical, life, mathematics, computer science or engineering;

"(C) maintain academic performance in good standing, as determined by such institution; and

"(D) except as provided in paragraph (2), carry a full-time academic work load, as determined by the institution in which the student is enrolled under standards applicable to all students enrolled in that student's program.

"(2) The Secretary shall make exceptions to the requirement under paragraph (1)(D) in the case of a student who—

"(A) is on active duty as a member of the armed services;

"(B) has a disability or serious injury as certified by a qualified physician; or

"(C) has exceptional personal circumstances or emergencies, as determined by the Secretary.

"(c) FAILURE TO MEET ELIGIBILITY REQUIREMENTS.—In the event that the student fails to meet the requirements of this section, the student's eligibility to receive further scholarships (or scholarship proceeds) under this subpart shall be determined in accordance with the regulations of the Secretary.

"SUMMER EMPLOYMENT OPPORTUNITIES FOR SCHOOLS

"SEC. 4190. (a) PRIORITY FOR SUMMER EMPLOYMENT.—To the extent that they are otherwise qualified, students receiving scholarships under this subpart shall be given priority consideration for federally financed summer employment in federally funded research and development centers, that, to the maximum extent practicable, complements and reinforces the educational program of these students.

"(b) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the Secretary and participate actively in providing appropriate summer employment opportunities for such students.

"EFFECTIVE DATE

"SEC. 419P. The amendments made by this subpart shall be effective on October 1, 1990, for award year 1991-1992 and each succeeding award year thereafter.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419Q. There are authorized to be appropriated $6,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993 to carry out the provisions of this subpart.".

SEC. 312. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 401(b) of the Act is amended by striking out "subparts 1 through 8," and inserting in lieu thereof "subparts 1 through 9,".

(b) CONFORMING AMENDMENT.—Section 481(a)(1) of the Act is amended by striking out "except subpart 6" and inserting in lieu thereof "except subparts 6 and 7".

PART B—GRADUATE FELLOWSHIPS AND TRAINEESHIPS

SEC. 321. STATEMENT OF PURPOSE.

It is the purpose of this part to avert the substantial shortage of American scientists and engineers projected to occur over the next 15 years by significantly increasing the number of graduate fellowships awarded by the National Science Foundation and to institute a program of graduate traineeships.

SEC. 322. GRADUATE FELLOWSHIPS.

(a) IN GENERAL.—The Director is authorized to increase the number of graduate fellowships awarded by the Foundation, so that, in fiscal year 1993 and each fiscal year thereafter, at least 1,200 fellowships are awarded annually.

(b) SPECIAL RULE.—In awarding fellowships pursuant to subsection (a), the Director shall ensure that a substantially increasing number of fellowships shall be awarded to women and minorities in fiscal year 1991 and in each succeeding fiscal year through fiscal year 2000.

(c) GRADUATE FELLOWSHIPS.—Section 10 of the National Science Foundation Act of 1950 is amended in the second sentence by striking "or nationals" and inserting ", nationals or lawfully admitted permanent resident aliens".

SEC. 323. GRADUATE TRAINEESHIPS.

(a) IN GENERAL.—The Director is authorized to carry out a program of awarding grants to institutions of higher education to enable such institutions to conduct traineeship programs which encourage promising students, especially women and minorities, to continue their education and research in mathematics, science, and engineering.

(b) SPECIAL RULE.—In awarding grants pursuant to subsection (a), the Director shall, to the extent practicable, ensure—

(1) an equitable geographic distribution of such grants;

(2) that institutions of higher education receiving such grants demonstrate experience in, and a commitment to, educating and graduating a significant number of women and minority students from traineeship programs in mathematics, science and engineering;

(3) that special consideration is given to institutions of higher education that have historically been attended by relatively few students who receive National Science Foundation fellowships; and

(4) that special consideration is given for awarding traineeships in academic disciplines experiencing the greatest shortages of scientists and engineers.

TITLE IV—WOMEN AND MINORITIES IN MATHEMATICS, SCIENCE AND ENGINEERING

SEC. 401. STATEMENT OF PURPOSE.

It is the purpose of this title to expand and enhance National Science Foundation program activities that are specifically focused on increasing the educational and professional participation of women and minorities in the field of mathematics, science and engineering.

SEC. 402. DISTINGUISHED VISITING PROFESSORS.

The Director is authorized to make grants to institutions of higher education to enable such institutions to make awards to distinguished women and minority faculty members in mathematics, science and engineering to enable such faculty members to serve as "Distinguished Visiting Professors" at academic institutions that do not have sufficient resources to attract and retain faculty members of such professional statute on a permanent basis.

SEC. 403. FACULTY AWARDS FOR WOMEN AND MINORITIES.

The Director is authorized to award grants to institutions of higher education, other than research universities, to enable such institutions to recruit and retain women and minority faculty members in the fields of mathematics, science and engineering, and to obtain equipment and facilities necessary for the research activities of such faculty members.

SEC. 404. ALLIANCE FOR MINORITY PARTICIPATION.

(a) IN GENERAL.—The Director is authorized to award grants to institutions of higher education to enable such institutions of higher education to establish or maintain alliances, partnerships, or other cooperative arrangements between institutions of higher education with predominately minority enrollments and institutions of higher education with high quality research programs in mathematics, science or engineering.

(b) SPECIAL RULE.—In awarding grants prusuant to this title, the Director shall, to the extent practicable, ensure—

(1) an equitable geographic distribution of such grants; and

(2) that institutions of higher education receiving such grants demonstrate experience in, and a commitment to, educating and graduating a significant number of women and minority students from programs in mathematics, science and engineering.

* * * * *

(2) oversee education partnership programs established in accordance with section 504; and

(3) coordinate, and collect and disseminate information on, all agency programs that promote scientific academic study or the development of the scientific and engineering work force.

(b) CRITICAL ACADEMIC AREAS.—Each mission agency shall identify each area of scientific academic study that is critical to the mission of the agency.

SEC. 503. EDUCATION PROGRAMS AND TRAINING.

(a) UNDERGRADUATE AND GRADUATE EDUCATION PROGRAMS.—(1) Each mission agency shall establish or designate not less than 2 programs for the purpose of awarding grants to institutions of higher education to enhance undergraduate or graduate education in critical academic areas.

(2) An institution of higher education may use grants provided under paragraph (1) to develop—

(A) undergraduate and graduate scholarship programs for critical academic areas;

(B) minority research grants or fellowships;

(C) cooperative programs; and

(D) institutional support.

(3) In awarding grants under this subsection, the education official of a mission agency shall give priority to projects designed to attract women and minorities into the scientific and engineering work force.

(4) To be eligible to receive a grant under paragraph (1), an institution of higher education shall submit an application to the education official of a mission agency at such time, in such manner, and containing such information as the education official shall by regulation provide.

(b) ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—(1) Each mission agency shall establish or designate not less than 2 programs for the purpose of enhancing the mathematics and science knowledge and abilities of elementary and secondary school faculty and students.

(2) The mission agency may establish programs under this section to develop—

(A) workshops, seminars, or summer employment programs for faculty or students;

(B) science and math resource materials; and

(C) formal, informal, or volunteer outreach programs.

(3) In order to enable elementary and secondary school teachers to participate in programs established under this subsection, each mission agency may compensate the teachers who participate in the programs.

(4) In awarding grants under this subsection, the education official of a mission agency shall give priority to projects designed to attract women and minorities into scientific academic study.

(c) TRAINING OF AGENCY EMPLOYEES.—Notwithstanding section 4107 of title 5, United States Code, under regulations prescribed by the Director of the Office of Personnel Management, a mission agency is authorized to provide training, or payment or reimbursement of the costs of training, for agency employees in critical academic areas in order to—

(1) assist in the recruitment or retention of employees with skills in critical academic areas; and

(2) train employees to provide services in accordance with subsections (a) and (b) and section 504.

SEC. 504. EDUCATION PARTNERSHIPS.

(a) AUTHORITY.—Each Federal laboratory director shall, to the extent practicable, enter into education partnership agreements with elementary and secondary schools and institutions of higher education for the purposes of promoting and enhancing scientific academic study at all educational levels.

(b) REVIEW.—A Federal laboratory director who enters into a partnership agreement under subsection (a) shall submit the agreement to the education official of the mission agency for review. Within 30 days after the submission of a partnership agreement, the education official and the appropriate government contracting official shall review the agreement and, on the basis of the review, approve or make specific objection to the agreement.

(c) MODEL AGREEMENTS.—Each mission agency shall develop and provide to the laboratories of the mission agency one or more model education partnership agreements, for the purposes of standardizing practices and procedures and enabling review of proposed agreements to be carried out in a routine and prompt manner.

(d) CONTENTS.—Education partnership agreements may include provisions under which a Federal laboratory agrees to—

(1) provide equipment, services, and support to elementary and secondary schools and institutions of higher education;

(2) provide personnel;

(3) appoint or employ in established summer and academic year research participation programs at the Federal laboratory—

(A) elementary, secondary, undergraduate and graduate mathematics, science and engineering faculty; and

(B) elementary school, secondary school, undergraduate and graduate students;

(4) establish research projects for academic credit in a Federal laboratory involving students and faculty from an institution of higher education; and

(5) establish mentorships, guidance, and assistance for elementary and secondary students, as a part of school curricula or approved extracurricular activities, to promote and enhance interest in scientific academic study.

(e) MINORITY AGREEMENTS.—Each Federal laboratory director shall make every effort to reach education partnership agreements with historically black colleges and universities and other institutions of higher education that serve Hispanic and other minority populations.

(f) AGENCY OR CONTRACTOR PERSONNEL.—Agency or contractor personnel may participate in programs under an education partnership agreement to the extent considered appropriate by the Federal laboratory director consistent with the mission of the laboratory.

SEC. 505. LOCATION.

In carrying out this title, each mission agency and Federal laboratory is authorized to conduct or fund educational activities at either an agency site, contractor site, or any other appropriate location.

SEC. 506. REPORTING REQUIREMENTS.

Not later than 1 year after the date of enactment of this title, each mission agency shall submit a report to Congress and the President that describes the actions taken to carry out this title.

TITLE VI—GENERAL PROVISIONS AND AUTHORIZATION OF APPROPRIATIONS

PART A—EVALUATION PROGRAMS

SEC. 601. DEPARTMENT OF EDUCATION EVALUATION PROGRAM.

The Secretary shall conduct evaluations of the programs, activities, and responsibilities of the Secretary authorized under this Act and shall report the findings from such evaluations to the Congress on September 30, 1995.

SEC. 602. NATIONAL SCIENCE FOUNDATION EVALUATION PROGRAM.

The Director shall conduct evaluations of the programs, activities, and responsibilities of the Director authorized under this Act and shall report the findings from such evaluations to the Congress on September 30, 1995.

PART B—DEFINITIONS

SEC. 611. DEFINITIONS.

As used in this Act—

(1) the term "consortium", refers to a combination of school districts, colleges, universities, other formal or informal educational entities, State and local governments, professional organizations, community groups, businesses and industries, or any combination thereof;

(2) the term "critical academic area" means, with respect to a mission agency, an area of academic study identified by the agency under section 505(b);

(3) the term "Director", unless otherwise specified, shall refer to the Director of the National Science Foundation;

(4) the term "education office" means, with respect to a mission agency, the office established or designated in section 505(a);

(5) the term "education official" means, with respect to a mission agency, the official responsible for administering the education office;

(6) the term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965;

(7) the term "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 7 or 9 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705 or 3707) that is owned and funded by a mission agency, whether operated by the Government or by a contractor;

(8) the term "Federal laboratory director" means—

(A) the director of a Government-operated Federal laboratory of a mission agency; or

(B) to the extent that an agency-approved joint work statement permits administration of programs established in accordance with this Act, the director of a contractor-operated Federal laboratory of the agency;

(9) the term "Foundation" refers to the National Science Foundation;

(10) the term "informal education" refers to educational activities, materials, exhibits, and demonstrations which may be used to supplement or enhance specific curriculum in the classroom or which may be used outside the classroom in voluntary or recreational settings;

(11) the term "institution of higher education" has the same meaning given that term in section 1201(a) of the Higher Education Act of 1965;

(12) the term "local educational agency" has the same meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(13) the term "minorities" refers to members of those racial and ethnic groups underrepresented in mathematics, science and engineering including, American Indians, black Americans, Hispanic Americans, Native Alaskans, or Native Pacific Islanders;

(14) the term "mission agency" means the Department of Defense, the Department of Energy, the Department of Agriculture, the Department of Labor, the Department of Health and Human Services, the Department of Transportation, the National Aeronautics and Space Administration, the Environmental Protection Agency, or the Department of Commerce;

(15) the term "roving master teacher" refers to teachers who specialize in mathematics and science and who travel from one school to another teaching specialized classes in mathematics and science to elementary and middle school children;

(16) the terms "scholarship" and "fellowship" refer to a financial award made to a student which enables a student to pursue a desired course of study at an institution of higher education;

(17) the term "scientific academic study" means the study of mathematics, science or engineering.

(18) the term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965;

(19) the term "Secretary", unless otherwise specified, refers to the Secretary of the Department of Education;

(20) the term "State educational agency" has the same meaning given that term in section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(21) the term "traineeship" means a form of financial support provided to an institution of higher education to—

(A) be used to provide stipends to graduate students selected by such institution; and

(B) help defray educational costs of educating such graduate students.

PART C—AUTHORIZATION OF APPROPRIATIONS

SEC. 621. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTION 201.—There are authorized to be appropriated $5,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of section 201.

(b) SECTION 211.—There are authorized to be appropriated $19,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and

1995 to carry out the provisions of section 211.

(c) SECTION 221.—There are authorized be appropriated $3,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of section 221.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 1991 and such sums as necessary for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of section 222.

(e) SECTION 231.—There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of section 231.

(f) SECTION 241.—There are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of section 241.

(g) SECTIONS 301, 302, 322, AND 323.—There are authorized to be appropriated $44,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of sections 301, 302, 322, and 323.

(h) SECTIONS 402, 403, AND 404.—There are authorized to be appropriated $17,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of sections 402, 403, and 404.

(i) SECTIONS 502, 503, 504, 505 AND 506.—There are authorized to be appropriated such sums as may be necessary for fiscal years 1991, 1992, 1993, 1994 and 1995 to carry out the provisions of sections 502, 503, 504, 505 and 506.

SEC. 622. AVAILABILITY OF APPROPRIATIONS.

Funds appropriated pursuant to the authority of section 621 shall remain available until expended.

PART D—EFFECTIVE DATE

SEC. 631. EFFECTIVE DATE.

The provisions of this Act shall take effect on October 1, 1990, or the date of enactment of this Act, whichever is later.

NATIONAL INDIAN FOREST AND WOODLAND ENHANCEMENT ACT

McCAIN AMENDMENT NO. 2577

Mr. SIMPSON (for Mr. McCAIN) proposed an amendment to the bill (S. 1289) to improve the management of forests and woodlands and the production of forest resources on Indian lands, and for other purposes; as follows:

On page 21, line 3, strike out "8,500,000" and insert thereof "8,700,000".

On page 28, line 23, immediately after "removing", add "or damaging".

On page 39, beginning with line 9, strike out all through line 2 on page 40 and insert in lieu thereof the following:

SEC. 207. SPECIAL INDIAN FOREST LAND ASSISTANCE ACCOUNT.

(a) ESTABLISHMENT.—At the request of any reservation's recognized tribal government, the Secretary may establish a special Indian forest land assistance account for such tribal government to fund the Indian forest land management activities of such tribal government.

(b) DEPOSITS AND EXPENDITURES.—(1) The Secretary may deposit into an Indian forest land assistance account established pursuant to subsection (a) any funds in his possession or available to him, including any unobligated annual appropriations, for the purpose of conducting forest land managment activities on Indian forest lands of such tribe. The Secretary shall notify the reservation's recognized tribal government of his intent to deposit funds into such account and shall not deposit Federal or tribal funds into such account without the consent of the reservation's recognized tribal government.

(2) Funds in the Indian forest land assistance account and any interest or other income earned thereon shall remain available until expended and shall not be available to otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands. No funds shall be expended from such account without the approval of the Indian tribe for which the account was established.

(c) AUDITS.—At the request of the Indian tribe for which the special Indian forest land assistance account was established or upon the Secretary's own volition, the Secretary shall conduct audits of the Indian forest land assistance account and shall make the results of such audits available to the Indian tribe for which the account was established.

On page 40, line 14, immediately after "of", insert "levels of".

On page 42, line 2, strike out "PROGRAMS" and insert in lieu thereof "ACTIVITIES".

On page 42, line 9, strike out "practices" and insert in lieu thereof "activities".

On page 43, line 15, strike out "programs" and insert in lieu thereof "activities".

On page 44, line 4, strike out "practices" and insert in lieu thereof "activities".

On page 49, strike out line 7 and insert in lieu thereof "agrees to accept employment for one year for each year for which the Secretary pays the recipient's educational costs,".

On page 51, line 9, strike out "Indian" and insert in lieu thereof "tribal".

On page 51, line 13, strike out "Indian" and insert in lieu thereof "tribal".

On page 51, line 18, strike out "Indian" and insert in lieu thereof "tribal".

On page 52, line 13, strike out "Indian" and insert in lieu thereof "tribal".

On page 52, line 21, strike out "Indian" and insert in lieu thereof "tribal".

On page 53, line 2 strike out "Indian" and insert in lieu thereof "tribal".

On page 53, line 4, strike out "Indian" and insert in lieu thereof "tribal".

INDIAN CHILD PROTECTIVE SERVICES AND FAMILY VIOLENCE PREVENTION ACT

McCAIN AMENDMENT NO. 2578

Mr. SIMPSON (for Mr. McCAIN) proposed an amendment to the bill (S. 2340) to develop and improve child protective service programs on Indian reservations and to strengthen Indian families, as follows:

On page 16, line 16, strike out "and".

On page 16, between lines 16 and 17, insert the following:

(4) establish tribally operated programs to protect Indian children and reduce the incidences of family violence in Indian country; and

On page 16, line 17, strike out "(4)" and insert in lieu thereof "(5)".

On page 17, line 5, immediately after "employee", insert "or volunteer".

On page 21, line 7, immediately after "neglect", insert a comma and the following: "and to the extent practical, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees"

On page 22, between lines 4 and 5, insert the following:

(f) The Secretary shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this Act. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by an area office of the Bureau of Indian Affairs. The advisory board shall assist the Center in coordinating programs, identifying training materials, developing policies and procedures relating to family violence and child abuse and neglect.

On page 22, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 22, line 18 following the period insert the following: "This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as an Indian Child Resource and Family Services Center if all of the tribes to be served by the center agree to such designation."

On page 22, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 22, line 13, beginning with "served", strike out all through "office" on line 14, and insert in lieu thereof "to be served under the contract".

On page 25, between lines 6 and 7, insert the following:

(C) provide for the coordination and cooperation of law enforcement, courts of competent jurisdiction, and tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;

On page 25, between lines 6 and 7, insert the following:

(4) the development of tribal child protection codes and regulations;

On page 25, line 7, strike out "(4)" and insert in lieu thereof "(5)".

On page 26, line 1, strike out "(5)" and insert in lieu thereof "(6)".

On page 26, line 4, strike out "(6)" and insert in lieu thereof "(7)".

CONGRESSIONAL COMMEMORATIVE MEDALS

HEINZ AMENDMENT NO. 2579

Mr. SIMPSON (for Mr. HEINZ) proposed an amendment to the bill (H.R. 2575) to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941, to provide for the striking of medals in commemoration of the centennial of Yosemite Nation-

al Park, and for other purposes, as follows:

At the end of the bill add the following:

SECTION . DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. . DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the two hundredth anniversary of the United States Constitution for a period of 2 years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection."

SEC. . DESIGN OF OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likenesses of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. . SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this Act shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over 6 years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trail by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission on Fine Arts.

SEC. . REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

METZENBAUM (AND OTHERS) AMENDMENT NO. 2580

Mr. NUNN (for Mr. METZENBAUM, for himself, Mr. D'AMATO, Mr. PELL, Mr. DOLE, and Mr. MCCAIN) proposed an amendment to the bill (S. 2884) to improve the effectiveness of economic sanctions against the Republic of Iraq in response to its invasion of the State of Kuwait, as follows:

At the end of the bill, add the following section:

"Notwithstanding any other provision of law, the President shall have the authority to restrict the importation of goods and services to the United States from any nation which continues to maintain economic relations with the Republic of Iraq in violation of economic sanctions against the Republic of Iraq imposed by the international community as a whole, or by the United States.".

AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN CULTURE AND ART DEVELOPMENT ACT

INOUYE AMENDMENT NO. 2581

Mr. NUNN (for Mr. INOUYE) proposed an amendment to the bill (H.R. 5256) to amend the bill so as to authorize the establishment of the Richard Jewell Ka'ilihiwa-Gladys Ainoa Brandt Fellowship Program for Studies in Excellence; as follows:

At the end of the bill, add the following new section:

SEC. . FINDINGS.

The Congress finds that—

(1) previous research into the history of Native Hawaiians, including their migration to the area now known as the Hawaiian Islands, their culture, and their practices, is being found to be inaccurate and inadequate;

(2) the oral history and traditions of Native Hawaiians are becoming lost as older generations pass on before they can handdown their knowledge;

(3) when the Hawaiian language became a written language, Native Hawaiians became highly literate and produced extensive literature, including newspapers, journals, and other writings about their history and their culture; however, few people today speak the Hawaiian language and many of these documents have not been translated and therefore have not been studied;

(4) since the overthrow of the Hawaiian monarchy in 1893, the socioeconomic status of the Native Hawaiian people have been steadily declining, and as Hawaiians have become increasingly aware of their loss of culture and knowledge about their past they are endeavoring to preserve and revitalize their culture;

(5) unless the history and traditions of the Native Hawaiian people are studied and understood from a Native Hawaiian perspective, and the knowledge of the older generations are preserved, the Native Hawaiian people may never fully know their history and understand their past; and

(6) it is appropriate that the Federal Government participate in the commitment of the Native Hawaiian people to correct historical inaccuracies and to fully research all historical material about the history of the Native Hwaiian people and their culture and practices to assure that Native Hawaiians have the same opportunities as other Americans to learn about their past.

SEC. . FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Education shall establish the Richard Jewell Ka'ilihiwa-Gladys Ainoa Brandt Fellowship Program for Studies in Excellence (hereinafter referred to as the "Fellowship Program").

(b) In establishing the Fellowship Program, the Secretary shall provide for fellowships for—

(1) research into Native Hawaiian history and culture;

(2) Native Hawaiian cultural practioners;

(3) translating Hawaiian language documents into English;

(4) researching history or cultural practices;

(5) writing workshops;

(6) video production;

(7) teaching; and

(8) other similar or like purposes.

(c) AWARDS.—Fellowships may be awarded by the Secretay of Education to individuals nominated by the Fellowship Selection Committee for a maximum of 2 years; except that teaching fellowships may be awarded on a 6-week basis. Fellowships under this section shall be awarded at such times, in such amounts, and for such purposes as the Secretary of Education, by regulation, shall prescribe, and shall be awarded only to Native Hawaiians as defined in section 4009(1) of the Act of April 28, 1988 (20 U.S.C. 4909(1)).

(d) SELECTION COMMITTEE.—(1) There is established the "Fellowship Selection Committee" which shall be composed of 5 individuals appointed by the Secretary of Education as follows:

(A) one designated by the Board of Trustees of the Native Hawaiian Culture and Arts program (authorized under Public Law 99-498; 20 U.S.C. 4441);

(B) one designated by the Board of Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate;

(C) one designated by the Board of Trustees of the Office of Hawaiian Affairs (established by the constitution of the State of Hawaii);

(D) one designated by the Center of Hawaiian Studies of the University of Hawaii at Manoa, Honolulu, Hawaii, and

(E) one designated by the Board of Directors of 'Aha Punana Leo Inc., a nonprofit organizaton incorporated under the laws of the State of Hawaii by that name on February 14, 1983, for educational purposes relating to the Hawaiian language.

(2) Nothing in this section shall be construed as prohibiting any member of an entity referred to in paragraph (1) from serving on the Fellowship Selection Committee.

(3) A member of the Fellowship Selection Committee shall serve for a term of 2 years, but may be reappointed. A vacancy on the committee shall be filled in the same manner as the original appointment.

(4) The Committee shall—

(A) advise and make recommendations to the Secretary of Education regarding the es-

tablishment of general policies for the program pursuant to this section and assist in overseeing its operation;

(B) advise and make recommendations to the Secretary of Education regarding the establishment of general criteria for the distribution of fellowships; and

(C) prepare and submit to the Congress, at least once in every 3-year period, a report on any modifications in the program that the Committee determines are appropriate.

(5) In carrying out its responsibilities, the Committee shall consult on a regular basis with the Secretary of Education and representatives of institutions of higher education and associations of such institutions, learned societies, and professional and other appropriate organizations.

(6) The Secretary shall call the first meeting of the Committee, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Committee shall elect an individual from among the members of the Committee to fill such vacancy.

(7) A majority of the members of the Committee shall constitute a quorum.

(8) The Committee shall establish such policies and adopt such bylaws as it determines necessary to carry out its functions.

(9) The Committee shall meet at the call of the chairman, and as provided in its bylaws.

(e) EXECUTIVE DIRECTOR.—The Committee shall appoint an executive director. The executive director shall serve at the pleasure of the Committee. Subject to the availability of funds, the executive director shall be compensated in an amount determined by the Committee. Subject to the availability of funds, the Committee is authorized to hire such employees as it determines necessary.

(f) CONTRACTS.—Subject to the availability of funds, the Secretary of Education is authorized to enter into a contract with the Kamehameha Schools Association for the purpose of utilizing such Association in assisting the Secretary in carrying out the purposes of this section, including the administration of the fellowship program.

(g) AWARDS.—The Secretary of Education is authorized to make grants in connection with subsection (f) and in connection with fellowships awarded under this section. Such grants shall be in such amounts and subject to such terms and conditions as the Secretary of Education shall prescribe. Grants pursuant to subsection (f) may be conditioned—

(1) on the Kamehameha Schools Association establishing an endowment fund for use in carrying out programs within the purview of this Act, or similar thereto; and

(2) on such Association providing matching funds from a non-Federal source.

(h) AUTHORIZATIONS.—(1) For the purpose of assisting the Fellowship Selection Committee in carrying out its functions under this Act for fiscal year 1991, there is authorized to be appropriated to the Secretary of Education $1,000,000, to remain available until expended.

(2) For the purpose of carrying out the provisions of subsection (f) and making grants under this section, there is authorized to be appropriated to the Secretary of Education $2,500,000, to remain available until expended.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

SIMPSON AMENDMENTS NO. 2582 AND 2583

Mr. SIMPSON proposed two amendments to amendment number 2574 proposed by Mr. REID (and Mr. BRYAN) to the bill S. 2884, supra; as follows:

AMENDMENT No. 2582

SEC. 4. (a) *Provided, however,* That in no event shall an award of attorney fees for actions brought under this title exceed 10 percent of the award of actual damages;

(b) *Provided further,* That nothing in this section shall act to preclude a contract for legal representation for a lesser amount.

AMENDMENT No. 2583

SEC. 5. (a) With respect to actions filed under this section, the United States shall forever indemnify, hold harmless, and guarantee payment of any judgments entered for any claimant;

(b) In the event that any private contractor to the United States is successful in defending a claim brought under this act, the United States shall likewise indemnify and reimburse said contractor for all costs, attorney fees, and litigation related expenses incurred in defending said action;

(c) *Provided further,* That in the event an action is settled prior to litigation or a consent decree is entered pursuant to a settlement agreement, the United States shall reimburse said contractors for all reasonable costs associated with the settlement.

STEVENS (AND OTHERS) AMENDMENT NO. 2584

Mr. STEVENS (for himself, Mr. FORD, Mr. THURMOND, Mr. INOUYE, Mr. DECONCINI, Mr. BOND, Mr. JOHNSTON, Mr. KASTEN, Mr. LOTT, Mr. BUMPERS, and Mr. COCHRAN) proposed an amendment to the bill (S. 2884) to authorize levels for active Guard and Reserve; as follows:

Strike the text from page 36, line 1, thru page 37, line 9, and insert in lieu thereof:

(A) The Army National Guard of the United States, 24,820.

(B) The Army Reserve, 12,673.

(C) The Naval Reserve, 21,848.

(D) The Marine Corps Reserve, 2,781.

(E) The Air National Guard of the United States, 8,045.

(F) The Air Force Reserve, 623.

(2) In order to meet the national security requirements of the United States, the Secretary of Defense may reallocate the numbers authorized for the reserve component specified in paragraph (1) in such manner as the Secretary determines appropriate, except that the total numbers reallocated may not exceed the number equal to 10 percent of the total number authorized for the reserve components under such paragraph.

(3) The table referred to in subsection (b) is as follows:

Fiscal year:	*Reserves on Active Duty in Support of Reserves*
1992	66,664
1993	62,959
1994	59,255
1995	55,550
1996	51,845

(b)(1) Within the end strengths authorized by legislation enacted after the date of enactment of this Act for each of the fiscal years listed in paragraph (2), the Reserve components of the Armed Forces are authorized the total number of members specified in such table for such fiscal year to be serving on full-time Active duty or, in the case of member of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components.

(c)(1) IMPLEMENTATION OF REDUCTIONS.—In implementing the reduction in the end strengths for reserves on active duty in support of the reserves required in this section, no member of the Reserves serving on full-time active duty on the date of enactment of this Act, or in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, instructing or training the Reserve components may be involuntarily separated.

(2) DEFINITION.—As used in this section, the term "involuntarily separated" shall have the same meaning as the meaning of that term under Section 844 of this Act.

(3) AUTHORITY TO EXCEED PRESCRIBED END STRENGTHS.—The end strengths prescribed in subsections (a) and (b) may be exceeded to the extent necessary to comply with this subsection, as determined under regulations prescribed by the Secretary of Defense.

(4) ACTIVE DUTY IN SUPPORT OF THE RESERVES.—Accessing of members of the Reserves to be serving on full-time active duty or, in the case of members of the National Guard on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components for a fiscal year shall be 2 percent of the total authorized end strengths provided in this section for such fiscal year.

DASCHLE AMENDMENT NO. 2585

Mr. NUNN (for Mr. DASCHLE) proposed an amendment to the bill (S. 2884) to authorize direct communications between Air Force scientists conducting the Ranch Hand Study and the Ranch Hand Study Advisory Committee, to limit intervention into such communications by other employees of the Government, to require annual reports on the activities of such scientists, and for other purposes, as follows:

On page 223, below line 24, insert the following new section:

SEC. 1216. CONSULTATION AND REPORT REQUIREMENTS RELATING TO RANCH HAND STUDY OF DEPARTMENT OF AIR FORCE

(a) CONSULTATION WITH ADVISORY COMMITTEE.—The Ranch Hand Advisory Committee may consult directly with and provide information and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and recommendations directly to the Ranch Hand

Advisory Committee. No officer or employee of the Federal Government may intervene in or impair direct communication between the Ranch Hand Advisory Committee and such scientists under this section except as may be necessary to prevent an inappropriate disclosure of classified information.

(b) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of the Air Force scientists referred to in subsection (a) during the calendar year preceding the year in which a report is submitted. The first such report shall be submitted not later than February 1, 1991.

(2) Each report referred to in paragraph (1) shall include the following:

(A) A discussion of the progress made in the Ranch Hand Study during the period covered by the report.

(B) A summary of the scientific activities conducted during that period and the findings resulting from those activities, to be prepared by the scientists conducting those activities.

(3) Such a report need not contain (A) a discussion of progress discussed in any other report prepared by the Department of Defense (under this section or otherwise) regarding the Ranch Hand Study, or (B) a scientific summary included in any other such report, unless modification of such discussion or summary is appropriate for completeness, accuracy, and currency.

(c) DEFINITIONS.—In this section:

(1) The term "Ranch Hand Advisory Committee" means the committee known as the "Advisory Committee on Special Studies Relating to the Possible Long-term Health Effects of Phenoxy Herbicides and Contaminants" established by the Secretary of Health and Human Services to monitor the conduct of the Ranch Hand Study.

(2) The term "Ranch Hand Study" means the special study conducted by the Secretary of the Air Force relating to the possible long-term effects of phenoxy herbicides and contaminants on Air Force personnel who participated in Operation Ranch Hand in the Republic of Vietnam during the Vietnam era.

NUNN (AND WARNER) AMENDMENT NO. 2586

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill (S. 2884) to authorize additional funds for other purposes, as follows:

On page 216, between lines 9 and 10, insert the following new section:

SEC. 1206. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS

(a) ARMY.—(1) In addition to the amount authorized to be appropriated by section 101(5), there is hereby authorized to be appropriated for fiscal year 1991 for the Army for procurement of the Nuclear Biological, Chemical Reconnaissance System $36,914,000.

(2) Notwithstanding section 201(1), not more than $5,691,323,000 is authorized to be appropriated for the Army for fiscal year 1991 for research, development, test, and evaluation.

(b) NAVY.—In addition to the amount authorized to be appropriated by section 102(a)(1), there is hereby authorized to be appropriated for fiscal year 1991 for the Navy for procurement of the Battle Group Passive Horizon Extension System $5,163,000.

(c) AIR FORCE.—(1) Notwithstanding section 103(2), not more than $6,728,957,000 is authorized to be appropriated for fiscal year 1991 for the procurement of missiles.

(2)(A) In addition to the amount authorized to be appropriated by section 201(3), there is hereby authorized to be appropriated for fiscal year 1991 for the Air Force for research, development, test, and evaluation $4,000,000.

(B) Of the amount authorized to be appropriated pursuant to subparagraph (A) of this paragraph and section 201(3), not more than $15,000,000 shall be available for the Advanced Electro-Optical System.

(d) DEFENSE AGENCIES.—In addition to the amount authorized to be appropriated by section 201(4), there is hereby authorized to be appropriated for fiscal year 1991 for the Defense Agencies for research, development, test, and evaluation for single-pulse excimer laser technology $30,000,000.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the following four bills:

S. 2657. The Reclamation Wastewater and Groundwater Study Act;

S. 2858. The Central Valley Project Improvement Act;

S. 2870. The Fort Hall Indian Water Rights Act of 1990; and

H.R. 4148. A bill to authorize the Secretary of the Interior to acquire certain water rights for the settlement of Indian water rights claims in the State of Arizona.

The hearing will take place on September 13, 1990, at 9 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 2969, a bill to provide for completion of the central Utah project.

The hearing will take place on September 18, 1990, at 9 a.m., in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the subcommittee, SD-364, Washington, DC 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on S. 1996, the Western Water Policy Review Act of 1989.

The hearing will take place in Portland, OR, on August 27, 1990. The exact location and time of the hearing will be announced in the near future.

Those persons wishing to submit written statements for the hearing record, but who do not plan to attend the hearing, should mail two copies of the statement to the Subcommittee on Water and Power, United States Senate, 364 Dirksen Building, Washington, DC, 20510.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a field hearing on Thursday, August 16, 1990, to examine education and the U.S. economy. The hearing will be held in room 2B of the Legislative Office Building in Hartford, CT, and will commence at 9 a.m. For further information, please call Susan Grad of Senator LIEBERMAN's office 224-4041.

ADDITIONAL STATEMENTS

HONORING THE BOSTON TECHNICAL CENTER

● Mr. KERRY. Mr. President, I rise today to honor the Boston Technical Center and its graduates, past, present and future. Since 1977, the Boston Technical Center has been a training arm of the Economic Development and Industrial Corp. of Boston. BTC is a nonprofit, postsecondary business and trade school, licensed by the Commonwealth of Massachusetts Department of Education and accredited by the Accrediting Council for Continuing Education and Training.

For 13 years, the BTC has provided the essential skills instruction to those in our communities who have been denied access to postsecondary education due to a lack of financial resources or academic credentials. Since its inception in 1977, the BTC has trained over 2,500 Boston area low- and moderate-income residents through intensive training programs in occupational areas. The BTC is constantly working to meet the needs of

Boston area industries for skilled personnel. Such placement provides strong incentives for companies to remain in the metro Boston area and contributes to a productive, healthy economy. In the face of plant closings and mass layoffs, BTC has retrained hundreds of dislocated workers giving them the chance to reenter the work force with new skills and a renewed sense of pride.

While the BTC operates many programs, I would like to highlight just a few. One very special example is Project Advance. This is an individualized program which is competency based and training related. It prepares individuals, including our many newcomers, who lack basic math, reading and writing skills, to enter the several job training programs. BTC is also currently operating an office skills program for people who live in homeless shelters throughout the city.

The BTC has afforded many people in the Boston area the opportunity to receive an education, gain self-worth through employment and be contributing members of society. I congratulate the Boston Technical Center for its exemplary work for the people of the Commonwealth of Massachusetts and extend my heartiest congratulations to the 1990 graduates. With their education, they have the ability to make their future and fulfill their dreams. I wish them the best of success in all of their endeavors.●

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

● Mr. ARMSTRONG. Mr. President, last session this Congress authorized the Colorado Ute Indian water rights settlement. That act resolved water rights claims between Indians and non-Indians and involved the States of New Mexico and Colorado, numerous communities and water districts, and the U.S. Departments of the Interior and Justice.

The Southern Utes and the Ute Mountain Utes cannot make use of the water apportioned to them without storage. So, the keystone of this Indian water rights resolution is the Animas-La Plata water project.

Consequently, I am pleased the Senate has given full funding to the Animas-La Plata Project in southwest Colorado. An important part of the water rights settlement is a mandated funding and construction schedule for the project. The funding in the fiscal year 1991 energy and water appropriations bill meets that mandate for fiscal year 1991.

Ten years of litigation and 2 years of settlement negotiations among numerous parties with the tribes preceded 2 years of final negotiations in Congress. Major project modifications during that 2 years included curtailing irrigation to marginal land, and eliminating Federal funding for the second half of the project.

Also, prior to coming to Congress for authorization of their settlement, parties extensively studied alternatives to the project. Those alternatives included "Indian only" projects. But, due to the limited benefits for one tribe or the other, and the exclusion of non-Indian and some Indian water needs, the "Indian only" project alternatives were rejected.

Now that the Indian water rights settlement has been authorized by Congress and the project's funding schedule continues to be met, another challenge has presented itself. The Colorado squawfish, an endangered species, has been found in the San Juan River upstream from the inlet to Lake Powell.

A number of events have contributed to the decline of the squawfish—introduction of non-native species, water development's changes in the flow and temperature of our streams and rivers, and the methodical killing of that species in western rivers by the U.S. Fish and Wildlife Service in the 1960's.

A U.S. Fish and Wildlife draft biological opinion released in May recommends halting all further depletions in the San Juan River Basin to allow study of squawfish habitat requirements. Further, the draft opinion notes "no reasonable and prudent alternatives have been identified as a result of this consultation."

To give our colleagues some perspective, the Animas-La Plata project is in the extreme southwest corner of Colorado on the Animas River about 45 miles above its junction with the San Juan River. Discovery of squawfish has occurred downriver several miles from that junction.

These determinations—no further depletions pending a study, and no reasonable alternatives to the project—have significant impact. Three States are involved when the USFW recommends halting all further depletions or "further commitments to deliver water from projects" in the entire San Juan River Basin until a study is completed. At least four Indian tribes' authorized or pending water rights settlements are jeopardized. The study is estimated to take a minimum of 7 years once the current drought has ended.

As hard as so many local, State, and Federal parties worked on the project over so many years, it is unreasonable to determine "no reasonable or prudent alternatives exist." Consequently, USFW scientists now are working with project proponents' biologists, and hydrologists to find a way to allow the project and protect the squawfish.

The Endangered Species Act is very clear. Biological considerations come first under that statute. In section 2(b) of the act, the act makes clear:

> The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved.

However, the act also provides in section 2(c)(2):

> It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species.

While the act's directive makes biological considerations supreme, Congress was aware of the West's distinctive water concerns and the resulting need for cooperation.

I am hopeful the current cooperation among USFW scientists with project proponents achieves a balance to protect the squawfish and the water rights settlement so hard-won by the Ute Tribes. When Congress authorized the Ute Indian water rights settlement last session, we were very aware of the extensive negotiations and broad public interests addressed by so many different groups at all levels of government. Just as that was a very difficult process and was ultimately successful, I believe we can resolve this issue due to the urgent need to reconcile important interests.

As Colorado's and New Mexico's Senators stated in their joint letter urging Appropriations Committee members to fully fund the fiscal year 1991 request for the Animas-La Plata project, "We feel confident a resolution can be found allowing the project to go forward and the Colorado squawfish to exist."

The Indians need water. Future non-Indian water needs must be addressed, and current water rights must be protected. And the question of habitat for the endangered squawfish is critical.

Consequently, I am grateful not only to the Appropriations Committee for recommending funding requested for the project, but to those biologists and hydrologists working so hard to address competing values.●

● Mr. WIRTH. Mr. President, I want to thank the senior Senator from Colorado for his eloquent statement on the need for the Animas-La Plata project, and to associate myself with his remarks. I also want to take this opportunity to once more thank the chairman of the subcommittee, Senator JOHNSTON, and the ranking member, Senator HATFIELD, for supporting the appropriation of funds for the Animas-La Plata project.●

CONGRESSIONAL BUDGET OFFICE ESTIMATE ON S. 2362

● Mr. JOHNSTON. Mr. President, on July 12, the Committee on Energy and Natural Resources reported S. 2362, the Insular Areas Recovery Act of 1990. The committee submitted a report on this bill but the budget impact statement from the Congres-

sional Budget Office was not ready at the time of submittal. That estimate is now ready and I ask that it be printed at this point in the RECORD.

The estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources
United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 2362, the Insular Areas Recovery Act of 1990.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2362.

2. Bill title: Insular Areas Recovery Act of 1990.

3. Bill status: As reported by the Senate Committee on Energy and Natural Resources on July 12, 1990.

4. Bill purpose: The bill would authorize the appropriation of such sums as may be necessary to construct facilities to protect health and safety or to enhance the survivability of essential infrastructure in the event of disasters in insular areas, such as Puerto Rico and the U.S. Virgin Islands. S. 2362 also would expand the Federal Emergency Management Agency's (FEMA) hazard mitigation program and the Rural Electrification Administration's (REA) loan programs to assist insular areas in facilities construction and infrastructure improvements. In addition, the bill would allow the head of government of an insular area to use low-income home energy assistance funding for disaster recovery purposes.

5. Estimated cost to the Federal Government: The following table shows the amounts that would be authorized under this bill for the needs of the Virgin Islands after Hurricane Hugo. Additional costs that would be authorized for other insular areas and to deal with future disasters cannot be estimated and are not shown here.

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Department of the Interior and other agencies:					
Estimated authorization level	42				
Estimated outlays	24	13	5		
Rural Electrification Administration:					
Estimated authorization level	14	6	11	10	
Estimated outlays	1	4	8	8	7
Bill total:					
Estimated authorization level	56	6	11	10	7
Estimated outlays	25	17	13	8	7

The costs of this bill fall within budget functions 270, 450, and 800.

BASIS OF ESTIMATE

Department of the Interior and Other Agencies' Costs. S. 2362 would provide an open-ended, indefinite authorization for the appropriation of the sums necessary to construct health and safety facilities and to improve infrastructure in insular areas. Under this authorization, the Congress could appropriate funds to the Department of the Interior or to any other agency, such as the Department of Transportation, the Army Corps of Engineers, or the Department of Health and Human Services, that builds roads, ports, hospitals, or other facilities sought by the insular areas.

Under current law, funds to prevent hazards to infrastructure are available only from FEMA, only after a disaster has occurred, and are limited to 10 percent of FEMA's public assistance program grants. FEMA also provides funds, as available from its capital program, for public health and safety construction on a case-by-case basis.

To the extent that funds for these purposes are limited under current law, S. 2362 would provide the authorization for additional funding. CBO cannot estimate the amounts that the Congress would appropriate under this authorization because we do not have historical data on unmet disaster needs of insular areas and we cannot predict what these areas would request in the future. The potential costs could be larger, however. On the other hand, increased spending for hazard mitigation could reduce the losses an area would suffer during a disaster, thereby reducing the government's disaster payments in the future.

For example, we estimate that the authorization would allow the appropriation of at least $42 million to the Virgin Islands in 1991. After the Virgin Islands was hit by Hurricane Hugo, its government identified about $64 million of health and safety costs, of which about $31 million remains unfunded. In addition, the Virgin Islands government has identified about $95 million in necessary hazard mitigation projects. Of this amount, $17 million is available under current law. Of the remaining $78 million, $67 million in loan assistance could be made available under the REA provision in S. 2362. If the Virgin Islands uses the REA loans, this open-ended authorization could be used to appropriate the additional $11 million that the Virgin Islands would need in addition to the existing FEMA funds. If REA loans were not used, this authorization could cover the full $78 million. We assume that the REA loans would be used and that this bill would authorize the appropriation of at least $31 million for health and safety projects and $11 million for hazard mitigation for the Virgin Islands in 1991. Of course, the other insular areas could have needs that would require additional appropriations in the future.

REA Costs. S. 2362 would amend the Rural Electrification Act to allow REA to make loans to borrowers in any insular areas in which the President declares a disaster. Based on information provided by the Virgin Islands Water and Power Authority (WAPA) and REA, CBO estimates that federal outlays would increase by approximately $28 million over the 1991-1995 period as a result of the REA provision. This provision would make WAPA eligible for $41 million in federal loans to construct new electricity generation and transmission (G&T) facilities, and $52 million for electricity distribution projects. Only the G&T funding would increase federal spending, relative to current law.

CBO expects the Administration to continue lending for electricity distribution projects at the annually legislated loan floors, so that WAPA would compete with other REA borrowers for these funds. In contrast, there is insufficient demand to reach the annual floor for G&T loans, so that approval of the G&T funds sought by WAPA would yield an increase in this REA lending program. Using historical loan advance data and information provided by WAPA. CBO estimates that the government would advance approximately 70 percent of the $41 million in G&T loans over the 1991-1995 period, and remaining 30 percent after 1995. No significant amount of loan repayments would occur until after 1995.

FEMA Costs. Based on information provided by FEMA, CBO does not expect that this bill, if enacted, would lead to any significant additional expenditures by FEMA. FEMA's authority under current law is similar to that provided by S. 2362

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous REA estimate: None.

9. Estimate prepared by: James Hearn, Michael Sieverts, and Peter Fontaine (226-2860)

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.●

S. 2398, TO AUTHORIZE CONTINUATION OF THE NATIONAL SENIOR OLYMPICS

● Mr. DANFORTH. Mr. President, on June 27 the U.S. National Senior Sports Organization [USNSSO] and the U.S. Olympic Committee [USOC] successfully concluded negotiations regarding USNSSO's use of the phrase "the Senior Olympics" in the title of a national athletic competition for senior citizens. I commend both parties for resolving this matter.

The USNSSO was established in 1985 as the U.S. National Senior Olympics, an organization dedicated to staging a national multisport athletic competition for senior citizens. The first National Senior Olympics were held in St. Louis in 1987. This highly successful event attracted over 5,000 competitors from 44 States. Following the 1987 games, the USOC informed the Senior Olympic organization that it could no longer use the Olympic name. The Supreme Court upheld the USOC's authority to prohibit any unauthorized use of the Olympic name under the Amateur Sports Act of 1978. The USOC alone has this authority.

Since the 1987 games, the Senior Olympic Organization has sought to continue to use the Olympic name through an agreement with the USCO. Earlier this year, I introduced S. 2398, legislation to amend the Amateur Sports Act, to permit the National Senior Olympics to continue to use the Olympic name. Legislation was necessary because negotiations had not resolved the issue and, although the 1989 senior Olympic games were held, any future competition was to be prohibited from using the Olympic name.

During the June 22 Consumer Subcommittee hearing on S. 2398, I stated that legislation would be unnecessary if the USNSSO and the USOC could reach an agreement. On June 27, the Commerce Committee favorably reported the bill by voice vote. S. 2398 as reported also provides that the USNSSO is permitted to register its

trademark. Later that day, the two parties entered into a formal agreement to permit the USNSSO to use the Olympic name while limiting the right of the event's sponsors to use the Olympic name for commercial purposes.

Mr. President, under the agreement, each of the parties accomplished its objectives. The Senior Olympic Organization may continue to hold its Olympic competition for senior citizens. The USOC has protected the trademark for the Olympic name and symbols that Congress granted it under the Amateur Sports Act. As a result of this agreement, Mr. President, I will not ask that the Senate consider S. 2398, which is now on the Senate Calendar.●

FARM CREDIT ADMINISTRATION ORDER VIOLATES CONGRESSIONAL INTENT

Mr. BOREN. Mr. President, as you know I was chairman of the Agricultural Credit Subcommittee of the Senate Agriculture Committee in the 100th Congress. Our subcommittee held hearings on the need to restructure the Farm Credit System, and crafted the Senate version of the Agricultural Credit Act of 1987 (Public Law 100-233, 101 Stat.) the 1987 Farm Credit Act. A number of our colleagues offered leadership on that legislation. Among them were the distinguished ranking minority member of our subcommittee, Senator BOSCHWITZ, and the current very able chairman of the subcommittee, Senator CONRAD.

Unfortunately, the Farm Credit Administration [FCA] has interpreted a part of the 1987 Farm Credit Act in a manner completely contrary to our intent. The FCA's former Acting Chairman ruled that section 410 of the 1987 Farm Credit Act requires the involuntary merger of a bank in the 5th Farm Credit District into the farm credit bank in the 10th Farm Credit District, without permitting votes by the stockholders of these banks. The plain language and legislative history of the 1987 Farm Credit Act make it clear that Congress did not intend section 410 to require the merger of banks in different districts without stockholder votes.

Indeed, the Senate and House conferees on the 1987 act specifically rejected a provision which would have led to the involuntary consolidation of the then-existing 12 farm credit districts. The FCA's attempted misuse of section 410 to force the merger of the Federal Intermediate Credit Bank of Jackson [Jackson Bank] and Farm Credit Bank of Texas [Texas Bank] into a single bank effectively consolidates the Jackson and Texas farm credit districts, reducing the congressionally established 12 farm credit districts to 11. The FCA's interpretation, therefore, is contrary to the statutory framework and legislative intent of the 1987 act.

Mr. President, I am bringing this matter to the attention of the Senate at this time because this FCA decision has been the subject of much controversy, and some may wonder why we are not considering new legislation to correct the FCA's error. The simple answer is that the present law is clear—it simply has been misapplied by the FCA.

Members of both Houses of Congress have urged the FCA to reconsider its position, which was made when the Board was without a quorum. I understand we soon will receive nominations from the President and consider two new nominees for confirmation to the FCA Board. The FCA's leadership then will be totally different from when the erroneous decision was made, so it is important to urge the new FCA Board to take a fresh look at the earlier decision. The problem can best be solved by following the present law rather than pasing a new law.

I. THE STATUTORY SCHEME

To be clear, Mr. President, the forced merger of the Jackson Bank into the Texas Bank and the elimination of the Fifth Farm Credit District is prohibited by both the plain language of the 1987 act and the entire statutory scheme.

A. THE 1987 FARM CREDIT ACT PROVIDED A COMPREHENSIVE STATUTORY SCHEME GOVERNING MERGERS OF SYSTEM INSTITUTIONS AND FARM CREDIT DISTRICTS

Prior to the 1987 Farm Credit Act, there was only limited authority for bank mergers within the Farm Credit System. These provisions were broadened and new procedures for mergers were added in the 1987 act in title IV—"Restructuring of the Farm Credit System." Title IV created a comprehensive scheme for restructuring the existing Farm Credit System and providing financial assistance to restore the restructured system to financial health.

Subtitle A of title IV, section 401 of the act, dealt principally with the creation and goverance of the new farm credit banks, which were to be created in each farm credit district to replace the existing Federal land bank and Federal intermediate credit bank.

Subtitle B of title IV provided specific requirements for the merger of System institutions to facilitate restructing of the System. Prior to the 1987 Farm Credit Act, Congress had divided the Nation into 12 farm credit districts, each focused exclusively on the needs and interests of the farmers and ranchers within the district. Each district contained a Federal land bank, a Federal intermediate credit bank, a bank for cooperatives, and at least one Federal land bank association and production credit association. Subtitle B of title IV established the prerequisites for the merger of each of these various institutions:

Section 410. "Mandatory Merger"—mandating the merger of the Federal Land Bank and Federal Intermediate Credit Bank in each District to form a Farm Credit Bank in that district, and providing that the Board of Directors of the former banks will be the Board for the new Farm Credit Bank;

Section 411. "Merger of Productions Credit Associations and Federal Land Bank Associations";

Section 412. "Consolidation of Farm Credit System Districts"—subject to the approval of the shareholders in each District;

Section 413. "Voluntary Merger of the Banks for Cooperatives";

Section 416. "Merger of System Institutions"—subject to shareholder approval.

As is evident from this list, section 410 was not the sole provision in the 1987 act dealing with mergers of banks. Each of the other sections sets out specific "prerequisites"—most importantly a vote of the shareholders in each district. Section 410 was never intended to be used to effectuate the forced merger of districts.

B. SECTION 410, BY ITS PLAIN LANGUAGE, IS APPLICABLE ONLY TO THE MERGERS OF FEDERAL LAND BANKS AND FEDERAL INTERMEDIATE CREDIT BANKS

The FCA's decision distorts the words of section 410. The term "Federal land bank" as used in section 410 is in no way ambiguous. The term "Federal land bank" is congressionally defined in the Farm Credit Act of 1971 as those banks "established pursuant to section 4 of the Federal Farm Loan Act [of 1916]." (12 U.S.C. 2011 (Sup. IV 1986) (repealed in the 1987 act).) Thus, when Congress used the term "Federal land bank" in section 410, it was referring to the specific banks as defined in the existing statute. The Farm Credit Bank for the 10th District, created pursuant to section 1.3 of the Farm Credit Act of 1971 as amended by section 401 of the 1987 act, is plainly not the same entity as the Federal land bank specified in section 410(a).

The merger required by section 410(a) was to take place between the Federal land bank and the Federal intermediate credit bank which already shared the same governing board, were headquartered in the same city, and, indeed, the same building, and historically shared most or all of the same management. Thus, the merger of the two banks within the same district could be accomplished without altering the exclusive concentration of the banks on the needs of the farmers in the district. Such a merger of banks sharing the same district boundaries raises no question of the reallocation of the assets of the banks to assist farmers outside of the district. The merger of the Federal land bank and Federal intermediate credit bank in each district would preserve the assets

of the farmers for their own exclusive use.

The congressional purpose of section 410 to create a farm credit bank serving exclusively the farmers in each of the 12 farm credit districts is further established in the rest of section 410. Section 410(b) governs the continued rights of shareholders of the Federal land bank and the Federal intermediate credit bank in the new farm credit bank after the merger is complete; section 410(c) mandates financial assistance to each new farm credit bank to bring it to sound financial footing to serve the district; and section 410(d) provides that the former district board shall constitute the initial Board of the farm credit bank. Each of these provisions is clearly predicated on the creation of a farm credit bank which continues to be exclusively responsive to the farmers in that district.

II. THE LEGISLATIVE HISTORY

Mr. President, the legislative history of the 1987 Farm Credit Act demonstrates that Congress limited section 410 to mergers of banks within the same district and rejected forced consolidations of farm credit districts.

Section 410 grew out of a compromise by the House and Senate conferees to harmonize the competing proposals for restructuring the Farm Credit System included in both the House and Senate versions of the 1987 act. A review of the legislative history of this compromise clearly demonstrates that section 410 was never intended to apply outside of the precise merger it specified and that the FCA's attempt to use section 410 to force a consolidation of the Jackson and Texas district is directly contrary to congressional intent.

The Senate bill specifically authorized voluntary mergers of banks within the same district, subject to the approval of the board and stockholders of the affected institutions. At the heart of the Senate's restructuring approach was a means to give the System "the flexibility necessary to adapt to changing conditions while preserving the principle of borrower control of the System." (S. Rep. No. 230, 100th Cong., 1st Sess. 30 (1987).) The Senate version of the 1987 legislation did not mandate any mergers.

In contrast, the companion bill passed by the House of Representatives would have, first, mandated the consolidation of the 12 Farm Credit System districts into 6 new "Farm Credit System Service Banks" and, second, dissolved the 12 existing Federal land banks and Federal intermediate credit banks. These provisions would have required consolidation of districts and merger of their banks without stockholder consent.

The House and Senate conferees on the 1987 act specifically rejected the mandatory consolidation of districts contemplated by the House bill: "The conference substitute deletes the text of the House provision and adopts a new provision."

The conferees adopted a comprehensive scheme addressing the merger of all types of System institutions in chapter IV, subpart B of the 1987 act. The scheme accepted by the conferees had three major elements. First, the conferees adopted section 410 of the 1987 act, mandating the merger of the Federal land bank and Federal intermediate credit bank within each of the 12 farm credit districts. Second, the conferees adopted the substance of the Senate voluntary merger provisions, requiring board and stockholder approval of all other bank and association mergers (sections 411, 413-416). Third, the conferees adopted section 412 of the 1987 act—a provision establishing a special committee to develop a proposal on the consolidation of farm credit districts, but requiring that any such proposal be submitted to stockholders for approval.

In rejecting the approach of the House bill, the conferees ensured that stockholders retained control over mergers of banks in different districts. For example, Senator BOSCHWITZ, who was the ranking minority member of our subcommittee, explained:

> Under this conference bill each Federal Land Bank and Federal Intermediate Credit Bank in each district would be required to merge. We have maintained the fundamental cooperative principal [sic] of stockholder participation in FCS *by requiring that farmer/borrowers vote on all other proposed mergers* whether at the district or association levels. (133 Cong. Rec. S18465 (daily ed. Dec. 19, 1987) (*emphasis* added)).

Likewise, Senator DOLE emphasized that:

> The conferees agreed to allow stockholders of a District to vote on whether they will merge with another district (*See* 133 Cong. Rec. S18463 (daily ed. Dec. 19, 1987)).

And Senator HARKIN stated:

> The bill provides for a reorganization of System institutions through a series of voluntary mergers based on stockholder approval. *Id.*

Conferees from the House were equally emphatic in emphasizing that nothing in title IV of the 1987 act would lead to forced consolidation of the existing 12 districts. In a colloquy on the House floor regarding the conference report, Representative GLICKMAN asked:

> One part of the bill deals with the reorganization of the system, and I just want to make sure that nowhere in this bill is there any forced reorganization of systemwide districts. I realize there is some reorganization of land banks into intermediate credit banks in each district, but *nowhere are we in Congress mandating that the district banks merge with each other, is that correct?*

After Representative DE LA GARZA, chairman of the House Committee on Agriculture, responded in the affirmative, Representative GLICKMAN stated:

> I think it is important to recognize because there were great fears that some of the banks would be merged out of existence through an act of Congress. *All of that is to be determined by the decision of the banks and the stockholders themselves.* . . . (133 Cong. Rec. H11870 (daily ed. Dec. 18, 1987) (*emphasis* added)).

Thus, the legislative history of the 1987 act could not be more emphatic that Congress specifically rejected mandatory mergers in every instance except the specific mergers of Federal land banks and Federal intermediate credit banks necessary to create a farm credit bank in each existing district.

III. THE FCA MAY NOT IGNORE THE LAW TO SOLVE A POLICY PROBLEM

Finally, Mr. President, the FCA is not justified in ignoring the law we passed simply because it has chosen this way to address financial problems with the Jackson Federal Land Bank, which is now in receivership. The FCA in fact had several options open to it that would still fulfill the mandate of section 410 and also take into account the fact that the Jackson Federal Land Bank was insolvent or in receivership. The most simple course would have been for the Financial Assistance Board to provide financial assistance earlier to the Jackson Federal Land Bank, prior to its merger with the Jackson Federal Intermediate Credit Bank. An alternative would have been to merge the two Jackson banks under section 410 and then provide financial assistance to the new farm credit bank as required by section 410(c). As an alternative, the FCA had the power to charter a new Federal Land Bank for the Fifth District after the existing Federal land bank was placed in receivership. The FCA could have then ordered the Jackson Federal Intermediate Credit Bank to merge with that new entity to form the Farm Credit Bank for the Fifth District without interfering with the liquidation of the existing Jackson Federal Land Bank. Under any of these options, the essential congressional purpose of creating a financially sound Farm Credit Bank for the Fifth District would have been accomplished without doing violence to the plain language of the 1987 act or the clearly expressed legislative intent.

At the June 19, 1989, hearing on the FCA's implementation of the 1987 Farm Credit Act, our subcommittee chairman, Senator CONRAD, summed up the views of the Senators questioning the FCA's decision to force the merger of the Jackson Bank into the Texas Bank:

> Well, we have a question of what is the law of the land. That is the underlying, the dominant question here. I think Senator Boren and I are of like mind on what was the clear intent of Congress. I don't know what else we could tell you other than what our clear understanding was at the time we

wrote the law. (Subcommittee Transcript of Proceedings at 47.)

The clear underpinning of the restructuring provisions of the 1987 Farm Credit Act was the right of the shareholders of these privately owned institutions to control their own destiny. There is no reason for a new law. The FCA should implement the law we already passed.●

A TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED, INC.

● Mr. MOYNIHAN. Mr. President, in the past weeks both the House and Senate have expended immense energies to develop a bill that protects those who are in need of and deserving of our special care. That bill, the Americans With Disabilities Act, was signed by President Bush on July 26, 1990. It is an important step in ensuring that those with physical and mental handicaps can lead fuller and more productive lives.

I would now like to take this opportunity to commend an organization which has been dedicated to assisting the physically and mentally handicapped for over 32 years. The Association for the Advancement of the Blind and Retarded is a private organization that serves young adults and adults that are afflicted with multiple handicaps, including blindness and severe mental retardation. AABR treats these individuals with great enthusiasm and provides them with 24-hour-a-day attention to help them develop and participate in full and productive lives.

AABR has developed an enormously successful program. This is largely due to the wonderful sense of caring and dedication of the directors, managers, and staff at AABR's facilities. With compassion and understanding they care for nearly 100 blind and retarded young adults who live in spacious, well-kept residences in communities throughout New York City. In addition, AABR maintains 2-day treatment centers where AABR's handicapped clients and others from the community receive extensive therapy and personalized attention.

Unfortunately, there are far too few programs that provide intensive services to these handicapped individuals, especially once they reach the age of 21. That AABR is able to fill this gap and, through love and caring, help these people to gradually reach their potential should serve as an inspiration to us all.

I would also like to take this opportunity to pay tribute to the Metropolitan Club Managers Association. In 1974 the MCMA held the first of what was to be many charity golf and tennis tournaments on behalf of AABR. In the past 17 years the MCMA's dedication has never faltered and I am pleased to announce that on September 24 of this year they will be hosting the 17th Annual Charity Golf Tournament and Dinner Dance. This type of private sector support and encouragement has been instrumental in helping AABR become the success it is today.

Over the years, AABR has received constant recognition as a leader in providing care and treatment for the neediest of our Nation's citizens. I am sure that my colleagues will join me in extending best wishes for an enjoyable event and much continued to success to AABR and its supporters.●

S. 1025, REAUTHORIZATION OF THE MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

● Mr. IKAKA. Mr. President, I rise today to advise my colleagues of S. 1025, legislation to reauthorize the Magnuson Fishery Conservation and Management Act, and to strongly urge my colleagues to support this vital bill.

In my home State of Hawaii, many earn their living from the sea and rely on fair and ready access to its bounty. The same is true of other coastal States. Indeed, Senators from other coastal States will no doubt agree on the need to eliminate artificial boundaries and needless restrictions which deny our fishermen, workers in the seafood industry, and private citizens full access to the sea.

Among its many provisions, S. 1025 would direct the Secretary of State to evaluate the effectiveness of our international fishery agreements pertaining to fishing for highly migratory species such as tuna. To effectively manage the fishery, we will require information on the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the quantities of fish caught in the fishery, and the condition of our fish stock.

I am especially concerned about obtaining information on fishing gear employed. In Hawaii, long-line fishing has become a growing concern. The number of long-line fishing vessels in Hawaiian waters has nearly tripled from only 37 3 years ago to over 100 today. Many of these boats, recent arrivals from the U.S. mainland, are now homeported in Hawaii. These boats and their operators have been forced by economic necessity to leave the mainland long-line fisheries whose stocks are declining rapidly.

Likewise, driftnet fishing has become a prime concern. Driftnet fishing practices, whether they occur within or just outside the U.S. exclusive economic zone, not only threaten our fishing stock but take a terrible and wasteful toll on other marine life, including marine mammals, endangered sea turtles, birds, and several threatened or endangered species. On a brighter note, Mr. President, I wish to commend the Government of Japan for its recent announcement that it will cease driftnet fishing operations in the South Pacific in the 1990-91 season.

Mr. President, S. 1025 would also level the playing field, so to speak, and give our fishermen as fair a chance to earn a living as those of other countries. The bill we introduce today would seek equitable arrangements to provide U.S. fishing vessels access to certain highly migratory species, such as tuna, within the exclusive economic zones of other nations. At the same time, the United States would begin negotiations for an extension of the official Treaty of Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America.

The foundation of the bill, however, lies in more effective Government control and oversight. S. 1025 would for the first time grant the U.S. Government control over domestic and foreign tuna fleets within the U.S. 200-mile exclusive economic zone. Stronger Government regulation and powers of enforcement would allow the United States to more effectively manage our tuna and other species of fish and thereby ensure the strength of the fishery. I should point out, however, that tuna would not be included until January 1, 1992, so as to allow the U.S. tuna fleet a reasonable amount of time to prepare for U.S. jurisdiction.

I am also pleased to announce that this bill would renew the life of the National Fish and Seafood Promotional Council for another year. The Council has proven invaluable in enhancing the competitiveness of the U.S. fish and seafood industry while promoting a healthier diet for all Americans.●

IRAQ INVASION OF KUWAIT

● Mr. MURKOWSKI. Mr. President, Iraq's invasion of Kuwait focused national attention on how dependent our Nation has become on foreign oil imports. Actions of the last 24 hours have raised serious questions about U.S. energy security.

A Presidential order requires a total embargo on all purchases of petroleum and petroleum products from Iraq. Further, United States oil companies cannot purchase Iraqi oil for export through a third country.

QUESTIONS WE HAVE TO ASK

Will the ban on imports extend to Kuwait oil now that Iraq controls those fields?

What is the United States obligation to keep oil flowing through the Persian Gulf? Dedication of 7th Fleet?

What actions will we have to take to secure oil supplies?

Should the United States take any further steps to protect other Persian Gulf oil producers? For example, Saudi Arabia?

What is the status of U.S.-flagged tankers and U.S. crews? Will those tankers be seized under the provisions of the Executive order freezing Kuwaiti assets?

Will OPEC policies be controlled by gun diplomacy in the future? Will OPEC now become a tool of Iraq?

What will be required to protect the flow of oil to countries like Japan which receives 59 percent of its oil from the Middle East?

NOT WITHOUT WARNING

At a May 28 Arab League summit key note speech, Saddam Hussein called on fellow Arab leaders to declare that strong support for Israel "precludes American friendship with the Arabs" and suggested using oil as a lever to force a change in United States policy in the Middle East.

Hussein said:

We have to announce in the loudest voice possible that nobody, and I repeat nobody, has the right to enjoy our resources while it opposes us. What I am calling for is to employ all our resources and potential, and if we do that, we do not need battles.

DECREASING OIL SECURITY IS A SERIOUS PROBLEM

Oil is a powerful geopolitical weapon.

Oil embargoes are not relics of the past.

The Soviet Union effectively embargoed Lithuania.

The embargo of 1973 by countries providing only 6 percent of U.S. oil supplies.

Today those same countries provide 30 percent of U.S. oil supplies.

The Persian Gulf alone provides 17 percent of U.S. supply.

Compare this with 3 percent in 1985.

IRAQ OIL STATISTICS

Iraq is second only to Saudi Arabia in oil reserves.

Iraq exports 2.7 million barrels per day.

Iraq provides 600,000 barrels per day to the United States. This may go up to 1 million barrels this month. The United States is Iraq's largest oil customer.

The United States obtains 8 to 10 percent of oil imports from Iraq.

Japan obtains 5 percent of oil imports from Iraq.

Western Europe obtains 10 percent of oil imports from Iraq.

KUWAIT OIL STATISTICS

Kuwait exports 1.8 million barrels per day.

Kuwait provides 120,000 barrels per day to the United States.

The United States obtains less than 2 percent of oil imports from Kuwait.

Japan obtains 6 percent of oil imports from Kuwait.

Western Europe obtains almost 5 percent of oil imports from Kuwait.

PROBLEM OF U.S. OIL DEPENDENCY

The U.S. consumes 16 million barrels of oil per day, and produces 7.4 million barrels per day.

In January 1990 the United States imported 9.13 million barrels per day.

We are over 50 percent dependent on other countries.

INCREASED WORLD OIL PRICES AFFECT THE U.S. TRADE DEFICIT

The U.S. trade deficit is $109 billion. Oil imports last year amounted to $45 billion—40 percent of our trade deficit. We spend twice as much on foreign oil imports as on Japanese cars. The trade deficit with OPEC countries tripled in the last year, from $475 million to $1.8 billion.

THE COST OF OUR MILITARY OBLIGATION IS A REAL COST OF IMPORTED OIL

Costs incurred to protect Persian Gulf oil was over $14 billion in 1987.

Taking military costs into account, this oil costs over $52 per barrel—over three times its nominal cost.

The carrier, *Independence* is now headed toward the gulf.

WE MUST CONSIDER THE UNMEASURABLE COST OF IMPORTED OIL

The tragic loss of 37 American seamen aboard the U.S.S. *Stark*.

We should not let our energy policy failures cost us young American lives in securing a supply of oil from the Middle East.

INDICATORS OF A FAILURE TO HAVE A FORWARD LOOKING ENERGY POLICY

First, the drop in U.S. oil production: U.S. oil production is at its lowest point in 26 years—currently 7.4 million bbls/day and dropping; production has dropped over 500,000 bbls/day since early 1986, a 20-percent reduction; Prudhoe Bay production dropped 10 percent in 1989; and future U.S. crude oil production could fall 4 million bbls/day by 2010.

Second, the increase in U.S. oil imports: The United States imports are higher now than during the oil crises of the 1970's; the 1989 yearly average for the United States was 46 percent of consumption; in January 1990, imports reached a record 54 percent; and predictions for 2010 call for imports of 54 percent to 67 percent of consumption.

WHAT ARE WE DOING TO REDUCE OUR DEPENDENCE ON IMPORTED OIL?

We have withdrawn over two third's of our public lands from mineral leasing; we have placed moratoriums on leasing in off-shore areas; and the Chukchi Sea OCS oil lease area may contain billions of barrels of oil.

TRANS ALASKA PIPELINE FLOW IS DECLINING

From a capacity of 2.1 million barrels per day—28 percent of U.S production—it is now carrying 1.7 million barrels per day, declining 10 percent per year; in the year 2000, the flow will have decreased to 500,000 barrels per day without new discoveries; and at current prices, 300,000 barrels per day is necessary to operate the pipeline, and if it is not operating, the law requires the line to be removed.

ANWR REMAINS OFF-LIMITS

ANWR could reduce the U.S. trade deficit by some $900 billion; ANWR is 19 million acres, the size of the State of South Carolina, and less than one-tenth of 1 percent would be impacted at full production; the average estimates are 3.4 billion barrels of reserves. Endicott, the sixth largest oil field in the United States producing 110,000 bbls/day, has a footprint of only 55 acres, the size of a small family farm.

INCREASING CONSUMPTION AND DECREASING CAPACITY WORLDWIDE PUT SADDAM HUSSEIN IN THE DRIVER'S SEAT

The Middle East is already producing in excess of 90 percent of capacity—the only limitation is infrastructure. The region is now producing 23 to 24 million barrels per day. OPEC's sustainable capacity today is a little in excess of 25 million barrels per day, and the call on OPEC is growing at over a million barrels per day each year. OPEC will soon reach capacity, with supply shortages and price shocks.

CHANGING POLITICAL AND ECONOMIC STRUCTURE OF SOVIET UNION AND EASTERN EUROPE

The Sovet Union is the world's largest oil producer—11.4 million bbls/day—and is a major supplier of oil to the United States.

Upheavals in the U.S.S.R. have decreased production 300,000 to 400,000 bbls/day in 1990 after declining by a similar amount in 1989.

The Soviets are less willing to provide cheap oil to Eastern European neighbors, so Eastern European countries rely more on world market oil supplies. A more productive Eastern Europe will demand more oil in the future.

GROWTH IN OIL CONSUMPTION IN THE FAR EAST

Japan is increasing its oil demand 4 to 5 percent per year; the developing Far East is increasing oil demand 6 to 10 percent per year.

CONCLUSION

OPEC has fed us cheap oil like a drug dealer developing a dependency. Just like a drug addict, at nearly 40 percent dependent on Middle East oil, we will be willing to pay anything to keep the oil flowing.

And just like a drug addict whose body is wasting away, so too is our domestic oil industry and our energy security.

What price are we willing to pay if Saddam Hussein increases the price of oil or turns off the tap? What sacrifices will have to be made with an oil supply reduced by 40 percent? Will more American lives be lost?

These are important questions which this body must address.●

TRIBUTE TO LOEUNG KHI

● Mr. BOSCHWITZ. Mr. President, I extend my congratulations to a Minnesotan recognized for his outstanding contributions to community service.

Loeung Khi has been recognized by KARE-TV as one of the "11 Who Care," in honor of his outstanding volunteer work. He's spent more than 10 years working with Cambodian youth through 4-H and other organizations in an effort to ease the cultural and language barriers of resettlement in the United States.

I must say I am always impressed by the dedication and hard work of refugees, and believe it's important they get the recognition they so richly deserve. As the only refugee in the U.S. Senate, I take great interest in refugee and immigration legislation and issues. The plight of refugees from Southeast Asia has been of particular concern to me.

I ask that an article from "Extenovations," published by the Minnesota Extension Service, highlighting Loeung Khi's accomplishments, be printed in the RECORD.

The article follows:

LOEUNG KHI CITED BY KARE-TV AS ONE OF "11 WHO CARE"

(By Deedee Nagy)

Loeung Khi, an MES Citizens' Advisory Committee member and organizer of the Khmer Youth Leadership Program and the Khmer Association, was recognized by KARE-TV for his outstanding volunteer efforts on behalf of the community. He was cited as one of the "Eleven Who Care" volunteer recognition by the station. The award includes an $1,100 personal award and a similar donation to the non-profit organization designated by the winner.

The televised award presentation was held in March at the Radisson Hotel in Bloomington. Loeung also recently received the 1989 McKnight Human Service Award.

For more than ten years, he has worked with Cambodian youth through 4-H and other organizations in the metropolitan area. His goal has been to help them bridge the cultural and language barriers of resettlement to the U.S. His wife, Phalla Keo, is a community program assistant with the Ramsey County Expanded Food and Nutrition Education Program (EFNEP).

Loeung was working in the American Embassy in Phnom Penh when the Cambodian Republic fell to the Khmer Rouge communists in 1975. With millions of others, Loeung and his family were sent to a slave labor camp. Two of his children died from deprivation and he was separated from his wife for about four years. When the Vietnamese invaded Cambodia and ended the Khmer Rouge "reign of terror" in 1979. Loeung and his wife were reunited. They fled to Thailand. There he began his social work in a refugee camp where he was chief of the Separated Family Reunification Unit.

Of his work in this country with refugee children, Loeung says, "Kids must learn to connect with the community. We must educate and unify them . . . . They must know their own heritage, culture and history—and they must learn self-sufficiency so they do not become victimized by the system."●

REAUTHORIZATION OF THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT (H.R. 7)

● Mr. JEFFORDS. Mr. President, I rise in support of the conference report on the reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act.

The conference report is the result of numerous hearings, lengthy negotiations, and compromise by both House and Senate, Republicans and Democrats. It is a good bill, and deserves to be supported.

The bill sets forth a new direction for vocational education. It emphasizes that in today's changing world and global marketplace, vocational education must be elevated to a status equal to it's education counterparts. For too long, vocational education has been left behind by the back-to-basics reform movement of the last decade and neglected in budget packages.

The bill adapts old-line vocational programs to meet the needs of our future workforce. It places a strong emphasis on the integration of academic and vocational curricula—essential to reduce the stereotype of vocational education as a nonacademic track and to ensure that our work force is adequately prepared for the challenges of the future.

It targets disadvantaged and at-risk students by taking a dramatic departure from past bills to eliminate the set-asides for special populations. While the specific monetary set-asides have been abolished the commitment to these populations has not. Perkins funds will continue to serve four important populations: economically disadvantaged, disabled, limited English proficient, and men and women with interest in nontraditional jobs. The conference agreement allows for flexibility of funding while providing for the necessary accountability measures to ensure that populations are served.

Although, the conferees moved a hold harmless provision regarding the small minimum from the 1989 to 1991, the House provision placing a 150-percent cap on per pupil expenditure was retained. The result of such a cap on six small States will have serious ramifications. In effect, the cap will level fund the basic grant for these States until such time as the basic grant total appropriations reaches sufficient size. The inclusion of the 1991 hold harmless will cushion the impact of such a cut on these States.

A number of other provisions were retained in the final version of the bill that are worth noting. Among them, the formula to safeguard the directing of funds to area vocational centers. This provision will allow Vermont, a State which as adopted a system of area vocational centers because of its rural nature, to continue its program and best serve it's student population.

Another important provision is the inclusion of provisions to draw qualified individuals from business and relevant fields into vocational classrooms. This program, known as the Mentor Program, encourages highly qualified teachers to serve as mentors to less experienced teachers. The results of this program have been extremely positive in my own State of Vermont which has already embarked on such an innovative teacher training program.

The highly publicized Technology-Prep Program was also included as part of the final bill. This successful program encourages consortia linking local education agencies or area vocational centers with community colleges or postsecondary vocational technical schools to offer a 2-year degree or apprenticeship program. These partnerships offer a degree or certificate in a condensed timeframe to encourage students to remain in school and force institutions to work cooperatively to reduce duplication of classwork.

While, I would have preferred to see the Senate provision prevail and have the Technology Prep Program administered by the State using a portion of the State funds rather than be administered at the national level, I am glad that the program was included and hope that small States will be considered equitably when applying for such funds.

The final bill reflects the intent of the recommendations of most major educational reports that have been released during the past months. It addresses the needs of that segment of our population that business and industry representatives have targeted as needing to be better prepared for the workplace.

Individuals with economic or educational disadvantage, minority groups, women and the handicapped, who in the past were destined to low-paying jobs, now have a better chance of receiving due recognition, due training and adequate compensation in highly skilled jobs because of this bill. It reiterates the fact that vocational education is not for those unwilling or unable to go onto a traditional 4-year institution of higher education—it is a viable and worthy education, essential to maintaining America's competitive edge in the future. I am glad to be a cosponsor of the original bill and encourage my colleagues to support final passage.●

NATIONAL HIGHWAY FATALITY AND INJURY REDUCTION ACT

● Mr. D'AMATO. Mr. President, I rise today to support legislation introduced

by Senator CHAFEE, S. 1007, the National Highway Fatality and Injury Reduction Act. This legislation aims not only to reduce the number of injuries and fatalities that occur on our highways each year, but also to decrease the many other costs our society must face due to these tragedies.

Each year, injuries and fatalities number in the tens of thousands due to automobile and motorcycle accidents. Following these deaths and injuries, society not only suffers emotional trauma, but also suffers lost productivity, lost workdays, and staggering legal and medical costs. More and more we find taxpayers bearing the burden of these costs through rising insurance rates and burgeoning costs for Medicaid and Medicare Programs. Yet, a large number of these tragedies could be easily avoided through the widespread use of safety belts and motorcycle helmets.

Presently, more than two-thirds of the population are required by State law to use automobile safety belts and motorcycle helmets. Making use mandatory has not only increased use, but has also decreased fatalities and injuries.

The National Highway Traffic Safety Administration and many other interested groups have produced numerous studies indicating how effective safety belts and motorcycle helmets are in saving lives. The NHTSA has said that when safety belts are worn, they can reduce the risk of fatal injury by approximately 45 percent. When motorcycle helmets are worn, the NHTSA has determined that the risk of fatality is reduced by approximately 29 percent. These statistics translate into thousands of fatalities and injuries that can be prevented each year.

This bill recognizes the great number of tragedies that could be avoided through simple safety procedures. It would give States 3 years to implement auto safety belt and motorcycle helmet laws and provides for $95 million in grants for education and enforcement. In addition, it provides $5 million for the NHTSA to assist States in their efforts. If, after 3 years, a State has failed to comply, they stand to lose 5 percent of their Federal highway construction funds after the first year and 10 percent thereafter.

The number of fatalities and injuries taking place on our highways each year is ample cause for the protection provided by this bill. The issue of wearing a safety belt or motorcycle helmet is no longer a personal one. It has become an issue of national significance which must be dealt with. Making safety belt and motorcycle helmet use mandatory can only help to make our highways safer places.●

TRIBUTE TO PATRICK BUTLER

● Mr. DURENBERGER. Mr. President, I wish to acknowledge the passing of a Minnesotan who was possessed of great dignity, compassion and spirituality. Patrick Butler was called the heart of Hazelden, the world-renowned chemical dependency treatment center in Center City, MN. He died on July 28, 1990, at the age of 89.

Patrick Butler was born in St. Paul in 1900. In 1908, he moved to Virginia, MN, where his family started Butler Bros., a successful iron-mining business. Mr. Butler graduated from Yale University and joined the family business in 1922. He eventually took the lead and directed the company until its sale in 1948.

In 1950, Patrick Butler took a brave and important step. Embattled by an addiction to alcohol, Mr. Butler sought help from what was then called Hazel's Den, a 1-year-old treatment center located on a small farm in east central Minnesota. He left the center in the summer of 1950 with a commitment to forgo alcohol and to the center's method of treating alcoholics in a dignified and kind manner.

The Butler family's support helped the center survive financial difficulties in the early 1950's. Then, in the mid-1960's, Mr. Butler bought what we now call Hazelden for $50,000. Under his guidance, the center grew into a $50 million nonprofit organization. Hazelden produces more self-help literature than any other publisher.

Those who knew Mr. Butler said his goal was not to make Hazelden big and well known. It was, instead, his goal to help as many people as he could. He did that by recognizing the needs of women and men suffering from chemical dependency and finding ways to meet those needs.

For his contribution to the health and wellness of many people in Minnesota and across the United States and the world, I posthumously thank Patrick Butler. And, I extend my condolences to his wife Aimee, his daughter Kate Peterson, his sons Peter and Patrick, Jr., his grandchildren and great-grandchild, and his brother Cooley. Society has benefitted from his life's work; we are poorer for his passing.●

TRIBUTE TO MARY ABIGAIL McCARTHY

● Mr. DURENBERGER. Mr. President, the Senate has lost a member of its extended family. I wish to acknowledge the death of Mary Abigail McCarthy on July 28, 1990, after a long illness. She was the daughter of Eugene McCarthy, the former U.S. Senator from Minnesota, and Abigail Quigley McCarthy.

Mary Abigail McCarthy was a gifted young woman who, as a college student, actively campaigned among her peers during Mr. McCarthy's Presidential bid in 1968. She was a youth leader who, according to columnist Mary McGrory, interpreted the candidate to the young and the young to the candidate.

Ms. McCarthy was a student at the Convent of the Visitation School in St. Paul and Stone Ridge Country Day School in Washington. She graduated from Radcliffe College of Harvard University and New York University Law School. In a small Washington-based private practice, she carried on her family's and her own tradition of service by representing low-income clients.

Ms. McCarthy was working as a public defender in a federally funded program in Washington when she was asked to teach at Yale University. During her decade of service, she introduced courses on the disabled and on immigration law. Her students also benefited from her supervision of their trial work.

Mary Abigail McCarthy did her generation of Minnesotans and Americans proud. She will be missed. I extend condolences to her parents, her sisters Ellen and Margaret, and her brother Michael.

WISCONSIN'S CONTRIBUTIONS TO NASA

● Mr. KASTEN. Mr. President, I rise today to recognize the contributions of the great State of Wisconsin to the Nation's space effort. I have recently had an opportunity to focus on this subject in conjunction with NASA Administrator Adm. Richard Truly who was a guest on my cable television show, "Speak Out, Wisconsin."

Since the future of America's space program, and the future of America's competitiveness in an increasingly technological world, will depend upon the performance of our young people in the science, space, and technology area, I was pleased that 20 young students from Wausau, WI, were able to participate by asking questions of Admiral Truly.

Their concerns were much the same as those of most Americans today, with many questions focusing on the problems of the Hubble space telescope, the space station Freedom, the possibility of sending astronauts to Mars, and the concerns about math and science education in this country.

Wisconsin has made numerous contributions to NASA's programs.

The University of Wisconsin-Madison developed one of the five isntruments on the Hubble space telescope—the high speed photometer [HSP]. It is used to precisely measure brightness of celestial bodies in several spectral bands of ultraviolet [UV] and visible light, it targets pulsars, supernova, white dwarfs, binary stars, and rings

around outer planets, and will help identify sizes, shapes, masses and temperatures of these objects.

The Wisconsin ultraviolet photo-polarimeter experiment [WUPPE] utilizes an instrument developed by the University of Wisconsin-Madison. It will fly on the next space shuttle mission, and is designed to study the way light is polarized and conducts spectroscopy. Further, it will provide information about the size and shape of celestial bodies and the strength of their magnetic fields.

Wisconsin is the home of two NASA regional teacher resource centers [RTRC's]—Discovery World Museum in Milwaukee, and the University of Wisconsin-LaCrosse. RTRC's are repositories of educational material which are established at educational institutions, museums, or other organizations.

As we look into the future, the Wisconsin Center for Space Automation and Robotics is creating technologies capable of enhancing our ability to live, travel and explore in space.

NASA has proposed a major effort to better understand the nature of global change. It is called the "Mission to Planet Earth," and will help to gain predictive capability so that we can understand how what we are doing is affecting our ecosystems. One important component of this program is the Earth observing system [EOS], a series of two polar satellite platforms designed to make a variety of measurements of the Earth's atmosphere, oceans, land and life.

Four Wisconsin researchers serve as members of the seven facility instruments teams for EOS.

Two Wisconsin graduate students were among those chosen to receive "Global Change Research Fellowships." The Fellowship Program is designed to encourage and train the next generation of Earth scientists. Selected were David W. Bolgrien of the University of Wisconsin-Milwaukee and Randolph J. Wynne of the University of Wisconsin-Madison.

The University of Wisconsin-Madison, with over $9.4 million, ranked 19th on the list of total NASA awards to educational institutions.

The Cray Computer Corp. located in Chippewa Falls, WI, has provided supercomputers for NASA.

The Ladish Corp. in Cudahy, WI, makes steel forgings for the space shuttle's solid rocket motors and will also be the source for similar forgings for the advance solid rocket motor.

It was a pleasure to have Admiral Truly as our guest on "Speak Out Wisconsin" and I certainly enjoyed the opportunity to hear from our student viewers from Wausau. It was also an inspiration to exchange ideas with these young scientists who are the future of America's Space Program.●

THE NATIONAL INSTITUTE FOR ENVIRONMENTAL RESEARCH BILL

● Mr. BRADLEY. Mr. President, it is an unfortunate fact of life that most of our environmental policy is reactive: it is the disasters which repeatedly show our inadequacies and our imperfect understanding of man's relationship to the environment.

Not long ago, I stood on the banks of the Arthur Kill in New Jersey. This heavily traveled waterway has been the site of not one but multiple oil spills just this year. And each of these spills exposed loopholes in the laws that protect our environment.

My hope is to look to the future, to build a foundation to address the major environmental challenges we will face and to assess what steps we can take now to prevent environmental disasters tomorrow. We know too well that our everyday actions have implications far beyond tomorrow, the next year, or the next decade. The Superfund law—of which I am quite proud—is a multibillion dollar effort to address an unfortunate inheritance of industrial and public environmental neglect. This sort of inheritance is not what I have in mind for our children. We can do better and a National Institute for Environmental Research is part of that effort.

Mr. President, the legislation promotes a simple concept: a rational and steadfast approach to long-term environmental research. It is time to acknowledge through a comprehensive research program that we humans have many neighbors who often are overlooked. If we are to continue living in a healthy world, with its diversity of species and natural beauty, we need to learn better how to treat our collective home with respect and understanding.

Clearly, the National Institute Research proposal is intended to supplement and complement our existing programs and efforts. These existing research efforts, which must continue, have been dominated by media-specific issues—for example, air or water pollution—and human health concerns. In spite of the recent increase in funding for global warming research, which itself underscores how ill-prepared we are to set or maintain research priorities, ecological and global concerns remain glaring holes in our research agenda. For example, our efforts to address oil spills focus on short-term aquatic effects. But in the estuarine ecosystem, oil wastes often settle and destroy shellfish, disrupt the food chain, obliterate nesting areas, and kill off food sources for birds and important sport and commercial fishes. These subtle effects are often easy and convenient to disregard. If we underestimate the costs of our actions, both inadvertent or otherwise, we will inadequately safeguard our natural legacy. We cannot estimate these costs until we appreciate the subtle effects and changes in natural systems.

I believe that the National Institute of Health [NIH] can be an effective model for a comprehensive research strategy. A National Institute for Environmental Research could, like NIH, consist of problem-oriented institutes or centers. The institutes would encourage and support funding for competitive research by academic institutions, nonprofit organizations, and industry. These efforts would have two positive results. First, competitive research efforts would yield the best and most effective use of funding. And, second, by working through our educational institutions, we would insure the development of a necessary intellectual infrastructure. As we consider the mounting challenges ahead, this last component should not be underestimated.

Mr. President, my legislation calls on the National Academy of Sciences to examine these issues and report to Congress on the feasibility, merits, and general need for this National Institute. This report will be due in one year. It is clear that many agencies and independent scientists can and should play a role in the establishment of this Institute. The EPA, the National Oceanic and Atmosperhic Administration, the National Science Foundation, the U.S. Geological Survey, the Forest Service, the Fish and Wildlife Service, and the President's Council on Environmental Quality are among the many Federal groups that have a legitimate role to play and deserve the opportunity to contribute to the Institute's development. The National Academy is perhaps the organization that is best-equipped to assemble the Nation's finest minds and develop the critical review and research strategy.

In the scheme of things, this legislation appears to be a small fish. The EPA, in testimony before the House Science Committee, lauded the goals of this effort, but opposed action. According to the agency, the "EPA is developing proposals for alternative institutional arrangements * * *. EPA has recently embarked on an effort to strengthen long-term research." Maybe things are getting better, Mr. President, but I do not take their word for it. Dedicated young professionals and scientists are starving for necessary support. A National Institute, which reaches out to our universities and students, which advocates the global perspective, which promotes a balanced and steadfast research agenda, is an essential part of a strategy for a healthier planet.

Mr. President, I urge the Senate to approve this legislation.●

THE LOUISBURG CAFE

● Mr. BOSCHWITZ. Mr. President, I rise today to salute a group of Minnesotans who have found an innovative solution to a problem, and at the same time, have made a statement of sorts about midwestern ingenuity, and the preservation of a way of life.

Louisburg, MN, is a small town in the western part of our State. It is a small town that sprang up many years ago as a railway stop, along with a grain elevator. There are dozens and dozens of such towns in Minnesota, and over the years, many have shrunk in size and some have even withered away.

The 1970s were tough times for Louisburg, as they were for many communities. The town's implement dealership closed, then its gas station shut down, along with the grocery store. About the only commercial entity left in the town was its cafe, and in 1988, that, too, shut down.

Let me say, Mr. President, that in rural small towns, the local cafe is much more than just a place to get a meal. It often becomes the focal point of a town's social life. It is the place to catch up on local chat, or to discuss politics, or to compare farming notes with one's neighbors. It is the place where coffee is drunk, and where the donuts are fresh each morning and where the food is always good.

I might add that I find small-town cafes a great place to stop during my travels around the State. For all of the experts and "think tanks" we have here in Washington, I find that the best place to find out what people are thinking, the best place to get a little common sense advice, is around a table in a cafe in Minnesota.

For many towns, the loss of a cafe was the final straw that broke their economic back. The good folks of Louisburg, however, were not ready to let that happen.

About 50 of the local residents pooled their money, raised about $4,500 in contributions, and reopened their cafe. They found a nice couple, Harold and Emily Hansen, to run the place, and in mid-April, they reopened.

I wonder, Mr. President, how many others in this situation would have not bothered to make the effort, or who would have looked to the Government for some kind of solution. These people, however, simply took matters into their own hands and got the job done.

Today, despite a few bumps along the way, the Louisburg cafe, where you can get service with a friendly smile, is open and thriving and providing a hub for the people of the area.

I think it's a remarkable story, Mr. President, and I'm extraordinarily proud of those constituents of mine who have made this possible. I wanted to take a moment to salute their efforts, and to add that I hope soon to travel to their part of the State and have a donut and a cup of coffee with the people of Louisburg.●

U.S. COAST GUARD ANNIVERSARY

● Ms. MIKULSKI. Mr. President, I would like to take a moment to mark the 200th anniversary of the U.S. Coast Guard—the unsung heroes of the Armed Forces. On August 4, 1790, the U.S. Congress authorized the building of "a fleet of cutters" to protect the revenue and patrol the coast of the new Nation.

For 200 years, while we grew from a short string of cities between Boston Harbor and Georgia's Sewanee River into a great, international seagoing power, the Coast Guard has quietly carried out its critical missions.

The Coast Guard has patrolled our waters, seizing contraband and stopping smugglers—even battling pirates.

It has lit our rocky shores and marked our bays and inlets—allowing the largest ocean liners and the smallest pleasure craft to safely navigate passage.

It has ensured the safety of our sailors and their vessels, testing pilots and crewmen, inspecting vessels, and enforcing the regulations that protect the lives of America's 73 million recreational boaters.

It has kept commercial sealanes open, protecting the trade that connects us to the rest of the world.

And the U.S. Coast Guard has fought in every major national conflict since 1790. On this anniversary we should remember the Coast Guard sailors who gave their lives in defense of this Nation. They are unsung, but not forgotten. When the Coast Guard Veteran's Association named me Senator of the Year recently, I was moved and filled with a special gratitude.

I grew up in the port city of Baltimore, and I have always felt a great pride in the men and women who kept the harbor running. We are all proud that the new Commandant of the Coast Guard, Adm. John William Kime, is a Baltimore native. He grew up standing his days the way I sometimes did—watching the steamers coming in to the Light Street docks.

Admiral Kime went on to become the Captain of the Port of Baltimore, making sure all those ships made it in and out safely. And I went on to become a U.S. Senator, where I fought to save the U.S. Coast Guard Yard at Curtis Bay, MD.

For 90 years, Curtis Bay has been the yard for the Coast Guard's shipbuilding and repairs. Three generations of Marylanders have worked at the yard, becoming a part of the great Coast Guard tradition that we are celebrating today. The sailors of the Coast Guard and the civilians at the yard built a unique relationship, becoming an important part of Maryland that we were not about to lose.

We worked together and we kept the Coast Guard repair yard where it belongs—in Maryland. We won another fight this year, when the Coast Guard agreed to move a major supply center to Curtis Bay—just a couple miles down the Patapsco River from Admiral Kime's old neighborhood of Highlandtown. That is a tribute to every single Coast Guardsman and civilian who make such a great team at the yard.

I want to wish Admiral Kime the best of luck. The Coast Guard has always had a tough job.

When winter storms rage off the Maryland coast, when sleet and cold rain have driven most of us indoors, the Coast Guard is on the water, pulling people out of the Atlantic Ocean. In fair weather or foul, the Coast Guard is on duty, saving 500 people a month, and 2 million dollars' worth of ships and cargo every day.

When ruthless drugrunners pilot high-powered smuggling craft through the Gulf of Mexico, the Coast Guard is there, risking their lives to stop the plague those smugglers carry to America's shores.

When a tanker oozes oil off California's rocky coast, the Coast Guard is once again our first line of defense, working around the clock to contain and clean up the spill. Six hundred times a month, the Coast Guard responds to chemical or hazardous material spills.

From monitoring icebergs to maintaining the 50,000 buoys and lighthouses that mark our coast, the Coast Guard is there.

On this, their anniversary, I would just like to say, to all the men and women in the Coast Guard, "thank you."●

THE CYRUS SCHOOL SYSTEM

● Mr. BOSCHWITZ. Mr. President, I rise today to speak about some of the educational challenges facing small towns in Minnesota, and across the Nation, and about the unique way in which one of my Minnesota communities has risen to that challenge.

Many small towns have faced enormous pressure in recent years as their population base has eroded. Some school districts have been forced to close their schools, or to consolidate with other school districts. Many are forced to pare back their course offerings.

But in little Cyrus, a small town in the west-central part of the State, the parents responded to the challenges in a different way. They took their only school—an elementary school with only 95 students—and turned it into a math-science-technology school that is

attracting students from towns in the area.

In a town of only 300 people, Mr. President, the children are receiving what seems to be a remarkable education. A bright, innovative group of eight teachers has designed a non-traditional curriculum that relies heavily on involvement with computers. Most schools have one computer for every 15 students, but in Cyrus, there is a computer for every 3 students.

The computers are used for writing, math and science, and in a variety of ways. In a less-structured, non-traditional classroom setting, the students of Cyrus are flourishing.

The school even has a mascot—"Dr. Megabyte"—whose image has come to represent the outstanding education efforts of this town.

It has been a remarkable turnaround for the town, Mr. President, and if I may say so, it represents the kind of innovation and determination that I think is a trademark of Minnesotans. The people of Cyrus saw a challenge, and rose to meet that challenge, and I am very, very proud of what they have done, and proud to represent them in the U.S. Senate.●

CONGRATULATIONS ON THE 150TH ANNIVERSARY OF THANKFUL BAPTIST CHURCH OF AUGUSTA, GA

● Mr. FOWLER. Mr. President, I congratulate Thankful Baptist Church on its 150th anniversary. The founding of Thankful Baptist Church which was first called Independent Baptist Church on April 26, 1840 was an historical occasion for Augusta as well as Georgia. Christian brothers and sisters congregating during this country's most arduous time in history was propitious and instrumental to the progress made in civil and human rights in America.

Thankful is most fortunate to have had only 11 ministers during the period of 150 years. From Reverend Samuel Bell, the first minister of Thankful, to Reverend Nathaniel Young, a well-known minister and leader in Augusta and throughout the State of Georgia, Thankful has been the impetus of many struggles in our society such as hunger and homelessness. Rev. Young who is a former member of the Richmond County Board of Education and graduate of Morehouse College has witnessed the development of a day care center, three choirs—the N.T. Young youth choir, senior choir and gospel choir, a Sunday School department with two divisions and the recent purchase of a 46-passenger church bus.

It is said where there are good leaders there are also good followers. Thankful's members are truly on the word and under the cross. The Augusta community has truly benefited from the kind and generous hearts of this congregation. Your christian deeds remain in the hearts of your members both near and far as well as the Augusta community.

I am sincerely proud to represent such a progressive, thoughtful and accomplished congregation in the U.S. Senate. I congratulate Reverend Young and each and every one of the members of Thankful Baptist Church on the occasion of their 150th Anniversary celebration.●

THE MINNEAPOLIS AIR TRAFFIC CONTROL CENTER

● Mr. BOSCHWITZ. Mr. President, I rise today to salute a group of more than 400 Minnesotans who make up part of our Nation's air traffic control system, and who have recently been recognized for their outstanding work.

The men and women of the Minneapolis center were honored in 1988 when they were chosen as the "National En Route Facility of the Year."

Rather than resting on their laurels, however, the men and women of the center went back to work more determined than ever. And now, Mr. President, they have been honored again, as the "National En Route Facility of the Year" for 1989, an unprecedented back-to-back win of this prestigious honor.

The Minneapolis center gained national attention in July of 1989, when a United Air Lines flight lost engine power, and hydraulic power over northeastern Iowa. The Minneapolis Control Center took charge of the emergency, talked to the pilots and did everything possible to assist in the emergency.

However, the center is not only at its peak during an emergency. Excellence is visible in the day-to-day operations as well. In 1989, despite a traffic increase of about 4 percent, the Minneapolis Center achieved a decrease in operational errors of eight percent. That equals, Mr. President, a rate of one error for each 140,664 operations. That is truly remarkable.

The Minneapolis Center has designed and utilized a number of innovative programs for both internal communications, and in communicating with pilots in the area. These programs have led to increased morale within the center, and an outstanding working relationship within the people served by the center.

I say with some pride, Mr. President, that it's not at all unusual for Minnesotans to lead the Nation. Minnesotans have a very strong work ethic, and a spirit of achievement that shows up in virtually everything they do. The men and women of the Minneapolis Air Traffic Control Center have proven that again, and I'm honored to represent them in the U.S. Senate and I'm proud to have them as my constituents.●

HEARINGS ON STATUS OF WILD SALMON RUNS IN THE SNAKE AND COLUMBIA RIVERS

● Mr. PACKWOOD. Mr. President, when I was in my home State of Oregon during the Fourth of July recess, I held a series of seven hearings across the State to look into the effects of listing certain species of Columbia and Snake River salmon as threatened or endangered under the Endangered Species Act [ESA]. My colleagues may be unaware that several petitions have been filed with the National Marine Fisheries Service to list five species of salmon under the ESA.

The purpose of my hearings was to heighten public awareness of the economic and sociological effects of a potential listing. The Columbia River is a critical resource to the Northwest. It meets power, irrigation, commercial and sport fishing, recreation, navigation, and wildlife habitat needs. Clearly, our goal is to allow for the continuation of all of these uses of the river. However, this may not be possible if salmon runs are listed as threatened or endangered.

The hearings I conducted were held over a 4-day period in Astoria, St. Helens, Portland, Hood River, The Dalles, Pendleton, and Ontario. Each hearing explored all aspects of the listing issue, including the hazards facing salmon populations, what can be done to protect them, and all the implications of providing additional protection for certain species. Witnesses testified from the fishing, aluminum, and agriculture industries; environmental groups; port authorities, and local government agencies.

I found the testimony presented at these hearings enlightening and thoughtful. Therefore, Mr. President, I ask that the attached testimony from the July 2 and 3 hearings be inserted in today's RECORD. I will submit the remaining testimony for tomorrow's RECORD.

The testimony follows:

TESTIMONY ON ENDANGERED SPECIES ACTIONS AT AN INFORMATIONAL HEARING

(Testimony of Brig. Gen. Pat M. Stevens IV, U.S. Army Corp of Engineers)

I welcome this opportunity to present the Army Corps of Engineers' views on the ongoing review process to consider certain Columbia River Basin salmon species for listing under the Endangered Species Act. The corps recognizes that the potential impact on the region is significant and widespread and we will fully cooperate in the process.

There are three major points I am going to emphasize today:

The corps has a longstanding commitment to the Columbia River fish resources.

We fully support objective, scientific studies and will fully participate to determine if a listing is appropriate and to identify ac-

ceptable actions for rebuilding any depleted salmon runs.

Fish passage at the dams is one element in rebuilding salmon runs. A full solution will require a comprehensive analysis of other impacts such as hatchery disease, ocean and river fisheries and habitat degradation.

The corps' eight lower Columbia and Snake River Water Resource projects serve a variety of needs: hydropower, flood control, navigation, recreation, and fish and wildlife conservation. Because adult and juvenile salmon must pass through or around these projects the corps has, since construction of Bonneville Dam in 1938, provided for fish passage. We have pioneered and built effective adult fish ladders and continued development and installation of juvenile fish bypass systems. Since 1980 we have been transporting juvenile fish, up to 20 million annually, collected at upriver dams past all downstream projects. Where losses could not be avoided, hatcheries have been constructed. Ten of these hatcheries are now operating and releasing over 40 million fish annually. Another one is scheduled for completion in 1991. Put in perspective, the corps has, through 1989, invested over $550 million in fish facilities at its Columbia Basin projects. This represents nearly 13 percent of the total investment at the corps' eight lower Columbia and Snake River projects. I want to emphasize the cooperative nature of these accomplishments. They have been the result of teamwork with Federal, State and tribal agencies.

In spite of these efforts, some salmon runs have declined and National Marine Fisheries Service is now considering petitions calling for several salmon stocks to be listed as threatened or endangered.

What can we in the Pacific Northwest do to assist National Marine Fisheries Service in this effort?

First we must approach the process in an atmosphere of mutual trust and concern. It will require an open, objective, scientific analysis to determine if listing is appropriate to protect specific stocks and to identify and implement acceptable actions necessary to rebuild any depleted fish runs. There is a pressing need for a more complete understanding of the fishes' life history if we are to formulate effective remedies that are considered necessary to rebuild the population of any listed species. It must be a reasoned scientific process.

We all have a role in that process if we are to obtain the best possible knowledge upon which to act.

In that regard, I applaud the initial steps taken by National Marine Fisheries Service in establishing a technical coordinating committee with wide, interagency membership, setting up a highly credible academic team to aid in the scientific review and, importantly, conducting the review process in a public forum.

I can only speculate on what future actions may be needed to rebuild any depleted salmon runs. I can tell you that the corps is presently carrying out a series of activities which I believe will further benefit these runs:

The President's fiscal year 1991 budget presents a commitment to continue a program of juvenile fish bypass installation estimated at $139 million and requests $14.8 million to continue design and construction of juvenile bypass facilities at four of the mainstem projects and $1 million to evaluate additional measures at other corps dams which could contribute to increased fish survival.

Flow augmentation—better known as the water budget—is being provided in the Snake and Columbia Rivers during the spring migration period to increase survival of juvenile fish migrating to the ocean.

New fish transport barges and facilities are being brought on-line to permit more juvenile fish to be hauled from the uppermost dams past all of the downstream reservoirs and dams.

Over $3 million each year in research is being funded by the corps to develop and improve means of assisting migrating fish.

The corps is participating with Bonneville Power Administration and the Bureau of Reclamation in a comprehensive review of the operation of the multi-purpose Columbia River projects. That review will consider system operating scenarios that may further assist Columbia Basin Fish and Wildlife Resources.

I recognize that the corps' activities focus on in-river assistance to the fish. That represents only one fact of the life cycle of these fish. Diseases continue to decimate hatchery stocks, over-harvesting continues to diminish the stocks, mixed-stock fisheries impact depleted runs, and habitat degradation from several activities continues. All of these fish survival questions must be addressed. I am confident that together we can seek solutions with the cooperative efforts of Federal, State, tribal, and public interests in this worthwhile endeavor.

Again we pledge our support in this effort. Thank you.

TESTIMONY OF TOM ROBINSON, MANAGER, OREGON SALMON COMMISSION

Ours is a state agricultural commodity commission created by legislative action in 1985, to provide beneficial services to Oregon's ocean going commercial salmon trollers. We are funded through assessments on those trollers, each of whom pays 1.5% of the value of their catch into this Commission. The Commission itself consists of seven volunteer members, five of whom are commercial trollers and two seafood processors. In addition to regular market promotion and quality assurance activities, this Commission dedicates a good deal of its resources towards participation in a myriad of governmental and regulatory proceedings on behalf of the industry. Both the depth and breadth of these political involvements continues to increase dramatically especially since the advent of the Magnuson's Fishery Conservation Act and the state's own Wild Fish Policy including specific management plans for coho and chinook harvests, during the last 15 years. The Commission's increasing involvement in the political arena is reflective of increasing stresses simultaneously upon the industry and upon the salmon we harvest. The Commission's thrust continues to be aimed at achievement of productive harvests through viable management and conservation strategies. We have been continuously involved in conservation programs, enhancement programs, management programs, environmental protection, land use planning, etc., etc., etc. in keeping our philosophy that continued productive harvests will depend on effective management and protection of the salmon stocks we harvest.

The Troll Fleet

Today Oregon's troll fishing fleet consists of approximately 2700 vessels. Typically, each vessel employs 1 to 3 persons including the skipper during the troll fishing season which runs from May through October annually. About half of these vessels fish on a daily basis only, running out of the various ports along the coast and returning to deliver the day's catch when weather and regulation permit fishing. This day fleet provides the very freshest salmon product available to market. Since day fishing can be done in smaller vessels, typically 18'-30' in length, it has often been an entry level fisher, providing newcomers and young people with opportunity to begin a career in other fisheries. Also, many day fishermen are part-time fishermen holding other jobs during off seasons. The other half of the fleet consists of trip boats 30'-50' in length, capable of fishing trips of several days in duration ranging from Alaska to Central California. Most typically a salmon trip vessel is owned and operated by a single individual or family. Many times an entire family or a husband/wife team will fish the boat. The greater size and sea-going capabilities of these vessels make them adaptable for other fisheries as well. Historically, salmon trolling has been combined with tuna trolling and winter crabbing to provide a family with a year round fishery income.

Fishing Operations

Troll fishing is unique yet ancient. Trollers use no nets. Instead each boat is rigged with a system of down riggers to which hook and line lures or baits are attached, then trolled through the water at slow speeds. Trollers, like sport fishermen, rely on skill and luck to bring salmon to the hook for the catch. The troll method of harvest brings a super high quality of samon to market. One reason lies in the fact that each salmon is caught, landed, cleaned and iced aboard the boat by individual handling, rather than by bulk handling. Also, since trollers take salmon at sea while they are feeding on natural bait fish, the condition of each salmon is at its peak of brightness, firmness, and marketability. For those reasons, troll salmon have historically brought top market prices to the Oregon industry.

Commercial fishermen have always pointed to their career as more than a livelihood, but a way of life. Trollers are no exception. Trolling began to develop along the Oregon coast during the early part of the century when gasoline engine power became dependable and affordable. Many fishermen who had been involved in gillnetting operations during fall runs began to explore the open sea outside the river mouths with almost immediate success. Market advantages were discovered by extending the period of time over which salmon could be made available to waiting customers. Somewhat later, when gillnetting was removed from all but one of Oregon's coastal rivers, the troll industry expanded. Even from those early times until modern times it has been understood that trolling itself, is a conservation method helping to assure conservation of the resource. Given a wide range of open ocean and traditional opportunity to fish between May and October, the fishing pressure of the troll fleet tends to spread itself over the entire expanse of ocean from the shoreline out to a distance of up to 50 miles and north and south along the entire coastline. This kind of spreading tends also to spread impacts on any particular stock of fish emanating from any particular river system. Even with today's increased efficiency on fishing vessels, impacts on all available stocks are to some degree limited by this method of harvest as it is subjected to natural weather and ocean condition events.

Troll Salmon Processing

When trollers deliver their catch to dockside buyers, they are delivering a partially processed product in that the fish has already been cleaned and iced. Most dockside buyers, numbering over 100 along the entire Oregon coast, then take another step in processing before selling to regional distributors or to wholesalers in other parts of the state, the nation, and the world. Salmon are inspected, graded, repacked and shipped within a matter of hours. Each of these primary processors requires a staff of employees to do the work. The number of employees depends upon the size of the operation. A small buyer may be an individual with one or two helpers. A large buyer could employ several dozen salmon handlers. Of course, most buyers also handle other fish products, increasing their labor force as necessary when an abundance of any fish product appears. The primary processors feed into approximately two dozen regional distribution houses in the state of Oregon. These distributors then process the salmon again, often cutting the product into fillets, steaks, etc. for ultimate retail display and sale. Again, a fairly large labor force is required in order to handle the troll salmon product during the season. Distributors will move their product to retail outlets quickly since salmon shelf life is only about two weeks maximum. It is a well oiled machine that moves each salmon through the market route from vessel to consumer. At each stage employees are necessary and profits are made.

Economics of Trolling

It is difficult to say how many jobs are created in any one community or in the entire state by the catching and processing and sale of troll caught salmon. Approximately 5000 shoreside jobs are held by persons directly involved in the processing of seafood along the Oregon coast. That labor force, combined with other commerical fishing incomes along the Oregon coast, generates $250-$350 million annually, making commercial fishing the second highest source of earned income on the coast, second only to timber jobs, and leading tourism by nearly $100 million dollars in 1987. Salmon trolling is generally the #1or #2 highest source of that fishing income, alternating with shrimp fishing for the top contribution spot, at around 25 percent of the total commercial fishing benefit dollar.

As with all manufactured or processed agricultural products, regional income benefits increase at each step of processing and sale for profit. For troll salmon, the formula was recently developed by Drs. Hans Radtke and William Jensen for the West Coast Fisheries Development Foundation, which shows the relative increase in regional personal incomes derived from the catch and sale of the salmon. That study, based on the 1986 harvest, showed that the relationship of the ultimate regional impact benefit to the ex-vessel price of troll salmon was approximately 2.5 to 1. The 1987 and 1988 troll seasons, for example, brought $18 million and $22.4 million to the fishermen and correspondingly brought about $48 million and $56 million in economic benefits to the state of Oregon from the sale and processing of 7.7 million pounds and 7.6 million pounds of troll caught salmon, respectively.

Troll Salmon Market.

In the seafood industry, all salmon is regarded as a high margin item. It is also subject to highly volatile market conditions. The major market route for Oregon's troll salmon is through major distribution centers in California to the entire western United States. However, a significant quantity of Oregon salmon is routed to foreign markets, primarily in Japan and in Europe. Also, a small but significant portion of the troll product remains in the state of Oregon for consumption by the Oregon public. It is that product going out of state which brings to Oregon the greatest benefit in terms of dollars, since these dollars generated are new dollars. Often, as was the case with Japanese exports during the last five years, exports bring an additional bonus in terms of exchange rates and balance of trade benefits.

Also, during the five years, the world has seen a tremendous increase in the supply of salmon from farm or pen-rearing operations. In many cases, over production by these farms has resulted in stress on salmon markets and has effectively driven prices down for Pacific troll caught salmon including Oregon's salmon. However, our salmon is beginning to rebound, given its superior quality and its 100% natural feeding attributes. The Salmon Market Newsletter, an international trade magazine, recently published results of a poll of American wholesalers which revealed that the Pacific troll product has superior ratings for consumer preferences in taste, texture, appearance, etc. but received inferior ratings in terms of consistency of supply. In short, our major market problem is not from competition on quality, but from competition on consistency of quantity.

Therefore, the industry now realizes that any interruptions in product flow, any decreases in salmon availability, continue to result in increased market stress, decreasing profitability for the Oregon industry and increasing imports of foreign products. Customers will simply not tolerate delays, shortages, or excuses, all of which are immediately capitalized upon by our foreign pen-rearing competitors. The general rule of thumb for seafood distributors is that once a customer is lost, he's lost for good.

Currently, the Oregon industry is managing, but barely managing to maintain its market share and market niche in the face of stringent regulatory constraints. For example, during the period of 1971 to 1980, the Oregon troll fleet brought an average of 800,000 to over 1 million coho to market annually. During those years, lucrative markets were discovered and serviced in Europe and in the Orient. Those harvests and the market consistency which they provided, brought $10 to $29 million to the fishermen and two to three times that amount to the state of Oregon in personal income impacts (1989 dollar equivalencies). However, in the late 1970's trollers began to participate in a conservation program to protect Oregon Coastal Natural (OCN) or so called "wild" coho stocks along the Oregon coast. A Coho Plan was developed which called for an escapement of 200,000 adult coho to natal streams along the coast annually. Calculations were made pre-season and harvest quotas were set to allow that spawn escapement. The immediate result was a loss of opportunity to harvest other coho stocks from hatcheries which swim freely amongst the OCN stocks in the ocean. Since trollers fish on all stocks available in the ocean, it was determined that an overall harvest constraint was necessary in order to protect the spawing escapement goal called for in the Coho Plan. Those harvest constraints cost the troll industry and the state of Oregon dearly in terms of lost harvest revenues.

The record shows that the value of an average year's harvest of coho before 1980 was $10.7 million (1989 dollar values). After 1980 during continuing harvest constraints on coho, the average harvest has been only $4.8 million to fishermen. The drop to the regional economy has been from about $25 million annually to about $10 million annually. It is further testimony to the fact that market profits are in part a function of product availability to see the decline in the ex-vessel price per pound which also occurred during those years of decreased product availability. During the 1970's, (pre-coho management constraint), the unit price on coho averaged $2.00 per pound, after the constraint and corresponding fall in product availability, the unit price dropped to an average of $1.60 per pound reaching its lowest point in 1989 at an average unit price of $1.07 per pound; the lowest on record since 1971!

A similar situation exists in chinook harvests on the south coast. In the mid 1980's the Klamath River Management Zone became pivotal in determining chinook harvest not only in that area, but also along the entire Oregon coast. Chinook quotas were established in order to guarantee a certain point of each annual run to be set aside for Indian fisheries and for spawn escapement. The result on the ocean was again costly and immediate. From 1971 to 1985 the Brookings area of the coast harvested an average of 55,000 chinook. It was generaly regarded as one of the most productive areas of the state. Often bringing 30-50% of the chinook caught in Oregon to market. The Brookings area combined with the Coos Bay area consistently provided the bulk of chinook in the annual troll harvest. After the Klamath constraint commenced in the mid 80's, Brookings area dropped to an average of 33,000 fish per year while overall chinook abundance greatly increased. The effect on the south coast area was a drop to a harvest representing sometimes less than 10% of the coastwide harvest. Those constraints have also greatly affected the Coos Bay area during the last three years when constraints on Klamath chinook reached all the way to Cape Arago. Again a decline in the unit price per pound of chinook salmon for the fishermen was seen. Again a decline in the overall benefit to the state of Oregon for each pound of salmon landed on the coast was seen.

All records indicate what trollers have known throughout the progression of increasing constraints and decreasing profitability; the troll industry has paid dearly and the effect has been felt by the entire state.

Relationship of Columbia River Salmon stocks to the ocean troll harvest.

The importance of the Columbia River system in terms of its salmon production and corresponding contribution to salmon harvests is well documented. Representatives of the PFMC and the Oregon Department of Fish and Wildlife will undoubtedly address that significance. The troll industry is also well aware that Columbia stocks are a major contributor to our annual harvest. Most important in terms of direct harvest by Oregon fishemen landing into Oregon ports are the south-turning coho stocks emanating from Columbia River hatcheries. Both ODFW and the federal government operate hatcheries which provide fish to the public as mitigation for damage caused by dams now in place on the river. Each year while Oregon coho ocean harvests are limit-

ed by OCN constraints, they are conversely expanded by the numbers of hatchery coho from the Columbia system. These fish have a built-in navigational system which causes them to migrate southward at sea returning to the near coastal waters during the summer months usually appearing first off the north coast of California, then migrating along shore towards the Columbia River where they return in late August and September. They made up the bulk of the coho harvest for the Oregon troll industry. Most Columbia River chinook stocks, however, are north turning stocks which do not contribute heavily along the entire Oregon coast. Such is the case of the Snake River spring stocks in question. Rather they contribute to the Oregon troll harvest incidentally throughout the summer and increasingly in the late summer off the north coast. There are some exceptions and it is well understood by managers that the Columbia stock chinook are a significant portion of all ocean harvests from Alaska to central California. The Snake River fall chinook in question, may be more likely to appear in Oregon and California troll catchers.

Stock and Harvest Management Relationships.

Under current fisheries management by the PFMC and by the state of Oregon Fish and Wildlife, the ocean troll industry limits its take of salmon on the ocean to a level which provides for both in-river sport and commercial harvest and subsequent spawn escapement for continuation of hatchery and natural runs. Under these state and federal jurisdictions, the troll industry also limits harvests to provide for conservation of critical stocks in particular areas. Formulas for determining harvest levels for the ocean fishery are complex and probably esoteric for this report. But an overview of the workings of the management strategies and their effects on the troll industry will be helpful.

Ocean harvest management always begins with an estimated prediction of the ocean abundance of mature adult salmon in any given year. Once that number is determined, by adding increments of all stocks from all river systems and hatcheries, portions of the total abundance are systematically set aside. Spawning escapement goals are subtracted. In-river user allocations are subtracted. Then a harvestable surplus number is determined to be divided between ocean fisheries. The reductions are dramatic and often extensive. For example, as is now the case with coho stocks, any stock of critical concern such as the OCN stocks, or certain Washington coast coho stocks, become the driving force around which all other coho harvest must revolve. Sometimes, despite a very large healthy abundance of coho on the ocean, harvests must be greatly curtailed in order to show numerical protection of a single stock from a single river source. For example, the 1990 ocean troll harvest season was designed according to a pre-season prediction of an abundance of 1.3 million adult coho available in the ocean. Of that number nearly half was projected to be hatchery stocks primarily from the Columbia system. Those hatchery stocks could withstand a combined ocean and river harvest rate of up to 90% or a number around 800,000 fish to harvest. Of that number, the ocean troll industry would normally take approximately half or around 400,000 coho. Instead, due to constraints to protect OCN stocks, and to protect some Washington coastal stocks, the ocean troll quota was set at around 170,000 coho. That harvest is about 85% reduced from pre-management averages and about 50% reduced for available hatchery stocks. In other words, the cost to the troll fishery for conservation of "wild" coho sits currently between $1.9 million and $5.3 million and between $4.5 million and $13.5 million lost to the state economy. In 1990 does not represent a large coho abundance year!

Although neither the State of Oregon nor the PFMC currently regulates Oregon toll chinook harvests for specific stream by stream spawn escapement or allocation goals as it does with coho, there is a corollary in the Klamath River Management Zone, where harvest constraints on ocean chinook fishing have cost the state significantly in terms of fish lost to harvest.

Besides these direct losses, the constraints can also create waste. In the case of coho, those hatchery fish which are not taken by the ocean fishery, become abundance which then provides excess of fish to the hatcheries which cannot be used. Surplus fish therefore do not spawn, and are sold at a greatly reduced quality for human consumption or worse, for animal food or other uses which do not provide equal benefit to the people of the State of Oregon. Overabundances of spawning chinook salmon have also been seen in the Klamath River drainage and other Oregon coastal streams where chinooks have overcrowded streams and cannot successfully spawn without destroying the redds of other salmon.

When management strategies include specific stock constraints, the repercussions can also be widespread. Ironically, and also astonishingly, the fewer salmon of a particular constraining stock which are available for harvest in any area the greater becomes the cost to the industry and the state to protect those salmon by constraining ocean harvests. It's a mathmatical puzzlement with a very high price tag. The problem is best visualized with small numbers. If 100 salmon are available for harvest but 10 of them are a critical stock to be protected to the point where only 4 can be caught, then all harvest management gears to those 4 salmon. Of the original 100 fish, 1 of every 10 is a critical stock. Therefore to protect 4 of those, 40 of the fish must be protected, leaving 60 for harvest. The cost then to the fishery is not simply the 4 fish, but 10 times that number. This is the basic concept of critical stock management which is already in place in salmon fishery conservation.

Effects of Proposed T & E Status Listings

It is quite clear that listing of the Idaho chinook stocks and Oregon coho stocks as petitioned by Oregon Trout et al could greatly increase harvest constraints and the resulting geometric progression of economic losses not only to the Oregon troll industry and to the people of the state of Oregon, but also to all ocean salmon fisheries both sport and commercial from central California to Alaska.

In the case of the Idaho chinook, spring runs, being primarily north turning and generally not available to Oregon ocean harvesters, the Oregon implications could be minimal. However, the States of Washington and Alaska and the province of British Columbia would definitely be affected. Listing of the Idaho fall chinook would definitely bring severe harvest constraints to the Oregon ocean fishery. Since Lions Ferry coded wire tags have appeared in the harvest as far south as California, it is conceivable that the full burden of weak stock management ironies could also fall on that fishery.

The listing of the lower Columbia coho stocks would undoubtedly cause devastating constraints. According to industry and ODFW harvest managers, such a listing could make the OCN constraint pale by comparison. In other words, our current losses could be increased to the point of a total loss. Under a scenario which supposed endangered species status for all stocks named in the petitions, it is quite feasible that all ocean fishing for all salmon could be halted from Horse Mountain, California to central Alaska, thereby eliminating the major troll industry of the world from the marketplace. The resulting loss in economic terms is nearly incalculable. A ball park figure would show as annual direct personal income loss of about $125,000,000.00 for Oregon, Washington and California alone. Including British Columbia and Alaska could easily treble that loss. To include secondary repercussions on sport fishing, tourism, ancillary services and replacement of product by foreign suppliers becomes calculator-boggling. At best, massive dislocation of existing jobs would occur in attempts to recoup some of the losses by terminal fishing at hatchery gates for vastly inferior salmon.

Moreover, in addition to zeroing our harvest, thereby eliminating our current contribution to the economy of the State of Oregon, all incentives to rebuild OCN stocks and restore hatchery programs to full production levels would be lost. The Oregon Salmon Commission has submitted a proposal to ODFW to rebuild ocean coho harvests to an annual yield of 1 million fish and chinook to 400,000. If successful, our contribution to the state's economy would approach $60 million annually. Included in that harvest scenario are the current plans of the Northwest Power Planning Council which is now dedicated to "doubling" the Columbia River fish runs by the year 2000, the state's new Restoration and Enhancement project, which has doubled its assessment on commercial landing poundage fees and increased commercial license fees by 650% and wihch is dedicated to and actively involved in rebuilding all aspects of Oregon's salmon production. At jeopardy too, would be continued Federal funding of the Columbia River mitigation hatcheries which would suddenly be deluged with an unmanageable surplus of coho. With the loss of sport and commercial harvests, where is the incentive to continue such programs?

In conclusion, we do not support nor agree with the approach these petitions take for protecting the stocks in question. Rather we support continued effort by all agencies and fisheries to achieve protection and enhancement through existing management regimes. Our dedication and sacrifice is already clearly at its limits and survival of an important aspect of Oregon's economy and heritage is in jeopardy if these petitions are successful.

TESTIMONY OF JAY L. RASMUSSEN, DIRECTOR, OREGON COASTAL ZONE MANAGEMENT ASSOCIATION, INC.

As director of this thirty-six member association of local coastal governments, I appreciate the invitation to participate in this hearing regarding the Endangered Species Act (ESA) and Oregon's anadromous fish—particularly salmon.

The debate over old growth forests, timber harvesting and the potential listing

of the spotted owl under the Endangered Species Act, serves to illustrate the potential social, political and economic affects that can be rendered from highly focussed biological determinations.

After considering the anticipated listing of the spotted owl under the Endangered Species Act and the recent petition to list several stocks of Columbia River salmon, the Oregon Coastal Zone Management Association, Inc. (OCZMA), at its June 15 meeting in Astoria, unanimously expressed a paramount concern over the dislocations of our communities and of our natural resource planning and management programs from the application of specific mandates such as the Endangered Species Act. Oregon's coastal communities—dependent as they are on timber, fish, and other natural resources—are particularly vulnerable.

In this regard, I would like to talk about the possible effects of the application of the ESA to anadromous fish and about ways of working with the Act that might assist both the fate of threatened or endangered species and our human environment.

Effects of the Act

Management Dislocations: We are of the opinion that the administration of and confidence in forest or fish management plans cannot be maintained if specific management forms such as the Endangered Species Act, however valid, are selectively, unexpectedly and unilaterally applied outside those larger management plans. Nor can the productivity of our timber, wildlife and fisheries be efficiently utilized under this eclectic management approach.

Oregon has witnessed decades of active planning for land uses, for forest and fishery resources and, most recently, for ocean resources. This concerted effort by Federal, State and local governments was and is heavily predicated on the assumption that natural resource planning ensures wise use and protection of those resources and offers predictability and consistency in our interactions with those resources. The argument should not be about the validity of protecting our earth's species from human-induced extinction, but about a system that allows so much investment in human resources to be so dislocated by selective applications of single management concerns.

One example is the petition by Oregon Trout. The Act is petition-driven, not systematic. Its approach seems less oriented to the merits of all living species under its jurisdiction than to spot species identified to the respective agencies. Not included are other anadromous species that Oregon Trout has reported as endangered, threatened or of special concern.[1] This does not appear to be in the best interests of species or the overall management and uses of our natural resources. Until such time that the Act is broadly and wisely implemented, it would appear that neither species nor our uses of natural resources are very secure.

Economic Implications: Anadromous species of fish make up only a portion of the state's recreational and commercial fisheries. For the Oregon coast, commercial fishing alone constitutes approximately 19% of the total earned personal income.[2] I will leave to others more qualified a discussion of these potential impacts.

While our immediate focus is on Columbia River salmon, application of the Act does portend serious problems for many sport and commercial fisheries—not just salmon—on the lower Columbia River, on the Oregon and adjacent state's coasts, and on the high seas.

Ramification for many fisheries are easy to contemplate when noted that, with an listed species, it is unlawful under Section 9 of the Act to: import into or export from the U.S.; take within the U.S. or the territorial sea of the U.S.; take upon the high seas; possess, sell, deliver, carry, transport, or ship by any means whatsoever; deliver, receive, carry transport, or ship in interstate or foreign commerce by any means whatsoever and in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; and, violate any pertaining regulation.

Working With the Act

Fishery Management Plans: As early as 1980, a report commissioned by the Marine Mammal Commission examined several fishery management plans (FMPs) developed under the Fishery Conservation and Management Act. Although none of the reviewed plans involved the Pacific Fishery Management Council or salmon, it noted that such plans tend to be single species rather than ecosystem-oriented management concepts and may not effectively incorporate potential impacts on non-targeted species in determining optimum fishery yields.[3]

While that study may be dated and perhaps not entirely germane to the activities of the Pacific Fishery Management Council, the process that culminates in adopted and amended plans for species such as salmon would appear to be the place where the larger views and interests are served as well as those mandated by the ESA.

It may be advisable to do more work on identifying requirements and procedures for ensuring that fishery management plans (FMPs) are consistent with the ESA rather than depending on the petitioning approach and its dislocations.

Oregon's Wild Fish Approach: Over the past year, this organization worked closely with the Oregon Department of Fish and Wildlife and with Oregon Trout to establish effective rules on wild fish management and natural production. Adopted in January of this year, the rules attempt to strike a harmonious balance between preservation and use, between ecology and economy. The rules meet Oregon statutory language which calls for "optimum populations and production of fish in waters of the state while maximizing the benefits to Oregon citizens." In fact, maintaining optimum levels and benefits prevents the serious depletion of a fish species or the productive capacity of natural production and also helps ensure continued support for the wide variety of restoration and enhancement programs throughout the state.

One extremely important aspect of the rules was the understanding of the need for an early diagnosis of those critical populations [4] within the myriad of distinct fish species that exist in this state. In implementing the rules, the Oregon Department of Fish and Wildlife is obligated to follow a prescribed and detailed course of action.

The rules also address a major need in fisheries management—a clearly articulated process on what corrective mechanisms the Department shall pursue in support of its wild fish management goals. The rules provide direction, public accountability, and an accent on recognizing that overly restrictive harvest management—as the perennial solution of wild fish and natural production problems—does not meet the public mandate for optimum benefits. The rules also establish some priority and accountability to the state's effort on habitat and other operating principles that will be routinely reviewed in a public forum.

Since the State of Oregon and other Pacific Northwest States have the jurisdiction and the ability to protect wild fish—including threatened and endangered species—it may be useful to explore some type of cooperative effort between federal government and the states on how to manage these problems.

Conservation Hatcheries: An intriguing concept of augmenting natural populations of salmon with hatchery fish without degrading the reproductive capacity of natural populations was put forward to the Northwest Power Planning Council by Bill Bakke, Executive Director of Oregon Trout.

In short, conservation hatcheries are operated in such a way that they are integrated into the natural system they are intended to augment. "In this way, the native stock being supplemented retains its survival capacity in the wild and genetic losses are minimized. The widespread use of conservation hatchery practices could greatly reduce the negative impacts of hatchery production on native stocks in the Columbia River Basin." [5]

While certainly not the only answer to declining populations, the concept of conservation hatcheries implies some ability to match ecology with economy. Healthy populations help ensure not only some insurance from extinction but also the potential for using these fish for important recreational and commercial fishing industries.

Along with the continuous discussion of reprogramming and funding issues of federal and state hatcheries on the Columbia River, the merit this concept offers also deserves consideration.

Other Salmon Production Potential: South turning stocks of coho salmon released by the Columbia River system have, for years, been the bread-and-butter stock for our coastal sport salmon fishery and often for the commercial fishery as well.

If, under the ESA approach, management of salmon stocks in the middle and upper Columbia system does seriously erode the productive capacity and harvet potential of certain stocks of salmon, the Oregon Aqua-Foods' hatchery facility in Springfield

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[1] According to the Spring 1990 issue of the Riverkeeper (Oregon Trout publication), "The American Fisheries Society has identified 56 threatened resident and anadromous fishes in Oregon." Further, the publication notes that "this report identifies 31 threatened populations of native salmon and steelhead in Oregon. If a population has made the list they are of great concern so for the purposes of this report populations that are classified as endangered, threatened and special concern have been lumped together as threatened." See Attachment A for listing.

[2] Economic Landscape of the Oregon Coast, Dr. Hans Radtke and Shannon Davis, OCZMA, 1989 with supplemental "Observations on the Economic Landscape of the Oregon Coast 1989," by Dr. Hans Radtke and Shannon Davis, OCZMA, 1990.

[3] "Fisheries Management Under the Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act," Kathrine A. Green Hammond, Ph.D., May 1980.

[4] See Attachment B.

[5] Letter, Bill Bakke to the Northwest Power Planning Council, July 19, 1988, citing an unpublished paper by John D. McIntyre, John M. Emlen, and Reginald Reisenbichler entitled "Management of Genetic Stocks of Pacific Salmon."

offers some opportunity for maintaining or enhancing our river and ocean fisheries.

Coupled with rearing and release facilities on the lower Columbia and Young's Bay, opportunities that were explored between 1985 and 1988 for state or cooperative operation of the private hatchery facilities might be revived. Young's Bay provides a rare opportunity to enhance production and harvest with few of the restraints imposed elsewhere because of genetics, mixed stock fishery problems, habitat, treaty obligations and other factors.

Federal funding assistance, however, may be required for the initial purchase of the Oregon Aqua Foods facility. Congressional interest in the beneficial uses of the Oregon Aqua-Foods facility would undoubtedly rekindle the considerable coastal enthusiasm for such a project.

Examining Equity of Applications: In fairness to our natural resources and to our planning processes, some assessment of the adequacy of both of these interrelated regimes ought to be undertaken. For those in the Pacific Northwest who believe that the act is being selectively applied, perhaps for other agendas, an assessment may shed light on whether or not this feeling is correct.[6] For species or populations not so well enshrined as salmon or owls, such an assessment may prove to be forsightful.

Specifically, the review might ascertain the consistency of ESA provisions and applications on several levels including geography, species selection, the petition process, "recovery plans," federal funding, the allocation of funds, status of the "cooperative endangered species fund," the functioning of the Endangered Species Committee, the "exemption" process, and, the permitted exceptions policy and its potential use in fishery management (rather than marine mammal management).

The General Accounting Office (GAO) might be one possibility for such an examination of the implementation of the Act. This would remove the influence of the respective mandated agencies—the Departments of the Agriculture, Commerce, and Interior—in presiding over an evaluation of their own performance.

While it may not solve all of our dilemmas, a review of the consistency of application and the implementation of the Act may shed additional light on this most difficult issue. Extra light surely would be beneficial.

Implementing Provisions of the Act: Assuming that the exemption process and the hardship exceptions, are at best, short term and severely limited relief mechanisms under the ESA, the act does contain two provisions that may provide some realistic implementation. They are the incidental taking permit process and the cooperative agreements with States to assist in the development of programs for the conservation of endangered and threatened species.

Section 10 of the Act provides for an exception permitting process for "taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." The applicant for a permit, perhaps a state agency, must submit a conservation plan; however, this may allow for some redress to what otherwise might involve a major shutdown of many existing fisheries.

Federal and state agencies should pursue the requirements and opportunities of permitted incidental taking with at least one Columbia River salmon stock under petition before ESA determinations are made.

Though it may be only laudable statutory language and consist of either little federal funding or a significant financial burden to the states, provisions of the Act do provide for the use of cooperative agreements with states "to assist in development of programs for the conservation of endangered and threatened species. . . ."

With the existing ability of the State of Oregon and other Pacific Northwest States to protect threatened and endangered species, perhaps some form of agreement could be forthcoming to allow for state, or multiple-states assumption of the Act. We recognize that similar assumption under the Marine Mammal Protection Act have not been productive; however, the involvement, knowledge and regulatory capabilities of states regarding anadromous fish already are substantial.

Finally, the potential use of interstate compacts created to handle larger and more difficult issues such as ESA should be investigated. Perhaps positive federal overtures to the affected states would help induce an examination of this prospect.

Summary

We have expressed a concern over the dislocations of our communities—dependent as they are on timber, fish, and other natural resources. While anadromous species of fish make up only a portion of the state's recreational and commercial fisheries and while our immediate focus is on Columbia River salmon, application of the Act does portend serious problems for many of the state's sport and commercial fisheries and other natural resource uses—the backbone of the coastal economy of timber and forest products, commercial fishing, agriculture, and tourism including sport fishing.

We continue to express concerns over the dislocation of our natural resource planning and management programs from the application of the Endangered Species Act. The possible effects of the application of the ESA to anadromous fish include threats to the administration of and confidence in forest or fish management plans if specific management forms such as the Endangered Species Act, are applied in a scatter-shot fashion. The productivity of our timber, wildlife and fisheries cannot be efficiently utilized under this management system.

Working with the Act to assist both the fate of threatened or endangered species and our human environment, we believe the following are concepts worthy of pursuit by state and federal officials:

Identify requirements and procedures for ensuring fishery management plans (FMPs) are consistent with the ESA as an alternative to depending on the petitioning approach and its dislocations.

Explore cooperative efforts between the federal government, the State of Oregon and other Pacific Northwest States on the jurisdiction and protection of wild fish—including threatened and endangered species.

Examine the merits of conservation hatcheries during discussion of reprogramming and funding issues of federal and state hatcheries on the Columbia River.

Solicit Congressional interest in the beneficial uses of the Oregon Aqua-Foods facility for production supplementation to the lower Columbia River and the Oregon coast.

Request a review of the consistency (including reviews by geography and species) of application and implementation of the Act.

Investigate, before ESA determinations are made, the requirements and opportunities of permitted incidental taking of anadromous species of fish.

Examine concept of agreements that would allow for state, or multiple-states assumption of the Act.

Consider interstate compacts as a mechanism to handle aspects of certain issues such as ESA.

Senator Packwood, we appreciate this opportunity to discuss our preliminary ideas on this critical subject.

Attachment A

According to the Spring 1990 issue of the Riverkeeper (Oregon Trout publication), "The American Fisheries Society has identified 56 threatened resident and anadromous fishes in Oregon."

Further, the publication notes that this report identifies 31 threatened populations of native salmon and steelhead in Oregon. If a population has made the list they are of great concern so for the purposes of this report populations that are classified as endangered, threatened and special concern have been lumped together as threatened. The anadromous fish classified as threatened in Oregon are:

Roger River tributary fall chinook.
Euchre Cr. fall chinook.
Coquille R. spring chinook.
South Umpqua R. spring chinook.
South coast coho (include the Rogue R.).
Chum (south of Netarts Bay).
Winchuck R. fall chinook.
Pistol R. fall chinook.
Hunter Cr. fall chinook.
Yachats R. fall chinook.
Alsea R. spring chinook.
Siletz R. spring and summer chinook.
Nehalem R. summer chinook.
North and central coast coho.
Coos R. fall chinook.
Yaquina R. fall chinook.
Sandy R. fall chinook.
Sandy R. coho.
Hood R. fall chinook.
Hood R. spring chinook.
Hood R. coho.
Hood R. winter steelhead.
Lower Columbia R. coho (tribs below below Willamette).
Grand Ronde R. coho (thought to be extinct).
Grand Ronde R. spring chinook.
Imnaha R. summer steelhead.
Imnaha R. spring and summer chinook.
Lower Columbia R. chum.
Fifteen Mile Cr. winter steelhead.
John Day R. spring chinook.

[6] For a brief listing of Oregon's forest species other than the spotted owl, see Attachment B which contains the article "The Spotted Owl is Not Alone in the Forest," by David B. Marshall in the June 24, 1990 issue of The Sunday Oregonian. Marshall states that "the spotted owl is just one example of the conflict between existing timber-harvesting practices and the continued viability of wildlife species dependent on old trees."Other species noted are the three-toed woodpecker and the great gray owl of lodgepole pine forests, the marbled murrelet of the Coast Range and Klamath Mountains, the fisher and marten (of the weasel family). Marshall continues: "The species discussed above represent some of the more obvious examples of Oregon forest species that may not make it through the next century without more attention. There are more, including bats and amphibians. . . . The single-species-management approach to protecting wildlife can work for species having very limited ranges—such as desert fishes that occur in springs—but is charged with problems for species that range over a wide area. Unfortunately, our wildlife laws, including the Endangered Species Act, are based on protection of individual species rather than ecosystems."

Clackamas R. late run coho.

Attachment B—Oregon's Administrative Rules and Wild Fish

OAR 635-07-529 (1) Within one year of the effective date of these rules, the Department shall develop, for approval by the Commission, a provisional statewide list of populations of wild fish. This list shall be made available to the public for review prior to Commission consideration and approval.

(2) It is the intent of the Commission that, to the extent any basin and/or species plan currently adopted plan shall now be governed by these rules. As existing plans are reviewed and new plans are adopted, the Commission intends that they be explicitly brought into conformity with these rules.

(3) Basin plans presented to the Commission after the adoption of the Wild Fish Management Rules shall present at least one alternative strategy per wild population that is consistent with wild fish management. For those basins with existing hatchery programs, two alternatives consistent with wild fish management shall be presented; one without hatchery supplementation and one with hatchery supplementation.

(4) The Department shall not stock hatchery fish into wild fish populations not currently being stocked, without authorization in a basin plan approved by the Commission or an exemption of the wild population in accordance with OAR 635-07-528.

(5) Progress toward achieving consistency with these Wild Fish Management Rules shall be reported to the Commission during the first six months of each biennium, prior to preparation of the next biennial budget. Beginning in 1991, each biennial report shall include, by species, the following information:

(a) Documentation of the management history of each wild population based on best available information. This shall include the current status of the population and a history of habitat change, harvest, and hatchery introductions;

(b) A list of populations of wild fish not currently managed consistent with the Wild Fish Management Rules;

(c) Identification and description of the problems preventing the Department from achieving consistency with the Wild Fish Management Rules for each of these populations;

(d) A description of the short- and long-term strategies and associated funding necessary to solve these problems; and

(e) A list of Commission actions, as appropriate, necessary to implement strategies identified in (d).

(6) The Department shall develop a gene conservation policy and a program to monitor the genetic status of representative populations. f. & ef. 1-24-90

Attachment C

[From the Sunday Oregonian, June 24, 1990]

THE SPOTTED OWL IS NOT ALONE IN THE FOREST

(By David B. Marshall)

The spotted owl is just one example of the conflict between existing timber-harvesting practices and the continued viability of wildlife species dependent on old trees. Implementation of the Jack Ward Thomas interagency committee report on the spotted owl will not solve other forest wildlife problems.

Other species that could be equally in trouble run the gamut of timber types in the Northwest. The ranges or habitats of many of them do not overlap the spotted owl, and in other cases partially overlap.

The wood products industry, Forest Service and Bureau of Land Management hierarchies are headed for a repeat of the spotted owl episode if they do not properly plan for other declining wildlife species now. The task force report demonstrated how inadequate existing forest plans can be for wildlife.

The flammulated owl and white-headed woodpecker inhabit pondersoa pine forest types east of the Cascades. While they are not old-growth-dependent, they require an abundance of large snags exceeding 100 years of age for nesting cavities.

White-headed woodpeckers forage on the largest old ponderosa pines where deep bark crevices harbor beetles and pine seed crops are highest. Sixty- or 80-year cutting cycles will not handle future needs of those species. Saving large snags today, assuming they are not illegally cut by woodcutters, will not take care of their future needs.

In Oregon, the three-toed woodpecker inhabits forests containing lodgepole pine. The three-toed woodpecker is a Forest Service indicator species for lodgepole pine. However, it remains to be determined if the service's plans are realistic with respect to maintaining viable populations of this species, as required by the National Forest Management Act. Research on the bird has been limited, but that which has been done suggests each pair of these birds needs nearly 600 acres of mature and old-growth lodgepole pine that is exempt from commercial or salvage harvest.

In Central Oregon, the three-toed woodpeckers excavate nest cavities in large old lodgepole pines having heartrot, and feed on wood-boring insects in dying or recently dead trees. They roost in cavities in very soft snags located in dense unlogged stands of lodgepole pine or mixed conifer with lodgepole. Conversion of existing lodgepole pine stands of young trees that are relatively free of heartrot and bark beetles, as now being practiced, is not conductive to maintaining this species.

Another resident of lodgepole pine is the relatively rare great gray owl, America's largest owl. In Central Oregon, this owl establishes territories in mature or old-growth stands of lodgepole pine near meadows. In Northeast Oregon, it associates with other tree species as well, but the majority of nest sites are in so-called overmature forest stands. Fortunately, the bird will feed in partially logged stands.

In forests of the Coast Range and Klamath Mountains is the marbled murrelet, a small seabird that ranges at least 35 miles inland to nest in mature and old-growth trees that greatly exceed the age of trees planned for future "managed forests." While this species is being studied, cutting of mature forest stands known to be inhabited by murrelets continues. Like the spotted owl, the species awaits a decision by the Fish and Wildlife Service for protection under the Endangered Species Act.

Almost gone in Washington and Oregon is the fisher, a 6- to 12-pound member of the weasel family. This solitary furbearer, which does not associate with fish, has been largely ignored in Oregon forest plans, probably because of its rarity.

While not an old-growth dependent, the fisher requires continuous blocks of heavy cover near water that contain an abundance of large standing and downed snags having cavities for denning and an abundant food supply in the form of snowshoe hares, porcupines and other small mammals. The home range size of the highly territorial male fisher generally exceeds that of Oregon spotted owl pairs and can be up to 10 or 15 square miles.

Like the spotted owl, the Forest Service correctly considers the marten an indicator species for old-growth. During the coldest days of winter, this slim, lean, kitten-sized edition of the fisher maintains body heat below the snow surface in the warmth of cavities under or inside large, old decaying logs and stumps. Here it associates with Douglas or red squirrel middens and travels snow tunnels made by squirrels and other small mammals upon which it feeds. Where old-growth habitat destruction has been highest in Oregon, specifically the Coast Range, the marten is virtually gone.

While no marten studies have taken place in Oregon, enough radios have been attached to martens in other states and Canadian provinces to tell us that in most areas a male marten ranges over an area exceeding 1,000 acres—this varies with food availability and can be much greater. However, the Forest Service planning process calls for preservation of only 180-acre habitat units for martens. Oregon Department of Fish and Wildlife director Randy Fisher formally expressed his department's concern about inadequate provisions for marten habitat in a letter to the regional forester early last year.

Predator territories cannot be compressed. The delicate balance between food availability and energy required to capture prey dictates territory size and population numbers. These animals will not survive over time by giving them only a half or a fourth of what they require, nor will individuals or groups of these species survive over time in habitat islands if such islands are not interconnected. Existing wilderness areas are just as inadequate for protecting these species as they are for the spotted owl.

The species discussed above represent some of the more obvious examples of Oregon forest species that may not make it through the next century without more attention. There are more, including bats and amphibians. Our knowledge of the biology and habitat requirements of many of these resembles what we knew of the spotted owl in the early 1970s.

Most are not as specifically oriented to old-growth as the spotted owl and could survive with different timber harvesting practices than generally employed in the Northwest. However, clear-cutting—the harvest of many so-called overmature trees and piling and burning of woody debris with its attendant soil disturbances following timber harvesting—is not compatible with their survival.

The single-species-management approach to protecting wildlife can work for species having very limited ranges—such as desert fishes that occur in springs—but is charged with problems for species that range over a wide area. Unfortunately, our wildlife laws, including the Endangered Species Act, are based on protection of individual species rather than ecosystems.

Preservation of the forest and all its components rather than free-farm and single-species wildlife management approaches is needed if we are to realistically preserve wildlife such as the above over time. Those of us who have traveled, played and worked in Oregon's national forest before World War II know how little habitat remains for species like them.

TESTIMONY OF THE HONORABLE PAUL HANNEMAN, OREGON HOUSE OF REPRESENTATIVES

I would like to invite your consideration of an opportunity that offers at best great enhancement of our salmon producing and harvesting capabilities and at worst mitigation for losses of Columbia River production threatened by actions such as the Oregon Trout petition.

I am speaking about the creative and productive uses of the hatchery facility of Oregon Aqua-Foods in Springfield for release of salmon into the lower Columbia River at Youngs Bay and other release points.

In 1985, after more than a decade of discussion about private salmon ranching, I concluded that:

1. The Oregon Aqua-Foods facilities at Springfield and Yaquina Bay must remain in operation as part of this state's salmon production program along with support for natural production.

2. The facilities should remain exclusively for coastal and lower Columbia river fisheries production and harvest.

3. Stocks of salmon that significantly contribute to Oregon's offshore fisheries should be produced.

4. The facilities must be operated for maximum production now and in future years when propagation abilities improve.

5. Stocks of salmon produced should be compatible with native stocks (or with a minimum of possible depletion effect) as well as enhance, rather than reduce, ocean harvest opportunities.

6. Economic benefits should be geographically broadly based as well as among user and producer groups.

7. Any final operational system should significantly reduce or eliminate coastal conflicts and acrimony between producer and harvesters and among harvester types.

An abbreviated production plan was prepared by the Oregon Department of Fish and Wildlife in late 1985 (copy attached) and I joined with Governor Atiyeh to suggest the State of Oregon acquire an option to purchase those facilities in Springfield and on Yaquina Bay. A proposal, acceptable to Weyerhaeuser as the owner of the facilities, was made by the Executive Department before the Joint Ways and Means Committee in March of 1986. Because of some unresolved funding issues, the Department was asked to return again. Regretfully, Weyerhaeuser, in need of quick action, sought other possibilities, one of which was Oregon Salmon Development Company which acquired the facilities for salmon ranching for profit later that year.

Increasingly, however, the activities and success of the non-profit salmon aquaculture programs in Alaska offered some ideas on the use of these private-for-profit facilities. In 1987 a bill to create a private cooperative corporation was passed by the Oregon Legislature but vetoed by Governor Goldschmidt.

Once again we are faced with the demise of the for-profit operation. On the coast and on the lower Columbia River, we are also faced with losses of production and harvest of Columbia River-produced salmon. The Endangered Species Act petition on lower Columbia River coho imperils our production and our harvest.

Just several months ago, a meeting of selected agency, sport and commercial representatives met to discuss our coho crisis (listing of participants attached). One leading suggestion was to revive the Oregon Aqua-Foods potential both for enhancement and supplementation but also as a way to ensure basic production and harvest should the wild fish or endangered species implications cause major disruptions.

I am very supportive of some type of plan that would work toward the purchase of the Oregon Aqua-Foods facilities which would enhance salmon production and harvesting capabilities not only for the Oregon Coast, but also the Columiba River area.

TESTIMONY OF BOB EATON, EXECUTIVE DIRECTOR, SALMON FOR ALL

Introduction

Good morning Senator Packwood. My name is Bob Eaton, I am Executive Director of Salmon For All, Inc. located in Astoria, Oregon. Salmon For All is a non-profit corporation supported by and representing commercial fishermen and fish processors on the Columbia River from Bonneville Dam to the mouth. Our task is to represent their interests in both education and legislation in Oregon, Washington and in any arena which affects the commercial fishing on the Columbia River. We have approximately 640 fishermen members, 40 processor members, and 120 associate members. The organization has been in existence for over 30 years, but in the last couple of years has reorganized and taken on a new proactive stance in it's approach to fisheries related issues. We are involved with the Columbia River's water quality issues; are involved with both Oregon and Washington in water allocation discussions; have members who serve on a variety of state committees and task forces related to fisheries enhancement, restoration and marketing. We have also produced and supported a number of videos which explain the importance of the commercial fishery both on the Columbia River and for the entire state.

Background

Salmon For All is not just the name of our organization, it is our philosophy. Over the years the commercial industry has been involved with issues that relate to better returns of salmon. Maintaining a supportive aquatic environment on the river has been very important. We also supported efforts in Oregon and Washington during the last legislative session that established higher license fees earmarked for fish enhancement and restoration projects. We have developed working relationships with others, including sportfishing groups, to find common ground on issues of mutual concern. The thrust of the commercial industry has been to support, whenever biological and environmental factors dictated it, the additional management needed to protect a stock of concern. In some cases, harvest of stocks has been curtailed completely. In other instances, guidelines for limited harvest of certain stocks have been identified and put into practice. The commercial industry has agreed to other management plans which limit harvest at certain times and places on the river, or call for mesh size restrictions to provide selective harvest. All this and more has been done and agreed to by the commercial industry as a way of protecting identified as stocks of concern. We want runs to grow and prosper.

Salmon For All was not asked to support the petitions being filed for Threatened & Endangered Species, nor would we have. We feel the filing is dramatic and unnecessary at this time. We understand the frustrations of those who have filed the petitions, and we understand the altruism that has gone into the filing of those petitions. We feel that work put into developing new coalitions to bring about management changes would have been more positive, and with success would have made filing petitions unnecessary. We do not oppose the petitions. They are filed and will have a life of their own now as they go through the process that NMFS must take to reach the conclusions that have to be made. To oppose the petitions would be negative and time wasting. The positive approach is to immediately put together a management plan that will meet the needs of the resource. I'll come back to that in a moment.

Concerns

The commercial industry has a number of concerns about Threatened & Endangered status. The first is that this becomes a public process, open to a variety of agendas, many of which may have nothing to do with restoration of the resource. There are people in both Oregon and Washington who have suggested an end to all commercial salmon fishing. Quite frankly we are concerned that this provides yet another opportunity for those people to attach their agenda onto something that should be pro-resource, not anti-commercial fishing. Biological data and environmental fact are the key ingredients upon which decisions should be based.

A second concern has to do with developing a management plan that does not unnecessarily focus on harvest. It seems clear that the problems faced by these runs are clearly, and almost exclusively, ones of habitat and problems related to dam smolt mortality and water flow. I have seen nothing that indicates that harvest by either sport or commercial fishermen has contributed in any significant way to a T&E status. In fact, for two of the proposed runs, late coho and summer chinook, there is no commercial harvest. The fall chinook has always been commercially harvested and has shown growth in numbers over the last six or so years, especially in the up-river bright populations. The spring chinook population has also increased, protected by a harvest limitation plan now in effect. The early run coho is one that little is known about. I understand that the state of Washington is doing a study right now to determine what is a wild lower river coho. With the state's determination years ago to produce hatchery raised coho, there is a significant question as to what constitutes a wild and natural coho. So it would be our desire to have any management plan consider these other factors before making unnecessary harvest changes.

Another concern has to do with predation. The more we learn about the predators on the river, the more we learn how impacted are the anadramous runs. The States of Oregon and Washington have initiated plans to reduce the squawfish in the reservoirs behind the dams. Squawfish are voracious and may contribute to a factor of four times their body weight daily to the destruction of salmon and stealhead smolts migrating down river. A bounty has been placed on squawfish and there have been fishing derbies held to help solve the problem. More must be done. At the mouth of the river, NMFS tells us that in 1980, there were an estimated 10,000 sea lions and seals working the Columbia River estuary. Their 1990 estimate is 20,000 seals and sea lions, a 100% increase in ten years. It is possible that the success of the National Marine Mammal Protection Act may be contributing significantly to the decline of some stocks in the

Columbia River. In fact, it may be time to focus on our national policies related to what's happening with the marine environment. The Magnuson Act aims to enhance the nations fisheries; the Marine Mammal Act seeks to protect marine mammals; and the third Act mandates strict protection for species which are declared endangered or threatened. In viewing these comprehensively, it may mean that some of these will need to change to be more compatible, and to provide more continuity in our national policy and philosophy.

A last concern has to do with the livelihood and viability of our industry. Gillnet fishing on the Columbia River is older than the State of Oregon. There are families who have fished for four and five generations. Each gillnetter is an independent businessman who provides a service for the public by supplying fish to the consumer who can not or does not want to fish. As a business person, these fishermen must understand the biological/environmental issues that shape the ability to earn a living, invest capital in his or her business, take risks, and work long hours when there are fish to harvest. It's all part of Oregon's pioneer spirit and the tenacity of a small business person. While no job or occupation is guaranteed, there is a realization that through T&E status this industry may be unnecessarily threatened.

Action

There is no reason to wait for Threatened & Endangered status to be determined. We call on you Senator and others to name and convene within thirty days a special T&E task force whose task woud be to propose and develop a management plan within ninety days. The Task Force would be tri-state in nature, and inter-agency including federal, tribal, and private interests. These same agencies will be responsible for solving the problem after T&E may be initiated—let's get them started right now while the petitions are considered. Focusing on the resource and not the politics should insure that the best of plans can be quickly developed and implemented. Much funding is already in place, such as those for placing dam screens, and need only be made a priority in the management scheme.

Salmon For All will be a positive, responsible player in development of a management plan that is responsive to the needs of the resources as defined by biological and environmental factors.

Thank you for the opportunity to speak this morning. I will attempt to answer any questions you may have.

TESTIMONY OF LARRY SIX, EXECUTIVE DIRECTOR, PACIFIC FISHERY MANAGEMENT COUNCIL

The Pacific Fishery Management Council (Council) is very concerned over the depressed status of several naturally produced salmon stocks which occur in Pacific Ocean fisheries under Council jurisdiction. At the present time, the Sacramento River winter-run chinook stock is listed as "threatened" under the Federal Endangered Species Act (ESA). In addition, five salmon stocks of the Columbia River Basin are being reviewed for possible listing. Formal petitions have been filed seeking status review of Snake River sockeye salmon, Snake River spring, summer and fall chinook salmon, and late spawning lower Columbia River coho salmon.

We are encouraged by the interest in these hearings to focus serious attention on the hazards which face the various salmon stocks and the implications which the ESA review may hold for fishing and other affected industries. The Council-managed ocean fisheries harvest from a mix of salmon stocks and are heavily dependent on a complimentary balance of natural and hatchery production to allow for optimal harvest. The Council has acted to constrain ocean fisheries to maintain long-term production of viable, naturally producing salmon stocks which play an important role in the long-term health and abundance of our fisheries and the wealth of our Nation. We recognize the critical need to achieve habitat restoration to make our efforts effective and are anxious to avoid crisis type management actions which are often ineffective, poorly focused and may result in very negative social and economic impacts on the ocean salmon fisheries and the communities which they support.

Impacts of Ocean Fisheries on Stocks of Concern

The Council was created by the Magnuson Fishery Conservation and Management Act of 1976 and is charged to conserve and manage marine and anadromous fishery resources within the exclusive economic zone (3 to 200 miles) off the coasts of Washington, Oregon and California. The Council manages the ocean salmon fishery under a framework fishery management plan which is implemented through regulations issued by the National Marine Fisheries Service (NMFS) and complimentary regulations adopted by the coastal states.

The Council's salmon plan includes spawning escapement goals for hatchery and naturally produced stocks of chinook, coho, and pink salmon. These goals tend to reflect estimates of maximum sustainable yield for the stocks. Each year the Council sets ocean salmon seasons which are coordinated with inside fisheries (regulated by the states) to achieve the harvest allocation and spawning objectives of its salmon plan. In recent years, ocean salmon fisheries under Council jurisdiction have been constrained to achieve hatchery spawning escapement goals for Spring Creek Hatchery fall chinook and natural spawning escapement goals for Klamath River fall chinook, Oregon coastal natural coho, upper Columbia River spring and summer chinook (includes Snake River stocks), and naturally producing coho stocks of the Queets and Skagit rivers. Because the Council bases its management on the weakest stock with a specified spawning escapement goal, stocks without specified goals are also provided significant protection against overfishing.

Within Council-managed waters, the ocean fishery impacts on the stocks in question are believed to be relatively insignificant. This is a result of the ocean distribution of the stocks and of specific actions by the Council to limit fishery impacts. The fishery north of Cape Falcon, Oregon, which, under Council jurisdiction is the primary area of concern for Columbia River chinook stocks, provides an example of the constraint under which the ocean fishery is managed. To meet allocation and spawning escapement goals, the length of the commercial ocean salmon season north of Cape Falcon has been reduced by about two-thirds in comparison to the seasons prior to 1982. The recreational season in this area has experienced a similar reduction. Halting all ocean fisheries off the coasts of Washington, Oregon and California is not likely to resolve the basic problem of low survival for depressed natural stocks.

The Council does not set any seasons to specifically harvest sockeye salmon, and the incidental catch of sockeye in chinook and coho fisheries is rare. Records of the Washington Department of Fisheries indicate that the harvest of sockeye salmon in Council managed fisheries averages fewer than one-hundred sockeye salmon each year. It is unlikely that any of these fish are of Snake River origin.

Council fisheries in the area believed to be utilized by lower Columbia River coho are restricted by impacts on Washington and Oregon coastal natural coho stocks, even though the hatchery produced fish found in the same area could sustain a much higher harvest rate.

Snake River spring, summer and fall chinook has been harvested at fairly high rates off southeast Alaska and Canada. However, under the Pacific Salmon Commission, which was created by the U.S.-Canada Treaty, the impacts of these fisheries have been limited.

The opening of Council-managed fisheries which impact Snake River spring chinook have been delayed until most of the mature fish are already in the Columbia River. Therefore, the Council's ocean salmon fishery impacts on Snake River spring chinook are very slight and difficult to estimate since fish from this stock appear only irregularly in stock composition samples. Impacts on summer chinook stocks are slightly higher. Of the total chinook catch from Council fisheries north of Cape Falcon (total catch of 94,700 in 1989), generally less than four percent consists of upper Columbia River summer chinook (includes Snake River stock). Impacts on upper river fall chinook may be somewhat higher than for summers, though still below a level which might be believed to limit recovery. These upper river stocks were never major contributors to the ocean fishery off Washington and the timing and restricted season length of present Council fisheries helps maintain very limited impacts.

The Council participated in an informal consultation with NMFS to assure no adverse impacts of the 1990 ocean seasons on Sacramento River winter-run chinook. Restrictive actions included no opening of the commercial fishery off California prior to May 1 (same date as used in recent years) and the closure of a special conservation area for the recreational fishery around the mouth of San Francisco Bay during March, April and November. Formal consultation will be initiated for the 1991 season. At present, the ocean commercial fishery off California is more limited by impacts on Klamath River fall chinook than by those on Sacramento River winter-run chinook.

Assessment of the Problem

All of the Pacific salmon stocks currently listed under the ESA, or petitioned for review, share the common history of suffering significant and continued damage to their spawning, rearing or migratory habitat. Indeed, all stocks of salmon have been impacted from urbanization, pollution, hydroelectric development, water diversion, fishing, and mining and forestry practices. Even our hatchery mitigation programs have often resulted in additional negative impacts on the stocks they were intended to restore. However, the specific stocks currently under review have been especially hard hit by habitat degradation.

The Snake River salmon stocks must surmount eight dams on their migrations to and from the ocean. Hells Canyon Dam blocks Snake River fall chinook from the vast majority of their former spawning

areas. Important segments of the lower Columbia River coho stock must also negotiate dams, are impacted by intensive timber harvest which reduces the productivity of their spawning and rearing areas, and compete with other transplanted coho stocks. Sacramento River winter-run chinook have been hard hit by the Red Bluff Diversion Dam and extensive water diversion from the Sacramento River in general. Only through habitat restoration, resolution of dam passage problems, and, in some instances, carefully planned hatchery mitigation, can we hope to sustain viable populations of these stocks of concern.

While fishing has certainly helped deplete some stocks at various times, our present management regimes are generally capable of providing the controls we need to protect identified stocks of concern. Some hatchery programs may be in need of modification. However, our major problem today is not controlling harvest and production, but restoring habitat and assuring survival of both downstream and upstream migrants around the eight dams on the Snake and Columbia rivers. Providing a "water budget" to facilitate passage of downstream migrants must be an especially high priority. If we are unable or unwilling to restore habitat for natural production and improve passage conditions in the rivers, all the fishery restraints in the world will not rebuild the depressed stocks. Additional fishery restraints would, however, wreak unnecessary havoc on the ocean fishing industry.

Summary

The Council's salmon fishery management plan was developed with participation of the pertinent fishery management entities of the Pacific Northwest and California and the affected public. The plan contains spawning escapement goals for what have been deemed to be the significant hatchery and natural salmon stocks within the Council's jurisdiction. While not every stock is, or could be included in the salmon plan, even those not specifically included are provided a measure of protection by the Council's practice of managing to achieve the spawning escapement goal of the weakest stock. Despite this management, many naturally produced salmon stocks have remained consistently depresesd and some are now cause for special concern under the ESA.

The Council can directly constrain ocean fisheries and seek complimentary measures by the states and Indian tribes to assure that spawning escapements are met. Some work remains to establish appropriate limits in Canadian and Alaskan fisheries through the Pacific Salmon Commission. However, what appears to be primarily frustrating the recovery of depressed stocks is a lack of success in achieving habitat restoration, dam passage and flow programs. These are difficult problems to overcome and it takes many years for habitat to recover, even under the best of programs. However, many of these programs are falling short or have not been initiated because agencies with habitat or water management jurisdiction are not fully implementing the recommendations of the fish agencies and Indian tribes. Without this cooperation, or more direct habitat authority, we believe there is little more the fishery management entities can do to resolve ESA issues in any productive way.

Thank you very much for this opportunity to provide our comments on this important issue.

TESTIMONY OF DOUGLAS DEHART, OREGON DEPARTMENT OF FISH AND WILDLIFE

The Oregon Department of Fish and Wildlife recently completed a review of available information on the historic and present distribution and abundance of spring, summer, and fall chinook salmon and sockeye salmon in the Snake River basin, and coho salmon returning to tributaries of the Columbia River below Bonneville Dam. This review did not attempt to project future trends or status of these fish runs. The principle results of that review are summarized by run type.

Snake River Spring Chinook Salmon

Spring chinook historically spawned in tributaries of the Snake River from the lower river tributaries in Washington to the upper tributaries in Idaho and southeastern Oregon. Spring chinook presently exist in the Tucannon River, Washington, the Grande Ronde and Imnaha rivers in Oregon, the mainstem Snake River below Hells Canyon Dam, and the Clearwater and Salmon rivers in Idaho.

Counts of spring chinook salmon at Ice Harbor Dam have shown decreases since the late 1960s. These counts do not accurately reflect trends in natural production because hatchery fish have comprised an increasing proportion of the run through time. Escapement of spring chinook to the Grande Ronde and Imnaha river subbasins has been on a decline since the early 1970s. In 1989 the escapements to these subbasins were among the lowest on record. Estimated spring chinook spawning escapement in 1989 was 338 fish for the Grande Ronde subbasin and 412 fish for the Imnaha subbasin.

The best existing information to index natural population abundance in Idaho is annual redd counts in the Salmon River subbasin. Natural population levels have declined dramatically from the early 1960s to present. Present natural population levels in the Salmon and Clearwater subbasins are severely depressed. The number of redds observed on spawning ground surveys in the Salmon River subbasin in 1981 was six percent of the peak number observed in 1961. Natural escapement in 1989 was near the lowest observed in history.

Snake River Summer Chinook Salmon

Summer chinook salmon historically existed in numerous tributaries of the Snake River in Idaho and Oregon. In Oregon, chinook salmon with summer race characteristics exist only in the Imnaha River. These fish have been called spring chinook for many years and are discussed in the spring chinook section. Summer chinook populations exist today in the Salmon River and possibly the Clearwater River subbasins of Idaho and have been eliminated from all other subbasins in the Snake River.

Counts of summer chinook at Ice Harbor Dam have shown decreases since the late 1960s. Salmon River subbasin redd counts (five year averages) since 1959 have also decreased. In 1989 only 501 summer chinook redds were counted in the subbasin. Annual escapement to the subbasin averaged 20,000 summer chinook salmon between 1962 and 1970. The summer chinook escapement over Lower Granite Dam was 4,213 fish in 1989, compared to the recent peak of 30,917 observed in 1969.

Snake River Fall Chinook Salmon

Prior to construction of dams on the Snake River, fall chinook spawned in the mainstem from the confluence with the Columbia River to Shoshone Falls and in the major tributaries such as the Tucannon, Grande Ronde, Imnaha, and Clearwater rivers. The present spawning distribution in the mainstem is limited to 102 miles in the free flowing section between Lewiston and Hells Canyon Dam. In addition, a very small number of fish spawn in the Tucannon, Clearwater, Grande Ronde, and Imnaha rivers.

There are no data sources available to assess historic abundance. The first counts of fall chinook were provided when Brownlee Dam was under construction in 1957, which was well after a significant portion of the habitat has been blocked by Swan Falls Dam. Annual counts began at Ice Harbor Dam in 1962 and the peak count occurred in 1962 at 27,700. Escapement past Ice Harbor Dam was stable through the 1960s and then declined steadily through the early 1980s. There has been a moderate increase in adult escapement for the 1985-1988 years; however, this increase is attributable primarily to hatchery returns.

Counts at lower Granite Dam provide a better index for natural escapement than counts at Ice Harbor Dam because most natural production occurs above Lower Granite. Escapement past Lower Granite has been very low since counting began in 1975. The adult escapement for the 1983-1989 run years was below 1,000.

Snake River Sockeye Salmon

Historic accounts describe runs of sockeye salmon of up to 3 million fish returning to the Columbia River basin. The surface area of nursery lakes available today is only four percent of that before construction of Columbia and Snake River dams. Of the eight primary lake-riverine systems in the basin that contributed a majority of fish to sockeye salmon runs in the early 1900s, only three populations remain. Adult sockeye salmon presently spawn in the Okanogan and Wenatchee river systems in the upper Columbia River, Washington, and Salmon River system, Idaho.

No historical data are available for estimating the number of sockeye salmon returning to the Snake River prior to construction of Ice Harbor Dam. The number of adults returning to the Wallowa Lake area is presumed to have been very large, as evidenced by the presence of canneries in the 1890s. Historic accounts of the lakes at the headwaters of the Salmon River before 1900 report the area as important spawning grounds for sockeye salmon. Lakes and streams in the Stanley Lake basin were described as being "teeming with redfish". Escapement of sockeye salmon to the Snake River has declined dramatically in recent years. Yearly counts at Ice Harbor Dam have dropped from 1276 in 1964 to 4 in 1989. Fewer than 70 fish have been observed each year in the past five years.

Lower Columbia River Coho Salmon

Coho salmon formerly spawned upstream to the Spokane River in the Columbia River and to the Grande Ronde River in the Snake River, but were principally found in tributaries of the lower Columbia River below Bonneville Dam. Wild coho salmon above Bonneville Dam have essentially disappeared and the few remaining runs exist in tributaries below Bonneville Dam at the present time.

Naturally produced coho salmon currently persist in accessible tributaries of the lower Columbia River within their historic range of distribution. It is unknown if they are genetically different from existing hatchery

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coho, however, for the purposes of this review, are considered wild fish.

Annual spawning fish survey counts have been conducted in lower Columbia River tributaries since 1949 to index the abundance of spawning coho salmon in Oregon. Between 1949 and 1968, there was no discernible upward or downward trend in escapement, although considerable annual fluctuations occurred. From 1969 through 1977, there was a significant collapse in the population. During this nine-year period, the run declined at an average annual rate of 32.1 percent per year and has remained at very low levels since that time.

The escapement of wild adult coho salmon above North Fork Dam on the Clackamas River has been counted since 1958. The number of wild coho salmon returning to North Fork Dam has remained fairly stable at about 1200 adults and has not shown the same decline as populations in tributaries further downstream.

The complete report of this review is available from the Oregon Department of Fish and Wildlife upon request.

TESTIMONY OF JIM HARRIS, COLUMBIA RIVER PROCESSORS

Good morning Senator Packwood. My name is Jim Harris and it is a pleasure for me to be able to address Threatened and Endangered Species on behalf of the Columbia River processors. I'm here representing 18 processors who have tens of millions of dollars invested in their facilities and plants on the Columbia River from Bonneville Dam to the mouth. Some of us are independently owned, some are family owned, some are regional plants for larger companies. We employ collectively thousands of people year round with payrolls in the millions. We are told that our industry is an economic necessity for the survival of many Columbia River communities, smaller communities where the revenue generated through fisheries is absolutely critical and irreplaceable by any other known industry. For example, Ilwaco Fish Company is the largest private employer in Pacific County and has an annual payroll worth more than the peninsula's cranberry crop. We also represent public access to the public resource. Since fewer than 10% of Northwest residents sport fish for salmon, commercial fishermen become the provider of salmon to the other 90%.

I'm here today because, as processors, we have a number of concerns about Threatened & Endangered Species status for Columbia River salmon and coho runs. None of us, to a company, wants to see any species become extinct. None of us expects to stay in business at the expense of the resource. It is only the health of the resource that allows us to remain in business. The goal of the processors and the goal of Salmon for All, probably matches the goals of the State of Oregon, the State of Washington, the Northwest Power Planning Council, and others. We want not only to increase the fish runs, we want to see them return as, once again, viable species. That is our goal. Through that, we feel we can maintain a viable industry. It is our understanding that the criteria used to determine Threatened & Endangered Secies status will be environmental and biological and that is as it should be. At the same time, without looking at the economic impacts that come from a run receiving threatened and or endangered status, the task of gathering data is complete.

In 1988, the last year for which we have complete figures, the Columbia River commercial fishing industry generated 32 million dollars in contributions to personal income on both sides of the river, Oregon and Washington, from Bonneville Dam down. We would expect that number to be smaller, certainly, for 1989 when there was less of abundance and the price for fish dropped on a world wide market. Ours is a fluctuating industry. Price is based upon the world market, and as with many other resource related industries, there are no guarantees. The one thing that we have worked hard at over the years, as an industry, is to support the agencies who are responsible for funding and operating hatcheries. The Columbia River, for 40 years or more, has been managed as a hatchery operated system. Now, after four decades of investment into hatchery infrastructure, the Threatened & Endangered status threatens to reverse the management of fish runs on the Columbia River, giving emphasis to wild and the natural stocks. Our concern is that should this happen, there will be little or no incentive to continue producing salmon in the hatcheries at the abundance levels necessary for a viable commercial and, for that matter, a sport fishery. It would appear to us that Mitchell Act Funds could be in jeopardy, that the restoration and enthancement programs initiated in the last two years by the state of Oregon and also by the state of Washington, would be in jeopardy; as would a plan adopted by the state of Washington to double salmon runs by the year 2000, and the plan by the Northwest Power Planning Council to double runs by the year 2000. These are all in jeopardy, if the Columbia River changes to management for wild and natural fish.

The processors on the Columbia River too do not rely totally on Columbia River fish for their livelihood. Most of us are involved with the processing of other species, for some that's crab, shrimp or bottom fish, but the mix of product is absolutely critical to our viability as an industry. The products come at different times, and because of that, we are able to employ people full-time year round with full-time jobs. Eliminate any one of those, such as Columbia River salmon and coho and our investments are jeopardized. Our ability to maintain economic viability is jeopardized. Our ability to maintain employment rates is jeopardized. Harvesters, we believe, have not contributed to the decline of these stocks. Summer Chinook returning to Idaho are a good case. There has been no sport or commercial harvest for decades and the numbers have declined. The Spring Chinook numbers have grown with harvest controlled on up river fish. We feel that screening of dams, habitat, and water flows are the significant contributors to declining stocks.

The other issue we want to bring up about economics has to do with the dollars spent to implement a management plan for a particular Threatened or Endangered Species and our concerns are best expressed, probably, by questions. At what point does public policy say that a specie is no longer saveable? How many millions of dollars are willing to be spent to protect a particular run when those same millions would do tremendous advantage to other runs? The economics of restoring a fish run on the Columbia River have to be looked at and judged against the extent to which good public policy can be developed supporting those kinds of costs. We understand that action taken to protect a stock of concern would also serve to enhance stocks, perhaps, for which there is less concern. For example, any further and additional screening of dams to allow smolt passage heading toward the ocean would benefit all species of anadromous runs of upper Columbia and Idaho origin. So that expense is not incurred solely because of one threatened or endangered specie. On the other hand, preservation or restoration of habital, might relate only to one specie that returns to a particular stream or tributary. That doesn't make that expense unnecessary but it does have to be reviewed in the light that only one specie may be benefitted.

In closing, let me summarize by saying that the Columbia River processors share a common concern about the future of the Columbia River salmon industry as projected against potential Threatened & Endangered Species status for runs. The worse case scenario from naming of a Threatened & Endangered Species, would be total harvest curtailment, for both sport and commercial, not only on the Columbia River but in ocean waters from Alaska to Northern California. The consequences are significant and potentially far reaching, affecting billions of dollars to the regional economy.

We encourage all groups and all agencies, be they federal, state, or tribal to begin working immediately to find the solutions that will bring a win/win situation to all concerned; to the resource, to those who care about the resource, and to those who rely on the economic benefits of utilization of that resource. We feel this is possible. The Corps of Engineers should be made to place dam screens that are and have been funded. Pick the most severely impacted chinook run and plan for it's future. In so doing, the other runs will benefit. There are positive steps that can and should be taken now. We feel that it can be done without the threat of Threatened & Endangered status and that it needs to begin immediately. Thank you for the opportunity to make my comments this morning. If there are any questions, I would be happy to respond.

TESTIMONY OF BOB LOVELL, PORT OF ASTORIA COMMISSIONER

Hello, I'm Bob Lovell, a Port of Astoria Commissioner and member of the Pacific Northwest Waterway Association, and I'm here to speak in support of the PNWA's position on proposed protective measures for some Columbia River salmon species.

The PNWA is supportive of both a biological status review of the river's salmon runs as well as continued management of the Columbia and Snake River system for multiple uses, including power generation, navigation, flood control, fish and wildlife, irrigation and recreation.

The association advocates an open review process of the river system salmon runs, with all parties waiting for the outcome of that process before suggesting or imposing any protection measures.

This open process should include biologists and scientists from outside the National Fisheries Service on a technical advisory committee and also a peer review committee of the best available scientists from regional universities. Included on the technical advisory committee should be representatives from the Bonneville Power Administration, the Pacific Northwest Utilities Conference Committee, Direct Services Industries Inc., and the ports.

If protective measures are required, the PNWA feels they should embrace the multi-

ple-use concept that has long guided development and management of the Columbia-Snake river system. This is not and should not become a fish versus jobs issue.

TESTIMONY OF DONALD V. RISWICK

My name is Donald V. Riswick, I have been a commercial fisherman for sixty years here in Astoria and fished on the Columbia River all of my life. I also studied fisheries at Oregon State College during the time 1935 and 1940 when Bonneville and Coulee Dams were being built. For the past 20 years I have also edited the paper the "Columbia River Gillnetter" for the fishermen's union here in Astoria.

I would like to pass along to you some of my thoughts on this subject of sockeye and salmon and coho fish.

The sports fishermen have been reading about the fried owl of late, so are trying to take advantage of the situation by getting fish runs declared endangered, hoping to get commercial gillnetters off the river. They are Johnny come lately—why didn't they speak up years ago when all the dams were being built. When Coulee dam was built without fish ladders over half of the spawning area for sockeye and the Royal Chinook Salmon was eliminated forever. Yet the sockeye has continued to come back even with less area to spawn in. In 1965 the run was 55,200 fish. In 1983 the run was 100,500 fish. In 1985 the run was 200,400 fish. This run has always fluctuated up and down according to conditions. The same thing happens to farmers on many of their crops. So it is not endangered, even though there is not one sockeye hatchery on the Columbia River System.

Lets talk about the Coho. In 1986 there was a return of 1½ million Coho—the largest run in this century. Does this sound endangered? In 1987 there was a run of 700,000 fish.

Lets talk about the winter run of salmon. The Willamette winter salmon has doubled in the last 10 years, going from 43,500 fish in 1980, to 133,000 fish in 1990. People are catching 20-lb salmon out of their hotel windows along the river in downtown Portand.

One reason for the Willamette River success was because in 1935 the CRFPU at Astoria, Oregon started the pollution cleanup by initiating the first legal action on a broad scale against 100 known polluters along the Columbia and Willamette rivers. Then with the help of Wendell Wyatt and Julia Butler Hansen, got Congress to appropriate three and a half million dollars for a fish ladder at Oregon City Falls and also to help on the pollution cleanup.

The CRFPU was also solely responsible for getting Bonneville Dam laddered. The Corps of Engineers built the dam without a ladder and then said we don't have time to play nurse maid to a bunch of fish.

Now we will discuss the *May spring run of salmon.* The gillnetters haven't fished this run for 16 years. In May 1969 the escapement over Bonneville Dam was 173,600 fish then in 1979 dropped to 51,500 fish. In 1986 it was back to 125,000 fish so this run is slowly coming back. Fluctuations in runs have been caused by poor stream habitat, drought in 1977 caused severe juvenile mortality (hot water), nitrogen problems at the dams from high turidity. Pollution, no screens on turbines and irrigation ditches, drain off of water for irrigation to the point there was no water left for the fish.

The *June/July Summer run* we haven't fished for over 30 years. This is one run that hasn't improved much. The spring run is coming back though, and I think the barging of the fingerlings downstream past the dams is the main reason.

Idaho was asked over 30 years ago to join a tri-state compact to help regulate fisheries, but they chose to ignore us. They wanted dams and power, not fish. Now they are suffering, and dams in Idaho have blocked their runs. How can we say endangered specie now? Idaho will never have the fish runs they used to mainly because of the three dams Black Canyon Dam, Brownlee Dam, Owyhee Dam, all unladdered since the 1940's.

After reviewing these runs, I see no reason to declare any run endangered. I do see, however, that more than one run can be enhanced by swifter action by the Corps of Engineers on all dams to get all turbines screened. They have been dragging their feet it seems to me. Maybe it is a good thing this endangered business come up so it will light a fire under some of the agencies.

My other recommendations would be:

1. Ladder all dams possible.

2. The area around St. Helens and Clatskanine, Oregon—the streams and creeks should be cleared of silt and logs from logging.

3. A strict crackdown on all pulp mills who put dioxini in the Columbia river.

4. Order a study to see if there would be any way to build a fish ladder around Coulee dam. If possible this would open a immense spawning area.——

TESTIMONY OF DANIEL ROHLF, NORTHWEST ENVIRONMENTAL DEFENSE CENTER

Thank you for the opportunity to share our perspective on management of fishery resources in the Columbia River Basin. The following constitute our written comments submitted in conjunction with the July 2, 1990 Field Hearing.

For thousands of years the Columbia and Snake River Basins provided habitat for more salmon than any other river system in the world. But in the time period since white settlers arrived in the Northwest, salmon runs have been reduced by about 80%. Moreover, the majority of fish that remain are artificially produced in hatcheries; disease and genetic deficiencies are common among these stocks.

The drastic decline of wild salmon stocks in the Columbia and Snake Basins has taken a devastating economic toll on the Northwest, a toll which could mount in the future if runs continue to decline or become extinct. Once lucrative commercial and sport fisheries on upriver stocks have been virtually eliminated. Indian tribes and other fishers must compete for the remaining fish—which are available largely due to expensive hatchery programs.

Loss of wild runs also threatens the very spirit of the Northwest. Salmon play an important role in the cultures of tribal peoples and other residents as well. These species, which travel thousands of miles and overcome overwhelming obstacles to return to their native streams to spawn and die, are a unique part of what makes the Northwest special. If humans wipe out these species, we will impoverish our land and ourselves.

The Northwest currently faces the challenge of maximizing economic uses of its anadromous fish and hydropower resources while insuring that those uses are sustainable within the biological constraints of the Columbia and Snake River ecosystems. In facing this task, political leaders and resource managers must do a better job of understanding and taking into account both economic and ecological complexities. For example, the Northwest's political leaders have been quick to condemn Southern California's plans to acquire water from the Columbia, in part because loss of water would harm the region's anadromous fish. Nevertheless, politicians have ignored or even tacitly supported the Bonneville Power Administration's efforts to regulate Columbia River flows in order to maximize power sales to California, even though such flows could also have devastating impacts on salmon. For the Northwest to achieve a balance between economic benefits and environmental needs, creative and informed leadership—not dire predictions of doomsday scenarios—will be imperative.

NEDC firmly believes that measures to protect and enhance wild salmon runs are compatible with economic prosperity in the Northwest. Salmon depend on adequate water flows to thrive. Hydropower generation also requires flows. Commercial and sport fishers need plentiful and healthy fish stocks. Clearly, therefore, many supposedly "competing" interests actually overlap. The task ahead is to identify and strengthen areas of compatibility between the needs of fish and the needs of people.

We cannot successfully accomplish this task by clinging to the status quo or by attempting to avoid current problems. Regulatory schemes and management policies which currently govern use of the Columbia and Snake Rivers' resources—including the Northwest Power Act—clearly have not worked. It is time to stop and rethink old approaches to water and fisheries management by asking new questions: How can we run hatcheries to enhance rather than jeopardize wild runs? How can we structure power usage and marketing to compliment rather than work against needs of anadromous fish? How can we convince federal agencies such as BPA to implement policies which provide more benefits to Oregon and the Northwest?

In order to find answers, as well as ask the right questions, it will be necessary to move away from entrenched bureaucratic interests and avoid an "either-or" approach to issues. Agencies and commercial interests have traditionally been reluctant to stray from business as usual. This creates a zero-sum game: for example, some agencies and power interests argue that providing flow benefits to fish will necessarily lead to substantial losses of power production capability. This type of thinking leads to drastic predictions that helping fish will wreak economic havoc. Such posturing merely polarizes and slows what should be a constructive dialogue aimed at solving rather than creating problems.

We need a far reaching plan to maximize benefits for fish and people—to provide for environmentally sustainable economic prosperity in the Northwest. Unfortunately, in recent years no such plan has been successfully implemented, the principle reason NEDC and other groups chose to petition the National Marine Fisheries Service to list the most critically imperiled salmon stocks as threatened or endangered. This action has galvanized interest in exploring ways to sustainably manage the Columbia and Snake Rivers' resources, already a step in the right direction.

In addition to Endangered Species Act protections, there are many ways to move toward benefiting wild salmon while sustaining and enhancing the region's economic well-being. NEDC, with other groups, is currently working with BPA to examine how to coordinate fishery and power needs.

BPA has expressed interest and an initial commitment to use its Systems Operation Review to accomplish this goal. Congresional oversight hearings on the Northwest Power Act could also encourage realization of that statute's twin goals of fish and wildlife conservation and enhancement and hydropower production.

NEDC firmly believes that its petitions to list four salmon stocks under the ESA are biologically warranted, and that ESA protection will benefit fish withcut causing significant economic hardship to the region. Indeed, with some short term investments, providing protection to wild fish in the Columbia and Snake Basins will have long term regional economic benefits. The ESA, since it applies to all federal agencies and to some extent to state and private entities, will facilitate long term solutions by encouraging cooperation among diverse interests and agencies with overlapping jurisdictions. Section 7 of the ESA also has important implications for resource management in the Northwest. That section provides for development of reasonable and prudent alternatives to actions which harm listed species. Clearly, acting now to devlop a plan for managing the Northwest's fishery and other resources could have a substantial influence over development of those alternatives. By exercising such forethought, Oregon's leaders could be confident that the ongoing ESA process will benefit the state's people as well as its environment and natural resources.

TESTIMONY OF ERIC DAHLGREN, PORT COMMISSION PRESIDENT, PORT OF ST. HELENS

Thank you, Sen. Packwood, for providing this forum at which all of the issues surrounding the proposed listing of the Columbia River Salmon as an endangered species can be presented and discussed.

As a steward of public resources, the Port of St. Helens has a vital interest in seeing all of Oregon's tremendous resources used to their fullest, most responsible extent.

Many factors play into our efforts to accomplish that goal here in Columbia County. The Columbia River is, for obvious reasons, one of the key elements in our strategy for economic development and public enjoyment of the Northwest Oregon region. Therefore, we have a very natural interest in all issues that affect our resources.

When determining how to best utilize those resources, we often must evaluate competing uses. We approach this issue no differently. We believe that a multiple-use philosophy must govern all decisions regarding Oregon's resources—from trees to fish.

Be assured, Senator, that the Port of St. Helens stands firmly behind careful, scientific evaluation of environmental concerns surrounding the Columbia River Salmon. Those efforts must be based entirely on the "best available technology."

Until such a determination is made, however, the Port respectfully requests that the process remain fair and open, guaranteeing that no interests are given special atttention at the expense of another. Thank you.

TESTIMONY OF JIM CALNON, PRESIDENT, ST. HELENS MARINE, INC.

Introduction

St. Helens Marina has been in existence as a small-boat basin under current ownership since 1976. Operation of this site as a small-boat basin can be traced through several different owners to the early 1940's with sportfishing as the primary revenue source.

Nearby, a salmon cannery was operated by Bumblebee Seafoods until economic forces and declining catch rates forced its closure in the mid 1970's. Commercial fishing continues to operate here on a seasonal basis on a small scale and without any permanent facilities.

As shipping, barging, longshoring and other industrial uses have vanished from the St. Helens waterfront, the only remaining water dependent use for waterfront properties is as a small-boat mooring basin. The recreational boaters who make up the customer base for these small-boat moorages are engaged in sportfishing for most of the boater/day/trips that originate here.

Discussion

Local fishermen use parts of the main Columbia River, the Lewis River, and Willamette River for salmon and steelhead. Most trips originating in St. Helens will have destinations consisting of well-known fishing spots with recent histories of high productivity. On the Columbia, the distance traveled can be as far as Goble, Or, which is eleven miles downstream, or fourteen miles upstream to Frenchman's Bar. This part of the Columbia is a good producer of Chinook and Steelhead. When the season closes on the Columbia, angling pressure is focused on a branch of the Willamette River called the Multnomah Channel, and the last seven miles of the Lewis River system in Washington. Most anglers prefer to fish the Columbia, when the seasons are open, because of the scenic value, sense of open space and a chance to catch a larger variety of species when salmon and steelhead are not present.

The spring Chinook season begins in late January, with catch rates at a very low level until early March when the Willamette run begins to increase to substantial numbers. Lewis River spring Chinook begin to appear in a smaller but more intense fishery as these hatchery fish return. The Lewis does not have a naturally occurring spring run and all of the Chinook entering this river in March and April are planted hatchery fish.[1] Conflicts with upriver runs of salmon have caused the regulatory agencies to close the season on the Columbia River for salmon and steelhead on April first every year since the mid 1970's, and anglers targeting the Willamette spring Chinook must condense into the Multnomah Channel upstream of St. Helens. Springers can usually be caught in the Channel until late May and early June. At this same time, steelhead begin to enter the Willamette and Lewis Rivers in sufficient numbers to attract anglers.

The summer steelhead season allows retention of fin marked fish from May 16 to October 31, providing escapement for the unmarked wild fish. Most anglers will wait until late June and early July before going after steelhead in the main Columbia. This fishery can be exciting as the larger wild steelhead begin to come in along with the hatchery fish during late July and August. The possibility of hooking, playing out and then releasing a 25 pound upriver steelhead while fishing for fin marked hatchery fish provides the motivating factor for many local anglers. Additional excitement is added when the fall Chinook begin to appear in late August and Early September.

All of this stops in mid-September with the onset of gillnetting, when the sport catch drops to nothing during the season's first week. Anglers begin going out in early November when the nets pull out and the few remaining fall Chinook begin to filter in from the ocean. Winger steelhead are running in good numbers, and a hooked fish has an even chance of being a steelhead or a salmon.

One interesting note to interject is that silver salmon are quite rare in the sport catch here. The gillnet catch consists of many more silver salmon than Chinook, proving their presence, but sport tackle seems to be ineffective as a harvest method.

The sport salmon and steelhead fisheries are the most important in the local area from an economic point of view. The early spring run on the main Columbia, January through March, is the best economic contributor followed closely by the Willamette springers in April and May, then augmented by the fall Chinook and steelhead. If the economic impact of these fisheries is apportioned on a value per fish basis, the fall Chinook will have the highest number of dollars spent per fish in the local area, followed closely by the Williamette spring Chinook. The value per fish is not estimated for fall Chinook at this time, but for Williamette spring Chinook the gross revenue per fish at St. Helens Marina is about $75.00. To reflect the recirculating effect of dollars spent at one business in the local economy, the commonly recognized economic multiplier of seven can be applied to arrive at a value per fish of about $525.00. This figure does not include the dollars spent by out-of-town anglers who also buy meals, lodging and make incidental purchases at other local businesses. When the number of spring Chinook totals slightly over one thousand at the St. Helens Marina boat landing site, the impact of the sport angling season on the local economy is obviously significant and important.

The existence of St. Helens Marina is dependent on the sport angling fishery, especially salmon and steelhead. Seasons and catch limits are already severely restricted in order to provide protection from harvest for fish runs that are either suffering declining return rates or are earmarked as property of Indian tribes. Further regulation resulting in more reductions in fishing opportunities will strangle the already depressed sportfishing industry in St. Helens.

Bayport Marina is located just outside of St. Helens on the Multnomah Channel, and they are more dependent on the spring salmon season than St. Helens Marina. The owners state that accounting records prove that Bayport would have to close the doors if the spring season is reduced. Fishing license records show that visitors from 43 states purchased Oregon angling licenses at Bayport during the last spring season, and their staff provides hotel/motel booking services for those out-of-town guests requiring rooms. Last fall, when the gillnet fleet boycotted the first week of the season because of selling price arguments, the increase in sport angling for fall Chinook provided almost one full inventory turn for Bayports retail convenience store. Tis experience is congruent with the position previously stated that the fall Chinook is a potentially more valuable sport fishery when compared on a value per fish basis.

Conclusions

The wild Chinook runs are probably decreasing in numbers, but the sport angler on the Columbia River is not causing depletion of this resource in any way. When these diminishing runs are present in the Columbia River system, the sport anglers are prevented from harvesting any of these strains of Chinook, silver salmon or steelhead through regulatory restrictions. Further reductions in angling opportunities through regulating

will probably not result in any increased benefit for the fish runs, but will definitely have a major negative impact on the local economy of the city of St. Helens.

The primary causes of fish run losses are probably spawning bed losses caused by erosion, and fish passage losses caused by the dam systems. Gillnet fishing could possibly impact the silver salmon runs because it is an effective harvest method for fall silvers, and the steelhead because it is not capable of differentiating between fin-marked hatchery fish and unmarked wild fish. While the impact of gillnetting may be measurable, it is likely quite small and short term in nature.

In contrast, the sport anglers not only are already prevented from having an impact on depleted runs, they are providing a funding source to support regulatory agencies and accompanying restoration efforts through license fees.

TESTIMONY OF JEANNIE DODSON-EDGARS, COLUMBIA RIVER PEOPLE'S UTILITY DISTRICT

Thank you for inviting Columbia River's People's Utility District to this hearing. We appreciate your demonstrated concern for your constituency and the desire to hear from us.

Columbia River People's Utility District is six years old. We are a full requirements customer of Bonneville's Power Administration serving 7,450 customers of east Columbia County. This includes industrial, commercial and residential customers. Anything that affect Bonneville also affects the people and the industries in our district. The proposed listing of certain salmon species as threatened or endangered species would certainly have a costly impact on our customers.

First, we say to Congress and the National Marine Fisheries Service: Look before you leap. Before we propose or comment on solutions, we need to know the problem: We want:

1. A thorough and credible scientific review of the status of the petitioned salmon species.

2. A thoughtful and complete look at the causes of the identified species decline.

3. An evaluation of current fishery management practices.

4. The products of the reviews and evaluation be made available to the decision makers.

As customers of Bonneville, we accept our responsibility to stabilize and enhance the Columbia River basin salmon runs that are affected by hydroelectric facilities. We view the salmon and other migrating fish as an important regional resource that must be preserved.

Our actions speak louder than words. Since we began operating six years ago, our ratepayers have contributed to the $1 billion the region has paid for fish enhancement efforts over the last 10 years. Those dollars range from $25 per year for a residential customer to $180,000 per year for an industrial customer in our district.

We must now answer the question: What has our billion dollar investment provided us in terms of positive movement toward the regional goal of doubling the fish runs? Fishery agency data reveals that runs above Bonneville Dam are generally no longer decreasing. In some cases, the species have increased population. We need to take a closer look at our fish management practices. We need to learn from our success and apply them to identified declining fish species. We may even need to look at new fish management practices for solutions. We need to base our decisions on "good science." What we must not do is leap to the conclusion that more water over the dam will solve any perceived fish problem.

In March 1990, the fishery agencies and tribes published a request for a significant increase in flow and water budget. The existing water budget calls for improved flow between April 15 and June 15 of each year. Its purpose is to speed fish migration between dams, thereby improving smolt survival. But, the fishery agencies and tribes want more.

They are now calling for minimum flow constraints in the Snake and Columbia Rivers throughout the year. They also requested high reservoir levels during the spring and summer for resident fish. They did not give biological evidence that additional flows will improve smolt survival. "Good science" was not the bases for their request.

The status of the petitioned species and water flows in the Columbia and Snake Rivers are not dependent issues. Increasing flow over the dam is a generic approach that does not selectively enhance any particular species of fish. The impacts on the petitioned salmon specifies are specific. And, once the problem and its causes have been identified, the solutions need to be specific and based on science.

We have yet another concern. The National Marine Fisheries Service, of the Department of Commerce, is the Federal agency charged with evaluating the petition and developing the recovery plan. It also helped develop and now supports the fishery agency and tribe's flow proposal. We agree that the flow issue must be resolved, but this must be done in a forum separate from the National Marine Fisheries Service status review of the petitioned fish.

The Columbia River and its sister rivers are the lifeblood of the Northwest. The river provides us with recreation, irrigation, fish, navigation and power. We play in the river, we water our crops with the river, we export our harvested fish from the river, we move goods to other ports on the river, and we capture our power from the river. The river is our livelihood. It is the bases for our environment. Any decision affecting our river needs to made in a cooperative atmosphere. Private, commercial and governmental interests need to work together to study the status of the petitioned fish. Together our region needs to identiy the problem. Together we need to create balanced solutions.

Thank you for this opportunity to share our views with you in this citircal topic. We appreciate your time in considering these issues and your recognition of the importance they have on our region and the people of Oregon.

TESTIMONY OF DIANE DILLARD, HUMAN RESOURCES COORDINATOR, BOISE CASCADE CORPORATION

Boise Cascade Corporation is extremely concerned over the possibility of listing certain salmonid species under the federal Endangered Species Act. Virtually every water dependent use associated with the Columbia River and its tributaries could be adversely affected by any recovered plan implemented following such a listing:

These potential impacts include:

Massivie increases in the cost of electricity to all consumers, particularly those like Boise Cascade Corporation with energy intensive manufacturing processes;

Limitations on recreational opportunities for our employees and the public who cherish fishing in the river;

Reduced commercial agricultural activity with the attendant loss of tax revenues and increased consumer prices; and

Additional restrictions on forest operations at a time when a timber supply crisis already exists.

The Pacific Northwest has already taken a huge hit from the listing of the Northern Spotted Owl as a threatened species. Further listing of the Colubmia River Salmon species has the potential for virtually destroying the remainder of the manufacturing economy along the Columbia and severely impacting the farming community which so heavily depends on these waters.

We urge you to seek other less draconian ways to rebuild these Columbia Rivers salmon stocks.

TESTIMONY OF DR. WILLIAM B. CONERLY, FIRST INTERSTATE BANK OF OREGON, N.A.

As the federal government considers protection of various salmon runs in the Columbia and Snake rivers, economists will be asked to assess the economic impact of such protection. To this question, I have a long answer and a short answer.

The short answer is, "I don't know."

But let me adhere to a long-standing tradition among economists, by elaborating. I will try to be brief.

We can probably expect salmon protection to entail less electricity production from dams (or less in the "firm" category), resulting in reduced availability of electricity to industrial users or higher electricity prices. We may find less water available for irrigation. We may find water levels or flows that impede commercial or recreational navigation. We may find logging hampered by new environmental or transportation issues resulting form some salmon protection program. However, we do not know that any of these effects will occur.

Based on the information I have been able to collect, there are no real answers yet. As the controversy heats up, wild guesses will grow, and partisans will present extreme numbers, but it will be quite a while before a careful, realistic appraisal is possible.

This uncertainty is real and has real effects itself. It is to this issue that I would like to draw your attention. Every day, business managers and financiers are making decisions about the future. Those decisions will be based, in part, on the price and availability of electricity and water. The future is always uncertain, but these two key resources are being thrown into far greater uncertainty than is normal. This uncertainty will not only reduce businesses' inclination toward capital spending, but it will make potential financiers nervous, whether those capital sources be commercial banks, venture capital firms, or informal sources.

Uncertainty will extend from firms directly dependent on water or electricity to their suppliers, their employees, and eventually the whole community.

Let me offer an example of uncertainty's effects, drawn from another area of public controversy. In January, Rohr Industries announced plans to construct a plant in Eugene, to eventually employ 250 people. Some critics claimed that Rohr's presence would violate Eugene's nuclear-free zone ordinance. Others said that Rohr's activities would be permissible. The critics also claimed that the proposed site included wetlands that had to be protected; others

claimed that there was no wetlands problem. The company decided not to wait around for a decision; Rohr changed its mind and moved to Texas.

There will be similar stories about electricity and water in the coming years. New business and expansion of existing business will suffer during the period of uncertainty.

A second important issue is the speed at which change occurs. The Oregon economy can adjust to whatever federal policy makers throw at it. How much pain is suffered in the adjustment depends largely on how much time we have to adjust. Gradual change, with adequate warning, will be much easier on businesses and workers than sudden, unforeseen change.

The federal government has a major impact on Oregon's economy. It owns over half of the land in the state. The Corps of Engineers generates a large portion of the electricity used in the state. Federal timber lands account for 57 percent of our timber harvest. Federal rules affect most commercial fishing in Oregon. It is regrettable that we have less and less certainty about federal action, and we find federal policy more prone to suddent turnabout.

Senator Packwood, it is not news to you that our decision-making process has sometimes generated lengthy delays and prolonged uncertainty. My recommendation is that you give priority to evaluation and improvement of the decision-making process regarding use of federal resources.

Thank you for giving me this opportunity to discuss such an important issue.

TESTIMONY OF JOHN W. MITCHELL, U.S. BANCORP

1. At the present time we have no specific plan to look at, but rather the knowledge that various Salmon Runs are being considered for listing under the Endangered Species Act. Thus, answers have to be rather vague and conjectural at this point.

2. A few years ago the EPA when looking at the Pacific Northwest economy said that it could be explained as the result of the natural resources of falling water, arable land, timber and minerals and the legacy of war. At this point we should probably throw in the footloose industries that have located here due to the lifestyle. Thus, one can explain the ag and food processing, fishing, the forest products sector, Hanford, Boeing, high teach, and tourism-retirees. The river system ties many of these activities together-irrigation-transportation-power generation-recreation.

3. One of the basic industries in the region faces the prospects of accelerated shrinkage due to environmental concerns—the forest products sector. This will weaken performance in portions of the region and the overall performance temporarily.

4. This fish measure has the potential to result in similar kinds of disruptions over a broader region—more changes in forest practices, changes in water management with the potential of declines in hydro power production—hastening the day for thermal or more nuclear capacity, changes in power rates affecting ag, metals as well as other industrial and residential users and declines in fishing activity downriver and offshore to enable more of specified runs to return.

5. Most of us probably do not spend a lot of time looking at things like input-output tables which are like a cat scan of an economy showing the linkages between sectors—but that is where one can see the connections—where the electricity goes, the transportation services purchased by the ag and forest products sectors, and the barge and truck construction that results from these purchases.

6. We have in this case, as in the case of the National Forest or the BLM lands, a publicly-owned resource which means that the decisions are going to be made in the national arena reflecting the national agenda—which at the moment is green with disruptions in lives and industry far removed from decisionmakers. Call it option value or biodiversity or whatever.

7. We are moving into new territory with ESA not just affecting a specific project such as the Tellico Dam but activity over multi-state regions that the Red Fish Lake salmon cover. As anyone who has had an Economics class knows after the first week—when you do one thing with scarce resources, you give up the alternatives—there is no free lunch. The London Economist recently said environmental policies that take no heed of economics will backfire: so will economic policies that ignore the environment.

TESTIMONY OF JAMES J. JURA, BONNEVILLE POWER ADMINISTRATION, U.S. DEPARTMENT OF ENERGY

Senator Packwood, my name is Jim Jura, and I am the Administrator of the Bonneville Power Administration (BPA). We appreciate the opportunity to appear before you today to discuss the issues raised by the petitions to list several species of Columbia River salmon under the Endangered Species Act.

I would like to briefly summarize the key points in my testimony. To the extent hydroelectric operations impact fish resources in the Columbia River System:

BPA is committed to protecting and enhancing the Columbia River Basin's fishery resources.

We do not want to lose sight of the major environmental benefits of the Pacific Northwest hydrosystem.

We endorse a full scientific review involving a public process that enables all viewpoints to be presented and debated, so that any actions taken will find regional acceptance as sound solutions.

BPA, along with other Federal agencies, will be a positive, active participant in that process.

BPA IS COMMITTED TO FISH AND WILDLIFE

In the ten years since Congress passed the Pacific Northwest Electric Power Planning and Conservation Act, tremendous progress has been made. The region, led by the Northwest Power Planning Council, has forged a productive, flexible Fish and Wildlife Program. This Progam is based upon the participation of state and Federal fishery agencies, Indian Tribes, utilities, and other regional interests.

Since passage of the Act, BPA has devoted $1 billion in electricity ratepayer revenues to protecting and improving the basin's fishery resources. Since almost 40 cents of every dollar committed to fish and wildlife in the Pacific Northwest comes from BPA ratepayers, we are concerned about the status of those species. No agency in the Pacific Northwest invests more in fish and wildlife than we do.

Our efforts have contributed to positive results in the Columbia Basin. I would like to share with you a number of accomplishments.

Umatilla Basin: This year, a record number of spring chinook entered central Oregon's Umatilla River. So far, 2,100 fish have been counted—a remarkable number considering that only 13 came back in 1988, and 164 in 1989.

Spill Agreement: Last year, BPA, the state and Federal fishery agencies, and the Tribes signed a landmark 10-year Memorandum of Agreement. Under the Agreement, BPA will spill water at Federal projects to provide for fish passage until effective bypass screens are installed. We stand behind that agreement and are pleased by the inclusion of funds—to be repaid by BPA—in the Administration's budget for bypass screens at those Federal projects where prototype testing has demonstrated the screens will be effective.

Water Budget: Under the Water Budget program, BPA and the Corps of Engineers have released water in the spring to speed the downstream migration of juvenile fish. Normally this water would have been used at another time of the year in order to generate electricity during periods of high demand.

Hypothetically, the volume of water we release for fish during the spring months could create a river the averae size of the Willamette as it flows by Portland. This "Water Budget River" could flow for fish, day in and day out, for two and a half months.

We fully intend to continue our commitment to the Columbia Basin's fish and wildlife resources. As species are reviewed under the Endangered Species Act, BPA and other Federal agencies will be active, positive participants. We are aware that the Endangered Species Act could carry significant implications for our operation of the River.

IT IS TOO EARLY TO SPECULATE HOW A LISTING MIGHT AFFECT THE REGION

BPA and the interested parties do not know how much a listing might affect the Northwest. Guessing the impacts would be premature and speculative until: The status review is completed; the region understands all of the factors that may be affecting each species' decline; and we know what may be effective in addressing each of those factors.

WE ARE CONFIDENT NMFS WILL CONDUCT AN OPEN SCIENTIFIC PROCESS

The National Marine Fisheries Service (NMFS) has invited BPA and persons representing a wide variety of interests to participate in its status reviews. A broad review is crucial to the Endangered Species process. We welcome this invitation and look forward to NMFS continuing with these important steps to bring all of the interests to the table. The Columbia River is a regional asset that provides benefits to many users—irrigators, industries, recreation, fisheries, and the infrastructure that relies on these activities. An open, scientific process will encourage the development of a sound, supportable basis for decisions by NMFS. The entire region needs to understand and participate in the status reviews.

We believe NMFS should follow these principles:

1. All meetings of the committees NMFS will use to assist in its review should be public.

2. NMFS should perform the studies necessary to produce data where the region's knowledge is incomplete. These studies should produce the best scientific basis for decisions. Some of the scientific issues that need to be resolved are addressed later in my testimony.

3. NMFS should develop a reasonable schedule that allows interested parties sufficient time to analyze and comment on the

issues, and for NMFS to consider this input before reaching conclusions.

4. NMFS should provide a public forum where scientists can interact directly and test their views.

Under these principles, the region will be assured of a broad-based approach that will produce the best science and the best results.

The status reviews for each species will raise difficult, puzzling questions. These questions will involve historical and current activities in many sectors: utilities, irrigated agriculture, fisheries, recreation, navigation—in short, any activity that is tied to the waters of the Columbia and Snake Rivers.

THE REVIEW WILL RAISE AND MUST RESOLVE DIFFICULT BIOLOGICAL ISSUES

It is not enough to know that the candidate species have declined from levels in the 1960s. We must ask why. Why are the returns of coho on the lower river so low? These fish have no dams to contend with. And why are upriver brights—which must pass four dams on the Columbia River—doing so well? In 1989, the number of upriver brights returning to spawn in the Hanford Reach on the Columbia River surpassed the escapement goals used by fishery managers to manage the run.

The petitions raise difficult biological issues. For example, what is a species? Are fish that spawn a hundred yards up a tributary to the Salmon River distinct from those which spawn just downstream from the point where the creek enters the River? Have hatchery and other fishery management programs harmed wild fish? BPA believes an active scientific debate and further studies are necessary to resolve these issues, and we are prepared to work with all of the interests in the region to address them.

This is not the time for simple, incomplete solutions. There is time to consider a measured response.

IT IS NOT TOO LATE TO INVESTIGATE POTENTIAL CAUSES AND SOLUTIONS

Given the schedule and structure provided under the Endangered Species Act, it is important that the bulk of our efforts be devoted to conducting the status review and addressing the issues that are raised by those reviews. This includes a scientifically based approach to determine all of the factors that have contributed to the declines. For example, the efforts should seek to understand the impact of the international drift net fishery and how other factors affect the survival of Columbia River fish. But the status review need not be the only focus during the first year. In the short term, it may be possible to consider the tools Federal, state, and local bodies have at hand to address problems with specific stocks.

BPA would support a reivew of potential for accelerating activities under the Northwest Power Planning Council's Program that could lead to improving the productivity and survival of the stocks under consideration for listing. Historically, the Council's Fish and Wildlife Program has focused in a general way on doubling salmon and steelhead runs in the Columbia Basin. Given the status of some stocks, it may be appropriate to focus efforts on specific actions that can be taken to increase wild fish stocks. For example, it may be possible to consider a captive brood stock program for sockeye salmon, or consider accelerating a review of the planning efforts in the Salmon River basin to increase the production of sockeye and chinook smolts.

We are aware that some would identify Columbia River streamflows as an issue in the NMFS study. We expect to address streamflows in a comprehensive review of hydrosystem operations which we are undertaking with the U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation. BPA believes that the region lacks a complete understanding of the interactions among the various factors that contribute to the decline of Columbia River salmon. Therefore, it would be premature to undertake in the short term, significant revisions in the operation of the hydrosystem. We continue to support studies that will help the scientific community and the region to determine the efficacy of flow augmentation on fish survival.

CONCLUSION

For years, the Northwest has been aware that several salmon species in the Columbia Basin are in decline. The region has sought to address these declines in a number of ways: Signing a treaty with Canada governing fish harvest; settling legal claims among the States and Indian Tribes; funding fish bypass systems at Federal dams; enacting legislation such as the Mitchell Act, the Lower Snake River Fish and Wildlife Compensation Plan (authorized by the Water Resources Development Act of 1976), the Magnuson Fishery Conservation and Management Act, and the Pacific Northwest Electric Power Planning and Conservation Act; and implementing the Northwest Power Planning Council's Fish and Wildlife Program.

The Council's Fish and Wildlife Program incorporated dramatic and comprehensive measures to protect and enhance the Basin's fishery resources. We can demonstrate clear successes under this Program. But these successes are not shared among all species in the basin. We need to understand why some species are doing well and others are not.

Northwest hydropower is a national asset. It provides major environmental benefits. The hydro system ensures clean air and protects our land and water resources from acid rain. It not only protects the air and water of the Northwest, but also displaces generation in the Southwest that relies on fossil fuels.

The region has yet to undertake a rigorous review of all the causes contributing to the declines. The Endangered Species Act petitions offer an opportunity and incentive to conduct scientific studies to identify actions that will increase the number of fish returning to the Basin. And, the petitions place the responsibility for addressing these questions on all of the interests in the Northwest.

This concludes my testimony. I would be pleased to answer any questions you may have.

TESTIMONY OF NANCY RYLES, OREGON PUBLIC UTILITY COMMISSION

Good morning. I am Nancy Ryles, an Oregon Public Utility Commissioner. I am grateful for the opportunity to testify today on a matter that could have significant impact to the citizens of the state of Oregon.

The Columbia River and its tributaries provide the region with a multitude of benefits including fish habitat, irrigation, navigation, and electrical power production. Focusing on the latter, the Pacific Northwest power system is capable of producing about 19,500 average megawatts of firm energy on an annual basis. Of this amount, about 12,450 average megawatts or 64 percent comes from the region's hydropower dams, the vast bulk of which are in the Columbia and its tributaries. The remaining energy is supplied by thermal generation consisting of coal plants for 3,129 average megawatts or 16 percent, two nuclear plants for 1,549 megawatts for 8 percent, and combustion turbine plants for 456 average megawatts or about 2 percent. In addition to the regional resources, about 1,584 average megawatts or 8 percent is imported while the remaining 2 percent comes from cogeneration and small power producers.

The above figures reflect the firm or guaranteed output of hydro projects, that is, the output that would occur if the drought conditions of the early 30's were to reoccur. Under average river conditions, the hydroelectric resource base produces an additional 4,000 average megawatts for a total of about 75 percent of the region's total electrical energy supply.

It is this large dependence on hydroelectric resources that prompts my concern. If the hydro system operations were required to change significantly in a manner that reduced the energy generation capability, that energy shortfall would be met primarily by increased operation of coal-fired generation plants at substantially higher costs. In addition, the energy surplus we have enjoyed over the last several years has all but vanished, and the region is currently at load/resource balance. Loss of significant hydro resources would advance the need for construction of new generation plants. Both Oregon and Washington are currently engaged in least-cost planning activities to meet future energy needs in the most economic manner.

Of course, it is speculative at this stage to discuss the possible impacts on water flows and generating capability. However, the possibility exists that hydroelectric power could be impacted resulting in higher cost resources being required to sustain the region's energy needs. Obviously, it would be of concern to the Oregon Commission since we are charged with the responsibility of ensuring that ratepayers receive adequate and reliable power at fair and reasonable rates. In Oregon, we are responsible for regulating the rates for about 75 percent of all customers of electric energy in the state. In setting fair and reasonable rates, we must recognize legitimate costs that are incurred by utilities in providing electric energy. This includes recognizing the costs of undertaking measures that may be necessary to protect our natural resources.

Mainly, the bulk of any impacts on hydro operations on the Columbia River system would be borne by the customers of the Bonneville Power Administration (BPA) due to the dominance of federal facilities.

BPA's costs, however, would impact the IOUs in two ways. First, the IOUs purchase energy from the BPA when hydro conditions are better than critical. The amount of this resource could decrease and its price could increase. Second, through the exchange provisions of the Pacific Northwest Electric Power Planning and Conservation Act, the benefits of BPA's low cost hydro to the IOU's residential and farm customers could be reduced. Idaho Power Company, which serves a portion of Eastern Oregon and two-thirds of the customers of the State of Idaho, could be substantially impacted by any changes in the operation of their hydro facilities on the Snake River which provides about 67 percent of their total energy.

The impact on publicly owned utilities would be greater since a far larger share of their energy is purchased directly from BPA. While Oregon has only about 25 percent of its customers served by publicly owned utilities, the state of Washington has about 55 percent of its customers served by publicly owned utilities and, thus, is even more vulnerable to changes in the Columbia River hydro system.

While it is premature to draw any regulatory conclusions at this time, the PUC will follow the review process very closely because of the potential impacts on the ratepayers of this state as well as the entire region.

Again, I thank you for the opportunity to bring my concerns to your attention. I am available to answer any questions you may have.

Thank you.

TESTIMONY OF AL WRIGHT, PACIFIC NORTHWEST UTILITIES CONFERENCE COMMITTEE

Senator Packwood, my name is Al Wright, Executive Director of the Pacific Northwest Utilities Conference Committee (PNUCC). PNUCC is a non-profit association of public and private electric utilities and direct service industries in Oregon, Washington, Idaho, and Montana. We represent these three major Bonneville Power Administration customer groups on regional power and environmental issues. We appreciate your inviting us to express our views on the endangered species petitions for Columbia Basin salmon.

Congress recognized the significant declines in the Columbia River salmon run sizes of the late 1970s. Therefore, during the development of the Pacific Northwest Electric Planning and Conservation Act in 1980, Congress included a provision mandating the development of a fish and wildlife program to protect, mitigate, and enhance the Columbia River fish runs affected by hydropower development and operation. The Northwest Power Planning Council set as the goal of its Fish and Wildlife Program to double the size of the 1980 fish run (2.5 million fish).

PNUCC does not believe that a crisis regarding any solmon run exists. While some salmon runs have declined, we do not believe there is any need, between now and the time that National Marine Fisheries Service (NMFS) completes its status review, to take any sudden actions for any species of fish. The Fish and Wildlife Program has been in place since 1982, and it is working. The region has worked diligently on fisheries issues over the past 10 years and has made substantial progress. Overall, the number of adult salmon and steelhead returning to the Columbia River has increased by about 300,000 fish annually.

Over the last 10 years, PNUCC has been heavily involved in analyzing, reviewing, and commenting upon fishery agencies and tribal proposals to the Northwest Power Planning Council for Fish and Wildlife Program measures. Implementation of these measures, which are funded by the Northwest's electric ratepayers, has already resulted in direct expenditures and foregone revenues of about $1 billion. In addition, Northwest generating utilities have also spent hundreds of millions of dollars mitigating and enhancing fish at their non-federal hydropower projects. These were not the first actions taken to address impacts to fish. Since 1937, ratepayer dollars have been paying for fish hatcheries, ladders, and screens to mitigate the impacts of the federal Columbia River dams. Electric ratepayer expenditures represent the vast majority of all fisheries mitigation and enhancement expenditures on the Columbia River system.

On June 1, 1990, Oregon Department of Fish and Wildlife and the National Marine Fisheries Service submitted a report entitled "Past and Present Abundance of Snake River Sockeye, Snake River Chinook, and Lower Columbia River Coho Salmon" to Senator Hatfield. While the report provides useful information, some of the data in the report is presented in such a way that it could be misinterpreted by the lay person. For example, the report depicts redd counts (nests of eggs) for spring and summer chinook in five-year averages, but treats 1989 as a single-year data point. While 1989 was a decline from the upward trend of 1985-1988, using a single-year data point exaggerates the decline. In fact, 1989 counts were higher than some earlier counts. Viewed in consistent five-year averages, redd counts are actually up in the five-year period ending in 1989. We expect, based on dam counts of chinook, that Snake river spring chinook redd counts should be up sharply this year.

While fish runs have been trending upward since 1980, certain wild stocks of fish continue to decline. In attempting to increase the overall Columbia River runs, the needs of these specific wild stocks may have been overlooked. The successes in increasing the overall runs may be part of the problem. The focus of state and federal programs has largely been on producing fish for harvest.

The measures that have been implemented have produced more hatchery fish for people to harvest, but may be adversely impacting wild stocks. It is thought that release of tens of millions of hatchery fish into the Columbia River system may result in (1) hatchery fish out-competing wild fish for space and food, (2) hatchery fish infecting wild fish with disease; and, (3) overharvest of the smaller runs of wild fish in fisheries targeted at the large numbers of hatchery fish. If this is true, current efforts can be focused to address these issues and the specific problems of wild fish stocks that will require very specific solutions.

The Snake River sockeye run provides a good example of why specific impacts must be taken into account and why specific solutions are needed. NMFS is currently reviewing the status of these fish and PNUCC supports that process. A preliminary review by PNUCC of the scientific information indicates that while the sockeye run is depressed, it is not in danger of extinction. This is because the Redfish Lake, Idaho sockeye and the Redfish Lake kokanee constitute a single population. (Kokanee and sockeye are the same species, *Oncorhynchus nerka*. Sockeye are the anadromous form of the species and kokanee can go to sea and become sockeye.) The Redfish Lake kokanee population appears to be in no danger and evidence indicates these fish are supplying sockeye for the Snake River run. If desired, these kokanee could be used to increase that sockeye run.

Several circumstances appear to be impacting these fish. First, current harvest management in the Columbia River ignores the escapement needs of the Snake River sockeye, since the harvest level is based on the total Columbia River sockeye run, which includes a sizeable run destined for the Wenatchee and Okanogan rivers. Second, sockeye habitat in the Snake River drainage was severely reduced when Idaho Department of Fish and Game poisoned-out sockeye from Yellowbelly, Petit, and Stanley lakes in the early 1960s and converted them to trout lakes. Barrier dams were placed at the entrance to these lakes to assure that sockeye did not enter and become reestablished. Third, irrigation withdrawals prevent sockeye from entering Alturus Lake, which could be used by the sockeye. And, fourth, Water Budget flows are used to move hatchery fish between the hydropower projects instead of assisting the Snake River wild sockeye, which migrate later in the year.

Several measures could be taken to increase the size of the sockeye run: (1) change harvest levels or practices to allow more adult Snake River sockeye to return and spawn; (2) allow sockeye to reestablish in the trout lakes; (3) limit irrigation withdrawals to allow sockeye access to Alturus Lake; and, (4) target Water Budget flows to move the wild sockeye instead of hatchery fish.

Of course, we need to allow the NMFS' process and its in-depth scientific review to ascertain the status of the fish runs and the adverse impacts for all the petitioned species. I am not suggesting that we jump ahead of this process. The point is, if stock declines and specific problems are identified, these can be resolved, but all who contribute to the problem must participate in the solution.

With that in mind, I'd like to point out that the status of the petitioned species and additional water flows for fish in the Columbia and Snake rivers are separable issues. Providing more flows is a generic approach that does not selectively help any particular species of fish. Any strategy to help wild fish that focuses solely on increasing fish passage at the hydroelectric dams is not likely to be effective because it does not address problems specific to the wild stocks. The impacts to these fish are specific and the solutions to the problems must also be specific. Flows have been discussed for over a decade. We have sizably derated the firm power generating capability of the hydroelectric system to increase spring flows for fish. If the fisheries agencies are still dissatisfied with the flow levels, this issue needs to be resolved, but not in the context of endangered species.

PNUCC would like to see the following occur during the endangered species process:

1. A thorough and credible scientific review of the status of the petitioned salmon species. It is important for NMFS to have the funding and staff available to do the work that needs to be done. It is equally important that the scientific review be an open and public process where all interested parties are allowed to contribute their views directly and to participate.

2. A thoughtful and complete book at the causes of selected species declines. Additional information on all the adverse impacts to these fish is needed.

3. Investigation of measures to better protect and enhance the wild species that can be implemented within the existing fisheries management system.

PNUCC urges the Northwest Delegation to take a leadership role in assuring that the NMFS process is allowed to work and, especially, that all the scientific information is on the table before any decisions are made. We ask for your assistance in insuring that NMFS has Congressional support, funding, and staff to maintain the open and public process it has assured us will be provided. NMFS has organized both technical and peer review committees, which will

allow for direct participation by interested parties in the status review. This is an innovative and open procedure, and one that we believe will lead to a better conclusion. It is important that we all give NMFS our support during this status review process.

TESTIMONY OF DALE C. PEARSON, OREGON TROUT, INC.

On May 30, 1990, Oregon Trout, Oregon Natural Resources Council, Northwest Environmental Defense Center, American Rivers Council and the Idaho and Oregon chapters of the American Fisheries Society announced the submission of petitions, pursuant to the Endangered Species Act of 1972, to the National Marine Fisheries Service of the United States Department of Commerce. These petitions are for four runs of Columbia River salmon; the lower Columbia River coho and the spring, summer and fall Snake River chinook. These petitions were received by the National Marine Fisheries Service on June 7th, 1990.

The decision to petition for status determination was made after considerable thought and careful study indicated that these runs have declined to such low levels that they may warrant listing. The decline in indigenous, naturally-spawning populations of these salmon indicate that less then one adult fish returns to spawn for each parent spawner and that these populations are at precariously low levels. This decision was not made lightly. Evidence reveals a long-term and steep decline for these fish since the 1970's. Various recovery actions and the expenditure of millions of dollars have failed to restore these salmon and the cultural and economic benefits they provide. It is clear and should be of no surprise to anyone that extraordinary action is required to save these fish from their plunge toward extinction.

A Broad Based Recovery Plan Is Needed

A broad based and integrated recovery plan is essential if these salmon are to be returned to a strong and healthy condition. We believe that solving just one or two of the problems facing the salmon will not lead to a sustainable recovery. It is vital that all agencies, companies, individuals and institutions that have responsibility or authority over the use of the river use their ingenuity and talents to address solutions to the continuing decline of our salmon rather than to create roadblocks and battle-lines. We believe it is possible to bring back our salmon from the brink of extinction without draconian impacts on river users if we emphasize cooperation and creative problem-solving over conflict and factionalization throughout the listing process. We have every indication that such cooperation is occurring.

The Snake River chinook were first reviewed for ESA listing in the 1970's. That review was suspended because it was hoped and believed that the passage of the Northwest Power Act in 1980 would provide the recovery measures and funding necessary to restore these salmon. The actions of the Power Planning Council pursuant to this act have not resulted in the recovery of either the Snake River chinook nor the lower Columbia River coho. Since the passage of the Power Act and the resultant expenditure of nearly one billion dollars, two Snake River salmon runs have gone extinct and twenty two others are considered in jeopardy.

Salmon are a managed resource with important cultural and economic values for the Northwest. Since the development of the Columbia River began, over 250 salmon and steelhead populations have gone extinct. This is an incredible reduction in the productive capacity of the river and a severe loss to society. Historically, the Columbia River sustained runs of over eleven million, and perhaps as great as sixteen million salmon and steelhead annually. Today these runs have diminished to just 2.5 million fish annually. Wild fish are only a fifth of that. Clearly the region is faced with an ecological crisis of major proportions that has gone largely unheralded.

The petitioning groups have one interest foremost in mind. We hope that this action will result in the recovery of these salmon runs so that we all can celebrate their return to a strong and healthy condition. The health of our salmon resource is a measure of our ability, as one of many species inhabiting this planet, to maintain a rich and diverse habitat for ourselves and our children.

The condition of the salmon of the Columbia River is raising a very disturbing question. If the lands and waters of the Northwest, their ancestral home, are no longer fit to sustain the salmon, how bright and interesting can our own future be?

Oregon Trout Petitions

On May 30, 1990, Oregon Trout filed petitions with the National Marine Fisheries Service (NMFS) requesting determination of status under the Endangered Species Act of 1972 (ESA) for four runs of Columbia River salmon. Joining them in the petitions are the Oregon and Idaho Chapters of the American Fisheries Society (AFS), the Oregon Natural Resources Council and the Northwest Environmental Defence Center. The runs specified are the lower Columbia River coho and the spring, summer and fall runs of Snake River chinook.

This dramatic announcement, made at a press conference today, has the potential to monopolize the news of the Northwest over the coming months. Few residents are untouched by the plight of the salmon. Many rely on them for food and livelihood, while others will feel their livelihood threatened by listing. No one can remain insensitive to the drama and pathos of the annual spawning runs of this noble creature; finding their way mysteriously across vast distances of ocean to their native streams, defying a myriad of natural and manmade obstacles, only to die on the very spawning beds where they have buried the eggs that are the future of their race. They are an irreplaceable part of our Northwest heritage.

The idea that some Columbia River salmon runs may be eligible for listing is not a new one. In 1894, the Federal Government undertook studies because of the declining commercial harvest. More recently, in 1973, status reviews were begun but, because of the high hopes for the NW Power Act, they were discontinued in 1980 with the passage of that Act.

Why List Now?

Oregon Trout believes that there is no assurance that the Northwest Power Planning Council (NWPPC) will bring the Columbia River salmon back from the brink of extinction. We must reinstate the ESA process. The compelling reasons are:

1. The native salmon runs are in desperate trouble and clearly in a downward trend.

2. All other remedies of the past 25 years have failed to improve the condition of the runs.

3. The rehabilitation plan of the NWPPC holds little promise for the recovery of the native salmon runs.

4. There is no realistic alternative that can force the responsible institutions to rapidly develop and implement the needed recovery plan.

5. There is time to develop a recovery plan without draconian impacts on fisheries and other water users—but time is running out.

6. Federal power and water managers are relentlessly foreclosing options and limiting the flexibility of the regional system to accommodate the needs of the salmon.

7. Major hatchery programs have masked the precarious conditions of the natural stocks and lulled the public into a false sense of security.

We are at the crossroads. The manner in which we handle the deteriorating situation of the native Columbia River salmon will determine the very nature of our Northwest ecosystem.

The Columbia River Basin

One hundred years ago, the Columbia River Basin was one of the world's most productive ecosystems. In the past century, the system has been markedly altered by developments of hydropower, agriculture, forestry, and mining; transforming the once mighty Columbia into a series of slow water reservoirs.

Wild adult salmon runs approached 16 million fish annually. At present, adult salmon production on the Columbia is about 2.5 million fish annually, one fifth of its historical value and predominantly composed of hatchery fish. Wild stocks are about one fiftieth, or 2%, of pre-development levels.

The Columbia River is an example of technology gone mad. The ecosystem has been dramatically changed not only by economic development but also by a technology—hatcheries—designed to buffer the darker side of economic development. Hatcheries, unfortunately, have become a narcotic to pacify society, to block society's awareness of what is really going on in the Columbia Basin. How did we arrive at this unhappy state of affairs? A quick review of history is in order.

A Columbia River Chronology

1850—Pre-development run sizes of 10 to 16 million wild salmon and steelhead annually.

1859—The first Columbia Basin irrigation project.

1878—The first hatchery starts up on the Clackamas River.

1880—Payette River sockeye are commercially extinct.

1894—Investigations begun by US Government due to "an alarming decrease in the salmon catch of the Columbia River in recent years."

1918—Willamette River closed to commercial fishing.

1928—Peak chum harvest of 700,000 fish.

1933—Rock Island Dam completed (with fish passage problems).

1938—Bonneville Dam completed. The Chief of the Army Corps of Engineers is alleged to state, "We will not play nursemaid to the fish!"

1941—Grand Coulee Dam completed without fish passage and 1100 miles of habitat are lost.

1957 to 1967—Pelton, Brownlee, Oxbow and Hell's Canyon dams completed without fish passage. Massive habitat loses result.

1973—First review of upper river salmon and steelhead under the ESA begins.

1974—Dworshak Dam completed without fish passage. More habitat is lost.

1975—Chum harvest is down to 500 fish.

1977—Run declines are documented: summer chinook, 75%; spring chinook, 50%; Snake River fall chinook, 90%. Smolt losses through eight dams is estimated at 95%.

1980—NW Power Act is passed and endangered status review is suspended. It is believed that the Act will be effective in recovering the runs.

1982—Annual hatchery smolt releases number 161 million, yet runs are described as declining.

1987—The NWPPC declares the Snake River coho to be extinct and lists 22 other Snake River stocks as being in jeopardy. Oregon Trout estimates that 31% of the stream miles, or 4,600 total miles, and 55% of the watershed has been lost.

1989—Only two Snake River sockeye salmon cross Lower Granite Dam on their way to Red Fish Lake in Idaho. Bill Bakke of Oregon Trout states, "The extinction of this salmon run represents a stunning failure by state, federal and tribal fish management agencies to protect salmon runs."

January 28, 1990—The Oregon Trout board of directors directs that NMFS be petitioned for status determination for several salmon runs under the ESA. Oregon Trout begins petition preparation.

February 21, 1990—In a letter to Randy Fisher, Director, Oregon Department of Fish and Wildlife, and nineteen agencies and tribes, Oregon Trout advises of its intent to petition. The letter states, in part, "We view petitioning under the ESA as an extreme, last chance opportunity to restore populations that are threatened with extinction. Management has failed to provide the stewardship necessary to perpetuate the health of these populations. Because we have failed to provide good management, we are delivered to the extreme measures represented by the ESA."

March 19, 1990—The Idaho Chapter of the AFS endorses the Oregon Trout petition.

March 30, 1990—The Shoshone-Bannock Tribes petition for listing of the Snake River sockeye.

April 14, 1990—Senator Mark Hatfield requests immediate assessment of the four salmon runs that have been petitioned for ESA status by Oregon Trout. The issue "has the possibility of becoming another spotted owl." Hatfield says.

May 18, 1990—The Oregon Chapter of the AFS endorses the Oregon Trout petition.

May 30, 1990—Oregon Trout and co-petitioners hold a press conference to announce their petitions for listing of the spring, summer and fall Snake River chinook and the lower Columbia River coho.

What Happens Next?

Once a petition is submitted, NMFS has 90 days to determine if there is sufficient scientific or commerical data to warrant listing. If there is, a status review is conducted, and a decision made to list or not, within twelve months of submission.

Listing implications.—Federal actions must not be likely to jeopardize the species or its critical habitat.

Federal agencies must use their authorities in furtherance of the conservation of listed species.

A recovery plan must be developed and implemented.

Protection of a listed species can not be a cost-effectiveness issue.

Limited exemptions are possible through cabinet level review.

No "taking" of an endangered species.

The Federal Government "shall cooperate to the maximum extent practicable" with the states.

The Federal Government can enter into cooperative agreements to assist the states and financial assistance of 75% to 90% is authorized.

The Recovery Plan

The determination of a specific status for any Columbia River salmon run is not our main goal. Listing does nothing, per se, to reverse the sad march to extinction. Oregon Trout's goal is to compel the creation and execution of a recovery plan as provided for by the ESA. This plan must be broad based and involve good faith efforts from all who rely on and enjoy the bounty of the river.

The plan must address flows, screening and bypass, harvest, habitat degradation, genetic conservation and hatchery practices. Power generation, irrigation, recreational and commercial fishing, timber, mining, and hatchery interests must put the old ways to rest and all work together. No single group should bear the brunt of recovery. No single approach holds all the answers. Tribes, state and federal agencies, special and private interests must work together constructively if our salmon are to have a future.

Flows.—The most critical period of a young salmon's life is that time when it migrates to the sea. Salmon undergo a process at that time that changes them physiologically from a fresh water to a salt water creature. The time required to complete this transformation is closely tied, through centuries of evolution, to the time required for the salmon to complete their journey. They must not complete this change before reaching salt water or they'll die.

The Columbia River has undergone a rapid change into a series of slow water reservoirs. The resultant loss of flows slows the seaward journey of the salmon and results in excessively high mortality. Adequate flows must be provided by water and power managers if the up-river runs are to avoid extinction. Only through an ESA recovery plan can the agencies in control of water flows and main-stem dam operations be compelled to make the changes necessary to save the fish.

Screening and bypass.—Juvenile mortality of out-migrating salmon at each unscreened dam is estimated at 15%, principally due to fish passing through the turines. Half of this loss is from the physical damage of the spinning blades. The other half is due to the predation of gulls and squawfish on the disoriented and injured fish that have just passed through the turbines. Slow water conditions above the dams additionally give predators an unnatural advantage.

Effective screening and bypass facilities are essential to enable the salmon to avoid the turbines. Adequate flows are necessary to restore natural predator/prey relationships and insure effective operation of the screening equipment.

Harvest.—The over-harvest of native salmon in mixed-stock fisheries is a well-known factor in the decline of the wild salmon. Continued harvest of substantial numbers of lower river coho in the attempt to harvest excessive hatchery output of that species, or imprudent harvests of upriver chinook to utilize the heavy output of the Willamette River chinook hatcheries are a blueprint for disaster. We must devise and embrace innovative changes in techniques and seasons to ease this situation.

Habitat degradation.—The loss of the productive capacity of the salmon's habitat is a major factor in their decline. Vast areas of spawning and rearing habitat have been closed to the salmon by dams without fish passage. The loss of productive habitat through mining, logging and irrigation activities is staggering. The public's perception of this problem is masked by their support and involvement in stream restoration work.

Stream restoration, like hatcheries, has become a narcotic that blocks our awareness of the real problem, the continued loss of productive habitat. Recent research on the North Umpqua River indicates that man-made habitat improvements are not very cost-effective and could only enhance production by about 2%. Habitat productivity is dependent on the depth, velocity, quality and temperature of the water. When these are degraded through watershed and riparian destruction, recovery periods in excess of 20 years are required to restore their former productivity. A recovery plan based solely on restoration is doomed to failure. We can't keep up with the losses. Development and exploitation can only be permitted if the health of the stream is adequately protected.

Gene conservation.—According to Dr. Bill Liss of Oregon State University, the salmon species is a system of continuously evolving stocks, and those stocks are a system of continuously developing life history patterns. The persistence, distribution and abundance of the salmon depends upon a diversity of stocks adapted to a multitude of stock habitats.

The fish agencies have tried to replace a diversity of natural stocks with a few hatchery stocks that do not survive well in nature. Hatchery salmon, when they spawn with wild salmon, disorganize and destabilize them. Scientific research proves that wild stocks are 9 times more effective in producing the next adult generation as are hatchery fish spawning naturally.

The conservation and rehabilitation of endangered salmon runs under the ESA depends on maintaining stock diversity. We must keep the stocks we now have in good health, and we must protect the habitats to which they are adapted.

Hatcheries—Not the Answer!

Emphasis on hatchery production has failed to compensate for continuing losses. Downward trends in hatchery efficiency are raising fears about their long-term viability. Mounting evidence suggests that survival rates for hatchery fish are very poor in relation to wild fish. So poor, in fact, that questions are being raised as to whether the minimal net gains are justified in light of skyrocketing costs. In addition, current hatchery practices have inflicted severe damage on wild stocks through reduction of genetic fitness and increased competition.

All our efforts to nurture and protect young hatchery salmonids cannot protect them from that age-old nemesis of all wards of the state—the budget ax. It can't happen here??? Between 1929 and the early 1940's, all but three of the federal government's 18 hatcheries were closed, replaced or turned over for state operation. Virtually all hatcheries in Alaska, Canada and California were closed. Dare we trust the future of our salmon runs to Gramm/Rudman and the environmental conscience of Manual Lujan?

Increased hatchery production is not the answer to the declining native populations of salmon in the Columbia River Basin. Dramatic changes are required in hatchery practices merely to erase their negative effects on wild stocks. While hatcheries will

remain an important factor in Columbia River fish production, substantial improvements are required if they are to play a constructive role in recovery.

Northwest Power Planning Council

The NWPPC has instituted the largest biological rehabilitation plan ever undertaken. Their short-term goal is to double salmonid production in the Basin. A billion dollars or more will be poured into this effort. Will this plan restore our native salmon runs?

The Council got off to a good start, with innovative actions on "protected areas" and "water budgets." In implementation, however, they are falling far short of their laudable goal of giving priority to the enhancement of the native runs. Rather than protecting existing habitat, the emphasis is now on habitat restoration. Rather than encouraging recovery of will stocks, the emphasis is now on hatchery effectiveness and disease control, and fish bypass and transportation. The major focus is on an engineering/technology fix, not a biological one. Therein lie the seeds of its failure.

The condition of our wild salmon populations is a barometer of our stewardship of the Columbia River Basin. Wild salmon are the canary in the mine shaft. If they are allowed to be snuffed out then we have gone too far.

The deterioration of our Columbia River salmon runs raises an important question for the future of mankind in the Northwest: If the salmon can not survive here, in their ancestral home, how bright and interesting can our own future be?

TESTIMONY OF GORDON REEVES, AMERICAN FISHERIES SOCIETY, OREGON CHAPTER

My name is Dr. Gordon Reeves and I am the current president of the Oregon Chapter of the American Fisheries Society (AFS). AFS is one of the oldest professional societies in North America. There are 430 fishery biologists and aquatic resource professionals in the Oregon Chapter.

Oregon Chapter has joined in a petition to the National Marine Fisheries Service to review the status of several stocks of salmon in the Columbia River basin for possible listing under the Endangered Species Act. Our decision to co-sign this petition reflects a deep concern of many scientists and resource professionals about the future of Pacific salmon in the Columbia.

The decline of native salmon runs in the Columbia basin is a local manifestation of what scientists have termed a planetary environmental crisis that is evidenced by rates of species extinction unprecedented within the last 65 million years (Wilson 1988). Although recent attention has focused on losses of terrestrial species, Dr. Peter Moyle of the University of California at Davis suggests that fish are the group of vertebrate animals that are being lost most rapidly worldwide.

In the past 100 years, 40 known taxa or groups of North American fishes have become extinct through changes caused by human development, and rates of extinction are expected to increase (Miller et al. 1989). AFS currently lists 364 North American freshwater taxa as threatened, endangered, or in need of special concern (Williams et al. 1989). This includes 139 new taxa that recently were added to the list since it was first published a decade ago (Deacon el al. 1979). Anadromous salmon and trout were not considered in this listing. Only 26 taxa were removed from the original list, and 10 of these deletions were the result of extinction. Significantly, none of these taxa warranted removal because of successful recovery efforts. Twenty-five of the taxa on the AFS list occur in Oregon. More than half of these occur exclusively in Oregon.

In addition to the threat to freshwater fishes, there has been a serious loss of diversity and decline in abundance of many naturally spawning populations of native Pacific salmon in Oregon (Mullen 1981; ODFW 1982; NPPC 1986; ODFW and WDF 1989; Nehlsen, et al. 1990). Because anadromous salmonids tend to return from the ocean to their natal streams to spawn, species are composed of numerous breeding populations or stocks that have adapted through time to local environmental conditions. The ability of a species to survive environmental change throughout its geographic range is dependent upon a diversity of healthy, locally-adapted stocks. Stock diversity therefore is critical to the long-term viability of Pacific salmon and steelhead.

The problem of stock diversity in Oregon is perhaps best illustrated in the Columbia basin, where many native populations have declined to very low levels of abundance. One recent estimate suggests naturally reproducing salmon and steelhead run sizes in the Columbia basin may be as low as 2 percent of predevelopment levels (Francis 1990). The four groups of salmon listed in the petition to the National Marine Fisheries Service have shown significant decreases over the past several decades. Coho salmon spawning ground surveys conducted on 10 Oregon streams in the lower Columbia River have declined from approximately 23 fish/mile in the 1960s, to less than 1 fish/mile in more recent years. Counts of spring chinook spawning redds in 11 Salmon River streams show a similar downward trend from 4100 redds in the 1960s to only 525 redds in the 1980s. Summer chinook redd counts for 7 Idaho streams have declined from an average of 2,390 redds in the 1960s to 535 in the 1980s. Fall chinook passing the uppermost dams of the Snake River have numbered a thousand or less since 1974 (ODFW and WDF 1989).

Extinctions of fish species or stocks are rarely the result of single causes. Restoration of depressed stocks in the Columbia River will likely require multiple corrective actions aimed at multiple causes of decline. In the Columbia basin, chinook salmon, for example, have lost about a third of their historical habitat from hydropower development, irrigation, logging, mining, and other causes (NPPC 1986). Direct mortalities of fish also result from inadequate passage and altered flows from numerous dams on the Columbia and Snake rivers. While production of fish from hatcheries has compensated for some of the impacts of losses on fisheries in certain areas, many wild stocks continue to decline in mixed stock fisheries that are regulated to harvest more abundant hatchery fish. Since 1969, harvest rates for stocks of lower Columbia River coho, for example, have commonly ranged between 85% and 94% (ODFW and NMFS 1990). There is cause for concern whether severely depressed native stocks can continue to sustain themselves at such high rates of harvest. Increasing hatchery production in the Columbia basin is not a substitute for the many values of wild stocks.

In conclusion, abundance and diversity of native stocks of salmon and steelhead in the Columbia River basin have been reduced to a fraction of predevelopment levels. This decline is an indicator of a general decline in the health and integrity of the Columbia River ecosystem. Traditional, single species approaches to management may not be sufficient to solve these problems. Integrated management of the entire Columbia basin and maintenance of diverse, naturally spawning populations are needed to sustain a healthy Columbia River with healthy runs of salmon. It is our hope that a review of the status of several depressed runs of native salmon in the Columbia River basin will help to prevent an accelerating decline in the diversity and health of aquatic resources in Oregon.

Thank you for the opportunity to comment.

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TESTIMONY OF ANDY KERR, OREGON NATURAL RESOURCES COUNCIL

Salmon are an indicator of environmental health. The salmon runs of the Columbia Basin are very sick. In addition to overall declines, the vast majority of the remaining fish are hatchery stock—inferior to wild,

real salmon and dependent upon expenditures from the federal treasury.

No one factor is to blame for the decline. Too many salmon are being caught. Too much water is being taken out of the stream for irrigation. Too much hydroelectric power is being produced. Too much logging, grazing and mining are destroying spawning habitat.

We must save the Northwest's salmon runs. It will not be without some costs to ourselves. But the costs will be immeasurably greater if we allow the salmon to slip into extinction.

The salmon runs are a critical indicator of the quality of life of the Pacific Northwest. At the top of the aquatic food chain, the salmon reflects the condition of our streams, which reflects the condition of our environment, which reflects our own condition.

There will be short-term economic effects of listing these salmon runs under the Endangered Species Act. To save the salmon we will have to produce a bit less hydroelectricity, catch a few less fish, use a little less irrigation water, log graze and mine a bit less.

We northwesterners use about twice as much electricity per capita as the national average and pay about one-half the going rate for it.

We let too much irrigation water evaporate in the hot summer air before it touches a crop.

We log off our forested streamsides for short-term greed, even though they are more valuable in the long term as perennial producers of salmon than as sporadic producers of wood products.

We subsidize ranchers who run their cows on the public's land, ruining the public's streams and the public's fish runs.

We must become less wasteful. In the long run, increased efficiency will improve our economy. The Pacific Northwest's comparative economic advantage is not government subsidies to business; nor is it cheap electrical power. The true competitive advantage of the Pacific Northwest economy is our quality of life, which is to a large part dependent on the quality of our environment—a natural resources that is potentially infinite. By restoring the salmon runs we will do much to restore the quality of our environment and do much to improve the economic well-being of the Pacific Northwest.

When I was a boy, the salmon ran up and down the river. A few years ago, the US Army Corps of Engineers began trucking fish around the dams. Now they have switched to barges. While I'm glad that our salmon are now off our highways and back on the river, ONRC won't rest until salmon are back in the river.

Working together, we can come up with acceptable solutions, if we keep the common goal of conservation of the species in mind at all times. Solutions will involve compromise from power, irrigation, navigation, logging, grazing, mining and other interests whose pursuit of self-interest have put the salmon into this sorry state. But there can be no compromise from the side of the salmon. Many runs have already been lost and many more runs have been so compromised that they now face extinction.

I am wary of plans for new initiatives whose goal is not to recover the salmon, but to avoid listing under the Endangered Species Act. The salmon can not afford more committees, commissions, task forces or studies. That was the response in the past when the plight of the salmon was raised.

The Northwest Power Act of 1980 was supposed to balance the production of fish and electricity and to get the overlapping and often conflicting jurisdictions to work more in concert on behalf of both. While the Pacific Northwest Power Planning Council has done much good, it has not done much for wild salmon. Perhaps the money, power and politics of the region prevents any body or anybody from protecting the salmon. Federal listing will break the deadlock and establish endangered salmon as the clear priority.

ONRC will not look favorably on new cooperative or inter-agency efforts if their motivation or likely result is to avoid or delay listing, rather than recover the species from the edge of extinction. Pledges to cooperate are easily made—witness the many pledges that have been made, and broken, before. We fear that these new pledges are being made more from fear of the Endangered Species Act than from concern for salmon.

The Endangered Species Act is very powerful—and rightly so. For when a species makes the list, it is at the brink of extinction and all the power of the federal government should be used, if necessary, to bring it back from the precipice.

If the salmon are listed under the Endangered Species Act, the federal government's actions regarding the Columbia River would have a new and clear priority. Priority does not mean exclusivity. The other uses would still be considered. But it is not a question of balance. Fish were supposed to have been balanced all along. It hasn't worked.

If society deems it too expensive to society to prioritize fish until the balance is restored, the solution is not to avoid listing the salmon under the Endangered Species Act. As a built-in pressure relief value built into the Act, referred to as the "God Squad," any federal activity can be exempted from provisions from the Act.

As many have pointed out, we can learn much from the spotted owl experience and hopefully avoid many of the difficulties that process has brought us.

Let us avoid the demagoguery we have seen with the listing of the spotted owl.

Let us avoid denial that the salmon are in trouble and get on to reversing that fact.

Let us not misread or mischaracterize economic change for economic decline or disaster.

Let us avoid the one-sided economics which recognizes only the cost of species protection, ignoring both the benefits of conservation and the costs of extinction.

As we look to the various sectors of the economy to give a bit so the salmon may survive, we should take special notice of the aluminum industry. That industry consumes approximately 20 percent of all the electricity in the region. It produces less than 10,000 jobs, a mere one-quarter of one percent of the approximately 4,0000,000 jobs in the Pacific Northwest. Its electricity is provided at a subsidized rate through a socialistic program funded by the ratepayers.

The Northwest Power Planning Council is contemplating acquiring new electric resources at up to four times the costs that ratepayers are now paying. We throw away enough aluminum every year in this country to rebuild the entire commercial air fleet four times. Recycling an aluminum can requires 90 percent less energy than making a virgin one. Very little aluminum recycling takes place in this region.

Downsizing the aluminum industry in the region may be one of the most positive economic and environmental actions that we could take. Massive savings of electricity could be split between new economic growth and fish and wildlife. This energy is cheaper than conservation, cheaper than renewable power resources and cheaper than nuclear or other environmentally destructive forms of thermal power.

The alternative to listing the salmon under the Endangered Species Act is extinction. If we are to save the salmon, we all must be willing to sacrifice a bit of the quantity of our consumption to regain some of the quality of our life. The wild salmon runs are sacred to most Northwesterners, even if their ancestors were born on other continents. They are a legacy that we must pass on to our children.

TESTIMONY OF BOB WOODELL, EXECUTIVE DIRECTOR, PORT OF PORTLAND

Good morning, Senator Packwood, and welcome to the Port of Portland. Thank you for giving me the opportunity to participate in the discussion related to the petitions that recently were filed with the National Marine Fisheries Service to list certain Columbia and Snake River salmon species under the Endangered Species Act.

For the record, I am Bob Woodell, Executive Director of the Port of Portland. For nearly 100 years, the port of Portland has been an economic development public agency. Its first assignment was rather straight forward in scope, but very important to this community. It was to dredge a navigational channel to the sea, thus assuring the growth of this region as a transportation and trade center.

Through the generations, the Port's responsibilities have expanded to include airports, shipyards, marine terminals, and real estate. But certainly, the roots of this organization are planted in the area of maritime. Trade is the foundation of this region's economy. It is the foundation and the purpose for Portland's existence. As a matter of fact, the most recent economic impact study indicates that the economic benefit from marine activities alone amounts to more than $1 billion a year.

Because of our intimate involvement in this important segment of our community, we have a vital interest in what's happening to the Columbia/Snake system. Over the years, we have worked hard to develop the river as a major transportation system because of the many benefits it provides this community. At the same time, we have worked and worried about the health and stability of this natural resource.

For example, back in the 1970s, when we were fighting to keep the ship repair industry alive in Portland in order to save thousands of jobs, we recognized that we needed to develop a process to deal with some major pollution concerns. The biggest was the discharge of ballast water from the oil tankers. To solve this, we developed a treatment plant that extracts the oily ballast, processes it, and returns only clean water back to the Willamette.

More recently, we responded to concerns relating to dock construction and its effects on the health of aquatic life on the Willamatte River. When there was a question about whether certain types of structures, such as docks, adversely affected migrating fish, the Port responded by working with the Oregon Department of Fish and Wildlife to develop a scientific study to measure the impact of a variety of structures.

To date, the Port has spent over $450,000 on the study, which will result in guidelines being developed for future structural development in the Willamette River that will minimize adverse affects or, in some cases, enhance aquatic life.

I give you those two examples as a way of pointing out that, for this region to continue to grow as an international center, we need to approach the river in a balanced fashion. We should not see the Columbia River from any single perspective. It fulfills many roles as a source of irrigation, recreation, transportation, power, and natural habitat. It is only common sense that to ensure continued growth of this region's trade possibilities, we need to ensure the environmental stability and integrity of this natural resource. We at the Port are committed to be an active partner toward that end.

There is no question that the Columbia has many diverse uses, not the least of which is the subject of your hearing today. The Port of Portland stands ready to support in any way we can the effort to gather scientific data on whether certain Columbia River salmon species are in danger of going extinct. I am not qualified to make the kinds of scientific evaluations that will be carried out by the National Marine Fisheries Service (NMFS) under the guidelines established by the Endangered Species Act. Those evaluations will have to be done by experts who are able to separate emotional arguments from scientific facts. It is our hope that NMFS will act quickly to assemble a panel of experts that can give us an unbiased evaluation of the wild salmon stocks.

Just as the spotted owl has served to focus attention on the forests of the Pacific Northwest, the recent filing to examine several species of salmon under the Endangered Species Act will focus the public's attention on the importance of the Columbia/Snake River system and its many uses.

If the spotted owl debate has taught us anything, it is that all factions must cooperate. The issue before us will have a tendency to stress the various interests related to the Columbia/Snake River system. I believe it should be the goal of all parties to resist narrow self-interest in order that this region can find a balanced approach to preserve the species as well as other economic interests that depend on the river.

In your hearings this week, you will be considering the opinions of many diverse groups. I believe it is essential that we all work together to find a method to ensure the continued survival of these species. The Port wants to work with all interested parties in developing plans that will protect wild fish stocks and minimize adverse economic impacts on this region. We think that the two items are not mutually exclusive, and that we can manage the river system both for economic and environmental benefits.

TESTIMONY OF CAPT. RUDY PESCHEL, U.S. COAST GUARD

I am Captain Rudy Peschel, Chief of Staff of the Thirteenth Coast Guard District, which consists of Oregon, Washington, Idaho and Montana. I am speaking on behalf of the District Commander, Rear Admiral Joseph E. Vorbach. Our offices are in Seattle.

The 465-mile Columbia/Snake River system is one of this nation's primary commercial and recreational waterways. Most of the Columbia River downstream from the dams is deep, with a controlled depth of 40 feet from the Pacific ocean to Portland at mile 105. Because of the river's shoals, banks, and turns, the U.S. Coast Guard maintains 265 federal aids to navigation from the entrance bar to greater Portland and 505 aids from Portland to the limit of the interstate waterway at Lewiston, Idaho. These federal aids range from large lighted buoys, ranges, and shore lights to simple daybeacons and unlighted buoys. These aids are necessary as the ship channels are directly adjacent to areas where the bottom rises sharply or where currents can rapidly push mariners into extremis. Anchorages in the river are charted. With the average draft of ocean going vessels at thirty-some-odd-feet, they can be vulnerable when current or changing tides cause them to swing on their anchors into passing traffic or shallow water.

In 1989, the Merchants Exchange of Portland counted 2166 ocean-going foreign and U.S. flag ships which called at ports within the system. 29.4 million tons of primarily bulk cargoes, including grain and lumber, were exported and 4.5 million tons of petroleum, iron and steel, alumina, cement, autos, and other products were imported. These tonnages exceeded all other major ports on the West Coast, including Puget Sound, San Francisco, and Los Angeles-Long Beach. One-third of the grain exported from the U.S. leaves by way of the Columbia. Over 121,000 twenty-foot equivalent container units were transported. Of significance is the fact that, unlike other West Coast ports, experts say there is considerable room for expansion of port facilities as the Pacific Rim trade continues to grow. The private sector states there are presently 25,000 acres among the various ports for sale or lease.

Tug and barge operations also play a significant role in the Columbia-Snake trade. Four major towboat companies move large quantities of bulk cargoes such as fertilizer, diesel fuel, gasoline, and caustic soda upriver while grain, wheat, and wood chips are moved down. Sand and gravel are moved within the system for the manufacture of concrete. Finally, a substantial container trade via barge traffic has been established with over 20,000 containers moved within the system last year.

Recreational boating and fishing activity has grown tremendously on the Columbia/Snake system over the last several years. We estimate there are 26,000 pleasure boaters presently using the river. In 1985, there was one boat for every 19 Oregonians. In 1989, there was a boat for every 16. The Hood River region on the Columbia has become a world-wide mecca for sailboarders and this segment of the boating public has recently seen an immense increase in activity.

Considering the commercial importance of the Columbia/Snake system and the environmental sensitivity and natural beauty of the region, the Coast Guard, the states of Oregon and Washington, and industry have conceived a number of projects and initiatives to enhance navigation safety and improve our pollution prevention and response posture. These include:

1. An improved communication system on the Columbia to eliminate "blind spots" and to facilitate the report of vessel collisions or fires.

2. A system of "announcing points" for larger commercial vessels, including tugs and tows, so vessel positions and intentions are better known and traffic becomes more compatible.

3. Examination of the need for improved oversight of pilots, possible closer regulation of tow boat towing equipment and methods, escort of tankers, and emergency means of tanker towing.

4. Reduction in the small boat congestion caused by the "Buoy 10" salmon fishery held annually at the mouth of the Columbia.

5. Better education of boaters and fishermen operating and anchoring in the ship channels and impeding large vessel traffic; and the education of windsurfers and jet skiers with regard to their operation in proximity to deep-draft vessels and tugs and tows.

6. Upgrade in contingency plans and the pollution response posture on the rivers. This has included a recent spill drill and activity to preposition more booms, skimmers, and other response equipment.

7. A continued high level of activity on the part of the Maritime Fire and Safety Association to improve the responsiveness of industry and government agencies to a major ship fire on the Columbia.

These projects and initiatives are in various stages of development and are excellent examples of what can be achieved through the cooperative efforts of industry, the states, and the federal government.

Thank you for the opportunity to comment on behalf of the U.S. Coast Guard.

TESTIMONY OF PETER J. BRIX, CHAIRMAN, BRIX MARITIME CORP.

Good morning. I am Peter J. Brix, Chairman and owner of Brix Maritime Corporation, of Portland. I want to thank you for the opportunity to testify this morning on the issue of the potential economic impact of a finding that certain Columbia River fish species are threatened or endangered. My comments will address the potential impact from implementing a recovery plan which results in changes in the manner in which river levels are managed.

From what I understand about the operation of the Endangered Species Act, no one in the room today, and no one from whom you will hear over the several days of hearings on this issue, has a clear picture of what will happen if a recovery plan for species regeneration is implemented. As a result, Senator, you probably will not hear testimony focusing clearly and precisely on the impact of this future decision. Precise forecasts cannot be made, exact dollar losses cannot be calculated, and only estimates of the economic ripples across our regional economy can be offered at this time. I hope this encourages moderate and thoughtful discussions, free from some of the harsher rhetoric that has marked public debate on the spotted owl in recent months. At the same time, however, the great uncertainties lying ahead for all those who may be impacted from an endangered fish recovery plan create public uneasiness—an edginess resulting from the lack of specifics and clarity. Unfortunately, this makes it easier for manipulation by extremists from either side. I hope that respected data—both scientific and economic—can be put before the public as soon as it can be developed.

After this digression, let me thank you for holding these field hearings up and down the Columbia River this week. From all I have seen and read about the issue of the spotted owl, the public policy debate on that issue would have been much advanced if a similar approach had been used early in debate over that issue. After you have gath-

ered and reviewed all this testimony from your field hearings, I ask you to consider inserting everyone's testimony into the CONGRESSIONAL RECORD, perhaps over a period of a few days. In this way, more of your constituents and other interested parties in the Northwest can have access to this broad information base. It will help us all address the many complexities of this issue.

I also want to salute your work several years ago in efforts to prevent a draconian system of inland waterway user fees from strangling our industry. You and Senator Hatfield worked hard to educate your Senate colleagues about the complexities of that issue. As you know, our fuel tax now is 11.1 cents a gallon, and will continue to climb. In addition, we thank you for your specific help on the issue of collection of diesel fuel taxes. It was another issue that threatened to disrupt our ability to provide the lowest cost transportation option for upriver shippers.

The River Is a Shared Resource

Before turning to specifics about our towboat and barge industry on the Columbia River, I want to offer a basic observation: our Columbia River is a shared resource. The men and women who work in our industry spend more time out on the river itself than any other witnesses from whom you will hear in any of your field hearings. We know the river, we respect it, and we recognize its many values for all users. The Columbia is the centerpiece of our region. To use the metaphor of a tree, the Columbia is the trunk, from which all the other branches and leaves grow and flower.

The river now serves many users. We in the river transportation business serve many communities and companies from the mouth of the river to points 475 miles inland on the Snake River. Towns and cities use the river to provide municipal and industrial water supplies. Utilities tap its flow for power to provide reasonably priced energy supplies which strengthen our Northwest economy. Those Oregonians old enough to recognize the name Vanport and recall the devastation caused by that flood appreciate the role Federal hydro projects play in flood control. Farms and ranches use river water for irrigation, and have changed the face and the economy of Eastern Oregon and Washington. Commercial and sport fishermen and women, Indian tribal fishing interests granted under various statutes and treaties, recreational boaters, sailboarders, swimmers and shoreside campers all depend on the river for their living and their recreation. Towns whose economies are tied to tourism, grain elevator operators, river port facilities—all are more groups who depend on the Columbia.

We who share this resource have benefitted to date because no single use for the river was dominant. Certainly, the declining fish stock of certain species is cause for concern, but I worry that the equilibrium now existing will be upset if a single dominant use pushes to the side the others whose uses have interwoven over time a web of interdependency. Let me make clear that I, and I think I can speak for my industry colleagues, support a plan for fish species regeneration, as long as it measured in scope so as not to create severe economic imbalances among other river users.

Towboat Industry

The Columbia River towboat and barge industry has been a integral part of life on and along the river for more than a century. Our industry has grown and prospered as the river has increased as an avenue of commerce. As you know, Senator, the main entrance to the Columbia County Courthouse in St. Helens faces the river—recognition when the courthouse was built of the importance of the river to the county. In today's interdependent economic world, the reach of the river extends far from its shoreline, as transportation, irrigation and population growth all have expanded the geographic area dependent on the river.

Our company began as Knappton Towboat in 1910, operating in the lower river providing towing and barge services and helping communities prosper along the river banks. My competitors also have long histories of service in the Columbia and Willamette Rivers. Tidewater, Western, Shaver, Bernhert and Brix Maritime are the five major towboat and barge companies serving customers along the Columbia River and its tributaries. Together, I estimate that we have 80 towboats and 225 barges, and we employ some 650 people on the water and in our offices. My company, for example, provides barging for grain, oil, logs, construction and other equipment, pulp and paper, wood chips, containers and sand and gravel. We also tow logs and provide ship assist services in the harbors. In addition, my competitors and I provide longer haul services, moving Oregon and Washington products for delivery in Puget Sound, Alaska, California, Hawaii, and elsewhere.

After Federal hydropower projects expanded slackwater navigation farther and farther upriver, we now can serve the Port of Lewiston, Idaho—which was only a dream to our grandfathers. Of course, the Port of Lewiston is not as far from an ocean as the Port of Tulsa. In both cases, a multipurpose Federal investment has enabled American products to compete in a global market by providing a low-cost transportation alternative that helps increase US exports.

The Petitioner's Perspective

The petitioners filing these fish petitions certainly will claim that there has been a price for this economic development, and will offer evidence of reduced fish totals as evidence. All of us who make our living on the river—and people from the other groups who use the river—and those others in the Northwest who value the river are concerned by the decline in the number of fish in these petitioned species. We do not want the concerns of these petitioners to be ignored or minimized. What we caution against is a recovery plan that creates severe economic dislocation to these many other users of the river.

Everything we can say about the problems we may face is hypothetical, for we do not yet have to use as a benchmark a "Jack Ward Thomas Report for Threatened or Endangered Fish of the Columbia River". I presume that a recovery plan will shift more attention to spilling water to increase the survivability of upriver migration of the species for which petitions have been filed. We are concerned about the impact of such an approach on our ability to serve our customers.

Northwest Export Products

At your hearing in Eastern Oregon, you will hear from some of our industry's customers—whose agricultural products need the lowest priced method to move their bulk cargoes down river to ocean terminals on the lower river. Once there, these Northwest products enter world commerce. These products are subject to intense global competition, as you know as a former Chairman of the Senate Finance Committee. If our industry's ability to provide reliable and relatively inexpensive cargo transportation for our customers were interrupted, critical export markets would be lost. Senator, you know how difficult it was to regain those foreign markets lost to Northwest agricultural producers during the time of the high dollar in the early 1980's.

For the most part, our customers carry price sensitive cargo, not high value added products where cost increases due to uncertainties in river transportation can be passed on and absorbed by a buyer to whom a small cost increase doesn't detract from the high value and cost of the product he is receiving. In the case of Columbia River cargo, America's competitors in Canada, Argentina, and Australia are ready to take advantage of any disruption in our ability to provide reliable and price competitive transportation to our customers. Their products already compete with Northwest exports in third country markets.

Specific Examples

To a traveller viewing the river from the highway, it may be hard to imagine that the impact of uncertain river levels could be severe. To a casual observer, it looks like a series of slackwater pools behind the dams. We can point to a threatening experience last summer as an example of how fluctuating river levels can wreak havoc with our ability to serve some of our customers. Senator, you recall our industry problems at Schultz Bar, where the drought had caused low river levels and created a serious navigation hazard in the Snake River above Ice Harbor Dam in Goose River Reservoir below Lower Granite Dam. In fact, your staff was particularly helpful in our negotiations with the Corps of Engineers. Future low water levels for this pool might be imposed if water levels are set by what is best only for upriver fish migration. The short-term resolution we reached with the Corps—a promise to keep the water levels at a certain height during low flow periods—might be jeopardized. (I will add that the Corps plans to dredge this area during their window from December through March.) In fact, as the ESA is explained to me, if a similar problem arises in the future, the solid commitments to our industry by the Corps then could be overridden by other Federal officials enforcing the rigid demands of an ESA recovery plan.

My own company faced another situation in our log towing operating on Dworshak Lake behind Dworshak Dam. It is one of the upper-most dams in the river system, so that when water from this pool is spilled to assist fish migration, or to sell power, the impact is immediate and devastating. Last summer, BPA lowered the water level so much that our log towing season was severely curtailed in providing logs to a Potlatch mill below the dam. In addition, the small town of Orofino, Idaho, faced a terrible problem. The town depends on summer water-based tourism, but the marina docks were high on the mud for much of the summer, due to the low water levels. For this summer, the Corps has told community leaders in Orofino that water levels will be kept higher to avoid these devastating consequences. What happens to these assurances in future years if a fish recovery plan calls for greater spillage from such reservoirs? I think BPA could be overruled. Other communities along Columbia system reservoirs whose livelihood comes from water-based tourism could face similar ca-

tastrophes if water level reductions during the tourist season to help fish migration leave marinas and boat launches high and dry—or at least high and muddy.

Barging Juvenile Salmon Today

I also am proud that Brix Maritime has been a partner in current Federal efforts to replenish fish stocks on the Columbia River system. We now barge juvenile salmon from upriver hatcheries to below Bonneville Dam. Even with the various efforts made to protect the downstream migration of these young salmon past the various river dams, the survival rate for these fish is enhanced when we bypass all their hazards to deliver these young fish back into the river below Bonneville. In the past two years, we have transported something over 25 million young salmon! Perhaps that qualifies us for recognition in the mass transit sector.

Conclusion

To conclude, we hope that some creative thinking can avoid the worst scenarios that you will hear described over the next few days. If twelve species, or even five species, are listed, the impact from the most draconian recovery plans could cut a swatch across the Northwest and cripple many sectors of our economy.

Although some high value products might be able to pass on increased costs of doing business resulting from imposition of severe fish recovery plans, sales of the products I know the most—those using barges for transportation—could be crippled. Our cargo is usually very cost sensitive. If our customers cannot meet a world price, or at least a coast-wide price, a sale can be lost. In the case of a severe recovery plan, exports could fall, markets from Alaska to California could be lost, and costs of cargo shipped between local ports could rise.

On behalf of our industry, I hope you can find a middle ground that supports a recovery plan that increases stocks of the threatened species, but is one that does not turn our regional economy upside down to do so.

Thank you for this opportunity to appear before you today. I will be pleased to answer any questions.

TESTIMONY OF TED HALLOCK, NORTHWEST POWER PLANNING COUNCIL

Mr. Chairman, my name is Ted Hallock. I am an Oregon member of the Northwest Power Planning Council, and I am here today representing the Council. As you know, the Council is an interstate compact agency created by the 1980 federal Northwest Power Act and the states of Washington, Oregon, Idaho and Montana.

The Council is charged with protecting and enhancing fish and wildlife in order to mitigate for damage caused by construction and operation of Columbia River Basin hydropower facilities. We are directed by Congress to pursue this mission while assuring the region an adequate, efficient, economical and reliable power supply. In short, we have a central and difficult role in balancing fish and power needs in the Columbia River system.

The Council is currently updating its regional power plan to address a need for new conservation and generating resources. In addition, the Council is nearing the end of an extensive basinwide salmon and steelhead planning effort that will identify future production levels of all stocks in the Columbia River Basin.

We are pleased to have this opportunity to testify before you. We appreciate the fact that the petitions recently filed under the Endangered Species Act will require careful consideration of a number of complex and controversial issues. This is a multi-faceted problem which involves power system operations, harvest regimes, water storage and flows, fisheries management, and potential conflicts among other water users such as irrigation, navigation and recreation interests. We believe that, as a body, the Council should not prejudge whether the National Marine Fisheries Service ultimately will decide to list species as threatened or endangered, however, we do intend to monitor carefully the National Marine Fisheries Service deliberations. Rollie Schmitten, Region Ten Director, has a difficult job to do, and we will help in this process. We believe it is essential that his deliberations be based on the best scientific information available. We understand he will involve a broad range of technical experts as advisors to ensure that the scientific basis for his decisions is solid.

The Council is fully committed to avoiding the extinction of salmon and steelhead, and we believe the Council can play a constructive role in the Endangered Species Act process.

I would like to discuss with you several Council activities that are relevant to your oversight of the Endangered Species Act process. At the beginning of the decade, the basin's annual salmon and steelhead runs were at an all-time low, an estimated 15 percent of the run size a century before. In the mid-1980s, salmon and steelhead runs improved—thanks in major part to a treaty between the United States and Canada to limit ocean salmon harvests. While last year's runs were down, the trend seems to point to improved runs for some salmon. Major efforts to complement treaty achievements have been put in place through the Council's fish and wildlife program.

Since 1982, the Council has launched three major fish and wildlife programs, with each subsequent edition adding measures designed to improve survival or increase production of fish and wildlife. Many of these measures have been implemented during the last decade. These include a water budget—stored waters released during the spring migration to help juvenile fish migrate to the sea, an historic 10-year agreement signed last year to spill water to secure safe fish passage over the dams, additional work on fish bypass systems at a number of dams, hatcheries, habitat restoration, and research projects. The Council also has designated 44,000 miles of Northwest streams as areas to be protected from hydropower development because of their important fish or wildlife habitat.

As the decade ends, the Council is at work on another major new component of the fish and wildlife program. We are now developing a systemwide plan for the 31 major subbasins that make up the Columbia Basin. The objective of this plan is to produce an integrated program and determine whether we can incerase salmon and steelhead runs in a biologically sound manner.

Mainstem Survival

As we have discussed with the Congressional delegation in the past, one of our priorities is to improve mainstem passage and survival in the Columbia River system as soon as possible. For the past nine years, the Council has emphasized the importance of improved passage at and between hydroelectric dams in the mainstem Columbia and Snake rivers. The Council's current program works to improve juvenile fish survival in the mainstem of the Columbia and Snake rivers in four ways: (1) screens to deflect young fish from turbine intakes, and bypass channels to route fish safely past dams are called for at all mainstem dams; (2) until these are in place and operational, a portion of the fish are passed over dams through spillways; (3) a water budget has been instituted to increase flows between dams during the April 15 through June 15 migration or when the majority of spring migrants are moving downstream; and (4) certain stocks are collected at upriver dams and transported downstream in barges and trucks to be released below Bonneville Dam.

Bypass Facilities

In 1990, the Pacific Northwest obtained a new ally in its attempts to improve salmon and steelhead survival in the mainstem of the Columbia. Funding for bypass improvements—channels through dams and underwater screens to divert fish from turbines—was incorporated into the president's budget for the first time in many years. Generally speaking, once installed, these bypass systems are expected to cut in half the number of fish killed at each dam. In an unscreened system, where fish may pass as many as nine dams before reaching the sea, more than three-quarters of the young migrants can be killed in the turbines.

Some of the major dams still have no screens or bypass channels. Others have systems that could and should be upgraded. Bonneville, John Day, McNary, Little Goose and Lower Granite dams all have bypass systems or are in the process of developing or improving their systems. Lower Monumental, Ice Harbor and The Dalles dams are unscreened. On the Mid-Columbia, Wells Dam has a unique design that enables fish to pass safely, and operators at Priest Rapids, Wanapum, Rocky Reach and Rock Island dams are all in the process of developing and testing prototype screening and bypass systems at their projects.

Protecting young salmon and steelhead as they migrate from their upriver spawning grounds to the sea is the Council's number one fish-related priority. Gaining support from the federal budgetary process this year has been a tremendous boost to the salmon recovery effort in the region. However, the $14.8 million allocated in the administration's 1991 budget to bypass facilities only covers Lower Granite, Little Goose, Lower Monumental and McNary dams. Work at Ice Harbor and The Dalles dams is not included in that budget.

We deeply appreciate the substantial support from all the members of our Congressional delegation in expediting the installation and upgrading of these facilities. Without that support, historical opposition of the U.S. Army Corps of Engineers and the Federal Office of Management and Budget could have delayed these facilities well into the next century.

We are seeking additional funds in 1991 to expedite screening projects at Ice Harbor and The Dalles dams. At these two projects, the Corps of Engineers has argued that installation of bypass screens is not economically justified. The Council has urged consistently that properly conducted economic analysis, coupled with the national and international importance of salmon and steelhead runs in the Columbia River system, argues strongly for the early installation of these facilities. It is our fervent hope that mechanical bypass facilities can be completed at these projects in the mid-1900's. This will improve the survival of mi-

grating fish. In addition, effectively operating screens also will permit the region to eliminate spill and associated lost power system revenues each year.

Spill Plan

Until permanent bypass systems are in place and functioning properly at all mainstem dams in the path of migrating fish, the Council has called on project operators to spill water to carry fish away from dam turbines. Because the fish-laden water is dumped over the dams rather than run through turbines to generate electricity, spills are costly in terms of lost power revenues. Depending on power prices and customer demand, spilling water costs the Northwest approximately $15 million each year. (Total fish and wildlife program costs run about $100 million each year.) Consequently, the Council and other fishery interests in the region are pushing the Corps of Engineers to hasten plans to add permanent fish passage improvements for all the dams.

In 1989, after 18 months of negotiations, a long-term spill plan was developed by state and federal fish and wildlife agencies, basin Indian tribes, utilities, the Bonneville Power Administration and the Council. It calls for specific spill levels to carry juvenile fish to the sea past Lower Monumental, Ice Harbor, John Day and The Dalles dams—all operated by the U.S. Army Corps of Engineers. The Corps has only agreed to comply with the spill agreement on a year-to-year basis. In 1989 and 1990, the spill agreement was implemented.

Water Budget

The third aspect of the fish and wildlife program's mainstem passage strategy is the water budget—a specific amount of water that is made up of natural runoff and releases from upriver dams on the Columbia and Snake rivers to help fish move rapidly through the system. The water budget is essential, because fish undergo an adaptation from freshwater to saltwater environments. They must be in saltwater by the time their bodies have completed this transformation.

In the past, spring runoff has been held in the dams so it may be 'used' for power generation later in the year. With the water budget, part of the spring runoff is released when the majority of the fish are migrating out of the basin. This speeds the fish through the system, helping them make the trip in the correct amount of time and protecting them from long delays that also expose them to predators, warmer water and diseases.

The water budget on the Columbia River has not been controversial in recent years. The mainstem Columbia has substantial storage in Grand Coulee and other headwater reservoirs which enables us to provide the full water budget. However, the water budget on the Snake River is made up largely from natural flows. In recent low-flow years, adequate water for fish has not always been available.

In the Snake River, we can store only about one-third of the water budget flows. The remaining two-thirds depends upon snowpack, precipitation and runoff. We have been forced to rely on the weather for much of the flow in the Snake River.

The Council's program calls for federal project operators to evaluate the feasibility of improving water budget flows by modifying flood control requirements, constructing new reservoirs, and using uncontracted storage water. More work needs to be done by the federal agencies in the area to evaluate all options for improving water flows in the Snake River.

The Council is ready to consider proposals to improve passage survival in the Snake River leg of the system. The flow proposal developed by the Columbia Basin Fish and Wildlife Authority focuses particular attention on the Snake River. The Council has urged the Authority to provide more specific documentation of the biological benefits expected from the proposed increased flows. We will forward a copy of these materials to you as soon as we receive them.

Transportation

The fourth aspect of the fish and wildlife program's effort to improve fish survival during downstream migrations is the Corps' fish transportation program. In 1989, the Corps completed work on two new barges, to bring its fish transport fleet to six. Funds added by Congress in prior years were crucial to obtaining these barges. With the new barges and improved fish handling facilities, the Corps this year expects to transport a record number of young steelhead and chinook from the upper reaches of the Snake and Columbia rivers to be released below Bonneville Dam.

Producing More Fish

The Council's program supports a three-part approach to producing more salmon and steelhead through a combination of natural poduction, hatchery production, and supplementation of wild and natural fish produced by releasing hatchery fish into natural habitats. To advance this effort, the Council has adopted measures to provide water flows and temperatures suitable for natural and wild propagation, inprove habitat and tributary passage, increase knowledge of appropriate timing and sites for release of hatchery fish, improve existing artificial production facilities, and build new hatcheries, mostly as outplanting facilities.

Bonneville funds have completed some 30 sets of projects to improve tributary passage and repair habitat for salmon and steelhead in the Clearwater, Deschutes, Grande Ronde, John Day, Salmon, Umatilla, Wenatchee, Willamette and Yakima River subbasins. There are more than 80 other projects to improve natural and wild production of salmon and steelhead. More than 2,000 miles of streams have been improved for salmon and steelhead. Typically, these projects involve fencing and replanting streambanks and restoring structure in the streams to provide cover, rearing areas and other essential elements of habitat. Another 1,000 miles of habitat have been opened to fish production by improving passage at or removing barriers.

System Planning

As I mentioned earlier, the region is currently involved in a process to identify additional ways to increase salmon and steelhead runs basinwide. This will be the first detailed basinwide plan for the Columbia River. It was initiated in 1987 and is scheduled for completion in 1991. As a planning target, we have been driven by an aim to increase the runs of salmon and steelhead in the basin by some 2.5 million additional fish, approximately doubling current runs. However, we are not simply seeking to increase the numbers of fish. The Council is convinced of the need to conserve genetic resources of the naturally producing and hatchery salmon and steelhead in the Columbia River Basin.

The historical salmon and steelhead losses experienced in the Columbia River Basin cannot be described simply as a sizeable loss in the number of fish produced in this river system. We also lost an enormous amount of genetic diversity, including entire runs of fish that spawned primarily in the upper reaches of the river system. Prior to 1850, when the Columbia River system was home to some 10 to 16 million returning adult salmon and steelhead each year, these fish were 100% wild spawners. At the present time, with fish runs reduced to some 2.5 million fish, nearly 80% of the runs are produced in hatcheries. Considerably fewer than one million fish are spawning naturally.

To protect naturally spawning populations, we have called on the Columbia River Basin fishery managers (who are preparing our proposed salmon and steelhead plan under contract) to identify clearly the salmon and steelhead stocks which, in their opinion, should be addressed as the highest priority. We have asked that two types of priorities be identified: 1) stocks that are marginal and need immediate help and 2) stocks that have the potential to increase significantly and add to the population of fish in the basin. We believe the marginal stocks are of critical importance and should be addressed on an expedited schedule.

We are scheduled to receive the agencies and tribes' final Columbia Basin system plan by the end of the year. A draft will be available this summer. Existing data on Columbia River salmon and steelhead runs have been assembled and analyzed over the last two years, and the status of these runs and trends in their productivity are now being determined. We anticipate that this information will be used by the National Marine Fisheries Service in its status review under the Endangered Species Act.

With this information in hand, the Council is committed to move quickly to address marginal stocks. It is important to note that any Council actions in this area would not be intended to prejudge the outcome of the deliberations under the Endangered Species Act. They would be a continuation of the Council's current effort to help high priority fish stocks and habitat. In addition, any early implementation activities under our system plan will be designed so that they will not undermine a coordinated basinwide approach to salmon and steelhead recovery.

Willamette River and Salmon River Actions

In recent months, the Council has taken two actions to address areas of the basin where specific stocks appear to need high priority attention. First, while we are encouraged that the Willamette River Basin spring chinook run is returning in large numbers and supports a highly visible fishery in the spring of the year, we also are aware that the naturally spawning component of this run is quite small and is primarily found in the McKenzie and Santiam tributaries to the Williamette system. Federal dams on those tributaries have altered river temperatures in a way that delays adult chinook migration in the spring and accelerates juvenile salmon emergence and migration in the early winter. These temperature changes reduce the survival levels of these important stocks. As a result, we have urged the U.S. Army Corps of Engineers to conclude expeditiously its temperature control studies in those basins and proceed as soon as practicable with the installation of temperature control devices at Blue River and Cougar dams in the McKenzie system and Detroit Dam in the Santiam. We have urged that additional funds be provided in fiscal

years 1991 and 1992 to expedite the conclusion of the studies and necessary design work. Protection of these valuable naturally spawning fish will help ensure that the Williamette River chinook run is sustainable over the long term. I cite this as an example of the kind of activity we hope to pursue basinwide as the system plan is reviewed.

More recently, the Council has reviewed early drafts of the Salmon River subbasin plan being prepared under our comprehensive system planning effort. That plan suggested a couple of ways that the beleaguered Salmon River sockeye run might be rehabilitated. One involves the use of indigenous, landlocked kokanee in the upper Salmon to rebuild the migrating sockeye run. A second alternative, one that would be pursued only if the first could not be implemented, would involve the reintroduction of sockeye stock from elsewhere. The Council has corresponded with the Idaho Department of Fish and Game, the Shoshone-Bannock Tribes and the Nez Perce Tribe urging that they expedite their review of these alternatives. The Council has indicated a willingness to consider them for amendment into the fish and wildlife program if they are found feasible and prudent to implement. The Council and other parties have expressed an interest in developing other early implementation activities as needed to address critical stocks in the basin. Once again, I must emphasize that these actions are not taken to prejudge the outcome of Endangered Species Act deliberations; they are part of our planning process started over two years ago with the intention of identifying marginal stocks and the actions to protect and rebuild them.

Conclusion

The region, working together and with the help of Congress, has accomplished much in the last nine years, but obviously, more remains to be done. We have established a "water budget" which increases flows each spring during downstream fish migration. We have developed a spill program at the dams to aid fish migration until bypass screens are installed. We have pushed hard for installation of new and improved screens and bypass facilities at the federal dams. We established protected areas to ban hydro development in critical fish habitat. We have invested substantially in fish habitat protection and restoration projects throughout the basin. We now are speeding measures on marginal stocks through the system planning process.

The endangered species issue, however, cannot be adequately addressed by the region in a comprehensive manner solely through the Council's Fish and Wildlife Program. Any comprehensive approach must include all the divergent interests in the basin, all the managers and users of the Columbia River system. The fishery managers, the irrigators, the waterway and recreation interests, the harvest regulators, the utilities, the dam and reservoir operators, and others must all take part in any effort to address this issue in a thorough way.

The Council is ready to assist in any way we can to address the salmon and steelhead issues we face in the Columbia River Basin. We look forward to working with you, the other members of our Congressional delegation and those in the region in resolving these significant concerns. Thank you for the opportunity to testify, and I will be happy to answer any questions you might have.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: All nominations on the Executive Calendar except Calendar No. 876 and 903, and all nominations reported today with the exception of the nomination of Burt W. Corneby to be Superintendent of the Mint.

I further ask uanimous consent that all nominees be confirmed en bloc, with any statements appearing in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; and that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NATIONAL LABOR RELATIONS BOARD

Clifford R. Oviatt, Jr., of Virginia, to be a Member of the National Labor Relations Board for the remainder of the term expiring August 27, 1993.

Dennis M. Devaney, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 1994.

THE JUDICIARY

Hart T. Mankin, of Delaware, to be an Associate Judge of the United States Court of Veterans Appeals for the term of fifteen years.

Ronald M. Holdaway, of Wyoming, to be an Associate Judge of the United States Court of Veterans Appeals for the term of fifteen years.

Donald L. Ivers, of New Mexico, to be an Associate Judge of the United States Court of Veterans Appeals for the term of fifteen years.

Jonathan R. Steinberg, of Maryland, to be an Associate Judge of the United States Court of Veterans Appeals for the term of fifteen years.

DEPARTMENT OF VETERANS AFFAIRS

James Wilson Holsinger, Jr., of Virginia, to be Chief Medical Director, Department of Veterans Affairs, for a term of four years.

DEPARTMENT OF STATE

Philip S. Kaplan, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy United States Representative to the Negotiations on Conventional Armed Forces in Europe (CFE).

Thomas W. Simons, Jr., of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Hugh Kenneth Hill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bulgaria.

Aurelia Erskine Brazeal, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Roy M. Huffington, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

DEPARTMENT OF ENERGY

Paul L. Ziemer, of Indiana, to be an Assistant Secretary of Energy (Environment, Safety and Health).

Calvin A. Kent, of Texas, to be Administrator of the Energy Information Administration.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

David H. Leroy, of Idaho, to be Nuclear Waste Negotiator.

DEPARTMENT OF COMMERCE

Barbara Everitt Bryant, of Michigan, to be Director of the Census, vice John G. Keane, resigned, to which position she was appointed during the last recess of the Senate.

DEPARTMENT OF VETERANS AFFAIRS

Stephen Anthony Trodden, of Virginia, to be Inspector General, Department of Veterans Affairs.

THE JUDICIARY

Paul V. Niemeyer, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Randall R. Rader, of Virginia, to be United States Circuit Judge for the Federal Circuit.

John H. McBryde, of Texas, to be United States District Judge for the Northern District of Texas.

Michael Boudin, of the District of Columbia, to be United States District Judge for the District of Columbia vice John H. Pratt, retired.

Carol Bagley Amon, of New York, to be United States District Judge for the Eastern District of New York vice Mark A. Costantino, retired.

William M. Skretny, of New York, to be United States District Judge for the Western District of New York vice John T. Curtin, retired.

Fred I. Parker, of Vermont, to be United States District Judge for the District of Vermont vice Albert W. Coffrin, retired.

NATIONAL TRANSPORTATION SAFETY BOARD

Christopher A. Hart, of the District of Columbia, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1992.

NATIONAL SCIENCE FOUNDATION

Arden L. Bement, Jr., of Ohio, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 1994.

ACTION AGENCY

Richard V. Bertain, of California, to be Associate Director of the ACTION Agency.

NATIONAL LABOR RELATIONS BOARD

John N. Raudabaugh, of Georgia, to be a Member of the National Labor Relations Board for the remainder of the term expiring December 16, 1992.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Elmer B. Staats, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship

Foundation for the term expiring December 10, 1995.

NATIONAL MEDIATION BOARD

Kimberly A. Madigan, of Illinois, to be a Member of the National Mediation Board for the term expiring July 1, 1993.

DEPARTMENT OF JUSTICE

Fred L. Foreman, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

Stanley A. Twardy, Jr., of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Joe D. Whitley, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Anthony L. Bennett, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Lynn H. Duncan, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

STATE JUSTICE INSTITUTE

Keith McNamara, of Ohio, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1992.

U.S. POSTAL SERVICE

LeGree Sylvia Daniels, of Pennsylvania, to be a Governor of the United States Postal Service for the term expiring December 8, 1998.

DEPARTMENT OF LABOR

Julian W. De La Rosa, of Texas, to be Inspector General, Department of Labor, vice James Brian Hyland, resigned.

THE JUDICIARY

Mary Ellen Abrecht, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Kaye K. Christian, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Frederick D. Dorsey, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ellen Segal Huvelle, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Jose M. Lopez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Joan Z. McAvoy, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Gregory E. Mize, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Patricia A. Wynn, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

OFFICE OF PERSONNEL MANAGEMENT

Patrick E. McFarland, of Virginia, to be Inspector General, Office of Personnel Management.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Wallace Elmer Stickney, of New Hampshire, to be Director of the Federal Emergency Management Agency.

THE JUDICIARY

John Henry Bayly, Jr., of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda Turner Hamilton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

OFFICE OF PERSONNEL MANAGEMENT

Stephen D. Potts, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

U.S. INFORMATION AGENCY

George F. Murphy, Jr., of Maryland, to be Inspector General, United States Information Agency.

THE JUDICIARY

Stephen G. Milliken, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Timothy John McBride, of Michigan, to be an Assistant Secretary of Commerce; and

C. M. Schauerte, of Texas, to be Federal Insurance Administrator, Federal Emergency Management Agency.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1995; and

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

By Mr. PELL, from the Committee on Foreign Relations:

Kenneth Noel Peltier, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

Townsend B. Friedman, Jr., of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

Edward William Gnehm, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

Genta Hawkins Holmes, of California, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

*Lieutenant General Claude M. Kicklighter, USA, to be reassigned in the grade of lieutenant general (Reference No. 825)

*In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (Lyle R. Hall) (Reference No. 976)

*In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (William A. Heine III) (Reference No. 977)

*In the Naval Reserve there is 1 promotion to the grade of rear admiral (lower half) (Roger W. Triftshauser) (Reference No. 978)

*In the Navy there are 2 promotions to the grade of rear admiral (lower half) (list begins with Patrick W. Drennon) (Reference No. 981)

*In the Naval Reserve there are 6 promotions to the grade of rear admiral (lower half) (list begins with Grant Thomas Hollett, Jr.) (Reference No. 982)

*In the Navy there are 21 promotions to the grade of rear admiral (list begins with Richard Charles Allen) (Reference No. 1058)

*In the Naval Reserve there are two promotions to the grade of rear admiral (list begins with Gerald E. Gilbert) (Reference No. 1088)

*Rear Admiral (lower half) Brian T. Sheehan, USNR, to be rear admiral (Reference No. 1089)

**In the Navy there are 339 promotions to the grade of captain (list begins with Robert James Abbott) (Reference No. 1098)

**In the Naval Reserve there are 437 promotions to the grade of captain (list begins with David Donald Abelson) (Reference No. 1155)

**In the Navy there are 178 promotions to the grade of captain (list begins with Stephen Albert Baez) (Reference No. 1174)

*Rear Admiral (lower half) William C. Bowes, USN, to be rear admiral (Reference No. 1184)

*In the Naval Reserve there are two promotions to the grade of rear admiral (lower half) (list begins with William D. Sullins, Jr.) (Reference No. 1200)

*Rear Admiral Stephen F. Loftus, USN, to be vice admiral (Reference No. 1215)

*Rear Admiral (Selectee) William A. Owens, USN, to be vice admiral (Reference No. 1242)

**In the Navy there are 820 promotions to the grade of commander (list begins with Robert John Abel) (Reference No. 1255)

*Vice Admiral Stanley R. Arthur, USN, for reappointment in the grade of vice admiral (Reference No. 1267)

**In the Navy there are 478 promotions to the grade of commander (list begins with Sandra Kraus Adsit) (Reference No. 1302)

**In the Naval Reserve there are 806 promotions to the grade of commander (list begins with Ariel Abriam) (Reference No. 1337)

**In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Charles T. Wallace) (Reference No. 1356)

**In the Air Force Reserve there are 35 promotions to the grade of lieutenant colonel (list begins with Stephen E. Abshier) (Reference No. 1357)

**In the Army there are 7 promotions to the grade of colonel and below (list begins with David L. Michaels) (Reference No. 1358)

**In the Army there are 43 promotions to the grade of colonel and below (list begins with James W. Cartwright) (Reference No. 1359)

**In the Air Force Reserve there are 12 appointments to the grade of colonel and below (list begins with Deo K. Bhati) (Reference No. 1374)

*In the Air Force Reserve there are 23 appointments to the grade of major general and below (list begins with Russell C. Davis) (Reference No. 1381)

*In the Army Reserve there are 2 appointments to the grade of major general and below (list begins with Thomas T. Thompson) (Reference No. 1382)

*Lieutenant General Ernest T. Cook, Jr., USMC for reappointment in the grade of lieutenant general (Reference No. 1383)

*Major General Walter E. Boomer, USMC, to be lieutenant general (Reference No. 1384)

**In the Air Force there is one appointment in the grade of second lieutenant (David B. Cox) (Reference No. 1391)

**In the Army there are 3 promotions to the grade of lieutenant colonel (list begins with William H. Jockheck) (Reference No. 1392)

**In the Navy there are 37 appointments to the grade of ensign (list begins with Marquerite R. Boyd) (Reference No. 1393)

**In the Navy and Naval Reserve there are 21 appointments and reappointments to the grade of commander and below (list begins with James E. Taylor) (Reference No. 1394)

**In the Air Force Reserve there are 73 promotions to the grade of colonel (list begins with Jacob C. Armstrong, Jr.) (Reference No. 1395)

**In the Air Force there are 256 appointments to the grade of second lieutenant (list begins with Sean J. Allburn) (Reference No. 1396)

**In the Naval Reserve there are 157 promotions to the grade of captain (list begins with Harvey C. Aaron) (Reference No. 1397)

**In the Naval Reserve there are 360 promotions to the grade of commander (list begins with Robert Enrique Aguirre) (Reference No. 1398)

**In the Air Force there are 22 promotions to the grade of colonel and below (list begins with Charles G. Jones) (Reference No. 1400)

**In the Air Force Reserve there are 30 promotions to the grade of lieutenant colonel (list begins with Loren K. Acker) (Reference No. 1401)

**In the Army there are 6 appointments to the grade of captain and below (list begins with Lawrence G. Ferguson) (Reference No. 1402)

**In the Navy there are 48 appointments to the grade of ensign (list begins with George T. Adams) (Reference No. 1403)

**In the Navy there are 1,267 promotions to the grade of lieutenant commander (list begins with Graig Sidney Abernathy) (Reference No. 1408)

**In the Air Force there are 47 appointments to the grade of colonel and below (list begins with Djalma A. Braga) (Reference No. 1419)

**In the Army there are 3 promotions to the grade of major (list begins with Robert L. Beaver, Jr.) (Reference No. 1420)

**In the Army there are 52 promotions to the grade of colonel and below (list begins with John R. Ady) (Reference No. 1421)

**In the Naval Reserve there are 12 appointments to the grade of commander (list begins with Gary L. Biesecker) (Reference No. 1422)

**In the Army there are 694 promotions to the grade of major (list begins with Michael R. Arcuri) (Reference No. 1423)

**In the Marine Corps Reserve there are 93 appointments to the grade of colonel (list begins with Michael G. Akin) (Reference No. 1424)

**In the Navy there are 956 promotions to the grade of lieutenant commander (list begins with Motaz Albahra) (Reference No. 1425)

**In the Army Reserve there are 76 promotions to the grade of colonel and below (list begins with Richard H. Clark) (Reference No. 1426)

TOTAL.—7,439.

NOMINATIONS OF ASSOCIATE JUDGES OF THE U.S. COURT OF VETERANS APPEALS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge confirmation of the nominations of Hart T. Mankin, Ronald M. Holdaway, Donald L. Ivers, and Jonathan R. Steinberg to be associate judges on the U.S. Court of Veterans Appeals. Hearings were held by our committee on February 8, 1990, to consider the Mankin and Holdaway nominations and on June 15, 1990, to consider the Ivers and Steinberg nominations. On June 19, all 11 members of the committee voted unanimously to report these nominations favorably en bloc.

BACKGROUND

Today's action is yet another significant milestone in the 14-year effort to provide judicial review of VA decisions denying benefits claims. Earlier this year, on February 7, the court heard its first oral argument and on February 23, issued its ruling in that case. The confirmation and appointment of these nominees would bring the number of judges sitting on the Court of Veterans Appeals to its full complement of seven.

It has been especially gratifying to me and to the other members of the committee to witness the inauguration of this court. For all of us who have been a part of its development, and for veterans across the Nation, the court's existence embodies our Nation's commitment to providing to all who answered the call a full measure of justice in their relations with their Government.

I would like to summarize briefly the qualifications of each of the four nominees, all of whom are very well qualified to serve on this court.

HART T. MANKIN

Mr. President, Hark Mankin received his undergraduate degree from the University of the South in 1954, and his law degree from the University of Houston in 1960. He was on active duty in the U.S. Air Force from 1954 to 1957, the last 2 years of which were spent with the 3750th Transportation Squadron at Sheppard Air Force Base, TX. He continued to serve in the Air Force Reserve until he was discharged as a captain in 1965.

His professional career has included considerable time as a practicing attorney in the private sector as well as two periods of high Federal service—from 1969 to 1971, as general counsel for the General Services Administration, where he was honored by a Special Achievement Award, and from 1971 to 1973, as general counsel for the Department of the Navy, where he received a Distinguished Public Service Award. From 1973 to 1989, he served as vice president and assistant general counsel and later as general counsel of the Columbia Gas System Service Corp., a registered public utility holding company in Wilmington, DE. Following his retirement from Columbia Gas, he joined the faculty of the Widener University School of Law in Wilmington as an adjunct professor of law.

Hart Mankin has also devoted significant time and energy to many civic organizations, including the Delaware Humanities Council, the Delaware State Chamber of Commerce, and the American Center for Enterprise Education.

At the committee's confirmation hearing, Mr. Mankin answered satisfactorily my questions regarding the need for the appearance, as well as the reality, of fairness and objectivity on the part of the court's judges. When asked whether his work as the top attorney for the General Services Administration and later for the Department of the Navy might suggest a pro-Government bias, he stressed that he would view each case before him on its individual merits.

Mr. President, I have every confidence, as should potential appellants to the court, that as a judge Hart Mankin would retain the independence of thought and judgment that has been so evident throughout his entire career. His distinguished background, coupled with the obvious legal skills he would bring to the bench, will contribute to the court's stature, and I believe he is intent on working to ensure that the court fulfills its mandate to provide a full measure of justice to our Nation's veterans.

Mr. Mankin completed the committee's basic questionnaire for Presidential nominees and the extensive supplemental questionnaire for nominees to the court, and the committee received an October 27, 1989, letter form the Office of Government Ethics certifying that he is in compliance with applicable laws and regulations governing conflicts of interest. The published writings of the nominee were reviewed by committee staff. I reviewed the FBI reports on Mr. Mankin and found no bar to his confirmation.

RONALD M. HOLDAWAY

Mr. President, Ron Holdaway received both his undergraduate and law degrees from the University of Wyoming in 1957 and 1959, respectively. He retired, in 1989, from the U.S. Army as a brigadier general in the Judge Advocate General Corps after 33 years of distinguished service, During his long service, he gained substantial experience with the broad range of legal problems and issues to which service personnel and their families are exposed.

During his Army career, he served as judge advocate for the U.S. Army in Europe, assistant judge advocate general for civil law, and the executive officer to the Judge Advocate General. He also taught criminal law in the

JAG school and from 1969 to 1970, served as staff judge advocate for the 1st Calvary Division in Vietnam.

Ron Holdaway's military education included attendance at the National Defense University, the U.S. Army Command and General staff College, and the Judge Advocate General's School. He has received two Distinguished Service Medals, the Legion of Merit, the Bronze Star, the Meritorious Service Medal, the Air Medal, the Army Commendation Medal, the Vietnam Service Medal, and the Vietnam Campaign Medal with four campaign stars.

His last assignments were as commander of the U.S. Army Legal Counsel Services Agency and chief judge of the U.S. Army Court of Military Review, the Army's highest appellate tribunal, from 1987 to 1989. His experience on this highest Army court should serve him well on the court of Veterans Appeals.

At his confirmation hearing, Ron Holdaway responded well to my questions regarding the need for the appearance, as well as the reality, of fairness and objectivity on the part of the court's judges. When asked if his 33-year military career might possibly have left him with a pro-Government bias, Ron Holdaway noted that many aspects of his military career—such as his 7 years as a defense counsel for military personnel accused of wrongdoing and the many recommendations he made while a staff judge advocate not to pursue charges against accused individuals—illustrate his basic sense of fair play and concern for the individual.

Mr. President, I was very impressed by the thoughtful and direct manner in which Ron Holdaway addressed my concerns. I am convinced—both by his outstanding military career and by his studied responses to my hearing questions—that he will bring to the court a strong sense of fairness and independence and true dedication. Appellants to the court should feel secure that cases before the court will receive his objective consideration.

Ron Holdaway completed the committee's basic questionnaire for Presidential nominees and the extensive supplemental questionnaire for nominees to the court, and the committee received a letter from the Office of Government Ethics dated January 31, 1990, certifying that he is in compliance with applicable laws and regulations governing conflicts of interest. His published writings, as well as the Army performance evaluations he supplied to the committee, were reviewed by committee staff. I reviewed his FBI report and found no bar to his confirmation.

DONALD L. IVERS

Mr. President, Don Ivers graduated from the University of New Mexico in June 1963, and in August of that year entered the Army. During his 5 years on active duty, he served tours in West Germany as a tank platoon leader, reconnaissance platoon leader, and battalion operations officer. First Lieutenant, and then Captain, Ivers later served as basic training company commander at the U.S. Army Training Center at Fort Campbell, KY. He then spent 7 months at Fort Knox as a troop commander and troop executive officer to the 3d Squadron of the 17th Air Calvary. He went with that squadron when it shipped out to Vietnam in October 1967, and served as its assistant operations officer and liaison officer in Vietnam. Captain Ivers was honorably discharged in 1968, having been awarded the Bronze Star, the Air Medal, the Army Commendation Medal, and the Joint Services Achievement Medal.

After discharge from the Army, Don attended American University's Washington College of Law, from which he received his law degree in 1971. Throughout his last year of law school and following graduation, he was a law clerk at the District of Columbia Superior Court, and then served a 14-month clerkship with the District of Columbia Court of Appeals. Don then worked for 6 years as an attorney in private practice and served 3 years as the chief counsel to the Republican National Committee. Since 1981, he has held a series of positions in the executive branch—chief counsel to the Federal Highway Administration, Director of the Safety Review Task Force at the Department of Transportation, and, from 1985 to 1989, general counsel of the Veterans' Administration and acting general counsel of the Department of Veterans Affairs. Currently, he is serving as Assistant to the Secretary of Veterans Affairs.

Don Ivers was questioned extensively, both at his confirmation hearing and in prehearing questions, about his ability, if confirmed, to render an impartial decision in a case involving an issue on which he had worked in his previous capacity as VA general counsel. His responses indicated a sensitivity to the great importance of the appearance of impartiality that could arise if he were to judge matters on which he had previously expressed an opinion. Mr. Ivers indicated that he has already begun to take steps to establish a system whereby cases involving general counsel opinions issued during his tenure at the VA would be identified and called to both his attention as well as that of the parties. He also indicated at the hearing that he would continue to reflect on this issue and consult with others in the further development of his policy in this area.

Mr. President, I believe Don Ivers' responses reflect the independence of thought and judgment so vital to all judges and to the credibility of this court. The nominee's statements, when viewed with his distinguished record of public service, have convinced me, and should convince potential appellants to the court, that he would give any case before the court fair and objective consideration. Secretary of Veterans Affairs Edward J. Derwinski said at Don Ivers' hearing that the nominee would bring a "tremendous knowledge of the VA claims process to the bench" and that he is particularly well-suited to serve as a judge on this new court.

Mr. Ivers completed the committee's basic questionnaire for Presidential nominees and the extensive supplemental questionnaire for nominees to the court, and the committee received a February 6, 1990, letter from the Office of Government Ethics certifying that he is in compliance with applicable laws and regulations governing conflicts of interest. I reviewed the FBI reports on Mr. Ivers and found no bar to his confirmation.

JONATHAN R. STEINBERG

Mr. President, Jon Steinberg graduated from Cornell University in 1960. He then attended the University of Pennsylvania Law School, from which he graduated cum laude and as a member of the Order of the Coif in 1963. He served as research editor of the University of Pennsylvania Law Review, and a student article he wrote for the law review was published in 1962. After law school graduation, Jon served for 11 months as law clerk to then-Judge Warren Burger of the U.S. Court of Appeals for the D.C. Circuit, who, of course, went on to become the Chief Justice of the United States.

After completing his clerkship, Jon server 4½ years at the Peace Corps, first as an attorney advisor and then as deputy general counsel. In 1969, I hired John as counsel to the Subcommittee on Veterans' Affairs of the Senate Committee on Labor and Public Welfare. From 1971 to 1973, Jon was counsel to both the Subcommittee on Railroad Retirement and the Subcommittee on Human Resources, and he continued as counsel of the latter until 1977.

In 1977, when I had the honor of assuming the chairmanship of the Veterans' Affairs Committee, Jon became the committee's staff director and chief counsel. He remained in that position until 1981, when the Republican Party became the majority party in the Senate and Jon became minority chief counsel and staff director. In 1987 the Democrats once again became the majority party in the Senate and Jon resumed the position of staff director and chief counsel—a position he has held since.

Jon has proven himself to be a tireless advocate for veterans—all veterans. I cannot begin to describe the tremendous positive impact Jon has had on veterans law and programs and the

enormous wealth of knowledge he has regarding veterans laws and their history in the Congress. His nomination to be a judge on the U.S. Court of Veterans Appeals is testament to his brilliance, his creativity, his energy, and his hard work. I know he will be a distinguished judge.

Jon has played a major role in the development of every piece of veterans' legislation enacted by the Congress in the last 21 years, as well as many significant measures in other areas on which he has assisted me during this time. He also engaged in very extensive, effective oversight of veterans programs to ensure that congressional intent was carried out and that the programs were implemented effectively and with high regard and compassion for individual veterans and their families. In addition, he has assisted me in my ongoing efforts to secure adequate funding for veterans programs.

Throughout his work in the Senate, Jon's commitment to the veteran, his devotion to duty, his love of country, his total dedication to the institutions of our democracy, and to fair play for all individuals, have never been in question.

At the committee's confirmation hearing, we heard testimony from a wide range of veterans leaders, administration officials and committee members on behalf of Jon Steinberg's nomination. All pointed to Jon's impressive legal qualifications and to his 21 years of dedicated service on behalf of our Nation's veterans.

Secretary of Veterans Affairs Ed Derwinski spoke of the "total excellence" Jon would bring to the court, and the Secretary noted that much of the law dealing with veterans "came from the mind and pen and energy of Jon Steinberg." Deputy Secretary Tony Principi echoed Secretary Derwinski's high praise, noting the long and close working relationship he has had with Jon since 1984, when Tony became the committee's chief counsel and staff director and Jon was his minority counterpart.

A panel of former top VA officials—Max Cleland, former Administrator of Veterans Affairs; Charles Hagel, former VA Deputy Administrator; Thomas Harvey, also a former VA Deputy Administrator; Dr. Donald Custis, a former VA Chief Medical Director; and Dr. John Gronvall, also a former VA Chief Medical Director—all testified as to his total commitment to veterans and their families, with Max Cleland stating that "there has been no one in America more strong and forthright in the aid of veterans." Another former VA Administrator, Harry Walters, stated in written testimony he submitted, "I found [Jon] to be honest, respectful, and professional. He has great vitality, a keen mind and an aggressive style."

A most illustrious panel of veterans' advocates also appeared on Jon's behalf: Oliver Meadows, former staff director of the House Committee on Veterans' Affairs; Cooper Holt, past commander-in-chief of the Veterans of Foreign Wars and former executive director of the VFW; Butch Joeckel, national adjutant of the Disabled American Veterans; and Jack Powell, executive director of the Paralyzed Veterans of America. Each recounted their many years of working with Jon and each lauded Jon's outstanding achievements on behalf of veterans and their families.

All but one of the witnesses I have mentioned are veterans. Oliver Meadows fought in World War II and received the Purple Heart, Bronze Star, and the Combat Infantryman's Badge, and spent 2 years in military hospitals as a result of injuries sustained in combat; Cooper Holt was awarded the Combat Infantryman's Badge and the Bronze Star for his World War II service; and Ed Derwinski served during World War II as well. Tony Principi, an Annapolis graduate, was a member of the River Patrol Force in Vietnam; Max Cleland served in Vietnam, was involved in the Tet offensive, and was wounded at Khe Sahn, eventually spending 1½ years in military and VA hospitals due to injuries which resulted in the amputation of both legs and one arm; Charles Hagel received two purple hearts and other decorations for his service in Vietnam; Butch Joeckel was wounded in the Tet offensive in 1968, and received the Silver Star, the Purple Heart, and the Navy Commendation Medal during his Vietnam service; Jack Powell has two tours of duty in Vietnam and received combat wounds which left him paralyzed; and Tom Harvey spent 2½ years in Vietnam and received the Silver Star, the Purple Heart, and many other decorations. Don Custis served on active duty in both World War II and Vietnam and was Surgeon General of the Navy.

Jon's former colleague at the Peace Corps, William Josephson, who was general counsel of the Peace Corps from 1961 to 1966, described Jon as "one of the most intelligent, careful, meticulous, indefatigable professionals that I have ever worked with."

Sargent Shriver, head of the Peace Corps when Jon went to work there, stated in written testimony submitted for the hearing that Jon had been "a most valued member of the Peace Corps General Counsel's staff" and "was one of the most diligent, tenacious and effective advocates the Peace Corps ever had."

Committee members DECONCINI, MITCHELL, SIMPSON, THURMOND, AKAKA, and SPECTER all made statements in strong support of Jon's nomination, as did Senator ROCKEFELLER in a statement he submitted for the hearing record.

Jon responded well to my questions regarding the need for the appearance, as well as the reality, of fairness and objectivity on the part of the court's judges. He was questioned extensively, both at the hearing and in prehearing questions, about his ability, if confirmed, to render an impartial decision in a case involving an issue on which he had worked at any time during his two decades as a Senate employee. I believe his responses were excellent, and indicate a sensitivity to the appearance of impartiality that could arise if he were to judge matters on which he had previously expressed an opinion.

Jon Steinberg completed the committee's basic questionnaire for Presidential nominees and the extensive supplemental questionnaire for nominees to the court, and the commitee received a May 30, 1990, letter from the Office of Government Ethics certifying that he is in compliance with applicable laws and regulations governing conflicts of interest. I reviewed the FBI reports on Jon and found no bar to his confirmation.

Mr. President, before closing, I would like to take a moment to address three issues which were raised—totally without substantiation—at Jon's confirmation hearing. Not only were all allegations of or allusions to supposedly undesirable traits or misconduct on Jon's part completely without any basis in evidence—no witnesses were called to provide such evidence—but an overwhelming body of testimony from the impressive array of witnesses supporting Jon, all of it under oath, refutes each such charge.

The first concerned alleged anti-Vietnam war or pro-Viet Cong activities. I asked every witness I mentioned earlier who was present whether he had "any personal knowledge of any pro-Viet Cong or anti-Vietnam war activities by Jon Steinberg? All answered firmly in the negative.

Bill Josephson, when asked for his views of such allegations, characterized them as "baseless" in his knowledge.

Jon Steinberg stated under oath:

> I am at a loss to understand the basis for these allegations. I can state categorically to the Committee under oath today that I have never at any time participated in a protest or demonstrated or other activity in support of or against the United States foreign policy with respect to the Vietnam conflict.

Later, testifying that there was "[a]bsolutely nothing" to any such accusations, he added:

> [D]uring the period of time that I was working for the Peace Corps I was very mindful of the Peace Corps' policy . . . [prohibiting] public statements by Peace Corps volunteers serving overseas that might in any way involve them in commenting either

on host-country political matters or on United States polical matters.

I thought it was my obligation, serving on the staff of the Peace Corps in Washington, to follow the same injunction and to do whatever I could to maintain the apolitical stance of the Peace Corps, and I did follow it in every respect.

The record was also replete with strong, unanimous testimony as to Jon's high regard for the Americans who served their country in the Vietnam war.

A second set of issues raised at the hearing concerned allegations of leaks by the committee and by Jon and implications that Jon may have passed to the press information about Secretary Derwinski while his nomination was pending before the committee.

Deputy Secretary Principi emphasized that he had "no first-hand knowledge" of any leaks from the committee or any committee staff member. Secretary Derwinski testified that he had no evidence or knowledge of any leaks occuring in connection with his nomination and that, in fact, he had been "treated in a very professional fashion" by the members and staff of the committee. Jon testified that he "never did anything to in any way provide information to the press in connection with Secretary Derwinski's nomination."

Jon was also asked to comment on an allegation by Thomas Pauken, former Director of the ACTION Agency, who did not appear at the hearing, that Jon "passed information" from Mr. Pauken's military record to a UPI reporter in an attempt to derail [Pauken's] nomination." This, too, Jon categorically denied under oath, and no evidence whatever was offered to support the accusation.

The final issue raised at the hearing which I would like to comment upon concerns Jon's draft status during the 1950's and 1960's. The questions implied that Jon's lack of military service was evidence of an unpatriotic attitude or an illegality on Jon's part. Both implications are utter nonsense.

The uncontradicted evidence was that, when Jon turned 18 in 1957, he promptly registered at his draft board in Philadelphia and given a II-S student deferment. As I recounted earlier, he attended Cornell until his graduation in the spring of 1960, and then continued through 3 years of law school at the University of Pennsylvania, from which he graduated in June 1963. After graduation, Jon clerked for 11 months for then-Judge Warren Burger, for which he was given a III-A deferment. Records Jon provided to the committee, in combination with records provided by the Selective Service System, showed that in October 1964, he applied for, and was granted, a III-A deferment based on the birth of a son to him and his wife. There is absolutely no evidence that Jon Steinberg ever sought to avoid military service through any improper conduct. At one point, it was implied that, in 1964, Jon went to work for the Peace Corps in order to avoid the draft. There was, of course, no truth at all to that. As records show, he had been given a III-A deferment as a husband and father.

Moreover, Jon's service in the Peace Corps general counsel's office—as part of a most impressive 27-year career of Federal service to date—is evidence of his loyalty to the Nation and his dedication to public service.

Furthermore, the staunch, enthusiastic support that I referred to ealier which he received from such illustrious leaders in the veterans community—including combat and service-disabled veterans—further refutes and discredits any suggestion that Jon is anything other than a deeply patriotic American.

Mr. President, I have been in the U.S. Senate for over 21 years now and I can honestly say that I have never seen a nominee better qualified for the post to which he has been nominated than is Jon Steinberg.

CONCLUSION

Mr. President, I am pleased to recommend to the Senate the confirmation of Hart T. Mankin, Ronald M. Holdaway, Donald L. Ivers, and Jonathan R. Steinberg to serve as associate judges on the U.S. Court of Veterans Appeals and to urge that my colleagues vote unanimously in support of these distinguished nominees. It has been an honor to play a role in the establishment and inception of this court. It is my conviction and fervent hope that this new institution will stand as a testament to the precept that those who have served and sacrificed in the defense of our Nation must be treated with complete fairness and honor by their Government.

STATEMENT ON THE NOMINATIONS OF DENNIS M. DEVANEY, CLIFORD R. OVIATT AND JOHN N. RAUDABAUGH

Mr. KENNEDY. Mr. President, although I have decided to support the confirmation of Dennis M. Devaney, Clifford R. Oviatt, and John N. Raudabagh as members of the National Labor Relations Board, I wish to make clear that I do so with some reluctance and with serious concerns about the consequences of the action we take today.

My concerns do not result from any doubts about the nominee's character or professional stature as a general matter. From all indications, they are honorable and accomplished labor lawyers.

Rather, what troubles me is that in approving these appointments, we are approving the creation of a National Labor Relations Board whose members are overwhelmingly drawn from the management world, and on which there is not even a pretense of balance and diversity of background.

With the addition of Mr. Raudabagh, an absolute majority of the Board will consist of individuals whose prior professional careers were devoted exclusively to the representation of employers' interest vis a vis their employees. In contrast, not a single member of the Board has had experience representing workers or worker organizations. Because of the sensitive nature of the NLRB's role in administering our labor law—and given that these laws are, as the Supreme Court has stated, uniquely "the result of conflict and comprise between strong contending forces and deeply held views on the role of organized labor in the free economic life of the Nation"—such an appearance of partisanship for one side over the other is, in my judgment, questionable in the extreme.

It is essential to the fair formulation and administration of national labor policy—and to the public perception of fairness in this area—that the NLRB not be dominated by persons associated exclusively with either management or organized labor. One way to achieve fairness is to appoint a board whose members, by virtue of past experience, are viewed as distinguished neutrals in the field of labor relations. Another way is to appoint a board on which former management representatives and former labor representatives sit in roughly equal numbers. Certainly, however, neither fairness nor the perception of fairness can be achieved by appointing a board whose members are overwhelmingly associated with an employer perspective.

This is not to suggest that these nominees, or any of the other former management representatives currently serving on the Board, conceive their roles on the Board in partisan terms. I trust that they do not. But it is fact of life that individuals' perceptions are in large part the product of their experiences. Labor relations is, as we know, an area in which employers' perceptions of their best interest are often sharply at odds with employees' perceptions of their best interests. It is, therefore, particularly important that the perspectives of both sides be represented when it comes to the adjudication and resolution of labor disputes.

Because I had not, prior to consideration of Mr. Raudabagh's nomination by the Labor and Human Resources Committee earlier this week, raised the issue of balance with the committee or the administration, it is not my intention to act upon my concerns with respect to these nominees or with respect to other members currently serving on the Board. I do, however, wish to state for the record that I do intend to act on these concerns with respect to any future NLRB nominee whose background is such that his or her appointment to the Board would

create or perpetuate the kind of imbalance that I have expressed concern about today.

With that understanding, I am prepared to support the appointment of Mr. Devaney, Mr. Oviatt, and Mr. Raudabaugh to the National Labor Relations Board.

STATEMENT ON THE NOMINATION OF JAMES W. HOLSINGER

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to urge my colleagues to support the nomination of Dr. James W. Holsinger, Jr., to be the first Chief Medical Director appointed to the Department of Veterans Affairs by the President under legislation which last year elevated VA to Cabinet status.

Mr. President, Dr. Holsinger is an outstanding nominee who, over a period of 18 years, has already proven himself to be a great asset to the Department of Veterans Affairs. On June 19, 1990, our committee conducted a hearing on his nomination and on June 28 voted unanimously in support of the nomination. If Dr. Holsinger is confirmed by this body, I anticipate that he will provide strong and effective leadership to the Veterans Health Services and Research Administration [VHS&RA].

As head of VHS&RA, Dr. Holsinger would be the principal VA executive responsible for the VA health-care system and would oversee a budget totaling over $11.5 billion in the current fiscal year—well over one third of VA's annual expenditures.

VHS&RA operates the largest health-care system in the country—with 172 medical centers and 339 outpatient clinics providing over 22 million outpatient visits and 1.2 million inpatient stays in fiscal year 1989 and with over 200,000 employees. It also operates 196 vet centers, community-based centers which offer readjustment counseling to Vietnam-era veterans. As World War II veterans age, VA has become a crucial part of the Nation's long-term care capability. VA medical centers include specialized programs for treating veterans with post-traumatic stress disorder, substance-abuse disabilities, and spinal cord injuries, and also include such long-term-care facilities as 122 nursing homes, 28 domiciliary facilities, and approximately 30 Alzheimer's units. In addition, VA offers such extended-care services as adult day health care, community-based residential care, hospital-based home care, respite care, and geriatric evaluation units, as well as hospice care. VA also provides care to many hundreds of thousands of veterans, generally lacking health insurance, who fall into the mandatory-care categories because of low income.

Mr. President, Dr. Holsinger's qualifications are impressive. A graduate of Duke University Medical School, Dr. Holsinger received his M.D. in 1964 and his Ph.D. in 1968. A specialist in cardiology and thoracic surgery, Dr. Holsinger also attained an M.S. degree in health care administration from the University of South Carolina in 1981. He has served in the Army Reserve since 1961 and holds the rank of major general. During his distinguished career with VA, Dr. Holsinger has served on the staff of six different VA medical centers across the country, including serving as chief of staff at two centers. Since July 1981, Dr. Holsinger has served as director of the Richmond VA Medical Center, an 814-bed facility affiliated with the Medical College of Virginia [MCV], a part of the Virginia Commonwealth University [VCU]. He also holds the titles of professor of medicine and professor of health care administration at MCV and, in 1985, was appointed assistant vice president for health sciences at VCU. In addition, Dr. Holsinger served as director of VA Medical District 7, composed of five VA medical centers with a combined budget of $250 million.

I want to point out that Congress, in the Department of Veterans Affairs Act, which elevated Va to a Cabinet department, quite deliberately chose to keep for the position of Chief Medical Director the same title that has been attached to it for some 44 years. Although the Chief Medical Director position is of Under Secretary rank as an Executive Level III position, it is not in any way a traditional, political Under Secretary position to be filled in the traditional manner that sub-Cabinet jobs throughout the Government typically are filled. Aside from the counterpart position of VA Chief Benefits Director, I know of no position in the Federal Government that has the same degree of statutorily-prescribed independence from the political selection process that has been awarded to the Chief Medical Director.

I note that Dr. Holsinger answered the committee's questions concerning his qualifications and plans in a timely and thoughtful manner. A June 18, 1990, letter from the Office of Government Ethics concluded that he is in compliance with applicable laws and regulations governing conflicts of interest. In addition, I have reviewed the FBI report on Dr. Holsinger and have found no bar to confirmation in his case.

Mr. President, I fully support Dr. Holsinger's nomination and urge his confirmation.

Assuming he is confirmed, I look forward to working with Dr. Holsinger on behalf of all of our Nation's veterans who have earned our enduring gratitude.

STATEMENT ON THE NOMINATION OF FRED I. PARKER

Mr. LEAHY. Mr. President, today I am honored to commend to the Senate Fred I. Parker, who has been nominated to the U.S. district court judge for the district of Vermont. The seat became vacant last year when Judge Albert Coffrin announced his intention to retire. Judge Coffrin's shoes will be difficult to fill—he served Vermont and the rest of the country well. We Vermonters pride ourselves on our superb judiciary. As the newest addition to the state's federal bench, Fred Parker will continue this longstanding tradition.

I have known Fred Parker in various capacities throughout my adult life. We studied together at Georgetown University Law Center, where Fred distinguished himself as a top-notch-student. After graduting from law school in 1965, Fred joined the Boston law firm of Lyne, Woodworth & Everts. He could not resist the temptation of the Green Mountains, however, and moved to Vermont in 1966 to continue his career as a practicing attorney. Fred took a break from private practice in 1969 to serve as then-Vermont Attorney General Jim Jeffords' Deputy Attorney General, a position which Fred held for 3 years. In 1972, Fred joined the Vermont law firm of Langrock and Sperry—now known as Langrock, Sperry, Parker & Stahl. First as an associate and later as a partner, Fred handled some of the most important litigation in the state. Fred's outstanding reputation as a deliberative, ethical attorney is well-known.

The Judicial Nominating Advisory Commission that Senator JEFFORDS, the Vermont Bar Association and I appointed to evaluate candidates for the U.S. District Court vacancy recognized Fred Parker's qualifications and placed him at the top of the list of potential nominees. The American Bar Association's Standing Committee on the Federal Judiciary unanimously gave Fred the highest rating of well qualified to serve on the bench.

Fred Parker's credentials speak for themselves. He is an intelligent, well-educated lawyer with extensive trial experience. I am confident that he will bring to the bench an understanding of and respect for what is required of a federal judge: neutrality, compassion and a solid knowledge of the law. Fred will make a first class U.S. district judge. I am proud to welcome him to Vermont's judiciary.

STATEMENT ON NOMINATION OF STEPHEN A. TRODDEN

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to urge the Senate to confirm Stephen A. Trodden of Virginia to be the first inspector general appointed to the Department

of Veterans Affairs by the President under legislation which last year elevated VA to Cabinet status. If confirmed as head of VA's Office of Inspector General, Mr. Trodden will assume responsibility for direction of audit and investigative activities for the Department, thus fulfilling a vital role established by the Inspector General Act of 1978. The Veterans' Affairs Committee voted to report this nomination favorably at a June 28 meeting and the Governmental Affairs Committee reported the nomination on July 25.

Through our committee's hearing process—including pre- and post-hearing questions and the Committee's June 19 hearing—Mr. Trodden demonstrated that he is an outstanding nominee. He showed a keen understanding of the importance of the inspector general's mission, as well as the critical need for the inspector general's independence, and showed himself to be both well-equipped and eager to carry out that mission effectively. He demonstrated a particularly high degree of professionalism, a strong personal sense of the importance of basing inspector general findings and recommendations on sound criteria and objective data, and a positive attitude toward his own accountability and intention to establish a public record of inspector general office activities and to be answerable for it. I am satisfied that he will provide strong and effective leadership for VA's Office of inspector general.

Mr. Trodden's credentials clearly suit him very well for VA's inspector general position. He received a Bachelor of Science degree in industrial engineering from the University of Michigan and then earned his law degree from the Georgetown University Law Center in 1965. Beginning in 1962, he worked for the Army at Gravelly Point, VA, first as an industrial engineer and later as a project manager's staff officer. In 1969, he came to the Pentagon as a technical advisor, setting out on a series of positions of increasing responsibility at the Department of Defense. In 1975, he became Deputy Director for Research and Development, after which he became Deputy Director, and then Director, for Procurement. He has served since 1983 in DOD's Office of the Defense Inspector General, first as Deputy Assistant Inspector General and Director for Major Acquisitions, and currently as Assistant Inspector General for Audit.

In closing, I note that the nominee has answered the committee's questions concerning his qualifications and objectives in a timely and thoughtful manner. A May 15 1990, letter from the Office of Government Ethics indicates that the nominee is in compliance with applicable laws and regulations governing conflicts of interest and my review of the FBI report on Mr. Trodden has revealed no bar to confirmation. I fully support Mr. Trodden's nomination.

STATEMENT OF NOMINATION OF JONATHAN STEINBERG

Mr. ROCKEFELLER. Mr. President, I wish to express my support for the nomination of Jonathan R. Steinberg to the distinguished position of associate judge on the U.S. Court of Veterans Appeal.

I had the fortune to obtain a seat on the Senate Veterans' Affairs Committee when I joined the Senate in 1985. Consequently, I have worked closely with Jon Steinberg for more than 5 years. From the very first day, I have been impressed with Jon's intellect, integrity, and professionalism.

The country is fortunate to have a public servant as dedicated and capable as Jon Steinberg. The President's decision to nominate Jon for the U.S. Court of Veterans Appeals is a wise one. As a member of the court, Jon will be able to draw upon a reservoir of knowledge about the relevant laws and legislative history pertinent to that court. And we can count on Jon to perform this role with the integrity, honesty, and fairness that he has demonstrated throughout his career.

Mr. President, I know we share the hope that this new court, the U.S. Court of Veterans Appeals, will serve as a judicial body that will guarantee justice and fairness in the application of laws affecting America's veterans. The addition of Jon Steinberg to this court will make a major contribution in fulfilling this crucial objective. The veterans of this country, their families, and all Americans are fortunate that such an addition is close at hand. Again, I express my enthusiasm for Jon Steinberg's nomination, and I warmly wish him the very best.

STATEMENT ON THE NOMINATION OF JONATHAN STEINBERG

Mr. GRAHAM. Mr. President, I wish to associate myself with the remarks of the distinguished chairman of the Senate Veterans' Affairs Committee with regards to the nomination of Jonathan Steinberg to be an Associate Judge on the Court of Veterans' Appeals.

In the 3 years that I have served on the Veterans' Affairs Committee, I have found Jon to be a wise and fair advisor on veterans' policy issues.

Upon his nomination to the bench, I had the opportunity to thoroughly review the records of this professional career. His wealth of knowledge on his issue will certainly benefit the court.

Mr. President, it is a pleasure to support this nomination and I encourage the Senate to move to consideration of the nomination expeditiously.

STATEMENT ON THE NOMINATION OF JONATHAN STEINBERG

Mr. DECONCINI. Mr. President, I am pleased to rise in strong support of the nomination of Jonathan Steinberg to be a judge on the new Court of Veterans Appeals. I have reached this determination after having reviewed Jon's FBI report, and after having read and listened to the testimony presented during his long and thorough confirmation hearing. I find absolutely nothing in the record to disqualify Jon for the position for which he has been nominated. On the contrary, the record is replete with information on why Jon is perhaps the most qualified nominee that this body will ever have the opportunity to approve for this new court.

I have had a close working relationship with Jon over the course of the last ten years while serving as a member of the Senate Committee on Veterans' Affairs. During this period, I have come to know Jon as an extremely intelligent, extraordinarily competent, highly motivated and creative individual who fulfilled his responsibilities as staff director of the committee with the utmost professionalism. Jon's keen legal mind coupled with his analytical abilities and intimate knowledge of the law relating to veterans make him an outstanding candidate for the court and I commend the President for having the courage to send this nomination to the Senate for confirmation. It is never easy for a Republican administration to nominate a Democrat for a seat on the bench. But I am certain that the President concluded, as I do, that there is no person more qualified for this final seat on the Court of Veterans Appeals than Jon Steinberg. The strong support for Jon's nomination from both Republicans and Democrats alike attests to those qualifications. And the strong support he received from both current and former high level career employees and political appointees in the Department of Veterans Affairs, including that of the Secretary, is further testament to Jon's exceptional abilities.

Jon has spent his entire professional career in public service and he has done so with great distinction and integrity. Throughout his career in the Senate, Jon has been dogged in his pursuit of ensuring that all veterans of this Nation receive the benefits to which they are entitled under the law. He has been intimately involved in the writing of all veterans legislation over the past 20 years. In fact, I would be surprised if Jon did not know most of title 38 by heart. Perhaps the greatest compliment I can extend to Jon is that if I were a veteran pursuing a claim before the Court of Veterans Appeals, I would be comforted to know that Jon Steinberg was sitting on that bench.

Jon and I have had a warm and productive relationship over the past ten years. Arizona veterans and I owe him

an enormous debt of gratitude on one issue in particular, the incorporation of the Arizona State Veterans Cemetery into the National Cemetery System. Without his help and assistance that dream would never have become a reality. My staff and I will miss Jon's counsel and advice. The committee will miss his leadership. And the Senate will miss an outstanding employee. But our loss is the court's gain. I commend Jon for his long and illustrious service in the Senate and I wish him every success as he assumes his new responsibilities on the court. And I extend my congratulations to his lovely wife, Shellie, and his children, Amy and Andrew without whose love and support this day would never have been possible.

STATEMENT ON THE NOMINATION OF PAUL L. ZIEMER

Mr. McCLURE. Mr. President, on July 25, 1990, the Committee on Energy and Natural Resources favorably reported the nomination of Paul L. Ziemer to be an Assistant Secretary of Energy for Environment, Safety, and Health by a vote of 16-0.

Dr. Ziemer's background in the field of radiation-health research is an extensive and impressive one and makes him well-qualified for the position to which he has been nominated. For the past 30 years he has been directly involved in the health physics profession. He currently serves as Purdue University's professor of health physics and head of the School of Health Sciences. He served as a physicist with the U.S. Naval Research Laboratory in Washington and as a health physicist at DOE's Oak Ridge National Laboratory. He holds a B.S. from Wheaton College in physics; an M.S. from Vanderbilt University in radiological physics; and a Ph.D. from Purdue University in bionucleonics. His major areas of current research are radiation dosimetry and environmental radon risks.

Mr. President, I urge my colleagues to join me in supporting Dr. Ziemer's confirmation as an Assistant Secretary of Energy.

STATEMENT ON THE NOMINATION

Mr. COATS. Mr. President, I would like to take this opportunity to commend my colleagues for their swift action in the confirmation of my Hoosier colleague, Dr. Paul Ziemer, to be Assistant Secretary of Energy for Environmental Safety and Health.

Before receiving this important nomination from President Bush, Dr. Ziemer was a professor at Purdue University in Indiana for the past several years, and has distinguished himself in the health arena. Clearly with the increasing realization that the health of our environment has a direct effect on the health care of our Nation, Dr. Ziemer's experience makes him an obvious choice for the position of Assistant Secretary of Energy for Environmental Safety and Health.

Dr. Ziemer has a long and distinguished resume of service to Purdue, to Indiana and to this country. I wholeheartedly support the nomination of my fellow Hoosier for this important post.

STATEMENT ON THE NOMINATION OF CALVIN A. KENT

Mr. McCLURE. Mr. President, on July 25, 1990, the Committee on Energy and Natural Resources favorably reported the nomination of Calvin A. Kent to be Administrator of the Energy Information Administration by a vote of 16-0.

Dr. Calvin Kent has widespread experience in the area of energy and utility regulation. He currently holds the Herman W. Lay Chair of Private Enterprise at Baylor University where he also directs the Center for Private Enterprise and is adjunct professor of law at the Baylor Law School. Previously, he was professor of economics at the University of South Dakota and chief economist to the South Dakota Legislature. Dr. Kent holds both an MA and a Ph.D. in economics from the University of Missouri.

Mr. President, I urge my colleagues to join me in supporting Dr. Kent's confirmation as Administrator for the Energy Information Administration.

STATEMENT ON THE NOMINATION OF DAVID H. LEROY

Mr. McCLURE. MR. President, on July 25, 1990, the Committee on Energy and Natural Resources favorably reported the nomination of David H. Leroy to be Nuclear Waste Negotiator by a vote of 16-0.

I am very pleased with the President's decision to nominate David Leroy to the new position of Nuclear Waste Negotiator. I have known Mr. Leroy for some time and believe him to be extremely well-qualified to take on the most difficult task of uncovering a site that will become a temporary or permanent repository for this Nation's high-level nuclear waste. Mr. Leroy is a former Lieutenant Governor and attorney general of Idaho, and currently practices law in Boise. He earned his JD from the University of Idaho and his LLM from New York University.

Mr. Leroy's experience in State politics will be invaluable in his dealings with Governors, Indian tribal leaders and others in an aggressive search for a technically sound repository site in a location where there may be an interest in accepting the repository voluntarily.

As Mr. Leroy has said, this position may, in fact, make him "The most unpopular person in America;" but this mission, which he has chosen to accept if confirmed, is one of utmost importance to this Nation; and I believe we all wish him luck in reaching the goals set forth by Congress.

Mr. President, I urge my colleagues to join me in supporting Mr. Leroy's confirmation as Nuclear Waste Negotiator.

STATEMENT ON THE NOMINATION OF JOHN L. RYAN

Mr. COATS. Mr. President, today the Senate has before it the President's nomination of Ms. Legree Daniels to the Board of Governors of the U.S. Postal Service.

Although such matters are usually lost in the shuffle, I want to use this nomination as an opportunity to focus the attention of this body on the exemplary public servant who Ms. Daniels will be replacing—John L. Ryan.

It is true that John Ryan comes from Indianapolis, and therefore I would have a special interest in his career, but John Ryan has had a long and distinguished career of public service to the Nation that deserves our very special recognition at this time.

John Ryan was originally nominated to the Board of Governors of the U.S. Postal Service by President Ronald Reagan and confirmed by the U.S. Senate on May 6, 1983, and has served over the past 6 years. He was elected Vice Chairman of the Board on June 3, 1986, reelected in January 1987, January 1988, and January 1989. While on the Board of Governors, John Ryan also served for many years as Chairman of the Board's vitally important Committee on Labor Relations.

In a thousand ways, through his wisdom, his perspective, his humor, and his good will, he has left his mark on this $35 billion plus corporation.

Service on the Board of Governors was only the most recent of John Ryan's postal experience, as he was a charter member and second Chairman of the Postal Rate Commission from 1971 to 1973.

John Ryan is known as being among the most prominent and knowledgeable of the proponents of the repeal of monopoly conferred upon the Postal Service by the Private Express Statutes. Despite holding this position, which was not shared by many others at the Postal Service, John Ryan has been universally respected in the mailing community. His intellect and personality makes it difficult for others to not hold him in high regard, even when they disagree.

John Ryan was born in Indianapolis, IN, on July 16, 1921. He graduated from Harvard College in 1943 with an AB degree in biology. He served in the field artillery of the U.S. Army for 3 years during World War II and was awarded the Bronze Star Medal.

He served as chairman of the Indiana Public Service Commission from 1969 until 1971. He is past president of the Marion County, IN, Welfare Board and was formerly a public member of the Administrative Conference of the United States. John Ryan also is a past president and trustee of the

Philadelphia Society and was for 8 years a trustee of Hillsdale College.

My final observation is that Washington, DC, is richly populated with people who have been the recipient of the kindnesses of John Ryan. For his entire career, John Ryan has felt that it was among his reasons for being to help others along in their careers. There are many people who count John Ryan as being among the finest people that they have ever known.

The departure of John Ryan from the Board of Governors will no doubt only open up new avenues for his boundless energy and good will. He continues to serve on the board of trustees of the Intercollegiate Studies Institute, and continues to work with many other organizations such as the Philadelphia Society.

It is my earnest hope that John Ryan, and his wife Jane, will be heard from by this body again and again on postal matters, and on other matters, and that they would have God's richest blessings in the many years that lay ahead for them both.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

NOMINATION OF RUSSELL F. MILLER TO BE INSPECTOR GENERAL OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. NUNN. Mr. President, as if in executive session, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of the nomination of Russell F. Miller to be Inspector General of the Federal Emergency Management Agency; that the Senate proceed to the immediate consideration of the nomination; that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

Mr. NUNN. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 4790, a bill to establish a program of grants for the detection and control of breast and cervical cancer.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4790) to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2575

Mr. NUNN. Mr. President, on behalf of Senator MIKULSKI, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Ms. MIKULSKI (for herself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. PELL, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. ADAMS, and Mr. BINGAMAN) proposes an amendment numbered 2575.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Mortality Prevention Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR PREVENTION AND CONTROL OF BREAST AND CERVICAL CANCER.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XIV the following new title:

"TITLE XV—PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS

"SEC. 1501. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States on the basis of an established competitive review process for the purpose of carrying out programs—

"(1) to screen women for breast and cervical cancer as a preventive health measure;

"(2) to provide appropriate referrals for medical treatment of women screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) to develop and disseminate public information and education programs for the detection and control of breast and cervical cancer;

"(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of breast and cervical cancer;

"(5) to establish mechanisms through which the States can monitor the quality of screening procedures for breast and cervical cancer, including the interpretation of such procedures; and

"(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

"(b) GRANT AND CONTRACT AUTHORITY OF STATES.—A State receiving a grant under subsection (a) may expand the grant to carry out the purpose described in such subsection through grants to, and contracts with, public or nonprofit private entities.

"SEC. 1502. REQUIREMENT OF MATCHING FUNDS.

"(a) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such section, to make available non-Federal contributions (in cash or in kind under subsection (b)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal Contributions.

"(2) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 1501 for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

"(3) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the State involved toward the purpose described in paragraphs (1) and (2) of section 1501(a).

"SEC. 1503. REQUIREMENTS WIH RESPECT TO TYPE AND QUALITY OF SERVICES.

"(a) REQUIREMENT OF PROVISION OF ALL SERVICES BY DATE CERTAIN.—The Secretary may not make a grant under section 1501 unless the State involved agree—

"(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;

"(2) subject to subsection (b), to ensure that—

"(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

"(B) in the case of cervical cancer, both a pelvic examination and the screening procedure known as a pap smear are conducted;

"(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant, each of the services or activities described in section 1501(a) is provided; and

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

"(b) USE OF IMPROVED SCREENING PROCEDURES.—The Secretary may not make a

grant under section 1501 unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) becomes commonly available and is recommended for use, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

"(c) QUALITY ASSURANCE REGARDING SCREENING FOR BREAST CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for breast cancer conducted pursuant to such section and, in the case of mammography, will provide that—

"(1) the equipment used to perform the mammography will be specifically designed for mammography and will meet appropriate radiologic standards for mammography;

"(2) the mammography will be performed by an individual who—

"(A) is licensed by a State to perform radiological procedures; or

"(B) is certified as qualified to perform radiological procedures by an appropriate organization;

"(3) the results of the mammography will be interpreted by a physician who—

"(A) is certified as qualified to interpret radiological procedures by an appropriate board; or

"(B) is certified as qualified to interpret screening mammography procedures by an appropriate program for assuring the qualifications of the individual with respect to such interpretations; and

"(4) with respect to the first screening mammography performed on a woman for which payment is made pursuant to section 1501(a), there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(d) QUALITY ASSURANCE REGARDING SCREENING FOR CERVICAL CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for cervical cancer conducted pursuant to such section and, in the case of the pap smear (or other cytological screening proceducre replacing the pap smear pursuant to subsection (b)), will provide—

"(1) the maximum number of cytology slides that any individual may screen in a 24-hour period;

"(2) requirements that a clinical laboratory maintain a record of—

"(A) the number of cytology slides screened during each 24-hour period by each individual who examines cytology slides for the laboratory; and

"(B) the number of hours devoted during each 24-hour period to screening cytology slides by such individual;

"(3) criteria for requiring rescreening of cytological preparations, such as—

"(A) random rescreening of cytology specimens determined to be in the benign category;

"(B) focused rescreening of such preparations in high risk groups; and

"(C) for each abnormal cytological result, screening of all prior cytological specimens for the patient, if available;

"(4) periodic confirmation and evaluation of the proficiency of individuals involved in screening or interpreting cytological preparations, including announced and unannounced on-site proficiency testing of such individuals, with such testing to take place, to the extent practicable, under normal working conditions;

"(5) procedures for detecting inadequately prepared slides, for assuring that no cytological diagnosis is rendered on such slides, and for notifying referring physicians of such slides;

"(6) requirements that all cytological screening be done on the premises of an appropriately qualified laboratory;

"(7) requirements for the retention of cytology slides by laboratories for appropriate periods of time; and

"(8) requirements of periodic inspection of cytology services by persons capable of evaluating the quality of cytology services.

"(e) ISSUANCE BY SECRETARY OF GUIDELINES WITH RESPECT TO QUALITY OF MAMMOGRAPHY AND CYTOLOGICAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall establish guidelines for assuring the quality of any mammography and cytological screening procedure conducted pursuant to section 1501(a). Such guidelines with respect to mammography shall include the provisions of paragraphs (1) through (4) of subsection (c), and such guidelines with respect to cytological screening procedures shall include the provisions of paragraphs (1) through (8) of subsection (d).

"(2) APPLICABILITY WITH RESPECT TO GRANTS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, with respect to any mammography or cytological screening procedure conducted pursuant to such section, ensure that the procedure is conducted in accordance with the guidelines issued by the Secretary under paragraph (1).

"(3) RESPONSIBILITY OF STATES IN ABSENCE OF GUIDELINES.—With respect to circumstances in which a State receives a grant under section 1501 before the issuance of guidelines under paragraph (1), this subsection may not be construed to affect in such circumstances the obligation of the State pursuant to subsection (a)(1) to provide for screening procedures and referrals or the obligations under subsections (c) and (d) with respect to providing for quality in the screening procedures.

"SEC. 1504. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PRIORITY FOR LOW-INCOME WOMEN.—The Secretary may not make a grant under section 1501 unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 1501(a).

"(b) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(c) STATEWIDE PROVISION OF SERVICES.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees that services and activities under the grant will be made available throughout the State, including availability to members of any Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1) for a State if the Secretary determines that compliance by the State with the requirement would result in an inefficient allocation of resources with respect to carrying out the purpose described in section 1501(a).

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) COORDINATION WITH OTHER BREAST AND CERVICAL CANCER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the services and activities funded through the grant shall be coordinated with other Federal, State, and local breast and cervical cancer programs.

"(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to provide inpatient hospital services for any individual.

"(h) RECORDS AND AUDITS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that—

"(1) the State will establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received by the State under such section; and

"(2) upon request, the State will provide records maintained pursuant to paragraph (1) to the Secretary or the Comptroller of the United States for purposes of auditing the expenditures by the State of the grant.

"(i) REPORTS TO SECRETARY.—The Secretary may not make a grant under section 1501 unless the State involved agrees to submit to the Secretary such reports as the Secretary may require with respect to the grant.

"SEC. 1505. DESCRIPTION OF INTENDED USES OF GRANT.

"The Secretary may not make a grant under section 1501 unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for the services or activities described in section 1501(a);

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services

or activities of public or nonprivate entities; and

"(4) the description provides assurances that the grant funds will be used in the most cost-effective manner.

"SEC. 1506. REQUIREMENT OF SUBMISSION OF APPLICATION.

"The Secretary may not make a grant under section 1501 unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 1505, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

"SEC. 1507. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to section 1501. The Secretary may provide such technical assistance directly or through grants to, or contracts with, public and private entities.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1501, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purposes of aiding the State in carrying out such section and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant under section 1501 to the State involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1508. EVALUATIONS AND REPORTS.

"(a) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1501.

"(b) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to subsection (a) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this title as the Secretary determines to be appropriate.

"SEC. 1509. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

"(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not more than 20 percent for carrying out section 1507.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2575) was agreed to.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

Ms. MIKULSKI. Today we send a message—American women do not have to die unnecessarily. Passage of the Breast And Cervical Cancer Mortality Act of 1990 is another step toward ending the apathy and neglect that have for too long marked our Nation's attitude toward women's health issues. Finally, we have said that we are willing to bring the resources of the Federal Government into the fight against these terrible diseases, which together claim more than 40,000 lives a year.

I feel as though we have sent a get well message to Marilyn Quayle and the first lady of Baltimore, Dr. Pat Schmoke.

I am proud to have sponsored the Breast and Cervical Cancer Mortality Act, along with 52 of my colleagues.

But I hope this bill will be remembered not for our efforts, but for the efforts of Rose Kushner, Jill Ireland and Nina Hyde—all the women who have fought the good fight against breast cancer.

To the end, they held within themselves a special kind of courage, that carried them beyond their own life-and-death struggles and into the fight for all woman's lives.

Like many woman, I was touched by their selfless dedication. Their tireless efforts and special advocacy for women's health live on in the thousands of women whose lives they saved. I would like to thank my colleagues for joining me in carrying on their struggle.

Cervical cancer will strike over 13,000 women in 1990, most of them poor. Breast cancer is this Nation's second leading cause of death among women—one in every ten women will develop it in their lifetime.

Yet, even though an aggressive, comprehensive program can reduce breast cancer deaths by 30 percent, the United States has had no such program. Medicare will not pay for screenings, and in most States neither will Medicaid. Women are dying needlessly because they do not have access to basic medical services.

The Breast and Cervical Cancer Mortality Prevention Act begins to change that. It is an aggressive program, combining education—both of women and of health care professionals; payment for services; coordination with private organizations; and proper followup in a single package. And it delivers these services to the poor women, who need it most.

The purpose of this bill is to ensure that States with an inadequate availability of services and activities related to breast and cervical cancer will be better able to provide these services. It is my hope that the Centers for Disease Control will take into account the severity of the problems that the grants are meant to address and the current availability of services in awarding grants.

Further, it is my understanding that the Centers for Disease Control has always attempted to distribute grants equitably among the principal geographic regions of the United States, and it is my expectation that they will continue to do so in implementing this program.

This is a thorough and comprehensive bill—we have seen what happens when the system doesn't follow through. My clinical lab bill was signed into law almost 2 years ago, yet women are still dying from misread pap smears.

And in New York City, 2,000 poor women were tested for cervical cancer by the Department of Health. They were never told the results. No news is not good news for these women, some of them may be dying.

The Breast and Cervical Cancer Mortality Act is a part of the larger legislative package I introduced earlier this week, The Women's Health Equity Act of 1990. That package addresses the wide ranging inequities that still permeate our nation's health care establishment.

Women are systematically excluded from clinical medical studies around the country. Women have to be sicker than men before physicians will perform heart bypass operations—their complaints are ignored. The U.S. Government's own National Institutes of Health completely ignore obstetrical and gynecological research. As women enter the 21st century, they are still the victims of 14th century attitudes.

I am working to change that. With this bill we have begun to send a message to the Nation's health care establishment: we will not be treated like second-class citizens.

Mr. ADAMS. As a cosponsor of the Breast and Cervical Cancer Mortality Prevention Act, I rise in support of the measure and in support of the compromise amendment that has been worked out between the bill's original supporters and Senator HATCH. It is my strong desire to see this measure pass the Senate and subsequently adopted by the House and sent to the President as quickly as possible. I want to add that as chairman of the District of Columbia Appropriations Subcommittee, we included a similar provision that will also provide mammography and pap smear services to low-income women in the District who are not cov-

ered for these services under any other health care plan.

Passage of the bill before us now will be both significant and symbolic. Significant because the services provided to low-income women through this measure are so desperately needed. Symbolic because it will be the first bill, among 17 other priority measures included in the Women's Health Equity Act package, to pass the Senate. Let me add that I intend to do everything I can to see that we pass as many of the measures in the women's health package as possible before adjourning for the year. Support behind these women's health bills is strong and continues to grow. I am very encouraged that the Labor and Human Resources Committee just this Wednesday supported an NIH Reauthorization bill that includes a proposal that I have sponsored which is also part of the Women's Health Equity Act, the Clinical Trials Fairness Act. Also included in the NIH Reauthorization is the establishment of an Office of Women's Health Care which will develop a plan to establish a Center for Women's Health Research by 1993. I hope that the NIH Reauthorization bill will be brought up for consideration soon after we return in September and that the reauthorization bill will be passed as soon as possible so that women's health research will become the priority it should be at NIH.

Regarding the measure before us now, I want to ask this question—how many times have we all heard the familiar phrase, "an ounce of prevention is worth a pound of cure"? Countless times, I dare say. It it high time for society to endorse this simple principle. 43,000 women died of breast cancer and about 6,000 women died as a result of cervical cancer during 1989. I have heard these figures time and time again, yet still I find it shocking that the rate of mortality for these cancers is so high. It is even more tragic when you realize that a large percentage of these deaths could have been prevented by early detection through mammography or pap smears.

By supporting this measure, we can act now to save thousands of lives in the coming years. Let me relate some important statistics. 150,000 women will develop breast cancer this year. 1 in every 9 American women is currently diagnosed with the disease compared with 1 in every 20 in 1961. Breast cancer takes 40,000 American lives every year. The tragedy is that one-fifth of those deaths are preventable by early detection with a mammogram. As indicated in a fact sheet circulated by the American Cancer Society, the 5-year survival rate for localized breast cancer has risen from 78 percent in the 1940's to 90 percent today. If the breast cancer is not invasive, the survival rate increases to 100%. The survival rate then plummets to 68 percent if the cancer has spread regionally and to 18 percent for severe cases. The preventive measures contained in this bill will help move us toward the day when breast cancer is no longer a killer. The same is true for cervical cancer. The 5-year survival rate for all cervical cancer patients is 67 percent. When diagnosed early, as set forth in this bill, the survival rate increases to 88 percent and if the cancer has not yet become invasive, this increases to almost 100 percent. We must strive for this 100 percent survival rate for both breast and cervical cancer. We have the tools available to us. It is absolutely inexcusable for us not to begin using these tools as effectively as possible. The Breast and Cervical Cancer Mortality Prevention Act will bring us closer to this objective.

The challenge before us is to strengthen this area of public health policy and make quality mammography and pap smears more accessible. The focus of this bill is on low-income women because we know that cost is a major reason why many women do not receive these vital preventive services. As a consequence of this cost barrier, irreversible breast and cervical cancer strikes a disproportionately large number of low-income women. The bill before us addresses this access problem. Under this measure, a matching grant program will be established which will require states to use 60 percent of the funding for actually providing mammography and pap smear screening services. The remaining 40 percent may be used for training, technical assistance and quality assurance and monitoring.

Let me take a moment to speak about the funds this bill will direct toward training and quality assurance of mammography and pap smear screening services. We cannot underestimate the need for this money and the importance of the activities it will support. It does us absolutely no good to increase access to mammography and pap smear screening if we cannot rely on the test results. Many of you are aware of the work Senator Mikulski and I did together on the clinical laboratory improvement amendments [CLIA]. In crafting this bill, which is now federal law, we sought to stem the rising tide of inaccurate laboratory test results. Among the laboratory tests that fueled the public outcry for this bill was the pap smear. This initiative relies on the CLIA for its pap smear quality assurance provisions. Let me add that the Health Care Financing Administration is in the process of collecting public comment on its proposed final regulations to implement CLIA, and it is my hope that the final regulations will be tightly drawn to ensure accurate test results and will be workable for the laboratories and personnel that are required to adhere to the new law.

Quality assurance for mammography cannot be overlooked either. A month or so ago, one of the major networks devoted several segments to the incidence of inaccurate mammography results. The report told of cases where obsolete equipment was used, unqualified personnel were reading mammography results, and cases where women were simply told by their doctors that they didn't need mammography at the time. Congress sought to correct this problem last year when it included the mammography screening benefit and mammography quality assurance provisions as part of the Medicare Catastrophic Coverge Act. Unfortunately, with the repeal of that law, we were also forced to repeal the mammography quality assurance provisions. The measure before us will reinstate these important requirements.

I hope everyone here shares my strong desire to see this bill enacted into law. With that, I urge my colleagues to support this important measure.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading and passage of the bill.

The bill (H.R. 4790) was ordered to a third reading, was read the third time, and passed.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL SCHOLARSHIPS FOR SCIENCE, MATHEMATICS, AND ENGINEERING

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 762, H.R. 996, the Excellence in Mathematics and Science bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 996) to establish the congressional scholarships for science, mathematics, and engineering, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2576

Mr. NUNN. Mr. President, I send a Kennedy substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. KENNEDY, proposes an amendment numbered 2576.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

THE EXCELLENCE IN MATH, SCIENCE, AND ENGINEERING EDUCATION ACT—S. 2114

Mr. KENNEDY. Mr. President, over the last 18 months, math and science education has been the focus of our work in the Labor Committee. We held several days of hearings on this important issue and have received comments from many organizations and individuals. In February, I introduced S. 2114, along with Senator HATFIELD and 15 other colleagues. It is a revised version of this bill that we will consider today.

This vitally important legislation has three themes. First, it focuses on improving math-science education at the elementary and secondary school level. There is no dispute about the need to make improvements in this area. Indeed, one of our national education goals is to have American students first in the world in math and science by the year 2000.

This bill contains several provisions that will help us meet that challenge. It creates a National Clearinghouse for Science, Mathematics, and Technology Materials authorizes regional science, mathematics and technology education consortiums, and authorizes grants for local school systems to make systemic reforms in math and science education.

This bill also authorizes grants for museums, planetariums, zoos, and libraries to enable them to develop hands-on, interactive educational activities for elementary school-aged children. I was deeply impressed by what we learned about the science museums during the course of our hearings and thier great potential for showing schoolchildren the possibilities of science. The bill authorizes $10 million for these programs. I wish to emphasize that this authorization is expected to be in addition to the funds that the National Science Foundation is currently spending in this area. The Nation needs to draw on the resources of these kinds of facilities much more extensively. I hope that this modest initiative will encourage that.

Second, the bill is designed to increase the number of individuals studying for advanced degrees in science, mathematics, and engineering. According to a National Science Foundation study, the Nation will face a shortage of 675,000 scientists and engineers by the year 2006. To avoid this shortage—and the negative consequences for our economic competitiveness—we must begin to train more men and women in these desciplines immediately.

Therefore, the bill authorizes a doubling of the highly successful NSF graduate fellowship program. It also establishes a traineeship program, so that graduate schools that do not currently have a large number of NSF graduate fellows will be able to attract highly talented students. Finally, this section of the bill authorizes a math-science teacher corps and the National Science Scholars Program to attract more academically talented undergraduates into math and science.

The third goal of the bill is to increase the participation of women and minorities in science, mathematics, and engineering. We all know that women and minorities are seriously underrepresented in scientific and technical careers. Fairness demands that we address this problem. And so does our national self-interest.

The bill authorizes several specific initiatives designed to improve minority participation in math-science, as well as emphasizing increased participation of women and minorities throughout its titles. Their participation in scientific careers has been a longstanding interest of mine, and I regard this emphasis in the bill as vitally important.

I also hope that we can find a way to do more in the area of informal education. I am especially impressed with what we have learned about this issue. I know that the administration is developing a math and science bill to be submitted next year, and I hope that we will be able to consider some of the excellent ideas that we have not been able to incorporate here.

Despite this, I believe this bill is an excellent start on improving the Nation's math-science education. Upgrading elementary-secondary education, training graduate level scientists and engineers, and increasing the participation of women and minorities are all central issues that urgently need our attention.

This bill has been developed with bipartisan support. I particularly commend Senator HATFIELD for his leadership on this issue that is so essential to the Nation's future. On the Labor Committee, I especially commend Senators HATCH, PELL, and KASSEBAUM for their assistance in fashioning a bill that enjoys widespread support. I appreciate the assistance we received from their staff members in the development of this measure. I also want to thank the majority leader for his strong interest in this legislation. I hope that my colleagues will join me in voting to pass this important bill.

Mr. HATFIELD. Mr. President, I am delighted to rise with my colleague from Massachusetts, Mr. KENNEDY, and other members of the Senate Labor Committee, in support of S. 2114, the Excellence in Mathematics, Science and Engineering Education Act of 1990. I urge the Senate to move to final passage of this legislation.

Mr. President, I have traversed a long path over the past 2 years in developing and advancing legislation to enhance the Federal role in improving science and mathematics education. I rise with great pride in support of legislation which represents the cornerstone of the Federal blueprint for bettering our children's achievement in these critical subject matters.

My colleague from Massachusetts, Mr. KENNEDY and I clearly stand committed to this extremely pressing issue. And now we have the attention of our colleagues. In the last 2 years, the mathematics and science education crisis has risen from virtual obscurity to political center stage. For example, the resolution Senator GLENN and I introduced 2 years ago calling on Congress to make mathematics and science education a top priority received only a handful of cosponsors, and generated little interest.

Today, however, it is nearly impossible to pick up a newspaper or magazine, or turn on the television without hearing the latest statistics about the crisis. This heightened visability has paved the way for the most comprehensive mathematics and science education legislation in this decade; S. 2114, which is before us today.

I recently learned of a situation, Mr. President, which further amplifies the needs of our Nation in the mathematics and science fields: A simple math mistake—somebody added when he or she should have subtracted, or vice versa—caused the Hubble Space Telescope to miss its target stars and point to the wrong spot in the heavens. The telescope missed its target by one-half of a degree—or about the width of a full moon as seen from Earth, causing a 1-week delay in publication of the first star pictures.

This is not a monumental error. However, it serves to illustrate the point that even the most basic mathematics and science skills are critical to almost everything imaginable—from watching the heavens to turning on our headlights. And quite frankly, our children are just not measuring up in these crucial areas.

I have recited the dismal statistics on this floor many times. Virtually everyone has heard about the standardized mathematics and science tests given to young people in more than a dozen industrialized countries: American students ranked at or near the bottom of every single one. No matter how we as policymakers interpret

these results, they do not befit our superpower status.

The reasons behind these statistics are obvious. Over 7,000 high schools in the United States do not even offer a course in physics, 4,000 do not offer chemistry, and 2,000 do not offer biology. Seventy-five percent of all junior high school science teachers in the United States today do not meet the minimum certification requirements of the National Science Teacher's Association. And most distressingly, one-third of our high schools do not offer enough mathematics courses to prepare even the best students to enter engineering school.

Additionally, we can no longer rely on the traditional pool of 22-year-old white males to enter science—the number are declining drastically. Clearly, we must develop an inclusive strategy to expand our pool of potential scientists and engineers to include vastly increased numbers of students, particularly women and minorities. And I believe that the Federal Government must lead the way.

While some people may think of mathematics and science as isolated and removed subjects, they literally have an effect on everything: From our productivity at home to our competitiveness abroad—as well as on the quality of life we enjoy in this country. Yet, in the absence of dramatic and immediate change, the Office of Technology Assessment predicts a shortfall of 700,000 trained scientists and engineers within the next decade. We must act.

And we must not underestimate the critical importance of the visibility this issue now has: In Washington—where 1,001 important issues are competing for attention—this issue is now at the top of the agenda. Our challenges is to seize this opportunity and implement dramatic initiatives now. Mobilization of our Federal resources is imperative if we are to substantially impact on this crisis.

S. 2114 is a bill built on cooperation and bipartisanship. I would like to take this opportunity to thank Senator KENNEDY for his leadership in moving this legislation to the forefront of the congressional agenda. I also commend Senators HATCH and KASSEBAUM, and the rest of the Senate Labor Committee, for their cooperation and support of these critical issues. Finally, Senator GLENN has my gratitude for the attention he has brought to mathematics and science education.

Many long hours were expended on this legislation by the talented staff of the Members involved. I would like to specifically thank Becky Rogers, Laurie Chivers, Terry Hartle, Ellis Mottur, Amanda Broun, Nick Littlefield, Ann Young, and Kevin Bruns. I am grateful for the assistance and support received from the Senate Labor Committee.

Mr. President, we have talked a great deal on this floor about expenditures for education—some of money, others of time and energy. I have little patience with those who say we cannot afford these expenditures. Frankly, we cannot afford to continue without them. Our children are our future. That line is repeated so often it has become just another cliche within our political culture. But we must never lose sight of the fact that our children—the individual children of this Nation—hold tomorrow in their hands. A young science student in Missouri once said "Science class is where we learn how tomorrow happens." Indeed it is, and our investment in all education is, very literally, our investment in the future.

Mr. COCHRAN. Mr. President, at a time when science and technology are playing an increasingly important role in the lives of all citizens, the average high school student in the United States is taking fewer math and science classes. The 10th grade is the last time most high school students in the United States are exposed to science and mathematics. American students take one-half to one-third fewer courses in science and mathematics than their counterparts in other highly developed countries. Recent international mathematics and science surveys indicate that United States students are scoring well below students from Japan, West Germany, East Germany, and the Soviet Union.

Qualified teachers of mathematics and science are hard to find, particularly in rural areas where shortages are critical. Women and minorities are vastly under-represented in the field. There are fewer graduate and doctoral candidates in engineering and science fields, and universities are finding that the number of foreign born students obtaining advanced degrees in these areas is rapidly increasing. Often these students return to their homeland upon completion of the doctoral degree.

We are not ensuring that our students are equipped with a good basic understanding of mathematics and science. We are not doing enough to encourage women and minorities to enter these courses of study at the college level, and not enough undergraduates are continuing to obtain graduate degrees and post graduate degrees.

Then Excellence in Mathematics, Science, and Engineering Education Act under consideration today addresses these needs through several new programs which are designed to set forth national policies and objectives, help local school districts improve the quality of their math and science programs, encourage more undergraduate and graduate students to study math, science and engineering and attract more women and minorities into the field.

I am particularly supportive of the graduate traineeship section of the bill authorizing grants to emerging institutions classified as group II organizations by the National Science Foundation. This will assist those academic institutions that historically have received relatively little Federal fellowship funding to offer graduate traineeships. This program will increase the numbers and diversity of individuals entering and completing graduate and doctoral programs in mathematics, science, and engineering and will enhance the capacity of emerging academic institutions which have in the past received relatively limited Federal support but which have demonstrated academic excellence in in mathematics, science, and engineering.

In addition, a modest new program has been added to authorize the National Science Foundation to make star schools telecommunication demonstration grants to States or multi-State areas experiencing shortages of math and science teachers in elementary and secondary schools. The grants will be used to demonstrate Statewide or regional application of two-way audio and video interactive telecommunication and computer linkages between the State educational agency, public television, and elementary and secondary schools to provide math and science programs, particularly in rural areas experiencing teacher shortages in math and science. Grants are to be awarded on a competitive basis for the purpose of purchasing equipment, developing interactive linkages, training teachers, and funding other costs associated with the development and implementation of interactive telecommunication math and science classes. Those States having high percentages of individuals living in rural areas and with a high percentage of students eligible for chapter 1 programs have particularly difficult problems and should be given special consideration in applying for a grant.

Mr. President, I commend the members of the committee, and our staff members, for their work on this bill, and I urge the Senate to approve it.

S. 2114 AND H.R. 996

Mr. SIMON. Mr. President, I rise in support of the Excellence in Math, Science, and Engineering Education Act of 1990. The number of science, engineering, and technical jobs requiring competence in math will increase 36 percent by the year 2000, but the number of college students currently geared to those types of careers will not meet the demand. This bill represents an excellent first step toward narrowing this gap in our country's technological literacy.

Last November, Dr. Leon Lederman, Nobel laureate in physics, testified before the Labor and Human Resources Committee about his proposal for an academy to improve the math and science teaching skills of Chicago's teachers. Education is not a new endeavor for Dr. Lederman. He was the driving force behind the highly acclaimed Illinois Mathematics and Science Academy, a high school which last year had the highest average American college test score of any school in the country.

With the support and encouragement of the Secretary of Energy, Adm. James Watkins, Dr. Lederman proposed tapping the human and technological resources of the Department of Energy's laboratories, Fermi and Argonne, to help the Chicago public schools. In partnership with area universities, the school system, the city, the State, and the labs, the academy will develop the math and science teaching skills of more than 15,000 teachers in Chicago.

I am pleased to announce that the academy now has a building, the beginning of a staff, and some startup funds. The Illinois Institute of Technology, with some building renovations, will house the academy; Dr. Gordon Berry is on loan from Argonne National Laboratory as the acting director; and the Department of Energy has announced a planning grant of $215,000 for the academy, with a matching grant of about $200,000 from the National Science Foundation.

Mr. President, this project could well become a model for inner-city school systems across the country, and I am pleased that S. 2114 will help the academy, and projecs like it, in a number of ways.

First, title V of the bill is the Federal Laboratories Education Partnerships Act of 1990, which I developed with Senator BINGAMAN. It provides the Department of Energy with the authorization that it needs to move forward with the academy and other projects across the country. We have also moved on a parallel track with an amendment to the defense bill to give DOE this authorization. In addition, title V requires other agencies and laboratories to participate in efforts to improve math and science education, from kindergarten through college.

Second, S. 2114 provides assistance to school districts undergoing systemwide reform of their math and science curricula. The overhaul planned by the academy's program, combined with the recent Chicago school reform, is perhaps the most dramatic reform in the Nation. It is crucial that the Federal Government provide incentives to these kinds of efforts.

Third, the regional consortiums in title II of the bill would provide just the types of services that are planned at the academy. Indeed, with the focus on women and minorities that is called for in S. 2114, Chicago seems to be the perfect candidate for the center that will serve that region of the country.

Finally, S. 2114 establishes a number of other programs to improve access to hands-on math and science education activities, and encourage more people to go into mathematics, science, and engineering professions, including teaching. The committee modification also includes a Star Schools Telecommunications Program, to help provide effective math and science education programs to rural and other areas that would otherwise not have access to them.

Mr. President, I would like to commend the members of the Labor and Human Resources Committee for working together to develop a bipartisan bill, directed towards the Nation's most urgent needs. Virtually every program includes a specific focus on disadvantaged students, women, and minorities, and appropriate focus given the alarming gender and racial disparities in math and science professions.

I urge an "aye" vote.

Mrs. KASSEBAUM. Mr. President, I am pleased that the Senate is considering S. 2114, the Excellence in Math, Science and Engineering Education Act. This legislation is the first step in placing the United States once again at the forefront of leadership in the fields of math and science.

A lot of attention has been given to the decline of American students entgering the science and engineering fields. Reports show that Americans are lagging behind other nations in obtaining the skills to go into these fields. One survey found four-fifth of elementary school math teachers were not fully qualified to teach math and two-thirds of elemenatory school science teachers were not fully qualified to teach science. This is a tragedy. The legislation before the Senate today seeks to mend this situation and put American students back in the scientific pipeline.

I am especially pleased that the National Science Scholars Program was included in this bill. This merit-based program awards students who have demonstrated outstanding academic achievement at the secondary level and encourages them to pursue a course of study in the math, science, or engineering fields at the postsecondary level. I think this is an important step in restoring the United States to the position it enjoyed only 20 years ago. At that time, the United States led the world in the number of scientists and engineers per capita. Today, we fall behind other countries with populations equal to half of ours.

The United States' leadership in the fields of math, science, and engineering is a vital national priority. Even as we celebrate the 20th anniversary of man's landing on the moon, we realize that our leadership is being challenged on many fronts. We must respond aggresively to the intense competition we face in high technology fields. Morris Cohen once said that "(s)cience is a flickering light in our darkness, it is but the only one we have and woe to him who would put it out." This legislation ensures that the light will keep burning.

I would like to thank Senator HATFIELD for his leadership on this bill. His long standing interest and personel commitment to the advancement of math and science education has been the backbone of this bill. I am grateful for his efforts and appreciate his help, and that of his staff, Sue Hildick, in seeing this bill to fruition.

I would also like to commend and recognize the hard work done by members of my staff and other staff of the subcommittee on this bill. They have all put in very long hours, and I appreciate all that they have done. Many thanks to Susan Hattan, Becky Rogers Voslow, Lydia Spencer, and Darren Dennis of my staff; Ann Young of Senator PELL's staff; Laurie Chivers with Senator HATCH; Terry Hartle, Amanda Brown, Micheal Epp, and Rusty Barbour with Senator KENNEDY; Doris Dixon with Senator COCHRAN; Kevin Bruns with Senator GLENN's, staff and Mark Sigurski with legislative counsel.

Mr. HATCH. Mr. President, we all must acknowledge the need to encourage our young people, especially minorities and women, to excel in mathematics, science, and engineering. Recent international comparisons have shown that the United States must redirect its attention to the importance of math and science competency among our students.

Utah, as you know, has a long history of involvement in major initiatives in science. People in Utah are not afraid of taking risks to explore new ideas. Doctors at the University of Utah developed the artificial heart. Scientists in Utah are doing unprecedented research on genetic diseases that is possible because of the capability of the researchers and the genealogical records available to them through the Mormon Church. Research is continuing on cold fusion. All of these studies are making, and will make, a major contribution to the body of knowledge available to mankind. I am very proud of the research being done in Utah.

This bill is intended to help meet the need for new mathematics, scientists, and engineers; and, of course, this need can only be met by improving the math and science education of our young people and by encouraging them to pursue careers in these fields.

I had hoped that our consideration of this bill would be postponed until the administration had its proposal

available to us. I believe it is important to identify what remains to be done for which there is no existing authority. However, the committee has chosen to proceed with his bill; and, indeed, I believe the bill does provide for some needed coordination in education and for an increase in our efforts at the National Science Foundation. I also look forward to receiving the administration's recommendations in the near future.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (no. 2576) was agreed to.

Mr. McCAIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 996), as amended, was passed.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "To promote excellence in American mathematics, science and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.".

Mr. NUNN. I move that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Chair appointed Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. HATCH, and Mrs. KASSEBAUM conferees on the part of the Senate.

POLLUTION PROSECUTION ACT

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 687, S. 2176, the Polluton Prosecution Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2176) to provide better enforcement of the environmental laws of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pollution Prosecution Act of 1990".

SEC. 2. EPA OFFICE OF CRIMINAL INVESTIGATION.

[The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall increase the number of professional criminal investigators assigned to its Office of Criminal Investigations in fiscal year 1991, and in each of the next following 4 fiscal years. The increase in each such fiscal year shall be at least equal to 30 percent of the aggregate number of criminal investigators assigned to that office during the prior fiscal year. For fiscal year 1991, and in each of the next following 4 fiscal years, the Administrator shall provide additional support staff to the Office of Criminal Investigations.]

(a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall increase the number of criminal investigators assigned to the Office of Criminal Investigations by such numbers as may be necessary to assure that the number of criminal investigators assigned to the office—

(1) for the period October 1, 1991, through September 30, 1992, is not less than 72;

(2) for the period October 1, 1992, through September 30, 1993, is not less than 110;

(3) for the period October 1, 1993, through September 30, 1994, is not less than 123;

(4) for the period October 1, 1994, through September 30, 1995, is not less than 160; and

(5) beginning October 1, 1995, is not less than 200.

(b) For fiscal year 1991 and in each of the next following 4 fiscal years, the Administrator shall, during each such fiscal year, provide increasing numbers of additional support staff to the Office of Criminal Investigations.

SEC. 3. CIVIL INVESTIGATORS.

The Administrator, as soon as practicable following the date of the enactment of this Act, but no later [than fiscal year 1991, shall hire 50 civil investigators to assist the Office of Enforcement and Compliance Monitoring] *than September 30, 1991, shall increase by 50 the number of civil investigators assigned to assist the Office of Enforcement* in developing and prosecuting civil and administrative actions and carrying out its other functions.

SEC. 4. NATIONAL TRAINING INSTITUTE.

The Administrator shall, as soon as practicable but no later than [fiscal year 1991,] *September 30, 1991* establish within the Office of Enforcement [and Compliance Monitoring] the National Enforcement Training Institute. It shall be the function of the Institute, among others, to train Federal, State, and local lawyers, inspectors, civil and criminal investigators, and technical experts in the enforcement of the Nation's environmental laws.

SEC. 5. FUND.

(a) There is estabilshed in the Treasury of the United States the Pollution Prosecution Fund (hereinafter referred to as the "fund").

[(b) Commencing with fiscal year 1991, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the fund an amount equal to the greater of (1) $10,000,000, or (2) an amount determined by the Secretary to be equal to 50 percent of all moneys (other than moneys specifically earmarked by law for other purposes) deposited in the general revenues of the Treasury during the preceding fiscal year from penalties imposed in connection with the violation of laws administered by the Environmental Protection Agency.]

(b) The Secretary of the Treasury shall transfer to the fund amounts determined by the Secretary as follows:

(1) for fiscal year 1991, an amount equal to 50 percent of all moneys deposited in the general revenues of the Treasury during the preceding fiscal year from civil and criminal penalties imposed in connection with the violation of laws administered by the Environmental Protection Agency (other than moneys specifically earmarked by law for other purposes), or $13,000,000 of such moneys so deposited, whichever is less;

(2) for fiscal year 1992, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $18,000,000 of such moneys, whichever is less;

(3) for fiscal year 1993, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $20,000,000 of such moneys, whichever is less;

(4) for fiscal year 1994, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $26,000,000 of such moneys, whichever is less; and

(5) for fiscal year 1995, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $33,000,000 of such moneys, whichever is less.

(c) Moneys in the fund shall be available, in such amounts as are provided in appropriation Acts, for use in carrying out the provisions of this Act. Moneys in the fund, to the extent determined by the Administrator to be in excess of the amounts needed for purposes of this Act, shall be returned to the general revenues of the Treasury.

(d) Nothing in this Act shall be construed as reducing or otherwise modifying or limiting any other authorization for appropriations available to the Environmental Protection Agency.

SEC. 6. AUTHORIZATION.

[For the purpose of meeting the initial needs of this Act for fiscal year 1991, there is authorized to be appropriated $10,000,000.]

(a) For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated from the fund for each of the fiscal years 1991 through 1995, an amount equal to the amount transferred to

the fund by the Secretary of the Treasury for such fiscal year pursuant to section 5.

(b) In the event the amount transferred to the fund pursuant to section 5 is less than $13,000,000 for fiscal year 1991, $18,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $26,000,000 for fiscal year 1994, or $33,000,000 for fiscal year 1995, there is authorized to be appropriated to the Environmental Protection Agency from the general revenues of the United States for each such fiscal year such sums as may represent the difference between the amount transferred for that fiscal year and the specified dollar amounts for such fiscal year.

THE POLLUTION PROSECUTION ACT

Mr. LIEBERMAN. Mr. President, I rise in support of S. 2176, the pollution prosecution bill, which I introduced along with Senators LAUTENBERG, CHAFEE, DURENBERGER, JEFFORDS, WILSON, and SIMON. I am pleased that the House of Representatives has recently passed a companion bill as part of the EPA Cabinet bill and that the House sponsor indicated during the floor debate that the administration supports the bill. We saw that support in the Senate as well, when EPA's Assistant Administrator for Enforement testified on April 24, 1990 concerning S. 2176 that, "EPA believes that the bill is timely and important to improving environmental enforcement and compliance in our Nation."

Mr. President, during my experience as attorney general of Connecticut, I became acutely aware that having tough laws and regulations in place is only half the battle toward achieving compliance with our environmental laws. Ensuring that the laws are enforced is the second critical part of any truly effective system of environmental laws.

One especially important and relatively new approach to environmental enforcement is the use of criminal penalties and imprisonment of individuals who violate our environmental laws.

Those who violate such laws have been called green collar criminals, and I believe people who pollute should face the possibility of doing time in jail. Monetary penalties against a company often do not represent enough of a deterrent to prevent environmental crimes; they can be too easily written off as another cost of doing business.

Mr. President, Attorney General Dick Thornburgh recently stressed the importance of criminal prosecution as a means of deterring deliberate noncompliance with our environmental laws. He stated:

> With callous disregard for our actions and an almost hostile view toward the environment, for nearly 200 years we seemed not to care and America took a very long journey down the road of indiscriminate pollution.

The laws we have enacted are tough. Under the Clean Water Act, the oil-spill legislation passed by the Senate and the Clean Air Act provisions passed by the Senate, a violator can go to jail and face large civil and criminal penalties for each violation.

But, while the Attorney General's words are tough, the program at EPA does not provide enough tools to follow up on these words. The backbone of EPA's criminal enforcement program is its investigators, who provide EPA with the ability to collect evidence about environmental violations. Yet, unbelievably, EPA only has approximately 50 criminal investigators throughout the Nation—in essence, less than one investigator for each State. Some individual States have devoted almost that many investigators to enforcement of state criminal environmental laws. And other law enforcement agencies, such as the Fish and Wildlife Service, have more than four times the number of investigators which EPA has.

Some of the impetus for this bill resulted from the testimony we heard last November before Senator REID's subcommittee. Deputy Administrator Habicht, EPA Inspector General John Martin, and District Attorney Don Mielke, Chairman of the Environment Protection Committee of the National District Attorneys Association, emphasized the need to improve training opportunities for investigators, inspectors, lawyers, and technical staff. Other witnesses stressed the importance of an increase in criminal investigators.

I am especially pleased that the National District Attorneys Association, in a resolution to the President, supported an increase in the number of EPA criminal investigators to 175 and the establishment of a National Enforcement Training Institute.

Jud Starr, who is the former head of the Justice Department's environmental crimes section pointed out during hearings the weaknesses in EPA's program created by the inadequate number of investigators. Currently, he testified, cases are investigated by EPA only after the violations are discovered and the harm is done. This means that EPA is always in a reactive posture and that few cases are the product of reasoned or targeted focus on suspected wrongdoing. He testified that, "as a consequence, EPA's limited resources are not directed toward uncovering practices which would provide the greatest public exposure and deterrence." However, with more criminal investigators, EPA would be able to bring cases that would have greater deterrent value than those currently being brought.

With the proposed increase in the number of criminal and civil investigators and an increased emphasis on training of law enforcement personnel, I am hopeful that the enforcement of our environmental laws will be strengthened and greater compliance with the laws will occur.

Finally, I believe the proposal to authorize EPA to hire 50 civil investigators will not only strengthen compliance with our laws, but will do so in a cost-effective manner. Investigators are used to track down witnesses; they also provide critical support for court cases. Currently, however, EPA is too often required to rely on outside consultants to help develop cases. As a member of the Governmental Affairs Committee, I have heard extensive testimony that EPA's reliance on contractors is not cost effective. This legislation will help ensure that EPA's reliance on outside consultants is decreased.

Mr. President, I also believe the mechanism for the funding as set forth in S. 2176 will be sufficient to get the job done.

Mr. President, I wish to thank Senators BURDICK, BAUCUS, and CHAFEE of the Environment and Public Works Committee and their staffs for their assistance in advancing this legislation.

Mr. NUNN. I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the "Pollution Prosecution Act of 1990".

SEC. 2. EPA OFFICE OF CRIMINAL INVESTIGATION.

(a) The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") shall increase the number of criminal investigators assigned to the Office of Criminal Investigations by such numbers as may be necessary to assure that the number of criminal investigators assigned to the office—

(1) for the period October 1, 1991, through September 30, 1992, is not less than 72;

(2) for the period October 1, 1992, through September 30, 1993, is not less than 110;

(3) for the period October 1, 1993, through September 30, 1994, is not less than 123;

(4) for the period October 1, 1994, through September 30, 1995, is not less than 160; and

(5) beginning October 1, 1995, is not less than 200.

(f) For fiscal years 1991 and in each of the next following 4 fiscal years, the Administrator shall, during each such fiscal year, provide increasing numbers of additional support staff to the Office of Criminal Investigations.

SEC. 3. CIVIL INVESTIGATORS.

The Administrator, as soon as practicable following the date of enactment of this Act,

but no later than September 30, 1991, shall increase by 50 the number of civil investigators assigned to assist the Office of Enforcement in developing and prosecuting civil and administrative actions and carrying out its other functions.

SEC. 4. NATIONAL TRAINING INSTITUTE.

The Administrator shall, as soon as practicable but no later than September, 30, 1991 establish within the Office of Enforcement the National Enforcement Training Institute. It shall be the function of the Institute, among others, to train Federal, State, and local lawyers, inspectors, civil and criminal investigators, and technical experts in the enforcement of the Nation's envionmental laws.

SEC. 5. FUND.

(a) There is established in the Treasury of the United States the Pollution Prosecution Fund (hereinafter referred to as the "fund").

(b) The Secretary of the Treasury shall transfer to the fund amounts determined by the Secretary as follows:

(1) for fiscal year 1991, an amount equal to 50 percent of all moneys deposited in the general revenues of the Treasury during the preceding fiscal year from civil and criminal penalties imposed in connection with the violations of laws administered by the Environmental Protection Agency (other than moneys specifically earmarked by law for other purposes), or $13,000,000 of such moneys so deposited, whichever is less;

(2) for fiscal year 1992, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $18,000,000 of such moneys, whichever is less;

(3) for fiscal year 1993, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $20,000,000 of such moneys, whichever is less;

(4) for fiscal year 1994, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $26,000,000 of such moneys, whichever is less; and

(5) for fiscal year 1995, an amount equal to 50 percent of such moneys deposited in the general revenues during the preceding fiscal year, or $33,000,000 of such moneys, whichever is less.

(c) Moneys in the fund shall be available, in such amounts as are provided in appropriation Acts, for use in carrying out the provisions of this Act. Moneys in the fund, to the extent determined by the Administrator to be in excess of the amounts needed for purposes of this Act, shall be returned to the general revenues of the Treasury.

(d) Nothing in this Act shall be construed as reducing or otherwise modifying or limiting any other authorization for appropriations available to the Environmental Protection Agency.

sec. 6. authorization.

(a) For the purposes of carrying out the provisions of this Act, there is authorized to be appropriated from the fund for each of the fiscal years 1991 through 1995, an amount equal to the amount transferred to the fund by the Secretary of the Treasury for such fiscal year pursuant to section 5.

(b) In the event the amount transferred to the fund pursuant to section 5 is less than $13,000,000 for fiscal year 1991, $18,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, $26,000,000 for fiscal year 1994, or $33,000,000 for fiscal year 1995, there is authorized to be appropriated to the Environmental Protection Agency from the general revenues of the United States for each such fiscal year such sums as may represent the difference between the amount transferred for that fiscal year and the specified dollar amounts for such fiscal year.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF NATIONAL AIR AND SPACE MUSEUM

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 657, S. 2636, regarding an extension of the Air and Space Museum at Dulles Airport.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2636) to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBB. Mr. President, I rise in support of S. 2636, legislation authorizing the planning and design of an extension to the Smithsonian's Air and Space Museum at Dulles International Airport.

This legislation represents a critical step in making this expansion a reality. As anyone who has visited the Smithsonian's Garber facility, where the extra pieces of the museum's collection are currently warehoused, knows, the existing National Air and Space Museum building on The Mall is just not big enough for all the remarkable things the museum owns.

As we all know, the Federal Government and the Smithsonian are both going to have to do some belt-tightening. We may not be able to do everything we want to do right away, but I am confident this museum will be built, and this authorization is both an important beginning and a statement about what the Smithsonian will do in the future.

I urge my colleagues to support this measure, and hope that we can prevail upon the House to act upon it quickly.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

SEC. 2. Effective October 1, 1991, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $9,000,000 to carry out the purposes of this Act.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR COMPLETION OF RENOVATION OF GUAM MEMORIAL HOSPITAL

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 719, S. 2841, regarding renovation of the Guam Memorial Hospital.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2841) to authorize the appropriation of $2,500,000 to complete the renovation of the Guam Memorial Hospital.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

That there is authorized to be appropriated $2,500,000 to complete the renovation of the Guam Memorial Hospital.

TITLE II—DISPOSAL OF EXCESS FEDERAL LANDS ON GUAM

SEC. 201. DISPOSITION OF TRANSFERRED REAL PROPERTY.

(a) ESTABLISHMENT OF COMMISSION.—As a prerequisite for the transfer of excess lands under section 202, the Government of Guam must enact legislation which—

(1) establishes an excess lands commission the purpose of which shall be to dispose of lands received pursuant to this title to promote economic self-sufficiency and private sector development in Guam;

(2) provides that the Commission shall have the power—

(A) to hold all right, title, and interest in and to all real property transferred under section 202;

(B) to dispose of real properties or interests therein transferred under section 202 in accordance with the laws of Guam and the priorities set forth in the enabling legislation as required pursuant to paragraph 4 of this subsection;

(C) to resolve conclusively all issues related to lands transferred under section 202 and without appeal to any other agency or court of law except as otherwise expressly provided by the laws of Guam; and

(3) provides that the Commission shall make annual reports to the Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House of Representatives, on or before February 15 of each year, on the disposition of lands transferred pursuant to this title and on the activities and actions of the Commission during the reporting period; and

(4) establishes priorities for the distribution and disposal of the excess lands.

(b) UNITED STATES PERSON.—(1) As used in this title, the term "United States person" means—

(A) any citizen, national, or permanent resident alien of the United States,

(B) any partnership, corporation, or other entity organized under the laws of the United States, any of the several States, the District of Columbia, or any Commonwealth, territory, or possession of the United States, in which citizens, nationals, or permanent resident aliens of the United States beneficially own or control (directly or indirectly) more than 50 per centum of the outstanding voting securities or other voting interest of the partnership, corporation, or other entity, or

(C) the government of any of the several States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

(2) A partnership, corporation, or other entity described in paragraph (1)(B) shall be presumed to be controlled by individuals who are citizens, nationals, or permanent resident aliens of the United States if—

(A) such individuals are a majority of the partners of the partnership or a majority of the members of the board of directors of the corporation or other entity; or

(B) such individuals have the authority to appoint a majority of the members of the board of directors of the corporation or other entity.

(c) OWNERSHIP OF UNITED STATES PERSONS OF LAND HELD IN TRUST.—For the purposes of this section, the term "ownership of United States persons" means, in the case of a portion of land held in trust, the legal and the beneficial interests of such trust must be held by United States persons.

SEC. 202. TRANSFER OF EXCESS FEDERAL LAND LOCATED ON GUAM.

Except for lands within the boundaries of the War in the Pacific National Historic Park, the Administator of General Services shall transfer, without consideration and without encumbrances, all right, title, and interest of the United States (together with any improvements thereon) in and to any real property on Guam which is determined to be excess under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) to the Commission to be established by the laws of Guam for disposition in accordance with section 201. Any property subject to this title shall not be subject to Public law 100-77(101 Stat. 482). Title to any real property conveyed pursuant to this title shall revert to the United States if the Commission attempts to convey or otherwise transfer ownership of such property other than to a United States person.

SEC. 203. REPEAL OF CERTAIN CONDITIONS ON LAND TRANSFERRED TO GUAM.

Section 818(b)(2) of Public Law 96-418 (94 Stat. 1782), as amended, is hereby repealed.

Mr. JOHNSTON. Mr. President, I am pleased to support passage of S. 2841, the Omnibus Territories Act of 1990. Each year Congress has typically consolidated legislative provisions regarding the insular areas into one bill. This year is no exception. This year's bill, however, is more brief than is usually the case. There are only two provisions and they represent language transmitted to Congress by the administration.

Title I of S. 2841 authorizes $2.5 million for renovations to the Guam Memorial Hospital; a very worthy project, and one desperately needed to continue to assure that adequate healthcare is available to the people of Guam. The administration transmitted this language to the Congress on June 5, 1990, and the President has requested the appropriation of the needed funds in his fiscal year 1991 budget.

Title II provides for the disposal of excess Federal lands on Guam. This is an issue that has been before the Committee on Energy and Natural Resources for many years, having first been introduced in 1984. It is of keen interest to my colleague, Senator MCCLURE, who was chairman of the committee at that time. It is also of great interest to my friend from Hawaii, Senator INOUYE, who has been more recently involved in the issue through his travel to Guam as chairman of the Defense Appropriations Subcommittee.

I believe that it is fair to say that we all would have liked faster responses from the administration on this matter. However, I was pleased to receive a letter from the Secretary of the Interior on June 19, 1990, with the language, except for minor changes, of title II.

These two executive communications are set forth in the Committee's report on this bill, Senate Report 101-392, and I refer my colleagues to the report for more details on this bill.

There is one point I would like to add with respect to title II, however. It is possible, pursuant to title II of this act, that the Government of Guam, and the Commission to be established pursuant to section 201, could dispose of excess Federal lands to previous landowners of that excess land. While this act is specifically not intended to affect any claims that such landowners, or their heirs, may have against the United States, it is a fact that such claims are the subject of court consideration. It is expected that, should a previous landowner obtain an award as a result of a claim and should also obtain lands pursuant to this act, that the court, when determining the size of any award, will take into account the fact that land has also been received by the claimant. I do not know whether such a coincidence would, in fact, occur, but if it does, I feel that a certain measure of equity should apply.

S. 2841 is an important bill. Title I responds to pressing public healthcare needs, and title II takes a large step toward resolving the long-standing and highly sensitive issue of excess Federal lands in Guam.

Mr. President, I want to thank Senator MCCLURE for his leadership on this measure, and I also want to recognize the commitment and patience of the Delegate from Guam, Hon. BEN BLAZ, in resolving these issues. I urge my colleague's full support for S. 2481 and look forward to its prompt enactment.

Mr. NUNN. I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated $2,500,000 to complete the renovation of the Guam Memorial Hospital.

TITLE II—DISPOSAL OF EXCESS FEDERAL LANDS ON GUAM

SEC. 201. DISPOSITION OF TRANSFERRED REAL PROPERTY.

(a) ESTABLISHMENT OF COMMISSION.—As a prerequisite for the transfer of excess lands under section 202, the Government of Guam must enact legislation which—

(1) establishes an excess lands commission the purpose of which shall be to dispose of lands received pursuant to this title to promote economic self-sufficiency and private sector development in Guam;

(2) provides that the Commission shall have the power—

(A) to hold all right, title, and interest in and to all real property transferred under section 202;

(B) to dispose of real properties or interests therein transferred under section 202 in accordance with the laws of Guam and the priorities set forth in the enabling legislation as required pursuant to paragraph 4 of this subsection;

(C) to resolve conclusively all issues related to lands transferred under section 202 and without appeal to any other agency or court of law except as otherwise expressly provided by the laws of Guam; and

(3) provides that the Commission shall make annual reports to the Senate Committee on Energy and Natural Resources and

the Committee on Interior and Insular Affairs of the United States House of Representatives, on or before February 15 of each year, on the disposition of lands transferred pursuant to this title and on the activities and actions of the Commission during the reporting period; and

(4) establishes priorities for the distribution and disposal of the excess lands.

(b) UNITED STATES PERSON.—(1) As used in this title, the term "United States person" means—

(A) any citizen, national, or permanent resident alien of the United States,

(B) any partnership, corporation, or other entity organized under the laws of the United States, any of the several States, the District of Columbia, or any Commonwealth, territory, or possession of the United States, in which citizens, nationals, or permanent resident aliens of the United States beneficially own or control (directly or indirectly) more than 50 per centum of the outstanding voting securities or other voting interest of the partnership, corporation, or other entity, or

(C) the government of any of the several States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

(2) A partnership, corporation, or other entity described in paragraph (1)(B) shall be presumed to be controlled by individuals who are citizens, nationals, or permanent resident aliens of the United States if—

(A) such individuals are a majority of the partners of the partnership or a majority of the members of the board of directors of the corporation or other entity; or

(B) such individuals have the authority to appoint a majority of the members of the board of directors of the corporation or other entity.

(c) OWNERSHIP OF UNITED STATES PERSONS OF LAND HELD IN TRUST.—For the purposes of this section, the term "ownership of United States persons" means, in the case of a portion of land held in trust, the legal and the beneficial interests of such trust must be held by United States persons.

SEC. 202. TRANSFER OF EXCESS FEDERAL LAND LOCATED ON GUAM.

Except for lands within the boundaries of the War in the Pacific National Historic Park, the Administrator of General Services shall transfer, without consideration and without encumbrances, all right, title, and interest of the United States (together with any improvements thereon) in and to any real property on Guam which is determined to be excess under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) to the Commission to be established by the laws of Guam for disposition in accordance with section 201. Any property subject to this title shall not be subject to Public Law 100-77 (101 Stat. 482). Title to any real property conveyed pursuant to this title shall revert to the United States if the Commission attempts to convey or otherwise transfer ownership of such property other than to a United States person.

SEC. 203. REPEAL OF CERTAIN CONDITIONS ON LAND TRANSFERRED TO GUAM.

Section 818(b)(2) of Public Law 96-418 (94 Stat. 1782), as amended, is hereby repealed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 25TH ANNIVERSARY OF THE OLDER AMERICANS ACT OF 1965

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 99, regarding the 25th anniversary of the Older Americans Act of 1965, just reported by the Labor Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 99) expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. Mr. President, I rise to support a concurrent resolution commemorating the 25th anniversary of the Older Americans Act. I am very pleased to be joined by many of my distinguished colleagues in celebrating the important contributions made by the Older Americans Act over the past quarter century, and to reaffirm our Nation's commitment to the elderly. I would especially like to thank Senator KENNEDY, chairman of the Committee on Labor and Human Resources and Senator HATCH, ranking minority member; Senator ADAMS, chairman of the Committee on Labor and Human Resources Subcommittee on Aging, and Senator COCHRAN, ranking minority member.

I also wish to thank Representative THOMAS DOWNEY, chairman of the House Select Committee on Aging Subcommittee on Human Services, who took the initiative in drafting this important resolution and who has served as an unfailing advocate for our Nation's senior citizens for so many years. He has introduced a companion resolution in the House which assures that the achievements of the Older Americans Act, and of thousands of dedicated professionals and volunteers who provide social services to seniors, receive proper recognition.

July 14 marked the silver anniversary of the Older Americans Act, the principle Federal vehicle for delivering critical social services to the elderly. In reflecting upon the past 25 years, it is safe to say that the act has been a tremendous success. Today, an aging network—consisting of units on aging in each of the 50 States, 670 area agencies on aging, and 25,000 service providers—is working together to offer a wide range of social services to the elderly. Although virtually static funding over the past 10 years has strained the aging network, it remains a viable and needed force in the lives of older Americans.

A remarkable feature of the Older Americans Act is the diversity of services that are provided to senior citizens. Unlike many complex Federal benefit programs, this act places trust in the creativity and resourcefulness of State and local agencies to address the diverse needs of their communities.

However, I believe that one theme ties these many diverse services together: the Older Americans Act is a hand that helps elderly persons maintain independence and dignity. This helping hand can be seen in many ways and in many places across our Nation:

A helping hand that delivers hot meals to a senior citizen determined to remain in her own home;

A helping hand to defend and assert the legal rights of an elderly woman who is striving to keep her apartment;

A helping hand to guide an elderly man through the bureaucratic maze of Federal benefit programs;

A helping hand from an ombudsman to advocate on behalf of a nursing home resident whose rights and dignity have been violated;

A helping hand to assure that minority elderly persons are treated with the fairness and respect that is their birthright;

A helping hand extended to an elderly father and his daughter who need information about human services programs available in their community; and

A helping hand to obtain meaningful employment for an older man who needs to supplement his income.

Of course, this is just a sampling of the diverse and creative services offered through the Older Americans Act. But, these examples illustrate what, I submit, should be the guiding principle of the Older Americans Act: helping senior citizens maintain or restore their independence and dignity.

The goals of the Older Americans Act serve as a continuing challenge to all Americans. This very successful legislation has made a positive contribution to the lives of our elderly citizens. I hope this anniversary is not only a time to recognize past achievements, but also a time to reaffirm our national commitment to the objectives envisioned by the Older Americans Act.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 99) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 99

Whereas 1990 marks the 25th anniversary of the enactment of the Older Americans Act of 1965;

Whereas during the past 25 years, the implementation of the Older Americans Act of 1965 has contributed to the economic well-being of millions of older Americans, and has improved the quality of life for such individuals;

Whereas one of the key elements contributing to the successful implementation of the Older Americans Act of 1965 has been the establishment of an aging network composed of State and local aging agencies, providers of congregate and home-delivered nutrition, and many other community service providers;

Whereas the Administration on Aging in the Department of Health and Human Services was created by the Older Americans Act of 1965, and has been empowered to act as an effective advocate for the concerns and needs of older individuals;

Whereas many older individuals, and the individuals who serve the needs of such older individuals, have benefited greatly from the research, training, and education that programs established under the Older Americans Act of 1965 have provided;

Whereas services authorized under the Older Americans Act of 1965 have provided important part-time community service employment opportunities for low-income elderly individuals;

Whereas some of the programs under the Older Americans Act of 1965 were designed to address the special needs, of older Native Americans;

Whereas some of the programs authorized under the Older Americans Act of 1965 were created to address the specific concerns of those older Americans with the greatest social and economic needs especially minority older Americans;

Whereas many services under the Older Americans Act of 1965, including long-term care ombudsman and legal services providers, have acted as powerful advocates for elderly individuals;

Whereas in recognition to the changing needs of a rapidly aging society, the Older Americans Act of 1965 has been periodically amended;

Whereas the Older Americans Act of 1965 has brought together thousands of dedicated professionals and volunteers and has provided inspiration for such individuals;

Whereas the Older Americans Act of 1965 serves as a model for the development of community-based services, including services that provide alternatives to the institutionalization of older individuals; and

Whereas the Older Americans Act of 1965 serves as the foundation for an effective human services policy for millions of Americans as this Nation enters the 21st century: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the 25th anniversary of the enactment of the Older Americans Act of 1965, and the successful implementation of such Act should be recognized;

(2) the many and varied contributions at all levels of the aging network fostered by the Older Americans Act of 1965 should be recognized; and

(3) the Congress and the citizens of this Nation should reaffirm support for the Older Americans Act of 1965, and the primary goals of such Act of providing services to maintain the dignity of older individuals in the United States, and promoting the independence of such individuals.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOTEL AND MOTEL FIRE SAFETY ACT

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 754, H.R. 94, the Hotel and Motel Fire Safety Act of 1990.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 94) to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

Their being no objection the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) automatic sprinklers and smoke detectors should supplement and not supplant other fire protection measures, including existing requirements for fire resistive walls and fire retardant furnishings;

(4) some States and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(5) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

"LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 2 years after the date of enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meets the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 2-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meets the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to the Director pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that are 3 stories or lower.

"(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State,

or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;".

(2) Section 4 of such Act (as amended by paragraph (1)) is further amended by inserting immediately after paragraph (6), as so redesignated, the following new paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;".

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5707 the following new section:

"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

"(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services may not include in any directory which lists lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(c) The Administrator of General Services shall include in each directory which lists lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

"(d) The Administrator of General Services may take any additional actions the Administrator determines appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. ESTABLISHMENT OF APPROVED ACCOMMODATIONS PERCENTAGE FOR FEDERAL AGENCIES.

(a) APPROVED ACCOMMODATIONS PERCENTAGE.—

(1) IN GENERAL.—Section 5707 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—

"(A) 65 percent, for the first fiscal year that begins 4 years after the date of enactment of this subsection;

"(B) 75 percent, for the fiscal year that begins 5 years after the date of enactment of this subsection; and

"(C) 90 percent, for the fiscal year that begins 6 years after the date of enactment of this subsection and for each subsequent fiscal year.

"(2) In this subsection, an agency's 'approved accommodations percentage' for a fiscal year is the percentage determined by multiplying 100 by the quotient of—

"(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or other place of public accommodation not owned by the Federal Government; divided by

"(B) the total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.

"(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(4) For purposes of this subsection—

"(A) the term 'agency' does not include the government of the District of Columbia; and

"(B) the term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, the Canal Zone, Guam, American Samoa, or any other territory or possession.".

(2) CONFORMING AMENDMENT.—Section 5701 of such title is amended in the matter preceding paragraph (1) by striking "For the purpose" and inserting "Except as otherwise provided in section 5707(d), for the purpose".

(b) GAO AUDIT OF AGENCY COMPLIANCE.—Not later than 6 months after the last day of the first fiscal year during which lodging expenses are subject to the requirements of section 5707(d) of title 5, United States Code, as added by subsection (a), and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General shall conduct an audit of the compliance of agencies with the requirements of section 5707(d) of title 5, United States Code (as added by subsection (a)), and shall submit a report to Congress describing the results of such audit.

SEC. 6. PROHIBITING FEDERAL FUNDING OF CONFERENCES HELD AT NON-CERTIFIED PLACES OF PUBLIC ACCOMMODATION.

(a) IN GENERAL.—No Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (as added by section 3(a) of this Act).

(b) WAIVER.—

(1) IN GENERAL.—The head of an agency of the Federal Government sponsoring or funding a particular meeting, convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the case of such particular event.

(2) DELEGATION OF AUTHORITY.—The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) NOTICE REQUIREMENTS.—

(1) ADVERTISEMENTS AND APPLICATIONS.—(A) Any advertisement for or application for attendance at a meeting, convention, conference, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) PROVIDING NOTICE TO RECIPIENTS OF FUNDS.—(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients

of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms "Executive department", "Government corporation", and "independent establishment" have the meanings given such terms in chapter 1 of title 5, United States Code.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the Federal Register of the master list referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 7. WAIVER OF FEDERAL LIABILITY.

In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for the death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act or the amendments made by this Act.

SEC. 8. EFFECT ON CERTAIN REQUIREMENTS.

Nothing in this Act shall be construed to encourage model building code organizations, or State or local governments, to reduce requirements for fire resistive walls or other safety features.

Mr. HOLLINGS. Mr. President, as chairman of the Commerce Committee, and as a representative of a State that welcomes thousands of tourists each year, I support this important legislation. This bill will encourage hotels and motels to provide the traveling public with an even greater measure of fire protection through the use of automatic sprinkers and smoke detectors. Clearly, both sprinklers and smoke detectors are needed to ensure that our places of public accommodation are safe from the dangers of fire.

We worked hard on this bill in the Commerce Committee to find a reasonable balance which would improve fire safety without intolerably burdening the industry. The bill does not impose mandatory requirements but rather encourages the adoption of safety features through guidelines for use of hotels and motels by Federal agencies and employees. These guidelines apply to facilities over three stories in height. Provisions for use of hotels and motels by Federal employees are phased in over a reasonable period of time. I believe we have achieved the proper balance.

I commend the chairman of the Consumer Subcommittee, Senator BRYAN, for his diligent work toward this end. This is a good bill with an important public safety purpose. I urge my colleagues to support it.

Mr. BRYAN. Mr. President, as chairman of the Consumer Subcommittee, and cochairman of the Congressional Fire Service Caucus, I am pleased to recommend to the full Senate the Hotel and Motel Fire Safety Act of 1990. The purpose of this legislation is to promote fire safety in our Nation's hotels and motels and all places of public accommodation.

There is no doubt that hotel fire safety is a necessary goal in this country. Statistics show that the United States currently has one of the worst fire records of any country in the industrialized world. Each year an average of 6,000 Americans die from fires in this Nation, and reports show 36 percent of multiple fatalities occur in our Nation's hotels.

This bill attempts to address this problem by promoting the use of fire sprinklers and smoke detectors in our Nation's public accommodations. The evidence is clear that sprinklers and smoke detectors are an effective means of fire safety, and together provide one of the best safeguards against the dangers of fire for the traveling public.

As a resident of Nevada, I am particularly aware of the need for this legislation, and the effectiveness of these devices. In the early 1980's, the State of Nevada suffered several tragic hotel fires, including one that resulted in the loss of 85 lives, and injuries to about 600 people. At the time, I was serving as Nevada's Attorney General, and there is one scene I will never forget. The day after the fire, as we were inspecting the disaster, the evidence was clear. Where there were sprinklers, there was hardly any damage to the property and furnishings; where there were no sprinklers, the surrounding property was totally destroyed.

The State of Nevada responded by enacting one of the most stringent fire safety codes in the Nation which included a requirement for the installation of fire sprinklers. Since then, the State of Nevada has not experienced another major fire.

While many members of the hotel industry already have installed smoke detector devices in their facilities, most do not have sprinkler systems. The fire service community believes, however, that both fire sprinklers and smoke detectors are needed to ensure adequate fire safety in our Nation's hotels.

It should be made clear that the bill does not impose any mandatory requirements for the hotel industry. The bill instead seeks to encourage the adoption of these safety features through the issuance of certain guidelines for the use of hotel and motel facilities by Federal agencies and employees.

Specifically, the bill requires Federal agencies, through a certain phasein period, to ensure that an increasing percentage of its employees stay in facilities that meet the fire safety guidelines under the bill. The guidelines provide for automatic sprinkler and smoke detector systems, in accordance with the appropriate existing national standard in all facilities over three stories in height. The phasein period would not begin until the first fiscal year beginning 4 years after the date of the enactment of the bill, at which time Federal agencies would be required to insure that at least 65 percent of their accommodations were in facilities that meet the safety guidelines under the bill. That percentage would increase to 75 percent after the fifth year, and 90 percent each succeeding year.

To ensure proper notice and compliance with the guidelines, the Director of the Federal Emergency Management Agency would be required to collect from the States a list of all facilities in each State that complied with the fire safety guidelines. The Director then would be required to compile and publish in the Federal Register a master list of all facilities in each State that meet the safety guidelines. The Director also would be required to distribute the list to each Federal agency, and to take any other steps that are necessary to make the employees of each agency aware of the list.

The bill also would prohibit the General Services Administration [GSA] from listing in any directory of lodging for Federal employees the rates of any hotel or motel that does not meet the safety guidelines established in the bill. GSA also would be prohibited from including noncomplying facilities in any survey conducted to determine Federal employee per diem rates.

Also, beginning 1 year and 60 days after publication of the master list, no federally funded conference or meeting could be held in any hotel that does not meet the safety guidelines, unless a waiver is granted by the head of the agency involved in funding the event.

A suggestion was made during the course of the committee's consideration of the bill that we also include under the safety guidelines of the legislation, a requirement for use of certain fire separation materials in hotel construction. There is no doubt that certain fire separation materials could provide an additional element of fire safety in hotel and motel facilities. It was believed, however, that the inclusion of a guideline for certain construction materials would be construed by State and local governments as an intrusion on their local building code authority.

The committee did amend the bill to include a provision stating that the bill is not to be construed by State and local governments and building code organizations to reduce requirements for other safety features, such as fire resistive construction materials. This provision was added by the committee to recognize the importance of other fire safety measures, and to ensure that the bill would not be construed as implying that sprinklers and smoke

detectors were the only means of fire safety in hotel facilities.

I also should note that the committee made several other changes from the House-passed version of bill. As passed the House, the exemption for sprinkler systems was set at two stories or lower. However, concerns were expressed that small businesses, unable to bear significant increased costs, would be unnecessarily and unreasonably impacted by this provision.

In response to these concerns, the committee raised the exemption to three stories and eliminated requirements for adjoining interior corridors and immediate egress to ground level. We were convinced that raising the exemption to three stories would not have a serious impact on fire safety, since fires in hotels of that height are more easily handled by fire departments without exceptional equipment, and thus the need for sprinklers is reduced.

The committee also inceased the time within which States must compile their lists of facilities meeting these requirements from 1 to 2 years. This will give the hotel industry more time to come into compliance. Since the bill does not affect Federal travel until 4 years after enactment, this change should not impede the effectiveness of the bill.

The current version of the bill, in my opinion, strikes the proper balance between the Federal Government's desire to ensure effective fire safety in our Nation's hotels, and the authority and rights of States and local governments to establish fire and building codes.

I believe that this is a good bill and one that serves an important purpose. I should note that many members of the hotel industry already have begun to adopt these safety devices as part of their fire safety measures, and have indicated their support for this bill. I am also pleased that the bill is strongly supported by our Nation's fire chiefs, fire marshals, and firefighters. In my opinion, there is no better lead to follow on this subject than our Nation's fire safety leaders. Therefore, I would hope that we can proceed to approve this legislation, and I urge my colleagues to support it.

Mr. GORTON. Mr. President, today the Senate will consider H.R. 94, the Hotel and Motel Fire Safety Act of 1989. As the ranking Republican member of the Consumer Subcommittee, I am pleased to endorse this bill and recommend to my colleagues that they support it.

The fire safety community is unanimous in recommending sprinkler systems as the best way to save lives in hotel fires. According to testimony received by the Consumer Subcommittee, however, only one-half of all hotel rooms now have sprinklers.

H.R. 94 establishes fire safety guidelines for hotels and other public accommodations regarding automatic sprinkler systems and hard-wired smoke detectors. The bill directs the General Services Administration to include only those hotels and places of public accommodation that have satisfied these safety requirements in its official directory of lodging places for Federal employees. Travel by Federal employees to facilities that do not meet these standards will be severely restricted.

This bill will require the owners of the stock of existing hotel rooms that do not have sprinklers to decide whether to retrofit these facilities in order to comply with the safety guidelines. No hotel will be able to compete for a share of the Federal Government's business unless it complies. This is a powerful economic incentive as the Federal Government spends approximately $1.6 billion annually for lodging for its employees. However, the best reason for enacting this legislation is that it promotes safety. And, by making travel safer for Federal employees, this bill will make travel safer for all Americans.

Mr. President, this measure was not without controversy. Some expressed concern that the sprinkler retrofitting requirement went too far, and it would be a signal to state and local officials and model code organizations that this was a panacea to the exclusion of all other fire safety measures. In response to these concerns, the committee extended the exemption to the sprinkler requirement in the House-passed bill from two to three stories. And, the bill as reported by the committee contains a provision which states clearly that, while supporters of the bill endorse the safety guidelines, they are not to be construed as a replacement for fire-retardant building materials that are required in building codes or by a hotel's corporate policy.

Mr. President, I wish to commend Senator BRYAN, the chairman of the Consumer Subcommittee for his work in bringing this important issue to the Commerce Committee and the Senate. I share his interest in promoting the safety and well-being of the American people, and I join him in urging our colleagues to support H.R. 94.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 94), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL INDIAN FOREST AND WOODLAND ENHANCEMENT ACT

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 748, S. 1289, to improve forest management on Indian lands.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1289) to improve the management of forest and woodlands and the production of forest resources on Indian lands, and other purposes, reported with an amendment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause, and inserting in lieu thereof the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "National Indian Forest Resources Management Act".

SEC. 102. FINDINGS OF CONGRESS.

(a) FINDINGS.—The Congress finds and declares that—

(1) the forest lands of Indians are among their most valuable resources and Indian forest lands—

(A) encompass more than 15,990,000 acres, including more than 5,700,000 acres of commercial forest land and 8,500,000 acres of woodland,

(B) are a perpetually renewable and manageable resource,

(C) provide economic benefits, including income, employment, and subsistence, and

(D) provide natural benefits, including ecological, cultural, and esthetic values;

(2) the United States has a trust responsibility to protect, conserve, utilize, manage, and enhance Indian forest land and the economic and other benefits from Indian forest land, in perpetuity, including the provision of essential primary and secondary forest roads;

(3) existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands;

(4) Indian forest lands are, for the purposes of management, analogous to private lands, and as such Indian forest lands should not automatically be subject to Federal laws relative to Federal undertakings or federally assisted or approved undertakings;

(5) Federal investment in and the management of Indian forest land are significantly below the level of investment in and management of National Forest Service forest

land, Bureau of Land Management forest land, or private forest land;

(6) tribal governments make substantial contributions to the overall management of Indian forest land; and

(7) there is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) meet the trust responsibility of the United States for Indian forest lands, consistent with the participation and objectives of Indian forest lands' beneficial owners;

(2) clarify and secure application of forest management deductions back to the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected;

(3) increase the number of professional Indian foresters, and related staff, in forestry programs on Indian forest land; and

(4) provide for fiscal years 1991 through 2006, authorization for appropriations to carry out this Act for the protection, conservation, utilization, management, and enhancement of Indian forest lands, in lieu of the provisions of the Snyder Act (25 U.S.C. 13).

SEC. 104. DEFINITIONS.

For the purposes of this Act, the term—

(1) "forest" means an ecosystem of at least one acre in size, including timberland and woodland, which—

(A) is characterized by a more or less dense and extensive tree cover;

(B) contains, or once contained, at least 10 percent tree crown cover; and

(C) is not developed or planned for exclusive nonforest use;

(2) "Indian forest land" means Indian lands, including commercial and noncommercial timberland and woodland, that are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless whether a formal inspection and land classification action has been taken;

(3) "forest land management activities" means all activities performed in the management of Indian forest lands pursuant to the trust responsibility of the United States to manage such lands, including—

(A) all aspects of program administration and executive direction such as—

(i) development and implementation of policy and operational procedures, program oversight, and evaluation;

(ii) securing of legal assistance and handling of legal matters;

(iii) budget, finance, and personnel management; and

(iv) development, improvement and maintenance of necessary data bases including tribal and Federal forest management information systems and program reports;

(B) all aspects of the development, preparation, and revision of forest inventory and forest management plans, including remote sensing, cadastral surveys, realty appraisals, mapping, field management inventories and reinventories, inventory analysis, growth studies, allowable annual cut calculations, environmental assessment, and forest history, consistent with and reflective of tribal integrated resource management plans;

(C) forest land development, including forestation, thinning, tree improvement activities, and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of Indian forest lands;

(D) protection against losses from wildfire, including acquisition and maintenance of fire fighting equipment and fire detection systems, construction of firebreaks, hazard reduction, prescribed burning, and the development of cooperative wildfire management agreements;

(E) protection against insects and disease, including—

(i) all aspects of detection and evaluation;

(ii) preparation of project proposals containing project description, environmental assessments and statements, and cost-benefit analyses necessary to secure funding;

(iii) field suppression operations; and

(iv) reporting;

(F) assessment of damage to Indian forest land, including field examination and survey, damage appraisal, investigation assistance, and reports, demand letters, and testimony preparation;

(G) all aspects of the preparation, administration, and supervision of timber sale contracts, paid and free use permits, and other Indian forest product harvest documents, including—

(i) cruising, product marking, silvicultural prescription, appraisal, and harvest supervision;

(ii) forest product marketing assistance, including evaluation of marketing and business development opportunities related to Indian forest products and consultation and advice to tribes, tribal and Indian enterprises on maximization of return on forest products;

(iii) archeological, historical, environmental and other land management reviews, clearances, and analyses;

(iv) advertising, executing, and supervising contracts;

(v) marking and scaling of timber; and

(vi) collecting, recording, and distributing receipts from sales;

(H) provision of financial assistance for the education of Indians enrolled in accredited programs of postsecondary and postgraduate forestry and forestry-related fields of study, including the provision of scholarships, internships, relocation assistance, and other forms of assistance to cover educational expenses;

(I) participation in the development and implementation of tribal integrated resource management plans, including all activities to coordinate current and future multiple uses of Indian forest lands;

(J) improvement and maintenance of extended season primary and secondary Indian forest land road systems; and

(K) research activities to improve the basis for determining appropriate management measures to apply to Indian forest lands;

(4) "forest management plan" means the principal document, approved by the Secretary, reflecting and consistent with a tribal integrated resource management plan, which provides for the regulation of the detailed, multiple-use operation of Indian forest land by methods assuring that such lands remain in a perpetually productive state while meeting the objectives of the tribe and which shall include—

(A) standards setting forth the funding and staffing requirements necessary to fulfill the Federal trust responsibility for those Indian forest lands and forest resources as addressed in each management plan, with a report of current forestry funding and staffing levels; and

(B) standards providing quantitative criteria to evaluate performance against the objectives set forth in the plan;

(5) "forest product" means—

(A) timber;

(B) a timber product, including lumber, lath, crating, ties, bolts, logs, pulpwood, fuelwood, posts, poles and split products;

(C) bark;

(D) Christmas trees, stays, branches, firewood, berries, mosses, pinyon nuts, roots, acorns, syrups, wild rice, and herbs;

(E) other marketable material; and

(F) gravel which is extracted from, and utilized on, Indian forest lands;

(6) "forest resources" means all the benefits derived from Indian forest lands, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of Indian forest lands;

(7) "forest trespass" means the act of removing forest products illegally from Indian forest lands;

(8) "Indian" means a member of an Indian tribe;

(9) "Indian enterprise" means—

(A) an enterprise which—

(i) is engaged in construction (within the meaning of the Indian Self-Determination and Education Assistance Act), and

(ii) is entirely owned by one or more Indians, or Indian tribes, that receive 100 percent of the profits of the enterprise; or

(B) an enterprise—

(i) which is engaged in any business other than construction, and

(ii) at least 51 percent of which is owned by one or more Indian tribes that receive not less than 51 percent of the profits of the enterprise, or

(C) an enterprise—

(i) which is engaged in any business other than construction,

(ii) at least 51 percent of which is owned by one or more Indians who receive not less than 51 percent of the profits of the enterprise, and

(iii) which has an Indian owner who—

(I) acts as the chief executive officer of the enterprise, and

(II) has the experience and training to manage, and does in fact manage, the day-to-day activities of the enterprise;

(10) "Indian land" means land title to which is held by—

(A) the United States in trust for an Indian or Indian tribe;

(B) an Indian, Indian tribe, or Alaska Native subject to a restriction by the United States against alienation; or

(C) the United States in trust for the benefit of individuals of Indian or Alaska Native ancestry who are not enrolled as members of federally recognized Indian tribes;

(11) "Indian tribe" or "tribe" means any Indian tribe, band, nation, Pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(12) "reservation" includes Indian reservations established pursuant to treaties, Acts of Congress or Executive orders, public domain Indian allotments, and former Indian reservations in Oklahoma.

(13) "Secretary" means the Secretary of the Interior or the Secretary's delegate;

(14) "sustained yield" means the yield of forest products that a forest can produce continuously at a given intensity of management; and

(15) "tribal integrated resource management plan" means a document, approved by a reservation's recognized tribal government and the Secretary, which provides coordina-

tion for the comprehensive management of such reservation's natural resources.

TITLE II—FOREST MANAGEMENT AND ADMINISTRATION

SEC. 201. MANAGEMENT OF INDIAN FOREST LAND.

(a) MANAGEMENT ACTIVITIES.—The Secretary shall undertake forest land management activities on Indian forest land, either directly or through contracts, cooperative agreements, or grants under the Indian Self-Determination and Education Assistance Act of 1974, as amended (25 U.S.C. 450 et seq.).

(b) MANAGEMENT OBJECTIVES.—Indian forest land management activities undertaken by the Secretary shall be designed to achieve the following objectives—

(1) the development, maintenance, and enhancement of Indian forest land in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in forest management plans by providing effective management and protection through the application of sound silvicultural and economic principals to—

(A) the harvesting of forest products;

(B) forestation;

(C) timber stand improvement; and

(D) other forestry practices;

(2) the regulation of Indian forest lands through the development and implementation, with the full and active consultation and participation of a reservation's recognized tribal government, of forest management plans which are supported by written tribal objectives and forest marketing programs;

(3) the regulation of Indian forest lands in a manner that will ensure the use of good method and order in harvesting so as to make possible on a sustained yield basis continuous productivity and a perpetual forest business;

(4) the development of Indian forest lands and associated value added industries by Indians and Indian tribes to promote self-sustaining communities, so that Indians may receive from Indian forest land not only stumpage value, but also the benefit of all the labor and profit that such Indian forest land is capable of yielding;

(5) the retention of Indian forest land in its natural state when the reservation's recognized tribal government determines that the recreational, cultural, aesthetic, or traditional values of Indian forest land represents the highest and best use of the land;

(6) the management and protection of forest resources to retain the beneficial effects to Indian forest lands of regulating water run-off and minimizing soil erosion; and

(7) the maintenance and improvement of forest productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values.

SEC. 202. FOREST MANAGEMENT DEDUCTION.

(a) WITHHOLDING OF DEDUCTION.—Pursuant to the authority of section 1 of the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413), the Secretary shall withhold a reasonable deduction from the gross proceeds of sales of forest products harvested from Indian forest land under a timber sale contract, permit, or other harvest sale document which has been approved by the Secretary, to cover in whole or part the cost of managing and protecting such Indian forest land.

(b) AMOUNT OF DEDUCTION.—Deductions made pursuant to subsection (a) shall not exceed the lesser amount of—

(1) 10 percent of gross proceeds, or

(2) the percentage of gross proceeds collected on the date of enactment of this Act as forest management deductions by the Secretary on such sales of Indian forest products, unless the reservation's recognized tribal government consents to an increase in the deductions.

(c) USE OF DEDUCTION.—The full amount of any deduction collected by the Secretary shall be expended according to an expenditure plan approved by the Secretary and the reservation's recognized tribal government, for the performance of forest land management activities on the reservation from which such deductions are collected and shall be made available to the reservation's recognized tribal government, upon its request, by contract or agreement for the performance of such activities.

(d) LIMITATIONS.—(1) Forest management deductions withheld pursuant to this section shall not be available to—

(A) cover the costs that are paid from funds appropriated specifically for fire suppression or pest control; or

(B) otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands.

(2) No other forest management deductions derived from Indian forest lands shall be collected to be covered into the general funds of the United States Treasury.

(e) DIRECT PAYMENT TO TRIBES.—(1) Notwithstanding any other law, the Secretary shall, within 1 year from the date of the enactment of this Act, promulgate regulations providing for the payment of forest management deductions authorized by this section to the reservation's recognized tribal government.

(2) Upon the request of the reservation's recognized tribal government, the Secretary shall provide that a purchaser of forest products from Indian forest lands shall make prompt direct payments of forest management deductions into a bank depository account designated by such tribe. Funds so deposited shall be available for expenditure in accordance with subsection (c) of this section.

SEC. 203. FOREST TRESPASS.

(a) CIVIL PENALTIES; REGULATIONS.—Not later than 1 year from the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish civil penalties for the commission of Indian forest land trespass which provide for—

(A) collection of the value of the products illegally removed plus a penalty of double their value;

(B) collection of the costs associated with damage to the Indian forest land caused by the act of trespass; and

(C) collection of the costs associated with enforcement of the regulations, including field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees;

(2) designate responsibility within the Department of the Interior for the detection and investigation of Indian forest land trespass; and

(3) set forth responsibilities and procedures for the assessment and collection of civil penalties.

(b) TREATMENT OF PROCEEDS.—The proceeds of civil penalties collected under this section shall be treated as proceeds from the sale of forest products from the Indian forest land upon which such trespass occurred.

(c) CONCURRENT JURISDICTION.—Indian tribes which adopt the regulations promulgated by the Secretary pursuant to subsection (a) of this section shall have concurrent civil jurisdiction to enforce the provisions of this section and the regulations promulgated thereunder. The Bureau of Indian Affairs and other agencies of the Federal Government shall, at the request of the reservation's recognized tribal government, defer to tribal prosecutions of Indian forest land trespass cases. Tribal court judgments regarding forest trespass shall be entitled to full faith and credit in Federal and State courts to the same extent as a Federal court judgment obtained under this section.

SEC. 204. DIRECT PAYMENT OF FOREST PRODUCTS RECEIPTS.

(a) REGULATIONS.—Notwithstanding any other law, the Secretary shall, within 1 year from the date of enactment of this Act, promulgate regulations providing for the payment of receipts from the sale of Indian forest products as provided in this section.

(b) PAYMENT INTO A BANK DEPOSITORY.—Upon the request of the reservation's recognized tribal government, the Secretary shall provide that the purchaser of Indian forest products of such tribe which are harvested under a timber sale contract, permit or other harvest sale document which has been approved by the Secretary, shall make prompt direct payments of the gross proceeds of sales of such forest products, less any amounts segregated as forest management deductions pursuant to section 202, into a bank depository account designated by such Indian tribe.

SEC. 205. RECEIPTS FROM INDIAN ALLOTMENTS.

Except as provided by section 202 of this Act, the Secretary shall not pay or transfer any other portion of the gross proceeds of sales of forest products from Indian allotment lands to a reservation's recognized tribal government without the consent of the beneficial owner of such allotment land. In the event that there is more than one beneficial owner of an allotment, the consent required by this section shall be deemed to be granted if given by a majority of such beneficial owners.

SEC. 206. SECRETARIAL RECOGNITION OF TRIBAL LAWS.

(a) COMPLIANCE WITH TRIBAL LAWS; COOPERATION IN ENFORCEMENT.—Subject to the Secretary's responsibilities as reflected in section 102(2) and 104(3), the Secretary shall, to the extent feasible, comply with tribal laws pertaining to Indian forest lands, including laws regulating the environment or historic or cultural preservation, and shall cooperate with the enforcement of such laws on Indian forest lands. Such cooperation shall include—

(1) assistance in the enforcement of such laws;

(2) provision of notice of such laws to persons or entities undertaking activities on Indian forest lands; and

(3) upon the request of the reservation's recognized tribal government, the appearance in tribal forums of personnel of the Department of the Interior as witnesses.

(b) NATURE OF SECRETARIAL RESPONSIBILITIES AND ACTIONS.—The Secretary's responsibilities and actions on Indian forest lands under this Act or the Snyder Act (25 U.S.C. 13) or any other Act, shall not be deemed Federal undertakings or activities or federally-assisted undertakings or activities.

SEC. 207. INDIAN FOREST LAND ASSISTANCE ACCOUNT.

(a) ESTABLISHMENT.—The Secretary may establish an Indian forest land assistance account to fund any Indian forest land management activities authorized by this Act.

(b) DEPOSITS AND EXPENDITURES.—(1) The Secretary may deposit into the Indian forest land assistance account established pursuant to subsection (a) any unobligated annual appropriations available to him, for the purpose of conducting forest land management activities on Indian forest lands.

(2) Funds in the Indian forest land assistance account and any interest or other income earned thereon shall remain available until expended and shall not be available to otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands.

(c) AUDITS.—At the request of any Indian tribe or upon the Secretary's own volition, the Secretary shall conduct audits of the Indian forest land assistance account and shall publish the results of such audits.

SEC. 208. TRIBAL FORESTRY PROGRAMS.

(a) ESTABLISHMENT.—The Secretary shall establish within the Bureau of Indian Affairs a program to provide financial support to forestry programs established by a reservation's recognized tribal government.

(b) SUPPORT ALLOCATION FORMULA; CRITERIA.—(1) The Secretary, with the participation of Indian tribes with Indian forest lands, shall establish, and promulgate by regulations, a formula—

(A) for the determination of Indian tribes eligible for such support;

(B) for the provision of assistance for the forestry programs of such tribes; and

(C) the allocation of base support funds to such tribes under the program established pursuant to subsection (a).

(2) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one professional forester, including fringe benefits and support costs, for each eligible tribe; and

(B) one additional professional forester or forest technician, including fringe benefits and support costs, for each level of assistance for which an eligible Indian tribe qualifies.

(3) In any fiscal year that appropriations are not sufficient to fully fund tribal forestry programs at each level of assistance under the formula required to be established in this section, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

SEC. 209. TRIBAL FOREST LAND ACQUISITION GRANTS.

(a) AUTHORIZATION.—The Secretary is hereby authorized to make grants to a reservation's recognized tribal government for the purpose of acquiring forest land where such acquisition may be otherwise authorized by law. No funds may be made available by the Secretary pursuant to this section unless the Indian tribe applying for such grant provides an equal amount of funds, from any other source, for such land acquisition.

(b) BUREAU OF INDIAN AFFAIRS.—Within the Bureau of Indian Affairs, the Division of Forestry shall have the responsibility for appraisals of Indian forest lands, lands identified for acquisition, and any valuation of associated forest assets.

SEC. 210. ASSESSMENT OF INDIAN FOREST LAND AND MANAGEMENT PROGRAMS.

(a) INITIAL ASSESSMENT.—(1) Within 1 year after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in forest management practices on Federal and private lands to conduct an independent assessment of Indian forest lands and Indian forest land management practices.

(2) Such assessment shall be national in scope and shall include—

(A) an in-depth analysis of management practices on, and the level of funding for, specific Indian forest land compared with similar Federal and private forest lands;

(B) a survey of the condition of Indian forest lands, including health and productivity levels;

(C) an evaluation of the staffing patterns of forestry organizations of the Bureau of Indian Affairs and of Indian tribes;

(D) an evaluation of procedures employed in timber sales administration, including preparation, field supervision, and accountability for proceeds;

(E) an analysis of the potential for reducing or eliminating relevant administrative procedures, rules and policies of the Bureau of Indian Affairs consistent with the Federal trust responsibility;

(F) a comprehensive review of the adequacy of Indian forest land management plans, including their compatibility with applicable tribal integrated resource management plans and their ability to meet tribal needs and priorities;

(G) an evaluation of the feasibility and desirability of establishing minimum standards against which the adequacy of the forestry programs of the Bureau of Indian Affairs in fulfilling its trust responsibility to Indian tribes can be measured; and

(H) recommendations on any reforms and funding levels necessary to bring Indian forest land management programs to a state-of-the-art condition.

(3) Such assessment shall include specific examples and comparisons from each of the regions of the United States where Indian forest lands are located.

(4) The initial assessment required by this subsection shall be completed no later than 36 months following the date of enactment of this Act. Upon completion, the assessment shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Select Committee on Indian Affairs of the United States Senate and shall be made available to Indian tribes.

(b) PERIODIC ASSESSMENTS.—On each 10-year anniversary of the date of enactment of this Act, the Secretary shall provide for an independent assessment of Indian forest lands and Indian forest land management practices under the criteria established in subsection (a) which shall include analyses measured against findings in previous assessments.

(c) STATUS REPORT TO CONGRESS.—The Secretary shall submit, within 1 year of the first full fiscal year after the date of enactment of this Act and within 6 months of the end of each succeeding fiscal year, to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Select Committee on Indian Affairs of the United States Senate, and to the affected Indian tribes a report on the status of Indian forest lands with respect to the standards, goals, and objectives set forth in approved forest management plans for each Indian tribe with Indian forest lands. The report shall identify the amount of Indian forest land in need of forestation or other silviculture treatment and the quantity of timber available for sale, offered for sale, and sold from each Indian reservation.

(d) ASSISTANCE FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture, through the Forest Service, is authorized to provide, upon the request of the Secretary of the Interior, on a nonreimbursable basis, technical assistance in the conduct of such research and evaluation activities as may be necessary for the completion of any reports or assessments required by this Act.

SEC. 211. ALASKA NATIVE TECHNICAL ASSISTANCE PROGRAM.

(a) The Secretary, in consultation with the village and regional corporations established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) shall establish a program of technical assistance for such corporations to promote the sustained yield management of their forest resources. Such technical assistance shall also be available to promote local processing and other value added activities associated with such forest resources.

(b) The technical assistance to be provided by the Secretary pursuant to subsection (a) shall be made available through contracts, grants or agreements entered into in accordance with, and made available to entities eligible for such contracts, grants or agreements under, Public Law 93-638 (25 U.S.C. 450 et seq.).

TITLE III—INDIAN AND ALASKA NATIVE FORESTRY EDUCATION ASSISTANCE PROGRAMS

SEC. 301. ESTABLISHMENT OF INDIAN AND ALASKA NATIVE FORESTRY EDUCATION ASSISTANCE.

(a) FORESTER INTERN PROGRAM.—

(1) Notwithstanding the provisions of title 5 of the United States Code governing appointments in the competitive service, the Secretary shall establish and maintain in the Bureau of Indian Affairs at least 20 forester intern positions for Indian and Alaska Native students.

(2) For purposes of this subsection; the term "forester intern" means an Indian or Alaska Native who—

(A) is acquiring necessary academic qualifications to become a forester or a professional trained in a forestry-related field; and

(B) is appointed to one of the positions established under subsection (a)(1).

(3) The Secretary shall pay all costs for tuition; books; fees and living expenses incurred by a forester intern while attending an approved postsecondary or graduate school in a full-time forestry-related curriculum.

(4) A forester intern shall be required to enter into an obligated service agreement to serve as a professional forester or other forestry-related professional with the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise for 2 years for each year of education for which the Secretary pays the intern's educational costs under paragraph (3) of this subsection.

(5) A forester intern shall be required to report for service with the Bureau of Indian Affairs during any break in attendance at school of more than 3 weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement.

(b) COOPERATIVE EDUCATION PROGRAM.—

(1) The Secretary shall maintain, through the Bureau of Indian Affairs, a cooperative education program for the purpose of recruiting promising Indian and Alaska Native students who are enrolled in secondary schools, tribally-controlled community colleges, and other postsecondary or graduate schools for employment as a professional forester or other forestry-related professional

in the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise.

(2) The cooperative educational program that is to be maintained under subsection (b)(1) shall be modeled on and shall have essentially the same features of the program operated on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual of the Office of Personnel Management.

(3) Under the cooperative agreement program that is to be maintained under paragraph (1) of this subsection, the Secretary shall pay all costs for tuition, books, and fees of an Indian or Alaska Native student who—

(A) is enrolled in a course of study at an educational institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau of Indian Affairs, tribal government or tribal enterprise in the management of Indian forest land.

(4) Financial need shall not be a requirement to receive assistance under the cooperative agreement program that is to be maintained under this subsection.

(5) A recipient of assistance under the cooperative education program that is to be maintained under this subsection shall be required to enter into an obligated service agreement to serve as a professional forester or other forestry related professional with the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise for one year for each year for which the Secretary pays the recipient's educational costs pursuant to paragraph (3) of this subsection.

(c) SCHOLARSHIP PROGRAM.—

(1) The Secretary is authorized to grant forestry scholarships to Indians and Alaska Natives enrolled in accredited programs for postsecondary and graduate forestry and forestry-related programs of study as full-time students.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment for two years, following completion of the recipient's forestry or forestry-related course of study, with—

(A) the Bureau of Indian Affairs;

(B) a forestry program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act of 1974, as amended (25 U.S.C. 450 et seq.);

(C) an Indian enterprise engaged in a forestry or forestry-related business; or

(D) a reservation's recognized tribal government forestry-related program.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited postsecondary or graduate institution.

(d) FORESTRY EDUCATION OUTREACH.—The Secretary shall conduct, through the Bureau of Indian Affairs, and in consultation with other appropriate local, State and Federal agencies, and in consultation and coordination with Indian tribes, a forestry education outreach program for Indian and Alaska Native youth to explain and stimulate interest in all aspects of Indian forest land management and careers in forestry.

(e) ADEQUACY OF PROGRAMS.—The Secretary shall administer the programs described in this section until a sufficient number of Indians and Alaska Natives are trained to ensure that there is an adequate number of qualified, professional Indian and Alaska Native foresters to manage the Bureau of Indian Affairs forestry programs and forestry programs maintained by or for Indian tribes.

SEC. 302. POSTGRADUATION RECRUITMENT, EDUCATION AND TRAINING PROGRAMS.

(a) POSTGRADUATION RECRUITMENT.—The Secretary shall establish and maintain a program to attract Indian and Alaska Native professional foresters and forester technicians who have already graduated from their course of postsecondary or graduate education for employment in either the Bureau of Indian Affairs forestry program or, subject to the approval of a reservation's recognized tribal government, in tribal forestry programs. According to such regulations as the Secretary shall prescribe, such program shall provide for the employment of Indian and Alaska Native professional foresters or forestry technicians in exchange for the Secretary's assumption of the employee's outstanding student loans. The period of employment shall be determined by the amount of the loan that is assumed.

(b) POSTGRADUATE INTERGOVERNMENTAL INTERNSHIPS.—For the purposes of training, skill development and orientation of Indian, Alaska Native, and Federal forestry personnel, and the enhancement of tribal and Bureau of Indian Affairs forestry programs, the Secretary shall establish and, actively conduct a program for the cooperative internship of Federal, Indian, and Alaska Native forestry personnel. Such program shall—

(1) For agencies within the Department of the Interior—

(A) provide for the internship of Bureau of Indian Affairs, Alaska Native, and Indian forestry employees in the forestry-related programs of other agencies of the Department of the Interior;

(B) provide for forestry personnel from other Departments of the Interior agencies to serve within the Bureau of Indian Affairs and, with the consent of a reservation's recognized tribal government, to serve in tribal forestry programs.

(2) For agencies not within the Department of the Interior, the Secretary may by interagency agreement provide for the internship of other forestry personnel, not within the jurisdiction of the Department of the Interior and who are above their sixth year of Federal service, within the Bureau of Indian Affairs and, with the consent of a reservation's recognized tribal government, within tribal forestry programs;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for the salaries and benefits of participating Indian and Alaska Native forestry employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

(c) CONTINUING EDUCATION AND TRAINING.—The Secretary shall maintain a program within the Bureau of Indian Affairs Division of Forestry for the ongoing education and training of Bureau of Indian Affairs, Alaska Native, and Indian forestry personnel. Such program shall provide for—

(1) orientation training for Bureau of Indian Affairs forestry personnel in tribal-Federal relations and responsibilities;

(2) continuing technical forestry education for Bureau of Indian Affairs, Alaska Native, and Indian forestry personnel; and

(3) developmental training of Indian and Alaska Native personnel in forest land enterprises and marketing.

SEC. 303. COOPERATIVE AGREEMENTS BETWEEN THE DEPARTMENT OF THE INTERIOR AND INDIAN TRIBES.

(a) COOPERATIVE AGREEMENTS.—To facilitate the administration of the programs and activities of the Department of the Interior, the Secretary is authorized to negotiate and enter into cooperative agreements with Indian tribes to engage in cooperative manpower and job training and development programs; to develop and publish cooperative environmental education and natural resource planning materials; and to perform land and facility improvements, including forestry and other natural resources protection, fire protection, forestation, timber stand improvement, debris removal, and other activities related to land and natural resources management. The Secretary may enter into the aforesaid agreements when the Secretary determines the public interest will be benefited. In such cooperative agreements, the Secretary is authorized to advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities or equipment without regard to the provisions of section 3324, title 31, United States Code, relating to the advance of public moneys.

(b) SUPERVISION.—In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of sections 2671 through 2680 of title 28, United States Code, and sections 8101 through 8193 of title 5, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this Act shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated the following sums—

(1) $60,000,000 for each of fiscal years 1991 through 1995, for the purpose of carrying out sections 201 through 207 of this Act;

(2) $65,000,000 for each of the fiscal years 1996 through 2006 for the purpose of carrying out sections 201 through 207 of this Act;

(3) $3,000,000 for each of the fiscal years 1991 through 2006 for purposes of carrying out section 208 of this Act;

(4) $6,000,000 for each of fiscal years 1991 through 2006 for the purposes of carrying out section 209 of this Act;

(5) $500,000 for the purposes of carrying out section 210(a) of this Act, to remain available until expended;

(6) such sums as are necessary for each of the fiscal years 1991 through 2006 for the purpose of carrying out subsections (b) and (c) of section 210 of this Act;

(7) $3,000,000 for each of the fiscal years 1991 through 2006 for the purpose of carrying out section 211 of this Act; and

(8) $3,000,000 for each of the fiscal years 1991 through 2006 for purposes of carrying out title III of this Act;

(b) ADJUSTMENT.—The amounts referred to in subsection (a) of this section shall be adjusted for each fiscal year by the percent which equals ⅔ of the percentage change in the United States Gross National Products

Implicit Price Deflator, or 7 percent, whichever is less in any 1 year, using fiscal year 1991 as the base.

(c) SNYDER ACT.—Appropriations made pursuant to the provisions of this Act shall be made in lieu of the provisions of the Snyder Act (25 U.S.C. 13).

TITLE V—MISCELLANEOUS

SEC. 501. REGULATIONS.

Except as otherwise provided by this Act, the Secretary is directed to promulgate final regulations for the implementation of the Act within eighteen months from the date of its enactment. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the participation of the affected Indian tribes.

SEC. 502. SEVERABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

AMENDMENT NO. 2577

(Purpose: To make a series of amendments to the bill)

Mr. SIMPSON. Mr. President, on behalf of Senator McCain I send an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] for Mr. MCCAIN, proposes an amendment numbered 2577.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 3, strike out "8,500,000" and insert in lieu thereof "8,700,000".

On page 28, line 23, immediately after "removing", add "or damaging".

On page 39, beginning with line 9, strike out all through line 2 on page 40 and insert in lieu thereof the following:

SEC. 207. SPECIAL INDIAN FOREST LAND ASSISTANCE ACCOUNT.

(a) ESTABLISHMENT.—At the request of any reservation's recongnized tribal government, the Secretary may establish a special Indian forest land assistance account for such tribal government to fund the Indian forest land management activities of such tribal government.

(b) DEPOSITS AND EXPENDITURES.—(1) The Secretary may deposit into an Indian forest land assistance account established pursuant to subsection (a) any funds in his possession or available to him, including any unobligated annual appropriations, for the purpose of conducting forest land management activities on Indian forest lands of such tribe. The Secretary shall notify the reservation's recognized tribal government of his intent to deposit funds into such account and shall not deposit Federal or tribal funds into such account without the consent of the reservation's recognized tribal government.

(2) Funds in the Indian forest land assistance account and any interest or other income earned thereon shall remain available until expended and shall not be available to otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands. No funds shall be expended from such account without the approval of the Indian tribe for which the account was established.

(c) AUDITS.—At the request of the Indian tribe for which the special Indian forest land assistance account was established or upon the Secretary's own violation, the Secretary shall conduct audits of the Indian forest land assistance account and shall make the results of such audits available to the Indian tribe for which the account was established.

On page 40, line 14, immediately after "of", insert "levels of".

On page 42, line 2, strike out "PROGRAMS" and insert in lieu thereof "ACTIVITIES".

On page 42, line 9, strike out "practices" and insert in lieu thereof "activities".

On page 43, line 15, strike out "programs" and insert in lieu thereof "activities".

On page 44, line 4, strike out "practices" and insert in lieu thereof "activities".

On page 49, strike out line 7 and insert in lieu thereof "agrees to accept employment for one year for each year for which the Secretary pays the recipient's educational costs,".

On page 51, line 9, strike out "Indian" and insert in lieu thereof "tribal".

On page 51, line 13, strike out "Indian" and insert in lieu thereof "tribal".

On page 51, line 18, strike out "Indian" and insert in lieu thereof "tribal".

On page 52, line 13, strike out "Indian" and insert in lieu thereof "tribal".

On page 52, line 21, strike out "Indian" and insert in lieu thereof "tribal".

On page 53, line 2, strike out "Indian" and insert in lieu thereof "tribal".

On page 53, line 4, strike out "Indian" and insert in lieu thereof "tribal".

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2577) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I am pleased to bring S. 1289, the National Indian Forest Resources Management Act before the full Senate. This bill reflects nearly 3 years of very careful work by the Select Committee on Indian Affairs, interested Indian tribes and the Bureau of Indian Affairs.

Although the Congress has passed legislation relating to Indian Forest Resources on three occasions since 1910, we have never taken the time to consider the kind of comprehensive legislation necessary to ensure the proper management of Indian forest lands. One result of our failure to act has been confusion, ill-will and litigation between the tribes and the BIA. On several occasions, the courts have found the United States liable for damages resulting from improper or poor management of Indian forest lands.

I am very pleased that during the past year the tribes and the Bureau of Indian Affairs have worked together with the Select Committee on Indian Affairs to develop constructive solutions to a wide array of longstanding problems which have hampered the sound management of Indian forest lands. This spirit of cooperation is reflected in every provision of the bill. I am hopeful that this same spirit of cooperation will continue after the enactment of S. 1289.

I particularly want to express my gratitude to the Intertribal Timber Council and the many Indian tribes which participated in the development of this bill. Without their assistance, we would not be able to consider this bill today.

Mr. President, I am offering a series of technical amendments to the bill. These amendments have been cleared on both sides and primarily serve to provide consistency in the terms used in the bill. I would like to comment briefly on the amendment to section 207, relating to the forestry assistance accounts. As reported by the Select Committee on Indian Affairs, this section appeared to create one national account.

However, the intent has always been to authorize the Secretary to establish forestry assistance accounts, at the request of a reservation's recognized tribal government, on a reservation-by-reservation basis as stated in the report which accompanies the bill. These accounts are necessary to promote long-term management planning and to enable the Secretary and the tribes to promptly respond to market fluctuations or unforeseen problems such as fires or natural disasters. At present, both the Bureau of Land Management and the Forest Service enjoy the flexibility provided by these types of accounts. In our deliberations on S. 1289, tribal and federal witnesses testified to the need for similar flexibility in the management of Indian forest lands. The language of the amendment simply makes it clear that these accounts are to be tribal specific rather than national in character.

Mr. President, I thank my colleagues for their support of this legislation. I particularly appreciate the assistance of Senator INOUYE and his staff.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill (S. 1289) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "National Indian Forest Resources Management Act".

SEC. 102. FINDINGS OF CONGRESS.

(a) FINDINGS.—The Congress finds and declares that—

(1) the forest lands of Indians are among their most valuable resources and Indian forest lands—

(A) encompass more than 15,990,000 acres, including more than 5,700,000 acres of commercial forest land and 8,700,000 acres of woodland,

(B) are a perpetually renewable and manageable resource,

(C) provide economic benefits, including income, employment, and subsistence, and

(D) provide natural benefits, including ecological, cultural, and esthetic values;

(2) the United States has a trust responsibility to protect, conserve, utilize, manage, and enhance Indian forest land and the economic and other benefits from Indian forest land, in perpetuity, including the provision of essential primary and secondary forest roads;

(3) existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands;

(4) Indian forest lands are, for the purposes of management, analogous to private lands, and as such Indian forest lands should not automatically be subject to Federal laws relative to Federal undertakings or federally assisted or approved undertakings;

(5) Federal investment in and the management of Indian forest land are significantly below the level of investment in and management of National Forest Service forest land, Bureau of Land Management forest land, or private forest land;

(6) tribal governments make substantial contributions to the overall management of Indian forest land; and

(7) there is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

SEC. 103. PURPOSES.

The purposes of this Act are to—

(1) meet the trust responsibility of the United States for Indian forest lands, consistent with the participation and objectives of Indian forest lands' beneficial owners;

(2) clarify and secure application of forest management deductions back to the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected;

(3) increase the number of professional Indian foresters, and related staff, in forestry programs on Indian forest land; and

(4) provide for fiscal years 1991 through 2006, authorization for appropriations to carry out this Act for the protection, conservation, utilization, management, and enhancement of Indian forest lands, in lieu of the provisions of the Snyder Act (25 U.S.C. 13).

SEC. 104. DEFINITIONS.

For the purposes of this Act, the term—

(1) "forest" means an ecosystem of at least one acre in size, including timberland and woodland, which—

(A) is characterized by a more or less dense and extensive tree cover;

(B) contains, or once contained, at least 10 percent tree crown cover; and

(C) is not developed or planned for exclusive nonforest use;

(2) "Indian forest land" means Indian lands, including commercial and noncommercial timberland and woodland, that are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless whether a formal inspection and land classification action has been taken;

(3) "forest land management activities" means all activities performed in the management of Indian forest lands pursuant to the trust responsibility of the United States to manage such lands, including—

(A) all aspects of program administration and executive direction such as—

(i) development and implementation of policy and operational procedures, program oversight, and evaluation;

(ii) securing of legal assistance and handling of legal matters;

(iii) budget, finance, and personnel management; and

(iv) development, improvement and maintenance of necessary data bases including tribal and Federal forest management information systems and program reports;

(B) all aspects of the development, preparation, and revision of forest inventory and forest management plans, including remote sensing, cadastral surveys, realty appraisals, mapping, field management inventories and reinventories, inventory analysis, growth studies, allowable annual cut calculations, environmental assessment, and forest history, consistent with and reflective of tribal integrated resource management plans;

(C) forest land development, including forestation, thinning, tree improvement activities, and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of Indian forest lands;

(D) protection against losses from wildfire, including acquisition and maintenance of fire fighting equipment and fire detection systems, construction of firebreaks, hazard reduction, prescribed burning, and the development of cooperative wildfire management agreements;

(E) protection against insects and disease, including—

(i) all aspects of detection and evaluation;

(ii) preparation of project proposals containing project description, environmental assessments and statements, and cost-benefit analyses necessary to secure funding;

(iii) field suppression operations; and

(iv) reporting;

(F) assessment of damage to Indian forest land, including field examination and survey, damage appraisal, investigation assistance, and reports, demand letters, and testimony preparation;

(G) all aspects of the preparation, administration, and supervision of timber sale contracts, paid and free use permits, and other Indian forest product harvest documents, including—

(i) cruising, product marking, silvicultural prescription, appraisal, and harvest supervision;

(ii) forest product marketing assistance, including evaluation of marketing and business development opportunities related to Indian forest products and consultation and advice to tribes, tribal and Indian enterprises on maximization of return on forest products;

(iii) archeological, historical, environmental and other land management reviews, clearances, and analyses;

(iv) advertising, executing, and supervising contracts;

(v) marking and scaling of timber; and

(vi) collecting, recording, and distributing receipts from sales;

(H) provision of financial assistance for the education of Indians enrolled in accredited programs of postsecondary and postgraduate forestry and forestry-related fields of study, including the provision of scholarships, internships, relocation assistance, and other forms of assistance to cover educational expenses;

(I) participation in the development and implementation of tribal integrated resource management plans, including all activities to coordinate current and future multiple uses of Indian forest lands;

(J) improvement and maintenance of extended season primary and secondary Indian forest land road systems; and

(K) research activities to improve the basis for determining appropriate management measures to apply to Indian forest lands;

(4) "forest management plan" means the principal document, approved by the Secretary, reflecting and consistent with a tribal integrated resource management plan, which provides for the regulation of the detailed, multiple-use operation of Indian forest land by methods assuring that such lands remain in a perpetually productive state while meeting the objectives of the tribe and which shall include—

(A) standards setting forth the funding and staffing requirements necessary to fulfill the Federal trust responsibility for those Indian forest lands and forest resources as addressed in each management plan, with a report of current forestry funding and staffing levels; and

(B) standards providing quantitative criteria to evaluate performance against the objectives set forth in the plan;

(5) "forest product" means—

(A) timber;

(B) a timber product, including lumber, lath, crating, ties, bolts, logs, pulpwood, fuelwood, posts, poles and split products;

(C) bark;

(D) Christmas trees, stays, branches, firewood, berries, mosses, pinyon nuts, roots, acorns, syrups, wild rice, and herbs;

(E) other marketable material; and

(F) gravel which is extracted from, and utilized on, Indian forest lands;

(6) "forest resources" means all the benefits derived from Indian forest lands, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of Indian forest lands;

(7) "forest trespass" means the act of removing or damaging forest products illegally from Indian forest lands;

(8) "Indian" means a member of an Indian tribe;

(9) "Indian enterprise" means—

(A) an enterprise which—

(i) is engaged in construction (within the meaning of the Indian Self-Determination and Education Assistance Act), and

(ii) is entirely owned by one or more Indians, or Indian tribes, that receive 100 percent of the profits of the enterprise; or

(B) an enterprise—

(i) which is engaged in any business other than construction, and

(ii) at least 51 percent of which is owned by one or more Indian tribes that receive not less than 51 percent of the profits of the enterprise, or

(C) an enterprise—

(i) which is engaged in any business other than construction,

(ii) at least 51 percent of which is owned by one or more Indians who receive not less than 51 percent of the profits of the enterprise, and

(iii) which has an Indian owner who—

(I) acts as the chief executive officer of the enterprise, and

(II) has the experience and training to manage, and does in fact manage, the day-to-day activities of the enterprise;

(10) "Indian land" means land title to which is held by—

(A) the United States in trust for an Indian or Indian tribe;

(B) an Indian, Indian tribe, or Alaska Native subject to a restriction by the United States against alienation; or

(C) the United States in trust for the benefit of individuals of Indian or Alaska Native ancestry who are not enrolled as members of federally recognized Indian tribes;

(11) "Indian tribe" or "tribe" means any Indian tribe, band, nation, Pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(12) "reservation" includes Indian reservations established pursuant to treaties, Acts of Congress or Executive orders, public domain Indian allotments, and former Indian reservations in Oklahoma.

(13) "Secretary" means the Secretary of the Interior or the Secretary's delegate;

(14) "sustained yield" means the yield of forest products that a forest can produce continuously at a given intensity of management; and

(15) "tribal integrated resource management plan" means a document, approved by a reservation's recognized tribal government and the Secretary, which provides coordination for the comprehensive management of such reservation's natural resources.

TITLE II—FOREST MANAGEMENT AND ADMINISTRATION

SEC. 201. MANAGEMENT OF INDIAN FOREST LAND.

(a) MANAGEMENT ACTIVITIES.—The Secretary shall undertake forest land management activities on Indian forest land, either directly or through contracts, cooperative agreements, or grants under the Indian Self-Determination and Education Assistance Act of 1974, as amended (25 U.S.C. 450 et seq.).

(b) MANAGEMENT OBJECTIVES.—Indian forest land management activities undertaken by the Secretary shall be designed to achieve the following objectives—

(1) the development, maintenance, and enhancement of Indian forest land in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in forest management plans by providing effective management and protection through the application of sound silvicultural and economic principals to—

(A) the harvesting of forest products;

(B) forestation;

(C) timber stand improvement; and

(D) other forestry practices;

(2) the regulation of Indian forest lands through the development and implementation, with the full and active consultation and participation of a reservation's recognized tribal government, of forest management plans which are supported by written tribal objectives and forest marketing programs;

(3) the regulation of Indian forest lands in a manner that will ensure the use of good method and order in harvesting so as to make possible on a sustained yield basis continuous productivity and a perpetual forest business;

(4) the development of Indian forest lands and associated value added industries by Indians and Indian tribes to promote self-sustaining communities, so that Indians may receive from Indian forest land not only stumpage value, but also the benefit of all the labor and profit that such Indian forest land is capable of yielding;

(5) the retention of Indian forest land in its natural state when the reservation's recognized tribal government determines that the recreational, cultural, aesthetic, or traditional values of Indian forest land represents the highest and best use of the land;

(6) the management and protection of forest resources to retain the beneficial effects to Indian forest lands of regulating water run-off and minimizing soil erosion; and

(7) the maintenance and improvement of forest productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values.

SEC. 202. FOREST MANAGEMENT DEDUCTION.

(a) WITHHOLDING OF DEDUCTION.—Pursuant to the authority of section 1 of the Act of February 14, 1920 (41 Stat. 415; 25 U.S.C. 413), the Secretary shall withhold a reasonable deduction from the gross proceeds of sales of forest products harvested from Indian forest land under a timber sale contract, permit, or other harvest sale document which has been approved by the Secretary, to cover in whole or part the cost of managing and protecting such Indian forest land.

(b) AMOUNT OF DEDUCTION.—Deductions made pursuant to subsection (a) shall not exceed the lesser amount of—

(1) 10 percent of gross proceeds, or

(2) the percentage of gross proceeds collected on the date of enactment of this Act as forest management deductions by the Secretary on such sales of Indian forest products,

unless the reservation's recognized tribal government consents to an increase in the deductions.

(c) USE OF DEDUCTION.—The full amount of any deduction collected by the Secretary shall be expended according to an expenditure plan approved by the Secretary and the reservation's recognized tribal government, for the performance of forest land management activities on the reservation from which such deductions are collected and shall be made available to the reservation's recognized tribal government, upon its request, by contract or agreement for the performance of such activities.

(d) LIMITATIONS.—(1) Forest management deductions withheld pursuant to this section shall not be available to—

(A) cover the costs that are paid from funds appropriated specifically for fire suppression or pest control; or

(B) otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands.

(2) No other forest management deductions derived from Indian forest lands shall be collected to be covered into the general funds of the United States Treasury.

(e) DIRECT PAYMENT TO TRIBES.—(1) Notwithstanding any other law, the Secretary shall, within 1 year from the date of the enactment of this Act, promulgate regulations providing for the payment of forest management deductions authorized by this section to the reservation's recognized tribal government.

(2) Upon the request of the reservation's recognized tribal government, the Secretary shall provide that a purchaser of forest products from Indian forest lands shall make prompt direct payments of forest management deductions into a bank depository account designated by such tribe. Funds so deposited shall be available for expenditure in accordance with subsection (c) of this section.

SEC. 203. FOREST TRESPASS.

(a) CIVIL PENALTIES; REGULATIONS.—Not later than 1 year from the date of enactment of this Act, the Secretary shall issue regulations that—

(1) establish civil penalties for the commission of Indian forest land trespass which provide for—

(A) collection of the value of the products illegally removed plus a penalty of double their value;

(B) collection of the costs associated with damage to the Indian forest land caused by the act of trespass; and

(C) collection of the costs associated with enforcement of the regulations, including field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letters, court costs, and attorney fees;

(2) designate responsibility within the Department of the Interior for the detection and investigation of Indian forest land trespass; and

(3) set forth responsibilities and procedures for the assessment and collection of civil penalties.

(b) TREATMENT OF PROCEEDS.—The proceeds of civil penalties collected under this section shall be treated as proceeds from the sale of forest products from the Indian forest land upon which such trespass occurred.

(c) CONCURRENT JURISDICTION.—Indian tribes which adopt the regulations promulgated by the Secretary pursuant to subsection (a) of this section shall have concurrent civil jurisdiction to enforce the provisions of this section and the regulations promulgated thereunder. The Bureau of Indian Affairs and other agencies of the Federal Government shall, at the request of the reservation's recognized tribal government, defer to tribal prosecutions of Indian forest land trespass cases. Tribal court judgments regarding forest trespass shall be entitled to full faith and credit in Federal and State courts to the same extent as a Federal court judgment obtained under this section.

SEC. 204. DIRECT PAYMENT OF FOREST PRODUCTS RECEIPTS.

(a) REGULATIONS.—Notwithstanding any other law, the Secretary shall, within 1 year from the date of enactment of this Act, pro-

mulgate regulations providing for the payment of receipts from the sale of Indian forest products as provided in this section.

(b) PAYMENT INTO A BANK DEPOSITORY.—Upon the request of the reservation's recognized tribal government, the Secretary shall provide that the purchaser of Indian forest products of such tribe which are harvested under a timber sale contract, permit or other harvest sale document which has been approved by the Secretary, shall make prompt direct payments of the gross proceeds of sales of such forest products, less any amounts segregated as forest management deductions pursuant to section 202, into a bank depository account designated by such Indian tribe.

SEC. 205. RECEIPTS FROM INDIAN ALLOTMENTS.

Except as provided by section 202 of this Act, the Secretary shall not pay or transfer any other portion of the gross proceeds of sales of forest products from Indian allotment lands to a reservation's recognized tribal government without the consent of the beneficial owner of such allotment land. In the event that there is more than one beneficial owner of an allotment, the consent required by this section shall be deemed to be granted if given by a majority of such beneficial owners.

SEC. 206. SECRETARIAL RECOGNITION OF TRIBAL LAWS.

(a) COMPLIANCE WITH TRIBAL LAWS; COOPERATION IN ENFORCEMENT.—Subject to the Secretary's responsibilities as reflected in section 102(2) and 104(3), the Secretary shall, to the extent feasible, comply with tribal laws pertaining to Indian forest lands, including laws regulating the environment or historic or cultural preservation, and shall cooperate with the enforcement of such laws on Indian forest lands. Such cooperation shall include—

(1) assistance in the enforcement of such laws;

(2) provision of notice of such laws to persons or entities undertaking activities on Indian forest lands; and

(3) upon the request of the reservation's recognized tribal government, the appearance in tribal forums of personnel of the Department of the Interior as witnesses.

(b) NATURE OF SECRETARIAL RESPONSIBILITIES AND ACTIONS.—The Secretary's responsibilities and actions on Indian forest lands under this Act or the Snyder Act (25 U.S.C. 13) or any other Act, shall not be deemed Federal undertakings or activities or federally-assisted undertakings or activities.

SEC. 207. SPECIAL INDIAN FOREST LAND ASSISTANCE ACCOUNT.

(a) ESTABLISHMENT.—At the request of any reservation's recognized tribal government, the Secretary may establish a special Indian forest land assistance account for such tribal government to fund the Indian forest land management activities of such tribal government.

(b) DEPOSITS AND EXPENDITURES.—The Secretary may deposit into an Indian forest land assistance account established pursuant to subsection (a) any funds in his possession or available to him, including any unobligated annual appropriations, for the purpose of conducting forest land management activities on Indian forest lands of such tribe. The Secretary shall notify the reservation's recognized tribal government of his intent to deposit funds into such account and shall not deposit Federal or tribal funds into such account without the consent of the reservation's recognized tribal government.

(2) Funds in the Indian forest land assistance account and any interest or other income earned thereon shall remain available until expended and shall not be available to otherwise offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest lands. No funds shall be expended from such account without the approval of the Indian tribe for which the account was established.

(c) AUDITS.—At the request of the Indian tribe for which the special Indian forest land assistance account was established or upon the Secretary's own volitation, the Secretary shall conduct audits of the Indian forest land assistance account and shall make the results of such audits available to the Indian tribe for which the account was established.

SEC. 208. TRIBAL FORESTRY PROGRAMS.

(a) ESTABLISHMENT.—The Secretary shall establish within the Bureau of Indian Affairs a program to provide financial support to forestry programs established by a reservation's recognized tribal government.

(b) SUPPORT ALLOCATION FORMULA; CRITERIA.—(1) The Secretary, with the participation of Indian tribes with Indian forest lands, shall establish, and promulgate by regulations, a formula—

(A) for the determination of Indian tribes eligible for such support;

(B) for the provision of levels of assistance for the forestry programs of such tribes; and

(C) the allocation of base support funds to such tribes under the program established pursuant to subsection (a).

(2) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one professional forester, including fringe benefits and support costs, for each eligible tribe; and

(B) one additional professional forester or forest technician, including fringe benefits and support costs, for each level of assistance for which an eligible Indian tribe qualifies.

(3) In any fiscal year that appropriations are not sufficient to fully fund tribal forestry programs at each level of assistance under the formula required to be established in this section, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

SEC. 209. TRIBAL FOREST LAND ACQUISITION GRANTS.

(a) AUTHORIZATION.—The Secretary is hereby authorized to make grants to a reservation's recognized tribal government for the purpose of acquiring forest land where such acquisition may be otherwise authorized by law. No funds may be made available by the Secretary pursuant to this section unless the Indian tribe applying for such grant provides an equal amount of funds, from any other source, for such land acquisition.

(b) BUREAU OF INDIAN AFFAIRS.—Within the Bureau of Indian Affairs, the Division of Forestry shall have the responsibility for appraisals of Indian forest lands, lands identified for acquisition, and any valuation of associated forest assets.

SEC. 210. ASSESSMENT OF INDIAN FOREST LAND AND MANAGEMENT ACTIVITIES.

(a) INITIAL ASSESSMENT.—(1) Within 1 year after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, shall enter into a contract with a non-Federal entity knowledgeable in forest management practices on Federal and private lands to conduct an independent assessment of Indian forest lands and Indian forest land management activities.

(2) Such assessment shall be national in scope and shall include—

(A) an in-depth analysis of management practices on, and the level of funding for, specific Indian forest land compared with similar Federal and private forest lands;

(B) a survey of the condition of Indian forest lands, including health and productivity levels;

(C) an evaluation of the staffing patterns of forestry organizations of the Bureau of Indian Affairs and of Indian tribes;

(D) an evaluation of procedures employed in timber sales administration, including preparation, field supervision, and accountability for proceeds;

(E) an analysis of the potential for reducing or eliminating relevant administrative procedures, rules and policies of the Bureau of Indian Affairs consistent with the Federal trust responsibility;

(F) a comprehensive review of the adequacy of Indian forest land management plans, including their compatibility with applicable tribal integrated resource management plans and their ability to meet tribal needs and priorities;

(G) an evaluation of the feasibility and desirability of establishing minimum standards against which the adequacy of the forestry programs of the Bureau of Indian Affairs in fulfilling its trust responsibility to Indian tribes can be measured; and

(H) recommendations on any reforms and funding levels necessary to bring Indian forest land management activities to a state-of-the-art condition.

(3) Such assessment shall include specific examples and comparisons from each of the regions of the United States where Indian forest lands are located.

(4) The initial assessment required by this subsection shall be completed no later than 36 months following the date of enactment of this Act. Upon completion, the assessment shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Select Committee on Indian Affairs of the United States Senate and shall be made available to Indian tribes.

(b) PERIODIC ASSESSMENTS.—On each 10-year anniversary of the date of enactment of this Act, the Secretary shall provide for an independent assessment of Indian forest lands and Indian forest land management activities under the criteria established in subsection (a) which shall include analyses measured against findings in previous assessments.

(c) STATUS REPORT TO CONGRESS.—The Secretary shall submit, within 1 year of the first full fiscal year after the date of enactment of this Act and within 6 months of the end of each succeeding fiscal year, to the Committee on Interior and Insular Affairs of the United States House of Representatives, the Select Committee on Indian Affairs of the United States Senate, and to the affected Indian tribes a report on the status of Indian forest lands with respect to the standards, goals, and objectives set forth in approved forest management plans for each Indian tribe with Indian forest lands. The report shall identify the amount of Indian forest land in need of forestation or other silviculture treatment and the quantity of timber available for sale, offered for sale, and sold from each Indian reservation.

(d) ASSISTANCE FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture, through the Forest Service, is authorized to provide, upon the request of the Secretary of the Interior, on a nonreimbursable basis, technical assistance in the conduct of such research and evaluation activities as may be necessary for the completion of any reports or assessments required by this Act.

SEC. 211. ALASKA NATIVE TECHNICAL ASSISTANCE PROGRAM.

(a) The Secretary, in consultation with the village and regional corporations established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) shall establish a program of technical assistance for such corporations to promote the sustained yield management of their forest resources. Such technical assistance shall also be available to promote local processing and other value added activities associated with such forest resources.

(b) The technical assistance to be provided by the Secretary pursuant to subsection (a) shall be made available through contracts, grants or agreements entered into in accordance with, and made available to entities eligible for such contracts, grants or agreements under, Public Law 93-638 (25 U.S.C. 450 et seq.).

TITLE III—INDIAN AND ALASKA NATIVE FORESTRY EDUCATION ASSISTANCE PROGRAMS

SEC. 301. ESTABLISHMENT OF INDIAN AND ALASKA NATIVE FORESTRY EDUCATION ASSISTANCE.

(a) FORESTER INTERN PROGRAM.—

(1) Notwithstanding the provisions of title 5 of the United States Code governing appointments in the competitive service, the Secretary shall establish and maintain in the Bureau of Indian Affairs at least 20 forester intern positions for Indian and Alaska Native students.

(2) For purposes of this subsection; the term "forester intern" means an Indian or Alaska Native who—

(A) is acquiring necessary academic qualifications to become a forester or a professional trained in a forestry-related field; and

(B) is appointed to one of the positions established under subsection (a)(1).

(3) The Secretary shall pay all costs for tuition; books; fees and living expenses incurred by a forester intern while attending an approved postsecondary or graduate school in a full-time forestry-related curriculum.

(4) A forester intern shall be required to enter into an obligated service agreement to serve as a professional forester or other forestry-related professional with the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise for 2 years for each year of education for which the Secretary pays the intern's educational costs under paragraph (3) of this subsection.

(5) A forester intern shall be required to report for service with the Bureau of Indian Affairs during any break in attendance at school of more than 3 weeks duration. Time spent in such service shall be counted toward satisfaction of the intern's obligated service agreement.

(b) COOPERATIVE EDUCATION PROGRAM.—

(1) The Secretary shall maintain, through the Bureau of Indian Affairs, a cooperative education program for the purpose of recruiting promising Indian and Alaska Native students who are enrolled in secondary schools, tribally-controlled community colleges, and other postsecondary or graduate schools for employment as a professional forester or other forestry-related professional in the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise.

(2) The cooperative educational program that is to be maintained under subsection (b)(1) shall be modeled on and shall have essentially the same features of the program operated on the date of enactment of this Act pursuant to chapter 308 of the Federal Personnel Manual of the Office of Personnel Management.

(3) Under the cooperative agreement program that is to be maintained under paragraph (1) of this subsection, the Secretary shall pay all costs for tuition, books, and fees of an Indian or Alaska Native student who—

(A) is enrolled in a course of study at an educational institution with which the Secretary has entered into a cooperative agreement; and

(B) is interested in a career with the Bureau of Indian Affairs, tribal government or tribal enterprise in the management of Indian forest land.

(4) Financial need shall not be a requirement to receive assistance under the cooperative agreement program that is to be maintained under this subsection.

(5) A recipient of assistance under the cooperative education program that is to be maintained under this subsection shall be required to enter into an obligated service agreement to serve as a professional forester or other forestry related professional with the Bureau of Indian Affairs, a reservation's recognized tribal government, or tribal forest-related enterprise for one year for each year for which the Secretary pays the recipient's educational costs pursuant to paragraph (3) of this subsection.

(c) SCHOLARSHIP PROGRAM.—

(1) The Secretary is authorized to grant forestry scholarships to Indians and Alaska Natives enrolled in accredited programs for postsecondary and graduate forestry and forestry-related programs of study as full-time students.

(2) A recipient of a scholarship under paragraph (1) shall be required to enter into an obligated service agreement with the Secretary in which the recipient agrees to accept employment for one year for each year for which the Secretary pays the recipient's educational costs, completion of the recipient's forestry or forestry-related course of study, with—

(A) the Bureau of Indian Affairs;

(B) a forestry program conducted under a contract, grant, or cooperative agreement entered into under the Indian Self-Determination and Education Assistance Act of 1974, as amended (25 U.S.C. 450 et seq.);

(C) an Indian enterprise engaged in a forestry or forestry-related business; or

(D) a reservation's recognized tribal government forestry-related program.

(3) The Secretary shall not deny scholarship assistance under this subsection solely on the basis of an applicant's scholastic achievement if the applicant has been admitted to and remains in good standing in an accredited postsecondary or graduate institution.

(d) FORESTRY EDUCATION OUTREACH.—The Secretary shall conduct, through the Bureau of Indian Affairs, and in consultation with other appropriate local, State and Federal agencies, and in consultation and coordination with Indian tribes, a forestry education outreach program for Indian and Alaska Native youth to explain and stimulate interest in all aspects of Indian forest land management and careers in forestry.

(e) ADEQUACY OF PROGRAMS.—The Secretary shall administer the programs described in this section until a sufficient number of Indians and Alaska Natives are trained to ensure that there is an adequate number of qualified, professional Indian and Alaska Native foresters to manage the Bureau of Indian Affairs forestry programs and forestry programs maintained by or for Indian tribes.

SEC. 302. POSTGRADUATION RECRUITMENT, EDUCATION AND TRAINING PROGRAMS.

(a) POSTGRADUATION RECRUITMENT.—The Secretary shall establish and maintain a program to attract Indian and Alaska Native professional foresters and forester technicians who have already graduated from their course of postsecondary or graduate education for employment in either the Bureau of Indian Affairs forestry program or, subject to the approval of a reservation's recognized tribal government, in tribal forestry programs. According to such regulations as the Secretary shall prescribe, such program shall provide for the employment of Indian and Alaska Native professional foresters or forestry technicians in exchange for the Secretary's assumption of the employee's outstanding student loans. The period of employment shall be determined by the amount of the loan that is assumed.

(b) POSTGRADUATE INTERGOVERNMENTAL INTERNSHIPS.—For the purposes of training, skill development and orientation of tribal, Alaska Native, and Federal forestry personnel, and the enhancement of tribal and Bureau of Indian Affairs forestry programs, the Secretary shall establish and, actively conduct a program for the cooperative internship of Federal, tribal, and Alaska Native forestry personnel. Such program shall—

(1) For agencies within the Department of the Interior—

(A) provide for the internship of Bureau of Indian Affairs, Alaska Native, and tribal forestry employees in the forestry-related programs of other agencies of the Department of the Interior,

(B) provide for forestry personnel from other Department of the Interior agencies to serve within the Bureau of Indian Affairs and, with the consent of a reservation's recognized tribal government, to serve in tribal forestry programs.

(2) For agencies not within the Department of the Interior, the Secretary may by interagency agreement provide for the internship of other forestry personnel, not within the jurisdiction of the Department of the Interior and who are above their sixth year of Federal service, within the Bureau of Indian Affairs and, with the consent of a reservation's recognized tribal government, within tribal forestry programs;

(3) provide for the continuation of salary and benefits for participating Federal employees by their originating agency;

(4) provide for the salaries and benefits of participating tribal and Alaska Native forestry employees by the host agency; and

(5) provide for a bonus pay incentive at the conclusion of the internship for any participant.

(c) CONTINUING EDUCATION AND TRAINING.—The Secretary shall maintain a program within the Bureau of Indian Affairs Division of Forestry for the ongoing education and training of Bureau of Indian Affairs, Alaska Native, and tribal forestry personnel. Such program shall provide for—

(1) orientation training for Bureau of Indian Affairs forestry personnel in tribal-Federal relations and responsibilities;

(2) continuing technical forestry education for Bureau of Tribal Affairs, Alaska Native, and Indian forestry personnel; and

(3) developmental training of tribal and Alaska Native personnel in forest land enterprises and marketing.

SEC. 303. COOPERATIVE AGREEMENTS BETWEEN THE DEPARTMENT OF THE INTERIOR AND INDIAN TRIBES.

(a) COOPERATIVE AGREEMENTS.—To faciliate the administration of the programs and activities of the Department of the Interior, the Secretary is authorized to negotiate and enter into cooperative agreements with Indian tribes to engage in cooperative manpower and job training and development programs; to develop and publish cooperative environmental education and natural resource planning materials; and to perform land and facility improvements, including forestry and other natural resources protection, fire protection, forestation, timber stand improvement, debris removal, and other activities related to land and natural resources management. The Secretary may enter into the aforesaid agreements when the Secretary determines the public interest will be benefited. In such cooperative agreements, the Secretary is authorized to advance or reimburse funds to contractors from any appropriated funds available for similar kinds of work or by furnishing or sharing materials, supplies, facilities or equipment without regard to the provisions of section 3324, title 31, United States Code, relating to the advance of public moneys.

(b) SUPERVISION.—In any agreement authorized by this section, Indian tribes and their employees may perform cooperative work under the supervision of the Department of the Interior in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of sections 2671 through 2680 of title 28, United States Code, and section 8101 through 8193 of title 5, United States Code.

(c) SAVINGS CLAUSE.—Nothing in this Act shall be construed to limit the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated the following sums—

(1) $60,000,000 for each of fiscal years 1991 through 1995, for the purpose of carrying out sections 201 through 207 of this Act;

(2) $65,000,000 for each of the fiscal years 1996 through 2006 for the purpose of carrying out sections 201 through 207 of this Act;

(3) $3,000,000 for each of the fiscal years 1991 through 2006 for purposes of carrying out section 208 of this Act;

(4) $6,000,000 for each of fiscal years 1991 through 2006 for the purposes of carrying out section 209 of this Act;

(5) $500,000 for the purposes of carrying out section 210(a) of this Act, to remain available until expended;

(6) such sums as are necessary for each of the fiscal years 1991 through 2006 for the purpose of carrying out subsections (b) and (c) of section 210 of this Act;

(7) $3,000,000 for each of the fiscal years 1991 through 2006 for the purpose of carrying out section 211 of this Act; and

(8) $3,000,000 for each of the fiscal years 1991 through 2006 for purposes of carrying out title III of this Act;

(b) ADJUSTMENT.—The amounts referred to in subsection (a) of this section shall be adjusted for each fiscal year by the percent which equals ⅔ of the percentage change in the United States Gross National Products Implicit Price Deflator, or 7 percent, whichever is less in any 1 year, using fiscal year 1991 as the base.

(c) SYNDER ACT.—Appropriations made pursuant to the provisions of this Act shall be made in lieu of the provisions of the Synder Act (25 U.S.C. 13).

TITLE V—MISCELLANEOUS

SEC. 501. REGULATIONS.

Except as otherwise provided by this Act, the Secretary is directed to promulgate final regulations for the implementation of the Act within eighteen months from the date of its enactment. All regulations promulgated pursuant to this Act shall be developed by the Secretary with the participation of the affected Indian tribes.

SEC. 502. SEVERABILITY.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby.

VIRGINIA D. SMITH ANIMAL HEALTH RESEARCH LABORATORY

Mr. NUNN. I ask unanimous consent the Environment Committee be discharged from further consideration of H.R. 3048 designating "Virginia Smith Animal Health Research Laboratory," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3048) to designate the Agricultural Research Service, United States Department of Agriculture, animal health research building in Clay Center, Nebraska, as the "Virginia D. Smith Animal Health Research Laboratory".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3048) was ordered to a third reading, was read the third time, and passed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO SALUTE AND CONGRATULATE THE PEOPLE OF POLAND AS THEY COMMEMORATE THE 200TH ANNIVERSARY OF THE ADOPTION OF THE POLISH CONSTITUTION

Mr. NUNN. Mr. President, on behalf of Senator MITCHELL, Senator DOLE, Senator DOMENICI, Senator SIMON, I send the following concurrent resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

Assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 145) to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 145) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 145

Whereas, the Polish Constitution of 1791 was designed to protect Poland's sovereignity and national unity, and replaced a feudal system of rule in Poland with a progressive constitutional monarchy;

Whereas, the Polish Constitution secured individual freedom for all persons in Poland and guaranteed religious tolerance by assuring "to all persuasions and religions freedom and liberty", and formed a government composed of three distinct powers: Legislative, Executive, and Judicial, while declaring that "all power in civil society should be derived from the will of the people";

Whereas, the Polish Constitution revitalized the parliamentary system by placing preeminent lawmaking power in a House of Deputies, by subjecting the legislative Diet to majority rule, and by granting the Diet the power to remove ministers, appoint commissars, and choose magistrtes;

Whereas, the Polish Constitution provided for significant economic, social, and political reforms for its time by removing inequalities between the nobility and bourgeois, recognizing town residents as "freemen" that had judicial autonomy and expanded rights, and extending the protection of law to the peasantry, which previously had no recourse against the arbitrary action of feudal lords;

Whereas, the principles of the Polish Constitution endured and became the symbol around which a powerful new national consciousness was born, helping the Polish nation to survive long periods of misfortune over the next two centuries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) that the people of the United States of America salute and congratulate the people of Poland as they commemorate the two-hundredth anniversary of the adoption of the Polish Constitution on May 3, 1991, and recognize that Po-

land's rebirth as a free nation is supported by the legacy of the Polish Constitution of 1791;

SEC. 2. The Library of Congress is authorized and directed to commemorate this anniversary with appropriate ceremonies and activities.

SEC. 3. The President is requested to issue a proclamation calling upon the governors of the several States, the chief officials of local governments, and the people of the United States to observe this anniversary with appropriate ceremonies and activities.

SEC. 4. The Secretary of the Senate is directed to transmit copies of this resolution to the President, the Secretary of State, and the Marshalls of the Senate and Sejm of Poland.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL MEDAL FOR VETERANS OF THE ATTACK ON PEARL HARBOR

Mr. SIMPSON. Mr. President, I send a bill to the desk on behalf of Senator HEINZ and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3000) to strike coins for Congressional Medal for Pearl Harbor Veterans/Yosemite National Park Centennial Medal/Bicentennial coin commemorating the U.S. Constitution.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time by title, and, without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

CONGRESSIONAL MEDAL FOR PEARL HARBOR VETERANS/YOSEMITE NATIONAL PARK CENTENNIAL MEDAL

Mr. HEINZ. Mr. President, I rise to introduce a bill that incorporates two bills that have previously passed both the House and Senate. This bill authorizes the striking of two medals: One in recognition of the sacrifices made by the men and women in the Armed Forces who defended Pearl Harbor from enemy attack, the other in recognition of Yosemite National Park's centennial celebration.

This bill is the exact same language that was recently passed the House and is agreeable to both the Senate and House Banking Committees.

I ure my colleagues to support this important legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passsed as follows:

S. 3000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—CONGRESSIONAL MEDAL FOR VENTERANS OF THE ATTACK ON PEARL HARBOR

SEC. 101. PURPOSE.

The purpose of this title are to—

(1) commemorate the sacrifices made and service rendered to the United States by those veterans of the Armed Forces who defended Pearl Harbor and other military installations in Hawaii against attack by the Japanese on December 7, 1941; and

(2) honor those veterans on the fiftieth anniversary of that attack.

SEC. 102. CONGRESSIONAL MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to the individuals certified by the Secretary of Defense pursuant to section 103 a bronze medal 1½ inches in diameter commemorating their service to the United States. The presentation shall be made as close as feasible to the fiftieth anniversary of the attack on Pearl Harbor. The medal may be accepted by the next of kin of any such individual who was killed in action during that attack or who died thereafter.

(d) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike the medal established by subsection (a) in bronze with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 103. ELIGIBILITY TO RECEIVE MEDAL.

(a) IN GENERAL.—To be eligible to be presented the medal referred to in section 102(a), an individual must have been a member of the Armed Forces who was present in Hawaii on December 7, 1941, and who participated in combat operations that day against Japanese military forces attacking Hawaii. An individual who was killed or wounded in that attack shall be deemed to have participated in the combat operations.

(b) DOCUMENTATION.—To establish the eligibility required by subsection (a), an individual must present to the Secretary of Defense an application with such supporting documentation as the individual may have to support his or her eligibility or the eligibility of a next of kin. The Secretary shall determine, through the documentation provided and, if necessary, independent investigation whether an individual meets the criteria established in subsection (a).

(c) CERTIFICATION.—The Secretary of Defense shall, within 2 months after the date of enactment of this title, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of the individuals eligible to receive the medal.

(d) NEXT OF KIN.—If applications for a medal are filed by more than one next of kin of an individual who is eligible to receive a medal, the Secretary of Defense shall determine which next of kin will receive the medal.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

Effective October 1, 1990, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

SEC 105. NATIONAL MEDALS.

The medals struck pursuant to this title are national medals for purposes of chapter 51 of title 31, United States Code.

TITLE II—YOSEMITE NATIONAL PARK CENTENNIAL MEDAL

SEC. 201. SHORT TITLE.

This title may be cited as the "Yosemite National Park Centennial Medal Act".

SEC. 202. YOSEMITE NATIONAL PARK CENTENNIAL MEDALS.

(a) STRIKING AND DESIGN OF MEDALS.—In commemoration of the centennial of Yosemite National Park in 1990, the Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall strike medals with suitable emblems, devices, and inscriptions capturing the scenic and historic significance of the park. The design of the medals shall be determined by the Secretary in consultation with the Secretary of the Interior and the Commission of Fine Arts.

(b) SALE OF MEDALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the medals issued under this title shall be sold by the Secretary at a price equal to the cost of designing and issuing such medals (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in paragraph (3).

(2) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(3) SURCHARGES.—All sales shall include a surcharge of $2 each.

SEC. 203. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of medals issued under this title shall be promptly paid by the Secretary to a permanent endowment fund for the benefit of Yosemite National Park to be administered by the National Park Foundation. The net income from the fund shall be paid to the Secretary of the Interior for purposes of funding special supplemental projects relating to back country trail development and rehabilitation, and the preservation of Sequoia groves within the boundaries of Yosemite National Park.

SEC. 204. SALE OF MEDALS IN NATIONAL PARK FACILITIES.

The Secretary and the Secretary of the Interior shall enter into a memorandum of agreement to allow—

(1) The Secretary to deliver medals to the Secretary of the Interior; and

(2) The Secretary of the Interior to provide for the sale of medals in National Park facilities.

SEC. 205. METAL CONTENT AND SIZE OF MEDALS.

The medals authorized to be struck and delivered under this title shall be struck in bronze and in the size determined by the Secretary in consultation with the Secretary of the Interior.

SEC. 206. NATIONAL MEDALS.

The medals authorized by this title are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 207. EXAMINATION OF RECORDS.

The Comptroller General of the United States shall have the right to examine all books, documents, and other records of the National Park Foundation which are related to the medals authorized by this title.

TITLE III—BICENTENNIAL COIN COMMEMORATING THE UNITED STATES CONSTITUTION

SEC. 301. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. 302. DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the two hundredth anniversary of the United States Constitution for a period of 2 years after issuance. After the 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection."

SEC. 303. DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(4) Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likenesses of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection".

SEC. 304. SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this Act shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over 6 years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission on Fine Arts.

SEC. 305. REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN CHILD PROTECTIVE SERVICES AND FAMILY VIOLENCE PROTECTION ACT

Mr. NUNN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 749, S. 2340, regarding programs to strengthen Indian families.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows.

A bill (S. 2340) to develop and improve child protective service programs on Indian reservations and to strengthen Indian families.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protective Services and Family Violence Prevention Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) provide for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect;

(2) establish Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs Area Office which will consist of multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;

(3) provide for the treatment and prevention of incidents of family violence; and

(4) authorize other actions as necessary to ensure effective child protection on Indian reservations.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child by any person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

(2) The term "persons responsible for the child's welfare" includes—

(A) any employee of a children's residential facility, and

(B) any person providing out-of-home care, education, or services to children.

(3) The term "family violence" means any act, or threatened act, of violence, including any forceful detention of an individual, which—

(A) results, or threatens to result, in physical or mental injury, and

(B) is committed by an individual against another individual—

(i) to whom such person is, or was, related by blood or marriage or otherwise legally related, or

(ii) with whom such person is, or was, residing.

(4) The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization on an Indian reservation, and

(B) one or more Indian tribes or tribal organizations of other Indian tribes.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

(6) The term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, or

(B) any legally established organization of Indians which—

(i) is controlled, sanctioned, or chartered by such governing body, or which

(ii) is democratically elected by the adult members of the Indian community to be served by such organization, and

(iii) which includes the maximum participation of Indians in all phases of its activities.

(7) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable Federal and tribal laws and regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence or their dependents.

(8) The term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services for victims of family violence and their dependents.

(9) The terms "child" and "juvenile" mean any individual who is under the age of 18 years.

(10) The term "Indian" means a person who is a member of an Indian tribe.

(11) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(12) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(13) The term "Service" means the Indian Health Service of the Department of Health and Human Services.

(14) The term "Secretary" means the Secretary of the Interior.

SEC. 4. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

(a) The Secretary shall establish within each area office of the Bureau an Indian Child Resource and Family Services Center.

(b) The Secretary and the Secretary of Health and Human Services shall enter into a Memorandum of Agreement which provides for the staffing of the Indian Child Resource and Family Services Centers established under this section.

(c) Each Indian Child Resource and Family Services Center established under subsection (a) shall be staffed by multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of incidents of family violence and child abuse and neglect.

(d) Each Indian Child Resource and Family Services Center established under subsection (a) shall—

(1) provide advice, technical assistance, and consultation to Indian tribes, Indian organizations, and inter-tribal consortia, upon request;

(2) provide training to Indian tribes, Indian organizations, personnel of the Bureau and personnel of the Service on the identification and investigation of cases of family violence and child abuse and neglect;

(3) develop training materials on the prevention, identification, investigation, and treatment of incidents of family violence and child abuse and neglect for distribution to Indian tribes, and Indian organizations;

(4) develop recommendations to assist Federal and tribal personnel to respond to cases of family violence and child abuse and neglect; and

(5) develop policies and procedures for each agency office of the Bureau and service unit of the Service within the area which, to the extent feasible, comply with tribal laws pertaining to cases of family violence and child abuse and neglect, including any criminal laws and which provide for maximum cooperation with the enforcement of such laws.

(e) Each multidisciplinary team established under this section shall include, but is not limited to, personnel with a background in—

(1) law enforcement,

(2) child protective services,

(3) juvenile counseling and adolescent mental health, or

(4) domestic violence.

(f) Indian Child Resource and Family Services Centers established under subsection (a) shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act. If an Indian Child Resource and Family Services Center is located in an area office of the Bureau which serves more than one Indian tribe, any tribal application to enter into a contract to operate the Center pursuant to the Indian Self-Determination and Education Assistance Act must have the consent of each of the other tribes served by the area office, except that, in the Juneau Area, only the consent of such tribes or tribal consortia that are engaged in contracting of Child Protective Services and Family Violence Prevention programs pursuant to Public Law 93-638 shall be required.

(g) There are authorized to be appropriated to carry out the provisions of this section, $3,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995.

SEC. 5. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

(a) The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium, for the development of an Indian child protection and family violence prevention program.

(b) The Secretary is authorized to enter into agreements with Indian tribes, tribal organizations, or inter-tribal consortia, pursuant to the Indian Self-Determination Act for the establishment of Indian child protection and family violence prevention programs on Indian reservations.

(c) An Indian child protective services program established under this section shall be responsible for the investigation of reported cases of child abuse and neglect.

(d) An Indian family violence prevention and treatment program established under this section shall be responsible for the treatment and prevention of incidents of family violence and for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(e) Funds provided under subsection (i) may be used for—

(1) the establishment of a child protective services program which shall include—

(A) the employment of child protective services staff to investigate cases of child abuse and neglect;

(B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and neglect; and

(C) purchase of equipment to assist in the investigation of cases of child abuse and neglect;

(2) the establishment of a family violence prevention and treatment program which shall include—

(A) the employment of family violence prevention and treatment staff to respond to incidents of family violence;

(B) the provision of immediate shelter and related assistance for victims of family violence and their dependents;

(C) training programs for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and

(D) construction or renovation of facilities for the establishment of family violence shelters;

(3) the development and implementation of a multidisciplinary child abuse investigation and prosecution program which shall—

(A) coordinate child abuse investigation, prosecution, treatment, and counseling services;

(B) develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practical, minimize the trauma to the child victim;

(4) the establishment of training programs for—

(A) professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of Indian family violence or child abuse and neglect;

(B) instruction in methods of protecting children from child abuse and neglect of children and to persons responsible for the welfare of Indian children, including parents of and persons who work with Indian children; or

(C) educational, identification, prevention, and treatment services for child abuse and neglect in cooperation with preschool, elementary or secondary schools, or tribally controlled community colleges (within the meaning of section 2 of the Tribally Controlled Community Act of 1978 (25 U.S.C. 1801));

(5) other community education efforts for tribal members (including school children) regarding issues of family violence and child abuse and neglect; and

(6) such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A) parental self-help;

(B) prevention and treatment of alcohol and drug-related family violence and child abuse and neglect, or

(C) home health visitor programs,

that show promise of successfully preventing and treating cases of family violence and child abuse and neglect.

(f)(1) The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian child and family violence prevention programs.

(2) In the development of regulations for base support funding for Indian child protection and family violence prevention programs, the Secretary shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements for child protective services and family violence prevention and treatment programs which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare. Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) projected service population of the program;

(B) projected service area of the program;

(C) projected number of cases per month;

(D) special circumstances warranting additional program resources, such as high incidence of child sexual abuse, high incidence of violent crimes against women, or the existence of a significant victim population within the community.

(4) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe;

(B) an additional child protective services or family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian child protective services and family violence prevention and treatment programs at each level of assistance under the formula required to be established in this section, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

(g) Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

(1) treatment, including but not limited to—

(A) individual counseling;

(B) group counseling; or

(C) family counseling;

(2) social services and case management;

(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence and child abuse and neglect;

(4) law enforcement services including investigations and prosecutions.

(h) Each recipient of funds awarded pursuant to subsection (a) shall—

(1) furnish the Secretary of the Interior with such information as the Secretary may require to—

(A) evaluate the program for which the award is made; and

(B) ensure that the funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

(i) There are authorized to be appropriated to carry out the provisions of this section, $30,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995.

SEC. 6. REPORT.

On or before March 1, 1991, and March 1 of each calendar year thereafter, the Secretary shall submit to the Congress a report involving the administration of this Act during the calendar year preceding the calendar year in which such report is submitted.

AMENDMENT NO. 2578

(Purpose: to make certain technical and clarifying amendments)

Mr. SIMPSON. I send an amendment to the desk for Mr. McCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. McCAIN, proposes an amendment numbered 2578.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 16, strike out "and".

On page 16, between lines 16 and 17, insert the following:

(4) establish tribally operated programs to protect Indian children and reduce the incidences of family violence in Indian country; and

On page 16, line 17, strike out "(4)" and insert in lieu thereof "(5)".

On page 17, line 5, immediately after "employee", insert "or volunteer".

On page 21, line 7, immediately after "neglect", insert a comma and the following: "and to the extent practical, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees"

On page 22, between lines 4 and 5, insert the following:

(f) The Secretary shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this Act. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by an area office of the Bureau of Indian Affairs. The advisory board shall assist the Center in coordinating programs, identifying training materials, developing policies and procedures relating to family violence and child abuse and neglect.

On page 22, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 22, line 18 following the period insert the following "This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as an Indian Child Resource and Family Services Center if all of the tribes to be served by the center agree to such designation."

On page 22, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 22, line 13, beginning with "served", strike out all through "office" on line 14, and insert in lieu thereof "to be served under the contract".

On page 25, between lines 6 and 7, insert the following:

(C) provide for the coordination and cooperation of law enforcement, courts of competent jurisdiction, and tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;

On page 25, between lines 6 and 7, insert the following:

(4) the development of tribal child protection codes and regulations;

On page 25, line 7, strike out "(4)" and insert in lieu thereof "(5)".

On page 26, line 1, strike out "(5)" and insert in lieu thereof "(6)".

On page 26, line 4, strike out "(6)" and insert in lieu thereof "(7)".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2578) was agreed to.

Mr. SIMPSON. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I rise today to express my gratitude to my colleagues for their prompt consideration of S. 2340, the Indian Child Protective Services and Family Violence Prevention Act. I would especially like to thank my good friend, Senator INOUYE, chairman of the Select Committee on Indian Affairs for his leadership on these very troubling issues.

Our committee has heard the alarming statistics regarding the growing problems of child abuse and family violence in Indian country and the tragic situations confronting Indian tribes where spousal or elder abuse continues without intervention or treatment options. This cycle of violence within the family destroys not only the family but because of the extensive tribal kinship system it affects the entire community. Because of our failure to address this issue, tremendous pain and suffering has been inflicted on Indian children and their families.

S. 2340, the Indian Child Protective Services and Family Violence Prevention Act will provide badly needed resources to Indian tribes for their efforts to provide effective child protection and to help alleviate the problems associated with family violence in Indian communities. S. 2340 would provide much needed relief to frustrated tribal officials and over-extended social workers. It would establish at the local level Indian child and family services resource centers to provide training and technical assistance to Indian tribes. Each BIA area would have a multidisciplinary team with experience and expertise in the prevention, identification, investigation, and treatment of child abuse and family violence.

S. 2340 will provide resources to Indian tribes to combat these very difficult problems. Indian tribes who enter into contracts under the Indian Child Protection and Family Violence Prevention Act would receive the resources necessary to fashion community-based programs to meet each community's unique needs. S. 2340 provides that an Indian tribe will receive funds based on actual needs so that tribal programs are not set up only to fail. S. 2340 provides the flexibility necessary for the development of child protective services and family violence prevention programs to meet tribal needs.

I am offering a series of minor amendments to S. 2340, which serve to further enhance and increase tribal control over the Indian child and family service centers created under this act. These amendments will provide tribes with greater flexibility in pursuing self-determination contracts as well as providing maximum coordination between Federal, tribal, and State agencies in investigating child abuse and neglect and family violence cases.

Mr. HATFIELD. Mr. President, I rise in support of S. 2340, a bill to develop and improve child protective service programs on Indian reservations and to strengthen Indian families. Senator McCAIN's bill offers Indian country an opportunity to protect Indian children from abuse and neglect and I applaud the Senate Select Committee on Indian Affairs in its efforts to address this growing problem. This bill will provide a fundamental service to Indian people by providing technical assistance and training related to the investigation and treatment of cases of family violence and child abuse and neglect. When enacted this legislation will establish programs which will allow for greater coordination between tribal agencies and Federal agencies in the provision of child protection and family violence prevention and treatment.

Greater coordination between tribal governments and the Federal Government is a policy I fully endorse. Under section 4 of S. 2340, the Bureau of Indian Affairs is responsible for the establishment of Indian child resource and family services centers. These centers are designed to be resources to the Inidan tribes and will require the Bureau of Indian Affairs and the Indian Health Service to coordinate services to Indian tribes. Senate Report 101-403, which accompanies this bill, notes that a vital part of coordination and participation of Indian tribes in the development of tribal laws, policies and procedures on the

identification, investigation, prevention and treatment of cases of family violence and child abuse or neglect.

Mr. President, I am pleased to recognize the Northwest Indian Child Welfare Institute of Portland, OR, and its exemplary efforts in serving as a resource to the Indian tribes of Washington, Oregon, and Idaho. The very same programs and solutions to child abuse and neglect which are suggested in S. 2340 have been addressed by the Northwest Indian Child Welfare Institute [NWICWI]. The NWICWI is the only organization in the Northwest that addresses child abuse and neglect issues specifically focused on Indian children. Furthermore, it is the only regional child welfare organization operated by and for people. Together, tribal programs and Indian professionals have created this fine institute. It is a central voice for Indian child welfare in the Northwest and because of its makeup, it must be responsive to the needs as defined by the tribes. Finally, Indian tribes in 5 of the 12 areas of the BIA are engaged in developing child welfare resource centers modeled after the Northwest Indian Child Welfare Institute.

For these reasons, I have offered an amendment to S. 2340 which will ensure that tribal organizations which offer the caliber of service provided by the Northwest Indian Chief Welfare Institute may be designated to serve as Indian child resource and family service centers. I want to extend the appreciation of tribes in the Northwest to Senator McCAIN for recognizing the importance of this amendment and look forward to working with the Committee on Indian Affairs in fulfiling the purposes of this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 2340) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Child Protective Services and Family Violence Prevention Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) provide for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect;

(2) establish Indian Child Resource and Family Services Centers in each Bureau of Indian Affairs Area Office which will consist of multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;

(3) provide for the treatment and prevention of incidents of family violence;

(4) establish tribally operated programs to protect Indian children and reduce the incidences of family violence in Indian country; and

(5) authorize other actions as necessary to ensure effective child protection on Indian reservations.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child by any person, including a person responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

(2) The term "persons responsible for the child's welfare" includes—

(A) any employee or volunteer of a children's residential facility, and

(B) any person providing out-of-home care, education, or services to children.

(3) The term "family violence" means any act, or threatened act, of violence, including any forceful detention of an individual, which—

(A) results, or threatens to result, in physical or mental injury, and

(B) is committed by an individual against another individual—

(i) to whom such person is, or was, related by blood or marriage or otherwise legally related, or

(ii) with whom such person is, or was, residing.

(4) The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization on an Indian reservation, and

(B) one or more Indian tribes or tribal organizations of other Indian tribes.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

(6) The term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, or

(B) any legally established organization of Indians which—

(i) is controlled, sanctioned, or chartered by such governing body, or which

(ii) is democratically elected by the adult members of the Indian community to be served by such organization, and

(iii) which includes the maximum participation of Indians in all phases of its activities,

(7) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable Federal and tribal laws and regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence or their dependents.

(8) The terms "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counseling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services for victims of family violence and their dependents.

(9) The terms "child" and "juvenile" mean any individual who is under the age of 18 years.

(10) The term "Indian" means a person who is a member of an Indian tribe.

(11) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(12) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(13) The term "Service" means the Indian Health Service of the Department of Health and Human Services.

(14) The term "Secretary" means the Secretary of the Interior.

SEC. 4. INDIAN CHILD RESOURCE AND FAMILY SERVICES CENTERS.

(a) The Secretary shall establish within each area office of the Bureau an Indian Child Resource and Family Services Center.

(b) The Secretary and the Secretary of Health and Human Services shall enter into a Memorandum of Agreement which provides for the staffing of the Indian Child Resource and Family Services Centers established under this section.

(c) Each Indian Child Resource and Family Services Center established under subsection (a) shall be staffed by multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of incidents of family violence and child abuse and neglect.

(d) Each Indian Child Resource and Family Services Center established under subsection (a) shall—

(1) provide advice, technical assistance, and consultation to Indian tribes, Indian organizations, and inter-tribal consortia, upon request;

(2) provide training to Indian tribes, Indian organizations, personnel of the Bureau and personnel of the Service on the identification and investigation of cases of family violence and child abuse and neglect and to the extent practical, coordinate with institutions of higher education, including tribally controlled community colleges, to offer college-level credit to interested trainees;

(3) develop training materials on the prevention, identification, investigation, and treatment of incidents of family violence and child abuse and neglect for distribution to Indian tribes, and Indian organizations;

(4) develop recommendations to assist Federal and tribal personnel to respond to cases of family violence and child abuse and neglect; and

(5) develop policies and procedures for each agency office of the Bureau and service unit of the Service within the area which, to the extent feasible, comply with tribal laws pertaining to cases of family violence and child abuse and neglect, including any criminal laws and which provide for maximum cooperation with the enforcement of such laws.

(e) Each multidisciplinary team established under this section shall include, but is not limited to, personnel with a background in—

(1) law enforcement,
(2) child protective services,
(3) juvenile counseling and adolescent mental health, or
(4) domestic violence.

(f) The Secretary shall establish, for each Indian Child Resource and Family Services Center, an advisory board to advise and assist such Center in carrying out its activities under this Act. Each advisory board shall consist of 7 members appointed by the Secretary from Indian tribes and human service providers served by an area office of the Bureau of Indian Affairs. The advisory board shall assist the Center in coordinating programs, identifying training materials, developing policies and procedures relating to family violence and child abuse and neglect.

(g) Indian Child Resource and Family Services Centers established under subsection (a) shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act. If an Indian Child Resource and Family Services Center is located in an area office of the Bureau which serves more than one Indian tribe, any tribal application to enter into a contract to operate the Center pursuant to the Indian Self-Determination and Education Assistance Act must have the consent of each of the other tribes to be served under the contract, except that, in the Juneau Area, only the consent of such tribes or tribal consortia that are engaged in contracting of Child Protective Services and Family Violence Prevention programs pursuant to Public Law 93-638 shall be required. This section shall not preclude the designation of an existing child resource and family services center operated by a tribe or tribal organization as an Indian Child Resource and Family Services Center if all of the tribes to be served by the center agree to such designation.

(h) There are authorized to be appropriated to carry out the provisions of this section, $3,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995.

SEC. 5. INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION PROGRAM.

(a) The Secretary shall establish within the Bureau an Indian Child Protection and Family Violence Prevention Program to provide financial assistance to any Indian tribe, tribal organization, or inter-tribal consortium, for the development of an Indian child protection and family violence prevention program.

(b) The Secretary is authorized to enter into agreements with Indian tribes, tribal organizations, or inter-tribal consortia, pursuant to the Indian Self-Determination Act for the establishment of Indian child protection and family violence prevention programs on Indian reservations.

(c) An Indian child protective services program, established under this section shall be responsible for the investigation of reported cases of child abuse and neglect.

(d) An Indian family violence prevention and treatment program established under this section shall be responsible for the treatment and prevention of incidents of family violence and for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(e) Funds provided under subsection (i) may be used for—

(1) the establishment of a child protective services program which shall include—

(A) the employment of child protective services staff to investigate cases of child abuse and neglect;

(B) training programs for child protective services personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of child abuse and neglect; and

(C) purchase of equipment to assist in the investigation of cases of child abuse and neglect;

(2) the establishment of a family violence prevention and treatment program which shall include—

(A) the employment of family violence prevention and treatment staff to respond to incidents of family violence;

(B) the provision of immediate shelter and related assistance for victims of family violence and their dependents;

(C) training programs for family violence prevention and treatment personnel, law enforcement personnel, and judicial personnel in the investigation, prevention, and treatment of cases of family violence; and

(D) construction or renovation of facilities for the establishment of family violence shelters;

(3) the development and implementation of a multidisciplinary child abuse investigation and prosecution program which shall—

(A) coordinate child abuse investigation, prosecution, treatment, and counseling services;

(B) develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practical, minimize the trauma to the child victim;

(C) provide for the coordination and cooperation of law enforcement, courts of competent jurisdiction, and tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party's responsibilities;

(4) the development of tribal child protection codes and regulations;

(5) the establishment of training programs for—

(A) professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of Indian family violence or child abuse and neglect;

(B) instruction in methods of protecting children from child abuse and neglect of children and to persons responsible for the welfare of Indian children, including parents of and persons who work with Indian children; or

(C) educational, identification, prevention, and treatment services for child abuse and neglect in cooperation with preschool, elementary or secondary schools, or tribally controlled community colleges (within the meaning of section 2 of the Tribally Controlled Community Act of 1978 (25 U.S.C. 1801));

(6) other community education efforts for tribal members (including school children) regarding issues of family violence and child abuse and neglect; and

(7) such other innovative and culturally relevant programs and projects as the Secretary may approve, including programs and projects for—

(A) parental self-help;

(B) prevention and treatment of alcohol and drug-related family violence and child abuse and neglect, or

(C) home health visitor programs,

that show promise of successfully preventing and treating cases of family violence and child abuse and neglect.

(f)(1) The Secretary, with the participation of Indian tribes, shall establish, and promulgate by regulations, a formula which establishes base support funding for Indian child and family violence prevention programs.

(2) In the development of regulations for base support funding for Indian child protection and family violence prevention programs, the Secretary shall develop, in consultation with Indian tribes, appropriate caseload standards and staffing requirements for child protective services and family violence prevention and treatment programs which are comparable to standards developed by the National Association of Social Work, the Child Welfare League of America and other professional associations in the field of social work and child welfare. Each level of funding assistance shall correspond to the staffing requirements established by the Secretary pursuant to this section.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) projected service population of the program;

(B) projected service area of the program;

(C) projected number of cases per month;

(D) special circumstances warranting additional program resources, such as high incidence of child sexual abuse, high incidence of violent crimes against women, or the existence of a significant victim population within the community.

(4) The formula established pursuant to this subsection shall provide funding necessary to support—

(A) one child protective child protective services or family violence caseworker, including fringe benefits and support costs, for each tribe;

(B) an additional child protective services or family violence caseworker, including fringe benefits and support costs, for each level of assistance for which an Indian tribe qualifies.

(5) In any fiscal year that appropriations are not sufficient to fully fund Indian protective child protective services and family violence prevention and treatment programs at each level of assistance under the formula required to be established in this section, available funds for each level of assistance shall be evenly divided among the tribes qualifying for that level of assistance.

(g) Services provided under contracts made under this section shall supplement, not supplant, services from any other funds available for the same general purposes, including, but not limited to—

(1) treatment, including but not limited to—

(A) individual counseling;

(B) group counseling; or

(C) family counseling;

(2) social services and case management;

(3) training available to Indian tribes, tribal agencies, and Indian organizations regarding the identification, investigation, prevention, and treatment of family violence and child abuse and neglect;

(4) law enforcement services including investigations and prosecutions.

(h) Each recipient of funds awarded pursuant to subsection (a) shall—

(1) furnish the Secretary of the Interior with such information as the Secretary may require to—

(A) evaluate the program for which the award is made; and

(B) ensure that the funds are expended for the purposes for which the award was made; and

(2) submit to the Secretary at the end of each fiscal year an annual report which shall include such information as the Secretary may require.

(i) There are authorized to be appropriated to carry out the provisions of this section, $30,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995.

SEC. 6. REPORT.

On or before March 1, 1991, and March 1 of each calendar year thereafter, the Secretary shall submit to the Congress a report involving the administration of this Act during the calendar year preceding the calender year in which such report is submitted.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. NUNN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 734, S. 2834, the Intelligence authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2834) to authorize appropriations for fiscal 1991 for the intelligence activities of the United States Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes which had been reported from the Committee on Armed Services with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 2834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1991".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1991 the amounts referred to in section 102 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) the Central Intelligence Agency;

(2) the Department of Defense;

(3) the Defense Intelligence Agency;

(4) the National Security Agency;

(5) the Department of the Army, the Department of the Navy, and the Department of the Air Force;

(6) the Department of State;

(7) the Department of the Treasury;

(8) the Department of Energy; and

(9) the Federal Bureau of Investigation.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated by section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations to accompany ( ) of the One Hundredth First Congress. Such Schedule of Authorizations shall be considered to be a part of this Act, and any limitation, requirement, or condition contained in such Schedule pertaining to the amount specified for any project, program, or activity shall be considered to be a part of this Act.

(b) Such Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch of the Government.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act if he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 $28,900,000, of which amount $6,580,000 shall be available for the Security Evaluation Office of the Central Intelligence Agency.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office of the Central Intelligence Agency. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 $164,600,000.

TITLE IV—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

SEC 401. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CIARDS AND FERS SPECIAL CATEGORY PARTICIPANTS.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by striking out the last sentence thereof; and

(2) by adding at the end thereof the following new sentences: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as, and to the extent, provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 402. QUALIFYING PERIOD FOR CIA FORMER SPOUSE.

Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the period at the end thereof the following: "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 403. SELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new paragraph:

"(3) A surviving spouse who married a participant after his retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.".

SEC. 404. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5)".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"(e) Upon a remarriage occurring on or after the date of enactment of this subsection to a spouse other than the spouse at the time of retirement, a retired participant

whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date or remarriage. For any remarriage that occurred before the date of enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).".

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out "This" and inserting in lieu thereof "Subsections (a) through (c) of this".

SEC. 405. RESTORATION OF CERTAIN FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) Section 224(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the semicolon ", except that, if such survivor annuity is terminated because of remarriage, such annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce".

(b) Section 225(b)(1) of the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the semicolon ", except that the entitlement of a former spouse to benefits under this section shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce".

(c) Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403p(c)) is amended by adding at the end thereof the following new paragraph:

"(3) A former spouse who is not eligible to enroll in a health benefit plan under this section because of remarriage before the age of 55 shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.".

(d) The amendment made by this section shall take effect on October 1, 1990, and no benefit shall be payable before such effective date.

(e) Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

SEC. 406. CONFORMING CIARDS TO THE CIVIL SERVICE RETIREMENT SYSTEM.

Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615), Executive Order No. 12684 of July 27, 1989 (insofar as it conforms the Central Intelligence Agency Disability and Retirement System to the Civil Service Retirement System by lowering the remarriage age regarding the termination of surviving spouses' annuities from 60 to 55) shall be given effect as of its date of issuance.".

SEC. 407. TREATMENT OF CERTAIN ALIEN EMPLOYEES IN HONG KONG.

(a) AUTHORITY.—In applying the proviso of section 7 of the Central Intelligence Agency Act of 1949, in the case of an alien described in subsection (b), the Director may charge the entry of the alien against the numerical limitation for any fiscal year (beginning with fiscal year 1991 and ending with fiscal year 1996) notwithstanding that the alien's entry is not made to the United States in that fiscal year so long as such entry is made before the end of fiscal year 1997.

(b) ELIGIBLE ALIENS.—An alien eligible under subsection (a) is an alien who—

(1) is an employee of the Foreign Broadcast Information Service in Hong Kong; or

(2) is the spouse or child of an alien described in paragraph (1) if accompanying or following to join the alien in coming to the United States.

TITLE V—DEPARTMENT OF DEFENSE FOREIGN INTELLIGENCE ENHANCEMENTS

SEC. 501. DEPARTMENT OF DEFENSE COVER SUPPORT AUTHORITY.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 22—SECURITY SUPPORT FOR DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

"§ 431. Authority for certain commercial activity

"The Secretary of Defense, consistent with this chapter, may carry out certain commercial activities as may be necessary for the purpose of providing security for the conduct of intelligence collection activities undertaken by the Department of Defense. Such activities shall be carried out only with the approval of the Director of Central Intelligence and, to the extent such activities take place within the United States, shall also be coordinated with and, where appropriate, be supported by, the Director of the Federal Bureau of Investigation.

"§ 432. Use and disposition of funds

"Proceeds generated by a commercial activity carried out under this chapter may be used to offset necessary and reasonable expenses arising from that activity and shall be kept to the minimum necessary to operate such activity in a secure manner. Any proceeds in excess of those required for this purpose shall be deposited, as often as may be practicable, into the Treasury of the United States as miscellaneous receipts. The disposition of such proceeds shall be audited at least annually by the organization assigned auditing responsibility by the head of the military department or defense agency for the commercial activity concerned.

"§ 433. Relationship with other Federal laws

"(a) Except as provided by subsection (b), commercial activities conducted pursuant to this chapter shall be carried out in accordance with applicable Federal law.

"(b) Whenever the Secretary of Defense, an official of no lower rank than an Assistant Secretary of Defense who is designated by the Secretary for this purpose, or the head of a military department certifies that, in connection with the establishment or operation of a commercial activity pursuant to this chapter, compliance with Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of authorized intelligence collection activities, he may authorize the establishment and operation of such activities, notwithstanding such laws or regulations, to the extent necessary to prevent the disclosure of the commercial activity concerned as an instrumentality of the United States Government, except that such certification and authorization shall be in writing and shall specify the Federal laws or regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(c) As used in this section, the phrase 'Federal laws and regulations pertaining to the management and administration of Federal agencies' [includes—] *means only the following—*

"(A) Federal laws and regulations pertaining to the receipt and use of appropriated and nonappropriated funds;

"(B) the acquisition or management of property or services;

"(C) information disclosure, retention, and management;

"(D) the employment of personnel;

"(E) payments for travel and housing;

"(F) the establishment of legal entities or government instrumentalities; and

"(G) foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§ 434. Reservation of defenses and immunities

"Commercial activity undertaken pursuant to this chapter, including the submission to judicial proceedings of any State, shall not constitute a waiver of the defenses and immunities of the United States.

"§ 435. Restrictions

"(a) No corporation, partnership, or other legal entity may be established to carry out commercial activities pursuant to this chapter except with the approval of the Secretary of Defense or the Deputy Secretary of Defense. Such approval may not be delegated.

"(b) Nothing in this chapter authorizes the conduct of any intelligence activity which is not otherwise authorized by law or Executive order.

"(c) Personnel conducting commercial activity authorized by this chapter may only engage in those activities in the United States necessary to support intelligence activities abroad.

"(d) A citizen of the United States or an alien admitted to permanent residence in the United States may not be employed by, or assigned or detailed to perform operational, managerial, or supervisory duties for, an entity engaged in commercial activity authorized by this chapter unless that person has been informed of the purpose of such activity.

"§ 436. Regulations, oversight, and legal review

"The Secretary of Defense shall issue regulations to implement the authority contained in this chapter within 180 days of its date of enactment. Copies of such regulations shall be provided to the *Committees on Armed Services of the Senate and House of Representatives and the* Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to their issuance. Such regulations shall be consistent with this chapter and shall, at a minimum—

"(1) specify all officials authorized to approve commercial activities pursuant to this chapter and, where a determination is required pursuant to section 433(b) only the officials specified by such section may approve the establishment or operation of the commercial activity concerned;

"(2) designate a single office within the Defense Intelligence Agency to implement, and maintain accountability for, all activities authorized pursuant to this chapter;

"(3) require prior legal review of all commercial activities authorized pursuant to this chapter; and

"(4) provide for appropriate internal audit controls and oversight for such activities.

"§ 437. Reports to Congress

"(a)(1) The Secretary of Defense shall ensure that the *Committees on Armed Services of the Senate and House of Representatives and the* Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives (hereafter in this chapter referred to as 'the intelligence committees') are kept fully and currently informed of actions taken pursuant to this chapter, including any significant anticipated activity to be authorized pursuant to this chapter.

"(2) For purposes of paragraph (1), the Secretary of Defense shall provide [the intelligence] *all such* committees with prior notice of the establishment of any corporation, partnership, or other legal entity.

"(b) Not later than November 1 of each year, the Secretary of Defense shall submit to [the intelligence committees] *the committees described in subsection (a)* a report on all commercial activity undertaken pursuant to this chapter during the previous fiscal year. Such report shall include a description of any exercise of the authority provided by section 433(b) to the Secretary of Defense, or other authorized officials, as well as a description of any expenditure of appropriated or nonappropriated funds made pursuant to this chapter.

"§ 438. Definitions

"As used in this chapter—

"(1) the term 'commercial activities' means activities conducted in a manner consistent with prevailing commercial practice and includes—

"(A) the acquisition, use, sale, storage, and disposal of goods and services;

"(B) entering into employment contracts, leases, and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial businesses or financial institutions; and

"(D) acquiring licenses, registrations, permits, and insurance; and

"(2) the term 'intelligence activities' means the collection of foreign intelligence and counterintelligence information.".

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 21 the following new item:

"22. Security Support for Department of Defense Intelligence Activities 431.".

SEC. 502. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Appropriations Committees of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 503. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) AUTHORITY.—The Secretary of Defense is authorized to grant the use of the Department of Defense reimbursement rate for military airlift services provided by the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

(b) DEFINITION.—For purposes of subsection (a), the term "Department of Defense reimbursement rate" means the rate of reimbursement charged by the Department of Defense to the military departments.

TITLE VI—DEPARTMENT OF ENERGY PERSONNEL AUTHORITY

SEC. 601. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

"(f) All positions in the Department which the Secretary determines are devoted to intelligence or intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.

TITLE VII—OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 701. REPEAL.

Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is hereby repealed.

SEC. 702. CONGRESSIONAL OVERSIGHT.

(a) IN GENERAL.—Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended to read as follows:

"CONGRESSIONAL OVERSIGHT

"SEC. 501. (a) The President shall ensure that the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives (hereafter in this title referred to as the 'intelligence committees') are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activities, as required by this title, except that—

"(1) nothing contained in this title shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities; and

"(2) nothing contained in this title shall be construed as a limitation on the power of the President to initiate such activities in a manner consistent with his powers conferred by the Constitution.

"(b) The President shall ensure that any illegal intelligence activity is reported to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

"(c) The President and the intelligence committees shall each establish procedures as may be necessary to carry out the provisions of this title.

"(d) The House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of Congress under this title. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) As used in this section, the term 'intelligence activities' includes 'covert actions', as defined in subsection 503(e).".

(b) INFORMATION REQUIRED TO BE DISCLOSED; FINDINGS.—The National Security Act of 1947 is amended—

(1) by redesignating sections 502 and 503 as sections 504 and 505, respectively; and

(2) by inserting after section 501 the following:

"REPORTING INTELLIGENCE ACTIVITIES OTHER THAN COVERT ACTIONS

"SEC. 502. To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than covert actions, as defined in subsection 503(e), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and significant failures; and

"(2) furnish the intelligence committees any information or material concerning intelligence activities other than covert actions which is within their custody or control and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"PRESIDENTIAL APPROVAL AND REPORTING COVERT ACTIONS

"SEC. 503. (a) The President may authorize the conduct of covert actions by depart-

ments, agencies, or entities of the United States Government only when he determines that such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

"(2) A finding may not authorize or sanction covert actions, or any aspect of such activities, which have already occurred.

"(3) Each finding shall specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such activities, except that any employee, contractor, or contract agent of a department, agency, or entity of the United States Government (other than the Central Intelligence Agency) directed to participate in any way in a covert action shall be subject to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, governing such participation.

"(4) Each finding shall specify whether it is contemplated that any third party which is not an element, contractor, or contract agent of the United States Government, or is not otherwise subject to United States Government policies or regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned or be used to undertake the covert action concerned on behalf of the United States.

"(5) A finding may not authorize any action intended to influence United States political processes, public opinion, policies, or media.

"(6) A finding may not authorize any action which violates the Constitution of the United States or any statutes of the United States.

"(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods, or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in a covert action shall—

"(1) keep the intelligence committees fully and currently informed of all covert actions which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including significant failures; and

"(2) furnish to the intelligence community any information or material concerning covert actions which is in the possession, custody, or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"(c)(1) Except as provided by paragraphs (2) and (3), the President shall ensure that any finding approved, or determination made, pursuant to subsection (a) shall be reported to the intelligence committees before the initiation of the activities authorized.

"(2) On rare occasions, the President may direct that covert actions be initiated before reporting such actions to the intelligence committees. On such occasions, the President shall fully inform the intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

"(3) If the President determines it is essential to meet extraordinary circumstances affecting vital interests of the United States, the President may limit the reporting of findings or determinations pursuant to paragraphs (1) and (2) to the chairmen and ranking minority members of the intelligence committees, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority leaders of the Senate. In any such case, the President shall provide a statement of the reasons for limiting access to such findings or determinations in accordance with this subsection.

"(4) In each case reported pursuant to paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee.

"(d) The President shall ensure that the intelligence committees or, if applicable, the Members of Congress specified in subsection (c)(3) are notified of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

"(e) As used in this section, the term 'covert action' means an activity or activities conducted by an element of the United States Government to influence political, economic, or military conditions abroad so that the role of the United States Government is not intended to be apparent or acknowledged publicly, but does not include—

"(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of the United States Government programs, or administrative activities;

"(2) traditional diplomatic or military activities or routine support to such activities;

"(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

"(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.".

(c) AVAILABILITY OF FUNDS SUBJECT TO FINDINGS.—Section 504 of the National Security Act of 1947, as amended by subsection (b)(2), is further amended—

(1) by striking out "501" in subsection (a)(2) and inserting in lieu thereof "503"; and

(2) by adding at the end thereof the following new subsection:

"(d) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government, may be obligated or expended, or may be directed to be obligated or expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by section 503(a), has been signed or otherwise issued in accordance with that section.".

TITLE VIII—GENERAL PROVISIONS

SEC. 801. AUTHORIZATION OF APPROPRIATIONS FOR INCREASES IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

There are authorized to be appropriated for fiscal year 1991 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, and other benefits for Federal employees which are authorized by law.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, first let me thank my good friend and colleague from Oklahoma and note how pleased and proud I am to have served with him. Senator BOREN makes every effort to forge a well-considered, bipartisan approach to the committee's work of overseeing the U.S. intelligence community and thereby does the country a great service.

This is the first in what augurs to be a number of difficult years for the U.S. defense and intelligence communities. As Senator BOREN has noted, we are recommending serious reductions to national and tactical intelligence programs.

We have done this with reservations, acknowledging the new budgetary reality, and with the conviction that intelligence becomes more important—not less—as military personnel strength and budgets decline and as our forces are withdrawn from foreign shores. In a time of defense cutbacks, knowing the capabilities and intentions of your potential adversaries becomes all the more important. Although we want to do our part, we continue to believe that intelligence should not take a so-called fair share of defense cuts, a view I know is supported by the chairman and ranking member of the Armed Services Committee. This is especially important as we spend less for weapons systems in order to make the most efficient use of our remaining defense dollars.

These budget pressures come at a time when one could easily argue that we need more, not less, intelligence. True, the Soviet Union has taken great strides in permitting freedom in Eastern Europe and advancing the cause of arms control. But the Soviet political and economic system—with or without Mikhail Gorbachev—is in crisis, and its future is highly uncertain. The collapse of Soviet domination of Eastern Europe has revealed faltering economies and fragile social structures and unleashed long-repressed ethnic tensions.

Beyond our traditional preoccupation with the Soviet Union and Europe, new threats are emerging, Counternarcotics, counterterrorism, chemical weapons, economic competitiveness, and the prospect of low-in-

tensity conflict have created new challenges for U.S. intelligence. Nuclear weapons are no longer limited to the super powers, and the proliferation of ballistic missiles represents an ever-increasing threat to stability throughout the world.

We also cannot ignore our traditional friends and the espionage threat they may represent in the ever more competitive world economy. There is growing evidence that longtime allies are as voracious in seeking to steal our technological secrets as our traditional adversaries. And we must continue to guard against the individual who is willing to sell out his country. It is critical that we sustain a commitment of resources and reorient our counterintelligence and security programs to meet the emerging challenges.

Given the undeniable, though unpalatable, combination of budget reductions and proliferating threats, we will have to achieve greater efficiences within the intelligence community. In this context, I would like to briefly address the issue of Department of Defense intelligence. Overall, the Department of Defense is the country's largest spender, collector, producer, and consumer of intelligence. Over 85 percent of U.S. investment in intelligence is spent by defense, and it is replete with intelligence agencies and entities, as Senator BOREN has noted.

Throughout the years, numerous individuals and reports have suggested that the proliferation of these agencies is as much tied to protecting rice bowls as it is to servicing a real need. Admiral Crowe, former JCS Chairman, is the latest to lament the state of DOD intelligence, citing significant duplication of effort, insufficient integration and sharing of information, and gaps in intelligence coverage and support.

The presence of as many organizations has a negative effect on maintaining our overall intelligence posture, particularly as we enter tight budget years. We cannot afford necessary collection systems because the Department of Defense is unable and unwilling to centralize and consolidate its operations.

I understand the Pentagon is looking into DOD intelligence to address these problems, but there is every reason to believe that the parochial interests within DOD are so powerful that little will come of the study. This is why I have urged that the Senate Intelligence and Armed Services Committee hold joint hearings with an eye toward creating legislation to consolidate activities, draft a charter for the Defense Intelligence Agency, and, above all, increase joint, and thus less parochial and more independent, intelligence activities. While such a reorganization may not save money immediately, I am confident that it will provide huge dividends in the out years, both in terms of intelligence and weapons acquisition savings.

There is another issue on which I would like to touch briefly, the section of the intelligence authorization bill dealing with covert action reporting requirements. Senator BOREN has already summarized title VII, which deals with congressional oversight, but I think it important to explain why we have again included this provision in the authorization bill, as we did a year ago.

I think my colleagues ought to be aware that this title would establish important requirements governing the approval of covert actions by the President, as well as requirements for reporting covert actions to the Congress.

Most of these were contained in a bill which I introduced in 1987 in the wake of the Iran-Contra affair. Indeed, the bill was perhaps the most direct and comprehensive legislative response to that affair considered by the Congress. It passed the Senate in March 1988 by a vote of 71 to 19. A counterpart bill was reported in the House of Representatives but never reached the floor.

The principal feature of that bill, and the one that raised the greatest controversy, was an absolute requirement that the President report to the intelligence committees within 48 hours any covert action that he had approved. This would have replaced with a time certain, the vague requirement in existing law that where prior notice to the committee had been withheld, the President provide notice "in a timely fashion."

President Reagan contended, however, that there would likely be circumstances where notice could not be provided within 48 hours, and to impose such a requirement would put him in the position of having to violate the law if he chose to withhold such notice. He asserted, indeed, that his constitutional responsibilities may give him authority to withhold beyond a 48-hour period. His Justice Department, in fact, stated that the President has "unfettered discretion" to interpret "timely" as he sees fit, that it could be as long as a year, as in the case of Iran-Contra.

In any case, it was clear that the President would veto any bill with a strict 48-hour limit imposed. Moreover, it was clear that there was not a two-thirds majority in the House of Representatives willing to override such a veto.

Given these realities, Senator BOREN and I undertook a series of discussions last summer with the Bush administration concerning the reporting of covert actions to the Intelligence Committee. Our goal was to obtain, at at minimum, a commitment from the President with respect to how he intended to implement the existing statutory requirement to provide notice "in a timely fashion."

These negotiations culminated in a letter from President Bush to the committees on October 30, 1989, in which he stated:

> I intend to provide notice in a fashion sensitive to congressional concerns. The statute requires prior notice or, when prior notice is not given, timely notice. I anticipate that in almost all circumstances, prior notice will be possible. In those rare instances where prior notice is not provided, I anticipate that notice will be provided within a few days. Any withholding beyond this period would be based upon my assertion of the authorities granted this office by the Constitution.

I interpret this letter to mean that if the President withholds notice for more than a few days after a covert action is approved, he will assert as his reason for doing so his authorities under the Constitution. He will not rely upon the wording of the statutory requirement as authorizing such latitude.

And quite clearly, Mr. President, the Congress never intended the statutory requirement for notice "in a timely fashion" to mean anything other than a few days after a covert action had been approved.

As a result of the President's commitment last fall, the committee decided to drop its insistence on a strict 48-hour notice requirement, and in the oversight language in last year's authorization bill, it opted to retain the "timely notice" formulation in existing law. The same approach is taken in title VII of this year's bill. But the report language makes clear that Congress in enacting this language intends to authorize withholding of notice for no more than a few days.

Whether or not the Constitution may authorize the President to withhold for longer periods is a matter that we can debate, but it is also one that we cannot resolve.

I would have preferred that a time certain for notice of covert actions to committees be established by law. I think this would have been the best way to ensure that the Congress is able to fulfill its own constitutional responsibilities. But, failing this, I think we have, nonetheless, with this bill and report, significantly clarified the institutional position of the Congress and enhanced notification procedures.

There are two other legislative initiatives in this bill that deserve special attention. The first is the authority in section 501 for the Defense Department to provide better commercial cover for its intelligence collection operations abroad. The Intelligence Committee has considered proposals of this sort by the administration for the last 5 years or so, and we have finally decided to go ahead on a very tightly controlled basis.

The main point is to keep these kinds of operations from growing to

unmanageable dimensions. There is a very limited area where Defense Department intelligence components have made their case, and I expect the Intelligence and Armed Services Committees will keep a very close watch over the Department's use of this authority to make sure it does not go beyond those narrow bounds.

The second legislative provision with particular significance is the authority for the NSA Director under section 502 to assist former NSA employees whose financial difficulties might lead them to consider espionage. As the chairman has described, this is one of the 13 recommendations made by the Jacobs panel for improvements in U.S. counterintelligene capabilities.

This particular proposal responds specificially to the lessons of the Ronald Pelton espionage case. Pelton was an NSA employee with access to very sensitive information who, after leaving the Agency, got into financial difficulties and gave in to the temptation to sell out his country. While no single measure can be guaranteed to prevent espionage, the Jacobs panel correctly identified NSA's need to have the same authority as the CIA to assist former employees in circumstances of this sort, before their situation becomes so desperate.

In closing, while considering the importance of intelligence issues in this new environment, it might be worth citing the words of noted diplomat David Bruce as he evaluated the lessons of Pearl Harbor. "The attack on Pearl Harbor," Bruce said, "startled us like some gigantic dissonant firebell in the night of our false security. We felt betrayed and indeed we were. We were betrayed by the complete failure of our intelligence agencies. Any intelligence service worthy of the name should have foretold this event."

Bruce ascribed this failure to America's "island state" psychology. "Our comparative geographic isolation," he said, "led us, erroneously, to consider ourselves invulnerable to attempts against our sovereignty. Our immediate concern was with internal affairs; the alarums and excursions of foreign wars seemed to us infinitely remote and somewhat ridiculous."

Today's world is far smaller than it was at the time of Pearl Harbor. If we could not afford to be isolationist then, we certainly cannot afford to be now. Budget reductions are justified, and they will be made, but they must be made responsibly. They must be made in a way that will not force us to abandon our international responsibilities. And, as they are made, as the margin for error becomes smaller, a robust intelligence capability is all the more essential.

Mr. President, let me conclude my remarks with the simple recommendation to my colleagues that they support this legislation. It has received the broad bipartisan approval of the committee and merits the support of our colleagues.

Mr. BOREN. Mr. President, it is an honor for me to present to the Senate the intelligence authorization bill for fiscal year 1991. This is the 14th consecutive year, dating back to the creation of the Senate Select Committee on Intelligence in 1976, that the Senate has had the opportunity to consider an intelligence authorization bill.

Joining me in offering this bill is the distinguished Senator from Maine, the vice chairman of the Intelligence Committee. This is Senator COHEN's last year of service on the Intelligence Committee and I can think of no one who has made a greater contribution to the work of the committee. During his 8 years on the committee, he has become extremely knowledgeable on intelligence matters and his insights and judgments have enormously benefited all of us on the committee and have been of great benefit to our country. It has been a privilege for me to work with him to fashion what I believe are sensible bipartisan policies and programs in this critical area of national security. He will be missed.

In addition to Senator COHEN, I also specifically want to thank those members of the Intelligence Committee who also serve on the Armed Services Committee—Senator NUNN, the distinguished chairman of that committee, Senator WARNER, the ranking member, and Senator GLENN. Without the interests, contribution, and support of these crossover members, the Intelligence Committee's work would be undoubtedly much more difficult and much less successful.

I should also note that the work of the strategic forces and nulcear deterrence subcommittee of the Armed Services Committee makes an important contribution to the review of U.S. intelligence activities. As such, I thank Senator EXON and Senator THURMOND, the chairman and ranking member of that subcommittee, for their careful review and continuing support of our efforts.

Mr. President, because of the sensitivity of the matters dealt with in the intelligence authorization bill, I cannot discuss many of the details in open session. However, the committee's recommendations on these matters have been set forth in the classified supplement to the committee's report on S. 2834 which has been available to Members since July 20, under the provisions of Senate Resolution 400.

U.S. intelligence is clearly in a period of transition. The late 1970's and early 1980's saw dramatic growth in virtually every aspect of the intelligence budget, and we continue to see improvements in our capabilities as the systems and activities suported by past investment come on line. These improved capabilities were designed to meet the intelligence requirements of the 1980's and, as a result of this growth, I believe that U.S. intelligence is stronger today than it was 10 years ago. Obviously, it is important that these capabilities be maintained and we continue to try to strengthen them.

It is clear, however, that this will be difficult to accomplish in the current and expected future budget environment. Resources are ever more scarce and the Department of Defense cannot be as generous in allocating funds for those new or improved intelligence programs deemed necessary by intelligence program managers. Given this situation and understanding that the budgetary picture is probably going to get worse before it gets better, the committee adoped an approach different from previous years.

Rather than having individual program managers appear before the committee to defend their respective budgets, the committee first heard testimony from various officials relating to the dramatic changes rapidly taking place in the world order. Following this series of presentations, senior officials in the intelligence community described how U.S. intelligence was responding, or was planning to respond, to such developments, with emphasis on any programmatic and budgetary shifts that may be necessary or desirable. While the committee recognizes that such adjustments need to be made at a deliberate pace and continue over several years, this year's authorization bill does, in fact, reflect the beginning of a process to reorder priorities and objectives of U.S. intelligence activities.

For example, over the last 40 years U.S. intelligence has been properly consumed with developing, delivering and operating intelligence systems and activities aimed at countering the Soviet Union and its surrogates. In view of recent world events, it is clear that the underlying rationale for many of these programs is in serious need of review. This is not to say that requirements for intelligence on the Soviet Union that are behind us, only that they are likely to be very different in the future. There is a vast amount of openly available information on the Soviet Union are behind us, only that they are likely to be very different in the future. There is a vast amount of openly available information on the Soviet Union and Eastern Europe that should offset the need for old strategies and investments. On the other hand, it is also clear that U.S. intelligence will have to cope with a more daunting arms control monitoring regime than heretofore envisioned that will require new investments.

In addition, there are other intelligence requirements demanding atten-

tion in the future that have not received adequate resources given the intelligence community's longstanding preoccupation with the Soviet threat. These include intelligence support to low-intensity conflict, counterterrorism, and counternarcotics, as well as intelligence on political and economic developments. We also need to contend with the worldwide proliferation of sophisticated weaponry, to include nuclear, chemical, and biological weapons, and the long-range missile systems to deliver them.

Finally, the committee believes that human intelligence—which can provide information on the intentions of both adversaries and friends—must be improved and has consequently funded an initiative to augment this type of collection.

As a result of this process—in which we sought to begin the process of shifting resources, reordering priorities, and meeting future needs within the context of the recognized need to reduce Federal spending wherever possible—the committee achieved a significant net savings in the intelligence budget compared to the administration's request.

Apart from its budgetary review, the committee—jointly with the armed Services Committee—is recommending that a major review of Department of Defense intelligence priorities, resources, organizations, roles, and functions be undertaken. Every echelon from the Office of the Secretary of Defense, to the U&S commands, individual services, and below, has its own intelligence capability. Each organization requires separate buildings, administration, and security. This has raised concerns, not only of significant duplication of effort, but also of insufficient integration and sharing of information, uneven security measures and regulations, parochial service and commend interests prevailing over national intelligence interests, and gaps in intelligence support and coverage, despite the number of intelligence organizations.

Another problem, which transcends strictly Department of Defense intelligence, is that the tactical and national intelligence communities appear to be excessively isolated from one another, leaving each free to pursue self-sufficiency in their particular realms. Military commanders seek self-sufficiency through organic systems and organizations on the argument that national systems cannot be relied upon for support. The national community, likewise, emphasizes its peacetime missions and pays scant attention to the commander's needs.

Accordingly, our two committees have directed the Secretary of Defense and the Director of Central Intelligence to review all Department of Defense inteligence and intelligence-related activities with the objective of consolidating redundant functions, programs, and entities, and strengthening joint intelligence organizations and operations. Both committees intend to initiate staff studies and to hold joint hearings to monitor the progress of these efforts and, if necessary, to draft legislation to achieve these objectives.

Now, Mr. President, let me turn to the bill itself and summarize very briefly what is accomplished by this legislation.

Title I of the bill authorizes the funds for the intelligence activities of the U.S. Government, incorporating by reference the classified schedule of authorizations.

Title II authorizes appropriations for the intelligence community staff for fiscal year 1991 at $28,880,000, and authorizes 240 personnel for that organization.

Title III authorizes appropriations for the CIA retirement and disability system for fiscal year 1991 in the amount of $164,600,000.

Title IV of the bill contains a series of seven relatively minor administrative authorities affecting the Central Intelligence Agency. The first six are amendments to CIA retirement programs. The most significant of these is section 405 which corrects an inconsistency in the treatment of former CIA spouses whose benefits were terminated because of remarriage before the age of 55. Under existing law, former spouses divorced after November 15, 1982, could have their benefits restored upon dissolution of their subsequent marriage, but former spouses divorced before this date could not. Section 405 would permit both groups to have their benefits restored in such circumstances.

Section 407 of the bill addresses a particular problem that CIA has with employees of the Foreign Broadcast Information Service who serve as translators of public broadcasts in Hong Kong. Without a guarantee that they will be able to immigrate to the United States when Hong Kong reverts to control of the PRC in 1997, many of these employees had indicated they would not remain in their positions. In consultation with the immigration subcommittees in both Houses, we have worked out a provision permitting the DCI to use unallocated portions of his annual allocation to permit up to 100 aliens to enter the United States to take care of these employees.

Another legislative provision in section 501 of the bill would provide authority to the Defense Department to engage in commercial activities to provide security for intelligence collection activities undertaken abroad by elements of the Defense Department. This legislation has been proposed by this administration and by the previous administration, and it has been subject to thorough scrutiny and careful revision by both the Armed Services and Intelligence Committees.

The intelligence components of the Defense Department have traditionally had a legitimate, but limited, role in carrying out intelligence collection operations abroad under commercial cover. The Intelligence Committee is satisfied that this legislation is necessary for the security of those operations and that the safeguards in the bill will ensure that the authority is properly controlled.

One of the major concerns of the Intelligence Committee this year has been legislation to strengthen U.S. counterintelligence capabilities. We have had the benefit of the recommendations of a distinguished panel of prominent Americans, chaired by Eli Jacobs, which proposed 13 different legislative initiatives based upon their analysis of the most serious espionage cases of the past 20 years. The vice chairman and I have introduced a bill, S. 2726, to implement those recommendations, and we have held public hearings leading to a mark up of that bill.

The Intelligence Committee decided that one of the Jacobs panel's recommendations should be reported as part of the Intelligence Authorization Act. Section 502 of the bill would allow the Director of the National Security Agency to provide assistance to former NSA employees for up to 5 years after leaving NSA employment where such assistance is essential to avoid circumstances that might lead that former employee to consider unlawful disclosure of classified information.

As far as the remainder of the Jacobs panel recommendations are concerned, we look forward to bringing S. 2726 to the Senate after the Intelligence Committee and the other committees with jurisdiction complete their consideration of that bill.

This brings us to title VI of the bill which provides authority for the Secretary of Energy to designate certain intelligence and intelligence-related positions on his staff as exempt from the requirements of the competitive service in order that the Department is able to fill these slots more expeditiously with qualified personnel.

Last, Mr. President, but certainly not least, title VII of the bill contains the provisions relating to congressional oversight of intelligence activities that has passed the Senate on two previous occasions: Once in 1988, as part of S. 1721, which Senator COHEN introduced; and once in 1989, as part of the Senate's action on the fiscal year 1990 intelligence authorization bill.

The House Intelligence Committee did not accept these provisions in conference on last year's bill, wanting to make what it considered as further im-

provements to the bill. They did agree to consider it again on this year's bill.

I know Senator COHEN is planning to cover this subject in more detail in his statement, but let me just say to my colleagues that this remains an important piece of legislation, and, indeed, perhaps the most important legislation growing out of the Iran-Contra affair of three summers ago. It would correct many of the shortcomings noted by the congressional investigating committees and preserve for the future a legislative framework that is both workable and more predictable.

Among other things, the bill would require that—

All covert action findings must be in writing and may not authorize covert actions retroactively;

All Government agencies who participate in covert actions must be identified;

The findings must also state whether there are third parties not subject to U.S. Government control who are participating in the covert action concerned; and

Findings may not authorize covert actions which violate U.S. statutes or the Constitution, or for the purpose of influencing events in the United States.

The bill also incorporates a new definition of the term "covert action" which should help to eliminate the confusion as to what is, and what is not, a covert action.

These are important provisions, Mr. President, not only to the members of the Intelligence Committee, but to all of our colleagues in the Senate and to the American people, for whom, as we are deeply aware, we act in a surrogate role.

In conclusion, Mr. President, let me simply acknowledge the contributions of all of the members of the committee, as well as our very competent and dedicated staff, to the development of this legislation.

It was a cooperative, productive, and bipartisan effort of which the committee and the Senate, as a whole, can be proud. I urge the passage of the legislation that is now before us.

Mr. President, I now relinquish the floor so that my colleague, the distinguished vice chairman, can make his opening remarks.

Mr. President, I ask unanimous consent that the letter from the Congressional Budget Office on cost estimate for S. 2834 be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 1, 1990.

Hon. DAVID L. BOREN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of S. 2834, the Intelligence Authorization Act for Fiscal Year 1991, as reported by the Senate Select Committee on Intelligence on July 10, 1990.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2834

2. Bill title: Intelligence Authorization Act for Fiscal Year 1991

3. Bill status: As reported by the Senate Select Committee on Intelligence on July 10, 1990.

4. Bill purpose: To authorize appropriations for fiscal year 1991 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

5. Estimated cost to the Federal Government of titles II through VII of S. 2834:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995
Direct spending:					
Estimated budget authority	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Amount subject to appropriations:					
Estimated authorization level	195	2	3	4	6
Estimated outlays	20	9	4	3	5
Bill total:					
Estimated BA/auth	195	2	3	4	6
Estimated outlays	20	9	4	3	5
Net revenues	(1)	(1)	(1)	(1)	(1)

[1] Less than $500,000.

BASIS FOR ESTIMATE

The CBO was unable to obtain the necessary information to estimate the costs for Titles I and VIII of this bill because of the classified nature of the material. The estimated costs in the table above, therefore, reflect only the costs of Titles II through VII of the bill. The information about the budget functions in which some of these costs would fall also is classified. Therefore, a functional distribution of these costs has been excluded from this estimate.

DIRECT SPENDING

Title IV contains several provisions that would directly change federal spending by altering entitlements of federal government employees. Most of these provisions would alter the requirements governing benefits for survivors of CIA employees. Changes would: Require that former spouse status under the CIA Retirement and Disability System (CIARDS) be granted only to those with five years of marriage while their spouse was employed outside the U.S. with the CIA; allow a CIARDS retiree who had not elected benefits for a former spouse to elect a survivor benefit upon remarriage; lower the age at which a former spouse can remarry without losing survivor benefits to 55; restore benefits to former spouses who had remarried but whose remarriage had dissolved; and, permit receipt of only one survivor benefit to surviving spouses who remarry and then become eligible for a second survivor annuity. Most of these provisions would conform the CIARDS with other federal retirement systems (such as the Foreign Service Retirement and Disability System or the Civil Service Retirement System), and none of these provisions would apply to more than ten people. Costs or savings to the federal government from enactment of these provisions are not likely to exceed $50 thousand annually.

AMOUNTS SUBJECT TO APPROPRIATION

This estimate assumes that funds will be appropriated for the full amount of the authorization and that all resources will be available for obligation by October 1, 1990. Outlays are estimated based on historical outlay rates.

Titles II and III of the bill state fiscal year 1991 authorizations for appropriations for the Intelligence Community Staff of $28.9 million and for the required contribution to the Central Intelligence Agency Retirement and Disability Fund of $164.6 million.

Section 401 of Title IV would eliminate a required review of retirement options after 15 years of employment at the Central Intelligence Agency (CIA). Many employees of the CIA are eligible to retire under the Central Intelligence Agency Retirement and Disability System (CIARDS) or under the Federal Employee Retirement System (FERS) Special Category. The initial reason for this review was to allow a CIA employee to switch to a different federal retirement system if the benefits under CIARDS or FERS Special Category had not kept pace with other federal systems. Since CIARDS and FERS Special Category are relatively more generous retirement systems, no one elects a change in status at this 15 year review point. Abolishing this review would reduce the administrative burden of the CIA, though savings are not expected to exceed $100 thousand throughout the next five years.

Section 501 of Title V would provide the Department of Defense (DOD) the authority to engage in commercial activities for cover purposes. The cost of this section will depend on the Defense Secretary's use of the authority provided and will be partly offset by any funds generated through the commercial activity. No amounts are specifically authorized to be appropriated for these activities. CBO's estimate of the funds needed beyond those produced by these activities is based on a plan of the Defense Intelligence Agency for an execution of this cover system that would require additional amounts of approximately $1 million in the first year increasing to $5.7 million by 1995.

Section 502 would allow the Director of the National Security Agency to use appropriated funds to aid ex-employees who had been in sensitive positions. This assistance could take many forms, but cannot be provided for longer than five years after the termination of employment of the employee concerned. This estimate assumes that there will be fewer than 10 such cases in any fiscal year and that the National Security Agency will be able to provide this assistance within its existing resources.

Section 503 would clarify the rules governing reimbursements to the DOD for military transportation provided to the CIA. Specifically, this provision would allow the DOD to exempt the CIA from paying indirect labor costs associated with military airlifts. Enactment of this section would result in no net cost to the federal government.

REVENUES

Section 404 of Title IV would permit a CIARDS retiree who had not elected benefits for a former spouse to elect a survivor benefit upon marriage. Retirees electing this option must remit an additional employee's survivor benefit contribution within two years of his election. This provision would apply to fewer than ten people.

The revenue effects of this bill would be negligible in 1991-1995.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO cost estimate: None.

9. Estimate prepared by: Barbara Hollinshead (226-2840); Maureen Griffin (226-2859).

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

Mr. GLENN. Mr. President, I rise in support of the fiscal year 1991 Intelligence Authorization Act. I would like to acknowledge the fine leadership of my good friend from Oklahoma, DAVID BOREN, the chairman of the Senate Select Committee on Intellingence, for bringing the administration's budget request for intelligence through the legislative review process.

I would also like to pay tribute to the excellent work of BILL COHEN, our committee's vice chairman. This is Senator COHEN's last year on the committee, and his departure is a significant loss for us. Senator COHEN and I have worked closely on many issues over the years, particularly since we share other committee assignments—in addition to the Senate Select Committee on Intelligence, we both serve on the Governmental Affairs Committee, which I chair, the Select Committee on Aging, and the Senate Armed Services Committee. I have great respect and admiration for his intelligence, integrity, and dedication as a public servant. BILL COHEN's hard work and commitment to a vigorous but responsible intelligence capability will be sorely missed from the Intelligence Committee.

Mr. President, I would like to discuss several elements of the committee's unclassified report.

The report contains a provision I sponsored along with Senator WARNER which requires that the Defense Intelligence Agency [DIA] submit an unclassified report to the Congress by next May 1 dealing with the proliferation of weapons of mass destruction. I am hopeful that this report will prove sufficiently useful to become an annual publication. The unclassified report will provide a global assessment of the current state of nuclear, chemical, and biological weapon and delivery vehicle proliferation, and an estimate of proliferation-related developments expected to occur within the next 5 to 10 years.

I am convinced that one of the most ominous threats facing the United States is the proliferation of weapons of mass destruction in the Third World. I believe that coming to terms with this difficult problem will require greater public awareness of the threat—an awareness that demands easier and more timely access to relevant information.

Because of my concern with public awareness of this important issue, the Senate Governmental Affairs Committee, which I chair, has begun a monthy newsletter entitled "Proliferation Watch." This newsletter will provide updates on the progress and setbacks in international efforts to halt the spread of these weapons of mass destruction. I believe that an unclassified intelligence community document assessing the proliferation threat will make a significant contribution to awareness of a problem that is certain to be a growing source of concern to the public as well as the intelligence community and policymakers.

Mr. President, I would also like to express my strong support for language in our report calling for a reorganization of defense intelligence and a reassessment of DOD collection and analytical priorities. Such a reorganization of DOD intelligence should consolidate disparate or redundant functions and programs and strengthen joint intelligence organizations and operations. As a member of both the Senate Select Committee on Intelligence and the Senate Armed Services Committee, I intend to pursue this issue closely as both committees hold hearings and review legislative proposals on this matter.

Also, I would like to take this opportunity to comment about S. 2726, the "Counterintelligence Improvements Act of 1990" which is currently pending before the Senate Select Committee on Intelligence. While I have concerns with various provisions of this legislation, I would like to express my particular concern with section 12 "Authorizing Access to Subscriber Information of Persons With Unlisted Numbers Who are Called by Foreign Powers of Agents of Foreign Powers." This provision has serious implications for protections currently afforded citizens under the Privacy Act. The disposition of personal information collected by the Government is inextricably linked with proposals for creating new means of Government access to personal information. The integrity of our Nation's privacy laws becomes jeopardized if we allow for the creation of such provisions without assurance of adequate protection.

Specific concerns include the following: How long will the records be kept? Will a data base, electronic or otherwise, be created? Who has access to the information? Is it accessible to other agencies? Is it available to the public? What privacy protections apply?

Mr. President, this provision raises additional questions of overbreadth as changes in the policies of the Soviet Union and recent developments in Eastern Europe have resulted in increased communications, including telephone contacts, between Americans and foreign officials and citizens. While I certainly share the concern with the ongoing threat posed to U.S. security by hostile intelligence services and the importance of a vigorous yet responsible U.S. counterintelligence program, it is important to balance legitimate national security concerns with the need to provide adequate protection for individual privacy rights. If this provision is separated out of the bill and included as a floor amendment to our authorization bill, I hope that these issues will be adequately addressed in conference with the House.

In conclusion, I would like to express my concern with what I consider to be a growing perception that with the apparent end of the cold war, we no longer have a need for a robust intelligence capability. I ask unanimous consent to have printed in the RECORD an editorial I wrote on this subject which appeared in the Columbus Dispatch on July 3 of this year.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATION NEEDS INTELLIGENCE MORE THAN EVER BEFORE

(By John Glenn)

Accurate and timely intelligence is the foundation of America's national security. Intelligence provides us with information to define the constantly changing threat to American interest; it helps us determine what defense systems we should be acquiring based on that evolving threat; and it provides decision-makers with the data and analyses necessary to form a responsible national security strategy.

Intelligence plays perhaps its most vital role when the decision is made to commit U.S. forces into combat. Our most sophisticated weaponry and our most trained military personnel are useless unless we know where, when and how to deploy these resources for optimal effect in conflict. Indeed, accurate and timely intelligence is our greatest force-multiplier.

Yet with the dissolution of the Soviet empire and the decline of the Soviet threat, some believe that it is now safe to decrease the intelligence budget. Nothing could be further from the truth. In fact, our need for reliable intelligence is at its greatest during such periods of enormous change and uncertainty. The United States relies heavily on intelligence to detect and monitor these changes in the international system so we can reallocate increasingly scarce resources in a more efficient manner.

Calls for reductions in our intelligence spending are particularly troubling because America's preoccupation with the Soviet Union over the last several decades has minimized other threats to our national security. Perhaps the most ominous of these threats is the proliferation of weapons of mass destruction in the Third World—ballistic missiles, and nuclear, chemical and biological weapons. Iraq's recent attempt to obtain trigger devices to aid its nuclear program, the controversy over Libya's chemical facility at Rabta and the growing threat of war between India and Pakistan (both of which have nuclear programs and delivery systems of great concern to the United States), underscore the gravity of this threat. The proliferation of weapons of mass destruction is certain to be a growing source of concern to policy-makers and the intelligence community.

Another concern is the change taking place in the international economic system. America's international power and prestige are reflected not only in its political and military strength, but its economic vitality as well. Increasingly, our great power status will be defined in economic rather than military terms. If we are to remain competitive in the international marketplace with Japan and the European Community, we must focus our intelligence capabilities on economic objectives such as foreign trade activities and science and technology developments. The adage that "knowledge is power" is particularly true in the economic realm.

In addition, we must focus more of our intelligence capabilities on other emerging national security threats such as drug smuggling, terrorism, environmental change, low-intensity conflict in the Third World and the illicit export of high-technology items.

Besides these emerging threats, the need for intelligence gathering to cover developments within the Soviet Union remains significant. After decades of having a comparatively static political and economic system, the Soviet Union is now confronting a highly uncertain period of profound political change, economic restructuring, a declining military establishment, ethnic and religious turmoil, and growing secessionist pressure.

Most significant among these many problems may be the chaotic Soviet economy. In fact, it is likely that the Soviets will devote more of their intelligence assets than ever before to obtaining our high-technology secrets—a relatively easy way for the Soviets to leapfrog their stagnant 19th century economy into the 21st century. Our counterintelligence capabilities must remain strong in order to combat Soviet espionage efforts against America's science and technology base.

The changing international environment has also heightened expectations for the conclusion of a sweeping array of arms control agreements this year that will provide an important measure of predictability and stability to the superpower relationship—but only if verification concerns are adequately addressed by intelligence collection and analyses.

These arms control agreements will be highly complex and therefore very difficult to monitor. Enormously expensive intelligence systems that are necessary to monitor Soviet compliance with these agreements constitute the hidden cost of arms control. If these essential intelligence systems are sacrificed to narrow budgetary considerations, our ability to adequately monitor these agreements will be placed at risk—endangering our nation's security as well as the public's support of the arms control process.

Few realize the magnitude of the decision to cancel important systems needed for arms control monitoring and other essential intelligence functions. For example, last year the administration decided to terminate the SR-71, a high altitude, high speed long-range aerial reconnassance platform that brought a unique and reliable capability to America's intelligence community for decades. Such shortsighted action is often a result of the fact that the vast majority of our nation's intelligence resources cannot be fully discussed in public, if at all.

Indeed, relatively few members of the administration and Congress are even aware of the existence of many of these intelligence systems and programs. As a result, our intelligence capabilities have virtually no public constitency. In the years ahead, America can successfully navigate the turbulent waters of a rapidly changing world only with accurate and timely intelligence. Any effort to reduce our intelligence capability, particularly during this era of enormous change, would be both unwise and irresponsible.

Mr. NUNN. I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1991".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1991 the amounts referred to in section 102 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) the Central Intelligence Agency;

(2) the Department of Defense;

(3) the Defense Intelligence Agency;

(4) the National Security Agency;

(5) the Department of the Army, the Department of the Navy, and the Department of the Air Force;

(6) the Department of State;

(7) the Department of the Treasury;

(8) the Department of Energy; and

(9) the Federal Bureau of Investigation.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) The amounts authorized to be appropriated by section 101, and the authorized personnel ceilings as of September 30, 1991, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations to accompany ( ) of the One Hundredth First Congress. Such Schedule of Authorizations shall be considered to be a part of this Act, and any limitation, requirement, or condition contained in such Schedule pertaining to the amount specified for any project, program, or activity shall be considered to be a part of this Act.

(b) Such Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch of the Government.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1991 under sections 102 and 202 of this Act if he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Intelligence Community Staff for fiscal year 1991 $28,900,000, of which amount $6,580,000 shall be available for the Security Evaluation Office of the Central Intelligence Agency.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1991, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office of the Central Intelligence Agency. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1991, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence activities.

(c) REIMBURSEMENT.—During fiscal year 1991, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1991, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1991 $164,600,000.

TITLE IV—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

SEC 401. ELIMINATION OF 15-YEAR CAREER REVIEW FOR CIARDS AND FERS SPECIAL CATEGORY PARTICIPANTS.

Section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by striking out the last sentence thereof; and

(2) by adding at the end thereof the following new sentences: "Any officer or employee who elects to accept designation as a participant entitled to the benefits of the system shall remain a participant of the system for the duration of his or her employment with the Agency. Such election shall be irrevocable except as, and to the extent, provided in section 301(d) of this Act and shall not be subject to review or approval by the Director.".

SEC. 402. QUALIFYING PERIOD FOR CIA FORMER SPOUSE.

Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C 403 note) is amended by inserting before the period at the end thereof the following: "during the participant's service as an employee of the Central Intelligence Agency".

SEC. 403. SELECTION BETWEEN CIARDS ANNUITY AND OTHER SURVIVOR ANNUITIES.

Section 221(g) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new paragraph:

"(3) A surviving spouse who married a participant after his retirement shall be entitled to a survivor annuity payable from the fund under this title only upon electing this annuity instead of any other survivor benefit to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.".

SEC. 404. SURVIVOR ANNUITIES UNDER CIARDS FOR SPOUSES OF REMARRIED, RETIRED PARTICIPANTS.

(a) CALCULATION OF REDUCTION IN ANNUITIES.—Section 221(n) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting "or elected under section 226(e)" after "(unless such reduction is adjusted under section 222(b)(5)".

(b) ELECTION OF REDUCTION IN ANNUITY.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"(e) Upon a remarriage occurring on or after the date of enactment of this subsection to a spouse other than the spouse at the time of retirement, a retired participant whose annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, a reduction in the retired participant's annuity for the purpose of providing an annuity for such retired participant's spouse in the event such spouse survives the retired participant. The reduction shall be effective the first day of the month which begins nine months after the date or remarriage. For any remarriage that occurred before the date of enactment of this subsection, the retired participant may make such an election within two years after such date. To the greatest extent practicable, the retired participant shall pay a deposit under the same terms and conditions as those prescribed for retired employees under the Civil Service Retirement and Disability System under section 8339(j)(5)(C)(ii) of title 5, United States Code. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under section 221(b).".

(c) CONFORMING AMENDMENT.—Section 226(d) of such Act is amended by striking out "This" and inserting in lieu thereof "Subsections (a) through (c) of this".

SEC. 405. RESTORATION OF CERTAIN FORMER SPOUSE BENEFITS AFTER DISSOLUTION OF REMARRIAGE.

(a) Section 224(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the semicolon ", except that, if such survivor annuity is terminated because of remarriage, such annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce".

(b) Section 225(b)(1) of the Central Intelligence Agency Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by inserting before the semicolon ", except that the entitlement of a former spouse to benefits under this section shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce".

(c) Section 16(c) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403p(c)) is amended by adding at the end thereof the following new paragraph:

"(3) A former spouse who is not eligible to enroll in a health benefit plan under this section because of remarriage before the age of 55 shall be restored to such eligibility on the date such remarriage is dissolved by death, annulment, or divorce.".

(d) The amendment made by this section shall take effect on October 1, 1990, and no benefit shall be payable before such effective date.

(e) Any new spending authority (within the meaning of section 401(c) of the Congressional Budget Act of 1974) provided pursuant to the amendments made by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

SEC. 406. CONFORMING CIARDS TO THE CIVIL SERVICE RETIREMENT SYSTEM.

Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984 (Public Law 98-615), Executive Order No. 12684 of July 27, 1989 (insofar as it conforms the Central Intelligence Agency Disability and Retirement System to the Civil Service Retirement System by lowering the remarriage age regarding the termination of surviving spouses' annuities from 60 to 55) shall be given effect as of its date of issuance.".

SEC. 407. TREATMENT OF CERTAIN ALIEN EMPLOYEES IN HONG KONG.

(a) AUTHORITY.—In applying the proviso of section 7 of the Central Intelligence Agency Act of 1949, in the case of an alien described in subsection (b), the Director may charge the entry of the alien against the numerical limitation for any fiscal year (beginning with fiscal year 1991 and ending with fiscal year 1996) notwithstanding that the alien's entry is not made to the United States in that fiscal year so long as such entry is made before the end of fiscal year 1997.

(b) ELIGIBLE ALIENS.—An alien eligible under subsection (a) is an alien who—

(1) is an employee of the Foreign Broadcast Information Service in Hong Kong; or

(2) is the spouse or child of an alien described in paragraph (1) if accompanying or following to join the alien in coming to the United States.

TITLE V—DEPARTMENT OF DEFENSE FOREIGN INTELLIGENCE ENHANCEMENTS

SEC. 501. DEPARTMENT OF DEFENSE COVER SUPPORT AUTHORITY.

(a) IN GENERAL.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 22—SECURITY SUPPORT FOR DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

"§ 431. Authority for certain commercial activity

"The Secretary of Defense, consistent with this chapter, may carry out certain commercial activities as may be necessary for the purpose of providing security for the conduct of intelligence collection activities undertaken by the Department of Defense. Such activities shall be carried out only with the approval of the Director of Central Intelligence and, to the extent such activities take place within the United States, shall also be coordinated with and, where appropriate, be supported by, the Director of the Federal Bureau of Investigation.

"§ 432. Use and disposition of funds

"Proceeds generated by a commercial activity carried out under this chapter may be used to offset necessary and reasonable expenses arising from that activity and shall be kept to the minimum necessary to operate such activity in a secure manner. Any proceeds in excess of those required for this purpose shall be deposited, as often as may be practicable, into the Treasury of the United States as miscellaneous receipts. The disposition of such proceeds shall be audited at least annually by the organization assigned auditing responsibility by the head of the military department or defense agency for the commercial activity concerned.

"§ 433. Relationship with other Federal laws

"(a) Except as provided by subsection (b), commercial activities conducted pursuant to this chapter shall be carried out in accordance with applicable Federal law.

"(b) Whenever the Secretary of Defense, an official of no lower rank than an Assistant Secretary of Defense who is designated by the Secretary for this purpose, or the head of a military department certifies that, in connection with the establishment or operation of a commercial activity pursuant to this chapter, compliance with Federal laws or regulations pertaining to the management and administration of Federal agencies would create an unacceptable risk of compromise of authorized intelligence collection activities, he may authorize the establishment and operation of such activities, notwithstanding such laws or regulations, to the extent necessary to prevent the disclosure of the commercial activity concerned as an instrumentality of the United States Government, except that such certification and authorization shall be in writing and shall specify the Federal laws or regulations for which compliance by the commercial activity concerned is not required consistent with this section.

"(c) As used in this section, the phrase 'Federal laws and regulations pertaining to the management and administration of Federal agencies' means only the following—

"(A) Federal laws and regulations pertaining to the receipt and use of appropriated and nonappropriated funds;

"(B) the acquisition or management of property or services;

"(C) information disclosure, retention, and management;

"(D) the employment of personnel;

"(E) payments for travel and housing;

"(F) the establishment of legal entities or government instrumentalities; and

"(G) foreign trade or financial transaction restrictions that would reveal the commercial activity as an activity of the United States Government.

"§ 434. Reservation of defenses and immunities

"Commercial activity undertaken pursuant to this chapter, including the submission to judicial proceedings of any State, shall not constitute a waiver of the defenses and immunities of the United States.

"§ 435. Restrictions

"(a) No corporation, partnership, or other legal entity may be established to carry out commercial activities pursuant to this chapter except with the approval of the Secretary of Defense or the Deputy Secretary of Defense. Such approval may not be delegated.

"(b) Nothing in this chapter authorizes the conduct of any intelligence activity which is not otherwise authorized by law or Executive order.

"(c) Personnel conducting commercial activity authorized by this chapter may only engage in those activities in the United States necessary to support intelligence activities abroad.

"(d) A citizen of the United States or an alien admitted to permanent residence in the United States may not be employed by, or assigned or detailed to perform operational, managerial, or supervisory duties for, an entity engaged in commercial activity authorized by this chapter unless that person has been informed of the purpose of such activity.

"§ 436. Regulations, oversight, and legal review

"The Secretary of Defense shall issue regulations to implement the authority contained in this chapter within 180 days of its date of enactment. Copies of such regulations shall be provided to the Committees on Armed Services of the Senate and House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to their issuance. Such regulations shall be consistent with this chapter and shall, at a minimum—

"(1) specify all officials authorized to approve commercial activities pursuant to this chapter and, where a determination is required pursuant to section 433(b) only the officials specified by such section may approve the establishment or operation of the commercial activity concerned;

"(2) designate a single office within the Defense Intelligence Agency to implement, and maintain accountability for, all activities authorized pursuant to this chapter;

"(3) require prior legal review of all commercial activities authorized pursuant to this chapter; and

"(4) provide for appropriate internal audit controls and oversight for such activities.

"§ 437. Reports to Congress

"(a)(1) The Secretary of Defense shall ensure that the Committees on Armed Services of the Senate and House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives (hereafter in this chapter referred to as 'the intelligence committees') are kept fully and currently informed of actions taken pursuant to this chapter, including any significant anticipated activity to be authorized pursuant to this chapter.

"(2) For purposes of paragraph (1), the Secretary of Defense shall provide all such committees with prior notice of the establishment of any corporation, partnership, or other legal entity.

"(b) Not later than November 1 of each year, the Secretary of Defense shall submit to the committees described in subsection (a) a report on all commercial activity undertaken pursuant to this chapter during the previous fiscal year. Such report shall include a description of any exercise of the authority provided by section 433(b) to the Secretary of Defense, or other authorized officials, as well as a description of any expenditure of appropriated or nonappropriated funds made pursuant to this chapter.

"§ 438. Definitions

"As used in this chapter—

"(1) the term 'commercial activities' means activities conducted in a manner consistent with prevailing commercial practice and includes—

"(A) the acquisition, use, sale, storage, and disposal of goods and services;

"(B) entering into employment contracts, leases, and other agreements for real and personal property;

"(C) depositing funds into and withdrawing funds from domestic and foreign commercial businesses or financial institutions; and

"(D) acquiring licenses, registrations, permits, and insurance; and

"(2) the term 'intelligence activities' means the collection of foreign intelligence and counterintelligence information.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 21 the following new item:

"22. Security Support for Department of Defense Intelligence Activities 431.".

SEC. 502. POST-EMPLOYMENT ASSISTANCE FOR CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) Notwithstanding any other law, the Director of the National Security Agency may use appropriated funds to assist employees who have been in sensitive positions who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Agency, or whose employment has been terminated—

"(1) in finding and qualifying for subsequent employment,

"(2) in receiving treatment of medical or psychological disabilities, and

"(3) in providing necessary financial support during periods of unemployment,

if the Director determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(b) The Director of the National Security Agency shall report annually to the Appropriations Committees of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.".

SEC. 503. REIMBURSEMENT RATE FOR CERTAIN AIRLIFT SERVICES.

(a) AUTHORITY.—The Secretary of Defense is authorized to grant the use of the Department of Defense reimbursement rate for military airlift services provided by the Department of Defense to the Central Intelligence Agency, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

(b) DEFINITION.—For purposes of subsection (a), the term "Department of Defense reimbursement rate" means the rate of reimbursement charged by the Department of Defense to the military departments.

TITLE VI—DEPARTMENT OF ENERGY PERSONNEL AUTHORITY

SEC. 601. EXCEPTED POSITIONS FROM THE COMPETITIVE SERVICE.

Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended by adding at the end thereof the following new subsection:

"(f) All positions in the Department which the Secretary determines are devoted to intelligence or intelligence-related activities of the United States Government are excepted from the competitive service, and the individuals who occupy such positions as of the date of enactment of this Act shall, while employed in such positions, be exempt from the competitive service.

TITLE VII—OVERSIGHT OF INTELLIGENCE ACTIVITIES

SEC. 701. REPEAL.

Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is hereby repealed.

SEC. 702. CONGRESSIONAL OVERSIGHT.

(a) IN GENERAL.—Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended to read as follows:

"CONGRESSIONAL OVERSIGHT

"SEC. 501. (a) The President shall ensure that the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives (hereafter in this title referred to as the 'intelligence committees') are kept fully and currently informed of the intelligence activities of the United States, including any significant anticipated intelligence activities, as required by this title, except that—

"(1) nothing contained in this title shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities; and

"(2) nothing contained in this title shall be construed as a limitation on the power of the President to initiate such activities in a manner consistent with his powers conferred by the Constitution.

"(b) The President shall ensure that any illegal intelligence activity is reported to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity.

"(c) The President and the intelligence committees shall each establish procedures as may be necessary to carry out the provisions of this title.

"(d) The House of Representatives and the Senate, in consultation with the Direc-

tor of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of Congress under this title. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) As used in this section, the term 'intelligence activities' includes 'covert actions', as defined in subsection 503(e).".

(b) INFORMATION REQUIRED TO BE DISCLOSED; FINDINGS.—The National Security Act of 1947 is amended—

(1) by redesignating sections 502 and 503 as sections 504 and 505, respectively; and

(2) by inserting after section 501 the following:

"REPORTING INTELLIGENCE ACTIVITIES OTHER THAN COVERT ACTIONS

"SEC. 502. To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than covert actions, as defined in subsection 503(e), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and significant failures; and

"(2) furnish the intelligence committees any information or material concerning intelligence activities other than covert actions which is within their custody or control and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"PRESIDENTIAL APPROVAL AND REPORTING COVERT ACTIONS

"SEC. 503. (a) The President may authorize the conduct of covert actions by departments, agencies, or entities of the United States Government only when he determines that such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than 48 hours after the decision is made.

"(2) A finding may not authorize or sanction covert actions, or any aspect of such activities, which have already occurred.

"(3) Each finding shall specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any significant way in such activities, except that any employee, contractor, or contract agent of a department, agency, or entity of the United States Government (other than the Central Intelligence Agency) directed to participate in any way in a covert action shall be subject to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency, or entity, governing such participation.

"(4) Each finding shall specify whether it is contemplated that any third party which is not an element, contractor, or contract agent of the United States Government, or is not otherwise subject to United States Government policies or regulations, will be used to fund or otherwise participate in any significant way in the covert action concerned or be used to undertake the covert action concerned on behalf of the United States.

"(5) A finding may not authorize any action intended to influence United States political processes, public opinion, policies, or media.

"(6) A finding may not authorize any action which violates the Constitution of the United States or any statutes of the United States.

"(b) To the extent consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods, or other exceptionally sensitive matters, the Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in a covert action shall—

"(1) keep the intelligence committees fully and currently informed of all intelligence activities, other than covert actions, as defined in subsection 503(e), which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity and significant failures; and

"(2) furnish the intelligence committees any information or material concerning intelligence activities other than covert actions which is within their custody or control and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"(c)(1) Except as provided by paragraphs (2) and (3), the President shall ensure that any finding approved, or determination made, pursuant to subsection (a) shall be reported to the intelligence committees before the initiation of the activities authorized.

"(2) On rare occasions, the President may direct that covert actions be initiated before reporting such actions to the intelligence committees. On such occasions, the President shall fully inform the intelligence committees in a timely fashion and shall provide a statement of the reasons for not giving prior notice.

"(3) If the President determines it is essential to meet extraordinary circumstances affecting vital interests of the United States, the President may limit the reporting of findings or determinations pursuant to paragraphs (1) and (2) to the chairmen and ranking minority members of the intelligence committees, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority leaders of the Senate. In any such case, the President shall provide a statement of the reasons for limiting access to such findings or determinations in accordance with this subsection.

"(4) In each case reported pursuant to paragraph (1), (2), or (3), a copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee.

"(d) The President shall ensure that the intelligence committees or, if applicable, the Members of Congress specified in subsection (c)(3) are notified of any significant change in a previously approved covert action, or any significant undertaking pursuant to a previously approved finding, in the same manner as findings are reported pursuant to subsection (c).

"(e) As used in this section, the term 'covert action' means an activity or activities conducted by an element of the United States Government to influence political, economic, or military conditions abroad so that the role of the United States Government is not intended to be apparent or acknowledged publicly, but does not include—

"(1) activities the primary purpose of which is to acquire intelligence, traditional counterintelligence activities, traditional activities to improve or maintain the operational security of the United States Government programs, or administrative activities;

"(2) traditional diplomatic or military activities or routine support to such activities;

"(3) traditional law enforcement activities conducted by United States Government law enforcement agencies or routine support to such activities; or

"(4) activities to provide routine support to the overt activities (other than activities described in paragraph (1), (2), or (3)) of other United States Government agencies abroad.".

(c) AVAILABILITY OF FUNDS SUBJECT TO FINDINGS.—Section 504 of the National Security Act of 1947, as amended by subsection (b)(2), is further amended—

(1) by striking out "501" in subsection (a)(2) and inserting in lieu thereof "503"; and

(2) by adding at the end thereof the following new subsection:

"(d) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government, may be obligated or expended, or may be directed to be obligated or expended, for any covert action, as defined in section 503(e), unless and until a Presidential finding required by section 503(a), has been signed or otherwise issued in accordance with that section.".

TITLE VIII—GENERAL PROVISIONS

SEC. 801. AUTHORIZATION OF APPROPRIATIONS FOR INCREASES IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

There are authorized to be appropriated for fiscal year 1991 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, and other benefits for Federal employees which are authorized by law.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STRIKING OF COMMEMORATIVE MEDALS

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 759, H.R. 2575 regarding congressional commemorative coins.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2575) to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941, to provide for the striking of medals in commemoration of the centennial of Yosemite National Park, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2579

Mr. SIMPSON. Mr. President, on behalf of Senator HEINZ I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. HEINZ, proposes an amendment numbered 2579.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

COMMEMORATING THE UNITED STATES CONSTITUTION

SECTION . DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF COINS.

Subsection (d)(1) of section 5112 of title 31, United States Code, is amended by striking the fourth sentence.

SEC. . DESIGN CHANGES REQUIRED FOR CERTAIN COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(3) The design on the reverse side of the half dollar, quarter dollar, dime coin, 5-cent coin and one-cent coin shall be selected for redesigning. One or more coins may be selected for redesign at the same time, but the first redesigned coin shall have a design commemorating the two hundredth anniversary of the United States Constitution for a period of 2 years after issuance. After that 2-year period, the bicentennial coin shall have its design changed in accordance with the provisions of this subsection. Such selection, and the minting and issuance of the first selected coin shall be made not later than 1 year after the date of the enactment of this paragraph. All such redesigned coins shall conform with the inscription requirements set forth in paragraph (1) of this subsection."

SEC. . DESIGN ON OBVERSE SIDE OF COINS.

Subsection (d) of section 5112 of title 31, United States Code, is amended by adding at the end of the following new paragraph:

"(4) Subject to paragraph (2), the design on the obverse side of the half dollar, quarter dollar, dime coin, 5-cent coin, and one-cent coin shall contain the likenesses of those currently displayed and shall be considered for redesign. All such coin obverse redesigns shall conform with the inscription requirements set forth in paragraph (1) of this subsection.".

SEC. . SELECTION OF DESIGNS.

The design changes for each coin authorized by the amendments made by this Act shall take place at the discretion of the Secretary and shall be done at the rate of one or more coins per year, to be phased in over 6 years after the date of the enactment of this Act. In selecting new designs, the Secretary shall consider, among other factors, thematic representations of the following constitutional concepts: freedom of speech and assembly; freedom of the press; right to due process of law; right to a trial by jury; right to equal protection under the law; right to vote; themes from the Bill of Rights; and separation of powers, including the independence of the judiciary. The designs shall be selected by the Secretary upon consultation with the United States Commission on Fine Arts.

SEC. . REDUCTION OF THE NATIONAL DEBT.

Subsection (a)(1) of section 5132 of title 31, United States Code, is amended by inserting after the third sentence the following: "Any profits received from the sale of uncirculated and proof sets of coins shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

So the amendment (No. 2579) was agreed to.

Mr. NUNN. Mr. President, I ask unanimous consent that the bill be advanced to third reading, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2575), as amended, was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BOUNDARY REVISIONS AT GETTYSBURG NATIONAL MILITARY PARK

Mr. NUNN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 532, H.R. 3248, regarding Gettysburg National Military Park.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3248) to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCLURE. Mr. President, I rise in reluctant support of this bill. I believe that several sections of the bill should be perfected particularly with respect to pay for Commission members, reimbursement of planning costs, and Federal action consistency review.

With respect to the latter, I believe the Pennsylvania delegation has bought into an unworkable provision. Federal agency action which the Secretary finds inconsistent with the purposes of the historic district must be sent to designated congressional committees and "an adequate time allowed for congressional comment" must be permitted. What this means, I know not. Is an agency action prohibited until all 535 Members of Congress have affirmatively commented? If an agency submits the required information and waits a day or two can they act? This provision is a lawyer's dream, which is totally unnecessary. The Energy and Natural Resources Committee has endorsed numerous other consistency provisions which work. This is the first one that I am aware of that clearly does not. My only justification for going along with this is that I will not have to live with it. The Pennsylvania delegation will. They seem willing to accept that fate. While I will defer to the Senate delegation this time on this bill, I hope that others will not follow this precedent in the future. If they do, I am not sure I will be so accommodating.

REVISION OF BOUNDARY OF GETTYSBURG NATIONAL MILITARY PARK

Mr. SPECTER. Mr. President, I am pleased to support the Senate's passage of H.R. 3248, a bill to authorize the implementation of the Gettysburg National Military Part boundary study which the Department of Interior transmitted to Congress on August 21, 1989.

On September 12, 1989, I was joined by my colleague from Pennsylvania, Senator HEINZ, in introducing S. 1594, the Senate's bill to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania. Our colleagues in the House of Representatives, Congressmen GOODLING and KOSTMAYER, introduced the companion legislation in this matter. On January 24, 1990, the Senate passed S. 1594 after it was reported from the Commitee on Energy and Natural Resources. I want to express my appreciation to the Subcommittee on Public Lands, National Parks and Forests for all their efforts in this regard.

Mr. President, according to the Park Service, the original 1895 legislation establishing the Gettysburg National Military Park contained language and broad references to a map drawn by Maj. Gen. Daniel Sickles that have been the subject of uncertainty and various interpretations for many years. As a result, the Gettysburg National Military Park, although one of the most frequently visited military

parks in the country, has no formally recognized boundaries.

The boundary study identified the need for Congress to establish a permanent boundary through legislation and to support cooperative efforts for protection of the historic setting. The study depicted key battlefield areas that are currently not part of the park, monuments and important elements of the historic setting that require protection, and some areas that are no longer needed for park purposes.

Specifically, the bill we are passing here today responds to the boundary study and adds approximately 2,000 acres that include key sites and features of the battle not now adequately protected or interpreted; transfer approximately 25 acres which are no longer necessary to the Park Service's mission; and protect outlying monuments and markers primarily through cooperative agreements with landowners.

Widerly recognized as a turning point in the Civil War, the Battle of Gettysburg is perhaps one of the most significant historical events in this Nation's history. Much has been written about both military and personal dramas which were played out during the course of the 3-day battle. As one of the few Civil War conflicts fought on Northern soil, Gettysburg offered a rare opportunity for the Confederacy and presented the Union with new and unanticipated challenges. After three days of fierce fighting, however, the Confederates were forced to retreat, and Gen. Robert E. Lee's Army of northern Virginia was never again strong enough to launch a major invasion into the North.

Gettysburg is significant also as the site at which President Abraham Lincoln delivered a short but eloquent address to dedicate a national cemetry in honor of Union dead. The brief remarks, which he ironically believed the world would "little note, nor long remember," later became known as the Gettysburg Address. President Lincoln foresaw that the actions of those who had died at that battlefield could never be forgotten. The establishment of accurate boundaries for the Gettysburg National Military Park represents a continuing effort to ensure that the deeds of those who fought at Gettysberg are carefully recorded and preserved for future generations.

Mr. President, it is essential that resources necessary to maintain and interpret the significance of the Battle of Gettysburg be made available to the Park Service. Accordingly, I urge my colleagues to join Senator HEINZ and me in supporting passage of this legislation to protect our Nation's resources.

Mr. NUNN. Mr. President, I ask unanimous consent the bill be advanced to third reading, and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3248) was passed.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent the Senate actions on items just passed be considered as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, this weekend, the Coast Guard is celebrating its 200th anniversary. The very first event this year to celebrate the Coast Guard's 200th anniversary will occur in Unalaska where the Coast Guard anthem was penned. The Senator from Alaska [Mr. MURKOWSKI] made an early commitment to participate in this official event. Unalaska/Dutch Harbor is some 5,000 miles from Washington, DC, difficult travel arrangements using both official Coast Guard and private aircraft have been made so that he may arrive on the Aleutian chain in time for the scheduled events. In addition to participating in the celebration in Unalaska/Dutch Harbor, Senator MURKOWSKI will help the community of St. Paul dedicate its new harbor project this weekend. Arrangements have been made so that he may fly on an official Coast Guard plane from Unalaska to St. Paul accompanied by Capt. Jeff Hartman of the U.S. Coast Guard.

Mr. President, as Senator MURKOWSKI noted in previous statements to his colleagues, those of us privileged to serve in the Senate representing western States must do the best we can to anticipate Senate schedules to that we may travel long distances to our States to meet obligations to our constituents. This is especially difficult when trying to arrange travel to remote locations in Alaska.

During this entire session, he has missed only one vote while traveling back from Alaska. If the Senate continues to work next week, he will, of course, return and participate with his colleagues on Monday.

Mr. President, on behalf of Senator MURKOWSKI, I ask permission under the rules of the Senate for him to be absent from the Senate on official business after 9:15 p.m. Friday. This will enable Senator MURKOWSKI to participate in the official functions in Unalaska/Dutch Harbor and St. Paul, AK, on Saturday, August 4, 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, if I may, I see two colleagues seeking recognition. I intend to speak for 5 minutes or so on the Reid amendment when we get back to that item of business.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The Senate resumed consideration of the bill.

Mr. METZENBAUM. Will the Senator from Wyoming be good enough to let me proceed for 1 minute?

Mr. SIMPSON. I yield the floor.

Mr. METZENBAUM. Mr. President, I ask unanimous consent the pending amendment be set aside in order to consider this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2580

(Purpose: To improve the effectiveness of economic sanctions against the Republic of Iraq in response to its invasion of the State of Kuwait)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk will read as follows:

The Senator from Ohio [Mr. METZENBAUM], for himself, Mr. D'Amato, Mr. PELL, Mr. DOLE, and Mr. MCCAIN, proposes an amendment numbered 2580.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following section:

"Notwithstanding any other provision of law, the President shall have the authority to restrict the importation of goods and services to the United States from any nation which continues to maintain economic relations with the Republic of Iraq in violation of economic sanctions against the Republic of Iraq imposed by the international community as a whole, or by the United States.".

Mr. METZENBAUM. Mr. President, this amendment is sent to the desk on behalf of myself, Senators D'AMATO, PELL, DOLE, and MCCAIN. It gives the President the authority to restrict the importation of goods and services into the United States from any Nation which continues to maintain economic relations with the Republic of Iraq in violation of economic sanctions against the Republic of Iraq imposed by the international community as a whole, or by the United States.

It is my understanding there is no objection to the amendment. I hope it can be accepted.

Mr. NUNN. Mr. President, this is not in the jurisdiction of the Armed Services Committee. I want everyone to understand that the reason this is being accepted is because the Senator from Rhode Island has cosponsored it. He is chairman of the Foreign Relations Committee.

I want everyone to understand this is very far-reaching authority. It is not mandatory, but it is far-reaching authority. I believe also that Mr. DOLE, the Republican leader, cosponsored this, but it is not an insignificant act. I do want to note that.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Mr. President, I think this is an appropriate amendment, given the gravity of the situation as it exists today. I thank the Senator from Ohio for bringing it forward at this very propitious time. I think it sends a proper signal that the American people, and the United States Senate, are ready to support President Bush in every action he needs to take to bring this aggressor to heel. Once again, I thank the Senator from Ohio for bringing this amendment before the Senate.

Mr. METZENBAUM. I thank the Senator.

Mr. NUNN. Mr. President, I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2580) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I want to publicly express my appreciation to the Senator from Wyoming for permitting me to go forward.

AMENDMENT NO. 2574

The PRESIDING OFFICER. The question recurs on the Reid amendment.

Mr. SIMPSON. Mr. President, I yield to my friend from Nebraska, if he has business, and then, I will go forward after his remarks.

Mr. EXON. I thank my colleague from Wyoming. I have been patiently waiting for the same purpose. I will let him proceed, but that we continue without further interruption on the matter before us, the amendment of Senator REID.

Mr. GLENN. Question, Mr. President. I wonder how long people are planning to speak? We are waiting for another amendment. Do they have any idea how long we will be tied up?

Mr. SIMPSON. I have two amendments. They are both going to be accepted and then go to voice vote. I would think 5, 6, 8 minutes.

Mr. EXON. May I inquire of the Senator from Wyoming, I assume that he was going to speak on the amendment which is before the Senate.

Mr. SIMPSON. The Senator is correct; the Reid amendment.

Mr. EXON. Mr. President, I am going to speak briefly on this amendment. I have no other business. I would appeal to the Chair, if we could, to follow the regular order and allow us to wind up the debate as quickly as possible. I will object, in other words, for any other measures to be brought up until we dispose of this, which I think we can dispose of in short order, as far as this Senator is concerned.

Mr. GLENN. The amendment we were discussing here I believe will take 2 or 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let the RECORD disclose the interjection was for the purpose of doing business so that the House of Representatives can deal with it tonight while they are still in session, and will soon go out of session. That was the only purpose for the break in dealing with the Reid amendment. I think that is a very important part of this.

Mr. NUNN. Mr. President, I am glad the Senator from Wyoming made that comment, and I hate to do this to my colleagues. On behalf of the majority leader I have another brief item.

The reason we are doing this is because the House of Representatives is going home, and if we do not do it now, we will not get it passed for 6 weeks. This is very important.

AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN CULTURE AND ART DEVELOPMENT ACT AMENDMENTS

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 747, H.R. 5256, the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5256) to amend the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act, and for other purposes, which had been reported from the Select Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 5256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL POWERS OF BOARD OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

(a) INTEREST AND INVESTMENT INCOME.—(1) Section 1507(a)(12) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4414(a)(12)) is amended by inserting before the semicolon the following: ", including the authority to designate on an annual basis a portion of the funds appropriated pursuant to section 1531(a) for **[**investment without regard to any other provision of law regarding the investment of federally appropriated funds on a short term basis for the purpose of maximizing the yield and liquidity of such funds**]** *investment in obligations of the United States or obligations guaranteed as to principal and interest by the United States or by an agency of the United States, including short term obligations of the United States, for the purpose of maximizing the yield and liquidity of such funds*".

(2) Section 1507 of such Act is amended by adding at the end the following new subsection:

"(c) INTEREST AND INVESTMENTS.—Interest and earnings on amounts received by the Institute pursuant to section 1531 invested under subsection (a)(12) shall be the property of the Institute and may be expended to carry out this title. The Board shall be held to a reasonable and prudent standard of care, given such information and circumstances as existed when the decision is made, in decisions involving investment of funds under subsection (a)(12).".

(b) INSURANCE.—**[**(1)**]** Section 1507(a)(11) of such Act (20 U.S.C. 4414(a)(11)) is amended to read as follows:

"(11) to the extent not already provided by law, to obtain insurance to cover all activities of the Institute, including coverage relating to property and liability, or make other provisions against losses.".

[(2) Not later than January 1, 1991, the Attorney General of the United States, after consultation with the President of the Institute of American Indian and Alaska Native Culture and Arts Development, shall issue an opinion to the President of the Institute as to the applicability to the Institute, its officers, employees, and students of all Federal laws providing protection against loss and liability, and the areas in which there is no coverage.

[SEC. 2. COMPENSATION OF STAFF.

[Section 1509(b)(2) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4416(b)(2)) is amended to read as follows:

["(2) The President of the Institute may fix the basic compensation for officers and employees of the Institute at rates comparable to the rates of compensation at similar institutions of higher education.".**]**

SEC. **[**3.**]** 2. ESTABLISHMENTS WITHIN THE INSTITUTE.

Section 1510(b) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4417(b)) is amended—

(1) in paragraph (2), by striking subparagraph (A) and redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively;

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by inserting after paragraph (2) the following:

"(3) a Museum of American Indian and Alaska Native Arts, which shall be under the direction of the President of the Institute.".

SEC. [4.] 3. TRANSFER OF FUNCTIONS.

Section 1514 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4421) is amended—

(1) by striking subsections (d), (e), and (f); and

(2) by adding at the end the following new subsection (d):

"(d) FORGIVENESS OF AMOUNTS OWED; HOLD HARMLESS.—(1) Subject to paragraph (2)—

"(A) the Institute shall be responsible for all obligations of the Institute incurred after June 2, 1988, and

"(B) the Secretary shall be responsible for all obligations of the Institute incurred on or before June 2, 1988, including those which accrued by reason of any statutory, contractual, or other reason prior to June 2, 1988, which became payable within two years of June 2, 1988.

"(2) With respect to all programs of the Federal government, in whatever form or from whatever source derived, the Institute shall only be held responsible for actions and requirements, either administrative, regulatory, or statutory in nature, for events which occurred after July 1, 1988, including the submission of reports, audits, and other required information. The United States may not seek any monetary damage or repayment for the commission of events, or omission to comply with either administrative or regulatory requirements, for any action which occurred prior to June 2, 1988.".

SEC. [5.] 4. COMPLIANCE WITH OTHER ACTS.

Section 1517 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4424) is amended by adding at the end the following:

[("(c) OTHER FEDERAL ASSISTANCE.—The Institute shall not be subject to any provision of Federal law requiring that non-Federal or other monies be used in part to fund a project or grant as a condition for the application for or the receipt of Federal assistance. This subsection shall not be construed to effect in a negative manner the review, prioritization, or acceptance of any application or proposal, solicited or unsolicited.".]

"(c) OTHER FEDERAL ASSISTANCE.—Funds received by the institute pursuant to this Act shall not be regarded as Federal money for purposes of meeting any matching requirements for any Federal grant, contract or cooperative agreement.".

SEC. [6.] 5. ENDOWMENT PROGRAMS.

Section [518] *1518* of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4425) is amended to read as follows:

"SEC. 1518. ENDOWMENT PROGRAMS.

"(a) PROGRAM ENHANCEMENT ENDOWMENT.—

"(1)(A) [From the amount reserved] *From the total amount appropriated* for this subsection pursuant to section 1531(a), funds may be deposited into a trust fund maintained by the Institute at a federally insured banking or savings institution.

"(B) The President of the Institute shall provide—

"(i) for the deposit into the trust fund referred to in subparagraph (A)—

"(I) of a capital contribution by the Institute in an amount equal to the amount of each Federal contribution; and

"(II) any earnings on the funds deposited under this paragraph; or

"(ii) for the reservation for the sole use of the Institute of any noncash, in-kind contributions of real or personal property, which property may at any time be converted to cash, which shall be deposited as a capital contribution into the trust fund referred to in subparagraph (A).

"(C) If at any time the Institute withdraws any capital contribution (as described in subparagraph (B)(i)) made by the Institute to the trust fund referred to in subparagraph (A) or puts any property (as described in subparagraph (B)(ii)) to a use which is not for the sole benefit of the Institute, an amount equal to the value of the Federal contribution shall be withdrawn from such trust fund and returned to the Treasury as miscellaneous receipts.

"(2) Interest deposited into the trust fund pursuant to paragraph (1)(B)(ii) may be periodically withdrawn and used, at the direction of the Board or its designee, to defray any expense associated with the operation of the Institute, including the expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"(3) For the purpose of complying with the contribution requirement of paragraph (1)(B), the Institute may use funds or in-kind contributions of real or personal property fairly valued which are made available from any private or tribal source, including interest earned by the funds invested under this subsection. In-kind contributions shall be other than fully depreciable property or property which is designated for addition to the permanent collection of the Museum and shall be valued according to the procedures established for such purpose by the Secretary of the Treasury. For purposes of this paragraph, all contributions, including in-kind and real estate, which are on-hand as of the date of enactment of this Act and which have been received after June 2, 1988, but which have not been included in computations under this provision shall be eligible for matching with Federal funds appropriated in any fiscal year.

"(4) Amounts appropriated under section 1531(a) for use under this subsection shall be paid by the Secretary of the Treasury to the Institute as a Federal capital contribution equal to the amount of funds or the value of the in-kind contributions which the Institute demonstrates have been placed within the control of, or irrevocably committed to the use of, the Institute as a capital contribution of the Institute in accordance with this subsection.

"(b) CAPITAL IMPROVEMENT ENDOWMENT.—

"(1) In addition to the trust fund established under subsection (a), funds may be deposited into a trust fund maintained by the Institute at a federally insured banking or savings institution from the amount reserved for this subsection pursuant to section 1531(a) for the purpose of establishing a separate special endowment for capital improvement, (hereafter in this subsection referred to as the 'capital endowment fund') to pay expenses associated with site selection and preparation, site planning and architectural design and planning, new construction, materials and equipment procurement, renovation, alteration, repair, and other building and expansion costs of the Institute.

"(2) The President of the Institute shall provide for the deposit into the capital endowment fund of a capital contribution by the Institute in an amount equal to the amount of each Federal contribution and any earnings on amounts in the capital endowment fund.

"(3) Funds deposited by the Institute as a match for Federal contributions under paragraph (5) shall remain in the capital endowment fund for a period of not less than two years. If at any time the Institute withdraws any capital contribution to the capital endowment fund before the funds have been deposited for this two-year period, an equal amount of the Federal contribution shall be withdrawn from the capital endowment fund and returned to the Treasury as miscellaneous receipts. At the end of the two-year period, the entire principal and interest of the funds deposited for this period, including the Federal matching portion, shall accrue, without reservation, to the Institute and may be withdrawn, in whole or in part, to defray expenses associated with capital acquisition and improvement of the Institute referred to in paragraph (1).

"(4) For the purpose of complying with the contribution requirement of paragraph (2), the Institute may use funds which are available from any private or tribal source.

"(5) Subject to paragraph (3), amounts appropriated under section 1531(a) for use under this subsection shall be paid by the Secretary of the Treasury to the Institute as a Federal capital contribution equal to the amount which the Institute demonstrates has been placed within the control of, or irrevocably committed to the use of, the Institute and is available for deposit as a capital contribution of the Institute in accordance with this subsection.

"(c) GENERAL ADMINISTRATIVE PROVISIONS.—(1) Funds in the trust funds described in subsections (a) and (b) shall be invested at a rate not less than that generally available for similar funds deposited at the same banking institution for the same period or periods of time.

"(2) No part of the net earnings of the trust funds established under this section shall inure to the benefit of any private person.

"(3) The President of the Institute shall provide for such other provisions governing the trust funds established under this section as may be necessary to protect the financial interest of the United States and to promote the purpose of this title as agreed to by the Secretary of the Treasury and the Board or its designee, including recordkeeping procedures for the investment of funds received under the trust fund established under subsection (b) and such other recordkeeping procedures for the expenditure of accumulated interest for the trust fund under subsection (a) as will allow the Secretary of the Treasury to audit and monitor activities under this section.".

SEC. [7.] 6. AUTHORIZATION OF APPROPRIATIONS.

Section 1531(a) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4451(a)) is amended by adding at the end the following new paragraphs:

"(4) Funds appropriated under this subsection for the fiscal year 1992 and for each succeeding fiscal year shall be transferred by the Secretary of the Treasury through the most expeditious method available with the Institute being designated as its own certifying agency.

"(5) Funds are authorized to be appropriated for programs for more than one fiscal year. For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriations Act for any fiscal year to carry out this Act may, subject to the appropriation, become available for obligations on July 1 of that fiscal year.".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2581

(Purpose: To amend the bill so as to authorize the establishment of the Richard Jewell Ka'ilihiwa-Gladys Ainoa Brandt Fellowship Program for Studies in Excellence)

Mr. NUNN. Mr. President, I send to the desk an amendment on behalf of Senator INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. INOUYE, proposes an amendment numbered 2581.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . FINDINGS.

The Congress finds that—

(1) previous research into the history of Native Hawaiians, including their migration to the area now known as the Hawaiian Islands, their culture, and their practices, is being found to be inaccurate and inadequate;

(2) the oral history and traditions of Native Hawaiians are becoming lost as older generations pass on before they can hand down their knowledge;

(3) when the Hawaiian language became a written language, Native Hawaiians became highly literate and produced extensive literature, including newspapers, journals, and other writings about their history and their culture; however, few people today speak the Hawaiian language and many of these documents have not been translated and therefore have not been studied;

(4) since the overthrow of the Hawaiian monarchy in 1893, the socioeconomic status of the Native Hawaiian people has been steadily declining, and as Hawaiians have become increasingly aware of their loss of culture and knowledge about their past they are endeavoring to preserve and revitalize their culture;

(5) unless the history and traditions of the Native Hawaiian people are studied and understood from a Native Hawaiian perspective, and the knowledge of the older generations are preserved, the Native Hawaiian people may never fully know their history and understand their past; and

(6) it is appropriate that the Federal Government participate in the commitment of the Native Hawaiian people to correct historical inaccuracies and to fully research all historical material about the history of the Native Hawaiian people and their culture and practices to assure that Native Hawaiians have the same opportunities as other Americans to learn about their past.

SEC. . FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Education shall establish the Richard Jewell Ka'ilihiwa-Gladys Ainoa Brandt Fellowship Program for Studies in Excellence (hereinafter referred to as the "Fellowship Program").

(b) In establishing the Fellowship Program, the Secretary shall provide for fellowships for—

(1) research into Native Hawaiian history and culture;

(2) Native Hawaiian cultural practitioners;

(3) translating Hawaiian language documents into English;

(4) researching history or cultural practices;

(5) writing workshops;

(6) video production;

(7) teaching; and

(8) other similar or like purposes.

(c) AWARDS.—Fellowships may be awarded by the Secretary of Education to individuals nominated by the Fellowship Selection Committee for a maximum of 2 years; except that teaching fellowships may be awarded on a 6-week basis. Fellowships under this section shall be awarded at such times, in such amounts, and for such purposes as the Secretary of Education, by regulation, shall prescribe, and shall be awarded only to Native Hawaiians as defined in section 4009(1) of the Act of April 28, 1988 (20 U.S.C. 4909(1)).

(d) SELECTION COMMITTEE.—(1) There is established the "Fellowship Selection Committee" which shall be composed of 5 individuals appointed by the Secretary of Education as follows:

(A) one designated by the Board of Trustees of the Native Hawaiian Culture and Arts program (authorized under Public Law 99-498; 20 U.S.C. 4441);

(B) one designated by the Board of Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate;

(C) one designated by the Board of Trustees of the Office of Hawaiian Affairs (established by the constitution of the State of Hawaii);

(D) one designated by the Center of Hawaiian Studies of the University of Hawaii at Manoa, Honolulu, Hawaii; and

(E) one designated by the Board of Directors of 'Aha Punana Leo Inc., a nonprofit organization incorporated under the laws of the State of Hawaii by that name on February 14, 1983, for educational purposes relating to the Hawaiian language.

(2) Nothing in this section shall be construed as prohibiting any member of an entity referred to in paragraph (1) from serving on the Fellowship Selection Committee.

(3) A member of the Fellowship Selection Committee shall serve for a term of 2 years, but may be reappointed. A vacancy on the committee shall be filled in the same manner as the original appointment.

(4) The Committee shall—

(A) advise and make recommendations to the Secretary of Education regarding the establishment of general policies for the program pursuant to this section and assist in overseeing its operation;

(B) advise and make recommendations to the Secretary of Education regarding the establishment of general criteria for the distribution of fellowships; and

(C) prepare and submit to the Congress, at least once in every 3-year period, a report on any modifications in the program that the Committee determines are appropriate.

(5) In carrying out its responsibilities, the Committee shall consult on a regular basis with the Secretary of Education and representatives of institutions of higher education and associations of such institutions, learned societies, and professional and other appropriate organizations.

(6) The Secretary shall call the first meeting of the Committee, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Committee shall elect an individual from among the members of the Committee to fill such vacancy.

(7) A majority of the members of the Committee shall constitute a quorum.

(8) The Committee shall establish such policies and adopt such bylaws as it determines necessary to carry out its functions.

(9) The Committee shall meet at the call of the chairman, and as provided in its bylaws.

(e) EXECUTIVE DIRECTOR.—The Committee shall appoint an executive director. The executive director shall serve at the pleasure of the Committee. Subject to the availability of funds, the executive director shall be compensated in an amount determined by the Committee. Subject to the availability of funds, the Committee is authorized to hire such employees as it determines necessary.

(f) CONTRACTS.—Subject to the availability of funds the Secretary of Education is authorized to enter into a contract with the Kamehameha Schools Association for the purpose of utilizing such Association in assisting the Secretary in carrying out the purposes of this section, including the administration of the fellowship program.

(g) AWARDS.—The Secretary of Education is authorized to make grants in connection with subsection (f) and in connection with fellowships awarded under this section. Such grants shall be in such amounts and subject to such terms and conditions as the Secretary of Education shall prescribe. Grants pursuant to subsection (f) may be conditioned—

(1) on the Kamehameha Schools Association establishing an endowment fund for use in carrying out programs within the purview of this Act, or similar thereto; and

(2) on such Association providing matching funds from a non-Federal source.

(h) AUTHORIZATIONS.—(1) For the purpose of assisting the Fellowship Selection Committee in carrying out its functions under this Act for fiscal year 1991, there is authorized to be appropriated to the Secretary of Education $1,000,000, to remain available until expended.

(2) For the purpose of carrying out the provisions of subsection (f) and making grants under this section, there is authorized to be appropriated to the Secretary of Education $2,500,000, to remain available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2581) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 5256), as amended, was passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2574

Mr. SIMPSON. Mr. President, we go back now to the Reid amendment. Let me just say I cannot support that amendment. I hope my colleagues hear me when I say this; it is not because I have no compassion for those people who can prove their cases and are entitled to compensation.

This bill does not compensate, it only passes the buck. This bill attempts something indirectly that Congress can do directly if we had true conviction that there needed to be corrective actions taken. Current law allows claimants to sue the Government directly.

If we accept the sponsor's arguments, current law apparently prevents some of these people from recovery because the Government has stronger affirmative defenses to these claims than the private contractors do.

If that is the case, these private contractors, as a practical matter, were the agents of the Government. These lawsuits should be prosecuted against the Government. If there is merit to the claims, the appropriate remedy for Congress to pursue would be to eliminate unfair affirmative defenses for these cases.

AMENDMENT NO. 2582 TO AMENDMENT NO. 2574

Mr. SIMPSON. Mr. President, because of the lateness of the hour, we really, I think, should not trivialize the claims of the truly deserving people by doing this. I think that we have just hatched a lawyer's bonanza. The remarks of the Senator from New Mexico are very real.

Therefore, I send an amendment to the desk in relation to attorneys fees under this measure and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 2582 to amendment No. 2574.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 4. (a) *Provided, however,* That in no event shall an award of attorney fees for actions brought under this Title exceed 10 percent of the award of actual damages;

(b) *Provided further,* That nothing in this section shall act to preclude a contract for legal representation for a lesser amount.

Mr. SIMPSON. Mr. President, this limits attorneys fees to 10 percent of the amount. It is a simple amendment. It sets a cap on fees that can be recovered in these lawsuits.

The purpose behind the underlying bill is to remedy an injustice. The injustice is that deserving people are not being compensated for grievous injuries. I believe it would be an ever greater injustice to allow significant percentages of the awards to be siphoned off by overeager plaintiffs' attorneys.

I practiced law for a number of years. I know some things have changed. Some things are complex. Once you do one of these cases, you drag the forms out of the book and crank out a lot of them. At least we ought to limit them to 10 percent. It recognizes they deserve fair compensation, but certainly not excessive. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator will suspend for one moment. Is it the Senator's intention to be offering these as amendments to the underlying Reid amendment?

Mr. SIMPSON. That is correct.

The PRESIDING OFFICER. The unanimous-consent agreement previously entered into precludes second-degree amendments.

Mr. SIMPSON. I leave that to my colleagues.

Mr. REID. Mr. President, it was certainly the intent of all the parties who were working on these amendments that these two amendments would be offered. I ask, with permission of the manager, unanimous consent to allow the Senator from Wyoming to offer these two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2582) was agreed to.

AMENDMENT NO. 2583 TO AMENDMENT NO. 2574

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the Reid amendment to the desk and ask for its immediate consideration. This is an amendment on indemnification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 2583 to amendment No. 2574.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending amendment, insert the following:

SEC. 5. (a) With respect to actions filed under this section, the United States shall forever indemnify, hold harmless, and guarantee payment of any judgments entered for any claimant;

(b) In the event that any private contractor to the United States is successful in defending a claim brought under this act, the United States shall likewise indemnify and reimburse said contractor for all costs, attorney fees, and litigation related expenses incurred in defending said action;

(c) *Provided further,* That in the event an action is settled prior to litigation or a consent decree is entered pursuant to a settlement agreement, the United States shall reimburse said contractors for all reasonable costs associated with the settlement.

Mr. SIMPSON. Perhaps two portions of this amendment would be a little redundant. The third part is with regard to the issue of settling of claims and compensation. I have cleared those with the sponsor. I ask adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2583) was agreed to.

Mr. SIMPSON. Mr. President, I have no further remarks on the measure.

The PRESIDING OFFICER. The question would recur on the Reid amendment.

Mr. BINGAMAN. Mr. President, we have a responsibility as a nation to provide compensation to downwinders and others exposed to radiation as a result of Government nuclear testing. But the amendment offered by Senator REID is the wrong approach.

If this amendment becomes law, the contractors will still remain with a formidable array of defenses which make reaching a settlement very difficult. In addition, plaintiffs could have serious problems establishing contractor's fault and the essential link between their cancers and their radiation exposure.

Earlier this week the Senate passed H.R. 2372, the Radiation Exposure Compensation Act, which establishes a $100 million trust fund to compensate downwinders and uranium miners.

In 1988, we passed the Atomic Veterans Compensation Act to provide disability payments through the VA for

servicemen who were exposed to radiation during testing.

I was a cosponsor of both of those bills.

I strongly believe that we have a responsibility to radiation victims, and that we should meet that responsibility in a fair and straightforward manner. Putting these people through the compensation lottery of litigation, rather than providing them an administrative solution, is not fair.

The sole accomplishment of the amendment offered by Senator REID would be to create a job program for lawyers. It would not provide fair and equitable treatment for radiation victims, it would create a morass of legal battles involving at least 180 contractors, 217 different atmospheric tests and a potential pool of at least 133,000 claimants.

Let us reject this approach. Let us move forward with the Radiation Exposure Compensation Act, and not go back and argue in court over testing decisions made almost 40 years ago. Let us provide a real administrative remedy for radiation victims, not an empty promise of litigation.

Mr. EXON. Mr. President, I am going to be very brief but I had wanted to make a statement or two about the amendment offered by my friend and colleague from the State of Nevada. This amendment was brought to my attention for the first time for the purpose of clearance of this matter on the present defense authorization bill.

My first question when I saw this was, I am not sure this is a matter for the defense authorization bill, and has this measure been referred to what I would assume would be the proper committee of jurisdiction, the Judiciary Committee. I was advised at that time by staff that, indeed, it had been referred to the Judiciary Committee, but the Judiciary Committee, for whatever reason, had not seen fit to act on the measure at that time.

I was then advised that there was appropriate precedent for this since the measure which was passed in 1985 on the defense authorization bill was, indeed, the measure that the Senator from Nevada was trying to correct. I think that we therefore could not argue with that.

I did refer, shortly before we took this up, this matter to the Judiciary Committee leadership, and they advised me that they had held a hearing but had not moved the bill further, and they would not therefore object to this being taken up tonight.

I had a conversation earlier in the evening with my friend and colleague from Nevada, and I suspected that he assumed that this Senator knew and had been talking to the other people who have appeared in opposition to this measure tonight. That is not the case. I did not know of this. I did not know of the opposition. As far as I knew, I was the only Member of the Senate who had to make a decision on it.

I compliment my friend from Nevada once again for having the compassion and understanding, and I listened with keen interest to the remarks he made about what had happened to people in his State and whom he represents. I suspect that if I were in his shoes, I would have done the same thing he did with the introduction of this piece of legislation.

I first want to say that I am not a lawyer, so I do not understand all the technicalities of the law, and not being a lawyer I thought very quickly I recognized some real problems with this piece of legislation because as it has been very articulately discussed by the Senator from New Mexico, the senior Senator, and by the Senator from Wyoming, I was also fearful of attorney fees. However, if this measure becomes law, I would hope we could move in an expeditious fashion because I, too, care about those people and give them another avenue that some of them might want to take rather than going through the long, tremendously expensive court action that many of these cases would obviously require. Some of them might be settled very promptly, I suspect, as the Senator from Nevada earlier indicated. But I think for the most part this would take long, drawn out, very expensive procedures in the court, which in the end might not mean a great deal of real compensation for those who were, unfortunately, ill-affected. I believe that the Government should stand up. I believe the Government should pay where it is adjudged it was responsible for the action for which it contracted.

I would simply say I hope some consideration would be given—and I made that suggestion earlier this evening to the Senator from Nevada—to let us possibly give these people another option that some of them might want to take, some kind of claims commission that was referred to earlier by the senior Senator from New Mexico and others. A claims commission that we have approached similar problems with in other cases just might be something that many of those people who have claims might do much better in than in a long, drawn out lawsuit.

In any event, I thank my friend for bringing the matter up to me. At least now I know about it and I sympathize certainly with the people who have been adversely affected.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment, as amended.

The amendment (No. 2574), as amended, was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

AMENDMENT NO. 2584

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS, for himself, Mr. FORD, Mr. THURMOND, Mr. INOUYE, Mr. DECONCINI, Mr. BOND, Mr. JOHNSTON, Mr. KASTEN, Mr. LOTT, Mr. BUMPERS, and Mr. COCHRAN] proposes an amendment numbered 2584.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike the text from page 36, line 1, thru page 37, line 9, and insert in lieu thereof:

(A) The Army National Guard of the United States, 24,820.

(B) The Army Reserve, 12,673.

(C) The Naval Reserve, 21,848.

(D) The Marine Corps Reserve, 2,781.

(E) The Air National Guard of the United States, 8,045.

(F) The Air Force Reserve, 623.

(2) In order to meet the national security requirements of the United States, the Secretary of Defense may reallocate the numbers authorized for the reserve component specified in paragraph (1) in such manner as the Secretary determines appropriate, except that the total numbers reallocated may not exceed the number equal to 10 percent of the total number authorized for the reserve components under such paragraph.

The table referred to in subsection (b) is as follows:

Reserves on Active Duty in Support of Reserves

Fiscal year:	
1992	66,664
1993	62,959
1994	59,255
1995	55,550
1996	51,845

(b)(1) Within the end strengths authorized by legislation enacted after the date of enactment of this Act for each of the fiscal years listed in the table in paragraph (2), the Reserve components of the Armed Forces are authorized the total number of members specified in such table for such fiscal year to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components.

(c)(1) IMPLEMENTATION OF REDUCTIONS.—In implementing the reduction in the end strengths for Reserves on active duty in support of the Reserves required in this section, no member of the Reserves serving on full-time active duty on the date of enactment of this Act, or in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, instructing or training the Reserve components may be involuntarily separated.

(2) DEFINITION.—As used in this section, the term "involuntarily separated" shall have the same meaning as the meaning of that term under Section 844 of this Act.

(3) AUTHORITY TO EXCEED PRESCRIBED END STRENGTHS.—The end strengths prescribed in subsections (a) and (b) may be exceeded to the extent necessary to comply with this subsection, as determined under regulations prescribed by the Secretary of Defense.

(4) ACTIVE DUTY IN SUPPORT OF THE RESERVES.—Accessing of members of the Reserves to be serving on full-time active duty or, in the case of members of the National Guard on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components for a fiscal year shall be two percent of the total authorized end strengths provided in this section for such fiscal year.

Mr. STEVENS. Mr. President, I am pleased to announce to the Senate that this is a modification of the provisions of the bill pertaining to the Active Duty Guard and Reserve that I believe will be acceptable to the members of the Armed Services Committee. What it does is provide a cushion for the Active Duty Guard and Reserve of at least 2 percent of the vacancies that will occur so that there will be a chance for promotion and accession to the Guard and Reserve. It reduces the percentage of the Guard and Reserve strength that is reserved for attached members of the Regular Air Force and Army to the National Guard and Reserve to 5 percent rather than 10 percent that is in the bill. It has other provisions that have been worked out with the members of the committee and I will not burden the Senate with those.

I do want to again raise a series of questions, though, that I hope will be understood by my friends. They pertain to the problems that are in this bill that have been mentioned to me in the course of my discussions.

One of those items is the question of whether these personnel from the Active Air Force and Army may be used in State callups due to their status under title 10.

I also have had questions raised to me as to whether the National Guards' ability to meet the demands of the current narcotics efforts in which they are playing a leading role now may be pursued with members of the active services from Army and Air Force while they are on detached status to the Guard and Reserve.

Mr. NUNN. Mr. President, I think the Senator posed two questions there.

Mr. STEVENS. I am raising a further explanation by the committee.

Mr. NUNN. I see. The Senator does not need an answer at this moment.

Mr. STEVENS. I am not seeking an answer to those. I believe there are questions about the utilization of these Active Duty Air Force and Army people to the Active Duty Guard and Reserve, the AGR positions that need to be reviewed before this plan goes into effect.

I compliment the Armed Services Committee on the plan. It is just that I think there are other provisions of existing law that ought to be reviewed before the plan goes into effect.

Mr. NUNN. Mr. President, let me say to my friend that I appreciate him pointing out these areas. We will take each one of these questions he poses, and we will research and make sure that we are on target with what we believe to be the law. If we are not on target, we will try to make such changes as necessary in the conference.

Mr. STEVENS. I thank the chairman of the committee.

Mr. President, I would be most willing to answer any questions concerning the amendment. I know my good friend from Ohio has waited here at length to see to it that it is offered. I would be happy to have any comments he might make on the matter.

Mr. GLENN. Mr. President, very briefly, our distinguished colleague from Alaska has done so much in this area. It sets 10 percent a year, phases it in at 5 percent a year, and guarantees it not be less than 2 percent. That is basically the changes made. It stretches it out so it is not done quite so precipitously as it might otherwise have been done. I think that is a quite reasonable change. It was a good compromise. It addressed all concerns. We would be happy to move to adopt the proposed amendment.

FULL-TIME SUPPORT OF THE GUARD AND RESERVE

Mr. INOUYE. Mr. President, I strongly support many of the Guard and Reserve initiatives that have been proposed in the fiscal year 1991 defense authorization bill. In this period of declining budgets, it simply makes good sense to rely on our most cost-effective forces, the National Guard and Reserve. The Armed Services Committee has recognized this fact and has proposed many initiatives, such as freezing Guard and Reserve force structure, rather than adopting the share the pain approach proposed by the administration's budget.

However, with respect to full-time manning of the Guard and Reserve I cannot support the Armed Services Committee's approach. I support the amendment proposed by my cochairman on the Defense Appropriations Subcommittee, Senator STEVENS.

The defense authorization bill, as currently proposed, would reduce full-time personnel under the command and control of the Guard and Reserve by 30 percent in 3 years. The bill proposes to transition these positions to manning by active personnel on detail to Guard and Reserve units.

Mr. President, I fully appreciate the intention of the Armed Services Committee in taking this action. It seeks to achieve greater integration between reserve and active components to achieve a true "Total Force." However, I am concerned that the defense authorization bill attempts to force such integration too quickly. I am concerned that transitioning one-third of all full-time positions within 3 years will cause havoc in the Guard and Reserve forces we have worked so hard to build-up during the past decade.

We must be aware when embarking upon this personnel change that the Army and Air National Guard are not solely Federal forces. They also have important State missions. We need to ensure that full-time National Guard soldiers and airmen are available to address non-Federal missions such as disaster relief. We need to ensure that these personnel are able to fully participate in the "War on Drugs."

The amendment offered by Senator STEVENS doubles the time available to achieve the transition in the Guard and Reserve personnel forces. It ensures that new positions will be available for Guard and Reserve full-time personnel who join the reserve components.

I urge my colleagues to support Senator STEVENS' amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2584) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2585

(Purpose: To authorize direct communications between Air Force scientists conducting the Ranch Hand Study and the Ranch Hand Study Advisory Committee, to limit intervention into such communications by other employees of the Government, to require annual reports on the activities of such scientists, and for other purposes)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DASCHLE, proposes an amendment numbered 2585.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 223, below line 24, insert the following new section:

SEC. 1216. CONSULTATION AND REPORT REQUIREMENTS RELATING TO RANCH HAND STUDY OF DEPARTMENT OF AIR FORCE

(a) CONSULTATION WITH ADVISORY COMMITTEE.—The Ranch Hand Advisory Committee may consult directly with and provide information and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and recommendations directly to the Ranch Hand Advisory Committee. No officer or employee of the Federal Government may intervene in or impair direct communication between the Ranch Hand Advisory Committee and such scientists under this section except as may be necessary to prevent an inappropriate disclosure of classified information.

(b) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of the Air Force scientists referred to in subsection (a) during the calendar year preceding the year in which a report is submitted. The first such report shall be submitted not later than February 1, 1991.

(2) Each report referred to in paragraph (1) shall include the following:

(A) A discussion of the progress made in the Ranch Hand Study during the period covered by the report.

(B) A summary of the scientific activities conducted during that period and the findings resulting from those activities, to be prepared by the scientists conducting those activities.

(3) Such a report need not contain (A) a discussion of progress discussed in any other report prepared by the Department of Defense (under this section or otherwise) regarding the Ranch Hand Study, or (B) a scientific summary included in any other such report, unless modification of such discussion or summary is appropriate for completeness, accuracy, and currency.

(c) DEFINITIONS.—In this section:

(1) The term "Ranch Hand Advisory Committee" means the committee known as the "Advisory Committee on Special Studies Relating to the Possible Long-term Health Effects of Phenoxy Herbicides and Contaminants" established by the Secretary of Health and Human Services to monitor the conduct of the Ranch Hand Study.

(2) The term "Ranch Hand Study" means the special study conducted by the Secretary of the Air Force relating to the possible long-term effects of phenoxy herbicides and contaminants on Air Force personnel who participated in Operation Ranch Hand in the Republic of Vietnam during the Vietnam era.

Mr. DASCHLE. Mr. President, the amendment I am offering tonight is designed to address a serious issue related to the Air Force's ongoing ranch hand study, which is intended to explore the potential health effects of certain military personnel's exposure to herbicides used in Vietnam. The study was initiated by the Air Force in response to concerns about the toxic effects of the components of agent orange and other herbicides used by the Air Force's crop destruction and defoliation spray missions, Operation Ranch Hand.

From the beginning, many, including the National Academy of Sciences and the Air Force itself, have been concerned about the public's and scientific community's perception of the study's independence. Many doubted the Air Force's objectivity on this issue, and still others doubted the Air Force's ability to appear objective. Those concerns were first offered in 1979, when the study was initiated, and they have continued to this day.

To address the issue of objectivity, the Air Force scientists wrote a protocol for their study that clearly defined the lines of authority and responsibility related to the ranch hand study. That seemed a good plan, but, unfortunately, the protocol has not always been followed.

This amendment is simple. It does two things.

First, it prohibits interference by officers or employees of the Federal Government in the direct communication between the Air Force scientists and the Ranch Hand Advisory Committee appointed by the Secretary of Health and Human Services to peer review the scientists' work. This provision is consistent with the ranch hand study protocol, and the Air Force scientists themselves have documented cases of such interference in the past.

Second, it requires the Secretary of Defense to submit annual, nonduplicative progress reports on the ranch hand study. The Air Force consistently submits Ranch Hand reports years later than they are due. This provision is intended to push the Air Force to keep to their schedule or at least explain why reports are held up.

Finally, Mr. President, I should point out that the provisions of this amendment have passed the Senate three times as part of omnibus agent orange bills: on October 18, 1988, by voice vote as part of an amendment to S. 2011, the fiscal year 1989 omnibus veterans' compensation bill; on August 3, 1989, as part of S. 1153, the Daschle-Kerry-Cranston agent orange bill, after a motion to table failed 8 to 92; and on October 3, 1989, by voice vote as part of an amendment to S. 13, the fiscal year 1990 omnibus veterans' compensation bill. The provisions were also included in the Senate Veterans' Affairs Committee's reported version of S. 2100 the fiscal year omnibus veterans' compensation bill.

I urge adoption of the amendment and yield the floor.

Mr. NUNN. Mr. President, this amendment prohibits Government employee interference in the direct communication between the Ranch Hand Advisory Committee, a peer review body and Air Force scientists conducting the Ranch Hand agent orange study. This has been cleared on both sides.

RANCH HAND ADVISORY COMMITTEE

Mr. SIMPSON. Mr. President, I rise in opposition to the amendment offered by the Senator from South Dakota [Mr. DASCHLE].

This amendment is an expansion of a provision that has been passed by the Senate three times and is now pending in S. 2100. It is, however, not identical to the provisions the Senate has already passed and the Veterans Affairs Committee has approved.

The provision says that the Ranch Hand Advisory Committee may communicate directly with the Ranch Hand scientists and vice versa. It says that no Federal Government officer of employee may interfere with or impair that direct communication.

There is no evidence that this provision is needed. Senator DASCHLE wrote to Col. William Wolfe, one of the ranch hand scientists, in July 1987 to ask what contacts the scientists had had with administration officials and what effect the contacts has on "free flow of data and the scientific validity" of the work.

Colonel Wolfe responded by detailing two specific contacts and continuing administrative action. And this is what he reported:

First, a doctor with the Office of Science and Technology Policy of the White House asked the scientists to verify baseline report results—an effort that was already underway;

Second, the scientists met with staff of the Office of Science and Technology Policy to provide an update on the study, but no technical direction was offered; and

Third, the Air Force Surgeon General and Air Force Systems Command have had no control over the science of the study although AFSC does manage funding and personnel resources.

There is simply no reason to adopt this provision at this time. Not only is there no evidence that it is needed, to do so is simply overkill and unnecessary.

I suppose the idea is to pass this piece of agent organge legislation—which the House has never approved, and hopefully will not—in bits and pieces in the hopes that the House will overlook them and eventually find that it has approved the whole package.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2585) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2586

Mr. NUNN. Mr. President, Senator WARNER and I have an amendment that has been cleared on both sides. We are joined by Senator INOUYE on this amendment.

Since we marked up the authorization bill, the committee has determined that funds requested for fiscal year 1991 are excess to the needs of several programs.

Also the committee has determined that several meritorious programs are not accurate funding in the President's budget for fiscal year 1991, and in the case of another program, the NBC reconnaissance system, NBCRS, which committee terminated due to the apparent lack of service support, the Army since persuaded the committee of its commitment to this program.

The amendment we propose would rectify this funding and balances.

AMENDMENT NO. 2586

(Purpose: To authorize additional funds for certain programs)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. WARNER, and Mr. INOUYE proposes an amendment numbered 2586.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 216, between lines 9 and 10, insert the following new section:

SEC. 1206. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

(a) ARMY.—(1) In addition to the amount authorized to be appropriated by section 101(5), there is hereby authorized to be appropriated for fiscal year 1991 for the Army for procurement of the Nuclear Biological, Chemical Reconnaissance System $36,914,000.

(2) Notwithstanding section 201(1), not more than $5,691,000 is authorized to be appropriated for the Army for fiscal year 1991 for research, development, test, and evaluation.

(b) NAVY.—In addition to the amount authorized to be appropriated by section 102(a)(1), there is hereby authorized to be appropriated for fiscal year 1991 for the Navy for procurement of the Battle Group Passive Horizon Extension System $5,163,000.

(c) AIR FORCE.—(1) Notwithstanding section 103(2), not more than $6,728,957,000 is authorized to be appropriated for fiscal year 1991 for the procurement of missiles.

(2)(A) In addition to the amount authorized to be appropriated by section 201(3), there is hereby authorized to be appropriated for fiscal year 1991 for the Air Force for the research, development, test, and evaluation $4,000,000.

(B) Of the amount authorized to be appropriated pursuant to subparagraph (A) of this paragraph and section 201(3), not more that $15,000,000 shall be available for the Advanced Electro-Optical System.

(d) DEFENSE AGENCIES.—In addition to the amount authorized to be appropriated by section 201(4), there is hereby authorized to be appropriated for fiscal year 1991 for the Defense Agencies for research, development, test, and evaluation for single-pulse excimer laser technology $30,000,000.

Mr. NUNN. Mr. President, since we marked up the authorization bill, the committee has detemined that funds requested for fiscal year 1991 are excess to the needs of several programs. Also, the committee has determined that several meritorious programs are not adequately funded in the President's request for fiscal year 1991. In the case of another program, the NBC reconnaissance system [NBCRS], which the committee terminated due to an apparent lack of service support, the Army has since persuaded the committee of its commitment to this program. The amendment we propose would rectify these funding imbalances.

The Army has recently restructured its Antisatellite Weapon Program. As a result, $6 million in fiscal year 1990 and $49.4 million of the funds requested for fiscal year 1991 are excess to program needs. In addition, the fiscal year 1991 request for advance procurement for long-lead items for the Defense Meteorological Satellite Program [DMSP] is larger than required. Also a reduction of $5 million to the TR-1 Reconnaissance Aircraft Research and Development Program, described in the classified annex to the report, was inadvertently left out of the tables in the report.

The amendment we proposed would reduce the amount authorized for fiscal year 1991 for Army research, development, test, and evaluation [RDT&E] for the Asat Program by $55.4 million; for Air Force RDT&E for the TR-1 by $5 million; and Air Force missile procurement for the DMSP by $20.7 million, for a total reduction of $8.1 million. These reductions would be offset by authorizing additional funds for four programs totaling $8.1 million.

The first of these programs is a modification aboard the ES-3A aircraft which will allow automatic passive electronic reconnaissance: the battle group passive horizon extension system [BGPHES].

The Armed Services Committee denied the fiscal year 1991 funding request for both procurement of the airborne payloads and research and devlopment of the associated surface terminals due to the fact that full funding of the teminals was not presented in the current 6-year defense plan.

Subsequently, the Navy has indicated that restoration of the procurement funding will allow completion of the operational evaluation and ready the system for fleet implementation during fiscal year 1992, an action required independently from surface terminal installation.

By providing the $5.2 million requested for this purpose, this amendment will ensure that operational introduction occurs on the original Navy schedule.

The amendment also authorizes an additional $9 million for the Air Force's Spacetrack Program to enhance the Nation's capabilities to detect, identify, and characterize satellites, other space objects, and space debris. These funds, together with $6 million already recommended in this bill for this purpose above the requested level, begin an upgrade of the telescope and facilities of the Service's Maui Optical Station, know as AMOS. This upgrade project has been designated the Advanced Electro-Optical System by the Air Force.

The contract savings in the antisatellite program give the Senate the opportunity to more adequately fund this needed project.

The AMOS upgrade can contribute to meeting the Air Force's research, development, and operational requirements in the space surveillance area. It also will address the needs of the National Aeronautics and Space Administration and other Federal agencies. AMOS has a long history of fulfilling these requirements, and this enhancement will strengthen its capabilities for the next decade and the 21st century.

The amendment also would restore funding for procurement of the Army's NBC Reconnaissance System [NBCRS], which the Armed Services Committee denied due to concerns that the Army had not planned to procure enough vehicles to justify adding another logistical burden. Since the committee marked up the authorization bill, however, Mr. Stephen Conver, the Assistant Secretary of the Army for Research, Development, and Acquisition, has written the committee explaining the Army's position on the importance of this vehicle and its rationale for planned procurement quantities. Mr. Conver also stated: "NBCRS ranks high on our list of those items of modern equipment we would procure should additional funds become available in the future." The committee recommends restoring funding for this program.

Finally, the amendment would authorize $30 million for single-pulse excimer laser technology development and experimentation. The committee believes this technology represents an important alternative to other laser technologies now being pursued. The committee directs that DARPA administer these funds for the following purposes on a competitive basis: First, DARPA should provide funds, in cooperation with the Air Force, the Army, and the national laboratories to demonstrate the capability to construct a low-cost, single-pulse laser device at

higher power levels than those devices currently existing; second, DARPA should augment, as necessary, programmed funds from the Navy and the Army to construct and demonstrate a system to image space objects at low Earth orbits at high resolution, and ensure that the Army and Navy efforts are coordinated and complimentary; and third, DARPA should conduct atmospheric conversion and compensation experiments at ultraviolet wavelengths.

Mr. INOUYE. Mr. President, this amendment includes, at my suggestion, an additional $9 million authorization for the Air Force's Spacetrack Program. These funds would enhance the Nation's capabilities to detect, identify, and characterize satellites, other space objects, and space debris.

The funds, added to the $6 million already recommended in this bill for this purpose at my request, being an upgrade of the telescope and facilities of the service's Maui Optical Station, known as AMOS. This upgrade project has been designated the Advanced Electro-Optical System by the Air Force.

I want to thank the distinguished chairman and ranking minority member of the Senate Armed Services Committee for their cooperation on this matter. The Armed Services Committee's willingness to authorize a total of $15 million above the budget request for my initiative testifies to the important contribution this project can make to our national security.

I also am gratified that at least 60 percent of the funds we have allocated for this project in fiscal year 1991 can be financed through contract savings from other defense projects.

The AMOS upgrade can contribute to meeting the Air Force's research, development, and operational requirements in the space surveillance area. It also will address the needs of the National Aeronautics and Space Administration, other Federal agencies, and civilian universities throughout the Nation.

AMOS has a long history of fulfilling these requirements. AMOS and its associated installation, the Air Force's Maui Optical Tracking and Identification Facility [MOTIF], make significant contributions to the Air Force's space surveillance Network.

The advanced electro-optical system enhancement will strengthen AMOS' capabilities for the next decade and the 21st century.

Mr. President, the AEOS upgrade project would increase the size of AMOS' current 1.6-meter telescope to one which is almost 4 meters in diameter. This new, more sensitive and precise instrument would be installed in a special modular facility designed to undertake several space tracking experiments almost simultaneously.

More modern and effective sensor and data measurement packages would replace the current, performance-limited instrumentation.

The results of this upgrade include much higher resolution of space objects for imaging and identification purposes; increased sensitivity for measuring key satellite characteristics; and increased mission availability.

Mr. President, the Air Force already has invested funds for preliminary design of this project, and I have been informed that the full $15 million can be obligated during fiscal year 1991.

The AMOS Advanced Electro-Optical System project is a militarily wise and fiscally prudent investment. It deserves the Senate's strong endorsement.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2586) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Mr. WARNER. Mr. President, I have cosponsored the timely amendment to support historically black colleges and universities introduced by my colleague and dear friend Senator NUNN. The provisions in this amendment provide the Secretary of Defense with new authority to provide aggressive assistance to those historically black colleges and universities that are striving to participate in defense research and development programs and contracts. This new authority has been added to the 1207 program instituted in 1986 to achieve participation by small and disadvantaged businesses, historically black colleges and universities and minority institutions in at least 5 percent of the value of Department of Defense contracts.

I am priviledged to represent in Virginia five of our Nation's historically black colleges and universities. They are: Hampton University of Hampton, Norfolk State University of Norfolk, St. Paul's College of Lawrenceville, Virginia State University of Petersburg, and Virginia Union University of Richmond.

Over the years I have closely monitoried the achievements of the President's White House Initiative on Historically Black Colleges and Universities. Federal agencies across the board have worked to include such institutions in important research, education, and development programs. Furthermore, the White House Initiative, particularly under former Director Dr. Margaret Seagears, has served as a catalyst in drawing support from the private sector.

I am, therefore, very pleased to lend my support to this important amendment. We have a total of 115 historically black colleges and universities in the Nation; it is my hope that they will all stand to benefit from this increased commitment on the part of the Department of Defense.

Mr. KERRY. Mr. President, I rise today to raise a problem that is in urgent need of remedy if we are to avert a crisis situation in the fishing port of New Bedford. The IRS is asking 100 boat owners in the port to pay over $10 million in taxes that might possibly be owed by former crew members on their boats, effectively driving them out of business. The loss of this port, the No. 1 dollar fishing port in the Nation last year, would be a great tragedy for the Nation. Furthermore, Mr. President, if the IRS is successful in their current audit, other fishing communities around the Nation will certainly follow.

The heart of the issue is whether crew members on small fishing boats are self-employed, in which case they pay their own taxes, or employees, in which case boat owners are required to withhold taxes. Congress already answered this question in 1976, when the Internal Revenue Code was amended to explicity state that crew members on small fishing boats are self-employed. Two conditions were imposed. The boats must normally carry less than 10 crew members and payment must be made based on a share of the catch.

This system has worked just fine for 10 years, with the IRS conducting audits and upholding the self-employment status. Then in a recent audit, IRS suddenly ruled that crew members were really employees and have assessed 100 boat owners $11 to $12 million in taxes.

According to the IRS, a boat of "normally" less than 10 has less than 10 people "more often than not" in any given quarter of the year. The industry interpreted normally to mean "on average" over the full year, a perfectly legitimate definition. IRS based their definition of normally on an internal IRS General Council Memoradum (G.C.M. 39148). This document was not something that the fishing industry was aware of. It was never published in the Federal Register. The IRS publication "Guide to Commercial Fishing" says that the crew must normally be fewer than 10, but does not define normally or mention the memorandum. Even if they had known about it, the memorandum clearly states at the top that the document "is not to be relied upon or otherwise cited as a precedent by taxpayers."

The second issue has to do with payment based on the share of the catch. In fact, most crew members are compensated exclusively on the basis of catch. However, it has for hundreds of years been customary to pay the cook, first mate, and engineer a small payment in addition to the share of the catch in recognition of additional duties. This custom is common around the country. In New Bedford, it is called a "pers" payment and it accounts for only 1.5 percent to 5 percent of a crew members salary. So for example, a crew member making $30,000 a year received $500 in pers. Let me repeat this to be clear. Even in the limited cases where some compensation above the share of the catch payment is received, it is a tiny fraction of their total compensation.

In 1977, IRS issued Revenue Ruling 77-102 stating that a pers payment would subject the entire salary to withholding. In response to this, the industry initiated a "sliding scale" per from $24.50 to $25.50 depending on catch. IRS again conducted audits without questioning this. Now they have ruled that this sliding scale is a sham and that entire salaries, not just the pers portion, were subject to withholding.

Let me emphasize here that the boat owners conducted their business as they always have. They paid crew members without any withholding and filed 1099 forms with the IRS. This is how it has always been. This is how Congress said it should be.

Allow me to explain what really happened here. The IRS in conducting their audit discovered that 45 percent of crew members were not even filing their taxes. This is a very serious problem which no one condones and which IRS must remedy. IRS is going after many of these crew members telling them, by the way, that they were self-employed and were, therefore, liable for their own taxes. But because it is difficult to track down many of these people, they turned instead to the boat owners. But the boat owners have already paid out this money and asking them to pay again will drive most of them out of business. Furthermore, they did not ask the boat owners to pay just for the 45 percent of crew members who did not pay. They asked them to pay for all crew members unless the boat owners could prove that these taxes had been paid.

Let me be a bit more clear. The IRS is demanding that these boat owners pay all of the taxes for all of the crew members back to 1985, despite the fact that these crew members were paid on the assumption that they would pay their own taxes. Mr. President, these boat owners are very small businesses. They do not have the capablity of paying these taxes and mass bankruptcy will certainly ensue if the IRS insists on following through on this.

The amendment that I am proposing takes care of this problem by changing the normally provision to read "ten or fewer" rather than "fewer than ten." This allows the boat owners, who usually carry 9 or 10 crew members, to meet the normally requirement. The amendment also allows a de minimus pers payment to allow for these small payments that have been given for hundreds of years. And it is retroactive to tax year 1985, the initial year of this audit. There is precedence for retroactivity. When Congress changed the Tax Code in 1976, it was made retroactive to take care of the massive confusion that occurred when IRS tried to change the rules the first time.

It is with great urgency that I bring this matter to the attention of the Senate. IRS is already placing liens on properties and is awaiting a signal from Congress before seizing boats. If IRS is successful in their actions, it will virtually close the port of New Bedford, as well as set a precedent that will threaten many other fishing ports around the country. In New Bedford, such damage to the fishing port will be devastating to this important city's economy, an economy already suffering a deep recession with an 8.3 percent unemployment rate and growing.

Mr. President, I wanted to bring this problem to the attention of the Senate and specifically ask the chairman of the Finance Committee for his help in working on a solution to this difficult problem. Senators PACKWOOD and MITCHELL have already shown strong support, as has Senator KENNEDY.

Senator BENTSEN. I understand the seriousness of the situation these fishermen are facing and the need to get this matter resolved in a timely fashion. I would be happy to work closely with the Senator from Massachusetts to try to develop a solution that could be included in a more appropriate vehicle this fall.

COHEN-BIDEN HIGH-TECHNOLOGY ANTIDRUG AMENDMENT

Mr. BIDEN. Mr. President, the purpose of the Cohen-Biden amendment is very simple: To harness the expertise of America's leading scientists and engineers in the fight against the international drug trade.

The notion of harnessing high-technology weapons in our fight against drugs is not far fetched. In testimony before my committee, leading scientists previewed their work on advanced counterdrug technologies.

Scientists at Los Alamos National Laboratory are investigating how lasers can be used to detect remote cocaine processing sites in the Andean jungle.

Experts at the Defense Advanced Research Projects Agency [DARPA], the research arm of the Pentagon, are examining super-sensors that can be used to detect the chemical "smell" of cocaine in cargo shipments; and officials at the Customs Service are exploring look-through radar imaging to detect false compartments in aircraft, boats, and containers.

The Defense authorization bill is an appropriate vehicle for this amendment. Many of the most promising technologies have already been developed by the Pentagon for military purposes. U.S. taxpayers have already footed the bill for this research. Now it's time to adapt these innovations to our fight against drugs.

In conclusion, Mr. President, I want to say that new weapons to fight drug traffickers are no substitute for reducing the demand for drugs through prevention and treatment. But until demand can be reduced our battle against the traffickers must continue.

These technologies offer new promise that our undermanned, underarmed, and underfunded forces will soon have new weapons to control the drug flow into this country.

Finally, I want to thank Senator COHEN for his effort and leadership on this amendment.

SOME UNCLASSIFIED QUESTIONS SETTING A FRAMEWORK FOR THE START DEBATE

Mr. HELMS. Mr. President, on June 13 I wrote to Secretary of State Baker setting forth a series of unclassified questions intended to establish a framework for the upcoming debate on the START Treaty.

Indications are that such a treaty may be signed by President Bush and President Gorbachev in November or December. Much work remains to be done, not merely on the technical details of the treaty, but on fundamental conceptual problems which have been deferred. The questions which I posed to Secretary Baker are designed to focus the debate—and the current negotiations—on various contradictions and ambiguities in the framework of discussion.

In my view, Mr. President, the time to resolve these ambiguities is before the negotiations are completed and not after. Unfortunately, I have not received a substantive reply to my unclassified questions.

I now realize that these questions are not easily answered—that is to say, not easy if the ambiguities and contradictions are not resolved, or if there is no intent to resolve them. But I believe that the American people are more interested in a clear and unambiguous treaty, even if it takes a bit longer, than a muddled and imprecise treaty—if that is all we can get by November.

Mr. President, I have tried to make these questions as accurate and as informed as they can be in an unclassified mode. Of course, there could be more detail in classified questions, but it would not change the basic issues

raised by each series of questions. What worries me is that an unnamed State Department official was quoted in a press account as saying that these questions were "appallingly well-informed."

Mr. President, I reiterate that the American people should be well-informed, and that the questions should be answered. The American people want and deserve a treaty that will not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union. In fact, that is exactly what the law states—thanks to the Jackson amendment to SALT I in 1972.

Earlier this year, a group of eight Senators wrote to the President's National Security Adviser, General Scowrcroft, raising the question of whether the proposed START Treaty would limit the United States to inferior levels. General Scowcroft replied as follows:

I can assure you that the administration is fully cognizant of the provisions of the Jackson amendment. Any [START] Treaty the President submits to the Senate for its advice and consent will not limit the United States to levels of strategic forces inferior to the limits provided for the Soviet Union.

Mr. President, General Scowcroft's reply is important, and a step in the right direction. Yet it is difficult to reconcile this lofty goal with the ambiguities and imprecisions which currently pervade the negotiations. The questions which I have sent to Secretary Baker are an important first step in establishing a dialog between the administration and those Senators who are deeply concerned with the inequalities inherent in the terms of the negotiations.

The constitutional obligation of advice and consent does not begin only when the treaty is signed and sent to the Senate; rather this obligation is intended to obtain a treaty which will generate the widest possible agreement and speedy approval in the Senate. That is why it is important that these questions be answered promptly.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD at the conclusion of my remarks:

First, my letter of June 13, 1990, to Secretary Baker;

Second, the sequence of unclassified questions attached to that letter.

Third, the letter on May 23, 1990, signed by eight Senators and sent to General Scowcroft;

Fourth, General Scowcroft's reply on May 30, 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington DC, June 13, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR JIM: I was glad to be able to speak with you yesterday at the Republican Policy Lunch, even though I had to miss the Foreign Relations Committee hearing on the Washington Summit.

Jim, the attached questions on START are designed to set a framework for the Senate's debate on this forthcoming, important Treaty. As you know, the Jackson Amendment to SALT I required equal levels of forces in any future U.S.-Soviet strategic arms control treaty. General Scowcroft, in a recent letter to me, fully embraced the Jackson Amendment's requirements for equal levels of forces in START. I hope that we can start a dialogue on this issue.

I thank you for addressing these START questions on equality.

Sincerely,

JESSE HELMS.

SEQUENCE OF UNCLASSIFIED QUESTIONS

I greatly appreciate General Scowcroft's prompt May 30, 1990 letter to me. General Scowcroft's letter was in answer to the letter of May 23, 1990, co-signed by myself and eight other Senators, to President Bush about the Secretary of State's recent pre-Summit Ministerial negotiations in Moscow on a proposed START Treaty.

I am pleased that we are in full agreement with the President and his Administration that the Jackson Amendment to SALT I in 1972 must be fulfilled in the provisions of any proposed START Treaty.

The Jackson Amendment states the following main point:

". . . the Congress recognizes the principle of United States-Soviet Union equality reflected in the Anti-Ballistic Missile Treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union . . ."

ADDITIONAL UNCLASSIFIED QUESTIONS ON THE PROBLEM OF ENSURING EQUALITY IN A PROPOSED START TREATY

I. Heavy ICBM Inequalities: Soviet Modernization of Their Monopoly on Heavy ICBMs

1. Do press reports indicate that the new Soviet heavy ICBM first flight-tested in early 1986, when SALT II compliance was still politically required on both sides, now called the "SS-18 Mod 5," has the following new characteristics:

Totally new boosters; completely new propellants; a totally new silo; a completely new silo shock isolation system; much higher accuracy; and especially, up to 20 per cent greater throw-weight than the earlier models of the SS-18?

2. Do these new characteristics make this Soviet missile a "new type" ICBM under the definition of a "new type" ICBM specified by the original 1979-1985 SALT II Treaty, which was not ratified but which both sides declared a "political commitment" to comply with until November, 1986? Do the Soviets still falsely claim to be complying fully with SALT II?

3. Under SALT II, was any new Soviet missile having more than a 5 per cent increase in throw-weight to be considered a "new type" missile?

4. In addition, of course, was there also an absolute prohibition under SALT II of any increase whatsoever in the throwweight of the Soviet SS-18 class of missiles?

5. Thus why should this new-type Soviet heavy missile not also be considered another multiple violation of SALT II, because it was reportedly designed and developed during the original SALT II 1979-1985 period, and was reportedly first flight-tested in early 1986, when SALT II was still in effect?

6. Did these press reports also indicate that there was a severe dispute among U.S. Intelligence agencies over whether or not to declare this new Soviet heavy missile a "new type" ICBM, and therefore whether to designate it the "SS-26?

7. Was this dispute resolved in favor of avoiding admitting that the SS-26 violated SALT II in several ways and would be a START ratification problem, by simply calling it the "SS-18 Mod-5?"

8. Should this new heavy missile be designated a "net type" ICBM under START, and should it therefore have a new designator, the "SS-26?"

9. According to press reports, did U.S. Intelligence recently confirm other evidence that the SS-18 class of missiles indeed has the capability to carry 14 warheads?

10. Can the up to 20 per cent increase in throw-weight in the SS-26 ICBM give this missile the capability to carry more than 14 warheads?

11. In the face of this reported evidence on the capacity of the SS-18 class and the SS-26 to carry at least 14 warheads, why did the U.S. agree that under START the SS-18 class of ICBMs can only carry 10 warheads?

12. The Defense Department's publication *Soviet Military Power* 1989 edition states on page 45: "The increase in the [SS-18] Mod 5's warhead yield, along with improved accuracy, would, under a START Treaty, help allow the Soviets to maintain their hard-target-kill wartime requirements even with the 50 percent cut in heavy ICBMs START requires." Does the Administration agree that the SS-26, if allowed to replace 154 SS-18 class missiles under START, can provide a capability equal to or even greater than the capability of the original Soviet force of 308 SS-18's, as the Defense Department has officially stated?

13. Are 154 SS-26 ICBMs each carrying 10 warheads just as dangerous as 308 SS-18s each carrying 10 warheads, because with the SS-26's greater accuracy and higher yield warheads, this force can use 1 rather than 2 warheads to attack each U.S. hard target, and still achieve the same probability of kill? Is an SS-26 force of 154 in which each missile carries 14 warheads even more dangerous than an SS-18 force of 308 in which each missile carries only 10 warheads? Is a modernized SS-26 force of 154 in which each missile is capable of carrying 20 warheads still more dangerous than an SS-18 force of 308 in which each missile carries only 10 warheads? Will START allow the SS-26 to be further modernized to the point that it could carry 20 warheads, even without demonstrating more than 10 in actual flight tests?

14. Why will the reload/refire capability or the further modernization of the SS-26 not be constrained by START?

15. Why does START, like SALT I and SALT II before it, allow the U.S. absolutely zero heavy ICBMs?

16. Do press reports that the Soviet SS-24 mobile ICBM clearly has greater launch-weight and probably also has greater throw-

weight than the Soviet SS-19 ICBM, the standards for defining heavy ICBMs under SALT II, not make the Soviet SS-24 a heavy ICBM also in further violation of SALT II?

17. Why have both the Reagan and the Bush Administrations not reported to Congress that there is a high likelihood that the Soviet SS-24 is a heavy ICBM under SALT II's definition?

18. If not, why not?

19. Did the U.S. agree at the Washington Summit of 1990 to ban mobile heavy ICBMs under START?

20. Will the Soviet rail-mobile and also silo-deployed heavy SS-24 ICBM be banned under START as an illegal heavy ICBM?

21. If not, why not?

22. If the SALT II standards for defining heavy and new type ICBMs are not to be used in START, what are the new START standards for defining heavy and new type ICBMs?

23. If there are no agreed START standards for defining heavy and new-type missiles, why not use the SALT II standards?

24. Would the SALT II standards make the SS-24, SS-N-23, and SS-26 illegal new-type and also illegal heavy missiles under both SALT II and START?

25. Will START make legal six missiles—the covert mobile SS-16, the heavy SS-19, the super-extra-heavy SS-26, the extra-heavy SS-24, the mobile illegal new type SS-25, and the extra-heavy SS-N-23 SLBM—all of which were illegal under SALT I and SALT II?

II. Inequality in Mobile ICBMs

Background: At the June, 1990 Washington Summit, the U.S. agreed to allow up to 1,100 warheads on mobile ICBMs under START. Since the Soviets reportedly are estimated to be planning to deploy 3,300 ICBM warheads under START, that means almost exactly one third of these will be mobile ICBM warheads. But so far, the Soviets have a total monopoly on mobile ICBM deployment.

Questions:

1. According to press reports, do the Soviets already have deployed about 200 totally covert SS-16 truck-mobile ICBMs, and are they reportedly planning to deploy by 1991 about 310 SS-25 camouflaged and concealed truck-mobile ICBMs, both with single warheads each, and possibly almost 70 totally undetectable, deceptively concealed SS-24 10-MIRV rail-mobile ICBMs?

2. Thus have the Soviets probably already deployed or planned to deploy at least about 1,210 mobile ICBM warheads, and are they therefore probably already very close to the 1,100 START sublimit on mobile ICBM warheads?

3. How will the Soviets probably comprise their mobile ICBM force allowed under START, between truck-mobile single warhead ICBMs and rail-mobile 10-MIRV ICBMs?

4. According to open sources, does U.S. Intelligence estimate that each Soviet truck or rail-mobile ICBM launcher has up to 5 refire missiles?

5. How will refire missiles on Soviet mobile ICBM launchers be constrained in START? Will camouflage, concealment, and deception of Soviet refire missiles for mobile ICBMs be allowed? According to press reports, is there any evidence that Soviet ICBM storage and support facilities are associated with stockpiled mobile ICBMs that have concealed, mobile command and control capabilities nearby?

6. According to press reports, do SS-24 rail-mobile ICBM launchers have long sheds to conceal their trains at their support bases, and are there a large number of remote railspurs and over 1,000 rail tunnels that could also be used for concealment and deception by the rail-mobile SS-24?

7. Will camouflage, concealment, and deception be allowed in the operation of Soviet mobile ICBM forces allowed under START? How well will the U.S. be able to monitor and verify Soviet mobile ICBM deployments under START, in precise terms of probability of detection percentages, in particular the rail-mobile SS-24 carrying 10 warheads on each missile?

8. How confident can the U.S. be in our monitoring and verification of Soviet deployment of the concealed and deceptive rail-mobile SS-24 ICBM? Will the Soviets have a high pay-off in maintaining a covert force of 10 MIRV SS-24s? If the Soviets declare that they have stopped deploying SS-24 rail-mobile ICBM launchers, can U.S. Intelligence rule out the possibility that such deployment has continued covertly?

9. According to press reports, have the Soviets been camouflaging and concealing for several years their SS-25 mobile ICBM launchers deployed at more than seven former bases for the SS-20 missiles banned under the INF Treaty, even during co-operative U.S. National Technical Means inspections required six times a year under the INF Treaty?

10. Does this repeated Soviet non-co-operative concealment and camouflage of SS-25s at former SS-20 bases constitute multiple clear violations of the INF Treaty?

11. Why has this clearly non-compliant Soviet INF activity not been reported in the last two annual Presidential Reports to Congress on Soviet Non-compliance with Arms Control Agreements?

12. Are the Soviets refusing to cease this illegal INF camouflage and concealment?

13. Has the U.S. reportedly demarched the Soviets twice asking them to cease this illegal activity in clear violation of the INF Treaty?

14. Why have the Soviets reportedly twice refused to comply with the INF Treaty, citing an in-applicable section of the INF Treaty allowing concealment during routine missile operations?

15. Does this reported illegal Soviet concealment and camouflage activity in clear violation of the INF Treaty increase our confidence that they will comply with constraints on mobile ICBM deployment under a proposed START Treaty?

16. Will the Administration support and even fight for Congressional funding for deployment of both the U.S. rail-garrison MX and the truck-mobile Midgetman mobile ICBM programs, given the fact that the Soviets currently have a total monopoly on both truck and rail-mobile ICBMs?

17. Was the U.S. negotiating concession in START that mobile ICBMs could be allowed under START contingent upon Congressional funding of deployment of both U.S. ICBM programs? If Congress does not fund deployment of both U.S. mobile ICBM programs in the FY 1991 Defense Authorization and Appropriations Bills, will the U.S. withdraw its START negotiating proposal that mobile ICBMs can be allowed under START?

18. If not, how will this U.S. inequality in the face of a total Soviet monopoly of over 1,100 mobile ICBM warheads impact upon the U.S. ratification debate on a proposed START Treaty?

19. Can a proposed START Treaty be ratified with total and relentlessly growing Soviet superiority in mobile ICBMs?

III. Inequality in Bombers: Over About 510 Soviet Backfire Intercontinental Bombers Excluded From START

Background: According to press reports, the Soviets have already produced about 510 Backfire intercontinental bombers. The U.S. reportedly proposed to the Soviets just before the recent Washington Summit that the Soviets be allowed to have up to 400 Backfire bombers totally outside of START, if the Soviets would only give the U.S. assurances that the Backfire was not capable of intercontinental missions.

Questions:

1. Did the U.S. make such a START proposal?

2. If so, why, when a total of over about 510 Backfires have reportedly already been produced?

3. How could we make such a proposal, and monitor and verify that the Backfire was not intercontinental, when open sources indicate that since 1979 U.S. Intelligence reportedly has evidence to the contrary—that the Backfire bomber has greater range than the Soviet Bison bomber heretofore counted as intercontinental in SALT II, and further, that the Backfire bomber has refueling capability? Did the first edition of *Soviet Military Power,* published in September, 1981, state that the Backfire had both range and radius greater than the Soviet Bison bomber, which counted in SALT II? According to press reports, were both of these facts recently re-inforced by technical and range information on the Backfire from an important Soviet defector?

4. DIA states officially in its unclassified February 1990 Soviet *Force Structure Summary* publication on page 6 that: "The Backfire has an intercontinental strike capability when equipped with a refueling probe." According to press reports, is the Backfire's refueling probe a screw-in tube that can be installed in a matter of hours on every Backfire? Has DIA even more recently reportedly increased its estimate of Backfire's range, due to the defector's new evidence? According to press reports, did the defector confirm that the Backfire: was regularly exercised at intercontinental range, that this intercontinental range was greater than the Bison's, that the Backfire had a screw-in type refueling probe, that this screw-in refueling probe was stockpiled for every Backfire at all bomber bases, and that the Soviets had an active program of camouflage, concealment, and deception to mislead the West about the intercontinental range capability of the Backfire?

5. Is the Backfire's "TU-22M" designator part of the Soviet deception operation, designed to make the Backfire appear merely as a modification to the medium range TU-22 Blinder bomber? In early 1979 according to press reports, as the Backfire's exclusion became an issue in the final stages of the SALT II negotiations, did the Soviets remove the Backfire's refueling probes and fly them so they could be observed in the West, as part of this deception operation?

6. Are the Soviets again trying to exclude all their Backfires, not only their over 200 naval Backfires, from START, in order to be able to continue to produce more than 510 Backfires outside of START?

7. Is the definition of a heavy bomber under SALT II any bomber which has launched an ALCM with range greater than 600 kilometers? According to press reports, was the Soviet Backfire bomber used as the platform for multiple Soviet tests of an ALCM which flew to ranges of about 1,000 kilometers between 1976 and 1978? Did CIA

reportedly cover-up the evidence of these tests, by claiming that since U.S. Intelligence could not identify the type of ALCM involved, the tests were not significant?

8. The second edition of the Defense Department publication *Soviet Military Power* published in March, 1983, states on page 26 that: "The Soviets are developing at least one long-range air-launched cruise missile (ALCM) with a range of some 3,000 kilometers. Carried by the Backfire, the Blackjack, and possibly the Bear, it would provide the Soviets with greatly improved capabilities for low-level and standoff attack in both theater and intercontinental operations." (Emphasis supplied.) Was this reference to a long-range ALCM being carried on Backfire based upon the testing of long-range ALCMs on Backfires during the late 1970s?

9. Has CIA stated in an unclassified letter to Congress that in the absence of SALT II, the Soviets should be assumed to have deployed long-range ALCMs on Backfires? Has SALT II been discarded by the U.S. since November, 1986, due to multiple Soviet violations? Despite the even recent Soviet claims that they are complying fully with SALT II, have the multiple confirmed Soviet violations of SALT II indicated that the Soviets have long been ignoring SALT II?

10. Did the reported Soviet refusal of the reported U.S. concession on allowing 400 Backfires to be excluded from START suggest that the Soviets plan to produce many more than the 510 already produced intercontinental Backfire bombers? Are Soviet START proposals to exclude about 200 naval Backfires even above the U.S.-proposed exclusion statement for 400 Long Range Air Force Backfires, coupled with reported Soviet production of at least 510 Backfires, designed to allow the Soviet to produce over 710 Backfires, or an almost unlimited number of Backfires all outside of START?

11. Why are the Soviets insisting that up to over 710 intercontinental Backfires not be counted in START or in any other arms control agreement?

12. How can the U.S. accept more than 710 intercontinental Soviet Backfire bombers completely outside of any proposed START Treaty?

13. How many more Backfires could the Soviets produce outside of START during the 15 year term of START?

14. If Backfires are excluded from START, will they be constrained under a CFE Treaty, or any other arms control treaty?

IV. Inequality in Bombers: About 95 To 150 Bear-Class Naval Bombers Also Excluded From START

1. Do the Soviets have up to about 95 to 150 ostensibly naval intercontinental Bear D, Bear F, and Bear J aircraft that have Reconnaissance, Anti-Submarine Warfare, Electronic Warfare, and Command and Control/Naval Surveillance missions?

2. Could these intercontinental aircraft also carry nuclear weapons either internally or externally, or both?

3. Are the Bear F and Bear J intercontinental aircraft reportedly actually still in production, like the START-accountable Bear H?

4. Will these three classes of naval Bear-class bombers, the Bear D, F, and J, be excluded from START? If so, why? Will their exclusion be accompanied by required Functionally-Related Observable Differences [FRODs]?

5. How many more Bear Fs and Js could the Soviets produce outside of START during the proposed 15 year term of START?

V. Inequality in Bombers: Over 45 to 150 Existing LRA Bears May Also Be Excluded From START

1. Do the Soviets also have over 45 to 150 Long Range Air Force Bear A/B/C and G intercontinental bombers, also all capable of carrying long-range ALCMs both internally and externally?

2. Will these four classes of 45 to 150 intercontinental, older Bear bombers also be excluded from START ALCM limits?

3. If so, why? Will FRODs be required?

4. Background: The first edition of *Soviet Military Power*, published in September, 1981, stated that the range of the AS-3 Kangaroo ALCM was 650 kilometers, and that the AS-3 Kangaroo was carried on the Bear G class. Thus the AS-3 Kangaroo's 650 kilometer range should have caused the approximately 90 Soviet Bear Gs to be classed as "heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers" under the Data Exchanges of the SALT II Treaty. Instead, in their SALT II Statements of Data of both November 1, 1978, and June 18, 1979, the Soviets *falsely* stated that they had "*zero* heavy bombers equipped for cruise missiles capable of a range in excess of 600 kilometers."

Questions:

1. Were these false Soviet statements examples of Soviet negotiating deception in SALT II? Should the Soviet Bear G class of bombers be counted ALCM carriers in START ALCM limits, which also has the same ALCM range threshold of 600 kilometers for counting ALCM-carriers? Can the Bear A/B/C also carry the AS-3, or the AS-15, or the AS-X-19? Will the Bear G be counted as a SNDV under START? Will the Bear A/B/Cs be counted as START SNDVs?

2. What happened to the 45 to 150 older Bears in the A/B/C classes? Will these be entirely excluded from START? If so, why? Will FRODs be required?

3. Are any of the original 90 Soviet Bison bombers still operational as tankers? Why will these not be counted in START? What happened to the Bison force of bombers and tankers? Will Bison tankers be required to have FRODs, or to be dismantled under on-site inspection?

VI. Overall START Inequalities: Soviet Covert START Forces

Background: In its published unclassified study dated May 24, 1988, entitled *Breakout, Verification and Force Structure: Dealing With the Full Implications of START*, the Defense Policy Panel of the U.S. House of Representatives Committee on Armed Services concluded that the Administration's claim that START would reduce the Soviets to 6,000 intercontinental nuclear warheads is seriously misleading. The House Armed Services Committee Report stated:

"In summary, the purported START limit of 6,000 weapons is an illusion. In addition to the limit of 6,000 weapons, the Soviets could 'legally'—and are likely to—deploy another nearly 3,000 weapons and could 'legally' have available nearly 11,000 additional weapons that are a source of sudden breakout from START. And, according to that rough yardstick of potential cheating, there could be an additional force of as many as 4,300 more weapons available to the Soviet attack planner.

Conclusion: While these figures can be debated, the message remains. Under a START agreement, the United States must plan for a Soviet force not of 6,000 weapons, but of many, many more." (Emphasis in the original.)

Questions:

1. Does the Bush Administration agree with this conclusion?

2. How does the Administration specifically rebut this conclusion?

3. Will the agreed START counting rule of only 10 warheads on the Soviet SS-18 or SS-26, when they can reportedly carry 14 or 20; the agreed START counting rule of 4 warheads on the Soviet SS-N-23, when it can carry 10; the agreed START counting rule of 8 ALCMs on the Soviet heavy bombers when they can reportedly 18; combine to result in *thousands of Soviet covert or bonus warheads* not constrained by START?

4. Why will stockpiled "non-deployed" mobile-based ICBM missiles be allowed in START, when we know that Soviet mobile ICBMs reportedly have a multiple refire capability? Can their number be effectively monitored?

5. Will "non-deployed" silo-based ICBM missiles be allowed in START? Can their number or their absence be effectively monitored?

6. Will the Soviets be required to destroy the six or more strategic submarine tunnels that the press reports they have constructed? How many stockpiled, "non-deployed," refire SLBMs can these reported six or more submarine tunnels hold? How many stockpiled, "non-deployed," SLBMs will be allowed under START? Will there be constraints on SLBM reload-refire capabilities under START? If not, why not?

7. In addition to covert or bonus warheads, will the Soviets also be able to exclude from START constraints:

Hundreds of stockpiled, "non-deployed," mobile ICBM refire missiles; hundreds of stockpiled, "non-deployed," ICBM silo refire missiles; hundreds of stockpiled, "non-deployed," refire SLBM missiles; hundreds of bombers capable of intercontinental nuclear-delivery; hundreds of concealed and covert road and rail mobile ICBM launchers; and hundreds of concealed and covert air and sea-launched cruise missiles? Will several thousand additional Soviet missiles, bombers, and their warheads thus be excluded from START? Will the Soviets thus be able to have thousands of covert START forces, much as they have now-confirmed covert INF forces?

8. Will the Soviets be able to maintain outside of START covert stockpiled, "non-deployed," ICBM, SLBMs, mobile ICBM launchers, nuclear-delivery bomber aircraft, and strategic cruise missiles? Can U.S. Intelligence monitoring rule this possibility out?

VII. Inequalities in Bombers and ALCMs Under START

Background: General Scowcroft stated in his unclassified letter to Senators of May 30, 1990, that "the 150/210 numbers are *not limits*, but rather *points* beyond which there is no 'discounting' and every additional ALCM counts as one against the START 6,000 warhead limit." Gen. Scowcroft also stated that these 150/210 numbers are merely "an ALCM counting rule."

Questions:

1. Do these alleged discounting "points" or "counting rules" not define or entail *de facto* START constraints?

2. Do they not define levels of forces?

3. Are they not multiple parameters that result in limits?

4. Do they not therefore constitute limits?

5. Does the Administration really seriously intend to make the argument that these obviously unequal "points" or "counting rules" somehow are *not* "levels" or "limits"

that are required to equal under the Jackson Amendment?

6. Why does the Administration use 8 as the START-agreed Soviet ALCM counting rule, and 12 as the maximum number of ALCMs that Soviet heavy bombers can carry, when according to press reports, *the U.S. has visually observed several times that Soviet heavy bombers have a capacity of at least 18 ALCMs?* Does *Soviet Military Power* volume 1989 state that the Soviet Blackjack can carry 24 missiles?

7. Is the U.S. planning to have under START only 90 heavy bombers equipped with ALCMs, all ancient B-52Hs mostly over 30 years old, which would count as carrying only 900 stand-off bomber ALCM weapons?

8. According to press reports, did the U.S. offer the Soviets the 40 percent advantage in heavy bombers with ALCMs as an inducement in order to "sweeten the deal" and get the Soviets to agree to the START bomber/ALCM package?

9. If the U.S. is planning only 90 B-52H ALCM-carrying heavy bombers under START, does the U.S. not forfeit 60 ALCM-carrying heavy bombers with 600 "discounted" or bonus ALCMs, all allowed under START? Why did the U.S. not design its START negotiating position in order to maximize our existing or planned strategic forces, as the Soviets always seem to do?

10. Background: Neither the B-1 nor the B-2 bombers were designed to be ALCM-carrying, stand-off bombers. The B-1 was planned to be an interim penetrating bomber. And the B-2 was also planned to be the future penetrating bomber. Thus neither the B-1 nor the B-2 were planned to be ALCM-carrying-stand-off bombers. Because START implies a sublimit of 1,100 on accountable bomber weapons, the 90 existing deployed B-1 non-ALCM carriers and the up to 75 B-2 non-ALCM carriers now planned for deployment by the Administration will fill out the remaining 200 bomber weapons slots above our 900 planned accountable ALCMs on 90 B-52Hs with a total of only 165 additional bombers, counting as single delivery vehicles and also as single weapons. Thus assuming that we deploy all 75 currently planned B-2s, we would still have a shortfall in our allowed START bomber weapon slots of at least 35 bombers and weapons.

Questions:

1. How do we plan to fill this apparent U.S. shortfall of at least 35 allowed bombers/weapons under START, especially since the original U.S. concept of START "discounting" of ALCM-equipped bombers was supposed to encourage the maximum deployment of more stabilizing bombers? Are these U.S. bomber force "gaps" among the reasons why the U.S. Commander of the Strategic Air Command stated publically that he could not support START unless at least 75 or more B-2s were deployed?

2. In contrast, what will the probable Soviet START heavy bomber/ALCM and non-ALCM bomber force look like? Will the Soviets maximize their existing and planned bomber forces under START? Will they also exclude significant bomber forces from all START constraints?

3. To fill this START bomber shortfall, does the Administration plan new penetrating bomber development programs beyond the B-1 and the B-2?

4. Will the 90 U.S. B-52H ALCM carriers, most of which are already over 30 years old, endure in the U.S. bomber force throughout the planned 15 year duration of START? Does the Administration therefore plan a new heavy bomber stand-off ALCM carrier program beyond the ancient B-52H?

5. Finally, how does the Administration plan to compensate under START for the deactivation of several thousands of previously operational U.S. SRAMs, now reportedly taken off line from alert bombers for questionable safety reasons?

6. According to press reports, the original U.S. program for ALCMs and ACMs was planned to procure 4,400. Under START constraints and bonus "discounting," the U.S. in effect can deploy only 1,800 ALCM/ACMs, a cut of 2,600 ALCM/ACMs. What will the U.S. do with the 2,600 ALCMs and ACMs already procured, programmed, or funded by Congress but prohibited by START?

7. With the continued reported in-operability of all U.S. nuclear weapons production facilities, will the U.S. be able to equip its D-5 Trident II new SLBMs with the required number of warheads in a timely schedule? Can the U.S. currently manufacture components of nuclear weapons? If not, why not? Will this reported nuclear weapons production shortfall cause further delays in the Trident submarine sea trials and Trident II missile programs? How will these nuclear weapons manufacturing problems impact upon the U.S. force structure under START?

VIII. Inequality in Short-range SLCMs

1. According to open sources, does the Soviet Union have seven classes of SLCMs with short-range (range less than 600 kilometers) that are nuclear and non-nuclear equipped—the SS-N-2, the SS-N-3B Mod 2, the SS-N-7, the SS-N-9, the SS-N-12, the SS-N-14, and the SS-N-19?

2. Has U.S. Intelligence reportedly estimated that the Soviets have produced over 14,500 of these short-range SLCMs? Does a recent unclassified letter from Defense Secretary Cheney state that the Soviets produced over 15,000 SLCMs during the 1980s?

3. How many of these SCLMs are estimated to be deployed? According to press reports, do the Soviets reportedly have over 1,000 launchers for short-range SLCMs?

4. What are their ranges?

5. Does the U.S. have any comparable short-range nuclear or non-nuclear SLCMs?

6. What is the status of a "politically binding" commitment on SLCMs in international law and domestic law?

7. What are the origins of this new genre of international agreement? Was the 1981-1982 joint U.S.-Soviet "political agreement" to observe most of the provisions of the unratified SALT II Treaty one of the first agreements in this new genre?

8. The Senate was not even consulted on the 1981-1982 joint U.S.-Soviet "political agreement" on SALT II, and a total of 34 Senators wrote letters to the President stating that they did not approve of it. What role will the Senate have in approving this new kind of "political" agreement on SLCMs?

9. How can such an unusual, new-type "political commitment" agreement be enforced?

IX. TACIT RAINBOW: Inequality in Side Constraints

Background: According to unclassified information from U.S. defense contractors, the ground-launched version of the U.S. nonnuclear TACIT RAINBOW ALCM had a design range of only 430 kilometers, and is therefore well below the newly agreed START threshold of 600 kilometer range for counting ALCMs.

Questions:

1. Due to its apparent short range, why did the U.S. agree to special constraints on modernization or no nuclear-warheads for this ALCM at all?

2. Before any proposed START Treaty is signed, will the Administration provide the Senate Committee on Foreign Relations with a copy of the "side letter" on TACIT RAINBOW that Secretary of State Baker recently gave to the Soviets in Moscow?

3. If not, why not?

4. Will such a "side letter" be submitted to the Senate as part of any proposed START Treaty?

5. Have the Soviets provided the U.S. with any similar "side letters" in START?

6. If so, will they be submitted to the Senate as well before any proposed START Treaty is signed?

X. Overall START Inequalities

1. Will START further enhance the Soviet capability to strike first, by legalizing six already illegal Soviet first strike missiles that violated SALT I and SALT II—the older Soviet heavy SS-19, the covert mobile SS-16, the new extra-heavy SS-24, the new mobile SS-25, and the new super-extra-heavy SS-26 ICBMs, and the new extra-heavy SS-N-23 SLBM?

2. Under START, will the Soviets maintain and expand their rights to deploy six types of several hundred already illegal super-extra-heavy, extra-heavy, heavy, and first-strike ICBMs and SLBMs, while in contrast, will the United States not be allowed any heavy ICBMs and SLBMs whatsoever under START?

3. Will the asymmetrical force structures resulting from the uneven strategic force cutbacks in a proposed START Treaty, when combined with the unequal targeting requirements of the sides, make it easier for the Soviets to strike first with nuclear weapons against American missile, bomber, and submarine bases?

4. Will START also make it easier for the Soviet Union to hit first because it will not even count or reduce several kinds of missiles, bombers, and nuclear weapons that the Soviets have and we do not have?

5. Even with augmented United States' National Technical Means of monitoring and verification, and on-site inspections and other co-operative measures, does the confirmed history of Soviet cheating on all existing arms control treaties, including even the recent INF Treaty, suggest that Soviet cheating will persist under START? Does the allowance under START of continued Soviet camouflage, concealment, and deception also suggest that we will continue to have great difficulty detecting and analyzing Soviet cheating?

6. Could START result in a situation in which the Soviets might have a more than 5 to 1 advantage over the United States in the overall number of nuclear weapons—about 26,000 Soviet weapons compared to only about 5,000 weapons for the U.S.?

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, May 23, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Reports of Secretary Baker's trip to the Soviet Union last week for the purpose of drafting a proposed framework statement for a START treaty have raised two profound concerns.

The first is that the Jackson Amendment to the 1972 SALT I Agreement requires, in the language of the Amendment, "equal

levels" of strategic forces in any future treaty between the United States and the Soviet Union limiting intercontinental strategic forces.

Of course, this is still the law of the land on the fundamental U.S. objective in strategic arms control treaties. Yet reports of the meeting between Secretary Baker and Foreign Minister Shevardnadze suggest that the United States conceded to the Soviets a 40% advantage [210 vs. 150] in the number of heavy bombers carrying air-launched cruise missiles (ALCMs), and also a more than two-to-one advantage over the United States [3,700 vs. 1,800] in the potential number of ALCMs carried by these bombers.

Are these reports correct, and, if so, do they meet the spirit and legal requirements of the Jackson Amendment?

Similarly, did the United States agree to a Soviet-proposed range-limitation on sea-launched cruise missiles (SLCMs) which allowed the Soviets to keep several thousand short-range SLCMs against which the U.S. has no equivalent force?

If so, does this agreement meet the spirit and legal requirements of the Jackson Amendment?

Secondly, the Helms Amendment to the INF Treaty states:

"Any joint statement by the United States with the USSR of a framework for the negotiation of strategic arms treaties contemplated hereby, and such framework itself, shall serve for the purpose only of guiding the conduct of negotiations which the United States herein has declared its desire to pursue expeditiously, and shall not constrain any military programs of the United States [emphasis supplied] unless otherwise provided for in accordance with Section 33 of the Arms Control and Disarmament Act."

Section 33 of the Arms Control and Disarmament Act, of course, states that U.S. armed forces may be limited only through the treaty-making power or through further affirmative legislation. Nevertheless, press reports state that Secretary Baker did agree to constrain U.S. military programs in a so-called "side letter" to the proposed START framework statement in which the United States agrees not to modernize the U.S. "Tacit Rainbow" ALCM, and also not to equip this ALCM with a nuclear warhead.

Is it correct that Secretary Baker did agree to such a side letter constraining U.S. military programs? If so, does such a letter meet the spirit and legal requirements of the Helms Amendment to the INF Treaty and to Section 33 of the Arms Control and Disarmament Act?

Mr. President, we would appreciate a response on these matters before the framework statement with the Soviet Union is signed at the forthcoming summit.

Sincerely,

JESSE HELMS, CHUCK GRASSLEY, JIM MCCLURE, STROM THURMOND, TRENT LOTT, STEVE SYMMS, ORRIN G. HATCH, LARRY PRESSLER, MALCOLM WALLOP.

THE WHITE HOUSE,
Washington, May 30, 1990.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This is in response to your May 23 letter to the President asking about the tentative agreements made with the Soviet Union on strategic forces during the May Ministerial in Moscow.

At the outset, I can assure you that the Administration is fully cognizant of the provisions of the Jackson Amendment. Any treaty the President submits to the Senate for its advice and consent will not limit the United States to levels of strategic forces inferior to the limits provided for the Soviet Union.

With respect to ALCMs, let me correct an error that has appeared in certain press reports on this issue. START will not specifically limit the number of ALCMs nor ALCM-carrying heavy bombers. We, like the Soviets, will be allowed to deploy as many ALCM carriers as we choose within the overall START limits of 1600 delivery vehicles and 6000 weapons.

We have agreed to an ALCM counting rule that is clearly in our interest. Up to 150 U.S. bombers could carry 20 ALCMs, but would only count as carrying 10. Up to 210 Soviet bombers could carry as many as 12 ALCMs, but they would count as 8. This counting rule would exclude from the 6000 warhead limit a maximum of 1500 U.S. ALCMs and 840 Soviet ALCMs. The 150/210 numbers are not limits, rather points beyond which there is no "discounting" and every additional ALCM counts as one against the START 6000 warhead limit.

Finally, we have informed the Soviets of the fact that we have no plans to convert the non-nuclear Tacit Rainbow ALCM to a nuclear ALCM. However, nothing in START nor in any other commitment we have made would prohibit such a conversion if that becomes in our interest at some point in the future. If a non-nuclear ALCM were ever converted to a nuclear ALCM, that missile would of course become subject to all of the START provisions on nuclear ALCMs.

With respect to SLCMs, we have achieved the key U.S. negotiating objective. The Soviets sought a provision in the START Treaty that would limit nuclear SLCMs, which we could not accept because there is no effective and acceptable way to verify any such limit. They have now agreed to our proposal for separate U.S. and Soviet political declarations of the numbers of deployed nuclear SLCMs with a range greater than 600 kilometers. We did agree to a maximum number the U.S. could declare at any one time that is well above the number of nuclear SLCMs we have today and expect to have during the period of the treaty.

The Soviets wanted all SLCMs with a range in excess of 600 km included in the declaration. We wanted to restrict the declaration to nuclear SLCMs whose range was above a 300 km threshold. In the end, we reached a compromise: all nuclear SLCMs above 600 km are included in the declaration but the two sides will also exchange data about nuclear SLCMs with ranges between 300 km and 600 km. Since this approach is limited to nuclear SLCMs, it would have no effect on our more than 3000 conventional SLCMs.

We have made good progress in negotiating START. The major, substantive limits have been agreed. That said, there remains much to do before an agreement is complete and can be submitted to the Senate. The President greatly appreciates your interest and hopes that you will support this solid agreement that is in our national interest.

Sincerely,

BRENT SCOWCROFT.

SIMON-BINGAMAN AMENDMENT

Mr. SIMON. Mr. President, now more than ever, the real test of our Nation's strength as a world power is our ability to compete in a global economy. The economic competitiveness of the United States is dependent upon our ability to educate our young people to prepare for the challenges of the future. Our educational achievements, however, do not bode well for the future. In international comparisions, U.S. students rank well below the average in math and science skills. Even our best students ranked next to last in a test involving 13 nations.

Our great research institutions, public and private, need to take greater responsibility for promoting scientific literacy and for educating America's next generation of engineers, scientists, and mathematicians. On June 26, my colleague from New Mexico [Mr. BINGAMAN] and I introduced a bill to encourage Federal agencies and laboratories involved in science and engineering activities to play a leading role in recruiting and training our next generation of science and engineers.

Mr. President, I would like to thank the Armed Services Committee for including many of the provisions of our legislation, as applied to the defense laboratories and the defense-related energy laboratories, in this Defense bill. The amendment I am now offering will simply expand this authorization of education activities to allow the Department of Energy itself to establish education programs.

DOE already has an impressive array of education programs, perhaps more than any agency other than the Department of Education and the National Science Foundation. But when DOE presented its most recent plans for expanded education programs to its lawyers, there were some questions about the breadth of Secretary of Energy's legal authority in this area. This amendment is intended to make the Secretary's authority clear, to allow new education appropriations recently approved by the Senate to go forward.

One of the projects delayed by these legal questions is an innovative effort to provide intensive math and science training to every teacher in the Chicago Public Schools who has any responsibility for math and science education, about 15,000 teachers. This new academy, which had its opening ceremony last week, will tap the human and technological resources of the Argonne and Fermi Laboratories, with some financial assistance from the Secretary of Energy. This project could provide a model for reversing our Nation's declining technological literacy.

Mr. President, my amendment makes one other change in the education provisions already in the Defense bill. For the partnerships between laboratories and elementary and secondary schools, my amendment establishes a priority for programs focusing on women and minorities and others who are underrepresented in science

and engineering professions. We will not be able to meet our growing need for scientists and engineers if we do not dramatically increase the participation of women and minorities in the sciences.

Mr. President, I would like to thank my colleagues from Georgia, Mr. NUNN, and Virginia, Mr. WARNER, and the chairman of the Energy Committee, Mr. JOHNSTON, for working with me on this amendment. I urge its adoption.

DEFENSE DRUG INTERDICTION ASSISTANCE ACT

Mr. D'AMATO. Mr. President, I would like to take this opportunity to thank the chairman and the ranking member of the Senate Armed Services Committee, Senators NUNN and WARNER, for including a version of my bill, the Defense Drug Interdiction Assistance Act, in the fiscal year 1991 National Defense Authorization Act.

The Defense Drug Interdiction Assistance Act, S. 2728, was designed to permit the Defense Department to take a more active role in providing counternarcotics support to civilian law enforcement agencies without violating posse comitatus provisions which prohibit direct military participation in law enforcement activities.

This legislation was drafted due to my concern that the military's ability to assist law enforcement had been hampered by outdated and counterproductive statutes and regulations. The bill would streamline Defense Department procedures and enhance their efforts to support our beleaguered law enforcement agencies.

If we are committed to using the military in the drug war—and let's be clear, this is war—it's absurd to hamstring it from planning, training, or providing reasonable types of assistance.

In March of 1990, I sent this legislation over to the Department of Defense for comment. On May 24, 1990, I filed the bill as an amendment to S. 1970, the crime bill. Unfortunately, it was not part of the final amendment list considered on the crime bill.

Finally, on June 13, 1990, along with 5 cosponsors, I introduced it as a free-standing bill. At that time, I expressed my hope that when the bill was referred to the Senate Armed Services Committee for consideration, the committee would include our language in the Defense authorization bill and report.

Subsequently, my staff met with committee staff a number of times to work on language that would meet the intent of my bill. I would like to commend the committee for their efforts to accommodate my legislation. It is my understanding, that due to a misinterpretation by the Defense Department general counsel of the current language as reported out by the committee, a technical amendment will have to be submitted by the committee to ensure that the intent of my bill is preserved.

I ask unanimous consent that a copy of my June 13, 1990 statement in the CONGRESSIONAL RECORD and a side-by-side analysis of my bill, S. 2728, and counternarcotics provisions contained in S. 2884 be printed in the RECORD.

Again, I thank the committee for their consideration of, and inclusion of, this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPARISON OF D'AMATO DEFENSE DRUG INTERDICTION ASSISTANCE ACT AND LANGUAGE INCLUDED IN THE FISCAL YEAR 1991 DEFENSE AUTHORIZATION BILL AND REPORT

D'Amato bill	Fiscal year 1991 Defense authorization
1. Allows the Secretary of Defense to plan and execute military training or operations for the primary purpose of aiding civilian law enforcement agencies.	1. Allows the Secretary of Defense to plan and execute otherwise valid military training or operations for the purpose of aiding civilian agencies.
2. Authorizes the Secretary to provide support (including the provision of any equipment or facility or personnel) to a civilian law enforcement agency if he determines the importance of providing such support outweighs any short-term adverse effect that the provision of such support may have on military preparedness.	2. Authorizes the Secretary to provide support in any case in which the provision of such support would adversely effect in the short term U.S. military preparedness if he determines that the importance of providing such support outweights any short-term adverse effect that the provision of such support might have on military preparedness.
3. Grants a local commander the authority to approve:	3. Encourages approval of requests from civilian agencies to the field level whenever feasible:
A. Transportation by civilian law enforcement personnel by military aircraft within the United States in connection with drug law enforcement programs;.	A. Provides for the transportation of U.S. and foreign personnel and supplies and equipment for the purpose of facilitating counter-drug activities within or outside of the United States.
B. Flight training exercises for civilian law enforcement personnel;	B. Provides for counter-drug related training of law enforcement personnel including support expenses and material necessary to carry out such training.
C. Aerial surveillance of any area in connection with law enforcement programs.	C. Aerial and ground reconnaissance outside, at, or near U.S. borders.
4. Permits the Secretary to provide military personnel to Federal, State, or local law enforcement to operate equipment without regard to the likelihood that an armed confrontation may occur.	4. Continues restrictions on direct participation of military personnel in law enforcement activities, but the Committee acknowledges that military personnel may be exposed to the threat of the use of force against them, particularly on the Southwest border.

[From the Congressional Record, June 13, 1990]

Mr. D'AMATO. Mr. President, I rise today, on behalf of myself and Senators GORTON, DECONCINI, COATS, LOTT, and SPECTER, to introduce the Defense Drug Interdiction Assistance Act.

Congress has continually and substantially increased the resources and activity level of the Defense Department's counternarcotics effort. The commitment of President Bush and Secretary Cheney to an enhanced and expanded role for the Department of Defense in the detection and monitoring of drug trafficking is one which I strongly support.

I am concerned, however, that our military's ability to be a key player in the war on drugs has been hampered by statutes and Defense Department regulations which are either counterproductive or have become outdated. This legislation is designed to enable the Defense Department to take a more active role in providing counternarcotics support to law enforcement agencies.

My legislation does not alter existing posse comitatus statutes and regulations, which prohibit the Armed Forces from directly engaging in law enforcement activities. The bill does refine and clarify the existing statutory language to facilitate the Defense Department's assistance and support to law enforcement agencies. The legislation includes provisions to:

First allow the Defense Department to plan and create missions and training for the primary purpose of aiding civilian law enforcement agencies. Currently, the Defense Department may support law enforcement agencies if such support is incidental to military training. This section raises the priority of the counternarcotics mission, in a way that is compatible with Secretary's Cheney's defense guidance, to a level that it deserves;

Second, authorize the Secretary of Defense to determine whether specific assistance to law enforcement agencies is of sufficient priority to outweigh short-term effects

on military preparedness. The current statute states that any Defense Department support must not adversely affect military preparedness;

Third, grant a local commander the authority to approve the use of military aircraft to provide point-to-point transportation and training flights for civilian enforcement officials within the continental United States. Such authority, according to the present law, is subject to joint approval by the Secretary of Defense and the Attorney General, and, in the case of a law enforcement operation outside of the land area of the United States, the Secretary of State. This process is too cumbersome and should be streamlined;

Fourth, give clear authority for the use of military personnel to surveil areas in which law enforcement agencies support illicit narcotics trafficking;

Fifth, permit Defense Department assistance to law enforcement agencies at any location even if there is a reasonable likelihood of armed confrontation. Military personnel are presently limited to locations where there is not a reasonable likelihood of confrontation. The term "reasonable likelihood" lends itself to broad interpretation and results in unnecessary restrictions on military assistance; and

Sixth, exclude Reserve enlisted members and officers who aid civilian law enforcement agencies from endstrength computations. This provision gives the Reserve Forces an incentive to increase their participation in the counternarcotics mission.

On March 30, 1990, I wrote to Assistant Secretary of Defense Stephen Duncan, the Defense Department's drug coordinator, to request a review of a draft of this legislation. I had further requested that we receive comment by April 17, 1990, in order to prepare for an April 24 Appropriations Subcommittee on Defense hearing on the topic of our military's counternarcotics efforts. Unfortunately, this review is still not complete, although, it is my understanding that comments will be forthcoming shortly.

On May 24, 1990, I filed this legislation as an amendment to S. 1970, the crime bill, which was the pending business during that week. It was my intention to have this legislation discussed and vote on its merits. Unfortunately, it now appears that amendment will not be included on a shortened list of amendments when the Senate resumes debate on the crime bill.

It is my hope that, when this bill is referred to the Senate Armed Services Committee for consideration, the committee will include our language in the defense authorization bill and report. I look forward to working with the committee on achieving this goal.

Mr. President, real wars involve total national commitment, a comprehensive strategy, and enough resources to win. I believe that this bill is a step in the right direction. I urge my colleagues to support this important legislation.

NEW FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER

Mr. LEVIN. Mr. President, I rise to express my concerns about a provision in the DOD authorization bill which calls for the establishment of a new Federally Funded Research and Development Center [FFRDC] to support the White House Office of Science and Technology Policy. This new FFRDC, established by section 802 of the bill, would be known as the Critical Technologies Institute.

While the goal of this section is a good one, the means to the end are troubling. The goal is to create an entity whose mission would be to identify critical technologies, both defense and civilian, and to develop strategies for the Federal Government to assist in their development. The country needs this type of technological analysis, and I salute Senator BINGAMAN—who is the author of the provision—in his untiring efforts to obtain it. He and I both believe that this country needs to develop a national industrial agenda which will allow us to compete more effectively with Japan and other countries. That includes identifying and developing critical technologies. So I have no quarrel with the purpose and goal of section 802. I am concerned about how is proposes to accomplish that purpose and goal.

For the past 4 years, I have been active in issues involving FFRDC's. FFRDC's are private research centers that provide independent, high-quality advice to the government on complex issues. They receive at least 70 percent of their funding from the Federal Government, operate under a long-term contractural relationship with a sponsoring agency, and provide state-of-the-art expertise. Examples, chosen at random, are the Los Alamos National Laboratory, MITRE Corp. and the Institute for Defense Analysis. Because of the special, high-quality research provided by these centers, they enjoy unusually free access to Government data, are exempt from Government salary controls, and are exempt from procurement requirements applicable to other Government contractors.

In 1987, I held two hearings on FFRDC-related issues. The first examined a situation in which an agency improperly diverted work from a small, high-tech firm to an FFRDC simply to avoid procurement requirements. The second critized a DOD proposal to create a new FFRDC for the strategic defense initiative, because the specific plan for this institute created the possibility of establishing a weak institution which might tell DOD what it wanted to hear as opposed to providing the unbiased advice that is the traditional product of an FFRDC. In 1988 and 1989, I participated in the development and implementation of new regulations on the creation, use and termination of FFRDC's.

These efforts taught me a lot about FFRDC's—both their benefits and costs to the country. That is why I find aspects of the proposal in section 802 disturbing.

First, the section bypasses all of the existing regulations and guidelines for establishing a new FFRDC. These require an agency that is considering establishing an FFRDC to first conduct a "thorough assessment" of existing FFRDC's, agencies and private sector firms to determine whether they could perform the proposed work; to announce and solicit comments on the proposal by placing at least 3 notices over a 90-day period in the Federal Register and Commerce Business Daily; and to produce a written justification, after conducting this assessment and reviewing any comments, for going ahead with the new FFRDC. Section 802 ignores all of these steps without substituting any other procedure for evaluating the plans for this FFRDC, and that disturbs me.

Second, the selection selects the sponsoring agency for the FFRDC. Normally, the sponsoring agency requests and champions the creation of its FFRDC. We're in the reverse situation, and we're not sure that the sponsoring agency actually wants the research center. That uncertainty raises questions about whether the FFRDC will be fully and property utilized.

A third problem is that there is no precedent for linking an FFRDC to an office within the Executive Office of the President. The White House has never before had its own FFRDC. It strikes me that the proximity of a private, well-paid research center may create temptations for the White House to use this center for purposes beyond those for which it was created. I have qualms about creating this temptation. A related problem is the vagueness of the mission assigned to the new FFRDC, as presently worded. Experience has shown that a tightly worded mission statement is critical to avoiding inappropriate use of an FFRDC.

I have discussed concerns about this section with my friend and colleague, Senator BINGAMAN. Because I agree with his objective—to get serious work started on a comprehensive and effective policy of public-private voluntary partnerships to develop future technologies—I will not move to strike sectoin 802 from the bill. I have real concerns, however, about whether this is the appropriate vehicle to get us where we want to go. That is why I am expressing my reservations at this time.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT FUNDS AND THE PROTECTION OF LOCAL DRINKING WATERS

Mr. WIRTH. Mr. President, I rise to speak about language in the Committee Report which authorizes protection of local water supplies. The legislation would authorize the Secretary of Energy to reimburse cities whose water is affected by Rocky Flats' runoff for actions those cities take to protect their water supplies. The affected Colorado cities are Broomfield, Federal Heights, Northglenn, Thornton, Arvada, and Westminster. This

legislation was requested by those cities.

For the information of my colleagues, Rocky Flats is located immediately west of Great Western Reservoir and just northwest of Standley Lake. Together, these reservoirs provide drinking water for nearly a quarter of a million people. Historically, runoff from 51 percent of the plant site drains into Walnut Creek, and from there into Great Western Reservoir. Of the site 35 percent drains into Woman Creek, and then into Standley Lake.

The history of the plant is characterized by numerous problems and accidents, which have resulted in on- and off-site contamination. Both of these drinking water reservoirs have plutonium contamination in the sediment at the bottom of the reservoirs and on the surface soils surrounding the reservoirs. Surface water contaminants from the plant have included nitrates, heavy metals, radionuclides, and fecal coliform bacteria. Past management and operation of the plant created a profound mistrust of the public water supplies in these communities. It is time that we did something to restore public confidence.

In 1989 there were a series of incidents that drove public mistrust of the drinking water to a new high. Principal among these were the chromium incident—which resulted in television reports warning of imminent contamination of Great Western Reservoir—the FBI raid, and the atrazine incident. All of these incidents were well-publicized and created a situation approaching panic among some residents.

Following last year's FBI raid, the City of Broomfield built a temporary diversion ditch to channel water from the plant's "Pond B-5" around Great Western Reservoir. This spring, the Department of Energy built a temporary pipeline to channel the plant's "Pond C-2" water into the temporary Broomfield ditch, protecting Standley Lake. These are temporary measures to protect the reservoirs from planned releases. They cannot protect against accidents or storm events.

At the most basic level, it is clear that runoff from a nuclear weapons plant should not drain into public drinking water supplies. This language encourages local projects to change that physical relationship, to alter the structural, big-picture relationship between the Rocky Flats plant and the public water supplies.

The cities involved are ready to embark on the first step toward a permanent solution. When they are finished, Great Western Reservoir would no longer be used as a drinking water supply, and Standley Lake would be protected against runoff from the plant, up to and including a 100-year storm event. This first step allows for an interim solution that is consistent with that ultimate solution, but that will not require lengthy procedural reviews. It accomplishes much of the protection of the permanent solution, but at half the current cost. The anticipated costs of these first steps, which can be done immediately, are $34.7 million. This includes $21.5 million for replacement of water rights from Great Western Reservoir, and $13.2 million for structural barriers to protect Standley Lake.

As I indicated, these projects are the first part of a larger design which severs the physical connection between Rocky Flats and the cities' drinking water. It is expected that the final design will require future funds for additional structures protecting Standley Lake and for construction of a pipeline, reservoir, and treatment plant to fully replace the Great Western Reservoir municipal water supply system. These projects provide interim protection of the region's municipal water supplies, avoiding the possibility of accidental contamination from existing contaminants, from cleanup related activities, or from continuing operations of the Rocky Flats plant. With the increased funding made available to the Environmental Restoration and Waste Management account, the affected cities can apply to DOE for reimbursement of these costs.

The solution to the water problem was identified by a series of working groups pulled together by Congressman DAVID SKAGGS, in whose district—my former district—Rocky Flats is located. The group included Representatives of the Department of Energy's Rocky Flats Office, the Colorado Department of Health, the Colorado Governor's Office, the U.S. EPA, Jefferson County, and the affected cities. The ultimate solution, identified by the working group as "Option B" will ultimately cost some $70 million, so the $34.7 million that can be done now represents about half of what ultimately will be needed.

The Secretary of Energy may use funds in the Environmental Protection and Waste Management account to reimburse the cities for costs borne in implementing the projects, provided that the projects are consistent with "Option B" as identified in the final report of Congressman Skaggs' option identification group. This package does not involve DOE property or facilities, and does not require DOE to play more than an administrative role. Because of this, the cities anticipate that no NEPA review will be required. This means that steps can be taken immediately to correct the water problem of the northern metro cities.

In addition to "Option B" the cities, DOE, EPA, and the Colorado Department of Health agree that a water management plan should be implemented to attempt to achieve zero discharge of contaminants from Rocky Flats plant. This water management plan was identified in the Skaggs group's report as "Option J" and is estimated by DOE's Rocky Flats office at $49 million. However, when "Option B" and "Option J" are both installed, there is a $9 million savings as compared to the two projects viewed separately.

I believe that the Federal Government bears a substantial responsibility for protecting drinking water supplies affected by defense nuclear facilities. I think it is reasonable to ask the Federal Government to assist in funding projects essential to protect drinking water supplies from contaminants of upstream defense nuclear facilities.

Mr. President, in closing I would like to thank Mr. Matthew Glasser, the city attorney for Broomfield, CO. Matt's assistance in working on this issue has been invaluable. I also want to thank Mayors George Hovorka, Lynn Easton, Don Parsons, Margaret Carpenter, and Bob Schulze for their leadership in representing the interests of the north metropolitan cities. By working together, these municipal leaders have proven to be very effective in protecting the health of their constituents.

AIR FORCE GEOPHYSICS LABORATORY

Mr. KENNEDY. Mr. President, I had an amendment that I had planned to offer at this time.

Mr. President, the continued enhancement and analysis of data from high-performance seismic networks in the U.S.S.R. and other countries is essential to the improvement of our nuclear test verification capabilities.

The nuclear test verification mission has long been performed by the Air Force.

To improve Air Force capabilities to monitor treaties, the Department of Defense supports a number of seismic research programs. A program of considerable interest to Members of Congress involved in verification issues is the U.S.-Eurasian Seismic Studies Program [SSP]. This cooperative university research program with the Soviet Academy of Sciences is supported by grants from the National Science Foundation.

For the last 3 years, this NSF support has been augmented by a congressionally initiated increase to DARPA's Nuclear Monitoring Program.

This Seismic Studies Program is carried out by a nonprofit national consortium of 71 colleges, universities, and institutes known as the Incorporated Research Institutions for Seismology, commonly known by its acronym, IRIS. The seismic data being collected by this program is useful for basic geophysical research, monitoring of United States and Soviet underground nuclear explosions, earthquake

prediction, and earthquake hazards assessment, particularly in Soviet Armenia and other geologically unstable regions of the U.S.S.R.

However, as the chairman knows, despite the multipurpose value of this scientific research, and the high level of congressional interest as expressed by significant add-ons to DARPA's seismic research budget, there have been recurring difficulties with DARPA's management and level of support for the United States-Soviet program and associated university research efforts.

One result of DARPA's management is that only about one-third of the total add-on for the program as appropriated by Congress has been made available to the IRIS Seismic Studies Program. Purchase and installation of equipment in the U.S.S.R. has been funded, but support has been denied for other critical activities, including archiving, management, and distribution of the recorded data by the responsible university researchers. DARPA support has also been denied for analysis of the data and associated research by project scientists. These capricious budgetary actions, which have the effect of suppressing research, were taken outside the normal scientific peer review process.

Further, DARPA's Nuclear Monitoring Research Office has not increased its normal basic sesimic research budget to reflect either the additional funds made available by Congress, or the need for more basic research support to the IRIS Seismic Studies Program, to capitalize on the new stream of data coming from the stations in the Soviet Union.

Despite a 75-percent congressional increase in funding for the Nuclear Monitoring Program, from $20 million requested in fiscal year 1988 to $36 million provided in fiscal year 1990, support for university basic research in seismology has remained near $2 million, representing only 6 to 7 percent of the total Nuclear Monitoring Research Office Budget.

Equally disturbing is DARPA's apparent willingness to phase out its support of the United States-Soviet cooperative program by fiscal year 1993. What is the point of deploying a prototype monitoring network of some 20 stations in the U.S.S.R. only to phase it out a year or two later? These stations are designed to be operated for 10 to 20 years.

The net effect of all these difficulties and uncertainties on the scientific community has been to produce a widespread lack of confidence in DARPA's administration of this program. There is also a perception that despite the considerable sums expended on the DARPA Nuclear Monitoring Program over the years, the research has not been managed in a way that would systematically resolve the remaining test ban monitoring issues. The university researchers involved in this program believe that a change of agency is necessary if the U.S.-Eurasian Seismic Studies Program is to continue to develop as the Congress intended.

It is also clear that DARPA's charter does not encompass providing support for long-term university research programs, the kind of support the IRIS consortium program requires.

Consolidating management of the IRIS Seismic Studies and university research programs at the Air Force Geophysics Laboratory would simplify program administration, reduce overhead costs, and increase the value of the research results to the components of the Air Force entrusted with the seismic monitoring mission.

My amendment reduces funding for two DARPA seismic research programs—Nuclear Monitoring and Defense Research Sciences DRG-01—by a total of $14.7 million and increases funding for the Air Force Geophysics Laboratory by $10.3 million.

The increase in Air Force R&D funds includes $7 million for the Joint U.S.-U.S.S.R. Seismic program administered by the IRIS university consortium.

The remaining $3.3 millin—$2.7 million from the DARPA university research program and a $600,000 add-on for Air Force Seismic data interpretation—is in addition to the $1.8 million request for existing Air Force research into crustal motion, and is intended to be used to support university-based seismic research. These funds are to be used to ensure that strong basic research programs is seismology and geophysics are maintained that will continually improve U.S. capabilities, in seismic detection, indentification, location, and yield estimation of underground nuclear explosions. A significant component of this program should be the funding of university research that will address the important technical verification issues and ensure an adequate supply of well-trained graduates to lead future U.S. efforts in this area.

In essence, my amendment would return DARPA's Nuclear Monitoring Program to the $22 million level of funding that prevailed 3 years ago before the congressionally initiated increases for the U.S.-Eurasian Seismic Studies Program. This transfer would therefore not affect DARPA's ongoing program to produce a prototype of an integrated, computer-based capability for processing data from multiple seismic arrays.

Mr. President, at this time I would be pleased to yield to the senior Senator from Georgia, the distinguished chairman of the Armed Services Committee, to hear his views on this matter.

Mr. NUNN. Mr. President, the program involved in the amendment offered by the senior Senator from Massachusetts is the Nuclear Monitoring Program of the Defense Advanced Research Projects Agency [DARPA]. This program conducts research and development to enhance U.S. capabilities for monitoring nuclear explosions and remotely detecting the presence of nuclear materials. The committee has authorized $36.626 million for this program in fiscal year 1991, the full amount requested in the administration's amended budget request.

I want to take this opportunity to advise the Senator from Massachusetts that I share his strong support for the U.S.-Eurasian Seismic Studies Program administered by the Incorporated Research Institutions for Seismology. The IRIS Program has added significantly to our knowledge of the seismic characteristics of the Soviet Union and hence to our abilities for monitoring compliance with limitations on nuclear testing.

I am concerned by the apparent misunderstandings in previous years as to congressional intent with regard to the level of DARPA funding for the IRIS Program.

On this point, I received a letter on July 10, 1990, from Dr. Victor H. Reis, Acting Director of DARPA, stating:

> DARPA is fully committed to supporting all aspects of the ESSP until the completion of the program; and specifically, DARPA is committed to supporting directly the Incorporated Research Institutions for Seismology [IRIS] at the level of $7,000,000 or more in FY 1991.

Should funding for the IRIS Program remain at DARPA, I fully expect DARPA to fulfill this commitment.

I am also concerned by indications that an unusual level of friction and mistrust has developed between IRIS and DARPA that is hampering the effectivness of the ESSP project. I intend at an early date to look into these problems and consider appropriate remedies, including the option of transferring funding and program management for the project to another agency of the Government.

As the Senator from Massachusetts may know, the House Armed Services Committee has already adopted an amendment very similar to his in its markup of the fiscal year 1991 budget request.

Given the assurance that we will have to revisit this issue in conference, and that I share his concerns over the difficulties that have developed between DARPA and the research community involved in this program, I am wondering if the Senator from Massachusetts would be willing to withhold his amendment.

I recognize the problem the Senator is raising, but I think we need more time to identify the most appropriate solution. I hope that by the time we

get to conference, we will have identified an appropriate course of action which gets this program back on track. I yield to the Senator from Masschusetts.

Mr. KENNEDY. I thank the chairman for his remarks, and for his continuing support for the IRIS Seismic Studies Program.

I agree that we should be able to work out an appropriate resolution of this matter in conference. I will not offer the amendment, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

In section 201, subsection (3) (page 9, line 14), replace the number "$12,271,578,000" with the number "$12,281,878,000";

In section 201, subsection (4) (page 9, line 15) replace the number "$9,237,293,000," with the number "$9,222,593,000".

At the end of part B of title II (page 13, after line 25), add the following new section, and conform the table of contents accordingly):

SEC. . TRANSFER OF SEISMIC RESEARCH FUNDING.

(a) LIMITATION ON USE OF FISCAL YEAR 1991 FUNDS.—Of the funds authorized to be appropriated pursuant to section 201 for Defense Agencies, not more than $22,000,000 may be obligated for research, development, test, and evaluation in connection with the Nuclear Monitoring Program (PE 0602714E) of the Defense Advanced Research Projects Agency.

(b) AIR FORCE SEISMIC RESEARCH.—Of the funds authorized to be appropriated pursuant to section 201 for the Air Force, $46,757,000 shall be available for the Air Force Geophysics Laboratory (PE 0602101F), of which $10,300,000 shall be used to support Project 7600.

SOVIET MILITARY SPENDING STILL ON THE RISE

Mr. HELMS. Mr. President, in listening to statements by some Senators on this bill, I have the uneasy feeling that the U.S. Senate is drifting out of touch with reality. To hear some tell it, the military threat presented by the Soviet Union has been declining, and a new era of peace is at hand.

While we must be attentive to the new diplomatic drive of President Gorbachev, we must at the same time follow his deeds even more closely.

Let us look at some acknowledged facts: Since 1985, when Gorbachev came into power, U.S. defense spending has been declining in real terms. At the same time, the Soviet military buildup has been rising at the rate of about 8 percent per year. Testimony by intelligence experts clearly indicates that the Soviets have been spending 26 percent of their GNP on military resources, and 60 percent of their yearly budget.

Mr. President, these were decisions made by Gorbachev, and we can assume that this enormous military spending was made for a well-planned purpose. It is not surprising that the Soviet economy collapsed. Gorbachev took the scarce resources at his disposal, and placed a disproportionate share into military spending. This destroyed his civilian economy, but provided him with the military power to press his country's only claim to be a superpower. That military strength has placed him in a position to blackmail economic assistance from the West. If he gets that assistance, then he can have both a strong military and a strong economy.

But in 1988 and 1989, Gorbachev was forced to cut the rate of growth of defense because of the bankruptcy of the Soviet economy. Note that I say he cut the rate of growth; it would be wrong to assume that the cuts are so massive as actually to cut the absolute levels of spending. If we unilaterally make massive cuts in our own defense, what happens if the Soviets, after getting economic help from the West, resume the growth of their military spending?

In fact, Mr. President, there is new evidence suggesting that Gorbachev intends to resume the rate of growth of defense spending in 1991 and 1992 at a more modest rate—2.7 percent and 3.4 percent—and in 1993 to increase it at the enormous rate of 22.3 percent. I realize that the 1993 figure appears to be exaggerated, but it is projected for a period which comes after the target for receiving massive Western economic aid.

This new evidence is contained in an unclassified GOSPLAN document on the Soviet economy recently provided to the Department of State by a senior Soviet economic official, and is still being studied by United States intelligence. However, it is consistent with other evidence that Gorbachev intends to resume the growth of defense spending in 1991 through 1995 in the new 5-year plan being prepared this year.

It was only last September that President Bush stated that the Soviet Union was modernizing and expanding its strategic forces at—and I quote—"a furious pace." The Armed Services Committee stated in its report that it recently received intelligence from the intelligence community that verified and expanded upon the President's statement.

On July 20, 1990, President Bush stated that "we must maintain an effective deterrent, especially in the face of continuing across-the-board modernization of Soviet strategic forces." Again, the President was correct.

In a July report to Congress this year, Secretary of Defense Cheney stated that "the Soviet leadership has repeatedly stated its commitment to strategic modernization and President Gorbachev has taken steps to improve the Kremlin's nuclear forces and strategic defense capability."

The committee report on this bill notes as follows: "The Soviet strategic program is a matter of continued serious concern, and it continues to represent the paramount threat to United States national security."

Mr. President, I cannot believe that any reasonable person could disagree with that statement. The problem is, however, that it is understated—in at least six important respects.

First, the committee report fails to mention the fact that the Soviet Union has more than a three-to-one advantage over the United States in the number of strategic missiles and intercontinental bombers and the nuclear warheads and bombs that they carry. Moreover, this enormous Soviet strategic numerical advantage is still relentlessly expanding, as the Soviets deploy hundreds of new strategic missiles and bombers each year.

Second, according to press reports, the Soviets have almost doubled their number of mobile ICBM's just during the past year and a half. By 1991, the Soviets probably will have deployed about 55 to 70 rail-mobile SS-24 ICBM launchers, and up to about 310 road-mobile SS-25 ICBM launchers. This is not mentioned in the committee report, and the fiscal year 1991 Senate defense bill does not authorize any funds for deployment of either the U.S. rail-garrison MX or the Midgetman mobile ICBM programs. The House Armed Services Committee has just completely cut out even the R&D funds for both U.S. mobile ICBM systems. Thus, under a proposed START Treaty, the Soviets could have over 380 mobile ICBM's, while, in stark contrast, the United States would have zero.

Third: The Soviets are currently deploying three strategic bombers, not two, as the majority report states. The Soviets are producing scores of new Blackjack, Bear H, and Backfire bombers each year. According to press reports, the Soviets have already produced a total of almost 655 of these three types of new bombers. Meanwhile, U.S. deployment even of a token force of new B-2 Stealth bombers remains in doubt. The House Armed Services Committee has voted to cancel deployment of the B-2. This is an issue that will be fought out vigorously in conference.

Fourth: The Soviets are currently deploying hundreds of 15 new types of strategic offensive and defensive systems, compared to United States deployment of only one new strategic system with only a handful of delivery vehicles. I am referring, of course, to the Trident II submarine system. I am amazed that the committee report completely ignores this disparity.

Fifth: The committee report ignores the fact that the United States currently is not capable of manufacturing the components necessary to build nuclear weapons. Reportedly, we cannot now build the new nuclear warheads

necessary for the single new strategic system that the United States is deploying.

Sixth: The Soviets are deploying their new SS-26 super extra-heavy ICBM to replace their SS-18's, and their extra-heavy SS-24 Mod 1 and Mod 2 ICBM's in both silos and rail-mobile launchers—thereby increasing the first-strike potential where the Soviets already have a six-to-one advantage. In contrast, the majority report ignores the fact that the United States will not be allowed any heavy ICBM's whatsoever under the proposed START Treaty.

As Secretary Cheney said recently: "Last year alone, the Soviet Union produced 140 new ICBM's while the United States produced just 12. Even for the Soviets the simultaneous deployment of four new types of ICBMs is unprecedented."

Mr. President, I regret that while the committee report is correct, it fails to portray the stark reality of the situation in detail. If I may quote Secretary Cheney once again:

> The Soviet Union is still embarked on a deliberate and vigorous modernization of its strategic nuclear forces. . . . The disparity between apparent Soviet good intentions and the improving capabilities of Soviet strategic nuclear forces is indeed stark. It is still very clear that the Soviets are firmly committed to producing a nuclear force that is far more modern, mobile, and lethal. Under START, the Soviets will field a completely modernized ICBM force, as well as largely modernized SLBM and bomber forces. The Soviet Union by the turn of the century will have a strategic nuclear force that is in many ways more effective than their current force.

Mr. President, I can add only one thing to these alarming remarks of the Secretary of Defense. And that is the recently declassified paper given to a State Department seminar by Dr. Alexi Shevyakov on July 16. Dr. Shevyakov is the deputy director of the central institute on economics and mathematics of the U.S.S.R. Academy of Science.

Dr. Shevyakov's paper was an analysis of the Soviet civilian and defense budget by the Soviet central planning agency, GOSPLAN. The GOSPLAN document shows that the next five-year plan has planned for Soviet increases in the Soviet military budget of 2.7 percent in 1991, 3.4 percent in 1992, and 22.3 percent in 1993. The GOSPLAN document is highly significant because it demonstrates the Soviet intention to regain the momentum of increases in military spending.

If these intentions are fulfilled, then the United States will be greatly endangered if we continue to unilaterally cut defense spending.

Mr. President, this information is consistent with the entire history of Soviet military planning and spending. Last month, the Senate Foreign Relations Committee heard testimony from experts on the Soviet economy. One of those was William T. Lee, who has spent his career within the United States intelligence community developing his expertise on Soviet military expenditures.

Mr. Lee presented to the committee a lengthy document entitled "Trends in Soviet Military Outlays and Economic Priorities, 1970-1988." In this document he demonstrates conclusively that his analyses have been correct while other, more highly publicized estimates, were completely wrong.

Mr. President, the minority staff has included this Lee study in a memorandum which has been sent to every Senator, along with an introduction by the Senator from North Carolina. The document is too long to print in the RECORD, but I recommend it to every Senator's attention.

Mr. President, I also ask unanimous consent that some unclassified tables prepared by the Foreign Relations Committee minority staff, entitled "The Three Main Elements of the Nuclear Threat and Other Military Comparisons," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS REPUBLICAN STAFF MEMORANDUM

To: Republican Senators.
From: Senator Jesse Helms, Ranking Minority Member.
Date: July 30, 1990.
Re: Trends in Soviet Military Outlays and Economic Priorities, 1970-1988.

The attached monograph, Trends in Soviet Military Outlays and Economic Priorities, 1970-1988, was prepared by Mr. William T. Lee and was the subject of his testimony before the Committee on Foreign Relations on July 16, 1990. Although Mr. Lee is an emloyee of the Defense Intelligence Agency, and the DIA has declared that the contents are unclassified, the views are those of Mr. Lee alone and do not necessarily represent those of the DIA.

TRENDS IN SOVIET MILITARY OUTLAYS AND ECONOMIC PRIORITIES 1970-1988

(By William T. Lee)

(Introduction by U.S. Senator Jesse Helms)

WHY HAS U.S. INTELLIGENCE UNDERESTIMATED SOVIET DEFENSE SPENDING FOR THIRTY YEARS?

This study describes in detail how Soviet President Gorbachev continued to commandeer the scarce resources of the Soviet Union and concentrate them in the military sector of the Soviet economy. Gorbachev's decision to continue to devote about 25 percent of the Soviet Gross National Product to the military has nearly bankrupted his country. But as a result of this military priority, Gorbachev has achieved military superiority over the West.

Gorbachev is now trying to use his military superiority, especially his advantages in strategic forces, to blackmail or leverage the West into providing economic subsidies to the Soviet Union.

The key question facing Congress in its deliberations regarding how much to cut American defense spending is whether the Soviet military threat may be diminishing, and if so, by how much. The question being posed is clear—is the Soviet military threat going down, and if so, by how much?

The Soviet Union already has a 3-to-2 advantage over the United States in the number of intercontinental missiles and bombers and the nuclear warheads loaded on them, and a 6-to-1 advantage in nuclear first-strike potential, together with a total monopoly on strategic defenses.

In September 1989, President Bush declared that the Soviet Union was modernizing its strategic forces "at a furious pace." This presidential assessment is still true—this year alone the Soviets continue furiously to produce *hundreds* of 3 types of new Inter-Continental Ballistic Missiles, 3 types of new intercontinental bombers, and 2 types of Submarine-Launched Ballistic Missiles. The Soviet strategic forces buildup continues relentlessly. The Soviets have a total monopoly on mobile ICBMs and heavy ICBMs. In contrast, the United States is deploying only a few of just one strategic system.

On July 5, 1990, at the London NATO Summit, British Prime Minister Margaret Thatcher gave an impassioned plea for caution in Western defense budgeting. Mrs. Thatcher stated that the Soviets were still producing—4 strategic missiles and 100 tactical air-to-surface missiles per week, 6 tanks and 2 combat aircraft each day, and a new submarine every six weeks. She warned that "Soviet military might remains formidable."

The Department of Defense states that since Soviet leader Gorbachev came to power in March, 1985, the Soviet Union has produced more tanks, more artillery, and more armored personnel carriers than the combined armies of Britain, France, and West Germany.

The Department of Defense has also stated recently in a letter to the Congress that the Warsaw Pact still retains "a significant military capability." The Joint Chiefs of Staff have testified that "The United States must recognize that the Soviet Union's restructured military will still be formidable."

It is also a fact that U.S. defense spending has been declining in real terms every year since 1985—the year that Gorbachev came to power.

While the Soviet conventional military threat may be beginning to decline, Soviet superiority in strategic forces has never been greater.

FACTS ON THE SOVIET THREAT THAT ARE IGNORED

Here are some facts about the Soviet threat that are often overlooked or ignored, but which must be addressed:

Communists are still in control of key posts throughout Eastern Europe, and especially in Bulgaria and Rumania the party still runs the state;

Gorbachev is reinforcing his 400,000-plus Soviet troop strength in East Germany, both in numbers, and also with top of the line air defense missiles, in an effort to blackmail Germany into providing over $15 billion in economic aid to perestroika;

A massive Soviet military reorganization is going on guised as unilateral military reductions, and Gorbachev has admitted that these difficult-to-monitor military re-deployments are designed to make the Soviet military leaner, more efficient, and more lethal;

Many Soviet army troops are not being demobilized at all, but are instead being transferred into MVD and KGB units, and much

of the Soviet military equipment being withdrawn from Eastern Europe is being stockpiled as covert strategic reserves beyond the Urals;

In 19 out of 28 key categories of Soviet weapons production, the Defense Department states that the Soviets are either maintaining their previous high production rates or are *increasing* these rates;

For example, the Defense Department states that the Soviets alone are still outproducing all of NATO 2 to 1 in tanks, 3 to 1 in armored troop carriers, and 10 to 1 in artillery;

The Soviets are still building Deep Underground Bunkers to shelter the leadership and key military factories from the effects of nuclear war, and they are still building more than six coastal tunnels to shelter their strategic submarines from the effects of nuclear war;

Gorbachev is confirmed to have violated the 1988 INF Treaty more than 300 times, and several even more serious Soviet INF violations involving covert INF forces are reportedly now under study at the White House.

If the Cold War is indeed over, why is the Soviet strategic forces buildup still being pursued so relentlessly? So Prime Minister Thatcher is correct; we should be cautious in assessing the Soviet military threat.

THE LEE ESTIMATES OF SOVIET DEFENSE SPENDING

A very serious failure by U.S. Intelligence is involved in the severe Western misperception of Gorbachev's intentions and capabilities. The inteligence failure has been the thirty-year inability of U.S. Intelligence to perceive the magnitude of the Soviet economic commitment to its military, and this intelligence failure could have historic consequences to the detriment of the West.

William T. Lee, formerly an analyst at the Central Intelligence Agency, now a senior officer of the Defense Intelligence Agency, has been analyzing the Soviet economy for the last thirty-five years. Bill Lee's estimates of Soviet spending on the military have a long track record of accuracy. In fact, Bill Lee's estimates of Soviet military spending are the *only* accurate estimates that exist in the West, because they are the only estimates that have been repeatedly corroborated by independent data from Soviet sources.

In recognition of this fact, the Defense Intelligence Agency has agreed to allow Mr. Lee, over the years, to brief and publish his findings as an independent check on official Intelligence community estimates.

Using only unclassified examples, at least two times since 1970, U.S. Intelligence [the Central Intelligence Agency (CIA) and the Defense Intelligence Agency (DIA)] has acquired direct evidence, referred to as "benchmark data," of the magnitude of Soviet military spending. After each of these two bodies of direct evidence, U.S. Intelligence twice (in 1976 and 1982) had to double or nearly double their estimates of Soviet military spending in real terms.

But in each case, Bill Lee's estimate of Soviet military spending was right on the mark, and he did not have to change a bit. Nevertheless, even after doubling Soviet military spending repeatedly, CIA and DIA still continued to be off the mark, because they did not change their erroneous methodology. Bill Lee's methodology did not have to be changed, mainly because his is based upon direct evidence from Soviet economic statistics, all of which are unclassified.

In order to improve the quality and accuracy of intelligence conclusions, it has long been the goal of American foreign policymakers in both the Executive and Legislative branches to encourage competitive intelligence analysis. Competitive analysis should occur both between CIA and DIA, and also within these two main agencies of the intelligence community. But unfortunately, CIA and DIA became so defensive about their errors and the accuracy of Bill Lee's methodology that in 1982 they agreed to combine forces and present a single CIA-DIA estimate on Soviet military spending to Congress. Instead of pursuing competitive analysis between the agencies after the repeated CIA revisions, the Department of Defense mistakenly agreed that DIA would in effect combine its estimates with CIA's estimates in order to avoid any conflict in testimony to Congress.

NEW CORROBORATION FOR LEE'S ESTIMATES

Now there is a third case of direct evidence confirming Bill Lee's estimates of Soviet military spending. In a speech on April 27, 1990, Soviet President Gorbachev himself revealed for the first time the planned rate of growth for a Soviet military outlays for the entire decade of the 1980s. Gorbachev stated explicitly:

"In the 11th Five Year Plan [1981-85] and even still in the 12th [1986-90], what kind of ratio did we have? The national income was to grow by some 21-22 percent, while the military expenditure by 45%."

Gorbachev thus admitted that the Soviet leadership planned military outlays to grow by 45 percent in real terms during each of the two Five Year Plans of the 1980s. This is an average planned rate of growth in military outlays of just under 8 percent per annum.

But the CIA-DIA estimates claimed that Soviet military outlays grew only 2 to 3 percent each year of the 1980s in real terms. In contrast, long before Gorbachev's speech, Bill Lee estimated that Soviet military outlays grew by over 7 percent per year on the average from 1980 through 1988. Bill Lee's estimate is almost precisely consistent with Gorbachev's planned growth of just under 8 percent per year in military spending.

It is worth re-emphasizing that Bill Lee's estimate is almost identical to Gorbachev's revelation. But the CIA-DIA estimators are highly embarrassed once again by this third case of direct evidence, "benchmark data," which should again cause them to more than double their estimate of the growth rate of Soviet military outlays. Proof of the CIA-DIA's confusion is the fact that they are still trying to figure out what to say about Gorbachev's revelation, and have not yet faced up to these key facts in Gorbachev's speech.

There are other reasons to doubt the accuracy of CIA-DIA estimates of Soviet military outlays. We now have a fourth case of the error of the combined CIA-DIA estimates and the accuracy of Bill Lee's estimates.

Soviet economists themselves have recently declared that the CIA-DIA methodology has long grossly underestimated the military's share of the Soviet Gross National Product. A group of Soviet economists attending a conference on Soviet economics at the American Enterprise Institute in Washington on April 23, 1990, made another important revelation. The Soviet economists criticized the CIA-DIA estimates of the Soviet GNP as much too high. Similar estimates surfaced in the new Supreme Soviet early this year.

This corroborates the research of an emigre Soviet economist, Igor Birman, who for years has been documenting CIA's gross overestimates of the standard of living of Soviet citizens compared to U.S. citizens.

The CIA-DIA methods have consistently estimated Soviet GNP as about 50 to 60 percent of the United States' GNP, but Soviet economists Viktor Belkin, Oleg Bogomolov, and Vladimir Tikhonov estimate that the Soviet GNP, is at most, only about 28 percent of that of the U.S. Not only was the CIA-DIA estimate apparently grossly wrong on the size of the Soviet GNP, but more importantly, it has also grossly under-estimated the percentage of Soviet GNP going to the military. The Soviet economists estimated that the Soviet Union spends 20 to 25 percent of its GNP on the military, while in contrast, the CIA-DIA estimate placed the Soviet military's share of GNP at only 15 to 17 percent.

What does Bill Lee estimate? The high, inclusive side of Bill Lee's estimates are that 23 to 25 percent of the Soviet GNP goes to the military, consistent with what the Soviet economists revealed.

Thus Bill Lee is confirmed again for the fourth time, and the CIA-DIA estimators will again have to increase significantly their estimate of the Soviet military's share of Soviet GNP in order to be consistent with the evidence.

LONG HISTORY OF U.S. INTELLIGENCE UNDERESTIMATES OF THE SOVIETS

There is a long history of CIA and DIA underestimating the Soviet military. In the mid-1970s, Dr. Albert Wohlstetter used declassified CIA-DIA National Intelligence Estimates of the 1960s and early 1970s on Soviet strategic forces to provide that the CIA and DIA systematically and grossly under-estimated Soviet strategic force deployments throughout this period.

Wohlstetter's critique caused the famous "B Team" exercise in competitive intelligence analysis in 1976. A group of outside U.S. defense experts was appointed to analyze the same raw intelligence data as the CIA-DIA and predicted that by 1980, U.S. strategic forces would be at their most vulnerable level ever to a relentlessly growing Soviet first strike capability. By 1980, it was clear that the "B Team" was correct, and that the CIA had continued to grossly under-estimate Soviet strategic forces throughout the 1970s as well.

Roughly coincident with the "B Team" analysis, DIA broke ranks with CIA on Soviet strategic missile estimates. But regrettably, DIA continued its subservience to CIA on Soviet defense spending and the military burden on the Soviet economy.

This CIA gross underestimate of Soviet strategic missiles was even conceded by Dr. William Perry, former Under Secretary of Defense for Research and Development under the Carter Administration, in a Washington Post article of early 1981. Perry confessed that in 1977, as result of believing the CIA underestimate and not the accurate "B Team" estimate, the Carter Administration grossly under-estimated the rapidity of both Soviet MIRV missile deployments and accuracy improvements. He also conceded the grave consequences of this misjudgment-the still open window of American vulnerability.

There have been many other CIA underestimates of the Soviets, such as CIA's failure to believe, the evidence of Soviet support for international terrorism and drug trafficking, CIA's resistance to the evidence

of Soviet diplomatic forgeries (CIA has reportedly just abolished its monthly analysis of Soviet active measures world-wide), and CIA's longstanding suppression of evidence of Soviet strategic deceptions and violations of arms control treaties.

CIA thus has a long history of serious intelligence failures related to their main target, the Soviet Union. One could say that if CIA does not understand the Soviet economy and Soviet military outlays and deployments, the main sector of the Soviet economy, how can the CIA understand Soviet internal politics or foreign policy?

It is a proven fact from four serious espionage cases reported publicly that in the mid-1970s the Soviet KGB penetrated all four main streams of CIA-DIA strategic intelligence: Signals Intelligence collection sources and methods were compromised to the KGB by the Boyce and Lee espionage case, Satellite Imagery sources and methods were compromised to the KGB by the Kampiles case, communications Intelligence sources and methods were compromised to the KGB by the Prime case, and Human Intelligence sources and methods were penetrated for the KGB by the case of the Koecher husband and wife team.

Thus one of the problems still facing the CIA-DIA estimators in their efforts to understand the Soviet Union may be compromised sources, or worse, sources tainted by Soviet disinformation. Gorbachev is contining his active measures and disinformation operations, despite his 1987 promise to stop, and despite CIA's decision to stop reporting them. It is possible that CIA's main sources of intelligence on the Soviet Union may be controlled by the Soviets?

CONCLUSION: SOVIET MILITARY OUTLAYS ARE STILL THREATENINGLY HIGH

To return to the focus of this introduction, Bill Lee has credibility when it comes to estimates of Soviet military spending. The CIA-DIA estimates do not.

It is clear that Soviet military spending has increased at a rate of almost 8 percent per year from 1970 through 1988 in real terms. In contrast, U.S. defense spending has declined each year since 1985 in real terms U.S. defense spending remains less than 6% of U.S. GNP, as compared to nearly 14% in the 1950s and 1960s, while the Soviet military's share of Soviet GNP has soared to about 19 to 25%.

As noted, according to the Department of Defense, 19 out of 28 main categories of Soviet defense production either remained constant at a high rate, or increased, through 1989. Even after Gorbachev's 1988-1989 defense cutbacks, the Soviets alone are still out-producing all of NATO by about 2 to 1 in tanks, 3 to 1 in armored personnel carriers, and 10 to 1 in artillery. And again, as President Bush stated in 1989, the Soviets continue to modernize their strategic forces at a "furious pace." For example, this year alone the Soviets are producing for deployment hundreds of 3 types of ICBMs, 3 types of bombers, and 2 types of SLBMs, compared to only a handful of 1 U.S. strategic program being produced for deployment, the Trident II SLBM system.

Finally, it is important to note that the distinguished statesman and arms control negotiator, Paul H. Nitze, also has high praise for Bill Lee's estimates. In his memoirs *From Hiroshima to Glasnost* (page 400), Nitze states:

It had become evident that the intelligence agencies had long underestimated the percentage of the Soviet GNP going into defense. From about 1970 on, the consensus in the intelligence community had been that some 7 to 8% of Soviet GNP had been allocated to defense. One of the intelligence experts in this field, Bill Lee (on whose expertise I had called before), had long thought it was closer to 12 to 13%. In the mid-70s, a man active in the Soviet Gosplan (the Soviet economic planning agency) managed to get out of the Soviet Union. He gave our experts new insights into how the Soviets kept their national accounts. It turned out that most of the cost for Soviet procurement of munitions was accounted for in Soviet statistics under the production of industrial goods. The accuracy of Bill Lee's previous estimates thus appeared to be confirmed.

Paul Nitze's assessment of the accuracy and confirmation of Bill Lee's estimates should be taken very seriously.

To summarize: The United States must be able to rely upon credible methods of estimating Soviet military outlays with a proven track record—if we are to deal rationally with such important questions as the magnitude of the Soviet military threat and the required level of U.S. defense spending in response. Bill Lee's study, attached, offers the best, most credible, most accurate method and estimate available in the West on this important question.

FOREWORD AND ACKNOWLEDGMENT

The author is deeply indebted to former Defense Intelligence Agency Director, Lieutenant General Perroots, USAF Ret., who granted the author resident dissident status on this subject, and to the former Executive Director of DIA, Mr. Gordon Negus. Support for the independent analysis by several other former senior DIA officials is equally acknowledged.

The author also is grateful to DIA for typing and editorial support, most specifically to Mrs. Mary Yanofchick and to Mrs. Debra Brown.

All research, analysis, and composition of this paper was performed on the author's own time, and the author is solely responsible for all findings and shortcomings.

Information cut-off date was August 1989 for the bulk of the paper. The appendices update certain critical issues with information extending into April 1989, and the main document has been amended accordingly. This somewhat clumsy arrangement was dictated by circumstances beyond the author's control.

DEFENSE INTELLIGENCE AGENCY,
Washington, DC., June 1, 1990.

Hon. JESSE A. HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: In response to your letter of 9 May 1990, please find enclosed the three papers you requested.

It is the Defense Intelligence Agency's judgment that these papers are unclassified.

It should be noted that these papers represent Mr. Lee's personal views and are not necessarily those of the Department of Defense or the Defense Intelligence Agency.

If you have any questions, please feel free to contact my Legislative Liaison office at 697-5101.

Sincerely,

HARRY E. SOYSTER,
Lieutenant General, U.S. Army, Director

EXECUTIVE SUMMARY

Sovdata estimates are derived from official Soviet economic statistics. Standard Sovdata estimates approximate U.S.S.R. outlays for: procurement; operations and maintenance (O&M); and research and development, test, and evaluation (RDT&E), which includes all space programs. Standard Sovdata estimates do not include pensions, O&M of Party (KGB) and Ministry of Internal Affairs (MVD) troops, and the nuclear war management system. Consequently, Sovdata estimates are a minimum measure—probably about 80-85 percent—of the military's claim on Soviet economic resources.

Over the past two decades independent evidence from Soviet sources ("benchmark data") have corroborated the standard Sovdata estimates, which also are compatible with gross national product (GNP) accounts for the USSR from 1955 to date. Premier Ryzhkov and 1st Deputy Chairman of the Council of Ministers Voronin have confirmed the Sovdata finding the Soviets deliberately increased the military's share of Soviet national income/GNP at the expense of consumption, explicitly in each Five Year Plan (FYP) since 1975 and implicitly since 1958.

Most importantly, Gorbachev has stated that Soviet defense expenditures were planned to increase by 45 percent (in real terms) in both the 11th (1981-85) and (original) 12th (1986-90) FYPs, as compared to Sovdata estimates of actual Soviet defense expenditures; benchmark data confirmed the estimate of actual Soviet defense expenditures; Gorbachev confirmed the estimate of planned growth; the Sovdata estimates, in 1982 prices, of Soviet defense expenditures grew at the rate of about 7.2 percent per annum in 1980-88, as compared to Gorbachev's planned growth of about 7.7 percent annually.

All Sovdata estimates were made prior to the author's access to the corroborating data. Sovdata are the only Western estimates of Soviet defense spending—in constant rubles prices—that have been confirmed by the benchmark data and by these recent statements by Soviet leaders.

In real terms, during 1970-85 Soviet military outlays grew at the rate of 8-9 percent per annum while procurement growth averaged about 12 percent annually. Both growth rates have declined over the past two decades as overall Soviet economic growth has slowed. Nevertheless, growth of Soviet military outlays continued to outpace Soviet economic growth at least through 1988.

The military's claim on Soviet economic resources has been increasingly steady since the late 1950s but particularly since 1970. Sovdata estimates constituted 10-11 percent of Soviet GNP in 1970, rising to 18-19 percent in 1985-88, or from about one-third to about 40 percent of the Soviet budget. From 1970 to 1985-88 procurement of weapons and associated military hardware rose from about 40 to about 60 percent of total Soviet machinery production for all purposes. When the cost of activities not included in these standard Sovdata estimates—pensions, war management, the conservative interpretation of O&M outlays—are taken into account, the military's claim in 1985-88 rises to 23-26 percent of Soviet GNP,[1] or up to 55 percent of the Soviet budget) in 1985-88. Consequently, consumption declined from about 55 percent of Soviet GNP in 1970 to about 48 percent in 1988—all according to plan.

Gorbachev's economic priorities in the original 12th Five Year Plan (FYP), 1986-90, and in the 15 Year Plan 1986-2000, were

[1] Midpoint to high side.

to increase the standard Sovdata measure of Soviet military outlays 6-8 percent annually, with corresponding growth of 8-10 percent per annum in procurement outlays. (Premier Ryzhkov stated that the original 12th FYP provided more than 4 percent annual—real—growth in military outlays.) Consequently, the standard Sovdata estimates were scheduled to rise from about 18 percent of Soviet GNP in 1985 to about 23-25 percent by 2000.

Perestroyka's failure to rejuvenate Soviet economic growth forced Gorbachev to abandon this course in 1988-89. No confident measure of the growth in Soviet military outlays is possible since 1988; subsequent data and statements are confused, contradictory and often misleading. Nevertheless, the era of ever increasing military claims on Soviet economic resources is over. At most, the 1991-95 FYP will stabilize the military's share. More likely, military outlays will decline as a share of Soviet GNP for the first time since the mid-1950s.

Rhetoric notwithstanding, real reductions in Soviet military outlays in the next few years will be very difficult to achieve without more drastic cuts in military forces and programs than have been publicly announced because of the continuing rapid rise in the cost of advanced technologies incorporated into Soviet weapon systems. Furthermore, perestroyka is introducing inflationary pressures into military procurement which previously had been largely insulated from inflation elsewhere in the Soviet economy.

The information that has corroborated the Sovdata estimates has resulted in major revisions in CIA estimates. CIA has nearly doubled its estimates twice in the past 15 years. Each revision has brought CIA's estimates into approximate agreement with both the Sovdata estimates and the "benchmark data" from Soviet sources, but only for the base years 1970 and 1982, because CIA's flawed Soviet cost analysis model (SCAM) systematically underestimates the real growth of Soviet military outlays.

Consequently, Sovdata estimates of the real growth in the Soviet military's claim on economic resources contrast sharply with CIA's estimates. Since 1970 SCAM shows only 2-3 percent annual real growth in military outlays, and about 2 percent average growth in procurement outlays. Consequently, according to SCAM, the military's claim on resources has been essentially constant at some 15 to 17 percent of Soviet GNP over the past two or three decades despite the enormous Soviet military buildup of the past three decades.

First, in 1976 CIA admitted that Soviet defense expenditures and military procurement were not inflated prior to 1970. CIA has yet to explain how the same institutional factors that had failed to produce double digit "hidden inflation" prior to 1970 suddenly introduced such falsification after 1970. This entire argument should have ceased in 1976 when the CIA admitted its prior estimates—in 1970 prices—were wrong by factors of two to four.

Second, CIA alleges that Soviet constant prices simultaneously *overstate* the real resource cost of Soviet military procurement subsequent to CIA base years (1970 and 1982), while equally *understating* the real resource cost trend prior to these CIA base years. Conceptually, this is impossible. Empirically, the evidence contradicts it.

Third, CIA's predicted values for the magnitude of "hidden inflation" in Soviet procurement outlays are contradicted, by large margins, by special Soviet surveys. Thus, projected from the base year 1970, SCAM estimated "hidden inflation" in Soviet military procurement at some 50 billion rubles in 1979, and, projected from the base year 1982, at some 30 billion in 1985. Soviet surveys showed that the ruble value of the alleged "hidden inflation" was less than R0.1 billion in each year. Furthermore, there is no evidence that any of the "hidden inflation" identified by the Soviet surveys originated in weapons production.

Fourth, the alleged military contribution to inflation in Soviet GNP is, in fact, simply an error in CIA's GNP model.

Fifth, glasnost is providing even more evidence that weapons prices have, if anything, been understated rather than grossly inflated. CIA now admits that the Ministry of Defense "pays artificially low prices when it purchases many weapons and services."

Sixth, Premier N.I. Ryzhkov has stated that the military's share of Soviet national income has been rising for some time, implicitly since 1958.

Seventh, Soviet publication on military procurement pricing—previously taboo—under glasnost state that historically the MOD had used its position as a "monopolistic customer" to keep weapon prices low, below production costs in some cases. Substantial price increases are now expected.

Last but not finally, Western advocates of double digit inflation in the official Soviet data on weapons production now are saying that the MOD pays "artificially low prices" for many weapons and services. The CIA may not have it both ways: prices cannot be simultaneously understated and grossly inflated. The CIA, and other advocates of "hidden inflation," have hoisted themselves with their own petard.

Most of the differences between SCAM and Sovdata measures of the real growth in Soviet procurement outlays are the result of SCAM's failure to account for the cost of incorporating advanced technologies into Soviet weapon systems. In the West, advanced technology typically has increased weapons procurement costs, net of price inflation, 5 to 6 percent per annum since World War II. Such real cost growth probably has been even more rapid in Soviet procurement, probably at the rate of at least 6 to 7 percent annually. CIA imputes "hidden inflation" in Soviet procurement primarily because SCAM's dollar costs do not adequately measure the cost of technological advances that improve the military capabilities of successive generations of Soviet weapon systems.

The policy implications of the differences between Sovdata and SCAM estimates of Soviet military outlays and their economic impact are not trivial. Sovdata analysis finds the growth and magnitude of the military's claim on Soviet economic resources, along with the perennial failures of Soviet socialized agriculture, to be the two key causes of the Soviet economic crisis. Virtually all other serious economic problems, rising inflation, the budget deficit, the enormous gap between unrequited consumer purchasing power (at least 30 percent of GNP), and the empty shelves in the stores, all are but symptoms of the growing military burden at the expense of the Soviet consumer, and of the failures of Soviet socialized agriculture.

With no real increase in the military's claim on Soviet economic resources over the past three decades, SCAM neither can explain Gorbachev's economic woes nor track the twists and turns in Gorbachev's priorities as he has tried to deal with these problems. SCAM gives a completely inverted picture of policy shifts as when SCAM showed the first significant growth in Soviet military procurement precisely (1986-87) when Gorbachev shifted priority to civilian output for the first time in two decades.

According to SCAM, Gorbachev had no cause to shift investment priorities from weapons production to civilian machinery output because (according to SCAM) military hardware was a declining (constant at worst) share of Soviet machinery output. Sovdata analysis, on the other hand, showed a dramatic shift in the military's share of Soviet machinery output from the end of the 1950s through 1985, particularly in the 1981-85 period when the Soviets devoted virtually all of the increase in their total machinery output to the military for the first time since the Korean War. SCAM showed precisely the opposite trend.

Since 1970 the Soviets have been increasingly dependent upon imports of machinery and equipment to compensate for the shift in domestic resources to weapons output. Gorbachev, and problably the Soviet military as well, are acutely aware of the long run implications of this trend—the U.S.S.R. could become a second rate military as well as economic power—and is trying to reverse it. According to SCAM, none of this happened. The vast Soviet military buildup since the late 1950s has had no necessary economic or political consequences.

In sum, Sovdata estimates are the only Western estimates of Soviet military outlays that have been corroborated by independent evidence from Soviet sources that proved all other estimates to be wrong. Sovdata estimates also are the only estimates that are pertinent to policy analysis because they approximate the view from the Kremlin.

Table A summarizes the standard and expanded Sovdata estimates for 1985 and 1988.

TABLE A.—SOVDATA ESTIMATES OF SOVIET MILITARY OUTLAYS—1985, 1988

[Billions of 1982 rubles]

	1985	1988
Standard:		
O&M (MOD only) [1]	45–70	54–78
Procurement	75–78	95–96
RDT&E (and space)	19–30	22–33
Total	139–178	169–206
Expanded:		
Pensions	3–5	3–5
KGB and MVD O&M	5–10	5–10
Total	147–193	180–224
War management	20	20
Total	167–213	[2] 197–241
Expanded Sovdata outlays as a share of GNP (percent) [3]	20–26	22–26

[1] Includes military construction.
[2] Preliminary.
[3] Soviet constant prices.

THE 3 MAIN ELEMENTS OF THE NUCLEAR THREAT

	U.S.	U.S.S.R.
I. INTERCONTINENTAL BALLISTIC MISSILES		
ICBM silos	1,000	1,093. [1]
ICBM train launchers	0	70 plus. [1]
ICBM truck launchers	0	300 plus. [1]
Total ICBM launchers	1,000	1,463 plus. [2]
ICBM warheads	2,450	8,362. [3]
ICBM warheads if refires counted	2,450	Up to 16,724.
II. SUBMARINE LAUNCHED BALLISTIC MISSILES		
SLBM's always within range of 328 [4] enemy targets.		726.

THE 3 MAIN ELEMENTS OF THE NUCLEAR THREAT—Continued

	U.S.	U.S.S.R.
Warheads on SLBM's always within range of enemy targets.	About 2,600	4,014.[5]
III. INTERCONTINENTAL BOMBERS		
Intercontinental range bombers	276	700.[6]
Nuclear weapons on intercontinental range bombers (nuclear missiles and nuclear bombs).	3,118 to 4,550	4,410.[7]
IV. ANTI-NUCLEAR DEFENSES		
Ground launched missiles to shoot down bombers and cruise missiles.	0	14,750.
Of the above, ground launched missiles probably capable of destroying incoming missile warheads.	0	9,030.[8]
Ground launched missiles with admitted nuclear warhead destroying capability.	0	100.
U.S. Joint Chiefs of Staff estimate of ground launched missiles with admitted nuclear warhead destroying capability, by 1993, without ABM Treaty constraints.	0	250.
Air defense radars for defending against incoming bombers.	117	10,000 plus.
Of the above, those radars also capable of defending against ballistic missile warheads.	0	3,720.
Dedicated air defense interceptor aircraft.	Less than 300	2,190.
Giant phased-array radars for long-distance detection, tracking, and defense against missiles and warheads.	0	25.
V. OTHER MILITARY COMPARISONS		
Ballistic missile submarines	37	70.
Total SLBM's	584	954 to 1,030.
Total SLBM warheads	5,024	4,218.
Total intercontinental strategic nuclear delivery vehicles.	1,860	3,073.
Total intercontinental nuclear warheads.	10,592 to 12,024	16,990.
Attack submarines capable of launching cruise missiles.	101	256.
Estimated sea-launched cruise missiles.	400–600	15,000.
Predominant age of intercontinental nuclear systems.	Average over 20 years.	Average 4 or fewer years.
Operational anti-satellite systems	0	6 system types.[9]
Naval battle force ships	546	914.

[1] Does not count about 125 Soviet test and training ICBM launchers or about 200 Soviet covert SS–16 mobile ICBM launchers. According to the U.S. Strategic Air Command unclassified publication "Soviet Military Capabilities 1986:" "The Soviets do have contingency plans to deliver reserve missiles, warheads and propellants to surviving silos to reconstitute their ICBM force in order to regain their strategic advantage in the post-war period. The U.S. philosophy has always been 'one missile for one silo'; as our silos are not designed to be reloaded." Soviet mobile missiles are clearly also intended for multiple reloads and refires. The Soviets thus have a significant ICBM launcher reload and refire capability. This capability approximately doubles the Soviet missile force. The United States has no ICBM launcher reload and refire capability.

[2] The Soviets have up to 2,926 ICBM's or double the original force, if their ICBM launcher reload and refire capability is considered. The United States has no ICBM launcher reload and refire capability.

[3] Based upon maximum number of warheads seen in flight testing. Ratio: about 3 or 7 to 1 numerical first strike advantage in Soviet favor; at least 6 to 1 if Soviet warhead accuracy advantage is counted.

[4] Roughly half of all United States submarines are in port at any one time, and cannot reach Soviet targets for probably about a week or more. In contrast, most Soviet SLBM's are designed to have enough range to reach U.S. targets even from home ports. For total U.S. SLBM's, see below.

[5] Based upon the maximum number of warheads seen in flight testing. Does not count significant Soviet SLBM refire capabilities.

[6] Includes all Soviet naval Backfires, but does not count over 100 nuclear-delivery-capable Bear D, F and J naval reconnaissance, Anti-Submarine Warfare, and command/control aircraft.

[7] Assumes maximum loading on Soviet Bear H and Blackjack bombers.

[8] U.S. Defense Department estimate of anti-bomber missiles also possessing anti-missile warhead capablity.

[9] First, Moscow ABM system; Second, SL–11 operational ASAT system; Third, Soviet ground-based electronic jamming ("REC") capabilities; Fourth, Sary Shagan and Moscow ABM lasers; Fifth, probable Project "Astrophysica" covert space-satellite laser weapons; Sixth, probable "Dome of Light" temporary ABM and ASAT capability.

Note.—Soviet Strategic Offensive Capabilities in Cuba: 12 (36 eventually to be delivered) Soviet MIG–29 nuclear-delivery capable fighter-bombers; 2 Soviet diesel-powered Foxtrot submarines capable for launching nuclear-armed Soviet SS–N–21 cruise missiles; apron space for 4 to 12 Soviet Bear type intercontinental bombers capable of delivering nuclear weapons; over 55 MIG–23/27 nuclear-delivery capable fighter-bombers; over 200 MIG–21 nuclear-delivery-capable fighter-bombers, berthing piers for several types (Golf, Echo, and Victor Classes) of Soviet nuclear and diesel-powered submarines carrying nuclear missiles; Soviet nuclear weapons storage and handling facility at Cienfuegos Naval Base; Soviet Chemical and Biological Warfare storage and training facilities; and the Soviet Combat Brigade.

Source: "Soviet Military Power," 1989; Defense Department's "Annual Report to the President and Congress," 1990; DIA "Force Structure Summary," 1990; SAC "Soviet Military Capabilities," 1986; Defense Department's Strategic "Modernization Issues," July, 1990; various open press articles.

SSN–21 (SEA-WOLF)

Mr. LIEBERMAN. Mr. President, I would like to make some remarks about one of the most important new weapons systems that will be entering the U.S. inventory during the 1990's: the SSN–21 or Sea-Wolf. At a time of budget austerity, it is imperative that we get the most mileage out of our defense dollars. Because of its dramatic technological improvements over our existing submarines, the Sea-Wolf will allow us to maintain our command of the sea. And as a maritime nation, control of the seas is a fundamental national security requirement for the United States.

We have heard much talk about the declining Soviet military threat. And it is true that with the collapse of the Warsaw Pact, the threat of a Soviet invasion of Western Europe has decreased dramatically.

On the other hand, perestroika has stopped short of the Soviet submarine yards. The Soviets are currently building six classes of submarines: the Kilo diesel-electric-powered submarine; the Victor III; Sierra; and Akula nuclear-powered attack submarines, the Oscar II nuclear-powered cruise missile attack submarine, and the Delta IV nuclear-powered ballistic missile submarine. This compares with only three classes currently under construction in the United States, of which two—the 688 and the Trident class—are now winding down.

To support their massive submarine effort, the Soviets are employing no less than five submarine construction yards, as opposed to only two in this country. One of those Soviet yards is so big that it could contain our two yards. In fact, the nine submarines launched by the Soviets last year, including five nuclear-powered units and four diesel boats, equals or exceeds their production since 1982.

Moreover, the Soviets have substantially narrowed the qualitative gap between their boats and ours. These advances are largely due to the crucial intelligence that they procured through the Walker spy case and the illegal diversion of Toshiba-Kongsberg technology during the 1980's. What they could not achieve through their own research, they accomplished through guile.

As of now, the Soviets' newest submarines constitute only a modest portion of their total submarine fleet. But at current construction rates they will soon constitute the majority of the Soviet undersea force. And lest we think that Soviet economic difficulties will force a slowdown in construction, Soviet military adviser Sergei Akhromeyev said only last May before the Senate Armed Services Committee that the current construction rate—four to five nuclear-powered submarines a year—will continue indefinitely.

As if this was not worrisome enough, Third World countries are increasingly purchasing submarines from the industrial powers. At the end of World War II, 6 countries had submarines; today, 43 countries do, including Libya, Iran, Syria, and North Korea. Iraq is now negotiating to acquire submarines. Aside from those operated by the U.S. and U.S.S.R., there are some 400 operating submarines, nearly half of which are owned by 19 third world nations. These countries are becoming naval powers through the purchase of relatively inexpensive but very quiet diesel submarines, carrying crews of only 125 to 150 men. The diesel submarine is becoming the poor man's aircraft carrier.

In light of the continued threat from the Soviet Union and growing Third World submarine forces, the need for the Sea-Wolf, with its dramatic advantages over our best attack, submarine, the improved 688, is clear. Let us now turn to these advantages.

Because of its increased size, the Sea-Wolf can carry twice as many torpedoes and cruise missiles as the improved 688. And unlike the improved 688's, it will also be able carry the new generation of improved torpedoes and cruise missiles that are now being planned.

The Sea-Wolf's larger cruise missile capacity will be particularly important against Third World targets. Advances in electronic systems have produced cruise missiles that are extremely accurate over ranges of hundreds of miles. If such cruise missiles had been fully operational in 1986, for example, we could have attacked Libyan military targets without risking the lives of pilots or innocent civilians. And while surface ships can also fire cruise missiles, they are vulnerable to retaliation. The Sea-Wolf will be the true Stealth bomber of the 21st century.

The Sea-Wolf's second major advantage over the improved 688 is in the electronics system. The Sea-Wolf's sensor capability will have three times the detection capability of the I–688. This will allow it to detect, track and attack Soviet submarines before being attacked.

Improved sensors will also improve the ability of the Sea-Wolf to determine which navy a submarine that it is tracking belongs to. It is not enough, for example, for a United States submarine to know that a given submarine was built in Germany. It must know whether that submarine belongs to our NATO ally or to a potentially hostile Third World country that has bought a German submarine. With the proliferation of submarines throughout the Third World, this ability to distinguish will be increasingly important.

Third, the Sea-Wolf's propulsion system will make it 10 times more

quiet over its full range of operating speeds than the I-688 and 70 times more quiet than the initial generation of 688's. And noise is the key factor in reducing a submarine's vulnerability to other attack submarines and ship-launched torpedoes.

Last but certainly not least, the Sea-Wolf's superior and quieter propulsion system will enable it to have twice the tactical sped as the I-688. Tactical speed is the speed at which a submarine is still quiet enough to remain undetected while tracking enemy submarines effectively. Overall, the Sea-Wolf's propulsion system represents a 75-percent improvement over the I-688's—that is, the Sea-wolf can operate 75 percent faster before being detected.

Given the dramatic advantages of the Sea-Wolf over the I-688, it is not surprising that few observers have questioned the need for the Sea-Wolf. The reservations that have been expressed have focused on the optimal rate of deployment. Specifically, the General Accounting Office has recommended a slower rate of deployment because of possible problems with the Sea-Wolf's software, the BSY-2 system. The GAO is basing its analysis on the fact that the Improved-688's software, the BSY-1 system was not fully ready when the first 688 was launched.

But it is precisely because the Navy has learned from the mistakes made in the BSY-1 system that it is so much better positioned to manage the BSY-2 software development effort today. Unlike its approach to the BSY-1, the Navy has designed the new software as a combination of modules that can be worked on separately. So, problems with one part of the software development will not hold up work on the other parts. Moreover, the schedule calls for delivery of the software to be completed 6 months before the boat is commissioned. Finally, the Navy inserted an extra year between the start of design and the lead ship award to avoid delay if problems arise with the BSY-2 or any other components of the submarine. This represents twice the time devoted to the highly successful Trident Program.

Not only would an undue delay of the Sea-Wolf Program be unnecessary, it would also be damaging. The work crews that have begun work on the Sea-Wolf that was funded in the fiscal year 1989 budget would not be able to transfer quickly their knowledge to the follow-on Sea-Wolfs. The so-called learning curve would suffer. Moreover, the Sea-Wolf's vendor base would undergo serious attrition. Vendors who would go out of the business because of delay would have to be replaced by other manufacturers at significant cost. Submarine construction is like other complex industrial production: To obtain quality, efficiency, high productivity, and cut production costs, once you put an assembly line in place, you should keep it in place. Overall, the Navy estimates that deferring one fiscal year 1991 Sea-Wolf to fiscal year 1992 would increase the cost by at least $100 million.

Mr. President, I believe that the Sea-Wolf's advantages in weapons capacity, electronics, and tactical speed make a cogent case. And I believe that the Navy's careful approach to the BSY-2 software issue will avoid any major problems.

We need the Sea-Wolf's advances because the United States is a maritime nation and control of the seas will remain a key component of our defense strategy. As the U.S. withdraws from its bases overseas—as appears to be inevitable in a number of cases—we will need to project power from our home bases. And a robust submarine force, as embodied by the Sea-Wolf, is one of the main means of doing this. And so I hope that the Senate conferees will give a sympathetic consideration to the Sea-Wolf when they meet. The time for the Sea-Wolf is now.

GARN CHEM DEMIL AMENDMENT

Mr. NUNN. Mr. President, although the conference report on the fiscal year 1990 Defense authorization act directed the Secretary of Defense to "proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tooele Army Depot, Utah," the administration requested no funding in fiscal year 1991 for the cryofracture program. However, on January 25 the Army did restart the cryofracture test program using unobligated fiscal year 1989 funds that were available for this purpose. The Army is presently conducting an 18-24 month test to verify the design of the cryofracture/incineration process and to gather data that can be used to compare cryofracture with the Army's "baseline" disassembly/incineration process.

The committee has been advised by the Army that it has an unfunded requirement for $11.3 million for the cryofracture program in fiscal year 1991. According to the Army, these funds are needed to complete the development and testing of the cryofracture/incineration process, complete process design and initiate and complete the design of a full-scale cryofracture demonstration facility. The amendment by the Senator from Utah would authorize $11.3 million for these purposes using as an offset $11.3 million in funds no longer needed in fiscal year 1991 for two programs: $6.3 million from the Air Force Defense Meteorological Satellite Program [DMSP] and $5 million from the Army R&D line for electronics and electronic devices.

None of the funds authorized by this amendment are to be used to begin construction of a full-scale cryofracture demonstration facility or to conduct site preparations for such a facility. However, if the Army completes the current demonstration/evaluation tests and desires to proceed with site preparation for this facility, the committee would be willing to carefully consider a reprogramming request.

Mr. President, I urge adoption of the amendment.

FULL-TIME MANNING OF THE NATIONAL GUARD AND RESERVE COMPONENTS

Mr. BRYAN. Mr. President, I support the increased assignment of Active Force military personnel to the National Guard and Reserve components in order to improve the integration of the Active and Reserve components. I think this is very important as we rely more and more on our National Guard and Reserve components as our overall military force levels come down.

Mr. President, I have one concern that I want to address to the chairman of the Armed Services Committee that is in regard to the use of these personnel in the National Guard. I want to ask the chairman if he sees any problems with these personnel participating in State missions of the National Guard because of their active military status.

Mr. NUNN. Mr. President, I want to assure the Senator from Nevada that we looked into the matter of the utilization of Active Force personnel in the National Guard.

Section 315 of Title 32 of the United States Code authorizes the Secretary of the Army and the Secretary of the Air Force to detail officer and enlisted personnel to duty in the National Guard. The section further provides that officers so detailed may be appointed in the National Guard without vacating a regular appointment in the Active Force.

I am not aware of any restrictions that have been placed on Active Force personnel assigned to the National Guard under this authority. If I become aware of any problems with the utilization of these personnel in National Guard State missions, I assure the Senator that I will address them when we go to conference with the House.

I appreciate the Senator's interest in and support of the provision in this bill which I believe is essential to strengthening the relationship between the Active and Reserve components.

DEFENSE DIVERSIFICATION

Mr. LIEBERMAN. Mr. President, I rise today to speak on the issue of defense diversification, or simply the issue of facilitating an orderly transition to a period of lower defense spending.

Throughout our history the level of U.S. defense spending has fluctuated greatly in response to a variety of

threats to our national security. In 1944, during the peak of World War II, defense spending represented approximately 39.2 percent of our total GNP; in 1953, during the Korean war, defense spending represented approximately 14.4 percent of total GNP; and in 1968, during the Vietnam war, defense spending rose to 9.6 percent of GNP.

More recently, between the years 1979 and 1986, the United States waged what we may now be able to describe as the final battle of the cold war. United States defense spending rose from 4.8 to 6.5 percent of GNP—the largest peace time buildup in our history. In fact, Mr. President, in 1989 the Federal Government spent approximately $300 billion for defense, and if we adjust this figure for inflation it represents roughly the same amount as at the 1953 Korean war peak and the 1968 Vietnam war peak.

Unlike most other conflicts, however, the cold war was not fought on the battlefields, on the oceans, or in the skies. This was a war of wills and minds. Our strategy rested on the premise that the United States must have a technological edge in order to offset either the numerical advantage or unpredictable nature of our adversaries. As such, an important part of the war was fought in factories and laboratories throughout the country, and the soldiers included not only the armed services, but some of America's finest engineers, and scientists, and skilled workers.

Now, in significant part due to their efforts, democratization and economic reform are emerging in both Eastern Europe and the Soviet Union, and the United States may be on the verge of declaring victory in this first cold war.

If so, the United States no longer needs to place the containment of communism as our top spending priority. We will have the opportunity to reevaluate our national defense needs and reorder our national spending priorities. I believe, as others have indicated, that we may be able to reduce the Defense budget by as much as 25 percent over the next 5 years. If this is accomplished we will surely have the opportunity to address many domestic issues that have for too long been ignored—the budget deficit, education, housing, health care, and the like.

These opportunities will be both refreshing and exciting, but, it is important to remember that the actions we take to reduce the level of defense spending will have broad and direct ramifications for the workers, communities, and businesses who, for reasons of national security, have become economically dependent of defense programs.

I have spent much time reading about the defense adjustment debate, assessing both the potential macro and microeconomic effects, reviewing the policy options, and speaking to many groups—large and small defense contractors, labor unions, academics, defense experts, economists, and others. As a result, a few weeks ago Senator DODD and I introduced the Defense Realignment and Worker Assistance Act of 1990, a bill designed to assist in the economic adjustment of workers, communities, and businesses adversely effected by the reduction of U.S. defense spending.

My legislation attempts to minimize this impact by creating a bridge, if you will, to provide for an orderly transition, and a unified governmental response to reduced levels of defense spending.

Mr. President, I believe diversification initiatives are important for many reasons.

First, we have already made an enormous investment, both directly and indirectly, in our defense infrastructure. In the past we have evaluated levels of defense spending on either national security or budgetary grounds. It is clear, however, that since defense industries now represent a major part of our remaining industrial, technological, and manufacturing base, that it will be essential to make these decisions on economic grounds as well.

While Japan and Germany have been pouring capital into their civilian industrial base, we have been pouring it into our defense base. We are now considering scrapping a big piece of what's left of the most advanced part of our industrial base. Unless we do this intelligently and provide for a careful transition, the American economy and American competitiveness may be permanently scared.

Thus, in order to protect this investment and our economic future, we will need to appraise our manufacturing and industrial base and then assess how best to effectuate a successful transition. If possible, cutbacks in this area should be undertaken so as to not adversely affect, and whenever possible to enhance, our industrial and technological capabilities. If we disregard this step, an important part of our economic future will surely be at risk.

Second, there has been much discussion in the media, among scholars, and in Congress about how ill-prepared our work force is to perform the jobs businesses need done, and how this gap between jobs and the skills of workers will continue to grow as we approach the 21st century. The significant growth in the U.S. economy in the first half of the 20th century has been attributed to increases in human capital or the expansion of workers' knowledge. In order for us to grow in the first half of the 21st century, we must have a work force prepared to meet the technical requirements of the workplace of the future.

Thus, as our inability to compete in the international marketplace becomes more and more apparent, it is clearly in our best interest to retain and reuse one of the finest trained and highly skilled work forces in the world—our defense workers—highly qualified and motivated—a pearl of the American work force. They can and should play an important role in the peaceful economic wars that lay ahead.

And finally, I simply believe the Federal Government has a compelling obligation to mitigate the economic distress caused directly by its actions. I believe America's defense workers are, in a way, veterans of the cold war and thus deserve our assistance during this time of transition. Why should those who worked so hard to guarantee our security during times of conflict now be forced to pay the price for peace?

Just as it was in our national interest to spend billions and billions of dollars on defense over the last decade, I believe, for the reasons I have outlined, that it is now very much in our national interest to provide for an orderly transition and to enact diversification legislation concurrent with reductions in defense spending.

Mr. President, I know of the need to assist in the transition of defense workers and industries from firsthand experience. Throughout the cold war, as it was in the Revolutionary War and in other conflicts involving our Nation, Connecticut has been an arsenal of democracy. My State receives approximately $5.8 billion in direct defense expenditures and another $4.2 billion in indirect defense expenditures. On a per capita basis, that amounts to approximately $3,100 per resident which results in approximately 5.5 percent of Connecticut's work force employed in defense or defense-related jobs.

Thousands of my constituents have been working in round-the-clock shifts to produce submarines, tanks, helicopters, and military aircraft engines—all the best in the world.

In my legislation I have attempted to address the diversification issue in a well balanced and comprehensive manner that addresses industrial, business, work force, and community issues. This legislation I have introduced:

Calls for a study so we can better understand the extent to which and how diversification of defense industries to nondefense production can be accomplished;

Creates a Presidential Council on Economic Diversification to coordinate the efforts of Federal agencies and programs for the purpose of assisting communities, workers, and businesses in economic diversification;

Establishes a defense industrial diversification account for businesses wishing to diversify from relying primarily on defense contracts to becoming more integrated into the civilian sector. This account would function much like an IRA;

Establishes within the Small Business Administration a permanent Office of Small Business Diversification, and creates a small business diversification guaranteed loan or grant program;

Requires employee notification be given for qualified employees 90 days prior to any layoff, provides severence pay for 1 year equal to 65 percent of average State manufacturing salary for durable goods, and provides basic health benefits for 1 year;

Amends title III of the Job Training Partnership Act to increase the Federal set-aside for displaced workers and modifies the formula used to disburse funds to States;

Allows qualified defense workers who have been laid off to withdraw funds from their individual retirement account to pay the principal or interest on a mortgage of his or her primary residence or for the rental costs of his or her primary residence;

Identifies communities that will be substantially and seriously affected by defense layoffs and allows impacted communities to be eligible for title IX community planning grants under the Economic Development Administration;

Establishes an Office of Commercial and Defense Product Integration in the Department of Defense to implement policies and procedures designed to achieve a better integration of commercial production processes and defense procurement practices which will promote diversification by defense firms, as well as reduce the cost of defense products; and

And finally, establishes a Commission on Military Budget Reform to study the desirability and feasibility of Congress instituting a 3-year budget cycle for defense contracting. This multiyear approach can have the effect of reducing unit costs, increasing efficiency, and protecting jobs.

Mr. President, I would like to applaud the work the majority leader, Mr. MITCHELL, has done on defense adjustment. His decision to appoint the Task Force on the U.S. Economy in the 1990's was instrumental in raising the awareness of this issue and bringing us to where we are today.

I would also like to commend Senator RIEGLE, and the members of the task force for their hard work on the issue, and Senator BINGAMAN for holding preliminary hearings on defense adjustment in his Subcommittee on Defense Industry and Technology in early May. I would also like to commend Senator PELL who introduced the Defense Diversification and Adjustment Act earlier this year.

Mr. President, we will face a number of issues as we debate the fiscal year 1991 budget—a crippling budget deficit, a chronic trade deficit, the savings and loan bailout, and an array of domestic issues demanding our time and attention. This, in combination with the global crumbling of communism, suggests that our defense budget must be reduced. What I am saying with my legislation is that we can do this one of two ways—either we can cut programs, troops, and contracts without regard for the consequences of our actions, or for a relatively low cost, we can protect our investment in both our work force and our industrial base and provide for an orderly, less painful, transition to the more peaceful environment that lies ahead.

I strongly support the work done on defense adjustment by the task force, and was pleased to see many of the proposals and themes contained in my legislation included in their proposal. The work done thus far represents a good beginning for a much larger national security and economic security debate that lies ahead.

I would also like to commend the work the House of Representatives has done on this issue under the leadership of Mr. GEPHARDT, GEJDENSON, MAVROULES, and Ms. OAKAR. I understand it is likely that the House will pass a more expansive program than we will enact here, and I would urge the conferees to recognize the prudence of good solid planning at all levels and give the House proposal every consideration.

I see Senator BINGAMAN on the floor who chairs the Armed Services Subcommittee on Defense Industry and Technology. Senator BINGAMAN has been a true leader on these issues and I commend him for the effort he has put forth both through his subcommittee and on Senator RIEGLE's task force.

I know Senator BINGAMAN is interested in exploring the potential industrial and technological impact of defense reductions—reductions which can adversely impact our military readiness, specifically, and our economic and industrial competitiveness, generally.

Senator BINGAMAN held initial hearings in his subcommittee earlier this year, and even though I know some of what is in my legislation is outside his specific jurisdiction, at this point I would like to request that he continue the work he has done so far and agree to hold additional hearings next year so we can further explore our many options and continue the work accomplished this year.

Mr. BINGAMAN. I agree with Senator LIEBERMAN that this is an important issue, and would like to join him in commending Senator RIEGLE for his leadership on the Task Force on the U.S. Economy in the 1990's.

Adjusting to new and lower levels of defense spending provides a great opportunity for America to move ahead and focus on pressing domestic issues that have not received the attention they deserve over the last decade. In particular, it is an opportunity for us to focus on competitiveness in the global marketplace. Unfortunately, the declining defense budget will adversely affect local communities that have become dependent on defense spending over the last decade. I hope that we can utilize existing programs such as the Economic Development Administration, the Office of Economic Adjustment, and the Job Training Partnership Act to assist affected communities and workers, just as we should be assisting communities and workers impacted for other economic reasons.

As Senator LIEBERMAN noted, I held a hearing in my Armed Services Subcommittee earlier this year on this issue. I believe that there is more we can do in Armed Services Committee jurisdiction to better integrate the civilian and military industrial sectors and ease the transition for many companies. I also believe that we as a country need to do a better job of researching, developing, and producing critical technologies, particularly dual-use technologies that will impact both defense and competitiveness, and that the defense industry has a role to play in this area.

I believe that we will hold further hearings on these issues in the years to come, and I look forward to working with Senator LIEBERMAN on this matter and taking a close look at the legislation he has proposed.

BUILDING ADDITIONAL NUCLEAR REACTORS

Mr. SIMON. Mr. President, one of the really fine members of the House of Representatives is Congressman LANE EVANS from Illinois.

He has shown compassion, common sense, and courage.

Recently, he had an op ed piece in the Washington Post about the contruction of two nuclear reactors that the Energy Department has asked for.

What he says makes so much sense that I urge my colleagues in the House and Senate to look at this. I know this battle is probably lost for this fiscal year, but it must be fought again.

The Energy Department estimates the cost of these two, large reactors at $7.4 billion, but a recent congressional study shows that figure could be as high as $40 billion.

With all the problems that we have on the deficit, here is an excellent place to start saving some money.

I ask unanimous consent to have the LANE EVANS piece printed in the RECORD, and I urge my colleagues to read it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 31, 1990]

WATKINS AND WEAPONS: DON'T TAKE THAT $90 BILLION PATH

(By Lane Evans)

Secretary of Energy James Watkins has informed the Senate Armed Services Committee that he wants to build and operate two new nuclear reactors to produce warhead materials. He also wants to restart the three remaining aging production reactors that have been shut down for safety reasons and to operate them until the new reactors are ready. The price tag for this strategy could run to $90 billion.

In fact, the Energy Department is marching ahead with its plan prior to any persuasive analysis of what our nuclear-weapon materials requirements will be in a post-Cold War world. Before Congress follows the administration down this multibillion-dollar path, it should explore an alternative course that would safeguard our national security at a fraction of the cost.

At issue is the need for continued production of two ingredients of modern weapons—plutonium and tritium. Unless we plan to enlarge our arsenal, further production of plutonium—which last for tens of thousands of years and is already in oversupply—is pointless.

Tritium, on the other hand, decays at a relatively rapid pace—half of a given amount disappears in 12 years. Thus, the tritium used in nuclear weapons must be replenished every few years to keep the warheads operational. At a time of arms reductions, however, new tritium need be produced for this purpose only if reductions fail to keep pace with tritium's decay. If the number of nuclear weapons is reduced by at least one-half every 12 years—we can get by without new tritium production by using instead the tritium recovered from retired weapons.

Construction of new reactors should be deferred until it becomes clear how much smaller our future nuclear arsenal will be and how much new tritium will actually be needed to sustain it. Substantial quantities of tritium needed to replenish our remaining nuclear weapons are already being recovered from weapons now being retired, such as the obsolete naval tactical missiles, and the process can be continued with soon-to-be-retired weapons, including short-range nuclear artillery shells that have no target in a unified Germany and strategic warheads to be retired under START.

Assuming we continue to reduce our nuclear arsenal, enough tritium can be recovered from retired weapons to meet the tritium requirements of 3,000 warheads for more than 50 years. Clearly, we need not rush into restarting the reactors at Savannah River, S.C., or into building two replacements.

To be safe, we must be prepared to restart tritium production in the event that arms reduction breaks down. We should continue to repair and restore the three Savannah River reactors at a relative bargain-basement price of $2.5 billion and hold them on "cold standby." Once repaired, these three reactors have "no life-limiting features," according to the Department of Energy. Operating at half power, they would provide more than enough tritium to replenish our entire existing nuclear arsenal.

The Energy Department estimates the cost of two new large rectors it wants at $7.4 billion (in 1990 dollars), but a recent congressional study of Energy Department construction projects suggests the price will come in as much as 500 percent higher—at about $40 billion. Add to this the $42 billion cost (in 1990 dollars) of operating these reactors over their 40-year lives, and the total cost becomes $80 billion. Add to this the $2.5 billion for repairing the Savannah River reactors and the $10 billion cost of operating them for 10 years until the new reactors are ready, and taxpayers can look forward to spending $90 billion for resuming tritium production we may never need.

In the face of the federal deficit, the savings and loan bailout, the costs of cleaning up our nuclear-weapons production sites and the calls to shift defense spending into social and environmental programs, the prudent course is to avoid premature commitment to renewed production of nuclear weapons materials. That is why Congress should cut back sharply on initial funding for the two new production reactors and require the Energy Department to certify that there is a real need for new tritium or plutonium before restarting the existing reactors or breaking ground for their replacements.

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, I ask unanimous consent that any amendment previously agreed to that changed figures already amended be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I believe that is all the business we are going to be able to conduct this evening. We have had a long day and a very productive day.

I thank all Members who have been here and worked long and hard and that includes the floor manager, Senator WARNER, certainly includes Senator MCCAIN, who has been here late hours of the evening.

ORDERS FOR TOMORROW

Mr. NUNN. Mr. President, I ask unanimous consent that when the Senate adjourns today, it stand in adjournment until 9 a.m., on Saturday, August 4; and that, when the Senate reconvenes on August 4, the Journal of Proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; I further ask unanimous consent that the time for the two leaders, be reserved for their use later in the day, that the morning hour be deemed expired, and that the Senate resume consideration of the unfinished business, S. 2884.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. NUNN. I move that the Senate stand in adjournment under the previous order.

The motion was agreed to, and the Senate at 3:08 a.m., adjourned until Saturday, August 4, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 3, 1990:

DEPARTMENT OF STATE

JULIETTE CLAGETT MCLENNAN, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE U.S. REPRESENTATIVE ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

THE FOLLOWING-NAMED PERSONS TO BE THE REPRESENTATIVE AND ALTERNATE REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO THE 34TH SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY:

REPRESENTATIVE:

JAMES D. WATKINS, OF CALIFORNIA.

ALTERNATE REPRESENTATIVES:

RICHARD T. KENNEDY, OF THE DISTRICT OF COLUMBIA.

MICHAEL H. NEWLIN, OF MARYLAND.

KENNETH M. CARR, OF CALIFORNIA.

U.S. INFORMATION AGENCY

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE CHARLES EDWARD HORNER, RESIGNED.

PEACE CORPS NATIONAL ADVISORY COUNCIL

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 1990:

MEREDITH MORGAN DALE, OF THE DISTRICT OF COLUMBIA, VICE MARC L. HOLTZMAN.

FOR A TERM EXPIRING OCTOBER 6, 1991:

RUTH GARDNER COX, OF TEXAS, VICE ALICE ROXANA THOMPSON, TERM EXPIRED.

TAHLMAN KRUMM, JR., OF OHIO, VICE COLLEEN TOY WHITE, TERM EXPIRED.

FOR A TERM EXPIRING OCTOBER 6, 1992:

MEREDITH MORGAN DALE, OF THE DISTRICT OF COLUMBIA. (REAPPOINTMENT.)

THE JUDICIARY

WILLIAM B. SHUBB, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA VICE RAUL A. RAMERIZ, RESIGNED.

GARY L. TAYLOR, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE FERDINAND F. FERNANDEZ, ELEVATED.

JAMES WARE, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA VICE ROBERT F. PECKHAM, RETIRED.

JEAN C. HAMILTON, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE JOHN F. NANGLE, RETIRED.

LEGAL SERVICES CORPORATION

THOMAS D. RATH, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1993, VICE JOHN N. ERLENBORN, RESIGNED.

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERMS INDICATED, TO WHICH POSITIONS THEY WERE APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 22, 1989, TO JANUARY 23, 1990.

FOR A TERM EXPIRING JULY 13, 1992:

JO BETTS LOVE, OF MISSISSIPPI, VICE LORAIN MILLER, TERM EXPIRED.

GUY VINCENT MOLINARI, OF NEW YORK, VICE CLAUDE GALBREATH SWAFFORD, TERM EXPIRED.

JEANINE E. WOLBECK, OF MINNESOTA, VICE HORTENCIA BENAVIDEZ, TERM EXPIRED.

FOR A TERM EXPIRING JULY 13, 1993:

HOWARD H. DANA, JR., OF MAINE, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

LUIS GUINOT, JR., OF PUERTO RICO, VICE MICHAEL B. WALLACE, TERM EXPIRED.

PENNY L. PULLEN, OF ILLINOIS, VICE WILLIAM CLARK DURANT III, TERM EXPIRED.

GEORGE W. WITTGRAF, OF IOWA, VICE PAUL B. EAGLIN, TERMS EXPIRED.

MERIT SYSTEMS PROTECTION BOARD

ANTONIO C. AMADOR, OF CALIFORNIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF 7 YEARS EXPIRING MARCH 1, 1997, VICE MARIA LUIA JOHNSON, TERM EXPIRED.

SECURITIES AND EXCHANGE COMMISSION

RICHARD Y. ROBERTS, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COM-

MISSION FOR THE TERM EXPIRING JUNE 5, 1995, VICE JOSEPH A. GRUNDFEST, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. HARRY A. GOODALL, [redacted], U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CRAVEN C. ROPGERS, JR., [redacted], U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CARL R. SMITH, [redacted], U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES T. CALLAGHAN, [redacted], U.S. AIR FORCE.

DEPARTMENT OF STATE

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

HERBERT DONALD GELBER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

GORDON L. STREEB, OF COLORADO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

LINTON F. BROOKS, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY HEAD OF DELEGATION TO THE NUCLEAR AND SPACE TALKS.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SCOTT M. SPANGLER, OF ARIZONA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE CHARLES L. GLADSON, RESIGNED.

BOARD FOR INTERNATIONAL BROADCASTING

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR TERMS EXPIRING APRIL 28, 1991:

CHER FELDMAN HALPERN, OF NEW JERSEY, VICE CLAIR W. BURGENER, TERM EXPIRED.

KARL C. ROVER, OF TEXAS, VICE EDWARD NOONAN NEY, TERM EXPIRED.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR THE TERMS INDICATED:

FOR A TERM EXPIRING JULY 1, 1992:

FITZHUGH GREEN, OF THE DISTRICT OF COLUMBIA, VICE PRISCILLA L. BUCKLEY, TERM EXPIRED.

FOR A TERM EXPIRING JULY 1, 1993:

TOM C. KOROLOGOS, OF VIRGINIA. (REAPPOINTMENT)

THE JUDICIARY

DAVID F. LEVI, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE EDWARD DEAN PRICE, RETIRED.

SAMUEL B. KENT, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE HUGH GIBSON, JR., RETIRED.

DEPARTMENT OF JUSTICE

STEPHEN B. HIGGINS, OF MISSOURI, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS VICE THOMAS E. DITTMEIER, TERM EXPIRED.

DORIS SWORDS POPPLER, OF MONTANA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF 4 YEARS VICE BYRON H. DUNBAR, RESIGNED.

DONNA M. OWENS, OF OHIO, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE. (NEW POSITION)

CHARLES B. DEWITT, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JAMES K. STEWART, RESIGNED.

INTERSTATE COMMERCE COMMISSION

GAIL C. MCDONALD, OF OKLAHOMA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1994, VICE PAUL H. LAMBOLEY, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR TERMS EXPIRING JANUARY 26, 1996;

HELEN GRAY CRAWFORD, OF LOUISIANA, VICE JEAN VAUGHAN SMITH, TERM EXPIRED.

MARGARET P. DUCKETT, OF PENNSYLVANIA, VICE JAMES V. SCHALL, TERM EXPIRED.

HENRY H. HIGUERA, OF MARYLAND, VICE GEORGE D. HART, TERM EXPIRED.

PETER SHAW, OF NEW YORK, VICE CHARLES RAY RITCHESON, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING JULY 19, 1991:

CAROL K. DIPRETE, OF RHODE ISLAND, VICE GEORGE H. NASH, RESIGNED.

FOR THE REMAINDER OF THE TERM EXPIRING JULY 19, 1992:

J. MICHAEL FARRELL, OF THE DISTRICT OF COLUMBIA, VICE SALLY JO VASICKO.

NATIONAL SCIENCE FOUNDATION

HOWARD E. SIMMONS, OF DELAWARE, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1996, VICE CRAIG C. BLACK, TERM EXPIRED.

RAILROAD RETIREMENT BOARD

ANDREW F. REARDON, OF ILLINOIS, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR THE TERM OF 5 YEARS FROM AUGUST 29, 1988, VICE JOHN D. CRAWFORD, TERM EXPIRED.

U.S. INSTITUTE OF PEACE

MARY LOUISE SMITH, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 1991, VICE W. BRUCE WEINROD, RESIGNED.

MARY LOUISE SMITH, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 1995. (REAPPOINTMENT)

CONFIRMATIONS

Executive Nominations Confirmed by the Senate August 4, 1990:

NATIONAL LABOR RELATIONS BOARD

CLIFFORD R. OVIATT, JR., OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 1993.

DENNIS M. DEVANEY, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 1994.

DEPARTMENT OF VETERANS AFFAIRS

JAMES WILSON HOLSINGER, JR., OF VIRGINIA, TO BE CHIEF MEDICAL DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS, FOR A TERM OF FOUR YEARS.

DEPARTMENT OF STATE

PHILIP S. KAPLAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY UNITED STATES REPRESENTATIVE TO THE NEGOTIATIONS ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE).

THOMAS W. SIMONS, JR., OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

HUGH KENNETH HILL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BULGARIA.

AURELIA ERSKINE BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

ROY M. HUFFINGTON, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

DEPARTMENT OF ENERGY

PAUL L. ZIEMER, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENT, SAFETY AND HEALTH).

CALVIN A. KENT, OF TEXAS, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.

OFFICE OF THE NUCLEAR WASTE NEGOTIATOR

DAVID H. LEROY, OF IDAHO, TO BE NUCLEAR WASTE NEGOTIATOR.

DEPARTMENT OF COMMERCE

BARBARA EVERITT BRYANT, OF MICHIGAN, TO BE DIRECTOR OF THE CENSUS.

DEPARTMENT OF VETERANS AFFAIRS

STEPHEN ANTHONY TRODDEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS.

NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 1992.

NATIONAL SCIENCE FOUNDATION

ARDEN L. BEMENT, JR., OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1994.

ACTION AGENCY

RICHARD V. BERTAIN, OF CALIFORNIA, TO BE ASSOCIATE DIRECTOR OF THE ACTION AGENCY.

NATIONAL LABOR RELATIONS BOARD

JOHN N. RAUDABAUGH, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1992.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

ELMER B. STAATS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1995.

NATIONAL MEDIATION BOARD

KIMBERLY A. MADIGAN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR THE TERM EXPIRING JULY 1, 1993.

U.S. POSTAL SERVICE

LEGREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 1998.

DEPARTMENT OF LABOR

JULIAN W. DE LA ROSA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR.

THE JUDICIARY

MARY ELLEN ABRECHT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

KAYE K. CHRISTIAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

FREDERICK D. DORSEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

JOSE M. LOPEZ, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

JOAN Z. MCAVOY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

GREGORY E. MIZE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

PATRICIA A. WYNN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

OFFICE OF PERSONNEL MANAGEMENT

PATRICK E. MCFARLAND, OF VIRGINIA, TO BE INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT.

FEDERAL EMERGENCY MANAGEMENT AGENCY

WALLACE ELMER STICKNEY, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE JUDICIARY

JOHN HENRY BAYLY, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS.

LINDA TURNER HAMILTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS.

OFFICE OF PERSONNEL MANAGEMENT

STEPHEN D. POTTS, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF 5 YEARS.

U.S. INFORMATION AGENCY

GEORGE F. MURPHY, JR., OF MARYLAND, TO BE INSPECTOR GENERAL, U.S. INFORMATION AGENCY.

THE JUDICIARY

STEPHEN G. MILLIKEN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

DEPARTMENT OF COMMERCE

TIMOTHY JOHN MCBRIDE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL EMERGENCY MANAGEMENT AGENCY

C.M. SCHAUERTE, OF TEXAS, TO BE FEDERAL INSURANCE ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY.

COMMODITY FUTURES TRADING COMMISSION

WENDY LEE GRAMM, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1995. (REAPPOINTMENT)

WENDY LEE GRAMM, OF TEXAS, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, (REAPPOINTMENT)

DEPARTMENT OF STATE

KENNETH NOEL PELTIER, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

TOWNSEND B. FRIEDMAN, JR., OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF MOZAMBIQUE.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

GENTA HAWKINS HOLMES, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

FEDERAL EMERGENCY MANAGEMENT AGENCY

RUSSELL FLYNN MILLER, OF MARYLAND, TO BE INSPECTOR GENERAL, FEDERAL EMERGENCY MANAGEMENT AGENCY. (NEW POSITION)

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

HART T. MANKIN, OF DELAWARE, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

RONALD M. HOLDAWAY, OF WYOMING, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

DONALD L. IVERS, OF NEW MEXICO, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

JONATHAN R. STEINBERG, OF MARYLAND, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS.

PAUL V. NIEMEYER, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

RANDALL R. RADER, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

JOHN H. MCBRYDE, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

MICHAEL BOUDIN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

CAROL BAGLEY AMON, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK.

WILLIAM M. SKRETNY, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK.

FRED I. PARKER, OF VERMONT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF VERMONT.

DEPARTMENT OF JUSTICE

FRED L. FOREMAN, OF ILLINOIS, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS.

STANLEY A. TWARDY, JR., OF CONNECTICUT, TO BE U.S. ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF 4 YEARS.

JOE D. WHITLEY, OF GEORGIA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

ANTHONY L. BENNETT , OF MINNESOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF 4 YEARS.

LYNN H. DUNCAN, OF GEORGIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

STATE JUSTICE INSTITUTE

KEITH MCNAMARA, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1992.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. RUSSELL C. DAVIS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. RICHARD W. GODFREY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JERALD D. SLACK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. GERALD W. SWARTZBAUGH, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. JOHN O. AHNERT, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. CHARLES M. BUTLER, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERT D. CARDWELL, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PAUL G. COHEN, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RONALD E. FARRELL, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HUGH P. GOETTEL, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WALLACE M. GREENE, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DON V. HUBBARD, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAN P. JOHNSON, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. NEIL D. KENNEDY, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LAWRENCE A. MACIARIELLI, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LESTER L. MCINTYRE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN A. MOLINI, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HERBERT J. SPIER, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ERROL G. STUMP, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN M. WALLACE, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DAVID E.B. WARD, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JERRY W. WHITMAN, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PHILIP A. WILLIAMS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION. 601(A):

To be lieutenant general

LT. GEN. CLAUDE M. KICKLIGHTER, xxx-xx-xxxx, U.S. ARMY.

IN THE ARMY

THE ARMY NATIONAL GUARD OFFICERS OF THE UNITED STATES NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. THOMAS T. THOMPSON, xxx-xx-xxxx.

To be brigadier general

COL. MICHAEL E. BYRNE, xxx-xx-xxxx.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTION 601:

To be lieutenant general

LT. GEN. ERNEST T. COOK, JR., xxx-xx-xxxx, USMC.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILTY:

To be lieutenant general

MAJ. GEN. WALTER E. BOOMER, xxx-xx-xxxx, USMC.

NAVY

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER-HALF) IN THE SUPPLY CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. LYLE R. HALL, xxx-xx-xxxx/3105 U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE CIVIL ENGINEER CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. WILLIAM A. HEINE III, xxx-xx-xxxx/5105, U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAIN OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE DENTAL CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be rear admiral (lower half)

CAPT. ROGER W. TRAFTSHAUSER, xxx-xx-xxxx/2205 U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR APPOINTMENT TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. PATRICK W. DRENNON, xxx-xx-xxxx/5104, U.S. NAVY.
CAPT. RICHARD M. ROHRBACH, xxx-xx-xxxx/5104, U.S. NAVY.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be rear admiral (lower half)

CAPT GRANT THOMAS HOLLETT, JR., xxx-xx-xxxx/1115 U.S. NAVAL RESERVE.
CAPT. TIM MCCALL JENKINS, xxx-xx-xxxx/1115 U.S. NAVAL RESERVE.
CAPT. JAY RALPH MILLER, JR., xxx-xx-xxxx/1315 U.S. NAVAL RESERVE.
CAPT. JOHN JACOB MUMAW, xxx-xx-xxxx/1315 U.S. NAVAL RESERVE.

UNRESTRICTED LINE OFFICER (TAR)

CAPT. JAMES DUANE OLSON II, xxx-xx-xxxx/1317 U.S. NAVAL RESERVE.

PUBLIC AFFAIRS OFFICER

CAPT. RICHARD LEE BECKER, xxx-xx-xxxx/1655 U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAL ADM. (1H) RICHARD CHARLES ALLEN, xxx-x... xx... U.S. NAVY.
REAL ADM. (1H) DONALD VAUX BOECKER, xxx-xx-xxxx, U.S. NAVY.

REAL ADM. (1H) ARLINGTON FICHTNER CAMPBELL, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) GEOFFREY LYNN CHESBROUGH, xx... xxx-x..., U.S. NAVY.
REAL ADM. (1H) GEORGE NICHOLAS GEE, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) RAYMOND GEORGE JONES, JR., xx... xxx-x..., U.S. NAVY.
REAL ADM. (1H) IRVE CHARLES LEMOYNE, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) FREDERICK LANCE LEWIS, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) THOMAS CHARLES LYNCH, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) DANIEL PETER MARCH, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) WILLIAM CHARLES MILLER, xxx-x... xx..., U.S. NAVY.
REAL ADM. (1H) RILEY DEWITT MIXSON, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) DAVID ROLAND MORRIS, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) PAUL DAVIS MOSES, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) DAVID ROGERS OLIVER, JR., xxx-x... xx..., U.S. NAVY.
REAL ADM. (1H) WILLIAM ARTHUR OWENS, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) THOMAS DEAN PAULSEN, xxx-xx-xxxx, U.S. NAVY.
REAL ADM. (1H) JOSEPH CHARLES STRASSER, xxx-x... xx..., U.S. NAVY.
REAL ADM. (1H) BYRON EUGENE TOBIN, JR., xxx-x... xx..., U.S. NAVY.
REAL ADM. (1H) JERRY LEE UNRUH, xxx-xx-xxxx, U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAL ADM. (1H) EDWARD DAVID SHEAFER, JR., xxx-x... xx..., U.S., NAVY.

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CROPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

To be rear admiral

REAR ADM. (1H) GERALD E. GILBERT, xxx-xx-xxxx/2505 U.S. NAVAL RESERVE.

SUPPLY CORPS OFFICER

REAR ADM. (1H) JAY R. DENNEY, xxx-xx-xxxx/3105 U.S. NAVAL RESERVE.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (1H) BRIAN T. SHEEHAN, xxx-xx-xxxx/1445 U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

AERONAUTICAL ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (1H) WILLIAM C. BOWES, xxx-xx-xxxx, U.S. NAVY.

THE FOLLOWING-NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL SERVICE CORPS

To be rear admiral (lower half)

CAPT. WILLIAM D. SULLINS, JR., xxx-xx-xxxx, U.S. NAVAL RESERVE.

NURSE CORPS

To be rear admiral (lower half)

CAPT. MARYANNE T. IBACH, xxx-xx-xxxx, U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. STEPHEN F. LOFTUS, U.S. NAVY, xxx-x... xx...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) WILLIAM A. OWENS, U.S. NAVY, xxx-xx-xxxx.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. STANLEY R. ARTHUR, U.S. NAVY, xxx-xx... xx...

IN THE AIR FORCE

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

CHARLES T. WALLACE, xxx-xx-xxxx.

AIR FORCE NOMINATIONS BEGINNING MAJ. STEPHEN H. ABSHIER, xxx-xx-xxxx, AND ENDING MAJ. KENNARD B. SPROUL, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1990.

AIR FORCE NOMINATIONS BEGINNING DEO K. BHATI, AND ENDING JUSTUS C. PICKETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1990.

THE FOLLOWING CADET, U.S. MILITARY ACADEMY, FOR APPOINTMENT AS A SECOND LIEUTENANT IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 541 AND 531, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE:

DAVID B COX, xxx-xx-xxxx

AIR FORCE NOMINATIONS BEGINNING JACOB C ARMSTRONG, JR., AND ENDING BARBARA A MCGRATH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

AIR FORCE NOMINATIONS BEGINNING SEAN J ALLBURN, AND ENDING GREGG ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

AIR FORCE NOMINATIONS BEGINNING CHARLES G JONES, AND ENDING VANESSA M SUMMERFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJ. LOREN K. ACKER, xxx-xx-xxxx AND ENDING MAJ. SCOTT T. LANDES, xxx-xx-xxxx WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 1990.

AIR FORCE NOMINATIONS BEGINNING DJALMA A BRAGA, AND ENDING TEMPLE H. BLACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *DAVID L. MICHAELS, AND ENDING THOMAS R. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1990.

ARMY NOMINATIONS BEGINNING JAMES W. CARTWRIGHT, AND ENDING KARL K. WILLOUGHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1990.

ARMY NOMINATIONS BEGINNING WILLIAM H. JOCKHECK, AND ENDING RONALD S. PETRICKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

ARMY NOMINATIONS BEGINNING LAWRENCE G. FERGUSON, AND ENDING CHRISTINA L. SEEBURGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 1990.

ARMY NOMINATIONS BEGINNING ROBERT L BEAVER, JR., AND ENDING MICHAEL G EDRINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

ARMY NOMINATIONS BEGINNING JOHN R ADY, AND ENDING JAMES L HOBGOOD, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

ARMY NOMINATIONS BEGINNING MICHAEL R. ARCURI, AND ENDING RICHARD * ZAPATA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

ARMY NOMINATIONS BEGINNING RICHARD H. CLARK, AND ENDING MARK L. VANDEWALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING MICHAEL G. AKIN, AND ENDING IVAN P. ZIMMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

NAVY

NAVY NOMINATIONS BEGINNING ROBERT JAMES ABBOTT, AND ENDING STERRIE LEON WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 20, 1990.

NAVY NOMINATIONS BEGINNING DAVID DONALD ABELSON, AND ENDING BYRON RICHARD MAXWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 20, 1990.

NAVY NOMINATIONS BEGINNING STEPHEN ALBERT BAEZ, AND ENDING LAWRENCE GALE SCHEVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 4, 1990.

NAVY NOMINATIONS BEGINNING ROBERT JOHN ABEL, AND ENDING ADRIAN C. YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 1990.

NAVY NOMINATIONS BEGINNING SANDRA KRAUS ADSIT, AND ENDING CRISPIN A. TOLEDO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 1990.

NAVY NOMINATIONS BEGINNING ARIEL ABRIAM, AND ENDING HARRY DEWAYNE SELSOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1990.

NAVY NOMINATIONS BEGINNING MARQUERITE R. BOYD, AND ENDING ELLEN D. SABOE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

NAVY NOMINATIONS BEGINNING JAMES E. TAYLOR, AND ENDING LELAND J. MORRISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

NAVY NOMINATIONS BEGINNING HARVEY C. AARON, AND ENDING SAMUEL ALEXANDER YELLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

NAVY NOMINATIONS BEGINNING ROBERT ENRIQUE AGUIRRE, AND ENDING PAUL CHESTER WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 1990.

NAVY NOMINATIONS BEGINNING GEORGE T. ADAMS, AND ENDING RICK WATERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 1990.

NAVY NOMINATIONS BEGINNING CRAIG SIDNEY ABERNATHY, AND ENDING ERNESTO M. ZAMBRANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 1990.

NAVY NOMINATIONS BEGINNING GARY L. BIESECKER, AND ENDING WILLIAM T. FAITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

NAVY NOMINATIONS BEGINNING MOTAZ ALBAHRA, AND ENDING MICHAEL TRISTAN VASQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1990.

EXTENSIONS OF REMARKS

THE TRIBULATIONS OF JOE DOHERTY

HON. GARY L. ACKERMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ACKERMAN. Mr. Speaker, I would like to bring your attention to Alexander Cockburn's excellent article in the Wall Street Journal about the plight of Joe Doherty. When you examine the judicial system treatment of the Joe Doherty case, and compare it to the treatment of convicted terrorist Orlando Bosch, you too will wonder if the Justice Department has a screw loose.

As Cockburn eloquently states, "Orlando Bosch is Cuban." In 1968, his terrorist cell, Accion Cubana, initiated a number of terrorist attacks against various diplomatic, tourist, and commerce targets, to deter countries from doing business with Cuba and Castro. Convicted that same year in the United States for trying to blow up a Polish freighter off of Florida, Bosch was sentenced to 10 years in Federal prison. In 1988, after a stint in a Venezuelan jail for bombing a Cuban airliner en route to Venezuela in which 73 people died, Bosch returned to the United States, where he was arrested for violation of his parole. Cuba pressed the Justice Department to have Bosch extradited, but the application was denied on the grounds that Bosch would not get a fair trial.

Joe Doherty is Irish. He was arrested in 1983 for illegally entering the United States and has been in jail ever since. The British have sought his extradition on charges relating to the death of a member of a British commando unit. Doherty's repeated applications have consistently been denied by the Justice Department. Both the courts and the Justice Department's own Board of Immigration Appeals ruled that Doherty merits asylum and should not be deported to the United Kingdom because he will certainly not receive a fair trial. Yet the Justice Department refuses to grant Doherty asylum.

Doherty has been imprisoned since 1983. Bosch, who received parole, lives at home.

Doherty has been accused of killing a British soldier, but even a United States district court judge said, "Had this conduct occurred during the course of more traditional military hostilities there could be little doubt that it would fall within the political offense exception." Orlando Bosch was accused of, among numerous other terrorist activities, blowing up a plane and killing 73 people aboard.

Doherty is wanted by the British who are friends and allies of the United States. Bosch is wanted by Castro, one of the last scourges of communism in the world today. Doherty is now in his 8th year of imprisonment as his case continues to work its way through our court system. Bosch is free.

The full article follows. I commend it to all my colleagues.

AN IRISHMAN IN JAIL EQUALS A CUBAN OUT ON BAIL

(By Alexander Cockburn)

Orlando Bosch is a Cuban, convicted felon, a man once charged with masterminding the bombing of a civilian airliner in which 73 people died. On July 17 he was paroled in Miami and is now, somewhat relatively speaking, a free man. He has to wear an electronic ankle trace bracelet, can go outside only three hours a day, must not speak to anti-Castro militants, and has his phone tapped.

Joe Doherty is an Irishman, neither charged with nor convicted of any offense against U.S. criminal law. On June 18 he began his eighth year in a tiny cell in the Metropolitan Correctional Center in Manhattan; he is now the longest-held prisoner in the history of that institution. No less than eight times—most recently only a few weeks ago in the U.S. Court of Appeals for the Second Circuit—he has prevailed in court and immigration and Naturalization Service hearings against attempts by the U.S. government to deport him.

Yet today, Bosch is free on parole and Doherty, denied bail, is confined to a matchbox cell in a prison never designed for long-term occupancy, hence offering none of the facilities other prisons are compelled to offer. See the double standard maintained by the Bush administration eager to pander to political friends in Miami's Cuban-American community, and in London.

Start with Bosch. In 1968, his anti-Castro group Accion Cubana blew up a Japanese freighter in Tampa, damaged a British vessel off Key West and bombed eight diplomatic or tourist offices in New York and Los Angeles. The aim was to punish nations doing business with Cuba. Bosch was convicted that same year of firing a bazooka at a Polish freighter in Miami harbor and sentenced to 10 years in federal prison. He was paroled four years later and in 1974 fled the country rather than honor a subpoena in a murder case. Though both the Venezeulan and Costa Rican governments offered to send him back as a parole violator, the Justice Department exhibited no interest in his return.

In June 1976, Bosch's Accion Cubana met in the Dominican Republic with other emigre organizations such as Alpha 66. They issued a "war communique" saying Cuban civilian airliners would be attacked. Later that year a Cubana airliner, en route from Venezuela to Havana, blew up in midair shortly after a takeoff from Barbados; 73 civilians died, including all of Cuba's Olympic fencing team.

Venezuela arrested Bosch and three others and charged them with the bombing. Bosch and two others were convicted then subsequently acquitted on appeal, but nonetheless held in prison. The other accused, Luis Posada Carriles, had escaped. In view of the Bush administration's later clemency toward Bosch, we should note that during the Iran-Contra scandal. Posada surfaced in the Ilopango base in El Salvador, working alongside President Bush's old CIA buddy Felix Rodriguez in funneling illegal arms shipments to the Nicaraguan Contras. Mr. Bush was CIA director at the time Bosch and his conferees were hatching terror schemes in the Dominican Republic.

On his release from a Venezuelan prison in 1987, Bosch announced he was ready to "rejoin the struggle" and, regarding the Cubana bombing, that "all of Castro's airplanes are warplanes." In 1988 he was released and returned to the U.S., where he was arrested as a parole violator. Cuba applied to have him deported to face proceedings, but the application was denied on the grounds that Bosch would not get a fair trial. In rejecting Bosch's request for political asylum in January 1989, the acting associate attorney general wrote that "For 30 years Bosch has been resolute and unwavering in his advocacy of terrorist violence. . . . He has repeatedly expressed and demonstrated a willingness to cause indiscriminate injury and death."

In July, after a campaign by Cuban emigres in Miami in which President Bush's son Jeb expressed his support, Bosch was granted parole.

Joe Doherty was imprisoned on June 18, 1983, for having entered the U.S. illegally. The British government sought his extradition on charges arising from the shooting death of a member of the S.A.S., the British commando unit. In 1984, federal district Judge John Sprizzo held that Doherty could not be extradited under the then-existing treaty and, addressing himself explicitly to the death of the S.A.S. man, said that "The death of Captain Westmacott, while a most tragic event, occurred in the context of an attempted ambush of a British army patrol. It was the British response to that action that gave rise to Captain Westmacott's death. Had this conduct occurred during the course of more traditional military hostilities there could be little doubt that it would fall within the political offense exception."

Though the history of Joe Doherty's legal battles is long, it is also simple. He has prevailed repeatedly in court battles and in Board of Immigration Appeal hearings. Under U.S. law he merits asylum, and should not be deported to the U.K., where he would not have the certainty of a fair trial. The force of this latter point was of course much enhanced last year by the revelations of perversions of justice in the case of the "Guilford Four," released after many years in prison when a panel of British judges rules their convictions were not "safe." Nonetheless, Attorney Generals Edwin Meese and now Richard Thornburgh have repeatedly controverted both federal courts and Board of Immigration Appeals decisions, and ordered Doherty's deportation, thus seeking to circumvent the law on asylum. As Rep. Henry J. Hyde wrote to Mr. Thornburgh in May: "I believe the handling of this case involves an indefensible violation of the spirit, if not the letter, of the basic guarantees of equal justice and due processes of law. . . . The United States has never, ever, handled an extradition or de-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

portation case the way it has handled this one."

On June 29, a federal appeals court panel granted Doherty the right to apply for asylum here, thus handing the Justice Department yet another setback. The judges concluded that Mr. Thornburgh's reversal of his own INS Appeals Board decision had been improperly influenced by geopolitical and foreign-policy considerations. Though ample sureties have been offered, Doherty's lawyer, Mary Pike, received her copy of the Justice Department's letter to a New York judge urging denial of bail to Doherty on the same day Orlando Bosch was released.

So Doherty can't get bail, even though he manifestly doesn't want to flee, given that he is litigating his ability to stay in the U.S. Bosch got 10 years for bombing a Polish vessel and for conveying by telegraph threats to the president of Mexico and Prime Minister Harold Wilson. He violated parole and became a fugitive under U.S. law. Despite this, Bosch is released and Doherty held in his cell. The Irishman should hispanicize his name, make more influential friends in Miami and start threatening Fidel Castro. This is the essential extrajudicial factor he has overlooked.

THE RENEWABLE ENERGY TECHNOLOGY TRANSFER ACT OF 1990

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROWN of California. Mr. Speaker, I am pleased to introduce the Renewable Energy Technology Transfer Act of 1990 which will enhance the movement of technology developed by Federal research programs to State and local governments and the U.S. renewable and energy efficiency industries.

During the 8 years of the previous administration, solar and renewable energy R&D suffered severe cuts and was relegated to long-term, high-risk research. During that time, our international competitors, sensing a lack of resolve by the United States to commercialize our technology, began pumping resources into Government R&D programs for short-term applied research. As a result, they have all increased their world market share in technologies in which the United States still barely holds the technical lead.

The first section of the bill provides increased authorization for the U.S. Department of Energy's State and Local Government Assistance Programs, from $5 to $6.6 million between fiscal year 1991-93, to allow U.S. industry and State governments to joint venture emerging technology projects. Government/industry joint ventures have proven themselves as an effective tool to accelerate the acceptance of new technologies in the marketplace. This legislation will encourage the U.S. Department of Energy, State governments, and the U.S. renewable energy and energy efficiency market development effort. This section also provides additional funds to existing State research entities that have proven themselves as "Centers of Excellence" for solar, renewable energy, and technology transfer.

The second section encourages further innovation in the existing Department of Energy-supported Federal laboratories in providing more aggressive outreach for and with industry, local governments, and the general public. A modest increase of $5 to $6.6 million between fiscal year 1991-93 will begin to establish a sorely needed information network geared to the applied research and actual use of these energy saving technologies. While the solar and renewable technologies have become mature and cost effective, few know about these advances in the technologies. In addition, this section provides minor funding to identify existing successful technology transfer models as a way to more broadly replicate the best mechanisms that have pushed these innovations in the marketplace.

The final section provides resources to U.S. industry to access market development information and provide overseas market outreach for the U.S. renewable energy and energy efficiency industry. Our competitors overseas currently access U.S. information to help build their technical expertise and market share. Our industry has been unable to access our own government information as quickly. These provisions allow the development of a computer information network for industry and State and local governments. The provisions also call for establishing overseas outreach offices for the U.S. industry in the key market development areas of the Pacific Rim and Caribbean Basin and Latin America which will provide a long-term industry presence to build market share.

This bill I am introducing requires less than $20 million per year over 3 years. This amount of money will leverage according to industry experts over $100 million in sales of U.S. renewable energy equipment. Expansion of renewable energy sales represents one government policy that not only promotes environmentally sound applications but results in increased American jobs and a decreased trade deficit due to its supplanting of oil imports.

The administration's request for increased solar and renewable energy R&D funding for fiscal year 1991 is a welcome sign. But research and development alone will not build markets for these technologies. More effective and aggressive technology transfer programs are the important linkage to effectively commercialize emerging technologies. This modest legislation provides a good start in that direction.

With increasing tensions in the Middle East between Iraq and Kuwait, the United States would be well advised in building our domestic alternative energy sources. Solar and renewable energy now comprise over 10 percent of U.S. energy and with greater market development incentives, could supply over 20 percent by the year 2000. Let's get on with it.

HONORING THE 25TH ANNIVERSARY OF THE SHUTESBURY, MA, ATHLETIC CLUB

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CONTE. Mr. Speaker, I rise today to extend my sincere congratulations to the Shutesbury Athletic Club located in Shutesbury, MA, on the occasion of its 25th anniversary. The club is celebrating this occasion with a dinner dance on August 25, 1990, and this affair promises to be a smashing event.

From the days of the clubs first president, Mike Plaza and friends, playing ball behind a fire shed in 1957, to the day of the club's incorporation in 1965, the Shutesbury Athletic Club has more than served its purpose of promoting athletics such as softball, baseball, basketball, bowling and pool in the community. The many trophies adorning the building can attest to that fact.

The Shutesbury Athletic Club not only promotes athletics, but also encourages community involvement in group projects and the need to share trials and triumphs among family and friends. Indeed, many of the current active members regard the club as their home away from home.

Truly the club has produced some marvelous athletic teams such as Robert Carey's 1989 softball squad, which traveled to Detroit to compete in the United States Slo-Pitch Softball Association Championship and the women's softball team which won the USSSA Massachusetts State Championship in 1985.

Many of the club's members have been around since its formation in 1957 and some of the men's softball team members have fathers who played on the same team before them. However, all of the members have strived to make the Shutesbury Athletic Club the prosperous, family-oriented place it is today.

Mr. Speaker, the town of Shutesbury and the Shutesbury Athletic Club clearly demonstrates that some of life's simple pleasures such as sports, camaraderie, and an appreciation of friendly competition are alive and well, especially, in this great little town in western Massachusetts.

Again, I give the Shutesbury Athletic Club my heartfelt congratulations on its 25 years of accomplishments, my warmest regards, and my best wishes for the club's continued existence for future generations.

TRIBUTE TO THE WORK OF REEF RELIEF'S DEEVON AND CRAIG QUIROLO

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FASCELL. Mr. Speaker, I would like to take this opportunity to call to our colleagues' attention the work of two people who are making a difference, DeeVon and Craig Quirolo. Their efforts to save Florida's fragile coral reefs can, and should, serve as an example to any volunteer efforts to improve their community.

DeeVon and Craig Quirolo have enjoyed the water resources surrounding Key West, FL, for many years, but they have also witnessed the destruction to, and slow death of, the reefs. In response to these events, the Quirolos founded Reef Relief in 1986—a nonprofit organization aimed at educating residents and visitors as well as protecting the coral reefs from fur-

ther damage. Their efforts to protect the reefs, including their work to prohibit offshore drilling near the Florida Keys, are being noticed. In fact, they were given the 123d Point of Light Award by the President during his April visit to Key Largo.

As one who has enjoyed the reefs in the Florida Keys, I thank the Quirolos for their work to preserve this precious resource for the enjoyment of future generations, I commend to our colleagues' attention John Cole's article on DeeVon and Craig Quirolo in the July issue of the Florida Keys magazine.

[From Florida Keys magazine, July 1990]

IN THE EYE OF THE STORM: DEEVON AND CRAIG QUIROLO

(By John Cole)

It was her great-great grandfather, General George C. Meade of the U.S. Army Corps of Engineers, who designed the lighthouse at Sand Key, as well as those at Sombrero and Carysfort. Four generations later, when DeeVon Quirolo of Key West and her husband, Craig, took a boat ride to Sand Key on a special mission, she went with a sense of family pride as well as a firm sense of purpose.

Their mission was launched on behalf of Reef Relief, the non-profit environmental organization founded by the Quirolos in Key West late in 1986, and it involved placing the first of what would soon total 21 permanent mooring buoys on the Sand Key coral reef. Because of the buoys, the reef's fragile coral is spared the damage of dropped or dragged anchors.

It is precisely living coral's fragility, and the several varieties of recent assaults against it, that prompted the Quirolos to put their energies where their ideals are. A licensed ocean skipper who has logged more than 40,000 ocean miles in both the Pacific and Atlantic, Craig, like many sailors, loves the sea. For the past 15 years, as the skipper of the John Alden sloop *Stormy Weather*, he has come to know the Keys unique coral reef better than most. And as a snorkeler and diver, and experienced underwater cinematographer, he has been an eyewitness to the reef's persistent degradation.

The day came in 1986 when both Craig and DeeVon looked at each other and said, "Someone has got to do something." The Quirolos became those someones. Craig began as founder and chairman of the board, DeeVon got her start as a founding board member and secretary/treasurer. Three years later she became Reef Relief's administrator, meaning that she is behind the desk the public sees first at the organization's new, waterfront headquarters at 201 William Street in Key West. With the help of Reef Relief's first grant, a small one from the Elizabeth Ordway Dunn Foundation, and donations from several concerned citizens, the headquarters is a public outreach effort, designed to inform each visitor about the current state of the reef, the nature of the several threats to its future, and some of the steps that can be taken to protect the nation's only living coral reef from even greater harm.

DeeVon finds herself spending more and more time with Reef Relief, less and less with her business. "There is more to do here," she said recently at her waterfront office, "than any of us ever imagined. I just can't find any time for the rest of my professional life."

With good reason. Reef Relief is one of those organizations born with a rocket on its back. No sooner had it produced its first bumper sticker but concerned citizens the length of the Keys began asking for more, trying to get information about how they could help, and hoping Reef Relief could lead them toward the solution to a coral crisis many Keys residents had seen coming, but felt helpless to slow.

It was Reef Relief's organizational skills and energies, perhaps more than any other single community force, that galvanized Keys' residents to take action against the suddenly very real threat of oil and gas drilling in the Gulf and offshore drilling in the Atlantic. As unthinkable as the possibility of a disaster in the fragile reef environment may have seemed, a plan was pushed to award drilling leases that included submerged lands just a few miles from backcountry hammocks already declared forever wild by the Department of the Interior. Reef Relief's campaign to articulate what was to become all but unanimous opposition from Key West to Tallahassee is a pivotal reason why the petro-threat has significantly receded during the past months. The organization's ability to respond so capably has moved it more and more into the front lines of the battles to preserve and improve water quality, now a top priority on Reef Relief's busy agenda.

Now executive director, Craig spends much of his time on the reef, investigating complaints and checking on mooring buoy maintenance. Ashore, he attends hearings, writes lawmakers and raises sustenance funds for an organization that has a host of critical regional environmental problems crying for a solution.

Aware almost from the start of the importance of what the Quirolos have wrought, citizens groups and environmental organizations have been joined by no less than the President of the United States in the rush to commend Reef Relief for its good works. Making a visit to the Keys on Earth Day, a determinedly cheerful George Bush cited the organization as one of his "thousand points of light . . .", praise which was politely accepted, although Craig Quirolo spoke forthrightly of his hope that the President would make a blanket "no-drilling-in-the-Keys" decision while he was at it. And while that step appears to have been presidentially postponed, more awards and citations are piled on a shelf at William Street, including two handsome plaques from the Key West Chamber of Commerce, an International Marine Festival of the Americas environmental protection award, a citation from the International Oceanographic Foundation and an "Organization of the Year" award from Last Stand.

"I'm going to have to get those organized and up on the wall one of these days when we're not so busy," DeeVon says between phone calls. Anyone familiar with what Reef Relief has done in four years knows those awards may stay where they are for a good, long time.

PRESERVING STATE FLEXIBILITY IN FUNDING MEDICAID

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WALGREN. Mr. Speaker, I want to urge my colleagues to cosponsor Congressman COOPER's bill, H.R. 4181, which protect States' rights to use funds raised through voluntary contributions or special taxes in meeting their responsibilities under the Medicaid program.

In recent years, Congress has placed several new mandates on States, requiring them to provide additional Medicaid health services and to bring into the program people not previously eligible. Yet HCFA proposed a regulation in February tying the States' hands in the way they raise revenues to pay the State's share of Medicaid funding. Congress placed a 1-year moratorium on HCFA which will expire on December 31, 1990. I think it is imperative that Congress act before we conclude this session to extend this moratorium or permanently prevent HCFA from further blocking the States.

Virtually every State is struggling to provide adequate health care for the poor and elderly in its Medicaid program. Yet Medicaid only covers 50 percent of the poor now. After requiring the States to meet stringent new Federal mandates, I thing it is wrong to then turn around and limit the ways a State can raise revenue to meet those mandates. The Cooper bill includes appropriate safeguards against possible abuse.

Congress approved a provision similar to this bill last year, but it was dropped from the conference committee because of a technicality. I hope the Congress can move quickly to enact this bill.

FRED SANDERS, DEVELOPER OF MODERN COLOR COPYING TECHNIQUES

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. McEWEN. Mr. Speaker, I rise today in tribute to a gentleman who may truly be considered a modern Renaissance man, Mr. Fred Sanders of Chillicothe, OH. Aside from the various community groups and organizations of which he is a member, Fred Sanders is perhaps more noted for his many patents with the Mead Corp. Were it not for the intellect, ingenuity and creativity of this man, the process of color copying would not be what it is today. It is only fitting that we honor him for the achievements he has made in bringing this technology, and several others, to our front door.

In 1939, Fred Sanders invented a coating process called "spotted paint" which is still in use today. This was the first of many inventions to follow. He attended Hendrix College in Conway, AK where he earned a bachelor of science degree in chemistry. His post-graduate work was done at the Institute of Paper Chemistry in Appleton, WI where Fred began to hone his skills and to make advancements in the copying field.

Mr. Sanders joined the Mead Corp. as a research chemist in 1958. It was not until 1980 when he first developed and tested the concept that would later lead to what is now called Cycolor. Mr. Sanders was a scientist with Mead Central Research in Chillicothe, OH and believed that images could be formed on paper by employing a microencapsulation

technique similar to that used in carbonless paper.

The minds of the other researchers and scientists were brought together and by 1984, the research team had demonstrated the process with an 8" x 10" picture of good color quality. The advancements continued throughout the next few months and in October of 1985, a fundamental scientific breakthrough was made that allowed affordable, visible light sources to be used. This discovery elevated Cycolor to a true panchromatic color process.

Cycolor products consists of a polyester film base which is coated with billions of light-sensitive microcapsules called cylith. Each cylith resembles a water-filled balloon and contains a liquid called a monomer, in which is dissolved a light-sensitive photoinitiator and either a cyan, magenta, or yellow color-forming leuco dye.

An image resembling the negative in conventional photography if formed on the Cycolor film when it is exposed to light. This exposure hardens the cyliths on the film in proportion to the amount of exposure and makes them resistant to physical rupture. The cyliths which are not exposed, do not harden.

The final image is created by bringing the cylith-coated film into direct contact with a sheet of Cycolor paper or overhead transparency material and compressing them through a set of pressure rollers. The unexposed or nonhardened cyliths break and transfer their contents to the paper or transparency material where they blend to produce a brilliant, full-color reproduction of the original.

Cycolor was the latest of over 20 patents that Fred Sanders holds as a result of his work at Mead in the fields of pulping technology, chemical recovery processes, and copy papers.

In 1982, Mr. Sanders became disabled but continued with his work at Mead until his retirement in 1986. Since then, Mr. Sanders has taken time out to enjoy his retirement with his lovely wife Greta, but still devotes a great portion of his spare time to community service.

Mr. Speaker, I join my colleagues today in honoring Mr. Fred Sanders for the progress that he and others at the Mead Corp. have made and for the American ingenuity and determination that make this country great. And so when we spell the word "America," let us not forget to dot the "I," for the inventors.

INTRODUCTION OF THE NATIONAL ENERGY POLICY ACT OF 1990

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. LLOYD. Mr. Speaker, today I join my friend and colleague the Honorable. PHILIP SHARP in introducing the National Energy Policy Act of 1990. The bill seeks to establish a national energy policy to reduce global warming. The bill is similar to, but not identical to S. 324, introduced by Senator TIM WIRTH. The legislation was recently reported out of the Senate Committee on Energy and Natural Resources.

The issue of global warming is complex. Despite the recent flurry of publicity over the issue, I believe uncertainty still exists in our scientific understanding of the long-term effects of ozone depletion and the interaction of "greenhouse gases" with clouds, ocean currents, and other complex natural phenomena. Another unresolved issue is the nature of the global environment and where the responsibilities lie for reduction of greenhouse gas emissions vis-a-vis needed economic development in Third World countries.

However, to me it seems reasonable and responsible that one focus of a global warming mitigation bill might begin with the development of innovative technologies that will not only be more efficient but will also reduce generation of carbon dioxide and other polluting gases. We do know that nuclear, solar, and renewable and energy conservation technologies are environmentally benign. But I think we also need to look at newer technologies such as fuel cells that may meet the criteria of nonpolluting and efficient power producers.

The bill includes four titles that outline energy policy initiatives, energy efficiency initiatives, and energy research and development initiatives.

I applaud the hard work and the accomplishments by Senator WIRTH to bring the bill out of the Senate Energy and Natural Resources Committee. However, as I introduce the bill today I want to stress that it is only a foundation on which to begin our extensive deliberations on global warming. Our Subcommittee on Energy Research and Development will begin a series of hearings this year to gain a better understanding of the intricacies of establishing a global warming mitigation strategy.

I believe that the bill as reported by the Senate Energy Committee can be improved in title III, the energy research and development initiatives. I intend that a major focus of our subcommittee efforts will be on technology development and an integrated research strategy that will consider the most effective technologies to meet social, environmental, and economic needs associated with the global warming issue.

I look forward to working with Congressman SHARP and other Members to create an energy policy that will enhance our environment, direct our energy technology development, and help to set our Nation on a stable energy development course, that will reduce the threat of global warming.

TRIBUTE TO MARIA MORALES

HON.GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SANGMEISTER. Mr. Speaker, I would like to take this time to recognize and honor one of my constituents, Maria Morales, for her recent appointment as alderwoman to the Aurora City Council. With this historic selection by Mayor David Pierce, Ms. Morales becomes the first Hispanic to serve on the Aurora City Council in its 153-year history.

She was raised in San Sebastian, Puerto Rico, where her family was active in local politics. She is an outstanding example of American citizenship. She received her master's degree in education from the National College of Education in Evanston, IL. She currently serves as a bilingual teacher at the Oak Park Elementary School.

Among her other accomplishments, she is the former executive director of Neighborhood Housing Services, Inc. She has also participated in numerous Hispanic and civic organizations. She is described by all who know her and by those who have worked with her as hard working and as a person devoted to her community.

Ms. Morales is an outstanding example of an American citizen and we can all take great pride in Maria's contributions. I ask all of my colleagues to join me in honoring this fine citizen and public servant.

HONORING THE ACCOMPLISHMENTS OF SPARTA PRIMARY ATTENDANCE CENTER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. POSHARD. Mr. Speaker, take a moment and think about our Nation's educational system. Do you see a system of disaster? Do you see empty classrooms, hallways polluted by graffiti, torn and worn books, struggling minds, and as a result, unmotivated teachers? Do you see our "Nation at Risk?" Some Americans do.

Then imagine an American educational system erected on the soil of prosperity, on the grounds of determination and bearing the roots of intergrity. There is a place in my district which offers a model for others to follow. This place, alive and vivid, is Sparta Attendance Primary Attendance Center, Sparta, IL.

I take great pleasure in commending Sparta Primary Attendance Center for its prosperity, determination and integrity. These are the virtues that we believe in and support. It is not easy to uphold such virtues when the budgets are tight, and it is not generally the small town schools that America hears about in situations such as this. This is why I am proud to recognize Sparta Primary for being named the "1989-1990 Blue Ribbon School of Illinois."

The Sparta Primary Attendance Center, located in the eastern half of Randolph County, IL, opened its doors to the first students on August 25, 1978. Today, 523 students are enrolled. It is a prekindergarten through third grade school, serving approximately 25 special education students as well.

Since those doors opened, a decade of excellence has characterized the Sparta Primary Attendance Center. A noteworthy tradition is being established which will serve the community well for years to come.

This success is displayed in many ways throughout the school. Student achivement is improving each year. A high percentage of students are above grade level in reading and mathematics, in the science research associaties tests and the Illinois statewide tests. It is important to honor the principal, Betty G. Luthy, who was designated a distinguished

administrator by the Illinois State Board, and other staff who have been recognized for their excellence. They have become the spark of flame that shines throughout the school and the community alike.

Sparta Primary furnishes "A Sound Beginning." It offers excellence through its academic program, and individual attention is allowed because of the low student/teacher ratio.

The school supports a climate of positive self-esteem for students and staff. There is significant community support that includes parent volunteers, retired teacher volunteers and business support for student achievement awards.

In commending Sparta Primary Attendance Center on its honorable selection of the Blue Ribbon Award, John D. Hendrickson commented:

It is believed and demonstrated in the school through the philosophy that all students have worth and dignity. All the children demonstrate positive self-esteem and an attitude of success. The school has a vision and mission, it is meeting its goals and objectives. It is truly distinguished.

Mr. Speaker, let me take this opportunity to commend Sparta Primary Attendance Center on its well articulated goals, its administrative leadership, and its community support and involvement. A "Blue Ribbon" indeed.

INTRODUCTION OF H.R. 5456, THE RESEARCH FREEDOM ACT OF 1990

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WAXMAN. Mr. Speaker, today I join with my colleagues NANCY JOHNSON and TED WEISS to introduce H.R. 5456, the "Research Freedom Act of 1990."

Spinal cord injury, Parkinson's disease, and diabetes cripple and kill millions of Americans. For years people with these conditions have hoped for medical breakthroughs and for years nothing was found.

Breakthroughs are now being found. But the Bush administration has ordered the National Institutes of Health to ignore them—not because of concern about their scientific merit but because of misplaced allegiance to the most extreme elements of the antiabortion movement. Because these research projects involved the transplantation of fetal tissue, rather than organs or tissue from adults, the Bush administration has decided to abandon all such research and give up hope.

This is wrong, scientifically and ethically.

Let us be clear at the outset: This is not research on living fetuses, on potentially viable fetuses, or on newborn babies. This is research on tissue of fetuses that are dead, with no viability, and not even potential life.

Such research has genuine potential for saving lives. Preliminary results indicate progress using fetal tissue toward curing—not just treating, but actually curing—metabolic diseases, neurological diseases, and even those genetic disorders that affect living fetuses and newborns.

When NIH funding of such research was first begun, questions of ethics were raised by the Reagan administration. A moratorium on such projects was instituted and a panel of reviewers was chosen by the NIH—many of them opposed to keeping abortion legal.

That review concluded that fetal transplantation research has great promise, that only the most abstract risk of abuse exists, and that ethics guidelines are in place to prevent such abuses from taking place.

But the Bush administration overturned the NIH recommendation to fund such research under any condition. By doing so, the administration has shown greater respect for the most radical members of its antiabortion constituency than for those Americans afflicted with such disabilities and diseases. The administration has implicitly told these Americans that the cure for their disease is too controversial to study, too political to pursue. The administration has abandoned scientific inquiry in favor of right-wing dogma.

The rationalization of this know-nothing policy is that, despite all scientific evidence and advice to the contrary, the administration fears that American women might have more abortions so that they can contribute tissue to science. The administration has concluded this with no evidence, no backing in the NIH Director's Advisory Committee, and against the recommendation of its own expert panel. The policy is comparable to one of banning life-saving organ transplants to limit traffic accidents, and it is equally ludicrous.

The administration decided, reviewers notwithstanding, that this is only a moral issue—and not a moral issue about science to save lives, but one about abortion. It was decided that, whatever else is done with tissue from legal abortions, no one should learn anything from it. Do not research it, do not study it, do not find cures for diseases in it. Instead, unlike a life-saving organ transplanted from a brain-dead adult, the fetal tissue will just be buried.

There are legal questions regarding the administration's ability to issue such far-reaching prohibitions with no authority, no publication, and no procedures. There are policy questions on censorship, chilling of research, and scientific freedom. But most important, there are questions of science and morality regarding the decision to abandon research and hope for millions of Americans.

The Research Freedom Act of 1990 would overturn this ban on fetal tissue transplantation research. It would codify the protections recommended by the "Human Fetal Tissue Transplantation Advisory Panel" to protect against any possible abuses of this research, including a ban on sale of such tissue and requirements that the decision to have an abortion and to donate fetal tissue be strictly separated. It would also establish a procedure which the Secretary must follow if the administration seeks to ban other research that is approved by scientific review and ethical committees. A detailed summary of the legislation follows:

We should not hold greater reverence for dead tissue than for living people. And we should not resign our public health responsibilities in favor of political rhetoric. This ban should be rescinded and research should go on.

SUMMARY OF H.R. 5456, THE RESEARCH FREEDOM ACT OF 1990

H.R. 5456 is designed to achieve three goals. First, the legislation overturns the Bush Administration's ban on fetal tissue transplantation research sponsored by the National Institutes of Health (NIH). Second, the legislation establishes a separate authority to allow NIH to support fetal tissue transplantation research. Such research could not be conducted in accordance with the requirements specified in the bill. Finally, the legislation establishes limitations on arbitrary bans and restrictions on NIH-approved and recommended research.

NULLIFICATION OF MORATORIUM (SECTION 203)

Section 203 nullifies the moratorium on fetal tissue transplantation research that was imposed by the Secretary on November 2, 1989. Section 203 also restricts officials of the Executive branch from imposing such a policy on NIH (or on any other agency within the Department of Health and Human Services).

RESEARCH ON TRANSPLANTATION OF FETAL TISSUES (SECTIONS 201 AND 202)

Section 201 establishes a specific authority within current law for the support of fetal tissue transplantation research by or through NIH. Under this authority, fetal tissue transplantation research may be conducted only if the following requirements are met: (1) the tissue must be donated for research without any restrictions regarding the identity of the individuals who may be transplant recipients, *i.e.*, there may be no "directed donations"; (2) the individual donating the tissue may not be informed of the identity of any transplant recipient; and (3) the research must be conducted in accordance with applicable State and local law. In the case where the fetal tissue to be used in such research is obtained pursuant to an induced abortion, the following additional requirements must also be met: (1) documentation must be made to indicate that the decision to undergo an abortion was not made in order to provide fetal tissue for research; (2) documentation must be made to indicate that the decision to donate fetal tissue was made separately and independently of the decision to undergo an abortion; and (3) individuals participating in the research, including the transplant recipient, must be informed that the tissue being used in the research may have been obtained pursuant to an induced abortion.

With respect to all fetal tissue—regardless of its origin—Section 202 prohibits the sale of human fetal tissue. As also provided by current law governing the sale of other human organs, the sale of fetal tissue constitute a criminal act, punishable by fine or imprisonment.

REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH (SECTION 101)

Section 101 establishes the conditions under which all research proposals are to be approved and recommended for NIH funding by the Secretary. These conditions, which reflect current practice, include (1) the requirement that a research proposal undergo review by an Institutional Review Board and be recommended for approval by such Board; and (2) the requirement that a research proposal undergo scientific and technical review by a peer review group and be recommended for approval by such group.

Once a research proposal has been reviewed and recommended for approval by both of these organizations, Section 101 pro-

hibits the Secretary from withholding funding for the project on ethical grounds unless (1) the Secretary convenes an ethics advisory board to study the ethical implications of the project; and (2) the ethics advisory board recommends, on ethical grounds, that the Secretary withhold funding for the project. The ethics advisory board, which is to be comprised of legal, medical, religious, and scientific experts, is required to report back to the Secretary with its recommendation within 6 months after the Secretary has announced his intention to convene the Board.

GRANDMOTHERS OF THE PLAZA DE MAYO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ACKERMAN. Mr. Speaker, Argentina was governed by a vicious and brutal military dictatorship from 1976 to 1983, a time known as the "Dirty War." During that period of time, one of the consistent forms of human rights violations which the government perpetrated upon the people was the abduction of thousands and thousands of citizens.

In 1977, a group of concerned Argentinians formed "the Grandmothers" or, as they are known in Spanish, "Abuelas." Abuelas was literally a group of grandmothers who dedicated themselves to investigate the events surrounding the disappearance of their children and grandchildren, and secure their return.

After 1983 the new government of President Raul Alfonsin supported the activities of the Abuelas. Along with that backing, Abuelas received assistance in applying advanced scientific techniques from volunteers in the United States. With the help of the Argentinian government and the American volunteers, in 1983 Abuelas was able to identify 41 minors as children of missing parents, and facilitate the return of these children to their families.

Since 1983 the Abuelas have continued their quest to reunite families with their lost children. Although the group has not lately received the kind of attention that it has in the past, members of Abuelas still work today to find children who were kidnapped, illegally adopted, or abducted at birth from their parents, and return them to their families.

It is important that we recognize the accomplishments of this organization, and remember that it is incumbent upon all of us, in Argentina or in the United States, to work to eradicate the types of human rights abuses that are still in practice around the world today.

BEHAVIORAL AND SOCIAL SCIENCE DIRECTORATE ACT OF 1990

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROWN of California. Mr. Speaker, I am pleased to join my colleage, Mr. WALGREN in introducing the Behavioral and Social Science Directorate Act of 1990. This legislation would consolidate the National Science Foundation's [NSF] behavioral and social science research activities within a separate directorate to be headed by a member of one of the relevant disciplines. It is my hope that by establishing this directorate, we will remove the structural biases that appear to have created permanent disparate funding for the behavioral and social sciences at the Foundation.

There is great potential for rapid advancement on a number of fronts within the behavioral and social science, among them how children learn mathematics; how biology affects learning; how attitudes affect behavior; artificial intelligence; factors influencing social development in children, and the biology of emotions. Despite this, funding for these disciplines has decreased by almost 40 percent in constant dollars over the past decade while funding for the NSF as a while has increased by nearly 30 percent.

As a former Chair of the Science, Research and Technology Subcommittee, I can speak to the fact there is a perennial problem of insufficient and comparatively low NSF funding for behavioral and social science research. Originally, this funding problem was thought to be the result of the overt ideological criticism expressed by the White House in the early 1980's.

Now, however, I have come to believe that it is the result of a structural problem within NSF. These problems are housed administratively with the Biological, Behavioral, and Social Science Directorate, which has always been headed by a biologist—and as a consequence, those within the highest levels of NSF who speak for the behavioral and social sciences are not from those disciplines and do not have the requisite understanding of them.

It is clear that in organizations where psychologists and other behavioral and social scientists have a greater role—for example, in the National Academy of Sciences, the National Institutes of Health, and the Alcohol, Drug Abuse and Mental Health Administration—support for psychological, behavioral, and social science research has been more stable.

I would also note that the concept of a separate directorate was considered by over 65 psychological and behavioral science organizations during the 1990 National Behavioral Science Summit Meeting, held under the auspices of the American Psychological Society. The groups voted overwhelmingly that establishing a separate behavioral and social science directorate at NSF would be a priority for these disciplines.

The NSF as a whole has enjoyed a relatively large increase in funding over the past decade, and should be a strong source of support for behavioral and social science research. However, rather than sharing in the Foundation's good fortune, these areas of science have been languishing. This bill will ensure that critical decisions about research and funding are being made by those most familiar with the science, and will be an important step in establishing more equitable funding policies at the NSF.

HONORING THE DEDICATION OF MT. GREYLOCK REGIONAL HIGH SCHOOL'S JOHN T. ALLEN FIELD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 3, 1990

Mr. CONTE. Mr. Speaker, I rise today to recognize a man who has dedicated his life to the future of our Nation. Mr. John T. Allen has been the head football coach and athletic director of Mt. Greylock Regional High School for the past 24 years. Mr. Allen is being recognized by his peers, students, and community as the Mt. Greylock football field is renamed the "John T. Allen Field."

Though coaching may not seem to be worthy of Congressional recognition, in this case it most certainly is. The values of hard work, dedication, team work, and pride are at the foundations of our country. These are the same values that young man learn as part of a strong high school football program.

Football is one of the most rigorous high school sports, and the camaraderie that is built in those long practices and grueling games is something that can last a lifetime. It is this feeling that truly teaches its players, and helps the boys who begin the season, grow into young men who will carry the lessons that they learned on the field through the rest of their lives. Only a football coach can create this feeling, and as a coach, Mr. Allen has been able to share his strength, virtue, and love with literally hundreds of children during his 27 years at Mt. Greylock High School.

Many of these boys will never forget Coach Allen's lessons, and will grow to be active and productive members of our society, each striving to play his part in the growth and progress that has made our Nation great. For one man to instill these values in our children is an extraordinary gift, not only to his community, but to the Nation as a whole.

It is a proud job to be a successful coach, and John T. Allen has succeeded in the most important of ways. He has not only won three intercounty league championships, six Kosior League championships, and been twice named Berkshire County Coach of the Year but has also earned the respect of his athletes, peers, and community.

Mr. Speaker, I am proud to recognize the dediction of the John T. Allen Field, and to express my highest regards and most sincere praise for everything that Mr. Allen has accomplished, both on and off the field. You are truly deserving of this honor, John, and I wish you and the Mt. Greylock High School football team many more years of continued success on the newly named John T. Allen Field.

THE BANKING LAW ENFORCEMENT ACT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FASCELL. Mr. Speaker, I am pleased that a majority of our colleagues joined earlier this week approving the Banking Law Enforcement Act, which will provide for the effective prosecution of crimes involving financial institutions.

This action sends an important message to the criminals who have contributed to a disaster of enormous consequence to the taxpayers of this country. It tells these criminals that we are serious about the pursuit of justice. It lets them know that we are serious about recovering taxpayer money lost to white collar crime. And it demonstrates that we are serious about seeking the larger causes of the savings and loan disaster, in order to prevent a repeat of this debacle.

We all know that financial crimes are complex, difficult and costly to investigate. The crimes in this bill involve subtle maneuvers, complicated paperwork, and extraordinary sums of money: This is no smoking gun, and no conventional crime scene. We also know that thousands upon thousands of such cases have been referred to the Department of Justice, which is understandably overwhelmed.

We believe, however, that these cases are worth pursuing. We are willing to provide the authority and the funding to enable the comprehensive investigation of these crimes. As I have joined our colleagues in stating before, "Since the American people will be paying for the bailout of the thrift industry, they should be able to expect that justice will be served." This legislation will provide the tools needed to bring the offenders to justice.

Finally, this bill also demonstrates our commitment to discovering what negligence, or what misdeeds, may have permitted these crimes to occur. It shows our willingness to identify the real cause of this mess and, ultimately, what steps the Government could have taken to avoid it. If we wish to avoid fiscal disasters of this kind in the future, this information is clearly crucial.

The Banking Law Enforcement Act demonstrates our commitment to pursuing and investigating the mistakes and criminal actions that caused the savings and loan disaster. It furnishes the means to prosecute and punish those who caused and those who profited criminally from thrift failures. But above all, it provides an assurance to the American people that such crimes will not go unpunished.

JIM CAIN—A MANAGER RETIRES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WALGREN. Mr. Speaker, I want to take a few moments to pay special tribute to the municipal manager of my hometown in Pennsylvania who retired this summer after years of public service.

James P. Cain is an example of solid government service at the local level which, we all know, is truly where quality counts and performance is judged on a day-to-day basis by your neighbors.

Since 1982, Jim Cain has been the municipal manager of Mount Lebanon, a suburb of 34,000 people just south of Pittsburgh. I grew up in Mount Lebanon and know that we demand a great deal from our local township officials. Jim Cain has been responding to those local challenges with skill and good humor for many, many years—first as chief building inspector in Mount Lebanon, then director of public works, and then assistant manager before being appointed to the top position 8 years ago.

We will miss Jim Cain in Mount Lebanon.

Under Jim's management, Mount Lebanon has maintained its high reputation for quality local services in one of the outstanding suburban communities of Pittsburgh—no easy task during the 1980's when the Federal Government reduced its direct support for local municipalities. Jim's particular focus on infrastructure development leaves a solid legacy for years to come.

I know my colleagues join me in saluting Jim Cain on his retirement from municipal government. We wish him many years without emergency phone calls, constituent inquiries, and budget crises. For all he has done for us over the decades, he deserves at least that and much more.

A SALUTE TO CAPITOL HILL EMPLOYEES

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. McEWEN. Mr. Speaker, "Never have so few done so much for so many."

Throughout the year, hundreds of thousands of guests come to our Nation's Capital to experience firsthand the history, beauty, and excitement that this city has to offer. These people come from all walks of life and all parts of the country. Nowhere else in the Nation is the average citizen capable of exploring so many vast and fascinating aspects of this great land. This is especially true during the summer months when Washington, DC, abounds with tourists.

On Friday, July 13, 1990, approximately 300 visitors from Michigan and Ohio came to Washington, DC, as part of an annual convention and requested a tour of the Capitol. In the time that these guests were allowed to explore the building, it took nearly 150 workers to help organize and guide the visitors. Some people opened doors, cleared hallways, assisted with directions, and even offered information on some of the specific rooms. No part of the building was left untouched and because of this, all of the Capitol's employees had some form of contact with the group. It is because of this that I commend them for their patient and gracious assistance.

Were it not for the organization and teamwork of all those involved, this tour would not have been successful. There are certain individuals who every day work tirelessly to insure that all things run smoothly. All too often these people go without recognition and thanks though their work is above and beyond the call of duty. Please allow me this time to thank some specific individuals who have proven to be reliable, courteous, and helpful additions to the work force.

I would like to thank Diane Hampton of the House Speaker's Offfice; Tom Keating of the House Sergeant of Arms; Pat Gould and Jim Kaelin of the House Doorkeepers Office; Elizabeth Martin of the Senate Sergeant of Arms; James Dameron, Inspector of the Capitol Hill Police; Tom Nottingham, Chief of the U.S. Capitol Guide Services; George M. White, Architect of the Capitol; and David Pead and Bob Shea of Office Equipment. Their work and efforts are greatly appreciated.

Day in and day out the ladies and gentlemen who work in the House Doorkeeper's Office greet hundreds of visitors and help them with seating and information about this body of Congress. Jim Jenkins, Supervisor and Ray Bethea, Assistant Supervisor, have trained these men and women to be not only helpful, but kind, courteous and respectful as well. On this specific day, as on all occasions, the staff was at their usual excellent level of performance and deserve commendation for their work.

Arthur Curran, Supervisor of the Senate Doorkeepers, and Donn Larson, Assistant Supervisor of the Senate Doorkeepers, can always be found with a smile on their face and a helpful hand. These gentlemen are a living example that a job worth doing is worth doing well.

In addition, there were countless others behind the scenes whose work requires exceptional levels of organization, cooperation, and courtesy. Again, words of praise are often few and far between. I would like to take this opportunity to express to them my sincere thanks for a job well done.

I respectfully request that a list of those people employed throughout the Capitol Building who helped with the tour be included in my remarks.

The U.S. Congress can stand proud knowing that all Americans are welcomed to the Capitol with open and kind hearts.

CAPITOL HILL EMPLOYEES

U.S. CAPITOL POLICE

Captain L.R. Hill, Captain R.F. Reginaldi, Lieutenant R.V. Howse, Sergeant K.M. Allen, Sergeant R.A. Burtt, Jr., Sergeant G.E. Fields, Sergeant H.C. Geary, Sergeant C.C. Johnson, and Technician Z.J. Tomlin.

Officers

W.E. Cochran, Sr., T.D. Smith, C.C. White, D.N. Coles, C.N. Williams, L.C. Williams, A.Y. Jordan, V. Cerverizzo, Jr., J.A. Soltys, Jr., W.V. Summers, Jr., K.N. Talbot, C.Y. Lassiter Norris, R.E. Wilson, W.H. Ashton, W.M. Amezcua, D.R. Farrar, L.P. Swanson, P.J. Connell, H.L. Turner, O.P. Anders, Jr.

W.D. Bagis, M.T. Dejames, J.T. Konczos, R.J. Kaptur, Sr., K.A. Rich, J.M. Turgel, R.A. Gillus, J.P. Pinnix, Jr., W.A. Schwenger, W.J. Diggs, H.N. Bond, F.E. Hensley, R.I. Morey, E. Brown, Jr., C.S. McElwain, M.R. Moore, Jr., J.J. Morelli, J.T.

Snyder, W.D. White, R.B. Peacock, E.D. Goddard, R.L. Gillum, W.F. Hynes.

J.P. Charlton, M.O. Richardson, D.R. Scott, G.K. Smith, R.W. Waters, R.J. Potter, C.J. Gray, S.A. Miles, D.E. Davis, R.W. Rutherford, E.J. Beem II, M.P. Divine, S. Bland, R.E. Casey, J.R. Ivey, W.A. Vaughan, S.T. Adams, W.R. Turner, J.J. Pickett, D. Clark, J.R. Thorp, K.M. Byrd.

Security aides

T.A. Bethel, D.L. Church, J.A. Simmons, A.G. Naves, I.W. Austin, S.L. Hollingsworth, L.S. Mihilis, J.A. Meerman, J.L. Torregrossa, R.K. Morris, Jr.

TOUR GUIDES WITH THE CAPITOL GUIDE SERVICES

Ted Daniels, Beth Hipps, Madaline Allen, Kia Banks, Berry Beaumont, Sandy Blessley, Alice Burridge, Peter Byrd, Dicken Corrada, Mary Doaling, Laura Gable, Betty Gigioli, Tripp Jones, Donald Kearns, Mary Ellen Kimball, Richard Klein, Adrian Norman, Alise Orloff, Christian Scanniela, Jeannie Slevin, Pete Snyuen, Andrea Stephens, Thomas Stevens, Jackie White.

DOORKEEPERS FOR THE SENATE

Matthew O'Brien, Shirley Herath, William Selander, John Tohtsoni, David Giordanco.

ARCHIETECT OF THE CAPITOL

John F. Hackett.

CLERK OF THE HOUSE

Ann Fletcher.

HOUSE DOORKEEPER'S OFFICE

Joseph Jarboe, Doyle Evans, Rick Villa, Bob Gray, Kenneth Sullivan, Mike Butler, Darius Holmes, Susan Salb, Nicki Mayes.

A DETERMINED YOUNG VOTER

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. LLOYD. Mr. Speaker, this summer, I had the pleasure of having an outstanding young woman from the Third Congressional District work in my office as an intern. Miss Lorri Chambers was such an asset that I asked her to stay for several weeks beyond what has been originally planned. Her cheerful disposition will long be remembered and appreciated.

Because Lorri was so good as to extend her internship for 2 additional weeks, she could not be at home to vote on Tennessee's primary election day. Her efforts to ensure that her ballot was counted are exemplary of the fine spirit and motivation that she demonstrated during her tenure as an intern on my staff. A newspaper account which appeared in the Cleveland Daily Banner on August 2 is a wonderful account of her work to see that her vote was cast and counted.

Lorri is a true example of the best of America's youth and she deserves to be commended. I wish her all the best for success at the University of Tennessee during the coming year.

The August 2 Cleveland Banner article on Lorri Chambers is as follows:

A DETERMINED YOUNG VOTER

An interesting event has just come to our attention.

Although we don't yet have her name, a local young woman, only recently of voting age, has been working out of town. Originally, her job was to have ended in time for her to get home and vote today.

But things changed. Her job was extended, which means that she is several hundred miles from home this election day.

When she learned of the change of events sometime back, she called local election officials to inquire about absentee voting. She learned that only a few days remained to get her application in, receive her ballot and get it back to the election commission office by absentee voting deadline. There was simply not time to get it all done through the conventional mail service.

We are told that she was so interested in the election, and so determined to cast her vote that she resorted to the expense of overnight delivery in the back-and-forth mailings required to beat the deadline. In all, it is said to have cost her the better part of $100.

How's that for determination to practice good citizenship, She had a good excuse for not voting, but she was so determined to have her opinion count that she got her ballot in, if only after considerable effort and at considerable expense.

Do you have a good excuse for not voting today?

TRIBUTE TO MAURICE A. FRANK

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to recognize and honor a fine citizen and outstanding attorney, Maurice A. Frank.

Mr. Frank is a lifelong resident of Illinois. He was born in Chicago, IL, on January 1, 1910. He later attended DePaul University School of Law and was admitted to the Illinois Bar in 1933. During World War II he served with Army Intelligence.

Mr. Frank is a loving husband and caring father. He has been married to his wife Betty for 44 years and has three children, Arthur, Judy, and Charles, as well as four grandchildren, Rebecca, Lauren, Matthew, and Kristine.

He has practiced law in Chicago for over 50 years. During this time he has provided legal service of the highest caliber to his clients. He has also been extensively published in legal journals, as well as serving on numerous committees of both the Chicago and Illinois Bar Associations. He is also a frequent contributor of legal book reviews for the Chicago Daily Law Bulletin.

In addition, Maurice Frank also has a long history of community involvement and service. Among his accomplishments, he has served on the board of the Friends of the Glencoe Public Library, is a past president of the Austin Chapter of B'nai B'rith, and is a member of the Decalogue Society of Lawyers.

Mr. Speaker, I ask that my colleagues join me in honoring this fine citizen and outstanding attorney.

CONGRATULATIONS TO THE 1990 PINCKNEYVILLE PANTHERS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. POSHARD. Mr. Speaker, it is with great pride that I rise before the House of Representatives to commend the outstanding performance of a great girls softball team, the Panthers of Pinckneyville, IL.

Throughout the season the Panthers displayed enormous perseverance in the face of possible defeat. Refusing to accept the predictions of those who doubted their ability, they marched forward to rack up one victory after another. Their determination and loyalty reflects southern Illinois pride.

The dedicated Pinckneyville fans watched with elation as their home team made headlines with a stunning string of successes. Under the leadership of Head Coach Greg B. Hale and Assistant Coach Linda Rudolph, the Panthers overcame stiff opposition in the Southwestern Egyptian Conference to post an 11-0 record, going on to become Invitational, Regional and Sectional Champions. They finished the season with a spectacular 27-4 record, establishing a school record.

The team and their fans never lost faith as they battled valiantly in the class A Illinois High School State Finals, coming within 1 run of winning the championship against Casey in an electrifying 3-2 finish.

The Panthers have set an example through their determination to stand tall and to push themselves to the limit even when the outlook appeared dim. Certainly, we can all learn from that. Their spirit reflects that of the community they so proudly represent, Pinckneyville, IL. Pinckneyville High School, has an enrollment of 555 students from the city's population of 3,500. These young people are role models of the values and traditions of the people in my district, which they so enthusiastically represent and I so proudly dedicate.

Mr. Speaker, please join me in congratulating the Panthers of Pinckneyville for a job well done.

I hereby submit these champion's names into the CONGRESSIONAL RECORD:

THE PINCKNEYVILLE PANTHERS

Kari Weatherford, Becky Brand, Jenny Hagel, Carrie Kellerman, Kandi Newton, Jennifer Lunnemann, Julie Isaacs, Heather Opp, Heather Bronke, Andrea Clarke, Jennifer Chapman, Nicole Rule, Audree Dauksch, Kim Gendron, Michelle Sullivan, Lisa Biley, Amanda Weatherford, Julie Roe, Jennifer Brand and Statistician, Oren Loos and Manager, Jeanne Rheinecker.

ADDRESS OF MAJ. GEN. DANIEL R. SCHROEDER AT THE ARMY ENGINEER CENTER DEDICATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SKELTON. Mr. Speaker, on April 24, 1990 at the Army Engineer Center at Ft. Leonard Wood, MO, I had the opportunity to give the principle address at the dedication ceremony. I congratulate the U.S. Army at this milestone achievement.

The commanding general, Daniel R. Schroeder, gave an excellent address and highlighted the individuals who were honored by the various buildings and points of significance. His address memorialized seven distinguished soliders, and I include his remarks herewith:

REMARKS BY GEN. DANIEL R. SCHROEDER

Governor Ashcroft, Congressman SKELTON, Congressman EMERSON, Honored Guests, Ladies and Gentlemen:

It's a great day for the army, a great day for Fort Leonard Wood and a great day for engineer soldiers everywhere.

We are pleased to have with us today a number of special guests, whom I would like to recognize. Some risk in that—not naming all—no less important.

We are also pleased to have with us today individuals to whom this site has particular significance in a very poignant way. For they were born in the former Army Hospital which stood at this site for many years. I would like to ask them to stand and be recognized.

We are especially honored to have so many family members of those to whom we dedicate the facilities with us.

Since ancient times warriors have been memorialized in song and verse. Their exploits depicted on cave walls, in tombs, and on monuments. The ancients did this because they knew that unless this was done the lessons of courage and valor these warriors had to teach would be lost.

That tradition of honoring those who have gone before us continues today. We are gathered to dedicate these great facilities and in so doing to appropriately memoralize some of yesterday's soldiers as examples of loyal and dedicated service to our great nation.

In our own way we are continuing the ancient tradition. It is important that we do so because without that the rich heritage of our engineer regiment and the achievements of its soldiers could not be passed to future generations.

The main gate you came through this morning, our training facilities, reception complex and noncommissioned officers academy all bear the names of fellow soldiers whose demonstrated values and unselfish service exemplify the character we want to impart to our young soldiers.

Today we are gathered to memoralize not the passing of seven distinguished soldiers (one is still living), but rather the principles by which they lived. In their service they demonstrated a love of country, unselfish sacrifice and integrity that will be a source of inspiration to all those whom we train here and who will work here well into the 21st century.

By dedicating these magnificent facilities to those soliders, we remind ourselves that freedom isn't free; and that throughout our nation's great history it has been citizen soldiers from humble beginnings, such as those whom we honor today, who have made our country a beacon light in the world today. The commitment of those of us who serve today has to be to keep their contributions in front of us and to preserve that beacon.

It is fitting that the 48th governor of the great state of Missouri is with us this morning.

John Ashcroft is a neighbor and a friend. This part of the state is home for him. He attended public schools in Springfield, farmed there and practiced law with his wife, Janet.

As governor and Commander-In-Chief of the Missouri National Guard, John Ashcroft has visited Fort Leonard Wood on several occasions in recent years. He has visited troops in training and operated some of our biggest engineer equipment. He joins us regularly to demonstrate remarkable athletic skill on the basketball court to benefit Missouri's Special Olympics.

General William Morris Hoge (1894–1979), was born and raised in Missouri. General Hoge had a distinguished career as an engineer and commander in the U.S. Army. During World War I Hoge received the Distinguished Service Cross and the Silver Star for Heroism at Buieulles, France, in 1918. Just prior to America's involvement in World War II, General Hoge commanded the troops that built the Alcan Highway linking Alaska with the lower 48 states. On June 6, 1944, as American soldiers landed on the beaches of Normandy, Hoge commanded the 1st Provisional Engineer Brigade securing Omaha Beach. He also commanded Combat Command B, of the 9th Armored Division at St. Vith during the Battle of the Bulge. His unit later was to take the famous Ludendorf bridge at Remagen. His WWII decorations included a second Distinguished Service Cross, two Distinguished Service Medals, two additional Silver Stars, a Legion of Merit, a Bronze Star, and a Purple Heart. From 1946 to 1948 General Hoge commanded the engineer school at Fort Belvoir, Virginia. During the Korean conflict Hoge received another Distinguished Service Medal and an Air Medal while commanding the 9th Corps. Hoge rose to the rank of General as the Commander-In-Chief of all U.S. Army Forces in Europe from 1953 until 1955 when he retired.

George A. Lincoln (1907–1975).—Rhodes Scholar,—a Brigadier General at the age of 38 and prominent as a planner with Marshall and Eisenhower during WWII. After the War, he became a professor (1947–1969) and head (1954–1969) of the Social Science Department at West Point. General Lincoln is noted for his writings on international politics and economic aspects of national security. Lincoln served as a consultant to NATO and the Agency for International Development (AID). He was director of the Office of Emergency Preparedness and a member of the National Security Council. In 1971 he managed President Nixon's 90-day wage and price freeze. His awards include two Distinguished Service Medals and two Legions of Merit.

Bruce Cooper Clarke (1901–1988), was born in Adams, New York and at the age of 17 enlisted in the Army as a Private. Following WWI, Clarke received an appointment to the U.S. Military Academy and graduated in the class of 1925. Although commissioned as an engineer, it was as an Armored Officer that Clarke distinguished himself in WWII. For his significant contributions to the war effort Clarke received the Distinguished Service Cross, a Distinguished Service Medal, three Silver Stars, a Legion of Merit, three Bronze Stars, and an Air Medal. Following WWII, Clarke served as Assistant Commandant of the Armor School and Commander of the 1st Armored Division. During the Korean Conflict Clarke again saw combat as commander of the 1st Corps and later 10th Corps. In 1958, Clark was promoted to the rank of a four-star general to take charge of the U.S. Continental Army Command. Beginning in 1960, General Clarke was the Commander-In-Chief of all U.S. Army Forces in Europe until 1962 when he retired.

Maj. Gen. Donald Ray Morelli (1933–1984), a chief architect of the Army's fighting doctrine called Airland Battle, was born in Greensburg, Pennsylvania. He served more than 28 years in the U.S. Army. Upon graduation from the U.S. Military Academy at West Point in 1956, he received a bachelor's degree in engineering, and was commissioned a Second Lieutenant in the Army. He later earned a master of science degree in civil engineering from the university of Illinois. His military education included attendance of the engineer school's basic and advanced courses, the U.S. Army Command and General Staff College, and the Army War college. After having served in combat with the Army's 9th infantry division in Veitnam, he commanded the 10th engineer battalion of the 3rd infantry division, and was the commander of the 2nd engineer training brigade here at Fort Leonard Wood, Missouri. General Morelli also held staff positions with the army's corps of engineers at headquarters, department of the army and the training and doctrine command, Fort Monroe, Virginia. He retired as Tradoc's Deputy Chief of Staff for doctrine. Durign his career Gneral Morelli was awarded the Distinguished Service Medal with one Oak Leaf Cluster, the Bronze Star with two Oak Leaf Clusters, the Meritorious Service Medal with Oak Leaf Cluster, the army Commendation Medal with the Combat Infantryman's Badge, and Distinguished Service Awards from the governments of Brazil and West Germany.

Thomas Jay Hayes, the fourth, was born in Texas, Hayes graduated from the U.S. Military Academy with the class of 1966. Although awarded a Rhodes Scholarship and accepted at Oxford, England young Hayes chose to be commissioned as an engineer. He was assigned to the 307th Engineer Battalion of the 82nd Airborne Division. His tour at Fort Bragg was interspersed with paratrooper, ranger, and pathfinder courses at the infantry school. In May of 1967, Hayes went to Vietnam to serve as a platoon leader in the 1st Engineer Battalion of the 1st Infantry division. Several months later Hayes volunteered for the 1st Cavalry Division's long range reconnaissance patrol, Troop D, 1st squadron, 4th Cavalry, as leader of the 1st Infantry Division's aero rifle platoon. On April 17, 1968 Thomas Hayes' unit engaged the enemy and a fierce daylight battle ensured. Lieutenant Hayes repeatedly risked his own life to save wounded members of his unit. He was finally killed by a burst of North Vietnamese automatic weapons fire. Posthumously promoted to Captain, Hayes was awarded two Silver Stars, four Bronze Stars, six Air Medals, four Commendation Medals, and a Purple Heart.

Louis John Storck was born in China. He graduated from the U.S. Military Academy, class of 1951 where he excelled in football and track. After commissioning as an engineer Storck served as a First Lieutenant with Company B, 2nd Engineer Combat Battalion, 2nd Infantry Division. On October 6, 1952, at Hill 281 in Korea, Lieutenant Storck and several of his men were cut off while occupying an outpost well in front of friendly lines. Though outnumbered he and his men continued to resist, finally engaging the enemy in fierce hand-to-hand fighting before the assault was thrown back. During that night, Stork's position was overrun by the enemy. With his four remaining men Storck led an attempt to fight their way through to friendly lines. Although he and all of his men were wounded, Storck continued fighting valiantly until he was killed.

Robert Putnam Ross was born on November 14, 1917 in Milwaukee, Wisconsin. Ross enlisted in 1941 and quickly rose to the rank of corporal. In June of the following year, he was commissioned in the Corps of Engineers. Ross participated in the Amphibious landing in North Africa, Sicily, and Italy before wading ashore as commander of Company B, 36th Engineer Battalion, on D Day June 6, 1944. For his actions in the amphibious assault, Ross was awarded the Distinguished Service Cross and the French Croix de Guerre. After being wounded on June 7, Ross was hospitalized in England until he was able to resume his combat efforts and move through Europe to eventual occupation duty in Germany. In 1945 Ross, still a 1st Lieutenant, was released from active service. He retired as a Captain in the reserves in 1958.

Hugh Barbee Mott, was born on August 14, 1920, in Nashville, Tennessee. Mott enlisted in 1942 as a Private in the infantry. After completing Officers Candidate School at Camp Davidson, North Carolina, he was commissioned as a Second Lieutenant in the anti aircraft artillery. Mott soon transferred to the Engineers as a platoon leader in Company B, 9th Armored Engineer Battalion, 9th Armored Division. Soon after the Allied landings in the summer of 1944, Mott and his 2nd Platoon of combat engineers arrived in France. On March 7, 1945, in the town of Remagen, Second Lieutenant Mott, and his men succeeded in removing enemy explosives and secured the only remaining bridge across the Rhine. After serving with the occupation forces in post war Germany, Mott returned to his home in Tennessee separation from the service as a First Lieutenant. In 1949 Mott was elected to the Tennessee State Legislature. After commanding the 30th Armored Division, Mott was appointed adjutant General for the state of Tennessee in 1968. Upon retiring from the Tennessee National Guard in 1972 Mott became Nashville's Chief of Police, retiring in 1975.

Thank you all for joining us today to commemorate this important event. The assurance I give you is that we take our heritage seriously and the eight soldiers whom we honored are an important part of that heritage. The commitment we who serve today is to make that service worthy of the sacrifices of those who preceded us. An engineer officer, Robert E. Lee said it best—This is a true honor and a true Glory—The honor of integrity and the glory of duty done.

NARUC RESOLUTION TO AMEND SECTION 5 OF THE NATURAL GAS ACT IS DEFEATED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. RICHARDSON. Mr. Speaker, I have been concerned in recent months about efforts that would affect the complicated operations of the production, sale, and delivery of natural gas in our economy. This has largely involved legislative attempts or threats to provide retroactive rate refunds by regulated pipelines. I am pleased to note that a group who has expertise in this area—namely the State regulators themselves—have spoken out.

On July 24, 1990, the Gas Committee of the National Association of Regulatory Utility Commissioners [NARUC] at their Los Angeles meeting rejected a resolution to amend section 5 of the Natural Gas Act [NGA]. The resolution advocated amendments of the NGA to permit the Federal Energy Regulatory Commission to make natural gas pipelines provide rate refunds, with interest, on a retroactive basis.

Under the defeated resolution, when FERC reviews a rate under section 5 of the NGA, it could find that the rate is no longer just and reasonable and could require refunds from a much earlier date prior to the determination. These are rates which FERC has already determined to be just and reasonable pursuant to its section 4 authority. The resolution would not have allowed FERC to increase rates retroactively, merely to decrease them. The resolution was defeated by the full gas committee on a vote of 4 to 13.

The commissioners who spoke out in opposition to the resolution on retroactive rate refunds gave some of the following reasons for rejecting the resolution. First, several commissioners said that if FERC is to have the authority to decrease gas pipeline rates retroactively, it should also have the power to increase them retroactively as well. Because they did not support proposals which would allow unforeseeable increases in rates, they could not support legislation to reduce rates retroactively. Second, commissioners emphasized the need for certainty and rate finality. All parties to a FERC rate proceeding should be able to rely on rates which are found to be just and reasonable unless, and until, they are found to be excessive. Third, several commissioners said they were reluctant to propose any legislative changes to the NGA.

The NARUC Gas Committee is made up of State regulatory commissioners from throughout the United States. Among the purposes for NARUC is "to protect the common interest of the people with respect to the regulation of public utilities and carriers, and the promotion of cooperation of the commissioners of the several States with each other and the Federal commissions represented in the Association."

Mr. Speaker, I commend the Gas Committee of NARUC for its action, and I am happy to bring this information to the attention of my colleagues and the public.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WEISS. Mr. Speaker, I rise today to introduce a resolution designating May 1991 as "National Huntington's Disease Awareness Month."

Huntington's disease is a terminal and degenerative brain disorder whose victims lose gradual control over both mind and body. Beginning in barely perceptive ways, often with minor muscle twitches and a general lack of coordination, the disease progresses relentlessly for 10 to 25 years.

At advanced stages, afflicted individuals experience personality changes, spastic contortions, decreased mental capability, memory loss, and slurred speech. Eventually, the loss of nerve cells in the brain causes individuals to become entirely incapacitated and the disease ultimately results in death.

Huntington's disease has already afflicted 25,000 Americans and an additional 125,000 individuals are considered "at-risk" due to the disease's hereditary nature. Although there are no available means of retarding, reversing, or curing this killer's effects, experts are confident that they are on the verge of a breakthrough.

Recent advances in the field of molecular genetics have enabled scientists to approximate the gene site responsible for Huntington's disease. Increased Federal funding of medical research could result in discovery of the cure for Huntington's disease. I firmly believe the designation of a National Huntington's Disease Awareness Month will generate the interest and momentum necessary to combat this devastating killer.

Below is a printed copy of the resolution:

H.J. RES. —

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer, and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

THE RENEWABLE ENERGY TECHNOLOGY TRANSFER ACT OF 1990

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROWN of California. Mr. Speaker, I am pleased to introduce the "Renewable Energy Technology Transfer Act of 1990" which will enhance the movement of technology developed by Federal research programs to State and local governments and the U.S. renewable and energy efficiency industries.

During the 8 years of the previous administration, solar and renewable energy R&D suffered severe cuts and was relegated to long-term, high-risk research. During that time, our international competitors, sensing a lack of resolve by the United States to commercialize our technology, began pumping resources into Government R&D programs for short-term applied research. As a result, they have all increased their world market share in technologies in which the United States still barely hold the technical lead.

The first section of the bill provides increased authorization for the U.S. Department of Energy's State and local government assistance programs, from $5 to $6.6 million between fiscal years 1991–93, to allow U.S. industry and State governments to joint venture emerging technology projects. Government-industry joint ventures have proven themselves as an effective tool to accelerate the acceptance of new technologies in the marketplace. This legislation will encourage the U.S. Department of Energy, State governments, and the U.S. renewable energy and energy efficiency market development effort. This section also provides additional funds to existing State research entities that have proven themselves as centers of excellence for solar, renewable energy, and technology transfer.

The second section encourages further innovation in the existing Department of Energy-supported Federal laboratories in providing more aggressive outreach for and with industry, local governments, and the general public. A modest increase of $5 to $6.6 million between fiscal years 1991–93 will begin to establish a sorely needed information network geared to the applied research and actual use of these energy saving technologies. While the solar and renewable technologies have become mature and cost effective, few know about these advances in the technologies. In addition, this section provides minor funding to identify existing successful technology transfer models as a way to more broadly replicate the best mechanisms that have pushed these innovations in the marketplace.

The final section provides resources to U.S. industry to access market development information and provide overseas market outreach for the U.S. renewable energy and energy efficiency industry. Our competitors overseas currently access U.S. information to help build their technical expertise and market share. Our industry has been unable to access our own Government information as quickly. These provisions allow the development of a computer information network for industry and State and local governments. The provisions also call for establishing overseas outreach offices for the U.S. industry in the key market development areas of the Pacific Rim and Caribbean Basin and Latin America which will provide a long-term industry presence to build market share.

This bill I am introducing requires less than $20 million per year over 3 years. This amount of money will leverage according to industry experts over $100 million in sales of U.S. renewable energy equipment. Expansion of renewable energy sales represents one government policy that not only promotes environmentally sound applications, but results in increased American jobs and a decreased trade deficit due to its supplanting of oil imports.

The administration's request for increased solar and renewable energy R&D funding for fiscal year 1991 is a welcome sign. But research and development alone will not build markets for these technologies. More effective and aggressive technology transfer programs are the important linkage to effectively commercialize emerging technologies. This modest legislation provides a good start in that direction.

With increasing tensions in the Middle East between Iraq and Kuwait, the United States would be well advised in building our domestic alternative energy sources. Solar and renewable energy now compromise over 10 percent of U.S. energy and with greater market development incentives, could supply over 20 percent by the year 2000. Let's get on with it.

TRAUMA CARE: A STEP IN THE RIGHT DIRECTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FASCELL. Mr. Speaker, I rise to call our colleagues' attention to the trauma-care crisis facing our Nation. The war on drugs must include care for its victims. However, this care simply cannot be met by already overburdened public medical facilities.

Drug and substance related violence has swamped our public hospitals with patients injured by the drug war, leaving many hospitals with uncompensated medical expenses. In the past 2 years, trauma centers have closed in Chicago, Miami, Philadelphia, Houston, and Los Angeles.

The real drug war is not being fought in the halls of the Justice Department, but on the streets of our local neighborhoods. That is where the war is and that is where the casualties are.

I have joined the distinguished chairman of the Subcommittee on Health and the Environment in consponsoring H.R. 4701, the Trauma-Care Revitalization Act of 1990. This legislation would provide $650 million over 3 years in Federal grants for trauma-care centers to be administered under the National Drug Abuse Control Program. This bill will help to alleviate the crisis in our Nation's trauma-care system and place it on the path to recovery. I urge our colleagues to join us in enacting this piece of legislation.

TRIBUTE TO SAFETY TOWN

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SANGMEISTER. Mr. Speaker, I rise today to give tribute to the village of Romeoville in the Fourth Congressional District of Illinois. This Sunday, August 5, 1990, the village will dedicate "Safety Town," a miniature town designed to teach children a lesson in safety. The replica includes everything from homes to a fire station, the idea is to teach children how to handle various emergency situations in their everyday surroundings.

"Safety Town" is yet another example of the hard work and cooperation typical of the people of the Fourth District of Illinois. The labor, money and materials to build "Safety Town," were donated by the residents, business people and local government workers of Romeoville and the surrounding communities. Children will now have the opportunity to learn an important and hands on lesson in safety because of the generosity and teamwork of these people.

The "Safety Town" facility will be used by schools, service organizations, and even some businesses to instruct children in the basic rules of traffic, home, and other types of safety. This variety of education will serve to prevent many accidents from happening, as

well as preparing the children of Romeoville and the surrounding communities to act quickly and correctly in case of an emergency.

I commend the designers, laborers, contributors and workers of "Safety Town" who are making a noticeable and necessary contribution to the education of our young people. Mr. Speaker, I ask that my colleagues join me in extending our congratulations to all of them for making a difference.

TRUST FUND TREATMENT IS HIGHWAY ROBBERY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HASTERT. Mr. Speaker, I rise today to introduce legislation to move the highway and aviation trust funds off-budget.

By moving these funds off-budget we ensure that they are spent for the purpose for which consumers paid the taxes instead of being borrowed for nontransportation projects.

The highway and aviation trust funds are supported 100 percent by highway and airport users, and yet, because of the way these funds are treated in the Federal budget, billions of dollars never get spent on needed improvements.

Administrations as far back as that of President Lyndon Johnson have engaged in the practice of maintaining high balances in the transportation trust funds, using annual net increases to mask the true size of the deficit in the general fund.

Masking the size of the deficit with the surpluses in these trust funds is a deception of the American taxpayer. It's time to end this smoke and mirrors approach to accounting for the public's money.

In my district, consumers pay their Federal gas tax at the pump and then return to congested roads and sit with their engines idling and their time wasting because their tax dollars are not being translated into road improvements. It's time we give people what they are paying for.

What Member of this body can say his or her district does not have a serious need for road improvements, new and refurbished bridges and more mass transportation. More and more we find State and local taxes having to be raised to meet these serious needs because the Federal Government refuses to return to States the gas tax dollars it has collected from consumers. It is time that unfair policy is changed.

The Federal Government must stop breaking the faith with the users of the Nation's highways and airports. We pay these taxes specifically for capital improvements to these systems, and our constitutents deserve a much greater return on their investment than they now receive.

I ask that you join me ending this highway robbery.

THE MEDICAID OUTREACH AND CHILD HEALTH ACT OF 1990

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DURBIN. Mr. Speaker, today I am introducing legislation, along with my colleagues Mrs. MORELLA and Mr. MILLER of California, to strengthen our Nation's Medicaid Program by improving our outreach efforts to pregnant women and children and by providing more secure Medicaid coverage for pregnant women and children already receiving the vital health care services provided by this program.

As of April 1 of this year, as a result of a provision adopted in the Omnibus Budget Reconciliation Act of 1989, pregnant women and children up to age 6 with family incomes below 133 percent of the poverty level are eligible for Medicaid coverage. This provision is an important step in the effort to reduce our Nation's unnecessarily high rate of infant mortality and improve child health. Medicaid coverage can provide pregnant women and children the health care they need to foster a healthy birth and a good start in life for low-income children.

However, this significant health care expansion is of little use if eligible people don't know they are eligible for Medicaid or face barriers that inhibit enrollment. Expanded Medicaid outreach efforts are essential to assure Medicaid services to eligible pregnant women and children.

To encourage outreach to this vulnerable population, the Medicaid Outreach and Child Health Act of 1990 includes the following provisions:

First. Provide a 75-percent matching rate to States for the cost of outreach efforts to identify and enroll pregnant women and children who are eligible for Medicaid. This provision would provide an enhanced match of 75 percent for outreach activities to identify pregnant women and children who are eligible for Medicaid and assist them in applying for and obtaining Medicaid services, Outreach activities must include "outstationing" eligibility workers in public health clinics or other community locations outside of the county welfare office, and other activities that assist pregnant women and children in obtaining Medicaid coverage. Under current law, the Federal funding match for outreach is limited to the 50-percent match for administrative costs.

Second. Establish a $10 million Federal grant program to fund demonstration projects to increase the enrollment of eligible pregnant women and children in Medicaid. This provision would fund outreach demonstration projects operated by private nonprofit organizations and local public agencies which have strong community support and demonstrated linkages to other community programs serving low-income women and children. The projects would demonstrate innovative approaches to increasing the participation of pregnant women and children in the Medicaid Program, with special emphasis on children.

Projects would have to be designed to make personal contacts with potentially eligible persons, including efforts to identify eligible persons, encourage and assist them in applying for Medicaid coverage, and provide followup assistance to help them overcome any barriers to obtaining enrollment and continuing to receive Medicaid services. In addition to establishing successful enrollment programs in the local project areas, these projects would provide a base of experience that could lead to improved Medicaid enrollment efforts nationwide. The grants would be administered by the Bureau of Maternal and Child Health.

Third. Mandate continuous Medicaid eligibility for pregnant women for 60 days after giving birth and for eligible infants for 1 year after birth. This provision would allow a pregnant woman who has established Medicaid eligibility to remain eligible until 60 days after giving birth, and would allow her newborn baby to remain eligible for 1 year after birth, even if a short-term rise in family income would otherwise bump her and the infant off the program and force them to reapply. Currently, 44 States have adopted the existing Medicaid option that provides continuous eligibility for pregnant women for 60 days after giving birth and for infants for up to 1 year while the mother remains eligible.

In the absence of this provision, when a mother becomes ineligible for Medicaid when the special coverage for pregnant women ends 60 days after giving birth, the infant automatically loses eligibility as well and must reapply. Almost all of the infants are in fact still eligible, because the 133 percent of poverty level income standard that covered their mother while she was pregnant remains in effect for children up to age 6. However, if a new application for the baby is not successfully completed, the baby loses Medicaid coverage. Even if the new application is made, reestablishing eligibility can often take several months, during which time the baby is not eligible for Medicaid. This provision would ensure continued coverage of infants for a full year even when the mother loses eligibility after giving birth.

Fourth. Establish a State option allowing States to continue Medicaid eligibility for children for a 1-year period. This provision would give States the option of allowing children to maintain eligibility for a 1-year period when a change in income might otherwise terminate their eligibility for at least 1 month. Several States have expressed an interest in experimenting with this alternative approach to Medicaid eligibility. It would reduce the amount of paperwork associated with Medicaid by allowing children to be enrolled for 1 year at a time instead of requiring monthly income verification.

This provision would improve child health by permitting uninterrupted medical coverage in the many cases in which a 1-month or short-term income rise would otherwise terminate the child's coverage and force a later reapplication for coverage when the family's income fell again. Since the paperwork involved in establishing and maintaining enrollment in Medicaid is considered a significant deterrent to Medicaid enrollment, this approach could help in the effort to maintain Medicaid coverage for all eligible children.

SECURITY IN THE PACIFIC: THE VIEW FROM CONGRESS

HON. CHRISTOPHER C. COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. COX. Mr. Speaker, I would like to introduce the following speech, entitled "In Defense of Freedom: Pacific Security in the 1990s," by my colleague DANA ROHRABACHER of California, into the CONGRESSIONAL RECORD. It was delivered at a conference in Los Angeles sponsored by the Claremont Institute's Asian Studies Center and the Institute of International Relations. We can all benefit from Mr. ROHRABACHER's insightful analysis:

SECURITY IN THE PACIFIC: THE VIEW FROM CONGRESS

(By Congressman Dana Rohrabacher)

We live in momentous times. Historic changes are transforming our world's political landscape—not merely from month to month, or even from week to week, but quite literally from day to day.

We are witnessing the passing of an era of tyranny and scarcity, and the dawning of a new era of liberty, progress, and global enterprise. Freedom's tide is rising, and one needn't be an optimist to predict that the world our children will inherit will be far different than our own. New opportunities and challenges will emerge that the previous generation could find only on the pages of a Jules Verne science-fiction novel or tucked deep in the imagination of an Edward Teller.

The chance for a lasting peace has never seemed more achievable. The positive spinoffs of democratic capitalism are rewriting the history of mankind. Innovations in communications and information, in ceramics and materials, in genetics and fiber optics, are transforming the planet. By the second decade of the new millennium, we will travel from Los Angeles to Sydney, Australia, in sixty minutes! In less time than it takes to get to the airport today, we will cross the Pacific Ocean tomorrow.

Let me note here that what I am forecasting concerns the lives of people who will live in relatively free and democratic countries. Those societies that too severely restrict the liberties of their people will fade into irrelevance, as free people in the far reaches of the world establish business relationships and supply each other with goods and services within a global marketplace.

Future peace will be maintained by alliances of free peoples, and these bonds and promises will neutralize the threat of tyranny. Unfree regimes will rely on unwilling conscripts, antiquated weapons, and third-rate technology, while free peoples will have SDI, handheld lasers, and cruise missiles that can be programmed to fly into Colonel Quadhafi's bedroom window.

The traditional balance of power and *realpolitik* will still be part of preserving the peace and maintaining stability—as will our ability and willingness to resort to unilateral military action. Increasingly, however, the United States will depend on multilateral actions and unified economic strategies as the means of influencing events.

Even today's international challenges, ranging from terrorism and narcotics trafficking to the preservation of our global ecosystem, cannot be resolved by a few dominant nations acting in isolation. Soon we will see a world shaped more by economic alliances than by military alliances. Witness the recent Free Trade Agreement between the United States and Canada, soon to be followed by European economic integration in 1992. In the years ahead, such agreements will be part of the commerical landscape in the Pacific.

Growth rates in East Asia and the Pacific Rim captured the imagination of the world of a few years ago. Although today this region is going through a period of economic retrenchment, optimism should remain high. In the last century, Henry David Thoreau said, "We go East to realize history and study the works of art and literature; we go westward as into the future, with a spirit of enterprise and adventure."

As the political leaders of Japan, Korea, Taiwan, and ASEAN nations are learning, with economic success comes greter international responsibilities. Many of these leaders still look to the United States, rather than recognizing that they themselves must become champions of human rights and democracy, and bulwarks of regional security.

The post-Second World War era is over. Decisions in Tokyo, Taipei, Bangkok, Singapore, Sydney, and Jakarta will be on an equal par with those made in Washington. ASEAN provides us with a great model of what Pacific cooperation can achieve, yet even here more action and less talk should be the order of the day.

The United States has a large stake in Asia. In 1988, our transpacific trade amounted to $271 billion, far exceeding transatlantic commerce of $186 billion. Just as the role of the United States in Europe is changing, so too will the role of the United States in the Pacific. Just as we have discussed "burden sharing" in NATO over the years, our allies in the Pacifc must share the load of protecting peace and freedom in that region.

This is especially true of Japan. I predict continued friendship and goodwill between the United States and Japan, but let's not deny that strains exist. It will be to everyone's benefit to solidify and strengthen our ties. This means that Japan must further open its market at home and increase its commitments to freedom and stability abroad, especially in the Pacific.

Korea is now struggling to establish a legitimate democracy. The last Korean election was free and fair, and I expect Korea will come out of its present turmoil a stronger and better nation. It, too, must open its markets if it expects to sell its products in American markets.

But the true test of whether the more gradiose predictions of a Pacific Era are to come true will depend largely upon mainland China. China's repression of the Tiananmen protesters one year ago has cast doubt on some of the more enthusiastic forecasts. But China's younger generation will not indefinitely continue to endure the humiliation of despotism and backwardness the elder generation has imposed upon it.

We must welcome China's younger generation to our world. As President Bush has observed, "The process of democratization in Communist countries will not be a smooth one, and we must react to setbacks in a way that stimulates rather than stifles progress." I would suggest that America should be taking a step away from China as it steps away from democracy. Simultaneously we would be taking a step toward the Republic of China on Taiwan, as an enclave of Chinese enterprise and ingenuity that is, I might add, steadily adopting practices to match its ideals.

Let us turn to the other great obstacle to progress in the Pacific, the ongoing violence in Indochina. Over the years, I have spent considerable time in Southeast Asia. To most Americans this corner of the world seems at first utterly foreign and chaotic, with its ancient culture and haunting beauty contrasting with its raw energy and political intrigue. But romanticism should not dull one's outrage over the needless suffering and bloodshed that continues in the region. The situation in Burma and Cambodia is particularly lamentable and disturbing.

In November 1988, shortly after I was elected to office, I visited Burmese students in the remote jungle along the border with Thailand where they had fled for their lives. These brave young people, independent of any foreign support and operating on a shoestring, had organized massive, nationwide demonstrations in August and September of that year, in which hundreds of thousands of unarmed citizens had protested peacefully against the military dictatorship. The uprising was reminiscent of the Prague Spring, which I witnessed firsthand in 1968, or the Tiananmen Square demonstrations of 1989.

Nine months before Tiananmen Square, the Burmese regime unleashed its military and killed thousands of protestors, including schoolchildren and housewives, in a bloody crackdown. Those who managed to escape the massacre found sanctuary in border areas. There they were protected by ethnic minorities, many of whom had been fighting the central government for four decades.

Last year I spent considerable political capital securing humanitarian assistance for these courageous students. Congress appropriated $250,000 for them. I am now working to ensure these funds reach these young heroes and toward the provision of more help for the upcoming year. Such aid, though small in amount, is a statement of principle to the people of Burma and to the world.

In Burma, as elsewhere, we have a moral imperative to stand with those who long for freedom and not with their oppressors. This is especially true now that the brutal Rangoon regime has sunk to new moral lows. Forced resettlement has reached a scale not seen in the region since Pol Pot's Communists turned PhNom Penh into a ghost town.

The Khmer Rouge, of course, win the prize for the decivilization of society and the debasement of humanity. The Vietnamese, using opposition to Khmer Rouge genocide as a cover, invaded Cambodia in a power maneuver aimed at ensuring their dominance in the region. Contrary to press reports of Vietnamese withdrawal, Hanoi is presently involved in a reinvasion of its western neighbor. Approximately 65,000 (PAVN) troops are on Cambodian soil at this moment.

Furthermore, Vietnam has de facto annexed significant parts of Cambodia. Hundreds of thousands of Vietnamese settlers were brought into Cambodia during Hanoi's ongoing occupation, and have filled villages left vacant by Pol Pot's mass murders. In many parts of the Cambodian countryside, the Khmer culture, music, tradition, and people are gone. If Vietnam has anything to say about it, they will never return.

The twin objectives of the United States must be independence and democracy for Cambodian people. I strongly support increased overt and covert aid to noncommu-

nist resistance groups. Had we offered such aid earlier, the Khmer Rouge would have dwindled to nothing. Instead, with China's help, the Khmer Rouge have become a rallying point for Cambodian nationalists who oppose Vietnamese domination.

We must continue to demand the total withdrawal of all Vietnamese forces from Cambodia and the exclusion of Pol Pot and his henchmen from any future role in the Cambodian government. Australia has proposed an internationally supervised election for Cambodia. We should support this proposal.

Communism has been an evil, anti-human force in Southeast Asia, used as an excuse for the slaughter of millions and for the most beastly of acts. Cambodia, Laos, and Vietnam remain one-party Communist dictatorships with none of the human fredoms or democratic liberties which are necessary for peace and prosperity. Vietnam's parroting of Moscow's *glasnost* and *perestroika* is a cruel joke to the hundreds of Vietnamese who pile into leaky boats each month, preferring to face murderous pirates and uncertain seas rather than remain captives of communism. One out of three die in the attempt.

Today, we hear much talk of normalizing relations between Washington and Hanoi. I say that there should be no normalization until all political prisoners are free. Moreover, I would not consider having diplomatic relations with a government that continues to use the remains of our fallen fighting men as bargaining chips to influence our policy, and that continues to hold in captivity, I believe, American prisoners of war.

Our interests do not lie with improving relations with such regimes, but in keeping faith with the humble people of Burma, Cambodia, Laos, Vietnam, and mainland China who are determined to be free.

CLARE CHERRY: OUTSTANDING LEADER IN EARLY CHILDHOOD EDUCATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROWN of California. Mr. Speaker, Clare Cherry, of my congressional district in San Bernardino, CA, who devoted her life to the well-being of our Nation's children, passed away on Tuesday, July 31, 1990. As her son, Neeli Cherry Cherkovski, so aptly said, "she was an advocate for children 30 years before it became a national concern."

Our deep loss at Clare Cherry's passing is, and always will be, overshadowed by her legacy and contribution to a strong and healthful foundation for our Nation's children.

Clare Cherry founded a small, experimental preschool at Congregation Emanu-El in San Bernardino in 1953–54. The school was open to all, regardless of race or religious affiliation.

From that modest beginning, under Clare's firm but loving guidance, that school has grown into one of the premier centers for early childhood education in the United States.

Named in her honor, following her retirement, the Congregation Emanu-El Clare Cherry Day School, has beome a center for educators worldwide to observe her imprint on the nurturing of children so that they will have a solid foundation to realize their greatest potential in life.

Clare died at St. Bernardine's Medicaid Center at age 70, after a 2-year battle with lymphoma. She died as she lived, fighting every step of the way with her family and her extended family of millions of children uppermost in her heart and mind.

Only a month ago, according to her son, Neeli, "She was really excited that even in the midst of her illness, she was working on a new book. She never stopped talking about how important early childhood education is to society."

Clare Cherry authored and coauthored 12 books, many of which have been translated into Spanish, German, French, and Portugese. Her books include "Parents, Please Don't Sit on Your Kids," a guide to nonpunitive discipline and to the rights of young children; "Creative Movement for the Developing Child," her motor development activities; "Is the Left Brain always Right?," a pioneering sourcebook in furthering the frontiers of education; and "The Nursery School and Day Care Management Guide," an important textbook utilized nationwide.

The editor of Fearon Books states that more than 700,000 copies of Clare Cherry's books are in print and that they continue to sell in large numbers. Clare Cherry's forthcoming book from Simon and Schuster's Fearon Teachers' Aid Division is focused on the vital subject of home day care for young children.

During the past thirty years she had lectured and held workshops throughout the country and in Canada. Since 1972 she had been an instructor in the continuing education department at San Bernardino State University and since 1970 she has operated her own educational consulting business, CATEC Associates.

Clare Cherry's philosophy of educating and rearing children was centered on her belief that each child is a unique person whose special talents should be nurtured for a creative life. She lived and taught by what she called mutuality, or the golden rule of awareness: "What I want for myself, I also must want for you; what I want from you, I also must be willing to give." She believed in an open classroom, in which children work at whatever activities they desire at a given time.

Foremost, Clare Cherry believed that each child deserved the respect of a unique individual. Only in this way, could each child be able to develop the potential that is in all of us; develop the potential that is the nucleus of a strong, free, democratic society.

Clare Cherry will be missed by all of us. The candle she lit in countless children, parents, and teachers, will serve as a beacon for us all for generations to come.

In a speech entitled, "What Moves Me," she said:

It is the right of a child to be able to do childish things. Rather than to be pushed to be old before his time. I think that we as a nation have to get back to the recognition of this fact. We adults in this country really do act sometimes as though the only reason for having given birth to a child in the first place is so that he can be taught how to read. Surely there is more to living. Surely there is more to growing. Surely there is more to loving than this.

In "Creative Art for the Developing Child," now in its second edition, she wrote about the importance of art in the educational curriculum:

Art education is a meaningful force in the total learning program. By sensitive planning, the children are motivated to pursue art activities and enjoy experiences that lead to general overall development. Having plenty of time to move from one step of growth to another at their own pace and in accordance with their own abilities and interests helps the children develop strong feelings of self-esteem and self-confidence.

Clare Cherry was born in Los Angeles, CA, in 1919. In 1940 she married Sam Cherry, whose photographs of life in this country in the latter part of the Great Depression hang in the Oakland Museum. Sam Cherry devoted his life to his wife's endeavors in early childhood education. His photographs illustrate most of her books.

Their daughter Tany Tull is the founder-president of Para Los Ninos, the world famous child care center on Los Angeles' skid row. Their son Neeli's biography of Charles Bukowski will be published by Random House in the winter of 1990.

REBUILDING THE MEDICARE RELATIONSHIP

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ROYBAL. Mr. Speaker, today I, along with my distinguished colleagues, Representatives HENRY WAXMAN, MATTHEW RINALDO, and RALPH REGULA, am introducing the Medicare Beneficiary Assistance Act. We propose the Beneficiary Assistance Act as a critical step toward rebuilding the relationship between Medicare and its beneficiaries, a relationship that is greatly strained as Medicare beneficiaries feel increasingly estranged from their program.

At this time, we want to express our deep appreciation to the Health Care Financing Administration as well at the overall Department of Health and Human Services for their advice on this proposal. Just a few days ago at my Committee on Aging hearing on the 25th anniversary of Medicare and Medicaid, Dr. Gail Wilensky, the administrator of these two programs, stated her firm commitment to building a stronger and more positive relationship between Medicare and its beneficiaries. Secretary Sullivan has also made a firm commitment of the Department to one-stop shopping and one-stop service when it comes to Medicare and Social Security. We look forward to working with both of them on this effort and believe, as they do, that our bill will be a vital contribution to that effort.

Working closely with the administration and other Members of Congress, it is our intent to make the Medicare Beneficiary Assistance Act part of Medicare legislation to be passed this year, including the possibility of enacting it as

part of this year's budget reconciliation package.

Over a decade ago, Medicare and Social Security had a system in place in each Social Security district office to help Medicare beneficiaries deal with their problems with and the complexities of the Medicare Program. Sadly, not only was that vital service not strengthened, but was allowed to atrophy. Today, Medicare beneficiaries are at a loss when they try to get help. Nobody has it as their primary responsibility to make sure that beneficiaries can appropriately access and adequately understand Medicare and Medicaid, a program for which many Medicare beneficiaries may be qualified. This must change before current and future beneficiaries lose even more of their confidence in these two programs.

Beneficiaries during their working and retirement years have paid in substantial amounts of money to support the Medicare and Medicaid Programs. Their children and grandchildren are doing the same. When the system fails, an increased burden falls on the beneficiary and, in many cases, also falls on the children and grandchildren who must help their parents and grandparents to find their way through the Medicare and Medicaid mazes. While beneficiaries and their families have the personal responsibility to appropriately use these programs, they will be unable to effectively carry out their responsibility without Medicare and Medicaid as working partners.

No private company could survive long with customer relations as poor as are Medicare and Medicaid's. In our view Medicare and Medicaid cannot be allowed to continue their poor performance and survive politically.

In the Medicare Beneficiary Assistance Act, we have an opportunity to begin to rebuild the strained relationship between Medicare and its beneficiaries. Upon enactment, the bill directs the Secretary to establish a health insurance advisory service, first, to operate within each Social Security District Office, second, to conduct community outreach programs, and third, to provide a complimentary toll-free telephone service. The Secretary is also to ensure that sufficient and additional staff are provided to carry out these functions.

More specifically with respect to the Medicare program, this service is to provide information counseling and assistance on eligibility, benefits—covered and not covered, the process for paying for services, rights and process of appeal, other Medicare-related resources, including the Peer Review Organizations, carriers, intermediaries, recent legislative and administrative changes in Medicare. As for the Medicaid Program, the service is to increase Medicare beneficiary awareness of the Medicaid Program, advise Medicare beneficiaries of linkages between the Medicare and Medicaid Programs, make referrals to appropriate State and local agencies involved in Medicaid, and advise Medicare beneficiaries who might be eligible for Medicaid as to benefits, eligibility, and the application process.

In the case of Medicare supplemental insurance policies, the service is to provide information, counseling and assistance to Medicare beneficiaries with regard to the voluntary certification program and accepted standards for such insurance policies, how to make informed decisions on whether to purchase such policies and what criteria to use in evaluating different policies, appropriate Federal, State, and private agencies providing information and assistance, and other private health and long-term care insurance issues deemed appropriate by the Secretary. Finally, this service is to provide other services which help increase current and potential Medicare beneficiary understanding of and confidence in the Medicare Program and improve the relationship between the beneficiary and the Medicare Program.

Mr. Speaker, I respectfully insert the bill's summary and legislative language in the CONGRESSIONAL RECORD at this point:

SUMMARY OF THE MEDICARE BENEFICIARY ASSISTANCE ACT OF 1990

REBUILDING THE RELATIONSHIP

(Health insurance advisory service in Social Security offices, through community outreach programs and through a toll-free telephone service for Medicare beneficiaries.)

The Secretary shall establish a health insurance advisory service (1) to operate within each Social Security District Office, (2) to conduct community outreach programs and (3) to provide a complementary toll-free telephone service and shall provide sufficient additional staff to carry out at least the following functions:

(a) with respect to the Medicare program, provide information, counseling and assistance with respect to eligibility, benefits (covered and not covered), the process for paying for services, rights and process of appeal, other Medicare-related resources (including the Peer Review Organizations, carriers, intermediaries), recent legislative and administrative changes in Medicare;

(b) with respect to the Medicaid program, increase Medicare beneficiary awareness of the Medicaid program, advise Medicare beneficiaries of linkages between the Medicare and Medicaid programs, make referrals to appropriate State and local agencies involved in Medicaid, and advise Medicare beneficiaries who might be eligible for Medicaid as to benefits, eligibility, and the application process;

(c) with respect to Medicare supplemental insurance policies, provide information, counseling and assistance to Medicare beneficiaries with regard to the voluntary certification program and accepted standards for such insurance policies, how to make informed decisions on whether to purchase such policies and what criteria to use in evaluating different policies, appropriate Federal, State and private agencies providing information and assistance, and other private health and long-term care insurance issues deemed appropriate by the Secretary; and

(d) other services which help increase current and potential Medicare beneficiary understanding of and confidence in the Medicare program and improve the relationship between the beneficiary and the Medicare program.

The Secretary, through the Health Care Financing Administration, shall develop the appropriate educational materials and other appropriate tools to assist District Office personnel and toll-free telephone service personnel and to be made available to beneficiaries. The Secretary shall take the appropriate measures to inform current Medicare beneficiaries and the general public about this service.

The Secretary shall provide an annual report on Medicare beneficiary services, including those covered under this act, and provide recommendations for changes which would improve the relationship between Medicare and its beneficiaries.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Assistance Act of 1990".

SEC. 2. HEALTH INSURANCE ADVISORY SERVICE FOR MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a health insurance advisory services program (in this section referred to as the "beneficiary assistance program") to assist medicare-eligible individuals with the receipt of services under the medicare and medicaid programs and other health insurance programs.

(b) OUTREACH ELEMENTS.—The beneficiary assistance program shall provide assistance—

(1) through operation within each district office of the Social Security Administration,

(2) using community outreach programs, and

(3) using a toll-free telephone information service.

(c) ASSISTANCE PROVIDED.—The beneficiary assistance program shall provide for information, counseling, and assistance for medicare-eligible individuals with respect to at least the following:

(1) With respect to the medicare program—

(A) eligibility,

(B) benefits (both covered and not covered),

(C) the process of payment for services,

(D) rights and process for appeals of determinations,

(E) other medicare-related entities (such as peer review organizations, fiscal intermediaries, and carriers), and

(F) recent legislative and administrative changes in the medicare program.

(2) With respect to the medicaid program—

(A) eligibility, benefits, and the application process,

(B) linkages between the medicaid and medicare programs, and

(C) referral to appropriate State and local agencies involved in the medicaid program.

(3) With respect to medicare supplemental policies—

(A) the voluntary certification program under section 1882 of the Social Security Act and standards required under such program,

(B) how to make informed decisions on whether to purchase such policies and on what criteria to use in evaluating different policies,

(C) appropriate Federal, State, and private agencies that provide information and assistance in obtaining benefits under such policies, and

(D) other issues deemed appropriate by the Secretary.

The beneficiary assistance program also shall provide such other services as the Secretary deems appropriate to increase beneficiary understanding of, and confidence in, the medicare program and to improve the relationship between beneficiaries and the program.

(d) EDUCATIONAL MATERIAL.—The Secretary, through the Administrator of the Health Care Financing Administration, shall develop appropriate educational materials and other appropriate techniques to assist employees in carrying out this section.

(e) NOTICE TO BENEFICIARIES.—The Secretary shall take such steps as are necessary to assure that medicare-eligible beneficiaries and the general public are made aware of the beneficiary assistance program.

(f) REPORT.—The Secretary shall include, in an annual report transmitted to the Congress, a report on the beneficiary assistance program and on other health insurance informational and counseling services made available to medicare-eligible individuals. The Secretary shall include in the report recommendations for such changes as may be desirable to improve the relationship between the medicare program and medicare-eligible individuals.

SALUTING THE 1990 DUPO TIGERS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. POSHARD. Mr. Speaker, at a time when the sports pages are filled with news of fallen heroes, I want to call attention to young people whose actions reflect the image we respect. I am proud to congratulate the Tigers of Dupo, IL. Their unselfish loyalty to their school and community deserve heroic status. For a nation where the fallen hero has seized the headlines, it's important to honor the achievers who serve as role models for all. So I salute the Dupo Tigers for their second place finish in the Illinois Class A Baseball Championship.

Dupo is a town of 3,000 people located in southwestern Illinois. It is a town that epitomizes everything that is good and right about small town America.

The Tigers finished the season with a 20–6 record, winning the Cahokia Conference title, and earning a ticket to the Columbia Regional where roaring fans witnessed their exciting victories. They then marched on to the Freeburg sectional where they experienced one of their most deserving wins. The game was against Trenton High School, lasting 10 long innings. Finally, the Tigers fired up and ultimately defeated their opponents by an exciting 1–0 victory.

I am extremely proud to say I represent the citizens of Dupo in the U.S. Congress. Without their dreams, we would never be reminded of how wonderful it is to watch people accomplish great things.

Please allow me to include these names of the people who made this possible in the RECORD so they may receive the recognition due to them:

1990 DUPO HIGH SCHOOL TIGERS

Head coach: Jerry Devany.

Assistant coach: Robert Mason.

Captains: Bubby Moore and Steve Diel.

Roster: Bubby Moore, Ervie Dugan, Mike Dejarnette, Travis Ducherich, Cole Proffer, Robert Bagsby, Cliff Ticer, Josh Markert, Mark Furlow, Shawn Antoniou, Chris Burch, Shawn Flemming, Kenny Rodenberg, Travis Kelling, Dale Daniel, and Steve Diel.

Administration: Patrick Mudd, Superintendent; William E. Reynolds, Principal; and Richard Bright, Athletic Director.

HONORING RABBI PHILLIP FRANKEL ON HIS 80TH BIRTHDAY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CARR. Mr. Speaker, I want to take a moment today to call your attention to a gentleman in my district who has given his life in service to the community as rabbi and as an educator.

Rabbi Phillip Frankel has served Lansing, MI as rabbi to Congregation Shaarey Zedek since 1954. Before coming to Lansing, he held pulpits in Charlotte, NC and Mount Lebanon, PA.

Rabbi Frankel, ordained after graduation from Hebrew Union College in Cincinnati, continued on to receive a master of Hebrew laws and a doctor of divinity from Hebrew Union College.

He was a member of the faculty at Michigan State, where for a number of years he taught in the department of religion and also taught classes in Judaism and Bible at Lansing Community College.

A noted lecturer, Rabbi Frankel was often invited to address churches and community groups. He was also visiting rabbi to congregations in Saginaw, Traverse City and Jackson, MI, and served as rabbi in residence at Temple Beth Israel in Longboat Key, FL for part of the year.

Many honors have been bestowed upon Rabbi Frankel, in large part for his activity in community organizations. He is past president of the Lansing Community Planning Council and the Ingham County Medical Rehabilitation Center and Commission.

He was the first chairman of the Lansing Human Relations Commission, a vice president of the Greater Lansing Inter-Faith Council on Religion and Race, and was a founder of the Lansing Urban League. And he has served on the executive boards of the American Red Cross, the Urban League and of Lincoln Center.

In recognition of his selfless service to the community, he was named the Greater Lansing Chamber of Commerce's Man of the Year, a title well earned.

Rabbi Frankel is someone of which everyone in Lansing and Michigan are deservedly proud. I rise today on the occasion of his 80th year to wish him well, and to ask you to join me in that wish and in giving him the congressional recognition he so clearly deserves.

COMMUNITY CENTER MONTH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GILMAN. Mr. Speaker, it is an honor and privilege to introduce today legislation, House Joint Resolution 636, that would designate September 15, 1990, through October 15, 1990, as "Community Center Month."

Community centers provide cultural, social, and recreational facilities to a large segment of the American population. They are dedicated to preserving the well-being of our vital and vibrant communities across this great Nation.

Our community centers serve as a gathering place for all age groups as well as persons of all denominations. Community centers also offer a variety of intellectual, social, and recreational activities. They provide a myriad of programs for the elderly and disabled as well as child care.

The first community centers came into prominence during the second half of the 19th century and became a haven for thousands of people fleeing oppression in Eastern Europe. Through the services rendered by community centers these new immigrants were given the tools necessary to assimilate into the American way of life.

Mr. Speaker, as our community centers enter their second century they have become large, complex facilities meeting the specific needs of our communities. Whether it is providing health care related services like the Rockland Community Development Council in Rockland County, NY, or youth support and drug education programs like the Band Wagon in Orange County, NY, community centers have responded to the ever changing needs of our society.

Accordingly, I urge my colleagues to join with me in recognizing the important contributions of our community centers by cosponsoring this legislation.

Mr. Speaker, for my colleagues' edification, I insert the full text of my resolution (House Joint Resolution 636) at this point in the RECORD:

H.J. RES. 636

Whereas Community Centers are large and complex cultural, social, and recreational institutions dedicated to preserving the well-being of a vital and vibrant segment of the United States;

Whereas there are Community Centers, branches, and camps serving a clientele of more than a million people across the continent;

Whereas Community Centers feature programs and services for all age groups, from infants through the elderly, and for people with disabilities and special needs;

Whereas Community Centers serve as gathering places for peoples of all denominations and offer a rich and varied program of educational and cultural opportunities;

Whereas the first Community Centers came into being during the second half of the nineteenth century to provide social, recreational, and intellectual activities for community members in the United States;

Whereas, as the nineteenth century progressed into the twentieth and the United States became a haven for hundreds of

thousands of peoples fleeing the oppression and pogroms of Eastern Europe, Community Centers turned their energies and attention to the enormous task of acculturating the new immigrants, teaching English and the meaning of United States citizenship;

Whereas after the influx diminished and Community Centers evolved once again into institutions dedicated to preserving good citizenship through educational, cultrual, social, and recreational programs; and

Whereas, as Community Centers enter their second century of providing service, it is most fitting that we recognize their important contribution to the fabric of life in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1990 to October 15, 1990, is designated as "Community Center Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

ECONOMIC ROADBLOCK: INFRASTRUCTURE NEGLECT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDERSON. Mr. Speaker, a recent Wall Street Journal article says it all: "Economic Roadblock: Infrastructure Neglect."

This news should come as no surprise. Clearly, infrastructure is not just potholes or concrete. It is productivity and competitiveness.

Recent studies show a direct link between our economy and our infrastructure spending. The more we spend on basic services such as transportation, waste disposal and water resources, the higher our annual productivity growth.

The article concludes by stating, and I quote: "for a healthy economy as the new decade unfolds, the infrastructure deserves far greater attention than it has received of late."

Well, today I, along with Barbara Boxer, my good friend, colleague and enthusiastic supporter of the infrastructure cause, along with a number of other Members, are providing that opportunity by introducing a resolution that specifies 1991 as "Rebuild America Year" and calls upon the President and Congress to develop a comprehensive national infrastructure program.

I encourage all of our colleagues to join in support of this resolution and to work with us as we begin to draft a national rebuild America infrastructure bill.

Some may question whether we can afford to create a new infrastructure program given the deficit situation. I submit that the real question is whether we can afford not to.

Mr. Speaker, I ask unanimous consent that the article I referred to be printed in the RECORD immediately following my remarks:

ECONOMIC ROADBLOCK: INFRASTRUCTURE NEGLECT

NEW YORK.—Infrastructure.

The word hardly rolls off the tongue or grabs headlines. It's far more arresting to warn in big black letters of a budget or trade deficit than of an infrastructure deficit. Not so very long ago dictionaries that carried the word infrastructure at all defined it—to quote from a 1961 edition of Webster's—as a term for "permanent bases or supporting installations for military purposes."

No longer. Nowadays defined as the physical system behind such basic services as transportation, waste disposal and water resources, the word is gaining considerable attention, at least among economists and policy makers concerned about the nation's lackluster productivity performance. They call the condition of the infrastructure America's "third" deficit, after trade and the budget, and they greatly fear that this deficit can only worsen, placing an increasing burden on an economy already struggling to expand in healthy fashion.

The link between productivity and investment in a nation's infrastructure is apparent, among other places, in data compiled by David A. Aschauer, senior economist of the Chicago Federal Reserve Bank.

In a recent 20-year period, he notes, the annual growth of productivity in the U.S. was a dismal 0.6 percent, compared to 1.8 percent in Britain, 2.3 percent in France, 2.4 percent in West Germany and 3 percent in Japan. Meanwhile, he adds, nonmilitary public investment averaged only 0.3 percent of national output in the U.S., against rates of 1.8 percent in Britain, 2 percent in France, 2.5 percent in West Germany and 5.1 percent in Japan.

The Fed economist attributes "as much as 60% of the productivity slump" in the U.S. to "neglect of our core infrastructure," by which he means streets and highways, mass transit, airports, water and sewer systems and electrical and gas facilities.

Notwithstanding the apparent link between infrastructure and productivity, President Bush's budget for fiscal 1991 "suggests that infrastructure is not a priority for this administration," says Peggy L. Cuciti, a researcher at the University of Colorado's Center for Public-Private Sector Cooperation.

She notes that the budget includes $43.8 billion for nonmilitary physical capital, or about the same amount, adjusted for inflation, that was spent in 1979, even though the economy has grown some 40 percent since then. The 1991 infrastructure outlay comes to 3.6 percent of all proposed spending, she adds, sharply below the 1979 rate of 5.3 percent.

Since "the first theme of the president's budget is investing in our future, one might expect that infrastructure programs would fare well," Ms. Cuciti remarks, "but they clearly do not."

It's no help that most infrastructure spending is undertaken at state and local levels where, as Donald H. Strazheim, chief economist of Merrill Lynch & Co., observes, "governments are increasingly strapped for funds and awash in red ink." The combined operating deficit for state and local governments is running at a record annual rate of about $45 billion and "is likely to get worse before it gets better," the economist adds.

In the Bush administration's fiscal 1991 budget, grants to state and local governments for infrastructure projects amount to 23 percent less than in 1979, after adjusting for inflation. Not surprisingly, state and local officials "express considerable anger and sarcasm about national policy," says Alan Alshuler, director of Harvard University's Center for State and Local Government. As many as 18 states have raised their gasoline taxes so far this year, he adds, and "some of the increases were by quite large amounts."

The deteriorating condition of the U.S. infrastructure is amply documented. After a recent three-year study, the National Council on Public Works Improvement concluded that "if our public works were graded on an academic scale, their recent performance would earn a scant C."

The Federal Highway Administration has estimated that 23 percent of the nation's 575,000 bridges are structurally deficient and more than 25 percent of interstate roadway has deteriorated. Meanwhile, more than a third of the country's solid-waste landfills are expected to be exhausted by 1993 and due to airport congestion airplanes are delayed an average of 2,000 hours daily.

Such developments, it should be added, can complicate gauging with precision the effect of a neglected infrastructure on the economy. For example, if poor roads cause traffic jams and overburdened airports cause arriving aircraft to be delayed, it's likely that more gasoline will be consumed and more overtime paid. This will tend, at least in the short run, to increase the gross national product. But it hardly represents a desirable economic trend.

With such measurement difficulties, it's no surprise that economists disagree over the exact relationship between the state of the infrastructure and productivity gains. Some analysts maintain, for instance, that Mr. Aschauer's estimate is too high and that far less than 60 percent of the nation's productivity slowdown can be traced to neglect of the infrastructure.

There is, however, wide agreement on the larger issue that, for a healthy economy as the new decade unfolds, the infrastructure deserves far greater attention than it has received of late. Unfortunately, with the budget so deep in red ink, the likelihood is for continuing neglect.—Alfred L. Malabre Jr.

DOMESTIC TEXTILE PROTECTION BILL

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MILLER of Washington. Mr. Speaker, our world is changing rapidly. New markets are developing around the globe. Yet the Senate has passed H.R. 4328, this year's domestic textile protection bill. Now, the House will consider the textile bill, which I strongly oppose. Protection should be reserved for industries truly in need of protection. And, Mr. Speaker, this is not the case with the textile industry.

Let me pose three questions? Does the textile industry need this bill? Does the American consumer need this bill? Does the United States need this bill to guide trade policy? By my count, Mr. Speaker, the answer to these questions is no, no, and no.

Does the domestic textile industry need this protection?

It is incredulous that the most protected industry in America is asking for more protection. It is not dying; profits are way up. KSA, a respected industry analyst, reported: "Fiscal

year 1988 produced the highest return on equity in the 18 years KSA has issued Textile Profiles."

Companies are not making just double digit profits, they are making profits as high as 27 percent or 28 percent or 29 percent. Not bad. Not the story of an industry needing more and more protection.

True, there has been a modest decline in overall employment. But that is because of new investment, plant modernization, and other factors, including the general economy. Additional protection is merely to keep profit margins high.

Does the American consumer need this bill?

We will hear that H.R. 4328 is necessary to protect consumers. Two years ago, when this House sustained President Reagan's veto of a similar bill, we saved the American consumer more than $25 billion over 5 years. That bill and H.R. 4328 is like writing a dividend check to the domestic textile industry signed by consumers across the United States.

Like many of my colleagues, I am concerned about helping low-income and single-parent families make ends meet. And H.R. 4328 would adversely affect these low-income consumers with children. This bill substantially limits the ability of main street stores like K-mart to import inexpensive children's clothing. This bill will hit the low- and moderate-income families who rely on imports for less expensive quality products.

Does the United States need this bill to guide trade policy?

Mr. Speaker, we will hear that we need this bill because the United States has failed to impose global quotas and to solve the problem of runaway imports. The truth is the United States has negotiated the toughest renewal ever of the Multifiber Arrangement, extending coverage of virtually all textile and apparel products. Our Government has been so vigilant in enforcing the terms of bilateral agreements that since 1985 there has been no change in the ratio of imports to domestic consumption of textile products.

Moreover, Mr. Speaker, the United States' current proposal before GATT would lead to a comprehensive limit on textile goods, by product category. This limit would be divided between countries with whom we have agreements. We should let these negotiations work.

In 1789, when we were a developing country, Congress imposed tariffs on imports of raw cotton, yarn tanned leather, ready-made clothing, shoes, boots, and other clothing items. New provisions were added in 1816, 1824, 1827, 1828, 1832, and on and on. Each new layer of protection is met with cries from the industry for more protections. Let's look at this bill. Is it really needed?

Mr. Speaker, surely an industry in need of help would not earn profits as high as our textile industry. Certainly, consumers nationwide don't need an extra $25 or $30 billion in new costs. And, our negotiators are already doing their job in presenting a case for tighter regulation within the GATT negotiations. Let's consider our global future and defeat this bill. Let's put an end to 18th century protectionism.

NORTON AIR FORCE BASE AND THE MILITARY AIRPORT PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROWN of California. Mr. Speaker, in passing H.R. 5170, the Aviation Safety and Capacity Expansion Act of 1990, the House of Representatives has taken a strong step toward providing for air traffic growth while balancing concerns about safety and the compatibility of airport facilities with local community needs. My colleagues, Mr. ANDERSON, chairman of the Committee on Public Works and Transportation and Mr. OBERSTAR, chairman of the Subcommittee on Aviation, are to be commended for their farsightedness and leadership on this legislation.

Of particular importance to my district, and to the surrounding region of southern California, is section 107, the Military Airport Program. California was especially hard hit by the recommendations of the Defense Secretary's Commission on Base Realignments and Closures which are leading to the closure of three large Air Force bases in the State—two in southern California—including Norton Air Force Base in my district. At the same time, southern California is in critical need of increased airport capacity.

Section 107 will authorize funds to assist in the conversion of up to eight former military airports to civilian use. It makes great sense to evaluate closing military airports for future civilian airport use. Some will be found to be unsuitable, sometimes for the same reasons they were recommended for closure by the Commission. However, some will also be found to be very suitable for reuse as airfields, and the communities struggling with the economic loss of a military base should take comfort in the opportunity to add civilian airport uses.

Mr. Speaker, I am particularly pleased about the Military Airport Program because of my close association with Norton Air Force Base. In my district, community leaders are grappling with the issue of reuse of Norton AFB. Though further study is necessary, Norton may quite well be suitable for a variety of civilian aviation uses, including a civilian airport terminal. In fact, a series of contracts between the Norton reuse authorities, the Air Force, and Lockheed Corp., have just been signed that will allow Lockheed to begin using Norton as an industrial facility for aircraft repair and retrofitting even as the Air Force continues its mission at Norton through 1994.

I again thank the full committee leaders for their outstanding initiative and look forward to working with them toward final enactment. Should those directly responsible for Norton's reuse seek to pursue funding under the Military Airport Program, I look forward to working with my colleagues in Congress and with the Secretary of Transportation to include Norton in the group to be selected for participation in the program.

RECOGNIZING THE EDUCATIONAL ADVANCEMENTS AT DUPO HIGH SCHOOL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. POSHARD. Mr. Speaker, our world is slowly coming together. Generations, young and old, are excited about what the future might offer. We are witnessing their concern for global unity and global communication, the excitement of our future. However, the polls currently illustrate that the American population is "handicapped." The American ignorance of other tongues has jeopardized the quality of global communication.

Mr. Speaker, I rise to commend an innovative educational program at Dupo High School, Dupo, IL. Since last September, the program has been funded by a grant the school received in 1989 from TI–IN United Star. The program was also given a generous donation of $10,000 from the Elmer Oerter Foundation.

The success of this program deserves praise. The school has taken the necessary steps to start focusing on the future of global communication. Since Dupo currently does not have a German foreign language class, they have taken the initiative to recognize the importance of overcoming our American handicap by accessing another system. Via satellite, the system allows the students from Dupo to take an active part in another school's unique classes through interactive video broadcasts. It allows instantaneous communication between the teacher and the student at separate schools. During the classes the teacher is able to ask questions and receive instant responses from the students. A FAX machine also allows the students and teacher to transmit tests and other written work to each other on a moment's notice.

Not only is the interactive cable working at Dupo and Columbia High Schools, but satellite education transmitted from places like San Antonio and other American cities is also part of the learning process at Dupo. Diverse classes such as business writing and self-esteem shops are available for students and teachers. A two-way telephone system has been set up so students from Dupo can talk to their instructor anywhere in the country.

Dupo High School Principal William Reynolds have worked to expand the system for homebound students, allowing them to stay current with classes originating from both Dupo and Columbia high schools.

Students are celebrating the future. Through unification of culture and language, our children become enriched by the virtue of knowledge and education. Since it takes a communicative effort to learn about our neighbors, I'm excited to see our youth take part in programs such as this.

As a former history teacher and a current member of the Education and Labor Committee in the U.S. House of Representatives, I have always believed that a good education is what leads to success. I am proud to rise today and recognize the students, faculty, and

supporters of the Dupo High School Satellite Program for the steps they have taken toward our country's future.

CAMPAIGN REFORM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HASTERT. Mr. Speaker, I rise today to appeal to the Democratic leadership to open the Halls of Congress to democracy and justice by allowing an open rule on campaign reform.

I can understand their fear of true reform. Congress might actually return to being a citizen-legislature, instead of the Washington bureaucracy which it has become. No longer would those Members who have become Washington bureaucrats be protected from their constituents' ideas and values. Surely campaign reform is overdue when even the Politiburo in Moscow has a higher rate of turnover than the U.S. House of Representatives.

The American people agree with Republican Leader BOB MICHEL, that serious campaign reform is a necessity. They believe the amount of money spent on campaigns and the way it is raised is unconscionable. They abhore the spending of vast sums of money to perpetuate the tenure of professional politicians. They hold to the ideal that Government should be "of the people, by the people, for the people."

The Republican Party wants to return Government back to the people by increasing competition in elections and limiting special interest influence. Unfortunately, it appears the Democratic leadership is content with phony, showboat reform.

THE NEW HITLER OF THE MIDDLE EAST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LANTOS. Mr. Speaker, I would like to share two remarkable articles with my colleagues about the Iraqi dictator, the new Hitler of the Middle East. I respectfully request that they be placed in the RECORD.

[From the Washington Post, Aug. 3, 1990]

A FESTIVAL OF APPEASEMENT

(By Charles Krauthammer)

"The events currently occurring in Kuwait are an internal affair with which Iraq has no relation." Iraq's Ambassador to the United States, on Iraq's invasion of Kuwait.

Iraq has promised to withdraw from Kuwait as soon as order is restored. Of course Kuwait was doing rather well, otherwise, until Saddam Hussein of Iraq dispatched 100,000 men (a tenth of his standing army) to overrun it. But we must not quibble. The man has his reasons. He invaded Kuwait, says Saddam Hussein, in support of "the free government of Kuwait" installed by his invasion troops.

Such cynicism is more than amusing. It is a measure not just of Hussein's ruthlessness but of his confidence. He is a thug on the loose with no one to stop him. And he knows it.

What does he want? A lot. He wants Kuwait's Bubiyan island, which commands his outlet to the Persian Gulf. He wants Kuwait's part of the Rumaila oil fields. He wants Kuwait's money. In short, he wants Kuwait. Which he now has and will keep. When he withdraws his forces, he will leave a puppet behind.

Then he wants Saudi Arabia. He might invade. But he need not. The Saudis respond well to intimidation. The other gulf states will fall quickly into place. That makes Hussein leader of the Arab world, dictator of the gulf and the single most powerful arbiter in the world of oil.

He will get what he wants because there is no one to stop him. The United States is far away, and George Bush is not eager to get bogged down in a land war in a God-forsaken patch of desert, even if oil-rich. Moreover, Hussein knows that he has little to fear from a country that has been shamelessly propitiating him since it helped him win the Iran-Iraq war in 1988.

At the time, the U.S. tilt toward Iraq was justified given the alternative. (Remember, we also chose Stalin over Hitler.) But that policy became obsolete the day the war ended in August of 1988. Yet the Bush administration carried on regardless. Despite Iraq's growing truculence and obvious hostility to the United States, the administration persisted in its pro-Iraqi policy. As late as last week, when Iraq first sent troops to the Kuwait border, the administration was fiercely resisting the imposition of sanctions by Congress.

With Iraq's "naked aggression" (President Bush's words) against Kuwait, all this has changed. The administration has frozen Iraqi assets, imposed a trade ban and sent an aircraft carrier to the region. That is a good start, although we have lost two years in trying to build an anti-Iraqi coalition.

What next? First, exert severe pressure on our allies to join a total quarantine of trade, especially military and high-tech trade, with Iraq. Then tell our friends in the gulf that if they want American protection they are finally going to have to (1) ask for it openly and (2) offer the United States facilities on the ground. Today, Kuwait pathetically requests help from all quarters. But for many years it had resolutely denied the United States any ground facilities because of the fear of being too closely associated with Washington.

We should say: No more. Can't have it both ways. Last week, for example, the United Arab Emirates begged the United States for a joint military exercise in response to Iraq's initial threats. We obliged. The Emirate ambassador then immediately announced that "there are no joint military maneuvers," that "all statements and comments issued so far are unjustified exaggerations," and that, yes, "there is some technical exercises as far as the air refueling to our tankers," but "this is basically an annual exercise which just happened to coincide with the unfortunate new developments in the area." First annual exercise, no doubt.

The mendacity of the smaller gulf states in their dealings with the United States is characteristic of Arab diplomacy. Egypt's presidential spokesman referred to the invasion as "the outbreak of hostilities in Kuwait at dawn today." Syria called for a meeting of the Arab League. The other members are mulling over the idea. Meanwhile, Arab foreign ministers meeting in Cairo deliberated and failed even to make a statement "pending consultations with their governments."

The Arab world is where Europe was in the 1930s. Everyone is playing his part. The Arab League is playing the League of Nations, which stood by while Mussolini attacked Abyssinia. President Mubarak of Egypt is playing Chamberlain, flying to Iraq to appease the unappeasable, then announcing that his mediation has bought peace for our time.

And Jordan, now engaged in rather ominous military cooperation with Iraq, is trying out the role of Mussolini's Italy to Hitler's Germany: slavish partner to the regional thug. This is ominous because an Iraqi-Jordanian alliance against Israel is the only way in which the current unpleasantness could explode into a general Arab-Israeli war.

So much for the myth of the "moderate Arabs." For several years now Iraq has been touted by the administration as part of the moderate coalition. If "naked aggression" is the way of the moderate Arabs, one wonders what the immoderates are up to.

[From the Washington Post, Aug. 3, 1990]

WOLF OUT OF BABYLON

(By George F. Will)

The anesthetizing tranquillity of the post-Cold War world has suddenly been driven away by Iraq's emphatic reminder of the nature of the pre-Cold War world. This echo of the preceding 30 or so centuries suggests how much like the past the future may be.

It is tempting, but misleading, to compare the strutting Saddam Hussein to Mussolini, and thereby diminish Hussein, making him seem, as Mussolini now does through the obscuring mists of history, more absurd than menacing. Mussolini was the very junior partner in the Axis and was last seen hanging from his heels at a Milan gas station. Hussein too is unlikely to die old, venerated, in dignified retirement or in his sleep. But he is unlike Mussolini in two significant particulars.

Hussein radiates a more virulent and personal viciousness than Mussolini did. (Mussolini's internal-security apparatus was evil but not as brutal as Hussein's, and it is unimaginable that Mussolini would have used poison gas against Italians as Hussein has against Iraq's Kurds.) And Hussein disposes of far more military might, relative to neighbors, than Mussolini did.

However, Hussein is a very 1930s figure. He issues ultimatums. He masses troops on international borders ostensibly to give weight to the diplomacy of ultimatums but actually to demonstrate, with contemptuous clarity, that ultimatums are perfunctory precludes to the crossing of borders.

The U.S. response to this, particularly regarding reassurances to Saudi Arabia, will probably be influenced, and for the better, by the fact that today's president is the last of a well-schooled line. Unless Lloyd Bentsen, the former bomber pilot, runs and wins in 1992, George Bush, the former fighter pilot, will be America's last president from the World War II generation. For that generation, war was the enveloping, formative experience, and the word "Munich" is freighted with warning when it denotes analogies.

The lesson of Munich was: When it is necessary to confront an expansionist dictator, sooner is better than later. As Douglas MacArthur said, in war all tragedy can be sum-

marized in two words—"too late." Too late perceiving, too late preparing for danger.

Democracy is not, as Ronald Reagn and others seem to assume, the certain solvent of danger. Democracy does not necessarily render a society pacific, just as a dictatorship (for example, Franco's Spain) does not necessarily manifest aggressive dynamism. But democracy does generally help domesticate nations. Therefore it is well to note the following:

Democracy has recently been sprouting here, there and, it almost seems, everywhere between the cracks in the crumbling concrete of despotisms. It has been sprouting not only in the Soviet Union and Eastern Europe, but in Latin America, too. However, the world still waits and watches, without grounds for near-term hope, for the first democracy in the so-called "Arab world."

In the 42 years since Israel was established on one-sixth of 1 percent of the land in "the Arab world," the reaction in the region to the existence of Israel has been unanimously hostile, and this unanimity has obscured the fact that the phrase "the Arab world" is only a geographic, not a political expression. The most envenomed and bloody relationships, and most volatile confrontations, do not involve Israel.

The "blame Israel first (and last, and in between)" brigade is large and growing, here and abroad. But it should be given pause by Hussein. Iraq's act is redundant evidence of this truth:

The existence of Israel, and of "the Palestinian question," usually has precious little—and often, as in this case, nothing—to do with the largest and most dangerous doings in the Middle East. Today it is especially apparent that Israel is the all-purpose but implausible alibi for the various pathologies that convulse many Arab nations and relations between them.

History will record more clearly than did contemporary journalism the fact that in the 1980s Iraq and Iran fought one of the major wars of this century of big wars. The war raged most of the time outside the range of television cameras and therefore largely outside the consciousness of the West.

This week, however, the West should remember with gratitude recent history's single most effective and beneficial act of arms control, Israel's 1981 bombing of Iraq's embryonic nuclear-weapon program. And this week it is wise to acknowledge that the world became more dangerous because nothing much happened after Iraq used poison gas against Iran. The regime of international restraint, sometimes called international law, was significantly weakened by the weakness—the virtual invisibility—of the world's response.

Israel noted that non-response and concluded, not for the first time, this: The unthinkable isn't.

Stephen Crane once wrote:

A man said to the universe:
"Sir, I exist!"
"However," replied the universe,
"The fact has not created in me
A sense of obligation."

Hussein has demonstrated the sincerity of his bellicose rhetoric. This demonstrates why Crane's poem expresses the essence, and correctness, of the statecraft of the only democracy in that unhappy region.

IS THE NUCLEAR POWER OPTION VIABLE?

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HANSEN. Mr. Speaker, is the United States about to walk away from one of its most viable energy options—the nuclear power option? The answer may be "yes."

To address this question, the importance of the nuclear power option to the United States should be understood. Presently, almost 20 percent of the Nation's electricity comes from nuclear power, and more will be needed. Why? During 1989 the U.S. utility industry ran close to or below its minimum acceptable capacity margins. The industry has calculated that a potential for brownouts now exists in the Northeast, Southeast, and mid-Atlantic regions unless additional generating capacity is brought on line. A recent Gallup poll indicated that nearly 70 percent of the American public now believe that nuclear energy should play an important role in meeting our future electricity needs. Media analyses suggest that acceptance of nuclear power is gaining strength as the public becomes more knowledgeable about the limited near term contribution of renewable energy sources and the environmental limitations of fossil energy.

If nuclear power is important to our energy future, it also must be environmentally acceptable, and that means finding a viable solution to the disposal of the nuclear waste produced in nuclear power plants.

During the past 20 years we have achieved a national consensus that disposal of nuclear waste in deep underground repositories can be a safe solution. Significantly, the consensus for underground disposal has reached beyond the United States. France, Sweden, the United Kingdom, and Japan—all are making progress toward implementing underground repositories. In the United States, this approach was first recommended by the National Academy of Sciences in 1967. The repository concept become national policy in 1982 through a generic environmental impact statement process which including public hearings across the country, during which all disposal options were evaluated. Congress then passed the Nuclear Waste Policy Act in 1982 and subsequent amendments in 1987, which established the process by which the Nation would select, characterize, investigate, and license an underground repository for nuclear energy.

The resolution of this issue became more urgent when the Nuclear Regulatory Commission stated that nuclear power plants would not be licensed in the future unless there is confidence that the waste problem can be resolved. The Commission's deliberations on this point are documented in the "Nuclear Regulatory Commission Confidence Rule Making." With this background, it is not surprising that the utility industry has been reluctant to pursue nuclear power unless the waste produced by such plants could be permanently stored.

The 1987 amendments to the Nuclear Waste Policy Act [NWPA] narrowed the sites for study as a potential repository to Yucca Mountain, NV, about 100 miles northwest of Las Vegas. To date, $750 million has been spent on preliminary work. The Department of Energy [DOE] is now ready to begin specific studies to determine the viability of that site and, if it proves acceptable, proceed toward submitting the site for acceptance by the Nuclear Regulatory Commission and the Congress. Unfortunately, for the past 2 years, the State of Nevada has refused to allow the DOE to implement the NWPA process to determine Yucca Montain's suitability for an underground repository. The DOE is prepared to begin site investigation activities, but the State of Nevada has refused to issue environmental permits for new field work. Both Nevada and DOE have filed lawsuits and the issue is now before the court. Thus, the State of Nevada has prematurely halted the site investigation process before DOE can obtain sufficient data to determine site suitability.

The United States must not allow the process of selecting a site for nuclear waste disposal to be stalemated. The question is not whether Yucca Mountain is a suitable site, but rather whether the process that Congress defined for investigating the site should proceed. The NWPA process provides the opportunity for Nevada scientists, as well as other independent groups, to conduct oversight of the site's scientific investigations and challenge the suitability of the site before any determination is made to proceed with actual design and construction of a repository. If a State can effectively preempt this study phase, we may never have the opportunity to find a site in this country that would be suitable for underground disposal.

The 1987 amendments to NWPA provides that the President appoint "a negotiator to seek a State or Indian tribe willing to host a permanent repository—at a suitable site." The negotiator is authorized to negotiate the financial terms and conditions under which the States or Indian tribe is willing to host the repository. Such a negotiator could address this important set of conditions with officials of the State of Nevada. However, 3 years after the 1987 amendments, no negotiator has been appointed, and no one with authority has approached the people of Nevada to discuss the benefits which might make siting of the repository in their State an acceptable action.

There are potentially great benefits to a State hosting the repository, both in terms of financial assistance and long-term economic gain. Roads and bridges could be built and water projects could be accomplished. Thousands of jobs would be created. These benefits could well override the perceived negative aspects. Assignment of a negotiator to work diligently with the people of Nevada to find a mutually acceptable solution is imperative.

If Nevada cannot be convinced to allow the Department of Energy to proceed, then the Congress should intervene to provide a legislative solution. This Nation cannot allow the fate of its nuclear power option to be decided by a State government. Our national security and economic well-being may depend, in part, on its availability into the next century. But without an underground repository for disposal of high level waste, the nuclear option can be

lost. The time has come for the State of Nevada, the Department of Energy, and the Congress to join hands and find a solution that will clear the way for investigating a site which may be suitable for the Nation's underground nuclear waste repository and keep the nuclear option open.

PROGRAM THAT HAS RESULTED FROM GLASNOST

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MAVROULES. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a unique exchange program that has resulted from glasnost. On July 25, I had the pleasure of meeting with four teenagers from the Soviet Union who want to establish an alcohol and drug prevention curriculum in their country. They are on a six-State tour to learn and exchange information about combatting drug and alcohol abuse. The delegation is headed by Dr. Maya Ermolova, head of chemical toxicology at Moscow's Hospital No. 17, the Soviet Union's major hospital for the treatment of alcoholism and chemical dependency. Youth to Youth, a Columbus, OH, based national nonprofit antidrug program, is the chief sponsor of the program.

While in the Nation's Capital, the Soviet teens visited with other congressional leaders and representatives of the Federal drug czar's office to afford Soviet and American teenagers the opportunity to work cooperatively toward the goal of introducing the Youth-to-Youth Program into the Soviet Union. These students were able to interact with many American youths through panels and forums, and learn about American drug abuse education, treatment, and prevention programs that can be implemented in the Soviet Union. Plans are underway for a reciprocal visit of a team of American Youth-to-Youth members to the Soviet Union next year.

In an interview with Dr. Edvard Drozdov, Moscow's Ministry of Health, he stated that standard practice for the treatment of alcoholics had been to use procedures such as blood transfusions, acupuncture, hypnosis, and so-called work therapy. Obviously, the Soviet Union could benefit greatly from the information United States researchers have attained on the proven success of alcohol and drug abuse education programs in this country. Only within the last couple of months have doctors in Soviet hospitals begun to offer psychological and socially based treatment like group therapy and individual counseling, similar to Alcoholics Anonymous. The implementation of Youth-to-Youth, a mentor program, and the peer leadership program are excellent examples of substance abuse education programs that provide American students with the skills and knowledge to resist the temptation of drugs and alcohol.

One of Soviet President Mikhail Gorbachev's early initiatives 5 years ago was a crackdown on alcoholism, imposing higher fines for drunken drivers, shorter hours for liquor stores, and a reduction in the production of vodka and other strong drinks. It appears as though these young Soviet teenagers recognize an urgency of their mission and for this we are all appreciative.

I commend to my colleagues an article from a newspaper in my district, the Peabody Times, that highlights the visit of these Soviet teens to my office.

[From the Peabody Times, Saturday, July 28, 1990]

MAVROULES, SOVIETS DISCUSS DRUG ABUSE PROGRAMS

(By Pamela Glass)

WASHINGTON—A group of Soviet teenagers, in the United States to learn more about American drug treatment and prevention programs, got a few tips this week from U.S. Rep. Nicholas Mavroules.

The Peabody Democrat invited the teens to his Capitol Hill office Wednesday afternoon to exchange ideas and learn more about what this country and the Soviet Union are doing to combat drug and alcohol abuse. The meeting was suggested by Julie Kiricopolis, a drug-free workplace consultant from Salem.

"We spend $11 billion for drug programs and an additional $1 billion for military interdiction programs," Marvroules told the four teens and their chaperone, who heads the chemical toxicology department at a Moscow hospital. "We could put the Soviet Union, the Warsaw Pact countries, the NATO alliance and the United States together and you'll never stop the problem because of the greed and the profit associated with the drug trade.

"We need to begin (drug) education in the kindergarten.

Mavroules said he wanted to share his views on the drug problem with the teens and give them information about successful U.S. programs that prevent and treat drug abusers, such as the Project-Kids-Care, which is used in North Shore schools.

The drug war has become a top priority for Mavroules in Congress. He has used his seat on the House Armed Services Committee to argue for a wider role for the military in drug interdiction and has traveled the country talking to law enforcement officials and educators about the drug problem as a member of the National Commission on Drug-Free Schools.

The teen-agers, who attend an elite high school in Moscow where they learn English, told Mavroules that the Soviet Union is only now beginning to acknowledge and discuss the breath of substance abuse among its citizens.

Glasnost—the policy of openness that is encouraged by Soviet leader Mikhail Gorbachev—has created better opportunities to treat those suffering from alcohol and drug abuse, they said.

Until recently, most alcoholics have been treated in psychiatric hospitals with blood transfusions, glucose injections and hypnosis. Last week, Moscow's Ministry of Health announced an agreement with a U.S. foundation to set up an American-style alcohol and drug treatment program, similar to the one used by Alcoholics Anonymous, in Moscow that emphasizes group therapy and individual counseling.

But despite these changes, treatment and education programs are few and reach only a small number of those in need. The teens said there is no active effort in Soviet schools to educate children and teens about the dangers of taking drugs or drinking too much liquor.

"In the schools we don't explain why it's bad," said Igor Ermolov, 15. He said he'd like to start a national anti-drug program in the Soviet Union, similar to Youth to Youth, an Ohio-based nonprofit anti-drug project. The Soviet teens are touring the U.S. at the invitation of that program and plans are under way for a reciprocal visit of American teens to the Soviet Union next year.

Dr. Maya Ermolova, head of chemical toxicology at Moscow Hospital No. 17, said 150,000 people are registered in Moscow's sustance abuse treatment centers. Most are men, she said but drinking problems among women are on the rise.

Drug abuse has not been a major problem, she said, but the potential is there for greater abuse. Today there are about 120,000 registered drug addicts, most of them teenagers, and 30,000 drug-related crimes a year.

Ermolova said heroin is widely available because it is homegrown. But crack cocaine is virtually nonexistent.

Ermolova was not too optimistic, however, that the huge Soviet bureaucracy, already burdened with other pressing problems, can deal effectively with drug and alcohol abuse. The initiative must come from families she said, but that, too, will be difficult.

"Our country is a great political club," she said. "Every night we have great political discussions in our homes. Our teen-agers and our children are out of our real attention."

ACCOUNTING REFORMS NECESSARY TO AVOID FUTURE FINANCIAL DEBACLES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WYDEN. Mr. Speaker, 2 weeks ago, the Resolution Trust Corporation stated that, "40 percent of the savings and loan failures were caused by fraud and abuse by insiders * * * by criminal action by the owners, directors, and managers." The RTC found widespread evidence of kickbacks, worthless loans, falsified appraisals, excessive loans to insiders, and criminal activity at almost half of the S&L's that have been taken over by the Government.

Each of these insolvent institutions were supposed to have had important accounting safeguards in place to deter such wrongdoing. Each institution had in-house accountants charged with implementing responsible internal controls for their S&L. Each institution had outside accountants charged with making an independent assessment of the institution's books to ensure the financial statements correctly reflecting the condition of the S&L's.

Together, these accountants were supposed to have been the Nation's first line of defense against fraud and illegality at S&L's. Clearly, these defenses failed. Accountants did not cause the S&L mess, but the breakdown of these so-called accounting safeguards will cost taxpayers billions in the years ahead.

I am particularly disturbed by the evidence that the auditors did not promptly inform Government regulators of the horrifying acts of

fraud and illegality at S&L's that now fill up our morning newspapers. Why didn't they?

The current financial reporting system simply doesn't require accountants to directly inform regulators when their clients engages in fraud or illegalities. The current system is a convoluted morass that consists of little more than accountants telling management they've uncovered fraud at the company. It does virtually nothing to protect the public from the kind of ripoffs that took place with the S&L's.

The S&L scandal shows the consequences of our loophole-ridden system of financial reporting:

Twenty-nine of thirty-one insolvent California S&L's had clean audits shortly before they were taken over by the Government. The Office of Thrift Supervision told Congress last year that faulty 1986 and 1987 audits of California-based Lincoln Savings and Loan were "proof positive that any thrift in America could obtain a clean audit opinion despite being grossly insolvent."

The GAO, in a 1989 study of 11 failed S&L's, found that in more than half of those cases, "CPA's did not adequately audit and/or report the S&L's financial or internal control problems in accordance with professional standards."

The FDIC is now alleging in court that, by delaying regulatory action, Arthur Young & Co.'s faulty audits of Western Savings Association in Dallas cost taxpayers an additional $500 million. The FDIC now has more than 20 suits pending against accounting firms for fraud, negligence and other professional failures in auditing insolvent S&L's.

Congress now has the opportunity to reform the financial reporting system and prevent another debacle. There are several areas we should zero in on to correct the system's flaws.

First, let us understand who an accountant is ultimately responsible to. The U.S. Supreme Court has made it clear that even though a private client pays for a CPA's services, the accountant's obligation is first to the public. In the 1984 case, United States versus Arthur Young & Co., the Court summed it up succinctly: "By certifying the public reports that collectively depict a corporation's financial status, the independent auditor assumes a public responsibility transcending any employment relationship with the client."

Second, direct reporting of fraud is working well elsewhere—both in the United States and overseas. In the United States, precedents already exist for direct reporting. Accountants of broker dealers are currently required to report fraud to the SEC if the broker dealer does not itself report to the SEC within 24 hours of notification by the accountant.

And overseas, England's Banking Act of 1987 clearly states that auditors are required to report frauds by top management directly and confidentially to the Bank of England. If this report is done in good faith, the act provides the auditor protection from liability for any violations of confidentiality or other agreements.

Third, accountants who report fraud are not becoming representatives of the U.S. Government, regulators, or prosecutors. Besides discharging the obligations laid out by the Supreme Court, accountants will be providing an early warning system, an alarm bell, so that those with law enforcement responsibilities—such as the power to prosecute—can step in before enormous public harm has been done.

Had accountants sounded an early alarm about S&L fraud, the billions American taxpayers are going to have to pay would be far less.

And I ask my colleagues, if accountants aren't the ones to sound the early warning bells, who is?

Energy and Commerce Committee chairman, JOHN DINGELL, through his Subcommittee on Oversight and Investigations, has held more than 25 hearings over the last 5 years to examine these issues.

In 1985, the subcommittee held five public hearings on accounting abuses at Beverly Hills Savings & Loan and found that: First, senior managers were involved in substantial conflicts of interest, and received payments from real estate developers for high-risk commercial projects; second, Beverly Hills did not have adequate books and records, proper internal control systems, proper appraisals for its commercial projects, or sound loan closing and documentation procedures; third, Beverly Hills management used accounting gimmicks to turn huge losses from major commercial real estate investments into instant "paper profits"; fourth, management booked $1.7 million of profit for the third quarter of 1983 on an apartment project sale later found to be false; and fifth, Beverly Hills management responded to a hostile takeover attempt by inflating reported earnings, which apparently harmed Beverly Hills as an institution.

None of these matters were reported by the institution's independent auditor and the Government is now seeking $300 million in compensatory damages from the Big Six Firm Touche, Ross.

Shortly after those hearings, I introduced with Chairman DINGELL, the Financial Fraud Detection and Disclosure Act to prevent the problems the subcommittee found from happening again. After further consultation with the accounting profession, I introduced a second version with changes made to accommodate additional concerns of the profession.

A revised version of that legislation was the focus of a hearing yesterday before the Subcommittee on Telecommunications and Finance, chaired by EDWARD MARKEY. During the remaining days of this session, I will be working with Mr. MARKEY and the subcommittee's ranking Republican, MATTHEW RINALDO, Chairman DINGELL, Congressman LENT and other committee members to fashion legislation that would reform our financial reporting systems so Congress won't be back in a few years facing another calamity like the S&L disaster.

Under the Leadership of Chairman MARKEY and Congressman RINALDO, the Telecommunications and Finance Subcommittee has passed vitally important legislation this session to protect the integrity of our financial markets, strengthen the enforcement powers of the Securities and Exchange Commission, and protect purchasers of worthless penny stocks. I am very hopeful that the bipartisan approach that produced these reforms can be duplicated in the accounting area, so that accounting reform legislation can be enacted before Congress adjourns in October.

Our job is made easier because at yesterday's hearing, Charles A. Bowsher, Comptroller General of the United States, supported each of the concepts proposed in the legislation I am circulating to committee members and other interested parties. Mr. Bowsher, a leader in the accounting field at the Big Six firm Arthur Andersen before he went into public service, said it was now in the public interest to enact legislation including these reforms:

Public companies should be required to periodically evaluate and report on the effectiveness of their internal accounting controls and management controls.

Auditors should be required to evaluate internal control systems established by corporate managers to ensure that the internal controls are sufficient so that corporate assets are handled properly and lawfully.

Auditors should be required to file a separate report on their evaluation of internal control systems and those reports should be included in the annual reports filed by public companies.

All audits of public companies should be conducted in a manner that reasonably ensures the detection of substantial illegalities that would have a material impact on the financial statements or operations of the audited company.

Audits of public companies should include procedures designed to identify related party transactions which are material to the financial statements or which otherwise require disclosure under the 1934 Securities Exchange Act.

Audits should include procedures designed to review risks, uncertainties, and other conditions which may affect the issuer's ability to continue its business, and which permit the auditor to conclude whether there is substantial doubt about the issuer's ability to continue as a going concern over the ensuing fiscal year.

Auditors of public companies should be required to report substantial illegalities detected during the course of an audit to regulators, if the auditor first reports the illegality to the appropriate level of the company's management and action is not taken promptly to terminate and correct the illegality.

Auditors who in good faith inform regulators of substantial illegalities on the part of management, that management has refused to correct, should be provided protection against liability.

I am very pleased that Mr. Bowsher supports these important reforms that are much needed to prevent future debacles like the savings and loan mess, and I look forward to working with all my colleagues to see them enacted.

KEEP THE NORTHWEST'S WATER IN THE NORTHWEST

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DENNY SMITH. Mr. Speaker, today I am introducing a resolution that reaffirms Federal law concerning the allocation of water from the Columbia River Basin. Once again, southern California is eyeing the Pacific Northwest's resources.

Currently, it is illegal for the Federal Government even to participate in any study that has as its objective the transfer of water from the Columbia River Basin to any other region of the United States, unless such study is approved by the Governors of all affected States. Despite this prohibition, the Los Angeles County Board of Supervisors has passed a resolution calling for a study of the construction of aqueducts from the Columbia and Snake Rivers, claiming that the Pacific Northwest is just wasting its water by letting it flow to the ocean.

The Northwest is not the energy or water farm for southern California. The water in the Northwest is not wasted. It is used for fish flows, for navigation, for power production, and for irrigation. Southern California is doing little to control growth or conserve water. It is only looking to extend its tentacles even further outside the region to meet its own requirements, at a significant environmental cost to other areas.

I would urge my colleagues to join me in reaffirming current Federal law prohibiting the study of this massive water transfer.

The resolution follows:

H. CON. RES. —

Whereas it is longstanding policy that States lying wholly or partially within a river basin have primacy in allocating that river's water;

Whereas current law prohibits the Federal Government from studying the transfer of Columbia River Basin water to other river basins or to other regions without the consent of the Governors of all of the affected States;

Whereas the board of supervisors of a certain county in California recently resolved that despite the statutory prohibitions on Federal participation, aqueducts should be built to carry Columbia River and Snake River water to California; and

Whereas Columbia River water is fully utilized: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the requirements of Public Law 99-662 concerning Columbia River Basin transfers are reaffirmed and that no water should be transferred from the Columbia River Basin to other river basins or to other regions, nor should the Federal Government participate in any studies of such transfers, without the consent of the Governors of all of the affected States.

BRENNAN: THE GIANT

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. KOSTMAYER. Mr. Speaker, I rise to honor Justice William J. Brennan and his enormous contributions to the constitutional principles under which all of us are protected. Still waters run deep, Mr. Speaker, and so it is that the warm and gracious William J. Brennan can, upon closer reflection, be seen for the constitutional titan that he is. In 1984, the conservative magazine National Review conceded that "No individual in this country, on or off the Court, has had a more profound and sustained impact upon public policy in the United States for the past 27 years." For once, Mr. Speaker, the National Review was right.

Mr. Speaker, Justice Brennan has been a champion of those individual rights that most concerned the Constitution's framers, the rights of individuals to be free of the unbridled power of the State. Soon after the Constitution's ratification, James Madison wrote of his concern regarding "essential rights, particularly the rights of conscience in the fullest latitude, the freedom of the press, trials by jury, and security against general warrants * * *," and Justice Brennan recognized that these concerns are just as relevant today.

He understood that forcing a college professor to comply with various loyalty requirements by inhibiting his or her ability to speak freely, conflicted with Madison's "rights of Conscience in the fullest latitude." He understood that allowing a local sheriff to use State libel laws to silence newspaper articles on the civil rights movement profoundly violated Madison's vision of a free press. He understood that strip searching a 13-year-old school girl to search for drugs where no prior suspicion of drug use existed—and where no drugs were found—substantiated Madison's fear of general warrants. It is Brennan's detractors, not Justice Brennan, who have declared the Bill of Rights and original intent obsolete.

The Constitutional Convention delegates often invoked posterity and crafted a Constitution that would adapt to the country's changes. Pennsylvanian James Wilson's words were typical of many when he said that "we are providing a Constitution for future generations and not merely for the circumstances of the moment." Justice Brennan understands this central concept. Mr. Speaker, it is ironic that Justice Brennan is criticized by the so-called conservatives as a "judicial legislator" precisely because of his willingness to give life to the Constitution's original design.

Was Justice Brennan a radical judicial legislator when he sought to extend the protections of the Constitution to minorities and women? He committed the sin of interpreting the Constitution because he believed that its amendments were intended to have meaning and effect for all people and for all time. He believed that "The citizens of all our States are also and no less citizens of our United States," and that in the United States, no form of Government power could act with impunity against an individual where the Bill of Rights had promised its protections.

Mr. Speaker, the President and the Senate are faced with the nomination and confirmation of a replacement for Justice Brennan; David H. Souter of New Hampshire has been nominated by President Bush. Current trends in the Supreme Court's decisions threaten many of our most cherished liberties, and it is on this appointment that many of our freedoms may turn for years to come.

Members of the Senate must not take excessive comfort in the notion that Supreme Court Justices are unpredictable. The surprise factor must not become a prescription for abdicating the responsibility to determine what can be determined with regard to the views of the nominee. While it may be inappropriate to ask a nominee his views on hypothetical situations, it is appropriate to ask a prospective Justice to comment on the reasoning set forth in cases previously decided. What are Mr. Souter's feelings about the rights to privacy articulated in Griswold versus Connecticut and Roe versus Wade? Does he concur in the reasoning pertaining to the right to free speech set forth in the flag burning case known as Texas versus Johnson? And what about the recent religious free exercise case of Employment Division of Oregon versus Smith?

The Senate has both the right and the duty to ask these political questions, despite the notion currently in vogue that would limit advice and consent inquiries to basic issues of character and competence. Indeed, the Federalist papers describe the Senate as a coequal partner with the President in the nominating process, to provide a measure of democratic control on that branch of Government, the judicial branch, otherwise more remote from the people. In the words of Justice Brennan, "There's absolutely nothing in the Constitution which limits the advice and consent function of the Senate. Nothing. * * * And any Senator, furthermore, is entitled to ask any damn question he wants—about ideology or whatever the hell it may be."

Ultimately, each Senator must cast his or her vote regarding nomination in a manner that is consistent with that Senator's views on the substantive legal rights hanging in the balance. No person should claim to be a proponent of the right to free speech or privacy or religious freedom and at the same time vote to confirm a nominee with opposing views.

We can best honor William J. Brennan, our Constitution, and the original intent of its framers, by choosing a new member of the Supreme Court who will continue William Brennan's legacy. Let us discharge our duty as honorably as he discharged his.

CULTURAL EXCHANGE ARE GOOD FOREIGN AID

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BEREUTER. Mr. Speaker, in recent years we have witnessed a heartening trend toward democracy worldwide. In Latin Amer-

ica, dictatorships in Nicaragua, Panama, and Chile have been replaced by democratically elected Governments. The openings in Eastern and Central Europe have been equally encouraging. We can only hope that other countries will follow their lead.

But the transition to true democracy will not be achieved overnight; nor will the road be free of obstacles. We, as champions of democracy, must do all that we can to assist these nations in their struggle for democracy and help them to achieve the economic and social stability necessary for that democracy to survive and flourish.

There is a tendency in this body, whenever we mention foreign assistance, to think about monetary aid. Though financial assistance and guarantees are a necessary part of any aid program, this Member would like to call attention to another, equally vital aspect of any successful program—that is, the human factor. Without dedicated men and women, working together with the men and women of other nations, the U.S. foreign aid effort could not succeed. It is people who help us understand each other and help us work together in building a better world for all of our children. For that reason, this Member strongly supports cultural and volunteer exchange programs such as the Sister City Program and the Peace Corps, as a means to aid these countries and promote better relations.

As the United States and the newly democratic nations become friends, we must break down the barriers that years of hostility and misinformation have created. And it is the men and women who go to these nations, as Peace Corps or Farmer-to-Farmer volunteers, as technical advisors and as exchange students, who will bring back an understanding of these cultures to those of us who remain at home. By their example, as well as through their direct assistance, American exchange representatives will show the people of these nations that Americans are neither Yankee imperialists nor mindless materialists. Reciprocal exchanges, in which Europeans or Latin Americans come to the United States, would further increase mutual understanding.

Mr. Speaker, the August 2 edition of the Lincoln Star contains an insightful editorial on the expanded role of the Peace Corps Program in meeting this new cultural challenge. This Member would call it to the attention of my colleagues.

[From the Lincoln Star, Aug. 2, 1990]

GLOBAL PUSH FOR FREEDOM REVIVES THE PEACE CORPS

You could say that the Peace Corps is back by popular demand.

It has aged and shrunk since its heyday in the '60s when John Kennedy led an idealistic nation and created the corps to spread capitalist expertise with a friendly face. The average age of volunteers back then was 22; today it is 31.

Rural initiatives in Third World nations once drew the lion's share of projects. They're still important, but today the Peace Corps is increasingly involved in urban projects and environmental protection. And it is going where no Peace Corps volunteer has ever gone before—into Eastern Europe—literally following the emergence of liberalization and democratic yearnings around the globe.

Peace Corps Director Paul Coverdell will accompany Secretary of State James Baker on a historic visit to Mongolia, a reclusive, formerly Soviet-dominated nation that seeks broadened trade with the West and Peace Corps volunteers.

With the addition of Hungary and Poland in June, Peace Corps volunteers are at work in 70 countries (political instability in the Philippines and Liberia has caused the temporary withdrawal of volunteers from those nations). A delegation plans to visit Nicaragua; the corps is exploring relations with a bevy of African nations that have never had or have rejected Peace Corps aid in the past.

The Peace Corps says it expects to be invited into more countries in the next 18 months than in the last 18 years combined. This is heavy stuff and a credit to a program that has weathered a couple decades of indifference and cynicism.

So where has the Peace Corps been?

The Peace Corps never exactly went anywhere. But its directive of self-sacrificing voluntarism and idealism got buried by the juggernaut of greed and self-aggrandizement that to a large extent defined the Me Decade of the '70s and the I'll-get-mine motto of the deregulated 1980s.

And the Peace Corps lost some of its identity when it was merged for a time under an umbrella agency called ACTION; it also lost funding and volunteers. From a high of 15,500 in the late '60s, the Peace Corps dropped to under 5,000 volunteers in '82-'83.

But now President Bush has proposed a 10 percent increase in Peace Corps funding, $16 million in 1990, bringing its budget to $181 million. The Peace Corps hopes to double its volunteer army to 12,000 by the end of the decade. It shouldn't be hard with increased funding—last year some 14,000 individuals interviewed for 3,200 openings.

We should be proud of the quiet, good work done by Peace Corps volunteers, who selflessly give up a year or two or even more of their lives to help others.

Their pay? Living expenses while they're in the Peace Corps and a stipend of $200 a month for every month of service after they leave the corps.

Clearly volunteers aren't in it for the money. The real pay-off is the ability to make a difference in another's life, to make this world a better place.

A RESOLUTION DESIGNATING THE FIRST WEEK OF OCTOBER AS NATIONAL CUSTOMER SERVICE WEEK

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HILER. Mr. Speaker, I rise today to introduce a bill designating October 1 through 7 as "National Customer Service Week."

The intent of this legislation is to focus on the importance of the customer and the customer service profession to corporate success. As we are all aware, in a free-market economy the quality of customer service and the value placed on the satisfaction of the consumer will win markets for a company. The lack of these qualities can tarnish a company's reputation and cause a loss of markets.

In this economy, it is the customer who keeps things going. It is the customer who keeps people employed, and it is the customer who keeps us strong. The customer service profession is dedicated to keeping customers happy. To addressing their concerns when they arise, and to keep them interested in pursuing and using the goods and services that American workers provide.

Thus, I believe it is high time to pay tribute to both the customer and those who dedicate their lives to keeping customers happy—the customer service industry. I hope my colleagues will join me in this effort and support the designation of a National Customer Service Week.

Mr. Speaker, I ask that the full text of the bill be printed in the RECORD at this point, and yield back the balance of my time.

H.J. RES. —

Whereas recognizing the value and importance of the customer drives the quality of customer service;

Whereas excellent customer service distinguishes those companies that understand the importance and influence a customer has on success;

Whereas today's high cost of attracting new customers further emphasizes the need to keep existing customers through effective service;

Whereas excellent customer service contributes to the growth and success of every company; and

Whereas when customer service is recognized as contributing to a company's profit, the professional status of customer service continues to increase: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1 through 7, 1990, is designated as "National Customer Service Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

HUMAN RIGHTS IN ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HOYER. Mr. Speaker, today the Helsinki Commission, of which I am cochair, learned of the release of Romanian student leader Marian Munteanu, who was detained during the violent suppression of the Romanian opposition in Bucharest in mid-June. The release, while long overdue, is welcome.

The commission remains concerned, however, about the approximately 185 other detainees taken into custody during and after the June violence. In July, my fellow commissioners and I alerted President Iliescu to our disquiet over reports that the detainees have not had adequate access to their families or legal counsel, and that some require urgent medical care. We asked President Iliescu for information on the detainees' whereabouts and condition, but have received no answer. One particularly disturbing aspect of the situation is that there are minor-age children among the detainees being deprived of their rights under Romanian law. In any case, non of those in detention should be held if charges have not been filed against them.

The cloud of injustice still hangs heavily over Romania. Mr. Munteanu still is under investigation. Members of the democratic opposition remain subject to threats and intimidation. A new draft media law reportedly imperils Romania's nascent press freedom.

The Helsinki Commission urges the Romanian Government to take further concrete steps to demonstrate its commitment to the principle adopted this past June in Copenhagen by the 35 CSCE participating States that "* * * the rule of law does not mean merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression."

We call on the Romanian Government to institutionalize respect for human dignity and human rights in accordance with its CSCE commitments.

RECIPROCITY IN INTERNATIONAL GOVERNMENT PROCUREMENT ENFORCEMENT ACT OF 1990

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HORTON. Mr. Speaker, yesterday, I joined with Chairman JOHN CONYERS of the Committee on Government Operations and a number of our House colleagues in introducing legislation aimed at providing American companies with increased access to the $200 billion international government procurement market.

The bill we introduced, the "Reciprocity in International Government Procurement Enforcement Act of 1990," attempts to get to the heart of the problem of discrimination against American firms in foreign government procurement.

On May 1, 1990, the Subcommittee on Legislation and National Security of the Committee on Government Operations received testimony from the Deputy U.S. Trade Representative regarding section 7003 of the Trade and Competitiveness Act of 1988 (Public Law 100–418). Section 7003 requires the President to submit an annual report to Congress on the extent to which foreign countries discriminate against U.S. products or services in making government procurements.

At the May hearing, the subcommittee was told that several of our trading partners were discriminating against U.S. companies with regard to Government procurements. The U.S. Trade Representative found that United States suppliers will not enter European markets because of "the uncertain use of fair procurement procedures"; that United States suppliers are not provided with fair procurement practices in the Italian heavy electrical equipment sector; and that certain Japanese Government procurement practices have also been discriminatory in a manner that has hurt United States industry.

Despite these findings, the U.S. Trade Representative failed to name a single country as discriminating against American industry. Section 305(d)(3) of the Trade Agreements Act of 1979 was invoked as authority not to make a formal identification. That section allows the President to use any other additional criteria deemed appropriate when making the identification required by the Trade Act. The reason given was that negotiations to liberalize trade were underway and that formally identifying such countries, which is what the law requires, could undermine overall policy goals.

Quite frankly, this is a misinterpretation of the purpose of the statute. Instead of providing the President with the flexibility to consider other criteria necessary to determining if a country is discriminating, the provision has been used as a loophole to disregard evidence of discrimination. The bill we introduced yesterday removes this loophole.

The bill also establishes a mechanism to effectively coordinate defense trade policy with overall U.S. trade policy goals. This would be accomplished by amending the Buy American Act of 1933 to require any agency head seeking a public interest waiver of the act to obtain the concurrence of the U.S. Trade Representative.

The subcommittee's comprehensive review of procurement issues revealed that the Department of Defense has been unilaterally waiving the Buy American Act when signing procurement agreements with other nations. The result has been greater access to American procurement markets for foreign contractors, without necessarily gaining reciprocal access to foreign procurement markets for American firms. Requiring the approval of the U.S. Trade Representative will ensure greater coordination of defense and nondefense trade policy, and will put an end to the undercutting of larger trade policy goals.

Finally, the bill requires the Office of Federal Procurement Policy to submit an annual report to Congress on the number and value of Federal procurement contracts and subcontracts awarded to foreign firms. The annual report will identify the number and value of Federal procurement contracts and subcontracts performed outside the United States, as well those awarded under the International Procurement Code. Timely and accurate information relating to the effectiveness of the International Government Procurement Code and Federal procurement policy, is critical to maintaining a strong and efficient American defense industrial base and ensuring American access to foreign procurement markets.

Mr. Speaker, the Reciprocity in Internatioal Government Procurement Enforcement Act addresses serious shortcomings in existing procurement law which were identified during a series of extensive hearings held by the Government Operations Committee. As the ranking minority member of the committee, I sincerely hope that my House colleagues will take the time to review the bill's provisions and then join with me and Chairman CONYERS in working for the speedy enactment of this important legislation.

FEDERAL EMPLOYEES ASSISTANCE ACT OF 1990

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FAZIO. Mr. Speaker, I rise today to introduce the Federal Employees Assistance Act of 1990 to help employees who are affected by major reorganizations, reductions in force or transfers of functions in any department or agency of the Federal Government.

In the coming months, Congress will have to address the many issues associated with reductions in the Department of Defense. These issues include the placement of Federal employees and military members, the impact of base and plant closings on communities throughout the Nation, and the need for diversification of the defense industry. We welcome the changes in the world that have brought us to this point. But, now we face a whole new set of problems. We have the opportunity, however, to address these problems, and the problems which may be faced by other Federal agencies, in a proactive rather than a reactive fashion. The Federal Employees Assistance Act establishes a variety of initiatives to help employees find continuing employment.

While many DOD-related measures have already been introduced, most deal with the problems of the private sector, or provide assistance after a Federal employee is separated. This act covers employees in any Federal agency which is facing a major reduction. The Assistance Act will stimulate placement before employees are separated. These provisions are funded from agency savings attributable to the reductions.

TRAINING

For the first time, the Government would be allowed to train employees for jobs in the public and private sector. The Employees Assistance Act would also provide training grants to enable employees to complete training to gain skills for a job in demand in the private or public sector.

JOB PLACEMENT

The media has made the peace dividend a household word. One definition of dividend is "gift or bonus". It is disconcerting that the outcome of the events in Europe may be just the opposite. I'm concerned about the number of employees, both Federal and private, who will saturate the work place looking for jobs.

This legislation addresses this concern by allowing agencies, by contract, to take advantage of outside professional placement and counseling services. These professionals know where the jobs are and how to help workers through turbulent times. Federal agencies should be able to capitalize on their expertise.

The act also encourages employers to hire Federal employees who face reduction by providing that rather than receiving severance pay, the employee may elect to have periodic payments made to a non-Government employer. The employer must agree to hire the employee on a full-time basis for at least 1

year at a rate of pay not less than the rate the employee was paid by the Government.

In addition, when an employee who is faced with separation must relocate to a different geographic area to find work, the new employer may be reimbursed for a portion of the employee's travel, transporation and subsistence expenses.

Federal agencies, State, local, and private employers are charged to cooperate to try to minimize the unemployment of individuals separated from the Government during major reductions.

RETIREMENT

To encourage a reduction of employees through means other than reduction in force, this bill allows employees to retire and return immediately to their position on a part-time, temporary basis—not to exceed 2 years—without a salary offset. Pay or grade levels are not caped, however total compensation—salary plus annuity—may not exceed the previously earned salary.

I believe this provision will encourage the retirement of employees who may be considering leaving the work force but are not sure of their future plans or financial status. It will give them the opportunity to enjoy part-time work and part-time retirement with no loss of income and gives the Government flexibility and stability. For each two employees who take this opportunity, the agency saves one space.

Mr. Speaker, I realize the Employee Assistance Act will be expensive. But we must accept the fact that if we are unable to place employees separated in major reductions, we will have to pay the high cost of severance pay and unemployment compensation—not to mention the untold financial and emotional cost to the employees and their families. It is in everyone's best economic interest to find continuing employment for civil servants, particularly the thousands in the Department of Defense who may have to pay the price of the peace dividend through unemployment.

Peace is priceless, but peace is also costly. We've effectively spent money over the years to deter the threat. Now we must spend money for the good of those individuals who have given so much in the defense of this great country. And we must prepare for other major changes that may occur in the Federal workplace.

I urge each of you to favorably consider this important bill.

FEDERAL EMPLOYEES ASSISTANCE ACT—SECTION ANALYSIS

SUMMARY

The Federal Employees Assistance Act provides for retraining and other forms of assistance to employees who may be separated from Government service as a result of a major reorganization, reduction-in-force, or transfer of function. The Act encourages placement of employees before they are separated. The provisions of this Act are funded from agency savings attributable to the reductions.

SECTION 1. SHORT TITLE.

The Act may be cited as the "Federal Employees Assistance Act of 1990."

SECTION. 2. TRAINING.

When there is a major reduction-in-force (RIF) that is likely to have substantial adverse economic impact within one or more geographic areas, employees who are likely to be separated may be retrained for non-Government jobs.

SECTION. 3. TRAINING GRANTS.

Employees who may be separated under the conditions described in Section 2 may receive grants to defray the cost of training for another job. The grants are limited to 15% of the employee's salary or $5,000, whichever is lower.

SECTION. 4. SEVERANCE PAY AND COOPERATIVE EFFORTS.

Severance Pay. Rather than receive severance pay, an employee separated under the conditions described in Section 2 may elect to waive their right to severance pay and instead have periodic payments made to a non-Government employer. The employer must agree to hire the employee on a full-time basis for at least one year at a rate of pay not less than the employee was paid by the Government.

Cooperative Efforts. Agencies shall, in cooperation with State and local employment offices, and other commercial and private employment agencies, seek to minimize unemployment of individuals separated from the Government under the circumstances described in Section 2.

SECTION. 5. TEMPORARY SERVICES OF EXPERTS AND CONSULTANTS.

Agencies may use professional placement or recruiting services to find continuing jobs for employees who are to be separated because of RIF.

SECTION. 6. RELOCATION EXPENSES.

The Government may reimburse private employers for some moving expenses when they hire an employee who may be separated under the conditions described in Section 2. The amount of the reimbursement is limited to $5000.00 or 10% of the employees salary, whichever is lower.

SECTION. 7. WAIVER OF CERTAIN DUAL COMPENSATION PROVISIONS.

To encourage reductions through means other than RIF, agencies may allow retirement eligibles to retire and draw their full annuity plus salary while working part-time for periods up to 24 months. Salary plus annuity is limited to the amount of salary payable before retirement.

SECTION. 8. REPORTING REQUIREMENT.

Agencies will report to Congress annually on the number of major reorganizations, reductions-in-force, or transfers of function. The report will include the types of measures taken under the provisions of this Act to reduce the number of separations and assist in the retraining and continuing employment of employees.

A SECURE AND WELL-FUNDED PRIVATE PENSION SYSTEM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. VISCLOSKY. Mr. Speaker, I am introducing legislation to encourage the growth and enhance the security of our Nation's private pension system. My bill, the Retirement Security Protection Act of 1990, would allow employers to more adequately fund their defined benefit pension plans on a tax-deductible basis to ensure that they have sufficient assets to deliver the benefits promised to employees when they retire.

Specifically, this legislation would modify the full-funding limitation established by the Omnibus Budget Reconciliation Act of 1987 [OBRA '87]. OBRA '87 prohibits deductions for pension contributions if they would cause the assets of the plan to exceed 150 percent of current liabilities. This full-funding limit is often inadequate for young companies with new pension plans since there is no consideration of future salary increases for future service. In many cases, current liability is often less than half of projected liabilities, which take into account anticipated salary increases.

A 1989 study prepared by Hay/Huggins for the U.S. Department of Labor found that a number of plans, which have sufficient assets to provide benefits for their termination liabilities, would not be able to fund for future projected benefits to the degree required by the Employee Retirement Income Security Act of 1974 [ERISA]. For example, the study showed that by 1992, the limits on maximum contributions were estimated to be below the minimum contributions needed to meet ERISA's funding requirements for at least 25 percent of all plans.

My bill would permit employers to consider future salary growth in funding their defined benefit pension plans. It would offer employers the choice of funding their plans at the greater of 150 percent of current liabilities—the current limit—or 90 percent of projected current liability. Projected current liability is based on current liability with the liabilities for active employees increased to allow for salary growth. The salary growth assumption would be no greater than the current liability interest rate, that is, 30-year Treasury, less 3 percentage points.

This legislation would also increase the excise tax on pension asset reversions from the current 15 percent to 30 percent. This component of the bill will send the message to plan sponsors that, while they will be permitted to more fully fund their plans on a tax-deductible basis, they will not be permitted to terminate their plans and recover surplus asets that contain a Federal subsidy if the money is not to be used for retiree pensions. The General Accounting Office has determined that for the majority of cases, the 15-percent excise tax does not fully recapture the tax advantage accrued by the employer.

The genesis of this proposal came from discussions I have had with members of the business community in the context of how Congress could improve the health of the private pension system. I would also like to thank the Pension Committee of the American Academy of Actuaries, the Employee Benefit Research Institute, and the Congressional Research Service for their unfailing courtesy and cooperation in providing sound technical advice and for critiquing a number of draft proposals. The bill being introduced today is much improved because of their help.

Further, I am pleased to announce that CRS has prepared an analysis which provides background on the full-funding limitation, identifies the nature of the problem, and describes how this legislation would improve the system.

As our population grows older, there will be additional demands upon our already strained entitlement programs. Accordingly, we must refine our national savings policy to relieve the pressure on Social Security, for example. Taking a long-term perspective, my bill strives to enhance pension plan formation and health rather than allowing pension policy to be driven exclusively by short-term budgetary considerations.

We can all appreciate the importance of a secure and well-funded private pension system. After a careful examination of this bill and the CRS analysis, I am convinced that the merits of the proposal will be evident. I would hope to have your support for this important legislation.

RECYCLING OF THIRD-CLASS MAIL

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. BYRON. Mr. Speaker, today I am introducing legislation to study the feasibility and encourage the use of recycled paper for third class mail, which is comprised of bulk business mail and advertisements.

It is necessary that we move in the direction of recycling in order to protect both our energy and environmental resources. Americans produce more waste per capita than other industrialized nations. It is estimated that we will produce about 180 billion pounds of waste by the year 2000; 40 percent of this waste is paper and paper products. Part of this is produced by discarded mail. In 1989, the Postal Service delivered 62.8 billion pieces of mail, weighing 7.5 billion pounds. It is also estimated that each recycled ton of paper saves 17 trees. If we can recycle a part, or better still, all of this mail, the sheer numbers involved would make it quite significant.

The legislation I am proposing would authorize the Postal Service to study and report to Congress, in writing, on ways to encourage greater use of recycled paper by third class mailers. The study would provide a description of alternatives, the advantage and disadvantage of each, and recommendations of appropriate legislation or administrative actions. The alternatives may include preferential rates or other recommendations the Postal Service sees fit. The bill would be a necessary step in our efforts to clean the environment and put our resources to better use.

I urge my colleagues to join me in the passage of this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States Postal Service shall study and report to Congress, in writing, on ways to encourage the greater use of recycled paper by mailers of third-class mail matter. The alternatives studied may include preferential postal rates and any other means within the jurisdiction of the Postal Service.

(b) The report shall include—

(1) a brief description of each proposed method;

(2) the advantages and disadvantages of each; and

(3) recommendations for any legislation or administrative action which may be necessary.

NORTH-SOUTH CENTER BILL

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BUSTAMANTE. Mr. Speaker, I rise before you today to introduce a piece of legislation which will create in the State of Texas, a North-South Center for the Study of Western Hemispheric Trade.

This Center would serve as an academic research institute which would study the advantages and disadvantages of liberalized trade relations among countries from North, Central and South America. The North-South Center will study topics such as the effects of increased trade on the American worker, and the impact of illegal Latin American immigration, from an interdisciplinary approach.

The North-South Center will help us make more knowledgeable decisions about the future role of the United States within our global economy. As we consider whether or not we will enter into free trade agreements with Mexico and other Latin American countries, an academic institution like the North-South Center could serve as a very useful, objective tool.

The Center will be affiliated with a Texas university or college which the U.S. International Trade Commission will help select. And what better place to locate a North-South Center than in Texas, through whose ports flowed approximately one-half of all United States-Mexican trade. More imports from, and more exports to Mexico, pass through Texas more than any other State.

The advantages to the North-South Center are multifold. It will provide information not only to Government policymakers, but also to companies which seek to do business in neighboring countries. This will facilitate business activity, and ultimately economic growth, within our hemisphere. Although the legislation appropriates $10 million to establish the Center, businesses will also pay for the information they receive. In doing so, they will partially subsidize it. In this way, the Center will not have to depend wholly on Federal support, and will ideally, pay for itself after only a few years.

The North-South Center is something we do not get very often, a great return for a good price. I encourage my colleagues to consider the legislation and invite them to join me and Congressmen MIKE ANDREWS, JOHN BRYANT, and SOLOMON ORTIZ in sponsoring this bill.

THE U.S. COAST GUARD: 200 YEARS OF SERVICE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, it gives me great pleasure to rise before you today to honor the U.S. Coast Guard as it celebrates its 200th anniversary on August 4, 1990.

The U.S. Coast Guard began its tour of duty in 1790. At that time it was known as the Revenue Marine and served as the Federal maritime law enforcement agency. Today, the Coast Guard provides Americans with countless services in such areas as search and rescue, marine inspection, marine environmental response, port safety and security, waterways management, and bridge administration.

As the Congressman of the First Congressional District of New York, situated on Long Island, and as a member of the Subcommittee on Coast Guard and Navigation, I have had a firsthand view of the invaluable services of our Coast Guard. This organization plays a prominent role in maintaining the safety of the Long Island community as well as the many visitors who frequent our beautiful island. The Coast Guard's impeccable rescue record is a credit to the selfless dedication of the men and women who represent this organization.

Aware, as we all are, of the importance of the U.S. Coast Guard, it is almost infeasible that a cutback in their budget could be suggested. Yet in 1988 such cuts were imposed and I, along with many of my colleagues, fought to ensure that the Coast Guard's indispensable services would not be impaired. We succeeded in restoring $60 million to the agency's budget.

Through the years the Coast Guard has shown its versatility and its quick ability to take on new responsibilities in an ever changing world. Whether helping to fight the war on drugs or aiding in the cleanup of an oilspill, the Coast Guard has been a shining star and a tribute to the American way.

Mr. Speaker, please join me in congratulating the Coast Guard on its 200th anniversary. It has admirably served the United States in all of its areas of jurisdiction. I commend the Coast Guard on a job well done.

TRIBUTE TO CAPT. LEO BERGER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a dear friend, Capt. Leo V. Berger, who was described in Barons magazine as "an old sea salt in businessman's garb." His story is a typical American success story—a story I would like to share with my colleagues in the Congress today, Mr. Speaker, as Leo marks his 70th birthday.

Leo Berger was an impoverished immigrant from Hungary, who spent his youth in an American orphanage. He rose to become one of the top independent shipowners in America. Along the way, he benefited from good timing and a bit of luck, but Leo's success is unmistakably the result of his sharp business mind.

In 1970, Leo heeded the call of our Government to help resurrect our Nation's dying merchant fleet. Larger ship operators were hesitant to participate in the new program, but he boldly took the lead in building American-flag bulk cargo fleet to compete directly with foreign-flag vessels.

As Barons said: "He built a fleet on a shoestring, avoided the agonies of a risk-laden industry, and reached the top rank of independent American shipowners." Those of us from Hungary are used to accomplishing remarkable things, but what Leo has done is incredible—even by Hungarian standards.

Leo Berger is an American patriot. He loves his adopted country, and he has made an important contribution to strengthening our Nation's shipping. He has always been ready when there is a need for his help. In 1983, the U.S. Navy was interested in transforming two existing vessels into floating "Bethesda Naval Hospitals" to serve American wounded in combat. Although one of his ships had been lost at sea the previous year, Leo rebounded from the loss by making a landmark deal with the Navy to remodel two of his ships into such floating hospitals. Once again, Captain Berger's success story was a success for America.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Capt. Leo Berger—he is a dedicated patriot and his example should serve as an inspiration to all Americans in showing that they can help our Nation and at the same time be successful in business.

THE U.N. POHL WASH

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DYMALLY. Mr. Speaker, last January, the Special Representative of the United Nations, Reynaldo Galindo Pohl, traveled to Iran to make a first time 8-day investigation into the human rights situation. His report, however, resulted in concealing and occasionally reversing the truth of the atrocites committed by the Khomeini regime, and thus, served the interests of the dictatorship ruling Iran. As a result of such encouragement, the leaders of the Iranian regime found their hands freer than before, to violate human rights in that country and wage an unbridled campaign of terrorism abroad.

Immediate consequences of the report were: A surge in the number of executions and arrests, stepped up harassment of women and assassination of dissidents in exile. Iranian state-run newspapers Jomhouri Islami on February 17, 1990, and Kayhan on February 18, 1990, reported the execution of three persons in Hamedan:

1. Mohammad-Hossein Golzar Kabir, age: 27, sentenced to 173 lashes and beheading by a sword.

2. Gholam-Hossein Golzar Kabir, age: 28, sentenced to 148 lashes, being stabbed three times with a knife in the upper half of his body, and beheading by a sword.

3. Reza Khanian, age: 23, sentenced to 148 lashes, being stabbled three times with a knife in the upper half of his body, and beheading by a sword.

The verdicts carried out, in the matter of a few hours after being issued, at 8:30 a.m. on Thursday in the presence of a number of national officials, near the site of the crime * * *. The cut-off heads of two of the alleged criminals * * * were placed on the top of Bou Ali Sina's tomb (a sightseeing and tourist attraction). The corpses were driven around the city on a crane.

In reporting on his 8-day visit to Iran, Mr. Galindo Pohl contends that the Iranian regime has abandoned the practice of public executions. Tehran leaders, however, reported 206 public executions, carried out in less than 5 months, published in the state-run newspapers.

On the issue of terrorism abroad, on April 24, in Geneva, the Khomeini regime's agents assassinated Dr. Kazem Rajavi, the leading defender of human rights in Iran, and brother of Mr. Massoud Rajavi, leader of the Iranian Resistance, as he was driving home. The Mojahedin's Resistance movement immediately announced the names of the operatives involved, which included Tehran's Ambassador and chargé d'affaires in Switzerland.

On June 22, a Swiss judge identified the murderers: Thirteen agents "from more than one service of the Tehran regime" who had come to Europe using government service passports.

In fact, Galindo Pohl's report never remained committed to its crucial international mandate of investigating one of the most horrifying records of atrocity in contemporary times. The report as a whole, is a collection of counterfeit evidence, distorted facts and repetitions of statements by criminals like Lajevardi, infamous as the Butcher of Evin Prison. Under the banner of human rights, the basis and objectives of the report had been predetermined to justify the crimes of the regime ruling Iran.

The Iranian Resistance has recently criticized Mr. Galindo Pohl's 76-page report in a 354-page documentary book entitled, "Human Rights Betrayed; Galindo Pohl's Report Under Scrutiny." Excerpts of that book are enlightening as to what has taken place in the name of the United Nations.

Of the total number of paragraphs in the report, 28 percent are devoted to violations of human rights, 61 percent to the regime's witnesses and officials, and 11 percent to general statements and definitions which refer to the objectivity of the mission. Disregarding the 11 percent of general statements, we find that 69 percent of the report is in favor of the Tehran regime.

Citing statements by the Special Prosecutor for Drug Trafficking, paragraph 244 of Mr. Galindo Pohl's report states that "there have been—no executions—in public for 5 months."

A simple reference to the information provided by the Iranian Resistance, would have revealed that only on the basis of the Iranian regime's official announcements in the state-run newspapers, public and mass executions had been carried out on October 8, 12, 17, 24, 30, and 31, November 11, 18, and 27, and on December 6 and 9. In response to this distortion of the truth, Mr. Galindo Pohl conceded in his Geneva press conference that there could be some inaccuracies.

Prior to the report, Mr. Galindo Pohl was repeatedly cautioned that the Tehran regime would clean up Evin Prison, leaving only a selected number of prisoners in order to prepare it for exhibition for reporters. He had also received addresses and floor plans of other secret and nonsecret prisons in Tehran, as well as information on the location of mass graves in the vicinity of the capital. Yet, he sufficed to only visit the workshop of Evin Prison.

In reality, the Khomeini regime brought several individuals before Galindo Pohl who gave testimony that, albeit their names were included as victims of execution, they were, indeed, alive. Therefore, it is obvious that the Khomeini regime attempted to undermine facts and findings provided Mr. Galindo Pohl, by the Iranian Resistance regarding the execution of more than 16,000 individuals. Unfortunately, the Special Representative succumbed to these tactics, resulting in no reference whatsoever, to the findings by the Iranian Resistance and furthermore, did not even attempt, to investigate the remaining 16,000 names and particulars.

Interestingly enough, if he had examined the list, he would have found that two of the four names provided by the regime, Mr. Mohmoud Reza Said Nejad and Mr. Behman Garai, never even appeared in the list of execution victims published by the Iranian Resistance. Furthermore, the names of two other individuals, Mr. Ismail Zarei and Mr. Soghra Farhadi, had been officially announced as being executed by the regime itself.

Again the Special Representative is given false information, yet he confidently cites it as a true statement without further attempts to verify it. He does the same with regards to the statements of Lajevardi, infamous as the Butcher of Evin, and mullah Moghtada'i, whose verdict on the forms of executions—beheading by sword, stoning to death, casting from a height, demolishing a wall on the convict's head, and burning alive—once shocked the world. Statements made by such high level officials are included in the conclusion of the report as the Special Representative's new discoveries in Iran.

Additionally, as cited in paragraph 237, additional witnesses were not able to see the Special Representative, because the regime had "literally blocked the way for anyone who wanted to enter."

Based on article 11 of the 46th session of the Human Rights Commission's resolution, Geneva—March 1990, periodic inspections by the International Red Cross were to be made of all prisons in Iran. Based on this same resolution, Galindo Pohl has been given a mandate to again visit Iran. It is unclear, however, why no Red Cross inspections have taken place while the Special Representative was preparing for his second visit.

Certainly, the repercussions of Galindo Pohl's mandate will prove to benefit the Khomeini regime and will contradict the objectives of the both the United Nations in general and the Universal Declaration of Human Rights. Futhermore, experience has proven that Galindo Pohl's mandate opens the door to additional assassinations and attacks such as those against Dr. Kazem Rajavi, and Mr. Hossein Abedini.

Hence, the Iranian Resistance has not exaggerated its evaluation of Galindo Pohl's report as a complete and false account of the situation and a green light to the regime's policy of human rights abuse. It is, therefore, understandable that the Iranian Resistance will have no choice but to discredit Galindo Pohl's next visit to Iran, scheduled within the next few weeks.

It is undeniable that the Iranian people and their democratic resistance have the right, and indeed, it is their responsibility, to insist that a new Special Representative be appointed by the United Nations and the Human Rights Commission. An individual is required who will take on this task with the utmost objectiveness. Also compelling, is the need for the presence of an observer and an interpreter, representing the resistance, to ensure an impartial examination and reporting of the different aspects of the violations of human rights in Iran.

TRIBUTE TO THE LATE DR. ALBERT E. QUARTON

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to the memory of a man who truly spent his life making the world a better place for others, Albert E. Quarton, Jr., M.D. Dr. Quarton died on Monday at the age of 76 and left behind a legacy of love and caring that will long remain with those who knew him. He will be mourned this morning at Holy mass at St. Fabian Catholic Church in Farmington, MI.

Assembled there, will be his devoted wife, Helen, his children Albert, John, Tom, and Mary, his grandchildren and many friends and professional associates. My thoughts will be with them as they reflect upon the richness and value of the life that this exceptional human being led.

Dr. Quarton lived his life guided by values and ideals from another era. He practiced medicine for 50 years and had a warm and personal approach toward each patient. He was proud to say that he made house calls when in need, until the moment of his retirement. He was chief of medicine and chief of inpatient diagnostic service at William Beaumont Hospital in Royal Oak, MI.

His son, Tom, aptly described his father's approach to his profession as, "his practice of medicine embodied unselfish service to all who needed him."

The many friends who mourn Dr. Quarton today will also have to recall his gentle sense of humor and his love of sport and companionship. He knew the importance of maintaining balance between work and relaxation. He made time to enjoy golf and fishing and frequently visited his vacation home in Shupac, MI, where he was known as the chief of police. He was a member of several social and fraternal organizations. One of his favorites in fact, the POETS, will be with him today to say a final farewell to one of their finest.

I ask my colleagues to join me in this tribute to one who has added a great deal to so many lives. We are now suffering from our loss but must be thankful that we knew him.

THE FEDERAL WITNESS SECURITY PROGRAM

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. McCANDLESS. Mr. Speaker, today I have joined my colleagues Congressmen BOB WISE and STEVE SCHIFF in introducing a bill to increase the arsenal for our country's war on drugs. We are sponsoring legislation to enhance the prosecution of international drug traffickers through use of the Federal Witness Security Program.

The Federal Witness Security Program [Witsec] was created to assist the Government in successfully prosecuting high-ranking members of national crime syndicates. It allows prosecutors to offer threatened witnesses a new identity and relocation to a secure community in exchange for vital testimony. The program's success has been overwhelming. Yet increased international narcotics prosecutions have pointed to the need for certain program changes.

Today, almost 80 percent of all Witsec cases are related to narcotics prosecutions. These prosecutions often require the use of foreign national witnesses. As a successful former prosecutor pointed out:

When you are talking about defendants who are operating cocaine rings from Peru, Bolivia or Colombia * * * most of them run their rings from their foreign jurisdictions. A great deal of the conversations and activities which have to be testified about take place in foreign jurisdictions, which means that your witnesses are going to come from those same jurisdictions.

Prosecutors, however, have encountered difficulties in bringing foreign national witnesses and their families into the Witsec Program. Under current immigration procedure, a foreign national may enter the United States as a nonimmigrant as a parolee, visitor, or temporary or permanent employee of a U.S. subsidiary of a foreign company. Foreign nationals who are authorized to enter the Witsec Program are usually paroled into the country and must appear annually to extend their nonimmigrant status. Most are unable to qualify for permanent residency under existing immigration law and are therefore left to immigration limbo, relying on timely annual status reviews to keep them in the United States and away from the certain death of deportation.

Widespread awareness of the hardships and uncertainty caused by this inflexibility have made obtaining vital foreign testimony more difficult as potential witnesses shy away from the program. Consequently, Congressmen WISE, SCHIFF, and I have introduced today's bill to provide the Attorney General with the authority to offer permanent resident alien status to up to 100 vital witnesses and their families per year.

I am proud to be a sponsor of this important legislation, and look forward to its early enactment into law.

CAPTIVE NATIONS WEEK

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. NOWAK. Mr. Speaker, recently, proclamations were adopted by Mayor James Griffin of Buffalo, NY, and Dennis Gorski, the county executive of Erie County, NY, declaring the week of July 15–21 as Captive Nations Week.

Captive Nations Week serves to remind us that while the yoke of communism has been lifted from the backs of many peoples around the world there are still many groups who are oppressed.

While communism has disintegrated in many countries, such as East Germany, and Poland, popular uprisings in Estonia, Lithuania, and China clearly demonstrate that there are still people in the world who yearn to be free from oppressive governments. While these people struggle for the freedom which we in this country take for granted, it is especially important for all Americans to note the sacrifice being made.

In 1959, 31 years ago, the U.S. Congress passed a resolution which recognized the threat that expansionist communism posed to the free world and called for the halt of that expansion as well as the acknowledgment of the rightful claim to independence of those nationals that fell into the Communist orbit.

Now, during the current thaw in world tensions, I think it is appropriate that we remember those who have not yet attained those goals.

At this point, I would like to insert into the RECORD the two proclamations adopted marking the occasion of Captive Nations Week.

PROCLAMATION

Whereas, the United States has just celebrated the 214th year of independence and has been a living symbol and hope for mankind and serving as a guiding light for others to emulate; and

Whereas, the dramatic events of 1989 witnessing the emergence of several subjugated nations from the darkness of communist enslavement has given renewed hope for those still in bondage; and

Whereas, the farsighted passage of the Captive Nations Week Resolution in 1959 fully vindicated its most important purpose to give moral support to all nations who lost their independence; and

Whereas, notwithstanding the liberation of some formerly captive nations, the task of monitoring accurately the process remains to be followed, observed and transgressions cited; and

Whereas, the greatest obligation and task remains to help the liberation process of those who are still under the heel of Rus-

sian, Chinese or Cuban communist oppressions; and

Whereas, the Captive Nations Week Law has been the trailblazer for the great democratic movements in Central and Eastern Europe as it has been designed to encourage the just struggle to regain full national sovereignty and independence; and

Whereas, the monumental task in defense of freedom is yet incomplete and demands concentrated efforts, dedication, perseverance, which must work in tandem with our continued vigilance and defense preparedness being fully aware of the delicate balance of power now existing,

Now, therefore, I, James D. Griffin, mayor of the city of Buffalo, do hereby proclaim the week of July 15 to July 21, 1990 as "Captive Nations Week" in the city of Buffalo, and invite the people of our city to observe this week with appropriate ceremonies to give testimony and reaffirm their dedication to the ideals of freedom, independence, national and human rights.

PROCLAMATION

Whereas, for over two centuries the great American experience has been the guiding light of freedom and democratic principles and a role model for other nations to follow; and

Whereas, throughout the long history of mankind trials and tribulations tested the very foundations of civilization with encroachments upon the laws they developed; and

Whereas, thirty one years ago, recognizing the grave implication and direct threat to the free world, the Joint Congressional Resolution passed Public Law 86/90 calling for the restoration of sovereignty and independence for those who lost it; and

Whereas, the dramatic events of 1989 which witnesses the emergence of some nations subjugated by alien communist power and ideology and gave renewed hope for those still in bondage; and

Whereas, notwithstanding the liberation of some formerly captive nations, the important task of monitoring accurately the process remains to be followed, observed and transgression cited; and

Whereas, the spirit and essence of PL 86/90 continues to place its greatest obligation upon us to help the liberation process of those still under ceige and struggling to free themselves; and

Whereas, the defense of freedom is yet incomplete as long as all are not free, it demands concentrated efforts, dedication, perseverance. This must work in tandem with continued vigilance and defense preparedness being mindful the importance it places on the free world;

Now, therefore, I, Dennis T. Gorski, Erie County Executive, do hereby proclaim July 15th to July 21st, 1990 as "Captive Nations Week" in this Great County of Erie, of the State of New York—The Empire State.

WHAT WILL YOU DO TO HELP SOLVE THE DEFICIT CRISIS?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PORTER. Mr. Speaker, Members of Congress are receiving thousands of letters from beer drinkers organized by one of America's largest breweries telling us not to raise taxes on beer. Other special interests are doing the same—telling us what we should not dare do to solve the deficit crisis.

In fact, these interests have become so sophisticated, so organized and are able to send forceful messages to Congress, that total gridlock—the inability to act at all to address the deficit—is a real possibility.

It's time, Mr. Speaker, to change the tune. It's time, as John Kennedy said, for people to ask not what their country can do for them, but what they can do for their country.

I'm replying to the beer drinkers and others writing in the same vein saying, "Fine, I've noted what you won't do, but now write me back and tell me what you will do, not on someone else's priorities, but what you are willing to give of yours to solve this serious problem."

Mr. Speaker, the deficit cannot be addressed unless Americans stop acting like the Balkans and start pulling together. Only by each of us agreeing to give something to the whole will we ever end this fiscal folly.

COMPULSORY UNIONISM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3 1990

Mr. CRANE . Mr. Speaker, yesterday, I introduced along with my colleague from Flordia, Mr. MCCOLLUM, legislation which is designed to protect the rights and freedoms of all American workers. Specifically, the purpose of this bill, H.R. 5440, is to preserve the free choice of workers to join or not to join labor organizations.

The original intent of the Federal labor law was to guarantee employees the rights to form or join labor organizations. The granting of such a guarantee would seem to assume the converse—the right not to join. Unfortunately, in various places in this country, employees are compelled to pay dues to a union or lose their jobs. This is simply not fair and is not a situation that this Congress should tolerate. In short, forced union membership violates basic individual rights.

Samual Gompers, who founded the American Federation of Labor declared "There may be here and there a worker who for certain reasons * * * does not join a union of labor. That is his right." Mr. Speaker, I believe this is legislation that all Members of this Congress should be able to support and I look forward to working with my colleagues toward its passage.

A CONGRESSIONAL SALUTE TO EDWARD C. HENRY UPON HIS RETIREMENT FROM THE LOS ANGELES HARBOR DEPARTMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual and public servant. Edward C. Henry will be honored on Wednesday, August 15, 1990, upon his retirement from the Los Angeles Harbor Department. This occasion gives me the opportunity to express my sincere appreciation for his many years of dedicated service.

While Ed will be honored upon his retirement from the Los Angeles Harbor Department, it is important to mention his over three decades of service to the Los Angeles Police Department [LAPD]. He first joined the LAPD in September 1943, and upon graduation from the police academy he was assigned to patrol. Later, after serving 2 years in the Navy during World War II, he returned to the police department and served as a juvenile officer, and as officer in charge of the Watts Juvenile Office. His exceptional performance and leadership skills, both on and off the job, led to his promotion to sergeant of police in August 1954. As sergeant of police, Ed was assigned to homicide and greatly assisted in containing the city's crime rate through his investigation of over 300 cases.

Over the next 10 years with the LAPD, Ed had assignments in the internal affairs division and in community relations. He was promoted to lieutenant of police in August 1966, and later, in 1970 to captain of police. Throughout his climb up the career ladder, Ed always displayed the utmost character and professionalism. It was with these same qualities that he was loaned to the Virgin Islands through the justice department in 1973, to serve as chief of police. After a successful LAPD career, one that could have easily continued, Ed retired in 1976.

It was after his retirement from the LAPD that Ed began his service with the Port of Los Angeles. In April 1976, he was appointed as port warden for the Port of Los Angeles Police and has served in this capacity ever since. During his tenure with the port, he has been instrumental in implementing numerous new programs. He has greatly assisted in the establishment of the Port of Los Angeles as one of the premier ports in the world. Ed's involvement with the police and the port has carried over to his extracurricular interests as well. He is currently a member of the International Association of Chiefs of Police, the International Airport and Seaport Police, the Propeller Club of the United States, California Peace Officers Association, Los Angeles County Peace Officers Association, Men of Tomorrow, Association of American Port Authorities, the Oscar Joel Bryant Foundation, and the San Pedro Chamber of Commerce.

The contributions that Ed Henry has made to the community are immeasurable. After 44 years in the field of law enforcement, it is high time that he be honored by his relatives and friends. On this most deserving occasion, my wife, Lee, joins me in extending our heartfelt thanks and congratulations. We wish Ed, his wife, Betty, and their children, William, Paul, and Laurel, all the best in the years to come.

A TRIBUTE TO THE HISPANIC AIDS AWARENESS PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the efforts of the Hispanic AIDS Awareness Program. The need to make everyone aware of the dangers and the transmission of AIDS is of acute importance. Every 2 hours a Hispanic is diagnosed with the AIDS virus and the tragedy of the disease hits home with the death of one Hispanic every 4 hours from AIDS.

The Hispanic AIDS Awareness Program is filling the need for more information about AIDS in the Hispanic community. Through the efforts of exceptional people they have been able to begin the process of informing the community of the dangers of AIDS and methods of prevention. A luncheon was held on July 31, 1990, that honored the fervent efforts of those community leaders who have performed outstanding service on behalf of AIDS awareness. Dr. Moraima Trujillo, a clinical professor of psychiatry at the University of Miami School of Medicine, Dr. Joyner Sims, the former chief of the AIDS program for the Florida Department of Health and Rehabilitative Services, Ms. Helen Aquirre Ferre codirector of the largest Spanish-language newspaper "Diario Las Americas," and Mr. Marcos Regalado, the Director of Dade County Equal Opportunity Board, all are examples of community leaders who are truly making a difference and saving lives.

Miami's Hispanic population owes a debt of gratitude to the Hispanic AIDS Awareness Program. The ravages of this disease have made it the bubonic plague of the 20th century. Until a cure is found, the best attempt we have at curtailing the disease is through education and prevention. This Hispanic AIDS Awareness Program is doing a favor to my district Miami, and the Hispanic community by being a cornerstone of the education process.

PRESERVE QUALITY IN TELEPHONE SERVICE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BRYANT. Mr. Speaker, as a result of the continuing deregulation of the telephone industry, I am concerned that, as the local exchange carriers are permitted to enter into new competitive activities, business development opportunities will focus on new ventures rather than providing regulated telecommunications services. I believe the pressure on LEC management to dedicate its most experienced and talented personnel to these new endeavors further threatens the continued quality of regulated services.

In addition, I note that actual and anticipated changes from traditional rate of return regulation to price cap and other forms of incentive based regulation are anticipated at the Federal level and in some of the 50 States. The major concern with price caps and other forms of incentive regulation—whereby excessive earnings above an authorized rate of return are shared between stockholders and ratepayers—is that the monopoly carrier can increase profits accruing to the company by reducing costs through decreasing service quality. That is, while on the one hand these alternatives are expected to increase the incentives for more efficiency, they may also have the perverse effect of encouraging quality degradation.

For example, the number of transmission channels between two locations can be decreased—or needed expansion canceled—with a reduction in costs and an increase in the chances of having a call blocked during peak calling times. The expansion of the capacity in a switching office can be postponed, thus causing an increase in dial tone delay. The number of operators providing directory assistance can be reduced, thus increasing delays in access to information. Routine maintenance periods can be extended, causing and hard to detect deterioration in quality.

Under traditional regulation, the carrier does not have an incentive to reduce costs at the expense of quality because then-regulated rates would be reduced and there would be no additional profit as a result. Indeed, the critics of traditional regulation would argue that, under rate of return regulation, the carrier has an incentive to overinvest in plant—put in too much capacity—and not control maintenance expenses as closely since the former will increase total profits and the latter is merely a passthrough to the ratepayer.

With a profit-sharing system, the carrier has the incentive to skimp on quality because it can retain all or part of the moneys resulting from cost savings. The issue of quality is particularly troublesome because long periods of time can elapse before the effects of delayed maintenance, for example, must be recognized. This means the phone company could realize short-term profits by delaying maintenance or investments today at the expense of tomorrow's ratepayers. Moreover, economic theory and marketplace realities suggest that the carrier would tend to let quality slip in those areas of the business least threatened by competition—where customers have few or no alternatives.

Accordingly, the legislation I propose directs the FCC to establish, impose, and enforce upon the LEC's network quality standards for the purpose of ensuring the continued maintenance and enhancement of LEC facilities and service. To this end, the proposal directs the FCC to establish a separate joint board for the purpose of developing standards, to be enforced by the FCC and the State commissions, for measuring LEC network quality. Such quality standards should encompass the broad array of public switched and special access services; facilities; the statutory itemization of service installation; operator-handled calls; network call completion; transmission and noise requirements; and customer trouble reports—but this list is by no means meant to be all-inclusive.

My bill further directs that the joint board, at a minimum, set out quarterly reporting requirements directing the LEC's to submit uniform data reports to the FCC and State commissions regarding compliance with the prescribed standards. Further, the joint board is directed to recommend that the FCC and the State commissions contract periodic independent audits of LEC compliance.

Finally, the joint board is directed to recommend enforcement penalties and procedures, including expedited customer complaint mechanisms, to ensure LEC compliance with these network quality standards.

I invite my colleagues to join me in supporting this bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that regulatory changes allowing entry of the Bell operating companies into new lines of business, in addition to actual and anticipated changes from traditional rate of return regulation to price cap and other incentive based alternative regulation at both the Federal level and among some of the 50 States, make necessary new regulatory efforts to prescribe, monitor, and enforce standards designed to maintain and enhance the quality of the Nation's local exchange telephone network.

SEC. 2. NETWORK QUALITY STANDARDS.

Title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"SEC. 226. NETWORK QUALITY STANDARDS.

"(a) LOCAL NETWORK QUALITY STANDARDS.—The Commission shall, notwithstanding section 2(b) of this Act, impose and enforce network quality standards on the local exchange carriers for the purpose of ensuring the continued maintenance and enhancement of local exchange carrier facilities and service. Such standards shall, at a minimum, include measurement of local exchange carrier service installation, operator-handled calls, network call completion, transmission and noise requirements, and customer trouble reports.

"(b) JOINT BOARD.—Not later than 90 days after the date of enactment of this section, the Commission shall establish a separate joint board for the purpose of developing standards for measuring network quality, to be enforced by the Commission and the State commissions. The joint board shall direct local exchange carriers to submit to the Commission and State commissions quarterly uniform data reports regarding compliance with the prescribed standards. Additionally, the joint board shall recommend to the Commission and the State commissions to commission periodic independent audits of local exchange carrier compliance with the network quality standards developed by the joint board. The joint board shall recommend enforcement penalties and procedures, including expedited customer complaint mechanisms, to ensure local exchange carrier compliance with these network quality standards.

"(c) ESTABLISHMENT AND COMPOSITION OF BOARD.—The joint board established for purposes of this section shall be composed of an equal number of members of the Commission and State commissioners appointed in accordance with section 410(c) and approved in accordance with section 410(a). With respect to any regulation that directly affects rate regulation by a State commission, the commission shall adopt the recommendations of the board unless such recom-

mendations are inconsistent with the public interest or any provision of law.

"(d) DEFINITION.—As used in this section, the term 'local exchange carrier' means those common carriers, engaged in intrastate or interstate communications, who provide telephone exchange service as defined in section 3(r) of this Act.".

JOHN A. GRONVALL, M.D.

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MONTGOMERY. Mr. Speaker, today we learned of the sudden death of Dr. John A. Gronvall who was the Chief Medical Director of the Department of Veterans Affairs [VA] for almost 3½ years. He filled the job during an extremely difficult period for VA health care. Both before the committee and in public forums he took the tough questions and answered them directly and honestly. But it went beyond that. Back at his desk and in his travels throughout the VA health care system, he worked diligently to resolve the challenges which arose as a result of budget cuts. There were many major accomplishments during the years he headed the Department.

As head of the VA's medical care system, Dr. Gronvall administered an organization which employs more than 200,000 health care personnel in 172 medical centers, 233 outpatient clinics, 122 nursing homes, and 27 domiciliaries.

Dr. Gronvall first joined the VA in February 1983. Prior to his service as Chief Medical Director, he served as the Deputy Chief Medical Director, the agency's No. 2 medical position. Dr. Gronvall joined the VA as the Deputy Assistant Chief Medical Director for Academic Affairs, and was appointed Deputy Chief Medical Director in September 1983.

Dr. Gronvall received his undergraduate and medical degrees from the University of Minnesota. His residency in anatomic pathology and neuropathology was at the University of Minnesota Medical School, and he was certified by the American Board of Pathology (Anatomic Pathology).

Beginning his career in academic medicine in 1960 as an instructor of pathology at the University of Mississippi School of Medicine, Dr. Gronvall rose to become that institution's associate dean, as well as associate director of the medical center, by 1967. Joining the University of Michigan faculty as an associate dean in 1968, he was appointed dean of the medical school in 1971. He became a full professor of pathology in 1972.

Dr. Gronvall was serving as a VA distinguished physician at the time of his death.

Dr. Gronvall will be remembered as the man who held firm to the helm while bringing VA medical care through rough seas. His mark on quality care for veterans is indelible.

I had the highest regard for this great man. He was a compassionate and caring individual. This made him very popular among his colleagues. Dr. Gronvall was a fairminded man and was held in high esteem by Members of the House and Senate. He was a dedicated family man. These are but a few of the many things that made John Gronvall a personal friend of mine. Veterans throughout the country will miss him and so will I.

Mr. Speaker, on behalf of my colleagues, we extend our deepest sympathy to John's lovely wife, Cindy, to his stepdaughter, Jennifer, and his sons, Paul and Brad.

EC TRADE REFORM IS A MUST

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. THOMAS of California. Mr. Speaker, agricultural trade is the lifeblood for people across the globe, which is why it is imperative that agricultural goods be allowed to circulate freely. Unfortunately, this is not the case with regards to the European Community [EC], which continues to take unfair advantage of world agricultural markets through both its production and export policies. The EC is undermining the economic stability of the U.S. farmer by maintaining high trade barriers to American goods and by dumping its own products into the world market so that American sales opportunities are siphoned away. Indeed, the policies of the EC often hurt U.S. farmers directly, and if this situation is to change, the United States must reach a definitive trade agreement with all agricultural trading nations during the Uruguay round of the General Agreement on Tariffs and Trade [GATT] talks this year. President Bush has skillfully placed the U.S. negotiators in a position to bring about this agreement.

For years the EC has heavily subsidized its farming industry by erecting trade barriers against foreign products and by maintaining high price supports for its own products. Since 1986, for example, an average of 45 percent of EC farm income was a result of Government intervention in the farm economy. Last year, the EC spent a staggering $10 billion on export subsidies, which was 10 times more than the United States spent. The 1989 price-support level for corn in Europe was $205 per ton, while the United States level was half as much per ton.

The effects of these and other such policies are that the European farmers can and do sell their products on the world market for a price much lower than their domestic market price, a practice called dumping. This in turn reduces the rate of return for U.S. agricultural producers. Such a dumping of goods on the world market by the EC threatens the livelihood of U.S. farmers.

At the 16th annual economic summit President Bush aggressively attacked the heavily subsidized European agricultural system, and pushed for an agreement on farm trade. President Bush's unwavering efforts to get the EC agricultural system to stop hurting the world agricultural market were so well directed that EC president, Jacques Delors was unpleasantly surprised with the realization that the United States was serious about solving the trade problem immediately. Even though the United States has been serious about trade reform with the EC for many years, the potential for economic disaster has never been so great. If the Europeans are allowed to continue flooding the world market with their overly subsidized products, the problems that American farmers currently face will never improve.

In my meetings with members of the European Parliament, the legislative body for the EC, I have repeatedly stressed that the Europeans should reform their trade laws or face a tough U.S. reaction.

I believe that this solution, building upon President Bush's strong stance, should be reached during the current Uruguay round of the GATT talks. The 97-member nations will negotiate ways to reduce tariffs and other barriers to trade in order to increase international commerce and prosperity.

The U.S. proposal to GATT is a four-pronged approach designed to gain more market access, export competition, internal support, and higher sanitary regulations. The fact that President Bush has made his commitment to achieving these reforms may help improve the prospects for achieving reform as well as a world agricultural market that is free from detrimental trade policies.

ARTHUR MacDOUGALL LOVE, JR.

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. BENTLEY. Mr. Speaker, last week one of my dear friends lost a long battle against cancer. And his community and the State of Maryland lost one of the true builders of the State. Arthur MacDougall Love, Jr. was not only an architect whose concepts and love of the conservation of the best is evidenced in Annapolis and at various Park Service installations; but, through his family's contribution, over many years, to the Republican Party of Maryland, he leaves a living legacy.

Born 66 years ago in Norfolk, VA, Arthur Love was educated in Baltimore, graduated from Baltimore Polytechnic Institute, and attended McCoy College of Johns Hopkins University, where he was later an engineering instructor. He died July 24, 1990.

After the bombing of Pearl Harbor, Arthur enlisted in the U.S. Army Air Corps and, was commissioned in 1944. He saw action in World War II in the European Theater as a B–24 bomber pilot in the 8th Air Force.

He continued to fly after the war as a charter pilot and then entered what was to become a distinguished career in architecture. Establishing his own firm, Arthur was recognized, nationally, for his achievements in the field when he received the National Honor Awards in School and Library Design for office buildings, homes, for any type of building or facility one could imagine. His stature, among his peers, was recognized when he was elected to several posts within the American Institute of Architects, including president of the Maryland council, the Chesapeake Bay chapter, and the Maryland council.

Retiring from his architectural business in Annapolis in 1980, Art moved to St. Augustine, FL. But, Maryland beckoned him home, and in 1986, he was appointed director of construction management for the U.S. Depart-

ment of Interior. In this position he was responsible for providing quality facilities for Native Americans on reservations throughout the United States. He received recognition for his success in providing excellent educational facilities for Indian children.

Long active in historic preservation, he was appointed a member of the Governor's Consulting Committee for the National Register. He also served on the Architectural Review Board for the State of Maryland and the Board of Historic Annapolis. For his important contributions to the State in these positions, Arthur received the Distinguished Citizen of Maryland Award.

He is survived by his wife, Virginia Allen Love of Bethesda, and three children, Arthur MacDougall Love III, Crofton, MD; Nancy Allen Love, Bethesda, MD, and Christopher Blake Love of St. Petersburg Beach, FL. There are three grandchildren, Courtenay Jane Stewart, Arthur MacDougall Love IV, and Christopher Blake Love.

SAY "NO" TO EXCISE TAXES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CRANE. Mr. Speaker, in the last few months we have heard many calls to increase excise taxes as a way to help reduce the budget deficit.

Mr. Speaker, I cannot express my opposition to such proposals in strong enough terms. You will not find a more regressive tax than an excise tax. If you want to raise excise taxes to balance the budget you will be doing that balancing on the backs of middle- and lower-income Americans. At the end of my remarks I have included an article that appeared in the Washington Times which precisely illustrates my point with respect to excise taxes on beer, wine, and other alcoholic beverages. The figures show that those hit hardest by the latest booze tax proposals are the 20 percent of Americans with the lowest incomes who spend 3.7 percent of their income on alcohol. In contrast, the top 20 percent of Americans spend about 1.6 percent of their income on alcohol. I do not believe that the concept of "exise taxes toward deficit reduction" can be rationalized in light of such figures.

The final point, of course, is that increasing taxes—any taxes—is not the manner in which we should be reducing the deficit. Our problem is not that we are undertaxed, rather the problem is that we are spending too much. The American taxpayer is presently being taxed at all time record highs when you look at the total taxes levied by Federal, State, and local government entities. The spending side of the ledger is the problem and an across-the-board spending freeze or actual spending reductions will not create a drag on the economy as a tax increase most certainly will. We, as Members of Congress, are simply going to have to make some tough decisions—decisions that this Congress has to date been unwilling to make. Frankly, I find it absolutely pathetic that a majority of this House cannot summon the political courage necessary to even vote for a 2-percent across-the-board cut in appropriation bills that are 10 to 20 percent above last years spending level.

Mr. Speaker, I will never go back to my constituents and say "I voted for excise tax increases to reduce the deficit" when we have made no real effort to limit the growth of this Federal Government.

[From the Washington Times, July 30, 1990]

BOOZE TAX WOULD HURT POOR

The Bush administration's proposal to increase taxes on alcoholic beverages would cost the average American family $101 a year, with the greatest burden falling on the poor, congressional analysts say.

The proposal, which would cost drinkers $7.2 billion a year, is part of the second deficit-reduction tax increase offered by the administration this year. The new package has yet to be agreed to by Republican congressional leaders—let alone by top Democrats—who are trying to negotiate deficit cuts of more than $50 billion for next year.

Under the proposal, the $1.98 federal tax on a fifth of 80-proof vodka would rise to $2.54. For the first time in almost 40 years, taxes on beer and wine would be raised as well, so that an ounce of drinking alcohol would be taxed at 25 cents, regardless of the form.

That would boost the 16-cent tax on a six-pack of beer to 81 cents and the 3-cent tax on table wine to 76 cents. The tax on other forms of wine, which is based on alcohol content, would go up accordingly.

Analysts say the impact would be felt most by those with the lowest incomes, simply because they tend to spend a greater share of their earnings on alcohol than do the more affluent.

According to the Congressional Budget Office, the 20 percent of Americans with the lowest incomes [averaging $8,228 after taxes] spend $308 a year, or 3.7 percent, on liquor, wine and beer. The top one-fifth, with after-tax incomes averaging $77,622, spend about $1,210, or 1.6 percent.

A second new element of the administration plan would target upper-income Americans. For the first time, it would limit the federal deduction for state and local income taxes to $10,000 per couple or individual, raising up to $3 billion a year.

TAXING ALCOHOL

The Bush administration has proposed raising alcohol taxes $7.2 billion. The plan would:

Raise the current $1.98 federal tax on a fifth of 80-proof vodka to $2.54.

Raise the 16-cent tax on a six-pack of beer to 81 cents.

Raise the 3-cent tax on table wine to 76 cents.

Cost the average American family $101 a year.

Hit hardest the 20 percent of Americans with the lowest incomes, who spend 3.7 percent of that income on alcohol. The top 20 percent spend about 1.6 percent on alcohol.

THE CONTINUING PLIGHT OF THE VIETNAMESE BOAT PEOPLE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDERSON. Mr. Speaker, I wish to bring to the attention of my colleagues a long-standing international problem. There can be no disagreement that under the Vietnamese Communist regime human rights abuses are widespread. These abuses include brutal treatment of persons, arbitrary detentions, absence of fair trails, denial of privacy, and severe restrictions on; freedom of speech and press; assembly and association; movement; worker rights, as well as the right of citizens to change their Government. Such abuses coupled with economic hardship forced an upsurge of people attempting to flee from Vietnam. Prior influx of Vietnamese refugees to Western nations, and its ensuing strain on economic resources, has resulted in the West reducing Vietnamese resettlement.

Approximately 660,000 boat people are known to have escaped from Vietnam since 1975. By spring 1979, nearly 60,000 boat people, often having endured the atrocities of pirates and other dangers of the sea, were arriving monthly in the nations neighboring Vietnam. While awaiting resettlement in Western nations, many of the boat people have remained in the first asylum states bordering Vietnam for extended periods. Consequently, as the refugee population of Southeast Asian first asylum camps has surpassed originally intended occupancy, Vietnamese boat people have exhausted their welcome with asylum governments. These first asylum countries have begun to divert the refugees to other countries or identify them as economic migrants and return them to Vietnam by force. The boat people, however, if forced to return to Vietnam, face stiff penalties imposed by the Government on anyone fleeing to a foreign country. The end result, further tensions between Vietnamese boat people and asylum nations.

For more than 12 years, beginning with the fall of Saigon, boat people have sought safety from the oppression of their Communist Government in asylum countries. The living conditions of these first asylum refugee camps are poor and of communal living. Boat people have reportedly lived in these poverty stricken asylum camps for up to 4 years while they await permission to resettle in a Western nation.

In an effort to address this problem and to make refugee admissions more equitable and orderly, Congress passed the Refugee Act of 1980. Hereafter, the United States defined a refugee as a person outside his or her country, "with a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." In addition, on June 13–14, 1989, a conference attended by 60 nations attempted to resolve the problems of Vietnamese seeking asylum in Southeast Asia. In return for continued first asylum for the fleeing Vietnamese, resettlement efforts of the traditional re-

settlement countries will be accelerated. The United States, in turn, has agreed to admit 18,500 of the long-staying population and up to 50 percent of later arrivals classified as refugees.

Clearly, the plight of the Vietnamese boat people is uncertain and complex, however, significant strides have been made. It is important that Congress remember its commitments to these people, and take the necessary steps to honor them.

RECOGNIZING THE NAVY LEAGUE OF MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am bringing to the attention of my colleagues an organization which has furthered and supported the maritime services in America. Recognizing the importance of naval and maritime forces in our strategic triad, this organization has provided the American people with the opportunity to educate themselves and establish continuous sustenance for these services.

The Navy League of the United States was formed in 1902 to create interest and support for our Navy, Marine Corps, Coast Guard, and merchant marine. Today, the Navy League is engaged in several activities serving the community, industrial leaders, and elected officials. The education which they provide conducted on local, national and international levels and are welcomed in all four corners of the globe.

The Miami Council of the Navy League has repeatedly proven their dedication to serving the people of south Florida. Whether hosting receptions or sponsoring educational programs, the Miami Council are constantly displaying their patriotism and integrity.

The officers of the Navy League Miami Council are Bob Sprung, president; Martha Hoskins, senior vice president; Paul Gilson, vice president; E. Albert Pallot, vice president; Frank Simokaitis, vice president; Salley Wagner, vice president; Carmen Boom, secretary; John Pell, treasurer; and Dale Thorn, judge advocate.

I commend the Navy League for their hard work and dedication to the maritime services. Through them, the longstanding tradition of America's strength on the seas will undoubtedly continue.

CONCERNED CARIBBEAN CITIZENS ABOUT TRINIDAD AND TOBAGO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DYMALLY. Mr. Speaker, I bring to the attention of Members of Congress a statement from the "Concerned Caribbean Citizens" about the situation in Trinidad and Tobago.

STATEMENT OF CONCERNED CARIBBEAN CITIZENS, MONDAY, JULY 30, 1990

The sudden and tragic disruption of the lives of the people of Trinidad and Tobago, caused by events in Port of Spain on Friday 27 July, 1990, has caused deep concern and anguish among Caribbean people here. The loss of life that has accompanied these events has been a source of acute pain and is profoundly regretted. We offer our most heartfelt sympathy to the families and friends of those who have perished. Our concern and that of all Caribbean and other peace-loving people, is for a peaceful and early settlement of this crisis.

We are mindful of the fact that the deteriorating economic situation in Trinidad and Tobago, as throughout much of the region, is a source of concern to all who have the interests of our people at heart. We are aware that the worsening trade, debt and balance-of-payments situation is evidence of this deterioration, which is also painfully manifested in the collapse of essential public services available to the local population.

We recognize that this crisis has not occurred overnight but has its roots in the inexorable collapse of development efforts over the last four decades. As persons living in the policy center of the United States, we are acutely aware of the contribution of a deepening global economic crisis to the collapse of these development efforts. We note, for example, that the accelerated downward slide of the Trinidad and Tobago economy over the last five months, has been exacerbated by International Monetary Fund (IMF) introduction of measures intended to stabilize the economy and get growth started. The austerity measures that have accompanied these policies of the IMF have been particularly hard on the poor in Trinidad and Tobago as well as on workers in the public and private sectors due to wage cuts, currency devaluations, budget cuts, and the accompanying decline in business investment.

We know that the efforts of the Government to raise funds in order to meet the outstanding problems have not been successful and that the small loans made available by the IMF the World Bank and other international donors in return for the institution of painful adjustment measures have barely scratched the surface of the country's capital needs. Under these circumstances it is inevitable that the conditions in the society would rapidly worsen.

In Trinidad and Tobago, as in most countries of the region, there is a time-honored tradition of the peaceful resolution of conflict through discussion and negotiation. We are pleased to note that the response of the government of Trinidad and Tobago to the events last Friday, has been to enter into a dialogue with the persons initiating those events. We commend this effort on the part of all concerned and urge the steadfast adherence to this approach.

We understand and share the deep concerns of Caribbean governments about the unwelcome departure from our tradition of peaceful dialogue that the activities of last Friday represent, but urge our government leaders to avoid being drawn into a course of action that includes a short-term military response to the situation in Trinidad and Tobago. Recent conflicts in our region have taught us about the implications of the quick-fix approach to situations of conflict, particularly when the military response is likely to involve personnel, materiel, equipment and the strategic interests of a non-Caribbean country, the United States. Our strict adherence to the principle of non-intervention is of paramount importance here.

No matter how temping the military approach may be in the current crisis, we urge our governments to see in the events in Trinidad and Tobago, an opportunity to turn away from the military and to return to our own traditions of peaceful and constitutional settlement of disputes.

In this regard, we see a vital role in this latter approach for our regional institutions both public and private. We note the important contribution already being made by members of the clergy of Trinidad and Tobago and recommend that this role be expanded to involve Caricom and the Caribbean Conference of Churches, two regional bodies representative of the concerns and aspirations of a broad cross-section of the Caribbean people.

These are trying times for Caribbean people. It is not easy in the heat of the crisis, to step back and remind ourselves of the connections between our situation and the larger, deeper global crisis. We consider it incumbent upon those who have the luxury of distance from the immediate situation, to remind our brothers and sisters in the region of those annoying complexities.

In this particular situation, we remain confident that the resilience, creativity, goodwill and common sense that the people of Trinidad and Tobago bring to so many other aspects of life will be drawn upon in their hour of greatest need. We wish to assure you that, together with our Caribbean sisters and brothers the world over, the Caribbean community in the greater Washington DC area stands firm with all the people of Trinidad and Tobago on the side of a peaceful Caribbean resolution to this crisis.

STATEMENT FROM A GROUP OF CONCERNED CARIBBEAN CITIZENS, WEDNESDAY, AUGUST 1, 1990

Today, we remain anguished by the uncertainty and fear that grip the people of Trinidad and Tobago and the rest of the Caribbean, and reaffirm our condemnation of the extraordinary circumstances leading to this regrettable departure from the formal and traditional approach to protest and conflict resolution among our people.

To this end, we the Concerned Caribbean Citizens of the greater Washington, D.C. area, humbly propose that the government of Trinidad and Tobago, together with institutions representing all other sectors, accept the assistance of the Church to comprise a Committee of National Reconciliation. This broad-based committee should become the vehicle for charting a peaceful way out of this crisis, that would determine appropriate treatment of the perpetrators consistent with the laws and constitution of Tinidad and Tabago; and chart a course for lasting and equitable reconstruction of the economic, social and spiritual recovery of the nation.

We note that the precedent for this consultative approach exists in other parts of the region. For example, on May 29, 1979, the people of Dominica responded to the attempts by the government of Prime Minister Patrick John to curtail press freedoms and to restrict the actions of labor unions, by instituting a national strike. The response of the security forces was to attack crowds assembled outside the Parliament building, killing and wounding several persons. The dramatic escalation of the situa-

tion which resulted, led to the formation of a broad-based Committee of National Salvation representing all sectors and interest groups of the society. The deliberations of this Committee led to a diffusing of the crisis and to the establishment of an interim government which saw Dominica peacefully through to fresh general elections in one year.

It is our view that in Trinidad and Tobago today, this approach will help diffuse and mitigate tension between the primary protagonists by involving other sectors of the society in the elaboration of a solution to the crisis.

We are confident that the healing process which needs to begin in Trinidad and Tobago must include just, appropriate and legal treatment of the instigators of this security crisis.

We believe that the healing process can commence soon if the energies of the people and their institutions are collectively focused through this mechanism on crisis resolution and national reconciliation.

We remain convinced that the political and spiritual reserves of the people of Trinidad and Tobago provide the most important basis for a peaceful and just resolution to the present crisis without the intervention of extra-regional military and security assistance.

Signed on behalf of the Concerned Caribbean Citizens,

LEO EDWARDS,
Jamaica.
ATHERTON MARTIN,
Dominica.
DORRELL PHILIP,
Trinidad and Tobago.
ACKLYN LYNCH,
Trinidad and Tobago.

CRITICISMS OF DR. SULLIVAN BADLY MISSED THE MARK

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ROWLAND of Georgia. Mr. Speaker, I feel compelled to respond to remarks made about Health and Human Services Secretary Louis Sullivan. Dr. Sullivan and I have worked closely together in Georgia and now on the national level on efforts to improve our health care system. Our relationship has been both a professional and personal one.

I have never known a more dedicated and able physician and governmental leader. Or a more courageous one. No one in Washington has been put to a tougher test. He has been on the receiving end of one attack after another since taking office as Secretary of Health and Human Services and, through it all, has remained professional.

If you know Dr. Sullivan, you know that nothing will deter him from his goal of establishing a high-quality, affordable health care system for all Americans.

My colleague from California is also committed to achieving a better health care system. He and Dr. Sullivan differ on some fundamental issues. But his criticisms of Dr. Sullivan badly missed the mark.

Dr. Sullivan has been fighting for the poor and disadvantaged all of his career. As Health and Human Services Secretary, he has taken the lead on a number of controversial issues that need to be addressed. He is working diligently to put together unified administration positions on other issues, just as he should be doing.

On the question of nationalizing the health care system, Dr. Sullivan and I agree. Certainly, Government on all levels should be involved in our efforts to bring quality health care to everyone. But a massive Government takeover of health care is not the answer. That would only undermine the quality of the care that our country's health system has historically delivered.

My colleague from California and Secretary Sullivan should get together and discuss their differences. They may not always agree, but they should strive to work together on the many health issues that confront the country.

In the meantime, Mr. Speaker, I want Dr. Sullivan to know that we in Georgia are proud of him. He is bringing honor to the Administration and honor to the country.

ENSURE APPROPRIATE PUNISHMENTS FOR FINANCIAL CRIMINALS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MAVROULES. Mr. Speaker, the savings and loan scandal has rapidly become a powerful example of flagrant abuse of trust and leadership. Financial criminals must be brought to justice and their inequities should not be paid for by the American people. The action which must be taken to alleviate the strain of this crisis need be neither biased nor partisan. It must be fair, swift, and effective.

Measures must be taken to ensure appropriate punishments for financial criminals and to fully enforce regulatory procedures for Government-backed lending institutions to avert another crisis like the savings and loan debacle. Last year's S&L bailout bill, H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA], expanded the enforcement powers of the banking regulatory agencies by allowing civil and criminal penalties to be imposed by the banking agencies or the Justice Department on bank executives. It also established two regional Justice Department fraud offices in California and Texas to strongly regulate S&L's in those States since they had the greatest number of failures.

Now, I believe even more stringent actions are necessary. I was indeed pleased when in June, FIRREA was amended to appropriate $75 million for the Department of Justice for the investigation and prosecution of S&L criminals.

Additionally, unanimously supported by the House Appropriations Committee on July 11 was the Savings and Loan Accountability and Management Reform Act [SLAMR], H.R. 5098. I supported the inclusion of this amendment in the House passed 1991 Treasury and Postal Services appropriations bill. By merely reallocating manpower to areas of greatest importance, this amendment will double enforcement capabilities without requiring any new resources. The advancement of enforcement and prosecution of financial criminals, putting them behind bars, and gaining restitution is way overdue.

I would also like to commend the diligent efforts of my colleagues on the House Banking and Judiciary Committees for drafting H.R. 5401, the Banking Law Enforcement Act which I joined my colleagues in adopting on July 31. This bill will strengthen criminal penalties, create a financial institutions fraud unit in the Justice Department, establish a commission to study the causes of the S&L crisis, and authorize $153 million in additional funds for Justice Department investigations, prosecutions, and civil actions involving financial institutions.

The most recent proposal brought to my attention is a resolution which states that the American people, innocent of these crimes, should not be held accountable for bailing out the savings and loans through tax increases. As a cosponsor of this legislation I feel that the taxpayers should not be asked to pay restitution through taxes for a crisis they did not create.

Once again I would like to commend my colleagues for their hard work and to stress my continued commitment to the American people in finding the most effective and responsible solution to the savings and loan crisis.

H.R. 5457 THE PUBLIC TRANSIT ACT OF 1990

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BORSKI. Mr. Speaker, Today I am introducing H.R. 5457, the Public Transit Act of 1990, which substantially increases Federal spending for public transit without raising taxes.

After a decade of severe cuts, Federal transit spending is only one-half of the 1980 level

A major cause of the decline is a huge surplus of transit funds which sits in the mass transit account of the highway trust fund. Although these moneys were paid in good faith by the traveling public for the purpose of maintaining and improving the Nation's public transit infrastructure, they have been held hostage in order to hide the true size of the Federal budget deficit.

Last May, the General Accounting Office testified before the House Public Works Investigations and Oversight Subcommittee, on which I serve, that the unobligated surplus in the mass transit account is almost $4 billion.

Mr. Speaker, it is unconscionable to withhold these moneys when transportation gridlock is choking the country and threatening the nation's economic competitiveness and future economic growth.

We can not solve the terrible congestion on our roads and highways and we can not improve the Nation's air quality unless we invest the sums necessary to rebuild and modernize the Nation's public transit facilities.

Safe and efficient highways depend upon quality public transit services. And no matter how much we improve vehicle emission con-

trols, unless we reduce the growth in the number of new vehicles on our roads and highways, clean air is likely to be just an illusion.

My legislation authorizes spending down the surplus in the mass transit account of the highway trust fund beginning in fiscal year 1992. The bill also preserves support for public transit from general revenues at the currently authorized level of $2.1 billion.

The legislation recognizes the 1982 understanding between Congress and the administration that Federal transit spending would include full levels of general revenue support as well as monies from the gas tax.

General fund programs play a crucial role in national transit policy because gas tax funds are not available for public transit operating assistance. Many smaller cities rely on the general revenue program for a substantial portion of their public transit operating subsidies.

My bill authorizes Federal transit programs through fiscal year 1996. The legislation authorizes $6.1 billion in transit spending for fiscal year 1992. For fiscal years 1993 through 1996, the bill authorizes $5.1 billion per year in transit spending.

Compared to the fiscal year 1990 appropriation, these levels represent a dramatic improvement.

I urge my colleagues to join me in renewing our support for the nation's public transit systems. Let's get America moving again.

WHO SHOULD PAY FOR PORN?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DORNAN of California. Mr. Speaker, I would like to address today an issue that remains a perplexing one for many of my colleagues. For some reason, Mr. Speaker, some of us in this body still don't understand the arts funding issue, and some of us have somehow not heard the extreme outrage expressed around this country by taxpayers incensed at the use of their tax dollars.

In an editorial in U.S. News & World Report, July 30, 1990, entitled "Who Should Pay for Porn?" editor David Gergen describes in crystal-clear terms the erroneous claims of the arts community that no free Federal money equals censorship. Why can't these people see the difference between forbidding Federal funding for filth and censoring insidious slop in society? Could it be because the arts community sees itself in danger of losing its virtual lifeline to the public gravy train?

I'm going to submit the entire Gergen article into the RECORD for my colleagues' edification. Mr. Speaker, this article puts the arts funding issue in a clear perspective. I hope my colleagues will take heed.

[From the U.S. News & World Report, July 30, 1990]

WHO SHOULD PAY FOR PORN?

(By David Gergen)

As Congress prepares to vote on new funding for the National Endowment for the Arts (NEA), leading artistic figures are angrily protesting and any all restrictions on federal moneys. A recent rejection of four grants, they claim, means that America is retreating into a dark age of censorship and Stalinist-style art.

What rubbish. Amidst all the pieties coming from people who know better, there has been very little talk about exactly what the four "artists" in question would do with their cash. Let the protesters call off their press conferences and hold a town meeting in Main Street America where they explain why taxpayers should pay to support these four:

Karen Finley, Nyack, N.Y., whose avant-grade performances include an act in which she coats her nude body with chocolate and bean sprouts representing sperm. She also openly rubs canned yams across her vagina. Outspoken in her denunciation of her rejection by the NEA, Ms. Finley makes clear that her work is intended to advance her aggressive feminism.

John Fleck of L.A., whose work includes a scene in which he urinates on a picture of Jesus in a toilet bowl.

Holly Hughes of New York, a playwright who wants to advance lesbianism and whose performance on stage includes a scene in which she places her hand up her vagina, saying that she saw "Jesus between Mother's hips." Apparently fixated by the subject, Ms. Hughes moved to New York a decade ago, where, she said, she wanted to "arrange a giant quartz-and-steel vagina in Federal Plaza that would topple the military."

Tim Miller of Santa Monica, Calif., a man who has been described by the NEA's theater-program director as "always political. As a member of the gay community, his work presents this vantage of the world to encourage education, understanding and eventual acceptance."

Their buddies are free to call this art. They are free to hold public exhibits. No one is trying to shut them down, because this country has a robust tradition of allowing freedom of expression. Censorship simply isn't an issue here.

What is at issue is that some artists apparently believe they can have it both ways: They want to engage in wanton destruction of a nation's values, and they expect that same nation to pay their bills. Grow up, friends. No society, even one as tolerant as this one has usually been, is willingly going to pay for it own demise. The American people are rightly concerned about moral decay in our public life, from the thievery at savings and loans to the suppression of prayers in school. To argue that in the name of freedom they must send in money for smut perverts the idea of freedom itself. Taxpayers have rights, too, although they are often neglected.

The protesters answer that art has always pushed on the perimeters of social convention and that only by seeing in new ways will we advance. That's a fair point. But works of decadence and blasphemy have been around a long time; we don't need a new round to learn old lessons. If we can't draw a line here, where can we? Who will say no to the next applicant to the NEA who wants to attack blacks of Jews or gays? Andrew Dice Clay anyone?

If artists insist upon a wholesale denial of any standards, they will wind up wrecking the very institution they claim to need. The controversy over the NEA has already prompted some congressmen to believe the quickest solution is also the best: Off with its head. But that's wrong, too. The NEA has played a highly constructive role in the past quarter-century, and it deserves to be fully funded for the next five years. Its thousands of grants, all but a handful above controversy, have helped us spawn a flowering of the arts across the country. Since the mid-1960s, the number of major dance companies has reportedly jumped from 37 to 240; opera companies, from 27 to 125; orchestras, from 58 to 165. The NEA has been a wonderful catalyst for this explosion.

In its laudable desire to maintain standards of decency, Congress should leave in place its current rules against funding obscene works but should avoid imposing new restrictions that would handcuff the NEA. By rejecting the four controversial grants this summer, the NEA has shown a sufficient sensibility that it should now be allowed to run its own show. It knows where to draw the line.

OUR RELIANCE ON IMPORTED OIL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CRANE. Mr. Speaker, on August 2, the House of Representatives voted unanimously to give the President authority to impose an import ban against any third country who does not, like the United States, impose import sanctions against Iraq. The United States all too often imposes unilateral trade sanctions against some of our more notorious trading partners because we oppose some objectionable behaviour. Ultimately, the sanctions become meaningless unless similar actions are taken by other trading nations. An example of such flawed U.S. policy is no more clearly evidenced than in the case of Panama, which, although in economic ruins, remained for years under the thumb of a narco dictator.

If the President chooses to exercise the authority granted to him, those countries in the Far East who rely heavily on imported oil, would likely call foul, and rightfully so. Current U.S. law bans the export of Alaskan North Slope crude oil despite its high demand in the Pacific Rim. For over 20 years, the Japanese, who are so often accused of being trade protectionist for refusing to purchase U.S. goods, have been begging to be allowed to purchase Alaskan oil. No doubt such a sale would substantially improve our trade deficit with the Japanese, not to mention our other Far Eastern trading partners, whose demand for oil is rapidly rising.

Those in Congress who believe that by hoarding our oil supply we are protecting the United States from becoming dependent on the Middle East are wrong. The fact of the matter is we are allowing the OPEC cartel full reign over world oil prices, thus ensuring their economic prosperity in exchange for our own.

By lifting the export ban, it has been estimated that demand will cause the United States to increase our oil output by up to 500,000 barrels a day. It is true that such output will not eliminate our need for foreign oil, and, in fact it will actually increase our reliance on imported oil on the east coast where it is cheaper to ship from abroad than all the way from Alaska. However, U.S. oil companies

can easily divert the freed up Alaskan oil back to the United States should our trading partners ever decide to cut off our oil supply.

It is important to note that our reliance on imported oil will increase whether or not we decide to allow exports. The cost of domestic production coupled with high transportation costs has made it less economical in some areas of the country to use Alaskan oil rather than foreign oil. Consequently U.S. production is on the decline while consumption continue to steadily increase.

The Department of Energy estimates that the United States will be dependent on foreign oil for approximately 55 percent of its oil by 1995. It is no doubt, therefore, that freeing up Alaskan oil is in our best interest both economically and strategically. Today, I will introduce a bill to remove the prohibitions on the export of domestically produced crude oil. I urge my colleagues to cosponsor this important piece of legislation.

A TRIBUTE TO GENESIS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to be able to recognize the selfless and devoted work of Genesis, a residential complex located adjacent to Mercy Hospital which serves as a centerpoint of services for people with AIDS.

Genesis opened its doors to 10 indigent homeless persons with AIDS on October 3, 1988. As the facility was renovated and cleaned up, mostly through the help of volunteers, rooms were immediately made available for immediate occupancy. Genesis had a maximum capacity of 25 in May, and increased this census to 30 in September once all renovations had been finished. As of September 30, 1989, the program had served a total of 114 residents.

The program began to quickly create linkage with those Government agencies responsible for entitlements, with outpatient clinics, inpatient care units, hospice care services for the terminally ill, as well as any other services required by clients.

Residents at Genesis are assisted in the activities of daily living and are given three meals a day and frequent snacks. Professional nursing care is provided, as well as individual counseling and various support groups and family therapy. Clergy and laity of all faiths offer religious counseling, and an interdenominational chapel is located within the facility.

The following highlights some of Genesis projects: First, contracts have been developed and signed with local universities that enable students to complete an internship at Genesis. One nursing student completed an internship toward a master degree and at present three students are completing internships in the Department of Social Services. Second, one of the residents of Genesis will be a guest speaker at a local university to discuss AIDS and the personal perspective and experiences related to persons with AIDS. The series of speaking engagements will be addressed to students and staff of the university. Third, educational programs related to AIDS and universal precautions have been developed for the volunteers of Genesis. It is mandatory that every volunteer attend these classes prior to becoming a friend of Genesis.

A larger staff was needed for patient personal care than was expected and special funds managed by the Florida AIDS network were found and applied toward expenses not covered by available grant funds, including such things as medicine and other special needs of the residents, or toward expenses which exceed original budget projections.

The number of reported AIDS cases in south Florida continues to grow at a staggering rate, with Greater Miami now ranked third in the Nation. Genesis needs and requests involvement and generosity to help fulfill its mission in caring for the growing number of people afflicted with AIDS.

The great achievements Genesis has had are due to the organization and its members who saw the need for Genesis and carried it out: The Catholic Health and Rehabilitation Foundation with the aid and support of the Catholic Archdiocese of Miami and Health Services. The directors are Msgr. Bryan O. Walsh, president; and Mr. Luis Botifoll, chairman. The members are Mr. Carlos J. Arboleya, Mr. R. Ray Goode, Mr. John H. McDonnell, Mr. Juan T. O'Naghten, Mr. Octavio F. Verdeja, Mr. Joseph M. Fitzgerald, Sr., Esq., Ms. Dorothy C. Norton, Mr. Rafael A. Sanchez, and Ambassador David M. Walters. The director of health services is Gloria A. Hansen.

The smooth and efficient functioning of Genesis is due to the group who has so generously given of their time on a daily basis to help the AIDS cases. These people start with the general director of Genesis, Lavern Koontz, who serves the patients with the aid of Paulette Lester, RD, dietary consultant; Dwight Barnes, dietary supervisor; Annie Goudie, resident manager; Theresa Clem, administrative assistant; Esther Rodriguez, counseling; Julio J. Rojo, fundraiser; Fr. Daniel Dorrity, pastoral care; Shirley Lowe, RN, medical department; Bertha Hackney, CNA, maintenance/security; and a medical advisory board whose members are Dr. Fournier, medical director; Dr. E. Rojo, Dr. L. Carmichael, Dr. J. Eustace, Dr. R. Pelaye, and Dr. H.L. Kirkpatrick.

I congratulate Genesis and all who have made the miracle of Genesis possible. I also wish them much success on their upcoming events: October, 1990 Walkathon for AIDS in conjunction with other AIDS organizations; November 1, 1990, a fashion show and dinner fundraiser; and December 1990, a ballet concerto in which full proceeds will go to Genesis. May they have continued success in their projects.

THE CRISIS IN TRINIDAD AND TOBAGO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DYMALLY. Mr. Speaker, as of today all hostages taken in an attempt to overthrow the Government of Trinidad and Tobago have been released, and those holding them have been taken into military custody. There is no longer an imminent threat to loss of life; all the wounded are receiving medical attention in hospitals; life is slowly returning to normal. However, the situation remains quite worrisome and unstable, and the crisis is far from over.

Grave social and economic injustices lie at the heart of the current crisis, and deserve our attention as well. The past decade has been one in which Trinidad and Tobago, once the richest nation in the Caribbean, because of its oil and natural gas resources, has virtually collapsed due to the plunge in its crude oil price from $35 per barrel in 1975 to $9 in the late 1980's. The economy moved almost overnight from one with a surplus of $4 billion in 1980 to a deficit of $2.5 billion in 1989—a loss of $6.5 billion in revenues/assets. IMF policies force the Government to go even further in cutbacks and removal of subsidies.

The middle class fled to the United States and Canada and continues to do so today. Those who remained behind have been visited with a dramatically reduced standard of living. The poor suffer greatly from IMF austerity measures with budget cuts in health, housing, education, transportation. One event is instructive: as part of austerity, the Government eliminated the cost-of-living allowance, [COLA] for Government workers. This led to over 90 percent of Government workers going on strike and the Government was forced to reinstitute the COLA. Strikes, protests and many protestations to the Government paved the way to the attempted overthrow of the Government.

Blacks make up 40 percent of the population. Forty percent are East Indians including the Muslim population, 16 percent are Creoles, and 4 percent other. In the main, the East Indian and Chinese community control commerce, while the Creole class governs. The poor are made up of sugar and oil-field workers—both black and Indian—and, more and more, the urban working poor.

As of today, following the disarming of the insurgents, the current situation includes the following:

Food and medicines are in very short supply. Through its Embassy, the Government of Trinidad and Tobago has released a list of emergency requests.

There is no clear chain of command as far as the public sees it. This is because Prime Minister A.N.R. Robinson has not resigned but is hospitalized and generally out of circulation; the police and the military have indicated that they will not shy away from taking the law in their own hands at least in being violent with looters.

An 18-hour shoot on sight/shoot to kill curfew remains in effect. This contributes to the number of dead during the 5-day seize situation.

Many Trinidadians remain fearful that some kind of military intervention will yet come either from neighbors or from the United States, as in Grenada in 1983. Jamaica has already sent troops to Barbados and they remain there as of today.

Many Trinidadians are fearful that the 140 members of Jamaat Muslimeen taken into custody and, in particular, the leader Hasin Abu Bakr, will be killed.

Many Caribbean governments have condemned the action of July 27. In a statement of Caribbean Community, Caricom, they stress the importance of the constitutionality of the National Alliance of Reconstruction Government, the duly elected government.

We are all very committed to our full agenda of activities. But you can, as a Member of Congress, do something to assist in the restoration of normalcy in Trinidad and putting that nation on the path to a just democratic development for its people.

Here is some of what you can do:

Assure the Government authorities of Trinidad and Tobago of the continued support of the Members of Congress. Indicate our willingness to participate as a mediator in conjunction with the Caricom, the United Nations or others.

Appeal immediately to the authorities of Trinidad and Tobago not to carelessly or otherwise extend the bloodshed to people in the streets or to the Muslim rebels being held. Offer its good offices to mediate or otherwise play a conciliator role.

Send letters to the White House and the Department of State urging a policy of no military intervention to resolve what is essentially a situation of social and economic neglect and exclusion of the Trinidadian people.

Urge the governments in the Caribbean not to send troops to Trinidad but to use peaceful means for resolution of the crisis.

I thank you for your attention.

AMERICA'S HIDDEN HEALTH CARE PROVIDERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDERSON. Mr. Speaker, I would like to call to the attention of my colleagues the lack of adequate care for disabled elderly Americans. Today, more than 6 million elderly Americans need 24-hour care. Most are cared for not by trained medical specialists, but by family members, particularly women.

According to a 1988 congressional study, the average American woman will spend 17 years rearing children and 18 years caring for elderly parents. Now however, women have become an integral part of the work force and are forced to shoulder both responsibilities. More than half the women who care for elderly relatives work outside the home and nearly 40 percent are still raising children of their own.

Today, only about 5 percent of U.S. companies have policies that assist employees caring for the elderly. Many caregivers are forced to take part-time jobs to care for their relatives because they cannot afford nursing homes. Medicaid does not cover many of these costs, forcing elderly people to deplete their lifesavings on care as well as laying a financial burden on their families.

By the early 21st century, the percentage of Americans who are elderly will double, while the percentage of young people to care for them will sharply decline. The Federal Government must do more to help the elderly and to help those who care for them. We in Congress have a responsibility to assist those who care for their dependent relatives in remaining productive in the workplace. I would argue that the cost to the American taxpayer in lost wages would far exceed the cost of assisting with dependent care. Clearly, we have a decision to make: We can pay less now, or we can pay more later. I would choose the former.

UNLV, NCAA SANCTIONS GO TOO FAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TOWNS. Mr. Speaker, I rise today to alert my fellow colleagues to the plight of some young men who play basketball at the University of Las Vegas, Nevada, the 1989–90 NCAA basketball champions. The university has been sanctioned due to the alleged recruiting violations committed 13 years ago by head coach Jerry Tarkanian.

Coach Tarkanian fought a long court battle to dismiss the charges brought forth by the NCAA. The court and the NCAA determined that all actions taken were warranted and he was fined, and subsequent to his team winning the national championship, they were put on probation, effectively limiting some of these young men from defending their title.

My problem with the action taken by the NCAA is that it appears that the current team members are unfairly punished for an act performed by their coach 13 years ago. For many of the these young men, an opportunity to play in the NBA was put off a year in order to pursue a second title.

Without question, I believe that the NCAA, as a governing body, should enforce its policies and procedures. However, this should be done in a manner which reflects a sense of fairness. In this care, I believe a tremendous disservice is being done to the young men at this university.

As a former athlete, I can appreciate the dreams and ambitions of these young men who attained the pinnacle of their basketball careers in college. It seems to me that future dreams are now derailed due to the ill-advised application of rules applied to athletes who were in elementary school at the time of these violations.

Mr. Speaker, I ask you to take note of this injustice, and to serve notice to the NCAA that applying the letter of the law has to be done with reason and not in a fashion which punishes innocent parties.

TRIBUTE TO BISHOP WALTER McCOLLOUGH FOR PROVIDING 30 YEARS OF LEADERSHIP FOR THE UNITED HOUSE OF PRAYER FOR ALL PEOPLE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DELLUMS. Mr. Speaker, I rise today on behalf of the Congressional Black Caucus to honor a true leader the Right Reverend Bishop Walter McCollough. This year, the United House of Prayer For All People will celebrate his 30th anniversary as leader and 50th anniversary as minister.

Bishop Walter McCollough has, with singular focus, rebuilt poverty-stricken, riot devastated communities across America. From 1960 to the present, he has built and dedicated nearly 1,000 units of low cost housing without Federal or local government funds. These low-income, multifamily dwellings are located in New Haven, CT; Norfolk, VA; Charlotte, NC; Los Angeles, CA; and the District of Columbia. Other properties have been purchased, renovated, and made available to low-income families in cities across the Nation.

Bishop Walter McCollough has been an inspiration to thousands of young people as well as the elderly. He has provided educational opportunities for young men and women by establishing college scholarship funds and special continuing education programs. He has renovated existing church property to accommodate senior citizens in the District of Columbia, and plans are currently underway to construct other senior citizen facilities throughout the South.

Bishop Walter McCollough is a beacon of light for a multitude of Americans. He presides over 130 congregations located in 14 States and 126 cities throughout America. He travels at least 10 months a year preaching a gospel of hope to the hopeless, comfort to the comfortless, revitalizing and giving new meaning to those who believed that life is not worth living.

It is my pleasure to stand before the U.S. Congress to pay tribute to this great leader as he marks his 30th year of service at the helm of the United House of Prayer For All People.

INTRODUCTION OF THE FEDERAL MANAGEMENT REFORM ACT OF 1990

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HORTON. Mr. Speaker, we hear more and more these days about scandals and other embarrassing episodes of waste, fraud, and abuse in our Government. Today I am introducing a bill, the Federal Management Reform Act of 1990, that seeks to radically reform the financial management processes of all levels of the Federal Government. This leg-

islation would attack head on the problems of Government mismanagement that we read about in the headlines every day.

This bill would create a chief financial officer [CFO] at executive pay level II in the Office of Management and Budget [OMB] with both financial management and general management functions; an office of Federal financial management in OMB with a level III administrator at its head, reporting to the Governmentwide CFO; chief financial officers in the departments and major agencies; and the requirement that each department and major agency produce annual, audited financial statements.

This is the most comprehensive legislative plan yet offered to get our Government's management house in order. The bill's regimen of centralization and standardization, when put into action by financial management personnel who possess both institutional clout and individual competence, will help prevent phenomena like the HUD scandal and the savings and loan crisis from occurring in the first place. The structure and processes which my bill would create, especially the requirement of audited financial statements, will shine light into the dark recesses of our agencies to help find waste, fraud, and abuse before it gets out of control.

In other words, my bill erects a system for front-end management. The chief financial officer, whether in OMB or at a department or agency, will have the power to guide the financial management of the agency from the making of policy to the making of individual decisions. The CFO will be able to move things positively in the direction of efficiency.

Mr. Speaker, I have served in Congress for almost 28 years, and for all of that time I have served on the Government Operations Committee. For the last 17 years I have been privileged to serve as its ranking minority member. In that time, I assure you, I have heard many sad stories of waste, fraud, and abuse in Federal agencies and programs. The HUD scandal, which my committee investigated, was not the first instance of poor management in Government, and it will not be the last. One thing is especially clear to me, though, after 28 years: We need to fundamentally reform our financial management structure. We need to weave discipline, coordination, and accountability into the threadbare fabric of Government management. And we must do it very soon.

I am pleased to be joined on this bill by a bipartisan group of distinguished Members—Mrs. SCHROEDER, Mr. BARNARD, Mr. SHAYS, Mr. BUSTAMANTE, Mr. SMITH of Vermont, and Mr. KYL. I urge all Members of the House to join me in sponsoring the Federal Management Reform Act of 1990 and supporting the cause of good Government.

TRIBUTE TO SGT. JAMES G. MARSHALL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding individual, Sgt. James G. Marshall, U.S. Army.

On the night of August 4, 1986, Sergeant Marshall lost his life during a river crossing training exercise at the Hantan River, Republic of Korea. An eyewitness stated that Sergeant Marshall, without hesitation or thought for his own personal safety, swam to assist his section chief, who was being dragged underwater by the current. As a result of this attempted rescue, Sergeant Marshall lost his life. His courage and selflessness were in keeping with the noblest of U.S. Army tradition.

James was well respected and admired by his fellow soldiers. He was an excellent soldier who performed all tasks assigned to him in a professional manner. James was always eager to do his best in the service of our country.

After Sergeant Marshall achieved the title of Eagle Scout he entered the U.S. Army through the Delayed Entry Program and achieved the highest grade on the entrance exam of anyone on Long Island. He served with the Army for 3 years and his accomplishments were many. Among them, he received a certificate of achievement for exceptionally commendable service from February 24, 1984, to May 4, 1984, while serving as a rifleman; two Army achievement medals for exceptionally meritorious service; and the Army Commendation Medal for exceptionally meritorious service while serving consecutively as rifleman, as an opposing forces instructor, assistant chief of staff, G–2, 2d Infantry Division from May 24, 1985, to August 4, 1986. He also served on 47 patrols of the DMZ in Korea.

Sergeant Marshall's total dedication to the readiness mission of the 2d Infantry Division and training of fellow soliders on North Korean tactics and weapons, as well as on U.S. Army tactics, reflects his professionalism as a soldier.

James is survived by his wife Hui Cha Marshall and his parents, Thomas and Elizabeth Marshall.

James will be missed by all those whose lives he touched and will be remembered affectionately by his family and friends.

TRIBUTE TO ANNE HUNTLEY

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PENNY. Mr. Speaker, I rise today to pay tribute to another Penny staff member who is soon to leave my Washington office in pursuit of graduate education. For the past 2½ years I, and the constituents of the First District of Minnesota, have been well served by a young woman from Florida, Anne Huntley. Anne has handled such complex issues as campaign finance reform and improvements in the Head Start and handicapped education programs. She has also been personally responsible for managing a quick and accurate turnaround on constituent correspondence, and all congressional offices know what a siginficant accomplishment that is.

Anne intends to use the experience she has gained on Capitol Hill as she pursues a graduate degree in management. Even though I am sorry to lose such a capable and loyal staff member, I wish her the best for a bright and successful future. Thanks, Anne.

NATIONAL HISPANIC HERITAGE MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. VISCLOSKY. Mr. Speaker, I wish to take this opportunity to remind my colleagues in the House of Representatives that "National Hispanic Heritage Month" will be celebrated September 15 through October 15.

According to the 1980 census, over half of the total Hispanic population in the State of Indiana resides in my congressional district. Hispanic Americans in my district are not only represented in numbers but by their many contributions to northwest Indiana, the State, and the Nation.

In the First Congressional District of Indiana, you will find a vibrant, active, and proud Hispanic community. Thriving organizations such as the League of United Latin American Citizens, Union Benefica Mexicana, Puerto Rican Parade Committee, Sociedad Mutualista Mexico, Raza de Bronze, Hispanic Coordinating Council, ALSE/Roberto Clemente Center, Latino Historical Society, and the Hispanic Catholic Center, to name a few, provide an effective avenue for promoting Hispanic interests and their shared cultural heritage.

Active in every aspect of community life from labor organizer, police chief, clergy, State representative, members of the city council, high school principal, Federal district court judge, to Congressional Medal of Honor winner, the citizens of northwest Indiana have a multitude of Hispanic role models to emulate.

Hispanics share in the mutual aspiration to earn and enjoy the promise and benefits that America, at its best, extends to all. I am proud to serve as the Representative in Congress for northwest Indiana, with its diverse multicultural heritage and I encourage my colleagues, and all citizens, to participate and experience in events commemorating "National Hispanic Heritage Month."

LAUDS PUEBLO NUEVO HOUSING AND DEVELOPMENT ASSOCIATION FOR PROJECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize the Pueblo Nuevo Housing and Development Association for implementing a commercial revitalization project on Clinton Street in New York City.

Since 1982, the Pueblo Nuevo H.D.A., Inc. has worked with the New York City Office of Business Development to provide grants to commercial tenants for capital and physical improvements. In addition, Pueblo Nuevo uses promotional opportunities as a prime component of its revitalization project. In conjunction with the Clinton Street Merchants Association, it has published a "Consumer's Guide to the Lower East Side," produced a sixth annual Clinton Street Immigrants' Fair, and published three annual Clinton Street Merchants Association calendars.

In many areas of my district, and in fact within New York City as well, nonprofit organizations are responsible for a rebirth of communities. By involving citizens in projects within their own neighborhoods, these organizations have rekindled a pride within some of the city's more distressed neighborhoods. Pueblo Nuevo is an excellent example of such an organization, and it is a vital part of our city.

At this time, I should like to join my colleagues in thanking the Pueblo Nuevo Housing and Development Association, Inc. for its efforts to revitalize a key section of New York City. Its revitalization program provides an excellent role model for similar projects across the Nation.

ADDRESS BY MR. KOSTMAYER TO THE GOVERNING COUNCIL OF THE UNITED NATIONS POPULATION FUND

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ATKINS. Mr. Speaker, our distinguished colleague from Pennsylvania, PETER KOSTMAYER, recently addressed delegates from 48 countries attending the 37th meeting of the governing council of the United Nations Population Fund [UNFPA] in Geneva. His was a very thoughtful and wise speech and I recommend the text to my colleagues.

Congressman KOSTMAYER's remarks follow:

STATEMENT DELIVERED BY HON. PETER KOSTMAYER

Mr. President, Dr. Sadik, distinguished delegates, my countrymen and women in the American delegation, I speak to you this morning not as a member of the U.S. delegation, or as a representative of my government, but as an observer with the delegation of the population institute, an accredited ECOSOC/NGO. I serve on the board of directors of the population institute and am designated by the board to represent it.

From the United States I bring you good wishes, but no money.

Next year we hope to bring both.

There are some who say I should not be making these remarks today. Not here. Not now. But I cannot sit idly by while a rather large American delegation involves itself in the day to day deliberations in shaping the future and yet has not contributed one cent for the last 5 years to this powerful, humanitarian U.N. effort. I'm sure many of you have heard the phrase, "If you don't play the game, you don't make the rules." In yesterday's official U.S. intervention, we all waited for some financial commitment to UNFPA. None was forthcoming and, indeed, a stranger to these proceedings would have assumed that the U.S. was a total partner in the UNFPA effort if they listened to the U.S. speech.

We all need to be clear on the facts: Last year, the Congress voted to fund UNFPA, but President Bush regretfully vetoed the foreign aid bill containing those funds and while voluntary family planning enjoys the support of a majority of the House of Representatives and a majority of the U.S. Senate, we have failed to work out a compromise to allow us to support this crucial international effort.

There is strong support for voluntary family planning throughout the United States and in the Congress, even among many of those who for reasons of conscience, oppose abortion. They support voluntary family planning. They recognize the difference.

Ostensibly, because of the controversial nature of the Chinese program, this administration, like the Reagan administration before it, continues to oppose the funding for UNFPA.

Even when U.S. dollars are held in a segregated UNFPA account with none of the U.S. dollars going to UNFPA programs in the People's Republic in China or anywhere else in the world, the administration still denies United States assistance to the largest multi-lateral provider of voluntary family planning funds in the world.

The American administration trembles at the anti-choice forces in the United States, even as they grow weaker and suffer more defeats at the ballot box each day.

As we meet, the U.S. Congress is contemplating legislation I have introduced, sponsored by over 130 Members of Congress from both parties, to double U.S. population assistance to 500 million dollars for voluntary family planning assistance next year. Sixty million of this amount shall be solely for the use of the United Nations population fund. I believe the Congress will pass this legislation.

The importance of the work discussed here has been articultated this morning and yesterday by nations from around the world.

The report of Dr. Sadik yesterday provided ample evidence of the international dilemma.

Populations relationship to every issue facing humankind—from the environment, resources, nutrition, housing, education, employment, health, and peace itself, is obvious.

I commend Dr. Sadik for her indisputable conclusion laid out in her 1990 State of the World Population Report. I also commend her staff for the outstanding work done on the preparation of the documentation for the 37th Meeting of the Governing Council.

In the last year, the world has watched while the face of this continent changed. And, while a large part of the world's people remain oppressed and even brutalized, other governments have begun to relax their grips.

In both the Soviet Union and the United States, private and public citizens alike call for reduced spending on the international arms race.

Sentiment in the Congress from every region of the United States is the same. The world is changing before our eyes. Mr. President, let us refocus our energy, let us turn and face the problems we have ignored for so long. For we know that the problems bearing down so cruelly on the Third World must, before long, bear down on us unless we provide help for those who suffer in the world's poorest lands.

And so it is with some embarrassment that I speak to you this morning, embarrassed frankly by the unwillingness of the American administration to contribute to such a worthwhile venture.

Those of us in the non-governmental organizations community, and in the Congress, and in every part of America, who share your dream of a stable and just world, will continue to fight for UNFPA funding because we know America's proper place is in a partnership position of international leadership in helping to solve one of the great international problems.

And while our absence is shameful, it is only temporary.

We will be back, with more than just good wishes. In the meantime continue this struggle, for without your efforts, your generosity, and your commitment, the level of human suffering and misery would be so much greater than it is today.

Thank you, Mr. President.

THE RESCUE EFFORTS OF THE NEW CANAAN FIRE CO.

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. Shays. Mr. Speaker, it is my privilege to recognize the valiant efforts of five members of the New Canaan, CT, Fire Co.

On May 21, 1990, Fireman Engineer John DiPanni suffered a massive heart attack while behind the wheel of a New Canaan fire engine responding to a local alarm. Reacting instinctively, coworker Mike Tiani steered the vehicle away from danger and applied the emergency break, brining it to a safe halt.

Assisting Fireman Tiani in pulling Fireman DiPanni from the cabin was volunteer fireman and New Canaan Police Officer Fred Pickering. Officer Pickering promptly engaged DiPanni in cardiopulmonary resuscitation, while awaiting the arrival of Assistant Fire Chief Jack Deusen and volunteer firemen Joseph Coviello, Paul Karl, Jr., and Ron D'Amario.

Asisstant Fire Chief Van Duesen coordinated the CPR efforts until the arrival of the New Canaan Emergency Medical Technicians.

Fireman DiPanni suffered two more heart attacks while en route to the hospital and was revived both times. John DiPanni was released from the hospital shortly afterward and is close to full recovery.

In recognition of the prompt reactions and professional qualities displayed in the face of

crisis and the potential loss of a close friend and coworker it is my pleasure to bring to my colleagues attention firemen Joseph Coviello, Ron D'Amario, Jack Van Deusen, Paul Karl, Jr., and Fred Pickering. Five true and dedicated heroes.

INTRODUCTION OF THE SMALL BUSINESS TAX INCENTIVE ACT OF 1990

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing the Small Business Tax Incentive Act of 1990.

This bill contains several tax incentives for small businesses, as well as provisions to make the Internal Revenue Service more responsive to small business concerns in its promulgation of tax regulations. This bill is intended to address legitimate needs of small businesses, but within the confines of current budgetary constraints. I would like to commend our colleague, the Honorable NORM SISISKY, who, as always has been instrumental in advancing the interests of small businesses.

The bill which I am introducing today incorporates a proposal similar to one originally sponsored by the Honorable FRED UPTON and the Honorable KWEISI MFUME in H.R. 3500 to provide a new tax credit of up to $5,000 for expenditures incurred by small businesses for public accommodations access. I want to commend both of my colleagues for their bipartisan cooperation across the aisle to get this done. This provision is intended to provide relief for small businesses that will be faced with new obligations to make such expenditures under the recently enacted Americans With Disabilities Act. To offset revenue losses from this provision, the existing cap on deductions for removing architectural and transportation barriers would be reduced from $35,000 to $15,000.

The bill would also extend permanently the 25-percent deduction for health insurance costs of self-employed individuals. The current provision is scheduled to expire after September 30, 1990.

In addition, the bill would require the Small Business Administration to comment to the IRS on the impact of proposed regulations on small businesses, and the IRS would be required to consider these comments and discuss them when it publishes its final regulations.

Finally, the bill contains a provision intended to be of benefit to all taxpayers and to make the Federal Government more accountable by requiring income tax instruction booklets to contain displays showing the sources and disposition of Federal revenues. This proposal was originally put forward by our colleague, the Honorable HOWARD WOLPE, in H.R. 4555, and I commend him for this useful contribution.

While my purpose in introducing this bill is to provide relief for small businesses, I am also committed that all legislative initiatives must be revenue neutral in this time of severe budgetary constraints. Mr. Speaker, in keeping with my strongly held view on fiscal responsibility, it is my intention that if this small business bill moves forward in the legislative process, it would be fully financed in the course of the normal budget reconciliation process.

Mr. Speaker, an explanation of the bill accompanies this statement.

EXPLANATION OF THE SMALL BUSINESS TAX INCENTIVE ACT OF 1990 (H.R. 5455)

1. Treatment of certain expenditures incurred to make public accommodations accessible to disabled individuals (secs. 201 and 202 of the bill and sec. 190 and new sec. 43 of the Code).

PRESENT LAW

Under present law, a taxpayer may elect to deduct certain architectural and transportation barrier removal expenses for the taxable year in which paid or incurred rather than capitalizing such expenses. Architectural and transportation barrier removal expenses are defined for this purpose as expenditures that are paid or incurred by a taxpayer in order to make facilities or public transportation vehicles owned or leased in connection with the taxpayer's business more accessible to handicapped and elderly individuals. In order for such expenditures to be deductible under this provision, the taxpayer must establish to the satisfaction of the Treasury Secretary that the facility or public transportation vehicle to which the expenditures relate conforms to standards promulgated by the Treasury Secretary with the concurrence of the Architectural and Transportation Barriers Compliance Board. The amount of the deduction allowed under this provision for any taxable year is limited to $35,000.

EXPLANATION OF PROVISION

Public accommodations access credit

In general

Under the bill, an eligible small business is allowed an income tax credit of up to $5,000 for the amount of eligible public accommodations access expenditures paid or incurred during a taxable year. The credit is a general business credit and, consequently, the credit is subject to the rules of present law that limit the amount of the general business credit that may be used for any taxable year.

Definition of eligible small business

An eligible small business is defined for any taxable year as any person that is engaged in the trade or business of operating a public accommodation and that is required by Federal law to make such accommodation accessible to, or usable by, individuals with a disability if (1) the gross receipts[1] of the person for the preceding taxable year did not exceed $1 million, (2) the person had fewer than 15 full-time employees[2] during the preceding taxable year, and (3) the person elects the application of the provision by claiming the credit for the taxable year.

Definition of eligible public accommodations access expenditures

Eligible public accommodations access expenditures are defined as amounts paid or incurred by a taxpayer either (1) for the purpose of removing architectural, communication, or transportation barriers which prevent a public accommodation operated by the taxpayer from being accessible to, or usable by, individuals with a disability, or (2) for providing auxiliary aids and services to individuals with a disability who are employees of, or using, a public accommodation operated by the taxpayer.

The amount of an expenditure is not to be considered an eligible public accommodations access expenditure unless the taxpayer establishes to the satisfaction of the Treasury Secretary that the removal of any barrier or the provision of any auxiliary aids and services to which the expenditure relates satisfies standards set forth in regulations promulgated by the Treasury Secretary with the concurrence of the Architectural and Transportation Barriers Compliance Board. In addition, amounts paid or incurred by a taxpayer for the purpose of removing architectural, communication, or transportation barriers do not qualify as eligible public accommodations access expenditures if the amounts are paid or incurred in connection with a facility that is first placed in service after December 31, 1990.

Other definitions and special rules

For purposes of the credit provision, the terms "public accommodation," "disability," and "auxiliary aids and services" are to have the respective meanings given such terms by the Americans With Disabilities Act of 1990, as in effect on the date of enactment of this provision.

For purposes of applying the $5,000 annual limitation on the amount of the credit and in determining whether the $1 million gross receipts limitation and the 15 full-time employee limitation are satisfied, all members of the same controlled group of corporations (as defined in section 52(a)) and all persons under common control (as defined in section 52(b)) are treated as one person. Thus, for example, two or more corporations that are members of the same controlled group of corporations would be allowed a credit that is not to exceed $5,000 if, treating all such corporations as a single person, the $1 million gross receipts limitation and the 15 full-time employee limitation are satisfied for the preceding year.

In the case of a partnership, the $5,000 annual limitation on the amount of the credit is to apply at both the partnership level and the partner level. Similarly, in the case of an S corporation, the $5,000 annual limitation on the amount of the credit is to apply at both the S corporation level and the shareholder level.

The bill also provides that to the extent that a credit is determined with respect to the amount of any expenditure, then no deduction or credit is to be allowed for such amount under any other provision of chapter 1 of the Internal Revenue Code and the adjusted basis of any property with respect to which the credit is determined is not to include such amount.

Finally, the bill requires the Treasury Secretary to prescribe such regulations as are necessary to carry out the purposes of the provision, including regulations that (1) adjust the $1 million gross receipts limitation and the 15 full-time employee limitation in the case of taxable years that are less than 12 months and (2) apportion the $5,000 annual limitation among two or more members of a controlled group of corporations that are treated as a single person

[1] The gross receipts of a person for any taxable year are to be determined after reduction for returns and allowances made during the taxable year.

[2] For this purpose, a full-time employee is defined as any employee of the taxpayer who is employed at least 30 hours per week for 20 or more calendar weeks during the taxable year.

under the related-person rules described above.

Reduction of amount deductible as architectural and transportation barrier removal expenses

The bill also reduces the amount of architectural and transportation barrier removal expenses that may be deducted for any taxable year to $15,000.

EFFECTIVE DATE

The provisions apply to taxable years beginning after December 31, 1990.

2. Deduction for health insurance costs of self-employed individuals (sec. 201 of the bill and sec. 162(1) of the Code).

PRESENT LAW

Under present law, an employer's contribution to a plan providing accident or health coverage is excludable from an employee's income (sec. 106). No equivalent exclusion is provided for self-employed individuals (i.e., sole proprietors or partners in a partnership).

However, present law provides a deduction for 25 percent of the amounts paid for health insurance for a taxable year on behalf of a self-employed individual and the individual's spouse and dependents. This deduction is allowable in calculating adjusted gross income. A self-employed individual is an individual who has earned income for the taxable year (sec. 401(c)(1)). No deduction is allowable to the extent the deduction exceeds the self-employed individual's earned income for the taxable year.

The 25-percent deduction is also available to a more than 2-percent shareholder of an S corporation. For purposes of the deduction, the shareholder's wages from the S corporation are treated as his or her earned income. In addition, the Secretary is authorized to prescribe necessary adjustments relating to the application of the deduction in the case of S corporation shareholders.

No deduction is allowable for any taxable year in which the self-employed individual or eligible S corporation shareholder is eligible to participate (on a subsidized basis) in a health plan of an employer of the self-employed individual (or of such individual's spouse).

The amount deductible under this provision is not taken into account in computing net earnings from self-employment (sec. 1402(a)). Therefore, the amounts deductible under this provision do not reduce the income base for the self-employed individual's social security tax.

The 25-percent deduction expires for taxable years beginning after September 30, 1990. For taxable years beginning in 1990, the deduction is allowed only for premiums paid for coverage before October 1, 1990. In addition, an individual's earned income for the taxable year beginning in 1990 is prorated in determining the applicable deduction for such year.

EXPLANATION OF PROVISION

The bill permanently extends the 25-percent deduction for health insurance costs of self-employed individuals.

3. Review of impact of IRS regulations on small business (sec. 202 of the bill and sec. 7805(f) of the Code).

PRESENT LAW

The Internal Revenue Service (IRS) must submit proposed regulations (after they are published) to the Small Business Administration (SBA) for comment on the impact of those regulations on small business. If the SBA chooses to respond, it must do so within four weeks. Similar rules apply to final regulations that do not supersede proposed regulations.

EXPLANATION OF PROVISION

IRS must continue to submit proposed regulations (after they are published) to the Small Business Administration (SBA) for comment on the impact of those regulations on small business. The SBA must respond within 4 weeks. The IRS must consider the SBA comments and discuss them in the preamble of the final regulations. Similar rules apply to final regulations that do not supersede proposed regulations.

EFFECTIVE DATE

The provision applies to regulations issued after the date 10 days after the date of enactment.

4. Require pie charts in IRS tax form instruction booklets (sec. 203 of the bill and new sec. 7523 of the Code).

PRESENT LAW

There is no requirement for the Internal Revenue Service (IRS) to publish pie charts. Pie charts illustrating where the Government dollar comes from and where it goes have, however, been published by the IRS in Publication 17, Your Federal Income Tax.

EXPLANATION OF PROVISION

The bill requires the IRS to include two pie charts in individual income tax form instruction booklets: one depicting sources of Government revenue and the other showing how that revenue is spent.

EFFECTIVE DATE

This provision applies to instructions prepared for taxable years beginning after 1989.

A TRIBUTE TO THE FRIEND TO FRIEND PROGRAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to recognize the Friend to Friend project of the Greater Miami Service Credit Volunteer Consortium which is a project with a force of over 800 volunteers who have been dedicated to helping the frail, the needy, the elderly, and the handicapped of Dade County for 3 years.

Friend to Friend is a program in which volunteers of all ages help older or disabled people. Its purpose is to help others to maintain their independence and dignity to the highest degree possible while aiding them with the things that no longer come easily. This can be done through personal services, household services, outside services, or companionship.

Volunteers for the program earn one credit for each hour of service they give. These service credits can be exchanged for a service needed or can be donated to someone in need or to a sponsoring agency. Service credit offers incentive for many to donate their time while still offering a solution to those in need. In order to qualify to volunteer for the Friend to Friend Program, one needs only to be able to perform the tasks needed, regardless of age.

On August 11, 1990 the International Bank of Miami will sponsor a fundraising fishing tournament to benefit the Service Credit Volunteer Consortium of Dade County Friend to Friend Program. It will be held at the International Yacht Harbor in Miami Beach, FL. The project will be sponsored by the Little Havana Activity and Nutrition Centers of Dade County in conjunction with the South Shore Hospital Community Health Service Department. Cosponsors will be Phoenis Marine Enterprises, Bacardi Imports, Gallart Industrial Components, Xeldom, Inc., Standard Motor Products, Tropical International Corp., Brami Corp., and others.

I wish the Friend to Friend Program and its directors much success in their scheduled events and future plans for the program.

TRINIDAD AND TOBAGO: FUNDAMENTAL PROBLEMS REMAIN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DELLUMS. Mr. Speaker, fortunately, all hostages taken in the attempt to overthrow the Government of Trinidad and Tobago have been released. Those holding them have been taken into military custody. There is no longer an imminent threat of loss of life. Activities are slowly returning to normal. But, the situation there remains quite worrisome and many serious problems remain.

Grave social and economic injustices lie at the heart of the current crisis and deserve our attention. This is particularly so, because the same situation occurs across the Caribbean. Worsening trade, debt, and balance of payment deficits have plunged the area into a serious economic crisis which has painfully manifested itself in the collapse of essential public services.

The consequences of the downslide of the economy has been exacerbated by the International Monetary Fund [IMF] introduction of austerity measures designed to stabilize the economy. These measures have been particularly hard on the poor and on the working class.

The past decade has been one in which Trinidad and Tobago, once the richest nation in the Caribbean because of its oil and natural gas reserves, has plunged into economic crisis. This crisis is due in great part to the collapse of crude oil prices. IMF policies have forced the Government into even deeper cutbacks and removal of social subsidies.

The middle class is leaving for the United States and Canada. Those that remain are suffering a dramatically reduced standard of living. The poor suffer particularly from IMF austerity measures which have forced cuts in health, housing, education, and transportation.

The Government was forced to eliminate cost-of-living increases for Government workers. This led to a strike and forced the Government to reinstate the cost-of-living increase. Strikes and protests have paved the way for this attempt to overthrow the Government.

A healing process needs to begin in Trinidad and Tobago. Food and medicines are in very short supply. We must be prepared to

help. It is imperative that the Government of Trinidad and Tobago seek reconciliation with all institutions and sectors of its society.

I am very relieved that the United States has followed a policy of nonmilitary intervention. The problems are social, economic, and political, and need social, economic, and political answers. We must maintain a policy of nonmilitary intervention in Trinidad and Tobago and the Caribbean and seek peaceful means of resolution to the crises. It is imperative that we enhance our foreign aid assistance to the Caribbean nations to deal with the underlying factors that contribute to instability.

THANKS TO MICHAEL J. CRONIN

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PENNY. Mr. Speaker, with a combination of great sadness on his leaving and hope for his future, I rise to thank Michael Cronin for 2½ years of dedicated service to the people of the First District of Minnesota, During this time, Mike served first as my staff assistant and later as my assistant office manager and computer systems manager. In these capacities and in every other obligation, Mike served with diligence and good humor. Today is Mike's last day of service in my Washington office. He will soon return to Minnesota and begin studies at St. Mary's College in Winona, MI. Mike will eventually matriculate in the Roman Catholic Seminary.

Mr. Speaker, we, as Members, are indeed fortunate to have the services of talented men and women like Mike Cronin. As Mike departs for the challenges that will confront him, I wish him my very best. Thanks, Mike.

YOUTH SERVICE IS NEW ROUTE TO DIPLOMAS AND JOBS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TOWNS. Mr. Speaker, in a New York Times article I came across a New York City program that instills in young people a sense of work ethic and values while providing educational opportunities.

I recommend this article to the attention of my colleagues.

[From the New York Times, July 18, 1990]

YOUTH SERVICE IS NEW ROUTE TO DIPLOMAS AND JOBS

(By Michel Marriott)

Rubber soles padded soundlessly along a hallway of Coler Memorial Hospital recently as Yaninth Maldonado guided an elderly man in a wheelchair to a nearby day room. With each step, Ms. Maldonado, a teen-age mother with an eighth-grade education, moved closer to her own goal: attaining a college diploma.

Ms. Maldonado, a soft-spoken 18-year-old, joined the City Volunteer Corps of New York shortly before Christmas last year. She turned to the group, the largest urban full-time youth service organization in the United States, hoping that its offerings of public service projects, classroom work and college assistance programs would speed her on her chosen way.

"I just always wanted to be a secretary," said Ms. Maldonado, who lives in the Bronx with her 3-year-old son, Angel. "I'm taking my time, but I'm getting there, now."

In exchange for her work in the service corps, Ms. Maldonado receives not wages but a modest stipend and the option to take a cash bonus or a $5,000 college scholarship at the end of one year of service. Along the way, she is required to complete work for a high school equivalency diploma, while she learns through labor the virtue of helping others.

IDEA IS GAINING SUPPORT

After more than two decades of debate, broad support for groups like New York's City Volunteer Corps and for the students they serve is gaining momentum. And with legislation pending in Congress, Federal financing may also be on the way.

In cities and towns from Boston to Los Angeles, more than 60 such organizations, with little or no Federal assistance, are recruiting, training and using increasing numbers of young volunteers, say officials at the National Association of Service and Conservation Corps, an umbrella organization based in Washington. These volunteers work caring for the handicapped, tutoring children, tending parks and in dozens of other projects. This summer, more than 100,000 young people are involved in service corps, said Roger Landrum, executive director of Youth Service America, a Washington-based group that advises service corps.

This year, the W.K. Kellogg Foundation gave Youth Service America a $1 million grant to duplicate low-cost service corps programs in 40 cities over the next four years.

Dr. Landrum said the cost of his group's service programs was about $60,000 a year. Other programs cost up to $1 million a year, depending on how many salaried staff members they have, how much they pay participants and whether they are full-time or part-time programs.

More money may soon be available. In March, the Senate overwhelmingly approved a bill that would provide at least $100 million to create and finance service corps in different states. This one did not link service with college financial aid, a provision that had doomed previous measures. A similar House bill allocating $183 million a year is expected to go to a vote before the August recess, Congressional aides said.

This surge of interest in youth service results in part from the realization among educators and corporate and civic leaders that there is a shrinking pool of adequately trained Americans to fill available jobs. Such service, its supporters say, can encourage young people who are disenchanted with school to continue their education, while inspiring a work ethic that ties community work to personal success.

"What is being realized is that these experiences help young people make the transition from school to work," said Margaret Rosenberry, executive director of the National Association of Service and Conservation Corps. "And while young people are being seen as resources for communities, they are developing self-esteem and self-confidence and are really taking advantage of education opportunities."

Based largely on the old Civilian Conservation Corps of the early 1930's which eventually employed 2.5 million young men, the new youth service programs stress learning and labor, said Robert Burkhardt Jr., the executive director of the San Francisco Conservation Corps.

Few programs pay more than the minimum wage of $3.80 an hour. Some are part time and based in schools, operating mostly during school hours and sometimes on weekends. These programs attract a broad range of students. Other programs operate full time and year-round from their own headquarters, mainly attracting young people who have dropped out of school or are taking a break between high school and college, corps spokesmen say.

SUCCESS IN DIPLOMA TEST

In New York, 80 percent of City Volunteer Corps members are high school dropouts, said Toni Schmiegelow, the group's chief of recruiting. She also said, with unmistakable pride, that corp members' rate of passing the high school equivalency diploma test, the General Equivalency Diploma examination, is 11 points higher than the statewide rate of 50 percent.

Since the City Volunteer Corps was founded in 1984, its officials say, more than 5,000 men and women from 17 to 20 years old have worn its simple uniform: a red pinstriped shirt and gray work pants. Corps workers have contributed about 2.6 million hours helping the elderly, tutoring children, working in neighborhood gardens and performing other labor-intensive tasks for neighborhood groups and government agencies, said Gail Kong, director of the corps.

During their year of service, many corps members finish their high school educations while earning stipends of $97 a week enough to cover the cost of transportation, lunch and uniform maintenance. Ms. Maldonado, for example, is doing so while working at the hospital on Roosevelt Island. At the end of their service, they may receive either a lump sum "bonus" of $2,500 or a $5,000 scholarship that they can use to pay for a college education. One scholarship recipient. Cara Gaven, 19, went on to study conservation and sociolinguistics in Kenya.

A COMMITMENT TO STUDY

"They all come with a commitment to finish their education," Ms. Kong said. "They want to make it."

The New York program is one of several variations on the service corps theme. In Pittsburgh, the School Superintendent, Richard S. Wallace, and his staff founded Project Oasis, a school-based service corps, in 1982. That same year, the program enrolled 75 of the most academically troubled middle school students. Within months, Ms. Rosenberry said, the "results were startling."

By the end of the year, none had dropped out of school," she reported. "Several went on the honor roll."

This year, the program is in each of the city's eight middle schools, involving 400 to 500 students, said Fred Monaco, director of careeer and vocational education for the schools.

Similar programs are now being developed by foundations, corporations or local governments.

Last summer, Ms. Rosenberry's group founded the Urban Corps Expansion Project in association with Public/Private Ventures, a youth study and advocacy group based in Philadelphia. The project selected 15 cities to receive $225,000 in planning and seed grants to start and study youth service corps. More than 50 cities applied, Ms. Rosenberry said.

Despite such successes, service corps have been criticized by some as lumbering bureaucracies that serve little purpose. Doug Bandow, a senior fellow with the Cato Institute, a public policy research organization based in Washington, argues that a huge service organization is unnecessary, and expensive, in a country in which 80 million Americans each volunteer several hours a week.

Mr. Bandow, who soundly criticized national service in a commentary published last month in the professional publication Education Week, also says some larger corps are more welfare programs than service programs.

Many groups based in urban centers acknowledge that they have been unable to draw a wide demographic mix of participants, said Charles Moskos, a sociology professor at Northwestern University whose notion that civic service builds character has powerfully influenced the debate in Congress over national service. "Fairly or unfairly, the programs get stigmatized, get labeled, as programs for dead-end youth," he said, adding that many corps had "veered" into groups consisting of minority members and the lesser-educated.

The boldest exception to this is Boston's City Year. Started less than two years ago, the program employs 50 people, aged 17 to 22, to help the city's poorest and least able. Like New York's corps, the group emphasizes education. Unlike New York's program, City Year's recruits have diverse backgrounds.

Twenty-one are white, 21 are black, 7 are Hispanic and one is an American Indian, said Lonnie Tanner, vice president of development. "They've come from 23 towns and cities in the Greater Boston area and beyond," she said. "We try to bring together as many people from as many walks of life as we can."

The reason, she said, is simple. "If you keep putting at-risk people with at-risk people, they may always think of themselves as being at risk." But in City Year, she said, "they all benefit from the experiences of each other."

A CONGRESSIONAL SALUTE TO GLENN D. HUTCHINSON IN HONOR OF HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and a person I hold in the highest regard, Glenn Hutchinson. His years of dedication and commitment to the betterment of his community have made him a giant among his peers. In honor of his retirement as a public safety officer for the city of Bellflower, I would like to tell you a little about him.

Glenn Hutchinson was born March 24, 1930, in Morgantown, WV. He graduated from North Union Township High School in Uniontown, PA. Shortly after graduation, he enlisted in the U.S. Navy where he served until 1962. He also attended West Virginia University and studied business administration. Later, he moved to California and completed the Los Angeles County Sheriff's Training Facility in East Los Angeles. He then worked as a custodial officer in the jail division before becoming a patrol officer. After a successful 2 years as a patrol officer, he became an investigator and undercover officer with the Narcotics Bureau. He excelled in assignments where he worked closely with State and Federal agencies to curb drug traffic in the area. Later, Glenn Hutchinson transferred to the Vice Bureau and investigated crimes such as pornography and bookmaking. He further performed all aspects of control from initial investigation, to search, to court appearances.

As evidence of his competency and leadership, he was promoted to station coordinator and civil defense coordinator. His duties included organizing activities related to reserve, posse, and explorer contingencies. He participated in public relations to familiarize the community with the reserve's role in the sheriff's department and to recruit volunteer officers. Mr. Hutchinson was also asked to conduct training programs and maintain precise records of personnel, training, and equipment and supplies distribution. As civil defense coordinator, Glenn Hutchinson attended class meetings regarding various aspects of civil defense. He was also responsible for making sure all equipment was operable and help put together civil defense plans.

For the past 5 years, however, Mr. Hutchinson has worked as the public safety supervisor for the city of Bellflower. In that capacity, he was responsible for the city's parking enforcement program, business license enforcement, city crossing guards, traffic violator school, and general code disaster preparedness. He also had to act as liaison with the Los Angeles County Sheriff's Department and perform administrative and staff work for the city administrator in relation to all city departments and agencies.

Mr. Speaker, Glenn Hutchinson is a person who has served the public faithfully and loyally. His record as a law enforcement officer is unblemished. I take great pride recognizing Mr. Hutchinson for all his public service. He has done a great deal to make living and working in southern California a little better. I salute Glenn Hutchinson, his wife Elida, and their children, Kim Michael, Kurt, and Kathleen, all the best for the future.

TRIBUTE TO SCHOLAR BANGS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TORRES. Mr. Speaker, It is my sad duty to announce the loss our country has recently experienced of a distinguished American. On July 21, 1990, Scholar Bangs, not only an internationally known newspaper and aviation journalist, but also husband and father, passed away in Covina, CA, after a lengthy illness. His accomplishments deserve our recognition.

Bangs commenced his journalistic career as a reporter for the Bakersfield Californian. Following this, he became the first public relations director for a U.S. interstate commercial airline in the Pacific Northwest in 1928. In the 1930's Bangs served as editor of Hearst Los Angeles Examiner's Science and Aviation.

While serving as the Examiner's Science and Aviation editor in the 1930's, his responsibilities included bringing to public attention the work of relatively unknown scientists. Also included were stories which highlighted achievements and experiments of well-known astronomers. As editor for Aviation News, Bangs was the only reporter to cover the Operation Crossroads A-bomb test from an aviation view.

During these years Bangs covered the rapid growth of the aviation industry in southern California and became close friends with widely known aviators. His exploits included taking part in the first mock air raid over the United States in a B-24 bomber flying over a blacked out Los Angeles in the early days of World War II.

While with the Examiner in 1940, Bangs developed sketches of a hydraulic airplane speed brake which is now standard on all military and commercial aircraft.

Bangs was the U.S. Executive editor for Interavia U.S., the international aviation magazine, and the first western editor of the U.S. aviation publication Aviation Week & Space Technology. In a July 1955 issue of Interavia U.S., Bangs forecast an article which was subsequently read into the CONGRESSIONAL RECORD.

Last, I would like to acknowledge Bangs for his credibility as a poet. In the early 1960's he joined several poetry groups and subsequently became president of the California, Federation of Chaparral Poets. He was widely published in California and at the Federation's annual meeting in 1989, he won "The Best of Best" poems.

In closing I would once again like to commend Scholar Bangs for his most successful accomplishments and contributions to our well-deserved country. He served as an inspiration for many and he makes one proud to be an American. Bangs is survived by his three sons, Allan, Daniel, and Donald, and two grandchildren.

THE SAVINGS AND LOAN CRISIS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PARRIS. Mr. Speaker, thank you for allowing me to once again address the House regarding the savings and loan crisis.

My purpose in talking to the well of the House this evening is to continue the dialog I started with the American people almost 5 years ago relating to the situation with the savings and loan industry.

Recently I have focused on discussing the genesis of the savings and loan debacle, and the failure of this institution—the Democrat-controlled Congress—to address and resolve the most costly financial meltdown in the history of the World.

As you will recall, Mr. Speaker, on Tuesday, July 25, I presented a 1-hour special order on the floor of the House which outlined the beginnings of the savings and loan crisis in the Carter administration.

Interest rates of more than 20 percent, an economic recession, and the highest unemployment rate since the Great Depression created an economic and financial environment in which thrifts simply could not survive. By the end of the Carter administration—and its failed economic policies—the combined net worth of savings and loans had plummeted to a negative $17.5 billion, and 85 percent of thrifts were losing money at an increasingly fast pace.

The response of the Carter administration was to enact the first savings and loan deregulation bill. That bill was a watershed in the history of the savings and loan industry. Most notable among this legislation's provisions are those which raised Federal deposit insurance to $100,000 per account, and phased out interest rate ceilings on deposits placed in savings and loans. The result was brokered deposits or "hot money," the negative ramifications of which I discussed at great length in a 1-hour special order that I delivered on the floor of the House on Tuesday of this week.

The causes most often cited for the savings and loan crisis are fraud, disintermediation, speculative lending practices, and inept regulatory supervision. I would submit that in reality these were merely viruses that found a receptive breeding ground in an industry susceptible to infection as a result of unrestrained deposit insurance abuse. There were no incentives for either depositors or thrift management to exercise caution or restraint. The incentives actually ran the other way. Millions of brokered deposits sought out the highest rates without regard for any safety and soundness considerations. The natural immunities of our free market system had been destroyed—savings and loan high-flyers weren't playing with their own money. We had lost sight of the fact that rates of interest are functions of risk.

In the special order that I delivered on last Tuesday, I discussed the distressed condition of savings and loans after 4 years of a Democrat administration's economic policies.

Out of 3,741 thrifts in existence in 1981, 110 were insolvent. By the end of 1982—just 1 year later—that number had increased by a factor of 4 to 415. According to some estimates at that time, two-thirds of the S&L industry was either insolvent or at a dangerously low level of net worth, and facing imminent insolvency.

Statistics from the Office of Thrift Supervision indicate that nearly all savings and loans were losing money in 1982. The net income of the savings and loan industry dropped from a positive $3.6 billion in 1979 to a negative $4.6 billion in 1981.

Problems in the savings and loan industry were justifiably of great concern to the Congress and to the American taxpayers. Afterall, savings associations were the only institutions specifically chartered for the purpose of providing home mortgages to low- and moderate-income families. In 1982, thrifts held over 30 percent of the total mortgage debt outstanding in the United States, and provided 35 percent of single multi-family mortgages as well as 17 percent of all commercial mortgages.

The Reagan administration and the 97th Congress were left to deal with the savings and loan crisis that began during the Carter administration, and the response in 1982 was the Garn-St Germain Act. While Garn-St Germain increased the flexibility of federally chartered savings associations to compete in the financial and economic environment of the late 1970's and early 1980's, many state legislatures went far beyond Garn-St Germain by approving thrift charters and authorized activities for State savings and loans which were extremely liberal. I would submit that the State legislatures in States like California, Texas, and Florida were clearly irresponsible in this regard.

The facts support this conclusion. Over three-fourths of the losses realized by the FSLIC IN 1988 and 1989 were caused by State-chartered institutions alone. All the Nation's taxpayers as a result of the Federal insurance programs are now carrying the financial burden of failed State-chartered savings and loans.

Some of the most notorious and scandalous savings and loan failures were State-chartered institutions such as Lincoln Savings & Loan of California, and Vernon Savings & Loan of Texas.

Creating the opportunity for States to enact their own loose and liberal guidelines for savings and loans insured by the Federal Government clearly created dangerous financial exposure to the insurance programs, and we are now experiencing the unfortunate and costly consequences of that sure recipe for disaster.

As the failures and hemorrhaging continued in the savings and loan industry after 1982, many Republicans undertook tireless efforts to get the Democrat-controlled Congress to act in a responsible way to address the increasingly serious and costly savings and loan situation.

Through lengthy statements on the floor of this Chamber, and letters to the Democrat chairman of the Banking Committee, as well as requests for reports and information from the General Accounting Office and the Federal Home Bank Board, Republican members like myself and the ranking Republican on the Banking Committee, Mr. WYLIE, Mr. HILER of Indiana, and others tried to bring attention to the impending savings and loan crisis, and to urge that action be taken by the Democrat-controlled Congress.

As early as 1984, a Presidential task force headed up by then Vice President George Bush, proposed a "Blueprint for Reform" which called for stricter regulation of savings and loan associations who abandoned traditional thrift activities. That proposal set the stage for regulating savings and loans in a manner that would mirror the tough regulation of commercial banks. Acting on now President Bush's "Blueprint for Reform" could have eliminated many of the problems which evolved into the massive savings and loan crisis that we face today.

These proposals were rejected by the Democrat-controlled Congress in 1984, but they were adopted in large part in the S&L bill that was passed last year, in 1989—although it was 5 years too late.

In 1986, the Reagan administration—through the hard work of Treasury Secretary James Brady and Under Secretary of Finance, George Gould—urged that the Congress enact a FSLIC recapitalization plan providing assessments against the savings and loan industry—not the taxpayers—in order to bolster the depleted reserves of the FSLIC.

Giving the FSLIC the financial resources to close insolvent institutions was vital in order to reduce the ongoing losses in the savings and loan industry—losses that were estimated at approximately $900 million per month.

Regrettably, the alarms sounded by Republicans fell on the deaf ears of the Democrat-controlled Congress, who were influenced by massive campaign contributions and personal favors from politically connected savings and loan executives and a powerful savings and loan lobby.

Democrats Jim Wright, Tony Coelho, and Fernand St Germain stalled efforts to address the savings and loan crisis, effectively ignoring the Reagan administration's cry for help in 1986 by killing the administration's FSLIC recapitalization bill until the next Congress. They all did this while using yachts, corporate jets, and credit cards owned by savings and loan executives and the S&L lobby.

CONDITION OF THRIFT INDUSTRY

During the period from 1980 to 1988, over 500 savings associations failed—more than 3½ times as many as in the previous 45 years combined. In trying to keep up with massive savings and loan failures and its obligations to depositors of failed institutions, FSLIC itself became insolvent shortly after 1985.

The FSLIC had a net worth of negative $50 billion at the end of 1988—down from a positive net worth of $6.3 billion only 2 years earlier.

At the end of 1988, there were 364 savings associations operating with a negative net worth, and a total of 390 thrifts operating with net capital ratios between zero and 3 percent which is the lowest permissible level. Moreover, out of 2,949 FSLIC-insured institutions in existence at the end of 1988, 508 or 17 percent were insolvent, and 754 or 26 percent were at the brink of insolvency.

The net income of all thrifts in 1988 was a negative $13.4 billion, down from a positive $132 million in 1986. In just the first 6 months of 1989, the net income of the savings and loan industry was a negative $7.7 billion—the largest thrift losses of any year in history. The average return on assets for the savings and loan industry was negative 1.1 percent in the first quarter of 1989—most of the industry was going broke, with the institutions in the worst financial condition losing the most money at the fastest rate.

While the Federal Home Loan Bank Board lacked the funds to close the insolvent and marginally capitalized savings and loans, hundreds of marginally capitalized thrifts continued to operate at an estimated loss of almost $30 million per day, $900 million per month, or over $11 billion per year.

The Federal Government had no choice but to make good on its full faith and credit guarantee on deposits, and make certain that families and individuals did not lose their hard earned savings that they had deposited in savings associations. Anything less would have sent shock waves through our communities and resulted in massive bank runs, with economic disaster in the Nation's economy, and real trouble for the United States in international money markets.

In fact, some claimed that there was a silent run on savings and loans during the first quarter of 1989 when the thrift industry experienced $3.4 billion in withdrawals of deposits.

PRESIDENT BUSH'S RESPONSE TO THE S&L CRISIS

In facing the largest financial disaster in our Nation's history, President Bush knew that calling attention to the troubles in the savings and loan industry could be a politically unpopular move. He risked having the American public mistakenly identify the savings and loan crisis with his administration—a case of mistaken identity that the Democrats could be counted on to foster and promote. At the same time, President Bush realized that there was no time to wait.

When he has sworn into office, the savings and loan industry was losing money at a rate of $1.5 billion per month. Something had to be done to rescue the savings and loan industry and save the American taxpayers from more losses.

Responding to the failure of the Democrat-controlled Congress to adequately address the thrift crisis, President Bush rose to the occasion by proposing to the Congress on February 6, 1989—just 19 days after being sworn into office—a substantive proposal to clean up the mess in the thrift industry, and crackdown on S&L highflyers who had looted depositors of their hard earned savings.

The administration's proposal, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA], is the most far-reaching piece of financial institutions reform legislation proposed in over 50 years. It was fashioned not only to save the integrity of our Federal Deposit Insurance System and the security of individual deposits, but to ensure that the looting of federally insured depository institutions by rogues and highflyers—at the expense of taxpayers—would never happen again.

President Bush's proposal was hailed by the press as a responsible, tough, and substantive approach to resolving the savings and loan debacle.

Just as he had acted swiftly, responsibly, and decisively in responding to the problems in the savings and loan industry, President Bush expected the Democrat-controlled Congress to do the same. He asked the Democrat leadership in Congress to cooperate with his administration and pass FIRREA in 45 days. Since the insolvent one-third of the savings and loan industry was losing money at a rate of $1.0 billion per month, President Bush's request was both reasonable and responsible.

In fact, at a loss of over $1 billion per month, some could argue that it was too generous a time period.

President Bush acted quickly; however, the same cannot be said of the Congress.

Only through a cooperative and coordinated effort between the executive and legislative branches, could the thrift industry's losses be brought under control, and the ultimate financial burden on the taxpayers minimized. Unfortunately for the taxpayers, it took the Democrat-controlled Congress more than 5 months to enact the President's proposal for resolving the savings and loan crisis—at an estimated cost of $7.5 billion.

The S&L restructuring bill, or FIRREA, was finally agreed to by House and Senate conferees on August 5, 1989, and signed into law on August 9, 1989 by President Bush.

What did FIRREA accomplish?

FIRREA contained a variety of provisions designed to provide funding for the deposit insurance system, and to enhance and strengthen the regulations and enforcement procedures of the savings and loan industry.

FIRREA mandated that for the first-time owners of savings associations would have to put their own money on the line—in the form of capital reserves—to absorb any losses that their institution might realize. It gave regulators increased authority to close institutions before they slipped into insolvency, and it gave the Federal regulators more power to control the activities of State-chartered institutions acting in a manner which threatens the safety and soundness of the Federal Deposit Insurance System.

FIRREA increased the insurance premiums required to be paid by savings and loan institutions, and it moved the regulatory agency of the thrift industry under the strict guidance and oversight of the U.S. Treasury Department.

FIRREA cracked down on junk bond investment of savings and loans, effectively requiring that thrifts begin divesting of junk bonds and that all junk bonds be removed from S&L's portfolios within 5 years.

FIRREA authorized $75 million for the Justice Department to investigate, prosecute, and convict individuals who mismanaged federally insured institutions, and it modified the Qualified Thrift Lender test to refocus savings and loans on their original purpose of providing home mortgage financing for low- and moderate-income families.

Most importantly, not one dime of the money authored under FIRREA to resolve the savings and loan crisis will go to savings and loan executives, management, institutions, or stockholders. The money will be used to recover losses for the taxpayers, to ensure the full return of individual deposits, and to prosecute the swindlers and con artists who drove federally insured institutions into bankruptcy.

EFFORTS OF THE CONGRESS

Republicans and Democrats alike knew that something had to be done to substantively address the situation in the savings and loan industry.

FIRREA passed the House with a wide margin of bipartisan support.

Like most bills that are passed by this great institution, FIRREA is not perfect. It is, and has been, open to criticism. It is the result of substantial compromise like all legislation adopted by the Congress is.

While FIRREA may be a lot of things, it is not a bailout.

As I have already stated, not one dime of the money authorized in FIRREA will go to thrift executives, stockholders, or the management of savings and loans.

To refer to FIRREA as a bailout is a serious disservice to the many individuals who worked long and hard to enact responsible legislation to resolve, once and for all, the savings and loan crisis with the concerns of the taxpayers in mind.

Unfortunately, there seems to be an effort by Democrat political strategists to negatively bill FIRREA as a Republican administration's bailout of the savings and loan industry.

I would urge those Democrat political strategists to look at that which has been said and done by members of their own party before continuing their mudslinging or assessing blame for this situation through selective memory or attempting to rewrite history.

The following quotes illustrate the bipartisan nature in which FIRREA was considered by the Congress, and the distaste on both sides of the aisle for those who refer to the legislation as a benefit to the industry.

Congressional Quarterly quoted my colleague on the Banking Committee, Mr. SCHUMER, who worked long and hard on FIRREA as a "central player in drafting the [S&L] bill," and that "By all rights [FIRREA] should be called the Schumer Plan."

The gentlemen from New York [Mr SCHUMER] was quoted in the Congressional Quarterly of June 17, 1989 as saying, "We [Democrats] worked hand in hand with the administration in drafting FIRREA. * * * I sort of liked our colleague HENRY HYDE criticizing me for being the pawn of the administration."

The distinguished Speaker of the House, Mr. FOLEY, was also quoted in the Congressional Quarterly of June 17, 1989, as saying that "FIRREA was a victory for the Democratic Congress, for the Congress as a whole and for the country. The American people have been extremely well served by this vital piece of legislation."

I particularly agree with comments that were made by the current Democrat Chairman of the House Banking Committee when he stated on August 4, 1989, " * * * I want to remind everybody * * * [FIRREA] is not a bailout. * * * It is a workout of a dilemma that is confronting and jeopardizing the entire system of our financial institutions. * * * "

A Democrat Member of the other body echoed the comments of the Banking Committee chairman when he stated,

In voting for [FIRREA], we are not voting to bail out the thrift industry or individual thrift executives, or stockholders or creditors. What we are doing is standing behind the commitment the Federal Government made in the 1930's that savings of American citizens deposited in federally insured institutions, up to prescribed limits, are safe and sound.

I would assume from these quotes that many prominent Democrats in Congress who worked hard on the savings and loan bill are as frustrated as I am when political strategists attempt to negatively bill FIRREA as a bailout.

ACTIVITY SINCE THE PASSAGE OF FIRREA

Contrary to the assertions of Democrat political strategists, much has been accomplished since the passage of FIRREA. To be sure, the process will be slow—a decade of hemorrhaging in the savings and loan industry cannot be bandaged and stopped overnight.

There are almost 7,100 pending FBI investigations involving bank fraud and embezzlement, over 3,000 of which involve amounts over $100,000.

There are 530 insolvent institutions currently under investigation, and the Justice Department and the FBI have been steadily increasing the resources devoted to investigation and

prosecution of bank and savings and loan fraud.

Already this year there have been 368 new positions allocated in the Justice Department to financial institution fraud, including 202 FBI agents and 120 prosecuting attorneys.

These resources are beginning to pay off. In fiscal year 1989, there were 791 convictions in major bank and savings and loan fraud cases. Court ordered restitution was increased from $123 million in 1987 to $361 million in 1989. The amount of funds recovered from fraudulent activity has jumped from $284 million in 1987 to $466 million in 1989.

The Resolution Trust Corporation, the agency charged with resolving failed savings and loans and disposing of their assets, has closed down or sold 211 S&L's in its first year of operation. It has 257 institutions lined up in conservatorship, protected more than $60 billion in 5.7 million individual deposit accounts, and transferred nearly $50 billion of assets back to the private sector.

A recent article that appeared in the American Banker newspaper stated that "Nobody can say that the Resolution Trust Corporation isn't trying."

CONCLUSION

It is indeed unfortunate that Democrat political strategists have recently attempted to blame the savings and loan debacle on Republicans.

While this is regrettable, their motives are understandable, afterall it is the Democrats who have the most to lose on this issue.

The record on the savings and loan crisis speaks for itself.

The facts show that it was the result of the economic policies of a Democrat administration which brought about the genesis of massive failures in the savings and loan industry.

The facts show that same Democrat administration enacted the first savings and loan deregulation bill which lifted interest rate caps on savings accounts, and raised deposit insurance from $40,000 to $100,000 per account.

The facts show that it was the Democrat leadership in Congress which intentionally delayed a critical FSLIC recapitalization bill in 1986. A well-known author on the savings and loan crisis was quoted in yesterday's Washington Times as stating that "the epitome of—the savings and loan crisis—was a vote on the Competitive Equality Banking Act of 1987—which was the FSLIC recapitalization bill of 1986—in which regulators were denied funds the Reagan White House had requested to speed the cleanup"—and that delay persisted for over 14 months.

The facts show that when the Congress should have been addressing the fraud and mismanagement in the savings and loan industry, Democrats Jim Wright, Fernand St Germain, and Tony Coelho were accepting favors from savings and loan executives and intervening on their behalf with Federal thrift regulators.

As I stated in the special order I delivered earlier this week, I believe that the files on Democrats Jim Wright, Tony Coelho, and Fernand St Germain that are presently under the control of the House Ethics Committee should be turned over to the Justice Department and to the general public for a thorough investigation into their actions on behalf of savings and loan operators—some of whom are now under indictment for mismanaging federally insured savings associations.

Let justice prevail.

The Congress must work to ensure the savings and loan debacle never occurs again, and that those who are guilty of wrongdoing in this one go to jail. The American people are justifiably outraged, and they demand and should receive no less.

There are key reforms that the Congress must deal with in meeting its responsibilities in preventing future savings and loan crises.

The Congress must address the issue of deposit insurance reform. While FIRREA made significant changes to Federal deposit insurance that will enhance the safety and soundness of the system, this issue needs to be addressed in a more comprehensive manner. The American people will no longer tolerate the risks that they are exposed to by a system which privatizes the profits and socializes the losses.

There is also a dire need for campaign finance reform. One only needs to reference the "Keating Five" and the actions of Democrats Jim Wright and Tony Coelho to understand what can happen when Members of Congress are beholden to special interests that are large campaign contributors.

Deposit insurance has become an opiate that has dulled the American consumer's otherwise market-driven quest for financial industry products and services. In the public's mind, it has made sound financial institutions indistinguishable from insolvent ones. Well managed institutions pay the same insurance rates as the most recklessly run institutions. Both the institutions and its depositors have become addicted to the false sense of security Federal insurance provides.

As with any addiction, withdrawal will be painful, and the inclination will be to postpone it. The remedies required will have some unpleasant side effects. Some additional industry fallout may occur. Institutions that have existed on the artificial life support of Government guarantees will either adapt to a new environment or wither. The strongest and best managed among them will flourish.

I look forward to working with my colleagues in the House in addressing these important issues in sessions yet to come.

Deposit insurance reform will require real political courage. It should not become a Republican or Democrat issue. Responsibility for the demise of the thrift industry rests in part on both sides of the aisle in all branches of Government, and in most areas of America.

The standard of living we have all come to enjoy in this country depends on it.

I hope that these special orders have been helpful to my colleagues in the Congress as well as to the American people, in setting the record straight on the savings and loan crisis.

TRIBUTE TO MRS. ANN DeSARNO FLYNN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PALLONE. Mr. Speaker, it is my distinct privilege to recognize Mrs. Ann DeSarno Flynn, of Long Branch, NJ, who on August 23, 1990, will be honored at a retirement dinner for her accomplishments and many years of public service.

Mrs. Flynn has served as chair of the Monmouth County Board of Elections for the past 20 years. She has gained widespread respect and admiration for her fair and impartial administration of our election laws.

As an expert in election law, Mrs. Flynn was appointed by former Gov. Thomas H. Kean as the superintendent of elections/commissioner of voter registration in 1984, and to the Election Registration Advisory Council with the office of the New Jersey Secretary of State. She has also served as vice president of the New Jersey State Association of Election Officials and was a former chairwoman of the legislative committee of this organization.

Mrs. Flynn has also served the city of Long Branch as chairperson of the housing authority and had previously been administrative secretary of the New Jersey Tax Appeals Court. Her other civic posts have included president of the Women's Columbian League of Monmouth County, president of the Shore Area Business and Professional Women's Organizations, and president of the New Jersey Federation of Republican Women.

Mrs. Flynn has also held several posts in the Republican Party. She has been a county committeewoman for over 43 years and a State committeewoman for over 17 years. She served on the County Republican Finance Committee and was elected three times as a delegate and twice as alternate to the National Republican Convention. For all of her work, she was honored in 1971 as New Jersey Republican Woman of the Year.

Mr. Speaker, at this time I would like to congratulate Mrs. Flynn on her many successes and achievements in life. Although our political beliefs differed, I always admired her and I commend her on her many years of public service to the State of New Jersey.

TRIBUTE TO PROF. ALEXANDER GUSS

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. COX. Mr. Speaker, our Nation recently lost one of its truly great scholars and gentlemen. Alexander Guss, emeritus professor of Slavic Languages at Macalester College in St. Paul, died on July 18, 1990. He was 85.

It was my privilege to work with Dr. Guss in founding a small business. As the managing editor of Associated Publishers, Dr. Guss was instrumental in launching the world's first-ever

English translation of a foreign daily newspaper. With a staff of 50 people, Associated Publishers translated Pravda, the official newspaper of the Communist Party of the Soviet Union, for colleges and universities throughout America and 26 countries. The translations were also used by the CIA, the FBI, and U.S. military intelligence.

Born in Dunayevetsy, Russia, Dr. Guss came to the United States by way of Poland in 1922 because of a pogrom in his native land.

He attended public schools in Pittsburgh and received his undergraduate degree in economics from Sophia University in Tokyo, Japan. He graduated from Georgetown University in Washington, DC, with a master's in Russian language and literature and did additional course work at Indiana University and the University of Minnesota.

Dr. Guss served 22 years in the U.S. Army and fought in World War II. Later, he worked in psychological warfare operations for the army and taught Russian to U.S. soldiers.

Dr. Guss began his career at Macalester College in 1963 when there was an opening for a Russian language professor in the Classics Department. He became president of the Minnesota Chapter of the American Association of Teachers of Slavic and Eastern European Languages. By 1967, he had become chairman of the Slavic Languages and Literature Department.

While at Macalester, Dr. Guss was noted for arranging the 1972 visit of Russian poet Yevgeny Yevtushenko, and for developing the Russian Department into a separate department of the college. He retired from Macalester in 1978 but continued to teach occasional courses.

Lucile, his wife of 44 years, has said what we all know: That he loved to teach, and was always there for his students. Alex Guss had high standards, but he was always helpful and compassionate toward his students. Their best interests always came first. They, like to many others whose lives he touched, will dearly miss him.

Mr. Speaker, it is appropriate that this Congress honor the memory Dr. Guss, a man of keen intellect, but more importantly, a man of magnanimous spirit and a great friend.

INTRODUCTION OF THE NATIONAL ENERGY POLICY ACT OF 1990

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SHARP. Mr. Speaker, today, I am introducing the National Energy Policy Act of 1990. I am pleased to be joined by my friend and colleague MARILYN LLOYD of Tennessee.

This legislation is intended to take a first cut at reducing the emission of so called greenhouse gases, which threaten to increase the average temperature of our planet. Its purpose is not to undertake drastic crash programs which may or may not be warranted. Rather this bill is a start on doing those activities that will be helpful both in reducing greenhouse gas emissions and in meeting other social goals. Specifically, this bill promotes energy efficiency and research and development on clean energy technologies that not only can reduce greenhouse gas emissions but also reduce other air pollutants, improve the competitive position of our economy and increase the security of our energy supplies.

Before discussing the legislation further, I would like to discuss the phenomenon known as global warming, and the uncertainties surrounding it. A set of reports released in June from the Intergovernmental Panel on Climate Change [IPCC] is very helpful in understanding the current level of knowledge.

The IPCC is an international group of scientists and governmental officials who have been convened under the the auspices of the World Meteorological Organization and the United Nations Environment Program with the active support and participation of the United States. The IPCC established three working groups. Working Group I was charged with providing an assessment of the scientific knowledge on the factors that affect climate change, what has happened already and what might happen. Working Group II assessed the potential impacts on man and the environment if climate change occurs. Working Group III, chaired by the United States, scoped out potential response strategies to a change in climate and the attendant impacts.

One of the conclusions is that there is a great deal of uncertainty. There is much we do not know. But, the working groups also believe there is much we know. Working Group I is certain that emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases, and that these increases will enhance the greenhouse effect, resulting on average, in an additional warming of the Earth's surface.

The best guess of the same working group is that, under a business-as-usual scenario, the global mean temperature will increase 1.8 degrees Fahrenheit by 2025 and 5.4 degrees by the end of the 21st century.

Their best judgment is that global mean temperatures have increased 0.5 to 1 degree over the last 100 years but that we cannot be certain whether the increase is due to a general warming trend or to natural climate variability.

There is also great uncertainty about the impacts of global warming. Working Group II looked at the potential for such impacts as increased rainfall, decreased rainfall, rising oceans, shifting agricultural zones and the effects on humans, animals, and plants. It is important to point out that not all the potential changes studied are bad and that the smaller geographic area you look at, the less precise any estimates may be.

Working Group III, chaired by the United States, had as one of its main findings that: "The potentially serious consequences of climate change on the global environment give sufficient reasons to begin by adopting response strategies that can be justified immediately even in the face of significant uncertanties."

Group III identified measures that can help tackle climate change in the shorter term while yielding other benefits. The first item on this listed was improved energy efficiency which they said: "Reduces emissions of carbon dioxide, the most significant greenhouse gas, while improving overall economic performance and reducing other pollutant emissions and increasing energy security."

Second, they also listed a number of steps which governments should undertake now in order to prepare for more intensive action in the longer term. One of these was the development of new technologies in the fields of energy, industry, and agriculture.

In short, those two items are what this bill is about. It is about improving our Nation's energy efficiency in the short run and developing new energy technologies that can reduce the emission of greenhouse gases in the long run. Both these objectives have positive benefits to the economy and the environment even if there were no concern about global warming.

Because of the uncertainties in our understanding of climate change, we should not rush headlong into major crash programs that may or may not be of use, nor should we be complacent. This is a no excuses, no regrets global warming bill that, if eventually enacted into law, will help us, and not haunt us, even if the scientific predictions of the IPCC do not come to pass. And, if they do come to pass, we will be that much ahead of the game.

This approach is in keeping with the joint policy communique issued by the group of seven at the recent economic summit hosted by the United States in Houston. The communique, which was supported by President Bush, stated in the first point on the environment that: "We agree that, in the face of threats of irreversible environmental damage, lack of full scientific certainty is no excuse to postpone actions which are justified in their own right."

This bill is a starting point, a place to begin sorting out those steps and measures which can make a down payment on reducing greenhouse gas emissions and which make sense for other reasons as well.

The text of this bill is basically the same as legislation filed in the Senate by my friend and colleague Senator WIRTH of Colorado, as reported out of the Energy and Natural Resources Committee. Senator WIRTH has done some important ground-breaking work with this legislation and rather than reinvent the wheel I have introduced it as reported by committee, with only minimal changes to reflect differing jurisdictional boundaries in the House. Despite the good work done in the Senate, I am not satisfied with everything in this bill and foresee making changes in it after receiving agency and public input through the committee process.

I look forward to working with my colleagues to improve and pass this bill. If the crush of business at the end of this Congress does not afford the time for passage, I intend to reintroduce this bill next Congress.

IRISH AMERICAN HERITAGE MONTH

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DONNELLY. Mr. Speaker, I rise today in strong support of House Joint Resolution 482, a resolution designating the month of March 1991, as "Irish-American Heritage Month."

This resolution pays tribute to the heritage of over 40 million Americans of Irish descent. "Irish American Heritage Month" celebrates a national recognition of the contributions made by Americans of Irish ancestry.

The Irish have played a significant role in the United States' rise to independence. By 1776 nearly 300,000 natives of Ireland had emigrated to the United States. A French major general, who witnessed the United States victory at Yorktown over the English, reported that Congress owed it's existence to the tenacity of the Irishmen that fought there. The Declaration of Independence was signed by at least eight Irish Americans. The Irish have contributed to the advancement and enrichment of our culture, including education, art, science, business, industry, governmental services, and athletics. The Irish that have emigrated to this country have embodied, promoted, and perserved American Ideals.

This resolution is an expression of sincere appreciation for the commitment of Irish Americans to the growth and development of the United States. This resolution will provide Members with an opportunity to recognize and honor the lasting contributions by Irish emmigrants to the American way of life.

THE HUMAN RIGHTS CRISIS IN LIBERIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TOWNS. Mr. Speaker, recent reports indicate that Krahn soldiers, loyal to President Samuel K. Doe slaughtered at least 600 civilians in Monrovia, capital city of the West African State of Liberia. Of those murdered, most were women and children who had sought refuge in the St. Peter's Lutheran Church.

The violence being perpetuated against the civilian population in Liberia by the Government and rebel forces in Liberia is an atrocity and an indisputable violation of human rights.

I urge my colleagues to join me in calling for an emergency U.N. Security Council meeting to discuss possible solutions to the Liberian crisis.

For 7-months Liberia has been engaged in a civil war with no successful negotiations. It appears unlikely based on recent events that any talks will take place in the near future without a neutral body like the U.N. Security Council assisting.

Presently there are two opposing groups, one is led by Prince Johnson and the other by Charles Taylor, a former Doe aide who led the original invasion with Doe in 1980.

The rebel forces have accused Doe of corruption and abuse of human rights, while President Doe has charged the rebel forces of conspiring in criminal activity against the state.

The situation in Liberia has reached a crisis level, and it is critical that action be taken now to end the systematic slaughter of civilians in Liberia.

CHAMBER RECOGNIZES COAST GUARD SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to your attention an event in Miami which will pay tribute to the servicemen of the U.S. Coast Guard. These men and women have demonstrated their dedication to the preservation of democratic beliefs and American ideals.

On Monday, July 23, the Latin Chamber of Commerce of the United States of America [CAMACOL] hosted a reception in honor of the U.S. Coast Guard. The reception was held in celebration of the 200th anniversary of the Coast Guard while recognizing their active role in the war on drugs.

Also sponsoring the reception was Asociacion Interamericana de Hombres de Empresa, El Colegio Nacional de Periodistas de Cuba, the Cuban Women's Club, Martin Luther King Economic Development Corp., the Little Havana Development Authority, the Latin Builders Association, the Florida Trade Center, the Latin Quarter Association, the Small Business Opportunity Center, the Banker's Advisory Committee, the Kiwanis Club of Little Havana, the Hispanic American Builders, S.A.L.A.D., La Asociacion de Vendedores del Estado do la Florida, Haitian Task Force, El Colegio Nacional de Abogados de Cuba, La Asociacion de Publicitarios Latinoamericanos, Coalition of Hispanic American Women, and the National Association of Cuban-American Women.

I commend these organizations for their initiative in promoting and recognizing the U.S. Coast Guard. I have no doubt that the Coast Guard will continue their tradition of service and commitment to the American people.

NATIONAL DRUG-FREE SCHOOLS AND COMMUNITIES EDUCATION AWARENESS DAY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ERDREICH. Mr. Speaker, I rise today to introduce a joint resolution to designate October 17, 1990, as "National Drug-Free Schools and Communities Education and Awareness Day." This joint resolution expresses the urgency of the problems that permeate the drug abuse crisis in this country.

We are all concerned by studies that show one out of every two high school seniors graduating in 1989 used an illegal drug before graduation. What this says is that we are on the verge of losing an entire generation of our young people to the scourge of drug abuse. We hear stories daily of young people dying of drug overdoses or murdered in disputes over the buying and selling of drugs. The playgrounds and streets of too many of our neighborhoods are becoming open markets for drug dealers to sell their wares.

The horrors of addiction are affecting growing numbers of the most vulnerable members of our society: the newborn. Our hospitals have become inundated with babies born addicted to cocaine. As our children go, so goes our Nation. We must put forth a concerted effort to stop the spread of drug abuse throughout the Nation.

Mr. Speaker, this resolution recognizes that the problem of drug abuse is not the province of one geographic area or of one particular group. The drug menace is affecting all parts of our country, from the urban core to the Nation's heartland. People of all races, creeds, and colors are experiencing the devasting effects of drug abuse. If we delude ourselves into thinking that drug abuse is someone else's problem, then we all are doomed in our efforts to fight it.

Education must play a key role in our commitment to combat drug abuse. We must devise programs that raise the awareness of our young people to the dangers of drugs. The message of living a drug-free life should be instilled in our children at every step of the education process. We must make them aware that the decision to live drug-free is not only a healthy choice but a moral one as well, a choice that will open the door for them to achieve any goal they pursue.

Finally, this resolution recognizes the importance of uniting all members of the community in combating the problem of drug abuse. Each day there are thousands of people in our communities who are on the front line, fighting to create drug-free zones in their homes, schools, and neighborhoods. They should not struggle alone. It is imperative that we muster the resources of our governmental and community based social service organizations, churches, schools, medical community, and families in this important fight for the future of our children and our Nation.

The goal of achieving drug-free schools, communities, Nation, and lives is attainable. But only through the combined efforts of each and every one of us can the battle against drugs be won.

Mr. Speaker, I urge my colleagues to become cosponsors of this resolution.

TRIBUTE TO COMMODORE ROBERT FIELD STOCKTON, USN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. COURTER. Mr. Speaker, it is with great pleasure that I rise today to dedicate a memorial to Commodore Robert Field Stockton, USN on Sunday, August 19, in Santa Barbara, CA.

Commodore Stockton was born in Princeton, NJ, on August 20, 1795. He was the grandson of Richard Stockton, a signer of the Declaration of Independence. In 1809, at the age of 14 he entered the College of New Jersey, now Princeton University. As war with England became inevitable, he left college to become a midshipman in the U.S. Navy at the age of 17, an example of his selfless patriotism.

After various notable accomplishments during his naval career, including the founding of the site on the African coast now known as Liberia, he was the first man to being an ironhulled, screw propelled ship to America.

After being ordered to take command of the American Squadron in the Pacific, Commodore Stockton anchored his frigate U.S.S. *Congress* off Santa Barbara and ordered his crew ashore to launch an armed conquest of the city. Commodore Stockton and his men successfully captured the city from the Mexicans. After the capture of Santa Barbara and Los Angeles, he assumed the title of governor and commander-in-chief in the new territory, before returning home to become a U.S. Senator in 1851. While serving in that capacity, he introduced legislation which abolished flogging in the U.S. Navy. He died in Princeton on October 7, 1866.

The Naval Reserve Center at Santa Barbara is in itself a historical naval treasure and it continues to be recognized as one of the most beautiful and exciting liberty ports for our sailors today. It is appropriate that we dedicate the Stockton Memorial at this center. We must continue to cherish such places that remind us of the people that made America the great Nation it is today.

NATIONAL KEY CLUB WEEK

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PARKER. Mr. Speaker, today I have introduced a bill designating November 4–10, 1990, as "National Key Club Week."

Being the largest high school service organization, the Key Club has shown the capability of providing a positive impact on society. This proclamation affirms the endorsement of their goals and ideals protrayed in the Key Club motto: "Caring . . . Our way of life." Founded in 1925, membership includes over 133,000 high school students in more than 3,800 high schools in all 50 States and across 14 nations. Club members put in over 6,500,000 hours annually on community service projects such as the Buddy Programs, Adopt-a-Grandparent, Peer Counseling, Meals on Wheels, School/City Beautification Projects, and Special Olympics.

The Key Club International is dedicated to supporting youth and their ambitions. It is with great admiration that Congress should honor this organization and its accomplishments.

A TRIBUTE TO ROBBIE WALLIS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DYSON. Mr. Speaker, I rise today to pay tribute to a distinguished individual, friend, community leader, and the former managing editor of an outstanding newspaper in my district—the Aegis.

W. Robert Wallis retired this year from the Aegis, bringing an end to a career in journalism that lasted 38 years. He will be sincerely missed by his staff and most assuredly by his readers.

Mr. Wallis enjoyed much success in all facets of life—as a journalist, Federal employee, father, grandfather, and citizen. Raised in Harford County and a graduate of Bel Air High School and the University of Baltimore, Mr. Wallis considered attending law school early in his career. I believe that life in Harford County would be much different today if he had pursued a legal career.

During his 38-year tenure with both the Harford Gazette and the Aegis, Mr. Wallis witnessed—and contributed to—many changes in Harford County. In the late 1940's, he began his career in journlism as cub reporter for the Harford Gazette. His beat included the local sports action around the county. Young Wallis believed, "Two things missing in local papers were photos and sports coverage." When the Gazette began including sports and photographs in the section featuring Mr. Wallis' work, the circulation of the Gazette doubled from 1,000 to 2,000 readers. In claiming this section as his own, Mr. Wallis developed it into one of the notable components of the paper. This stands as one of the major achievements of his career.

After working for almost 2 years at the Gazette, Mr. Wallis held brief positions with post engineers at Aberdeen Proving Ground and in the public information office at the Edgewood Chemical Center. However, Robbie Wallis knew that the newspaper business was for him.

In 1941, he joined the Harford Gazette's rival, the Aegis and began the sportswriter's notebook which would gain him much notoriety. In 1962, while considering law school, Mr. Wallis was offered the news editor position at the Aegis. After years of night school earning a bachelor's degree at the University of Baltimore, Mr. Wallis elected to accept the position at the Aegis rather than continuing night school. Anyway, he said, "being a news editor required working days and nights."

The sportswriter's notebook and his editorial work landed him prestigious job offers with other papers including the Evening Sun. Mr. Wallis also captured the attention of five separate Governors including William Donald Shaefer, Harry Hughes, Blair Lee III, Marvin Mandel, and J. Millard Tawes.

Robbie Wallis once said, "One of the most rewarding things about the job—of editor—is having the chance to help people in the community.

And help the community he did. Robbie once raised enough money for a woman to fly across the country to remove a cancerous tumor from her brain. Robbie's humanitarian exploits were and are still legendary in and around Harford County. It was he, who after years of stagnation, had almost singlehandedly revived the Harford County Fair.

He currently serves on the Stadium Authority and is a former member of the Maryland Physical Fitness Commission, the Maryland Censor Board, and the State Food Market Commission. Mr. Wallis also served as chairman of the Maryland Home Improvement Commission.

Mr. Wallis will not be forgotten. His outstanding work at the Aegis has made the paper exceptional, and the community a better place to live. It is under his guidance that the Aegis continues to provide quality news coverage of local events.

There is no doubt that the Aegis will be a different place without Robbie Wallis. I wish him all my best in his retirement.

TRIBUTE TO JOHN W. LITCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the late John W. Litch of my 17th Congressional District of Ohio.

An Army veteran of World War II, Mr. Litch was born on February 20, 1914, in Youngstown, OH. He retired in 1974 from the city of Campbell, where he was supervisor of the street department for more than 40 years. Mr. Litch was also a reserve deputy sheriff for more than 20 years. He was also a member of the church, a 50-year member of the Croatian Fraternal Union Lodge 66, where he served as trustee, a former president of Eastern Ohio Flying Association and a member of YMCA Businessmen's Club.

It was an honor and a privilege to serve as the representative of such a fine man. It gives me great personal satisfaction to have been involved with such a fine man and his family. Mr. Litch was an outstanding citizen of the 17th District of Ohio, and, again, I would like to express my gratitude for being able to serve such a fine gentleman.

HONORING PATIENT RECOGNITION DAY AT BRONX PSYCHIATRIC CENTER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ENGEL. Mr. Speaker, on August 23, Bronx Psychiatric Center is holding its second annual Patient Recognition Day to honor those patients who have made significant progress in their treatment. As a public official who has taken an active interest in mental health services, I wish to also recognize the accomplishments of these patients, as well as compliment their families and the staff of Bronx Psychiatric Center.

Patient Recognition Day is organized by the BPC's Board of Visitors, a seven-member volunteer body appointed by the Governor of New York that makes visits to mental health facilities and reports to the State on the quality of care being provided. The event was conceived last year by the past president of the board of visitors, Cynthia J. Fox, and the tradition is being continued by the new board president, Sylvia Lask. The executive director of BPC, Marlene Lopez, and the State commissioner for mental health, Dr. Richard Surles, are also to be commended for their support of this special day.

The goal of all the people involved in BPC programs is to help patients complete their treatment at the center and return to the community to lead active lives. Those honored during Patient Recognition Day have made great strides toward this goal. These patients have realized that when there is dedication to improvement and active participation in their treatment plans, positive results will follow. Several patients of Bronx Psychiatric Center have progressed so far that they have organized programs to assist their fellow patients. I can attest to the fact that this spirit of cooperation is what makes Bronx Psychiatric Center a special and unique place.

While we recognize on this day the effort put forth by the patients on their own behalf, their treatment would not be complete without the support of their families and the dedicated staff of Bronx Psychiatric Center. I have seen the positive results of your efforts and encourage you to keep up the good work.

The entire Borough of the Bronx relies on BPC for mental health service, both at the center itself and through a network of satellite clinics offering day care and aftercare. As a representative of the borough, I am honored to say that the Bronx is proud of the accomplishments of the patients and staff of BPC. I wish you all continued happiness and good health.

PITTSFIELD GIRLS ALL STAR SOFTBALL TEAM WINS STATE CHAMPIONSHIP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CONTE. Mr. Speaker, I rise today to recognize and congratulate 17 very special athletes from my district. The Pittsfield Girls All-Star Softball Team, comprised of girls 12 and under , has captured its first ever State championship in slow pitch softball. In doing so, they have also captured the hearts of every sports fan in our community, none more so than mine. These budding superstars have given the entire county a great sense of pride, the same pride welling up inside of me as I stand here today.

During the course of the season, these young ladies won 15 games and lost only 1. This is certainly a tribute to their outstanding coach, Joe McGovern, whose lessons of teamwork manifested itself in unity and pride among his players, and whose belief in the value of hard work were adhered to all the way to the State championship. The team has practiced, together, at least every other day for the entire season. The experiences of partnership and dedication have yielded great success today, and the lessons learned will surely lead to greater successes in the future.

Presently, the all-stars are practicing daily in preparation for the national tournament in Meridian, MS. I am considering, Mr. Speaker, suggesting to Manager Joe Morgan that the Red Sox spend some time at these practices to pick up some helpful hints on winning. If these young ladies can bring the national trophy to Pittsfield, maybe they can help the Olde Towne Team bring the Commissioner's Trophy to Boston!

Mr. Speaker, in this national forum, I wish the best of luck to the Pittsfield 12-and-Under Girls All-Star Softball Team, and I have my fingers crossed for their performance at the national tournament in Meridian, MS. I am confident that the strength, camaraderie, and skill which has been developed throughout this season will place them in good standing against the rest of the Nation.

Hopefully, the national trophy will return to Pittsfield with them in August. Good luck, girls.

AVIATION SAFETY AND CAPACITY EXPANSION ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SYNAR. Mr. Speaker, yesterday I voted for H.R. 5170, the Aviation Safety and Capacity Expansion Act, a bill to reauthorize the Airport and Airway Trust Fund programs and FAA research and development programs for fiscal year 1991 and fiscal year 1992.

I supported H.R. 5170 because I am concerned about improving both the safety of all Americans who fly and to improve our Nation's airports competitive opportunities for the future.

Since 1978, when the airline industry was deregulated, airline passenger traffic has increased from 276 million passengers to 480 million passengers in 1989. The FAA estimates that passenger traffic will continue this increase to 775 million by the year 2000.

H.R. 5170 will address these shortages by drawing down on the Airport and Airway Trust Fund. The bill authorizes $2.5 billion in fiscal year 1991 and $3 billion in fiscal year 1992 for modernizing air navigation facilities and equipment badly needed by the FAA to keep pace with the increasing air traffic. The bill also authorizes $4.1 billion in fiscal year 1991 and $4.4 billion in fiscal year 1992 to improve FAA operations, including increasing funding in aviation safety and security programs as well as the air traffic control system.

I believe it is important that the $7.6 billion surplus in the Airport and Airways Trust Fund be used to improve the national airport infrastructure and transportation system. Our country needs to spend these funds to continue to grow economically and prepare for future economic competition. For this reason I strongly support the provision in the bill which eliminates the "penalty clause" and establishes a new formula to fund FAA operations through general appropriations and the Trust Fund.

I do want to express my concern about the Passenger Facility Charge [PFC] provision in the bill which calls for a $3 direct charge on airline passengers, in order to raise money for airport improvements. I do not believe this regressive tax on airline passengers is justified, especially when commercial airlines and cargo carriers, which also use airport facilities, are not taxed additionally as well. The trust fund is already financed by a variety of taxes on aviation users, including an 8 percent tax on domestic airline tickets. In the last 20 years we have seen the surplus in the trust funds pile up annually. I support spending down the trust fund before adding to the tax burdens of the flying public. For this reason I voted for the Bosco amendment to strike the PFC tax from H.R. 5170.

COMMUNITY ACTION'S SILVER ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MURTHA. Mr. Speaker, I would like to take a moment to express my congratulations and appreciation for the excellent work done over the past 25 years by the Cambria County Community Action Council.

The council has worked diligently to provide services to literally thousands of low-income individuals who live throughout Cambria County. These services include the Women, Infants and Children Program, known as WIC; the Head Start Program for preschool children from disadvantaged backgrounds; weatherization to reduce home heating costs for the elderly and poor; emergency shelter; transportation for medical and other important needs; and various educational programs.

These programs have helped many of my constituents through tough times and back to self-sufficiency.

Of equal importance is the community action council's role as an advocate for low-income people. The council has been tireless and relentless in its efforts not only to inform but to educate elected officials about the needs of these people.

In its 25 years, the council has grown and now has a staff of 130 dedicated people. I commend each one of them, as well as board President James E. White for the leadership he has given the council through the years.

I want to publicly recognize the Cambria County Community Action Council for its contributions and its continuing efforts to assist those in poverty. Congratulations and keep up the excellent work.

VENTO-RIDGE AMENDMENT WILL RESTORE ACTUARIAL SOUNDNESS TO FHA INSURANCE FUND

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to express my support for the amendment offered to the Housing and Community Development Act of 1990 by my colleagues, Representatives VENTO and RIDGE. This amendment seeks to reform the Federal Housing Administration's [FHA] Mortgage Loan Insurance Program by eliminating heavy up-front costs to homebuyers and reinstating a pay-as-you-go financing structure to achieve actuarial soundness.

The FHA was originally created in 1934 to provide mortgage insurance to low- and moderate-income first-time homebuyers. Since that time, it has been assisting families, who might otherwise be unable, to achieve the American dream of owning their own home. Currently, the FHA serves about 6.5 million existing homeowners and 600,000 new homebuyers each year. In my State of Maryland 23 percent of all mortgages are made through the FHA.

The accounting firm of Price Waterhouse recently completed an audit and analysis of the FHA's mortgage insurance fund showing that, while the FHA is solvent, it is losing money at the dangerous rate of $350 million a year. Price Waterhouse concluded that the mortgage fund is not actuarially sound and went on to offer recommendations on how to maintain solvency. One of these recommendations is the pay-as-you go system that has been incorporated into the Vento-Ridge amendment.

Specifically, the Vento-Ridge amendment phases out over a 5-year period the current up-front insurance premium of 3.8 percent of the loan amount, replacing it with 1.35 percent to be paid at settlement and a 0.6 percent annual payment for the life of the loan. This change is vital because it reaffirms the mission of the FHA to provide affordable loans to families without an unmanageably large downpayment. It also provides for the FHA to reach a capital standard of 1.25 percent, as recommended by Price Waterhouse, within 24 months of enactment of this legislation and a 2 percent capital standard would be reached by the year 2000.

The administration opposes the Vento-Ridge amendment. The reason they do not want to see this reform enacted is because it will stop the current practice of using the large up-front insurance premiums to mask the true size of the Federal budget deficit. Congress has repeatedly worked to prevent this kind of smoke and mirrors but we keep having to reassert ourselves on this matter. The House has already visited the issue once this week when we voted to take the Social Security trust fund off budget during consideration of the debt limit. What makes the administration think we are going to feel any differently about this gimmickry? The American people should not be forced to subsidize the Office of Management and Budget's accounting schemes. This amendment sees that they don't

The other important aspect of the Vento-Ridge amendment is that it provides for the financing of closing costs. This is of special interest to me because Maryland has some of the highest closing costs in the Nation. Without this financing option, many families across the country would find it impossible to raise the necessary funds to secure a loan through the FHA.

I support the Vento-Ridge amendment because it will restore actuarial soundness to the FHA insurance fund without needlessly blocking families from purchasing homes through excessively high up-front payment requirements. I believe that this amendment will help to save the FHA and the American dream of a family home at the same time.

BREAKDOWN IN THE BUDGET SUMMIT

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PURSELL. Mr. Speaker, with all of the recent controversy over who is responsible for the breakdown in the budget summit, I want to remind my colleagues and the American people of a budget plan that was presented in 1985 by the GOP 92 group which I chaired. A 30-member House Republican study group. Had this budget been adopted back when our overall deficit was only $1.4 trillion, we would have achieved a total deficit reduction of $263 billion by 1988 and a zero deficit—that is, a balanced budget—by 1991. All of this would have been accomplished without raising taxes.

It is unbelievable that the Democrats have been participating in the budget negotiations since May and have failed to bring a deficit reduction package to the table. The Republicans put their plan on the table in 1985.

We can no longer negotiate with ourselves. With the multibillion dollars S&L crisis staring us directly in the face, we need the participation of the people who are responsible for this mess. As long as the majority party refuses to face up to the budget crisis, like they did in 1985, and refuses to act in good faith, the American people are the losers.

CONSOLIDATION OF EXPORT CONTROLS ENFORCEMENT AUTHORITY

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BARNARD. Mr. Speaker, I want to share with my colleagues the substance of a letter I recently sent to the chairmen of the House Committee on Foreign Affairs and the Senate Banking, Housing, and Urban Affairs Committee.

The Commerce, Consumer, and Monetary Affairs Subcommittee, which I chair, has followed the evolution of the administration of export controls enforcement since 1984. At that time, the subcommittee expressed its concern over the practical and philosophic question of having the Commerce Department handle both export promotion and enforcement responsibilities. Recently, members of the subcommittee staff conducted an investigation of the present state of enforcement administration. The facts disclosed by the subcommittee's investigation are significant and in my view demand action by the Congress.

Section 12 of the Export Administration Act, as amended, created an enforcement role for the Department of Commerce and provided for shared enforcement responsibility between Commerce and Treasury—Customs Service. The intent of this arrangement was to create an enforcement regime which capitalized upon the established enforcement skills of the Customs Service together with the export licensing expertise of Commerce. Unfortunately, since the beginning, lack of cooperation between the two enforcement arms of the respective agencies has been the principle distinguishing characteristic of their association. As matters now stand, separate and uncoordinated investigations of the same target by Commerce and Customs have created international problems, complicated the investigations, lead to unnecessary work by both agencies, and has resulted in jeopardized criminal prosecutions and/or loss of controlled technology.

As early as 1985, the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs recommended consolidation of enforcement authority within a single agency. The Congress failed to accept that recommendation, and, although there is general acceptance of the fact that export enforcement administration requires fixing, current bills reauthorizing the EAA do not resolve the enforcement problem. In addition, one amendment proposes to provide additional enforcement authority to the Department of Commerce which, if enacted, in my opinion would only exacerbate an already bad situation.

Based on the subcommittee's review, I believe there is serious question regarding the workability of the present enforcement arrangement or the modifications being proposed in pending legislation. Recent events demonstrating the existence of sophisticated, ongoing attempts ot subvert U.S. export controls only serve to reaffirm the need for the United States to have the most effective enforcement capability possible. In fact, recent changes in Eastern Europe which have promoted the administration to propose liberalizing export controls to former East bloc nations and the Soviet Union will no doubt call for intensified, as opposed to reduced, enforcement efforts. Further delays in correcting enforcement administration difficulties are not in the national interest and the Congress should act now to reverse provisions of the Export Administration Act and consolidate enforcement authority within a single agency.

I urge my colleagues to support this view.

TRIBUTE TO ROBERT BARNETT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to one of my constituents, Robert Barnett, who died last month of AIDS-related complications. Mr. Barnett was a selfless man who, in the midst of his own battle with AIDS, dedicated himself to educating and counseling others. San Francisco has lost a magnificent person and a model citizen.

Moving to San Francisco from Virginia in 1979, Robert Barnett immediately became active in civic affairs. He directed the Gay and Lesbian Speakers' Bureau and spent many hours educating high school students and local groups about issues facing the gay community. He was active in Project Inform and was one of the first AIDS patients to volunteer to test the controversial drug, Compound Q.

Living with AIDS himself, Robert nevertheless found time to work with Shanti, listening and providing guidance to others who were encountering the disease. His dedication to others was surpassed only by his exuberant love of life.

Mr. Speaker, Robert Barnett embodied the spirit of generosity and commitment to community which characterizes so much of our city. It is my hope that his compassionate spirit will guide this Congress as we work to improve the lives of all citizens of this Nation.

LEGISLATION TO REPEAL NRC'S "BELOW REGULATORY CONCERN" POLICY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MILLER of California. Mr. Speaker, today I am pleased to introduce legislation to protect the right of State and local governments to prohibit the disposal of radioactive waste in ordinary landfills and to overturn the Nuclear Regulatory Commission's below regulatory concern [BRC] policy. Similar legislation is being introduced in the other body by Senate Majority Leader GEORGE J. MITCHELL.

This legislation is needed because the NRC has reversed its longstanding policy that radioactive waste from nuclear reactors be disposed of in specially designed repositories licensed and regulated by the NRC. To make matters worse, under current law, the NRC has the power to force this senseless policy on the States.

The BRC policy is fatally flawed in many respects. First, it is an open invitation to abuse by unscrupulous operators who could use it to dispose of highly radioactive waste that does not meet the BRC standard into landfills. This would place an unnecessary burden on landfill operators and local governments who would have to measure the radiation level of every load of garbage to guard against abuses.

In addition, the radiation exposure levels permitted by the policy are far higher than those originally proposed by the NRC staff and those in similar policies proposed by the EPA, the United Kingdom, Canada, Japan, Finland, the National Council on Radiation Protection, and the International Atomic Energy Agency.

The NRC has proposed increasing radiation exposure to the public when there is a growing scientific consensus that low-level radiation is far more hazardous than previously thought. To give just one example, in 1989 the National Academy of Sciences concluded that low-level radiation is three or four times more hazardous than it believed in 1980.

The new NRC policy would also permit the radioactive contamination of drinking water way above the limits established by EPA. A recent EPA critique of the policy stated that a waste stream deregulated by the NRC, "* * * could be allowed to contaminate groundwater so the community drinking that water, now or in the future, would have to clean it up to meet the EPA criteria."

Unfortunately, the flaws in the BRC policy also reach far beyond the low-level radioactive waste issue. Under the policy, irradiated structures and sites that previously might have been subjected to extensive cleanup could be declared below regulatory concern and left as is. Consequently, State and local officials could be faced with the dilemma of trying to clean up a site that the NRC has declared clean but the EPA and the public believe is still hazardous.

Finally, the BRC policy would make it far easier to use radioactive materials in consumer products. In the past, the NRC rejected or discouraged the use of radiation in consumer products such as cosmetics, toys, and jewelry on the grounds that radiation should not be used for frivolous purposes. Under the new policy this approach has been abandoned.

It is difficult to conceive why the NRC has come up with such a senseless policy. At an investigative hearing that I conducted on the BRC policy last week I could find no plausible explanation or rationale for the policy. Indeed, documents obtained by my office revealed that the NRC Commissioners overrode the recommendations of their own staff experts when they were developing the policy. The hearing also revealed that the Commissioners ignored legitimate objections raised by the Environmental Protection Agency, the States, and the public.

The product of this skewed process is a policy which defies common sense and has the potential to endanger the public health. The Congress cannot let the BRC policy stand. I strongly urge my colleagues to support this legislation and work for its rapid passage.

BONE MARROW DONORS FOR A BRAVE YOUNG GIRL

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. APPLEGATE. Mr. Speaker, I rise today to recognize the residents of St. Clairsville, OH, for their participation in a blood drive that was held on July 22, 1990. This drive was organized with the hopes of finding possible bone marrow donors for a brave young girl diagnosed with leukemia.

Kelly Dolan of St. Clairsville is 18 and has acute myeloid leukemia. Her father, Richard Dolan, arranged the drive, where 500 people, including nurses, teachers, friends of Kelly, and people who just casually know the Dolans, volunteered to have their blood tested. Although a total of $37,000 was raised to pay for the testing, some of the volunteers who showed up had to be turned away because of lack of funding.

The blood that was taken at the drive must be analyzed within 48 hours by means of a very complex testing program. The chances are 1 in 20,000 that a suitable donor will be found for Kelly. Her father notes, however, that Kelly's chances are improved due to the support that the residents of the St. Clairsville community have shown during the drive.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of both the residents of St. Clairsville and the Dolan family for their efforts in this very important step in Kelly's recovery.

FRIENDS NOT SURPRISED GRANDDAD GAVE HIS LIFE TO RESCUE CHILDREN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BURTON of Indiana. Mr. Speaker, I read the enclosed article in the paper recently and thought it would serve as an inspiration to my colleagues and anyone else who reads the CONGRESSIONAL RECORD.

This was certainly an extraordinary man, who really cared about his grandchildren.

Greater love hath no man than this that he laid down his life for his friends. I would have liked to have known this gentleman. He must have been a wonderful guy.

FRIENDS NOT SURPRISED GRANDDAD GAVE HIS LIFE TO RESCUE CHILDREN

(By Richard Seven)

SEATTLE.—Wayne A. Dean of Snohomish, Wash., thought the world of his grandchildren, so much so that he wouldn't have hesitated at taking on 7-foot-high breakers three times to rescue them, friends say.

Dean, 56, is missing and presumed drowned after trying to rescue six children, at least five of whom were his grandchildren, off the southern Washington coast of the Pacific Ocean. The U.S. Coast Guard in Astoria, Ore., ended its search for Dean near Cape Disappointment and south of Long Beach, Wash., on Friday.

Dean swam 100 yards out into the choppy ocean three times before disappearing Thursday night.

"Mr. Dean made three trips, bringing two children back with him on each of his first two trips," said Coast Guard spokesperson Sandy Calhoun. "On the third attempt, the last two children were able to make it to shore on their own, but Mr. Dean disappeared."

The Coast Guard search was curtailed because of darkness shortly after it was started Thursday night, and there was no trace of Dean the next morning.

Authorities say the six children, ranging in age from 8 to 13, were apparently wading off Benson Beach when they were dragged out by heavy undertow and high waves.

Last Christmas, Dean and his wife, Virginia, sent portraits of themselves and their grandchildren to friends. The photo was taken on the beach near the site of last week's accident.

Darlene Huntington, a friend, said it seemed the couple always had their grandchildren with them.

"Knowing Wayne and how much he loved his grandchildren, I know he never gave rescuing them a second thought," said Huntington. "They really loved them and he was a very caring person."

The Deans tended Snohomish city parks for three years, living for a while in a city-owned house. They became popular at City Hall.

"Mr. Dean and his wife are just great people, salt of the earth," said Snohomish community development director Mike Beardslee.

The Deans quit taking care of the parks two years ago when he began selling houses. He also joined the Snohomish Historical Society, where Virginia served as a board member and he was a regular fixture at work parties.

"Always the first there and the last to leave," said Huntington.

A TRIBUTE TO NUREMBERG, PA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the town of Nuremberg, PA, which was established 150 years ago. This month marks the sesquicentennial of the first settlement and establishment of a genuine Pennsylvania town called Seiwellsville. It was settled primarily by pioneers of German descent, and the town was surrounded by forests. In its early days, Seiwellsville was the epitome of a young and vibrant American community, characterized by freedom of religious thought and dreams of prosperity for all who chose to settle there. The town of Seiwellsville was first renamed New London, and its name was later changed to Nuremberg.

I take pride in recognizing the 150th anniversary of the town of Nuremberg. It symbolizes the type of northeastern American town that was settled primarily as a farm town and eventually diversified with the establishment of small businesses. The residents of Nuremberg embraced the attributes and qualities of true American life, and they revelled in their liberty to pursue any goal they wished. Freedom of religion was witnessed by the establishment of churches of many different denominations. Education for all ages was provided through the careful establishment of schools. And the business community matured along with the town when banks, bakeries and blacksmiths started to set up shop in town.

Today, Nuremberg remains a beautiful and exciting town, and the citizens' civic pride is evidenced by their commitment to preserving the town in all of its historic splendor. Therefore, as the community of Nuremberg comes together to celebrate their town's sesquicentennial this month, I ask my colleagues here in the House of Representatives to join me in extending my best wishes to them for a happy celebration and a very prosperous future.

STARK WAS RIGHT AND RIGHT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CLAY. Mr. Speaker, our colleague FORTNEY PETE STARK, of California, was right in both instances involving the Secretary of Health and Human Services Louis Sullivan. Mr. STARK was correct in his public apology on the floor of this House to Secretary Sullivan for his intemperate remark about race. The race of the Secretary is not the issue and Mr. STARK sincerely regretted the unfortunate inference.

Mr. Speaker, the issue is the quality of health care for the poor, of whom a disproportionate number happen to be black. On this issue Mr. STARK is imminently correct in this criticism of the Secretary of Health and Human Services. It is not some random coincidence that poor and black people just happen to lack adequate, quality health care. These citizens are victimized by insensitive, callous Government policies and Secretary Sullivan is defending these policies.

Mr. Speaker, Secretary Sullivan is a personal friend of mine, but I still feel obligated to disagree with his professional positions regarding the health care of impoverished American citizens. Specifically, his opposition to universal health insurance, which is based on the economic theory that the market place will resolve our health care delivery problem, poses a great problem for me. Almost 40 million poor Americans—most of them dependents of persons who work full time, and disproportionate number of whom are black and Hispanic—have no access to adequate health care service. The plight of these 40 million Americans does not bode well for the free market theory. These individuals live in pain longer and die earlier than those who can afford health treatment. The free market policy that Secretary Sullivan supports is not reaching these 40 million Americans. How can we be silent when millions of our brothers and sisters are suffering this deprivation.

Mr. Speaker, I also disagree with the Secretary's public position regarding a national policy of family and medical leave. His insistence that such a policy would be counterproductive inasmuch as it would make American companies less competitive with foreign companies, and force jobs to move overseas, is not supported by the facts. This same argument is repeatedly used by ultra-conservatives in opposition to every effort to improve the benefits of American workers. This argument is seriously flawed. Already, more than 100 countries have national family leave policies that far exceed the benefits stipulated in the Family and Medical Leave Act which President Bush vetoed. Japan and Germany, our major trade competitors, guarantee at least 3 months of paid family leave. U.S. businesses would not be disadvantaged by a family leave law. Mr. Speaker, I would think that the Secretary of the Department of Health and Human Services should be sensitive to the stress problems created when a worker must choose between a job and taking family leave to be present with a newborn child or a dying parent.

Mr. Speaker, I was appalled that six or seven Members on the other side of the aisle took to this well and attacked Mr. STARK in such a questionable manner. Each of them expressed indignation about a racial statement and each proceeded to vote against the Civil Rights Restoration Act which we passed today. Apparently, some Members are more indignant about a racial but not racist remark, than they are about protecting the basic civil and human rights of Secretary Sullivan and his fellow black citizens.

Mr. Speaker, I hope that Dr. Sullivan will expand his one dimensional program regarding medical care for minorities. I am afraid that the perception so far is that if blacks and other minorities just stopped smoking, all their health problems would blow away.

DARE PROGRAM—PROVEN EFFECTIVE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MICHEL. Mr. Speaker, The Drug Abuse Resistance Education [DARE] Program, established in 1987, has taught children the mechanisms necessary to say no to drugs. The DARE Program, now taught in 49 States and overseas, has a strong record of success. This year this program will reach an estimated 4.5 million students. The positive aspects of this program are illustrated in a letter I received from Bob Carlson, an eighth-grader in my district, which I would like to share with my colleagues:

"I am an eighth grader at Blessed Sacrament School in Morton, Illinois, which is just southwest of Peoria. In Sixth grade I had participated in the D.A.R.E. program and will be participating in it again this year.

I feel this is an extraordinary program. It teaches kids the consequences of drugs and also helps kids build their self-esteem. One of the best things it does, is that it tells kids how to say NO.

I think this is one of the best drug education programs around. I feel this would heavily decrease the drug problems over the years. I think D.A.R.E. should be a nationwide drug program."

THE TRUTH-IN-BUDGETING REFORM ACT OF 1990

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CONYERS. Mr. Speaker, yesterday, I introduced H.R. 5437, the Truth-In-Budgeting-Reform Act of 1990. This bill is a comprehensive proposal designed to restore truth-in-budgeting through a number of enforcement mechanisms and changes to existing law. It is a synthesis of the major Democratic proposals that have been introduced in the House to date, and is the product of thorough deliberations with other Members who have shown a continued interest in budget reform.

The Truth-In-Budgeting Reform Act of 1990 is being introduced after the Committee on Government Operations, which I chair, held two hearings earlier this session on major budget process reform legislative proposals that received substantial attention inside and outside of Congress.

Specifically, the Social Security trust funds, now part of G-R-H calculations, would be removed under my bill. As long as the trust funds are included in the deficit calculation, the magnitude of the Federal deficit is hidden from the public and incentives to reduce the deficit decreased. In conjunction with this provision, the proposed legislation would protect Social Security benefits so that any proposed change in benefits or in revenue would require a super-majority of the Senate.

Another major provision of the bill revises the current G-R-H sequestration formula through 1993, whereupon it would lapse. Fifty percent of required deficit reduction is achieves by sequestering equal amounts of defense and nondefense spending using the existing G-R-H formula. The remaining 50 percent would come through creating an explicit 33-percent-tax bracket, and a higher bracket if necessary, which would increase the taxes of the 700,000 wealthiest Americans. This is only fair, since according to Congressional Budget Office data, the income of the top 1 percent of Americans—measured in 1990 dollars— increased 87.5 percent, from $213,675 in 1980 to $399,697 in 1990. In contrast, the poorest Americans experienced a 5.3 percent decline in their income from $7,357 in 1980 to $6,973 in 1990.

Under the bill G-R-H deficit targets would be replaced with specific deficit reduction amounts of $30 billion in the first year and $40 billion in subsequent years of the 5-year plan. This is the most reasonable approach to deficit reduction because it ensures an orderly fiscal policy that will not disrupt the economy. By requiring deficit reduction targets for 5 years, rather than for 1 year under G-R-H, we would be able to eliminate some of the gimmicks such as asset sales and timing shifts that have occurred in the past. Violations of these targets would result in points or order rather than sequestration.

Important truth-in-budgeting measures are also included in the bill. The current congressional budget timetable would be revised to insure timely consideration of the budget. The current timetable often produces a backlog of legislative activity at the end of the session, making the budget the central focus of our legislative calendar. Budget enforcement and reconciliation would be strengthened and tightened. The tracking of spending decisions and relating them to budget authority and outlay targets would be tightened to facilitate more accurate scorekeeping.

Finally, the credit budget activities of the Government would be accounted for using more modern accounting techniques to show the real cost of loans, loan guarantees, and Government-sponsored enterprises. These activities, spread throughout the Federal Government, constitute one of the fastest growing areas of the Federal budget. However, despite this growth, the current budget process operates without timely or accurate recognition of their costs.

During the committee hearings, we were able to receive testimony from Members of Congress and experts on fiscal policy and buget process reform, which led to the tailoring of a bill that provides for a budget process which will allow us to manage our affairs more honestly and fairly. The hearings also revealed that our budget process was in need of serious reform, and that the public strongly endorses a program that will enable the Congress and the President to better manage the ballooning deficits created in the 1980's.

I believe that we need to have a bill in place that recognizes the relationship of the major truth-in-budgeting reform measures to solving our fiscal problems. I believe the Truth-in-Budgeting Reform Act of 1990 is such a measure.

I know you share my concern that large Federal deficits are undermining our economy, damaging our international competitiveness and seriously restricting our ability to improve the standard of living of all Americans, particularly those most in need. For the past 5 years we have operated under the G-R-H automatic deficit reduction mechanism. G-R-H has been woefully inadequate at reducing the deficit. When the Social Security trust fund surpluses are excluded from the deficit calculation, the deficit virtually has remained the same; it was $221.6 billion in 1985 and is estimated to be $221.2 billion in 1991.

These deficits largely were the result of sharp reductions in taxes for the wealthy, at the expense of low- and middle-income Americans, and accelerated military spending. We need to address our fiscal problems through a combination of fair and equitable taxes and military spending reductions which take advantage of the end of the cold war. But we also need to reform the budget process to restore honesty and discipline. Clearly, a better process is needed, and the Truth-in-Budgeting Reform Act is a comprehensive measure to accomplish that goal.

DUTY RATE APPLICABLE TO CANNED CORNED MUTTON

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation which amends the Omnibus Trade and Competitiveness Act of 1988 to reconvert the duty rate applicable to canned corned mutton that was unintentionally increased from free to 10 percent ad valorem in the conversion from the tariff schedules of the United States on January 1, 1989. The Omnibus Trade and Competitiveness Act of 1988 instituted the harmonized tariff schedule into law such that only an act of Congress will rectify the current unfair duty treatment of canned corned mutton. My legislation is a simple, straightforward bill to reinstate the duty free status of tinned corned mutton that was previously in place before the conversion to the harmonized tariff schedule of the United States.

I became aware of the difficulties that this inadvertent increase in the duty rate has caused to both consumers and distributors of the product through constituents in my district. Prior to the conversion, suppliers were able to market their tinned mutton at approximately $1.89 to $1.99 per can. Today, however, they are obliged to charge up to $2.99 per tin. This kind of price increase has reduced sales substantially, thereby placing significant stress on these distributors.

This conversion is especially harmful to consumers. In northern California, those who purchase this mutton are predominantly Fiji Indians and Muslim immigrants wishing to continue their traditional dietary habits and religious practices in their new American homes. To compound the problem, there are very few distributors who import this type of mutton from New Zealand, which may be the only supplier of this product for these ethnic Americans.

In my efforts to resolve this penalty on tinned corned mutton, I have contacted the Commissions of Customs as well as the chairman of the U.S. International Trade Commission who have indicated that the increase was indeed unintentional.

Mr. Speaker, while this legislation is essentially an administrative correction of an unintended error in the harmonized tariff schedules, this measure reaffirms a central principle upon which this Nation was created. Freedom to practice one's religious faith without fear of persecution or discrimination. As I indicated earlier, the aforementioned imported product is used for religious purposes. While this duty conversion appears to be a minor oversight, it does, in fact, constitute U.S. Government discrimination against these ethnic populations by charging an additional financial burden on a product used in the obervance of their cultural and religious traditions. However subtle, this discrimination must be ceased. Therefore, Mr. Speaker, I submit that if the Congress is to continue to be the guarantor of religious freedom, it is not our prerogative, but rather our obligation to see that this legislation be

enacted as soon as possible. I strongly urge my colleagues to support this legislation and see to its swift enactment.

VISIT TO NATION'S CAPITAL BY TOTAL EXPERIENCE GOSPEL CHOIR OF SEATTLE, WA

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. McDERMOTT. Mr. Speaker, I rise in welcome of the Total Experience Gospel Choir of Seattle, WA, on the occasion of its visit to our Nation's Capital on August 20–31, 1990, and in recognition of all the people who have spent countless hours nurturing its growth.

Over the years, the choir has prospered under the able leadership of Ms. Patrinell Wright, founder and director. Much to her credit, the choir celebrates its 16th anniversary on Sunday, October 28, 1990. We in Seattle take pride in the fact that the choir is hailed as one of the finest musical groups in the Pacific Northwest.

Among its many accomplishments, the choir has recorded three albums, performed at numerous interdenominational churches, county fairs, and penal institutions. As goodwill ambassadors, the choir has toured and held concerts in 32 States, Canada, Mexico, the Bahamas, and Nicaragua. Most recently, the choir was designated the official choir of the 1990 Goodwill Games in Seattle. It is currently raising funds to travel to Africa next summer.

But even more important, the choir, which consists of 40 young people—ages 5 to 19—is to be commended for its commitment to excellence and for giving joy to so many others. It is a shining example of how young people dedicated to their faith and to sharing their talent can improve their lives, the lives of their families and friends, and the spirit of their community.

It is the good fortune of the Washington, DC, area that the Total Experience Gospel Choir will be performing in full concert on Sunday, August 26, 1990, at 3 p.m., at the Mount Carmel Baptist Church, 901 3d Street NW., Washington, DC. Everyone is invited to come out and enjoy an afternoon of good music. As one of the many thousands who has enjoyed hearing the Total Experience Gospel Choir, I can vouch for its moving and heartfelt performance.

In conclusion, I ask my colleagues to join me in welcoming the choir to our Nation's Capital and in extending congratulations and best wishes to all who have strived to make the Total Experience Gospel Choir the total success that it is today.

LEGISLATION TO SIMPLIFY TAX PROCESS

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FLIPPO. Mr. Speaker, I rise today to introduce legislation that would modify an onerous provision of the Tax Code that has increased the complexity and cost of compliance for thousands of small- and medium-sized businesses and their tax advisers.

I am pleased to be joined in this effort to simplify the tax process by my good friend, the distinguished representative from Colorado, HANK BROWN.

The Tax Reform Act of 1986 [TRA '86] imposed a requirement that partnerships, S corporations, and personal service corporations adopt, in general, a calendar year for tax purposes. As a result of public outcry concerning the difficulties created by this requirement, the Revenue Act of 1987 modified TRA '86 with the creation of section 444 which allowed retention or adoption of a fiscal year by partnerships, S corporations, and personal service corporations if certain annual requirements were met. Section 444 provided a mechanism for relief. However, time has demonstrated that the original rules are overly restrictive and need modification.

The increased complexity of TRA '86 has resulted in more time being devoted by taxpayers and their advisers to both planning and preparation of individual and small business tax returns. This increased workload has been further compounded by many taxpayers having switched from fiscal years to calendar years. More tax planning and preparation must now be done in a shorter period of time.

A nationwide survey conducted by a national organization of certified public accountants indicates that there has been a 20-percent increase in accountants' workload during the period January 1 to April 30 with a corresponding decrease during the remainder of the year. This has historically been a heavy workload period, but it has now become unacceptably heavy for taxpayers and their advisers.

Automatic extensions are available for many returns which provides minimal relief to small business taxpayers and advisers. However, extensions are costly and inconvenient. The tax liability must still be computed with great accuracy by the original due date. Further, it makes it difficult to obtain the information necessary to estimate the tax liability of owners in order for them to apply for an extension.

This workload compression problem is not limited to tax work. It has become an even greater problem with accounting and auditing work. Owners and creditors typically demand financial statements and audit reports within 90 days after year end. Now this work must also be done between January 1 and April 15.

On average, only about 20 percent of small businesses which were on a fiscal year prior to TRA '86 remains on a section 444 fiscal year as of December 31, 1989.

The administration of the tax system is also damaged by the resulting uneven workload experienced by the Internal Revenue Service. This is inconsistent with past congressional and other recommendations to stagger return filing to alleviate heavy workload that has precipitated IRS processing problems in recent years. The IRS, taxpayers, and tax practitioners can better meet filing requirements if the demands are spread throughout the year.

With the enactment of the section 444 fiscal year retention rules, Congress acknowledged that there are legitimate business reasons for allowing fiscal years. Fiscal years are ordinarily chosen to coincide with the "natural business year" of the taxpayer. The yearend conformity requirement of TRA '86 unduly interfered with business operations, and the fiscal year retention rules of TRA '87 did not go far enough in remedying the problem.

The legislation I am introducing today modifies a portion of the rules for fiscal year retention in a way which addresses the continuing problems in this area without sacrificing revenue. The general rules of sections 444, 7519, and 280H would remain relatively unchanged. The proposed legislation would reopen the election process to allow existing entities to either elect, reelect, or modify an existing election for a fiscal year. The Secretary of the Treasury would prescribe rules consistent with current IRS practices for the frequency of changes and limitations on the utilization of any resulting net operating losses.

In addition, no restriction would be imposed on the length of the deferral period. Entities would be allowed to elect a fiscal year which ends in any month. The proposed legislation would also make minor technical corrections and administrative changes which will make the provision fairer and more administrable.

This corrective legislation is intended to be revenue neutral. Preliminary data received from the IRS indicates that the required payments collected from the entities which elected section 444 fiscal years may actually exceed the 1986 revenue estimate. It is anticipated that the proposed changes to the laws will sustain the anticipated revenue levels. A revenue estimate on the proposal to confirm this neutrality has been requested. If necessary, the required payment made by taxpayers retaining a fiscal year under section 444 could be adjusted to meet revenue shortfalls.

The proposed legislation addresses serious problems being encountered by small businesses and their tax advisors; it offers taxpayers greater flexibility and fairness; it adds to the administrability of the tax system; and, it meets anticipated revenues in this difficult time of budget constraints. Mr. Speaker, I urge my colleagues to cosponsor and support this bill.

DAN SCHUEFTAN ON IRAQ WAR

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FEIGHAN. Mr. Speaker, Dan Schueftan, a research fellow at the Harry S. Truman Institute of the Hebrew University of Jerusalem, has written a penetrating analysis of the crisis surrounding the Iraqi invasion of Kuwait. It ap-

peared in the August 3 Washington Jewish Week. I commend it to my colleagues.

[From the Washington Jewish Week, Aug. 3, 1990]

BAGHDAD GOES FOR THE JUGULAR

(By Dan Schueften)

Iraqi President Saddam Hussein is looking beyond Kuwait. The crisis that erupted last week in the Persian Gulf is part of a far more significant phenomenon that already has greatly changed the inter-Arab system and has the potential—if not checked in time—to transform the regional balance of power in the Middle East.

For millenia empires based in Mesopatamia competed with those in the Nile Valley for regional hegemony. In modern times Egypt and Iraq have pursued this same competition.

In the mid-1950s, Egyptian leader Gamal Abdel Nasser's messianic movement captured the imagination of Arabs everywhere, while Iraq entered a long period of political instability and could not challenge Egypt's position.

Iraq's domestic weakness proved to be so deep-rooted that even when Nasser was humiliated by Israel in the 1967 Six Day War and finally died in 1970, Iraq could not achieve leadership over the Arab world.

Hussein has tried to deal with these weakness primarily by providing Iraq with relative political stability. He achieved that by his inimitable ruthlessness, which stands out even in Iraq's brutal tradition. His totalitarian control over the country has spanned the last two decades. From his position of absolute control in Baghdad, he has attempted to establish Iraqi hegemony over the Gulf, and subsequently over the region as a whole, relying heavily on his country's oil reserves and the billions they have brought in since the oil crises in the 1970s.

Hussein found a golden opportunity to strengthen his hold over the inter-Arab system in the late 1970s, when the late Egyptian president Anwar Sadat's peace initiative removed Egypt, for a decade, from its unquestioned position of leadership of the Arab world.

The major setback to Hussein's master plan came in 1980, when his consuming ambition led him to attack Iran, believing that the Khomeini revolution had so weakened his mighty neighbour that it was easy prey for the Iraqi army.

Eight years of savage war, hundreds of thousands of Iraqi casualties, tens of billions of wasted dollars, and immeasurable suffering inflicted on his people proved not only the failure of the Iraqi military initiative; they also illustrated the determination of Hussein and the extent of the domestic terror that has kept him in power.

When Iran eventually proved less able than Iraq to take the punishment of the war, Hussein claimed victory and renewed his quest for regional hegemony. In a way, he really did emerge victorious. His major enemy has been attrition. Saddam does not mind the enormous casualties and suffering; the oil-rich states paid most of the economic price, and Iraq came out of the war with a huge, well-equipped and experienced army.

With this army, and his well-deserved reputation for ruthlessness and brutality, Hussein can dictate his terms—at least for a while—and he says so in so many words.

Unlike other Arab states and national movements that depend on Western sympathy and support, Iraq does not pretend to have adopted and internalized Western values and codes of conduct. Hussein does not pretend to seek "peace," to be committed to "human rights," to preach, "the right of self-determination," to foster "democracy" or pursue "pluralism."

He wants to dominate, threatens to burn anybody who stands in his way, demonstrates his brutality by massive murder of his own civilians with poison gas, and claims his right to equate "scientific and technological progress" with his quest for instruments of mass destruction.

The Iraqi dictator's message is simple: Iraq is strong and ruthless—and determined to impose its domination on the Gulf and beyond. It will force its rich and weak neighbours to finance its quest for regional control and dictate the crucial aspects of their oil and foreign policies. The other Arab states or outside powers can do very little about it; and to secure their interests in the Gulf, they will have to deal with Iraq on Hussein's terms.

The new "rules of the game" that he seeks to impose, represent not only a change in Baghdad's policy, but also reflect the new balance of power in the area. It is a major challenge to the trend that developed in the Middle East after the death of the Nasser and the failure of his messianic movement.

Nasser had captured the imagination of the Arabs (and people in the Third World in general) when he forced his will on the Western powers as well as the "reactionary" Arab regimes and boosted Egypt from a negligible position to major significance on the world scene.

Nasser's spectacular successes in the 1950s lingered into the '60s. His eventual failure taught Egypt and the other Arabs a lesson about the limitations and the dangers of such radical policies. Sadat reflected that lesson in the '70s when he went to Washington and finally came to Jerusalem. The Arab world proved that it understood these same lessons and acquiesced when they "came back" to Egypt in the second half of the '80s.

For a while, when he was mired in his war with Iran, even Hussein pretended to accept this. Now, he feels he no longer needs to pretend and that his opponents in the region and beyond don't have the power or the determination to stand in his way.

If Hussein succeeds and convinces the Arabs that his way may prevail, the implications may be far-reaching and the Middle East may be drawn into protracted turmoil.

Arab acceptance of "the Egyptian school," based on the bitter lessons of Nasser's failure, provided the area with a period of relative stability and tranquility. It also produced the Egyptian-Israeli peace treaty, and the slow-but-constant move towards settlement between Israel and the other Arab states—as well as the awareness among many Palestinians that such a settlement is inevitable.

If Hussein's policy pays off in a major way, the region may plunge into violent inter-Arab and Arab-Israeli confrontations, and we may again face a major economic crisis on a global scale that will adversely affect the industrial nations and bring calamity to Third World nations.

The danger is that the Middle East will again resemble a crime-ridden neighborhood, where Saddam Hussein runs a protection racket, making the regional nations "offers they cannot refuse."

On the international level, there is, unfortunately, no equivalent of a determined and clean-handed police force to nip this in the bud.

The only hope is a concerted effort led by the U.S. and Egypt, with Cairo providing regional leadership to the Arab states that stand to lose the most from Hussein's success, and the U.S. providing superpower backing to Egypt's efforts, as well as direct encouragement to the individual Arab states.

Israel, which stands to lose the chance of relaxation of its conflict with the Arabs, could contribute its share not only through military deterrence against an Iraqi-led war coalition; it should also consider its relations with Egypt and the U.S. beyond the bilateral level and in the broader context of the Iraqi challenge; since that challenge can only be met through efforts originating in Washington and Cairo.

TOUGALOO COLLEGE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PARKER. Mr. Speaker, I rise today with hope to better ourselves by investing in our children. Today, I have introduced a bill to authorize financial assistance for the construction of a building at Tougaloo College of Jackson, MS. It is representative of the value we should all realize as No. 1—education. Financial assistance in education is imperative to all of us as Americans. This bill would not only do justice to students attending Tougaloo but to all of us in sending a message that education in America is our No. 1 priority.

Recognized by U.S. News & World Report in their highlight of America's "Best Colleges," Tougaloo ranked in the Nation's top 125 as one of the best regional liberal-arts colleges. Tougaloo also shines in its track record of faculty and student success. Forty-seven percent of Tougaloo's faculty hold Ph.D's. For its contribution back into the community, Tougaloo produces 40 percent of Mississippi's black physicians, 50 percent of its black attorneys, and 28 percent of its black dentists. Now, in its second century, Tougaloo is still a place "where history meets the future." The passing of this bill will make possible the preservation of this tradition.

This bill would follow through on pursuing even further excellence in education by providing financial assistance to pay the cost of constructing the Health and Human Resources Center. This center would house academic, community service, and physical education instructional programs. It would also be the home of the college's new program in community health education. A progressive step in the construction of this building is in its inclusion of a community day care center and other facilities suitable for use by neighborhood groups for community activities. With this bill, the surrounding community as well as the educational community will benefit.

This bill is an investment in our future. Education in America is a priority and I, as a representative of Mississippi, stand with pride in introducing this bill that sets that example.

RADIOACTIVE WASTE DISPOSAL LEGISLATION IS INTRODUCED

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. COLEMAN of Texas. Mr. Speaker, today Representatives TIM JOHNSON of South Dakota, DAVID O'B MARTIN of New York, JOHN BRYANT of Texas, and I are introducing legislation to protect the interests of certain areas likely to be affected by the establishment of low-level radioactive waste disposal facilities. In our bill we have included the interest of nations with adjacent borders to the United States, habitats of endangered species, wetlands, and archeologically important areas.

Congressional involvement on the subject of low-level radioactive waste disposal ended with legislation adopted in 1982 which directed States to provide for the disposal of low-level radioactive waste generated within their borders. The law also authorized and encouraged States to enter into compacts for the disposal of low-level waste generated within their borders. This landmark legislation was an important first step in dealing with the safe management and disposal of radioactive waste. However, when Congress granted this jurisdiction exclusively to the individual States, we do not believe the Federal Government intended to avoid responsibility when the issue is in a border State and concerns another country or when an environmentally sensitive or historically important area is involved.

In the State of Texas the process of selecting a site within the State's border has taken on a direction that I am sure Congress did not anticipate in 1982. The Texas Legislature provided for waste disposal within its borders by establishing the Texas Low-Level Radioactive Waste Disposal Authority in 1981, commonly known as the authority. This authority was commissioned to select, prepare, construct, operate, maintain, decommission, close, and finance a disposal site for Texas low-level waste.

Subsequent to creating the authority, the Texas Legislature directed it to focus its siting on lands that were State owned. In fact, in determining acceptable dumpsites, the authority was ordered to give preference to publicly owned land. The adoption of this 1985 provision by the Texas Legislature was made along regional lines, and virtually guaranteed the eventual placement of the site somewhere on sparsely populated public land found in west Texas despite the fact that more geologically suitable sites may exist on privately owned land in east Texas. This directive resulted in the consideration of three separate tracts of land in Hudspeth County, a county of 2,500 residents, one of these tracts now being the leading candidate under consideration by the authority.

The site under primary consideration is located near Fort Hancock, TX, and is approximately 11 miles from the Rio Grande. In the State of Texas, this river serves not only as the international border between the United States and Mexico and is also used by thousands of people on both sides of the Rio Grande for irrigation, drinking, and domestic consumption and livestock water. The site is also in close proximity to El Paso, TX, the largest population center on the United States-Mexico border. The potential for ground water contamination from a leakage at the facility and the eventual seepage of this ground water into the Rio Grande certainly could pose a problem for the 13 counties downstream from El Paso which also depend on water from the Rio Grande.

The risk of failure is great because part of the radioactive wastes will have an active life of 350 years or more. No one can be sure of the changes that will occur over the next 350 or more years. In the case under consideration, the site proposed on the Rio Grande is in an area which has been subject to earthquakes and to destructive erosion by the torrential rains which occur there.

The decision on the part of the State of Texas to locate the dump site near the United States-Mexico border is inappropriate. The proposed site violates our national interests because it ignores a 1983 Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area with the Republic of Mexico. This executive agreement declared that an area of 60 miles on both sides of the border between the two countries should be an environmentally protected zone.

The proposed site in Hudspeth County, TX, and the dumping of low-level radioactive materials in our area would threaten not only our country's relationship with Mexico, but also two international aquifers, the Rio Grande River, the Guadalupe Mountains National Park, Lincoln National Forest, Big Bend National Park, and a wildlife sanctuary being operated near the Rio Grande. Further, the Fish and Wildlife Service has mapped the area and determined that there are two wetland areas near the proposed dump site. Finally, parts of the area have recently been listed in the National Register of Historic Places because of the recent discovery of 22 prehistoric examples of rock art near the proposed site. It is believed that the land was sacred to people who lived there 900 to 2,000 years ago and that it may be an ancient burial and hunting ground for Indians.

It is our contention that stored low-level radioactive waste is the business of all people whose environment is affected by it and, further, that it is the responsibility of the Federal Government to ensure the safety of those involved. The bill we are introducing today honors our environmental agreement with Mexico by prohibiting the location of radioactive dump sites within 60 miles of the United States-Mexico border. It also protects the habitats of endangered species, wetland areas, and archaeologically significant areas.

We look forward to working with our colleagues in the appropriate committees in considering this legislation.

THE COURAGE OF OUR CONVICTIONS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GUNDERSON. Mr. Speaker, today the House of Representatives will add a new chapter to our civil rights laws. And we will do so enthusiastically, in the belief that no man, no woman, should ever be denied opportunity based on race, gender, or beliefs. But in passing the Civil Rights Act of 1990, we must not be content just to vote for a title. It is incumbent upon each of us today to understand the issues confronting us and base our decisions on firm conviction in what is morally right.

Unfortunately, for many Members that will be difficult. Why? Simply because they have been made to feel that opposition to H.R. 4000, the Kennedy-Hawkins bill, indicates opposition to full civil rights. To those Members I say, look to your own conscience and the choice will be clear.

President Johnson, in his 1965 inaugural speech said:

> Justice requires us to remember that when any citizen denies his fellow, saying "his color is not mine" or "his beliefs are strange and different", in that moment he betrays America, though his forbearers created this nation.

We are united in our goal today—to further strengthen our civil rights laws. But we are divided over how best to achieve that goal. Too much thoughtless rhetoric has been used over the months as competing bills on this issue were drafted. It is time to lay down the rhetoric and to honestly deal with the important issues.

Let us be clear, Americans want equal opportunity. But they do not want quotas. Americans want fairness, but they do not want endless litigation. And Americans want justice, they do not want a system where lawyers fight for hugh financial damages. H.R. 4000, the Kennedy-Hawkins bill, does not address these needs. Rather, it violates each and every one of them by guaranteeing a system of quotas, of litigation explosion, and of opportunity only for plaintiff attorneys.

Concerned over the true implications of H.R. 4000, I joined other Members of this body who spent hundreds of hours crafting a bipartisan alternative. We were guided by one motive; to do what is right. We feel strongly that our bill is right on every point and challenge proponents of the Kennedy-Hawkins bill to compare H.R. 4000 to the compromise bill.

H.R. 4000 and our substitute both overturn the five objectionable Supreme Court decisions. The most important of those Wards Cove which required plaintiffs alleging an employer's employment practices lead to disparate treatment of minorities to identify specific practices causing the discrimination. H.R. 4000 overhauls the Court ruling to place the burden of proof on the defendant and to eliminate that requirement. Under the bill, employers would face an impossible task of proving every single business practice in question was justified as a business necessity, defined as

bearing a significant relationship to job performance.

The compromise bill would maintain the burden of proof shift—and therefore overturn the ruling—by requiring employers to justify identified employment practices as a business necessity, defined as having a manifest relationship to the employment in question. This change in definition simply restores the very Griggs standard Kennedy-Hawkins proponents have insisted they want to restore. It does not lower the standard held by the courts on this issue prior to Wards Cove. Any statement to the contrary is false, period.

In a spirit of fairness to employers and employees alike, the substitute includes language stating that the simple existence of a statistical imbalance in an employer's work force is not alone sufficient to establish disparate impact. H.R. 4000 leaves such assurances out, allowing discrimination charges to be brought to any business whose racial makeup did not precisely reflect the racial makeup of the surrounding community. Under this system, employers would be forced to consider race as a primary factor in hiring and promoting employees. If they did not, they would face discrimination charges, and under the bill, jury trials and punitive and compensatory damage awards.

This leads to the other most objectionable aspect of the Kennedy-Hawkins approach—the irresponsible focus on outlandish remedies. Under the bill, remedies for discrimination under title VII would be expanded beyond reinstatement and back pay to include punitive and compensatory damages in cases of international discrimination. For cases of malice or callous indifference leading to discrimination, punitive damages would be allowed for the first time. These provisions are made far more dangerous by the addition of jury trials at the request of plaintiffs. This simply means the focus of our longstanding title VII protections will be completely altered from getting victims back to work with protections to forcing them into a risky lottery system.

Unfortunately, under this "Wheel of Fortune" system, victims will cerainly be denied swift justice as the courts would be further clogged by a litigation explosion of fortune-seeking lawyers. A Federal court study estimate stated courts would see an increase in cases filed by 30 percent. Cases filed before the EEOC would also increase by 30 percent.

In further bonanza for lawyers under the Kennedy-Hawkins plan, lawyers reimbursements would be guaranteed in many areas where they are not under current law. Incredibly, proponents of the bill have gone so far as to prevent victims from accepting settlements if their attorneys complain to the court that they have had to waive any part of their fees. Who are we trying to help in this legislation?

Where our first priority in this debate should be to defer to our own moral standards, those pushing H.R. 4000 have also deferred to the best interests of trial lawyers. Without inpugning the intent of House Democrats on this issue—as I stated, we all share the goal of strengthening civil rights—the American public must wonder why proponents of the bill would support such ridiculous sweetheart deals for lawyers in their bill. Does it represent another pathetic example of letting PAC's and interest groups drive the process?

PAC contributions from the trial lawyers alone—those who would benefit greatest from these provisions—have gone 7 to 1 in favor of Democrats over Republicans. Is it a coincidence that united efforts by Republicans on the Education and Labor Committee—who received a total of $17,500 from the "Trial Lawyers PAC" last year—to eliminate these provisions were opposed in united efforts by the Democrats—who received a total of $38,850? There is no justification at all for what we are giving away to lawyers under this bill. It is not right, and we should not be ashamed to say so.

By comparison, the bipartisan substitute completely eliminates the increases for lawyers. Our focus is solely on the victim, and in equitable relief—getting victims back to work—over litigation and punitive damages. Only the substitute provides for immediate injunctive relief. Only the substitute provides tough coverage under title VII for sexual harassment, providing long-needed protection for women in the workplace.

An honest and careful reading of each of these bills must lead to the conclusion that H.R. 4000, despite the intent of its proponents, goes to far, causes too many new problems, and denies quick justice to those we are trying to help.

Let us have the courage not to vote for a bill simply because it carries "Civil Rights" in its title. Let us do more. Let's stand up, not for huge jury awards, but for immediate relief; not for litigation, but for justice; not for lawyers, but for victims. Let us each take the time to know what is right. And let each of us have the courage to vote our convictions.

PROTECT OUR SOLE SOURCE AQUIFERS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GALLO. Mr. Speaker, today, I am introducing legislation to protect our Nation's sole source aquifers from potential contamination resulting from the siting of landfills.

We have learned from past experiences that it is easy to pollute our underground sources of safe drinking water and much more difficult to reverse the process of leachate seepage once it has begun to occur.

Most of the Superfund sites in my congressional district involve ground water pollution from a specific source, often a landfill. My bill will prevent future occurrences of this unfortunate pattern by requiring specific actions to certify protection before the fact.

In 1986, we passed the Safe Drinking Water Act amendments creating a national program to identify our sole source aquifers and now it is time to provide protections for these valuable sources of clean water.

My legislation is a significant step toward providing the needed protection by placing the responsibility for prevention with the States under Federal guidance.

The States make most of the decisions that affect ground water protection and the States should be responsible for certifying that projects under their review are safe.

Specifically, my bill would ban the construction of a landfill, surface impoundment, waste pile, or land treatment facility within the aquifier protection area unless the State developed a comprehensive plan for protection of the aquifer.

The plan must include a mapping of the sole source aquifer, an assessment of the relationship between land surface activities and ground water quality, management practices to be implemented in order to prevent the adverse impacts on ground water, and a program for State and local implementation of the plan to ensure the continued protection of the sole source aquifer.

In addition to the creation of a plan and a means to implement this plan, the State must during the development of the plan consult with and consider the comments of concerned individuals.

The State must also conduct public hearings at places within the protection area to provide the opportunity for comment.

My bill will play an important role in protecting sole source aquifers and will provide our Nation with clean drinking water.

IRISH AMERICAN HERITAGE MONTH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 482, designating "Irish American Heritage Month." And I commend my colleague from New York [Mr. MANTON] for introducing this resolution.

The Irish, and in particular, the New York Irish have had a proud, rich American history.

However, this year is particularly significant for one group of American Irish. This year, the Irish-American Carmelites celebrate their 100th anniversary of ministering to the poor and the sick in New York.

As you may know, the Carmelite order originated on Mount Carmel in the holy land. After being driven from that land, the Carmelites settled in Ireland in 1271. Centuries later missions were established in New York and Australia to minister to the sick and the poor.

And for 100 years, the Carmelite order in New York has been reaching out to the sick and the poor, regardless of who they might be or what they might believe.

Mr. Speaker, I am particularly proud to note that the Carmelite province of Saint Elias, the Carmelite mission to the United States, is headquartered in my home town of Middletown, NY. Further, the largest Carmelite parish outside of New York City, is located in Tarrytown, NY, which is also within my congressional district.

I am pleased to rise in support of this measure, and I urge my colleagues as well to join in support of this important measure.

IN RECOGNITION OF WILLIAM G. "BILL" SIMPSON OF MISSISSIPPI

HON. MIKE PARKER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PARKER. Mr. Speaker, today, I stand in the Halls of Congress, in the people's chamber, to speak in honor of a great Mississippian, Bill Simpson.

Bill Simpson was attending the University of Mississippi at the time of the outbreak of World War II. During the war he was graduated as commander of the 1st Battalion from the Merchant Marine Academy in King's Park, NY. He received a commission in the Naval Reserves and saw combat in four major amphibious campaigns while serving on the U.S.S. *Chepachet*.

After the war he returned to his father's family seafood business which he successfully operated until they were destroyed by two hurricanes. Very active in civic affairs, he became the first chairman of the Marine Conservation Commission in 1963 by appointment of the Governor. In the mid-sixties he served as president of the Mississippi State Port in Gulfport, MS. In 1965, he came to the Governor's office by invitation of Gov. Paul B. Johnson where he served as special assistant until the end of Governor Johnson's term.

This record of public service would suffice most people for lifetime, but not Bill Simpson. He was then called to serve as an administrative assistant to the late Senator James O. Eastland in Washington, DC. Senator Eastland became chairman of the Judiciary Committee and President pro tempore of the Senate. Until the Senator's retirement, Mr. Simpson served as Administrative Assistant to the President pro tempore. Upon the Senator's retirement, Mr. Simpson was named by President Jimmy Carter as his Deputy Assistant in the Office of the White House Chief of Staff. At the conclusion of President Carter's term, he went into private business in Washington as a Government affairs consultant.

He continues today in service to the State of Mississippi as a consultant to the State in its Washington endeavors. He is president of Bill Simpson and Associates and vice president of McAden & Simpson, Inc.

Bill Simpson is a family man with two children, one of whom carries on his tradition of public service as a congressional assistant to Congressman MIKE ESPY in the Clarksdale, MS, office.

Every citizen of the State of Mississippi owes Bill Simpson a debt of gratitude for his long and distinguished career of public service. He recently made a speech honoring another great Mississippian which captures the essence of Bill's character. The occasion was the designation of the Education and Research Center of Mississippi as the Paul B. Johnson, Jr. Building.

Mr. Speaker, I am honored to count Bill Simpson as my friend and I respectfully request that his speech be entered into the RECORD as a further tribute to Bill Simpson and to recognize the achievements of former Governor Johnson.

REFLECTIONS BY BILL SIMPSON, FORMER SPECIAL ASSISTANT TO GOVERNOR JOHNSON

Ladies and gentlemen, let me say at the outset that this will not be a cool—detached—dispassionate look at the administration of Governor Johnson or at Paul B. Johnson, Jr. It will, within my very limited talents, be a view from the inside of the battle waged by a gallant, multi-talented, visionary leader to preserve the peace and dignity of the State of Mississippi and to advance her interests, and those of her people during one of the two most perilous periods in all of the long history of this State.

It is not possible for me to speak of Governor Johnson's life, and the service he rendered to his State and nation, without reference to his family, which was so woven into his life, so much a part of the role assigned him by history.

Aside from the love and support given him by his parents and his children, and by the family of the late Pat Johnson, simple honesty leads me to say that his wife, Dot, and his brother, Pat, were towers of strength for him in all of his endeavors.

Dot, that lovely lady, brought grace and charm and style to us along with a quality of judgement and wisdom that made her a contributing partner in the Johnson administration.

I can only describe the bond between Paul and Pat Johnson as a parallel to the acclaimed relationship between President John Kennedy and his brother, Robert, the kind of forever feeling that exists between my brother, Jim, and me.

Let's now go into the Governor's office. Here is the close-knit team that staffed the operation. The competent women whose dedication and hard work made the railroad run were Edith Sims, Adele Mullin, Sue Ivy Turk, Margaret Kern Furlow, Dawn Armistead, and Wrenelle Barr. The men were Senator Kenneth Stewart, Senator Herman Glazier, Senator Frank Barber, and last, and least me. I will always be proud of my association with these truly fine people.

Every frail human who serves as Governor of Mississippi must bear the heavy burden of leading a State which is lacking the financial resources of a California, but which must deal with identical problems. In addition to that burden—Paul Johnson, Jr., was required to meet his mission during days of real and present danger. He also imposed upon himself the task of measuring up to his father, the legendary Governor Paul B. Johnson, Sr.

I assert, this afternoon, that his performance in the presence of those daunting challenges mark him as one of our truly great Governors and places his name very high on the honor roll of the servants of our people.

What was in his mind and in his heart as he journeyed to the State capitol to swear before God and those he was to lead that he would well and faithfully discharge his duties?

During my service in the Navy as the assault at Lingayen Gulf in the Philippines was getting underway one of the men on my ship gave me a description of what was coming. He said: "Mr. Simpson—dying time is here."

When Paul Johnson raised his hand to take his oath of office, I believe a voice from within was telling him: "Paul, testing time is here, again."

To the lasting benefit of every person in this State, the man taking that oath was a hero, in the sense of that noble term that reaches back into ancient history.

In a time of conflict, when a great city was threatened, the following was written of a Roman soldier:

"Then out spake brave Horatius, the captain of the gate

"To every man upon this Earth, death cometh soon or late

"And how can man die better than facing fearful odds

"For the ashes of his fathers and the temples of his Gods?"

The Governor, in the bitter and bloody island fighting across the Pacific Ocean, laid his life on the line to defend what his fathers had built in America. What his generous god had bestowed on our people.

The Roman soldier, to meet his harsh test, told his warriors: "In yon straight path a thousand might well be stopped by 3, now who will stand on either hand and keep the bridge with me?"

Paul Johnson confronted, once more, another test. He led the battle with the invaluable support of the Mississippi Highway Patrol's thin gray line and of courageous local law enforcement officers to keep the bridge for our State and her citizens.

The other image of Paul Johnson that sticks in my mind is the similarity between the Governor in his life and the movie characters portrayed by the famous actor, John Wayne. The Marine leader who did a lot of hard fighting and little talking, the western marshall who not only spoke of the sanctity of the law, but who also never failed to uphold the law, the "Quiet Man" who, without fanfare, unflinchingly looked every crisis in the eye, no matter the personal or political ramifications.

As he became our 54th chief executive, the Governor spoke in the spirit of an expression he loved which tells us "We are not here to curse the darkness. We are here to light a candle."

In his eloquent inaugural address he unhesitatingly faced the future. He said, "We are Americans as well as Mississippians." He went on to take a position he held through every day of his term. He asserted "Hate, or prejudice, or ignorance will not lead Mississippi while I sit in the Governor's chair." He closed with this assurance "If I must fight, it will not be a rear-guard defense of yesteryear, it will be an all-out assault for our share of tomorrow."

He walked into the office his people had entrusted to him and went to work.

When he entered that office he brought with him a deep and abiding love and respect for the law, and an iron commitment to honor the oath he had taken. Paul Johnson was a dedicated enemy of lawlessness in any form.

Further, he was determined to lift the level of life for every Mississippian under his sweeping agriculture, industry, commerce program. And he knew full well that the progress he desired so strongly was attainable only in the atmosphere of absolutely assured peace and order that each of our citizens wanted and deserved.

In the civil rights-related situations that swept across this State, and swirled around us, the Governor's calm and deliberate, brave and firm course of conduct, based on the maintainance of law and order, shielded our people, our communities, and our State. It saved lives, prevented injuries and suffering and avoided destruction of public and private property even as it preserved and enhanced the peace and dignity of Mississippi. Of paramount importance, it allowed his AIC program to bring a multitude of benefits into every section of our State.

It is certainly fitting and proper that this marvelous complex where we meet today, bear his name, because a major part of his vision for Mississippi's passage to brighter tomorrows resides within these walls. Indeed, in his very first appearance before our legislature when he delivered his acclaimed address "The Death of Mediocrity, the Pursuit of Excellence." He set his priorities. His lead-off request included this sentence: "I label now this proposed Mississippi Research and Development Center as the keystone in the arch of balanced development." Should you ever be asked what this "keystone" contributed to development, I offer a single suggestion. Point to the billions of dollars that Litton's "shipyard of the future" has delivered to us.

One of his many accomplishments that I will always hold in my heart, is based on a simple fact. Many young Mississippians, for whatever reason, will either not attend or not graduate from any of our fine institutions of higher learning. And yet, these deserving young women and men are entitled to their piece of the economic pie. The Governor met this need. He placed vocational and technical training in our exemplary junior college system. And, as was his practice, he articulated his deep feeling about this matter in these words "unemployment is an evil, but under-employment is equally evil. When a man works, and strives, and tries, and when his efforts are hobbled by lack of training when he is shackled to a station by lack of skill, this is one of the great tragedies of humanity."

In this field of learning and training, each of us should be grateful to Governors of this State who have dedicated themselves to the great cause of education. Those of us who were privileged to work with Paul Johnson saw, close up, his ceaseless labors in that cause. Please listen as he pleads his case. In January of 1966 he said: "Mississippians can never hope to live as fully or as well as their fellow Americans until our State with the unstinting support of every citizen does whatever is necessary to provide superior educational opportunities. On another occasion he asserted "If there is a one-word answer to all of the evils that keep mankind mired in the mud, that one word is education." In a commencement address he offered this judgment, "Nothing is more important to Mississippi, to the formation of the future of our State and her people than a continuing policy of unwavering support of every facet of education." Action was joined to those words and education was advanced by his administration.

What I must term his crusade for agriculture and forestry included the establishment of the marketing council which very early in its existence received the nationally prestigious "E" award. Were his efforts successful? Here is one example: The Saint Regis Paper Company constructed in Lawrence County what was, at that time, the largest single project ever undertaken by a paper company.

He was a champion of industrial development and he called the A&I board "the backbone and muscle of Mississippi's action program." His requests for increased appropriations for both development and tourism received legislative approval and resulted in record shattering performances in new and expanded industries and the creation of jobs as well as a strong leap forward in tourism.

As we near the end of my story allow me to return to Governor Johnson's reverence for the law.

In this great and proud State, we had a black market tax on liquor. We were collecting a tax on an illegal commodity. Additionally, we had a worrisome and dangerous kind of selective enforcement of the law, wherein lawmen were expected to turn their heads in certain circumstances, which tore at the very fabric of that respect for the law upon which a free society stands. The Governor was, of course, advised that this was an issue packed with political dynamite. He reacted in typical Paul Johnson style. He went to the legislature and the people and spoke of "the shameful, disgraceful, indecent, and scandalous situations that now exist in practically every area of Mississippi * * *." He appealed to the legislature as follows "* * * You as a legislator, and I as Governor, must take positive action in this matter without further delay." The Senate and the House courageously heeded his call and adopted a model alcoholic beverage control act. After the law become operative, Governor Johnson said in a speech with quiet satisfaction: "No longer does the State of Mississippi stand under the dome of her beautiful capitol with her hand behind her back and head bowed in shame."

Another bright page in the memorable saga of the Johnson administration, which relates to his love for the law, was his successful effort to establish the law enforcement officers training academy. He told of the need for this facility in these words: "One of my most basic beliefs is that the majesty of this mighty nation and the dignity of our great State rests firmly on a foundation of law. And yet, the law is language, it is the enactment of the Congress, the pronouncement of the court, the action of the legislature as expressed in words. The law must live and it must work where our people live and work. It must function on the highways on the streets of our cities in the light of day and in the darkest night. Out there where it is the difference between life and death, between safety and injury, between preservation and destruction. The law walks around and rides around in the hearts and in the hands of the professional police officer." At the dedication of the academy, the Governor concluded with a line that indicated his unwavering faith in the men and women who enforce the law. He said: "* * * And I believe that police officers from this facility will serve this State in a fashion that will earn for them the gratitude of the sons of men and the blessing of the Son of God."

So, my friends, alongside of the striking portrait of the Governor done by a superb artist, Mr. Marshall Bouldin, you now have my portrait of him drawn in weak and inadequate words.

I hope what shows through is what I see, there stands the leaders, the hero of the Nation and of this State, the preserver of the peace for Mississippi, and the defender of her dignity, the visionary who launched the research and development center. The man who cared very deeply about the under-employed, the champion for education, and agriculture, and industry and commerce, the banisher of hypocrisy. The man who loved the law, who was a brother to those who enforce the law. There stands one of Mississippi's giants.

ARE CONSTITUTIONAL RIGHTS IRRELEVANT?

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FEIGHAN. Mr. Speaker, forcing an American citizen to give up his first amendment right to petition his Government strikes at the fundamental principle of American democracy. But that is exactly what is at the heart of Frederick R. Weisman versus Toyota Motor Sales.

The plaintiff is a Maryland businessman whose company, Mid-Atlantic Toyota, has distributed Toyotas in Maryland, Virginia, Pennsylvania, Delaware, West Virginia, and the District of Columbia for 20 years. In 1987, in order to renew its contract with Toyota Motor Sales, Mid-Atlantic was coerced into agreeing that it would "obtain, directly or indirectly, any political actions at the local, State, or Federal level that are contrary to any business objectives of Toyota sales."

This gag order represents a shocking assertion of private economic power to interfere in the public process of governance. This issue raises some troubling questions about Japanese car manufacturers' business conduct and practice in the United States. If Toyota's efforts succeeds, this may become a practice by foreign companies in other industries trying to strip U.S. businesses of their ability to petition elected representatives when disputes arise over similar agreements. I believe that this is a matter that should be the subject of congressional hearings in the near future.

This week, 26 of my colleagues and I joined with our distinguished former colleague and longtime chairman of the Judiciary Committee, Peter Rodino, in filing an amicus curiae brief in Federal court in Los Angeles. According to an article in the August 1 edition of the Washington Times, a Toyota spokesperson responded to the filing by saying our arguments are irrelevant.

Mr. Speaker, I highly resent a representative of a foreign corporation referring to our constitutional concerns as irrelevant. No individual has a right to seek to keep Congress from becoming informed about matters of public interest. We are urging the court to clearly, plainly, and promptly declare that the gag provisions such as the one involved in this case are unlawful, void, and repugnant to our laws and to our Constitution. I urge my colleagues to show their support in this matter by adding their names to the amicus curiae brief.

The article follows:

[From the Washington Times, Aug. 1, 1990]

CONGRESSMEN GET INTO TOYOTA TIFF

(By Todd Smith)

Fifteen members of Congress told a federal court in California yesterday that Toyota's major American marketer is wrong in trying to enforce a gag order against its East Coast distributor, Mid-Atlantic Toyota.

The representatives challenged an order imposed by the Japanese automaker's Torrance, Calif.-based subsidiary, Toyota Motor Sales Inc., that bars Mid-Atlantic Toyota from discussing business matters with members of Congress.

Mid-Atlantic is the sole distributor of Toyotas in the District, Virginia, Pennsylvania, Delaware and West Virginia. In 1987, Mid-Atlantic singed a contract with Toyota essentially agreeing to the gag order.

In yesterday's filing, the congressmen said the contract "represents a shocking assertion of private power to interfere in the public process and a substantial threat to the ability of Congress to carry out its constitutional function of legislating for the welfare of the American people."

"Essentially, Congress is clamoring to let Mid-Atlantic tell its story and let the [court] system work," said former U.S. Sen. Birch Bayh, one of Mid-Atlantic's attorneys. "Toyota has a right to contact Congress, and Congress has a right to investigate issues surrounding the case."

But Toyota said the congressmen's arguments are irrelevant because both companies agreed to the contract.

"The [gag order] concept was imposed three years ago and it has Mid-Atlantic's signature on it," said Toyota spokeswoman Mindy Geller. "We aren't trying to inhibit anybody, and we did not force them to do it."

Earlier this month, Tom McMillen, Maryland Democrat, filed an affidavit in support of Mid-Atlantic. Mr. McMillen said he contacted Mid-Atlantic officials only to be told they could not discuss the matter.

Yesterday's filing follows two recent lawsuits Mid-Atlantic filed against Toyota charging the company is trying to cut out the middleman in its relationship with area car dealers.

In the suit, Mid-Atlantic accuses Toyota of fraud, false sales reporting practices, misrepresentations and racketeering under the Racketeer Influenced, Corrupt Organizations Act. The suit is scheduled to be heard Aug. 13.

MORE PRODUCTIVE FEDERAL FORESTS ARE VITAL TO THE NATION'S WOOD PRODUCTS INDUSTRY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WYDEN. Mr. Speaker, today, I join with my colleagues Mr. DEFAZIO, Mrs. UNSOELD, Mr. DENNY SMITH, Mr. SID MORRISON, and Mr. JOHN MILLER, to introduce the Timber Management Improvement Act of 1990, which we believe will lead to more productive sustained yield management of Federal timber lands.

It is our hope that the changes set forth in this bill will result in hundreds of millions of additional board feet per year in timber available for harvest on these lands while, at the same time, allow Federal agencies to enforce both the letter and the spirit of laws protecting our forest environment.

This bill specifically is directed at so-called second-growth forests—National Forest and Bureau of Land Management timberlands which already have been harvested at least once, and which remain a crucial, but underutilized part of our Federal timber inventory.

I commend to my colleagues a Congressional Research Service analysis of this issue dated June 20, 1989, by Ross W. Gorte. Mr. Gorte's review offers sound support for the four primary elements of the legislation we introduce, today:

First, this bill would direct the secretaries of Agriculture and Interior to prepare a yield report on second-growth timber management investment opportunities for lands in Oregon, Washington, and California. This directive is designed to provide, within 1 year, the first definitive survey on higher yield opportunities within this region since the 1970's.

Second, the bill amends the Knutson-Vandenberg Act to include BLM lands. The goal of this section is to eliminate the massive backlogs in reforestation on these important timber-growing acres.

Third, the bill also amends the K–V Act to limit expenditures from the fund to reforestation, timber enhancement, and related activities.

Fourth, additional moneys would be made available in Oregon, Washington, and California for enhancement of second-growth forestry on private woodlands under the Forest Assistance Act.

Mr. Speaker, forest products manufacturing is a keystone industry in much of this country, including my home State of Oregon. Currently, that industry is being bludgeoned by a shortage of raw material—a shortage of trees. This bill is not a short-term answer to that problem. But I believe that it can assure this industry, particularly in the Pacific Northwest, a new measure of resource certainty over the long haul. In turn, certainty will positively influence mill owners to make the long-term investments required to modernize plants, increase efficiencies and prepare for nonold growth dimension logs.

I believe this bill will mean jobs for the future. It will help provide stability in many of our timber-dependent communities. And it recognizes the new reality for forest planning and forest utilization engendered by Federal environmental regulation.

I point out that endorsements for this bill include the Oregon Forest Industries Council, the Wilderness Society, and the Northwest Reforestation Contractors Association—groups which represent a broad spectrum of both the timber and environmentalist communities.

Mr. Chairman, I urge my colleagues to join us to ensure sounder forest practices and more productive Federal timberlands in the 21st century. I urge them to support this legislation.

TRIBUTE TO EDUCATOR DR. G. JAMES FLEMING

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MFUME. Mr. Speaker, I rise to pay tribute to Dr. G. James Fleming. Dr. Fleming was a scholar, author, journalist, and a public servant. He used his knowledge of various issues and eloquent and persuasive pen to champion the cause of justice.

Dr. Fleming recently passed away on August 1, 1990, and shall be dearly missed by those in Baltimore who knew and loved him. He taught political science at Morgan State University for 20 years and founded Morgan State's Institute for Political Science Education, serving as its director until 1966. He joined Morgan's board of regents in 1969, where he served as chairman from 1976–1980.

Dr. Fleming was a respected writer, educator, and author with a reputation as a master instructor and activist. He authored two published books on African-Americans in Baltimore politics and was a significant contributor to Gunnar Myrdal's monumental book "The American Dilemma." Dr. Fleming also edited specialized Who's Who books in addition to editing the Kappa Alpha Psi Journal.

Prior to coming to Baltimore, he worked as a reporter and news editor for the New York-based Amsterdam News, the Philadelphia Tribune, and the Norfolk Journal and Guide. In Baltimore, his journalistic talents were taken to the Afro-American newspaper where he stridently advocated social and economic justice issues.

Throughout his academic and public career, Dr. Fleming earned a reputation for both intellect and influence. He served as a member of the Baltimore Civil Service Commission, the Baltimore Equal Employment Opportunity Commission, the Baltimore Commission for Historical Architectural Preservation, and the boards of the former Provident Hospital and the Maryland Association for Mental Health.

Dr. Fleming's outstanding scholarship did not go unnoticed by his peers. This is evidenced by membership in Phi Beta Kappa; Sigma Delta Chi journalism honor society; Delta Sigma Rho for speech proficiency; and the Pi Gamma Mu social sciences honor society. He also served on the staff of the American Friends Service Committee and during World War II he was a regional director of the President of the United States' Committee on Fair Employment Practice.

During the 1965–66 academic year, Dr. Fleming devoted his career to a tour of Israel and 12 other countries on the African continent.

Mr. Speaker, to say that Dr. Fleming will be missed by the citizens of Baltimore and the Morgan State community is truly an understatement. Equally, it is very difficult to abbreviate this great American's life within the text of this statement. Nonetheless, I wanted to go on record to state how I will dearly miss this giant who did so much to enrich the lives of so many.

In closing, I am proud to be an alumnus of the university where an astounding man had such a powerful influence on young African-American students. While Dr. Fleming has departed this world in the flesh, the fruits of his labor shall continue to reap large harvests on the Baltimore community for decades to come.

AGAINST THE IRAQI INVASION OF KUWAIT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. KENNEDY. Mr. Speaker, early yesterday morning, Iraq commenced a brutal invasion of its neighbor Kuwait. Just 2 days ago, Kuwait was a peaceful country, quietly going about its business as a responsible member of the community of nations. Today it is a country under seige by the latest and hopefully last 20th century dictator. Stores have been looted, homes pillaged, citizens murdered. All in the name of nationalistic belligerance and the most venal economic domination.

The Hussein regime is one of the most brutal and repressive in the world today. There is no free press. Political opponents are executed, tortured, and imprisoned arbitrarily. The Kurdish minority has seen their villages burned and their people killed by poison gas.

We have tolerated these horrors long enough. The time to act is now. Otherwise, we appease the limitless ambitions of a tyrant. If that happens, we will have only ourselves to blame when the tentacles of his tyranny spread to choke the life out of the nations of the Middle East, and to strangle our supply of petroleum.

I support the President's decision to "take whatver steps are necessary to defend our longstanding vital interests" in the Persian Gulf. To that end, I stand fully behind the decision yesterday by the House of Representatives to impose tough trade sanctions against the Hussein regime. These include a total ban on Iraqi imports, including oil, and a total ban on United States exports of goods, technology, and services—save medical and humanitarian supplies.

Our Government's swift reaction will be to no avail unless our allies follow our example. To that end, I call on all nations of the civilized world to join in a total embargo against the butcher of Iraq.

THE PRODUCTIVE INVESTMENT INCENTIVE ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. JOHNSON of Connecticut. Mr. Speaker, as we approach adjournment for the August break, I am pleased to introduce a new bill, the Productive Investment Incentive Act, that I believe will help strengthen our small- and medium-sized manufacturers and help those who are dependent on defense spending convert to nondefense production.

Manufacturing is the heart and soul of our economy and current tax policy simply does not allow us to be competitive in the world market. Furthermore, we should be concerned that the economy is beginning to show weakness. As we have learned in the past, manufacturing employment is often hardest hit when the economy slumps. We need a simple, direct policy that gives manufacturing a competitive advantage.

Not only is the weakening economy endangering manufacturing but reduced defense spending directly endangers the thousands of small Connecticut manufacturers who depend on defense subcontractor work. Tax changes to help manufacturing retool for nondefense purposes and strengthen this important sector of our economy should be at the top of the summit tax agenda.

When Congress passed the 1986 Tax Act, we took away most of the complex tax preferences that had crept into the Tax Code over the years, but we also left manufacturers with a Tax Code hostile to investment and competitiveness. I strongly supported our effort to bring simplicity and fairness back into the Tax Code, and I believe my new investment bill meets both of those goals while giving manufacturers a fighting chance in this period of change and slow growth.

Under current law, the cost of most equipment is depreciated over 10 or more years. My bill would allow manufacturers to treat a certain portion of productive equipment as an expense during the year it was purchased, in effect allowing it to be written off in 1 year. The PII would allow small and medium-sized manufacturers to expense up to $250,000 per year in productive equipment investment, and would be phased out for businesses that invest more than $1 million per year.

In a competitive world, manufacturers do not have the luxury of using a machine for its entire depreciable life. Today you use a machine until the pressures of the marketplace require you to buy a more accurate, productive one, not until it is depreciated. The PII is realistic because it reflects how manufacturers actually purchase and use equipment.

Our manufacturers are competing directly with the Japanese and Europeans whose tax policies are far more supportive of investment. Last year, the manufacturing trade deficit, $103 billion, was nearly as large as the overall trade deficit of $108 billion. If we hope to narrow that gap, we need policies such as the PII that take direct aim at helping manufacturers recapitalize.

THE FINANCIAL FRAUD BILL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WEISS. Mr. Speaker, I am introducing legislation today to substantially facilitate the discovery and disclosure of fraud and misconduct at financial institutions across this Nation.

This bill, the Financial Anti-Fraud Enforcement Act of 1990, would readjust the rewards and incentives for individuals who provide tips or leads concerning violations of Federal criminal law relating to insured depository institutions.

Ridding the financial institutions of fraud and criminal activity is essential to providing a stable banking environment and restoring the public's confidence in the banking system. Attorney General Dick Thornburg said that 25 percent to 30 percent of the thrift failures can be attributed to criminal activity. Congress must find more effective alternatives to stop this activity. Granted, running the crooks out of the financial industry can be as frustrating as stamping out a brush fire. But clearly, the present law does not provide adequate incentives for potential informers to come forth with allegations of fraud and misconduct.

As the law stands, informants of illicit activities are only eligible for rewards if the assets stolen are recovered, and if the assets recovered are more than $50,000.

I believe we can offer a more attractive incentives package. For starters, this bill readjusts those financial rewards. A reward could be given to any informant who provides information on financial fraud that leads to a criminal conviction, and not just recovery of the stolen assets. The bill lowers the threshold requirement of recoverable assets from $50,000 before an informant may share in the recovery. To fund the rewards, the bill will levy fines from criminal activity.

An effective way to combat fraud and misconduct is to make it easier and attractive for potential informers to be forthcoming with information about such wrongdoing. My bill does just that. I urge my colleagues to support it.

YEAR OF THANKSGIVING FOR THE BLESSINGS OF LIBERTY, 1991

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GEPHARDT. Mr. Speaker, on behalf of myself and Mr. MICHEL, I am introducing today a House joint resolution to designate 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

During 1991 our Nation will celebrate the bicentennial of the ratification of the Bill of Rights. Making 1991 the "Year of Thanksgiving for the Blessings of Liberty" will foster national expressions of gratitude and thanksgiving for America's quality of life and the freedoms guaranteed under the U.S. Constitution and the Bill of Rights embodied in its first 10 amendments. Moreover, it will create greater awareness of the fact that along with these freedoms come responsibilities to help the less fortunate in our society.

The National Thanksgiving Foundation is a nonprofit foundation, which has made it purpose to establish 1991 as the "Year of Thanksgiving for the Blessings of Liberty." The foundation is working in cooperation with the Commission on the Bicentennial of the U.S. Constitution, the National League of Cities, the U.S. Conference of Mayors and other groups to hold simultaneous dinners throughout the United States to afford Governors, mayors, local government officials, schools, colleges, universities, and civic groups the opportunity to also designate 1991 as the "Year of Thanksgiving for the Blessings of Liberty."

These "National Thanksgiving Dinners" will also serve as fundraisers for local hungry and homeless. All proceeds from these dinners

remain in the communities where the dinners are held and go to local groups serving the needy. This is an excellent opportunity to illustrate to the youth of our Nation and to all Americans that freedom and responsibility go hand-in-hand.

A year of reflection and thanksgiving will also serve to inspire our Nation and renew in our citizens the spirit of unity and patriotism.

I urge all my colleagues to vote in favor of this important resolution. We can all look forward to a year when we can focus on the many ways our Nation has been blessed.

GIVE LOCAL POLICE THEIR SHARE OF SEIZED ASSETS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mrs. SLAUGHTER of New York. Mr. Speaker, today I am introducing a bill to guarantee that law enforcement agencies receive no less than 90 percent of the proceeds from assets seized in drug raids.

Local law enforcement agencies serve on the front lines of the war on drugs. Indeed, State and local law enforcement agencies are responsible for approximately nine times the number of drug arrests that are made by the Drug Enforcement Agency, Customs or the FBI combined. Despite being out-numbered, out-funded, and out-gunned, our local crime-fighters have rallied to the challenge. We must ensure that these local law enforcement receive the greatest share of proceeds from the sale of these assets seized in drug-related crimes.

The Department of Justice is currently considering increasing up to 35 percent the share the Department takes from seized assets for administrative purposes. This bill would establish a statutory limit of no more than 10 percent.

We must take back the streets from the drug lords currently terrorizing our communities throughout this country. This bill guarantees local law enforcement our maximum support. Senator DECONCINI has introduced an identical bill in the Senate. I urge our colleagues to sponsor this important legislation.

IN RECOGNITION OF THE VOTER EDUCATION PROJECT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LEWIS of Georgia. Mr. Speaker, as we commemorate the 25th anniversary of the passage of the Voting Rights Act, I want to acknowledge the contributions of the voter education project [VEP]. Passage of the Voting Rights Act of 1965 was secured, in part, through the efforts of VEP volunteers and staff workers.

The VEP was founded in 1962, to study the reasons for low black voter turnout in the Southern States. The VEP documented many cases of voter fraud and intimidation. This documentation was used to secure passage of the Voting Rights Act.

After passage of the Voting Rights Act, VEP continued to play an important role in the struggle for increased minority political participation. VEP raised funds to help local community groups conduct voter registration drives. By providing crucial funding and training when it was needed, the VEP helped many local organizations all over the South to register and educate minority voters.

In 1962, when the VEP was founded, only 1 million blacks were registered to vote in the South, and there were less than 50 elected black Southern officials. Through the work of the VEP and the organizations that it funded, there are now more than 5½ million blacks registered to vote in the South, and over 5,000 elected black officials.

In addition to sposoring voter registration efforts, VEP conducts citizenship education, seminars for black officeholders, and workshops for black candidates and poll watchers. VEP continues to produce important research and election analysis.

Because of VEP's efforts, our Nation has a larger and better informed number of minority voters—voters who have proved pivotal in securing minority representation at the local and national levels. The VEP has worked to make our country more democratic. For that, they deserve praise, as well as support for their ongoing efforts.

COMPUTER RESERVATION SYSTEM REFORM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to deal with a problem which has been a long standing source of concern to the traveling public and to the Aviation Subcommittee of the Committee on Public Works and Transportation: the domination by two major airlines, American's and United, of the computer reservation system [CRS] used by travel agents and the inhibiting effects of this domination on airline competition.

United's and American's CRS's are used by travel agents who, collectively, account for about 67 percent of all revenues booked through a CRS. American's and United's domination of the CRS business creates substantial competitive advantages for these carriers in the sale of air transportation. The dominant CRS position which American and United hold gives them the power to charge other airlines high booking fees for having their tickets sold through the CRS controlled by either of these two carriers.

A 1988 Department of Transportation study showed that the booking fees which United and American were charging other airlines for each ticket written on a CRS were approximately twice United and American's average cost for providing that service. These booking fees result in the transfer of hundreds of millions of dollars from other airlines to United and American.

In addition, CRS ownership by American and United gives them substantial "incremental revenues," that is, excess revenues, resulting from the tendency of travel agents to book on the airline owning their CRS. The 1988 DOT study showed that the incremental revenue transfers were producing additional revenues of hundreds of millions of dollars a year for American and United.

As a result of high booking fees and incremental revenues, American and United are realizing rates of return on their CRS system of 60–100 percent a year.

In addition, American and United have imposed restrictive provisions in their contracts with travel agents, including high liquidated damages if an agent terminates a contract, as well as provisions requiring minimum use of the CRS. These contractual provisions prevent competing CRS systems from displacing American and United, no matter how high the quality of the competitor's CRS system.

Domination of the CRS industry by American and United is inhibiting airline competition. The high booking fees are an added cost for other airlines, making it difficult for these airlines to compete with American and United. The incremental revenues also make it difficult for other airlines, particularly airlines which do not have their own CRS system, to compete.

The CRS problem is widely considered to have been an important factor in the mid-1980's wave of airline mergers, in the disappearance of new entrants from the industry and in the absence of significant new entry since 1985. Many airlines and observers of the industry believe that there is no future for an airline which is too small to own a CRS system.

The Department of Transportation inherited from the Civil Aeronautics Board rules to deal with some of the problems of the CRS industry. These rules have not been sufficient to prevent the adverse effects on competition which I have discussed. The CAB's rules will expire at the end of the year, and DOT is now considering whether to renew the rules and whether to add new regulations to deal with some of the persistent problems.

I hope that DOT will take strong regulatory action to deal with the problem. However, in the event DOT fails to take adequate action, the Subcommittee on Aviation will. The bill I am introducing today indicates the type of legislative remedy which I will pursue, if necessary.

Briefly, the bill deals with three major issues: discrimination, liquidated damages, and arbitration.

First, discrimination: the bill prohibits discrimination in CRS scheduling displays and prohibits a CRS from making it easier for an agent to make reservations on the airline owning the CRS than on other airlines.

Second: the bill contains limitations on the contract between the CRS owner and travel agents, by providing that the contract may not exceed 1 year, by imposing limitations on liquidated damages, and by providing that no contract may require that the agent make minimum use of the CRS.

Third, the bill provides for arbitration if an airline feels that the fees it is charged to par-

ticipate in the CRS system are not fair and reasonable.

Mr. Speaker, I believe that this bill offers a solid point of departure for considering CRS legislation, should DOT fail to live up to its responsibilities to deal with the problem.

TRIBUTE TO JOHN O. THAYER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to Mr. John O. Thayer, who is retiring after serving as town administrator in Portsmouth, RI.

Mr. Thayer is retiring after 17 years of outstanding and dedicated administration. Selected in July of 1973 as the first ever town administrator for Portsmouth, Mr. Thayer has helped develop and manage his town with diligence and exemplary skills. Being a resident of Portsmouth myself, I can testify to the excellent job Mr. Thayer has done day in and day out over the years.

During his tenure as town administrator, Portsmouth has grown and expanded from a rural farming community to a dynamic and vibrant town. Mr. Thayer coordinated Portsmouth's switch from a part-time to a full-time local government and oversaw the development and construction of the police station. In addition, Mr. Thayer has been the commissioner of the police, fire, and public works departments. He also developed the Melville Campground area which has been a very successful venture for the town.

I would like to thank Mr. Thayer for his years of service to the town of Portsmouth. His dedication and loyalty are a tribute to his concern for his fellow citizens. I wish him all the best for a happy and healthy retirement.

PLANT CLOSINGS CREATE 1.8 MILLION LOST JOBS PER YEAR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DOWNEY. Mr. Speaker, the Department of Labor recently released a report on worker displacement. In the last 5 years, about 1.8 million workers per year have permanently lost their jobs because a plant or business closed or moved, work was slack, or jobs were abolished. About three-fourths of displaced workers with firm job attachments were reemployed by January 1990, and about three-fifths were earning as much or more than they did before their displacement.

Yet, despite rapidly growing employment, there were perhaps 300,000 workers each year who were permanently displaced and still unemployed. Now employment growth has nearly stalled, and changes in Federal policies will displace defense workers, loggers, coal miners, and others in the next few years. Like other displaced workers in the past, many of these workers will find new jobs. But a few will need our help. Since changes in Federal policy will lead directly to their displacement, we owe it to them to provide the assistance they need.

The legislation which Representative PETE STARK and I have introduced today is designed to provide that assistance. Workers who lose their jobs as a result of military base closings, defense spending cuts, protection of endangered species, or the Clean Air Act Amendments would be eligible to apply for benefits. Modeled after the existing Trade Adjustment Assistance Program, groups of workers would apply to the Department of Labor for eligibility certification. Eligible workers would obtain their benefits from their State employment security agencies. In keeping with our pay-as-you-go approach, these benefits would be financed by a 5-year extension of the two-tenths of a percentage point Federal unemployment tax rate, which expires at the end of this year.

A summary of the Economic Adjustment Assistance Act follows:

SUMMARY OF THE ECONOMIC ADJUSTMENT ASSISTANCE ACT OF 1990

OVERVIEW

The bill would authorize a five-year adjustment assistance program for dislocated workers patterned after the trade adjustment assistance program. In addition, unemployment compensation for ex-servicemembers would be restored to the same 26-week duration available to civilians. The bill would be financed by extending the current 0.2 percentage point Federal unemployment surtax for five years beginning in 1991.

ADJUSTMENT ASSISTANCE PROGRAM

Under the adjustment assistance program, 26 weeks of unemployment compensation would be provided (in addition to the regular 26 weeks of benefits) for workers who are dislocated from their jobs as a result of:

(1) military base closures;

(2) defense authorization cuts below fiscal year 1990 levels;

(3) the Clean Air Act Amendments of 1990; and

(4) protection of species under the Endangered Species Act of 1973.

Benefits would be available as an entitlement to eligible workers subject to a cap in fiscal year 1991 of $700 million and one billion dollars in each of the ensuing four years. The program would expire at the end of fiscal year 1995.

WORKER CERTIFICATION

Groups of workers could petition the Department of Labor for certification of eligibility. State employment security agencies would administer the program under cooperative agreements with the Department of Labor. A group of workers would be eligible for certification if:

(1) a significant number or proportion of the workers have been or are threatened to be totally or partially laid off from a firm or appropriate subdivision of a firm (including the Federal government);

(2) sales or production or both of the firm or appropriate subdivision of the firm have decreased absolutely; and

(3) a military base closing, defense authorization cuts below fiscal year 1990 levels, the Clean Air Act Amendments of 1990, or protection of species under the Endangered Species Act of 1973 contributed importantly to the layoffs and the decline in sales or production.

INDIVIDUAL ELIGIBILITY

In order to receive benefits, each worker from a certified group must meet the following criteria:

(1) The worker's separation from the firm or appropriate subdivision of the firm must have occurred within the applicable certification period;

(2) the worker must have been employed at least 26 weeks at wages of no less than $30 per week during the 52-week period preceding the week of the first qualifying separation;

(3) the worker was entitled to regular unemployment compensation and has exhausted all regular and extended unemployment compensation; and

(4) the worker must be enrolled or participating in training, or have completed an approved training program, or have received a waiver from the training requirement because training is "not feasible or appropriate." (If the worker is not enrolled or participating in training, but still is eligible for benefits, he is subject to the job search requirements under the Extended Benefits program.)

PROGRAM BENEFITS

Under the program, certified and qualified dislocated workers could receive cash benefits and health insurance. In addition, employers could claim the targeted jobs tax credit for certified and qualified dislocated workers. Each of these benefits is described below:

CASH BENEFITS

Cash benefits would be equal to the weekly benefit amount for which the worker is eligible under the regular State unemployment compensation program. Total weeks available under the regular, extended, and dislocated worker programs would be limited to 52 weeks. If the worker received only 26 weeks of regular benefits, he could get 26 additional weeks of cash benefits. If he received 26 weeks of regular benefits and 13 weeks of extended benefits, he could receive only 13 additional weeks of cash benefits.

HEALTH INSURANCE

During the first 26 weeks of unemployment, workers would be eligible for the current COBRA health insurance provisions for the unemployed. These provisions enable former employees to purchase health coverage under the employer's plan for a period of between 18 and 36 months after leaving the job.

Workers receiving adjustment assistance under this program or trade adjustment assistance would be eligible for health insurance through the Medicare program after 26 weeks of unemployment with the same benefits as the program currently offers those over age 65.

Workers would be offered the option of not enrolling in Medicare, enrolling as an individual, or enrolling the worker's entire family. State employment security agencies would process enrollment.

Workers would pay the Medicare Part B premium through a deduction in the unemployment insurance benefit they would receive otherwise. The individual premium would be the same as that paid by the elderly and the family premium would be a multiple of that amount based on average family size.

Eligibility would end after reemployment or termination of cash benefits whichever occurs first.

TARGET JOBS TAX CREDIT

Certified and qualified dislocated workers, including those certified and qualified for trade adjustment assistance, would be added to the list of workers for whom employers may claim the targeted jobs tax credit.

EX-SERVICEMEMBERS

The 4-week waiting period and the limit of only 13 weeks of benefits for ex-servicemembers would be repealed. This would give ex-servicemembers the same benefits as civilians. Generally, they would wait one week and then begin receiving up to 26 weeks of benefits.

PAY-AS-YOU-GO FINANCING

The bill is financed fully within the unemployment compensation system by extending an existing unemployment surtax. Over the five-year period, the revenues raised would exceed outlays by about $220 million. Total cost of the bill would be about $5.2 billion from fiscal year 1991 through fiscal year 1995.

PRELIMINARY COST ESTIMATES

[In millions of dollars]

Provisions	Fiscal years—					
	1991	1992	1993	1994	1995	5-yr
Extend surtax	−790	−1,110	−1,140	−1,170	−1,200	−5,410
Program benefits	700	1,000	1,000	1,000	1,000	4,700
Ex-servicemembers	90	90	100	100	110	490
Effect on budget deficit	0	−20	−40	−70	−90	−220

THE BEHAVIORAL AND SOCIAL SCIENCE DIRECTORATE ACT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WALGREN. Mr. Speaker, today Mr. BROWN of California and I are introducing a bill to establish a separate directorate within the National Science Foundation [NSF] for the social and behavioral sciences. I hope this measure will give these critical but often overlooked fields the support and visibility within the Federal Government that they deserve.

Over the past half century, federally funded basic scientific research has allowed us to make great strides toward understanding our world. We have probed the mysteries of the atom, searched the night skies for distant galaxies, and unlocked many secrets of life itself. Basic research yields new knowledge, products, and processes which, over time, result in economic growth and better, more productive lives for all Americans.

For most of these 50 years, the National Science Foundation has taken the lead in setting basic research goals and priorities and in distributing Federal-civilian research resources. While it suffered terribly at the hands of the Reagan administration during the early 1980's, NSF's budget has enjoyed a recent upswing, and President Bush has proposed doubling the NSF budget by 1993.

Unfortunately, one area of scientific discipline—the study of the behavioral and social sciences—has been conspicuously immune from this upswing in Federal support. In current dollars, the behavioral and social sciences have only recently caught up to their 1980 levels. In constant dollars adjusted for inflation, NSF support for the social sciences has fallen nearly 38 percent in the past decade—while the total NSF research budget grew by 27 percent by comparison. Like all budget requests under the Reagan administration, President Bush's fiscal year 1991 proposal would grant social science programs a far smaller increase than the 14-percent increase proposed for the NSF as a whole. It has become clear that the NSF's enthusiasm for the behavioral and social sciences is at best lukewarm.

Should the NSF be more supportive? We believe it must be. Research in the behavioral and social sciences is absolutely essential if we are to make informed choices about our society. Social and behavioral scientists investigate the most serious problems of modern life—like violence, theft, and illness—and work to enhance those things which represent the best of civilization.

Through research in fields such as psychobiology, neuroscience, social development, and economic, historical, and demographic surveys, scientists have developed greater understanding of behavior and social phenomena which affect the quality of life of all of us. Revitalized Federal funding and visibility for these disciplines would permit scientists to continue to advance our understanding of brain processes, memory, motivation, social interactions, individual and group choices, language, family relations, negotiating techniques, and the structure of organization. By allowing the behavioral and social sciences to wither from lack of support, we are dooming ourselves to repeat the mistakes and tragedies of the past.

I believe that the cause of the NSF's declining support for research in the social and behavioral sciences is largely structural. Since 1975, NSF's behavioral and social science programs have been developed within the Directorate for Biological, Behavioral, and Social Sciences [BBS]. Since its creation, this directorate has been headed by a biologist, a physical scientist with relatively little background in the behavioral or social sciences. Within NSF, the BBS is even known informally as "the Biology Directorate."

As the chairman of the House Science Research and Technology Subcommittee, I heard testimony from numerous witnesses who identified the NSF's directorate structure as one of the primary reasons for the declining Federal support of the social sciences. Indeed, an ad hoc committee commissioned by NSF to examine the organization of behavioral and social science within the Foundation recently recommended "radically increased" resources for NSF's behavioral and social science programs and the "consideration of a separate directorate for behavioral and social science."

The historic pattern of reduced support for the behavioral and social sciences can lead only to the conclusion that the biological, behavioral, and social science directorate should be divided into its natural parts with a behavioral or social scientist at the helm of a separate directorate for behavioral and social sciences. The legislation we introduce today would make this important change.

THE BILL

Our bill would amend the National Science Foundation Act of 1950 to require the establishment of a separate directorate for behavioral and social sciences. The bill would authorize the NSF Director to appoint an assistant director to head this new directorate and would stipulate that the new assistant director possess all of the functions, duties and benefits currently provided to all other NSF assistant directors. It is important to note that our bill would retain the NSF Director's discretion to establish whichever other directorates and divisions he or she determines to be necessary. The full text of my legislation follows.

If we are to restore Federal support for research into areas as important to our survival as human behavior, Congress must act to give the behavioral and social sciences adequate standing and visibility within the National Science Foundation. I am pleased that Congressman BROWN has joined me as an original cosponsor of this bill, and I urge the rest of my colleagues to join me in support of this important measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Behavioral and Social Sciences Directorate Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the contributions of the behavioral and social sciences to the welfare of the Nation have been well-documented in reports by the National Academy of Sciences, in testimony before the Congress, and through other means;

(2) in 1968, the Congress recognized the potential of these disciplines to benefit the Nation by providing the National Science Foundation explicit authority to support the social sciences;

(3) Federal funding is essential if the Nation is to realize the potential resulting from advancements in research in the behavioral and social sciences;

(4) the programs carried out by the National Science Foundation in the social and behavioral sciences have, since 1975, been administered by the Directorate for Biological, Behavioral and Social Sciences (an administrative unit of the Foundation), which Directorate has been headed solely by biologists;

(5) financial support provided by the National Science Foundation for research has increased 27 percent in constant dollars since 1980, while financial support provided by the Foundation for research in the psychological and social sciences has fallen by 38 percent in constant dollars during the same period;

(6) Federal financial support for the behavioral and social sciences has fallen by approximately 30 percent in constant dollars since the late 1970's; and

(7) the public welfare regarding the behavioral and social sciences is best served by providing such sciences a status within the National Science Foundation equal to the status provided to disciplines represented in the Foundation through separate directorates.

(b) PURPOSE.—The purpose of this Act is to establish a Directorate for Behavioral and Social Sciences to carry out the functions of the National Science Foundation that relate to the behavioral and social sciences.

SEC. 2. ESTABLISHMENT, WITHIN NATIONIAL SCIENCE FOUNDATION, OF THE DIRECTORATE FOR BEHAVIORAL AND SOCIAL SCIENCES.

Section 8 of the National Science Foundation Act of 1950 (42 U.S.C. 1866) is amended to read as follows:

"DIRECTORATES AND DIVISIONS WITHIN THE FOUNDATION

"SEC. 8. (a) There is established within the Foundation a Directorate for Behavioral and Social Sciences, which shall be headed by an Assistant Director of the Foundation (hereafter in this section referred to as 'the Assistant Director'). The Director of the Foundation, in consultation with the Board, shall appoint the Assistant Director, who shall be an individual with expertise and experience in the behavioral and social sciences.

"(b) The Foundation, acting through the Assistant Director, shall carry out the functions specified in section 3 as such functions relate to the behavioral and social sciences.

"(c) There shall be within the Foundation such directorates in addition to the directorate established in subsection (a), and such divisions within the directorates, as the Director, in consultation with the Board, may from time to time determine.

"(d) Each additional directorate shall be headed by an assistant director. Each assistant director shall receive basic pay of equal rates and shall perform duties similar to every other assistant director.

"(e) For purposes of this section, the term 'behavioral and social sciences' includes anthropology, behavioral neuroscience, demography, economics, geography, history, linguistics, political science, psychology and psychological processes, sociology, and any other disciplines commonly understood to be within the realm of the behavioral and social sciences.".

BILL KRUEGER: A TRIBUTE

HON. JAMES L. OBESTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. OBERSTAR. Mr. Speaker, a short time ago, northeastern Minnesota lost a fine journalist and a good friend.

For 40 years, William H. "Bill" Krueger was a voice of conscience for listeners to radio station KDAL in Duluth. Two generations of news consumers grew up listening to Bill Krueger's news and commentary each day.

Bill brought Duluth radio into a new era. He was the first full-time radio journalist in the market. He was also the area's first broadcast editorialist, and his commentaries were always well-reasoned, insightful and thought-provoking. He was not afraid to take an unpopular position, or to stand up for what he believed.

Bill's big, authoritative voice belied his small physical stature. Afflicted by a genetic disorder that stunted his growth, Bill stood 4-foot-6. Additionally, a spinal defect, possibly related to his size, left him confined to a wheelchair for the past 36 years.

Bill saw his physical problems as a challenge, rather than a handicap. Besides his radio work, he also wrote a column for a weekly newspaper, the Duluth Budgeteer, and taught journalism at the University of Minnesota at Duluth.

However, it was in radio where Bill made the greatest impact. In that magical medium, where presence is more important than appearance, he stood 10 feet tall. His list of awards and citations is lengthy and impressive. He was recognized throughout Minnesota and the Midwest as a leader in journalism, as a friend of education and as an advocate of the handicapped.

Bill retired 5 years ago, but continued to provide commentary for KDAL and KDHL-TV. His death May 25 marked the end of an era for broadcasting in the Twin Ports, and in northeastern Minnesota and northwestern Wisconsin.

I invite my colleagues to join me in recognizing the accomplishments of this remarkable man, and in extending sympathy to his widow, Marilyn, and his children: Margaret, Mary, Kathleen, Paul, Phillip, and Daniel.

In closing, I would like to share with the House three of Bill's commentaries, broadcast on KDAL just before his retirement in 1985. I'm sure after reading them, you will share my unending admiration for Bill Krueger, a beloved and treasured friend.

THIS IS BILL KRUEGER WITH COMMENT

There is always the future tense about international terrorism—where and when will it happen next. America had been hungry for some kind of victory over terrorism, and it got one when American fighter planes forced the Egyptian airliner to land in a Sicily rather than proceeding to Tunis. For its expert effort, the United States captured four suspected terrorists. And President Reagan made a public statement, saying about the Navy pilots involved: "These young Americans sent a message to terrorists everywhere; they can run but they can't hide."

While the United States did achieve a victory, the President, as is his wont, carried the value and the significance somewhat beyond the reality. Terrorists will continue to run and hide, and they will continue to strike. Moreover, it is impossible to know what this capture of terrorists will do so far as other American hostages overseas are concerned and what stimulus the forcing down of the airliner will have on other terrorist attacks at points unknown around the world.

It is to be hoped that if, by some chance, the terrorists are extradited to the United States that we, through the Reagan administration and the media, will not put on a show trial of some kind. That would be to lose completely the perspective on this recent achievement, where a battle truly has been won, but where the war continues at about the same pitch as in the past.

Most of the research studies on Lake Superior continue to tell us that it is becoming increasingly polluted, despite the best efforts to keep it clean. At least one member of the Minnesota pollution control agency has said that we must accept a certain level of pollution if we are to maintain industrial development in the region. No one states clearly how much pollution that might be, and once a breach is made in that wall of cleanliness, how much pollution does one allow.

Lake Superior and the other Great Lakes were the result of a great glacial movement thousands or millions of years ago. There are nothing but so-called natural pollution of the lakes for years following that time—only the fallen trees and the natural erosion to muddy the water. But since the industrial revolution, there has been a slowly growing level of pollution, which expands more rapidly year by year because there are more people and because there is heightened economic development.

Lay people can assume that Lake Superior will be around in a recognizable shape and form until the next great glacier, if there is one. In the meantime, we will be passing the lake along to countless generations in the future. By allowing what we called limited pollution, we will be turning an increasingly dirty lake over to generations to come. Since it takes scores of years for this giant body of water to flush itself, what kind of increasing degradation can our great-great-grandchildren and those who follow expect from this father of waters?

A former Twin Ports television news achorwoman, Cindy Brucato, is the subject of an interesting yet unsettling profile in the Minneapolis paper last week. Cindy was rather a brash, assertive person who conveyed that very personality as an achorwoman at channel 10 in Duluth in the mid-seventies then she moved on to channel 5 in the Twin Cities, into the big leagues as the twin cities market is often called. Cindy ultimately worked into an anchor spot at 5, 6, and 10 p.m., conveying the same assertiveness with considerable success.

Now, according to the newspaper profile by TV critic Nick Coleman, Cindy Brucato has changed, and Cindy acknowledges the change. After being taken off two of her broadcasts while the station was suffering some low audience ratings, Cindy became softer and more demure, somewhat more retiring in her interaction with the male coanchor. It seems she had received letters from viewers suggesting she tone down her image, and powers and the TV station suggested much the same. So Cindy Brucato changed.

The point of all this is that here, again, the medium becomes the message. Cindy Brucato presumably is a newswoman and it should not matter whether she is assertive to a point on the TV tube. What should matter is her news sense and her ability to get the news across to the viewers—neither of which has been questioned. But the reality is that these latter elements are less and less concern. Cindy Brucato becomes yet another victim of image over substance in the electronic news business.

TRIBUTE TO JULIE ARMOR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Julie Armor, of Portsmouth, RI, this year's "Providence Journal Bulletin Honor Roll Girl."

Julie, who attends Portsmouth High School, is an outstanding athlete. She excels at a wide variety of athletics, including basketball, gymnastics, cross country, and track. Through her 4 years of high school she was chosen for "All-State and All-Division" teams in track. In

addition, during her junior and senior years, she was chosen as captain of the cross country team.

Julie, besides being an excellent athlete and competitor on the field, is also an outstanding student in the classroom. During her 4 years at Portsmouth, she received straight "A"s in all her classes. She is a member of both the National Honor Society and the Spanish Honor Society. She was selected as class secretary for her junior and senior years as well.

Through her accomplishments, both in the classroom and on the playing fields, Julie has proven to be a model student. She is a proven leader, and I commend her on her outstanding achievements. I wish her best of luck in her future.

VOLUNTARY NATIONAL SERVICE

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PENNY. Mr. Speaker, throughout our history, and particularly in this century, generations of young Americans have been called on to serve their country. We have faced two World Wars, conflicts in Korea and Vietnam and dealt with a worldwide economic depression. And we have prevailed. Thankfully, the threat of world war has been lessened for the young people of the nineties. But, the challenges of our society are as great as ever as we struggle to meet the needs of our citizens—young and old, the needs of our communities—large, and small; and the needs of the future—economic and educational. How are we to address these needs?

A program of national voluntary service which would allow the energy, vitality, and intelligence of this new generation of Americans to be used to address these needs is that positive step.

The debate on the issue of national service has been around for several years, but was specifically opened at the beginning of this Congress by my colleagues Senator NUNN and Mr. MCCURDY who introduced the most sweeping proposal, based on an initiative of the Democratic Leadership Council and the work of Dr. Charles Moskos. Other service proposals such as the civilian conservation corps proposed by Mr. PANETTA have been around for a number of years. And, bills such as Mikulski-Bonior, McCain-Porter, and others contributed further to discussion on the issue. And, in my legislation, I am indebted to all these and others who have made various proposals.

For a short while, national service was the hot topic editorially, on talk shows and here in Washington. But like many hot topics, this one was cooled off. I think that is a shame, and hope to reopen the debate once again with my proposal.

Some would argue that the Kennedy service bill passed by the Senate and H.R. 4330 currently pending in the House have moved us closer to establishing a workable system of national service. These are very modest proposals and neither addresses the issue in any broad way. Again, it is important to continue to discuss national service bcause the unmet needs of our society continue to grow and we need to cultivate a civic consciousness among today's citizens.

What exactly do I propose? I am introducing legislation that would create, restore, and expand opportunities for voluntary national service. The legislation is designed to promote community service and civic responsibility by providing opportunities for individuals to serve their communities. It would encourage volunteer participation by providing assistance in student financial aid in exchange for voluntary service. It would enhance recruitment and retention in our Nation's Armed Forces by improving benefits under the provisions of the Montgomery GI bill education programs. It would expand international volunteer service opportunities by affording educational assistance for those serving overseas with private voluntary organizations as well as those serving in the Peace Corps. And, it would encourage qualified individuals to enter and be trained for law enforcement service.

Title I of my bill establishes a program of domestic voluntary service under the auspices of the ACTION Agency and in cooperation with the States. Under this title, States would submit a plan to ACTION, requesting the number of volunteers they could utilize in Federal, State, and local agencies or community organizations. These slots could be either full time or part time. Volunteers from that State would then apply and be placed in these positions, taking into account the abilities of the volunteer as well as the needs of the agencies. While most of the volunteers are expected to be of high school and college age, the program has no upper age limit, and is open to any volunteer age 16 and above.

Volunteers may choose to contribute 1 year of full-time service, during which they would receive a small stipend and health insurance benefits. Upon completion of their service, they would be entitled to a nontransferable voucher of $8,904. This voucher could be used only to pay for a federally sponsored student loan or for tuition, fees, and so forth, at an educatoinal institution.

For volunteers who choose to make a part-time commitment, they must serve for a period of 2 years, consisting of either two weekends a month and 2 weeks a year of full-time service or an average of 9 hours each week of community service. Upon completion of the 2-year commitment, the volunteer would receive a voucher of $4,452. The part-time option is important for those who want to do community service but for whom a full-time commitment is not practical.

In order to encourage volunteers to complete and continue their education, the bill also requires that volunteers have a high school diploma or its equivalent by the time they complete their service.

As much as possible, volunteers are to be utilized in existing programs, with an emphasis on areas of greatest need such as Head Start programs, child care centers, facilities for the elderly, and so forth. Even in program administration, I have attempted to use existing structure. ACTION is the ideal overseer for the program since ACTION already has 45 State offices, a number of regional offices, and their designated mission is coordination of voluntary service throughout the Nation. It also makes good use of the vast voluntary resources already in place in the 50 States. Most already have youth service programs and would readily be able to mesh their activities with a national service program. The idea of my domestic service initiative is to build on rather than supplant existing programs.

Title II came from an idea that occurred to me at a hearing held by the Select Committee on Hunger. It seemed reasonable to give educational assistance to those who chose to serve overseas with private voluntary organizations such as Save the Children and CARE just as we provide educational assistance to Peace Corps volunteers. Title II allows repayment of $6,700 per year on principal and interest for educational loans, with a cap of $13,400 on the total repayment. By expanding this benefit to service with private voluntary organizations we would encourage many more individuals who are willing to make at least a 1-year overseas commitment.

For title III of the legislation, I am indebted to my colleagues Mr. DORNAN and Mr. FRANK who introduced H.R. 2798, the Police Corps Act, last summer. As I have said previously, I think establishment of a police corps is a role that the Federal Government can appropriately play and one that will make a tremendous difference in the ability of our State and local governments to fight crime, curb drug abuse, and make all our communities safer. By increasing the pool of trained law enforcement officers, we will be addresssing the problem right where it will do the most good, on the front lines. In addition, the police corps provides a means for these young people to attend college in order to enhance their law enforcement skills. The police corps would also assist financially strapped cities, counties, and communities by assuming a significant share of the costs of training law enforcement personnel. This title incorporates much of H.R. 2798, while establishing lower participant numbers and benefit levels consistent with the military service benefits elsewhere in the legislation. This title also allows the child of a law enforcement officer killed in the line of duty to receive the benefit.

Title IV of my bill addresses the issue of college student loans. While the legislation does not change existing student loan programs, it does provide deferment of loan repayments while the student is participating as a volunteer in any of the programs proposed.

Earlier bills have proposed eliminating existing college student aid programs and replacing them with vouchers earned exclusively through national service. I do believe that an earned benefit based on previous service is a good idea, however, it is perhaps too early to phase these programs out entirely. Recognizing the high costs of higher education, we instead need to look at other options for complementary student aid and national service programs.

Title V builds on one of the most successful incentive programs ever passed by the Congress, the Montgomery GI bill. Basic benefits under the Montgomery GI bill, both active duty programs under chapter 30 to title 38 and Guard and Reserve programs under chapter

106 of title 10 would be increased. The increase of benefits reflects the approximate 30 percent increase in education costs that have occurred since the inception of the program 5 years ago. The basic benefits for those who served a 3-year enlistment would be $468 per month for 36 months and $325 per month for a 2-year enlistment. For Guard and Reserve members, the benefits would be $182 a month for full-time students, $136 per month for 3/4-time, and $91 per month for half-time students.

Since the Montgomery GI bill has been responsible for the recruitment and retention of the brightest and best of our young people into military service, I would not want to tamper with its success. It works, it provides outstanding educational opportunities for our young people and it is widely accepted throughout our Nation.

Overall, I think this legislation is a good start. It is an attempt to incorporate the best ideas and programs currently available and is a springboard for further discussion of the issue of national service.

There is also no question that this legislation would be costly. But, if we are able to get our Federal deficit under control today, by the time we are of a consensus on national service, we should be able to afford the costs of the program. Unless we prepare the groundwork now, we will not be able to take advantage of the opportunity before us to recruit a new generation of Americans in areas of service which enhance their own sense of citizenship, and advance—at home and abroad—the helping hand that is part of America's character.

TRIBUTE TO MOLLY LOCKE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. WILSON. Mr. Speaker, during our July recess this year I had the high honor to pay tribute to one of the finest citizens in my district.

Molly Locke is one of our local heroes in east Texas. She works miracles for her neighbors and community, is always ready to help people in need, and is continually mobilizing cadres of helpers for the senior citizen programs that she runs. A friend of mine, W.O. (Zero) Lewis, wrote a wonderful column about Molly's miracles last December, and I insert it in the RECORD as Zero's and my tribute for a fine and special lady:

ZERO'S COMMENTS FROM CORRIGAN

(By W.O. (Zero) Lewis)

Molly Locke wasted no time in getting the ball rolling for assistance to the four Woodside children following the loss of their parents and everything they owned when their home burned. The accident occurred on a Saturday. By the following Wednesday Molly had completed the coordination and administrative work with proper government agencies to start social security and Veterans Administration assistance to the children, plus legal initiatives for guardianship of the children by their grandparents.

Learning of her speedy and untiring efforts for that family resulted in a visit and interview with Molly to talk about her work, and to talk with others on that same subject, and enlighten our readers via this column about her importance to our community and county and state with regard to health care of certain categories of local people, especially the needy (indigent) and/or elderly.

Molly Locke wears three hats. One is as manager of the Corrigan Nutrition Center, one of the best anywhere; one as County Indigent Health Care Administrator for North Polk County; and third as administrator of the Human Resource Service Center, the large building which started out as a hospital.

You might get a fight if you criticized the Corrigan Nutrition Center, or Molly, before about 45 regulars and another 20 who have meals brought to them five days a week. Managing the center also includes supervision of the Retired Senior Volunteer Program (RSVP); Outreach Telephone Reassurance which provides assurance to senior citizens who need help; Omnibus Meal Program for Hungry People; transportation for the elderly.

That network of services to help the elderly is funded through several sources including the county, Deep East Texas Council of Governments (DETCOG), U.S. Department of Agriculture, contributions to meals by participants, omnibus federal funds for feeding the hungry, plus local support from businesses and corporations.

Indigent health care is for those who are the poorest among the poor ages 18 through 64, males, nonpregnant females, for emergency or short term illnesses. Those categories of people usually are referred to Molly by other organizations or individuals. She interviews them and provides assistance through coordination with an appropriate agency which may be social security, SSI, medicaid, Department of Human Resources or others. Personnel with whom she works are exceptionally cooperative and helpful, Molly said. Many categories of illness and injury require checking with several sources. Numerous rules and laws apply to many different and specific illnesses and injuries.

Molly knows the procedures and routes to take to get results. She said, "Excellent cooperation and coordination from other agencies help me get quick action on any matter." She has high praise especially for those who work in Congressman Charlie Wilson's office in Lufkin who help cut 'red tape'. She said, "They are just great. They provide excellent, fast coordination on any federal government matter."

And Molly also was complimentary of the East Texas Legal Services office in Huntsville.

Needless to say, her work involves much correspondence, filling out numerous forms, many telephone calls and follow-up.

Molly Locke also has become quite an expert on insurance matters. She is very helpful with advice and assistance on insurance to many senior citizens, particularly with regard to help on filing and collecting on insurance. Much of that help involves supplemental insurance policies, those policies which supplement medicare payments.

On that and another subject Molly said, "Many elderly who have income of $444 per month or less are qualified for benefits they are not aware of and some have a supplmental insurance policy either related to their retirement or from another insurance company which causes them to be eligible for benefits if they will apply. I help them in those matters."

Over the years Molly has served on many committees and boards which have resulted in acquisition of vast experience and expertise in her work involving health matters. Some include Ombudsman for the state of Texas; regional health planning board; long term health care board; Home Health, Home Care advisory board; advisory committee of health for DETCOG; Corrigan Hospital District Board secretary for 18 years, and other boards which relate to health care. She also is a past director of the Polk County Chamber of Commerce.

About her work in health care matters Molly said, "It is a self-satisfying job because I can help people meet their needs."

Molly's duties as administrator of the Human Resources Center involve keeping the large building and grounds in good condition, renting office space, and related matters.

Those who know Molly Locke and are familiar with her work have high praise of her uncanny knowledge of pertinent rules and regulations and her ability to get quick results even when dealing with a multitude of government bureaucracies, rules and laws.

She is a real asset to our community and this area.

JAN SMITH/ORGANIC GARDENING

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HYDE. Mr. Speaker, I want to commend to my colleagues the work of a constituent, Jan Smith of Carol Stream, IL. Jan has been extensively involved with the bread for the world and with the harvest of peace projects. She has been recognized for her work with organic gardening, which, in a world that is becoming increasingly ecologically aware, has proven quite successful. Jan's work was highlighted in an article in the April 1990 issue of Midwest Living, which I include for your consideration.

NATURAL GARDENER IN ILLINOIS

Jan Smith makes friends with almost all the creatures that creep, crawl, or flutter into her vegetable garden. "That striped worm," she says, pointing to the critter that's nibbling on her carrot leaves, "is the larva of the beautiful black swallow-tailed butterfly. So, I just share."

An organic gardener, Jan grows her vegetables in a natural environment. Composts and earthworms, not synthetic chemicals, nourish the soil. Quiet benefactors, such as toads, birds, and ants, thrive without harming her flourishing plants.

"If we use chemicals, we kill way more than we realize, and then we have more problems," she explains simply.

Instead, Jan cleverly discourages unwanted garden guests. She sprinkles wood ashes on cucumber plants to deter many insects; pesky aphids lay their eggs on the lamb's-quarters weeds in Jan's garden, not on the cabbage; and she plants Butternut winter squash, a variety that borers simply seem to pass up.

GARDENING NATURE'S WAY

Raised on an Illinois farm, Jan started gardening organically 26 years ago, when she and her husband, Earl, a school principal, moved to Carol Stream, just west of Chicago. A flower garden (organic, of course) consumes half their front yard, and vegetables and flowers grow out back.

"When I started here, I found an insect on a bush and rushed out to buy a can of [bug spray], she recalls. "But I didn't use it after reading the label!"

Nearly three decades later, neighbors hardly bat an eye when Jan backs her trusty Mazda pickup into her yard to dump another load of straw, manure, or leaves she's collected. In fall, her phone rings with offers of leaves. Sometimes, she helps herself to bags of leaves sitting along the curbs. "I used to stop and tell the homeowners how wonderful leaves were for their soil, but I've stopped crusading like that," she says.

"PESTS" HELP OUT

Into Jan's compost pile go straw, leaves, manure, mushroom compost (from a nearby Campbell's Soup Co. mushroom farm), worm castings from an earthworm farm, grass clippings, and wood chips. After the compost seasons for a summer, Jan spreads it on her soil in fall. "I don't mix it in," she says, "because the earthworms eventually will. That's closer to the way nature does it.

Jan's vegetable patch grows in five 12×4-foot raised beds. Between each bed is a 16-inch-wide and 2½-foot-deep trench, where she piles compost. The soft trenches are her pathways; Jan can tend her plants without compacting the beds.

Admitting that her organic methods don't bring the same results every year, Jan says: "I don't always have control. But that's part of the wonder of it all—not knowing what this year's adventures will be!"

ORGANIC GARDENING ADVICE

Organic gardeners build up the soil's nutrients naturally to raise healthy plants. "Also, you avoid toxic chemicals to protect the beneficial organisms in the garden—including the gardener!" explains Jan Smith.

Here are her tips to help you get started:

Buy seeds or plants that are the most disease-resistant. Jan plants the Whopper VFNT tomato, a quadruple-disease-resistant hybrid available from Park Seed Co., Greenwood, South Carolina.

Use straw, grass, or leaves, mulch freely and frequently. Mulch keeps the soil moist and cool, suppresses weeds, and adds valuable compost.

Compost, compost, compost! But remember: Compost bins aren't garbage piles. Jan piles on grass clippings, leaves, wood chips, vegetable and flower prunings, and small branches. She lets those decompose through the summer, then spreads the compost on the soil in the fall.

Put birdbaths around your yard. Birds tend to stay near water sources in summer and control garden insects.

Learn about using beneficial weeds and insects. Lamb's-quarters weeds, for instance, not only attract aphids away from vegetables, they also draw invaluable ladybugs that feed on the aphid larvae.

SUPPORT THE BLACK LUNG BENEFITS RESTORATION ACT

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MURPHY. Mr. Speaker, I rise today to introduce a long overdue package of amendments to reform the Federal Black Lung Benefits Program. I chair the Subcommittee on Labor Standards, which has jurisdiction over the Federal Black Lung Benefits Program, and over the course of the past 6 months we have held several oversight hearings on the status of the program around the country. Our findings have been disappointing, and the testimony I have heard has made me angry and concerned.

Over the 20-year life of this program, many retired men and women have come to depend on its monthly stipend as an important means of support. These people, many elderly and infirm, have come to lose faith in the program over the last decade realizing that during the Reagan years their health and well-being could be sacrificed for the fleeting benefits of meager budget savings. This situation is both disheartening and sad. I am introducing this legislation today, because I believe it offers a chance to start over. I encourage my colleagues to support this amendment, and I would like to take this opportunity now to briefly outline my proposal.

Section 1 mandates that any claim filed between July 1, 1973, and April 1, 1980, be approved if any medical evidence of black lung is provided. The presumption could be rebutted if the claimant is able to do their usual coal mine work, if disability did not arise from black lung, or if the claimant did not have the disease.

Section 2 calls upon the Secretary of Labor to review any black lung claim filed with the Department of Labor before April 1, 1980, or with the Social Security Administration at any time. Decisions as to eligibility by the Secretary concerning such claims would be based upon guidelines established in the pre-1980 act. If a claim is approved, the claimant would be given an immediate benefit payment. If the claimant is rejected, they would be given the opportunity to introduce additional evidence to support their claim.

Section 3 exempts claimants from repaying benefits that they received in good faith for at least 2 years prior to a final decision that the claimant is ineligible. If the claimant has already been required by the Secretary to repay benefits, the Secretary will refund to the claimant the amount he or she repaid.

Section 4 extends the current moratorium on interest owed by the black lung disability trust fund to the U.S. Treasury. The bill mandates that no interest will be charged against the trust fund from October 1, 1990, to September 30, 1995.

Section 5 establishes a contingency fee system, allowing an attorney to be paid up to 25 percent of the benefits paid to a claimant. This payment would begin at the date of the claimant's retirement or from the date that the attorney takes this person on as a client. If the person is denied their claim and the same attorney continues to represent them, the attorney will be paid no more than 25 percent of the benefits from the date that appeal is filed to the date the claimant prevails or the attorney no longer represents that person.

I believe the time has arrived for us to correct inequities in the Black Lung Program. This legislation addresses the concerns of many Members of the House who have expressed an interest in this issue, and I ask my colleagues to give this proposal their careful consideration.

DOMESTIC VIOLENCE IS A CRIME; NOT A PERSONAL MATTER

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BUECHNER. Mr. Speaker, imagine a world where there are no laws, where crimes are neither prevented nor punished, but merely a fact of life. Imagine also living in constant fear of an angry, sadistic, or drunken aggressor from whom there is no escape. Many Americans, especially women, will be going home to just such a world tonight.

Spousal abuse is a crime to which we have historically turned a blind eye. In fact, society often refers to it as domestic violence, believing that the word "domestic" somehow mollifies violence. However, violence that occurs within the home is just as serious as the violence in the streets.

As a governing body, Congress can only legislate and hope that attitudes will follow. Today, I am introducing legislation that will lay the legislative groundwork for State policies concerning family assaults. It makes strong recommendations to amend the Family Violence Prevention and Services Act to establish certain procedural protections for victims of domestic violence. The bill also plugs loopholes in State domestic violence laws by interstate enforcement and provides for the establishment of training programs for judges in the laws of the States on family violence.

As years ago in the Missouri State Legislature, my fellow Missourian, Congressman ALAN WHEAT and I joined together to protect the rights, and lives, of domestic violence victims. Those were tough times back in the State legislature over 8 years ago when we were deeply involved with the creation of Missouri's adult abuse protection law. We and others had to fight backward attitudes toward the treatment of domestic violence. However, in the end we prevailed. Although Missouri's adult abuse law is not perfect, it is considered extremely progressive and effective because it strikes a middle ground with protecting victims while offering discretion in arrest to law enforcement officers.

Mr. Speaker, there is no institution more sacred than the American family. Yet there is increasing evidence that the greatest threat to the family may come within.

I urge all my colleagues to join me and my Missouri colleague ALAN WHEAT in supporting a national standard for laws to fight abuse.

Domestic violence must be treated as a crime, and not as a personal matter.

AMENDMENT TO MEMORIALIZE THOMAS HAWKINS JOHNSON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SPRATT. Mr. Speaker, the Armed Services Committee has reported the defense authorization bill, and included in it is a special provision to which I would like to call attention. The bill notes with deep gratitude the service of the late Col. Thomas Hawkins Johnson to our country and establishes in his memory a visiting scholar program at West Point and a distinguished lecture series at the National Defense University. Colonel Johnson was director of the Science Research Laboratory at West Point, and the bill also gives his name to that institution.

In offering these provisions for adoption as part of the defense authorization bill, I made the following statement:

STATEMENT OF HON. JOHN SPRATT

Mr. Chairman, on June 27, 1990, one of the finest soldier-scientists ever to serve in any of the military services, Colonel Thomas Hawkins Johnson, died of cancer at the age of 46. Colonel Johnson spent virtually all of his adult life in service to his country; and to paraphrase what was once said of another great Army officer, his service brooks few comparisons.

He graduated from West Point, but took his commission as an officer in the Air Force. In 12 years, he was Chief of the Physics Section at the Air Force Weapons Laboratory. In time, he returned to the Army and to West Point, where he joined the faculty. To show you the breadth of his intellect, at one time or another at West Point, Colonel Johnson taught "Laser Physics" and "Tradition and Innovation in Modern American Poetry"; "Physical Chemistry"; and a "T.S. Eliot Colloquium"; "Electricity and Magnetism" as well as "Film Analysis and Criticism." He became Director of the Science Research Laboratory at West Point, and strived to make that institution a means of attracting first-rate scientists to the Academy's faculty and a means for retaining such scientists for careers in the Army.

Colonel Johnson was an applied physicist, and he applied his talents across an exceptionally broad range. He was Chairman of the Free Electron Laser Technical Advisory Group, and by my count, 15 or 16 other advisory panels to the Department of Defense and the Department of Energy. He was sought after for these panels not only because he was a talented physicist, but also because he was a gifted writer. In 1986, for example, the Institute of Electrical and Electronic Engineering conferred on him their award for the best journal article in their field. Colonel Johnson was a visiting scientist at Lawrence Livermore National Laboratory and at Los Alamos National Laboratory, a consultant to the CIA, Executive Director of the White House Science Council and, most recently, Special Assistant to Admiral Watkins at the Department of Energy. Some of you on the committee knew Tom Johnson. A couple of years ago, he held a group of us in thrall for two hours, explaining lasers and the physics of light. Many of you did not know him; but, believe me I do not exaggerate, he had few peers; his service to this country was exemplary; and I think it should be commemorated. For that reason, I am offering the three amendments now before you. The first is to name the Science Research Laboratory at West Point the "Thomas Hawkins Johnson Science Research Laboratory"; the next two establish a visiting scholar program at West Point and a lecture series at the National Defense University, both bearing the name of Colonel Thomas H. Johnson and commemorating his service as soldier, scientist, and public servant.

DRUG-FREE CITIES ACT OF 1990

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BARTLETT. Mr. Speaker, today Mr. TOWNS and I introduced a bill entitled the Drug-Free Cities Act of 1990. The primary purpose of this bill is to reduce the use of unlawful drugs in the United States. Its emphasis is on demand reduction; its aim is to promote the adoption of tough sanctions by localities against the users of unlawful drugs and to foster public attitudes and behaviors that express intolerance for drug use. Localities that take such steps would be designated drug-free.

The drug-free designation is not intended to mean that all unlawful drugs have been eliminated from a locality. Rather, it is to be applied to those localities that have adopted serious measures that provide no tolerance for unlawful drug use and that have achieved significant, measurable results in reducing drug use.

This bill authorizes the Director of the Office of National Drug Control Policy to designate localities as drug-free; to make grants to localities that are also seeking the drug-free city designation; to collect and disseminate information about the status of drug reduction efforts and to recognize exemplary drug reduction efforts.

In order to be eligible for the drug-free designation, a county, city, town or other locality submits an application to the Director. The application includes a plan for developing and implementing local laws, policies and programs of strict, speedy and effective sanctions for drug use and for local community efforts to instill rejection for the unlawful use of drugs.

The plan must address measures related to user accountability, law enforcement, workplace policies, drug testing, education, treatment, and neighborhood initiatives, and must include goals, activities and an implementation timetable for each area. A comprehensive, effective war on drugs must include measures, like these, that make drug avoidance more attractive than drug use.

The Director would determine which applicants had acceptable plans and would designate them as drug-free city (or county) candidates. A drug-free city candidate would have up to three years to meet the goals described in its plan. Based on its actual achievements, the Director would either designate the applicant as a drug-free city, remove its candidate status, or, upon application, extend its candidate status for up to 3 additional years.

This is not principally a grant program; however, applicants with the best plans will be considered for one-time grants that can be used for start-up activities under the plan.

The Drug-Free Cities Act would authorize the Director to make grants (ranging from $75,000 to $500,000 for 3 years, depending on the size of the locality) to the highest ranking applicants. Annual spending authority would be $25 million for fiscal years 1991 through 1994.

Seventy percent of the funds would be reserved for small and rural localities with less than 50,000 population, 20 percent would be reserved for medium-sized localities up to 250,000 population, and 10 percent would be reserved for localities greater than 250,000 in population.

In addition, the Director would be authorized to report on the status of drug reduction efforts in the States, and to disseminate information about projects that have been especially effective in reducing drug use.

Efforts directed at user accountability and public rejection of drug use are working. While the war on drugs is being waged on many fronts—education, source country eradication, interdiction, treatment, and demand reduction—we know that where local communities take aggressive steps, drug use goes down measurably and dramatically.

In Overland Park, KS, a recently adopted local ordinance provides mandatory jail terms for convicted drug users.

In Chicago, IL, the Housing Authority and local police instituted Operation Clean Sweep, securing the most threatened buildings from drug dealers and organizing the residents to help them resist further encroachments.

In Los Angeles, CA, a group of residents, united under the slogan Take Our Community Back, set up neighborhood patrols to keep the 36-block area of free of drug use and crime.

Similar locally-inspired efforts are being tried, successfully, across the nation. But these efforts have been essentially uncoordinated and ad hoc.

The bill I have introduced would establish a national program to identify and designate drug-free cities, patterned after the model cities program of the 1970's. It would help galvanize and focus local drug reduction initiatives. It would give recognition to those localities that have done a particularly good job. It would provide modest grants to help localities implement their plans. And it would be a potent and effective way to achieve a climate of nontolerance for drug use among the general public.

This bill supports a workable demand reduction strategy and I look forward to working with my colleagues toward its enactment.

LEGISLATION TO RESTORE EQUITY TO TREATMENT OF PUBLIC PLANS INTRODUCED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation to restore equity to the treatment of public pension plans. This legislation is designed to respond to the unfortunate fact that our pension laws do not reflect the needs of our State and local governments.

Specifically, I am referring to section 415 of the Internal Revenue Code, which was initially enacted as part of the Employee Retirement Income Security Act of 1974. Its purpose is to limit the ability to accumulate retirement income on a tax-favored basis by capping the maximum amount that can either be contributed to certain plans known as "defined contribution" plans, or paid out in benefits from other pension plans known as "defined benefit" plans. Although section 415 has been amended over the years, it continues to impose two basic limits on retirement income provided by defined benefit plans, into which category the vast majority of public plans fall. Namely, the retiree's benfits cannot exceed either: First, 100 per cent of his or her average income over the 3 consecutive years of highest W-2 compensation; or second, a maximum dollar limit, which is adjusted depending upon the age at which a person retires, so that, generally, the amount is the actuarial equivalent of an annual benefit of the maximum amount at age 65. For police and firefighers, special rules enable retirement at younger ages. The current dollar limit for 1990 is $102.582.

If a pension is structured to allow even one person a benefit in excess of either of these limits, the entire plan can lose its "qualified"—tax exempt—status. If this were to take place, earnings of such pension plans would be subject to taxation and employee contributions to the plan would be made in after tax rather than before tax dollars. Furthermore, contributions made by employers would be taxable to the employee in the tax year in which they were made.

Section 4154 was amended in 1976, 1978, 1980, 1981, 1983, and 1984. The thrust of these amendments was to refine the provision and to lower the cap on amounts that could be set aside for retirement years, which had been permitted to increase with inflation.

In 1986, Congress once again decided to reduce the dollar limits. In addition, Congress decided to eliminate the $75,000 maximum benefit floor for benefits beginning at or after age 55, and below which the dollar limits did not apply, regardless of the acturial adjustment. However, in doing this, Congress was forced to confront the constitutional quandary in which several States found themselves. In these States, their courts or constitution prohibit a reduction in a benefit promised when a pension participant first becomes covered by the plan. Since these court decisions are based on State and Federal constitutional prohibitions against impairment of contracts, the rulings cannot always be overturned merely by amending State laws of State constitutions.

The solution that was devised was to exempt public plans from the new, lower dollar limits and to maintain the $75,000 floor for the limits on benefits that start on or after age 55. However, the issue required visiting in 1988, when a State came to Congress and indicated that at least one of its beneficiaries would be paid a benefit in excess of the older, pre-1986 limits to which the public plans were still subject. This isolated incident reopened the debate over the treatment of public plans. However, recognizing that the constitutional prohibitions mentioned above would force States to violate these lower section 415 limits, Congress decided to entice State and local government plans to elect the lower benefit limits. A special rule was provided that enabled a plan to grandfather benefit payments to existing employees and retirees that were in excess of pre-1986 limits if the plan agreed to adopt the lower, post-1986 dollar limits for new employees hired after January 1, 1990.

Thus, we believed we had leveled the playing field. Public plans would have the same benefit limits as private plans without forcing violations of contracts and constitutions in the various States. The 1988 rule would prohibit higher income persons in the public and private sector from developing big retirement windfalls on a tax-deferred basis.

We were wrong. Even with grandfathering, section 415 limits will still be exceeded by public plans, but not because of a few, highly compensated academics, football coaches, or public safety employees with high amounts of overtime. Thanks to the 100 percent limit, persons who make less than the Social Security wage base will exceed the limits, and in some cases, even a person who receives a pension of less than $20,000 a year will violate section 415.

How will plans violate the new section 415 limits? Let us take the hypothetical case of a highway worker hired on January 2, 1990. The following week he is fixing a pothole and is hit by a car, permanently disabling him. The disability payment he will receive will eventually cause him to receive benefits in excess of the dollar limits because of the actuarial reductions for retirement before age 65.

Take another hypothetical example. On January 2, 1990, a young woman goes to work for the city library; she marries, has children, the children go to school, and eventually leave the home. It is now 2011. The woman is still working for the library; she and her husband have little debt, so she begins deferring her pay into a deferred compensation plan. She retires in 2020. Her highest 3-year pay averaged $20,000 and she gets 80 percent of that, or $16,000. But in addition, she gets her deferred compensation money, which amounts to $4,100 a year. Now she gets $20,100 a year, exceeding the 100 percent rule by $100 per year.

The 1988 amendments create a situation where employees working side by side can get significantly different retirement benefits, despite the fact that they perform exactly the same job for the State or local government. Quite simply, this is an unfair situation, and we need to correct it.

The legislation I am introducing today will make the needed changes, so that public pension plans will not be in violation of these Federal rules. The public sector is now abusing the Tax Code by allowing high rollers to squirrel away hundreds of thousands of dollars in tax-deferred savings. Each of us know that, and it is time for the Tax Code to recognize this as well.

Mr. Speaker, public sector plans already are the subject of intense State and local government scrutiny. Public employee plans are accountable to the same taxpayers to whom we in Congress are accountable. There are significant differences between public and private pension plans, and the Internal Revenue Code should reflect this.

INEQUITIES IN PUBLIC PENSION PLANS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. STARK. Mr. Speaker, I am joining today with my colleague from California, Mr. MATSUI, in introducing important legislation to assist public pension plans in complying with section 415 of the Internal Revenue Code.

Section 415 is an antiabuse provision which sets limits on the amount of retirement income that we as a society are willing to subsidize through our Tax Code. If a single person in a plan can receive a pension benefit in excess of the limits, then the entire plan, which may include hundreds of thousands of persons, can loose its tax-exempt status.

The bill we are introducing today recognizes that Congress did not intend to cause the loss of tax-exempt status because a police officer or a firefighter receives a benefit slightly in excess of the limits because of a disabling injury suffered as a result of trying to protect the public.

The bill addresses some inequities in the Code with regard to the treatment of public sector employers and employees. For example, the bill recognizes that school cafeteria workers and street sweepers and public health nurses are usually paid less than private sector employees. Moreover, the bill acknowledges that teachers and librarians and janitors are required to contribute to their own pension plans, while private sector workers enjoy pensions that are built, for the most part, by tax deductible contributions of their employers.

Mr. Speaker, there are serious abuses in the area of employee compensation in this country that need to be addressed. However, these abuses are not found among the people who teach our children; who provide comfort and shelter to battered women; and who fix our streets and roads. The abuses can be found among the highly compensated private sector employees and their top hat plans, which all too often provide perverse tax sheltered rewards for running once-great American companies into the ground, causing thousands of people to lose their jobs.

As section 451 stands, more than 860,000 people in my State who depend on the Cali-

fornia Public Employees' Retirement System for their retirement security and health benefits could be forced to pay taxes on their retirement savings because a young disabled policeman gets $7 dollars a month more than section 415 says he should. The bill that I am cosponsoring today does not exempt public plans from section 415. Rather, it would refocus section 415 on the few highly compensated public employees, where it rightly belongs. I commend it to my colleagues for their serious consideration and support.

REVERE BEACH STUDY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. MARKEY. Mr. Speaker, today I am introducing legislation that I hope will ultimately lead to the restoration and protection of America's first public beach. Revere Beach, located in the city of Revere, MA, holds the distinction of being the first beach in the Nation that was established for public enjoyment and preservation. It is truly one of New England's great natural assets—a beautiful crescent beach, easily accessible to an urban area, rich in history and with numerous recreational resources. The bill I am introducing today would require the Department of the Interior to conduct a study to determine the feasibility of including Revere Beach as a part of the National Park System.

It was in the early 1890's when Mr. Charles Eliot, alarmed at the rapid development and loss of natural beach and ocean panorama at Revere Beach, appealed to the Massachusetts Metropolitan Park Commission to take action and establish a public recreation area at Revere Beach. Eliot commented at the time that such a move was "a difficult and novel question, the beach being the first that I know of to be set aside and governed by a public body for the enjoyment of the common people."

Revere Beach first became a summer resort attraction in the mid-1800's because of its accessibility by rail to the city of Boston. Its popularity gave rise to numerous resort hotels, restaurants, bathhouses, and dance halls. By the early 1900's, lively and colorful amusements lined Revere Beach Boulevard including carrousels, roller coasters, fun houses, and various games of chance. Rather than evolving as an exclusive enclave of the wealthy, it represented the first time a seaside recreation area was set aside for the enjoyment of a basically working class urban population. It is a slice of American history that deserves to be presented and appreciated for generations to come.

I recall taking daily summer swims at Revere Beach as a boy. Located a short ride on the Blue Line from Boston, Revere Beach was a schoolboy's summer paradise. I have fond memories of the sun and sand, ice cream and hot dogs, and the hundreds of people escaping the city heat and bathing in the cool, clean water. Inclusion of Revere Beach in our system of national parks and recreation areas would avail future generations from around the country the opportunity to enjoy fully this historic beach and help to return it to the pristine recreational preserve of the "common people." I encourage my colleagues to cosponsor this measure, one which I believe deserves the enthusiastic support of this body.

THE IRAQI INVASION OF KUWAIT— NO NIGGLING LITTLE BORDER SPAT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ASPIN. Mr. Speaker, the Iraqi invasion of Kuwait is extremely serious. This is much more than some niggling little border dispute half a world away.

It almost certainly threatens our interests in terms of oil supply and price. There is almost certainly going to be an Iraqi effort to drive oil prices skyhigh.

This is also the first chapter in Saddam Hussein's effort to achieve hegemony over the Arab world—what isn't clear is whether a second chapter, a military assault on Saudi Arabia, is coming soon.

WHAT ARE THE IRAQIS TRYING TO ACHIEVE?

Any understanding of what is going on in the Persian Gulf right now must start with an understanding of what Iraqi President Saddam Hussein is trying to achieve. Essentially, he has two goals.

First, this is the opening chapter in Saddam's effort to command the entire Arab world. He is a threat not just to Kuwait but to every Arab state. The irony is that the other Arabs seem oblivious to the threat. Saddam is trying to portray himself as the leader of the Arabs against a rapacious Western World, when in fact Saddam is the local hood and the Arabs are his first victims. There is the possibility that Saddam will now invade Saudi Arabia. I base that statement on the fact that he has assembled far more troops than he requires to take over Kuwait—and is still assembling them even after conquering Kuwait.

Second, this is Saddam Hussein's effort to drive oil prices skyhigh. If he invades Saudi Arabia, he will be moving to control well over half the world's oil reserves. We cannot sit idly by and watch him slit our jugular. We would inevitably become directly involved ourselves—militarily involved. Saddam must understand that. He is playing with fire and could set off a huge conflagration. The Bush administration must not leave this unsaid. It should draw a line in the sand and tell Saddam he must not cross or it will mean war.

HOW FAR WILL THE IRAQIS GO?

Given those goals, the next question is how far south Saddam will send his forces. Essentially, he faced three alternatives when he decided to wage war.

He could simply have seized the contested border regions, which would be an appropriate response to what Iraq says is the problem—but Iraqi troops have gone far beyond the border. That is clear evidence of Saddam's broader goals. This isn't just some niggling little border spat.

Alternatively, the Iraqi Army might seek to seize all of Kuwait, effectively wiping it off the map—and significantly reducing oil production from Kuwaiti wells in order to drive up the price of oil. To many, that appears to be Saddam's goal.

But there is a third alternative. Saddam may well have decided to send his troops beyond Kuwait—down the Persian Gulf littoral to take over the Saudi oilfields and perhaps as far as the oilfields in the United Arab Emirates, reducing or halting oil output to jack up the price. This is very serious—not to mention dangerous—possibility. But it is a real possibility. Saddam assembled far more troops and equipment than were needed to subdue Kuwait. Maybe he engaged in overkill because he thought it would be good for troop morale. Maybe he just likes the idea of massing troops. But maybe he consciously sized his mobilization to fit bigger goals than are apparent today. Furthermore, his mobilization is continuing today—after the collapse of the Kuwaiti military.

The United States cannot sit around as a spectator while someone of the ilk of Saddam Hussein takes over more than half the world's oil reserves.

WHAT WILL HAPPEN TO OIL PRICES?

There are three ways to address oil prices.

In the short run, prices are very volatile and panic often rules the market. Prices could soar this week even if Saddam doesn't do anything to cut output. In the short run, the market is very sensitive to marginal changes. But the short run isn't really important—unless you're speculating on the market.

In the medium term—the next few years—Saddam can probably jack up prices significantly by cutting back on production in the oilfields he occupies. Even in the medium term, prices are set at the margin. Kuwait has been producing 2 million barrels of oil a day or about 4 percent of the free world's output. Cutting its production down to 500,000 barrels a day would cut supplies by 3 percent, a significant change at the margin. A smaller reduction caused the panic of 1973.

The long term—starting in the 21st century—is something else. Excessively high prices for oil have three results. We know this from our experience after the oil shocks of the 1970's. First, high prices drive people to economize—in the United States that means small cars and lower thermostats. Second, high oil prices drive people to other energy sources—maybe even to nuclear power. Third, high prices make oil left in old fields and small fields economical. Many, many wells in Texas were simply shut down as uneconomical when oil prices plummeted in the mid-1980s. If Saddam hikes prices way up, he will make a lot of people in Texas rich and happy. And, in the process, he will reduce the demand for his own oil. We will have gone round the circle again.

In other words, in the long term, Saddam cannot rule the roost. But in the medium term, he can make life very uncomfortable for all us chickens in the roost.

HOW WILL THE ARABS REACT?

So far I've discussed this in Western-oriented terms. But there's much more to what is going on than thermostats and car sizing. Saddam has a political agenda. He wants to be the Gamal Abdel Nasser of the 1990's or the caliph of the modern era. He wants to run the Arab world.

We in the West have tended to see him as a threat to Israel. That's really not the best way to look at Saddam. He doesn't bear any good will for Israel. But his immediate goals are within the Arab world. He is, in sum, a real, immediate, and serious threat to the Arab countries today. He is only a threat to Israel if he succeeds in becoming Caliph Saddam.

The irony is that the rest of the Arab world is immobile in the face of his challenge. Today, when virtually the entire world has spoken out in defense of Kuwait and in condemnation of Iraq, the Arab world has stood mute. Arab leaders are holding meetings trying to figure out what to do. The Arab foreign ministers met yesterday in Cairo. They talked and talked—but they did nothing. That's a very bad sign. The train is coming down the track—and they are standing on the track debating whether it's going to rain or not.

This isn't due to stupidity. It's due to fear. In the Nasser years, a lot of power in the Arab world rested in the streets. In the 1970's and 1980's that wasn't true. But today, power is back in the streets. Saddam is appealing to the streets. And that scares the ruling elites, whether they be leftist or rightist.

I think Saddam has a plan for appealing over the heads of the ruling elites to the streets. I suspect—based on what he's done in recent weeks—that when Saddam makes his move to drive oil prices skyhigh, he will also announce that he is creating an "Arab development fund" capitalized with some proportion of all the revenues gained from each barrel of oil produced in Iraq and the zone he occupies. The idea will be to cement the street behind him throughout the Arab world.

He might couple that fund with an effort to topple other governments by saying the billions would be available to Arab countries run by the Baath party. More likely and more subtly, he will endeavor to control other Arab countries by making cash available only to those that sign onto some organization he will create and run.

As part of this campaign, Saddam believes he must portray the current confrontation as "the Arabs versus the rest of the world." It must not be perceived as "Saddam versus Kuwait" or—heaven forbid—as "Saddam versus the other Arabs." Whatever we do, we must avoid helping him gather the Arab masses under wing. We need to act in ways that will not drive other Arabs toward him.

I must say that Saddam has done a very good job to date of selling his ploy to his Arab audience. And other Arab elites have walked right into his trap with their eyes wide open. For example, when Britain blocked the export of parts for his "super gun" and we blocked the export of nuclear triggers, Saddam responded that he was simply trying to advance the cause of Arab science and technology while the West was pressing a plot to keep all Arabs deep in poverty and ignorance.

After Saddam made this self-serving charge, officials and editorial writers throughout the Arab world fell all over one another trying to be the most vocal echo of this mumbo-jumbo.

In sum, Saddam will try to portray anything we do to help Kuwait as Western/imperialist/colonialist interference in the Arab world. The Bush administration should try to speak and act in ways that do not make his job easier. We need to portray this as Saddam versus the rest of Arab world.

WHAT'S THE MILITARY SITUATION?

Let me turn for a moment to the military situation. With regard to ground forces in place, Saddam had an advantage of 13 to 1 over Kuwait in terms of mobilized troops. His troops are battle hardened. He placed all his Republican Guard units—the cream of the crop—along the border over the last week.

Should Iraq go beyond Kuwait, the Republican Guard is a better force, man-for-man, than anything it will meet. There are two key questions, however.

First, what about Iraq morale? The Iraqi soldier fought well, when he defended his own soil against the Iranians. But he didn't fight well when he was inside Iran. There may be a distinct attitude of: "I will die to protect my home, but I don't want to die to advance Saddam's personal political agenda."

Second, what about Iraqi long-haul logistics? Can they operate over long distances? They ran a good logistics system during the Iran-Iraq war, but supply lines were relatively short and constant, that is, the Iraqis weren't moving supply lines forward every day. They might have a problem operating a few hundred miles from their border. This, not incidentally, has major implications when measuring the threat to Israel.

WHAT CAN WE DO MILITARILY?

Somuch for the Iraqi military. What about the American military? What can we do? The short answer for the Kuwaitis is: not much. This war is evolving very quickly half a world away. It is chiefly a ground war. In fact, the part we care the most about—who holds the oilfields—is exclusively a ground war. We can move more ships into the area, but that's more a political move than a military one.

However, if Saddam goes beyond Kuwait, and runs into trouble because of the morale and logistics problems mentioned above, we will need to address the option of getting involved in the ground war.

If Saddam stops at the Kuwait/Saudi border, that doesn't mean this war is simply history. The Saudis will be very nervous. They may well change their mind about an American military presence in the region. They may eagerly want us to station troops in Saudi Arabia.

Indeed, they may need outside help desperately to make sure that they aren't target No. 3—after Iran and Kuwait—in Saddam's effort to prove to history his military brilliance. An American troop deployment might, however, provide fodder for Saddam's us-against-them scenario. In that case, troops from somewhere else might be deployed to Saudi Arabia. For several years, a large body of Pakistani troops were deployed in Saudi Arabia. With suitable income generation permitted, I suspect Pakistan might be willing to deploy there again. And Pakistani troops are superb fighters, more than equal to the Iraqi challenge.

WHAT SHOULD WE BE DOING RIGHT NOW?

We cannot ignore the blatant aggression against Kuwait. There are several policies the Bush administration should pursue—some of them obvious and some not so obvious.

Start with the United Nations. The Security Council has already condemned the invasion. Most people see little further role for it. The United Nations may be viewed as a weak organization, but it is important in this incident nor as a source of military power but as an avenue for isolating Saddam politically and spiking his us-versus-them campaign.

Next, we should pursue a united front with the Soviets. Secretary of State Jim Baker publicly told the Soviets they should halt arms deliveries to Iraq. Unfortunately, that sounded more like a confrontation with Moscow than a cooperative approach. It would be better if we jointly indicated anger at Baghdad, including the hint of joint military action against Baghdad. I'll be watching what comes out of Mr. Baker's meeting today with Foreign Minister Shevardnadze in Moscow.

We need to discourage Baghdad from going beyond Kuwait. The administration should be talking of the possibility of American military involvement if Saudi Arabia is attacked. Thursday morning, President Bush said, "We're not discussing intervention." He should have pointed to Saudi Arabia and said, "We can't standby just watching while Saddam tries to cut our oil jugular." He should draw a line in the sand—quickly. We need to tell Saddam Hussein that an invasion of Saudi Arabia means war. At this time we are not in a very good position to back up that threat—in a couple of weeks we could be. But the problem is that, if Saddam goes after the Saudi oilfields, we could not sit by and let 50 percent of the world's oil reserves fall into his hands. And that message needs to be delivered this week while it might influence his decision.

Next, we need to discourage the Israelis from getting involved. If they try to take advantage of this, it will make the confrontation into one of Arabs versus the rest of the world rather than Saddam versus the rest of the world. There are some people who think Saddam may lob a few missiles at Israel in order to make this into a broader confrontation and cement the rest of the Arabs around him. Israel should not rise to the bait. It should indicate to Syria and Jordan that it would be the better part of valor on their part to face down Saddam and that Israel will not take advantage of they did so.

There are some military moves we should contemplate, beyond the obvious movement of warships closer to the scene. For example, with Saudi consent, we could dispatch AWACS aircraft to Saudi Arabia. This is the simple and easy and nonprovocative response—dispatching and American military unit that is unarmed. But I think that's too weak a response in this case. Alternatively, we could, again with Saudi consent, dispatch one or more F-15 squadrons to Saudi Arabia. This would be a much more substantial demonstration of practical support. The announcement could be made immediately and the

planes could be in place very quickly. I think this would be viewed worldwide as a real and meaningful commitment to the Saudis—though it does nothing for the Kuwaitis. It might, of course, help Saddam portray this as the Arabs against the West—but if the Saudis specifically ask, and ask for Air Force help only, not ground troops, I think it would help more than harm.

Dealing with the oil problem, and in order to try to quell any market panic, the administration ought to announce that it will dip into the strategic petroleum reserve [SPR] if there is any shortage whatsoever. This is why we have spent a fortune on the SPR. Let's get some mileage out of it.

Finally, the administration has already frozen both Iraqi and Kuwaiti assets. That's good because it prevents the Kuwaiti puppet regime from turning Kuwaiti assets here over to the Iraqis. Some of our allies have announced similar freezes. We should encourage all our allies to do the same. The Kuwaitis have about $100 billion in oil surplus assets scattered around the world. Much of it is in fixed assets, for example, gas stations in Europe and the United States, but a substantial sum is liquid.

CONCLUSION

In summary, there are three avenues we should pursue now.

Militarily, we need to draw a line in the sand. We are moving some ships toward the region and the administration should be talking to the Saudis about the possibility of moving U.S. Air Force units to their bases. Then, the planning staff at the Central Command should start cranking up a response for a worst case scenario—because the worst case is no longer laughable.

Politically, we must posture to keep to keep this from becoming an Arabs-versus-the-world confrontation. We must let the Arabs know we are ready to help if they can get their act together, but we cannot impose ourselves.

Diplomatically, we must endeavor to maximize world pressure on Iraq and minimize Israeli involvement.

TOYOTA ATTEMPTS GAG ORDER

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BROOKS. Mr. Speaker, I recently joined more than 20 colleagues in signing an amicus legal brief challenging an unprecedented political gag order imposed on American citizens by Toyota, the Japanese auto manufacturing giant.

The subject of this attempted gag is a company call Mid-Atlantic Toyota [MAT], one of the three remaining independent distributions of Toyota automobiles in the United States. For 20 years, MAT has distributed the popular automobiles in five States and the District of Columbia.

MAT contends that the distributor was forced to agree to a 1987 renewal of its distribution agreement, in which Toyota stipulated that MAT would be barred from petitioning elected representatives and Government officials on every level about any grievances. Toyota is trying to enforce a political gag order.

MAT is challenging this violation of its first amendment rights in Federal court. Also behind MAT's legal action are serious allegations of fraud by Toyota since 1987.

Mr. Speaker, I find this attempted gag order repugnant to the fundamental first amendment rights of all Americans. This issue may merit hearings concerning current disputes between this embattled American distributor and Toyota. But we cannot learn the facts behind this case if this gag order is enforced on the distributor.

I urge my fellow Members to sign onto the amicus brief.

THE TILTROTOR AND OIL CONTAINMENT

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GEREN of Texas. Mr. Speaker, the old adage has it that lightning never strikes twice in the same place. That may or may not be true for lightning but we all know that it is certainly not true for all disasters. And we have had that brought home to us all too forcefully in the last few days.

In less than 1 week's time we have seen two oilspills in the bay off the coast of Galveston, TX. That small area is one of the most fertile and productive areas in the entire gulf coast for aquaculture and marine wildlife. Because of the barrier islands, it is also one of the most confined areas with limited chance for the oil to disperse into the open sea. All of this gives us a potential for an environmental disaster of the first magnitude.

There is no doubt in my mind that the Coast Guard is doing its best to minimize the impact of those spills with the equipment available to them. And that brings me to the point I wish to make. The Coast Guard, unfortunately, had little or no equipment available on a timely basis to contain the oil once spilled. And the same was true for the *Megaborg* spill last month and the *Exxon Valdez* a year ago. That does not have to be the case, however.

The Department of Defense is currently testing a new concept in aviation, the tiltrotor aircraft. The tiltrotor aircraft takes off and lands like a helicopter yet flies as a fixedwing turboprop with twice the speed of a helicopter. The military tiltrotor, the V-22 Osprey, has been developed to satisfy a variety of military requirements. Four of those aircraft have been flying for some time.

This aircraft appears to have great potential and flexibility that extend to missions yet to be considered. One such mission is exactly what was needed in Galveston Bay—the containment of oilspills. The tiltrotor would have allowed containment task forces to reach the spill area quickly loaded with enough equipment to do the job. The tiltrotor can fly at speeds up to 350 MPH ranging to 1,200 miles carrying a load up to 20,000 pounds. Once at the spill site, the tiltrotor can convert to helicopter mode, hover, and deploy containment equipment to localize the spill area and minimize the cleanup effort. Nothing in the current or projected Coast Guard inventory has this capability.

Mr. Speaker, we should insist that the Coast Guard look closely at oilspill mission requirements and see how to apply the tiltrotor aircraft to the task. Tiltrotor technology is available today and is proven. The employment of this modern technology will not keep lightning from striking or oilspills from occurring but it can certainly help control the damage.

WE MUST BOOST OUR ENERGY SELF-RELIANCE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ANDREWS. Mr. Speaker, the last few days we have watched in agony and anger as the invasion of Kuwait unfolded. Iraq has proven once again that it is a brutal country led by a mad man. This crisis may be felt most deeply by the famlies in Texas who still have not heard from loved ones missing along the border of Kuwait.

This crisis in the Middle East also brings home the United States' lack of a national energy policy.

The year of 1973 was a painful lesson of what happens when the United States becomes too dependent on foreign oil and those sources decide to cut back on production. The shortages meant long lines at the gas pump and skyrocketing prices.

We are—like 1973 and 1977—becoming too dependent on foreign oil. In 1989, 44 percent of the oil used in this country was supplied by foreign sources—the second highest level in our history. In January of this year, we hit an all-time high: 54 percent of the oil we used came from overseas.

And yet we seem to be doing nothing to change this trend. We are doing nothing, as OPEC raises prices and tightens their hold on our country.

Meanwhile, oil production here at home has plunged to the lowest level in 25 years. The amount of drilling has dropped since oil prices were slashed in half in 1986. Even the Alaskan output—which had offset drilling declines for the rest of the States—has been dropping since 1988.

Compounding the problem is the fact that exploring for new oil has dropped by three-quarters in the last 5 years. Fewer seismic exploration crews were at work last year than in any year since World War II. Texas had more exploratory rigs operating in 1949 than the entire United States did last year.

Not only does this hurt our national security, it damages our economy. Right now, oil imports account for nearly half of our trade deficit. Environmentally, the fewer barrels of oil we import lessens the chance that oil tankers will soil our shores.

We cannot let this continue. We have to boost our energy self-reliance. We need a national energy policy that provides incentives for domestic energy production. We cannot

allow ourselves to be held hostage by a country that terrorizes even its neighbors.

BRIAN BAKER—EXEMPLARY REPRESENTATIVE OF THE 10TH DISTRICT OF ILLINOIS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PORTER. Mr. Speaker, I was very happy to sponsor as a House page this summer Brian Baker, a high school junior from Glenview in my 10th District of Illinois.

Brian has done an exceptional job here in Washington, not only in fulfilling the often mundane duties of a page, but more importantly in representing the people of our district. Often I tell my colleagues in the House of Representatives that I am privileged to represent a constituency that is perhaps the best educated, most well informed and most committed in all America. Now, along comes Brian Baker to prove it.

Brian is a top student at Glenbrook South and a top athlete as well. But beyond the qualities of intelligence and athletic ability, Brian, you will find, reflects his parents and his home life. He is sincere, polite, anxious to be helpful, interested to learn, ambitious to succeed. He also has a great sense of humor. He's the kind of young person that would make any parent proud and he's the kind of young person from the 10th District that makes his Congressman proud, as well.

I suspect if he did not already have it, he has caught a severe case of Potomac fever over the last 3 months that may last him the rest of his life. I cannot say that it is necessarily good for Brian, but I think ultimately it will be very good indeed for America. Government needs people like Brian Baker to be interested and to pariticipate. And if out of his exemplary service in the capitol in the summer of 1990 an ambition for further service to our country should be born in Brian, I will be the first to applaud and encourage it.

Brian has promise written all over him. His proud Congressman and the entire staff of the Porter office that has come to know him and like him so much, wishes Brian all the best in all that he undertakes and is keeping a place open for him when, as they know he will, Brian returns, wracked with the fever, to this small city on the Potomac.

A TRIBUTE TO BILLY GENE JACKSON, SR.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. DYSON. Mr. Speaker, I rise today to salute one of the distinguished residents of Maryland's First Congressional District, Mr. Billy Gene Jackson, Sr. I have known Billy Gene for many years and he is an outstanding and respected leader of Maryland's Eastern Shore. He has never been afraid to fight for what is right and he has earned the respect of countless friends.

Billy Gene Jackson will soon be retiring and leaving the warmth of his friends for the warmth of the Florida sun. He shall be remembered, however, and he will be missed. I would like to take this opportunity to share Billy Gene's accomplishments with my colleagues

On Friday, September 7, 1990 at the Delmarva Center, Delmar Maryland, a Farewill Dinner will be held for one of Wicomico County's outstanding individuals. Mr. Billy Gene Jackson, Sr., will retire from AT&T and relocate to Florida.

Billy Gene Jackson was born August 30, 1937 in West Palm Beach, Florida, where he lived until he moved to Salisbury in 1955 with his wife Lois. He worked doing farm labor work and later worked as a carpenter's helper. He worked at Peninsula General Hospital and in 1959 began working for C&P Telephone Company as a garageman, and has spent the last thirty years working for the telphone companies.

Things at the phone company were a bit different then. There were separate bathrooms for Blacks and Whites, Blacks couldn't even go to their own union meetings, and any company social events were separate functions. The Equal Opportunity Law was not in effect. "There was a lot of prejudice in a natural way." He tolerated it because there was no way to fight it.

In 1964, the Wicomico County Chapter of the NAACP summoned him to a meeting. They plotted to get Blacks into the craft positions instead of just garagemen and other similar menial jobs. A group of seven, he being the only C&P employee, met with company executives in Baltimore and threatened action if Blacks were not put into better positions. The company gave in.

Mr. Jackson was very active in the community, especially working with kids. "I love kids more than anything in the world." His daughter, Toni, wanted to go to a track meet in Baltimore. After he saw all those kids running around in uniforms, he wanted the same, for any other child that was interested. Hence, the beginning of the Lake Street Sprinters which has evolved into the Salisbury Youth Development Organization. These kids went all over the United States for about nine years. Mr. Billy, as as was called, was also the first Black football and basketball coach at Red Shields Salvation Army Boys Club. He coached there for some fifteen years. The Red Shields used a draft system to pick teams. The Black boys were chosen last and never put into the thinking positions. After two successful seasons of using a Black quarterback, his boys became like first round draft picks. A racial stereotype was destroyed. Some of his boys have gone on to play college and professional ball.

In 1978, the New Directions political group was formed. Its sole purpose was to bring about political and social change for Blacks. Also in 1978, Mr. Jackson became the first elected Black on the Wicomico County Central Committee, New Directions also helped to elect their first Black Councilman, Mr. Emerson Holloway.

Mr. Jackson has received awards and recognitions too numerous to mention. He has been a pioneer in many areas.

Mr. Jackson is a very humble person. He is concerned about the welfare of our kids. When he sees kids standing on the street using and selling crack, he prays.

Someone asked Mr. Jackson how he would like to be remembered. He told them, "I am sombeody who cared, somebody who never had a whole lot and never wanted a whole lot." He wants to be remembered as a "gift from God."

Mr. Jackson, Wicomico County and the State of Maryland is losing a great person, but we will never forget what you have accomplished here to make things better. Good luck, God Bless You, and we all love you.

Billy Gene Jackson has three daughters, one son and several grandchildren.

Mr. Speaker, I join Billy Gene's many friends who wish him the very best in his future endeavors.

INTRODUCTION OF THE MEDICARE CONTROLLED SUBSTANCE ACCOUNTABILITY ACT OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. STARK. Mr. Speaker, I am introducing today the Medicare Controlled Substance Accountability Act of 1990, and related legislation, which will prevent widespread drug abuse associated with prescription narcotics, amphetamines, and tranquilizers, and also significantly reduce injuries and health care costs associated with the indiscriminate, inappropriate, and illegal prescribing of these drugs. The elderly are especially susceptible to serious injuries and health care costs which result from the unnecesary prescriptions for these drugs.

In the war on drugs, few people recognize that almost one-third of the hospital emergency room drug overdose cases are from pharmaceuticals, rather than the better known street drugs. In human terms, this is estimated to be as many as 88,000 people per year. The sources of these drugs of abuse are not foreign cocaine barons, or clandestine laboratories, but doctors and pharmacies located in our neighborhood office buildings. Some sell the drugs illegally, others are scammed by doctor shoppers which roam from doctor to doctor to fraudulently obtain drugs of abuse. Still other abusers print up their own prescriptions and fill them in pharmacies through elaborate schemes. The sources are many, but the result is the same—crime, fraud, drug abuse, and increased costs to the Federal health care system.

In addition to the substantial problem of pharmaceutical drug abuse from illegal or fraudulent prescriptions, the unnecessary prescribing of these drugs, especially to the elderly, is also a major health care concern. Recently, the HHS inspector general reported that overmedication and adverse reactions to drugs are prevalent and have probably become epidemic among the elderly. The OIG noted that a 1987 review of Medicare hospital bills showed an estimated 200,000 older adults were hospitalized due to adverse drug reactions or experienced a drug reaction while hospitalized. The report also noted 2 million elderly are addicted or at risk of addiction to minor tranquilizers or sleeping pills because of using them daily for at least 1 year.

These social concerns are reason enough to look seriously at the prescriptions for controlled substances. But another reason is that the taxpayers of the United States are subsidizing, at the rate of $1 billion per year, these illegal, fraudulent, or unnecessary prescriptions. In 1988 Medicaid spent an estimated $525 million on drugs that are favored for street sales. This does not include costs for fraudulent office visits that accompany illegal prescribing. The HHS-OIG found one doctor that prescribed one-forth of all the Medicaid tranquilizer prescriptions in a State. OIG also has reported that the annual cost of drug-related hospital admissions and associated care for the elderly ranged from $4.5 to $7 billion per year. An OIG computer review in Washington DC, found over 600 previously unidentified Medicaid patients obtaining excessive amounts of these drugs of abuse.

My legislation will require that prescriptions for abusable drugs be written on accountable prescriptions. It is modeled after a program, known as the Multiple Copy Prescription Program, currently in effect in several States, including California, New York, Illinois, and Texas. These programs have demonstrated great success in reducing prescription forgery, patient fraud, illegal sale by doctors and pharmacists, and unnecessary prescriptions. In addition substantial health care cost savings are now being recognized in those States.

The most dramatic of these savings occurred 18 months ago when New York State required an accountable prescription for tranquilizers—drugs such an valium, librium, and xanax. These drugs had not been found effective in treating anxiety beyond 4 months. Yet New York found 300,000 persons had been prescribed these tranquilizers for use every day for a year or more, with one-third using tranquilizers every day for more than 7 years. Indeed, one-half of those receiving tranquilizer prescriptions for over a year were over 65, and were thus at high risk for tranquilizer induced memory loss, accidents, hip fracture, chemical restraint in nursing homes, and other physical and mental impairment. New York health authorities identified at least 60,000 hospital days that were needed to treat accidents attributable to tranquilizer use each year. In addition, New York has seen a 95-percent reduction in prescriptions to a group of 3,400 persons suspecting of diverting, a 31-percent reduction in tranquilizer-related emergency room admissions, and between $18 to 24 million in savings in reimbursement for the costs of these drugs.

The bill I am introducing today requires that a doctor write prescriptions for these addictive narcotics, amphetamines, tranquilizers, and similar drugs on a prescription pad which is accountable to the individual doctor. The pharmacy that fills the prescription must report it to an appropriate State agency for monitoring. Several major benefits of this program are realized by preventing the illegal or unnecessary prescriptions—forgeries are eliminated; patient fraud and illegal prescribing are deterred and detectable. Most importantly, the accountable prescription reminds the doctor that prescribing these drugs requires special attention.

Each State implementing a program, even on a limited basis, realizes a 35- to 50-percent reduction in distribution of covered drugs without any restrictions on the doctor's professional judgment. The only impact on the doctor is that after the treatment decision is made, the medication order is recorded on a different prescription pad. Surely, no legitimate doctor would object to being accountable for his prescribing decisions, especially in light of the drug abuse and fraud prevention benefits which have been shown.

There have not been any problems with protection of patient privacy under the State programs, however, I have long been concerned with issues of privacy, and have ensured that patient privacy is protected in this legislation. If any group, particularly those in the mental health field, feel that stronger privacy protections are needed, I am happy to entertain their suggestions.

I have drafted this bill to minimize paperwork burdens, because I am concerned about problems of paperwork burdens on pharmacists, and would like to work with pharmacists to ensure that this program does not add to the regulatory burdens on small businesses.

Spending health care dollars for fraud, illegal and unnecessary prescribing is inexcusable when we have so many unfunded health care initiatives for the aged and poor. I am very pleased to introduce this bill which will aid our Nation in dealing with the very serious problem of drug abuse, provide an additional protection to the elderly who are at particular risk from unnecessary prescriptions for psychoactive drugs, and result in substantial health care cost savings through Medicare and Medicaid without any reduction in benefits.

ENDING THE HEALTH CARE CRISIS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. NEAL of North Carolina. Mr. Speaker, we are all aware of the health care crisis this Nation is facing. My office has a huge amount of mail on the inadequacy of our health care system. My home office staff spends more of their time and effort helping people in need because of health care problems than for any other reason. Across the Nation, Americans are suffering because they do not have access to the health care they need. They are counting on Congress to provide a solution.

Mr. Speaker, our system is costly and ineffective. The statistics are appalling. Thirty-seven million Americans cannot afford health insurance of any kind. Millions more are inadequately insured. Yet the United States spends over $500 billion a year, 11 percent of our gross national product, on health care.

The veterans' health care system is not functioning properly. Millions of senior citizens cannot afford long-term home and institutional health care. Access to health care in rural areas is deteriorating as some rural hospitals are forced to go out of business. Medical malpractice premiums are skyrocketing. Confidence in the Medicare system is deteriorating. There is a shortage of prenatal and perinatal services. The list of problems seems to be endless.

Mr. Speaker, I must confess that I do not have a solution to the health care crisis. I am sure that many of my colleagues are in this same position. Therefore, I believe it is essential that we bring together our country's most competent experts on health care to examine this issue in a comprehensive manner. To accomplish this goal, I have introduced legislation to create a National Health Care Policy Commission, modeled on the blue ribbon panel which proposed an overhaul of the Social Security system in 1983.

Mr. Speaker, I believe we must bring together health care professionals, representatives of insurance companies, employers with health plans, consumers of health care, experts on health care financing, Congress and the administration and other knowledgeable people, if we are going to find a workable solution. I urge my colleagues to support this effort to create such a panel. We must take action to resolve the health care crisis so that all Americans will have access to quality, affordable health care.

MILLIE IS NOT SUFFERING ALONE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. STOKES. Mr. Speaker, In today's Washington Post, a news article calls attention to the fact that President Bush's dog, an English springer spaniel named "Millie", has developed lead poisoning from eating paint chippings off the White House which is being renovated.

In the article, the President called lead poisoning "a terrible thing." He went on to describe how Millie came into contact with the lead. "Flaking paint, licking her toes," he said. "The paint falls—you know, there're redoing the White House and she's licking her feet and she's ingested lead."

The article further notes that lead poisoning can cause vomiting and anemia and affect the nervous system, kidneys, and reproductive organs.

Mr. Speaker, it is appalling that the dangers of lead poisoning has to be brought to the Nation's attention through the White House dog. Every day in our Nation 3 million children suffer the effects of lead poisoning. Poor, inner-city children who live in older buildings are particularly vulnerable. According to the Centers for Disease Control, there may be as many as 21 million houses in this country which still have lead-based paint. The sad fact is that lead poisoning is preventable. But it takes commitment, the resources and a coordinated effort to eliminate this devastating disease.

Mr. Speaker, I am certain that all of us wish Millie well. We also hope that this incident will make the President and others in our Nation focus on the children of this Nation who are sick from lead paint poisoning.

H.R. 4593: THE SAN CARLOS MINERAL STRIP ACT OF 1990

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. KYL. Mr. Speaker, I rise in support of H.R. 4593, the San Carlos Mineral Strip Act of 1990.

The bill will resolve a dispute, which dates back to the early part of this century, over the administrative control over approximately 11,853 acres of land on what is known as the San Carlos Mineral Strip.

Mr. Speaker, it might be helpful if I outlined very briefly some of the history that underlies this legislation.

The south boundary of the San Carlos Reservation was originally established by President Ulysses S. Grant in 1872.

In 1896, the San Carlos Tribe conditionally ceded a total of 232,000 acres of mineral strip land to the United States. In ratifying the agreement, Congress expressly provided that "the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land law only."

San Carlos Mineral Strip lands were subsequently added to the Crook National Forest—now known as the Coronado National Forest—by Presidential proclamations on July 1, 1908 and March 21, 1917, These actions were prohibited by the act of June 10, 1986. They also violated section 24 of the act of March 3, 1891, which authorized the Federal forest reserves to be created from public lands, not Indian lands, as well as section 10 of the 1891 act which stated: "that nothing in this act shall change, repeal or modify any agreements or treaties made with any Indian tribes for disposal of their lands, or of any land ceded to the United States to be disposed of for the benefit of such tribes. . ."

In 1963, Undersecretary of Interior Carr issued an order restoring the subsurface rights in the mineral strip to the San Carlos Apache Tribe, subject to any valid existing rights.

In 1969, Secretary Udall issued an order restoring the surface rights in the mineral strip to the tribe. However, the Forest Service objected that national forest lands were not subject to the authorities under which the Secretary of the Interior's order was issued, and that there was no other authority by which the Secretary of the Interior could legally transfer national forest lands to the tribe.

Mr. Speaker, H.R. 4593 settles this dispute once and for all. The bill affirms that the mineral strip lands are a part of the San Carlos Apache Reservation, and it modifies the boundaries of the Coronado National Forest accordingly.

Since the tribe had indicated that it may seek damages against the United States as a result of Federal occupancy of the lands—and it would be inappropriate to try to influence the outcome of the potential litigation here—we have included language to make it clear that nothing in the act can be construed to enhance or diminish any such claims. The tribe will have to make its case in the courts should it choose to do so.

Finally, the bill includes language directing the Secretary of the Interior to acquire the permanent improvements on the grazing allotment located on the mineral strip lands which are subject to a grazing permit from the Forest Service on the date of enactment. The Secretary is directed to pay $122,842 for such improvements, an amount based upon a BIA-obtained appraisal in 1978.

Before closing, Mr. Speaker, I want to thank the chairman of the Interior Committee, MO UDALL, and his staff for moving this bill so quickly.

This is a fair settlement to an old problem, and I urge my colleagues' support.

REPRESENTATIVE J. WILL ROBINSON: PUBLIC SERVANT

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. NIELSON of Utah. Mr. Speaker, it was with great pleasure that I recently introduced legislation to memorialize the selfless service and lasting contributions of Utah's longest serving Member of this distinguished body: J. Will Robinson. My bill would name the Federal building in Provo, UT, the "J. Will Robinson Federal Building." While admittedly a small gesture, I think it appropriate we honor this public servant in such a manner.

Born in the town of Coalville, Summit County, UT, on January 18, 1878, Congressman Robinson attended public school until the sixth grade, when he was forced to drop out in order to help support his family. From then on, he would work for a year and then attend school for a year, until he was finally able to complete his public education. He eventually enrolled at Brigham Young Academy, later renamed Brigham Young University, in Provo, UT.

During his undergraduate years, Robinson developed somewhat of a reputation as a scrapper. Among other things, he would hustle bets at country fairs and the like, claiming he could beat a horse in a 40-yard race. Given the fact he could indeed run the 100-yard dash in under 10 seconds, he would usually come out on the winning end. In 1905, perhaps to settle down a bit, he married the former Birda Billings in the LDS Salt Lake Temple, the mother of his six children.

Prior to and after completing his undergraduate studies in 1908, Robinson entered the field of education as a teacher and principal of Unita Academy in Vernal, UT, and later as principal of Wasatch High School in Heber, UT. From there, he went on to get his juris doctorate from the University of Chicago in 1912, the same year he was admitted to the Utah bar. He established a private practice in Provo, and was admitted to practice before both State and Federal courts. This period was punctuated by a brief stint as the county attorney of Utah County, 1918–21, and an unsuccessful candidacy for State attorney general in 1924.

Robinson also made a name in business, serving as director of the Provo Building & Loan Association, and as vice president of the Springville-Mapleton Sugar Co. On top of all of that, he served 10 years as a member of the University of Utah Board of Regents. In 1932, he was elected to Congress.

During his seven terms in Congress, Robinson was well known as an innovator and defender of issues important to the West. As chairman of the Committee on Public Lands, and later the Committee on Roads, he made his mark in the areas of public land management and reclamation. He considered the highlight of his career his role in helping pass legislation that created the National Highway System. Congressman Robinson was defeated in the 1946 election.

After leaving Capitol Hill, Robinson remained in Washington, serving for 2 years as the Director of Grazing in the Office of Land Management, Department of the Interior. In 1949, he retired from Government service and returned to Utah.

In 1962, his wife of 57 years passed away. A year later, he moved to Escondido, CA, to live with a daughter, where he remained until his death in December 1964 at the age of 86.

Congressman J. Will Robinson was a man of many talents and a caring heart, eager to do his part to help build his community, his State, and the West that he so loved. Survived by four of his children, three of which are still with us today, I think he would be pleased to know that, many years later, another Utah Congressman is standing before this body this day, introducing legislation to honor his many contributions. In fact, I wouldn't be surprised if somewhere, somehow, he is collecting on another bet, knowing that this day would come.

INTRODUCTION OF THE PRESIDENTIAL AWARDS FOR EXCELLENCE IN ENVIRONMENTAL EDUCATION ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BOEHLERT. Mr. Speaker, I am pleased today to introduce a bill which would establish a Presidential awards program, to be administered by the Council on Environmental Quality, to recognize and stimulate excellence in environmental education in grades kindergarten through 12. I am joined in this important endeavor by my colleague and friend, Mr. TOM CARPER of Delaware.

As cochairman of the House Working Group on Acid Rain, I have been working hard in Congress to pass meaningful acid rain pollution laws since I came to Congress in 1983. My interest in the issue was sparked by my constitutents, who lament the degradation of the Adirondack Park in upstate New York. During the development of acid rain legislation, I have been in contact with a number of school teachers in my district. I have been amazed by the accuracy, creativity, and care that these educators used to teach their students about pollution problems in our country and the consequences of our actions on the environment.

These teachers and students have set up accurate acid rain monitoring programs, and have reported their findings to their peers, family, friends, and elected officials. They are learning first hand of the necessity of passing pollution control laws to protect our natural resources. The students were truly knowledgeable about the causes of acid rain, and have demonstrated in science fairs the affects of acid rain upon buildings, wildlife, forests, lakes, and streams in the nearby Adirondack Mountains. This creative participation in learning about our environment does not end in the classroom; rather, it instills in youth a sense of responsibility and commitment to personally undertake changes in their own lifestyle for the good of the environment around them.

This legislation recognizes the many educators across the Nation who undertake these kinds of special efforts for their students. I have worked with the Council on Environmental Quality to prepare a bill that would provide uniform cash awards of up to $5,000 to two teachers every year from each State, and one from the District of Columbia and one from Puerto Rico. This Presidential awards program will be administered by the Council on Environmental Quality, which will work with other government agencies to encourage participation in this program. A letter of endorsement from the administration follows, along with the text of the legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, June 1, 1990.

Hon. J. DANFORTH QUAYLE,
President, U.S. Senate, Washington, DC.
Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, U.S. House of Representatives, Washington, DC.

DEAR MR. PRESIDENT AND MR. SPEAKER: Please accept the enclosed proposed legislation for consideration by Congress. The Presidential Awards for Excellence in Environmental Education would establish a high level program, administered by the Council on Environmental Quality, to recognize and stimulate excellence in environmental education in elementary and secondary schools.

Pollution prevention, rather than after-the-fact clean up, is the long-term solution for our environmental problems. Education plays a key role in prevention. Teachers can lay a strong foundation in tomorrow's adults by teaching environmental awareness and means to prevent and minimize pollution. Further, outstanding teachers often work without the recognition they deserve. This proposal addresses both concerns.

The President proposes to stimulate environmental education by establishing Presidential awards to recognize excellent teachers. The awards are one small, but important, component of the solutions to protecting our resources and environment for future generations.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal to Congress, and that its enactment would be in accord with the program of the President.

My staff or I can provide additional information as required.

Thank you for your consideration.

Sincerely,

MICHAEL R. DELAND,
Chairman.

TRIBUTE TO COMMODORE ROBERT FIELD STOCKTON, USN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LAGOMARSINO. Mr. Speaker, this year is the bicentennial of the Coast Guard and the 75th anniversary of the U.S. Naval Reserve. The local Navy Reserve is commemorating this occasion with a permanent memorial dedicated to Commodore Robert Field Stockton, USN.

Commodore Stockton's long naval career which he began at age 17 as a midshipman is marked by many notable accomplishments. He helped establish the country of Liberia in Africa and was the first man to bring an iron-hulled, screw-propelled vessel to the United States.

Commodore Stockton played a very special and significant role in Santa Barbara's history. During the Mexican-American War he was ordered to take command of the American squadron in the Pacific. Anchoring his frigate, the U.S.S. *Congress*, off Santa Barbara, he led his men ashore and successfully captured Santa Barbara from the Mexicans. Following the capture of Santa Barbara and Los Angeles, Commodore Stockton was named Governor and commander in chief in the new territory. His service to his country did not end there. After returning home to his native New Jersey, Commodore Stockton was elected to the U.S. Senate where he served with distinction.

As a Navy veteran myself, I agree that it is very appropriate for Santa Barbara, especially the citizen-sailors of the Naval Reserve, to honor Commodore Stockton with a memorial at the Santa Barbara Naval Reserve Center. The center itself is a historic building designed in the local spanish motif located on Santa Barbara Harbor.

Both the Naval Reserve, this year celebrating its 75th birthday, and the Coast Guard, celebrating its bicentennial, have long been a part of the Santa Barbara waterfront. Following the Coast Guard's motto of "semper paratus"—always ready—both forces are prepared to serve and protect our Nation and its freedom and liberty. I welcome this opportunity with the dedication of the Stockton memorial to pay special tribute to the Naval Reserve and the Coast Guard.

CAMPAIGN COST REDUCTION AND REFORM ACT

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. LEWIS of Florida. Mr. Speaker, we have talked about campaign reform throughout this Congress and have promised action. In keeping with this pledge, tonight we have taken the first real step in that direction. I voted in favor of H.R. 5400 in order to move this process forward. While I do not endorse all of the points of this legislative package, it is my hope that those areas of concern which I have highlighted within the following comments will be addressed in conference before I consider support of the conference report on the Campaign Cost Reduction and Reform Act of 1990.

POLITICAL ACTION COMMITTEES

I have supported measures which appropriately limit amounts which can be contributed to candidates through PAC's and thereby limiting the large funding role they have held in the past. I have cosponsored Congressman PAT ROBERTS' Congressional Campaign Reform Act of 1989, H.R. 1707, and Congressman BOB MICHEL'S House Republican campaign reform plan, H.R. 5030. If we are to embrace true reform, we must take a strong stand in this area.

LEADERSHIP PACS AND PAC TRANSFERS

I support the provision to eliminate the ability of candidates and officeholders to sponsor PAC's.

BUNDLING—SOFT MONEY

I am pleased to see the loopholes closed in the areas of bundling and soft money. These are questionable campaign practices and their elimination will help restore integrity in the area of campaign finance.

LOCAL FUNDING

I was disappointed that H.R. 5400 did not contain the provisions in the GOP substitute which would have provided that a majority of a House candidate's funds be raised from local residents. This has been an area which I have supported and hope that the conferees will include in final passage.

PUBLIC FINANCING

While there was no provision in H.R. 5400 for public financing, it is part of the Senate's campaign reform package. I am strongly opposed to the principle of taxpayer financed elections and would vote against any campaign reform package that included this provision.

INDEPENDENT EXPENDITURES

I am pleased to see this formally gray area of the present law addressed in this legislation. Its inclusion better defines the law and strengthens regulations on these expenditures.

SPENDING LIMITS

While I endorse spending limits, I have concerns regarding the setting of a single cap on spending limits. Clearly, the needs of candidates in high growth States and numerous media markets differ greatly from those candidates in States who deal with limited media markets and have far fewer constituents to reach. Without addressing this discrepancy, incumbents and challengers alike will be limited in having the appropriate tools to educate the voters. Caps which address the uniqueness of each State must be addressed in conference. This point will be pivotal to my final support of this legislation.

CANDIDATE CONTRIBUTION LIMITS

Limiting personal funds is a good provision and one that will eliminate an advantage that has been unfair in the past.

NATIONAL GUARD ALIEN ENLISTMENT ACT (H.R. 5458)

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today, H.R. 5458, the National Guard Alien Enlistment Act.

This measure is the result of a careful evaluation and revision of H.R. 3971, legislation granting lawful residence status to certain aliens enlisting in the U.S. Armed Forces.

H.R. 3971 is intended to alleviate the critical manpower shortage currently facing several National Guard and Reserve units throughout our Nation. On September 21, 1989, an earlier version of this measure was the subject of hearings before the House Judiciary Subcommittee on Immigration, Refugees, and International Law.

In response to comments from the Department of Defense, the Department of State, and the Immigration and Naturalization Service, I revised the original legislation to narrow its focus and making it more responsive to the bill's original intent.

H.R. 3971 was the result of those revisions. However, once again the legislation has been revised based upon the suggestions of the Defense Department.

This new measure is virtually identical to the previous measure with three important exceptions:

First, the alien enlistment program would be authorized for a limited period of 3 years, and the Secretary of Defense will report to the Congress on the success of the program at the close of the 3-year program.

Second, a limit of six States with a personnel strength of less than 95 percent, instead of 90 percent, of the authorized strength of that State's National Guard as of September 30, 1990, would be eligible.

Finally, the new legislation would allow 1,000 aliens, rather than 3,000, to enlist in the National Guard each year in those eligible States.

Mr. Speaker, I am requesting that the full text of H.R. 5458 be inserted at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this measure.

H.R. 5458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ACCEPT ENLISTMENTS IN THE NATIONAL GUARD FROM CERTAIN ALIENS.

Section 302 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(d)(1)(A) Under regulations to be prescribed by the Secretary concerned, an original enlistment in the Army National Guard or Air National Guard of a designated State may be accepted during the three-year test period (as defined in paragraph (8)) from a person who is not a citizen of the United States and who is otherwise described in paragraph (2) if the actual total personnel strength of the Army National Guard and Air National Guard of that designated State, at the time of such enlistment, is less than the baseline strength for that designated State.

"(B) For purposes of this subsection, the term 'designated State' means a State or Territory, Puerto Rico, or the District of Columbia that is designated by the Secretary of Defense, acting through the Chief of the National Guard Bureau, for the purposes of this subsection. The Secretary of Defense shall make six such designations.

"(C) For purposes of this subsection, the term 'baseline strength', with respect to a designated State, means 95 percent of the total authorized strength of the Army National Guard and Air National Guard of that designated State as prescribed by Federal law or regulation for September 30, 1990.

"(2) A person referred to in paragraph (1) is a person who is otherwise qualified for an original enlistment in the National Guard and who as of the date of the enactment of this subsection—

"(A) is not admitted to the United States for permanent residence; and

"(B) is present (whether or not lawfully) in the United States (including any commonwealth, territory, or possession of the United States).

"(3)(A) A person may not be enlisted under this subsection unless the person, in addition to taking the oath prescribed under section 304 of this title, declares an intention to become a citizen of the United States.

"(B) The enlistment of a person under this subsection shall be void if—

"(i) the person does not apply for adjustment of status under section 245B of the Immigration and Nationality Act within 90 days after the date of such enlistment, or

"(ii) the Attorney General determines that the person, having applied for such adjustment of status, is not eligible for such adjustment of status.

"(4) The number of persons enlisted under this subsection in the National Guard of a designated State may not exceed 1,000 during any fiscal year. The Governor (or, in the case of the District of Columbia, the commanding general) shall determine the apportionment of enlistments under this subsection between the Army National Guard and the Air National Guard, except that at least two-thirds of such enlistments shall be in the Army National Guard.

"(5) The term of an enlistment under this subsection may not be less than six years.

"(6) If, within 60 days after the beginning of the war or of a national emergency declared by Congress, the number specified in paragraph (4) is not increased by law, the President may increase such number as the President considers appropriate. Any such increase may remain in effect for the duration of the war or national emergency.

"(7) In the case of an alien enlisted under this subsection who is released or discharged from service under any condition other than honorable, the adjutant general for the National Guard from which the alien was released or discharged shall notify the Attorney General of such release or discharge within 90 days after the date of the release or discharge.

"(8) For purposes of this subsection, the three-year test period is the three-fiscal year period beginning on the first October 1 after the date of the enactment of this subsection.

"(9) At the end of each fiscal year during the three-year test period, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report describing the operation of this subsection during that fiscal year. At the end of such three-year test period, the Secretary of Defense shall submit a report to Congress on the operation of this subsection. That report shall include the Secretary's evaluation of success of the enlistment program under this subsection and the desirability of continuing the program."

SEC. 2. ADJUSTMENT OF STATUS OF ALIEN ENLISTED MEMBERS AND THEIR FAMILIES.

(a) PROVIDING FOR LEGALIZATION.—Chapter 5 of title II of the Immigration and Nationality Act is amended by inserting after section 245A (8 U.S.C. 1255a) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ALIENS ENLISTED IN THE NATIONAL GUARD

"SEC. 245B. (a) TEMPORARY RESIDENT STATUS.—

"(1) PRINCIPAL ALIEN.—The Attorney General, in consultation with the Secretary concerned (as defined in section 101(8) of title 10, United States Code) or the appropriate chief executive officer of the pertinent State, territory, or possession, shall adjust the status of an alien to an alien lawfully admitted for temporary residence if the alien applies to the Attorney General for such adjustment of status and, in the application, establishes the following:

"(A) The alien is accepted for enlistment and is enlisted in the Army National Guard or Air National Guard pursuant to section 302(d) of title 32, United States Code.

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the enactment of this section and has resided continuously in the United States since such date.

"(2) SPOUSE AND MINOR CHILDREN.—The Attorney General shall adjust the status of an alien to an alien lawfully admitted for temporary residence, if the alien applies to the Attorney General for such status and establishes, in the application, the following:

"(A) The alien is the spouse or child of an alien lawfully admitted for temporary residence under paragraph (1).

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the application of the principal alien under paragraph (1) and has resided in the United States continuously since such date.

"(3) TERMINATION OF STATUS.—The Attorney General shall provide for termination of temporary resident status granted to an alien under this subsection if—

"(A) it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) the alien commits an act that (i) makes the alien inadmissible to the United

States as an immigrant, except as provided under subsection (c)(2), or (ii) is convicted of any felony or 3 or more misdemeanors committed in the United States, or

"(C) the alien described in paragraph (1)(A) was released or discharged from service described in such paragraph under any condition other than honorable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—The provisions of section 245A(b)(3) shall apply to an alien granted lawful temporary resident status under this subsection in the same manner as such provisions apply to an alien granted lawful temporary resident status under section 245A(a).

"(5) CONFIDENTIALITY.—The provisions of paragraphs (5), (6), and (7) of section 245A(b) shall apply to applications under this subsection in the same manner as they apply to applications under section 245A.

"(b) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) CERTIFICATION OF SERVICE.—An alien described in subsection (a)(1) may apply to the Secretary concerned or to the chief executive officer referred to in subsection (a)(1)(A) for a certification that the alien (A) has at least 6 years of honorable service in the Army National Guard or Air National Guard and (B) was not released or discharged from such service under any condition other than honorable. If such an application is granted, the Secretary or officer shall issue such certification.

"(2) ADJUSTMENT OF STATUS OF PRINCIPAL ALIEN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(1) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(3) ADJUSTMENT OF STATUS OF SPOUSE AND CHILDREN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(2) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien's spouse or parent under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(4) WAVIER OF SERVICE REQUIREMENT.—Upon the petition of the Secretary concerned or the chief executive officer, the Attorney General shall waive the certification requirement of—

"(A) paragraphs (2)(A) and (3)(A) for any alien if the alien was wounded in action or held in captive status (as defined under section 559 of title 37, United States Code), or

"(B) paragraph (3)(A), if the alien's spouse or parent was killed in action or otherwise died while in the line of duty.

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations of sections 201 and 202 shall not apply with respect to aliens covered under this section.

"(2) ADMISSIBILITY DETERMINATIONS.—The provisions of section 245A(d)(2) shall apply to determinations of admissibility under this section in the same manner as they apply to determinations of admissibility under section 245A.

"(d) TEMPORARY DISQUALIFICATION FROM CERTAIN PUBLIC WELFARE ASSISTANCE.—The provisions of section 245A(h) shall apply to aliens granted lawful temporary resident status under this section in the same manner as such provisions apply to aliens granted lawful temporary resident status under section 245(a), except that any reference to a 'five-year period' shall be considered to be a reference to a 'two-year period'.

"(e) EXPEDITED NATURALIZATION.—In the case of an alien who is granted lawful permanent resident under subsection (b) and who re-enlists in the Army National Guard or the Air National Guard for an addition term of 6 years, there shall be counted toward the period of physical presence and residence required for naturalization under section 316(a), the period of physical presence and residence while the alien was in lawful temporary resident status under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Naturalization Act is amended by inserting after the item relating to section 245A the following new items:

"Sec. 245B. Adjustment of status of certain aliens enlisted in the National Guard.".

VIOLENCE AGAINST WOMEN MUST END

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, today I am proud to introduce with Representative BARBARA BOXER the Violence Against Women Act. Through this legislation we are taking a tough stand against this heinous but all-too-common type of violent crime.

In the United States today, a woman is beaten every 18 seconds; raped or attempted to be raped every 3½ minutes; and murdered by a husband or boyfriend every 6 hours. In 1989 alone, the Rochester police in my own district reported 3,886 domestic violence offenses. Rape is the fastest growing crime in our country, and it's estimated that 50 to 90 percent of all rapes are never reported to the police. In Rochester, calls to a rape crisis hotline have increased an average of 15.3 percent each year from 1980 to 1989, and 47 percent of the callers do not report the attack to the police. These shocking statistics demand that our judicial system enact legislation on the Federal and State level to break this cycle of violence against women.

The Violence Against Women Act increases Federal penalties and sentences for those convicted of sex offenses. It doubles sentences for repeat offenders. This is critical because rape is the crime with the highest rate of recidivism, according to Linda Fairstein, the head of the Manhattan district attorney's sex crimes unit.

The bill requires attackers to make financial compensation to their victims, and for the first time would make victims of violence based on their gender eligible for the compensatory and punitive damages available to others whose civil rights have been violated. The bill provides grants to governments in areas of high intensity crime to develop effective law enforcement and prosecution strategies to combat violent crimes against women and creates a commission to study violent crime against women.

These and other provisions of this bill will be effective only if they are copied and adopted by every State. They certainly will make a difference to the victims in my congressional district if New York State adopts similar legislation.

This year, Arthur Shawcross was arrested and indicted for murdering 10 women in the Rochester area. Outrage mounted when it became known that in 1972, Shawcross had been convicted of raping and murdering a little girl, sent to prison, and paroled after only 15 years. He was on parole for other crimes when he committed the 1972 murder. Had New York State enacted legislation like the bill we are introducing today, sentencing guidelines would have required that Shawcross have served at least 18 years for the rape and murder. He would still be in prison now, and the 10 women he is accused of murdering might still be alive today.

This July, the Rochester Democrat and Chronicle ran a superb, thought-provoking five-part series on violence against women. For 6 months, reporters Susan McNamara and Deborah Fineblum Raub researched these articles, interviewing experts on law, counselors, victims, and violent men who have attacked women. I commend these reporters, the newspaper, and photographer Karen Mitchell for devoting so much time and space in the paper to promoting public awareness of this critical issue.

The series highlights the extent of the problem, the many effects of violence against women, and the avenues available for help. It sympathetically and concisely discusses the facts and feelings of victims such as Kathy Corey, who was brave enough to come forward and prosecute the man who raped her in 1977, and who now volunteers to counsel other rape victims on how to recover from this terrible crime. The series echoes the reasons why last year and again this year I introduced legislation designating October as National Domestic Violence Awareness Month. If we can begin talking about the dimensions of the problem we can begin pursuing a solution.

I recommend the Democrat and Chronicle series to anyone interested in learning about the extent and horror of violence against women. Because this issue is so important, and because this series so eloquently examines violence against women, I am including in the RECORD excerpts from this extraordinary series.

I hope that Congress will set an example to States by toughening Federal law setting the consequences for those who attack women and by working with local police to stop the problem. We can do that by passing the Violence Against Women Act.

MANY SHARE A CYCLE OF PAIN

(By Deborah Fineblum Raub)

This was absolutely the last time she would let her husband beat her, Gloria said, eyes puffy and red from a night of crying.

But, she admitted, she has said that before.

In fact, after every beating she swears she'll never let it happen again. Then, in the morning, thinking about her children's need for their father, her own financial helplessness, and the fervor of her husband's apologies, she forgives him * * * again.

And the cycle of domestic violence begins again in the night of Gloria's suburban Rochester home.

"Everything will be fine for a while, then it starts all over," she said.

The accusations: "I'm a lousy mother, I'm a lousy housekeeper and cook, I'm being unfaithful * * * I'm a nothing." And then come the beatings.

Cheryl and Jill are seated near Gloria (not their real names) in the living room of the Alternatives for Battered Women shelter. "'You're just a nothing,' that's *exactly* what my boyfriend says to me before he slaps me around," said Cheryl.

These women are not alone. Domestic violence—committed by a husband or boyfriend, ex-husband or ex-boyfriend—is the most common violent crime against women.

Consider the following:

Domestic violence is the most frequent cause of injury to women, more prevalent than auto accidents, rapes and muggings combined, according to former U.S. surgeon general C. Everett Koop.

Men commit 91 percent of all assaults on their spouses or ex-spouses.

Twenty percent of visits by women to emergency medical services are caused by battering.

Forty percent of divorce cases in the New York State cite physical violence as the reason for termination of marriage.

Four women die each day in the United States from domestic abuse.

In the 10 months of 1989 for which figures were compiled the Rochester Police Department reported 3,886 domestic violence offenses, up from 2,071 in 1988. "And these numbers are just a fraction of all the women who get abused; most of them don't ever report to authorities," said Diana Compos, project director for the state-wide Spanish-language domestic violence hotline.

Experts say that even those episodes of domestic violence that are reported are just beginning to be perceived as crimes. "For many years our judicial system did not put an end to it. They called it a family feud and looked away," said University of Rochester anthropology professor Ayala Gabriel. "Now it's against the law but the attitude remains. We've only just begun to take the laws seriously."

The lag in societal attitudes has frustrated Phyllis Korn every day of the last 10 years that she's worked as executive director of Alternatives for Battered Women in Rochester. "Traditionally domestic violence has been viewed by society as just a domestic squabble, something that's OK as long as it's kept behind closed doors."

It's an attitude that's been absorbed so deeply that it is reflected in the English language, she added; the expression "rule of thumb" derives from an old English law that says a man may beat his wife, as long as the stick is no thicker than his thumb, she said.

"And, even though the law now tries to protect a woman against violence in her home, the same people who will intervene when someone attacks a stranger on the street, will still turn aside if it's a man hitting 'his' woman."

Domestic violence is a crime that tends to victimize a woman over and over again; on the average, a woman returns to an abusive husband or boyfriend five to 10 times, Korn said. "Some women are beaten for months, others for years before they say, 'No more.'"

Why do women caught in this cycle remain? Terry Servis, former Monroe County assistant district attorney, said, "It's tough to explain why some women permit this to go on. But some feel trapped. They have no other visible means of support, they may have children, they may feel there is no alternative."

Alternatives for Battered Women runs one of approximately 1,200 domestic-violence shelters across the United States. The not-for-profit service also provides a 24-hour hotline for abused women, ongoing support groups and individual counseling, and temporary housing for battered women and their children.

"They're more fortunate (in Rochester) than those in rural areas, where there's usually no support at all for abused women, and they're better off than the ones living in big cities where the services they have are overwhelmed," said Korn.

The shelter, which occupies an upper floor of a downtown Rochester office building, houses as many as 26 women and children at a time, serving nearly 500 each year. Security is a primary concern, with dead bolts on all doors, closed-circuit television cameras focused on the foyer.

"The ultimate need here is for safety," Korn said. "This is a place where a woman can relax enough to tackle the critical issues she needs to resolve."

Only at the shelter could Jill escape from her boyfriend's beatings. "I kept going home because I'm not safe on the streets, but I'm not safe at home either."

Jill said that the battering began after she gave birth to their first child. That's not uncommon, Korn said, adding that it's often during pregnancy or after a baby is born that the violence starts.

Battering during pregnancy is the subject of an ongoing study by researcher Judith McFarlane at Texas Women's University in Houston. McFarlane is the recipient of a Centers for Disease Control grant used to track the pregnancies of 1,200 women in two states. Results from preliminary research show that a woman battered during pregnancy has four times the chance of delivering a low birth-weight baby—one at risk for early death or complications—as a woman not battered. She is also more likely to miscarry.

"Ours is the first study to track women through their pregnancies and document the effects of abuse on them and their babies. What we're hoping is that the study will encourage all health professionals to ask questions about abuse of the women they see, pregnant and otherwise," McFarlane said. "Only then can we educate women about the risk of violence in their lives and help them stop the cycle of domestic violence. Knowledge is power, it really is."

Korn said the shelter provides not only "a setting that is indignant that a woman should be subjected to this crime" but counseling support to help her make decisions and an opportunity to be with other women in the same situation.

The National Crime Survey reports about 2.1 million women were beaten in their homes between 1978 and 1982. Deborah White of the National Coalition Against Domestic Violence in Washington, D.C., estimates the current number of abused women nationally between 3 million and 4 million each year.

Of this number, the Bureau of Justice Statistics identifies 57 percent of the beatings are done by spouses and ex-spouses. Boyfriends and ex-boyfriends make up another, uncalculated, percentage of the national total.

The leap in the numbers of reported cases stems largely from increased community pressure on police to make more arrests, better community education, and more shelters and services for abused women, White said. "So, even though it's still a stigma, more are coming forward," she said. "But it's also true that we have just become a more violent society, with the incidence of this kind of crime up."

In her office, Brigitte Abraham of the Monroe County District Attorney's Domestic Violence Bureau sees "a steady rise in felony assaults and murders that are domestic violence."

And she's glad that women are reporting more than in the past. "The difficulty is that these are very isolating crimes. It's humilitating because it says that you were stupid enough to pick somebody who beats the poop out of you."

On an average day, Rochester police receive 10 calls reporting domestic violence, said Sgt. Steve Di Gennaro, who is in charge of the family victim service section there.

More than a year ago, the department adopted a pro-arrest policy, one that gives a police officer on a domestic violence call the right to arrest the abuser, even if the victim is reluctant to press charges. This is within the officer's power if he or she sees physical evidence of abuse. Previously, abusers were arrested only when the victim agreed.

"So the officers' hands were tied," said Di Gennaro. Now, under the pro-arrest policy, the abuser can be removed from the home, defusing—at least temporarily—a violent situation.

"Pro-arrest policies mean that police are looking at these cases in a different way," said Abraham. The change is responsible in part for the increase in the number of domestic violence calls to police, she added. "More women are calling now as society doesn't condone it as much as it used to."

Becky McCorry heads Family Crisis Intervention Team, (FACIT) a program of the Rochester Police Department that sends mental health professionals into homes torn by domestic violence. "Pro-arrest provides the support an abused woman needs, because the dynamics of control in domestic violence means that most women are too paralyzed to make the decision to have the batterer arrested."

But McCorry said that pro-arrest is only the first step. "Sometimes people think that the arrest stops a problem. It doesn't. Long-term counseling—separately for batterer and victim—is what's needed."

Korn said judges "are a key link."

"I think many of our judges are heads-and-shoulders above those in other areas, but we still need to establish a greater understanding of the domestic violence cycle with them."

Sheer volume is the primary challenge facing those courts that deal with domestic violence, said Judge Leonard Maas, who has been a Monroe County Family Court judge for nine years. "The number of our cases has mushroomed completely."

Maas said his court regularly issues temporary orders of protection to keep the

abuser out of the home. "And matters are brought back to court in a relatively short time." But there is room for improvement in the way the courts deal with battered women, he said, adding that he's looking forward to read recommendations forthcoming from the New York State Commission on Domestic Violence.

Despite a legal system and community agencies working to be responsive to battered women, many women remain in their violent homes.

"It's a cycle; by the time a relationship has escalated to violence, a women's self-esteem is very low," Korn said. "She thinks it's her fault. She's heard, 'If you hadn't been a whore, if you weren't ugly, if dinner was ready on time, if the house was straightened, I wouldn't have to do this for so long; she feels she's worth nothing."

Jill, however, talking about her life in the shelter's living room, wiped her eyes, blew her nose and made a quiet resolution to fight back.

"I'm not going to stand there and take it anymore," she said. "Each time he's tried to make up, I've fallen for it. The message we get from the legal system is that beating your woman is a little bit acceptable, but I'm realizing that nobody deserves to be beat."

FEAR SHRINKS A WOMAN'S WORLD

(By Susan McNamara)

Last December at a local shelter for battered women, a woman recalled the indignation her husband felt as he read newspaper accounts of Rochester's serial killer.

"'Geez,' he'd say, 'I can't believe the cops are letting this guy run around killing women.'"

When she asked how that violence differed from the violence he inflicted on her, he replied, "That's different. You're my wife and I can do what I want to you."

Violence against women takes many forms—from a gruesome death at the hands of a serial killer to rape in a woman's own home by her husband.

In the United States, a woman is beaten every 18 seconds. Every 3½ minutes a woman is a victim of rape or attempted rape. Every four hours a woman is murdered. Every six hours a woman is murdered by a husband or boyfriend, according to the U.S. Bureau of Justice Statistics and the Federal Bureau of Investigation.

And while some crimes can be committed as easily against men—and men, in fact, are crime victims more often than women—few would argue that men feel the same fear as women.

It is this fear that forces women, not men, to live in a smaller world: one that is brightly lit after sundown, one that has deadbolt locks and security alarms, one that encourages travel in groups, not alone.

It is this fear that forces many men to worry about wives, girlfriends and daughters—when they work late, when they jog, when they go shopping in the evening.

It is a fear so ingrained that many women don't even recognize it. Yet it amounts to a denial of women's basic rights to life, liberty and the pursuit of happiness.

"I'm not rich but I have the right to live safely in my own neighborhood, to pick up the paper and not read that someone in my family is dead," said Denise P. Logan, of Rochester, in a speech at the "Take Back the Night" rally and march downtown in February. Logan's cousin, Kimberley Denise Logan, was found murdered last year on Meigs Street. There have been no arrests in the case.

"This is not a look-the-other-way issue," she said. "It's time to get busy."

Violence against women, whether it's murder, rape or domestic violence, doesn't occur in a vacuum. The crime doesn't stop with the victim; it touches everyone, from family and friends to the larger community.

However, it is hardly a 20th-century phenomenon, psychologists say. The image of the cave man with the club dragging around a woman by a hank of hair may not be far off the mark. The violence is probably as old as relationships between men and women.

"It's a fairly traditional thing for women to be beaten, killed and raped," said Leslie R. Wolfe, executive director of the Center for Women's Policy Studies in Washington, D.C.

"As depressing as that fact is, it's true. The serial killer in Rochester sounded like Jack the Ripper. We're talking about a continuum here.

The issue has become a popular one in some political circles.

It was more than a decade ago—before it was fashionable for male politicians to address the subject—that Rep. George P. Miller, D-Calif., first spoke out on violence against women. He says he was accused by a colleague of "trying to take the fun out of marriage."

Miller is chairman of the Select Committee on Children, Youth and Families of the U.S. House of Representatives. Among the committee's work was the 1987 hearing on "Women, Violence and the Law" in Washington, D.C.

"Violence against women is an everyday occurence in America," he says. But despite great strides in the last decade or so, "there is still much work to be done."

Last month, congressional hearings were held in Washington on legislation calling for tougher penalties for violence against women.

The proposed bill would make gender-related violence a civil rights violation, entitling the victim to sue for punitive damages. Also, $300 million in grants would be provided to create a commission on violence against women.

Consider these statistics:

More than half of all violent crimes against women are committed by people they know. Yet, according to the Office for Victims of Crime of the U.S. Department of Justice, violent acts against women are the crimes least likely to be reported.

A girl who was 12 years old in 1989 has a 73 percent chance of being a victim of violent crime—rape, robbery or assault—sometime in her life.

In all categories of violent crime, women are victims in numbers disproportionate to the crimes they commit. A woman is more than twice as likely to be murdered as to murder. She is 12 times more likely to be a victim of domestic violence than an abuser.

Ninety-nine percent of serial killers are men; between 80 and 90 percent of victims of serial killers are women.

Between 1977 and 1986, the number of rapes reported to police was up 43 percent, making it the fastest growing type of violent crime in the United States.

Nationally between 1978 and 1982, 2.1 million women were battered at least once. However, it's hard to estimate how many battering incidents occur locally. Four jurisdictions in Monroe County don't keep records of family trouble or domestic disturbance calls. The Rochester Police Department reports as many as 10 arrests a day, with most of the violence directed against women.

Experts say that illegal drugs also may account for some of the violence against women.

"They definitely contribute to the climate of violence," said Phyllis Korn, executive director of Alternatives for Battered Women in Rochester. "I would never say that drugs or alcohol or stress make people violent but for those who need to control others, it makes things much worse."

But American culture should share some of the blame for the climate of violence, too.

"We call ourselves peace-loving but it's a cliche. Look at our heroes," said psychologist Elaine F. Greene, who has a private practice in Brighton. "Over the decades, we have admiration for macho figures—Batman, Superman, Rambo."

Even in romantic films, the depiction of dominant men and submissive women may give mixed messages.

"You've seen the old movies, where a women is slapped across the face and brought to her senses, or where she's picked up and carried off as she beats her little fists on the man's back, said Ayala H. Gabriel, assistant professor of anthropology at the University of Rochester. "The myth is that women love it. Violence and sexuality get mixed, and a myth is propagated."

The case against pornography is even more dramatic. Research studies haven't always agreed that depicting women in non-violent ways in pornography causes antisocial behavior. However, most experts agree that pornography portraying sex in combination with violence—sadomasochistic themes, bestiality and portrayals of rape, for example—does contribute to an individual's tendency toward aggression.

Other possible effects include stimulation of rape fantasies, an increased callousness about rape, loss of compassion for women as rape victims, and greater acceptance of so-called rape myths—for example, that women "ask for it."

Another serious concern is that men, women and children of all ages and backgrounds are becoming inured to all kinds of violence, including violence against women. The average 18-year-old, for example, will watch an estimated 16,000 murders on TV in his lifetime. American culture is rife with incidents of violence in favorite pastimes—from sports to rock concerts—and in the language—including vengeful slogans on T-shirts and bumper stickers.

That worries many of those who are touched by the phenomenon—women's advocates, law enforcement officals, mental health practitioners, social workers, shelter and crisis center workers, as well as the victims and their families.

"We're much too comfortable with violence," said Harry Reis, professor of psychology at the University of Rochester. "There has been a lot of research done on desensitization. Essentially, every time people see or hear of a violent act it makes them that much more used to it. We know that was the case in Rochester with the serial killings. If these were 14-year-old girls from good neighborhoods, imagine the outrage."

The mind also distances itself from fear of crime by blaming the victim.

"The victims gets re-victimized by society, and the scenario gets played out again and again and again," said Kathy Cottrell, assistant director of Rape Crisis Service of

Planned Parenthood of Rochester and the Genesee Valley Inc. "The most famous example is the woman jogger (in Central Park) who was brutally raped and very nearly killed. She was blamed for her own sexual assault. I've heard this a million times: 'It would never happen to me. I wouldn't jog there. Or you'd hear: 'I would never be a victim of a serial killer. I don't walk the streets.' "

Indeed, some women's advocates find disturbing irony in the increase of reported rapes on college campuses.

"Intellectually we try to empower women. We encourage them to make the best of their capabilities. But is it wrong to do that, to encourage them to reach for the brass ring, to give them a false sense of their own capacities, when the world is such a dangerous place? It may come down to a basic, physical kind of danger for which they'll be totally unprepared," said Bonnie Smith, former director of UR's Susan B. Anthony Center for Women's Studies, now with Rutgers University.

"It's also important to acknowledge that this is just another burden that women alone carry. We have to take extra measures to protect ourselves in the world in a way that men don't have to."

COMMEMORATING THE CHANGING OF COLORS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. RITTER. Mr. Speaker, the times they are a changin' from maize, raw umber, and orange-yellow to dandelion, wild strawberry, vivid tangerine, and cerulean. I am referring, of course, to the colors that are childhood itself: Crayola crayons.

The tots of America have spoken and Crayola has responded by replacing eight of the traditional crayons with brighter and bolder colors. On August 7, the retiring crayons will be inducted into the Crayola Hall of Fame in Easton, PA.

With the new colors, the future leaders of America will see not a blue-gray future, but a fuchsia future with a wild strawberry, white, and teal blue flag flying proudly over the land. The medium is the message and I expect bolder plans and brighter prospects from future generations using these new colors.

Even though the colors are a changin', Crayola crayons have more staying power than teenage mutant ninja turtles, more moves than a hoola hoop, and more tricks than a pet rock. Crayola crayons are classics.

NEW JERSEY PRIDE HONOR ROLL: FRED G. STICKEL III

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. GALLO. Mr. Speaker, our local governments are the backbone of our democratic system because they are closest to the people. In New Jersey, we have a system of home rule that further strengthens the local decisionmaking process.

Local governments depend upon professionals with known expertise and background to perform many specialized tasks and these experts often become very important even if they are not well known.

On September 14, Fred G. Stickel III of Roseland, NJ, will be honored by his colleagues and friends in recognition of his 50 years of legal practice and, more specifically, for his many contributions to municipal government law and procedure.

Next to home rule, Fred Stickel is considered by many to be the most hallowed municipal government tradition in New Jersey.

Fred G. Stickel III is a recognized authority on planning and zoning law and is an architect of New Jersey's municipal land use law of 1975, a nationally recognized model.

Fred Stickel serves as general counsel to the New Jersey State League of Municipalities and is a past president of the New Jersey Institute of Municipal Attorneys. He is a past general counsel of the New Jersey Federation of Planning Officials.

He has made an indelible mark on municipal government in general and New Jersey's planning and zoning law, in particular.

He has been an advisor to a number of State commissions in the planning field and his guidance and counsel have molded the development of communities across the Garden State for the last 50 years.

He began his career of municipal law in several West Essex communities, serving as attorney for Cedar Grove from 1943 to 1955, for Roseland from 1948 to 1968, and for Verona from 1961 to 1963, as well as serving as counsel for a number of planning boards and school districts during the early years of his career.

He has appeared as special counsel for numerous New Jersey municipalities and has provided counsel in various capacities in towns throughout northern New Jersey.

He is a member of the County and Municipal Law Revision Commission appointed by Governor Richard J. Hughes in 1966.

Mr. Speaker, I ask my colleagues to join me in recognition of Fred G. Stickel, whose career of public service spans 50 years and includes a diverse list of accomplishments and awards for his contributions to municipal government law in the State of New Jersey.

DEDICATION OF THE JOHN E. LAWE MEMORIAL SPORTS STADIUM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to recognize the successful efforts of the founders of the Irish Cultural & Sports Centre and friends of John E. Lawe to create a complex that celebrates Irish culture. On September 23, 1990, the John E. Lawe Memorial Sports Stadium, an integral part of the center, will be dedicated. The late John E. Lawe's name will grace the stadium as recognition for his important contributions to the American labor movement and the Irish-American community.

John Lawe's ascendency to the position of international president of the Transport Workers Union of America exemplifies the opportunities America offers immigrants who are hard working, honest, and imaginative. In 1949, John emigrated to this country from Ireland. For a short time, he worked as an elevator operator before becoming a bus cleaner. Over the years, John held every position in his union, from shop steward to president of the TWU local 100 in 1977. As president of the TWU local, John Lawe led the union through the difficult 11-day New York City transit strike of 1980. Lawe's approach to leadership and union politics centered on several principles: never promise anything you cannot deliver, never mislead the membership, and base your actions and decisions on what's best for the majority of the membership.

In addition to his union activities, over the years, John devoted a vast amount of time to Irish causes. In recognition of his work on behalf of the Catholic minority in Northern Ireland, John received honors from the Irish Northern Aid Society, the Grand Council of United Emerald Societies, the Irish National Caucus, and the Ancient Order of Hibernians. In 1987, John Lawe received the great honor of being elected grand marshal of the St. Patrick's Day Parade. John also found the time to serve as the general labor chairman of the Arthritis Foundation of the New York region. Over a year and a half has passed since his death, but his important contributions to our country will not be forgotten, due in part, to the creation of the John E. Lawe Memorial Sports Stadium.

Mr. Speaker, I call upon all my colleagues in the U.S. House of Representatives to join me in paying tribute to the late John E. Lawe and the Irish Cultural & Sports Centre.

HONORING THE PITTSFIELD GIRLS ALL-STAR SOFTBALL TEAM, 1990 STATE CHAMPIONS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. CONTE. Mr. Speaker, I rise today to recognize and congratulate 17 very special athletes from my district. The Pittsfield girls all-star softball team, comprised of girls 12 and under, has captured its first ever State championship in slow-pitch softball. In doing so, they have also captured the hearts of every sports fan in our community, none more so than mine. These budding superstars possess such exceptional talent it is no wonder that the entire county is beaming with pride.

During the course of the season, these young ladies won 15 games, and lost only 1. This is certainly a tribute to their outstanding coach, Joe McGovern, whose lessons of teamwork manifested itself in unity and pride among his players, and whose belief in the value of hard work were adhered to all the way to the State championship. The team has practiced together at least every other day for

the entire season. The experience of partnership and dedication have yielded great success today, and the lessons learned wills surely lead to greater successes in the future. Presently, the all-stars are practicing daily in preparation for the national tournament in Meridian, MS. I am considering, Mr. Speaker, suggesting to manager Joe Morgan that the Red Sox spend some time at those practices to pick up some helpful hints on winning. If these young ladies can bring the national trophy to Pittsfield, maybe they can help the Olde Towne Team bring the Commissioner's Trophy to Boston.

Mr. Speaker, in this national forum, I wish the best of luck to the Pittsfield 12 and under girls all-star softball team, and I have my fingers crossed for their performance at the national tournament in Meridian, MS. I am confident that the strength, camaraderie, and skill which has been developed throughout this season will place them in good standing against the rest of the Nation.

Hopefully, the national trophy will return to Pittsfield with them in August. Good luck team.

TRIBUTE TO LEOMINSTER, MA, LITTLE LEAGUE BASEBALL VOLUNTEER OF THE YEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, it is with pleasure that I pay tribute to a special constituent of mine from Leominster, MA. David DiGeronimo, cochairman of the Massachusetts State tournament and one of the most successful coaches in Leominster American Little League history, has been selected the Massachusetts Little League Volunteer of the Year.

Since 1979, David has served as a coach for Little Leaguers in Leominster. During these years of involvement with Leominster's Little League, David served as coach, manager, vice president, and member of the board of directors. This type of commitment to Little League is unusual, especially since as of yet, David has no children of his own involved with the league.

During his years as manager of the Whittons Insurance baseball team, David has turned the team record around. When David became involved as coach, Whittons was at the bottom of the ranks. Now, Whittons' record is 108 wins and 18 losses. In 1983, 1984, and 1987, DiGeronimo brought the team to become city champs. In 1984, DiGeronimo reached a milestone by coaching the Leominster American all-stars and bringing them to the Massachusetts State tournament championship.

David's real ability is being able to judge hidden talent in a young player. David has taken players of average ability and turned them into all-stars.

In addition to keeping his players involved in the game, David DiGeronimo has encouraged the involvement of parents. He kept the American League together during the mid-1980's, when volunteers were scarce. He's there for the opening day jamboree; tag day, the most important fundraising day of the year; and field day, the annual cookout. He's there for fall tryouts and practice during the season. He loves Little League.

On behalf of the baseball lovers of the Second District of Massachusetts, I thank David DiGeronimo for all that he has done to promote the game to both the young and old. His contribution to Little League will never be forgotten by all the players he has worked with. His contributions have been a real home run for Leominster Little League.

TRIBUTE TO JTPA ALUMNI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to JTPA alumni from Macomb and St. Clair Counties.

In 1982, the Job Training Partnership Act [JTPA] became the centerpiece of Federal employment and training policy. The act provides training for economically disadvantaged adults and youth, summer jobs and training programs for low-income youth, a training program for dislocated workers, the residential Job Corps Program for extremely disadvantaged youth, services for special target population groups, and various national activities.

The MACOMB/St. Clair Private Industry Council, Inc., is holding an open house on Thursday, August 30, 1990, to honor JTPA alumni success stories. Those stories include: Mr. Keith Corsi, Ms. Alexandria Asselin, and Ms. Kara Cuellar.

Mr. Corsi, a dislocated worker, completed a JTPA-sponsored training program in electronics and computer repair and is now employed in a new career.

Ms. Asselin, on pubic assistance and struggling to support a disabled husband and two children, graduated with honors from a JTPA-sponsored secretarial training program, landed a job with a major corporation over 4 years ago, and has since doubled her salary.

Ms. Cuellar, a high school dropout who graduated with her high school diploma from an alternative high school program supported by JTPA funds, was a speaker at commencement ceremonies, a recipient of an achievement award, and is now a student at a local community college.

I believe these success stories, as well as the numerous others since JTPA's enactment, prove that this program is, as Congress wrote, "an investment in human capital, not an expense." We should all learn from these successes. The dedication and desire of these people provide an example for all of us to follow.

Above all Mr. Speaker, I pay tribute to those students who have demonstrated that there is always more to learn. In circumstances where most have given up, these students are accepting new challenges and increasing their understanding of themselves and their importance to their community.

HONORING ALBERT HERNANDEZ, BUSINESS REPRESENTATIVE, LOS ANGELES COUNTY FEDERATION OF LABOR, AFL-CIO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. TORRES. Mr. Speaker, today I rise to recognize an outstanding individual, Mr. Albert Hernandez, business representative for the Los Angeles County Labor Federation, AFL-CIO. On August 31, 1990, Mr. Hernandez will officially retire from the federation and enter a new phase of life.

Mr. Al Hernandez has been with the federation for the past 21½ years. His involvement has taken him from a union steward, to a local union officer, to an international union representative, and finally, to hold the position of business representative. Overall, his union affiliation with the United Cork Rubber, Linoleum, and Plastic Workers of America has totaled 44 years.

Mr. Hernandez was born in east Los Angeles to an immigrant couple from Mexico. He grew up in Watts and graduated from David Starr Jordan High School, where he met his wife to be, Dolores Saldivar. Together, Al and Dolores have four children, Gloria, Leonard, Anthony, and Sylvia. With good reason, Al takes great pride in his children's contribution to society and their service work.

Al's mission and career dedication has been focused to improve the quality of life for working men and women and their families. He has always remained with the federation because of a felt sense of accomplishment, an enjoyment for his work, and the people surrounding it. As he now makes another choice in his life, to retire, Al will be missed and remembered by his peers for his dedication to his country, his union, the federation, and to his family. Whether it was flying a mission over Germany or France in the Army, whether it was leading the Labor Council for Latin American Advancement, or whether it was successfully implementing a program for the federation, Al always worked so that other lives could be changed for the better.

Mr. Speaker, at this time I ask that my colleagues please join me in saluting Mr. Albert Hernandez for his invaluable contribution to the working people of this country and to his profession.

CONDEMNATION OF THE ARAB HITLER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. PALLONE. Mr. Speaker, today I join my colleagues in condemning Saddam Hussein's invasion of Kuwait.

Poland was weak, and Hitler invaded. Austria was weak, and Hitler struck again. I need not repeat the details of English and French

acquiescence in the face of Hitler's actions. Today, the United States and our Arab friends cannot repeat the history of acquiescence in the face of this Arab Hitler.

Saddam Hussein will strike again if not deterred, and deterred strongly. The United States and her allies must work together to expel Iraqi forces from Kuwait, and to protect Saudi Arabia and Israel.

Saddam Hussein is a powerful, determined man, yet he is also an isolated man, alien of the notions of freedom. To permit his domination of Kuwait under any circumstances would mean nothing less than to reward his aggression. His great oil gamble will have returned enormous dividends, and Saudi Arabia will be the new prize on the gaming table.

By its domination of Kuwait alone, Iraq's actions will severely effect the economy of the United States. The interest rates, oil and gas prices, all will be within the grasp of a man who has lied to, murdered, and terrorized his own people. There are the stakes—prosperity in a world where the free flow of ideas and goods benefits all, or a return to the rules of the past, where aggressive nationalist strongmen decide the fate of the world.

Adolf Hitler was fueled by two things—his desire to dominate other lands, and his hatred of Jews and other minorities. Saddam Hussein's goals are not dissimilar. His goal, in addition to domination of the region, has been the extermination of Israel. Infamous terrorists such as Abul Abbas, who has traveled on an Iraqi passport since 1985, and Abu Nidal, who has an office in Baghdad, have long been supported by Iraq. As we speak, terrorists and soldiers alike are training in Iraq to destroy Israel.

We cannot forget our obligation to Israel in these troubled times. To know our goals and guiding principles in the Middle East will mean our victory in peace or war. The extension of Hussein's influence in the region puts him closer to his ultimate target—Israel. To permit Iraqi domination of the Middle East under any circumstances would not buy peace, but only postpone war.

The coming days and months hold great uncertainty for us all. The future can bring blood and the sand, or peace and dignity for the nations of the Middle East. A responsibility is before us and our Arab friends to be resolute in deterring further Iraqi aggression, and a responsibility is before Saddam Hussein to respond to the outrage of the global village.

HUNGER IN ANGOLA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of House Resolution 446, a resolution which I introduced on July 31 to address the urgent famine situation in Angola. The resolution expresses the sense of the House that all parties to the conflict in Angola should put humanitarian needs above military goals. We need to get urgently needed humanitarian assistance through international relief and private voluntary organizations to the people of Angola.

I am pleased at the speed with which the Foreign Affairs Committee brought this legislation to the floor. This resolution has attracted strong bipartisan support from Members who take widely varying views on overall United States policy toward Angola. However, as chairman of the Select Committee on Hunger, I know that there is no disagreement among us when the issue is providing food and other necessary relief supplies for innocent, hungry civilians.

Over 250,000 civilians now are at immediate risk of death from hunger-related illnesses. Angola is considered the most severe humanitarian crisis in Africa today—perhaps in the world. Any assistance already comes late: more than 2,500 people have already died.

This resolution acknowledges that while we must do everything we can to feed the hungry in Angola, that alone is not enough. The United States Government, and all groups supplying military support to the warring parties, must also work to promote a successful conclusion to ongoing negotiations, an end to the civil war, and a lasting peace in Angola. Let this be the final time we must cross battle lines to provide emergency relief to the people of Angola.

I urge all my colleagues to support this legislation.

PROTECT THE MEDICARE SYSTEM

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. ROTH. Mr. Speaker, as the deadline for reaching a deficit reduction agreement grows closer, some in Congress are once again targeting the Medicare Program for steep cuts. This would be a terrible mistake. Congress has already cut billions of dollars from the Medicare Program in recent years. Additional reductions of this magnitude will deal a serious blow to our Nation's health care system.

Ensuring that our Nation's citizens have access to high-quality, affordable health care must be one of our Government's top priorities. Medicare is a vital part of our country's health care system, serving 33 million individuals throughout the Nation. The heart of this program is doctors treating their patients. We cannot jeopardize the ability of these doctors to care for aged and disabled Americans. That is why I have voted against previous cuts in Medicare that the majority forced through, and that is why I oppose these latest proposals to slash Medicare funding.

It is apparent that the priorities of many Members of Congress are backward. Every year they send billions of dollars overseas as foreign aid, while they ignore the very real needs of American citizens. It is unbelievable that on the very same day the Congress was asked to increase foreign aid by $1 billion to pay the Philippine national debt, a House panel voted to cut Medicare payments to our elderly. We should not cut programs like Medicare that provide critical assistance to our citizens.

Unfortunately, the majority in Congress has not been content to just cut spending on the Medicare Program. They have also overburdened doctors with excessive regulations and redtape. For instance, I am hearing from scores of doctors in my district about the new clinical laboratory regulations Congress passed in 1988. I voted against the legislation that mandated these rules because I knew the big-government regulations would stifle doctors. I was right: Now our health care system is suffering.

Congress must learn that the actions taken in Washington have real effects on the lives of individuals throughout the Nation. Congress cannot keep arbitrarily cutting Medicare funding and saddling doctors with burdensome regulations without jeopardizing the quality of health care. That is why I urge my colleagues in Congress to join me in fighting to protect the Medicare system.

PROF. O.B. HARDISON, RENAISSANCE MAN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. FAUNTROY. Mr. Speaker, on August 2, 1990, we lost a valuable scholar, a distinguished leader in the arts, history, and theater when Prof. O.B. Hardison died. Professor Hardison and his wife, Marifrances, and their six children have enriched the life of Washington, DC, with their total commitment and involvement in all aspects of our life. Whether it was music, in the form of the D.C. Youth Orchestra, or education, in support of the Duke Ellington School of the Arts, this wonderful family lived, in their contributions to our community life, the true meaning of dedication.

I know that their many friends in Washington, DC, and the Congress join me in this tribute to the life of a man who is truly a Renaissance Man, a presence we will sadly miss but a presence that will always be with us through the institutions he created and sustained. I ask that the CONGRESSIONAL RECORD provide you with an obituary that mentions at least some of O.B. Hardison's contributions. And our prayers go with his wife and family.

PROF. O.B. HARDISON, RENAISSANCE MAN

(By Richard Pearson)

O.B. Hardison, 61, a Georgetown University literature professor who served as head of the Folger Shakespeare Library from 1969 to 1983, died of cancer Aug. 5 at Georgetown University Hospital. He lived in Washington.

Dr. Hardison was a native of San Diego. He received bachelor's and master's degrees from the University of North Carolina and a doctorate in English literature from the University of Wisconsin.

He taught English literature at the University of North Carolina for 12 years before coming to Washington as Folger Library director in 1969. He retired from the Folger in 1983, and the next year he joined the faculty at Georgetown. He was a professor of English at the time of his death.

He was the author of books on criticism, theater, English literature, poetry, the medieval world, the Renaissance and the modern relationship of culture to technology. He also contributed articles to journals

such as Renaissance Quarterly, the Sewanee and Georgia reviews, the New York Review of Books, the New York Times and The Washington Post's Book World section.

The Folger Library, an internationally known center of Shakespearean research, is administered by Amherst College. When Dr. Hardison took over its direction in 1961, it was primarily for scholars and known for its book collection.

Dr. Hardison oversaw enormous expansion of its resources and opened the Library's doors wider to the general public. He helped establish the Folger Theater Group as a leading area cultural resource and established a popular series of poetry readings. He also introduced the Folger Consort, a group of musicians specializing in medieval and Renaissance offerings.

He was instrumental in the formation of the Folger Institute of Renaissance and 18th Century Studies, oversaw the establishment of a docent program and saw the Shakespeare Quarterly make the Library its home.

Over the years, he became as adept as funding-raising as he was in his more scholarly pursuits. The library's annual income increased from about $20,000 to more than $1 million annually. He left the institution with an endowment of more than $50 million. He also directed the campaign that raised $8.5 million for an expansion and physical plant improvement of the library.

He told a Post reporter, after leaving the Folger, that his two proudest achievements were acquiring a first edition (1684) of Isaac Newton's "Philosophiae Naturalis Principia Mathematica" and getting the theater fireproofed.

Before coming to Washington, Dr. Hardison had an enviable reputation as a writer and teacher. An authority on medieval and Renaissance history and literature, he was an expert on the life, time and work of John Milton and had been hailed by Time magazine as one of the country's outstanding college instructors.

His first book, a volume of poetry entitled "Lyrics and Elegies," was published in 1958. His most recent book, published by Viking in 1989, was "Disappearing Through the Skylight—Culture and Technology in the Twentieth Century." A combination of philosophy, literature, history and science, it was one in a series of books he was writing on man's history and evolution. Another in the series was "Entering the Maze: Identity and Change in Modern Culture," published by Oxford University Press in 1981.

Other books included "Christian Rite and Christian Drama," published by Johns Hopkins University Press, "Praise and Eloquence in Renaissance Literary Theory" and "Praise in Renaissance Literature," which was an expansion of his doctoral dissertation. He also had been an associate editor of the Princeton Encyclopedia of Poetry and Poetics.

Dr. Hardison was a past president of the Renaissance Society of America, the Shakespeare Association of America and the Washington English-Speaking Union. He was a former chairman of the National Humanities Alliance. He was a member of Phi Beta Kappa and had been a Fulbright and Guggenheim fellow and a recipient of awards from the British and Italian governments.

Survivors include his wife, the former Marifrances Fitzgibbon, of Washington; six children, Sarah Hardison O'Connor of Staunton, Va., Laura Hardison Willumsen of Wheeling, W.Va., Agnes Hardison-Sanchez of New York City, Osborne Hardison III of Santa Cruz, Calif., Matthew Hardison of Reston and Charity Hardison Moschopoulos of Washington; a brother, William Gerry Hardison of San Diego; and eight grandchildren.

A BILL TO ENFORCE AUTOMOTIVE FUEL POSTING REQUIREMENTS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 3, 1990

Mr. SHARP. Mr. Speaker, the bill that Congressmen MOORHEAD, LENT, SCHUMER, and I are introducing today addresses the problem of gasoline octane mislabeling. This is a serious problem costing the consumers hundreds of millions of dollars a year. Although the majority of gasoline distributors and dealers are honest business men and women, a 2-year investigative report by the General Accounting Office [GAO] estimates that 9 percent of the gasoline sold nationwide in 1988 was mislabeled by at least half an octane point, the amount considered a significant violation.

Octane mislabeling is believed to occur mainly during distribution rather than during refining. Much of the mislabeling is accidental. However, there are known instances of octane cheating or fraud. One practice identified by the GAO is the sale of gasoline from pumps posted with different octane ratings, but which are supplied by the same storage tank.

Since 1981, according to the GAO report, the EPA and FTC have not tested or enforced gasoline octane rating compliance. There are currently no Federal controls to ensure that gasoline octane postings are accurate.

The 22 States that test gasoline octane ratings on their own appear to experience very little octane mislabeling or octane cheating. The GAO report demonstrates that where a testing program exits, it deters cheating.

Officials from States that test and enforce octane ratings believe that prosecuting octane labeling violators could become excessively difficult because their laws may be preempted by the existing Federal law which has not been enforced.

The bill will make it easier for States to test and enforce octane ratings. It does the following:

First, it empowers States to employ a range of remedies broader than those available under the Petroleum Marketing Practices Act [PMPA] to enforce octane posting requirements. This authority would allow the use of stop-sale orders to immediately halt the sale of mislabeled gasoline.

Second, it broadens the definition of automotive fuel so that all automotive fuels, not just gasoline, would be required to have their octane posted.

Third, it sets a consistent level of enforcement throughout the entire refining, distribution, and retailing chain. Previously, enforcement action at the refining and distribution levels required less stringent levels of proof than at the retail level.

Fourth, this bill also requires four studies:

The Environmental Protection Agency [EPA] is required to determine how the antiknock or octane rating equivalent of nonliquid fuels, such as compressed natural gas, can be determined; the Department of Energy [DOE] is required to determine if different color dyes could be used to distinguish automotive fuels of varying octane ratings or to identify new fuels which may be required for air quality reasons; DOE is required to determine the extent to which consumers use automotive fuel with an octane rating in excess of the rating necessary for the operation of their automobiles; the Federal Trade Commission is required to determine the need for uniform national labeling of all automotive fuels at the pump.

The Energy and Commerce Committee's Subcommittee on Energy and Power has already considered this proposal and voted unanimously that it be introduced as a bill and reported to the full committee for consideration. This is a good piece of consumer legislation that should be passed into law before the end of the 101st Congress.

H.R. 5520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Octane Display and Disclosure Act of 1990.".

SEC. 2. CERTIFICATION AND POSTING OF AUTOMOTIVE FUEL RATINGS.

(a) COVERAGE OF ALL LIQUID AUTOMOTIVE FUELS.—Section 201(6) of the Petroleum Marketing Practices Act (15 U.S.C. 2821(6)) is amended to read as follows:

"(6) The term 'automotive fuel' means liquid fuel of a type distributed for use as a fuel in any motor vehicle.".

(b) AUTOMOTIVE FUEL RATING.—Section 201 of such Act (15 U.S.C. 2821) is amended by adding at the end the following new paragraphs:

"(17) The term 'automotive fuel rating' means—

"(A) the octane rating of an automotive spark-ignition engine fuel; and

"(B) if provided for by the Federal Trade Commission by rule, the cetane rating of diesel fuel oils; or

"(C) another form of rating determined by the Federal Trade Commission, after consultation with the American Society for Testing and Materials (ASTM), to be more appropriate to carry out the purposes of this title with respect to the automotive fuel concerned.

"(18)(A) The term 'cetane rating' means a measure, as indicated by a cetane index, of the ignition quality of diesel fuel oil and of the influence of the diesel fuel oil on combustion roughness.

"(B) The term 'cetane index' has the meaning determined in accordance with the test methods set forth in the American Society for Testing and Materials standard test methods designated D976 or D4737 (as in effect on the date of the enactment of this Act) and shall apply to any grade or type of diesel fuel oils defined in the specification of the American Society for Testing and Materials entitled 'Standard Specification for Diesel Fuel Oils' designated D975 (as in effect on such date).".

(c) CONFORMING AMENDMENTS.—(1) Section 201 of such Act (15 U.S.C. 2821) is amended—

(A) in paragraph (1), by striking out "gasoline" and inserting in lieu thereof "fuel";

(B) in paragraph (2)—

(i) by striking out "Standard Specifications for Automotive" and inserting in lieu thereof "Standard Specifications for Automotive Spark-Ignition Engine Fuel"; and

(ii) by striking out "D 439" and inserting in lieu thereof "D4814";

(C) in paragraph (4)—

(i) by striking out "gasoline" the first place it appears and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" the second place it appears and inserting in lieu thereof "fuel";

(D) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The term 'refiner' means any person engaged in the production or importation of automotive fuel.";

(E) in paragraph (11)—

(i) by striking out "octane" each place it appears and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(F) in paragraph (16), by striking out "gasoline" each place it appears and inserting in lieu thereof "automotive fuel".

(2) Section 202 of such Act (15 U.S.C. 2822) is amended—

(A) by striking out "octane rating" and "octane ratings" each place such terms appears and inserting in lieu thereof "automotive fuel rating" and "automotive fuel ratings", respectively;

(B) in subsections (a) and (b), by striking out "gasoline" each place it appears and substituting in lieu thereof "fuel";

(C) in subsection (c)—

(i) by striking out "gasoline" each place it appears (other than the second place it appears) and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" the second place it appears and inserting in lieu thereof "fuel";

(D) in subsection (d), by striking out "octane" and inserting in lieu thereof "automotive fuel";

(E) in subsection (e)—

(i) by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(ii) by striking out "gasoline's" and inserting in lieu thereof "fuel's";

(F) in subsections (f), (g), and (h), by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel";

(G) in subsection (h), by striking out "octane requirement" each place it appears and inserting in lieu thereof "automotive fuel requirement"; and

(H) in the section heading, by striking out "OCTANE" and inserting in lieu thereof "AUTOMOTIVE FUEL RATING".

(3) Section 203 of such Act (15 U.S.C. 2823) is amended—

(A) by striking out "octane rating" and "octane ratings" each place such terms appear and inserting in lieu thereof "automotive fuel rating" and "automotive fuel ratings", respectively;

(B) in subsections (b) and (c), by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(C) in subsection (c)(3), by striking out "201(1)" and inserting in lieu thereof "201".

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall become effective at the end of the one-year period beginning on the date of the enactment of this Act.

(2) The Federal Trade Commission shall, within 270 days after the date of the enactment of this Act, prescribe rules for the purpose of implementing the amendments made this section.

SEC. 3. INCREASED AUTHORITY FOR ENFORCEMENT.

(a) STATE LAW.—Section 204 of the Petroleum Marketing Practices Act (15 U.S.C. 2824) is amended to read as follows:

"RELATIONSHIP OF THIS TITLE TO STATE LAW

"SEC. 204. (a) To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b), any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

"(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a).".

(b) FTC ENFORCEMENT.—Section 203(e) of such Act is amended by striking out "; except that" in the second sentence and all that follows through the period and inserting in lieu thereof a period.

(c) EPA ENFORCEMENT.—Section 203(b)(1) of such Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "shall";

(2) in subparagraph (A), by striking out "conduct" and inserting in lieu thereof "may conduct";

(3) in subparagraph (B), by striking out "certify" and inserting in lieu thereof "shall certify";

(4) in subparagraph (C), by striking out "notify" and inserting in lieu thereof "shall notify"; and

(5) in subparagraph (C), by striking out "discovered" and all that follows through "testing".

SEC. 4. STUDIES.

(a) IN GENERAL.—For the purpose of making the findings, conclusions, and recommendations referred to in section (c)—

(1) the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall carry out a study to determine whether, and if so, how, the anti-knock characteristics of nonliquid fuels usable as a fuel for a motor vehicle (as defined in section 201(7) of the Petroleum Marketing Practices Act) can be determined;

(2) the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a study to determine the feasibility and the desirability of using dye—

(A) to differentiate automotive fuels with different automotive fuel ratings so that the automotive fuel rating can be determined by its color; and

(B) to identify transportation fuels required, or to be required, by law for clean air or other environmental benefits;

(3) the Secretary of Energy shall carry out a study to determine—

(A) the extent, if any, to which consumers use automotive fuel with an octane rating in excess of the rating necessary for the operation of their automobiles;

(B) the reasons for any such use of excess octane;

(C) the increase, if any, in energy consumption and in harmful emissions resulting from the consumption and production of the excess octane consumed in any such use; and

(D) the effect, if any, of any such use of excess octane with respect to automotive performance and emissions; and

(4) the Federal Trade Commission, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a study to determine the need for, and the desirability of, having a uniform national label on devices used to dispense automotive fuel to consumers that would consolidate information required by law to be posted on such devices.

(b) IMPLEMENTATION.—In carrying out studies under this section, each agency shall—

(1) publish general notice of each of the studies in the Federal Register in a manner similar to that provided for in paragraphs (1), (2), and (3) of section 553(b) of title 5, United States Code, for proposed rulemaking; and

(2) give interested parties an opportunity to participate in its study through submission of written data, views, or arguments with opportunity for oral presentation.

(c) REPORTS.—The Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Chairman of the Federal Trade Commission shall transmit to the Congress, within one year after the date of the enactment of this Act, the findings, conclusions, and recommendations made as a result of the studies carried out by such officers under this section, together with a description of the administrative and legislative actions needed to implement such recommendations.

PROPOSED AMENDMENTS TO PMPA TITLE II

SECTION-BY-SECTION ANALYSIS

Section I. Certification and Posting of Automotive Fuel Ratings.

Section I makes changes in Title II of the Petroleum Marketing Practices Act which requires the posting of octane ratings for gasoline. The term "gasoline" is deleted and the more generic term "automotive fuel" is substituted. As defined in this bill, the term "automotive fuel" means all liquid fuels sold for use as transportation fuels in motor vehicles. The change is proposed because the Federal Trade Commission has determined that gasohol is not "gasoline" for purposes of Title II of PMPA.

Section I will also require the posting of octane for any new alternative fuels, including any new fuels that may be required by the Clean Air Act Amendments. The bill allows the Federal Trade Commission latitude to use other similar ratings, if more appropriate, for new alternative fuels.

In the case of diesel fuel, the cetane index may be posed if the Federal Trade Commission requires it by a rulemaking is required to be posted. Octane has meaning only when a fuel is used in spark-ignited engines; diesel engines are compression ignited. Cetane is the comparable rating for fuels used in compression-ignited engines.

Section II. Increased Authority for Enforcement.

Section II allows states to use whatever investigative and enforcement actions they find necessary, including but not restricted to the provisions provided for by federal law, to enforce the certification of automotive fuel ratings as outlined in Section I.

Section II also sets the level of knowledge required for proof of violation at the same level for refiners, distributors and retailers. Previously proof of violation of the retail

level was a different level than for refiners or distributors.

Section II also made EPA testing for octane discretionary rather than mandatory, acknowledging the fact that EPA has not tested for octane since 1981.

Section III. Studies.

Section III calls for four studies:

(1) EPA is required to determine how the anti-knock or octane rating equivalent of a nonliquid fuel can be determined;

(2) DOE is required to determine if different color dyes could be used to distinguish automotive fuels of varying automotive octane ratings on to identify new fuels which may be required for air quality reasons;

(3) DOE is required to determine the extent to which consumers use automotive fuel with an octane rating in excess of the rating necessary for the operation of their automobiles;

(4) The FTC is required to determine the need for uniform national labeling of all automotive fuels at the pump.

The bill calls for a report to be transmitted to Congress outlining the findings, conclusions, and recommendations with relation to the above studies.

39-059 O-91-32 (Pt. 16)

SENATE—*Saturday, August 4, 1990*

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Baruch Hashem * * * blessed be the name of the Lord!

Father, we want to pray this morning for Senator BINGAMAN'S mother. We pray that You will give her peace and comfort in the hospital, give Your peace to her family, and bring her to total recovery.

Hear, O Israel. The Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: and thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up. And thou shalt bind them for a sign upon thine hand, and they shall be as frontlets between thine eyes. And thou shalt write them upon the posts of thy house, and on thy gates.—Deuteronomy 6:4–9.

O praise the Lord, all ye nations: praise him, all ye people. For his merciful kindness is great toward us: and the truth of the Lord endureth forever. Praise ye the Lord.—Psalm 117.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 4, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 2884, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2884) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Warner Amendment No. 2482, expressing the sense of the Congress regarding greater utilization of the Reserve components of the Armed Forces.

(2) Nunn Amendment No. 2483 (to Amendment No. 2482), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia [Mr. WARNER] is recognized for the purpose of offering an amendment, on which there will be 1 hour for debate.

Mr. WARNER. Mr. President, the Senator from Virginia asks unanimous consent that he may proceed as in morning business, chargeable against his allocated time, for such time as he may require.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SENATE STAFF

Mr. WARNER. I have had the privilege to serve in the U.S. Senate for 12 years, and I have seen those periods where we have lengthy debates and consideration on bills, and this is one of them.

I would like to start this day by thanking the staff of the U.S. Senate, the infrastructure that is there to back up those of us on the floor of the U.S. Senate, as we conduct the business of the Senate.

I saw the presence this morning of Henry Guigni, the Sergeant at Arms. I witness the presence of others who are faithfully serving the Senate, and I wish to, on behalf of this Senator, express my appreciation. They have been extraordinarily long hours.

I note that the Senate adjourned last night shortly after 3 o'clock in the morning, and it is now 9 o'clock, and we are ready to do business again. That sort of reliability makes possible the work of this institution.

Mr. President, I ask unanimous consent further that the Senator from Virginia be permitted to submit a bill this morning relating to the National Endowment of the Arts, accompanied by a statement from the Senator from Virginia explaining the text of the bill.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The Senate continued with the consideration of the bill.

Mr. WARNER Mr. President, I want to turn to the business of the day, namely, the completion, I hope, of the armed services authorization bill.

I note the presence on the floor of my colleague and a member of the committee, Senate BINGAMAN.

AMENDMENT NO. 2587

(Purpose: To express the Sense of the Congress on Enhanced Theater Defense Systems)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia, [Mr. WARNER], for himself Mr. MCCAIN, Mr. WILSON, and Mr. DOLE, proposes an amendment numbered 2587.

Mr. WARNER. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . THEATER DEFENSE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Director of Central Intelligence, William Webster, has testified before Congress than between 15 and 20 developing nations will possess ballistic missile capabilities by the end of the century.

(2) The Director has also testified that by the year 2000, at least six Third World countries will have ballistic missiles with ranges of up to 1,800 miles, and three of them may develop ballistic missiles with a range of 3,400 miles.

(3) The Director has also testified "that as many as 20 countries may be developing chemical weapons; and we expect this trend to continue despite ongoing multilateral efforts to stop their proliferation. * * * At least 10 countries are working to produce both previously known and futuristic biological weapons."

(4) During the war between Iraq and Iran each used ballistic missiles and chemical payloads.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

(5) The Defense Intelligence Agency (DIA) has also informed Congress that, in addition to the five nuclear weapons countries—United States, Soviet Union, England, France, and China—"about half a dozen additional countries have either acquired a capability to explode a nuclear device or are pursuing such a capability."

(6) DIA has also informed Congress that the proliferation of ballistic missiles is occurring at an ever-increasing pace. In just the last 2 years:

Over 1,000 ballistic missiles have been fired in combat in Iran, Iraq, and Afghanistan.

Flight tests of ballistic missiles have occurred in India, Pakistan, and South Africa.

Iraq has conducted an initial flight test of a space launch vehicle, which will enhance greatly their already extensive ballistic missile capability.

The longest range (1800+ mile) ballistic missiles in the Middle East have been supplied to Saudi Arabia by China.

(7) The proliferation of ballistic missiles, chemical weapons and nuclear technology poses a direct threat to many of our friends and allies. Moreover, United States contingency and projection forces are also threatened by these technologies, and this threat will increase in the future.

(b) Therefore, it is the sense of the Congress that—

(1) The proliferation to developing countries of ballistic missiles and chemical and nuclear weapons technology applicable to missile warhead development are potentially destabilizing, a threat to United States security commitments, and also pose a significant threat to the national security of our friends and allies around the world.

(2) Of the funds authorized for the Strategic Defense Initiative, up to $300,000,000 should be made available for the development of antitactical ballistic missile (ATBM) systems to counter such threats to United States forward deployed and projection forces. In this regard, the Congress recommends that the development of systems such as the Extended Range Interceptor and the Theater High Altitude Air Defense should be accelerated.

(3) The SID Organization should ensure that the Navy and Marine Corps are involved in developmental programs for future ATBM systems suitable for deployment with their projection and expeditionary forces.

(4) Since the Arrow ATBM has been a successful joint development program and, when deployed, will become an important asset for the defense of Israel against the threat of short range ballistic missiles in the region, the Secretary of Defense should negotiate, on an equitable basis, a memorandum of agreement to continue the program. Therefore, of the funds available for the Theater Defense program, element in SDI Program, not more than $50,000,000 should be made available for the Arrow program.

(5) Of the funds, authorized to the Army for Research, Development, Testing, and Evaluation, not more than $50,000,000 should be made available to conduct additional tests of the Patriot II system against existing types of ballistic missile threats.

(6) The Army should establish a vigorous program to develop and test a rapidly deployable ATBM capability for United States units. For the near-term, the focus should be on the Patriot II system. From within these funds made available for Patriot II testing, the Army should also develop support systems, such as tracking and attack assessment radars, for existing and future ATBM systems.

Mr. WARNER. Mr. President, the subject to be taken up today by the Senate are those amendments relating to SDI and what I regard as associated systems, the antitactical ballistic missiles.

As we witnessed the dramatic events this week in the Middle East, it brought to this Senator's mind once again the tensions in that area of the world, accompanied by the proliferation of a certain class of weaponry we refer to as "tactical ballistic missiles."

The purpose of this amendment is to express the sense of the Senate on the development and deployment of such missiles and what we in the United States, and indeed the Western World, should do to try and prepare ourselves as a means of deterrence against these systems.

The SDI Program has been actively developing technologies for the purposes of counting theater ballistic missiles. Given the emerging problems of missile proliferation and the chemical weapons and nuclear technology, it is becoming imperative that the United States and its allies begin to plan for this. This amendment encourages the United States to prepare for the eventual inclusion of defenses with the U.S. projection and expeditionary forces.

The Senator from Virginia, together with his cosponsors, endeavored during the course of the markup of the Armed Services Committee, to have this amendment included. For reasons which I may allude to later, that was stopped, although staff on both sides had cleared the amendment. Now I renew these efforts today.

The proliferation of ballistic missiles, chemical weapons and nuclear technology poses a direct threat to many of our friends and allies. Moreover, U.S. contingency and projection forces are also threatened by these technologies, and this threat will increase in the future.

The proliferation to developing countries of ballistic missiles and chemical and nuclear weapons technology applicable to missile warhead development are potentially destabilizing, a threat to U.S. security commitments, and also pose a significant threat to the national security of our friends and allies around the world.

Certain developing countries, such as Syria and Iraq, already possess ballistic missiles that are capable of reaching allies like Israel, which can be equipped with the chemical or biological weapons, and soon even nuclear weapons.

The Director of Central Intelligence, William Webster, has testified before Congress that between 15 and 20 developing nations will possess ballistic missile capabilities by the end of the century.

The Director has also testified that by the year 2000, at least six Third World countries will have ballistic missiles with ranges of up to 1,800 miles, and three of them may develop ballistic missiles with a range of 3,400 miles.

The Director has also testified "that as many as 20 countries may be developing chemical weapons; and we expect this trend to continue despite ongoing multilateral efforts to stop their proliferation. * * * At least 10 countries are working to produce both previously known and futuristic biological weapons."

During the war between Iraq and Iran each used ballistic missiles and chemical payloads.

The Defense Intelligence Agency [DIA] has also informed Congress that, in addition to the five nuclear weapons countries—United States, Soviet Union, England, France, and China—"about half a dozen additional countries have either acquired a capability to explode a nuclear device or are pursuing such a capability."

DIA has also informed Congress that the proliferation of ballistic missiles is occurring at an ever-increasing pace. In just the last 2 years:

Over 1,000 ballistic missiles have been fired in combat in Iran, Iraq, and Afghanistan.

Flight tests of ballistic missiles have occurred in India, Pakistan, and South Africa.

Iraq has conducted an initial flight test of a space launch vehicle, which will enhance greatly their already extensive ballistic missiles capability.

The longest range (1,800+mile) ballistic missiles in the Middle East have been supplied to Saudi Arabia by China.

In conclusion, missile defenses in the United States and within the borders of our allies would greatly deter long-range ballistic missile use. Tactical ballistic missile defenses deployed by our allies and on U.S. projection forces would enhance deterrence and stability.

I am convinced that we must now, more than ever before, plan for the inclusion of theater, and even strategic, missile defenses in our national security strategy and give greater emphasis to it.

Mr. President, I ask unanimous consent that the Senator from Washington [Mr. GORTON], be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, turning to the amendment itself, as I mentioned it is a sense of the Congress.

First, we make in the amendment a series of findings and I have enumerated, in essence, those findings. Then we go for our conclusion, and I have enumerated in my remarks basically

the essence of the conclusions, but I would like to put emphasis on one or two other points here.

The sense of this amendment is that of the funds authorized for the strategic defense initiative up to $300 million should be made available for the development of anti-tactical ballistic missile systems to counter such threats to U.S. forward deployed and projection forces. In this regard, the Congress recommends that the development of systems such as the Extended Range Interceptor and the Theater High Altitude Air Defense should be accelerated.

Further, the SDI Organization should ensure that the Navy and Marine Corps are involved in developmental programs for future ATBM systems suitable for deployment with their projection and expeditionary forces.

Since the Arrow ATBM has been a successful joint development program and, when deployed, will become an important asset for the defense of Israel against the threat of short range ballistic missiles in the region, the Secretary of Defense should negotiate, on an equitable basis a memorandum of agreement to continue the program. Therefore, of the funds available for the Theater Defense program element in SDI Program, not more than $50,000,000 should be made available for the Arrow program.

Of the funds authorized to the Army for research, development, testing, and evaluation, not more than $50,000,000 should be made available to conduct additional tests of the Patriot II system against existing types of ballistic missile threats.

The Army should establish a vigorous program to develop and test a rapidly deployable ATBM capability for U.S. units. For the near-term, the focus should be on the Patriot II system. From within these funds made available for Patriot II testing, the Army should also develop support systems, such as tracking and attack assessment radars, for existing and future ATBM systems.

Mr. President, I would like to turn to a little historical background with reference to this amendment.

Early in the first day of the Senate Armed Services Committee markup, I offered an amendment emphasizing the need to speed development of ATBM capability, including Arrow ATBM and Patriot. The amendment had been cleared by professional staff on both sides but the chairman asked for opportunity personally to review the amendment before adoption. That was agreed to.

Later in the markup this Senator was advised that the chairman had no objection to the amendment. The amendment was not offered at that time in order to permit the committee to continue working on other unrelated amendments.

In view of my position as a ranking member I felt that at any time I could interject myself during the course of markup. Out of deference to other Senators I allowed them to continue with their business to the termination period of the markup.

Some hours later Senators BINGAMAN and SHELBY offered an amendment to substantially alter the SDI Program. The Republican Member and staff had no advance knowledge of the amendment.

During a short staff discussion of the Bingaman-Shelby amendment the minority staff pointed out that the amendment would substantially reduce funding for development, including reducing development for the Arrow Program.

By agreement the Bingaman-Shelby amendment was substantially withdrawn with consent to offer it on the floor. Later when this Senator offered his cleared amendment again cleared on both sides, the chairman and other Democratic Senators objected that it would not be fair to accept this amendment in light of the earlier action on the binding Shelby amendment. This Senator then again agreed in a spirit of cooperation with the committee and its Members. And I withdrew the amendment indicating at that time that I would reinstate it during the course of floor deliberation.-

Now we find that the Bingaman-Shelby amendment has been altered to correct the obvious deficiencies of decreasing funding for Arrow ATBM development generally. Even now the amendment would not fund these programs, in the judgment of this Senator and others, sufficiently.-

This amendment now pending would put Congress on the record without micromanaging by statute the SDI Program for ATBM capability; ATBM and Patriot. These programs should be enhanced.-

Now, Mr. President, in conclusion, the basic difference in approach by the Republican minority and Democratic majority thus far in committee work is reflected in this amendment. This is a sense of the Congress. It is our judgment that the President of the United States in his capacity as Commander in Chief together with his delegates, namely the Secretary of Defense and those designated to manage the all-important SDI Program should be given maximum authority to exercise their constitutionally mandated powers to develop this program in the best interest of the United States.-

We find that the proposed amendment by our distinguished colleagues, Mr. BINGAMAN and Mr. SHELBY, is in direct contravention with the principle of giving the President the freest possible hand in the development of systems he feels and others feel are essential for the defense of this Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. WARNER. Mr. President, I will ask unanimous consent that there appear in the RECORD immediately after the statements of the Senator from Virginia relative to this amendment a memorandum requested by the Senator from Virginia and provided by the Defense Intelligence Agency which includes the following:

It is a letter, first, from Lieutenant General Soyster to the Senator from Virginia stating:

In response to your request, DIA has prepared the enclosed paper on the increasing threat from the proliferation of chemical, biological, and nuclear weapons throughout the Third World. Even though there has been a large amount of information in the open press on this subject, it is difficult for DIA to address proliferation at the unclassified level. To answer your questions more completely, a classified response is also being prepared and will be forwarded to you later this month under separate cover.

I ask unanimous consent that the letter from General Soyster, together with attached memorandum, be printed in the RECORD immediately following the remarks of the Senator from Virginia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE INTELLIGENCE AGENCY,
Washington, DC, June 29, 1990.

Hon. JOHN W. WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: In response to your request, DIA has prepared the enclosed paper on the increasing threat from the proliferation of chemical, biological, and nuclear weapons throughout the Third World. Even though there has been a large amount of information in the open press on this subject, it is difficult for DIA to address proliferation at the unclassified level. To answer your questions more completely, a classified response is also being prepared and will be forwarded to you later this month under separate cover.

Sincerely,

HARRY E. SOYSTER,
Lieutenant General, U.S. Army,
Director.

WEAPON PROLIFERATION IN THE THIRD WORLD

INTRODUCTION

Proliferation of chemical, biological, and nuclear weapons (CBNW) and associated delivery systems throughout the Third World is a growing problem. The number of countries who have chemical weapon programs has been increasing rapidly and those with biological weapon programs are not far behind.

The spread in nuclear weapons has been slow over the years although the number of countries with the technical capabilities to develop weapons continues to grow. A number of countries are at the threshold where they could develop nuclear weapons over the next decade, should they decide politically to do so.

Ballistic missiles, with conventional warheads or as potential delivery vehicles for CBNW, have been proliferating recently. Not only do Third World countries attempt to supplement their indigenous ballistic missile programs with foreign assistance and foreign technology, many also attempt to buy complete missile systems from other countries. Active marketing by some nations of their missile systems and related technologies makes the proliferation problem even more difficult to control.

Various aspects of CBNW have their own proliferation concerns. In the next sections of this paper, we develop related background information in each area and discuss treaty considerations. Finally, we project the extent of proliferation throughout the Third World by the year 2000.

CHEMICAL WEAPON PROLIFERATION

Chemical agents

Chemical agents are chemical substances which cause injury or death to affected personnel. Many countries define chemicals which are useful in warfare, such as smokes, obscurant, flame weapons, and riot control agents, as chemical agents. In this paper, however, only lethal and casualty-producing agents are considered.

The most common types of chemical agents are the nerve and blister agents. Nerve agents cause death by interfering with the normal functioning of transmission of nerve impulses, making breathing impossible. Nerve agents are most effective when inhaled, causing death in minutes; they can also act through the skin. At very low concentrations, nerve agents can impair vision. Blister agents cause injuries much like severe burns on the skin; if inhaled, blister agents cause the lungs to fill with fluid and can cause death by restricting breathing. Almost every proliferating country has elected to develop nerve and blister agents for incorporation into chemical weapons.

Toxicity is the most significant property of chemical agents, determining the exposure that causes injury or death. Other properties dictate the most effective way these agents can be incorporated into weapons. Persistence, the time the agent can remain active on the target, makes different agents useful against targets at various depths of the battlefield. Other important factors are cost, availability of raw materials, stability, and ability to treat persons exposed to the agent. Modern chemical agents such as the nerve agents sarin, VX, and soman, and the blister agents mustard and Lewisite are usually selected after a process of screening many potential agents. Since these agents have predictable properties, and can be made by a number of well-known synthetic route, they are the agents of choice for countries entering the chemical weapons arena.

Agent production

Chemical agents are made using standard industrial process techniques. Blister agents are made by relatively simple one- or two-step processes followed by production purification. Once purified, these agents are stable in storage for long periods of time; in fact, some blister agent mustard produced by the United States during the World War II era is still in storage. Nerve agent production is more complicated, requiring a series of steps to completely produce the agent. Both nerve and blister agents are made using commercially available industrial chemicals as starting materials. Since these chemicals have other uses in addition to production of chemical agent, and several countries can provide the chemicals, controlling production of chemical agents in the proliferating countries is very difficult. Constant vigilance is needed to assure that industrial chemicals are not diverted for use in chemical warfare agent production. There is also a danger that proliferating countries will attempt production of the needed precursor, or starting chemicals, themselves when faced with continuing export restrictions. This could make the proliferating countries potential exporters of chemicals to other nations in the Third World.

Chemical treaties

Chemical weapons use is prohibited by the Geneva Protocol of 1925, which most proliferating countries have signed. The Protocol does not prohibit signatories from producing, developing, testing and storing chemical ammunition as a deterrent to use by others. In addition to the provisions of the treaty, many states have signed with reservations that the treaty is no longer binding if others do not observe its provisions, or that the treaty does not apply with regard to states who did not sign the treaty. The stockpiles of chemical weapons held by the United States, the Soviet Union, and others who have signed the Protocol are thus legitimate, allowed activities.

A chemical weapons ban is the best long term solution to the threat to international security posed by the use and spread of chemical weapons. A global ban on chemical weapons is being negotiated at the Conference on Disarmament (CD) in Geneva. In a separate action, the United States and Soviet Union have signed a bilateral Memorandum of Understanding (MOU) to facilitate the process of negotiation, signature, and ratification of a comprehensive, verifiable, and truly global ban, and to increase confidence in monitoring procedures for such a ban. These bilateral discussions have resulted in an agreement for both sides to reduce their CW stockpiles to a small fraction of their present size.

BIOLOGICAL WEAPON PROLIFERATION

The nature of disease research, wherein research for peaceful or military purposes is virtually indistinguishable, makes it extremely difficult to determine its ultimate purpose. Virulence, infective dose, aerosol behavior, immunizing characteristics, and production economy studies that are done for legitimate medical, biological, and public health research are also relevant to developing infectious disease agents or highly lethal toxins for warfare purposes.

Biological warfare agents

Biological warfare (BW) agents, including toxins, are much more potent than the most deadly chemical warfare (CW) agents and provide the broadest area coverage per pound of payload of all warheads. A BW agent is a microorganism or biologically derived toxin whose intentional use is meant to cause incapacitation, damage, or death to humans, animals, or plants; or to damage or destroy material. Infectious microorganisms which can be used as BW agents include bacteria, rickettsia, and viruses. Toxins, suitable for BW purposes, may be derived from microorganisms, animals, or plants. With the advent of biotechnological methods, such as genetic engineering, it is possible for the genetic material of plants or animals to be incorporated into bacteria. This enables large quantities of some plant and animal toxins to be produced for BW purposes. A BW agent must simultaneously possess a number of characteristics to make it useful militarily. These include:

High infectiousness or toxicity to ensure maximum results with a minimum of material.

Rapid action.

Sufficient resistance to environmental conditions such as sunlight, alkalinity/acidity, temperature, moisture/desiccation to permit the agent to survive long enough to infect, intoxicate, or damage.

Low cost and ease of production.

Low contagiousness to help prevent uncontrollable spread of disease.

Availability of vaccine strains or toxoids to immunize the user's troops.

In the past many infectious microorganisms or toxins were automatically excluded as BW agents due to these highly demanding criteria. However, as advances in biotechnology are made, the potential for applying them to BW increases significantly and will very likely make new agents available which have optimal weapons potential. Additionally, basic research-to-mass production of agents will be accelerated and distinguishing between peaceful research, development, and production and its application for BW purposes will become even more difficult. Third World nations will be able to take advantage of some biotechnological developments especially when it comes to production of agents.

Agent production

There are no unique precursor chemicals or equipment to indicate BW agent production. The equipment used to produce BW agents is truly dual-use in nature. Any nation with a modestly developed pharmaceutical industry already has the necessary technical infrastructure to produce BW agents if it so chooses.

In a strict sense, industrial fermentation processes, such as those used in the production of pharmaceuticals, are concerned with the products generated by multiplying microorganisms. However, a fermentation process can also be used to produce large numbers of microorganisms which themselves become the desired end-product. Thus, an infectious agent grown in large numbers and then placed in a weapon/dissemination system becomes a BW weapon. Production of a toxin agent is usually accomplished using fermentation processes except that the toxin produced by the microorganisms and released into the liquid cultivation medium during the growth process is the end-product rather than the microorganisms themselves. Viruses or rickettsia agents, unlike bacteria, require living metabolizing animal cells for growth, thereby requiring large-scale use of embryonated eggs or tissue cell culture systems to produce quantities of viruses or rickettsia for BW weapons. These agents are inherently more expensive and difficult to produce, but nonetheless well within the capabilities of many Third World countries.

The production of large quantities of infectious agents or toxins can be accomplished by various fermentation processes. With currently available technology, BW agents can be produced at such a rate that large stockpiles are no longer necessary. For example, a bacterium, such as the causative agent of anthrax, can be grown in batch fermentation systems or by continuous culture methods with or without computer-control. In either case, the anthrax can be produced in very large quantities from start to finish in 96 hours or less.

Agent weaponization

Countries usually acquire a CW capability before embarking on the development of BW agents and weapons. During the research, development, acquisition, and testing of CW agents and weapons, a considerable knowledge base is generated which has applicability to BW as well. Aerial bombs, rockets, artillery, missile warheads (with or without submunitions), and land mines can be used to deliver either CW or BW agents. The method of delivery depends upon operational objectives and capabilities, and strategic and tactical doctrine. Both BW and CW agents are also potential weapons for terrorist use.

International agreements

There are two international agreements which regulate biological warfare: the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972.

Geneva Protocol

The Geneva Protocol prohibits the use of "bacteriological methods of warfare" but not possession of the agents. The Protocol's major weakness is that it does not prevent countries from developing bacteriological agents, thereby relying upon the signatories' good intentions not to use BW. Additionally, the Protocol only prohibits "bacteriological methods" which, if interpreted literally, means only bacteria could not be used as warfare agents but other microorganisms, such as viruses, or toxins could be.

Biological Warfare Convention

The Biological Weapons Convention (BWC) broadens coverage of potential BW agents by prohibiting the development, production, and storage of "microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes." The BWC removes the ambiguity in the Geneva Protocol as to whether toxins and all types of microorganisms are covered. The BWC, however, does not have any monitoring or verification provisions. This deficiency has made the BWC unenforceable.

NUCLEAR WEAPON PROLIFERATION

The nuclear fuel cycle

The nuclear fuel cycle begins with uranium ore mining. The ore is then "dressed" to concentrate it (forming yellow cake) for shipment to a feed materials processing plant. Depending on the specific need, the next step can be conversion to metal, oxide or fluoride. Two commercial reactor types, light water reactors (using slightly enriched uranium in the oxide form for fuel) and heavy water reactors (using uranium with the natural isotopic ratio for fuel) are commercially available, although others have been built and operated. For use in light water reactors, the uranium is slightly enriched in an isotope separation plant. After enrichment, the uranium is converted either to a metal or an oxide, fabricated into the specified fuel and place in the reactor. After irradiation in the operating reactor, the fuel is moved to a cooling pond where it is allowed to stay while natural decay takes place. It then moves to either a permanent waste disposal site or to a fuel reprocessing plant. At the latter it can be chemically processed and separated into two or more components: fission products (high-level waste), and actinides (uranium, plutonium, etc.). The first is handled as high level radioactive waste, the latter may be recycled as feed materials for a nuclear power program or the plutonium may be used in nuclear weapons fabrication. In some cases, additional processing may be required before such a use can be achieved.

Concurrent development of nuclear weapons related technologies can be carried out. Further, full-yield tests are not an essential requirement if a country has enough confidence in its design calculations.

Isotope Separation Technologies

Several technologies available today are practical for the separation of isotopes. The particular one used depends on the isotopes for which separation is desired, the level of national technology, and resource availability. Salient features of the more viable methods are presented below.

Gaseous Diffusion. This is a repetitive, multistage process in which a process gas (uranium hexafluoride for uranium separation) is forced through a porous membrane or barrier. Since a molecule which has U-235 is lighter than one with U-238, the former moves at slightly greater velocity, strikes the barrier more frequently and thus preferentially diffuses through the barrier. The low efficiency and degree of separation per stage results in the need for thousands of stages connected in a series cascade. Large quantities of power are required for compressors and cooling in a rather complex production plant. Components such as barrier, pump and compressor seals and piping must meet exacting manufacturing specifications. Thus, an enormous capital investment and high level of technical production capability is necessary.

Gas Centrifuge. This process uses the phenomena of gas mixture separation into heavy and light fractions in the strong field developed by a high-speed centrifuge. The light component tends to concentrate nearer the center, the heavy nearer the periphery. Scoops provide the extraction path and hydrodynamic force of the rotating gas provides the extraction energy. The efficiency of the gas centrifuge process is several orders of magnitude better than that of gas diffusion. Thus, fewer stages result in a given level of enrichment. However, each unit has a small capacity, requiring the use of many machines in parallel to achieve substantial results. Power consumption is reduced because of the hydrodynamic transport. Such mechanical systems in large numbers require a highly developed technical capability for both design and manufacture. In addition, large inventory and maintenance expenditures are required for continuous plant operation.

Several other technologies for isotope separation are operational or under development. Laser and chemical processes have been under development for several years but have not been implemented in a production scale plant. While aerodynamic techniques of various types have been investigated, only one has been applied to the production scale. It is not an efficient process when compared to the gas centrifuge.

Fuel Reprocessing

Extraction of plutonium from irradicated reactor fuel is generally done using chemical techniques. The process of solvent extraction is the most highly developed and most commonly used, and several variations exist depending on the specific fuel system being handled. In all cases, the fuel cladding is breached either mechanically or chemically, the fuel is dissolved and the uranium, plutonium, and fission product fractions are separated.

The "art" and engineering know-how required to implement this technology are such that access to the vast body of open literature by itself is inadequate to permit construction and immediate operation of an effective plant. Either technology transfer or arduous experimental development effort are required to reach such a point. A further complication arises because of the fissionable nature of plutonium. All process and product equipment must be "critically safe," i.e., plutonium accumulation in any portion of the process equipment must be kept well below the critical mass.

The rate of plutonium recovery is determined by plant size and plutonium concentration in the fuel. Plant size can range from a major industrial facility to a "glove box" scale operation. However, the recovery of enough plutonium for a single nuclear weapon (nominally 5 Kg) from a natural uranium fueled reactor would require processing 15-25 kg of fuel per week for about two years. This is achievable in a glove box scale facility.

The Nuclear Non-Proliferation Treaty and its effectiveness

The Treaty on the Non-proliferation of Nuclear Weapons (NPT) became effective March 5, 1970. Treaty objectives are to:

Prevent the spread of nuclear weapons to countries other than the five that possessed them at the end of 1966.

Promote international cooperation in developing the peaceful uses of nuclear energy, and particularly to help developing countries in this regard.

Afford all parties whatever benefits may be derived from the peaceful uses of nuclear explosives (PNE's). (The U.S. view is that PNE technology is indistinguishable from the technology for nuclear weapons.)

Obligate all parties to pursue negotiations toward a cessation of the nuclear arms race, nuclear disarmament and eventually a treaty on general and complete disarmament.

The Treaty distinguishes between Nuclear Weapon States (NWS) and Non-Nuclear Weapons States (NNWS), each with appropriate responsibilities. An NWS party to the Treaty will furnish no one with nuclear weapons, "nor will they aid NNWS in acquiring a nuclear explosive device," nor will they aid NNWS in acquiring a nuclear explosives capability. NNWS will not accept transfer of nuclear explosive devices, will not make or otherwise acquire them, and will not seek assistance in making them. NNWS will accept safeguards and verification as negotiated with the IAEA. All states party to the Treaty will not provide any NNWS with special fissionable material—or equipment for processing, using, or producing it—for peaceful purposes except under IAEA safeguards. NPT safeguards shall not hamper the economic or technological developments of the parties or international cooperation in peaceful nuclear activities. Any state party to the Treaty may withdraw from the NPT upon 90 days notice.

The Safeguards Agreement negotiated between the respective states and the International Atomic Energy Agency (IAEA) is the principal tool in the administration of the NPT. The safeguards are to permit the timely detection or diversion of significant quantities of nuclear material from peaceful activities to the manufacture of nuclear weapons or other nuclear explosive devices and to deter such diversion through the threat of early detection. Detailed accountability records of production and operation are submitted to IAEA, and IAEA inspectors

examine the facilities to verify that such materials are accounted for in the system.

Becoming a party to the treaty is one means of expediting the necessary technology transfer to establish research, power, or other related nuclear fuel cycle facilities. With 140 parties, the NPT is the most widely accepted arms control agreement in history. Thus, nonproliferation has been established as an international norm. However, not all countries are party to the NPT, and the sincerity of a few that are is questionable. Thus, party status cannot be looked upon as a clear indicator of weapons intentions, although being a party to the NPT does pose a political and legal barrier to the acquisition of nuclear weapons which nonparties do not face.

The Treaty of Tlatelolco, the Zangger Committee and the London Suppliers Group represent additional efforts to prevent the proliferation of nuclear weapons. The first creates a nuclear weapons free zone for South and Central American countries. The latter two represent efforts to establish responsible norms for the export of nuclear commodities including a requirement of IAEA safeguards on items listed on so-called trigger lists. The degree to which the spirit of these agreements are carried out varies from one country to another, although all adhere to the letter of the agreements.

BALLISTIC MISSILE PROLIFERATION

Proliferation of ballistic missiles is occurring at an ever-increasing pace. In just the last 2 years:

Over 1,000 ballistic missiles have been fired in combat in Iran, Iraq, and Afghanistan.

The first flight tests of ballistic missiles have occurred in India, Pakistan, and South Africa.

Israel has successfully orbited two satellites. Iraq has conducted its initial flight test of a space launch vehicle.

The longest range ballistic missiles in the Middle East (2500+ km) have been supplied to Saudi Arabia by China.

One form proliferation can take is the direct sales or transfers of complete missile systems from one nation to another. In the recent past, China and North Korea have been particularly aggressive in marketing their ballistic missile systems.

Another route a Third World nation can take is to develop an indigenous development and production capability. These countries tend to nurture their ballistic missile projects by tying them into related ongoing activities such as the development and production of surface-to-air missiles, space launch vehicles, and unguided rockets. In this way, the countries try to make maximum utilization of their extremely thin pools of trained manpower, facilities, materials, and experience in precision manufacturing.

Missile technology control regime [MTCR]

All of the current Third World ballistic missile programs are forced to rely on foreign technology to some degree. International efforts to stem the flow of ballistic missile technology—such as the MTCR—have slowed the pace of some programs and may have discouraged some countries.

The MTCR is the primary multilateral mechanism for controlling missile proliferation. The MTCR was created in 1987 by the United States, the United Kingdom, Canada, West Germany, France, Italy, and Japan. Other countries may join soon. The purpose of the MTCR is to control the transfer of technology and equipment associated with nuclear-capable ballistic and cruise missiles; specifically, missiles capable of carrying a 500 kg payload to a range of at least 300 km. In addition to its efforts under the MTCR, the United States maintains a regular dialogue with the Soviet Union on missile proliferation, and also has discussed the issue with many other countries.

ASSESSMENT

Chemical warfare

Iraq used chemical weapons in its war with Iran, and is the only country known to have used weapons containing nerve agents. Accusations of chemical use are fast becoming a feature of conflicts involving Third World countries. This trend toward a greater awareness of the military potential of chemical weapons is firmly established; reversal of this trend will be difficult since many of these proliferating countries view chemicals as a practical way to achieve the benefits of other weapons of mass destruction such as nuclear weapons. Changes in the chemical arsenals of the United States and Soviet Union as their chemical weapons are destroyed are not expected to significantly change the desires of the Third World countries to develop what they consider to be essential weapons for their own national security. Over 20 Third World countries have chemical warfare programs.

Biological warfare

BW proliferation has progressed rapidly since the signing of the BW Convention in 1972; the number of countries with BW programs has tripled in that time. Most of the proliferation has occurred in the Third World with the Middle East and Far East accounting for the preponderance of the activity. As a rule, countries generally develop a CW capability before embarking upon BW. Since there are about twice the number of countries with CW programs than with BW programs, additional BW proliferation is anticipated to occur especially within the Third World.

In February 1989, before the Senate Committee on Governmental Affairs, Judge Webster stated: "We are concerned that the moral barrier to biological warfare has been breached. At least ten countries are working to produce both previously known and futuristic biological weapons."

Nuclear warfare

Five countries—United States, Soviet Union, United Kingdom, France, and China—are acknowledged nuclear weapon states. About half a dozen additional countries have either acquired a capability to explode a nuclear device or are pursuing such a capability.

Ballistic missiles

By the year 2000, in the absence of effective export controls, approximately 15 of the developing countries will either have produced ballistic missiles or be able to do so. Although this activity is now focused in the Middle East, the list of 15 countries stretches from South America to Asia. At least initially, most of these missiles will be inaccurate, short-range (less than 1,000 km), single-stage weapons. However, several of the countries are displaying the technical potential and the political resolve needed to develop much more accurate, longer range, multistage weapons. Most missiles will be equipped with conventional, high-explosive warheads; but submunitions, chemical warheads, biological warheads and, in a few cases, nuclear warheads are also candidates.

Mr. BINGAMAN addressed the Chair.

Mr. WARNER. Mr. President, if the Senator will forbear for a moment I may ask that additional cosponsors Senator THURMOND and Senator WALLOP be noted.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico [Mr. BINGAMAN] is recognized.

Mr. BINGAMAN. Mr. President, I just rise to support the amendment and to indicate that, from the perspective of myself at least, this is an amendment that makes good sense. The exact figures in it are not precisely what we have proposed in ours, but the general intent is exactly in the right direction.

I do believe that the precise funds need to be looked at. But clearly that is a sense-of-the-Congress resolution, and the figures in here are not fences. I think the Senator made that point in his presentation before. The figures in here are caps and very much would indicate that the sense of the Congress is that these are important programs, and we support that.

I have been requested to reserve the remainder of the time of Senator NUNN.

Mr. SHELBY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to support the amendment offered by the Senator from Virginia. It makes sense, but it especially makes sense today. This is the direction that I believe we need to go. We have no choice. I commend the Senator from Virginia for his foresight and his diligence in bringing this to the Senate floor.

Mr. WARNER. Mr. President, I wonder if I might propound a question to my distinguished colleagues. I have in my hand what purports to be the amendment that will at some point be offered by my colleagues, Mr. BINGAMAN and Mr. SHELBY. I direct them to page 3, paragraph 4, in which they call for a vigorous pursuit of a variety of theater and antitactical ballistic missile defenses.

Is that pursuit to be conducted solely in the area of research and development, or is it the intention of the Senators to seek goals comparable to those set forth in the amendment of the Senator from Virginia; that is, to get these systems into the field at the earliest possible date given the growing threat?

Mr. SHELBY. If the Senator from Virginia will yield, I agree, and it would be my intention here to get it in the field as soon as is feasible. There is a growing need for it. We just have to

look around at what is happening in the Third World at this very moment.

As soon as we are able to get it developed and deployed, the better off we are going to be.

Mr. BINGAMAN. If the Senator from Virginia will yield, I would just respond that I agree with the statement of my colleague, the Senator from Alabama, with one exception. I am sure the Senator from Virginia is well aware that the general principle we have pursued in the Armed Services Committee this year is fly before buy and not rush forward with the acquisition or procurement of systems that have not been adequately proven out. The only reservation that I have with regard to it is the development of these theater missile capabilities.

Mr. WARNER. Mr. President, I bring to the Senator's attention that the system has concluded an exhaustive test program, but it has been indicated from those test results the high measure of success to date.

I think, given the problems to that we are experiencing today in the world, that is in the Middle East, that we should certainly try to expedite these systems, given the fly before buy policy as enunciated by our committee in its action on a number of programs.

Mr. President, I ask unanimous consent that the distinguished Senator from Georgia, the chairman of the Armed Services Committee, be made cosponsor of the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. My question to my colleagues would be along the line of their approach, and how it contrasts sharply with the approach of the Senator from Virginia; namely, again reposing in the President the maximum possible discretion to develop these programs, in contrast to the direction, as I understand the amendment of the Senators from New Mexico and Alabama, in which that discretion is sharply curtailed.

I ask my colleagues why they felt that the Commander in Chief's hands should be so tied by their approach, versus the approach of the Senator from Virginia; namely, just providing a sense of the Congress?

Mr. BINGAMAN. Mr. President, I would respond to the question, and just indicate that I do not agree with the characterization of our amendment as sharply curtailing the discretion of the President in this regard.

The President, this year, in fiscal year 1990—the information that was given to us by the Director of the Strategic Defense Initiative Office, General Monahan, was that this year the program will spend $124.7 million on theater defense.

The administration had asked, when it testified to our committee, that it be permitted to go ahead and spend $131.8 million this next year. The amendment that the Senator from Alabama and I are proposing today would increase that nearly $50 million additional.

And it is our thought again that is not micromanagement. This is a $180 million line item which we are urging the Secretary of Defense to go forward with. I think when you look through the defense bill that we were considering in the last several days here, and again today in the Senate, that there are a tremendous number of line items that are much less than any $180 million.

So this is not a question of us unduly restricting what the Secretary is able to do or what the President is able to do.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Chair for his courtesy, and my colleagues. We are about to conclude the first part of a unanimous-consent request.

The comments of the Senator from New Mexico will be addressed in fuller context by my distinguished colleague from Wyoming, Mr. WALLOP, during the course of his analysis of this amendment, which, on this side of the aisle, I say at this time, we have grave concerns about whether or not it is cast in such a manner as to enhance the abilities of the Commander in Chief to go forward in this wide range of research and development in this category of weapons to provide for our defense as an element of our deterrence against the growing threat not only in the theater systems, but in the intercontinental systems.

Mr. President, so we can expedite matters, if the Senator from Virginia has any remaining time, I will yield it back at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ARROW PROJECT: PROTECTING ISRAEL, OUR ALLIES, AND OURSELVES

Mr. McCAIN. Mr. President, I am proud to have joined Senator WARNER and Senator WILSON in developing the amendment. Even in normal times, the case for the Arrow antitactical ballistic missile project would be an overwhelming one. Israel is located in the center of hostile states that are acquiring long-range missiles and weapons of mass destruction. Iraq already has targeted these missiles on Israel, and threatened to attack Israel's population. Syria has missiles in shelters that are armed with nerve gas warheads. Libya has built the largest single chemical weapons facility in the world, and is actively seeking long-range missiles.

Each of the nations I have just listed is actively involved in developing biological weapons. Iraq has probably deployed them, and Syria could probably do so on short notice. Libya lags behind, but is the most reckless of the three. Iraq has gone further, and persists in a major nuclear weapons effort.

Israel cannot rely upon a balance of terror. It cannot trust its enemies to accept a rationale or stable level of deterrence. It cannot accept significant casualties. It is too small, and it is a democracy. It cannot and will not sacrifice its people, and it has no autocratic leader who would ever make such sacrifices.

At the same time, the Arrow project offers great benefits to the United States. We, too, live in a world of wars. Secretary Cheney has stated that there are now 15 nations developing their own surface-to-surface missiles in the developing world, and that several are working on very long-range missiles. He has also testified that this number does not include nations trying to buy such missiles. Many of these nations, including North Korea, also possess weapons of mass destruction and are seeking, or have, nuclear weapons.

As Saddam Hussein's vicious invasion of Kuwait has shown, many of our allies are already threatened by nations with long-range missiles and weapons of mass destruction. We must seek every alternative way to negotiate a more peaceful world, but the day may well come when we will desperately need the kind of technology the Arrow represents, and we then will be able to cooperate with Israel in providing it to other States.

We also cannot ignore our own military forces and our own tactical and strategic defense needs. Many of the technologies in the Arrow are of great value in developing the anti-tactical ballistic missile and strategic defense technologies needed in the United States.

We can no longer ignore the need to provide such protection for our forces overseas. We can no longer ignore the long-term threat that a leader like Saddam Hussein might be able to acquire at least a few nuclear armed missiles that he could target on the United States.

Finally, Mr. President, let me go further. These are not normal times. Iraq has invaded and seized Kuwait. It is poised on the Saudi border. It is exercising growing influence over Jordan. The stability in the Arab-Israeli military balance established by Camp David is suddenly uncertain and tenuous. We need to fully reevaluate all our military assistance to Israel to determine whether it is adequate. We may need to strengthen Israel's conventional military capabilities as well. This amendment is a first step in securing the safety of a vital and proven

ally. We may soon have to take other steps as well.

Mr. BINGAMAN. Mr. President, I am advised that there are no additional requests for time on this side of the aisle, and therefore we yield back any time that remains on this side of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is laid aside.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, under the unanimous consent agreement, I gather than it is appropriate at this point for me to send forward the amendment on behalf of myself and the Senator from Alabama, or should we withhold until 9:30?

The ACTING PRESIDENT pro tempore. The Senator may proceed.

AMENDMENT NO. 2588

(Purpose: To specify certain limitations on the use of funds for the SDI Program)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. SHELBY, Mr. HEFLIN, Mr. JOHNSTON, Mr. DOMENICI, Mr. HATFIELD, and Mr. D'AMATO, propose an amendment numbered 2588.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 14, beginning with line 8, strike out all down through line 19, and insert in lieu thereof the following:

SEC. 222. LIMITATIONS ON THE STRATEGIC DEFENSE INITIATIVE

(a) FINDINGS.—Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has become too focused on a projected 1993 Presidential decision on whether the United States will deploy a space-based kinetic energy weapon system, known as "brilliant pebbles".

(2) There has been tremendous instability in the Phase I architecture of the strategic defense system.

(3) A decision to deploy the phase I architecture of that system would have grave implications for offensive arms reduction negotiations with the Soviet Union and for continued United States compliance with the 1972 Anti-Ballistic Missile Treaty.

(4) Changes in the international political environment over the past year permit the United States to pursue the SDI Program at a more measured pace, with increased emphasis on theater and anti-tactical ballistic missile contingencies.

(5) A broad-based research program on the feasibility of highly effective missile defenses remains in the national interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Strategic Defense Initiative should not be focused on the projected 1993 Presidential decision on deployment of a space-based kinetic energy weapon system;

(2) the Strategic Defense Initiative should continue a balanced, robust program of research on those technologies that offer the prospect of highly effective anti-ballistic missile defenses;

(3) priority under the Strategic Defense Initiative should be given, in the near term, to research on a defense system that (A) would protect against an accidental missile launch against the United States or a limited ballistic missile attack against the United States by a third-world country, and (B) if deployed, would not be in violation of the 1972 Anti-Ballistic Missile Treaty.

(4) the Strategic Defense Initiative should include a vigorous pursuit of a variety of theater and anti-tactical ballistic missile defenses which would be of value to allies of the United States and to the military forces of the United States temporarily or permanently deployed within range of tactical ballistic missiles of a potential enemy; and

(5) the Strategic Defense Initiative should continue support, as it has over the past six years, for those critical technology efforts that have both civil and military applications in areas other than ballistic missile defense systems.

(c) LIMITATIONS ON SPENDING.—Of the funds authorized to be appropriated pursuant to section 201 for the Strategic Defense Initiative—

(1) not more than $345,000,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $142,000,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $894,300,000 may be obligated for other phase I programs;

(5) not more than $944,400,000 may be obligated for follow-on technologies programs;

(6) not more than $320,000,000 may be obligated for key technologies activities;

(7) not more than $227,800,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

(d) BUDGET INFORMATION.—With respect to each program and activity specified in clauses (1) through (11) of subsection (c), the Secretary of Defense shall include in budget justification materials submitted to Congress after the date of the enactment of this Act for any fiscal year, and in each annual report submitted to Congress after such date pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), a description of the program or activity, any changes made in the program or activity since the last budget justification materials were submitted to Congress or the last annual report was submitted as the case may be, and the amount budgeted for that program or activity for the fiscal year concerned.

(e) REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1991. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative, including the amount allocated for each of the programs named in subsection (c).

(2) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1991.

(f) CONSTRUCTION OF TERMS.—As used in this section:

(1) The terms "Phase I", "follow-on technologies", "key technologies", "operational support and management", "test and evaluation", "theater defense", "innovative science and technology", "small business innovative research", and "engineering analysis" shall be interpreted consistent with the use of those terms in the testimony of Lieutenant General George L. Mohahan, and the materials presented by General Monahan, before the Committee on Armed Services of the Senate on June 20, 1990, except that the term "Phase I" does not include the boost surveillance and tracking system program.

(2) The terms "brilliant pebbles", "space-based surveillance and tracking system", "ground-based surveillance and tracking system", "ground-based radar", and "ground-based interceptor" shall be interpreted consistent with the use of those terms in Appendix F to the "1990 Report to the Congress on the Strategic Defense Initiative", dated May 1990.

(g) DEFINITION.—In this section, the term "1972 Anti-Ballistic Missile Treaty" means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

The ACTING PRESIDENT pro tempore. Under the previous order, debate on the amendment is limited to 4 hours, equally divided and controlled by the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Wyoming [Mr. WALLOP].

Mr. BINGAMAN. Mr. President, this amendment which I have sent to the desk on behalf of myself and my colleague, Senator SHELBY, the Senator from Alabama, I believe is an important amendment for the Senate to consider, and it is one that I also believe is somewhat overdue.

First, I would like to describe the amendment and what we are trying to accomplish by it, and then explain some of the reasons why we believe it is important.

This amendment does not argue with the total dollar figure that is being allocated by the Senate or approved by the Senate for the SDI budget.

The Armed Services Committee, on which both Senator SHELBY and I serve, determined to approve $3.573 billion in the SDI Program this year. I realize that is an issue that is going to

be the subject of additional amendments this morning and, of course, the subject of a great deal of negotiations with the House of Representatives over exactly what level of funding is appropriate for the entire program. We are not arguing about that in our amendment.

What we have done in this amendment is to take the figure, the $3.573 billion, and we have divided that into 11 line items. In so doing, we are holding fund levels for space-based phase I at about fiscal year 1990 levels. In addition to holding those funds at about the fiscal year 1990 levels, we are emphasizing those parts of the phase I of the SDI Program which relate to treaty compliant systems because it is clear there are some parts of the phase I proposal coming out of the administration that are, even if deployed or during testing and deployment, which would be in compliance with the ABM treaty. We are continuing to emphasize those.

Also, in the amendment we are emphasizing the long-term research for potentially far more effective options.

The amendment, for the first time, if this amendment is adopted, will put Congress on record as giving the SDI Office and the administration a budget in this area. It may come as a surprise to some in the Congress that this is the only area in the defense budget where there is no real direction from Congress. We have had some report language which has largely been ignored in recent years, but there has been no statutory direction as to how the funds are to be spent.

We believe it is important that that direction be given.

Let me review a few of the high points in the SDI Program leading up to this point, Mr. President, because this has been a subject that is of interest to all of us and has taken a great deal of time here on the Senate floor, since I came to the Senate in 1983.

In March 1983, President Reagan gave his speech, his now well-known and famous speech, in support of the SDI Program. I believe that since 1983, since March 1983, we have seen this SDI Program become a very robust research and development program that, in fact, could offer some effective and affordable defenses for this country in the future. I think that is still a very real possibility.

Starting in the 1984 budget, and during the years from 1984 until now, we have approved and appropriated here in the Congress about $20 billion for the SDI. Unfortunately, each of those years—and maybe it was appropriate the first few years—but each of those years, we have, in essence, given the administration a blank check on how the funds are to be spent.

About 2 years ago, the orientation of the overall SDI Program began to shift. It began to shift from the broad-based research that it had been pursuing on the feasibility of highly effective systems, to a much more focused program on a system of limited effectiveness that could be deployed this decade. That was a very conscious decision by the administration, reflected in budgets and reflected most obviously and most importantly in the budget that we have been considering this year from the administration.

The only apparent direction to the SDI Program from the administration today is based on the Presidential directive in January 1989 that we should go forward with development of an early deployment option so the President could make a deployment decision in his first term or in early 1993.

In compliance with that, the administration's budget request to the Congress this year called for a substantial increase in SDI, which it had each year, but three-quarters of the increase being asked for by the administration was proposed to go into work on this early deployment option.

The amendment we are offering today does not agree with that set of priorities. The amendment we are offering would keep the SDI Program a research and development program. The amendment would prevent the administration from shifting funds out of research and into what they call pre-full-scale development of an early deployment option, which is currently the most promising candidate from the point of view of the administration—the so-called Brilliant Pebbles Program. Clearly, that is what the administration would prefer to shift more and more of these funds to pursue.

The SDI Office currently plans to deploy a two-layered defensive system. One layer consists of space-based interceptors, which are these so-called Brilliant Pebbles, which would attack Soviet warheads during the boost phase and while dispensing a single warhead. The second layer consists of ground-launched interceptors that would engage the Soviet missiles during the late, midcourse, and terminal phases of their flight. Our amendment slows the testing and development of Brilliant Pebbles, but it allows SDIO to continue their plans for the ground-based interceptors and related sensors which might form the basis for a treaty-compliant deployment of an accidental launch protection system.

We propose to give Brilliant Pebbles a $129 million budget in 1991, just as it has had this year. That will allow SDI to continue a modest pace of testing. It will not permit them to go ahead at the crash pace that would bring that program into conflict with the ABM Treaty as early as late this next year.

Let me give a brief description of the reasons for our amendment, Mr. President. If we allow the administration to proceed as it would proceed absent this amendment, I think clearly we are taking action which contradicts the position we were just discussing with the Senator from Virginia, which is the fly-before-buy idea that we have tried to pursue in the Armed Services Committee. I seriously believe we do not have at this point a realistic assessment of the technology. There has never been a review by the Defense Acquisition Board of this Brilliant Pebbles Program. We are, simply stated, Mr. President, not yet in a position to determine whether deployment makes sense. We are not in a position to advise the President on that decision in late 1992 or early 1993, as the administration would try to do.

A second reason for this amendment is that if the administration is allowed to proceed as they would like, absent this amendment, it only makes sense to permit that if it is clear that we are willing to spend, as a country, about three times more on SDI each year in the next 5 years, the next 10 years, than we have been willing to spend in any previous year.

This year we are talking about a $3.573 billion budget. It is very clear from the testimony of the Department of Defense to our committee that their estimate is that to pursue their plan for going forward with pre-full-scale deployment, full-scale development, and then on to a decision to deploy, to proceed with that plan as they have laid it out will cost, in their own estimate, $58 billion between 1992 and 1997.

Mr. President, that is simply unrealistic. It is unrealistic for us to be considering that kind of expenditure. We do not have the funds in this country, and we will not have the funds, to triple the size of the SDI budget next year or the year after or the year after that. We need to be realistic about that and be realistic at the earliest possible date. I believe today is that day.

A third reason our amendment is important is that, absent our amendment, it is clear to me the administration will pursue a course, as budgets are cut by the Congress—and we are all well aware that the budget of the SDI will be cut by the Congress this year substantially below what the administration requested—as that budget is cut, the administration will steal funds from the other research activities, will try to shift the funds and maintain the funds necessary for early deployment and get the program further out of phase than it is even today.

Let me cite a couple of quotations. Senator WALLOP, our colleague from Wyoming, who has been a very strong advocate for the course the administration is advocating, was very kind to distribute to all of us a booklet in the

last couple of days, entitled "Critical Issues."

It is a Heritage Foundation publication. Its title is "SDI At the Turning Point: Readying Strategic Defenses for the 1990's and Beyond."

I think it is clear when you began to read this that what I am saying here at this point is clearly recognized by all concerned. One of the essays in this publication by Baker Spring makes the point on page 45 that:

When SDIO applies congressionally mandated budget cuts, it should favor near-term program over long-term research.

That is clearly the set of priorities that the administration has indicated to us, in the Armed Services Committee, that it will pursue. That is a set of priorities they pursued last year, and I think there is no question that they will do so. The country, I believe, will be poorly served by that shifting of resources to that early deployment idea.

Another reason I cite to the Senate this morning in favor of our amendment, is that absent our amendment, this administration based on what they have testified to before the Armed Services Committee and what they have intended to do and indicated their intention, is clearly on a path to undermine or abandon the ABM Treaty by going forward as the administration would have us.

This same publication that I referred to a few minutes ago, which is just recently published, has a very interesting article about SDI and arms control in it. The author of that is Henry F. Cooper, who is the new director of the SDI office. It is very clear in there. He makes the point very explicitly:

Since such a deployment would go beyond that permitted by the ABM Treaty as signed in 1972, this means that eventually the ABM Treaty must either be amended or abandoned.

Clearly, that is the course that the administration has our country on at this time. Our amendment would turn that around and see to it that our research and our development in this area not pursue a course that violates the ABM Treaty.

Mr. President, I am not opposed to the SDI Program as a realistic research and development program. I have supported high level of funding for that each year, as has my collegue from Alabama. I think it is clear that we are opposed to letting that program get as far off track as this administration is intent on taking it.

The President should not be making a deployment decision in 1992 or early 1993. We do not know enough. We are not able or, in my view, in a position to commit the funds to carry through on a deployment decision, if one were made in that timeframe. We should not be proceeding as though we are going to deploy a system in the mid-1990's—1994 and 1995—because, in fact, Mr. President, we are not.

I know there are many criticisms of the amendment that have been raised by others who will speak as the morning proceeds. I will withhold my arguments in response to those criticisms until we have had a chance to hear the criticisms made.

At this point, I will be glad to yield whatever time my colleague from Alabama needs for his explanation of the amendment and his point of view.

The ACTING PRESIDENT pro tempore. The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. SHELBY. Mr. President, I rise to join my good friend and colleague on the Senate Armed Services Committee Senator BINGAMAN, in offering this amendment to the Defense authorization bill. I must say at the outset that I have not come to this decision lightly. I have been a vocal defender of the strategic defense initiative from its inception in 1983. I have, in past years, managed floor debate in opposition to amendments to cut this program. I have supported efforts in Congress to give the director of SDIO a virtual blank check to develop the program within the framework of the 1972 antiballistic missile treaty.

Mr. President, while this blank check may have been appropriate in 1984, 6 years ago when SDI began, I do not feel that it is prudent today. I say this for two reasons: First, the orientation of the SDI Program has changed. The emphasis has shifted from broad-based research on the feasibility of highly effective systems to focused development of a system of limited effectiveness that could be deployed this decade, and second, the threat, which SDI was designed to counter, has changed.

The purpose of this amendment that the Senator from New Mexico and I have offered today is to bring the SDI Program in line with the sweeping changes we are witnessing in the nature of the threat, the constraints of the Defense budget and the unfolding opportunities of the START process. We have offered this amendment in the spirit of positive reform of a high priority national program, of transfusing it with renewed relevance at this critical juncture I believe, in its history.

This is not an anti-SDI amendment. On the contrary, the supporters of the amendment view it as strengthening the SDI Program this year and for many years to come

While the threat of the Soviet arsenal of nuclear ballistic missiles has not gone away, the probability of a large scale attack in the near term has receded with the warming of East-West relations. A trend of growing concern, which we should respond to in the SDI Program, is the proliferation of nuclear missiles in the Third World.

This period of staggering national debt requires us to reexamine every major defense program, including SDI. While the Armed Services Committee has reduced funding for SDI in fiscal year 1991 by nearly $1 billion, it was largely silent on policy issue. The Bingaman-Shelby amendment speaks in a clear voice on the issue of SDI policy.

With respect to the START process, we are on the threshold of a major reduction in the numbers of strategic nuclear missiles on each side, a landmark event with profound implications to SDI. I believe the SDI Program has helped to get a START agreement, and that SDI can be structured to live in harmony with the continuing START process.

It is certainly legitimate to ask: What is wrong with the way the SDI Program is currently structured and how should it be changed? Let me address this question by reviewing some legislative history and outlining the central themes of the amendment.

Mr. President, in fiscal year 1988, just 2 years ago, the SDI Program changed from a broad-based program to one that has focused on the near term deployment of a defense system. A strategic defense architecture was proposed, emphasizing the deployment of space-based kinetic energy weapons. The basic idea of near-term deployment was not seriously opposed in this body, but there was strong opposition to the emphasis on space-based weapons.

In hours of Senate debate, the criticism of space-based weapons was vividly expressed, particularly by the Senator from Louisiana, on the grounds of technical feasibility, command and control problems, vulnerability to Asat attack and creation of strategic instability. This concern went largely unheeded by the Reagan and Bush administration, and the Bush administration has continued to march with a phase I SDI architecture that has, as a cornerstone, the use of space-based weapons.

In every succeeding year, Mr. President, this body, and the House of Representatives, have debated SDIO's emphasis on reaching a near-term decision on the deployment of space-based weapons. This debate continued despite prohibitions that the Armed Services Committee placed on the development, testing and deployment of space-based weapons. The SDI Program has proceeded with early deployment plans for a system that not only violates the prohibition against deployment, but is also incompatible with the prohibitions against development and testing.

In the fiscal year 1989 authorization the Armed Services Committee proposed budget fences on particular SDI Programs. The Senate-House confer-

ence resulted in the requirement of minimum allocations to ground-based weapons and limitations on expenditures for space-based weapons. These fences were subsequently removed in negotiations with the administration after President Reagan vetoed the legislation. However, the sense of the Congress on this issue was clearly evident. The SDI Program has not conformed to this expression. Instead, it has moved in the opposite direction by continually increasing the relative expenditures on space-based weapons.

During this period, the design of the space weapons has been changed from space-based interceptors [SDI], featuring clusters of weapons on space platforms, to Brilliant Pebbles, with larger numbers of single weapons located in a low earth orbit. While Brilliant Pebbles may lessen the vulnerability to Asat attack, the other congressional objections have not been removed; in fact, the command and control problems of thousands of relatively autonomous kill vehicles have become even more difficult and dangerous.

In parallel with the consistent record of congressional concern about space-based weapons, has been a uniform congressional advocacy of a treaty-complaint initial step in the SDI Program plan. Two years ago, Chairman NUNN advanced the idea of an accidental launch protection system [ALPS], and similar proposals have appeared in legislation since then. In the fiscal year 1989 defense authorization, the Spratt amendment, calling for an administration study and report on this type of system was adopted by an overwhelming majority in the House and subsequently agreed to by the Senate in conference.

All administration spokesmen have been negative regarding the ALPS concept, and the requested report was never submitted. Thus, the basis for a bipartisan consensus on the first step in an SDI deployment plan has been rebuffed, and we have continued divisive sparring about a phase I strategic defense system which violates the ABM Treaty.

Again in fiscal year 1990, the authorization bill coming out of the Armed Services to the Senate floor contained a sense-of-the-Congress resolution urging the administration to consider an accidental launch protection system that fully complies with the ABM Treaty. There has been no evidence that this congressional guidance has received any more attention than previous appeals.

In view of the growing menace of third world ballistic missiles and the undiminished threat of accidental and unauthorized launches, it is puzzling why this concept has been so relentlessly resisted by the administration. The Soviets already have a treaty-compliant system deployed in Moscow and they have continually upgraded it to provide protection against a limited ballistic missile attack. The cost of developing and deploying a comparable system in the United States, using existing SDI ground-based elements, would be only a fraction of the cost of the current phase I SDI system.

What we have seen, over the past 3 years, is a persistent campaign by the administration to sell the early deployment of space-based weapons and their adamant refusal to seriously consider the alternative of a treaty-compliant first step. As a result, the Congress and the administration remain at an impass. In the current environment, when world conditions have made the SDI phase I deployment plan an anachronism, we must change the SDI Program. This is the reason that Senator BINGAMAN and I offered this amendment in committee, and ultimately agreed with the chairman, the distinguished and ranking member, the Senator from Virginia, that the amendment should be deferred for consideration by the full Senate which we are doing today. We would have preferred that the administration take the initiative to make the needed changes, but that simply has not occurred. We ask you now to approve the amendment, and implement some critically needed reforms in the program.

What are the essential elements of this amendment? There are three main themes which we urge you to consider:

First, slow funding for space-based weapons systems within the phase I architecture.

Second, maintain fiscal year 1991 funding levels for long-term research.

Third, increased development effort on theater missile defense, the fence that we have been talking about.

The phase I architecture, with its emphasis on space-based elements, represents a budget drain that precludes any increased emphasis on long-term research or theater missile defense. Focusing on a limited protection system, which could be accomplished at a small fraction of the cost of phase I, would free up funds to diversify and balance the program. Furthermore, it would remove the cloud of a violation or abrogation of the ABM Treaty and thus improve the atmosphere for continuing START negotiations.

As to the second major theme, we have seen a steady shift of SDI resources over the past 3 years from far-term research to near-term deployment. This has been a natural consequence of the emphasis on the phase I architecture and the annual rite of Congress slashing in ever increasing amounts the budget request for SDI. Those of us who have loyally supported SDI have fought in committee and on the floor to stem the tide of SDI budget reductions, However, the time has come for a structural change, a fundamental reordering of priorities within the program, rather than stopgap measures.

Far-term research is the hallmark of the SDI Program. It is this class of research that accelerates the transition of embryonic technology from the laboratory into practical applications. If SDI is ever to fulfill the dream of being a highly effective Defense against the threat of ballistic missiles, of providing a technical basis for "saving lives, rather than avenging them," it must never give up its birthright of highly innovative technology. Technologies in the fields of semiconductors and directed energy weapons, for example, have benefited immensely from SDI funding, and they have promising applications in the civilian sector.

Finally, let me say a few words about the proposed increase in theater missile defense. A primary objective of the SDI Program from the outset has been to provide protection for our allies, as well as ourselves. The main question confronting us now is how best to provide that extended protection. The two competing approaches that are currently defined are a ground-based approach and a space-based approach called global protections against limited strikes [GPALS]. For many of the same reasons previously discussed, it is far preferable, at least in the near term, to proceed with the ground-based approach.

The same technology which drives an ALPS system for the continental United States can be applied to the defense of any other territory in the world. Ground-based interceptors and sensors can be deployed to defend against ballistic missiles of any range, from short-range tactical ballistic missiles to intercontinental missiles. They are not limited, as are weapons in Earth orbit, to a certain minimum range or minimum time-of-flight targets. Additionally, ground-based defense systems can wait to engage threatening missiles until it is clear exactly where the missiles are aimed. Under this system, the chances of making a mistake, or accidentally shooting down a nonthreatening missile, are extremely remote.

There are a number of technology demonstration programs under way, including the extended range interceptor [ERINT-1], the Israel Arrow interceptor, and the tactical high-altitude area defense [THAAD] interceptor. The ERINT project will demonstrate hit-to-kill capability of a small missile using an onboard radar seeker to guide it to intercept. The Arrow is an Israeli developed missile designed to achieve a near-perfect defense against a limited missile threat and to perform intercept sufficiently far from the defense position. THAAD is an area coverage

system that can protect large geographical zones. All of these systems are designed to be effective against the tactical missiles that are being proliferated in great numbers in potentially hot spots around the world.

Senator Bingaman and I feel that this problem is of such consequence that we have included almost $50 million in funding above the administration's request for theater missile defense. Within this amount we have provided $42 million for the Arrow Program.

Mr. President, this morning, I have discussed some legislative history that reveals the fundamental conflicts between the legislative and executive branches on the direction of the SDI Programs over the past 3 years. This legislative history makes it clear that this amendment is not a sudden "bolt out of the blue," or an action that should take the administration by surprise.

Once again, this amendment will allocate the $3.573 billion in funding proposed by the Armed Services Committee for the strategic defense initiative among 11 line items. The Bingaman-Shelby amendment holds funding for space-based phase I systems at approximately fiscal year 1990 levels, while emphasizing ground-based ABM Treaty compliant phase I systems, theater defenses, long-term and key technologies.

Mr. President, we believe that passage of this amendment would give the administration clear guidance on the direction of the SDI Program. While the sponsors of this amendment have supported SDI since its inception, we have become increasingly wary over the shift of orientation of the program from a board-based research program to an emphasis on a near-term deployment decision based on space-based interceptors. Our amendment will ensure that SDI pursues the balanaced research program that a majority of the Congress and the American people desire.

Mr. BINGAMAN. Mr. President, we reserve the remainder of our time.

Mr. WALLOP. Mr. President, I yield myself such time as I may consume.

Mr. President, let me begin by saying that the SDI debate is always prefaced by a statement "I always support SDI. I am a strong supporter of SDI." And then they seek to neuter it, keep it research only, and to keep it research is to keep it sterile. To keep it research is to deny to the American people the fruits of the research conducted already.

It is surprising to this Senator—and I will say it more than once in this debate—why it is so important for Israel to have a defense against ballistic missiles and deny it to the United States. My colleagues from New Mexico and Alabama justify their amendment with the argument that the Strategic Defense Initiative Organization has spent some $20 billion since the program was launched, largely at its own discretion, with "little formal guidance."

Now they say the time has come to impose significant restrictions on how that money will be spent, presumably, in the interest of America. I do not quarrel with anybody on patriotism. This is not an argument about patriotism, but about judgment.

Their amendment would allocate all of SDIO's funds by 11 internal line items, capping the amounts to be spent on phase 1 key technologies and follow-on technologies and theater defense and so on. They claim that it is balanced.

Mr. President, this is a peculiar idea of balance that takes phase 1 space-based interceptors and reduces them to less than 10 percent, $3.57 billion of the SDI budget. Follow-on technology under this proposal, on the other hand, rises to nearly 33 percent. The balance is not there, and I think it is fair to observe that in the beginning.

The proposed allocation cuts nearly $200 million from the program called Brilliant Pebbles, the most promising near-term interceptor technology, and $200 million from other phase 1 research. SDI line items benefiting the most from this amendment would be long-term technologies and ground-based systems where the research is done, not coincidentally, in New Mexico and Alabama.

Mr. President, over the course of debates, both in the committee and in the past, I have made the claim—and I can document it historically today—that the problem with the strategic defense of America has never been technology; it has always been political indecision, sometimes driven by the Congress and sometimes by the administration.

During the fifties, America spent about $50 billion—real dollars in those days—to provide ourselves with a first-class air defense system. Soviet bombers could have come in force, but few, if any, would have gotten through. And as the missile race began, America was far ahead in developing defense against ballistic missiles.

Up until the mid-1960's, while this Government might not have been too keen on the fine points of strategy, it had a firm grip on the basic duty of all governments—that was to protect their civilian population.

Then along came the doctrine of "mutual assured destruction." It became fashionable to think in utopian terms and to neglect reality. The thing was, if only we could destroy the Soviet Union, and they could destroy America, and if neither of us was able to protect ourselves, we would all live happily ever after

So, as a consequence, we scrapped our air defense, and we scrapped the promising ABM system, and slowed down to almost nothing the promising research on new defense technology.

We had at the time the Patriot Program that could have provided real protection to the American people against the threat that existed in those days. But the floor of this Senate set about systematically gutting those programs until they fell on the face of their own inconsequence because of the numbers in reductions that took place.

In 1983, in a debate in the Senate throughout that year, despite the obvious sense of the Senate and despite an unbroken string of technical successes, the overall effort in the area of a space-based laser weapon lost what little orientation toward an early success that the Carter administration had given it.

The three basic technology programs in that era of DARPA were reduced in scope. They were the Alpha laser, which was arbitrarily in power; the big mirror project, LODE, large optic diameter, was arbitrarily shorn of the features which connect it to the pointer-tracker; the Talon Gold pointer-tracker had one of its two telescopes removed.

The Carter administration's schedule, insufficient as it was, provided for an on-orbit demonstration of a 5-megawatt/4-meter laser weapon in 1991. In 1980, Robert Fossum, President Carter's Director of DARPA, stated officially in a letter to this Senator that the demonstration could take place in 1987—3 years ago.

In 1985, in a debate I suggested that had we simply followed the plan of the Carter administration, we would have had an American space-based laser in orbit, at the latest, by 1991 at a total cost, according to the Carter administration, of $2.3 billion.

While the technology permitted us to test a 10-megawatt, 10-meter weapon in the 1980's, mismanagement and shortsighted funding resulted in an official schedule that will not permit a five-four to be tested before 1993.

On the one hand, in 1985 the technology managers waxed eloquent about the technology—indeed, they sounded wildly optimistic about doing tricks—such as pointing to five targets within 1 second or compensating for atmospheric diffraction in a millisecond, or building mirrors with 100 percent reflectivity—which had not been demonstrated and which no one knows how to do.

So we rant into a technological barrier carved out of whole cloth that had no relation to either the requirements of a defense or the requirements of an administration.

On the other hand, however, they doggedly resisted building the only laser systems we knew then how to

build. Who can make sense of this methodical skepticism about the things we can do and a complete suspension of doubt for the things we do not yet know how to do?

This I suggest is the absolute essence of the amendment from the Senators from Alabama and New Mexico, and it follows and tracts the history of the behavior of this body.

ERIS: One of the most promising ground-based interceptors—had the original program been adequately funded and authorized to proceed according to the planned schedule, we could have begun full scale development in 1987. With a 5-year completion schedule, a treaty-compliant 100-interceptor system would have been operational by the early 1990's. Even this limited deployment would have provided protection over the entire North American continent against a limited ICBM or SLBM attack.

And the homing overlay experiment [HOE]: The successful intercept of a target vehicle in a space trajectory launched from Vandenberg AFB, destroyed by a simulated interceptor fired from Kwajalein in 1984. Demonstrated conclusively that high-velocity target acquisition, tracking, guidance, and intercept were all possible 6 years ago.

The airborne optical adjunct [AOA]. This was a means by which we were going to initiate control over the terminal attacks of missiles. Guess what we did? We severed completely the airborne from the adjunct. We put the adjunct on the east coast and airborne on the west coast, vitiating the promise it gave to the American people to provide them a needed capability.

We squandered the money spent on those programs once again, stopping a promising technology on the threshold of operational capability because there was something better over the horizon. Another example of our pattern of letting what we might be able to do tomorrow supplant what we can do today.

Let me put it in more prosaic terms. If I said to my colleagues even though we are hungry we better not have a steak for lunch because, by golly, we might be hungry again by dinner, they would think me insane. And it is insane, what we do to ourselves and what we do to the American people, all the while professing we are for the SDI Program to provide a real defense, by golly, someday.

In 1984, in a debate on this floor I asked the Senate to look back one generation to the few brief years when our present strategic weapons were conceived, designed, and built in a burst of creativity and efficiency. In those years we simply confided the task to competent individuals and gave them the power commensurate with their responsibility.

Gen. Bernard Shriever thus delivered to America the intermediate range ballistic missile in less than 4 years. And it was done without congresional micromanagement. It was done with a task given to them and not with direction to do this and not that, choose this and not that. We in the Senate do not have the scientific capability to choose this and not that, but that is what we seek to do.

Adm. "Red" Raborn delivered to America the Polaris system in about 4 years. When we are serious this is what we do.

We cannot stand on the floor today and vote for this amendment and claim to the American people that we are serious. What we want to do is to get technical success at a reasonable price and in good time. When we are not serious, we get programs managed like we managed MX—they take a generation, cost unbelievable amounts of time, and end up of doubtful worth. And that is going to be the net result of this amendment should it be enacted into law.

I noted on the floor in July 1983 that SDI was following a pattern similar to other advanced defense technology weapons programs; that it was becoming enmeshed in a web of bureaucratic interests.

I suggest today that the Senators, whatever their purpose, have fed the bureaucratic interests of the labs in their States. Not coincidentally, the lab in Los Alamos rejected this proposal in their statement made last week. They rejected the concept of the plan that is offered by the two Senators from New Mexico and Alabama.

I will print this statement in the RECORD and read it at a later point, Mr. President.

Regarding the armed services and the national labs, I observed in 1983 that these R&D bureaucracies spent a great deal of money on promising technologies and yet produced little of value to the country. I feared the same thing was going to happen to the SDI Program. And here we are witnessing not only that it has happened but we are about to make it worse because we will have now lost some of the great promise that has developed.

At last, SDIO has come under the leadership of a civilian Director who is not driven by his service's desires and his service's promise of promotion. He is not tied to the bureaucratic interests that have been feeding off SDI, and he inherits a remarkable record of technological process including the breakthroughs such as Brilliant Pebbles.

Now at last there is a good chance that SDI funds will actually be spent to produce the protection that the American people think they have been paying for from the beginning. But the Bingaman-Shelby amendment would use the defense authorization bill to turn SDI into a technological welfare program and divert the money to Sandia, Los Alamos, and Huntsville with no end or usable product in sight, and in fact not sought for because the possibility that we could get to a deployment decision is specifically the reason they offer for not going ahead with the program that the President's people have designed.

In their "Dear Colleague" letter, the amendment's sponsors admit they are attempting to derail the near-term deployment decision. That is what this debate is all about. But who knows? Coming to a deployment decision does not say we must decide to deploy; it simply says come to a deployment decision.

The sponsors of the amendment before us now are simply trying to deny any of us the ability to come to that decision. We are now at that point.

Their letter reads, and I quote from it:

> We fundamentally disagree with the need for a 1993 deployment decision and do not want the entire SDI program oriented to such a goal.

Mr. President, this statement compels me to ask my colleagues, and in fact the entire Senate: If not in 1993, when do they want to see a deployment decision? In 1998? In 2010? In 2030? Or never? Is it in fact their idea that this country will never be able to avail itself of the technology which it has so brilliantly brought to the stage where we can make those decisions?

How many more billions and billions of dollars for laboratory research and years of that research will satisfy them before we can make a decision for the Americans whom we say we serve when we spend their money, and yet deny them the fruits of the brilliance and the technological genius of America's scientists?

Senators BINGAMAN and SHELBY argued in committee that the SDI program is at a crossroads. That is true. One path, they say, leads to expenditures over the next 10 years of over $100 billion to $150 billion, a figure dropped on the floor this afternoon to $55 billion. I would say that figure is wrong and they know it. The figure is now $45 billion and is going down because of technological advances which will be stopped in their tracks, stopped in their tracks; for example, the miniaturization and the cost reduction that have come about so dramatically. The downward trend from $150 billion to $45 billion will be stopped in its tracks and we will not be able to avail the American people with either the economics or the promise that comes from this research.

Even if you accept their inflated cost estimates—which I do not—this is a false dichotomy. The real issue at hand is not how much we are going to

spend on SDI. What we have to decide is this: Are the American people ever going to get any return from the money spent and effort expended on SDI to date? Or are we by law going to ensure that the SDI program yields no security, nothing except a steady shower of money for well-connected R&D organizations? I would remind my colleagues that over the long run it costs no more to purchase real hardware—really useful things—than it does to pay welfare to favored technical constituencies.

The SDI issue is driven by the hard fact that ballistic missiles are the dominant weapon of modern warfare, and by the fact that the Soviet Union has an array of modernized nuclear-armed missiles pointed at us with no sign of a diminution of their strategic effort. The Soviet Union continues to modernize and expand this arsenal. Furthermore, under the much heralded START Treaty, the ratio of Soviet warheads to American targets would rise, not fall.

There will be more Soviet warheads targeted on fewer American targets after START than exists today. So the threat becomes greater and the promise farther away of countering that threat.

And if my colleagues have convinced themselves against all the evidence that the Soviet threat has evaporated—the threat from their capabilities, not their presumed intentions—they should consider other dangers in a world troubled by the rapid proliferation of ballistic missiles.

The sponsors of this amendment say their purpose is to give direction—give direction—to the SDI program. With all the technological, scientific prowess the two Senators possess, they are going to give direction to the people who have spent a lifetime working on this, and whose laboratory at Los Alamos has rejected the very program that has been offered.

But this amendment does exactly the opposite of giving direction. In closing the door on the possibility of building and deploying real defenses in the foreseeable future, it would deprive the program of any meaningful direction because it would have no meaningful goal.

But this amendment does exactly the opposite of giving direction. In closing the door on the possibility of building and deploying real defenses in the foreseeable future, it would deprive the program of any meaningful direction because it takes all meaningful goals away from it.

It says spend the money, boys. Bring us something someday, but do not bring us something to the point where we can make make a deployment decision. That is the meaning of their "Dear Colleague" letter.

So if reaching the point where we can give some actual protection for the American people, as the program exists today, is not real direction, then I ask the Senator to describe to me what is.

Mr. President, it is clear to me, to many Senators, and to Defense Department and SDIO officials, that instead of providing direction, the amendment is a cynical attempt to divert the program away from its presumed mission and toward open-ended research that essentially leads nowhere, except to more money for New Mexico and Alabama. The authors of the amendment offer absolutely no indication that the Bingaman-Shelby version of SDI will ever stop a single missile, or ever lead us to the point if we can decide if that may be the case or not. They offer no timetable for building any hardware that will ever stop a missile—not even ground-based or theater defense systems, let alone the exotic, longer term technologies.

Let me make it clear, as I have from the beginning, I have no dog in this fight except the protection of the American people. I stongly support directed energy technology. I was the original sponsor of the research on directed energy weapons. I tried and tried to get the Carter administration to spend $100,000 at MIT disproving the lowly article that this Senator wrote in 1979 in "Strategic Review." But they "disproved" it with mathematics so faulty that, to their credit, the administration admitted that their rebuttal did not in fact disprove it. And then I got the letter from Dr. Fossum saying that the program could go on and achieve the kind of technical capabilities that were claimed for it.

I always have been and am, convinced that the technical innovative genius of the American engineering and scientific community is a major national asset.

And I am certainly, not by any means, against ground-based systems. I tried 2 years ago to force us to get to accept a ground-based defense when I suggested if we were worried about MX and its vulnerability, as the chairman of the committee was in those days, I said, defend it. Just defend it. We knew how. And we know how today.

We need these ground-based systems now to provide the synergism with the boost phase and the mid-course system. I would even be happy to see us begin deployment of the strategic defense system with the ground-based element, as long as that is not a half-a-loaf ploy to kill space systems.

I would rather have the American people have some protection than no protection. I do not understand the argument that since we cannot do everything, we must therefore keep the people vulnerable to everything. It just defies logic, that, somehow or another, since we are not able to guarantee an impermeable umbrella, we can not promise the American people that we will even try to do anything to soften the edge of what might come our way, and thus generate the necessary element of doubt in the mind of the attacker and the deterrence that goes with that.

This amendment is carefully constructed to protect the Arrow for sufficient reasons, some among which are political. I unequivocally support the Arrow. In fact over the course of the American participation in it, I worked with Secretary of Defense Weinberger to get a greater level of participation on the part of the United States and a lower percentage requirement for the Government of Israel.

I recently sent a strong letter to the Secrertary of Defense urging him to begin the negotiations for the Arrow's follow-on phase. And indeed no one can deny and no one doubts that Israel is facing a severe threat from ballistic missiles in the Middle East. One has only to see the events there today with the madman dictator Saddam Hussein, who has shown his warlike intentions by invading his erstwhile ally, Kuwait, and by threatening the Saudis, by threatening the Middle East, by threatening Israel, as he has the United States, as has Qadhafi.

No one can doubt that Israel has a problem. Iraq not only has ballistic missiles, but also chemical weapons to attach to them, and they have shown an absolute uncaring willingness to use them. They have no conscience whatsoever.

And Saddam Hussein is racing to build nuclear weapons, if he has not already done so, with aid and help of some West European governments.

So our embattled ally Israel needs Arrow; she needs a missile defense. But, Mr. President, I wish my colleagues from Alabama and New Mexico would explain to the Senate—and to the American people: if Israelis deserve to be defended from the mass destruction of a ballistic missile attack, why do Americans not deserve the same protection?

Why is it good for us to commit ourselves, as we should, to the protection of our allies in the Middle East and say to the American people, "Not you fellows."

Mr. President, I would be willing for SDI funding to stay level or even shrink in exchange for allowing SDIO to build things that would actually prevent nuclear missiles, if launched, from wreaking destruction on their targets; or better yet, would dissuade an enemy from ever launching them in the first place.

But, if the Congress enacts what in all charity I have to say is a deceptive and irresponsible piece of legislation. If by law we restrict SDI to an entitlement program for special R&D inter-

ests that pours billions of taxpayer dollars down a bottomless money pit, with no promise that we will ever achieve anything—no timetable, no goal, no mission—then I suggest maybe the time will have come that we stop funding SDI altogether, because if we are to ever get anywhere, if our promise and certainty are that Americans will never have it, let me suggest that there are other things we could expend the money on that Americans can have.

My friends have mentioned that ABM Treaty. I do not know where they were during the course of the hearings, but Dr. Herzfeld, the Director of Defense, Research, and Engineering, at DOD, in testifying before the Senate Armed Services Committee this June, described in exquisite detail the compliance efforts that the Government is taking to make certain we do not breach even the concept of the ABM Treaty. To get us to a deployment decision does not breach the ABM Treaty.

The ABM Treaty contemplates a renegotiation, if it is in our national interest. The defense-in-space talks contemplate an arrangement between the Soviet Union and the United States, that will get us to, quoting Mr. Baker and Mr. Shevardnadze, "a more responsible, more reliable balance between strategic offenses and defenses."

I say to my colleagues, what on Earth do they expect the administration to negotiate if they deny the administration the ability and deny America the ability to go to those talks with something in hand? Otherwise, there is nothing to negotiate.

And, while they are worried about it, let me suggest the Soviet Union today is in absolute violation of the ABM Treaty. I refer not just to the Krasnoyarsk radar, which they have agreed is a violation, and have promised fitfully to perhaps dismantle. But I have here an interview that was published in Moscow on the 26th of May this year, with a General Kraskovskiy, who is, the Department of Defense believes, Chief of Soviet Missile Defense Forces. He has been on the front lines of the Soviet effort to save their large phased array radars, including the Krasnoyarsk radar. We have seen in several months a concerted effort to walk back on the political leadership's position—Mr. Shevardnadze's, position—that Krasnoyarsk is a violation of the ABM Treaty.

In an institutional way, he owns these large phased array radars, and this fact, coupled with General Kraskovskiy's interview, is significant because it demonstrates in public the operational like between the Soviet large phased array radars and the ABM system. American intelligence has generally taken the position that these LPAR's are not tied into their ABM system, perhaps because the intelligence community did not want to make what might be seen as a political judgment undermining the ABM Treaty. But, if this conclusion is so, then the internetted, centrally commanded and controlled system of interceptors and radars and large phased array radars suggest a highly significant nationwide ABM system in complete violation of article I of the treaty.

Let me read a little from the interview. Badurkin, the TRUD correspondent, wanted to know, "Just what is ABM?"

General Kraskovskiy responds:

The anti-ballistic missile system [ABM] is considered to be one of the most "restricted areas" in the country's Armed Forces.

And it was originally, organizationally, part of the Moscow air defense troops.

But the telling cite is this. Kraskovskiy, in response to Badurkin's question, says:

I think the time has come to tell our leaders about the ABM System in greater detail: How does it function and what missions does it accomplish during peacetime?

(Kraskovskiy) During peacetime, the system is in a State of permanent combat readiness, and it "monitors" outer space. Its eyes and ears are the early warning radar sites. The large phased array radars.

What better admission can we ask for of what this system is for?

They are capable of ascertaining the fact of an attack against the Soviet Union in seconds and transferring to automatic tracking of ballistic targets, having discriminated nuclear warheads from false targets and decoys.

Anti-ballistic missiles are simultaneously brought to their readiness condition automatically, they are distributed among the targets, predicted target destruction points are calculated, and anti-ballistic missiles are automatically launched at the designated time. At first, the exo-atmospheric anti-ballistic missile interception echelon is employed and undestroyed ballistic missile warheads will be shot down in the atmosphere by short range interceptors.

Mr. President, I ask unanimous consent that this interview, this illuminating interview with General Kraskovskiy, be printed in the RECORD in its entirety, as an admission by the man in charge of Soviet ABM systems that the Soviet Union is in violation of article I of the ABM Treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR DEFENSE OFFICER ON MOSCOW ABM SYSTEM, PEACEFUL USES

(90WC0077A Moscow TRUD in Russian 26 May 90 p I)

[Interview with Colonel General Volter Makarovich Kraskovskiy by TRUD Correspondent V. Badurkin: "Just What Is ABM?"]

[Text] The Anti-Ballistic Missile System (ABM) is considered to be one of the most "restricted areas" in the country's Armed Forces. A paradoxical situation has developed when the entire world knows that the Soviet Union deployed an anti-ballistic missile defense force around its capital in accordance with the Treaty on the Limitation of ABM Systems [1972] but there has not been a word about it in our own press! But, glasnost has also finally penetrated into the Army's activities. TRUD Correspondent V. Badurkin met with Colonel General Volter Makarovich Kraskovskiy, one of the PVO [Air Defense] leaders, and asked him to answer some questions for TRUD's readers.

[Badurkin] Volter Makarovich, considering the total absence of any information at all about anti-ballistic missile defense, first of all tell us about its place in the Armed Forces system.

[Kraskovskiy] Organizationally, Moscow's anti-ballistic missile defense is part of the Air Defense Troops. It consists of command and control facilities based on the most modern computers with software containing one million commands, acquisition and guidance radar sites, and firing complexes with anti-ballistic missiles deployed dozens of kilometers from each other. All of this has been developed and functions based on the very latest achievements of command and control theory, mathematics, electronics, radar, and other sciences.

[Badurkin] You emphasized the word "Moscow" in your answer. . . .

[Kraskovskiy] I did that intentionally. I think a small historical digression is necessary to clarify it.

In the 1960's, when the Cold War was at its height, the need arose to reliably defend the country from an American ballistic missile (ICBM) surprise attack. However, it soon became clear that creation of an anti-ballisitc missile defense system, not even for the entire country but only for primary strategic areas, would be a very expensive and futile venture. The fact is that if we covered, say, 10 targets with anti-ballistic missiles, the Americans would accordingly soon increase the number of their missiles in order to penetrate this shield. We, in turn, would once again strengthen our ABM System to protect ourselves from them. . . . And so on and so forth ad infinitum. A classic pattern of the arms race.

Fortunately, both sides had enough common sense to think it over in a timely manner and to begin negotiations to limit strategic weapons and anti-ballistic missile defense systems. As a result, as we all know, the 1972 Treaty was concluded between the USSR and U.S.A. which permitted each side to have only one area protected by ABM's on its territory. Furthermore, the radius of the ABM weapons system deployment areas must not exceed 150 kilometers. The Americans decided to cover their Grand Forks strategic missile base in the northern portion of their country and the Soviet leadership decided to cover the capital of the USSR.

[Badurkin] What played the determining role during selection of the region? We really have regions that are much more important in a strategic sense. . . .

[Kraskovskiy] The Soviet side proceeded from the fact that Moscow is the most important political, administrative, and industrial center of the State. All organs and all threads of command and control, including with the country's defense, are concentrated here. If we did not cover it, then it could occur in such a way that there would be no one to make a decision on a retaliatory strike or that the decision would not reach the executors.

[Badurkin] I think the time has come to tell our readers about the ABM System in

greater detail: How does it function and what missions does it accomplish during peacetime?

[Kraskovskiy] During peacetime, the system is in a state of permanent combat readiness and it "monitors" outer space. Its eyes and ear are early warning radar sites. They are capable of ascertaining the fact of an attack against the Soviet Union in seconds and transferring to automatic tracking of ballistic targets, having discriminated nuclear warheads from false targets and decoys.

Anti-ballistic missiles are simultaneously brought to their readiness condition automatically, they are distributed among the targets, predicted target destruction points are calculated, and anti-ballistic missiles are automatically launched at the designated time. At first, the exoatmospheric anti-ballistic missile interception echelon is employed and undestroyed ballistic missile warheads will be shot down in the atmosphere by short range interceptors. Anti-ballistic missile command and control is carried out by ground-based and on-board computers according to a calculated and confirmed point that is reflected by combat algorithms and programs and implemented on domestically produced supercomputers using target tracking radars and anti-ballistic missiles. This is a brief outline of our operations.

[Badurkin] I am afraid that, putting it mildly, not all of our readers will know how to sort this out. . . .

[Kraskovskiy] I will attempt to explain it in more understandable terms. Imagine a man who is being steadily fired at from practically all directions but he manages to react to each shot. At the same time, he selects only those bullets for destruction that are flying directly at him. If he sees that he cannot hit all of the bullets, he selects those bullets that are aimed at vitally important organs.

[Badurkin] We all know that the Americans have already mothballed their ABM System that protected their ballistic missile base in the 1970's. Why did the Soviet leadership not resort to that same step?

[Kraskovskiy] Let us begin with the Americans. The Americans have actually mothballed their Safeguard [ABM] System but they have left its primary element, the PAR [Perimeter Acquisition Radar] site, to serve as a nuclear missile attack early warning system. Furthermore, they are constantly improving ABM technology and conducting scientific research and experimental design work for this purpose. And considering the U.S.'s high scientific and technical potential, I can state with certainty that they are planning and are capable of deploying their own combat [ABM] complexes in a very short period of time if the need arises.

In addition, we should also not forget that, for seven years now on that side of the ocean, they have been intensively developing the SDI Program that envisions deployment of an ABM system, including space-based elements, along with the total build up of strategic offensive force capabilities.

As for our system, we think: It is not economical to "freeze" the enormous sums spent on its development. Therefore, it not only defends the capital of the USSR from ballistic missiles but also accomplishes other missions.

[Badurkin] That is, you want to say that the Soviet ABM System also performs peaceful operations?

[Kraskovskiy] Of course. It is needed by many sectors. ABM radar systems are utilized for monitoring outer space where thousands of artificial Earth satellites [AES] are permanently located. They monitor AES's while they enter into their calculated orbits, search for space vehicles that have changed the position of their orbit as a result of an accident or due to other causes, determine state affiliation of AES's and monitor their activities. We frequently have occasion to participate in supporting space vehicle docking, elimination of accident situations on them, conduct various maneuvers and carry out their landings. For example, I can remind your readers about the test flights of Buran-Energiya, the new Soviet space system, and the docking of the Mir Orbital Station with the Kvant-2 Astrophysical Module.

The responsible portion of our work is surveillance of Shuttle reusable space vehicle flights. (For example, from 1 through 4 March 1990, we observed Atlantis in outer space for the Pentagon). We also participate in determining times and possible reentry areas of space vehicle fragments, especially those that have nuclear power plants on board. Using ABM systems, we can determine space vehicle movement parameters with a very high degree of accuracy and check the characteristics and adjustment of new radar sites located in remote areas of the earth's surface.

I can list many more missions accomplished by the ABM system in peacetime but nevertheless our primary mission is maintenance of all systems at constant combat readiness to repel an enemy nuclear missile attack and to intercept ballistic missiles launched as a result of erroneous or arbitrary actions of individual subunits (for example, a submarine) or, finally, during disruption of stability in a country that has ballistic missiles with nuclear or chemical warheads.

[Badurkin] And the last question, Volter Makarovich. Everything that we have talked about until now concerns armed confrontation. But if we pose the problem in a different and maybe unusual plane for a military commander: How do you assess the possibility for cooperation between the USSR and U.S.A. in the area of security, including monitoring air space and outer space?

[Kraskovskiy] By the way you posed the question. I see the reflection of an attitude that has developed that military people are somehow only engaged in those things that prepare them to fight and that they do not at all want to think about detente for some reason. I personally think it is not such a fantastic idea to establish an all air and space monitoring system data correlation facility somewhere in the center of Europe where information would flow in from radar, optical, and other systems not only of the USSR and U.S., but of other countries and joint combat crews would perform alert duty there. Although in this case, obviously it would be more appropriate to call these alert forces not "combat" but peace crews.

It seems to me that during implementation of this idea, the world community would at least be guaranteed that nuclear war would not begin due to a ridiculous error in a combat program or due to a meteorite or a falling satellite that is perceived to be a ballistic missile.

Mr. WALLOP. Mr. President, let me conclude by saying the administration program neither undermines nor abandons the ABM Treaty. This is nonsense. Article XV of that treaty clearly grants the right to withdraw after notice, negotiate new terms; and part and parcel of American policy is to negotiate a more stable balance, admitted and accepted by the Russians, between offenses and defenses.

The warming of superpower relations, as addressed by my friend from Alabama, is precisely the reason we ought to proceed to the point with SDI where we can make this arrangement between ourselves and the Soviet Union, finding a more stable balance that gets rid of the hair-trigger effect of large intercontinental ballistic missiles.

The amendment's purpose, I again state, is to deny the President the ability to reach the deployment decision. Reaching that point is not necessarily a decision to deploy. The President wants the ability, he has sought and asks the ability, to be able to make that decision in this term. And this amendment specifically denies him this possibility at the moment when it is within our reach but denied within our policy goals—and prohibited by our arms control strategies yet projected.

I reserve the remainder of my time.

Mr. President, I yield 15 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 15 minutes. The Senator may proceed.

Mr. SYMMS. I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 3001 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SYMMS. Mr. President, in these times of changed global tensions we find ourselves faced with tough decisions regarding the status of our military. Many people feel recent international events mandate a significant disarmament of our Armed Forces, and from the looks of things, it seems this will happen. To these advocates of large-scale disarmament, I ask a single question: If we are to withdraw or significantly reduce our conventional forces from many regions of the world, does it not make sense to have an effective, reliable mechanism to defend our country in the absence of traditional methods? With SDI, we can be more aggressive in stopping the hegemony of tyrants like Hussein.

The warming of the cold war has prompted people to declare the world is more stable than ever before in this century. Well, I will be the first to tell you this reasoning is wrong. In fact, a more relaxed international environment invites crisis, rather than deterring it. This is true for several reasons: In the absence of bipolarity, smaller countries are less likely to suffer repri-

mand for acts of aggression, and because of this, the possibility for confrontation increases. This is particularly true for reactionary nations that were under the suppression of the Soviets. As the Soviets lose their influence over parts of the world, where previously their authority was never questioned, these regions become destabilized as border disputes and sovereignty rights come into question.

Another important aspect that cannot be ignored is the increased proliferation of ballistic missiles—including nuclear warheads—to Third World countries. This in itself constitutes a crisis, and it certainly justifies an effective strategic defense system. Saddam Hussein is living proof of the unpredictability and madness that typifies many Third World leaders. It is quite plain to me that we need to take protective measures against unpredictable and potentially lethal elements in the international community. The most practical way to achieve this in light of reduced conventional forces is SDI.

Although there is indication the Soviet Army will be making conventional force reductions, their strategic upgrading and technological advancements continue at a rapid rate. Soviet offensive missiles are formidable and will remain as such even under START. In fact, Soviet modernization programs will provide a ballistic missile force of higher technical quality than what they presently have. Furthermore, the Soviet rail garrison missile force has distinct advantages which SDI can successfully counter—where other counter and verification measures fail. This brings to the surface another consideration—problems with verification and treaty compliance. SDI would serve as an insurance, should we need it, against any consequences resulting from treaty violations and verification complications.

Global transitions are requiring us to reevaluate our force structure. We face many uncertainties now and in the future, but one thing remains clear: As we cut back our conventional forces, and consequently our quick-reaction capabilities, a reliable system of protection is imperative.

Opposition to continued funding for SDI indicates shortsightedness and inability to properly prioritize national security options. If bottom-line answers concerning SDI are what you want, then I offer this in reply: There should be no question about whether funding should be continued—SDI offers an important element to our future security structure. Any security system without SDI is an inept system, and this makes each and every American citizen vulnerable to the worst of disasters, and that, Mr. President, is the bottom line.

We currently have several amendments before us that would inhibit much more than just continued research for SDI. By limiting further research, program direction is changed. By changing project and program direction, previous research and development advances will not be optimally exploited, which means time and money will have been wasted. For example, reducing funding by allocating fixed amounts to 11 line items is not only inefficient, it does not align with the current SDI project or program element structure. Do we have the technical training to determine how to reallocate research funds for a project that has been structured in such a manner that a realignment would nullify much of the progress that has already taken place? This is exactly what would happen if these hasty and shortsighted amendments were agreed to.

Mr. President, I support the Senate Armed Services Committee Defense authorization bill as it pertains to SDI. I ask each and every one of my colleagues to give this vital program the consideration and the support it needs.

Mr. President, I thank the distinguished colleague from Wyoming for his remarks. Mr. President, if I were the author of this amendment, I believe, after hearing those remarks, I would give serious consideration to withdrawing the amendment. I think back to the days when I, along with my good friend from Alabama, was in the other body and the first start of the strategic defense initiative was underway, the Senator from Wyoming was first initiating those ideas in the Senate. I know my colleague from Alabama, the late Congressman from Georgia, Larry McDonald, who was a very distinguished member of the Armed Services Committee, many of us would get together and discuss the strategic programs and where we were going to put this country.

Mr. President, one of the major reasons that SDI is important—and it was important back in the seventies when President Carter started the Carter doctrine in the Middle East—was threats of Soviet hegemony.

We had no way, and we still have no way, to prevent being blackmailed by the Soviet Union or by others who may some day have the capability to launch intercontinental ballistic missiles with nuclear tipped warheads. I quote Garrick Utley, NBC Nightly News:

NEW THREAT FROM COLONEL QADHAFI

GARRICK UTLEY. What today brought from Libya is the latest threat from Colonel Qadhafi. He said Arab nations must develop nuclear weapons within the next several years. He also said that if he had had nuclear missiles when American planes attacked Tripoli in 1986, he would have retaliated by firing those missiles at New York City.

That from Colonel Qadhafi today.

Mr. President, I speak today with very sincere, profound concern for the safety and security of our country. There is now before us what I consider to be a matter of tremendous importance. This is a very fundamental, important issue. Of course, I am referring to the strategic defense initiative.

I would just like to take a moment, Mr. President, to go back and review the beginning, of what we did during the 1980's. And this buildup started during the late 1970's.

After the Soviet invasion of Afghanistan, then President Carter made a decided policy change for the United States of America, and made it very clear to the American people, and to the Congress that we had to make a change in the direction we were going because we were being blackmailed by our adversaries at the time, the Soviet Union.

In the early 1980's, with the election of President Reagan, he continued the same thrust that had been started at the end of the Carter administration, but some very firm decisions were made early on in the Reagan administration: The B-1B, the Trident, the MX, the continuation of the F-16, F-15 and other tactical air programs, the M-1 Abrams, the remodernization of the Navy and Marine Corps, the remodernization of the Army, were all a part of it.

Mr. President, President Reagan and Cap Weinberger and others were right when they said peace through strength works. They were right. They have been proven right. But when the evil empire really started coming unraveled was when President Reagan gave his SDI speech in 1983.

Senator WALLOP had been giving the same speech for many years before that, ever since he came to the Senate. In the seventies, he was a member of the Armed Services Committee and started focusing attention on it.

But the fact of the matter is, the turning point, the linchpin of when the recognition came to the Soviet empire that they could not compete with the United States was when the chance came that their intercontinental ballistic missiles strategic force might be dealt inoperable and out of date.

Mr. President, I am really surprised by the amendments being offered to reduce the SDI budget. It is so serious—we cannot make jokes about it—but it concerns me greatly when I study the amendment offered by Senators BINGAMAN and SHELBY. It appears that what we are seeing is parochial interests to emphasize more spending in certain States on an issue that is so big: to defend all the people of the United States. It is just wrong, Mr. President.

The strategic defense initiative is for the protection of all the people of the United States and should be above the line of local pork barreling. We should

be allowing the scientific judgment of those people who have been given the task to make these decisions and not shackle them, not tie their hands and not micromanage; and that is exactly what this amendment and the other two amendments that follow are trying to do.

Mr. President, we must make an informed decision as to whether to deploy phase I of SDI. We cannot tie their hands, unless we simply do not want to defend the American people, unless, Mr. President, we really do not care about Soviet hegemony, or Iraqi hegemony, or what other hegemony happens.

One of the key fundamental reasons—I say again to my colleagues—for SDI, is so that our leaders, whoever is in the White House, who is given the responsibility to provide for the security of the American people as Commander in Chief of our Armed Forces and head of our diplomatic corps, will not be blackmailed. If we do have to use conventional forces in a conflict, like the one that is going on as we speak on the Senate floor today—and I must say that in a general sense with respect to this entire bill. I praise the Senator from Virginia and the Senator from Georgia, and the members of the Armed Services Committee, for their efforts to try to bring the best bill possible forward to this Senate—but for anyone who looks at what is happening, we still live in a very troubled world.

We see this morning, the Iraqi troops staging on the border of Saudi Arabia. I can well remember during the 1973 war in the Middle East, when I was a member of the other body, President Nixon made it very clear at that time that the linchpin of the Persian Gulf is Saudi Arabia, and at that point the United States goes to war. At that time, of course, the Soviet Union was more of a threat to enter into that war. Now I think they are more interested in seeing oil prices go up. The benefits they can get from higher oil prices has probably as much to do with their cooperation with the United States and the West as anything else.

Be that as it may, the threat has somewhat changed, the players have changed, but the threat has not lessened in the Middle East.

Mr. President, the threat has not lessened in Eastern Europe and inside the Soviet empire. This Senator would not be at all surprised to see a major civil war taking place within the borders of the Soviet empire within the next 12 months.

Who is going to have control in that kind of a situation? Who is going to have control of the strategic nuclear weapons? That is a threat to the American people. If I were a resident of the city of New York, I would be greatly concerned to hear people like Qadhafi saying he would like to launch an intercontinental ballistic missile at New York City. I would be greatly concerned to think of where will Saddam Hussein be in 8 years. Will he have capability to launch intercontinental missiles with nuclear warheads in 8 to 10 years?

Mr. President, we live in a dangerous world. As I said earlier, President Reagan, Secretary Weinberger, the Congress of the United States that funded and helped make it happen, the leadership of the Armed Forces—I believe that the record shows they were right; peace through strength does work.

If you look at the history of people's ability to protect and defend themselves, it started out in the early times when you could defend and control the land you could protect yourselves. Then came the great sea powers of Great Britain, and then the great air powers of the United States.

Whoever controls space will be the power of the future. It is the only way, in the dangerous world we live in, that we can assure the safety and security of the American people and also give our President, whoever that may be in the future, the ability to do what is right in terms of protecting our friends and our alliances, and the security of our own people.

We are faced with many tough global political problems. If we are to withdraw, signficantly reduce our conventional forces, in many regions around the world it simply does not make sense not to have an effective and reliable mechanism to defend this country.

With an effective SDI system, we can be more aggressive with less conventional forces when we must stand up for the international laws of the sea, and international laws on human rights that are being grossly violated in Kuwait under the oppressive heel of the Iraqi invaders. If you always have the threat in the back of your mind, if you get in some kind of trouble, someone launches a missile at your country, and you have no means to stop it, it is very much of a detering factor to the President making the right decisions.

Mr. President, I predict here today on the floor that if we in the United States and the Western alliance do not react strongly, militarily if diplomacy fails, to ejecting Iraq from Kuwait and in the Middle East region, we will suffer long and hard for it in the next decades.

Mr. President, we have had the so-called warming of the cold war. It has, as I have said, caused people to declare that we have stability. What is happening in the world is this so-called "relaxed environment" is inviting crisis rather than deterring it. It is true for several reasons.

It is particularly true for the reactionary nations that have been previously under the suppression of the Soviets. The Soviets have lost a lot of influence. So Saddam Hussein has no problem speaking up for example. There is more destabilization. The disputes and sovereignty rights come into question. The proliferation of ballistic missiles including nuclear warheads becomes a bigger question to Third World countries.

The PRESIDING OFFICER. The Chair advises the Senator from Idaho his 15 minutes have expired.

Mr. SYMMS. I ask unanimous consent that I might have 5 more minutes.

Mr. WALLOP. I yield 5 more minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SYMMS. This in itself constitutes a crisis and certainly in my opinion justifies the strategic defense system.

As I said, I would not be surprised that within at least the next decade, and maybe sooner, the Iraqis will have the ability to deploy intercontinental ballistic missiles with nuclear warheads. This impedes us and should impel our colleagues to allow the professional scientists to make these decisions so that the American people can get the benefit—as the distinguished Senator from Wyoming said—of the moneys they have already spent and achieve some security that they want, they expect, they demand, they should have, from the tax dollars that have already been spent on this research and development of their system.

Mr. President, the Senator from Wyoming pointed out, and I say it again for my colleagues, Soviet modernization programs are improving their ballistic missile force. As we speak here, as we are in the process of a disarmament state and $1 billion down in American defenses, there is not one single reason for Americans to feel any safer in terms of those nuclear warhead-tipped missiles that are in the Soviet Union.

I invite my colleagues to think about the fact of 300 SS-18's targeted on U.S. targets. It means between at least 3,000 and maybe more targets can be targeted. Those SS-18's are all targeted at the United States of America. That has not changed. In fact they are modernizing those systems.

As the Senator from Wyoming points out, as we build down and have less targets, it makes it easier for them with their strategic forces to concentrate their firepower for first strike capability, hegemony, and blackmail on those targets. We do not know what the future holds. We do not know what is going to happen inside the

Soviet empire. We do not know who is going to control those missiles.

I urge my colleagues to vote down this amendment and the other amendments that follow it.

In closing, I would like to say that I urge my colleagues to vote down these amendments and not micromanage, not pork barrel on an issue that is this all-encompassing and this national in its scope; not try to stand here on the Senate floor and redirect and micromanage these programs that are so vitally important to the very security of our beloved country.

I yield the floor.

Mr. BINGAMAN. Mr. President, we yield 10 minutes to the senior Senator from Alabama [Mr. HEFLIN].

The PRESIDENT pro tempore. Senator HEFLIN is recognized.

Mr. HEFLIN. Mr. President, I rise in strong support of the amendment offered by my fellow Senator from Alabama, Senator SHELBY, and my colleague from New Mexico, Senator BINGAMAN.

Mr. President, the improvements in East-West relations, the demise of the Warsaw Pact, and the return to democracy in Eastern Europe are welcome and encouraging trends. However, in spite of these trends, the Soviets are not reducing their strategic assets but are, in fact, enhancing their effectiveness through new technology. Significant unrest remains in the world and the potential for confrontation continues in areas of vital interest to the United States. The instability in Third World nations, and among ethnic, religious, and terrorist organizations creates uncertainties that must be carefully considered.

What better example of this than Iraq's invasion of Kuwait this morning. If Iraq gains control of Kuwait, they will control 20 percent of the world's oil, jeopardizing our own supply.

Mr. President, Iraq possesses ballistic missiles and chemical weapons, and it is foolish to believe that they will not use them, should the need arise.

At one time, the threat presented by Third World nations such as Iraq could be virtually ignored, but no longer. William Webster, Director of the Central Intelligence Agency, recently testified that in the next 10 years, at least six Third World countries will have intermediate range ballistic missiles. Three of these countries will have missiles with ranges that could exceed 3,400 miles. Today, 13 countries have short-range missiles.

Mr. President, the genie is out of the bottle, and it is wishful thinking to hope that we can limit the spread of ballistic missile technology.

Therefore, I feel that SDI's highest priority should be the development of a treaty-compliant capability against unauthorized ballistic missile launches and deliberate ballistic missile terrorist attacks. At the same time, we must maintain a vigorous R&D program to insure long-term options.

Last year, I introduced a sense-of-the-Congress resolution that endorsed this approach. This resolution was approved by the Senate and made a part of the fiscal year 1990 authorization bill. Unfortunately, our recommendations were ignored. This year, the Senate must take stronger action. The amendment now before the Senate will insure that the emphasis of the Strategic Defense Initiative Office is shifted away from a premature deployment of a space-based system. Instead, the efforts of the SDIO will be directed toward the development of treaty-compliant accidental launch protection systems.

The Soviet Union, which shares borders with a number of Third World countries that possess ballistic missiles, already has a deployed, treaty-compliant, limited protection system. The Moscow ABM system has been upgraded and now has a two-tiered defense capability.

Mr. President, I believe that one of the most controversial elements in the Strategic Defense Initiative Program is the space-based interceptor. My fellow Senators can refer to all of the debates on funding of SDI since its inception, and they will find that the space-based interceptor has been its most criticized element. However, I am not necessarily opposed to the space-based interceptor. I simply feel that it should receive less priority than the ground-based elements which are much more mature and are our only hope of achieving a defense system within a reasonable timeframe which is capable of protecting this country.

We must also be mindful that protection against ballistic missiles must also be extended to our allies. Therefore, the increased emphasis on theater-missile defense called for in the Shelby-Bingaman amendment is a move in the right direction. Theater-missile defense will protect other nations which are threatened by the proliferation of ballistic missiles and contribute to stability in regions of potential conflict throughout the world. Accelerated development and testing of ground-based systems for this role will, in itself, serve as an added deterrent to the ominous spread of these weapons of mass destruction.

The ground-based interceptor program has achieved remarkable successes.

In 1984, a ground launched missile successfully hit a simulated nuclear warhead by tracking its thermal signature.

In 1987, a tactical missile, traveling at three times the speed of sound, was intercepted in the atmosphere by a ground-based missile.

In 1990, the successful test flight of the Hedi ground-based interceptor demonstrated the feasibility of cooling a hypervelocity vehicle. This missile could provide important capabilities in an accidental launch protection system.

In 1991, the ERIS missile will be launched for the first time. This missile could serve as the front-line weapon in an accidental launch protection system.

Ground-based systems have a proven track record. These defensive systems can be securely based on our own soil, and can be ready, should the need arise, to protect the United States against a limited attack. Furthermore, this system would not violate the 1972 Anti-Ballistic Missile Treaty.

With CFE agreements and START talks, we are finally seeing significant progress toward treaties with the Soviet Union that call for the reduction of conventional and nuclear forces. Mr. President, if we are to insure our credibility at the conference table, this is not the time to start breaking treaties ourselves. To proceed with Brilliant Pebbles testing and deployment would certainly cause us to do so.

For these reasons, Mr. President, I fully support the Shelby-Bingaman amendment. This amendment allocates the SDI budget between 11 line items and insures that the Strategic Defense Initiative Office takes a balanced stand on the various available technologies. Ground-based elements, the most mature technologies, are emphasized, and theater defense and follow-on technologies are supported.

The amendment also allocates $129 million for Brilliant Pebbles. This is sufficient funding to continue research on this promising technology.

This amendment gives the SDIO clear guidelines to follow. Guidelines that will eventually provide us with a working, treaty-compliant, limited defense system. I, therefore, urge my colleagues to support this amendment.

The PRESIDENT pro tempore. Who yields time?

Mr. BINGAMAN. I yield such time to the Senator from Alabama as he may require.

Mr. SHELBY. Mr. President, earlier the distinguished Senator from Wyoming in his opening statement, I believe, said the Senator claims the problem is not technology, it is political will, or something to that effect.

Let us look at some of the recent examples.

There is the B-1B; despite having the B-1A test program, the B-1B's defensive avionics, I believe, shows it does not work. What is the Senator of Wyoming's definition of technically feasible in this case?

There is the Airborne Self-Protection Jammer—the ASPJ—now years behind its schedule, as he knows and I know, hundreds of millions or more

overbudget, and it sure does not work well. What is the Senator's definition of technical feasibility in this case?

Then there is the AMRAAM missile—also years behind and millions over budget. And its capability is dubious to this Senator. What is technically feasible here?

I believe the truth is—and I submit to the Senate—all of the above exist not just as bright ideas at a national laboratory, plus a few bits of hardware here and there, like Brilliant Pebbles today. No, I believe the B-1B is a deployed system, and its ECM does not work; the ASPJ exists as production units, and barely works; AMRAAM exists as production missiles, and it barely works.

Yet, the Senator speaks as though Brilliant Pebbles are lying around, produced and developed, in the Pentagon parking lot, and the only reason we do not have defenses is because Congress will not fund the deployment.

I submit to the Senators here today that there are no production versions of Brilliant Pebbles. There are hardly any prototype versions. Nothing so far has been anywhere near space. There is no hardware to purchase with SDI funds. I believe if we focus on exotics, on ALPS, and on theater defenses, there will be plenty of hardware.

I would like to hear your response. I yield for that purpose.

Mr. WALLOP. Mr. President, am I on my own time or on yours?

The PRESIDENT pro tempore. The Senators will address one another in the third person, and through the Chair.

Staff will take their seats.

Mr. WALLOP. Mr. President, I direct the question through the Chair to the Senator from Alabama as to whether or not I am using my time or his to respond to the question.

Mr. SHELBY. My time, Mr. President.

Mr. BINGAMAN. Mr. President, we yield such time as the Senator may require to respond to this and any other questions that the Senator from Alabama propounds.

The PRESIDENT pro tempore. Without objection, the Senator from Wyoming may respond to questions asked by the Senator from Alabama, who holds the floor.

Mr. WALLOP. I thank the Chair.

Mr. President, there is something really quite amusing about both the questions and the premise of the Senator from Alabama. He cites the B-1 and its problems and AMRAAM and other problems as a reason to deny us the ability to move forward and test and seek to eliminate the problems of Brilliant Pebbles which the directors of the national labs at Los Alamos and Livermore have said is the most promising and most likely of our new technologies.

Because another program has had a problem, he is sitting here suggesting that we ought not to proceed through testing, and in fact, I think the more distressing and the point of my opening remarks is there is not any hardware—well, in fact, there is hardware, but what the Senator's amendment seeks to do is to deny us the ability to ever find out what that hardware can do, in other words, the near-term promise must be put on the shelf for farther term promises which will be put on the shelf for still farther term promises. This is the kind of absurdity we arrive at when we do not trust the technological ability of Americans to arrive at solutions.

One last point. The amendment of two Senators is based on this quirky assumption that you can turn on and turn off technical staffs of high competence like a light in a room, that you can have them in full-scale development 1 year and then scaled back the next year; and at some other moment in time when those things may not prove out you can turn them back on.

That is not the way scientific minds work, that is not the way laboratories work, and that is not the way sophisticated teams are put together.

Mr. SHELBY. I appreciate the Senator's response.

Mr. BINGAMAN. Will the Senator from Alabama yield for a comment in response to the comment of the Senator from Wyoming?

Mr. SHELBY. I yield.

Mr. BINGAMAN. Mr. President, I believe the point the Senator from Wyoming just made about the importance of maintaining a consistent program over a period of time is the exact reason we are offering this amendment. The SDI program in recent years has gone through tremendous turmoil and continues to go through tremendous turmoil, and that is largely a result of the fact that the Congress has failed to give any direction and failed to set out any kind of an achievable goal.

Let me also ask the Senator for his reaction to a point that he has consistently made and the Senator from Idaho also made that we are micromanaging by trying to designate some line items. In 1983 the Senator from Wyoming, 4 months after President Reagan gave his speech, in fact on the 19th of July, the Senator from Wyoming offered an amendment here on the Senate floor to establish seven line items in the ballistic missile defense program and they were much smaller line items. He had line items of $10 million in there, which is much more approximate to some kind of micromanagement than anything we are talking about.

I would point out to the Senator in case he fails to recall it that he is suggesting we are trying to identify particular technologies that deserve attention. He was proposing the lion's share of the fund going to the space-based chemical laser program at that time because in his judgment that program deserved much greater attention than it was getting.

Fortunately that amendment was denied and rejected by the Senate. But clearly it is hard for me to understand why we would be charged with micromanaging in light of the Senator's amendment in 1983.

Mr. SHELBY. Mr. President, reclaiming my time here, I believe one of the main problems with the argument of the Senator from Wyoming is that we do not have to be rocket scientists here this morning on the Senate floor to understand that we basically cannot afford phase 1 even if it worked, which I concede is questionable, as wonderous as the Senator from Wyoming claimed.

I do believe we need to try to judge whether it works a little or works a lot here. As far as the Senator's claim there is no timetable out on the theater defense in this amendment. I will point out to the Senator from Wyoming that SDI has never given any of the reports to show what can be done and at what cost it would be done.

I yield back my time.

Mr. WALLOP. Mr. President, I am still in response to the questions from the Senator.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized. The Senator from Alabama has yielded the floor.

Mr. WALLOP. Well, tactics are tactics and some are fair and some are less so. Let me respond then.

The Senator from New Mexico makes a good point, but he merely reinforces the point that I made in my historical review of how we have limited our technological successes by our political choices. When we were operating on the basis of the Carter administration's judgment as to how the technology of an SDI-type chemical laser would be developed. It was clear at that time that the Administration was doing just exactly what the Senators from Alabama and New Mexico were doing when they put together the study that ended in this amendment. The study was directed not to look at near term technical ability and to look only at the things we did know how to do to see if someday we might know how to do them. It purposely moved us away from the threshold of real capability.

That is exactly what is happening here this morning with regard to Brilliant Pebbles.

I say to my friends with sincerity, it is history repeating itself. Yes, we were ready to do something concrete back then. We had information in hand ready to do something with

lasers. Now the information has all been scattered over the country, though strangely enough it is now coming back in vogue in the Office of SDIO.

The Senator suggests SDI has been going through turmoil. I suggest the turmoil has been politically induced. Congress is in absolute terror of coming to grips with real capability, real things that build real defenses to protect real people from real missiles.

Regarding the views of the able Senator from Alabama, the senior Senator, Senator HEFLIN, I am astonished that such an able jurist would come all this way and now suggest that by going ahead with Brilliant Pebbles we are ipso facto going to break the ABM Treaty.

I refer again, and I ask unanimous consent that it be printed in the RECORD, to the testimony of the administration's Dr. Herzfeld to the Senate Armed Services Committee about the compliance regimes that govern SDI, and which state in this Senator's point of view in too exquisite and excruciating detail precisely how well we are complying. We are overcomplying.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. CHARLES M. HERZFELD, DIRECTOR, DEFENSE RESEARCH AND ENGINEERING

Mr. Chairman, thank you for the opportunity to testify before the Subcommittee on Strategic Forces and Nuclear Deterrence. Today I will discuss the process which ensures that all DoD acquisition activities are fully compliant with our ABM Treaty obligations. Accompanying me today are the Honorable Stephen J. Hadley, the Assistant Secretary of Defense for International Security Policy, and Lt. Gen. George L. Monahan, Jr., Director of the Strategic Defense Initiative Organization.

When I accepted my post, I knew that I was accepting a great management challenge—that of helping Under Secretary Betti to make the defense acquisition process more efficient, more streamlined, and more responsive. This requires understanding the differences between those constraints on the process that can and should be changed and those that cannot be changed. As part of the process of cultural change, we are engaged in a number of initiatives to improve the process that was laid out in the architecture of the Defense Management Review by the Secretary last year. At the same time, we must comply with existing laws, including assuring that the defense acquisition programs remains compliant with limitations associated with arms control agreements. That job requires supervision of an existing process to review and evaluate our defense acquisition programs so we can certify compliance with our treaty obligations. In responding to such management challenges, I believe that we must demonstrate the ability to meet our commitments and develop confidence and trust that we are not only doing things right, but doing the right things. By proper planning, we hope to improve the acquisition system to ensure that it functions efficiently, effectively, and lawfully in a rapidly changing budgetary, political, and arms control environment.

In general, we have developed what I believe to be an excellent process to ensure continuing compliance with the ABM Treaty, the INF Treaty, and other treaty obligations that could impact our acquisition programs. As part of this process, in coordination with the DoD General Counsel, the Under Secretary of Defense (Policy), the Chairman of the Joint Chiefs of Staff, the defense agencies, the SDIO, and the military services, the USD(A) issues instruction and guidance to the military services and defense agencies to help structure their R&D, field-testing, and acquisition programs so that they are compliant.

We establish the necessary management process and procedures for evaluating compliance, and render on a case-by-case basis decisions which certify programs that are compliant with our treaty obligations. We also review and evaluate quarterly compliance reports by each military service Secretary and defense agency director and certify their internal compliance programs.

Questions which arise within the department regarding the compliance of acquisition programs with specific agreements are referred to the USD(A) office for resolution on a case-by-case basis. Any system that raises a compliance issue will not be tested or deployed without prior clearance. Before rendering a decision, we receive the advice of the DoD General Counsel, the Under Secretary of Defense (Policy), and the Chairman of the Joint Chiefs of Staff or their staffs. Let me reassure you that I fully understand the obligation and responsiblity to ensure that our DoD acquisition programs are compliant with the ABM Treaty and other treaty obligations.

To assist in evaluating research & development, testing, acquisition, and deployment programs, a DoD Compliance Review Group chaired by Mr. Lee Minichiello, the Director, Strategy, Arms Control, and Compliance, who has accompanied me here today, provides technical analysis and staff review of experiments and programs that raise compliance questions. In addition to the chairman from acquisition, the Compliance Review Group is composed of representatives from the offices of the General Counsel, International Security Policy, and the Joint Staff. The review group functions as the central body within the Department of Defense responsible for directing and reviewing technical analysis to ensure compliance with our treaty obligations.

For example, the first step in evaluating a Strategic Defense Initiative experiment occurs when the SDIO contemplates an experiment which may require technical analysis to assure its compliance. Once identified, the program manager briefs the Compliance Review Group on the purposes and objectives of the experiment, how the experiment is structured, and on important programmatic timeframes and deadlines.

Members of the Compliance Review Group then discuss with the program manager the relevant compliance aspects of the prospective experiment; any pertinent guidance and instructions dealing with the experiment; any previous Compliance Review Group analysis that could have a bearing on the experiment being compliant; and, if appropriate, clarifications regarding ABM Treaty language.

At this juncture, the Compliance Review Group constructs a framework for any technical analysis necessary to help clarify and ultimately resolve compliance questions, should any arise. The Compliance Review Group may require further analysis before assessing compliance; or it may direct an independent technical analysis of the experiment.

FY 90 and 91 SDIO programs certified for compliance are listed in the Appendix to the Secretary of Defense's Report to Congress on the Strategic Defense Initiative entitled "SDI Compliance with the ABM Treaty." The experiments are: the Delta Star Experiment (on orbit; launched February 1989); the Laser Atmospheric Compensation Experiment (LACE) and Relay Mirror Experiment (RME), on orbit; the Kinetic Kill Vehicle Integrated Technology Experiment (KITE) flights in the High Endoatmospheric Defense Interceptor (HEDI) program; the Airborne Surveillance Testbed (AST); the Starlab tracking and pointing experiments; the Ground-Based Interceptor (GBI), formerly the Exoatmospheric Reentry Vehicle Interceptor Subsystem (ERIS) flight experiments; the Arrow antitactical missile flight experiments; the Lightweight ExoAtmospheric Projectile (LEAP) flight experiments; and a series of tests associated with the Brilliant Pebbles concept.

In addition, the Boost Surveillance and Tracking System (BSTS) has been reviewed and guidance issued for the construction and deployment of Treaty compliant satellites for the Tactical Warning/Attack Assessment mission; to be launched beginning in the mid-1990s.

As a result of the compliance process which I have explained, Secretary Cheney, Under Secretary Betti, and I can confidently state that the SDIO's research program is being conducted in a manner fully compliant with all U.S. international obligations, including the ABM Treaty.

As a matter of fact, the SDI program we are proposing includes no experiments or tests in FY 91 that would go beyond what some call the restrictive interpretation of the ABM Treaty; nor does our program include funds to purchase equipment in FY 91 that would be uniquely required for such experiments or tests. Should our plans in this regard change, we would consult with the Congress and request your approval through normal budgetary procedures.

Mr. Chairman, this concludes my statement. I would be pleased to respond to your questions.

Mr. BINGAMAN. Mr. President, could I ask the question?

Mr. WALLOP. Let me finish, and then I will answer the question. I am responding on my own time to the question. The Senator from Alabama suggested earlier I could respond on his time, but I will not argue that. If SDI has been through turmoil it has been created by us, and more turmoil is about to be created here because we are trying to deny the administration the ability to get to the point where they can build real things against real threats and make the decision as to whether or not to deploy. And that is not against the ABM Treaty. The tests are not against the ABM Treaty, and if there is turmoil, it is because we have created the turmoil and are setting about trying to create even more.

The last and most amazing thing is we are not going to build strategic de-

fenses because we cannot afford phase 1. Why are we doing anything? What can we afford? I mean if that is the criteria, that before we ever get there we decide we cannot afford it because somewhere down the road it might be too expensive, there is absolutely no sense in spending another dime on SDI because everything is going to cost something and somebody will always be able to overdefine it, whatever that may be.

So I suggest that the cost of phase 1 is not at issue. The cost of phase 1 becomes an issue when you get to the point whether or not to deploy, and not until.

I also suggest that the price has come down from $150 billion to $45 billion for phase 1, and will keep going down unless their amendment succeeds, when it will start going back up again because it denies us the ability to complete research or take advantage of the cuts in cost we have already achieved.

I reserve the time.

Mr. BINGAMAN. I yield myself the time I need.

I ask the Senator to respond on my time to this question. It seemed to me when Dr. Herzfeld was testifying to the committee on the compliance with the ABM Treaty that he made the point that there were 12 additional tests scheduled for Brilliant Pebbles or anticipated for Brilliant Pebbles at this point. Eight of those he could be sure were in treaty compliance. The ninth he could not. He would have to advise us at some time in the future as to the ninth of those tests which would be performed in his estimation in 1991.

He did not know at this point whether it would comply with the ABM Treaty or not. That is my recollection of his testimony. I ask if the Senator from Wyoming has a different recollection.

Mr. WALLOP. The Senator recalls conveniently. The Senator conveniently recalls that portion of testimony that suits him. But in fact no decision has been made on that test and no decision to do it would be made before it was either determined to be treaty compliance or complied with the will of the Congress. So there is no threat.

Mr. BINGAMAN. Mr. President, let me ask another question and I ask unanimous consent to let the Senator respond on my time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. This article that I read from the Heritage Foundation's last publication on this subject, on page 92 we have the statement—this is by the new director of the SDI office—where he says since such a deployment would go beyond that permitted by the ABM Treaty signed in 1972 this means that eventually the ABM Treaty must be abandoned.

Do you disagree with that statement?

Mr. WALLOP addressed the Chair.

The PRESIDENT pro tempore. Will the Senator please address other Senators not in the second person, but in the third person.

Mr. BINGAMAN. Mr. President, I ask the Senator from Wyoming if he could respond to the question.

Mr. WALLOP. The Senator understands the question and will not use my colleagues' time.

No, I do not disagree with the statement. But that decision is made only after a decision to deploy; is it not? That is the whole point. The President is asking us to get him to the point where he can make that decision.

Therefore, nobody is suggesting that at any moment in time somebody is going to violate the treaty. The treaty issue is part and parcel of the administration's arms control strategy. It has been a stated part of the Soviet arms control strategy. And yet the choice is now on the threshold of being denied to us by the potential harm of this amendment.

Mr. BINGAMAN. Let me, Mr. President, if the Senator has completed his response, just make another point in response to a comment which has been made repeatedly by the Senator from Wyoming and the Senator from Idaho, as well. And that is that the amendment that the Senator from Alabama and myself have proposed is essentially a pork-barrel amendment; the idea being that by this amendment, we are trying to fence adequate funding for the programs important to our States or the programs upon which work is done in our States, and deny funding elsewhere.

Mr. President, I think that reflects a genuine lack of understanding of what is proposed here. We are not fencing particular amounts of money in this amendment. I think everybody in the Senate is well aware of how you go about fencing money in order to pursue a so-called pork barrel project.

The way you do it is, and it is primarily a mechanism that applies in appropriations bills, you say of the funds appropriated, not less than x number of dollars shall be spent on this particular project. We are not doing that.

All we are doing is giving broad categories of direction to the Secretary of Defense and indicating that those are caps, those are maximum amounts that can be spent in those areas. These are ceilings. These are not floors. And there is a very real difference there.

If we were trying to establish or fence funding for particular projects in our States, there is no difficulty in drafting an amendment to accomplish that. That is not the way this amendment is drafted. That is not the purpose of this amendment.

Second, I would point out the obvious point that there is tremendous flexibility in the line items that we have identified here for the Director of the SDIO and the Secretary of Defense to allocate funds as they choose. The programs that are important and that have significant amounts of work going on in my home State of New Mexico are programs that are in the so-called follow-on line.

And the figure there that we are asking for is not as much as the administration requested. We are asking for $40 million less than the administration requested, and well over $900 million is being requested overall. We are not speaking in any place in the amendment as to where that money is to be spent. If the Director of SDIO and the Secretary of Defense were so persuaded, they could spend all that money on the program that the Senator from Wyoming was just recently talking about, the space-based chemical laser, or any of the other follow-on programs. So there is not an effort to earmark funds.

The only case where there is an exemption is in the case of the Arrow Advanced Development Program. And there Senator WARNER'S earlier amendment clearly made the point, and makes the point—and we will vote on that later today—that that is a priority. I believe that is an agreed-upon priority between the proponents and opponents of the amendment.

Mr. President, my colleague, the senior Senator from New Mexico, [Mr. DOMENICI] would like to speak on our side on the amendment, and I yield him such time as he may require.

The PRESIDENT pro tempore. The Senator from New Mexico [Mr. DOMENICI] is recognized for such time as he may require.

Mr. DOMENICI. Thank you, Mr. President.

Let me ask how much time does Senator BINGAMAN have?

The PRESIDENT pro tempore. Senator BINGAMAN has 62 minutes.

Mr. DOMENICI. I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, while I do not think the Bingaman-Shelby amendment is perfect, and I think it definitely needs some changing, I am going to support it because, frankly, I believe that the President of the United States is getting some very bad advice. I do not think I have said that very often as a Senator, but I really believe that.

And let me also say with reference to this President, I have infrequently failed to support him, and I hope we end up with a program which is helpful to the President. I think my record supporting this President is probably second to none in this institution.

But let me give you examples of why I believe he has not received good information. First, I will give you anecdotally how I have seen this SDI program for a few years.

The Director of the SDI ends up with billions of dollars for the SDI program. For those Senators who are genuinely interested, and I am, you might invite the SDI Director up to talk about how he is going to allocate the money. In a discussion about the program, you would see that part of the SDI budget is going to kinetic energy programs—Brilliant Pebbles, and the like. You will see it going up dramatically, and the other parts of the program being squeezed.

You say, "Well, look, just 2 years ago we had another trend line. What has happened?'

Well, the President has issued a directive that he wants to be in the position to make a deployment decision by 1993." And let me suggest I do not hear any of them saying it is right. They say, "Since he has issued that, we do not have any alternative. We have to put the money into essentially a couple of programs led by Brilliant Pebbles."

Mr. President, there are some who would say, since we are not scientists, we ought not concern ourselves about this. Mr. President, I am not a scientist, but I believe I am entitled to concern myself about this. I do not believe the Brilliant Pebbles technology is sufficiently credible to predicate a 1993 deployment decision on it.

Mr. NUNN. Will the Senator yield for just a minute?

Mr. DOMENICI. I am pleased to yield.

Mr. NUNN. Mr. President, the Senator makes, I believe, a very, very good point. I would ask the Senator a couple of other questions that I do not believe you have to be a rocket scientist to answer. I am not. I do not know many around here who are.

One question would relate to the relationship between phase 1 and phase 2. It has been the understanding of the Senator from Georgia all along that we would never make the deployment decision, the go-ahead decision, on phase 1 until we had a phase 2 technology coming behind it, so we know we would be able to fill in the obvious gaps that are going to be there when there becomes countermeasures available to the Soviets.

And by 1993, if you deplete funding for phase 2, which is being done and has been done for several years, there is no hope to be able to have a phase 1/phase 2 relationship that makes any sense at all.

My question is, Would we not simply be going out and spending a whole lot of money, billions and billions of dollars, even if phase 1 is ready, knowing perfectly well if the Soviets choose to counter it, they can find ways to counter it, and then we have to take another whole barrel of billions that we are not ready to do because we do not have phase 2 coming?

Mr. DOMENICI. The Senator is absolutely correct. And if you do not really believe that the principal science and technology that is pushing phase 1's timetable, if you do not believe it is as credible as a small group of scientists think, then it even makes your notion that you have just described even more phenomenally absurd.

The PRESIDENT pro tempore. The time of the Senator has expired. Senators will please address other Senators in the third person.

Mr. DOMENICI. I thank the Chair and apologize for not doing that. May I have another 5 minutes?

Mr. BINGAMAN. We yield the Senator from New Mexico an additional 5 minutes.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. I will describe the way I learned what was going on. I asked the directors how come the allocation is going so much in one direction or another and it has, of late, been motivated by what I just described; a set of information that is supposed to be delivered to the President, toward a 1993 deployment decision. So everybody working on the program is saying, since that is what the President wants, let us do that.

Frankly, the Senator from New Mexico does not believe that is the kind of technology or science upon which to base the entire allocation of the dollars that are in this program.

In the past, there has been no stronger advocate for SDI than the Senator from New Mexico, and I know the Senator from Wyoming said earlier this morning, if a Senator says he was for SDI but is for the Bingaman amendment, he is not really for SDI. I want to say I do not really think that is true in the case of this Senator. This Senator has supported it. I have defended it. I believe it has accomplished tremendous things for this country. I believe its research and development has caused technological breakthroughs that are going to benefit humankind for a long time.

As a matter of fact, I might say to my friend from Georgia, the free-electron laser research may, indeed, yield technology that will produce, 10 years from now, the next generation—the second one out; not the next intervening, but the next after that—computer chips. I believe it is indeed possible and they will be the most phenomenal sources of computer information the world has ever seen. That is happening because of this program.

I believe miniaturization of profoundly complex items is a result of this program. We have seen a piece of equipment literally half the size of a major room reduced to the size of a water pump in just 4 years. Everything that was half the size of this room is now in a little piece of equipment about the size of a little water pump. I think these are all the kinds of things that are going to be spinoffs from this program.

Having said that, I believe what the administration ought to be doing with reference to this amendment, instead of opposing it here on the floor, they should be talking about how much more they might have need for Brilliant Pebbles; agree to some management of this program; and agree that Congress has the right to want some balance in this program between the kinetic energy technology, directed energy technology, and the various other technologies.

There are those who think we ought to just appropriate this money and that there are other people who are going to allocate it properly. I do not believe that, especially when those other people are under the kinds of pressures that I have just described.

The Senator from New Mexico does not believe for a minute that a scienced board, a broad-based science and engineering board, given the money in this bill, would make the same allocation of funds that the Director of the Strategic Defense Initiative Organization plans to make. The Director of the Stratgic Defense Initiative Organization is being pushed by a directive to "let us get an answer by 1993." This directive that he would push Brilliant Pebbles and one other technology. I am absolutely convinced a broad-based science group would say that such plans are not the best use of these resources. If your goal is development at some reasonable time and research and development of follow-up technologies, as the chairman of the committee has just described, I just do not believe it for a minute.

Since the Senator from New Mexico does not believe it, I join today in trying to send a signal that that ought to be reviewed. I repeat, every time I have tried to find out why are there these huge ups and downs in spending and allocations aside and apart from the total dollars, and the principal answer is "Brilliant Pebbles, 1993," it seems to me the time has come to draw some lines.

I regret that in order to do that I have to support some aspects of this amendment that I do not like. But I do that because I genuinely feel it is in the best interests of the SDI Program for somebody to take another look at that 1993 date as it is pushed by two technologies, principally Brilliant Pebbles.

I thank my friend from New Mexico for yielding.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Before yielding 7 minutes to the Senator from Arizona, let me say to my friend from New Mexico, I am disappointed in the judgments he has demonstrated, though I understand why he has made them. But I say they run somewhat counter to the judgments of Drs. Browne and Canavan, of Los Alamos National Laboratory, as of August 1.

I also say to the distinguished chairman and to the authors of this amendment that, contrary to their statements on the floor, there has been Defense Acquisition Board study of phase 1 cost estimates. It is so contained in a memorandum from the Under Secretary of Defense, Mr. John Betti. On June 15, 1990, the Defense Acquisition Board reviewed the Stratetic Defense Initiative Program. The Strategic Systems Committee endorsed these recommended actions, which includes the demonstration phase of Brilliant Pebbles—"I also approve proceeding with Brilliant Pebbles as briefed to the DAB."

There was also the Jason study, conducted in June or July of last year, by 55 scientists who declared there were no obstacles to proceeding with a Brilliant Pebbles-based architecture.

The Defense Science Board study of June and September 1989 recommended that the evaluation be conducted to understand fully the impact of Brilliant Pebbles.

The Red Team/Blue Team study, under the Department of Defense, was conducted under contract to the Strategic Defense Initiative Organization. Fundamentally, it determined that Brilliant Pebbles would be subject to the countermeasures, and their recommendation was to build survivability into the design.

I would say again to my friend from New Mexico, that countermeasures are not a simple matter. Countermeasures have to be designed by scientists. They have to be constructed by missile manufactuers. They result in the loss of capability of an ICBM and increase cost; and consumption of time, all of which works to the advantages of going after the synergism available with phase I.

Mr. President, I ask unanimous consent that the memorandum, the independent reviews, and the statements by Drs. Browne and Canavan of Los Alamos National Laboratory, in which they say, "The timely development of Brilliant Pebbles must be viewed as the cornerstone of the SDI program and pursued accordingly," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, June 19, 1990.

Memorandum for Director, Strategic Defense Initiative Organization; Chairman, Strategic System Committee.

Subject: Acquisition decision memorandum for Strategic Defense Initiative Program.

On June 15, 1990, the Defense Acquisition Board (DAB) reviewed the Strategic Defense Initiative Program. The Director, SDIO presented a review of the Brilliant Pebbles program in the context of the overall SDI program. He also recommended Milestone I approval for the Ground-Based Radar, and its inclusion in the Phase I Strategic Defense System (SDS). The Strategic Systems Committee endorsed these recommended actions.

I approve the Ground Based Radar Milestone I and authorize the conduct of Demonstrative/Validation Phase activities. This is done with recognition that studies are ongoing which may impact the overall architecture of the SDS program. I also approve the attached Ground-Based Radar baseline, and Demonstration/Validation Phase exit criteria. I also approve proceeding with Brilliant Pebbles as briefed to the DAB.

The Director, SDIO shall present the following to the DAB in the Spring of 1991:

(1) a system-level baseline for the Phase I Strategic Defense System;

(2) system and element level cost estimates for the Phase I SDS; and

(3) a review of the degree of concurrency in the acquisition strategy of each SDS element.

The Chairman of the Strategic Systems Committee will define within two weeks, the Terms of Reference for the Process Action Team to make recommendations regarding the role of the DAB in the SDI oversight process as well as the DAB process to be applied to the SDS. These recommendations will include, among other things, how acquisition phases (e.g., demonstration/validation, fullscale development, etc.) will apply to the SDS as an overall system.

JOHN BETTI.

INDEPENDENT REVIEWS

Several independent reviews of the Brilliant Pebbles concept were conducted to assess its potential contribution to a strategic defense system. These reviews are summarized below:

A JASON Study was conducted in June and July 1989. JASON is a group of approximately 55 scientists dedicated to scientific and technical research and analysis in support of the national security community. JASON members, almost all of whom are university professors whose expertise and academic careers have been primarily devoted to theoretical and experimental physics and allied disciplines, are associated with over twenty academic institutions. The group endorsed the pursuit of further research on the concept of proliferated, small, lightweight, smart interceptors for ballistic missile defense. While some technical problems were identified, the group said it found no technical "show stoppers." The group commended Lawrence Livermore National Laboratory's demonstrated technical accomplishments and expressed confidence that technical obstacles could be overcome.

A Defense Science Board (DSB) Study was conducted in June–September 1989. The DSB is a federal advisory committee established to provide independent advice to the Secretary of Defense. Membership includes top executives of Defense industries and distinguished private consultants. The board found no fundamental flaws in the Brilliant Pebbles approach; they pronounced the idea innovative and capable. The study cited several critical issues that require resolution, but predicted that two years of continued research would resolve those issues. The board recommended continuing pursuit of the Brilliant Pebbles project to maintain the pace of innovation and improvement while maintaining the SDI program until the advantages and disadvantages of a Brilliant Pebbles system architecture are qualified. Such an approach would also serve as an aid to improvement of both designs. Further, the board recommended that an evaluation be conducted to understand fully the impact of Brilliant Pebbles on the Space Surveillance & Tracking System (SSTS) and the Boost Surveillance & Tracking System (BSTS) elements.

A Red Team/Blue Team Study was conducted by experts assigned or under contract to the Strategic Defense Initiative Organization to assess countermeasure issues. Results are classified, but fundamentally the group determined that Brilliant Pebbles would be subject to the same countermeasures as would all spacebased elements. The key recommendation was to build survivability into the design.

An Air Force/SDIO Cost Study was conducted from May to December 1989. The study retained the $8 billion cost of BSTS confirmed by the Defense Acquisition Board in October 1988, but examined the comparative cost of a Space-based Interceptor (SBI) versus a Brilliant Pebble approach; launch costs also varied for the two concepts. The study determined that Brilliant Pebbles, SSTS and associated launch costs would be about $22 billion; the estimated cost for the Phase One system employing Brilliant Pebbles would, therefore, be about $55 billion, as opposed to the $69 billion for Phase One with SBI.

SUMMARY

These series of independent reviews of the Brilliant Pebbles concept point to several important conclusions:

First, the October 1988 DAB system concept remains sound.

Second, system robustness can be increased through proliferation and autonomy, and therefore the survivability, of space-based elements.

Third, a distributed, autonomous space-based architecture is attractive and holds promise for cost savings, though further system refinement is required.

Lastly, while the role of SSTS may change somewhat in a Brilliant Pebbles architecture, it remains an important element of Phase One and should be vigorously pursued.

ISSUES AND OPTIONS IN STRATEGIC DEFENSE

(By J. Browne and G. Canavan, Los Alamos National Laboratory and E. Teller and L. Wood, Lawrence Livermore National Laboratory)

Recent developments in interceptors and sensors have opened new options for strategic defense. Due to the interactions between boost-phase lethality and mid-course discrimination, however, it is important for these technology advances to be viewed in an integrated framework, which this note outlines.

"Brilliant Pebbles" (BPs) offer effective and survivable space-based means for addressing near and long-term missile threats

in the boost phase. The timely development of BPs must be viewed as the cornerstone of the SDI program and pursued accordingly. Mid-course and terminal interceptors have also progressed. Against moderate threats, which would be adequately attrited in the boost phase, mid-course interceptors could provide effective, preferential defense of essential targets. With adequate and survivable sensors, terminal interceptors could provide a final layer of defense of cities and other exceptionally high value targets.

Sensors have developed a number of options. The BPs' integral sensors could provide the warning and assessment needed to allocate BPs in the boost/post-boost phase as well as the homing needed for effective interceptions. Passive and active discrimination with optical, infrared, laser and radar techniques could be useful adjuncts to mid-course or terminal interceptors. Each of these sensors has limits; these include the ability to discriminate anti-simulation and replica decoys, their communication links, and the survivability of ground-based radars. An additional limitation that dominated past ideas was the range from which objects had to be inspected. If mounted on the BPs or on their supporting "life jackets," the sensors could be given a survivable platform from which to view objects at very close range, which would significantly enhance their performance.

More capable and survivable interactive discrimination sensors could evolve on a slightly longer time scale, but sufficient to meet the anticipated decoy threat. Neutral Particle Beams (NPBs) are the only sensors that can actually measure an object's mass, the fundamental quantity that distinguishes between weapons and decoys. If the NPBs were popped up on warning, only a few would be needed against expected threats due to the NPBs' potential ability to interrogate hundreds of objects per second at distances of a thousand kilometers.

The expected missile threat is integral to deployment considerations. The current numbers of Soviet missiles are threatening, but if they deployed relatively few decoys, about 4000 BPs and a lesser number of mid-course interceptors could attrit them sufficiently to meet the goals of the first phase of a strategic defense system. However, the 5-10 decoys/weapon that might elude the passive and active discrimination sensors could drive up the required number, and hence cost, of the ground-based interceptors by as much as a factor of 10. With the addition of interactive discrimination by NPBs, however, the interceptor cost could remain quite acceptable.

START could reduce heavy ICBMs to levels at which defenses were much less sensitive to decoys and discrimination. Against START-constrained missile forces, it would be possible to handle up to 10 credible decoys per weapon by oversizing the boost-phase BP layers by about 50% and intercepting all leakage in the mid-couse and terminal layers. The net result is less than a factor of two increase in interceptor costs. The Soviet Union could respond with continued modernization of its missile forces, either through larger numbers of more sophisticated decoys or through the deployment of fast, compactly-based missiles. More and better decoys would require that NPBs be developed at a pace consistent with this threat. On a longer time scale, the BPs could be supplemented with advanced lasers to maintain effectiveness against the fast, compact missile threat; lasers, operating at the speed of light, are less vulnerable to faster-burning missiles, faster busing, or compact launches.

BPs could be deployed with either mid-course or terminal interceptors in a manner that should be arms control- and crisis-stabilizing against START constrained forces. Those combinations could also be effective in defending the U.S. and its allies against nuclear, chemical, or biological threats from theater or other short-range missiles. They would also protect against unauthorized or accidental launches by the Soviets or others. With enhanced interceptor capability, they would be effective against Third-World country launches against extra-theater targets. BPs could be effective against all missiles except those with ranges less than about 100 km. Very close-in submarine missile launches could be addressed with interceptors such as FLAG-E.

There exists, therefore, a logical progression of defenses against current or future missile threats to the U.S. and its allies. The BPs and GBIs should be developed and deployed to handle the Phase One requirements. The directed energy weapons should be pursued vigorously so that they can be available at the required time to supplement the interceptors as required for discrimination or missile modernization. The timely development of NPBs will either discourage heavily decoyed attacks or provide the necessary mid-course discrimination to allow preferential defense of key assets following the thinning-out of the attack in the boost phase by the BPs. The continued development of advanced lasers will discourage the pursuit of fast, compactly-launched missile threats, or provide the necessary complement to the BPs to handle this threat. Both interceptors and DEWs must be pursued to have a strategic defense strategy that can evolve to meet all presently foreseen threats, thereby maintaining sufficient effectiveness to deter potential adversaries from attack well into the next century.

Mr. WALLOP. I yield 7 minutes to the Senator from Arizona.

The PRESIDENT pro tempore. How much time does the Senator yield? Seven minutes? The Senator from Arizona [Mr. McCAIN] is recognized for 7 minutes.

Mr. McCAIN. Mr. President, let me begin by following up on what my friend from Wyoming has just said. The decisions that shape the program priorities in SDI are not made in a vacuum by some general sitting in the Pentagon. This program has been shaped by a broad-based range of scientific opinion that has governed all the recommendations the Reagan and Bush administrations have made on this program.

There is probably no military program in U.S. history that has been more studied by the scientific community. In contrast, the advocates of this amendment have little comparable data, except for that generated by the professional opponents of SDI and their own staffs.

I do not think this is a time to mince words, Mr. President. If this amendment is agreed to, we will face a crisis over the Strategic Defense Program. The President has stated unequivocally that he will veto this bill if this amendment is agreed to. I do not think he has any choice. This amendment would change SDI from a broad-based, nationally supported program—which will provide us with an opportunity to defend ourselves—to what might end up being little more than a subsidy program for the States of New Mexico and Alabama.

Mr. BINGAMAN. Will the Senator yield for a question?

Mr. McCAIN. I will not yield until my remarks are finished, because I might tell the Senator from New Mexico that I am deeply concerned about this amendment. I am concerned that this amendment could virtually emasculate this Nation's ability to defend itself against the greatest threat to world peace that exist today—the proliferation of atomic, biological and chemical weapons and the means to deliver them.

In May 1990, Saddam Hussein, who is increasingly known as the "butcher of Baghdad," stated:

With the help of Allah, we shall rid that region of American influence. Our missiles cannot reach Washington, but if they could, we would hit there as necessary. However, we can still strike at Washington in other ways and other U.S. targets in the world.

Saddam Hussein of Iraq, as reported in the Lebanese Weekly, Al-Moharer, May 10, 1990.

So we have the opinion, the views. Despite the reservations of my friend, the senior Senator from New Mexico, the preponderance of scientific and military opinion and the opinion of those who have been involved in this issue for many years—such as my friend from Wyoming and the distinguished chairman of the committee—there is only one immediate prospect that will allow us to deploy some kind of limited defensive capability, and that is Brilliant Pebbles.

So what does this amendment do? This amendment earmarks funds which would dismantle many of our key program activities, and disengage us from the only program which could allow us to defend ourselves from the proliferation of missiles that goes on throughout the world.

Mr. President, I wonder what challenges the President of the United States, the Joint Chiefs of Staff and the National Security Council would be facing today if Saddam Hussein had ICBM's on his launching pads somewhere in Iraq, as opposed to IRBM's. As we know, Mr. President, the only basic difference between the two is the size of their rocket boosters and the range they can carry a warload. Iraq's recent missile tests show that it is only a matter of time before Saddam Hussein has such weapons. It is only a matter of time before other nations like Iran, Libya, North Korea, and others acquire intercontinental ballistic missile capability—often with some help from our friends.

So, Mr. President, I find this amendment to be one that is being sent forward at the wrong time and at the wrong place, and which could lead to a veto on the part of the President; an emasculation of a critical program that we need to defend ourselves, and which would further delay the implementation of a program upon which our Nation's survival may ultimately rest.

If we are to have a future, we must plan for that future. If we are to have national security, we must pay for it. We cannot let the entire strategic defense initiative become an arena for special-interest funding, and we cannot afford to let it be so underfunded that it becomes a hollow shell.

Mr. President, no one can deny that the cold war seems to be ending. Every week seems to bring dramatic new changes to the situation in Europe, and reductions in the Warsaw Pact threat. These changes, however, are not yet reflected in Soviet strategic nuclear forces or in the nuclear threat to the United States. Moreover, there are at least 10 countries in the world today that are likely to be nuclear powers by the end of the 1990's, and 25 countries that have, or are acquiring, long-range missles.

We have not come to the end of history, or the end of threats to the United States and its allies. In fact, the U.S.S.R. still possess approximately 30,000 nuclear weapons, and the current trends in its strategic forces show no correlation to the other changes taking place in its relations with the West.

The Soviet Union may be far less of a political threat than in the past, but it so far seems committed to an extraordinary degree of nuclear modernization—if only to retain its last real credential as a superpower.

The U.S.S.R. has built roughly twice as many ICBM's as the United States since 1975. There are now 1,400 Soviet ICBM's deployed at roughly two dozen locations in the Soviet Union.

Last year the Soviet Union produced 140 new ICBM's, the United States produced 12 Peacekeepers. This is reinforcing a Soviet advantage in megatonnage that has exceeded 2 to 1 ever since 1975, and a more than 2 to 1 lead in reentry vehicles.

At least one new warhead variant of the SS-18 Heavy ICBM is still being deployed that is capable of carrying 10 warheads and has a range of 5,940 miles. The Air Force estimates that these improvements could allow the SS-18 force to retain its present hard target kill capability even if it is cut from 308 to 154 deployed missiles under START.

The U.S.S.R has deployed at least 20 rail-carried versions of the fully MIRV'd 10 warhead SS-24 ICBM on at least 6 trains, and there are least 50 more SS-24 missiles deployed in former SS-19 silos. The U.S.S.R has deployed 220 mobile, single warhead, SS-25 missiles. This gives the U.S.S.R more than 240 mobile missiles, with nearly 100 becoming operational in 1989 alone. At current rates, the United States will not have a single mobile ICBM until after 1997.

The Soviet Union has increased its number of SLBM warheads from 750 in 1975 to 3,600 in 1989. It continues to produce two SSBN's per year; the United States is debating the termination of the Trident Program. It also continues to make major improvements in the capability of its SLBM's.

The Soviet Union continues to phase out the older SS-N-6 and SS-N-17 SLBM's on its *Yankee*-class submarines. It is replacing them with Delta III's and Delta IV's that can hit U.S. targets without warning from home waters. At the current rate of improvement, the Soviet SSBN force will be more lethal in the late 1990's even if its size is cut 25 to 50 percent.

The U.S.S.R. has deployed six *Typhoon*-class submarines, each of which is 30 percent larger than the U.S. *Ohio*-class submarine. The submarines are still under construction and carry 20 SS-N-20 missiles per submarine, each of which has a range of 4,500 miles, and 6 to 10 warheads.

The U.S.S.R. is developing two nuclear armed cruise missiles. One is the subsonic SS-N-21, deployed aboard modified Yankee Notch submarines. The other is the supersonic SS-NX-24, which is likely to be deployed on specially reconfigured Yankee submarines.

Last year, the Soviet Union produced over 40 strategic bombers, the United States produced one B-2. The U.S.S.R. has built over twice as many strategic and long range theater bombers as the United States since 1960.

The Bear-H appears to be reaching final deployment levels, and the Blackjack is in active production, although the ultimate number will probably be smaller than the number the U.S.S.R. once planned. The Blackjack is a mach 2 bomber with a range of 7,900 miles.

The Soviets have two nuclear-armed cruise missiles designed for use on these bombers. The subsonic AS-15 ALCM has a range of 3,000 kilometers, and is carried by both planes. The AS-X-19 is currently undergoing testing for deployment on the Bear-H.

These Soviet offensive forces are backed by strategic air defenses that the United States does not attempt to match.

Approximately 20 percent of the 7,000 surface-to-air missiles in Soviet forces are now SA-10's—a missile which can engage several targets simultaneously, and which may have a limited anti-missile capability. The Soviet Union continues to deploy more SA-10's at a steady rate. The United States has no national surface-to-air missile defenses.

The Soviets still have some 2,100 fighter interceptors dedicated to strategic air defense. These are rapidly being equipped with fourth generation look down/shoot down aircraft like the SU-27 and Mig-31, and the U.S.S.R. has deployed its own version of the AWACS—the IL-76 Mainstay.

By 1999, all these aircraft will be fourth generation or even newer types.

The lesson of these developments in Soviet forces, Mr. President, is that the Soviet Union has decided what aspects of military capability it can cut and defer. It has given strategic nuclear weaponry priority at the expense of all other defense spending because this is the one way it can still maintain a preeminent position as a world military power.

All of us are very grateful and, in fact, encouraged enormously by the cuts we have seen in Soviet conventional weapons and the reductions in Soviet military operations. However, we cannot be encouraged by the continued production of a broad inventory of strategic nuclear weapons.

This is why strategic defense is still a powerful lever that will help lead the U.S.S.R. to end the nuclear arms race in the way it seems to be ending the arms race in Europe. It is still a powerful lever in persuading the U.S.S.R. to accept START and follow-on arms agreements. It is still a better alternative than more offensive nuclear weapons. It is still a way of guaranteeing our security against some sudden reversal in Soviet behavior.

Strategic defense is our best way of reacting to what may well be a nuclear armed world. As the Israeli Arrow project demonstrates, strategic defense offers a way of protecting our friends and allies against nuclear threats, and chemical and biological threats as well.

At the same time, strategic defense offers us a way of protecting the United States against the hostile states that may be able to strike us in the future, and where the threat of retaliation may be far less effective than it has been in dealing with the rational and conservative leadership of the Soviet Union.

We may not face such threats today, but no one can deny that we are likely to face them tomorrow. It does not take great vision to imagine what may happen if a leader like Saddam Hussein, who has threatened to "let our fire eat half of Israel" and to "retaliate for days and weeks and years" is able to equip a missile booster capable of launching a satellite with nuclear warheads—the result is an ICBM, and Saddam Hussein already has the primary stages of such a launch vehicle.

It does not take great vision to imagine the conduct of a nuclear armed

Qadhafi, a man who has already threatened the United States with "our special means, the right to actually practice terrorism against the American presence everywhere."

If we are to have a future, we must plan for that future. If we are to have national security, we must pay for it. We cannot let the entire Strategic Defense Initiative become an arena for special interest funding, and we cannot afford to let it be so underfunded that it becomes a hollow shell. Let's give President Bush the money he needs, and let's defeat this amendment so that the President is still able to manage this program in a way that will make it effective.

Mr. President, I ask my colleague for an additional 1 minute.

Mr. WALLOP. I yield 1 more minute to the Senator.

The PRESIDENT pro tempore. The Senator is recognized for 1 more minute.

Mr. McCAIN. Mr. President, we must either vote against this amendment, or ensure Presidental veto on the entire act, see SDI micromanaged to an incredible degree; or emasculate a program on which the American taxpayers have spent an enormous amount of their tax dollars.

To me, Mr. President, the choice is clear. I hope this body will act in accordance not only with good sense, but with the urgency of the world situation as we view it today.

Mr. WALLOP. Mr. President, I yield 4 minutes to the Senator from South Carolina.

The PRESIDENT pro tempore. How much time does the Senator yield?

Mr. WALLOP. Four minutes.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND] is recognized for 4 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment which suggests that we allocate the strategic defense initiative funding among 11 line items.

Mr. President, this amendment will stymie the strategic defense initiative team's ability to accomplish research across a wide range of strategic defense systems concepts and technologies. It is micromanagement, which will focus SDI research toward specific programs rather than allow enough flexibility to pursue the most promising technologies and systems. Which is what the program was designed to do.

The $3.57 billion recommended by the Armed Services Committee for the SDI Program is almost $1 billion less than requested by the President. This cut will, by itself, limit research and seriously jeopardizes the President's ability of choosing an appropriate architecture by the end of his first term.

The amendment proposed by Senator BINGAMAN and Senator SHELBY, combined with the funding reductions in the bill, would cripple the SDI Program. Of particular concern is the $129 million ceiling for the Brilliant Pebbles Program. Are we so afraid to find out if this technology proves feasible that we have to deny it the funds to test it?

Mr. President, only last month the President appointed Dr. Henry Cooper as the new director of the Strategic Defense Initiative Organization. I have known Hank Cooper a long time. He is a take-charge individual, with the technical background, who has a clear vision of where the SDI Program must go.

I ask my colleagues to give him the flexibility he needs to take advantage of rapidly evolving technology and architectural concepts. More importantly, I ask that this body give him the flexibility he needs toward meeting the SDI objectives of a safer, more stable world. I urge my colleagues to reject the Bingaman-Shelby amendment.

Mr. President, I hold in my hand a letter written August 3, 1990, to Senator WARNER by President Bush. I want to read one paragraph from it.

He says:

* * * in marking up the Defense Authorization Bill, the Senate Armed Services Committee has cut almost a billion dollars from my SDI request. The House seems determined to cut more. But a vote to cut SDI below the Senate Armed Services Committee mark will force us to delay critical tests and cancel contracts, and therefore is essentially a vote against strategic defense for America. Some in the Senate are also seeking to manage the SDI program themselves by cutting my request for the most promising SDI technologies. In many ways this is more serious than a funding cut. As Congress imposes cuts in the Defense Budget, at the very least, I need flexibility to manage our programs. Moreover, it makes little sense to force us to forego realistic tests of promising SDI technologies.

Mr. President, that is a letter by the President of the United States. It is the business of the Congress to legislate. It is not business of the Congress to micromanage. It is not the business of the Congress to manage these programs. Our business is to make the law. Then we have to leave it to the Chief Executive who is elected by all the people of this Nation to decide how to manage these problems and how to give the flexibility needed. That is what we ask you to do.

It would be a great mistake in my opinion to adopt this amendment, and I hope the Senate will defeat it.

Mr. WALLOP. Mr. President, how much time does the Senator from California seek?

Mr. WILSON. Mr. President, I would think something in the neighborhood of 10 to 12 minutes.

Mr. WALLOP. I yield 12 minutes to the Senator from California.

The PRESIDENT pro tempore. The Senator from California [Mr. WILSON] is recognized for 12 minutes.

Mr. WILSON. Mr. President, I thank the Chair.

Mr. President, I rise in strenuous opposition to this amendment which would truncate America's 7-year-old effort to deploy a practical strategic defense system.

The proposal that is offered by the Senators from New Mexico and Alabama reflect several unwise choices in priority. It chooses for example a limited ground-based system for stopping nuclear missiles just as they enter American airspace over the promise of a space-based system designed to intercept these missiles even before they pierce the ozone. It chooses the worn-out and inaccurate assumptions of the Antiballistic Missile Treaty over an effort to defend American territory and to deter an offensive nuclear launch from any source.

It chooses the study of long-term technologies and of uncertain feasibility over proven technologies such as Brilliant Pebbles that rely on proven kinetic principles. It chooses to invest American sciencific resources in stopping only an accidental nuclear strike but not a deliberate first strike.

Can we afford to make these choices, Mr. President? Does the changing international security environment permit us to do so?

Perhaps the most inevitable and the most revealing answer to these inquiries was given by no less an expert than Marshal Sergei Akhromeyev, the former chief of the Soviet general staff and now the personal military adviser to Mikhail Gorbachev. In testifying before the House Armed Services Committee barely a year ago, Marshal Akhromeyev stated "The position of the Soviet Union is that ground-based mobile ICBM's have a role to play.* * *. That is why they can be legitimately deployed."

Indeed the architects of perestroika have enthusiastically accorded this honor to and legitimate role to Soviet ICBM forces. Based on total current deployment figures, Gorbachev and Akhromeyev have assigned roles to more than 200 SS-25 road mobile warheads, over 270 SS-24 rail mobile warheads. Both of these systems could easily accommodate more than 1,100 warheads combined through their MIRV'ing capability.

The United States currently has zero road mobile warheads, zero rail mobile warheads. Secretary Cheney, Mr. President, anticipates that at a minimum a credible space-based strategic defensive system could destroy between 20 and 40 percent of the total number of weapons eliminated in space. The point is that the strategic defense initiative as configured today will have interceptor systems designed to halt a nuclear strike not totally, but in substantial part in each of its phases, in the boost phase, in the mid-

course and in the terminal phase—early, midcourse, and terminal.

No defensive system offers absolute protection, and no one claims that it does. But the existence of a layered multiphase deterrent so decreases the ability of a first strike, a nuclear strike, because of the certainty that it produces that enough of the attacking warheads will be destroyed in every phase that it will assure that a first strike cannot succeed.

Mr. President, rational war planners who are assured that a first strike cannot succeed in crippling and virtually decapitating the U.S. retaliatory capability will be deterred from launching an unsuccessful first strike.

Indeed, only the prospect of such a U.S. defensive capability gives any real credibility to our present or prospective offensive deterrent.

But by stark and terrifying contrast this amendment creates the scenario of warheads cruising into the most dangerous and difficult interception phase, indeed with every warhead because there has been no layered defense to thin the attack. They will enter the most difficult interception phase, the terminal phase, that nearest to and indeed dangerously close to targets on American soil.

Will the Soviets launch an intercontinental nuclear strike in the near future? We hope not. We think not.

Can we morally and strategically permit only one ground-based system to deter any future nuclear strike as long as the possibility of a strike exists? Absolutely not. We cannot be so comforted, so euphoric by what are admittedly dramatic changes in Eastern Europe and behind the Iron Curtain itself that we literally let down our guard or fail more accurately to erect it.

What about commitments under the ABM Treaty? As our additional Republican views to the Senate Armed Services Committee in the fiscal year 1991 budget report states so clearly, the strategic force assumptions under which we concluded the ABM Treaty simply have not come to pass.

Our ABM negotiators assumed that the Soviets would undertake deep offensive missile reductions commensurate with our own.

Mr. President, that simply did not happen. Our ABM negotiators also assumed that both sides would make their land-based nuclear systems more survivable, but that happened only on the Soviet side. There was unilateral compliance with that expectation.

Our ABM negotiators also assumed that strategic defensive technologies would be too expensive and too ineffective. Well, that could happen in the United States, if we adopt the Bingaman-Shelby amendment.

The past 7 years and $20 billion that we have invested in SDI have yielded significant financial and technological dividends. We do not claim to have the ability to erect an impenetrable shield over our Nation, or over any portion of the globe. But what we do claim is that the kind of progress and cost savings that have been achieved through the systems that have been developed by the SDIO, such as Brilliant Pebbles, do allow the President to make an entirely informed decision on initial SDI deployments just 3 years from now.

Mr. President, if we can reduce the risk of future nuclear terror, if we can end the exclusive reliance that we presently have upon a very precarious balance of nuclear terror, then, Mr. President, why should anyone hesitate to make what is, in fact, a rather modest investment, given the enormous benefits to be achieved by that investment? Why should we instead deliberately undertake to undermine that kind of deterrent capability by the Bingaman-Shelby decision?

Mr. President, we should not. We have, in the additional views that were added to the 1991 budget report, the kind of professional decisionmaking capability that has advised the Defense Science Board, the Jason group, having studied this at great length, has indicated that Brilliant Pebbles, which seems to be the chief target of the Bingaman-Shelby amendment, "is a program of research on light-weight proliferated autonomous kinetic kill interceptors using near term and maturing technology that deserves continuing support. It will be essential to avoid either excessive conservatism or excess optimism in choosing which technologies to support. Near-term but not off-the-shelf technologies may be mission-critical."

That is what we have, exactly, in this program. Interestingly enough, it is the official view of both Los Alamos National Laboratory and the Lawrence Livermore National Laboratory in a paper entitled "Issues and Options in Strategic Defense," that makes clear why the Brilliant Pebbles program offers "effective and survivable space-based means for addressing near- and long-term missile threats in the boost phase."

Mr. President, I happen to be a fan of the free electron laser technology that I know is one of the passions of my friend from New Mexico. But if the purpose of this amendment is to allow funds to be spent for the purpose or for some other technology, then I say that we should not do so by the device of really crippling the kind of program that will allow, and is designed to allow the President of the United States to make a deployment decision in his second term, in 1993.

It is a fact that the real architect of perestroika is the former President of the United States, who made it clear that SDI was not a bargaining chip. Indeed, nothing can be a bargaining chip; it can have no value with which to bargain unless it is indeed viewed by the other side as having substantive significance. That is precisely how the Soviet Union has viewed SDI.

When the President called upon the research community in 1983 to engage in providing a defensive technology that would give us bargaining power, he changed the stakes entirely; he changed the negotiation; he hastened the day when in fact he would be able to state that the Berlin Wall should come crumbling down—and I remind my friends that less than a year ago, it did—not simply because of his skills as a great communicator but because he had given this Nation, in that charge in 1983, the kind of credibility, which our rather slender offensive deterrent will never otherwise achieve by itself.

We are so afflicted and constrained with respect to that offensive retaliatory capability, that it candidly does not have great credibility only by itself. Only when it is coupled with a capability of a defensive system of the kind SDI put before us do we enjoy that capability

Mr. President, I ask the Senator to yield 30 more seconds.

Mr. WALLOP. I yield 30 more seconds.

The PRESIDING OFFICER (Mr. ROBB). The Senator is recognized for 30 more seconds.

Mr WILSON. I ask unanimous consent to have printed in the RECORD the paper entitled "Issues and Options in Strategic Defense," which represents the official views of the Los Alamos National Laboratory and the Lawrence Livermore National Laboratory. It is an endorsement of the Brilliant Pebbles program, an endorsement of the existing program of SDIO. It is a warning to be heeded, that we should not vary from that program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUES AND OPTIONS IN STRATEGIC DEFENSE

(By J. Browne and G. Canavan, Los Alamos National Laboratory and E. Teller and L. Wood, Lawrence Livermore National Laboratory)

Recent developments in interceptors and sensors have opened new options for strategic defense. Due to the interactions between boost-phase lethality and mid-course discrimination, however, it is important for these technology advances to be viewed in an integrated framework, which this note outlines.

"Brilliant Pebbles" (BPs) offer effective and survivable space-based means for addressing near and long-term missile threats in the boost phase. The timely development of BPs must be viewed as the cornerstone of the SDI program and pursued accordingly. Mid-course and terminal interceptors have also progressed. Against moderate threats, which would be adequately attrited in the boost phase, mid-course interceptors could provide effective, preferential defense of essential targets. With adequate and surviv-

able sensors, terminal interceptors could provide a final layer of defense of cities and other exceptionally high value targets.

Sensors have developed a number of options. The BPs' integral sensors could provide the warning and assessment needed to allocate BPs in the boost/post-boost phase as well as the homing needed for effective interceptions. Passive and active discrimination with optical, infrared, laser and radar techniques could be useful adjuncts to mid-course or terminal interceptors. Each of these sensors has limits; these include the ability to discriminate anti-simulation and replica decoys, their communication links, and the survivability of ground-based radars. An additional limitation that dominated past ideas was the range from which objects had to be inspected. If mounted on the BPs or on their supporting "life jackets," the sensors could be given a survivable platform from which to view objects at very close range, which would significantly enhance their performance.

More capable and survivable interactive discrimination sensors could evolve on a slightly longer time scale, but sufficient to meet the anticipated decoy threat. Neutral Particle Beams (NPBs) are the only sensors that can actually measure an object's mass, the fundamental quantity that distinguishes between weapons and decoys. If the NPBs were popped up on warning, only a few would be needed against expected threats due to the NPBs' potential ability to interrogate hundreds of objects per second at distances of a thousand kilometers.

The expected missile threat is integral to deployment considerations. The current numbers of Soviet missiles are threatening, but if they deployed relatively few decoys, about 4000 BPs and a lesser number of mid-course interceptors could attrit them sufficiently to meet the goals of the first phase of a strategic defense system. However, the 5–10 decoys/weapon that might elude the passive and active discrimination sensors could drive up the required number, and hence cost, of the ground-based interceptors by as much as a factor of 10. With the addition of interactive discrimination by NPBs, however, the interceptor cost could remain quite acceptable.

START could reduce heavy ICBMs to levels at which defenses were must less sensitive to decoys and discrimination. Against START-constrained missile forces, it would be possible to handle up to 10 credible decoys per weapon by oversizing the boost-phase BP layers by about 50% and intercepting all leakage in the mid-course and terminal layers. The net result is less than a factor of two increase in interceptor costs. The Soviet Union could respond with continued modernization of its missile forces, either through larger numbers of more sophisticated decoys or through the deployment of fast, compactly-based missiles. More and better decoys would require that NPBs be developed at a pace consistent with this threat. On a longer time scale, the BPs could be supplemented with advanced lasers to maintain effectiveness against the fast, compact missile threat; lasers, operating at the speed of light, are less vulnerable to faster-burning missiles, faster busing, or compact launches.

BPs could be deployed with either mid-course or terminal interceptors in a manner that should be arms control- and crisis-stabilizing against START constrained forces. Those combinations could also be effective in defending the U.S. and its allies against nuclear, chemical, or biological threats from theater or other short-range missiles. They would also protect against unauthorized or accidental launches by the Soviets or others. With enhanced interceptor capability, they would be effective against Third-World country launches against extra-theater targets. BPs could be effective against all missiles except those with ranges less than about 100 km. Very close-in submarine missile launches could be addressed with interceptors such as FLAG-E.

There exists, therefore, a logical progression of defenses against current or future missile threats to the U.S. and its allies. The BPs and GBIs should be developed and deployed to handle the Phase One requirements. The directed energy weapons should be pursued vigorously so that they can be available at the required time to supplement the interceptors as required for discrimination or missile modernization. The timely development of NPBs will either discourage heavily decoyed attacks or provide the necessary mid-course discrimination to allow preferential defense of key assets following the thinning-out of the attack in the boost phase by the BPs. The continued development of advanced lasers will discourage the pursuit of fast, compactly-launched missile threats, or provide the necessary complement to the BPs to handle this threat. Both interceptors and DEWs must be pursued to have a strategic defense strategy that can evolve to meet all presently foreseen threats, thereby maintaining sufficient effectiveness to deter potential adversaries from attack well into the next century.

The PRESIDING OFFICER. Who yields time,

Mr. WALLOP. I yield 3 minutes to the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, the amendment proposed by Senators BINGAMAN and SHELBY is a not-too-subtle congressional attempt to wrestle control of the SDI Program from the President. And in so doing, to keep this rapidly maturing program in the laboratory, never to see the light of day-or the dark of space.

The intent of the Bingaman-Shelby amendment is clear: To foreclose an informed deployment decision of a first phase defensive system by the President in 1993. What the amendment says is: "We don't want to learn whether near-term deployment is feasible." But Mr. President, how can we respond to the critics of SDI who state that the technology does not exist to defend against ballistic missiles when these same critics block attempts to demonstrate the feasibility of the most mature technologies? They can't have it both ways.

Even more pernicious is the amendments' division of the SDI program into 11 arbitrary line-items, each with its own funding cap. There is no rationale for the grouping of some 60 SDI projects into these 11 categories. It is clear, however, that this is an attempt to micromanage the SDIO Program. While there is precedent for congressional management of particular weapons systems, SDI is not a single program but an amalgam of research efforts.

The SDI organization was created in 1984 to provide overarching management for what is perhaps the Nation's most diverse technology program. The concept behind SDI was to explore a number of technologies necessary for detecting, tracking, and intercepting ballistic missiles and their warheads in various stages of flight. SDIO was given the flexibility to shift funds as emerging technologies and architectural concepts were developed, and to concentrate on those that offered the greatest promise for providing an effective defense.

If Congress is allowed to redirect various elements within the program, the end result will be an SDI Program with 535 program managers, no clear direction, and no clear deployment objective.

If this is going to be the case, we should determine whether we want defenses or not. If we decide we do not need missile defenses, then we are spending too much on SDI. On the other hand, if we desire protection against ballistic missiles, then we need a well-funded and unfettered SDI Program that will permit the President to make an informed deployment decision as soon as possible.

The SDI Program is now conducting research on both near- and long-term defensive technologies. The near-term architecture consists of ground-and space-based interceptors and sensors, including the Brilliant Pebbles concept. The administration does not advertise this first phase system as a leak-proof defense. Rather, it is designed to bolster deterrence of a Soviet attack while providing a response to the global proliferation of ballistic missiles. It is important to note that phase I is a baseline concept, used to move the research effort forward. The President could decide to alter the architecture or could even decide that it is simply unworkable. But we will never know if Bingaman-Shelby passes.

While one can argue against Bingaman-Shelby on grounds that it is micromanagement of the SDI Program, it is clear that underlying the Bingaman-Shelby amendment is a fundamental predisposition against missile defenses in principle. By reaffirming their support for the ABM Treaty, the authors of the amendment make it plain that they are opposed to a truly effective missile defense system that would include space-based elements. It is inconsistent, I believe, for these same opponents of space-based defenses, to argue for continued funding of the follow-on technologies such as lasers and particle beams, which would also be deployed in space, and therefore also be in violation of the ABM Treaty.

At some point, we need to address the fundamental question of the im-

portance of protecting the American people. With tens of thousands of nuclear weapons and ballistic missiles in the world, there can be no reasonable guarantee that these weapons will not be employed, either through accidental or unauthorized use or with the intent of conquest.

The strategic environment of the 1990's is different from that of the seventies, when the ABM Treaty was signed. Today, both the United States and the Soviet Union are faced with ballistic missile threats from other, perhaps less rational, countries. The Senate has noted with concern, through passage of S. 195, that by the year 2000 an additional 15 nations could have the capability to launch ballistic missiles. Many of these nations will also have a chemical and biological weapons capability as well. It makes no sense for the Senate to acknowledge this danger while doing nothing to protect our citizens and territory against this emerging threat.

Given the warming of United States-Soviet relations and the general move toward a more defensive posture by the Soviet Union, the time may be ripe for recasting the deterrent relationship away from hair-trigger offensive retaliation to a regime where both countries feel secure behind missile defense deployments. Ambassador Paul Nitze has noted that the ABM Treaty was intended to be adaptable to new circumstances, not to lock the United States and Soviet Union into a strategic relationship that might be less stable and less desirable than other possibilities that might emerge in the future.

I am confident that the Soviet Union can be persuaded to join with us in a negotiated transition to defenses. Recent statements at the Washington summit in May and June indicate that the Soviet Union is at least willing to discuss ways of implementing such a transition, Bingaman-Shelby would be a serious setback for our position and would make it increasingly difficult for our negotiators in the defense and space talks to advance the U.S. position.

For those skittish about missile defense deployment, it should be made clear that a vote against Bingaman-Shelby is not a vote for missile defense deployment. It simply allows the President to pursue the research program necessary to determine whether it is possible to eliminate the threat posed by ballistic missiles. After over 6 years and $20 billion of research and development, we owe it to ourselves to find out whether missile defenses are feasible in the near term.

Mr. President, some 6 years and $20 billion ago, the United States started down the road toward determining whether or not it could deploy effective defenses against nuclear missile attack, from whatever source they came. We started down that road in order to get out from under the mad concept of mutual deterrence through mutual fear, with a view toward the proposition that it was both effective and moral to attempt to provide a defense for the people of the United States against such an attack.

During the course of that 6 years and the spending of that $20 billion, much promising research has been conducted, much knowledge, which, incidentally, may be used for other purposes, has been gained, and many dead-ends have been explored and abandoned.

Many of the critics of SDI have criticized this multiphased approach on the grounds that it lacked focus, and that we were gaining nothing from it.

Now many of those same critics are backing this particular Bingaman-Shelby proposal, which will intensify that lack of focus. One of the most promising programs, the single most promising avenue toward a first phase of nuclear defense, is the so-called Brilliant Pebbles concept which, if we pursue it, can, within 3 years, reach the point at which the United States could make an intelligent determination as to whether or not to deploy.

If Bingaman-Shelby is agreed to, that ability will be frustrated. We will continue down a road toward many dead ends except that this time those dead ends will be required by the Congress of the United States.

It seems to me that we have a highly questionable justification for spending $3.5 billion on unfocused research when we know perfectly well that we can focus it more narrowly and reach a decision on deployment by 1993.

To follow this course of action is to raise the question as to whether or not we are spending our money wisely and whether or not any research will ever lead us to any kind of final determination.

The amendment proposed by Senators BINGAMAN and SHELBY is a not too subtle congressional attempt to wrestle control of the SDI Program from the President and in so doing keep this rapidly maturing program in the laboratory never to see the light of day.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. WALLOP. Mr. President, may I ask how much time I have?

The PRESIDING OFFICER. The Senator controls 27 minutes and 44 seconds.

Mr. WALLOP. I yield 11 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleagues, Senator BINGAMAN and Senator SHELBY, for their work in this area, and it is with reluctance that I disagree with the import of their amendment because in my judgment we should be allocating more resources to SDI for the flexibility with our efforts along that line.

It is my judgment, the potential for SDI for effective defense is enormous. There have been times when our leading scientists said we could not have intercontinental ballistic missiles. Others have said we had such an enormous lead on the Soviets that they could never catch up, and there is that famous statement by the head of the Patents Department that he was resigning because nothing more could be discovered. But defense against nuclear weapons is a matter of enormous importance.

The proposal which has been advanced by Senator BINGAMAN and Senator SHELBY has within its framework the strict interpretation of the ABM Treaty and I think that is a fundamental flaw. I have had occasion to study in some depth the ABM Treaty and it is my legal judgment that the broad interpretation rather than the narrow interpretation is correct.

This is an involved subject and regrettably we have limited time here.

The subject matter of the ABM Treaty is a very complicated one and there is limited time here this morning and I know my colleagues are anxious to conclude and there are planes to be caught so I will be very brief and try to condense my remarks on this subject.

The negotiating record is plain that the United States and the Soviet Union on the ABM Treaty had intended the broad interpretation. It is true that in the ratification record there were a limited number of comments made in representations to the Senate looking toward the narrow interpretation.

We have the anomalous situation that the treaty really is what the parties negotiate, the United States executive branch on one hand negotiating with the Soviet Union, and they concluded a treaty with the broad interpretation. Then you have the subsequent practice under constitutional law of the United States where the treaty has to be ratified by the Senate and it may be that there is a different understanding between the executive branch and the Senate on the narrow interpretation. Frankly I do not think so. But there is grounds for that kind of a contention.

So, Mr. President, you have the anomalous situation where you have the negotiations between the United States executive and Soviet Union on the broad interpretation and perhaps a ratification process on the narrow interpretation which puts the United States at a disadvantage.

But I believe, taking the record as a whole, the negotiating record, the ratification record and the subsequent practices of the parties, that a fair interpretation is the broad interpreta-

tion. So I must disagree forcefully with Senator BINGAMAN and Senator SHELBY when they make reference in their "Dear Colleague" letter of July 30, 1990, to the ABM Treaty strictly interpreted.

I point out, Mr. President, that in the letter from President Bush to Senator WARNER dated August 3—and in the event these are not in the RECORD I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. President Bush makes his reference that his approach to the SDI development is consistent with the ABM Treaty.

Mr. President, if we take the narrow interpretation, what is happening is that it is costing us a great deal more money and we are proceeding at a much slower pace. It is simply unrealistic and foolish for the United States to be bound by a more restrictive interpretation than is the Soviet Union. And that is a consequence which has been foisted on the United States on what is essentially a political decision.

When we have debated this issue on this floor in the past and the Senate has voted for the strict interpretation, I think fairly stated it is because the proponents of the strict interpretation think that it will better promote arms control, that it has not been based on the legal merits of the case, and that when we had hearings in 1987 before the Judiciary Committee and Foreign Relations Committee and had these extensive debates on the law a fair interpretation is that the broad interpretation was the correct one.

Mr. President, the SDI program was the greatest leverage for bringing the Soviets to the bargaining table as those talks proceeded in Geneva in the era around 1987, and that brought the INF Treaty and the real progress for START.

It is my view we ought to have the greatest flexibility possible for the executive branch for pursuing SDI.

Mr. President, when you talk about 1989 deployment, that does not mean we will deploy in 1993. And that does not mean that we will abrogate the ABM Treaty. But it sets a target in that direction which will have the most expeditious activities by the SDI program to try to bring it to fruition at an earliest possible date with that target being desirable in order to move the program along.

But we may well choose not to deploy in 1993. We are talking about the capability to take that action if we decide at that time that it is in our interest to do so.

Mr. President, the strategic defense initiative has become even more important in 1990 than it was in 1983 or in 1987 because now we see the proliferation of missiles around the world, we see the problems which are engulfing us with the attack by Iraq on Kuwait, and we have a greater need than ever to develop this important technology.

I compliment the President and the Secretary of Defense in working with the Israelis on strategic defense initiative which has the impact of accelerating our technology and providing greater efforts and a real likelihood of success to counterbalance the proliferation of missiles as for example now controlled by the Iraqis.

Mr. President, I take this opportunity to call to the attention of my colleagues the importance of proceeding with research and development of the strategic defense initiative [SDI]. Our scientists have made great progress during the past 7 years since the concept for SDI was first announced in 1983.

We are now at a point in history where it is incumbent upon our Government to make a decision on how best to meet the strategic challenges that face us in a rapidly changing and uncertain global environment. I believe that a first phase development of an SDI system offers us the means to make the world a more stable place and fulfills a fundamental component of our Government's primary obligation to protect the people.

I fully support the administration's request for $4.6 billion for SDI in fiscal year 1991. President Bush and Secretary Cheney have made SDI a priority in our national security strategy and have argued strongly in favor of a robust SDI Program. I believe that it is essential that Congress grant this request so that we can address the strategic challenges ahead from a position of strength and security. Because of the advent of Brilliant Pebbles and other nonnuclear defensive SDI technologies, we now have the ability to develop a low cost, technologically feasible, and highly effective defense against ballistic missiles.

There are a multitude of benefits accorded during the first phase of development of a strategic defense system [SDS]. Some of the major implications include: The enhancement of our strategic deterrent vis-a-vis the Soviet Union; provision of an insurance policy against unauthorized or accidental launches of ballistic missiles; protection against Third World or rogue terrorist threats; an inducement for and stability factor in arms control; and a catalyst for keeping America economically competitive and on the threshold of innovative spinoff technologies.

Several independent review boards, including the Defense Science Board, have concluded that a first-phase development of a SDI architecture is now technically practical. At first, many scoffed at the idea that we could develop strategic defenses in this decade, saying that is was technologically impossible. I am reminded of Charles H. Duell, Director of the U.S. Patent Office, who resigned in 1899 because he thought that "everything that can be invented has been invented." SDI has become the product and success story of American innovation. The same American ingenuity and resourcefulness that landed a man on the Moon, can now provide America with the capability to defend ourselves from nuclear missiles.

The basic elements of this first phase of SDI consists of: A space-based interceptor; several surveillance and tracking systems including boost-phase [BSTS], space-based [SSTS], and ground-based [GSTS]; and a battle management/command, control and communications [Bm.C3] system. Already, each element is undergoing demonstration and validation through the Defense Department acquisition process.

The cornerstone of the first phase of SDI and the most promising of the space-based technologies is called brilliant pebbles. Basically, this notion consists of constellations of about 3,000 electronically advanced, highly maneuverable satellites that could track and collide with launched missiles. We have had the ability to track and detect missiles for over 30 years and this technology utilizes these capabilities. General Monahan, Director of the Defense Department's Strategic Defense Initiative Organization [SDIO] already has announced that "the technology is at hand" for this brilliant pebbles space-based protection system.

The concept for brilliant pebbles is relatively simple. These interceptors would be about 1 meter long and weigh about 100 pounds when fully loaded with fuel. The Pebbles would be deployed in groups by expendable launch vehicles and dispersed about 250 nautical miles high in orbits around the globe. The pebbles would have the capability to detect, track, and then collide into ballistic missiles, destroying them by nonnuclear means by sheer impact.

Reports indicate that the Ground-based Interceptor Program [GBI] and the High-Endoatmospheric Defense Program [HEDI] also are promising and have proven capable in experiments and demonstration tests. The first phase of SDI is clearly technologically feasible and most importantly can be utilized in the near term to protect the American people.

President Bush recently commented during his visit to the Lawrence Livermore Laboratories that "in the 1990's, strategic defense makes much more sense than ever before." SDI is necessary for reducing the vulnerability of offensive nuclear weapons and strate-

gic assets and keeping us safe in volatile times.

The unfortunate reality is that the United States is totally undefended against a nuclear attack. Most Americans are unaware that we do not even have the capability of knocking down one single missile, despite spending approximately $300 billion a year for our defenses during the last decade. At the very least, SDI will act as a deterrent and dissuade the Soviets from attempting a first strike on our land-based ICBM's. Even if the system is only 50 percent efficient in knocking down missiles, it would still enormously complicate Soviet objectives by improving the survivability of our retaliatory forces.

In a world of increasing uncertainty, we can no longer rely on the obsolete notion of mutually assured destruction, also known by its appropriate acronym of MAD. In contrast to the Soviet Union and despite allowances under the ABM Treaty, the United States has chosen not to deploy a limited antiballistic missile system or create extensive civil defenses. We have literally gambled under the zero sum doctrine of MAD. But can we still afford the risks?

I believe that is in the interests of both the United States and the Soviet Union to abandon MAD and work toward building a new relationship of mutually assured survival. To his credit, Secretary Gorbachev and his policies of glasnost have done a great deal to help lessen the tensions around the world, but despite these changes, the future is still too unpredictable.

For instance, what if events in the Soviet Union changed overnight and others seized power? Or, what would happen if nuclear weaponry fell into the hands of new rulers in a newly created Islamic Federation of Turkestan? Speaking to a National Defense University symposium last fall, Vice President QUAYLE addressed these possibilities: A frightening question is emerging in this nuclear era: Who controls nuclear weapons during a period of intense civil strife, and who has the authority to release them in a time of great instability, or a prolonged internal crisis?

Serious questions were raised about Soviet nuclear security during the recent war between Moslem Azerbaijanis and Christian Armenians. The Pentagon revealed that a large nuclear warhead stockpile was stored south of the city of Baku in Azerbaijan.

Former President Carter's Deputy National Security Adviser, David Aaron, noted that on the question of nuclear security, the Soviets "are just as screwed up on this as anything else—their command and control is not good, and we know that alcoholism is rampant."

No matter what happens in Eastern Europe or the Soviet Union, America should have the capability for defending itself from ballistic missile attacks. The risks are simply too great to leave our vital security interests vulnerable to a myriad of potentially irrational and dangerous adversaries. Because of the proliferation of missiles and the rapidly changing strategic challenges we now face, it will be in the interests of both the United States and the Soviet Union to embark upon a relationship of mutually assured survival, rather than mutually assured destruction.

The development of phase 1 of the strategic defense architecture also will serve to prevent a hypothetical Soviet break-out in SDI technologies. According to some estimates, the Soviets have spent over $150 billion, or about 10 times that of the United States, to develop SDI. The Soviets have been successful in many areas of research, having tested antisatellite systems and devoting significant resources to laser and particle beam research. Moreover, the Soviets still maintain some 10,000 strategic nuclear warheads and by the mid-1990's, they could be in a position to deploy some 15,000 warheads. While Soviet conventional force capabilities have certainly diminished due to recent events in Eastern Europe, their long-range attack capabilities have not declined and, in fact, have been constantly upgraded with new generations of delivery systems.

Besides acting as a safer and more reliable deterrent, the technologies for a SDI phase 1 architecture can operate as an insurance policy against accidental launch by either the Soviets or even our own nuclear arsenals. With a minimum multilayer protection system, we can prevent the unauthorized or accidental launch of a boatload of submarine-launched ballistic missiles, a scenario made vividly in Tom Clancy's novel "The Hunt For Red October."

Although accidents are always a possibility; that is, Chernobyl; perhaps the most likely utility for SDI will be its deployment to protect against attack or blackmail from a rogue country like Libya. According to CIA Director William Webster, 15 nations other than the United States and the U.S.S.R. are now acquiring ballistic missiles. In the Iran-Iraq war alone, hundreds of missiles were fired in the war between the cities. The reality is that despotic nations already have used ballistic missiles against each other. What is to stop them from using nuclear and chemical warheads in a future conflict? With a deployed Brilliant Pebbles space-based element of SDI alone, the United States will have the ability to protect our territory and our allies from the ominous and growing threat of Third World and rogue threats.

We can learn much about missile defense from the joint United States-Israeli Arrow anti-tactical ballistic missile project. The follow-on program recently approved by Secretary Cheney specifically addresses the Third World threat of short and intermediate range missiles. Full funding of this project can lead to a stability in the Middle East where a fatal miscalculation or incident can lead to an all-out conflict. The ominous spread of missiles in the Middle East makes Arrow an imperative. In conjunction with our SDI effort, I urge that Congress proceed with the full funding and development of the joint United States-Israeli Arrow Program.

Perhaps the least discussed implication of SDI is that it will lessen the risk for the United States in entering into arms reduction agreements. Many experts believe that President Reagan's decision to pursue the SDI program brought the Soviets to the bargaining table. In any event, SDI and particularly, Brilliant Pebbles will provide insurance against cheating on arms control treaties.

The safeguarding of arms control treaties is an issue of major importance. Senate ratification of the INF Treaty concluded an historic step in arms control and SDI will allow us to continue to facilitate the negotiation of future strategic arms reductions. I have actively participated in efforts to reduce weaponry with visits to arms control meetings in Geneva in 1982, 1983 and 1987. I also have participated extensively in the debate on the ABM Treaty and I have pressed for the broad interpretation of the ABM Treaty, which I have concluded to be in the best interests of the United States.

With specific regard to the ABM Treaty, I believe that it is in both the Soviet and American interests to resort to a defensive posture rather than an offensive strategy. The economic costs and the proliferation of missiles by Third World nations make it imperative to revise strategic thinking. It should be noted that the Soviets already have moved toward delinking SDI and the strategic arms reduction talks [START].

The costs of producing and deploying nuclear offensive forces, such as the Soviet SS-25, far exceed the costs of deploying additional interceptors. Cheating would be too costly, both in economic and political terms. The interceptors can be independent or jointly controlled with the end results being that the United States and the Soviet Union will have greater strategic stability and the incentives for offensive nuclear arms reduction will be enhanced.

Another important argument for SDI is the economic implications derived from its research and development. In the last decade, America has faced growing competition from

Europe and the Far East in the area of high technologies and industrialization. No doubt, the competition for innovation and world markets will increase with the consolidation of the European Economic Community in 1992, unification of Germany and the economic entrepreneurship from the Japanese. Like the space program in the 1960's, SDI will keep America on the threshold of scientific developments and help contribute to the restoration of U.S. supremacy in space. SDI already has led to significant spinoffs for the civil economy worth hundreds of millions of dollars in manufacturing applications, particularly in the medical field.

A question that inevitably arises from SDI's critics is whether we can afford SDI, especially in the era of a possible peace dividend. The real question is, can we afford not to develop cost-effective strategic defenses?

The reality is that SDI is one of the most cost-effective defense programs that this country has instituted. According to studies conducted by Dr. Robert Jastrow of the George C. Marshall Institute and Gen. Dan Graham, USA retired, former Director of the Defense Intelligence Agency, a nonnuclear, multilayered defense of our Nation can be completed within 7 to 8 years at a cost of only 5 percent of our annual military budget. Currently, the SDIO budget of $3.8 billion amounts to only 0.33 percent of the Federal budget.

In terms of military offsets, we can acquire formidable strategic defenses for less money than the new proposed bomber force of B-2's or the Midgetman missile. The GAO estimates the cost of a Midgetman program at $60 billion at the low end and $100 billion at the high end alone. If we make a decision to develop and incrementally deploy SDI, we probably will not need to procure offensive weaponry such as the Midgetman. The costs we will save by reducing our dependencies of repetitive offensive systems will far exceed the costs of developing and eventually deploying SDI.

Also, the biggest outlay at DOD is in terms of our overseas basing and personnel. With significant troop reductions expected from that portion of the defense budget, there should be adequate moneys available for a robust SDI development. Ironically, SDI may turn out to be the most fiscally responsible defense program we pursue because it allows us to cut from so many other areas without creating vulnerabilities in our strategic posture.

According to Ambassador Edward Rowney, the former Special Adviser to the President and Secretary of State for arms controls matters, we could buy a system that includes the entire first phase of SDI deployment for $55 billion. The acquisition cost for Brilliant Pebbles he projects at about $12 billion. The latter cost may even decrease as our capabilities in microcircuit technologies continue to advance.

The stated goal of the strategic defense initiative is to conduct research to permit the President and the Congress to make an informed decision about deployment in the early 1990's. The ultimate decision on deployment and the future of the ABM Treaty will depend on future relations between the U.S. and U.S.S.R. including arms control agreements. We are entering a new era in strategic relations when it is incumbent that we prepare ourselves for the challenges of the next century. We have a big responsibility to meet and if we do not commit ourselves now, there may be no second chances. President Bush stated it best: "we owe it to ourselves and our children to pursue that goal" and that he is "personally and deeply committed to doing so."

I concur with the President and urge my colleagues to support funding of $4.6 billion, which will allow for the vigorous development and potential deployment of SDI's nonnuclear strategic defense architecture. We owe it to future generations to ensure that the United States and the rest of the world will remain stable and protected during these exciting but dangerously uncertain times.

EXHIBIT 1

THE WHITE HOUSE,
Washington, August 3, 1990.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to underscore the importance of the SDI program and express my concern about Congressional action to further cut SDI funds or restrict our ability to manage the program.

When I entered office, I ordered a thorough review of the SDI program—both the progress of its technology and our policy governing it. I concluded that SDI had made tremendous progress toward giving us the technological means to strengthen deterrence through introducing defenses. As the technology matures, we will need to conduct rigorous and realistic tests—consistent with the ABM Treaty—in order the make an informed decision on the feasibility of defenses. To fund these tests I asked for an increase in the SDI budget, even as we faced an overall cut in the Defense budget.

Nonetheless, marking up the Defense Authorization Bill, the Senate Armed Services Committee has cut almost a billion dollars from my SDI request. The House seems determined to cut more . But a vote to cut SDI below the Senate Armed Services Committee mark will force us to delay critical tests and cancel contracts, and therefore is essentially a vote against strategic defense for America. Some in the Senate are also seeking to manage the SDI program themselves by cutting my request for the most promising SDI technologies. In many ways this is more serious than a funding cut. As Congress imposes cuts in the Defense Budget, at the very least, I need flexibility to manage our programs. Moreover, it makes little sense to force us to forego realistic tests of promising SDI technologies.

As you and your colleagues consider the Defense Bill, I hope you will take into account the tremendous progress and promise of SDI, and will provide us with the means to manage an effective program. SDI will be among the most important factors in my evaluation of the Defense Authorization Bill.

Sincerely,

GEORGE BUSH.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 30, 1990.

DEAR COLLEAGUE: When the FY91 Defense Authorization Act comes to the floor of the Senate, we plan to offer an amendment which would allocate the $3.573 billion in funding proposed by the Senate Armed Services Committee for the Strategic Defense Initiative among 11 line items. The Bingaman-Shelby amendment would hold funding for space-based Phase I systems, in particular Brilliant Pebbles, at approximately FY90 levels, while emphasizing ground-based, ABM treaty compliant Phase I systems; theater defenses, including the Arrow program; longer-term, potentially far more effective options; and key technologies, in areas such as sensors and microelectronics with applications extending beyond defense.

Over the past seven years, SDI has grown from a challenge to the nation's research community outlined by President Reagan in March, 1983 to a robust program of research and development that could in time offer the prospect of highly effective defenses. Throughout this period, the Congress has given the director of SDIO a virtual blank check to develop the program within the framework of the 1972 Anti-Ballistic Missile (ABM) Treaty, strictly interpreted. While this blank check approach may have been appropriate in 1984 when SDI began as an experimental research program, we do not feel that it is appropriate today.

Some two years ago, the orientation of the SDI program began to shift from broad-based research on the feasibility of highly effective systems to focused development of a system of limited effectiveness that could be deployed this decade. The only apparent direction to the SDI program today is the rush to make a deployment decision in 1993. We fundamentally disagree with the need for a 1993 deployment decision, and do not want the entire SDI program oriented to such a goal. For these reasons, we are proposing that the SDI program be given some broad policy guidance through the allocation of SDI funding among these 11 line items (see attached chart).

Passage of the Bingaman-Shelby amendment would give the Department of Defense clear guidance on the direction of the SDI program. We would be rejecting early deployment of systems which would violate the ABM treaty in favor of a balanced program that would stress research and development for a treaty-compliant, limited protection concept, theater missile defense, and follow-on technologies. Over the last several years the SDI program has gone through an annual restructuring, reinventing itself each year as smart rocks have turned to brilliant pebbles and perhaps one day soon to genius dust. With the recent appointment of a new SDIO director, another restructuring is apparently in the works. While we have supported SDI since its inception, we believe that it is past time that the Congress gave some direction to this important program. All previous efforts to do so in committee reports or conference reports have failed to

have any effect. Our approach, if enacted, would ensure that SDI pursues the balanced research program a majority of the Congress desires.

We are pleased that Senators Johnston and Heflin have joined us as cosponsors of this amendment. If we can provide you or your staff with more information, or if you are interested in cosponsoring the amendment, please contact John Gerhart (4-5521) or Terry Lynch (4-6516).

Sincerely,

RICHARD SHELBY,
U.S. Senator.
JEFF BINGAMAN,
U.S. Senator.

FISCAL YEAR 1990–91 SDI LINE ITEMS

[In millions of dollars]

	1990	1991 (request)	1991 (Bingaman-Shelby)
Sensors	207.0	345.0	345.0
Ground-based interceptor	127.7	142.0	142.0
Brilliant pebbles	129.0	329.0	129.0
Other phase I	924.3	1,132.2	894.3
Subtotal, phase I	1,388.0	1,948.2	1510.3
Follow-on	840.2	984.4	944.4
Key technologies	284.7	337.1	320.0
Operational support/mgmt	227.9	228.3	227.8
Test and evaluation	189.5	217.3	180.0
Theater defense	124.7	131.8	180.0
Includes Arrow Advance	(0)	(0)	(42.0)
IS&T/SBIR	113.4	116.8	116.8
Engineering analysis	102.9	93.7	93.7
Total	3,271.2	4,058.0	3,573.0

Mr. SPECTER. Mr. President, I refer to the CONGRESSIONAL RECORD for the debates which we had in 1987 and 1988 and reference the relevant portions there so at least the record may be complete on the substance of the legal argument in favor of the broad interpretation. I refer my colleagues to the CONGRESSIONAL RECORDS dated May 13, 1987, on pages 12276 to 12279; June 30, 1987, pages 18170 to 18176; and December 8, 1987, pages 34303 to 34317.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I yield as much time as the senior Senator from Georgia will require.

Mr. NUNN. Mr. President, I do not intend to take a lot of time this morning. I hope to complete my remarks in about 15 minutes. I know there are Senators trying to leave. I hope we can accelerate this process.

Mr. President, I want to begin by commending the Senator from New Mexico and the Senator from Alabama for raising for debate here on this issue. This debate is long overdue. We are now well into the 6th year of SDI research since President Reagan's speech that initiated a new concept of defense more than 7 years ago.

Seven years and some $21 billion of R&D funding later, the reality of the SDI Program under the Bush administration has been revealed as something quite different from President Reagan's grand vision. The Strategic Defense Initiative Organization, which manages the SDI effort, is vigorously pursuing the development of what is now characterized as a phase I strategic defense system.

Defense Secretary Cheney recently outlined the JCS requirements for the phase I system:

I can't say that we are capable in the near term of producing a 100-percent effective shield against nuclear weapons. If we deploy even a partial defense force to satisfy, for example, the phase I deployment, designed by the Chiefs, that would allow us to intercept approximately forty percent of a first wave attack and fifty percent of all the SS-18s, that capability in and of itself adds enormously to deterrence.

General Herres, former Vice Chairman of the Joint Chiefs of Staff, explained it last year to the Armed Services Committee in quite different terms:

The requirements for Phase I * * * represent the minimum level of capability the Joint Chiefs of Staff consider necessary for a meaningful contribution to deterrence.

In other words, phase I is a very minimum that the Joint Chiefs consider that meets their requirements for any meaningful contribution to deterrence. To underscore this change from the Reagan goals, let me cite Vice President QUAYLE's remarks last fall, when he said:

The Reagan administration * * * talked about this impenetrable shield that was going to be completely leak-proof. I believe that in the semantics of, let's say, political jargon, that that was acceptable. But it clearly was stretching the capability of a strategic defense system.

The Vice President continued:

I think since that time the capability * * * has been clearly rethought. We are looking at what is militarily effective and how this will be used for deterrence.

Vice President QUAYLE has thus recognized what many of us have been explaining for years—that even if the SDI as now envisioned is fully successful, it will not end the role of nuclear weapons and will not obviate the need for thousands of United States nuclear weapons to survive any possible Soviet surprise attack. In short, President Reagan's hope of escaping from the policy of deterrence through the threat of unacceptable retaliation—what some would call mutual assured destruction—has been discarded. We will have to continue to rely on deterrence through the threat of unacceptable damage in retaliation.

I believe that that point is very important in this debate.

But if that is the case, Mr. President, then the cost and effectiveness of phase I system in contributing to deterrence can and must be measured and compared directly to the cost and effectiveness of other means of improving deterrence, including the modernization of our strategic offensive systems.

We are going to abolish nuclear weapons. Everybody concedes that we are going to have to maintain the capability to survive a nuclear strike and retaliate. The question then is how do we best maintain and enhance deterrence.

Let us turn to SDI costs.

For the past two years, SDIO has been reporting to the Congress that the cost of a phase I defense is declining. They now estimate that phase I will costs $55 billion. But this estimate does not reflect the true costs of strategic defense. The $55 billion estimate is a constant fiscal year 1988 dollars, not the dollars the Congress would have to appropriate each year. And none of those SDIO estimated included any funding estimates for the vital follow-up, or exotic, systems and technologies that the JSC and SDIO have declared be developed in parallel with phase I, for deployment soon after phase I is completed. The funding requirement for these follow-up systems is also substantial; ultimately their costs will rival those for phase I alone.

This linkage between the acquisition milestones of the phase I system and the follow-up systems has long been an integral part of the development of the SDI. Again quoting General Herres:

What we have said is that phase I is not an objective system. It is the first increment. Now, where you go beyond phase I is yet to be determined. We will develop a Phase II requirement next year.

Gen. James Abrahamson, at that time the Director of the SDIO, in testimony on the same issue of linkage between Phase I and the follow-on phases, said at the same hearing:

Yes sir, I think there is a kind of ground rule that has been established and that was discussed in the context of the acquisition process. This is, prior to the time that you begin (full-scale) development of phase I, the first system, that you have at least brought the next phase far enough forward that a milestone one type of decision is established. * * * Obviously, you can extrapolate that a step farther and say you probably would not want to begin the deployment of that phase I system until you had progressed quite substantially farther * * * (with) the next follow-on.

Thus, Mr. President, in asking what it will cost to develop and deploy a phase I strategic defense, it is absolutely necessary to count all the expenditures the SDIO will have to make to bring Phase I to deployment and for the development of the follow-on systems forward in parallel. As we will see, that phased development increases the cost of limited strategic defenses significantly. In my judgment, once all such adjustments are made the full costs of the SDI program through phase I deployment will be significantly higher than the GAO's

estimate of $123 billion in yet-to-go costs.

But the $123 billion, as I view it, is an absolute minimum.

I should further emphasize that, to meet SDIO's timetable, this $123 billion would have to be authorized and appropriated between this year and very early in the next decade. This means that the Congress would have to contemplate annual SDI funding levels of more than $10 billion per year for the next 10 years. Mr. President, where does anyone think we are going to find that kind of money? Does anyone really think that the Congress is going to vote to authorize and appropriate more than $10 billion for SDI every year for each of the next 10 years or so?

I have not heard one clue from anybody in this administration, from the President, from the Department of Defense, from the Office of Management and Budget, from the SDIO Office, no one can tell you where that money is coming from and yet they are charging straight ahead as if it is all of a sudden going to appear in some kind of miracle, or maybe the Japanese are going to give it to us with no interest.

Let me further note that the GAO estimate of $123 billion makes no allowance for the additional billions of defense dollars that would be required to develop even partially effective air defenses against Soviet bombers and cruise missiles.

This is one of the reasons I am in favor of the B-2. We do not have an air defense system. What good will it do to have a complete phase I or phase II system against missiles if we are going to give bombers a free ride, if we are going to say: "Come on in with your bombers anytime you want to, but we are going to stop those ballistics missiles?" Somebody has to explain that one to me. I have never figured that one out.

So you are going to have to have an air defense system, too, and nobody has counted the cost of that.

It would hardly make sense to deploy even a fully successful phase I ballistic missile defense while continuing to offer Soviet bombers and cruise missiles the same free ride they enjoy today.

Turning for just a moment to what this money will buy in other defense programs.

Since the administration has admitted that the goal of the phase 1 SDI system is to enhance our traditional concept of deterrence through the threat of retaliation, let us consider the contribution to deterrence that could be made if that $123 billion yet to be spent on a phase 1 deployment were instead allocated to other strategic modernization programs.

All of us know we are going to have a lid on defense. All of us know it is going to come down. All of us know it is going to be reduced.

Let us look at $123 billion yet to be spent on SDI phase 1 and related phase 2 thereto. Let us look at what we could buy.

The balance of 75 B-2 bombers now planned could be bought. All the 500 small ICBM's and hard mobile launchers; all the 50 rail garrison MX trains; all the military construction for all three of those programs, and all of the additional Trident submarines and Trident II missiles that the Navy would be allowed under START.

And after we do all of that, we could have $40 billion left over; $40 billion left over. We are going to have nuclear weapons either way, and they are going to have to survive and they are going to have to be able to retaliate.

Mr. President, let me now turn to Brilliant Pebbles since it is one of the key issues in the debate on this amendment. With regard to Brilliant Pebbles, I believe we should continue to fund further development of what appears to be a highly innovative technical approach, combining miniaturization with substantial computing power.

This is where I may have some disagreement with the authors of this amendment. I do not know how wide our gap is, but I intend to support the amendment for reasons I will give.

The concept of many small packages constituting a distributed network may have applications for all kinds of missions currently performed by constellations of a few large, very costly satellites, having little survivability or launch flexibility.

I doubt, Mr. President, that Brilliant Pebbles will be deployed in the near term as space-based interceptors. I doubt that and I said why, I think, pretty clearly. But I think further research on miniaturization, producibility and cost-reduction is justified. Should events in the Soviet Union deteriorate, a cold-war leadership emerge, and new military challenges be raised—and we hope and pray they will not—the continuation of Brilliant Pebbles development could be a useful additional hedge against a Soviet breakout from START or the ABM Treaty. I think that is becoming less likely, but I think we still need a hedge.

Turning to Third World missile proliferation, some SDI proponents have recently been touting the use of space-based Brilliant Pebbles as a response to the growing problem of ballistic missile proliferation. Indeed, with this threat in mind, President Bush has declared that: "In the 1990's strategic defense makes much more sense than ever before."

There are a number of questions I would put to proponents of deploying a space-based Brilliant Pebbles defense in the name of countering this threat. First, would we really scrap the ABM Treaty for the sake of using a space-based Brilliant Pebbles defense system against Third World missile threats against our friends or allies around the world, or should we instead counter such threats with rapidly deployable ground-based ATBM systems—which are permitted under the ABM Treaty—along the lines recommended in the Warner ATBM amendment, which I support and cosponsor and we will vote on later today.

Second, do we really want—this is conceptual, you do not have to be a rocket scientist to figure this out—and could we possibly afford to have the United States assume the burden of "world policeman," as implied by a space-based, worldwide coverage ABM system under the sole control of the United States? Would we really want to put our strategic defense system into action if two or more Third World countries began shooting ballistic missiles at each other?

Do we want to have systems in space so we say to everybody in the world. "We are the big policeman; we are going to spend billions of dollars on this, and we will referee every dispute and knock down all the missiles you shoot at each other?" I do not think we have thought that one through.

Third, how effective would a space-based Brilliant Pebbles system actually be in intercepting short-range, short-time-of-flight ballistic missiles? How many Brilliant Pebbles must be put in orbit to ensure that we would at all times have an adequate number over any one specific launch area, whether that be Cuba, Libya, or North Korea? That is a very challenging concept.

Mr. President, these are just a few of the questions I believe that have to be answered by those who would advocate deploying a space-based phase I system to counter Third World missile threats.

Mr. President, let me turn to the Bingaman-Shelby amendment itself. During the preceding 6 years of research, the congressional direction to the DSIO has been minimal, as the sponsors of the amendment have made quite clear. What guidance the DSIO has been given has been largely contained in sense-of-the-Congress provisions, report language, and speeches by individual Members. That nonbinding guidance has been largely ignored by SDIO Directors.

For example, 2½ years ago I made a speech in which I recommended that the SDIO examine options for what I called an "accidental launch protection system," or ALPS for short. Right after the speech, I suggested that SDIO evaluate what could be done with a system that would be compliant with the ABM Treaty, or with some minor modifications thereto, which

could be negotiated with the Soviet Union. I have repeated that message in subsequent speeches.

I do not expect SDIO to take note of my speeches. I know they do not take note of speeches by Senators. But the committee itself asked for a report on the cost of the ALPS system. In the conference report on the defense authorization bill that year, Congress endorsed the ALPS concept in a sense-of-the-Congress resolution.

I see the Senator from Missouri here. He has talked about it over and over again.

What has this meant to SDIO? Exactly zero. All of it has been to exactly zero effect to no avail whatsoever. Indeed, the acronym ALPS does not appear in the May 1990 SDI report.

Since late 1986, Mr. President, the SDIO has been seized with the idea of early deployment of a space-based phase I system. Senator DOMENICI, from New Mexico, made it abundantly clear this morning that that is what is wrong. We have to send them a message and that is what this amendment does. I am in favor of sending a clear policy message. I am not in favor of everything this amendment does, but we have gone through four different architectures in 4 different years. They had one at the June 1987 milestone review; by June 1988 they had scrapped it and devised another; by October 1988, this second one was gone, replaced by a third; and, last year, the SDIO went to Brilliant Pebbles which requires a still different architecture. There are now indications that the new SDI Director, Ambassador Cooper may favor further restructuring within the program. If so, that will make 5 new architectures in less than 4 years. As the GAO noted in a July 1990 report on SDI, all these changes introduce great turmoil into the SDI's research program. Whenever the architecture is changed, changes cascade through almost every element of the system.

Mr. President, in the case of the SDI program, the executive branch has not been exercising appropriate oversight or management. The amendment before us is, in my judgment, a clear step forward for the Congress to exercise greater oversight. But congressional oversight is not an effective substitute for lack of DOD management attention.

If the Pentagon is not providing management oversight over the SDI program, then who is? The answer is "no one," and I have therefore concluded with Senators BINGAMAN and SHELBY that it is incumbent on the Congress to do its best to provide additional oversight.

What gives me some concern about this amendment is that there are more line items established than I think is realistically practical. There are 11 of them and I think that is too many. I would like at some point to change some of the categories so we can understand what each one means.

My second concern is that while some of the line items deal with relatively self-contained activities like "theater defense activities," others, I fear, are at least as broad as those which SDIO itself has specified in their line items in the past.

My main reservation Mr. President, however about the Bingaman-Shelby amendment, is the way it singles out the Brilliant Pebbles program for special treatment. In their amendment, they have set a ceiling of $894 million for all other phase 1 activities except Brilliant Pebbles. However, Brilliant Pebbles is put in its own separate line, and is capped at this year's level of $129 million.

Mr. President, it seems to me phase 1 should be given more flexibility than that and that Brilliant Pebbles should be given more flexibility than that. I will be discussing that with the authors of this amendment as we go into conference, if the amendment is agreed to. I hope they will keep an open mind on the possibility of, within phase 1, giving more flexibility so we do not really say to the SDIO, we want you to go back to the old space-based interceptor garage concept. We really do not want to be applying that. I do not believe the Senate does.

I do not believe that phase 1 is an affordable system, with Brilliant Pebbles or without. But I see no good reason to constrain Brilliant Pebbles research to a greater extent than other programs within the overall constraints of funding for phase 1 systems.

What we really need to do is send them a message on phase 1 and tell them to get off this kick of the 1993 deployment decision, which does not make any sense fiscally, does not make any sense scientifically, and I do not think makes sense conceptually because phase 2 is nowhere near ready to go and phase 1 can be countered relatively cheaply by the Soviet Union.

So, Mr. President, that is the message I intend to send by my vote this morning for the Bingaman amendment. Our choice today is between the status quo and the Bingaman-Shelby amendment, and I urge our colleagues to vote for the Bingaman-Shelby amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in the discussions with the Senator from Wyoming, we discussed the possibility of shortening the time down and voting at 1 o'clock and splitting the time between now and then evenly between the proponents and opponents. I need to discuss that with the managers and see if that is an acceptable arrangement.

Mr. NUNN. Mr. President, may I suggest a procedure? I see the Senator from Virginia on the floor. He suggested it to me and I ask him to join in this, and that is the possibility of consolidating the remaining debate on the Warner amendment within the time for the debate here; whenever we get through with both debates, we go to a Bingaman-Shelby vote, which will be followed by a Warner vote that would only last 10 minutes. That way we would have both our votes take place, be consolidating our debate, and I think we would save 30 or 45 minutes.

Mr. BINGAMAN. I ask the Senator from Virginia if he would be agreeable to have a start on the Bingaman-Shelby vote at 1 o'clock and have that completed and then go on to his vote. Would he be able to complete his debate before that?

Mr. WARNER. After consultation with the Republican leader and others, that is quite agreeable, as I earlier stated to the distinguished chairman.

I will be happy to yield back my time.

Mr. BINGAMAN. I ask unanimous consent the vote on the Bingaman-Shelby amendment occur at 1 o'clock, to be immediately followed by a vote on the amendment by the Senator from Virginia, and that the time between now and 1 o'clock be equally divided between the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Ohio, who wishes to speak in favor of this amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 4 minutes with the time charged to the Senator from New Mexico.

Mr. GLENN. I thank my colleague from New Mexico. I am glad to support his amendment.

Mr. President, I rise to express my support both for the Bingaman-Shelby amendment which at long last will provide the Department of Defense with clear guidance on the direction of the SDI Program through the allocation of SDI funding among 11 budget lines, as well as express my support for a reduction in the Senate Armed Services Committee mark of $3.573 billion. I would like to take this opportunity to discuss my views and concerns with the strategic defense initiative.

No defense program merits closer and more critical scrutiny than the strategic defense initiative. Against today's sobering budgetary background is the latest strategic defense initiative organization's estimate that the first phase of a fully deployed SDI system along the lines advocated by President Reagan would cost approxi-

mately $47 billion. Considering that the price tag for weapons systems usually increase significantly from the drawing board to deployment, this is undoubtedly an overly optimistic figure. And it is important to remember that this represents only phase 1 of a projected multiphased system. A fully deployed, multilayered strategic defense system woud cost many times that.

With a Defense budget that is likely to plummet over the next several years, it is fairly obvious that America will simply be unable to afford SDI's deployment price tag for the foreseeable future.

Mr. President, when one expresses support for the SDI Program, it is important to distinguish between SDI research and SDI deployment. Most responsible officials support the need for continued SDI research. Research cannot be verified and we must continue with a strategic defense research program if only as a hedge against a Soviet breakout of the ABM Treaty to deploy their own SDI system. Indeed, U.S. strategic defense research was conducted long before President Reagan's March 1983 speech elevating strategic defense as the primary American national security goal. This research must continue, but at a more moderate, reasonable level consistent with the traditional, restrictive interpretation of the ABM Treaty.

Since it was first proposed, SDI has become one of the most controversial and expensive defense programs in history with almost $20 billion appropriated thus far. I have found many of the claims made by SDI proponents to be seriously overblown.

Mr. President, I have closely followed the state of our Nation's defense technology base since my days in the Mercury Space Program over 30 years ago. Since I have been in the Senate, I have made it a point to regularly visit our national laboratories not only to learn as much as I can about our state-or-the-art R&D efforts, but to obtain briefings by our leading scientists on the state of research on directed energy weapons and other advanced technologies necessary to make a fully deployed, multilayered strategic defense system function. These scientists believe that the breakthroughs necessary for many of these advanced technologies are some years away.

In addition to the technical feasibility issue, I am also concerned with the management of the SDI Program. Brilliant Pebbles is now being touted as the most promising approach to SDI deployment and is the basis for current phase 1 deployment estimates. Previously, a more economical phase 1 space-based interceptor [SBI] system was considered most promising. We have witnessed radical shifts in both SDI budget estimates and system priorities within the program—astrodome defense, SBI, Phase 1, and now Brilliant Pebbles. One cannot help but wonder what will be the next SDI panacea.

In its review of Brilliant Pebbles last December, the Defense Science Board stated that:

> The SDI Program appears to suffer from a conflict of purpose. At times the program has emphasized research on new and better technologies and concepts. At other times it has emphasized deployment of a system. These two aims are in competition.

Clearly, the SDI Program is poorly defined and seems to be constantly shifting its budgetary and strategic priorities largely based on shifting political factors.

Indeed, SDI seems to be a program in search of a valid strategic rational. In my view, neither the Reagan administration nor the Bush administration to date has put forward a truly persuasive argument that the deployment of strategic defenses would enhance rather than diminish our national security.

With Ronald Reagan's departure from the White House and the dwindling Defense budget, more attention has been focused on the deployment of comparatively modest strategic defense systems which could have varied missions. But none of these missions justifies the expenditure of the billions necessary to deploy even a limited defense system and undercut the ABM Treaty which has contributed so significantly to strategic stability.

The vast majority of experts dismiss the idea of a leakproof, continental population defense as technically impossible. As a comparatively economical alternative to President Reagan's impenetrable peace shield, SDI proponents have advocated several other partial strategic defense systems with varying missions: First, to protect our land-based missiles; second, to protect against an accidental or unauthorized ICBM launch; and finally, to protect against the ballistic missile proliferation threat.

A growing number of SDI proponents favor a partial defense of our missile fields and command centers arguing that such a partial defense would supplement and not replace our offensive nuclear force. A partial system, they argue, would introduce a crucial element or uncertainty into Soviet nuclear attack plans and would therefore buttress deterrence. This position turns President Reagan's rationale for SDI on its head; instead of making nuclear weapons obsolete, SDI would be used to protect and preserve them.

The Soviets should not be expected to trust that we would not be attempting to create a first strike capability with a partial defense. Certainly, we would be highly alarmed if the Soviets were to deploy a partial defense, and would undoubtedly suspect that the Soviets were attempting to build a first strike capability of their own. The essence of deterrence is the mutual vulnerability of both sides to a nuclear attack. Deployment of even a partial defense by either side will therefore exacerbate strategic insecurity and greatly increase the possibility of a nuclear crisis.

If the goal of SDI is to optimize the survivability of our land-based systems, would it not be ultimately less expensive and far more stabilizing from an arms control standpoint to take our existing land-based missiles out of their silos and deploy the most mobile, and therefore most survivable land-based missile we have available—the single-warhead Midgetman missile? To deploy two mobile system Midgetman and the rail-garrison MX, as well as a strategic defense system to attain the solitary goal of protecting our land-based deterrent would be an absurd waste of increasingly scarce resources. We can only afford so much redundancy in our strategic arsenal. The Midgetman unquestionably carries a high price tag, but it is worth the investment if we determine that it is in our national security interest to proceed with deployment of a new strategic system. The midgetman system is far more survivable than the MX and makes eminently more strategic sense than a deployed SDI system.

Mr. President, advocates of SDI, mindful of the growing skepticism of even a partial SDI deployment to protect our land-based missiles have embraced the idea of deploying an accidental launch protection system [ALPS] to deal with the possibility of an accidental or unauthorized missile launch. Proponents argue that an ALPS system could be deployed within the confines of the 1972 ABM Treaty or with modest amendment to that agreement.

However, the ALPS approach to strategic defense is merely the replacement of one bad idea with another. Like President Reagan's original SDI vision of an Astrodome defense, an ALPS defense is neither desirable nor necessary.

First, one cannot deter as accident. If we are to have an adequate defense to ensure against any accidental nuclear launch, such a system would have to be nationwide and would thereby seriously erode the ABM Treaty which prohibits nationwide defense and permits deployment of a defense system at just one site. Additional defense sites and interceptors would undoubtedly be needed not only to protect against the possibility of an accidental Soviet land-based missile launch, but submarine launched missiles based in the Atlantic and Pacific as well. The United States would certainly feel threatened if the Soviets were to deploy such a nationwide defensive

network, regardless of the stated rationale for such a system.

In addition, the threat of accidental or unauthorized nuclear launch is extremely remote. The United States has stringent safeguards to prevent the unauthorized launch of its missiles and there can be little doubt that the intensely cautious Soviets have a nuclear weapon safeguard system that is at least as vigorous as our own. Particularly in the current budget environment, we can ill-afford to spend billions of dollars to counter a threat that is so remote.

Finally, if there is sufficient concern about the need to counter the threat of accidental or unauthorized launch of Soviet missiles, there are cheaper and far less destabilizing ways to attain that goal. Under the proposed START agreement, substantial reductions in the number of strategic nuclear delivery systems of both sides will logically mean a significant, proportional reduction in the threat of Soviet accidental or unauthorized launch. We should also consider sharing our permissive action link [PAL] technology which protects United States nuclear weapons from misuse with the Soviets to foil any potential accidental or nuclear lanuch threat, as well as consider a joint agreement to equip missiles with in-flight destruct mechanisms like those on space-launch vehicles and test missiles.

Mr. President, the latest, and to a growing number of individuals, most compelling rationale for a partial strategic defense system is to protect against the growing threat of missile proliferation in the Third World.

While no one should diminish the dangers posed by the proliferation of ballistic missiles, it is important to remember that ballistic missile proliferation raises more concerns about regional stability than any direct threat to the United States. These weapons are not likely to be aimed at the United States but at other regional enemies: For example, India at Pakistan, South Africa at its African neighbors, Arab nations at Israel, and vice versa.

Most of these missile proliferant nations will not be able to develop the technology base to deploy intercontinental ballistic missiles capable of reaching the United States any time soon. In addition, it is difficult to imagine the leadership of any country making the determination that it would serve its national interests by launching nuclear weapons at the United States, particularly when it could be assured that it would be decimated by a retaliatory U.S. nuclear strike. Does anyone seriously believe that the United States needs to rush out and deploy a multibillion-dollar SDI system to protect against the possible future threat of Brazil lobbing a nuclear equipped ICBM at the United States?

At the core of nuclear deterrence doctrine is the assumption that a nation's decisionmakers are rational and will act in a way to preserve their nation's survival. Despite the fact that there are some fairly unstable leaders in the world and we have a fondness for characterizing leaders like Saddam Hussein of Iraq and Libya's Mu'ammar Qadhafi as insane, there is little reason to think that such leaders would be immune to fairly straightforward considerations of continued survival.

Besides, why deliver a nuclear device to U.S. territory on a system that would clearly identify you as the perpetrator and ensure your destruction? It is far easier and cheaper for a determined fanatic to deliver a nuclear weapon to U.S. soil by transporting it in a pleasure boat, a civilian aircraft, or even a hefty piece of Samsonite luggage—these are the most likely nuclear delivery vehicles of choice for the world's 21st century terrorists. And no strategic defense system in the world will protect against that threat.

The pressure currently being exerted to deploy even a partial strategic defense system is clearly not based on any threatening change in the strategic status quo, but is instead motivated to a large extent by myopic political factors—primarily the desire to lock this and future administrations into support for SDI deployment and build up a domestic constituency for the program.

America has always invested in a redundant, three-legged strategic deterrent of air-, sea-, and ground-based systems to provide ourselves with an optimally survivable force structure. There is already sufficient redundancy in our strategic forces by virtue of this triad. Indeed, America's three-legged strategic deterrent is looking increasingly like an octopus. What sense does it make to stubbornly persist in the acquisition of new, extraordinarily expensive strategic systems such as SDI that contribute little if anything to an already stable strategic environment?

Mr. President, given our present budgetary climate, there is greater pressure than ever before to reduce defense spending on questionable defense programs that will divert increasingly scarce resources from more compelling national defense priorities. We need to focus more attention and resources on an equitable pay rate for our military personnel, cleaning up the long-neglected DOE nuclear weapons production complex, funding increasingly important but expensive arms control monitoring capabilities, and modernizing the conventional forces that will be left to us in a post-CFE environment.

Mr. President, it is foolish and irresponsible to continue to fund SDI at such high levels when these and other more compelling national security priorities are not receiving adequate attention.

To summarize, Mr. President, I feel this amendment does give some guidance to this program. I think what has happen in the program is too often there has been an attempt to move this program to deployment before the research was done. That has been the basic problem.

Now with the deployment that is being contemplated, we are talking about something like $47 billion for just a partial system, a system that would require new follow-on, new research breakthroughs before we would be able to accomplish the second part of that system. And nobody even knows how much that might cost.

Mr. President, the problem with this has been the competition between research and deployment.

I think the history of this program shows that we have not been able to deploy, when people were pushing to do exactly that. Remember the astrodome defense? It is going to be like a great blanket over this country, a tent that would prevent any nuclear weapons from getting through.

I remember General Abrahamson used to tell us all the time that unless we have that whole system ready to deploy, it does not pay to deploy part of that system. Because when we are talking about thousands of warheads, if only 5 or 10 percent get through that 5 or 10 percent can obliterate our Nation. It would not be worth putting the whole system up unless it was a leakproof program. That went down the drain.

Then we went to space-based interceptors. We talked about SBI. Then we went to phase 1. Now we are talking about deploying Brilliant Pebbles and some of the other technologies out of phase 1.

What has this meant? Since the President announced this program in March 1983, until Brilliant Pebbles was really announced in about mid-1988, in that 5-year period we have emphasized four different basic concepts. People have been wasting money on deployment, more for political factors than anything else. We should have been keeping this money tied into, basic research which benefits our overall defense posture.

We are not going to have a leakproof continental population protector for everybody. We know that. But if we want to go to first protecting our land-based missiles or protecting against accidental launch, we could go to all sorts of systems. If we really want to go to that kind of a system for these special situations, it does not make any sense at all to start deploying the larger program that has been talked about in the past.

If the goal of SDI is to optimize the survivability of our land-based sys-

tems, would it not be ultimately less expensive and far more stabilizing from an arms control standpoint to take our existing missiles out of their silos and deploy the most mobile and, therefore, the most survivable land-based missile we have, the single warhead Midgetman? With that we get mobility, a guaranteed retaliation. If we are talking about that kind of survivability, we can get that if we just go ahead with mobile programs such as midgetman instead of SDI.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Who yields time?

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KENNEDY. Mr. President, I urge the Senate to support the Bingaman-Shelby amendment.

Over the past 6 years, Congress has written a $20 billion blank check to the Pentagon for star wars, and it's time we cancelled that extravagant and unjustifiable line of credit.

The pending amendment initiates a process of congressional oversight and supervison of star wars that should have been in place from the beginning.

In the absence of such controls, star wars has become a relic of the Pentagon "Days of Weinberger and Roses"—when the Soviet Union was an evil empire, when the Berlin wall was up, and when the Pentagon had an open faucet at the Treasury to spend untold billions of dollars trying to build a mind-boggling astrodome over the United States.

The strategic defense initiative continues to careen down various paths, all of which involve the early deployment of missile defenses. In the last 3 years, it has moved through three radically different concepts for space-based defenses.

Continuing on these paths now threatens not only to bankrupt the Treasury, but to undermine our security by provoking a nuclear arms race in space by the United States and the Soviet Union, just as our two nations are on the verge of achieving limits and even reductions on strategic offensive forces.

This amendment shifts star wars away from its narrow focus on immediate deployment of defenses, regardless of their cost or effectiveness. The amendment emphasizes more appropriate goals for SDI—examining the practicality of ICBM and theater missile defenses, and providing long-term research for follow-on technologies.

A return to these goals now will permit substantial savings in research on SDI, and it will ensure that such research will be in the area of most benefit to our national security.

And I hope very much that when and if the budget summit agreement is finally reached, we will have our priorities straight—and begin spending far more of our limited resources on star schools, and far less on star wars.

The PRESIDING OFFICER. Who yield time?

Mr. BINGAMAN. Mr. President, I reserve the remainder of out time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

Mr. WALLOP. I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I have statement from Senator D'Amato which he wants me to read for him:

I very recently had the opportunity to review the letter from President Bush to Senator WARNER setting forth his concerns about the substance of the Bingaman-Shelby amendment. I find the President's position to be clear and compelling

Additionally, the extraordinarily dangerous situation in the Middle East and the irrational conduct of Iraq has convinced me that this is not the time for the Congress to begin to micromanage the SDI Program.

Because of these concerns, I am asking unanimous consent to remove my name as a cosponsor of the Bingaman-Shelby amendment.

Mr. President, in view of Senator D'AMATO's request, I ask unanimous consent that his name be withdrawn from the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BOND. Mr. President, last year at this time I came to the floor and offered an amendment to take a first step toward protecting our Nation against the threat of ballistic missile attack from third countries by deploying an accidental launch protection system. Forty-five Members of this body supported that proposal.

Mr. President, after listening to the debate over the past few days, I am convinced many Members believe in the need for ALPS, and I believe the invasion of Kuwait makes that need more compelling. We need the ability to protect the people of America from a missile attack by terrorist and Third World countries, and we need to continue joint efforts, such as the Arrow program, to defend our allies.

I agree with much that has been said by the distinguished Senators from Alabama and Mississippi. But I do not believe that means we should deal a death blow to the many other promising technologies under development as part of the SDI Program. As my distinguished colleague from Wyoming has pointed out and argued so eloquently, it would be a mistake to curtail our research efforts.

In addition, I do not believe it is appropriate to put tight restrictions on, or micromanage the defense budget, as the chairman of the Armed Services Committee pointed out. I know a few examples where a few programs have been improved by micromanagement.

In conclusion, I point again to the compelling arguments of the Senator from Wyoming and urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. WALLOP. Mr. President, I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. WILSON. Mr. President, the Senator from Missouri spoke of the necessity to be able to protect Americans from attack. I have just seen a dispatch that indicates that there has been the seizure by Iraqi troops of an American-driven oil tanker docked at a Kuwait seaport. The crew, 20 Americans, were taken off the vessel, the *Sea Wolf.* It is owned by the American firm of Crowley Maritime. It was docked at Shuwaikh.

Mr. President, this is the kind of escalating recklessness on the part of Saddam Hussein that makes all the more pertinent the amendment of the Senator from Virginia.

The same Hussein who says "With the help of Allah, we shall reach that region of American influence. Our missiles cannot reach Washington, but if they could we would hit there as necessary. However, we can still strike at Washington in other ways, at other U.S. targets in the world."

We should not only support the Warner amendment, but we will need to support the President of the United States in taking decisive action against this kind of threat.

Mr. WALLOP. I yield 1 minute to the Senator from Indiana.

Mr. COATS. Mr. President, I rise today today to oppose the amendment by the Senators from New Mexico and Alabama. This amendment would create a congressionally controlled, micro-managed budget for the Strategic Defense Initiative and place ceilings on each of the newly created program elements. These ceilings are intended to redirect the SDI away from near-term deployment of space-based systems and toward long-term research on more distant technologies. The ceilings also protect funding for ground based interceptor systems. This approach would be a fundamental departure from past congressional treatment of SDI and represent a radical restructuring of the program's management.

This amendment represents an attempt to micromanage the definition

and implementation of SDI, a key component of the President's national security policy. It violates a key guideline used by the Senate Armed Services Committee in preparing this bill—"To reduce congressional micro-management of defense programs." Its passage would directly usurp President's Bush's constitutional prerogative to shape defense policy. In passing this amendment we would once again be masquerading as commander in chief. In so stepping beyond our traditional role we run the risk of a Presidential veto of this very important bill.

The Bingaman-Shelby amendment represents more than a simple change in congressional treatment of the SDI program. It attempts to legislate a particular model of deterrence, direct the course of United States-Soviet arms control negotiations and severely limit United States defense options. It thus deserves close examination and thorough debate.

The proponents of this amendment have asserted that they are merely exercising a type of congressional oversight that is common to all other defense programs. This statement is misleading. It fails to recognize the unique nature of SDI. The Strategic Defense Initiative is not yet a weapons deployment program, it is a diverse and flexible technology demonstration program designed to explore and develop promising emerging technologies. For the time being, SDI's mission is to provide the President information he requires to make an informed decision on future U.S. policy regarding ballistic missile defenses. This amendment preempts the President, denying him information and limiting his decisionmaking ability before he has even made a concrete proposal on deployment.

The so-called phase one strategic defense system [SDS], which is considered a promising architecture for an initial deployment of ballistic missle defenses, remains a mere planning model, not a deployment program that has been presented to the Congress for oversight. In making the heralded deployment decision in the 1992–93 timeframe, the President is in no way chained to phase one as currently defined. He could just as easily choose another architecture, modify phase one, or decide that it is premature to deploy a strategic defense system.

In making this decision, the President needs all available information if the national interest is to be well served. In developing this information, the Strategic Defense Initiative Organization [SDIO] requires full control over the program while it remains in the demonstration and validation phase. The amendment by the Senators from New Mexico and Alabama denies this flexibility and hence part of the information the President has requested. The Congress will be given ample opportunity to comment upon and oversee deployment of a strategic defense system once the President has made a concrete decision; now is not the appropriate time for such heavy-handed congressional intervention.

Ceilings or other fences would severely complicate efficient management of the SDI program. Since most of the technologies being explored are complex and truly revolutionary, SDIO requires maximum flexibility to exploit breakthroughs and otherwise place emphasis on the most promising technologies. This flexibility is needed not only to exploit promising technologies, it is also required to reduce costs. Ironically, congressional micromanagement at this stage could actually drive costs up.

It is a serious burden to have Congress attempting to manage a program as complicated as the SDI, especially during a formative stage. Congress is ill equipped for this task. In fact, an examination of the ceilings contained in this amendment clearly reveals that Congress lacks the technical knowledge to manage such a complex program. The ceilings, though reflecting a particular philosophy, are essentially random; they are obviously not the product of careful analysis conducted by technical experts.

The Bingaman-Shelby amendment is based entirely on questionable assumptions. It poses a false choice between two supposedly clear paths. The first is allegedly an unaffordable and technically risky crash program; one which will derail the Strategic Arms Reduction Talks [START], signal the beginning of a new cold war and provide less than marginal protection against attack. This, of course, is the image the amendment's sponsors are attempting to attach to the current approach to SDI. The second path would allegedly establish a more stable relationship with the Soviet Union through arms control negotiations while the United States continues research on distant technologies.

This dichotomy is patently false. In stating that deployment of a strategic defense system will cause the Soviets to abrogate start or withdraw from negotiations, this amendment simply echoes stale Soviet propaganda. In my view, the deployment of ballistic missile defenses, including some form of phase one system, is entirely consistent with start and future United States-Soviet negotiations. As the two sides reduce their emphasis on strategic offensive forces, limited defenses could contribute significantly to stability and deterrence. Deep cuts in strategic nuclear forces could actually reduce stability if remaining forces become more vulnerable. This would be particularly worrisome if the United States abandons mobility for the future ICBM force. Limited ballistic missle defenses could reduce this vulnerability, thereby strengthening stability and deterrence.

Deployment of even a limited strategic defense system would also provide a significant hedge against Soviet cheating. As the May 1990 SDIO report explains, "This insurance would be particularly important because the reductions resulting from a start treaty would increase the marginal importance of each offensive weapon and thus the military significance of cheating." Given the Soviets' aggressive and multifaceted mobile ICBM program, this concern is all the more real.

The Bingaman-Shelby amendment also seems to dismiss the United States negotiating position in the United States-Soviet defense and space talks as unrealistic and misguided. The United States delegation is now attempting to gain Soviet support for a cooperative transition away from an offense-only deterrent relationship to a more balanced mix of offensive and defensive forces. Passage of this amendment would undermine the U.S. position in the defense and space talks and block movement toward a more balanced deterrent relationship.

For those who assume that the Soviets would never agree to such a transition, I draw your attention to the joint statement on future negotiations on nuclear and space arms, signed at the Washington Summit Meeting this June. The joint statement encourages the sides to seek, and I quote, "Agreements that improve stability, remove incentives for a nuclear first strike, and implement an appropriate relationship between strategic offenses and defenses." This statement assumes that the existing relationship between strategic offenses and defenses is other than appropriate. I would certainly agree.

For additional evidence of this growing Soviet interest in such a defense transition one need only examine a recent study by the national institute for public policy, which examined Soviet statements sympathetic to mutual deployments of ballistic missile defenses. The institute surveyed writings by Soviet military, political and technical experts and discovered an emerging interest in modifying the existing offense—only deterrent relationship. Let me quote some selected passages. Writing in a March 1990 issue of the Soviet Journal "Sovetskaya Rossiya", Major General Belous wrote as follows:

> Some of the arguments put forward by SDI's champions require careful consideration. The world today is bipolar, but in the near future it will become multipolar. Whereas today there are eight states on the "nuclear threshold," capable of crossing it and beginning production of mass-destruction weapons, by the end of the 20th century there will probably be 20 such states. They will also possess missile technology. All this will considerably increase the risk of

both deliberate and accidental nuclear conflict.

Based on this concern, General Belous continued with the following advice:

Mindful of current realities, we should hardly deny the possibility of reasonable compromises in the future and the development of defenses for the U.S. and U.S.S.R. territory against accidental missile launches or blackmail attempts and threats made by third countries.

Members of the Soviet foreign policy hierarchy have also expressed an interest in cooperatively establishing a new deterrent relationship based more on defense. For example, writing in a ministry of foreign affairs journal in 1989, Ednan Agayev, a Second Secretary of the International Organizations Department, made the following observation:

Under the ABM Treaty the U.S.S.R. and the U.S.A. gave up the development of defensive strategic systems in favor of offensive arms. The logic of their choice was quite understandable. But, as it was once pointed out by Rene Descartes, who was a strict logician, in order to get to the truth it is necessary to call everything in question. And hasn't the present "offensive deterrence" been long ripe for that? The only modern deterrence is defensive. And its prerequisites, even if they are only intellectual, already exist.

Another Soviet foreign ministry official, Mikhail Aleksandrov, writing in the December 1989 issue of "Soviet Military Review," followed similar reasoning:

It appears that if the trend towards the development of defense technologies is correctly oriented, it may, far from leading to destabilization, result in a better model of strategic stability than the one we have. . . . The model of defense domination will make it possible to switch over, in deed, and not in word, to a defensive military doctrine at all levels of confrontation.

While we should not make too much of these statements, they are symbolic of a growing interest on the part of Soviet officials to seriously consider a reordering of deterrence. Ambassador Smith, the chief U.S. negotiator at the defense and space talks, has expressed considerable hope that the Soviets are moving toward the United States position, and he has also pointed to "the fascinating Soviet public debate on the value of defenses, made possible by glasnost and new thinking." The mere fact that such a debate has surfaced in the public media indicates that it is serious and officially condoned. If the Soviets are serious about their enunciated defensive doctrine, then such a transition should appear quite appealing. The last thing we should be doing at this point in time is to discourage this shift in Soviet thinking.

The amendment by the Senators from New Mexico and Alabama, in dismissing the importance of near-term deployment of a strategic defense system and focusing on long-term research and development, also seems to imply that the current international security environment is benign while the future may be more threatening. While the future remains too uncertain to predict, the present international security environment is not free of danger. I remind the Senate that the Soviet ballistic missile threat the United States today has in no way diminished. The Soviet Union continues with vigorous modernization programs for both land-based and sea-based ballistic missiles, including two new mobile ICMB's, a new version of the huge SS-18 ICMB and two submarine launched ballistic missiles.

It seems somewhat ironic, therefore, that this amendment focuses on promising long-term technologies at the expense of promising near-term technologies. I am a firm supporter of a balanced SDI program, one which does not risk development of follow-on technologies for the sake of more rapid near-term deployment, but I am convinced that this amendment will not foster balance.

It seems ironic that this amendment favors both ends of SDI's technological spectrum at the expense of the most promising and revolutionary near-term technologies, especially Brilliant Pebbles. On the one hand the amendment dismisses the need for a phase one strategic defense system, and at the same time promotes an ABM treaty compliant limited protection system. In this regard, it seems odd that both the Senator from New Mexico and the Senator from Alabama opposed funding such an ALPS system during the Senate's consideration of last year's defense authorization bill. Now, however, their amendment informs us that such a system is necessary. Unfortunately, 100 ground-based interceptors based at a single location will offer only marginal protection against ballistic missile attack. In fact, it would not even cover the entire continental United States. While I support such a limited system as a good starting point, I do not see the utility in making such a system our only deployment effort.

The amendment's ceiling on the Brilliant Pebbles space-based interceptor program precludes development of the most promising technology for countering accidental, unauthorized or terrorist ballistic missile attacks. Brilliant Pebbles could very well turn out to be the most cost effective technology for such a limited protection system, especially if deployed in conjunction with ground-based systems.

The amendment's support for theater missile defense also appears somewhat contradictory. Seemingly, the only theater that the Senators from New Mexico and Alabama do not want to meaningfully defend is the continental United States. I am a firm supporter of theater missile defense, but I do not see how one can support robust defenses for allied territory while limiting protection of the United States to a single limited protection site.

It is probably true that the likelihood of a ballistic missile attack on Israel, for example, is greater today than a Soviet attack on the United States. Given this concern, the Arrow anti-tactical ballistic missile program makes a great deal of sense. I am a firm supported of the Arrow. Earlier this year I wrote to Secretary of Defense Cheney urging him to proceed expeditiously with a follow-on Arrow program and to add funds in fiscal year 1991 for that purpose. I reject the notion, however, that any U.S. ally should be afforded defenses against ballistic missile attack which the American people are denied.

I believe that the Senate would be better served by supporting the Warner amendment on this subject. We do not need to put a ceiling on the theater missile defense portion of the SDI budget in order to ensure the prosperity of these programs. The Arrow and the other theater missile defense programs in this category enjoy full support in the administration. The Warner amendment is a responsible way to express congressional support for these programs without the micromanagement which makes the Bingaman-Shelby amendment so problematic.

I disagree with the notion, which seems to be the underlying philosophy of the Bingaman-Shelby amendment, that there is little utility in a less-than-perfect strategic defense system, except against a very limited accidental launch. Even moderately effective strategic defenses can make a signficant near-term contribution to stability by initiating what promises to become a new United States-Soviet deterrent relationship. Such a relationship, once established, would be stable and enduring; it could be a major component of a new post-cold war international security order. A U.S. strategic defense system would not need to be 100-percent effective against a massive soviet attack to contribute to a stable deterrent. I am struck at how rooted in cold war thinking this assumption is; it assumes that deterrence is solely a function of threatened offensive nuclear retaliation. In fact, by merely complicating the planning of any prospective attacker, Soviet or otherwise, limited ballistic missile defenses, including some form of phase one system, could significantly bolster deterrence.

It is unfair and misleading to judge SDI by a standard that has never been used in evaluating offensive forces. Neither offensive or defensive forces need to have a near-perfect warfighting capability in order to contribute to deterrence. It is thus ironic that many of those who are least critical and de-

manding in judging the deterrent contribution of strategic offensive forces simultaneously set such a high and unreasonable standard for SDI.

In conclusion, Mr. President, let me reiterate that the amendment by the Senators from New Mexico and Alabama sets forth a misleading choice. Near-term deployment of a less-than-perfect strategic defense system would not signal the end of arms control and a breakdown in United States-Soviet relations. To the contrary, such deployments could stabilize a start treaty regime while providing the basis for a cooperative transition to a more defense oriented United States-Soviet relationship. Deployment of a phase one strategic defense system would also not undermine prospects for followon SDI technologies. Without modernization, a strategic defense system would eventually become obsolete. It is thus in the interest of the SDIO and proponents of strategic defense to ensure that research and development on followon components of SDI remain properly funded. I, for one, would not support deployment of phase one at the expense of followon technologies.

Let me also reiterate that this amendment is a gross intrusion into President Bush's formulation of U.S. national security policy. The President has expressed his strong opposition to this amendment and it is likely that its passage would cause this bill to be vetoed.

Finally, Mr. President, let us be clear on what the amendment by the Senators from New Mexico and Alabama would actually do. It would begin to reorient the SDI program toward a research-only project, denying the American people active defenses against ballistic missile attack, a form of protection most already assume they have. Senate approval of this amendment would be the beginning of the end of the stagic defense initiative.

This amendment explicitly rejects the need to create and deploy a strategic defense system. This was the U.S. approach between 1972, with the signing of the ABM Treaty, and 1983, when President Reagan announced the SDI. This amendment would take us back in time to the pre-1983 approach. This was a time when threatening to kill millions of innocent soviet citizens was our primary means of enforcing deterrence. Today we have a real alternative to mutual assured destruction. This amendment, unfortunately, prevents us from finally disposing of this immoral and unnatural form of deterrence. American interests and global security would be better served by encouraging the Soviet Union to move in the direction of a defense and space agreement that codifies a stabilizing and balanced deterrent relationship between the United States and the Soviet Union. I urge my colleagues not to obstruct this process.

Mr. President, in my statement, I have indicated my opposition to the Bingaman-Shelby amendment. It does micromanage a system that needs flexibility. I think in exploring emerging technologies and achieving the breakthoughs we need, we need all the flexibilities we can get.

Second, it places a ceiling on Brilliant Pebbles, which I think precludes, or may preclude, development of one of the most promising and perhaps one of the most needed technologies to deal with the threat we face in the future.

Third, I fear that it is the beginning of the end of exploration of a program that offers the opportunity to finally rid ourselves ultimately of a doctrine that has to be morally reprehensible to all of us, and that is the doctrine of mutually assured destruction. We spend billions, and hundreds of billions of dollars, to perpeturate that system. Obviously we will need it in the future for a number of years, but I hate to turn our back on something that offers a chance to finally rid ourselves of that.

Mr. WALLOP. Mr. President, I yield myself the remainder of the time allocated.

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes, 15 seconds.

Mr. WALLOP. Mr. President, I ask unanimous consent that a letter from our chief negotiator to the negotiations on nuclear and space arms with the Soviet Union, Ambassador David Smith, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DELEGATION TO THE NEGOTIATIONS ON NUCLEAR AND SPACE ARMS WITH THE SOVIET UNION,
Geneva, Switzerland, August 3, 1990.

Senator BOB DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am writing to urge you and your Senate colleagues to oppose the Bingaman-Shelby amendment to the Defense Authorization Bill. I know that our SDIO Director, Ambassador Cooper, has already shared with you the debilitating effect this amendment would have on the SDI program. I would like to tell you how this amendment would undercut the United States in the Defense and Space Talks in Geneva.

Our talks are at what I would call the conceptual stage, similar to the negotiations which took place in the early and mid-1980s in START. Then we had to convince the Soviets that Western concepts of deterrence and stability would enhance not just our, but also their security. We are now seeing the fruit of those patient and determined efforts in the emerging START Treaty and in the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, issued at the Washington Summit in June.

Now, my Geneva negotiating team and I have a similar challenge, this time on the defense side.

We are encouraged by small, but nevertheless real, Soviet steps here at the talks on predictability, or confidence-building measures. We are even more hopeful that the fascinating Soviet public debate on the value of defenses, made possible by glasnost and new thinking, will turn up patches of common ground which we can work to expand here in Geneva. It is clear that a number of knowledgeable Soviets agree that a safer, more stable strategic balance can be achieved by increasing reliance on defenses. This would be for the good of both countries, and a negotiated, cooperative transition to this safer balance may be achievable. This would be the first cooperative transition since the dawn of the nuclear era.

However, I must tell you frankly, our work in Geneva to seek Soviet agreement on ways to strengthen deterrence will be insufficient without a strong SDI program. If the Soviet Union is going to join hands with us in designing this safer world, it must see that it is technologically feasible and that America is determined to get there. This will mean diverting some of the still considerable money, manpower, technology resources, and political commitment the Soviet Union now applies to its extensive strategic offensive nuclear weapons. Only the knowledge that the United States is proceeding with a credible strategic defense program will provide incentive to do this.

If we can expand the footholds of common ground we see emerging, if our SDI program is progressing in accordance with the realistic timeable established by President Bush, there will be an opportunity for success in the Defense and Space Talks. The President's timeable, a realistic schedule for a Phase I deployment, and our proposals here in Geneva would converge to allow time for ample discussion of all relevant issues and negotiation of a cooperative transition. If, however, Secretary Cheney and Ambassador Cooper are prevented from running the SDI program in a way which supports President Bush's plan to make a decision within his first term in office, I see no hope of success at the Geneva talks. I am convinced that the Bingaman-Shelby amendment would constrain the program in a way that can only pull the rug out from under my negotiation team and me.

Best regards,

DAVID J. SMITH,
Chief Negotiator,
Defense and Space Talks.

Mr. WALLOP. Mr. President, I draw to the attention of my colleagues the following statement concluding this letter "I am convinced that the Bingaman-Shelby amendment would constrain the program in a way that can only pull the rug out from under my negotiating team and me."

Mr. President, I further ask unanimous consent on behalf of Senator WARNER that a letter from the President to Senator WARNER with regard to this topic be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, August 3, 1990.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: I am writing to underscore the importance of the SDI program and express my concern about Congressional action to further cut SDI funds or restrict our ability to manage the program.

When I entered office, I ordered a thorough review of the SDI program—both the progress of its technology and our policy governing it. I concluded that SDI had made tremendous progress toward giving us the technological means to strengthen deterrence through introducing defenses. As the technology matures, we will need to conduct rigorous and realistic tests—consistent with the ABM Treaty—in order to make an informed decision on the feasibility of defenses. To fund these tests I asked for an increased in the SDI budget, even as we faced an overall cut in the Defense budget.

Nonetheless, in marking up the Defense Authorization Bill, the Senate Armed Services Committee has cut almost a billion dollars from my SDI request. The House seems determined to cut more. But a vote to cut SDI below the Senate Armed Services Committee mark will force us to delay critical tests and cancel contracts, and therefore is essentially a vote against strategic defense for America. Some in the Senate are also seeking to manage the SDI program themselves by cutting my request for the most promising SDI technologies. In many ways this is more serious than a funding cut. As Congress imposes cuts in the Defense Budget, at the very least, I need flexiblity to manage our programs. Moreover, it makes little sense to force us to forego realistic tests of promising SDI technologies.

As you and your colleagues consider the Defense Bill, I hope you will take into account the tremendous progress and promise of SDI, and will provide us with the means to manage an effective program. SDI will be among the most important factors in my evaluation of the Defense Authorization Bill.

Sincerely,

GEORGE BUSH.

Mr. WALLOP. Mr. President, let me quote from that letter.

It said: "In many ways this is more serious than a funding cut," speaking of the Bingaman-Shelby amendment—

As Congress imposes cuts in the Defense Budget, at the very least, I need flexibility to manage our programs. Moreover, it makes little sense to force us to forego realistic tests of promising SDI technologies.

As you and your colleagues consider the Defense Bill, I hope you will take into account the tremendous progress and promise of SDI, and will provide us with the means to manage an effective program. SDI will be among the most important factors in my evaluation of the Defense Authorization Bill.

Mr. President, there have been a lot of strawman arguments and other misinformation scattered around and about here. Let me suggest that things have changed since SDI made its determination that phase II would have to be ready before a commitment to phase I, speaking to the remarks of the Senator from Georgia. Phase I is more robust than the phase I architecture of 3 years ago because of Brilliant Pebbles, and it can kill missiles much cheaper. The countermeasure environment is entirely different than it was then. We no longer expect the same countermeasures because of stark constraints in costs. Scientists from Los Alamos also point out that the new neutral particle beam system, not as a weapon but a discrimination sensor, will extend the vitality of Brilliant Pebbles against robust decoys.

I also point out that under START constraints Brilliant Pebbles is cost effectively overaugmented to meet a robust threat. The administration would like to spend more on phase II but Congress once again keeps cutting the funding and keeps denying us this promise.

Mr. President, we are at a crossroads and this debate has illuminated the choice. It is a basic choice as to whether or not the American people will be allowed to reap the harvest of this technology, or whether they will only be allowed to reap the harvest of politics which will create a sort of white collar entitlement fund.

That is where we are. Will we defend with real things to shoot down real missiles that are really in the world, or will we simply continue to do what historically we have done in the past, to get a morsel of meat about to be brought in from the kitchen and instead see it diverted, and get only another bowl of polenta? Will we accept politically arrived at costs, like Senator NUNN's figures of $123 billion, a construct figure that does not reflect the GAO study any more than it reflects the SDI and Department of Defense studies? And if that is the case, and costs are the problem, I say again to my colleagues, why spend anything at all? If we cannot develop and deploy technology why not just abandon it, if we cannot afford it when it comes down here?

The question really is can we afford to survive? The threat is real, and both sides have acknowledged that. We agree. All of us in here agree that Israel deserves and has real need for an ATBM capability as quickly as possible. Mr. President, I agree. But if Israel needs protection, why deny it to the American people when we have both the same right to be defended and the same threat lying on the doorstep.

Would the sponsors simply by way of closing tell the American people why they should be denied a defense and yet why we should help supply Israel with her own defense? The Bingaman-Shelby amendment provides no timetable for U.S. defense. It provides no promise of any concrete technical achievement. It provides no goal, only more study. Once again, on the threshold of technical success, we retreat from doing anything useful.

So history is repeating itself. So long as Congress denies the American people the ability to achieve the harvest of the progress of America's technological investment, so then will the Congress fail the American people in the responsibility which it owes them.

America will suffer, the danger will grow and, only thing that will grow in addition will be a welfare program for hometown constituents. The $400 million taken out of the Phase I architecture goes to the labs of the States of the two sponsors. It is basically nothing more than that—denying us capability, crippling our arms control process, which in fact I state again was the position of Secretaries Shevardnadze and Baker that we need a more stable balance between offenses and defenses.

The PRESIDING OFFICER. All time controlled by the Senator from Wyoming has expired.

Mr. BINGAMAN. I yield 2 minutes to my cosponsor, the Senator from Alabama.

RESPONSE TO COMMENTS

Mr. SHELBY. Mr. President, it is with regret that I respond to the comments of my distinguished colleague from Wyoming, because we have historically been on the same side on SDI debates. However, his comments reflect several misconceptions about the intent and provisions of this amendment, which I feel compelled to clear up.

First, I was opposed to any reduction of the administration's budget request for SDI. However, I receded to the majority view that defense cuts had to be made and that SDI should not be immune to such cuts. In the past, I have managed the floor debate on behalf of the proponents of SDI against attempts to cut back SDI. I believe that my record is clear on this issue.

I agree with the Senator's desire to see the program produce an actual, near-term defense capability. This is why the amendment funds treaty-compliant systems at the requested level and provides almost $50 million in additional funding for theater missile defense systems. The need for the enhancement of our theater missile defense work has never been more clearly demonstrated than by the events of the past few days.

I am concerned that we do not violate the ABM Treaty process. If we develop, test, or deploy a system containing space-based weapons, we clearly violate the treaty; therefore, the amendment calls for deferral of deployment of the Phase I system, containing thousands of space-based brilliant pebbles, and adherence to the restrictions on development and testing of space weapons. Only one ground-based site, with 100 interceptors, is allowed by the treaty, and the amend-

ment supports a deployment of that type.

I know there are those who think the ABM treaty has outlived its's usefulness and it should be scrapped. However, the impending START agreements, and the Soviets have made it clear that violation of the treaty is a basis for their withdrawal from the START agreement. We simply cannot, on the one hand, embrace an impending arms reduction agreement, while, on the other hand we the other hand, we violate an existing arms control treaty.

Adherence to the ABM treaty is a two-way street. Our Government bitterly complained when the Soviets violated the ABM Treaty by building a radar at Kransnoyarsk which did not comply with the provisions of the treaty. It is my understanding that the Soviets have recently indicated a willingness to dismantle the Krasnoyarsk radar, in deference to our repeated objections. Is it reasonable now to violate the ABM Treaty with our space weapons development, after our vociferous complaints about their noncompliance?

I also concur with the Senator's plea to prove out the Brilliant Pebbles concept. The SDI budget allocation we propose supports the development of space systems, including continuing of Brilliant Pebbles development at the same level of effort as the current year. If we refrain from full scale development and deployment of Brilliant Pebbles, in compliance with the ABM Treaty, there is not compelling reason for the large increase in the level of spending on Brilliant Pebbles proposed by the administration. Other SDI space system elements are supported in the amendment at the about the level requested, scaled to the total SDI budget reduction. In fact, SDIO can apply the entire follow-on technology allocation to the space-based laser program if they so desire.

The authors of this amendment do not take a back seat to anyone on the intensity of the consistency of my past support of the SDI program, as my record shows, and we are not now reversing myself on this vital defense program. We have offered this amendment because we sincerely believe that the time has come for a change in the content and direction of the program. The temperature of the cold war has risen dramatically, the threat has diminished, and the pressures for defense budget reductions have become acute. We simply cannot continue to carry out a program which is based on the world situation of 7 years ago, which sets back the arms control process and which costs far more than we can afford over the next several years.

Mr. President, I will be brief. What does this amendment do? It places emphasis on an already mature near-term treaty compliance limited protection system a concept that this body has already endorsed.

Second, we have been talking about theater missile defense, and it places a big emphasis on that.

Third, long-term technology, it has great promise which results in commercial spinoffs.

Fourth, this amendment would fund the balance of the SDI Program with few exceptions at the fiscal 1991 requested level.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. I yield the remainder of my time to myself.

Mr. President, this debate has posed a very fundamental choice to the Senate today. I think it is a choice about what policy direction we would like to see in the SDI Program. I think it is exactly the kind of decision that Congress is called upon to make.

We have had a very heated, vigorous debate. I think it is a reflection of the fact that here we are discussing the real issue in the SDI Program, not just its funding level but what our intentions are. Senator WALLOP and I, I believe, agree that this fundamental issue has been joined today. If my colleagues support a push to early deployment of a system which would violate the ABM Treaty even in the testing stage, and which would be enormously costly, and have very limited capability to defend this country, then you need to vote against the amendment that the Senator from Alabama and I have proposed today.

If on the other hand my colleagues support a broad-based research program which in the near term focuses on treaty compliant, ground-based defenses, and antitactical missile defenses, and in the long term on potentially far more effective technologies, then you need to support our amendment.

This is not a funding choice. It is policy choice. Congress has every right to make such choices. We need to bring stability and rationality to the SDI program. I believe this amendment does that, Mr. President.

This amendment for the first time will put the Congress on record as favoring a robust research and development program in SDI but opposed to a rush to early deployment of an SDI system.

Mr. President, I yield the remainder of my time to the Senator from Virginia so he can summarize his amendment which will be voted on immediately after ours.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia be recognized for a period not to exceed 2 minutes.

The PRESIDEING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, first I wish to compliment all Senators who participated in this debate which began promptly at 9 a.m. this morning which I think fairly, objectively, and in a very substantive way has addressed those key issues.

The Senator from Virginia initiated the debate this morning with an amendment which will be voted upon immediately following the amendment of the distinguished Senator from New Mexico, and for those who may not have been here at that early hour, I would like to clarify the purpose of this amendment. It was devised many weeks ago as a consequence of the growing feeling of many Senators on both sides of the aisle that the tactical ballistic missile situation, particularly, in the Middle East, was growing with such seriousness that we ought to begin to redirect certain emphasis within the SDIO structure toward resolution of the research and development problems in this area. That is precisely what the amendment does.

But where we dramatically depart from Senator BINGAMAN'S approach is that we repose in the President and his designees—SDIO and the Secretary of Defense—the discretion to allocate those funds which are essential to bring on a more vigorous research and development production of those weapons that provide a deterrence against this frightening threat of tactical ballistic missiles.

Mr. President, I am hopeful that all Senators can join in support of that amendment, and I thank my colleagues from Wyoming for assuming the managment of this side of the aisle of this important amendment.

BINGAMAN-SHELBY AMENDMENT: LIMITING OPTIONS

Mr. DOLE. Mr. President, over the last 72 hours, we have witnessed the bullying tactics of Saddam Hussein—his armed forces brutally rolled over Kuwait, a small country on Iraq's borders. In the near future, however, Iraq could be bullying countries far beyond its borders with ballistic missiles.

Hundreds of ballistic missiles were fired during the Iran-Iraq war. And, as the Senate has heard from the Director of Central Intelligence, between 15 and 20 developing nations, will possess ballistic missile capabilities by the end of the century—add to that efforts by some of the same countries to acquire nuclear and chemical weapons capabilities.

Mr. President, new threats, like this, are developing all around us; the United States must be prepared to meet them.

One of the ways to be prepared is to pursue programs like the SDI Program. And, it seems to me that in an era of declining defense spending, we need to make the most of the money we spend, especially in research and

development areas, like SDI—which are our hedge against new threats. We need to make sure that the money we spend is maximized—that it can be directed toward the most promising areas.

Well, the Bingaman-Shelby amendment would prevent us from maximizing our investment in SDI. It would have the Congress decide what technologies to pursue, and that decision would not be based on technological results, but on other factors, including where that money is spent.

While there are some in the Congress who are not fond of the Pentagon, the Pentagon is clearly more qualified than the Congress to make decisions regarding the progress of technologies and their application to military requirements.

In considering the Bingaman-Shelby amendment, we must also keep in mind the purpose of the SDI Program. It is to provide the President with options so that he can make an informed decision on deployment of strategic defenses by the end of his first term, as is his intention.

The cosponsors of this amendment say that such a Presidential decision on strategic defenses is premature. Well, as we can see so clearly, especially in the last few days, the threats are already there. And, let us not forget that an old threat still exists—the Soviet Union's massive nuclear arsenal. Mr. President, in face of these realities, we can't afford not to fully explore the promise of near-term technologies like Brilliant Pebbles.

Earlier this year, the President said, "In the 1990's, strategic defense makes much more sense than ever before, in my view." He offered three reasons why this is the case: First, strategic defenses contribute to deterrence; second, strategic defenses underlie effective arms control by diminishing the advantages of cheating; and third, strategic defenses can defend us against accidental or unauthorized launches or attacks from many countries that are acquiring ballistic missile capabilities.

I believe we should seriously consider the impact of Bingaman-Shelby on our current arms control efforts. The United States and the Soviet Union are moving toward completion of a START agreement, and are engaged in negotiations on defense and space. Both sides have also agreed to pursue follow-on negotiations on offensive weapons and, on the relationship of offensive and defensive weapons.

I received a letter from the U.S. Ambassador to the defense and space talks, David Smith. In it, Ambassador Smith indicates his strong opposition to the Bingaman-Shelby amendment. In his view, it would undercut the United States in the defense and space talks.

He points out that the talks are in an early, conceptual phase, similar to the early days of START, when we spent a great deal of time to convince the Soviets that our concepts of deterrence and stability would enhance not only United States security but Soviet security as well.

We are now seeing the fruit of our patience in the START talks. And the U.S. delegation to the defense and space talks is beginning to see some progress, too. The United States delegation is encouraged by the small, but real Soviet steps on predictability and confidence-building measures at the defense and space talks. Moreover, they take note that a number of knowledgeable Soviets agree that a safer, more stable strategic balance can be achieved by increasing reliance on defenses.

But Ambassador Smith emphasizes that, "Our work in Geneva to seek Soviet agreement on ways to strengthen deterrence will be insufficient without a strong SDI Program. If the Soviet Union is going to join hands with us in designing this safer world, it must see that it is technologically feasible and that America is determined to get there. If we can expand the footholds of common ground we see emerging, if our SDI Program is progressing in accordance with the realistic timetable established by President Bush, there will be an opportunity for success in the defense and space talks. If, however, Secretary Cheney and Ambassador Cooper are prevented from running the SDI Program in a way which supports President Bush's plan to make a decision within his first term in office, I see no hope of success at the Geneva talks."

Mr. President, in my view, it's not just the United States that has an interest in exploring strategic defenses. The Soviet Union does, too. The United States and the Soviet Union are forging a new relationship. In my view, our shared concern about strategic stability and missile proliferation—which were discussed during the June summit—provide us with an opportunity to work together toward solutions. One obvious and achievable solution is strategic defense.

The President has taken a forward-looking approach. He is trying to prepare the United States—to make us ready to respond to all threats—unannounced or announced. I believe we must assist the President in this effort.

Mr. President, I urge my colleagues to reject the Bingaman-Shelby amendment.

Mr. JEFFORDS. Mr. President, funding for the strategic defense initiative [SDI] is one of the central issues of this defense spending debate. Faced with a serious budget deficit and the possibility of deep cuts in all programs under Gramm-Rudman-Hollings sequestration, we are forced to examine all Federal spending with a very critical eye, approving only those projects that can prove their worth.

I do not believe that the current SDI Program meets this test. The Administration seeks a $1 billion increase over this fiscal year's funding. Nothing that I have seen convinces me that the SDI Program justifies this level of spending. There are much more pressing needs, both at home and abroad. I have voted consistently to cut SDI funding, and the worsening state of the Federal deficit makes it all the more imperative that we persist in our attempts to curtail SDI spending.

I was pleased that the Senate Committee on Armed Services voted to scale back the President's request of $4.7 billion by almost $1 billion. This action was followed by similar action in the House Armed Services Committee, which cut the funding even further. However, I do not believe either committee went far enough. I fully appreciate the necessity of continued research on possible missile defense technologies, particularly those that might protect against a theater missile attack, such as an attack by Iraq or Libya. Yet this type of research can go forward without excessive levels of spending. I would advocate bringing SDI funding down by yet another $1 billion.

We have before us today the Bingaman-Shelby amendment. This amendment leaves SDI funding at $3.57 billion—exactly the level of the committee bill. Instead of cutting the program, this amendment would set limits on how much could be spent within the various categories of SDI research and development. Through this amendment, Congress is telling the researchers what programs it thinks hold the greatest promise instead of allowing the specialists to pursue those areas that seem most productive.

I understand and sympathize with the intent of the authors to emphasize the importance of long-lead research in areas of promise other than Brilliant Pebbles. I share their concern that the SDI Office has disproportionately focused on deployment of a system as soon as possible to the detriment of other areas of research. Maintaining compliance with the ABM Treaty is also critical, and I trust the administration will notify Congress before it contemplates any testing that would violate the strict interpretation of the treaty.

However, let me emphasize that the role of Congress, as I see it, is to set the priorities, to decide how much we can afford to spend on SDI research. We are not physicists, and we are not qualified to evaluate each and every research project and pass judgment on which is likely to show promise down

the road. That is the job of the specialists. I advocate drastically reducing the level of spending, and then allowing the experts to decide how to best utilize those resources in the most productive lines of research. Therefore I must oppose the Bingaman-Shelby amendment.

As our debate continues today, I hope we will have the opportunity to consider amendments to cut the overall spending level for SDI. I intend to support these amendments. And I would hope that in the course of the conference with the other body on this legislation, the overall SDI level will be reduced. Adoption of the Bingaman-Shelby amendment would unfortunately make this more difficult. I would urge the conferees to consider our options for deficit reduction. It will be very difficult to cut $1 billion from health care, from aid to education or from programs to clean up our environment. Yet SDI research can go forward at reduced levels. For the security and health of our Nation, we cannot afford to do otherwise.

Mr. BURNS. Mr. President, I rise in strong opposition to the amendment offered by Senators SHELBY and BINGAMAN to fence funds within the strategic defense initiative program.

Mr. President, recent progress in phase I technologies are showing great promise. The committee's funding recommendation, while far short of the President's request, at least allows for continued research without onerous fences. I would like to associate myself with the minority views of certain Armed Services Committee members—Senators THURMOND, MCCAIN, GORTON, WILSON, WALLOP, WARNER, LOTT, and COATS—in disagreeing with the committee report language which criticizes SDIO's emphasis on research and development for phase I of SDI. However, I do agree with the committee's decision to stop short of restricting the use of the funds provided in this bill.

Very recent world events as well as the events of the past year clearly demonstrate the need for an immediately deployable space shield. The actions of Iraqi President Saddam Hussein in the past 48 hours are even more alarming when one considers that Iraq has already deployed medium-range ballistic missiles. Seven other developing countries now deploy shorter range ballistic missiles, and Secretary Cheney has testified that 15 such countries will produce ballistic missiles by the year 2000.

As Saddam Hussein has demonstrated, many of the leaders of these countries are not hesitant to enter into armed conflict. Once a conflict begins, no one can say to what level it will escalate. I believe that I speak for the majority of Americans when I say that our country should be protected from a possible attack from an ignorant person like Hussein.

In addition, while the threat of an allout attack on our country by the Soviet Union has diminished, the internal unrest in that country increases the possibility that nuclear missiles could fall into the wrong hands. And, of course, the threat of an accidental launch from a number of sources still remains.

It is for these reasons that I support a robust research and development effort on phase I systems. The latest development, the Brilliant Pebbles system, is truly amazing. Mr. President, I ask unanimous consent that an article entitled "Brilliant Pebbles: Amazing New Missile Killer" which appeared in the September 1989 Reader's Digest be printed in the RECORD immediately following my remarks. This article describes the birth of Brilliant Pebbles.

The PRESIDING OFFICER, Without objection, it is so ordered.

(See exhibit 1.)

Mr. BURNS. Mr. President, when Brilliant Pebbles first emerged from the Lawrence Livermore Laboratory, it was described as a promising new development for the SDI Program. Since that time, Brilliant Pebbles has far surpassed many people's expectation.

Brilliant Pebbles would consist of thousands of very small satellites circling the planet—enough to provide accidental or unauthorized launch protection. Each Pebble is about the size of a golf bag and consists only of miniature computers with which to make its own targeting decisions; communications gear; a wide angle camera, or eyes, and tiny rocket motors. The Pebble has no warhead. It does its job by homing in on the rocket plume of an enemy's incoming missile and then destroying it by colliding with it.

Brilliant Pebbles is not only amazing, it is affordable. The most recent estimates show that a phase I system using Brilliant Pebbles could be deployed for approximately $55 billion. This is a savings of $14 billion over previous phase I estimates.

SDIO began testing the components of Brilliant Pebbles this summer. On July 24—just last week—they successfully demonstrated the Pebbles capability to acquire and track an object. During the test, which was a part of the Space Based Interceptor [SBI] program, an SBI test model demonstrated its ability to acquire and track a target moving across the sky using its infrared sensors. This technology has direct application to Brilliant Pebbles.

Mr. President, this is clearly not the time to begin micromanaging the SDI Program. World events as well as technological advances prove that the time to go forward on our current course is now.

I urge my colleagues to vote against this amendment and to afford the American people a chance to be protected from the likes of Saddam Hussein.

EXHIBIT 1

BRILLIANT PEBBLES—AMAZING NEW MISSILE KILLER

(By Ralph Kinney Bennett)

(They are terrifying giants up to 115 feet tall. They could hurl clusters of nuclear weapons down on our undefended cities with less than 30 minutes' warning. Only an uneasy balance between these Soviet intercontinental ballistic missiles and our own has held these beasts at bay. ICBMs have always been thought too fast, formidable and numerous to defend against. But now a tiny, ingenious device is at hand. A triumph of old-fashioned physics and modern microelectronics, "Brilliant Pebbles" holds the promise of a low-cost, highly effective defense against ICBMs, and it could be in production early in the coming decade. Here is how it came to be.)

One morning in November 1986, Lowell Wood, a bear-like, bearded expert in high-energy physics at the Lawrence Livermore National Laboratory, was arguing at breakfast with Greg Canavan, an advanced-weapons specialist from the Los Alamos National Laboratory. Their conversation touched on one of the sharpest controversies surrounding SDI, the Strategic Defense Initiative: If you put something in space to defend against Soviet ICBMs, how do you ensure the device's survival? Haven't you just created another vulnerable target?

The question was particularly critical for Wood and Canavan. Both had been devoted to the idea that destroying a skyful of Soviet ICBMs and warheads would require exotic and expensive means—lasers or particle-beam weapons that could obliterate ICBMs from afar. This could mean hanging lots of hardware in orbit. Even more conventional "smart rocks," which could collide with ICBMs in their flight paths, would be parked in orbiting "garages" and guided to their targets by surveillance and battle-management satellites—all visible and inviting targets.

Canavan had become an expert in the various methods of defending an orbiting device against attack: shielding, maneuverability, decoys, electronic jamming and defensive armament. Some of the best technical minds in SDI were incorporating part of all of these elements into proposed systems, But, as Canavan reminded Wood, their efforts were resulting in hardware being too big and too expensive.

It was time for some fresh thinking, and Canavan had a suggestion for Wood that was breathtakingly new. For the first layer of defense, create a special kind of smart-rock missile so intelligent that it could operate on its own, but so small it would be hard to detect and so cheap it wouldn't be worth a Soviet effort to go after it. "Make it too cheap to shoot," said Canavan. Wood, however, who moved in the rarified air of directed-energy weapons, found smart rocks slow and clumsy compared to lasers. Joking about their size, he called them "telephone poles with engines the size of Volkswagens bolted to their ends."

"But you can make them much smaller," Canavan said, mentioning rapid advances in miniaturized electronics, lighter structural materials, smaller, more efficient rockets. And since lifting things into orbit costs $2000 to $5000 a pound, smaller meant cheaper.

Both men knew that such a missile didn't have to be large to kill. A smart rock would be orbiting at five miles a second. (A high velocity rifle bullet travels about a half-mile a second.) An ICBM might be traveling at as much as four miles a second. In a collision at that speed, something the size and weight of a saltshaker would utterly destroy a huge ICBM.

The problem was the size of the parts required to get the smart rock up there and maneuver it. The device needed good eyes to find an ICBM, a computer brain to judge what it saw and rocket motors to move it toward a collision. "You'd have to reduce these by more than 90 percent," Wood told Canavan.

Canavan argued that not only could this be done, but recent advances in miniaturization might make it possible with technology already "on the shelf." "You've been doing this exotic beam-weapon stuff so long," he told Wood "you don't realize the strides being made in other areas."

Wood still doubted Canavan but he listened and took notes furiously. He left the breakfast determined to master the world of interceptor missiles—if only to prove his friend wrong.

Amazing Devices. Because of his work in beam weapons, Wood reported to SDI's Directed Energy Office, headed by Jack Hammond, a quiet, good-humored man who had recently transferred from the Kinetic Energy Office. There Hammond had supervised work on smart-rock technology, ranging from huge electromagnetic "cannons" to the Space-Based Interceptor, a program involving anti-ICBM missiles parked in the orbiting garages.

Hammond told Wood that he thought Canavan might be right about the potential for miniaturization. Lt. Gen. James Abrahamson, then head of SDI, had ignited a wide range of work on new, lighter, stronger, smaller, simpler and more reliable hardware. Abrahamson also preached a gospel of affordability. The sway of the ICBM could only be broken, the general believed, when it became cheaper and easier to shoot down the missiles than to build them.

Wood found himself more and more preoccupied with the challenge of small smart rocks. Browsing through America's vast technological marketplace with a new awareness, Wood discoverd surprises at every hand. He remembered rocket motors the size of garbage cans that cost $150,000 each. But SDI had developed $20,000 motors he could hold in the palm of his hand. And because of advances in such areas as electrical valves, these motors could turn off and on in thousandths of a second, a hundred times faster than he had thought feasible. That meant a vehicle could be made nimble enough to engage an object flying at five miles a second.

Wood found over-the-counter silicon chips the size of a fingernail that were able to perform up to 30 million calculations per second. He also discovered an infrared detector chip that enabled a camera to "see" in utter darkness. Such cameras were already being sold for civilian use as electronic night watchmen. There were book-sized video cameras reproducing imagery superior to that from military systems costing thousands of times more. Technology was everywhere, just begging for creative adaptation.

Wood began preparing a concept paper for a smart rock to top all smart rocks. He started with its eyes. A colleague at Livermore had already developed a camera with a tiny electronic retina and a fish-eye lens that gave extraordinarily sharp images over a wide field of view. It could be scaled down to the size of a human eyeball. When equipped with infrared and ultraviolet sensors, it could see despite darkness and clouds.

Wood also had ambitious plans for the vehicle's brain, a tiny computer that had to be programmed to discriminate between ICBMs and, for instance, a harmless scientific rocket. It would know the location of every ICBM silo in the Soviet Union and the launch signatures of mobile ICBMs. Launches heading north toward the United States or toward its allies would attract its particular attention. It would be able to track the ICBMs, pick one out and steer toward it on a collision course. Like a fielder calling for a fly ball, it would also know to disregard an ICBM already singled out by another interceptor.

Such ability required a computer on a par with the CRAY 1, the world's standard in ultra-high performance. But a Cray was about the size of a refrigerator and weighed about 4½ tons. Nevertheless, experts at the lab told Wood, with new chips and new ways of wiring them together, they could give him a "Cray in a can"—a brain able to "think"as fast as 60 million calculations per second, yet small enough to fit easily in a soft-drink can.

The true genius of the device Wood envisioned lay not just in its reduced size, but in its breathtaking versatility. It would not require big tracking satellites to pick its target or a garage to house it. It could patrol its orbit 300 miles above Earth on its own.

When the legendary co-founder of Livermore, Edward Teller, heard about Wood's new interest, he was skeptical. He, too, had been committed to exotic weapons, so he summoned Wood to explain himself. This Wood did so convincingly that Teller became an advocate and agreed to talk to General Abrahamson about it.

Technological Dream. One morning in October 1987, Wood and Teller arrived at General Abrahamson's office in the SDI complex at the Pentagon. Word had spread that one of the "exotic weapons boys" had switched allegiance to smart rocks.

Abrahmason listened for more than an hour as the two made the case for an odd-looking device not much bigger than a golf-club bag. It would be extraordinarily agile and have sophisticated eyes and brains. Abrahamson found the idea "extremely interesting" and said he would visit Livermore soon to study it in detail.

A few weeks later, a year almost to the day from their first breakfast discussion, Canavan and Wood met again. From one of two bulging briefcases, Wood pulled a complete bluprint of his device. Then, like a jeweler displayng his most exquisite pieces, he laid out tiny items of high-tech hardware, including a miniature gyroscope and one of the fish-eye cameras, which together could have fit into the sugar bowl. He produced price lists, bids from contractors and simulations of how the smart-rock missile would perform.

Canavan as amazed: "Lowell had convincingly demonstrated that with some new thinking you could go to the technology shelf and put together a formidable device along the lines we had only dreamed about."

General Abrahamson and Jack Hammond arrived at Livermore the day before Thanksgiving 1987. They watched computer simulations, examined hardware, talked with scientists and grilled Wood and his people far into the night.

Abrahamson left Livermore a believer. It was the kind of energetic, innovative thinking he loved. He told Hammond, who had already begun low-level funding, to substantially increase funding—to push this amazing new smart rock toward reality. By the following spring, it had become an important potential building block of a strategic-defense system.

On March 13, 1988, at a conference marking the fifth anniversary of SDI, Lowell Wood spoke about smart rocks and their "evolution into brilliant pebbles," small, independently targeted interceptor missiles. The name *Brilliant Pebbles* was firmly attached to the project.

Because so few details have been made public, Brilliant Pebbles has been plagued by misinformation in the press, a lot of it the result of sniping from military officers and contractors with a vested interest in systems the small missiles would replace. Yet the Pentagon is spending $46 million this year for further research on Wood's device, a tribute to the hopes it holds for the missile killer.

The Greatest Challenge. Four major, independent studies of the system are under way. Wood's team continues to modify the missile to meet new conditions. Although capable of it, the pebbles will not operate with absolute autonomy, but will be under constant control of the U.S. Space Command on the ground.

Because their eyes are so versatile, they will be able to perform routine peacetime surveillance functions. To save weight, Wood and his colleagues have minimized the framework. The device now consists only of its rocket motors, fuel tanks, eyes, communications and navigation devices—stitched together principally by its plumbing. Improvements in the field are coming so swiftly that Wood and his team have not frozen the Pebbles' computer in its final design. It is growing smarter and smaller.

Every component of the device is being rigorously tested in experiments simulating the hostile atmosphere of space and the spectrum of possible Soviet threats: electromagnetic pulse, gamma rays, X rays, neutrons, laser beams. Wood is confident that his pebble will pass muster. In any event, Brilliant Pebbles' use of existing high technology may have changed the whole complexion of strategic-defense development. It means we can put the essentials of a defense in place within a few years, then add more exotic means, such as particle-beam weapons, later.

Indeed, the greatest challenge to Brilliant Pebbles may be political. Wood believes that the missiles can be deployed for approximately $330,000 each. The final cost will depend upon the number deployed—current estimates are from 3000 to 10,000. The feasibility and cost effectiveness of the device bring everything down to one quesiton: where there's a way, do we have the will?

SDI SUPPORTS US ALL

Mr. HOLLINGS. Mr. President, I rise today to talk in support of the strategic defense initiative and in strong opposition to the Bingaman-Shelby amendment. We are now beginning to realize the benefits of a dedicated strategic research program. This one, like the "race to the Moon" in the 1960's, is having spinoffs that will benefit all our lives for years to come. It is also bringing us to the point of being able to deter the threat of a current-day strategic Armageddon. Now is not

the time to pull the rug out from under the research and development efforts that will secure our strategic safety for the foreseeable future. If the authors of this bill want to be program managers, they should work for the Department of Defense. We, as legislators, must ensure that the professionals of the executive department are given the support and flexibility to pursue science and systems in our best interests.

The strategic defense initiative, SDI, is the source of our new developments and the promise of many more. We are not talking about just defending against a massive ballistic missile attack from the Soviet Union. The technology that is being developed in order to defend us, and, please note, our allies as well, from Soviet strategic attack is also bringing to our country and the world new technologies which have direct and important impact on our everyday lives. I do not mean to downplay the importance of strategic defense. It is an important and critical component in our national defense. Supporting the objective of defending our Nation from strategic attack is this body's solemn responsibility. But there is much more benefit to SDI than just the defense against an attack we hope will never come. Let me discuss both the strategic benefits as well as the civilian spinoff benefits of this program.

Let us look at the original and basic reason for having a strategic defense initiative. We need to develop a means to protect our Nation and, if necessary, those of our allies, from massive strategic ballistic missile attack. And we are close to a solution for that defense. The Brilliant Pebbles Program of SDI, coupled with its ground-based components, can provide a comprehensive defense umbrella against incoming ballistic missile warheads. Many now say that we do not need this kind of protection any more because the Soviets are now our friends. They are good guys and we do not need to defend ourselves against our friends. I am pleased with the developments in the Soviet Union and hope their country's development of democracy grows and succeeds. But we have absolutely no evidence that they are reducing their strategic weapons arsenal. In fact, Soviet strategic modernization continues in a "business as usual" fashion. We can hope for the best and wish them well, but the reality has not changed the fact that they can still destroy all we are and all we believe in. And they are continuing to develop better and better systems with which to wreak that destruction.

But let us give the Soviets the benefit of the doubt. Who, then, do we need to defend against? It is becoming trite in the newspapers and other national defense discussions, but the emerging nations of the Third World are not without danger to the things in which we believe. The problems are simple: nuclear weapons are relatively easy to build; the delivery systems for those weapons are easy to acquire on today's open weapons market. The biggest difficulty with the proliferation of these types of weapons to countries such as Libya, Iraq, others in the Middle East and some in South America is that those countries do not have the same maturity in recognizing what a weapon of mass destruction can do. We, the Soviets, the British, the French, and the Chinese have had nuclear weapons and their delivery vehicles for decades. But we are sufficiently aware of their destructive power and we are sufficiently concerned about our fellow man that we would never indiscriminately use these weapons. After what we have just seen this week, could you say the same for a country such as Iraq? It is the greater threat that is posed by small, partially developed countries with highly sophisticated weapons that they are not hesitant to use. That is what a limited deployment of the same Brilliant Pebbles system can protect us from.

So. We have a continuing need for strategic defense against the largest nuclear arsenal in the world. We have a real world requirement to defend ourselves against irrational weapons use by Third World countries. And SDI is providing us the solution to those requirements. And what is happening in the meantime? In developing the highly sophisticated technology necessary to provide our strategic defense, that same technology is being transferred into our civilian economy to make life better for all of us. Remember the 1960's when we dedicated so much effort to get to the Moon? Many people asked "Why?" But while we were working for that goal, we developed the things that brought us pocket calculators, instant-developing films and cameras such as the Polaroid, microwave ovens, small stereo radio systems, and, based on that beginning technology, recently we have gotten cellular phones, other high-speed and high-quality communications, compact disks, and better weather prediction. And today? Well, after the pocket calculator that revolutionized the 1970's, the SDI Program has now developed the computing capability to put the most powerful computer in the world in the palm of your hand. And that means we can improve, cost effectively, everything in our lives on which we depend which use computers. We're already seeing things like composite computer/wristwatches, personal computers, automobile computerized ignition control, VCR's, and anything like TV's, answering machines, cameras, and security systems that are programmable. And what about the medical field? The 1960's space program brought us electrocardiograms and electroencephalographs, as well as other means of monitoring and measuring the performance of our bodies and helping in the cures of diseases. Now, with the technologies being developed by SDI, we are revolutionizing the field of burn treatment and skin grafts and the basic image processing involved with X rays and many other medical procedures where the results are presented on film or in some kind of image.

We have a great opportunity here. This is a defense program that not only can provide advantages to our Nation's security but it can also give great benefit to every person in this country every day. This is the kind of effort that improves and increases our technological knowledge and capabilities in a world where it is getting harder and harder to compete. This is something that is good for all of us. We cannot afford to leave the scientific advances we have already paid for untested. We cannot afford to take away the flexibility of our scientific and engineering professionals in developing and providing systems that will provide for our strategic protection and our technological advance. We cannot afford to be program managers when we are here to give guidance and authority to the executive branch professionals we pay to be the technical experts and developers of our future. We need the SDI Program to proceed as it has and we need the flexibility to be able to make a deployment decision on a defensive system which we will need more and more in the future. I urge my colleagues to support the strategic defense initiative as presented in the Defense authorization bill and defeat the Bingaman-Shelby amendment.

The PRESIDING OFFICER. All time has expired.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, at this time I ask for the yeas and nays on the Warner amendment which will immediately follow, not to exceed 10 minutes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2588

The PRESIDING OFFICER. The yeas and nays having been ordered, the question is on agreeing to the amendment of the Senators from New Mexico and Alabama.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—55

Adams	Domenici	Lieberman
Akaka	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gore	Nunn
Boren	Graham	Pryor
Bradley	Harkin	Reid
Breaux	Hatfield	Riegle
Bryan	Heflin	Robb
Bumpers	Inouye	Rockefeller
Burdick	Johnston	Sanford
Byrd	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
Cranston	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	
Dodd	Levin	

NAYS—43

Armstrong	Grassley	Nickles
Bond	Hatch	Packwood
Boschwitz	Heinz	Pell
Burns	Helms	Pressler
Chafee	Hollings	Roth
Coats	Humphrey	Rudman
Cochran	Jeffords	Specter
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Durenberger	Mack	Warner
Garn	McCain	Wilson
Gorton	McClure	
Gramm	McConnell	

NOT VOTING—2

Murkowski	Wirth

So the amendment (No. 2588) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, in order to save time and reduce the length of consideration of the remaining amendments from that contained in the existing order, I am about to propound a unanimous-consent request. The sponsors of the remaining amendments have agreed to reduce significantly the time for consideration of their amendments.

I ask unanimous consent that, following the disposition of the Warner amendment, Senator BUMPERS be recognized to offer his amendment, with 20 minutes of debate thereon, equally divided in the usual form; with no amendments or motions to commit in order; and upon the using or yielding back of time, the vote will occur on that amendment.

Further, that, immediately following the disposition of the Bumpers amendment, Senator KERRY of Massachusetts be recognized to offer an amendment on behalf of himself and Senator HARKIN; that on the Kerry-Harkin amendment, there be 45 minutes of debate, equally divided in the usual form, with no second-degree amendments or motions to commit in order; and that immediately upon the use or yielding back of that time, the Senate proceed without any intervening action to vote on or in relation to the Kerry-Harkin amendment.

The PRESIDING OFFICER. Is there objection? Without objection, that will be the order of the Senate.

Mr. BUMPERS. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I yield.

Mr. BUMPERS. I have not discussed the two amendments: mine, and Senator HARKINS' and Senator KERRY's. I think we have tentatively agreed to reverse positions. I will go first.

Mr. MITCHELL. That is the request I made.

Mr. BUMPERS. I am sorry.

Mr. MITCHELL. I also modify my request that the vote on the Bumpers amendment be on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection to the modification by the majority leader? If not, that will be the order of the Senate.

VOTE ON AMENDMENT NO. 2587

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Warner amendment, No. 2587.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—96

Adams	Cohen	Gramm
Akaka	Conrad	Grassley
Armstrong	Cranston	Harkin
Baucus	D'Amato	Hatch
Bentsen	Danforth	Heflin
Biden	Daschle	Heinz
Bingaman	DeConcini	Helms
Bond	Dixon	Hollings
Boren	Dodd	Humphrey
Boschwitz	Dole	Inouye
Bradley	Domenici	Jeffords
Breaux	Durenberger	Johnston
Bryan	Exon	Kassebaum
Bumpers	Ford	Kasten
Burdick	Fowler	Kennedy
Burns	Garn	Kerrey
Byrd	Glenn	Kerry
Chafee	Gore	Kohl
Coats	Gorton	Lautenberg
Cochran	Graham	Leahy
Levin	Nickles	Sanford
Lieberman	Nunn	Sarbanes
Lott	Packwood	Sasser
Lugar	Pell	Shelby
Mack	Pressler	Simon
McCain	Pryor	Specter
McClure	Reid	Stevens
McConnell	Riegle	Symms
Metzenbaum	Robb	Thurmond
Mikulski	Rockefeller	Wallop
Mitchell	Roth	Warner
Moynihan	Rudman	Wilson

NAYS—2

Hatfield	Simpson

NOT VOTING—2

Murkowski	Wirth

So the amendment (No. 2587) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. AKAKA. Mr. President, I ask unanimous consent that my vote be changed from "no" to "aye" on the last vote, and it will not affect the outcome of that vote.

Mr. WARNER. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The forgoing tally has been corrected to reflect the above order.)

CORRECTION OF VOTE

(Subsequently the following occurred.)

Mr. SIMPSON. Mr. President, on the vote preceding the last rollcall vote, I was recorded in the affirmative. That is not correct.

The PRESIDING OFFICER. The Bingaman amendment.

Mr. SIMPSON. That is not correct.

The table of the Secretary of our party records a negative vote, which is what I recorded.

I ask unanimous consent that the official record be corrected to indicate that I voted in the negative on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming will be recorded as a negative vote on the Bingaman amendment.

Mr. SIMPSON. That does not change the result of the vote.

I thank my colleagues very much for that consideration.

(The foregoing tally has been corrected to reflect the above order.)

The PRESIDING OFFICER. The chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, if I might have the attention of the manager? It is my understanding that the authors of the remaining two amendments have agreed to permit the votes to be stacked. Is that correct?

Mr. NUNN. That is my understanding.

Mr. MITCHELL. Mr. President, I ask that the previous order be modified, so that the vote on the Bumpers amendment occur at the conclusion of the debate on the Kerry-Harkin amendment and that, immediately following the vote on the Bumpers amendment, the Senate proceed without any intervening action or debate to vote on the Kerry-Harkin amendment and that the second vote be a 10-minute vote and that the vote be on or in relation to both amendments, and that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Arkansas is recognized.

AMENDMENT NO. 2589

(Purpose: To reduce funding for the strategic defense initiative.)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself, Mr. JEFFORDS, and Mr. GLENN), proposes an amendment numbered 2589.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Notwithstanding any other provisions of this Act, the funds authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation for the Defense Agencies shall not exceed $8,643,293,000; of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test and evaluation, for the Strategic Defense Initiative,

(1) not more than $143,500,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $142,000,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $641,200,000 may be obligated for other phase I programs;

(5) not more than $840,200,000 may be obligated for follow-on technologies programs;

(6) not more than $284,700,000 may be obligated for key technologies activities;

(7) not more than $227,900,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and,

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

Mr. BUMPERS. Mr. President, I agreed to a 20-minute time agreement equally divided. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Arkansas has the floor.

Mr. BUMPERS. Mr. President, I think everybody by now has probably heard about all they want to hear about SDI. I do not know that I can make much of a contribution to the debate that has already occurred. But I want to start off by saying, Mr. President, it is dismaying that this body—and this is true of the Congress in general—still has not come to grips with the tough choices. We have been postponing it; we have been putting it off.

As I said yesterday, what we are trying to do is not unilaterally disarm. If the Russians did not come and get us for $306 billion, they are probably not going to come for $296 billion, and we have to put some sense into the deficit.

One of the reasons my amendment cuts $594 million out of SDI and does not put it anyplace else is because—I have always believed and I believe to this minute—the No. 1 problem facing the Nation is our deficit, and the stock market believes it.

Saddam Hussein took the stock market down some, but the market was headed south. The deficit, the unemployment figures were all ominous because of the deficit.

In this entire $295 billion or $296 billion authorization bill, I ask my colleagues: Where can you save the most money and do the least damage to our defense posture? I thought the battleships were an ideal place. There are a few other places. I am going to vote for the Osprey. I have been a strong supporter of the Trident submarine, the most invulnerable strategic weapon we have. I have been an ardent supporter of the Navy's D-5 ballistic missile and a lot of the other programs, particularly conventional weapons.

But, Mr. President, I agree with the distinguished chairman of the Armed Services Committee. He was quoted in the Washington Post. Senator NUNN told the Washington Post in February of this year:

I just see the Brilliant Pebbles Program as a program in some kind of search of rationale and the rationale has not been supplied by anybody.

How can you beat that from the chairman of the Armed Services Committee? Even our Vice President in California said, when the President talked about a shield over America, that was just political jargon. He said, "President Reagan talked about this impenetrable shield that was going to be completely leakproof. I believe in the semantics of, let us say, political jargon, that that was acceptable, but clearly was stretching the capability of a strategic defense system."

Mr. President, phase I, the deployment of these missiles, Brilliant Pebbles, some people called them stupid pebbles. But let me give my colleagues a couple of other quotes. Just listen to this: "Brilliant Pebbles which didn't even exist in mid 1988"—did not even exist 2 years ago—"and was first hinted at to the Congress in late 1988, is now the centerpiece of phase I." This is the same Brilliant Pebbles that General Monahan called not even a weapon, just a concept. General Monahan called it just a concept 1 year ago.

Mr. President, I do not know whether I am going to support the Harkin amendment after my amendment or not. I might. But one of the things I feel strongly about is that this $600 million that I am cutting goes to deficit reduction. If the Appropriations Committee and this body wants to do something with that $600 million savings later, fine. But we do not have to make that choice today.

GAO says that SDI is being driven by an artificial timetable. The current schedule is unrealistic and one reason is because design continues to change.

Mr. President, I think one of the most brilliant chairmen of the Joint Chiefs of Staff we ever had in this country was Adm. Bill Crowe, who retired not too long ago. Bill Crowe said of this SDI Program, $3 billion is plenty and it ought to go for research. How can we justify putting over a billion dollars into phase I of SDI, when everybody knows, everybody knows that is a shifting sand.

It may be Brilliant Pebbles now; next week it may be something else. We have not decided, not only on Brilliant Pebbles, but we have not decided in the follow-on system to it. And, as my good friend and distinguished colleague from Georgia said in his speech this morning—I forget who it was who testified before his committee—it would be folly in the extreme to proceed with phase I without a follow-on. How are you going to do phase I without a follow-on?

Mr. President, what I want everybody to understand here is the argument that is going to be made by the distinguished floor managers in opposition to this amendment. I have heard it made here on every defense bill time and time again.

Mr. President, the House has put $2.9 billion in here, and when their bill reaches the House floor, they'll probably lower it more, to about $2.2 billion. I certainly hope so. The Armed Services Committee has put $3.7 billion. And the argument is going to be,

"well, we're probably going to wind up at about $3 billion. We have to give to the House, and they have to give to us, and we will wind up with $3 billion."

I say that it is the responsibility and the duty of the Senators not to worry about what the House figure is, not to worry about where the conference is likely to land. Our responsibility is to put the amount of money in SDI that we think is responsible and reasonable and will keep the research going. I say let's keep it going at about the level Bill Crowe says makes some sense.

So do not buy into what the conference is likely to do. Vote for what my colleagues think we ought to do. There are very few people here who believe that $3.7 billion is the right figure.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 47 seconds.

Mr. BUMPERS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield myself 3 minutes.

Mr. President, the Senator from Arkansas knows that I have been with him on several of the votes that he has offered on the defense authorization bill. The Senator from Arkansas played a very key role on the Appropriations Committee. Sometimes we see eye to eye. We certainly did on the battleship issue. We have seen eye to eye on other matters.

I rise in opposition, in the strongest possible opposition, to the suggestions made by the Senator from Arkansas on the SDI program. The Armed Services Committee has looked at this program in great detail. We have already cut $1 billion off of the request of the President. The figure that is in this bill is $3.57 billion. The House of Representatives at the present time has authorized $2.8 billion, and there is talk that is going to be taken down to 2 or 2.2 on the floor of the House of Representatives.

It seems to me that, after looking at the amendment that we just passed a few moments ago that was introduced by the Senator from New Mexico, the question about Brilliant Pebbles that the Senator from Arkansas raised was basically addressed in that matter.

The chairman of the committee, Senator NUNN, can speak for himself. There are those of us that have some reservations about Brilliant Pebbles.

I hope that the Senator from Arkansas will take a look at what we did in the amendment offered by the Senator from New Mexico to address that problem.

I agree with the Senator from Arkansas that the total shield that was promoted originally on the SDI was a farce, a sham. But those of us who have primary responsibility in this area recognize that at this time. It seems to me that we eventually are going to end up at an SDI authorization level when we get through with the House in conference somewhere around the $3 billion figure, which is a substantial cut below last year.

There are some promising programs in parts of SDI. It is going to be cut back dramatically.

I appeal to the Senate not to accept the amendment offered by the Senator from Arkansas because it would place us in an extremely difficult position as we go into conference with the House of Representatives.

I reserve the remainder of my time.

I yield 1 minute to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 1 minute.

Mr. HEFLIN. Mr. President, I rise in opposition to the amendments by Senators KERRY and BUMPERS to reduce the funding for the Strategic Defense Initiative Program. In my judgment, these amendments are ill-advised at a time when the United States is making significant progress in a program that will enhance the security of our Nation and our allies, provide a hedge against a Soviet breakout of the ABM treaty, and protect us from the growing Third World threat. As I have said many times before this body, SDI represents a welcome shift in our strategic policy from one which relies upon mutual assured destruction for deterrence to one based upon a commitment to self defense. The effect of these amendments would be to gut many of the existing projects now ongoing within the SDI organization.

The administration requested $4.7 billion in its 1991 defense budget for SDI in order to build upon the 1990 program. The Armed Services Committee has already seen fit to cut the program to $3.6 billion. I believe this is the minmum acceptable funding for SDI if we are to continue the intensive research already begun in many defense technologies.

Thus far, SDI has taken a balanced approach toward ballistic missile defense by stepping up the pace of research on advanced, long range defense concepts, such as directed energy devices, while continuing work on more mature, nearer term BMD concepts. This is an approach I have advocated since the inception of SDI. The United States must maintain the option of deploying an accidental launch protection system of relatively mature technology within a decade. This is an appropriate response to the ongoing and extensive Soviet anti-ballistic effort. The Soviet Union has constructed an ABM system around Moscow. They are also engaged in extensive research on lasers and neutral particle beams for strategic defense.

The ability to respond to unforseen national and international developments quickly and effectively constitutes one of the greatest reasons for pursuing SDI research. Since its inception, the program has achieved a series of remarkable successes. If we are to maintain this momentum, it is essential that the Senate support the Armed Services Committee funding recommendations.

Critics of the SDI program argue that it constitutes a breech by the United States of the ABM treaty. In my opinion, and that of many experts, this charge is totally unfounded. The ABM treaty places limitations on deployment of an ABM system and prohibits development, testing, and deployment of space-based, sea-based, air-based and mobile land-based ABM systems and components. SDI does not include development or testing inconsistent with the treaty. No decision on full scale development or deployment of the system has been made, and no decision will be made until we know the results of the research now underway. Nothing in the ABM treaty prohibits this type of research.

A second criticism leveled at the SDI program is that it will prove both destabilizing and provocative. In my judgment, development of a strategic defense system would only accelerate and guarantee a nuclear ballistic missile disarmament. If these new technologies do prove feasible and a defense system can be both cost effective and survivable, it will ultimately increase a potential attackers' uncertainty about the likelihood of a successful attack, which would enhance deterrence. If each side neutralizes the others offensive ICBM capability, the threat of ICBM's must be reduced. The United States must pursue equal and verifiable agreements with the Soviet Union to produce real reductions in the nuclear arsenals of both sides. SDI can be a crucial means by which such agreements can be reached.

Mr. President, those of us who support the Strategic Defense Initiative also demand that the cost of the program be kept reasonable. However, the funding reduction proposed in this amendment would absolutely cripple the SDI program. Anything less than the level recommended by the Armed Services Committee will mean delays in meeting the objectives of the program and arriving at the ability to provide a basis for informed decisions regarding strategic defense.

These amendments, if passed, would require a complete reappraisal of the SDI program. It would require elimination or the cut back of many of the SDI programs that are now ready to be demonstrated. To reduce the program beyond the level needed to insure our defense options would send

the wrong signals to the Soviet Union at this time, and would leave us totally vulnerable to the growing Third World threat.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. EXON. I heard very well the excellent statement made by the Senator from Alabama who has been included on this program for a long, long time. He articulated I think very well what we are trying to get across in the U.S. Senate, that this is not the time, this is not the place to be chopping further at the SDI Program when the Armed Services Committee by its action had knocked $1 billion off the amount requested by the President.

I am glad to yield at this time 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I think it would be a tragic mistake at this point to cut further funds from SDI to undermine our ability to maintain any kind of viability in this program. Members need to know that the committee cut nearly $1 billion from the President's request, down to $3.57 from the President's $4.6 billion initial request.

So it is not a matter of looking at the initial level of spending that was requested by the administration. We have already made a substantial cut. We are doing this at a time precisely when the Soviets are beginning to move toward our position in the defense and space talks. As the two sides reduce their emphasis on strategic offensive forces, strategic defenses could contribute significantly to stability and deterrence.

Deep cuts in strategic nuclear forces could actually reduce stability if remaining forces become more vulnerable. Limited ballistic missile defenses could reduce their vulnerability thereby strengthening stability and deterrence.

It is interesting that the Soviets, a number of Soviet officials, have recently written or spoken out about the need for a major shift in emphasis on the part of the Soviets. Let me just quote one. Writing in a March 1990 issue of the Soviet journal, Sovetskaya Rossiya, Maj. Gen. Belous, wrote as follows:

> Some of the arguments put forward by SDI's champions require careful consideration. The world today is bipolar, but in the near future it will become multipolar. Whereas today there are eight states on the "nuclear threshold," capable of crossing it and beginning production of mass-destruction weapons, by the end of the 20th century there will probably be 20 such states. They will also possess missile technology. All this will considerably increase the risk of both deliberate and accidental nuclear conflict.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EXON. We reserve the remainder of our time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, here is what the Armed Services Committee report says. Even if phase 1 of SDI meets the Joint Chiefs' requirement, "This would result in the destruction of about 20 percent of the total Soviet arsenal. These are approximately the same percentage reductions the Soviet Union will be obliged to make under the proposed START agreement." You think about that. We will intercept as many Soviet warheads at the negotiating table as star wars would if displayed. And negotiations do not cost $55 billion.

No. 2, once you test and deploy phase 1, you will destroy the test treaty we have with the Soviet Union, namely the ABM Treaty.

No. 3, if you were going to activate phase 1 system, according to all the testimony I have ever heard, you would have 58 seconds after the Soviets launch their rockets to do it. You think of that, gentlemen—58 seconds to pull the trigger and decide whether we are going to destroy the planet or not. On a cloudy day, you would only have 30 seconds. That is because our early warning satellites cannot see through clouds.

Bear in mind that this system will not be effective against cruise missiles. You think about how many cruise missiles you could buy for what we are spending on star wars. This is not even effective against cruise missiles. It is not effective against bombers or clandestinely introduced weapons.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. I believe our side has 3 minutes remaining. I yield to the distinguished chairman of the Armed Services Committee, the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I think I agree with some of the points the Senator from Arkansas has made on the concept and philosophy of the program and the challenge we have. And, of course, I voted for the Bingaman-Shelby amendment.

When we go to conference however I think people ought to take a look at where we are going to be. The administration request this year was for $4.46 billion for this program. The Senate Armed Services Committee cut approximately $1 billion out of that, and with last year's funding level which came out of appropriations it was $3.57 billion. That means no growth whatsoever. That means eating inflation on the program. The House Armed Services Committee came up with $2.8 billion.

All of us know in SDI and other programs like this, particularly SDI, that the likely outcomes in conference is not guaranteed but likely is to split the difference. That means that we are going to end up somewhere around $3 or $3.1 billion, which is going to be a reduction of about $400 or $500 million from last year, plus inflation. That is where we are going to end up.

If we go with these amendments, we are going to take it further down than that, and it is going to be very hard to make a case that that remains a viable research program. An awful lot of it is going to be by the board.

Mr. President, I have not looked at what President Carter's budget would be if brought up to date for inflation.

There was a research program in this area before President Reagan made his star wars speech. A lot of people forget that. We have always felt we had to have research in this area.

Do I not think we are going to phase 1 development? I do not think that it is feasible, nor is it affordable at this time. I do think we ought to continue the research. I think we ought to have it as a hedge against a Soviet change and a Soviet breakout. I think we ought to have it as a cutting-edge-type technology for the future. We do not know what may come out of it in the future. I think it has to be restructured.

I say also that the House has not finished their bill on the floor, and it is a very strong likelihood they are going to have another cut on the floor. So we may well be determining today whether we go into conference with a strong enough position, a sensible position, to have come out of this program at the end at all.

I respect my colleagues and what they are advocating, but I do not believe we ought to reduce this budget at this time. I think we have done all the cutting that we can cut.

I urge defeat of both the Bumpers amendment and the Kerry-Harkin amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I rise today to make clear my opposition to an increase in funding for the SDI, Program. Last year, we spent some $4 billion to research ballistic missile defenses—to see if we can shoot down Soviet nuclear missiles before they strike United States territory. Now, President Bush has asked Congress to expand this program. In my view, $4 billion is already to much.

This program suffered from several technical and strategic liabilities even before the events of the last 2 years.

Now that the threat had changed so fundamentally—with the countries of Eastern Europe no longer our adversaries but now our friends—it seems to me this is no time to be expanding a program of such dubious value.

We can and should conduct a vigorous research program. But as numerous technical experts have pointed out, an effective research program can be adequately funded at a level closer to $3 billion.

Since this program began in 1984, we have spent nearly $20 billion examining the feasibility of ballistic missile defenses. And yet we are no closer to finding a technological solution.

THE REALITY OF STAR WARS

The technological reality is this: That even under the rosiest prediction, a high percentage of those Soviet missiles which exist today would penetrate any defense system we could deploy 10 years for now. Meanwhile, the Soviets, if they so chose, could increase and improve their offensive weapons, leaving both countries still vulnerable to total annihilation.

Worse yet, a star wars system to knock out ballistic missiles would do nothing to protect the United States against the thousands of nuclear weapons deployed of Soviet bombers and cruise missiles. To stop those weapons, a massive new program would have to be created—at an additional cost of hundreds of billions of dollars—to provide the United States with a continental air defense system, stretching from California to Maine and Texas to the Canadian border.

But even the theory of star wars is flawed. This plan will not improve the nuclear balance. Even if they did work, space-based antimissile systems would work even better against each other than against enemy missiles. Thus, the consequence of mutual deployment of such antimissile weapons would be an increase in first strike temptation.

In other words, the pursuit of star wars represents an extravagant means to an end not only unattainable—but dangerous if it could be attained.

At the same time, the very act of pursuing star wars is contrary to our national security interests. First, it will force the Soviet Union to build up its strategic forces in response, setting off an arms race in offensive and defensive weapons. Second, it will prevent us from reaping the rewards of arms control that are now possible because of President Gorbachev's new flexibility. And third, it will divert increasingly scarce defense resources away from the conventional forces that will be the backbone of U.S. military power in the post cold war era.

STARTING A NEW ARMS RACE

Let me address each danger in turn. An attempt to build star wars will inevitably provoke a Soviet response. For Soviet President Gorbachev has made clear that the Soviet military will respond to any effort by United States to build a strategic defense.

Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff has stated on several occasions that the Soviet Union considers its strategic ballistic missiles to be the crown jewels of the Soviet military. And the experts of the CIA have warned Congress that the Soviet military will respond to a U.S. deployment of SDI—probably by increasing their overall level of defense spending and improving the capabilities of the strategic weapons.

While we cannot judge the actual Soviet response to SDI, we do know that they are capable of doubling the size of their ballistic missile force to some 18,000 nuclear warheads. And the Soviets are also capable of building an nationwide defense system of their own. If they took such a step, even President Reagan's own Secretary of Defense, who was the principal architect of star wars, acknowledged that we would be required to build more MX missiles, more Trident submarines, more air-launched and sea-launched cruise missiles, and more long-range bombers, like the B-1 and B-2, to overcome the Soviet defenses.

Given their dire economic straits, the Soviets surely would not wish to take these expensive steps in response to SDI. But let us remember that to ignore such Soviet responses would be to neglect the seriousness of the Soviet threat—which is the very reason given for building SDI.

All serious scientists in the United States have now acknowledged that a perfect defense—an antinuclear astrodome—is simply not possible. But the Pentagon still persists. Now they say we should build a less-than-perfect defense that will complicate a Soviet attack and therefore deter the Soviets from contemplating a first strike.

But the truth is that today no rational Soviet leader would contemplate an attack on the United States. No matter what the Soviets chose to attack us with a large percentage of our strategic submarines and bombers would survive. And they would contain thousands of nuclear weapons, each having the exlosive power of 10 Hiroshima bombs. That means tens of thousands of Hiroshimas would explode on Soviet territory if the Soviets attack. Deterrence works today because we have built a triad of strategic forces able to survive a Soviet attack and respond by wreaking unimaginable destruction and horror on the Soviet Union. We simply don't need SDI to ensure deterrence.

Still, even the act of pursuing a less-than-perfect defense will force the Soviets to respond by building more nuclear missiles to penetrate. Ironically, prior to becoming President Bush's National Security Adviser, Brent Scowcroft acknowledged the danger of building a limited SDI. I quote:

> While limited forms of SDI may be more plausible—than a population shield—it is unlikely that they would meet the criteria of cost-effectiveness and survivability. If they do not meet these technical criteria, premature efforts to deploy a system could stimulate a costly offensive and defensive arms race and reduce stability at a time of crisis. Both effects would reduce rather than enhance our security.

There is a second irony. According to Secretary of Defense Cheney, the criteria for a limited SDI system that the Pentagon is now advocating would require that the system destroy half of the Soviet force of heavy SS-18 ballistic missiles and some 30 percent of the overall missile force. But those specific numerical criteria can be accomplished without spending hundreds of billions of dollars for SDI. We can achieve those very same reductions by simply completing the START Treaty, which requires the Soviet Union to reduce its SS-18's in half and reduce its ballistic missile force from some 8,000 weapons down to 4,900 weapons.

STAR WARS OR ARMS CONTROL

This brings me to the second danger of pursuing star wars. It constitutes a fundamental obstacle to strategic arms control. For neither superpower, in its own interest, could ever agree to serious reductions in strategic nuclear weapons if faced with the prospect of large-scale defensive deployments by the other. That is why in 1972 the United States and the Soviet Union entered into the ABM [anti-ballistic missile] Treaty, which specifically prohibits either country from building a nationwide defensive system. And that is why the ABM Treaty is considered the foundation stone of nuclear arms control.

The pursuit of SDI is a direct assault on this treaty. And if we begin to build SDI we would be in direct violation of this solemn treaty commitment.

Last fall, President Gorbachev made clear that he would be prepared to go forward and complete the START Treaty without requiring that new limits be placed on the SDI Program. If completed this fall, START will be an historic achievement, drastically reducing United States and Soviet strategic arsenals and setting the stage for even further reductions in a START II Treaty.

But if we continue to pursue star wars and violate the ABM Treaty, the Soviet Union has made clear that they will not sign START I and will not begin to negotiate START II. Instead, we should make clear to the Soviets that—while we intend to continue SDI research to protect ourselves from any technological surprises and permit us to respond to any Soviet break out—we will not violate the ABM Treaty by beginning the construction of SDI. This position I have outlined has been

supported by six former Secretaries of Defense—three Republicans and three Democrats—and I believe it is the right one. It will permit us to do the necessary research but not prevent us from reaping the benefits of arms control now before us.

PERVERTING THE DEFENSE BUDGET

Mr. President, nobody knows how much SDI will cost in the end. It could be $100 billion; it could be $500 billion; it could be $1 trillion. Responsible experts—such as former Secretaries of Defense Harold Brown and James Schlesinger—have estimated that it would be close to a half a trillion dollars.

Imagine the effect on our defense budget of spending these sums of money. Right now, we know that defense spending will decline. In light of the changes in the threat arising from the revolutions in Eastern Europe and the Soviet Union and the ballooning budget deficits, the defense budget will fall.

It would be a supreme act of folly for us to spend a huge percentage of the budget on a program that won't work but will destroy the chances of reaching arms control agreements. To do so would mean not spending the funds we must spend to ensure that our conventional forces are capable of responding to the threats from the new world.

The invasion of Kuwait by Iraq is a case in point. If we were to respond to this blatant aggression, the forces we would need at our disposal are not antimissile defenses but ships, troops, helicopters, and airplanes. Building SDI would so pervert our defense priorities that we would not be able to build the kind of conventional forces we will need in the post cold war era. Not only is SDI a cold war weapon but it could prevent us from buying the weapons we need now that the cold war is over.

PROTECTION AGAINST TERRORISTS OR ROGUE NATIONS

Mr. President, I know that some have suggested that we should accelerate the development of SDI in order to allow us to protect ourselves from rogue nations, such as Iraq and Libya, or terrorist groups. But let me say emphatically that SDI would provide us no real protection against such threats. These nations or terrorist groups would not seek to attack the United States using ballistic missiles. They will do just what the drug smugglers do when they want to bring illegal drugs into the country. They will fly weapons in. Or they will ship weapons in.

We do not need a Maginot Line in the sky to protect against Saddam Hussein. It would be a waste of money; because, if he were ever so stupid as to try and attack this country and face our devestating response, he would use an airplane or a cargo ship and there would be nothing SDI could do about it.

In conclusion, Mr. President, let me say that I do not believe even the Bush administration seriously intends to push forward and build SDI. If they did, all the substantial political gains President Bush has achieved through his efforts to secure a lasting peace with the Soviet Union would go down the drain. There would be no arms control agreements to sign; and probably no summits. Rather, the United States would be facing an even more disastrous fiscal crisis and a far more dangerous world.

For these reasons, I support the efforts of my colleagues in reducing the Bush administration's SDI request.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 8 seconds.

Mr. WARNER. I wish to associate myself with the remarks of the distinguished chairman. We have worked together many, many years on this program, and we witness today a major—and I emphasize "a major"—turn of events as a consequence of the earlier vote on the amendment of the Senator from Alabama and the Senator from New Mexico.

I ask that the Senate repose some trust and confidence now in the conferees to properly restructure this program more in line with the accordance and wishes of the Senate.

The PRESIDING OFFICER. The Senator from Arkansas has an additional 1 minute 13 seconds.

Mr. BUMPERS. Mr. President, I want to ask my colleagues to listen to this very seriously posed question. No. 1, do you think the Russians are going to come and get us if we put $3 billion into this program, but not if we put $3.7 billion in it?

Do you think the program is really going to suffer when you cut $600 million, which you are certainly going to have to do with this budget summit? When you think about cutting $600 million from that program, I ask you, is that too much to cut a program down to $3 billion, when it has not even decided what the design of phase 1 is going to look like?

The reason we continue to put money into research is because we do not know what we want to do. The idea that GAO says they could not possibly deploy under the unrealistic time schedules they have set for themselves is because the design keeps changing. We have big financial problems in the country. Here is a chance to do something sensible—either bite the bullet, make the tough choices, or quit.

I offered this amendment on behalf of myself, Senator JEFFORDS, and Senator GLENN.

The PRESIDING OFFICER. All time under the previous order has expired for debate on the Bumpers amendment.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Parliamentary inquiry, Mr. President. As I understand it—I was not here during the unanimous-consent request—we are not going to vote on the Bumpers amendment at this time but conclude debate on the Kerry-Harkin and vote on both in sequence; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. NUNN. At expiration of the Kerry-Harkin time, I assume a motion to table would be in order on both amendments; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. I assume it would not be in order now to move to table the Bumpers amendment.

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senate will take up consideration of the Kerry-Harkin amendment with 45 minutes to be equally divided.

AMENDMENT NO. 2590

(Purpose: To authorize the transfer of $400,000,000 of the funds authorized to be appropriated for the strategic defense initiative for drug treatment, pregnant women, and veterans' health program)

Mr. KERRY. I send an amendment to the desk under the unanimous-consent agreement and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. DASCHLE, and Mr. HARKIN, proposes an amendment numbered 2590.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Funding for Programs Under the Public Health Service Act (42 U.S.C. 300x) and the Department of Veterans Medical Accounts.

(a) TRANSFER AUTHORIZATION.—Of the amount authorized in section 201 to be appropriated for fiscal year 1990 and made available pursuant to section 221 for research, development, test, and evaluation, for the Strategic Defense Initiative,

(1) $100,000,000 is authorized to be transferred and be made available for carrying out in fiscal year 1991 programs under Section 1911(a) of the Public Health Service Act (42 U.S.C. 300x) (Alcohol and Drug Abuse and Mental Health Services Block grants);

(2) $100,000,000 is authorized to be transferred and be made available for carrying out in fiscal year 1991 programs under Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) as amended by the Anti-Drug Act of 1988, model projects for pregnant and post partum women and their infants; and

(3) $200,000,000 is authorized to be transferred to the medical account of the Department of Veterans Affairs.

(b) Notwithstanding any other provisions of this Act, of the funds authorized to be appropriated for fiscal year 1991 for research, development, test, and evaluation of the Strategic Defense Initiative,

(1) not more than $207,000,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $127,700,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $786,100,000 may be obligated for other phase I programs;

(5) not more than $840,200,000 may be obligated for follow-on technologies programs;

(6) not more than $284,700,000 may be obligated for key technologies activities;

(7) not more than $227,800,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

Mr. KERRY. I yield myself 8 minutes, Mr. President.

This amendment is a lesser cut than the amendment of the Senator from Arkansas. I intend to vote for the amendment of the Senator from Arkansas. But if the amendment of the Senator from Arkansas does not carry, then Senators will have another opportunity to vote not for just a straight cut, but for a cut that specifically designates a lesser amount of money to two objectives:

No. 1, to put it into the drug war and, specifically, the effort to deal with crack babies and with treatment in this country, a real threat that we face today, not in the future.

Second, to deal with the woeful underfunding of veterans' hospitals and veterans' health care in this country, which is $1 billion underfunded today.

Mr. President, the Senator from Arkansas has made it very clear that this is a matter of choice for the U.S. Senate. It is a question of whether or not we are willing to make the tough choices.

Frankly, I do not think this is really a tough choice. The House of Representatives is already at $3.2 billion with DOE money, and $2.9 billion if you take DOE out. So we are just questioning whether or not we are going to be willing in the Senate to acknowledge what everybody already knows.

What has happened each year, year after year after year that we voted on this program, is that the Senate votes by several hundred million dollars more, and we always have a lesser number when we come back from the conference.

Here we are, for the first time since the cold war started, with a totally different nature of threat. Yet, we are still coming in ready to fight a whole concept of deterrence against an enemy, the threat of whom has changed, and we are unwilling to put the money into an enemy, the threat of whom gets worse everyday.

The simple reality is that in the United States of America today, 20 million Americans have tried cocaine. One million are addicted to it. One out of ten babies born in the United States last year was born with exposure to illegal drugs to its mother before it was born. Yet, in New York City there is a study that shows that of the 78 treatment centers, 54 percent of them turn away pregnant mothers, they do not have the money to deal with the social costs attendant to them. It is inexcusable that the U.S. Senate should think of spending hundreds of millions of dollars to meet the threat that no longer exists and ignore the threat that exists in the streets of America. Every poll in America shows that Americans believe we are more threatened by drugs today than by the Soviet Union.

Let me make it very clear that this Senator wants a defense that is second to nobody in the world. I want it guaranteed that we do not allow the Soviet Union the opportunity for breakout. But, Mr. President, a $3 billion research program for star wars allows us all the missile laser technology, all the Brilliant Pebbles or dumb rocks technology that we want to pursue; it allows us every single effort we want. It just changes the pace to meet the real demands of the country.

If the U.S. Senate cannot face up to that, then what can it face up to? I know how hard it is to beat the distinguished chairman and the ranking member and the committee mark; we have seen that on amendment after amendment. But, Mr. President, it is very clear where this country is with respect to this threat.

What about veterans? The distinguished Chair is a veteran. He is about to be relieved or is talking to another veteran who holds a Congressional Medal of Honor. Other Members in this Chamber served with honor and distinction.

As all of us know, there was a contract made with the people who put on a uniform and went to serve their country. But, today, we have testimony after testimony from nurses and others who have come before the Veterans' Affairs Committee to say they do not even have the basics in the veterans' hospitals, do not have urinals, soap, gauze pads.

They are cutting beds at the very time when the veteran population is growing older. The Paralyzed Veterans of America, the Disabled Veterans of America, the American Legion, the Veterans of Foreign Wars, the Vietnam Veterans of America, all of them, have said that it is inexcusable that any veteran in this country be given Third World veteran health facilities.

I suggest respectfully that a veterans budget that is $1 billion below where it ought to be, with the kind of testimony we have seen from doctors, nurses, and counselors, about the health care system ought to at least put a down payment of one-fifth of the money that we are below.

Mr. President, we heard about adequate research being necessary. Let me just say respectfully to the chairman when President Reagan gave the speech that started star wars nobody even knew what it was, nobody in the administration knew what it was. They were surprised by it. By God, they rushed out quickly to give it a form. They pulled the programs together that were under DOE and others.

I support laser research. I have voted for that research. The issue here is not whether we should have a program, but it was at $900 million only years ago; in real term plus inflation, that would be about $1.9 billion or $2 billion today. The former Chairman of the Joint Chiefs of Staff comes up and says you could carry an adequate program to prevent Soviet breakout at about $2.9 billion. Why do we continue to spread so much more?

Mr. President, I believe it is vital for us to pay attention to the reality of what is happening in our streets, more cops being killed than ever before in history, one in every 7 hours, where it used to be one a week. We have more violent crime in our cities today than 30 years ago and less police officers per violent crime than we had 30 years ago. That is a real threat to the security of this country.

I hope that the U.S. Senate today would say that out of $3.8 billion in total, $3.5 some billion in the committee markup, we could take $400 million—that is all, $400 million—and divide it between the needs of our veterans and our hospitals and divide it between the needs of crack babies and pregnant women and the treatment centers of this country.

Here we are with a declared war on drugs and only 19 out of every 100 addicts in America receives treatment.

What do you say to the 81 others who get turned away? What do you say to someone who comes in wanting treatment and is sent away for 6 weeks and later comes back?

It is inexcusable we have not made that kind of commitment.

That is not what this is about. It is not about ending Star Wars. It is not about denying the ability to continue research. It is about priorities and recognizing the reality of the nature of the threat, about what changes it has taken and it provides perfectly adequate money to continue this program for research while at the same time saying we are going to meet some of the real needs of the country.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. EXON. Mr. President, I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I have great respect for my colleague from Massachusetts, but he is indeed trying to have it both ways. This is not a question of patriotism, who served, who has not served in the uniforms of this country. This is simply a question of whether or not we are going to abide by a decision earlier made by this body with reference to the SDI, to make a major change in the program as enunciated by the distinguished chairman as a consequence of earlier votes and other work that will transpire in the conference between the House and the Senate.

Mr. President, we are asking that this program not be made the banker for the problems of this country. I share with my distinguished colleague, having just visited the VA hospitals in Virginia, I share with him the problems inflicted on our society by the consequences of drugs.

We are making basic decisions here today with respect to the future of our security and that of our allies and of our friends.

As the Senator from Virginia pointed out earlier today, and the Senator endorsed in his amendment, we need greater emphasis placed on the tactical ballistic missile deterrence, both for ourselves and our friends and our allies, and that deterrence is derived from this account on which he is asking us to bank funds for these other problems which merit attention. But I suggest enough attention has been given in 1 day on this particular line-item of the defense bill.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield to the Senator from Iowa 8 minutes.

Mr. HARKIN. Mr. President, I want to again join with Senator KERRY in offering our amendment, and I associate myself with the eloquent remarks he has made. As a member of the Appropriations Subcommittee on Defense that appropriates money under this authorization, I want to compliment both the distinguished Senator from Georgia, Senator NUNN, and the distinguished ranking member, Senator WARNER, and other members of the Armed Service Committee for what I think is a giant step forward in this bill, cutting out MX rail garrison, which I think is a major step. Cutting the Milstar Program is another major step.

The Senator from Georgia made us "fly before we buy," another step in the right direction. I only hoped that we had applied that to the B-2 bomber. But be that as it may, these are steps in the right direction.

The fact that that budget came down from $306 to $289 billion is again sending a strong signal to the Pentagon that the nineties are different than the eighties. We are beginning to shift priorities.

We have not made enough of a shift and are still proceeding down the wrong road. The SDI Program, like many others, when it was shown it would not accomplish its initial purpose and task, then it begins to look for different missions.

First it was to complicate Soviet attack plans, then to stop an accidental launch, and now to stop Third World threats. It just keeps switching missions.

Again I associate myself with the remarks of the Senator from Massachusetts. The biggest threat to our national security right now, the biggest threat to our way of life and biggest threat to the next generation of young Americans is not a ballistic missile threat from the Soviet Union or any Third World country, it is the threat of the influx of drugs into this country.

We are still fighting the old dead cold war with obsolete weapons and the biggest relic is star wars.

What our amendment does, as Senator KERRY pointed out, is to make a shift to two accounts, fighting the war on drugs and helping to meet our commitment to our veterans' hospitals.

As chairman of the appropriations subcommittee that funds alcohol, drug, and mental health programs in this country, I will wager right now I have a letter in my file from just about every Senator, requesting that I increase money for alcohol and drug abuse programs in every State and mental health program. Because you have heard from your States and are requesting help in fighting the threat of drugs both in education, treatment, rehabilitation, and in the other areas of law enforcement and prosecution.

I am going to do my best, but I must tell you we do not have enough money to meet all the requests that come in to increase alcohol, drug, and mental health programs around the country. So if you would like to have a shift and to make sure we can put some more money to send out to the States through these programs, then I ask for your support for the Kerry-Harkin amendment, a shift of $400 million.

As Senator KERRY said, it is not going to kill star wars; but a shift of $200 million to the war on drugs, $200 million into the veterans health programs, can make a big difference in both those programs.

My distinguished colleague from Massachusetts has talked a lot about the drug program and the threat of drugs. I want to focus on another aspect. Senator KERRY did mention the problem we have with veterans hospitals, where they are not getting adequate medical care. He is absolutely right. When veterans agreed to serve in the Armed Forces they were told the Nation would take care of their medical needs. We have honored the commitment for many years. Tens of thousands of veterans have received VA care in centers across the Nation. They came to depend on immediate service. They did not need private health insurance. they had a commitment from the Federal Government that their medical needs would be met.

Now, as many of the veterans are requiring more health care due to age, the rug is being pulled out from underneath them. Under economy moves, some VA medical centers have stopped outpatient service to some category A, category B, and category C veterans. In many cases these veterans have been receiving outpatient services including medicine and other service for years. They have no private health insurance. Many are too ill and too old to get private health insurance. And many could not afford it even if they qualified.

But I want to take my remaining time to tell you about one such veteran from Waterloo, IA, to drive home my point. His name is Jack Stone. He was a 57-year-old marine in poor health.

Jack Stone had diabetes. He lost his leg to the disease in 1986, but the VA medical center in Iowa City was there to help him.

Jack Stone was also crippled by arthritis of the spine, but the VA medical center was there to help him.

Jack Stone had hardening of the arteries, but the VA medical center was there to help him.

His kidneys began failing in 1988. But the VA medical center was there to help him: He began dialysis there in 1989.

By January of this year, Jack Stone received outpatient dialysis treatment twice a week, and took 16 different medications at a cost of about $200 per month. But the VA paid for his medical treatment, fulfilling the commitment we made to all our veterans.

However, on January 30, while receiving his dialysis treatment, Jack

Stone learned that a VA nurse had reclassified him as chronic and stable, thereby cutting off his outpatient services.

Jack Stone had kidney failure, arthritis of the spine, was losing his eyesight, but a VA nurse determined that he was chronic and stable, and took away his medical benefits.

Just like that. No review. No advance warning. No consultation with a doctor. No discussion of alternative methods to finance his medical treatment.

Dispondent and determined not to burden his family, Jack Stone killed himself the next day.

Mr. President, how many more Jack Stones are out there? Hundreds? Thousands?

How many more veterans with significant medical problems are removed from the rolls simply because their condition has become chronic and stable?

Well, I can tell you Jack Stone's widow, Carolyn, has dedicated hereself to telling Jack's story—and I wanted to tell it today—hoping to save other veterans from a similar fate. I have received over 3,000 signatures on petitions from concerned citizens of Iowa, demanding that we continue to provide adequate health care for our aging veterans.

Mr. President, cutting off veterans from medical care is a national disgrace.

We made a sacred pledge to our veterans when they offered their lives to protect our freedom and democracy. I know that budgets are tight, and some are advocating that we cut all Federal services to help balance the budget. But we must never balance the budget on the backs of aging veterans in poor health. We have to provide adequate funds so that all veterans receive the care they were promised when they served our Nation.

I call on all my colleagues to encourage Secretary of Veterans Affairs Derwinski to immediately stop the practice of cutting off services to veterans who are chronic and stable, and to request sufficient funds for outpatient services.

The amendment offered by Senator KERRY and I is one small step to correct the shortfalls in the VA medical account. As Senator KERRY said, the major veterans groups—VFW, DAV, Amvets, and the Paralyzed Veterans of America—have analyzed the VA budget, and they concluded that the President's request for fiscal year 1991, while much better than previous years, still falls over $1 billion short of meeting our real VA medical needs.

Our amendment would transfer $200 million from star wars to bolster the veterans' medical services, meeting about one fifth of the shortfall identified by the veterans groups.

Certainly restoring our commitment to our Nation's veterans should have priority over chasing the fantasy of star wars weapons system. This amendment makes one small step in shifting our priorities.

I urge my colleagues to support the Kerry-Harkin amendment to help fight the war on drugs, and to help keep our commitment to our veterans.

I yield the floor.

Mr. EXON. Mr. President, I yield myself 2 minutes.

Mr. President, I have listened with great interest to the very interesting amendment that has been crafted by my friends, the Senator from Massachusetts and the Senator from Iowa.

As one Member of the U.S. Senate, I would like like to say that few, if any, have been at the forefront in providing money for veterans and veterans' facilities than this Senator. Yet, by the clever arrangement in this amendment, I am being asked to vote against the veterans, against the Jack Stones and others, to cut star wars.

From a popular standpoint, who can disagree with that? I mean, that is just great, I would like to remind the U.S. Senate that of all the people in this body, it was this Senator's mark of a $13 billion cut in our overall military budget, which far exceeds any other number, that was approved as it was in the budget meeting.

Mr. WARNER. Will the Senator yield for a momentary crisis on a vote count? It will not take more than 10 seconds.

Mr. EXON. I am glad to yield to the Senator from Virginia.

Mr. WARNER. Mr. President, this Senator has fought for the Jack Stones and those similarly situated; I have visited the hospitals; I have provided additional money on two or three occasions in the Budget Committee to get this job done. But, unfortunately, I am faced, with the clever amendment, the way it is drawn, with voting against veterans.

Well, if people think I am against veterans because I am going to oppose the amendment the way it was offered, then that is the way it is going to have to be.

The statement was made in debate by the supporters of this amendment that the threat no longer exists—the threat no longer exists. What fools sometime we mortals be.

I think one of the single most devastating threat to the United States of America now and as far as we can see into the future is not necessarily an all-out Soviet attack against the United States of America—but let us think about it this way; and this is with the limited research about SDI, that we have cut and cut and cut, and scrubbed and scrubbed and scrubbed, and tightened down further with the amendment offered by the Senator from New Mexico that passed a few moments ago—what we need, I believe, is some kind of a defense against the "onesies" and the "twosies" or the "threesies" of intercontinental ballistic missiles aimed at the United States.

Where would we be if a Qadhafi could call up the President of the United States one day and say, "I have an ICBM," which he might be able to obtain, "and I am going to lob it at the United States. I do not know where it is going to hit because it is not very accurate. But unless you do this and that and such * * *"

What the thrust of the Armed Services Committee has been—and the proponents of this amendment should understand and all America should understand—is that there is indeed a threat and that threat still exists. And what we are trying to do is shape a program that would, at least in the initial phase, take away that ICBM pointed at the President of the United States to try to get him to do something. Essentially, that is what we're trying to do.

I reserve the remainder of my time.

Mr. EXON. In the interest of saving time, people are trying to leave here, there are 5 minutes left on the other side, I guess. I would agree to limit us down to 5 minutes on this side at this time so we can expedite the proceedings. Probably not many votes are going to be changed, regardless of what we debate here today.

Mr. HARKIN. I did want to make a short statement.

Mr. KERRY. I yield 30 seconds to the Senator from Iowa.

Mr. HARKIN. I want the Senator from Nebraska, my friend, to know I appreciated his strong fight for veterans in the past. The distinguished Senator from Nebraska has fought long and hard on the Veterans' Committee for veterans' programs, to shift those priorities, and I would in no way intimate that the Senator from Nebraska has been anything less than the strongest fighter for veterans on the floor that we have, and on the Budget Committee, also. I want the record to show the work he has done for the veterans of this country.

Mr. EXON. We are prepared to yield the remainder of our time on this side unless there are some Members who would like to put statements in the RECORD? We are ready to yield our time if the proponents of the measure are ready to yield their time and proceed to a vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Most of what is necessary to say has been said.

Let me address the comments of the Senator from Nebraska, for whom I have enormous respect. I join the Senator from Iowa in not one iota questioning his past commitment or efforts for veterans, but there is a reality.

This is a choice between putting additional money into veterans or keeping star wars where it is. That is the hard reality. That is where we are. Those are precisely the tough choices we have come down to here. There is nothing clever about this. We are presenting the choice because we think it is a necessary choice, and the vote this afternoon will be, either you think the first priority is to put money, additionally, into the drug war to deal with crack babies, additionally into the problem of underfunded VA health, or you believe that the system of the current configuration of star wars needs to be at the $3.5 to $3.75 billion under the committee mark without DOE. That is the choice.

This Senator did not say a threat no longer exists. This Senator said the threat as we have known it no longer exists. That is very different. Stalin is finally dead. We have a different Soviet Union. We do not have a Warsaw Pact. Clearly the Soviet Union cannot afford to spend in the same way. Why should we be different? Why should the American people, who need to compete with Europe and the Japanese and who are greatly struggling to get kids out of school literate rather than functionally illiterate, why should we not pay attention to those issues, while somehow we can fund a program like star wars endlessly at whatever sum we want?

I know the threat is not nonexistent, but it is a different threat than we have known. We must adjust.

On the question of Qadhafi, Mr. President, if we are dependent on star wars to deal with a Qadhafi with an ICBM, we are indeed in trouble. If we ever allowed him to have a launch pad, we would be crazy, and whether it is efforts like Israel took against Iraq or whatever, there are countless ways to deal with that issue.

But under the ABM Treaty we are allowed today to deliver and develop a land-based system. We could choose to do that, Mr. President. The Soviets have the Galosh system around Moscow. We used to have a system around Grand Forks but we scrapped it because we did not think it works. Maybe we should bring it back if we think that is the way to deal with Qadhafi but you do not need a multibillion-dollar system and the destruction of the START Treaty to do that.

The question is very simple. How rapidly do we want to proceed? I say to my colleagues we have a far greater threat from a nuclear bomb in a suitcase coming in in a truckload of marijuana than we do an ICBM coming from Libya.

Mr. HARKIN. Will the Senator yield for that?

Mr. KERRY. I yeld.

Mr. HARKIN. Former Secretary Harold Brown said it right. If we are really concerned about Third World problems, we ought to increase funding for the Customs Service, not SDI.

Mr. KERRY. I am prepared to yield my time.

Mr. EXON. We are not prepared to yield back our time. We will be in a moment.

Mr. KERRY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Time for the proponents has expired.

Mr. EXON. I yield myself 1 minute and then 2 minutes to the Senator from Pennsylvania, and then I hope we can vote.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I think it is wrong to imply the SDI Program we are going to go to, and it is going to be a scaled-down version, pretty much along the lines, when we get through, as to what I believe the Senator from Massachusetts is suggesting—when we finish conference with the House, as we have said, on the previous bill and the bill that has been introduced as an amendment and this one.

What I am trying to emphasize is: Do not sell the terrorists of the world short. There are lots of ways to deliver ICBM's, and you do not need a full-fledged platform that could be interpreted by our reconnaissance intelligence that we have today.

I yield 2 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had requested more time, but I shall limit myself to 2 minutes or less. I requested the time because I served with Senator HARKIN as ranking member of the Appropriations Subcommittee on Health and Human Services. I am on the Veterans' Affairs Committee.

I am opposed to this amendment, Mr. President, because, as good as it sounds, it cuts needed funds from a very important program.

The source of amazement to me, Mr. President, is that the negative implication of this amendment is to agree with $3.3 billion for the strategic defense initiative.

Why agree to anything? If you vote against this amendment, you look like you are opposed to mental health, drug abuse grants, against projects for pregnant women and infants, against programs for the Veterans Administration. This is what you call a put-on-the-political-spot amendment.

You do not see 30-second spots on C-SPAN II, but these are the kind of amendments Senators face when they are up for reelection.

My record is plain, Mr. President, in fighting for drug abuse and mental health programs while on the subcommittee with Senator HARKIN, programs for infants and pregnant women, voting consistently for more money for veterans. But this amendment ought to be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, we yield the remainder of our time. I ask, if possible, the Chair recognize the Senator from Georgia for the purpose of a tabling motion.

The PRESIDING OFFICER. All time has expired. The Senator from Georgia.

Mr. NUNN. Mr. President, I move to table the amendment.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, may I also move to table the second amendment?

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator DECONCINI be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Georgia. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 56, nays 41, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—56

Armstrong	Garn	McConnell
Bentsen	Gore	Nickles
Bingaman	Gorton	Nunn
Bond	Graham	Packwood
Boschwitz	Gramm	Pressler
Breaux	Grassley	Robb
Bryan	Hatch	Roth
Burns	Heflin	Rudman
Coats	Heinz	Sanford
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
D'Amato	Humphrey	Specter
Danforth	Inouye	Stevens
Dixon	Kasten	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wilson
Ford	McClure	

NAYS—41

Adams	Biden	Bumpers
Akaka	Boren	Burdick
Baucus	Bradley	Byrd

Chafee	Kassebaum	Mitchell
Conrad	Kennedy	Moynihan
Cranston	Kerrey	Pell
Daschle	Kerry	Pryor
DeConcini	Kohl	Reid
Fowler	Lautenberg	Riegle
Glenn	Leahy	Rockefeller
Harkin	Levin	Sarbanes
Hatfield	Lieberman	Sasser
Jeffords	Metzenbaum	Simon
Johnston	Mikulski	

NOT VOTING—3

Domenici	Murkowski	Wirth

So the motion to lay on the table the amendment (No. 2589) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Under the previous order, the question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] is necessarily absent.

I also announce that the Senator from Alaska [Mr. MURKOWSKI] is absent on official business.

The PRESIDING OFFICER (Mr. JOHNSTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—54

Armstrong	Glenn	McClure
Bentsen	Gore	McConnell
Bingaman	Gorton	Nickles
Bond	Graham	Nunn
Boren	Gramm	Packwood
Boschwitz	Hatch	Robb
Bryan	Heflin	Roth
Burns	Heinz	Rudman
Byrd	Helms	Sanford
Coats	Hollings	Shelby
Cochran	Humphrey	Simpson
D'Amato	Inouye	Specter
Danforth	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Warner
Garn	McCain	Wilson

NAYS—43

Adams	Ford	Metzenbaum
Akaka	Fowler	Mikulski
Baucus	Grassley	Mitchell
Biden	Harkin	Moynihan
Bradley	Hatfield	Pell
Breaux	Jeffords	Pressler
Bumpers	Johnston	Pryor
Burdick	Kennedy	Reid
Chafee	Kerrey	Riegle
Cohen	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Simon
DeConcini	Levin	
Dodd	Lieberman	

NOT VOTING—3

Domenici	Murkowski	Wirth

So, the motion to lay on the table the amendment (No. 2590) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the Senator from Wyoming [Mr. WALLOP] is to be recognized to offer an amendment on which there will be a 30-minute time limit for debate, equally divided and controlled in the usual form.

Mr. WALLOP. The Senator from Wyoming will not offer his amendment and therefore asks that that order be vitiated.

The PRESIDING OFFICER. Without objection, the order is vitiated.

The Senator from Ohio

Mr. METZENBAUM. Mr. President, I yield to the Senator to make an announcement.

Mr. NUNN. If the Senator will yield for a brief moment Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. NUNN. If the Senator will yield for a brief moment, I am asked by the leadership to announce there will be a briefing for all Senators on the Iraqi situation in S. 407 at 3:30. It will be an intelligence briefing. The Senate will continue. We will not be interrupted, but will continue.

If the Senator will yield for a brief amendment, I could get one amendment that has been agreed to on both sides accepted quickly. This is a Bryan amendment.

AMENDMENT NO. 2591

(Purpose: To provide for a study)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BRYAN, proposes an amendment numbered 2591.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the anendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following: "As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an analysis of the merits of utilizing as a dedicated NATO training facility a military installation within the United States which would otherwise be subject for closure or realignment."

Mr. NUNN. Mr. President, this requires a report from the Secretary of Defense on establishing a dedicating NATO training facility at military installations within the United States.

Mr. President, I urge adoption of the amendment. It has been agreed to on both sides.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2591) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. WARNER. Will the Senator yield for another amendment, which has been cleared on both sides?

Mr. METZENBAUM. I yield.

AMENDMENT NO. 2592

(Purpose: To amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Colorado relating to medical supplies and other assistance.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. ARMSTRONG (for himself and Mr. MOYNIHAN), proposes an amendment numbered 2592.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof, add the following new title:

TITLE . LITHUANIAN EMERGENCY ASSISTANCE

Chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. LITHUANIAN EMERGENCY RELIEF.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the emergency existing in the Republic of Lithuania caused by the economic blockade imposed by the Union of Soviet Socialist Republics which has caused great suffering among the Lithuanian people, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

(i) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Lithuanian people during the existing emergency;

(ii) solicit private sector donations of humanitarian assistance for Lithuania; and

(iii) cooperate with private relief agencies attempting to provide humanitarian aid to Lithuania;

(2) The Commander-in-Chief of United States Transportation Command is authorized to provide all airlift and sealift necessary, throughout the course of the Lithuanian blockade, to transport United States public and private donations of medical supplies to Lithuania on a regular basis and should begin such transport as soon as the agreement described in subsection (e) has been concluded.

(c) For purposes of this paragraph, the term "humanitarian assistance" includes—

(i) oil, gas and fuel for emergency vehicles and medical facilities;

(ii) water purification supplies, materials, for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

(iii) medical supplies; and

(iv) food and clothing.

(d)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $10,000,000 to carry out subsections (b)(1) and (b)(2).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

(e) The Congress urges the President to begin negotiations immediately with the nations surrounding Lithuania, including Latvia, Estonia, the Union of Soviet Socialist Republics and Poland regarding the importation of critical humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Lithuanians begin to receive critical humanitarian assistance immediately.

(f) Assistance may be provided under this section notwithstanding any other provision of law, other than that included in Public Law 101-179, section 503, known as the Support for Final European Democracy (SEED) Bill of 1989.

Mr. HELMS. Mr. President, for almost 4 months the United States has watched in near silence as the Soviet Union wages war against a small nation. The State Department's policy is based on the erroneous assumption that helping Lithuania could somehow push events in the Soviet Union in the wrong direction and that the proper role for the United States is to stand on the sidelines, hoping that the "messy" situation will soon resolve itself.

Our current policy hardly does justice to America's 50-year rejection of the Soviet claim to Lithuania, Latvia, and Estonia.

This humanitarian relief legislation is urgent. The Soviet economic blockade, although "officially" lifted, continues to place limitations on the receipt of medical and energy supplies.

I have received word from President Landsbergis, Prime Minister Prunskiene, and the Lithuanian Minister of Health, that medical supplies have dwindled to critically low levels. The lack of syringes, scalpels, and antibiotics continue to restrict the number of surgeries performed.

These leaders fear that the present situation could continue indefinitely and they urge passage of this amendment to help alleviate further unnecessary suffering in Lithuania. They thank the Senate for its support of the Lithuanian nation.

Mr. President, we must acknowledge the need for humanitarian assistance from the United States. In fact, the longer we ignore the truth, the tighter becomes the noose around the necks of the people of Lithuania.

The blow to Lithuania was blunted through the determination and fine work of relief agencies such as the Lithuanian Red Cross, CARITAS, and the Governments of France, Switzerland, and Belgium. Concerned Americans have solicited donations and sent medical care packages to Lithuania. The Lithuanian people have ingeniously found ways to improvise and to barter for needed supplies. However, these efforts are not sufficient to deflect the enormous damage that continues to be wrought by the blockade.

Mr. President, this bill simply urges the President to negotiate with the Republic of Lithuania, the Soviet Union and other neighboring states to bring about immediately the importation of critical medical supplies.

Mr. President, it is time to realize that the process of peace in Eastern Europe has been brutally attacked in the Baltic States. The Soviet Union has tried to punish the people of Lithuania for the crime of declaring freedom by barring the free passage of the basic necessities of life.

President Landsbergis recently addressed the Lithuanian Parliament with these words:

Today we could ask the rather large and indifferent world why its interests are more weighty than its principles, and what this would mean to the further progress of Christian civilization. And why, when the faces of the states are changing, cruelty is not harmful, but goodness could be harmful?

Mr. President, sending humanitarian aid to Lithuania will end this paradox. The aid will both save lives and prove that the United States stands behind freedom and against human cruelty.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Colorado authorizing up to $10 million in humanitarian assistance to Lithuania. I authored this same provision as a free-standing bill, S. 2757. That bill was reported unanimously, as amended, by the Committee on Foreign Relations, and is cosponsored by 23 Senators, including Senators PELL and SIMON as original cosponsors. While the partial lifting of the Soviet Union's economic blockade of Lithuania has somewhat eased the crisis which prompted my bill. But the blockade has not been completely lifted. Moreover, its effects are still being felt within Lithuania. I have been informed that energy supplies have not been fully restored. Medical supplies are still in short supply. There are great backlogs in all nonemergency surgical procedures, maternal care and other health care areas.

Mr. President, this amendment will be a strong expression of support for Lithuania. Restoring Lithuania's exhausted medical supplies will greatly strengthen its negotiating position. The Soviet blockade reduced Lithuania to a pitiable state. Diabetics had literally begun to die due to the shortage of insulin. So long as Lithuanians are subject to the whims of the Soviet Government we should not hesitate. We should move ahead vigorously to put into place the authorization for humanitarian aid.

I urge the adoption of the amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2592) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Will the distinguished Senator give us an idea of how long he might wish?

I need to ask the Senator from Ohio how long he might speak, so we can make our plans.

Mr. METZENBAUM. I do not know. I have no desire to make an extended speech. I guess somewhere in the area of half hour, maybe 20 minutes, maybe 40 minutes. I have no desire to extend the debate. I have some thoughts on my mind on this bill. I do want to share them with my colleagues. In the area of 30 minutes.

Mr. DOLE. We have a lot of thoughts in our minds. One is catching airplanes.

Mr. METZENBAUM. I am aware of that.

Mr. President, I am well aware of the fact that many Senators would like to leave, want to get planes, and so when I decided to speak on this subject it was only after some consideration. But I said to myself I cannot fail to speak because I think this bill

just truly lets down the American people.

The American people think that the U.S. Congress is here in Washington doing something about cutting defense spending. They are talking about a peace dividend. They are looking forward with enthusiasm to what we are doing. They read in their papers and listen to television and learn about base closings and they think that is going to save some money. They talk about cutbacks of exotic weaponry, star wars and SDI and other names. They do not know what they all are, but they know they cost a lot of money and they know that as a consequence we do not have the money to cut the deficit, we do not have the money for some other necessary needs in this country. So they are looking forward to seeing what we in Congress are going to do about it.

They know that the cold war has come to an end and they say if we are not in a cold war we are certainly going to be able to cut back on defense spending which has gone up in a constant pattern during the last 10 years. So they think that something is going to happen.

Then when they know the President talked about bringing about 80,000 troops home, troops that we are paying for in Europe. What an unbelievable absurdity. As Senator KENT CONRAD pointed out, what an absurdity it is, the other day when he offered his amendment, that the West Germans are paying for the stationing of Soviet troops in East Germany while we are paying for the stationing of American troops in West Germany, and that comes out of the American taxpayer's pocket.

What are we doing about it? We have 310,000 troops there, and families. It affects our balance of payment. When we get all done we are bringing back 50,000 troops. Is that not incredible?

Then we read in the paper about our eliminating defense fraud. We read more about defense fraud day in and day out. You cannot pick up the newspaper without reading a story about defense fraud. You think that therefore we are going to really begin starting to save some money.

Let us take a look at what this bill is all about, all these great savings we are going to get, the peace dividend, the saving from defense spending. Last year we spent $297 billion and this year we are going to spend $297 billion. We are not saving a penny. The only thing we are saving is the inflation factor. That is the single item that is being saved.

The President requested a wonderful cut on his part. It was going all the way down from $307 billion to $304 billion. And then we, with great courage and a lot of fortitude, cut it all the way back to $297 billion. That is the same amount we spent last year.

It does not provide for inflation. But the fact is we have a bill on the floor today that continues the greatest peacetime military buildup that this country has ever seen.

After earlier wars, after World War II, we cut back drastically. Now, we were not at war, we had the buildup because of the cold war, and we are not cutting back drastically.

We still have in this bill, billions of dollars for strategic weapons that we were originally called upon to pay for because they were to be targeted on the Soviet Union. But now we have the agreement, and we are not doing that; we are cutting back with the Soviet Union.

This bill has in it all the bells, all the whistles, and the American people will be excited because we have Brilliant Pebbles in it. Brilliant Pebbles.

This Senator thinks that the American people would rather be spending those dollars for brilliant students rather than for Brilliant Pebbles. We do not need all of the exotic weaponry that is called for and paid for in this bill.

And if you do not believe me, and you do not believe the CIA, listen to what others are saying.

Richard Perle, former Assistant Secretary of Defense under President Reagan, formerly known as the hardline "prince of darkness"—never a man that I thought I would be quoting here on the floor of the U.S. Senate—but even he says it is "No longer possible to imagine a cohesive Warsaw Pact invasion." He says we ought to cancel the MX, the Midgetman missile, the advanced tactical fighter, and slow down SDI. That from Richard Perle.

Former Secretary of Defense, James Schlesinger, no "peacenik," a man who all this country respects, agrees that the Warsaw Pact's "role as an alliance and a military threat has largely been broken."

Mr. COHEN. Will the Senator yield for a question?

Mr. METZENBAUM. I will not.

I will be glad to yield to questions at the conclusion of my remarks.

And another luminary, former Secretary of Defesne Harold Brown, says we ought to limit SDI to research only, cut troops in Europe, and mothball some of our aircraft carriers.

Even John Lehman, the architect of Reagan's 600-ship Navy effort, now says that the active Navy can make do with 450 ships.

The man who pushed us and pushed the country toward a 600-ship Navy now says we can get along with 450 ships.

Mr. President, do we not understand the American people? There is a consensus out there. They truly want us to cut back on wasteful defense spending. They want us to cut back on exotic weaponry. They are not looking for more. That was yesteryear, when we thought we ought to be throwing billions and billions and billions of dollars for defense weapons.

Go out and run for reelection and tell your constituents that, yes, you want to spend more and more on SDI and Brilliant Pebbles and all of the other exotic weaponry. See how loud the applause will be. But tell them you want to take some of that money and use it to balance the budget, some of that money for education, some of that money for the environment, some of that money so that people can have adequate medical care in this country, and I will guarantee you the applause will be louder because that is what the American people want, and we are not giving it to them here this evening.

Ten billion dollars—3 percent out of a $300 billion expenditure. It is peanuts. It is nickels and dimes. Three billion dollars is all we can find to cut back. And when you try to get an amendment, not one single amendment was adopted by reason of a coalition, a grouping of some Members on this side, and an overwhelming number on the other side of the aisle.

Some have said that additional cuts would cause morale problems in the military and disrupt our national security. I think that what we are doing will cause morale problems with the American people. And I believe that the military would understand if we were to cut back.

This bill preserves the most expensive and the most unjustified weapons system ever to be fobbed off on the American taxpayers, the B-2 bomber. The Air Force recently has been unable to justify the need for this airplane. Do not hold your breath until the day that the Air Force sends one of these $860 million bombers off on a Third World "Show the Flag" operation.

Can you believe it? Spending $860 million on one airplane, almost a billion dollars. And it to this day has not been proven to have the value claimed for it; has not even been proven to have much value at all.

Had we canceled the B-2, we would have saved the American taxpayers some $34 billion dollars over the next 6 years. Let us put it in perspective. What are we talking about? Two B-2 bombers would pay for the entire Head Start Program for a year, or cover the entire budget for the National Cancer Institute.

When we do not have the money even to pay for vaccinations for kids, we have money to pay for the B-2 bomber, that is not very worthwhile.

One and a half B-2 bombers would cover the cost of the entire Federal range of Federal drug and alcohol abuse treatment grants. The cost of one B-2 is equivalent to what the En-

vironmental Protection Agency spends for pollution abatement control and compliance in a total year—one B-2—against all that we spend for pollution abatement control and compliance.

This bill pours another $3.7 billion into star wars. Go out and ask the American people if they want star wars. My guess is 90 percent of them will say: What are you talking about?

And why are we doing it? Who wants it? Why do we need it? Why not just put the money in a rocket and shoot it off into space? The impact on our national security would be just the same.

Suppose we encircled the globe with 4,600 weapons satellites and they all worked perfectly? Would the world really be safer? Not according to the Joint Chiefs of Staff. Gen. John D. Robinson of the Joint Chiefs of Staff testified before the House Armed Services Committee that the Soviets would simply build more ICBM's to overwhelm our defenses. He said the Soviets are capable of developing new technologies to overcome our capabilities.

Here is a weapon that does not even work—the AMRAAM. This bill authorizes $800 million to buy the AMRAAM missile next year. For all I have heard about the AMRAAM, the last thing I would want as a pilot going up against Saddam Hussein's Air Force is a bunch of AMRAAM missiles under the wings of my plane.

We ought to cancel that program. But, no, we do not cancel programs. We just throw more and more money at research and checking and more research and adding on to the original expenditure. That $800 million would be better spent retraining American workers who are out of a job because we cannot compete with our allies.

What about the issue of the troops? For 45 years the taxpayers of the United States have paid more money out their pockets to defend Europe than all the taxpayers in Europe combined. Is that not unbelievable that we here in this country, getting clobbered by some of our European allies and soon to be clobbered even more when the EC becomes a reality, we have been spending more money out of the pockets of American taxpayers to defend Europe than all of the taxpayers in Europe combined—$160 billion each year. Almost $700 for every man, woman, and child in America. What an outrageous, unbelievable subsidy, and we do nothing about it.

The standard of living, understandably, is higher in Europe than it is in our country. Their health care is free. We do not have health care for many of our people. Their education is free. We have substandard education for many of our people. Free day care is provided in Europe at government expense. Not so here. They are cleaning our clocks, economically, and we are paying for it with American taxpayers's dollars.

What does this bill do? It reduces U.S. troop strength in Europe by a miniuscule amount—50,000 out of 311,000 U.S. combat troops stationed there. Months ago President Bush announced he wanted to withdraw 80,000 troops. Why not do it? Even that is too little. But 80,000 is better than 50,000. The fact is, we could cut defense spending by 50 percent over 10 years, but we just do not have the temerity and we do not have the courage and maybe we do not have the intelligence to do it. We do not need the B-2, the Minuteman, SDI, and missiles that do not work. We need to refocus. We have to learn what our real priorities are in this country. We are facing a whole new set of threats.

Here we have what has developed in the Middle East, as we meet here today, where regional dictators like Hussein have been able to move in on Kuwait and maybe shortly move in on Saudi Arabia. With all of our military power and all the Soviet military power and all the European military power, nobody seems to have an answer. Our $300 billion bill has no answer in it either. And I am not sure, I regret to say, our military leaders have any answer either.

What are we facing in this country as we meet here today? We are facing worldwide economic competition from our allies, and we are providing the dollars to defend them, and we are pouring billions of our dollars out of this country into their country for that purpose. We have lost millions of manufacturing jobs in steel and automobiles and electronics in the past decade, because we have neglected to make crucial investments in education and retraining and other domestic priorities while we spend more and more billions building up our defense forces, yes, and throwing away billions of dollars that were poorly spent.

In 10 years, we have built a $1 trillion debt. We have pushed it off on our children and our grandchildren, and much of that $1 trillion debt results from wasteful defense spending. What an embarrassment to us in Congress and what an embarrassment to the American people and what a burden to the American people because they are the ones who are going to pay it.

Most of us will not be around to suffer the criticism from that debacle of the $1 trillion debt. Vast stretches of our cities have become divided battlegrounds, and gangs defend their turf, shooting up their rivals with automatic weapons. An entire generation of inner city youth is lost to crime and drugs, while we do not have the dollars to cope with the dope but we have the dollars for wasteful defense spending. How can we debate the relative importance of an AMRAAM missile when the murder rate in every city is climbing through the roof?

Our negotiators are meeting with the President, trying to figure out what to do about the budget, trying to figure how many dollars we are going to add on the backs of the poor working people of this country with cigarette taxes and liquor taxes and wine taxes and a tax at the airport. Put the tax on the people of this country—tax the poor, tax the middle-income American—but do not cut defense spending.

Who said we have to have half of the dollars come from new taxes and half the dollars come from cuts? If we did what we ought to do, we would be able to find the cuts—not all of them, but substantially more than we are finding in this defense spending bill.

But, no, we cannot change a comma. We have been here for 4 days on this bill, and I do not believe there has been one amendment of any significance that has prevailed. I am going to vote against this bill because it is fat. I am going to vote against this bill because it is wrong. I am going to vote against this bill because it is a letdown of the American people.

It is more and more of the same.

My friends in the Senate, I just do not think we can afford any more of that. I yield.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the chair.

During the very informative debates we have had today, most of our colleagues have been focusing on the important discussions on this floor. But, given the tremendously important and very significant things that are happening in the Middle East, I took a little time off to watch CNN this afternoon. I found there a discussion. Admiral Crowe, the former Joint Chief of Staff, whom the senior Senator from Arkansas said—I would ask the Senator from Ohio not to leave, if I could, because I wanted to share with my colleague a discussion that the Senator from Ohio had with Admiral Crowe that I thought was very important and very significant.

The Senator from Ohio made the same statement that he made here, that we spent $300 billion and we cannot do anything in the Middle East.

I think my colleagues would find very informative the answer of Admiral Crowe. He said: "Senator, we have the military ability. The question is the political will."

I just wanted to share that with my colleagues here today because I think we are facing a very important question of political will. I have listened with great interest to the arguments and the comments of the distinguished Senator from Ohio. Certainly,

he is correct in saying that many domestic spending programs are far more popular and we would like to be able to spend money that we are now spending on defense in domestic programs. But, Mr. President, I think we have played a very important role in providing an adequate defense to protect Europe for the last 45 years. The 1930's may only be 50 or 60 years ago, but they provide us a very important lesson because elected leaders in that period of the thirties were saying, we need to spend more money on social programs and not on defense. And they made a tragic mistake. Those who ignore the lessons of history are committed to make them again.

I hope my colleagues will not make those same errors. We can get rid of wasteful things like the M-1-A tank that the House put back in. There are items of waste. But we need a strong defense.

I commend the distinguished chairman of the Armed Services Committee, the Senator from Georgia and our ranking member, the Senator from Virginia, who have worked hard to come up with a good compromise. I do not agree with all of it, but I urge my colleagues to support this bill and to support the very important defense mission we are authorizing here today.

I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Missouri.

Mr. President, I regret the Senator from Ohio is off the floor for reasons, I am sure, which are valid. I, too, wanted to address him face to face because I have had the privilege to work with a distinguished Member of this body, the Senator from Georgia [Mr. NUNN], who carries with him a great tradition, not only for fairness, not only for sound judgment, but also for listening carefully to the views of all Members of this body as he, together with all Members of the Senate Armed Services Committee, worked diligently to put together this piece of legislation.

This piece of legislation represents, in my judgment, the high water mark as we pursue the budget summit, as we pursue the prioritization of the fiscal problems that we have before this Nation today.

I regret that one Member of this body has spoken so strongly against these efforts which, in every respect, have been bipartisan. I might note, during the course of this lengthy debate on this bill and the rollcall amendments that have been taken, on every single amendment, save one, the basic position of the Armed Services Committee has prevailed. I wish to thank the Members of this body for reposing in this committee of 20 Senators that trust and confidence to make those difficult judgments on behalf of the Senate as a whole.

Recognizing that we are anxious to try to bring this matter to a final conclusion as quickly as possible, to accommodate the many Senators and, indeed, the staff who have waited here so long, I will at this moment yield the floor.

Mr. NUNN. Mr. President, I think we are very close to final passage. But I would like to ask the staffs of the Senator from Montana and the Senator from Louisiana, Senator BAUCUS and Senator JOHNSTON, to alert both Senators that they are needed on the floor. We have one further matter that we did not think was going to be a problem. I hope it will not be a problem. It is a jurisdictional matter.

There is a provision in the bill that has caused some concern in the Energy Committee about jurisdiction. We have worked with the Energy Committee staff—Senator JOHNSTON and I worked with them—to try to take care of that problem. We have been working that one for 3 or 4 days. We thought we ironed it out, and we find in correcting that problem we have stirred up some considerable concern on the Environmental Committee. The Senator from Montana has made that concern known to us.

In this set of circumstances, I suggest to my colleagues that we leave the bill as it is and we go to conference. But I feel obligated, having worked in good faith, and I worked in good faith with the Senator from Louisiana, that he would like me to propose the amendment we worked out, and then we will see what the Senate would like to do with it. I will need both the Members on the floor. I hope they can come over.

Mr. WARNER. Mr. President, the leadership brought to the attention of both the chairman and myself that a number of Senators have very tight travel commitments. It is hoped that that matter can be brought to a conclusion as early as possible.

I also join the distinguished chairman in observing that although he, Senator JOHNSTON, Senator BAUCUS, and I believe Senator GORE, have worked diligently to resolve this, there are Members on this side, including this Senator, who do have concerns with the package as it presently stands.

Mr. NUNN. Mr. President, I understand the Senator from Virginia has concerns with the proposal that Senator JOHNSTON and I worked out. I respectfully suggest to my colleagues that the best way to handle this is for us to make a good faith pledge to get together before we go to conference and to discuss this with both committees in good faith and see if we cannot come up with some common solution.

Mr. President, while we are waiting for those two Senators to come to the floor, we have certain technical amendments. During the review of the bill, since the bill was reported by the committee on July 20, a number of items have been noted in which technical and conforming changes are required. This amendment would make those changes. Mr. President, this has been cleared on both side.

Mr. WARNER. Mr. President, that is correct.

AMENDMENT NO. 2593

(Purpose: To make technical corrections)

Mr. NUNN. Mr. President, do we have an amendment still pending?

The PRESIDING OFFICER. There are two amendments pending.

Mr. NUNN. I ask unanimous consent the pending amendments be laid aside temporarily, and I send to the desk technical amendments, and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes amendments numbered 2593.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

On page 9, strike out line 12 and insert in lieu thereof the following:

"(1) For the Army, $5,696,323,000.".

On page 11, line 17, strike out the period and insert in lieu thereof ", subject to the customary reprogramming procedures.".

On page 19, strike out lines 7 through 10, and insert in lieu thereof "not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to non-Communist, noncombatant, displaced persons or refugees at or near the border between Thailand and Cambodia."

On page 105, line 12, strike out "(a)," and insert in lieu thereof "(b),".

On page 145, lines 10 and 11, strike out "each House of the Congress" and insert in lieu thereof "the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives,".

On page 145, lines 14 and 15, strike out "each House of the Congress" and insert in lieu thereof "such committees".

On page 208, line 4, insert "authorized to be" after "Funds".

On page 212, between lines 20 and 21, insert the following new subsection:

(e) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to the authority provided for such purpose under chapter 18 of title 10, United States Code.

(2) Nothing in this section shall be construed to modify or supersede the provisions of section 375 of title 10, United States Code, or the provisions of section 376 of such title, except to the extent provided in subsection (c) of this section.

On page 215, line 15, strike out "five-year defense program" and all that follows through line 16 and insert in lieu thereof the following: "five-year or six-year defense program submitted pursuant to section 114a of title 31, United States Code.".

On page 215, between lines 16 and 17, insert the following new subsection:

(d) SIX-YEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM.—Notwithstanding the reference in subsection (a) to a five-year national foreign intelligence program, if in any year the Director of Central Intelligence prepares a six-year national foreign intelligence program, the Director may submit that program to the committees referred to in subsection (a) in lieu of a five-year national foreign intelligence program.

On page 223, line 24, strike out "the those" and insert in lieu thereof "those".

On page 302, line 4, strike out "section 501" and insert in lieu thereof "section 2501".

On page 375, line 14, strike out "section 201" and insert in lieu thereof "section 3201".

On page 380, line 9, strike out "Defense" and insert in lieu thereof "Energy".

In amendment number 2586, on page 2, strike out lines 1 through 4.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendment (No. 2593) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time, notwithstanding the provisions of rule XXII, proceed to the consideration of H.R. 5229, the Department of Transportation appropriations bill, and that it be considered under the following limitations:

That the committee amendments be considered and agreed to en bloc for purpose of further amendment; that there be 30 minutes on the bill with the time equally divided and controlled in the usual form; that there be 30 minutes for Senator NUNN to speak; that the only amendments in order, other than the committee reported amendments and technical conforming amendments, be the following: 5 minutes on an amendment by Senator DOLE: 5 minutes on an amendment by Senator FORD regarding aviation flight service stations; 5 minutes on an amendment by Senator MURKOWSKI regarding Konsai Airport; 10 minutes on an amendment by Senator HEINZ to strike section 32; that no motions to recommit be in order; that the time be controlled in the usual form; that when all time is used or yielded back, and the Senate has disposed of the amendments and proceed to vote, without intervening action or debate, on final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The Senate continued with the consideration of the bill.

Mr. NUNN. Again, I put out a call to the Senator from Louisiana and the Senator from Montana, because we have a number of our colleagues who want to catch a plane.

Mr. WARNER. Mr. President, if I understand the distinguished chairman of the Senate Armed Services Committee, all matters now, technical and otherwise, have been concluded and there is just one matter remaining; is that correct?

Mr. NUNN. The Senator is correct.

Mr. President, as I said at the beginning of the debate on this bill, this is a far reaching bill and marks an important shift in our national security policy.

The Armed Services Committee worked very hard on both sides of the aisle to make a prudent and realistic assessment of the dramatic changes in the threat to our national security that have taken place in the past year. We have outlined the changes in the military strategy we need. We believe they are necessary in light of these changes in the threat.

I know there has been considerable discussion about the amount of money that is saved in this bill. Maybe to some people it is not enough, to others it is too much. We believe that what we have done is something that is rather unusual in this town. We have not started with the budget. We have started with the threat.

We have reassessed the threat. We have adopted a number of key elements of change strategy that make a very large difference in our military approach, and we have adjusted the budget accordingly.

The budget savings may seem to be not enough for some people. I have heard that here today; $10 billion in outlays is a lot of money. We cut $26 billion in budget authority. When I heard the Senator from Ohio speaking a few minutes ago—and I have great respect for him—he continued to talk about the $10 billion.

I hope everyone understands that outlay cuts are hard to make because they are based on previous years' budget authority. We cut $26 billion off the CBO baseline in budget authority. Over a period of 5 years, we think we have done a prudent job of protecting our national security; adjusting, primarily relating to the increased warning time in Europe and the reduced threat; but recognizing the world is still a dangerous place, that we have dangers in the Middle East, we have dangers in the Pacific, we have continued response; We have continued responsibilities, although reduced responsibilities in NATO. We have continued arms control negotiations going on. For all of these reasons we have developed here a manageable, a prudent, and we believe a responsible reduction in defense expenditures related to the threat and changed elements of strategy.

It also, I think, should be noted that what we are talking about saving over 5 years, we are talking about saving between $180 billion and $200 billion based on the changed direction of this bill. We are trying to take down the personnel structure gradually so we do not terminate people involuntarily. We have 100,000 people, many coming out of this bill. Over 5 years we anticipate the base structure will be reduced approximately 25 percent.

I hope everyone can put in perspective what $180 to $200 billion is. The summit conference, between the President and the leadership of Congress on both sides of the aisle, the goal there that they are struggling with is to save $500 billion over 5 years. This bill represents between 35 and 40 percent of that total. So anyone saying defense is not making a contribution is simply ignoring what we are doing here and not looking at the facts.

The facts I think are irrefutable but we are not galloping out to try to save every penny we possibly can at the expense of the men and women in the military. We choose not to take that course. We believe those men and women, who served so well and who have helped bring about the tremendous changes that have transpired in the last year that mean so much for freedom for so many people, should be dealt with fairly and equitably. We have tried to take that course.

We have also, as I mentioned, tried to make our colleagues understand, and they may have understood by their support of this bill that the world is still dangerous, that America still has responsibilities in the world, that we still are going to have to maintain a strong military to help preserve the peace in the world. So I hope that our colleagues who do not believe we have saved enough money will take that into account.

Mr. President, I thank the staff on both sides. They have worked together superbly. I do not believe we have ever had a staff in the Armed Services Committee, or for that matter any other committee, that has the degree of expertise, and professionalism, and integrity.

I can certainly say we have never had the kind of smooth working relationship that we have enjoyed in the last 2 years, and an awful lot of that is due to the leadership of Pat Tucker, on the minority side; Arnold Punaro, on the majority side; I would also say the superb continued consistent leadership of my colleague and friend from Virginia. I could not have a better partner to work with in this en-

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deavor, which is so important for our Nation. I thank him.

Mr. WARNER. Mr. President, I respect the chairman and I appreciate his kind remarks and return them in every way because it has been a team effort, not only this year but for many past years, and perhaps with a little luck, who knows, for several years to come.

I join with him in expressing total confidence in the staff of both sides. We almost take them as an interchangeable, fungible commodity, going backward and forth on all issues in our committee as a whole. I think it achieves a level of bipartisanship far higher than most committees are capable of attaining in the spirit of trying to work on behalf of national security.

Mr. NUNN. Mr. President, this bill begins the process of implementing a new military strategy to meet the challenges of the last decade of this century. It puts the Defense Department and each of the military services on a responsible and manageable glide path toward a smaller and restructured defense establishment over the next 5 years.

I am very pleased by the degree of consensus that has marked the Senate's debate on this bill. The Senate has endorsed the major themes and initiatives contained in the committee bill: maintaining nuclear deterrence at lower levels and with greater stability; shifting to a reinforcement strategy with fewer U.S. forces deployed overseas; making greater use of the National Guard and Reserve forces; moving toward a policy of flexible readiness in the military services; and developing a resource strategy based on "fly before buy" for major weapons systems; improving existing platforms and reducing new starts; and encouraging innovative research to preserve our technological superiority.

Mr. President, we have debated this bill for about 34 hours over the last 3 days and nights. For those who are interested, we have considered approximately 90 amendments—about normal for the defense authorization bill.

We have had only several quorum calls and no real dead time since we started debating this bill Wednesday evening. I want to thank all Senators for their cooperation and patience in this regard.

I want to particularly thank the majority leader, Senator MITCHELL, for his help in getting up to this point. He not only insisted that we could finish this bill before the recess, he devoted a great deal of his time and energy over the last 3 days making sure that we did.

I also want to thank the Republic leader Senator DOLE for all of his help. Without the personal attention both leaders gave to this bill, we would have been here this time next week debating it.

I want to thank all of the members of the Armed Services Committee for the spirit of bipartisanship and cooperation which has marked our work on the committee this year.

A great deal of the credit for this bipartisanship and cooperation goes to the ranking minority member of the committee, my partner in managing this bill, Senator WARNER. He is a true leader in our committee and in the Senate on national security issues, and I thank him for all of his counsel and assistance.

I want to thank the professional and dedicated Armed Services Committee staff, led by Aronld Punaro and Pat Tucker, for all of their hard work this year. They come in early and stay late and their work is superb.

I want to thank our policy committee staff and our exhausted floor staff for all of their help during the last 3 days.

And I want to thank Hugh Evans and Greg Scott of the Legislative Counsel's office for all of their help. I know that for every amendment that is considered on the floor, they have been asked to draft a dozen.

We face a difficult conference with the House, Mr. President, but we will do our best to bring back a conference report in September to guide the appropriations process.

LAND CONVEYANCE PROVISION

Mr. BIDEN. Mr. President, I would like to take just a few minutes today to discuss one provision of the bill before us. This provision, section 2824, is nearly identical to the text of S. 2696, a bill I have sponsored that authorizes the conveyance of an Army-owned parcel in Sussex County, DE, to the State of Delaware.

The passage of this legislation marks an important victory for the people of Delaware, to whom this land was granted over 300 years ago. That land grant, made by William Penn in 1682, has been interrupted for the last 50 years because the property has been owned by the Department of Defense, which acquired the land at the beginning of World War II for coastal defense. At that time—in 1941—the War Department seized over 1,000 acres at Cape Henlopen, DE, which is located at the foot of the Delaware Bay. The State of Delaware agreed to this, with the understanding that it would be returned to the State once it was no longer used for national defense purposes.

Fourteen years after the war ended, the Army deactivated the post, then known as Fort Miles. Soon after, a 30-year effort to have the land returned to the State began. Slowly but surely, the members of the Delaware congressional delegation have succeeded in securing the return of most of the 1,000 acres. This effort has not come without a struggle, as the Department of Defense has often resisted the return of the property.

In particular, the effort to regain the 96-acre parcel that is the subject of my bill has dragged on over two decades. Indeed, I have been working to return this land to State ownership since coming to the Senate in 1973.

At that time, I did not anticipate that it would take me 18 years to succeed. But persistence has paid off, as the Army, the owner of this particular parcel, has finally agreed to return the land to the State of Delaware.

With the enactment of this legislation, the land will be returned to its rightful owners—the people of Delaware. This parcel—consisting of 96 acres of prime real estate, including 1,700 feet of beach front—will be incorporated into Cape Henlopen State Park, which surrounds the property. As a result, the citizens of Delaware, as well as visitors to our State, will be able to enjoy 21,250 feet of uninterrupted beach—a beach that, I believe, is one of the finest on the east coast.

Moreover, the land will be available for the use of all citizens—civilian and military—fulfilling the vision that William Penn had over 300 years ago when he granted this land for the common use of all.

If I could have the attention of the chairman of the committee, I would like to clarify section 2824 of the pending measure. Over the course of the past 6 months, I have been negotiating with the Army about the details of the transfer I have described. The terms of the transfer have been agreed to by all parties concerned, and these terms are encompassed in this section.

A provision was added during the Armed Services Committee markup to require that the transfer shall be made not later than 1 year after the enactment of the legislation. I am grateful to the chairman for adding this provision, which ensures that the transfer process will not drag on for an extended period of time.

Quite frankly, I do not think the Army will need a year. The bill is designed to cut the redtape usually associated with land transfers so as to expedite the conveyance of this property.

I raise this issue because the property in question is an Army recreation area that is open only in the summer. My concern is this: Any needless delay in the transfer of this land could mean that the property—the Fort Meade Recreation Area—will again open for the season next year. If that occurs, then the transfer of the land would be delayed until the fall of 1991.

In negotiations with the Army, I have made it clear that it is my hope that the Fort Meade Recreation Area will not open in 1991. The State of Delaware has prepared a management

plan for incorporation of this property into the surrounding State park; any postponement of the transfer of the parcel would delay implementation of this plan.

Does the chairman agree with my view that the transfer of this land should occur as expeditiously as possible, and that the Fort Meade Recreation Area should not open in 1991?

Mr. NUNN. I completely agree with the Senator from Delaware. It is the intent of the committee that the land should be returned to the State of Delaware as quickly as possible.

Mr. NUNN. I completely agree with my view that the transfer of this land should occur as expeditiously as possible, and that the Fort Meade Area Recreation should not open in 1991?

Mr. BIDEN. I thank the Senator. Would he be willing, if necessary, to seek the inclusion of language in the conference report to that effect?

Mr. NUNN. I would be happy to consider such language.

Mr. BIDEN. I appreciate the assistance of the chairman on this matter. He and the ranking member, Senator WARNER, have been extremely helpful to me on this legislation, and I am very grateful to them. I would also like to compliment them for the fine work they have done on the defense bill.

I thank my colleagues.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not wish to impinge on the time of my colleagues, but if we are to have passage, and I do say with a little bit of exasperation, I am going to ask if we cannot hold the rhetoric down. Otherwise, I have something I would like to say. I have not said it.

I would like to know. Do we have an outline of some kind? I mean this very seriously. I do not mean to be flippant. If we are going to do it, fine. If not, there is something I would like to speak about. It is relevant to the defense budget. It also takes on overtones as it relates to the Middle East and a certain conference I had today with the Deputy Prime Minister or Deputy DCM of Washington, Japanese DCM, in terms of the kind of cooperation we could look forward to.

But if our colleagues are going to wrap it up, I am willing to sit down. If they are going to keep talking and talking then I am going to take some time.

Mr. NUNN. Would the Senator take yes for an answer?

Mr. D'AMATO. Yes.

Mr. NUNN. I have to take one other step. I do send to the desk an amendment on behalf of myself and the Senator from Louisiana.

AMENDMENT NO. 2594

(Purpose: To substitute revised Strategic Environmental Research Program provisions for title X)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. JOHNSTON, proposes an amendment numbered 2594.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 190, strike out line 6 and all that follows through line 26 on page 207, and insert in lieu thereof the following:

TITLE X—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

SEC. 1001. STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

(a) PROGRAM REQUIRED.—(1) Title 10, United States Code, is amended by inserting after chapter 171 the following new chapter:

"CHAPTER 172—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

"Sec.
"2901. Strategic Environmental Research Program.
"2902. Joint Strategic Environmental Research Program Council.
"2903. Executive Director.
"2904. Strategic Environmental Research Program Scientific Advisory Board.

"§ 2901. Strategic Environmental Research Program

"(a) The Secretary of Defense and the Secretary of Energy jointly shall establish a program to be known as the 'Strategic Environmental Research Program'.

"(b) The purposes of the program are as follows:

"(1) To address environmental matters of concern to the Department of Defense and the Department of Energy through support for basic and applied research and development of technologies that can enhance the capabilities of those departments to meet their environmental obligations.

"(2) To identify research, technologies, and other information developed by the Department of Defense and the Department of Energy for national defense purposes that would be useful to governmental and private organizations involved in the development of energy technologies and of technologies to address environmental restoration, waste minimization, hazardous waste substitution, and other related environmental concerns, and to transfer such research, technologies, and other information to such governmental and private organizations.

"(3) To furnish other governmental organizations and private organizations with data, enhanced data collection capabilities, and enhanced analytical capabilities for use by such organizations in the conduct of environmental research, including research concerning global environmental change.

"(4) To identify technologies related to energy conservation, environmental restoration, hazardous waste substitution, and waste minimization developed by the private sector that could be useful for Department of Defense and Department of Energy defense activities and to provide for the use of such technologies in the conduct of such activities.

"§ 2902. Joint Strategic Environmental Research Program Council

"(a) There is established a Joint Strategic Environmental Research Program Council (hereafter in this chapter referred to as the 'Council').

"(b) The Council is composed of ten members as follows:

"(1) The Assistant Secretary of Defense responsible for matters relating to production and logistics.

"(2) The Director of Defense Research and Engineering.

"(3) The Vice Chairman of the Joint Chiefs of Staff.

"(4) The Assistant Secretary of the Air Force responsible for matters relating to space.

"(5) The Assistant Secretary of Energy responsible for matters relating to defense programs.

"(6) The Assistant Secretary of Energy responsible for matters relating to environmental restoration and waste management.

"(7) The Director of the Office of Energy Research of the Department of Energy.

"(8) The Assistant Secretary of Energy responsible for matters relating to conservation and renewable energy.

"(9) The Administrator of the Environmental Protection Agency.

"(10) The Executive Director of the Council, who shall be a non-voting member.

"(c) The Secretary of Defense shall designate a member of the Council as chairman for each odd numbered fiscal year. The Secretary of Energy shall designate a member of the Council as chairman for each even numbered fiscal year.

"(d) The Council, under the control and direction of the Secretary of Defense and the Secretary of Energy in their respective departments, shall have the following responsibilities:

"(1) To develop policies and procedures for implementation of the Strategic Environmental Research Program.

"(2) To enter into contracts, grants, and other financial arrangements, in accordance with other applicable law, to carry out the purposes of the Strategic Environmental Research Program.

"(3) To prepare an annual five-year strategic environmental research plan that shall cover the fiscal year in which the plan is prepared and the four fiscal years following such fiscal year.

"(4) To promote the maximum exchange of information regarding and to help minimize duplication of environmentally related research and development activities through close coordination with the military departments and Defense Agencies, offices within the Department of Energy, other departments and agencies of the Federal Government, State and local governments, and other organizations engaged in such activities.

"(5) To ensure that research and development activities under the Strategic Environmental Research Program do not duplicate other ongoing activities sponsored by the Department of Defense, the Department of Energy, or any other department or agency of the Federal Government.

"(e) In carrying out subsection (d)(1), the Council shall develop policies and procedures for accomplishing the goals of—

"(1) providing access by Federal Government personnel, State and local government personnel, college and university personnel, industry personnel, and the general public to data under the control of or otherwise available to the Department of Defense that is relevant to local, regional, and global environmental change by—

"(A) identifying the sources of such data;

"(B) publicizing the availability and sources of such data by appropriately targeted dissemination of publicity to such personnel and the general public and by other means; and

"(C) providing for review of classified data relevant to environmental matters with a view to declassifying or preparing unclassified summaries of such data;

"(2) providing governmental and nongovernmental entities with analytic assistance, consistent with national defense missions, including access to military platforms for sensor deployment and access to computer capabilities, in order to facilitate environmental research;

"(3) identifying energy technologies developed for national defense purposes (including electricity generation systems, energy storage systems, alternative fuels, bio-mass energy technology, and applied materials technology) that might have environmentally sound, energy efficient applications for other programs of the Department of Defense and the national security programs of the Department of Energy, particularly technologies that have the potential for industrial, commercial, and other governmental applications, and to support programs of research in and development of such applications;

"(4) identifying and supporting programs of basic and applied research, development, and demonstration of technologies useful—

"(A) to facilitate environmental compliance, remediation, and restoration activities of the Department of Defense and the Department of Energy;

"(B) to minimize waste generation and for materials recycling by such departments;

"(C) to substitute use of nonhazardous, nontoxic, nonpolluting, and other environmentally sound materials practices and substances for use of hazardous, toxic, and polluting materials and substances by such departments; or

"(D) to treat, store, and dispose of waste in a manner that will not adversely impact the environment or human health;

"(5) identifying and supporting research, development, and application of other technologies developed for national defense purposes which, not only are directly useful for programs, projects, and activities of such departments, but also have useful applications for solutions to such national and international environmental problems as climate change and ozone depletion;

"(6) encouraging and supporting transfer to the private sector of technologies referred to in clauses (2) through (5) and promoting the use of cooperative, cost-shared arrangements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) and other applicable laws;

"(7) identifying and planning for the demonstration and use of existing environmentally sound, energy efficient technologies developed by the private sector that could be used by the Department of Defense and the Department of Energy;

"(8) identifying military specifications that prevent or limit the use of environmentally beneficial technologies, materials, and substances in the performance of Department of Defense contracts and recommend changes;

"(9) ensuring that the research and development programs identified for support pursuant to the policies and procedures prescribed by the Council are closely coordinated with, and do not duplicate, ongoing activities sponsored by the Department of Defense, the Department of Energy, and other Federal agencies;

"(10) ensuring that there is participation by industry and universities in conducting research, development, and demonstration activities; and

"(11) providing for the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency jointly to develop—

"(A) innovative approaches to the prevention of environmental pollution caused by waste streams and other emissions resulting from industrial processes, post-consumer solid waste sewage and waste water, and other sources of air and water pollution; and

"(B) thermal technologies, biological technologies, chemical technologies, and other innovative technologies for the treatment of hazardous waste.

"(f) The Council shall be subject to the authority, direction, and control of—

"(1) the Secretary of Defense in prescribing policies and procedures under subsection (d)(1); and

"(2) the Secretary of Energy in prescribing the applicability of any such policies and procedures to the national security programs of the Department of Energy.

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense and the Secretary of Energy an annual report on the annual five-year strategic environmental research plan prepared pursuant to subsection (d)(3).

"(2) The report shall contain the following:

"(A) Actions to be taken during the five-year period covered by the plan to prevent duplication of research and development activities undertaken pursuant to the program.

"(B) A description of each project selected or recommended by the Council for support and funding, including the duration of and total estimated or, if known, actual cost of—

"(i) each such project supported during the fiscal year in which the plan is submitted and the preceding fiscal year; and

"(ii) each such project proposed for funding during the fiscal year in which the annual report is submitted and the following four fiscal years.

"(C) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the annual report is submitted, for the programs, projects, and activities of the Strategic Environmental Research Program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"(D) The amount made available, for the fiscal year in which the annual report is submitted, to each Department of Defense laboratory and to Department of Energy facilities.

"(E) The amount requested in the budget referred to in subparagraph (C) for each Department of Defense laboratory and to Department of Energy facilities.

"(F) Any changes in military specifications recommended by the Council, actions to be taken to effectuate any such recommended changes on an expedited basis, and the projected date for each such change.

"(G) A description of all contracts, agreements, or other documents for cooperative research and development activities entered into pursuant to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) during the fiscal year preceding the fiscal year in which the annual report is submitted.

"(H) Plans for transferring technology and information to other governmental agencies and to nongovernmental organizations involved in environmental research and related matters.

"(I) Plans to increase access to data described in subsection (e)(1).

"(J) Such additional recommendations or proposals, including proposals for legislation, relating to the Strategic Environmental Research Program as the Council considers appropriate.

"(3) The Council shall make a draft of the five-year strategic environmental research plan covered by the report available for public comment for a period of at least 30 days.

"(4) Not later than March 15 of each year, the Secretary of Defense and the Secretary of Energy shall transmit the annual report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the Committees on Energy and Natural Resources and on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives. The Secretaries of Defense and Energy may submit such comments on the annual report as each Secretary considers appropriate.

"§ 2903. Executive Director

"(a)(1) There shall be an Executive Director of the Council appointed jointly by the Secretary of Defense and the Secretary of Energy.

"(2) The position of Executive Director shall be a Senior Executive Service position.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Executive Director is responsible for the management of the Strategic Environmental Research Program in accordance with the policies established by the Council.

"(c) The Executive Director may enter into contracts or other agreements in accordance with applicable law, except that the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of $500,000 or such lesser amount as the Council may prescribe.

"(d)(1) The Executive Director, with the concurrence of the Council and without regard to the provisions of title 5 governing appointments in the competitive service, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

"(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional employees appointed pursuant to paragraph (1). No such rate of basic pay may exceed the rate of basic pay payable for GS-18 of the General Schedule under section 5332 of such title.

"§ 2904. Strategic Environmental Research Program Scientific Advisory Board

"(a) The Secretary of Defense and the Secretary of Energy shall jointly appoint a Strategic Environmental Research Program

Scientific Advisory Board (hereafter in this section referred to as the 'Advisory Board') consisting of not less than 7 and not more than 14 members.

"(b)(1) Members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

"(2) The Secretary of Defense and the Secretary of Energy shall request—

"(A) the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, to nominate persons for appointment to the Advisory Board;

"(B) the Council on Environmental Quality to nominate for appointment to the Advisory Board at least one person who is representative of environmental public interest groups; and

"(C) the National Association of Governors to nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

"(3) The Administrator of the National Oceanic and Atmospheric Administration and the Science Advisor to the President shall be permanent members of the Advisory Board.

"(4) Members of the Advisory Board shall be appointed for terms of three years.

"(c) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least three meetings of the Advisory Board each year.

"(d) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, technology transfer, and, if appropriate, funding within the scope of the Strategic Environmental Research Program.

"(e) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

"(f) Not later than March 15 of each year, the Advisory Board shall submit to the committees referred to in section 2902(g)(4) of this title an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommendations on projects, programs, and information exchange and recommendations for legislation, that the Advisory Board considers appropriate regarding the Strategic Environmental Research Program.

"(g) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 171 the following:

"172. Strategic Environmental Research Program ..... 2901".

(b) INITIAL APPOINTMENTS TO ADVISORY BOARD.—(1) Up to one-half of the members originally appointed to the Strategic Environmental Research Program Scientific Advisory Board established under section 2904 of title 10, United States Code, as added by subsection (a), may be appointed for terms of not more than 6 and not less than 2 years in order to provide for staggered expiration of the terms of members. The Secretary of Defense and the Secretary of Energy shall jointly designate the members appointed for terms authorized under this paragraph and shall jointly specify the terms for which such members are appointed.

(2) The Secretary of Defense and the Secretary of Energy shall make the appointments required by section 2904(a) of title 10, United States Code (as added by subsection (a)(1)), not later than 60 days after the date of the enactment of this Act.

(c) FIRST ANNUAL REPORT OF THE JOINT STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM COUNCIL.—(1) The first annual report required by section 2902(g) of title 10, United States Code, as added by subsection (a), shall be submitted to the Secretary of Defense not later than February 1, 1992.

(2) The Secretary of Defense shall submit to the congressional defense committees, with the annual report referred to in paragraph (1), any recommendations for changes in the personnel management structure of the Department of Defense that the Secretary considers necessary to carry out the environmental activities of the Department of Defense more effectively.

(3) The Secretary of Defense shall prepare and publish with the annual report referred to in paragraph (1) an action plan to integrate the environmental change data gathered from the Department of Defense and the intelligence community into existing Federal and other research programs related to environmental change. In the preparation of the action plan, the Secretary shall consult with the Committee on Earth Sciences of the Federal Coordinating Council on Science, Engineering, and Technology.

(d) FIRST ANNUAL REPORT OF THE STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM SCIENTIFIC ADVISORY BOARD.—The first annual report of the Strategic Environmental Research Program Scientific Advisory Board shall be submitted not later than March 15, 1992.

SEC. 1002. AVAILABILITY OF FUNDS

Of the amounts authorized to be appropriated pursuant to section 201, $200,000,000 shall be available for the Strategic Environmental Research Program established under chapter 172 of title 10, United States Code, as added by section 1001. To the extent provided in appropriation Acts, the amount made available by this section shall remain available until expended.

Mr. NUNN. This is a good faith effort on the part of primarily Senator JOHNSTON and myself, and Senator MCCLURE's staff has been involved to work out a jurisdictional problem between the Energy Committee and the Armed Services Committee. In the course of trying to work that out, we did not take into account sufficiently some of the concerns of the Senator from Montana and the Environment Committee.

We are now caught in a squeeze because none of us have time to work this out. I believe it can be worked out. But I know that the Senator from Montana feels keenly about it and will object to the amendment.

I can only pledge to my colleagues from Louisiana and Montana that I will sit down with them as soon as we get back. In the meantime, we will have the staff working together to see if we can work this out. I believe we can before conference. I will make a good faith pledge to do that.

Mr. JOHNSTON. Mr. President, the history of this amendment is that when the Senator from Georgia and his committee began discussing this subject matter, and the shape of it began to take shape, we reported our concerns to the Senator from Georgia, pointing out that the legislation infringed upon the jurisdiction of the Energy Committee and upon the jurisdiction of the Energy Department, that it plainly did so.

The Senator from Georgia said that was not his intent, and in our very first conversation he said to me words to the effect of we will work it out. That is not our intent.

My relationship is such with the Senator from Georgia that when he says that, I have full confidence in both him and his staff. I knew that Senators in good faith could, in fact, work it out.

Mr. President, over a period of days different staff members dealt with the details of this legislation. Agreements were struck and then problems arose, and agreements were struck and problems arose again in the way that negotiation transpires.

As of last night it was still not agreed to. The Senator from Georgia and I spoke, along with our staffs, and we agreed on the shape of this amendment.

Mr. President, I must tell you that this amendment does not fully satisfy the concerns of either the Energy Committee, myself, Senator MCCLURE, the ranking minority member, nor certainly the Secretary of Energy, Admiral Watkins. He feels more strongly about this than we on the committee do. But again, our relationship is such with the Defense Committee that we will make it work because we support the idea of spending for environment. We support very strongly the idea of using these assets of the Defense Department, particularly DARPA, in a way to help in environmental cleanup.

Mr. President, even though the compromise does not fully suit us, we are willing to go along with it.

Now, Mr. President, at the 11th hour, much to our chagrin and our surprise, we find not only an objection but a threat which I am sure that the

Senator from Montana is fully prepared to follow through on to filibuster the whole legislation because, I do not know but I guess, the intent to take the jurisdiction of the Energy Committee was deemed to be a peril at great price.

He would have to speak for himself on that.

Well, Mr. President, I know that the only thing we can do by prolonging this matter is to discomfort Senators, and we have no objection to do that. The Senator from Georgia tells me when he goes to conference, he will try to work it out. I fully expect that he will do so, because he has said so. I hope that out of conference either something as good as this or perhaps fully dealing with our concerns will come out of that conference.

Mr. President, if it is going to be made to work, Senators must be brought on board with it. I do not believe you are going to have a successful program that is supposed by senior members of the Appropriations Committee.

We are not without resources on the Appropriations Committee. We want to make this thing work, but we are not going to have it jammed on us, take our jurisdiction in energy and natural resources and have it jammed on us. We can play the game, too.

At this point, we are surprised and somewhat shocked by the attitude of the Senator from Montana, but he has his rights, and at this point, 4 o'clock on Saturday afternoon, those are very strong rights.

Having said that, Mr. President, I will not ask that the amendment be further pursued. I think our record is made, and we will leave it to negotiate on another day.

Mr. DOLE. I wonder if we can get a time agreement for final passage. We have been trying to accommodate the leadership here for the last 60 hours. People want to get up and talk for 5, 10 minutes. We want to vote right now without any more speeches.

Mr. NUNN. We are ready.

Mr. DOLE. Let us get a time agreement. This is not going to end in 30 seconds.

Mr. NUNN. I believe I can say to the minority leader I believe it will be in about 30 seconds.

Mr. BAUCUS. I will be brief. I understand the concerns of the Republican leader.

Very briefly, Mr. President, this involves a matter called the joint strategic environmental research program, which sets up a council and a board and is in the authorization bill. The Armed Services staff worked with the Environment and Public Works Committee staff to work out a nomination that is agreed to. At 3 o'clock in the morning my staff found there was going to be an amendment offered, the first notice we ever received of the amendment. Unfortunately, my staff was not consulted in drafting the amendment.

My objections are, No. 1, that the amendment very significantly changes the scope and authority of the council which, in my judgment, involves matters that should be properly in the Environment and Public Works Committee.

Two, it changes the control of the council from more of an independent council directed under the control of the DOD and DOE. That does not, I think, comport well with the original intent of the council.

I hope that the Senator from Louisiana and the chairman of the committee can work out the joint problems between the Energy Committee and Armed Services, but I also hope the conference report does not encroach upon the jurisdiction of the Environment and Public Works Committee.

Mr. NUNN. Mr. President, I ask that the amendment now pending be withdrawn.

The amendment (No. 2594) was withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent to withdraw amendment No. 2482.

Mr. NUNN. Is that unanimous consent agreed to?

The PRESIDING OFFICER. Will the Senator state his unanimous-consent request?

Mr. WARNER. I hereby withdraw amendment 2482.

Mr. NUNN. Those are the pending amendments.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2482) was withdrawn.

Mr. NUNN. Mr. President, I urge third reading of the bill.

Mr. President, I ask for the yeas and nays on the final passage.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, with the Republican leader present, I want to announce to the Members of the Senate the schedule for the remainder of the day.

Immediately following disposition of this bill, I intend to seek consent to move to the long-term debt limit. I am advised that objection will be made. Therefore, since that does require consent, we will be unable to proceed with the long-term debt limit.

Following that, we will proceed to the Transportation appropriations bill under the time limitation and amendment limitation previously obtained in a unanimous-consent agreement. That will not require any rollcall votes under the agreement.

If what I have stated is correct—and I am going to momentarily yield to the Republican leader for confirmation of that—then this will be the last rollcall vote.

I yield to the distinguished Republican leader.

Mr. DOLE. The majority leader is correct. That will be the sequence.

Mr. MITCHELL. Mr. President, I merely want to thank all Senators for their patience and cooperation in this past legislative period. This has been an extremely productive month in the Senate. I know it has been very difficult for everyone. It could not have occurred but for the cooperation, patience, and diligence of all Senators whom I thank and, particularly, my friend, the distinguished Republican leader.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

ON THE STRATEGIC ENVIRONMENTAL RESTORATION RESEARCH PROGRAM

Mr. DOMENICI. A great deal of work has been done in developing the legislation to create the Strategic Environmental Restoration Research Program.

This program will utilize some of the resources of the existing defense establishment to address critical energy and environmental concerns. The defense complex has a unique and substantial technical capability that can, and should play an important role in improving the scientific knowledge associated with many environmental programs.

The National Laboratories can contribute significantly to our understanding of critical environmental issues including global change, environmental clean up and overall energy security.

Negotiations have been taking place over the past several months, however all interested parties are still not in agreement on several key elements surrounding the creation and operation of the program.

From my standpoint, it is very important that the legislation include the Waste Minimization Program. This research initiative holds tremendous promise. As we approach the 21st century we need to develop new technologies that will generate a smaller amount of waste or wastes that will be less hazardous. We need to rethink our nuclear and chemical processes in order to reduce the amount of waste produced as a byproduct. This program could be the ways and means toward that objective. I say could because although it has been proposed,

it has not yet been incorporated into the bill.

The Strategic Environmental Research Program could be an opportunity for technology transfer and for implementing innovative ways to get the laboratories, universities, and industry to work together. We need to open channels of communication. We need personnel exchanges between the National Laboratories, universities and industry. We know enough about technology transfer to recognize that it is a contact sport. People need to interact in order for it to work.

The Secretary of Energy and I have been working on technology transfer since he was sworn in. We both agree that the Strategic Environmental Research Program could be an opportunity to try some new techniques. It would be a missed opportunity if we didn't move forward and incorporate a bold technology transfer directive into the bill.

We need to expand the universities' involvement in this program.

The bill creates the strategic environmental research council, but there are some concerns about its role. We clearly need a blueprint for this new program and it would seem that the council should have a role in reviewing those blue print, 5-year plans.

Frankly, Mr. President, this is a major undertaking. Whenever a new program is created it is difficult to project how it is going to work. When Congress brings together two major agencies of the Federal Government the drafting problem is compounded.

For this reason I am pleased that the chairman of the Armed Services Committee has agreed to work with me, Senator JOHNSTON, the Secretary of Energy, and other interested parties so that some of these issues can be addressed. From the conversations I have had with the chairman, I am hopeful that several of these elements can be incorporated into the bill.

The problem we are tackling in this initiative took 45 years to create. We need spend the time necessary to put into law the best ideas we can come up with. Protecting our environment, restoring our environment and safe handling of nuclear and mixed wastes are issues of such importance that they demand our total commitment.

I know that the Secretary of Energy has a personal interest in this initiative and a commitment to making it a successful program.

I look forward to working with the chairman of the committee to address these concerns as the bill progresses through the legislative process.

STRATEGIC DEFENSE INITIATIVE

Mr. ADAMS. Mr. President, today I rise to express my support for efforts to reduce funding for the strategic defense initiative [SDI]. Given the current events in the Middle East, and the ongoing efforts by Iraq to develop nuclear weapons and delivery systems, I do not take this position lightly. While there is no doubt that Saddam Hussein is the emerging ogre of the world, his shadow should not cloud the fundamental issues surrounding this debate. Indeed, Mr. President, as with any weapons, we must answer basic questions before we continue work on this system: Will it work and can we afford it? This Senator is convinced that the answer to both questions is a resounding "No."

Mr. President, from a practical and theoretical standpoint any antimissile system that might be deployed in space would always be of questionable effectiveness. Our adversaries will act to defeat SDI by either destroying, overwhelming, avoiding, or deceiving it. These countermeasures are far less expensive than the hundreds of billions of dollars that we would spend to construct and deploy an SDI system, and would render a spacebased antimissile system virtually useless. Further, to pursue an SDI strategy would halt the progress we have made on arms control as the Soviets would find it in their interest to produce enough missiles to overwhelm an antimissile system. This would clearly not be in the best interest of American national security.

Instead of pursuing stability through questionable technical systems that our adversaries will work hard to thwart, I believe that we can achieve similar objectives through a much less expensive means—reinvigorated efforts to halt nuclear proliferation. Given our budgetary situation, it is my hope that we pursue new nonproliferation initiatives so we can redirect some of our scarce Federal resources from SDI to better defense programs and more pressing domestic needs.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I would like to make some comments on this bill. First, I would like to congratulate the members of the Armed Services Committee for the job which they have done in many critical areas of defense policy. I would like to draw attention to several of these.

THE DEFENSE BILL AND THE BIG PICTURE

Mr. President, these are some of the most exciting times we have witnessed in the history of our Nation. Over the past 1½ years we have witnessed many events which, quite frankly, many believed would not occur for many years to come. Among these are the move toward democracy on the part of Poland, Czechoslavakia, Hungary, Romania, Nicaragua, and Panama. And is there any of us here who can say we predicted with certainty the day the wall would fall in Germany? And even the Soviet Union, who has been our adversary throughout the cold war, has envoked upon a course toward more openness and freedom.

Mr. President, it is the belief of the Senator from New Mexico that we are witnessing these great changes because the United States of America has had the will to maintain a magnificent defense establishment. I know there are some who attribute the end of the cold war to several different reasons. Frankly, I believe without the defense buildup of the last 10 years, it might have been decades before this "PAX America" arrived. America's commitment to defense, and to applying our best technology, is what brought us to where we are today.

Having said that, Mr. President, I would like to share with my colleagues in the Senate a thought that I hope will guide us as we move through this year's defense authorization bill. It seems to me that we have a rare opportunity in light of our changing world to have a very sensible defense builddown. It seems to me that this Nation deserves a planned peace builddown rather than a military meltdown.

We all know defense spending is expected to decline. How much, over what period, how fast, and where will the reductions be made? Those are national security and national economic issues that our country has been wrestling with since the Berlin Wall fell last autumn. The world has changed and this bill reflects that change. It also recognizes that none of us can be so omnipotent as to know the changes yet to come.

General Eisenhower near the close of the Second World War offered a good piece of advise when he counseled not to make mistakes too quickly.

Mr. President, if this bill were a nail, General Eisenhower's advice would hit it right on the head. We U.S. Senators have an opportunity to make some very important decisions about the future posture of our country's defense. These decisions, more than ever before, will require great thought and should not be acted upon in haste. I just want my colleagues to keep that thought in mind as we move through the consideration of this bill. We need to make sure we do not make mistakes too quickly.

I urge my colleagues to listen to the words of General Eisenhower.

That being stated, Mr. President, the Armed Services has attempted to look at the big picture in this bill. They looked at the big picture in terms of overall strategy, as the chairman and Senator WARNER have indicated here. After taking testimony from the Defense Department, they attempted to insure that we are supporting the weapons necessary to implement our defense doctrine. And they made some very difficult decisions regarding the balance between strategic and conventional systems.

The bill we will be considering throughout this week provides a budget authority of $288.5 billion and $296.6 in outlays for the national defense function for fiscal year 1991. This is $18.2 billion less than what President Bush requested in budget authority and $7.9 billion less than his request for outlays. If we take these figures Mr. President, and adjust them for inflation, the President's request would be cut by $25.3 billion in budget authority—using CBO baseline—and $9.9 in outlays from the fiscal year 1990 level. The fact is that this year will represent the sixth consecutive year for negative real growth in the defense budget.

This bill contains $261 million in direct spending—outlays—in 1991. Direct spending in this bill would rise to $972 million by 1995 for a total of $3.2 billion over the 1991 to 1995 period. A portion of this direct spending is due to expansion of entitlement programs. As a member of the Budget Committee, I simply note that a Budget Act 303 point of order would lie against this bill because it creates direct spending in a year in which there is no budget resolution.

Even with direct spending projected to rise, the thrust of this bill remains to reduce defense spending. In 1991, budget authority will be cut 8 percent, while outlays will fall 3 percent. By 1995, defense expenditures will fall from its current level of 5 percent of GNP to less than 4 percent.

About 96 percent of the national defense budget is in five accounts—Personnel, Operations and Maintenance, Procurement, Research and Development, and Department of Energy defense programs. Ranked in order of the real reduction in budget authority: Procurement falls 21.1 percent—to $67 billion; personnel falls 4.9 percent—to $78 billion; O&M falls 4.7 percent—to $86 billion; R&D falls 3.6 percent—to $37 billion; and DOE defense increases 9.8 percent—to $11 billion.

PROCUREMENT

The 21.2-percent reduction in budget authority for procurement provides the clearest indication that defense spending under this bill will not only decline in 1991, but will continue to fall in the years to come. Procurement spends out slowly—16 percent the first year, 26 percent the second year, 30 percent the third year. By the end of the fifth year, 92 percent of the authorization has been spent. The procurement savings in this bill—$18 billion below the CBO baseline—translate into real outlay savings for years to come.

PERSONNEL

The 4.9-percent reduction in budget authority for personnel provides another clear indication that significant defense savings would be realized under this legislation. The nearly $4 billion in savings—compared with the CBO baseline—results from reducing the active Armed Forces by 100,000 in 1991—62,000 more than the President's request. Far greater savings will occur in later years when additional personnel are reduced from the rolls of the Armed Forces and the full effects of previous year reductions are realized.

OPERATIONS AND MAINTENANCE

The 4.7 percent—$4 billion—reduction in budget authority for O&M is to be expected from fewer people in the active Armed Forces, and is commensurate with a smaller force structure. How the services implement the "flexible readiness" concept will also be a factor in determining the size of future savings.

Mr. President, I think the distinguished managers of the bill have done a remarkable job in seeing that some of our country's most vital interests are protected. This bill provides $11.1 billion in authorization for the Department of Energy defense activities. Mr. President, our national laboratories are on the cutting edge of some of the most sophisticated science and technology in the world. As a matter of fact, the three weapons laboratories, Lawrence Livermore and the two in my State of New Mexico—Los Alamos and Sandia—clearly house some of the most significant scientific talent and research equipment in all of the world.

Los Alamos and Sandia in particular have played a major role in many critical areas contributing to our country's welfare. From technology transfer, arms control verification measures, Los Alamos and Sandia have provided the leadership our country needed when they were called upon.

In the future as we look for ways to clean up the environment and solve the country's nuclear waste problem, I know that we will once again call on the magnificent capabilities of the national laboratories, and Mr. President, in my capacity as the senior Senator from New Mexico, I am here to tell my colleagues in the Senate that Los Alamos and Sandia National Laboratories stand ready to provide the leadership they have in the past.

Now, Mr. President, I would like to focus on some other ways that my State is helping to contribute to our country's national defense. We have three Air Force bases in New Mexico in Holloman, Kirtland, and Cannon. These three bases contain some of the best Air Force pilots in the United States.

Kirtland is extremely involved in high technology research and development, star wars research, nuclear and space technology. When they are not out on the cutting edge of technology, Mr. President, they are involved in special operations combat search and rescue training. Since it has been at Kirtland it has saved over 170 lives in New Mexico. That is what this country is all about, Mr. President, and we are proud of Kirtland in New Mexico.

Kirtland may be a hard act to follow, but Holloman ranks right up there with the best, Mr. President. Holloman is home of the 883rd Air Division, the 49th TFW, the 479 TTW, and the 4449th Mobility Support Squadron. The 883d Air Division has been extremely influential in training and producing some of the very finest pilots in the world. Many of the world's best pilots yearn to come to Hollomon because we have the best flying conditions overall annually anywhere else in the world. And the best pilots like to go very fast, Mr. President, and Holloman's incredible flying space allows them to do that with safety. The 49th TFW flies the F-15 Eagle, the world's leading air superiority fighter, and is capable of worldwide deployment on short notice. Two of the squadrons were recently in the Netherlands on excercises.

Speaking of worldwide deployment on short notice, the 4449th Mobility Support Squadron can go anywhere in the world at a moment's notice and set up two air bases for 4,500 men each. And the United States gets its use out of MOBSS, Mr. President. They were deployed during the *Challenger* disaster; they went to Kelly Air Force Base, TX, when the base was ravaged by tornados in 1988; and they responded with equipment and personnel during Hurricane Hugo. They also set up camp in Panama for 1,500 soldiers. Needless to say, Holloman carries its share of the load.

Cannon is home to the 27th Tactical Fighter Wing, comprised of 72 F-111's. The F-111 is highly capable in the area of deep interdiction. Cannon is growing from a single wing to an Air Division, and they will be able to provide our country with great air defense in Southeast Asia and around the world their continuing expansion.

Finally, Mr. President, we have a great National Guard in New Mexico. I agree with the chairman of the Armed Services Committee about the expanded role our National Guard should play in the new global environment.

The New Mexico National Guard is considered one of the leaders in the war on drugs because of their location to the southern border, and their commitment and will to win the war. They have just finished the first and only plan to reduce drug use from the demand side of the equation. The New Mexico National Guard is deeply involved in drug interdiction and has helped to support law enforcement agencies throughout the State, which have seized and destroyed virtually every type of drug and the laboratories the drug dealers use to manufacture them.

Mr. President, this bill helps to ensure that these vital missions in New Mexico that are helping to provide for our national defense can continue to do so. I commend the distinguished majority and minority leaders for their leadership.

Before closing, Mr. President, I want to add one last thought. Behind all the numbers I have talked about today there are young men and women. These fine young Americans chose voluntarily to serve their country and don the uniform. Many of them were looking to serve their country as a career, and through no fault of there own, but precisely because of the tremendous job they have done, there future is uncertain.

I commend the members of the committee who have taken this fact into consideration and have put together a worthwhile package of benefits. I simply urge the Senate to keep these young Americans in mind as we consider this bill. Let us not make mistakes too quickly. Let us follow the glidepath responsibly, and let's not create a meltdown.

V-22 OSPREY—AMENDMENT NO. 2560

Mr. SPECTER. Mr. President, I express my support for Senator GLENN's amendment to provide an additional $8 million in support of the development of the Air Force variant of the V-22 for use in special operations missions and to express my support for continued funding for research and development and procurement of the V-22 Osprey tilt-rotor aircraft.

During last year's debate on the V-22, the Department of Defense supported their decision to terminate the V-22 Osprey program due to the high cost of procuring this aircraft for the Marines, the Navy, and the special operations forces. At this time, the DOD decided to procure a mix of older helicopters which they envisioned would result in reduced costs over the V-22. In terminating the V-22 program in January as part of their fiscal year 1991 budget mission, DOD once again claimed that the V-22 was simply too expensive and that requirements could be met with a more cost effective fleet of conventional helicopters.

But, Mr. President, this is no longer the case. The results of a cost and operational effective analysis directed by this Congress to compare the cost effectivess of the V-22 with conventional helicopter alternatives conclusively proved that the V-22 Osprey was the most cost effective alternative to meeting Marine Corps amphibious landing, Navy search and rescue, and Air Force special operations requirements. This study, which took nearly 10 months to complete, required the Institute of Defense Analysis to make over 400 excursions from the original study assumptions, most at the request of the DOD steering committee. At its conclusion, the IDA determined that for the same $24 billion 20-year life cycle expenditure—the 20-year cost for the DOD proposed mix of CH-60 and CH-53 helicopters—and I quote: "The V-22's speed, range, and survivability advantages could enable even the 356 aircraft fleet to be more effective—sometimes significantly more and other times only slightly more—than all of the proposed helicopter alternatives in each of the four Marine missions examined." Further, they determined—and I again quote—"The V-22 is more cost effective than helicopter alternatives for the Navy combat search and rescue, Air Force special operations, and DOD or other Government Agency drug interdiction missions."

In response to the results of this study the Department of Defense has altered their position on the V-22. Since the cost effectiveness of the V-22 can no longer justify termination of the program, the Department now claims that the level of near-term funding required to initiate production of the V-22 is more than the Navy can afford. But this DOD claim, too, was found to be inaccurate by the Institute of Defense Analysis study. Dr. Dean Simmons, the institute's director for the V-22 study, stated at a special hearing before the Senate Appropriations. Subcommittee on Defense, that the $7.7 billion required to fund the V-22 program during the period fiscal year 1991-97, was actually less than the $8 billion required to procure the DOD alternative mix of Ch-60/CH-53 helicopters during the same period. Mr. President, while I am certain the Department of Defense has their reasons for maintaining their position to terminate the V-22 in the face of the results of the cost and operational effectiveness analysis I previously discussed, frankly they elude me at this time.

Mr. President, there is one further point I would like to discuss in connection with cost, that being the potential impact of foreign military and commercial sales of the V-22 on the cost to produce this aircraft. Unlike the conventional CH-60 and CH-53 helicopters which would generate little, if any, interest in the international market, the V-22 once tested and integrated into U.S. forces, has the potential to generate substantial foreign military and commercial sales. Foreign military and international commercial sales of the V-22, when added to U.S. military requirements, would measurably reduce the production cost of the V-22 and therefore reduce the cost to the Department of Defense to procure the proposed 365-plane fleet. This potential for future cost reductions should be weighed heavily when debating the merit to the V-22.

Mr. President, the V-22 Osprey is a unique aircraft offering both military and commercial applications, Some, including officials from the Department of Defense, have asseted that if the Osprey has so much commercial potential then the marketplace will ensure that it is developed. But this is a naive assumption. Historically, the U.S. military has developed and proven every major advancement in aircraft technology. Only after the military has proved the reliability and usefulness of a new aircraft technology has this technology found its way into the commercial market. If the U.S. Armed Forces decline to produce the V-22 for its superior military capabilities, it is doubtful that tilt-rotor aircraft will ever be produced in the role of a commercial airliners.

Mr. President, the V-22 represents the best of both worlds. It is extremely cost effective in its role as a military aircraft yet has tremendous potential as a spinoff technology which could benefit the citizens of this Nation for many years to come. With approximately two-thirds of the annual Government research and development funding being allotted to the Depatment of Defense, there should be an expectation, it not an obligation, for the Department of Defense to at least pursue such multirole technologies.

In conclusion, I welcome the continued support of the Senate Armed Services Committee with regards to its support of the V-22 and look forward to the day that it becomes an integral part of our military force. Thank you, Mr. President.

CV-22—AMENDMENT NO. 2560

Mr. HEINZ. Mr. President, I rise in support of the amendment from my good friend from Ohio.

Development of a vertical takeoff and landing aircraft is a matter of national interest in two important ways.

First, the Air Force's CV-22, like the V-22 aircraft under development for the Marine Corps, is a quantum leap in aviation technology—an airplane that can take off and land vertically, like a helicopter, and that can fly farther, faster, and with a bigger payload than any helicopter we have.

Indeed, the Institute for Defense Analysis, at the request of the Defense Department, compared the V-22 with the capabilities of individual helicopters and with combinations of helicopters. The institute's conclusion: The V-22 is not only more capable than any helicopter, its versatility makes it the most cost effective alternative, too.

The Air Force and Marines have made their positions clear: There is no alternative to the CV-22 and V-22. And our colleagues on the Armed Services recently acknowledged this fact by authorizing $238 million for research and development of the V-22.

This amendment supports development of the same unique capabilities and aviation technology for the Air

Force special forces. Helicopters will continue to be an essential part of meeting our national security needs, but the CV-22 and the V-22 not only leapfrog ahead technologically, they also respond to the changing shape of the world's geopolitics and to the changing threats to our Nation and its interests.

Special forces need to get in and out of hostile territory. They can't depend on landing strips. They need to be able to travel distances beyond the scope of helicopters. And they need to be able to carry everything they need with them; there are no supply depots in the middle of hostile territory.

The new vertical takeoff aircraft meets these needs. The V-22 can be the life-and-death difference for our marines and our special forces to go in and protect American lives and interests—and to get out safely.

Mr. President, we can only speculate about the outcome of our 1980 attempt to rescue American hostages from Iran had our forces been able to depend on an aircraft like the V-22.

Providing to our soldiers the best tools to do their jobs when they put their lives on the line is justification enough to proceed with development of the V-22 and CV-22. But there is another compelling national interest at stake, too.

Our Nation has been and is the world's leader in aviation because we have sought to stretch the envelope of technology, and because we have used technological advances for the benefit of both military and civilian aviation.

Vertical takeoff and landing aircraft have the potential to revolutionize civilian aviation. A civilian version of the V-22 could relieve congestion at our major airports, and bring commercial air service to scores of communities and millions of Americans.

The commercial applications of vertical takeoff aircraft are not lost on the Japanese or the West Germans, both of whom would dearly love to get a foothold in an industry America dominates. They are moving ahead aggressively with their own programs.

But we have the lead, thanks to the research and development of the V-22. We risk squandering that lead and losing a major part of the civilian aviation market, however, if we do not continue to move ahead aggressively with the development and production of the V-22 and its sister aircraft, the CV-22.

AMENDMENT NO. 2584

Mr. STEVENS. Mr. President, my amendment, cosponsored by Senators FORD, THURMOND, INOUYE, DECONCINI, BOND, JOHNSTON, KASTEN, LOTT, BUMPERS, and COCHRAN, makes important changes to restrictions included in the committee bill on full-time manning for the National Guard and the Reserve components. I would like to take a few minutes to provide some additional explanation of the amendment.

The National Defense Authorization Act for fiscal year 1991 as reported imposes a 30-percent reduction over the next 3 years full-time military personnel in the National Guard and the Reserves. This cut is one component of a package of changes included by the committee that aims to increase the level of active component integration into the National Guard and the Reserves.

Mr. President, I share the goal expressed by the Armed Services Committee in their bill that the quality and the readiness of the National Guard and the Reserves can be further enhanced by the addition of active component personnel. Improving the working relations and coordination between the active component and the National Guard and the Reserves is an important objective. I believe this goal can be achieved without the potentially devastating cuts and disruptions of the National Guard and the Reserves presented in this bill.

The compromise that I and my colleagues proposed in this amendment moderates the impact of the cuts proposed in the bill, and introduces several important safeguards to protect the vitality of the Active Guard and Reserve [AGR] personnel program. These provisions include:

First, the cuts proposed in the bill to occur over 3 years are now spread out over 6 years to mitigate the near-term impact on National Guard and Reserve manpower planning and assignments.

Second, there will be no involuntary separations to achieve the reductions as modified in this amendment; vacancies shall only occur through attrition, with no reductions in forces.

Third, the amendment retains the language in the bill that provides a 10-percent flexibility to the Secretary of Defense to modify the cuts to any one component of the National Guard and the Reserves.

Fourth, the amendment defines that 2 percent of the authorized end strength for AGR personnel shall be reserved for new AGR accessions, to maintain a steady flow of new personnel into the AGR program. Lacking this provision, the bill as originally drafted could have imposed a virtually permanent hiring freeze for AGR positions.

Mr. President, I understand the strong feelings of my colleagues on the Armed Services Committee concerning this issue. For that reason, I appreciate the willingness on the part of Senator GLENN, the chairman of the Manpower and Personnel Subcommittee, and Senator NUNN, chairman of the committee, to work with me and the cosponsors of this amendment. I know that they share our commitment to a strong and capable National Guard and Reserves.

With the adoption of this amendment, some of the concerns of this Senator as to the initiative of the Armed Services Committee to achieve more active component integration into the National Guard and the Reserves are addressed. I believe there remain several issues, related to other statutes, that could restrict the role of active component personnel assigned to National Guard units.

The National Guard plays an important role in this Nation's counternarcotics and drug interdiction efforts. The ability of title 10 active component personnel to participate in such missions is unclear. A significant traditional role of the National Guard is to respond to State emergencies at the direction of the Governor or the State adjutant general. The availability of active component personnel to respond to such emergency requirements without prior approval from the Pentagon also demands further clarification.

Achieving greater active component integration into the National Guard and the Reserves cannot come at the price of the ability of the National Guard to fulfill its stated missions and requirements. I hope that the managers of the bill will direct their attention to these issues as the bill proceeds to conference with the House, and that they may be resolved to protect these two missions in particular.

Mr. President, I again wish to thank both the cosponsors of this amendment and the managers of the bill for their hard work and good faith in reaching this compromise. I believe the result is fair, and will serve as a useful springboard for further consideration during conference with the House.

FISCAL YEAR 1991 DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. KERREY. Mr. President, we are nearing completion of the debate on the fiscal year 1991 Defense authorization bill.

This, my second vote for a Defense authorization bill, is cast with considerably more doubt about the security gained from the programs it authorizes than I had last year. The foundation which provides the most comfort is the rationale given for these expenditures by the chairman of the Armed Services Committee, Senator SAM NUNN.

He has given a virtuoso performance this year. Rather than waiting for the administration to provide the promised new rationale which replaces the old policy of containment. Does anyone remember President Bush's declaration at Texas A&M that we were "beyond containment" and the promise to develop an alternative strategic rationale? He has filled in their

blanks with solid arguments for America's defenses.

In contrast, on Thursday each of us received a letter from President Bush's Assistant for Legislative Affairs, Mr. Fred McClure. Attached to the letter was a speech billed as the President's vision of defenses needed in a new and changed world. The speech was given later that day by the President to the Aspen Institute. Mr. McClure said:

It is the President's hope that these remarks will prove useful to you as you make the important decisions associated with this (defense authorization) bill.

With all due respect to Mr. McClure and the President, the speech was not useful at all. It was so simplistic and lacking in substance that, without the detail and persuasion of Senator NUNN and the senior Senator from Nebraska, Senator EXON, the defense budget would have been in free fall.

Americans are beginning to see a larger enemy at home than abroad; they are beginning to wonder when we are going to attack fiscal insolvency, sluggish productivity, growing poverty, increasing economic stress on working families, weakening infrastructure, and unresponsive educational system. They are looking for leadership in articulating the changes needed in our defense policies to meet these new conditions.

I genuinely do not wish to minimize the President's message. Perhaps some of my colleagues found more than I did. However, the specific points made by the President seemed to me either completely disconnected from the observations he was making or they were conclusions previously reached and explained by Senator NUNN.

In the category of disconnect the President does not once state his belief that the Soviet Union is an enemy. Instead, President Bush seems to regard them as an unpredictable friend, sort of like France in the 1960's. He doesn't mention the radical shift on the part of the Soviet Union from an expansionist threat to more reliably noninterventionist. He does not mention the rapid advances of democracy and disintegration of the Union of Soviet Socialist Republics.

The President doesn't mention the implications, let alone the embarrassment, of Germany spending billions to help the Soviet Union pay for their troops while we are spending billions to defend against those troops. he doesn't mention the crises of confidence which exist today as a consequence of our gross exaggeration of Soviet economic strength.

All of these omissions undercut the President's conclusions and make them less reliable. They reinforce the intuitive and dangerous observation that the United States no longer has the Soviet Union as an enemy in the world. It should not come as a surprise to him and others that many of us are skeptical about the need for SDI, the B-2, and duplicative nuclear modernization. The rationale for these programs was based upon a Soviet Union that no longer exists.

The best that can be said about the President's address is that he appears to have been listening—as many of us have—to the distinguished Senator from Georgia. The President proposed to reduce America's Armed Forces by 25 percent. He proposed to make these reductions over the next 5 years. This statement is little more than an endorsement of the Nunn doctrine. The President's vague declaration that we need to "reshape the forces that remain" is a pale imitation of the precise description of force structure given by Senator NUNN in a series of speeches this year.

I ask my colleagues if these words of the President sound familiar:

What matters now is how we reshape the forces that remain. * * * The United States would be ill-served by forces that represent nothing more than a scaled-back or shrunken-down version of the ones we possess at present. If we simply pro-rate our reductions—cut equally across the board—we could easily end up with more than we need for contingencies that are no longer likely—and less than we must have to meet emerging challenges. What we need are not merely reductions—but restructuring.

They should sound familiar, because this is what the Senator from Georgia has been saying all year long. It is the basis for the Armed Services Committee's recommendations. A more honest statement by the President would have been this: "What matters now is that we get behind Senator NUNN, who has prevented disastrous across-the-board reductions in spite of the fact that he did not have much help from the Executive Branch. While I was unable to reach a policy conclusion using the enormous resources of the Department of Defense, the Central Intelligence Agency and the National Security Council, Senator NUNN got the job done with a handful of Senate staffers."

The President said that General Powell and Secretary Cheney are "hard at work determining the precise composition of the forces we need." I must tell you, Mr. President, nothing confirms my suspicions that the Department of Defense is so top heavy that it cannot make decisions than the slow pace of presenting this precise composition.

So, I will vote for the Defense authorization bill because I believe the Senate Armed Services Committee under the leadership of Senators NUNN, WARNER, EXON, GLENN, and others has provided us with a clear rationale for the programs in the bill. I believe they have assessed the risk to the security of America and our interests and have presented programs and force structures sufficient to meet that risk.

Mr. President, I would like at the same time to offer to the Armed Services Committee some of my reservations about our defense policy:

First, the goals of our arms control negotiations are too modest and the pace too slow. The changes in the world present an unprecedented opportunity to reduce strategic and conventional forces even more than our current negotiating positions. Again, I have heard Senator NUNN speak to this on earlier occasions. My hope is that the committee will continue to press the Bush administration on this point.

Second, we need to advance our arguments about correct responses to situations like the one we are currently seeing in Iraq. It is obvious to me that unilateral action will not work; the United States cannot and should not become the world's policeman. We are going to need to deter such aggression with the promise of immediate and lethal use of international force. Men like Saddam Hussein will not be stopped with the threat of United Nations or Senate speeches.

Third, we need a domestic plan to deal with economic and morale problems caused by this sudden reduction in force. Base closings, pink slips to civilian and military personnel, and business failures will produce economic hardship on American communities and families. It is wrong and unfair for us to ignore the impact of our decisions. Worse, the failure to plan will be used as an argument against making necessary reductions and/or restructuring.

Fourth, we need to consider a major reorganization of the Department of Defense. Perhaps this top heavy bureaucracy was a necessary evil given the old rationale of massive containment of the Soviet Union. Today, I would feel a lot safer if it was cut down to size and in its place a leaner, decentralized organization where innovation and success was rewarded.

Mr. President, I again congratulate and—on behalf of all security conscious Americans—thank the Senator from Gerogia for an exemplary accomplishment.

ADVANCED MATERIALS

Mr. BIDEN. We are all aware of the tremendous changes that have occurred around the world since the Senate last debated Department of Defense authorizations. The chairman of the committee has been clear in describing the future as he sees it for the Defense Department.

To call the times tumultuous is to understate the basic changes that we are trying to deal with through this bill. The chairman and the Armed Services Committee have moved aggressively to adjust to these changes in the centerpiece provisions of this bill dealing with weapons systems. But

for the future of our Nation's defense, I would also like highlight other sections of the bill that reflect changed conditions.

In particular, I would like to commend the chairman and the committee for the initiative to support precompetitive technology development through a new program in the Defense Advanced Research Projects Agency [DARPA] and support for research into manufacturing processes for advanced materials through an expansion of the Defense Manufacturing Technologies Program.

Advanced materials represent one of the most promising areas for American industrial and economic growth. In fact, staying ahead of foreign competition on advanced materials is considered crucial to the U.S. ability to remain competitive internationally in the future on a range of products.

But there is concern that foreign competitors are starting to catch up with, or pass the United States in this crucial area. The National Research Council issued an extensive study of this industry in a report entitled "Materials Science and Engineering for the 1990's: Maintaining Competitiveness in the Age of Materials." The study is clear in its findings and conclusions. Among those are the following:

Materials science and engineering is crucial to the success of industries that are important to the strength of the U.S. economy and U.S. defense

The field of materials reseach is entering a period of unprecedented intellectual challenge and productivity.

An effective national materials science and engineering program requires healthy, balanced and interactive efforts spanning basic science and technology, all material classes, and the four elements of the field: properties, performance, structure and composition, and synthesis and processing.

A strengthened national program in materials science and engineering is necessary to preserve the economic well-being and security of the nation.

The governments of the major U.S. trading partners and competitors, including Japan and West Germany, have targetted materials science and engineering as a growth area and as a result have developed strong competence in selected materials science and engineering areas.

The conclusions of the report are just as clear in what our Nation needs to do in the years ahead. Among the recommendations are:

New Federal funds should be allocated for support of a national initiative in synthesis and processing. The initiative should provide support for facilities, education and the development of research personnel. The strengths of universities, industry and government should be brought into play, and the interaction of the three groups should be directed toward promoting the reduction of materials science and engineering results to commercial practice in the most effective possible manner.

The government should recognize the essential unity of materials science in its planning, funding and coordinating activities.

The government should assume a more active role in bringing together the various groups involved in materials science and engineering and in enhancing communication, interaction and coordination among the many sectors affected by materials science and engineering.

Those findings and recommendations address the broad range of advanced materials. The Department of Defense has studied these materials and earlier this year reported to the Committees on Armed Services on its plans to develop "the technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most critical to ensuring the long-term qualitatives superiority of United States weapon systems."

The report cited 20 technologies that were determined by senior defense officials to be of greatest importance to the future defense needs of our Nation. For example, one of the technologies viewed as critical is composite materials. The report found that improvements in composite materials could be applied to weapon protection systems, advanced propulsion systems, submarine and missile technology and in aircraft and ship construction.

In short, composite materials offer lighter, stronger, better performing and more reliant materials for use in our national defense.

But the report also noted the potential benefits to the Nation's industrial base. The report found that "use of advanced structural composite materials is likely to have a dramatic effect on gross national product, balance of trade and employment."

The Defense Department report found that—

The United States is judged to have the world leadership in composite materials. The lead is being rapidly eroded, however, by a combination of industrial technology transfer, such as is now occurring in aircraft composite technology, and strong R&D efforts by many other nations.

That is just one of the technologies viewed as critical by the Department of Defense, but it is not in an unusual situation. The fact is that we need to increase our support for research and development of these technologies not only for the strength of our Nation's defense, but also for the strength of our Nation's economic future.

The Defense report I cited earlier noted that it is largely the military market which is driving research and development at this time. But that demand is expected to decline in the next few years. One result will be that the spinoffs of military research may well fall. In the case of advanced materials, this could hinder their development and commercial application, leaving the United States in an even weaker competitive position in the future.

The National Research Council described the importance of advanced materials to our economic strength. The Defense Department report demonstrated the importance of these technologies to our defense strength. The overlap of these interests cannot be ignored, but under current practices we too often try to segregate our research and development support programs. This bill recognizes that we cannot continue to work under those irrational conditions when the commercial and military payoffs are often intertwined.

That is why I was pleased to see the committee include the $100 million DARPA consortia initiative in the bill. The initiative will provide support at the earliest stages of development of new technologies with important implications for our Nation's defense. But it should be clear that the initiative will also have a crucial impact on a portion our Nation's industrial base.

DARPA PROGRAM

I would like to ask the distinguished chairman of the Defense Industry and Technology Subcommittee of the Armed Services Committee a few questions on how he foresees the shape of the consortia or cooperative agreements developed under the DARPA program.

The report accompanying the fiscal year 1991 Defense authorization bill urges DARPA to enter into "cooperative agreements" and "other transactions" to "promote development of critical dual-use technologies." Will universities and colleges be eligible for the consortia established by DARPA?

Mr. BINGAMAN. The Senator is correct. It is the intention of the committee that this provision should promote cooperation between local, State, and Federal Government organizations, segments of private industry, and universities and colleges. The committee intends to provide the Director of DARPA with the flexibility to determine which consortia or cooperative agreements are the best investment of the taxpayers dollar in terms of achieving real progress in developing these key generic, hopefully dual-use, technologies.

Mr. BIDEN. Will the program be able to support, for example, construction of a university laboratory that could also be used by industry for basic research?

Mr. BINGAMAN. It is not our intention that the Department of Defense contribution be used for brick and mortar construction. I would note, however, that I have had an experience in my own State of New Mexico where the involvement and financial contributions of the Defense Department in a center of excellence was adequate to trigger State funding for construction of a building for this cooperative undertaking.

Mr. BIDEN. Will the program be able to provide funds for capital costs of a laboratory's instrumentation and equipment?

Mr. BINGAMAN. Yes, if the Director of DARPA finds it to be a useful and productive investment of Defense Department funds, then procurement of instrumentation and equipment under these conditions could take place. I would like to note, however, that the committee intends that a high priority be placed on DARPA entering into cooperative agreements or consortia where each participant makes a tangible contribution. This might take the form, for example, of DARPA providing funds for equipment and instrumentation, an industrial partner providing operating costs, a university providing access to a campus computer center or paying the salaries of student research assistants, and the State or local government paying for construction of a building to be used by the group.

Mr. BIDEN. Could the facilities of the consortia be used by a number of different companies, even if some of those companies were not a part of the consortium or cooperative agreement?

Mr. BINGAMAN. That certainly is possible. The committee intends that the Director of DARPA should view the entire range of benefits that will accrue from the support DARPA provides to the consortium or cooperative agreement. For example, if the Director should be determined that by assisting in the formation of a consortium in advanced materials, and that consortium will have equipment that would be available for a number of individual companies to use to test or analyze materials, and that the companies involved may be developing technologies that are useful to the Defense Department, then the Director should take that indirect, but very real benefit, into account.

Mr. BIDEN. Does the Defense authorization bill have any other provisions that are supportive of developing advanced materials?

Mr. BINGAMAN. Yes, there are several other provisions in this year's bill that support development of advanced materials technologies. In particular I would like to note the Advanced Materials Processing Parnterships Program which uses the authority granted under the Stevenson-Wydler Technology Innovation Act of 1980, as amended by last year's Defense Authorization Act. Under these programs, partnerships, consortia or centers of excellence would be formed involving the Federal Government, other Government entities, private sector firms, nonprofit institutions, universities and colleges. It was our intention that these partnerships be specifically organized to conduct research towards developing high-quality, low-cost manufacturing and fabrication processes for advanced materials.

Mr. BIDEN. Does the Committee have any particular technologies that they wish the Director of DARPA to emphasize?

Mr. BINGAMAN. The committee is particularly interested in developing those technologies that are identified in either the Department of Defense's critical technology plan, or the Department of Commerce's Emerging Technologies Report, which are generic in nature, are critical to the national defense or economic competitiveness, and has potential application to both the defense and civilian sectors. Examples of these technologies include areas such as advanced materials and also other areas such as microelectronics, high performance computing, biotechnology, photonics, air breathing propulsion, software and several others.

Mr. BIDEN. I thank the Senator for his responses.

Mr. BIDEN. Mr. President, I raise these questions because there are a number of initiatives underway in the State of Delaware that will prove to be well-matched to the advanced materials programs established in this bill. The University of Delaware has been a national leader in combining basic research and engineering sciences on advanced materials, estabishing one of the Nation's first composite materials centers in 1974. The center, the largest of its kind in the nation, emphasizes eduction of engineers and basic research, but also rapid transfer of technology to the private sector. The Defense Department has recognized the stature of the university in this area by naming the composite center an Army Center of Excellence.

In addition, the State is actively moving to develop a center for advanced materials, capitalizing on the University's expertise and the State's strong industrial base.

The Department of Defense study of its future technological needs underscores the importance of the programs authored by my distinguished colleague from New Mexico. The economic future of our country is no less important. The DARPA Program included in the bill acknowledges the overlap of the two needs by citing the dual use characteristics of the technologies. The initiative put forth by the State of Delaware is consistent with these goals.

The advanced materials programs in the bill show that the most productive investment for our national defense my be to assist research at the most basic level, and allow the private sector to determine the applications—military as well as commercial—of these findings. The programs in the bill reflect the evolving nature of our defense needs and the changing conditions in which the Defense Department must meet those needs. I commend the chairman of the Defense Industry and Technology Subcommittee for his efforts in support of this initiative.

ANTIDRUG OPERATIONS

Mr. DECONCINI. Mr. President, during a February briefing in Arizona with representatives from the Tucson area drug task force, it was brought to my attention that military support to civilian law enforcement agencies for antidrug operations and equipment requests was seriously flawed. Upon my return to Washington, I wrote to Secretary Cheney seeking improvements. I received a reply a couple of months later indicating that DOD support was fine. The response made no mention of any problem with regard to lack of authority or jurisdiction.

After the discovery of a underground tunnel running from Mexico to the United States, and during a drug hearing I chaired in Phoenix, it was brought to my attention that law enforcement agencies were quickly becoming disenchanted with DOD action and response to requests for support. Additional letters were sent to the Secretary of Defense but still no proposed solutions were forthcoming. The Senate Armed Services Committee was made aware of problems in DOD antidrug support and, to its credit, was drafting changes to rectify this situation.

During the Armed Services Committee markup of its fiscal year 1991 budget, the committee approved significant changes in the language providing DOD its antidrug authority. However, after my staff reviewed those changes with law enforcement officials from the Southwest border and respresentatives of the military involved in antidrug programs, they found that additional jurisdiction was requested.

The technical amendment included in the bill to change DOD drug program authority may seem minimal; however, its effects should be significant. I want to commend the distinguished chairman of the Senate Armed Services Committee, Senator NUNN, the ranking minority member, Senator WARNER, and Rick DeBobes and Les Brownlee of the committee's staff, for their efforts in rewriting the guidelines for the Department of Defense's involvement in the war on drugs. The committee was willing to sit down with my staff and representatives from the military to address the jurisdictional and technical problems which have greatly hindered DOD support to civilian law enforcement agencies.

Mr. President I have been a strong supporter of the Department of Defense's involvement in the war on drugs. However, I have questioned, and will continue to question, DOD's

commitment to this mission until they prove to this Senator that they are enthusiastically involved in this Nation's fight against illicit drugs.

I believe the additional guidelines and jurisdiction provided in this DOD authorization bill will leave the military with no excuse when it comes to fully supporting civilian law enforcement agencies. If not, I will be back again next year to debate whether we might not be better off transferring DOD drug funds, $1.2 billion in fiscal year 1991, not only to Federal law enforcement agencies but also to civilian agencies that provide drug treatment and education services.

THE DECISION TO TERMINATE THE MILSTAR PROGRAM

Mr. WARNER. Mr. President, I rise on behalf of the Republican members of the Senate Armed Services Committee to express our strong disagreement and consternation with the committee's decision to terminate the Milstar communications satellite, the President's highest priority communication program. I am personally disappointed with the committee's decision on this vital program. In making this speech, Mr. President, I do so not with any desire to further polarize the debate over this program. I believe it is important, however, that we, the Republican members of this committee, elucidate the reasons for our disagreement on this program, as the chairman did for the majority on the Senate floor last week. It is my fervent desire and belief that we can work out some arrangement in conference to reestablish the long-time bipartisan support for this invaluable program.

Mr. President, a major argument put forth for terminating Milstar is that the program is unaffordable, particularly since "nuclear confrontation is less likely and tactical contingencies are more likely." Indeed, this program is expensive, as are all space programs. Space systems are complex and require much redundancy since it is impossible to pull a satellite down for repairs. We can and should look to lighter and less complex systems for certain missions, but this does not obviate the requirement for robust and survivable satellites. A balanced constellation of satellites is required. The above assertion is also inconsistent with the committee's bipartisan approach to space control requirements over the past 10 years. In just last year's committee report, for example, we expressed our concern:

* * *about the vulnerability of critical U.S. satellites and the general lack of flexibility, redundancy, and responsiveness of our space access systems which make up such critical components of our space control capability. These deficiencies appear largely to be the result of decades of incremental decisions favoring 'peacetime efficiency' over wartime needs. Ignoring the costs of providing survivability and redundancy effectively hides the true cost of performing a mission or function from space.

Furthermore, we find it somewhat confounding that the majority should, for the first time, attempt to evaluate the affordability of a satellite system based upon the majority's estimates of so-called "20-year life cycle costs." We are unaware of this costing approach being applied to any other satellite program in the defense budget. The majority's assertions concerning delays and cost increases are also somewhat misleading inasmuch as congressional actions were a major contributor to both delays and cost increases. Nearly 75 cents of every dollar of cost overrun and delays is attributable to Government changes directed by either Congress or the administration, not the contractor. There were approximately five major design changes to Milstar that, again, we, the Government, were at fault for creating.

Mr. President, with respect to the requirement for Milstar it is important to remember that this program was designed to provide survivable and redundant communications to all our forces, not just nuclear forces. Moreover, even if it were true, as asserted by the majority, that Milstar is improperly biased toward nuclear operations, the satellite can easily be altered for conventional purposes by changing loading requirements to support these uses. In other words, there is nothing inherent in the satellite which would preclude changes in user emphasis, while maintaining the ability to ensure survivable/jam-resistant capability to our forces.

Milstart is also the only U.S. satellite communication system capable of providing assured connectivity to our strategic and tactical military forces. In this regard, assured connectivity is the ability to provide 24-hour-a-day two-way communications to our strategic and theater nuclear forces as well as commanders in chiefs [CINC's], of all our conventional forces worldwide. This requirement is just as important today as it was when the program began in the early 1980's.

In fact, in a letter to the Deputy Secretary of Defense, Don Atwood, dated March 23, 1990, vice chairman of the JSC Admiral David Jeremiah revalidated the requirements for Milstar starting: "The JROC validates the requirement for Milstar and recommends that it be continued as the most important Command, Control, and Communications program for the Departent of Defense."

Republican members are also perplexed by the Milstar termination since the committee, while noting changes in the threat, agreed elsewhere in the report that:

* * * the Soviet Union has continued with a vigorous and broad-based strategic offensive and defensive modernization effort that is improving its overall capabilities * * * [this] is a matter of continued serious concern and remains the paramount threat to U.S. national security * * *.

Mr. President, this assessment led the committee as a whole to support the President's Strategic Offensive Modernization Program, at least for fiscal year 1991. We believe it is thoroughly inconsistent to support the offensive modernization program and, at the same time, deny the U.S. National Command Authority the ability to have assured communications to those forces. For example, the benefits of having a modernized bomber or submarine force are significantly decreased in the absence of effective communications with the force and constant positive control over their nuclear payload. We, the Republican Members, find such a situation intolerable since it undermines strategic and crisis stability. In short, if the United States believes that nuclear deterrence is still viable and continues to provide for its modernization, then Milstar continues to be the most vital communication program and stability measure.

Mr. President, the Milstar Program was designed to assure that the U.S. has the survivable means to recall forces immediately and terminate hostilities. Republicans also find an inconsistency in the committee's recommendation to explore the feasibility of including destruct mechanisms and permissive action links on our ballistic missile delivery systems, when the very satellite communications program that could be used at an affordable cost to transmit such instructions was terminated in the bill.

Mr. President, Republican Members are also confused by the majority assertion during debate on this program that " * * * over time, the tactical conventional user base for the system has atrophied, leaving Milstar as a satellite for nuclear CINC conferencing and SIOP execution." During markup, the committee received a letter from the Chief of Naval Operations, Adm. Frank Kelso, expressing his concern over the possibility that the Milstar program may be terminated after four satellites. In the letter, he states:

As you are aware, all the CINC's are strong supporters of both the Milstar satellite and terminal programs. I personally testified this year as CINCLANT that the Milstar communication system is critical for the National Command Authority and CINC control of our strategic and tactical forces. A reduced or limited Milstar constellation will not be able to provide the necessary worldwide and regional coverage required to execute maritime operations in time of conflict. I strongly support the full satellite constellation.

Mr. President, I ask unanimous consent that the full text of this letter from Admiral Kelso, as well as the full text of other letters sent to the Com-

mittee on the Milstar termination from other CINC's and DOD officials, be placed into the record.

Mr. President, the Navy has been one of the biggest supporters of the Milstar program. Milstar provides the Navy with over-the-horizon communications for dispersed forces worldwide, antijam capability, and secure, low probability of intercept and detection of communications with the submarine and surface forces. No other U.S. satellite system can offer these features without significant redesign and additional costs. Such support and capability can hardly be characterized as showing a "nuclear bias." The importance of these requirements is becoming increasingly evident with the turmoil and crisis being generated in the Persian Gulf by Iraq's invasion of Kuwait. We must understand that the world is still dangerous and the United States must be able to communicate effectively worldwide.

Mr. President, this committee is responsible for the Department of Defense reorganization which, among other things, ensured that CINC's were given a strong voice in the formulation of weapons requirements. It is ironic, then, that this committee terminated Milstar when it was endorsed strongly by the CINC's. Again, quoting Admiral Jeremiah's letter: "The CINC's have reconfirmed their requirements for Milstar, as stated in current requirements documents, and strongly support its deployment."

As U.S. overseas base rights continue to decrease, the importance of Milstar will increase. Milstar's onboard processing and crosslinks allow the United States to reduce its dependence on overseas bases for satellite tracking and relay requirements. Milstar satellite control can be conducted entirely from U.S. ground stations or mobile platforms. Again, no other U.S. satellite system has this capability. Milstar will also save approximately $500 million in annual operating costs by allowing us to deactivate Strategic Air Command alert and communication aircraft and other systems. Milstar provides cost avoidance savings by reducing the requirement for mobile command centers and obviating additional direct communications to our forces, which must be procured if the program is indeed terminated. These savings could be between $7 and $10 billion.

Again, Mr. President, we believe that the Milstar program cannot be fairly characterized as solely a "strategic nuclear warfighting" system as it provides an important link to both our strategic and tactical forces. However, even if that were not the case, we cannot agree with the approach apparently being taken by the majority that, because the possibility of strategic nuclear war has diminished, we should cease planning for a credible response to such a possibility. A credible response is the essence of deterrence.

Finally, the House Appropriations Committee similarly terminated the Milstar program in its fiscal year 1990 appropriations bill. After careful deliberation, the Appropriations Conference report reinstated the program, arguing that:

> If the mission of Milstar were less critical to the surviving and enduring communications architecture necessary to support the national security functions of this country, there would have been little support for continuation of the program. However, if Milstar were terminated at this point, the expense to begin development of a new system might well exceed the cost in both time and dollars to salvage the Milstar program itself.

Mr. President, Republican Members also believe that the Milstar program should be reinstated. This program over the years has suffered many perturbations in congressional funding. This has contributed to cost overruns and delays in the program. We fully support the program and will work on a bipartisan basis to secure funding during the legislative process this year. I sincerely hope we can achieve this objective. The House has fully funded Milstar, and I believe that we should reach a compromise in conference. Thank you, Mr. President.

MILSTAR

Mr. KERRY. Mr. President, during consideration of this bill by the Armed Services Committee, the committee voted along strict party lines to terminate the military strategic and tactical relay [Milstar] communications satellite program.

The administration had requested $1 billion for Milstar again this year, despite the program's history of delays, increasing costs, and numerous questions about its mission, following the changes in the Soviet Union under Gorbachev.

The committee, following a comprehensive review of the program led by Senator NUNN, determined that the Defense Department had not justified the great cost of the Milstar system. The committee therefore canceled the program. The committee judged that the United States current C-cubed capabilities are sufficient to permit the termination of Milstar, and recommended the examination of lower cost alternatives to carry out many of its missions.

There are a number of legitimate reasons for this program being in trouble. First, it had been heavily weighted toward use during nuclear conflict, and inadequately weighted toward peacetime uses. Second, there has been a series of cost overruns and delays. Third, despite the changed strategic environment, the Defense Department has not reexamined Milstar to reflect the fact that the risk of a strategic nuclear conflict with the Soviet Union is in fact extremely low, and to focus on a Milstar program which takes advantage of its capabilities in a tactical context.

There are important reasons for considering whether Milstar could continue to fill an important role in U.S. defense. Milstar has been designed to meet the minimum essential command and control requirements of all services well into the next century; to overcome lack of interoperability, inadequate capacity to prevent against jamming; lack of polar coverage. It also presents potentially significant capabilities to withstand electronic warfare. Moreover, the system is nearly ready for deployment, with the first satellite 95 percent complete.

The committee's recommendation—that lower cost alternatives to Milstar be examined—should be understood to mean an examination of whether a lower cost version of Milstar might be justified. The Defense Department needs to consider whether a reconfigured program for Milstar is appropriate to insure that in the long run, adequate global U.S. communications, command, control, and intelligence are maintained.

For example, a less expensive, reconfigured Milstar program could prove to provide the most cost-effective means of maintaining communications requirements of U.S. operational forces at sea. A less expensive, reconfigured Milstar program might also remain capable of providing Army ground mobile forces with its minimum essential command and control connectivity, and the Air Force Tactical Command with its requirements for contingency and other operations.

The Defense Department also needs to consider whether a redesigned plan for Milstar would enable it to provide the United States with a cost-effective means of maintaining the national control of forces in Third World conflicts.

Accordingly, I urge the Secretary of Defense to begin a comprehensive review of Milstar with a view to determining whether the program can be reorganized to reflect current strategic realities and future U.S. needs in light of declining military budgets.

MAJOR DEFENSE ACQUISITION PILOT PROGRAM

Mr. GRASSLEY. Mr. President, I would like to raise a concern I have with respect to section 818, the Major Defense Acquisition Pilot Program. This section authorizes the Secretary of Defense to select as many as six major acquisition programs on which procurement laws can be waived. The purpose of this program is to determine the potential for increasing the efficiency and effectiveness of the acquisition process when greater flexibility is allowed in the acquisition of major items.

The committee report indicates that a pilot program may be designated as such only by statutory authorization by Congress, and that the Defense Department must notify Congress of each program nominated as a pilot program. The notification would include a list of the statutes to be waived, why these statutes should be waived, and what mechanisms would be substituted for these statutes.

The report further states that:

(t)he committee will not authorize any program to be designated as a pilot program, and will not authorize the waiver of any statutory provision, without adequate justification.

Mr. President, implicit in the report language is that the pilot programs and the waivers of procurement statutes will be approved and authorized by Congress. Yet that language does not appear in section 818 of this bill. The concern I raise is, absent such language in the bill itself, what kind of assurances do we have that this would not lead to, in an extreme case, providing carte blanche to the Secretary to: First, not fully disclose in the notification all the statutes for which a waiver is being sought; and second, proceed with such waivers without specific authorization by the committee and by Congress as to which laws, if any, are subject to waiver.

The concern I would raise, Mr. President, is that although the report language ties the waiver to an adequate justification and to specific authorization, that linkage does not appear in section 818 of the bill.

There are two principles that I believe are important with respect to this section: First, that only those laws in the notification be waivable; and second, that the committee and the Congress specifically authorize which laws, if any, are subject to waiver. If I may, Mr. President, I would like to ask the chairman and ranking member of jurisdiction of this section why this linkage does not appear in the bill language?

Mr. NUNN. No laws may be waived unless Congress expressly designates the program as a pilot program in a bill authorizing appropriations for that program. This limitation appears in section 818(b)(2).

The statute does not require Congress to expressly designate which laws will be waived. Our report language signals the Pentagon that we reserve the right to limit our grant of pilot program waiver authority to specific laws, but the bill does not require us to do so. I believe we should make that decision after reviewing the regulations implementing the pilot program and the specific programs proposed to be tested.

Mr. GRASSLEY. Could I also ask, Mr. President, if these programs and the laws being waived will be reviewed by the committee and Congress each year, since procurement law changes each year? Is this intended as a blanket waiver for the duration, say, of a 10-year weapons program? And, even though the Secretary may waive requirements for auditing, does this mean that these programs cannot be audited?

Mr. NUNN. Section 818(h) provides that a statute may not be waived after September 30, 1992. If statute is waived before that date, the waiver authority may not be applied to a contract beyond September 30, 1994. Section 818(f) requires that before Congress grants waiver authority, the Secretary must report to Congress on the actions that will be taken to ensure that the waiver or limitation of a law will not reduce the efficiency, integrity, or effectiveness of the acquisition process used for that program. Accordingly, it is clear that these programs will be subject to audits.

Mr. GRASSLEY. Mr. President, I initially intended to offer an amendment to section 818 to include waiver language in the bill. I have since received assurances from the committee of its intent to proceed in a similar manner as my amendment would direct, and so I do not intend to offer my amendment at this time. However, I would urge the conferees on this section of the bill to consider in conference statutory language to accomplish the linkage I have described.

My proposal would be to amend section 818(b)(2) to read as follows:

The Secretary may designate for participation in the pilot program only those major defense acquisition programs and may waive only those laws specifically authorized to be so designated, or waived, in a law authorizing appropriations for such program enacted after the date of the enactment of this Act.

Mr. NUNN. We will give that proposal careful consideration in conference.

Mr. GRASSLEY. Mr. President, I wish to thank the managers for addressing my concerns on this section, and I urge the committee and the Congress to be very vigilant with respect to the conduct of DOD on the systems they select for this pilot program.

OPPOSITION TO DEFENSE AUTHORIZATION BILL

Mr. BRADLEY. Mr. President, I am voting against this bill. This authorization marks the first step on a long path that will eventually lead to the restructuring of our approach to national defense. But it continues to spend too much on defense and for many of the wrong things. I believe that the defense authorization bill that the House will be passing takes us farther along the path we should follow than does this bill. I hope the final conference report will be closer to the House bill.

My reasons for voting against this bill are grounded in the new and emerging strategic situation our Nation faces in the world. Within the last year, the United States has finally succeeded in the long postwar struggle to contain Soviet military power and encourage the flowering of democracy in Central Europe and even in the Soviet Union itself. This was more than a dramatic triumph of the human spirit over the remnants of repressive regimes. It also vindicated America's leadership, persistence, and sense of purpose during four long decades of alliance-based strategic containment.

The old dangers of East-West confrontation will recede still further in the next few months as a timetable is set for the complete withdrawal of Soviet troops from the eastern part of a reunified Germany. The Soviet Union will also undertake potentially radical changes in its political and economic system, and may face serious social strains and internal crises as well.

Under these circumstances, the Soviet military threat to the West is likely to decline further. At the same time that the single adversary around which we have planned much of our strategy has declined, a wide array of other, less predictable, military challenges have appeared in Northeast Asia, in the states around the Persian Gulf, in the Mediterranean littoral, and elsewhere. When I speak of restructuring our military forces, I don't mean simply cutting them, although cuts will be a part of it. Rather, I mean that we must reorient our Armed Forces to be sure that we can meet these diverse and scattered military threats, which are smaller than a superpower confrontation but could prove no less dangerous to American interests.

The bill proposed by the Armed Services Committee makes significant strides in the right direction. In particular, it recognizes that the new strategic realities demand hard decisions to cut deeply in some areas in order to achieve the best military capabilities in more essential areas. Each weapons system and each troop deployment must be reassessed, and if it no longer serves our strategic purposes, it should be cut completely, but if it does serve a purpose, it should be funded adequately. In taking this approach, the committee's bill is a vast improvement over the timid, incremental approach taken by the administration, which still clings to expensive and outmoded forces.

Although it takes the right approach, this bill stops short of what will be needed this year and next as the difficult process of restructuring begins. The bill not only authorizes a higher level of overall defense spending than the United States needs to protect our vital interests, it also keeps alive several exorbitantly expensive programs that can no longer contrib-

ute much to our strategic goals in a changed world. The American taxpayers should not have to bear the burden of continuing to pay for overpriced B-2 bombers, or for an oversized military presence in Europe, or for superfluous battleships, aircraft carriers, and support ships in the active U.S. Navy. Although the bill authorizes them all, these forces would do little to help us counter North Korean threats to our allies in the south or contain Iraqi aggression around the Persian Gulf.

Let me say a word here about Iraq, Mr. President, since that nation's ruthless aggression against Kuwait has riveted our attention in recent days. The administration has suggested that this alarming development demonstrates the need for B-2 bombers, aircraft carriers, and other high-priced systems that were designed to meet Soviet challenges, not to deter or roll back Iraqui expansion. Indeed, they are poorly suited for the most likely and demanding military missions of the the future. As I have said, the purpose of restructuring America's defenses is not just to save taxpayers' money, but to face our new military challenges as squarely as in past decades we confronted the Soviet threat. High-technology weapons and military power alone will not suffice. Iraq's invasion of Kuwait is not just a military challenge to its neighbors, but also an immediate threat to the economic welfare of Americans. To cushion the economy against the disruption of oil supplies, a billion barrels of oil in the Strategic Petroleum Reserve will be more valuable than a new armada of long-range bombers or an extra two or three aircraft carriers that cannot even be deployed safely inside the Persian Gulf.

My deepest misgivings about this bill stem from cuts that I supported in amendments that were defeated. But the new direction for the American Armed Forces will also require that we allocate more resources in certain critical areas. That is why I supported an unsuccessful amendment to raise the pay for the dedicated men and women who serve our Nation in uniform. That is also why I opposed an amendment that would have stopped United States funding for a major new NATO air base in a strategic location in southern Itally, which will repay United States investment many times over because we will not need additional aircraft carriers to project military strength in the Mediterranean.

These increases are as important as the cuts that must be made. At a time of mounting deficits, we no longer have the luxury of buying weapons or maintaining forces that we will not need. I believe that the Hosue bill recognizes this reality to a greater extent than this bill does, and I urge my colleagues from the Senate Armed Services Committee to meet their House counterparts more than halfway on these issues. With a solid, careful step toward restructuring in this first Defense authorization since the cold war ended, we can confidently move forward with the task of making America a better place in a safer world.

Mr. ROTH. Mr. President, I have resolved to vote against final passage of the fiscal year 1991 DOD authorization bill. My decision derives from an overall impression of this particular piece of legislation, namely, it does not adequately address the changed global security situation which springs from developments in the Soviet Union, Eastern Europe and the consequent easing of superpower tensions.

The bill does not seriously take advantage of these radical developments for our overall security policy or our procurement program. It makes economies in certain defense programs but fails to address the fact that many of those systems are fundamentally irrelevant in the current security scenario. It is not enough to trim here and cut there. That only leads to stretchouts which result in rapid cost growth and to purchases of the wrong systems, further deflating the value of taxpayer dollars spent for defense. The most expensive single example of such practices in this bill is the B-2 bomber production, which I voted against, and which is going to result in nearly doubling the cost of each plane. We need to reevaluate thoroughly our strategic situation and restructure our Armed Forces appropriately. Reducing the size of our Armed Forces and equipping a new, smaller military establishment with the equipment which it will need to meet emerging threats to our security.

It is simply not satisfactory to work on the margins of our defense problem—we need to press ahead with a thorough and complete reevaluation. This the bill fails to do. We have reduced our defense budget. However, what we do authorize are forces largely equipped to fight a conventional war against the Soviet Union on the European continent—a war which appears ever less likely to take place.

Examples of our failure abound in the bill. The bill contains funding for systems such as the M1-A tank and the multiple-launch-rocket system—weapons which have virtually no relevance outside the European theater. Additionally, the Senate will require the Armed Forces to buy more of these systems than the President requested.

Exciting developments, which promised to revolutionize our security posture, such as the strategic defense initiative, have been looted for the sake of pork-barrel interests, causing major harm to the project. In the meantime, other pork-barrel interests have effectively prevented the realization of some of the most obvious defense economies. No adequate attempt has been made to address the question of closing the excessive number of domestic military bases which this Nation maintains and which some Members of Congress appear determined to keep alive, despite the fact that they do not, in any way, assist our national security. They merely drain the National Treasury.

It is ironical to watch Members stand on the floor of the Senate and rail against the costs of SDI, aircraft carriers, and battleships, and moments later decry any attempt to realize $5 billion in saving through the closure of unneeded military bases, because those bases are located in their own States. How can so many Members of this body endorse increasing taxes, when we fail to construct a Defense authorization bill that lives within our budgetary targets; targets which could have easily been met through the eliminating of pork-barrel projects?

FINAL PASSAGE OF DEFENSE AUTHORIZATION BILL

Mr. KERRY. Mr. President, while I will vote in favor of this Defense authorization bill, as a means of continuing our Nation's ability to defend itself, I have numerous differences with the decisions reached by the Senate in considering this bill.

This bill is more than $1.5 billion over the amount agreed to for defense by the Senate Budget Committee. it fails to adequately take into account the changes that have taken place in the world over the past year, especially in Eastern and Central Europe. It also fails to take into account sufficiently our Federal deficit crisis and current deficit talks, which will surely result in cuts to levels for military spending far below what we have agreed to today.

This bill contains too much money for star wars, which needs to be returned to the research program it was before President Reagan began pushing the fantasy of a peace shield in 1983.

This bill contains too much money for antisatellite weapons, which we should be restraining.

It continues to fund the B-2 bomber, which we cannot afford and do not need for our national security.

These and other choices we have made are not the choices that should be made to meet the challenges our Nation faces. This defense bill still is based on strategies and approaches developed during the darker days of the cold war. The Senate has not yet found new approaches to dealing with national security, that properly reflect our greater threats—the threat to our economy from foreign competition in Europe and the Pacific Rim—the threat to our communities from

drugs—the threat to our future if we fail to provide the education and resources needed for coming generations.

In short, this bill does not reflect the priorities this Nation need to have. I vote for it with grave reservations, and hopes that we will be able to correct many of these choices in the months to come as the dimensions of our budgetary crisis, and the need to spend money elsewhere, becomes increasingly apparent.

Mr. KOHL. Mr. President, last year I voted against the final version of the Department of Defense authorization bill. This year I am pleased to support the Defense program recommended by the Committee on Armed Services. Because the Armed Services Committee recognized and reacted to the changing nature of the threats we face and the world we live in, the Defense authorization bill before us today makes significant cuts in the administration's budget request. That is a very positive development. But today we're really not debating how much money we should spend on defense. That debate is going on in the Budget Summit—and we all suspect it will result in even deeper cuts than those proposed here. Rather than debating budget numbers, we are discussing how to prioritize the programs within the Department of Defense. And in that context, Mr. President, I have to complement my colleagues on the Armed Services Committee for the work they have done. I have disagreements with some of the positions they have taken on specific programs which I will spell out. But I would like to begin by pointing to some of the encouraging signs I find in this bill.

First, I applaud the fact that it actually terminates a large number of programs and weapons systems. Too often in the past, the Congress has found it too easy to say "maybe" rather than "no" to programs which have no essential role to play in protecting our national security. We've all become all too familiar with the "snowball effect" as it applies to the weapons and technologies considered by the Congress: the snowflake of a bright idea wins congressional approval for research and development; money for the idea gets spread over a number of congressional districts, and contractors start packing the flakes of support into a snowball; after a few years of increasing investments for research, we are faced with an avalanche that can roll over almost anything in its path. Well I'm glad to say that common sense shattered some big snowballs this year. In this bill, we call for the termination of 25 programs that would have cost us $2.35 billion this year, and a minimum of $45 billion over their lifetimes. That's significant. And I think it signals a change in our way of doing business that must continue. If we're ever going to get our fiscal house in order, and if we're going to get better control over defense spending, we're going to have to make even tougher decisions to terminate programs.

Second, this bill represents a real attempt to develop a new strategy to sustain American interests in a changed world. No one would claim that the process is complete, but I am confident that we have at least recognized that the Warsaw Pact is unable to fight a war in Europe and that the Soviet Union is unwilling to fight a war with the United States. That fact has made it clear that we don't have to spend as much as we have in the past. Over the last few decades we have spent literally hundreds of billions of dollars on the defense of Europe. Much of that was justified, but much of it was spent so that wargame planners could devise unlikey scenarios and then develop multiple options to respond to them. Now there are only two scenarios—one, that a Soviet invasion in Europe will not happen; and two, if it did, we would have months of warning time—and ony one response—we can affort to spend less and deploy fewer troops in Europe. That is precisely what the Armed Services Committee has done. In my view, they could have done even more—I supported the Conrad amendment to withdraw an additional 30,000 troops from Europe—but at least they made a beginning.

Third, I applaud the shift in our defense structure toward greater reliance on our Reserve Forces, a move that will save substantial sums of money while preserving our defensive capabilities. This is an important principle which can help accomplish one of our most critical goals: Reducing defense spending which protecting our legitimate security needs.

Fourth, I am delighted by what I see as a shift in our attitude toward nuclear weapons and nuclear war. The cancellation of the Milstar system was, in part, justified by the acknowledgement that there is no way to win a nuclear war and no way to control it once the first missile flies. In a similar fashion, we cut funding for the rail mobile basing mode for the MX missile because we believe we can negotiate real reductions in these weapons of ultimate destruction while still deterring any attack. We haven't fully accepted the implications of that; we still funded the B-2 and other system that I'll mention in a moment. But this bill represents a major change in the way we think about need for and role of nuclear weapons. Combined with continued progress on arms control, I believe we are on the edge of a new dawn of hope.

With all the positive elements contained in this bill, there are still some areas where I believe we haven't gone far enough. Without in any war diminishing the importance of the committee's work, let me briefly discuss some of my concerns.

I voted in favor of an unsuccessful effort to stop the procurement of the B-2 Stealth bomber after its search and development phase and the 15 planes now under construction are completed. Even if the B-2 could successfully penetrate Soviet air defenses, even if it could successfully attack mobile targets—both dubious assumptions—I am not convinced that we need it and I am certain that we cannot afford it. While the B-2 would represent an improvement in our strategic capabilities, its benefits diminish in value as the Soviet threat recedes and its per unit cost increases as the size of the force declines. We need to ask how much additional deterrence we get for each $800 billion plane. Our current bomber capabilities, combined with the other legs of our strategic triad, provide a deterrent which, in this new environment, is sufficient to give us the margin of safety we require and deserve.

I am disturbed about the strategic implications of the large increase in the ASAT Program. I addressed that issue during the debate on the Kerry amendment and see no reason to repeat my remarks here. It is sufficient to say that I do not believe the increase in this program is either necessary or justified.

Finally, I was profoundly disappointed by the action taken by the committee and the Senate on the strategic defense initiative. It is hard for me to believe that we have spent so many billions of dollars on this program—and even harder to believe that we are going to continue to do so even though we have no reason to believe that SDI can accomplish the missions some have assigned to it. While we at least restrained spending on this program, we are still spending too much. And while adoption of the Bingaman amendment means that we will have more control over the priorities in the program, we never got to the core issue of whether or not the entire program makes sense given our other defense, domestic and economic needs.

Despite these problems, Mr. President, I believe that on balance this is a sound bill. It reflects serious work by serious people. It is symbolic of the sort of work the Senate is capable of doing. The "Explanation of the Committee's Recommendations" contained in the report, which are based largely on a series of speeches by Senator NUNN, are models of lucid argument and insightful commentary. They can serve as a guide to national defense policy for years to come. But we have to follow that guidance and, in that regard, the bill before us is just a downpayment. We will need to continue to modify our defense doctrines and

continue to reduce the amount of money we spend on the Pentagon. The dramatic changes in the world make that possible and our deficit makes it imperative. This bill begins that reduction in a responsible manner. I hope that by the time this bill returns from conference, and after the congressional leaders and the President bring us an agreement on the budget, we will be able to take a few more steps in this process.

Mr. DODD. Mr. President, I rise in support of this legislation, which has been appropriately described as the first post cold war defense budget.

This year I took two trips to central Europe. Visiting East Berlin in March, I walked across a barren field that had recently been littered with land mines, barbed wire and machineguns. On the day of my visit the land was a boulevard between East and West Germany. In late May and early June, I visited Poland, Hungary, and Czechoslovakia and witnessed the excitement, the fervor, and also the difficulties of the fundamental political, economic and social transformations there. I also visited Romania, which is an entirely different story.

The substance of what we have debated here through the past days has plenty to do with what I experienced in these central European countries. The dislocations we face in moving to the next stage of our defense posture is in some ways as profound as the wholesale revisions taking place in central Europe and the Soviet Union. The changes for the United States and central Europe are both promising, present great potential for economic growth and world peace, and both are fraught with dangers.

One danger is that we may overinterpret the nature and permanence of the changes in the Soviet Union and relax our defenses too soon. In spite of the breathtaking changes, the Soviets have not reduced their forces significantly—certainly not their most threatening strategic forces.

On the other hand, the elements that make up the military threat from a potential adversary go significantly beyond hardware. While the Soviets' hardware remains intact, their ongoing withdrawal from central Europe and the general disintegration of the previously existing political and social regimentation and military discipline has already seriously reduced the actual threat from the Soviet Union.

As usual in political situations, we can err here on two sides. One error would be to ignore the monumental changes in the east bloc and go on building weapons as if nothing has happened. The opposite error would be to see only the changes, and to ignore the possibility of a reversal or a lengthy period of uncertainty in the struggle between the old and the new in the Soviet Union. In other words, we would not want to disarm too fast too soon.

Remember, we made this mistake after both World Wars. After the first, we immediately disengaged from Europe, spurned the League of Nations, and thereby indirectly contributed to the rise of Nazism in Germany—or, at least, were not in a good position to prevent it.

We withdrew our forces prematurely after the Second World War as well. By doing that, we were not in the position to pressure Stalin to live up to the Yalta agreements, and central Europe fell prey to a 40-year-long Soviet colonialization.

Just as we started to debate this legislation, another powerful reminder jolted our collective conscious, the Iraqi dictator's brazen aggression against Kuwait. It starkly brought home the message that beyond any superpower detente this world remains a very dangerous place, the Middle East a particularly volatile part of it, and our strategic considerations will have to be reoriented instead of relaxed or abandoned.

So while some reduction in our defense spending and some rearrangement in our force posture is in order, we need to go about it prudently, pursuing our security interests in light of the hard realities of the actual world.

We need to go about it prudently for two reasons. A reduction in our defense spending has costs and benefits. The benefits are twofold: a lower Federal deficit from reduced spending and an opportunity to divert defense savings to fund nondefense capital investments with long-term benefits for our Nation.

The costs are most relevant to this discussion. Simply put, a reduction in defense spending will result in lost jobs and failing businesses. Members of Congress are elated about reduced East-West tensions, but we are deeply concerned about the potential loss of jobs for thousands of hardworking Americans employed in the defense sector.

The question that we must address today and for many months to come is—what will reductions in defense spending mean for regions where the defense industry is so important to the well-being of the local economy?

The unavoidable fact is that we are going to face some very painful dislocations in the near future—program terminations, sharp reductions in unit numbers ordered by the military, stretch-outs, local unemployment, plant closings.

Mr. President, in my State, Connecticut, where our skilled workers have contributed so much to the safety of this Nation, we are already feeling real pain. One example is provided by the UNC Naval Products plant in Uncasville, CT. This splendid facility has built nuclear propulsion systems for our submarines for 34 years. I wish all of my colleagues could visit this plant to see for themselves what amount of quality of training, tooling, technological expertise, organization and elaborate security goes into producing such a crucial piece of frontline technology. This is a zero-error environment. A submarine nuclear powerplant must never break down and none built at UNC ever have.

As a result of our reduced rate of submarine construction, the Navy announced that it is phasing out the contibution of the UNC plant. All that technology, craftsmanship, and discipline is threatened to be wasted, the workers laid off.

The point I want to make is that the causes of this dislocation lie in the development of world politics and the subsequent decisions of our national leadership. They are not due to the fault of our workers of managers. They are not due to bad business decisions, low productivity or inadequate workmanship. As a result, I strongly feel that the Federal Government has strong responsibilities to help to ease these dislocations and assist the veterans of the cold war—America's defense workers—to a smooth transition, to avoid undeserved hardships.

I strongly disagree with those who claim that this is just a normal turn in the ups and downs of doing business in a free market economy. Some facilities in my state, such as the Pratt & Whitney jet engine factory, have always operated in part on the free market, in part in government business. To state, however, that facilities such as UNC Naval Products, or the Electric Boat Submarine yard, ever operated on the free market is laughable. They have had only one customer, the Government of the United States, and their whole operation has been hogtied into government regulations and requirements. These facilities could not have diversified into alternative activities even if they wanted to; it is inconceivable that the Navy would have allowed that. Many of these defense workers for all practical purposes worked for the Federal Government. The demand for their skills, for their product had nothing to do with the free market; it was subject to the policy decisions of Government officials only.

Mr. President, I thought it important to lay out the case for the dislocated defense workers because their plight is sometimes too easily dismissed as a minor side effect of the coming of eternal world peace, and because I think we have a strong responsibility to these veterans. If we ever realize what is fashionably called the peace dividend, our defense workers, who produced it, should be at the head of the line. I really hope that my friends, the chairman and the ranking member of the Armed Services Com-

mittee, will take the initiative to address this question through the committee in more depth.

As for the bill before us, our debate over it was expeditious and remarkably free of partisan fervor. This is a tribute to the skills of the outstanding managers, Senators NUNN and WARNER. I have great admiration for their product, which is an excellent piece of thoughtful, balanced legislative work, and for the way they managed this bill through the Senate with maximum efficiency.

One strong disagreement I have had with this bill is its substitution of two SSN-688 attack submarines for the second ship of the new *Seawolf* class, a program that is very important for my constituents who work at the Electric Boat Shipyard. It is hard to argue against Chairman NUNN's dedication to the "fly before you buy" principle that so permeates this legislation. Let me call Senator NUNN's attention to the fact, however, that his principle ought to have some practical limits in the case of such a huge and complicated system as a nuclear submarine.

I can see the utility of this principle with the B-2, for example, where we apply revolutionary new technology and where an aircraft takes at most several months to construct from start to finish. The submarine whose keel is laid today will not be commissioned until 5 to 6 years from now. Under thse circumstances, to insist on full testing of every system before construction starts, on full reduction of concurrency, is simply self-defeating; it makes no sense.

Compared to the B-2 revolution, the phasing in of new submarines is more of an evolutionary process. We build aircraft in batches of at least a few dozen totally identical units. Due to the long construction time of submarines, we update their equipment and construction technology almost ship by ship. From the first *Trident* to the last, for example, a whole technological era elapses. This necessitates the gradual phasing in of new technologies even within the same class of submarines.

I am not arguing against rigorous testing before construction; I strongly support it. What I oppose is the rigid application of "fly before you buy" in the *Seawolf* program because a technology may become obsolete by the time we satisfy ourselves that it has been thoroughly tested. I will appeal to the conferees on this bill to recede to the House position on this issue and approve the one *Seawolf* instead of the two SSN-688's.

One of the more contentious issues before us was the continuation of the production of the B-2 bomber. I voted with the majority and the distinguished managers to allow this program to continue in its scaled down version and subject to all the funding fences that the Armed Services Committee mandated. I am just as awed about the price tag of this aircraft as anybody. I also know, however, that a great deal of this money has already been spent. The question is whether we deem all this investment wasted or spend some more in order to realize the full benefits of the technology. It is misleading to state that each aircraft costs $800 million or some other outrageous sum. First, the rising unit cost is due to a large extent to the very fact that we are scaling back the program. Second, elimination of further aircraft would not result in nearly as much in savings per unit. For instance, when Secretary Cheney scaled back the program from 132 to 75 units, the saving per aircraft was only $250 million, still a huge amount, but not nearly $800 million.

Mr. Chairman, I may be biased on submarines but I do not have any parochial interest in the B-2; my State's share in its production is minuscule. After carefully weighing the alternatives, together with the realization that our security lies and continues to lie in our technological superiority, I decided that the American people are much better served by the completion of the sharply reduced B-2 program than by its termination.

One worry I had with this year's budget request was the planned shutdown of the M-1 tank line after this year's allocation. Such a move would have paralyzed and scattered the production force of a whole crucial industry, that of the main battle tank. I thought it much more prudent to continue production on a reduced scale, by combining domestic requirements with foreign sales, and I worked with my colleagues and industry representatives for such a solution. I am pleased that the Armed Services Committee has realized the wisdom of our idea and in report language encouraged the Army to work out just such a schedule. I will continue to pursue this course, which we plan to realize without any additional cost to the taxpayers.

Mr. President, I compliment again the distinguished managers for a job expertly done both in the committee as well as in the whole Senate. We are at the dawn of a new world, but we have to enter it with caution and circumspection. Our leadres served us well in this endeavor.

This legislation, while not perfect, serves our Nation well in reducing some of our burdens, but also in maintaining our strengths. I vote for it with the conviction that we did our best to discharge our most important duty: to maintain the physical and moral integrity of the United States.

Mr. President, I rise today to support the fiscal year 1991 DOD authorization bill. I want to congratulate the Armed Services Committee for its excellent work on a very difficult and challenging task. There are many new elements in the world and security environment that must be considered, along with the enduring threats we continue to confront. And I believe the committee has produced a sound bill.

I share the views of the distinguished ranking member of the committee, Mr. WARNER, that the full Senate clearly shares the appreciation and respect for the committee's work. On almost every vote, the committee's position prevailed. That says a great deal about the quality of the work of our colleagues on the Armed Services Committee.

Overall, I am very satisfied with the outcome. I have supported cuts in the U.S. Defense budget. And I have stated previously that it is imperative that the reductions be based on a thorough and informed reassessment of U.S. security requirements in an extremely fluid and dynamic international environment. The United States must resist the temptation to slash defense spending too deeply and too quickly. I believe reductions are appropriate and necessary, but we must reduce prudently and deliberately, based on continuing and emerging security needs.

And I believe the committee has made a very important contribution to this end. There are a mumber of committee assumptions and judgements regarding the continuing threats, the overall security environment, and how to address these concerns that I do not necessarily fully support. And there are a number of specific programs the disposition of which in the final bill I do not support. I will not take the time now, after so many hours on this bill, to enumerate these individual issues, but I will note again that overall, I believe this is a sound bill.

Mr. President, I will also note that I have a number of strong objections to the House Armed Services bill. I do hope that the likely result of the passage of both the House and Senate bills will be a conference report that will strike a proper balance between national security and budgetary responsibility. On many of the disputed issues, I must say that I hope the Senate position will prevail.

Mr. GLENN. Mr. President, on July 24, the distinguished Senator from Georgia, Senator SAM NUNN, spoke on the floor of the Senate on the far-reaching Defense bill that the Committee on Armed Services just reported out to the Senate. I agree with the Senator that this is a watershed bill. It sets the military services on a prudent glide path to a smaller defense establishment based on changes in the military threat and a prudently revised military strategy to counter that threat, and I want to congratulate him

for his leadership as chairman of our Armed Services Committee.

Mr. President, adopting a budget in Congress gets harder every year, and this year is no exception. We have a serious problem with the Federal deficit, and we are struggling to figure out what we need to do to bring it down. I hope the budget summit will reach agreement on a sensible plan for avoiding a Gramm-Rudman sequester this year. Otherwise, we will march into a chaotic fiscal situation where the American people will come out the loser.

Mr. President, the question is continually asked as to why we cannot cut Defense funding levels to considerably less than the $289 billion level we marked to in our committee deliberations. The assumption underlying this question is that the cold war is over, we won, why keep on with an enormous defense expenditure when it is so obviously not necessary? Let me analyze that briefly.

To me, a military threat is comprised of two elements. One is the actual hardware and equipment, and the trained personnel to use that equipment. The second is the political will and political ability to use that military force for whatever purpose.

Mr. President, in the case of the Soviet Union, the hardware, equipment, and personnel, by and large, are still there. Large numbers of missiles are still pointed at the United States, submarines with ballistic missiles are still on patrol, long-range bombers are still sitting on the flight line, nuclear weapons systems are still in place, thousands of tanks are still lined up, the point being that the basic military strength of the Soviet Union is still largely intact. What is new and different is that the Soviets' political will and ability to use their hardware has become substantially less.

Clearly, the whole Warsaw Pact is in shambles, and the internal situation in the Soviet Union is equally in turmoil. The once monolithic Soviet political structure is in disarray. In all likelihood this has rendered the Soviets unable to use effectively the huge military forces they built up over several decades, at least for the present.

I certainly do not want to be such a cold warrior that I see threats where none exist. But I must admit I will rest more easily when our arms control talks with the Soviets have come to fruition, when more Soviet hardware and missiles are being destroyed, or at least placed in a monitored storage situation, and when verification of these reductions leaves no doubt that the real military threat, the hardware and personnel, are really being reduced to more acceptable levels to match any United States drawdown. Then, and only then, can we look ahead reasonably to a peaceful world for the indefinite future.

With that view in mind, I think it prudent that this Nation proceed cautiously in reducing our forces in response to changes in Soviet policy and make certain that we are able to verify everything agreed to in arms control agreements.

If we are to start our reduction of our military forces this year, as we are planning to do, then we should do it on a rational basis and not just rush pell-mell to cut with little regard for maintenance of effective combat forces.

As we "build down" to a reduced level, we need two vital pieces of information in order to come out with the needed combat capability in the New World in which we live. First, we need a clear definition of the changed threat. While we need to maintain a substantial capability within NATO, this commitment probably can be eventually handled with much fewer personnel stationed in Europe, but with equipment prepositioned there ready to be manned by United States military personnel stationed elsewhere and available to be brought in rapidly in the event of need.

While that may suffice to keep us involved with NATO and Europe, there also are many other areas of the world with which we have concern. Just a couple of examples are the Persian Gulf, which contains some 65 percent of the oil reserves of the world, and the Korean Peninsula. Both are potential trouble spots with which we must be able to cope. Be badly need a more detailed and updated threat analysis of these areas as well as other potential flashpoints around the world, including the transportation "choke points" of the world, if we are to have a rational basis for structuring our future combat forces.

As we build down we also must reevaluate the roles and missions assignments between our regular military forces and our Reserve Forces. The current assignments between regular and Reserves are outlined in general terms in our total force policy, which has been in effect since 1973. Unfortunately, this policy has had little if any formal reassessment since that time. Over these past 17 years, some functions assigned to the Guard and Reserves have worked out very well, while others have not provided the combat mobilization capability they were supposed to provide.

After informally requesting an updated analysis of the total force policy from DOD for several years, and getting no results, last year the Senate Armed Services Committee wrote into the Defense authorization bill a requirement for a year-long reanalysis of this total force policy; an interim report is due to the Congress by September 15, and a final report by December 31, of this year. We must have that reassessment of total force policy addressing potential changes in roles and missions if we are to design and fund the best combination of forces to cope with the threats of the future.

Mr. President, it was against this uncertain backdrop that the Committee on Armed Services did its work this year. I think the committee has reported out a very responsible authorization bill for defense despite great strategic and fiscal uncertainty. Some may argue that we marked too high a level of funding for defense. I am not one of those. Quite frankly, the committee had to make some very tough decisions at the $289 billion defense spending level it recommends for fiscal 1991. I hope our budget summit negotiators will take note of these decisions and what the consequences would be if the defense funding number is set substantially lower than the committee recommends in this bill.

I think all of us are heartened by the developments in Eastern Europe and the Soviet Union that have resulted in a decreased military threat there. There is no doubt in my mind that we can reduce our military forces somewhat as a result of that reduced threat, and that we can and should use some of the savings from a builddown of our military forces to correct our fiscal and domestic problems. The $64,000 question is how to do this in a responsible, phased way so that we do not rupture the military forces that we still need to maintain our national security.

In coming to grips with this problem, the Committee on Armed Services adopted a long-term strategy of reducing our military forces over the next 5 years so that the restructured forces in each of our military services will remain combat ready. The bill reported out by the committee provides a responsible blueprint for the military forces to follow in terms of equipment, force structure, and manpower. The blueprint outlines a builddown strategy that prudently guards against a reversibility in the threat, and provides a glide slope in manpower levels that minimizes the negative effects that the builddown may have on our men and women in uniform and their families.

As chairman of the Subcommittee on Manpower and Personnel of the Committee on Armed Services, I want to say that the subcommittee worked very hard to craft a responsible manpower plan. We were keenly aware that adoption of our recommendations would set the course for our military services for the next 5 years, and beyond.

At the outset of our deliberations the basic principle we adopted was to act to sustain, and to enhance where possible, the combat effectiveness of our military personnel as the military services builddown over the next 5

years. Consistent with this principle, the subcommittee proposed, and the full committee adopted and reported, a number of recommendations in this bill that sets out a responsible course for a manpower builddown in our military services.

I will summarize these recommendations:

First, the committee's recommendations establish fiscal year 1995 active duty strength levels for each of the military services based on the mission, force structure, and organizational realignments that each military service is expected to make in reaction to the changing threat over the next 5 years. In the aggregate, the active duty military strength recommended for fiscal year 1995 is 1,602,000, a reduction of 474,400 or 23 percent, from the current level of 2,076,400.

By service, the Army's proposed fiscal year 1995 end strength is 510,000, down by 234,170 over the next 5 years; the Navy's proposed fiscal year 1995 end strength is 500,000, down by 90,500 over the next 5 years; the Marine Corps' proposed fiscal year 1995 end strength is 177,000, down by 19,735 over the next 5 years; and the Air Force's proposed fiscal year 1995 end strength is 415,000, down by 130,000 over the next 5 years. These proposed reductions anticipate—but do not necessarily require—force structure reductions of at least 6 active divisions in the Army; a reduction of at least 111 Navy ships—including 2 aircraft carriers and all 4 battleships, and the standdown of 2 active Navy air wings; and the deactivation of at least 11 active air wings in the Air Force.

Second, the committee's recommendations establish fiscal year 1991 active duty strength levels for each of the military services to put them on a responsible glide path to achieve the fiscal year 1995 strength levels I have just described. The recommended end strengths by service for fiscal year 1991 are: 704,170 for the Army, down 40,000 from fiscal year 1990; 568,500 for the Navy, down 22,000 from fiscal year 1990; 193,735 for the Marine Corps, down 3,000 from fiscal year 1990; and 510,000 for the Air Force, down 25,000 from fiscal year 1990. In the aggregate, the recommended fiscal year 1991 service end strengths sum to a 100,000 reduction from fiscal year 1990. Based on information we received in our subcommittee hearings, the military services should be able to achieve these recommended fiscal year 1991 strength levels without resorting to involuntary separation of career personnel.

In order to balance the reduction in strength across the personnel inventory, the committee's recommendations also set ceilings on officer strength consistent with the current ratio of officers to enlisted personnel; set revised ceilings on the number of general and flag officers; and set ceilings on the number of senior civilian personnel in the Department of Defense. These ceilings put the DOD on a glide path to a 20-percent reduction in these areas by the end of fiscal year 1995.

Third, the committee's recommendations preserve and enhance the readiness of Reserve and National Guard manpower to meet an increasingly important role in the total force, and to act as a hedge against reversibility of the threat. Specifically, the committee's recommendations sustain Reserve force manpower strengths at the fiscal year 1990 level, as well as provide a number of enhancements to improve the readiness and benefits of personnel in the Reserve and National Guard components.

These enhancements include: First, providing for more effective utilization of full-time active duty reservists in the Reserve and National Guard components; second, providing for greater representation of regular active duty personnel in the Reserve and National Guard components; third, providing for a more viable individual ready reserve manpower tool as a hedge against a reversal in the threat; and fourth, providing for access to certain nonappropriated funds for morale, welfare and recreation activities for reservists in good standing. I believe this package of recommendations is consistent with the increased reliance we will be replacing on our Reserve and National Guard components as our Active Forces builddown.

Fourth, the committee's recommendations provide greater flexibility to the military services to restructure their senior grade personnel inventories to match requirements as they builddown their forces over the next 5 years. In implementing this plan, the military services will be able to selectively reduce retirement eligible personnel to avoid disproportionate reductions in other nonretirement-eligible segments of the inventory.

Fifth, the committee's recommendations include measures that provide a package of compensation and benefits to military personnel who are involuntarily separated from active duty due to reduction in strength levels over the next 5 years. This package provides a safety net to personnel who had planned on a career in the military but who now may be required to leave active duty before they become eligible to retire.

The recommended package is consistent with what Senator MCCAIN proposed in his bill S. 2663. It provides that involuntary separation pay for both officer and enlisted personnel; medical transition benefits; unemployment compensation equal to that provided in the civilian sector; vesting in education benefits under the GI bill; transition and job search services; and travel and transportation benefits for resettlement to any location within the United States.

Mr. President, with regard to the education and transition provisions in this package, I want to thank Senator CRANSTON and his staff on the Veterans' Affairs Committee for their cooperation and assistance. These programs fall under the oversight of that committee, and we relied on the expertise of that committee to help us work out these provisions.

Finally, the committee's recommendations provide a regulated, prudent process for the military services to follow as they reduce their personnel inventories over the next 5 years.

Specifically, the military services will be required, as a first step, to set new accession levels at ceilings established at the rate necessary to sustain the lower fiscal year 1995 strength levels recommended in this bill.

The military will be required, as a second step, to reduce the retirement eligible population consistent with senior grade requirements at the lower fiscal year 1995 strength levels.

The military services will be required, as a third step, to reduce the first-term, noncareer population consistent with junior grade requirements at the lower fiscal year 1995 strength levels.

Only after going through these first three steps may the services take the fourth step and reduce the mid-career personnel inventory in order to reach mandated strength levels for any given year.

This four-step process ensures that the most vulnerable segment of the personnel inventory is protected. It also ensures that the services do not hollow out the segment of the force most crucial to the sustainment of combat readiness as the military services builddown force structure.

Finally, the committee's recommendations provide for a 3.5-percent pay raise for military personnel. Quite frankly, I believe the 3.5-percent pay raise for military personnel proposed by the administration is inadequate. I attempted earlier to increase the raise to 4.1 percent to at least match projected inflation; however, I was unable to do so within the dollar constraints placed on manpower. I still believe that military personnel deserve a 4.1-percent pay raise, and so I will offer an amendment to the Defense bill to increase the military pay raise to 4.1 percent.

Mr. President, the issue here is one of fairness. The administration's request for a 3.5-percent military pay raise falls far short of the 4.8-percent wage growth projected for the private sector in fiscal year 1991 as measured by the employment cost index [ECI]. It also falls well short of the 4.1-percent growth projected for inflation as

measured by the Consumer Price Index [CPI].

Since 1981, the administration has proposed, and the Congress has approved, annual pay raises for military personnel short of private sector wage growth. As a result, military pay now lags private sector wages by 11.2 percent; the gap will grow to 12.6 percent in fiscal year 1991 if a 3.5-percent raise is all that military personnel receive. I think this erosion needs to be halted, and if possible reversed. That is why I will offer my amendment—to halt the erosion of the value of pay for the military services. I hope my colleagues will join me in supporting our men and women in uniform in these difficult and uncertain times by cosponsoring my amendment.

Mr. President, I want to conclude by saying that the recommendations I have just outlined will help the military services to transition prudently to a smaller, but combat effective force. In making our recommendations, we were very mindful of the contributions of our men and women in uniform have made in bringing about a more peaceful world situation. That is why we provided a safety net of compensation and benefits for those who may be involuntarily separated as a result of the drawdown of our forces.

Finally, I want to commend our men and women in uniform for continuing to make the sacrifices we call on them to make through these difficult times. I for one pledge my continued support for their welfare and quality of life.

Mr. PELL. Mr. President, I voted in favor of the Defense authorization bill because I believe it makes a good beginning at the difficult task of cutting back on defense spending to levels appropriate to the new order of world affairs. In many ways I wish it had gone further, but it is a very good beginning.

The bill reduces the administration budget by $18 billion in budget authority, an amount which would have been unthinkable even 1 year ago. It contemplates personnel cuts of 100,000 over the next year and nearly 500,000 over the next 5 years.

The bill limits the B-2 bomber to two additional planes and freezes the SDI Program at the 1990 level. I supported deeper cuts in both of these programs and will continue my efforts to reduce them in the future.

On the local level, I am pleased to note that the bill authorizes the construction of the 18th Trident submarine and that it authorizes two 688 attack submarines. I would have preferred that it make provision for two of the new *Seawolf* submarines in lieu of the 688's, and I do hope that whatever the outcome of compromise with the House, that the result will be jobs and security for Electric Boat.

I am particularly pleased that the bill includes the Riegle-Pell amendment on defense industry adjustment, based on the defense conversion bill I introduced last winter. The amendment provides a broad range of assistance to workers, communities and small businesses in their efforts to adjust to reduced defense budgets.

Finally, I am very pleased that the bill also includes my provisions for a new $13.7 million building at NUSC in Newport and that it curtails the GWEN Program and addresses the problem of uncompensated overtime, which is such a problem for many of our defense contract workers.

Mr. DOLE. Mr. President, I rise to commend the distinguished leaders of the Armed Services Committee, Senators NUNN and WARNER, for the outstanding job they have done in bringing the Defense Department authorization bill to final passage. The RECORD shows we completed this important legislation in a remarkably timely manner, with all the good will, cooperation, and skill we have come to expect of the leadership of the Armed Services Committee.

I would also like to recognize several staff members who worked tirelessly throughout the marathon sessions leading up to final passage—Pat Tucker, Brian Dailey, Les Brownlee, Ann Sauer, and Arnold Punaro of the Armed Services Committee, and Mira Baratta, Dan Stanley, and Bill Wisecarver of my own staff. I know my colleagues join me in thanking them for the significant role they have played in the resolution of this complex and vitally important legislation.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, as the Senate prepares to vote on the fiscal year 1991 national defense authorization bill, I know that all my colleagues feel, as I do, the historical importance and the critical responsibility of this task.

The debate which we just had represents the first opportunity and the first occasion for a debate at the national level on our national security policy in a postcold war environment.

We here in the U.S. Senate—the world's greatest deliberative body—have engaged in a debate over the shape, structure, and composition of our military forces and the policy governing the use of those forces, against a backdrop of dramatic change in the world in which we live.

I believe that the world has not undergone such monumental change since the end of World War II—when, together with our allies—and through the courageous efforts of our soldiers, sailors, and airmen, we vanquished our foes and set out to build a world where all men could live in peace and freedom.

But, as the Iron Curtain descended across Europe and the heavy yoke of communism enslaved millions, a bitter cold war set in. The United States of America, accepting its role as a global power and the leader of the free world, opposed the tyranny of communism and accepted the tough, costly challenges of the cold war.

The past year has, indeed, wrought remarkable and unforeseen change.

The major countries of Eastern Europe, mustering unprecedented courage, have rejected communist totalitarian regimes and are moving toward free market, democratic societies.

The Soviet Union, with an economic situation virtually that of a Third World country, is struggling to reform its system of government as well as its economy. Simultaneously, the Soviets are being rocked by internal strife, rebellious states, and ethnic unrest.

The Berlin Wall, the stark symbol of the Iron Curtain, is gone and the reunification of Germany is well underway.

But Soviet strategic offensive and defensive nuclear forces are still the largest and most modern in the world. And the Soviet Army, likewise, remains the largest, most modern conventional force in the world. Until they are reduced to where they no longer pose an unacceptable level of threat, we must not drop our guard.

It has become evident that only the Soviet's military strength sets them apart as a world superpower. But if they are unable in the next few years to shore up their economy and stabilize their Government, internal chaos could result, with unforeseen consequences for the rest of the world. Who in the Soviet Union, should insurrection become widespread, control these weapons?

The members of the Armed Services Committee voted unanimously to report this bill favorably to the Senate. Because it provides for the minimal capabilities needed to protect U.S. national security interests, at least for the near term, all Republican members of the committee were able to support it.

However, there are those of us in the minority of the Senate Armed Services Committee who have reservations about some of the assumptions used in formulating this bill. We are concerned with the majority's view of the nature and extent of the change in the threats worldwide.

We also are concerned about the priorities established in the bill, the outyear funding levels, and the substantial adverse effects of these funding levels on the ability of our defense industrial base to respond to defense needs in the future.

We hail the march of democracy in Eastern Europe and agree that de-

fense spending and force structure should reflect the lowering level of threat in that area of the world. I repeat, that area of the world. But U.S. defense posture must be based on threats that continue to exist elsewhere around the globe and cannot be based solely on the decreasing threat in Europe. This requires that our forces be structured and that defense spending be maintained at a level sufficient to deter and counter actual Soviet military capabilities, the existing and emerging capabilities of other nations who may act militarily against our interests, and terrorism which often has no nation of origin.

Because the funding level in this bill for fiscal year 1991 does ensure that we can deter and, if necessary, counter these threats, we can support it. But we have doubts about whether the 5-year glide path suggested by the majority will permit us to retain those capabilities in the out years. Therefore, we cannot at this time endorse the outyear defense funding levels asserted by many in the other party in reaching decisions on the bill. For the same reasons, we cannot endorse the funding levels proposed by either of the Congressional budget committees.

We are concerned about efforts to require even larger reductions in defense spending in fiscal year 1991. A large, so-called peace divided, simply cannot be realized in a single year without doing irreparable damage to our overall defense posture, particularly the All-Volunteer Force concept.

We are also concerned about the pace and manner of the defense restructuring initiated by this bill, including the 5-year funding levels. Any attempt at this time to adopt these 5-year levels may well lead, in the long term, to clear disagreement within the committee about the level of continued reductions and the priorities in the defense program.

Even if we could agree on funding levels and priorities over the next 5 years, as envisioned by the bill, it is by no means certain that such a program could be sustained in the Congress. This poses serious concerns to the Republicans on the committee. I want to describe for my colleagues in more detail some of those concerns.

STRATEGIC NUCLEAR DETERRENCE

We have major concern with the priorities accorded to some aspects of our defense programs, especially nuclear deterrence. We believe that a fundamental underpinning for U.S. national security is a credible and modern strategic and theater nuclear deterrent. Nuclear weapons have successfully maintained the peace among the major powers since World War II. We see no reason to discard or undermine our reliance on this deterrence strategy. Such a strategy must be based on a balance between arms control negotiations and a credible, albeit reduced, nuclear modernization program.

Given the continued robust Soviet strategic modenization program, many of us cannot agree, at this time, with the assertion contained in the committee report that the requirements for a credible deterrent can be maintained at "forces lower in level and more stable in structure than those currently proposed at the START negotiations." We do believe that our strategic forces should be "more stable in structure." But at this point, any reductions in our strategic deterrent forces below START levels should be negotiated in follow-on strategic arms reduction talks, not result from unilateral U.S. actions.

All Soviet nuclear systems are growing more capable due to technological improvements. These systems include two new mobile ICBM's, the much more capable SS-18 heavy ICBM, two submarine programs and improved SLBM's, and two bomber programs. The changes in Soviet operational behavior, as outlined in the committee report, are insignificant since these activities can be and, in some cases, have been reversed.

Moreover, according to Dennis Nagy, Acting Deputy Director of the Defense Intelligence Agency, in recent testimony before Congress,

> The Soviets * * * continue to invest about as heavily in active and passive strategic defenses as they do in offensive forces, and their capabilities are improving in all areas.

This defensive modernization will increasingly bring into doubt the credibility of our nuclear deterrent unless U.S. nuclear modernization programs receive at least sustained, if not increased, funding commitments.

But even the strategic programs in this bill cannot be deployed with the assumed 5-year spending levels underlying the bill. We fear there are insufficient funds for both ICBM modernization and the B-2 program as the bill is currently configured. If this is true, then the United States must immediately begin to seriously consider the benefits of ballistic missile defenses in enhancing strategic deterrence and stability.

CHANGES IN THE WARSAW PACT THREAT

Most of my Republican colleagues on the committee and I believe there are inconsistencies in the body of the committee report regarding how the dramatic events in Europe have changed the threat and, consequently, how those events have changed the requirements for strategic force modernization, future European stability, and other glboal commitments.

While the Warsaw Pact may be defunct as a fighting force, the Soviets still maintain the largest, most modern land army in the world. The Soviets spend 25 percent of their gross national product on defense—as recently admitted by Soviet Foreign Minister Shevardnadze at the 28th Communist Party Congress early in July. While their tank production may be declining, the Soviets will still produce 1,400 tanks in 1990, almost three times as many as we will build. They will also build 4,800 armored personnel carriers and 500 self-propelled artillery pieces, almost 10 times the number we will build.

A report in the July 10th Washington Post stated:

> The 28th Communist Party Congress * * * adopted a toughly worded resolution on military policy today, declaring that the Soviet Union is still under threat from the West and needs to strengthen its armed forces.

We must begin to consider how Europe will look as NATO's roles and missions evolve and historic ethnic and national differences begin to surface as potential causes of instability and war. What role will be played by the United States and its military in such disputes that may arise in Europe? In short, the bipolar conditions of the cold war were far more predictable and stable than the multipolar world that is emerging in Europe. We must begin to plan for these new possibilities and no longer view our military presence in Europe in purely East-West terms.

In considering significant reductions in the U.S. military presence in Europe based on lengthened warning times, we must not focus too heavily on the diminishing threat to NATO as it exists today, but on the security situation as it may emerge in the future. Until the future direction of the Soviet Union and Europe as a whole is more clear, we must be cautious in both the pace and size of United States reductions in Europe as well as in changes to our security commitments.

While the likelihood of strategic nuclear war arising out of a conflict in Europe has probably diminished due to the changes in the Warsaw Pact, other factors and scenarios are emerging that might depend on the deterrent effect of nuclear systems. For this reason, we believe the United States and our European allies must support and maintain a vigorous theater nuclear modernization program, in addition to a credible U.S. strategic nuclear modernization program.

So long as the United States remains committed to ensuring a free and democratic Europe, we must ensure that we never need return to the 1950's doctrine of massive retaliation. It is in the best interests of the United States and our European allies that we possess a full range of nuclear capability to control escalation of any conflict.

REGIONAL THREATS

The committee report asserts that "the tensions and open warfare that

threatened Western interests in some, but not all, other regions have also abated." An examination of regional threats to Western interests shows that the world has not become a safer place in areas outside of Europe. Unfortunately, the dramatic changes we have witnessed in Europe have yet to spread to other regions of the world. Therefore, we do not agree with the assessment that developments around the world—not just in Europe—justify fundamental changes to United States national security policy and military strategy.

MIDDLE EAST/PERSIAN GULF

The Middle East is a prime example of a region of the world that has not experienced a lessening of tension in the past year. Recent tensions between Iraq and Kuwait are indicative of the type of situations which could quickly result in open warfare and possibly involve United States forces.

Arab-Israeli tensions have reached an alarming level, compounded by the proliferation of ballistic missiles, chemical weapons, and possibly nuclear weapons. We support strongly the development of antitactical ballistic missile systems to protect not only U.S. forces in the region but also those of our friends and allies against these threats.

Given the United States commitment to the State of Israel and the Western need to guarantee access to the oil resources of the region, a conflict in that part of the world would inevitably involve United States—and more likely allied—forces.

PACIFIC REGION

The Pacific is another area of the world where threats to Western interests have not decreased in the past year. The main threat to regional security remains North Korea. We believe continued United States force presence at levels high enough to deter a North Korean attack is considered essential at the present time. While it is true that South Korea is in the process of developing a large, modern military force, North Korea still enjoys military superiority, both qualitatively and quantitatively, that will probably last for the next decade. North Korea's leadership has a record of unpredictable, violent behavior.

While we agree that South Korea should assume greater responsibility for its own defense, the United States should not withdraw precipitously from South Korea. A continued United States force presence is necessary to deter a North Korean attack and keep the peace that has existed for almost 40 years.

Other threats in the Pacific—from China to the Philippines—clearly indicate that tension in this region has not decreased to the extent it has in Europe.

LATIN AMERICA

We agree that Latin America remains an unstable region, despite the advances we witnessed with the success of "Operation Just Cause" and the election of a democratic government in Nicaragua. In both Panama and Nicaragua, fledgling democracies are struggling to take hold. Yet tensions and potential conflict remain in the hallmarks of the region.

Drug lords continue to terrorize Latin America. Our assistance is essential to those countries involved in the struggle against drug trafficking and to reduce the flow of drugs coming into the United States.

NAVAL FORCES

I believe the American people recognize that the United States is an island nation and that, despite the need to drawdown our Armed Forces, we must continue to maintain a strong Navy.

We believe the committee has not yet developed a record justifying that "the Navy can meet future requirements with between 10 to 12 carrier battle groups." The committee has asked the Defense Department to provide a report which addresses this question. That report will address deployment patterns, requirements for aircraft carriers in the Mediterranean Sea and the Indian Ocean, the personnel impact of reduced carrier force levels, and criteria for evaluating proposed reductions in overall naval force levels.

Thus, until this information has been properly considered, it is not reasonable to reach conclusions regarding reductions in aircraft carrier force levels. Furthermore, any decision on naval force levels must be made in the context of the committee's stated intention to emphasize mobile, flexible forces.

Moreover, I would draw attention to statements made this year by the Director of Naval Intelligence regarding the modernization of Soviet naval forces. The Director has said that the Soviets are continuing a vigorous naval modernization and ship construction program.

The Soviets continue to build an average of nine submarines annually. They currently have six classes of submarines in production; 1989 was the most productive year for Soviet submarine production in terms of tonnage accepted since 1980.

Surface combatant construction also continued at a brisk rate in 1989—nine major units were launched. Construction continues on two carrier classes, two cruiser classes, two guided missile destroyer classes, two frigate classes, and a corvette class.

The first large-deck Soviet aircraft carrier began sea trials during the past year, and two more are under construction. In November 1989, three types of Soviet aircraft conducted carrier landings and takeoffs from a Soviet carrier.

In restructuring our naval forces in general, and our carrier forces in particular, we must be mindful of our worldwide commitments and the capabilities of the Soviets. Given the regional threats at this time, there is not sufficient evidence of a decreased need for naval and carrier forces to make any irreversible decisions concerning that force structure.

STRATEGIC DEFENSE INITIATIVE

With respect to SDI, I am a strong supporter of the President's program. I am concerned about the funding reductions in the President's request and will work to ensure that SDI funding remains at a level that is adequate to fund continuing research so that the President can make an informed decision about the future of the program in 1993. Furthermore, I will oppose any efforts in the Congress to take over the management of SDI programs, or any efforts designed to divert funding from those portions of the program that provide opportunities for near-term technological breakthroughs.

Given the unpredictable situation and general domestic instability in the Soviet Union, concomitant with the proliferation of missile and nuclear technology to developing nations, the case for missile defenses is more compelling today than at any time since the advent of nuclear weapons and ballistic missile delivery systems.

I am going to work specifically for the development of an antitactical ballistic missile capability to protect our forces and those of our friends and allies. I believe this should be a top priority for the SDI Program.

MILSTAR

The Republican members of the committee also disagreed strongly with the decision to terminate the Milstar communications satellite, the President's highest priority communication program. I am especially disappointed with the way some individuals have characterized Milstar as a nuclear warfighting satellite system. This is simply not true. The need for survivable and assured communications with both our nuclear and conventional forces is a critical requirement that is as relevant today as when the program began in the early 1980's. Milstar fulfills both of these missions.

Moreover, even though Milstar is designed, in part, to provide assured connectivity to our nuclear forces, I question the implication that this is somehow inherently bad or destabilizing. For many years, there has been a bipartisan consensus that we must have positive control over our nuclear forces.

Termination of Milstar implies that we should continue to have the ability to initiate a retaliatory strike, but do

not need the ability to communicate with our forces to halt such an attack if the National Command Authority should reverse its decision. I cannot imagine a more destabilizing situation. Those officials of our Government assigned the responsibility to command our forces must always be provided the communications ability to do so.

I am also concerned about the effect of terminating the Milstar program on the communication capability and survivability of our naval forces. The Navy has been one of the biggest supporters of the Milstar program, because it provides the Navy with over-the-horizon communications for dispersed forces worldwide, antijam capability, and secure communications with submarine and surface forces.

No other U.S. satellite system can offer these features without undergoing significant redesign and substantial additional costs. Such broad-based support by the Navy can hardly be characterized as showing a Nuclear warfighting bias.

Finally, I believe that it is entirely inconsistent to support strategic offensive modernization and a strong conventional Navy, while at the same time denying our national leadership the ability to maintain communications with those forces.

I sincerely hope that we can reestablish the longstanding bipartisan support for this program. Command, control, and communications of our forces is not something that can be compromised it is vital to ensure deterrence, stability, and the survivability of our forces.

MILITARY PERSONNEL

I am extremely concerned about the impact on the All-Volunteer Force of drawing down our military forces too rapidly. The cuts in military personnel contained in this bill are approximately 100,000 below fiscal year 1990 levels. To protect as many career personnel as possible from involuntary separations, we adopted several measures requiring that new accessions and early retirements be utilized to the maximum extent possible before making any reductions in the career force.

Should involuntary separations become necessary, the committee approved a package of transition benefits including separation pay, medical benefits, and job assistance. I thank and commend Senator MCCAIN, the ranking member on the Manpower and Personnel Subcommittee, for his leading role in proposing and crafting this transition package.

In my view, we have gone as far as we can reasonably go in making cuts in military personnel in one fiscal year. I hope that we have not gone too far. But additional budget cuts, which some Senators have indicated they may want to impose, would force us to discharge too many of our military and DOD civilian personnel too quickly. Violation of the obligations we have now to our people in uniform could spell disaster for all All Volunteer Force. Such actions today could return to haunt us in the future.

I am also concerned about the 50,000 Department of Defense civilian employees we are cutting in this bill, and I warn my colleagues that we face future civilian cuts. I hope all my colleagues are mindful of the vast experience and skills we are losing as these loyal, hard-working people leave Government service.

DEFENSE INDUSTRIAL BASE

As our good friend and former colleague, Barry Goldwater, once said, "Thank heaven for the military-industrial complex. Its ultimate aim is peace in our time."

As we celebrate the end of the cold war, we should not forget the contributions made by all those people in our defense industrial base. As our defense, aerospace and electronics companies have been called upon to build more and more technologically advanced systems, those companies, their investors, and their employees have been asked to assume greater and greater risks.

Some of our oldest and most respected defense companies today are facing increasingly more difficult financial problems because of the risks they have assumed. Many of these companies employ thousands of workers, and thousands of other Americans have invested their savings in those companies. We must be constantly aware that our decisions about defense funding and defense programs impact not only our military posture, but also the economic well-being of the United States.

The American people must also understand that massive defense spending reductions will have a very real impact on hundreds of thousands of individuals. The American industrial base is, in reality, people. As defense spending goes down, many honest, hard-working, highly skilled Americans will lose their jobs.

Mr. President, as we begin this historic debate, I believe that we are, in fact, entering a new age—where, clearly, the threat which we have guarded against for 40 long years now appears to be less dangerous. But this does not mean that the world will be without threats or without danger.

I believe that, if we have learned anything from 40 years of cold war, it is that the capacity to fight a war provides the capacity to prevent it.

The vast majority of the people in the world look to the United States of America for leadership, assistance, and oftentimes protection. Despite the euphoria over the demise of the Warsaw Pact, there is still a need for the United Sates to remain strong.

To remain a global power and the true leader of the free world, I believe we must choose to do so.

Mr. President, I urge each of my colleagues to vote for this bill.

FINAL PASSAGE OF THE DOD AUTHORIZATION

Mr. MITCHELL. Mr. President, in passing this bill today, the Senate has taken a significant step toward the redirection of our national defense in the 1990's. I want to extend my congratulations to the managers of the bill and to the other members of the committee for the efficient and vigorous manner in which this bill has been managed over the past 3 days. Seldom has a defense authorization been treated in the Senate with greater dispatch.

Mr. President, it is important to take notice of the significant contributions which this bill makes toward reorienting our national security strategy for the next decade. At my request, the Armed Services Committee, along with the Foreign Relations Committee, conducted assessments of the significance of the changes in Eastern Europe and the Soviet Union for our own national security interests and strategy. The effort at assessing these changes began less than 1 month after the fall of the Berlin Wall, and continued into this session of Congress, when the Armed Services Committee held a series of important hearings. The committee and its distinguished chairman were among the first to recognize the deep significance of these changes in the world situation for our defense posture. That recognition is reflected in the bill we are passing today.

Taking the lead in assessing the need for a new strategy, the committee has reported a bill that begins to shape the post-cold war military posture of the United States. The bill we are about to pass slows our modernization programs, reduces force structure, and anticipates still further reductions in budget and forces in the future.

The bill accomplishes these changes in a manner consistent with maintaining the essential capability to protect U.S. interests around the world. This is not a meat axe approach to reducing defense spending.

Mr. President, this is only the beginning of the new thinking and restructuring that will be necessary as we adjust our forces to the smaller budgets and changed international environment of the future. The committee, and as a consequence the Senate as a whole, is now leading the shift in national thinking on these issues.

The President announced his approach to these matters only 2 days ago. While his approach is consistent in many ways with the strategy emphasized in this bill, the Senate has actually begun to shape the budget while the President has been able to deliver only one speech. Given the ab-

sence of leadership from the executive branch, the actions in the Senate today have filled a critical vacuum and will serve the Nation well.

The most important change in the international environment for U.S. national security is the rapid transformation of the military capability of the Warsaw Pact. In light of the changes in the Soviet Union and Eastern Europe, it has now become clear that the threat of conventional war in Europe is at its lowest level since the end of World War II. The significance of this change cannot be overemphasized.

In this bill some of the consequences of the changes in Europe are recognized. The American troop presence in Europe will be reduced, starting next year. The modernization of those weapons systems designed primarily for use in the European theater has been slowed. The reorientation of our force structure will begin.

It is my hope that the Conventional Forces in Europe [CFE] agreement will be concluded in Vienna later this year. This agreement is essential if the transition of Europe from a zone of potential nuclear conflict to a zone of stable peace is to be achieved soon and with minimum disruption. If those talks are successful, then the trends in our force posture initiated in this bill can be accelerated in the coming years, including further reductions in the U.S. troop presence in Europe and a lowering of the overall costs of our defense.

As we move from emphasis on heavy military forces deployed forward in the European theater to a more mobile, deployable force based largely in the United States, we will need to reemphasize naval forces, naval and air lift, multipurpose, flexible and rapidly deployable forces, and those technological capabilities that provide the United States with the key military edge against any conceivable adversary. Through a combination of strategic arms control and sensible force modernization, stable nuclear deterrence at lower levels of weapons and lower levels of expenditures can also be attained.

I want to emphasize that in my judgment stable deterrence cannot be achieved any time soon through the deployment of strategic defenses, and I am particularly pleased that the Bingaman-Shelby amendment to this bill was adopted.

In conclusion, Mr. President, it is clear that changes of far-reaching significance are now underway, and that the Senate has recognized and responded to these changes in a creative and forward-looking manner. This is only the beginning of the changes in our thinking and our military budgeting that must be made. But these are important changes, necessary changes, changes designed to preserve the national security interests of the United States while reducing the budgetary burden on the American taxpayer.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. WIRTH] is necessarily absent.

Mr. DOLE. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Mississippi [Mr. LOTT], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. SIMPSON], would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—79

Adams	Fowler	Lugar
Akaka	Garn	Mack
Bentsen	Glenn	McCain
Biden	Gore	McClure
Bingaman	Gorton	McConnell
Bond	Graham	Mikulski
Boren	Gramm	Mitchell
Boschwitz	Grassley	Moynihan
Breaux	Hatch	Nickles
Bryan	Heflin	Nunn
Burdick	Heinz	Packwood
Burns	Helms	Pell
Byrd	Hollings	Pressler
Chafee	Humphrey	Reid
Coats	Inouye	Robb
Cochran	Jeffords	Rudman
Cohen	Johnston	Sanford
D'Amato	Kassebaum	Sarbanes
Danforth	Kasten	Shelby
Daschle	Kennedy	Specter
DeConcini	Kerrey	Stevens
Dixon	Kerry	Symms
Dodd	Kohl	Thurmond
Dole	Lautenberg	Warner
Durenberger	Leahy	Wilson
Exon	Levin	
Ford	Lieberman	

NAYS—16

Armstrong	Harkin	Roth
Baucus	Hatfield	Sasser
Bradley	Metzenbaum	Simon
Bumpers	Pryor	Wallop
Conrad	Riegle	
Cranston	Rockefeller	

NOT VOTING—5

Domenici	Murkowski	Wirth
Lott	Simpson	

So, the bill (S. 2884), as amended, was passed.

S. 2884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1991".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS

This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Natural Energy Security.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Army as follows:

(1) For aircraft, $857,609,000.

(2) For missiles, $1,917,962,000.

(3) For weapons and tracked combat vehicles, $2,331,200,000.

(4) For ammunition, $1,051,326,000.

(5) For other procurement, $2,126,346,000.

SEC. 102. NAVY AND MARINE CORPS

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Navy as follows:

(1) For aircraft, $7,026,406,000.

(2) For weapons (including missiles and torpedoes), $4,424,383,000.

(3) For shipbuilding and conversion, $9,314,200,000.

(4) For other procurement, $6,055,242,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Marine Corps in the amount of $715,139,000.

SEC. 103. AIR FORCE

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Air Force as follows:

(1) For aircraft, $10,293,256,000.

(2) For missiles, $6,743,357,000.

(3) For other procurement, $7,526,513,000.

SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Defense Agencies in the amount of $1,913,906,000.

SEC. 105. DEFENSE INSPECTOR GENERAL

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Inspector General of the Department of Defense the amount of $981,000.

SEC. 106. RESERVE COMPONENTS

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $133,000,000.

(2) For the Air National Guard, $130,300,000.

(3) For the Army Reserve, $61,100,000.

(4) For the Navy Reserve, $60,400,000.

(5) For the Air Force Reserve, $45,600,000.

(6) For the Marine Corps Reserve, $25,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for fiscal year 1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $365,700,000.

SEC. 108. CHANGES IN PRIOR MILESTONE AUTHORIZATIONS

(a) PROCUREMENT PROGRAMS.—(1) Subsection (a)(2) of section 106 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1034) is amended by striking out "$68,596,000" in subparagraph (B) and inserting in lieu thereof "$29,257,000".

(2) Subsection (b)(2) of such section is amended by striking out "$199,858,000" in subparagraph (B) and inserting in lieu thereof "$187,178,000".

(3) Subsection (c)(2) of such section is amended by striking out "$1,535,225,000" in subparagraph (B) and inserting in lieu thereof "$1,536,345,000".

(4) Subsection (d)(2) of such section is amended by striking out "$431,565,000" in subparagraph (B) and inserting in lieu thereof "$327,739,000".

(b) RDT&E PROGRAMS.—(1) Subsection (b)(2) of section 216 of such Act is amended by striking out "$70,670,000" in subparagraph (B) and inserting in lieu thereof "$91,822,000".

(2) Subsection (c)(2) of such section is amended by striking out "$14,603,000" in subparagraph (B) and inserting in lieu thereof "$14,916,000".

SEC. 109. PROCUREMENT OF M1A1 MAIN BATTLE TANKS FOR THE MARINE CORPS

Of the funds appropriated for advanced procurement for the Marine Corps for fiscal year 1990, not more than $62,400,000 of any such funds that remain available for obligation shall be available for procurement of M1A1 main battle tanks.

SEC. 110. TRIDENT SUBMARINE ADVANCED PROCUREMENT

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before fiscal year 1991, may not be obligated for the procurement for any Ohio-class ballistic missile submarines (SSBN-726) other than the 18 ballistic missile submarines of that class currently authorized by law.

SEC. 111. REPORT ON SUBMARINE INDUSTRIAL BASE

(a) IN GENERAL.—Not later than December 31, 1990, the Secretary of Defense shall submit to the congressional defense committees a report on the need to maintain competition in submarine construction.

(b) CONTENT OF STUDY.—The report shall examine the need for continuing competition in submarine construction in terms of the following:

(1) the effect on the submarine building industrial base, in both the short-term and long-term, of reducing competition in submarine construction, and

(2) the likely impact that directing all submarine construction to a single shipyard would have on the price and quality of submarines produced.

(c) LIMITATION.—The Secretary of Defense shall ensure that no action is taken before May 1, 1991, which would have the effect of limiting construction of any class of attack submarines to a single shipyard.

SEC. 112. EXTENSION OF DEADLINE FOR NATIONAL TEST CENTER INSTRUMENTATION

Section 166(b)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1391) is amended by striking out "July 1, 1990" and inserting in lieu thereof "January 1, 1993".

SEC. 113. PROCUREMENT OF THE AIRBORNE SELF PROTECTION JAMMER

(a) PROHIBITION ON USE OF FUNDS.—Funds appropriated pursuant to this Act may not be obligated or expended for the procurement of the Airborne Self Protection Jammer or of any component or spare part for the Airborne Self Protection Jammer.

(b) BUDGET LINE ITEM REQUIRED.—If the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 1992 includes funds for the Airborne Self Protection Jammer program, the President shall specify in such budget the amount included for such program.

(c) LIMITATION RELATING TO MILESTONE III DECISIONS.—A decision to proceed with low-rate production of a second or subsequent lot of the Airborne Self Protection Jammer, or to proceed beyond low-rate production of the Airborne Self Protection Jammer, may not be made until the Director of Operational Test and Evaluation has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Airborne Self Protection Jammer—

(1) has undergone thorough and effective operational testing; and

(2) has met or exceeded all operational test criteria.

PART B—B-2 BOMBER PROGRAM

SEC. 121. B-2 BOMBER PROGRAM

(a) LIMITATION ON OBLIGATIONS.—Of the amounts appropriated pursuant to section 103 for procurement of aircraft for the Air Force—

(1) not more than $1,989,000,000 may be obligated for procurement of B-2 aircraft; and

(2) not more than $767,100,000 may be obligated for advance procurement of B-2 aircraft.

(b) ADDITIONAL LIMITATIONS.—Funds appropriated or otherwise made available to the Air Force for the procurement of aircraft for fiscal year 1991 may not be obligated for the procurement of the two new production B-2 aircraft authorized by this Act until—

(1) the conditions provided for in section 111 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1371), limiting the obligation of fiscal year 1990 funds for the B-2 aircraft, have been met; and

(2) the Secretary of Defense has submitted to the congressional defense committees the certification required by section 112 of such Act.

(c) FINDINGS.—Congress makes the following findings:

(1) The United States has devoted substantial resources over the past several decades to the strategic bomber force, including substantial resources for—

(A) significant upgrades to B-52 aircraft;

(B) research, development, and procurement of B-1 aircraft; and

(C) research, development, and procurement of air-launched cruise missiles.

(2) The United States has currently invested a total of $26,700,000,000 in research and development and low-rate initial production in connection with the B-2 bomber aircraft program.

(3) Funds have been approved for the procurement of 15 production B-2 aircraft through fiscal year 1990, but Congress has made no determination as to the total number of such aircraft that should be produced.

(4) Congress has established, in accordance with the "fly before you buy" principle, a series of rigorous test and evaluation requirements, most of which have not yet been completed, to assess the efficiency, effectiveness, and cost of the B-2 aircraft.

(5) Serious questions have been raised about the ability of the B-2 program to meet cost, schedule, performance, and financial integrity requirements.

(6) Fiscal year 1991 will constitute the sixth consecutive fiscal year for which the amount appropriated for national defense functions of the Government declined (after adjusting for inflation) from the preceding fiscal year.

(7) Expected limitations on future defense budgets make it essential that the Nation's defense priorities be carefully analyzed so as to obtain the most efficient and effective funding of the Armed Forces, including the various elements of the Nation's strategic forces.

(d) SENSE OF CONGRESS.—In light of the findings in subsection (c), it is the sense of Congress that—

(1) it is not prudent or possible at this time to commit to production of B-2 aircraft beyond the number of aircraft authorized by this and prior Acts;

(2) before a commitment is made to proceed with procurement of B-2 aircraft beyond the number of aircraft authorized by this and prior Acts, the Secretary of Defense must resolve those issues associated with cost, schedule, performance and financial integrity of the program and submit to the congressional defense committees the certifications required by subsection (e)(3).

(e) ADDITIONAL RESTRICTIONS ON OBLIGATION OF FUNDS FOR NEW B-2 AIRCRAFT.—The funds described in subsection (b) may not be obligated for the procurement of the two new production B-2 aircraft authorized by this Act until each of the following conditions has been met:

(1) The panel of the Defense Science Board known as the Low-Observables Panel conducts an independent review of the test data resulting from the early Block 2 flight testing and submits to the Secretary of Defense a report on the results of that review, together with the panel's findings and conclusions.

(2) The Director of Operational Test and Evaluation submits to the Secretary of Defense the Director's evaluation of the results of the Block 2 flight testing to the date of the report of the Defense Science Board referred to in paragraph (1).

(3) The Secretary of Defense certifies to the congressional defense committees each of the following:

(A) The conditions described in subsection (b)(1) have been met.

(B) The conditions in subsections (e)(1) and (e)(2) have been met.

(C) The results of early Block 2 flight testing of the B-2 aircraft (including testing of low- observables and flying qualities and performance) are satisfactory.

(D) No significant technical or operational problems have been identified during early Block 2 flight testing.

(E) The performance milestones for the B-2 aircraft for the previous fiscal year for both developmental test and evaluation and operational test and evaluation (as con-

tained in the latest full performance matrix for the B-2 aircraft program established under section 232(a) of Public Law 100-456 and section 121 of Public Law 100-180) have been met.

(F) The B-2 aircraft has a high probability of being able to perform its intended missions.

(G) Any proposed modification to the performance matrix referred to in subparagraph (E) will be provided in writing in advance to the congressional defense committees.

(H) The cost reduction initiatives established for the B-2 program can be achieved (such certification to be submitted together with details for the savings to be realized).

(I) The quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

(4) A period of 30 calendar days expires after the date on which the certification required by paragraph (3) is received.

(f) FULL PERFORMANCE MATRIX REQUIREMENTS.—(1) Of the amounts made available for fiscal year 1991 for the procurement of two new production B-2 aircraft, not more than 15 percent may be expended until the Secretary of Defense certifies to Congress that—

(A) the coherent map mode operation of the B-2 aircraft is demonstrated successfully on the B-2 test aircraft as required in section 3(f)(2) of the Full Performance Matrix;

(B) a preliminary measure of vehicle-to-vehicle signature consistency has been accomplished successfully in the manner required by section 4(a)(2) of the Full Performance Matrix; and

(C) an initial infrared and visual signature evaluation has been completed successfully in the manner required by section 4(a)(2) of the Full Performance Matrix.

(2) As used in this section, the term "Full Performance Matrix" means the "Advanced Technology Bomber B-2 Systems Maturity Matrix (SMM)" dated January 31, 1990, transmitted to Congress by the Department of Defense on February 28, 1990.

PART C—PROGRAM TERMINATIONS

SEC. 131. PROGRAM TERMINATIONS

(a) 155 MILLIMETER NUCLEAR PROJECTILE PROGRAM.—Funds appropriated for the Department of Defense or the Department of Energy for fiscal year 1991 or for any fiscal year thereafter may not be obligated for the W-82 155 millimeter nuclear projectile program.

(b) AIR DEFENSE HEAVY MISSILE SYSTEM.—Funds appropriated for the Department of Defense for fiscal year 1991 or any fiscal year thereafter may be not be obligated for the Air Defense Heavy Missile System.

(c) FOLLOW-ON TO LANCE PROGRAM.—Funds appropriated for the Department of Defense or the Department of Energy for fiscal year 1991 or any fiscal year thereafter may not be obligated for the Follow-on to Lance Program.

(d) MILSTAR SATELLITE PROGRAM.—Funds appropriated for the Department of Defense for fiscal year 1991 or any fiscal year thereafter may not be obligated for the Milstar Satellite Program.

(e) STATUTORY CONSTRUCTION.—A provision of law enacted after the date of enactment of this Act may not be construed as modifying or superseding any provision of this section unless that provision specifically refers to this section and specifically states that such provision of law modifies or supersedes this section.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—FUNDING AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

(1) For the Army, $5,696,323,000.

(2) For the Navy, $9,194,790,000.

(3) For the Air Force, $12,271,578,000.

(4) For the Defense Agencies, $9,237,293,000, of which—

(A) $277,591,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $17,000,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. STRATEGIC RELOCATABLE TARGET ATTACK PROJECT AND EARTH PENETRATING WEAPONS PROJECT

Funds appropriated pursuant to section 201 for research, development, test, and evaluation for the Air Force shall be available, within the Advanced Strategic Missile Systems Program, for the Strategic Relocatable Target Attack Project and the Earth Penetrating Weapons Project.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 211. ARMORED GUN SYSTEM

(a) ARMORED GUN ACQUISITION SYSTEM.—The Secretary of the Army shall prescribe an acquisition plan for the acquisition of an armored gun system for use on nondevelopmental item vehicles. The weight of such system shall not exceed 38,000 pounds loaded in its combat configuration.

(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN RDT&E.—Funds appropriated or otherwise made available for the Army for fiscal year 1991 may not be obligated for research, development, test, or evaluation in connection with any vehicle for the armored gun system of the Army other than a vehicle that is a nondevelopmental item acquired in accordance with an acquisition plan described in subsection (a).

(c) RESTRICTIONS ON ARMORED SYSTEMS MODERNIZATION.—(1) The Secretary may not award a contract for development of a common chassis for the Armored Systems Modernization program of the Army until the Secretary has issued a request for proposal for an armored gun system.

(2) The Secretary may not initiate full scale development of the tank or infantry fighting vehicle elements of the Armored System Modernization program based on a common chassis until the Secretary has awarded a contract for procurement of the armored gun system.

SEC. 212. V-22 OSPREY AIRCRAFT PROGRAM

(a) TRANSFER OF UNOBLIGATED FY 1989 FUNDS.—The Secretary of the Navy shall transfer from any funds appropriated to the Navy for fiscal year 1989 for procurement of aircraft, and that remain available for obligation, $200,000,000 for research, development, test, and evaluation in connection with the V-22 Osprey aircraft program. Such funds shall be available for obligation until September 30, 1991, subject to the customary reprogramming procedures.

(b) LIMITATION ON USE OF FY 1991 FUNDS.—(1) Of the amounts appropriated pursuant to section 201 for the Navy, not more than $38,000,000 may be obligated for research, development, test, and evaluation in connection with the V-22 Osprey aircraft program.

(2) Of the amounts authorized to be appropriated pursuant to section 201(4) for the Defense Agencies, $8,000,000 shall be available for research, development, test, and evaluation in connection with the Special Operations variant of the V-22 Osprey aircraft.

(c) PROHIBITION ON USE OF FUNDS FOR PROCUREMENT.—(1) Funds appropriated or otherwise made available to or for the use of the Department of Defense pursuant to this or any other Act may not be obligated on or after the date of the enactment of this Act for procurement of V-22 Osprey aircraft.

(2) A provision of law enacted after the date of this Act may not be construed as modifying or superseding this subsection unless that provision specifically refers to this subsection and specifically states that such provision of law modifies or supersedes this subsection.

SEC. 213. ADVANCED TACTICAL FIGHTER

(a) IN GENERAL.—The Secretary of the Air Force shall complete the demonstration and validation phase and the design selection process for the Advanced Tactical Fighter for the Air Force.

(b) PROHIBITION ON FULL-SCALE DEVELOPMENT.—Funds appropriated or otherwise made available pursuant to this or any other Act for the Air Force for fiscal year 1991 may not be obligated for full-scale development activities in connection with the Advanced Tactical Fighter of the Air Force.

SEC. 214. LIGHT HELICOPTER

(a) IN GENERAL.—The Secretary of the Army shall complete the demonstration and validation phase and the design selection process for the Light Helicopter program of the Army.

(b) PROHIBITION ON FULL-SCALE DEVELOPMENT.—Funds appropriated or otherwise made available pursuant to this or any other Act for the Army for fiscal year 1991 may not be obligated for full-scale development activities in connection with the Light Helicopter program of the Army.

SEC. 215. ADVANCED TANK CANNON SYSTEM

Funds appropriated or otherwise made available pursuant to this or any other Act for the Army for fiscal year 1991 may not be obligated for full-scale development in connection with the Advanced Tank Cannon program of the Army.

SEC. 216. FLEET ELECTRONIC WARFARE SUPPORT GROUP

The Secretary of the Navy shall acquire aircraft for the Fleet Electronic Warfare Support Group to replace the ERA-3B aircraft assigned to such group on the date of the enactment of this Act. The Secretary shall acquire such aircraft by direct procurement or by lease entered into under section 328 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1957).

SEC. 217. VANDENBERG AIR FORCE BASE TITAN IV LAUNCH FACILITY

Funds appropriated for the Air Force for fiscal year 1991 may be obligated for an additional Titan IV launch facility only if the funds are used to convert the existing Space Launch Complex Six facility at Vandenberg Air Force Base, California, for use as a Titan IV launch facility.

PART C—STRATEGIC DEFENSE INITIATIVE

SEC. 221. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE

Of the amounts appropriated pursuant to section 201 or otherwise made available to

the Department of Defense for research, development, test and evaluation, not more than $3,573,000,000 may be obligated for the Strategic Defense Initiative.

SEC. 222. LIMITATIONS ON THE STRATEGIC DEFENSE INITIATIVE

(a) FINDINGS.—Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has become too focused on a projected 1993 Presidential decision on whether the United States will deploy a space-based kinetic energy weapon system, known as "brilliant pebbles".

(2) There has been tremendous instability in the Phase I architecture of the strategic defense system.

(3) A decision to deploy the phase I architecture of that system would have grave implications for offensive arms reduction negotiations with the Soviet Union and for continued United States compliance with the 1972 Anti-Ballistic Missile Treaty.

(4) Changes in the international political environment over the past year permit the United States to pursue the SDI program at a more measured pace, with increased emphasis on theater and anti-tactical ballistic missile contingencies.

(5) A broad-based research program on the feasibility of highly effective missile defenses remains in the national interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Strategic Defense Initiative should not be focused on the projected 1993 Presidential decision on deployment of a space-based kinetic energy weapon system;

(2) the Strategic Defense Initiative should continue a balanced, robust program of research on those technologies that offer the prospect of highly effective anti-ballistic missile defenses;

(3) priority under the Strategic Defense Initiative should be given, in the near term, to research on a defense system that (A) would protect against an accidental missile launch against the United States or a limited ballistic missile attack against the United States by a third-world country, and (B) if deployed, would not be in violation of the 1972 Anti-Ballistic Missile Treaty.

(4) the Strategic Defense Initiative should include a vigorous pursuit of a variety of theater and anti-tactical ballistic missile defenses which would be of value to allies of the United States and to the military forces of the United States temporarily or permanently deployed within range of tactical ballistic missiles of a potential enemy; and

(5) the Strategic Defense Initiative should continue support, as it has over the past six years, for those critical technology efforts that have both civil and military applications in areas other than ballistic missile defense systems.

(c) LIMITATIONS ON SPENDING.—Of the funds authorized to be appropriated pursuant to section 201 for the Strategic Defense Initiative—

(1) not more than $345,000,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $142,000,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $894,300,000 may be obligated for other phase I programs;

(5) not more than $944,400,000 may be obligated for follow-on technologies programs;

(6) not more than $320,000,000 may be obligated for key technologies activities;

(7) not more than $227,800,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

(d) BUDGET INFORMATION.—With respect to each program and activity specified in clauses (1) through (11) of subsection (c), the Secretary of Defense shall include in budget justification materials submitted to Congress after the date of the enactment of this Act for any fiscal year, and in each annual report submitted to Congress after such date pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), a description of the program or activity, any changes made in the program or activity since the last budget justification materials were submitted to Congress or the last annual report was submitted, as the case may be, and the amount budgeted for that program or activity for the fiscal year concerned.

(e) REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1991. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative, including the amount allocated for each of the programs named in subsection (c).

(2) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1991.

(f) CONSTRUCTION OF TERMS.—As used in this section:

(1) The terms "Phase I", "follow-on technologies", "key technologies", "operational support and management", "test and evaluation", "theater defense", "innovative science and technology", "small business innovative research", and "engineering analysis" shall be interpreted consistent with the use of those terms in the testimony of Lieutenant General George L. Monahan, and the materials presented by General Monahan, before the Committee on Armed Services of the Senate on June 20, 1990, except that the term "Phase I" does not include the boost surveillance and tracking system program.

(2) The terms "brilliant pebbles", "space-based surveillance and tracking system", "ground-based surveillance and tracking system", "ground-based radar", and "ground-based interceptor" shall be interpreted consistent with the use of those terms in Appendix F to the "1990 Report to the Congress on the Strategic Defense Initiative", dated May 1990.

(g) DEFINITION.—In this section, the term "1972 Anti-Ballistic Missile Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

SEC. 223. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) USE OF FUNDS.—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before 1991, shall be subject to the limitations prescribed in paragraph (2).

(2) Funds described in paragraph (1) may not be obligated or expended—

(A) for the development or testing of any antiballistic missile system or component, except for development and testing consistent with the development and testing described in the May 1990 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1990 SDIO Report.

(3) The limitations in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1991 if the transfer is made in accordance with section 1201 of this Act.

(b) DEFINITION.—As used in this section, the term "1990 SDIO Report" means the report entitled "1990 Report to Congress on the Strategic Defense Initiative," dated May 1990, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense on June 7, 1990, pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431 note).

SEC. 224. PROHIBITION ON TEST AND EVALUATION OF STRATEGIC DEFENSE SYSTEMS

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before fiscal year 1991, may not be obligated for any operational test and evaluation activity in support of—

(1) a strategic defense system; or

(2) a program, project, or activity of the Strategic Defense Initiative.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

For the Army, $22,008,345,000.

For the Navy, $23,283,784,000.

For the Marine Corps, $1,892,700,000.

For the Air Force, $20,785,714,000.

For the Defense Agencies, $8,372,263,000.

For the Army Reserve, $886,100,000.

For the Naval Reserve, $977,800,000.

For the Marine Corps Reserve, $84,800,000.

For the Air Force Reserve, $1,057,600,000.

For the Army National Guard, $1,970,400,000.

For the Air National Guard, $2,219,600,000.

For the National Board for the Promotion of Rifle Practice, $5,600,000.

For the Defense Inspector General, $98,519,000.

For Drug Interdiction and Counter-drug Activities, Defense, $1,207,900,000.

For the Court of Military Appeals, $5,500,000.

For Environmental Restoration Defense, $1,062,527,000.

For Humanitarian Assistance, $13,000,000.

(b) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There is authorized to be appropriated for fiscal year 1991, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as the result of inflation in the cost of activities authorized by such subsection.

SEC. 302. WORKING CAPITAL FUNDS

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital funds, in amounts as follows:

For the Army Stock Fund, $302,500,000.

For the Air Force Stock Fund, $887,900,000.

For the Army Industrial Fund, $151,000,000.

For the Navy Industrial Fund, $238,700,000.

For the Defense Industrial Fund, $4,000,000.

SEC. 303. ALLOCATION OF FUNDS FOR FLEXIBLE READINESS

The Secretary of Defense shall allocate the funds authorized in this title for training and operations of the military services to insure that high priority military forces are maintained at appropriate readiness levels. The designation of "high priority" should be based on the anticipated threat; the amount of projected warning time of a major contingency; the likelihood that these forces would go into battle; and the ability of the military services to transport these forces to battle. Such high priority forces should include strategic forces, expeditionary forces, forward deployed forces, special operations forces, and certain intelligence forces.

SEC. 304. HUMANITARIAN ASSISTANCE

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorizations in subsection (a) of section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(2) Of the funds authorized to be appropriated for fiscal year 1991 pursuant to such subsection for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to non-Communist, noncombatant, displaced persons or refugees at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such subsection for fiscal year 1991 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such subsections for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1991; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(E) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409).

SEC. 305. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME

There is authorized to be appropriated for fiscal year 1991 from the Soldiers' Home, Permanent Fund, $47,999,000 for the operation of the United States Soldiers' and Airmen's Home.

PART B—PROGRAM CHANGES AND MISCELLANEOUS PROVISIONS

SEC. 311. AUTHORITY GOVERNING OPERATION OF WORKING-CAPITAL FUNDED ACTIVITIES

Section 2208(i) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(1) Regulations" and all that follows down through subparagraph (A) and inserting in lieu thereof the following:

"(1) Regulations under subsection (h) may authorize an article manufactured by a working-capital-funded Department of the Army arsenal (or other Army industrial facility) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, to be sold to a person outside the Department of Defense if—

"(A) the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(i) for use in developing new products;

"(ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(iii) for incorporation into items to be sold to, or to be used in a contract with, or for purposes of soliciting a contract with a friendly foreign government; or

"(iv) for use in commercial expendable launch vehicles;"; and

(2) in paragraph (2), by inserting ", or authorized to be sold," after "article sold".

SEC. 312. REPEAL OF RESTRICTION ON CONTRACTING OUT CORE LOGISTICS FUNCTIONS

(a) REPEAL.—Chapter 146 of title 10, United States Code, is amended by striking out section 2464.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2464.

SEC. 313. REPEAL OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS

(a) REPEAL.—Chapter 146 of title 10, United States Code, is amended by striking out section 2466.

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2466.

SEC. 314. AUTHORIZATION FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE RELATED PRODUCTION AND SERVICES DURING FY 1991

(a) AUTHORITY TO BID.—During fiscal year 1991, naval shipyards and naval aviation depots may compete for contracts for the production of defense related articles and contracts for the provision of services related to defense programs.

(b) REQUIRED ESTIMATES OF COST FACTORS.—The Secretary of the Navy shall ensure that all successful bids by a naval shipyard or naval aviation depot on contracts referred to in subsection (a) include estimates for all direct and indirect cost factors, including all direct and indirect cost factors included in bids submitted by private firms. Office of Management and Budget Circular A-76 shall not apply to competi-

tions conducted under the authority of this section.

SEC. 315. INVENTORY MANAGEMENT POLICIES

(a) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall issue a single, uniform policy on the management of inventory items of the Department of Defense. Such policy shall establish maximum levels for inventory items sufficient to achieve and maintain only those levels for inventory items necessary for the national defense. Such policy shall also provide guidance to item managers and other appropriate officials on how effectively to eliminate wasteful practices in the acquisition and management of inventory items.

(b) PERSONNEL EVALUATIONS.—The Secretary shall also establish procedures necessary to ensure that personnel appraisal systems for item managers and other personnel responsible for the acquisition and management of inventory items of the Department of Defense give appropriate consideration to efforts made by such personnel to eliminate wasteful practices and achieve cost savings in the acquisition and management of inventory items.

SEC. 316. VOYAGE REPAIRS ON NAVAL RESERVE FORCE VESSELS HOMEPORTED ON THE WEST COAST

Paragraph (3) of section 7299a(d) of title 10, United States Code, is amended to read as follows:

"(3) Paragraph (1) does not apply in the case of voyage repairs.".

SEC. 317. EXTENSION OF DATE FOR COMPLETION OF STUDY ON WASTE RECYCLING

Section 361(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1429) is amended by striking out "one year after the date of the enactment of this Act" and inserting in lieu thereof "March 1, 1991".

SEC. 318. HURRICANE RECONNAISSANCE

The Secretary of the Air Force shall continue to carry out the mission of hurricane reconnaissance during fiscal year 1991 unless another department or agency of the Federal Government assumes responsibility for that mission and has adequate funds available for obligation for that purpose.

SEC. 319. REIMBURSEMENT OF EPA OVERSIGHT EXPENSES

(a) To the extent provided for in interagency agreements entered into between the Department of Defense and the Environmental Protection Agency, the Secretary of Defense shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Defense facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9620).

(b) In addition, notwithstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Defense facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Defense.

SEC. 320. PROHIBITION ON PURCHASES OF PERFORMANCE BONDS AND SIMILAR GUARANTIES

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991 may not be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility to guarantee the performance of any direct function by the Department of Defense.

SEC. 321. VALIDATION OF PAYMENTS UNDER CERTAIN CONTRACTS FOR THE PROVISION OF MUNICIPAL SERVICES

Notwithstanding section 2465 of title 10, United States Code, or any other provision of law, any payment made before the date of the enactment of this Act under a contract entered into before that date by a military department with a unit of local government for the provision by such unit of local government of police, fire, or other municipal service to the military department shall be held and considered to be a valid payment.

SEC. 322. ENVIRONMENTAL EDUCATION PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL

(a) REQUIREMENT TO ESTABLISH PROGRAM.—The Secretary of Defense shall establish a program for the purpose of educating Department of Defense personnel in environmental management.

(b) PROGRAM REQUIREMENTS.—Under the program, the Secretary shall—

(1) in consultation with environmental education personnel of colleges and universities in the United States that offer undergraduate and graduate level courses in a wide range of environmental disciplines, develop a curriculum of environmental management courses offered by such colleges and universities;

(2) provide opportunities for Department of Defense personnel to attend such courses at such colleges and universities; and

(3) develop the criteria for the selection of Department of Defense personnel to attend such courses.

(c) FISCAL YEAR 1991 FUNDING MATTERS.—Of the funds authorized to be appropriated pursuant to section 301, not more than $100,000 shall be available for the program established pursuant to subsection (a).

(d) RECOMMENDATIONS REGARDING CONTINUATION OF PROGRAM AFTER FISCAL YEAR 1991.—Not later than the date on which the President submits the budget for fiscal year 1992 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives in writing his recommendations regarding whether the program established under subsection (a) should be continued after September 30, 1991.

SEC. 323. USE OF OZONE DEPLETING SUBSTANCES WITHIN THE DEPARTMENT OF DEFENSE

(a) DOD REQUIREMENTS FOR OZONE DEPLETING CHEMICALS OTHER THAN CFCs.—

(1) In addition to the functions of the Committee designated by section 356(c) of the National Defense Authorization Act for fiscal year 1990, it shall be the function of the Committee to study (A) the use of methyl chloroform, hydrochlorofluorocarbons (HCFCs) and carbon tetrachloride by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the costs and feasibility of using alternative compounds or technologies for methyl chloroform, HCFCs and carbon tetrachloride.

(2) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that specify the use of methyl chloroform, HCFCs, or carbon tetrachloride.

(3) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that do not specify use of methyl chloroform, HCFCs, or carbon tetrachloride.

(b) In preparing reports the Committee shall work closely with the Strategic Environmental Research Program Council, and shall provide to the Strategic Environmental Research Program Council its reports and recommendation with respect to section (a).

(c) EXTENSION OF REPORTING DEADLINE FOR CFCs.—The deadline for submitting a final report to the Congress concerning uses of CFCs, established in section 356(d) of the National Defense Authorization Act for fiscal year 1990, is hereby extended to June 30, 1991.

(d) REPORTING DEADLINE FOR METHYL CHLOROFORM, HCFCs, AND CARBON TETRACHLORIDE.—Not later than September 30, 1991, the Secretary shall submit to Congress a report containing the results of the study by the Committee authorized under subsection (a)(1) of this section.

SEC. 324. REDUCTION IN STOCK FUND OBLIGATIONS

The Secretary of Defense may not incur obligations against the Department of Defense stock funds during fiscal year 1991, except for obligations for fuel and subsistence items, in excess of 80 percent of the sales from such stock funds during that fiscal year, except for sales for fuel and subsistence items.

TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEAR 1991

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES

(a) FISCAL YEAR 1991.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

(1) The Army, 704,170, of which not more than 99,291 may be officers.

(2) The Navy, 568,500, of which not more than 69,992 may be officers.

(3) The Marine Corps, 193,735, of which not more than 19,757 may be officers.

(4) The Air Force, 510,000, of which not more than 95,027 may be officers.

(b) FISCAL YEAR 1995.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1995, as follows:

(1) The Army, 510,0000.

(2) The Navy, 500,000.

(3) The Marine Corps, 177,000.

(4) The Air Force, 415,000.

SEC. 402. UNIFORM STRENGTH REDUCTION PROCESS

(a) IN GENERAL.—(1) No member of the Army, Navy, Air Force, or Marine Corps to whom this section applies may be involuntarily separated unless the Secretary of the military department concerned has certified to the Committees on Armed Services of the Senate and the House of Representatives that the Secretary has implemented procedures—

(A) to limit the number of persons without previous military service that may be accessed for active duty service as officers in the Army, Navy, Air Force, or Marine Corps in each fiscal year for the period beginning October 1, 1990, and ending September 30, 1995, to a number that does not exceed the number determined by multiplying the projected end strength of active duty officers of that armed force for fiscal year 1995 (as determined by the Secretary concerned) by the accession ceiling percentage specified in

the table under paragraph (2) for that armed force for officers;

(B) to limit the number of persons without previous military service that may be accessed for active duty service as enlisted members of the Army, Navy, Air Force, or Marine Corps for each fiscal year during the period beginning October 1, 1990, and ending September 30, 1995, to a number that does not exceed the number determined by multiplying the projected end strength of active duty enlisted personnel of that armed force for fiscal year 1995 (as determined by the Secretary concerned) by the accession ceiling percentage specified in the table under paragraph (2) for that armed force for enlisted personnel;

(C) to reduce as of September 30 each year during the period beginning October 1, 1990, and ending September 30, 1995, the number of members of each armed force serving on active duty who, upon separation, would be immediately eligible for retired pay or retainer pay to a number not greater than the number necessary to meet the requirements of that armed force within the end strength specified in section 401(b) for that armed force; and

(D) to limit the number of members of each armed force serving on active duty who have completed two but less than five years of active service to a number not greater than the number necessary to meet the requirements of that armed force for members with two but less than five years of active service within the end strength specified in section 401(b) for that armed force.

(2) The table of accession ceiling percentages is as follows:

Armed Force	Accession Ceiling Percentages	
	Enlisted members	Officers
Army	19.4%	9.6%
Navy	16.6%	9.1%
Marine Corps	20.1%	8.4%
Air Force	12.6%	8.3%

(b) APPLICABILITY.—The limitation on involuntary separation referred to in subsection (a)(1) applies to a member of the Army, Navy, Air Force, or Marine Corps who—

(1) is serving on active duty or full-time National Guard duty;

(2) has five or more years of active service in the Armed Forces;

(3) if involuntarily separated, would not be immediately eligible for retired pay or retainer pay; and

(4) if involuntarily separated, would be eligible for transition assistance under section 1174 of title 10, United States Code (as amended by section 641 of this Act), section 1105 of such title (as added by section 642 of this Act), section 1420 of title 38, United States Code (as added by section 643 of this Act), or section 644 of this Act.

(c) DEFINITION.—For purposes of this section, the term "involuntarily separated" has the meaning given such term in section 644(h) of this Act.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations necessary to carry out this section.

SEC. 403. AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

(a) FISCAL YEAR 1991.—The text of section 526 of title 10, United States Code, is amended to read as follows:

"The total number of general officers on active duty in the Army, Air Force, and Marine Corps and flag officers on active duty in the Navy may not exceed the number specified for the armed force concerned as follows:

"(1) For the Army, 386.

"(2) For the Navy, 250.

"(3) For the Air Force, 326.

"(4) For the Marine Corps, 68.".

(b) FISCAL YEAR 1995.—Effective October 1, 1995, paragraphs (1) through (4) of section 526 of title 10, United States Code, are amended to read as follows:

"(1) For the Army, 302.

"(2) For the Navy, 216.

"(3) For the Air Force, 279.

"(4) For the Marine Corps, 61.".

(c) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Chapter 331 of title 10, United States Code, is amended—

(A) by striking out section 3202; and

(B) in the table of sections at the beginning of such chapter, by striking out the item relating to section 3202.

(2) Chapter 533 of such title is amended—

(A) by striking out sections 5442, 5443, 5444, and 5446; and

(B) in the table of sections at the beginning of such chapter, by striking out the items relating to sections 5442, 5443, 5444, and 5446.

(3) Chapter 831 of such title is amended—

(A) by striking out section 8202; and

(B) in the table of sections at the beginning of the chapter, by striking out the item relating to section 8202.

SEC. 404. REDUCTION IN NUMBER OF ACTIVE DUTY AIR FORCE COLONELS

Section 523(a)(1) of title 10, United States Code, is amended by striking out the figures under the heading "Colonel" relating to the Air Force and inserting in lieu thereof the following:

"3,392
"3,573
"3,754
"3,935
"4,115
"4,296
"4,477
"4,658
"4,838
"5,019
"5,200
"5,381".

SEC. 405. EXEMPTION FROM GRADE ACCOUNTABILITY FOR CERTAIN THREE-STAR GENERAL AND FLAG OFFICER POSITIONS

(a) IN GENERAL.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) An officer while serving in a position designated under subparagraph (B), if serving in the grade of lieutenant general or vice admiral, is in addition to the number that would otherwise be permitted his armed force for that grade under paragraph (1) or (2).

"(B) The President, with the advice and assistance of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, may designate not more than six positions within the Joint Staff (provided for under section 155 of this title) as positions referred to in subparagraph (A).

"(C) The authority of the President under subparagraph (B) may not be delegated.".

(b) TECHNICAL AMENDMENT.—Paragraph (3) of such section is amended by striking out "authorized" and inserting in lieu thereof "that would otherwise be permitted".

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 447,300.

(2) The Army Reserve, 309,200.

(3) The Naval Reserve, 153,400.

(4) The Marine Corps Reserve, 44,000.

(5) The Air National Guard of the United States, 116,300.

(6) The Air Force Reserve, 85,200.

(7) The Coast Guard Reserve, 12,700.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) by not more than 2 percent.

(c) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

(a) FISCAL YEAR 1991.—(1) Within the end strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(A) The Army National Guard of the United States, 24,820.

(B) The Army Reserve, 12,673.

(C) The Naval Reserve, 21,848.

(D) The Marine Corps Reserve, 2,781.

(E) The Air National Guard of the United States, 8,045.

(F) The Air Force Reserve, 623.

(2) In order to meet the national security requirements of the United States, the Secretary of Defense may reallocate the numbers authorized for the reserve component specified in paragraph (1) in such manner as the Secretary determines appropriate, except that the total numbers reallocated may not exceed the number equal to 10 percent of the total number authorized for the reserve components under such paragraph.

(b)(1) Within the end strengths authorized by legislation enacted after the date of enactment of this Act for each of the fiscal years listed in the table in paragraph (2), the reserve components of the Armed Forces are authorized the total number of members specified in such table for such fiscal year to be serving on full-time active

duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

(2) The table referred to in subsection (b) is as follows:

Fiscal year	Reserves on active duty in support of reserves
1992	66,664
1993	62,959
1994	59,255
1995	55,550
1996	51,845

(c)(1) IMPLEMENTATION OF REDUCTIONS.—In implementing the reduction in the end strengths for reserves on active duty in support of the reserves required in this section, no member of the Reserves serving on full-time active duty on the date of enactment of this Act, or in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing or training the Reserve components may be involuntarily separated.

(2) DEFINITION.—As used in this section, the term "involuntarily separated" shall have the same meaning as the meaning of that term under section 844 of this Act.

(3) AUTHORITY TO EXCEED PRESCRIBED END STRENGTHS.—The end strengths prescribed in subsections (a) and (b) may be exceeded to the extent necessary to comply with this subsection, as determined under regulations prescribed by the Secretary of Defense.

(4) ACTIVE DUTY IN SUPPORT OF THE RESERVES.—Accessions of members of the Reserves to be serving on full-time active duty or, in the case of members of the National Guard on full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components for a fiscal year shall be two percent of the total authorized end strength provided in this section for such fiscal year.

(d) USE OF ACTIVE COMPONENT MEMBERS.—(1) The Secretary of Defense shall examine the validity of the information submitted in support of the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 1991 with respect to the number reserve members on active duty or full-time National Guard duty to support the reserve components and shall, to the extent that the information remains valid, assign active component members to reserve units to meet the requirement of the reserve components.

(2) The Secretary shall include in the detailed justification of estimates for military personnel for the Army, Navy, Marine Corps, and Air Force that accompanies the budget submitted to Congress for fiscal years 1992 and 1993 pursuant to section 1105 of title 31, United States Code, the number of such personnel that are programmed to be assigned in support of the reserve components to meet requirements for full-time support of the reserve components.

SEC. 413. REPEAL OF INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

Subsections (a) and (b) of section 413 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1433) are each amended by striking out paragraph (2).

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) IN GENERAL.—For fiscal year 1991, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 66,525.
(2) The Navy, 59,675.
(3) The Marine Corps, 20,880.
(4) The Air Force, 26,880.
(5) The Army National Guard of the United States, 16,611.
(6) The Army Reserve, 15,337.
(7) The Naval Reserve, 3,112.
(8) The Marine Corps Reserve, 3,520.
(9) The Air National Guard of the United States, 2,765.
(10) The Air Force Reserve, 1,628.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1991

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1991 a total of $77,553,700,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1991.

PART E—CIVILIAN PERSONNEL

SEC. 441. AUTHORIZATION OF END STRENGTHS

(a) IN GENERAL.—The Department of Defense is authorized strengths for civilian personnel as of September 30, 1991, as follows:

(1) Department of the Army, 369,641.
(2) Department of the Navy, 327,897.
(3) Department of the Air Force, 246,443.
(4) Defense Agencies and all other elements of the Department of Defense, 98,603.

(b) COUNTING OF PERSONNEL.—(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding personnel in special employment categories for students and disadvantaged youth (such as the stay-in-school campaign, the temporary summer aid program, and the Federal junior fellowship program) and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service an official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a military department or an agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another military department or agency within the Department of Defense, the civilian personnel end-strength authorized for each such military department or agency of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(c) ADJUSTMENT AUTHORITY.—When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

(d) FIVE-YEAR REDUCTION IN SENIOR LEVEL EMPLOYEES.—The Secretary of Defense shall take such action as may be necessary to reduce the number of senior level civilian employees employed in the Department of Defense by a number not less than 20 percent below the number of senior level civilian employees employed in the Department on September 30, 1990. The Secretary shall achieve the reduction over not more than a five year period beginning October 1, 1991. For purposes of this subsection, the term "senior level civilian employee" means an employee who holds a position in the grade of GS-16 or above under the General Schedule provided for in section 5104 of title 5, United States Code, or a Senior Executive Service position (as defined in section 3132(a)(2) of such title).

TITLE V—MILITARY PERSONNEL

PART A—PERSONNEL MANAGEMENT MATTERS

SEC. 501. OFFICER RETENTION FLEXIBILITY

(a) IN GENERAL.—Chapter 36 of title 10, United States Code, is amended by inserting after section 638 the following new section:

"§ 638a. Temporary enhancement of authority for selective early retirement

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the five-year period beginning on October 1, 1990, to take any of the actions set forth in subsection (b) with respect to officers of an armed force under the jurisdiction of that Secretary.

"(b) Actions which the Secretary of a military department may take with respect to officers of an armed force when authorized to do so under subsection (a) are the following:

"(1) Provide that regular officers on the active-duty list may be considered for early retirement by a selection board convened under section 611(b) of this title in the case of officers described in any of subparagraphs (A) through (C) as follows:

"(A) Officers in the regular grade of lieutenant colonel or commander who would be subject to consideration for selection for early retirement under section 638(a)(1)(A) of this title except that they have failed the selection for promotion only one time (rather than two or more times).

"(B) Officers in the regular grade of colonel or, in the case of the Navy, captain who would be subject to consideration for selection for early retirement under section 638(a)(1)(B) of this title except that they have served on active duty in that grade less

than four years (but not less than two years).

"(C) Officers holding a regular grade below the grade of colonel or, in the case of the Navy, captain who are not eligible for retirement under section 3911, 6323, or 8911 of this title but who after the performance of not more than two additional years of active service as a commissioned officer would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.

"(2) Suspend the operation of section 638(c) of this title.

"(c) In the case of an action under subsection (b)(1), the Secretary of the military department concerned shall specify the number of officers described in that subsection which a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement. Such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(d) The retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of such chapter is amended by inserting after the item relating to section 638 the following new item:

"638a. Temporary enhancement of authority for selective early retirement.".

SEC. 502. REDUCTION IN TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT

(a) IN GENERAL.—Section 1370(a)(2) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by inserting after "not less than three years" at the end of the first sentence the following: ", except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the five-year period beginning on October 1, 1990"; and

(3) by designating the second, and third sentences as subparagraph (B) and by striking out "the preceding sentence" in the first sentence of such subparagraph (as so designated) and inserting in lieu thereof "subparagraph (A)".

(b) CORRESPONDING REDUCTION IN ACTIVE DUTY STRENGTH LEVEL OF OFFICERS.—Whenever the Secretary of a military department reduces, in the case of any officer, the period of service-in-grade required under section 1370(a)(2)(A), as amended by subsection (a), to less than three years, the maximum number of officers permitted by section 523 or 526 of title 10, United States Code, to be on active duty in the grade in which that officer is retired shall be deemed to be reduced by one.

SEC. 503. REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT

(a) ARMY.—Section 3911 of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Army, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.".

(b) NAVY AND MARINE CORPS.—Section 6323(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) The Secretary of Defense may authorize the Secretary of the Navy, during the five-year period beginning on October 1, 1990, to reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Navy) of not less than eight years.".

(c) AIR FORCE.—Section 8911 of such title is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Air Force, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Air Force) of not less than eight years.".

SEC. 504. REPORT ON INITIAL APPOINTMENT OF ALL OFFICERS AS RESERVE OFFICERS AND ON THE APPROPRIATE ACTIVE DUTY OBLIGATION OF GRADUATES OF THE SERVICE ACADEMIES

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on (1) the advantages, disadvantages, and desirability of initially appointing all persons commissioned as officers in the Army, Navy, Air Force, or Marine Corps as Reserve officers, and (2) what the appropriate active duty service obligation should be for graduates of the service academies.

(b) DEADLINE FOR REPORT.—(1) The Secretary shall submit the report required by subsection (a), together with such comments and recommendations as the Secretary considers appropriate, not later than 60 days after the date of the enactment of this Act.

(2) In the event the report is not submitted within 60 days after the date of the enactment of this Act, then—

(A) all persons initially appointed as commissioned officers in the Army, Navy, Air Force, and Marine Corps after the 60th day following the date of the enactment of this Act shall be appointed as commissioned officers in a Reserve component of the Armed Forces; and

(B) all persons entering the service academies after the 60th day following the date of the enactment of this Act shall incur an obligation to serve on active duty for a period of five years.

(c) DEFINITION.—As used in this section, the term "service academies" means the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

PART B—OTHER MATTERS

SEC. 521. NAVY RATIONS

(a) IN GENERAL.—Section 6082 of title 10, United States Code, is amended to read as follows:

"§ 6082. Rations

"(a) The President may prescribe the components and quantities of the Navy ration. The President may direct the issuance of equivalent articles in place of the prescribed components if the President determines that economy and the health and comfort of the members of the Navy requires such action.

"(b) An enlisted member of the Navy on active duty is entitled to one ration daily. If an emergency ration is issued, it is in addition to the regular ration.

"(c) Fresh or preserved fruits, milk, butter, and eggs necessary for the proper diet of the sick and injured in hospitals shall be provided under regulations prescribed by the Secretary of the Navy.

"(d) The Secretary of the Navy may increase the quantity of daily rations for members of the Navy on a vessel or at a station that has an authorized complement of less than 150 members if the President determines that the vessel or station is operating under conditions that warrant an increase in rations.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6082 and inserting in lieu thereof the following:

"6082 Rations.".

SEC. 522. REPEAL OF AUTHORITY OF ADMINISTRATOR OF PANAMA CANAL COMMISSION TO NOMINATE CADETS AND MIDSHIPMEN

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively;

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)"; and

(C) in subsection (f), by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(2) Section 4343 of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

(b) UNITED STATES NAVAL ACADEMY.—(1) Section 6954 of such title is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively; and

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)".

(2) Section 6956(c) of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

(3) Section 6958(b) of such title is amended by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9342 of such title is amended—

(A) in subsection (a)—

(i) by striking out clause (8); and

(ii) by redesignating clauses (9) and (10) as clauses (8) and (9), respectively;

(B) in subsection (d), by striking out "(2)-(7), (9), or (10)" and inserting in lieu thereof "(2) through (9)"; and

(C) in subsection (f), by striking out "(3)-(7), (9) and (10)" and inserting in lieu thereof "(3) through (9)".

(2) Section 9343 of such title is amended by striking out "(2)-(9)" and inserting in lieu thereof "(2) through (8)".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1990.

SEC. 523. ADVANCED EDUCATIONAL ASSISTANCE

Section 2005 of title 10, United States Code, is amended—

(1) in subsection (a)(3), by inserting "or fails to fulfill any term or condition prescribed pursuant to clause (4)," after "agreement,"; and

(2) in subsection (f)(1), by inserting "or fails to fulfill any term or condition prescribed pursuant to clause (4) of such subsection," after "agreement,".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1991

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1991 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.5 percent effective on January 1, 1991.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS FOR PERMANENT CHANGE OF STATION MOVES

There is hereby authorized to be appropriated to the Department of Defense for funding of permanent change of station moves in fiscal year 1991 a total of $2,652,884,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1991.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. AUTHORITY TO TERMINATE SELECTIVE REENLISTMENT BONUS PAYMENTS

(a) TERMINATION AUTHORIZED.—Subsection (d) of section 308 of title 37, United States Code, is amended—

(1) by inserting (1) after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) Whenever refund is not required under paragraph (1) of this subsection, the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, may provide that bonus installments due to a member who does not complete the term of enlistment for which a bonus was paid under this section or who ceases to perform in the specialty for which a bonus was paid under this section will not be paid. The Secretary of Defense or the Secretary of Transportation, as appropriate, may prescribe the circumstances under which bonus installments may be terminated under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to bonuses paid to persons who reenlist or extend their enlistment in the armed forces on or after the date of the enactment of this Act.

SEC. 612. INCREASE IN RATE OF SPECIAL PAY FOR OPTOMETRISTS

(a) IN GENERAL.—Section 302a of title 37, United States Code, is amended by striking "$100" and inserting in lieu thereof "$350".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1991, and shall apply to pay periods beginning on and after that date.

SEC. 613. INCENTIVE PAY FOR CERTIFIED NURSE-MIDWIVES AND INTENSIVE CARE NURSES

(a) IN GENERAL.—Section 302e(b) of title 37, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) is a registered nurse;

"(3) is a qualified certified nurse anesthetist, a qualified intensive care nurse, or a qualified certified nurse-midwife; and".

(b) CLERICAL AMENDMENTS.—(1) The section heading for section 302e of such title is amended to read as follows:

"§ 302e. Special pay: nurse anesthetists, intensive care nurses, and nurse-midwives".

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking out the item relating to section 302e and inserting in lieu thereof the following:

"Special pay: nurse anesthetists, intensive care nurses, and nurse-midwives.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1990, and shall apply to pay periods beginning on and after that date.

SEC. 614. SPECIAL PAY FOR PODIATRISTS

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding after section 302e the following new section:

"§ 302f. Special pay: podiatrists

"(a) PUBLIC HEALTH SERVICE CORPS.—A member who is—

"(1) an officer in the Regular or Reserve Corps of the Public Health Service and is designated as a podiatrist; and

"(2) has been awarded a Certificate as a Diplomate in a special area of practice approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association,

is entitled to special pay, as provided in subsection (b).

"(b) RATE OF SPECIAL PAY.—The rate of special pay to which an officer is entitled pursuant to subsection (a) shall be—

"(1) $2,000 per year, if the officer has less than 10 years of creditable service;

"(2) $2,500 per year, if the officer has at least 10 but less than 12 years of creditable service;

"(3) $3,000 per year, if the officer has at least 12 but less than 14 years of creditable service;

"(4) $4,000 per year, if the officer has at least 14 but less than 18 years of creditable service; or

"(5) $5,000 per year, if the officer has 18 or more years of creditable service.

"(c) ARMY, NAVY, AND AIR FORCE PODIATRISTS.—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

"(1) is an officer in the Medical Services Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

"(2) is designated as a podiatrist; and

"(3) has been awarded a Certificate as a Diplomate in a special area of practice approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.".

(b) CLERICAL AMENDMENTS.—The table of sections to chapter 5 of title 37, United States Code, is amended by adding after the item relating to section 302e of such title the following new item:

"302f. Special pay: podiatrists.".

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR PERSONS DISCHARGED OR RELEASED FROM ACTIVE DUTY

(a) ALLOWANCES FOR MEMBERS.—Section 404(c) of title 37, United States Code, is amended to read as follows:

"(c)(1) Under uniform regulations prescribed by the Secretaries concerned and as provided in paragraph (2) of this subsection, a member who is entitled to travel and transportation allowances under subsection (a) of this section by reason of an event described in paragraph (3) of such subsection may select his home for the purposes of such paragraph (3). Any such selection shall be made by the member within one year after such event. The authority of a member to make a selection under this paragraph shall be subject to such exceptions as the Secretaries concerned may prescribe in regulations.

"(2) If a member is entitled to travel and transportation allowances under subsection (a) by reason of an event described in paragraph (3) of that subsection and such member selects as his home a place outside the United States, other than the place outside the United States from which the member was called or ordered to active duty to his first duty station, the travel and transportation allowances authorized by subsection (a) may not exceed the lesser of (A) the allowances payable for travel and transportation to the place outside the United States selected by the member as his home, or (B) the allowances payable for travel and transportation to the most distant place within the United States that the member may select as his home.".

(b) ALLOWANCES FOR DEPENDENTS AND BAGGAGE AND HOUSEHOLD EFFECTS.—Section 406 of such title is amended—

(1) in subsection (a)(2)(B)—

(A) by striking out "or" at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause (iv):

"(iv) who, under conditions prescribed by the Secretaries concerned, is involuntarily discharged or released from active duty or is not accepted for an additional tour of active duty for which the member volunteered; or";

(2) in subsection (d), by striking out clause (2) of the fourth sentence and inserting in lieu thereof the following:

"(2) is retired with pay under any other law or, under conditions prescribed by the Secretaries concerned, is involuntarily discharged or released from active duty or is not accepted for an additional tour of active duty for which the member volunteered."; and

(3) in subsection (g)(1), by striking out clause (B) and inserting in lieu thereof the following:

"(B) is retired with pay under any other law or, under conditions prescribed by the Secretaries concerned, is involuntarily discharged or released from active duty, or is not accepted for an additional tour of active duty for which the member volunteered;".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to travel and transportation commenced after September 30, 1990.

SEC. 622. REVIVAL OF AUTHORITY TO PAY MEMBERS FOR LABOR FURNISHED IN CONNECTION WITH THE TRANSPORTATION OF BAGGAGE AND HOUSEHOLD GOODS

(a) IN GENERAL.— Subsection (b) of section 614 of the Department of Defense Authorization Act, 1986 (37 U.S.C. 406 note) is repealed. The amendments made by subsection (a) of that section are hereby revived effective on the date of the enactment of this Act.

(b) PROHIBITION ON RETROACTIVE PAYMENTS.—No allowance may be paid to any member of a uniformed service by virtue of subsection (a) in connection with the transportation of any baggage or household effects of the member before the date of the enactment of this Act.

SEC. 623. AUTHORITY TO FURNISH TRANSPORTATION IN CERTAIN AREAS OUTSIDE THE UNITED STATES

(a) AUTHORITY TO FURNISH TRANSPORTATION.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2636 the following new section:

"§ 2637. Transportation in certain areas outside the United States

"The Secretary of Defense may authorize the commander of a unified combatant command to use Government owned or leased vehicles to provide transportation in an area outside the United States for members of the uniformed services and Federal civilian employees under the jurisdiction of that commander, and to the dependents of such members and employees, when public or private transportation in such area is unsafe or not available. Transportation provided under this section shall be provided in accordance with regulations prescribed by the Secretary of Defense.".

(b) TECHNICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2636 the following new item:

"2637. Transportation in certain areas outside the United States.".

(c) CONFORMING AMENDMENTS.—Section 1344(c) of title 31, United States Code, is amended—

(1) by striking out "or" after "1956" and inserting in lieu thereof a comma; and

(2) by striking out the period at the end and inserting in lieu thereof ", or section 2637 of title 10.".

SEC. 624. BAGGAGE AND HOUSEHOLD WEIGHT ALLOWANCE FOR CADETS AND MIDSHIPMEN

(a) IN GENERAL.—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(E) Under regulations prescribed by the Secretary of Defense, cadets at the United States Military Academy and the United States Air Force Academy, and midshipmen at the United States Naval Academy shall be entitled, in connection with a change of temporary or permanent station, to transportation of baggage and household effects as provided in subparagraph (A) of this paragraph. The weight allowance for such cadets and midshipmen shall be 350 pounds.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be applicable to baggage and household effects transported after September 30, 1990.

PART D—OTHER BENEFITS

SEC. 631. PERMANENT EXTENSION OF PROGRAM TO REIMBURSE MEMBERS OF THE ARMED FORCES FOR ADOPTION EXPENSES

(a) CODIFICATION.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1056. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary of Defense shall carry out a program under which a member of the armed forces under the jurisdiction of the Secretary may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the armed forces under any other adoption benefits program and administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid to a member of the armed forces under this section for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid to a member of the armed forces under this section for adoptions by such member in any calendar year.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged—

"(A) by a State or local government agency which has responsibility under State or local law for child placement through adoption;

"(B) by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption; or

"(C) through a private placement.

"(2) The term 'qualifying adoption expenses' does not include any expense incurred—

"(A) for any travel performed outside the United States by an adopting parent, unless such travel—

"(i) is required by law as a condition of a legal adoption in the country of the child's origin, or is otherwise necessary for the purpose of qualifying for the adoption of a child;

"(ii) is necessary for the purpose of assessing the health and status of the child to be adopted; or

"(iii) is necessary for the purpose of escorting the child to be adopted to the United States or the place where the adopting member of the armed forces is stationed; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(3) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees, including court costs;

"(D) medical expenses, including hospital expenses of a newborn infant, for medical care furnished the adopted child before the adoption, and for physical examinations for the adopting parents;

"(E) expenses relating to pregnancy and childbirth for the biological mother, including counseling, transportation, and maternity home costs;

"(F) temporary foster care charges when payment of such charges is required to be made immediately before the child's placement; and

"(G) except as provided in paragraph (2)(A), transportation expenses relating to the adoption.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1056. Reimbursement for adoption expenses.".

(b) CONFORMING AMENDMENTS FOR COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 514. Reimbursement for adoption expenses

"(a) AUTHORIZATION TO REIMBURSE.—The Secretary shall carry out a program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

"(b) ADOPTIONS COVERED.—An adoption for which expenses may be reimbursed under this section includes an adoption by a single person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c)).

"(c) BENEFITS PAID AFTER ADOPTION IS FINAL.—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

"(d) TREATMENT OF OTHER BENEFITS.—A benefit may not be paid under this section for any expense paid to or for a member of the armed forces under any other adoption benefits program and administered by the Federal Government or under any such program administered by a State or local government.

"(e) LIMITATIONS.—(1) Not more than $2,000 may be paid to a member of the armed forces under this section for expenses incurred in the adoption of a child.

"(2) Not more than $5,000 may be paid to a member of the armed forces under this section for adoptions by such member in any calendar year.

"(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) The term 'qualifying adoption expenses' means reasonable and necessary expenses that are directly related to the legal adoption of a child under 18 years of age, but only if such adoption is arranged—

"(A) by a State or local government agency which has responsibility under State or local law for child placement through adoption;

"(B) by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption; or

"(C) through a private placement.

"(2) The term 'qualifying adoption expenses' does not include any expense incurred—

"(A) for any travel performed outside the United States by an adopting parent, unless such travel—

"(i) is required by law as a condition of a legal adoption in the country of the child's origin, or is otherwise necessary for the purpose of qualifying for the adoption of a child;

"(ii) is necessary for the purpose of assessing the health and status of the child to be adopted; or

"(iii) is necessary for the purpose of escorting the child to be adopted to the United States or the place where the adopting member of the armed forces is stationed; or

"(B) in connection with an adoption arranged in violation of Federal, State, or local law.

"(3) The term 'reasonable and necessary expenses' includes—

"(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

"(B) placement fees, including fees charged adoptive parents for counseling;

"(C) legal fees, including court costs;

"(D) medical expenses, including hospital expenses of a newborn infant, for medical care furnished the adopted child before the adoption, and for physical examinations for the adopting parents;

"(E) expenses relating to pregnancy and childbirth for the biological mother, including counseling, transportation, and maternity home costs;

"(F) temporary foster care charges when payment of such charges is required to be made immediately before the child's placement; and

"(G) except as provided in paragraph (2)(A), transportation expenses relating to the adoption.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"514. Reimbursement for adoption expenses.".

PART E—TRANSITION ASSISTANCE FOR PERSONS INVOLUNTARILY DISCHARGED OR RELEASED FROM ACTIVE DUTY

SEC. 641. SEPARATION PAY

(a) AUTHORITY FOR SEPARATION PAY FOR REGULAR ENLISTED MEMBERS.—Section 1174 of title 10, United States Code, is amended—

(1) by inserting "REGULAR OFFICERS.—(1)" in subsection (a) after "(a)";

(2) by redesignating subsection (b) as paragraph (2) of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) REGULAR ENLISTED MEMBERS.—(1) A regular enlisted member of an armed force who is discharged involuntarily or as the result of the denial of the reenlistment of the member and who has completed five or more, but less than 20 years of active service immediately before that discharge and who is serving on a second or subsequent enlistment in a regular component of an armed force is entitled to separation pay computed under subsection (d) unless the Secretary concerned determines that the conditions under which the member is discharged do not warrant payment of such pay.

"(2) Separation pay of an enlisted member shall be computed under clause (1) of subsection (d), except that such pay shall be computed under clause (2) of such subsection in the case of a member who is discharged under criteria prescribed by the Secretary of Defense.".

(b) REPEAL OF LIMITATION ON AMOUNT OF SEPARATION PAY.—(1) Subsection (d) of such section is amended—

(A) in clause (1), by striking out "or $30,000, whichever is less"; and

(B) in clause (2), by striking out ", but in no event more than $15,000".

(2) Subsection (g) of such section is amended—

(A) by striking out "(1)" after "(g)"; and

(B) by striking out paragraph (2).

(c) EFFECTIVE DATE.—Subsection (b) of section 1174 of title 10, United States Code, as added by subsection (a), and the amendments made by subsection (b), shall apply with respect to a member of the Armed Forces who is discharged, or released from active duty, after September 30, 1990.

(d) CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) Section 1186(c) of title 10, United States Code, is amended by striking out "section 1174(b)" and inserting in lieu thereof "section 1174(a)(2)".

(2) Section 6383(h) of such title is amended by striking out "section 1174(a)" and inserting in lieu thereof "section 1174(a)(1)".

(e) TECHNICAL AMENDMENTS.—(1) Subsection (a)(1) of section 1174 of such title (as amended by subsection (a) of this section) is further amended—

(A) by striking out "or release"; and

(B) by striking out ", under section 564" and all that follows through "Management Act" and inserting in lieu thereof "or under section 564 or 6383 of this title".

(2) Subsection (c)(1) of such section is amended by striking out "after September 14, 1981,".

(f) STYLISTIC AMENDMENTS.—Section 1174 of such title is further amended—

(1) by inserting "OTHER MEMBERS.—" in subsection (c) after "(c)";

(2) by inserting "AMOUNT OF SEPARATION PAY.—" in subsection (d) after "(d)";

(3) by inserting "EXCEPTIONS TO ELIGIBILITY.—" in subsection (e) after "(e)";

(4) by inserting "COUNTING FRACTIONAL YEARS OF SERVICE.—" in subsection (f) after "(f)";

(5) by inserting "COORDINATION WITH OTHER SEPARATION OR SEVERANCE PAY BENEFITS.—" in subsection (g) after "(g)";

(6) by inserting "COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—" in subsection (h) after "(h)"; and

(7) by inserting "REGULATIONS; CREDITING OF OTHER COMMISSIONED SERVICE.—" in subsection (i) after "(i)".

SEC. 642. EXTENDED MEDICAL CARE

(a) AMENDMENT TO CHAPTER 55 OF TITLE 10.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1105. Temporary health coverage for persons involuntarily discharged or released from active duty

"(a) IN GENERAL.—Subject to subsection (c), the Secretary concerned shall pay, in the case of any member who is involuntarily discharged or released from active duty and who has completed two or more years of continuous service, the health insurance premiums for health insurance provided on a voluntary basis to members of the uniformed services upon their discharge or release from active duty for the month in which such member is discharged or released and the first six months following the month in which such member is discharged or released.

"(b) COVERAGE.—The health insurance provided under this section shall cover the member involuntarily discharged or released and the dependents of such member. The Secretary of Defense shall develop a program to ensure that coverage for health conditions existing before the date of the discharge or release is provided for one year after the date of discharge or release if the coverage is not included in the health insurance coverage provided under subsection (a). The coverage provided under this subsection shall include coverage for pregnancy if the pregnancy existed before the involuntary discharge or release of the person concerned.

"(c) ELIGIBILITY EXCEPTIONS.—The Secretary concerned may withhold the benefits of this section in the case of any person involuntarily discharged or released from active duty if, under standards and procedures prescribed by the Secretary of Defense, the Secretary concerned determines that the conditions under which the person is discharged or released do not warrant such benefits.

"(d) EXPIRATION OF AUTHORITY.—The Secretary concerned may not pay the premiums for health insurance under this section in the case of any person involuntarily discharged or released from active duty after September 30, 1995.

"(e) DEFINITION.—In this section, the term 'member involuntarily discharged or released' includes a member not accepted for an additional tour of active duty for which the member volunteered. Such term does not include a member who (1) is discharged from active duty at the member's request, (2) is released from active duty for training, or (3) upon discharge or release from active duty, is immediately eligible for retired pay or retainer pay based on the member's active service.".

(b) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1105. Temporary health coverage for persons involuntarily discharged or released from active duty.".

SEC. 643. EDUCATIONAL BENEFITS FOR PERSONS INVOLUNTARILY DISCHARGED OR RELEASED FROM ACTIVE DUTY

(a) ELIGIBILITY FOR BENEFITS UNDER THE MONTGOMERY G.I. BILL AND THE POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM.—Chapter 30 of title 38, United States Code, is amended by inserting after section 1419 the following new section:

"§ 1420. Eligibility of persons involuntarily discharged or released from active duty

"(a)(1) An individual described in paragraph (2) who is discharged or released from active duty under the conditions described in section 1411(a)(1)(A)(ii)(III) of this title, or is denied reenlistment by reason of a reduction in force described in such section, on or after the date of the enactment of this section shall be entitled, as provided in this section, to basic educational assistance benefits under this chapter.

"(2) An individual referred to in paragraph (1) is an individual who—

"(A) made an election under section 1411(c)(1) of this title not to receive educational assistance under this chapter or who has not completed the minimum period of service required for entitlement to 36

months of educational assistance benefits under this chapter; or

"(B) was eligible to participate in the educational benefits program under chapter 32 of this title.

"(b)(1) Subject to paragraph (2), an individual described in subsection (a) of this section shall be entitled to 36 months of basic educational assistance under this chapter (or the equivalent in part-time benefits).

"(2) To become entitled to the basic educational assistance provided for under this chapter an individual referred to in subsection (a) of this section must—

"(A) be discharged with an honorable discharge, or released from active duty after service characterized as honorable by the Secretary concerned;

"(B) before discharge or release, elect to receive assistance under this section pursuant to procedures which the Secretary of each military department shall establish in accordance with regulations prescribed by the Secretary of Defense; and

"(C) pay to the Secretary of Defense the amount determined under paragraph (3) of this subsection.

"(3)(A) An individual referred to in subsection (a)(2)(A) of this section shall be required to pay to the Secretary of Defense an amount equal to the difference, if any, between $1,200 and the amount by which the individual's basic pay was reduced under section 1411(b) of this title.

"(B) An individual referred to in subsection (a)(2)(B) of this section who did not elect to enroll in the educational benefits program under chapter 32 of this title shall be required to pay $1,200 to the Secretary of Defense.

"(C) An individual referred to in subsection (a)(2)(B) of this section who elected to enroll in the educational benefits program under chapter 32 of this title but contributed less than $1,200 under section 1622 of this title shall be required to pay to the Secretary of Defense an amount equal to the difference between $1,200 and the amount the individual contributed under section 1622 of this title.

"(D) If an individual referred to in subsection (a)(2)(B) of this section elects to receive benefits under this section and the amount the individual contributed under section 1622 of this title was in excess of $1,200, the Secretary shall refund to the individual an amount equal to the difference between $1,200 and the amount contributed by the individual under that section.

"(c) An individual who becomes eligible for benefits under this chapter by virtue of this section shall not be eligible for benefits under chapter 32 of this title except as provided in subsection (d) of this section.

"(d) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 1622 of this title on behalf of an individual who enrolled in the educational benefits program under chapter 32 of this title and who makes the election described in subsection (b)(2)(B) of this section shall remain in such account to make payments of benefits to such individual under section 1415(e) of this title.

"(e) The Secretary shall prescribe such regulations as may be necessary to carry out effectively this section and to administer the provisions under this section in the case of individuals described in subsection (a) of this section in the same manner, to the maximum extent practicable, as the provisions of this chapter are administered in the case of individuals otherwise eligible for basic educational assistance benefits under this chapter.".

(b) CONFORMING AMENDMENTS.—(1) Section 1415 of such title is amended—

(A) in subsection (b), by striking out "or 1418" and inserting in lieu thereof ", 1418, or 1420"; and

(B) by adding at the end the following new subsection:

"(e) In the case of an individual referred to in section 1420(d) of this title, the Secretary shall increase the rate of the basic educational assistance allowance applicable to such individual in excess of the rate provided under subsection (a) or (b) of this section in a manner consistent with, as determined by the Secretary of Defense, the agreement entered into with such individual under chapter 32 of this title pursuant to the rules and regulations issued by the Secretary of Defense under section 1622(c) of this title.".

(2) Section 1435(b) of such title is amended—

(A) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) Payment for entitlements established under section 1420 of this chapter shall be made from such Department of Defense Education Benefits Fund, from appropriations made to the Department of Transportation, or from the Post-Vietnam Era Veterans Education Account established pursuant to section 1622(a) of this title, as appropriate.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 1419 the following new item:

"1420. Eligibility of persons involuntarily discharged or released from active duty.".

SEC. 644. PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO MEMBERS OF THE ARMED FORCES BEING INVOLUNTARILY SEPARATED FROM THE ARMED FORCES

(a) PROGRAM ESTABLISHED.—The Secretary of Defense (hereafter in this section referred to as the "Secretary"), in consultation with the Secretary of Labor, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government, shall conduct a program to furnish employment, education, and other information and services to members of the Armed Forces during the 180 days before such members are involuntarily separated from the Armed Forces.

(b) PROGRAM SERVICES.—(1) The program referred to in this section shall assist members being involuntarily separated from the Armed Forces in assimilating to civilian life.

(2) In conducting the program referred to in this section, the Secretary shall—

(A) provide to members being involuntarily separated from active duty, and to spouses of such members, job-search, job-interview, and résumé-preparation training and job referral services;

(B) in cooperation with the Secretary of Labor, establish procedures to release the names of such members and spouses of such members, with the consent of such members and spouses, to civilian employers, organizations, and entities to assist such members and spouses in locating civilian employment opportunities;

(C) assist such members in obtaining verification and certification of job skills acquired during military service for use in seeking civilian employment;

(D) provide counseling and assistance to such members in the procurement of loans and grants from the Small Business Administration and other Federal, State, and local agencies;

(E) provide information relating to the area of relocation chosen by such members, including—

(i) the cost and availability of housing;

(ii) employment opportunities for such members and the spouses of such members;

(iii) opportunities for such members for service in reserve components of the Armed Forces or in the National Guard;

(iv) educational opportunities for such members and the families of such members;

(v) the cost and availability of child care;

(vi) the cost and availability of medical care; and

(vii) other living costs;

(F) cooperate with military and veterans service organizations and other appropriate organizations in promoting and publicizing job fairs for such members; and

(G) establish permanent employment assistance centers at appropriate military installations that would provide follow-up services to such members.

(c) BRIEFING FOR INVOLUNTARILY SEPARATED MEMBERS.—(1) Within 180 days before a member is involuntarily separated from the Armed Forces, the Secretary shall—

(A) notify the member of the date of the member's separation; and

(B) brief the member regarding the availability of retirement benefits, medical benefits, civilian employment, job preference for veterans, veterans' reemployment rights, benefits under the Montgomery G.I. Bill, and services under the program referred to in subsection (b).

(2) In providing the briefing referred to in paragraph (1)(B) to a member, the Secretary shall—

(A) give the briefing during the member's normal duty hours;

(B) permit the spouse of the member to attend the briefing; and

(C) provide child care services at a reasonable cost to allow the attendance of the member and the member's spouse.

(3) The briefings referred to in paragraph (1)(B) shall be conducted by persons who are well qualified by virtue of their education, training, and experience to conduct such briefings, and the Secretary shall take steps to ensure that, with respect to benefits and services administered by the Department of Veterans Affairs or the Department of Labor, the content of the briefing is approved by the Secretary of Veterans Affairs or the Secretary of Labor, as appropriate.

(4) The Secretary shall take reasonable actions to identify members of the Armed Forces who are to be involuntarily separated in order to furnish each such member the notification and briefing under paragraph (1) as early in the 180-day period referred to in such paragraph as is practicable.

(d) PROGRAM SUPPORT AND COORDINATION.—(1) To the extent otherwise authorized by law, the Secretary may utilize disabled veterans' outreach program specialists, local veterans' employment representatives, other employment service personnel, and representatives of veterans' service organizations to furnish the employment and training information and services under the program.

(2) The Secretary may enter into contracts with public or private entities, including other departments and agencies of the Federal Government, to furnish the infor-

mation and services referred to in subsection (b).

(3) In order to avoid duplication of services and to provide for the most effective utilization of Federal resources at military installations, when a program of employment and training information is being carried out under section 408 of the Veterans' Benefits Amendments of 1989 (38 U.S.C. 2000 note), the Secretary shall coordinate the provision of services and briefings under this section with activities carried out under such employment and training information program at each such installation and provide such services and briefings through that employment and training information, to the maximum extent feasible, in consultation and cooperation with the Secretary of Labor and the Secretary of Veterans Affairs.

(e) REPORT.—Not later than one year after the program provided for in this section is initiated, the Secretary shall transmit to the Committees on Armed Services and on Veterans Affairs of the Senate and the House of Representatives a report on the effectiveness of the program in furnishing employment and training information and services to members being involuntarily separated from the Armed Forces.

(f) INVOLUNTARY SEPARATION OF CERTAIN MEMBERS STATIONED OUTSIDE THE UNITED STATES.—In preparation for the discharge or release from active duty of members of the Armed Forces who are stationed outside the United States and whose dependents were permitted to accompany such members, the Secretary shall, to the maximum extent practicable, reassign the member and the member's accompanying dependents to the United States for the final three to six months of the member's tour of active duty.

(g) COMMITTEE ON COOPERATION BY CIVILIAN EMPLOYEES.—The Congress urges and requests the President to establish a special committee to report to the Congress, the President, and the Secretary regarding effective and practical means of encouraging civilian employers to cooperate with and assist the Federal Government in providing employment training and job placement services to members being involuntarily separated from the Armed Forces.

(h) DEFINITION.—A member of the Army, Navy, Air Force, or Marine Corps shall be considered to be involuntarily separated for purposes of this title if the member was on active duty or full-time National Guard duty on September 30, 1990, and—

(1) in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard duty under other than adverse conditions, as characterized by the Secretary concerned, or was not accepted for an additional tour of active duty or full-time National Guard duty for which the officer volunteered (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status);

(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; or

(4) in the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the member is (A) denied reenlistment, or (B) involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.

SEC. 645. REPEAL OF LIMITATIONS ON PAYMENT OF UNEMPLOYMENT COMPENSATION FOR FEDERAL SERVICE

(a) REPEAL.—Subsection (c) of section 8521 of title 5, United States Code, is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to weeks of unemployment beginning after September 30, 1990.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. LIMITATION ON REDUCTIONS IN MEDICAL PERSONNEL

(a) LIMITATION ON REDUCTION.—No reduction may be made in the number of medical personnel in any category of medical personnel serving on active duty in the Armed Forces or in the Selected Reserve of the reserve components of the Armed Forces below the number so serving on September 30, 1989, unless the Secretary of Defense—

(1) certifies to the Committees on Armed Services of the Senate and the House of Representatives that the number of such personnel being reduced is excess to the current and projected needs of the military departments, and

(2) includes in the certification the information specified in subsection (b).

(b) INFORMATION REQUIRED.—A certification made by the Secretary of Defense in compliance with subsection (a) shall include the following:

(1) The strength levels for the individual category of medical personnel involved in the reduction as of September 30, 1989.

(2) The requirements of the individual category of medical personnel involved in the reduction as of September 30, 1989.

(3) The projected requirements of the Department of Defense over the five fiscal years following the fiscal year in which the certification is submitted for medical personnel in the category of medical personnel involved in the reduction.

(4) The strength level recommended for each component of the Armed Forces for the most recent fiscal year for which the Secretary submitted recommendations pursuant to section 115(b)(1)(D) of title 10, United States Code, for personnel in the category of medical personnel involved in the reduction.

(c) DEFINITIONS.—As used in this section, the term "medical personnel" has the same meaning provided such term in section 115(b)(1)(D) of title 10, United States Code.

SEC. 702. AUTHORITY TO RECOVER FROM THIRD PARTY PAYERS THE REASONABLE COSTS FOR HEALTH CARE SERVICES INCURRED ON BEHALF OF RETIRED PERSONS AND DEPENDENTS

(a) IN GENERAL.—(1) Subsections (a)(1), (a)(2), (c), (f), and (g) of section 1095 of title 10, United States Code, are each amended by striking out "inpatient hospital care" and inserting in lieu thereof "health care services".

(2) Subsection (f) of such section is further amended—

(A) by striking out "or" at the end of clause (1);

(B) by redesignating clause (2) as clause (4); and

(C) by inserting after clause (1) the following new clauses:

"(2) diagnosis-related groups;

"(3) all-inclusive per visit rates; or".

(b) TECHNICAL AMENDMENTS.—(1) The section heading of such section 1095 of such title is amended to read as follows:

"§ 1095. Collection from third-party payers of reasonable costs for health care services incurred on behalf of retirees and dependents".

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking out the item relating to section 1095 and inserting in lieu thereof the following:

"1095. Collection from third-party payers of reasonable costs for health care services incurred on behalf of retirees and dependents".

(c) TECHNICAL CORRECTION.—(1) Section 1622(e)(5) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1605) is amended by striking out "1095(g)" and inserting in lieu thereof "1095(h) (as redesignated by section 727(a)(1) of this Act).".

(2) The amendment made by paragraph (1) shall be executed as if included in such Act and shall take effect as of November 29, 1989.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to health care services provided beginning with the fiscal year following the fiscal year in which this Act is enacted, except that payment shall not be required in the case of any insurance, medical service, or health plan agreement that was not entered into, amended, or renewed on or after the date of the enactment of this Act and that clearly excludes payment for such services.

SEC. 703. REPEAL OF PROHIBITION ON PAYMENT FOR SERVICES OF PASTORAL COUNSELORS, FAMILY AND CHILD COUNSELORS, AND MARITAL COUNSELORS AS A MEDICAL EXPENSE

(a) REPEAL OF PROHIBITION.—Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out clause (8); and

(B) by redesignating clauses (9) through (15) as clauses (8) through (14), respectively; and

(2) by adding at the end the following new subsection:

"(n) The administering Secretaries shall prescribe regulations, including certification and credentialing requirements, to govern the payment for services of pastoral counselors, family and child counselors, and marital counselors.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect October 1, 1990.

(2) No payment may be made under section 1079(a) of title 10, United States Code, for the services of pastoral counselors, family and child counselors, and marital counselors for any period before October 1, 1990.

SEC. 704. EXTENSION OF TERMINATION DATE FOR FORMER PUBLIC HEALTH SERVICE HOSPITALS

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)), is amended by striking out "1990" and inserting in lieu thereof "1994".

SEC. 705. PROVISION OF PAP SMEARS AND MAMMOGRAMS UNDER CHAMPUS

(a) CARE AUTHORIZED.—Section 1079(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: ", except that pap smears and mammograms may be provided on a diagnostic or preventive basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990, and shall apply to the provision of pap smears and mammograms under section 1079 or 1086 of title 10, United States Code, on or after that date.

TITLE VIII—ACQUISITION POLICY AND MANAGEMENT

PART A—DEFENSE INDUSTRIAL AND TECHNOLOGY BASE

SEC. 801. ANNUAL DEFENSE CRITICAL TECHNOLOGIES PLAN

(a) INCREASED INFORMATION RELATING TO FUNDING.—Section 2508(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by inserting at the end the following new paragraphs:

"(3) identify each program element (contained in the budget information submitted to Congress by the Department of Defense in support of the budget submitted by the President pursuant to section 1105(a) of title 31 for the first fiscal year covered by the plan) for which funds are budgeted for the support of the development of any critical technology identified in the plan; and

"(4) for each such program element—

"(A) specify the amount included for each critical technology covered by the program element; and

"(B) include a comparison of that amount with the amount, if any, available to the Department of Defense for development of such critical technology for the fiscal year preceding the first fiscal year covered by the plan.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to annual defense critical technologies plans submitted after March 1, 1991.

SEC. 802. CRITICAL TECHNOLOGIES INSTITUTE

(a) ESTABLISHMENT.—There shall be established a federally funded research and development center to be known as the "Critical Technologies Institute" (hereafter referred to in this section as the "Institute").

(b) INCORPORATION.—The Institute shall be incorporated as a nonprofit membership corporation.

(c) BOARD OF TRUSTEES.—(1) The Institute shall have a Board of Trustees (hereafter referred to in this section as the "Board") composed of 21 members as follows:

(A) The Director of the Office of Science and Technology Policy, who shall be Chairman of the Board.

(B) The Secretary of Defense, or the Secretary's designee.

(C) The Secretary of Energy, or the Secretary's designee.

(D) The Secretary of Health and Human Services, or the Secretary's designee.

(E) The Secretary of Commerce, or the Secretary's designee.

(F) The Administrator of the National Aeronautics and Space Administration, or the Administrator's designee.

(G) The Director of the National Science Foundation, or the Director's designee.

(H) Four members appointed by the Director of the Office of Science and Technology Policy from among the members of the Federal Coordinating Council on Science, Engineering, and Technology (other than members of such council named in subparagraphs (B) through (G)).

(I) Ten members appointed by the members of the Board referred to in subparagraphs (A) through (H) from among representatives of industry and colleges and universities in the United States.

(2)(A) The term of service of members of the Board appointed under paragraph (1)(H) shall be four years, except that of the four members first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, and one shall be appointed for a term of four years, as specified by the Director of the Office of Science and Technology Policy at the time of the appointments.

(B) The term of office for each of the members of the Board appointed under paragraph (1)(I) shall be specified by the appointing members of the Board at the time of appointment.

(C) Members of the Board may be reappointed.

(D) A vacancy in a membership of the Board appointed pursuant to subparagraph (H) or (I) of paragraph (1) shall be filled in the same manner as the original appointment. A member appointed under this subparagraph shall serve for the remainder of the unexpired term of his predecessor.

(3) The Board shall meet at least twice each year.

(4)(A) The Board shall have an executive committee composed of the members referred to in subparagraphs (A) through (G) of paragraph (1) and six of the members appointed pursuant to subparagraph (I) of such paragraph.

(B) The executive committee shall meet at least six times each year.

(5) A member of the Board who is an officer or employee of the United States may not receive pay for service as a member, other than the pay provided for the member's position as an officer or employee of the United States.

(d) DUTIES OF THE INSTITUTE.—The Institute shall—

(1) survey the views of United States industry, colleges, and universities, and Federal and State agencies, involved in research, development, or utilization of critical technologies on—

(A) each critical technology identified in the most recent biennial report of the National Critical Technologies Panel established pursuant to section 601 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6681); and

(B) each technology that the Institute considers critical on the basis of its analysis of national and worldwide trends in basic and applied research and development;

(2) on the basis of such views and analysis by Institute personnel—

(A) identify suitable near-term, mid-term, and long-term national objectives for the research, development, and production capability of the United States with respect to such technologies; and

(B) prepare possible strategies for achieving the identified objectives, including a discussion of the appropriate roles of industry, colleges and universities, and Federal and State agencies; and

(3) publish reports, as appropriate, discussing—

(A) such national objectives and strategies; and

(B) progress in implementing such strategies and achieving such objectives.

(e) SPONSORSHIP.—(1) The Director of the Office of Science and Technology shall be the sponsor of the Institute.

(2) The Director and the Board shall enter into a sponsor agreement consistent with the requirements prescribed by the Administrator for Federal Procurement Policy that are generally applicable to sponsor agreements.

(3) The sponsor agreement shall—

(A) require the Institute to perform such functions for the Office of Science and Technology as the Director of that office may specify consistent with the requirements of subsection (d); and

(B) permit the Institute to perform functions for the member agencies of the Federal Coordinating Council on Science, Engineering, and Technology Policy that are not inconsistent with the effective performance of the functions specified by the Director.

(f) DEADLINE FOR CERTAIN ACTIONS.—The Director of the Office of Science and Technology Policy shall take such actions as may be necessary to ensure that, not later than 90 days after the date of the enactment of this Act—

(1) the articles of incorporation for the Institute have been appropriately filed;

(2) the corporate bylaws have been adopted;

(3) the Board members have been identified or appointed, as appropriate;

(4) the initial officers of the Institute have been elected;

(5) the first regular business meeting of the Board has been conducted; and

(6) the sponsor agreement referred to in subsection (e) has been entered into.

(g) FUNDING.—(1) Subject to such limitations as may be provided in appropriation Acts, the Secretary of Defense shall make available to the Institute, out of funds available for the Department of Defense, $5,000,000 for the first fiscal year in which the Institute begins operations.

(2) There is authorized to be appropriated for the Institute for each fiscal year after the fiscal year referred to in paragraph (1) such sums as may be necessary for operation of the Institute.

SEC. 803. MANUFACTURING TECHNOLOGY

(a) IN GENERAL.—Title 10, United States Code, is amended—

(1) by redesignating chapter 149 as chapter 150;

(2) by redesignating section 2511 as section 2521; and

(3) by inserting after chapter 148 the following new chapter:

"CHAPTER 149—MANUFACTURING TECHNOLOGY

"Sec.
"2511. Definitions.
"2512. Management and planning.
"2513. National Defense Manufacturing Technology Plan.
"2514. Joint Manufacturing Technology Project.
"2515. Research and implementation.
"2516. Computer integrated manufacturing technology.
"2517. Concurrent engineering.
"2518. Manufacturing extension programs.

"§ 2511. Definitions

"In this chapter:

"(1) The term 'manufacturing technology' means techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality control,

shop floor management, inventory management and worker training, as well as manufacturing equipment and software.

"(2) The term 'manufacturing extension programs' means publicly-chartered organizations and services to help modernize small manufacturers through research, education and training, and outreach activities.

"§ 2512. Management and planning

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall—

"(1) provide centralized Department of Defense policy guidance and direction to the military departments and the Defense Agencies on all matters relating to manufacturing technology; and

"(2) direct the development and implementation of Department of Defense plans, programs, projects, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment.

"§ 2513. National Defense Manufacturing Technology Plan

"(a) The Secretary of Defense, in coordination with the Secretary of Commerce and the Secretary of Energy, shall develop and implement a National Defense Manufacturing Technology Plan (hereafter in this section referred to as the 'Plan').

"(b) The Plan shall—

"(1) provide guidance to the military departments and Defense Agencies, the Department of Energy, the Department of Commerce, and other relevant public and private organizations on the goals, priorities, and approaches to be taken in the defense manufacturing technology program;

"(2) provide a link between the defense manufacturing technology program and similar and related activities undertaken by government or the private sector;

"(3) analyze the role of manufacturing extension services in—

"(A) improving the manufacturing quality, productivity, technology, and practices of defense industry subtier suppliers; and

"(B) disseminating to such suppliers such Department of Defense manufacturing concepts as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(4) set forth the role of each Federal agency and department in implementing the Plan; and

"(5) consider and use, as appropriate, reports and studies conducted by Federal agencies and departments, the Office of Technology Assessment, the National Research Council, the Defense Science Board, industrial associations and organizations, and other entities.

"§ 2514. Joint Manufacturing Technology Project

"(a) The Secretary of Defense shall establish, within the Department of Defense, a consolidated Joint Manufacturing Technology Project established under a lead military department and managed through a program office jointly staffed with personnel from the military departments and the Defense Agencies.

"(b) The Director of the Joint Manufacturing Technology Project shall be responsible for the planning and execution of all Department of Defense activities relating to manufacturing technology except those activities specifically delegated to a military department, Defense Agency, or the Strategic Defense Initiative Office.

"§ 2515. Research and implementation

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, and in coordination with the Secretary of Commerce, the Secretary of Energy, and other relevant Federal departments and agencies, shall enhance basic research in scientific disciplines relating to manufacturing technology—

"(1) by promoting research on those technologies applicable to improving manufacturing processes in colleges and universities in the United States, and in associated centers of excellence; and

"(2) by creating technology transfer and education and training mechanisms to ensure that the results of this research are readily available to United States industry.

"§ 2516. Computer integrated manufacturing technology

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, and in coordination with the Secretary of Commerce and the Secretary of Energy, shall promote the use of computer-integrated manufacturing in order to improve manufacturing quality, reduce manufacturing costs, and reduce production lead times.

"§ 2517. Concurrent engineering

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall enhance Department of Defense use of concurrent engineering practices in the design and development of weapon systems.

"§ 2518. Manufacturing extension programs

"The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, and in coordination with the Secretary of Commerce and the Secretary of Energy, shall promote the improvement of the subtier defense industry through use of manufacturing extension programs and other existing organizations chartered to help small manufacturers for the purpose of disseminating such Department of Defense manufacturing concepts as best manufacturing practices, product data exchange specification, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts.".

(b) TECHNICAL AMENDMENTS.—(1) The table of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part IV of such subtitle are each amended by striking out the item relating to chapter 149 and inserting in lieu thereof the following new items:

"149. Manufacturing Technology..... 2511
"150. Issue to Armed Forces..... 2521".

(2) The table of sections at the beginning of chapter 150 of such title, as redesignated by subsection (a) of this section, is amended by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

"2521. Reserve components: supplies, services, and facilities.".

SEC. 804. NATIONAL DEFENSE LABORATORY AND SMALL BUSINESS TECHNOLOGY PARTNERSHIPS

(a) ASSISTANCE FOR MODEL PROGRAMS.—If in the administration of the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation established under section 6 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704a), the Secretary of Commerce undertakes to develop model programs for national defense laboratories as provided in this section, the Secretary of Defense and the Secretary of Energy shall assist the Secretary of Commerce in the development and conduct of such programs.

(b) COVERED MODEL PROGRAMS.—Model programs referred to in subsection (a) shall provide for the cooperation of national defense laboratories with small business firms and partnership intermediaries to demonstrate the following:

(1) The commercial application of technology resulting from federally funded research.

(2) The effective promotion of the use of advanced manufacturing technologies in the manufacture of products that have commercial and defense-related markets.

(3) Cooperative relationships between the Federal Government and State and local government agencies for the encouragement of economic growth through the promotion of commercial applications of technological advances.

(c) MODEL PROGRAM PARTICIPANTS.—(1) Each model program shall involve one or more entities from each of the following:

(A) National defense laboratories.

(B) Small business firms.

(C) Partnership intermediaries.

(2) A model program may also involve colleges and universities in the United States and business entities engaged in research and development in the United States.

(d) COOPERATIVE AND JOINT ACTIVITIES.—Each model program carried out under this section shall provide for one or more national defense laboratories and one or more small business firms, pursuant to a cooperative agreement entered into by the directors of such laboratories and the heads of such small business firms, to engage in cooperative or joint activities designed to demonstrate the commercial application of technology referred to in paragraph (1) of subsection (b), the use of advanced manufacturing technologies referred to in paragraph (2) of such subsection, or both such commercial application of technology and such use of advanced manufacturing technologies.

(e) USE OF PARTNERSHIP INTERMEDIARIES.—Under a model program, the director of a national defense laboratory may—

(1) enter into a contract or memorandum of understanding with a partnership intermediary that provides for the partnership intermediary to perform services for the laboratory that increase the likelihood of success in the conduct of cooperative or joint activities of such laboratory and one or more small business firms; and

(2) pay the cost of such contract or memorandum of understanding out of funds available for the support of the technology transfer function of the Department of Defense (in the case of a laboratory of such department) or the Department of Energy (in the case of a laboratory of such department) pursuant to section 11(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(b)).

(f) REIMBURSEMENT OF SECRETARY OF COMMERCE.—The Secretary of Defense or the Secretary of Energy, or both, shall, upon the request of the Secretary of Commerce, reimburse the Secretary of Commerce for the reasonable expenses incurred by the Department of Commerce in carrying out the responsibilities of the Secretary of Commerce regarding model programs under this section. The total amount of reimbursements paid by the Secretary of Defense and the Secretary of Energy under this subsec-

tion in any fiscal year may not exceed $50,000.

(g) PARTNERSHIP PROGRESS REPORTS.—The Secretary of Commerce shall include in each triennial report required by section 6(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704a(d)) a discussion and evaluation of the model programs carried out pursuant to this section during the period covered by the report.

(h) REGULATIONS.—The Secretary of Commerce, the Secretary of Defense, and the Secretary of Energy shall jointly prescribe regulations for the implementation of this section.

(i) DEFINITIONS.—In this section:

(1) The term "national defense laboratory" means any laboratory, federally funded research and development center (FFRDC), or other center established under section 6 or 8 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705, 3707) that is owned by the Federal Government, whether operated by the Federal Government or by a contractor, and—

(A) is under the jurisdiction of the Secretary of Defense; or

(B) is under the jurisdiction of the Secretary of Energy, but only if the primary function of the laboratory, FFRDC, or other center under the Secretary's jurisdiction is to support the national defense activities of the Department of Defense or the Department of Energy.

(2) The term "partnership intermediary" means an agency of a State or local government or a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government that assists, counsels, advises, evaluates, or otherwise cooperates with small business firms that need or can make demonstrably productive use of technology-related assistance from a national defense laboratory.

(3) The term "small business firm" has the meaning given such term in section 4(11) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(11)).

SEC. 804A. OTHER TECHNOLOGY TRANSFER MATTERS

Section 3133(d)(4) of Public Law 101-189 is hereby amended by adding a sentence at the conclusion thereof which shall read as follows:

"Such contract provisions or separate writing shall: (i) include only such provisions as are specifically required by paragraphs (1) and (2) of this subsection 3133(d), and such additional provisions as are deemed necessary by the head of the agency for the purpose of the implementation of this Act but which cannot be effected by the promulgation of regulations, the issuance of agency orders, or other similar administrative processes; (ii) not condition the entering into of cooperative research and development agreements upon the issuance of agency waivers to rights to inventions and intellectual property where such issuance is not required by section 12 of the Stevenson-Wydler Act of 1980; and (iii) not operate to discourage the exercise of rights pursuant to other statutes intended to foster technology transfer, such as the provisions of section 202 of title 35, United States Code.

SEC. 805. INDEPENDENT RESEARCH AND DEVELOPMENT ENHANCEMENT

(a) REVISION AND CODIFICATION OF PROVISION RELATING TO PAYMENT OF INDEPENDENT RESEARCH AND DEVELOPMENT COSTS.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2372. Independent research and development

"(a) The Secretary of Defense shall prescribe regulations governing the payment, by the Department of Defense, of independent research and development costs or bid and proposal costs.

"(b) Payment may be made for independent research and development costs or bid and proposal costs when work for which payment is made is of potential interest to the Department of Defense.

"(c) The regulations shall encourage contractors to engage in research and development activities that—

"(1) strengthen the defense industrial and technology base of the United States;

"(2) enhance the industrial competitiveness of the United States;

"(3) promote the development of technologies identified as critical under section 2508 of this title;

"(4) increase the development of technologies useful for both the private commercial sector and the public sector; and

"(5) develop efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution-reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

"(d)(1) Subject to paragraph (3), for each fiscal year following a fiscal year in which independent research and development costs or bid and proposal costs incurred by a person were paid by the Department of Defense in a total amount exceeding $7,000,000, the Secretary of Defense shall enter into an advance agreement with such person regarding the manner and extent to which the Department of Defense may pay independent research and development costs or bid and proposal costs incurred by such person. If such person is a business entity that has a product division that received payments for such costs from the Department of Defense in a total amount exceeding $700,000 during such preceding fiscal year, the Secretary may enter into an advance agreement, regarding payment of the independent research and development costs and bid and proposal costs incurred by such product division, directly with the head of such product division.

"(2) The agreement shall include the following provisions:

"(A) The maximum amount of the costs incurred by such person in that fiscal year that the Department may pay.

"(B) The costs that are payable under the agreement, which may be only those costs that are incurred in connection with work referred to in subsection (b) or the attainment of benefits described in subsection (c).

"(3) If a person referred to in paragraph (1) does not enter into an advance agreement with the Secretary under paragraph (1) for a fiscal year, the payment of the independent research and development costs and bid and proposal costs incurred by such person during such fiscal year shall be subject to such limitations as the Secretary of Defense may prescribe in the regulations under subsection (a).

"(4) On October 1, 1994, and October 1 of each third year thereafter, the Secretary may adjust the amounts in paragraph (1) to reflect changes in one or more economic indices that the Secretary considers appropriate for use in making adjustments under this paragraph.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2372. Independent research and development.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 203 of Public Law 91-441 (10 U.S.C. 2358 note) is repealed.

SEC. 806. ANNUAL REPORT ON ACTIVITIES RELATING TO DEFENSE INDUSTRIAL BASE

(a) DEFENSE INDUSTRIAL BASE ANNUAL REPORT.—Chapter 148 of title 10, United States Code, is amended by inserting after section 2508 the following new section:

"§ 2509. Defense industrial base annual report

"(a) ANNUAL REPORT REQUIREMENT.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on—

"(1) the actions taken pursuant to this chapter for the improvement of the defense industrial base of the United States; and

"(2) the effects of defense budgets and plans on the ability of the United States defense industrial base to meet the national security needs of the United States.

"(b) FINANCIAL ABILITY ANALYSIS.—The report required by this section shall include the Under Secretary's analysis of the condition of the defense industrial base of the United States, particularly with respect to the financial ability of United States businesses—

"(1) to conduct research and development activities relating to critical defense technologies, including the critical technologies identified in the annual defense critical technologies plan submitted pursuant to section 2508 of this title in the year in which the annual report is submitted;

"(2) to apply those technologies to the production of goods and the furnishing of services;

"(3) to maintain a viable production base in critical areas of defense production and technology at the procurement levels for which funds are available to the Department of Defense and at planned Department of Defense procurement levels;

"(4) to expand the defense production base to respond to rapid increases in the demand for defense production and critical defense technologies;

"(5) to maintain a viable defense production base in each critical area of defense production and technology in which terminations of major Department of Defense procurement programs or reductions in planned Department of Defense procurement—

"(A) have taken place in the year before the year in which the report is submitted; or

"(B) are provided for—

"(i) in the budget submitted pursuant to section 1105(a) of title 31 in the year in which the annual report is submitted; and

"(ii) in the five-year defense program submitted with such budget pursuant to section 114a of this title; and

"(6) to engage in any other activities determined by the Secretary to be critical to the national security.

"(c) ANALYSIS CONSIDERATIONS.—In preparing the analysis required in subsection (b) for the annual report, the Secretary, acting through the Under Secretary of Defense for Acquisition, shall consider—

"(1) trends in the profitability, levels of capital investment, spending on research

and development, and debt burden of businesses involved in research on, development of, and application of critical defense technologies;

"(2) the consequences of mergers, acquisitions, and takeovers of such businesses;

"(3) the consequences of terminations of major programs and reductions in levels of military procurement in the fiscal year in which the report is submitted and planned military procurement;

"(4) the effects of levels of concurrency in acquisition program strategies, levels of facilitization required by the Secretary of defense contractors, competition requirements, and efforts of the Department of Defense to expand the use of commercial technology and equipment;

"(5) the effects of dependence on foreign or foreign-owned suppliers;

"(6) the results of Department of Defense spending for critical defense technologies for the fiscal year in which the report is submitted; and

"(7) the likely future level of Department of Defense spending for such technologies during the four fiscal years following the fiscal year in which the report is submitted and the likely results of that level of spending.

"(d) ANNUAL REPORT DATE.—The report under this section shall be submitted not later than March 15 of each year.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2509. Defense industrial base annual report.".

PART B—ACQUISITION STREAMLINING INITIATIVES

SEC. 811. MULTIYEAR CONTRACTING ENHANCEMENT

Subsection (h) of section 2306 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "(other than contracts described in paragraph (6))";

(2) in subparagraph (A) of paragraph (1), by striking out "reduced total costs under the contract" and inserting in lieu thereof "substantial savings of the total anticipated costs of carrying out the program through annual contracts";

(3) in paragraph (6), by inserting before the period ", unless the Secretary of Defense finds with respect to any particular contract that application of this subsection is in the national interest"; and

(4) by striking out subparagraph (C) of paragraph (9).

SEC. 812. ACQUISITION OF COMMERCIAL PRODUCTS

(a) STREAMLINED PROCEDURES FOR ACQUISITION OF COMMERCIAL ITEMS.—Section 2325 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as clauses (i), (ii), and (iii), respectively;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking out "PREFERENCE.—" and inserting in lieu thereof "PREFERENCE FOR NONDEVELOPMENTAL ITEMS.—(1)";

(D) in subparagraph (B) of paragraph (1), as so redesignated, by striking out "and";

(E) in subparagraph (C) of paragraph (1), as so redesignated, by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(F) by adding at the end of paragraph (1), as so redesignated, the following new subparagraph:

"(D) prior to developing new specifications, the Department of Defense conducts market research to determine whether nondevelopmental items are available or could be modified to meet the needs of the procuring military department or Defense Agency.";

(2) in subsection (b), by striking out "IMPLEMENTATION.—";

(3) in subsection (c), by striking out "REGULATIONS.—";

(4) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively;

(5) in subsection (d)—

(A) by striking out "DEFINITION.—";

(B) in paragraph (3), by striking out "paragraph (1) or (2)" and inserting in lieu thereof "subparagraph (A) or (B)";

(C) in paragraph (4)—

(i) by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "subparagraph (A), (B), or (C)"; and

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii);

(D) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D); and

(E) in subparagraph (A) (as designated in subparagraph (D) of this paragraph) by inserting "or has been" before "available in the commercial marketplace".

(6) by redesignating subsection (d) as paragraph (4);

(7) by adding at the end thereof the following new subsection:

"(b) COMMERCIAL STYLE ACQUISITION PROCEDURES.—(1) The Secretary of Defense shall prescribe streamlined procedures for the acquisition of commercial items to enhance the ability of the Department of Defense to take advantage of the vigorous competition, large economies of scale, short delivery times, market driven efficiency and innovation, and high-value products that are available in the commercial market.";

(8) by transferring to the end of subsection (b), as added by paragraph (7) of this subsection, paragraphs (2) through (6) of section 824(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1504);

(9) in subsection (b)(6), as transferred by paragraph (8) of this subsection—

(A) by striking out "revise" and inserting in lieu thereof "prescribe";

(B) by striking out "title 10, United States Code," and inserting in lieu thereof "this title";

(C) by striking out "revising" and inserting in lieu thereof "prescribing";

(D) by striking out "and (B)" and inserting in lieu thereof "(B)";

(E) by striking out "as revised" and inserting in lieu thereof "as prescribed"; and

(F) by striking out the period at the end thereof and inserting in lieu thereof a comma and "and (C) may not, in the case of an item for which the Administrator of General Services has accepted a certificate of established catalog price, require a contractor to demonstrate that such an item meets the requirements of section 2306a(b)(1)(B) of this title during the period in which a contract to which the certification relates is in effect.";

(10) by adding at the end of subsection (b), as added by paragraph (7) and amended by paragraphs (8) and (9) of this subsection, the following new paragraphs:

"(7) For the purposes of this subsection, a contract for commercial items may include those incidental services that are normally provided with sales of such items in the commercial market.

"(8) In this subsection, the term 'commercial item' means—

"(A) any item of supply, including computer software, regularly used for other than Government purposes which, in the course of normal business operations—

"(i) has been sold or traded to the general public;

"(ii) has been offered for sale to the general public at established prices but not yet sold; or

"(iii) although intended for sale or trade to the general public, has not yet been offered for sale but will be available for commercial delivery in a reasonable period of time; and

"(B) any item described in subparagraph (A) which requires only modifications of a type customarily provided in the commercial marketplace, or other minor modifications, in order to meet the requirements of the procuring agency."; and

(11) by striking out the section heading and inserting in lieu thereof the following:

"§ 2325. Acquisition of commercial and nondevelopmental items".

(b) TEST PROGRAM.—(1) The Secretary of Defense shall conduct a test program to determine the feasibility and desirability of using the two sets of procedures prescribed pursuant to paragraphs (3) and (4) for procurement of commercial products (including incidental services) by the Department of Defense.

(2) The Secretary shall designate one component of the Department of Defense for participation in the test program. A component may not be selected for such designation if the total dollar value of all procurement actions taken during the fiscal year ending September 30, 1989, by that component exceeded 15 percent of the dollar value of all procurement actions of the Department of Defense in the fiscal year ending September 30, 1989.

(3) The Secretary shall prescribe in regulations implementing the test program procedures for the participating component to award contracts for commercial products without discussions on the basis of factors specified in the solicitation. Notwithstanding section 2305(b)(4)(A)(ii) of title 10, United States Code, the factors that may be specified in the solicitation include cost, product quality, and product performance (including the past performance of products and sources) if the solicitation also—

(A) contains a market acceptability demonstration requirement described in section 303H(e) of the Federal Property and Administrative Services Act of 1949 (as amended by subsection (f)); and

(B) is expected to result in the purchase of commercial products that do not require modification for use by the component.

(4)(A) The Secretary shall prescribe in regulations implementing the test program procedures for the participating component—

(i) to prescribe a list of commercial products for procurement using such procedures;

(ii) to establish a list of sources of one or more of such commercial products; and

(iii) to issue a series of solicitations for the acquisition of such commercial products to sources on the established source lists over a specified period when the head of the participating component reasonably anticipates that all such sources will have an opportunity to respond to at least one solicitation for

such a product (involving approximately the same total quantity as is provided for in every other solicitation for such product) within a two-year period.

(B) The regulations shall require the participating component to publish each list of commercial products that may be procured under the procedures prescribed pursuant to this paragraph. A product may be on the list only if—

(i) no modification of the product by the offeror is necessary for the product to be usable by the component;

(ii) the product is frequently procured by the United States in large quantities;

(iii) award of a contract for such product to a source after the use of such procedures will not bias the participating component in favor of awarding future contracts for the procurement of the same product to that source;

(iv) the head of the component reasonably anticipates that the product will be procured several times in relatively equal quantities as a result of a series of solicitations over a two-year period;

(v) the head of the participating component reasonably anticipates that a contract for such product could be awarded on the basis of an initial proposal that would result in the lowest overall cost to the government;

(vi) based upon past experience, the Secretary of Defense reasonably anticipates that a large number of qualified offerors would respond to a solicitation for a contract for such product and a significant savings in personnel and administrative costs could be achieved using such procedures; and

(vii) a notice of a proposal to place the product on the list of products, including a product description conforming to section 18(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(b)) and section 8(f) of the Small Business Act (15 U.S.C. 637(f)), has been published in the Federal Register and the Commerce Business Daily for a period of not less than 60 days.

(C) The regulations prescribed under subparagraph (A) shall authorize the participating component to solicit participation by interested persons in a list of sources to be prescribed under the test program. Participation in the list shall be solicited by publication of one or more public notices in the Commerce Business Daily. The notice shall include—

(i) a product description conforming to section 18(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(b)) and section 8(f) of the Small Business Act (15 U.S.C. 637(f));

(ii) the scope of the requirement to be covered by the solicitations, including the number of solicitations expected, anticipated quantities, and the time period during which such solicitations will be issued; and

(iii) a requirement that each interested source submit appropriate product information with the request of the source to be placed on the source list.

(D) A list of sources for a series of solicitations established under the procedures prescribed pursuant to this paragraph shall include—

(i) each person who requests to be placed on the list and submits the required information specified in the public notice within the time period specified in that notice; and

(ii) any additional person who submits the required information sufficiently in advance of a solicitation to ensure that the submission can be adequately evaluated before the solicitation is issued.

(E) The Secretary shall prescribe in the regulations procedures for a source to protest a decision not to place such source on a source list under the test program. The availability of such procedures may not be construed to preclude a source from seeking relief under existing bid protest procedures.

(F) The Secretary shall prescribe in the regulations the minimum number of qualified sources that must be included on a source list established under the procedures prescribed pursuant to this paragraph. The minimum number of sources may not be less than 100 source during the one-year period beginning on the effective date of such regulations. After the expiration of such one-year period, the Secretary may modify the regulations to specify a number of sources less than 100 sources, but not less than 25 sources, if the Secretary determines that the modification is necessary in order to ensure that the procedures prescribed under this paragraph are tested effectively.

(G) A component may issue solicitations for procurement of a product to sources on a source list established under this paragraph in such a manner that—

(i) each source on the list is invited to respond to at least one solicitation for such product before any source is invited to respond to a second solicitation;

(ii) all sources on the list, or as many sources as practicable, have an opportunity to respond to at least one such solicitation; and

(iii) each solicitation is open to not fewer than 20 percent of the sources on the source list and the sources are selected to receive the solicitation under procedures prescribed by the Secretary to ensure equitable opportunity for participation by all of the selected sources.

(H) A solicitation for a product may not be issued pursuant to the regulations prescribed under this paragraph if the estimated price of the procurement exceeds a maximum amount which the Secretary shall prescribe for such a solicitation in such regulations.

(5) A participating component may not use both sets of procedures prescribed pursuant to paragraphs (3) and (4) for the procurement of one product.

(6) No solicitation may be issued pursuant to the regulations prescribed to implement the test program more than three years after the date on which such regulations take effect.

(7)(A) Within 180 days after the termination of the test program, the Comptroller General of the United States shall evaluate the test program and submit a report to the congressional defense committees, the Committee on Governmental Affairs of the Senate, and the Committee on Government Operations of the House of Representatives. The report shall contain the Comptroller General's evaluation of the effects of the test program on—

(i) the price and quality of products procured by the participating component;

(ii) paperwork requirements and procurement lead times for the procurement of products by such component;

(iii) competition and the bid protest system; and

(iv) levels of participation of small businesses and small, disadvantaged businesses in the test program.

(B) The head of the participating component shall collect and make available to the Comptroller General appropriate data on contracts awarded under the test program in order to enable the Comptroller General to complete the evaluation required by this paragraph. The Administrator for Federal Procurement Policy, in consultation with the Comptroller General, shall provide guidance to the head of the participating component regarding the data to be collected for review by the Comptroller General.

(c) REGULATIONS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment—

(A) proposed new regulations to carry out the requirements in the amendments made by subsection (a) (including any proposed regulation that rescinds, waive, or limits any regulation inconsistent with the requirements of such amendments); and

(B) proposed regulations to implement the test program required by subsection (b).

(2) Not later than 270 days after the date of the enactment of this Act, the Secretary shall promulgate (A) final regulations to carry out such amendments and to rescind, waive, or limit any regulation inconsistent with the requirements of such amendments, and (B) final regulations to implement the test program.

(d) PROPOSALS TO ELIMINATE UNNECESSARY RESTRICTIONS ON ACQUISITION OF COMMERCIAL PRODUCTS.—(1) The Secretary of Defense may submit to Congress proposed legislation regarding any provision of law that the Secretary considers an unnecessary restriction on the acquisition of commercial items. Any such proposed legislation shall include—

(A) a description of the existing law and its effect on the acquisition of commercial items, including specific examples;

(B) draft legislation;

(C) a description of the manner in which the proposal will alter existing acquisition practices to facilitate the acquisition of commercial items;

(D) a description of the manner in which the proposal will preserve the integrity of the acquisition process; and

(E) any costs or savings associated with the proposal.

(2) In this subsection, the term "commercial item" has the meaning given such term in section 2325(b)(8) of title 10, United States Code, as amended by subsection (a).

(e) TECHNICAL AMENDMENT.—The item relating to section 2325 in the table of sections for chapter 137 of title 10, United States Code, is amended to read as follows:

"2325. Acquisition of commercial and nondevelopmental items.".

(f) COMMERCIAL AND NONDEVELOPMENTAL ITEMS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303G the following new section:

"PROCUREMENT OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS

"SEC. 303H. (a)(1) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall ensure that, to the maximum extent practicable—

"(A) requirements of executive agencies with respect to a procurement of supplies are stated in terms of—

"(i) functions to be performed;

"(ii) performance required; or

"(iii) essential physical characteristics;

"(B) such requirements are defined so that nondevelopmental items may be procured to fulfill such requirements;

"(C) such requirements are fulfilled through the procurement of nondevelopmental items; and

"(D) prior to developing new specifications, executive agencies conduct market research to determine whether nondevelopmental items are available or could be modified to meet agency needs.

"(2) As used in this section, the term 'nondevelopmental item' means—

"(A) any item of supply that is or has been available in the commercial marketplace;

"(B) any previously developed item of supply that is in use by a department or agency of the United States, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement;

"(C) any item of supply described in subparagraph (A) or (B) that requires only minor modification in order to meet the requirements of the procuring agency; or

"(D) any item of supply that is being produced that does not meet the requirements of subparagraph (A), (B), or (C) solely because the item—

"(i) is not yet in use; or

"(ii) is not yet available in the commercial marketplace.

"(b)(1)(A) The Federal Acquisition Regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall include a simplified uniform contract for the acquisition of commercial items by Federal agencies and shall require that such simplified uniform contract be used for the acquisition of commercial items to the maximum extent practicable. The uniform contract shall include only—

"(i) those contract clauses that are required to implement provisions of law applicable to such an acquisition;

"(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such an acquisition; and

"(iii) those contract clauses that are determined to be consistent with standard commercial practice and appropriate for inclusion in such contracts.

"(B) In addition to the clauses described under subparagraph (A) (i) and (ii), a contract for the acquisition of commercial items may include only such clauses as are essential for the protection of the Federal Government's interest in the particular contract, as determined in writing by the contracting officer for such contract, or in a class of contracts, as determined by the agency head with the approval of the Administrator of the Office of Federal Procurement Policy.

"(2)(A) The Federal Acquisition Regulation shall require that a prime contractor under a Federal agency contract for the acquisition of commercial items be required to include in subcontracts under such contract only—

"(i) those contract clauses that are required to implement provisions of law applicable to such subcontracts; and

"(ii) those contract clauses that are essential for the protection of the Federal Government's interest in such subcontracts.

"(B) In addition to the clauses described under subparagraph (A) (i) and (ii), a contractor under a Federal agency contract for the acquisition of commercial items may be required to include in a subcontract under such contract only such clauses as are essential for the protection of the Federal Government's interest in the particular subcontract, as determined in writing by the contracting officer for such contract, or in a class of subcontracts, as determined by the agency head with the approval of the Administrator of the Federal Procurement Policy.

"(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Department of Defense may use uniform contract and subcontract clauses developed under section 2325(b) of title 10, United States Code, in lieu of the uniform contract and subcontract clauses developed under this subsection.

"(c) The Federal Acquisition Regulation shall ensure, to the maximum extent practicable, that—

"(1) the inspection clause included in each agency contract for the acquisition of commercial items takes into account the contractor's past performance and any warranties the contractor may offer to the Government; and

"(2) Federal agencies take advantage of warranties offered by commercial contractors and use such warranties for the repair and replacement of commercial items.

"(d)(1) The Federal Acquisition Regulation shall ensure that, to the maximum extent practicable, contractors and subcontractors offering commercial items are required to submit certified cost or pricing data regarding agency contracts and subcontracts only when such data are necessary for the evaluation of the reasonableness of the price of the contract or subcontract, as the case may be.

"(2) The revised regulations shall particularly address—

"(A) the application of the adequate price competition exemption in the case of a contract or subcontract for the acquisition of a commercial item;

"(B) the standards for applying the catalog or market price exemption to contracts and subcontracts for items which are modified commercial items, components of commercial items, spare parts for commercial products, new commercial items, or commercial items which are no longer sold to the public; and

"(C) clarification that an agency may not, in the case of any item for which the Administrator of General Services has accepted a certificate of established catalog price, require a contractor to demonstrate that such an item meets the requirements of section 304(d)(5)(A)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(d)(5)(A)(ii)) during the period in which a contract to which the certification relates is in effect.

"(e) The Federal Acquisition Regulation shall direct agencies to require, where appropriate and in accordance with criteria prescribed in the regulations, offerors to demonstrate in their offers that products being offered have—

"(1)(A) achieved a level of commercial market acceptance necessary to indicate that the products are suitable for the agency's use or that the processes used to manufacture the products meet established commercial or other specified standards; or

"(B) been satisfactorily supplied under current or recent contracts for the same requirements; and

"(2) otherwise meet the product description, specifications, or other criteria prescribed by the public notice and solicitation.

"(f) The Federal Acquisition Regulation shall provide guidance to agencies on the use of past performance of products and sources as a factor in award decisions.

"(g) For the purposes of this subsection, a contract for commercial items may include those incidental services that are normally provided with sales of such items in the commercial market.

"(h) In this section, the term 'commercial item' means—

"(1) any item of supply, including computer software, regularly used for other than Government purposes which, in the course of normal business operations—

"(A) has been sold or traded to the general public;

"(B) has been offered for sale to the general public at established prices but not yet sold; or

"(C) although intended for sale or trade to the general public, has not yet been offered for sale but will be available for commercial delivery in a reasonable period of time; and

"(2) any item described in paragraph (1) which requires only modifications of a type customarily provided in the commercial marketplace, or other minor modifications, in order to meet the requirements of the procuring agency.".

(2) The table of contents for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 303G the following:

"Sec. 303H. Procurement of commercial and nondevelopmental items.".

(3) The Administrator of the Office of Federal Procurement Policy shall issue guidelines for the training by executive agencies of contracting officers, program managers, and other appropriate acquisition personnel in the acquisition of nondevelopmental items. The guidelines shall provide, at a minimum, for training in the requirements of this section and the implementing regulations. In addition, the program shall provide for training of—

(A) contracting officers in the fundamental principles of price analysis and other means of determining price reasonableness which do not require access to commercial cost data; and

(B) appropriate personnel in market research techniques and the drafting of functional and performance specifications.

(4) Section 20(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(c)) is amended to read as follows:

"(c) The advocate for competition for each procuring activity shall be responsible for promoting the acquisition of nondevelopmental items and for challenging barriers to such acquisition, including unnecessarily detailed specifications, unnecessarily restrictive statements of need, and unnecessarily burdensome contract clauses.".

(5) Within 270 days after the date of the enactment of this Act, Government-wide regulations to carry out the requirements in this section and rescind any regulations that are inconsistent with such requirements shall be published for public comment. Within one year after the date of enactment of this Act, final regulations shall be promulgated in the Federal Acquisition Regulation, and as necessary in the Federal Information Resources Management Regulation.

(6) Within 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives a report and recommendations on the use of market research in support of procurement of nondevelopmental items. Such report shall include—

(A) a review of existing Government market research efforts to gather data concerning nondevelopmental items;

(B) a review of the feasibility of creating a Government-wide database for storing, retrieving, and analyzing market data, including a review of existing Government resources; and

(C) such recommendations for changes in law or regulation as the Comptroller General of the United States may consider appropriate.

SEC. 813. UNIFORM SMALL PURCHASE THRESHOLD FOR VARIOUS REQUIREMENTS APPLICABLE TO FEDERAL GOVERNMENT CONTRACTORS

(a) SMALL PURCHASE THRESHOLD DEFINED.—(1) Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended—

(A) by striking out "and" at the end of paragraph (9);

(B) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(11) the term 'small purchase threshold' means $25,000, adjusted on October 1 of each year divisible by 5 to the amount equal to $25,000 in constant fiscal year 1990 dollars (rounded to the nearest $1,000).".

(2) The first adjustment under section 4(11) of such Act, as amended by paragraph (1), shall be made on October 1, 1995.

(b) AMENDMENTS TO TITLE 10.—Section 2304(g) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold";

(2) in paragraph (3), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold"; and

(3) by adding at the end the following new paragraph:

"(5) In this subsection, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Procedure Act (41 U.S.C. 403(11)).".

(c) AMENDMENTS TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) in paragraph (2), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold";

(2) in paragraph (3), by striking out "$25,000" and inserting in lieu thereof "the small purchase threshold"; and

(3) by adding at the end the following new paragraph:

"(5) In this subsection, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Procedure Act (41 U.S.C. 403(11)).".

(d) ADDITIONAL AMENDMENTS TO THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 18(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)) is amended—

(1) by striking out "$25,000" each place it appears and inserting in lieu thereof "the small purchase threshold"; and

(2) in clause (A)—

(A) by inserting "or" at the end of subclause (i);

(B) by striking out "; or" at the end of subclause (ii) and inserting in lieu thereof a comma; and

(C) by striking out subclause (iii).

(e) AMENDMENTS TO SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 3, by adding at the end the following new subsection:

"(m) For purposes of this Act, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).";

(2) in section 8—

(A) in subsection (b)(7), by adding at the end the following new subparagraph:

"(D) Subparagraph (C) and the last sentence of subparagraph (A) shall not apply to a matter that does not exceed the small purchase threshold.";

(B) in subsection (d)(2)(A), by striking out "$10,000" and inserting in lieu thereof "the small purchase threshold"; and

(C) in subsection (e)(1)—

(i) by striking out "$25,000" each place it appears and inserting in lieu thereof "the small purchase threshold";

(ii) by inserting "or" at the end of subclause (i) of clause (A);

(iii) by striking out "; or" at the end of subclause (ii) of clause (A) and inserting in lieu thereof a comma; and

(iv) by striking out subclause (iii) of clause (A); and

(3) in section 15(j), by striking out "of less than $25,000" and inserting in lieu thereof "not in excess of the small purchase threshold".

(f) AMENDMENTS TO SOLID WASTE DISPOSAL ACT.—Section 6002(a) of the Solid Waste Disposal Act (42 U.S.C. 6962(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out "$10,000" the first place it appears and inserting in lieu thereof "the small purchase threshold";

(3) by striking out "$10,000 or more" and inserting in lieu thereof "more than the small purchase threshold"; and

(4) by adding at the end the following new paragraph:

"(2) As used in this subsection, the term 'small purchase threshold' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).".

SEC. 814. FEDERAL ACQUISITION REGULATORY COUNCIL MEMBERSHIP

Section 133(c) of title 10, United States Code, is amended

(1) in paragraph (2), by striking out "and" at the end;

(2) in paragraph (3), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by inserting at the end the following new paragraph:

"(4) may designate an Assistant Secretary of Defense performing acquisition responsibilities to serve on and attend meetings of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) in place of the Under Secretary.".

SEC. 815. COMPETITIVE ALTERNATIVE SOURCE REQUIREMENT

Section 2438 of title 10, United States Code, is amended—

(1) by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a)(1) The Secretary of Defense shall prescribe regulations to ensure that, before full-scale development of a major program is initiated, there is an acquisition strategy for such program that includes a plan for use of competitive alternative sources for the major program and for each major subsystem under the major program if the establishment and maintenance of two or more sources—

"(A) would likely result in reduced costs for such program;

"(B) would not result in unacceptable delays in fulfilling the needs of the Department of Defense; and

"(C) is otherwise in the national security interests of the United States.

"(2) The requirement to plan for use of competitive alternative sources for a major program or a subsystem under a major program (provided in the acquisition strategy for such program) is satisfied if the Secretary finds that alternative production sources offer systems or subsystems that, for purposes of the major program, serve similar functions and compete effectively with each other even though such systems or subsystems are not identical."; and

(2) by redesignating subsection (d) as subsection (b).

SEC. 816. CONTRACT AWARDS WITHOUT DISCUSSIONS

The Secretary of Defense shall revise the regulations implementing clause (ii) of subparagraph (A) of section 2305(b)(4) of title 10, United States Code, to authorize the head of an agency referred to in such subparagraph to consider life-cycle costs as a factor in determining the lowest overall cost for the purpose of such clause.

SEC. 817. CERTIFIED COST OR PRICING DATA THRESHOLD

(a) INCREASED THRESHOLD.—(1) Section 2306a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking out "$100,000" each place it appears and by inserting in lieu thereof "$500,000";

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

"(g)(1) The Secretary of Defense shall prescribe regulations requiring a review, before the award of a contract or subcontract or approval of a price adjustment, to ensure that the price of the contract, subcontract, or pricing adjustment to the United States is reasonable when cost or pricing date is not required to be submitted under this section solely because the expected price of the contract, subcontract, or pricing adjustment to the United States is not expected to exceed $500,000.

"(2) The regulations prescribed under this subsection shall specify the types of information that offerors must submit as part of the review described in paragraph (1). Such information, at a minimum, shall include appropriate information on the prices at which such offeror has previously sold the same or similar products.".

(2) Section 2323 of title 10, United States Code, is repealed.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish proposed regulations under subsection (g) of section 2306a of title 10, United States Code (as added by subsection (a)(1)), and an invitation for public comment on such proposed regulations. The Secretary shall promulgate final regulations under such subsection not later than 270 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsection (a)(1) and (a)(2) shall take effect on the date on which final regu-

lations are promulgated under subsection (b).

SEC. 818. MAJOR DEFENSE ACQUISITION PILOT PROGRAM

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in major defense acquisition programs.

(b) DESIGNATION OF PARTICIPATING PROGRAMS.—(1) Subject to paragraph (2), the Secretary may designate not more than six major defense acquisition programs for participation in the pilot program.

(2) The Secretary may designate for participation in the pilot program only those major defense acquisition programs specifically authorized to be so designated in a law authorizing appropriations for such program enacted after the date of the enactment of this Act.

(c) CONDUCT OF PILOT PROGRAM.—(1) In the case of each major defense acquisition program designated for participation in the pilot program, the Secretary—

(A) shall conduct the acquisition program in accordance with standard commercial, industrial practices; and

(B) may waive or limit the applicability of any provision of law that, except for this section, the Secretary is not otherwise authorized to waive and that prescribes—

(i) procedures for the procurement of supplies or services;

(ii) a preference or requirement for acquisition from any source or class of sources;

(iii) any requirement related to contractor performance;

(iv) any cost allowability, cost accounting, or auditing requirements; or

(v) any requirement for the management of, testing to be performed under, evaluation of, or reporting on an acquisition program.

(2) The waiver authority provided in paragraph (1)(B) does not apply to a provision of law if, as determined by the Secretary—

(A) a purpose of the provision is to ensure the financial integrity of the conduct of a Federal Government program; or

(B) the provision relates to the authority of the Inspector General of the Department of Defense.

(d) DESIGNATION AS DEFENSE ENTERPRISE PROGRAM.—The Secretary shall designate each participating major defense acquisition program as a defense enterprise program under section 2436 of title 10, United States Code. The Secretary may waive the applicability of the requirement of this subsection or any provision of such section 2436 to any such acquisition program if he determines that such a waiver is necessary for the purpose of the pilot program.

(e) REGULATIONS.—(1) Not later than 270 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations to implement this section and an invitation for public comment on the proposed regulations. Not later than one year after such date, the Secretary shall promulgate final regulations to implement this section.

(2)(A) The Secretary may not waive or limit the applicability of a law to a major defense acquisition program under subsection (c)(1)(B) unless the Secretary first prescribes regulations specifying the waiver or limitation.

(B) In the case of a waiver or limitation of the applicability of a requirement imposed by a statute, including a regulation prescribed to implement such statutory requirement, the following procedures shall apply:

(i) The Secretary shall publish the proposed waiver or limiting regulations and provide an opportunity for public comment on the proposed regulations for a period of not less that 60 days.

(ii) If a Federal Government official outside the Department of Defense has the responsibility for implementation of the statute, the Secretary shall consult with such official regarding the proposed waiver or limitation before publishing the proposed waiver or limiting regulations under clause (i).

(3) The Secretary may prescribe separate regulations for one or more major defense acquisition programs designated by the Secretary for participation in the pilot program.

(f) NOTIFICATION AND IMPLEMENTATION.—(1) The Secretary shall transmit to the congressional defense committees a written notification of each major defense acquisition program proposed to be designated by the Secretary for participation in the pilot program.

(2) If the Secretary proposes to waive or limit the applicability of any provision of law to a major defense acquisition program under the pilot program in accordance with this section, the Secretary shall include in the notification regarding that acquisition program—

(A) the provision of law proposed to be waived or limited;

(B) the effects of such provision of law on the acquisition system, including specific examples;

(C) the actions taken to ensure that the waiver or limitation will not reduce the efficiency, integrity, and effectiveness of the acquisition process used for the major defense acquisition program; and

(D) specific budgetary and personnel savings, if any, that will result from the waiver or limitation.

(g) LIMITATION ON WAIVER AUTHORITY.—The applicability of the following requirements of law may not be waived or limited under subsection (c)(1)(B) with respect to a major defense acquisition program:

(1) The requirements of this section.

(2) The requirements contained in any law enacted on or after the date of the enactment of this Act if that law designates such major defense acquisition program as a participant in the pilot program, except to the extent that a waiver of such requirement is specifically authorized for such major defense acquisition program in a law enacted on or after such date.

(h) TERMINATION OF AUTHORITY.—(1) The authority to waive or limit the applicability of any law under this section may not be exercised after September 30, 1992.

(2) No waiver or limitation of the applicability of a law to a major defense acquisition program under the pilot program shall be effective with respect to any contract under such acquisition program after September 30, 1994.

(3)(A) Except as provided in subparagraph (B), any contract entered into in accordance with laws and regulations applicable to such contract under the pilot program on or before the date specified in paragraph (1) shall continue to be valid.

(B) After the date specified in paragraph (2), the United States shall not be subject to any obligation, limitation, or prohibition under a contract referred to in subparagraph (A) that is inconsistent with a law waived or limited under the pilot program.

(i) DEFINITION.—In this section the term "major defense acquisition program" shall have the meaning given such term in section 2430 of title 10, United States Code.

SEC. 819. ADVISORY PANEL ON STREAMLINING AND CODIFYING ACQUISITION LAWS

(a) ESTABLISHMENT.—There is established in the legislative branch of the Government an advisory panel to be known as the "Advisory Panel on Streamlining and Codifying Acquisition Laws" (hereafter in this section referred to as the "Panel").

(b) COMPOSITION.—(1) The Panel shall be composed of 18 members as follows:

(A) Eight members appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate, from among individuals who are recognized experts in acquisition law and procurement policy. In making recommendations under this subparagraph, the majority and minority leaders shall attempt to ensure that the members of the Panel reflect diverse experiences in the public and private sectors.

(B) Eight members appointed jointly by the Speaker of the House of Representatives and the minority leader of the House of Representatives from among individuals who are recognized experts in acquisition law and policy. In making appointments under this subparagraph, the Speaker, in consultation with the minority leader, shall attempt to ensure that the members of the Panel reflect diverse experiences in the public and private sectors.

(C) The Secretary of Defense, or his designee.

(D) The Administrator for Federal Procurement Policy, or his designee.

(2) The appointments of the members referred to in subparagraphs (A) and (B) of paragraph (1) shall be made not later than 45 days after the date of the enactment of this Act.

(c) CHAIRMAN AND VICE CHAIRMAN.—The Panel shall select a Chairman and Vice Chairman from among its members.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the acquisition laws of the United States with a view toward streamlining the Federal acquisition process;

(2) make any recommendations for the repeal or amendment of such laws that the Panel considers necessary, as a result of such review, to—

(A) eliminate any such laws that are unnecessary for the establishment and administration of buyer and seller relationships in Federal Government procurement;

(B) ensure the continuing financial and ethical integrity of Federal procurement programs; and

(C) protect the best interests of the Federal Government; and

(3) prepare a proposed code of Federal acquisition laws.

(f) REPORT.—(1) The Panel may transmit to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the President such interim reports on the actions of the Panel as the Panel considers appropriate and, not later than December 15, 1992, shall transmit a final report on the actions of the Panel to such committees and the President.

(2) The final report shall contain a detailed statement of the findings and conclusions of the Panel, the proposed codification of Federal Procurement laws prepared pursuant to subsection (e), and such additional recommendations for such legislation as the Panel considers appropriate.

(g) INFORMATION.—The Panel may secure directly from the Department of Defense and any other Federal department or agency such information as the Panel considers necessary to enable the Panel to carry out its responsibilities under this section. Upon request of the Chairman of the Panel, the head of such department or agency shall furnish such information to the Panel.

(h) MEETINGS; QUORUM.—(1) The Panel shall meet at the call of the Chairman.

(2) Nine members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(i) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be paid the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(j) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(k) STAFF.—(1) The Chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate the employment of a staff director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of a staff director shall be subject to confirmation by the Panel.

(2) The Chairman of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for GS-18 of the General Schedule under section 5332 of such title.

(l) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without payment of reimbursement to the detailing department or agency, and such detail shall be without interruption or loss of civil service status or privilege.

(m) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of such title.

(n) APPLICABILITY OF OTHER FEDERAL LAWS.—A member of the Panel appointed under subsection (b) who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of—

(1) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries; and

(2) chapter 171 of title 28, United States Code, relating to torts claims.

(o) POSTAL AND PRINTING SERVICES.—The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(p) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Administrator of General Services shall furnish the Panel, on a reimbursable basis, any administrative and support services requested by the Panel.

(q) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

(r) PROCUREMENT AUTHORITY.—The Panel may procure supplies, services, and property and make contracts, in any fiscal year, in order to carry out its duties, but (except in the case of temporary or intermittent services procured under subsection (m)) only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (q). Contracts and other procurement arrangements may be entered into without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any similar provision of Federal law.

(s) TRAVEL.—To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(t) TERMINATION.—The Panel shall terminate 90 days after the date on which Panel submits its final report under subsection (f)(2).

(u) AMOUNTS AVAILABLE.—Of the funds authorized to be appropriated for the Defense Agencies for fiscal year 1991 pursuant to this Act, $1,000,000 shall be available to carry out this section. Amounts made available pursuant to this subsection shall remain available for obligation until December 15, 1993.

SEC. 820. OVERSEAS SEVERANCE PAY

(a) SEVERANCE PAY COSTS ALLOWABLE.—Section 2324(e)(1)(M) of title 10, United States Code, is amended by adding before the period at the end the following: ", except that such costs may be allowed to the extent that the head of an agency that awarded such contract determines, under regulations prescribed by the Secretary, that payment of such severance pay—

"(i) is necessary to comply with laws in effect on the date of the contract award that are generally applicable to a significant number of businesses in the country in which the foreign nationals receiving the severance pay performed the contract; and

"(ii) is in the national interests of the United States.".

(b) PROSPECTIVE APPLICABILITY.—The amendment made by subsection (a) does not apply with respect to any cost incurred by contractors before the date of the enactment of this Act.

SEC. 821. EVALUATION OF CONTRACTS FOR PROFESSIONAL AND TECHNICAL SERVICES

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2331. Contracts for professional and technical services

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations to ensure, to the maximum extent practicable, that professional and technical services are acquired on the basis of the task to be performed rather than on the basis of the number of hours of services provided.

"(b) CONTENT OF REGULATIONS—With respect to contracts to acquire services on the basis of the number of hours of services provided, the regulations described in subsection (a) shall—

"(1) include standards and approval procedures to minimize the use of such contracts;

"(2) establish criteria to ensure that proposals for contracts for technical and professional services are evaluated on a basis which does not encourage contractors to propose uncompensated overtime;

"(3) ensure appropriate emphasis on technical and quality factors in the source selection process;

"(4) require identification of any hours in excess of 40-hour weeks included in a proposal;

"(5) ensure that offerors are notified that proposals which include unrealistically low labor rates or which do not otherwise demonstrate cost realism will be considered in a risk assessment and evaluated appropriately; and

"(6) provide guidance to contracting officers to ensure that any use of uncompensated overtime will not degrade the level of technical expertise required to perform the contract.

"(c) WAIVER OF TASK ORDER LIMITATION.—(1) The Secretary of Defense may waive the limitation in section 2304(j)(4) of this title on the total value of task orders on a case-by-case basis for specific contracting activities to the extent the Secretary considers necessary the use of master agreements in order to further the policy set forth in subsection (a) of this section.

"(2) During any fiscal year, such a waiver may not increase the total value of task orders under master agreements of a contracting activity by more than 20 percent of the value of all contracts for advisory and assistance services awarded by that contracting activity during fiscal year 1989.

"(3) Such a waiver shall not become effective until 60 days after the Secretary of Defense has published notice thereof in the Federal Register.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2330 the following new item:

"2331. Contracts for professional and technical services.".

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment new regulations to carry out the requirements in this section. The Secretary shall promulgate final regulations to carry out such requirements not later than 270 days after the date of the enactment of this Act.

PART C—ACQUISITION WORKFORCE

SEC. 831. MANAGEMENT OF THE ACQUISITION WORKFORCE

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations for management of the acquisition workforce of the Department of Defense. The regulations shall include the following:

(1) Assignment of responsibility within the Office of the Secretary of Defense for issuance of acquisition workforce policies.

(2) Criteria for determining whether acquisition positions should be filled by military or civilian personnel.

(3) Standards and procedures for the recruitment, training, education, advancement, and compensation of military and civilian personnel in the acquisition workforce.

SEC. 832. ACQUISITION WORKFORCE ENHANCEMENTS

(a) RELOCATION EXPENSES.—Section 5724a(a)(2) of title 5, United States Code, is amended by striking out "continental" in the second sentence.

(b) WAIVER OF PENALTY FOR CONTINUED GOVERNMENT SERVICE.—(1) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsecton:

"(g)(1) Upon a finding by the head of an Executive agency that it is difficult to recruit qualified persons for appointment to a particular scientific, engineering, professional, or managerial position in such Executive agency, the head of such Executive agency may request, and the Director of the Office of Personnel Management may grant, a waiver of the applicability of the other provisions of this section and sections 8344 and 8468 of this title (relating to annuities and pay on reemployment) to any person appointed to such position. There may not be in effect at any time waivers under this paragraph for more than 1,500 employees of the Executive Branch.".

(c) EXPENSES RELATED TO DEATH OF EMPLOYEES IN SPECIFIED CIRCUMSTANCES.—Section 5742 of title 5, United States Code, is amended—

(1) in subsection (b), by inserting "continental" after "outside the" each place it appears in paragraphs (1) and (2); and

(2) by adding at the end the following new subsection:

"(e) Employees covered by this section include an employee who has been reassigned away from the employee's home of record pursuant to a mandatory mobility agreement executed as a condition of employment.".

(d) DEGREE TRAINING.—(1) Chapter 41 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 4119. Degree training

"(a) In order to facilitate the recruitment and retention of employees for Executive Branch positions for which there is a current or anticipated shortage of qualified personnel, especially positions requiring critical skills, the Director of the Office of Personnel Management may establish a program for the heads of Executive agencies to furnish financial assistance for an agency employee to obtain—

"(1) an academic degree necessary to qualify the employee educationally for appointment to a particular position; or

"(2) an academic degree which would enhance the employee's ability to serve the Federal Government.

"(b) Financial assistance for an employee under this section may be in the form of direct payment of educational or training costs or reimbursement of the employee for payment of such costs.

"(c) Subsection (a) applies to education and training by, in, or through Federal Government or non-Federal Government institutions.

"(d) The authority under this section may not be exercised on behalf of any employee in or seeking to qualify for an appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policymaking, or policy-advocating character unless the primary qualification required for appointment to such position is technical or professional proficiency, as determined by the Director of the Office of Personnel Management.

"(e) The Director of the Office of Personnel Management, shall prescribe regulations to carry out this section. The regulations shall incorporate the employee agreement requirements of section 4108 of this title.

"(f) No employee agreement may be entered into for the purposes of this section after September 30, 1993.".

(2) The table of sections at the beginning of chapter 341 of such title is amended by adding at the end thereof the following new item:

"4119. Degree training.".

(e) OPTIONAL EXCLUSION OF PERFORMANCE RATINGS FOR CERTAIN TEMPORARY EMPLOYEES.—Section 4301(2) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out "and" at the end of subparagraph (G) and inserting in lieu thereof "or"; and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) an individual who (i) is serving in a position within the Department of Defense under a temporary appointment for less than one year, (ii) agrees to serve without a performance evaluation, and (iii) will not be considered for a reappointment or for an increase in pay based in whole or in part on performance; and ".

(f) REPEAL OF RESTRICTIONS ON APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF DEFENSE.—Section 3326 of title 5, United States Code, is repealed.

(g) ADJUSTMENT OF AMOUNT PAYABLE ON THE BASIS OF DUTY AT REMOTE WORKSITE.—Section 5942 of title 5, United States Code, is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) Under procedures prescribed by the President, the maximum allowance specified in subsection (a) may be adjusted from time to time in the interest of recruiting and retaining employees for performance of duty at remote worksites.".

(h) STUDENT LOAN REPAYMENTS.—(1) Chapter 41 of title 5, United States Code, as amended by subsection (d)(1), is further amended by adding at the end thereof the following new section:

"§ 4120. Student loan repayments

"(a)(1) In order to recruit or retain highly qualified persons for scientific, engineering, and professional positions in the Executive branch, the Director of the Office of Personnel Management may establish a program under which the head of an executive agency repays a student loan of an employee of that executive agency who enters into an agreement referred to in subsection (c).

"(2) Payments under this section may not, in the case of any employee, exceed—

"(A) $6,000 in any calendar year; or

"(B) a total of $40,000.

"(3) The head of an executive agency may not reimburse an employee under this section for any student loan payments made by the employee before the employee enters into an agreement under subsection (c).

"(b)(1) The head of an executive agency may not repay a student loan of an employee under this section unless the employee first enters into a written agreement with the head of the executive agency in which the employee agrees—

"(A) to remain employed in the Executive branch for a period specified in the agreement (which may not be less than 3 years) unless involuntarily separated (other than for misconduct); and

"(B) if involuntarily separated for misconduct, or voluntarily separated, before the end of the period specified in the agreement, to reimburse the United States the amount of the loan payments made for the employee under this section.

"(2) The agreement may include any additional terms, limitations, and conditions relating to repayment of a student loan that are agreed to by the head of the executive agency and the employee.

"(c)(1) An obligation to reimburse the United States imposed pursuant to an agreement entered into under subsection (c) is, for all purposes, a debt owed to the United States.

"(2) Upon a failure of any person to repay an amount required under the agreement, the sum equal to the amount owed by such person may be recovered by the Federal Government from such person (or such person's estate) by—

"(A) setoff against accrued pay, compensation, retirement annuity or retired or retainer pay, or other amount otherwise payable to such person by the Federal Government; and

"(B) any other method provided by law for the recovery of amounts owed the United States.

"(3) The head of an executive agency that entered into an agreement with an employee under subsection (a) may waive, in whole or in part, a right of recovery under this subsection in connection with such agreement if the recovery would be against equity and good conscience or against the public interest.

"(4) The amount of any loan repayment recovered from any person (or estate) under this subsection shall be credited to the account from which the loan repayment was originally made.

"(5) A discharge of any person in bankruptcy under title 11 that is entered less than 5 years after the termination of such person's employment in the Executive branch does not discharge such person from a debt of such person under paragraph (1).

"(d) Repayment of an employee's student loan under this section shall be terminated if the employee—

"(1) ceases to be employed in the Executive branch; or

"(2) does not maintain an acceptable level of performance, as determined under standards and procedures prescribed by the Director of the Office of Personnel Management.

"(e) In selecting employees to receive benefits under this section, the head of an executive agency shall attempt, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of this title, to achieve and maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Federal Government service.

"(f) Payment of a student loan of an employee under this section is in addition to basic pay and any other form of compensation otherwise payable to the employee.

"(g) The total number of loan repayment agreements entered into under subsection (c) in any fiscal year may not exceed 500.

"(h) The Director of the Office of Personnel Management shall prescribe regulations to carry out this section.

"(i) In this section, the term 'student loan' means—

"(1) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(2) a loan made under part E of such title (20 U.S.C. 1087aa et seq.); and

"(3) a health education assistance loan made or insured under part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) or under part B of title VIII of such Act (42 U.S.C. 297 et seq.).

"(j) No loan repayment agreement may be entered into under this section after September 30, 1993.".

(2) The table of sections at the beginning of chapter 41 of such title, as amended by subsection (d)(2), is further amended by adding at the end thereof the following:

"4120. Student loan repayments.".

(i) SEPARATE MAINTENANCE ALLOWANCE FOR EMPLOYEES IN PANAMA.—Section 5924(3) of title 5, United States Code, is amended by adding at the end the following: "Notwithstanding section 1217(d) of the Panama Canal Act of 1979 (22 U.S.C. 3657(d)), for the purposes of this paragraph, the term 'foreign area' includes the Republic of Panama.".

(j) REPORT REQUIREMENT.—Not later than May 15, 1993, the Comptroller General of the United States shall submit a report to Congress regarding the exercise, if any, of the authority provided in sections 4119 and 4120 of title 5, United States Code, as added by subsections (d) and (h). The report shall contain the Comptroller General's assessment of the extent to which the exercise of such authority has been effective in improving the quality of the civilian workforce in the Executive branch.

(k) CRITICAL-POSITION PAY AUTHORITY.—(1) Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5309. Critical-position pay authority

"(a) The Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, may, from time to time, allocate and reallocate among the departments and agencies of the executive branch, critical-position pay authority for not to exceed a Government-wide total of 800 positions.

"(b) The head of an agency that receives an allocation of critical-position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Personnel Management under subsection (a).

"(c) For purposes of this section, 'critical-position pay authority' means the authority for the head of an agency, notwithstanding any other law, including any provision of this chapter, to fix the rate of basic pay for any position which such agency head determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(d) Critical-position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Personnel Management required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Personnel Management at the time of such reexercise.

"(e) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

"(1) the extent to which the position requires expertise of an extremely high level in a scientific, technical, professional, or administrative field;

"(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals; and

"(3) the extent to which the position is critical to the agency's successful accomplishment of an important mission.

"(f)(1) The Office of Personnel Management shall establish a Critical Position Advisory Panel to make recommendations on—

"(A) the criteria that should be used to determine which positions should be critical positions; and

"(B) the qualifications that should be expected of individuals assigned to critical positions.

"(2) The panel shall be composed of members with exceptional expertise and experience in management, administration, and personnel matters.

"(h) On October 1 of each year, the Office of Personnel Management shall submit a report to the Congress listing all critical-pay positions in the Government.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5308 the following new item:

"5309. Critical-position pay authority.".

SEC. 833. POST-EMPLOYMENT RESTRICTIONS

(a) EXTENSION OF PERIOD OF SUSPENSION OF CERTAIN PROVISIONS OF LAW.—Section 507 of the Ethics Reform Act of 1989 (Public Law 101-194; 103 Stat. 1759) is amended by striking out "one year after such day" and inserting in lieu thereof "May 31, 1991".

(b) TECHNICAL AMENDMENT.—Section 814(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1498) is amended by inserting at the end the following new paragraph:

"(3) The amendment made by paragraph (2) shall remain in effect on and after January 1, 1991.".

SEC. 834. ALTERNATIVE PERSONNEL MANAGEMENT DEMONSTRATION PROGRAMS FOR CERTAIN FEDERAL GOVERNMENT LABORATORIES

(a) PURPOSE.—The purpose of this section is to provide a basis for evaluating one or more alternative personnel management systems for scientific positions, engineering positions, technical support positions (including positions requiring proficiency in advanced mathematics) and managerial positions in Federal Government laboratories in order to enhance the recruitment, retention, and motivation of well-qualified civilian personnel for such positions and to provide appropriate compensation for such personnel.

(b) DEMONSTRATION PROGRAM.—(1) Not later than one year after the date of the enactment of this Act—

(A) the Director of the Office of Personnel and Management—

(i) shall designate one or more agencies to conduct one or more demonstration programs for the purpose of this section; and

(ii) with the head of each agency so designated, shall jointly develop each such demonstration program for such agency; and

(B) the head of each agency so designated shall implement the demonstration program or programs jointly developed with the Director.

(2)(A) The head of an agency designated to conduct a demonstration program shall designate—

(i) the agency laboratory or laboratories that are to be involved in the demonstration program; and

(ii) the scientific positions, engineering positions, technical support, or managerial positions at each such laboratory that are to be covered by the alternative personnel management system implemented pursuant to the demonstration program.

(B) The head of an agency may designate for coverage by an alternative personnel management system pursuant to subparagraph (A) only those positions the rates of basic pay for which would be established, except for this section, under—

(i) section 3104 of title 5, United States Code, relating to specially qualified personnel;

(ii) subchapter III of chapter 53 of such title, relating to the General Schedule; or

(iii) chapter 54 of such title, relating to the performance management and recognition system.

(3) Each alternative personnel management system implemented pursuant to the demonstration program shall cover a sufficient number of employees to provide an adequate basis on which to evaluate the feasibility and desirability of implementing such a system on a broader scale in Federal Government laboratories.

(4) The demonstration programs conducted pursuant to this section shall not be considered as demonstration programs for the purposes of section 4703 of title 5, United States Code.

(c) CLASSIFICATION.—Each alternative personnel management system implemented pursuant to a demonstration program under this section shall provide for the classification of employee positions in occupational groups. An occupational group shall include positions that are similar in the following respects:

(1) The responsibilities and complexities of the positions.

(2) Qualifications necessary for performance of such responsibilities.

(d) PAY RANGES.—(1) A range of rates of basic pay shall be established for the positions in each occupational group.

(2) The minimum rate of basic pay in a pay range shall be equal to the lowest minimum rate of basic pay provided for any position in such occupational group under the classification and pay system that, except for this section, would be applicable to that position.

(3)(A) Subject to subparagraph (B), the maximum rate of basic pay in a pay range shall be equal to the highest maximum rate of basic pay provided for any position in such occupational group under the classification and pay system that, except for this section, would be applicable to that position.

(B) The maximum rate of basic pay of a pay range applicable under an alternative personnel management system to positions in an agency laboratory may exceed the maximum rate permitted under subparagraph (A) if the head of the agency determines that, because of adverse working conditions at the laboratory or the undesirability of the geographical location of the laboratory, the increased maximum rate of basic pay is necessary to ensure the recruitment and retention of a sufficient staff of qualified employees.

(C) The maximum rate of basic pay established under subparagraph (B) for a pay range applicable to positions in an agency laboratory may not exceed the lesser of—

(i) the rate necessary to ensure the recruitment and retention of a sufficient staff of qualified employees, as determined by the head of such agency;

(ii) the amount equal to 160 percent of the maximum rate of basic pay that, except for such subparagraph, would be permitted under subparagraph (A); or

(iii) the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) The minimum and maximum rates of basic pay in a pay range shall be adjusted at the same times and to the same extent as the rates of basic pay under the statutory pay systems pursuant to section 5305 of title 5, United States Code.

(e) SPECIFIC RATES OF BASIC PAY.—(1) For each alternative personnel management system implemented at an agency laboratory under a demonstration program conducted at such laboratory, the head of such agency shall prescribe the criteria for establishing, within the applicable pay range, the initial rate of basic pay of an employee appointed to a position covered by the system and for increasing the employee's rate of basic pay within such pay range.

(2) Subject to paragraph (3), the head of an agency laboratory shall establish the initial rate of basic pay for an employee within a pay range, and from time to time increase the rate of basic pay of the employee referred to in paragraph (1) within the pay range, on the basis of the criteria prescribed under paragraph (1).

(3) In the case of an employee employed in a position at an agency laboratory immediately before that position becomes covered by an alternative personnel management system under this section, the rate of basic pay established for such employee under the alternative personnel management system may not be less than the rate of basic pay payable to such employee immediately before the position becomes covered by such system.

(f) OTHER PAY.—(1) Each alternative personnel management system shall provide for payment of managerial differential pay for managerial personnel and supervisory differential pay for supervisory personnel. The payment of differential pay to an employee in a managerial or supervisory position shall be in addition to the payment of the basic pay provided for such employee.

(2) Each alternative personnel management system applicable to an agency laboratory shall provide for payment of cash awards for meritorious performance subject to budgetary considerations of such laboratory.

(3) Each alternative personnel management system shall provide for payment of recruitment bonuses and retention bonuses when necessary to meet employee recruitment and retention needs.

(4) Differential pay, cash awards, recruitment bonuses, and retention bonuses may not be considered as basic pay for any purpose.

(g) TRAVEL ALLOWANCES.—Each alternative personnel management system shall provide for payment of reasonable travel expenses of—

(1) a new appointee for a position covered by such system to the same extent as is provided for a new appointee to the Senior Executive Service under section 5723(a)(1)(B) of title 5, United States Code; and

(2) a candidate for appointment to a position covered by such system, and the candidate's spouse (if any), in connection with an employment interview.

(h) APPLICATION AND APPOINTMENT PROCEDURES.—Each alternative personnel management system implemented at an agency laboratory shall include procedures—

(1) for a candidate for appointment to a position covered by such system to submit an application directly to the head of the laboratory; and

(2) consistent with sections 2301 and 3309 of title 5, United States Code, for appointment and assignment of a person directly to such a position at such laboratory.

(i) PERFORMANCE EVALUATIONS.—Each alternative personnel management system shall provide procedures for evaluating the job performance of employees covered by the system.

(j) LIMITATIONS ON PROGRAM COSTS.—(1) The total amount of the personnel costs incurred by the Federal Government for employees in positions covered by an alternative personnel management system under a demonstration program conducted under this section may not exceed the total amount of the personnel costs that, except for the implementation of such alternative personnel management system, would have been incurred by the Federal Government for such employees.

(2) The total amount paid an employee as basic pay, differential pay, recruitment bonuses, retention bonuses, and performance awards under an alternative personnel management system under this section in any fiscal year may not exceed the rate of basic pay for level I of the Executive Schedule under section 5312 of title 5, United States Code, as in effect on the last day of such fiscal year.

(k) PROGRAM PLAN; PROJECT REVIEW.—(1) Before implementing a demonstration under this section, the head of the agency in which the program is conducted shall develop a plan for such program.

(2) The plan for a program shall—

(A) provide criteria for the evaluation of such program; and

(B) specify the total number of employee positions to be covered by the program when the program is fully implemented.

(3) The head of the agency shall submit the program plan to the Comptroller General of the United States at least 60 days before the program is implemented.

(4) Not later than one year after the implementation of a demonstration program, and on an annual basis thereafter during the period in which demonstration programs are conducted under this section, the Comptroller General shall review each demonstration program to determine whether the program meets the criteria specified in the program plan.

(5) The Comptroller General shall submit an annual report containing the results of the review to—

(A) the Committees on Armed Services and Governmental Affairs of the Senate;

(B) the Committees on Armed Services and Post Office and Civil Service of the House of Representatives; and

(C) the Secretary or agency head.

(l) DEFINITIONS.—In this section:

(1) The term "agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code.

(2) The term "agency laboratory" means a Federal Government laboratory of an agency.

(3) The term "Federal Government laboratory" means a government-owned, government-operated laboratory within an agency.

(4) The term "employee" has the meaning given such term in section 2105 of title 5, United States Code.

(m) TERMINATION DATE.—Each demonstration program conducted pursuant to this section shall terminate not later than 10 years after the date on which such program begins.

PART D—NATIONAL DEFENSE STOCKPILE

SEC. 841. NATIONAL DEFENSE STOCKPILE ACQUISITION AND DISPOSAL AUTHORITY FOR FISCAL YEAR 1991 AND TRANSFER OF FUNDS

(a) ACQUISITION AND DISPOSAL AUTHORITY.—(1) Section 3303 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1686) is amended—

(A) in subsection (a)—

(i) by striking out "During each of fiscal years 1990 and 1991, the" and inserting "The" in lieu thereof; and

(ii) by inserting "during fiscal year 1990, and $120,000,000 during fiscal year 1991," after "$180,000,000"; and

(B) in subsection (b), by striking out "amount" and inserting in lieu thereof "amounts".

(2) Section 3302(d) of such Act is amended—

(A) by striking out "FISCAL YEARS 1990 AND 1991.—" and inserting in lieu thereof "FISCAL YEAR 1990.—";

(B) by striking out "each of the fiscal years 1990 and 1991" and inserting in lieu thereof "fiscal year 1990"; and

(C) by striking out "each such fiscal year" and inserting in lieu thereof "such fiscal year".

(b) TRANSFER OF FUNDS.—The Secretary of Defense shall, subject to such limitations as may be provided in appropriations Acts, transfer $100,000,000 from the unobligated balance of the National Defense Stockpile Transaction Fund to the account established under section 2371(e) of title 10, United States Code.

SEC. 842. NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

Paragraph (2) of section 9(b) of the Strategic and Critical Materials Stock Piling Act

(50 U.S.C. 98h) is amended by adding at the end the following new subparagraph:

"(G) Managing and maintaining the stockpile materials.".

PART E—MISCELLANEOUS

SEC. 851. EXPANSION OF SCOPE OF REQUIREMENTS RELATING TO DEFENSE MEMORANDA OF UNDERSTANDING AND RELATED AGREEMENTS

Section 2504(a) of title 10, United States Code, is amended by inserting "or to the reciprocal procurement of defense items," after "defense equipment," in the matter above clause (1).

SEC. 852. COOPERATION WITH JAPAN ON TECHNOLOGICAL RESEARCH AND DEVELOPMENT

(a) FINDINGS.—Congress makes the following findings:

(1) Japan has developed highly sophisticated research and manufacturing capabilities.

(2) Those capabilities have produced technologies that can be usefully applied to the development and manufacture of both commercial products and defense equipment.

(3) The availability of those technologies to the United States would greatly enhance the development and manufacture of defense equipment for the Armed Forces of the United States.

(4) Since the exchange of notes between the United States and Japan on the transfer of Japanese military technologies in 1983, the level and quality of technological cooperation between the two countries have been unsatisfactory.

(5) Effective cooperation in technology research and development between the United States and Japan would enhance the security of both countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States and Japan should strengthen their cooperation with regard to technology that would contribute to the security of both countries;

(2) technological cooperation between the two countries should be based upon an equitable and mutual sharing of the costs and benefits of that cooperation; and

(3) the Secretary of Defense should improve the staffing, funding, and organization of those activities within the Department of Defense responsible for implementing and overseeing technological cooperation with Japan.

(c) COOPERATION ON RESEARCH AND DEVELOPMENT.—In light of the expressions in subsections (a) and (b), Congress urges and requests the President and directs the Secretary of Defense to pursue vigorously opportunities for the United States and Japan to cooperate in the development of technologies that benefit the security of both countries, particularly those technologies that have both commercial and military applications, commonly referred to as "dual-use" technologies.

(d) COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS.—(1) Subject to paragraphs (2) and (3), of the funds authorized to be appropriated pursuant to section 201 for basic research, exploratory development, and advanced technology, $10,000,000 shall be available for research and development projects conducted jointly by the United States and Japan, pursuant to a memorandum of understanding or other formal agreement, for the purpose of—

(A) developing new conventional defense equipment; or

(B) modifying existing defense equipment to meet United States defense requirements.

(2)(A) Funds made available for research and development projects under paragraph (1) may be obligated and expended for a particular research project only if the Secretary of Defense determines that—

(i) the particular project will improve, through the application of emerging technology, the conventional defense capabilities of the United States and Japan; and

(ii) the applicable memorandum of understanding or other formal agreement provides for the sharing of costs on an equitable basis.

(B) The Secretary may delegate the performance of the responsibility to make determinations under subparagraph (A) only to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

(3) None of the funds made available for research and development projects under paragraph (1) may be used for research and development under the Strategic Defense Initiative.

(e) STAFFING.—The Secretary of Defense is urged to increase the number of personnel assigned to the Office of the Deputy Under Secretary of Defense (International Programs) for the specific purpose of providing oversight of the joint research and development projects of the United States and Japan for which funds are made available under subsection (d).

SEC. 853. ADVISORY COMMISSION ON CONSOLIDATION AND CONVERSION OF DEFENSE RESEARCH AND DEVELOPMENT LABORATORIES

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on the Consolidation and Conversion of Defense Research and Development Laboratories" (hereafter in this section referred to as the "Commission").

(b) DUTIES.—(1) The Commission shall conduct a study to determine the feasibility and desirability of various means to improve the operation of laboratories of the Department of Defense.

(2) In conducting the study described in this subsection, the Commission shall—

(A) consider such means as—

(i) conversion of some or all such laboratories to Government-owned, contractor-operated laboratories;

(ii) modification of the missions and functions of some or all such laboratories; and

(iii) consolidation or closure of some or all such laboratories; and

(B) determine—

(i) the short-term costs and long-term cost savings that are likely to result from such consolidation, closure, or conversion; and

(ii) a proposed schedule for each consolidation, closure, or conversion of a laboratory considered appropriate by the Commission.

(c) COMPOSITION.—(1) The Commission shall be composed of 13 members, as follows:

(A) The Director of Defense Research and Engineering who shall be the chairman of the Commission.

(B) Six members appointed by the Secretary of Defense from among officers and employees of the Federal Government, including at least one director of a research and development laboratory of each military department.

(C) Six members appointed by the Secretary from among persons in the private sector.

(2) The Secretary of Defense shall make all appointments under subparagraphs (B) and (C) of paragraph (1) within 60 days after the date of the enactment of this Act.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) MEETINGS; QUORUM.—(1) The Commission shall convene its first meeting within 15 days after the first date on which all members of the Commission have been appointed. Thereafter, the Commission shall meet at the discretion of its Chairman or at the call of a majority of its members.

(2) Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) COMPENSATION OF MEMBERS; TRAVEL EXPENSES.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) REPORT TO SECRETARY.—Not later than September 30, 1991, the Commission shall submit to the Secretary a report containing the Commission's recommendations regarding the matters considered and determined by the Commission pursuant to subsection (b).

(g) REPORT BY SECRETARY.—Not later than 30 days after the date of the submission of the report pursuant to subsection (f), the Secretary shall transmit such report to each House of the Congress, together with any comments that the Secretary considers appropriate.

(h) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits its report to the Secretary pursuant to subsection (g).

SEC. 854. NATIONAL DEFENSE SCIENCE AND ENGINEERING EDUCATION

(a) IN GENERAL.—(1) Chapter 111 of title 10, United States Code, is amended by adding at the end the following:

"§ 2192. Science, mathematics, and engineering education

"(a) The Secretary of Defense shall, on a continuing basis—

"(1) identify actions which the Department of Defense can take to increase the capabilities of educational institutions in the United States to improve education in the scientific, mathematics, and engineering skills necessary to meet the long-term national defense needs of the United States for personnel proficient in such skills; and

"(2) establish and conduct programs to carry out such actions.

"(b) The Secretary shall designate an individual within the Office of the Secretary of Defense to advise the Secretary regarding matters relating to science, mathematics, and engineering education and training and to assist the Secretary in carrying out the responsibilities of the Secretary under subsection (a), including the following:

"(1) Administering science or engineering grant programs established in the Department of Defense.

"(2) Collecting and disseminating information on Department of Defense programs which encourage the study of science, mathematics, and engineering and on Department of Defense programs which enhance the scientific, mathematics, and engineering skills of personnel in the scientific and engineering workforce.

"(3) Coordinating and overseeing all Department of Defense activities associated with science, mathematics, and engineering education and training.

"(4) Establishing programs for the encouragement of science, mathematics, and engineering education and training at all levels of education.

"§ 2193. Science and mathematics education improvement programs

"(a) The Secretary of Defense shall establish not less than two programs for awarding grants to public colleges or universities in the United States for the purpose of improving undergraduate or graduate education in scientific disciplines critical to the national security functions of the Department of Defense. In awarding grants under this subsection, the Secretary shall give priority to educational programs and projects intended to stimulate the interest of women and members of minority groups in pursuing scientific and engineering careers.

"(b) The Secretary of Defense shall establish not less than two programs for the purpose of improving the mathematics and scientific knowledge and skills of elementary and secondary school teachers and students.

"§ 2194. Education partnerships

"(a) Each defense laboratory director shall, to the extent practicable, enter into one or more education partnership agreements with public school systems, colleges, and universities in the United States for the purpose of encouraging and enhancing study in scientific disciplines at all levels of education.

"(b) Under a partnership agreement entered into with an educational institution under this section, a defense laboratory director may provide assistance to the educational institution by—

"(1) loaning equipment to the institution;

"(2) transferring to the institution equipment determined by the director to be obsolete;

"(3) making laboratory personnel available to teach science courses or to assist in the development of science courses and materials for the institution;

"(4) involving faculty and students of the institution in defense laboratory research projects;

"(5) cooperating with the institution in developing a program under which students are given academic credit for work on defense laboratory research projects; and

"(6) providing academic and career advice and assistance to students of the institution.

"(c) Each director of a defense laboratory shall give a priority under this section to entering into an education partnership agreement with one or more historically Black colleges and universities and other minority institutions referred to in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058(b)).

"(d) In entering into education partnership agreements with public school systems under this section, each director of a defense laboratory shall give a priority to providing assistance to educational institutions serving women, members of minority groups, and other groups of individuals who traditionally are involved in the engineering and science professions in disproportionately low numbers.

"§ 2195. Department of Defense cooperative education programs

"(a) The director of each defense laboratory may establish, in association with one or more public or private colleges or universities in the United States, cooperative work-education programs for undergraduate and graduate students.

"(b) Under a cooperative work-education program established under subsection (a), a director referred to in that subsection may, without regard to any applicable non-statutory limitation on the number of authorized personnel or on the aggregate amount of any personnel cost—

"(1) make an offer for participation in the cooperative work-education program directly to a student and appoint such student to an entry-level position of employment in the laboratory of such director;

"(2) pay such person a rate of basic pay, not to exceed the maximum rate of pay provided for grade GS-9 under the General Schedule under section 5332 of title 5, that is competitive with compensation levels provided for entry-level positions in similar industry-sponsored cooperative work-education programs; and

"(3) pay all travel expenses between the college or university in which the student is enrolled and the laboratory concerned for not more than six round trips per year.

"§ 2196. Definition

"In this chapter, 'defense laboratory' means a laboratory operated by the Department of Defense, a contractor-operated laboratory of the Department of Energy engaged in national defense programs of such department, and any other federally funded research and development center engaged in research and development in support of national defense programs.".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 111—SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION".

(3)(A) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part III of such subtitle are each amended by striking out the item relating to chapter 111 and inserting in lieu thereof the following:

"111. Support of Science, Mathematics, and Engineering Education..... 2191".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2192. Science, mathematics, and engineering education.
"2193. Science and mathematics education improvement programs.
"2194. Education partnerships.
"2195. Department of Defense cooperative education programs.
"2196. Definition.".

(b) ESTABLISHMENT OF GRANT PROGRAMS.—The Secretary may satisfy the requirement to establish a grant program under section 2193(a) of title 10, United States Code, as added by subsection (a), by designating as a grant program under that section any existing grant program of the Department of Defense established for making grants to public colleges or universities in the United States for the purpose set out in that section.

(c) DEPARTMENT OF ENERGY PROGRAMS.—The Secretary of Energy may establish programs and award grants for the purpose of enhancing the mathematics, science, and engineering education of students in elementary and secondary schools and institutions of higher education.

SEC. 855. SUSPENSION OF PAYMENTS

(a) IN GENERAL.—Section 2307 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) In any case in which the head of an agency determines that there is substantial evidence that the request of a contractor for advance, partial, progress, or other payment under a contract awarded by that agency head is fraudulent, the agency head may suspend further payments under the contract unless the suspension would unduly interfere with or jeopardize a law enforcement investigation.".

(b) INFORMATION FROM CONTRACTOR.—Subsection (e)(1) of such section is amended by adding at the end the following new sentence: "The contractor shall provide such information and evidence as the Secretary of Defense determines sufficient to permit the Secretary to carry out the preceding sentence.".

(c) EFFECTIVE DATE.—Section 2307(f) of title 10, United States Code, and the second sentence of section 2307(e)(1) of such title, as added by subsections (a) and (b), respectively, shall apply with respect to contracts in effect on the date of the enactment of this Act and contracts entered into on and after that date.

SEC. 856. ESTABLISHMENT OF DARPA OFFICE IN JAPAN

(a) IN GENERAL.—The Secretary of Defense shall establish a branch office of the Defense Advance Research Projects Agency (DARPA) of the Department of Defense in Japan.

(b) FUNCTION OF BRANCH OFFICE.—It shall be the function of the branch office established pursuant to subsection (a)—

(1) to investigate and evaluate opportunities for cooperation between the United States and Japan for the development of technologies of interest to the Defense Advanced Research Projects Agency (DARPA); and

(2) to make such recommendations to the Director of the Defense Advanced Research Projects Agency as the branch office considers appropriate regarding the desirability of DARPA entering into a cooperative arrangement with Japan with respect to the development of particular technologies.

SEC. 857. PAYMENT OF MASS TRANSIT COSTS OF EMPLOYEES UNDER CERTAIN GOVERNMENT CONTRACTS

(a) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a regulation to provide that mass transit costs incurred by contractor employees in commuting to a place of performance of a contract for the Department of Defense may be treated in the same manner as parking costs of contractor employees are treated under such contract, to the extent that the Secre-

tary deems appropriate, and consistent with otherwise applicable cost principles.

(b) MASS TRANSIT COSTS.—The mass transit costs referred to under subsection (a) may include the cost of transit tokens, farecards, or other access devices for an employee commuting on mass transit.

(c) LIMITATION.—The mass transit costs payable to or for an employee under any contract described under subsection (a) may not exceed the parking costs which would be payable to or for an employee under such contract.

SEC. 858. MENTOR-PROTEGE PILOT PROGRAM

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program to be known as the "Mentor-Protege Pilot Program".

(b) PURPOSE.—The purpose of the pilot program is to provide incentives for major Department of Defense contractors to furnish disadvantaged small business concerns with assistance designed to enhance the capabilities of disadvantaged small business concerns to perform as subcontractors and suppliers under Department of Defense contracts in order to increase the participation of such business concerns as subcontractors and suppliers in Department of Defense contract business.

(c) PROGRAM PARTICIPANTS.—(1) A business concern meeting the eligibility requirements set out in subsection (d) may enter into agreements under subsection (e) and furnish assistance to disadvantaged small business concerns under the pilot program pursuant to such agreement upon making application to the Secretary of Defense and being approved for participation in the pilot program by the Secretary. A business concern approved for participation pursuant to this paragraph shall be known, for the purposes of the pilot program, as a "mentor firm".

(2) A disadvantaged small business concern may obtain assistance from a mentor firm under the program upon entering into an agreement with the mentor firm as provided in subsection (e). A disadvantaged small business concern receiving such assistance shall be known, for the purposes of the program, as a "protege firm".

(3) In entering into an agreement pursuant to subsection (e), a mentor firm may rely in good faith on a written representation of a business concern that such business concern is a disadvantaged small business concern. The Small Business Administration shall determine the status of such business concern as a disadvantaged small business concern in the event of a protest regarding the status of such business concern. If the business concern is determined by the Small Business Administration not to be a disadvantaged small business concern, assistance furnished such business concern by the mentor firm after the date of the determination may not be considered assistance furnished under the pilot program.

(4) It is not necessary for a disadvantaged small business concern to obtain the approval of the Secretary of Defense before receiving assistance as a protege firm under the pilot program. However, the Secretary may disapprove the participation of a disadvantaged small business concern in the program on the basis of criteria which the Secretary shall specify in the regulations prescribed pursuant to subsection (k). If the Secretary disapproves the participation of a disadvantaged small business concern in the program, he shall transmit a written notification of such disapproval to the disadvantaged small business concern and the mentor firm furnishing the assistance. Assistance furnished that disadvantaged small business concern by the mentor firm after the mentor firm receives such notification may not be considered as assistance furnished under the pilot program.

(d) MENTOR FIRM ELIGIBILITY.—A business concern generally eligible for award of contracts by the Department of Defense is eligible to enter into an agreement with a protege firm under subsection (e) and to furnish assistance under the pilot program pursuant to that agreement if, during the fiscal year preceding the fiscal year in which the business concern enters into the agreement, the total amount of the Department of Defense contracts awarded such business concern and the subcontracts awarded such business concern under Department of Defense contracts was equal to or greater than—

(1) $100,000,000; or

(2) such lesser amount as the Secretary specifies in the regulations prescribed pursuant to subsection (k) for application to any business concern which is a disadvantaged small business concern or, except for the size of that business concern, would be a disadvantaged small business concern.

(e) MENTOR-PROTEGE AGREEMENT.—(1) Before furnishing assistance to a protege firm under the pilot program, a mentor firm shall enter into a mentor-protege agreement with the protege firm regarding the assistance to be furnished by the mentor firm to the protege firm. The agreement shall include the following:

(A) A program of assistance that is designed to develop the capabilities of the protege firm to perform as a subcontractor or supplier under Department of Defense contracts.

(B) The period, not to exceed four years, during which the mentor firm is to furnish assistance to the protege firm under the agreement.

(C) Procedures for the mentor firm or protege firm to terminate the agreement voluntarily and for the mentor firm to terminate the agreement for cause.

(2) A mentor-protege agreement under this subsection may cover more than one protege firm.

(f) FORMS OF ASSISTANCE.—A mentor firm may furnish the following assistance to a protege firm:

(1) Assistance, by using mentor firm personnel or other means, in—

(A) general business management, including organizational management, financial management, and personnel management, marketing, and overall business planning;

(B) engineering and technical matters such as production, inventory control, and quality assurance; and

(C) any other assistance designed to develop the capabilities referred to in subsection (e)(1)(A).

(2) Noncompetitive award of subcontracts under Department of Defense contracts to the protege firm.

(3) Payment of progress payments for performance of the protege firm under such a subcontract in amounts as provided for in the subcontract, but in no event may any such progress payment exceed 100 percent of the costs incurred by the protege firm for the performance.

(4) Advance payments under such a subcontract.

(5) Loans.

(6) Cash in exchange for an ownership interest in the protege firm, not to exceed 10 percent of the total ownership interest.

(7) Assistance obtained by the mentor firm for the protege firm from one or more of the small business development centers established pursuant to section 21 of the Small Business Act (15 U.S.C. 648), acting to the maximum extent practicable in cooperation with a historically Black college or university or a minority institution of higher education.

(g) INCENTIVES FOR MENTOR FIRMS.—(1) The Secretary of Defense shall provide for the reimbursement of, a mentor firm for the total amount of any progress payment or advance payment made under the pilot program by the mentor firm to a protege firm in connection with a Department of Defense contract awarded the mentor firm.

(2) The Secretary of Defense shall provide for the reimbursement of, a mentor firm for the costs of furnishing assistance referred to in paragraphs (1) and (7) of subsection (f) to a protege firm. The Secretary shall ensure that payment of reimbursements under this paragraph is provided for in a Department of Defense contract awarded to the mentor firm or in another agreement entered into by the Secretary and the mentor firm. The contract or other agreement shall specify the maximum amount of the reimbursement that may be made. The Secretary and the mentor firm may provide in the contract or other agreement for allocation of the costs to Department of Defense cost-reimbursement contracts awarded the mentor firm.

(3)(A) Any costs incurred by a mentor firm in furnishing assistance to a protege firm that are not reimbursed pursuant to paragraph (2) shall be counted in the amount for which the mentor firm receives credit for purposes of determining whether the mentor firm attains a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract.

(B) The amount of the credit given a mentor firm for any such unreimbursed costs shall be equal to—

(i) four times the total amount of such costs attributable to assistance described in subsection (f)(7);

(ii) three times the total amount of such costs attributable to assistance furnished by the mentor firm's employees; and

(iii) two times the total amount of any other such costs.

(C) The amount of the credit given for any such unreimbursed costs may not exceed a maximum amount which shall be specified in the contract provision or agreement referred to in paragraph (2).

(4) The Secretary of Defense shall ensure that each Department of Defense contract awarded a mentor firm includes a provision for payment of an incentive or award fee to the mentor firm if the mentor firm exceeds the subcontracting participation goal, if any, applicable to such mentor firm under the contract.

(5) A mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for each subcontract for a product or service awarded under such contract by a mentor firm to a business concern that, except for its size, would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

(A) the size of such business concern is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern fur-

nishing such product or service is a small business concern; and

(B) the business concern formerly had a mentor-protege agreement with such mentor firm that was not terminated for cause.

(6) Notwithstanding subsection (j), a mentor firm shall receive credit toward the attainment of a subcontracting participation goal applicable to such mentor firm under a Department of Defense contract for any subcontract that the mentor firm awards under that contract to a business concern referred to in paragraph (5) within 9 years after the date on which the mentor firm and such business concern entered into the mentor-protege agreement referred to in clause (B) of such paragraph.

(h) NONAFFILIATION TREATMENT.—For purposes of the Small Business Act, a protege firm may not be considered an affiliate of a mentor firm solely on the basis that the protege firm is receiving assistance referred to in subsection (f) from such mentor firm under the pilot program.

(i) PARTICIPATION IN PILOT PROGRAM NOT TO BE A CONDITION FOR AWARD OF A CONTRACT OR SUBCONTRACT.—A mentor firm may not require a business concern to enter into an agreement with the mentor firm pursuant to subsection (e) as a condition for being awarded a contract by the mentor firm, including a subcontract under a contract awarded to the mentor firm.

(j) DURATION OF PILOT PROGRAM.—The Secretary of Defense shall conduct the Mentor-Protege Pilot Program during the period beginning on October 1, 1991, and ending on September 30, 1995.

(k) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the pilot program. The Secretary shall publish the proposed regulations not later than the earlier of April 1, 1991, or the date 180 days after the date of the enactment of this Act. The Secretary shall promulgate the final regulations not later than June 1, 1991, or the date 270 days after the date of the enactment of this Act.

(l) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(2) The term "disadvantaged small business concern" means a small business concern owned and controlled by socially and economically disadvantaged individuals.

(3) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" has the meaning given such term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

(4) The term "historically Black college and university" means any of the historically Black colleges and universities referred to in section 1207(a)(2) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note).

(5) The term "minority institution of higher education" means an institution of higher education with a student body that reflects the composition specified in section 312(b) (3), (4), and (5) of the Higher Education Act of 1965 (20 U.S.C. 1058(b) (3), (4), and (5)).

(6) The term "subcontracting participation goal", with respect to a Department of Defense contract, means a goal for the extent of the participation by disadvantaged small business concerns in the subcontracts awarded under such contract, as established pursuant to section 1207 of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) and section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTER

PART A—FORCE STRUCTURE

SEC. 901. REDUCTION IN END STRENGTH FOR MILITARY PERSONNEL ASSIGNED TO DUTY IN EUROPE

(a) IN GENERAL.—Section 911(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (22 U.S.C. 1928 note) is amended by striking out "311,855" and inserting in lieu thereof "261,855.".

(b) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive the ceiling imposed as a result of the amendment made by subsection (a) if the President (1) determines that the national security interests of the United States require such action, and (2) notifies Congress of that determination and of the necessity for exercising the waiver authority.

(2) Except as provided in section 1002(f) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization after September 30, 1991, may not, by virtue of a waiver exercised under paragraph (1), exceed 311,855.

SEC. 902. TWENTY PERCENT REDUCTION IN DEFENSE ACQUISITION WORKFORCE

(a) REDUCTION REQUIRED.—The Secretary of Defense shall take such action as is necessary to reduce the number of employees in the Department of Defense acquisition workforce on the last day of each of fiscal years 1991 through 1995 below the number of employees in such workforce on the last day of the preceding fiscal year by not less than the number equal to 4 percent of the number of the employees in such workforce on September 30, 1990.

(b) DEFINITION.—In this section, the term "Department of Defense acquisition workforce" means all positions included in the description of the acquisition workforce in Appendix A of "Defense Management", a report of the Secretary of Defense to the President, dated July 1989.

SEC. 903. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND HEADQUARTERS SUPPORT ACTIVITIES

(a) REDUCTION REQUIRED.—The Secretary of Defense shall take such action as is necessary to reduce the number of members of the Armed Forces and civilian employees who are assigned or detailed to duty in the management headquarters activities and headquarters support activities of the Department of Defense on the last day of each of the fiscal years 1991 through 1995 below the number of such personnel assigned or detailed to such duty on the last day of the preceding fiscal year by not less than the number equal to 4 percent of the number of such personnel assigned or detailed to such duty on September 30, 1990.

(b) DEFINITION.—For purposes of this section, the terms "management headquarters activities" and "headquarters support activities" have the meaning given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities" dated November 25, 1988.

SEC. 904. INTELLIGENCE PRIORITIES AND REORGANIZATION

(a) REVISION OF PRIORITIES AND CONSOLIDATION OF FUNCTIONS.—The Secretary of Defense, together with the Director of Central Intelligence, shall conduct a joint review of all intelligence and intelligence-related activities in the Tactical Intelligence and Related Activities (TIARA) programs and the National Foreign Intelligence Program (NFIP) and take the following actions with respect to such programs:

(1) Where redundancy or fragmentation exists, consolidate functions, programs, organizations, and operations to improve the efficiency and effectiveness of the conduct of such intelligence activities or programs.

(2) Revise intelligence collection and analysis priorities and resource allocations to reflect changes in the international security environment.

(3) Strengthen joint intelligence functions, operations, and organizations.

(4) Improve the quality and independence of intelligence support to the weapons acquisition process.

(5) Improve the responsiveness and utility of national intelligence systems and organizations to the needs of the combatant commanders.

(b) PERSONNEL REDUCTIONS.—(1) The number of personnel assigned or detailed to the NFIP programs and related TIARA programs shall be reduced by not less than 5 percent of the number of such personnel described in paragraph (2) during each of fiscal years 1992 through 1996.

(2) The number of personnel referred to in paragraph (1) is the number of personnel assigned to such programs on September 30, 1990.

SEC. 905. ADDITIONAL FUNDING FOR UNIFIED AND SPECIFIED COMBATANT COMMANDS FOR FISCAL YEAR 1991

(a) IN GENERAL.—(1) There is established for fiscal year 1991 a special account to be managed by the Chairman of the Joint Chiefs of Staff. The Chairman may use the special account to provide funds, upon request, to commanders of the unified combatant commands, the specified combatant commands, and the Commander, United States Element, North American Aerospace Defense Command for any of the following activities:

(A) Joint exercises (including foreign country participation).

(B) Force training.

(C) Contingencies.

(D) Selected operations.

(E) Command and control.

(F) Military education and training to military and related civilian personnel of foreign countries.

(G) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

(H) Defense articles and services.

(2) Any amount provided by the Chairman out of the special account for an activity referred to in paragraph (1) shall be in addition to any amounts otherwise authorized for such activity for fiscal year 1991.

(b) AMOUNT AND SOURCE OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 301(a) for the Defense Agencies, $20,000,000 shall be credited to the special account referred to in subsection (a).

(c) LIMITATIONS.—(1) Not more than $3,000,000 of the amount provided in the special account may be used for procurement purposes and not more than $500,000 may be used in carrying out any single activ-

ity for which funds are requested by a commander and provided under this section.

(2) Funds may not be provided under this section for any activity that has been denied authorization by Congress.

PART B—GENERAL MANAGEMENT MATTERS

SEC. 911. STUDY AND PLAN REGARDING MOBILITY REQUIREMENTS

(a) STUDY AND PLAN REQUIRED.—The Secretary of Defense shall conduct a study to determine mobility requirements for the Armed Forces and develop an integrated plan to meet those requirements.

(b) REPORT REQUIRED.—Not later than March 31, 1991, the Secretary shall submit to the congressional defense committees a report containing the results of the study and a copy of the plan. The report shall be in the same format and cover the same matters as the report submitted to Congress under section 203(b) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1080).

(c) CONTENT OF REPORT.—(1) The report shall include an analysis of the total mix of airlift, sealift, amphibious lift, and prepositioned war materials necessary for the United States to respond to contingent threats against the national security interests of the United States during the remainder of the current decade and beyond. The analysis may not be limited to consideration of a single requirement for lift and materials based upon the most demanding case, but shall include an assessment of a range of requirements for lift and materials based upon various military contingencies. The analysis shall also include—

(A) an assessment of both intratheater and intertheater lift requirements; and

(B) an assessment of the total requirements for mobility, including support equipment and the equipment necessary for strategic mobility at unimproved ports, airfields, and other facilities.

(2) The report shall also include the following:

(A) An assessment of how requirements for airlift, sealift, amphibious lift, and prepositioned war materials have been affected by changing circumstances in Europe and elsewhere, including—

(i) an increase in the opportunities to detect any planned attack by the Soviet Union;

(ii) an increase in the time likely to be available to prepare for such an attack after detection;

(iii) a reduced level of Soviet threat to the national security interests of the United States;

(iv) the decreasing level of Armed Forces personnel deployed overseas;

(v) the changing threat in Northeast Asia; and

(vi) the changing threat in Southwest Asia.

(B) An assessment of how such requirements are being affected by the changing need for global power projection in low-intensity and medium-intensity conflicts.

(C) An assessment of how such requirements would be affected by the loss of United States military bases, and the loss of access to other military bases, in such overseas locations as the Philippines.

(D) An assessment of how the reduced reliance expected to be placed by the Armed Forces on NATO and other allied shipping and military bases for employment of the Armed Forces unilaterally in contingent actions affects the requirements for airlift, sealift, amphibious lift, and prepositioned war materials.

(E) An assessment of whether increased dependence should be placed upon sealift capabilities in view of the factors assessed pursuant to subparagraphs (A) through (D) and the potential benefits of sealift vessels which might be developed that would be faster than the sealift vessels currently available from commercial sources.

(F) A discussion of initiatives that can be undertaken to reduce the time required to move forces and material from home bases to combat areas, including measures that can be undertaken to reduce (i) the time necessary for loading and unloading personnel and equipment at airports and seaports, (ii) the time necessary for moving ground forces to airports and seaports, and (iii) the delivery times from points of debarkation to final destinations.

SEC. 912. ELIMINATION OF STATUTORY POSITION OF CHIEF OF NAVAL RESEARCH

Chapter 503 of title 10, United States Code, is amended—

(1) by striking out section 5021;

(2) in section 5022—

(A) by redesignating subsections (a), (b) and (c) as subsections (b), (c) and (d), respectively; and

(B) by inserting immediately after the section heading the following new subsection (a):

"(a) There is in the Office of the Secretary of the Navy an Office of Naval Research."; and

(3) in the table of sections at the beginning of such chapter, by striking out the item relating to section 5021.

TITLE X—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

SEC. 1001. STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

(a) PROGRAM REQUIRED.—(1) Title 10, United States Code, is amended by inserting after chapter 171 the following new chapter:

"CHAPTER 172—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

"Sec.
"2901. Strategic Environmental Research Program.
"2902. Joint Strategic Environmental Research Program Council.
"2903. Executive Director.
"2904. Strategic Environmental Research Program Scientific Advisory Board.

"§ 2901. Strategic Environmental Research Program

"(a) The Secretary of Defense shall establish a program to be known as the 'Strategic Environmental Research Program'.

"(b) The purposes of the program are as follows:

"(1) To address environmental matters of concern to the Department of Defense and the Department of Energy through support for basic and applied research and development of technologies that can enhance the capabilities of those departments to meet their environmental obligations.

"(2) To identify research, technologies, and other information developed by the Department of Defense and the Department of Energy for national defense purposes that would be useful to governmental and private organizations involved in the development of energy technologies and of technologies to address environmental restoration, waste minimization, hazardous waste substitution, and other environmental concerns, and to share such research, technologies, and other information with such governmental and private organizations.

"(3) To furnish other governmental organizations and private organizations with data, enhanced data collection capabilities, and enhanced analytical capabilities for use by such organizations in the conduct of environmental research, including research concerning global environmental change.

"(4) To identify technologies developed by the private sector that are useful for Department of Defense and Department of Energy defense activities concerning energy conservation, environmental restoration, hazardous waste substitution, and waste minimization and to provide for the use of such technologies in the conduct of such activities.

"§ 2902. Joint Strategic Environmental Research Program Council

"(a) There is a Joint Strategic Environmental Research Program Council (hereafter in this chapter referred to as the 'Council').

"(b) The Council is composed of eight members as follows:

"(1) The Assistant Secretary of Defense responsible for matters relating to production and logistics.

"(2) The Director of Defense Research and Engineering.

"(3) The Vice Chairman of the Joint Chiefs of Staff.

"(4) The Assistant Secretary of the Air Force responsible for matters relating to space.

"(5) The Assistant Secretary of Energy responsible for matters relating to defense programs.

"(6) The Assistant Secretary of Energy responsible for matters relating to environmental restoration and waste management.

"(7) The Administrator of the Environmental Protection Agency, who shall be a non-voting member of the Council.

"(8) The Executive Director of the Council, who shall be a non-voting member.

"(c) The Secretary of Defense shall designate a member of the Council as chairman for each odd numbered fiscal year. The Secretary of Energy shall designate a member of the Council as chairman for each even numbered fiscal year.

"(d) The Council shall have the following responsibilities:

"(1) To prescribe policies and procedures to implement the Strategic Environmental Research Program.

"(2) To enter into contracts, grants, and other financial arrangements, in accordance with other applicable law, to carry out the purposes of the Strategic Environmental Research Program.

"(3) To prepare an annual five-year strategic environmental research plan that shall cover the fiscal year in which the plan is prepared and the four fiscal years following such fiscal year.

"(4) To promote the maximum exchange of information, and to minimize duplication, regarding environmentally related research and development activities through close coordination with the military departments and Defense Agencies, agencies within the Department of Energy, other departments and agencies of the Federal Government, State and local governments, and other organizations engaged in such activities.

"(5) To ensure that research and development activities under the Strategic Environmental Research Program do not duplicate other ongoing activities sponsored by the Department of Defense, the Department of Energy, or any other department or agency of the Federal Government.

"(e) In carrying out subsection (d)(1), the Council shall prescribe policies and procedures—

"(1) to provide access by Federal Government personnel, State and local government personnel, college and university personnel, industry personnel, and the general public to data under the control of or otherwise available to the Department of Defense or Department of Energy that is relevant to environmental matters by—

"(A) identifying the sources of such data;

"(B) publicizing the availability and sources of such data by appropriately targeted dissemination of publicity to such personnel and the general public and by other means; and

"(C) providing for review of classified data relevant to environmental matters with a view to declassifying or preparing unclassified summaries of such data;

"(2) to provide governmental and nongovernmental entities with analytic assistance, consistent with national defense missions, including access to military platforms for sensor deployment and access to computer capabilities, in order to facilitate environmental research;

"(3) to identify energy technologies developed for national defense purposes (including electricity generation systems, energy storage systems, alternative fuels, bio-mass energy technology, and applied materials technology) that might have environmentally sound, energy efficient applications for other programs of the Department of Defense and the national security programs of the Department of Energy, particularly technologies that have the potential for industrial, commercial, and other governmental applications, and to support programs of research in and development of such applications;

"(4) to identify and support programs of basic and applied research and development in technologies useful—

"(A) to facilitate environmental compliance, remediation, and restoration activities of the Department of Defense and the Department of Energy;

"(B) to minimize waste generation by such departments; or

"(C) to substitute use of nonhazardous, nontoxic, nonpolluting, and other environmentally sound materials and substances for use of hazardous, toxic, and polluting materials and substances by such departments;

"(5) to identify and support research, development, and application of other technologies developed for national defense purposes which, not only are directly useful for programs, projects, and activities of such departments, but also have useful applications for solutions to such national and international environmental problems as climate change and ozone depletion;

"(6) to encourage transfer of technologies referred to in clauses (2) through (5) to the private sector under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) and other applicable laws;

"(7) to identify and plan for the demonstration and use of existing environmentally sound, energy efficient technologies developed by the private sector that could be used by the Department of Defense and the Department of Energy;

"(8) to identify military specifications that prevent or limit the use of environmentally beneficial technologies, materials, and substances in the performance of Department of Defense or Department of Energy contracts and recommend changes; and

"(9) to ensure that the research and development programs identified for support pursuant to the policies and procedures prescribed by the Council are closely coordinated with, and do not duplicate, ongoing activities sponsored by the Department of Defense, the Department of Energy, and other Federal agencies.

"(f) The Council shall be subject to the authority, direction, and control of—

"(1) the Secretary of Defense in prescribing policies and procedures under subsection (d)(1); and

"(2) the Secretary of Energy in prescribing the applicability of any such policies and procedures to the national security programs of the Department of Energy.

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense and the Secretary of Energy an annual report on the annual five-year strategic environmental research plan prepared pursuant to subsection (d)(3).

"(2) The report shall contain the following:

"(A) Actions to be taken during the five-year period covered by the plan to prevent duplication of research and development activities referred to in the policies and procedures prescribed pursuant to subsection (d)(1).

"(B) A description of each project selected or recommended by the Council for support and funding, including the duration of and total estimated or, if known, actual cost of—

"(i) each such project supported during the fiscal year in which the plan is submitted and the preceding fiscal year; and

"(ii) each such project proposed for funding during the fiscal year in which the annual report is submitted and the following four fiscal years.

"(C) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the annual report is submitted, for the programs, projects, and activities of the Strategic Environmental Research Program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"(D) The amount made available, for the fiscal year in which the annual report is submitted, to each Department of Defense laboratory and Department of Energy laboratory.

"(E) The amount requested in the budget referred to in subparagraph (C) for each Department of Defense laboratory and Department of Energy laboratory.

"(F) Any changes in military specifications recommended by the Council, actions to be taken to effectuate any such recommended changes on an expedited basis, and the projected date for each such change.

"(G) A description of all contracts, agreements, or other documents for cooperative research and development activities entered into pursuant to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) during the fiscal year preceding the fiscal year in which the annual report is submitted.

"(H) Plans for transferring technology and information to other governmental agencies and to nongovernmental organizations involved in environmental research and related matters.

"(I) Plans to increase access to data described in subsection (e)(1).

"(J) Such additional recommendations or proposals, including proposals for legislation, relating to the Strategic Environmental Research Program as the Council considers appropriate.

"(3) The Council shall make a draft of the five-year strategic environmental research plan covered by the report available for public comment for a period of at least 30 days.

"(4) Not later than March 15 of each year the Secretary of Defense shall transmit the annual report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives. The Secretaries of Defense and Energy may submit such comments on the annual report as each Secretary considers appropriate.

"§ 2903. Executive Director

"(a)(1) There shall be an Executive Director of the Council appointed by the Secretary of Defense after consultation with the Secretary of Energy.

"(2) The position of Executive Director shall be a Senior Executive Service position.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Executive Director is responsible for the management of the Strategic Environmental Research Program in accordance with the policies established by the Council.

"(c) The Executive Director may enter into contracts or other agreements in accordance with applicable law, except that the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of $500,000 or such lesser amount as the Council may prescribe.

"(d)(1) The Executive Director, with the concurrence of the Council and without regard to the provisions of title 5 governing appointments in the competitive service, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

"(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional employees appointed pursuant to paragraph (1). No such rate of basic pay may exceed the rate of basic pay payable for GS-18 of the General Schedule under section 5332 of such title.

"§ 2904. Strategic Environmental Research Program Scientific Advisory Board

"(a) The Secretary of Defense and the Secretary of Energy shall jointly appoint a Strategic Environmental Research Program Scientific Advisory Board (hereafter in this section referred to as the 'Advisory Board') consisting of not less than 5 and not more than 12 members.

"(b)(1) Members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

"(2) The Secretary of Defense and the Secretary of Energy shall request—

"(A) the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of

the National Academy of Sciences, to nominate persons for appointment to the Advisory Board;

"(B) the Council on Environmental Quality to nominate for appointment to the Advisory Board at least one person who is representative of environmental public interest groups; and

"(C) the National Association of Governors to nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

"(3) Members of the Advisory Board shall be appointed for terms of three years.

"(c) A member of the Advisory Board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5 (relating to compensation for work-related injuries) and chapter 171 of title 28 (relating to tort claims).

"(d) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least three meetings of the Advisory Board each year.

"(e) Each member of the Advisory Board who is not an officer or employee of the Federal Government shall be paid the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5 for each day (including travel time) during which such member is engaged in the performance of the duties of the Advisory Board. All members of the Advisory Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(f) The members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Advisory Board.

"(g) The Secretaries of Defense and Energy shall furnish the Advisory Board such personnel, equipment, office space, and other assistance as the Advisory Board determines necessary, in consultation with the Council, to carry out the Advisory Board's responsibilities.

"(h) The Council shall refer to the Advisory Board, and the Advisory Board shall review, each proposed project and each budget proposal for research in and development of technologies related to environmental activities in excess of $1,000,000. The Advisory Board shall make any recommendations to the Council that the Advisory Board considers appropriate regarding such project or proposal.

"(i) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, and, if appropriate, funding within the scope of the Strategic Environmental Research Program.

"(j) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

"(k)(1) Each meeting of the Advisory Board shall be open to the public unless the Chairman determines that the meeting should be closed in the interest of national security. Reasonable advance notice of the meeting time, date, and place shall be published in the Federal Register and, if the meeting is to be closed, the notice shall so specify.

"(2) Interested persons shall be permitted to attend, appear before, or file statements with the Advisory Board, subject to such reasonable rules as the Advisory Board shall prescribe.

"(3) Transcripts or minutes of each meeting of the Advisory Board, except meetings closed for national security reasons, and recommendations made by the Advisory Board shall be made available for public inspection at a location determined by the Chairman.

"(l) Not later than March 15 of each year, the Advisory Board shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommendations on projects, programs, and information exchange and recommendations for legislation, that the Advisory Board considers appropriate regarding the Strategic Environmental Research Program.

"(m) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).

"(n) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 171 the following:

"172. Strategic Environmental Research Program ..... 2901".

(b) TERMS OF MEMBERS INITIALLY APPOINTED TO ADVISORY BOARD.—Up to one-half of the members originally appointed to the Strategic Environmental Research Program Scientific Advisory Board established under section 2904 of title 10, United States Code, as added by subsection (a), may be appointed for terms of not more than 6 and not less than 2 years in order to provide for staggered expiration of the terms of members. The Secretary of Defense and the Secretary of Energy shall jointly designate the members appointed for terms authorized under this paragraph and shall jointly specify the terms for which such members are appointed.

(c) FIRST ANNUAL REPORT OF THE JOINT STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM COUNCIL.—(1) The first annual report required by section 2902(g) of title 10, United States Code, as added by subsection (a), shall be submitted to the Secretary of Defense not later than February 1, 1992.

(2) The Secretary of Defense shall submit to the congressional defense committees, with the annual report referred to in paragraph (1), any recommendations for changes in the personnel management structure of the Department of Defense that the Secretary considers necessary to carry out the environmental activities of the Department of Defense more effectively.

(d) FIRST ANNUAL REPORT OF THE STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM SCIENTIFIC ADVISORY BOARD.—The first annual report of the Strategic Environmental Research Program Scientific Advisory Board shall be submitted not later than March 15, 1992.

SEC. 1002. AVAILABILITY OF FUNDS

Of the amounts authorized to be appropriated pursuant to section 201, $200,000,000 shall be available for the Strategic Environmental Research Program established under chapter 172 of title 10, United States Code, as added by section 1001. To the extent provided in appropriation Acts, the amount made available by this section shall remain available until expended.

SEC. 1003. DEADLINE FOR COMPLETION AND EXECUTION OF AGREEMENTS WITH THE ENVIRONMENTAL PROTECTION AGENCY

(a) Whenever a Department of Defense facility is proposed to be listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including those facilities proposed for listing as of the date of enactment of this Act, the Secretary of Defense shall, not later than one year after the date of such proposal or the date of enactment of this Act, whichever is later, enter into an interagency agreement with the Administrator of the United States Environmental Protection Agency, which shall be subject to and comply with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and shall include, but not be limited to, a procedural framework and schedule for developing, implementing, and monitoring appropriate response actions for any such facility in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

(b) This section shall be construed consistently with any existing Federal laws, and nothing in this section shall be construed as limiting any rights, authorities, requirements, or obligations of or provided by any existing Federal laws. Nothing in this section shall be construed as preempting, affecting, or modifying any State laws, including, but not limited to, any laws concerning removal or remedial action, enforcement, discharge control, solid waste disposal, or the application of such laws to facilities owned or operated by a department, agency, or instrumentality of the United States.

TITLE XI—DRUG INTERDICTION

SEC. 1101. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES FUNDING FOR FISCAL YEAR 1991

Funds authorized to be appropriated for drug interdiction and counter-drug activities pursuant to section 301(a) shall be available for the purposes specified in paragraphs (1) through (5), in connection with the drug interdiction and counter-drug activities of the components named in such paragraphs, in the amounts specified as follows:

(1) For operations and maintenance:

(A) For the Army, $118,700,000.

(B) For the Navy, $275,900,000.

(C) For the Marine Corps, $3,200,000.

(D) For the Air Force, $88,500,000.

(E) For the Defense Agencies, $47,400,000.

(F) For the Army Reserve, $3,800,000.

(G) For the Naval Reserve, $1,500,000.

(H) For the Army National Guard, $19,342,000.

(I) For the Air National Guard, $4,700,000.

(J) For support to Federal, State, local, and foreign government agencies having counter-drug functions, $60,000,000.

(K) For the Civil Air Patrol, $1,000,000.

(2) For procurement:

(A) For the Army, $74,300,000.

(B) For the Navy, $91,058,000.

(C) For the Air Force, $112,500,000.
(D) For the National Guard, $15,000,000.
(E) For the Defense Agencies, $145,200,000.
(3) For National Guard Bureau pay and allowances:
(A) For the Army National Guard, $90,500,000.
(B) For the Air National Guard, $15,000,000.
(4) For research, development, test, and evaluation:
(A) For the Army, $3,300,000.
(B) For the Navy, $10,000,000.
(C) For the Air Force, $2,600,000.
(D) For the Defense Agencies, $14,400,000.
(5) For minor construction:
For the Navy, $10,000,000.

SEC. 1102. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

(a) SUPPORT TO OTHER AGENCIES.—(1) During fiscal year 1991, the Secretary of Defense may provide support for the counter-drug activities of any other department or agency of the Federal Government or for the counter-drug activities of a State or local civilian law enforcement agency for any of the purposes set forth in paragraph (2) if—

(A) such support is requested by the official who has responsibility for the counter-drug activities of that department or agency of the Federal Government or by the appropriate official of the State or local government, as the case may be; and

(B) funds are available for such purposes under section 1101(1)(J).

(2) The purposes referred to in paragraph (1) for which the Secretary may provide support are the following:

(A) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State or local government by the Department of Defense for the purposes of—

(i) preserving the potential future utility of such equipment for the Department of Defense; and

(ii) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department of Defense.

(B) The maintenance and repair of equipment other than equipment referred to in subparagraph (A) for the purpose of—

(i) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

(ii) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department of Defense.

(C) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities within or outside of the United States.

(D) The establishment, including unspecified minor construction, and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities within or outside the United States.

(E) Counter-drug related training of law enforcement personnel of the Federal Government and of State and local governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

(F) Aerial and ground reconnaissance outside, at, or near the borders of the United States.

(b) CONTRACT AUTHORITY.— In carrying out subsection (a), the Secretary of Defense may acquire services or equipment by contract for support provided under subsection (a) if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department of Defense.

(c) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of title 10, United States Code, the Secretary of Defense may provide support pursuant to subsection (a) in any case in which the provision of such support would adversely affect in the short term the military preparedness of the United States if the Secretary determines that the importance of providing such support outweighs any short-term adverse effect that the provision of such support might have on military preparedness.

(d) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary of Defense may plan and execute otherwise valid military training or operations for the purpose of aiding civilian agencies.

(e) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to the authority provided for such purpose under chapter 18 of title 10, United States Code.

(2) Nothing in this section shall be construed to modify or supersede the provisions of section 375 of title 10, United States Code, or the provisions of section 376 of such title, except to the extent provided in subsection (c) of this section.

SEC. 1103. TRANSFER OF EXCESS DEFENSE ARTICLES

Pursuant to Public Law 100-456, section 1208 and section 372 of title 10, United States Code, the Secretary of Defense shall review the availability of equipment resulting from the withdrawal of United States forces from Europe and Asia for the purpose of identifying excess equipment that may be suitable for drug enforcement activities for transfer to appropriate State or local civilian law enforcement authorities.

SEC. 1104. SENSE OF THE CONGRESS REGARDING THE EFFECTIVE UTILIZATION OF COUNTERNARCOTICS FUNDS AND REPORT REQUIREMENT.

(a) FINDINGS.—The Congress finds that—

(1) Secretary Cheney has declared that combating illegal drugs is a high priority national security mission for the Department of Defense;

(2) All funds authorized and appropriated for Operations and Maintenance and Military Personnel in the Department of Defense's counternarcotics budget for Fiscal Year 1990 have not been obligated;

(3) If such funds are not obligated during Fiscal Year 1990 such funds will no longer be available for counternarcotics efforts; and

(4) Such funds should not be allowed to lapse.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff must continue to emphasize the Department of Defense's commitment to this extremely important mission so that the entire chain of command ensures that funds are fully and effectively utilized so as to maximize the military's contribution to the national counter-drug efforts.

(c) REPORT.—Not later than January 15, 1991, the General Accounting Office shall report to the Armed Services Committees of the Senate and the House of Representatives, the Senate Appropriations Subcommittee on Defense, the House Appropriations Subcommittee on Defense, and the Senate Caucus on International Narcotics Control on the Department of Defense's counternarcotics budget, providing the following:

(1) An analysis of the funds authorized and appropriated in Fiscal Year 1989; how these funds were obligated and expended, including a month-by-month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year.

(2) An analysis of the funds authorized and appropriated in Fiscal Year 1990; how these funds were obligated and expended, including a month-by-month breakdown of obligations and expenditures; if there were delays in obligating and expending these funds; why such delays occurred; and the amount of funds which had lapsed at the end of the fiscal year.

(3) An analysis of whether there is any information available with respect to the obligations and expenditures from the Fiscal Year 1989 and Fiscal Year 1990 counternarcotics budget that suggest a systemic problem in reference to the timely obligation and expenditure of counternarcotics funds.

(4) An analysis of the effectiveness of the role of the Department of Defense Coordinator for Drug Enforcement Policy and Support; whether his dual responsibility as Assistant Secretary of Defense for Reserve Affairs and as Drug Coordinator complicates his ability to coordinate all entities within the Department of Defense in the counternarcotics mission; and the adequacy of personnel levels in his Office to meet his responsibility for coordinating these funds and ensuring that the funds are obligated and expended in a timely manner.

(5) Recommendations for correcting any problems found in the course of this review.

SEC. 1105. STUDY OF UTILITY OF OH-58D HELICOPTER IN DETECTION OF CROSS-BORDER INTRUSIONS BY DRUG SMUGGLERS

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility and effectiveness of utilizing OH-58D Scout helicopters for detecting, monitoring, and conducting surveillance of the ground movements of drug smugglers along the southwest border of the United States. In carrying out such study, the Secretary shall consider in particular the following matters:

(1) The suitability of the OH-58D helicopter for performing the missions described in the first sentence.

(2) The feasibility of having personnel of the Army National Guard operate and maintain OH-58D helicopters when such personnel are not in Federal service.

(3) The desirability of having the Army pay for operation and maintenance expenses in connection with the OH-58D helicopters pursuant to a plan developed by the United States Customs Service or having the Secretary of Defense pay such expenses out of funds appropriated for National Guard counterdrug activities pursuant to a plan developed by the Governors of Southwestern States.

(4) The feasibility of coordinating National Guard activities and civilian law enforcement activities though the command, control and intelligence center of the United

States Customs Service at Riverside, California.

(b) INTERAGENCY COORDINATION.—The Secretary shall carry out the study required by subsection (a) in consultation with the Commissioner of the United States Customs Service.

(c) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the study required by subsection (a) not more than 180 days after the date of the enactment of this Act. The Secretary shall include in the report the conclusions of the Secretary based on the study together with such comments and recommendation as the Secretary considers appropriate.

SEC. 1106. ANDEAN ANTI-DRUG EFFORTS

(a) The Congress finds that—

(1) support for democratic process and civilian governance in Andean countries of Peru, Bolivia, and Colombia, the first two of which have only recently emerged from periods of military rule, is a necessary precondition for the successful fight against narcotics production and traffic and long-term stability in that region;

(2) separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States;

(3) there is a need to determine whether existing United States policies unduly emphasize assistance to military entities rather than civilian law enforcement entities in the Andean anti-drug effort and whether such policies might tend to undermine the dual long-term policy goals of the United States of stopping the traffic of drugs at their sources and the preservation of civilian control over the newly established democracies of this region; and

(4) there is a need to assess the impact that United States assistance in the Andean anti-drug effort will have on reducing drug activity and supporting democratic processes in this region.

(b)(1) Not later than 90 days after the date of enactment of this Act, the Secretary of State and the Secretary of Defense shall, in consultation with the Director of the Office of National Drug Control Policy, jointly submit a report to the Senate and the House of Representatives detailing current United States policies, anti-narcotics enforcement activities and associated training programs in the Andean region.

(2) Such report shall also include an analysis of the impact of the Andean countries' militaries' role in counter-narcotics enforcement on democratic institutions in the region and how civilian institutions might be strengthened in order to assure the successful pursuit of anti-narcotics strategy.

(3) Such report shall contain specific legislative recommendations as may be necessary to clarify and streamline United States assistance activities in order to avoid unnecessary duplications and contradictions in meeting United States policy goals in the Andean region.

SEC. 1107. CREATION OF A MULTILATERAL COUNTER NARCOTICS STRIKE FORCE

It is the sense of the Congress that the President should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to counter major international drug traffickers.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international counternarcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of consideration; and

(3) the Manley plan is the first operative proposal for the use of a multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

(1) Prime Minister Manley of Jamaica is to be commended for his proposal; and

(2) the United States should work through the United Nations and other multilateral organizations to determine the feasibility of such a force and to assist in the establishment of this force, if it is found to be feasible.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1201. TRANSFER AUTHORITY

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1991 between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON OBLIGATION LIMITATIONS.—An amount transferred from one account to another account pursuant to the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1202. REDUCTIONS TO REFLECT CONSOLIDATION SAVINGS

The total amount authorized to be appropriated for the Department of Defense for fiscal year 1991 for military personnel and operations and maintenance may not exceed $163,389,825,000.

SEC. 1203. FIVE-YEAR DEFENSE PROGRAM

(a) Section 114a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding the references in subsections (a), (b), and (c) to a five-year defense program, if in any year the Secretary prepares a six-year defense program in lieu of a five-year defense program, the Secretary may submit that program to Congress in lieu of a five-year defense program.".

SEC. 1204. FIVE-YEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM

(a) REQUIREMENT TO SUBMIT FIVE-YEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM.—The Director of Central Intelligence shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives each year the current five-year national foreign intelligence program reflecting the estimated expenditures and proposed appropriations required to support that program.

(b) TIME OF SUBMISSION.—The Director shall submit the report required by subsection (a) each year at or about the same time that the budget is submitted to Congress pursuant to section 1105(a) of title 31, United States Code.

(c) CONSISTENCY.—The Director of Central Intelligence and the Secretary of Defense shall ensure that the estimates referred to in subsection (a) are consistent with the budget estimates submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for the fiscal year concerned and with the estimated expenditures and proposed appropriations for the five-year or six-year defense program submitted pursuant to section 114a of title 31, United States Code.

(d) SIX-YEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM.—Notwithstanding the reference in subsection (a) to a five-year national foreign intelligence program, if in any year the Director of Central Intelligence prepares a six-year national foreign intelligence program, the Director may submit that program to the committees referred to in subsection (a) in lieu of a five-year national foreign intelligence program.

SEC. 1205. FORMATS FOR PRESENTATION OF DOD MATTERS IN THE BUDGET

(a) IN GENERAL.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(28) for budget matters pertaining to the Department of Defense (functional category 050)—

"(A) a format that organizes such matters on the same basis as the format contained in the budget submitted for fiscal year 1991; and

"(B) a format that organizes such matters on the basis of major roles and missions of the Department of Defense.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to budgets submitted after the date of the enactment of this Act.

SEC. 1206. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS

(a) ARMY.—In addition to the amount authorized to be appropriated by section 101(5), there is hereby authorized to be appropriated for fiscal year 1991 for the Army for procurement of the Nuclear Biological, Chemical Reconnaissance System $36,914,000.

(b) NAVY.—In addition to the amount authorized to be appropriated by section 102(a)(1), there is hereby authorized to be appropriated for fiscal year 1991 for the Navy for procurement of the Battle Group Passive Horizon Extension System $5,163,000.

(c) AIR FORCE.—(1) Notwithstanding section 103(2), not more than $6,728,957,000 is authorized to be appropriated for fiscal year 1991 for the procurement of missiles.

(2)(A) In addition to the amount authorized to be appropriated by section 201(3), there is hereby authorized to be appropriated for fiscal year 1991 for the Air Force for research, development, test, and evaluation $4,000,000.

(B) Of the amount authorized to be appropriated pursuant to subparagraph (A) of this paragraph and section 201(3), not more than $15,000,000 shall be available for the Advanced Electro-Optical System.

(d) DEFENSE AGENCIES.—In addition to the amount authorized to be appropriated by section 201(4), there is hereby authorized to be appropriated for fiscal year 1991 for the Defense Agencies for research, development, test, and evaluation for single-pulse excimer laser technology $30,000,000.

SEC. 1207. CONTROLS ON THE AVAILABILITY OF APPROPRIATION ACCOUNTS

(a) AMENDMENTS TO TITLE 31.—

(1) IN GENERAL.—Subchapter IV of chapter 15 of subtitle 2 of title 31, United States Code, is amended by striking sections 1552 through 1556 and inserting the following:

"§ 1552. Procedure for appropriation accounts available for definite periods

"(a) On September 30th of the 5th fiscal year after the period of availability of an appropriation account available for obligation for a definite period ends, the account is closed and any remaining obligated and unobligated balance is canceled and thereafter shall not be available for obligation or expenditure for any purpose.

"(b) Collections authorized to be credited to an appropriation, but not received before closing of the account under subsection (a) or section 1555 of this title shall be deposited in the Treasury as miscellaneous receipts.

"§ 1553. Availability of appropriation accounts to pay obligations

"(a) After the end of the period of availability of an appropriation account available for a definite period and prior to closing of that account under section 1552(a) of this title, the account shall remain available for recording, adjusting, and liquidating obligations properly chargeable to that account. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

"(b)(1) Subject to the provisions of paragraph (2), after closing of an account under section 1552(a) or section 1555 of this title, obligations and adjustments to obligations that would have been chargeable to that account prior to closing and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose.

"(2) The total of charges to any current account under paragraph (1) shall not exceed—

"(A) an amount equal to one percent of the total appropriations for that current account; or

"(B) the amount of the original appropriation,

whichever amount is less.

"(c)(1) Obligations under this section may be paid without prior action of the Comptroller General.

"(2) This subchapter does not—

"(A) relieve the Comptroller General of the duty to make decisions requested under law; or

"(B) affect the authority of the Comptroller General to settle claims and accounts.

"(d)(1) If an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount of such obligations during a fiscal year for contract changes for that program, project, or activity to exceed $4,000,000, the obligation may only be made if the obligation is approved by the head of the agency (or an officer of the agency within the Office of the head of the agency to whom the head of the agency has delegated the authority to approve such an obligation).

"(2) In a case in which an obligation of funds from an account the period of availability of which has ended to provide funds for a program, project, or activity to cover amounts required for contract changes would cause the total amount so obligated during a fiscal year for that program, project, or activity to exceed $25,000,000, the obligation may not be made until—

"(A) the head of the agency submits to the appropriate authorizing committees of Congress and the Committees on Appropriations of the Senate and the House of Representatives a notice in writing of the intent to obligate such funds, together with a description of the legal basis for the proposed obligation and the policy reasons for the proposed obligation; and

"(B) a period of 30 days has elapsed after the notice is submitted.

"(3) As used in this subsection, the term 'contract change' means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under an escalation clause.

"§ 1554. Audit, control, and reporting

"(a) Any audit requirement, limitation on obligations, or reporting requirement that is applicable to an appropriation account shall remain applicable to that account after the end of the period of availability of that account.

"(b)(1) The head of each Federal agency shall provide an annual report to the President and the Department of the Treasury regarding the unliquidated obligations, unobligated balances, and adjustments made to such accounts during the completed fiscal year. The report shall be provided no later than 15 days after the President's budget submission.

"(2) The report required by this subsection shall—

"(A) provide a description, with reference to the fiscal year of appropriations, of the amount in each account, its source, and an itemization of the appropriations accounts;

"(B) describe all current and expired appropriations accounts;

"(C) describe any payments made under section 1553 of this title;

"(D) describe any adjustment of obligations during that fiscal year pursuant to section 1553 of this title;

"(E) contain a certification by the head of the agency that the obligated balances in each appropriation account of the agency reflect proper existing obligations and that expenditures from the account since the preceding review were supported by a proper obligation of funds and otherwise were proper;

"(F) describe all balances canceled under sections 1552 and 1555 of this title; and

"(G) be provided to the Appropriations Committees of the Senate and the House of Representatives, to the House of Representatives Committee on Government Operations and the Senate Committee on Governmental Affairs, and other appropriate oversight and authorizing committees of the House and Senate.

"(c) The Congressional Budget Office shall—

"(1) annually estimate the outlay impact on the Federal deficit on an agency-by-agency basis, of payments and adjustments with respect to sections 1552 and 1553 of this title; and

"(2) include estimates required by paragraph (1) in the annual report of the Congressional Budget Office to Congress entitled 'The Economic and Budget Outlook', and its report entitled 'The Economic Budget Outlook: An Update'.

"(d) Each agency head shall establish internal controls to assure that an adequate review of obligated balances has been performed to support the certification required by section 1108(c) of this title.

"§ 1555. Closing of appropriation accounts available for indefinite periods

"An appropriation account available for an indefinite period shall be closed and any remaining obligated or unobligated balance shall be canceled and thereafter shall not be available for obligation of expenditure for any purpose—

"(1) when the head of the agency concerned or the President decides that the purposes for which the appropriation was made have been carried out; and

"(2) when no disbursement is made against the appropriation for 2 consecutive fiscal years.

"§ 1556. Comptroller General reports on appropriation accounts

"(a) In carrying out audit responsibilities, the Comptroller General shall report on operations under this subchapter to—

"(1) the head of the agency concerned;

"(2) the Secretary of the Treasury; and

"(3) the President.

"(b) A report under this section shall include an appraisal of unpaid obligations under appropriation accounts the period of availability of which has ended.".

(2) EXTENTION OF AVAILABILITY.—Section 1551 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) The limitations on availability for expenditure prescribed in this subchapter shall apply to all other appropriations unless otherwise authorized by subsequent law that specifically—

"(1) identifies the appropriate account to be extended;

"(2) provide that such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to that account; and

"(3) extends the availability for expenditure of the obligated balances.".

(b) EFFECTIVE DATE.—

(1) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply to any appropriation account the obligated balance of which, on the date of enactment of this section, has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section.

(2) RESTORATION OF CERTAIN UNOBLIGATED AMOUNTS.—On the date of enactment of this section, the balance of any unobligated amount withdrawn under section 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section, from an account the obligated balance of which has not been transferred under section 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, is hereby restored to that account.

(3) CANCELLATION OF UNOBLIGATED BALANCES.—Thirty days after enactment of this section, all balances of unobligated funds

withdrawn from any account under subsection 1552(a)(2) of title 31, United States Code, in effect prior to enactment of this section (other than funds restored under paragraph (2)) are canceled.

(4) CANCELLATION OF OBLIGATED BALANCES.—On September 30th after enactment of this section, all obligated balances transferred under subsection 1552(a)(1) of title 31, United States Code, in effect prior to enactment of this section, are canceled.

(5) OBLIGATIONS AND ADJUSTMENT OF OBLIGATIONS.—(A) After cancellation of unobligated balances under paragraph (3) or cancellation of obligated balances under paragraph (4) and subject to the provisions of subparagraph (B), obligations and adjustments to obligations that would have been chargeable to those balances prior to such cancellations and that are not otherwise chargeable to current appropriations of the agency may be charged to current appropriations of the agency available for the same purpose. Any charge made pursuant to this subsection shall be limited to the unobligated expired balances of the original appropriation available for the same purpose.

(B) Any charge made pursuant to subparagraph (A) shall be subject to the maximum amount chargeable subsection (b) under section 1553 of title 31, United States Code, as amended by this section, and shall be included in the calculation of the total amount charged to any account under that section.

(c) ANTI-DEFICIENCY ACT.—Section 1341(a)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: ", including an obligation exceeding the original obligation and the use of such obligation for new obligations".

PART B—MISCELLANEOUS MATTERS

SEC. 1211. REPORT ON UNITED STATES SECURITY ARRANGEMENTS AND COMMITMENTS WORLDWIDE

Not later than February 1, 1991, the President shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all United States security arrangements with, and commitments to, other nations throughout the world. The President shall include in the report—

(1) a description of all security arrangements and commitments, whether based upon a formal document or an expressed policy, and a recitation of the historical origins of those arrangements and commitments;

(2) an assessment of the need to continue, or discontinue, each of the arrangements and commitments in view of the changing threat situation;

(3) an evaluation of the ability of the United States to meet those commitments based on the projected reductions in the defense structure of the United States; and

(4) a plan for meeting each of those commitments with the force structure projected for the future.

SEC. 1212. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS

(a) IN GENERAL.—Subsection (c) of section 119 of title 10, United States Code, is amended to read as follows:

"(c)(1) Whenever a change in the classification of a special access program of the Department of Defense is planned to be made or whenever classified information concerning a special access program of the Department of Defense is to be declassified and made public, the Secretary of Defense shall submit to the defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Defense, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.".

(b) AMENDMENT TO DEFINITION.—Subsection (f) of such section is amended by inserting "and Appropriations" after "Armed Services" in clause (1).

SEC. 1213. SENSE OF CONGRESS ON ADDITIONAL NUCLEAR RISK REDUCTION MEASURES

(a) FINDINGS.—Congress makes the following findings:

(1) On June 1, 1990, the President of the United States and the President of the Soviet Union signed a document entitled "Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability".

(2) In that document, the two nations pledged to pursue additional confidence-building and predictability measures "that would reduce the possibility of an outbreak of nuclear war as a result of accident, miscalculation, terrorism, or unexpected technological breakthrough, and would prevent possible incidents between them".

(3) As a result of the recent increase in ethnic, national, economic, and political tensions within the Soviet Union, concern has heightened regarding the possible unauthorized or accidental use of Soviet nuclear weapons.

(4) It has been four years since the Department of Defense conducted a comprehensive review of its nuclear control procedures and failsafe mechanisms.

(5) The Joint Chiefs of Staff, in its 1990 Joint Military Net Assessment, concluded that with the recent changes in the global security environment, "the risk of nuclear deterrence failing is assessed to be low and at this moment to be decreasing".

(6) While Congress is concerned about continued Soviet strategic offensive and defensive modernization and the unpredictable status of the Soviet domestic situation, at this stage the lessened prospects that nuclear weapons of the United States might have to be employed may afford an opportunity to reconsider past reluctance to utilize certain positive control measures, such as the installation of permissive action links (PALs) on nuclear weapons deployed at sea by the United States and the installation of post-launch destruct mechanisms on intercontinental ballistic missiles (ICBMs) and submarine launched ballistic missiles (SLBMs) deployed by the United States, as long as appropriate security measures can be developed to protect the integrity of such destruct mechanisms.

(7) On September 15, 1987, the United States and the Soviet Union agreed to establish Nuclear Risk Reduction Centers (NRRCs) in Washington and Moscow.

(8) The NRRCs have made a useful contribution to lowering the risks of accidental or inadvertent nuclear war and are capable of taking on expanded roles.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President of the United States and the President of the Union of Soviet Socialist Republics are to be commended for their June 1, 1990, joint statement to pursue additional nuclear confidence-building measures; and

(2) in keeping with that joint statement, the President should—

(A) invite the Soviet Union to join with the United States in conducting separate but parallel, comprehensive reviews of each nation's own nuclear control procedures and failsafe mechanisms; and

(B) propose to the Soviet Union that the two nations initiate discussions with the objective of agreeing on additional roles and functions that could be assigned to the Nuclear Risk Reduction Centers to further lessen the risks of the outbreak of nuclear war as the result of misinterpretation, miscalculation, or accident.

(c) REPORT ON ADDITIONAL MEASURES.—Not later than March 1, 1991, the President shall submit to Congress a report (in classified and unclassified form) assessing additional nuclear risk reduction measures which could be implemented pursuant to the joint statement of June 1, 1990, referred to in subsection (b), including the following:

(1) Assigning the Nuclear Risk Reduction Centers (NRRCs) such expanded roles as the following:

(A) Serving as the locus for discussions between the two nations on responding to possible nuclear terrorism.

(B) Transmitting notifications that may be required under future arms control treaties.

(C) Transmitting notifications and information requests required under Article 5 of the 1971 Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States and the Union of Soviet Socialist Republics.

(D) Providing a forum for discussions between the United States and the Soviet Union on restricting nuclear, chemical, and missile proliferation.

(E) Serving as a meeting place for high-level military discussions on nuclear doctrines, forces and activities, and regional security concerns.

(2) Installation of post-launch destruct mechanisms on all intercontinental ballistic missiles (ICBMs) and submarine launched ballistic missiles (SLBMs) deployed by the United States.

(3) Installation by the United States of permissive action links (PALs) on all nuclear weapons at sea.

SEC. 1214. CROSS-SERVICING AGREEMENTS

Subsection (a) of section 2342 of title 10, United States Code, is amended to read as follows:

"(a)(1) Subject to section 2343 of this title and to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into an agreement described in paragraph (2) with—

"(A) the government of a North Atlantic Treaty Organization country;

"(B) a subsidiary body of the North Atlantic Treaty Organization; or

"(C) the government of a country not a member of the North Atlantic Treaty Organization but which is designated by the Sec-

retary of Defense, subject to the limitations prescribed in subsection (b), as a government with which the Secretary may enter into agreements under this section.

"(2) An agreement referred to in paragraph (1) is an agreement under which the United States agrees to provide logistic support, supplies, and services to military forces of a country or subsidiary body referred to in paragraph (1) in return for the reciprocal provisions of logistic support, supplies, and services by such government or subsidiary body to elements of the armed forces.".

SEC. 1215. GRANT FOR STUDY AND ANALYSIS OF THE SOVIET UNION AND CERTAIN OTHER COUNTRIES

Of the amounts authorized to be appropriated pursuant to section 201, $600,000 shall be available for making a grant to a nonprofit organization for the support of research and analyses by emigrants from the Soviet Union, the countries of Eastern Europe (including Albania), and Cuba regarding political, economic, social, and other developments in those countries.

SEC. 1216. NATIONAL DEFENSE ECONOMIC ADJUSTMENT

(a) FINDINGS.—Congress makes the following findings:

(1) There are likely to be significant reductions in the programs, projects, and activities of the Department of Defense during the first several fiscal years following fiscal year 1990.

(2) Such reductions will adversely affect the economies of many communities in the United States and small businesses and civilian workers throughout the United States.

(b) POLICY.—In view of the findings expressed in subsection (a), it is the policy of the United States that—

(1) assistance be provided under existing planning assistance programs and economic adjustment assistance programs of the Federal Government to communities, small businesses, and workers referred to in subsection (a)(2) to the extent necessary to facilitate an orderly transition for such communities, small businesses, and workers from economic reliance on Department of Defense spending to economic reliance on other sources of business, employment, and revenue; and

(2) funding for such programs be increased by amounts necessary to meet the needs of such communities, small businesses, and workers without reducing the funding that would otherwise be available under those programs by reason of causes unrelated to the reductions referred to in subsection (a)(1).

(c) ACTIONS OF THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense, through the Office of Economic Adjustment of the Department of Defense, shall—

(A) identify each community in the United States likely to experience significant economic dislocation as a result of the reductions referred to in subsection (a)(1), including a loss of at least 2,500 civilian jobs (in the case of an urban community), 1,000 civilian jobs (in the case of a rural community), or a number of civilian jobs equal to at least one percent of the total number of civilian jobs in the community;

(B) transmit to the governments of each such community (and to the Governor of the State in which such community is located) advance notification of the planned reductions referred to in subsection (a)(1) that are likely to affect such community adversely, including an estimate of the number of jobs that will be lost in the community as the result of the planned reductions;

(C) transmit to the President a list of all such communities; and

(D) make community planning assistance grants to such communities in order to assist such communities in planning for economic diversification likely to minimize the adverse economic effects referred to in subsection (a)(2) and to facilitate economic recovery from any such adverse effects.

(2) For fiscal year 1992 and each fiscal year thereafter, the Secretary of Defense—

(A) shall—

(i) in the budget proposals of the Department of Defense prepared for submission to the President for such fiscal year, identify those communities that are likely to experience significant economic dislocation described in paragraph (1)(A) in the event that such budget proposals are enacted into law; and

(ii) upon the submission of the budget for such fiscal year to Congress pursuant to section 1105(c) of title 31, United States Code, provide the notifications required by paragraph (1)(B); and

(B) upon the enactment of an appropriations Act providing funds for programs, projects, and activities of the Department of Defense for such fiscal year, shall identify the communities likely to experience significant economic dislocation described in clause (A) of paragraph (1) as a result of the funding levels contained in such Act and take the actions required by clauses (B) and (C) of such paragraph.

(d) ACTIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce shall furnish community adjustment assistance under title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.), and such other assistance as may be provided under programs administered by the Economic Development Administration of the Department of Commerce, to communities receiving a notification pursuant to subsection (c)(1)(B) in order to carry out the policy set out in subsection (b)(1).

(e) ACTIONS OF THE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.—(1) The Administrator of the Small Business Administration shall furnish assistance to small businesses described in paragraph (2) for the purpose of facilitating the development of business plans for diversifying into commercial activities other than the furnishing of products or services for the Department of Defense.

(2) A small business referred to in paragraph (1) is a small business that derives a significant portion of its gross receipts from the direct and indirect furnishing of goods or services for the Department of Defense.

(3) To be eligible for the assistance referred to in paragraph (1), a small business shall be required to submit to the Administrator an application for assistance containing a preliminary business diversification proposal applicable to such small business.

(f) ACTIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall furnish retraining, job placement, and relocation assistance pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and other employment services to workers referred to in subsection (a)(2) in order to carry out the policy set out in subsection (b)(1).

(g) ACTIONS OF THE PRESIDENT.—(1) In the preparation of the budget for a fiscal year for submission to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall—

(A) take into consideration the needs of the communities identified by the Secretary of Defense pursuant to subsection (c)(1) and the small businesses and workers referred to in subsection (a)(2) and include in such budget proposed funding levels for the assistance and services referred to in subsections (c) through (f) sufficient to carry out the policy set out in subsection (b)(2); and

(B) include in the justifications and supporting information transmitted to Congress in connection with such budget—

(i) a discussion of the extent to which the proposed funding for such programs is sufficient to carry out such policy; and

(ii) a list of the communities that are to receive a notification from the Secretary of Defense pursuant to subsection (c)(1) in connection with such budget.

(2) It is the sense of Congress that, in order to ensure that paragraph (1) and subsections (c) through (f) are carried out effectively—

(A) the President should direct the interagency committee known as the President's Economic Adjustment Committee to carry out coordinating and oversight activities with respect to the development of budget requests for and the furnishing of assistance under the programs referred to in such paragraph and subsections and to keep the President currently informed regarding the effectiveness of the programs; and

(B) the President should implement a systematic, continuous procedure to collect and analyze information necessary to evaluate the adequacy and identify the sources of industrial capacity and capability in items and technologies essential to the execution of the national security strategy of the United States, including the industrial capacity and capabilities of Department of Defense prime contractors and at least the first two tiers of subcontractors.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the fiscal year beginning October 1, 1990 such sums as may be necessary for carrying out subsections (c)(1)(D), (d), (e) and (f).

(2) Amounts authorized to be appropriated under paragraph (1) are in addition to any amounts authorized to be appropriated for activities and programs referred to in such subsections for such fiscal year under any other provision of law.

SEC. 1217. DEVELOPMENT AND PRODUCTION OF WEAPONS AND WEAPON SYSTEMS HAVING STANDOFF ATTACK CAPABILITIES AND EMPLOYING SENSOR-FUSED DEVICES

(a) FINDINGS.—

(1) The world-wide proliferation of sophisticated and highly lethal, advanced technology weapons systems continues at rapid pace.

(2) These increasingly lethal weapons place United States and allied forces at greater risk.

(3) The development of standoff weapons to attack highly defended targets while minimizing risk to United States forces is a high priority.

(4) The results of research and testing conducted by or for the Department of Defense on weapons and weapon systems having standoff capabilities and employing sensor-fused devices demonstrates that such weapons satisfy such needs.

(b) The Air Force should complete development of weapons and weapon systems having standoff attack capabilities and employing sensor-fused devices and, upon completion of such development, should proceed with the production of such weapons and weapon systems, and that such production should take place at facilities so selected

during the development phase of these weapons.

SEC. 1218. REPEAL RELATING TO CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

(a)(1) REPEAL.—Section 1631 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2646; 42 U.S.C. 2212) is repealed.

(2) RELATIONSHIP TO STATUTES OF LIMITATIONS.—(A) The period during which section 1631 of the Department of Defense Authorization Act, 1985, was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in subsection (a)(1) of such section.

(B) In the case of any civil action referred to in paragraph (1) which was filed before October 19, 1984, and was subsequently dismissed pursuant to the provisions of section 1631 of the National Defense Authorization Act, 1985, the period beginning on the date of the initial filing of such action and ending on the date of the enactment of this Act shall not be taken into account in computing the period provided in any Federal of State statute of limitations applicable to such civil actions.

(C) If the period provided in any Federal or State statute of limitations applicable to a civil action referred to in paragraph (1) expires within the one-year period beginning on the date of the enactment of this Act, the action shall not be barred by such statute, but shall be forever barred if not commenced within one year after such date: *Provided, however,* That in no event shall an award of attorney fees for actions brought under this title exceed 10 percent of the award of actual damages: *Provided further,* That nothing in this section shall act to preclude a contract for legal representation for a lesser amount.

(b)(1) With respect to actions filed under this section, the United States shall forever indemnify, hold harmless, and guarantee payment of any judgments entered for any claimant.

(2) In the event that any private contractor to the United States is successful in defending a claim brought under this Act, the United States shall likewise indemnify and reimburse said contractor for all costs, attorney fees, and litigation related expenses incurred in defending said action.

(3) *Provided further,* That in the event an action is settled prior to litigation or a consent decree is entered pursuant to a settlement agreement, the United States shall reimburse said contractors for all reasonable costs associated with the settlement.

SEC. 1219. DEDICATED NATO TRAINING FACILITY

As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an analysis of the merits of utilizing as a dedicated NATO training facility a military installation within the United States which would otherwise be subject for closure or realignment.

SEC. 1220. AUTHORITY TO REPLACE OR RESTORE LOST OR DAMAGED PROPERTY

(a) AUTHORITY.—In order to assist the entities described in this section to continue to provide services to the United States, The Secretary of the Army may replace or restore property of a contractor of the United States which was lost or damaged during operation Just Cause begun on December 22, 1989, to the extent—

(1) such property was located on a military installation in Panama pursuant to the requirements of the contract and such military installation was used or occupied by United States Armed Forces prior to December 22, 1989;

(2) such damage was caused by United States Armed Forces; and

(3) such loss or damage was not caused in whole or in part by the negligent or wrongful act of such contractor or an agent or employee thereof.

(b) LIMITATION.—The Secretary of the Army may replace or restore property under this section only if—

(1) a request for such action is presented to the Secretary in writing within two years after such property was lost or damaged;

(2) the Secretary determines that such request is substantiated; and

(3) the Secretary determines that the contractor has made every reasonable effort to obtain compensation, replacement, or restoral of such property through other means.

SEC. 1221. ENHANCING PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY INSTITUTIONS IN DEFENSE RESEARCH

Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "Except";

(B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall establish a specific goal for the award of prime contracts and subcontracts to historically Black colleges and universities and minority institutions in order to increase the participation of such colleges and universities in the program provided for by this section."; and

(3) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) TYPES OF ASSISTANCE.—(1) To attain the goal specified in subsection (a)(1), the Secretary of Defense shall provide technical assistance to the entities referred to in that subsection and, in the case of historically black colleges and universities and minority institutions, shall also provide infrastructure assistance.

"(2) Technical assistance provided under this section shall include information about the program, advice in preparation of proposals, and other such assistance as the Secretary considers appropriate. If the resources of the Department of Defense are inadequate to provide such assistance, the Secretary may enter into contracts with minority private sector entities with experience and expertise in the design, development, and delivery of technical assistance services to eligible individuals, business firms and institutions, defense acquisitions agencies, and defense prime contractors. Department of Defense contracts with the entities referred to in subsection (a)(1) shall be awarded annually, based upon, among other things, the number of minority small business concerns, historically Black colleges and universities, and minority institutions that each such entity brings into the program.

"(3) Infrastructure assistance provided under this section may include programs to:

"(A) establish and enhance undergraduate, graduate, and doctoral programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(B) make Department of Defense personnel available to advise and assist faculty at the school in the performance of defense research and in scientific disciplines critical to the national security functions of the Department of Defense;

"(C) establish partnerships between defense laboratories and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines critical to the national security functions of the Department of Defense;

"(D) award scholarships, fellowships, and the establishment of cooperative work-education programs in scientific disciplines critical to the national security functions of the Department of Defense;

"(E) attract and retain faculty involved in scientific disciplines critical to the national security functions of the Department of Defense;

"(F) equip and renovate laboratories for the performance of defense research;

"(G) expand and equip Reserve Officer Training Corps activities devoted to scientific disciplines critical to the national security functions of the Department of Defense; and

"(H) provide other assistance as the Secretary determines appropriate to strengthen scientific disciplines critical to the national security functions of the Department of Defense or the college infrastructure to support the performance of defense research.

"(4) The Secretary shall, to the maximum extent practical, carry out programs under this section at institutions that agree to bear a substantial portion of the cost associated with the programs.".

SEC. 1222. RESPONSIBILITIES OF THE SECRETARY OF THE DEPARTMENT OF ENERGY FOR MEDICAL AND ENVIRONMENTAL PROGRAMS IN THE REPUBLIC OF THE MARSHALL ISLANDS

Effective on the date of enactment of this Act, all responsibilities of the Secretary of Energy for, and all activities currently underway at the Department of Energy with respect to, medical and environmental programs applicable in the Republic of the Marshall Islands shall be managed, controlled, and conducted through the Office of Environment, Safety and Health of the Department of Energy.

SEC. 1223. ECONOMIC SANCTIONS AGAINST REPUBLIC OF IRAQ

Notwithstanding any other provision of law, the President shall have the authority to restrict the importation of goods and services to the United States from any nation which continues to maintain economic relations with the Republic of Iraq in violation of economic sanctions against the Republic of Iraq imposed by the international community as a whole, or by the United States.

SEC. 1224. PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA

(a)(1) PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA.—There is hereby established a presidential advisory committee to be known as the Presidential Advisory Committee for Policy Toward Cuba (hereafter in this section referred to as the "Advisory Committee"). The purpose of the Advisory Committee shall be to provide advice and recommendations relating to all aspects of United States policy toward Cuba.

(2) The Advisory Committee shall consist of seven members each of whom shall be

citizens of the United States. The President shall appoint such members of the Advisory Committee not later than 60 days after the date of the enactment of this Act. Not more than four of such members may be from the same political party. Each member of the Advisory Committee shall serve for the life of the Advisory Committee.

(3) The President shall appoint one of the members of the Advisory Committee to serve as Chairman. The Advisory Committee shall meet as may be necessary, at the call of the Chairman, or at the call of two-thirds of the members of the Committee.

(4) The Secretary of State shall make available to the Advisory Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(b) PURPOSE.—(1) It shall be the purpose of the Advisory Committee to advise and make policy recommendations to the President and the Secretary of State on sound policies toward Cuba.

(2) In carrying out the purposes referred to in paragraph (1), the Advisory Committee shall—

(A) make recommendations relating to policy options to encourage freedom for the people of Cuba;

(B) propose a plan for providing appropriate assistance to the people of Cuba in the event the present government is changed; and

(C) make recommendations on immigration and trade between the United States and Cuba.

(c) REPORTS.—(1) The Advisory Committee shall submit annual reports detailing the advice and recommendations referred to in subsection (b).

(2) The Advisory Committee shall submit a final report detailing such advice and recommendations 30 days before its termination date.

(3) The Advisory Committee shall submit a copy of the reports referred to in paragraphs (1) and (2) to the President, the Secretary of State, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

(d) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act shall apply to the Advisory Committee, except that—

(1) the meetings of the Advisory Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of policy toward Cuba; and

(2) meetings may be called of special task forces or other such groups made up of members of the Advisory Committee.

(e) OTHER ACTIVITIES BY MEMBERS OF ADVISORY COMMITTEE.—Nothing contained in this section may be construed to authorize or require any member of the Advisory Committee or any other individual to participate directly in any other official Government meeting on any matter referred to in subsection (b). To the maximum extent practicable, the members of the Advisory Committee shall be informed and consulted before and during any such meetings. Advisory Committee members may be designated as advisors to a United States delegation to such meeting and may be permitted to participate in other international meetings to the extent the President deems appropriate, except that they may not speak or negotiate for the United States at such meetings.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) TERMINATION.—The Advisory Committee shall terminate 3 years after the date of enactment of this Act.

SEC. 1225. LITHUANIAN EMERGENCY RELIEF

Chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. LITHUANIAN EMERGENCY RELIEF.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the emergency existing in the Republic of Lithuania caused by the economic blockade imposed by the Union of Soviet Socialist Republics which has caused great suffering among the Lithuanian people, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(i) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Lithuanian people during the existing emergency;

"(ii) solicit private sector donations of humanitarian assistance for Lithuania; and

"(iii) cooperate with private relief agencies attempting to provide humanitarian aid to Lithuania;

"(2) The Commander-in-Chief of United States Transportation Command is authorized to provide all airlift and sealift necessary, throughout the course of the Lithuanian blockade, to transport United States public and private donations of medical supplies to Lithuania on a regular basis and should begin such transport as soon as the agreement described in subsection (e) has been concluded.

"(c) For purposes of this paragraph, the term 'humanitarian assistance' includes—

"(i) oil, gas and fuel for emergency vehicles and medical facilities;

"(ii) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(iii) medical supplies; and

"(iv) food and clothing.

"(d)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $10,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(e) The Congress urges the President to begin negotiations immediately with the nations surrounding Lithuania, including Latvia, Estonia, the Union of Soviet Socialist Republics and Poland regarding the importation of critical humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Lithuanians begin to receive critical humanitarian assistance immediately.

"(f) Assistance may be provided under this section notwithstanding any other provision of law, other than that included in Public Law 101-179, section 503, known as the Support for East European Democracy (SEED) Bill of 1989.".

SEC. 1226. CONTINGENCY FEES IN LOBBYING

(a) That chapter 11 of title 18, United States Code, is amended by—

(1) inserting between sections 219 and 223, the following new section:

"§ 220. Contingency fees in lobbying

"(a)(1) It shall be unlawful for any person to make, with intent to influence, any oral or written communication on behalf of any other person other than the United States, to any department, agency, court, House of Congress, or Commission of the United States, for compensation if such compensation has knowingly been made dependent—

"(A) upon any action of Congress, including but not limited to actions of either the House of Representatives or the Senate, or any committee or member thereof, or the passage or defeat of any proposed legislation;

"(B) upon the securing of an award, or upon the denial of an award, of a contract or grant by establishment of the Federal Government; or

"(C) upon the securing, or upon the denial, of any Federal financial assistance or any other Federal contract or grant.

"(2) The provisions of paragraph (1) shall not apply in any case involving the collection of any amount owed on a debt or on a contract claim owed to a person by the Federal Government.

"(b) Any person who violates the provisions of this section shall be fined not more than $50,000 or imprisoned not more than two years, or both.

"(c) The Attorney General may bring a civil action in any United States district court, on behalf of the United States, against any person who engages in conduct prohibited by this section in lieu of or in addition to an action taken pursuant to subsection (b), and, upon proof of such conduct by a preponderance of the evidence, may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within six years after the later of (1) the date on which the prohibited conduct occurred, or (2) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred."; and

(2) amending the table of sections by striking out the item between the item relating to section 219 and the item relating to section 224 and inserting in lieu thereof the following:

"220. Contingency fees in lobbying.".

(b) This section and the amendments made by this section shall become effective on the date of enactment of this Act and shall apply to any contract entered into on or after such date of enactment.

PART C—MISCELLANEOUS STUDIES AND REPORTS

SEC. 1231. STUDY AND REPORT BY THE SECRETARY OF DEFENSE

(a) IN GENERAL.—The Secretary of Defense shall conduct a study to determine the feasibility and desirability of permitting the North Atlantic Treaty Organization (NATO) to utilize, for training and exercise purposes, military installations in the United States being closed by the Department of Defense. In carrying out such a study, the Secretary shall consider—

(1) the exact purposes for which such installations could be appropriately and effectively used by NATO; and

(2) the manner in which NATO would pay for the use of such installations.

(b) REPORT.—The Secretary shall submit to Congress a report containing the results of the study required by subsection (a) together with such comments and recommendations the Secretary considers appropriate.

(c) DEADLINE FOR REPORT.—The Secretary shall submit the report required by subsection (c) not later than January 1, 1991.

SEC. 1232. ACCESS TO CERTAIN RESTRICTED SPECIAL USE AIRSPACE

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the feasibility of permitting civilian commercial aircraft to have access to restricted special use airspace over the coastal waters of the mid-Atlantic region of the Eastern United States for the purpose of enhancing commercial aviation safety, improving air traffic control efficiency, and reducing the impact of aviation noise on populated areas.

(b) REPORT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the study required by subsection (a) not later than 90 days after the date of the enactment of this Act together with such comments and recommendations as the Secretary considers appropriate. The report may be submitted in both classified and unclassified form.

(2) The Secretary shall include in the report, at a minimum, the following:

(A) A discussion of the current policy of the Department of Defense regarding civilian access to restricted special use airspace.

(B) An accounting of civilian aircraft access to such special use airspace in each of the two years immediately preceding the year in which this Act is enacted.

(C) A summary of requests received by the Department of Defense from the Federal Aviation Administration for increased access to the special use airspace referred to in subsection (a) and the disposition of those requests by the Department of Defense.

(D) Proposals for permitting increased access to such special use airspace, particularly during daylight hours, by civil aviation aircraft.

(E) An analysis of the feasibility of providing such access.

(c) DEVELOPMENT OF PROCEDURES.—If the Secretary determines on the basis of the study referred to in subsection (a) that additional access to the special use airspace described in that subsection can be permitted, consistent with the national security interests of the United States, the Secretary shall develop, in coordination with the Secretary of Transportation, procedures for providing access to civilian commercial aircraft to such airspace.

SEC. 1233. CONSULTATION AND REPORT REQUIREMENTS RELATING TO RANCH HAND STUDY OF DEPARTMENT OF THE AIR FORCE

(a) CONSULTATION WITH ADVISORY COMMITTEE.—The Ranch Hand Advisory Committee may consult directly with and provide information and recommendations directly to the Department of the Air Force scientists conducting the Ranch Hand Study, and such scientists may consult directly with and provide information and recommendations directly to the Ranch Hand Advisory Committee. No officer or employee of the Federal Government may intervene in or impair direct communication between the Ranch Hand Advisory Committee and such scientists under this section except as may be necessary to prevent an inappropriate disclosure of classified information.

(b) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of the Air Force scientists referred to in subsection (a) during the calendar year preceding the year in which a report is submitted. The first such report shall be submitted not later than February 1, 1991.

(2) Each report referred to in paragraph (1) shall include the following:

(A) A discussion of the progress made in the Ranch Hand Study during the period covered by the report.

(B) A summary of the scientific activities conducted during that period and the findings resulting from those activities, to be prepared by the scientists conducting those activities.

(3) Such a report need not contain (A) a discussion of progress discussed in any other report prepared by the Department of Defense (under this section or otherwise) regarding the Ranch Hand Study, or (B) a scientific summary included in any other such report, unless modification of such discussion or summary is appropriate for completeness, accuracy, and currency.

(c) DEFINITIONS.—In this section:

(1) The term "Ranch Hand Advisory Committee" means the committee known as the "Advisory Committee on Special Studies Relating to the Possible Long-term Health Effects of Phenoxy Herbicides and Contaminants" established by the Secretary of Health and Human Services to monitor the conduct of the Ranch Hand Study.

(2) The term "Ranch Hand Study" means the special study conducted by the Secretary of the Air Force relating to the possible long-term effects of phenoxy herbicides and contaminants on Air Force personnel who participated in Operation Ranch Hand in the Republic of Vietnam during the Vietnam era.

PART D—CONGRESSIONAL FINDINGS; POLICIES; AND COMMENDATIONS

SEC. 1241. OVERVIEW PRESENTATION OF MILITARY STRATEGY

It is the sense of the Congress that the President should provide for the Speaker of the House, the President pro tempore of the Senate, the minority leaders of the House and Senate, and the chairmen and ranking minority members of the Armed Services and Appropriations Committees of the House and Senate to be given annually an overview presentation on the United States top-level military strategy and its implementation by strategic forces, including the impact on targeting requirements, resources, and force structure.

SEC. 1242. START AND STRATEGIC MODERNIZATION

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and the Soviet Union are engaged in the Strategic Arms Reduction Talks (START).

(2) In the Joint Statement on the Treaty on Strategic Offensive Arms signed in June 1990, the two sides reaffirmed their determination to have the treaty completed and ready for signature by the end of this year.

(3) Under the provisions of a START Treaty, both sides will carry out significant reductions in strategic offensive arms.

(4) In the Joint Statement on Future Negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability, the United States and the Soviet Union agreed to pursue new talks on strategic offensive arms, and on the relationship between strategic offensive and defensive arms.

(5) The objectives of these negotiations will be to reduce further the risk of outbreak of war, particularly nuclear war, and to ensure strategic stability, transparency and predictability through further stabilizing reductions in the strategic arsenals of both countries.

(6) The President's effort to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(7) The Soviet Union has maintained a robust strategic modernization program throughout the course of the START negotiations which continues today.

(b) It is the sense of the Senate that—

(1) the Senate fully supports United States efforts to enhance strategic stability; and

(2) the United States should pursue stabilizing strategic arms reduction agreements while maintaining a vigorous research and development and modernization program for United States strategic forces.

SEC. 1243. STRATEGIC ARMS REDUCTION TREATY

It is the sense of the Senate that, pursuant to its constitutional responsibilities of advice and consent in respect to treaties, the Senate requests that before concluding a proposed Strategic Arms Reduction Treaty, the President provide—

(1) a special classified and unclassified report to the Senate on whether the SS-23 INF missiles of Soviet manufacture, which the Soviets have confirmed have existed in the territories of East Germany, Czechoslovakia, and Bulgaria, constitute a violation of the INF Treaty or constitute deception in the INF negotiations, and whether the United States has reliable assurances that the missiles will be destroyed; and

(2) a special classified and unclassified report to the Senate on whether the Soviet Krasnoyarsk radar, which Soviet Foreign Minister Shevardnadze admitted is a clear violation of the ABM Treaty, has been verifiably dismantled in accordance with United States criteria.

SEC. 1244. THEATER DEFENSE PROGRAM

(a) FINDINGS.—Congress makes the following findings:

(1) The Director of Central Intelligence, William Webster, has testified before Congress that between 15 and 20 developing nations will possess ballistic missile capabilities by the end of the century.

(2) The Director has also testified that by the year 2000, at least six third-world countries will have ballistic missiles with ranges of up to 1,800 miles, and three of them may

develop ballistic missiles with a range of 3,400 miles.

(3) The Director has also testified ". . . that as many as 20 countries may be developing chemical weapons; and we expect this trend to continue despite ongoing multilateral efforts to stop their proliferation . . . At least 10 countries are working to produce both previously known and futuristic biological weapons.".

(4) During the war between Iraq-Iran each used ballistic missiles and chemical payloads.

(5) The Defense Intelligence Agency (DIA) has also informed Congress that, in addition to the five nuclear weapons countries—United States, Soviet Union, England, France, and China—"about half of a dozen additional countries have either acquired a capability to explode a nuclear device or are pursuing such a capability".

(6) DIA has also informed Congress that the proliferation of ballistic missiles is occurring at an ever-increasing pace. In just the last 2 years:

(A) Over 1,000 ballistic missiles have been fired in combat in Iran, Iraq, and Afghanistan.

(B) Flight tests of ballistic missiles have occurred in India, Pakistan, and South Africa.

(C) Iraq has conducted an initial flight test of a space launch vehicle, which will enhance greatly their already extensive ballistic missile capability.

(D) The longest range (1800+ mile) ballistic missiles in the Middle East have been supplied to Saudi Arabia by China.

(7) The proliferation of ballastic missile, chemical weapons and nuclear technology poses a direct threat to many of our friends and allies. Moreover, U.S. contingency and projection forces are also threatened by these technologies, and this threat will increase in the future.

(b) Therefore, it is the sense of the Congress that:

(1) The proliferation to developing countries of ballistic missiles and chemical and nuclear weapons technology applicable to missile warhead development are potentially destabilizing, a threat to U.S. security commitments, and also pose a significant threat to the national security of our friends and allies around the the world.

(2) Of the funds authorized for the Strategic Defense Initiative, up to $300,000,000 should be made available for the development of anti-tactical ballistic missile (ATBM) systems to counter such threats to U.S. forward deployed and projected forces. In this regard, the Congress recommends that the development of systems such as the Extended Range Interceptor and the Theater High Altitute Air Defense should be accelerated.

(3) The SDI Organization should ensure that the Navy and Marine Corps are involved in developmental programs for future ATBM systems suitable for deployment with their projection and expeditionary forces.

(4) Since the ARROW ATBM has been sucessful joint development program and, when deployed, will become an important asset for the defense of Israel against the threat of short range ballistic missiles in the region, the Secretary of Defense should negotiate, on an equitable basis, a memorandum of agreement to continue the program. Therefore, of the funds available for the Theater Defense program element in SDI program, not more than $50,000,000 should be made available for the ARROW program.

(5) Of the funds authorized to the Army for Research, Development, Testing, and Evaluation, not more than $50,000,000 should be made available to conduct additional tests of the PATRIOT II system against existing types of ballistic missile threats.

(6) The Army should establish a vigorous program to develop and test a rapidly deployable ATBM capability for U.S. units. For the near-term, the focus should be on the PATRIOT II system. From within these funds made available for PATRIOT II testing, the Army should also develop support systems, such as tracking and attack assessment radars, for existing and future ATBM systems.

SEC. 1245. SENSE OF CONGRESS REGARDING THE CLOSURE OF UNITED STATES MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES

(a) FINDINGS.—Congress makes the following findings:

(1) It was reported in the July 28, 1990, European edition of the Stars and Stripes publication that General John R. Galvin, Commander-in-Chief of the United States European Command, has submitted to the Secretary of Defense a list of United States military installations located outside the United States that the General recommends be closed.

(2) During consideration of legislative proposals authorizing appropriations for the Department of Defense for fiscal year 1991 by the Committee on Armed Services of the Senate, General Galvin indicated he would announce a list of 100 United States military installations outside the United States he recommends for closure.

(3) Many Members of Congress strongly believe that United States military installations outside the United States should be closed in lieu of closing military installations located in the United States.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should make public any recommendations made to the Secretary of Defense by General John R. Galvin regarding the closure of United States military installations outside the United States and any other recommendations submitted to the Secretary by other commanders of combatant commands regarding the closure of United States military installations outside the United States; and

(2) the closure of such installations located outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

SEC. 1246. UNITED STATES FACILITIES IN GERMANY

(a)(1) The Government of the United States has publicly committed itself to the reduction of the military forces which it deploys in Western Europe in general, and in the Federal Republic of Germany in particular.

(2) The United States Army already is drawing up plans for the closure and realignment of United States military facilities in the Federal Republic of Germany.

(3) Many United States military facilities in the Federal Republic of Germany are located on municipal property of high value.

(4) The continuance of cordial relations between the peoples of the United States and Federal Republic of Germany is a matter of major concern, both for the health of United States-German relations and the strength of the North Atlantic Treaty Organization.

(b) It is the sense of the Senate that the Department of Defense should, whenever possible, consult closely with the central, state, and municipal authorities in the Federal Republic of Germany with a view to closing those United States facilities located in municipal areas with high property values, particularly when those facilities could be developed for commercial or residential purposes.

SEC. 1247. PHILIPPINE EARTHQUAKE RELIEF EFFORT

(a) FINDINGS.—The Senate makes the following findings:

(1) The men and women in the United States Air Force, Marine Corps, and Navy serving in the Pacific region have given substantial and significant assistance to the Government and people of the Philippines following the July 16 earthquake, which resulted in the deaths of over one thousand six hundred people, as well as severe dislocation and devastation.

(2) United States military personnel stationed in the Philippines have traditionally exhibited a strong respect and admiration for the people of the Philippines.

(3) A Marine Corps pilot was killed in a helicopter crash during an earthquake relief mission on July 20.

(4) The United States Air Force has flown over two hundred and twenty sorties, including medical evacuations to assist in earthquake relief.

(5) The Marine Corps has flown over two hundred and fifty aircraft missions, and has transported via helicopter over one thousand Philippine nationals and more than five hundred thousand pounds of cargo.

(6) Navy medical personnel from Subic Bay have provided critical medical assistance to those injured in the earthquake.

(7) More than one thousand one hundred and forty tons of supplies and equipment have been airlifted to the Philippines or transported over land to Baguio City and Cabanatuan City, areas devastated by the earthquake.

(8) Military civil engineering teams have restored more than half the damaged water systems and all of the electrical systems, and have provided heavy equipment to aid in rescue operations.

(9) Six hundred and fifty units of blood were donated by members of Clark Air Force Base and other Pacific Air Force bases, and one hundred and twenty units of blood were donated by members of Subic Bay Naval Facility.

(b) It is the sense of the Senate, that—

(1) the earthquake relief assistance provided by United States military forces has played an essential role in the Philippine recovery from the July 16 earthquake; and

(2) those United States Armed Forces and their dependents who have assisted in Philippine earthquake relief should be commended by the United States Senate for their considerable efforts on behalf of the Philippine people in their recovery efforts.

SEC. 1248. COMMEMORATION OF THE EFFORTS OF THE BATTLE OF THE BULGE HISTORICAL FOUNDATION

(a) FINDINGS.—Congress makes the following findings:

(1) The Battle of the Ardennes-Alsace Campaign of World War II, commonly known as the Battle of the Bulge, was fought in the Ardennes region of eastern Belgium and northern Luxembourg, from December 16, 1944, to January 25, 1945, in the deepest snow and during the coldest

temperatures in the memory of the inhabitants of the region.

(2) Six hundred thousand members of the Armed Forces of the United States fought in the Battle of the Bulge, making the battle the largest land battle ever fought by United States military forces.

(3) The battle claimed 81,000 United States casualties, including 19,000 killed.

(4) In 1988, many of the veterans of the battle, including the 7,000 member organization known as the Veterans of the Battle of the Bulge, organized the Battle of the Bulge Historical Foundation to commemorate the heroic sacrifices made by the men and women who saw action during the Battle of the Bulge, to pay homage to the servicemen killed in that battle, and to inform the present and future youth of this Nation regarding the costs of war and the price of liberty.

(5) The efforts of the foundation are directed toward expanding the existing United States Army Museum, located at Fort George G. Meade, Maryland, to include a gallery dedicated to the battle, the participants of the battle, and World War II.

(6) The Museum and the foundation have agreed to act jointly to achieve goals relating to the commemoration of that battle.

(7) Installation of a gallery at the museum will result in the museum having the only gallery in the United States devoted exclusively to commemorating that battle.

(8) The Battle of the Bulge Historical Foundation has set as a goal to raise $1,500,000 by December 16, 1994, the 50th anniversary of the battle, to accomplish the objective of appropriately preserving the memory of the battle.

(b) RECOGNITION AND COMMENDATION.—In light of the findings in subsection (a), Congress recognizes and commends the efforts of the Battle of the Bulge Historical Foundation to provide for the installation of a special gallery at the United States Army Museum at Fort George G. Meade, Maryland, devoted to the collection, preservation, and exhibition of military artifacts relating to the Battle of the Bulge and to commemorate that historic battle.

SEC. 1249. HONORING GENERAL MATTHEW B. RIDGWAY

(a) FINDINGS.—The Congress finds that—

(1) General Matthew Bunker Ridgway, United States Army (Retired) served his country with great honor and distinction for more than forty years;

(2) during World War II, General Ridgway commanded the 82nd Airborne Division and later the XVIII Airborne Corps, leading his soldiers in some of the toughest fighting of the European theater to achieve Allied victories in North Africa, Sicily, Italy, the Normandy invasion, the Battle of the Bulge, and the crossing of the Rhine and Elbe Rivers.

(3) in Korea, during the depths of the bitter winter of 1950, General Ridgway took command of the seriously demoralized Eighth Army, motivated and inspired it to "Stand and Fight," and led it on the offensive again;

(4) under his leadership, the military forces of the United Nations Command in Korea recaptured territory that had been lost earlier to overwhelming enemy forces and forced the onset of armistice negotiations; and

(5) after his commands in the Korean war, General Ridgway continued his outstanding service to his country by serving in the positions of Supreme Commander of Allied Powers in Europe and Chief of Staff of the United States Army.

(b) SENSE OF CONGRESS.—In light of the findings expressed in subsection (a), it is the sense of Congress that—

(1) General Ridgway deserves the highest honor and utmost respect of the United States and its citizens for his extraordinary service and dedication to their security; and

(2) a Congressional Gold Medal should be struck in honor of his lifetime of superior achievements.

PART E—82ND AIRBORNE DIVISION ASSOCIATION INCORPORATED

SEC. 1251. CHARTER

The 82nd Airborne Division Association, Incorporated, a nonprofit corporation organized under the laws of the State of Illinois, is recognized as such and is granted a Federal charter.

SEC. 1252. POWERS

The 82nd Airborne Division Association, Incorporated (hereinafter in this part referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

SEC. 1253. OBJECTS AND PURPOSES OF CORPORATION

The objects and purposes of the corporation are those provided in its articles of incorporation and shall include—

(1) perpetuating the memory of members of the 82nd Airborne Division who fought and died for our Nation,

(2) furthering the common bond between retired and active members of the 82nd Airborne Division,

(3) providing educational assistance in the form of college scholarships and grants to the qualified children of current and former members,

(4) promoting civic and patriotic activities, and

(5) promoting the indispensable role of airborne defense in our national security.

SEC. 1254. SERVICE OF PROCESS

With respect to service of process, the corporation shall comply with the laws of the State or States in which it is incorporated and the State or States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1255. MEMBERSHIP

(a) Subject to subsection (b), eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

(b) Terms of membership and requirements for holding office within the corporation shall not discriminate on the basis of race, color, national origin, sex, religion, or handicapped status.

SEC. 1256. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

The composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

SEC. 1257. OFFICERS OF CORPORATION

The positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and shall be in conformity with the laws of the State or States in which it is incorporated.

SEC. 1258. RESTRICTIONS

No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 1259. LIABILITY

The corporation shall be liable for the acts of its officers and agents whenever such officer and agents have acted within the scope of their authority.

SEC. 1260. BOOKS AND RECORDS; INSPECTION

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1261. AUDIT OF FINANCIAL TRANSACTIONS

The first session of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) 82nd Airborne Division Association, Incorporated.".

SEC. 1262. ANNUAL REPORT

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the time as the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101). The report shall not be printed as a public document.

SEC. 1263. RESERVATION OF RIGHT TO AMEND, ALTER, OR REPEAL CHARTER

The right to amend, alter, or repeal this part is expressly reserved to the Congress.

SEC. 1264. DEFINITION OF STATE

For purposes of this part, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

SEC. 1265. TAX-EXEMPT STATUS

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 1266. TERMINATION

If the corporation fails to comply with any of the restrictions or provisions of this part, the charter granted by this part shall expire.

PART F—MISSILE TECHNOLOGY

SEC. 1271. SHORT TITLE

This Part may be cited as the "Missile Technology Control Act of 1990".

SEC. 1272. FINDINGS

The Congress finds that—

(1) the global spread of weapons of mass destruction, accompanied by the proliferation of sophisticated missile delivery systems and missile technology, poses a serious threat to stability and peace in many regions;

(2) the Missile Technology Control Regime (MTCR) was established in 1987 to restrict such proliferation;

(3) notwithstanding the existence of the MTCR, companies situated in countries which are adherents to the MTCR have transferred, in violation of the principles of that agreement, missile equipment and technology to nonadherents;

(4) the MTCR is further weakened as it does not include the Soviet Union, China, Argentina, North Korea, Brazil, and other countries, which have transferred missiles and missile technology to countries without this capability;

(5) missile proliferation could be better controlled if MTCR adherents shared a common interpretation of the MTCR principles and strictly enforced its provisions;

(6) the spread of missiles can be effectively restricted only if all countries involved in the transfer of such missiles and technology agree to restrict such transfers;

(7) coordination and cooperation between the agencies charged with responsibility for carrying out United States policy on missile control is essential; and

(8) greater consultation between the President and the Congress is needed to ensure that Congress is being kept fully informed about missile proliferation and development, and ongoing measures to halt missile proliferation.

SEC. 1273. PURPOSE

It is the purpose of this part—

(1) to restrict the proliferation of missiles and missile equipment and technology;

(2) to encourage greater international adherence to the Missile Technology Control Regime (MTCR) of 1987;

(3) to strengthen the MTCR through increased cooperation among adherents to strengthen coordination of export controls;

(4) to seek further bilateral and multilateral agreements which complement the MTCR;

(5) to encourage countries without missiles to forego the development or acquisition of these weapons; and

(6) to require stricter enforcement procedures and improved cooperation among the United States agencies responsible for controlling missile and missile technology exports.

SEC. 1274. AMENDMENT TO THE ARMS EXPORT CONTROL ACT

The Arms Export Control Act is amended by inserting after chapter 6 (22 U.S.C. 2795b. et seq.) the following new chapter:

"CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT AND TECHNOLOGY

"SEC. 71. POLICY

"It is the policy of the United States to improve the control of and reduce the proliferation of missiles and missile equipment and technology by taking all appropriate measures—

"(1) to improve enforcement and seek a common and broader interpretation among Missile Technology Control Regime (MTCR) members of MTCR principles;

"(2) to increase the number of countries that adhere to the MTCR;

"(3) to explore with nations that do not adhere to the MTCR and which export missiles and missile equipment and technology the negotiation of bilateral and multilateral agreements consistent with the principles of the MTCR or which, at a minimum, do not undercut the MTCR;

"(4) to promote the international review of measures and development of common standards to reduce the proliferation of missiles and missile equipment and technology; and

"(5) to seek binding multilateral agreements prohibiting the global spread of missiles that are subject to MTCR guidelines.

"SEC. 72. DENIAL OF THE TRANSFER OF MISSILE EQUIPMENT AND TECHNOLOGY BY UNITED STATES PERSONS

"(a) SANCTION.—If the President determines that a United States person has transferred, or conspired to transfer or facilitated the transfer in violation of the provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), or any regulations issued under any such provisions of—

"(1) MTCR category II missile equipment and technology then the President shall deny to such United States person for a period of two years—

"(A) United States Government contracts relating to missile equipment and technology; and

"(B) licenses for the transfer of missile equipment and technology controlled pursuant to this Act;

"(2) MTCR category I missile equipment and technology, then the President shall deny to such United States person for a minimum of two years—

"(A) all United States Government contracts, and

"(B) all export licenses and agreements for items on the United States Munitions List.

"(b) DISCRETIONARY SANCTIONS.—In the case of any determination made pursuant to subsection (a), the President may pursue any sanctions listed in section 38(c) of this Act.

"(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

"(1) the product or service is essential to the national security of the United States; or

"(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

"SEC. 73. TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY BY FOREIGN PERSONS

"(a) SANCTION.—If the President determines that a foreign person has transferred, after the date of enactment, MTCR missile equipment or technology that would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act—

"(1) within category II of the MTCR annex or the President has made a determination under section 11B(b)(1) of the Export Administration Act of 1979, as amended, then the President shall deny, for a period of two years—

"(A) United States Government contracts relating to missile equipment or technology, and

"(B) licenses for the transfer to such foreign person of missile equipment and technology controlled pursuant to this Act;

"(2) within category I of the MTCR annex, then the President shall deny for a period of not less than two years—

"(A) all United States Government contracts with such foreign person, and

"(B) licenses for the transfer to such foreign person of all items on the United States Munitions List.

"(b) DISCRETIONARY SANCTIONS.—If the President determines that a foreign person has transferred missile equipment or technology he may impose any sanction described in section 11A(b) of the Export Administration Act of 1979, as amended.

"(c) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions under subsection (a) if the President certifies to the Congress that—

"(1) in the case of an item the transfer of which has been authorized by an MTCR adherent, after consultation with the licensing government, the transfer did not violate the principles of the MTCR guidelines;

"(2) the product or service is essential to the national security of the United States;

"(3) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments; or

"(4) the foreign person has been appropriately sanctioned by its national government.

"SEC. 74. PROHIBITION ON SATELLITE LICENSING

"The United States Government shall not, through the issuance of licenses under this Act, assist any missile program of the People's Republic of China, directly or indirectly, and shall not, through the issuance of licenses under this Act, permit the export or the shipment of United States satellites for launch on Chinese space launch vehicles and shall revoke any previously issued licenses granted for the export of such satellites unless the President certifies to the Congress that, in the one year prior to the certification, China has not supplied missiles, missile equipment and technology, or chemical or biological weapons, including precursors intended for use in such weapons, to Iran, Iraq, Syria, Libya, or any non-MTCR adherent, and has provided reasonable assurances that no future sales of missiles, missile equipment and technology or chemical or biological weapons to such countries are planned.

"SEC. 75. REPORT ON MISSILE PROLIFERATION

"(a) CONTENTS OF REPORT.—Not later than ninety days after the date of enactment of

this Act, and every one hundred and eighty days thereafter, the Secretary of State shall submit to the Congress a report on international transfers of aircraft which the Secretary has reason to believe may be intended to be used for the delivery of nuclear, biological, or chemical weapons (hereafter referred to as 'NBC capable aircraft') and international transfers of missiles and missile equipment and technology to Syria, Iraq, Libya, and Iran, and any other nation seeking to acquire such equipment or technology in violation of MTCR principles, other than those listed in subsection (d) that shall include—

"(1) the status of missile and aircraft development programs in such nations, including efforts by those nations to acquire missiles or missile equipment and technology and NBC capable aircraft and an assessment of the present and future capability of those countries to produce and utilize such weapons;

"(2) a description of particular significant assistance provided, after the date of enactment, to such nations, in the development of missile systems, as defined in the MTCR, and NBC capable aircraft and its source;

"(3) a list of companies which continue to provide missile equipment and technology to such nations, as of the date of the report;

"(4) a description of diplomatic measures that the United States has taken or that other MTCR members have made to the United States with respect to activities of private firms and countries suspected of violating the MTCR;

"(5) an analysis of the effectiveness of the regulatory and enforcement regimes of the United States and its MTCR partners to control the export of missiles and missile technology; and

"(6) a determination as to whether transfers of missile equipment and technology by any country pose a significant threat to the national security interests of the United States.

"(b) CLASSIFICATION.—The President shall make every effort to submit all of the information required by subsection (a) in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

"(c) CONSTRUCTION.—Nothing in this section—

"(1) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(2) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(A) jeopardize the national security of the United States;

"(B) undermine existing and effective efforts to meet the policy objectives outlined in section 71 of this Act; or

"(C) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"(d) EXCLUSIONS.—Australia, Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom.

"SEC. 77. DEFINITIONS

For purposes of this chapter—

"(1) the term 'Missile Technology Control Regime' or 'MTCR' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on annex of missile equipment and technology, and any subsequent amendments;

"(2) the terms 'missile' and 'missile equipment and technology' mean those items listed in the MTCR Equipment and Technology Annex, as amended;

"(3) the term 'person' includes the singular and plural and any individual, partnership, corporation, or other form of association; and

"(4) the term 'foreign person' means any non-United States person.".

SEC. 1275. TRANSFERS OF MISSILE EQUIPMENT AND TECHNOLOGY TO COUNTRIES THAT TRANSFER OR RECEIVE MISSILE EQUIPMENT AND TECHNOLOGY

(a) SANCTIONS.—If the President determines that as of the date of enactment of this Act, or at any time thereafter, a MTCR nonadherent, authorizes the transfer of, receives, or attempts to acquire missiles or missile equipment and technology that contributes materially to the development of missile systems capable of delivering at least a 500-kg payload to a range of at least 300 km, then the President shall deny all export licenses for the transfer of—

(1) all items on the United States Munitions List, and

(2) missile equipment and missile technology controlled pursuant to the Export Administration Act of 1979, as amended.

(b) WAIVER.—The President may waive, to the extent required to meet the national security needs of the United States, the imposition of sanctions pursuant to subsection (a) if the President certifies to Congress that—

(1) to do so would be in the national security interests of the United States;

(2) the transfer in question was licensed by a government adhering to the MTCR; or

(3) the transfer in question is for an item for which the President has received reliable assurances that that item is intended for civilian end use.

(c) REMOVAL OF SANCTIONS.—The President may remove the sanctions imposed pursuant to subsection (a) if the President determines that the country under sanction has suspended attempts to acquire, transfer or receive missile equipment and missile technology for a period of at least one year.

TITLE XIII—ELIMINATION AND MODIFICATION OF REPORTS REQUIRED BY LAW

PART A—REPEAL OF EXISTING REPORT REQUIREMENTS

SEC. 1301. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

(1) Chapter 2 is amended by striking out section 117.

(2) Section 673(b) is amended by striking out the last sentence.

(3) Section 836(b) is amended by striking out "and shall be reported to Congress".

(4) Section 1051 is amended—

(A) by striking out subsections (e) and (f); and

(B) by redesignating subsection (g) as subsection (e).

(5) Section 2208 is amended by striking out subsection (k).

(6) Chapter 131 is amended by striking out section 2216.

(7) Section 2313(c) is amended by striking out the last sentence.

(8) Section 2324(e)(2) is amended—

(A) in subparagraph (A), by striking out "(A)"; and

(B) by striking out subparagraphs (B) and (C).

(9) Chapter 138 is amended by striking out section 2349.

(10) Chapter 139 is amended by striking out section 2357.

(11) Section 2362 is amended—

(A) by striking out subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(12) Subsection (c) of section 2365 is amended to read as follows:

"(c) EXCEPTION.—Subsection (a) shall not apply to the development of a major weapons system (or subsystems of such system) if the Secretary determines that use of a competitive prototype program strategy is not practicable with respect to such system or subsystems.".

(13) Section 2394(b) is amended by striking out "only—" and all that follows down through the end and inserting in lieu thereof "only after the approval of the proposed contract by the Secretary of Defense.".

(14) Section 2431 is amended—

(A) by striking out subsection (b);

(B) by striking out "or (b)" in subsection (c); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(15) Section 2463 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(16) Section 2779(b) is amended by striking out paragraph (4).

(17) Section 2805(b) is amended by striking out paragraph (3).

(18) Paragraph (4) of section 2822(b) is amended to read as follows:

"(4) Housing units acquired without consideration.".

(19) Section 2823 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(20) Section 2834 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(21) Section 2854 is amended—

(A) in subsection (a), by striking out "(a) Subject to subsection (b), the" and inserting in lieu thereof "The"; and

(B) by striking out subsection (b).

(22) Section 2856 is amended—

(A) in subsection (a), by striking out the subsection designation "(a)"; and

(B) by striking out subsection (b).

(23) Section 2864(b) is amended by striking out "after the 21-day period" and all that follows and inserting in lieu thereof a period.

(24) Section 7308 is amended by striking out subsection (c).

(25) Section 7309(b) is amended by striking out the last sentence.

SEC. 1302. REPORT REQUIRED BY TITLE 37, UNITED STATES CODE

Title 37, United States Code, is amended as follows: Section 1008(a) is amended by striking out the last sentence.

SEC. 1303. REPORTS AND NOTIFICATIONS REQUIRED BY ANNUAL AUTHORIZATION ACTS

(a) PUBLIC LAW 101-189.—Section 852 of the National Defense Authorization Act for

Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1517) is amended—

(1) in subsection (a), by striking out the subsection designation "(a)"; and

(2) by striking out subsection (b).

(b) PUBLIC LAW 100-456.—Section 317 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1918), is amended by striking out subsection (c).

(c) PUBLIC LAW 100-180.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1037) is amended—

(1) in section 112, by striking out subsection (c); and

(2) in section 1201, by striking out subsection (e).

(d) PUBLIC LAW 99-661.—Section 1207(g)(4) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3816) is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(e) PUBLIC LAW 99-145.—Section 106(a)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 583) is amended by striking out "may be obligated—" and all that follows down through "(B) for acquisition" and inserting in lieu thereof "may be obligated for acquisition".

(f) PUBLIC LAW 98-115.—Subsection (b) of section 803 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended by striking out "if—" and all that follows down through the end of the subsection and inserting in lieu thereof "if the Secretary determines that with respect to such units compliance with the requirement in such subsection is infeasible.".

SEC. 1304. REPORTS REQUIRED BY OTHER LAWS

(a) PUBLIC LAW 85-804.—The first section of Public Law 85-804 (50 U.S.C. 1431) is amended by striking out the last two sentences.

(b) MILITARY SELECTIVE SERVICE ACT.—Section 18 of the Military Selective Service Act (50 U.S.C. App. 468) is amended—

(1) in subsection (a), by striking out ", except that no order" in the first sentence and all that follows through the second sentence and inserting in lieu thereof a period; and

(2) in subsection (h)—

(A) by striking out "(1)" after "(h)"; and

(B) by striking out paragraph (2).

(c) DEFENSE INDUSTRIAL RESERVE ACT.—The Defense Industrial Reserve Act (50 U.S.C. 451 et seq.) is amended by striking out section 5.

(d) FOREIGN ASSISTANCE ACT OF 1961.—Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) is amended by striking out subsection (e).

PART B—MODIFICATIONS TO EXISTING REPORT REQUIREMENTS

SEC. 1311. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

(1) Section 128(d) is amended by striking out "a quarterly basis" in the first sentence and inserting in lieu thereof "an annual basis".

(2) Section 402(d) is amended by striking out "At the end of each six-month period" and inserting in lieu thereof "Not later than July 31 each year".

(3) Section 662(b) is amended by striking out "the Secretary shall immediately notify Congress of" in the second sentence and inserting in lieu thereof "the Secretary shall include in the periodic report required by this subsection information on".

(4) Section 2215 is amended—

(A) in subsection (a) by striking out "reports (at the times specified under subsection (d))" and inserting in lieu thereof "an annual report (at the time specified in subsection (d))"; and

(B) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) TIMING OF REPORT.—An annual report shall be submitted to Congress under this section concurrent with the President's budget.".

(5)(A) Subsection (b) of section 2401 is amended to read as follows:

"(b) The Secretary may make a contract described in subsection (a)(1) if—

"(1) the Secretary has been specifically authorized by law to make the contract; and

"(2) the Secretary determines that such a lease is warranted based on analysis of the cost to the United States (including lost tax revenue) of any such lease or charter arrangement compared with the cost to the United States of direct procurement of the aircraft or naval vessels by the United States.".

(B) Such section is further amended by striking out subsection (e) and redesignating subsection (f) as subsection (e).

(6) Section 2457(d) is amended by striking out "Before February 1 of each year," and inserting in lieu thereof "Before February 1, 1989, and biennially thereafter,".

(7) Section 2662(b) is amended by striking out "$5,000" and inserting in lieu thereof "$25,000".

(8) Section 2853(d)(3) is amended by inserting ", whichever occurs earlier" after "increased cost".

(9) Section 7434 is amended—

(A) by striking out "Within thirty days after the close of each quarter" and inserting in lieu thereof "Not later than March 1 each year"; and

(B) by striking out "preceding quarter" and inserting in lieu thereof "preceding calendar year".

SEC. 1312. REPORTS REQUIRED BY DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

The Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2492) is amended—

(1) in subparagraph (A) of section 1002(d)(2), by adding at the end the following new clause:

"(xi) Other selected indicators of NATO capability."; and

(2) in section 1003(c), by striking out "March 1" and inserting in lieu thereof "April 1".

PART C—REPORT PROVISIONS PREVIOUSLY TERMINATED BY GOLDWATER-NICHOLS ACT

SEC. 1321. PURPOSE OF PART

It is the purpose of this part to repeal certain provisions of law containing report requirements terminated by section 602 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 94-433; 100 Stat. 1066).

SEC. 1322. REPEAL OF STATUTORY PROVISIONS TERMINATED BY GOLDWATER-NICHOLS ACT

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113 is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j) through (l) as (i) through (k), respectively.

(2) Paragraph (4) of section 115(b) is amended by striking out the last sentence.

(3) Section 2006(e) is amended by striking out "and report periodically" down through "of the Fund".

(4) Section 2113(j) is amended—

(A) by striking out "subject to paragraph subparagraph (2)," in subparagraphs (B), (C), and (E) of paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(5) Section 2307 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(6) Chapter 139 is amended by striking out section 2359.

(7) Section 2388 is amended by striking out subsection (d).

(8) Section 2394a(b) is amended—

(A) by striking out "(1)" after "(b)"; and

(B) by striking out paragraph (2).

(9) Section 2404 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(10) Chapter 145 is amended by striking out section 2455.

(11) Section 2547 is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(12) Section 2672a(b) is amended by striking out the last sentence.

(13) Section 2721 is amended—

(A) in subsection (a), by striking out "(a)"; and

(B) by striking out subsection (b).

(14) Section 4314 is amended by striking out the last sentence.

(15) Section 6956 is amended—

(A) by striking out subsection (a); and

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(16) Chapter 631 is amended by striking out section 7217.

(b) TITLE 32, UNITED STATES CODE.—Section 314(d) of title 32, United States Code, is amended by striking out the last sentence.

(c) TITLE 37, UNITED STATES CODE.—(1) Sections 301a and 301c are amended by striking out subsection (e).

(2) Section 303a(c) is amended by striking out the last sentence.

(3) Section 306 is amended by striking out subsection (f).

(4) Section 308b is amended—

(A) by striking out subsection (e); and

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(5) Section 308c is amended—

(A) by striking out subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(6) Section 310 is amended by striking out subsection (d).

(7) Section 312b is amended—

(A) by striking out subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(8) Section 312c is amended—

(A) by striking out subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(d) PUBLIC LAW 99-145.—(1) Section 913 of such Act (10 U.S.C. 2301 note) is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) Section 915 of such Act (10 U.S.C. 2431 note) is repealed.

(e) PUBLIC LAW 98-94.—Section 1260 of the Department of Defense Authorization Act,

1984 (Public Law 98-94; 97 Stat. 703), is amended—

(1) by striking out subsection (a); and

(2) in subsection (b), by striking out "(b)" and the second sentence.

(f) PUBLIC LAW 96-418.—Section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 10 U.S.C. 2431 note), is amended by striking out subsection (e).

(g) PUBLIC LAW 94-106.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 7291 note), is repealed.

SEC. 1323. RESTORATION OF REPORTING REQUIREMENT TERMINATED BY GOLDWATER-NICHOLS ACT

The effectiveness of the reporting requirement of section 127(c) of title 10, United States Code, previously terminated by section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), is hereby restored.

SEC. 1324. REPEAL OF GOLDWATER-NICHOLS REPORTS TERMINATION SECTION

Section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note) is repealed.

PART D—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1331. TECHNICAL AND CLERICAL AMENDMENTS

Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 117.

(2) The table of sections at the beginning of chapter 131 is amended by striking out the item relating to section 2216.

(3) The table of sections at the beginning of chapter 138 is amended by striking out the item relating to section 2349.

(4) Section 2350a(g) is amended by striking out that portion of paragraph (4) preceding clause (A) and inserting in lieu thereof the following:

"(4) The Secretary of Defense shall submit to Congress each year, not later than March 1, a report containing information on—".

(5) The table of sections at the beginning of chapter 139 is amended by striking out the items relating to sections 2357 and 2359.

(6) The table of sections at the beginning of chapter 145 is amended by striking out the item relating to section 2455.

(7) The table of sections at the beginning of chapter 161 is amended by striking out the item relating to section 2721 and inserting in lieu thereof the following:

"2721. Basis.".

(8) The table of sections at the beginning of chapter 631 is amended by striking out the item relating to section 7217.

(9) The table of sections at the beginning of chapter 641 is amended by striking out the item relating to section 7434.

TITLE XIV—GUARD AND RESERVE INITIATIVE

PART A—UTILIZATION OF RESERVE COMPONENTS

SEC. 1401. SENSE OF THE CONGRESS ON GREATER UTILIZATION OF THE RESERVE COMPONENTS OF THE ARMED FORCES

(a) FINDINGS.—Congress makes the following findings:

(1) The reserve components of the Armed Forces are an essential element of the national security establishment of the United States.

(2) The overall reduction in the threat and the likelihood of continued fiscal constraints require the United States to increase utilization of the reserve components of the Armed Forces.

(3) The Department of Defense has not adequately implemented the Total Force Policy since its inception in 1973.

(4) The Department of Defense should shift a greater share of force structure and budgetary resources to the reserve components of the Armed Forces.

(5) Expanding the reserve components is the most effective way to retain quality personnel as the force structure of the active components is reduced over the next five years.

(6) The United States should recommit itself to the concept of the citizen soldier as a cornerstone of national defense policy for the future.

(7) The President and the Secretary of Defense should take note of and be willing to exercise existing reserve call-up authority for the purpose of using reserve component forces to perform operational missions without the necessity for declaring a national emergency.

(b) CONGRESSIONAL DECLARATION.—In view of the findings expressed in subsection (a), Congress declares that—

(1) the structure and strength of the current reserve components should be preserved;

(2) the equipment levels in existing reserve component units should be increased to match their active duty counterparts;

(3) selected missions of the active components of the Armed Forces should be increasingly transferred to the reserve components;

(4) the equipment available to the units of the reserve components should be modernized; and

(5) the integration of active component and reserve component units should be promoted as a means of achieving the Total Force Policy of the Department of Defense.

PART B—FORCE STRUCTURE

SEC. 1411. PRESERVATION OF FORCE STRUCTURE IN THE RESERVE COMPONENTS

(a) IN GENERAL.—The Secretary of Defense shall ensure that the force structure of the Selected Reserve of the reserve components of the Armed Forces during fiscal year 1991 is equivalent to the force structure of those components on January 1, 1990.

(b) AUTHORITY TO CHANGE FORCE STRUCTURE.—The Secretary may make changes in the force structure of the Selected Reserve of the reserve components only to the extent that the Secretary determines that such changes enhance the capability of reserve units in the interests of national security.

SEC. 1412. AIR NATIONAL GUARD AND AIR FORCE RESERVE AIRCRAFT

(a) TRANSFER OF AIRCRAFT TO RESERVE COMPONENT.—The Secretary of the Air Force, by the transfer of aircraft from regular component squadrons to reserve component squadrons, shall ensure that on September 30, 1994—

(1) the average number of aircraft assigned to a tanker aircraft squadron in the Air National Guard of the United States or the Air Force Reserve is equal to the average number of aircraft assigned to a tanker aircraft squadron in the regular component of the Air Force;

(2) the average number of aircraft assigned to a fighter aircraft squadron in the Air National Guard of the United States or the Air Force Reserve is equal to the average number of aircraft assigned to a fighter aircraft squadron in the regular component of the Air Force; and

(3) the average number of aircraft assigned to an airlift aircraft squadron in the Air National Guard of the United States or the Air Force Reserve is equal to the average number of aircraft assigned to an airlift aircraft squadron in the regular component of the Air Force.

(b) WAIVER AUTHORITY.—(1) The Secretary of Defense may temporarily waive the requirement in subsection (a) with respect to a specific reserve component squadron if the Secretary determines that the squadron cannot operate the aircraft required to be transferred and that the transfer would be prejudicial to the national security of the United States.

(2) Temporary waivers under paragraph (1) shall be made on a case-by-case basis. Such a waiver shall be for a period not to exceed one year, but may be renewed for an additional period of one year under the conditions specified in paragraph (1).

SEC. 1413. P-3 AIRCRAFT

(a) TRANSFER OF AIRCRAFT TO RESERVE COMPONENTS.—(1) The Secretary of the Navy, by the transfer of aircraft from regular component squadrons to reserve component squadrons, shall ensure that on September 30, 1996, the average number of aircraft assigned to a P-3 aircraft squadron in the Naval Reserve is equal to the average number of aircraft assigned to a P-3 aircraft squadron in the regular Navy.

(2) The Secretary shall transfer no fewer than 80 P-3C aircraft pursuant to subsection (a).

(b) WAIVER AUTHORITY.—(1) The Secretary of Defense, may temporarily waive the requirements in subsection (a) with respect to a specific reserve component squadron if the Secretary determines that—

(A) the submarine threat presented by the Soviet Union has increased; and

(B) the P-3B aircraft would be able to track and attack effectively the submarines that comprise the increase in the threat.

(2) Temporary waivers under paragraph (1) shall be made on a case-by-case basis. Such a waiver shall be for a period not to exceed one year, but may be renewed for an additional period of one year under the conditions specified in paragraph (1).

(c) PROHIBITION ON USE OF FUNDS.—Funds appropriated or otherwise made available for operation and maintenance for the Navy for any fiscal year beginning on or after September 30, 1996, may not be used to operate or maintain P-3B aircraft.

SEC. 1414. TACTICAL AIRLIFT MISSION

(a) IN GENERAL.—Not later than September 30, 1992, the Secretary of Defense shall assign the tactical airlift mission of the Department of Defense to the Air Force Reserve and the Air National Guard of the United States.

(b) REQUIREMENT FOR TRANSFER PLAN.—The Secretary of the Air Force shall develop a plan for the transfer of all tactical airlift transport aircraft to the Air Force Reserve and the Air National Guard of the United States at the earliest practical date and shall complete the transfer in accordance with such plan not later than September 30, 1992.

(c) DEADLINE FOR SUBMISSION OF PLAN.—The Secretary of the Air Force shall submit

to the congressional defense committees a copy of the plan referred to in subsection (b) not later than June 1, 1991.

SEC. 1415. REPLACEMENT OF OV-1 AND OV-10 AIRCRAFT WITH A-10 AIRCRAFT

(a) PROHIBITION ON USE OF FUNDS.—(1) Funds appropriated or otherwise made available to the Army for any fiscal year beginning after September 30, 1996, may not be used to operate or maintain OV-1 aircraft.

(2) Funds appropriated or otherwise made available to the Marine Corps after September 30, 1996, may not be used to operate or maintain OV-10 aircraft.

(b) RETIREMENT OF OV-1 AND OV-10 AIRCRAFT.—(1) Not later than September 30, 1991, the Secretary of the Army shall retire not less than 20 percent of the OV-1 aircraft in the inventory of the Army on October 1, 1990.

(2) The Secretary of the Army and the Secretary of the Navy shall take such action as necessary to retire, by not later than September 30, 1996, all OV-1 and OV-10 aircraft in the inventory of the Army and Marine Corps, respectively. The Secretary of the military department concerned shall notify the Secretary of the Air Force at the time each such aircraft is retired, and the Secretary of the Air Force shall, upon such notification, transfer one A-10 aircraft and all required support equipment to such military department.

(c) TRAINING AND SUPPORT.—Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9316. Training and support for A-10 aircraft

"The Secretary of the Air Force shall provide each military department with flight training, fleet support, and depot maintenance with respect to all A-10 aircraft assigned to each such department.".

(d) TECHNICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9316. Training and support for A-10 aircraft.".

PART C—MILITARY PERSONNEL

SEC. 1421. FINDINGS AND SENSE OF CONGRESS REGARDING THE IMPORTANCE OF THE READY RESERVE

(a) FINDINGS.—The Congress finds that—

(1) as a result of the recent dramatic changes in Eastern Europe and the Soviet Union, the active military forces of the United States will be significantly reduced; and

(2) as a consequence of that reduction it will be necessary to rely increasingly, in the event of a threat to the national security, on the immediate availability of trained personnel of the Ready Reserve of the reserve components of the Armed Forces.

(b) SENSE OF CONGRESS.—In light of the finding in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should take appropriate action to ensure that members of the Ready Reserve are made fully aware of their continuing obligation for immediate service in the active military forces in the event of a war or national emergency;

(2) the Secretary should utilize the annual muster provided for under section 687 of title 10, United States Code, as a means of alerting such personnel to that obligation; and

(3) the Secretary should insure that adequate funds are made available, out of funds appropriated for the reserve components, to carry out the annual muster of such personnel.

SEC. 1422. READY RESERVE OBLIGATION OF PERSONS WHO RECEIVE TRANSITION ASSISTANCE

(a) IN GENERAL.—As a condition of eligibility to receiving benefits under section 1174 of title 10, United States Code (as amended by section 641 of this Act), section 1105 of such title (as added by section 642 of this Act), section 1420 of title 38, United States Code (as added by section 643 of this Act), or section 644 of this Act, a person otherwise eligible for those benefits shall be required to enter into a written agreement with the Secretary concerned to serve in the Ready Reserve of a reserve component of the Armed Forces for a period of three years following the person's discharge or release from active duty. If the person has a service obligation under section 651 of title 10, United States Code, or under any other provision of law that is not completed at the time the person is discharged or released from active duty, the three-year obligation under this section shall begin on the day after the date on which the person completes the person's obligation under such section or other provision of law.

(b) TRANSFER TO A RESERVE COMPONENT.—Each person who enters into an agreement referred to in subsection (a), who is not already a Reserve of an armed force, and who is qualified shall, upon such person's discharge or release from active duty, be enlisted or appointed, as appropriate, as a Reserve and be transferred to a reserve component of an armed force.

(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.

(d) DEFINITION.—As used in this section, the term "Secretary concerned" means—

(1) the Secretary of the Army, with respect to matters concerning the Army;

(2) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(3) the Secretary of the Air Force, with respect to matters concerning the Air Force.

SEC. 1423. REPORT REGARDING REQUIREMENT FOR DUTY IN SUPPORT OF NATIONAL GUARD AND RESERVES

Not later than April 15, 1991, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the desirability of requiring active-duty list officers to serve a minimum of two years in support of a National Guard or Reserve unit as a condition of eligibility for consideration for promotion to the grade of colonel or, in the case of the Navy, captain.

SEC. 1424. PROHIBITION ON CERTAIN RESERVE SERVICE

On and after September 30, 1991, no member of a reserve component serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components of the Armed Forces may be assigned to duty with any unit of the Reserve Officer Training Corps program.

SEC. 1425. EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVE

Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 37 U.S.C. 302 note), is amended by striking out "1990" and inserting in lieu thereof "1993".

SEC. 1426. SPECIAL PAY FOR RESERVE MEDICAL OFFICERS

(a) IN GENERAL.—Section 302(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)";

(2) in paragraph (2), by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)";

(3) by redesignating paragraph (2) (as so amended) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

"(2) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title and is a reserve medical officer, the member is entitled to an increase in compensation equal to 1/30 of the monthly special pay authorized in paragraph (1) for the performance of that duty. Such member is entitled to the increase for as long as he is qualified for it, for each regular period of instruction, or period of appropriate duty, at which he is engaged for at least two hours, including that performed on a Sunday or holiday, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title. This paragraph does not apply to a member who is entitled to basic pay under section 204 of this title.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the fourth calendar month which begins after the month in which this Act is enacted and shall apply only with respect to duty performed on or after that day.

SEC. 1427. COMMISSARY PRIVILEGES FOR CERTAIN RETIRED RESERVES

(a) IN GENERAL.—(1) Chapter 54 of title 10, United States Code, is amended by adding at the end the following new sections:

"§ 1064. Use of commissary stores by certain Reserves

"Under regulations prescribed by the Secretary of Defense, a member of an armed force who would be eligible for retired pay under chapter 67 of this title but for the fact that the member is under 60 years of age shall be authorized to use commissary stores of the Department of Defense for 12 days each calendar year.

"§ 1065. Use of certain morale, welfare, and recreation facilities by members of reserve components

"(a) UNRESTRICTED USE.—Members of the Selected Reserve in good standing (as determined by the Secretary concerned) and members of an armed force who would be eligible for retired pay under chapter 67 of this title but for the fact that the person is under 60 years of age, and the dependents of such members and persons, shall be permitted to use, on the same basis as members on active duty, the exchange stores and other revenue generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces.

"(b) CONDITIONAL USE.—Subject to such regulations as the Secretary of Defense determines necessary and appropriate, members of the Ready Reserve other than members of the Selected Reserve may be permitted to use the facilities referred to in subsec-

tion (a) on the same basis as members serving on active duty.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1064. Use of commissary stores by certain Reserves.
"1065. Use of certain morale, welfare, and recreation facilities by member of reserve components.".

(b) EFFECTIVE DATE AND DEADLINE FOR REGULATIONS.—(1) The amendments made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall prescribe such regulations as may be necessary for the proper administration of sections 1064 and 1065 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

PART D—PROCUREMENT

SEC. 1431. PROCUREMENT FOR THE RESERVE COMPONENTS

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $879,961,000.

(2) For the Air National Guard, $537,700,000.

(3) For the Army Reserve, $153,800,000.

(4) For the Navy Reserve, $400,900,000.

(5) For the Air Force Reserve, $105,600,000.

(6) For the Marine Corps Reserve, $114,000,000.

(b) CLARIFICATION OF AUTHORIZATION.—Funds authorized to be appropriated pursuant to subsection (a) are in addition to the funds authorized to be appropriated pursuant to section 106.

SEC. 1432. PROVISION OF CH-47 AIRCRAFT FOR THE ARMY NATIONAL GUARD

(a) TRANSFER OF AIRCRAFT TO AIR NATIONAL GUARD.—Of the modified CH-47 aircraft procured with funds appropriated or otherwise made available in fiscal year 1991, the Secretary of the Army shall distribute not less than 24 such aircraft to the Army National Guard of the United States, as provided in subsection (b).

(b) PLAN REQUIRED.—(1) The Secretary of the Army shall develop a plan to retire—

(A) not less than 24 CH-54 aircraft assigned to the Army National Guard of the United States not later than September 30, 1992; and

(B) all remaining CH-54 aircraft assigned to the Army National Guard of the United States not later than September 30, 1993.

(2) For each CH-54 aircraft assigned to the Army National Guard of the United States that is retired by the Secretary of the Army on or after the date of enactment of this Act, the Secretary shall transfer one of the CH-47 aircraft referred to in subsection (a) to the Army National Guard of the United States.

SEC. 1433. MH-53 MINESWEEPER HELICOPTER

Of the amounts authorized to be appropriated pursuant to section 1431(a)(4) for aircraft for the Navy Reserve, $281,900,000 shall be available for procurement of MH-53 minesweeper helicopters for the Navy Reserve.

SEC. 1434. AH-1W HELICOPTERS

(a) FISCAL YEAR 1990 FUNDS.—Of the amounts appropriated for National Guard and Reserve equipment for fiscal year 1990, $58,600,000 is available for procurement of six AH-1W helicopters for the Marine Corps Reserve.

(b) FISCAL YEAR 1991 FUNDS.—Of the amounts authorized to be appropriated pursuant to section 1431(a)(6) for the Marine Corps Reserve, $79,000,000 shall be available for procurement of eight AH-1W helicopters for the Marine Corps Reserve.

PART E—MISCELLANEOUS

SEC. 1441. EXPRESSING THE SENSE OF THE SENATE CONCERNING UNITED STATES ARMORED FORCES

(a)(1) Since dramatic changes have occurred in the military situation in Europe;

(2) Since the Warsaw Pact is no longer a credible military threat to NATO;

(3) Since it appears that the heavy armored armies of both NATO and the Warsaw Pact will be substantially reduced by arms control agreements or unilateral actions;

(4) Since the need for armor forces has not disappeared and many countries in the world possess large inventories of modern tanks;

(5) Since the Soviet Union will still produce fourteen hundred new tanks in 1990;

(6) Since with significantly increased warning times of enemy attack, greater reliance will be placed on United States Reserve Component Forces for armored heavy force reinforcement missions;

(7) Since there is a need to enhance the capabilities of Reserve Component Armored Forces to assume increased responsibilities for armored heavy force reinforcement missions;

(b) It is the sense of the Senate that—

(1) the United States Army should take timely and necessary steps to enhance the capabilities of Reserve Component Armored Forces;

(2) the United States Army Armor Center will remain the center for training, education, doctrine and combat development for United States Armored Forces—for both active and reserve components; and

(3) the United States Army Armor Center should ensure that reserve component armored forces are adequately prepared for the increased reliance that will be placed on their greater role in armored heavy force reinforcement missions.

SEC. 1442. COMMENDATION OF THE WORK OF THE NATIONAL GUARD AND RESERVES

(a) The Senate finds that—

(1) the birth of this Nation, the citizen-soldier of the United States has protected their fellow citizens from tyranny, invasion, violence, and natural disasters;

(2) the revolution that threw off our yoke of colonialism, to assisting the Panamanians in their struggle over tyranny, the citizen-soldiers of the national guard and reserves, have fought in the defense of freedom;

(3) as the resolve and sacrifice of our national guard and reserves over the last forty-five years gave them a lead role in our Nation's winning the cold war;

(4) as we enter the final decade of this century with our Nation facing new and varied threats to peace, it is imperative that our guard and reserve be prepared to respond in a changing world;

(5) as the national guard and reserves make up a large part of our Nation's combat and support units, their mobilization and training will remain vital to our national security;

(6) as the outstanding Americans who serve in the national guard and reserves have maintained their level of excellence through their hard work and dedication to duty, our citizen soldiers have proved our Nation can continue to rely on them in any national emergency; and

(7) the qualities that have given the national guard and reserves its venerable history, are still present today.

(b) Therefore, the United States Senate acknowledge the valuable contribution that the men and women of our national guard and reserves have made to our Nation's security, and to continue to support their role as the foundation of our national defense in a changing world.

TITLE XV—COUNTER-NARCOTICS TECHNOLOGY CENTER

SEC. 1501. SHORT TITLE

This title may be cited as the "Counter-Narcotics Technology Act of 1990".

SEC. 1502. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER

(a) ESTABLISHMENT.—Title I of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501 et seq.) is amended by inserting after section 1003 the following new section:

"SEC. 1003a. COUNTER-NARCOTICS TECHNOLOGY ASSESSMENT CENTER

"(a) ESTABLISHMENT.—There is established within the Office of National Drug Control Policy, the Counter-Narcotics Technology Assessment Center (hereafter in this section referred to as the 'Center'). The Center shall operate under the authority of the Director of National Drug Control Policy, and shall serve as the central counter-narcotics enforcement research and development organization of the United States Government.

"(b) DIRECTOR.—There shall be at the head of the Center, the Chief Scientist of Counter-Narcotics Technology who shall be appointed by the Director of National Drug Control Policy from individuals qualified and distinguished in areas of science, engineering or technology. The Chief Scientist shall be paid at the highest rate of basic pay set under the provisions of section 5382(b) of title 5, United States Code.

"(c) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—(1) The Director, acting through the Chief Scientist, shall—

"(A) identify and define the short, medium, and long-term scientific and technological needs of Federal, State, and local drug enforcement agencies, including—

"(i) advanced surveillance, tracking, and radar imaging;

"(ii) electronic support measures;

"(iii) communications;

"(iv) data fusion, advanced computer systems and artificial intelligence; and

"(v) chemical, biological, radiological (including neutron, electron and gravitron) and other means of detection;

"(B) make a priority ranking of such needs according to fiscal and technological feasibility, as part of a National Counter-Narcotics Enforcement Research and Development Strategy;

"(C) oversee and coordinate counter-narcotics technology initiatives with related activities of other Federal civilian and military departments; and

"(D) under the general authority of the Director of National Drug Control Policy, submit reprogramming or transfer requests of funds appropriated for counter-narcotics enforcement research and development to Congress.

"(2) The authority granted to the Director under this section shall not extend to the

award of contracts, management of individual projects, or other operational activities.

"(d) COUNTER-NARCOTICS BUDGET SUBMISSION.—Beginning with the fiscal year 1992 budget, the Director of National Drug Control Policy in his budget shall submit a separate and detailed request relating to all Federal agencies for counter-narcotics enforcement research and development programs.

"(e) PERSONNEL.—Subject to subsections (d) and (e) of section 1003 of this Act, the Chief Scientist shall select and appoint a staff of not more than 10 employees with specialized experience in scientific, engineering and technical affairs. The Chief Scientist may appoint and fix the compensation of such personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not to exceed the maximum rate authorized by the General Schedule.".

SEC. 1503. EFFORTS BY PRIVATE INDUSTRY

It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications equipment should cooperate with law enforcement agencies to ensure that communications systems permit law enforcement agencies to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $93,100,000.
Redstone Arsenal, $14,400,000.
Fort Rucker, $3,400,000.

ALASKA

Fort Wainwright, $13,900,000.

ARIZONA

Fort Huachuca, $1,050,000.

ARKANSAS

Pine Bluff Arsenal, $1,600,000.

CALIFORNIA

Fort Irwin, $4,200,000.

COLORADO

Fort Carson, $23,500,000.
Falcon Air Force Base, $1,450,000.

GEORGIA

Fort Benning, $10,880,000.
Fort Gordon, $10,600,000.
Fort Stewart, $1,650,000.

HAWAII

Schofield Barracks, $9,700,000.

INDIANA

Fort Benjamin Harrison, $6,170,000.

KANSAS

Fort Leavenworth, $34,000,000.
Fort Riley, $14,900,000.

KENTUCKY

Fort Campbell, $2,300,000.
Fort Knox, $25,400,000.

LOUISIANA

Fort Polk, $22,000,000.

MARYLAND

Aberdeen Proving Ground, $45,100,000.
Fort Detrick, $530,000.

MISSOURI

Fort Leonard Wood, $9,700,000.

NEW YORK

Fort Drum, $9,408,000.

NORTH CAROLINA

Fort Bragg, $54,400,000.

OKLAHOMA

Fort Sill, $25,150,000.

PENNSYLVANIA

Carlisle Barracks, $26,200,000.
Fort Indiantown Gap, $6,350,000.
Tobyhanna Army Depot, $6,800,000.

SOUTH CAROLINA

Fort Jackson, $1,600,000.

TEXAS

Fort Hood, $43,269,000.
Fort Sam Houston, $33,700,000.

UTAH

Dugway Proving Ground, $450,000.
Tooele Army Depot, $11,800,000.

VIRGINIA

Fort A. P. Hill, $3,200,000.
Fort Belvoir, $2,500,000.
Fort Eustis, $530,000.
Fort Lee, $520,000.
Fort Myer, $2,150,000.
Fort Story, $1,600,000.

WASHINGTON

Fort Lewis, $18,000,000.

WISCONSIN

Fort McCoy, $24,400,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Grafenwoehr, $1,630,000.
Kaiserslautern, $5,000,000.
Various, $6,553,000.

KOREA

K-16 Airfield, $1,500,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(7)(A), at the following installation, in the number of units shown, and in the amount shown:

Hawaii, Oahu Various, one hundred thirty-eight units, $15,000,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,700,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(7)(A), improve existing military family housing in an amount not to exceed $44,100,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,280,270,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $555,557,000: *Provided*, That the expenditure of the construction funds for a school at Fort Wainwright, Alaska are hereby restricted contingent upon agreement from the local education agency to accept ownership for said facility constructed with said funds.

(2) For military construction projects outside the United States authorized by section 2101(b), $14,683,000.

(3) For the construction of the Ammunition Demilitarization Facility, Phase II, Tooele Army Depot, Utah, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2088), $40,400,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $7,603,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $89,577,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $10,400,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $74,300,000.

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,482,650,000, of which not more than $434,316,000 may be obligated or expended for the leasing of military family housing worldwide.

(8) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $5,100,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $69,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama).

SEC. 2105. AMMUNITION DEMILITARIZATION FACILITY, TOOELE ARMY DEPOT, UTAH

(a) PROJECT AMOUNT.—Section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2088), is amended in the items listed under the heading "Utah", by striking out "Tooele Army Depot, $92,300,000." and inserting in lieu thereof "Tooele Army Depot, $132,700,000.".

(b) TITLE TOTAL.—Section 2105(b) of such Act (Public Law 100-456; 102 Stat. 2091) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) $40,400,000 (the balance of the amount authorized under section 2101(a) for the construction of the Ammunition Demilitarization Facility, Tooele Army Depot, Utah).".

SEC. 2106. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167, 99 Stat. 981), authorizations for the following project authorized in section 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1185), section 2106(b) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 101 Stat. 2092), and section 2105(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1619), shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

Family housing, new construction, six units, in the amount of $596,000 at Fort Myer, Virginia.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECT.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180, 101 Stat. 1206), authorizations for the following project authorized in section 2102 of that Act, as extended by section 2105(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1619) shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

Family housing, new construction, twenty-five units, in the amount of $2,200,000 at Fort A.P. Hill, Virginia.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456, 102 Stat. 2115), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Land acquisition in the amount of $410,000 at Fort Rucker, Alabama.

(2) Battalion Headquarters in the amount of $2,300,000 at Fort Wainwright, Alaska.

(3) Test and Evaluation Center in the amount of $5,400,000 at Fort Huachuca, Arizona.

(4) Chemical area security upgrade in the amount of $3,050,000 at Pine Bluff Arsenal, Arkansas.

(5) Chemical area security upgrade in the amount of $3,200,000 at Pueblo Depot Activity, Colorado.

(6) Chemical area security upgrade in the amount of $770,000 at Lexington-Blue Grass Depot Activity, Kentucky.

(7) Regional sewage system connection in the amount of $2,500,000 at United States Military Academy, New York.

(8) Chemical area security upgrade in the amount of $3,600,000 at Umatilla Depot Activity, Oregon.

(9) Industrial waste treatment plant in the amount of $1,900,000 at Letterkenny Army Depot, Pennsylvania.

(10) Chemical area security upgrade in the amount of $5,700,000 at Tooele Army Depot, Utah.

(11) Central wash facility in the amount of $4,000,000 at Fort Pickett, Virginia.

(12) Petroleum Field Training Center in the amount of $4,800,000 at Fort Lee, Virginia.

(13) Operations facility in the amount of $5,300,000 at Location 276 (Turkey).

(14) Intermediate staging facility in the amount of $11,300,000 at unspecified foreign location.

(15) Pre-positioned war material facilities in the amount of $4,450,000 at unspecified foreign locations.

(16) Family housing, new construction, one hundred and eight units, in the amount of $9,100,000 at Fort Bliss, Texas.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Air Station, $4,250,000.

Adak, Naval Security Group Activity, $3,000,000.

Amchitka, Fleet Surveillance Support Command, $31,000,000.

ARIZONA

Yuma, Marine Corps Air Station, $3,720,000.

CALIFORNIA

Bridgeport, Mountain Warfare Training Center, $11,300,000.

Camp Pendleton, Amphibious Task Force, $8,470,000.

Camp Pendleton, Marine Corps Air Station, $4,110,000.

Camp Pendleton, Marine Corps Base, $19,910,000.

China Lake, Naval Weapons Center, $17,585,000.

Concord, Naval Weapons Station, $9,850,000.

Corona, Naval Weapons Station, Seal Beach Annex, $8,870,000.

El Toro, Marine Corps Air Station, $6,980,000.

Lemoore, Naval Air Station, $900,000.

Long Beach, Naval Station, $3,520,000.

Miramar, Naval Air Station, $5,460,000.

Monterey, Naval Postgraduate School, $8,810,000.

North Island, Naval Air Station, $1,510,000.

Point Mugu, Pacific Missile Test Center, $2,070,000.

Port Hueneme, Naval Construction Battalion Center, $2,010,000.

Port Hueneme, Naval Ship Weapon Systems Engineering Station, $10,150,000.

San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $8,950,000.

San Diego, Naval Ocean Systems Center, $11,760,000.

San Diego, Naval Submarine Base, $540,000.

San Diego, Naval Supply Center, $8,800,000.

San Diego, Naval Training Center, $15,229,000.

San Diego, Navy Public Works Center, $3,320,000.

Skaggs Island, Naval Security Group Activity, $1,472,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, $10,820,000.

CONNECTICUT

New London, Naval Submarine Base, $22,500,000.

New London, Naval Submarine School, $18,990,000.

DISTRICT OF COLUMBIA

Washington, Naval Research Laboratory, $9,850,000.

FLORIDA

Jacksonville, Naval Air Station, $9,140,000.

Jacksonville, Naval Aviation Depot, $14,670,000.

Key West, Naval Air Station, $7,030,000.

Mayport, Fleet Training Center, $4,300,000.

Mayport, Naval Station, $4,950,000.

Orlando, Naval Training Center, $10,960,000.

Panama City, Naval Coastal Systems Center, $4,330,000.

Pensacola, Navy Public Works Center, $3,460,000.

GEORGIA

Albany, Marine Corps Logistics Base, $1,360,000.

Kings Bay, Naval Submarine Base, $76,953,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, $1,650,000.

Lualualei, Naval Magazine, $1,660,000.

Pearl Harbor, Commander Oceanographic System Pacific, $12,780,000.

Pearl Harbor, Naval Submarine Base, $2,010,000.

Pearl Harbor, Navy Public Works Center, $6,940,000.

ILLINOIS

Great Lakes, Naval Training Center, $2,170,000.

Great Lakes, Navy Public Works Center, $2,460,000.

INDIANA

Crane, Naval Weapons Support Center, $13,520,000.

MAINE

Kittery, Portsmouth Naval Shipyard, $38,182,000.

MARYLAND

Bethesda, National Naval Medical Center, $9,040,000.

Indian Head, Naval Ordnance Station, $6,430,000.

Patuxent River, Naval Air Test Center, $9,040,000.

Patuxent River, Naval Hospital, $2,510,000.

St. Inigoes, Naval Electronic Systems Engineering Activity, $4,020,000.

MISSISSIPPI

Gulfport, Naval Construction Training Center, $8,710,000.

NEW JERSEY

Earle, Naval Weapons Station, $85,400,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $29,170,000.

Cherry Point, Marine Corps Air Station, $13,950,000.

PENNSYLVANIA

Warminster, Naval Air Development Center, $10,770,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $6,230,000.

Newport, Naval Underwater Systems Center, $13,700,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $6,700,000.

Charleston, Naval Station, $720,000.

Charleston, Naval Weapons Station, $27,030,000.

Parris Island, Marine Corps Recruit Depot, $3,410,000.

TEXAS

Lackland Air Force Base, Naval Technical Training Center Detachment, $11,850,000.

VIRGINIA

Arlington, Headquarters Marine Corps, $2,810,000.

Dahlgren, Naval Space Surveillance System, $9,850,000.

Dam Neck, Fleet Combat Direction Systems Support Activity, $6,500,000.

Little Creek, Naval Amphibious Base, $20,470,000.

Little Creek, Naval Amphibious School, $2,600,000.

Norfolk, Fleet Training Center, $16,080,000.

Norfolk, Naval Station, $10,950,000.

Norfolk, Navy Public Works Center, $4,020,000.

Oceana, Naval Air Station, $3,670,000.

Quantico, Marine Corps Combat Development Command, $34,114,000.

Quantico, Naval Research Laboratory Annex, $2,600,000.

Wallops Island, AEGIS Combat Systems Center, $5,490,000.

WASHINGTON

Bangor, Trident Refit Facility, $3,020,000.

Bangor, Trident Training Facility, $3,610,000.

Bremerton, Puget Sound Naval Shipyard, $22,000,000.

Everett, Naval Station, $22,267,000.

Keyport, Naval Undersea Warfare Engineering Station, $18,590,000.

Oak Harbor, Naval Hospital, $2,180,000.

Silverdale, Strategic Weapons Facility Pacific, $56,480,000.

Whidbey Island, Naval Facility, $1,750,000.

VARIOUS LOCATIONS

Land Acquisition, $4,660,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GUAM

Naval Magazine, $9,319,000.

Navy Public Works Center, $7,500,000.

ITALY

Sicily, Naval Communication Station, $1,513,000.

SPAIN

Rota, Naval Communication Station, $1,105,000.

UNITED KINGDOM

Brawdy Wales, Fleet Surveillance Support Command, $1,740,000.

VARIOUS LOCATIONS

Host Nation Infrastructure Support, $1,000,000.

SEC. 2202. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(7)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

Long Beach, Naval Station, California, three hundred units, $25,018,000.

Point Mugu, Pacific Missile Test Center, California, Family Housing Office, $513,000.

San Diego, Navy Public Works Center, California, three hundred units, $31,880,000.

Fallon Naval Air Station, Nevada, eighty units, $10,500,000.

Little Creek, Naval Amphibious Base, Virginia, Family Housing Office, $372,000.

Norfolk, Navy Public Works Center, Virginia, two Community Centers, $834,000.

Guantanamo Bay, Naval Station, Cuba, one hundred and thirty-four units, $18,409,000.

Keflavik, Naval Air Station, Iceland, one hundred and twelve units, $27,479,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(7)(A), improve existing military family housing units in the amount of $42,420,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,972,251,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $917,622,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $22,177,000.

(3) For the construction of the Headquarters Building, Naval Intelligence Command Headquarters, Suitland, Maryland, as authorized by section 2201(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2093), $55,048,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,311,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,951,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $4,017,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $163,625,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $719,500,000, of which not more than $53,775,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of:

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $65,300,000 (the balance of the amount authorized under section 2201(a) for the construction of trestles replacement at Naval Weapons Station, Earle, New Jersey).

SEC. 2205. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2121 of that Act, as extended by section 2205 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1628), shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Physical security improvements in the amount of $2,460,000 at the Naval Air Station, Sigonella, Italy.

(2) Cold-iron utilities support in the amount of $7,480,000 at Naval Support Office, La Maddelena, Italy.

(b) EXTENSION OF CERTAIN PREVIOUS AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in sections 2201 and 2202 of that Act shall remain in effect until October 1, 1991, or the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Space Surveillance Facility in the amount of $3,760,000 at Naval Space Surveillance Field Station, San Diego, California.

(2) Fire Station in the amount of $2,500,000 at Mare Island Naval Shipyard, Vallejo, California.

(3) Controlled Industrial Facility in the amount of $11,250,000 at Naval Submarine Base, Pearl Harbor, Hawaii.

(4) Forward Training Area in the amount of $8,280,000 at Marine Corps Air Station, Cherry Point, North Carolina.

(5) Aircraft maintenance facility in the amount of $8,370,000 at Naval Air Station, Whidbey Island, Washington.

(6) Support facility upgrade in the amount of $6,470,000 at Naval Support Facility, Antigua.

(7) Fire safety system in the amount of $1,950,000 at Naval Supply Depot, Guam.

(8) Electronic installation in the amount of $20,972,000 at Fleet Surveillance Support Group, Guam.

(9) Power plant in the amount of $27,770,000 at Navy Public Works Center, Subic Bay, Philippines.

(10) Seal Team Operations Facility in the amount of $4,990,000 at an overseas classified location.

(11) Family housing, new construction, three hundred units, in the amount of $26,110,000 at Naval Station, Long Beach, California.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $20,100,000.
Maxwell Air Force Base, $22,500,000.

ALASKA

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $12,400,000.
Elmendorf Air Force Base, $8,900,000.
Galena Airport, $8,700,000.
King Salmon Airport, $2,500,000.
Shemya Air Force Base, $47,400,000.
Various Locations, $11,000,000.

ARIZONA

Williams Air Force Base, $3,650,000.

ARKANSAS

Little Rock Air Force Base, $5,300,000.

CALIFORNIA

Beale Air Force Base, $6,300,000.
Castle Air Force Base, $3,000,000.
Edwards Air Force Base, $17,100,000.
March Air Force Base, $1,050,000.
McClellan Air Force Base, $11,200,000.
Sierra Army Depot, $3,650,000.
Travis Air Force Base, $10,800,000.
Vandenberg Air Force Base, $115,000,000.

COLORADO

Peterson Air Force Base, $2,700,000.

FLORIDA

Avon Park Range, $700,000.
Cape Canaveral Air Force Station, $5,353,000.
Eglin Air Force Base, $4,700,000.
Homestead Air Force Base, $7,900,000.
MacDill Air Force Base, $12,250,000.

GEORGIA

Moody Air Force Base, $4,400,000.
Robins Air Force Base, $21,200,000.

HAWAII

Hickam Air Force Base, $11,420,000.
Wheeler Air Force Base, $3,500,000.

IDAHO

Mountain Home Air Force Base, $1,350,000.

ILLINOIS

Scott Air Force Base, $10,060,000.

INDIANA

Grissom Air Force Base, $2,000,000.

KANSAS

McConnell Air Force Base, $9,100,000.

LOUISIANA

Barksdale Air Force Base, $8,530,000.

MAINE

Bangor Air National Guard Base, $970,000.

MARYLAND

Andrews Air Force Base, $3,050,000.
Fort George G. Meade, $1,800,000.

MASSACHUSETTS

Hanscom Air Force Base, $3,800,000.

MICHIGAN

K.I. Sawyer Air Force Base, $2,700,000.
Wurtsmith Air Force Base, $960,000.

MISSISSIPPI

Columbus Air Force Base, $3,100,000.

MISSOURI

Whiteman Air Force Base, $62,650,000.

NEBRASKA

Offutt Air Force Base, $2,600,000.

NEVADA

Indian Springs Auxiliary Field, $2,550,000.
Nellis Air Force Base, $12,520,000.

NEW JERSEY

McGuire Air Force Base, $7,850,000.

NEW MEXICO

Holloman Air Force Base, $14,010,000.
Kirtland Air Force Base, $4,200,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, $2,502,000.

NORTH DAKOTA

Grand Forks Air Force Base, $8,850,000.
Minot Air Force Base, $3,600,000.

OHIO

Newark Air Force Base, $5,100,000.
Wright-Patterson Air Force Base, $10,150,000.

OKLAHOMA

Altus Air Force Base, $21,700,000.
Tinker Air Force Base, $55,100,000.
Vance Air Force Base, $400,000.

SOUTH CAROLINA

Charleston Air Force Base, $14,090,000.
Shaw Air Force Base, $3,000,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $13,150,000.

TEXAS

Brooks Air Force Base, $4,100,000.
Carswell Air Force Base, $12,616,000.
Dyess Air Force Base, $7,550,000.
Goodfellow Air Force Base, $980,000.
Kelly Air Force Base, $10,300,000.
Lackland Air Force Base, $22,500,000.
Laughlin Air Force Base, $1,820,000.
Randolph Air Force Base, $1,750,000.
Reese Air Force Base, $5,090,000.
Sheppard Air Force Base, $8,400,000.

UTAH

Hill Air Force Base, $22,500,000.

VIRGINIA

Langley Air Force Base, $600,000.

WASHINGTON

Fairchild Air Force Base, $11,200,000.
McChord Air Force Base, $5,200,000.

WYOMING

F.E. Warren Air Force Base, $4,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ANTIGUA

Antigua Air Station, $8,200,000.

CANADA

Various Locations, $6,300,000.

GREENLAND

Thule Air Base, $6,300,000.

JAPAN

Kadena Air Base, $2,950,000.

KOREA

Osan Air Base, $3,500,000.

SEYCHELLES ISLANDS

Mahe Missile Tracking Site, $4,600,000.

TURKEY

Pirinclik Air Station, $1,250,000.

UNITED KINGDOM

RAF Chicksands, $12,200,000.

VARIOUS LOCATIONS

Classified Location, $4,800,000.

WORLDWIDE CLASSIFIED

Classified Location, $3,800,000.
Classified Location, $4,000,000.
Classified Location, $4,000,000.
Classified Location, $2,600,000.

SEC. 2302. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land, acquisition) using amounts appropriated pursuant to section 2304(a)(7)(A), at the following installations in the number of units shown, and in the amount shown, for each installation: Nellis Air Force Base, Nevada, housing office, $235,000.

Holloman Air Force Base, New Mexico, housing maintenance facility, $219,000.

Charleston Air Force Base, South Carolina, housing office and maintenance facility, $592,000.

Myrtle Beach Air Force Base, South Carolina, housing office, $258,000.

Ellsworth Air Force Base, South Dakota, housing office, $313,000.

Andersen Air Force Base, Guam, housing supply and storage facility, $1,371,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $6,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed $173,612,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,977,034,000.

(1) For military construction projects inside the United States authorized by section 2301(a), $714,321,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $64,500,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), and as amended by section 2307 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630), $109,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $10,272,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $107,741,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $9,000,000.

(7) For military family housing functions—

(A) For construction and acquisition of military family housing and facilities, $182,600,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $779,300,000 of which not more than $110,911,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $85,800,000 (The balance of the amount authorized for the construction of the Titan IV Launch Complex, Vandenberg Air Force Base, California.)

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF A CERTAIN FISCAL YEAR 1987 PROJECT.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorization for the following project authorized in section 2301 of that Act as amended by section 2305 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115) shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

KC-135 CPT Simulator Facility in the amount of $890,000 at Beale Air Force Base, California.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2108), authorizations for the following projects authorized in sections 2301 and 2303 of that Act shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) F-111 Avionics Facility in the amount of $1,300,000 at Cannon Air Force Base, New Mexico.

(2) Aircraft Operational Apron-Phase I in the amount of $4,950,000; Intelligence Facility-Phase II in the amount of $2,250,000; Special Operations Forces Helicopter Maintenance Facility in the amount of $4,100,000; Special Operations Forces Hangar/Nose Dock in the amount of $2,100,000; and Special Operations Forces Hydrant Fueling System in the amount of $800,000 at Clark Air Base, Philippines.

(3) Defense Language Institute Language Training Laboratory in the amount of $12,000,000 at Lackland Air Force Base, Texas.

(4) Land Acquisition in the amount of $2,300,000 at Altus Air Force Base, Oklahoma.

(5) Alter Technical Training Management Facility in the amount of $1,750,000 at Randolph Air Force Base, Texas.

(6) Alter and Expand Headquarters Data Center, in the amount of $576,000 at Patrick Air Force Base, Florida.

(7) Security Police Complex, in the amount of $2,300,000 at McGuire Air Force Base, New Jersey.

(8) Over the Horizon-Backscatter (OTH-B) Operations Building in the amount of $17,500,000 at Elmendorf Air Force Base, Alaska.

(9) Fire Training Area in the amount of $2,200,000 at Peterson Air Force Base, Colorado.

(10) Alter Combat Intelligence Operations Center in the amount of $1,000,000 at Ramstein Air Base, Germany (authorized as part of Classified Locations in the amount of $16,473,000).

(11) Solid State Uninterrupted Power Supply in the amount of $1,300,000 at Ramstein Air Base, Germany.

(12) Add to and Alter Aircraft Support Equipment Shop in the amount of $2,850,000 at Shemya Air Force Base, Alaska.

(13) Post Office in the amount of $550,000 at Incirlik, Turkey.

(14) F-16 Aircraft Maintenance Unit Facility in the amount of $2,800,000 at Osan Air Base, Korea.

(15) Improve Military Family Housing, Phase II, in the amount of $4,018,000 at Bolling Air Force Base, District of Columbia.

(16) Improve On-Base Housing in the amount of $3,207,000 at McClellan Air Force Base, California.

(17) Off-Street Parking, Site Improvements in the amount of $1,919,000 at Scott Air Force Base, Illinois.

(18) Improve Family Housing, Phase I, in the amount of $7,869,000 at Carswell Air Force Base, Texas.

(19) Improve 16 Family Housing Units in the amount of $600,000 at Carswell Air Force Base, Texas.

(20) Modernize Capehart Housing, Phase IV, in the amount of $4,373,000 at K.I. Sawyer Air Force Base, Michigan.

(21) Improve Capehart Housing, Phase I, in the amount of $10,600,000 at Plattsburgh Air Force Base, New York.

(22) Improve General Officers Quarters in the amount of $74,000 at Peterson Air Force Base, Colorado.

(23) Upgrade Capehart Military Family Housing, Phase II, in the amount of $6,006,000 at Holloman Air Force Base, New Mexico.

(24) Improve Family Housing in the amount of $2,278,000 at Keesler Air Force Base, Mississippi.

(25) Addition to Physical Fitness Center in the amount of $3,800,000 at Peterson Air Force Base, Colorado.

SEC. 2306. AUTHORIZATION FOR A FACILITY

The Secretary of the Air Force may acquire at no cost an existing building constructed on Eglin Air Force Base, Florida, in 1986 as part of a three year incrementally funded Research, Development, Test and Evaluation contract.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Wheeler Air Force Base, Hawaii, $1,491,000.

Arlington Service Center, Virginia, $2,664,000.

DEFENSE LOGISTICS AGENCY

Defense Reutilization and Marketing Office, Anniston Army Depot, Alabama, $2,370,000.

Defense Depot, Tracy, California, $1,700,000.

Defense Reutilization and Marketing Office, Fort Meade, Maryland, $9,500,000.

Defense Depot, Mechanicsburg, Pennsylvania, $18,100,000.

Defense Reutilization and Marketing Office, Fort Jackson, South Carolina, $500,000.

Defense Depot, Memphis, Tennessee, $14,900,000.

Defense General Supply Center, Richmond, Virginia, $7,000,000.

Defense Reutilization and Marketing Office, F.E. Warren Air Force Base, Wyoming, $1,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Marine Corps Base, Camp Pendleton, California, $1,750,000.

Walter Reed Army Medical Center, District of Columbia, $4,000,000.

MacDill Air Force Base, Florida, $2,900,000.

Fort Benning, Georgia, $2,000,000.

Tripler Army Medical Center, Hawaii, $2,200,000.

Fort Riley, Kansas, $1,050,000.

Marine Corps Base, Camp Lejeune, North Carolina, $3,200,000.

Altus Air Force Base, Oklahoma, $500,000.

Philadelphia Naval Shipyard, Pennsylvania, $11,600,000.

Lackland Air Force Base, Texas, $2,250,000.

Cheatham Annex, Virginia, $6,500,000.

Dam Neck Flight Center, Virginia, $4,050,000.

Fort Lee, Virginia, $2,650,000.

Marine Corps Base, Quantico, Virginia, $2,450,000.

DEFENSE NUCLEAR AGENCY

White Sands Missile Range, New Mexico, $64,800,000.

NATIONAL SECURITY AGENCY

Fort George C. Meade, Maryland, $19,471,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $4,182,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, $800,000.

Classified Locations, $26,600,000.

SECTION SIX SCHOOLS

Fort Benning, Georgia, $9,400,000.

Dahlgren Naval Surface Warfare Center, Virginia, $1,360,000.

SPECIAL OPERATIONS COMMAND

Coronado Naval Amphibious Base, California, $21,020,000.

Eglin Air Force Base, Florida, $11,750,000.

Fort Stewart/Hunter Army Air Field, Georgia, $4,900,000.

Norristown, Army Reserve Center, Pennsylvania, $2,598,000.

Dam Neck Marine Environmental Facility, Virginia, $9,160,000.

Classified Location, $2,747,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Barking Sands Pacific Missile Range, Hawaii, $3,870,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Rhein-Main Air Base, Germany, $870,000.
Camp Casey, Korea, $1,000,000.
Sinop, Turkey, $1,750,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $8,595,000.

NATIONAL SECURITY AGENCY

Classified Location, $2,375,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $7,800,000.

SEC. 2402. FAMILY HOUSING

The Secretary of Defense may construct or acquire three family housing units (including land acquisition), using amounts appropriated pursuant to section 2405(a)(15)(A), at classified locations in the total amount not to exceed $400,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(15)(A), improve existing military family housing units in an amount not to exceed $100,000.

SEC. 2404. CONFORMING STORAGE FACILITIES

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034) is amended to read as follows:

"(a) AUTHORITY TO CONSTRUCT.—The Secretary of Defense may, using not more than $10,000,000 appropriated for Fiscal Year 1987, using not more than $5,000,000 appropriated for Fiscal Year 1988, using not more than $9,300,000 appropriated for Fiscal Year 1989, using not more than $11,000,000 appropriated for Fiscal Year 1990, and using not more than $13,580,000 appropriated for Fiscal Year 1991, carry out military construction projects not otherwise authorized by law for conforming storage facilities."

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for Fiscal Years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,646,913,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $289,683,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $22,390,000.

(3) For military construction projects at Nellis Air Force Base, Nevada, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-180; 103 Stat. 1639), $56,000,000.

(4) For military construction projects at Fort Sill, Oklahoma, authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2109), as amended, $10,400,000.

(5) For military construction projects at Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $2,850,000.

(6) For military construction projects at Defense Construction Supply Center, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $13,530,000.

(7) For military construction projects at Defense Personnel Support Center, Philadelphia, Pennsylvania, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $3,940,000.

(8) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), as amended, $77,000,000.

(9) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $40,000,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $12,955,000.

(11) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,700,000.

(12) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $104,285,000.

(13) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2623), $966,500,000.

(14) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987 (100 Stat. 4037), as amended, $13,580,000.

(15) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $500,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,600,000, of which not more than $17,897,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2406. MEDICAL FACILITY, NELLIS AIR FORCE BASE, NEVADA

(a) PROJECT AMOUNT.—The item listed under the heading "Defense Medical Facilities Office" in section 2401 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-180; 103 Stat. 1639) is amended by striking "Nellis Air Force Base, Nevada, $62,000,000." and inserting in lieu thereof "Nellis Air Force Base, Nevada, $66,000,000.".

(b) TITLE TOTAL.—Section 2405(b)(3) of such Act is amended by striking $52,000,000." and inserting in lieu thereof "$56,000,000.".

SEC. 2407. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), the authorization for the following projects in section 2401(a) of that Act, shall remain in effect until October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Road Improvements, in the amount of $4,370,000 at National Security Headquarters, Fort Meade, Maryland.

(2) Fuel Tankage, in the amount of $5,130,000 at Defense Fuel Support Point, Charleston, South Carolina.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2141 of that Act, as extended by section 2406(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1643), shall remain in effect until October 1, 1991, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

Fuel Tankage, in the amount of $9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(c) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1989 PROJECTS.—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2115), authorizations for the following projects authorized in section 2401 of that Act shall remain in effect until October 1, 1991, or until the date of enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later:

(1) Laboratory/Pharmacy Addition, Fort Leonard Wood, Missouri, $1,450,000.

(2) Hospital Life Safety Upgrade, Corpus Christi Naval Air Station, Texas, $6,100,000.

(3) Hospital Life Safety Upgrade, Dyess Air Force Base, Texas, $950,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990 for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $210,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

There are authorized to be appropriated for fiscal years beginning after September 30, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) for the Department of the Army—

(A) for the Army National Guard of the United States, $198,040,000, and

(B) for the Army Reserve, $68,826,000.

(2) for the Department of the Navy, for the Naval and Marine Corps Reserve, $67,207,000.

(3) for the Department of the Air Force—

(A) for the Air National Guard of the United States, $134,310,000, and

(B) for the Air Force Reserve, $37,700,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

(a) EXPIRATION OF AUTHORIZATIONS AFTER 2 YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1993, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATES

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall be in effect as of October 1, 1990 or the date of the enactment of a Military Construction Authorization Act for fiscal year 1991, whichever is later.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. ONE-YEAR EXTENSION OF MILITARY HOUSING RENTAL GUARANTEE PROGRAM

Section 802(h) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended by striking out "1990" and inserting in lieu thereof "1991".

SEC. 2802. OPTIONS TO LEASE REAL PROPERTY

(a) AUTHORITY TO ACQUIRE LEASE OPTION.—Section 2677 of title 10, United States Code, is amended to read as follows:

"§ 2677. Options on real property

"(a) The Secretary of a military department may acquire an option to acquire or lease a parcel of real property before or after its acquisition or lease (as the case may be) is authorized by law, if he considers the parcel suitable and likely to be needed by his department.

"(b)(1) As consideration for an option acquired under subsection (a), the Secretary may pay—

"(A) in the case of an option to acquire, an amount that is not more than 12 percent of the appraised market value of the property; or

"(B) in the case of an option to lease, an amount that is not more than 12 percent of the appraised annual fair market rental value of the property.

"(2) The Secretary may make payments under paragraph (1) from funds available to his department for real property activities.".

(b) TABLE OF SECTIONS.—The item relating to section 2677 in the table of sections at the beginning of chapter 159 of title 10, United States Code, is amended to read as follows:

"2677. Options on real property.".

SEC. 2803. FAMILY HOUSING IMPROVEMENT THRESHOLD

Section 2825(b)(1) of title 10, United States Code, is amended by adding at the end the following sentence: "The Secretary concerned may waive the limitation contained in the preceding sentence in any case if the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed waiver and a period of 21 days elapse after the date on which the committees receives the notice.".

SEC. 2804. OPERATION AND CONTROL OF THE PENTAGON RESERVATION

(a) IN GENERAL.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2673 the following new section:

"§ 2674. Operation and control of the Pentagon Reservation

"(a) Jurisdiction, custody, and control over, and responsibility for the operation, maintenance, and management of the Pentagon Reservation is transferred to the Secretary of Defense.

"(b) The Secretary may appoint military or civilian personnel or contract personnel to perform law enforcement and security functions for property occupied, or under the jurisdiction, custody, and control of the Department of Defense located in the National Capitol Region. Such individuals—

"(1) may be armed with appropriate firearms required for personal safety and for the proper execution of their duties, whether on Department of Defense property or in travel status; and

"(2) shall have the same powers as sheriffs and constables to enforce the laws, rules, or regulations enacted for the protection of persons and property.

"(c) The Secretary may prescribe such rules and regulations as the Secretary considers appropriate to ensure the safe, efficient, and secure operation of the Pentagon Reservation, including rules and regulations necessary to govern the operation and parking of motor vehicles on the Pentagon Reservation. Whoever shall violate any rule or regulation prescribed pursuant to this subsection shall be fined not more than $50 or imprisoned not more than 30 days, or both.

"(d) The Secretary of Defense may establish rates and collect charges for space, services, protection, maintenance, construction, repairs, alterations, or facilities provided at the Pentagon Reservation.

"(e)(1) There is established in the Treasury of the United States a revolving fund to be known as the Pentagon Reservation Maintenance Revolving Fund (hereafter in this section referred to as the 'Fund'). There shall be deposited into the Fund the following:

"(A) Funds collected by the Secretary for space and services and other items provided an organization or entity using any facility or land on the Pentagon Reservation pursuant to subsection (d).

"(B) All unobligated balances in the Fund established under section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) that would otherwise have remained available without fiscal year limitation to the Department of Defense under existing inter-agency agreements.

"(2) Monies deposited into the fund shall be available, without fiscal year limitation, for expenditure for real property management, operation, protection, construction, repair, alteration and related activities for the Pentagon Reservation.

"(f) The Secretary of Defense shall ensure that Members of Congress who serve on committees of the Senate or the House of Representatives having legislative oversight jurisdiction over the Department of Defense, and the professional staff members of such committees, have appropriate access to the facilities of the Pentagon Reservation.

"(g) In this section:

"(1) The term 'Pentagon Reservation' means that area of land (consisting of approximately 280 acres) and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for the parking of vehicles.

"(2) The term 'National Capitol Region' has the meaning provided the term 'National Capitol region' in section 1(b) of the Act of June 6, 1924 (43 Stat. 463; 40 U.S.C. 71(b)).

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2673 the following new item:

"2674. Operation and control of the Pentagon Reservation.".

(b) TRANSFER OF FUNDS FOR FISCAL YEAR 1991.—For fiscal year 1991, the Secretary of Defense may transfer into the Pentagon Reservation Maintenance Revolving Fund (established by section 2674(e) of title 10, United States Code), from funds appropriated to the military departments and the Defense Agencies, amounts equal to the amounts that would otherwise be paid by the military departments and the Defense Agencies to the General Services Administration for the use of the Pentagon Reservation.

(c) EFFECTIVE DATE.—Section 2674 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1990, or the date of the enactment of this Act, whichever is later.

SEC. 2805. BASE CLOSURE AND REALIGNMENT

(a) BASE CLOSURE AND REALIGNMENT.—Section 2687 of title 10, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsection (e) as subsection (i); and

(3) by inserting after subsection (c) the following new subsections:

"(d) IMPLEMENTATION.—(1) The Secretary of Defense may, subject to the provisions of this section—

"(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

"(B) provide—

"(i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

"(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

"(C) carry out activities for the purposes of environmental restoration and mitigation, and may use for such purpoes funds in the Account or funds appropriated to the Department of Defense for environmental restoration and mitigation; and

"(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees.

"(2) Nothing in this section restricts the authority of the Secretary of Defense or the Secretary of the military department concerned to obtain architectural and engineering services under section 2807 of this title.

"(e) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property and facilities located at a military installation closed or realigned under the procedures established by this section—

"(A) the authority of the Administrator to utilize excess property under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483);

"(B) the authority of the Administrator to dispose of surplus property under section 203 of that Act (40 U.S.C. 484); and

"(C) the authority of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

"(2)(A) Subject to subparagraph (B), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with—

"(i) all regulations in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991 governing the utilization of excess property and the disposal of surplus property under the Federal Property and Administrative Services Act of 1949; and

"(ii) all regulations in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991 governing the conveyance and disposal of property under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)).

"(B) The Secretary of Defense, after consulting with the Administrator of General Services, may issue regulations that are necessary to carry out the delegation of authority required by paragraph (1).

"(C) The authority required to be delegated by paragraph (1) to the Secretary of Defense by the Administrator of General Services shall not include the authority to prescribe general policies and methods for utilizing excess property and disposing of surplus property.

"(D) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this section, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

"(E) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this section, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

"(3)(A) Except as provided in subparagraph (B), there shall be deposited into the Account all proceeds—

"(i) from any transfer under paragraph (2)(D); and

"(ii) from the disposal of any property or facility made as a result of a closure or realignment under this section.

"(B) In any case in which the Secretary of Defense requests assistance from the General Services Administration in the management or disposal of property or facilities under this section, the Secretary of Defense shall reimburse the Administrator of General Services in accordance with section 1535 of title 31 for any expenses incurred in such activities.

"(f) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to—

"(A) the actions of the Secretary of Defense in selecting a military installation for closure or realignment;

"(B) in selecting a military installation to receive functions from an installation to be closed or realigned; or

"(C) in the preparation of the notification and evaluation required by subsection (b).

"(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this section (i) during the process of property disposal, and (ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected, but before the functions are relocated.

"(B) In applying the provisions of the National Environmental Policy Act of 1969 to actions referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

"(i) the need for closing or realigning the military installation which has been selected for closure or realignment by the Secretary of Defense or the Secretary of the military department concerned;

"(ii) the need for transferring functions to the military installation which has been selected as the receiving installation; or

"(iii) military installations alternative to those selected.

"(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable, of any act or failure to act by the Department of Defense or the military department concerned during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), or of any act or failure to act by the Department of Defense or the military department concerned under this section, may not be brought more than 60 days after the date of such act or failure to act.

"(g) INAPPLICABILITY OF OTHER LAW.—The Secretary of Defense may close or realign military installations pursuant to the procedures set forth in this section without regard to—

"(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act enacted before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991; and

"(2) section 2662 of this title.

"(h) BASE CLOSURE AND REALIGNMENT ACCOUNT.—(1) There is established on the books of the United States Treasury an account to be known as the 'Department of Defense Base Closure and Realignment Account' which shall be administered by the Secretary of the Treasury as a single account.

"(2) The Account shall be composed of—

"(A) funds appropriated to the Account;

"(B) any funds transferred to the Account by the Secretary of Defense from funds appropriated to or for the use of the Department of Defense, other than funds appropriated to the Account, after the Secretary of Defense transmits to the appropriate committees of Congress written notice of, and justification for, such transfer; and

"(C) proceeds described in subsection (e)(3)(A);

"(3) The Secretary of Defense may use the funds in the Account only for the purposes described in subsection (d).

"(4) When funds in the Account are used to carry out a construction project under subsection (d)(1), and the cost of the project will exceed the maximum amount authorized by law for a minor construction project, the Secretary of Defense shall notify, in writing, the appropriate committees of Congress of the nature of, the justification for, and the amount of the expenditures for the project. Any such construction project may be carried out without regard to section 2805 of this title.".

(b) CONFORMING AMENDMENT.—Subsection (i) of such section, as redesignated by subsection (a), is amended by adding at the end the following new paragraphs:

"(5) The term 'Account' means the Department of Defense Base Closure and Realignment Account established by subsection (h).

"(6) The term 'appropriate committees of Congress' means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.".

SEC. 2806. HOMEOWNERS ASSISTANCE PROGRAM

Section 2832 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (i) of the Act referred to in subsection (a), the Secretary may transfer such sums as are determined to be necessary to provide assistance under that Act to the fund established by subsection (d) of that Act from any funds available for obligation by the Department of Defense. The Secretary shall report the facts concerning any transfer made pursuant to this section to the appropriate committees of Congress.".

SEC. 2807. ASSISTANCE PROGRAM FOR EMPLOYEES OF A NONAPPROPRIATED FUND INSTRUMENTALITY ADVERSELY AFFECTED BY BASE CLOSURES

Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (c), by striking out "above" in the first sentence and inserting in lieu thereof "in subsection (b) or (o)";

(2) in subsection (k), by striking "and (n) of this section" and inserting "(n), and (o)"; and

(3) by adding at the end the following new subsections:

"(o)(1) Notwithstanding subsection (b), a Federal employee who is serving overseas and is entitled to reemployment by the Federal Government (including a nonappropriated fund instrumentality of the United States) at or in connection with a military base or installation undergoing a base closure, wholly or in part, shall be entitled to the benefits of this section to the same extent that the employee would have been if the employee were employed at or in connection with such base or installation.

"(2) All payments to an employee of a nonappropriated fund instrumentality of the United States that are made under this section from the fund available to the Secretary of Defense under subsection (d) shall be reimbursed from the nonappropriated funds of such instrumentality.

"(3) Paragraph (1) applies with respect to the closure of a base or installation ordered to be closed, in whole or in part, after December 31, 1988.

"(p) In this section:

"(1) The term 'Federal employee' includes a person referred to in section 2105(c) of title 5 who is a citizen or national of the United States.

"(2) The term 'nonappropriated fund instrumentality of the United States' means an instrumentality referred to in section 2105(c) of title 5.".

SEC. 2808. COMMUNITY PLANNING ASSISTANCE

Section 2391(b) of title 10, United States Code, is amended—

(1) by striking out paragraphs (3), (4), and (6);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of a publicly-announced planned reduction in Department of Defense spending, the cancellation or termination of a Department of Defense contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be made under paragraph (1) only if the reduction cancellation, termination, or failure will have a direct and significant impact on a community and will result in the loss of—

"(A) not less than 2,500 jobs, in the case of an urban area;

"(B) not less than 1,000 jobs, in the case of a rural area; or

"(C) a number of jobs equal to or greater than 1 percent of the employed labor force in either such area.".

SEC. 2809. REVENUE FROM DISPOSAL OF EXCESS DEPARTMENT OF DEFENSE LAND

Section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) is amended—

(1) in subsection (a), by striking "subsections (b), (c), (d), and (e)" and inserting in lieu thereof "subsections (b), (c), (d), (e), and (h)";

(2) in subsection (b), by striking "All the proceeds" in the first sentence and inserting in lieu thereof "Except as provided in subsection (h), all the proceeds"; and

(3) by adding at the end thereof the following new subsection (h):

"(h)(1) If the Secretary of Defense determines that land under the control of the Department of Defense (other than land at a military installation designated for closure or realignment) is excess property, the Secretary shall request the Administrator to dispose of such land in accordance with the provisions of this Act. The Administrator shall deposit any proceeds (less the costs of disposing of the land) in a special account in the Treasury of the United States. The amount deposited in such account with respect to the disposal of any such land shall be available to the extent provided in appropriation Acts as follows:

"(A) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the land is located.

"(B) 50 percent of such amount shall be available for facility maintenance and repair and for environmental restoration, to the military department that had jurisdiction over the land before the disposal of such land.

"(2) For the purposes of this subsection the term 'military installation' shall have the meaning given that term in section 2687(i)(1) of title 10, United States Code.".

SEC. 2810. REVENUE FROM LEASING OUT DEPARTMENT OF DEFENSE ASSETS

Section 2667(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1)(A) All money rentals received pursuant to leases entered into by the Secretary of a military department under this section shall be deposited in a special account in the Treasury established for such military department, except—

"(i) amounts paid for utilities and services furnished lessees by the Secretary; and

"(ii) money rentals referred to in paragraph (3).

"(B) Sums deposited in a military department's special account pursuant to subparagraph (A) shall be available to such military department, as provided in appropriation Acts, for facility maintenance and repair or environmental restoration. Of the sums made available for such purpose in any fiscal year, an amount equal to 50 percent of the money rentals deposited in such account from money rentals received under a lease of property at a military installation or facility shall be made available for maintenance and repair or environmental restoration expenses at such installation or facility.

"(2) Payments for utilities and services furnished lessees pursuant to leases entered into under this section shall be credited to the appropriation account from which the cost of furnishing the utilities and services was paid.".

SEC. 2811. SENSE OF THE SENATE ON CLOSURE OF OVERSEAS BASES

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has provided substantial resources over more than four decades to the construction, improvement, and operation of military facilities outside the United States.

(2) The United States has also provided substantial resources over the years to the economic and military development of friendly foreign countries.

(3) The provision of resources described in subparagraphs (1) and (2) was carried out pursuant to several collective security arrangements.

(4) Efforts by the United States have enhanced the economic and military capabilities of a significant number of the friends and allies of the United States.

(5) The recent changes in Eastern Europe and the Soviet Union, and the disintegration of the Warsaw Pact as a military alliance, have created an environment that will permit the withdrawal of military personnel of the United States from several military facilities in Europe and other areas of the world.

(6) The United States is entitled to recoup the residual value of the facilities constructed or improved by it unilaterally or in conjunction with other governments.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of the Congress that—

(1) in the case of any military facility outside the United States released in whole or in part to a host country, the Secretary of Defense, acting through the military component commands or the sub-unified commands to the combatant commands, should be the lead official in negotiations relating to the residual value of such facility;

(2) although environmental cleanup is a factor that should be considered in connection with the determination of residual value of a released facility, the cost to the United States, if any, of the environmental cleanup of a facility should not exceed the residual value of the facility;

(3) determination of the residual value of military facilities released to host countries in whole or in part by the United States should be handled on a facility by facility basis; and

(4) the Secretary of Defense should seek recompense based on the highest possible residual value of a facility released to a host nation.

SEC. 2812. OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT

(a) ESTABLISHMENT OF SPECIAL ACCOUNT.—There is established on the books of the Treasury a special account to be known as the "Department of Defense Overseas Military Facility Investment Recovery Account". Any amounts paid to the United States, pursuant to any treaty, status of forces agreement, or other international agreement to which the United States is a party, for the residual value of real property or improvements to real property used by civilian or military personnel of the Department of Defense shall be deposited into such account.

(b) USE OF FUNDS.—Money deposited in the Department of Defense Overseas Military Facility Investment Recovery Account

shall be available to the Secretary of Defense to help meet costs incurred by the Department of Defense in connection with facility maintenance and repair and environmental restoration at military installations in the United States. Funds in the account shall remain available until expended, as provided in appropriations Acts.

SEC. 2813. MODIFICATION OF THE CONTENT OF BIANNUAL REPORT OF THE COMMISSION ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES

(a) USES OF FACILITIES.—Section 2819(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2119; 10 U.S.C. 2391 note) is amended—

(1) in paragraph (2), by striking out "minimum security facilities for nonviolent prisoners" and inserting in lieu thereof "Federal confinement or correctional facilities including shock incarceration facilities";

(2) by striking out "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

"(4) identify those facilities, or parts of facilities, that could be effectively utilized or renovated to meet the needs of States and local jurisdictions for confinement or correctional facilities; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to the first report required to be submitted under section 2819 the National Defense Authorization Act, Fiscal Year 1989, after September 30, 1990.

SEC. 2814. STUDY TO EVALUATE JOINT MILITARY-CIVILIAN USE OF MILITARY AIRFIELDS

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall conduct a joint study to evaluate the desirability and feasibility of converting airfields under the jurisdiction of each military department—

(1) to civilian use; or

(2) in the case of any such airfield which will continue to be used by the military department, to joint civilian and military use.

(b) SPECIFIC MATTERS TO BE CONSIDERED.—In conducting the study referred to in subsection (a), the Secretary of Defense and the Secretary of Transportation shall—

(1) prepare an inventory of airfields under the control of each military department;

(2) evaluate the present and future need of airfields for civilian use and for military use;

(3) evaluate the extent to which civilian or joint civilian-military use of such airfields would meet national aviation policy objectives;

(4) identify obstacles to and incentives for encouraging civilian or joint civilian-military use of such airfields;

(5) identify and assess means of reducing the cost to the Department of Defense of civilian or joint civilian-military use of such airfields, including—

(A) cost sharing agreements with civilian users of such airfields,

(B) use of funds from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986,

(C) the imposition of civilian aviation user fees, and

(D) civil aviation user lease agreements; and

(6) assess the advisability of a joint-use agreement between the military department that controls the airfield and a commercial fixed-base operator.

(c) REPORT.—Not later than one year after the date of the enactment of this section, the Secretary of Defense and the Secretary of Transportation shall submit to the Committees on Armed Services of the Senate and the House of Representatives a joint report on the results of the study referred to in subsection (a) together with such comments and recommendations for legislation as the Secretaries consider appropriate.

(d) FUNDING FOR STUDY.—The study referred to in this section shall be funded jointly by the Department of Defense and the Department of Transportation.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this section.

PART B—LAND TRANSACTIONS

SEC. 2821. RELEASE AND CONVEYANCE, RESERVE CENTER AT LITTLE ROCK, ARKANSAS

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Army (hereafter in this section referred to as the "Secretary") shall—

(1) release to the University of Arkansas, without consideration, all right, title, and interest of the United States in and to approximately 2.66 acres of land in Palaski County, Arkansas, leased by the United States from the University of Arkansas pursuant to Department of Army lease No. DA-34-066, dated March 31, 1950; and

(2) convey to the University of Arkansas, without consideration, all right, title, and interest of the United States in and to all improvements constructed on the land referred to in paragraph (1).

(b) CONDITIONS OF RELEASE AND CONVEYANCE.—The release and conveyance referred to in subsection (a) shall be subject to the condition that—

(1) the University of Arkansas accept responsibility for all costs related to removing or abating the hazard posed by asbestos contained in any of the improvements conveyed pursuant to subsection (a)(2); and

(2) the University of Arkansas agree to indemnify the United States against any liability for the presence of any asbestos or asbestos-containing material in any of the improvements referred to in subsection (a)(2).

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release and conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE AT REDSTONE ARSENAL, ALABAMA

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Army may convey, without consideration, to the Solid Waste Disposal Authority of the City of Huntsville, Alabama, all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 20 acres, at the Redstone Arsenal, Alabama, that, on the date of the enactment of this section, is leased to such Solid Waste Disposal Authority pursuant to Department of the Army lease DACA 01-1-87-225.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Solid Waste Disposal Authority referred to in subsection (a).

(c) RESERVATIONS.—The deed of conveyance for the parcel of land referred to in subsection (a) shall—

(1) reserve to the United States all mineral rights in the land conveyed;

(2) reserve to the United States an easement for the maintenance and operation of ground water monitoring equipment located in the southeast corner of the parcel of land and an easement for ingress and egress to the equipment; and

(3) incorporate the easement granted by the Secretary of the Army to the City of Huntsville, Alabama, contained in the Road or Street Easement Numbered DACA 01-2-68-4, dated November 7, 1967, and recorded in Deed Book 458, pages 356-358, Probate Records, Madison County, Alabama.

(d) EXISTING MINERAL LEASES.—The conveyance provided for in subsection (a) shall be made subject to any mineral leases to which the land described in subsection (a) is subject at the time of the conveyance.

(e) TERMINATION OF EXISTING LEASE.—Department of the Army Lease DACA 01-1-87-225 between the Department of the Army and the Solid Waste Disposal Authority of the City of Huntsville, Alabama, is terminated effective on the date of the conveyance referred to in subsection (a).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2823. TRANSFER OF LANDS TO SECRETARY OF AGRICULTURE

(a) TRANSFER.—Notwithstanding any other provision of law and subject to subsections (b) through (d), the Secretary of the Army shall transfer administrative jurisdiction of approximately 16,707 acres of land at the Pinon Canyon Maneuver Site, Colorado, consisting of all parcels of land identified by the Secretary of the Army as uneconomic remnant lands, to the Secretary of Agriculture for inclusion in the Comanche National Grassland. The Secretary of Agriculture shall administer the transferred lands in accordance with laws applicable to the National Forest system.

(b) DESCRIPTION OF THE PROPERTY.—(1) The exact acreage and legal description of the property to be transferred under this section shall be determined by surveys satisfactory to the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of Agriculture, with the concurrence of the Secretary of the Army, shall prepare a map of the lands to be conveyed. These lands shall be known as the Picket Wire Canyonlands (hereafter in this section referred to as the "PWC").

(3) The legal description and map referred to in paragraphs (1) and (2) shall be kept on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) ADMINISTRATION OF LANDS.—(1) The Secretary of Agriculture shall administer the transferred lands so as to conserve and protect the paleontological, archeological, wildlife, vegetative, aquatic, and other natural resources of the area.

(2) The management provisions of this section shall apply only to those parcels of the transferred lands comprising approximately 11,507 acres in the Purgatoire River Canyon.

(3) The Secretary of Agriculture may permit access to the PWC for the purpose of permitting scholarly research, interpreta-

tion to the public, and recreational activities to the extent that such access does not—

(A) impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the area is intended to be used by the Army; or

(B) impair the conservation and protection of paleontological, archeological, or natural resources of the area.

(4) The Secretary of Agriculture may permit livestock grazing in the PWC only to the extent that the Secretary determines necessary to benefit the natural resources of the area.

(5) Lands of the PWC are withdrawn from operation of the mining, mineral leasing, and other mineral entry laws of the United States.

(6) No activity shall be permitted in the PWC that would impair (as determined by the Secretary of the Army) the use of the Pinon Canyon Maneuver Site for the purposes for which the site is intended to be used by the Army or the conservation and protection of the paleontological, archeological, and natural resources of the area, including production of or exploration for oil, gas, or minerals of any kind.

(7) Lands to be transferred may not be used for the storage or processing of nuclear waste, other hazardous waste, or any other waste.

(8) The Secretary of Agriculture, in consultation with the Director of the National Park Service, the Director of United States Fish and Wildlife Service, the Secretary of the Army, the head of the Colorado Department of Natural Resources, and the head of the Colorado State Historic Preservation Office, shall, after notice and opportunity for public comment, develop a management plan for the PWC that includes—

(A) a complete survey and an inventory of the paleontological and archeological resources of the area; and

(B) a strategy for protecting and conserving the dinosaur track way in the Purgatoire River Canyon and other paleontological and archeological resources in the PWC.

(d) INTERAGENCY AGREEMENT.—(1) When the lands referred to in subsection (a) are transferred, the Secretary of the Army and the Secretary of Agriculture shall enter into an interagency agreement providing for—

(A) access to the PWC through the Pinon Canyon Maneuver Site for the Secretary of Agriculture (for the purpose of taking action to conserve and protect the area's resources) and the public (for educational purposes) in such manner, at such times, and to such an extent as will not interfere (as determined by the Secretary of the Army) with the Army's use of the site; and

(B) cooperation between the Army and the Forest Service in the protection and conservation of the paleontological, archeological, and natural resources in the PWC.

(2) In determining whether the manner, time, and extent of access through the Pinon Canyon Maneuver Site for a particular purpose will constitute interference with the Army's use of the site for the purpose of paragraph (1)(B), the Secretary of the Army shall—

(A) with respect to access by the Secretary of Agriculture for management purposes, take into consideration that the high importance of protecting and conserving the resources of the PWC may justify the imposition of some inconvenience to the Army, so long as the inconvenience does not prevent the Army from accomplishing its purposes on the Pinon Canyon Maneuver Site; and

(B) with respect to access by the public, take into consideration comments solicited from the public by the Secretary of Agriculture concerning the need for and the kind of access that should be provided.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Agriculture such sums as are necessary to carry out this section, including such sums as are necessary to pay for—

(1) a study of the paleontological resources of the PWC and action to prevent erosion of the dinosaur track way;

(2) a complete cadastral survey of the PWC; and

(3) an archaeological, paleontological, and historical survey of the PWC.

SEC. 2824. LAND CONVEYANCE, CAPE HENLOPEN, DELAWARE

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to subsections (b) through (f), the Secretary of the Army (hereafter in this section referred to as the "Secretary") shall convey to the State of Delaware all right, title, and interest of the United States in and to a parcel of real property located at Cape Henlopen, in Sussex County, Delaware, consisting of approximately 96 acres and known as the Fort Meade Recreation Area. The conveyance made pursuant to this section shall be without consideration except that required by subsection (b).

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by this section shall be subject to the following conditions:

(1) The State of Delaware shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions which may be found on the property to be conveyed pursuant to this section.

(2) The State of Delaware shall permit members of the Armed Forces of the United States serving on active duty, their spouses, and their dependents to purchase each year, for a price not greater than the price charged residents of the State of Delaware, an annual pass to all Delaware State parks.

(3) The State of Delaware shall pay to the Secretary for credit to the Army Morale, Welfare, and Recreation Fund, the sum of $14,369, to reimburse the fund for sums expended to improve the property.

(c) USE OF PROPERTY; REVERSION.—(1) The real property conveyed pursuant to this section may be used by the State of Delaware only for public park or recreational purposes.

(2) If the Secretary of the Interior determines at any time that the real property conveyed pursuant to this section is not being used for a purpose specified in paragraph (1), all right, title and interest in and to such real property shall revert to the United States and the United States shall have the right of immediate entry thereon.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State of Delaware.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary determines appropriate to protect the interests of the United States.

(f) TRANSFER DATE.—The transfer referred to in subsection (a) shall be made not later than one year after the date of the enactment of this section.

SEC. 2825. RELOCATION OF THE FLORIDA SOLAR ENERGY CENTER

(a) IN GENERAL.—The Secretary of the Air Force may pay $2,953,000 to the State of Florida for the sole purpose of assisting that State to relocate the Florida Solar Energy Center from Cape Canaveral Air Force Station, Florida, to a new site provided by the State of Florida on other than federally owned land. The payment of such sum shall include all Federal Government contributions to the relocation project, including relocation costs.

(b) CONSIDERATION.—In consideration for payment of the amount provided for in (a), the State of Florida shall—

(1) surrender all leases, easements, and other land interests connected with the Florida Solar Energy Center on Cape Canaveral Air Force Station;

(2) convey to the United States title to all buildings, fixtures, and other real property located on such lands;

(3) waive any claims against the United States arising out of the operation of the Florida Solar Energy Center from its inception until the final departure of all personnel and property connected with the Center from Cape Canaveral Air Force Station;

(4) accept sole responsibility for the disposal, removal, or remediation of all solid or hazardous wastes on the property and release the United States from any obligation with respect to such wastes without regard to who may have been responsible for placing the solid or hazardous waste on the property; and

(5) indemnify the United States against all claims, losses, damages, and costs arising out of or connected with any solid or hazardous wastes on the premises, to the extent permitted by the laws of the State of Florida.

(c) AGREEMENT.—No payment may be made to the State of Florida under this section until the Secretary and the State of Florida have entered into an agreement embodying the terms of this section, including a waiver by the State of all claims for the payment of any amount for relocation costs in addition to the amount specified in subsection (a).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the payment by the Secretary pursuant to subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND EXCHANGE AT FORT BENNING, GEORGIA

(a) AUTHORITY TO CONVEY.—Subject to subsections (b), (c), and (d), the Secretary of the Army may convey to the City of Columbus, Georgia, all right, title, and interest of the United States in and to a tract of land consisting of approximately 3,000 acres comprising a portion of Fort Benning, Georgia.

(b) CONSIDERATION.—(1) In consideration for the conveyance by the Secretary under subsection (a), the City of Columbus shall convey to the United States approximately 4,000 acres of land located adjacent to the southern boundary of the lands comprising Fort Benning.

(2) If the fair market value of the land conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States, as determined by the Secretary, the City of Columbus shall pay an amount equal to the differ-

ence to the United States. The Secretary shall deposit any such amount into the Treasury as miscellaneous receipts.

(c) LEGAL DESCRIPTION OF LANDS.—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City of Columbus.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2827. NEGOTIATIONS FOR JOINT CIVILIAN AND MILITARY USE OF THE AIRFIELD AT BARBERS POINT NAVAL AIR STATION, HAWAII

(a) IN GENERAL.—The Secretary shall enter into negotiations with the State of Hawaii with a view to entering into an agreement with the State of Hawaii under which the airfield facilities at Barbers Point Naval Air Station, Hawaii, would be jointly used for general civilian aviation purposes and military purposes.

(b) AGREEMENT AUTHORITY.— In the event that the negotiations referred to in subsection (a) are successful, the Secretary may enter into an agreement with the State of Hawaii providing for the joint civilian and military use of the airfield. Any such agreement shall provide for an equitable allocation between the State and the Navy of the costs of maintaining and operating the airfield.

SEC. 2828. LAND CONVEYANCE, DILLINGHAM MILITARY RESERVATION, HAWAII

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), the Secretary of the Army shall convey to the State of Hawaii, without consideration, all right, title, and interest of the United States in and to a parcel of land, together with improvements thereon, consisting of approximately 87 acres, that comprises a portion of Dillingham Military Reservation at Mokuleia, Hawaii, and which was previously ceded, without consideration, to the United States by the State of Hawaii for use by the Armed Forces of the United States.

(b) CONDITION.—The conveyance authorized by subsection (a) shall be made on condition that the State of Hawaii enter into an agreement with the Secretary of the Army (and acceptable to the Secretary) providing for joint civilian and military use of the property as an airfield by the State of Hawaii and the Army.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State of Hawaii.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2829. LAND CONVEYANCE, SOUTH BEND, INDIANA

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Army may convey to the Civic Foundation, Incorporated, a nonprofit corporation organized and operating under the laws of the State of Indiana, all right, title and interest of the United States in and to approximately 4.15 acres of land, together with improvements thereon, situated at 1733 East Northside Boulevard, South Bend, Indiana, and known as the Northside Army Reserve Training Center.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized by subsection (a), the Civic Foundation, Incorporated, or the City of South Bend shall—

(A) convey to the United States a parcel of land consisting of approximately eight acres, together with improvements thereon, located at 2402 Rose Street, South Bend, Indiana, known as the Maple Lane School;

(B) in accordance with plans and specifications approved by the Secretary—

(i) repair and rehabilitate the Maple Lane School building; and

(ii) design and construct, to Department of the Army specifications, additional improvements on the Maple Lane School property necessary to meet the requirements of the Army (as determined by the Secretary); and

(C) construct an access driveway to the Maple Lane School property from Ironwood Drive.

(2) The cost of the construction, repair, rehabilitation, and additional improvements referred to in subparagraphs (B) and (C) of paragraph (1) (including the cost of all architectural, engineering design, environmental assessment and remediation, construction financing, and all legal and inspection fees for the additional improvements) shall be paid as follows:

(A) The Civic Foundation, Incorporated, or the City of South Bend shall pay $500,000 of the amount necessary to carry out subparagraphs (B) and (C) of paragraph (1).

(B) The United States shall pay any remaining costs for such work and additional improvements out of funds appropriated pursuant to the authorization contained in this division for such purposes and out of funds appropriated for the reserve components of the Armed Forces by the Military Construction Appropriations Act, 1987 (as contained in section 101(k) of the Joint Resolution making appropriations for the fiscal year 1987, and for other purposes, approved October 30, 1986 (Public Law 99-591; 100 Stat. 3341-287)), and made available for such purpose.

(c) VACATION OF PREMISES.—The Army shall vacate the Northside Army Reserve Training Center facilities referred to in subsection (a) upon occupancy of the Maple Lane School property referred to in subsection (b)(1).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the Civic Foundation, Incorporated, or the City of South Bend.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transaction under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2830. LAND EXCHANGE AT MARINE CORPS FINANCE CENTER, KANSAS, CITY, MISSOURI

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) through (e), the Secretary of the Navy may convey to the City of Kansas City, Missouri, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 12 acres located near the family housing area of the Marine Corps Finance Center, Kansas City, Missouri, together with the improvements on such land.

(b) CONSIDERATION.—In consideration for the conveyance by the Secretary under subsection (a), the City of Kansas City shall convey to the United States approximately 10 acres of land adjacent to the family housing area of the Marine Corps Finance Center, Kansas City, Missouri.

(c) PAYMENT OF EXCESS INTO TREASURY.—If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States by the City of Kansas City, the City shall pay an amount equal to the difference to the United States, and the Secretary shall deposit such amount into the Treasury as miscellaneous receipts.

(d) LEGAL DESCRIPTION OF LANDS.—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City of Kansas City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2831. EXCHANGE OF INTERESTS IN MILITARY PROPERTY IN THE STATE OF OREGON

(a) RELEASE OF REVERSIONARY INTEREST.—Subject to subsections (b), (c), and (d), the Secretary of the Army may release, on behalf of the United States, to the State of Oregon the reversionary interest of the United States in two parcels of land (including improvements thereon) at Camp Withycombe, Clackamas County, Oregon. One such parcel contains approximately 157 acres and the other such parcel contains approximately 3 acres. Both parcels are part of a larger tract of land that comprises Camp Withycombe and that was conveyed by the United States to the State of Oregon by a quitclaim deed dated November 9, 1956.

(b) CONSIDERATION.—(1) The release referred to in subsection (a) may be made only if the State of Oregon conveys to the United States, without consideration, a contingent interest (described in paragraph (2)) in approximately 166 acres of land (including improvements thereon) comprising Camp Rilea, Clatsop County, Oregon.

(2) The contingent interest referred to in paragraph (1) is an interest that provides that—

(A) in the event that Camp Rilea ceases to be used by the State of Oregon for military purposes, title to such property, including improvements thereon, shall immediately vest in the United States without payment of consideration and the United States shall have the immediate right to enter thereon; and

(B) in the event of a war declared by Congress or a national emergency declared by Congress or the President, and upon a determination by the Secretary of Defense that any of such property is needed for military purposes, the United States shall have the right, without payment of consideration, to enter the property and use the property or any part thereof, including any improvements thereon, for such period as the Secretary determines necessary, but in no event for any period that extends beyond 180 days after the end of such war or national emergency.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of land from which the reversionary interest referred to in subsection (a) is to be re-

leased, and the exact acreage and legal description of the property in which the contingent interest is to be conveyed to the United States under subsection (b), shall be determined by surveys satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the State of Oregon.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the release of the reversionary interest under subsection (a) and the conveyance of the contingent interest under subsection (b) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. CONVEYANCE OF FORT DOUGLAS, UTAH, TO THE UNIVERSITY OF UTAH

(a) CONVEYANCE.—(1) Except as provided in paragraphs (2), (3), and (4), and subject to subsections (c) and (g), the Secretary of the Army shall convey to the University of Utah all right, title, and interest of the United States in and to the land comprising Fort Douglas, Utah, together with improvements thereon.

(2) The Secretary shall except from the land conveyed under paragraph (1) such land, not in excess of 64 acres, and improvements thereon as may be necessary for the Army to continue conducting Army Reserve activities at the Fort Douglas location.

(3) The Secretary shall also except from the land conveyed under paragraph (1) the land at Fort Douglas constituting the Fort Douglas Post Cemetery, consisting of approximately four acres.

(4) In connection with the land retained for Army Reserve activities and the land constituting the Army Post Cemetery, the Secretary shall reserve to the United States in the land conveyed such rights-of-way and other easements as may be necessary for ingress to and egress from the land retained.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made only on the condition that the State of Utah and the University of Utah waive any entitlements that have not been exercised on behalf of the University of Utah before the date of the enactment of this section and that may be due to the State of Utah or the University of Utah on behalf of the University of Utah under—

(A) section 3 of the Act entitled "An Act to establish the office of Surveyor-General of Utah, and to grant Land for School and University Purposes", approved February 21, 1855 (10 Stat. 611); and

(B) sections 8 and 12 of the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on equal footing with the original States", approved July 16, 1894 (28 Stat. 110).

(2) The waiver referred to in paragraph (1) shall be executed in such manner as the Secretary of the Army, after consultation with the Attorney General of the United States, determines necessary to effectively waive any unexercised entitlements under those laws.

(c) CONDITION.—(1) The conveyance provided for in subsection (a) may be made only on condition that—

(A) the State of Utah agree to maintain and operate, as provided in paragraph (2), the Army museum located on the land conveyed to the University of Utah pursuant to this section; and

(B) the University of Utah agree—

(i) to maintain and operate, as provided in paragraph (2), the Army chapel and other historical buildings located on the land referred to in subparagraph (A); and

(ii) to preserve and maintain, as provided in paragraph (2), the parade grounds that are a part of the land referred to in subparagraph (A).

(2) The Army museum, Army chapel, and other historical buildings referred to in paragraph (1) shall be maintained and operated, and the parade grounds referred to in that paragraph shall be preserved and maintained, in a manner consistent with Federal laws and regulations pertaining to the preservation of historical sites, buildings, and monuments, as specified by the Secretary of the Interior.

(d) REVERSIONARY RIGHT.—If the University of Utah uses the land conveyed pursuant to subsection (a) for other than educational or research purposes, all right, title, and interest in and to such land shall automatically revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DEADLINE FOR CONVEYANCE.—The conveyance under subsection (a) shall be made not later than one year after the date of the enactment of this section.

(f) JOINT USE OF UTILITY SYSTEMS.—The Secretary may enter into an agreement with the University of Utah under which the Army and the University would—

(1) jointly use the existing utility systems located at Fort Douglas at the time of the conveyance provided for under subsection (a);

(2) equitably share the cost of maintaining, operating, and replacing (as necessary) the systems; and

(3) pay on a pro rata basis for the utilities consumed by each of the parties.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance provided for under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

(h) ADDITIONAL EXCESS LAND.—In the event that any lands constituting Fort Douglas, Utah, that are not conveyed pursuant to subsection (a) are declared excess to the needs of the Army after the date of the conveyance provided for in that subsection, the Secretary shall convey such lands to the University of Utah. Any lands conveyed pursuant to this subsection shall be conveyed subject to a reversionary clause in favor of the United States as provided in subsection (d).

SEC. 2833. LAND CONVEYANCE, NAVAL RESERVE CENTER, BURLINGTON, VERMONT

(a) IN GENERAL.—Subject to subsection (b) through (e), the Secretary of the Navy may convey to the City of Burlington, Vermont, all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.49 acres, including improvements thereon, comprising the Naval Reserve Center, Burlington, Vermont.

(b) USE OF PROCEEDS.—The Secretary may use the proceeds of the transaction authorized by this section to pay all or part of the cost of acquiring a new site in the Burlington, Vermont, area for a naval reserve center and for the construction on such site of a replacement naval reserve center facility.

(c) CONDITIONS OF SALE.—(1) The conveyance authorized by subsection (a) shall be subject to the condition that the City of Burlington—

(A) pay to the United States the sum of $1,500,000; and

(B) permit the Navy to continue to occupy, without consideration, the property referred to in such subsection until a replacement facility has been acquired by the Secretary.

(2) In the event that the conveyance authorized by subsection (a) is not made before January 1, 1992, because the City is unable to pay the consideration required by subsection (b)(1), the authority to convey is terminated.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA

(a) CONVEYANCE AUTHORIZED.—Subject to subsections (b) through (e), the Secretary of the Army shall convey, without consideration, to the Commonwealth of Virginia all right, title, and interest of the United States in and to a parcel of land located at Fort A.P. Hill, Virginia, consisting of approximately 150 acres.

(b) USE OF PROPERTY; REVERSION.—(1) The land conveyed pursuant to this section shall be conveyed subject to the conditions that—

(A) the construction of a regional correctional facility on the land be completed not later than five years after the date of the enactment of this section;

(B) the land be used only for the purpose of operating a regional correctional facility; and

(C) the Commonwealth of Virginia offer to Arlington County, Fairfax County, the City of Alexandria, Loudoun County, Fauquier County, Prince William County, Stafford County and Caroline County, Virginia, and any other Virginia county that the Commonwealth of Virginia may choose, the opportunity to participate in the governmental entity created under the law of the Commonwealth of Virginia to construct and operate the regional correctional facility.

(2) If a regional correctional facility is not constructed on the land conveyed pursuant to this section in accordance with paragraph (1)(A), such land is used for any purpose other than the purpose specified in paragraph (1)(B), or the counties referred to in paragraph (1)(C) are not offered the opportunity to participate in the entity referred to in such paragraph (as determined by the Secretary), all right, title and interest in and to such land (together with the improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(c) DESCRIPTION OF PROPERTY.—(1) The tract of land conveyed pursuant to this section shall be a tract of land that—

(A) has soil and topographical conditions suitable for the construction of a low- to mid-rise institutional correctional facility, including recreation, parking, and other necessary support facilities; and

(B) is situated within reasonably close proximity to an existing sewer system.

(2) The exact acreage and legal description of the land to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary.

(d) PROHIBITION ON HOUSING CERTAIN PRISONERS.—The regional correctional facility constructed pursuant to this section may not be used to house Federal prisoners or prisoners convicted and sentenced in the courts of the District of Columbia without the written consent of the government of the county in which such facility is located.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance pursuant to this section as the Secretary determines appropriate to protect the interests of the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,750,512,000, to be allocated as follows:

(A) For research and development, $1,042,775,000.

(B) For weapons testing, $481,711,000.

(C) For production and surveillance, $2,131,311,000.

(D) For program direction, $104,715,000.

(2) For defense nuclear materials production, $1,897,770,000, to be allocated as follows:

(A) For production reactor operations, $811,457,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $628,969,000, of which $66,500,000 shall be used for special isotope separation.

(C) For supporting services, $292,043,000.

(D) For uranium enrichment for naval reactors, $112,801,000.

(E) For program direction, $42,500,000.

(3) For environmental restoration and management of defense waste and transportation, $2,421,181,000, to be allocated as follows:

(A) For environmental restoration, $811,215,000.

(B) For corrective activities, $23,346,000. Such funds may also be used for plant and capital equipment.

(C) For waste management, $1,301,599,000. Such funds may also be used for plant and capital equipment.

(D) For technology development, and transportation management, $238,140,000. Such funds may also be used for plant and capital equipment.

(E) For program direction, $25,495,000.

(F) For landlord program direction, $21,386,000. Such funds may also be used for plant and capital equipment.

(4) For verification and control technology, $194,684,000.

(5) For nuclear materials safeguards and security technology development program, $83,434,000.

(6) For security investigations, $65,000,000.

(7) For new production reactors, $134,900,000.

(8) For naval reactors development, $569,200,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project GPD-101, general plant projects, various locations, $27,100,000.

Project GPD-121, general plant projects, various locations, $36,350,000.

Project 91-D-122, Short Range Attack Missile Tactical (SRAM-T) production facilities, various locations, $15,000,000.

Project 91-D-123, production assurance, transformer replacement, Kansas City Plant, Kansas City, Missouri, $2,600,000.

Project 91-D-124, safeguards and security upgrades, Phase III, Mound Facility, Miamisburg, Ohio, $1,100,000.

Project 91-D-126, Health Physics Calibration Facility (HPCF), Mound Plant, Miamisburg, Ohio, $1,000,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 90-D-102, Nuclear Weapons research, development, and testing facilities revitalization, Phase III, various locations, $9,600,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $8,500,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $488,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,600,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $72,547,000.

Project 88-D-122, facilities capability assurance program, various locations, $106,806,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $18,244,000.

Project 88-D-124, fire protection upgrade, various locations, $1,481,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $8,840,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $1,600,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $8,634,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $2,360,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $4,242,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $36,944,000.

Project 91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River Site, South Carolina, $6,000,000.

Project 91-D-145, new whole body counter facility, Savannah River Site, South Carolina, $4,350,000.

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $6,000,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $2,500,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, $49,100,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, $32,600,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $4,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $16,300,000.

Project 89-D-148, improved reactor confinement system, Savannah River, South Carolina, $12,800,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $1,000,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, $14,133,000.

Project 86-D-149, productivity retention program, Phases I, II, III, and IV, various locations, $61,750,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $87,500,000.

Project 85-D-145, Fuel Production Facility, Savannah River Site, South Carolina, $8,481,000.

(3) For defense waste and environmental restoration:

Project 91-GPD-171, general plant projects, various locations, $50,133,000.

Project 91-D-173, hazardous low level waste processing tanks, Savannah River Site, South Carolina, $5,800,000.

Project 91-D-172, high level waste tank farm upgrade, Idaho Chemical Processing Plant INEL, Idaho, $13,000,000.

Project 91-D-171, waste receiving and processing facility, Module 1, Richland, Washington, $2,700,000.

Project 91-D-125, environmental, safety, and health upgrades, Phase III, Mound Facility, Miamisburg, Ohio, $284,000.

Project 90-D-103, environmental, safety, and health improvements, various locations, $4,200,000.

Project 90-D-125, steam plant ash disposal facilities, V-12 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $4,100,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, $4,000,000.

Project 90-D-173, B-plant canyon crane replacement, Richland, Washington, $4,300,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $9,900,000.

Project 90-D-176, Transuranic (TRU) waste facility, Savannah River, South Carolina, $15,300,000.

Project 90-D-177, RWMC Transgranic (TRG) waste treatment and storage facility, Idaho, $26,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho, $11,100,000.

Project 89-D-172, Hanford environmental compliance, $42,460,000.

Project 89-D-126, environment, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $1,723,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $44,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $3,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $11,330,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,600,000.

Project 89-D-122, production waste storage facility, safety, and loss limitation, Richland, Washington, $5,500,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,500,000.

Project 88-D-102, sanitary waste waters systems consolidated, Los Alamos National Laboratory, New Mexico, $3,500,000.

Project 88-D-173, Hanford Waste Vitrification Plant (HWVP), Richland, Washington, $75,500,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, III, and IV, Feed Materials Production Center, Fernald, Ohio, $27,586,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, $5,000,000.

(4) For verification and control technology:

Project 91-D-192, foreign technology assessment center, Lawrence Livermore National Laboratory, Livermore, California, $2,592,000.

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity for facility engineering and design, various locations, $231,300,000.

(6) For naval reactors development:

Project GPN-101, general plant projects, various locations, $8,600,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,000,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $1,800,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,600,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $1,500,000.

(7) For safeguards and security construction:

Project GPD-186, general plant project, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(8) For site management construction:

Project 91-GPD-171, general plant projects, various locations, $13,556,000.

Project 91-D-170, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $870,000.

Project 91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington, $900,000.

Project 90-D-175, landlord program safety compliance, Phase I, Richland, Washington, $10,870,000.

Project 89-D-171, INEL road renovation, Idaho National Engineering Laboratory, Idaho, $7,300,000.

(9) For capital equipment not related to construction:

(A) For weapons activities, $275,281,000, including $8,900,000 for the defense inertial confinement fusion program.

(B) For materials production, $105,622,000.

(C) For defense waste and environmental restoration, $119,917,000.

(D) For verification and control technology, $9,924,000.

(E) For nuclear safeguards and security, $5,066,000.

(F) For naval reactors development, $55,400,000.

(G) For new production reactors, $8,801,000.

SEC. 3103. FUNDING LIMITATIONS

(a) FERNALD LITIGATION SETTLEMENT.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses, not more than $20,500,000 may be used to pay the second installment of the settlement entered into by the Department of Energy in the case of In re: Fernald Litigation No. C-1-85-149, United States District Court, for the Southern District of Ohio.

(b) INERTIAL CONFINEMENT FUSION.—Funds appropriated to the Department of Energy for fiscal year 1991 for atomic energy defense activities may not be reprogrammed during fiscal year 1991 under section 3121 if the reprogramming would reduce the amount made available for the Department of Energy for the defense inertial confinement fusion program for fiscal year 1991.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—The funds authorized for Special Isotope Separation shall be used for program phaseout only.

PART B—GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (hereafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

(a) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) INERTIAL CONFINEMENT FUSION PROGRAMS.—The Secretary of Defense may transfer to the Secretary of Energy, out of any funds appropriated to the Department of Defense pursuant to section 3201, not more than $12,000,000 for the inertial confinement fusion program. Funds so transferred shall be merged with funds appropriated to the Department of Energy national security programs for research and development.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design ex-

ceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

SEC. 3129. REMANUFACTURE OF NUCLEAR STOCKPILE WEAPONS

(a) REPORT ON REMANUFACTURE OF NUCLEAR STOCKPILE WEAPONS.—The Secretary of Energy, in consultation with the Secretary of Defense, shall prepare a report on remanufacture of nuclear stockpile weapons as specifically directed by Senate Report No. 101-81 of the One Hundred and First Congress at pages 263 and 264.

(b) SUBMISSION OF REPORT.—The Secretary of Energy shall submit the report in classified and unclassified versions not later than February 1, 1991.

SEC. 3130. LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS

(a) AUTHORITY FOR GOCO LABORATORIES TO ENGAGE IN PROGRAMS.—The Secretary of Energy shall prescribe regulations authorizing the government-owned contractor operated laboratories that are funded by the Department of Energy national security programs to engage in independent laboratory-directed research and development programs.

(b) FUNDING.—Of the funds provided by the Department of Energy to such laboratories for national security activities, the Secretary shall provide a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for such research and development programs.

SEC. 3130A. INERTIAL CONFINEMENT FUSION PROGRAM

Of the funds authorized to be appropriated pursuant to section 3101(1)(A) $167,900,000 shall be made available for the purpose of Inertial Confinement Fusion.

SEC. 3130B. DEPARTMENT OF ENERGY SCIENCE AND EDUCATION PROGRAMS

(a) SHORT TITLE.—This section may be cited as the "Department of Energy Science and Education Enhancement Act".

(b) FINDINGS.—The Congress finds that—

(1) scientific, technical, and engineering competence is essential to the Nation's future well-being;

(2) the scientific, technical, and engineering capability at the Federal laboratories is unmatched throughout the world;

(3) superb research, development, testing, and evaluation occurs in Department laboratories;

(4) Department laboratories will play an increasing role in assuring that America remains competitive in world markets;

(5) improvements in mathematics, science, and engineering education are needed desperately to provide the trained and educated citizenry essential to the future competitiveness of the United States;

(6) greater effort and funding must be devoted to technology transfer from Department laboratories;

(7) the ability of the Nation to fight disease and overcome human suffering can be greatly enhanced by fully utilizing the health research resources of the Department; and

(8) Department laboratories are in a unique position to take on increased responsibilities in the interest of improving our Nation's competitiveness and our quality of life.

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "Secretary" means the Secretary of Energy; and

(2) the term "Department" means the Department of Energy.

(d) MISSION.—Section 91(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2121(a)) is amended by adding at the end the following new paragraph:

"(6) use the facilities, equipment, personnel, and other resources of the Department of Energy to the fullest extent possible to enhance educational opportunities in science, mathematics, and engineering for American students and educators so as to improve the scientific literacy and competitiveness of the Nation.".

(e) SCIENCE AND EDUCATION PROGRAMS.—

(1) IN GENERAL.—(A) To the extent appropriate, the Secretary may establish programs, to be operated at or through the support of each Department facility, that will use fully the unique scientific resources of the Department to promote—

(i) transfers of federally owned or originated technology to State and local governments, private industry, and universities or other nonprofit organizations so that the prospects for commercialization of such technology are enhanced;

(ii) activities enhancing the quality of mathematics, science, and engineering education throughout the Nation, so as to improve the scientific and technical capability and literacy of the Nation and improve the Nation's overall educational capability; and

(iii) research, development, and other activities intended to enhance the health and quality of life of the Nation, particularly in areas that pertain to environmental improvement and biomedical research.

(B) The programs described in paragraph (1) shall supplement and be coordinated with current activities of the Department, but shall not supplant them.

(2)(A) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1991, an amount up to the amount described in subparagraph (B) may be made available to a Department of Energy laboratory for the purposes of paragraph (1).

(B) The amount referred to in subparagraph (A) is 10 percent of the amount made available to such laboratory by the Department of Energy in fiscal year 1990.

(f) TECHNOLOGY DEVELOPMENT PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—(A) The Secretary shall establish a program to develop Department-originated technologies, directed at the stage of technology development beyond the basic research stage.

(B) The program established pursuant to paragraph (A) shall develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development.

(C)(i) The program established pursuant to paragraph (1) may be conducted at any Department facility and shall enhance the commercial development and transfer to private industry of Department-originated technologies, consistent with the technology transfer mission of the Department.

(ii) As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, wholly non-Federal funding of commercial development of particular technologies.

(iii) Establishment of the program described in paragraph (1) shall not preclude the Department or its facilities from continuing operation or support of other programs to advance technology development, but all of the technology development programs of the Department shall be coordinated.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(g) LABORATORY COOPERATIVE SCIENCE CENTERS.—

(1) IN GENERAL.—The Secretary of Energy may establish Laboratory Cooperative Science Centers (referred to as the "Centers") at national laboratories operating under the authority of the Department of Energy.

(2) FUNCTION.—The Centers shall coordinate both laboratory based and offsite programs designed to advance the purposes of this section.

(3) ACTIVITIES.—The activities of the Centers shall include—

(A) supporting semester-length research appointments for college and university science and engineering students, and faculty/student teams, at the Centers;

(B) supporting research appointments for high school science teachers at the Centers;

(C) supporting research apprenticeship appointments at the Centers for students underrepresented in science and technology careers;

(D) supporting research experience programs at the Centers for nationally selected high school honor students;

(E) supporting cost-shared projects to encourage more students to pursue careers in precollege science and mathematics teaching;

(F) participating in collaborative projects with other Federal agencies and the private sector to further the objectives of this section;

(G) operating precollege mathematics and science education programs at the national laboratories;

(H) establishing a museum-based science education program;

(I) establishing collaborative inner-city and rural partnership programs designed to meet the special mathematics and science

education needs of students in inner-city and rural areas; and

(J) engaging in other activities to advance the purposes of this section.

(2) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

(h) UNIVERSITY-BASED PROGRAMS.—

(1) IN GENERAL.—The Secretary may coordinate and sponsor university-based programs directed at encouraging more students to pursue energy-related scientific and technical careers, with a particular focus on the recruitment of women and minority students.

(2) PREFRESHMAN ENGINEERING PROGRAM.—The programs referred to in paragraph (1) shall include a prefreshman engineering program in which middle-school students attend summer workshops on mathematics, science, and engineering conducted by universities on their campuses.

(3) AVAILABILITY OF FUNDS.—Of the funds appropriated or otherwise available to the Department of Energy for fiscal year 1991, not more than $20,000,000 may be obligated for the purposes of the program established pursuant to paragraph (1).

PART C—ENVIRONMENT, SAFETY, AND MANAGEMENT

SEC. 3131. AUTHORITY TO LOAN PERSONNEL AND FACILITIES TO COMMUNITY DEVELOPMENT ORGANIZATIONS NEAR HANFORD RESERVATION

Section 1434(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074), is amended by striking out "1990" and inserting in lieu thereof "1992".

SEC. 3132. NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE REPORT REQUIREMENT

(a) ENVIRONMENTAL REPORT.—Not later than 30 days after the end of each quarter of fiscal years 1991 and 1992, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a brief report on the actions of the Department of Energy with respect to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The report shall contain a brief description of the proposed actions to be taken by the Department of Energy, the environmental impact of which is not clearly insignificant, and a description of the actions taken or proposed to be taken by the Department of Energy to assess the environmental impact of the proposed action. If the Secretary finds that the proposed action of the Department of Energy will have no significant impact, the Secretary shall include the rationale for that determination.

(b) SUBMISSION OF INITIAL REPORT.—The Secretary shall submit the first report not later than February 1, 1991, for the quarter ending December 31, 1990.

SEC. 3133. SITE MANAGEMENT

The Secretary of Energy may not transfer to any other department or agency of the Federal Government the authority of the Secretary with respect to site management, control, or oversight of environmental remediation and restoration activities at any Department of Energy facility. The preceding sentence does not prohibit or limit the authority of the Secretary to contract for management and operation services in connection with environmental remediation and restoration activities of the Department of Energy.

SEC. 3134. REIMBURSEMENT OF EPA OVERSIGHT EXPENSES

(a) To the extent provided for in interagency agreements entered into between the Department of Energy and the Environmental Protection Agency, the Secretary of Energy shall reimburse the Environmental Protection Agency for costs necessary to ensure oversight by that agency of environmental response actions at Department of Energy facilities conducted pursuant to section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9620).

(b) In addition, notwithstanding other provisions of law, the Environmental Protection Agency shall be provided with the reimbursable authority and full time equivalent ceiling to carry out such oversight activities. The funded full-time work years shall only be used to carry out oversight activities at Department of Energy facilities where interagency agreements have been entered into between the Environmental Protection Agency and the Department of Energy.

SEC. 3135. FUNDING FOR REGISTERING, MONITORING, AND NOTIFYING PERSONS EXPOSED TO RADIONUCLIDES RELEASED FROM THE DEPARTMENT OF ENERGY HANFORD NUCLEAR RESERVATION, HANFORD, WASHINGTON

Of the funds authorized to be appropriated to the Department of Energy pursuant to this title, the Secretary of Energy shall make available to the State of Washington $3,000,000, and to the State of Oregon and the State of Idaho $1,000,000, each for the following purposes:

(1) To implement one or more programs to register and monitor those persons who may have been exposed to radionuclides released from the Department of Energy Hanford Nuclear Reservation, Hanford, Washington, between the years of 1944 and 1972.

(2) To develop procedures for notifying each such person of the potential adverse health effects of such exposure and of any recommended course of medical action regarding such adverse health effects.

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

SEC. 3141. PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS AND DISPOSAL OF NUCLEAR STOCKPILES

(a) PRODUCTION BY THE SOVIET UNION.—Congress urges the President and the Supreme Soviet of the Soviet Union—

(1) to cease production by the Soviet Union of plutonium;

(2) to maintain the cessation in production by the Soviet Union of highly-enriched uranium for weapons that was announced on April 7, 1989.

(b) TECHNICAL ASPECTS OF FISSILE MATERIAL MONITORING AND NUCLEAR WARHEAD DISMANTLEMENT.—Should the President determine that future international agreements should provide for dismantlement of nuclear warheads and a ban on further production of fissile materials for weapons, then the Congress urges the President to seek to establish with the Soviet Union a joint technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the design and verification of these potential provisions.

(c) REPORT ON VERIFICATION TECHNIQUES.—(1) The Secretary of Energy in consultation with the Secretary of Defense, and in coordination with the Director of Central Intelligence, shall prepare a comprehensive technical report on the verification matters described in paragraph (2) of this subsection.

(2) The report shall describe the on-site monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify the actions of other nations with respect to the following:

(A) dismantlement of nuclear warheads in the event that a future agreement between the United States and the Soviet Union should provide for such dismantlement to be carried out in a mutually verifiable manner;

(B) a mutual United States-Soviet ban, leading to a multilateral, global ban on the production of additional quantities of plutonium and highly-enriched uranium for nuclear weapons;

(C) the end use or ultimate disposal of any plutonium and highly enriched uranium recovered from the dismantlement of nuclear warheads.

(3) In order to prepare the report required by paragraph (1) of this subsection, the Secretary of Energy, in coordination with the Director of Central Intelligence, shall establish a Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls, composed of preeminent government and nongovernment experts in the fields of radiation detection, nondestructive examination, nuclear safeguards, nuclear materials production, and nuclear warhead dismantlement. This committee, which shall be established not later than December 31, 1990, shall advise the Secretaries of Energy and Defense and Director of Central Intelligence on the availability, utilization, and further development of techniques which could be applied to the verification of the prospective actions described in paragraph (2) of this subsection.

(4) The report required by paragraph (1) shall be submitted to Congress not later than April 30, 1991. The report shall be submitted in unclassified form, with such classified appendices as may be necessary.

SEC. 3142. DEVELOPMENT AND DEMONSTRATION OF MEANS FOR WARHEAD DISMANTLEMENT VERIFICATION

The Secretary of Energy may use funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1991 to carry out a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION

There are authorized to be appropriated $12,500,000 for fiscal year 1991 for the operation of the Defense Nuclear Facilities Safety Board, established under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. AUTHORITY TO HIRE

Clause (1) of section 313(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b(b)(1)), is amended by inserting ", subject to the provisions of section 161(d)" before the semicolon.

TITLE XXXIII—CIVIL DEFENSE

SEC. 3301. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated $144,117,000 for fiscal year 1991 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXIV—PANAMA CANAL COMMISSION

SEC. 3401. SHORT TITLE

This title may be referred to as the "Panama Canal Commission Authorization Act for Fiscal Year 1991".

SEC. 3402. AUTHORIZATION OF EXPENDITURES

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.), for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1991, except that not more than $52,000 for such fiscal year may be made available for official reception and representation expenses, of which—

(1) not more than $12,000 may be made available for such expenses of the supervisory board of the Commission;

(2) not more than $6,000 may be made available for such expenses of the Secretary of the Commission; and

(3) not more than $34,000 may be made available for such expenses of the Administrator of the Commission.

(b) PURCHASE OF PASSENGER MOTOR VEHICLES.—Funds available to the Panama Canal Commission for fiscal year 1991 shall be available for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3403. GENERAL PROVISIONS

(a) PAY INCREASES.—Funds for the Panama Canal Commission may be obligated for fiscal year 1991, notwithstanding section 1341 of title 31, United States Code, to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) EXPENSES IN ACCORDANCE WITH LAW.—Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3404. COMPENSATION FOR BOARD MEMBERS

Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended by striking out "grade GS-18 of the General Schedule under section 5332" in the last sentence and inserting in lieu thereof "level V of the Executive Schedule under section 5316".

SEC. 3405. COMPENSATION FOR DEPUTY ADMINISTRATOR AND CHIEF ENGINEERS

Section 1104(b) of the Panama Canal Act of 1979 (22 U.S.C. 3614(b)) is amended by inserting before the period ", and, if eligible, the overseas recruitment or retention differential provided for in section 1217 of this Act".

SEC. 3406. RETIREMENT

(a) ELIGIBILITY.—Section 8336(i) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph:

"(3) An employee of the Panama Canal Commission employed by that body after September 30, 1979 who is separated from the Panama Canal Commission before January 1, 2000, and who at the time of separation has a minimum of 11 years of continuous employment with the Commission (disregarding any break in service of 3 days or less) is entitled to an annuity if the employee is separated—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service if the separation is the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service."; and

(3) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(2)"; and

(C) by adding at the end the following new subparagraph:

"(B) The annuity of an employee retiring under paragraph (3) of this subsection with respect to the period of Panama Canal service is 2½ percent of the employee's average pay multiplied by the years of that service.".

SEC. 3407. AMENDMENTS TO PANAMA CANAL COMPENSATION FUND ACT OF 1988

Section 5 of the Panama Canal Commission Compensation Fund Act of 1988 (22 U.S.C. 3715c) is amended—

(1) by striking out "Upon the termination of the Panama Canal Commission:";

(2) in subsection (a)—

(A) by striking out "The Secretary of Labor" and inserting in lieu thereof "Upon the termination of the Panama Canal Commission, the Secretary of Labor"; and

(B) by striking out the last sentence;

(3) in subsection (b)—

(A) by inserting "under subsection (a)" after "Secretary of Labor"; and

(B) by striking out "Employees Compensation"; and

(4) by adding at the end the following new subsection:

"(c) CONTINUITY OF THE FUND.—(1) Amounts in the fund (including amounts transferred as a result of the final determination made under subsection (a)) shall be maintained by the Secretary of the Treasury, shall be made available for transfer to the Employees' Compensation Fund in such amounts as are requested by the Secretary of Labor pursuant to section 4, and may be discontinued only in accordance with paragraph (2).

"(2) At such time as the Secretary of Labor certifies that no further liability exists for workers compensation benefits or other payments described in section 3(a), the Secretary of the Treasury may discontinue the Fund in the manner provided by law.".

DIVISION D—NATIONAL ENERGY SECURITY

TITLE XLI—NATIONAL ENERGY SECURITY

SEC. 4101. SHORT TITLE

This title may be cited as the "National Energy Security Act of 1990".

SEC. 4102. FINDINGS AND PURPOSES

(a) FINDINGS.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports;

(5) increasing dependence on foreign oil imports has and continues to impose severe risks to the lives of United States service men and women and unacceptable costs to the national defense; and

(6) an emergency national energy security plan should be developed and implemented to ensure that adequate supplies of energy shall be available at all times free of the threat of embargo or other foreign hostile acts.

(b) PURPOSE.—The purpose of this title is to establish an emergency national energy security plan designed to reduce United States dependence on foreign oil supplies to a level which does not pose an unacceptable threat to the national security.

SEC. 4103. DUTIES OF THE PRESIDENT

(a) ESTABLISHMENT OF CEILING.—There is established a national oil import ceiling (referred to in this title as the "ceiling level") of foreign crude and oil product imports at 50 percent of United States consumption.

(b) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection which shall contain a forecast of domestic oil and natural gas liquid demand and production, and imports of crude and oil product for the subsequent year. The report shall indicate the likelihood of foreign crude and oil product imports exceeding the ceiling level during the next year and the actions which the President will take to maintain crude and oil product imports below the ceiling level.

(2) At the time of the budget transmitted under section 1105(a) of title 31, United States Code, by the President to the Congress, the projection prepared pursuant to paragraph (1) shall be presented to Congress with a description of the actions which the President would take under section 4104.

SEC. 4104. NATIONAL ENERGY PRODUCTION AND SECURITY ACTION PLAN

(a) ESTABLISHMENT OF ACTION PLAN.—The President shall at all times monitor the level of foreign crude and oil product imports as a share of United States oil consumption. Upon a finding that the ceiling level has been exceeded for any six months within any continuous twelve month period, the President shall within 30 days submit an Energy Production and Security Action Plan (referred to in this title as the "Action Plan") to the Speaker of the House of Representatives and the President of the Senate. The Action Plan shall indicate specific actions to be taken to reduce crude and product imports below the ceiling level. Notwithstanding any other provision of law, the Action Plan shall be immediately implemented by the President upon enactment of a joint resolution by the Congress approving the Action Plan.

(b) ACTION PLAN.—The Energy Production and Security Action Plan shall include but not be limited to—

(1) a certification by the President that the ceiling level has been exceeded;

(2) a list of Federal land tracts, offshore and onshore, in order of their potential for oil and gas discovery, including any Federal land outside units of the National Park System, currently off-limits to oil and gas leasing;

(3) a schedule for leasing the tracts identified in subparagraph (B) in order of their potential for oil and gas discovery, including number of tracts to be leased and the timing for individual lease sales;

(4) energy conservation actions including improved fuel efficiency for automobiles and the development and utilization of alternative transportation fuels; and

(5) production incentives for domestic oil and gas including recommendations on the imposition of oil import fees, royalty reductions, tax and other incentives for stripper well production and the production of offshore, frontier, and other oil produced with tertiary recovery techniques.

Passed the Senate August 4, 1990.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I send to the desk an amendment to the title, which is a technical amendment, and ask for its immediate consideration.

The title was amended so as to read:

Amend the title so as to read: "To authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The text of the National Defense Authorization Act for Fiscal Year 1991, as passed by the Senate on August 4, 1990, is contained in the following Senate bills:

S. 2884, The National Defense Authorization Act for Fiscal Year 1991 (the complete bill).

S. 2905, The National Defense Authorization Act for Fiscal Year 1991 (the complete bill).

S. 2906, The National Defense Authorization Act, Fiscal Year 1991 (the complete bill).

S. 2907, The National Guard and Reserve Initiative Act of 1990 (title XIV, Guard and Reserve Initiative).

S. 2908, The Military Personnel Transition Assistance Act of 1990 (sec. 621 and part E of title VI).

S. 2909, The Nuclear Risk Reduction Act of 1990 (sec. 1213).

S. 2910, The Department of Defense Drug Interdiction and Counter-Drug Authorization Act for Fiscal Year 1991 (title XI).

S. 2911, The Department of Defense and Related National Security Programs Authorization Act for Fiscal Year 1991 (the complete bill).

S. 2912, The Department of Defense Authorization Act for Fiscal Year 1991 (Division A [DoD Authorizations]).

S. 2913, The Military Construction Authorization Act for Fiscal Year 1991 (Division B [Military construction]).

S. 2914, The National Defense Programs Authorization Act for Fiscal Year 1991 (Division C [DoE, Safety Board, Civil Defense, Panama]).

S. 2915, The Strategic Environmental Research Program Act of 1990 (Title X).

S. 2916, The Defense Acquisition Improvement Act of 1990 (title VIII).

ORDER TO PRINT S. 2884 AS PASSED

Mr. NUNN. Mr. President, I ask unanimous consent S. 2884, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that the Senate proceed immediately to the consideration en bloc of the following bills:

S. 2905, Calendar Order No. 721.
S. 2906, Calendar Order No. 722.
S. 2907, Calendar Order No. 723.
S. 2908, Calendar Order No. 724.
S. 2909, Calendar Order No. 725.
S. 2910, Calendar Order No. 726.
S. 2911, Calendar Order No. 727.
S. 2912, Calendar Order No. 728.
S. 2913, Calendar Order No. 729.
S. 2914, Calendar Order No. 730.
S. 2915, Calendar Order No. 731.
S. 2916, Calendar Order No. 732.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I ask unanimous consent that those bills be passed en bloc; that if there are amendments thereto, they be agreed to; and if there are amendments to the preamble, they be agreed to; and the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that all after the enacting clause of each of these bills be stricken and that the appropriate portion S. 2884, as amended, be inserted in lieu thereof, according to the following schedule:

S. 2905, The National Defense Authorization Act for Fiscal Year 1991 (the complete bill).

S. 2906, The National Defense Authorization Act, Fiscal Year 1991 (the complete bill).

S. 2907, The National Guard and Reserve Initiative Act of 1990 (title XIV, Guard and Reserve Initiative).

S. 2908, The Military Personnel Transition Assistance Act of 1990 (sec. 621 and part E of title VI).

S. 2909, The Nuclear Risk Reduction Act of 1990 (sec. 1213).

S. 2910, The Department of Defense Drug Interdiction and Counter-Drug Authorization Act of Fiscal Year 1991 (title XI).

S. 2911, The Department of Defense and Related National Security Programs Authorization Act of Fiscal Year 1991 (the complete bill).

S. 2912, The Department of Defense Authorization Act for Fiscal Year 1991 (Division A [DoD Authorizations]).

S. 2913, The Military Construction Authorization Act for Fiscal Year 1991 (Division B [Military construction]).

S. 2914, The National Defense Programs Authorization Act for Fiscal Year 1991 (Division C [DoE, Safety Board, Civil Defense, Panama]).

S. 2915, The Strategic Environmental Research Program Act of 1990 (Title X).

S. 2916, The Defense Acquisition Improvement Act of 1990 (Title VIII).

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2905) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2905 as passed by the Senate today will be published in a future edition of the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1991

The bill (S. 2906) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2906 as passed by the Senate today will be published in a future edition of the RECORD.)

NATIONAL GUARD AND RESERVE INITIATIVE ACT

The bill (S. 2907) to provide for the utilization, force structure, and preservation of personnel of the Reserve components, for procurement for such components, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2907 as passed by the Senate today will be published in a future edition of the RECORD.)

MILITARY PERSONNEL TRANSITION ASSISTANCE ACT OF 1990

The bill (S. 2908) to provide transition assistance for military personnel involuntarily discharged or released from active duty, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2908 as passed by the Senate today will be published in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE DRUG INTERDICTION AND COUNTER-DRUG AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2910) to authorize appropriations for fiscal year 1991 drug interdiction and counterdrug activities of the Department of Defense, to allow the Department of Defense to provide additional support to State and local agencies for such activities, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2910 as passed by the Senate today will be published in a future edition of the RECORD.)

DEPARTMENT OF DEFENSE AND RELATED NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2911) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense related activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2911 as passed by the Senate today will be published in a future edition of the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2912) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2912 as passed by the Senate today will be published in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2913) to authorize certain construction at military installations for fiscal year 1991, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2913 as passed by the Senate today will be published in a future edition of the RECORD.)

NATIONAL DEFENSE PROGRAMS AUTHORIZATION ACT FOR FISCAL YEAR 1991

The bill (S. 2914) to authorize funds for the Department of Energy national security programs, the Defense Nuclear Facilities Safety Board, civil defense; to authorize expenditures by the Panama Canal Commission, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2914 as passed by the Senate today will be published in a future edition of the RECORD.)

STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM ACT OF 1990

The bill (S. 2915) to amend title 10, United States Code, to require the Secretary of Defense to establish a strategic environmental research program, was considered, ordered to be engrossed for the third reading, read the third time, and passed; as follows:

(The text of S. 2915 as passed by the Senate today will be published in a future edition of the RECORD.)

DEFENSE ACQUISITION IMPROVEMENT ACT OF 1990

The bill (S. 2916) to amend title 10, United States Code, to encourage the development and transfer of critical technologies and to improve acquisition activities of the Department of Defense, to authorize acquisitions and dispositions for the National Defense Stockpile for fiscal year 1991, and for other purposes, was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

(The text of S. 2915 as passed by the Senate today will be published in a future edition of the RECORD.)

Mr. NUNN. Mr. President, I ask unanimous consent when the Senate receives from the House of Representatives the companion National Defense Authorization Act for fiscal year 1991, that all after the enacting clause of the House bill be stricken and the text of S. 2884, as amended, be substituted in lieu thereof, that the bill be advanced to third reading and passed, that the motion to reconsider the vote be laid on the table, and that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. NUNN. I ask unanimous consent the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. WARNER. Will the majority leader yield for 1 minute?

Mr. President, the distinguished Republican leader has provided the Senate with these statistics: S. 2884, the authorization bill just adopted, the Senate considered on the 1st, 2d, 3d, and 4th of August; total time consumed, 34 hours and 9 minutes; 20 rollcall votes and approximately 100 amendments. A pretty good job.

I thank the Chair.

Mr. MITCHELL. Mr. President, in accordance with my prior statement, I will seek unanimous consent momentarily to proceed to the long-term debt limit, to which I understand objection will be made. Since I cannot move to that measure without consent, I will then proceed to the Department of Transportation appropriations bill.

PERMANENT INCREASE IN PUBLIC DEBT LIMIT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 555, a bill to permanently increase the statutory limit on the public debt.

The PRESIDING OFFICER. Is there objection?

Mr. KASTEN. Reserving the right to object, I ask the majority leader: It is my understanding, if he were to move to this legislation we also could immediately take up the Hollings-Heinz-Moynihan Social Security bill, but we would be unable to take up the Kasten-Mack-Shelby capital gains bill. Is that correct?

I would like to move to the debt ceiling. I would like to deal with the legislation from the distinguished Senator from Pennsylvania. But I also believe it is important we deal with the Kasten-Mack-Shelby bill on capital gains. I think we truly are in the midst of an economic slowdown. Real GNP has dropped to 1.2 percent, job creation is essentially flat, 6 out of 10 people are pessimistic about the future of the economy, unemployment shot up 5.5 percent yesterday. I am concerned that this current weakness—particularly in the New England States, but it is coming across the country now—could trigger a nationwide recession, and I think that in part the blame rests with the U.S. Senate because we failed to pass a capital gains tax cut last year and now we are prevented from doing one this year.

I hope we can bring up the debt ceiling bill. I would like to move forward on it. But unless we can move forward

with both of these amendments, I would be constrained to object.

Mr. HEINZ. Will the Senator yield? The Senator reserved the right to object, and he had the floor.

Mr. KASTEN. I will be pleased to yield to the Senator from Pennsylvania. I think the majority leader has the floor.

Mr. HEINZ. I apologize.

Mr. FORD. Mr. President, they should ask through the Chair if they want to speak.

The PRESIDING OFFICER. The Chair agrees.

The majority leader.

Mr. MITCHELL. Permit me to respond, and then I will be pleased to yield to the Senator from Pennsylvania for his comments.

Mr. President, the Senator from Wisconsin is correct. It was my intention, if we proceed to the long-term debt limit, to consider only the amendment by Senators HOLLINGS, HEINZ, and MOYNIHAN dealing with Social Security off-budget and none of the other approximately 14 amendments which several Members of the Senate have indicated an intention to offer.

Mr. KASTEN. Mr. President, I therefore object.

The PRESIDING OFFICER. Objection is heard.

The majority leader still retains the floor.

Mr. HEINZ. Will the majority leader yield?

Mr. MITCHELL. I will be pleased to yield to the Senator from Pennsylvania.

Mr. HEINZ. I will not detain the Senate. I was hoping to get a word in before the Senator from Wisconsin, as he had his right to do, interposed his objection. I simply wanted to say that the alternatives that we faced were: We could bring up the debt ceiling, hopefully dispose of the Social Security issue that he has supported, and then go on about our business on this bill on the long-term debt ceiling in September.

The only effect I see that his objection has is to postpone action on both until September, and I do not see how that advances either the work of the Senate or the measure that he says he supports.

Mr. MITCHELL. Mr. President, I will be pleased now to yield to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the distinguished majority leader. I just take a minute to say I regret feeling it necessary to vote against this bill. I think it is only the second time since I have been in the Senate that I voted against a Defense authorization bill. I did it, Mr. President, because I know this institution, and I know the numbers the summiteers are working with in trying to reduce the deficit. I know everybody is agreed we have to trim at least $50 billion from the budget to even begin to make a dent in the deficit for 1991, the real figure on which is about $335 billion.

Mr. President, in order to reduce the deficit by $50 billion, we have to come up with $25 billion in spending cuts. Out of a $1.2 trillion-plus budget, that does not sound like much, but I can tell my colleagues, when we start trying to look at the numbers and figure out where we are going to cut $25 billion, we have to have more than a $10 billion cut in defense.

If we go to the budget figures which the Budget Committee has recommended that the Defense budget be cut, by $13 billion, and it probably ought to be $2 billion more than that unless there is going to be an unbelieve amount of blood on the floor here in trying to find the other $10 billion out of entitlements and so-called social spending—call it whatever you want. But if this bill comes back from conference in this position, I will vote against it again. I believe I will probably be able to vote for the bill when it comes back from conference because I think the House version is infinitely superior to ours.

But my point is, and I want to reemphasize this point, if $10 billion is all we cut out of this bill from $306 billion to roughly $296 billion, that means the Appropriations Committees and the summiteers and the Finance Committee are going to have to come up with $15 billion more in spending cuts.

Do my colleagues know where the talk of getting it is now? Freezing COLA's, cutting back on Medicare providers when the hospitals in my State are hanging on by their thumbs. We are going to be getting into the quick very quickly. Things like student loans; maternal child health care; women, infants and children program; AIDS research.

We are going to have to cut unbelievably in programs that neither the Republicans nor the Democrats want to or are willing to cut.

Mr. President, I felt there were golden opportunities in this bill to cut some more spending and not jeopardize our defense at all. Everybody here believes in a strong defense. We are all agitated and upset about Saddam in Kuwait, and a possibility of an invasion of Saudi Arabia.

But, the real fat in this bill is not in the conventional forces that we are going to have to have to go into Saudi Arabia; the fat is in the strategic defense initiative; the fat is in the B-2 bomber; the fat is in unneeded battleships.

So, Mr. President, I just made that statement. Anybody, any thoughtful person in this body, would find it difficult to vote against the defense authorization bill, but I did so in the knowledge that we are not going to be willing to cut $15 billion in some of these other programs that are so critical to the survival of our Nation.

There are some things that are just as important to our national security as tanks, planes, and guns. It is how we treat our elderly, how we educate our children, what kind of health care we provide. That other $15 billion is going to have to come out of their hides. Mr. President, I thank the majority leader.

ORDER OF PROCEDURE—H.R. 5400

Mr. MITCHELL. Mr. President, if I might have the attention of the distinguished Republican leader, when we return on September 10, it is my intention to ask and seek consent to proceed to the consideration of H.R. 5400, the campaign reform bill.

I will then ask that all after the enacting clause be stricken, and the text of S. 137 as passed by the Senate, be inserted in lieu thereof; that the Senate insist on its amendment, request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

I merely wanted to inform the distinguished Republican leader in advance of my intention in that regard, and invite his comment.

Mr. DOLE. I do not see any problem with that. I was just notified about it earlier by the distinguished Senator from Oklahoma. I really have not had an opportunity to check with Senator STEVENS or Senator NICKLES. I did check with Senator MCCONNELL. We agreed we would not gain much by doing it today and will not hinder anything by doing it on September 12.

MEASURE HELD AT THE DESK—H.R. 5400

Mr. MITCHELL. Mr. President, I now am going to seek unanimous consent that it be held at the desk until close of business on the 12th. I ask unanimous consent that H.R. 5400 be held at the desk until close of business on September 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991

Mr. MITCHELL. Mr. President, I ask the Chair to lay before the Senate, Calendar No. 741, H.R. 5229, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5229) making appropriations for the Department of Transportation and

related agencies for the fiscal year ending September 30, 1991, and for other purposes, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 5229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,215,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $412,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $6,420,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Policy and International Affairs, [$8,810,000] *$8,500,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, [$2,390,000] *$2,400,000,* including not to exceed [$40,000] *$50,000* for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,255,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, [$21,745,000] *$22,750,000.*

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Public Affairs, $1,389,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $918,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $508,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,353,000.

[OFFICE OF COMMERCIAL SPACE TRANSPORTATION

[For necessary expenses of the Office of Commercial Space Transportation, $725,000.]

OFFICE OF ESSENTIAL AIR SERVICE

For necessary expenses of the Office of Essential Air Service, [$1,251,000] *$1,610,000.*

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $3,465,000, of which $2,600,000 shall remain available until expended and shall be available for the purposes of the Minority Business Resource Center as authorized by 49 U.S.C. 332: *Provided,* That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,360,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, and university research and internships, to remain available until expended, [$4,777,000] *$2,947,000*[: *Provided,* That notwithstanding any other provision of law, there may be credited to this account funds received from user fees established for regulatory services of the Office of Commercial Space Transportation].

OFFICE OF COMMERCIAL SPACE TRANSPORTATION OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, to remain available until expended $4,217,000: Provided, That the unexpended balances of the appropriation "Transportation Planning, Research, and Development" associated with commercial space activities shall be transferred to and merged with this appropriation: Provided further, that notwithstanding any other provision of law, there may be credited up to $200,000 to this account funds received from user fees established for regulatory services.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed $86,264,000 shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

For payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, [$23,600,000] *$26,600,000,* to remain available until expended: *Provided,* That none of the funds in this or any other Act shall be available for the implementation or execution of programs in excess of [$23,600,000] *$26,600,000* for the Payments to Air Carriers program in fiscal year 1991: *Provided further,* That this limitation shall only be in effect if contract authority is enacted for the Payments to Air Carriers program for fiscal year 1991.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $107,668,000: *Provided,* That of this amount, $15,108,000 shall be derived from the Highway Trust Fund, $28,508,000 shall be derived from the Airport and Airway Trust Fund, and $419,000 shall be derived from the Pipeline Safety Fund.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed eight passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; [$2,352,000,000] *$2,351,103,000* is authorized to be appropriated, derived by transfer, or otherwise provided in "in kind" commodities and services for Coast Guard operating expenses in fiscal year 1991; of which [$2,192,000,000] *$2,051,103,000* is hereby appropriated, of which $35,000,000 shall be expended from the Boat Safety Account, notwithstanding any other provision of law: *Provided,* That of the funds provided for operating expenses for fiscal year 1991, in this or any other Act, not less than $602,600,000 shall be available for drug enforcement activities *and not less than $197,000,000 shall be for marine environmental protection activities*: *Provided further,* That the number of aircraft on hand at any one time shall not exceed two hundred and twenty-two, exclusive of planes and parts stored to meet future attrition: *Provided further,* That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further,* That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, [$391,994,000] *$432,396,000,* to remain available until September 30, 1995, of which [$155,750,000] *$168,385,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment; [$101,700,000] *$93,500,000* shall be available to acquire new aircraft and increase aviation capability; [$20,500,000] *$15,500,000* shall be available for other equipment; [$81,385,000] *$112,675,000* shall be available for shore facilities and aids to navigation facilities; and [$32,659,000] *$42,336,000* shall be available for personnel, survey and design, and related costs: *Provided,* That the Secretary of Transportation shall issue regulations requiring that written warranties shall be included in all contracts with prime contractors for major systems acquisitions of the Coast Guard: *Provided further,* That any such written warranty shall not apply in the case of any system or component thereof that has been furnished by the Government to a contractor: *Provided further,* That the Secretary of Transportation may provide for a waiver of the requirements for a warranty where: (1) the waiver is necessary in the interest of the national defense or the warranty would not

be cost effective; and (2) the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries of the House of Representatives are notified in writing of the Secretary's intention to waive and reasons for waiving such requirements: *Provided further,* That the requirements for such written warranties shall not cover combat damage[: *Provided further,* That none of the funds provided herein for Acquisition, Construction and Improvements shall be made available for personnel compensation and benefits in excess of five hundred eighty-six full time equivalent staff years].

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, [$21,500,000] *$22,000,000.*

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $3,747,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $437,300,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $74,306,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, [$24,800,000] *$25,741,000,* to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

[OFFSHORE OIL POLLUTION COMPENSATION FUND

[The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations in such amounts and at such times as may be necessary to the extent that appropriations are not adequate to meet the obligations of the Fund: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $60,000,000 in fiscal year 1991 for the "Offshore Oil Pollution Compensation Fund".

[DEEPWATER PORT LIABILITY FUND

[The Secretary of Transportation is authorized to issue, and the Secretary of the Treasury is authorized to purchase, without fiscal year limitation, notes or other obligations in such amounts and at such times as may be necessary to the extent that available appropriations are not adequate to meet the obligations of the Fund: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $50,000,000 in fiscal year 1991 for the "Deepwater Port Liability Fund".]

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $35,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, establishment of air navigation facilities and the operation and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Development Act, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, purchase of four passenger motor vehicles for replacement only, [$4,037,000,000] *$4,038,551,000,* of which [$1,994,346,000] *$1,994,640,000* shall be derived from the Airport and Airway Trust Fund: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities and for issuance of airmen and aircraft certificates, including processing of major repair and alteration forms: *Provided further,* That none of these funds shall be available for new applicants for the second career training program or for a pilot test of contractor maintenance: *Provided further,* That the immediately preceding proviso shall not prohibit the augmentation of the existing field maintenance work force if it is determined to be essential for the safe operation of the air traffic control system[: *Provided further,* That, of the funds available under this head, $4,000,000 shall be made available for the Federal Aviation Administration to enter into contractual agreement with the Mid-American Aviation Resource Consortium in Minnesota to operate an air traffic controller training program].

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; *lease or purchase of aircraft from funds available under this head;* and construction and furnishing of quarters and related accommodations of officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1995, [$2,138,615,000] *$2,240,018,000: Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* [That none of the funds under this head shall be available for the Secretary of Transportation to enter into grant agreements with universities or colleges for any capital project the Federal share of which is in excess of 50 per centum of the total cost of such project] *That appropriations made for the Airway Science Program, as authorized below in this section, the Federal Aviation Administration may hereafter enter into competitive grant agreements with institutions of higher education having airway science curricula, for the Federal share of the allowable direct costs of the following categories of items, to the extent that such items are in support of airway science curricula: (a) the construction, purchase, or lease with option to purchase, of buildings and associated facilities, (b) instructional materials and equipment, and (c) salaries and employment benefits for instructional faculty. Such grant agreements shall constitute obligations of funds appropriated for that purpose in this and subsequent appropriation Acts. Such funds are hereby authorized to be appropriated and may remain available until expended, as provided in such Acts. The Federal Aviation Administration shall establish guidelines for determining the direct costs allowable under grants to be made pursuant to this section. The maximum Federal share of the allowable cost of any project assisted by such grants shall be 60 percent, except that the maximum Federal share of the allowable annual cost of salaries and employment benefits for instructional faculty at a grantee institution shall be 50 per centum. Allowable costs for such salaries and employment benefits shall reflect the proportional allocation of responsibility of such faculty to airway science curriculum activities. The total amount of grants awarded in any fiscal year for the payment of the Federal share of such salaries and employment benefits at all grantee institutions shall not exceed 25 per centum of the total amount newly appropriated for the purposes of this section for that fiscal year.*

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$195,000,000] *$206,600,000,* to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport planning and development under section 14 of Public Law 91-258, as amended, and under other law authorizing such obligations, and obligations for noise compatibility planning and programs, $1,400,000,000, to be derived from the Air-

port and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of [$1,800,000,000] *$1,650,000,000* in fiscal year 1991 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended, of which not to exceed [$117,509,900] *$122,509,900* shall be available for letters of intent issued prior to July [1] *30,* 1990: *Provided further,* That, for each percentage point the amount made available for fiscal year 1991 from the Airport and Airway Trust Fund under sections 505, 506(a), 506(b), and 506(c) of the Airport and Airway Improvement Act of 1982 is less than 75 percent of the aggregate of the amount of funds made available for fiscal year 1991 under sections 505, 506(a), and 506(b) of such Act and the amount of funds made available for fiscal year 1991 for operations of the Federal Aviation Administration, the limitation on commitments shall be reduced by such percentage point but not to an amount less than [$1,650,000,000] *$1,500,000,000.*

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958, as amended (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for the current fiscal year for aviation insurance activities under said Act.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for the implementation or execution of programs under this head the obligations for which are in excess of $9,970,000 during fiscal year 1991. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration, not to exceed [$245,400,000] *$263,751,000* shall be paid in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided,* That not to exceed [$56,286,000] *$73,411,000* of the amount provided herein shall remain available until expended: *Provided further,* That, notwithstanding any other provision of law, there may be credited to this account funds received from States, counties, municipalities, other public authorities, and private sources, for training expenses incurred for non-Federal employees.

UNIVERSITY TRANSPORTATION CENTERS

(HIGHWAY TRUST FUND)

For necessary expenses for university transportation centers, as authorized by section 21(i)(2) of the Urban Mass Transportation Act of 1964, as amended, $5,000,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account).

[HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

(HIGHWAY TRUST FUND)

[For necessary expenses in carrying out the provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $5,450,000.]

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $10,000,000, to be derived from the Highway Trust Fund: *Provided,* That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1991 for "Highway-Related Safety Grants".

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expenses of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, [$15,000,000] *$2,000,000,* of which [$10,000,000] *$1,333,334* shall be derived from the Highway Trust Fund.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$14,500,000,000] *$13,850,000,000* for Federal-aid highways and highway safety construction programs for fiscal year 1991*: Provided, That, within the funds provided for interstate construction, and in accordance with authorized cost-sharing requirements, there shall be available the amounts necessary to provide the Federal share of construction costs of a bridge, designed as required for compliance with the coastal zone plan of the State of New Jersey, on Interstate 295 in the vicinity of Crosswicks Creek near Trenton, New Jersey.*

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $14,300,000,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

During fiscal year 1991 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed [$42,500,000] *$47,850,000.*

MOTOR CARRIER SAFETY

For necessary expenses to carry out the motor carrier safety functions of the Secretary as authorized by the Department of Transportation Act (80 Stat. 939-940), $40,000,000, of which $1,782,000 shall remain available until expended.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97-424 $63,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$61,500,000] *$60,000,000* for "Motor Carrier Safety Grants".

[BALTIMORE-WASHINGTON PARKWAY

[(HIGHWAY TRUST FUND)

[For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 for the Baltimore-Washington Parkway, to remain available until expended, $9,900,000, to be derived from the Highway Trust Fund and to be withdrawn therefrom at such times and in such amounts as may be necessary.

[INTERMODAL URBAN DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[For necessary expenses to carry out the provisions of section 124 of the Federal-Aid Highway Amendments of 1974, $10,000,000, to be derived from the Highway Trust Fund.

[HIGHWAY SAFETY AND ECONOMIC DEVELOPMENT DEMONSTRATION PROJECTS

[(HIGHWAY TRUST FUND)

[For necessary expenses to carry out construction projects as authorized by Public Law 99-500 and Public Law 99-591, $20,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[HIGHWAY SAFETY IMPROVEMENT DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[For the purpose of carrying out a coordinated project of highway improvements in the vicinity of Pontiac and East Lansing, Michigan, that demonstrates methods of enhancing safety and promoting economic development through widening and resurfacing of highways on the Federal-aid primary system and on roads on the Federal-aid urban system, as authorized by Public Law 99-500 and Public Law 99-591, $9,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[HIGHWAY-RAILROAD GRADE CROSSING SAFETY DEMONSTRATION PROJECT

[(HIGHWAY TRUST FUND)

[For the purpose of carrying out a coordinated project of highway-railroad grade crossing separations in Mineola, New York, that demonstrates methods of enhancing highway-railroad crossing safety while minimizing surrounding environmental effects, as authorized by Public Law 99-500 and Public Law 99-591, $8,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

[HIGHWAY WIDENING DEMONSTRATION PROJECT

[For necessary expenses to carry out a demonstration project to improve U.S. Route 202 in the vicinity of King of Prussia, Pennsylvania, as authorized by Public Law 100-202, $2,000,000, to remain available until expended.

[BRIDGE IMPROVEMENT DEMONSTRATION PROJECT

[Of the amount appropriated to carry out a highway demonstration project in the vicinity of Jacksonville, Florida, by the Department of Transportation and Related Agencies Appropriations Act, 1990 (103 Stat. 1079), and not expended, $2,000,000 shall be available for 80 percent of expenses necessary to carry out construction of new roadways on Blount Island, Florida, without regard to whether or not such expenses are incurred in accordance with section 1.9 of title 23 of the Code of Federal Regulations.

[HIGHWAY WIDENING AND IMPROVEMENT DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to carry out a highway project between Paintsville and Prestonsburg, Kentucky, that demonstrates the safety and economic benefits of widening and improving highways in mountainous areas, $4,000,000, to remain available until expended.

[INTERSECTION SAFETY DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to complete Douglas Street in the vicinity of El Segundo, California, for the purpose of demonstrating methods of improved highway and highway safety construction, $3,600,000, to remain available until expended.

[CLIMBING LANE AND HIGHWAY SAFETY DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to carry out a highway project on U.S. Route 15 in the vicinity of Tioga County, Pennsylvania, for the purpose of demonstrating methods of improved highway and highway safety construction, $12,000,000, to remain available until expended.

[INDIANA INDUSTRIAL CORRIDOR SAFETY DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary for an improved route between Logansport and Peru, Indiana, for the purpose of demonstrating the safety and economic benefits of widening and improving rural highways, $3,000,000, to remain available until expended.

[HIGHWAY CAPACITY IMPROVEMENT DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to improve U.S. Route 231 between U.S. Route 90 and the City of Campbellton in Jackson County, Florida, for the purpose of demonstrating methods of expanding a two-lane segment of a U.S. highway to four lanes, $2,000,000, to remain available until expended.

[ALABAMA HIGHWAY BYPASS DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary for the construction of a highway bypass project in the vicinity of Jasper, Alabama, for the purpose of demonstrating methods of improved highway and highway safety construction, $10,000,000, to remain available until expended.

[KENTUCKY BRIDGE DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to replace the Glover Cary Bridge in Owensboro, Kentucky, for the purpose of demonstrating methods of improved highway and highway safety construction, $4,000,000, to remain available until expended.

[VIRGINIA HOV SAFETY DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to construct High Occupancy Vehicle lanes on Interstate Route 66 between Interstate Route 495 and U.S. Route 50 for the purpose of demonstrating methods of increasing highway capacity and safety by the use of highway shoulders to construct HOV lanes, $8,500,000, to remain available until expended.

[URBAN HIGHWAY CORRIDOR AND BICYCLE TRANSPORTATION DEMONSTRATION PROJECTS

[For 80 percent of the expenses necessary to improve and upgrade the M-59 urban highway corridor in southeast Michigan for the purpose of demonstrating methods of improving congested urban corridors that have been neglected during construction of the Interstate system, $10,000,000, to remain available until expended, together with $1,000,000, to remain available until expended, to provide for 80 percent of the expenses necessary for a bicycle transportation demonstration project in Macomb County, Michigan.

[URBAN AIRPORT ACCESS SAFETY DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to improve and upgrade access to Detroit Metropolitan Airport in southeast Michigan, $11,000,000, to remain available until expended, for the purpose of demonstrating methods of improving access to major urban airports.

[PENNSYLVANIA RECONSTRUCTION DEMONSTRATION PROJECT

[For 80 percent of the expenses necessary to upgrade, widen, and reconstruct the sections of Pennsylvania Route 56 known as Haws Pike and the Windber By-Pass, for the purpose of demonstrating methods of promoting economic development and highway safety, $20,000,000, to remain available until expended.

[PENNSYLVANIA TOLL ROAD DEMONSTRATION PROJECT

[For necessary expenses for the Monongahela Valley Expressway, $6,000,000, to remain available until expended: *Provided*, That these funds together with funds made available from the Highway Trust Fund, for Federal participation in the toll highway project being carried out under section 129(j) of title 23, United States Code, in the State of Pennsylvania shall be subject to section 129(j) of such title, relating to Federal share limitation.]

HIGHWAY DEMONSTRATION PROJECTS

For up to 80 percent of the expenses necessary for certain highway projects that demonstrate methods of improving safety, reducing congestion, or promoting economic development, [$23,800,000] *$58,070,000*, to remain available until expended.

HIGHWAY DEMONSTRATION PROJECTS—PRELIMINARY ENGINEERING

For up to 80 percent of the expenses necessary to carry out feasibility studies, preliminary engineering, environmental studies, and right-of-way acquisition for certain highway and bicycle transportation projects that demonstrate methods of improving safety, reducing congestion, or promoting economic development, [$46,050,000] *$14,000,000*, to remain available until expended.

CORRIDOR H IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor H segment of the Appalachian Highway System, there is hereby appropriated $51,500,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORRIDOR G IMPROVEMENT PROGRAM

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor G segment of the Appalachian Highway System, there is hereby appropriated $50,000,000 to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs: Provided further, That of the funds made available under this head, $50,000,000 shall not become available for obligation until September 30, 1991 and pursuant to section 202 of Public Law 100-119, this action is a necessary (but secondary) result of a significant policy change.

CORRIDOR D IMPROVEMENT PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, and to promote economic benefits for the area affected by the construction of the Corridor D segment of the Appalachian Highway System, there is hereby appropriated $10,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

BYPASS CONSTRUCTION PROJECT

For the purpose of carrying out a demonstration of methods of eliminating traffic congestion, improving highway safety and to promote economic benefits for the area affected by the construction of road improvements including a bypass near Weirton, West Virginia, there is hereby appropri-

ated $50,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

CORNING BYPASS SAFETY DEMONSTRATION PROJECT

For the purpose of continuing a demonstration of traffic safety and flow improvement, there is hereby appropriated $20,000,000, to remain available until expended: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

TURQUOISE TRAIL PROJECT

For necessary expenses to carry out a demonstration project known as the Turquoise Trail Project, that demonstrates methods of enhancing safety and promoting economic development through converting a dirt roadway into an all weather, two lane highway, there is hereby appropriated $5,510,000, to remain available until expended: Provided, That such sums appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

TRADE ENHANCEMENT DEMONSTRATION PROJECT

For the purpose of implementing a demonstration of United States-Mexico trade enhancement benefits on approximately 2.6 miles of Federal-aid primary highway on State Route 189 connecting Interstate 19 to the United States-Mexico border, there is hereby appropriated $12,500,000 for engineering, design, construction and other costs incurred in the reconstruction of Mariposa Road, State Route 189 in Nogales, Arizona.

OTTUMWA ROAD EXTENSION PROJECT

For the purpose of carrying out a demonstration of economic growth and development benefits of a four lane highway in areas with industry producing heavy truck traffic, there is hereby appropriated $10,000,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the upgrading and construction of a portion of a four lane facility between Oskaloosa and Ottumwa along existing State highways and new highway alignments: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

IOWA CONNECTOR PROJECT

For the purpose of carrying out a demonstration of improved access through a connector road, there is hereby appropriated $1,750,000 to remain available until expended, for the acquisition of rights-of-way, and other costs incurred in the construction of a highway facility connecting North 16th Street and North 25th Street in Council Bluffs, Iowa: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

HIGHWAY 20 REALIGNMENT PROJECT

For the purpose of carrying out a demonstration of the effect of improved highway and highway realignment, there is hereby appropriated $3,000,000 to remain available until expended, for the acquisition of right-of-way, and other costs incurred in the construction of an improved Highway 20 between Early, Iowa and Fort Dodge, Iowa: Provided, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs.

BRIDGE TRAFFIC SAFETY DEMONSTRATION PROJECT

For the purposes of carrying out a demonstration of the joint use of the Hoan Bridge, Milwaukee, Wisconsin, for both vehicular and bicycle/pedestrian traffic, that demonstrates the enhancement of various forms of urban transportation for both recreation and commuting, $2,000,000, to remain available until expended: Provided, That notwithstanding any other provisions of law, funds appropriated for this project shall not be included in any calculations made under section 157 of title 28, United States Code, for fiscal year 1991 and each fiscal year thereafter.

RAMP RELOCATION AND RECONSTRUCTION DEMONSTRATION PROJECT

For the purposes of carrying out a coordinated program of rehabilitation, relocation and reconstruction of those portions of I-94 and connecting roads impacted by the construction of a new stadium in Milwaukee, Wisconsin, $10,000,000, to demonstrate methods of reducing traffic congestion in urban areas and particularly around sports facilities, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for this project shall not be included in any calculations made under section 157 of title 28, United States Code, for fiscal year 1991 and each fiscal year thereafter.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, [$70,075,500] *$76,664,000; of which $8,000,000 shall be for carrying out 23 U.S.C. 410 and,* of which [$30,197,000] *$40,851,000* shall remain available until expended.

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under chapter 4, title 23, United States Code, to be derived from the Highway Trust Fund, [$38,960,500] *$40,394,000,* to remain available until expended.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 402, 406, and 408, and section 209 of Public Law 95-599, as amended, to remain available until expended, [$104,825,000] *$107,358,000,* to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of $114,655,000 in fiscal year 1991 for "State and community highway safety grants" authorized under 23 U.S.C. 402: *Provided further,* That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which are in excess of [$10,967,000] *$17,000,000* for "Alcohol safety incentive grants" authorized under 23 U.S.C. 408: *Provided further,* That not to exceed $5,078,000 shall be available for administering the provisions of 23 U.S.C. 402: *Provided further,* That notwithstanding any other provision of law, none of the funds in this Act shall be available for the planning or execution of programs authorized under section 209 of Public Law 95-599, as amended, the total obligations for which are in excess of $4,750,000 in fiscal years 1982 through 1991.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$13,404,000] *$14,547,000,* of which [$1,669,000] *$1,744,000* shall remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further,* That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further,* That such additional sums as may be necessary, for payment on the first deed of trust, may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL [SERVICE] *FREIGHT* ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, [$7,000,000] *$12,000,000,* to remain available until expended[: *Provided,* That notwithstanding any provision of sections 5(f) through 5(p) of said Act, from such funds $36,000 shall be reserved for each eligible State for the purposes of either section 5(i) or section 5(h) of said Act, provided that timely application is made in accordance with procedures employed by the Secretary, and the balance of such funds is reserved for use only under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of said Act: *Provided further,* That no State may apply for fiscal year 1991 funds under section 5 of said Act until such State has obligated all funds granted to it under said section 5 in previous fiscal years].

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$34,110,000] *$34,616,000,* of which $1,203,000 shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received

from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities *other than State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.*

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, [$25,212,000] *$17,747,000,* to remain available until expended: *Provided,* That of this amount [$250,000] *$1,000,000* is available until expended for a grant to the Long Island Rail Road *to expand and extend an intermodal project including acquisition of intermodal equipment and related equipment, improvement of terminal facilities, and* for a study on the potential impact of the Long Island Rail Road Intermodal Project, including the potential relief of bridge and highway congestion in the New York Metropolitan Area: *Provided further,* That any such grant shall be matched on a dollar for dollar basis by the State of New York and/or the State of New Jersey: *Provided further,* That up to $400,000 of the funds made available in fiscal year 1990 shall be made available for a grant to the National Railroad Passenger Corporation to undertake research to improve access to rail passenger cars from station platforms for individuals with disabilities and elderly persons*: Provided further, That of this amount $500,000 is available until expended for a grant to the State of Washington for a study on preliminary corridor design and feasibility studies on magnetically levitated rail or other high speed rail options: Provided further, That any such grant shall be matched on a dollar for dollar basis by the State of Washington.*

SETTLEMENTS OF RAILROAD LITIGATION

For the payment of promissory notes issued pursuant to section 210(f) of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $3,097,000, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [$16,000,000] *$165,000,000,* to remain available until expended*: Provided, That of the funds made available under this heading, $125,000,000, which amount shall not become available for obligation until September 30, 1991 and pursuant to section 202(b) of Public Law 100-219, this action is a necessary (but secondary) result of a significant policy change.*

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565, to remain available until expended, [$482,000,000] *$470,000,000,* of which [$343,080,000] *$340,000,000* shall be available for operating losses incurred by the Corporation and for labor protection costs, and of which [$138,920,000] *$130,000,000* shall be available for capital improvements. Funds made available for operating losses and for labor protection costs which remain unobligated as of September 30, 1991, may be available for capital improvements: *Provided,* That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further,* That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1991[: *Provided further,* That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further,* That none of the funds in this or any other Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Federal sources: *Provided further,* That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short-term avoidable costs of operating such service in the second year of operation and 100 per centum of the short-term avoidable operating costs for each year thereafter: *Provided further,* That none of the funds provided in this or any other Act shall be made available to finance the acquisition and rehabilitation of a line, and construction necessary to facilitate improved rail passenger service, between Spuyten Duyvil, New York, and the main line of the Northeast Corridor unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from non-Amtrak sources.

[PAYMENTS ON BEHALF OF THE NATIONAL RAILROAD PASSENGER CORPORATION]

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $150,000,000: *Provided,* That of this amount $133,000,000 is available only for the payment of excise tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1991 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and to beneficiaries of its employees: *Provided further,* That the remaining amount of $17,000,000 is available only for the payment of obligations of the National Railroad Passenger Corporation under section 358(a) of title 45 of the United States Code due in fiscal year 1991 in excess of its obligations calculated on an experience-rated basis.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That [no new loan guarantee commitments shall be made during fiscal year 1991] *in fiscal year 1991, new loan guarantee commitments shall equal $100,000,000: Provided further, That for purposes of this section, no obligation shall be guaranteed and no commitment shall be made to guarantee any obligation issued or purchased by the Federal Financing Bank, or any other Federal entity. Provided further,* That, notwithstanding any other provision of law, the Secretary of Transportation shall sell securities or promissory notes with a principal value of at least $32,000,000 that are held by the Department of Transportation under authority of sections 502, 505-507, 509, and 511-513 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, by no later than September 30, 1991: *Provided further,* That such securities or promissory notes authorized to be sold in the immediately preceding proviso shall be sold only for amounts greater than or equal to the net present value to the Government of each loan as determined by the Secretary of Transportation in consultation with the Secretary of the Treasury: *Provided further,* That the Secretary of Transportation shall transmit a written certification to the Committees on Appropriations of the Senate and House of Representatives before the consummation of each sale certifying that the amount to be realized is equal to or greater than the net present value to the Government of each loan: *Provided further,* That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of this section shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

REGIONAL RAIL REORGANIZATION PROGRAM

For the settlement of promissory notes pursuant to section 210 of the Regional Rail Reorganization Act of 1973 (Public Law 93-236), as amended, $284,979, to remain available until expended, together with such sums as may be necessary for the payment of interest due to the Secretary of the Treasury under the terms and conditions of such notes.

[CONRAIL COMMUTER TRANSITION ASSISTANCE

[For necessary capital expenses of Conrail commuter transition assistance, not otherwise provided for, $5,000,000, to remain available until expended.

[AMTRAK CORRIDOR IMPROVEMENT LOANS

[For loans to the Chicago, Missouri and Western Railroad, or its successors, to replace existing jointed rail with continuous welded rail between Joliet and Granite City, Illinois, $3,500,000: *Provided,* That any loan authorized under this section shall be structured with a maximum 20-year payment at an annual interest rate of 4 per centum: *Provided further,* That the Federal Government shall hold a first and prior purchase money security interest with respect to any materials to be acquired with Federal funds: *Provided further,* That any such loan shall be matched on a dollar for dollar basis by the State of Illinois: *Provided further,* That any such loan shall be made available no later than thirty days after enactment of this Act.]

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), and 23 U.S.C. chapter 1, in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, [$32,770,000] *$32,396,000*: *Provided,* That none of the funds provided in this Act shall be used to implement or enforce the April 25, 1989, Notice of Proposed Rulemaking, "Major Capital Investment Projects".

RESEARCH, TRAINING, AND HUMAN RESOURCES

For necessary expenses for research, training, and human resources as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, $8,000,000: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for training.

FORMULA GRANTS

For necessary expenses to carry out the provisions of sections 9 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), [$1,690,000,000] *$1,600,000,000,* together with $5,000,000 to carry out the provisions of section 18(h) of the Urban Mass Transportation Act of 1964, as amended, to remain available until expended: *Provided,* That notwithstanding any other provision of law, of the funds provided under this head for formula grants, no more than $802,278,000 may be used for operating assistance under section 9(k)(2) of the Urban Mass Transportation Act of 1964, as amended: *Provided further, That notwithstanding any other provision of law, before apportionment of these funds, $15,000,000 shall be made available for the purposes of section 18 of the Urban Mass Transportation Act of 1964, as amended.*

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs in excess of [$1,200,000,000] *$1,400,000,000* in fiscal year 1991 for grants under the contract authority authorized in section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.).

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (a)(2) and (b) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), administered by the Urban Mass Transportation Administration, [$815,000,000] *$900,000,000,* to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, [$160,000,000] *$180,000,000,* to remain available until expended.

WASHINGTON METRO

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184, [$108,000,000] *$64,100,000,* to remain available until expended[, of which $43,900,000 shall be available only upon enactment of authorizing legislation].

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,500,000] *$10,250,000, of which $174,000 shall remain available until expended* to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, and for expenses for conducting research and development, [$16,300,000] *$15,916,000,* of which [$1,555,000] *$1,535,000* shall remain available until expended: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for aviation information management.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program and for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, [$10,367,000] *$11,067,000,* to be derived from the Pipeline Safety Fund, of which [$5,725,000] *$5,925,000* shall remain available until expended.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, [$30,970,000] *$31,875,000.*

TITLE II—RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $2,700,000.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), [$30,940,000] *$32,000,000,* of which not to exceed [$500] *$2,500* may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $1,500 for official reception and representation expenses, [$45,369,000] *$43,777,000*: *Provided,* That joint board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their official duties as such.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $10,000 for official reception and representation expenses of the Board; not to exceed $4,000 for official reception and representation expenses of the Secretary; and not to exceed $25,000 for official reception and representation expenses of the Administrator, [$48,928,000] *$48,941,000,* to be derived from the Panama Canal Revolving Fund: *Provided,* That none of these funds may be used for the planning or execution of non-administrative and capital programs the obligations for which are in excess of [$448,497,000] *$459,000,000* in fiscal year 1991: *Provided further,* That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-four passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama, the purchase price of which shall not exceed $15,000 per vehicle).

DEPARTMENT OF THE TREASURY

REBATE OF SAINT LAWRENCE SEAWAY TOLLS

(HARBOR MAINTENANCE TRUST FUND)

For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $10,500,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $200,000 shall be available for expenses of administering the rebates.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS

For necessary expenses for interest payments, to remain available until expended, $51,663,569: *Provided*, That these funds shall be disbursed pursuant to terms and conditions established by Public Law 96-184 and the Initial Bond Repayment Participation Agreement.

TITLE III—GENERAL PROVISIONS

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year nor may any be transferred to other appropriations unless expressly so provided herein.

SEC. 308. None of the funds in this or any previous or subsequent Act shall be available for the planning or implementation of any change in the current Federal status of the Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current Federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Transportation Systems Center and for other compatible uses of the Center's real property, provided that any such planning does not alter the Federal status of the Center's research and development operation.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1991 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1990, no State shall obligate more than 35 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 25 per centum of the total amount distributed to all States under such subsection: *Provided*, That this subsection shall not apply to funds obligated for the Kennedy Expressway rehabilitation project in Chicago, Illinois.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction that have been apportioned to a State, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code;

(2) after August 1, 1991, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code, and giving priority to those States which, because of statutory changes made by the Surface Transportation Assistance Act of 1982 and the Federal-Aid Highway Act of 1981, have experienced substantial proportional reductions in their apportionments and allocations; and

(3) not distribute amounts authorized for administrative expenses, the Federal lands highway program, the strategic highway research program and amounts made available under sections 149(d), 158, 159, 164, 165, and 167 of Public Law 100-17.

(d) The limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1991 shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; obligations under section 157 of title 23, United States Code; projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, subsections 131 (b) and (j) of Public Law 97-424, section 118 of the National Visitors Center Facilities Act of 1968, section 320 of title 23, United States Code; projects authorized by Public Law 99-500, Public Law 99-591 and Public Law 100-202; or projects covered under subsections 149 (b) and (c) of Public Law 100-17.

(e) Subject to paragraph (c)(2) of this General Provision, a State which after August 1 and on or before September 30 of fiscal year 1991 obligates the amount distributed to such State in that fiscal year under paragraphs (a) and (c) of this General Provision may obligate for Federal-aid highways and highway safety construction on or before September 30, 1991, an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to such State—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which are not obligated on the date such State completes obligation of the amount so distributed.

(f) During the period August 2 through September 30, 1991, the aggregate amount which may be obligated by all States pursuant to paragraph (e) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104, 130, 144, and 152 of title 23, United States Code, and

(2) for highway assistance projects under section 103(e)(4) of such title,

which would not be obligated in fiscal year 1991 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(g) Paragraph (e) shall not apply to any State which on or after August 1, 1991, has the amount distributed to such State under paragraph (a) for fiscal year 1991 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and twenty political and Presidential appointees in the Department of Transportation.

SEC. 312. Not to exceed [$350,000] *$1,400,000* of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the Discretionary Grants program of the Urban Mass Transportation Administration shall not apply to any authority under section 21(a)(2) of the Urban Mass Transportation Act of 1964, as amended, previously made available for obligation.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act shall be available for the construction of, or any other costs related to, the Central Automated Transit System (Downtown People Mover) in Detroit, Michigan.

SEC. 315. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 316. Every 30 days, the Urban Mass Transportation Administration shall publish in the Federal Register an announcement of each grant obligated pursuant to sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, including the grant number, the grant amount, and the transit property receiving each grant.

SEC. 317. Notwithstanding any other provision of law, funds appropriated in this or any other Act intended for studies, reports, training, salaries, or research, and related costs thereof including necessary capital expenses, including site acquisition, construction and equipment, are available for such purposes to be conducted through contracts, grants, or financial assistance agreements with the educational institutions that are specified in such Acts or in any report accompanying such Acts.

SEC. 318. The Secretary of Transportation shall permit the obligation of not to exceed $4,000,000, apportioned under title 23, United States Code, section 104(b)(5)(B) for the State of Florida for operating expenses of the Tri-County Commuter Rail Project in the area of Dade, Broward, and Palm Beach Counties, Florida, during each year that Interstate 95 is under reconstruction in such area.

SEC. 319. ESSENTIAL AIR SERVICE COMPENSATION.—Notwithstanding any other provision of law, the Secretary of Transportation shall make payment of compensation under subsection 419 of the Federal Aviation Act of 1958, as amended, only to the extent and in the manner provided in appropriations Acts, at times and in a manner determined by the Secretary to be appropriate, and claims for such compensation shall not arise except in accordance with this provision.

SEC. 320. The authority conferred by section 513(d) of the Airport and Airway Improvement Act of 1982, as amended, to issue letters of intent shall remain in effect subsequent to September 30, 1992. Letters of intent may be issued under such subsection to applicants determined to be qualified under such Act: *Provided,* That, notwithstanding any other provision of law, all such letters of intent in excess of $10,000,000 shall be submitted for approval to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 321. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided,* That no appropriation shall be increased or decreased by more than 5 per centum by all such transfers: *Provided further,* That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 322. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act.

SEC. 323. VESSEL TRAFFIC SAFETY FAIRWAY.—None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 324. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment), the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment and it shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

[SEC. 325. INTERMODAL URBAN DEMONSTRATION PROJECT.—Funds appropriated in this Act for "Intermodal Urban Demonstration Project" shall remain available until expended.]

SEC. 325. Notwithstanding any other provisions of law, of the discretionary funds available to New York State under the Interstate Transfer Grants—Transit Account of this Act, $11,000,000 shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Westside Connector Rail Line Project in New York City.

SEC. 326. Notwithstanding any other provision of law, funds available to the Coast Guard under the head "Operating Expenses" in this Act shall be available for expenses incurred in fiscal year 1991 by the Coast Guard in responding to any oil spill.

[SEC. 327. MAXI-CUBE VEHICLES.—Section 411(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(d)), relating to length limitations on federally assisted highways, is amended by inserting after "boat transporters" the following: "and maxi-cube vehicles".]

SEC. 327. (a) Notwithstanding any other provision of law, and subject to the provisions of section 2 below, title to a certain 102 acres of property located at West Sayville, town of Islip, Suffolk County, New York, as described in a deed dated November 4, 1918, from the Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York on February 2, 1921, in Deed Liber 1016, page 433; a quit claim deed dated January 20, 1920, from Mary E. Shell; Executrix of the Estate of Edward Shell, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 438; and a deed dated September 2, 1920, from Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 443, and known as the Federal Aviation Administration's International Flight Service Transmitting Facility, shall be conveyed to the Fish and Wildlife Service of the United States Department of the Interior in order to ensure the continued protection of the sandplain gerardia (Agalinis acuta) a federally listed endangered plant species.

(b) The conveyance of the property identified in section 1 shall become effective upon certification by the Administrator of the Federal Aviation Administration that the International Flight Service Transmitting Facility currently located on such property has been completely relocated to an alternate site in Barnegat, New Jersey, and that the relocated International Flight Service Transmitting Facility is fully functional.

(c) Pursuant to the provisions of 40 U.S.C. 484(e)(3)(H), a certain 19.2 acres of property located on the west side of Cherry Avenue in West Sayville, town of Islip, County of Suffolk, New York, as described in a Declaration of Taking, Civil Number 60-CD-853, filed in United States District Court for the Eastern District of New York, dated September 9, 1960, shall be transferred, as a public benefit transfer and without cost, to said town of Islip for recreational purposes.

SEC. 328. WESTSIDE LIGHT RAIL.—Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by September 30, 1991, issue a letter of intent and enter into a full funding agreement for the Westside Light Rail extension, including systems related costs, between downtown Portland, Oregon, and S.W. 185th Avenue. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit Center in the City of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District in Portland, Oregon, to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon, and S.W. 185th Avenue.

SEC. 329. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall reduce the aggregate amount which a State may obligate for Federal-aid highways and highway safety construction programs for fiscal year 1991 by 25 percent if such State has a public authority which provides mass transportation for an urbanized area of such State with a population of 3,000,000 or more as determined under the 1980 decennial census of the United States, and if by October 1, 1990—

(1) laws of such State do not authorize a general tax-based source of revenues to take effect on or before January 1, 1992, dedicated to paying the non-Federal share of projects for mass transportation eligible for assistance under the Urban Mass Transportation Act of 1964; or

(2) the laws of such State do not authorize the establishment of regional or local tax-based sources of revenues dedicated to pay such non-Federal share or for paying operating expenses of mass transit service so as to satisfy financial capacity standards as may be required by the Secretary of Transportation.

(b) The Secretary of Transportation may restore any reductions in obligation authority made under paragraph (a) in fiscal year 1991 for any such State which meets by July 1, 1991, subparagraph (1) or (2) of paragraph (a).

(c) For purposes of this section, the terms "mass transportation", "State", and "urbanized areas" have the meaning such terms have under section 12 of the Urban Mass Transportation Act of 1964.

[SEC. 330. NATIONAL WEATHER GRAPHICS SYSTEM.—None of the funds made available in this Act may be used by the Federal Aviation Administration for a new National Weather Graphics System.]

SEC. 330. Within 90 days of the effective date of this Act, the Secretary of Transportation shall publish a proposed rule to amend the Federal Motor Carrier Safety regulations to prohibit the use of radar detectors by drivers operating commercial motor vehicles. Unless the Secretary determines that this prohibition would not improve highway safety, the Secretary shall promulgate a

final rule hereinafter prohibiting such use within 270 days of the effective date of this Act.

SEC. 331. NATIONAL 55 MPH SPEED LIMIT ENFORCEMENT PENALTIES.—Notwithstanding sections 141(a) and 154 of title 23, United States Code, none of the funds in this or any previous or subsequent Act shall be used for the purpose of reducing or reserving any portion of a State's apportionment of Federal-aid highway funds as required by section 154(f) of title 23, United States Code, for reason of noncompliance with the criteria of that subsection during fiscal year 1989. The Secretary shall promptly restore any apportionments which, prior to enactment of this Act, were reduced or reserved from obligation for reason of noncompliance under section 154(f) during said fiscal year.

SEC. 332. Unless specifically provided in this Act, none of the funds in this Act shall be available to initiate multiyear contracts for a program which meets the criteria of a Level I or Level II major system acquisition as defined by Department of Transportation Order 4200.14 if the total value of procurement end items in the contract, including options, exceeds $100,000,000: *Provided,* That for the purposes of this section, a multiyear contract is defined as one which provides for more than one year's requirements of systems, subsystems, or components within a single contract: *Provided further,* That none of the funds in this Act shall be available to initiate contracts for major systems acquisition which include procurement options where funding for those options is scheduled to be provided prior to delivery to the Federal Government of at least fifty per centum of all units previously ordered under that contract.

SEC. 333. For each fiscal year [beginning after fiscal year 1992,] the Secretary of Transportation shall withhold [two percent of the amount required to be apportioned to a State (under sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of title 23, United States Code) for that fiscal year if that State does not have in effect on the first day of that fiscal year a law which requires the suspension or revocation for a period of not less than 180 days of the driver's license of each person convicted of a violation of the Controlled Substances Act or convicted for any drug or narcotic offense chargeable under the laws of the State or any other State] *5 per centum of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the second full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on such date.*

"(2) The Secretary shall withhold 10 per centum (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (2), (5), and (6) of section 104(b) on the first day of each fiscal year which begins after the fourth full calendar year following the date of enactment of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

"(3) A State meets the requirements of this paragraph if—

"(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

"(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substance Act, or

"(II) any drug offense, and

"(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

"(B) The Governor of the State—

"(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the date of enactment of this section a written certification stating that he is opposed to the enactment or enforcement in his State of a law described in subparagraph (A) relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

"(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

"(b)(1)(A) Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 1995, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b) but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) No funds withheld under this section from apportionment to any State after September 30, 1995, shall be available for apportionment to such State.

"(2) If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements of subsection (a)(3), apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds originally apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are apportioned under paragraph (2).

"(B) Funds originally apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5), shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5), such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) For purposes of this section—

"(1) The term 'driver's license' means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

"(2) The term 'drug offense' means any criminal offense which proscribes—

"(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

"(B) the operation of a motor vehicle under the influence of such a substance.

"(3) The term 'convicted' includes adjudicated under juvenile proceedings.".

(b) The table of contents for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new item:

"159. Revocation or suspension of the driver's license of individuals convicted of drug offenses.".

SEC. 334. Unobligated funds authorized to be appropriated by section 131(d)(2) of the Highway Improvement Act of 1982, Public Law 97-424, shall be available for obligation for the project described in section 149(a)(88) of the Federal-Aid Highway Act of 1987, Public Law 100-17, in the same manner and to the same extent provided in section 131(d)(3) of the Highway Improvement Act of 1982.

SEC. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code.

SEC. 336. 23 U.S.C. 410(e)(1)(C) is hereby amended by striking the words "within the time period specified in subparagraph (F)"; 23 U.S.C. 410(e)(2) is hereby amended by adding the words "a significant portion of" after the word "which", the first time it appears, and by striking the words "convicted of" and inserting in lieu thereof the words "apprehended and fined for".

SEC. 337. Notwithstanding any other provision of law, the air traffic control facilities known as the John F. Kennedy International, LaGuardia, and Newark International Airport air traffic control towers, shall be included in the pay demonstration project as approved and published by the Office of Personnel Management in the Federal Register on March 10, 1989. Further, that these facilities shall be administratively determined by the Administrator of the Federal Aviation Administration to be level V terminals and the grades of the air traffic control specialists in the GS-2152 classification series, assigned to such facilities, shall be adjusted accordingly.

SEC. 338. None of the funds in this Act shall be used to withhold funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based, on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c), and such grant funds shall be awarded to the City of Phoenix within 30 days of the enactment of this bill.

SEC. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only development grants under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1991 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved.

SEC. 340. (a) That notwithstanding any other provision of law (including the Administrative Procedure Act and the Urban Mass Transportation Act) the Secretary of Transportation is authorized to issue the final rule entitled "Control of Drug Use in Mass Transportation Operations", which was originally issued on November 21, 1988 (53 Fed. Reg. 47,156; 47,174; 49 C.F.R. part 653), and to make appropriate adjustments to the implementation dates. Such rule shall become effective upon its issuance without any further administrative proceedings. In accordance with the Administrative Procedure Act, the Secretary is authorized to amend the rule to further the goal of controlling drug use in mass transportation. The Secretary also is authorized to undertake a rule making with respect to alcohol testing in the transmit industry.

(b) In furtherance of this provision, no State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations issued under this provision, except that the regulations issued under this provision shall not be construed to preempt provisions of State criminal law which impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to mass transportation employees, or to the general public.

(c) Nothing in this provision shall be construed to restrict the discretion of the Secretary to continue to force, amend, or further supplement any regulations governing the use of alcohol or controlled substances by mass transportation employees issued before the date of enactment of the Act.

(d) In issuing regulations under this provision, the Secretary shall only establish requirements that are consistent with the international obligations of the United States, and the Secretary shall take into consideration any applicable laws and regulations of foreign countries.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1991".

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill.

Mr. BYRD. Mr. President, was consent given to proceed to consideration of H.R. 5229?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I am happy to note that the time has arisen to present to the Senate H.R. 5229, the appropriations bill for the Department of Transportation and related agencies for fiscal year 1991.

I am proud of this bill, Mr. President, the bill is the result of careful and diligent examination of the budget request proposed by the President and the requests of many Senators and concerned citizens. The bill was inspired by testimony received during numerous hearings over a 3-month period on 11 separate agencies within the Department of Transportation.

Mr. President, the mission of the Transportation appropriations bill is to protect and enhance our Nation's basic transportation infrastructure. Our challenge in meeting this mission gets tougher and tougher with each passing year. As a Nation, Mr. President, we have let our attention to infrastructure slip. Since the early 1980's, the Federal share of infrastructure investment has declined and State and local infrastructure investments have not picked up the slack. Since 1960, overall capital spending on public works has declined from 2.3 percent of GNP in 1960 to less than 1.1 percent of GNP in 1985. Despite dramatic growth in the volume of air traffic, we have not added one new airport to our national aviation system in 16 years.

Mr. President, we are now paying the price for our lax attention to these infrastructure needs. Our Nation's roads and skies are experiencing unprecedented levels of congestion. Almost 70 percent of urban rush hour traffic now occurs under congested conditions. Long waits on the highway are now complemented by long waits on the runway. The administration's recent national transportation policy noted that between now and the end of this decade, our Nation's need for airport capacity will increase by almost 60 percent.

Mr. President, I believe that we have finally reached the point where the general public has come to recognize the critical need to invest in our transportation infrastructure. Inadequacies in our transportation system are not merely a matter of personal inconvenience. These inadequacies threaten the economic viability of our Nation. They hamper our ability to move merchandise, to produce jobs, and to compete in the international marketplace. There can be no prosperity without mobility, Mr. President, and that statement is as true today as it was when Dwight Eisenhower called for the establishment of a National Interstate Highway System more than 30 years ago.

The bill before us takes some critical steps to address our infrastructure needs, not only by investing in our traditional highway, aviation, rail, and water programs but in investing in important research on new technologies that will be critical to the transportation needs of the future—technologies such as magnetically levitated rail systems and intelligent vehicles/intelligent highway systems.

Earlier this year, Mr. President, the Senator labored long and hard over amendments to the Clean Air Act. Much mention was made at that time of the public cost of dirty air, the cost of congestion and the need for alternatives. I am pleased to say that this bill makes the necessary investment in mass transit to address our requirements for clean air. This investment in our mass transit system will also address the mandates of the Americans and Disabilities Act just signed by the President.

Mr. President, while I am pleased with the package before us, I must admit that the subcommittee on transportation faced some tough choices. I believe every appropriations subcommittee received an allocation providing less than what it could wisely spend, and this bill is no exception. I want to thank every member of the committee for their support.

In particular, I want to thank my distinguished colleague from New York, Senator D'AMATO, for his help and cooperation in the development of this bill.

This bill was passed unanimously by the subcommittee just 2 weeks following House passage of the bill and was passed unanimously by the full committee without amendment a day later. We believe this bill represents a responsible and balanced package and given the constraints of the budget resolution and our allocation, and considering the large number of requests we received from our colleagues.

In total, we received 497 Senate requests from 85 Senators, representing almost $4 billion in individual earmarked programs and priority listings for specific projects. The great majority of these projects were not included in the administration's budget. Obviously, we were not able to provide for every request—we have, however, done the best we could to accommodate Members' priorities.

I wish to take a moment to present this bill in the context of the President's budget for transportation. The President proposed to reduce the total budget authority and limitations on obligations in the transportation bill from the 1990 bill by $1.3 billion, from $28 to $26.7 billion, with a reduction in corresponding outlays of approximately $1 billion.

These cuts were achieved largely by reducing obligation limitations on highway construction programs by $200 million; eliminating funding for Amtrak, the Nation's intercity passenger railroad corporation, for a savings of $605 million in budget authority; and cutting mass transit operating subsidies by $800 million in budget authority.

These cuts were offset by increases of $180 million for Coast Guard operations and $1.16 billion for the Federal Aviation Administration.

In other words, Mr. President, the administration's budget proposed to pay for needed increases for the Coast Guard and the FAA by virtually eliminating financial assistance for mass transit and Amtrak, and by reducing highway expenditures as well.

Now, Mr. President, I would like to present a few highlights of the bill before us.

COAST GUARD

Mr. President, we have continued to expand the Coast Guard's portfolio to include new and critical missions. The subcommittee has fought hard to see to it that the Coast Guard have the necessary resources to execute these missions. The Senate has just passed the conference report on the omnibus oilspill bill. I am pleased to say that after all adjustments are made to the Coast Guard operating account for rent charges and other contributions, the bill before us includes $6 million more for operations than the level requested by the President. Funding for Coast Guard acquisitions is more than 10 percent above the President's request to accommodate the requirements of the new oilspill bill. In total the bill includes $52.2 million for enhanced oilspill readiness, more than twice the amount provided in the House bill and almost five times the amount requested in the President's budget.

HIGHWAYS

In the Federal Highway Administration, I would note that the bill before you has an obligation ceiling of $13.85 billion, an increase of $1.64 billion over last year and of $1.85 billion over the President's request.

AMTRAK

For Amtrak, the bill contains $340 million for operations, $150 million in mandatory payments, and $130 million for capital grants. The bill also includes $140 million for improvements to the Northeast corridor, which includes a down payment of $125 million for electrification of the final segment from New Haven to Boston.

FEDERAL AVIATION ADMINISTRATION

For the FAA, the bill provides an increase of $215 million for operations, an increase of 5.6 percent over the 1990 enacted level. This includes funding for an additional 495 air traffic controllers; 406 additional safety inspectors; 35 additional aircraft certification personnel; and 164 additional civil aviation security staff.

In the facilities and equipment area, the bill provides $2.24 billion, or $519 million more than the enacted 1990 level. Most of this will go to the modernization and expansion of our national airspace system by upgrading our air route traffic control centers, airport towers, and flight service facilities.

In the research area, there is $31.4 million to support continued development of automated explosive and sabotage detection systems, which is $5 million more than the administration's request. For the grants program, the bill contains $1.65 billion, which is $150 million over the administration's request.

URBAN MASS TRANSPORTATION ADMINISTRATION

In the transit area, the bill freezes at the 1990 level the amount available for operating assistance at $802 million. In addition, the amount for the section 3, trust-funded capital programs is at the fully authorized level of $1.4 billion, in recognition of the newly enacted requirements of the Americans With Disabilities Act and the clean air legislation.

Mr. President, I think it is quite obvious that nothing could have happened to move this transportation appropriations bill without the cooperation and support and counsel of our distinguished chairman of the Appropriations Committee, Senator ROBERT C. BYRD, and for all of his assistance, especially his recognition that we have to make continued investments in our Nation's infrastructure.

There is not a more diligent proponent of investments in our infrastructure, of getting our Nation going, of making it easier for people to get back and forth to work, to move commerce, to move goods, than our distinguished chairman of the Appropriations Committee. I thank him.

I also thank Senator HATFIELD for this cooperation, the ranking minority member of the Senate Appropriations Committee. And in particular, as I mentioned earlier, Senator D'AMATO, the ranking minority member of the Transportation Subcommittee, for all of his input and help in moving this legislation.

I again note, Mr. President, that the bill is scored by CBO and the Budget Committee as being right on its 302(b) allocation. So any amendment effecting budget authority or outlays will have to be accompanied by an offset.

At this time, I would like to yield to my friend and distinguished ranking minority member, Senator D'AMATO, for any comments he would like to make.

Mr. D'AMATO. Mr. President, I rise to join my distinguished colleague, the Senator from New Jersey, Senator LAUTENBERG, chairman of the Subcommittee on Appropriations for the Department of Transportation and Related Agencies. I am pleased to support H.R. 5229.

Let me say that the chairman deserves every bit of credit for crafting a bill that funds our Nation's current transportation programs. While recognizing the incredible fiscal limitations that we have. He has done it in the manner which I believe best represents our interests as it relates to safety and infrastructure needs, whether they be rail, air, or highway.

I want to commend our staff. They are second to none for their professionalism, Pat McCann, Pete Rogoff, Anne Miano, Joyce Rose, and Dorothy Pastis. I also want to thank Bruce Russell.

Mr. President, I rise to join my distinguished colleague, Senator LAUTENBERG, chairman of the Subcommittee on Appropriations for the Department of Transportation and Related Agencies, in support of H.R. 5229. The Appropriations Committee reported out this bill on Friday, July 27.

Chairman LAUTENBERG deserves credit for crafting a bill that funds our Nation's current transportation programs, as well as new initiatives, without sacrificing one mode to another. We have worked together to stretch our limited resources to the maximum. Moreover, the Congressional Budget Office assures us that we have not exceeded our 302(b) allocation of $12.7 billion in Budget Authority and $29 billion in Outlays.

Again, I would like to thank the subcommittee staff for their hard work on this bill: Patrick McCann, Peter Rogoff, Anne Miano, Joyce Rose, and Dorothy Pastis. I also thank Bruce Russell for his able assistance. The staff had a very short time to prepare for committee and floor action on this measure, and have done a very good job.

H.R. 5229 funds needed safety and security programs in the FAA, Amtrak, mass transit operating and capital needs, Coast Guard environmental responsibilities, and our expanding highway needs. I am especially appreciative of the chairman's work with me to enhance air traffic control in the busy New York-New Jersey metropolitan area. Our work to increase financial incentives to attract and retain qualified controllers in these hard-to-staff jobs will improve safety in the skies for millions of air passengers.

Mr. President, I urge my Senate colleagues to support this bill. Since there are no controversial issues that we know of concerning this bill, I believe that we rapidly can complete action on it. This will advance the Senate's efforts to move appropriations bills toward conference with the House.

Again I thank Senator LAUTENBERG for his work in attempting to balance the needs, the legitimate transportation concerns of all of our Members, and those of our different communities across the Nation. It was a tough job. But he has done an excellent job. I am delighted to support this bill and urge its passage.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the bill as recommended by the Committee on Appropriations includes budget authority of $13,180,579,569. This results in an increase of $1,310,308,000 over the President's request, and $100,487,000 over the bill as passed by the House.

With respect to the subcommittee's 302(b) allocation, the bill as scored by the Congressional Budget Office is within both the budget authority and outlay. Let me say in passing that I am proud that the subcommittees on the Committee on Appropriations are very careful to stay within their 302(b) allocations. When the bills are reported from the full Appropriations Committee, those allocations are adhered to. That motion is always made by the ranking member, Mr. HATFIELD, on the condition that the bills stay within the 302(b) allocation, the bill as reported so that no point of order will lie against it once it is on the floor.

So for those who may be prone to say that domestic discretionary spending is where the answer lies with respect to securing the budget deficits, let them take note that the Appropriations Committee stays within its allocation.

I commend Senator LAUTENBERG, who is chairman of the subcommittee. He conducts his hearings early in the session and by the time the House appropriations bills come over to the Senate, the distinguished chairman, Mr. LAUTENBERG, is ready to mark up his bill in subcommittee, and quickly moves to mark up in the full committee.

He assiduously goes about his work. He does it well. His hearings are thorough. He is careful in his markups. I am grateful for it for he is a member of my committee. I always have his cooperation and support in the full committee. He has mine in the subcommittee.

I also wish to complement Mr. D'AMATO, the ranking minority member. Nothing is so helpful to a chairman as to have the ranking member who cooperates and works with the chairman. I used to be the chairman of this appropriations subcommittee on transportation. I know what it is to have the ranking member with whom one can work. I am especially fortunate in that I have Mr. HATFIELD, and he is the ranking member of the full committee. He is one that always works very closely with me and I enjoy his friendship in addition.

So I compliment these two men for their excellent work in accommodating the priorities of the Senate within the constraints of the budget. It is difficult. Their work was assisted by the cooperation of our colleagues on the subcommittee and on the full Committee on Appropriations.

I also want to compliment both the majority and the minority staff for their months of hard work—months of hard-work which has gone into the hearings, the markups, and in subcommittee; the work on the floor and the working conference.

So I compliment those fine staff people in connection with this legislation: Pat McCann, Peter Rogoff, Anne Miano, Joyce Rose, and Dorothy Pastis. This is a good bill considering the budgetary constraints we are operating under. It deserves the support of the Senate.

I again thank the chairman and ranking member for their good work.

Mr. LAUTENBERG. Mr. President, I thank the President pro tempore for his comments, for his encouragement, and for noting the fact that we proceed with dispatch. Senator D'AMATO and I moved this bill ahead. We do not let anything get in our way. I must note Mr. President, that standing right behind us often with a hand on our shoulder, and sometimes with a whip in the other hand, is the distinguished chairman of the Appropriations Committee who regularly informs us that our assignment is to get these bills done as rapidly and as thoroughly as we can.

Without Senator BYRD's encouragement and direction, we could languish around here forever. We would come to the end of the fiscal year unprepared to move ahead with continuing resolutions hanging above us, and not knowing which direction to take in the way we finance or appropriate funds for the next fiscal year.

So once again, I thank the distinguished chairman not only for his leadership and guidance in this matter but for all of those things that I have consulted with him upon over the years and all of the wonderful direction that he has given.

FISCAL YEAR 1991 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL

Mr. SIMPSON. Mr. President, I do want to thank my fine friends and colleagues, Senators LAUTENBERG and D'AMATO, for their willingness to include a provision in this bill that is so vitally important to my home State of Wyoming.

With regard to the weight of trucks on our Nation's highways, Wyoming is known as an "island State," meaning it is surrounded by States which allow heavier trucks to traverse their own highways than are allowed in Wyoming. The problem began in 1956, when the Wyoming State Legislature failed to include a provision in its statutes to implement the Federal Aid Highway Act of 1956 which would allow divisible load permits—a grandfathering provision. The surrounding States including Colorado, Montana, Utah, and Nebraska were grandfathered in and hence, Wyoming found itself at a great disadvantage. We have been operating for many years under temporary fixes to allow greater truck weights and it is finally time to permanently increase our truck weight maximum in order that we might simply match that of the surrounding States.

Our trucking industry is so vitally important to us in Wyoming; 60 percent of Wyoming communities are served only by highway transportation. Nothing else. We have no barges. We have no Amtrak, no other passenger rail transportation, and many communities are not served by any adequate air transportation services. Trucks then are the very lifeblood of the transportation system in our State.

This provision now makes Wyoming equal with its bordering States—nothing more. No advantage here. No detriment to the railroads. Just equality. We are known as the Equality State. This is a fine gesture for us in our centennial year. I appreciate my colleagues' willingness to accept this provision and to give Wyoming the assistance we so sorely needed.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that they be considered as original text for the purpose of further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2595

(Purpose: Technical amendment)

Mr. LAUTENBERG. Mr. President, I send to the desk four technical amendments en bloc and I ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], proposes an amendment numbered 2595, en bloc.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 18, after the numeral, insert: ", of which $7,000,000 shall remain available until expended".

On page 33, line 22, strike "28" and insert "23".

On page 34, line 12, strike "28" and insert "23".

Insert on page 70, before line 1, the following lead-in: "Subsections a(2), a(3), (b),

and (c) of section 104 of title 23, United States Code are amended as follows:".

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2595) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2596

Mr. LAUTENBERG. Mr. President, at this point I send an amendment to the desk proposed by Senator FORD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] (for Mr. FORD), proposes an amendment numbered 2596.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 4. AUXILIARY FLIGHT SERVICE STATION PROGRAM.

(a) GENERAL RULE.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

Mr. FORD. Mr. President, I want to commend the distinguished chairman and ranking member on their good work in seeing the transportation appropriations bill through. I also would like to add my support to the amendment to establish an auxiliary flight service station program. These flight service stations would provide important weather information to all pilots, information critical to safe flight.

The legislation would mandate that the Federal Aviation Administration report back to Congress with a list of manned flight service stations to be kept open, above and beyond the 61 automated FSS's scheduled to remain when the current FAA consolidation program is completed in 1993. The auxiliary stations are to be located in areas of unique weather or operations conditions—such as mountainous regions or along the coast. Those areas where bad weather is prone to crop up at a moment's notice.

This program is not a plan to save all of the remaining 143 flight service stations that are awaiting consolidation. Actually, it's an idea borrowed from former FAA Administrator, Adm. Don Engen. During his tenure at the FAA, the admiral testified on a few occasions to the fact that he expected to see more than 61 FSS's remain at the end of the consolidation program. He stressed that we need more than a piece of automated equipment or an hourly weather observation in these areas of rapidly changing weather conditions. We need the expertise of trained professionals familiar with local weather conditions.

Weather is the single greatest cause of aviation accidents. This small amendment will go a long way toward helping pilots get complete, accurate and up-to-date weather information, and in turn improving the overall safety record.

Mr. McCAIN. Mr. President, I rise in support of the amendment that would authorize an auxiliary set of flight service stations [FSS], to supplement the weather services provided by 61 automated flight service stations scheduled to be on line by the end of 1993.

The Federal Aviation Administration flight service station consolidation program was first implemented in 1981. This program has been criticized from its inception. While some of this criticism reflected a lack of understanding of the program, some of it was well-founded. This is particulary true where unique weather or operational conditions exist. The auxiliary FSS's mandated under this provision would be retained in these areas. These areas can't be served adequately by automated facilities which can be located hundreds of miles away.

Pilots depend on accurate and timely weather information, particulary when they plan to travel through regions with characteristically harsh conditions, or areas known to have storm systems move in quickly and unexpectedly. The obvious examples are mountainous and coastal regions.

The additional stations would allow pilots the accessibility they need to draw on the observations and advice of trained weather professionals, in regions of rapidly changing weather conditions. The auxiliary flight service station program would strike a better balance between the need to streamline the FSS organization, and recognize the diversity of the country's geography and weather.

There have been some questions regarding the scope of this amendment and I would like to ask the subcommittee chairman if he could clarify a few points.

Mr. LAUTENBERG. I will certainly try.

Mr. McCAIN. It is the Senator's view that this provision is intended to give the Administrator the broadest discretion in deciding whether a particular site needs some form of continued FSS service?

Mr. LAUTENBERG. Yes it is.

Mr. McCAIN. Does the chairman construe this provision as mandating any specific number of facilities?

Mr. LAUTENBERG. I would like to make it clear that the provision is only intended to give flexibility to FAA to deviate from its current consolidation program, as it decides is necessary for safety purposes in its professional judgment.

Mr. McCAIN. Will the chairman press this view in conference?

Mr. LAUTENBERG. Yes, it would be my intention that the conference report language makes it clear that we are not trying to restrict the FAA's safety experts but rather that we intend to assure that FAA has all flexibility it needs to see that safety is not adversely impacted.

I thank the chairman. I appreciate the good work of the chairman and ranking member on the fiscal year 1991 Transportation appropriations bill, and urge my colleagues to support the bill and this amendment.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2596) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2597

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] (for Mr. DOLE), proposes an amendment numbered 2597.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

"U.S. 54 INTERCHANGE PROJECT

"For the purpose of carrying out a demonstration of an improved interchange near a major municipal airport, there is hereby appropriated $10,900,000, to remain available until expended, for the acquisition of right-of-way, and other costs incurred in the con-

struction of an improved interchange at Kellogg (U.S. 54) and Dugan Streets in Wichita, Kansas. Provided, That all funds appropriated under this heading shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs: Provided further, That $10,900,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is rescinded."

Mr. D'AMATO. Mr. President, this is an amendment that has been cleared on both sides of the aisle.

Mr. LAUTENBERG. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2597) was agreed to.

Mr. D'AMATO. I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2598

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of Senator MURKOWSKI, myself, and Senator HEINZ. and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MURKOWSKI (for himself, Mr. HEINZ, and Mr. D'AMATO) proposes an amendment numbered 2598.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding, for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such of foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such conutry submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, or vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

Mr. MURKOWSKI. Mr. President, I offer an amendment that would prohibit foreign company participation in public works projects appropriated by this bill, if the United States Trade Representative rules that reciprocal access to foreign public works project is not available.

The timing of this amendment is crucial. August 2 and 3 the United States and Japanese Governments enter talks which review a bilateral agreement on United States access to public works in Japan to determine if there has been progress in this arena and if the agreement is being adhered to.

Mr. President, there are serious allegations that our bilateral agreement has been violated on the first major contract awarded under that agreement, a part of the Kansai International Airport in Japan. The Japanese press is filled with story after story of illegal price fixing in the Japanese construction market. It even has a name: it is called "dango" in Japanese. We have just learned that the winner of that first major project at Kansai, the Niigata Engineering Co., is one of the 100 Japanese construction companies sentenced to pay damages to the United States this year for illegal price fixing at a United States naval base in Japan.

Let me point out that the Japanese construction market is larger than the United States construction market, some $50 billion larger. And yet the Japanese have around 2.5 billion dollars' worth of construction work in the United States annually, while the United States has done only 200 million dollars' worth of construction work in Japan, in total. Not annually, in total.

Mr. President, the second major contract at Kansai will be awarded any day. This is why we must now take a stand on this issue. We must begin the process today on this appropriations bill which includes funding for public works projects that foreign countries may participate in.

We can no longer afford to sit by and hope that our trading partners will offer us the benefits we offer to them so freely. We definitely cannot sit by and watch our bilateral agreements be brushed aside.

Mr. President, I urge that my colleagues adopt this amendment. Should we find in our bilateral talks carried out this week that access will undoubtedly be granted to U.S. companies, this amendment can be dealt with in conference. But the message today must be clear—we take our bilateral commitments seriously, and so must our partners.

Mr. D'AMATO. Mr. President, I propose this amendment on behalf of Senator MURKOWSKI, and myself. Senator HEINZ also joins us as a cosponsor. This amendment, commonly known as the Murkowski-Brooks amendment, will bar Japanese companies and their subcontractors from federally financed public works projects in the United States for lack of reciprocal access for American companies in Japan.

In the last few days, it has been brought to my attention that the recent awarding of the contract for the automated guideway transit system at the Kansai International Airport was direct violation of the 1987-88 bilateral construction agreement. This is not the first time and will not be the last time that the Japanese market has been closed out to American companies.

The award violated rules of the bidding process to the disadvantage of other qualified bidders, including the submission by AEG Westinghouse, headquartered in Pittsburgh, PA.

Specifically, Mr. President, the Kansai International Airport Co. [KIAC] violations include:

Failure to open the bids in public;

Acceptance of an unreasonably low bid;

Failure of KIAC to adhere the requirements of their own technical specifications. The company that received the award has no experience in airport transit systems. Furthermore, they have no experience in unmanned, fully automated operations, and "failure to provide evaluation criteria to bidders.

The case before us strongly suggests that the Japanese construction market has in fact been closed out to our American companies. This is outrageous and demands our prompt attention.

American companies spend millions of dollars and years working to compete for contracts abroad. They aggressively pursue work based on the good-faith bilateral agreements that are negotiated to ensure open and fair trade.

Reciprocity. That is what we ask. And, we will not budge until American companies are treated with reciprocity in their efforts to compete abroad. This amendment is intended to send a strong message to the Government of Japan:

It is fair trade or it is no trade.

Denial of fair and equitable market opportunities for U.S. bidders will not be tolerated.

AEG Westinghouse has requested KIAC to submit a formal explanation of the selection process. The answer they received was only a perfunctory response. They have also requested USTR and the Department of Commerce to lodge a formal protest against the award on the basis of the above-mentioned violations.

Mr. President, the United States negotiating team met with the Government of Japan on August 2, and I sent a letter to Secretary Mosbacher on August 1, strongly urging the executive branch to make this issue their highest priority in their negotiations. My colleagues and I are extremely concerned about the fair and equitable treatment of companies abroad. We look to the administration to take appropriate action to help remedy this situation.

Thank you, Mr. President. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2598) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2599

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself, and Mr. SPECTER, proposes an amendment numbered 2599.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, strike lines 14 through 25.
On page 67, strike lines 1 through 17.

Mr. HEINZ. Mr. President, this amendment strikes section 329 of the committee bill. It is a provision of the bill that affects only one State, Pennsylvania. It would have the effect, if we left it in this bill, of subjecting our Commonwealth and losing some 25 percent of its Federal highway money, and the State government did not comply with a mandate imposed under this provision. That mandate is that the Commonwealth of Pennsylvania would have to dedicate a tax-based source of revenues to funding one or more mass transit authorities in our State.

Let me say at the outset, Mr. President, that the Senator from Pennsylvania, Senator SPECTER, and I—and this amendment is offered on behalf of both of us—in fact, support and have urged our State legislature to act and to put into the law a dedicated source of revenue for mass transit in our State. We believe it is very important that that be done. We will continue to speak out publicly on the record, urging our authorities in Pennsylvania to do that. We have that right. We are their constituents.

Mr. President, where we part company is in Federal legislation that tells our State legislature to do something that is none of the business of the Federal Government to tell them to do, whether they are right or wrong.

The provision in this legislation puts a Federal gun to the head of our State legislature and administration and says, "we are going to pull the trigger on your highway money, up to $142 million of it, unless you do what the Federal Government, Big Brother, in Washington says."

Mr. President, that is not the way we should be making policy. We have a responsibility in the Senate to address Federal issues and questions of national interest. In this case, we are turning the question of Federal interests on its head.

This is a provision unique to our State. It affects only our State, and we believe our State should be given the chance to solve this problem without being coerced. In that regard, our State nearly did solve it this year. We came to within just a few votes in our State legislature of getting this done without any help from Washington, DC.

It is, therefore, with a great deal of sincerity, that I ask our colleagues to give the State of Pennsylvania the time it needs to do what is right.

At this time, Senator SPECTER and I are constrained to oppose it. We oppose it on the principle that the Federal Government should not do this. The president pro tempore of the Pennsylvania State Senate strongly opposes it. It is a provision that the Casey administration says they do not support, although I must tell you that, as far as I can tell, they have not taken a position one way or another. So it is accurate to say they do not support it.

But in one other sense they have not made up their minds. I could understand if there was a Federal interest involved here, if these were Federal contracts or Federal lands or bases, if these were things where the Federal Government had a direct interest, I could not make the argument, at least as strongly as I make it today. But I urge our colleagues to please give our State its right and due to make this decision on our money.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, this is a difficult matter for the Senator from the Commonwealth of Pennsylvania, because the underlying issue on the merits pits one part of the State against another.

On the merits, there ought to be a dedicated source of revenue, but it is totally inappropriate to have that conclusion dictated by the Congress of the United States, starting with legislation in the transportation bill. It is a matter that has been very, very controversial in the State assembly, and the matter really has to be resolved by the State assembly.

Senator HEINZ noted that he and I have spoken out in favor of the facts. I will specify the consideration and have, in fact, introduced legislation which, instead of penalizing the State for not having a dedicated source of revenue, the current state of revenue by providing a bonus, perhaps that kind of a carrot as opposed to the stick would be the appropriate way to solve this problem. And there are funds in the highway trust fund for urban mass transit which could be used for this purpose. So it is with reluctance that we have to follow this course. But Washington, DC, may not, cannot, should not fairly dictate to Harrisburg, PA, on this issue.

Mr. President, the fiscal year 1991 transportation appropriations bill contains a provision which is designed to provide a dedicated source of funding for mass transit systems in the Commonwealth of Pennsylvania. I support the establishment of a dedicated source of funds for mass transit in Pennsylvania, but do not support the approach taken by the provision contained in the transportation appropriations bill.

The Commonwealth of Pennsylvania is a particularly transit-intensive State. Its 22 urban and 18 rural public transportation systems serving 48 of the 67 counties where nearly 94 percent of the State's population resides. In Philadelphia, the Southeastern Pennsylvania Transportation Authority [SEPTA] serves over 3 million people in the Delaware Valley, with over 1.2 million trips by Pennsylvania each day. The Port Authority of Allegheny County [PAT] serves over 1.6 million people and carries nearly 90 million passengers a year. Other cities across the Commonwealth are equally dependent on mass transit.

The provision in the bill which my colleague from Pennsylvania and I object to provide that Pennsylvania's fiscal year 1991 highway dollars for Federal-aid highways and highway safety construction programs shall be cut by 25 percent, unless the Commonwealth's State legislature and Governor establish a dedicated source of revenue for mass transit by July 1, 1991. The amendment which my colleague and I are proposing will strike out the provision, because it is simply not tolerable for the Federal Government to be dictating the needs and desires of one specific State. This, I contest, is not an appropriate approach by the U.S. Senate.

Mr. President, the merits of a dedicated source of funding for mass transit are such that I recently introduced a bill, S. 2943, to provide an incentive for States to establish such a source of funding. It is my belief that if the Federal Government is to insist on State and local funding commitments, then a bonus system should be in place to those States that implement a permanent, predictable source of funds. To this end, my bill provides a mechanism that will guarantee to transit authorities, local governments, and States, that, if they provide a dedicated source of funding for transit, they will receive support from the Federal Government for their operating and capital expenses. To fund this incentive mechanism, my bill turns to the uncommitted balance of the transit account of the highway trust fund, which is expected to have an uncommitted balance of $2.5 billion by the end of fiscal year 1990. This, I believe, is the appropriate approach.

Mr. President, the transit systems in the Commonwealth greatly need a dedicated source of funding. Between 1980 and 1988 Federal operating support for transit has dropped from 17.3 percent of transit operating revenue to 6.2 percent, or a decrease of 64 percent. The Southeastern Pennsylvania Transportation Authority's [SEPTA] only source of funds are the farebox and Government subsidiaries. Therefore, SEPTA's Federal operating assistance has fallen from $61 million in 1980 to $28 million in 1989, or a 54-percent reduction. In addition, SEPTA's capital Federal funding has dropped from $170 million in 1980 to $88 million in 1989, or a 48-percent reduction. Consequently, over the past several years, SEPTA has been depending on Federal subsidies to support nearly 80 percent of its capital projects.

SEPTA, and the other transit authorities in Pennsylvania, need additional assistance, whether it be Federal or State assistance. I would agree that a dedicated source of funds is an urgency for these transit authorities, but I question the procedure through which the Transportation Appropriations Committee has chosen to establish such a source of funds in my State.

Mr. President, the bill before us would restrict $142 million of Pennsylvania's Federal highway allotment for fiscal year 1991 unless the Commonwealth concurs with the wishes of the Transportation Appropriations Committee. I would point out that Pennsylvania's State Legislature attempted last June to pass a dedicated source of funds for mass transit, but was unsuccessful. If this year's assembly is any indication of the legislature of 1991, Pennsylvania can count on losing 25 percent of its Federal highway dollars—dollars that Pennsylvanians have already paid to the Federal Government through the national gas tax.

It is my understanding that legislators in Harrisburg, Pennsylvania's State Capital, intend to reintroduce the legislation to establish a dedicated tax for mass transit. However, there is no guarantee that it will pass both bodies of the legislature by July 1, 1991, as required under the bill.

I urge my colleagues to consider the precedent such a move the Transportation Appropriations Subcommittee is taking. Yes, the Congress has imposed its position in the past by restricting Federal highway dollars, but to the best of my knowledge, the Congress has never threatened to restrict Federal highway dollars to force one State to act in the interest of the Federal Government.

I submit, Mr. President, that if we are to impose our views on States, then we should encourage through incentives, not force through penalties. I urge the adoption of this amendment, and expeditious consideration of my bill.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to respond to the Senators from Pennsylvania and to indicate my opposition to the motion offered by the Senator from Pennsylvania to strip from this bill section 329, which withholds highway funding from Pennsylvania in the interest of encouraging that State to provide adequate support to the fourth largest mass transit system in the entire country which is in Philadelphia which carries 1.2 million passengers each and every day, that is, workdays.

First, let us be clear about how this provision came about. The Senator from New Jersey was not the one who put this provision in the bill initially. It came from the House. The other body, in response to the pleas from the majority whip and a bipartisan group of Members from Philadelphia, included this provision in the bill that was sent to the Senate. I was asked my views on the substance of this matter. I support the substance of this provision for several very sound reasons.

The provision contained in the bill when it arrived at my subcommittee was left intact. We had a subcommittee markup. There was no opposition expressed on this provision. We had a full committee markup. Once again there was no opposition expressed.

No opposition was raised to this amendment during full committee markup even though we have able representation from the State of Pennsylvania on the full committee. Now at

this late date opposition has been raised.

The Senate is told that this is a local matter best settled at the local level and that the provision impacts only one State, Pennsylvania. This provision denies highway funding to one State only, Pennsylvania, but the current dismal financial situation facing mass transit in Philadelphia impacts on all riders of the SEPTA system whether they live in Pennsylvania, New Jersey, Delaware, or whether they travel to that historic city and use the system.

Thousands of trips on the SEPTA system per day begin in Wilmington, DE, or Trenton, NJ, or other parts outside the State of Pennsylvania.

The figures available do not count those who use the PATCO high-speed line from New Jersey to Philadelphia or those who park and ride the system.

In supporting this provision, the Senator from New Jersey is not just supporting the many Philadelphians who are demanding a dedicated source of support for SEPTA. I have in mind my constituents who use this system daily. I have in mind the New Jersey residents injured when the bottom fell out of a SEPTA train in Center City and killed and injured scores of people.

The Senator from New Jersey, is no enemy of Philadelphia or her people. In fact, I was once introduced by the mayor of that fine city as if I were a native son. We have indeed a great number of common interests. I admire Philadelphia. I love her history and the people that inhabitat that city and I am mindful of her needs.

A dedicated source of revenue for SEPTA is the highest priority that system has in Harrisburg, and they have a lot of support for that proposition.

The National Transportation Policy fashioned by the Secretary of Transportation, Sam Skinner, and supported by President Bush clearly calls upon State governments to pull their share of the load when it comes to funding mass transit. Secretary Skinner and UMTA Administrator Brian Clymer, who is a former board member of SEPTA, do not tire of telling me what an abysmal job Pennsylvania has done of supporting Philadelphia's mass transit system needs.

Every State in this country, save one, with a transit system of any appreciable size, has taken action at the State level to insure a dedicated source of support for mass transit. Only one State—Pennsylvania—insists on seeking Federal contributions to its capital plant and putting in only enough money of its own to match Federal dollars and nothing more.

Mr. President, I agreed with the leadership and the Senators from Pennsylvania not to seek a rollcall vote on this amendment in order that this important bill not be held hostage and action on it be delayed. However, I wish to make it loud and clear that I object to this amendment. The issue is going to be considered again and I will do whatever I can to seek the safest and most efficient transit system for the people in my State of New Jersey and the State of Delaware, and Pennsylvania and the city of Philadelphia who rely on SEPTA.

Mr. President, according to the Southeastern Pennsylvania Area Coalition for Transportation, a coalition of business, labor, churches, schools, civic and environmental organizations supporting a dedicated source of revenue for SEPTA, that system needs $4.5 billion over the next 10 years to rehabilitate its capital plant. At the rate they are going, $1 billion is the best they can hope for. That's a $3.5 billion shortfall, and who is supposed to make up the difference, the Federal Government?

In fiscal year 1978, SEPTA received from all sources $234 million for mass transit capital projects. In fiscal year 1990, it is estimated that SEPTA will have about $112 million to work with. It is clear to me that if Pennsylvania does not join the other States which have decided to carry their share of the load in providing mass transit, the Federal Government does not have either the fiscal capacity or the inclination to bail them out.

Mr. President, I know the general manager of the SEPTA system, Mr. Louis Gambaccini, very well. Mr. Gambaccini served as commissioner of transportation for the State of New Jersey and on the staff of the Port Authority of New York and New Jersey. I served as a commissioner of the Port Authority before being elected to the Senate. Mr. Gambaccini has made his need for a dedicated source of support very clear to me and anyone who will listen to him. Quite properly, Mr. Gambaccini is held in high regard in Philadelphia for his efforts to turn SEPTA around and for pulling together the local community behind his goals. I think it's time someone gave Mr. Gambaccini some help.

Recently, the State legislature in Pennsylvania voted down the possibility that SEPTA could receive support from the State gas tax, which is limited only to highways. The State legislature was given an opportunity to avoid exactly the situation we find ourselves in at the moment, and they flatly turned it down. The margin of defeat was about six votes. There were six votes cast by Republican legislators from Philadelphia. I regret the action by the Pennsylvania Legislature to refuse to take a step already taken by almost every other State, but the Federal Government should not have to shovel more and more Federal money to Pennsylvania to redeem the reputations of six recalcitrant legislators.

Mr. President, I ask unanimous consent to print in the RECORD the impressive list of members of the Southeastern Pennsylvania Area Coalition for Transportation, an editorial from the Philadelphia Inquirer, and an article from that same paper dated August 3 which notes that Temple University law professor Charles H. Rogovin, a member of the SEPTA board had resigned, "citing overwhelming time demands brought on by the transit agency's worsening financial prospects."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBERS OF THE SOUTHEASTERN PENNSYLVANIA AREA COALITION FOR TRANSPORTATION

ACORN
Action Alliance of Senior Citizens
AFSCME Council 33
AFSCME Council 47
Air Management Services
Allegheny West Foundation
Alliance for Public Transportation
Amer. Fed. of Gov. Employees, Local 1698
American Postal Workers Union
American Society of Civil Engineers
AMP Products
Archdiocese of Philadelphia
Associated Services for the Blind
Assoc. of Physical Plant Admin., Univ. and Colleges, Delaware Valley Chapter
Beneficial Savings Bank
Bensalem Chamber of Commerce
Black Clergy of Philadelphia and Vicinity
Brotherhood of Locomotive Engineers
Bucks County Community College
Bucks Hub Conference
Building and Construction Trades Council (AFL-CIO)
Campus Boulevard Corporation
Center City Proprietors' Association
Center for Greater Phila., University of Penna.
Central Chester County League of Women Voters
Central Lions Host Club of Phila., Inc.
Central Phila. Development Corporation
Chamber of Commerce of Greater West Chester
Chester County Bar Association
Chestnut Hill National Bank
Citizens' Advisory Committee to SEPTA
Clean Air Council of Delaware Valley
Committee for a Better North Philadelphia
Committee of Seventy
Communications Workers Union District 13
Conduit and Foundation Corporation
Consumers Education and Protective Association
Contractors Assoc. of Eastern Pennsylvania
Corestates Financial Corporation
Delaware County Bar Association
Delaware County Chamber of Commerce
Del. Valley Assoc. of Railroad Passengers
Delmarva Rail Passengers Association
Dolphin & Bradbury Inc.
Drexel University
East Mt. Airy Neighbors Association
Eastern Paralyzed Veterans Association
Eastwick Project Area Committee
Evert, Miller, Anderson & Sherrerd
Farspese Consultants, Ltd.
Finnaren & Haley Paints
First Pennsylvania Bank

Greater Jenkintown Chamber of Commerce
Greater Philadelphia Chamber of Commerce
Greater Phila. Economic Development Corp.
Greater Philadelphia First Corporation
Greater Willow Grove Chamber of Commerce
Hansen Group
Health and Hospital Workers Union, Local 1199C
Hunt Manufacturing Company
Immaculata College
Independent Group Assoc. of Phila. Elec. Co. Employees
Institute for the Study of Civic Values
Insurance Federation of Pennsylvania, Inc.
Int'l. Ladies Garment Workers' Union, East. Pa. Region
Jobs With Peace Campaign
Keystone Health Plan
King of Prussia Chamber of Commerce
Kohn, Savett, Klein & Graf, P.C.
KPA Design Group, Inc.
Kravco, The Court at King of Prussia
LaSalle University
League of Women Voters of Lower Marion
Leagues of Women Voters of SE Penna.
Legg, Mason, Wood, Walker Inc.
Main Line Chamber of Commerce
Matrix
Metropolitan Christian Council of Phila.
Montgomery County AFL-CIO Union Council
Mt. Olivet Tabernacle Baptist Church
Newtown Presbyterian Church
Olsten Temporary Services
Pace Data Systems
Pasquale Real Estate
Penjerdel Council
Penn State University
Pennonl Associates Inc.
Pennsylvania Citizen Action
Pennsylvania Environmental Council
Pennsylvania State Education Association
Philadelphia Bar Association
Philadelphia Committee on City Policy
Philadelphia Convention and Visitors Bureau
Philadelphia Electric Company
Philadelphia Federation of Teachers
Phila. Project on Occupational Safety and Health
Philadelphia School District
Philadelphia Suburban Water Company
Provident Mutual Life Insurance Co.
Public Interest Law Center of Philadelphia
Railway Systems Design, Inc.
Resources for Living Independently Center
Roach Brothers Realty
Rorer Group Inc.
Rouse & Associates
Roy Weston, Inc.
Saul, Ewing, Remick & Saul
School District of Philadelphia
SEPTA Advisory Comm. for the Elderly and Handicapped
Sierra Club
St. Paul's Church
Strawbridge & Clothier
Students United to Provide Transportation Action
Sun Company
Temple University
Temple University Student Government
The Martin Organization
Thomas Jefferson University
Tomlinson, Rataslewicz & Associates
Touche Ross
Transit Riders Action Campaign
Transport Workers Union
Transport Workers Union Local 2013
Transport Workers Union Local 234
Transportation Communications Int'l. Union, Local 1472
United Cerebral Palsy Association
United Food & Commercial Workers Union, Local 1776
Union Steelworkers, District 7
United Transportation Union
United Transportation Union Local 61
United Transportation Union Local 1594
University of Pennsylvania
Urban Coalition
West Mt. Airy Neighbors Association
West Philadelphia Economic Development Corporation

[From the Philadelphia Enquirer, June 13, 1990]

A LEADERLESS CAUSE—USING GASOLINE TAXES FOR MASS TRANSIT

It is time for the legislative bloc from Southeastern Pennsylvania to provide some real leadership to push through a constitutional amendment that would allow the state's gasoline-tax revenues now restricted for highway construction to be used for mass transit as well.

Californians voted just last week to double their state's gas tax as a way to improve both highway and mass transit systems. The fact that traffic jams and smog have reached emergency proportions in places such as Los Angeles does not mean that Pennsylvanians should be too smug about smog.

It is time the highway interests got together with the mass transit interests and cut a deal on behalf of the public interest. Fortunately, momentum is building toward that goal.

Led by Bucks County Commissioner Andrew Warren, commissioners from 10 counties went to Harrisburg last week to talk with key legislative leaders about the need for more state support for mass transit. The Southeastern Pennsylvania Coalition for Transportation passed a resolution last week in support of using the gas tax for public transit. The coalition represents business, labor, senior citizens, academic, religious and other community groups. The next effort will be to redirect into the gas tax fight the energy that the Consumers Education and Protective Association and other ridership groups put into fighting the recent SEPTA rate hikes.

The problem is that legislative leaders—perhaps taking their cue from the governor—have been unwilling to stand up and lead. Legislators such as Senate Majority Leader F. Joseph Loeper (R., Delaware) say they are waiting for grass-roots support before getting too far out in front. On the Senate side there's also been unaccountable silence from Richard Tilghman (R., Montgomery) and Vincent Fumo (D., Phila.).

House Speaker Robert W. O'Donnell (D., Phila.) is at least a co-sponsor (along with 42 other House members) of Rep. Gordon Linton's (D., Phila.) bill that would allocate gas tax revenues for mass transit. But virtually nothing has been heard from such putative leaders as Reps. Matthew Ryan (R., Delaware), Max Pievsky (D., Phila.) and Joseph Pitts (R., Chester).

In order for the state to give the voters the option of passing the motor fuels amendment next year, the legislature must pass the constitutional amendment bill by June 30. (Even so it could not complete the ratification process before May 1991. If it doesn't pass by June 30 it could not be enacted until 1993.) Delay would only leave even less appealing alternatives, such as an increase in the sales or income taxes.

MONTCO MEMBER QUITS SEPTA PANEL

(By Jerry W. Byrd)

Temple University law professor Charles H. Rogovin, who has represented Montgomery County on the SEPTA board of directors since May 1988, has resigned.

Citing overwhelming time demands brought on by the transit agency's worsening financial prospects, Rogovin informed Montgomery County Commissioners Chairman Paul B. Bartle of his decision Wednesday.

In his letter to Bartle, Rogovin said that Temple law students were his first concern.

SEPTA's problems "are now approaching the crisis point . . . and there has been a correlative increase in the time demands upon members of the SEPTA board," the letter said. "For me this has meant less and less time available to address other responsbilities. . ."

Bartle yesterday replaced Rogovin with Republican Commissioner Floriana M. Bloss of Plymouth Township. The term expires Sept. 1, 1994. She joins Frank W. Jenkins of Ambler, the county's other representative on the SEPTA board.

"I welcome the opportunity to serve," Bloss said yesterday. "One of the things I'm particularly interested in is exploring further a possible dedicated funding source for SEPTA, and looking into wherever we can cut costs, if that's possible."

Bloss also said she would fight plans to eliminate the Route 91 bus to the county prison at Eagleville. That cost-cutting measure would cause a hardship for prisoners and their families, she said.

Democratic minority Commissioner Rita C. Banning opposed the Bloss appointment as she opposed Jenkins' and Rogovin's selections.

"I don't think that this traditional political approach has been very successful with SEPTA," Banning said. "I had thought it would perhaps be helpful to have someone who is more allied with general consumer as opposed to partisan interests."

Bartle said Bloss had expressed an interest in serving on the board.

"She can intimately respond to questions the commissioners have and can give a view of what's happening down there," Bartle said.

Rogovin replaced Lewis F. Gould, Jr., who resigned from the board in March 1988. Rogovin could not be reached for comment yesterday.

Judith Harris, deputy chairwoman of the SEPTA board, said Rogovin would be missed. "He brought a fresh look to old issues and a critical look to new issues facing SEPTA," she said yesterday.

"I understand why he did what he did," she said. "The time commitment is substantial to start with, and Charlie also served on several committees."

She said board members spent many hours going over funding proposals and reviewing the impact of litigation on the agency.

Mr. LAUTENBERG. Mr. President, I have a responsibility to the people of my State who use the SEPTA system to insure that it is a save and efficient mode of transportation. We have seen the consequences of neglect and we should suffer them no longer.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I wonder if the Senator from Pennsylvania [Mr. HEINZ] will yield for a question.

Mr. HEINZ. I yield.

Mr. ROCKEFELLER. Mr. President, will the Senator go over what he has said earlier about the efforts of the Governor and the State legislature to try to resolve this problem for the benefit of the Senator from West Virginia?

Mr. HEINZ. Yes. Earlier this year the Pennsylvania Legislature brought to a vote an increase in revenue to be dedicated to mass transit in southeastern Pennsylvania, and it was lost by one vote. It was an issue that I think will be resolved next time.

I might also add that there are many people in our State who would like to have the issue of mass transit financed from a gas tax, and that may be a good way to do it. But under Pennsylvania's constitution it requires a constitutional amendment which clearly you cannot do by October 1 of this year. You may not even be able to do it by July 31 of next year. Under this amendment, of course, we would lose $142 million if the legislature decided to fund mass transit with a gas tax. So this imposes a very difficult burden on the State in terms of the way it goes about solving its problems.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Pennsylvania. I served as Governor of the State of West Virginia for 8 consecutive years, as the Presiding Officer served as Governor of the State of Arkansas. And I am very familiar with a State that is trying to work out problems that are expensive. There are conflicts with the legislature. One comes very close. In fact, one comes within one vote. And then there is always next year.

I am not a player in this bill, but it just seems to me that if both the Senators from the State of Pennsylvania object to being talked to or mandated by the Federal Government in this sense, and if at the same time they are indicating that there is every possibility this will happen in the following year, and in fact the State officials and the Governor are trying to get this done, it seems to me rather awkward and perhaps improper for the Senate to be imposing its will in this fashion.

Mr. HEINZ. Mr. President, I thank the Senator from West Virginia for his very thoughtful remarks.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I think we are ready to vote, Mr. President.

Mr. LAUTENBERG. I agree.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (No. 2599) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I rise for two purposes; first, to commend the Senator from New Jersey for excellent work in putting together this transportation appropriations bill. It contains many provisions which are not only important to the country but also very important to the Western United States, a part of our country which is thinly populated, not nearly as populous as is the State of New Jersey.

I might add, Mr. President, that in my home State of Montana, there are about five persons per square mile. In the State of New Jersey, on the other hand, there are about 1,000 persons per square mile.

The Senator from New Jersey is very broadminded and he has produced a bill that not only accommodates the interests of the more populous Eastern United States, as well it should, but also is very accommodating to interests of the Western United States. I commend the Senator for his excellent leadership.

The second reason I rise, Mr. President, is to urge the chairman, the Senator from New Jersey, and other members of the Appropriations Committee who go to conference with the House to stand by the Senate level for essential air service. The Senate bill provides approximately $26 million for essential air service, a program that is critical to rural America, particularly cirtical to parts of America in the West that are very sparsely populated and where the distance between cities is great; in fact, frankly, Mr. President, much greater than I think most people in the East realize.

Regrettably, the House provided only about $23 million for essential air service. That might not sound like a major difference, but unfortunately if the House level prevails, 10 to 12 communities in America will no longer have essential air service. That means in all probability they will not have any commerical air transportation whatsoever.

I strongly urge the chairman of the Appropriations Committee and the chairman of the Transportation Subcommittee to support the Senate levels, because I do not think we can afford at all to have 10 to 12 American cities which no longer have essential air sevice, particularly two cities in my home State of Montana: Miles City, MT, and Lewistown, MT, which I am told would no longer have essential air service if the House provision were to prevail.

So I urge my Senate colleagues who are on the conference very aggressively to stand up for the Senate provision.

I again thank the Senator from New Jersey for his excellent leadership.

Mr. LAUTENBERG. Mr. President, the Senator from Montana could not be more correct about the value of essential air service. I visited Montana with him just last weekend. I was coming from the State of New Jersey, the most densely populated State in the Union. One cannot help but be impressed by the vast distances and the remote terrain.

I understand that as a result of that visit, EAS means to isolated communities without air service. Aviation has become the backbone of our economic system, the centerpieces of our infrastructure. No other country has the kind of aviation system that we have. We built dependence on it. We recognize its importance.

And, of course, sitting by my side for all practical purposes is the distinguished Senator from West Virginia, the chairman of the committee, who has more than once indicated to me how important essential air service is to his State; and both Senators from Nebraska. Senator EXON is constantly reminding me about how important that service is, as well as Senator KERREY. Also, Senator DASCHLE, people who come from States that are somewhat remote, that have big distances.

In my State, it would be hard to use essential air service. We would not know where to take off and where to land. But in other States, I recognize the importance.

I am determined, with the encouragement of the Senator from Montana, to do whatever I can in conference to hold the higher level. I am assured by my distinguished colleague, Senator D'AMATO, that he will do the same.

Mr. D'AMATO. I might say to the distinguished chairman, sometimes people think New York State is New York City. I want you to know that we have many small airports and a great rural area in our upstate communities, and we are certainly desirous of protecting this program.

Mr. DOMENICI. Mr. President, I rise in support of the Transportation appropriations bill reported by the Senate Appropriations Committee.

This bill provides $13.2 billion in new budget authority and $29.5 billion in outlays for the Department of transportation and Related Agencies.

I particularly appreciate the subcommittee's support for a nondestructive evaluation center to develop and demonstrate state-of-the-art technology to screen and inspect aging aircraft.

Mr. President, I believe it is important to recognize that this bill does not meet its 302(b) allocation for outlays. The bill is $5 million over in outlays.

The overage arises from the bill's inclusion of the sale of railroad rehabilitation loan assets, with a face value of $32 million, that yields $8 million in outlay savings. CBO scores this assist sale as a legitimate offset to the spending in the bill, the Budget Committee does not.

This scoring adjustment by the Budget Committee is nothing new. I have objected to this maneuver by the subcommittee for several years now. Last year I signed the fiscal year 1990 Transportation Appropriations Conference Report with the exception of this provision.

The Senate has long recognized that one-time savings from the sale of Federal assets should not be used to offset ongoing spending. Gramm-Rudman does not count asset sales; and we should not do so now.

Mr. President, I also wish to point out that this bill assumes that Coast Guard funding will be supplemented by $300 million to be provided in the defense appropriations.

I admit that this is not new. Appropriations bill for the last 5 fiscal years have included such transfers, including $650 million last year. Yet, I am troubled that this bodes ill for the Congress' ability to live up to any future budget agreement that attempts to set spending levels for defense and nondefense programs.

The Congress has not adopted a fiscal year 1991 budget. To allow the Appropriations Committee to move their bill, the Senate adopted a resolution that provided an allocation to the Appropriations Committee until the budget summit reaches an agreement.

I must caution my colleagues that we will have to revisit appropriations bills when the Budget summit reaches an agreement.

In the absense of a budget summit agreement, we face at least an $84 billion sequester that would be disastrous for the programs in this bill, much worse than any reduction the summit would produce.

Mr. ROBB. Mr. President, as we consider the Department of Transportation appropriations for fiscal year 1991, Mr. WARNER and I would like to bring to attention a much needed highway improvement project in the Hampton Roads area of Virginia.

The Commonwealth will qualify for Interstate 4-R discretionary funding at the conclusion of fiscal year 1990 and will request consideration of such funding for Interstate 64 between Route 44 and Indian River Road in the cities of Virginia Beach, Norfolk, and Chesapeake. This is the fastest growing region in our State, a growth which puts an overwhelming strain on the aging infrastructure. Priority designation for this project would be helpful to the Commonwealth's request.

Mr. President, we therefore request that the Interstate 64 project be included in the Interstate 4-R Discretionary Program section of the conference report on H.R. 5229.

Mr. LAUTENBERG. I am glad the Senators from Virginia have brought the Interstate 64 improvement project to my attention. As they know, I believe that maintaining and improving our transportation infrastructure is of the highest priority. I understand that this request came to the attention of the committee too late to be considered as part of the Senate bill. I assure the Senators that I will give their request the highest level of consideration.

Mr. SIMPSON. Mr. President, I do want to thank my fine friends and colleagues, Senators LAUTENBERG and D'AMATO, for their willingness to include a provision in this bill that is so vitally important to my home State of Wyoming.

With regard to the weight of trucks on our Nation's highways, Wyoming is known as an "island State"—meaning it is surrounded by States which allow heavier trucks to traverse their own highways than are allowed in Wyoming. The problem began in 1956 when the Wyoming State Legislature failed to include a provision in its statutes to implement the Federal Aid Highway Act of 1956 which would allow divisible load permits—a "grandfathering provision". The surrounding States including Colorado, Montana, Utah, and Nebraska were "grandfathered in" and hence, Wyoming found itself at a great disadvantage. We have been operating for many years under temporary fixes to allow greater truck weights and it is finally time to permanently increase our truck weight maximum in order that we might simply match that of the surrounding States.

Our trucking industry is so vitally important to us in Wyoming. Sixty percent of Wyoming communities are served only by highway transportation. Nothing else. We have no barges. We have no Amtrak, no other passenger rail transportation, and many communities are not served by any adequate air transportation services. Trucks then are the very life blood of the transportation system in our State.

This provision now makes Wyoming equal with its bordering States—nothing more. No advantage here. No detriment to the railroads. Just equality. We are known as the equality State. This is a fine gesture for us in our centennial year. I appreciate my colleagues' willingness to accept this provision and to give Wyoming the assistance we so sorely needed.

BRADLEY AIRPORT

Mr. LIEBERMAN. Is it the distinguished chairman's understanding that Bradley Airport, which is on the Airport Improvement Program list for discretionary funding for airport improvements, has already made improvements in the runways and airport facilities at a cost of $100 million to the government of the State of Connecticut? And that my request is that Bradley International Airport, located outside of Hartford, CT, be given all consideration and priority for an additional $3 million from the fiscal year 1991 AIP fund in order to continue the improvement of its runways and taxiways?

Mr. LAUTENBERG. Yes, I understand the Senator's request. I also understand that Bradley Airport is deserving of these funds because of the already extensive commitment made by the State of Connecticut to its improvement but also because Bradley has become a more important regional center over the past few years. In fact, I understand that Bradley is now the second largest airport in New England, with 18 airlines providing 330 daily flights. I also understand that the number of fliers that Bradley served between 1982 and 1983 doubled. I think that it is absolutely crucial that Bradley receive funding in order to protect the safety of these passengers. This is particularly true since these are the first major improvements being made at Bradley since World War Two.

Mr. LIEBERMAN. I appreciate the Senator's consideration of my request. The renovation of Bradley is important to the millions of passengers that use it each year. The State of Connecticut has made a strong commitment to the improvement of Bradley; we are only seeking $3 million, a modest amount in comparison to the amount that the State has already expended on Bradley.

PAYMENTS TO AIR CARRIERS

Mr. EXON. Would the distinguished chairman of the Senate Transportation Appropriations Subcommittee yield for a question?

Mr. LAUTENBERG. Yes.

Mr. EXON. In the Transportation appropriations bill committee report under "Payments to Air Carriers," there is a listing of the fiscal year 1991 projection of air carriers and communities receiving essential air service subsidy. My question relates to Norfolk, NE, which is not on that list. Norfolk is an EAS point which has received subsidized service in the past. At the present time, Norfolk is not receiving subsidized service, but has subsidy-free service. However, its service without subsidy was only recently obtained. Norfolk has not been disqualified from EAS eligibility in any congressional authorization or appropria-

tion acts, nor in any DOT administrative actions. My specific question is if Norfolk, NE, again needs subsidized air service and is otherwise eligible, is Norfolk still eligible for EAS even though it is not listed as one of the projected EAS cities in the committee report?

Mr. LAUTENBERG. Norfolk, NE's EAS eligibility is not affected by its absence on that list. The purpose of the listing of communities and carriers in the committee report is simply to illustrate those communities that DOT projects will be EAS recipients at the program's current services level. The committee's intent is to fund EAS at a current services level. The committee recognizes that, from time to time, individual EAS points achieve subsidy-free service, or sometimes go the opposite direction and again need EAS. There is certainly no intent to penalize an EAS community like Norfolk for having subsidy-free service. On the contrary, the committee hopes other EAS communities follow Norfolk's example in working to find subsidy-free service.

Mr. EXON. I thank my friend and colleague for the clarification.

RESTORATION OF RAIL PASSENGER SERVICE FOR STATE OF MAINE

Mr. MITCHELL. Mr. President, I wish to raise an issue with the distinguished chairman of the Transportation Appropriations Subcommittee. Senator COHEN also wishes to join me in discussing a matter of interest to the State of Maine.

Mr. LAUTENBERG. I will be glad to address whatever concerns the majority leader and the senior Senator from Maine wish to raise.

Mr. MITCHELL. As you know, there is considerable interest in Maine regarding the rail passenger service to the State. Maine is one of the few States without Amtrak service; however, there is support among Maine citizens for both Amtrak and rail passenger service generally. Over the last year, the Maine Department of Transportation has conducted an independent, preliminary feasibility study for the possible restoration of rail passenger service to Maine. Completion of the study is expected soon. The next step in the process will probably require planning assistance by the Federal Government through Amtrak.

Mr. LAUTENBERG. The Appropriations Subcommittee on Transportation is aware of the State of Maine's interest and supports Amtrak's planning assistance. It is my understanding that Amtrak is prepared to conduct a study to address certain relevant issues.

Mr. COHEN. Along with the majority leader, I appreciate the subcommittee's support for the State of Maine's interest in rail passenger service. The only current rail passenger service is from Canada's Via Rail train which travels a limited east-west route. What is needed in this instance is a study by Amtrak that will complement and supplement a preliminary study already undertaken by the State of Maine. It is my understanding that Amtrak is willing to undertake a study to identify specific needs for facilitation of rail passenger service to Maine. The study is to be completed by June 1, 1991 and should address the following issues: First, an analysis of possible Amtraks route, options, and incremental phases for assistance with restoration of rail passenger service to Maine; second, options for coordinating or connecting such service with existing Amtrak service to and from Boston, MA or other locations; third, an inventory of capital equipment and facility needs of the State of Maine, with recommendations for possible Federal assistance; and fourth, an assessment of track conditions of railroad lines over which service to Maine might be provided, with recommendations for any necessary improvements.

On this latter point, I would like to emphasize the need for cooperation with private freight lines for the eventual restoration of passenger service. I also want to emphasize that Amtrak should not presume any particular option will be chosen by the State of Maine. Decisions still will need to be made ultimately by the State. The study is intended only as an assessment.

Mr. MITCHELL. It is our understanding that Amtrak will coordinate closely with the Maine Department of Transportation in conducting the study. The Federal Railroad Administration and the Urban Mass Transit Administration also may need to be consulted, but Amtrak is responsible for the overall study. Further decisions will be left to the State of Maine. As Senator COHEN has indicated, the intention here is for a study only.

Mr. LAUTENBERG. That is my understanding also of the State of Maine's needs and what Amtrak is prepared to provide at this time. The subcommittee supports the State of Maine's interest in this regard and encourages Amtrak's timely completion of the study so that appropriate decisions can be made by the State of Maine.

CITY ACCESS TO O'HARE AIRPORT

Mr. SIMON. Mr. President, I appreciate the work that Senator LAUTENBERG and Senator D'AMATO have put into this bill. Anyone looking at limited funds for badly needed and long-postponed infrastructure needs and transportation service, as you do, deserves the thanks of all of us here in Congress.

It is my understanding that my friend and colleague, Senator LAUTENBERG, intended to include language in the report on the Transportation appropriations to clarify congressional intent in the fiscal year 1990 Transportation appropriations bill. It was the intent of the conferees to reduce the Essential Air Service Program to satisfy budget targets, not to cut off air service to small cities which never needed subsidies. In Illinois communities of Galesburg and Danville, along with others in Michigan and Indiana, this was the case.

This language would correct that unintended consequence of the changes in eligibility for EAS by directing the Department of Transportation to restore the landing and takeoff rights at O'Hare Airport and other high-traffic airports for willing replacement carriers wishing to serve these small cities.

This action will cost the American taxpayers nothing. In fact, by including this language it will save taxpayers the costs of a reversal in the economies of the small cities unintentionally affected by the fiscal year 1990 Transportation Appropriations Act.

Mr. LAUTENBERG. The Senator is correct. If these small cities have carriers ready and willing to step in to continue serving them without subsidies, and landing and takeoff slots were previously available for small community service, they should be able to do so. I will work with you and members of the conference committee to clarify the intent of the fiscal year 1990 Transportation Appropriations Act.

Mr. HARKIN. Mr. President, I want to congratulate the chairman, the Senator from New Jersey, for the excellent job that he has done in developing the Transportation appropriations bill. It was a difficult job and many difficult choices had to be made. There are many competing needs for those limited dollars. Funding is very limited and the transportation needs of the Nation are very great. I believe that he has done an excellent job in balancing the many priorities in the bill.

I also want to thank him for the consideration that he has given to the special transportation concerns of my State. Given the great limitations in the bill, I am most thankful for his willingness to accommodate Iowa's many needs.

I also want to thank him for his efforts to provide for additional assistance available to railroads, especially for branch lines and smaller railroads. Local rail service assistance and the section 511 loan guarantee program can provide considerable aid to our railroads, many of which are in considerable need of financial aid. There may be a parliamentary difficulty concerning the section 511 program in the other body. I am hopeful that we can solve the problem so this important program can benefit our Nation's railroads.

Mr. KERRY. Mr. President, I want to commend the chariman and the ranking members of the Transporta-

tion Appropriation Subcommitee and the full Appropriation Committee for providing $125 million in this bill to begin the process of providing much needed and long promised high-speed rail service between Boston and New York. As Chairman LAUTENBERG knows, I have been a strong advocate for high-speed rail and believe that his action is very wise.

The steps we are taking today will eventually reduce the rail travel time from Boston to New York from the current 4½ to 5 hours down to under 3 hours. This is extremely good news for Massachusetts and New England—for the safety and convenience of all travelers, for our environment, and for the economic vitality of our region.

Mr. President, in the first phase, this $125 million, if approved by the conference, will modernize the signal system between Canton, MA, and New Haven, CT. It will upgrade and renovate bridges, improve station platforms, provide for high-speed interlockings, and make many other changes designed to make fast train service possible. In addition, this program will begin the design and environmental work on the electrification of the Boston to New Haven segment of this route.

The Boston-to-New York corridor represents the single largest underserved rail market in the world. Boston-New York has been described as the highest density air corridor in the world. The Boston-to-New York market is twice the size of the largest city-pair market in Europe, which is Paris-Brussels. The Boston-to-New York rail market is the biggest in the United States, being somewhat larger than the New York-to-Washington market.

The citizens of Massachusetts and Rhode Island were promised real high-speed rail service 14 years ago, with the passage of the Northest Corridor Improvement Program. With the advent of the Reagan administration, that program was cut back in 1981, with the deletion of electrification between New Haven and Boston.

Since that time we have witnessed a phenomenal increase in congestion in the corridor, both on the highways and at the major airports. The FAA has calculated that by the middle of this decade air travelers will suffer more than 5 million hours of airport delay at Logan alone. Another 5 million hours will be lost at La Guardia, with more than 7 million hours projected to be lost at Newark. The predictions for hours of delay along the major interstates between Connecticut and New York City are equally staggering.

Over the past 4 years, working with the Commonwealth of Massachusetts and others in our delegation, I have been fighting for the completion of the Northeast corridor project. With the Coalition of Northeastern Governors, we have been actively campaigning for a program of 3-hour high-speed rail service between Boston and New York. Working with Amtrak and FRA, it has been documented that such a program can between double and triple Amtrak ridership in this corridor. And these calculations do not assume superhigh-speed service such as in France or Japan; the doubling or tripling of ridership would result from the establishment of conventional Metroliner-type service as currently exists between New York and Washington.

With these conservative assumptions about the future rail service, several million air passengers could be diverted away from the congested airports, freeing up something like 8 or 10 gate positions for other high-priority air travel needs. Actually, 8 or 10 gates is larger than most of the airports we are encouraging to take up the overflow at Logan!

The environmental impacts of attaining this program of 3-hour rail service are significant. High-speed rail is six times as energy efficient as air travel! Carbon monoxide levels alone are expected to decrease by over 2,000 tons.

In short, we have been fighting for a total program of improvements for service between Boston and New York. With the establishment of 3-hour travel time between Boston and New York, significant improvement can be made in the quality of transportation in the Northeast.

Mr. President, my colleague in the House, Congressman CONTE, has been successful in gaining approval of $16 million in the House-passed bill for more powerful dual propulsion locomotives that save signficant time on the Boston-to-New York route by not having to be changed in New Haven. This appropriation is consistent with language I added to the Amtrak authorization. We need the time savings that appear to be quickly achievable by using these new locomotives. I urge the chairmen to give this provision the careful and wise consideration they have already given to other aspects of these critical Boston-to-New York rail service improvements.

Finally, I again commend the chairmen and ranking members for the foresight they have demonstrated by including the funding in this bill to bring rail service between Boston and New York up to a modern standard that will serve our people and our economy well for decades.

THE RESTORATION OF AMTRAK SERVICE TO OKLAHOMA

Mr. NICKLES. Mr. President, I rise today to express my continued support for the restoration of Amtrak service to Oklahoma. As the chairman and the ranking member of the Transportation Appropriations Subcommittee are aware, Amtrak has previously indicated to me that refurbished equipment could be made available to resume passenger rail operations along the former Lone Star route through Kansas, Oklahoma, and Texas. I strongly support the restoration of the Lone Star route and I wish to enter into a colloquy with the chairman and ranking member to indicate to Amtrak the level of Congressional support for resumption of the Lone Star route and to encourage them to continue their efforts to resume this service as soon as possible.

Mr. LAUTENBERG. I am pleased to discuss the expansion of Amtrak service with the Senator from Oklahoma. As the Senator is aware, I have been a long-time supporter of Amtrak, and I believe that Amtrak should serve all 50 States. In last year's committee report, the committee noted that, "the committee is encouraged about the possibility of Amtrak passenger rail service being restored to Oklahoma * * * within the funding levels provided, the committee supports efforts by Amtrak to further the restoration of Amtrak service." I would certainly reiterate the committee's sentiments on this matter at this time. As I understand it, Amtrak's ability to restore the Lone Star route will depend both on the availability of rolling stock and an adequate financing mechanism for the operating expenses of the line. However, I am prepared to reiterate the committee's interest in Amtrak restoring the Lone Star route as soon as feasible.

Mr. D'AMATO. Mr. President, I would echo the remarks of my distinguished chairman and indicate to my friend from Oklahoma my support of the resumption of Amtrak service along the former Lone Star route.

Mr. LAUTENBERG. Mr. President, before I close, I would like to reiterate what has been said by the distinguished chairman of the Appropriations Committee, and by my colleague, Senator D'AMATO, about the staff work that went into getting this bill developed, and prepared for adoption. Our staff is an unusual resource, Mr. President. In the case of my subcommittee, I have Pat McCann and Peter Rogoff here with me; and also Anne Miano of Senator D'Amato's staff, and Bruce Russell, Joyce Rose, and Dorothy Pastis, all of whom made major contributions to getting this work done.

Mr. President, you know very well that we can work as hard as we want, but if we do not have the right kind of staff people in there to develop the information, to make sure all of the other Senators and interested parties are informed, we cannot move these bills along, as we are doing now.

Once again, I thank Senator BYRD for the encouragement that he has

given and the professionalism of the staff that he has developed. I see Jim English, the chief clerk of the Appropriations Committee. A proud lot they are, and they deserve to be. I thank them.

Unless there is any further business, Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 5229), as amended, was passed.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. INOUYE, Mr. D'AMATO, Mr. KASTEN, Mr. DOMENICI, Mr. GRASSLEY, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD. Mr. President, I again want to thank the chairman and ranking member, and the members of the Subcommitte on Transportation of the Committee on Appropriations. I call attention to the fact that this bill was received in the Senate from the House on July 16, and it was reported and placed on the calendar on July 27. So there in 11 days, Mr. LAUTENBERG and Mr. D'AMATO have moved this bill after it came over from the House to the Senate calendar. And on August 4, it is being passed.

I think that is an excellent example of the way committees and subcommittees ought to move here. I am very proud of this subcommittee, and proud of the chairman and ranking member.

I also want to thank Mr. HEINZ and Mr. SPECTER for their willingness to proceed with this bill today. I thank again the chairman, Mr. LAUTENBERG, for his willingness to proceed without a rollcall vote. He knew very well that if there had been a rollcall vote, a good many Members have already left the Hill and we would have probably had some difficulty getting a quorum. Otherwise, I think he would have wanted a rollcall vote, but I am not sure about that. For his willingness to proceed so as to expedite the bill, I thank him. And I, as I say, thank the Senators from Pennsylvania, and I thank the chairman.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, as we leave to return to our homes, I want to take a few minutes to point out one of the problems.

The PRESIDENT pro tempore. The Chair will advise the Senator to use the microphone.

The Senator from Alaska.

Mr. STEVENS. Mr. President, as we leave to go back to our homes, I just want to take a few minutes to comment on a subject that is very close to my life and to try to make it relevant to what is happening now in Kuwait and the threat to Saudi Arabia.

In President Reagan's last budget, Mr. President, there appeared a request for approval of the ANWR legislation, the legislation to authorize leasing in the Arctic National Wildlife Refuge. That authorization included a budget projection for 1990 of $2.1 billion in terms of receipts from the bidding on the leases which would be taken by American oil interests and used for the purpose of exploration of these 1.5 million acres of the Arctic plain. It also showed a projection of continued receipts with the estimate being $1.3 billion for 1993.

Obviously, the Congress has not passed the legislation, and the country has not had that income. That is one of the problems we face, in terms of the current deficit, the loss of the income that would have been derived from leasing these Federal lands.

We are rapidly approaching a very serious crisis in the world. I think it is good to remember a little bit of history. In 1970, we imported only 23 percent of our oil needs. When the Arab embargo went into effect in 1973, we had increased our reliance on foreign imports to 36 percent. That jumped to 43 percent by the time the Alaska oil pipeline became fully operational.

In 1985, our reliance on foreign oil had dropped down to 31 percent. Now, due to a series of reversals and the fact that so many areas are closed to our domestic industry for exploration, we see our reliance on imported oil continuing to go up. It has gone up, Mr. President, from 31 percent, as I indicated was our 1985 level, now in this year to over 50 percent. We estimate this month we will import 53 percent of our Nation's needs. We predict, those of us from the oil areas, if this trend continues by the turn of the century two-thirds of our energy will be imported.

Incidentally, it is a fact that the United States has been increasing its importation of oil from Iraq. We are importing roughly 727,000 barrels a day from Iraq. We also had imported 160,000 barrels a day from Kuwait. Kuwait has now been conquered by Iraq. As we know, Iraq stands poised to take over Saudi Arabia; it is on the border of Saudi Arabia with substantial forces. We also imported 1.3 billion barrels a day from Saudi Arabia. In a short period of time Iraq may be the chief supplier of foreign oil to the United States.

This has happened at a time when, because of domestic policies, we have, through congressional action or inaction, prevented access to the areas of our country that could give us an increased domestic oil reserve. One only needs to look at the prices of oil, going from $15.60 on June 20, to well over $25 a barrel now. The gasoline prices are going to go up the same way.

And I predict that by this fall we will, once again, see gas lines. We are going to see gas rationing this year if we attempt to use an economic weapon against Iraq. Iraq has a very strong economic weapon against us. We have no way at the present time to replace the oil that comes from Iraq, Kuwait, and Saudi Arabia which, as I indicated, could well be totally under the control of Hussein by the time we return in September.

Mr. President, there are 12 sedimentary basins in my State of Alaska. Only two of them are in production now. All the rest are blocked from access. There is no ability for the American oil industry to have access to them. We have proven reserves in Alaska now of about 7 billion barrels. Alaska has estimated reserves—and these are very conservative estimates—of 15 billion barrels.

I would like to remind the Senate that at the time I stood on the floor and sought the authorization for our development in the North Slope, the projections then were that about one-half billion to 1 billion barrels of oil would be discovered in the Prudhoe Bay area. Alaska's oil industry has already produced now 9 billion barrels from Alaska's North Slope.

Whatever the estimate, it is an absolute fact that currently Alaska is supplying more oil to the United States than Saudi Arabia, but that the Prudhoe Bay field is being overproduced. We expect a 20-percent decline in production in the next 5 years and a 30-percent decline in the 5 years following. By the end of this decade the production level will drop from last year's 2.1 million barrels a day to 500,000 barrels a day.

Mr. President, the only way to keep the throughput of the Alaska pipeline up to where it maintains the economic security of the United States is to gain access to the areas of the Arctic where access is now denied so our industry may start the process of exploration.

If we authorized the exploration of ANWR this year, we would see oil exploration starting in 1991 and, assum-

ing discovery, we could have actual oil from the ANWR area into the Alaska oil pipeline by 1994. If that is not done, the United States will increase its demands for foreign oil, increasing our reliance upon the Middle East at the rate of about 200,000 to 300,000 barrels a day each year. As the pipeline throughput from Alaska goes down, the only place the U.S. oil needs may be replaced is through increased imports from the Middle East.

Mr. President, I do not take the floor with any kind of feeling of joy over the need to remind the Senate that we cannot have a situation where we become reliant upon Iraq for two-thirds of our oil. If they do take over the oil fields of Saudi Arabia, their economic weapon against us is horrendous.

I am hopeful, Mr. President, the Senate will respond to the request that we will make when we return in September to move ahead with the bill that was reported by the Senate Energy Committee to authorize the leasing of ANWR, to proceed as was originally intended in the 1980 Alaska National Interest Lands Act. The Senate must indicate that there is an urgency to develop the additional oil reserves that are necessary to maintain our own security.

Last, Mr. President, I hesitate to say this, but I think the Senate needs to be reminded of a saying that was quite prevalent when I was a young boy. It is a very simple saying: "Loose lips sink ships."

There are people around here talking about what the President might or might not do with regard to Iraq, what options we have, and how we might proceed to stop this juggernaut of the Iraqis as they move their third to fourth largest Army in the world down the Persian Gulf.

I believe it is time for us to stop talking about what we might do and get behind the only person who has the right to act under our Constitution—the President of the United States—and back him up on what he decides we are able to do. It is no time for loose lips, as far as I am concerned.

Mr. President, I am indebted to the majority leader for the opportunity to make this statement.

The PRESIDENT pro tempore. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TROUBLE AT THE EUROPEAN BANK

Mr. KASTEN. Mr. President, last March I alerted my colleagues to the danger that the proposed European Bank for Reconstruction and Development might become too centralized, too socialistic, too entrenched, and too much of a bureaucratic vacuum cleaner sucking power away from entrepreneurs and toward government officials.

Senator DOLE and I proposed an alternative aid program—a special lending window at the World Bank—that would have avoided the worst of these problems, and that, unlike the EBRD, would have been in place by now. Regrettably, the most recent reports from Europe lend a considerable amount of credence to my concerns about the EBRD. I ask unanimous consent that three articles on this—two in the Financial Times and one in the Economist—be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Financial Times, July 30, 1990]

SHAREHOLDERS IN EBRB CALL ON ATTALI TO RETHINK

(By Peter Riddell)

The U.S. and other leading shareholders are pressing Mr. Jacques Attali, president designate of the new European Bank for Reconstruction and Development, to change his proposals for centrallsing power and for setting up an extensive branch network.

Some shareholders have warned that they may reconsider participating in the bank, intended to assist each European economic reform, if the changes are not before their next meeting in London in October.

The shareholders were worried by detailed suggestions made at a tense meeting in London earlier this month by Mr. Attali, a close adviser to President François Mitterrand of France, which were seen as being against both the spirit and the letter of the general structure for the bank agreed in late May after lengthly negotiations.

The dispute is both about the style of Mr. Attali's management and about the direction of the bank, which, with an initial capital of $13bn, is also intended to aid the east European private sector.

Officals in the Bush Administration hope these "very unfortunate" problems are temporary and are seeking clarification from Mr. Attali, who is on holiday.

But U.S. officials say that, unless these questions are resolved, existing strong opposition in Congress may make it more difficult to pass the necessary legislation authorising U.S. involvement. Hence it is possible that the U.S., with a planned 10 percent stake, may not join the bank.

According to one non-U.S. participant at the London meeting, Mr. Attali irritated representatives of member governments by his attitude to questions.

At one stage he apparently said he did not deal with bureaucrats but with prime ministers, with whom any problems should be raised. He hinted that if the shareholders did not like his plan he would resign.

The U.S. and other shareholders, including Japan and some European ones, believe that Mr. Attali is departing from the agreed framework in concentrating power upon himself as president rather than leaving authority for approving policy and loans with the board of executive directors from member shareholders, as happens with the IMF and World Bank.

Consequently, U.S. officials have described as "patently unacceptable" Mr. Attali's proposal that the agreed plan to have resident executive directors should be deferred for two years.

There is also concern that the earlier agreement that the senior vice-president, Mr. Attali's deputy, would be an American has not yet been resolved although discussions are continuing with Mr. Ernest Stern, a senior vice president of the World Bank.

The other main worry is about Mr. Attali's proposal to set up branches throughout eastern Europe, A U.S. official said this risked repeating the mistakes of other regional multilateral development banks which had set up such branch networks, creating an incentive just to pump money out. Instead, the critics would like to see a business plan for the bank's lending policies agreed first.

[From the Financial Times, Aug. 2, 1990]

AUTOCRACY AND TEARS AT THE BANK

Those who know Mr. Jacques Attali are far from surprised that he should be making headlines as president-designate of the European Bank for Reconstruction and Development well before the new multinational institution for helping Eastern Europe has formally been set up.

For this dynamic, fiercely intellectual and mercurial adviser to France's President Francois Mitterrand is by temperament far removed from the pin-striped world of the banker and the bureaucrat.

But news of an acrimonious meeting two weeks ago in London between Mr. Attali, his staff and representatives of the 40 nations setting up the EBRD has created more than the usual flutter of concern in Washington and other capitals. The reports of Mr. Attali seeking to centralize power in the bank and aspiring to set up an extensive and expensive branch network in eastern Europe have prompted mutterings of Napoleonic *folie de grandeur* at odds with the bank's purpose of promoting the market economy in the former Soviet satellite nations as effectively and swiftly as possible.

With the dust now settling after that meeting, it seems the EBRD is not in a state of antenatal crisis.

But it is clear that, whatever the EBRD's major shareholders thought when they selected Mr. Attali to be the bank's president, they appointed a man who is determined to be a hands-on president, running the bank in his own way. The disputes have also thrown into focus the unique character of the EBRD which, Mr. Attali's supporters claim, justifies his rigorous treatment of the shareholders' representatives last month.

By the standards of international institutions, the gestation period of the EBRD has been rapid. It was first conceived by Mr. Attali at the end of last year. It is hoped that it can be operating by next February.

At the end of May, ministers and senior officials from the Group of Seven leading industrial powers, the European Community, eastern Europe, the Soviet Union and a scattering of other countries signed the EBRD charter in Paris. The meeting in London last month was to carry out the important, nitty-gritty work of drawing up by-

laws and other regulations to ensure that the bank can operate once its creation has been ratified by member states.

Many officials attending the meeting returned to their national capitals deeply upset by Mr. Attali's style. Some complained that the arrived late for the meeting, others that he railroaded those parts of the discussion that he attended. Others objected that he was trying to use the present power vacuum at the embryo bank to concentrate power in his own hands.

These complaints have taken the Attali camp by surprise. Members of his staff say the meeting was constructive and achieved a great deal in preparation for the next meeting with shareholders in October.

To some extent, tension was to be expected. The history of international institutions has been punctuated by squabbles between the people charged with running them and national governments. Such conflict is especially rife where disbursing public money is concerned.

Mr. Attali's personality undoubtedly exacerbated a potentially tense situation. Not a man to suffer fools gladly, his years of sitting in the outer office of the French president have apparently fostered his impatience with lesser mortals. One European official who attended the London meeting complained to his superior about Mr. Attali's brusque handling of the discussion. Mr. Attali's staff admits he has a very direct manner. "It can be described as efficient," one said.

But such tensions are also a sign that the role and nature of the EBRD have still to be defined. Mr. Attali is apparently concerned that the bank, which will be empowered to make equity investments in eastern Europe, should have many of the attributes of a merchant bank rather than a development agency. He fears that it will be unable to function with sufficient speed if all important decisions have to be approved by executive directors from member shareholders as happens with the International Monetary Fund and World Bank.

Members of Mr. Attali's staff reject specific complaints raised after the London meeting. Far from proposing the establishment of branch offices for the EBRD throughout eastern Europe, they say Mr. Attali simply asked permission for a study of the practicality of such offices. This was agreed by the meeting, they say.

It is also understood that Mr. Attali very much wants Mr. Ernest Stern, a US citizen and a senior vice-president of the World Bank to be the EBRD's senior vice-president. The absence so far of an announcement about the appointment of a deputy had raised fears in the US that Mr. Attali might be trying to reverse an earlier agreement that the job should go to an American.

In Britain, which has secured London as the home of the bank, officials are anxious not to make too much of the discord. One spoke of "creative tensions" between Mr. Attali and the shareholders. Another argued that the bank would need strong leadership to be a success.

Other capitals also seem anxious to play down talk of rows at this stage. A West German official, for example, said Bonn was giving Mr. Attali the "benefit of the doubt".

The EBRD itself could have been spared much confusion if Mr. Attali had decided against isolating himself from the press. But this self-denying ordinance, one aide explained, only highlights his desire to work by the book. Mr. Attali felt it was not right to speak for the EBRD until formally elected to the position of president.

[From the Economist, July 28, 1990]

COCK OF THE ROOST

Is the BERD's head growing too big for the beast? The European Bank for Reconstruction and Development (BERD is its French acronym) is the future international institution designed to help finance the rebuilding of ex-communist Europe, with a capital stock of 10 billion ecus ($13 billion) and an emphasis on promoting the private sector. Last week the bank's 42 founding members met for the first time in London, where its headquarters will be, to discuss how it will work. Some of them emerged privately alarmed at the imperial behavior of the bank's French president-designate, Mr. Jacques Attali.

That Mr Attali should have ruffled some feathers is hardly surprising. A brilliant man—five foreign languages, four degrees, three books just in the past year—he produces more ideas (of variable quality) in a week than most people do in a year. Some find him irrating. Others appreciate him: among them President Mitterrand, whose close adviser he has been. Admirers marvel at the negotiating skill which helped hatch the BERD with impressive speed. So what if he kept the founding representatives waiting for an hour last week before turning up to deliver them a long lecture? "That's the man we know and love."

Yet it is more than just the Attali style that bothered some of the people at the London meeting. They worry about what they see as his grab for power: too much of it for himself as president, too little for the board of directors. True, the bank's constitution ensures that any loans have to be approved by the board. But within such constraints, say the worriers, Mr Attali seems to want to make the bank as "presidential" as possible; they see a risk of creating a monster that will be hard to control.

The Attali cabinet circulated its draft bylaws for the bank. There was particular concern at Section 8(b): "The president may take all steps which in his or her opinion are necessary to conduct the current business of the Bank." Also circulated was a document outlining Mr Attali's "current thinking" on the bank's organisation. Eyebrows rose at a chart of management structure showing no second-in-command to Mr Attali, and at the section on the president's functions. The president will, it said, "define the strategic agenda for the bank," and "decide on all major issues of policy and operations."

What, some wondered, ensures that he will act in the shareholders' interests? Some believe the board should be fully constituted right from the beginning (not the plan at present) so that it can influence the bank's "culture".

Proposals affecting the bank's budget caused concern, too. The average payroll cost for each member of the eventual staff of some 450 is projected to be 125,000 ecus. Mr Attali, it seems, would like to open branches of the bank throughout the borrowing countries of Eastern Europe; that will also take its toll on the budget. When asked whether it is sensible for the bank to open branches before it knows what it is supposed to be doing, Mr Attali is said to have "erupted".

No doubt many of these worries can be smoothed out before the BERD actually take flight. Another shareholders' conference is to held in October; plenty of time for more amendments to the draft by-laws. The bank will formally come into existence (probably next year) once parliaments of two-thirds of its shareholders have ratified it. But there are two dangers.

One is that resistance to Mr. Attali's wilder ideas will be wimpish. The British are being polite in public, because they are playing host. The Dutch don't want to be accused of sour grapes because their candidate for the presidency, Mr. Onno Ruding, lost out. The Germans don't want to upset the French. The French will not commit *lèse*-Attali. The East Europeans don't want to spoil their chances of getting money.

The other danger is that, even if the critics do pipe up, Mr. Attali will not listen. There was little real dialog at last week's meeting. And Mr. Attali has said he will not be talking to the press until he is formally appointed president.

If he really is pushing for strong presidential powers, it may be from the best of motives. Eastern Europe's needs are urgent. The bank should be able to move fast, unclogged by bureaucracy. But Eastern Europe also needs a bank which enjoys complete confidence from the start. For that reason alone, Mr. Attali should listen to the twittering in his BERD's nest.

Democracy has come too far in eastern Europe in the last 12 months for us to let the chance for economic freedom slip away. All Senators ought to be interested in the "writing on the wall" contained in these three articles, and keep this issue in mind when we consider the authorization for U.S. funding for the BERD.

UNIVERSITY OF MICHIGAN

SUNRUNNER IS FIRST AMONG WINNERS

Mr. LEVIN. Mr. President, I want to bring the attention of the Senate today to a race that was recently completed in Michigan. It was a race from Orlando, FL, to Warren, MI, featuring 32 solar-powered cars competing in the "GM Sunrayce USA." It was won by a very dedicated team from the University of Michigan, but in a deeper sense, there were 32 winners.

Instead, some of the brightest young minds in this Nation, in teams from colleges all over North America, Canada, and Puerto Rico, including a joint team from Western Michigan University and Jordan College, gave us a glimpse of the future. Powered only by the sun and the collaborative inspirations of the young and young at heart, the racers blazed a 1,650-mile trail of proof that the technology for producing ultra-clean vehicles is ours if we can seize the opportunity.

The current concerns about the supply of energy are only one spur to the development of this technology. The potential for cleaning our air and reducing the threat posed by global warming is equally exciting. The fact that studies tell us ultra-clean technologies like solar power could result in cars far cleaner than the best gasoline-

powered engines sets an important goal for this Nation.

But we cannot reach that goal without placing a high priority on education in this Nation. Our young people need to see the fields of science and engineering as their own "field of dreams," where accomplishment is only limited by the power of the mind. Among the many in this race who inspired us all young and old is the University of Michigan's winning squad. I was very proud to have been able to join them recently in Michigan to celebrate their achievement and to celebrate the future. I am also very proud, Mr. President, to list their names in the CONGRESSIONAL RECORD: Joe Bartlo, Dave Bell, Justin Beres, Michael Blackman, Jeff Boyne, Matt Brown, Kevin Czajkowski, Susan Fancy, Paula Finnegan, Chris Gregory, Daniel Hauri, Bill Kaliardos, Harpreet Labana, Chetan Maini, Mike McAlear, Rahul Naik, Dave Noles, Doug Parker, Jeffrey Pavlat, Scott Sbihli, David Smith, Frank Stagg, Andy Swiecki, Cyril White.

TRIBUTE TO J. SOUTHGATE JONES, JR.

Mr. SANFORD. Mr. President, I rise today to pay tribute to J. Southgate Jones, Jr., one of my long-time friends and a constituent from my hometown of Durham, NC. For the past year, Mr. Jones has been president of the Independent Insurance Agents of America, Inc. [IIAA]. We all have independent agents in our States and it is important to recognize those who have gone above and beyond the call of duty to serve their association of small business people at the national level. Southgate has a record of distinguished service in our community, holding the office of president of the United Way, the YMCA, the Red Cross, and many other enterprises. Mr. Jones is also a former Durham City Councilman and past president of the Durham Chamber of Commerce.

His tenure with the Independent Insurance Agents of America reveals his dedication to his work. As president of J. Southgate & Son, Inc., he has served as president of the Independent Insurance Agents of North Carolina and president of the Independent Insurance Agents of Durham. He also has been chairman of the legislative committee, and the building and action committee for the Independent Insurance Agents of North Carolina. He is a recipient of the Durham Agent of the Year Award, North Carolina Agent of the Year Award, and the Carolinas' Insurance Managers' first Leadership Award.

Mr. President, it is my distinct privilege and honor to ask my colleagues to join me in recognizing J. Southgate Jones, Jr. I know Southgate will continue his distinguished service and dedication to independent agents and to his community. I am pleased we can recognize such an outstanding individual for his dedication and professionalism.

SOCIAL SECURITY AND DEFICIT REDUCTION

Mr. HARKIN. Mr. President, before we leave for our August recess, I wanted to address the issue of Social Security and deficit reduction.

It has been reported from time to time that negotiators at the budget summit are considering cutting Social Security benefits as a part of a deficit reduction plan. One of the options discussed would freeze or delay the cost-of-living adjustment or COLA that elderly and disabled Social Security recipients are scheduled to receive January 1, 1991.

Mr. President, no single function of Government affects as many Americans as profoundly as Social Security does. Nearly 40 million retirees, disabled workers, their spouses and children, including 518,000 Iowans, receive a Social Security check each month. Social Security is the primary source of income for 70 percent of older Americans, and it is virtually the sole source of income for almost one in three older persons.

Some may say, "Just delaying the COLA's isn't really a benefit cut. That isn't so bad." Well, let us look at real life. Because in real life, a delay is a cut in income to our seniors. And not just for this year, because a cut in their income this year means less income in the year to come as well.

In budget terms, eliminating this year's COLA for Social Security and railroad retirement recipients would mean a $7.6 billion cut in benefits. Even more onerous, it would cut benefits by over $49 billion over the next 5 years.

In human terms, and that is what is most important here, eliminating the COLA would hurt our most economically vulnerable seniors the most. A recent study by the Families USA Foundation, found that a 1-year COLA's freeze would push 368,000 older Americans permanently below the poverty level—$6,820 for an individual and $8,420 for a couple. Further, they found that another 420,000 older Americans would be thrown below 150 percent of the poverty level. In my own State of Iowa, over 3,500 seniors would be forced into poverty. Since most older persons live on tight-fixed incomes, carefully planning out each dollar, this cut will mean having to choose between giving up heat, medications, or food. Because the cost of all of these necessities, especially health care, will increase while their incomes stay flat.

Mr. President, Social Security did not cause the deficit. It should not be used to solve it. The deficit summit negotiators have a tough task. Any cuts are bound to be in some way controversial. But we cannot accept forcing older Americans to bear the brunt of a problem they didn't create. That is why if a deficit reduction plan comes before us that cuts or eliminates the seniors' or the disabled's COLA, I will have to ask that there be a separate up or down vote on this provision. So that it is perfectly clear what is being done.

EXPLANATION OF ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] missed several votes this afternoon.

Since it was not clear whether the Senate was going to hold a Saturday session until yesterday, the Senator had made a commitment to meet with various constituent groups in New Mexico. He canceled one meeting with the Association for Retarded Citizens. He really felt badly about missing this appointment. It has been scheduled for a long time.

He did delay his departure so that he could be here for the SDI debate. SDI, as most of my colleagues know, is very important to New Mexico because of the extensive SDI research carried out at Los Alamos and Sandia National Laboratories. Senator DOMENICI delayed his departure in order to participate in the debate.

However, the Senate was hours from completing its work and rather than disappoint other constituents he had planned to meet with, he caught the 2 p.m. plane to Albuquerque. This would permit him to arrive for the last of his scheduled appointments for today.

SOCIAL SECURITY NOTCH

Mr. HARKIN. Mr. President, approximately 10 million Americans have been waiting 13 long years for Congress to address the Social Security notch—a glitch in the law which has reduced the benefits of individuals born between 1917 and 1926.

As a result of the 1977 amendments to the Social Security Act, individuals born between 1917 and 1926 receive substantially lower benefits than individuals born in earlier years. This reduction in benefits has caused suffering among older Americans, many of whom depend on their Social Security check to keep them out of poverty.

There are approximately 130,000 Iowans affected by the notch. When I came to the Senate 6 years ago, I made notch correction legislation a priority and I have supported and cosponsored legislation over the years which will provide relief to these individuals in a fiscally responsible manner.

In the 101st Congress, I cosponsored Senator SANFORD's bill, S. 1212, which will ease the financial inequity created by the Social Security notch. In the past, notchers were considered as those individuals who were born during 1917 and 1921. However, the financing formula of the Sanford bill calls for a gradual phase-in of a stable level of benefits for individuals who were born between 1917 and 1926, thus targeting the benefits to those who need them the most. Moreover, this legislation provides a lump sum payment of up to $1,000 per family for past periods of entitlement.

So, I want to announce to my colleagues that when we consider the long-term debt ceiling, I plan to offer an amendment similar to Senator SANFORD's proposal. Finding a solution to the Social Security notch is in the best interest of Congress, the Social Security system and the Nation.

I urge my colleagues to join me in the effort to redress the grievances of millions of persons who have been unfairly penalized by the notch. Doing so will bring long-awaited justice to these beneficiaries and build greater confidence in the Social Security system.

STATEMENT ON INTELLIGENCE AUTHORIZATION ACT FOR 1991

Mr. BRADLEY. Mr. President, last night the Senate passed S. 2834, the Intelligence Authorization Act of 1991. I support this bill but I also want to express significant reservations about one aspect of the bill. In particular, I am concerned that President Bush might misinterpret this act as a mandate for U.S. intelligence agencies to devote scarce budget dollars and sensitive collection methods to the task of giving private business interests an edge in international competition. I am also emphatic that the SCSI's call for a comprehensive study of economic espionage by foreign powers in the United States must not become a pretext for a new program of counterintelligence surveillance by the FBI of either foreigners or Americans.

In my view, it would be imprudent to shift the resources of the U.S. intelligence community away from critical national security missions that it is uniquely competent to perform, and toward economic problems of the private sector that it is ill-suited to solve. Improving the relative productivity, technological quality, and commercial competitiveness of enterprises that employ American workers is simply not a project for our intelligence agencies.

Further, the traditional national security purposes for which we created these agencies have not disappeared. It would be dangerous to distract the intelligence community from vigilantly monitoring the many serious threats to U.S. national security interests that will proliferate and persist in the post-cold-war world. Indeed, Saddam Hussein's armed aggression Thursday against Kuwait underscores the point that United States intelligence agencies will continue to have life-or-death projects far more pressing than watching international commerce.

The world has been changing. The former Soviet colossus has diminished as a threat to American interests because its leadership finally recognized the vast scale of its political and economic failure. At the same time, Americans have grown concerned that the United States may be losing its dominant role in the international economy, especially to its allies in East Asia and Western Europe.

Although the fading of the Soviet military threat does not lessen our need for capable, wide-ranging foreign intelligence, the President has responded to these developments by proposing to redirect intelligence programs away from old problems of international security and toward economic and trade issues. In his statement of National Security Strategy issued last March, President Bush specified a new direction for U.S. intelligence programs:

> • • • We will also have to adapt to a new emphasis on broader global economic and trade issues. We must be more fully aware of such subjects as foreign trade policies, economic trends, and foreign debt.

While I agree with the President that he and his administration have not been as alert as they should have been to global economic issues, the intelligence community is not to blame for these deficiencies. Moreover, we cannot expect U.S. intelligence agencies to improve either the administration's economic policy or the competitive performance of U.S. companies. Those solutions lie elsewhere.

I am also troubled by the President's suggestion that U.S. counterintelligence programs should broaden their focus on threats to "our secrets and technologies" from foreigners. Does this mean the U.S. Government is spying on foreign-owned firms that employ millions of American workers? Do they pose such a threat? Should they be subject to counterintelligence surveillance more than companies that are fully owned by U.S. citizens. If so, why? These questions remain unanswered.

Mr. President, I am worried about the presumptions and scope of the study on Economic Espionage directed by the SSCI's report. The report raises undue, or at least premature, alarms about "an emerging economic espionage threat, including the collection of U.S. proprietary and unclassified information by foreign powers."

In the classified report that accompanies and amplifies this public report, I have sought to draw a sharp distinction between perfectly legal information-gathering by foreign powers, which we conduct ourselves and which must be tolerated, and illegal economic espionage, which should be countered effectively. The SSCI's report fails to utilize this distinction, and I remain to be convinced that economic espionage in the latter sense is a new or growing threat that warrants a greater counterintelligence effort. Despite my request for evidence on cases in point, the Director of Central Intelligence has not substantiated his public assertion that "we have been victims of industrial espionage."

Mr. President, I happen to believe that there are more than enough difficult and important challenges for the intelligence community in the national security field. There is no good reason why firms should expect the CIA or the FBI to protect their proprietary information against snooping by foreign competitors any more than they need such protection against similar threats from domestic American rivals. Nor should the U.S. Government use sensitive intelligence sources and methods, or scarce tax dollars, to collect economic information for the exclusive benefit of private interests, especially if such efforts would infringe on the fundamental freedoms guaranteed by the fourth amendment of the Bill of Rights. Yet, that is the direction the President, the Director of Central Intelligence, and the Select Committee on Intelligence seem to be headed. Mr. President, I urge them to reconsider.

CHEHALIS RIVER BASIN FISHERY RESOURCES STUDY AND RESTORATION ACT, H.R. 3787

Mr. ADAMS. Mr. President, I rise today in support of a bill authorizing the study and restoration of the fishery resources in the Chehalis River Basin of Washington State.

The Chehalis River Basin is our State's second largest river system. It includes approximately 1,400 separate rivers and streams totaling nearly 3,400 miles in length. The Chehalis River Basin has a long history as one of the greatest fish runs in our State. Fishery resources in the basin have supported recreational, commercial and Indian fisheries in the basin and in the ocean off the shores of Washington, Canada, and Alaska. The basin is home to large runs of anadromous fish including trout, salmon, sturgeon, and shad.

Unfortunately, over the past few decades the fish runs have been in constant decline. Today the number of fish produced in the basin is one-half of what it was in 1935. It appears that the Chehalis River problems stem from the survival of juvenile fish. These fish appear to be dying from

problems existing in the lower part of the river and the industrialized inner harbor. Many parties, including recreational and commercial fishing interests, State and local governments, Indian tribes, industry, and public utilities, have made attempts to determine the causes of these problems. However, these efforts have met with limited success.

The legislation before the Senate today is intended to help fund and coordinate the work of these interested parties. This bill authorizes a 3-year, $2.5 million program to be conducted by the U.S. Fish and Wildlife Service. One-fifth of the appropriated sum will be made available to the Chehalis Tribe and the Quinault Indian Nation for their participation. Contributions from State, local, and other entities will provide an additional $500,000. The assistance of the State and Indian tribes is very important to the success of this project. The tribal governments in western Washington and the State of Washington have made great strides in their mutually supportive efforts to protect, manage, and enhance our region's anadromous salmon fisheries resources. The cooperation between the tribes and the State has evolved into a working model of possible accomplishments when entities join to achieve common objectives. I expect that the implementation of the proposed Chehalis River Basin Study legislation that this tribal-State fisheries management relationship will be strengthened through fisheries habitat improvements.

The legislation is divided into two components. First, the parties will review existing studies to identify data needs. Second, the act directs the participating groups to conduct additional studies to develop goals for restoring the fisheries resource in the Chehalis River Basin. Participants in this process will include a variety of State and Federal agencies as well as the local governments, tribal interests, commercial and recreational fishing interests and other affected entities.

Mr. President, this legislation is very important to my State. It is supported by all parties I have mentioned, as well as the administration. It is my hope that the Senate will also add its endorsement to this worthy bill. I would like to close by expressing my admiration to Congresswoman JOLENE UNSOELD and Jim Hoff on her staff for their outstanding work on this bill. Thank you.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,967th day that Terry Anderson has been held in captivity in Beirut.

A COUNTERFEIT-PROOF SOCIAL SECURITY CARD, NOW

Mr. MOYNIHAN. Mr. President, the front page of this morning's New York Times carries a photograph of three young illegal immigrants in Los Angeles holding up counterfeit green cards and Social Security cards. The caption reads: "For Immigrants, Fake Documents Are Easy To Come By." The story, ably reported by Richard W. Stevenson, has the headline: "Growing Problem: Aliens With Fake Documents."

Mr. Stevenson reports that a recent survey by the Immigration and Naturalization Service of 900 aliens arrested at workplaces in the past year, some 233 "admitted having counterfeit Social Security cards." The story continues: "Most new arrivals can buy a green card and a Social Security card for $20 or more in central Los Angeles, with prices generally higher in other regions, investigators said."

Some may regard this news—and, of course, there is a sense in which it is not news—as representing a defeat for the organizations in the American government concerned with illegal immigration. And so it is. Yet, it is equally important to recognize that it also marks a victory for the Social Security Administration. A victory over Congress, and a victory, less pronounced, within the executive branch.

It is a victory in the sense that the Social Security Administration is determined that the Social Security card should be easily counterfeited. The SSA does not directly desire this, but it might as well do. For it defeats all efforts to create a counterfeit-proof Social Security card. It does this from powerful, if in my view misguided principle.

I wish I could interest students of bureaucracy in this subject. Perhaps these remarks will do.

To understand this curious "organizational behavior," it is necessary to go back to 1935 when the Social Security Administration was created. At President Roosevelt's firm insistence, each contributor to this system was given an account, complete with his or her own number, and a card with the contributor's name and number so that employee and employer contributions could be posted to the account in a routine manner.

Right off, opponents of Social Security, and of President Roosevelt, charged that the administration was creating an identity card, of the sort recently introduced in Nazi Germany.

Nothing could have been further from the truth. The distinction is elemental. In a police state—or a country such as wartime Britain—identity cards are issued under the rubric of national security. Individuals must carry them, and must produce them upon demand from the authorities. Obviously, no one is required to carry a Social Security card, much less to produce it on demand. It is a near relation of a bankbook. Of interest only to the depositor and the institution in which funds are deposited. Mind, over the half century Americans have come to use their Social Security number for general identification purposes. Numbers are issued in maternity awards. But this is a convenience, nothing more.

Even so, the Social Security bureaucracy remained traumatized—I do not think that is too strong a word—by the original charges, and committed to maintaining the original plain pasteboard card. As a sign, perhaps, of innocence.

When I came to the Senate almost 14 years ago, I commenced a now extended effort to persuade the Social Security Administration that the pasteboard card was out of date. I had a number of concerns. The most important was that the American public was still uncertain about the security of Social Security benefits. I hoped for an American Express-type card that would proclaim the dependability and solvency of the system. I tried and tried. Time and again such a measure would pass the Senate, only to be rejected in the House where the Social Security bureaucracy was well connected.

Finally, in 1983 I attached a tamperproof provision to the Social Security legislation for that year. Legislation of great importance, of course.

For almost a year, I waited for our new card. A counterfeit-proof Social Security card. Finally, it arrived. And what did we get? The same old pasteboard. There were technical changes. Tiny fibers were mixed with the pulp from which the cards are made. In an FBI laboratory, a counterfeit is easily detected. Under a microscope. But, of course, the fibers are invisible to the naked eye.

Presto. The Social Security Administration had thwarted the will of Congress, and not coincidentally, blocked an obvious need of the Immigration and Naturalization Service.

In March 1988, the General Accounting Office released a report on ways to improve the integrity of the Social Security card. The report points out the present card's vulnerability to fraud and identifies a number of counterfeit-resistant technologies that could be used to enhance the card's integrity, such as putting a hologram on the card. Today, credit card companies manufacture plastic cards with holograms for only 2 or 3 cents a piece.

During the 1936 Presidential campaign, Republican National Chairman, John D.M. Hamilton warned that eventually every American would be required to wear a dog tag containing his Social Security number. In the half century since then, we have, I

thought, become much less susceptible to this sort of thing.

But the Social Security bureaucracy, I am afraid, has not. They cling to the old views and fears. They opposed my proposal last year to provide for yearly Social Security account statements that would tell all workers what they have paid in and could expect to get back in benefits. We finally got a compromise, phased-in version enacted in the 1989 Reconciliation Act.

Public confidence in Social Security remains low, and the SSA remains disinterested or unconcerned. This is not an insignificant problem in itself, and I have proposed other measures to deal with that, such as making SSA an independent agency. But for today, let me simply draw the attention of my colleagues to today's news on the subject.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 4, 1990]

GROWING PROBLEM: ALIENS WITH FAKE DOCUMENTS

(By Richard W. Stevenson)

LOS ANGELES, August 3.—Armando Huerta arrived here two months ago from Mexico and, like many of the illegal aliens who continue to come to Southern California, went almost immediately to a seedy part of Alvarado Street near downtown Los Angeles.

There, Mr. Huerta said, he quickly found a man who offered to sell him fake identity papers. Mr. Huerta told the man he could afford to pay $19—he had $20 but he needed to save $1 for the bus—and the deal was quickly struck. In a few minutes the 23-year-old Mr. Huerta had a counterfeit "green card" and Social Security card, allowing him to get temporary jobs in restaurants and construction.

Now Mr. Huerta is looking for a permanent job in a factory, and is settling in as a member of the region's huge illegal work force.

THE MOST PRESSING PROBLEM

The increasing ease with which Mr. Huerta and other newly arrived illegal immigrants can buy fraudulent documents and use them to find jobs has become one of the most pressing problems Government officials face as they try to enforce the nation's 1986 immigration law.

As long as illegal immigrants believe they can find jobs and relative prosperity in the United States, experts say, the Immigration and Naturalization Service will continue to have difficulty stemming the flow of illegal aliens from Mexico and other economically distressed nations to the south.

"This is the premier fraud problem facing the immigration service," said Lynn Nelson-Paretta, the service's senior special agent for investigations in Washington.

The 1986 law, the Immigration Reform and Control Act, gave many illegal aliens already in the United States a chance to become legal residents. But it was also meant to choke off further illegal immigration by making it more difficult for illegal aliens to find jobs.

The law requires employers to demand proof from job applicants of their right to work in the United States, through documents like passports, driver's licenses, Social Security cards and immigration papers. Employers found not to have required such proof face fines or prison sentences.

Immigration officials say a vast majority of employers are meeting the law's requirements by demanding documentation from prospective employees. In fact, some employers are so fearful of the law's penalties, or so biased, that they refuse to hire any aliens.

A study made public earlier this year by the General Accounting Office, the investigative arm of Congress, found a "widespread pattern of discrimination" against people with a "foreign appearance or accent."

But other employers who are willing to check into an applicant's documentation have no legal incentive for doing so. The law does not require employers to verify the authenticity of documents, nor does it provide an easy way for them to do so.

IT'S "A MUSHROOMING INDUSTRY"

With fraudulent documents so readily available, officials say, employers in regions and industries that have long relied on a low-wage illegal work force are still hiring large numbers of illegal aliens, sometimes knowingly and sometimes unknowingly.

"This loophole in the law has created a mushrooming industry of falsified documents," said Jorge Bustamante, president of the College of the Northern Border, in Tijuana, who has done extensive research on illegal immigration.

Counterfeiting is a problem in every city that attracts large numbers of illegal aliens, officials said, but such activity is very brisk in Los Angeles.

A SURVEY OF ILLEGAL ALIENS

To gauge how widespread is the use of fraudulent documents, the immigration service surveyed 900 aliens who were arrested at work places last year. Of those 900, 233 admitted having counterfeit Social Security cards and 142 admitted having a fake "green card," the common name for a permanent residency document. Officials said the survey probably understated the numbers of aliens with fake documents.

Prices for such documents vary widely. Most new arrivals can buy a green card and a Social Security card for $20 or more in central Los Angeles, with prices generally higher in other regions, investigators said.

More elaborate documents, like the card used to identify an alien as someone who has completed the first step in the process of becoming a citizen under the 1986 law, can cost at least $500. Fraudulent birth certificates and driver's licenses are also widely available on the street.

"Some employers even refer the undocumented immigrants to where they can get falsified documents," Mr. Bustamante said. "They are interested in reducing the cost of labor, and they can comply with the law by just seeing a document, any document."

A GLANCE FROM THE BOSSES

After arriving here a year ago from Mexico, Guillermo Jacobo Abunader looked for day work with gardeners, construction companies and other employers who hire men from street corners without asking for documentation. But that type of work, which pays less than a steady job, is not always available. So Mr. Abunader bought a fake Social Security card and green card.

"It's much easier to find work with papers," he said. "The bosses just want you to show them something. They just glance at them and are satisfied."

The immigration service is developing a pilot program to allow employers to phone in and verify the documents being provided by job applicants. The agency is also considering recalling all old versions of the green card, including the mid-1970's version that counterfeiters have found particularly easy to copy.

For now, immigration officials say they are aggressively pursuing cases involving fraudulent documents. William M. Griffen, the supervisory special agent in charge of the immigration service's anti-fraud efforts in Los Angeles, said the office has obtained 129 felony convictions on document-fraud charges in the fiscal year ended last Sept. 30.

The pace of convictions this year is running slightly ahead of last year's, Mr. Griffen said, with 101 cases successfully prosecuted through the first nine months of the fiscal year.

SEARCH FOR THE COUNTERFEITER

The agency's ultimate goal is to arrest the counterfeiters who are producing the false documents. But in most cases investigators must work their back up a chain from the document sellers on the street through a variety of distributors before they can identify the counterfeiter.

In a recent case, immigration investigators bought counterfeit documents from a husband and wife team selling documents from a street corner in the Los Angeles suburb of Inglewood. Investigators followed the husband to the apartment of another couple in south-central Los Angeles, where the falsified documents were prepared by placing the buyer's name and picture on the counterfeit documents.

Investigators raided the apartment and found 4,000 blank counterfeit documents, $12,000 in cash and a stolen gun, said John Torres, a special agent for the immigration service in Los Angeles. From there investigators were able to trace the suppliers of one particular counterfeit identify card and arrest them as well.

Although the case resulted in three guilty pleas and one conviction on felony charges involving the possession or selling of falsified documents, investigators have not yet been able to find their ultimate target, the counterfeiter who made most of the documents being sold by those who were arrested.

TRIBUTE TO CHAPLAIN MAJ. GEN. MATTHEW A. ZIMMERMAN

Mr. SANFORD. Mr. President, I rise today to pay tribute to Chaplain Matthew A. Zimmerman, Jr., who is the Chief Chaplain of the U.S. Army. Chaplain Zimmerman is a great leader and was one of the first African-American graduates of Duke Divinity School. He has enjoyed a distinguished and honored career as a military chaplain.

Chaplain Zimmerman joined the military service in 1967 and has served in Vietnam, Frankfurt, West Germany; Washington, DC, and numerous bases in the United States. He received many awards and decorations for his service, including the Legion of Merit, Bronze Star Medal, and the Vietnam Honor Medal, 1st class.

In 1989, President Bush nominated Chaplain Zimmerman for promotion to brigadier general. His promotion and appointment as Deputy Chief of Chaplains became effective later that year. A further honor was bestowed upon Chaplain Zimmerman in 1990, when President Bush nominated him for appointment as the Chief of Chaplains and promotion to the grade of major general, Chaplain's Corps.

Chaplain Zimmerman's rise in rank and responsibility is a reflection of the confidence that has been placed in him. His numerous awards are indicative of his exceptional ability.

I would like to commend the chaplain for his leadership and his commitment to excellence. He is a great man and I wish him continued success in his important ministry.

SOCIAL SECURITY

Mr. PELL. Mr. President, I strongly support the proposal offered by the distinguished senior Senator from New York [Mr. MOYNIHAN] to reduce Social Security payroll taxes and to return the Social Security system to its traditional pay-as-you-go basis.

I was one of five Senators who joined with Senator MOYNIHAN when he first introduced this proposal in January of this year, and I am a cosponsor of the proposal now before the Senate.

This legislation is essential to end the current massive annual plundering of the Social Security trust funds to both mask the size of the Federal budget deficit and to finance that deficit.

The proposal has strong support from a broad range of national organizations, representing business, small business, the elderly, and workers.

Among those supporting the Moynihan proposal are the U.S. Chamber of Commerce, the National Federation of Independent Business, the AFL-CIO, and the National Committee to Preserve Social Security and Medicare.

Let me quote what some of these organizations say about this proposal to cut Social Security [FICA] taxes and to stop the misuse of Social Security funds.

The National Committee to Preserve Social Security and Medicare, one of the Nation's largest senior citizen organizations, in a letter endorsing Senator MOYNIHAN's proposal says it "* * * believes that pay-as-you-go financing is the fairest approach to Social Security financing. Huge build-ups in the trust funds take money from current workers' pockets, disguise the size of the Federal deficit, and provide a false sense of security."

The U.S. Chamber of Commerce in a letter to Members of the Senate says:

> It is by now widely understood that the excess FICA (Social Security) taxes being collected today are not being saved to finance the next generation's retirement. Instead, they are used, through the purchase of special-issue Treasury bonds, to finance current government spending.
>
> The Moynihan proposal returns these excess taxes to the workers and employers who have earned them, without thereatening the benefit security of current or future Social Security recipients.

The AFL-CIO says:

> The AFL-CIO supports the concept of the Moynihan proposal because it exposes the charade of using the growing Social Security trust fund surplus to hide the true size of the federal deficit. Since the Social Security tax is levied only on the first $51,300 of earned income, middle-income working people are paying a disproportionate share of the burden to build this surplus, the purpose of which has been hijacked to mask the consequences of unbalanced and unwise budget policies.

The National Federation of Independent Business, with a national membership of more than 500,000 small businesses, says:

> The majority of small business owners pay more in FICA taxes than they do in income taxes. * * * Help America's small business owners, help America's workers, help America's economy. Vote for the Moynihan amendment to cut FICA taxes.

So major spokesman for American workers, for American business, and for older Americans all have joined in support of this proposal.

And I would note that this is basically and in principle the same proposal put forward in January with one modification. Instead of taking affect over 2 years, the proposal now is phased in over 5 years. The reason for that change was to allow the buffer reserve fund to reach a level of 150 percent of expected annual benefit expenditures instead of slightly over 100 percent in the original proposal.

But the basic principle remains the same: Return the system to pay-as-you-go financing, and cut the Social Security taxes now being paid by workers and businesses. The Moynihan proposal would do away with the current system of trying to build huge surpluses in Social Security. We have found that there is no other way to stop the plundering of those surpluses to pay for current expenses of government—from paper clips to B-2 bombers.

The idea that current Social Security surpluses are being put aside to pay for benefits for baby boomers when they retire in the next century has become nothing more than a charade, and a hugely expensive fraud. Indeed, unless it is stopped now the cost of this fraud to the American workers will far exceed the outrageous costs of cleaning up the savings and loan mess.

Under the Moynihan proposal, Social Security withholding taxes will be reduced in each of the next 5 years, with an overall reduction from 6.2 to 5.2 percent of wages. When fully effective, that means a tax reduction of $300 a year for a worker or a family with wage income of $30,000 a year, or a tax cut of $500 a year for a worker or family with $50,000 in wage income. And the workers' employer or employers would benefit from an equal tax cut.

That tax cut is also the amount of excess taxes those working families and those businesses are now paying to build up huge Social Security surpluses that are being misused. Those surpluses are planned to continue for another 25 years, and if they continue under present conditions, that working family making $30,000 will have paid more than $7,500 in excess taxes. That cost is many times the estimates of the long-term costs of the S&L cleanup. It is unthinkable that we should permit this plundering of the workers' wages to continue.

In the State of Rhode Island, the total of the tax cut for workers when the full Moynihan tax cut is in effect would be about $100 million a year. And an equal tax cut of nearly $100 billion would go to Rhode Island businesses. At a time when working families are hard pressed to make ends meet, and when businesses are in great need of funds for investment and modernization to be more competitive, these tax cuts would provide an important boost to the economy.

Mr. President, I commend Senator MOYNIHAN for the great leadership he has demonstrated in bringing this proposal before the Senate. I am pleased to be able to join with him in support of this proposal to provide tax justice to American workers.

TAXPAYER FINANCING—NO!

Mr. DOLE. Mr. President, this past Wednesday, the Senate passed a campaign finance reform bill that has more to do with partisan advantage, with reforming 45 Senate Republicans, than with what a real reform bill should be all about—reducing the role of special interests in Senate campaigns.

After the vote my distinguished colleague from Oklahoma, Senator BOREN, expressed his hope that a bipartisan compromise could be reached in conference.

I welcome my colleague's remarks. And, believe me, I welcome any opportunity to remove the partisan sting that dominates this issue.

But, Mr. President, there should be no illusions.

If a bipartisan deal is to be struck, two big ticket items must first be confronted head on:

First, the issue of taxpayer-financing of politicians, which the Democratic bill fully embraces but which Republicans unabashedly reject.

And second, the issue of nonparty soft money—or sewer money—which

the Democratic bill conveniently and completely ignores.

TAXPAYER-FINANCING

Mr. President, I have prepared a table summarizing the minimum amount of taxpayer-financing required by the Democratic bill.

I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PUBLIC FINANCING—BOREN/MITCHELL SUBSTITUTE—6-YEAR ELECTION CYCLE

State	General-election spending limit	Broadcast vouchers (20 percent)	Postal subsidies	Total public financing		
				1 candidate, 1 election	2 candidates, 1 election	2 candidates, 2 elections
Alabama	$1,303,000.00	$260,600.00	$195,450.00	$456,050.00	$912,100.00	$1,824,200.00
Alaska	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Arizona	1,172,500.00	234,500.00	175,875.00	410,375.00	820,750.00	1,641,500.00
Arkansas	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
California	5,500,000.00	1,100,000.00	825,000.00	1,925,000.00	3,850,000.00	7,700,000.00
Colorado	1,135,900.00	227,180.00	170,385.00	397,565.00	795,130.00	1,590,260.00
Connecticut	1,143,700.00	228,740.00	171,555.00	400,295.00	800,590.00	1,601,180.00
Delaware	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Florida	3,049,750.00	609,950.00	457,462.50	1,067,412.50	2,134,825.00	4,269,650.00
Georgia	1,759,750.00	351,950.00	263,962.50	615,912.50	1,231,825.00	2,463,650.00
Hawaii	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Idaho	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Illinois	2,769,500.00	553,900.00	415,425.00	969,325.00	1,938,650.00	3,877,300.00
Indiana	1,633,250.00	326,650.00	244,987.50	571,637.50	1,143,275.00	2,286,550.00
Iowa	1,039,600.00	207,920.00	155,940.00	363,860.00	727,720.00	1,455,440.00
Kansas	956,200.00	191,240.00	143,430.00	334,670.00	669,340.00	1,338,680.00
Kentucky	1,228,000.00	245,600.00	184,200.00	429,800.00	859,600.00	1,719,200.00
Louisiana	1,332,700.00	266,540.00	199,905.00	466,445.00	932,890.00	1,865,780.00
Maine	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Maryland	1,459,900.00	291,980.00	218,985.00	510,965.00	1,021,930.00	2,043,860.00
Massachusetts	1,744,000.00	348,800.00	261,600.00	610,400.00	1,220,800.00	2,441,600.00
Michigan	2,307,250.00	461,450.00	346,087.50	807,537.50	1,615,075.00	3,230,150.00
Minnesota	1,367,200.00	273,440.00	205,080.00	478,520.00	957,040.00	1,914,080.00
Mississippi	955,600.00	191,120.00	143,340.00	334,460.00	668,920.00	1,337,840.00
Missouri	1,556,200.00	311,240.00	233,430.00	544,670.00	1,089,340.00	2,178,680.00
Montana	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Nebraska	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Nevada	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
New Hampshire	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
New Jersey	3,656,350.00	731,270.00	548,452.50	1,279,722.50	2,559,445.00	5,118,890.00
New Mexico	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
New York	4,000,000.00	800,000.00	600,000.00	1,400,000.00	2,800,000.00	5,600,000.00
North Carolina	1,832,250.00	366,450.00	274,837.50	641,287.50	1,282,575.00	2,565,150.00
North Dakota	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Ohio	2,622,500.00	524,500.00	393,375.00	917,875.00	1,835,750.00	3,671,500.00
Oklahoma	1,111,300.00	222,260.00	166,695.00	388,955.00	777,910.00	1,555,820.00
Oregon	1,036,900.00	207,380.00	155,535.00	362,915.00	725,830.00	1,451,660.00
Pennsylvania	2,899,750.00	579,950.00	434,962.50	1,014,912.50	2,029,825.00	4,059,650.00
Rhode Island	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
South Carolina	1,167,400.00	233,480.00	175,110.00	408,590.00	817,180.00	1,634,360.00
South Dakota	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Tennessee	1,505,500.00	301,100.00	225,825.00	526,925.00	1,053,850.00	2,107,700.00
Texas	3,609,500.00	721,900.00	541,425.00	1,263,325.00	2,526,650.00	5,053,300.00
Utah	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Vermont	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Virginia	1,753,750.00	350,750.00	263,062.50	613,812.50	1,227,625.00	2,455,250.00
Washington	1,463,500.00	292,700.00	219,525.00	512,225.00	1,024,450.00	2,048,900.00
West Virginia	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Wisconsin	1,483,600.00	296,720.00	222,540.00	519,260.00	1,038,520.00	2,077,040.00
Wyoming	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Total	78,656,300.00	15,731,260.00	11,798,445.00	27,529,705.00	55,059,410.00	110,118,820.00

2-year election cycle—totals

Broadcast vouchers (20 percent)	$20,975,013.00
Postal subsidies	15,731,260.00
Total public financing	36,706,273.00

Mr. DOLE. Mr. President, according to my calculations, the total amount of public financing over a 6-year election cycle could be as much as $110 million. And, in my view, that is a conservative estimate, since it does not take into account taxpayer grants given to a candidate whose opponent exceeds the bill's proposed spending limits.

A CASE STUDY: NEBRASKA

Mr. President, to make things a bit more concrete, let me take a few moments to highlight what public financing means in one State—the State of Nebraska.

Under the Democratic bill, the general-election spending limit for Nebraska is $950,000. A Senate candidate is entitled to receive something called broadcast vouchers to purchase television time, financed not by the candidate himself, but by the taxpayers.

The cost of these vouchers would equal 20 percent of the spending limit—so for Nebraska, that is $190,000—$190,000 paid for by the U.S. Treasury.

And if two candidates are in a Senate race, which is usually how things work, that is two times $190,000, or $380,000 directly out of the taxpayer's pocket.

Under the Democratic bill, eligible candidates would also be entitled to pay for first-class mail at one-quarter the normal first-class postage rate. The cost of mail sent out at the reduced first-class rate may not exceed 5 percent of the general-election spending limit.

What this all boils down to is that a Senate candidate in Nebraska would be entitled to a $142,500 mail subsidy. Multiply that number by two Senate candidates, and you get a very significant $285,000 postal discount.

So, Mr. President, according to my arithmetic, the cost to the taxpayers for a typical two-candidate Senate race in Nebraska would, at a minimum, equal $665,000—$380,000 in broadcast vouchers and $285,000 in postal subsidies.

And if you take that $640,000 number and multiply it by two Senate races—which makes sense, since each State has two Senators—the total bill for the taxpayers will be almost $1.3 million, just for one State, the State of Nebraska.

SOFT MONEY

Mr. President, the Democratic bill also fails to clean up the nonparty sewer money that clogs up the campaign finance system.

During the debate, my distinguished colleague from Kentucky, Senator MCCONNELL, tried to address this problem by offering an amendment prohibiting all tax-exempt, 501(c) organizations from engaging in activities designed to

influence the election of a specific candidate for public office.

In other words, if you are playing the partisan political game, you should play it like the rest of us—with after-tax dollars and under the regulatory supervision of the Federal Election Commission.

That sounded fair to me, and I suspect it sounds fair to most taxpaying Americans.

Contrary to some of the statements made yesterday, the McConnell amendment was not about shutting down the Girl Scouts. Or the Rotary Club. Or the League of Women Voters.

The amendment is about the Citizen's Action Network, a tax-exempt, supposedly nonpartisan, organization that boasts of its ability to elect Democratic candidates nationwide.

It is about Campaign California, a 501(c)(4) organization whose self-described purpose is to strengthen the Democratic Party base in California and the Nation.

It's about Washington Fair Share, another supposedly nonpartisan 501(c)(4) that conducted a 13-city truth drive to unseat Republican incumbent SLADE GORTON.

And it is about the Wisconsin Action Coalition, yet another allegedly nonpartisan tax-exempt that just happened to contact 18 percent of the Wisconsin State population in support of the Senate candidacy of Democrat Ed Garvey.

Mr. President, I ask unanimous consent that the full text of a FEC complaint filed by the Republican senatorial committee against Citizen's Action and its affiliated organizations be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. Mr. President, I also ask unanimous consent that an article entitled "Citizen's Action: Noah's Ark or a Sham?" be printed in the RECORD as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DOLE. So, Mr. President, it is no wonder that my colleagues on the other side of the aisle so eagerly support spending limits—they know that an unlimited pool of soft money is waiting in the wings, ready to finance get-out-the-vote and other campaign activities on their behalf.

There is nothing fancy about this spending-limits-soft-money equation.

Give something up with spending limits. But then take it back with nonparty soft money.

Put limits on federally disclosed and federally regulated individual contributions. But place no limits on undisclosed and unregulated nonparty soft money donations.

Place limits on the contributions that our own constituents can make. But place no limits on the amount of unregulated money that labor unions, corporations, and tax-exempts can pump into the campaign finance pipeline.

It is an easy formula, Mr. President, and it is a formula that highlights how nonparty "soft money" is the perfect "campaign vitamin supplement" to aggregate spending limits.

PILING ON THE TAXPAYER

Mr. President, I do not live in a shoebox.

I know why we passed a campaign finance reform bill. In large part, it can be summed up in two simple words: Charles Keating.

It is people like Charles Keating who tried to exploit the campaign finance system, who fed off Congress' own unwillingness to open its eyes to the pending S&L juggernaut, and who—with Congress' passive, if not active, assistance—will make our income tax bills significantly larger as we struggle to finance the S&L bailout.

So, Mr. President, I find it ironic, if not downright irresponsible, for the Senate to call any legislation campaign finance reform when it piles yet another tax burden onto the American people.

That is not right. And the American people know it.

EXHIBIT 1.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:

Citizen Action, Inc. a national political organization; Citizen Action Political Action Committee, Midwest Academy, Inc., Citizen Leadership Foundation, Inc., Citizen/Labor Energy Coalition, Inc., Citizen/Labor Energy Coalition Foundation, Inc., Citizen/Labor Energy Coalition PAC

And Its Affiliates and Allies:

Wisconsin Action Coalition, Inc., Wisconsin Action Coalition Political Action Committee, Wisconsin Citizen Education Fund, Inc., Washington Fair Share, Inc., Washington Fair Share for Citizen Action Political Action Committee, Washington Fair Education and Research Fund, Inc., Illinois Public Action Council, Inc., Citizen Action Nonpartisan Political Action Federal Campaign Committee, National Consumer Foundation, Inc., Pennsylvania Public Interest Coalition, Inc., Pennsylvania Public Interest Coalition Voters Alliance Federal Fund, Pennsylvania Public Interest Education Fund, Inc., Ohio Public Interest Campaign, Inc., Ohio Public Interest Campaign Political Action Committee, Industrial States Policy Center, Inc., Florida Consumers Federation, Inc., Florida Consumers Federation Foundation, Inc., Citizens Action Coalition of Indiana, Inc., Citizen Action Coalition Political Action Committee of Indiana, Citizen Energy Coalition Education Fund of Indiana, Inc., Maryland Citizen Action Coalition, Inc., Maryland Citizen Action Coalition Political Action Committee, Maryland Citizen Action Coalition Education Fund, Inc., Iowa Citizen Action Network, Inc., Iowa Citizen Action Network Voters Alliance, Inc., Iowa Citizen Action Network Political Action Committee, Iowa Citizen Action Education Foundation, Inc., Campaign California, Inc., Campaign California Committee, Connecticut Citizen Action Group, Inc., Connecticut Citizen Action Group Political Action Committee, Connecticut Citizen Research Group, Inc., Idaho Fair Share, Inc., Idaho Fair Share Research and Education Foundation, Massachusetts Citizen Action, Inc., Massachusetts Citizen's Fund, Inc., Minnesota COACT, Inc., Minnesota COACT Political Action Committee, North Area Training and Resource Institute, Inc., New Hampshire Citizen Action, Inc., New Hampshire Citizen Action Political Action Committee, North Country Institute, Inc., New Jersey Citizen Action, Inc., New Jersey Citizen Policy Education Fund, Inc., Citizen Action of New York Inc., Citizen Action of New York Political Action Committee, Citizen Action Fund of New York, Inc., Oregon Fair Share, Inc., Oregon Fair Share Non-Partisan Action Committee, Oregon Fair Share Research and Education Fund, Inc., Rhode Island Community Labor Coalition, Inc., Rhode Island Community Economic Education Center, Inc., Maine Peoples Alliance, Inc., Maine People's Alliance Campaign Vote, Maine People's Resource Center, Inc., Missouri Citizen/Labor Coalition, Inc., Missouri Coalition Education Foundation, Inc., North Carolina Fair Share, Inc., North Carolina Fair Share Education Fund, Inc., South Carolina Fair Share, Inc., South Carolina Fair Share Education Fund, Inc., and West Virginia Citizen Action Group, Inc.

And the Labor Union PAC's Which Illegally Fund the Citizen Action PACs:

Machinists Non-Partisan Political League, National Education Association Political Action Committee, United Auto Workers V-CAP PAC, AFSCME P.E.O.P.L.E., Communications Workers of America PAC, Engineers Political Education Committee.

And the Campaigns That Accepted Illegal Contributions:

Dukakis For President Committee, Inc., Wyche Fowler For Senate, Terry Sanford For U.S. Senate, A Lot Of People Supporting Tom Daschle, Garvey For Senate, Brock Adams Senate Committee, Friends Of Bob Graham Committee, Mikulski For Senate Committee, Dixon For Senate Committee, Bob Edgar For U.S. Senate, Citizens For Mike Lowry Committee, McMillen For Congress, Citizens For Reese Lindquist, Friends Of Lane Evans, Feighan For Congress Committee, Tom Sawyer Committee, Jim Jontz For Congress Committee, Nagel '88 Committee.

I. INTRODUCTION

The integrity of the system through which political campaigns in the United States are financed is based on the honest and complete disclosure of who contributes money and how it is spent.

This Complaint demonstrates that a network of corporate entities taking advantage of a preferential tax status to push a special interest social agenda has illegally injected the American political system with unreported "soft money" corporate contributions. Organized beneath the umbrella of the Chicago-based group Citizen Action (hereinafter referred to as "the Network"), these groups solicit tax exempt money by door-to-door canvassing among the general public. But adding political endorsement to their solicitation pitch and gathering information that benefits endorsed candidates, these groups are directly and illegally influencing federal elections while avoiding any public disclosure of their activities. This

method is an attempt to evade the Federal Election Campaign Act and the Internal Revenue Code,[1] and allows this network of tax exempt organizations to funnel illegal undisclosed corporate contributions to endorsed candidates throughout the United States. Exhibit 1. It is a classic case of a "cause" believing its end is so right that anything justifies the means used to get there.

In reality, the actions of this network are an unreported scandal of American politics that the Federal Election Commission ("FEC") must investigate and rectify. These illegal activities took place during the 1986 elections, as this Complaint shows. Already there is evidence that these same groups have similar plans to circumvent the law and illegally influence the 1988 federal elections.

In three recent enforcement actions, the FEC has found illegal the standard operating procedures Complainant believes all members of the network named herein use to circumvent the Act. In Matter Under Review 1937 the FEC fined the Illinois Public Action Council, Inc. $5,000 for violating the Act; in MUR 1586 the FEC fined the Sierra Club $5,000; and in MUR 2286 the FEC fined Charlotte SANE, Inc. $1,000.

This Complaint demonstrates that these three cases revealed only a glimpse of this extensive "soft money" network that distorts federal elections in the United States. The facts show that Citizen Action and its network of affiliates have conducted (and plan again to conduct in 1988) an orchestrated series of illegal canvasses and solicitations among the general public. These activities constitute express advocacy under the Act. They result in illegal unreported contributions and expenditures aimed at influencing the election and defeat of selected federal candidates.

At the heart of the Network's method is its canvass/solicitation operations. Although Network officials admit that the purpose of the 501(c)(4)s' canvass is political near elections, the target of the activity at all times is the general public, not the members of the corporation. All the actions beyond the permissible class of the organizations' members that constitute express advocacy concerning a federal election are reportable expenditures and contributions under the Act. By ignoring these provisions of the Act, the members of the Network make illegal corporate contributions and expenditures that violate the law.

This network of incorporated special interest groups has violated federal election law by dispatching paid employees to assist endorsed federal candidates and by producing materials advocating the election or defeat of specific federal candidates. Since the actions of their employees and the content of their materials constitute express advocacy and make them reportable expenditures for the purpose of influencing federal elections, the expenditures are either subject to the Act's provisions governing independent expenditures, 2 U.S.C. 434(b), (c) (1982), or attributable to specific candidates and, therefore, contributions as defined in the Act, 2 U.S.C. 431(8)(A).

If the latter is true, the payments for these communications and personnel and the sources of the groups' funding are subject to the prohibitions and limitations of the Act. *See* 2 U.S.C. 441b, 434; FEC Advisory Opinion ("AO") 1984-24, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5771 (1984). By failing to report, Citizen Action and the members of its network have kept from public view the sources of the funds used to pay for their involvement in federal elections.

In some cases, the 501(c) corporations form separate segregated funds ("PACs") in an attempt to launder the corporate contributions. *E.g.*, MUR 1937, MUR 1586. Each time the FEC has looked at the arrangement between a Network corporation and its PAC, it has found the PACs to be shells and the transactions to be shams constituting illegal corporate expenditures and contributions. *Id.*[2]

The special interest groups that are the subject of this Complaint apparently feel their stated mission of reforming the United States for the better entitles them to play by a different set of rules from all others who spend money influencing federal elections. Although claiming their actions are not subject to the Act, the simple fact is that the members of this Network have found a way to evade the prohibitions of federal election laws and inject the political process with illegal corporate money.

In sum, these groups sit in a glass house constructed with tax exempt dollars and flaunt the law under the guise of "progressive" reform. The members of this network have refused to do what the law plainly requires—solicit and canvass within the Act and account to the public for the money they spend influencing elections.

The effort to evade federal election laws and inject the process with corporate soft money demands the quick attention of the FEC. Accordingly, the National Republican Senatorial Committee, 440 First Street, N.W., Suite 600, Washington, D.C. 20001 files this Complaint against the 501(c)(4) organizations that are the core of this Network, their shell PACs and the connected 501(c)(3) "foundations" through which they solicit tax deductible money to fund their other operations, as is described below. The complete list of defendants and their addresses is attached as Exhibit 2.

The following is a list of the known violations of federal election law by these groups during the 1986 election cycle. In addition, the FEC has the authority to investigate actions that are "about to occur." 11 C.F.R. 111.4 (1988); *see* 2 U.S.C. 437g(a)(2). The NRSC has reason to believe, as will be shown below, that the Citizen Action Network's activities in the 1986 elections (and planned for the 1988 elections) violate the following provisions of the law:

1. The defendants are not "membership organizations" as defined in the law. *See Federal Election Comm'n* v. *National Right to Work Comm.*, 459 U.S. 197 (1982); AO 1977-67, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5326 (1977); 11 C.F.R. 114.1(e);

2. Even if membership organizations, their canvassing constitutes unreported contacts beyond their permissible class that are illegal and undisclosed contributions to specific candidates. 2 U.S.C. 441b;

3. The groups use illegal corporate money to influence federal elections by directly paying for personnel, materials and facilities that aid the campaigns of federal candidates. 2 U.S.C. 441b(a); 11 C.F.R. 114.2(a)(2)(c), (d); 11 C.F.R. 114.10;

4. The defendants fail to report all their communications and use of personnel paid by the corporation as expenditures under the Act; 2 U.S.C. 431(9)(A), 434; 11 C.F.R. 106.1(a);

5. They refuse to report all their activities as either independent expenditures made to influence federal elections, 2 U.S.C. 431(17), 434(b)(6), (c), or as contributions to specific candidates subject to the Act's limits, 2 U.S.C. 431(8)(A), 441(a);

6. The Nework's members hide from public scrutiny the sources of the funds used by the tax-exempt entities, *see* 2 U.S.C. 441b and 441f, through failure to properly register and report as political committees, 2 U.S.C. 431(4), 432, 433 and 434, so that the public cannot know if their sources of funds are corporations, labor unions, individuals giving above the limits allowed by the election laws or other forms of "soft money";

7. Labor PACs appear to be directing funds to Network PACs that then contribute to candidates to whom the PACs have already been given the legal maximum. The FEC must investigate whether these are illegally earmarked contributions in violation of 2 U.S.C. 441f;

8. The publication of help wanted ads by Nework 501(c)(4) corporations expressly advocating the election or defeat of a specific candidate or political party violates the Act. 2 U.S.C. 441b; and

9. Campaigns which accept contributions from, or know of, the activities by the members of the Network which aid their campaigns violate the prohibitions against accepting corporate contributions. 2 U.S.C. 441b(a).

II. FACTS

A. Structure of the 501(c) Contribution Network

Citizen Action, Inc., a 501(c) corporation headquartered in Chicago, Illinois, and Washington, D.C. is the center of the web and the model for this corporate network. Describing itself as a "political organization", Exhibit 3, Citizen Action claims to have affiliate 501(c)s in 24 states with 75 offices, a total combined staff of 1200 and membership in excess of 1.75 million across the United States. Exhibit 4. Citizen Action refuses to make public its contributors, budget or expenditures. All the members of this Network are defendants in this Complaint.

Citizen Action also is closely tied to at least two 501(c)(3) foundations—the Midwest Academy, which according to its brochure trains "organizers" to carry out various projects for "progressive social change", and the Citizens Leadership Foundation, which claims it offers "training in all aspects of the democratic process."

The root of this corporate Network's ability to funnel unreported "soft money" into federal elections is obtaining preferred tax status as a 501(c)(4) organization. In most instances, the groups will also be connected to a 501(c)(3) organization that can accept tax deductible contributions and a PAC. The standard practice is for both groups (and their PAC) to be at the same location and, often, operate with the same officers, directors, and staff. On information and belief, it is these organizations which train (with tax deductible contributions) the indi-

[1] The violations of the Internal Revenue Code by the members of the 501(c) Network are the subject of Complaints being filed simultaneously with the appropraite offices of the Internal Revenue Service.

[2] The scarce resources collected by the PAC in an effort to pretend it is a legitimate organization come almost exclusively not from small grassroots contributors, but from a few labor unions. Labor union contributors include: The International Association of Machinists (five Network members), the United Auto Workers (two), the National Education Association (two), and the American Federation of State and County Municipal Employees (two).

viduals who go out and illegally canvass the general public on behalf of political candidates endorsed by the 501(c)(4). Exhibit 5. The PAC will have few assets of its own, and typically makes only minimal monetary contributions to candidates. Exhibit 6. The PAC, however, is often crucial to the fiction of the 501(c)(4)'s canvassing solicitation/contribution process, as described below.

B. Method

The method of funneling unreported corporate contributions to federal candidates begins with canvassers/fundraisers hired by the 501(c)(4) going door-to-door in neighborhoods across the United States. In a sworn affidavit in a recently closed FEC enforcement action, MUR 1937, an official of Citizen Action's flagship Illinois organization, Illinois Public Action Council, Inc. ("Council"), described the method Complainant believes is the standard operating procedure for all members of the Network:

"Most of the Council's individual members are recruited by a door to door canvass operation that operates . . . every evening. These canvassers operate year in and year out. During periods that are near elections, we ask these canvassers to add to their normal duties. In addition to their job of recruiting members, renewing memberships and raising additional contributions, these canvassers are asked to inform our members of the endorsements made by our political committee. In addition, they distribute partisan literature to both members and others who do not become members.

"Our canvassers are not paid any additional remuneration for the conduct of these additional duties."

MUR 1937, Affidavit of Robert Creamer, Council Executive Director.

In response to FEC Interrogatories, Creamer stated that its connected PAC "contracted with the Council to have Council canvassers distribute literature to members and non-members of the Council," that the "costs of contacting Council members were paid directly by the Council," and that the "Council's costs of contacting non-members were billed to [its PAC]."[3] *Id.*, In MURs 1937 and 1586, the FEC found this method an illegal use of corporate treasury money to influence federal elections. *Id.*

The organizations in the Network developed this scheme partly to overcome the federal election law provision permitting them to communicate a message of express advocacy only to their "members". But under the Act, the term "members" refers only to persons who have met specific requirements, and does not include persons who simply support or contribute to the 501(c)(4). *See, Federal Election Comm'n* v. *National Right to Work Comm.*, 459 U.S. 197 (1982); AO 1977-67, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5326 (1977). Thus, as discussed below, the 501(c) Network's scheme does not work since the canvassers/fundraisers are improperly soliciting persons outside the permissible class (*i.e.* they are contacting non-members).

(1)—Canvass

Creamer's affidavit and responses to interrogatories make it obvious that the aim of the 501(c)s' canvass is to reach the general public. As Creamer stated in his affidavit, there is no difference in a canvasser's solicitation method or target audience when he or she is also carrying a political endorsement. The only difference is the message.

Further evidence that the aim is reaching the general public (and not just the 501(c)(4) corporation's members or permissible class) is contained in the Illinois flagship organization's own description of its canvassing operation. Exhibit 7 is an article from the Illinois Public Action Council's Campaign Against Toxic Waste's newsletter. The lengthy description of a "Day in the Life of a Canvasser" includes note of the fact that a "hundred canvassers across the state * * * knock each evening on thousands of doors." There is the frank admission that: "Once in the neighborhood, the crew's field manager explains the canvasser's boundaries, usually the precinct lines, and sends them off with a few quick words of advice and encouragement." There is no instruction to contact only members if they are bearing a political message. Rather, the canvass' aim is obviously to contact *everyone* in a neighborhood.

There is no evidence that the 501(c)'s solicitation plans call for repeat visits to individuals who are already members (i.e., the permissible class). Since, by definition, the 501(c)s recruit their "members" door-to-door, the 501(c)'s canvass/solicitation in the overwhelmingly majority of instances is, by design, made to a non-member. Only after hearing the pitch (which includes the illegal political message concerning a federal candidate) and if the person gives money, could that person become a "member" even under the convenient and unsupportable definition used by the defendants herein. It is only by chance that an existing "member" of the 501(c)(4) corporation receives a visit from a canvasser/fundraiser.

Thus, any time there is contact with a non-member and the canvasser conveys a political message concerning a specific candidate, an illegal expenditure has been made by the 501(c)(4) corporation and an illegal contribution accepted by the candidate benefiting. Since, as Creamer admits, the political canvass is an integral part of this process "during periods near elections," the canvass is made as a matter of course way beyond the permissible class allowed under the Act. 11 C.F.R. 114.1(e).

The essence of the Network's method is that the 501(c)(4) (and maybe a connected 501(c)(3)) uses its tax exempt status illegally to canvass the general public and raise funds. The canvass itself is illegal under the Act. But, in addition, the funds raised are often spent as "soft money", usually to fund the canvass benefiting specific candidates, sometimes as direct or in-kind contributions to candidates and sometimes as a pass-through to candidates by way of the PAC.

(2)—Use of a PAC

In some instances, such as MUR 1937, the 501(c)(4) activity involves a PAC. The PAC hires the 501(c)'s paid canvassers/fundraisers. In reality, these canvassers/fundraisers are paid to distribute the 501(c)(4)'s literature door-to-door and to solicit donations with a message extolling both social issues and endorsed federal candidates. (Political canvassing among non-members is a contribution under the election laws, and an illegal activity for an incorporated 501(c)(4).) The costs of contacting those they denominate "members" are paid by the 501(c)(4). The 501(c)(4) then uses an undisclosed formula to determine the cost of contacting the non-members (*i.e.*, those who don't contribute to the 501(c)(4) or the 501(c)(3)). In theory, these communications are then in-kind contributions by the PAC to the federal candidate. That amount is then billed to the PAC, generally after the 501(c)(4) has used its resources in the political process to contact the general public. Often the amount is not collected, as MUR 1937 demonstrates.

When it is collected, it is because Labor PACs have contributed money to the Citizen Action PACs in races where the Labor PAC has already given the legal maximum to the candidate benefiting. The truth of the matter is that the Citizen Action PACs are funded almost exclusively not by any grassroots contributions but by the big labor union PACs. The FEC reports of the Citizen Action PACs are the only bit of the Network web on the public record. And they show the Citizen Action PACs as nothing more than shells established by the labor unions to skirt the contribution limits.

This gives rise to questions of illegal earmarking by the Labor PACs. For example, take the Wisconsin Action Coalition ("WAC") and its Wisconsin Action Coalition Political Action Committee ("WAC-PAC"). Exhibit 8. Reports on file with the FEC show that for the 1986 election, WAC raised $15,470, with a total of $14,500 coming from four PACs. The Machinists contributed $5,000 to WAC in May 1986. That was after they gave Democrat candidate Ed Garvey $5,000 in December 1985 and another $5,000 in March 1986.

The National Education Association's PAC found itself in the same position. It gave $5,000 to Garvey on May 9 and again on September 24. But the NEA PAC was not done. On October 7, the NEA PAC gave $5,000 each to both Citizen Action PAC and the Citizen/Labor Energy Coalition ("CLEC") PAC, which is housed in the same building as Citizen Action. And then on October 8, FEC reports show CLEC PAC sent $5,000 to WAC and Citizen Action PAC sent $2,200 to WAC. That's a total of $12,200. What happend to the money? WAC had total disbursements for 1986 of $14,823.94. And WAC reported spending $14,371.19 on independent expenditures against Bob Kasten between October 16 and November 3, 1986. WAC provides an interesting model for what the Citizen Action network considers "grassroots" activities.

Under this scheme, the PAC is obviously a shell. It usually has little resources of its own, and instead passes through the resources of either a labor union PAC that has already given the legal maximum to a candidate or the 501(c)(4), as the FEC found in MUR 1937 and 1586. It is an attempt to allow the 501(c)(4) to use its resources to contact every resident in a neighborhood, whether the resident is a member or not.

[3] It appears that often the 501(c)(4)'s canvassers/fundraisers are also hired by the connected 501(c)(3), which has a name similar to the 501(c)(4). *See* Exhibit 2. The 501(c)(3)s are generally funded by unreported grants and money received from door-to-door solicitations by the same people raising money for the 501(c)(4). These canvassers are instructed to tell potential donors that the 501(c)(4) social welfare organization also has a 501(c)(3) that is permitted to receive tax deductible contributions to conduct "research" and "educational training." Donors are more likely, obviously, to give a tax deductible contribution.

The money received as tax deductible contributions by the 501(c)(3) can then be given back to the 501(c)(4) in the form of payments for the services of the canvassers/fundraisers. The Illinois Citizen Action MUR 1937 demonstrates that the tax deductible 501(c)(3) donations then find their way into federal elections in the form of a loan or debt from the 501(c)(4) to its PAC, which passes it on as an in-kind contribution to a candidate. In some cases the PAC also "hires" the 501(c)(4)'s paid canvassers/fundraisers which allows still more resources to be funneled to the corporation for illegal political contact with the general public.

Also under this scheme, anything the 501(c) wants to funnel into an election (*e.g.*, printed materials, money, office space, etc.) is "loaned" to the PAC. As in MUR 1937, the PAC reports the illegal corporate contribution as a "debt" to the 501(c)(4). In turn, the PAC makes an in-kind contribution to the selected federal candidate. Since the full extent of what the 501(c)(4) gives the PAC in terms of personnel and adminstrative support is never reported (including the donors to the 501(c) and its other disbursements), it is impossible to know how much money is ever spent in federal elections and what the source of that money is. The PAC may or may not every repay the 501(c) corporation. If it does, it is often through a special fundraising held long after the election is over. *Id.*

C. Defendants

1—The Network

A complete list of the defendants, their affiliated 501(c)(3) research foundations elegible to receive tax deductible donations and their connected PACs appears as Exhibit 2. For purposes of this action, Complainant, on information and belief, charges all defendants with utilizing a method and structure that violates the Act. During 1986, a number of these groups engaged in specific violations of the Act that are chronicled below. The Citizen Action Network is gearing up to use this sane illegal method to influence the 1988 election. Exhibits 4, 11, 12, 13.

2—Defendants: Specific Examples in 1986

Citizen Action, a corporation registered in the District of Columbia, enjoys preferred tax status as a 501(c)(4) organization. It is affilated with a 501(c)(3), the Midwest Academy, and a separate segregated fund, Citizen Action Political Action Committee. All are housed at the same address. On information and belief, the officers, directors and staff of all three organizations are essentially the same.

By its own admission, Citizen Action as a 501(c)(4) directly assisted in 1986 United States Senate races in the states of Georgia, North Carolina and South Dakota. Exhibit 9. A review of the relevant FEC reports for the PAC and the affected campaigns does not show these illegal unreported contributions by the 501(c)(4) for canvassing, phone banks, printed materials and professional staff assistance on behalf of the campaigns of *Wyche Fowler, Terry Sanford* and *Tom Daschle.* Nor do the costs of communications with Citizen Action members appear in the 1985–1985 FED Index of Communication Costs. Despite this admission that it advocated the election or defeat of these specific federal candidates and attempted to influence a federal election, the full value of these corporate soft money expenditures that amounted to contributions to the federal candidates are not reported on any FEC forms filed by the corporation (or a PAC) or the campaigns.

What does appear on the FED reports are $5,000 contributions to the Citizens Action Political Action Committee from the Machinists Non-Partisan Political League ("Machinists") (which rents the Citizens Action space in its Washington, D.C. headquarters), the United Auto Workers V-Cap ("UAW"), the Engineers Political Education Committee, the Communictions Workers of America's COPE-PAC, the Bakery, Confectionary & Tobacco Workers International Union PAC, the National Education Association ("NEA"), and $3,450 from the Citizen/Labor Energy Coalition ("CLEC") PAC, which is registered as a separate PAC but is based in Citizens Action's Chicago offices as well. There is no indication that any candidates received direct contributions from Citizens Action PAC. But, according to its FEC reports, the group did spend more than $10,400 in independent expenditures for Colorado Democrat Senate candidate Tim Wirth. The Machinists contributed $9,550 to Wirth; the NEA contributed $9,250 to Wirth, and the UAW contributed $9,050 to Wirth. The FEC must investigate whether there was any illegal earmarking by these PACs of their contributions to Citizens Action PAC.

Also housed at Citizens Action's Chicago headquarters is the CLEC and its affiliated PAC. There appears to be little if any difference between the groups, although they do have separate FEC contribution limits. The same Labor PACs provided virtually all the funding for both entities. Exhibit 6. CLEC-PAC received $5,000 each from the Machinists and the NEA. They also received $3,000 contributions from the Communications Workers of America PAC and $3,000 from the Committee for Good Government in Detroit. This was all the money the CLEC PAC raised during 1986. CLEC PAC spent its money by giving money to WAC, Penn-PIC, the Citizens Action PAC and the CLEC 501(c)(4).

The same illegal earmarking inquiry should be made concerning the Wisconsin Senate race, where FED reports show that Citizens Action PAC contributed $4,500 to Network member Wisconsin Action Coalition ("WAC"). By its own admission, see below, WAC's principle aim in the 1986 election was the defeat of Republican Senator Bob Kasten. The Machinists contributed $9,900 to Garvey; NEA contributed $10,000, and UAW contributed $10,000. Exhibit 8.

Wisconsin Action Coalition (WAC), a corporation registered in the state of Wisconsin, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Wisconsin Citizen Education Fund, and a PAC, the Wisconsin Action Coalition PAC ("WAC-PAC"). All three share the same address. On information and belief, all three have interchangeable directors, officers and staff members. By its own admission, WAC as a 501(c)(4) corporation directly assisted in the 1986 United States Senate race when it "worked for *Ed Garvey* in a U.S. Senate race against incumbent Robert Kasten. WAC, which by itself was responsible for 2¼% of the Garvey vote, came extremely close to unseating Senator Kasten. WAC contacted more than 18% of the state's population, and worked in every Congressional district."

Exhibit 9. WAC claims 75,000 members. Eighteen percent of Wisconsin's 4,785,000 1986 population is 861,300 persons. Eighteen percent of its 3,515,000 1986 voting age population is 632,700 persons. That means WAC, by its own admission, contacted individuals on behalf of Garvey who were not its "members". In fact, WAC conducted a partisan political canvass among the general public on behalf of Garvey.

Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, the value of its corporate soft money expenditures that amounted to contributions to the federal candidate are not fully reported on any FEC forms filed by the corporation, its PAC or the Garvey campaign. The FEC's Index of Communication Costs shows a $15,239.86 expenditure on June 30, 1986 for door-to-door canvassing among WAC members. In addition, a letter to the FEC from WAC indicates a $5,250 expenditure in communications with members between October 1 and October 15, 1986 through both door-to-door and phone canvassing, and direct mail. However, the reports do not indicate any similar costs for contacting non-members, despite WAC's declared contacting of at least 632,500 persons. The source of virtually all of WAC's funds were large labor union PACs that had already given the legal maximum to Garvey and other Citizen Action PACs. Exhibit 6.

In addition, a letter from WAC to the FEC explains a $2,500 payment from WAC-PAC to WAC for "General Election Day membership contact services in support of candidate Ed Garvey in the Wisconsin Democratic primary election." [sic]. In light of the illegality of its canvass among the general public, this activity must be investigated for its apparent contacts beyond WAC's permissible class.

Washington Fair Share, a corporation registered in the state of Washington, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Washington Fair Share Education and Research Fund, and a separate segregated fund, Washington Fair Share Political Action Committee. All are housed at the same address. On information and belief, all three also share directors, officers and staff. Indeed, the treasurer of the PAC who signed the 1986 FEC reports is also the president of the 501(c)(4) corporation.

By its own admission, Washington Fair Share as a 501(c)(4) corporation directly assisted in 1986 United States Senate race when it "worked on helping Democrat *Brock Adams* defeat Republican incumbent Slade Gorton for the U.S. Senate seat. WFS conducted a 13-city 'truth drive' on Social Security to call attention to Gorton's dismal record on the issue. The drive covered 1500 miles and made 17 stops around the State.

WFS also helped elect two U.S. Congressmen, *Reese Lindquist* [sic] and *Mike Lowry.*"

Exhibit 9. Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, the full value of these corporate soft money expenditures that amounted to contributions to the federal candidates are not reported on any FEC forms filed by the corporation, its PAC or the campaigns. The PAC reports show no expenses for staff, rent or other overhead. While a corporation may pay the administrative and solicitation costs of a PAC for contact with its permissible class, once the aim of the PAC becomes a violation of the Act, such as a canvass of the general public, the financial support by the corporation becomes an illegal contribution.

According to year-end FEC reports, on December 11, 1986, the PAC wrote a check to the 501(c)(4) "to cover the payroll taxes on checks written previously," according to the Year-end FEC report. But no previous checks appear on the FEC report. This disbursement lends credence to the illegal nature of the 501(c)(4)'s corporate support for the PAC.

In addition, the PAC made independent expenditures totaling more than $20,000 in the last three weeks of the 1986 campaign against Slade Gorton. These expenditures coincided with October 27 contributions from both the Machinists and AFSCME. Both of these Labor PACs had given the maximum $10,000 to Brock Adams. The FEC needs to investigate whether the Labor

PACs exercised any illegal direction or earmarked these contributions.

Illinois Public Action Council, a corporation registered in the State of Illinois, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the National Consumer Foundation, and a separate segregated fund, Citizen Action Non-Partisan Political Action Committee. All three share the same address. On information and belief, all three also share the same directors, officers and staff.

By its own admission, Illinois Public Action Council as a 501(c)(4) directly assisted in 1986 elections:

"In the 1986 election, the Illinois Public Action Council (IPAC) endorsed 135 candidates for local, state, and national races; 99 won. * * * IPAC's notable victories included re-electing U.S. House Member *Lane Evans* from the 17th District.

Exhibit 9. The full value of these expenditures by the corporation that amounted to contributions to the federal candidates are not reported on any FEC forms filed by the corporation, the PAC or the campaigns. The FEC's Index of Communication Costs lists no entry for this group. In addition, its FEC reports reveal some convoluted bookkeeping and contributions and disbursements during the 1986 cycle that occurred at the same time it was negotiating with the FEC to settle a case from the 1984 election on the very same tactics it employed in 1986. *See* MUR 1937. While IPAC was found guilty of violating the Act and paid a $5,000 fine in MUR 1937, it apparently used the same tactics in 1986 to benefit congressional candidate Lane Evans and Senator Alan Dixon.

FEC reports for 1986 filed by the PAC show in-kind disbursements totaling $2,122.81 to Evans and $839.19 to Dixon. Their reports also show a loan from the 501(c)(4) totaling nearly $13,000 that was not paid off until December 15, 1986. That occurred several months after the FEC reached its finding against the Council that such a loan was an illegal corporate contribution in the 1984 election. And it appears from the PAC's year-end 1986 FEC report that it had the money to repay the loan only because it received a December 8, 1986 contribution of $20,000 from Lane Evans' campaign committee. The PAC reported the money as an "invoice for services" on Line 11a. This merits the FEC's attention since it means that either the PAC accepted a contribution in excess of the limits, or the PAC drastically undervalued its in-kind contributions to Evans during the campaign to escape the contribution limits, or the 501(c)(4) made large illegal contributions to Evans that were never disclosed.

Pennsylvania Public Interest Coalition, a corporation registered in the state of Pennsylvania, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Pennsylvania Public Interest Education Fund, and a separate segregated fund, Pennsylvania Public Interest Coalition Voters Alliance. All are housed in the same location. On information and belief, all three also share the same directors, officers and staff.

By its own admission, Pennsylvania Public Interest Coalition ("PennPIC") as a 501(c)(4) directly assisted in 1986 elections:

"The Pennsylvania Public Interest Coalition dedicated almost all of its electoral activities to the U.S. Senate Race between Bob Edgar and incumbent Arlen Specter. PennPIC contacted 325,000 people on behalf of Edgar, using the door-to-door canvass, phone banks, and literature distribution. Although Senator Specter held onto his seat, PennPIC made the race closer than had been anticipated."

Exhibit 9. Although admitting they canvassed beyond their permissible class, thereby making a contribution to Edgar, the value of these corporate contributions has never been fully reported or explained to the FEC. Nor did the Edgar campaign or the PAC fully report these illegal soft money corporate contributions.

As opposed to virtually all of the other members of the Network, PennPIC does report costs of communications to its "members". While its canvass/solicitation method fails to meet the test set forth in the law, it is noteworthy that this one Network group operates like the others but reports differently. However, PennPIC reports costs of $24,595 in contacting members for Edgar. While contacting 325,00 people for Edgar, they claim only $3,014.15 in total costs of contacting non-members. The FEC needs to investigate these costs of contacting non-members in a door-to-door canvass among the general public.

The sources of PennPIC-PAC's money is instructive. Indeed, the PAC only reported raising and spending about $11,000. Of that total, $9,500 came from these PACs. They received $5,000 from the Machinists (who gave the maximum to Edgar); $2,000 from Citizen Action PAC in July (the Machinists gave Citizen Action PAC $5,000 five months earlier); and Citizen/Labor Energy Coalition PAC (headquartered with Citizen Action) gave $2,500 in October, two days after receiving a $5,000 contribution from the NEA's PAC (which had given the maximum to Edgar by September).

PennPIC-PAC also made to the 501(c)(4) "advance payments for rent, phone, health insurance in support of", according to FEC reports. However, the advances appear to bear no resemblance to the amounts of in-kind contributions to candidates appearing on the FEC report. This discrepancy merits further inquiry to determine the adequacy of the method and amount of the reimbursements.

Ohio Public Interest Campaign, a corporation registered in the state of Ohio, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Industrial States Policy Center, and a separate segregated fund, Ohio Public Interest Campaign Political Action Committee. All three share the same address. On information and belief, all three also share officers, directors and staff.

By its own admission, Ohio Public Interest Campaign as a 501(c)(4) directly assisted in 1986 elections:

"The Ohio Public Interest Campaign won in all the races where it supported candidates. . . . *U.S. Congressman Ed Feighan* and *Tom Sawyer* were also elected with OPIC's help."

Exhibit 9. Despite this admission that it advocated the election or defeat of specific federal candidates and attempted to influence a federal election, these corporate soft money expenditures that amounted to contributions to the federal candidates are not fully reported on any FEC forms filed by the corporation, its PAC or the campaigns.

Florida Consumers Federation, a corporation registered in the state of Florida, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Florida Consumer Federation Foundation. Both are located at the same address. On information and belief, all three also share officers, directors and staff.

By its own admission, Florida Consumers Federation as a 501(c)(4) directly assisted in 1986 elections:

"Florida Consumers Federation focused most of its election efforts in Palm Beach and Broward Counties. . . . FCF also assisted the *National Council of Senior Citizens* to help elect Governor *Bob Graham* to the U.S. Senate."

Exhibit 9. Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, these corporate soft money expenditures that amounted to contributions to the federal candidates are not fully reported on any FEC forms filed by the corporation or the campaign.

Citizens Action Coalition of Indiana, a corporation registered in the state of Indiana, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Citizen Energy Coalition Education Fund, and a separate segregated fund, Citizen Action Coalition of Indiana Political Action Committee. All are located at the same address. On information and belief, all three also share officers, directors and staff.

By its own admission, Citizens Action Coalition of Indiana as a 501(c)(4) directly assisted in 1986 elections:

"Citizens Action Coalition of Indiana concentrated much of its attention on the race for U.S. House of Representatives in Indiana's Fifth District. With the incumbent Republican retiring, most people thought the new Republican candidate, who was identified with the Religious Right, would hold onto the seat. However, Democrat State Senator *Jim Jontz*, a long-time CAC leader, was elected to Congress with 52% of the vote."

Exhibit 9. Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, these corporate soft money expenditures that amounted to contributions to a federal candidate are not fully reported on any FEC forms filed by the corporation, its PAC or the campaigns.

In addition, it appears that much of the PAC's activity was funded by one Labor PAC. The UAW sent the Indiana PAC a $5,000 contribution on October 29, 1986. On October 31, the PAC gave congressional candidate Tom Ward (Indiana 3) an $800 contribution. The UAW had already given Ward (and Senate candidate Jill Long) the legal maximum, according to FEC reports. The UAW contribution, plus $500 from Lodge 2040 PAC in Evansville, amount to all the money the PAC raised in 1986. Those contributions allowed it to spend funds in the closing days of the campaign for printed materials. However, the PAC failed to indicate which, if any candidate, benefited from the expenditures.

Maryland Citizen Action Coalition, a corporation registered in the State of Maryland, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Maryland Citizen Action Coalition Education Fund, and a separate segregated fund, Maryland Citizen Action Coalition Political Action committee. All three are located at the same address. On information an belief, all three also share officers, directors and staff.

By its own admission, Maryland Citizens Action Coalition as a 501(c)(4) directly assisted in 1986 elections:

"Maryland Citizen Action Coalition endorsed 25 candidates in the 1986 elections, and 24 won. In the Fourth U.S. Congression-

al District, *Thomas McMillen* was elected by less than 500 votes. MCAC worked on voter contact and education to help win that race. MCAC also helped to elect U.S. Congresswoman *Barbara Mikulski* to the U.S. Senate."

Exhibit 9. Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, these corporate soft money expenditures that amounted to contributions to the federal candidate are not fully reported on any FEC forms filed by the corporation, its PAC or the campaigns.

The PAC's FEC reports show a $300 contribution from AFSCME and a $360 contribution from the congressional campaign committee of Stewart Bainum (Maryland 8). The loan disbursement appears to be $360 to the 501(c)(4) for "salaries", probably for Bainum.

Iowa Citizen Action Network, a corporation registered in the state of Iowa, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a 501(c)(3), the Iowa Citizen Action Education Fund, and a separate segregated fund, Iowa Citizen Action Network Political Action Committee. All three are located at the same address. On information and belief, all three also share officers, directors and staff. Indeed, the same individual who signed the FEC reports for the PAC is the secretary for the 501(c)(3) corporation.

By its own admission, Iowa Citizen Action Network as a 501(c)(4) directly assisted in 1986 elections:

"Iowa Citizen Action Network was successful in electing eight board members to the Iowa State Legislature, and also contributed greatly to electing *David Nagle* to represent the Third District in the U.S. House of Representatives.".

Exhibit 9. Despite this admission that it advocated the election or defeat of a specific federal candidate and attempted to influence a federal election, these corporate soft money expenditures that amounted to contributions to the federal candidate are not fully reported on any FEC forms filed by the corporation, its PAC or the campaigns.

Campaign California, a corporation registered in the state of California, enjoys preferred tax status as a 501(c)(4) organization. It is affiliated with a separate segregated fund, the Campaign California Committee. Both are located at the same address and, on information and belief, share many of the same officers, directors and staff members.

By its own admission, Campaign California, as a 501(c)(4) corporation wants to target a message to the general public that will help elect partisan political candidates. For example, in seeking a new Executive Director for the 501(c)(4), an advertisement in its 2nd Quarter 1987 newsletter, stated:

"Position: Executive Director for Campaign California, *a political organization working to elect progressive candidates* and pass initiatives at the local and state levels; to build local progressive governing coalitions, increase voter participation, and *strengthen the Democratic Party base in California and the nation.*"

Exhibit 10 (emphasis added).

3. Defendants: Specific Examples in the 1988 Election

The same tactic of reaching the general public, rather than its members, engaged in by the Network in support of its endorsed candidates in the 1986 elections is already visible as the 1988 elections near. It provides additional evidence that the groups' goal is to reach the general public with their partisan political message.

For example in Wisconsin in 1986, WAC ran an ad in a general circulation newspaper that included the words: ". . . learn political organizing and defeat Bob Kasten this summer with the Wisconsin Action Coalition." Exhibit 11. This ad, which contains express advocacy on behalf of a federal candidate, is by definition aimed beyond the permissible class.

Already in 1988 Citizen Action has engaged in similar tactics. The Washington Post on May 8, 9, 11, 16, 18, 22 and 25, 1988 carried an ad with the headline "Presidential Campaign." It goes on to say: "This summer, help elect a democrat to the White House. Citizen Action, the nation's largest progressive organization, is fighting for affordable health care & working to defeat George Bush in November." Exhibit 12.

And the same group showed that the true aim of its canvassing work is the general public when it ran an ad seeking: "Political Work/Tele-fundraisers. Work on issues that make a difference. Citizen Action building grassroots support nationwide. Our 1988 agenda: * Lobby on national health care legislation. * Working on the democratic presidential campaign." Exhibit 13. Washington Post, June 5, 6, 7, May 31, 1988.

These ads aim a partisan political message at the general public. In the case of the Wisconsin ad, they benefited Ed Garvey. In the case of the Citizen Action ads, they benefit the Mike Dukakis for President Committee.

But the most blatant example of Citizens Action's fictional analysis of the Act and Internal Revenue Code is Exhibit 14. That newspaper article describes a joint venture between Citizen Action and the Democratic National Committee, which it appears is tied to the recruitment of tele-fundraisers described above. Exhibit 13. According to the April 22, 1988 Los Angeles Times: "When the phone rings at the homes of several hundred thousand voters registered as Democrats, it will be signaling a direct pitch for the Democratic presidential candidate. Ira Arlook, executive director of Citizen Action, said the phone call will be designed to touch the issues the individual voters believe are crucial to the country."

Citizen Action is utilizing by phone the same scheme it uses through door-to-door canvassing to reach the general public (rather than its "members") and to funnel illegal corporate resources to federal candidates. If Citizen Action was truly contacting only its members, it would not need the Democratic National Committee. Citizen Action, presumably, knows who its members are. Such egregious corporate contributions to the Dukakis for President Committee must be halted by the FEC. At the very least, the Dukakis for President Committee should put a stop to this circumvention of the spending limits imposed by the publicly-funded presidential campaign finance system. No amount of pious rhetoric about being "nonpartisan" and canvassing only members can hide the reality of these election law violations.

III. LEGAL ANALYSIS

A. The Solicitation/Canvassing Method Used by the Members of the 501(c) Network Violates the Act

The soliciting/canvassing method employed by the 501(c) network (described on pages 11-14) is illegal and violates the Act in two ways: 1) the 501(c)(4)s are not membership organizations as defined in the statute and under the holdings of the Supreme Court, and, 2) virtually all their canvassing is done to the general public and constitutes illegal corporate contributions and expenditures on behalf of endorsed candidates.

Under federal election law, a corporation or a PAC established by a corporation may solicit contributions to such a fund only from its permissible class. 2 U.S.C. 441b(b)(4)(A)(i). A corporation without capital stock, such as virtually all the "members" of the 501(c) network, may solicit contributions from members of the corporation without capital stock. 2 U.S.C. 441b(b)(4)(C). "The effect of this proviso is to limit solicitation by nonprofit corporations to those persons attached in some way to it by its corporate structure." *Federal Election Comm'n v. National Right to Work Comm.*, 459 U.S. 197, 202 (1982). The standard canvassing method of the 501(c) network violates this rule.

1. The 501(c)'s Fail the Test of "Membership Organizations"

A "member" is defined as any person who is currently satisfying the requirements for membership in a corporation without capital stock. 11 C.F.R. 114.1(e). A person is not considered a "member" if the only requirement for membership is a contribution. *Id.* Rather, as the Court held in *National Right to Work*, the key test to being a "member" is that the members have very specific obligations and rights to participate in the governance of the organization.

The Court has said that a determination that " 'members' include anyone who has responded to one of the corporation's essentially random mass mailings would, we think, open the door to all but unlimited corporate solicitation and thereby render meaningless the statutory limitation to 'members.' " 459 U.S. at 204. By analogy, this would apply to the random door-to-door solictation/canvassing employed by the 501(c) defendants in this case.

Interpreting this Supreme Court holding and its Regulations in a series of enforcement matters and MURs, the FEC has concluded that a person is a "member" of a corporation without capital stock if:

he or she has knowingly taken some affirmative steps to become a member of the organization, such as donating money and receiving a membership card;

the membership relationship is evidenced by the existence of rights and obligations toward the corporation, such as voting for officers, voting on the day-to-day affairs of the corporation, having the right to attend membership meetings, exercising formal control over the expenditure of the contributions or playing a part in the administration of the corporation. It is not sufficient to be asked to respond to polls, questionnaires, petitions and other fundraising/membership involvement techniques.

there is a predetermined minimum amount for annual dues or contributions that are assessed and collected on a regular basis.

See Id.; MUR 1860, General Counsel's Report.

In reaching its conclusion that the purported members of an organization were not sufficiently attached to the corporate structure, the Supreme Court reasoned that they played "no part in the operation or administration of the corporation," that they "elect no corporate officials, and indeed there are apparently no membership meetings," and that there "is no indication [the group]'s asserted members exercise any control over the expenditure of their contributions." 459 U.S. at 206.

Although one of the factors in the Court's opinion was that the group's corporate documents disclaimed the existence of members, this was not the sole basis for the holding. Rather, all these factors in conjunction with one another were noted by the Court when it stated: "We think that under these circumstances, those solicited were insufficiently attached to the corporate structure of [the group] to qualify as 'members' under the statutory proviso." *Id.*

The canvass' objective of reaching the general public indicates that these required "circumstances" are not present within the 501(c) Network. Accordingly, the FEC needs to investigate.

2. The 502(c)'s Illegally Canvass the General Public on Behalf of Endorsed Candidates

Even if an FEC investigation somehow shows that some or all of the 501(c)(4)s meet the legal test of being membership organizations, their method of canvassing violates the Act. The aim of the 501(c)(4)s' canvass is to contact the general public, and not just their permissible class.

The 501(c)(4) method is to contact the general public in door-to-door solicitation/canvassing. After giving the illegal pitch for its endorsed federal candidate(s), the 501(c)(4) employee hopes the citizen will give a donation. Under their fiction, the giving of that donation conveys a retroactive status of "member" on the donor. This is a sham which allows Citizen Action and its affiliates to fulfill their stated mission as "a *national citizens political organization* . . . dedicated to increasing citizen participation in economic and *political decision-making.*" Exhibit 3. (emphasis added).

To believe that the 501(c)(4)s' method is to contact their members, with some incidental contact with non-members, is to suspend belief in reality. To accept the 501(c)(4)s' analysis of proper contact with "members" is to believe that "membership" meeting the criteria of the law can be conferred on the stoop of a house. This is especially incredible since the canvassing that constitutes the illegal corporate contribution or expenditure takes place before the person even contributes any money, the preliminary step to becoming a "member".

In fact, the 501(c)(4) Network's entire method of political canvassing is geared to non-members. Their actions and methods belie their claim that they meet the definition of "membership organization". Only a minuscule number of solicitations and political endorsements are actually conveyed to individuals within the permissible class. That means virtually all the door-to-door work by the 501(c)(4)s' employees constitutes illegal contributions and expenditures from a corporation that evades public disclosure.

B. Cited Actions Influence Federal Elections

1. The 501(c) Members' Canvassing and Other Activities Constitute Express Advocacy Under the Act.

a. *The Act's Standards.*—The FEC has developed a test for whether certain activities such as the ones cited herein, are subject to the Act, its reporting requirements and its limitations. In its ruling, the FEC has consistently taken the position that expenditures are subject to the Act where they constitute express advocacy made for the purpose of influencing a federal election as judged by the act's proximity to an election. In other words, the FEC will examine whether the activity and message are clearly political (advocating the election or defeat of a specific candidate and whether there are clear connections between the organization and the candidate's campaign).

The actions described in this Complaint fall squarely within that articulated test. Citizen Action, its affiliates and the other members of its Network mentioned herein, perhaps because they feel they enjoy a position of moral superiority conferred by their preferred tax status, have chosen to ignore this legal test. Nonetheless, the actions of the 501(c) network are designed to influence federal elections under the FEC's test. Their expenditures are paid for by corporations. That is against the law. The FEC needs to enforce the law and make the defendants in this matter play by the same rules as other groups attempting to influence federal elections.

A tenet of federal election law is that the expenditure of funds by corporations, or the use of corporate funds by any other entity, to influence a federal election is prohibited. 2 U.S.C. 441b. As their own words and actions demonstrate, Citizen Action and the members of its Network have violated this law. They cannot evade this prohibition by invoking their status as 501(c) entities dedicated to "social welfare" or "education" of the public. As the FEC found in MUR 1937, the prohibition on corporate expenditures and contributions does not distinguish between tax-exempt and other corporations. MUR 1937 (citing 2 U.S.C. 441b; 11 C.F.R. 114.1(a)(2)(iii), 114.3(a)(2), 114.4(a)(1)(ii), 114.5 (b)-(i) and 114.7). Nor has such a distinction even been found by the courts. *See* AO 1987-7, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5889 (1987).

In conducting analyses similar to the one required in this case, the FEC has scrutinized an organization to determine whether its activities were covered by the Act. This analysis has included several factors, including consideration of the text of the message and activity prepared for the general public, the timing of those communications and other evidence bearing on "an election-connected or election-influencing purpose." AO 1984-41, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5787 (1984).

The FEC has reviewed the pre-election activities of an organization alleging an interest only in issues, not elections. AO 1980-106, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5582 (1980). By examining the circumstances surrounding the organization's activities, it found the distribution of certain materials "designed to influence the readers' choice in the 1980 presidential election, rather than simply to promote discussion of issues." *Id.*

The FEC has been particularly alert to whether a communication or activity is election-related if the expenditure could violate the Act's prohibition on corporate spending. *See, e.g.,* AO 1986-26, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5866 (1986); AO 1984-24, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5771 (1984); *accord California Medical Ass'n v. FEC,* 453 U.S. 182, 200 (1981) ("the statute as a whole imposes far *fewer* restrictions on individuals and unincorporated associations than it does on corporations and unions") (emphasis in original). It has specifically noted that the Act "subjects corporations . . . to stricter standards than individuals when Federal elections are concerned." AO 1978-102, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5397 (1978).

Indeed, individual members of the Commission have publicly recognized the importance of this test in the case of a tax exempt entity. Expressing his own view in testimony last year before a House subcommittee, then FEC Chairman Scott Thomas said:

"[If] it were determined that it was fairly clear what the purpose of the activities were, they would cross the line of being contributions or expenditures for the purpose of influencing the federal election, then of course yes, we would be in the posture of trying to determine whether the group should register, whether it has crossed the border in terms of being a corporation that made prohibited expenditures."

Thomas also stated: "[E]ven though a corporation or labor organization may be tax exempt, if it makes a contribution or expenditure in connection with a federal election, the FEC is charged with the duty to regulate such activity. . . . For the most part, *public* electioneering activity by a 501(c) (3) or (4) tax exempt corporation will be a violation of election law *and* contrary to the rules for retaining tax-exempt status." Statement of Scott E. Thomas before Subcommittee on Oversight of the House Ways and Means Committee, March 12, 1987 (emphasis in original).

It is also clear that the attempts by some members of the Network to wash their 501(c) corporate funds through connected PACs cannot withstand legal scrutiny. The FEC dealt squarely with this issue in Advisory Opinion 1984-24. It noted: "Except for certain activities such as internal communications and nonpartisan activities, the act requires that a corporation or labor organization direct and finance its political activities solely through the use of the voluntary contributions in its separate segregated fund and not through the use of general treasury funds. 117 Cong. Rec. 43381 (Remarks of Rep. Hansen). . . . The regulations specifically provide that a corporation or labor organization may not use the establishment, administration, and solicitation process as a means of exchanging treasury monies for voluntary contributions. 11 C.F.R. 114.5(b)." Id. at 11,082.

That Advisory Opinion continues with the explicit warning that "Only the monies in the separate segregated fund may be disbursed for political purposes, and the corporation may not use its general treasury funds for such purpose." The opinion states:

"In this regard, the Act and regulations prohibit a corporation from using its general treasury funds to provide goods and services at no charge to candidates in any Federal election. *A corporation's donation of the services of its employees and the use of its facilities incident to its employees' services qualifies as a gift of something of value to the candidate.* Thus, the expenditure of corporate treasury funds to provide such services and facilities falls squarely within the prohibition of 2 U.S.C. 441b. Nothing in the Act or regulations excludes such corporate disbursements from the Act's prohibition. On the contrary, *Commission regulations specifically define a contribution as the payment of compensation to a person who renders services to a candidate or political committee or the provision of goods or services at less than the usual and normal charge for them.* . . . The prohibition of 2 U.S.C. 441b also includes advances by a corporation of its general treasury funds and the extension of credit whch is not made in the ordinary course of the corporation's business and on terms similar to those extended to non-political debtors."

Id. at 11,083 (citations omitted) (emphasis added). It is clear from the 501(c)'s descriptions of their own canvassing and other election-related activities that they went far

beyond the safe harbors provided by the Act, the FEC and the courts.

b. *Precedent on 501(c)s*—Within this legal framework, the FEC has three times examined the standard methods employed by members of the 501(c) corporate Network and found illegalities each time. The FEC found that the standard method that is the subject of this Complaint entails express advocacy by the 501(c)(4) corporation, which is attributed to the connected PAC as a debt. In some cases, the activity is reported to the campaign as an in-kind contribution from the PAC. As the FEC noted in MUR 1586, this method violates "2 U.S.C. 441b(a) by using corporate treasury money to make expenditures to support federal candidates, which were later reimbursed by the [PAC]. These initial disbursements of corporate treasury money constituted corporate contributions and/or expenditures in violation of the Act." Conciliation Agreement at 4. The method employed in this MUR by the Council and CANPAC is an example of how the Network operates.

In reviewing the specific facts of MUR 1937 involving Illinois Public Action Council (Council) and the Citizen Action Non-Partisan Political Action League ("CANPAC"), the FEC found that the disbursements, even though reported by CANPAC, were "corporate in origin." In other words, they were in fact made by the Council, an incorporated 501(c)(4) organization. The FEC concluded that they constituted illegal corporate expenditures and contributions under 2 U.S.C. 441b. The FEC rejected the contention that the Council's disbursements were not expenditures, but merely "accounts receivable from CANPAC to the Council." Citing Advisory Opinion 1984-24, the General Counsel's Report to the FEC found that "the activities described involved initial disbursements of corporate funds for activities in furtherance of the election of federal candidates."

The FEC also rejected the argument that the Council-CANPAC arrangement was a legitimate extension of credit under 11 C.F.R. 114.10: "This regulation was not meant to apply to a situation such as the present matter where the political committee is connected to the corporation. As stated in AO 1984-24, 'section 114.10 is intended to apply to commercial transactions made in the ordinary course of a corporation's business, where it extends credit as part of such a transaction to a political purchaser on terms comparable to those for similar non-political purchasers.'" MUR 1937, General Counsel's Brief.

The 501(c)(4) defendant also argued that the Act's prohibition on corporate contributions did not apply to 501(c) groups. Citing the plain wording of the statute, the FEC said the prohibition applies to "any corporation" and that the statute does not distinguish (as the Council tried to maintain) between organizations with capital stock and other corporations. The FEC noted that its Regulations prohibiting corporate contributions explicitly extend to non-capital stock corporations and membership corporations. This is true for the definitional sections, *e.g.*, 11 C.F.R. 114.1(a)(2)(iii) (applying to a "corporation, labor organization, membership organization, cooperative, or corporation without capital stock"); sections referring to communications to a restricted class, *e.g.*, 11 C.F.R. 114.3(a)(2), 114.4(a)(ii) ("incorporated membership organization, incorporated trade association, incorporated corporative or corporation without capital stock"), and sections referring specifically to the permissible activities of PACs, *e.g.*, 11 C.F.R. 114.5 (b)-(i), 114.7 ("corporations, labor organizations, membership organizations, cooperatives or corporations without capital stock"). *Accord* AO 1987-7, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5889 (1987) (finding 501(c)(4) corporation subject to prohibition of 2 U.S.C. 441b).

Thus, the FEC has held 501(c)s to the same standards as other corporations attempting to influence federal elections. The activities of these 501(c)s accordingly violate a series of the Act's prohibitions.

2. Specific Violations

a. Illegal Corporate Expenditures and Contributions.—A basic tenet of federal election law is that contributions or expenditures by corporations are prohibited:

"It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office."

2 U.S.C. 441b(a). This prohibition applies whether the contribution is in the form of money, goods or services (including those provided by paid employees of the corporation). Neither candidates or political committees can accept such contributions, nor may officers and directors of corporations provide consent for such contributions or expenditures to be made on the incorporated entity's behalf. 11 C.F.R. 114.2 (a)(2), (c), and (d). These 501(c) defendants prefer to operate as if the laws do not apply to them. Either their actions constitute independent expenditures made with prohibited funds or the candidates who are benefiting from their expenditures are receiving illegal corporate contributions. The FEC must determine which and take the appropriate remedial action.

b. Failure to Report Activities as Expenditures Under the Act.—Under the FEC's analysis, any 501(c) defendant failing to report the costs of its activities as expenditures violates the Act. This applies to the costs of their illegal canvassing on behalf of endorsed federal candidates as well as contributions of employees, printed materials and other resources. Any actions by these groups that specifically call for either the election or defeat of a specific candidate are reportable.

These activities were paid for by 501(c)(4)s, all of which are corporations, for the purpose of influencing either the 1986 or 1988 federal elections. 2 U.S.C. 431(9)(A). These defendants violated the Act by failing to report their expenditures, 2 U.S.C. 434, and by failing to allocate the expenditures to the specific candidates who benefited. 11 C.F.R. 106.1(a). Even if the defendants claim they were only communicating with their members (which is absured on its face), they have violated the Act if the 501(c)(4)s failed to report on Form 7 of the costs of communicating with their "members".

c. Failing to Report Ads as Independent Expenditures or Contributions.—Since the activities described herein are something of value given to influence a federal election, they constitute either independent expenditures by the 501(c) group involved or contributions by the group to the specific candidate opposing the candidate criticized or the candidate who was endorsed. In either case, the 501(c) corporation has chosen to cast itself as above the law and has failed to either register or report its activity fully. Since all these defendants are incorporated and not within the exception provided by *FEC v. Massachusetts Citizens For Life, Inc.*, 107 S. Ct. 616 (1986), the expenditures themselves are illegal. 2 U.S.C. 441b.

An "independent expenditure" is defined as an expenditure by a person or political committee "expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate." 2 U.S.C. 431(17). The law requires that such independent expenditures be fully reported. 2 U.S.C. 434(c). According to the Supreme Court in *Massachusetts Citizens for Life* at 630:

"[A]n independent expenditure of as little as $250 . . . will trigger the disclosure provisions of section 434(c). As a result, [the organization] will be required to identify all contributions who annually provide in the aggregate $200 in funds intended to influence elections, will have to specify all recipients of independent spending amounting to more than $200, and will be bound to identify all persons making contributions over $200 who request that the money be used for independent expenditures."

The 501(c) defendants have failed to report their independent expenditures, again preferring to hold themselves as above the law. The FEC must investigate whether these groups consulted with any leaders or agents of a national party committee in deciding which candidates to criticize or praise.

If the canvassing and other activities and materials are a contribution to a federal candidate, 2 U.S.C. 431(8)(A), they are subject to the contribution limits of the Act. None of the 501(c) defendants have qualified with the FEC as multi-candidate committees. 2 U.S.C. 441a(a)(4). That means that the 501(c) groups, if they were a legal source, would be limited to contributing $1,000 for the primary election and $1,000 for the general election. 2 U.S.C. 441a(a). The FEC must investigate whether this limit was exceeded by these activities.

d. The Members of the 501(c) Network Are "Political Committees" Which Have Violated Their Legal Obligation to Register With the FEC And Report Their Election Influencing Activities.—The members of the 501(c) Network that are defendants in this action are hiding from public scrutiny the sources of the money they are using to influence federal elections in which they are participating. The central theory behind the federal election laws is that the public must be able to scrutinze all the sources of funding in a federal election. It is *only* through this public knowledge that honest and above-board federal election campaigns will be conducted. Yet by refusing to register as a political committee making expenditures under the Act, these 501(c)(4) groups ignore this disclosure requirement. 2 U.S.C 431(4), 432, 433, 434. The Act defines a political committee as "any committee, club, association, or other group of persons" which receives contributions or expenditures aggregating more than $1,000 in a calendar year for the purpose of influencing a federal election. 2 U.S.C. 431(4)(A).

The FEC has found that where even a "loose association" of individuals makes "expenditures", as defined in the Act, in excess of $1,000, it becomes a political committee. See AO 1980-106, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5582 (1980). In addition, the FEC has articulated standards under which an organization receiving contributions

from others becomes a political committee subject to the Act's public disclosure requirements. AO 1986-38, 1 Fed. Elec. Camp. Fin. Guide (CCH) 5876 (1986). Under these rulings, the 501(c) defendants in this action come under the Act's registration and reporting standards.

Furthermore, according to the Court,

"should [the organization's] independent spending become so extensive that the organizations major purpose may be regarded as campaign activity, the corporation would be classified as a political committee. [*See Buckley v. Valeo,* 424 U.S. 1, 79 (1976).] As such, it would automatically be subject to the obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns."

Massachusetts Citizens for Life, 107 S. Ct. at 630, The campaign activity of each of these organizations is integral to their operations, thereby constituting a major purpose of the organizations. Thus, each of these organizations should be treated as a political committee subject to the Act's reporting requirements for political committees.

Each defendant member of the 501(c) Network, as their own words and actions demonstrate, far exceeded this threshold through their canvassing and expenditures on behalf of federal candidates. See Exhibits 3, 5-11.

The Act further requires all political committees to register with the FEC and file regular reports of their receipts and disbursements disclosing to the public their political activity. 2 U.S.C 433-434. Thus, the 501(c) defendants are violating this law. The fact of the matter is that these 501(c) are very active at criticizing others who they feel are not adhering to the law and their social obligations. But the American people have the right to know that these special interest groups are engaging in express advocacy on behalf of their endorsed candidates. The public should be able to scrutinize the extent to which these groups are involved in federal elections, who they are supporting and with whose money.

e. Labor PAC Contributions to Network Members Cannot be Earmarked for Specific Candidates Under the Act.—The Labor PACs that provide the overhwhelming majority of the funding for the "grassroots" Citizen Action Network PACs appear to be illegally earmarking contributions through the PACs to candidates to which they have already given the legal maximum. The center of the apparent laundering scheme is Citizen Action and the Citizen-Labor Energy Coalition, which are housed in the same Chicago office but claim different contribution limits. Under the Act, if the Labor PACs are directing the 501(c) Network PACs to contribute to condidates to whom they have given the maximum, it is an evasion of the campaign law limits and an illegally earmarked contribution. 2 U.S.C. 41f.

Specifically, the FEC should review the contributions of the Machinists PAC (Washington, Illinois, Pennsylvania, Wisconsin through Citizen Action and Idaho through Citizen Action, and Pennsylvania through CLEC); the NEA PAC (Wisconsin through Citizen Action and CLEC and Pennsylvania through CLEC); the UAW PAC (Indiana and Idaho through Citizen Action); AFSCME PAC (Washington), and the Communications Workers (Colorado through Citizen Action).

f. The Want Ads Recruiting Employees That Expressly Advocate the Election or Defeat of a Specific Candidate Violate the Act.—The want ads used to recruit employees for the defendant 501(c)s that expressly advocate the election or defeat of a specific candidate are illegal corporate contributions by the 501(c). These ads, which are described on pages 31-32, contain such words of express advocacy as ". . . help elect a democrat to the White House! Citizen Action, the nation's largest progressive organization, is fighting for affordable health care and working to defeat George Bush in November." Exhibit 12.

Because these ads appear in newspapers of general circulation, by definition they are communicated beyond the permissible class. 2 U.S.C. 441b(4)(c); 11 C.F.R. 114.3(a). Indeed, they are communications to the general public that contain words of express advocacy either in support of or in opposition to a specific candidate for federal office. Since these ads all appear to be paid for by an incorporated 501(c) organization, they constitute violations of 2 U.S.C. 441b.

g. *Violations by Individual Campaigns.*—The election laws prohibit the knowing receipt or acceptance of corporate contributions by federal candidates. The FEC has argued that "knowing receipt or acceptance means knowledge of the facts that establish a violation of the statute, not knowledge that the receipt or acceptance was in violation of the law." MUR 1937 General Counsels' Report at 4 (citing *FEC v. California Medical Association,* 502 F. Supp. 196 (N.D. Cal. 1980)). Accordingly, the FEC must investigate the campaigns of Wyche Fowler For Senate, Terry Sanford For U.S. Senate, A Lot Of People Supporting Tom Daschle, Garvey For Senate, Brock Adams Senate Committee, Friends of Bob Graham Committee, Mikulski for Senate Committee, Dixon for Senate Committee, Bob Edgar for U.S. Senate, Citizens for Mike Lowry Committee, McMillen for Congress, Citizens for Reese Lindquist, Friends of Lane Evans, Feighan for Congress Committee, Tom Sawyer Committee, Jim Jontz for Congress Committee, and Nagle '88 Committee for their receipt of illegal corporate contributions from members of the 501(c) Network. Since, as discussed below, all the canvassing on behalf of specific candidates was a sham, any campaigns that knew of this effort or helped the 501(c) coordinate their effort, are guilty of accepting and failing to report an illegal corporate contribution.

In some cases, it appears that the 501(c)(4) established a PAC, which in some instances later reimbursed the corporation for its illegal expenditure or showed the expenditure as a debt. In order to make this scheme work, the 501(c) and its PAC had to inform the campaigns which benefited from the work being done by the PAC. However, in discussing the canvassing work done by the 501(c)(4), the campaign had knowledge of the scheme and either knew or should have known that it was accepting a corporate contribution.

Since the FEC maintains that if a campaign is informed that it is receiving in-kind contributions and it is obvious, as it was here, that the contributions were really coming from a connected corporation, the campaign violated the law.

IV. CONCLUSION

The FEC must not delay in holding these 501(c) corporations and the campaigns which benefited from their activities to the same laws as all others attempting to influence federal elections. The amounts spent by these 501(c) corporations, especially on the illegal canvassing activities, should be declared as either illegal corporate independent expenditures by the groups or illegal corporate contributions to the benefiting candidates. In either case, this source of illegal expenditures must be halted.

There is already ample evidence that the 501(c) Network plans to replicate and increase its activity in 1988. *See* want ads. Accordingly, this case should be prosecuted on an expedited basis to ensure no additional illegal expenditures or contributions between now and Election Day 1988. Since the law is clear, the service on these 501(c) corporations and their PACs of this Complaint will operate as notice that their canvassing and other expenditures on behalf of federal candidates is accountable under the Act. From that day forward, any spending by any of these 501(c) corporations, their PACs, other unnamed affiliates of Citizen Action and by other 501(c) groups employing a similar method to influence federal elections will be viewed by Complainant as a knowing and willful violation of the Act requiring FEC referral to the Justice Department or the imposition by the FEC of the remedial action proscribed in 2 U.S.C. 437g(d)(1). In addition, the filing of this Complaint will serve as notice to any federal campaigns that receive contributions (whether in-kind as goods and services or monetary) that they are knowingly and willfully violating the Act by accepting prohibited corporate contributions.

Respectfully submitted by Jann L. Olsten, Executive Director, National Republican Senatorial Committee.

501(c) PAC	Total disbursements	Labor PAC contributions	Amount
Citizen Action PAC	$37,600.00	Machinists	$5,000
		UAW	5,000
		Engineers	5,000
		Communications Workers	5,000
		NEA	5,000
		Cit/Labor Energy Coalition.	3,450
		Nat'l. Coun. Sr. Citizens	2,000
		Bakery, Confectionery	2,000
		(1)	
		Total	37,450
Citizen/Labor Energy Coalition [CLEC] PAC.	16,000.00	Machinists	5,000
		NEA	5,000
		Communications Workers	3,000
		Committee for Good Gov't.	3,000
		Total	16,000
Wisconsin Action Coalition PAC.	14,823.94	Machinists	5,000
		CLEC	5,000
		Citizen Action	2,200
		Citizens PAC [2]	2,300
		Total	14,500
Illinois Public Action Council PAC.	26,745.91	Machinists	5,000
		Lane Evans for Cong [3]	20,800
		Total	25,800
Pennsylvania Public Interest Coalition PAC.	10,992.95	Machinists	5,000
		CLEC	2,500
		Citizen Action	2,000
		Total	9,500
Washington Fair Share PAC.	37,522.10	Machinists	5,000
		AFSCME	3,000
		Wash. St. Labor Comm	250
		Total	8,250
Maryland Citizen Action Coalition PAC.	360.00	AFSCME	300
		Stuart Bainum for Cong	360
		Total	660

501(c) PAC	Total disbursements	Labor PAC contributions	Amount
Citizen Action of Indiana PAC.	5,064.76	UAW	5,000
		Lodge 2040 Pae-Evansville.	500
		Total	5,500
Ohio Public Interest Campaign PAC.	0		0
Florida Consumers Federation PAC.	0		0
Iowa Citizen Action Network PAC.	0		0
Total Citizen Action disbursements.	149,109.66		[4] 111,587.56
Total Labor PAC contributions.	117,660.00		[4] 109,410.00
Percent Labor PAC money (percent).	79		98

[1] One $5,000 PAC contribution missing from detailed pages of post-election report.
[2] Same address as Citizen Action and CLEC, same Treasurer as Citizen Action. Contribution does not appear on Citizens PAC FEC report.
[3] Contribution appears to violate legal limits.
[4] Minus Washington Fair Share.

EXHIBIT 2

CITIZEN ACTION: NOAH'S ARK OR A SHAM?

(By Richard E. Cohen)

Citizen Action, a prominent liberal activist group, has in recent years methodically broadened the scope of its activities from legislative lobbying to the national electoral arena, with considerable success.

But some of the tactics used by the Chicago-based organization—whose leadership will be convening in Washington in mid-June to plot presidential campaign strategy—have come under intense scrutiny. And some of Citizen Action's Republican targets have charged that it is violating federal election and tax laws.

Citizen Action is a national coalition of state-based groups that embraces progressive-style politics and uses a grass-roots approach to frequently get its way with lawmakers. In its assertiveness, it parallels many other tax-exempt coalitions that have become pointedly more partisan. But few of the other groups have attracted such harsh criticism.

Senate Republicans call the complex Citizen Action web of organizations a "sham." "Citizen Action has been skirting laws that restrict the activities of tax-exempt corporate groups," said Benjamin Ginsberg, the National Republican Senatorial Committee's legal counsel. "And its massive political contacts with nonmembers are illegal corporate contributions that escape full public disclosure."

Critics pounce on a classified advertisement that the national arm of Citizen Action recently ran in the Washington Post, seeking students who can earn up to $400 a week this summer to "help elect a Democrat to the White House" by joining its "community outreach" staff.

"This is not a nonpartisan group," said Sen. Robert W. Kasten Jr., R-Wis., who prompted the GOP inquiry following attacks against him in his 1986 reelection campaign by Wisconsin Action Coalition, part of the Citizen Action network. "The idea that they are trying to elect a presidential candidate is outside the spirit—and maybe the letter—of the law.

Robert M. Brandon, who is vice president and political director of Citizen Action, dismissed Kasten's criticism saying, "We only use the organizations resources to communicate with our members on behalf of a candidate." Communications with the public, he said, are made through affiliated political action committees (PACs). "We are not unique. We are important because we are effective and are trying to bring people into the political process . . . Republicans don't like it when they are attacked in the political arena."

Kasten challenged the Wisconsin group's attacks in October 1986 by filing complaints with the Internal Revenue Service and the Federal Election Commission (FEC), but neither agency has issued a response. Under the tax law, a so-called 501(c)(4) organization promoting the social welfare is entitled to tax-exempt status, but it may not intervene with the public on behalf of or in opposition to a political candidate. The House Ways and Means Committee recently held hearings on alleged abuses by tax-exempt groups.

In a separate proceeding, which Kasten and his party colleagues were unaware of until recently, the FEC has fined the Illinois Public Action Council—another tax-exempt arm of Citizen Action—for making illegal corporate contributions to congressional candidates in 1984. Robert Creamer, the council's executive director, signed a conciliation agreement with the commission and agreed in September 1986 to pay a $5,000 civil penalty. Under its procedures, the FEC did not disclose the details of this case, which resulted from an internal staff review, until two months ago.

Citizen Action's emergence as a self-styled national progressive movement has made it a growing political force. By becoming increasingly involved in national campaigns, along with races for local offices, its leaders say they have been shifting the national debate away from the policies of the Reagan Administration.

According to Citizen Action's promotional materials, the network in 1986 supported Democratic candidates for the Senate in Georgia, Maryland, North Carolina, Pennsylvania, South Dakota, Washington and Wisconsin. Its impact has been trumpeted by national political reporters, including Washington Post columnist David S. Broder, who called the state groups "a growing political presence and force in the country."

The Midwest Academy, a national training center for Citizen Action's political foot soldiers, has scheduled a retreat in Washington on June 17-19 to discuss this year's presidential campaign and to set strategy for the Democratic convention and the election. At a separate meeting in the capital slated for June 19, the Citizen Action board may decide to endorse the Democratic presidential nominee, Brandon said. Four years ago, the group endorsed Democrat Walter F. Mondale for President.

Despite these nationally focused campaign activities, Citizen Action is better known on Capitol Hill for its lobbying on behalf of issues such as energy regulation, toxic waste disposal and health care. Brandon said that the group fought for expanded prescription drug coverage in the catastrophic illness insurance in early June.

Citizen Action affiliates pursue similar agendas in nearly two dozen states. "We are a federation of statewide citizen organizations," Brandon said. "Most of our work is done at the state level and is directed to legislative activities." The state groups make wide use of neighborhood canvassers to generate grass-roots support among members and nonmembers.

Citizen Action was first organized in 1980 to pursue state issues on a national level. It receives dues from its state chapters, which have 1.6 million members. Heather Booth, the national president, works out of Citizen Action's Chicago office.

The national group also has worked closely with and has received financial assistance from other organizations, including the National Council for Senior Citizens and several labor unions. Citizen Action's Washington offices are in the International Association of Machinists building; in January, Citizen Action gave machinists president William W. Winpisinger its first lifetime achievement award.

Also providing substantial aid to Citizen Action have been the nation's trial lawyers, who are known for their aggressive legislative and electoral tactics on issues that affect them, such as their opposition to national product liability legislation.

Citizen Action has maintained an especially active relationship with a narrow segment of the trial lawyer community, the approximately 90 attorneys who represent railroad union members in liability cases. Robert J.F. Brobyn, a Philadelphia lawyer who is chairman of the group that calls itself Campaign for Safe Railroads, said that it was organized in 1986 in response to efforts by the nation's railroads to replace the existing liability coverage for rail workers with a form of workers' compensation. "This would be bad for the employees and bad for their lawyers, by moving away from a fault system," he said.

In 1987, Brobyn's group merged forces with several other organizations, including Citizen Action and the Illinois Public Action Council, to form the Coalition for Safe and Responsible Railroads. The council was paid $50,000 to prepare a document on railroad safety, which includes data on railroad accidents. "I found them an excellent organization," Brobyn said.

Citizen Action issued a statement in Washington on May 26 criticizing Kasten for supporting an effort by Amtrak to change the Federal Employees' Liability Act, the 80-year-old law governing railway workers' injury cases. "Kasten's amendment on Amtrak is clearly intended by the rail industry to be a foot in the door towards eliminating this stringent safety law," said Creamer, head of the Illinois Public Action Council.

Included in the materials was a four-page briefing paper on the danger of railroads, which cited the Illinois group's study, and criticism of Kasten by Jeff Eagan, executive director of the Wisconsin Action Council. Maybe our activities serve the interests of trial lawyers," Eagan said in an interview. "But our group is broad-based. We're like Noah's ark." Creamer and Eagan held three press conferences across Wisconsin to trumpet their study.

Kasten responded with a statement by James T. Sims, his press secretary. "This liberal political group isn't representing the public safety so much as they are trial lawyers who are exploiting the present outdated railroad workers' compensation system," Sims said. "The group's shrill contention that safety will be undermined is completely unfounded." Kasten, who is ranking Republican on the Commerce, Science and Transportation Subcommittee on Surface Transportation, has not introduced legislation, but he has discussed Amtrak's request for a three-year trial period with a worker's compensation system.

The 1986 campaign opposition to Kasten was another example of the Citizen Action-labor-trial lawyer connection. Kasten's op-

ponent was Ed Garvey, a trial lawyer who previously served as the outspoken executive director of the National Football League Players Association.

In its 1986 campaign against Kasten, for example, the Wisconsin Action Coalition ran radio advertisements criticizing his votes on social security. "We watched the blending of the Garvey campaign and Wisconsin Action Coalition," Kasten said. Eagan has denied the charge; his group's response on Kasten's complaint to the federal agencies remain private.

Similar controversy surrounded the 1986 campaign against GOP Sen. Slade Gorton by Washington Fair Share—another part of the network. Gorton lost and is making a comeback attempt this year. And the Missouri Citizen/Labor Coalition held press conferences to highlight the campaign contributions from toxic waste dumpers received by Senate GOP candidate Christopher S. (Kit) Bond.

Kasten said that the National Republican Senatorial Committee plans soon to file tax and election-law-complaints against the Citizen Action network and that he may pursue legislative action to prevent what he sees as abuses by tax-exempt groups. "The citizen-volunteer aura that these groups try to cloak themselves in is fraudulent," he said. "We are going to expose them for what they are—activists supporting Democratic candidates."

NATIONAL REPUBLICAN SENATORIAL COMMITTEE,
Washington, DC, June 15, 1988.

NRSC TO FILE FEC, IRS COMPLAINTS AGAINST CITIZEN ACTION

WASHINGTON.—The National Republic Senatorial Committee (NRSC) today announced its intent to shut down the illegal flow of unreported corporate political contributions to Democratic campaigns by tax-exempt organizations belonging to Citizen Action, a Chicago-based "social welfare" group.

Senators Bob Kasten (R-Wisc), Mitch McConnell (R-Ky), and NRSC executive director Jann Olsten announced at a press conference today that the NRSC would file complaints against Citizen Action with the Federal Election Commission (FEC) and the Internal Revenue Service (IRS).

The complaints allege that Citizen Action has created an intricate and complex nationwide web of front groups that allow it to circumvent the laws of campaign finance. They contend that Citizen Action has created a shell game of tax-exempt corporations and political action committees (PACs) that allows it to funnel illegal corporate contributions to campaigns without having to comply with the rigid disclosure requirements of the FEC.

Citizen Action claims to have affiliate 501(c)s in 25 states with 75 offices, a total combined staff of 1200 and a nationwide membership in excess of 1.75 million people.

A "501(c)" is an IRS designation for a tax exempt-corporation that has none of the restrictions on contributions of a political campaign. Therefore, according to Olsten, Citizen Action can run a political operation without any of the usual public scrutiny.

"Citizen Action" has essentially developed into a national political field operation that is funded by undisclosed and unlimited contributions from unions, corporations, and individuals," Olsten said. "Is it effective? Certainly. Is it legal? Certainly not."

"We have no quarrel with the intent of getting people involved in the political process," he added. "Our argument is that we should all play by the same rules."

The NRSC complaint alleges that Citizen Action affiliate member groups violate the law in a number of ways. Among them:

Door-to-door canvassing on behalf of candidates to an audience larger than their membership (which is prohibited by the FEC);

Using unreported corporate money to pay for personnel, materials, and facilities that aid the campaigns of federal candidates;

Failing to report their activities as either independent expenditures or as direct contributions to candidates;

Failing to register and report as political committees; and

Funnelling earmarked contributions to campaigns from labor PACs nine ways.

Olsten said the NRSC would ask that:

The IRS withdraw the groups' tax-exempt status and declare that the contributions to 501(c)(3) organizations are not tax deductible;

Monies received by the 501(c)(3) and 501(c)(4) organizations are not tax excempt but are taxable income;

Appropriate fines be imposed on all campaigns, corporations, and labor unions engaged in the illegal activity;

All contributions to these organizations be made public; and

All future activities of these organizations be conducted in full compliance with Federal Election Campaign laws, including limitations on individual contributions, prohibitions from corporate contributions, and full and complete disclosure of all receipts and expenditures.

Olsten promised that Republican campaigns would monitor the political activities of these groups in the coming campaign, as much for potential illegalities as to highlight the delusion that the groups are somehow independent "grass roots" organizations.

"For too long these groups have masqueraded as many different, separate oganizations when in fact they are more than likely the same activists writing on different press release paper," Olsten said. "This wouldn't be so egregious except that they sometimes duped the media into thinking they are credible, legitimate representatives of grass roots organizations."

"Unlike the unlawful transfer of contributions, this masquerade is not illegal," Olsten acknowledged, "but it is a hoax, nonetheless. And it must be seen as one."

ACCOMPLISHMENTS OF THE 101ST CONGRESS

Mr. MITCHELL. Mr. President, in the last few weeks we have worked long days and long nights. But we have made good progress during those many hours of facing and dealing with the issues of concern to the American people.

Since becoming majority leader, I have often said I believe the agenda of the American Congress should be the agenda of the American family. American families need security, jobs, an equal opportunity to work and earn a living, good education for their children, a clean environment, and a society where quality education, day care, and a decent family life are the priorities.

Through the hard work and cooperation of Members of both sides of the aisle, I believe we are well on our way to meeting many of those needs.

We have not, and we will not, agree on every issue. We have had many hours of vigorous, competitive, and spirited debate. This is, as it should be, in a democracy.

The competition of ideas and priorities in the process that yields the best possible outcome for the American people. Members on both sides of the aisle have contributed their best thinking to our work and our work has benefited. We can all take pride in the productive session we have had to date and look forward with anticipation to completing our work in the fall.

The Senate has been productive:

The first Clean Air Act to pass in 13 years is now in conference.

The first comprehensive oilspill legislation ever is awaiting the President's signature.

The Senate has passed a major bill to eliminate adult illiteracy, the Excellence in Education Act to boost our children's schooling, and has begun work on the National Teacher Act. In conference with the House in the fall, we will enact a comprehensive education package designed to ensure American children a world-class education in the decades to come.

The Senate has responded to change in the American work force by seeking to make changes in the American workplace.

A comprehensive child care bill is in conference with the House.

A parental leave bill was passed, but, unfortunately, met with a Presidential veto.

The first increase in the minimum wage in 10 years is now going into effect, benefiting those Americans who work hard for small reward.

The Senate has acted to make real the American ideal of equal opportunity. The Americans With Disabilities Act has been signed into law. For the first time ever, all of our people will be judged by their abilities, not limited by their disabilities.

The Senate has passed a Civil Rights Act of 1990 to restore again the full scope of equal rights under the law to all Americans, regardless of race, ethnic origin, religious belief, or sex.

The Senate has passed the Affordable Housing Act to give back American families a central part of the American dream: A home of their own.

The Senate has approved national service legislation to create a way for all Americans to serve their communities and their society.

The Senate has passed the first comprehensive drug bill to recognize that treatment and prevention are as important a focus as law enforcement and interdiction. It has been signed into law. The Senate has responded to

concerns about public safety, with a major crime package on which the House will act in September.

The Senate has approved major AIDS legislation to help city hospitals cope with the emergency caused by AIDS patients. It awaits the President's signature.

The Senate has approved major ethics legislation, which is now already law. It has passed campaign finance reform, on which a Senate-House conference will meet next month.

The Senate has approved a major rural development bill and a 5-year farm bill to meet the needs of our farming families and of our Nation's food and fiber production.

We can look with satisfaction on the quantity and quality of our work so far in this session.

But we all know the greatest challenge lies ahead. When we return after Labor Day, the budget and fiscal management issues, so urgent to the Nation, await our final action.

Members of the Senate are engaged in negotiations seeking a substantial and effective multiyear package of deficit reductions. A healthy, growing American economy is the most important of our responsibilities to American families. That is the aim of the budget negotiations.

With hard work and effort, I believe the Senate can successfully craft a package of deficit reductions that will not burden middle-income working Americans and that will continue to allow us to meet the needs of our people.

I thank all Senators for their patience and cooperation and their help in the session so far.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DECONCINI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF NOMINATIONS OVER THE RECESS

Mr. MITCHELL. Mr. President, as in executive session, I ask unanimous consent that notwithstanding the provisions of rule XXXI, paragraph 6, all nominations remain in status quo during the recess of the Senate, with the following exceptions:

Adriane Dudley, district court judge for the Virgin Islands;

Charles House, Director, Office of Victims of Crime, Department of Justice;

G. Philip Hughes, Ambassador to Barbados, and concurrently to the Commonwealth of Dominica, St. Lucia, St. Vincent, and the Grenadines; and

George Fleming Jones, Ambassador to the Cooperative Republic of Guyana.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 9:11 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, without amendment:

S. 2952. An act to amend the Energy Policy and Conservation Act to extend the authority for Titles I and II;

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month";

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; and

S.J. Res. 343. Joint resolution to designate August 13 through August 19, 1990, as "Home Health Aide Week."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

S. Con. Res. 118. Concurrent resolution to authorize the printing of a brochure describing the history, design, and functions of the U.S. Capitol as the seat of the legislative branch of the Government.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1465) to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes.

The message also announced that the House has passed the bill (S. 695) to promote excellence in American education by recognizing and rewarding schools, teachers, and students for their outstanding achievements, enhancing parental choice, encouraging the study of science, mathematics, and engineering, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4790) to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3086) to amend title 5, United States Code, to grant appeal rights to members of the expected service affected by adverse personnel actions, and for other purposes.

The message further announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 3762. An act to amend title 10, United States Code, to authorize certain services to be provided to the Armed Forces in connection with military historical collections;

H.J. Res. 482. Joint resolution designating March 1991 as "Irish-American Heritage Month";

H.J. Res. 519. Joint resolution designating August 29, 1990, as "National Sarcoidosis Awareness Day"; and

H.J. Res. 627. Joint resolution designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 338. Concurrent resolution authorizing the printing of the proceedings of the bicentennial research conference entitled "Understanding Congress."

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 76. An act to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. BRYAN].

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3762. An act to amend title 10, United States Code, to authorize certain services to be provided to the Armed Forces in connection with military historical collections; to the Committee on Armed Services.

H.R. 4721. An act to designate the Federal building located at 340 North Pleasant Valley Road in Winchester, Virginia, as the "J. Kenneth Robinson Postal Building"; to the Committee on Governmental Affaris.

H.R. 4877. An act to redesignate the Austin Dam located near Austin, Texas, as the "Tom Miller Dam; to the committee on Energy and Natural Resources.

H.R. 5146. An act to amend the Public Health Service Act to revise and extend the program regarding organ transplantation; to the Committee on Labor and Human Resources.

H.J. Res. 482. Joint resolution designating March 1991 as "Irish-American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 519. Joint resolution designating August 29, 1990, as "National Sarcoidosis Awareness Day"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 338. A concurrent resolution authorizing the printing of the proceedings of the bicentennial research conference entitled "Understanding Congress"; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3562. An act to amend the Federal Food, Drug, and Cosmetic Act to prescribe nutrition labeling for foods, and for other purposes.

MEASURES HELD AT THE DESK

The following bill was orderd to be held at the desk until the close of business on September 12, 1990:

H.R. 5400. An act to amend the Federal Election Campaign Act of 1971 and certain related laws to clarify such provisions with respect to Federal elections, to reduce costs in House of Representatives elections, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. 532. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes (Rept. No. 101-428).

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. 3008. An original bill to exclude the Federal Hospital Insurance Trust Fund from the deficit calculation (Rept. No. 101-429).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 313. A resolution relating to Vladimir Tsivkin.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SASSER:

S. 2999. An original bill to exclude the Social Security Trust Funds from the deficit calculation; from the Committee on the Budget; to the Committee on Governmental Affairs.

By Mr. SIMPSON (for Mr. HEINZ):

S. 3000. A bill to strike coins for Pearl Harbor veterans, for the Yosemite National Park Centennial and for the bicentennial of the United States Constitution; considered and passed.

By Mr. SYMMS (for himself, Mr. COATS, Mr. GARN, Mr. GRASSLEY, Mr. LUGAR, Mr. MCCLURE, Mr. STEVENS, and Mrs. KASSEBAUM):

S. 3001. A bill to increase expenditures in programs funded out of the Highway Trust Fund and the Airport and Airway Trust Fund, to reduce the cash balance in those trust funds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself and Mr. BRADLEY):

S. 3002. A bill to amend title XIX of the Social Security Act to permit coverage of residential drug treatment for pregnant women and certain family members under the Medicaid Program, and for other purposes; to the Committee on Finance.

By Mr. WILSON:

S. 3003. A bill to provide for the establishment of the Laguna de Santa Rosa National Wildlife Refuge in Sonoma County, California; to the Committee on Environment and Public Works.

By Mr. AKAKA:

S. 3005. To establish an endowment to assist the University of Hawaii in making grants for the development of education programs which target Filipinos; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. COATS, and Mr. DURENBERGER):

S. 3006. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA:

S. 3007. A bill to establish the Spark M. Matsunaga National Energy Research Laboratory and make funds available to the laboratory for OTEC research; to the Committee on Energy and Natural Resources.

By Mr. SASSER from the Committee on the Budget:

S. 3008. An original bill to exclude the Federal Hospital Insurance Trust Fund from the deficit calculation; to the Committee on Governmental Affairs

By Mr. AKAKA:

S. 3009. A bill to provide for the protection, conservation, and management of ocean resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 3010. A bill to authorize appropriations for the National Endowment of the Arts, to amend the Internal Revenue Code of 1986 to provide for designation of contributions to the National Endowment for the Arts, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon) as indicated:

By Mr. CRANSTON (for himself, Mr. KERRY, Mr. PELL, Mr. SIMON, Mrs. KASSEBAUM, Mr. BIDEN, and Mr. DODD):

S. Res. 321. A resolution expressing the sense of the Senate concerning American policy toward Cambodia; to the Committee on Foreign Relations.

By Mr. BRYAN:

S. Res. 322. A resolution expressing the sense of the Senate regarding controls by certain European countries on chemicals that are used in the processing of illegal drugs; to the Committee on Foreign Relations.

By Mr. MITCHELL:

S. Res. 323. A resolution to authorize printing of exhibition posters; considered and agreed to.

By Mr. NUNN (for Mr. MITCHELL (for himself, Mr. DOLE, Mr. DOMENICI, and Mr. SIMON)):

S. Con. Res. 145. A concurrent resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS (for himself, Mr. COATS, Mr. GARN, Mr. GRASSLEY, Mr. LUGAR, Mr. MCCLURE, Mr. STEVENS, and Mrs. KASSEBAUM):

S. 3001. A bill to increase expenditures in programs funded out of the highway trust fund and the airport and airway trust fund, to reduce the cash balance in those trust funds, and for other purposes; to the Committee on Environment and Public Works.

TRANSPORTATION INVESTMENT AND TRUST ACT

Mr. SYMMS. Mr. President, I rise today to introduce legislation to increase spending in our Federal-aid airport, highway, and mass transit programs and help draw down the balances in the highway trust fund and the airport and airway trust fund. The Transportation Investment and Trust Act of 1990 authorizes funding for these important transportation programs through fiscal year 1992 with an annual increase of $2.8 billion for highways, $1 billion for mass transit, and $1.8 billion for airports beginning in fiscal year 1991. I am particularly pleased that Senators COATS, GARN, GRASSLEY, KASSEBAUM, LUGAR, MCCLURE, and STEVENS have joined me as original sponsors of the bill.

Let me discuss briefly a few of the important issues associated with this legislation.

First: need. There can be no question about the need for this modest increase in our user-financed transportation infrastructure programs. Over the past 2 years, one report after another has noted the deteriorating condition of the Nation's transportation network and the ever-increasing problems with highway and airport congestion. Passenger use in every mode of transportation is growing exponentially while our infrastructure investment at all levels of government is insufficient even to maintain existing facilities, let alone try to expand capacity.

In its February 1988 final report to the President and Congress, the National Council on Public Works Improvement recommended increasing our infrastructure investment by up to 100 percent per year and graded our transportation systems as follows: aviation, B minus; highways C plus; mass transit C minus. No graduate school will suffer a student with grades like that, and our competitiors in the world marketplace will be even less forgiving.

The American Association of State Highway & Transportation Officals [AASHTO] likewise sees a pressing need for increased investment in transportation by all levels of government. In its Transportation 2020 report entitled, "Keeping America Moving," AASHTO estimates the annual investment needed to maintain

our transportation facilities through the year 2020 at $100 billion for highways and bridges, $15.1 billion for public transit, and $12.9 billion for airports and airways. Those figures compare with current nationwide investment totals of $72.9 billion for highways and bridges, $10.7 billion for transit, and $11.1 billion for airports. Obviously, we're falling behind, and we cannot possibly meet our capacity improvement needs at current funding levels.

CAN WE AFFORD THIS BILL

Even admitting the substantial unmet needs in our transportation infrastructure, one might wonder whether we can afford the increased Federal investment my colleagues and I propose in this bill. Has the Senator from Idaho forgotten we're in the midest of a budget deficit crisis? one might ask. I haven't forgotten the budget deficit, and my answer is, we can't afford not to increase our infrastructure investment. In fact, if we hope to reduce our budget and trade deficits for the long term, we must act to reduce what Secretary of Transportation Sam Skinner has called our third deficit: infrastructure.

Recent economic reports indicate that while manufacturing and commodity-producing sectors of the economy have experienced significant productivity gains in the 1980's, transportation productivity has remained almost flat. We cannot hope to make substantial gains in transportation productivity while passenger-laden jets wait in long lines on the tarmac and commuters spend hours getting to work traveling on clogged urban interstates. Long-term economic growth depends on greater transportation productivity, and that will require more investment in capital projects and research.

But what about the dollars? Where will the money come from? As my colleagues know, the highway trust fund and the airport and airway trust fund are financed out of taxes paid by highway and airport users. Those taxes support the highway, airport, and mass transit programs included in the legislation my colleagues and I propose today. Unfortunately, over the years since creation of the trust funds, a balance of funds has been allowed to accrue in each of the accounts, and that balance has grown to scandalous proportions today.

By the end of fiscal year 1991, according to the Congressional Budget Office's baseline projections, the cash balance in the highway account of the highway trust fund will grow to $11.3 billion, the uncommitted balance in the mass transit account of the highway trust fund will reach $3.1 billion, and the uncommitted balance in the airport and airway trust fund will stand at $7.2 billion.

At precisely that time, the authorization for our highway and mass transit programs will expire and Congress may still be considering legislation to reauthorize the Federal Airways Program. I believe there will be strong support on the authorizing committees and in the Senate as a whole for increasing program expenditures. In addition, serious consideration will be given to proposed user-fee increases to support larger transportation programs over a multiyear authorization.

It would be unconscionable, in this Senator's mind, for Congress to ask America's highway and airport users to pay higher transportation taxes while we have a balance of more than $20 billion in the highway and airport trust funds. It would be bad public policy and even worse politics. We must start spending down the trust fund balances before considering a multiyear authorization bill.

CBO estimates that enactment of the Transportation Investment and Trust Act of 1990 would reduce trust fund balances to $9.6 billion in the highway account, $1.8 billion in the mass transit account, and $3.6 billion in the airport and airway trust fund by the end of fiscal 1992. In other words, passage of this legislation would leave a total of $15 billion in the two trust funds at the end of fiscal 1992 as compared with $21 billion remaining under the current CBO baseline.

Obviously, the trust funds could support greater spending increases than those proposed in this legislation. It is a modest funding proposal; it is good transportation policy; and it is sound economics.

GRAMM-RUDMAN-HOLLINGS

In addition to the funding increases, our bill removes the highway and airport trust funds from Gramm-Rudman-Hollings deficit calculations in order to protect these user-financed programs against spending controls intended to reduce the general fund deficit. While trust fund surpluses could not be used to mask part of the Federal deficit, the bill does not exempt the two transportation trust funds from any Gramm-Rudman-Hollings sequester. Therefore, if a sequester is ordered, the transportation programs will share in the financial squeeze and no additional pressure will be placed on general fund programs.

According to CBO, removing the trust funds from the deficit calculations will increase the deficit by $1.6 billion in fiscal year 1991, $400 million in fiscal 1992, and $100 million in fiscal year 1993. Those numbers correspond to the total annual surplus in the transportation accounts at current funding levels. They indicate the trust funds are hiding part of the general fund deficit, but probably to a smaller extent than some of my colleagues have been led to believe.

Removing the transportation trust funds from the Gramm-Rudman-Hollings deficit calculations will not have a significant adverse effect on the deficit picture. In fact, if transportation spending is increased to the point that we reduce the existing trust fund balances, the general fund deficit will look better if the trust funds are not included in the calculation. Excluding the trust funds from the deficit calculation makes good policy and political sense.

REAUTHORIZATION

Finally, Mr. President, I want to emphasize that this bill is not a substitute for the regular reauthorization legislation for our surface and air transportation programs. Rather, it is intended to spend down the trust fund balances and put us in a better position to consider the appropriate funding level and revenue needs for each of these programs in a multiyear authorization bill.

Congressman DENNY HASTERT of Illinois is introducing a companion measure in the House of Representatives, and I urge my House colleagues to give that bill their full support.

I ask unanimous consent that my statement appear in the RECORD followed by a copy of the bill, a section-by-section analysis of it, and a chart showing the State-by-State increases in highway obligational authority this measure provides.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Transportation Investment and Trust Act of 1990".

TITLE I—HIGHWAY ACCOUNT AUTHORIZATIONS

SEC. 101. EXTENSION OF THE INTERSTATE PROGRAM

(a) ADMINISTRATIVE ADJUSTMENT OF ICE.—Section 104(b)(5)(A) of title 23, United States Code is amended by striking "On October 1 of each of fiscal years 1988, 1989, 1990, and 1991, whenever Congress has not approved a cost estimate under this subparagraph" and inserting instead "On October 1 of each fiscal year, whenever Congress has not approved a cost estimate under this subparagraph".

(b) AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM CONSTRUCTION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,400,000,000" and inserting instead "$2,000,000,000".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SUBSTITUTE HIGHWAY PROJECTS.

(a) Section 103(e)(4)(G) of title 23, United States Code is amended by striking "and 1991." and inserting instead "1991, and 1992.".

(b) Section 103(e)(4)(H)(i) of title 23, United States Code is amended by striking "and 1991" and inserting instead "1991, and 1992".

(c) Section 103(e)(4)(H)(iii) of title 23, United States Code is amended by striking "and 1991" the two places it appears and inserting instead in each place "1991, and 1992".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 106(a)(1) of the Federal-Aid Highway Act of 1987 is amended by striking "and 1992" and inserting instead "1992, and 1993".

(b) Section 106(a) of the Federal-Aid Highway Act of 1987 is amended by striking "and 1991." each place it appears and inserting instead in each place "1991, and 1992.".

SEC. 104. OBLIGATION CEILING.

(a) Section 105(a) of the Federal-Aid Highway Act of 1987 is amended by striking "and (5) $12,350,000,000 for fiscal year 1991." and inserting instead "(5) $15,000,000,000 for fiscal year 1991; and $15,000,000,000 for fiscal year 1992.".

(b) Sections 105 (c), (d), (e), (f), and (g) of the Federal-Aid Highway Act of 1987 is amended by striking "and 1991" each place it appears and inserting instead in each place "1991, and 1992".

(c) Section 105(f) of the Federal-Aid Highway Act of 1987 is amended by striking "or 1991" the two places it appears and inserting instead in each place "1991, or 1992".

SEC. 105. FEDERAL-AID PRIMARY FORMULA.

Section 108 of the Highway Improvement Act of 1982 (23 U.S.C. 104 note) is amended by striking "and 1991" each place it appears and inserting instead in each place "1991, and 1992".

SEC. 106. BRIDGE PROGRAM.

Section 144(g) of title 23, United States Code is amended by striking "and 1991" each place it appears and inserting instead in each place "1991, and 1992".

SEC. 107. STRATEGIC HIGHWAY RESEARCH PROGRAM.

Section 307(d)(4) of title 23, United States Code is amended by striking "and 1991" and inserting instead "1991, and 1992".

TITLE II—MASS TRANSIT ACCOUNT AUTHORIZATIONS

SEC. 201. AUTHORIZATIONS AND OBLIGATION CEILING.

Section 21 of the Urban Mass Transportation Administration Act of 1964, as amended (49 U.S.C. 1617) is amended by—

(a) striking subsection (a)(2) and substituting:

"(2) There shall be available from the Mass Transit Account of the Highway Trust Fund only to carry out sections 3, 4(i), 8, and 16(b) of this Act $1,700,000,000 for each of fiscal years 1991 and 1992, to remain available until expended.";

(b) striking subsection (b)(4) and subsituting:

"(4) $700,000,000 for each of fiscal years 1991 and 1992, to remain available until expended."; and

(c) adding the following sentence at the end of subsection (c)(2):

"None of the funds made available by subsections (a)(2) and (b) shall be available for the implementation or execution of programs in excess of $2,400,000,000 for each of fiscal years 1991 and 1992.".

TITLE III—AIRPORT AND AIRWAY AUTHORIZATIONS

SEC. 301. AIRPORT DEVELOPMENT AND PLANNING.

Section 505(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(b)) is amended by striking the phrase "September 30, 1987" and inserting the phrase "September 30, 1992" in lieu thereof.

SEC. 302. AIRWAY FACILITIES AND EQUIPMENT.

Section 506(a) of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2205(a)) is amended by striking all after the words "Trust Fund" where they appear in subsection (a)(1) and inserting the following in lieu thereof: "for fiscal years beginning after September 30, 1990, aggregate amounts not to exceed $3,000,000,000 for the fiscal year ending before October 1, 1991, and $6,000,000,000 for the fiscal years ending before October 1, 1992. Amounts appropriated under this authorization shall remain available until expended.".

SEC. 303. RESEARCH, ENGINEERING AND DEVELOPMENT.

Section 506(b) of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2205(b)) is amended by striking out everything after the words "Trust Fund" in paragraph (2) and inserting the following in lieu thereof: "for fiscal years beginning after September 30, 1990, aggregate amounts not to exceed $260,000,000 for the fiscal year ending before October 1, 1991, and $520,000,000 for the fiscal years ending before October 1, 1992. Amounts appropriated under this authorization shall remain available until expended.".

SEC. 304. EXPENDITURES FROM AIRPORT AND AIRWAY TRUST FUND.

Section 9502(d)(1)(A) of the Trust Fund Code of 1981 (26 U.S.C. 9502(d)(1)(A)) is amended by striking the phrase "(as such Acts were in effect on the date of enactment of the Airport and Airway Safety and Capacity Expansion Act of 1987)" and inserting the phrase "or the Transportation Investment and Trust Act of 1990 (as such Acts were in effect on the date of enactment of the Transportation Investment and Trust Act of 1990)" in lieu thereof.

TITLE IV—DEFICIT CALCULATION

SEC. 401. TREATMENT OF THE HIGHWAY TRUST FUND AND THE AIRPORT AND AIRWAY TRUST FUND FOR DEFICIT CALCULATION PURPOSES.

Section 3(6) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting before the last sentence the following: "In calculating the deficit for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control of 1985 and in calculating the excess deficit for purposes of sections 251 and 252 of such Act for any fiscal year, the receipts of the Highway Trust Fund (including the Mass Transit Account) and the Airport and Airway Trust Fund allocable to the transportation-related operations of each such Trust Fund for such fiscal year shall not be included in total revenues for such fiscal year, and the disbursements allocable to the transportation-related operations of each such Trust Fund for such fiscal year shall not be included in total budget outlays for such fiscal year. For purposes of the preceding sentence, the receipts allowable to the transportation-related operations of the (A) Highway Trust Fund are the disbursements, and the receipts allowable to such disbursements, under paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from the Highway Trust Fund for the Federal-aid highway program) and paragraph (3) of section 9503(e) of such Code (relating to expenditures from the Mass Transit Account), and (B) the Airport and Airway Trust Fund are the disbursements, and the receipts allocable to such disbursements, under paragraph (1) of section 9502(d) of such Code (relating to expenditures from the Airport and Airway Trust Fund for the airport and airway program).".

TRANSPORTATION INVESTMENT AND TRUST ACT OF 1990

SECTION-BY-SECTION ANALYSIS

Title I—Highway Account Authorizations

Section 101(a)—Continues the administrative adjustment of the Interstate Cost Estimate for years in which Congress has not approved a cost estimate by the beginning of the fiscal year. This subsection allows the Secretary to apportion FY 1993 Interstate Construction funds on October 1, 1991, as scheduled (these funds are apportioned one year in advance), even if Congress has not approved a new highway authorization or cost estimate by that date.

Section 101(b)—Increases the FY 1993 authorization for Interstate Construction funds to $2 billion. This amount will be insufficient to complete the nation's Interstate Highway System, but it compares favorably with the $1.4 billion authorized for FY 1993 in the 1987 highway bill. The current Interstate Cost Estimate indicates $3 to $4 billion, in addition to the amounts authorized in 1987, will be necessary to complete the Interstate System.

Section 102(a)—Extends for one year (FY 1992) the annual $740 million authorization for Interstate Substitute Highway projects.

Section 102(b)—Extends for one year (FY 1992) the distribution of Substitute Highway funds between discretionary and apportioned programs.

Section 102(c)—Extends for one year (FY 1992) the administrative adjustment of the Interstate Substitute Cost Estimate for highway projects.

Section 103(a)—Extends for one year (FY 1993—these funds are apportioned one year in advance) the $2.815 billion annual authorization and the Interstate 4R program.

Section 103(b)—Extends for one year (FY 1992) the annual authorizations provided in the 1987 highway bill for the following funding categories: primary system (#2.325 billion), secondary system ($600 million), urban system ($750 million), bridge replacement and rehabilitation ($1.63 billion), hazard elimination ($170 million), Indian reservation roads ($80 million), forest highways ($55 million), public lands highways ($40 million), parkways and park highways ($60 million), section 402 safety programs ($10 million), FHWA safety research ($10 million), and rail highway crossings ($160 million).

Section 104(a)—Establishes a $15 billion obligation limitation for FY 1991 and FY 1992. The 1987 highway bill set an obligation limitation of $12.35 billion for each of the fiscal year 1987-1991. Congress has adjusted that amount each year in the Transportation Appropriations bill. In FY 1990, the obligation limitation is $12.21 billion. Raising the obligation limitation to $15 billion will substantially increase each state's spending authority and is the principal mechanism in this legislation to draw down the existing balance in the Highway Account of the Highway Trust Fund.

Section 104(b) and (c)—Extends for one year (FY 1992) the formula for distribution and redistribution of obligation authority.

Section 105—Extends for one year (FY 1992) the formula for distribution of Federal-aid primary funds.

Section 106—Extends for one year (FY 1992) the bridge discretionary program and the authorization for the use of funds on

bridges not located on the Federal-aid highway system.

Section 107—Extends for one year (FY 1992) the authorization of funds for the Strategic Highway Research Program.

Title II—Mass Transit Account Authorizations

Section 201(a)—Authorizes $1.7 billion in fiscal years 1991 and 1992 for discretionary grants in the following funding categories: rail and bus capital expenditures, innovative technologies, planning assistance, and elderly and handicapped transit services. This is an increase of $700 million per year over the amount currently authorized for these programs for FY 1991.

Section 201(b)—Authorizes $700 million in fiscal years 1991 and 1992 for urban and rural transit programs. This is an increase for these programs for FY 1991. Part of these funds are discretionary grants and the remainder are distributed to cities and states on the basis of an apportionment formula.

Section 201(c)—Establishes a $2.4 billion annual obligation limitation for fiscal years 1991 and 1992. This is a $1.26 billion increased in spending authority over the FY 1990 obligation limitation of $1.14 billion. Combined with the increased authorizations, this section will help draw down the balance of uncommitted funds in the Mass Transit Account.

Title III—Aiport and Airway Authorizations

Section 301—Extends obligational authority for the Airport Improvement Grant (AIP) program through FY 1992. Congress has approved $1.8 billion per year in contract authority for the AIP program; however, actual spending authority is restricted by an obligation limitation ($1.425 billion in FY 1990). This legislation would increase actual spending in the AIP program by extending obligation authority through 1992 without imposing an obligation limitation.

Section 302—Provides $3 billion in annual budget authority for the Airway Facilities and Equipment (F&E) program in fiscal years 1991 and 1992. In FY 1990, the F&E program is funded at $1.72 billion, and the authorization will expire this year.

Section 303—Provides $260 million in annual budget authority for the Aviation Research, Engineering, and Development (RE&D) program in fiscal years 1991 and 1992. In FY 1990, the RE&D program is funded at $170 million, and the authorization will expire this year.

Section 304—Authorizes expenditures from the Airport and Airway Trust Fund to meet the obligations of the United States incurred under the Transportation Investment and Trust Act of 1990.

Title IV—Deficit Calculation

Section 401—Removes the Highway Trust Fund and the Airport and Airway Trust Fund from the Gramm-Rudman-Hollings deficit and calculations. No annual surplus in the trust funds could be used to mask the General Fund deficit. This legislation does not remove the two trust funds from any sequester ordered pursuant to Gramm-Rudman-Hollings, so it will not impose a greater burden on General Fund programs if a sequester is ordered.

COMPARISON OF FISCAL YEAR 1990 $12.21 BILLION OBLIGATION LIMITATION (LESS RESERVES) WITH A $15.0 BILLION LIMITATION (LESS RESERVES)

[Dollars in thousands]

State	$12.21 billion limitation	$15.0 billion limitation	Limitation increase
Alabama	202,194	254,276	52,082
Alaska	144,797	182,095	37,298
Arizona	121,741	153,100	31,359
Arkansas	101,948	128,208	26,260
California	899,089	1,130,682	231,593
Colorado	172,377	216,779	44,402
Connecticut	309,129	388,756	79,627
Delaware	47,659	59,935	12,276
District of Columbia	87,027	109,444	22,417
Florida	326,754	410,921	84,167
Georgia	260,798	327,976	67,178
Hawaii	131,942	165,928	33,986
Idaho	68,576	86,240	17,664
Illinois	333,281	419,129	85,848
Indiana	180,100	226,491	46,391
Iowa	146,539	184,285	37,746
Kansas	128,530	161,638	33,108
Kentucky	152,234	191,447	39,213
Louisiana	200,154	251,711	51,557
Maine	57,397	72,182	14,785
Maryland	271,844	341,867	70,023
Massachusetts	859,013	1,080,283	221,270
Michigan	272,295	342,434	70,139
Minnesota	155,733	195,848	40,115
Mississippi	111,088	139,703	28,615
Missouri	219,696	276,287	56,591
Montana	100,912	126,906	25,994
Nebraska	89,847	112,990	23,143
Nevada	68,119	85,665	17,546
New Hampshire	50,981	64,113	13,132
New Jersey	336,871	423,644	86,773
New Mexico	97,740	122,916	25,176
New York	630,700	793,159	162,459
North Carolina	208,794	262,576	53,782
North Dakota	67,809	85,276	17,467
Ohio	331,859	417,341	85,482
Oklahoma	134,151	168,706	34,555
Oregon	122,567	154,139	31,572
Pennsylvania	456,602	585,534	119,932
Rhode Island	106,359	133,756	27,397
South Carolina	116,534	146,552	30,018
South Dakota	74,714	93,959	19,245
Tennessee	208,446	262,139	53,693
Texas	549,279	690,766	141,487
Utah	87,287	109,771	22,484
Vermont	51,407	64,649	13,242
Virginia	202,899	255,163	52,264
Washington	223,448	281,005	57,557
West Virginia	105,263	132,377	27,114
Wisconsin	147,008	184,875	37,867
Wyoming	76,051	95,641	19,590
Puerto Rico	54,198	68,159	13,916
Total	10,670,780	13,419,422	2,748,642

By Mr. MOYNIHAN (for himself and Mr. BRADLEY):

S. 3002. A bill to amend title XIX of the Social Security Act to permit coverage of residential drug treatment for pregnant women and certain family members under the Medicaid Program, and for other purposes; to the Committee on Finance.

MEDICAID DRUG TREATMENT FOR FAMILIES ACT

Mr. MOYNIHAN. Mr. President, today, I rise to introduce the Medicaid Drug Treatment for Families Act of 1990. I am particularly pleased to note at the outset that the distinguished Senator from New Jersey [Mr. BRADLEY] joins me as an original cosponsor of this proposed legislation.

For some time now we have been about the business of expanding opportunities for individuals addicted to drugs and alcohol. I have often noted on the floor of the Senate what we accomplished in the 1988 drug bill. To wit, section 2012 of Public Law 100-690, the Anti-Drug Abuse Act of 1988, entitled "Purposes," calling for treatment upon request.

It is the purpose of this subtitle * * * to increase to the greatest extent possible, the availability and quality of treatment services so that treatment on request may be provided to all individuals desiring to rid themselves of their substance abuse problem.

Mr. President, those words are a part of the statute. They are law. And yet we have not appropriately met the goals we set forth in that legislation. We have failed to apply the model which we established in that new law. Namely, that demand reduction efforts must equal those of supply reduction. All of this is well and good. But while the debate continues, pregnant women, their children, indeed, their entire families are left vulnerable to the scourge of drug addiction. A disease which destroys lives and communities. Indeed, drug use is passed from person to person, child to child, through social interaction. So are most communicable diseases. But behavior associated with drug use is more difficult to control, and less responsive to education, because it is addictive.

Drug addiction is not only passed from person to person. It is passed from generation to generation. Where the heroin epidemic of the 1960's gave us the one-parent family, the crack epidemic of the 1980's has given us the no-parent child. We have to find a cost-effective treatment. Clearly, this effort needs to follow an epidemiological mode, addressing the environment as well as the individual. Sick persons must be treated if the epidemic of addiction is not to continue.

The bill we introduce today will in large measure increase the opportunity to break this cycle of addiction for those most vulnerable and most inclined to be affected by it, pregnant women and their children.

A recent survey conducted by the National Association of State Alcohol and Drug Abuse Directors estimated that the approximate total number of women per year, including pregnant women, who are currently receiving treatment is 548,326 with the total number of pregnant women being 29,842 while the approximate total number of women needing treatment is 4,004,803 and the number of pregnant women needing treatment is 250,362.

We are clearly not providing adequate access to appropriate types of treatment for women and their families. The Federal Medicaid Program will pay for certain inpatient hospital services including detoxification and outpatient programs including methadone maintenance clinics. While detoxification is certainly a stage in the treatment process it is not, in and of itself, treatment. Indeed, detoxification begins the process whereby a commitment to long-term residential treatment may break the cycle of ad-

diction. Similarly, methadone maintenance has proven tremendously effective when available. However, that model is not one which is appropriate for all individuals who abuse crack cocaine or alcohol or the various other drugs which destroy lives.

Our commitment to even this appropriate form of treatment of individuals addicted to heroin has not always received the support it deserves. In a recent communication to me from Dr. Vincent Dole, professor and physician at Rockefeller University and the recipient of the Albert Lasker Medical Award for his discovery of methadone—a recognition which came to him some 20 years after his achievement—he reviewed for me the great success of a program which has made a tremendous difference in the cycles of heroin addiction.

In 1970-1972, when the Health Department of New York City supported an increase in the capacity of methadone maintenance programs from 11,000 to 30,000 heroin use was eliminated in over 90% of the addicts admitted to treatment; employment increased, dependence on public assistance declined, criminal activity was reduced markedly, and cases of serum hepatitis in the city dropped by over 40%. Despite these positive results, political pressure since then has prevented any significant expansion of treatment services. No new clinics have been permitted to open for 15 years.

In public health terms the continuing opposition to methadone treatment is difficult to understand. Heroin use continues to be terminated in over 90% of patients who have been in treatment for one year or longer, and cocaine use (which is now nearly universal on admission) has declined after admission to between 10 and 40% in different clinics. Today, in addition to control of heroin addiction, methadone clinics are providing one-half of all the treatment available for cocaine users.

While the Federal Medicaid Program will pay for methadone treatment for heroin addicts and while success rates are dramatic when long-term treatment modalities are utilized, Medicaid will not pay the long-term residential treatment cost for pregnant women addicted to crack cocaine.

Our bill will change this statutory restriction which currently prohibits residential treatment centers from being reimbursed by Medicaid.

The Medicaid Drug Treatment for Families Act of 1990 will permit, at a State's option, Federal Medicaid reimbursement for certain case-managed, substance abuse treatment services provided in residential settings for pregnant women whose incomes are below 185 percent of the Federal poverty line. In addition, substance abuse treatment services would continue for 12 months post-partum. We also would allow Federal reimbursement for substance abuse treatment for Medicaid-eligible parents and children in addition to pregnant women.

In order to be eligible for Medicaid reimbursement, residential drug treatment programs would be required to provide certain services including individual, group, and family substance abuse counseling, substance abuse education and treatment provided pursuant to individualized treatment plans, HIV prevention education, family support services, parenting skills training, and, where appropriate, domestic violence counseling, and sexual abuse counseling; child care, either on-site or off through contract; room and board with on-site supervision 24 hours per day; counseling services to assist in the transition to independent living; and staff training programs on a continuing basis.

In addition, programs would be required to provide referral or guarantee and facilitate access to the following services including Alcoholics and Narcotics Anonymous, public education for preschool and school-age children, maternal and child health services under title V of the Social Security Act, WIC, outpatient pediatric services, well-baby care, EPSDT, educational, vocational, and other employment-related programs, including the JOBS program, outpatient substance abuse treatment and counseling, and housing assistance.

Services provided are reimbursable for no more than 12 months. In the case of a pregnant woman, however, services are reimbursable through 1 year post-partum.

All required services, except child care, would be reimbursed through Medicaid. To pay for child care, we amend title IV of the Social Security Act to require States who choose the option to guarantee child care for each individual receiving residential substance abuse treatment services under title XIX of the Social Security Act.

While we believe it is important for facilities to be limited in size and scale we also recognize that providers as well as States must have the flexibility to determine, with the approval of the Secretary of Health and Human Services, the size of residential centers. Our bill limits the size of the residential treatment facility to no more than 40 beds unless the State assures the Secretary that the services we require to be provided will be provided in larger facilities.

Mr. President, if we intend to bring an end to the pathology associated with addiction including the horror of babies born addicted to crack cocaine, then we are going to have to invest our energies in solutions which work. A commitment to long-term residential drug treatment services and facilities will save women and children and their families—saving them from the tragedies of addiction disorders. Our bill will save mothers from the ravage of drug addiction including infection from the human immunodeficiency virus, hepatitis, and other diseases; our bill will save children from dysfunctional pathologies which exist in families where one or more parents or relatives abuse drugs; and our bill will save the family to the extent that our proposal reaches out to those family members and includes them in the long-term process of drug treatment.

Finally, Mr. President, I would call attention to a recent study prepared by the General Accounting Office entitled "Drug Exposed Infants: A Generation At Risk," which stated:

With additional federal funding, the large gap between the number of women who could benefit from drug treatment and the number of residential and out patient slots currently available could be reduced. . . . These include:

Requiring states to include substance-abuse treatment as part of the package of services available to pregnant women under Medicaid.

While we do not require, in this proposal, States to provide such services, we believe, indeed hope, that States particularly those which have a high incidence of drug abuse among pregnant women will opt for this package of benefits.

In so doing, we may just break the cycle of addiction which passes from person to person and generation to generation.

Mr. President, I would ask unanimous consent that at the conclusion of this statement several editorials and testimony presented by David Gates on behalf of the National Health Law Program, Inc., and presented by Dr. Maureen Montgomery of Buffalo, NY, on behalf of the American Academy of Pediatrics be printed in the CONGRESSIONAL RECORD.

I also ask unanimous consent that a statement by Senator BRADLEY follow directly after the statement of the Senator from New York.

I would ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Medicaid "Drug Treatment for Families Act of 1990".

SEC. 2. MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN AND FAMILY MEMBERS.

(a) OPTIONAL COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (21),

(B) by redesignating paragraph (21) as paragraph (23), and

(C) by inserting after paragraph (21) the following new paragraph:

"(22) alcoholism and drug dependency treatment services (as defined in subsection (t) and alcoholism and drug dependency res-

idential treatment services (as defined in subsection (u)); and";

(2) in the matter following paragraph (23), as so redesignated—

(A) in subparagraph (A), by striking "or"

(B) in subparagraph (B)—

(i) by inserting "(other than services described in paragraph (22))" after "care or services"; and

(ii) by striking the period and inserting "; or", and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) any such payments with respect to alcoholism and drug dependency residential treatment services under paragraph (22) for individuals not described in subsection (u)(6)"; and

(3) by adding at the end the following new subsections:

"(t) The term 'alcoholism and drug dependency treatment services' means—

"(1) inpatient alcoholism and drug dependency treatment services (including counseling) provided by a hospital or by any other entity authorized by the State to provide such treatment; and

"(2) outpatient alcholism and drug dependency treatment services (including counseling) provided by a hospital or by any other entity authorized by the State to provide such treatment.

"(u)(1) The term 'alcoholism and drug dependency residential treatment services' means (subject to the limitations described in paragraph (5) of this subsection), the required services described in paragraph (3), which shall be provided in a coordinated manner either—

"(A) directly, or

"(B) by contract by a residential treatment facility that meets the requirements of paragraph (3).

"(2) For purposes of this title, alcoholism and drug dependency residential treatment services shall be considered to be pregnancy-related prenatal care services.

"(3) For purposes of paragraph (1), the required services described in this paragraph are as follows:

"(A) Individual, group, and family counseling including—

"(i) addiction education and treatment, provided pursuant to individualized treatment plans (including opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous;

"(ii) parenting skills training.

"(iii) education concernng prevention of HIV infection, and

"(iv) domestic violence counseling and sexual abuse counseling (in cases where such counseling is appropriate).

"(B) Room and board in a structured environment with on-site supervision 24 hours-a-day.

(C) Therapeutic child care (as defined by the Secretary), where appropriate.

"(D) Assisting parents in obtaining access to—

"(i) development service (to the extent available) for the pre-school age children of such parents;

"(ii) public education for the school-age childen of such parents (including providing assistance in enrollment in school); and

"(iii) public education (with respect to such parents who have not completed a high school education).

"(D) Facilitating access to health and social services, where appropriate and to the extent available, including—

"(i) services provide under title V,

"(ii) services and nutritional supplements provided under section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)),

"(iii) services provided by Federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and

"(iv) treatment services (as defined in subsection (r)).

"(E) Planning for and counseling to assist reentry into society, including—

"(i) to the extent such programs are available, referrals to appropriate educational, vocational, and other employment-related programs (including the Job Opportunities and Basic Skills Training Program under part F of title (IV),

"(ii) referral to appropriate outpatient treatment and counseling, and

"(iii) referrals to transitional housing, and assistance in obtaining suitable affordable housing and employment upon discharge.

"(F) Continuing specialized training for the staff members of residential treatment facilities with respect to the special needs of residents of such facilities and the children of such residents, designed to inform such staff members of the most recent and most effective treatment techniques.

"(4)(A) The requirements of this paragraph with respect to a facility are as follows:

"(i) Each State agency that administers alcohol and drug abuse prevention and treatment activities and programs has certified to the single State agency under section 1902(a)(5) that the facility—

"(I) is able to provide, either directly or by contract, the services described in paragraph (3); and

"(II) meets the State licensing or certification requirements applicable to the facility.

"(ii) The facility that provides the residential services described in paragraph (3) is not licensed as a hospital, and—

"(I) has no more than 40 beds, or

"(II) has no more than 40 beds the State provides assurances in an approved State plan demonstrating that—

"(aa) such facilities are capable of providing the services described in paragraph (3); and

"(bb) the State shall ensure that such services are provided by such facilities.

"(B) A facility may restrict the age of children who may receive services in the facility described in paragraph (5)(B) or (5)(C) and may restrict the number of such children that may accompany each mother or caretaker parent (except that the facility may not restrict the number of such children so as to prohibit one child from accompanying each mother).

"(5)(A) Subject to subparagraph (B), services described in paragraph (3) shall be covered in the amount, duration and scope medically required for each eligible individual in need for such services (as defined and determined by the Secretary).

"(B) Except as provided in subparagraph (C), with respect to an individual covered under a State plan, such State plan shall provide coverage of alcoholism and drug dependency residential treatment services for a period, if the period is not less than 12 months.

"(C) Nothing in this subsection shall be construed so as to prevent a State from requiring prior authorization and utilization review with respect to alcoholism and drug dependency residential treatment services to ensure that such services are appropriate and medically necessary.

"(6) A State plan shall limit coverage under the plan of alcoholism and drug dependency residential treatment services under subsection (a)(22) to the following individuals (who are otherwise eligible for medical assistance under this title):

"(A) Women during pregnancy, and until the end of the 1-year period following the end of the pregnancy.

"(B) Children of a woman described in subparagraph (A).

"(C) At the option of a State, the caretaker parent of a child of a woman described in subparagraph (A).

"(7) Notwithstanding any other provision of this title, a State plan for medical assistance may provide for medical assistance for alcoholism and drug dependency residential treatment services with respect to an individual described in subparagraph (B) or (C) of paragraph (5) who—

"(A) is the child or spouse of a woman described in subparagraph (A) of such paragraph; and

"(B) is not otherwise eligible for medical assistance under the plan during the period of time described in subparagraph (A) of such paragraph.".

(b) OPTIONAL COVERAGE OF CARETAKER PARENTS.—Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(1) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by adding "and" at the end of subparagraph (E); and

(3) by inserting before the matter at the end thereof the following new subparagraph:

"(F) that the medical assistance made available to individuals who are parents of a child eligible for medical assistance under a State plan and who are eligible for medical assistance under subclause (I), (III), or (IV) of clause (i) of subparagraph (A), under subclause (I), (II), or (III) of clause (ii) of such subparagraph, or under subparagraph (C), may include alcoholism and drug dependency residential treatment services (as defined in section 1905(u)) notwithstanding the exclusion from coverage for individuals in institutions for mental diseases under section 1905(a), without making such alocoholism and drug dependency residential treatment services available to other groups covered by the State plan (notwithstanding subparagraph (B);"

(c) PAYMENT ON A COST-RELATED BASIS.—Section 1902(a)(13) of such Act (42 U.S.C. 1396a(a)(13)) is amended—

(1) by striking "and" at the end of subpargraph (D),

(2) by adding "and" at the end of subparagraph (E), and

(3) by adding at the end the following new subparagraph:

"(F) for payment for alcoholism and drug dependency residential treatment services that—

"(i) the Senate determines (and provides assurances satisfactory to the Secretary) to be reasonable and adequate to meet the cost of efficiently and economically operating facilities to provide services that conform with applicable State and Federal laws and regulations, including any quality and safety standards; and

"(ii) to assure that individuals eligible for such services have reasonable access to such services;".

(d) CASE MANAGEMENT SERVICES.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (52);

(2) by striking the period at the end of paragraph (53) and inserting "; and"; and

(3) by inserting at the end thereof the following new paragraph:

"(54) if the State plan includes, as medical assistance, alcoholism and drug dependency residential treatment services, provide—

"(A) with respect to each eligible individual who requests such services, for a case management evaluation of the needs of the eligible individual and the family of the eligible individual (as determined by the Secretary), to be conducted prior to the provision of such services, including—

"(i) an assessment of the necessity and desirability of providing the alcoholism and drug dependency residential treatment services;

"(ii) the adequacy of the services described in clause (i) to meet the health needs of the individual at the time of such case management evaluation and to promote the maximum level of physical, psychological, and emotional well-being with respect to such individual;

"(iii) the feasibility of meeting such needs through alternative institutional or non-institutional services, as defined by the Secretary, (to be provided as medical assistance to the extent that such alternative services are included as medical assistance under the State plan); and

"(iv) upon completion of the initial case management evaluation, referral to the alternative services in the case where a determination is made that such services meet the needs of the individual and the family of such individual; and

"(B) with respect to each eligible individual who requests such alcoholism and drug dependency residential treatment services, for a regular program of periodic case management review of the continued need for such services, including—

"(i) an assessment of the necessity and desirability of continuing to provide such services;

"(ii) the adequacy of such services in meeting the health needs of the eligible individual at the time of such review to promote the maximum level of physical, psychological, and emotional well-being with respect to such individual;

"(iii) the feasibility of meeting such needs through alternative institutional or non-institutional services, as defined by the Secretary, (to be provided as medical assistance to the extent that such alternative services are included as medical assistance under the State plan); and

"(iv) upon completion of the case management review, referral to the alternative services in the case where a determination is made that such services meet the needs of the individual and the family of such individual.".

(c) CHILD CARE UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Section 402(g)(1)(A)(i) of such Act (42 U.S.C. 602(g)(1)(A)(i)) is amended—

(1) by striking "and" at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; and" and

(3) by adding at the end the following new subclause:

"(III) for each individual described in paragraph (6) of section 1905(u), who receives alcoholism and drug dependency residential treatment services (as defined in paragraph (1) of such section) for which medical assistance is made available under a State plan under title XIX, to the extent the State agency (described in section 1902(a)(5)) determines such services to be necessary for a member of the family of such eligible individual.".

(f) CONFORMING AMENDMENTS.—

(1) CLARIFICATION OF CONTINUATION OF ELIGIBILITY FOR 12 MONTHS FOLLOWING THE END OF PREGNANCY.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsection (e)(5), by inserting before the period at the end the following: ", and, with respect to alcoholism and drug dependency residential treatment services (if covered under the plan), through the end of the month in which the 1-year period (beginning on the last day of her pregnancy) ends"; and

(B) in subsection (1)(1)(A), by inserting " and, with repsect to alcoholism and drug dependency residential treatment services (if covered under the plan) through the end of the month in which the 1-year period, beginning on the last day of her pregnancy, ends" " after "last day of pregnancy".

(2) REDESIGNATIONS.—Section 1902 of such Act (42 U.S.C. 1396a) is futher amended—

(A) in subsection (a)(10)(C)(iv), by striking "(20)" and inserting "(22)", and

(B) in subsection (j), by striking "(21)" and inserting "(23)".

(f) EFFECTIVE DATE TRANSITION.—

(1) The amendments made by this section apply to alcoholism and drug dependency residential treatment services and drug dependency residential treatment services furnished on or after July 1, 1991, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act in regards to alcoholism and drug dependency residential treatment services (as defined in section 1905(t)(1) of such Act)) made available under such title on or after July 1, 1991, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.

[From the New York Times, Dec. 31, 1989]

CRACK MOTHERS, CRACK BABIES AND HOPE

Since 1971, a program called Mabon (Mothers and Babies Off Narcotics) has been sheltering and treating drug addicts. Once the residents were trying to beat heroin; today they are trying to beat crack. At the moment there are 20 women and 23 children enrolled in the program run by Odyssey House and located on Wards Island.

It is as tragic an assemblage of families as can be found in the city—but in one sense also a hopeful one. For to the extent the program can be made to work, it offers a promising strategy for coping with New York City's crisis of child care.

Where child welfare policy once had to focus on the single-parent family, it now must deal increasingly with the no-parent child. The reason appears to be crack, which is far more popular with women than heroin ever was. As a result, drug abuse now affects far more small children than ever before.

In 1987 the number of babies born in New York City to substance-abuse mothers was 2,784. The 1989 figure is estimated at 10,000. Right now the vast majority of these children become candidates for a dangerously strained foster care system. Preventing them from having to be taken from their mothers may be their best hope, and the system's.

That's the main goal of Mabon. The average age of the women in residence is 29. Many already have four or five children, most of whom are in foster care, in addition to those living with them on Wards Island. The program gives these mothers a safe, structured environment.

While their children are in nurseries or preschool, the women participate in group therapy, encounter groups, eventually individual therapy. They also work toward their G.E.D.'s and take vocational training courses. Most important, they gain the self-esteem essential to independent living.

The program, supported by public funds, costs between $30,000 and $40,000 per family unit per year. That's not cheap, but the cost needs to be compared with the costs, financial and social, of denying any help. While there are no hard figures yet on long-term effectiveness of the therapy for crack addicts, it is more than encouraging that about 48 percent of Mabon enrollees graduate, compared with rates of only 25 to 30 percent for other residential drug treatment programs.

Certainly the idea of helping drug-involved mothers and children together deserves much more attention. Many, many more need the intensive services Mabon offers. And countless others might be helped with something less—outpatient treatment combined with day care, for example.

Mabon may show that motherhood gives crack abusers a bit more motivation to benefit from treatment than other addicts. With children severely at risk, that special motivation deserves special encouragement and support—nationally as well as in New York.

[From the New York Times, June 22, 1990]

THE SENATOR'S RIGHT ON DRUG TREATMENT

The Senator accuses the drug czar of seeking the "political rewards to be had for tough-guy talk." The drug czar calls the Senator's attack "bilious, dyspeptic, orotund."

What's going on? It's the latest flare-up in a dispute over financing for drug treatment between Daniel Patrick Moynihan and William Bennett, the Director of National Drug Control Policy. Senator Moynihan makes the better case.

The New York Democrat believes that Washington should spend as much on drug treatment as on law enforcement. Treatment programs around the country are desperately underfinanced; more money would make a big dent in the demand for drugs. The 50-50 recommendation was written into the 1988 omnibus drug bill.

Yet last year the Bush Administration, with Mr. Bennett as drug czar, continued the old pattern of spending—73 percent for law enforcement and only 27 percent for treatment. The language of the 1988 law, drug policy officials say, wasn't binding.

Mr. Moynihan responded with an amendment providing more drug treatment money from Medicaid, the Federal health insurance for the poor. The extent to which the program now covers substance abuse treatment in hospitals and clinics remains unclear, and it won't cover treatment in residential programs of the sort considered most effective for crack addicts. The Moynihan amendment, passed by the Senate late last year, would ease those restrictions.

Yet Mr. Bennett continues to resist, suggesting that such funds might be better provided through the current setup of block grants to states. Others worry that the

amendment's cost, estimated at $700 million a year is prohibitive.

But block grants, requiring annual Congressional approvals and further red tape at the state level, are less reliable than a Medicaid change, which would guarantee ongoing Federal support. Such a guarantee could spur the rapid development of drug treatment programs.

Is $700 million too much? If that kind of spending looks unrealistic this year, why not at least begin by allowing Medicaid funds for drug treatment of poor women who are pregnant? That would be an affordable investment—focused where it would do the most good.

[From the New York Newsday, July 24, 1990]

TRY TREATMENT—TO HIT AIDS, AID THE ADDICTS

Sen. Daniel P. Moynihan (D-N.Y.) is mad as hell—and it's hard to blame him. The 1988 federal anti-drug act directs the administration to increase, "to the greatest extent possible," the availability of drug-treatment programs so that anyone who requests these services will get them. But it hasn't happened, the Senator points out. Why not?

The administration points to a notoriously high rate of backsliders—especially among cocaine users—and insists that treatment on demand wouldn't be cost effective. In any case, says a spokesman for federal drug czar William Bennett, people are more inclined to stick with treatment when they're led into it not by whim but by the courts (that is, when their choice is staying clean or going to jail).

Bashing treatment on demand sounds like another tiresome turn in Bennett's tough-guy act.

Forget for a moment that drug treatment on request is a goal set by law. The contention that convicts make better rehabilitation risks than addicts who merely ask for treatment is unproven. The research is equivocal, say most experts. And if priority for convicts is cost-effective (it's cheaper than jail), do we really want to tell addicts they'll have to get themselves locked up before we'll help them?

To be fair, Bennett's policy consists of more than sound and fury. His office does support the allocation of more money for treatment slots, and Bennett says he's convinced that drug treatment can work. But why ante up a substantial amount for treatment on demand, Bennett asks, when we know that a large number of addicts will fail to stay the course?

One answer is AIDS. The crack epidemic is feeding the AIDS epidemic. Some crack users sell their bodies to pay for the habit; others are buyers of sexual favors. Safe sex methods are frequently ignored. In the long run, the cost of drug treatment on demand is less than the cost of AIDS treatment. As a public health measure, there's even a benefit to stopping such addicts temporarily.

Moynihan has the right idea. He's backing a bill that would explicitly allow Medicaid to pay for drug treatment in a hospital or clinic. The measure may cost hundreds of millions yearly, but ultimately it would save lives and money.

MEDICAID AND MATERNAL ADDICTION: WHY IT DOESN'T WORK AND HOW TO FIX IT

(Presented by David Gates on behalf of the National Health Law Program, Inc.)

I. WHAT MEDICAID COVERS NOW

Significant amounts, probably in the millions, are being spent each year under Medicaid on substance abusing pregnant women and their babies. However, very little of this money is being used for substance abuse treatment. Most of the Medicaid funds are going to neonatal intensive care units in hospitals to try to save the lives of babies after addiction has done its damage.

Medicaid funds that are going to treatment primarily pay for detoxification in hospitals or for methadone maintenance clinics. It should be noted that although detox often is a prerequisite for treatement, it is not itself treatment. Detox is not likely to help a substance abuser get off alcohol or drugs unless she is provided real treatment immediately following completion of detox. As for methadone maintenance, it is simply not appropriate for alcohol or cocaine addictions, which are the drugs of choice among women. Furthermore, while methadone may be a useful component in a broader treatment program for heroin addicts, the effectiveness of many existing methadone maintenance programs has been called into question by a recent GAO report.[1] The point is, while Medicaid funds are being spent to treat the effects of maternal addiction, very little is being spent to treat the causes.

Inpatient substance abuse treatment for pregnant women under 21 can be covered under Medicaid if provided in a psychiatric hospital.[2] However, treatment in these facilities tends to be very expensive and not geared specifically to substance abuse. Furthermore, psychiatric hospitals are unlikely to be able to provide the necessary prenatal care. Coverage is a state option.[3] Medicaid coverage of outpatient drug-free substance abuse treatment services is more problematic due to the absence of a clearly "medical" component to the treatment (discussed further below).

Residential treatment services provide the greatest challenge in terms of coverage under Medicaid. This is unfortunate because these programs are often less expensive and more specific to substance abuse than many inpatient hospital programs (which tend to primarily be psychiatric units) while many experts believe they are more effective, particularly for hard core drug abuse, than outpatient programs.

Most residential programs are not able to get Medicaid coverage as hospitals or psychiatric hospitals because they are not medical or psychiatric institutions and are therefor unable to get licensure or JCAH accreditation as a hospital or psychiatric hospital or meet the other Medicaid requirements for hospitals.[4]

Probably the most appropriate provision for Medicaid coverage of residential treatment programs is the so-called "rehab option".[5] The rehab option permits states to cover "rehabilitative services" which are defined as "any medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his practice under State law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level."[6] While an initial reading of this provision might suggest it is aimed at physical, occupational and speech therapies, those services are explicitly covered under another provision.[7] Therefor, the rehab services covered under this provision must encompass some other services. Several states are using the rehab option to cover intensive community based mental health services such as partial hospitalization.[8] The full range of services that may be covered under the rehab option remains unclear.

II. BARRIERS TO MEDICAID COVERAGE

The IMD exclusion

The Health Care Financing Administration ("HCFA") that administers the Medicaid program takes the position that substance abuse is a mental disease.[9] Since residential programs treat people with "mental diseases" (by HCFA's definition of that term), HCFA has found some of these programs to be institutions for mental diseases.[10] By finding a residential substance abuse treatment program to be an IMD, every person under the age of 65 who is residing in that program is excluded from Medicaid, not just for coverage of their substance abuse treatment but for any Medicaid covered service (including prenatal care) regardless of where it is provided.[11] Therefor for residential substance abuse treatment programs and Medicaid-eligible clients residing in them, the definition of an IMD is critical.

The statute defines an IMD as "a hospital, nursing facility, or other institution of more than 16 beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services."[12] Obviously, the easiest way for a residential treatment program to avoid being classified as an IMD is to have less than 16 beds. Unfortunately, since few free-standing residential programs were designed with Medicaid in mind (due to the difficulties in getting Medicaid coverage), many have 16 or more beds.

Prior to 1986, HCFA had focused primarily on the diagnoses of the people being treated by the facility. If the majority were diagnosed as substance abusers (which, as noted above, HCFA considers to be a mental illness) the facility was considered an IMD. However, two court challenges and an order from their own Grant Appeals Board forced HCFA to look instead at the nature of the treatment being provided.[13]

In 1986, HCFA issued new guidelines on IMDs.[14] While seeming to implement the Court and Appeals Board decisions that the type of treatment provided and the qualifications of the persons providing the treatment be the primary factors in determining IMD status, HCFA created a "catch 22" under which most residential substance abuse facilities continue to be excluded from Medicaid coverage. A facility that follows a psychiatric model using medically trained and licensed personnel is considered an IMD (thereby excluding from coverage at least for those patients between 21 and 65) while a facility that uses peer support and lay counselors would not fall into the IMD exclusion but its services would not "constitute 'medical or remedial treatment' required for Medicaid reimbursement under 42 CFR 440.2(b)."[15] Unfortunately, the plaintiff in the lead case that forced HCFA to revise its IMD standards was financially unable to continue its litigation and the 1986 standards remain unchallenged.[16]

While Congress has not dealt with the problems raised by the IMD exclusion in the context of residential substance abuse treatment programs, it has expressed its concern about the impact of the IMD exclusion of the provision of psychiatric and other mental health services. In OBRA '89, Congress required HCFA to study its policy regarding the IMD exclusion and the statutory exclusion itself and report to Congress by October 1, 1990 on any statutory or

Footnotes at end of article.

policy modifications that "may be appropriate to accommodate changes that may have occurred since 1972 in the delivery of psychiatric and other mental health services on an inpatient basis. . . ."[17] As part of this mandated study and report, HCFA will examine the effect of its interpretation of the IMD exclusion on Medicaid coverage of residential substance abuse treatment and will also consider the possibility of exempting these facilities from the IMD exclusion.

Medical Model

HCFA has indicated it will look at the nature of the treatment provided and at the training and qualifications of the people providing it to determine whether the treatment can be covered.[18] Where treatment "follows a psychiatric model and is performed by medically-trained and licensed personnel" HCFA will find the treatment to be medical in nature and therefor coverable under Medicaid.[19] However, where treatment is based "on peer counseling and meetings to promote group support and encouragement, and they use primarily lay persons as "counselors' " HCFA will probably find that the treatment is not medical in nature and therefor not coverable under Medicaid. Most substance abuse treatment programs follow the latter model rather than the former. Treatment programs that do not use a psychiatric model are more likely to meet HCFA's "medical" requirement if they use licensed or certified substance abuse counselors (in states that have some licensure or certification requirements).

Room and Board Costs

HCFA's contends that absent explicit statutory authorization, the Medicaid program may not reimburse providers for room and board costs (which comprise a significant portion of the costs for residential programs).[20] Since the Medicaid Act only explicitly authorizes capital reimbursement for hospitals, skilled or intermediate care facilities (nursing homes) and hospices, under HCFA's view states may not reimburse non-hospital residential treatment programs for their room and board costs.

Some residential treatment programs have been able to get around this by operating in an unused section or wing of a general hospital.[21] Another approach some residential treatment programs have taken is to become licensed as intermediate care facilities (for which Medicaid can reimburse room and board costs).[22] The practicality of this approach depends in large measure on the licensure requirements of the state where the program is located.

This approach will become increasingly impractical as of October 1, 1990 when the statutory distinction between skilled and intermediate care facilities will be eliminated. These two categories of facilities will be replaced by a single category entitled "nursing facilities".[23] The practical effect of that elimination will be to require facilities that had been licensed as intermediate care to meet the federal requirements that had previously only been imposed on skilled care facilities. One of the most difficult "nursing facility" requirements for substance abuse treatment programs to meet is the requirement that licensed nursing services (RN or LPN) be provided 24 hours a day and that an RN be available 8 hours a day, seven days a week although this requirement may be waived by the state under certain circumstances.[24]

Furthermore, even if a residential facility was able to comply with the nursing facility requirements, it might still not qualify as a nursing facility because the statute excludes facilities that are "primarily for the care and treatment of mental diseases" (HCFA considers substance abuse to be a mental disease) from coverage as nursing facilities.[25] However, states could still reimburse free-standing residential programs under Medicaid for the cost of providing counseling and other therapies and use their ADAMHA block grant funds or other funding streams to cover the room and board costs.

III. REMOVING THE BARRIERS

Pennsylvania's Act 152

One state has gotten around the various barriers to Medicaid coverage that are set forth above by establishing a parallel Medicaid program for substance abuse treatment using only state dollars. In 1988, the Pennsylvania General Assembly enacted Act 152 which provides Medicaid coverage "for a continuum of alcohol and drug detoxification and rehabilitation services".[26] The act specifically covers non-hospital detox and residential treatment facilities. The act also requires the state Medicaid agency to consult with the state Alcohol and Drug Abuse Agency and for the two agencies to commission an independent evaluation of the success of treatment funded under Medicaid. In addition, Act 152 contains a provision requiring all licensed substance abuse treatment facilities to admit "at reasonable rates" people on Medicaid.[27] [Section 2335(a)] While the language is not clear, it was the intent of the parties who negotiated this language that "reasonable rates" refer to reimbursement rates. In order to reduce the initial cost of the act and to allow time to set up the necessary administrative structure, the act phased in Medicaid coverage over a five-year program although the state Medicaid agency is aiming to implement the act state-wide more quickly. Of course a state may not overturn federal Medicaid law so the barriers to federal funding remain and funding for Act 152 coverage comes solely from the state so far. However, the state is exploring the possibility of getting federal financial participation, at least for some of the covered services.

Conditions that complicate pregnancy

While there are several provisions of the Medicaid Act which may be used generically to fund substance abuse treatment there is a provision specific to pregnant women. It requires states to cover pregnant women whose income does not exceed a level set by the state which must be at least 133% of the federal poverty level and not greater than 185%.[28]

Services covered for pregnant women who are Medicaid eligible under this provision are "services related to pregnancy . . . and to *other conditions which may complicate pregnancy.*" [Emphasis added][29] Without question, substance abuse is a "condition which may complicate pregnancy". The Health Care Financing Administration ("HCFA") has made it clear that a state may cover services for pregnant women that they do not cover for other Medicaid eligibles.[30] Given the current fiscal restraints on the federal government and many states, targeting coverage of substance abuse treatment under Medicaid to pregnant women without having to cover all Medicaid eligibles may be particularly attractive.

There are however drawbacks to covrage under this provision. Pregnant women who are Medicaid eligible under this provision lose their eligibility 60 to 90 days after the last day of their pregnancy.[31] In many instances addicted mothers will need more than two months of treatment following the birth of their child, especially if they entered treatment late in their pregnancy. Mothers under 21 could have their continued treatment covered under EPSDT if they were sent for an EPSDT screening. For mothers 21 and older, states could cover the cost of treatment following the 60 day cutoff under another funding scource such as the ADAMHA Block Grant although this would require coordination between two different state agencies. The "single state agency" for alcohol and drug abuse is usually a different agency than the single state Medicaid agency. Of course, Congress could eliminate this problem by exempting pregnant women in substance abuse treatment programs from the 60 day limit.

An even greater drawback to the effective use of Medicaid is HCFA's position that the coverage provisions regarding pregnant women do not supersede the IMD exclusion and HCFA's perceived lack of authority to pay room and board costs in a non-hospital residential setting. While these restrictions would not affect outpatient or hospital-based programs, they would limit a state's ability to use Medicaid to cover non-hospital residential treatment. Congress could eliminate this problem by exempting substance abuse treatment programs for pregnant women from the IMD exclusion.

FOOTNOTES

[1] Report GAO/HRD-90-104.

[2] 42 U.S.C. 1396d(a)(16). The term "psychiatric hospital" is defined at 42 U.S.C. 1396d(h) and 42 CFR 440.160.

[3] 42 CFR 440.210.

[4] As to acute care hospitals: 42 CFR 440.10. As to psychiatric hospitals: 42 CFR 441.151 (JCAH accreditation), 42 U.S.C. 1396d(H), 1395x(f) and 42 CFR 440.160 and 441.156 (other requirements).

[5] 42 U.S.C. 1396d(a)(13).

[6] 42 CFR 440.130(d).

[7] 42 U.S.C. 1396d(a)(11) & 42 CFR 440.110.

[8] Koyanagi, "Operation Help, A Mental Health Advocate's Guide to Medicaid" (National Mental Health Assoc., 1988), pp. 51-53.

[9] State Medicaid Manual, Section 4390(D)(1) (9-86).

[10] *Granville House, Inc.* v. *HHS*, 772 F.2d 451 (8th Cir. 1985).

[11] 42 U.S.C. 1396d(a)(22)(B). If the program qualifies as a psychiatric hospital (which is unlikely), persons under 21 would not lose Medicaid eligibility. 42 CFR 441.13(a)(2).

[12] 42 U.S.C. 1396d(i). See also *Connecticut Department of Income Maintenance* v. *Keckler*, 471 U.S.C. 524 (1985) holding that an intermediate care facility could be an IMD.

[13] *Minnesota* v. *Keckler*, 718 F.2d 852, 863 (8th Cir. 1983); *In Re: Granville House, Inc.*, Decision No. 529 (4-9-84), Departmental Appeals Board, HHS; *Granville House, Inc.* v. *HHS*, 715 F.2d 1292 (8th Cir. 1983).

[14] State Medicaid Manual, Transmittal No. 20 (9-86).

[15] Section 4390(d)(3), State Medicaid Manual (9-86).

[16] Conversation on 5-7-90 with Jay Hartman, Esq., counsel for plaintiff in *Granville House.*

[17] Section 6408(a)(2)(A) of Public Law 101-293.

[18] Section 4390(d)(3), State Medicaid Manual (9-86).

[19] Id.

[20] Letter dated June 23, 1987 from William Roper, then Administrator of HCFA, to the Director of the Illinois Department of Public Aid.

[21] Conversation with Sam Muszynski, Jr., General Counsel to the National Association of Addiction Treatment Providers, on 2-21-90.

[22] *Granville House Inc.* v. *HHS*, 715 F.2d 1292, 1304 (8th Cir. 1983).

[23] Section 4211(h) of Public Law 100-203 (OBRA '87), effective 10-1-90.

[24] 42 U.S.C. 1396r(b)(4)(C), effective 10-1-90.

[25] 42 U.S.C. 1396r(a)(1).

[26] 71 P.S. 611.14(a).

[27] Section 2335(a) of the act.

[28] 42 U.S.C. 1396a(a)(10)(A)(i)(IV) and 1396a(1)(2)(A)(i).

[29] 42 U.S.C. 1396a(a)(10)(E)(VII).

[30] Section 4421(B)(3) of the State Medicaid Manual (7-8).

[31] The statute states that a pregnant woman is eligible "through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends." 42 USC 1396a(e)(5).

INFANT VICTIMS OF DRUG ABUSE

(Presented by Maureen Montgomery, M.D., F.A.A.P., on behalf of the American Academy of Pediatrics

INTRODUCTION

Mr. Chairman, my name is Dr. Maureen Montgomery, and I am an assistant clinical professor of pediatrics at the State University of New York School of Medicine in Buffalo. More to the point for today's discussion, I am also associated with the Children's Hospital of Buffalo, where I serve as co-coordinator of the new Infants of Substance-Abusing Mothers [ISAM] Clinic. It is an honor to appear before you this morning on behalf of my 39,000 colleagues in the American Academy of Pediatrics, who are dedicated to the promotion of maternal and child health.

At the outset, Mr. Chairman, I want to express to you and to the members of this panel the Academy's deep appreciation of your emphasis on these urgent issues affecting addicted women and their children. As a nation, we have not yet begun to come to terms with our tragic proliferation of drug-exposed infants and children, but this public hearing—and this Committee's jurisdiction, especially with respect to Medicaid, foster care and the maternal and child health block grant—offers real promise of progress.

For pediatricians, that promise is all-important. There are indications today that perhaps one of every 10 infants is exposed to illicit drugs during pregnancy. More and more infants, are being admitted to special-care nurseries for complications caused by their intrauterine drug exposure.

Yet preliminary findings from a recent survey by the National Association of Children's Hospitals and Related Institutions suggest that neither systems are currently in place nor adequate resources are being made available today to meet the needs of this growing patient population. I come before you as an advocate for these infants and children, and for their mothers, whose persistent substance abuse problems our society simply must learn to address more sensitively—and more successfully.

THE PROBLEM

The situation in Buffalo is acute—our community has some of the most adverse health status and socioeconomic problems in the state. Infant mortality rates and low birthweight deliveries are extremely high. The rate of prematurity in Buffalo in 1986 was 9.5 percent, the highest in the state. As of August, 1987, there were 467,000 children of substance abusers in New York State alone. And research indicates that without effective intervention many of the current children of substance abusers are themselves likely to fall prey to drugs.

Pediatricians, caught in the crossfire of this latest epidemic, continue to face two basic problems: 1) infants exposed to substance abuse in the prenatal period are at high risk for a host of medical problems, and 2) the mothers are often unable or unprepared to parent.

ISAM

In response to these concerns associated with the increasing number of drug-exposed infants in and around Buffalo, the ISAM Clinic was launched eight months ago under a "Healthy Tomorrows for Children" grant, awarded by the federal bureau of maternal and child health in conjunction with the Academy. ISAM is a primary care pediatric clinic designed to provide services to children who are exposed to drugs prenatally in order : 1) to prevent abuse, 2) to increase the skills and understanding of both parents and foster parents who have these children in their care, and 3) to reduce developmental delays in participating children.

The model includes a range of services designed to provide concrete assistance to these high-risk mothers and infants, including intensive medical evaluation and follow-up, parenting classes, home-based intervention and linkage to appropriate social service agencies in the community. Since its inception, the program has developed a protocol with local child protective services that includes a contract between the mother and CPS which mandates that she will take the baby for appropriate medical care. (The ISAM Clinic is strongly suggested as the source for that primary care in order to ensure that the infants in fact receive intended services.)

METHODOLOGY

Primary care under ISAM is provided by a pediatrician and a nurse practitioner on a schedule even greater than the frequency of visits recommended by AAP guidelines. This includes parent education classes in conjunction with well-child visits and periodic neurodevelopmental and behavioral assessments. There is 24-hour coverage for emergencies and advice.

Home-based support is carried out through weekly visits by the "resource mothers" and through their attendance with the parents at all parent-education classes. (These culturally similar "resource mothers" are recruited from Buffalo neighborhoods and are trained to provide surrogate parenting. They are women of the same race as the mother, and who have proven abilities to care for and nurture children. They support and serve as role models to substance-abusing mothers in an effort to avoid foster-care placement.)

Children's Hospital currently has a strong link with Child Protective Services through its High Risk Clinic and the Norman S. Ellerstein Center for the Prevention of Child Abuse and Neglect. Signs of child abuse or non-compliance with the treatment program are to be identified through frequent home and office visits, and are promptly followed up and reported.

CONSIDERATIONS FROM THE COMMUNITY-BASED PERSPECTIVE

It is clear that any programs which hope to succeed in caring for children of substance-abusing mothers must be carefully tailored to meet the unique needs of this vulnerable population. Consider the following:

(1) There is probably a high incidence of multiple diagnoses among these mothers (e.g., drug dependency, AIDS, sexually transmitted diseases, psychiatric illnesses such as depression and borderline personalities). Effective interventions will require the incorporation of mental health principles and professionals into every aspect of the program.

(2) There is a tremendous financial burden on centers caring for these infants and their mothers. Based on our experience and that of many other programs around the country which have dealt with poor, undereducated, high-risk populations and their relative success at parenting their children, it is apparent that service delivery is extremely labor-intensive.

The services which appear to be most crucial, those of nursing coordinators and social workers, are not routinely funded through the reimbursement process. These are precisely the services that make a difference in terms of quality of care and ability to assure long-term follow-up, without which any valid outcome measure is impossible.

ISAM is patched together through a combination of federal, state, local and private foundation grants. Continued availability of grant funding is uncertain, and Medicaid does not provide funding for these necessary psychosocial supports.

(3) The vast majority of mothers (more than 95 percent) in this population are poor, inner city minority women who live in drug-infested neighborhoods without amenities which most of us would consider among the bare necessities of life. Approximately one-third do not have a refrigerator; many have no phone, and more frequently, safe child care and transportation are major issues. Concern about the safe arrival of the public assistance check is real. Many of the mothers are "overprogrammed," i.e., obligated to attend parenting classes, undergo drug treatment, visit other children in foster care, and keep appointments for WIC, public assistance, housing, etc.

Most of the women have had late or no prenatal care, and therefore the paperwork is not in place for their infants to be immediately placed on Medicaid or WIC. (There is a six- to eight-week lag, during which period the infant's nutrition is dependent on the mother purchasing the formula herself.) In addition, a large number of women freely admit that they discovered their pregnancy late, beyond the time when they could have obtained a legal abortion, which many of these women say that they would have had. Even these women, however, clearly want to keep their infants once they are born.

A large number of these women have themselves been victims of domestic violence, child abuse, prostitution or incarceration—they are without hope and without goals. They have no ability to delay gratification and are entirely fatalistic. Many women, even after being informed of the real risk of "crib death" among cocaine-exposed infants, turn down the offer of a home monitor because they believe "what will be, will be."

These mothers have few supports; daily stress has become unmanageable; their lives are out of control. They have pressing needs and are often inept at using available support systems, formal or informal. They need help just to use help. Traditional programs which offer services encumbered by bureaucracy, and which do not take into account the obstacles faced by these depleted families, are doomed to failure. We must rid ouselves of the notion that the women who are most in need of help will simply partake if the services are there. In the long run, unless we get women to appreciate their own individual responsibilities, nothing we do in the clinic will work. Successful programs must meet these families more than halfway.

(4) As part of our program, we attempt to meet every mother in the hospital before

she and the baby are discharged in order to introduce ourselves and the "resource mother." The baby's first postnatal appointment is within 7-10 days discharge, and then every two to three weeks thereafter for the next several months. Consequently, we get to know them and they get to know us early on, and there is an attachment which ensues naturally. The resource mother visits frequently for the first month, almost daily, to develop a relationship that grows beyond the clinic. Ideally, no resource mother in the program is responsible for more than three families at once.

In addition, the team social worker meets with each family at each visit, and teaches a mother-support group on a weekly basis. The support group focuses on issues relating to parenting, caring for a new baby, family stresses, etc. By deliberately avoiding the issues of drug dependency, the classes have allowed the women themselves to broach their problems with substance abuse—as well as the implications for their children.

(5) There are crisis in social service delivery systems. There is currently in Buffalo a six- to eight-week delay for emergency housing. Most emergency shelters will not allow children. There is a six- to eight-week waiting period for Medicaid-eligible patients requiring inpatient detoxification. These programs are traditionally geared toward drug-using males, and make no provision for mothers who must find emergency child care at a moment's notice. None of the inpatient programs in Buffalo today provides residential care for mothers and their children. One inpatient program has made pregnant women a priority. Many of the women in ISAM have in the past been inpatients in drug treatment programs for acute detoxification. All have stated that the outpatient programs, following their hospitalizations, have been thoroughly unsatisfactory.

(6) Foster care is strained to the limit. Most foster care families in our clinic are close relatives of the natural mother, e.g., the baby's grandmother or aunt. These families are being overwhelmed by the sheer numbers of childen being placed. In addition, many children are placed back with their natural mothers within the first year of life, often after the mothers' drug dependency has not been successfully overcome, and without the infants having formed any bond whatsoever with their mothers.

CONCLUSION

Mr. Chairman, I have not conveyed to you this morning an optimistic picture. Conditions today among women and their drug-exposed infants are dismal and getting worse. They cry out for attention. As promising as our own modest community-based program may be, I have to emphasize that effective outcome measures will require long-term evaluation and follow-up. Service delivery is critical, not only on moral grounds but for scientific purposes. If they find it unsatisfactory or inappropriate, these mothers and children will be extemely difficult to track. But there are innovations which are cost-effective, and which we can promote now. More than 100 woman, for example, many of them themselves on public assistance, applied to serve as ISAM resource mothers. This component of the program is vital—yet minimum wage—and well may warrant wider application.

It is our hope that this committee in its wisdom can sort out these and other promising opportunities for public policy in behalf of addicted women and drug-exposed infants, and then exert its leadership behind necessary legislation. The Academy will be there in support.

Mr. BRADLEY. Mr. President, I join my colleague from New York, Senator MOYNIHAN, in introducing this important bill that would allow States to use Medicaid funds to provide drug treatment and family support services to substance abusing pregnant women. The bill would also allow States to use Medicaid funds to provide these services to spouses who will be caring for these children and for the children themselves. These services will allow these fragile families a chance for a decent and productive life.

Mr. President, as a member of the National Commission to Prevent Infant Mortality, I have been deeply concerned about the treatment of infants and children in this country. For the past few years, we have taken several important steps to address a problem that can only be characterized as a national disgrace. More children die in this country before the age of 1 than in 20 other industrialized countries in the world. Many others are born underweight and with significant disabilities that will hamper their abilities to realize their full potential in life. Much of this misery is preventable with early, adequate, and coordinated prenatal care.

Mr. President, I have been proud of our efforts in the Congress to remove significant financial barriers to early, adequate, and coordinated prenatal care through the Medicaid Program. Last year, we also began the task of breaking down other, nonfinancial barriers to preventive prenatal care. We started the process of developing an effective maternal and child health handbook that can be used to educate women about the growing life inside and the responsibilities for nurturing the child. We tried to attack bureaucratic barriers by creating one-stop shopping health programs and promoting home visitation as a strategy for reaching hard-to-reach women. Finally, we attacked the problem of the lack of providers of care by taking the first step to ensure adequate reimbursement.

But, Mr. President, despite all these efforts, the tasks of improving the care we deliver to women and their children, and of dealing effectively with the unconscionably high infant mortality rates in this country remain momentous. Drug abuse during pregnancy, both of legal and illegal substances, cheats many children of the chance to succeed in life. Cigarette smoking contributes to at least 25 percent of all low-birth-weight infants. The National Commission to Prevent Infant Mortality has estimated that if all women were to stop smoking during their pregnancies, 10 percent of all infants who now die before the age of 1 would live. An estimated 40,000 to 80,000 babies are born each year with enough exposure to alcohol to go through alcohol withdrawal. Many develop physical and mental retardation as a result.

But the harmful effects of these legal drugs during pregnancy has been quickly overshadowed lately by the enormous problems faced by infants exposed to the host of illicit drugs that have proliferated in America. Such drugs as crack/cocaine, metamphetamines, heroin, PCP, and marijuana all present potent threats to women addicts and their innocent children who are exposed to the drugs. In 1988, an estimated 5 million women—90 percent of American women of childbearing age—admitted to using an illegal drug. One million women admitted to using crack/cocaine. It is no wonder that our foster care system is overwhelmed, our hospitals are full of crack exposed children who have nowhere to go, and family structures that have traditionally been important supports are beginning to crumble.

And yet, despite this growing threat to families and children, we do not have enough facilities to help women to overcome these pernicious addictions for their own sake and for the sake of their families. Even when these facilities exist, precious few provide the range of family support and child welfare services needed to give women a chance to escape the environment that nurtures such destructive habits.

Mr. President, there has been a growing recognition that viable treatment alternatives are necessary to break the cycle of despair, addiction, and misery that substance abuse represents for a growing number of childbearing women in this country. Today, with this bill, we will be taking substantial steps toward guaranteeing that effective treatment for drug addicted families is available through the Medicaid Program. This bill would specifically end the catch-22 that treatment programs face today when seeking reimbursement for drug treatment for pregnant women under the Medicaid Program. The Medicaid payment exclusion for facilities classified as institutes of mental diseases has been used effectively to block payments for drug treatment programs for this vulnerable and desperately needy population. This bill would clearly give States the option to pay for treatment and services for addicted women and their children.

This bill gives the States the option to use Medicaid funds for residential substance abuse treatment for pregnant women. It further defines a range of services for the family and for the woman that would enable her to provide for the social and health needs of other children in her family while she is reorganizing her life

under treatment. The bill would encourage these facilities to provide long-term job and skills training that would enable the woman to take a longer term perspective on her life and would give her the tools with which to provide a better environment for her family. It is only the hope for a better life and the skills to achieve it that will enable substance abusing pregnant women to resist the temptation to slide back into drug use. This job will, of course be easier if the family is intact. Two-parent families have a clear advantage in providing the stable environment needed for healthy growth. This is why this bill will also offer the States the opportunity to use Medicaid funding for other caretaking spouses and children within the family structure.

Mr. President, this bill will save children's lives. A preliminary estimate of the cost of this bill if all States opted for the treatment of pregnant women is about $200 million per year when fully implemented. Approximately 37,000 women and their caretaker relatives would be given a chance for a better life with this bill. In New Jersey, where as many as 12,000 pregnant women use illegal drugs and thousands more smoke and drink alcohol to excess, this bill would allow the State to make significant strides in dealing with the problem.

More and more, the test of our leadership in the world will depend less on our military might and more on our ability to show the world that we can effectively and humanely address deep social problems affecting our society. I urge my colleagues to support this bill.

By Mr. WILSON:

S. 3003. A bill to provide for the establishment of the Laguna de Santa Rosa National Wildlife Refuge in Sonoma County, CA; to the Committee on Environment and Public Works.

LAGUNA DE SANTA ROSA NATIONAL

● Mr. WILSON. Mr. President, I rise today to introduce legislation to establish the Laguna de Santa Rosa Wildlife Refuge. This bill is similar to H.R. 2548 introduced by my House colleague from California, DOUG BOSCO.

Located in Sonoma County, the Laguna de Santa Rosa is an important and unique freshwater coastal wetland. My legislation will designate over 9,000 acres of the Laguna de Santa Rosa as a National Wildlife Refuge. Preservation of this marshland accomplishes several environmental goals.

First, it protects valuable open spaces from piecemeal development. Many of our urban areas are growing—seemingly without bounds. It is important to retain open space for recreation, for fish, wildlife and water fowl, for interaction—people to people, as well as people to nature. They enrich our lives by bringing families and individuals into touch with the wonders of nature. This marshland renews the life cycle of nature as it provides not only a refuge for wildlife but a refuge for humankind from the stresses of our daily lives.

Second, my bill protects valuable marshland. The Laguna de Santa Rosa is a valuable nursery. It is the second largest freshwater marshland extant in California. It is home to several endangered species, including the bald eagle and the peregrine falcon, and at least five threatened or endangered plant species. The wealth and diversity of wildlife that this wetland supports is staggering for an area so close to a major, urban center. Over 400 species of plants and birds inhabit this important wintering and nesting area for migratory waterfowl along the Pacific Flyway.

Marshlands are fragments of California's natural history. It is important to preserve what we have left. Rapidly expanding development threatens to encroach on these important wetlands, sometimes by outright drainage and development, sometimes by untoward byproducts and impacts.

My bill attempts to forge a partnership with the Federal and State government and the local government entities, specifically the cities of Sebastopol and Santa Rosa, as well as the county of Sonoma. Although the legislation I introduce today designates the 9,000-acre Laguna de Santa Rosa a National Wildlife Refuge, local government and the State of California will contribute over 3,000 acres which have already been acquired. The State of California is also pledged to contribute $4 million, an important contribution to the $20 million, which my bill authorizes for Santa Rosa marshland acquisition.

This is an excellent example of constructive Federal response to the leadership of local government. This bill, which roughly models my upper Sacramento bill in terms of local participation, is based on the suggestions of the Laguna Technical Advisory Committee. The Federal Government does well when it listens to the concerns of local government, and it does particularly well when it heeds their concerns for the provision of important open space.

Mr. President, the importance of protecting the precious, outstanding natural areas near urban centers cannot be overemphasized.●

By Mr. LEVIN (for himself and Mr. MOYNIHAN):

S. 3004: A bill to amend the Public Health Service Act to extend the time for the filing of certain claims for compensation for vaccine-related injuries, and for other purposes; to the Committee on Labor and Human Resources.

EXTENSION OF TIME FOR FILING VACCINE-RELATED INJURY CLAIMS

Mr. LEVIN. Mr. President, as we are all aware, vaccination is the surest and most effective way to protect against a number of illnesses that commonly affect children. In rare cases, children have suffered adverse reactions after receiving a vaccine. The Vaccine Compensation Act provides a no-fault compensation system for individuals who suffer injuries associated with one of the following vaccines: Diptheria and tetanus toxoids and Pertussis (DPT], measles, mumps and rubella, oral polio, or inactivated polio vaccine.

The program, effective as of October 1, 1988, permits individuals who believe they are eligible for compensation to file a petition with the U.S. Claims Court. The act is intended to provide a less time-consuming and less expensive procedure for resolving claims for vaccine-related injuries than a lawsuit in a civil court. Individuals filing a petition do not need to prove fault on the part of those who manufactured or administered the vaccine. They must only prove that the vaccine caused the injury.

All claims for compensation for vaccine injuries occurring prior to October 1, 1988 must be filed no later than October 1, 1990. For vaccine injuries occurring after October 1, 1988 the claim must be filed within 3 years after the date of the first symptom of manifestation of the vaccine injury.

Mr. President, despite the efforts of the Secretary of the Department of Health and Human Services to inform the public of the availability of the program, many parents of children injured by vaccine have not filed claims because they have no knowledge of the act or the impending deadline. In my own state, the Michigan Legislative Council for the Handicapped [MLCH] estimates that an overwhelming majority of the parents of vaccine injured children are unaware of the deadline. And this is the trend nationwide. According to MLCH, claims of eight Michigan children, whose parents have only recently learned of the act, will be filed in the weeks ahead.

For this reason, I am today introducing legislation, along with my colleague from New York, Senator MOYNIHAN, which would extend the deadline for injuries occurring prior to October 1, 1988 for 6 months, until April 1990.

The compensation awards are to reimburse for medical expenses, lost earnings, pain and suffering, legal expenses and a death benefit. The program is funded through a perdose excise tax on the sale of selected prescribed vaccines and is maintained in a Vaccine Injury Compensation Trust Fund, managed by the Internal Revenue Service. The tax was first imposed on all vaccine sales after December 31,

1987 and are used to compensate for adverse reactions from vaccines administered after September 30, 1988. Receipts generated by the excise tax are estimated to be $118 million in 1991. Compensation for injuries resulting from vaccines administered prior to fiscal year 1989 is provided through the general fund. An $80 million appropriations is authorized annually for fiscal years 1989-1992 for the retroactive claims; any additional amounts are permitted to be paid from the trust fund. A later appropriation is made to reimburse the trust fund.

As of June 28, 1990, some 340 petitions have been filed. Of these, 323 stemmed from injuries or deaths that occurred before October 1, 1988, and 17 after; 35 petitions were never completed; 27 claims ended in dismissal and 8 were judged noncompensable.

Eighty-two awards totaling $42.1 million had been made as of June 28, 1990 under the program. Amounts of the awards ranged from $39,000 to $2.8 million. The average award has been approximately $1 million for a lifelong impairment; $250,000 for death.

Mr. President, vaccines against childhood disease are universally recommended to protect the public health at large, as well as for each individual. Because, regrettably, a small number of individuals each year suffer tragic side effects, the no-fault compensation system provides an appropriate and effective remedy for assisting children and their families.

I urge my colleagues to support this much-needed extension. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR FILING VACCINE-RELATED INJURY CLAIMS.

Section 2111(a)(5)(A) of the Public Health Service Act (42 U.S.C. 300aa-11) is amended by striking out "2 years" and inserting in lieu thereof "2½ years".

By Mr. AKAKA:

S. 3005. A bill to establish an endowment to assist the University of Hawaii in making grants for the development of education programs which target Filipinos; to the Committee on Labor and Human Resources.

GRANTS FOR EDUCATION PROGRAMS FOR FILIPINOS

Mr. AKAKA. Mr. President, today I am introducing a bill which will establish an endowment to assist the University of Hawaii in providing grants for the development of educational programs to aid Filipino students.

In 1988, a report by the University of Hawaii Task Force on Filipinos found that Filipinos were substantially under-represented in higher education. Although Filipinos comprise 19 percent of the population in Hawaii's public schools, the report found that only 6.3 percent of the student body at the University of Hawaii at Manoa were Filipino.

Mr. President, education has become one of our top national priorities. President Bush and our Nation's Governors established a goal at the educational summit for each student in the country to be literate and employable by year 2000. One way to achieve this ambitious goal is to provide educational opportunities for minorities, which is what my bill does.

Filipinos are the fourth largest ethnic group in the State of Hawaii, and comprise over 11 percent of the State's population. They are also the fastest growing ethnic group. Between 1967 and 1982, 54 percent of the immigrants admitted into the United States were Filipinos.

Studies and reports show a direct correlation between education and socioeconomic status. A higher educational level usually correlates to a higher economic standing. However, Filipinos have historically been unable to benefit substantially from the educational system and, thus, have remained one of the most disadvantaged ethnic groups in the State of Hawaii.

Mr. President, the bill I am introducing today seeks to change this tragic situation. It would establish a $5 million endowment, matched by non-Federal sources, to develop educational programs which target Filipino students. The programs would assist Filipino students in making the difficult transition from high school and community colleges to 4-year institutions of higher education. It would also allow the development of programs to increase recruitment efforts and decrease the high attrition rates that occur during the first year at 4-year institutions.

The intent of this legislation is to encourage Filipino youngsters to pursue higher education and to develop new educational programs that will assist Filipinos and immigrant Filipinos. This bill seeks to address the lack of educational opportunities, and attempts to resolve some of the basic roadblocks these students face in obtaining a higher education.

I thank the President for this time.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. COATS, and Mr. DURENBERGER):

S. 3006. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE MEDICAL DEVICE IMPROVEMENT ACT

Mr. KENNEDY. Mr. President, I am pleased to introduce the Comprehensive Medical Device Improvement Act of 1990. This bill strengthens the authority of the Food and Drug Administration to assure the safety and efficacy of all medical devices, consistent with its mandate to protect the public health. The goals of this bill are simple—to ensure that all medical devices entering the market are safe and effective, that problems with devices are identified quickly, and that defective devices are taken off the market.

This legislation builds upon the Medical Device Amendments of 1976, by improving the processes of classification and approval of new medical devices, and enhancing monitoring of clinical experience with devices after they have been approved for marketing. Consumers will gain added assurance that medical devices are safe and effective, and the medical device industry will benefit from more consistent FDA regulation.

The statutory definition of a medical device includes any item promoted for a medical purpose that does not rely on a chemical action to achieve its intended effect. It covers everything from tongue depressors to cardiac pacemakers, from bed pans to CAT scanners.

Through the years, we have all seen dramatic accounts of the miracles of medical technology. These new technologies continue to improve our ability to diagnose and treat illness, and enhance the quality of life for large numbers of individuals.

Altogether there are more than 1,700 types of medical devices, 60,000 separate products, and thousands of device manufacturers. Not surprisingly, the breadth of the field poses unique regulatory challenges.

Medical device legislation first received serious consideration in Congress in the early 1970's. Extensive debate took place, culminating in the passage of the Medical Device Amendments of 1976. Before 1976, FDA's authority was limited to actions taken after a medical device had been introduced into interstate commerce, and only when it had been found to be adulterated or misbranded. In essence, the burden of proof was on FDA to prove that a device was unsafe or ineffective.

In 1976, Congress decided that "after the fact" regulation was inadequate in light of the proliferation of medical devices, and the disclosure of serious problems with some devices, such as the Dalkon shield.

In the 1976 amendments, Congress sought to protect the public health without stifling technology and innovation by creating a three-tiered classification system that regulated medical devices according to their task. Of the 1,700 types of medical devices, approximately 700 have been placed in Class I. Devices in this class pose the

least health risk and are subject to "general controls": prohibitions against misbranding and adulteration, labeling requirements, manufacturer registration and product listing, and good manufacturing practices.

Approximately 800 devices are in Class II. These devices are subject to the same general controls as Class I devices; in addition, the 1976 amendments directed FDA to establish performance standards for each device in Class II. To date FDA has not been able to establish a performance standard for a single Class II device; the agency estimates that it may require 50,000 staff-years to complete standards for all Class II devices.

All remaining devices are in class III; many of these devices are at the cutting edge of technology and have the greatest potential risk—cardiac pacemakers, for example. Manufacturers of class III devices must comply with premarket approval requirements, which include the use of scientific and clinical data to demonstrate safety and efficacy.

The 1976 amendments provide two ways for a manufacturer to obtain approval from FDA to market a device. Under premarket notification, or "510(k)," a manufacturer must demonstrate that the new device is substantially equivalent to a pre-1976 device; more than 95 percent of all new devices are approved via the 510(k) pathway.

Once a manufacturer has submitted a 510(k) application, the FDA has 90 days to determine whether the device can be marketed; if FDA does not notify the manufacturer otherwise, the application is considered approved and the device can be marketed. For the remaining devices, regarded as truly new in the statutory sense, a manufacturer must submit a premarket approval application [PMA]. PMA's currently require years for FDA to consider, even though the 1976 amendments set a time requirement of 180 days. FDA must approve the PMA before a manufacturer can market the new device.

In recent years, FDA has, for some devices, required data to demonstrate the safety and efficacy of a device approved via 510(k)—a so called mini-PMA or hybrid 510(k). But requirements for such data are not consistent among devices or manufacturers. In addition, FDA has called for PMA's for only a small number of pre-1976 class III devices, even though the 1976 amendments directed FDA to call for PMA's for all class III devices. And newer versions of class III devices, for which FDA has never requested PMA's, have been approved via the 510(k) route.

While the 1976 amendments have provided significant improvements in the safety and effectiveness of medical devices, further reforms are needed to make the regulation of devices simpler and more efficient while maintaining assurances of safety. Several issues need to be addressed:

Most devices enter the market through 510(k) notifications. Yet the absence of a statutory definition for "substantially equivalent" raises doubts about the scope of FDA's authority;

The requirement of mandatory performance standards for class II devices is unworkable, and it is unrealistic to expect FDA to establish such standards for all class II devices;

The current classification system needs improvement in a number of areas to allow more expeditious review of devices which present the greatest potential risks;

Prohibitions against allowing FDA to use data in one manufacturer's PMA to approve or reclassify another manufacturer's device have led to inefficient use of industry and FDA resources;

The postmarket surveillance system is not adequate to inform FDA of problems with medical devices in a timely manner; and

Oversight authority of the FDA must be improved to assure that defective devices are identified more quickly and, if necessary, removed from the market.

The Comprehensive Medical Device Improvement Act addresses these concerns about regulation of medical devices in several ways.

"SUBSTANTIAL EQUIVALENCE"—SECTION 510(k)

The bill provides a statutory clarification of the determination that two devices are substantially equivalent. In essence, the bill codifies, and makes consistent, the present practices of FDA concerning section 510(k) notifications. Those seeking a determination that a device is substantially equivalent to a pre-1976 class III device must conduct a reasonable search of all published or unpublished information and provide a summary of all safety and effectiveness data.

If the submission of clinical data is required as part of a substantial equivalence determination, the Secretary may require a summary of the data to be prepared by the manufacturer and made available to the public.

REGULATION OF CLASS II DEVICES

Since the current requirements for mandatory performance standards are unwieldly, the bill provides that performance standards may be established by "notice and comment" rulemaking. The bill also permits the Secretary to establish additional controls such as guidelines or notifications to facilitate the regulation of class II devices.

PRE-1976 CLASS III DEVICES

The bill provides a timeframe to review and revise all pre-1976 class III devices. Within 3 years of enactment, all manufacturers of such devices must submit a summary of safety and effectiveness information; within 5 years, the Secretary must issue notices either reclassifying the devices into class I or II, or retaining the devices in class III. If a device remains in class III, the Secretary must, within 12 months, establish a schedule calling for premarket approval for each device. Appropriate classification of pre-1976 class III devices will also assure that a PMA approval schedule is established for post-1976 devices determined to be substantially equivalent to devices remaining in class III.

TRANSITIONAL DEVICES

The bill requires FDA to address the issue of transitional devices such as contact lenses, which were regulated as drugs prior to the 1976 medical device amendments and are now automatically placed in class III, regardless of risk. The bill gives specific timeframes for FDA to make appropriate decisions about the classification of transitional devices. This issue has been of great interest to Senator BUMPERS and Senator HATCH, and I am pleased that we have been able to address it in the context of this broad reform.

PREMARKET APPROVAL DATA

The bill provides that after a period of exclusivity, data contained in one manufacturer's PMA should, under certain circumstances, be available to the FDA for use in approving and reclassifying other devices. Under current law, FDA is unable to use such data for any purpose. The intent of this provision is to protect innovation, while at the same time creating incentives for competition in the medical device industry.

POSTMARKET SURVEILLANCE

The bill will provide several means of improved postmarket surveillance to assist in early identification of potential problems with medical devices. Under current law, manufacturers of medical devices have reporting obligations, but medical device users such as hospitals and nursing homes do not. The bill requires hospitals and other users to report on deaths and serious injuries when there is information that reasonably suggests that a medical device may have caused or contributed to the death or injury.

By including, for the first time, hospitals and similar health care facilities in the reporting network, this bill addresses concerns that FDA is unaware of many device problems. Questions of underreporting of device defects have been raised in a number of instances.

In one highly publicized case involving structural flaws in an artificial heart valve, the device remained on the market for years while FDA sought sufficient evidence to confirm the seriousness of the problem. The defective valve exposed thousands of

patients to substantial risk, and caused a significant number of deaths. Many of those lives might have been saved if a comprehensive user reporting system had been in place to provide early confirmation of the valve's risk.

Concerns about inadequate or untimely reporting of device flaws have also been expressed in investigations of serious, and in some cases, life-threatening defects with silicone breast implants, anaesthesia machines, and implantable pacemakers. In all these instances, user reporting might have prevented numerous personal tragedies.

The bill's early warning reporting system will provide vital information about the use of medical devices, without unduly burdening either users or the FDA. The bill requires users to report device-related deaths concurrently to FDA and to the manufacturer. Users would report serious illnesses or injuries directly to the manufacturer when there is a reasonable suggestion that a device may have caused or contributed to the illness or injury. The bill will not affect the current obligations of manufacturers under the Medical Device Reporting Program.

The bill also improves post-market surveillance by requiring manufacturers of devices that may pose substantial risks to contract with qualified academic medical centers to monitor clinical experience. This provision will help to provide reliable information about devices in the critical period immediately after market introduction. At a recent hearing, the Labor and Human Resources Committee heard testimony that this type of clinical monitoring could have provided early detection of serious problems with several types of devices, including heart valves, resuscitators and apnea monitors.

IMPROVED OVERSIGHT

Additional provisions in the bill will increase the authority of FDA to assure that unsafe devices are quickly identified and appropriately modified or removed from the market.

The bill provides the Secretary of Health and Human Services with authority to halt the distribution of a PMA-appropriated device at once, if it presents an unreasonable risk of substantial harm to the public health. Under current law, the Secretary can only remove such devices after lengthy administrative proceedings. In an appearance before the Labor and Human Resources Committee, the Acting Commissioner of FDA requested this authority.

In the case of the defective heart valves noted above, a streamlined withdrawal process would have allowed FDA to remove defective devices over 2 years before the company conducted a voluntary market individual.

The bill instructs the Secretary to issue regulations which will require manufacturers, distributors, and importers of devices which may pose substantial risks to establish mechanisms to assure that such devices can be traced to the ultimate users.

The bill provides that manufacturers, distributors, and importers must notify the Secretary when they conduct certain types of device removals or repairs which are not part of routine servicing. Under current law, it is not a requirement that such activities be reported to the FDA; the agency may not find out about removals and repairs until a lengthy interval has passed, if at all.

The bill provides the Secretary with specific recall authority to remove a device which poses an unreasonable risk of substantial harm to the public health. The "repair, replacement, or refund" provisions in section 518(b) of the current law are cumbersome. In fact, section 518(b) has never been used. The bill provides the Secretary with a needed tool for decisive action to protect the public health from unsafe devices.

REVIEW OF COMBINATION PRODUCTS

The bill improves efficiency in the FDA review process by providing that the Secretary will require only one market clearance route for products which are combinations of devices, drugs, or biologics.

This bill is designed to enhance regulatory efficiency and provide greater assurances to the American people that medical devices are safe and effective. Enactment of this legislation will increase consumer confidence that FDA is appropriately regulating medical devices. It will encourage technological innovation in the medical device field, while providing improved protections for public health.

I particularly commend Senator HATCH, Senator DODD, and Senator COATS for their efforts in developing this bill, and I hope that it will receive wide bipartisan support in the Senate. As this legislation moves forward, I am anxious to obtain recommendations for improvements from all interested parties. In light of the strong interest by the House of Representatives in passing medical device legislation during this year, I am optimistic that a bill will be enacted before Congress adjourns.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Medical Device Improvement Act of 1990".

SEC. 2. REFERENCES TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 3. REMANUFACTURING.

Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (a)—

(A) by striking the "and" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

"(2) the term 'manufacture' includes, with respect to a device, remanufacture;";

(D) by striking the period at the end of paragraph (3) (as redesignated) and inserting "; and"; and

(E) by inserting after paragraph (3) (as redesignated) the following new paragraph:

"(4) the term 'remanufacture' means, with respect to a device, the reprocessing, reconditioning, or rebuilding of a device, or the performance of any similar act to a device, previously introduced into interstate commerce, for the purpose of holding the device for resale, or for any other form of commercial distribution, by a person who owns the device."; and

(2) by adding at the end the following new subsection:

"(1) Not later than 2 years after the date of enactment of this subsection, the Secretary shall issue regulations providing for exemptions from the requirements of sections 510(k) and 515, and any other regulatory requirement that the Secretary determines to be inappropriate to a remanufactured device.".

SEC. 4. REVIEW OF SAFETY AND EFFECTIVENESS INFORMATION.

(a) REVIEW.—Section 510(k) (21 U.S.C. 360(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following new paragraph:

"(2)(A) The requirements of subparagraph (B) shall apply to a person who submits a notification in accordance with paragraph (1) for a device that the person claims is substantially equivalent to a marketed device—

"(i) that was introduced or delivered for introduction into interstate commerce for commercial distribution before the date of enactment of this paragraph;

"(ii) that is classified as a class III device in accordance with subsections (b) through (d) of section 513; and

"(iii) for which no final regulation requiring premarket approval has been promulgated in accordance with section 515(b).

"(B) A person described in subparagraph (A) shall—

"(i) prior to the submission of a notification in accordance with paragraph (1), conduct a reasonable search for, and review of, published and unpublished data available to the person concerning the safety and effectiveness of the marketed device and the device for which the notification is submitted, including all adverse safety and effectiveness data concerning the devices, except for data that has been submitted to the Sec-

retary in accordance with section 519 of this Act and section 803 of title 21, Code of Federal Regulations; and

"(ii) include in the notification a certification that the search and review was conducted and a citation to and summary of the data resulting from the search.

"(C) The Secretary may require the submission of any data described in the summary required by paragraph (B)(ii).".

SEC. 5. CLASSIFICATION OF DEVICES.

(a) CLASSIFICATION.—Section 513 (21 U.S.C. 360c) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by striking "or to establish a performance standard" and inserting "or to establish an additional control or controls, as described in subparagraph (B)(ii),";

(B) by amending subparagraph (B) to read as follows:

"(B) CLASS II, ADDITIONAL CONTROLS.—A device—

"(i) that cannot be classified as a class I device because general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device;

"(ii) for which there is sufficient information to establish an additional control or controls to provide the assurance, including—

"(I) the promulgation of a performance standard;

"(II) the development and dissemination of a guideline, including a guideline for the submission of clinical data in a premarket notification submission in accordance with section 510(k); and

"(III) a recommendation or other appropriate action considered necessary by the Secretary to provide reasonable assurance of the safety and effectiveness of the device; and

"(iii) for which it is necessary to establish an additional control or controls to provide reasonable assurance of the safety and effectiveness of the device."; and

(C) in subparagraph (C)(i)(II), by striking "establishment of a performance standard" and inserting "establishment of an additional control, as described in subparagraph (B)(ii),"; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting "the Secretary by order determines that" after "unless"; and

(B) in paragraph (2), by striking "The" and inserting "The Secretary may initiate the reclassification of a device classified in class III under paragraph (1), or a".

(b) CONFORMING AMENDMENT.—Section 513(h)(1) is amended by inserting after "510" the following: "(except for a guideline for the submission of clinical data in a premarket notification submission in accordance with section 510(k))".

SEC. 6. REVISION OF CLASSIFICATION FOR CERTAIN CLASS III DEVICES.

(a) REVISION OF CLASSIFICATION.—Section 513 (21 U.S.C. 360c) (as amended by section 5(b) of this Act) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"Revision of Classification

"(h)(1) The requirements established by order in accordance with paragraph (2) shall apply with respect to a device—

"(A) that was introduced or delivered for introduction into interstate commerce for commercial distribution before the date of enactment of this subsection;

"(B) that is classified as a class III device; and

"(C) for which no final regulation requiring premarket approval has been promulgated in accordance with section 515(b).

"(2) Not later than 36 months after the date of enactment of this subsection, the Secretary—

"(A) shall by order require manufacturers of devices described in paragraph (1) to submit to the Secretary a citation to and summary of all published and unpublished data reasonably available to the manufacturer concerning the safety and effectiveness of the device, including any adverse safety and effectiveness data, except for information that has been submitted to the Secretary under section 519 of this Act and section 803 of title 21, Code of Federal Regulations; and

"(B) may require a manufacturer to submit any data described in the summary.

"(3) After the issuance of an order in accordance with paragraph (2)(A), but not later than 24 months after the issuance of the order, the Secretary shall publish in the Federal Register for each device covered by the order a notice of proposed rulemaking proposing to change the classification of the device to class II or to class I or to continue the classification of the device in class III.

"(4) In determining whether to revise the classification of a device or to continue the classification of the device in class III, the Secretary shall apply the criteria in section 513(a) to the information available when the device was initially classified and any new information made available since initial classification.

"(5) After considering any comments submitted in response to the notice of proposed rulemaking, the Secretary shall issue a regulation changing the classification of the device or continuing the classification in class III. The Secretary shall publish in the Federal Register findings on the matters referred to in paragraph (4), a discussion of the comments received in response to the notice of the proposed rulemaking, and the response of the Secretary to the comments. The Secretary shall not publish the regulation before the expiration of 90 days from the date of publication of the notice of proposed rulemaking relating to the regulation.

"(6) A regulation issued in accordance with paragraph (5) is subject to judicial review in accordance with section 517.".

"(7) Not later than 12 months after the effective date of any regulation issued in accordance with paragraph (5), the Secretary shall establish a schedule for the issuance of a regulation in accordance with section 515(b) requiring submission of a premarket approval application for each device that has been continued in class III.".

SEC. 7. ESTABLISHMENT OF PERFORMANCE STANDARDS.

(a) PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended—

(1) in subsection (a), by striking "The Secretary may" and inserting "If the Secretary determines that a performance standard is necessary to provide reasonable assurance of the safety and effectiveness of a class II device, the Secretary shall";

(2) by striking subsections (b) through (f);

(3) by redesignating subsection (g) as subsection (b);

(4) in subsection (b) (as redesignated), by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1)(A) The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any performance standard for a device.

"(B) A notice of proposed rulemaking for the establishment or amendment of a performance standard for a device shall—

"(i) set forth a finding with supporting justification that the performance standard is appropriate and necessary to provide reasonable assurance of the safety and effectiveness of the device;

"(ii) set forth proposed findings with respect to the risk of illness or injury that the performance standard is intended to reduce or eliminate;

"(iii) invite interested persons to submit to the Secretary within 15 days of the publication of the notice, requests for changes in the classification of the device based on new information relevant to the classification; and

"(iv) invite interested persons to submit an existing performance standard for the device, including a draft or proposed performance standard, for consideration by the Secretary.

"(C) A notice of proposed rulemaking for the revocation of a performance standard shall set forth a finding with supporting justification that the performance standard is no longer necessary to provide reasonable assurance of the safety and effectiveness of a device.

"(D) The Secretary shall provide for a comment period of no fewer than 60 days.

"(2) If, after publication of a notice in accordance with paragraph (1), the Secretary receives a request for a change in the classification of the device, the Secretary shall, within 60 days of the publication of the notice, consult with a classification panel described in the second sentence of section 513(e).".

(b) CONFORMING AMENDMENTS.—

(1) Section 514(b) (as redesignated by subsection (a)(3)) is amended—

(A) in paragraph (3)(A), by striking "paragraph (2)" and inserting "paragraph (1)"; and

(B) in paragraph (4)(A), by striking "paragraphs (2) and (3)(B)" and inserting "paragraphs (1), (2), and (3)(B)".

(2) Section 517(a)(3) (21 U.S.C. 360g(a)(3)) is amended by striking "514(b)(2) or".

(3) Section 520(i) (21 U.S.C. 360j(i)) is amended by striking "514(g)(5)(B)" and inserting "514(b)(5)(B)".

SEC. 8. WITHDRAWAL OF APPROVAL OF APPLICATION.

Section 515(e) (21 U.S.C. 360e(e)) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary may by order temporarily suspend the approval of an application approved under this section if the Secretary determines that the continuation of distribution of the device under the approved application will result in an unreasonable risk of substantial harm to the public health.

"(B) Concurrently with the issuance of an order under subparagraph (A), the Secretary shall notify the holder of the suspended application for the device that the Secretary will provide an opportunity for an informal hearing to determine whether to issue an order withdrawing approval of the application, as provided in paragraph (1), or to vacate the temporary suspension order.".

SEC. 9. JUDICIAL REVIEW.

Section 517(a) (21 U.S.C. 360g(a)) is amended—

(1) by striking "or" at the end of paragraph (6); and

(2) by inserting after paragraph (7) the following new paragraphs:

"(8) the issuance of a regulation under section 513(h), or

"(9) the issuance of an order under this subchapter that a device is substantially equivalent to another device.".

SEC. 10. EMERGENCY RECALL AUTHORITY.

Section 518 (21 U.S.C. 360h) is amended by adding at the end the following new subsection:

"Emergency Recall Authority

"(e)(1) If the Secretary finds that a device intended for human use, and subject to this Act, presents an unreasonable risk of substantial harm to the public health, the Secretary shall issue a recall order. The order shall require the appropriate party or parties (including the manufacturers, importers, distributors, or retailers of the device) to immediately cease any distribution of the device and, thereafter, withdraw the device from commercial distribution. The order shall specify a timetable in which the device withdrawal will occur, and shall require periodic reports to the Secretary describing the progress of the withdrawal effort.

"(2) The order issued under paragraph (1) shall include withdrawal of devices from hospitals and other health care institutions, and from individuals subject to the risks associated with the use of the device, unless the Secretary determines that the risk of withdrawing the device from the facilities or persons presents a greater health risk than not removing the device from use.

"(3) Not later than 5 days after the issuance of an order under paragraph (1), the Secretary shall provide the party or parties to whom the order is directed an informal hearing to determine whether the order shall be affirmed or vacated.

"(4) If the Secretary determines that the order was properly issued, the order shall remain in effect. The person to whom the order was directed shall initiate the withdrawal of devices, as required by the order, not later than 10 days after the determination of the Secretary and complete the device withdrawal not later than 20 days after initiation of the withdrawal. Not later than 30 days after a determination that the order issued under paragraph (1) was proper, the Secretary shall institute an action under section 302(a) to prohibit the distribution of the device unless, prior to the initiation of such an action, the conditions associated with the unreasonable risk of substantial harm are remedied to the satisfaction of the Secretary.

"(5) If the Secretary determines that inadequate grounds exist to support the order issued under paragraph (1), the Secretary shall vacate the order.

"(6) The remedy provided by this subsection shall be in addition to those provided by subsections (a), (b), and (c).".

SEC. 11. USER REPORTS.

(a) REQUIREMENT.—Section 519 (21 U.S.C. 360i) is amended—

(1) in subsection (a)(3), by inserting before the semicolon the following: "and shall require distributors who submit the reports to submit copies of the reports to the manufacturer of the device for which the report was made";

(2) by adding at the end the following new subsections:

"Inclusion of Distributors

"(c) Not later than 1 year after the date of the enactment of this subsection, the Secretary shall amend the regulations promulgated under this section to require distributors of medical devices to establish and maintain records, and make reports under section 519.

"Certification

"(d) Each manufacturer, importer, and distributor required to make reports under subsection (a) shall submit to the Secretary annually a statement certifying that—

"(1) the manufacturer, importer, or distributor did not file any report under subsection (a) because it did not receive information respecting, or was not aware of, events requiring such a report; or

"(2) the manufacturer, importer, or distributor did file a certain number of the reports that represented all events concerning which the manufacturer, importer, or distributor had information.

"User Reports

"(e)(1) As used in this subsection:

"(A) The terms 'facility' and 'medical device user facility' mean a hospital, nursing home, or ambulatory surgical facility.

"(B) The terms 'serious illness' and 'serious injury' mean illness or injury, respectively, that is unanticipated and—

"(i) is life threatening;

"(ii) results in permanent impairment of a body function or permanent damage to a body structure; or

"(iii) necessitates immediate medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure.

"(2) Whenever a medical device user facility becomes aware of information that reasonably suggests that a medical device may have caused or contributed to the death of a patient of the facility, the facility shall within 10 working days report the information to the Secretary and, if the identity of the manufacturer is known, to the manufacturer of the device.

"(3) Whenever a medical device user facility becomes aware of information that reasonably suggests that a medical device may have caused or contributed to a serious illness or serious injury to a patient of the facility, the facility shall within 10 working days report the information to the manufacturer of the device. If the facility is unable to determine the identity of the manufacturer of the device, the facility shall send a report of the information to the Secretary.

"(4) For purposes of paragraphs (2) and (3), a medical device user facility shall be treated as having received or otherwise become aware of information with respect to a medical device of the facility when an individual who is employed by or otherwise affiliated with the facility receives or otherwise becomes aware of information with respect to the device in the course of the duties of the individual.

"(5)(A) Except as provided in subparagraph (B), the Secretary may not disclose the identity of a facility that makes a report in accordance with paragraph (2) or (3)—

"(i) except in connection with an action brought to enforce section 301(q);

"(ii) except in connection with a communication to a manufacturer of a device that is the subject of a report in accordance with paragraph (2) or (3); or

"(iii) unless required to be disclosed in accordance with subsection (a).

"(B) This paragraph shall not authorize the Secretary to withhold the identity of a facility making a report in accordance with paragraph (2), or any information in the report, from duly authorized committees and subcommittees of Congress.

"(6) No facility or individual who is employed by or otherwise affiliated with the facility shall be held liable in any private civil action with respect to the content of any report made in accordance with paragraph (2) or (3) unless the information contained in the report is false and the facility or individual had knowledge of its falsity. A report made in accordance with paragraph (2) or (3), or the fact that the report has been made, may not be admitted into evidence or otherwise used in an action against the facility or individual, other than in an action brought to enforce this subsection.

"(7) The obligation of a medical device user facility to make a report in accordance with paragraph (2) or (3) shall not affect the obligation of the manufacturer of the device who receives the information to file a report concerning the device as required under subsection (a).

"User Education

"(f)(1) During the 1-year period beginning on the date of enactment of this subsection, the Secretary may award grants to eligible entities to establish public education programs for hospitals, ambulatory surgical facilities, and nursing homes concerning the user reporting requirements set forth in subsection (e).

"(2) In awarding grants in accordance with paragraph (1), the Secretary shall give priority to entities to submit proposals that demonstrate—

"(A) a need for user education among hospitals, ambulatory surgical facilities, and nursing homes regarding a generic category of medical device; and

"(B) the ability to adequately perform the proposed educational program.

"(3) In order to receive a grant in accordance with paragraph (1), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require. At a minimum, the application shall contain—

"(A) a description of the proposed public education program;

"(B) the qualifications and experience of the entity to carry out the program; and

"(C) the need for user education among persons to be served by the entity regarding a generic category of medical device.

"(4) The Secretary shall by regulation specify the qualifications for an entity to receive a grant in accordance with paragraph (1).

"(5) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 1991 through 1993.".

(b) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations to implement section 519(e) of the Federal Food, Drug, and Cosmetic Act, as added by the amendment made by subsection (a), not later than 12 months after the date of enactment of this Act.

(c) REPORT TO CONGRESS.—Not later than 36 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report that contains an evaluation of the requirements of section 519(e) of the Federal Food, Drug, and Cosmetic Act. At a minimum, the report shall contain—

(1) an evaluation of the safety benefits of the requirements;

(2) an evaluation of the burdens placed on the Food and Drug Administration by the requirements;

(3) an evaluation of the cost-effectiveness of the requirements; and

(4) recommendations for legislative reform.

(d) EFFECTIVE DATE.—Section 519(e) of the Federal Food, Drug, and Cosmetic Act shall become effective on the earlier of—

(1) the effective date of regulations promulgated in accordance with subsection (b); or

(2) the date that is 12 months after the date of enactment of this Act.

SEC. 12. REPORTS OF REMOVALS AND FIELD REPAIRS.

Section 519 (21 U.S.C. 360i) (as amended by section 11 of this Act) is further amended by adding at the end the following new subsection:

"Reports of Removals and Field Repairs

"(g)(1)(A) Except as provided in paragraph (2), the Secretary shall by regulation require a manufacturer, importer, or distributor of a device to report to the Secretary any removal or field repair of a device undertaken by the manufacturer, importer, or distributor of a device if the removal or field repair was undertaken to—

"(i) eliminate a risk to health posed by the device; or

"(ii) remedy a violation of this Act caused by the device.

"(B) A manufacturer, importer, or distributor of a device who undertakes a field repair or removal of a device that is not required to be reported under subparagraph (A) shall keep a record of the field repair or removal.

"(2) No report of the field repair or removal of a device may be required under paragraph (1) if a report of the field repair or removal is required under this Act, or the field repair or removal was initiated at the request of the Secretary, and a report has been submitted to the agency.

"(3) For purposes of paragraphs (1) and (2), the terms 'field repair' and 'removal' do not include routine servicing.".

SEC. 13. USE OF PREMARKET APPROVAL DATA.

Section 520(h) (21 U.S.C. 360j(h)) is amended—

(1) in paragraph (3), by striking "Any" and inserting "Except as provided in paragraph (4), any"; and

(2) by adding at the end the following new paragraph:

"(4) Not earlier than 4 years after the date of approval of an application in accordance with section 515, the Secretary may use any information contained in the application, including clinical and preclinical data, but excluding descriptions of methods of manufacture and product composition, to establish the safety and effectiveness of another device for purposes of this Act.".

SEC. 14. TRACEABILITY.

Subsection (j) of section 520 (21 U.S.C. 360j(j)) is amended to read as follows:

"Traceability Requirements

"(j)(1) The Secretary shall, not later than 1 year after the date of enactment of this subsection, determine which devices should be subject to a requirement of labeling, or coding, or identification by any other means, that is necessary to ensure that the device may be traced from the place of manufacture of the device or initial distribution to the ultimate user of the device, from among devices that are purported or represented to be for use in supporting or sustaining human life, or for a use that is of substantial importance in preventing impairment of human health, or present a potential unreasonable risk of illness or injury.

"(2) Not later than 2 years after the date of enactment of this subsection, the Secretary shall by regulation require the manufactures, importers, and distributors of the devices that are described in paragraph (1) to establish the means by which the devices will be traced to the ultimate user.".

SEC. 15. REVISION OF CLASSIFICATION FOR DEVICES REGULATED AS NEW DRUGS OR ANTIBIOTIC DRUGS.

(a) IN GENERAL.—Section 520(l)(2) (21 U.S.C. 360j(l)(2)) is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) in subparagraph (A) (as designated by paragraph (1), by striking "The" and inserting "The Secretary may initiate the reclassification of a device classified in class III under paragraph (1), or a"; and

(3) by adding at the end the following new subparagraph:

"(B)(i) Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register with respect to devices that are subject to regulation pursuant to this subsection. The notice shall state whether each device shall remain in class III or be reviewed for classification into class I or II. The notice shall also require the manufacturer of a device that the Secretary intends to classify into class I or II to submit to the Secretary a description of and citation to any adverse safety and effectiveness information not submitted under section 519(a) of this Act and section 803 of title 21, Code of Federal Regulations. The Secretary may require a manufacturer to submit the adverse safety and effectiveness information for which a description and citation were submitted to the Secretary.

"(ii) After the issuance of the notice under clause (i), and following consultation with appropriate advisory panels in accordance with subsections (b) through (d) of section 513, but before the expiration of the 1-year period beginning on the date of enactment of this subparagraph, the Secretary shall publish a proposed regulation in the Federal Register classifying each device into class I or II, or providing that each device shall remain in class III. The data furnished by manufacturers in accordance with clause (i), in combination with the advice and recommendation of appropriate advisory panels shall, for purposes of this Act, serve as a basis for satisfying the criteria set forth in subclause (I) or (II) of section 513(a)(1)(C)(ii), and shall serve as a basis for the proposed regulation required under this subparagraph.

"(iii) Following a review of comments received on the proposed regulation issued in accordance with clause (ii), and before the expiration of the 1-year period referred to in clause (ii), the Secretary shall promulgate a final regulation prescribing the classification of all devices regulated under this subsection on the date of enactment of this subparagraph. No regulation issued under this subparagraph requiring a device to remain in class III or classifying the device as class I or II may take effect before the expiration of 90 days from the date of the publication of the regulation in the Federal Register.

"(iv) The Secretary may by notice in the Federal Register extend the 1-year period prescribed by clauses (ii) and (iii) for a device for an additional period not to exceed 1 year.

"(v) Notwithstanding any other provision of this subsection, the Secretary shall not retain any daily wear nonhydrophilic plastic contact lens in class III unless the Secretary finds that it meets the criteria set forth in subclause (I) or (II) of section 513(a)(1)(C)(ii). The finding, and the grounds for the finding, shall be published in the Federal Register. If during the 1-year period beginning on the date of enactment of this subparagraph, the Secretary has not made the finding and issued the notice required by this clause, the Secretary shall issue an order placing the lens in class II.

"(vi) Actions taken under this subparagraph shall not interfere with any pending reclassification action. Any device for which a reclassification petition was pending on January 1, 1989, shall not be included in the list published under clause (i).".

(b) CONFORMING AMENDMENT.—Section 520(l)(1) is amended—

(1) by inserting "on the initiative of the Secretary or" after "Secretary"; and

(2) by striking "paragraph (2)" and inserting "paragraph (2)(A)".

SEC. 16. SUBSTANTIAL EQUIVALENCE.

Section 520 (21 U.S.C. 360j) is amended by adding at the end the following new subsection:

"Substantial Equivalence

"(m)(1) For purposes of determinations of substantial equivalence under this subchapter—

"(A) The term 'different technological characteristics' means, with respect to a device being compared to a predicate device, that there is a significant change in the materials, design, energy source, or other features of the device from those of the predicate device.

"(B) The term 'substantially equivalent' or 'substantial equivalence' means, with respect to a device being compared to a predicate device, that the device has the same intended use as the predicate device and—

"(i) has the same technological features as the predicate device; or

"(ii) has different technological features and the evidence submitted that the device is substantially equivalent to the predicate device contains information, including clinical data, if required, that demonstrates that the device is as safe and effective as a marketed device.

"(2) A device may not be found to be substantially equivalent to a predicate device that has been removed from the market at the initiative of the Secretary or that has been determined to be misbranded or adulterated by a judicial order.

"(3) The Secretary shall promulgate regulations under which a manufacturer seeking a determination of substantial equivalence may be required to prepare a summary of any clinical data required (including information respecting any adverse effects of the device on health) if the Secretary determines that clinical data must be submitted in accordance with paragraph (1)(B)(ii), and establishing a standard format for the summary. The Secretary shall make the summary available to the public within 30 days of the issuance of a determination of substantial equivalence.".

SEC. 17. POSTMARKET SURVEILLANCE.

The Act is amended by inserting after section 521 (21 U.S.C. 360k) the following new section:

"SEC. 522. POSTMARKET SURVEILLANCE.

"(a) IN GENERAL.—The Secretary shall require a manufacturer to conduct postmarket surveillance for any device that—

"(1) is an implant;

"(2) is intended for a use in supporting or sustaining human life;

"(3) is of substantial importance in diagnosing, curing, mitigating, treating disease, or in otherwise preventing impairment to human health;

"(4) presents potential for serious risk to human health; or

"(5) is a device with respect to which the Secretary determines that postmarket surveillance of the device is necessary to protect the public health or to evaluate the safety or effectiveness of the device.

"(b) REGULATIONS.—The Secretary shall issue regulations implementing the requirements of this section within 1 year of the effective date of this section.

"(c) SURVEILLANCE PERIOD.—The Secretary may determine the period of surveillance required in order to complete the collection of useful data or other information necessary to protect the public health or to evaluate the safety or effectiveness of the device. In no event may a surveillance period be imposed in accordance with this section without a termination date.

"(d) CONTRACTS.—The manufacturer of a device for which postmarket surveillance is required in accordance with subsection (a) shall contract with a qualified academic medical center, or a representative number of qualified academic medical centers in representative locations, to provide for any monitoring of clinical experience that may be required in accordance with this section. The number and identity of the academic center or centers, if any, that will perform surveillance in accordance with this section, and the manner of surveillance, shall be determined by the manufacturer after consultation with the Secretary.".

SEC. 18. DESIGN VALIDATION.

Sections 501(h), 515(c)(1)(C), 515(d)(2)(C), 515(e)(1)(E), 515(f)(3)(B)(iv), 520(f)(1)(A), 520(f)(2)(A)(ii), 520(f)(2)(C), 520(f)(2)(C)(ii), and 801(a) (21 U.S.C. 351, 360e, 360j, and 381) are each amended by inserting "design validation," after "manufacture,".

SEC. 19. DEFINITIONS.

Section 201 (21 U.S.C. 321) is amended—

(1) in subsection (g)(1)(D), by striking "; but does not include devices or their components, parts, or accessories"; and

(2) in the language following paragraph (3) of subsection (h), by striking "principal" and inserting "primary".

SEC. 20. REVIEW OF MARKET APPLICATIONS FOR ARTICLES COMPRISING COMBINATIONS OF DRUGS, DEVICES OR BIOLOGICS

Section 503 (21 U.S.C. 353) is amended—

(1) by striking the section heading and inserting the following:

"SPECIAL CONSIDERATION FOR CERTAIN DRUGS, DEVICES, AND BIOLOGICAL PRODUCTS";

and

(2) by adding at the end the following new subsection:

"(f)(1) The Secretary shall require only one market clearance route for an article that constitutes a combination of a device, drug, or biological product. If the Secretary determines that the primary mode of action of the combination article is that of—

"(A) a drug (other than a biological product), neither the combination article nor any part of the article shall be treated as a device or as a biological product for market clearance purposes;

"(B) a device, neither the combination article nor any part of the article shall be treated as a drug or a biological product for market clearance purposes; or

"(C) a biological product, neither the combination article nor any part of the article shall be treated as a drug or a device for market clearance purposes.

"(2) Nothing in this paragraph shall prevent the Secretary from using any agency resource of the Food and Drug Administration necessary to assure adequate review of the safety, effectiveness, or substantial equivalence of an article, if the Secretary employs a single market clearance mechanism.

"(3) The Secretary shall promulgate regulations to implement market approval procedures in accordance with paragraph (1) not later than 1 year after the date of enactment of this subsection.

"(4) As used in this subsection:

"(A) The term 'biological product' has the meaning given the term in section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

"(B) The term 'market clearance' includes approval of an application under section 505, 507, 515, or 520(g), an order determining substantial equivalence under this subchapter, and approval of a product or establishment license under subsection (a) or (d) of section 351 of the Public Health Service Act (42 U.S.C. 262).".

Mr. DODD. Mr. President, I am pleased to join Senator KENNEDY, the chairman of the Committee on Labor and Human Resources, in introducing the Comprehensive Medical Device Improvement Act of 1990.

Medical devices are a striking feature of the U.S. health care system. The past generation has seen the development of a tremendous range of devices whose use has improved or prolonged people's lives and revolutionized medical practice.

Some medical devices have enabled people with what would otherwise be debilitating conditions to improve their functioning. Artificial hip joints, for example, have enabled elderly people with crippling disabilities to walk and live independently.

Other devices have extended people's lives. Cardiac pacemakers, for example, have controlled certain arrhythmias of the heart.

Still other devices have drastically altered medical diagnosis and treatment. Starting with automated blood chemistry analyzers, clinical laboratories have shifted from manual to mechanized procedures, with consequent improvements in the speed, accuracy, and per-unit cost of tests.

New imaging devices, such as the magnetic resonance imager, often obviate the use of more dangerous, painful, and costly procedures, such as exploratory surgery.

The industry that manufactures medical devices in the United States has grown in tandem with these developments. From less than $1 billion in 1958, industry sales have grown to well over $20 billion in annual sales.

There is tremendous diversity in the medical devices industry, both in the medical devices that are marketed and in the companies that make them. Underlying the diversity in products is the high level of innovation. More than in many other U.S. industries, small firms are particularly important in developing and producing medical devices. The U.S. medical device industry is recognized around the globe as the world leader.

The 1976 Medical Device Amendments to the Federal Food, Drug, and Cosmetic Act [FDCA] formally initiated the regulation of an ever-growing medical device industry. The 1976 amendments require the Food and Drug Administration to regulate medical devices and ensure their safety and effectiveness.

By design, the 1976 Medical Device Amendments embrace a balanced and comprehensive regulatory scheme intended to: First, protect the public against unsafe or ineffective new devices gaining entry to the market; second, assure that health practitioners can be confident about the medical equipment they use or prescribe for their patients; and third, provide market protection for pioneers of new medical technologies. At the same time, the 1976 law is structured to guard against excessive governmental restrictions which might inhibit innovation in the development and advancement of biomedical products.

However, since the comprehensive medical device law was enacted in 1976, FDA has been unable to implement the law in the manner that the Congress intended. In the past few years, interest in the medical device amendments has grown because of problems associated with implementation of the law, as well as concerns regarding the costs of some provisions relative to the incremental gains in safety and effectiveness.

These implementation problems appear to be the result of: First, complexities in the 1976 law; second, the manner in which FDA has interpreted certain provisions of the 1976 law; and third, limited FDA resources.

The legislation we are introducing today, the comprehensive Medical Device Improvement Act of 1990, would modify most major medical device program activities at FDA and would promote improved actions by the FDA.

Most significantly, the legislation would:

Codify FDA's current policies regarding determinations of substantial equivalence under section 510(k);

After a period of 4 years, allow the use by FDA of any information contained in a manufacturer's PMA, including clinical and preclinical data, but excluding descriptions of manufacture and product composition, to establish the safey and effectiveness of another manufacturer's device;

Require hospitals, ambulatory surgical facilities, outpatient diagnostic and treatment facilities, and nursing homes to report deaths attributed to devices to FDA, and life-threatening

illnesses and injuries to the manufacturer;

Authorize a strong user education program in promoting awareness of new medical device reporting requirements among health care providers;

Authorize FDA to require manufacturers of PMA'd devices and many class II devices to conduct postmarket surveillance by contracting with qualified academic medical centers to provide for monitoring of clinical experience as required by regulation;

Require either reclassification or premarket review of all preamendment class III devices and transitional devices;

Redefine class II devices as devices for which "additional controls," rather than mandatory standards, can provide reasonable assurance of safety and effectiveness, and substitute the current complex standard-setting process with simple notice and comment rulemaking. Additional controls would include mandatory performance standards as well as voluntary standards, educational activities, guidelines, and other activities;

Authorize FDA to issue a recall order if FDA finds that a device presents an unreasonable risk of substantial harm to the public health;

Require only one market clearance route for an article that constitutes a combination of a device, drug, or biological product.

Mr. President, the legislation we are introducing today constitutes an important first step in improving the regulatory scheme for medical devices. I look forward to strengthening, fine-tuning, and perfecting this bill so that the Committee on Labor and Human Resources can report truly comprehensive legislation to the full Senate, which will improve the regulatory scheme for medical devices and will ensure continued public access to safe, effective, high quality medical devices.

Mr. HATCH. Mr. President, I am pleased to join Senator KENNEDY, Senator DODD, and Senator COATS in introducing legislation which makes changes in the medical device law.

Since the 1976 enactment of the medical device amendments, we have seen an explosion of medical technology with the potential to enhance the health care of millions of Americans. In revising this legislation, I believe we achieve the goals of the medical device amendments, to approve devices that are safe and effective, and to balance the need for regulation with the benefits of innovation.

There are over 10,650 suppliers with over 50,000 product listings in the medical device register. There are more than 8,500 foreign and domestic facilities that manufacture or distribute medical devices and must register with the FDA, most of which are small manufacturers.

Utah, alone, has over 114 medical device companies with over 4,000 employees. There are many technological wonders that are manufactured in Utah that are critical to our health care marketplace. A great deal of attention has been given to the artificial heart, the artificial arm, and the artificial ear; but, there are other equally important products, such as the thermal dilution catheters, the medical eyeshield for interocular lenses, and EKG monitoring pads.

Most of the medical device industry is dominated by small manufacturers. The industry is dependent on the entrepreneurship and innovative skills of these small manufacturers. In updating the law, we were constantly aware of the need that we not get too bureaucratic and actually stifle this innovation.

To accomplish this end, the legislation was developed according to the following principles:

First, FDA should review the current classification of medical devices to ensure that each device is receiving an appropriate regulatory review. Class III devices should be limited to those devices which are life-supporting devices or those which present unreasonable risk if they fail. These devices are expensive to develop; they should have strict clinical trials to ensure they are safe and effective; and, they should be monitored once they are approved. Class II devices should have fewer controls because they pose a smaller risk if failure occurs. Class I devices should have minimal controls.

Second, rather than hinder the entrance of new products into the marketplace, we should enact measures to monitor closely whether or not medical devices, once approved, work effectively and are used properly.

Third, the current law does not work, particularly the requirements for performance standards to be developed for class II devices and for reporting when medical devices fail. The bill being introduced today gives FDA the legislative tools to ensure that medical devices are safe and effective.

The bill also accomplishes another important objective, it codifies the current method by which class II devices are approved. This process, known as 510(k), requires that a manufacturer demonstrate that a new device is "substantially equivalent" to a previously approved device. The mechanisms for such approval have evolved within FDA, and this bill would simply guarantee that all device manufacturers understand and can rely on the terms by which their products must be approved. Further, retaining the existing 510(k) process is critical to the delivery of reasonable health care services and products in this country. Its removal would almost certainly result in less competition, increased prices, and a damaged trade advantage.

There are other provisions contained in this legislation that modify the current law. One provision would allow the FDA to use premarket approval data 4 years after the approval of the application to establish the safety and effectiveness of another device; such data would not be disclosed. Another provision I consider critical to any medical device reform bill is the review of transitional devices, particularly contact lenses. Our current laws have created a monopoly for the primary manufacturers of a transitional device. It is no secret that I object to the regulatory maze that has trapped contact lenses into the class III category. Because approval of a new class III device is costly, many smaller contact lens manufacturers have closed their doors as a result of such high entry costs.

An estimated 60 to 65 percent of all premarket approval applications are for transitional devices, a large majority of which are for contact lenses. FDA has recognized the need to ensure that transitional devices are appropriately classified when they stated:

> Transitional products * * * account for 15 percent of * * * all product review. Classification of these products into a more appropriate regulatory class based on estimates of risk will free up resources for those products which present greater risk to the public health, thereby reducing unnecessary regulation and enhancing necessary regulation.

This legislation would allow for the long-overdue reassignment of transitional devices to their proper regulatory class. And, it would conserve increasingly scarce FDA resources.

I believe the Comprehensive Medical Device Improvement Act of 1990 achieves the goal of protecting the small manufacturers who are the innovators of many of today's products and the backbone of medical device manufacturing. At the same time, Americans will be provided with safe and effective medical devices. I urge my colleagues to join us in cosponsoring this important legislation.

Mr. COATS. Mr. President, I am pleased to join Senators KENNEDY, HATCH, and DODD in introducing the Comprehensive Medical Device Improvement Act of 1990. In my judgment, this bill is a quantum leap forward in our effort to pass a bill that will enable the American people to benefit in a timely manner from innovative devices with full confidence in their safety and effectiveness.

Since Congress first passed legislation that specifically deals with devices in 1976, the scientific advances in this field have been remarkable. Although the law has been amended on occasion, the time has come to reexamine the original statute in light of

the great deal of experience that we have gained over the last 14 years.

In fact, Congress came close to revising the law 2 years ago when I was a Member of the House of Representatives. H.R. 4640 was approved by the Committee on Energy and Commerce, of which I was a member, and passed by the House. The Senate did not pass a bill. While H.R. 4640 made some important improvements in the law, it was not, in my judgment, an ideal piece of legislation.

Mr. President, this bill amends many sections of the medical device law, however I would like to take just a few moments to review several of the most significant improvements that this bill makes.

In my judgment, the most significant language in this bill deals with the expedite approval process that is used to bring most devices to the patients who need them. Section 16 provides the Food and Drug Administration [FDA] with the clear authority they need to ensure that these products are safe and effective.

The pace at which new and improved devices are being developed is steadily accelerating and is sure to increase. While the advent of what FDA terms "breakthrough devices" is steady, devices are much more likely to be improved incrementally. In 1989, FDA approved more than half a dozen breakthrough products. During the same year, more than 5,000 other devices were approved to be marketed. The physicians who use these products to diagnose and treat patients are often the ones who suggest changes that may appear minor to the uninitiated. However, a seemingly minor change can significantly improve the treatment or diagnosis of an illness or injury.

It is critical to keep devices that improve medical treatment moving to the patients that need them as quickly as is prudent. The 1976 law did make distinctions between the potential risk posed by a class of devices and made the approval process more rigorous for the high-risk devices. However, it has developed that section 510(k) has been used more frequently than many observers expected by FDA to approve devices that are substantially equivalent to devices that were on the market before 1976. For the most part, this arrangement has worked to the public's advantage and our bill codifies this practice. Codifying substantially equivalence provided an opportunity to clarify some elements of this process that are unclear and that need to be updated to reflect changes in the industry.

In section 6, this bill updates the criteria used for the three levels of device classification to ensure that they are defined properly, and that an appropriate level of risk is maintained in each level of classification. Also, the performance standards, which were written in 1976 and have not been fully utilized for a number of reasons, have been revised so that FDA can use them productively.

It is essential that applicants seeking approval for new devices demonstrate that these devices are safe and effective, and that FDA weigh the risk of injury against the probable benefit. However, no matter how carefully a class III device is evaluated under an application for premarket approval, or how thoroughly a 510(k) application is reviewed, there are limits to what can be learned about a device in the approval process. The devices submitted are custom made, the physicians using them in trials are hand picked for their expertise, and the patient populations used in trials are carefully selected to increase the chances of positive results. I have no objection to this, it only makes sense and is certainly in the best interests of all parties.

My point is that there is a big difference between a custom device used in the approval process and a mass produced device that is made available to the general public. The present law recognizes this in sections 519 and 520 that call for user records and reports, and good manufacturing practices. In 1984, the Secretary initiated under the authority of section 519 a medical device reporting [MDR] system under which FDA requires manufactures to report deaths, serious injuries, and malfunctions of devices. Under section 520, FDA regularly inspects manufacturing facilities and promulgates related guidelines and standards.

The bill we are introducing today will give FDA the authority to expand their ability to gather information about a device after it is approved. For example, in section 11, a limited class of device users are required to report to FDA when the failure of a device causes death and notify the manufacturer when a device has caused serious injury or illness. This information is valuable not only in identifying a malfunctioning device, but also in showing performance trends that could lead to corrective action before a device fails.

In addition, section 14 of this bill calls for manufacturers to devise a system to trace certain devices that are used to support or sustain human life so that patients could be contacted in the future if necesssary. Section 17 initiates a program of postmarket surveillance for a limited group of devices so that useful data can be gathered for a period of time that the Secretary of Health and Human Services believes is necessary.

Mr. President, a wide variety of interested parties testified or were represented at the July 25 hearing on this bill before the Committee on Labor and Human Resources on which I am privileged to sit. A number of changes have been made in the bill since that hearing, however, there will certainly be more reaction to this bill now that it has been introduced. Although I believe that this bill is a solid piece of legislation, I am open to constructive suggestions for improvements, and I look forward to working with the many organizations that have a legitimate interest in providing patients with safe, reliable, and innovative medical devices. Thank you, Mr. President.

Mr. DURENBERGER. Mr. President, I rise in support of the Comprehensive Medical Device Improvement Act of 1990. I join with my distinguished colleagues, Senators DODD, KENNEDY, HATCH, and COATS, in sponsoring this important legislation. While there are still a few issues to be resolved before this bill is considered by the Labor and Human Resources Committee, I commend the authors of this legislation for their very responsible approach to medical device regulatory reform. I am particularly pleased that the authors included a section in their bill concerning applications for articles comprising combinations of drugs, devices, or biologics. This is an area of interest to me, and to many medical device companies in Minnesota.

By Mr. AKAKA:

S. 3007. A bill to establish the Spark M. Matsunaga National Energy Research Laboratory and make funds available to the laboratory for OTEC research; to the Committee on Energy and Natural Resources.

SPARK M. MATSUNAGA NATIONAL ENERGY RESEARCH LABORATORY

Mr. AKAKA. Mr. President, today, in the wake of Iraq's invasion and hostile occupation of Kuwait, and in response to the higher energy prices that will inevitably result, I am proposing a seven-point plan for Hawaii's energy security. We now recognize that low oil prices in recent years have only been a wolf in sheep's clothing, lulling Americans into complacency about their energy security. Iraq's invasion, and the surging oil prices that have resulted from these events, makes it imperative that we adopt the energy proposals I am advancing today.

1. CONSERVATION—AMERICA'S LARGEST, LEAST-COSTLY UNTAPPED ENERGY RESOURCE

Although often overlooked, energy conservation is America's greatest untapped source of energy. While improvements in energy efficiency have yielded considerable savings since the oil crisis of the 1970's, the United States has not come close to exhausting the full potential for savings through conservation.

Utilities, businesses, government, environmental and consumer groups must come to recognize that conserva-

tion is in their best interests and must join forces to achieve greater energy savings.

In many cases, we are not talking about dramatic transformations. Significant savings are attainable through subtle, but sustained changes in our habits or lifestyles. Consider this example: If every customer in Hawaii could save just $1 each week on his or her electric bill through conservation of one means or another, we would save nearly a million barrels of oil per year.

Conservation makes sense not merely for economic and energy security reasons. There are compelling environmental reasons for pursuing conservation as well. Events such as the *Exxon Valdez* oilspill attest to the environmental consequences of our continued dependence on fossil fuels. Nonfossil resources such as customer energy-efficiency programs and renewable energy technologies are all essential components of a strategy for reducing the overall risk of our national energy portfolio. Conservation often presents a strategy that not only is least cost, but also least risk.

Successfully implemented, a long-term conservation strategy would also make significant contributions toward addressing the problems of growing dependence on energy imports, air and water pollution, global climatic change, and inadequate electric generation capacity.

In the field of energy conservation, we are all indebted to the leadership of forward thinking utilities such as the Pacific Gas & Electric Co. that have shown true leadership on this issue. PG&E and companies like them are approaching this issue with innovative solutions.

2. ENERGY TAX CREDITS WILL SPEED COMMERCIALIZATION OF NONPOLLUTING RENEWABLE ENERGY TECHNOLGY

Our progress in renewable energy has begun to subside. This trend has frightening implications given the inevitable role that renewable energy must play in our Nation's energy future. As the Department of Energy's energy security report points out, the United States "will, in time, come to rely on energy sources * * * that are commonly lumped under the term 'renewable energy.'" In light of the continuing instability in the Middle East, it may be sooner than we think.

At a time when U.S. dependence on foreign sources of oil has reached its highest volume in over 10 years, and when such environmental problems as global warming, acid rain, and the *Valdez* disaster point to the need to broaden the Nation's energy mix, the Federal Government is simply not doing enough to help renewable energy technologies get off the ground and into commercial production.

Our best response to the Department of Energy's warnings that our reliance on renewable energy is "inevitable," is to renew these tax credits.

3. ENERGY POLICIES MUST BE FOUNDED ON THE NEED TO REDUCE GLOBAL WARMING

Scientific evidence indicates that the generation of carbon dioxide and other greenhouse gases is causing profound changes in the Earth's atmosphere. We can no longer wait to respond to these findings. Trends in the concentration of greenhouse gases will likely result in global changes in climate, with far-reaching economic, social, and environmental implications for mankind.

In September, the Secretary of Energy will unveil a new, national energy strategy. I call on the Secretary to recommend policies that fully consider the extent to which fossil fuels contribute to global climatic change.

In addition, before the 101st Congress comes to a close, we must enact S. 234, the National Energy Policy Act of 1990, which redirects energy policies to reduce global warming.

4. HAWAII HAS EARNED A NATIONAL ENERGY LABORATORY

A national laboratory of the Department of Energy must be established in Hawaii to help develop, improve, and commercialize renewable technologies. More than anywhere else, Hawaii is the location of choice for a variety of renewable technologies: wind, solar, biomass, photovoltaics, OTEC, geothermal, and hydropower.

National labs play a unique role in the development of new energy technology. Bridging the gap between universities and the private sector, they are instrumental is advancing ideas from the drawing board to the marketplace. As Secretary Watkins has noted, they have traditionally been home to some of the world's brightest and most innovative scientists and engineers. There is no better place to site a national laboratory for renewable energy than in Hawaii, the wellspring of renewable technology.

Today I am introducing legislation to establish a Federal energy laboratory in Hawaii.

5. HAWAII NEEDS A REGIONAL PETROLEUM RESERVE

I renew my call for the establishment of a regional petroleum reserve within the State of Hawaii and have introduced legislation to achieve this goal.

Unless something is done now about Hawaii's vulnerability, when the next oil crisis hits Hawaii will wither on the vine.

Compared to the Mainland, Hawaii faces a much greater risk of an oil supply disruption because we have no overland access to domestic sources of crude. While the lower 48 States and Alaska have access to oil transported by pipeline, rail, or highway, in Hawaii all of our crude oil and refined products arrive by ocean tanker. Our total reliance on tanker deliveries makes Hawaii exceptionally vulnerable to a cutoff of oil supplies should a crisis disrupt imports.

Hawaii would not be so fortunate. Our only means of access to the strategic petroleum reserve would be by tanker delivery from the Gulf of Mexico through the Panama Canal. A study commissioned by the State of Hawaii indicated that the minimum delivery time for strategic petroleum reserve oil to Hawaii would be 53 days. This exceeds the State's average commercial working inventory by 23 days. Under these circumstances, Hawaii's oil supply would run dry and our economy would grind to a halt.

Yet the administration continues to maintain that Hawaii's emergency petroleum supply needs can be met through central petroleum storage in the SPR salt dome caverns in Texas and Louisiana. This notion is absurd. This oil reserve is as far away from Hawaii as Istanbul is from New York City.

A regional petroleum reserve must be established in Hawaii to safeguard our energy security. We must act now on legislation I introduced to provide for an emergency reserve for our State.

6. UNNATURAL BARRIERS TO FULL-SCALE RENEWABLE ENERGY DEVELOPMENT MUST BE REMOVED

Unnecessary and artificial Federal restrictions limit the entry of renewable energy and conservation technologies into the energy marketplace. An example of this is size restrictions contained in the Public Utility Regulatory Policies Act of 1978 [PURPA] which prohibits individual solar powerplants larger than 30 megawatts.

Inequities in the Tax Code also serve as a barrier to saving energy. The code currently treats rebates paid for energy-efficiency equipment as income to customers, rather than considering them to be price reductions as is the case with car rebates, for example. This penalizes consumer efforts to achieve conservation and unnecessarily raises the cost of saving energy.

Other tax, regulatory and market barriers must be removed before more accurate price signals can work to ensure a fair competition between efficiency and production. We need to ensure that whatever limits are imposed on the development of clean, renewable energy are those imposed by nature and not by government.

7. HAWAII'S CONSUMERS CANNOT AFFORD AN OIL IMPORT FEE

An oil import fee would be regressive, burdensome, unfair, and inflationary. It would impose the greatest hardship on those in Hawaii who can least afford it—the middle class and the poor. That is why I have cosponsored legislation opposing the imposi-

tion of a fee on imported crude oil and refined petroleum products.

Informed economists, executives, and policy experts recognize the ill effects an oil import fee would have on the economy. Malcolm Baldridge, Secretary of Commerce during the Reagan administration, summed up this view when he stated that a tax on oil imports would "reduce U.S. economic growth, increase inflation, reduce our competitiveness in domestic and international markets, and eliminate more jobs in other economic sectors than are created in the energy sector."

An oil import fee would be nothing less than a direct tax on the American people. What is worse is that such a fee would also be discriminatory. Because Hawaii is dependent upon imported oil for more than 50 percent of its energy needs, Hawaii consumers would be forced to pay far more than their fair share, while those living in oil producing States would get a free ride.

The daily consumption of oil in Hawaii is 130,000 barrels. Approximately 70,000 barrels or 55 percent of that figure is imported from foreign countries. If, say a $5 per barrel import tax were imposed, it would cost each of Hawaii's 1.2 million citizens $106 per year. To consumers already paying about $1.65 per gallon for super unleaded, $106 per year cuts into a family's budget.

These are my proposals for greater energy security for Hawaii and the Nation. With the lifeline of oil from the Middle East so tenuous, we cannot afford to wait before acting on these proposals.

By Mr. AKAKA:

S. 3009. A bill to provide for the protection, conservation, and management of ocean resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OCEAN RESOURCES PARTNERSHIP ACT

Mr. AKAKA. Mr. President, I rise today to introduce the Ocean Resources Partnership Act which brings together the Federal Government and coastal States to jointly manage the resources of these States' marine and coastal areas in an environmentally sound manner. This act will open a new era of closer Federal-State cooperation in overseeing the activities occuring along our Nation's coastlines and within the exclusive economic zones [EEZ].

Mr. President, 30 coastal States, including those which border the Pacific and Atlantic Oceans, as well as the Great Lakes, would benefit from this bill. Coastal States have the right to exercise control over their marine and coastal environments through the regulation of land, air, and water uses of their adjacent waters.

These 30 States, however should not develop their coastal policies independent of all other considerations and move in 30 different directions. There must be unity of planning and unity of approach. Moreover, some States will require assistance—Federal assistance—in protecting their coastal zones and other affected areas from the adverse effects of exploration and commercial recovery of seabed resources. At other times, some States will insist on participating in the development of policy and planning decisions made by the Federal Government. My bill addresses these concerns with an eye toward a mutually beneficial partnership.

The Ocean Resources Partnership Act will provide an effective consultation process and partnership between the coastal States and the Federal Government. Where Federal officials once had a near exclusive right to decide policy within a State's EEZ, under my bill, they would become partners with State officials and marine and environmental experts. Furthermore, each State would be entitled to a share of gross revenues generated by the resources of and activities that occur within its EEZ.

As a necessary first step to understand exactly what resources lie within the EEZ, my bill would establish a comprehensive and systematic research program to collect information on seabed resources. Governmental, academic, and private interests would coordinate their marine scientific activities as they explore the seabed, subsoil, and superjacent waters. These activities, in turn, would lead to environmental assessments and general mapping and charting of areas subject to further exploration.

Mr. President, it has long been recognized that a Nation's or a State's interests do not stop at its border or at its shoreline. As custodians of the land, we owe it to our children to ensure the protection and wise stewardship of our coastal resources.

I urge my colleagues to support my legislation.

By Mr. WARNER:

S. 3010. A bill to authorize appropriations for the National Endowment for the Arts, to amend the Internal Revenue Code of 1986 to provide for designation and contributions to the National Endowment for the Arts, and for other purposes; to the Committee on Finance.

NATIONAL ENDOWMENT FOR THE ARTS CHECKOFF ACT

Mr. WARNER. Mr. President, I rise today to introduce the National Endowment for the Arts Checkoff Act, a bill that could serve as a temporary solution to break the current deadlock that exists over the future of Federal funding for the arts. As of today, I believe William Shakespeare could not write language that could mollify the battling parties; therefore, I offer this proposal as a mechanism to take the time to reach a proper decision.

Eventually, I am hopeful we can restore public confidence in the ability of the Government to allow the greatest degree of artistic expression possible in its grant procedures. Today, however, I, along with others, am genuinely concerned over the ability of Members of Congress to reach a settlement—even among themselves—that would enable the NEA to fulfill its important role in the arts. I have worked hard on this legislation, in an effort to put forward a temporary fallback compromise that treats all concerned parties equitably.

Basically, all parties may need to join in a time out—up to several years—to review carefully and patiently the Federal role in the arts. Rushing to adopt compromise restrictions in a last-minute congressional markup or late session will not be in the Nation's long-term interests. Much of a Nation's history is established by its artistic achievements, which survive to tell a story, long after the reverberations of political debate fade away.

Mr. President, in reflecting on the current situation, I am reminded of the adage that "bad facts make bad law." Many Members of Congress—myself included—found grants for the Mapplethorpe and other recent exhibits to be an unacceptable expenditure of taxpayer funds. How we protect taxpayers from those types of mistakes and yet continue to entrust to public servants the discretion to support and foster artistic freedom is the challenge. Continued debate now could well result in deadlock. The factions are poles apart. Therefore, it is my belief that all parties should take time to reflect on Federal support and funding for the arts. This amendment is a mechanism for preserving, as nearly as possible, the respective positions while allowing a flexible period for reflection and fair judgment.

Mr. President, my proposal has these objectives:

First, allow a reasonable and flexible period to pass so that Congress, the executive branch, and the arts community are able to work to reach agreement, hopefully before fiscal 1995;

Second, eliminate as soon as practicable, the critical problem of alleviating taxpayer concern;

Third, provide for voluntary taxpayer participation in fostering the arts and for a mechanism to determine the measure of public support for the arts;

Fourth, allow NEA to operate—after fiscal year 1991—with minimal restrictions in fulfilling its statutory charter until agreement for a long-term solution is reached or this act sunsets, whichever occurs first; and

Fifth, allow NEA to restore a strong base of public support.

Mr. President, my bill is but a stopgap compromise that would impose a two-step authorization process over a period of up to 4 years. First, for fiscal year 1991, the appropriations for the NEA would be authorized at the existing level of $171,255,000, with only such conditions as are currently in force in the fiscal year 1990 Interior appropriations bill. This will allow 1 fiscal year to pass while a mechanism for subsequent appropriations for the arts is put in place.

For no more than 3 of the subsequent fiscal years, the NEA would be funded by a voluntary tax checkoff program on individual and corporate tax returns. During these years, taxpayers who want to fund the arts can affirmatively express their support by checking off a box on their tax returns allowing up to $5 of their obligated tax payment to be directed toward the annual appropriation for NEA. In return for this citizen support, Congress will allow NEA to promote the arts as it did before the Mapplethorpe episode.

It is my hope that Congress, the President, and the arts community would use the period during which the checkoff program is in place to come up with a suitable, permanent solution to funding for the arts. Therefore, I urge my colleagues to review this new proposal and provide me with their comments. I look forward to working with interested Senators in developing an equitable, long-term solution to the current problem, so that we can continue to provide public support for the arts, while addressing taxpayer concerns.

ADDITIONAL COSPONSORS

S. 1273

At the request of Mr. ROTH, his name was added as a cosponsor of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 2044

At the request of Mr. BIDEN, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2044, a bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes.

S. 2256

At the request of Mr. HARKIN, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 2256, a bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes.

S. 2312

At the request of Mr. SYMMS, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2312, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 2584

At the request of Mr. ROTH, his name was added as a cosponsor of S. 2584, a bill to amend the Internal Revenue Code of 1986 to provide that the deduction for State and local income and franchise taxes shall not be allocated to foreign source income.

S. 2591

At the request of Mr. BAUCUS, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 2591, a bill to amend title XVIII of the Social Security Act to provide relief from certain regulations relating to physicians' services.

S. 2640

At the request of Mr. DASCHLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2640, a bill to amend title XVIII of the Social Security Act to prevent fraud and abuse and encourage competition in the sale of Medicare supplemental insurance.

S. 2840

At the request of Mr. GLENN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2840, a bill to improve the management of the Federal Government by establishing a Deputy Director for Management in the Office of Management and Budget; by establishing a Chief Financial Officer of the United States who shall be in the Office of Management and Budget; by requiring the development of systems that provide complete, accurate, and timely financial information; by increasing financial discipline and accountability by requiring independently audited agency financial statements; and for other purposes.

S. 2929

At the request of Mr. BENTSEN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 2929, a bill to amend the Carribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries.

SENATE JOINT RESOLUTION 355

At the request of Mr. EXON, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 355, a joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. GLENN, the names of the Senator from Nebraska [Mr. EXON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution expressing the sense of the Congress on international nuclear sales to South Asia.

SENATE RESOLUTION 313

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Resolution 313, a resolution relating to Vladimir Tsivkin.

SENATE RESOLUTION 321—CONCERNING AMERICAN POLICY TOWARD CAMBODIA

Mr. CRANSTON (for himself, Mr. KERRY, Mr. PELL, Mr. SIMON, Mrs. KASSEBAUM, Mr. BIDEN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 321

Whereas the President of the United States has decided to:

(1) Reject the credentials of the Cambodian resistance coalition including the genocidal Khmer Rouge at the United Nations;

(2) Begin a dialogue with the Vietnamese with respect to ending the conflict in Cambodia;

(3) Ease some restrictions on humanitarian aid to Cambodia; and

(4) Implement an aid program for children within Cambodia.

Whereas the Secretary of State has declared that Vietnamese occupation troops have withdrawn from Cambodia;

Whereas there are continuing reports of noncommunist resistance forces cooperating tactically and strategically with the Khmer Rouge;

Whereas the Khmer Rouge are responsible for over one million deaths between 1975–1979;

Whereas the Khmer Rouge have made significant military gains in recent months and pose a grave threat to peace in Cambodia;

Whereas the Chinese have vowed to increase their military and financial support to the Khmer Rouge;

Whereas the United States provides military aid to the non-Communist resistance factions allied with the Khmer Rouge;

Whereas the Administration's expressed goals are the maintenance of the non-Communist resistance as a politically viable force; self-determination for the Cambodian people, and prevent the return of the Khmer Rouge to power: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Administration's policy revisions, while commendable, must be accompanied by the following specific actions if a peaceful, negotiated settlement to the Cambodia crisis is to be reached in the near future:

(1) The Administration should initiate a direct dialogue with the government in

Phnom Penh in order to facilitate a negotiated settlement;

(2) The United States should press the People's Republic of China to cease all its weapons and financial support to the genocidal Khmer Rouge;

(3) The Administration should concentrate its diplomatic efforts on achieving free and fair elections at the earliest possible date; and

(4) The trade embargo against Cambodia should be lifted to allow both humanitarian and developmental aid to reach the Cambodian people.

Mr. CRANSTON. Mr. President, today I wish to introduce a resolution expressing the sense of the Senate concerning American policy toward Cambodia. I am very pleased to note that Senators KERRY, PELL, SIMON, KASSEBAUM, BIDEN, and DODD of the Foreign Relations Committee are cosponsors.

Mr. President, this resolution is based on Senator MITCHELL and Senator DANFORTH's letter to the President of July 24, which 64 other Senators cosigned expressing our concern about the continuing war in Cambodia.

As the world's attention is focused on war in the Middle East, we must not forget that there are other parts of the world where peace is in question. Indeed Iraq's invasion of Kuwait reminds us that world stability is no longer threatened as much by tension between East and West but conflict in the South.

This is especially true in Indochina where prosperity and stability recently enjoyed by the newly industrializing nations of Southeast Asia are jeopardized by continuing conflict in Cambodia where the Khmer Rouge threaten to impose once again a genocidal regime.

This resolution, while commending the President's recent policy changes toward Cambodia, suggests that other actions should be taken.

First, the administration should initiate a direct dialog with the Hun Sen government in Phnom Penh in order to facilitate a negotiated settlement which would include the non-Communist resistance. Secretary Baker recently suggested that such steps are under consideration but have not yet been decided upon. This resolution would encourage him to take that next logical step.

It is not enough to talk to Vietnam about Cambodia. We should talk to Cambodians about Cambodia.

In discussing this issue with Vietnam we are implicitly reinforcing the view that Cambodia continues to be Vietnam's colony even though, as Secretary Baker noted in Paris, Vietnamese occupation troops have withdrawn.

Indeed, I am uncertain what the administration intends to discuss with Vietnam as the two issues raised in the past were, first, Vietnam's insistence that the Khmer Rouge not be included in a settlement and, second, our insistence that Vietnamese troops be withdrawn. The President's decision to talk to Vietnam is confusing: Do we want to convince the Vietnamese to include the Khmer Rouge or to reinvade Cambodia?

Second, it calls on the United States to press the People's Republic of China to cease all its weapons and financial support to the Khmer Rouge.

We must press the Chinese at the highest level to end their support for it is their support to the Khmer Rouge which threatens regional stability. Just as we condemn Iraq for its invasion, a similar invasion is being undertaken as I speak by the Chinese in Cambodia through their Khmer Rouge surrogates.

Third, it asks the administration to concentrate its diplomatic efforts on achieving free and fair elections at the earliest possible date.

We cannot allow international negotiations to be dragged on and on by the Chinese or the Soviets in hope that some elusive comprehensive settlement can be reached by which the Khmer Rouge lion lays down with the Cambodian lamb. There can be no doubt that the Khmer Rouge intend to gain absolute power by hook or by crook. Elections held at the earliest time irregardless of a comprehensive settlement offer the opportunity to begin building a multiparty democracy before the Khmer Rouge have achieved absolute political and military dominance.

Finally, the resolution asks that the administration lift the trade embargo against Cambodia to allow both humanitarian and developmental assistance. Already the administration has pledged its cooperation in implementing legislation Senator KERREY of Nebraska and I authored to provide humanitarian assistance to children inside Cambodia.

It is time to go beyond that if we are going to have any chance of strengthening the resolve of the Cambodian people as they struggle out of poverty and danger. This is a country which the 20th century has essentially bypassed.

For Henry Kissinger, Cambodia was a sideshow in the Vietnam war. Now it is on center stage as the last aspects of that conflict are played out. We should not ignore its suffering once again in some sacrifice to great power politics as we negotiate with the Chinese and the Soviets.

I urge my colleagues to consider this resolution and join me in sponsoring it.

SENATE RESOLUTION 322—RELATIVE TO CONTROL BY EUROPEAN COUNTRIES OF CHEMICALS USED IN PRODUCTION OF ILLICIT DRUGS

Mr. BRYAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 322

Whereas it is widely known that chemicals are critical in the processing of illegal narcotics, that chemicals produced worldwide are shipped to Colombia, and that more than 40 percent of these chemicals are being diverted to the drug cartels;

Whereas the United States took positive action in 1988 by passing the Chemical Diversion and Trafficking Act which gives the Drug Enforcement Administration the authority to stop shipments of chemicals not destined for legitimate industrial, commercial, or scientific use;

Whereas the importance of the effort by the United States to control exports of these chemicals is illustrated by the fact that following passage of an earlier Senate Resolution, President Bush raised the issue of chemical control at the drug summit in Houston in July 1990;

Whereas an escalated effort by Latin American countries to restrict imports, exports, and production of chemicals is demonstrated by the recommendations for model regulations to control chemicals used in the processing of cocaine passed by the General Assembly of the Organization of American States in June 1990;

Whereas, according to a recent Drug Enforcement Administration report, while United States exports of essential chemicals to Colombia have declined, exports from Europe increased 340 percent;

Whereas it is vital to the worldwide antidrug abuse effort that chemicals used to process narcotics are controlled and monitored at the source; and

Whereas the Council of Ministers of the European Communities is currently considering a directive for the control of chemicals which, if adopted, would be binding on each member country in the European Community for use as its domestic chemical control legislation: Now, therefore, be it

Resolved, That the Senate—

(1) urges the European Communities' Council of Ministers to adopt a directive that would impose controls as strict as those in current United States law on precursor and essential chemicals used in the production of cocaine, heroin, and other clandestinely produced drugs; and

(2) urges the chemical producing nations of England, Finland, France, Holland, Italy, Spain, and the Federal Republic of Germany to work with the Drug Enforcement Administration and the International Narcotics Control Board to draft and enact laws as strong as the United States chemical diversion laws.

SENATE RESOLUTION 323—TO AUTHORIZE PRINTING OF EXHIBITION POSTERS

Mr. MITCHELL submitted the following resolution; which was considered and agreed to.

S. RES. 323

Resolved, That 1000 sets of posters, prepared by the U.S. Senate Commission on

Art for the exhibition, "A Necessary Fence," shall be authorized for the use of the Senate.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1991

WARNER (AND OTHERS) AMENDMENT NO. 2587

Mr. WARNER (for himself, Mr. MCCAIN, Mr. WILSON, Mr. DOLE, Mr. GORTON, Mr. THURMOND, Mr. WALLOP, and Mr. NUNN) proposed an amendment to the bill (S. 2884) to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . THEATER DEFENSE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Director of Central Intelligence, William Webster, has testified before Congress that between 15 and 20 developing nations will possess ballistic missile capabilities by the end of the century.

(2) The Director has also testified that by the year 2000, at least six Third World countries will have ballistic missiles with ranges of up to 1,800 miles, and three of them may develop ballistic missiles with a range of 3,400 miles.

(3) The Director has also testified "* * * that as many as 20 countries may be developing chemical weapons; and we expect this trend to continue despite ongoing multilateral efforts to stop their proliferation. * * * At least 10 countries are working to produce both previously known and futuristic biological weapons."

(4) During the war between Iraq-Iran each used ballistic missiles and chemical payloads.

(5) The Defense Intelligence Agency (DIA) has also informed Congress that, in addition to the five nuclear weapons countries—United States, Soviet Union, England, France, and China—"about half a dozen additional countries have either acquired a capability to explode a nuclear device or are pursuing such a capability."

(6) DIA has also informed Congress that the proliferation of ballistic missiles is occurring at an ever-increasing pace. In just the last 2 years:

Over 1,000 ballistic missiles have been fired in combat in Iran, Iraq, and Afghanistan.

Flight tests of ballistic missiles have occurred in India, Pakistan, and South Africa.

Iraq has conducted an initial flight test of a space launch vehicle, which will enhance greatly their already extensive ballistic missile capability.

The longest range (1800+ mile) ballistic missiles in the Middle East have been supplied to Saudi Arabia by China.

(7) The proliferation of ballistic missiles, chemical weapons and nuclear technology poses a direct threat to many of our friends and allies. Moreover, United States contingency and projection forces are also threatened by these technologies, and this threat will increase in the future.

(b) Therefore, it is the sense of the Congress that—

(1) The proliferation to developing countries of ballistic missiles and chemical and nuclear weapons technology applicable to missile warhead development are potentially destabilizing, a threat to United States security commitments, and also pose a significant threat to the national security of our friends and allies around the world.

(2) Of the funds authorized for the Strategic Defense Initiative, up to $300,000,000 should be made available for the development of antitactical ballistic missile (ATBM) systems to counter such threats to United States forward deployed and projection forces. In this regard, the Congress recommends that the development of systems such as the Extended Range Interceptor and the Theater High Altitude Air Defense should be accelerated.

(3) The SDI Organization should ensure that the Navy and Marine Corps are involved in developmental programs for future ATBM systems suitable for deployment with their projection and expeditionary forces.

(4) Since the Arrow ATBM has been a successful joint development program and, when deployed, will become an important asset for the defense of Israel against the threat of short range ballistic missiles in the region, the Secretary of Defense should negotiate, on an equitable basis, a memorandum of agreement to continue the program. Therefore, of the funds available for the Theater Defense program element in SDI program, not more than $50,000,000 should be made available for the Arrow program.

(5) Of the funds authorized to the Army for Research, Development, Testing, and Evaluation, not more than $50,000,000 should be made available to conduct additional tests of the Patriot II system against existing types of ballistic missile threats.

(6) The Army should establish a vigorous program to develop and test a rapidly deployable ATBM capability for United States units. For the near-term, the focus should be on the Patriot II system. From within these funds made available for Patriot II testing, the Army should also develop support systems, such as tracking and attack assessment radars, for existing and future ATBM systems.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2588

Mr. BINGAMAN (for himself, Mr. SHELBY, Mr. HEFLIN, Mr. JOHNSTON, Mr. DOMENICI, and Mr. HATFIELD, proposed an amendment to the bill S. 2884, supra, as follows:

On page 14, beginning with line 8, strike out all down through line 19, and insert in lieu thereof the following:

SEC. 222. LIMITATIONS ON THE STRATEGIC DEFENSE INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Strategic Defense Initiative (SDI) has become too focused on a projected 1993 Presidential decision on whether the United States will deploy a space-based kinetic energy weapon system, known as "brilliant pebbles".

(2) There has been tremendous instability in the Phase I architecture of the strategic defense system.

(3) A decision to deploy the phase I architecture of that system would have grave implications for offensive arms reduction negotiations with the Soviet Union and for continued United States compliance with the 1972 Anti-Ballistic Missile Treaty.

(4) Changes in the international political environment over the past year permit the United States to pursue the SDI program at a more measured pace, with increased emphasis on theater and anti-tactical ballistic missile contingencies.

(5) A broad-based research program on the feasibility of highly effective missile defenses remains in the national interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Strategic Defense Initiative should not be focused on the projected 1993 Presidential decision on deployment of a space-based kinetic energy weapon system;

(2) the Strategic Defense Initiative should continue a balanced, robust program of research on those technologies that offer the prospect of highly effective anti-ballistic missile defenses;

(3) priority under the Strategic Defense Initiative should be given, in the near term, to research on a defense system that (A) would protect against an accidential missile launch against the United States or a limited ballistic missile attack against the United States by a third-world country, and (B) if deployed, would not be in violation of the 1972 Anti-Ballistic Missile Treaty.

(4) the Strategic Defense Initiative should include a vigorous pursuit of a variety of theater and anti-tactical ballistic missile defenses which would be of value to allies of the United States and to the military forces of the United States temporarily or permanently deployed within range of tactical ballistic missiles of a potential enemy; and

(5) the Strategic Defense Initiative should continue support, as it has over the past six years, for those critical technology efforts that have both civil and military applications in areas other than ballistic missile defense systems.

(c) LIMITATIONS ON SPENDING.—Of the funds authorized to be appropriated pursuant to section 201 for the Strategic Defense Initiative—

(1) not more than $345,000,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $142,000,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $894,300,000 may be obligated for other phase I programs;

(5) not more than $944,400,000 may be obligated for follow-on technologies programs;

(6) not more than $320,000,000 may be obligated for key technologies activities;

(7) not more than $227,800,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

(d) BUDGET INFORMATION.—With respect to each program and activity specified in clauses (1) through (11) of subsection (c), the Secretary of Defense shall include in budget justification materials submitted to Congress after the date of the enactment of this Act for any fiscal year, and in each annual report submitted to Congress after such date pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), a description of the program or activity, any changes made in the program or activity since the last budget justification materials were submitted to Congress or the last annual report was submitted as the case may be, and the amount budgeted for that program or activity for the fiscal year concerned.

(e) REPORT.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1991. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative, including the amount allocated for each of the programs named in subsection (c).

(2) The report required by paragraph (1) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1991.

(f) CONSTRUCTION OF TERMS.—As used in this section:

(1) The terms "Phase I", "follow-on technologies", "key technologies", "operational support and management", "test and evaluation", "theater defense", "innovative science and technology", "small business innovative research", and "engineering analysis" shall be interpreted consistent with the use of those terms in the testimony of Lieutenant General George L. Monahan, and the materials presented by General Monahan, before the Committee on Armed Services of the Senate on June 20, 1990, except that the term "Phase I" does not include the boost surveillance and tracking system program.

(2) The terms "brilliant pebbles", "space-based surveillance and tracking system", "ground-based surveillance and tracking system", "ground-based radar", and "ground-based interceptor" shall be interpreted consistent with the use of those terms in Appendix F to the "1990 Report to the Congress on the Strategic Defense Initiative", dated May 1990.

(g) DEFINITION.—In this section, the term "1972 Anti-Ballistic Missile Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

BUMPERS (AND OTHERS) AMENDMENT NO. 2589

Mr. BUMPERS (for himself, Mr. JEFFORDS, and Mr. GLENN) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

Notwithstanding any other provisions of this Act, the funds authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation for the Defense Agencies shall not exceed $8,643,293,000; of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test and evaluation, for the Strategic Defense Initiative,

(1) not more than $143,500,000 may be obligated for the ground-based radar, spaced-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $142,000,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $641,200,000 may be obligated for other phase I programs;

(5) not more than $840,200,000 may be obligated for follow-on technologies programs;

(6) not more than $284,700,000 may be obligated for key technologies activities;

(7) not more than $227,900,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and,

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

KERRY (AND HARKIN) AMENDMENT NO. 2590

Mr. KERRY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. DECONCINI, and Mr. DASCHLE) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Funding For Programs Under the Public Health Service Act (42 U.S.C. 300x) and the Department of Veterans Medical Accounts.

(a) TRANSFER AUTHORIZATION.—Of the amount authorized in section 201 to be appropriated for fiscal year 1990 and made available pursuant to section 221 for research, development, test and evaluation, for the Strategic Defense Initiative,

(1) $100,000,000 is authorized to be transferred and be made available for carrying out in fiscal year 1991 programs under Section 1911(a) of the Public Health Service Act (42 U.S.C. 300x) (Alcohol and Drug Abuse And Medical Health Services Block grants);

(2) $100,000,000 is authorized to be transferred and be made available for carrying out in fiscal year 1991 programs under Part A of title V of the Public Health Service Act (42 U.S.C 290aa et seq.) as amended by the Anti-Drug Act of 1988, model projects for pregnant and post partum women and their infants; and

(3) $200,000,000 is authorized to be transferred to the Medical account of the Department of Veterans Affairs.

(b) Notwithstanding any other provisions of this Act, of the funds authorized to be appropriated for fiscal year 1991 for research, development, test and evaluation of the Strategic Defense Initiative,

(1) not more than $207,000,000 may be obligated for the ground-based radar, space-based surveillance and tracking system program, and ground-based surveillance and tracking system program;

(2) not more than $127,700,000 may be obligated for the ground-based interceptor program;

(3) not more than $129,000,000 may be obligated for the brilliant pebbles program;

(4) not more than $786,100,000 may be obligated for other phase I programs;

(5) not more than $840,200,000 may be obligated for follow-on technologies programs;

(6) not more than $284,700,000 may be obligated for key technologies activities;

(7) not more than $227,800,000 may be obligated for operational support and management activities;

(8) not more than $180,000,000 may be obligated for test and evaluation activities;

(9) not more than $180,000,000 may be obligated for theater defense activities, of which not more than $42,000,000 may be expended for an advanced development program for an anti-tactical ballistic missile system with the Government of Israel;

(10) not more than $116,800,000 may be obligated for the innovative science and technology and small business innovative research programs; and

(11) not more than $93,700,000 may be obligated for engineering analysis activities.

BRYAN AMENDMENT NO. 2591

Mr. NUNN (for Mr. BYRAN) proposed an amendment to the bill S. 2884, supra, as follows:

At the appropriate place in the bill, insert the following: "As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an analysis of the merits of utilizing as a dedicated NATO training facility a military installation within the United States which would otherwise be subject for closure or realignment."

ARMSTRONG (AND OTHERS) AMENDMENT NO. 2592

Mr. WARNER (for Mr. ARMSTRONG, for himself, Mr. MOYNIHAN, and Mr. HELMS) proposed an amendment to the bill S. 2884, supra, as follows:

At the end thereof, add the following new title:

TITLE . LITHUANIAN EMERGENCY ASSISTANCE

Chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. LITHUANIAN EMERGENCY RELIEF.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the emergency existing in the Republic of Lithuania caused by the economic blockade imposed by the Union of Soviet Socialist Republics which has caused great suffering among the Lithuanian people, especially with regard to a severe

shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

(i) furnish, in accordance with the authorities of this chapter, humanitarian assistance for the relief of the Lithuanian people during the existing emergency;

(ii) solicit private sector donations of humanitarian assistance for Lithuania; and

(iii) cooperate with private relief agencies attempting to provide humanitarian aid to Lithuania;

(2) The Commander-in-Chief of United States Transportation Command is authorized to provide all airlift and sealift necessary, throughout the course of the Lithuanian blockade, to transport United States public and private donations of medical supplies to Lithuania on a regular basis and should begin such transport as soon as the agreement described in subsection (e) has been concluded.

(c) For purposes of this paragraph, the term "humanitarian assistance" includes—

(i) oil, gas and fuel for emergency vehicles and medical facilities;

(ii) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

(iii) medical supplies; and

(iv) food and clothing.

(d)(1) In addition to funds authorized to be appropriated to carry out this chapter, there are authorized to be appropriated to the President $10,000,000 to carry out subsections (b)(1) and (b)(2).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

(e) The Congress urges the President to begin negotiations immediately with the nations surrounding Lithuania, including Latvia, Estonia, the Union of Soviet Socialist Republics and Poland regarding the importation of critical humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Lithuanians begin to receive critical humanitarian assistance immediately.

(f) Assistance may be provided under this section notwithstanding any other provision of law, other than that included in Public Law 101-179, section 503, known as the Support for Final European Democracy (SEED) Bill of 1989.

NUNN AMENDMENT NO. 2593

Mr. NUNN proposed an amendment to the bill S. 2884, supra, as follows:

On page 9, strike out line 12 and insert in lieu thereof the following:

"(1) For the Army, $5,696,323,000.".

On page 11, line 17, strike out the period and insert in lieu thereof ", subject to the customary reprogramming procedures.".

On page 19, strike out lines 7 through 10, and insert in lieu thereof "not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to non-Communist, noncombatant, displaced persons or refugees at or near the border between Thailand and Cambodia."

On page 105, line 12, strike out "(a)," and insert in lieu thereof "(b),".

On page 145, lines 10 and 11, strike out "each House of the Congress" and insert in lieu thereof "the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives,".

On page 145, lines 14 and 15, strike out "each House of the Congress" and insert in lieu thereof "such committees".

On page 208, line 4, insert "authorized to be" after "Funds".

On page 212, between lines 20 and 21, insert the following new subsection:

(e) RELATIONSHIP TO OTHER LAWS.—(1) The authority provided in this section for the support of counter-drug activities by the Department of Defense is in addition to the authority provided for such purpose under chapter 18 of title 10, United States Code.

(2) Nothing in this section shall be construed to modify or supersede the provisions of section 375 of title 10, United States Code, or the provisions of section 376 of such title, except to the extent provided in subsection (c) of this section.

On page 215, line 15, strike out "five-year defense program" and all that follows through line 16 and insert in lieu thereof the following: "five-year or six-year defense program submitted pursuant to section 114a of title 31, United States Code.".

On page 215, between lines 16 and 17, insert the following new subsection:

(d) SIX-YEAR NATIONAL FOREIGN INTELLIGENCE PROGRAM.—Notwithstanding the reference in subsection (a) to a five-year national foreign intelligence program, if in any year the Director of Central Intelligence prepares a six-year national foreign intelligence program, the Director may submit that program to the committees referred to in subsection (a) in lieu of a five-year national foreign intelligence program.

On page 223, line 24, strike out "the those" and insert in lieu thereof "those".

On page 302, line 4, strike out "section 501" and insert in lieu thereof "section 2501".

On page 375, line 14, strike out "section 201" and insert in lieu thereof "section 3201".

On page 380, line 9, strike out "Defense" and insert in lieu thereof "Energy".

In amendment number 2586, on page 2, strike out lines 1 through 4.

NUNN (AND JOHNSTON) AMENDMENT NO. 2594

Mr. NUNN (for himself, and Mr. JOHNSTON), proposed an amendment to the bill S. 2884, supra, as follows:

On page 190, strike out line 6 and all that follows through line 26 on page 207, and insert in lieu thereof the following:

TITLE X—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

SEC. 1001. STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.

(a) PROGRAM REQUIRED.—(1) Title 10, United States Code, is amended by inserting after chapter 171 the following new chapter:

"CHAPTER 172—STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM

"Sec.

"2901. Strategic Environmental Research Program.
"2902. Joint Strategic Environmental Research Program Council.
"2903. Executive Director.
"2904. Strategic Environmental Research Program Scientific Advisory Board.

"§ 2901. Strategic Environmental Research Program

"(a) The Secretary of Defense and the Secretary of Energy jointly shall establish a program to be known as the 'Strategic Environmental Research Program'.

"(b) The purposes of the program are as follows:

"(1) To address environmental matters of concern to the Department of Defense and the Department of Energy through support for basic and applied research and development of technologies that can enhance the capabilities of those departments to meet their environmental obligations.

"(2) To identify research, technologies, and other information developed by the Department of Defense and the Department of Energy for national defense purposes that would be useful to governmental and private organizations involved in the development of energy technologies and of technologies to address environmental restoration, waste minimization, hazardous waste substitution, and other related environmental concerns, and to transfer such research, technologies, and other information to such governmental and private organizations.

"(3) To furnish other governmental organizations and private organizations with data, enhanced data collection capabilities, and enhanced analytical capabilities for use by such organizations in the conduct of environmental research, including research concerning global environmental change.

"(4) To identify technologies related to energy conservation, environmental restoration, hazardous waste substitution, and waste minimization developed by the private sector that could be useful for Department of Defense and Department of Energy defense activities and to provide for the use of such technologies in the conduct of such activities.

"§ 2902. Joint Strategic Environmental Research Program Council

"(a) There is established a Joint Strategic Environmental Research Program Council (hereafter in this chapter referred to as the 'Council').

"(b) The Council is composed of ten members as follows:

"(1) The Assistant Secretary of Defense responsible for matters relating to production and logistics.

"(2) The Director of Defense Research and Engineering.

"(3) The Vice Chairman of the Joint Chiefs of Staff.

"(4) The Assistant Secretary of the Air Force responsible for matters relating to space.

"(5) The Assistant Secretary of Energy responsible for matters relating to defense programs.

"(6) The Assistant Secretary of Energy responsible for matters relating to environmental restoration and waste management.

"(7) The Director of the Office of Energy Research of the Department of Energy.

"(8) The Assistant Secretary of Energy responsible for matters relating to conservation and renewable energy.

"(9) The Administrator of the Environmental Protection Agency.

"(10) The Executive Director of the Council, who shall be a non-voting member.

"(c) The Secretary of Defense shall designate a member of the Council as chairman

for each odd numbered fiscal year. The Secretary of Energy shall designate a member of the Council as chairman for each even numbered fiscal year.

"(d) The Council, under the control and direction of the Secretary of Defense and the Secretary of Energy in their respective departments, shall have the following responsibilities:

"(1) To develop policies and procedures for implementation of the Strategic Environmental Research Program.

"(2) To enter into contracts, grants, and other financial arrangements, in accordance with other applicable law, to carry out the purposes of the Strategic Environmental Research Program.

"(3) To prepare an annual five-year strategic environmental research plan that shall cover the fiscal year in which the plan is prepared and the four fiscal years following such fiscal year.

"(4) To promote the maximum exchange of information regarding and to help minimize duplication of environmentally related research and development activities through close coordination with the military departments and Defense Agencies, offices within the Department of Energy, other departments and agencies of the Federal Government, State and local governments, and other organizations engaged in such activities.

"(5) To ensure that research and development activities under the Strategic Environmental Research Program do not duplicate other ongoing activities sponsored by the Department of Defense, the Department of Energy, or any other department or agency of the Federal Government.

"(e) In carrying out subsection (d)(1), the Council shall develop policies and procedures for accomplishing the goals of—

"(1) providing access by Federal Government personnel, State and local government personnel, college and university personnel, industry personnel, and the general public to data under the control of or otherwise available to the Department of Defense that is relevant to local, regional, and global environmental change by—

"(A) identifying the sources of such data;

"(B) publicizing the availability and sources of such data by appropriately targeted dissemination of publicity to such personnel and the general public and by other means; and

"(C) providing for review of classified data relevant to environmental matters with a view to declassifying or preparing unclassified summaries of such data;

"(2) providing governmental and nongovernmental entities with analytic assistance, consistent with national defense missions, including access to military platforms for sensor deployment and access to computer capabilities, in order to facilitate environmental research;

"(3) identifying energy technologies developed for national defense purposes (including electricity generation systems, energy storage systems, alternative fuels, bio-mass energy technology, and applied materials technology) that might have environmentally sound, energy efficient applications for other programs of the Department of Defense and the national security programs of the Department of Energy, particularly technologies that have the potential for industrial, commercial, and other governmental applications, and to support programs of research in and development of such applications;

"(4) identifying and supporting programs of basic and applied research, development, and demonstration of technologies useful—

"(A) to facilitate environmental compliance, remediation, and restoration activities of the Department of Defense and the Department of Energy;

"(B) to minimize waste generation and for materials recycling by such departments;

"(C) to substitute use of nonhazardous, nontoxic, nonpolluting, and other environmentally sound materials practices and substances for use of hazardous, toxic, and polluting materials and substances by such departments; or

"(D) to treat, store, and dispose of waste in a manner that will not adversely impact the environment or human health;

"(5) identifying and supporting research, development, and application of other technologies developed for national defense purposes which, not only are directly useful for programs, projects, and activities of such departments, but also have useful applications for solutions to such national and international environmental problems as climate change and ozone depletion;

"(6) encouraging and supporting transfer to the private sector of technologies referred to in clauses (2) through (5) and promoting the use of cooperative, cost-shared arrangements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) and other applicable laws;

"(7) identifying and planning for the demonstration and use of existing environmentally sound, energy efficient technologies developed by the private sector that could be used by the Department of Defense and the Department of Energy;

"(8) identifying military specifications that prevent or limit the use of environmentally beneficial technologies, materials, and substances in the performance of Department of Defense contracts and recommend changes;

"(9) ensuring that the research and development programs identified for support pursuant to the policies and procedures prescribed by the Council are closely coordinated with, and do not duplicate, ongoing activities sponsored by the Department of Defense, the Department of Energy, and other Federal agencies;

"(10) ensuring that there is participation by industry and universities in conducting research, development, and demonstration activities; and

"(11) providing for the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency jointly to develop—

"(A) innovative approaches to the prevention of environmental pollution caused by waste streams and other emissions resulting from industrial processes, post-consumer solid waste sewage and waste water, and other sources of air and water pollution; and

"(B) thermal technologies, biological technologies, chemical technologies, and other innovative technologies for the treatment of hazardous waste.

"(f) The Council shall be subject to the authority, direction, and control of—

"(1) the Secretary of Defense in prescribing policies and procedures under subsection (d)(1); and

"(2) the Secretary of Energy in prescribing the applicability of any such policies and procedures to the national security programs of the Department of Energy.

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense and the Secretary of Energy an annual report on the annual five-year strategic environmental research plan prepared pursuant to subsection (d)(3).

"(2) The report shall contain the following:

"(A) Actions to be taken during the five-year period covered by the plan to prevent duplication of research and development activities undertaken pursuant to the program.

"(B) A description of each project selected or recommended by the Council for support and funding, including the duration of and total estimated or, if known, actual cost of—

"(i) each such project supported during the fiscal year in which the plan is submitted and the preceding fiscal year; and

"(ii) each such project proposed for funding during the fiscal year in which the annual report is submitted and the following four fiscal years.

"(C) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the annual report is submitted, for the programs, projects, and activities of the Strategic Environmental Research Program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

"(D) The amount made available, for the fiscal year in which the annual report is submitted, to each Department of Defense laboratory and to Department of Energy facilities.

"(E) The amount requested in the budget referred to in subparagraph (C) for each Department of Defense laboratory and to Department of Energy facilities.

"(F) Any changes in military specifications recommended by the Council, actions to be taken to effectuate any such recommended changes on an expedited basis, and the projected date for each such change.

"(G) A description of all contracts, agreements, or other documents for cooperative research and development activities entered into pursuant to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) during the fiscal year preceding the fiscal year in which the annual report is submitted.

"(H) Plans for transferring technology and information to other governmental agencies and to nongovernmental organizations involved in environmental research and related matters.

"(I) Plans to increase access to data described in subsection (e)(1).

"(J) Such additional recommendations or proposals, including proposals for legislation, relating to the Strategic Environmental Research Program as the Council considers appropriate.

"(3) The Council shall make a draft of the five-year strategic environmental research plan covered by the report available for public comment for a period of at least 30 days.

"(4) Not later than March 15 of each year, the Secretary of Defense and the Secretary of Energy shall transmit the annual report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the Committees on Energy and Natural Resources and on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives. The Secretaries of Defense and Energy may submit such comments on the annual report as each Secretary considers appropriate.

"§ 2903. Executive Director

"(a)(1) There shall be an Executive Director of the Council appointed jointly by the Secretary of Defense and the Secretary of Energy.

"(2) The position of Executive Director shall be a Senior Executive Service position.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Executive Director is responsible for the management of the Strategic Environmental Research Program in accordance with the policies established by the Council.

"(c) The Executive Director may enter into contracts or other agreements in accordance with applicable law, except that the Executive Director shall first obtain the approval of the Council for any contract or agreement in an amount equal to or in excess of $500,000 or such lesser amount as the Council may prescribe.

"(d)(1) The Executive Director, with the concurrence of the Council and without regard to the provisions of title 5 governing appointments in the competitive service, may appoint such professional and clerical staff as may be necessary to carry out the responsibilities and policies of the Council.

"(2) The Executive Director, with the concurrence of the Council and without regard to the provisions of chapter 51 of title 5 and subchapter III of chapter 53 of such title, may establish the rates of basic pay for professional employees appointed pursuant to paragraph (1). No such rate of basic pay may exceed the rate of basic pay payable for GS-18 of the General Schedule under section 5332 of such title.

"§ 2904. Strategic Environmental Research Program Scientific Advisory Board

"(a) The Secretary of Defense and the Secretary of Energy shall jointly appoint a Strategic Environmental Research Program Scientific Advisory Board (hereafter in this section referred to as the 'Advisory Board') consisting of not less than 7 and not more than 14 members.

"(b)(1) Members of the Advisory Board shall be appointed from among persons eminent in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international and security affairs, health physics, health sciences, or social sciences, with due regard given to the equitable representation of scientists and engineers who are women or who represent minority groups. At least one member of the Advisory Board shall be a representative of environmental public interest groups and one member shall be a representative of the interests of State governments.

"(2) The Secretary of Defense and the Secretary of Energy shall request—

"(A) the head of the National Academy of Sciences, in consultation with the head of the National Academy of Engineering and the head of the Institutes of Medicine of the National Academy of Sciences, to nominate persons for appointment to the Advisory Board;

"(B) the Council on Environmental Quality to nominate for appointment to the Advisory Board at least one person who is representative of environmental public interest groups; and

"(C) the National Association of Governors to nominate for appointment to the Advisory Board at least one person who is representative of the interests of State governments.

"(3) The Administrator of the National Oceanic and Atmospheric Administration and the Science Advisor to the President shall be permanent members of the Advisory Board.

"(4) Members of the Advisory Board shall be appointed for terms of three years.

"(c) The Advisory Board shall prescribe procedures for carrying out its responsibilities. Such procedures shall define a quorum as a majority of the members, provide for annual election of the Chairman by the members of the Advisory Board, and require at least three meetings of the Advisory Board each year.

"(d) The Advisory Board may make recommendations to the Council regarding technologies, research, projects, programs, activities, technology transfer, and, if appropriate, funding within the scope of the Strategic Environmental Research Program.

"(e) The Advisory Board shall assist and advise the Council in identifying the environmental data and analytical assistance activities that should be covered by the policies and procedures prescribed pursuant to section 2902(d)(1) of this title.

"(f) Not later than March 15 of each year, the Advisory Board shall submit to the committees referred to in section 2902(g)(4) of this title an annual report setting forth its actions during the year preceding the year in which the report is submitted and any recommendations, including recommendations on projects, programs, and information exchange and recommendations for legislation, that the Advisory Board considers appropriate regarding the Strategic Environmental Research Program.

"(g) Each member of the Advisory Board shall be required to file a financial disclosure report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.).".

(2) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part IV of such subtitle are each amended by inserting after the item relating to chapter 171 the following:

"172. Strategic Environmental Research Program ..... 2901".

(b) INITIAL APPOINTMENTS TO ADVISORY BOARD.—(1) Up to one-half of the members originally appointed to the Strategic Environmental Research Program Scientific Advisory Board established under section 2904 of title 10, United States Code, as added by subsection (a), may be appointed for terms of not more than 6 and not less than 2 years in order to provide for staggered expiration of the terms of members. The Secretary of Defense and the Secretary of Energy shall jointly designate the members appointed for terms authorized under this paragraph and shall jointly specify the terms for which such members are appointed.

(2) The Secretary of Defense and the Secretary of Energy shall make the appointments required by section 2904(a) of title 10, United States Code (as added by subsection (a)(1)), not later than 60 days after the date of the enactment of this Act.

(c) FIRST ANNUAL REPORT OF THE JOINT STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM COUNCIL.—(1) The first annual report required by section 2902(g) of title 10, United States Code, as added by subsection (a), shall be submitted to the Secretary of Defense not later than February 1, 1992.

(2) The Secretary of Defense shall submit to the congressional defense committees, with the annual report referred to in paragraph (1), any recommendations for changes in the personnel management structure of the Department of Defense that the Secretary considers necessary to carry out the environmental activities of the Department of Defense more effectively.

(3) The Secretary of Defense shall prepare and publish with the annual report referred to in paragraph (1) an action plan to integrate the environmental change data gathered from the Department of Defense and the intelligence community into existing Federal and other research programs related to environmental change. In the preparation of the action plan, the Secretary shall consult with the Committee on Earth Sciences of the Federal Coordinating Council on Science, Engineering, and Technology.

(d) FIRST ANNUAL REPORT OF THE STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM SCIENTIFIC ADVISORY BOARD.—The first annual report of the Strategic Environmental Research Program Scientific Advisory Board shall be submitted not later than March 15, 1992.

SEC. 1002. AVAILABILITY OF FUNDS

Of the amounts authorized to be appropriated pursuant to section 201, $200,000,000 shall be available for the Strategic Environmental Research Program established under chapter 172 of title 10, United States Code, as added by section 1001. To the extent provided in appropriation Acts, the amount made available by this section shall remain available until expended.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1991

LAUTENBERG AMENDMENT NO. 2595

Mr. LAUTENBERG proposed an amendment to the bill (H.R. 5229) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes, as follows:

On page 9, line 18, after the numeral, insert: ", of which $7,000,000 shall remain available until expended".

On page 33, line 22, srike "28" and insert "23".

On page 34, line 12, strike "28" and insert "23".

Insert on page 70, before line 1, the following lead-in: "Subsections a(2), a(3), (b), and (c) of section 104 of title 23, United States Code are amended as follows:".

FORD AMENDMENT NO. 2596

Mr. LAUTENBERG (for Mr. FORD) proposed an amendment to the bill H.R. 5229, supra, as follows:

At the end of the bill, add the following new section:

SEC. 4. AUXILIARY FLIGHT SERVICE STATION PROGRAM.

(a) GENERAL RULE.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or

operational conditions which are critical to the safety of flight.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the administrator of the Federal Aviation Adminstration shall report to Congress with the plan and schedule for implementation of this section.

DOLE AMENDMENT NO. 2597

Mr. D'AMATO (for Mr. DOLE) proposed an amendment to the bill H.R. 5229, supra, as follows:

At the appropriate place in the bill add the following:

"U.S. 54 INTERCHANGE PROJECT

"For the purpose of carrying out a demonstration of an improved interchange near a major municipal airport, there is hereby appropriated $10,900,000, to remain available until expended, for the acquisition of right-of-way, and other costs incurred in the construction of an improved interchange at Kellogg (U.S. 54) and Dugan Streets in Wichita, Kansas: *Provided*, That all funds appropriated under this heading shall be exempted from any limitation on obligations for Federal-aid highways and highway safety construction programs: *Provided further*, That $10,900,000 of unobligated contract authority available for airport development and planning pursuant to section 505(a) of the Airport and Airway Improvement Act of 1982, as amended, is rescinded."

MURKOWSKI AMENDMENT NO. 2598

Mr. D'AMATO (for Mr. MURKOWSKI) proposed and amendment to the bill H.R. 5229, supra, as follows:

At the end of the bill, add the following:

SEC. . (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice thereof in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than $500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

HEINZ (AND SPECTER) AMENDMENT NO. 2599

Mr. HEINZ (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 5229, supra, as follows:

On page 66, strike lines 14 through 25.
On page 67, strike lines 1 through 17.

FEDERAL MARITIME COMMISSION AUTHORIZATION

BREAUX AMENDMENT NO. 2600

Mr. MITCHELL (for Mr. BREAUX) proposed an amendment to the bill (S. 2759) to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That in fiscal year 1991, $15,894,000 is authorized to be appropriated for the use of the Federal Maritime Commission; except that for fiscal year 1991, and for each fiscal year thereafter, not to exceed $2,000 may be expended for official reception and representation expenses.

SEC. 2. Subsection (h) of section 18 of the Shipping Act of 1984 is amended by inserting "Advisory" immediately before "Commission shall", and by striking "its establishment" and inserting in lieu thereof "all of its members have been duly appointed".

SEC. 3. Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in subdivision (b) of paragraph (1) by inserting "including intermodal movements, terminal operations, cargo solicitation, forwarding and agency services, non-vessel-operating common carrier operations, and other activities and services integral to transportation systems," immediately after "generally,"; and

(2) by adding at the end the following new paragraphs:

"(5) The Commission may initiate a rule or regulation under paragraph (1)(b) of this section either on its own motion or pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under paragraph (1)(b) of this section.

"(6) In furtherance of the purposes of paragraph (1)(b) of this section—

"(a) the Commission may, by order, require any person (including any common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee thereof) to file with the Commission a report, answers to questions, documentary material, or other information which the Commission considers necessary or appropriate;

"(b) the Commission may require a report or answers to questions to be made under oath;

"(c) the Commission may prescribe the form and the time for response to a report and answers to questions; and

"(d) a person who fails to file a report, answer, documentary material, or other information required under this paragraph shall be liable to the United States Government for a civil penalty of not more than $5,000 for each day that the information is not provided.

"(7) In proceedings under paragraph (1)(b) of this section—

"(a) the Commission may authorize a party to use depositions, written interrogatories, and discovery procedures that, to the extent practicable, are in conformity with the rules applicable in civil proceedings in the district courts of the United States;

"(b) the Commission may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence;

"(c) subject to funds being provided by appropriations Acts, witnesses are, unless otherwise prohibited by law, entitled to the same fees and mileage as in the courts of the United States;

"(d) for failure to supply information ordered to be produced or compelled by subpoena in proceedings under paragraph (1)(b)(7) of this section, the Commission may—

"(i) after notice and an opportunity for hearing, suspend tariffs of a common carrier or that common carrier's right to use the tariffs of conferences of which it is a member, or

"(ii) assess a civil penalty of not more than $5,000 for each day that the information is not provided; and

"(e) when a person violates an order of the Commission or fails to comply with a subpoena, the Commission may seek enforcement by a United States district court having jurisdiction over the parties, and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

"(8) Notwithstanding any other law, the Commission may refuse to disclose to the public a response or other information provided under the terms of this section.

"(9) If the Commission finds that conditions that are unfavorable to shipping under paragraph (1)(b) of this section exist, the Commission may—

"(a) limit sailings to and from United States ports or the amount or type of cargo carried;

(b) suspend, in whole or in part, tariffs filed with the Commission for carriage to or from United States ports, including a common carrier's right to use tariffs of conferences in United States trades of which it is a member of any period the Commission specifies;

"(c) suspend, in whole or in part, an ocean common carrier's right to operate under an agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargoes or revenue with ocean common carriers;

"(d) impose a fee, not to exceed $1,000,000 per voyage; or

"(e) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

"(10) Upon request by the Commission—

"(a) the collector of customs at the port or place of destination in the United States shall refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, and shall collect any fees imposed by the Commission under paragraph (9)(d) of this section; and

"(b) the Secretary of the department in which the Coast Guard is operating shall deny entry for purpose of oceanborne trade, of a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, to any port or place in the United States or the navigable waters of the United States, or shall detain that vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

"(11) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended under paragraph (7)(d) or (9)(b) of this section, or after its right to use another tariff has been suspended under those paragraphs is subject to a civil penalty of not more than $50,000 for each day that it is found to be operating under a suspended tariff.

"(12) The Commission may consult with, seek the cooperation of, or make recommendations to other appropriate Government agencies prior to taking any action under this section.".

SEC. 4. Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) Angelos, hull identification number HAZ1432C0173 and State of Hawaii registration number HA 1432 C.

(2) Arctic Sounder, United States official number 569927.

(3) Bounty, United States official number 950956.

(4) Camelot, United States official number 923202.

(5) Cherokee V, United States official number 570746.

(6) Ernestina, United States official number 136423.

(7) Ghostrider, United States official number 906121.

(8) He'enalu, State of Hawaii registration number HA 843 CP.

(9) Job Site, United States official number 595013.

(10) Kainalu, State of Hawaii registration number HA 779 CP.

(11) Lady Rose Anne, United States official number 603040.

(12) Mariner III, United States official number 225459.

(13) Ocean Prowler, United States official number 632751.

(14) Pacific Pearl, hull identification number MRY10161M76H414.

(15) Pumpkin, United States official number 627259.

(16) Rose, United States official number 928811.

(17) Salisa M, United States official number 265653.

(18) Sea Devil, United States official number 569316.

(19) Sea Nugget, State of Alaska registration number AK 2233 E.

(20) Sinbad, formerly Sangria, hull identification number 15846 and State of Alaska registration number AK 3650.

(21) Solitaire, United States official number 521894.

(22) Swee'Pea, hull identification number PBL32012K990 and State of Alaska registration number AK 8550 L.

(23) Weatherbird, United States official number 527918.

(24) Weatherbird II, United States official number 652213.

NEGOTIATIONS TO RESOLVE THE GREYHOUND STRIKE

KENNEDY AMENDMENT NO. 2601

Mr. MITCHELL (for Mr. KENNEDY) proposed an amendment to the concurrent resolution (S. Con. Res. 127) to express the sense of Congress that the Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services, as follows:

Amend the resolved clause by striking "and the Secretary of Labor".

Amend the title by striking "and the Secretary of Labor".

REVITALIZATION OF COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE

KENNEDY AMENDMENT NO. 2602

Mr. MITCHELL (for Mr. KENNEDY) proposed an amendment to the bill (S. 1963) to amend the Public Health Service Act to facilitate the revitalization of the Commissioned Corps of the Public Health Service, and for other purposes, as follows:

On page 8, after line 24, add the following new section:

SEC. . MOUSE BREEDING FACILITIES GRANTS.

(a) IN GENERAL.—Public Law 101-190 (103 Stat. 1691) is amended—

(1) in section 1—

(A) by striking out "CONTRACT" in the heading and inserting in lieu thereof "GRANT";

(B) by striking out "for entering into a contract with" in subsection (a), and inserting in lieu thereof "to make a grant to"; and

(C) by striking out "contract" in subsection (b), and inserting in lieu thereof "grant";

(2) in section 2—

(A) by striking out "enter into contract" in the matter preceding paragraph (1) in subsection (a), and inserting in lieu thereof "make a grant";

(B) by striking out "contract" in subsection (a)(1), and inserting in lieu thereof "grant";

(C) by striking out "contractor" in the matter preceding subparagraph (A) in subsection (b)(1), and inserting in lieu thereof "grantee";

(D) by striking out "a contract" each place that such occurs in subparagraph (A) and

(B) of subsection (b)(1), and inserting in lieu thereof "an agreement";

(E) by striking out "contractor" in subsection (b)(2), and inserting in lieu thereof "grantee";

(F) by striking out "CONTRACTOR" in the heading of paragraph (1) of subsection (d), and inserting in lieu thereof "GRANTEE";

(G) by striking out "enter into a contract" in subsection (d)(1), and inserting in lieu thereof "make a grant"; and

(H) by striking out "the contract" in subsection (d)(1), and inserting in lieu thereof "the grant";

(3) in section 3(a)—

(A) by striking out "enter into a contract" and inserting in lieu thereof "make a grant"; and

(B) by striking out "the contract" each place that such occurs and inserting in lieu thereof "the grant";

(4) in section 4—

(A) by striking out "enter into a contract under section 1 unless the applicant for the contract" in the first sentence of subsection (a)(1), and inserting in lieu thereof "make a grant under section 1 unless the applicant for the grant";

(B) by striking out "in the contract" in the second sentence of subsection (a)(2)(A);

(C) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (b), and inserting in lieu thereof "make a grant";

(D) by striking out "contract" in subsection (b)(1), and inserting in lieu thereof "grant";

(E) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (c), and inserting in lieu thereof "make a grant"; and

(F) by striking out "contract" in subsection (w)(1), and inserting in lieu thereof "grant";

(5) in section 5, by striking out "contractor" each place that such occurs and inserting in lieu thereof "grantee"; and

(6) in the matter preceding paragraph (1) in section 6(a), by striking out "contractor" and inserting in lieu thereof "grantee".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be retroactively effective as of November 29, 1989.

SECURITIES EXCHANGE ACT AMENDMENTS

DODD AMENDMENT NO. 2603

Mr. MITCHELL (for Mr. DODD) proposed an amendment to the bill (S. 648) to amend the Securities Exhange Act of 1934, as follows:

On page 22, between lines 13 and 14, insert the following new paragraph, and renumber accordingly:

"(3)(A) In developing and implementing reporting requirements pursuant to paragraph (1) of this subsection with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(B) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to paragraph (1) of this subsection concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to paragraph (1), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(C) Prior to making a request pursuant to paragraph (2) of this subsection for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(i) notify such agency of the information required with respect to such associated person; and

"(ii) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, or municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(D) Nothing in this subsection shall be construed to permit the Commission to require any broker, dealer, or municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

On page 25, line 4, strike "it and".

On page 25, lines 9 and 10, strike "the Secretary or".

On page 25, lines 13 and 14, strike "the Secretary or".

On page 25, lines 19 and 20, strike "Secretary or the".

On page 25, line 24, strike "the Secretary and".

On page 26, between lines 2 and 3, insert the following new subparagraph, and renumber accordingly:

"(C) (i) In developing and implementing reporting requirements pursuant to subparagraph (A) of this paragraph with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(ii) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to subparagraph (A) of this paragraph concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to subparagraph (A), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(iii) Prior to making a request pursuant to subparagraph (B) of this paragraph for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(I) notify such agency of the information required with respect to such associated person; and

"(II) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(iv) Nothing in this paragraph shall be construed to permit the Commission to require any broker or dealer, or any municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

On page 26, line 6, strike "subsection" and insert "paragraph".

On page 27, line 14, strike "subsection" and insert "paragraph".

On page 27, line 19, strike "subsection" and insert "paragraph".

On page 28, line 2, strike "subsection" and insert "paragraph".

IMPROVEMENTS TO SCHOLARSHIPS AND LOAN REPAYMENT PROGRAMS

KENNEDY AMENDMENT NO. 2604

Mr. MITCHELL (for Mr. KENNEDY), proposed an amendment to the bill (S. 2617) to amend the Public Health Service Act to make various improvements in existing scholarships and loan repayment programs, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Revitalization Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the mission of the National Health Service Corps is to improve access to primary health care services through coordinated systems of care for medically underserved populations by addressing the geographic maldistribution of physicians and other health care personnel;

(2) over the years, more than 16,500 health care providers have been placed in communities that greatly needed their services with the peak field strength of the National Health Service Corps occurring in 1986 with 3,127 providers;

(3) the key contributor to this field strength were the individuals who had received medical school scholarships in return for a commitment to serve with such Corps;

(4) the number of scholarship awards by the National Health Service Corps peaked in 1978 when 3,150 were awarded;

(5) due to a planned phase out of the scholarship program combined with reductions in funding, the number of scholarships and commitments to serve in the Corps declined steadily throughout the 1980's, and between 1986 and 1989, the number of providers in place around the country declined by over 1000;

(6) the cut back described in paragraph (5) was based on the theory that a physician surplus would drive physicians into underserved communities, but the anticipated overflow of physicians into underserved areas did not happen and many communities lost their sole provider of health services due to the cutback in this Federal program;

(7) inner city and rural communities face an especially serious deterioration in the availability of health services that has been greatly exacerbated by the decline in the strength of the Corps with the situation reaching a crisis level in some communities;

(8) as of December 1988, the Department of Health and Human Services had designated the following number of health personnel shortage areas—

(A) 793 dental shortage areas;

(B) 592 psychiatry shortage areas; and

(C) 1,944 primary care shortage areas;

(9) it would take more than 4,000 physicians to fill the primary care shortage areas and eliminate the designations referred to in paragraph (8);

(10) approximately 50 percent of the medically indigent population in the shortage areas reside in rural areas and rural areas constitute roughly 70 percent of the shortage area designations;

(11) in 1987, to begin to address the shortage created by the cuts in the scholarship program, a new loan repayment program for health professionals was established;

(12) the loan repayment program referred to in paragraph (11) was offered to doctors and nurses with the response making it clear that additional funds were needed for such program;

(13) the number of mid-level health practitioners, including nurse practitioners and physicians assistants, in underserved areas, and especially in rural areas, has increased significantly in recent years, and such practitioners have provided an important source of care and have often been complementary to existing physician services;

(14) a mix of providers that include nurses, nurse practitioners, certified nurse midwives, physicians assistants, psychologists, social workers, other mental health workers, dentists, podiatrists, and physicians is needed in order to provide for the full range of services needed by underserved communities;

(15) though loan repayment may represent a useful incentive to bring such health personnel to underserved areas, scholarships are specially needed in order to successfully recruit physicians, nurses, certified nurse midwives, and nurse practitioners to serve in such areas; and

(16) due to the high turnover of health professionals in underserved areas, improved methods of retention are needed to keep existing National Health Service Corps personnel in underserved communities to which such personnel are assigned to serve.

(b) PURPOSE.—It is the purpose of this Act—

(1) to increase the supply of primary care providers to urban and rural underserved health professional shortage areas;

(2) to halt proposals to phase out the National Health Service Corps scholarship program and to increase the number of scholarships and loan repayments for physicians and other providers to address the serious decline in the availability of health professionals in underserved areas; and

(3) to revitalize the National Health Service Corps by improving the recruitment and retention of providers and by diversifying the Corps so that it includes mid-level practitioners, psychologists, social workers, and other mental health professionals.

SEC. 3. PUBLICITY AND RECRUITMENT.

Section 338A(c)(2) of the Public Health Service Act (42 U.S.C. 254l(c)(2)) is amended by inserting before the period the following: ", including a statement of all factors considered in the selection of applicants and the assignment of corps members".

SEC. 4. SCHOLARSHIP AND LOAN REPAYMENT PROGRAM PRIORITIES.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 2541(d)) is amended to read as follows:

"(d)(1) The Secretary shall consider the following factors in selecting applicants to participate in the Scholarship Program—

"(A) the applicant's demonstrated interest in providing primary services;

"(B) the applicant's demonstrated interest in providing health services to individuals residing in underserved areas;

"(C) the applicant's connection to a health professional shortage area (designated under section 332) at the time of the submission of the application;

"(D) the need and demand for nurses, certified nurse midwives, nurse practitioners, physicians assistants, podiatrists, dentists, psychologists, social workers, and other mental health professionals;

"(E) the school attended by the applicant with regard to its demonstrated record of success or its effort to train individuals to enter primary care fields, and to serve underserved areas; and

"(F) any other factors which the Secretary determines are relevant to the selection of qualified applicants.

"(2) In determining which applications under the Scholarship Program to approve (and which contracts to accept), the Secretary shall give priority—

"(A) first, to applications made (and contracts submitted) by individuals who have previously received scholarships under the Scholarship Program or under section 758; and

"(B) second, to applications made (and contracts submitted) by individuals from disadvantaged and minority backgrounds.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 254l-1(d)) is amended to read as follows:

"(d)(1) The Secretary shall consider the following factors in selecting applicants to participate in the Loan Repayment Program—

"(A) the applicant's demonstrated interest in providing primary services;

"(B) the applicant's demonstrated interest in providing health services to individuals residing in underserved areas;

"(C) the applicant's connection to a health professional shortage area (designated under section 332) at the time of the submission of the application;

"(D) the need and demand for nurses, certified nurse midwives, nurse practitioners, physicians assistants, podiatrists, dentists, psychologists, social workers, and other mental health professionals;

"(E) the training program attended by the applicant with regard to its demonstrated record of success or its effort to train individuals to enter primary care fields, and to serve underserved areas; and

"(F) any other factors which the Secretary determines are relevant to the selection of qualified applicants.

"(2) In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority—

"(A) first, to applications made (and contracts submitted) by individuals who have previously received scholarships under the Loan Repayment Program or under section 758, and then;

"(B) to applications made (and contracts submitted) by individuals from disadvantaged and minority backgrounds;

"(C) to applications from individuals who are legal residents of health professional shortage areas or who, at the time of the submission of the application, reside in a health professional shortage area; and

"(D) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in clinical programs.".

SEC. 5. INCENTIVES AND ADMINISTRATIVE PROVISIONS.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 2541 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 338K. INCENTIVES FOR RECRUITMENT AND RETENTION.

"(a) IN GENERAL.—The Secretary shall establish and implement a program of incentives, as described in subsection (b), to improve National Health Service Corps recruitment and retention.

"(1) MATERIALS.—The Secretary shall distribute materials that encourage the financial aid offices of medical, dental, nursing, graduate departments of psychology, and social work schools, primary care oriented medical school departments, and residency programs to inform all students and residents about the Scholarship and Loan Repayment Program.

"(2) STUDENT TRAINING AND EXTERNSHIP PROGRAM.—The Secretary shall make grants and enter into contracts with health professions institutions and public and private nonprofit entities for the conduct of programs that would expose and train health

professions students throughout their academic careers to clinical settings administered by countries, States, or the Public Health Service that provide primary care services to medically underserved areas.

"(3) CAREER ADVISOR.—The Secretary shall assure the availability of career advisors to assist Corps members from the time such members enter into a contract with the Corps until such members complete their obligation.

"(4) FELLOWSHIPS IN PRIMARY CARE.—The Secretary, in conjunction with eligible residency programs and other training programs, shall establish fellowship programs for physicians, dentists, nurse practitioners, nurse midwives, and physician assistants who have an interest and commitment to primary care, to enable such health professionals to gain exposure and expertise in the delivery of medical services to underserved populations in health professional shortage areas.

"(5) FACULTY APPOINTMENTS.—The Secretary shall encourage the provision of faculty appointments for Corps providers at health professional schools, to provide access for such providers, and the communities they serve, to university facilities and to make such providers a source of expertise for health professions students.

"(6) EXCHANGE PROGRAMS, ETC.—The Secretary shall establish exchange programs with teaching centers, leave time for professional conferences, sabbatical leave, and traveling medical consultation teams to increase opportunities for patient case presentations and discussions and research by Corps personnel.

"(7) JOB SHARING, ETC.—The Secretary shall establish options, such as job sharing and couple recruitment, and other flexible work programs for Corps members to be available after the period of obligated service.

"(8) RESPITE SQUAD.—The Secretary shall establish a 'respite squad' that shall consist of mid-career health professionals who would work in underserved areas on a short-term basis, such as a two-week period or a one day a month basis.

"(9) INDEPENDENT RECRUITMENT.—The Secretary shall maintain a recruitment program to recruit individuals, who are not participants in the Scholarship or Loan Repayment Programs, to become Corps members.

"(c) TRACKING AND EVALUATION.—

"(1) IN GENERAL.—The Secretary shall track and evaluate the incentive programs established under subsection (b), to determine the effectiveness of such programs in increasing the participation of individuals in the programs established under this part, and in the continuing participation of such individuals in such programs.

"(2) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of the programs established in paragraphs (3) and (5) of subsection (b) in influencing the specialty choice and practice setting of program participants.

"(3) REPORTING.—Not later than March 1 of every even numbered year, the Secretary shall prepare and submit to the appropriate Committees of Congress, a report concerning the evaluations conducted under paragraphs (1) and (2).

"SEC. 338L. INCREASE IN STAFF.

"The Secretary shall ensure that the administrative staff of the National Health Service Corps is adequate and appropriate to administer the programs established and operated under this subpart. The Secretary shall increase such staff if such increase is necessary to effectively administer such programs.".

SEC. 6. TRACKING AND EVALUATION REQUIREMENTS.

(a) SCHOLARSHIP PROGRAM.—Section 338A(i) of the Public Health Service Act (42 U.S.C. 254l(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Scholarship Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Scholarship Program.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(i) of such Act (42 U.S.C. 254l-1(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Loan Repayment Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Loan Repayment Program.".

SEC. 7. TRANSFER OF FUNDS.

Section 338G of the Public Health Service Act (42 U.S.C. 254q) is amended by adding at the end thereof the following new subsection:

"(c) TRANSFER OF FUNDS.—The Secretary may transfer funds between the Scholarship Program and the Loan Repayment Program as needed due to the availability of applicants for such programs.".

SEC. 8. ADMINISTRATIVE REVIEW.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 336A the following new section:

"SEC. 336B. ADMINISTRATIVE REVIEW.

"Not later than January 1, 1993, the General Accounting Office shall complete an administrative review of the Corps including the administration of the Scholarship Program and the Loan Repayment Program.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended to read as follows:

"(a) To carry out this subpart and section 338K, there are authorized to be appropriated $65,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, of which not less than 8 percent should be made available with respect to nurses, nurse practitioners, certified nurse midwives, physician assistants, psychologists, social workers, and other non-physician health providers.".

(b) SCHOLARSHIP AND LOAN REPAYMENT PROGRAM.—Section 338G(b) of such Act (42 U.S.C. 254q(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $63,900,000 for fiscal year 1991, and such sums as may be necessary for subsequent fiscal years, for scholarships and loan repayments under this subpart.

"(2) SET-ASIDE.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall make available not less than 10 percent for scholarships and loan repayments under this subpart with respect to nurses, nurse practitioners, nurse midwives, physician assistants, psychologists, social workers, and other non-physician health providers.".

(c) STATE PROGRAMS.—Subsection (d) of section 338H of such Act (42 U.S.C. 254q-1(d)) is amended to read as follows:

"(d)(1) The Secretary shall use such sums as may be necessary from amounts available under section 338G(b)(1) to carry out the physician loan repayment program, and such sums as may be necessary from the amounts available under section 338G(b)(2) for loan repayment for nurses, psychologists, social workers, and other health professionals.

"(2) Nothing in this section shall prohibit a State from entering into multiyear contracts under this section.".

SEC. 10. GRANTS TO STATES FOR OPERATION OF OFFICES OF RURAL HEALTH.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by section 5) is further amended by adding the end thereof the following new section:

"SEC. 338M. STATE OFFICES OF RURAL HEALTH.

"(a) IN GENERAL.—The Secretary shall make grants to States in accordance with this section to enable such States to establish State Offices of Rural Health, or to assist existing State rural health offices, to engage in the activities described in subsection (d)(2).

"(b) AMOUNT OF GRANT.—

"(1) MAXIMUM AMOUNT.—The Secretary shall not make grants to a single State for a fiscal year under this section in an amount that is more than the quotient of the aggregate amount appropriated pursuant to subsection (g) for such fiscal year divided by the number of applications under subsection (f) that are approved for such fiscal year.

"(2) MATCHING REQUIREMENT.—Except as provided in paragraph (3), a State that receives a grant under this section shall provide an amount equal to the amount provided under such grant to establish, administer, or enhance the ongoing operations of the Office. Such amounts may be provided in cash or in-kind.

"(3) EXCEPTION.—To assist in the establishment of new rural health offices, for the first year of operation of a State Office of Rural Health, the Secretary may modify the matching requirement under paragraph (2) to the extent that the State shall contribute not less than $1 for each $3 of Federal funds provided.

"(c) LIMITATION ON USE OF GRANT FOR RESEARCH ACTIVITIES.—Each State receiving a grant under this section shall not use in excess of 5 percent of the amounts provided under such grant for research activities.

"(d) STATE OFFICES OF RURAL HEALTH.—

"(1) ESTABLISHMENT.—Each State that receives a grant under this section may establish, or continue the operations of, the State Office of Rural Health in a State agency, or through contract with a public or private educational institution or other organization, or any combination of the preceding entities, as determined by the State.

"(2) ACTIVITIES.—

"(A) DUTIES.—Each State Office of Rural Health established or operated under a grant made under this section shall—

"(i) provide leadership and advocacy for rural residents with regard to rural health;

"(ii) coordinate the activities of such Offices with Federal, State, local, and private health entities, and with the rural development activities of, and cooperate with, the Agricultural Extension Service;

"(iii) make recommendations to the Federal Office of Rural Health on improving the quality and cost effectiveness in the delivery of rural health care;

"(iv) identify Federal and State programs regarding rural health, and provide technical assistance to public and nonprofit private entities regarding participation in such programs;

"(v) prepare and submit reports periodically to the Office of Rural Health Policy concerning the activities of the office; and

"(vi) communicate and cooperate with rural health research centers established by the Federal Office of Rural Health Policy established under section 301.

"(B) OPTIONAL ACTIVITIES.—Each State Office of Rural Health established under a grant made under this section may—

"(i) assist rural areas in responding to changes in access to health care;

"(ii) plan and assist in the professional recruitment and retention of medical professionals and assistants in rural areas;

"(iii) improve community involvement in health care delivery through methods including the conduct of leadership development programs for the members of the community;

"(iv) improve rural emergency medical services;

"(v) improve access to health care in rural areas through innovative transportation and communications services;

"(vi) encourage the sharing of rural health care information;

"(vii) evaluate data on rural health conditions and needs; and

"(viii) provide technical assistance for rural hospital transition grants.

"(3) ANNUAL MEETINGS.—Representatives from each State Office of Rural Health that receives a grant made under this section shall meet annually with representatives from the Office of Rural Health Policy to share information and coordinate strategies for improving quality and cost effectiveness in the delivery of rural health care.

"(4) LIMITATION.—No amounts appropriated under subsection (g) shall be used for health planning uses of the type performed under title XV (as such title existed prior to January 1, 1987,) such as certificate of need programs.

"(e) STATE DEFINED.—As used in this section, the term 'State' means the 50 States.

"(f) REQUIREMENT OF APPLICATION.—The Secretary shall not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, made in such manner, and contains such agreements, assurances, and information as the Secretary determines necessary to carry out such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $3,750,000, for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994.".

SEC. 11. ADMITTING PRIVILEGES OF HEALTH CARE PROFESSIONALS.

Section 335(e)(1)(A) of the Public Health Service Act (42 U.S.C. 354h(e)(1)(A)) is amended—

(1) by striking out "or dentist member" and inserting in lieu thereof ", dentist, or other health care professional member"; and

(2) by inserting ", is authorized by State law to have such privileges," after "granting such privileges".

SEC. 12. GRANTS FOR HOME HEALTH ARE DEMONSTRATION PROJECTS.

(a) NUMBER OF GRANTS.—

(1) IN GENERAL.—Section 395(a) of the Public Health Service Act (42 U.S.C. 280c(a)) is amended by striking out "3, and not more than 5, grants to States" and inserting in lieu thereof "10, and not more than 50, grants to States or private entities.

(2) GRANTEES.—Section 395 of such Act (42 U.S.C. 280c) is amended by adding at the end thereof the following new subsection:

"(d) GRANTEES.—In making grants under subsection (a), the Secretary shall—

"(1) award five such grants to the grantees that received grants under such subsection as such subsection existed prior to July 1, 1989;

"(2) award not to exceed 50 percent of such remaining grants to private entities, who shall be considered in the same manner as a State for purposes of administering this subpart; and

"(3) award any remaining grants to States.".

(b) APPLICATION TO STATE CHIEF EXECUTIVE OFFICER.—Section 397(c) of the Public Health Service Act (42 U.S.C. 280c-2(c)) is amended—

(1) in paragraph (2), by striking out "and" at the end thereof

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2), the following new paragraph:

"(3) include a certification that the applicant has provided he governor of the State in which the applicant resides with a copy of the application, and a certification that the governor of the State will submit comments to the Secretary concerning any such application at such time as the Secretary determines appropriate; and".

(c) MATCHING REQUIREMENT.—Section 396(b) of such Act (42 U.S.C. 280c-1(b)) is amended—

(1) in paragraph (1), by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) For the third and subsequent years of such payments to a State, the Secretary may not make such payments in an amounts exceeding 75 percent of the costs of such services."; and

(2) in paragraph (2), by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) for the third and subsequent years of such payments to a State, not less than $25 (in cash or in kind under subsection (c)) for each $75 of such Federal funds.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 397(e) of the Public Health Service Act (42 U.S.C. 280c-2(e)) is amended by striking out "$5,000,000 for each of the fiscal years 1988 through 1990" and inserting in lieu thereof "such sums as are necessary in each of the fiscal years 1991 through 1994".

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness of programs that receive assistance under the amendments made by this section with regards to the objectives of such programs. The Secretary shall not decrease the amounts appropriated to carry out this section to complete such report.

SEC. 13. TECHNICAL AMENDMENTS.

(a) ASSIGNMENT OF PERSONNEL.—Section 333(h) of the Public Health Service Act (42 U.S.C. 254f(h)) is amended—

(1) in paragraph (1), by inserting "(M.D. and D.O.)" after "physicians"; and

(2) in paragraph (2), by inserting ", payment," after "utilization".

(b) COST SHARING.—Section 334(f)(2)(B)(ii) of such Act (42 254g(f)(2)(B)(ii)) is amended by inserting "payments or" after "third party".

(c) PROVISION OF HEALTH SERVICES.—Section 335 of the Public Health Service Act (42 U.S.C. 254h) is amended—

(1) in subsection (b)(1)(i)(II), by inserting "(M.D. and D.O.)" after "physicians";

(2) in subsection (c), by inserting "(M.D. and D.O.)" after "medical; and

(3) in subsection (e)(1)(A), by inserting "(M.D. and D.O.)" after "physician".

(d) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended in subsection (g)—

(1) by inserting "all" after "related expenses on" in paragraph (1);

SEC. 14. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM DEBTS IN BANKRUPTCY NONDISCHARGEABILITY PROVISIONS.

(a) IN GENERAL.—Paragraph (3) of section 338E(d) of the Public Health Service Act (42 U.S.C. 254o(d)(3)) is amended to read as follows:

"(3) Any obligation of an individual under section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484), or under this section may be released by a discharge in bankruptcy under title 11, United States Code, only if that discharge is granted after the expiration of the 5-year period beginning on the first date that payment of that obligation is required, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(b) EFFECTIVE DATE AND INTERPRETATION.—

(1) OBLIGATIONS UNDER SECTION 225.—With respect to obligations arising under section 225(f) of the Public Health Service Act (as that section existed prior to its repeal by section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484)), the amendment made by subsection (a) shall apply to any bankruptcy proceeding in which the discharge of such an obligation has not been granted before 31 days after the date of enactment of this Act.

(2) OBLIGATIONS UNDER SECTION 338E.—With respect to obligations arising under section 338E of the Public Health Service Act, the amendment made by subsection (a) shall be effective upon the date of enactment of this Act, and shall not be construed as changing or affecting any right, liability, status, or interpretation (pertaining to any such obligation) which existed under such section 338E(d)(3) prior to such date of enactment.

SEC. 15. ESTABLISHMENT OF RURAL HEALTH CARE PROVIDER RECRUITMENT AND EDUCATION PROGRAM.

Subpart III of part D of title III of the Public Health Service Act (as amended by section 10) is further amended by adding at the end thereof the following new section:

"SEC. 338N. RURAL HEALTH CARE PROVIDER RECRUITMENT AND EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program to be known as the Rural Health Care Provider Recruitment and Education Program (hereinafter referred to in this section as the 'Program') to assist rural communities in recruiting and educating eligible individuals to serve as health care providers in such areas. The Secretary shall administer the Program through the existing grant program established under section 338H.

"(b) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants under this section to States that meet the eligibility requirements for receiving grants under subsection (c) to share the costs incurred by local communities within such State, and by the State, in providing funds to eligible individuals.

"(2) PROHIBITION.—The Secretary may not make a grant under this section to a State that has not established a State loan repayment program under section 338H unless the State agrees, as a condition of receiving the grant, to designate a State agency to administer the program operated with the grant.

"(c) ELIGIBILITY.—

"(1) STATE APPLICATION.—

"(A) IN GENERAL.—To be eligible to participate in the Program established under this section, a State shall prepare and submit, to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including—

"(i) the proposal of the State for providing assistance to local communities from amounts received under this section;

"(ii) the estimated expenses that the State expects to incur in providing technical and other assistance to local communities under this section based on the applications that the State receives under paragraph (2);

"(iii) an assurance that the State, shall only provide assistance from amounts received under this section to local communities submitting applications under paragraph (2) who desire to assist eligible individuals who are—

"(I) recommended by local sponsoring organizations within the rural community to be served; and

"(II) residents of the rural community to be served;

"(iv) an assurance that the State will contribute to local communities to which the State provides assistance under a grant awarded under this section, not less than 15 nor more than 25 percent of the cost associated with such local communities providing assistance to eligible individuals under this section;

"(v) an analysis of the potential use of health professions personnel in communities that desire to receive assistance from the State under this section;

"(vi) a determination by the State of the need within the local communities that desire to receive assistance from the State under this section for such health professions personnel;

"(vii) a determination of the extent to which such local communities will have a financial base to support the practice of such health professions personnel; and

"(viii) any other information determined appropriate by the Secretary.

"(B) CONSOLIDATION OF APPLICATIONS.—The application required under this paragraph may be submitted as part of the State application submitted under section 338H.

"(2) LOCAL APPLICATION.—A local community that desires to receive assistance from a State through a grant awarded under this section shall prepare and submit, to the State office that is responsible for the administration of the State loan repayment program established under section 338H within that State, an application at such time, in such form, and containing such information as the State shall require, including—

"(A) the identity and place of residence of the eligible individual for which the local community is providing assistance under this subsection and the relationship, if any, of the eligible individual to the local community;

"(B) the nature and estimated length of the education or training to be provided to such individual with assistance provided under this subsection;

"(C) the estimated costs of the education and training referred to in subparagraph (B), the amount of such costs that will be paid by the applicant, and the amount that the applicant desires to receive from the State under the Program;

"(D) assurances that such individual will comply with the requirements of subsection (e);

"(E) an assurance that the applicant will contribute local funds derived from non-Federal sources in an amount equal to not less than 50 percent nor more than 60 percent of the cost to be paid by the applicant, as described in subparagraph (C); and

"(F) any other information determined appropriate by the Secretary.

"(3) ELIGIBLE INDIVIDUALS.—To be eligible to receive assistance under this section an individual identified in the application submitted under paragraph (2)(A)(i) shall—

"(A) be recommended by a local community and enrolled, or accepted for enrollment, as a full-time student—

"(i) in an accredited educational institution, approved by the Secretary, in a program leading to a degree in medicine or osteopathic medicine;

"(ii) in an approved program leading to eligibility for licensure as a nurse midwife, nurse practitioner, or a physician assistant; or

"(iii) in an approved graduate program leading to eligibility for certification (or the State equivalent) as a nurse midwife, nurse practitioner, or a physician assistant;

"(B) prepare and submit to the local community an application (that shall be submitted to the State as part of the application of the local community under paragraph (2)(A)) to participate in the program established under this subsection; and

"(C) sign and submit to the local community and the State, at the time of the submission of the application, a written contract to serve for not less than 2 years, after licensure or certification, in the rural community, but in no event shall such applicant serve for a period of years that is less than the number of years in which the applicant was provided with assistance under this section.

"(d) USE OF FUNDS.—Amounts provided to a State under a grant awarded under subsection (b) shall be used to reimburse a local community for 25 percent of the costs associated with providing assistance to an eligible individual to enable such individual gain the medical or clinical education necessary to become a primary care physician, a nurse practitioner, a nurse midwife, or a physician assistant.

"(e) SERVICE BY INDIVIDUAL.—An individual that receives assistance under this section shall serve as a primary care allopathic or osteopathic physician (including a family practitioner, an obstetrician/gynecologist, a practitioner of internal medicine or pediatrics) a nurse midwife, a nurse practitioner, or a physician assistant in the rural community represented by the local community that provided assistance to the individual under this section. Such period may be in excess of 4 years if the local community and the individual agree.

"(f) FAILURE TO COMPLY.—The provisions of section 338E regarding the breach of a service contract shall apply to eligible individuals that enter into contracts to receive assistance under this section.

"(g) COORDINATION.—The State shall coordinate and be responsible for the recovery of any payments due from delinquent individuals under this section on behalf of localities and the Federal Government.

"(h) EVALUATION.—The Secretary, acting through the Health Resources and Services Administration, shall evaluate the impact of the program established under this section on the participation of primary care physicians and mid-level practitioners in the program established under this section and prepare and submit, to the appropriate Committees of Congress, a report containing the number of primary care physicians and mid-level practitioners, on a State by State basis, who participate on the program established under this section in the State.

"(i) DEFINITIONS.—As used in this section:

"(1) LOCAL COMMUNITY.—The term 'local community' means a local public or private nonprofit entity or combination of such entities, that is located in or serves a rural community.

"(2) RURAL COMMUNITY.—The term 'rural community' means a Federally designated health manpower shortage area or a medically underserved area designated by a State pursuant to section 338H, that is not within a metropolitan statistical area.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, and such sums as may be necessary for 1993.".

SEC. 16. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended in the first sentence—

(1) by striking out "not more than four";

(2) by striking out "in any fiscal year"; and

(3) by striking out "in such States".

SEC. 17. CONFORMING AMENDMENTS.

(a) UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1972.— Section 2123(e) of title 10, United States Code, is amended by striking out "an area of health manpower shortage" and inserting in lieu thereof "a health professional shortage area".

(b) PUBLIC HEALTH SERVICE ACT.—

(1) Sections 303(d)(2)(B), 331, 333, 334, 335, 336(a), 336A, 338A, 338B, 338C, 338D, 338F(a)(1), 735, 741(f)(1)(C), 759(a), 781(a)(2)(B)(iii), and 822 of the Public

Health Service Act (42 U.S.C. 242a(d)(2)(B), 254d, 254f, 254g, 254h, 254h-1(a), 254i, 254l, 254l-1, 254m, 254n, 254p(a)(1), 294h, 294n(f)(1)(C), 294aa(a), 295g-1(a)(2)(B)(iii), and 296m) are amended by striking out "health manpower shortage area" each place such appears and inserting in lieu thereof "health professional shortage area".

(2) Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS";

and

(B) by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(c) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in section 1156(b)(5) (42 U.S.C. 1320c-5(b)(5)), by striking out "health manpower shortage area (HMSA)" and inserting in lieu thereof "health professional shortage area"; and

(2) in sections 1833(m), 1842(b)(4)(F), and 1861 (42 U.S.C. 1395l(m), 1395u(b)(4)(F), and 1395x), by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(d) COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971.—Section 202 of the Comprehensive Health Manpower Training Act of 1971 (42 U.S.C. 3505d) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"NATIONAL HEALTH PROFESSIONAL SHORTAGE CLEARINGHOUSE";

and

(2) in subsection (a), by striking out "Manpower" and inserting in lieu thereof "Professional".

(e) HEAD START ACT.—Section 645(a)(2)(B) of the Head Start Act (42 U.S.C. 9840(a)(2)(B)) is amended by striking out "health manpower shortage area" and inserting in lieu thereof "health professional shortage area".

NATIONAL EMERGENCY POLICY

PELL AMENDMENT NO. 2605

Mr. MITCHELL (for Mr. PELL), proposed an amendment to the bill (S. 324) to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes, as follows:

S. 324 is amended by adding a new Title IV, Subtitle D as follows:

SUBTITLE D—UNITED NATIONS CONFERENCE

SEC. 431. 1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.—

(a) FINDINGS.—The Congress finds that—

(1) the 1992 United Nations Conference on Environment and Development will play a crucial role in advancing efforts to protect the global environment;

(2) international preparations for 1992 Conference have already begun; and

(3) the effectiveness of U.S. participation in the 1992 Conference would be greatly enhanced by the establishment of a secretariat within the Department of state to coordinate U.S. preparations for the Conference.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of State for fiscal year 1991, $350,000 for the purpose of establishing within the Department of State a secretariat to prepare for the 1992 United Nations Conference on Environment and Development. Such funds shall remain available until expended.

GORE (HATFIELD) AMENDMENT NO. 2606

Mr. MITCHELL (for Mr. GORE, for himself, and Mr. HATFIELD), proposed an amendment to the bill (S. 324) to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes, as follows:

On page 236, line 19, delete "and"; on-line 23, delete the period and insert a semi-colon; and following line 23, insert the following:

"(4) explore mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services; and

"(5) increase staffing to support the new authority and responsibilities described in this section.".

On page 239, after line 11, insert the following new clause and redesignate clauses "(7)" and "(8)", as "(8)" and "(9)":

"(7) provide mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services;".

On page 239, redesignate section 415 as section 416 and insert a new subsection 415 of follows:

"SEC. 415. JOINT VENTURES IN DEVELOPING, DEMONSTRATING, AND MARKETING ENERGY EFFICIENT AND RENEWABLE ENERGY TECHNOLOGIES IN KEY LESSER DEVELOPED COUNTRIES.—

(a) FIVE YEAR PLAN.—The management plan under section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218), shall include a five-year implementation plan for:

"(1) pursuing joint ventures with United States manufacturers for the development, demonstration, or marketing of energy efficient and renewable energy technologies for application of use in key lesser-developed countries; and

"(2) providing mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers of energy efficient and renewable energy technologies, in identifying and pursuing opportunities for sales or joint ventures.

In developing the implementation plan required under this subsection, the Secretary shall consult with the Agency for International Development.

"(b) The Secretary shall solicit proposals for joint ventures in the areas described in subsections (a)(1) and (a)(2) as if such joint ventures were required by, and subject to the requirements set forth in, section 6 of Public Law 101-218. The Secretary shall select a total of at least three joint ventures, except that the Secretary may reduce this requirement to the extent that the proposals received do not meet the Secretary's qualifications.

"(c) For the purposes of this section, a lesser-developed country shall be considered a key lesser-developed country if direct export or use of U.S. manufactured energy efficient and renewable energy technologies in such country is inhibited by cultural, or other factors.".

On page 416, after line 3, at the end of the redesignated section 416, add the following new subsection:

"(c) There is authorized to be appropriated for the purposes of section 415, in addition to the amount specified in sections (a) and (b), $1,000,000 for fiscal years 1992, 1993, and 1994.".

LIEBERMAN AMENDMENT NO. 2607

Mr. MITCHELL (for Mr. LIEBERMAN) proposed an amendment to the bill (S. 324) to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes, as follows:

On page 194 after line 13 add the following:

"Subtitle C—Fuel Cells

"SEC. 221. AMENDMENT.—"Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended by adding the following new part after section 569:

'PART 5—FUEL CELLS

'SEC. 571. DEFINITIONS.—For purposes of this subtitle the term:

(1) "Federal building" shall mean "Federal building" as defined by section 549(6); and

(2) "Task Force" shall mean the Interagency Energy Management Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term "Task Force" shall include the Environmental Protection Agency.

'SEC. 572. FUEL CELL PROGRAM.—The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

'SEC. 573. PURPOSES.—The purposes of this program are to:

(1) improve the efficiency and reduce the environmental consequences of the Nation's electric generation capability;

(2) stimulate the creation of new industries and job opportunties in efficient and environmentally sound energy technologies; and

(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

'SEC. 574. IMPLEMENTATION AND ACQUISITION.—(a) In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cell systems for the production of energy to satisfy electrical and other energy requirements of such buildings.

(b) Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects re-

quired under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of ten projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

(c) The Secretary may provide financial assistance to agencies sponsoring projects. identified under subsection (b), to acquire and isntall fuel cell systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In order to receive financial assistance from the Secretary, a project identified under subsection (b) must meet the ten-year payback criterion of section 543. The calculation of such ten-year payback period shall take account of cost benefits associated with cogenerated energy to the extent provided under section 544. In selecting qualified projects for financial assistance, the Secretary, in consultation with the Task Force, shall also consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

(d) Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications, and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

'SEC. 575. AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of this subtitle a total of $15,000,000 for fiscal years 1992 through 1994.'.".

DOMENICI (AND OTHERS) AMENDMENT NO. 2608

Mr. MITCHELL (for Mr. DOMENICI, Mr. WIRTH, Mr. MCCLURE, Mr. REID, Mr. MCCAIN, Mr. BRYAN, Mr. CRANSTON, Mr. WILSON, Mr. HATFIELD, Mr. SYMMS, Mr. HARKIN, Mr. DECONCINI, Mr. PACKWOOD, Mr. ADAMS, Ms. MIKULSKI, Mr. SHELBY, Mr. HOLLINGS, Mr. HATCH, MR. JEFFORDS, Mr. SANFORD, Mr. GARN, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. DASCHLE, Mr. ROBB, and Mr. AKAKA) proposed an amendment to the bill (S. 324) to remove the regulatory barriers for solar, wind, and geothermal electric energy generation contained in the Public Utility Regulatory Policies Act of 1978, as follows:

At the end of title II add the following new subtitle:

"Subtitle C—Solar, Wind and Geothermal Electric Power Production

"SEC. 221. PURPA AMENDMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 is amended as follows:

"(a) In subsection (a), strike out ", and to encourage geothermal small power production facilities of not more than 80 megawatts capacity,".

"(b) In subsection (e)(2), insert "(other than a qualifying small power production facility which is a solar, wind or geothermal facility as defined in section 3(17)(E) of the Federal Power Act)" after "facility" where it first appears, and by striking out ", or 80 megawatts for a qualifying small power production facility using geothermal energy as its primary energy source,".

"SEC. 222. FEDERAL POWER ACT AMENDMENTS.—(a) Section 3(17)(A) of the Federal Power Act is amended by inserting "a facility which is a solar, wind or geothermal facility, or" after " 'small power production facility' means".

"(b) Section 3(17) of such Act is further amended by inserting at the end thereof the following new subparagraph:

" '(E) "solar, wind or geothermal facility" means a facility which produces electric energy solely by the use, as a primary energy source, of solar energy, wind energy or geothermal resources;".

"SEC. 223. FERC REGULATIONS.—(a) Within 30 days of the date of enactment of this Act, the Federal Energy Regulatory Commission shall issue such proposed modifications to its regulations as may be necessary to implement the amendments made by this subtitle, and within 90 days of such date, the Commission shall issue final regulations.

"(b) Until regulations described in subsection (a) are final and effective, any solar, wind or geothermal facility (as defined in section 3(17)(E) of the Federal Power Act), which is a qualifying small power production facility as defined in subparagraph (C) of section 3(17) of the Federal Power Act (as such section 3(17) is amended by this Act), (A) shall be considered a qualifying small power production facility under part 292 of title 18 of the Code of Federal Regulations, notwithstanding any size limitations contained in such part, and (B) shall not be subject to the size limitation contained in section 292.601(b) of such part.

"(c) The provisions of Subtitle C shall apply to a solar, wind or geothermal facility only if either of the following is submitted to the Federal Energy Regulatory Commission during the two year period beginning on the date of enactment of this Act:

"(1) an application for certification of the facility as a qualifying small power production facility; or

"(2) notice that the facility meets the requirements for qualification.".

JOHNSTON AMENDMENT NO. 2609

Mr. MITCHELL (for Mr. JOHNSTON) proposed an amendment to amendment number 2608, proposed by Mr. DOMENICI (and others) to the bill S. 324, supra, as follows:

Amend the amendment proposed by Mr. Domenici et al. by: (1) adding ", waste" after the words "solar, wind" at every point at which the words appear in the amendment; and (2) adding ", waste resources" after "wind energy".

MCCLURE AMENDMENT NO. 2610

Mr. MITCHELL (for Mr. MCCLURE) proposed an amendment to amendment number 2608, proposed by Mr. DOMENICI (and others) to the bill S. 324, supra, as follows:

On page 2, line 29, following the word "if" insert ": (1)".

On page 3, line 2, strike "1" and insert in lieu thereof "A".

On page 3, line 4, strike "2" and insert in lieu thereof "B".

On page 3, line 5, following "qualification" insert the following: "; and (2) construction of such facility commences within five years of the date of such application or notice and reasonable diligence is exercised towards the completion of such facility taking into account all factors relevant to the construction of the facility."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, August 3, immediately following the first rollcall vote after 2 p.m., in our Capitol office S-116, to hold a brief business meeting to vote on pending nominations: Mr. Edward William Gnehm, Jr., of Georgia, to be Ambassador to the State of Kuwait; Mr. Townsend B. Friedman, Jr., of Illinois, to be Ambassador to the People's Republic of Mozambique; Mr. Kenneth Noel Peltier, of Texas, to be Ambassador to the Federal and Islamic Republic of the Comoros; Ms. Genta Hawkins Holmes, of California, to be Ambassador to the Republic of Namibia; and Mr. Edwin D. Williamson, of South Carolina, to be Legal Adviser of the Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND THE HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and the Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, August 3, at 10 a.m., for a hearing on the problems confronting the Higher Education Assistance Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, August 3, at 10 a.m., to hold an ambassadorial nomination hearing on Ryan Clark Crocker

to be Ambassador to the Republic of Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVATE RETIREMENT PLANS AND OVERSIGHT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Private Retirement Plans and Oversight of the Internal Revenue Service of the Committee on Finance be authorized to meet during the session of the Senate on August 3, 1990, at 9:30 a.m., to hold a hearing on S. 2901, the Employee Benefits Simplification Act, and S. 2902, the Church Retirement Benefits Simlification Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE "BETTS" TALKS

● Mr. METZENBAUM. Mr. President, I want to advise the Senate regarding the thus far disappointing nature of our negotiations on S. 1511, the Older Workers Benefit Protection Act. Senators PRYOR, JEFFORDS, and myself sought compromise when we drafted this bill.

That's why we worked closely with the EEOC and with staff from Senators HEINZ, DOMENICI, GRASSLEY, and others before introducing the bill.

We then sought compromise when we marked up the bill in committee.

That's why we made a series of probusiness changes, some of which were very hard for the senior citizen groups to swallow.

For the past 2 months, we have been talking with representatives of the business community and with staff from Senators HATCH and KASSEBAUM. We want to reach a negotiated solution.

But I am frank to say I do not see the same sense of urgency on the other side.

When the Civil Rights Act of 1990 was debated by the Senate last month, my colleagues from Utah and Kansas were unhappy because they felt the bill came to the floor without an adequate effort to work out our differences.

But if we are to work out our differences, both sides must be willing to stand up and take risks, and to make negotiated solution a top priority. We will never get a negotiated bill if the other side follows the lead of the business community, which simply wants to kill this bill, but killing this bill is not a solution.

There are millions of older Americans who are deeply troubled because their employee benefits have been jeopardized. They will not stand for being discriminated against in employee benefits. They will not stand for the two-tier benefit structure that the Supreme Court inexcusably allowed in Betts.

My staff and others have spent countless hours trying to address employer concerns, but time is growing short, and we have yet to see a bottom line from the employer side.

I want the Senate to understand the intent of the sponsors.

We have 43 cosponsors, and I believe we will have 60 votes for cloture on this bill if necessary.

If we do not achieve a compromise solution over the August recess, I will find a way to bring this bill to the floor soon after we return.

I hope it will not be necessary to force votes on this bill, but it has been more than a month since Senator PRYOR and the majority leader urged those Senators with concerns to sit down and work out their problems.

Millions of older Americans want their benefits protected.

They are watching us; they are looking to the U.S. Senate to protect their interests. We must not fail them.●

BETTS LEGISLATION

● Mr. HEINZ. Mr. President, more than 12 months ago I introduced legislation to overturn the U.S. Supreme Court decision in Public Employees Retirement System of Ohio versus Betts, and to make clear Congressional intent to protect the rights of older workers. To date, I regret to say that congressional inaction has resulted in thousands of workers being denied equal rights in the workplace. This, despite months of negotiations between my staff, those of Senator PRYOR, METZENBAUM, JEFFORDS, HATCH, other congressional staffs, representatives of the administration, and the business community, I find that no real progress has been made.

Today U.S. district and circuit courts across the United States have dismissed case after case based on the Supreme Court's decision in Betts. As each case is dismissed, the many rights of older workers now and in the future are further eroded.

Mr. President, congressional inaction is choking off the rights and protections of older workers. This inaction is being fuelded, to some degree, by those in the business community and their lobbying organizations, who are creating hysteria over this issue—many of whom want to push the Age Discrimination in Employment Act [ADEA] into a closet and lock the door. There are some in the business community who want to use this legislation to further erode the rights and protections of older workers that were fought for and won on this very Senate floor.

Mr. President, it is time for the Senate to stand up and be counted and send a clear and unequivocal message to the business lobby and to the U.S. district and circuit courts judges; Congress will enact legislation this year to overturn the Betts decision. This Senator is committed to taking whatever legislative steps are necessary to ensue that the rights of older workers are not compromised.●

THE FUTURE OF OUR SUBMARINE PROGRAMS

● Mr. DODD. Mr. President, while in the Defense authorization debate just completed we did not spend much time discussing our submarine programs, the future of our submarine industry is one of the pivotal questions of our adaptation to the new strategic and political realities of the world.

My colleagues are about to return to their States for a few weeks, and perhaps they will find some time to catch up on readings. I strongly recommend that they include an incisive article from a recent issue of Forbes about the continuing robust Soviet efforts to modernize and expand their underwater forces.

I ask that the article be printed in the RECORD.

The article follows:

THE ULTIMATE WEAPON?

(By Subrata N. Chakravarty)

John Keegan, the brilliant British military historian, recently wrote: "The submarine . . . is the instrument of ultimate nuclear deterrence between the superpowers, holding at risk their cities, industries and populations as it circles their shores. It is now also the ultimate capital ship, deploying the means to destroy any surface fleet."

Just as in World War II, when the carrier replaced the battleship as queen of the sea, Keegan recognizes that nowadays the modern nuclear submarine holds primacy not only over aircraft carriers but even over land-based intercontinental ballistic missiles as the ultimate means of delivering destruction.

But who cares about ultimate weapons? Soviet President Mikhail Gorbachev has declared peace and the U.S. Congress is busy debating how to spend the peace dividend.

Well, even with the Soviet economy in collapse, Moscow clearly cares about ultimate weapons, submarine warfare in particular. While the Soviets junk tanks and demobilize infantry, Moscow's spending continues strong on advanced jet fighter technology, on satellites, on ships and missiles and submarines, especially submarines. U.S. intelligence officials have concluded that Soviet submarine construction shows no signs of slowing. This year the Soviets are expected to add at least nine submarines to their undersea armada, as against three for the U.S. What's more, the latest generation of Soviet subs is far more capable—and deadly—than the ones that went before it.

Glasnost or not, the Kremlin would dearly love to have the ability to slip submarines undetected off U.S. shores and lock the subs' nuclear missiles onto American cities and factories at such short range that no warning would avail. Superquiet Soviet subs could also easily interdict the sea-lanes that tie the U.S. to the rest of the world. Not that the Soviets plan to use such power, but having it would be a bargaining card that

could affect the world balance of power. Says Captain Richard Sharpe, editor of the authoritative Jane's Fighting Ships: "I believe that the Soviets would have no difficulty at all in getting sufficient nuclear attack submarines out into the Atlantic to bring the West to its economic knees." The Soviets understand the power game, even if the U.S. doesn't.

Nor is submarine technology out of reach of vicious dictatorships like those in Syria and Libya. Modern submarines—albeit run not by nuclear power but by electric and diesel engines—are purchasable on the open market. And that could be dangerous for the U.S.

But, of course, the Soviet threat is the clearest. A few years back one of the finest U.S. attack subs, the *Augusta*, moving along in its quietest mode, was tracking a Soviet Sub. Suddenly, the *Augusta* hit another object. That other object was never officially identified, but one naval analyst swears that it was a second Soviet sub—likely laden with ballistic missiles. He reasons that this Soviet sub was so silent that the *Augusta* had no idea it was even there. Offered that version of the incident, Vice Admiral Daniel Cooper, assistant chief of naval operations for undersea warfare, sits back in his Pentagon office and smiles. But he steadfastly refuses to discuss the matter.

A U.S. naval authority once described modern submarine warfare in these terms: Imagine a room as large as a football field but pitch-black and with thick carpeting. Inside the room, two people armed with daggers stalk one another. The one with the quietest threat and most acute hearing has the better chance to win, because he detects his opponent before the opponent detects him. A flash of a blade and the battle is over.

A submarine in the Atlantic or Pacific Ocean seems an even smaller object than a person in a pitch-dark room the size of a football field. The first submarine to slip through the enemy's antisub defenses delivers its missiles and torpedoes first.

For decades American submarines have held a distinct advantage over the Soviets'—in technology and capability, and perhaps most important, in their ability to move silently and to detect the presence of an enemy craft. But now there is a feeling that the U.S. advantage is shrinking.

An indication of how seriously both sides take submarine warfare can be seen from the fact that the three most recent U.S. Navy chiefs of naval operations are all submarine veterans: Admiral James Watkins, 63, who went on last year to become Secretary of Energy, Admiral Carlisle Trost, 60, who retired last month and Admiral Frank Kelso II, 56, who has just assumed the post.

Another veteran submariner is Soviet fleet admiral Vladimir Chernavin, 62, who is now in charge of the entire Soviet navy. Chernavin commanded one of the Soviets' first nuclear submarines, which put to sea in the late 1950s.

Despite all Gorbachev's vexing problems, he has one clear advantage when it comes to military spending. He can decide which military programs to trim and which ones to keep strong, and he can make his decisions on the basis of strategy and technology rather than on pork-barrel strategy and domestic politics. His bustling submarine program indicates he is doing just that.

The U.S. Congress and the Pentagon, by contrast, are dithering about U.S. defense policy. Neither is willing to make the tough decision about future needs. Many congressmen, pre-occupied with saving defense jobs in their home districts, seem to be leaning toward cutting all the defense services equally. While the Soviets trim fat and flab from their military spending, we seem intent on cutting muscle as well—all the while keeping everybody's trough full.

Right now one of the most curious elements of Soviet submarine technology is in an unusual Volkswagen-size pod on the tail of the Soviets' newest attack submarines. The U.S. Navy and some civilian naval analysts think it houses an awkwardly designed sonar device. But others view it as far more ominous. Captain William Ruhe, until recently editor of the Alexandria, VA.-based magazine *Submarine Review*, and Commander Richard Compton-Hall, a British naval analyst and author, among others, believe the pod *(see pictures, p. 91)* to be a magnetohydrodynamic (MHD) propulsion system. That is the system that Tom Clancy called the caterpillar drive in his bestseller *The Hunt For Red October*, the book from which this spring's hit movie was adapted.

Based on a powerful superconducting magnet, such a drive has no moving parts, so it will allow a submarine to move in virtual silence. The U.S. is doing some low-level research in the field, and the Japanese are working on it for commercial applications. But the Soviets are known to be working intensively on it. "The U.S. Navy is not interested in MHD propulsion because they don't believe it's feasible," says Ruhe. "Therefore, they don't believe the Russians could be working on it."

The pod's real purpose probably will not be known for years. But the idea that it is a result of poor design seems implausible. "Whatever it is, they're clearly happy with where it is," says a naval analyst and foremer submariner, pointing out that it first appeared on a sub launched in 1978. His point: A design flaw could easily have been corrected when the next generation of Soviet submarines appeared in 1983.

From the start, the Soviets and the U.S. have had completely different philosophies about designing submarines. The Soviets stressed speed, diving depth and survivability in battle—meaning the ability to take a hit and not sink. [Survivability is the reason all Soviet subs today have double hulls.) The U.S., on the other hand, has emphasized silence, reactor safety, and more silence. "Quieting is *the* most important aspect of submarines," declares Vice Admiral Cooper. "You talk about stealth. We were stealthy before we could even spell it right." Two people groping for each other in a blackened room.

The Soviets may have benefited from their early failures. What that means is that the first U.S. submarine design was so successful that the U.S. stayed with it. The Soviets weren't as lucky, so they have been more adventurous, experimenting with different propulsion systems, designs and materials to explore different capabilities. In the past two decades the Soviets have built about 20 different classes of submarines, according to Norman Polmar, an authority on the Soviet navy; the U.S. has built just 3. Says a former CIA analyst, "The Soviets say the Americans successed their way to mediocrity."

Until the late 1970s the Soviets didn't seem to care much about being quiet. But their Victor III-class attack sub, which first appeared in 1978, was significantly quieter than earlier subs. There followed in 1985 the Akula-class attack submarine, 350 feet long and believed to be titanium-hulled. The Victor III was 15 years behind the best sub in the U.S. fleet in quietness; the Akula-class sub narrowed that gap considerably. Admiral Lee Baggett Jr., former commander of NATO forces in the Atlantic, reportedly said in 1986 that the quietness gap "has now been narrowed to three or four years at the maximum."

Some, including John Engelhardt, a naval architect and former U.S. Navy analyst, believe that the next generation of Soviet submarines, due out before the end of this decade, will stay close on America's heels, perhaps with the use of active sound cancellation techniques—producing white noise to mask the noises that could be picked up by passive sonar. That could neutralize the principal advantage of U.S. submarines, which is highly advanced listening equipment.

All this illustrates an important point about the Soviet Union: While its economy is a mess and its industrial production primitive, the society is capable of high-technology achievements. If the milk is diluted, polluted and watery, the cream can be quite rich. Time after time, the U.S. Navy and intelligence community have underestimated Soviet undersea advances, dismissing new features as ineffective, misapplied, impossible or just plain stupid, only to find later that they served a purpose in the Soviet navy that the U.S. simply hadn't understood.

Whatever it has done elsewhere in the Soviet Union, perestroika has had little effect on the periscopes. The Soviets' sixth Delta IV was launched just last year, for example, and there is no end to the construction program in sight. A ballistic missile sub, the Delta IV carries 16 SS-N-23 missiles, each with up to 10 independently targeted reentry vehicles, each of which is capable of destroying a reinforced target like a missile silo. That missile's U.S. counterpart, the Trident II, was just fitted onto a submarine for the first time this spring, and the Trident program could be slashed before it gets much further. Each missile costs $25 million, and the peace dividend, after all, has to come from somewhere.

According to Jane's Fighting Ships, the Soviet's active submarine fleet has 131 nuclear-powered attack subs. These are designed to attack ships and enemy submarines but are capable as well of hitting shore targets within a limited range. The Soviets also have 136 diesel-electric subs and 63 nuclear-powered ballistic-missile-carrying subs, for a total of 330 submarines. Opposing that massive force are 91 U.S. attack subs (8 of which will be retired under the current defense budget and 34 ballistic missile subs. Vice Admiral Cooper feels he needs a fleet of 100 active attack subs and 24 ballistic missile subs.

Until fairly recently it was believed that the American edge in quality compensated for the Soviet lead in numbers; now many are not so sure. "If you ask which is better, a U.S. surface ship or naval aircraft or its Soviet counterpart, there is no argument, the U.S. is ahead," says Polmar. "But with submarines, there's a debate." Admittedly, many of the Soviet submarines are obsolete ships built in the 1960s, but they still represent a formidable force. Moreover, Rear Admiral Thomas Brooks, director of naval intelligence, recently told Congress that virtually all of the subs Gorbachev has been publicly "retiring" are, in fact, inactive reserve subs which haven't seen service in more than a decade.

In 1988 the Soviets launched eight submarines—four nuclear and four diesel-electric, according to Rear Admiral Brooks. Last year another nine subs were launched. And so far in 1990, says Vice Admiral Cooper, four nuclear submarines have already been launched. Another five or six submarines of various types are expected by the end of the year.

By comparison, the U.S. Navy commissioned four submarines last year and will add another three to the fleet this year.

Yet U.S. sub programs are under threat from the budget ax. At an initial cost of some $2 billion, the cost of the Navy's new Seawolf-class attack submarine is admittedly staggering. The Navy is planning for the cost to decline some 40% in constant dollars as the submarine class begins steady production at the General Dynamics shipyard in Groton, Conn., and at the Tenneco shipbuilding operation at Newport News, Va. The Navy hopes to build 29 of the Seawolf subs, the first of which will join the fleet in 1995. But between post-Cold War euphoria and severe budgetary constraints, it is a particularly tough time to be pitching an expensive sub program on Capitol Hill.

Ultimately the Seawolf class will be built because there is no other design on the drawing boards. But the likelihood of all 29 being built is remote at best. Stretching out the program is poor economy, because as the numbers decline, the cost per sub rises sharply.

Even submarines do not operate in a vacuum. They can be defended against. It was, after all, development of the destroyer and later of antisub aircraft that helped the Allies to counter the Germans submarine menace in both world wars. Faced with the vastly improved Soviet subs, the U.S. Navy has designated antisubmarine warfare as its highest priority in fighting wars.

But here too the competition is growing more fierce. For years, noisy Soviet subs were easily detected by passive sonar sensors (which detect sound without emitting any) embedded in the ocean floor, carried on submarines and surface ships, and dropped from aircraft. Once again, the U.S.' very success made it complacent and overly dependent upon passive sonar technology.

The Soviets, faced with having to detect extremely quiet U.S. submarines, have spent years working on nonacoustic detection systems: tracking submarines by the disturbances they create in magnetic and electrical fields and the minute wake and thermal energy they emit as they move through the ocean. Although U.S. interest in such detection systems has increased, the research remains only marginally funded and the Soviets retain a lead, according to experts.

The U.S. does, of course, pose a threat to the Soviet Union with its own submarines. That's why the Soviets keep seeking agreements limiting sea-launched cruise missiles—to negate the flexibility and capability of the U.S. sub fleet. Peace may be at hand, but Gorbachev, like a prudent leader, measures, capabilities rather than speeches and good intentions.

If the U.S. lets the Soviets get ahead in underwater warfare, it will be putting at risk the most effective leg of its strategic triad. Rear Admiral Brooks has testified that the Soviets probably won't be able to detect U.S. ballistic subs anytime in the 1990s. But by the year 2000, when the Soviets might well be able to find U.S. submarines, the U.S. will have 70% of its nuclear retaliatory capacity traveling undersea, and some of our subs will be a noisy 20 years old. The Soviets, meanwhile, are likely to continue building highly capable, increasingly quiet submarines in large numbers. They will push without stint their antisubmarine development.

In the concluding chapter of his The Price of Admiralty, John Kegan wrote: "Command of the sea in the future unquestionably lies beneath rather than upon the surface." Especially for a nation as dependent upon maritime power as is the U.S. Can any sensible person believe that a mere shift in command of the Kremlin makes control of the seas irrelevant?●

OREGON HEARINGS ON STATUS OF WILD SALMON RUNS

● Mr. PACKWOOD. Mr. President, yesterday I submitted for the RECORD the testimony from the first three of seven hearings I held across the State of Oregon on the possible effects of listing certain species of Columbia and Snake River salmon as threatened or endangered under the Endangered Species Act. Today, I would like to submit the testimony from the remaining four hearings for the RECORD. The material follows:

TESTIMONY OF JAMES S. O'BANION, EXECUTIVE DIRECTOR, PORT OF HOOD RIVER

The Port of Hood River was created in 1933 as a result of the Bonneville Dam Project and has remained a vital force in the economic development and well-being of our community for the ensuing 57 years. Our location along the Columbia in the heart of the Columbia River Gorge gives us a unique appreciation of the river and its importance to our entire region.

The Port of Hood River stands firmly behind the multiple use concept for the Columbia/Snake River System. The system was developed for multiple use purposes and each of the federal projects on the system were authorized for multiple use purposes. Those multiple uses include power generation, irrigation, flood control, navigation, fish and wildlife and recreation.

The Port of Hood River believes that all uses for which the system was developed must be protected and preserved. We recognize that Columbia River salmon are a valuable resource and an important part of the heritage of the Pacific Northwest. The Port of Hood River supports continued biological studies to determine the status of the various species of fish in the Columbia and Snake Rivers. The port advocates an open process in conducting the biological status review.

We further believe that solutions should not be suggested, recommended, or imposed until after the biological review is completed. Only after the status is determined, only if the best scientific review determines protection is required, and only after the causes are determined, should solutions be developed. Those solutions should be developed embracing the multiple use concept and take all recognized uses into account.

The Port of Hood River appreciates this opportunity to present our comments. Thank you.

TESTIMONY OF GLENN TAYLOR, GLENN TAYLOR & ASSOCIATES

Thank you for the opportunity to meet with you today and talk about the possible impact of the proposal filed with the NMFS with regards to Columbia and Snake River salmon runs.

Information to date appears to be somewhat limited on the subject. My concerns as a City of Hood River Councilor and area business person would center around possible economic effect.

1. River access or flowage controls should not be at a time that reduces recreational use of the river (i.e. windsurfing, boating, etc.).

2. Increased flows should not be to the detriment of existing Hydro electric power productions putting further demand on nuclear and fossil fuel generation.

3. Agricultural community should not be further jeopardized by reducing available irrigation water supplies.

4. This issue should not be allowed to grow to the proportion that the spotted owl/old growth timber issue has. The Northwest and Oregon cannot afford another spear in the side of our long overdue economic rebuilding.

Thank you again Senator for the opportunity to have input on this issue.

TESTIMONY OF TED STRONG, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Senator Packwood, thank you for the opportunity to testify on the subject of the recent petitions requesting protection of Columbia River salmon under the Endangered Species Act. My name is Ted Strong and I am the executive director of the Columbia River Intertribal Fish Commission. As you know, the commission was founded by the confederated tribes and bands of the Yakima Indian Nation, the confederated tribes of the Warm Springs Reservation of Oregon, the confederated tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. The Commission was formed to supply its member tribes with technical assistance in their management of Columbia River Fisheries.

People are expressing a renewed concern over the fate of Columbia River salmon. A little more than 10 years ago this same concern was expressed and the same question was asked: Should salmon of the Columbia River Basin be protected under the Endangered Species Act? Our tribal perspective, however, predates these recent events. Because of this history, I come before you now with a sense of urgency and frustration. Urgency because certain stocks of salmon have continued to decline in the last ten years; frustration because the tribes' request to bring salmon back to the Upper Columbia River have been ignored for too long.

When the United States negotiated treaties with the Columbia River Tribes, the salmon ran full in the rivers of this basin. The daily lives of our ancestors revolved around the return of each run. The Creator blessed each changing season for our people with the runs of Chinook, Sockeye, Coho and Steelhead. The return of each fish run was welcomed with ceremony, prayer, and celebration. It was because of the culturally unique role that salmon held that each tribe, by treaty, reserved to itself the right to fish at all "usual and accustomed" fishing places. These places are sacred and are named to commemorate their special place in Indian life. As part of the treaties, cessions of these great lands were made by the Indians to the United States. These cessions were based upon the promise of the United States that the tribes would always retain their fishing rights.

Over the course of the last hundred years, much of the salmon resources has been lost due to habitat destruction, lack of fish production programs, and other factors. As more people moved to the Pacific Northwest, the salmon resource faced increasing pressure from the non-Indian commercial fishery and other activities. Tribes were forced to go to court to protect their right to fish.

But those fights were not the greatest obstacles that the tribes have faced. Many stocks of salmon were irretrievably lost as, one by one, dams were built in the Great Columbia River Basin, blocking access to salmon spawning grounds for hundreds of miles. Now, more than 30 percent of the salmon habitat has been destroyed by dams, with additional habitat degraded by mining, timber harvesting, pollution and other activities. The remaining habitat is underutilized by fish because of inadequate passage at the dams, poor flow, and incomplete fish production programs.

Since the formation of the Columbia River Inter-Tribal Fish Commission in 1977, gravel-to-gravel management has been its most important fishery management policy. By this we mean the protection of the salmon resource at each stage of its life cycle. By the 1970's, many public agencies in the northwest had written off the Upper Columbia River salmon, in favor of hydropower development, irrigation and other industrial development. Much of the tribes' efforts therefore focused on harvest regulation, and getting upriver runs recognized as management priorities in harvest, production, and habitat actions. We are hopeful that others now share that priority with us.

I do not come here to mourn the past or repeat the well-known list of what has caused the declines in the salmon. I want to ensure that the U.S. Government honors its promise to the tribes. For their part, the tribes have succeeded in creating a coordinated harvest management system that accounts for fisheries harvest throughout the range of the fish. The tribes took the lead in the push that led to the United States-Canada Pacific Salmon Treaty. Through litigation, the tribes have seen to it that a management plan is now in place on the Columbia River so that the inriver harvest of salmon is controlled. These harvest management regimes have produced a coastwide system of accountability for harvest of Columbia River Fish. As part of that system, fishery and fish run information is continually updated and improved so that rebuilding of chinook is not hindered by harvest management actions. The tribes are committed to regulating their harvest to support rebuilding. But the fishery restrictions cannot rebuild the runs alone. Even in the virtual absence of harvest, stocks such as Snake River, Coho, Sockeye and Chinook will not rebuild to healthy, productive levels.

The tribes do not control the flow of water in the rivers, or the operation of the dams. Nor have the tribes controlled the fish production decisions. Over the past 50 years, fish losses have been most devastating in the Upper Columbia River Basin, but the necessary fish hatcheries were located below the dams, in the lower Columbia River. As a result, the Willamette, and other downstream rivers, have secure, productive fisheries and fish runs. This fish production management decision is a continuing source of our frustration, especially since there are many, many, rivers in the Snake River system and elsewhere, which still have high quality fish habitat, but no fish. Those productive streams remain barren of fish because the necessary hatchery mitigation programs were either never authorized by Congress, or, those that were authorized were incorrectly operated. The dilemma of today's "hatchery versus wild fish" debate is a direct result of those failures.

It is the tribes' position that reprogramming existing hatcheries and building new ones are some of the management tools which will be needed to restore upriver salmon. But those facilities will have to be operated so that they augment, not replace, the natural stocks. This issue of hatchery reform has been led by the tribes, and has resulted in considerable debate because of its political as well as biological implications. We anticipate that this debate will continue, but practical, and biologically appropriate solutions can and must be implemented without further delay. We have already waited nearly 10 years for that implementation to occur. It is a sad comment that in that timeframe, Snake River, Coho, and Sockeye have been allowed to become functionally extinct.

In addition to harvest controls and fish production reform, the waters of the rivers must flow in sufficent quantities, and they must flow clear and clean. The mainstream dams are part of the environment in which the salmon must now exit. Better survival of fish through the mainstem Snake and Columbia Rivers is clearly a fundamental priority.

The tribes have longstanding recommendations for improving Salmon Survival in the mainstem Columbia and Snake Rivers. In 1981, the tribes submitted to the Northwest Power Planning Council an independent mainstem flow proposal that would have increased fish survival, particularly in the Snake River. Our proposal was designed to accomplish a key objective: To accelerate the travel time of juvenile Snake River fish to the ocean, thereby improving their survival. The tribal water budget proposal was rejected by the NPPC in favor of a compromise position. After the council adopted its compromise position, the tribes petitioned the NPPC to reconsider that action. The NPPC denied the tribes' petition, but stated that the tribal recommendation merited further consideration. We were asked to support their action on a trial basis. Since that time, even the flows in the NPPC compromise position have not been achieved. It is difficult to support further compromises, given the poor results of the first compromise as evidenced by continuing low returns of certain stocks.

Regarding the related issue of water spill at the hydroelectric dams, the tribes also have a longstanding position. Water spill is necessary at those dams where structural bypass systems are not present, or are ineffective. Until recently, the spill has not been provided. And we are still troubled by delays in bypass facility construction at The Dalles and Ice Harbor dams. However, we are gratified for the support of Senator Packwood, and others in the northwest delegation, to secure funding for bypass construction despite the Corps of Engineers objections.

The actions I briefly described in the areas of fish production reform, flows, habitat protection, and harvest management are the same actions we have been seeking for the past decade, and longer. Regardless of whether any fish is listed under the Endangered Species Act, the tribes will continue to seek and support actions which promote the rebuilding of each of the river runs. The tools for restoration are available. It is for our children, and our legacy that we must take the necessary actions without further delay.

TESTIMONY OF ZANE JACKSON, CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Good morning, Senator Packwood. My name is Zane Jackson. I am Chairman of the Warm Springs Tribal Council and I am here today to testify on behalf of the Confederated Tribes of the Warm Springs Reservation of Oregon concerning the recent petitions to list certain Columbia River salmon stocks under the Endangered Species Act.

These petitions will require an examination of many complex scientific and legal issues.

In addition to the primary job of evaluating the biological status of the Columbia River Salmon runs and identifying the reasons for the decline of certain stocks, the inquiry will also have to look at how the Endangered Species Act applies to the unique biological characteristics of anadromous fish.

For example, the upper Columbia River spring chinook run is made up of fish originating from the river's mainstream above Bonneville Dam and from dozens of its tributaries in Oregon, Washington and Idaho. Some of these fish were raised in hatcheries, some have always spawned in the wild, and some presently spawn in the wild but were originally from hatchery stocks. Can any of these myriad stocks comprising the upriver spring chinook run be treated as a separate "species" entited to protection under the Endangered Species Act, or does the term "species" apply only to the run as a whole? And how does the Act deal with the enormous migratory range of these fish and their constant intermingling with other chinook stocks during the course of their migration?

The petitions raise other questions that are unique to Warm Springs and the other Columbia River treaty tribes. For example, what is the legal relationship between the Endangered Species Act and the fishing rights reserved under our 1855 Treaty and confirmed by the United States Supreme Court as the supreme law of the land? In the area of harvest regulation, what does the Endangered Species Act add, if anything, to the existing authority of the tribal governments, and state and federal fisheries agencies to regulate both Indian and non-Indian fishing for conservation purposes?

While the Endangered Species Act petitions raise many new and difficult issues, there is nothing new about the Warm Springs tribe's involvement in fisheries enhancement efforts.

The Warm Springs tribe has been working to preserve, protect and rebuild the Columbia River salmon resource for literally thousands of years. Our people are Columbia River people. Prior to the Treaty of June 25, 1855, which led to the creation of the Warm Springs Indian Reservation, our ancestors lived along the Columbia River and its Oregon tributaries between Cascade Locks in the west and Willow Creek, near Arlington, Oregan on the east. Our tribal culture and spiritual life was then, as it is now, based on salmon and other natural foods. For that reason, our forefather specifically reserved in our 1855 Treaty the right to continue to take fish at all of our usual and accustomed places in the Colum-

bia River basin, no matter how far they may be from the Warm Springs Reservation. From time immemorial until the present day we have used our inherent sovereign powers to regulate our harvest of the Columbia River salmon to ensure that future generations of our people will benefit from this magnificent resource.

There is no higher priority for the Warm Springs Tribal Council than the protection and preservation of our treaty fishing rights. For decades, we have been actively involved in a broad range of activities aimed at preserving and enhancing the tribe's treaty fishing rights and the salmon resources on which the rights are based.

For many years, we were forced to litigate against the states in order to establish the validity of our treaty fishing rights. In recent years, our litigation efforts have taken us downriver and into the ocean and as far north as Alaska in an effort to control the harvest of our salmon so that enough fish will return to the Columbia River to perpetuate the runs and allow our tribal fishermen to exercise their treaty rights.

Our litigation efforts have also led to a court-approved negotiated agreement in *United States* v *Oregon* that aims to rebuild depressed upriver salmon and steelhead stocks through a combination of production changes and harvest restrictions.

We have also been active in the successful effort to negotiate an international treaty between the United States and Canada to rebuild depressed chinook salmon stocks originating from both countries.

Under the Northwest Power Act, we are part of the regional effort to implement the Power Planning Council's Fish and Wildlife Program that calls for doubling the Columbia River salmon and steelhead runs.

Lately, the Warm Springs tribe has devoted a great deal of attention to the role of the federal hydropower system in rebuilding the Columbia River salmon runs. We were involved in litigation challenging the Bonneville Power Administration's expansion of its transmission intertie with the southwest that ultimately led to an agreement providing for improved spill benefitting juvenile salmon migration at several of the Columbia and Snake River dams. We have also been negotiating with BPA and the Army Corps of Engineers concerning the installation of mechanical fish bypass systems at the dams, and the use of Canadian reservoir capacity to benefit fish migration in the upper Columbia River basin.

Finally, we have focused much of our efforts to protect and restore the salmon resource on our own reservation and in the salmon-producing tributaries of our traditional sovereign territory, such as the Deschutes River, Hood River and John Day River systems. Our efforts over the last decade to rebuild the Deschutes River wild spring chinook stock, which originates almost entirely in the Warm Springs River system on the reservation, have involved extensive habitat improvement efforts and, when necessary, harvest restrictions. These efforts have resulted in a much improved Deschutes River spring chinook run, which has benefitted both Indian and non-Indian fishermen. We have had similar success in improving the John Day River wild spring chinook stock.

We are also concerned about the issue of genetic integrity that is the motivating force behind the petitions to list certain wild stocks. Preserving and maintaining genetic integrity has been the goal of our tribe for many years. This is demonstrated by our Warm Springs National Fish Hatchery Operational Plan which allows only natural spawning spring chinook into our tributaries. All Warm Springs hatchery fish, 100 percent of which are marked to distinguish returning hatchery fish from natural stocks, are maintained as brood stock for the hatchery while allowing for infusion of 10% of the naturally spawning spring chinook into the hatchery stock.

The 100 percent marking of all hatchery fish has been insisted upon by our tribal fisheries managers. We view this practice as a method of protecting natural production of native spring chinook stocks while using hatchery production as only a supplement to the natural producers.

Over the years, our efforts to protect and rebuild the salmon resource on which our treaty right is based have taught us several lessons. One of these lessons is that the effort to protect and rebuild salmon stocks must be a cooperative one involving all of the tribal, state, federal and international agencies having management authority over the many activities that affect the health of the salmon resource. These activities range from harvest regulation to water management to habitat protection to hydro system operation. We have also learned that the salmon resource is an exceptionally complex one and that there are no easy answers to questions about why certain salmon stocks have declined and what is the best way to rebuild them.

We see the Endangered Species Act petitions as one among many recent efforts aimed at solving the problems of certain Columbia River salmon stocks. However, it remains to be seen whether the Endangered Species Act is the best approach to the problem. One thing we do know is that our commitment to the protection of our treaty fishing rights and to the preservation and enhancement of the salmon resource on which the treaty right is based is absolute and unwavering. We therefore intend to take an active role in the process that has been initiated by the Endangered Species Act petitions, as well as in all other activities that promote rebuilding of the Columbia River salmon resource.

Thank you very much.

Testimony of Forrest L. Meuret, Oregon Wildlife Federation

It is distressing that we hold separate hearings on so intertwined environmental considerations as the health of the salmon runs, clean water and air, and timber vs owl. Ultra clear, cool, steady and pristine water, the kind that flows mostly from good owl habitat and clean air, is the first requirement in the life of the salmon.

Unlike the owl, the salmon is not only an indicator species, but it is of enormous value all by itself, and its continued existence is just one sample of why the spotted owl is used as an indicator. When we start running short of breath and/or food and water capable of sustaining life, then those jobs dependant on eliminating the last remaining bit of our pristine qualities will not seem so important. Unemployment is not forever, but extinction is.

If and when the ultimate disaster does happen, and we don't know how much it takes to "tip over" our atmospherical processes, it will befall loggers, environmentalists and politicians alike. The penalty for world wide overpopulation and recklessness with our environment could be very, very high.

Oregon first found it necessary to regulate the harvest of salmon from the Columbia in 1878. The resource was over exploited long before dams were even a dream or agriculture or logging became serious factors. It still is. Commercial fishermen, like loggers, seem to really believe since they are just making a living, they couldn't actually be doing that much harm. From the Asiatic drift (gill)nets in Mid Pacific to our own Columbia below Bonneville (drift) gillnets (same indiscriminate killers) need to be reined in and hung up to stay. They do not lend themselves to a totally selective fishery, that would allow the unharmed release of nontarget or endangered species. If the commercial fishery were to develop a terminal harvest and/or a totally selective harvest system, it wouild go far to permit the continued taking of more plentiful runs in the face of an endangered listing. It is time for them to do it. The longer we procrastinate in making needed adjustments, the tougher the cuts will be. Why not now?

We need to get the terms "trade off" and "incidental catch" out of the vocabulary of the agencies regulating the commercial fishery. There are just too many of the weaker runs using the same river at the same time as the stronger, harvestable runs.

Listings are undoubtedly necessary, but we can surely soften the blow with proper preparation. The recreational fishery takes less than 5% of the fish taken in the Columbia system, and they can, and do, release nontarget fish with a high rate of survival.

If we can't extract our living from this earth without diminishing it, we are indeed in deep trouble!!

Testimony of Merritt Tuttle, National Marine Fisheries Service

Mr. Chairman and Members of the Committees: Thank you for inviting me here today to discuss the National Marine Fisheries Service's (NMFS) role in implementing the Endangered Species Act (ESA). I am Merritt Tuttle, Endangered Species Coordinator of the National Marine Fisheries Service Northwest Region, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce. The NMFS has responsibility for living marine and estuarine resources and anadromous fish.

I propose to address three major issues today: first, the actions that have led to our review of certain stocks of salmon under the Endangered Species Act; second, the legal requirements of the ESA; and third, the actions that NMFS has taken to date to carry out its obligations and the review process we have developed.

NMFS RESPONSIBILITY AND PETITIONS RECEIVED

NMFS is responsible for ESA actions regarding marine fish and certain marine mammals. Since some species of fish, such as anadromous fish, occur both in fresh and marine waters, a Memorandum of Understanding (MOU) between the U.S. Fish and Wildlife Service and NMFS was developed to designate the agency responsible for ESA action on those species. Under the MOU, the NMFS was made responsible for salmon and steelhead.

Within a three-month period, NMFS received five petitions to list certain Columbia River salmon stocks under the Endangered Species Act. First, on April 2, 1990, a petition was received from the Shoshone-Bannock Indian Tribes to list sockeye salmon in the Snake River, Idaho. Then, on June 7, 1990, four petitions were received from Oregon Trout and other co-petitioners to

list Snake River spring, summer, and fall chinook salmon and lower Columbia River coho salmon.

LEGAL ACTIONS REQUIRED UNDER THE ESA

Once NMFS receives a petition to list a species or population, the ESA requires specific actions with regard to the listing process. Briefly, these actions require that NMFS acknowledge receipt of the petition within 30 days of receipt. Within 90 days of receipt, NMFS must announce whether the petition presents substantial scientific or commercial information that a listing may be warranted. If a petition is found to present such information, NMFS must promptly commence a status review of the species concerned. That status review must be based solely upon biological information relating to the species in question. All time references are based upon the date a petition is received by the Secretary of Commerce, or his designee.

If a petition is accepted and a review of the status of the stock is conducted, then within one year of receiving the petition, NMFS must determine whether the petitioned action to list is warranted. If a listing is warranted, NMFS must promulgate a proposed rule to implement the listing action. Within two years of receiving the petition, or within one year of the proposed rule, NMS must determine whether the species is threatened or endangered and promulgate a final rule.

ACTIONS UNDERTAKEN BY NMFS TO DATE ON PETITIONS

A number of actions involving anadromous fish have occurred recently in the Pacific Northwest. In February, NMFS staff independently began an informal status review of sockeye salmon in the Salmon River, Idaho (a tributary of the Snake River).

On April 2, 1990, the Shoshone-Bannock Tribes petitioned NMFS to list sockeye salmon in the Snake River system of Idaho. On June 9, 1990, we published a notice in the Federal Register announcing that this petition presented substantial information and warranted a status review. We are now soliciting information and comments on the status review from concerned entities throughout the region.

On June 7, NMFS received four petitions from Oregon Trout and co-petitioners (Oregon Natural Resources Council, Northwest Environmental Defense Center, the Oregon and Idaho Chapters of the American Fisheries Society, and American Rivers) to list Snake River spring, summer, and fall chinook salmon and lower Columbia River coho salmon. A determination whether to conduct a status review on these populations will be made within the 90-day time period required by the Act (September 5, 1990).

The ESA requires listing decisions to be based solely on scientific and commercial information concerning the biological status of the population in question. During the status review, there is no basis for speculation as to the ultimate outcome of the review or the likely impacts of a decision to list. Consequently, NMFS has avoided such speculation.

To date, there has been little need to develop basic procedures for evaluating the status of anadromous fish under the ESA. Therefore, NMFS is requesting information and currently investigating certain basic biological questions relating to salmon under the ESA. We have two working papers out for widespread scientific review and comment. The first one deals with how to apply the ESA's "species" definition to anadromous fish; and the second addresses how to determine thresholds leading to threatened or endangered status. Responses were due by July 2, 1990. A third working paper dealing with artificial propagation of anadromous fish under the ESA will be distributed soon.

In addition to the broad questions addressed by the working papers, site-specific genetic and biological information on Snake River sockeye is being compiled through a contract with the Idaho Department of Fish and Game. NMFS will continue to collect information from various research and monitoring studies currently underway.

NMFS has been overwhelmed by requests for Columbia River water users for involvement in the process. To reason to these requests and to insure that we obtain all available information, we have developed an open system to provide public access to the record and have established a process that includes their participation.

The scientific information used in the status review will be deposited in our administrative record and will be available for inspection by the public. To help insure the scientific record is complete, we have established a Technical Committee comprised of representatives from state fish and wildlife agencies, other Federal agencies, Indian tribes, public utilities and other interested entities. This Committee will help gather information and discuss the validity of the data base. These committee meetings will be open to the public.

We also have established a Biological Review Team of NMFS scientists and managers to undertake the review. They will seek additional scientific expertise as needed. They will develop preliminary recommendations and the supporting documentation.

We believe that additional expert opinions will be valuable. To assist us we will appoint a "peer" group of academic and other scientists to help analyze certain data or review certain conclusions of the review team.

Within the Northwest Region, we have appointed an Internal Coordinating Committee to assist in the many logistical tasks that develop during the review process. This body develops and coordinates the review process. The NOAA General Counsel for the Northwest Region serves on this Committee to ensure legal consistency. Recommendations relating to listing developed by the Biological Review Team will be submitted to the Regional Director for evaluation and forwarding to Washington, D.C. for a final decision on listing. If there is a proposed rule to list any petitioned species as threatened or endangered, the ESA calls for one public hearing if anyone requests it within 45 days after the proposed rule's publication. It would be my preference to hold more than one public hearing depending on interest at the time. If there is a proposed rule, these hearings would likely occur in late spring of 1991.

In closing, we thank the host for this opportunity. We are optimistic that this hearing will lead to greater understanding of the process which NMFS will allow in proceeding toward an orderly conclusion of this matter.

TESTIMONY OF JOHN W. KEYS III, BUREAU OF RECLAMATION

Mr. Chairman, I am John Keys, Regional Director for the Bureau of Reclamation's Pacific Northwest Region. I appreciate the opportunity afforded today to emphasize the deep interest that the Bureau has in activities related to endangered species considerations for Columbia and Snake River salmon.

For almost ninety years the Reclamation Program has been an integral part of the Pacific Northwest. Today, we are a primary manager and operator of Federal water projects in Idaho, Oregon, Washington, and western Montana. We have responsibility for 60 storage reservoirs with a combined storage capacity of nearly 25 million acre-feet. Main stem Columbia River operations are greatly influenced by our facilities at Grand Coulee and Hungry Horse. Our Minidoka, Palisades, Boise, and Payette Projects in southern Idaho control of much of the Snake River water resource.

Irrigation water serves over 3 million acres of farmland with an annual gross crop value of nearly $2 billion.

Hydroelectric powerplants produce an annual average of over 24 billion kilowatt-hours of electricity, almost three times Seattle's annual power consumption.

Over nine million recreational visits a year are now being enjoyed by the public at our facilities.

The projects provide a portion of local and regional flood control.

While there are many positive aspects that result from the projects, their development earlier in the century had negative aspects such as the impacts upon the anadromous fishery.

Today, we are greatly aware of the competition surrounding the region's water supply and the needs of the region's valued fishery. We recognize and are responding to these challenges by blending traditional project values like irrigation and power production with other values like fish and wildlife enhancement, public recreation, water conservation, streamflow restoration, and storage system optimization.

We are actively participating with the Northwest Power Planning Council, Bonneville Power Administration, Federal and state fishery agencies, Indian nations, and others to improve conditions for salmon and steelhead. We are doing this by providing improved streamflow conditions and modern fish passage and protective facilities in the Yakima and Umatilla Projects. Most recently, we initiated a pilot program for the subordination of generation at our two Yakima Project powerplants to make it possible to improve streamflows for salmon and steelhead. We continue to cooperate in meeting water budget objectives through our Grand Coulee and Hungry House operations as a way to assist migrating juvenile fish on the Columbia River.

While we are attempting to respond to changing needs, the statutory, contractual, and institutional requirements under which we operate must be recognized.

The water services that we provide are regulated by specific project authorizations, hundreds of contracts and agreements with water user groups and resource agencies, and provisions of state water rights held in conjunction with our projects.

Project authorizations specify the purposes for which projects are to be operated and generally allocate water supplies among different uses. Through the years, as demands have increased, we have emphasized flexibility in the operation of our projects to achieve a higher level of multipurpose benefits.

We have mandated repayment requirements on 36 Federal water projects in the

Pacific Northwest and these encompass literally hundreds of contracts and agreements with water user groups and individuals.

We have in excess of 500 water rights held in conjunction with our projects. These rights stipulate the uses of the water in accordance with state water laws.

Senator, our responsibilities in managing the region's water resources require that we have an appropriate and direct involvement in activities related to endangered species considerations for Columbia and Snake River salmon. It is premature today for us to speculate what specific impacts future endangered species actions might have on our project operations and water service obligations. We do know, however, that there is potential for major effect if reallocations of the region's water supply are involved.

In the course of our project planning, development, and operations activities, we have gained significant expertise and experience that we would like to cooperatively "bring to the table" in the current endangered species considerations. It is necessary for the Bureau to be represented in appropriate coordinating activities addressing this important issue. We will continue to cooperate with the National Marine Fisheries Service and other Federal and state agencies to achieve this goal.

Thank you.

Thank you for giving me the opportunity to speak to you on this issue of significant concern to the region.

I'm testifying today on behalf of my company, Northwest Aluminum here in The Dalles, which is a member of Direct Service Industries Inc., a coalition of 11 aluminum and chemical producers throughout the Northwest.

The DSIs have been operating in this region for 50 years and represent more than 40 percent of the nation's aluminum production. Also numbered among the DSIs are producers of other metals and of chemicals vital to the region's pulp and paper industry. We employ about 11,000 people in the region, and pump more than $1 billion into the Northwest economy every year.

Over the years we have enjoyed a strong, mutually beneficial relationship with the Bonneville Power Administration. Electricity sales to the DSIs generate one-third of BPA's annual revenues. As ratepayers of BPA, we participate in the region's fish program in a significant way. Our industries have contributed approximately $350 million to the fish progam since its inception in 1981. Altogether, the region's ratepayers have invested $1 billion in the fish program since passage of the Northwest Power Act in 1980.

We support the Northwest fish program and will continue to do so. We have been directly involved in helping the Power Planning Council design an effective fish program. This program is beginning to achieve the results envisioned by Congress in the Power Act.

Notwithstanding the excellent progress that has been made, there may be problems relating to some fish species that have not been adequately addressed. We do not prejudge this issue. It is our intention to participate cooperatively in the National Marine Fisheries Service (NMFS) process. Properly conducted, the NMFS process can tell us whether there are species in trouble. It can also provide a basis for dealing with any outstanding problems on a case-by-case basis.

Our desires for the process are twofold:

First of all, because of the complex biological questions surrounding this issue, we want to see NMFS conduct an open fact-finding process that all river users can participate in, whether it be through participation in technical review or through submittal of scientific information. To this point Mr. Schmitten and his staff have been cooperative and open to our concerns. If the coming process is to be credible such cooperation must be maintained.

Secondly, if problems with specific fish runs are identified as a result of the fact-finding process, they must be corrected in equitable fashion. In other words, all relevant river users must participate in the recovery plan. This plan must contain measures that are proven to be effective, and, as I said, they must address the specific run in question.

I urge you to monitor the endangered species process closely. The questions that must be answered are extremely complex. The remedies, if such are required, will also be complex. But I do not believe there is any reason for alarm. The Council, BPA, its customers, the fish agencies and the tribes have been working together for many years. This new process creates a new forum, but we are well acquainted with the issues. The issues are manageable.

TESTIMONY OF ERNEST TIBBETS, PRESIDENT, LOCAL 9170, UNITED STEELWORKERS OF AMERICA

I do not feel that I am qualified to speak on the hazards facing our salmon population nor am I qualified to address the implications of providing additional protection for certain species.

However, I am qualified to speak on the economics of plant closures and the effect that it has on communities and individuals.

In December of 1984, The Dalles smelter closed its doors, putting hundreds of people out of work and over a period of twelve months (one year) thousands of people were out of jobs. Businesses were closing, left and right, putting more and more out of work. Over 1,200 homes were up for sale, rentals stood empty. People were moving out of state and looking for jobs.

People who had worked all their lives, lost everything in a matter of months—homes, cars, boats and many filed bankruptcy. Bills piled up—no jobs and things were bad. Personal lives were effected—divorces, family problems. The Dalles and surrounding areas got worse each day. The Dalles never really hit bottom, but it was on a steep downward mode when we opened Northwest Aluminum Company.

The Dalles plant closed because of high power rates. We need a steady flow of power to keep our plant operating and to cut off or reduce our power supply will kill our plant, as well as others, and will cause wide effects throughout this State.

If The Dalles plant closes again—it will be removed and we at this plant, will become the Endangered Species!

There has been a lot of money spent on the plant site to clean it up—Martin Marietta has spent millions and Northwest Aluminum has, in three years of operation, spent millions on a new recycle pond system.

I do feel that more in-depth scientific study should be done on the Columbia and Snake rivers before any further determination is made.

Federal government—States—business and labor, all can work together to solve this problem.

TESTIMONY OF LARRY TROSI, OREGON FARM BUREAU

We have followed and commented with great interest on all of the proposed listings of Endangered Species in the past several years. Although we are extremely concerned with the recent listing of the Spotted Owl as threatened, and its affect on agriculture, we feel that the listing of certain Chinook, Sockeye and Coho Salmon runs will have a much higher degree of impact on agriculture.

The Oregon farmer and rancher has borne the brunt of the responsibility and costs for protecting listed species. Farmers and ranchers are required to forego use and development of their private property and federal grazing allotments in order to protect possible habitat for listed species. With the Endangered Species Pesticide Labeling program now being proposed by EPA, it would also deny farmers and ranchers the use of other necessary and effective products in producing crops under the guise of protection of listed species.

At the same time, the Oregon Farm Bureau and our membership recognize the need to protect listed species. Since the Endangered Species Act is primarily for the public benefit, we believe that costs for protecting these species must be borne by the general public, not by farmers or ranchers or by any one industry. Clearly, the economic impacts of endangered species management must be taken into account. There must be some balance between the listing and management of these species and the economic effects on farmers and ranchers.

Specifically, our concerns relating to the current proposal have to do with the protection of private property rights. One concern is with the flow augmentation that may be required during salmon runs. If listed, we feel this will have the ability to restrict or take away existing water rights of irrigators along the Columbia River. This could apply to permitted and vested, contracted or uncontracted for water at varying times throughout the year. Although uncontracted water is not a given, it does allow farmers the flexibility to manage their production and types of crops grown. In time of drought, uncontracted water has been carried over to the following year in many cases and lessens the potential dramatic affect a drought could have in this region.

Other Agricultural practices may be limited through the Endangered Species Pesticide labeling program. To date this program has not been finalized, but is being held within EPA. This program as proposed by EPA did not take into account any economic assessments, habitat maps were not accurate and alternatives to pesticide use were not given enough consideration. There is a long list of pesticides and their active ingredients which as determined by EPA will affect different species of fish. Although salmon have not been identified as having the same susceptibility to these chemicals, several species of trout have been listed as being in jeopardy if coming in contact with these commonly used agriculture chemicals. This would indicate that similar restrictions on the use of agriculture chemicals would be implemented.

We feel a recent proposal by Senator Hatfield to develop a management plan immediately to avert possible listing has merit. This could achieve the same objective without having the major economic effects as listing these salmon as threatened or endangered. It would allow all affected parties the

opportunity to possibly adjust their operating procedures within a recovery plan. In most cases farmers and ranchers are more receptive to "regulation" if they are involved in the decision making process. This recovery plan could incorporate a "citizens advisory committee" which would represent the various affected industries within the Columbia River area.

TESTIMONY OF PAUL SCHANNO (FOR TERRY WITT)

Senator Packwood, my name is Paul Schanno and I am here today to present comments prepared by Oregonians for Food and Shelter (OFS), regarding the potential listing of the Columbia and Snake River salmon as a threatened or endangered species.

OFS is a non-profit, grass roots coalition of individuals, businesses and organizations in Oregon and the Pacific Northwest. It is headquartered at 567 Union Street in Salem, Oregon. OFS members support activities which promote the efficient and environmentally sound production of food and fiber to meet the expanding demands of a growing world population.

Senator, you and your staff are to be commended for the time and effort you all have given to hold seven Senate field hearings in five days across our state. If we could somehow transplant your level of concern and commitment to the other legislators on Capitol Hill in Washington D.C., I have no doubt we'd already have a workable solution to the "Endangered Species Dilemma" we continue to face in the Pacific Northwest.

We do appreciate all that you are doing and for the opportunity today to address this issue of critical importance to our entire region. On behalf of OFS and all Oregonians, I thank you.

Senator, as you know from your past dealings with OFS, the two core principles upon which OFS operates are first, that any decision or action which impacts our members must be supported by valid scientific data, and two, that it must represent a balanced and reasoned approach. My comments today, will not deviate from those organizational principles.

So there is no doubt in anyone's mind, let me first say that OFS recognized the significance and importance of the Columbia and Snake Rivers fishery resource to the overall quality of life in the Pacific Northwest, both directly and indirectly. We do not wish to see populations of any species reduced to the point of endangerment and extinction, whether that be a Columbia River salmon or the spotted owl.

These major waterways of the Northwest, however, provide much more than habitat for fish. This system, like other natural resource systems, has been managed under a multiple use concept. It is the vital source of water for millions of people. Uses include private consumption, agricultural irrigation, commercial product and raw material processing, navigation and transport of materials, power generation, flood control, and recreation—as well as habitat for fish and wildlife species.

Unfortunately, we also know from painful, first-hand experience, that decisions regarding the listing of an organism under the Endangered Species Act do impact far more than the target species it is attempting to protect.

We also know that these decisions are currently made in a vacuum, narrowly looking at only the petitioned species, with no attention or concern paid to the impact on the human species. It is to this end that a more balanced approach must be established—one which weaves science and economic reality into a workable solution.

Any plan or program which could impact or regulate the use of this essential resource, must consider all uses and user rights. Any program adopted which does otherwise, would create economic devastation in this region and would literally be felt around the world. As serious as the projected spotted owl impacts may be, the potential effects of listing the Columbia and Snake Rivers as an endangered or threatened species habitat would be like comparing a ripple to a tidal wave. Let me give you an example to illustrate this point.

One likely outcome of listing the salmon as an endangered or threatened species and therefore the Columbia River as a critical habitat area, would be to stop the dredging of the shipping channel. This single act would prohibit the large ships used for international trade from accessing the 465-mile Columbia/Snake River system, the second largest cost-efficient, navigable waterway in this country.

Every year more than 2,000 ships call the ports along this system. In 1989 they carried 15 million tons of cargo to and from foreign countries—more tonnage than handled at any other port on the West Coast, including the Bay area.

The river's deep water ports of Astoria, Kalama, Longview, Portland and Vancouver maintain a positive trade balance, exporting $6.2 billion and importing $6 billion annually. More than one-third of all grain exported from the U.S. goes out through the lower Columbia River system.

The Port of Portland estimates that the trickle-down effect of the maritime industry in the Portland area alone is worth approximately $1 billion annually.

When one looks at the potential direct and indirect impacts on agriculture, forestry, manufacturing, processing, power generation, and all related services industries, it is clear that the decision to list and subsequent regulatory prohibitions would have enormous economic ramifications on every person in this region. The price we will pay for an unwise decision will be extremely high. Therefore, it is imperative that it be based on sound information.

OFS does not pretend to have the scientific expertise in fish biology necessary to make definitive pronouncements or to present startling, new data regarding the species petitioned for listing. Based on previously submitted testimony by experts on this subject, it can be clearly stated, however, that not all experts agree with the positions taken by the petitioners regarding these fish species.

Concern for the enhancement and preservation of anadromous fish on this multistate waterway system is not new. Congress has recognized that salmon run sizes were declining in the 1970's. As such, a variety of private and government programs have been underway at the state, regional and federal levels for more than a decade now. It is interesting to note that utility ratepayer dollars have been funding fish hatcheries, ladders, and screens to mitigate the impacts of federal hydropower dams on the Columbia River since 1937.

While most would agree that results of many enhancement efforts to date have not been overwhelming, and that some specific fish counts in a given year may have been depressed—recent data covering the past five year period would seem to indicate that trends in fish numbers are showing a positive change, not a decline.

Some experts also claim that much of the concern raised about decreased fish counts is based on examination of subspecies or subpopulations—and that when the species as a whole is considered, the numbers do not indicate that the species is threatened or endangered at all. While OFS believes that subdivision is being used, the overall strategy goes well beyond this tactic.

At previous public hearings, many were shocked when OFS quoted March 5, 1988 transcripts from the Sixth Annual Western Public Interest Law Conference held at the Universeity of Oregon School of Law in Eugene, Oregon. These quotes clearly document that the Endangered Species Act and other well-intended laws are being used to achieve other agendas by certain, special interest environmental groups. I believe it is most appropriate that portions of that transcript be brought to light here.

In that conference, their specific agenda was to stop the logging of old growth forests. But by simply inserting a blank line into the strategy outlined, you quickly see how it applies equally well to other preservation or obstruction goals. The strategy was explained like this:

"Until legislation is adopted which protects _____, we need at least one surrogate, if you will, that will provide protection for the _____. A surrogate must have three qualities to be a good surrogate. First, it must be unique to _____ (the desired area of impact); secondly, it must be measurable using scientific methods; and third, it must, of course, enjoy some amount of statutory protection."

At the conference, Andy Stahl, the resource analyst for the Sierra Club Legal Defense Fund in Seattle, Washington, explained it this way, (I am quoting directly): "Well, as the strategy for protecting old-growth matured, it appeared that wildlife would offer the most fruitful hunting grounds for a surrogate that meets the three criteria * * *" (Page 15 of transcript).

"Well, the northern spotted owl is the wildlife species of choice to act as a surrogate for old-growth protection, and I've often thought that thank goodness the spotted owl evolved in the Northwest, for if it hadn't, we'd have to genetically engineer it. It's a perfect species for use as a surrogate." (Page 15–16)

"* * * there are four statutes that are being used to delay the harvest of old-growth forests. The first, and to date the most important of these has, of course, been NEPA. We have used NEPA to compel the agencies to admit that the spotted owl might go extinct." (Pages 17–18) "That admission, then, is used to litigate two additional statutes. First, the Endangered Species Act, and second, the National Forest Management Act Regulations." (Page 20)

"Finally, a fourth statute is going to be sort of the wild card in spotted owl protection, and that's the Migratory Bird Treaty Act. . ." (Page 21) "The Migratory Bird Treaty Act is also important because it's the only statute to date that could constrain the activities of private landowners and other agencies * * *" (Page 22).

If this has not convinced you that a real problem exists, the dialog from the question and answer period which followed Andy Stahl's talk should. Quoting Mr. Monteith, ". . . We are not making progress unless, as Dave describes, we turn up the heat. What you've seen so far is just the tip of the iceberg . . . We've elected to turn up the heat,

use the processes, celebrate democracy, if you will; we're going to use them all to the hilt." (Pages 54-56)

The content of this conference alone should raise serious doubt about the basis for and validity of the petitions being filed for the listing of these five salmon species. Whether the petitions for listing these particular species are warranted or not, it would appear that there is little hope that the lengthy and costly listing process mandated by the Endangered Species Act will be avoided.

Based on previous actions and statement made by the environmental organizations who support these petitions, the initiation of the process itself is likely to be considered by them as achievement of a goal.

It ties-up critical experts, utilizes limited agency manpower and budget dollars, and freezes most related private and governmental activities until the final outcome has been challenged all the way through the courts. In essence, the environmental special interests groups are flexing their political muscle, letting government agencies know that if they don't get their way—the entire system will pay the price.

Regardless of the reason, however, if it is determined that a study must be done—then the timely completion of an accurate, scientific investigation and biological review to determine the true status of the species in question must be a top priority.

It should draw upon the best qualified scientists and technical experts available from government agencies, academia and private industry alike, as well as gather all previous and in-process work done on these species.

The process must be open to the public and provide all interested parties ample opportunity to review available information and for input. It is also important that adequate funding be made available for this effort to help ensure that high quality results are achieved on an expedited basis.

The process initiated by the National Marine Fisheries Service (NMFS), which we understand plans to utilize both a Technical Advisory and Peer Review Committee, appears to be an open and credible process for conducting such a scientific review. While OFS does not believe the environmental group's petitions justify the wasting of limited agency resources, we are supportive of the NMFS review process.

Senator Packwood, before closing I would be remiss if I ended this testimony without strongly urging you and your colleagues to vigorously pursue an amendment to the Endangered Species Act—reinstating the consideration of economics within the listing process. It is interesting to note that the original Act passed in 1973 did allow economic criteria to be considered along with the biological criteria to allow for a balanced and reasoned decision.

In 1978, however, the Act was amended to remove economic criteria, but added language authorizing the formation of an Endangered Species Committee which can be convened to consider cases of extreme economic impact. This committee has been nick-named the "God Squad."

I find it hard to believe that the originators of the Endangered Species Act in 1973 could have envisioned the way their law would be modified in 1978, or the way in which it is currently being used.

It is our understanding that some 1,700 species are potential candidates for listing under the Act. This not only includes wildlife species, but also a significant number of plants and even invertebrates (insects). As the number of listings increase, the mandatory restrictions established by the "no jeopardy" requirements of Section 7 will undoubtedly result in overlapping critical habitat areas. It will only be a matter of time before every square acre of this state falls within a area restricted by the Endangered Species Act.

We cannot wait until technological advancement and every job in this State is eliminated before we are concerned enough to act. Now is the time to put economic balance back into the process.

TESTIMONY OF GLENN VANSELOW, EXECUTIVE DIRECTOR, PACIFIC NORTHWEST WATERWAYS ASSOCIATION

The Pacific Northwest Waterways Association (PNWA) is a regional association that has been working for 56 years to maintain the multiple use concept in the development and management of the Northwest region's natural resources, including those of the Columbia/Snake River System.

PNWA membership includes 111 organizations and individuals in Oregon, Washington, Idaho, and Northern California. PNWA represents:

Public port authorities on the Pacific Coast, Puget Sound, and Columbia/Snake River System;

Public utility districts, investor owned utilities, and direct service industries;

Irrigation districts;

Grain growers, grain grower cooperatives, and upriver elevator companies; and

Transportation providers, consulting engineers, and other users of the Columbia/Snake River System.

The Pacific Northwest Waterways Association stands firmly behind the multiple use concept for the Columbia/Snake River System. The system was developed and each of the federal projects on the system was authorized for multiple use purposes. Those multiple uses include power generation, irrigation, flood control, navigation, and recreation, in addition to fish and wildlife.

PNWA believes that all uses for which the system was developed must be protected and preserved. We recognize that Columbia River salmon are a valuable resource and a part of the heritage of the Pacific Northwest.

PNWA supports continued biological studies to determine the status of the various species of fish in the Columbia and Snake Rivers. PNWA advocates an open process in conducting the biological status review. The purposes initiated by the National Marine Fisheries Service (NMFS) should be adopted and funded.

Two elements of that process are extremely important, in fact, necessary to produce credible results and attain the best scientific information available. PNWA supports NMFS including biologists from outside the agency on an active Technical Advisory Committee and the establishment of a Peer Review Committee of the best available scientists from regional universities.

We believe the Bonneville Power Administration, the Pacific Northwest Utilities Conference Committee, Director Service Industries, Inc., and the Port of Portland have qualified biologists that should be included on the Technical Advisory Committee. It is important that the Peer Review Committee be selected in a manner which provides all users with input to the process, and that both committees truly function and participate in the decision making process.

PNWA is particularly concerned about the process and the selection of the participants. Science, like the Constitution, is open to interpretation and human judgement. No one wants a "packed court" deciding this issue. PNWA is seeking, and the proposed NMFS process appears to provide, an open and fair process for conducting the biological status review.

We further believe that solutions should not be recommended or imposed until after the biological review is completed. Having options prepared and available for action is a prudent way to proceed. However, we strongly believe that the determination of cause in the NMFS process must be completed prior to implementation of proposed solutions.

A wide variety of interests have characterized the impacts of potential solutions in very graphic and sometimes disturbing terms. In proposing those solutions, questions have been raised regarding current management practices. Indications are that current management has worked to increase fish runs overall, but may not have provided sufficient focus on the petitioned species. Our concern is that more extreme general solutions some have proposed may or may not be effective in solving the specific needs of these specific fish.

It is for this reason that solutions must be directed at scientifically determined causes and that those solutions should be developed embracing the multiple use concept and take all recognized uses into account.

The Pacific Northwest Waterways Association, in representing a wide variety of water users, would like to participate in the process. PNWA would be happy to assist. We can bring the various users together to help develop solutions to preserve the multiple use concept and protect the beneficial users of the river, including the fish.

PNWA appreciates this opportunity to present our comments. Thank you.

TESTIMONY OF SCOTT DUFF, OREGON WHEAT GROWERS LEAGUE

Senator, my name is Scott W. Duff. I am the acting executive vice president of the Oregon Wheat Growers League (OWGL). The OWGL is the non-profit asociation that represents Oregon's wheat growers. We appreciate the great importance you have expressed in the issue of endangered species petitions for Columbia Basin salmon by holding extensive field hearings. We appreciate the opportunity to express our views.

The OWGL believes that the issue of endangered species petitions for Columbia River salmon will impact the wheat industry. The economic well-being of individual wheat farmers, Oregonians, and the people of the Columbia Basin depends on the river for its success. Competitive and clean hydroelectric power, competitive transportation, and adequate irrigation water are essential for the region's success. International treaties that involve major customers of Oregon's and the nation's wheat growers could be affected.

An open public process that gives the opportunity for all effective parties to have input is essential. The process should emphasize the opportunity to give input in numerous locations within the Columbia Basin. The National Marine Fisheries Service Review (NMFS) of the petitions should be open.

A thorough and credible scientific review is essential. The NMFS needs to have sufficient staff and the funds necessary to complete the review. It will be necessary to support university research in the region to

supplement the review process. The key factors that limit the success of salmon are not well defined and a matter of contention. The review must clearly state what is known, what is not known, and what is speculation.

A thorough and credible economic analysis must be completed within the time frame of the NMFS review. It will be necessary to fund such a study in the Northwest. We need an economic snap shot of the Basin plus its impact on world trade. It is essential that we proceed with an analytical effort aimed at providing public policy makers and private decision makers with a clear picture of the implications and consequences of listing Columbia River salmon as endangered. This will permit an optimal plan to mitigate adverse effects from such an outcome.

A technological solution must not be ignored. The genetic makeup of salmon is not as well understood as wheat or other crops and livestock. With crops like wheat, scientists store and rely on diverse genetic material collected and tested worldwide to develop new varieties. Research into a complete genetic map of wheat is a current priority. It will be necessary to fund the same types of research to identify limiting factors and solutions to these factors in salmon. Technology could provide the solution to this complex problem as it has in the drive to feed a hungry world.

Nearly a billion dollars is being spent by Northwest electric rate payers to improve the condition of fisheries in the Columbia Basin. Public utilities, individual farmers, and others have spent funds to improve the condition of the habitat. This effort alone has a vast economic consequence for the Northwest. The impact of this effort has not yet been felt.

Identifying specific impacts of a listing of salmon is very difficult. The salmon's prime limiting factors are not well understood. Therefore, what impact will this have on the river? For example, will this affect dredging the channel, the use of pesticides within the drainage, minimum stream flows, indiscriminate forms of fishing, USSR and other joint venture fisheries, irrigation systems, and upstream navigation?

The OWGL is deeply concerned that the salmon issue could polarize the people of the Northwest. A "Battle lines form over wild salmon" mentality will doom efforts to create a rational plan to insure the salmon's future. To use the salmon to achieve other goals as the elimination of irrigation, the elimination of pesticides or the elimination of Indian subsidence fishing, for example, must be prevented. To use salmon to build and increase funding for organizations, to launch contentious law suits, and take the decision from the people of the Northwest must be stopped.

It may be time to form a planning group of organizations and their from the northwest to study this issue. A multidisciplinary approach to just framing the problem is needed as soon as possible.

It is not so much the notion that if the salmon disappears it will spell the doom of our society; but, if we cannot use our social and scientific institutions to solve this problem and be able to continue a sustainable and profitable level of economic activity, we are surely doomed.

Testimony of Frank Lamb, Eastern Oregon Farming Co.

The Columbia River is vitally important to all of us who live and work in the Pacific Northwest. The river and the current management of the water that flows in it provide or enhance many of the features of the environment which shapes our lives:

Low cost hydroelectric power is distributed throughout the Northwest.

Reliable supplies of clean water are available for irrigation.

A drainage with very significant scenic and recreation values.

An efficient "highway" for transportation of our supplies and our products.

An environment for many species of fish and wildlife.

Our current management of the flows enables us to avoid the potentially disastrous flooding which can occur.

There are increasing levels of interest and public discussion regarding the concept of the river as a resource and our management of that resource to meet various and often conflicting uses. Examples are: the potential listing of certain species of salmon as endangered; the transfer of Columbia River water to the Southwest; and the potential for significant additional irrigation development.

It is important that all of us who are involved and interested in the river be well informed regarding its capacities, current use and the potential impacts of changing the way in which it is managed. My own understanding of the river improved substantially when I obtained a copy of the enclosed graphic representation of the flows in the river at each point from its headwaters to its mouth.

The graph also shows the amount of water which is withdrawn from the river at each point. The most important point conveyed by the graph is that the current out-of-steam uses of the river cannot be viewed as an average. The conflicting claims that "There is no more water left." and that "There is plenty of water left." are likely both true depending on what part of the drainage is discussed.

The chart was prepared by the U.S. Corps of Engineers in 1958. It is old and needs to be updated. I think we should request that the Corps update the chart and distribute it was widely as possible. It is virtually important to all of us in the Northwest that policy decisions regarding the future use of the river be based on a sound understanding. Information such as is conveyed by this chart can be an important part of the education process.

I would appreciate your help in this regard.

Testimony of Don Cook, Pendleton Grain Growers, Inc.

I am Don Cook, General Manager of Pendleton Grain Growers, Inc., a farmers' cooperative owned by 2300 farmers. In 1989 we did $93,000,000 of business about equally divided between grain storage and marketing and supply sales and distribution.

It is not apparent, in total detail, what the designation of certain species of salmon as endangered in the Columbia, Snake River system would mean to the Pacific Northwest. What is very clear to me is the importance of this river system to the agriculture industry of this area.

I would like the record to show that I believe the best solution to the use of these rivers must fall within the philosophy of multiple use for navigation, irrigation, power generation, fish and wildlife, recreation, and flood control. Any slanting of preferential use to anyone of these purposes at the expense of the others has the potential to effect severe negative impact to the Pacific Northwest economy.

I want to discuss some specific areas of importance to agriculture:

TRANSPORTATION

This is an important use both to deliver commodities to market and to receive production supplies. Approximately fifty percent of the grain produced in Oregon, Washington, Idaho, and Montana goes to market by barge. A vast majority of petroleum used in the entire inland empire arrives up-river by barge. Over 240,000 tons of the fertilizer moves up-river by barge to NcNary and the Tri-Cities annually. Pendleton Grain Growers serving primarily Umatilla County and parts of Morrow County and Benton County, Washington ships processed feed, dry edible peas and our entire handle of cereal grains totalling approximately 400,000 tons annually on the river. We receive 9,000,000 gallons of petroleum and significant amount of liquid fertilizer by barge. All of this because it is the most efficient method of transportation which allows our products to compete in world markets at a profit level which allows the agriculture industry to exist.

IRRIGATION WATER

Over 85,000 acres in Umatilla and Morrow Counties are irrigated from the Columbia River with future potential development of at least this amount or more. Without access to the Columbia these acres produce virtually nothing. These acres produce from $400 to $4000 each depending on the crop grown and market conditions.

POWER GENERATION

Availability of affordable power has been a major ingredient in the agricultural growth in our Company's trade area. Other sources of power are or could be made available, but at two or more times the present costs. I believe many of our irrigated farming operations could not survive this type of cost increase.

Agriculture is one of the three or four largest contributors to the Pacific Northwest economy. Any reduction of present production or future growth has major implications for the entire area and certainly will not just affect agriculture producers.

For these reasons we urge the continued use of the multipurpose of use philosophy as the most balanced and most effective method to utilize the great natural resource of this river system.

Testimony of Gary Neal, Port of Morrow

The Port of Morrow was established in 1959 with the intent to enhance and assist in the development of economy of Morrow County and Eastern Oregon. Since the information of the Port of Morrow, a lot has happened to stimulate the economy and environment that we have come to enjoy in our part of the State.

The Columbia River has played the key role in the development of our current Agricultural and Industrial Base. Without water there would be no Port of Morrow. River Transportation, Irrigation for the Alfalfa, Potatoes, Corn, Wheat, Vegetables, and all of the other crops that we can grow, water for processing plants, drinking water for the people that live in the region, Recreation, Fishing, Hydro power, are all vital to the well being of Eastern Oregon, the Northwest and beyond.

Multiple use of the Columbia-Snake River is the key to the survival and success of our region. This multiple use must be preserved.

We recognize that Columbia River Salmon is a valuable resource and a part of the heritage of the Pacific Northwest. Biological studies need to be continued to help determine the status of the various species of fish in the Columbia and Snake Rivers. Congress needs to fund these studies and give adequate time to complete them. Hasty decisions that disrupt the current balance and use of the river would have long lasting negative impact on the entire Northwest. Once studies are completed, then solutions should be pursued taking into consideration the multiple use of this important River System.

Because of the Port of Morrow's major involvement in the Columbia River: Shipping of products, water supply to processers and irrigation linkages, we would like to be involved in the studies and processes concerning the impact of multiple uses of the Columbia and Snake Rivers.

We appreciate this opportunity to express our position and concerns on this issue.

TESTIMONY OF STEVE ELDRIGE, UMATILLA ELECTRIC COOPERATIVE ASSOCIATION

Senator Packwood, my name is Steve Eldrige, Assistant Manager of the Umatilla Electric Cooperative Association. Umatilla Electric is a non-profit Rural Electric Cooperative recognized locally, regionally and nationally as a leader of water and energy conservation in sprinkler irrigation systems.

Thirty-three years ago this summer, I bought my first fishing pole and tried to catch one of the salmon which seemed to fill the mouth of the Umatilla River. That same summer there were more salmon than water in the little stream near Hat Rock. From that time until a few years ago, not many salmon were caught around Umatilla. Since the 1980 Salmon Recovery Plan has been implemented, thousands of salmon have been harvested from the Columbia River by the Indian people and sport fishermen. Fish nets set by Indian fishermen, appear to stretch the length and breadth of the Columbia.

In 1980, the Northwest Power Planning Council set a goal of doubling the salmon run to 2.5 million fish. As a result, there has been an overall annual increase of 300,000 adult salmon and steelhead. The region's electric utility rate payers have provided one billion dollars ($1,000,000,000) to achieve this increase. Even though many factors affect the salmon runs, eg. dams, (hyroelectric, irrigation and flood control), logging, pulp and paper, fishing (indian, sports, commercial, international), navigation, pollution, fish and game policies, and other factors yet to be identified, electric power users have provided the primary source of funds which have enabled the region to accomplish the fish enhancement goals set in 1980. Umatilla Electric will continue its commitment to enhance salmon runs, but the effort must become a joint one: The responsibilities and costs of fish enhancement must be shared by all groups whose actions affect, either directly or indirectly, the number of fish in the Columbia River.

Several groups have taken issue with the present approach to increasing salmon runs. In response to these concerns, biological studies are under way to increase our information concerning salmon gene pools, river flows, dam reservoir levels, among other issues.

The petitions to list certain salmon species under the endangered species act, provides several opportunities. As the National Marine Fisheries Service conducts the status review, biological studies necessary for the review can be a vehicle for achieving a concensus on fundamental salmon issues. This opportunity remains as long as the status review is conducted in an open, objective way, allowing all interested parties to participate fully. We are not afraid of scientific studies performed without preconceived notions as to their results. Senator Packwood, we ask that you help keep the NMFS process open and accessible.

The Pacific Northwest has been under development now for more than 100 years. During that time, salmon have been one of several resources utilized by the Indian people, commercial ventures, sportsmen and others to serve their own interests. Of this more than 100 year history, it has been in the past 10 years that a major concerted effort has been made to enhance the salmon runs. The progress made in increasing the number of salmon has occurred within the frame work of the Pacific Northwest Electric Power Planning and Conservation Act of 1980. This effort has resulted in possibly the largest fish mitigation program in the world today. Now, if additional enhancement measures are needed, they can be worked out in the Pacific Northwest.

We have revisited two truths during the 10 years of the Pacific Northwest Power Act:

1. Problems within a region are best solved in that region.

2. Public process will result in better decisions.

Thank you Senator Packwood for your support in these matters and the opportunity to share our concerns with you.

TESTIMONY OF HON. CHUCK NORRIS, OREGON HOUSE OF REPRESENTATIVES

Thank you for bringing your public hearing on the petition to list certain Columbia and Snake River salmon species under the Endangered Species Act to Oregon House District 57 so that citizens of this community and myself have the opportunity to share our concerns.

I believe it is generally understood that the National Marine Fisheries Service will have one year from the May 30, 1990 date of submission to conduct the biological studies to reach a conclusion and recommendation whether or not the species concerned are endangered and should be listed. If the finding is to list, then at least another year will be spent on such matters as identifying critical habitat and recovery planning. This process, if listing is recommended casts at least a two year pall of uncertainty over much of the Pacific Northwest.

While the likely adverse effects of a listing and recovery plan are still speculative, it is fair to guess that the socioeconomic consequences may well be severe and could include, for examples, drastic reduction in hydroelectric power production (affecting all the western United States), curtailment of irrigation appropriations and restrictions on barge traffic. The fallout from such condition in the form of individual and community hardship is not difficult to imagine and has been covered in some detail by my predecessors here today.

While extinction of some species is usually regrettable, it is a process which predates recorded history and not one which should be attentuated at a cost in human misery and deprivation. Consider, also, the fact that both the Coho and Chinook salmon exist generally in great numbers over a vast region. (This point was made by Merritt Tuttle of the National Marine Fisheries Service in testimony before the Joint Interim Committee on Water Policy on May 31, 1990—an agenda item arranged at my request.) [1]

We can fulminate and indulge in dire predictions ad infinitum with little, if any, ameliorative effect as long as the Endangered Species Act exists in its current form and force. By its very existence the Act is open invitation for narrowly focused individuals and/or organizations, who themselves are generally insulated from the adverse effects of their actions, to hold entire regions hostage for the sake of some subhuman form of life.

My recommendation, Senator, is that urgent effort be made to repeal or substantially amend the Endangered Species Act in such a manner that the balance is shifted in favor of Homo sapiens. I recognize that this will be a difficult legislative challenge. However, with this salmon issue overlapping the listing of the Northern Spotted Owl and preceding the possible petition to list the mammalian fisher the Pacific Northwest is particularly threatened. I should hope that most of the Northwest Congressional delegation, including the Speaker of the House, could be rallied to such a relief effort. Only then can we begin to feel somewhat secure from these repeated threats to our socioeconomic stability perpetrated by well-intended advocates who are insensitive to the human consequences of their goals.

Thank you, again, for your appearance here today. If I can support in any way your efforts to reduce the likely ill effects of this latest petition for protection of a species, please ask.

TESTIMONY OF ELWOOD PATAWA, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

The Confederated Tribes of the Umatilla Indian Reservation, which is made up of the Cayuse, Walla Walla, and Umatilla tribes, historically fished on abundant salmon runs. The lands ceded by the tribes to the United States Government in 1855, and our ancestorial lands, include the John Day, Umatilla, Grande Ronde, Imnaha, Walla Walla, Tucannon, Yakima, Malheur, Powder, Burnt, Snake, and Columbia Rivers.

We depend upon salmon for spiritual and cultural survival. The salmon is central to our religious beliefs, and the well-being of our tribal members. We honor the earth, water, salmon, roots and berries, and all the living creatures which have relationships and dependencies on each other. They are us. We are one. They are at the heart of our ceremonies, prayers and tribal gatherings. The seasonal tribal celebrations and events have always revolved around the returning salmon. We are just borrowing these natural resources, borrowing them from past and future generations. Therefore, we strive to maintain and preserve these resources for future generations. I am the earth, and the earth is me. What is done to the earth is done to me.

The root of our tribal culture revolves around the natural cycles of this great earth. The life cycle of salmon begins when the salmon emerges from the gravel of freshwater streams. The salmon then migrates to the ocean where it grows big in

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[1] Mr. Tuttle has been designated to chair the special committee that will be responsible for the first-year biological study.

order to complete the cycle by returning to its freshwater gravel to support itself, man, and other animals. The migratory nature of salmon requires comprehensive management. We call this "gravel-to-gravel" fisheries management, which is the driving concept behind all fisheries restoration and enhancement activities in which the tribe is currently involved. The tribe is active in stream habitat protection and enhancement, instream flow improvements, artificial fish production operations and research, and harvest management in the tributaries, Columbia River, and Pacific Ocean. These activities demonstrate some of the components of gravel-to-gravel management. Programs such as the Northwest Power Act, U.S./Canada Treaty, U.S. versus Oregon Fish Management Plan, and Forest Planning have helped to develop some action plans for recovery and enhancement of fish populations. In addition to these efforts, it is apparent that much stronger management actions must be taken in areas where stocks continue to decline. Obvious weak links in the gravel-to-gravel management chain have resulted in the extinction of some stocks, reduction in other populations, and prevented successful recovery efforts in the Columbia River Basin.

For example, the Malheur, Burnt, and Powder River salmon stocks were completely and forever lost with the construction of the Hell's Canyon Dam Complex on the Snake River. The construction of mainsteam Columbia and Snake River hydroelectric dams have created major water flow and fish passage problems. Also, timber harvest, road building, mining, livestock, grazing, and irrigation withdrawals cumulatively prevent successful gravel-to-gravel management. Recovery efforts have been stalled by these factors. Furthermore, mitigative efforts have not focused on the mid- and upper Columbia and Snake River areas where native populations have been eliminated or reduced. Because of this history, I come before you now with a sense of urgency and frustration.

The treaty the United States Government signed with the tribes in 1855 reserved to the tribes fishing rights in our usual and accustomed areas for all future generations. Tribal fishers have carried the conservation burden for protection of the upriver salmon runs. Tribal fishers continue to be deprived of harvest with the hope that future generations of our people will see the salmon return. Most tributary rivers remain closed to tribal harvest, or are subject to restrictive harvest levels. For Snake River chinook and sockeye, and upriver coho, the tribal harvest has been so restricted that subsistence and ceremonial fisheries do not meet even the most conservative tribal needs. Entire generations of Indian youth have grown into adults without participating in the fishing heritage revered as a religion, and promised in our treaty with the United States government. Senator, we are concerned about the further implications these declining salmon runs may have on our treaty fishing rights. These are rights, not privileges. We do not believe that Congress intended to abrogate our treaty with the passage of the Endangered Species Act.

I do not come here to mourn the past, but rather to suggest solutions and to illustrate currently successful salmon restoration efforts. The local actions being taken in the Umatilla River are significant and are an example of fisheries restoration efforts that should be examined as the Endangered Species Act review proceeds. Umatilla River chinook and coho salmon stocks were extinct by the early 1900s. During the past decade the tribe has been a leader in the development of fish restoration efforts in the Umatilla River Basin. In 1988, for the first time since the turn of the century, coho salmon returned to the Umatilla River. In 1989, 4,500 coho salmon returned to the river. These were harvested by tribal and nontribal fishers, and also spawned successfully in the river.

Fall chinook salmon, also extinct in the Umatilla River since the early 1900s, have been reintroduced, resulting in the return of 650 fish in the fall of 1989. Spring chinook salmon are also returning to the basin for the first time in over 80 years. In 1988, 13 spring chinook returned, in 1989, 164 returned; and this spring, about 2,200 spring chinook returned. This level of success provided for hatchery brood stock needs and harvest opportunities for Indians and non-Indians. The spring chinook natural spawning escapement goal was surpassed two-fold this year.

All of these runs have been re-established using a combination of restoration techniques including; screening irrigation canals; construction of fish ladders at irrigation dams; stream habitat enhancement in the headwaters; fish trap and haul provisions during low flows; and hatchery fish production. This comprehensive program has required close cooperation between the tribe, state, federal, and local agencies and irrigation districts. We recognize and appreciate the cooperation these groups have given us. Continued cooperation will be needed to ensure completion of the Umatilla Basin Flow Enhancement Project. The recent United States House of Representatives funding approval for the initial phase of the Umatilla Basin Project requires Senate approval and support. Continued Congressional support is fundamental to completion of this crucial fish recovery project.

The initial success in the Umatilla Basin is evidence that successful restoration is possible. But the Umatilla River Basin projects are only a part of the activities which need to be done to restore the Columbia River Basin salmon runs. Other actions in our ceded area tributaries have shown some positive results, but these efforts are often over-shadowed by the continued "weak-link" impacts I mentioned earlier. In order to achieve the total run size objectives in the Umatilla River, and begin to realize the objectives in all upriver systems, more attention is needed to address the overshadowing system-wide problems. The Umatilla River salmon have to negotiate three mainstream dams, while the salmon from the Snake River tributaries encounter eight mainstream dams.

Essential ingredients to reverse the declining trends of the Snake River salmon stocks include: (1) improving flows through the eight mainstream dams in order to provide adequate passage of fish through the dams; (2) improving fish bypass facilities through these dams to also provide adequate passage of the fish; (3) improving existing salmon production operations; (4) expanding production programs based on these improvements; and (5) increased protection and enhancement of spawning and rearing habitat.

Forest plans have only recently begun to recognize the commitment necessary to provide adequate water quality, fish habitat and riparian area protection. Though significant gains have been made, habitat continues to be degraded. For example, the last remaining riparian timber in Meadow Creek (a tributary to the upper Grande Ronde formerly used by spring chinook salmon and logged heavily in the past) is presently being harvested. The tribe has spent considerable time and effort trying to reverse these practices. Through continued and expanded cooperation among agencies we are confident that our efforts will succeed.

Regardless of whether or not the salmon stocks are listed as threatened or endangered, we believe that these stocks could begin an upward climb toward recovery tomorrow, if the necessary steps that need to be made today are implemented by all parties. The tribes are committed, have the expertise, and know what needs to be done to initiate recovery now. A comprehensive effort that involves the commitment of the state and federal agencies, and others, is also needed. Specific action plans need to be developed and implemented. The funding and commitments to provide recovery were made in 1980 when the Northwest Power Act was passed, and in 1985 when the U.S./Canada Treaty was signed. Therefore, processes already exist to develop and support the action plan necessary to accomplish rebuilding salmon. Implementation of rebuilding actions is long overdue.

The Confederated Tribes of the Umatilla Indian Reservation is committed to reestablishing salmon in all ceded area tributaries. Recent successes in the Umatilla and other basins will be short-lived without the cooperation and commitment of all parties to protect our resources for future generations.

TESTIMONY OF ANDY BRUNELLE, SPECIAL ASSISTANT TO GOVERNOR ANDRUS

The state of Idaho is pleased to have the opportunity to appear at this hearing and present the state's views on the potential listing of Columbia and Snake River salmon as threatened and endangered species.

Idaho-origin anadromous fish have long been an important mainstay of Idaho's fishing opportunities, and are significant to many local economies in Idaho. The Snake River runs are also important to the region as a whole. The Snake River above Lewiston historically produced an estimated 55 percent of the total summer steelhead trout, 40 percent of the spring chinook salmon, and 45 percent of the summer chinook salmon. Idaho's Stanley Basin was described as "teeming with red fish," or sockeye salmon.

Snake River run coho are extinct, sockeye are nearly gone, and fall chinook are not far behind. Other Idaho runs are in a depressed status. Overall, salmon and steelhead runs in the Columbia River are only 15 percent of previous run sizes.

The state of Idaho has displayed a long and consistent concern for Idaho-origin anadromous fish. The Idaho Fish and Game Commission has taken actions such as: (1) not allowing a general sport-fishing salmon season since 1977; (2) working with the Shoshone-Bannock and Nez Perce tribes to restrict tribal harvest; and (3) requiring catch-and-release sport fishing of wild steelhead. The Idaho Water Resource Board's State Water Plan provides a ". . . policy of the state of Idaho to preserve and enhance the state's anadromous fishery resource." Also, the state is developing a comprehensive river plan that will ensure additional protection for the state's anadromus fish runs.

Habitat protection and enhancement projects are in place. The quality for spawning and rearing anadromous fish is improved. Idaho has in place an innovative

water quality program with interests from industry, conservation, sportsmen and Indian tribes working together to control nonpoint source pollution from logging, mining and agriculture.

Idaho went to court seeking an equal voice with the downriver states top constrain downriver fisheries in order to provide a reasonable margin of safety for Idaho runs. When Bonneville Power Administration (BPA) proposed to expand the intertie, Idaho sued BPA, which forced the agency to enter into a spill agreement that will aid anadromous fish migration. Currently, the state of Idaho is seeking relief for wild "B" run steelhead before the U.S. 9th Circuit Court of Appeals.

Notwithstanding the efforts of the state of Idaho, several important anadromous species are either extinct or close to it. The loss of this resource is largely attributable to one thing—the construction and operation of huge dams on the Columbia and lower Snake rivers. The federal agencies that constructed and operate the Columbia and lower Snake River dams have not successfully protected or increased the remaining fish runs.

Efforts made to conserve and rebuild the fish runs, including hatcheries, habitat improvement, and harvest measures taken by the state of Idaho and other public agencies have not succeeded. The primary reason is that unacceptably high fish mortality occurs during spring out-migration in the lower Snake and Columbia rivers. Overharvest is also a problem, and will remain so as long as runs are depressed.

The Columbia river dams operate to meet hydropower needs to the detriment of anadromous fish—this despite congressional intent that both power generation and fish passage be on an equal basis. Because of this failure to provide for both energy and fish, private citizen groups have acted to petition the National Marine Fisheries Service (NMFS) for listing of spring, summer and fall Snake River chinook, and lower Columbia River wild coho, and the Shoshone-Bannock Tribe has petitioned for listing Snake River sockeye.

While the state of Idaho strongly supports the preservation and enhancement of our anadromous fishery resource, Idaho is very concerned about the potential effects that an endangered species listing will have on the activities of federal government agencies in the Columbia River Basin. There is much speculation that a recovery plan under the Endangered Species Act could cause a major upheaval to existing federal government activities in the region.

The National Marine Fisheries Service and their regional director Mr. Rollie Schmitten have a large task before them. Idaho will support and assist as needed in the biological assessments that will be made on the Snake River runs. Idaho fully agrees with the state of Oregon that NMFS conduct an open scientific review with ample opportunity to comment by interested parties. Far to often, Idaho has not had the opportunity for full participation in downriver fishery decisions that affect Idaho runs.

Idaho believes more can be done in addition to a biological assessment. We prefer that federal agencies and the region begin to act now and examine ways to conserve and rebuild the anadromous fish runs before a possible listing.

The System Operation Review study by the Bonneville Power Administration, U.S. Army Corps of Engineers and Bureau of Reclamation provides one opportunity to formulate a detailed plan of action. Idaho believes that the System Operations Review process should move swiftly, and should comprehensively review all opportunities to improve flow conditions to protect and rebuild the fish. Studies under the Swan Falls agreement will also be helpful.

Idaho believes both federal and state governments have a role in rebuilding the anadromous fish runs. For example, Idaho Fish and Game is involved in negotiations with BPA to ensure the Non-Treaty Storage Agreement does not harm fish. The state gained a tenative commitment from BPA to pursue continued Idaho Power Company participation to enhance flows. Idaho also is negotiating a study of the feasibility and effects of renting water from Idaho Water Banks on the survival rate of smolt through the system. To carry out the study, Idaho supports increased flows from storage projects in Idaho.

Additional flows through the water rental pilot project are, however, only a partial and short term measure. Idaho's willingness to commit storage water for enhanced flows does not imply that we accept this alternatives as the solution to the slackwater problem on the mainstem dams. Idaho believes that the federal projects on the Columbia River must change operation criteria to create flow rather than placing the burden for flows solely on Idaho resevoirs that are not responsible for the flow problem. Additionally, downstream states must commit to supplying water for flows as well as commit to control of harvest in ocean and Columbia River fisheries to allow the limited numbers of adult salmon, especially wild fish, to pass through to Snake River spawning grounds. Idaho believes that downstream water and harvest managers must respond to our commitment to augment water flows for this pilot project.

Finally, Idaho suggests the region begin to explore positive actions toward recovery, while the biological assessment on the fish is moving forward. Congress can play a constructive role here by specifically budgeting some or all of these activities as outlined. Often, without Congressional direction, suggestions to federal agencies to take a different look at their operations fall on deaf ears.

TASKS

Explore ways to modify the Snake River Basin reservoir flood control rule curves, and shift flood control responsibility to Columbia River projects. This shift will allow space now evacuated for flood control to store water for enhancing instream flows.

Implement operation changes at mainstem dams to mitigate their effects on fish passage. For example, consider utilizing the considerable forebay storage in these reservoirs for "flushing" of downstream migrating juvenile fish. Drawing down mainstem reservoirs during the spring migration period would reduce cross sections, increase velocity, reduce demands on upstream storage, and provide flood control protection. Higher velocities would improve flows for fish, thereby reducing the need for greater volumes of water.

Explore the feasibility of constructing and operating smolt collection facilities upstream of Lower Granite Reservoir.

Stop the winter energy releases at Dworshak. This measure will ensure reservoir refill in low-water years and will provide more water for enhancing instream flows.

Use energy-storage options more creatively. For example, store energy surplus generated during fish migration periods with BC Hydro, California, and regional utilities.

Develop a marketing and transmission strategy to shape electrical load so that fish flows are integrated into the Firm Energy Load Carrying Capabilities, i.e., so that fish flows and energy flows are synonymous.

Study opportunities for providing additional water flows (if found to be effective) from new storage reservoirs (such as Galloway) to be constructed in the watershed specifically for such purpose.

Add new generating facilities to other existing dams in the system. For example, in the Willamette, this addition could maintain a supply of firm energy and provide flow relief for fish.

Devote a small percentage of Canadian storage over which the region has control to maintain a supply of firm energy, while providing flow relief in the Snake and Columbia rivers.

Implement water and energy conservation measures. Water conservation offers enormous opportunities to enhance mainstream flows for fish without affecting energy supplies.

Integrate needed fish flows into planning for regional energy and for new generating facilities.

The foregoing represents what the state of Idaho believes should be part of an aggressive plan by the federal agencies to address the declining salmon stocks in the Snake River drainage. Idaho believes that Bonneville and the Corps can move quickly to study and act on these proposed actions.

It is, of course, a given fact that a combination of actions will be required to solve the flow problem faced by salmon and yet provide for the other uses and needs of the region. A true balance of water for fish, wildlife electricity generation, irrigation and recreation must be struck. Action to implement these proposals could provide the basis for avoiding a listing of one or more salmon stocks as threatened or endangered species and would allow the Pacific Northwest to rebuild our fishery without the drastic actions that may come under the Endangered Species Act. Idaho has in the past, and will in the futrure, do its part to protect this valuable resource. It is now time for the federal agencies that constructed and operate the Columbia and lower Snake River dams to increase their efforts.

TESTIMONY OF CLEVE STEWARD, AMERICAN FISHERIES SOCIETY, IDAHO CHAPTER

My name is Cleve Steward and I serve as chairperson for the Chinook Committee of the Idaho Chapter of the American Fisheries Society. The American Fisheries Society is the largest organization of professional fisheries biologists in North America.

A few years ago, the Northwest Power Planning Council estimated the average annual adult salmon and steelhead runs in the Columbia River system before development in the basin ranged from about 10 million to 16 million fish. In contrast, the average annual run size now is around 2.5 million adults. Hydropower, fishing, logging, mining, grazing, agriculture, irrigation, pollution and urban development have all been implicated as causes for this decline.

It has been estimated that over 100 stocks of anadromous fish in the Columbia River basin have gone extinct since 1850. One of these runs, the Snake River coho, is believed to have gone extinct in 1984. Most of the Columbia River stocks that are current-

ly depressed are from areas above Bonneville Dam.

In the Snake River, the following runs have been identified as either depressed and declining or depressed and stable: Snake River fall chinook; Snake River sockeye; Tucannon River spring chinook; Asotin Creek spring chinook and summer steelhead; Grande Ronde River spring chinook; Imnaha River spring and summer chinook, and Salmon River spring chinook, summer chinook and summer steelhead.

Many of these runs show signs of further decline. The numbers of spring, summer and fall chinook estimated to have passed Lower Granite Dam—the last Snake River dam passed by anadromous fish en route to Idaho spawning grounds—were the seventh, third, and smallest counts on record. It is not enough, however, to look at the total number of fish returning to spawn each year. Hatchery fish, which comprise the majority of the run, contribute relatively little to natural production. Of the remaining wild adult chinook passing Lower Granite Dam, roughly half die before reaching their spawning grounds. The survivors are divided among several more or less reproductively isolated subpopulations or stocks. The different stocks are uniquely adapted to the local condition under which they live. Thus, at issue is not simply the number of chinook reaching the upper Snake River, but the viability of individual stocks which make up the run.

We have witnessed in Idaho a gradual diminution and in some cases the outright extinction of naturally spawning stocks of chinook salmon. For example, the number of chinook salmon redds (egg nests) counted each year by Idaho Department of Fish and Game biologists in Herd Creek, a tributary to the East Fork of the Salmon River, averaged 60 during the 18 year period prior to 1979. For the 8 years following 1979 (redd surveys were discontinued in 1987), fewer than 3 redds, on average, were counted annually. Other Idaho streams that have historically supported healthy runs of fish show similar downward trends. Many of these stocks need immediate and drastic attention if they are to avoid extinction.

The status of the sole surviving run of Snake River sockeye salmon is even more alarming. The number of sockeye that have migrated past lower Granite Dam has been less than 50 for the last 5 years. Only two adult sockeye salmon returned to Redfish Lake in the upper Salmon River basin last year (1989). With nearly half of the historical run period already past this summer, no sockeye have been counted at Lower Granite Dam. Sockeye runs throughout the Columbia River basin are down this year, and are projected to be the fourth worst year on record.

The blame for the recent decline extends to the resource management agencies, who have failed to implement the regulatory mechanisms and management programs necessary to halt further declines. The current state of affairs can be traced to a lack of reliable data on stock abundance, to professional indifference and regulatory "inertia", and to a misplaced trust in hatchery programs as a solution to the problem. Fisheries management has been characterized by an inability to accurately predict run sizes and to consistently meet escapement goals.

One of the alternatives available to us, viewed by many as a "last resort" because of the draconian effects it would have on harvest and hydropower, is the Endangered Species Act. Species listing under the ESA could potentially affect the way the Columbia Basin hydropower system is operated, and impose stringent habitat and harvest management constraints. Because the ESA has teeth to it, the possibility that salmon or trout stocks might be listed as a threatened or endangered species will be sure to stir up considerable economic and political controversy, in much the same way as the Spotted Owl issue has this past year.

In 1987 the Idaho Chapter of the AFS, to which the Palouse Unit belongs formally notified the National Marine Fisheries Service that it intended to seek a listing for upriver stocks of Snake River chinook salmon pursuant to the ESA if we did not see a substantive improvement in their status. The NMFS, to their credit, responded by assigning personnel to compile data and begin consultations with affected parties as part of a review process. Our shared concern was that a biological assessement be conducted in an orderly, non-confrontational fashion without the klieg lights and deadlines that the ESA often imposes. NMFS had conducted a similar review in the late 70's, but enough change has occurred that now, a decade later, another review is warranted.

In February of this year, the conservation group Oregon Trout notified NMFS, the Bonneville Power Administration, the U.S. Army Corps of Engineers, and other federal and state agencies that it intends to seek federal protection of remnant stocks of native Snake River chinook salmon and lower Columbia River coho salmon under provisions of the Endangered Species Act. After much debate, members of the Idaho Chapter of the American Fisheries Society voted to join Oregon Trout as cosigners of the petitions, which were delivered to NMFS in late May. We feel strongly that a biological review and further study of Snake River sockeye and chinook stocks should be conducted to evaluate the need for protection and to identify recovery options. Our overall concern is that the numbers of chinook and sockeye salmon do not decline further and thereby reduce the management options available to us now. The Idaho Chapter has received the support of the Western Division and parent society of the American Fisheries Society.

Why are wild, native fish needed? The issue goes beyond aesthetics or fishing opportunity. Probably the most important reason for preserving wild fish is that support a natural ecosystem upon which other organisms, including man, depend. Wild fish are frequently a barometer of how other aquatic organisms and the ecosystem as a whole is faring. By maintaining healthy runs of wild fish, we maintain biodiversity and maximize the natural productivity of our streams and lakes.

Wild stocks should be managed so that genetic diversity is maintained. Genetic diversity provides the basis for adaptation by fish to changing environmental conditions and, ultimately, the survival of the species. Genetic variability has been lost in hatchery stocks due to "founder" effects and artifical selection for economically valuable traits. Healthy native stocks are needed to rejuvenate hatchery stocks that have become genetically impoverished, and to serve as broodstock for new hatchery programs. Moreover, native fish can be used to re-establish natural runs where they no longer exist.

Beyond these issues is the large question of whether society should choose to protect endangered species at the expense of other social values. I think that in general my professional colleagues do not advocate a "preservation at all costs" policy, but believe that we can preserve our fisheries resources without unduly sacrificing economic growth and stability. There are tradeoffs involved but we see ample opportunity to promote the recovery of chinook and sockeye salmon through a mix of conseervation and supplementation measures. However, as Willa Nehlsen of the Northwest Power Planning Council recently put it, "We stand at a crossroads, and the longer we take to choose a course of action, the fewer will be the available options. The challenge facing us in the 90's is to identify and follow the best course available to us now to turn decline into sustainability."

If the status quo is maintained, if no action is taken to shore up Snake River sockeye and chinook salmon, the real danger is random demographic or environmental events or diseases that can easily wipe out a stock while it is still small. However, even small regulatory changes can constitute the basis of a successful effort to salvage these species. Recovery plans will need to focus on three interdependent types of action that heretofore have not been fully integrated: mainstem survival improvement, harvest management, and fish production. In particular, survival of fish in the mainstem of the Snake and Columbia River must be improved through the implementation of improved flows, interim spill, installation of mechanical bypass systems at dams, transportation of juvenile fish, and related research and evaluation. Passage mortality associated wtih hydropower dams has been estimated to average 15 to 30 percent of downstream migrants per dam and 5 to 10 percent of upstream migrants per dam. Cumulative juvenile passage mortality for fish migrating downstream past nine dams has been estimated to be 77 to 96 percent, depending on the volume and timing of streamflows. Cumulative adult passage mortality for fish passing dams upstream to spawning areas has been estimated to be 37 to 61 percent.

A major concern among fisheries biologists is that hydrosystem flexibility in the Colombia River basin is rapidly disappearing and will not be available to improve fish survival in the future. The realization of benefits of future recovery efforts will depend upon the provision of adequate mainstem flows.

Our final comments relate to the interpretation and implementation of the Endangered Species Act. We feel that, in general, federal programs aimed at recovering threatened or endangered species fall short of what the law mandates. Some species are ignored, recovery efforts for other species are underfunded or unacceptably delayed, and, when potential economic conflicts arise, special exemptions are allowed. We feel that, except under unusual circumstances, the listing agencies, the courts, and the administration should be allowed little discretion to modify the Act's automatic prohibitions as applied to endangered species based on economic or political considerations. As allowed by law, special exemption from exceptionally harsh prohibitions may be requested and obtained under Cabinet-level procedures. However, this step should be taken only under the rarest circumstances; it should not be allowed to become the rule rather than the exception. Our recommendation is that Congress not change the language of the Act until it is deter-

mined whether it is being used as originally intended.

With regard to Snake River salmon, we believe that by acting now, protective regulations may be drawn from a wide range of possible alternatives, and therefore can be very flexible. It may be more practical that limited protective regulations and more general guidelines be issued. This will help federal agencies assist in conservation efforts without restricting their actions in the regulatory mode. At this stage of the game, there appears to be sufficient incentives for all parties to strike some creative bargains rather than resort to the more stringent measures of the Endangered Species Act and the courts to solve potential conflicts.

TESTIMONY OF MIKE ROWE, SHOSHONE-BANNOCK TRIBES

As you are aware, the Shoshone-Bannock Tribes initiated the Petition to list the Snake River Race of sockeye salmon as endangered on March 29, 1990. To the Shoshone and Bannock Peoples, the sockeye salmon not only represents a vital and unique component of the Columbia River Basin ecosystem but represents part of their cultural heritage. Historically, tribal people harvested large numbers of sockeye in the Stanley Basin lakes, as did early white settlers. The name of one of the largest lakes in the Stanley Basin, Redfish Lake, attests to the historical abundance of these fish.

As mainstem Columbia River and Snake River dams came online sockeye returning to Stanley Basin declined drastically. Combined with intense lower Columbia River commercial, sport and tribal harvest as well as habitat degradation, the sockeye runs have been reduced to a remnant.

The Snake River race of sockeye salmon is unique in its ability to traverse a 900-mile journey through a gauntlet of obstacles few other living organisms could survive. This race must be protected. It represents an irreplaceable genetic combination that can never be recreated.

Is it worth listing a population that is virtually extirpated? Sockeye, as with all salmon, have an extended life span; that is, they do not hatch, mature, spawn and die in the same year. So despite low returns from the 1989 year-class, there remain 8 year-classes yet to return to Redfish Lake. In fact, as of June 21st, over 14,000 sockeye smolts, a good portion of which are Salmon River fish, have been collected at Lower Granite Dam on their way to the ocean.

Snake River race of sockeye have known tough times before. Sunbeam dam was built on the mainstem Salmon River in 1913 which, according to biologists of the day, blocked sockeye from their natal lakes further upstream. The dam was breached in 1934 and 8 years later in 1942, sockeye were reported in Redfish Lake. In 1964, 45 sockeye returned to Alturas Lake. It is not certain whether Sunbeam dam was not a complete barrier, whether sockeye runs remained in the river below the dam and recolonized the upper river when the barrier was breached, or whether kokanec (which are residual sockeye) from these lakes reestablished the runs. No one is sure except that sockeye did come back.

The Shoshone and Bannock Tribes believe that prompt action to protect and propagate this unique race of sockeye is unquestionably warranted. These efforts coupled with improvements in passage and water flows would insure that the Snake River race of sockeye will remain viable.

In considering the storm of controversy that surrounds the issue of listing the sockeye and chinook salmon as endangered, it is essential to remember that the power system that provides the Pacific Northwest with abundant, economical energy was bought at a high price. That price being the destruction of the biological integrity of the Columbia River esosystem and the virtual destruction of upriver stocks of anadromous fish. The sad situation of the Snake River sockeye salmon is symptomatic of a much larger problem. Not only has this been a biological disaster, but it has been a commercial disaster.

Managed soundly, the Columbia and Snake rivers and their tributaries can produce not only power and irrigation water, but can produce fish and wildlife in abundance. A tremendous commercial fishery has been severely impacted by the creation of the hydropower system—as has the sport fishing industry. One of the most difficult losses to quantify has been the tremendous negative impact of the loss of sockeye and other salmon species on the culture and traditions of Native Americans.

Listing the sockeye under the Endangered Species Act, far from the economic disaster many doomsayers predict, will provide an opportunity to rectify damage done in the past and restore the healthy functioning of the Columbia and Snake River systems that is unavailable under current management scenarios. It can truly be a win/win situation.

TESTIMONY OF ALLEN SLICKPOO, NEZ PERCE TRIBE

Senator Packwood, thank you for the opportunity to testify on the subject of the Endangered Species Act petitions which have been recently filed. My name is Allen Slickpoo and I am a member of the Nez Perce Tribal Executive Committee. I am here today to present the views of the Government of the Nez Perce Tribe.

As you may know, the Nez Perce Tribe has traditionally fished for salmon in the rivers and streams of Idaho, southeast Washington, northeast Oregon, and the mainstem Columbia River. To our people, salmon have always been central to our way of life, our cultural heritage, and our religion.

The Nez Perce Reservation of today is located near Lewiston, ID, and contains within its boundaries approximately 60 miles of the Clearwater River. Nez Perce homelands extend throughout the Clearwater, salmon, and Snake River Basins, and comprise some 13 million acres under the Nez Perce Treaty of 1855. The local foods, including the various runs of salmon, provided a year round subsistence for our people. The Chinook, Sockeye, and Coho each had a seasonal use by the Nez Perce as our people travelled from location to location throughout their regional homelands.

By treaty with the United States in 1855, the Nez Perce Tribe reserved rights to hunt on open and unclaimed land, and to fish at the "usual and accustomed" fishing sites of our tribe. Our goal is to restore the various species of salmon at all usual and accustomed rivers and places in the Columbia Basin where our people fished, and where the salmon still have access.

Many salmon stocks from many rivers pass the usual and accustomed fishing places of the Nez Perce Tribe. We are therefore committed to fisheries harvest management, habitat protection, and fish production improvements throughout the range of the salmon, and particularly those fish that migrate to and spawn in Nez Perce territory.

Under the Tribe's Fishery Program, we actively manage our natural resources for the purpose of restoring salmon throughout the Nez Perce traditional homeland. Our tribe employs a staff of fisheries biologists, engineers, and resource specialists to carry out that task.

The challenge which faces our tribe is one of the most difficult in the Northwest. The Snake River System is recognized as the source of some of the greatest problems confronting Columbia River salmon rebuilding efforts. Dam construction has cut off access to hundreds of miles of salmon habitat. Inadequate environmental conditions, as a result of irrigation, mining, timber harvest, and industrial pollution, have rendered many rivers unsuitable for salmon due to high water temperatures, pollution, and low flows. There are also up to 8 mainstem hydroelectric dams on the Snake and Columbia Rivers which our fish must pass. In too many years, juvenile salmon cannot survive the journey to the ocean because of these manmade hurdles.

The salmon resource must be protected at each stage of its life cycle. This concept is called "gravel-to-gravel" management by our tribe. The primary elements of gravel-to-gravel management are: protection of habitat, improvement in hydroelectric dam passage, fish production reform, and harvest management. The Nez Perce Tribe, along with the other Columbia River Basin tribes, has actively sought to implement these actions since 1980. It is our belief that these are the essential elements for rebuilding salmon stocks, especially the naturally spawning fish.

But those elements have only been partially achieved. Only in the area of harvest management have the tribes succeeded in creating a coordinated harvest management system that accounts for harvest of Columbia River fish throughout their range.

In the area of fish production reform and passage at the dams, the tribe's efforts have been heavily resisted. The fish hatcheries that do exist in Idaho have not achieved the results for which they were designed. Survival of hatchery fish has, in part, been poor due to misguided hatchery programs.

Also, certain runs, such as Snake River sockeye and coho, do not receive any mitigation or compensation under the Lower Snake River Compensation Program, or any other program. Current hatchery programs in Idaho prioritize steelhead and spring chinook, with minor summer chinook production, while no programs exist for sockeye, coho, or fall chinook. The tribe was not consulted, nor do we concur with those priorities. We strongly object to, and condemn the fact that only three of the six species which once returned to the Snake River above Lower Granite Dam remain. It is not difficult to see that the deficiencies in the Lower Snake River Compensation Program have contributed greatly to the present conditions of summer chinook, sockeye, coho and fall chinook in the rivers and streams of Idaho, southeast Washington, and Northeast Oregon. In that regard, we request that the Northwest delegation seek the necessary legislative or administrative remedies under the Water Resources Development Act of 1976, or other appropriate means, to ensure that those species which have been neglected are restored in the Snake River.

Regarding the subject of fish passage, and related habitat issues, the tribe has continually advocated for sufficient water quality

and water quantity for salmon spawning, rearing, and migration. It is now 10 years since the passage of the Northwest Power Planning and Conservation Act, and only the steelhead run in Idaho is in better condition than before the act. Despite the passage of the act, and our tribe's expectation that salmon losses would receive compensation in the form of fish production increases and improvements in dam passage survival, such promises have not been fulfilled. Insufficient fish passage conditions and lack of fish production actions for neglected species in Idaho Rivers during that timeframe, and for the foreseeable future, will continue to frustrate our tribe's fishery rebuilding goals.

In conclusion, it is our position that whether or not any fish is listed under this Endangered Species Act process, the tribe will continue to seek and support actions which promote the rebuilding of not just a few, but all salmon stocks in the Nez Perce traditional homelands. The Nez Perce Tribe is prepared to identify specific actions which will move Snake River Basin salmon recovery forward. Solutions to these problems can be found, as they have been found elsewhere in the Columbia River system. But it will take a cooperative, coordinated effort among all parties who have rights and interests in these stocks of fish. No longer can the Snake River System and its fish resource afford bureaucratic delay. If more studies must be conducted, then those studies must produce actions, and actions must be specific. It is time to move ahead, and to correct the errors that were made in the past.

Our heritage, and our children's future demand that these actions be taken by us.

TESTIMONY OF DARRELL STANDAGE, MALHEUR SOIL AND WATER CONSERVATION DISTRICT

At this point in time I am not sure of all the implications and ramifications that would effect this area if the Chinook Salmon or any other Salmon species were put on the endangered species list. However I am absolutely certain there would be very drastic implications and developments to the Snake River Valley and its tributaries if changes of any kind occur as to the uses and availability of water to this valley.

As we all know water is the lifeblood of this valley. Before we had impoundments of water we had nothing but desert sagebrush and rabbits.

Today thanks to the availability of water to our area we have a very strong and viable agriculture base. For example approximately 25% of the entire nation's supply of onions and 50% of the nation's supply of potatoes are produced with water from the Snake river system. Other crops grown in this area under irrigation are sugar beets, sweet corn, alfalfa hay, field corn, wheat, barley, peppermint, bean, flower seeds & vegetable seeds. A large cattle and dairy industry and crops that support our large food processing plants in the area; such as Ore-Ida Foods, J.R. Simplot, Amalgamated Sugar Co., American Fine Foods, Dairy Creameries, auction stockyards, and many onion packing sheds, all of which employ thousands of people.

The agricultural industry is the backbone of the support for our towns and cities. In other words just about everything in this valley is dependent on water and to place any kind of fish on the endangered species list that would in any way effect our supply of water available for agriculture would be a terrible disaster.

Hydro electric power is without a doubt the cheapest and cleanest form of power available today and to hamper any production of electricity would be a tragic mistake.

As a farmer for the last 38 years and Chairman and Board member of the Malheur Soil and Water Conservation District the past 14 years, I have seen many changes in water uses and irrigation methods. Some people criticize agriculture for wasting water. In past years I have seen miles of cement ditches installed to save water. Thousands of dollars have been spent on land leveling, sprinkler systems and conservation practices by the hundreds all designed to save water and soil.

Farmers today have to be good businessmen to survive and water is such a valuable asset to this area, the majority of them are very conservation minded and doing everything within their power to conserve water.

Again let me emphasize the importance of water to this valley, because before we had water we had desert. Take away the water and it will quickly return to desert.

Many forms of wildlife such as deer, antelope, pheasant, quail, duck, geese, beaver & muskrats are very dependent on irrigated agriculture. Very few if any of these creatures were in abundance in this valley before irrigation was brought in and now they thrive everywhere.

On opening day of hunting my farm looks like Grand Central Station. Other areas that will be impacted are sport fishing, water recreation of all types such as; rafting, boating, rafting and floating rivers' and water skiing.

I will close by making this one statement: That is in the course of recorded history there has never been a civilized nation that has worked so hard to destroy its food supply as what our nation is doing to us today.

TESTIMONY OF JOHN E. ROSS, OWYHEE IRRIGATION DISTRICT

My name is John E. Ross. My residence address is 1212 S.W. 11th, Ontario, Oregon. I am the Project Manager for the Owyhee Irrigation District in Malheur County, Oregon, the address of which is 17 South First Street, Nyssa, Oregon 97913.

The Owyhee Irrigation Project is a U.S. Bureau of Reclamation Project. Appropriations were made by Congress in the 1920's for the construction of the Owyhee Dam on the Owyhee River, approximately 30 miles S. W. of Nyssa.

The Owyhee River prior to construction of the dam, had an average annual stream flow of 852,533 A.F. of water which was discharged into Snake River about 7 miles south of Nyssa. The flow was largely in the months of March, April, May and June of each year. During the spring floods, flows often reached 20,000 to 25,000 cfs. During the hot summer and in the fall months, flows in the river reduced to a trickle, often 100 cfs.

The Owyhee Dam since the early 1930's has provided irrigation water for 120,000 acres of choice farm land in Malheur County and Owyhee County, Idaho. Virtually all of the water which flows in the Owyhee River, except when the reservoir fills in the spring and flood water is released, is stored in the Owyhee Reservoir for use in irrigating the farm land. Three small power plants are being developed in the project but they, for the most part, use only irrigation water.

The Owyhee Irrigation Project was designed to store virtually all of the dependable flow of the Owyhee River for irrigation purposes. Although the irrigation project uses about 460,000 A.F. of water per year for irrigation and the annual average stream flow is now about 750,000 A.F., the project needs a full reservoir each spring to provide assurance that there will be sufficient water for irrigation during the next succeeding two or three years in the event they are low run-off years.

For example, in 1988, the second consecutive low water year, the maximum storage reached was 289,602 A.F. Water for irrigation had to be reduced from the desired 4 A.F. per acre to 3 A.F. per acre. This resulted in reduced yields and increased expenses for farmers.

The point here is that the project was designed to take the water from about 11,000 square miles of desert country and use a reservoir storage of 715,000 A.F. to irrigate 120,000 acres of farm land. Plans were made for a sufficient water supply in all but prolonged periods of drought.

The effect of this planning by the reclamation engineers of the 1920's is that all of the dependable water of the Owyhee River is utilized. There is no dependable excess which can be used for other purposes, such as a fishery. There is no dependable water which can be used to maintain minimum flows during the year. There is no dependable water which could be used to flush fish to the sea.

The U.S.A. and the 2,100 water users of the Owyhee Irrigation Project have made a huge investment in money, effort, sweat, and personal commitment, and they have relied on the future stability of the project for continued farming beyond the foreseeable future.

If a release of water on a dependable basis is required it will do violence to the farming potential and the related economy of the region. If the salmon are to have a dependable source of water on a predictable schedule, it must come from a source other than the Owyhee River.

TESTIMONY OF LARRY WIMER, IDAHO POWER CO.

Senator Packwood, my name is Larry Wimer. I am the Manager of of Hydroelectric Relicensing and Compliance for Idaho Power Company (Idaho Power). On behalf of Idaho Power, I thank you for this opportunity to testify regarding the potential listing of Columbia and Snake River Salmon as threatened and endangered species.

Idaho Power is a privately owned electric utility serving approximately 285,000 commercial and residential customers in Eastern Oregon, Southern Idaho, and Northern Nevada.

Idaho Power operates 16 hydroelectric projects on the Snake River and its tributaries beginning with the American Falls Power Plant at the eastern end of the system and ending with the Hells Canyon Power Plant at the downstream end on the Idaho-Oregon border.

In August, 1955, the Federal Power Commission issued Idaho a license for a three-dam complex in the Hells Canyon reach of the Middle Snake River consisting of Brownlee, Oxbow and Hells Canyon Dams (Project 1971). At that time, most of the spawning areas above Hells Canyon had been blocked by reclamation projects and the anadromous fishery on the Snake River had been drastically reduced.

The license required the Company to construct, maintain and operate facilities for

the purpose of conserving the remaining fishery resources of the Middle Snake River. A task force composed of representatives from each of the state and federal fish and wildlife agencies in the Pacific Northwest was formed to develop plans for handling the anadromous fisheries in the Hells Canyon reach of the Snake River. The studies of this group resulted in a decision to provide experimental facilities for both the upstream and downstream passage of anadromous fish over the three dams. This passage system was not successful. Based upon an extensive study over a three year period starting in 1961, it was concluded that a primary factor in the failure of the passage facilities was the inability of downstream migrants to navigate Brownlee's 58-mile reservoir.

When the decrease in smolts and returning adults became apparent in the Snake River system, the decision was made by the agencies to develop an artificial propagation program and attempt to relocate the Snake River runs of spring chinook and steelhead to other drainages. During the following years, Idaho Power funded a major fish program.

Idaho Power has constructed and funded the maintenance and operational expenses at four (4) fish propagation facilities that are operated by the Idaho Department of Fish and Game. Pursuant to its latest agreement with the United States Department of Commerce—National Marine Fisheries Service (NMFS) and the states of Idaho, Oregon, and Washington, Idaho Power's fish traps, fish handling and transporting facilities, and fish hatchery facilities provide an annual production capability of 1,000,000 fall chinook smolts, 3,000,000 spring and 1,000,000 summer chinook smolts, and 400,000 pounds of steelhead smolts. In every year since 1968 one or all of the hatcheries has produced fish in excess of the production goals. These additional fish have also been made available to the fish agencies.

Idaho Power's hatchery program has been very successful. However, the regional emphasis that has been placed upon increasing the total numbers of fish for harvest may have caused the specific needs of certain wild stocks to be overlooked. In 1958, when Brownlee Dam became operational, there were only three federal dams on the lower Snake and Columbia Rivers impeding the migration of salmon and steelhead downstream of Hells Canyon. By 1975, when Lower Granite Dam became operational, five additional dams had been constructed. The Lower Snake and Columbia Rivers had become one continuous reservoir bisected by eight federal dams.

In recent years, Idaho Power had voluntarily contracted with the Bonneville Power Administration to provide storage for water budget flows to aid in the out migration of juvenile fish.

In 1988, pursuant to authorization from the Congress in Public Law 100-216, Idaho Power, the NMFS, and the United States Fish and Wildlife Service entered into an agreement to jointly fund a one million dollar, three-year study concerning the timing, quantity and quality of instream flows and related matters to protect, enhance and mitigate fish and wildlife resources including anadromous fish. The study plan in the agreement for anadromous fish is underway and includes:

Identification of sources of additional water within the Snake River basin to provide for migrating juvenile anadromous fish;

Alternative flow regime studies; and,

Instream flows for anadromous fish downstream from Hell's Canyon Dam.

Many such studies are either underway or being contemplated by numerous organizations and agencies in the region. Idaho Power believes that an effort to coordinate these studies would be valuable.

Congress should fund and Idaho Power supports a thorough and credible biological review of all of the salmon stocks represented in the petitions that have been filed with the Department of Commerce for Endangered Species Act review. We look forward to providing whatever assistance we can to the NMFS in making its initial determinations regarding the listing of the stocks.

Idaho Power believes that any recovery plan, whether or not mandated by the Endangered Species Act, should fairly assess all of the various factors in addition to migration flows that impede the recovery of anadromous fish runs. A thorough analysis of the region's alternatives should include an assessment of the impacts to anadromous fish from all activities including power production, commercial fishing, mining, logging, and farming. The best recovery plan will be a plan that is not only biologically sound but also a plan that fairly distributes the burden among all user groups.

TESTIMONY OF MARJORIE HAYES

Recently I reported on an article that was printed in the Sunday, June 3rd, 1990, Idaho Statesman. I would like to read you parts from this report, for I came to realize in the research that I did in getting together this information that the struggle in which my husband and I engaged during the last seven years is ending in defeat and the mighty chinook salmon who has become to us a living symbol of our love for this beautiful land may very well be too far down the road to extinction for us to save. I quote from my own paper:

"Although I have not always agreed with Mr. Ed Channey, I have a great deal of respect and admiration for his sincerity and the quality of his character . . . In his interview with Mr. Bagwell in the Statesman he lists the fact that 95% of the Salmon and Steelhead produced in Idaho are killed attempting to migrate through the dams and reservoirs to the ocean . . . With this I do not disagree. He lists habitat degradation and over-fishing as the achilles heel which may wipe out the species. Unfortunately this is very true. He lists the way the dams are managed for the production of power is at the expense of the fishery, and this is also very true and illegal . . . At a Board of Directors meeting of the Northwest Conservation Act Coalition (May 1990) the aspect of management of the dams was discussed. (This group monitors the Northwest Power Planning Council and offers constructive criticism.) It appears that the fish flush which is being used to carry the young smolts through the backwaters of dams works if we have a heavy snow pack year. In a dry year there is not enough water to get them through before their imprinting fails . . . Apparently it is after the initial fish flush that the problems occur. The Corps of Army Engineers and the Power Companies do not release enough water, but hold back to rebuild their generating capacity. This plays havoc with the runs. The thing that is becoming clear is that the fish use the total river systems all year long to make their various journeys to the ocean. Thus the waters from Henry's Fork, the Palisades, the ensuing Snake, the Salmon, the Clearwater, and their tributaries all play a major role in the marvelously engineered plan of nature to get these ocean travelers safely to their destination. There in the salt waters of the ocean they grow and thrive and ultimately return to spawn and die according to their marvelously genetically structured programing.

So far Mr. Chaney was absolutely correct in his interview . . . Where we take exception with him is in his casual dismissal of the Stanley Basin as an area that is only able to provide habitat for the Sockeye Salmon and his listing of the South Fork of the Salmon river as the target area for the recovery of the Fall and Summer Chinook and Steel-head runs . . . I do not wish to diminish the importance of the recovery of the South Fork, for it should be done by all means; and yet it is our opinion (backed by research) that the Stanley Basin is the Crown Jewel of Idaho, with a treasure so rare and unique that it should be honored and protected as the rare jewel that it is. For it is precisely here that the Wild Chinook Salmon have their beginning, safely immune from the advent of disease and genetic infringement from the hatchery fish. This has been accomplished by an impreceptable design of nature. At the top of Blind Summit, going toward Lowman, a division of the waters of the Salmon river takes place. Here all of the waters from the side nearest Stanley go into the main Salmon river. From the other side, up to the top of Banner Creek, the water flows into the mightly Middle Fork of the Salmon, a Wild and Scenic River. The lovely quiet stream which meanders through the meadows near Cape Horn is Marsh Creek, one of the head waters of the Middle Fork of the Salmon river. The Chinook Salmon use the Middle Fork as their highway as they return to their own streams to spawn and die . . . What Mr. Chaney over-looked in his interview, is the fact that Marsh Creek begins a marvelous out-door fishery. The area that it encompasses includes Bear Valley Creek (the other headwater of the Middle Fork) Knapp Creek, Cape Horn Creek, Elk Creek, Beaver Creek, Loon Creek, Sulphur Creek, Rapid River Creek, Pistol Creek, Indian Creek, Marble Creek, Camas Creek, and their tributaries. In the thirteen creeks that I have mentioned there are 449,777 square yards of spawning gravel and a potential for 38,453 redds (female spawning nests).

At a Steel-head Round Table Conference which I attended several years ago at the Rippling Waters Resort, there was a very serious discussion by the technical staff about the looming ineffectiveness of the hatchery fish. They are very prone to disease and too little is known about their survival ratio and their rate of return from the ocean. We have long had a concern about their impact on the ocean voyage for the wild ones.

On the other hand, in the Wild Chinook we have a fish that has survived everything that man could devise to terminate their existence, including making an outdoor cattle toilet for their cradles and in the name of the Centennial Year proposing a trail through shale to further stress the smolts in the upper reaches of Marsh Creek.

My husband and I have been monitoring Marsh Creek for the last seven years and the pictures on the letterhead show what happened to the stream in 1989, a summer when the Fish and Game Department had expected the ranchers to use restraint with their cattle as they were aware that the fish were under stress.

Why are we so intent in destroying this marvelous creature? Why not give it a chance?

You will note in the draft Table 2 of the Idaho Fish and Game Department Salmon River drainage wild spring chinook redd counts, 1957 to 1989 that the 1989 redd count is down to 44 in the Marsh Creek drainage. . . But what causes me even greater distress is the fact that Sulfur Creek, the Creek in which I played a major role in getting into the Frank Church River of No Return Wilderness was down to 2 redds.

I really do not feel that we have any margin of safety left to save the Chinook Salmon. The saving of the old growth forests for the spotted owls protection has turned those who are intent on logging and roading to Idaho and they are coming in at an alarming rate. In our opinion they will be destroying something that is of more value to the world than they will ever be able to replace; for Lester Brown in World Watch has stated that a piece of dried fish (and the chinook salmon is a high grade protein) can mean the difference between starvation and a diet that is adequate in protein. Will future generations look at this marvelous design of nature in Idaho, and ask "Of what were they thinking with the world population at 5.3 billion and climbing rapidly . . . For this reason, my husband and I are supporting the recovery of the Salmon through the Endangered Species Act, and we are requesting, that due to the fragile eco-system of our Batholith and the tenuous hold that our Salmon now have reached in their valiant fight for survival that you do not delay . . . for time is of the essence."

TESTIMONY OF GEORGE KING, OREGON TRAIL ELECTRIC COOPERATIVE

I'm a native Oregonian. I have lived and worked in the Northwest all of my life. We take many things for granted in our beautiful corner of the world—such as our unique salmon runs and our low cost, abundant and clean electric power.

These two valuable regional resources are not, I believe, mutually exclusive. The electric industry has spent more than a billion of ratepayers' dollars with the best technology available to preserve our salmon runs. There have been successes. More will have to be done.

Now some well-meaning individuals are stridently pushing to list the wild salmon on the "endangered species list." If you think the spotted owl controversy is going to play havoc with the economy of the Northwest, you haven't seen anything yet.

For decades, the Northwest enjoyed a surplus of power. Waterpower is the cleanest and cheapest way to generate the large amount of power we need to support the quality of life we know today. Now mainly due to load growth, we are in resource balance with loads and we are already looking at new sources of energy to make up the projected shortfall in the 1990's.

Have our blessings been too good to be true? No. We simply have had the foresight to take advantage of waterpower to keep our costs relatively low and our environment relatively clean.

Nobody has had to put a gun to the electric industry's head to force it to make provisions for wildlife such as river salmon. This industry understands and accepts its role to help protect the magnificent salmon. All others who benefit from the water and fish resources must also participate in the solution to and the costs involved with the problem. The entire burden should not be borne by the electric ratepayer.

The Northwest cannot stand the shock that will hit if we list the salmon at this time. And that shock will affect every person living here. It could mean a drastic reduction in hydro-generated electricity. It could force a move to other major sources of power that are far costlier and more damaging to the environment. It could even sink the region into a depression that would make the early '80s seem like the "good old days."

Are we ready for that? I don't think so. Are those who want to list the salmon ready for that? I doubt it. Contrary to what some may tell you, we are very concerned about the future of wild salmon and stand ready to do our share to preserve the species. Those who propose the listing of the salmon as endangered should also be prepared to share in all aspects of a solution to the problem.

We aren't wearing the black hats in this issue. The electric industry must wear two hats—supplying the Northwest with power it demands and protecting the species that are affected by supplying that demand. Both those hats are white.

Our quality of life cannot stand the shock of listing the salmon and quickly plunging our way of life into a precipitous and costly decline. We live here, too, and we can share our region with the salmon.

My suggestion is that the electric industry—cooperatives, investor-owned utilities, PUDs, municipals and industry associations join forces with federal, state and local governments to push for more reasonable and well-considered solutions.

I believe we can halt the decline of our salmon population and retain the precious way of life affored us by hydropower. We do not have to give one up for the other.

I realize we must find an acceptable solution soon. The electric utilities of the Northwest are concerned for the salmon. We believe we can help protect it for future generations. We are also concerned about this region's vitality—which will be crippled if we make a hasty and irretrievable decision without careful, thorough investigation of the problem and the impact of solutions.

We cannot tolerate myopic, quick fix solutions. It is time to look at the big picture. That picture frames far more than our fish population.

Thank you for the opportunity to speak on this issue.●

PRICE GOUGING AS A RESULT OF EVENTS IN IRAQ AND KUWAIT

● Mr. HEINZ. Mr. President, I rise to bring to the attention of the Senate disturbing reports of price gouging in gasoline and home heating fuels as well as panic buying by consumers as a consequence of recent events in the Middle East.

The invasion of Kuwait by Iraq and its potential long-term impact on oil supplies and prices are serious concerns, but price gouging by retailers, wholesalers, and refiners or panic buying by consumers is simply unjustified by the circumstances.

There have been scattered reports that some retailers of petroleum products have increased prices and that some wholesalers may be limiting supply to retailers.

The current situation is similar to the events following the *Exxon Valdez* oilspill and during last year's colder than expected winter. Despite the negligible impact on supply due to these events, prices for gasoline and home heating oil spiked upwards sharply.

There are always people ready to use any excuse to rip off the consumer. The global supply of oil has not been affected in any meaningful way by the actions of Iraq and the United States has substantial oil in the strategic petroleum reserve. Immediate price hikes in these circumstances should be vigorously investigated by the Department of Justice.●

UNITED STATES ASSISTANCE TO EL SALVADOR

● Mr. McCAIN. Mr. President, I am one of seven Republican Senators charged by the minority leader to explore with Democratic Senators the possibility of forging a bipartisan agreement on United States assistance to El Salvador. I was pleased to undertake this assignment, and I took my responsibility very seriously. I sincerely believe that the most important means at our disposal to improve the prospects for peace and justice in El Salvador is strong, serious, and united action by Congress and the administration.

Mr. President, I assure the Senate that I, my Republican colleagues, and the administration are very earnest in our desire to achieve a bipartisan consensus on our relationship with El Salvador. We remember how, with great difficulty, Congress and the administration forged a bipartisan agreement on Nicaragua that survived repeated challenges to its integrity, and worked to such good effect on what had become the most divisive foreign policy problem of the 1980's. Mr. President, that extraordinary success is reason enough to vigorously pursue bipartisanship on the question of El Salvador.

There are, of course, other compelling reasons for bipartisanship on this question. Contrary to patronizing attitudes that cloud some perceptions of El Salvador, Salvadorans pay close attention to what occurs in the U.S. Congress. Unfortunately, those Salvadorans who are most opposed to the democratization of their country pay the closest attention to our proceedings here. The death squads and the FMLN are awaiting the action of Congress before resuming their cooperative association to destroy Salvadoran democracy.

Mr. President, as most Senators know, our recent efforts regarding El Salvador have not been very bipartisan. There are a number of proposals

in both Houses of Congress to reconfigure our assistance to El Salvador, one of which I was happy to cosponsor. The administration has also recently proposed legislation strictly conditioning our assistance. The stated purposes of everyone of these proposals is to enhance the prospects for peace and compel respect for human rights in El Salvador. All the measures share some similarities. There are, of course, serious differences as well.

Ideally, Mr. President, Members of Congress and the administration would work out the differences and unite the similarities in an assistance package that would send a message to all Salvadorans: We are serious about peace; we are serious about justice; we are serious about human rights. Together we could, if we are so inclined, construct a relationship with El Salvador that makes unmistakably clear our intention to serve not only American security interests in El Salvador, but American values as well.

With regret, Mr. President, I fear that we are not so inclinced. Thus far, I suspect that many of my friends on the other side of the aisle are not really interested in uniting Congress on this issue. I feel that Senators LUGAR, MCCONNELL, and I sponsored good-faith legislation that addressed not only the failures of the Salvadoran Government and the machinations of subversives in the Salvadoran military, but also addressed the ruthless opposition of the FMLN to the success of Salvadoran democracy.

Our proposal did not thrill everyone on all sides of this issue. It had conservative and liberal critics. Our proposal was not intended to be the final word on the subject. It was not nonnegotiable. None of its sponsors feels that he has cornered the market on justice for El Salvador. It was however a sincere attempt to address the concerns that I would hope we all share for El Salvador.

The administration's proposal goes even further to answer some of the compliants voiced by Democratic critics of our current relationship with El Salvador. It was a bold, serious, wellcrafted proposal that would clearly impress the Government and military of El Salvador with United States dissatisfaction over the sorry condition of Salvadoran justice. Yet, the proposal also carefully avoided providing incentives to the FMLM to disengage from the peace process and throw El Salvador further into the chaos of war. Frankly, Mr. President, I thought most Members would recognize the seriousness and efficacy of the administration's proposal. I was wrong.

I am afraid that Democratic critics of administration policy have not even seriously examined the administration bill, nor the Lugar bill, nor any suggestions to construct a balanced, fair, and useful assistance package that might positively affect the situation in El Salvador. I fear that in some quarters of the Senate there is at present a determination to avoid cooperating with the administration and with the rest of Congress, unless that cooperation is based in total acquiescence in a policy that very well might contribute to the breakdown of cease-fire negotiations in El Salvador.

At one point in our negotiations on this question, I was instructed by a colleague to stop fighting the cold war in El Salvador. Well, that is not what I intend to do, Mr. President. But I do mean to hold all terrorists in El Salvador, whether they come from the right or the left, to the same standards. I do mean to oppose every impediment to Salvadoran democracy. I do mean to ensure that American aid serves American values. El Salvador can ill-afford any further experience with double standards.

Neither Republicans in Congress nor the Administration seek to sustain cold war hostilities in El Salvador. I might remind my colleagues that the perceived irrelevancy of cold war pursuits does not mean that the world will suddenly be free from conflict and threats to our security, as we were so vividly reminded by Saddam Hussein yesterday.

Further, I might suggest to those that accuse us of cold war thinking, that they save their injunction for the Cubans. Castro does seem intent on using El Salvador to pursue his cold war objectives. But no matter, our anticommunism, as I hope it is expressed in El Salvador, will be a component of our support for democracy. That support will include opposition to any threat to Salvadoran democracy whether it comes from Castro, or the FMLN, the military, the death squads—anywhere.

For some Senators to dismiss the administration as unserious about arriving at a sensible policy in cooperation with Congress is grossly unfair, unhelpful, and downright dangerous for Salvadorans. Their attitude strikes me as a significant step toward the reckless abandonment of Salvadorans to suffer the inhumanity of both the death squads and the FMLN.

Yesterday, I heard reports that 11 Salvadoran peasants were taken from their homes and killed. Those reports appear to have been a hoax. If they are, in our relief over this apparent fabrication, we should not forget how familar those reports sound when considering El Salvador's violent history. My first reaction to the reports was renewed despair. It is a feeling many of us have experienced before regarding El Salvador. To acquiesce in the abandonment of El Salvador is to submit to our despair. That is not a common characteristic of American policy.

We have responsibilities to help those people. Those responsibilities are not met and Salvadorans are not well-served by demagoguery and political posturing. We can do better than this.

My objections to the proposals from the other side of the aisle are numerous. Most obvious, is that they would effectively withhold 81 percent of all military assistance. This would be a powerful incentive for the FMLN to leave the negotiating table and pursue the fortunes of war before the United States recognizes what they have done, appropriates new money, and get it through the pipeline in what might be a vain attempt to save the constitutional Government of El Salvador. Obviously, rightwing death squads prefer to operate in a climate of violence created by FMLN offensives and would welcome the launching of a new one.

I have other concerns, about holding both leftwing terrorists and rightwing terrorists accountable for human rights abuses, for instance. I am also concerned that in our pursuit of justice in El Salvador we will go far beyond influencing judicial reform, separation of police functions from military functions—all worthy pursuits of American policy.

However, it is not the brief of the United States to order that—irrespective of the outcome of trials, irrespective of the process of judicial reform, irrespective of thorough and professional investigations of human rights abuses, irrespective of Government intentions to build a democratic political culture in El Salvador, irrespective of all these things—American outrage over the many gross human rights abuses that have been committed in El Salvador will not be satisfied unless we have a hanging.

No doubt, there are many Salvadorans who deserve to be executed for crimes against their people and their country. And let me add, Mr. President, those criminals are to be found on the left and on the right. Nevertheless, the United States can only hope to help serve the cause of Salvadoran justice by contributing to a reformation of the process. We cannot insist on the outcomes of trials. We can insist that El Salvador rapidly improve its system of justice. We cannot serve as the executioner of Salvadoran criminals.

Mr. President, at a later date I fear I will have further opportunity to discuss in more detail the various Salvador legislation pending in Congress. But I hope not. I hope that the next time I address the Senate on this subject it will be to announce my support for a bipartisan consensus on assistance to El Salvador. I sincerely hope that we do not let our differences come to a vote on the floor. For we know what the consequences will be. If one side prevails, then the FMLN will

be encouraged. If the other side prevails, the death squads will take comfort. No matter which side prevails, the long-suffering people of El Salvador will lose.

With the glaring exception of Cuba, the Western Hemisphere has made extraordinary progress toward democratization. The day of the autocrat, the totalitarian, the caudillo is closing forever in the Americas. Admittedly, that progress has been agonizingly slow and fitful in El Salvador. The United States must insist on a substantial strengthening of democratic values in El Salvador, and on permanent progress toward a resolution of conflict there.

To do that we will have to stay engaged in the problems of El Salvador, no matter how difficult and trying that obligation is. That must be the essence of a bipartisan agreement on El Salvador. I reemphasize my belief that this consensus could be achieved to the enormous benefit of El Salvador and to the eternal credit of the Congress, the administration, and the United States of America.

Mr. President, I implore my colleagues to work together with the administration to craft and conduct a policy in El Salvador that will better serve the interests of Salvadorans and will better serve American values. Let us abandon our own political agendas so that we will not abandon Salvadorans. Let us unite in our objectives for another, better El Salvador, at peace with itself and devoted to the rights of man.●

TEN-YEAR ANNIVERSARY OF SOLIDARITY

● Mr. RIEGLE. Mr. President, August 31 will mark the 10-year anniversary of Solidarity, the independent Polish trade union. I would like to take this opportunity to honor the members of Solidarity for their profound sacrifice and courageous struggle on behalf of freedom and democracy in Poland.

From its earliest days, Solidarity was a symbol of the right of people to determine their own future. It was a magnetic movement which drew together the Polish people in the hope that they would someday regain their liberty. With this appeal, Solidarity expanded in the early 1980's from a humble trade union to a national opposition movement; and, eventually to the only officially recognized independent trade union in the Eastern Bloc.

Solidarity, through the use of nonviolent strikes and demonstrations, brought the plight of the Polish worker to the attention of the world. With its popularity increasing faster than ever, the union expanded until its membership encompassed one-third of the entire Polish labor force. Tragically, Solidarity's challenge to the Communist government was brought to a screeching halt.

Fearing its own demise and a likely Soviet military intervention, Poland's Government invoked martial law, outlawed the union, and began a systematic crackdown on the leaders of Solidarity. Unwarranted jailings of Solidarity leaders, beatings of peaceful demonstrators by riot police, and constant surveillance of all Solidarity members were the tools of the brutal and entrenched Government. Solidarity, however, displayed the courage and resilience of a people staunchly dedicated to their freedom by enduring this persecution.

In the fall of 1988, after 7 years as an underground movement, economic stagnation and a new, more liberal Government in the Soviet Union allowed Solidarity to once again emerge as the leader in the Eastern European drive for democracy. The Polish Government, fearing an economic and political collapse, opened negotiations with Solidarity in an attempt to secure the support of the Polish people in solving Poland's economic woes. As a result of these negotiations, Poland entered uncharted waters—Solidarity was legalized and elections were scheduled for June 1988. Under this agreement, Solidarity was allowed to compete as a political party in the first fair elections in modern Eastern European history.

Solidarity flooded the country with campaign banners and posters, breathing life into the Polish people whose freedoms had been stifled under decades of Communist rule. The outcome of the elections was truly momentous. In less than 1 year, Solidarity went from the status of an outlawed, underground trade union to the dominant political force in the new Polish democracy. Never before had an Eastern European people so strongly rejected communism.

Recently, I met with a delegation from the Polish Legislature and discussed several serious challenges that lie ahead for Solidarity and Poland, such as a devastated economy, high unemployment, and tremendous labor unrest left behind by the previous Government. Though news of democracy in Eastern Europe is cause for celebration, let us not lose sight of Poland's formidable uphill battle in the transition to a republican form of government and a market economy. I firmly believe that we should fully support Poland and the other new, fledgling democracies. Increased financial aid and investment in Poland will help assure that Poland flourishes as a democracy and that it eventually develops into a leader among nations.

Mr. President, the Senate is unanimous in its profund respect and admiration for Solidarity and its leader Lech Walesa. Had it not been for the spark which Solidarity provided for the changes in Eastern Europe, the democratic revolution of 1989 and 1990 may not even have ever transpired. Therefore, as we look to the future and our relations with a free Poland and Eastern Europe, let us not forget the example set by Solidarity in enduring the subjugation of communism and fighting from the freedom of the Polish people.●

TRIBUTE TO THE ALLIED SERVICES' JOHN HEINZ INSTITUTE OF REHABILITATION MEDICINE

● Mr. HEINZ. Mr. President, I wish to pay tribute to the Heinz Senators, an award-winning junior wheelchair sports team from Wilkes-Barre, PA. The Heinz Senators, a wheelchair sports team sponsored by Allied Services' John Heinz Institute of Rehabilitation Medicine in Wilkes-Barre, are continuing a winning tradition. Since 1984, the team has showcased the courage, determination, and skill of wheelchair athletes. The athletes' accomplishments have been an inspiration to countless others, with and without disabilities.

The team started in 1984 when Pat Patterson, a spinal cord injured patient who was completing his rehabilitation at the Heinz Institute, expressed an interest in joining a wheelchair basketball team. However, finding enough young, physically disabled, wheelchair-bound individuals interested in competing in basketball was difficult. Patterson's recreational therapist at the institute encouraged him to become involved in individual and dual competition sports that would permit additional participation for the disabled. He and Danny Hergert, another rehabilitation patient at the institute, accepted the challenge.

In his first meet at Ellis Island, NY, Patterson won two gold medals, one bronze medal, and was named "Outstanding Novice." Hergert said the competition was tougher than he had imagined. "When you first start you don't know how fast the competition can be. It takes constant learning, mastering new techniques to gain speed." Hergert, Patterson, and the team's first female competitor, Denise Filippini, collected more than 100 medals, awards, and trophies, each in their first 3 years of competition.

The athletes compete in classes determined by their age, gender, location of the spinal cord injury, and the level of physical functioning. By 1987, the team had six active members who competed in track and field events, the slalom, which is an obstacle course, and table tennis. The team won 50 medals in sanctioned competitions in Maryland, Delaware, New Jersey, New York, and Washington, DC.

Ms. Filippini attended her first national championships in 1987 in Lawrenceville, NJ, and brought home a bronze medal in the discus. In 1988, the team topped the 100 mark in medals won in sanctioned competitions.

Three of the Heinz Senators competed at the 1988 Junior National Wheelchair Games at Johnson City, TN. David Birch won gold medals in the slalom and 50-meter freestyle swimming and Brian Thomas won a gold medal in the slalom. Denise Filippini also competed in the national championships but was not a medalist.

The 1989 Heinz Senators were truly a force to be reckoned with. The team won more than 130 medals during the season in meets sanctioned by the National Wheelchair Athletic Association. The team also garnered 15 medals at the 1990 Junior National Wheelchair Games at DeAnza College, Cupertino, CA. Four of the Heinz Senators, David Birch, Mark Cassarella, Denise Filippini, and Brian Thomas, competed at the national games. Mark Cassarella and Brian Thomas were among the 40 athletes chosen to compete for the United States in the World Disability Games in Miami, FL. The two northeastern Pennsylvania teenagers were the sole representatives of the State of Pennsylvania at the international games which attracted more than 600 of the top wheelchair athletes from 40 countries. Cassarella won three gold medals—in the 200-meter race, 400-meter race, and the slalom—and a commemorative third-place medal in the 1,500-meter race. Thomas earned the gold medal in the slalom.

Head coach Kelly Martin was 1 of only 10 of the Nation's coaches chosen to manage and coach the U.S. Junior Wheelchair Sports Team at the prestigious international competition. Currently, the team includes eight athletes, seven from northeastern Pennsylvania and one from New Jersey. Team members include David Bartnick, 18, of Mountaintop; David Cassarella, 19, of Drums; Denise Filippini, 17, of Larksville; Jason Salawu, 10, of Somerset, NJ; Jamie Saunders, 17, of Plymouth; and Brian Thomas, 18, of Shickshinny.

All members of the Heinz Senators compete in track and field events. Two of the athletes also compete in table tennis, two in weightlifting, and one in swimming.

The 1990 season has been another recordsetter for the Heinz Senators. In 5 regional competitions the team earned 181 medals, including 122 gold medals. In addition, three of the Senators won special awards in regional competition.

David Bartnick was named most outstanding male novice athlete at the Children's Specialized Hospital Invitational Wheelchair Meet, Rosello, NJ. David Birch was named most outstanding junior athlete at the Maryland Wheelchair Games at Salisbury. Brian Thomas was named most outstanding male athlete at the Tri-State Junior Regional Wheelchair Meet, North Brunswick, NJ.

Seven members of the team qualified to compete at the 1990 Junior National Wheelchair Games at Colorado State University, Fort Collins, CO, in July, although only six were able to attend. The Heinz Senators' relay team won two silver medals in the 4 x 100-meter relay and the 800-meter medley. Five of the athletes also won individual medals. Those include David Birch, gold medals in table tennis, 50-meter freestyle swimming, 25-meter butterfly swimming and the slalom (he also won a bronze medal in the 1,500-meter race); Jill Bodek, a bronze medal in the slalom; Mark Cassarella, gold medals in the javelin throw, shotput, discus, and slalom (he also won a silver medal in the 200-meter race and a bronze in the 100-meter race); Denise Filippini, a silver medal in the slalom; Brian Thomas, silver medals in table tennis, the slalom, and the 800-meter race. In addition, Thomas was chosen from among the 254 athletes in the competition to participate in the Prince of the Straits race. This honor is granted to the eight athletes with the fastest times in the 100-meter race without consideration of age or classification. The race can pit the youngest competitor against the oldest in an all-out sprint for the crown.

Mr. President, I am sure that you and my colleagues would agree that the athletes, under the direction of head coach Kelly Martin, director of therapeutic recreation at the Heinz Institute, and assistant coaches Dawn Hendrick and Mark Johnson, have made and continue to make sports history.●

WENDELL KIMBROUGH

● Mr. PRYOR. Mr. President, friends, relatives, and coworkers will gather in Arkansas to pay tribute to a man who has dedicated his life to public service in the U.S. Postal Service.

Wendell Kimbrough of Pocahontas, AR, retired as postmaster of that city after a career of more than 41 years in various posts within the Postal Service.

Beginning as a postal clerk in May of 1950, Wendell was elevated to the postmaster position at Alicia—Lawrence County—in 1954. While serving at Alicia, Wendell was instrumental in the training of more than 300 postmasters in Arkansas, Missouri, and Iowa. In 1978, he was promoted to the postmaster position at Pocahontas.

Throughout his career, Wendell has also been active in national postmaster organizations, serving as national vice president of the National League of Postmasters from 1974 to 1979. The league elected him national president in 1980. Wendell was of immense council to me when I came to the Senate in 1979 on matters of concern to the postal worker, as well as the postal customer.

Mr. President, while Wendell has retired from the Postal Service, he has certainly not retired from helping meet the needs of his local community. Wendell now serves as executive director of the Randolph County Chamber of Commerce.

Wendell Kimbrough is a prime example of the many dedicated public servants throughout the Federal Government who do their jobs without fanfare. I join his many friends in the tribute they give to him and his wife Erma Lee.●

EAS PROGRAM

● Mr. CONRAD. Mr. President, I strongly support passage of the Department of Transportation appropriations bill for fiscal year 1991, which the Senate passed August 4.

The bill contains two provisions which are of critical importance to North Dakota. First, the bill funds the Essential Air Service Program at a level which will allow the continued service to all communities which now participate in the program. While I would like to see the program expanded, I understand that budgetary pressures prevent such an expansion at this time.

I am a strong supporter of the EAS program. I believe that the commitment to continue air service to rural communities that was made when the airline industry was deregulated in 1978 must be continued. The citizens and businesses of the three communities in North Dakota which now participate in the program—Jamestown, Devils Lake, and Williston—depend on the air service that the program facilitates. Air service is crucial to rural communities' attempts to diversify their economies base. I am pleased that the Senate Appropriations Committee included $26 million for this program.

Second, the bill contains $4 million for the University of North Dakota's Center for Aerospace Sciences. These funds will allow transmission of aviation education classes to other designated airway science schools. Funds provided to the center since 1982 by the FAA and other private sources have resulted in an internationally acclaimed aviation education program. The center offers five 4-year degree programs which now enroll more than 1,000 students. The goals of the project are to improve curricula and to address the critical shortage of qualified and experienced aviation educa-

tion instructors in our Nation's colleges and universities.

I thank the chairman of the Transportation Subcommittee, Senator LAUTENBERG, for his consideration and support of these two very important programs.●

INTERPARLIAMENTARY CONFERENCE ON THE GLOBAL ENVIRONMENT

● Mr. GORE. Mr. President, it is increasingly apparent that many of the serious environmental problems that we see are not restricted to a given area, region or country, and are in fact, interregional or international. It is encouraging to see that the attention of the international community is being increasingly directed to these issues and to the need to develop cooperative and support programs to deal with them.

A recent article by Robert Cahn from the summer issue of 1990 Amicus Journal entitled "The Globetrotters" discusses these issues and some of the current efforts to deal with them.

Mr. Cahn attended and his article discusses the recent Interparliamentary Conference on the Global Environment, which the Senate had the honor to host and I had the honor to chair. I believe that this article will be of interest to my colleagues.

The material follows:

[From the Amicus, Journal, Summer 1990]

THE GLOBETROTTERS

(By Robert Cahn)

It would appear that arms control is out and global environmental solutions are in as legislative priorities worldwide. "We need to put and end to the arms race and convert it into a race for stabilizing the natural balance and preserving the environment. The new problem is to translate the environmental problem from the scientific question into a political question and the central political strategy of our time." That statement by Hermann Scheer, a member of the West German Bundestag, heralds the new priority among nations, as expressed at the recent Interparliamentary Conference on Global Environment (ICGE).

Scheer was one of 170 legislators from thirty-six nations convening in Washington this spring for working sessions aimed at finding legislative solutions to global environmental problems. In September, 1989, fifty-five legislators from seventeen countries had met for the same purpose in Tokyo. This June, members of the European Parliament, the Japanese Diet, and the U.S. Congress tackled global climate change, biodiversity of species, ocean pollution, toxic waste, and a host of other environmental challenges that know no national boundaries. Also in June, another group of environmental legislators met in Bellagio, Italy.

These conferences tap and strengthen the growing awarness among legislators throughout the the world that a shift in political priorities is under way, a redefining of national security in environmental rather than military terms. The old fear that a few national leaders with fingers on the nuclear button might change the face of the planet is being replaced by a new call for tangible laws and actions to avert disastrous global warming, reduce air and water polution, protect the world from toxic wastes and chemical and nuclear contaminants, preserve threatened plant and animal species and their habitats, and slow the pace of population growth.

At the World Environment Legislators Forum (WELF) in Tokyo last year, most of the meeting was taken up with presentations by parliamentarians on environmental problems in their own countries—mainly air and water pollution and toxic waste—although other environmental problems were discussed. The forum, organized by Diet member Takashi Kosugi, and supported by a grant from the Sasakawa Peace Foundation, was dominated by the Japanese. Twenty members of the Diet from six political parties attended, while the other nations were each represented by only one legislator.

Representative James Scheuer (D-New York) took part in the Tokyo meeting, and a year earlier had addressed the European Parliament on the need to start an organization of parliamentarians from industrialized nations to deal with the environment. In November 1989, Scheuer, Senators Al Gore (D-Tennessee), John Heinz (R-Pennsylvania), and a dozen colleagues met in Washington with fifteen legislators from the European Parliament to form Global Legislators Organized for a Balanced Environment (GLOBE). This June, Scheuer, Heinz, and Represenative Constance Morella (R-Maryland) met in Brussels with European Parliament legislators and six members of the Japanese Diet for a second GLOBE session. Among actions taken was an agreement to work for a ban on the export of toxic wastes to Third World countries. GLOBE has invited the Soviet Union to join, and expects to meet twice a year. Small teams of GLOBE members have been formed to deal with some of the environmental issues, exchange information, and highlight problems and potential legislative actions to solve them.

Also in June, legislators met in Bellagio to form a Planetary Partnership Coalition for Environment and Development to help developing and industrialized countries work together on the global environmental crisis. The legislators passed resolutions recommending actions by their respective countries on global climate change and other issues. The Bellagio workshop, attended by twenty-five legislators from thirteen countries, was sponsored by the Global Environment Program of the New York-based Parliamentarians for Global Action, which until recently had been working mainly on disarmament, peace, international debt, and monetary reform.

Also, an ad hoc, seven-member committee on the environment of the Interparliamentary Union (IPU) has been formed and is working to develop issues and proposals for the 1992 Conference on Environment and Development in Brazil.

The largest and most comprehensive of these environmental initiatives by legislators was the April conference in Washington, which was hosted by the U.S. Senate and organized and chaired by Gore with help from Senate colleagues John Chafee (R-Rhode Island), Heinz, Rudy Boschwitz (R-Minnesota), John Kerry (D-Massachusetts), Tim Wirth (D-Colorado), and Max Baucus (D-Montana).

As the leading global environmentalist in Congress, Gore introduced legislation authorizing the conference, and won approval for $500,000 in Senate funding. He is the author of several bills now before Congress, including the World Environment Policy Act, which addresses virtually all areas of the global environment: a package of legislation addressing protection of the stratospheric ozone layer; a resolution that would protect Antarctica from mining and minerals development and preserve the continent as a global ecological commons; and a bill for a Strategic Environmental Initiative focusing on developing marketing, and exporting technologies that will allow economic growth to continue in an environmentally sustainable manner.

When industrial and Third World nations having democratically elected members were invited to send delegations of up to seven members of their legislative bodies to the ICGE conference, the Senate sponsors were worried that it might not draw high level participants. They need not have been concerned. Five heads of senates or national assemblies, two former prime ministers, and more than a dozen legislators who are leading activists on environmental legislative committees were among the 170 delegates.

In his opening charge to the conference, Gore predicted that in the 1990s, the effort to save the world's environment will emerge as the central organizing principle for achieving and safeguarding human progress. "For the first time, all humankind stands united in the face of destruction of the earth's ecological system which supports life as we have known it," Gore said. "The fear of self-annihilation draws us even closer, perhaps, than did the threat of nuclear holocaust. The decisions to avoid nuclear war rest primarily in the hands of a few leaders in a handful of nations. But the choice to save our global environment will be made not by the few but by the many—billions of us on our own and with each other. The issues involved in living in balance with the earth's natural systems will demand scientific advances and tax the ingenuity of decision makers," he added. "But they are, at bottom, political challenges because real progress on the environment inevitably requires important changes in society. If prime ministers or presidents cannot or will not provide environmental leadership, then with or without them, the elected representatives of the peoples of the world will do whatever it takes to protect the global environment."

Responding to Gore's keynote, French National Assembly president Laurent Fabius affirmed that the two great interrelated questions of the twenty-first century will be the environment and development. "These questions will not be solved spontaneously, but by voluntary, organized, directed action taken by men and women who think not only in terms of individuals, but in terms of mankind," Fabius said. "We must address these two major questions in our parliaments because they do not have any solutions outside of democracy. The time has come for the parliaments of each nation to deal with the environment together."

The conferees put in long, full days. In small working groups they thrashed out goals and devised proposals and strategies, then debated the proposed actions in plenary sessions until reaching consensus on the issues. The legislators passed a number of general, and a few significant, specific proposals for action. And they established networks for continuing the dialogue and helping one another draft and perfect national legislation and develop international cooperation strategies for global treaties wherev-

er possible. They established a computer network for making data available and aiding in communication.

In the talks by experts such as Brazil's new secretary of the environment, Jose Lutzenberger; Jacques Cousteau; Carl Sagan; executive director of the United Nations Population Fund, Nafis Sadik; Indonesia's state minister for population and environment, Emil Salim; and atmospheric scientist Sherwood Rowland, delegates were afforded opportunities to ask questions or make comments.

The final package the legislators took home to use in their parliaments, assemblies, or senates was an eighty-seven page, single-spaced document (printed on recycled paper) full of legislative actions on global climate change, ozone depletion, sustainable development, population, deforestation, desertification, safeguarding of oceans and water resources, and preservation of biological diversity. The document included proposals for:

Global agreement to climate change to reduce greenhouse gas emissions by 50 percent from 1990 levels by 2010;

A global Marshall plan for sustainable development and the environment, initiated by developed nations to share the burdens in proportion to their abilities;

Establishing a Bank for Sustainable Development, funded so far as possible from the military and defense budgets of the major industrialized nations;

Doubling, to $9 billion a year; worldwide funding for population programs;

Granting Antarctia special protective status as a land of science, treaty park, and international wilderness area; and

Adoption of a convention on the preservation of biological diversity to be opened for signature by 1992.

In several hours of debate just before leaving Washington, 155 of the delegates agree on and signed a "Declaration of Environmental Interdependence." They pledged, "As the faithful stewards for future generations of the natural heritage," to take effective action now on a comprehensive set of fundamental principles, and to support personally, and urge their respective governments to implement the agreed-upon principles.

One regret to ICGE delegates was that the world's two most populous nations, China and India, were not represented. India did not send delegates because the Indian parliament was in session. China, which had sent a delegate to the WELF conference in Tokyo last year, was not invited to ICGE because of the U.S. Senate's expressed disapproval of the Tiananmen Square massacre, and also because without a democratically elected legislature. Chinese representatives would not have a means for implementing the legislative ideas worked out at the conference.

At the final session in Washington, a delegate from Czechoslovakia said he had received word from President Vaclav Havel to invite the Interparliamentary Conference to come to Prague in 1991 for a follow-up meeting. The acceptance of the invitation to meet in Czechoslovakia was followed by an invitation, and acceptance, for a third ICGE conference in Paris in 1992.

Legislators who have attended previous global environmental conferences acknowledged a number of unique elements of the ICGE meeting in Washington: recognizing the controversial topic of population growth as one of the major global environmental problems for discussions and action proposals; allowing sufficient time for workshops and for questions at all plenary sessions; and addressing the needs of developing countries and the importance of equity in dealing with the poorer nations. One-third of the delegates were from Third World countries, and the gathering was also unusual in the large number of women members of parliaments present.

One of the women, Attiya Inayatullah, was acclaimed by Gore as the "star" of the conference. The Pakistani legislator cochaired the population discussions, was a member of the conference coordinating committee, and her eloquent and timely interventions drew attention in plenary sessions. "I carry back to Pakistan not just a vision of what I am going to try to do in Pakistan or South Asia, but a global vision that we have to work together and that parliamentarians in many nations are now aware of the need for equity in dealing with the Third World and for sustainable development," Inayatullah said. While acknowledging the importance of the meeting and saying that she would present the conference recommendations to the speaker of the Pakistan assembly and the environment committee of the parliament, and to President Benazir Bhuto, Inayatullah startled the delegates with her concluding remark, "Many of us do not believe in conferences." Delegates gave her an ovation when she added: "We believe in work. We know the scientific facts. What we need is political action."

(Bob Cahn is a Pulitzer Prize winning reporter and former member of the President's Council on Environmental Quality. He lives in Leesburg, Virginia.)●

THE CUMBERLAND VALLEY VOLUNTEER FIREMEN'S ASSOCIATION

● Mr. SARBANES. Mr. President, the Cumberland Valley Volunteer Firemen's Association has worked to improve fire prevention and control efforts since its founding in 1901. As the association prepares for its 89th annual convention, I want to commend its members for their commitment to serving the people of Maryland and the surrounding States.

As a member of the congressional fire service caucus, I certainly recognize that fire prevention and control is a problem of significant national importance. Firefighters are our Nation's first line of defense against fires, floods, and an endless number of manmade and natural disasters. The work of volunteer firefighters is of critical importance and I want to thank them for the tremendous service that they provide to their fellow citizens.

In recent years, many have bemoaned our country's lack of national heroes. However, what they fail to realize is that we do have heroes in every fire hall across our Nation—men and women who risk their lives serving their fellow Americans. In my view, there are few persons more deserving of our respect and admiration than those who serve as firefighters.

Throughout my service in Congress, I have been a strong supporter of legislation designed to enhance our Nation's ability to prevent and fight fires. Following passage of the Federal Fire Prevention and Control Act, which I strongly supported, the National Fire Academy was established in the shadow of the Catoctin Mountains in Emmitsburg, MD. My State is proud to be the home of this respected and important Federal institution.

As my colleagues know, I have fought hard over the past few years for Congress to pass legislation that would designate the Fallen Firefighters Memorial on the National Fire Academy campus as the national memorial to all firefighters career or volunteer who die in the line of duty. This memorial, located in a beautiful setting on the Emmitsburg campus, is a fitting tribute to those who die in service to their communities. Mr. President, I am very pleased that my resolution, Senate Joint Resolution 77, was signed into law earlier this month.

The people of Maryland and neighboring States are indeed fortunate to be able to rely on the members of the Cumberland Valley Volunteer Firemen's Association and I hope that their convention will be both informative and enjoyable.●

EXTENDING AUTHORIZATION OF THE DEFENSE PRODUCTION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5432, a bill to extend the authorization of the Defense Production Act until September 30, 1990.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5432) to extend the expiration date of the Defense Production Act of 1950.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5432) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING PRINTING OF EXHIBITION POSTERS

Mr. MITCHELL. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 323) to authorize printing of exhibition posters.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 323) was agreed to, as follows:

Resolved, That 1,000 sets of posters, prepared by the U.S. Senate Commission on Art for the exhibition, "A Necessary Fence," shall be authorized for the use of the Senate.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL MARITIME COMMISSION AUTHORIZATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 775, S. 2759, the Federal Maritime Commission authorization.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2759) to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause, and inserting in lieu thereof the following:

That in fiscal year 1991, $15,894,000 is authorized to be appropriated for the use of the Federal Maritime Commission; except that for fiscal year 1991, and for each fiscal year thereafter, not to exceed $2,000 may be expended for official reception and representation expenses.

SEC. 2. Subsection (h) of section 18 of the Shipping Act of 1984 (46 App. U.S.C. 1718(h)) is amended by inserting "Advisory" immediately before "Commission shall", and by striking "its establishment" and inserting in lieu thereof "all of its members have been duly appointed".

SEC. 3. Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in subdivision (b) of paragraph (1) by inserting "including intermodal movements, terminal operations, cargo solicitation, forwarding and agency services, non-vessel-operating common carrier operations, and other activities and services integral to transportation systems," immediately after "generally,"; and

(2) by adding at the end the following new paragraphs:

"(5) The Commission may initiate a rule or regulation under paragraph (1)(b) of this section either on its own motion or pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers' association; ocean freight forwarder, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under paragraph (1)(b) of this section.

"(6) In furtherance of the purposes of paragraph (1)(b) of this section—

"(a) the Commission may, by order, require any person (including any common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee thereof) to file with the Commission a report, answers to questions, documentary material, or other information which the Commission considers necessary or appropriate;

"(b) the Commission may require a report or answers to questions to be made under oath;

"(c) the Commission may prescribe the form and the time for response to a report and answers to questions; and

"(d) a person who fails to file a report, answer, documentary material, or other information required under this paragraph shall be liable to the United States Government for a civil penalty of not more than $5,000 for each day that the information is not provided.

"(7) In proceedings under paragraph (1)(b) of this section—

"(a) the Commission may authorize a party to use depositions, written interrogatories, and discovery procedures that, to the extent practicable, are in conformity with the rules applicable in civil proceedings in the district courts of the United States;

"(b) the Commission may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence;

"(c) subject to funds being provided by appropriations Acts, witnesses are, unless otherwise prohibited by law, entitled to the same fees and mileage as in the courts of the United States;

"(d) for failure to supply information ordered to be produced or compelled by subpoena in proceedings under paragraph (1)(b)(7) of this section, the Commission may—

"(i) after notice and an opportunity for hearing, suspend tariffs of a common carrier or that common carrier's right to use the tariffs of conferences of which it is a member, or

"(ii) assess a civil penalty of not more than $5,000 for each day that the information is not provided; and

"(e) when a person violates an order of the Commission or fails to comply with a subpoena, the Commission may seek enforcement by a United States district court having jurisdiction over the parties, and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

"(8) Notwithstanding any other law, the Commission may refuse to disclose to the public a response or other information provided under the terms of this section.

"(9) If the Commission finds that conditions that are unfavorable to shipping under paragraph (1)(b) of this section exist, the Commission may—

"(a) limit sailings to and from United States ports or the amount or type of cargo carried;

"(b) suspend, in whole or in part, tariffs filed with the Commission for carriage to or from United States ports, including a common carrier's right to use tariffs of conferences in United States trades of which it is a member of any period the Commission specifies;

"(c) suspend, in whole or in part, an ocean common carriers right to operate under an agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargoes or revenue with ocean common carriers;

"(d) impose a fee, not to exceed $1,000,000 per voyage; or

"(e) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

"(10) Upon request by the Commission—

"(a) the collector of customs at the port or place of destination in the United States shall refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, and shall collect any fees imposed by the Commission under paragraph (9)(d) of this section; and

"(b) the Secretary of the department in which the Coast Guard is operating shall deny entry for purpose of oceanborne trade, of a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, to any port or place in the United States or the navigable waters of the United States, or shall detain that vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

"(11) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended under paragraph (7)(d) or (9)(b) of this section, or after its right to use another tariff has been suspended under those paragraphs, is subject to a civil penalty of not more than $50,000 for each day that it is found to be operating under a suspended tariff.

"(12) The Commission may consult with, seek the cooperation of, or make recommendations to other appropriate Government agencies prior to taking any action under this section.".

SEC. 4. Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) Cherokee V (United States official number 570746).

(2) Ernestina (United States official number 136423).

(3) Salisa M (United States official number 265653).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BREAUX. Mr. President, I rise in support of S. 2759, a bill to authorize the appropriations for the Federal Maritime Commission, FMC, for fiscal year 1991. The bill simply authorizes $15,894,000 to be used for the functions of the FMC. This is the same amount requested by the President in his budget request and the same amount included in the FMC authorization bill passed by the House.

The FMC is an independent agency whose primary function is to regulate the practices of both international and domestic maritime trade. Its regulatory authority is contained in the Shipping Act of 1984, the Shipping Act of 1916, and other related statutes. The FMC reviews tariff filings and service contracts, but does not regulate international ocean transportation rates. It does approve freight rates for transportation between domestic ports and domestic offshore ports such as Hawaii and Puerto Rico. In addition to those duties, the FMC investigates and takes enforcement action in instances where unjust discriminatory rates have been found, or other improper activities exist among shippers, carrriers, and terminal operations.

This legislation is necessary for the FMC to carry out all of these functions that are so important to regulation of the waterborne commerce of the United States. I, therefore, urge its quick passage.

Mr. MITCHELL. Mr. President, on behalf of Senator BREAUX, I send to the desk a substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. BREAUX, proposes an amendment numbered 2600.

AMENDMENT NO. 2600

(Purpose: To make an amendment in the nature of a substitute)

Strike all after the enacting clause and insert in lieu thereof the following:

That in fiscal year 1991, $15,894,000 is authorized to be appropriated for the use of the Federal Maritime Commission; except that for fiscal year 1991, and for each fiscal year thereafter, not to exceed $2,000 may be expended for official reception and representation expenses.

SEC. 2. (Subsection 9h) of section 18 of the Shipping Act of 1984 is amended by inserting "Advisory" immediately before "Commission shall", and by striking "its establishment" and inserting in lieu thereof "all of its members have been duly appointed".

SEC. 3. Section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876) is amended—

(1) in subdivision (b) of paragraph (1) by inserting "including intermodal movements, terminal operations, cargo solicitation, forwarding and agency services, non-vessel-operating common carrier operations, and other activities and services integral to transportation systems," immediately after "generally,"; and

(2) by adding at the end the following new paragraphs:

"(5) The Commission may initiate a rule or regulation under paragraph (1)(b) of this section either on its own motion or pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under paragraph (1)(b) of this section.

"(6) In furtherance of the purposes of paragraph (1)(b) of this section—

"(a) the Commission may, by order, require any person (including any common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee thereof) to file with the Commission a report, answers to questions, documentary material, or other information which the Commission considers necessary or appropriate;

"(b) the Commission may prescribe the form and the time for response to a report and answers to questions; and

"(d) a person who fails to file a report, answer, documentary material, or other information required under this paragraph shall be liable to the United States Government for a civil penalty of not more than $5,000 for each day that the information is not provided.

"(7) In proceedings under paragraph (1)(b) of this section—

"(a) the Commission may authorize a party to use depositions, written interrogatories, and discovery procedures that, to the extent practicable, are in conformity with the rules applicable in civil proceedings in the district courts of the United States;

(b) the Commission may by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence;

"(c) subject to funds being provided by appropriations Act, witnesses are, unless otherwise prohibited by law, entitled to the same fees and mileage as in the courts of the United States;

"(d) for failure to supply information ordered to be produced or compelled by subpoena in proceedings under paragraph (1)(b)(7) of this section, the Commission may—

"(i) after notice and an opportunity for hearing, suspend tariffs of a common carrier or that common carrier's right to use the tariffs of conferences of which it is a member, or

"(ii) assess a civil penalty of not more than $5,000 for each day that the information is not provided; and

"(e) when a person violates an order of the Commission or fails to comply with a subpoena, the Commission may seek enforcement by a United States district court having jurisdiction over the parties, and if, after hearing, the court determines that the order was regularly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

"(8) Notwithstanding any other law, the Commission may refuse to disclose to the public a response or other information provided under the terms of this section.

"(9) If the Commission finds that conditions that are unfavorable to shipping under paragraph (1)(b) of this section exist, the Commission may—

"(a) limit sailings to and from United States ports or the amount or type of cargo carried;

"(b) suspend, in whole or in part, tariffs filed with the Commission for carriage to or from United States ports, including a common carrier's right to use tariffs of conferences in United States trades of which it is a member of any period the Commission specifies;

"(c) suspend, in whole or in part, an ocean common carrier's right to operate under an agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargoes or revenue with ocean common carriers;

"(d) impose a fee, not to exceed $1,000,000 per voyage; or

"(e) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

"(10) Upon request by the Commission—

"(a) the collector of customs at the port or place of destination in the United States shall refuse the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) to a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(b) of this section, and shall collect any fees imposed by the Commission under paragraph (9)(d) of this section; and

"(b) the Secretary of the department in which the Coast Guard is operating shall deny entry for purpose of oceanborne trade, of a vessel of a country that is named in a rule or regulation issued by the Commission under paragraph (1)(d) of this section, to any port or place in the United States or the navigable waters of the United States, or shall detain that vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

"(11) A common carrier that accepts or handles cargo for carriage under a tariff that has been suspended under paragraph (7)(d) or (9)(b) of this section, or after its right to use another tariff has been suspended under those paragraphs is subject to a civil penalty of not more than $50,000 for each day that it is found to be operating under a suspended tariff.

"(12) The Commission may consult with, seek the cooperation of, or make recommendations to other appropriate Government agencies prior to taking any action under this section.".

SEC. 4. Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of Transportation may issue a certificate of documentation for the following vessels:

(1) Angelos, hull identification number HAZ1432C0173 and State of Hawaii registration number HA 1432 C.

(2) Arctic Sounder, United States official number 569927.

(3) Bounty, United States official number 950956.

(4) Camelot, United States official number 923202.

(5) Cherokee V, United States official number 570746.

(6) Ernestina, United States official number 136423.

(7) Ghostrider, United States official number 906121.

(8) He'Enalu, State of Hawaii registration number HA 843 CP.

(9) Job Site, United States official number 595013.

(10) Kainalu, State of Hawaii registration number HA 779 CP.

(11) Lady Rose Anne, United States official number 603040.

(12) Mariner III, United States official number 225459.

(13) Ocean Prowler, United States official number 632751.

(14) Pacific Pearl, hull identification number MRY10161M76H414.

(15) Pumpkin, United States official number 627259.

(16) Rose, United States official number 928811.

(17) Salisa M, United States official number 265653.

(18) Sea Devil, United States official number 569316.

(19) Sea Nugget, State of Alaska registration number AK 2233 E.

(20) Sinbad, formerly Sangria, hull identification number 15846 and State of Alaska registration number AK 3650.

(21) Solitaire, United States official number 521894.

(22) Swee'Pea, hull identification number PBL32012K990 and State of Alaska registration number AK 8550 L.

(23) Weatherbird, United States official number 527918.

(24) Weatherbird II, United States official number 652213.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 2600) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from H.R. 4009, the House companion, and that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, and the text of S. 2759, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following Calendar items be indefinitely postponed: 525, 527, 528, 529, 530, 591, 594, 596, 597, 598, 599, 752, and 764.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Calendar Item No. 775 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODCT SAFETY COMMISSION AUTHORIZATION

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 605.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 605) entitled "An Act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Dingell, Mr. Walgren, Mr. Slattery, Mr. Lent, and Mr. Ritter be the managers of the conference on the part of the House.

Mr. MITCHELL. I move the Senate disagree to the House amendments, and agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLINGS, Mr. BRYAN, Mr. GORE, Mr. DANFORTH, and Mr. GORTON conferees on the part of the Senate.

TONGASS NATIONAL FOREST WILDERNESS ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 987.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 987) entitled "An Act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

From the Committee on Interior and Insular Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Udall, Mr. Miller of California, Mr. Sharp, Mr. Markey, Mr. Rahall, Mr. Vento, Mr. Gejdenson, Mr. Kostmayer, Mr. Young of Alaska, Mr. Marlenee, Mr. Craig, Mr. Rhodes, and Mr. Robert F. Smith.

From the Committee on Agriculture, for consideration of titles I, II, and IV of the House bill, and titles I and III and section 402 of the Senate amendment, and modifications committed to conference: Mr. de la Garza, Mr. Volkmer, and Mr. Morrison of Washington.

As an additional conferee, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Mrazek.

Mr. MITCHELL. I move that the Senate insist on its amendments, and agree to the request for a conference and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. JOHNSTON, Mr. BUMPERS, Mr. FORD, Mr. BRADLEY, Mr. WIRTH, Mr. MCCLURE, Mr. MURKOWSKI, Mr. WALLOP, and Mr. GARN conferees on the part of the Senate.

RYAN WHITE COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on S. 2240 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2240) to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of Friday, August 3, 1990.)

Mr. KENNEDY. Mr. President, I am pleased to bring to the floor of the Senate the conference report on the Ryan White Comprehensive AIDS Resources Emergency Act of 1990. I am also proud to stand once again with my friend and colleague from Utah, Senator HATCH, who has made an ex-

traordinary contribution to our Nation's battle against AIDS.

For 9 years, America has been grappling with the devastating effects of AIDS. Up to a million of our fellow citizens are already infected with the virus and are almost certain to face serious health problems as a result of HIV disease.

This critically important legislation provides emergency relief for the cities hit hardest by AIDS and funding for States to respond to the mounting need for AIDS health care, early intervention, and essential support services in both urban and rural areas.

In terms of pain, suffering and cost, AIDS is a disaster as severe as any earthquake, hurricane or drought. Because this tragedy continues to unfold, even now we cannot tally the full extent of devastation.

Health care institutions—and the vulnerable Americans who depend on these institutions—are in crisis.

AIDS by itself is certainly not the only cause of these problems. But it is adding to the stress that is leading toward a total breakdown of our health care system.

In passing this conference report, we respond to this emergency with financial assistance essential to the operation of effective and cost efficient alternatives for the delivery of health and support services to individuals and families with HIV disease.

This report is the product of months of consensus building and bipartisan cooperation. It consolidates the best efforts of both the Senate and the House in an effort to provide comprehensive care to hundreds of thousands of Americans in need.

The report contains essentially all of the components of the Senate bill which passed in late May by an overwhelming vote of 95 to 4. In addition, the Senate conferees have protected the integrity of all amendments that were added on the floor during consideration of the legislation.

The conference report also includes a State and a categorical HIV early intervention program and a pediatric AIDS research initiative which have been put forward by the House. These provisions had strong bipartisan support in that body and passed by a vote of 403 to 18.

Two successive, national commissions on AIDS have recommended Federal funding to develop the kind of care networks authorized in this report. Hundreds of national professional, business, labor, and religious organizations have helped to shape the Ryan White Act.

It is supported by the mayors, county executives, and Governors—and requires that all levels of government join together in providing services and maximizing resources in the battle against AIDS.

Until we take action to organize and integrate HIV health services, both costs and chaos will continue to increase—with devastating consequences for individuals and families throughout the United States.

This Nation can, and now will, do better.

America responded within days to the California earthquake last fall. We have pledged hundreds of billions of dollars to rescue the savings and loan industry. AIDS is a comparable disaster and we now begin to respond accordingly.

This conference report is about more than money. It is about caring and the American tradition of reaching out to people who are suffering and in desperate need of help.

As a nation, we pride ourselves on our ability to rally in the face of adversity. I am pleased that the Congress has affirmed its commitment to providing care and to showing compassion to people living with AIDS in communities throughout America.

I urge the Senate to approve the conference report.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the conference report on the Ryan White Comprehensive AIDS Resources Emergency Act of 1990. I was an original cosponsor of this legislation which authorizes critical funds to help our cities, States, hospitals, and health care workers meet the needs of the ever-growing AIDS population.

The AIDS epidemic in this Nation has reached crisis proportions. To date, nearly 140,000 AIDS cases have been reported to the Centers For Disease Control. The Ryan White Comprehensive AIDS Resources Emergency Act of 1990 reponds to the spiraling AIDS epidemic by authorizing critically needed funds for AIDS care programs.

In our cities and countries throughout the Nation, hospitals, clinics, and health care providers are struggling to provide services to people with AIDS and HIV disease. Many States and local governments lack the necessary resources to develop long-term strategies to combat the epidemic.

Public health systems are being pushed to the absolute limits as they struggle to fight the AIDS epidemic. Particularly our urban hospitals—already overburdened and understaffed—have described a "Calcutta-like" environment where patients spend weeks lying in the corridors waiting for hospital beds that are occupied. Rural areas have been reporting the most dramatic increases in AIDS cases over the past 3 years, and rural health care systems are having an increasingly difficult time meeting the challenges of AIDS care.

The Federal Government has spent money on AIDS research. However, 10 years into the AIDS epidemic, the Federal response to AIDS care has been minimal. Without Federal assistance this year, many health care professionals say that the AIDS crisis will result in the collapse of the public health system as we currently know it.

When Hurricane Hugo struck South Carolina, we responded immediately with assistance to help devastated cities and counties recover from the damage.

When an earthquake rocked northern California, we responded immediately with the assistance needed to rebuild roads and bridges.

When a drought threatened our farm States, we responded with assistance to avert a crisis in the agricultural community and to sustain the livelihood of our farmers.

The AIDS disaster is no different, and we must respond in the same way. We must provide relief to the areas where the AIDS epidemic is threatening public health systems and devastating entire communities. We must provide resources to help our States, cities, counties, and health care providers develop long-term plans to address the AIDS epidemic.

The Ryan White Comprehensive AIDS Resources Emergency Act of 1990 is a balanced bill that responds to the AIDS epidemic on a number of fronts. It authorizes $275 million in fiscal year 1991 for areas that have been hardest hit by the AIDS epidemic and are in desperate need of emergency relief.

Two of those areas—Newark and Jersey City—are in my own State of New Jersey. The Newark metro area has reported 3,885 AIDS cases to the Centers For Disease Control through June 1989. The Jersey City metro area has reported 1,537 AIDS cases. The funds authorized for these and other hard-hit areas will help ease the tremendous burden on health care systems.

I would like to thank the chairman and ranking minority member of the Labor and Human Resources Committee for agreeing to include the Jersey City area in title I of the bill. Although Jersey City has the third highest AIDS incidence rate in the Nation, it was not eligible for emergency relief in the original House and Senate versions of the bill because it had not reported 2,000 AIDS cases to the Centers For the Disease Control.

I submitted an amendment to the chairman and ranking minority member of the committee urging that a modification be made to include incidence rates in the emergency relief section of the bill so Jersey City would be able to qualify for the relief it so desperately needs. I also testified before the House Health and Environment Subcommittee of the Energy and Commerce Committee on this amendment and asked that the language be

included in the House version of the bill.

With the critical support of Representatives GUARINI and RINALDO, the amendment was included in the House version of the bill. I intended to offer the amendment during Senate consideration of the bill. However, the chairman and ranking minority member of the Labor and Human Resources Committee assured me that they would accept the language during conference, which they did. For that reason I did not offer the amendment.

I thank the chairman and ranking minority member of the Labor and Human Resources Committee for accepting the language which would enable the Jersey City metro area to qualify for emergency relief grants because it has an incidence rate that exceeds 0.25 percent of the population. Emergency relief aid is critical to the area, and I appreciate their cooperation on this matter.

Mr. President, this bill goes well beyond providing emergency relief to hard-hit areas. It also authorizes dollars for States to assist additional impacted areas and to support comprenhesive programs that respond to the devastating AIDS epidemic. For fiscal year 1991, it authorizes $275 million for these programs. These funds will be critical to my State of New Jersey. New Jersey has the fifth largest AIDS population nationwide, and through June 1989 the State had reported 9,143 AIDS cases to the Centers for Disease Control.

The bill authorizes $20 million in fiscal year 1991 for HIV health services research, including a Pediatric AIDS Research Demonstration Program. New Jersey has the third largest number of pediatric AIDS victims nationwide—237 reported cases. The University of Medicine and Dentistry of New Jersey in collaboration with Children's Hospital of Newark recently received a $1.3 million Federal grant for a Pediatric AIDS Resource Center to help address this sad problem in New Jersey and elsewhere. The need to provide more Federal dollars for pediatric AIDS research and services to tackle the tragic pediatric AIDS problem in New Jersey and throughout the Nation is critical.

And, the bill authorizes $230 million in fiscal year 1991 for early intervention programs.

Mr. President, this is a landmark piece of legislation, and I am proud to be an original cosponsor. But our efforts cannot stop with approval of this conference report. Our efforts must now focus on securing appropriations for the programs authorized in this bill. Six members of the Senate Appropriations Committee—Senators ADAMS, D'AMATO, LEAHY, MIKULSKI, FOWLER, and JOHNSTON—have already joined me in sending a letter to the chairman and ranking minority member of the Labor, Health and Human Services, Education Subcommittee urging them to fully fund the programs authorized in the Senate-passed version of the bill.

Mr. President, our hospitals and cities and counties are in dire need of the help offered by the programs in the Ryan White Comprehensive AIDS Resources Emergency Act of 1990. Today, we are one step closer to providing them with the assistance they need and deserve.

Mr. CRANSTON. Mr. President, I strongly support the pending conference report on S. 2240, the Ryan White Comprehensive AIDS Resource Emergency Care Act of 1990. As a cosponsor of the original Senate bill, and as author of legislation that led to the model of care consortia incorporated herein, I am deeply pleased that this report is before us today.

I believe this legislation is among the most important pieces of health legislation yet to pass the Congress. This bill provides Federal leadership to ensure that people with AIDS have access to vital health and social services. I recently met with representatives of State AIDS organizations and community-based service organizations that provide services to people with AIDS in California. These leaders gave me a compelling presentation of the facts of the AIDS care crisis. There is no doubt in my mind that without this legislation, people with AIDS will not get the services they need.

Mr. President, as of July 1, more than 139,000 Americans have been diagnosed with AIDS and 84,000 Americans have died of this terrible disease. As many as 1 million Americans may be infected with the HIV. By 1993—just 3 short years from now—we can expect anywhere from 61,000 to 98,000 new cases of AIDS and between 150,000 and 225,000 people alive with AIDS. In addition to the human tragedy, the impact on our health care systems has been and will continue to be devastating.

It is estimated that by next year providing direct medical care to persons with AIDS will cost $8.5 billion. The number of with AIDS who are without health insurance is increasing. Disease-slowing drugs—the only available tool to fight AIDS—are extremely expensive. The cost of uncompensated care to people with AIDS is being borne by public hospitals, who treat the largest proportion of low-income patients. Many of our public health systems are on the verge of collapsing because of the growing numbers of people with AIDS.

Without question, Federal help is needed. And this bill provides that help.

SUMMARY OF THE CARE ACT

Mr. President, this legislation would provide emergency relief to those metropolitan areas hardest hit by the AIDS epidemic. Funds would be available to support hospitals, clinics, community health centers, and other facilities serving a disproportionate share of low-income individuals and families with HIV disease. The bill also provides funds for delivery of early intervention services and for HIV health services research.

Fifty percent of the funding under title I—for which $275 million is authorized—would be distributed immediately to areas with more than 2,000 AIDS cases, or a per capita incidence of 25 per 100,000. The remaining funds would be awarded to areas on the basis of need, local investment, and other factors.

Title II—for which $275 million is authorized—would provide funds to develop networks of consortia of care to provide a continuum of care to individuals and families with HIV disease in both urban and rural areas. In addition, the funds can be used to deliver outpatient, home health, and support services to low-income individuals with HIV, developing and funding mechanisms to assure continuity of health insurance coverage, and to provide therapeutics that can prevent serious health deterioration.

Title III—authorized at $230 million—is for the early intervention services. Tests, drugs, and treatments are available to slow the progress of HIV infection. Under this title, individuals who test HIV positive could receive HIV testing, pretesting and posttesting counseling, diagnostics, and therapeutics. As a condition of receiving funds, grantees must agree to maintain confidentiality. An additional $75 million is authorized in the form of categorical grants for public and nonprofit entities delivering primary health care in community and migrant centers, home health centers, hemophilia centers, and others.

Title IV—authorized at $20 million—directs the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care and to assess the special needs of rural areas and establishes a Pediatric AIDS Research Demonstration Program to be administered cooperatively by the HRSA and the NIH.

Mr. President, I want to congratulate the chairman and ranking member of the Labor and Human Resources Committee, Mr. KENNEDY and Mr. HATCH, for their truly outstanding efforts in bringing this bill to the Senate today. My distinguished House colleague from California [Mr. WAXMAN], is also to be congratulated for his leadership. They have brought us an outstanding conference report on a most critical health issue, and I am proud to support it.

Mr. DURENBERGER. Mr. President, I rise to ask for a clarification

from the managers of this conference report. It is my understanding that in drafting the conference report, language concerning the coordination of counselor training under section 2651 of the report was inadvertently excluded. Mr. President, I would like to know if it is the managers' intention that entities which receive funding under section 2651 should, to the extent practicable and appropriate for the needs of the populations to be served through the entity, make a good-faith effort to coordinate their training programs for counselors with training programs offered by the State?

Mr. KENNEDY. Mr. President, I thank my colleague from Minnesota for raising this issue. He is correct in stating that this language was inadvertently excluded, and I will state, for the record, that it is the managers' intention that entities which receive funding under section 2651 should, to the extent practicable and appropriate for the needs of the populations to be served through the entity, make a good-faith effort to coordinate their training programs for counselors with training programs offered by the State.

Mr. HATCH. Mr. President, I also thank the Senator from Minnesota for raising this issue, and I agree with Senator KENNEDY's statement on the managers' intention concerning coordination of counselor training under section 2651 of the conference report.

Mr. President, I urge my colleagues to join me in supporting the conference report on S. 2240. This legislation responds to the diverse treatment needs of those who have AIDS, including children, and provides relief for hospitals and other community programs straining under the economic burden to provide compassionate care.

Mr. President, most of us have heard the stories of family members whose loved ones are suffering from AIDS. We have seen babies with AIDS abandoned in hospital wards. And, we have seen both our rural and urban health care systems strained to the very limit.

The conference report responds to these cries for help. It will fill in the cracks in our health care system, and it sends a message of hope, care, and charity. It sends the message to families who have a child with HIV that they are not forgotten, that we want to help.

SUMMARY OF THE CONFERENCE AGREEMENT

Title I of the legislation provides emergency relief to metropolitan areas hardest hit by the AIDS epidemic—those with more than 2,000 reported cases of AIDS. First, funds would be used to support health care facilities serving a disproportionate share of low-income individuals with HIV disease and to enhance inpatient care. Second, funds would be used to deliver comprehensive outpatient health care and support services, including home care and management.

Title II provides block grants to States to improve the quality, availability, and effectiveness of health care to individuals and families with HIV disease. I believe block grants are the best way for States to retain flexibility in serving their citizens. Each State has differing needs when it comes to caring for their citizens with the HIV disease.

States could use funds to develop consortia in both urban and rural areas to deliver a comprehensive continuum of care to individuals, children, and families with HIV disease. Funds would also be used to provide outpatient health care, including home health care, and support services to low-income AIDS patients.

Title II also contains a requirement that up to 15 percent of a State's funds shall be used to provide services to infants, children, women, and families with HIV disease.

Title III of the bill provides State and categorical grants for the delivery of early intervention services for individuals with HIV disease and those who may be at increased risk. Grantees must provide HIV testing, counseling, diagnostics, and such therapeutics as are medically indicated. In addition, case management and referral to comprehensive service providers would be covered under this title.

Title IV of the bill requires the Department of Health and Human Services to evaluate the impact and cost effectiveness of various models of AIDS care and to assess the special needs of rural areas. It also establishes a pediatric AIDS research demonstration program to provide experimental treatment to children and family members under one roof and in the context of comprehensive primary care.

CONCLUSION

This Nation owes a debt of thanks to those health care institutions and health care professionals that have reached out to help patients, particularly poor patients, with this terrible disease. But they need more than our thanks.

The conference report supports hospitals and care facilities that have been serving the largest number of low-income AIDS patients. It not only helps these facilities directly, but also by expanding the availability of better, more appropriate, and less costly alternatives to hospital care. Community-based outpatient services, such as home care, offer patients and their families more compassionate, dignified, and cost-effective care. Taken together with the support for early intervention services, this is a comprehensive response to the public health crisis brought on by the AIDs virus.

Today, in adopting the conference report, we join together to fight a common enemy—the AIDS epidemic and the pain and suffering it causes. Through this legislation, we show our compassion for its victims and their families and demonstrate to those who feel abandoned that we care.

In closing, I compliment my fellow conferees and the many staff members who have worked diligently to come up with this conference report. I congratulate the many Senators and Representatives who have contributed to it.

Mr. President, I urge the Senate to adopt the conference report on S. 2240 and send this legislation expeditiously to President Bush for his signature.

Mr. MACK. Mr. President, I want to commend Senator KENNEDY and Senator HATCH, as well as the other members of the Conference Committee, for their diligence, leadership, and persistence in successfully completing this important conference. I am particularly pleased that this bill recognizes that public or nonprofit entities which are not health care providers per se, but which research, develop, and coordinate comprehensive HIV case management and care delivery services are eligible to receive some of the principle providers of AIDS services throughout the United States are not health care providers.

Mr. GRAHAM. It is our understanding that such nonprofit organizations may enter into contracts and agreements with both for-profit and nonprofit health care providers and professionals. Are we correct in our understanding that such a nonprofit organization is permitted under this bill to contract for direct health care services with for-profit, as well as nonprofit, providers?

Mr. HATCH. Yes. Nonprofit organizations which are not health care providers per se can certainly receive grant money under this bill and use that money to enter into contracts and other agreements with for-profit health care providers and professionals.

Mr. MACK. We also want to ensure that such organizations would be eligible to be a member of a local health services planning council. Is this correct?

Mr. HATCH. Yes. Such an organization, while not a health care provider, but which is coordinator of local services for people with AIDS, certainly would be eligible to be a member of a local planning council.

The PRESIDING OFFICER. Is there further debate? If not the question is on agreeing to the conference report.

The conference report was agreed to.

THANK YOUS

Mr. KENNEDY. Mr. President, in passing the conference report on the

Ryan White CARE Act of 1990, the Congress sends a strong message of hope—that help is on the way.

At this time I would like to thank the Senate and House conferees and their staffs who worked tirelessly on this critically important initiative. I would like to thank Terry Beirn, Deborah vonZinkernagel, and Michael Iskowitz of my staff for their efforts. I would also like to salute Senator HATCH and his staff, Nancy Taylor and her twins, Judy Lewis, and Chris Iverson for their ongoing willingness to be partners in this important work.

I would also like to salute Senator PELL and Lauren Gross, Senator DURENBERGER and Tom Bour, Senator JEFFORDS and Vicki Caldiera, Senator DODD and Jeff Anders, and Senator METZENBAUM and Joel Johnson. The Senate conferees worked closely together and should be extremely pleased with the final result. We could not proceed without thanking Bill Baird of the Senate Legislative Counsel who, on several occasions, worked around the clock and 7 days a week in order to complete this conference report prior to the August recess. His dedication is much appreciated.

I would also like to take the opportunity to thank some of the countless individuals and organizations who helped to make this legislation possible.

First, I would like to thank Jeannie White for her courage and her willingness to open her life to the Congress and the American people and to carry on Ryan's work.

She has given us the strength to embrace AIDS as a human issue and not a political issue.

I would like to thank Tom Sheridan of the AIDS Action Council who has been the chief organizer behind this legislation; his efforts have gone far beyond the call of duty. He has galvanized the NORA Coalition to an extremely productive end.

Among the member organization I would like to thank Jean McGuire, Donna Richardson, Richard Johnson, Tom Josephs, Dave Cavenaugh, Herb Kuhn, George Degnon, Margret Skelley, Ann Danelski, Karen Friedman, Steve Smith, Lori Rogovin, Bill Baily, Sandy Harding, Miguel Gomez, Ken South, Susan Cambell, Vivian Gabor, Jay Michaud, Leslie Wolfe, Diane Burke, Jane O'Grady, and Bill Borweegan.

I would also like to thank several special individuals from the National Commission on AIDS for their invaluable contributions—Dr. June Osborn, Belinda Mason, and Carlton Lee.

I would like to thank Elizabeth Taylor, Matilde Krim, and the staff at the American Foundation for AIDS Research for their ongoing support. I would also like to thank Elizabeth Glaser and Susan DeLaurentis, of the Pediatric AIDS Foundation, for their commitment.

Finally, I would like to thank people living with AIDS and their caregivers for alerting us to a crisis that could not be ignored and for helping us to be a more humane and compassionate society.

Mr. MITCHELL. I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN LAW ENFORCEMENT REFORM ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 498.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 498) entitled "An Act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes," with the following amendments:

Page 12, strike out all after line 19 over to and including line 18 on page 13.

Page 13, line 20, strike out "Sec. 12", and insert "Sec. 11".

Page 14, strike out lines 4 through 18.

Page 14, line 20, strike out "Sec. 14", and insert "Sec. 12".

Mr. MITCHELL. I move that the Senate concur in the House amendments to the Senate amendment.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VLADIMIR TSIVKIN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 782, Senate Resolution 313, relating to Vladimir Tsivkin.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) relating to Valdimir Tsivkin.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I very much appreciate the willingness of the leadership to bring Senate Resolution 313 before the Senate, given the crush of work we face before we recess until September. The resolution is cosponsored by Senators DECONCINI, LIEBERMAN, DODD, METZENBAUM, BINGAMAN, MIKULSKI, WIRTH, WALLOP, D'AMATO, DIXON, LEVIN, FOWLER, and BRADLEY. It was approved this afternoon by the Senate Foreign Relations Committee. In this regard, I very much appreciate the assistance of the Senator from Delaware, Senator BIDEN, who raised it at my request and the cooperation of the committee chairman, Senator PELL, and the ranking minority member, Senator HELMS.

Mr. President, Senate approval of this resolution could make the difference between Vladimir Tsivkin's freedom and his virtual imprisonment within the Soviet Union. The resolution urges the Soviet Union to grant Vladimir Tsivkin, a Soviet refusenik from Leningrad, permission to emigrate. Its unanimous approval will send a strong signal to the Soviets that despite increased emigration now being permitted, we haven't forgotten those long-term refuseniks who only ask to be given their freedom.

Vladimir Tsivkin told me his story personally when I visited Moscow in March. Although he lives in Leningrad, he traveled to Moscow in the hope that I could help him. I was impressed by his keen intelligence and by the desperation of his plight. More than anything, he wants to join his wife and daughter in the United States. Vladimir Tsivkin is one of the few remaining long-term refuseniks. He has been in refusal for more than 10 years, making him one of the longest remaining Soviet Jews in refusal. We cannot lose sight of his quest for freedom just because others are now being permitted to leave.

Vladimir's wife and daughter left the Soviet Union earlier this year and now live in the United States. It is very hard on him to be separated from his family. His isolation is even greater as more of his friends leave the Leningrad area for the United States or Israel.

Vladimir also suffers from an endocrine disorder and needs an operation. Since applying to leave the Soviet Union, Vladimir has lost his military card, and therefore he has no way to earn a living. This situation makes him liable to criminal prosecution. Vladimir has been repeatedly refused permission to emigrate since 1979 on the grounds of state secrets. But what secrets he could possibly possess are beyond me. He has not worked at the Defense Ministry since 1978. My staff and I spent days with Vladimir in the Soviet Union, and I can attest that he possesses no such secrets.

Despite repeated refusals, the Tsivkin family received official permission to emigrate on March 14, 1989. Based on this permission, they relinquished their jobs, sold almost all their belongings and returned their official documents. Eight days later the Visa Department called to inform the family that the permission had been granted by mistake. No additional information was given.

Mr. President, the continued denial of Vladimir Tsivkin serves no rational purpose. It is inhumane. It is an irritant in the Soviet-American relationship. He cannot work. His family is gone. Through no fault of his own, he is not a productive member of Soviet society any longer. Quite simply, the Soviets have nothing to lose and everything to gain by resolving this case.

Perhaps Mr. Tsivkin's emigration has been blocked due to a vendetta of a petty bureaucrat at his former workplace who is flexing his muscles and trying to prevent Vladimir's departure for reasons that have nothing to do with state secrecy. But, it is clear that Soviet officials can let him go if they want to.

Mr. President, Vladimir's case is once again being considered by the Commission on Citizenshp of the Supreme Soviet, a special commission in the Soviet Union set up to resolve difficult cases. Although the Commission refused him permission last fall, it is now considering his case again. It is expected that the Commission and Soviet leaders at the highest level will be making a decision on Vladimir's case very soon. His files have been moved from Leningrad to Moscow and are under review there. Our approval of this resolution may given the Soviets the extra push necessary to let him go. I have also officially invited Vladimir to visit me in the United States and he has a request pending with Soviet officials to apply for a tourist visa to visit me in Washington. So far, he has not received permission to even apply for a visa, much less to secure one.

Mr. President, I hope that this resolution, which is cosponsored by all Senate members of the Helsinki Commission, as well as others, sends the Commission on Citizenship and other Soviet officials at the highest levels a message that the United States Senate wants Vladimir Tsivkin, who has been granted refugee status by our Government, to be given permission to leave the Soviet Union.

Mr. President, I have raised this case repeatedly with various Soviet officials, including former Soviet Ambassador to the United States Yuri Dubinin, and also urged the President to add Vladimir Tsivkin to his personal list of refuseniks. Secretary Baker met with Vladimir Tsivkin on a recent visit to Moscow, underscoring the importance our Government and our people attach to Vladimir's freedom. Assistant Secretary Schifter has consistently raised Vladimir's case with Soviet officials. Max Kampelman, acting in his capacity as head of the United States delegation to the Copenhagen Conference on the Human Dimension, held as part of the Helsinki process during June, also pressed the Soviets to let Vladimir go as a humanitarian gesture.

I know that if the Soviets make the determination to release him, it will happen very quickly. I hope they will make that determination.

I urge the Senate to pass this resolution unanimously to send a signal to the Soviets that we are watching what they do. We want Mr. Tsvikin to be granted permission to emigrate without further delay. Mr. President, I urge the adoption of the resolution.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 313

Whereas Vladimir Tsivkin is a Soviet refusenik from Leningrad who has been repeatedly refused permission to emigrate since 1979;

Whereas Vladimir Tsivkin is one of only nine refuseniks in the Soviet Union who have been refused permission to leave for more than ten years;

Whereas he has been denied on the grounds of state secrets although he has not worked at the Defense Ministry since 1978;

Whereas despite repeated refusals, the Tsivkin family received official permission to emigrate on March 14, 1989, and based on this permission, they relinquished their jobs, sold almost all their belongings and returned their official documents; eight days later the Visa Department called to inform the family that the permission had been granted "by mistake", and no additional information was given;

Whereas Vladimir's wife and daughter left the Soviet Union on a tourist visa and now live in the United States;

Whereas the Soviet refusal to allow Vladimir to emigrate has meant a forced separation from his wife and child;

Whereas Vladimir suffers from an endocrine disorder and is in ill health;

Whereas Vladimir Tsivkin is a case of special humanitarian interest to the United States because he has been in refusal for more than ten years; making him one of the longest remaining Soviet Jews in refusal, and because his family already lives in the United States;

Whereas there is no purpose served by keeping Vladimir Tsivkin in the Soviet Union against his will since, through no fault of his own, he is no longer a productive member of Soviet society;

Whereas the Soviet Union is a signatory to the Final Act of the Conference on Security and Cooperation in Europe and the United Nations Universal Declaration of Human Rights, which obligate it to allow all citizens to leave the Soviet Union if they so desire, and to facilitate the reunification of families and respect human rights and fundamental freedoms;

Whereas the Soviet Union's continued refusal to grant Vladimir Tsivkin permission to emigrate violates those commitments; and

Whereas the Soviet Union's continued refusal to grant Vladimir Tsivkin permission to emigrate violates the spirit of statements made by President Gorbachev before the United Nations and in other forums that the problem of entry and exit from the Soviet Union will be dealt with in a humane spirit, and that strictly warranted time limitations on the secrecy rule will now be applied: Now, therefore, be it

Resolved, That the Senate declares that—

(1) The Soviet Union's continued refusal to permit Vladimir Tsivkin to emigrate violates its international obligations and is not in keeping with its recent practice of permitting thousands of Soviet Jews to emigrate;

(2) Whereas high United States Government officials have expressed to the Soviet Union the strong desire that Vladimir Tsivkin be granted permission to leave the Soviet Union; and

(3) Vladimir Tsivkin should immediately be granted permission to emigrate from the Soviet Union.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

"NATIONAL GIVE KIDS A FIGHTING CHANCE WEEK" AND "COMMUNITY CENTER MONTH"

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of Senate Joint Resolution 357 and House Joint Resolution 515, and that the Senate proceed to their immediate consideration en bloc, that the joint resolutions be deemed read a third time and passed, and that the preambles be deemed agreed to, that the motion to reconsider passage of these joint resolutions be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions, considered and passed, are as follows:

S.J. RES. 357

Whereas Community Centers are large and complex cultural, social, and recreational institutions dedicated to preserving the well-being of a vital and vibrant segment of the United States;

Whereas there are Community Center branches, and camps serving a large clientele of people across the continent;

Whereas Community Center feature programs and services for all age groups, from infants through the elderly, and for people with disabilities and special needs;

Whereas Community Centers serve as gathering places for people of all denominations and offer a rich and varied program of educational and cultural opportunities;

Whereas the first Community Centers came into being during the second half of

the nineteenth century to provide social, recreational, and intellectual activities for community members in the United States;

Whereas as the nineteenth century progressed into the twentieth and the United States became a haven for hundreds of thousands of people fleeing the oppression and pograms of Eastern Europe, Community Centers turned their energies and attention to the enormous task of acculturating the new immigrants, teaching them English and the meaning of United States citizenship;

Whereas after the influx diminished and Community Centers evolved once again into institutions dedicated to preserving good citizenship through educational, cultural, social, and recreational programs; and

Whereas as Community Centers enter their second century of providing service, it is most fitting that we recognize their important contribution to the fabric of life in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 15, 1990 to October 15, 1990 is designated as "Community Center Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

H.J. RES. 515

Whereas as many as 200,000 children of less than 5 years of age suffer from severe craniofacial deformity;

Whereas individuals who suffer from craniofacial deformity, including children and adults, are too often forced to live secluded lives, hidden from society;

Whereas individuals who suffer from craniofacial deformity and their families experience severe emotional and behavioral difficulties;

Whereas the International Craniofacial Foundations, Inc., its affiliated centers, the National Foundation for Facial Reconstruction, and other organizations dedicated to craniofacial reconstruction fund programs for research and education regarding craniofacial deformity and treatment of individuals who suffer from craniofacial deformity;

Whereas the International Craniofacial Foundations, Inc., its affiliated centers, the National Foundation for Facial Reconstruction, and other organizations dedicated to craniofacial reconstruction have funded surgical and nonsurgical treatment for more than 10,000 patients from throughout the United States and 12 countries; and

Whereas the International Craniofacial Foundations, Inc., its affiliated centers, the National Foundation for Facial Reconstruction and other organizations dedicated to craniofacial reconstruction have begun to aggressively seek out individuals who can be aided by the services of the organizations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 16, 1990, is designated as "National Give the Kids a Fighting Chance Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

MEASURE INDEFINITELY POSTPONED—SENATE JOINT RESOLUTION 284

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 284, the Senate companion to House Joint Resolution 515, and that the measure be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4314, regarding the Inter-American Convention on International Commercial Arbitration, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4314) to implement the Inter-American Convention on International Commercial Arbitration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, today the Senate is considering H.R. 4314, a bill to implement the obligations of the United States under the International Commercial Arbitration (the convention). The Senate gave its advice and consent to ratification of the convention on October 9, 1986, but the convention has not entered into force for the United States because Congress has not yet enacted the necessary implementing legislation. H.R. 4314 is designed to accomplish this.

The convention entered into force on June 16, 1976. Chile, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay, and Venezuela are already parties to the convention. This convention is modeled after the New York Convention on the Recognization and Enforcement of Foreign Arbitral Awards, to which the United States became a party in 1970.

H.R. 4314 is similarly modeled after, and incorporates the legislation which implements the New York convention, 9 U.S.C. 201–208. Several new provisions are also incorporated into the pending bill, to clarify the sphere of application of the convention and to safeguard its provisions respecting arbitral procedures.

The Convention has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the U.S. Chamber of Commerce in Latin America, the American Foreign Law Association, and a number of State and local bar associations.

Mr. President, the Senate has twice considered and approved implementing legislation virtually identical to the legislation currently before us today, in the 99th Congress and again in the closing days of the 100th Congress. In each case, the measure failed to become law because the House of Representatives did not act.

Today, if we act favorably on H.R. 4314—a bill which has already passed the House—we can be assured that this time, the measure will become law. I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4314) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—S. 1941

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 572, S. 1941, the Senate companion bill, be indefinitely postponed.

DRUG ABUSE TREATMENT WAITING PERIOD REDUCTION AMENDMENTS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2461.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2461) entitled "An Act to reauthorize appropriations to provide for and improve the drug treatment waiting period reduction grant program under the Public Health Service Act, and for other purposes," do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Abuse Treatment Waiting Period Reduction Amendments of 1990".

SEC. 2. REVISION AND EXTENSION OF PROGRAM FOR REDUCING WAITING PERIOD FOR DRUG ABUSE TREATMENT.

(a) TECHNICAL AMENDMENT REGARDING WAITING PERIOD.—Section 509E(a) of the

Public Health Service Act (42 U.S.C. 290aa-12(a)) is amended by striking "the waiting list" and all that follows and inserting the following: "the waiting period for receiving, with respect to drug abuse, treatment services from public and nonprofit private providers of such services.".

(b) PRIORITIES IN MAKING GRANTS; AUTHORITY FOR POSTTREATMENT SERVICES.—Section 509E of the Public Health Service (42 U.S.C. 290aa-12) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (c), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (b) the following new subsections:

"(c) Subject to the availability of qualified applicants, the Secretary shall, in making grants under subsection (a), give priority to applicants that will provide, directly or through arrangements with public or nonprofit private entities, treatment services for drug abuse to pregnant or postpartum women.

"(d) A grantee under subsection (a) may expend nor more than 50 percent of the grant to develop and provide, directly or through arrangements with public or nonprofit private entities, follow-up services to prevent the renewed abuse of drugs by individuals who have successfully completed with respect to such abuse, a program of treatment provided by the grantee.".

(c) FUNDING.—

(1) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—Paragraph (1) of section 509(g) of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

"(1) In addition to amounts otherwise appropriated to carry out this section prior to fiscal year 1991, there are authorized to be appropriated an additional $40,000,000 to carry out this section.".

(2) INCREASE REGARDING LIMITATION ON AGGREGATE AMOUNT OF GRANTS.—Paragraph (2) of section 509E(g) of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended by striking "$100,000,000" and inserting "$140,000,000".

(3) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 307 of Public Law 101-164, amounts appropriated in such Public Law for the purpose of carrying out section 509E of the Public Health Service Act shall remain available for obligation for such purposes through December 31, 1990.

(d) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration shall prepare and submit to the Senate Committee on Labor and Human Resources, and the House Committee on Energy and Commerce, a report concerning the waiting-period reduction grant program under section 509E of the Public Health Service Act. Such report shall include—

(1) a list and description of the programs that have been awarded grants under such section;

(2) with respect of the process by which funds awarded under such section are expended for treatment services for drug abuse, a description of the extent to which such process is different than the process by which funds received by the States under subpart B of title XIX of such Act are expended by entities to which the States have awarded such funds for the purpose of providing treatment services (including a description of the extent to which there are differences in the 2 processes in the manner in which the providers of such treatment services obligate and draw down funds);

(3) an assessment of the validity of waiting lists as a measure of treatment need and, if the report concludes that waiting lists are not the most accurate measure of treatment needed, a description of other, more accurate means of measuring the need for treatment services within a specified geographic area;

(4) the views of State, local, and nongovernmental treatment experts with respect to the validity of waiting lists as a measure of treatment need and with respect to the efficacy of the waitng period reduction grant program; and

(5) an assessment of the effectiveness of the treatment programs that receive funding under such section, including the usefulness of mechanisms, such as drug testing, that detect renewed substance abuse, and information with respect to the current use of such mechanisms.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the date of the enactment of this Act.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN DRUG ABUSE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 517 of the Public Health Service Act (42 U.S.C. 290cc-1) is amended by striking "There are" and all that follows through "section 515" and inserting the following: "For the purpose of carrying out this subpart, there are authorized to be appropriated".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1990, or upon the date of the enactment of this Act, whichever occurs later.

SEC. 4. TECHNICAL AMENDMENTS TO CERTAIN PROGRAMS.

(a) FORM OF ASSISTANCE FOR CONSTRUCTION OF FACILITIES TO SUPPLY SPECIALIZED MICE FOR BIOMEDICAL RESEARCH.—Public law 101-190 (42 U.S.C. 289e note) is amended—

(1) in section 1—

(A) in the heading for the section, by striking "CONTRACT" and inserting "GRANT";

(B) in subsection (a), by striking "entering into a contract with" and inserting "making a grant to"; and

(C) in subsection (b), by striking "contract" and inserting "grant";

(2) in section 2—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "enter into a contract" and inserting "make a grant";

(B) in subsection (a)(1), by striking "contract" and inserting "grant";

(C) in subsection (b)(1), in the matter preceding supbaragraph (A), by striking "contractor" and inserting "grantee";

(D) in subsection (b)(1), in subparagraphs (A) and (B), by striking "a contract" each place such term appears and inserting "an agreement";

(E) in subsection (b)(2), by striking "contractor" and inserting "grantee";

(F) in subsection (d)(1), in the heading, by striking "contractor' and inserting "grantee"; and

(G) in subsection (d)(1)—

(i) by striking "enter into a contract" and inserting "make a grant"; and

(ii) by striking "the contract" and inserting the grant";

(3) in section 3(a)—

(A) by striking "enter into a contract" and inserting "making a grant"; and

(B) by striking "the contract" and inserting "the grant";

(4) in section 4—

(A) in subsection (a)(1), in the first sentence—

(i) by striking "enter into a contract" and inserting "make a grant"; and

(ii) by striking "the contract" and inserting "the grant";

(B) in subsection (a)(2)(A), in the second sentence, by striking "in the contract";

(C) in subsection (b), in the matter preceding paragraph (1), by striking "enter into a contract" and inserting "make a grant";

(D) in subsection (b)(1), by striking "contract" and inserting "grant";

(E) in subsection (c), in the matter preceding paragraph (1), by striking "enter into a contract" and inserting "make a grant"; and

(F) in subsection (c)(1), by striking "contract" and inserting "grant";

(5) in section 5—

(A) in subsection (a), in paragraphs (1) and (2), by striking "contractor" each place such term appears and inserting "grantee";

(B) in subsection (b), in paragraphs (1) through (3), by striking "contractor" each place such term appears and inserting "grantee"; and

(C) in subsection (c), by striking "contractor" and inserting "grantee"; and

(6) in section 6(a), in the matter preceding paragraph (1), by striking "contractor" and inserting "grantee".

(b) INTRASTATE ALLOCATIONS FOR SUBSTANCE ABUSE PROGRAMS UNDER CERTAIN BLOCK GRANTS TO THE STATES.—Section 1916(c)(6)(A) of the Public Health Service Act is amended—

(1) in clause (i)—

(A) by striking "and" before "(III) in fiscal year 1989"; and

(B) by inserting before the period the following: "; and (IV) in fiscal year 1990 under appropriations made in Public Law 101-164 for allotments under this subpart"; and

(2) in clause (ii)—

(A) by striking "and" before "(III) in fiscal year 1989"; and

(B) by inserting before "bore to the funds" the following: ", and (IV) in fiscal year 1990 under appropriations made in Public Law 101-164 for allotments under this subpart".

(c) EFFECTIVE DATES FOR TECHNICAL AMENDMENTS.—

(1) CONSTRUCTION OF BIOMEDICAL FACILITIES.—The amendments made by subsection (a) shall take effect as if included in Public Law 101-190.

(2) INTRASTATE ALLOCATIONS FOR BLOCK GRANTS.—The amendments made by subsection (b) shall take effect October 1, 1990, or upon the date of the enactment of this Act, whichever occurs later.

Amend the title so as to read: "An Act to amend the Public Health Service Act to revise and extend the program grants for reducing the waiting period for receiving treatment services for drug abuse, and for other purposes.".

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR—H.R. 3562

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 3562, the nutrition labeling bill, just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

TUBERCULOSIS PREVENTION AMENDMENTS OF 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 4273, the Tuberculosis Prevention Amendments of 1990, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4273) to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, an estimated 10 million Americans are infected with tuberculosis. If symptoms are left untreated, about 50 percent of tuberculosis patients die within 2 years. Although modern medicine has considered tuberculosis to be a curable and preventable disease for more than a quarter of a century, over 20,000 new cases of TB are reported annually.

The remaining high level of tuberculosis is due, at least in part, to the occurrence of the disease among persons infected with Human Immunodeficiency Virus [HIV]. In addition to the resurgence of the disease among HIV-infected persons, tuberculosis continues to strike hard at some of the most vulnerable members of our society—the economically disadvantaged and the medically underserved, with particularly devastating impact on minorities, the foreign-born, children, and the elderly.

Despite these challenges, the Centers for Disease Control recommends that a targeted effort can lead to the elimination of tuberculosis in the United States by the year 2010. As an essential step in achieving this goal, H.R. 4273 reauthorizes CDC's tuberculosis programs for $36 million in fiscal year 1991, and such sums as may be necessary through 1995. These funds will assist States and local areas in establishing preventive health services and provide for research, reporting, and education regarding tuberculosis. The bill also establishes an Advisory Council for the Elimination of Tuberculosis to advise the Secretary of HHS as efforts continue toward the elimination of TB by 2010.

I urge my colleagues to join with me in supporting H.R. 4273 and working toward the elimination of tuberculosis.

The PRESIDING OFFICER. The bill is before the Senate and open the amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4273) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Calendar Nos. 771 and 773; that the resolutions be agreed to, and that the preambles be agreed to; that the motion to reconsider the passage of these and resolutions be laid upon the table.

I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD and that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION IN HISTORY OF THE CONSTITUTION

The concurrent resolution (S. Con. Res. 123) to encourage State governments, local governments, and local educational agencies to adopt a comprehensive curricular program which provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights and which fosters civic competence and civic responsibility, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON RES. 123

Whereas a study conducted on behalf of the Hearst Corporation found that nearly 50 percent of Americans cannot identify the original purpose of the Constitution and nearly 60 percent of Americans do not know what the Bill of Rights is;

Whereas a study conducted on behalf of the Hearst Corporation found that nearly half of all Americans thought that the Marxist credot "From each according to his ability, to each according to his need" is found in the Constitution;

Whereas a recent study conducted by the Center for Civic Education found that—

(1) 7 out of 10 students did not know that in the American political tradition, governments derive their authority from the consent of the governed;

(2) 2 out of 3 students did not know the essential differences between constitutional and dictatorial governments; and

(3) 6 out of 10 students did not know the meaning of due process of law;

Whereas a recent study conducted by the Educational Testing Service on behalf of the Congress of the United States found that—

(1) only 19 percent of all high school seniors tested could write an extensive description of the President responsibilities;

(2) only 39 percent of all high school seniors tested knew that presidential candidates were nominated at conventions;

(3) 62 percent of all high school seniors tested did not recognize the opening passage of the Declaration of Independence;

(4) only 25 percent of all eighth grade students tested knew why Columbus sailed for the Americas; and

(5) only 36 percent of all fourth grade students tested knew that Abraham Lincoln's stated goal in the Civil War was to preserve the union;

Whereas young people do not have a clear understanding of the history and principles of the Constitution, the Bill of Rights and the rights and responsibilities of citizenship;

Whereas it is only through education that our youth can acquire the understanding of, and reasoned commitment to, the principles of constitutional democracy that the Founders recognized as the essential prerequisite of a free government; and

Whereas the young people of the Nation are entrusted with the responsibility of safeguarding the future of American constitutional democracy: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate encourages State governments, local governments and local education agencies to adopt a comprehensive curricular program for each of the grades kindergarten through 12 which—

(1) provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights; and

(2) fosters civic competence and civic responsibility.

LAND-GRANT INSTITUTIONS CENTENNIAL RECOGNITION DAY

The concurrent resolution (S. Con. Res. 132) expressing the sense of the Congress that August 30, 1990, be observed as "1890 Land-Grant Institutions Centennial Recognition Day," was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 132

Whereas the Act of August 30, 1890 (7 U.S.C. 321), popularly known as the "Second Morrill Act", designated an historically black institution in 16 southern States, and Tuskegee University, as Federal land-grant educational institutions;

Whereas the 16 Historically Black Colleges identified as land-grant institutions in 1890 are: Lincoln University, Alcorn State University, the University of Arkansas at Pine Bluff, Alabama A&M University, Prairie View A&T University, Southern University, Virginia State University, Kentucky State University, the University of Maryland-Eastern Shore, Florida A&M University, Delaware State College, North Carolina

A&T University, Fort Valley State College, South Carolina State College, Langston University, and Tennessee State University;

Whereas these institutions have well demonstrated their ability to meet the special needs of black students;

Whereas the Act of May 8, 1914 (7 U.S.C. 341), popularly known as the "Smith-Lever Act", provided for the establishment of the Cooperative Extension Service within the Department of Agriculture for the dissemination, through Federal land grant-institutions, of information pertaining to agriculture and home economics; and

Whereas appropriate recognition should be given to the contributions made by the 1890 land-grant institutions and Tuskegee University to the heritage, educational development, and agricultural strength of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that August 30, 1990, should be designated as "1890 Land-Grant Institutions Centennial Recognition Day", and that such day should be observed with appropriate ceremonies and activities to recognize the collective contributions that those institutions have made to the United States.

NEGOTIATIONS TO RESOLVE THE GREYHOUND STRIKE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 772, Senate Concurrent Resolution 127, regarding settlement of the Greyhound dispute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 127) to express the sense of Congress that Greyhound Lines Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor to resolve their dispute and restore vital transportation services to American communities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objeciton, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2601

(Purpose: To modify the resolution, and for other purposes)

Mr. MITCHELL. Mr. President, I send to the desk an amendment on behalf of Senator KENNEDY and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. KENNEDY, proposes an amendment numbered 2601.

Mr. MITCHELL. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend the resolved clause by striking "and the Secretary of Labor".

Amend the title by striking "and the Secretary of Labor".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 2601) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (S. Con. Res. 127), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 127

Whereas since March 2, 1990, 9,300 Greyhound employees have been on strike against Greyhound Lines, Inc., the only nationwide interstate bus carrier;

Whereas nearly 10,000 communities throughout the United States served by Greyhound have felt the impact of this dispute, including significant reductions in vital bus services;

Whereas for most of these communities bus service is the sole transportation link to the rest of the Nation;

Whereas Congress is concerned about the serious loss of service, especially in rural areas;

Whereas Congress is concerned that this strike causes hardship to Greyhound employees, their families, and to the traveling public;

Whereas Congress deplores the continued incidents of sporadic violence occurring during this dispute; and

Whereas Congress believes that the best way to settle this dispute is for Greyhound and the Amalgamated Transit Union to resolve their differences at the bargaining table; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Greyhond Lines, Inc., and the Amalgamated Transit Union should—

(1) pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service and the Secretary of Labor; and

(2) make every effort to resolve their dispute promptly and restore vital transportation services to American communities.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMANITARIAN ASSISTANCE TO LITHUANIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 674, S. 2757, a bill to provide medical supplies and other humanitarian supplies to the Lithuanian people.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2757) to amend the foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to allevate suffering during the current emergency.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill. There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) is amended by adding at the end thereof the following new section:

"SEC. 495L. LITHUANIAN EMERGENCY RELIEF.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the emergency existing in the Republic of Lithuania caused by the economic blackade imposed by the Union of Soviet Socialist Republics which has caused great suffering among the Lithuanian people, especially with regard to a severe shortage of medical supplies and the basic necessities of life.

"(b)(1) The Administrator of the Agency for International Development shall—

"(A) furnish, in accordance with the authorities of this chapter, of humanitarian assistance for the relief of the Lithuanian people during the existing emergency;

"(B) solicit private sector donations of humanitarian assistance for Lithuania; and

"(C) cooperate with private relief agencies attempting to provide humanitarian aid to Lithuania.

"(2) The Commander-in-Chief of United States Transportation Command is authorized to provide all airlift and sealift necessary, thoughout the course of the Lithuanian blockade, to transport United States public and private donations of medical supplies to Lithuania on a regular basis and should begin such transport as soon as the agreement decribed in subsection (e) has been concluded.

"(c)(1) In addition to funds authorized to be appropriated to carry out his chapter, there are authorized to be appropriated to the President $10,000,000 to carry out subsections (b)(1) and (b)(2).

"(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(3) The authority contained in the Foreign Assistance Act of 1961 to transfer funds between accounts shall not apply with respect to funds appropriated pursuant to paragraph (1).

"(d) Assistance may be provided under this section notwithstanding any other provisions of law other than laws referred to in section 503(b) of the Support for East European Democracy (SEED) Act of 1989.

"(e) The Congress urges the President to begin negotiations with the nations surrounding Lithuania, including Latvia, Estonia, the Union of Soviet Socialist Republics, and Poland, regarding the importation of

critical humanitarian assistance. Pending conclusion of these negotiations, the Administrator of the United States Agency for International Development shall furnish the necessary humanitarian assistance through the International Red Cross, the Lithuanian Red Cross, CARITAS, and other relief agencies, to ensure the Lithuanians begin to receive critical humanitarian assistance immediately.

"(f) For purposes of this section, the term 'humanitarian assistance' includes—

"(1) oil, gas, and fuel for emergency vehicles and medical facilities;

"(2) water purification supplies, materials for immunization, and other materials needed to prevent the outbreak of contagious diseases and to safeguard public health;

"(3) medical supplies; and

"(4) food and clothing.".

HUMANITARIAN AID TO LITHUANIA

Mr. MOYNIHAN. Mr. President, S. 2757 authorizes up to $10 million in humanitarian assistance to Lithuania. The bill was reported unanimously, as amended, by the Committee on Foreign Relations, and is cosponsored by 23 Senators, including Senators PELL and SIMON as original cosponsors. The partial lifting of the Soviet Union's economic blockade of Lithuania has somewhat eased the crisis which prompted my bill. But the blockade has not been completely lifted. Moreover, its effects are still being felt.

I will ask unanimous consent to submit for the RECORD a letter from President Landsbergis, Prime Minister Prunskiene, and Minister of Health Olekas which states "we appeal to the members of the United States Senate to approve the Lithuanian humanitarian assistance package sponsored by Senator MOYNIHAN at the earliest possible time." I have been informed that energy supplies have not been fully restored. Medical supplies are still in short supply. There are great backlogs in all nonemergency surgical procedures, maternal care and other health care areas.

And if negotiations between Lithuania and the Soviet Union fail? Mr. President, this amendment will be a strong expression of support for Lithuania. Restoring Lithuania's exhausted medical supplies will greatly strengthen its negotiating position. The Soviet blockade reduced Lithuania to a pitiable state. Diabetics had literally begun to die due to the shortage of insulin. The blockade had become a matter of life and death. It can be reimposed at any moment. So long as Lithuanians are subject to the whims of the Soviet Government we should not hesitate. We should move ahead vigorously to put into place the authorization for humanitarian aid. We provided little more than rhetorical support to the Baltic States for 50 years. Now that they are struggling for their freedom—with Lithuania in the forefront of that fight—we should move to do more than just talk. This amendment offers us the chance to do just that.

Two days ago another small nation, Kuwait, was invaded and subjugated by a large aggressive neighbor. Stalin bought Lithuania from Hitler. Saddam Hussein did not even bother to barter. The United States must move vigorously to oppose this violation of international law. We should at the same time help the Lithuanian people to rectify a half century old violation of international law—the occupation of the sovereign state of Lithuania by the Soviet Union—by adopting this legislation. I believe that recent events make this a most opportune moment to help Lithuania regain its freedom and I urge the adoption of S. 2757.

I ask unanimous consent that the letter I referred to earlier be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPREME COUNCIL OF THE
REPUBLIC OF LITHUANIA,
July 21, 1990.

Senator GEORGE MITCHELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MITCHELL: We would like to extend our thanks to the United States Senate for its efforts to secure humanitarian assistance to Lithuania in this, our time of need. We are heartened by the continued support shown us by the American people and the U.S. Congress. Although the economic blockade imposed upon our country by the Soviet Union has been officially lifted, its practical limitations remain in effect.

The economic blockade has disrupted virtually all efforts to maintain a consistent flow of medical products to the Lithuanian people Antibiotics, insulin, syringes, anesthetics and other crucial products are in critical supply.

Lithuanian agricultural production has been endangered due to lack of adequate supplies of fuel, motor oil, various parts and new machinery. Lithuanian farmers are growing increasingly concerned over the coming harvest as fuel supplies are held up due to the slow recovery of the Lithuanian petroleum industry following months of imposed inactivity.

With these and other formidable obstacles before us, we appeal to the members of the U.S. Senate to approve the Lithuanian humanitarian assistance package sponsored by Senator Patrick Moynihan at the earliest possible time. The passage of such legislation would not only help us to ensure the most basic of services to our people, but would also strengthen the independence of our country.

Once again, please convey our greetings and thanks to the members of the U.S. Senate for their concern for the fate of the Lithuanian nation.

Vytautas Lansbergis, President, Supreme Council Republic of Lithuania; Kazimiera Prunskiene, Prime Minister, Republic of Lithuania; Juozas Olekas, Minister of Health and Social Security.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2757) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVIL AVIATION PENALTY ASSESSMENT DEMONSTRATION PROJECT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 780, H.R. 5131, civil aviation penalty assessment demonstration project; that the bill be deemed read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 5131) was passed.

NATIONAL DRIVE FOR LIFE WEEKEND

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 627, designating National Drive for Life Weekend, just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 627), Designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 627) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to consider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MENTAL HEALTH AMENDMENTS OF 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 712, S. 2628, regarding mental health grants.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2628) to amend the Public Health Service Act to reauthorize certain National Institutes of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE

The Act may be cited as the "Mental Health Amendments of 1990".

SEC. 2. REAUTHORIZATION OF DEMONSTRATION GRANTS FOR MENTAL HEALTH SERVICES.

Section 520A of the Public Health Service Act (42 U.S.C. 290cc-13) is amended—

(1) in subsection (b), to read as follows:

"(a) SERIOUSLY MENTALLY ILL INDIVIDUALS AND CHILDREN AND ADOLESCENTS WITH SERIOUS EMOTIONAL AND MENTAL DISTURBANCES.—

"(1) IN GENERAL.—The Secretary, acting through the Director, may make grants to State, political subdivisions of States, and nonprofit private agencies for—

"(A) mental health services demonstration projects for the planning, coordination and improvement of community services (including outreach and self-help services) for seriously mentally ill individuals and their families, seriously emotionally and mentally disturbed children and youth and their families, seriously mentally ill homeless and elderly individuals;

"(B) demonstration projects for the prevention of youth suicide;

"(C) demonstration projects for the improvement of the recognition, assessment, treatment and clinical management of depressive disorders;

"(D) demonstration projects for programs to prevent the occurrence of sex offenses, and for the provision of treatment and psychological assistance to the victims of sex offenses; and

"(E) demonstration projects for programs to provide mental health services to victims of family violence.

"(2) MENTAL HEALTH SERVICES.—Mental health services provided under paragraph (1)(A) should encompass a range of delivery systems designed to permit individuals to receive treatment in the most therapeutically appropriate, least restrictive setting. Grants shall be awarded under such paragraph for—

"(A) research demonstration programs concerning such services; and

"(B) systems improvements to assist State and local entities to develop appropriate comprehensive mental health systems for adults with serious long-term mental illness and children and adolescents with serious emotional and mental disturbance.";

(2) in subsection (c), by striking out "three" and inserting in lieu thereof "five"; and

(3) in subsection (e), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) For the purposes of carrying out this section, there are authorized to be appropriated $60,000,000 for fiscal year 1991, $62,000,000 for fiscal year 1992, and $65,000,000 for fiscal year 1993.".

SEC. 3. STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN.

(a) REAUTHORIZATION.—Subsection (c) of section 1924 of the Public Health Service Act (42 U.S.C. 300x-10(c)) is amended to read as follows:

"(c) There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1991 through 1993.".

(b) REQUIREMENTS.—Section 1925 of such Act (42 U.S.C. 300x-11) is amended—

(1) by striking out "chronically mentally ill individual" each place that such appears and inserting in lieu thereof "individual with a serious mental illness";

(2) by striking out "chronically mentally ill individual" each place that such appears and inserting in lieu thereof "individual with a serious mental illness";

(3) in subsection (b)—

(A) by inserting before the period in paragraph (1) the following: ", individuals with serious mental illnesses and children with serious emotional and mental disorders";

(B) by inserting after "describe services" in paragraph (3) ", available treatment options and resources, including Federal, State and local public services and resources, and to the extent practicable private services and resources,";

(C) by redesignating paragraph (5) through (8) as paragraphs (6) through (9), respectively;

(D) by striking out paragraph (4 and inseting in lieu thereof the following new paragraphs:

"(4) The State plan shall describe health and mental health services, rehabilitation services, employment services, housing services, educational services, medical and dental care, and other support services to be provided to individuals and children with serious emotional and mental disorders with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximim extent of their capabilities, including services to be provided by local school systems under the Education of the Handicapped Act (20 U.S.C. 1401 et seq.).

"(5) The State plan shall describe the financial resources and staffing necessary to implement the requirements of the State Comprehensive Mental Health Services plan."; and

(E) by adding at the end thereof the following new paragraph:

"(10) The State plan shall describe a system of integrated social services, educational services, juvenile services, substance abuse services which together with health and mental health services, should be provided in order for children and adolescents with serious emotional and mental disorders to receive care appropriate for their multiple needs, including services to be provided by local school systems under the Education of the Handicapped Act (20 U.S.C. 1401 et seq.).";

(4) in subsection (d)—

(A) by striking out "subsections (a), (b), and (c)" in the first sentence and inserting in lieu thereof "section 1924'; and

(B) by striking out "the State is permitted to expend for administrative expenses" in the second sentence and inserting in lieu thereof "that the State received under subpart 1 as such subpart existed on October 1, 1985'; and

(5) by adding at the end thereof the following new subsections:

"(e) The State shall utilize the State Mental Health Planning Council described in section 1916(e), or establish a new council with comparable membership requirements, to advise, review, monitor and evaluate all aspects of the development and implementation of the State Comprehensive Mental Health Services Plan. The comments of such Council shall be formally transmitted to the Governor of the State prior to the submission of such Plan to the Secretary and such comments should be transmitted to the Secretary together with such Plan.

"(f) Not late than March 30 of each year, the Secretary shall prepare and submit, to the appropriate Committees of Congress, a report concerning the development and implementaton of the State Comprehensive Mental Health Services Plans. Such reports shall include—

"(1) the status of the implementation of such plans by the States;

"(2) a description of the extent of the participation of the Councils described in subsection (e) in such development and implementations;

"(3) a description of the coordinated services for children and adults conducted under such Plans;

"(4) the extent to which State and local public, and private resources are utilized in the enhancement and delivery of designated services; and

"(5) a quantitative measurement of the improvement in services projected and achieved under the plan.".

SEC. 4. ENFORCEMENT

(a) ADMINISTRATION EXPENSES.—Section 1926(d) of the Public Health Service Act (42 U.S.C. 300x-12(d)) is amended—

(1) by striking out "subsections (a), (b), and (c)" in the first sentence and inserting in lieu thereof "section 1924"; and

(2) by striking out "the State is permitted to expend for administrative expenses" in the second sentence and inserting in lieu thereof "that the State received under subpart 1 as such subpart existed on October 1, 1985".

(b) LIMITATION ON EXPENDITURES.—Section 1926(e) of Act (42 U.S.C. 300x-12(e)) is amended—

(1) by striking out "for any fiscal year" and inserting in ieu thereof "during the period covered by the plan";

(2) by striking out "for such fiscal year" and inserting in lieu thereof "during such period"; and

(3) by inserting before the period the following: ", taking into consideration savings on inpatient hospitalization that can reasonably be anticipated to result from a well designed and implemented plan".

Mr. KENNEDY. Mr. President, I rise to urge passage of the Mental Health Amendments of 1990.

This legislation reauthorizes the authority of the National Institute of Mental Health to conduct demonstrations to improve the delivery of mental health services, reauthorizes

the State mental health services plan development grants, and clarifies state requirements for planning and implementation of comprehensive State mental health community-based services. It was reported unanimously by the Labor and Human Resources Committee.

DEMONSTRATIONS

NIMH is authorized to conduct demonstrations in a variety of key mental health areas, including grants to plan, coordinate, and improve community mental health services to seriously mentally ill adults, children, and the elderly; grants for prevention of youth suicide; grants to improve recognition, treatment an assessment of depressive disorders, and to meet other priority needs. Grants conducted under this authority have been immensely effective in improving services to the mentally ill and reducing hospitalization rates. There is now a particular focus on children, one of the most underserved of the populations in need of mental health services. Continuation of these programs is extremely important in linking research findings to improved practice in the field.

The bill would authorize $60 million for 1991, $62 million for 1992; and $65 million for fiscal year 1993.

PLANNING GRANTS

Under legislation enacted in 1986, States are required to plan and implement comprehensive community-based programs of care for the seriously mentally ill. Such programs are essential in providing humane treatment for the seriously mentally ill and allowing them to perform to their fully potential. In addition, community-based programs actually save money through reduced use of inpatient hospital care. But despite the moral imperative to provide all seriously mentally ill Americans with effective community-based services, most States and communities are still failing to do an adequate job.

The planning and implementation process mandated udner the 1986 law is showing the potential to make a major contribution to this problem. All States have completed plans which are generally viewed as high quality, and the crucial implementation phase is now beginning.

The small planning grant program provides funds to States, hire extra staff to meets the requirements of the law and to fund broad-based advisory groups. Particularly in smaller States, this modest funding, minimum grants are $150,000, has often been crucial in assisting States to meet the requirements. This legislation would reauthorize the planning grants for an additional 3 years at $5 million.

STATE PLAN AMENDMENTS

The amendments included under this section of the legislation make primarily technical changes in the current law. The planning and implementation requirements are clarified to emphasize that seriously mentally ill children must be included in the scope of the State plan, the requirement for involvement of broad-based advisory panels in the development and implementation of the plan is strengthened, and technical corrections and improvements are made in several other aspects of the statute.

The programs covered in this legislation hold the promise of improving the lives of millions of mentally ill patients and their families. I urge prompt adoption of this legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2628) was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE REVITALIZATION AMENDMENTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 415, S. 1963, the Corps of Public Health Service revitalization amendments of 1989.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1963) to amend the Public Health Service Act to facilitate the revitalization of the Commissioned Corps of the Public Health Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2602

(Purpose: To authorize the Secretary of Health and Human Services to award a grant rather that a contract for the construction of mouse breeding facilities)

Mr. MITCHELL. Mr. President, on behalf of Senator KENNEDY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for Mr. KENNEDY, proposes an amendment numbered 2602.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, after line 24, add the following new section:

SEC. . MOUSE BREEDING FACILITIES GRANTS.

(a) IN GENERAL.—Public Law 101-190 (103 Stat. 1691) is amended—

(1) in section 1—

(A) by striking out "CONTRACT" in the heading and inserting in lieu thereof "GRANT";

(B) by striking out "for entering into a contract with" in subsection (a), and inserting in lieu thereof "to make a grant to"; and

(C) by striking out "contract" in subsection (b), and insering in lieu thereof "grant".

(2) in section 2—

(A) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (a), and inserting in lieu thereof "make a grant";

(B) by striking out "contract" in subsection (a)(1), and inserting in lieu thereof "grant";

(C) by striking out "contractor" in the matter preceding subparagraph (A) in subsection (b)(1), and inserting in lieu thereof "grantee";

(D) by striking out "a contract" each place that such occurs in subparagraphs (A) and (B) of subsection (b)(1), and inserting in lieu thereof "an agreement";

(E) by striking out "contractor" in subsection (b)(2) and inserting in lieu thereof "grantee";

(F) by striking out "CONTRACTOR" in the heading of paragraph (1) of subsection (d), and inserting in lieu thereof "GRANTEE";

(G) by striking out "enter into a contract" in subsection (d)(1), and inserting in lieu thereof "make a grant"; and

(H) by striking out "the contract" in subsection (d)(1), and inserting in lieu thereof "the grant";

(3) in section 3(a)—

(A) by striking out "enter into a contract" and inserting in lieu thereof "make a grant"; and

(B) by striking out "the contract" each place that such occurs and inserting in lieu therof "the grant";

(4) in section 4—

(A) by striking out "enter into a contract under section 1 unless the applicant for the contract" in the first sentence of subsection (a)(1), and inserting in lieu thereof "make a grant under section 1 unless the applicant for the grant";

(B) by striking out "in the contract" in the second sentence of subsection (a)(2)(A);

(C) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (b), and inserting in lieu thereof "make a grant";

(D) by striking out "contract" in subsection (b)(1), and inserting in lieu thereof "grant";

(E) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (c), and insert in lieu thereof "make a grant"; and

(F) by striking out "contract" in subsection (w)(1), and insert in lieu therof "grant";

(5) in section 5, by striking out "contractor" each place that such occurs and inserting in lieu thereof "grantee"; and

(6) in the matter preceding paragraph (1) in section 6(a), by striking out "contractor" and inserting in lieu thereof "grantee".

(c) EFFECTIVE DATE.—The amendments made by section (a) shall be retroactively effective as of November 29, 1989.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2602) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossd for a third reading, was read the third time, and passed, as follows:

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commissioned Corps of the Public Health Service Revitalization Amendments of 1990".

SEC. 2. TRAINING OF COMMISSIONED OFFICERS.

(a) IN GENERAL.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) Any officer on active duty who attends an educational institution or training program as part of the service of such individual in the Public Health Service for a period in excess of 30 days shall be obligated to pay to the Service an amount equal to two times the total amount of any such tuition, fees, and other necessary expenses received by such officer during such period, and two times the total amount of any compensation received by, and any allowance paid to, such officer during such period, if after completion of such attendance such officer voluntarily leaves the Service within—

"(A) 6 months; or

"(B) a period that is equal to twice the period of such attendance;

whichever is greater. Such subsequent period of service shall begin on the date of cessation of such attendance at the educational institution or training program. The Secretary may waive, in whole or in part, any payment that may be required by this paragraph on a determination that such payment would be inequitable or would not be in the public interest.

"(2) Any obligation to make a payment in lieu of service pursuant to paragraph (1) may be released by a discharge in bankruptcy under title 11, United States Code, if—

"(A) the discharge is granted after the expiration of the 5-year period beginning on the first date that such payment is required; and

"(B) the Bankruptcy Court finds that the nondischarge of the obligation would be unconscionable.

"(c) A commissioned officer may be placed on leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of the computation of basic pay, promotion, retirement, compensation for injury or death, the benefits provided by section 212, and section 224, an officer in such status shall be considered as performing service in the Service.".

(b) BANKRUPTCY.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(11) that under provisions of the Public Health Service Act is not to be discharged.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply, in the case of proceedings under the Bankruptcy Act, to any obligation arising under the Public Health Service Act that has not been granted a discharge prior to such date.

SEC. 3. INSTALLMENT DEDUCTION FOR INDEBTEDNESS TO THE UNITED STATES.

(a) IN GENERAL.—Section 5514 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (a)(1), by striking out "Armed Forces" both places it appears and inserting in lieu thereof "uniformed services"; and

(2) in the second sentence of subsection (b)(1), by—

(A) striking out "Secretaries of the military departments" and inserting in lieu thereof "Secretaries concerned"; and

(B) striking out "military services" and inserting in lieu thereof "uniformed services".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any debt outstanding on or after such date.

SEC. 4. DENIAL OF ANNUAL BONUS TO MEDICAL OFFICERS PARTICIPATING IN A CLINICAL, RESEARCH, OR STAFF ASSOCIATE PROGRAM.

(a) IN GENERAL.—Section 208(a)(2)(B) of the Public Health Service Act (42 U.S.C. 210(a)(2)(B)) is amended by inserting "is assigned to a clinical, research, or staff associate program administered by the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration, or" before "is providing".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1989, and shall apply with respect to pay periods beginning on or after such date.

SEC. 5. SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY.

(a) IN GENERAL.—Section 316 of title 37, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking out "armed forces" and inserting in lieu thereof "uniformed services";

(2) in subsection (a)(2)—

(A) by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary concerned"; and

(B) by inserting "or public health" immediately after "national defense";

(3) in subsection (a)(3)(A), by striking out "military" and inserting in lieu thereof "uniformed services";

(4) in subsection (a)(3)(C), by striking out "military";

(5) in subsection (a)(3)(D)—

(A) by striking out "Department of Defense" and inserting in lieu thereof "uniformed service"; and

(B) by striking out "Secretary of Defense" and inserting in lieu thereof "Secretary concerned"; and

(6) in subsection (d)—

(A) by striking out "and"; and

(B) by inserting "by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration" immediately before the period.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989, and shall apply with respect to pay periods beginning on or after such date.

SEC. 6. AUTHORIZATION OF RETIREMENT PAY FOR NON-REGULAR SERVICE IN THE RESERVE CORPS.

(a) IN GENERAL.—Section 221(a) of the Public Health Service Act (42 U.S.C. 213a(a)) is amended by adding at the end thereof a new paragraph as follows:

"(16) Chapter 67, Retired Pay for Non-Regular Service.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1989.

SEC. 7. CLARIFICATION OF NONAPPLICABILITY OF LENGTH-OF-SERVICE CREDIT FOR SERVICE AT U.S. MILITARY ACADEMIES.

Section 971(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) no officer of the Commissioned Corps of the Public Health Service may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.".

SEC. 8. CLARIFICATION REGARDING DESIGNATION OF LEGAL RESIDENCE FOR PURPOSES OF STATE AND LOCAL INCOME TAX WITHHOLDING.

(a) DISTRICT OF COLUMBIA INCOME TAXES.—The fourth sentence of section 5516(a) of title 5, United States Code, is amended by striking out "armed forces" and inserting in lieu thereof "uniformed services".

(b) STATE INCOME TAXES.—Section 5517 of title 5, United States Code, is amended—

(1) in the third sentence of subsection (a), by striking out "armed forces" and inserting in lieu thereof "uniformed services"; and

(2) in subsection (d) in the matter preceding paragraph (1), by striking out "terms 'serve as a member of the armed forces' and 'service as a member of the Armed Forces' do" and inserting in lieu thereof "term 'service as Forces' does".

(c) CITY OF COUNTY INCOME OR EMPLOYMENT TAXES.—The third sentence of section 5520(a) of title 5, United States Code, is amended by striking out "Armed Forces" and inserting in lieu thereof "uniformed services".

SEC. 9. MOUSE BREEDING FACILITIES GRANTS.

(a) IN GENERAL.—Public Law 101-190 (103 Stat. 1691) is amended—

(1) in section 1—

(A) by striking out "CONTRACT" in the heading and inserting in lieu thereof "GRANT";

(B) by striking out "for entering into a contract with" in subsection (a), and inserting in lieu thereof "to make a grant to"; and

(C) by striking out "contract" in subsection (b), and inserting in lieu thereof "grant".

(2) in section 2—

(A) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (a), and inserting in lieu thereof "make a grant";

(B) by striking out "contract" in subsection (a)(1), and inserting in lieu thereof "grant";

(C) by striking out "contractor" in the matter preceding subparagraph (A) in subsection (b)(1), and inserting in lieu thereof "grantee";

(D) by striking out "a contract" each place that such occurs in subparagraphs (A) and (B) of subsection (b)(1), and inserting in lieu thereof "an agreement";

(E) by striking out "contractor" in subsection (b)(2), and inserting in lieu thereof "grantee";

(F) by striking out "CONTRACTOR" in the heading of paragraph (1) of subsection (d), and inserting in lieu thereof "GRANTEE";

(G) by striking out "enter into a contract" in subsection (d)(1), and inserting in lieu thereof "make a grant"; and

(H) by striking out "the contract" in subsection (d)(1), and inserting in lieu thereof "the grant";

(3) in section 3(a)—

(A) by striking out "enter into a contract" and inserting in lieu thereof "make a grant"; and

(B) by striking out "the contract" each place that such occurs and inserting in lieu thereof "the grant";

(4) in section 4—

(A) by striking out "enter into a contract under section 1 unless the applicant for the contract" in the first sentence of subsection (a)(1), and inserting in lieu thereof "make a grant under section 1 unless the applicant for the grant";

(B) by striking out "in the contract" in the second sentence of subsection (a)(2)(A);

(C) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (b), and inserting in lieu thereof "make a grant";

(D) by striking out "contract" in subsection (b)(1), and inserting in lieu thereof "grant";

(E) by striking out "enter into a contract" in the matter preceding paragraph (1) in subsection (c), and inserting in lieu thereof "make a grant"; and

(F) by striking out "contract" in subsection (w)(1), and inserting in lieu thereof "grant";

(5) in section 5, by striking out "contractor" each place that such occurs and inserting in lieu thereof "grantee"; and

(6) in the matter preceding paragraph (1) in section 6(a), by striking out "contractor" and inserting in lieu thereof "grantee".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be retroactively effective as of November 29, 1989.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CENTER FOR HEALTH STATISTICS REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 706, S. 2632, the National Center for Health Statistics Reauthorization Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2632) to amend the Public Health Service Act to reauthorize the National Center for Health Statistics, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the National Center for Health Statistics serves as the primary source of Federal Government health statistics, providing essential health care data to policymakers and researchers. NCHS maintains four major data systems: the National Vital Statistics System; the National Health and Nutrition Examination Survey; the National Health Care Survey; and the National Health Interview Survey. In addition to these principal data systems, NCHS conducts a number of other targeted surveys, including data regarding HIV and AIDS, maternal and infant health, and aging, and coordinates with other Federal agencies to provide assistance in health data collection and to serve the needs of the Federal Government.

S. 2632 will reauthorize NCHS for $58 million in fiscal year 1991, and such sums as may be necessary through 1995. The legislation also ensures the uninterrupted annual collection of the National Health Interview Survey, which has been the principal source of Federal data on the general health, illness, and disability status of the population since 1957.

The collection of health care data provides the information necessary to help us make effective decisions regarding the health care needs of America. I urge my colleagues to join in supporting S. 2632.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for Health Statistics Reauthorization Act of 1990".

SEC. 2. REAUTHORIZATION OF NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (c), by striking out "Committee on Human Resources" and inserting in lieu thereof "Committee on Labor and Human Resources";

(2) in subsection (h)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end thereof the following new paragraph:

"(2) There shall be an annual collection of data from a statistically valid sample concerning the general health, illness, and disability status of the civilian noninstitutionalized population. Specific topics to be addressed under this paragraph on an annual or rotating basis, shall include the incidence of illness and accidental injuries, prevalence of chronic diseases and impairments, disability, physician visits, hospitalizations, and the relationship between demographic and socioeconomic characteristics and health characteristics."; and

(3) in subsection (m), by striking out "$55,000,000 for fiscal year 1988" and all that follows through the period and inserting in lieu thereof "$58,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1995.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINIMUM WAGE DETERMINATION FOR AMERICAN SAMOA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 2930, regarding documentary evidence requirement for minimum wage determination for American Samoa, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2930) to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2930

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the last sentence of subsection (b) of section 8 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 208(b)) is amended by striking out the semicolon and the material following the semicolon and inserting a period in lieu thereof.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MARKET REFORM ACT

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, S. 648, a bill to amend the Securities Exchange Act of 1934.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 648) to amend the Securities Exchange Act of 1934.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Market Reform Act of 1990".

SEC. 2. EMERGENCY AUTHORITY; TRADING HALTS.

Section 12(k) of the Securities Exchange Act (15 U.S.C. 781(k)) is amended to read as follows:

"(k)(1) If in its opinion the public interest and the protection of investors so require, the Commission may by order—

"(A) summarily to suspend trading in any security (other than an exempted security) for a period not exceeding 10 days, and

"(B) summarily to suspend all trading on any national securities exchange or otherwise, in securities other than exempted securities, for a period not exceeding 90 days.

The action described in subparagraph (B) shall not take effect unless the Commission notifies the President of its decision and the Commission is advised that the President does not disapprove of such decision.

"(2)(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under this title, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities); or

"(ii) to ensure prompt and accurate clearance and settlement of transactions in securities (other than exempted securities).

"(B) An order of the Commission under this paragraph shall continue in effect for the period specified by the Commission and may be extended, except that in no event shall the Commission's action continue in effect for more than 10 business days, including extensions. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

"(3) Upon direction by the President, any order or action by the Commission under paragraph (1)(B) or paragraph (2) shall cease to be effective.

"(4) No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any securities in contravention of an order of the Commission under this subsection unless such order has been stayed, modified, or set aside as provided in paragraph (5), or has ceased to be effective pursuant to paragraph (3).

"(5) An order of the Commission pursuant to this subsection shall be subject to review only as provided in section 25(a) of this title. Review shall be based on an examination of all the information before the Commission at the time of such order. The reviewing court shall not enter a stay, writ of mandamus, or similar relief unless the court finds, after notice and hearing before a panel of the court, that the Commission's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(6) For purposes of this subsection, the term 'emergency' means a major market disturbance characterized by, or constituting—

"(A) a substantial threat of sudden and excessive fluctuations of securities prices generally that threaten fair and orderly markets, or

"(B) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of securities.".

SEC. 3. LARGE TRADER REPORTING.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

"(h)(1) For the purpose of monitoring the impact on the securities markets of securities transactions involving a substantial volume or a large fair market value or exercise value, each large trader shall provide such information to the Commission as the Commission may by rule prescribe as necessary or appropriate, identifying such person and all accounts in or through which such large trader effects such transactions.

"(2) Every registered broker or dealer shall make and keep for prescribed periods such records as the Commission by rule prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, with respect to securities transactions of large traders effected directly or indirectly by or through such registered broker or dealer that equal or exceed the reporting activity level. Such records shall be available for reporting to the Commission, or any self-regulatory organization that the Commission shall designate to receive such reports, on the morning of the day following the day the transactions were effected, and shall be reported to the Commission immediately upon request by the Commission or a self-regulatory organization designated by the Commission. Such records and reports shall be in a format and transmitted in a manner prescribed by the Commission (including, but not limited to, machine readable form).

"(3) The Commission may prescribe rules governing the manner in which transactions and accounts shall be aggregated for the purpose of this subsection.

"(4) All records required to be made and kept by registered brokers and dealers pursuant to this subsection with respect to transactions effected by large traders are subject at any time, or from time to time, to such reasonable, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(5) In exercising its authority under this subsection, the Commission shall take into account—

"(A) existing reporting systems;

"(B) the costs associated with maintaining information with respect to transactions effected by large traders and reporting such information to the Commission or self-regulatory organizations; and

"(C) the relationship between the United States and international securities markets.

"(6) The Commission by rule or order, may exempt any person or classes of persons or any transaction or classes of transactions, either conditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection, and the rules thereunder.

"(7) Notwithstanding the provisions of any law, the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This subsection shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

"(8) For purposes of this subsection—

"(A) the term 'large trader' means every person who, for his own account or an account for which he exercises investment discretion, effects transactions for the purchase or sale of any publicly traded security by use of any means or instrumentality of interstate commerce or of the mails, or of any facility of a national securities exchange, directly or indirectly by or through a registered broker or dealer during any 24-hour period in an aggregate amount equal to or in excess of the identifying activity level;

"(B) the term 'publicly traded security' means any equity security (including an option on individual equity securities, and an option on a group or index of such securities) listed, or admitted to unlisted trading privileges, on a national securities exchange, or quoted in an automated interdealer quotation system;

"(C) the term 'identifying activity level' means transactions in any publicly traded security at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission by rule;

"(D) the term 'reporting activity level' means transactions in any publicly traded security at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission by rule or order; and

"(E) the term 'person' includes, in addition to the definition given such term under

section 3(a)(9), two or more persons acting as a partnership, limited partnership, syndicate, or other group, but shall not include a foreign central bank.".

SEC. 4. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

"(h)(1) Every person who is (A) a registered broker or dealer, or (B) a registered municipal securities dealer for which the Commission is the appropriate regulatory agency, shall obtain such information and make and keep such records as the Commission, by rule, prescribes concerning such registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of such registered person's associated persons, other than a natural person. Such records shall describe in the aggregate each of the financial and securities activities conducted by, and the customary sources of capital and funding of such registered person's associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its net capital, its liquidity, or its ability to conduct or finance its operations. The Commission, by rule, may require summary reports of such information to be filed with the Commission no more frequently than quarterly.

"(2) If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (1) of this subsection or other available information, the Commission reasonably concludes that it has concerns regarding the financial or operational condition of (A) any registered broker or dealer, or (B) registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, the Commission may require such registered person to make reports concerning the financial and securities activities of any of such registered person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The Commission, in requiring reports pursuant to this paragraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission or to a self-regulatory organization with primary responsibility for examining such registered person's financial and operational condition.

"(3) The Commission, by rule or order, may exempt any person or classes of persons under such terms and conditions and for such periods as the Commission shall provide, from the provisions of this subsection and the rules thereunder. In granting such exemptions, the Commission shall consider, among other factors—

"(A) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(B) the primary business of any associated person;

"(C) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(D) the nature and extent of the registered person's securities activities; and

"(E) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(4) Notwithstanding the provisions of any law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered broker, dealer, government securities broker, government securities dealer, or municipal securities dealer. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This subsection shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) Every person who is registered as a government securities broker or government securities dealer under this section shall obtain such information and make and keep such records as the Secretary, by rule, prescribes concerning such registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of such registered person's associated persons, other than a natural person. Such records shall describe, in the aggregate, each of the financial and securities activities conducted by, and customary sources of capital and funding of such registered person's associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its capital, its liquidity, or its ability to conduct or finance its operations. The Secretary, by rule, may require summary reports of such information to be filed with it and the registered person's appropriate regulatory agency no more frequently than quarterly.

"(B) If, as a result of adverse market conditions or based on reports provided pursuant to subparagraph (A) of this paragraph or other available information, the Secretary or the appropriate regulatory agency reasonably concludes that it has concerns regarding the financial or operational condition of any government securities broker or government securities dealer registered under this section, the Secretary or such agency may require such registered person to make reports concerning the financial and securities activities of any of such registered person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The Secretary or the appropriate regulatory agency, in requiring reports pursuant to this subparagraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Secretary and the appropriate regulatory agency or to a self-regulatory organization with primary responsibility for examining such registered person's financial and operational condition.

"(C) The Secretary, by rule or order, may exempt any person or classes of persons, under such terms and conditions and for such periods as the Secretary shall provide, from the provisions of this subsection and the rules thereunder. In granting such exemptions, the Secretary shall consider, among other factors—

"(i) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(ii) the primary business of any associated person;

"(iii) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(iv) the nature and extent of the registered person's securities transactions; and

"(v) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(D) In exercising authority pursuant to paragraph (2)(A) concerning information with respect to associated persons of government securities brokers and government securities dealers who are also associated persons of registered brokers or dealers reporting to the Commission pursuant to section 17(h) of this title, the requirements relating to such associated persons shall conform, to the greatest extent practicable, to the requirements of section 17(h).

"(E) Notwithstanding the provisions of any law, the Secretary and any appropriate regulatory agency shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Secretary or any appropriate regulatory agency by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered government securities broker or a government securities dealer. Nothing in this subsection shall authorize the Secretary or any appropriate regulatory agency to withhold information from Congress, or prevent the Secretary or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This subsection shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.".

SEC. 5. COORDINATED CLEARING.

(a) AUTHORITY TO FACILITATE COORDINATED CLEARING MECHANISMS.—Section 17A(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(a)(2)) is amended to read as follows:

"(2)(A) The Commission is directed, therefore, having due regard to the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority under this title—

"(i) to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and

"(ii) to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options;

in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection.

"(B) The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing agencies and registered transfer agents. In carrying out its responsibilities set forth in subparagraph (A)(ii) of this paragraph, the Commission shall consult with the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System.".

(b) TRANSFER AND PLEDGE OF SECURITIES.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

"(f)(1) Notwithstanding any provision of State law, the Commission is authorized to adopt rules concerning the transfer of certificated or uncertificated securities (other than government securities issued pursuant to chapter 31 of title 31, United States Code, or securities otherwise processed within a book-entry system operated by the Federal Reserve Banks) or limited interests (including security interests) therein, and rights and obligations of purchasers, sellers, investors, financial intermediaries, and lenders to such transfers, and the rights of third parties whose interests in such securities devolve from such transfers, if the Commission finds—

"(A) that such rule is necessary or appropriate for the protection of investors or in the public interest and is reasonably designed to promote the prompt, accurate, and safe clearance and settlement of securities transactions;

"(B) that in the absence of a uniform rule, the safe and efficient operation of the national system for clearance and settlement of securities transactions will be or is substantially impeded; and

"(C) that to the extent such rule will impair or diminish directly or indirectly rights of investors under State law concerning transfers of securities (or limited interests therein), that the benefits of such rule exceed the detriment to investors.

In making such determinations, the Commission shall give consideration to the recommendations of the Advisory Committee established under paragraph (2), and it shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury shall object, in writing, to the Commission's findings with respect to the factors set forth in subparagraphs (A), (B), or (C) of this paragraph, the Commission shall consider all feasible alternatives to the proposed rule, and it shall not adopt any such rule unless the Commission shall make an explicit determination that the rule is the most practicable method for achieving safe and efficient operation of the national clearance and settlement system.

"(2)(A) Within 90 days after the effective date of this section, the Commission shall (and at such times thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.). The Advisory Committee shall be directed to consider and report to the Commission on such matters as the Commission, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, determines, including the areas, if any, where State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchasers, sellers, investors, financial intermediaries, and lenders concerning their respective rights and obligations.

"(B) The Advisory Committee shall consist of 15 members, of which the Commission shall designate 11 in accordance with the Federal Advisory Committee Act. The Board of Governors of the Federal Reserve System and the Secretary of the Treasury each shall be authorized to designate 2 such members of the Advisory Committee.

"(C) The Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act. Within 6 months of its designation or such longer time as the Commission may designate, the Advisory Committee shall issue a report to the Commission, and shall cause copies of that report to be delivered to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System.".

(c) COORDINATED FACILITIES FOR CLEARANCE AND SETTLEMENT OF CERTAIN CONTRACTS AND OPTIONS.—The Commodity Exchange Act is amended by inserting after section 5b (7 U.S.C. 7b) the following new section:

"SEC. 5c. COORDINATED FACILITIES FOR CLEARANCE AND SETTLEMENT OF CERTAIN CONTRACTS AND OPTIONS.

"(a) IN GENERAL.—With due regard for the public interest and maintenance of fair competition among contract markets, commodities and futures clearing organizations, members thereof, and futures commission merchants, the Commission shall facilitate the establishment of linked or coordinated facilities for clearance and settlement of contracts of sale for future delivery and options thereon, commodity options, securities, and securities options.

"(b) CONSULTATION.—In carrying out its responsibilities under this section, the Commission shall consult with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System.".

SEC. 6. REPORTS TO CONGRESS.

(a) FACILITIES FOR CLEARANCE AND SETTLEMENT.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Board of Governors of the Federal Reserve System, shall examine progress toward establishing linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options, and shall submit to Congress, not later than 1 year from the date of enactment of this Act, a report detailing and evaluating such progress.

(b) COORDINATED MECHANISMS AND MARGIN LEVELS.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodities Futures Trading Commission, shall report to the Congress not later than May 31, 1990 and annually thereafter until May 31, 1995, on the following:

(1) The efforts such individuals have made relating to the coordination of regulatory activities to ensure the integrity and competitiveness of United States financial markets;

(2) The efforts such individuals have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies;

(3) The views of such individuals with respect to the adequacy of margin levels and use of leverage by market participants; and

(4) Such other issues and concerns relating to the soundness, stability, and integrity of domestic and international capital markets as may be appropriate.

(c) SEC AUTHORITY OVER MARKET MANIPULATION.—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Energy and Commerce of the House of Representatives regarding whether the Commission has sufficient statutory authority to prohibit practices in the purchase and sale of securities to protect against market manipulation or fraud through program trading, including any practices or activities that are inconsistent with the statutory mission of the Commission to protect investors. If the Commission concludes that it lacks such authority, the Commission shall include in its report recommendations for legislative action to confer such authority.

Amend the title so as to read: "A bill to amend the Securities Exchange Act of 1934 to strengthen regulatory oversight of the United States securities markets, improve supervision of financial market participants, and improve the safety and efficiency of market mechanisms, and for other purposes.".

AMENDMENT NO. 2603.

(Purpose: To specify the recordkeeping and reporting procedures applicable to certain associated persons)

Mr. MITCHELL. On behalf of Senator DODD, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. DODD, proposes an amendment numbered 2603.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 22, between lines 13 and 14, insert the following new paragraph, and renumber accordingly:

"(3)(A) In developing and implementing reporting requirements pursuant to paragraph (1) of this subsection with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(B) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to paragraph (1) of this subsection concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to paragraph (1), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(C) Prior to making a request pursuant to paragraph (2) of this subsection for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(i) notify such agency of the information required with respect to such associated person; and

"(ii) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, or municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(D) Nothing in this subsection shall be construed to permit the Commission to require any broker, dealer, or municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

On page 25, line 4, strike "it and".

On page 25, lines 9 and 10, strike "the Secretary or".

On page 25, lines 13 and 14, strike "the Secretary or".

On page 25, lines 19 and 20, strike "Secretary or the".

On page 25, line 24, strike "the Secretary and".

On page 26, between lines 2 and 3, insert the following new subparagraph, and renumber accordingly:

"(C) (i) In developing and implementing reporting requirements pursuant to subparagraph (A) of this paragraph with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(ii) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to subparagraph (A) of this paragraph concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to subparagraph (A), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(iii) Prior to making a request pursuant to subparagraph (B) of this paragraph for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(I) notify such agency of the information required with respect to such associated person; and

"(II) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(iv) Nothing in this paragraph shall be construed to permit the Commission to require any broker or dealer, or any municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

On page 26, line 6, strike "subsection" and insert "paragraph".

On page 27, line 14, strike "subsection" and insert "paragraph".

On page 27, line 19, strike "subsection" and insert "paragraph".

On page 28, line 2, strike "subsection" and insert "paragraph".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2603) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I want to commend Senator DODD, as chairman of the Securities Subcommittee, and Senator HEINZ, as ranking Republican on that subcommittee, for their excellent work on the Market Reform Act. Senator DODD has held several days of hearings directly on this legislation and countless days of hearings on issues related to the securities market's structure, its participants, and its stability. The Banking Committee thus had a substantial foundation when it considered this bill in markup. The result of this serious and substantive work is that this bill was passed out of committee by voice with only one recorded nay.

The Market Reform Act will improve regulatory oversight over the financial markets and its participants and promote coordination among the financial regulators. Enactment of this bill is necessary to ensure that this Nation's capital markets—which are probably the best in the world—remain strong, fair, and liquid. The market crash of 1987, and the market instability in October 1989, revealed serious weaknesses in the markets' structure and lapses in regulatory oversight. The Market Reform Act is designed to correct a number of these deficiencies. The thousands of American corporations which rely on those markets to finance their growth need these steps to be taken to maintain the vitality and strength of these markets.

EMERGENCY AUTHORITY FOR THE SEC

The Market Reform Act's first substantive title clarifies the authority of the Securities and Exchange Commission to suspend market trading and authorizes the SEC, in emergency situations, to issue temporary orders designed to stabilize the securities markets.

To ensure that the SEC's power is only used in appropriate circumstances, the Market Reform Act defines the term "emergency" to mean a major market disturbance characterized by, or constituting, first, a substantial threat of sudden and excessive fluctuations of securities prices generally that threaten fair and orderly markets, or, second, a substantial dis-

ruption of the sale or efficient operation of the national system for clearance and settlement of securities. This definition anticipates extraordinary situations in which there is a major disturbance in the securities markets, such as the October 1987 market crash.

LARGE TRADER REPORTING

The Market Reform Act also requires large traders and registered broker-dealers to retain records regarding large securities transactions. These records, which would be available to the SEC upon request, would allow the SEC quickly to recreate trading activities during periods of market stress, such as the 1987 market crash or the market volatility in October 1989. This information could also be used for surveillance, enforcement, and other appropriate regulatory purposes.

The need for this information is readily apparent in light of the fact it took the SEC more than 7 months after the October 1989 market events to collect and analyze the relevant trading activities. Much of this work was done manually, using extensive staff resources; after enactment of the Market Reform Act, much of this information would be collected and transmitted by computer.

Because much of the information recorded and reported under the large trader provisions of the Market Reform Act will be confidential, the bill includes protections to prevent the public disclosure of this information.

RISK ASSESSMENT

Possibly the most important provisions of the Market Reform Act authorize the SEC to obtain information from registered broker-dealers concerning their procedures and systems for monitoring or controlling risks resulting from their activities or the financial activities of their affiliates. As a result of this information, the SEC can better evalute the stability of the broker-dealer, and regulate it accordingly, by taking into account events transpiring in the broker-dealer affiliates.

I want to underscore the need and importance of the risk assessment provisions. In February of this year, the bankruptcy filing of Drexel Burnham Lambert Group, Inc., vividly demonstrated that the financial stability and viability of a regulated broker-dealer is directly connected to its affiliates, many of which may be unregulated. In the Drexel situation, the unregulated holding company of the registered broker-dealer and the Government securities dealer began experiencing financial problems. As a result, the holding company's commercial paper rating was lowered and unsecured lenders were no longer willing to extend funds. As its outside financing disappeared, the holding company turned to its registered broker-dealer and Government securities dealer for financing, eventually withdrawing approximately $400 million in capital from these entities. Neither the SEC—nor any other Government entity—was aware of these transfers, which had the direct effect of reducing the capital cushion for the regulated entities. Upon becoming aware of the seriousness of the holding company's problems, the SEC and the New York Stock Exchange prevented further withdrawals from the regulated entities. The SEC was active in monitoring the broker-dealer, but since the problem was with the holding company, the SEC was not able to take action—if action would have been appropriate—to limit the upstreaming of funds from the broker-dealer to the holding company. As we all know, when the Drexel holding company filed for bankruptcy protection, the registered broker-dealer went into liquidation proceedings. The corporate veil separating the holding company from the broker-dealer—which is so important in law—was irrelevant to the markets; the broker-dealer could not survive once the holding company failed.

The Drexel case is a vivid illustration of the need to allow the SEC to see the activities of affiliates of broker-dealers, as provided for in the risk assessment provisions of the Market Reform Act.

Here again, because much of the information recorded and reported under the risk assessment provisions of the Market Reform Act will be confidential, the bill includes protections to prevent the public disclosure of this information.

COORDINATED CLEARING AND SETTLEMENT

The Market Reform Act also directs the SEC and the Commodity Futures Trading Commission to use their authority to facilitate the establishment of a national and coordinated clearance and settlement system and to consult with each other in order to establish coordinated regulation of clearing agencies and registered transfer agents.

In addition, the Market Reform Act gives the SEC authority to adopt rules concerning the transfer and pledge of securities other than Government securities, where the SEC determines that the absence of Federal rules substantially impedes the safe and efficient operation of the national system for the clearance and settlement of securities transactions.

This last provision has created some controversy because it would allow the SEC, after engaging in a lengthy procedure, to preempt State commercial law on technical issues related to the transfer of securities. Eight Senators on the Banking Committee filed additional views to the committee report in which they argued that the power to preempt State law should be reserved to Congress and should not be delegated to a Federal agency.

I agree with my colleagues that preemption is a serious step. However, the importance of our clearance and settlement system to the functioning of our markets cannot be overstated. Many of the market studies conducted since the market crash of 1987 have concluded that weaknesses in the clearance and settlement systems are the principal risks associated with market volatility. Secretary Brady testified before the committee that the clearance and settlement systems are the weakest link in the financial system. His views have been supported by Federal Reserve Chairman Greenspan, Gerald Corrigan, President of the New York Federal Reserve Bank, and a recent GAO report.

As a congressional body, we know that steps must be taken to strengthen the clearance and settlement systems. The SEC, however, is the body with the technical expertise to evaluate the specific provisions of State laws that need to be amended for the safety of the Federal system. We could wait, as my colleagues have suggested, for the SEC to propose legislative recommendations and then wait the months or years that it would take such a bill to work its way through Congress. But while we could wait, the markets will not. If another market crash should occur, the weaknesses in the clearance and settlement system could lead—we have repeatedly been told—to collapse. We must take reasonable steps to move as expeditiously as possible.

Moreover, the SEC's authority under this provision is sharply limited. Before preempting State law, the SEC must make three specific findings: First, that the rule is necessary and appropriate for the protection of investors or in the public interest; second, that the safe and efficient clearance and settlement of securities will be impeded absent a rule; and third, that the benefits of the rule exceed the detriments. Any State that is affected by an SEC preemptive rule can challenge the SEC's action in Federal court. Further, before promulgating such a rule, the SEC must consider the recommendations of a 15-member advisory committee and consult with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury objects to the SEC's determination that promulgation of a rule is appropriate, the SEC must consider all feasible alternatives to the proposed rule. I think this procedure makes clear our intent that the SEC is to take this responsibility very seriously; but enactment of this provision ensures that this critical issue is dealt with as quickly as possible.

REPORTS TO CONGRESS

Finally, the Market Reform Act requires certain reports to Congress. First, the SEC and the CFTC are required to report to Congress detailing progress in establishing linked and coordinated facilities for clearance and settlement. In addition, the SEC is required to report within 90 days of enactment of this bill on whether it has sufficient authority to prohibit securities trading practices in order to protect against market manipulation or fraud through program trading and other practices that may be inconsistent with the SEC's duty to protect investors.

A third report is on going in nature. Annually for 5 years, the Secretary of the Treasury and the Chairmen of the SEC, CFTC, and the Federal Reserve would be required to report on their efforts to coordinate financial regulation. They are specifically asked to report on their efforts relating to the coordination of regulatory activities to ensure the integrity and competitiveness of U.S. financial markets, their efforts to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies, and their views on the adequacy of margin levels and the use of leverage by market participants. In addition, the Secretary and the Chairmen should report on such other issues and concerns relating to the soundness, stability, and integrity of domestic and international capital markets as may be appropriate.

I close by once again complimenting Senator DODD, chairman of the Securities Subcommittee, and Senator HEINZ, ranking Republican on that subcommittee, for their fine work on the Market Reform Act. This is a sound piece of legislation. I strongly urge its enactment.

Mr. DODD. Mr. President, I rise in support of S. 648, the Market Reform Act of 1990. This is legislation designed to strengthen regulatory oversight of the U.S. securities markets, improve supervision of financial market participants, and improve the safety and efficiency of the capital formation mechanisms in this country.

S. 648 was developed after extensive hearings following the October 1987 market break. The bill addresses certain regulatory weaknesses revealed by that event and by the numerous studies that followed. This legislation has the strong support of the Banking Committee, as well as Treasury Secretary Brady and SEC Chairman Breeden. It is absolutely critical that we pass this legislation to give the SEC the tools it needs to protect investors and maintain the integrity of the U.S. capital markets.

Let me begin by thanking my friend and ranking minority member of the subcommittee, JOHN HEINZ, for joining with me in sponsoring the bill in March of last year and for working as a partner with me over the past year as we further developed the legislation.

I also want to thank Chairman RIEGLE for his strong support of our efforts in this area. Chairman RIEGLE held extensive hearings on market reform initiatives following the October 1987 market break, and much of his good work is reflected in the bill.

We all agree that our securities markets are a vital national asset. They have long been considered the strongest, fairest, and most liquid markets in the world. Our markets are strong because, for many decades, investors have had confidence in them. Congress has a responsibility to ensure that that confidence is maintained, and to ensure the continued vitality of the Nation's capital formation mechanisms.

As we noted in the committee's report on the legislation, there have been major changes in the U.S. capital markets during the decade of the 1980's. The volume of trading on the securities exchanges and in the over-the-counter market has grown dramatically. New financial products, such as stock index futures, have linked the securities and commodity futures markets. Advances in communications technology, together with the growth of institutional investors, has resulted in significant changes in trading activity and trading strategies. With huge pools of cash and the use of computer-driven automated trading strategies, institutions can rapidly trade millions of shares of stock and thousands of futures contracts in seconds. The markets of 1990 bear little resemblance to the markets of only a decade ago.

There also has been a restructuring of the securities industry itself. The largest broker-dealers are now part of holding company systems, with unregulated affiliates conducting billions of dollars of potentially high-risk financial activities outside of the supervision of the SEC or other financial regulators. The interdependence of securities firms, banks, and other major participants in the financial markets has linked the securities clearance and settlement systems to the financial payments systems, creating the potential for a ripple-effect systemic crisis triggered by the failure of a single large participant.

The October 1987 market break revealed that this new environment presents serious threats to the Nation's securities markets. The more than 500-point drop in the Dow Jones industrial average on October 19, 1987, was the largest single-day market decline in the Nation's history. This price movement was accompanied by an extraordinary surge in trading volume and price volatility, as well as extreme order imbalances. Market mechanisms were overwhelmed and, in some cases, failed. Individual investors found it difficult, and in some cases impossible, to communicate with their brokers.

As numerous reports on the October events have noted, the convergence of many factors caused substantial uncertainty, drove down prices, depleted much of the available liquidity in the markets, and generated unprecedented volatility. The dramatic increase in the number of stock transactions contributed to clearance and settlement problems near gridlock in the financial payments system.

Following the market break of 1987, a number of important reforms were undertaken by the private markets, as well as by market regulators. Even so, the market turbulence of October 1989, revealed that there continue to be periods of sharp price movements and extreme volatility. On Friday, October 13, 1990, during a period of less than 90 minutes, the Dow Jones industrial average plunged over 190 points. Regulators worked through the weekend to determine potential problems that might occur when the market opened the following Monday. It was clear from the events of last October, just as it had been in October 1987, that the regulators did not have sufficient information to fully assess the risks to the system, nor did they have adequate tools to address potential problems that could have arisen if the market's decline had been more severe.

The Market Reform Act provides the SEC with important, new authority to address a number of weaknesses in our current system of market regulation. First, it clarifies and broadens the SEC's authority to take appropriate actions to ensure fair and orderly markets during periods of market stress. Second, it enhances the SEC's ability to obtain information necessary to monitor the activities and assess the impact of large traders and to detect manipulative or other illegal trading activity. Third, the act enhances the SEC's ability to identify and evaluate risks to the financial integrity of broker-dealers within holding company systems. A fourth major objective of the act is to strengthen the coordination of clearance and settlement systems for stocks, options, and futures, and thereby reduce threats to the financial system as a whole. Finally, the act promotes greater coordination among market regulators by requiring periodic reporting by financial regulators on a range of issues affecting the Nation's securities markets and investors.

Mr. President, the committee's report on the legislation discusses these provisions extensively, and I therefore will not discuss them in greater detail.

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Let me close by saying that this bill represents a major step in giving our market regulators the tools they need to ensure the continued integrity of our capital markets. In hearings and in communications with the committee subsequent to our vote on this legislation, Secretary Brady, SEC Chairman Breeden, and Federal Reserve Chairman Greenspan have raised further concerns about what they view as weaknesses in our market regulatory system, and the administration has proposed new legislation in this area. The Senate will have ample opportunity to consider those issues in the future, and I intend to be an active participant in that important debate. At this time, however, I believe it is important that we pass this critically important legislation to give the SEC the tools it needs to carry out its important mission of protecting investors and ensuring the continued integrity of the U.S. capital markets.

EXPLANATION OF AMENDMENT TO S. 648

The bill as reported authorizes the SEC to require registered entities to monitor and maintain records on certain affiliated companies. In particular, this requirement applies to affiliates whose business activities are reasonably likely to have a material impact on the financial or operational condition of the registered entity, as determined by the SEC. The Commission may require, by regulation, that summaries of this information be filed with the SEC. Additionally, in certain circumstances, the SEC may also require a specific registered entity to make reports to it concerning the financial and securities activities of such affiliates.

As reported, the bill would cover affiliated companies that are also regulated by the Federal bank regulatory agencies. Since these companies are already examined by and required to file reports with these bank regulatory agencies, the reported bill might impose duplicative and unnecessary reporting requirements on these institutions. This amendment addresses this concern by specifying that, with respect to federally regulated financial institutions, the SEC is to utilize reports filed with the Federal banking agencies unless the Commission makes a specific finding that supplementary information is needed, and the Federal banking agency does not expand its reporting requirement to include such information.

Under this amendment, the SEC is also required to consult with the appropriate Federal banking agency before making a request for additional reports on the condition or activities of a specific affiliate. These consultations are to determine if the information is available from the banking agency. When exigent circumstances exist, the SEC could require such additional specific reports without consulting the Federal banking agencies, so long as the agencies were notified of the problem. The SEC is to consider the comments of the Federal banking agencies when promulgating regulations under this authority.

The amendment also includes provisions to avoid an unnecessary overlapping of supervisors for Government securities brokers and dealers. The Government Securities Act of 1986 gave the Treasury Department rulemaking authority and split general supervisory and regulatory authority among the SEC and financial institution regulators, as appropriate. The Market Reform Act of 1990 extends the Treasury's rulemaking authority to cover the contents of recordkeeping and summary filing made under that act. The act also requires brokers and dealers to send such filings to, and respond to requests for supplementing information, from their normal appropriate regulators. This amendment would delete the requirement that the Treasury Department also receive summary filings and delete provisions giving the Treasury the authority to require additional information. The amendment thereby avoids placing Treasury in a supervisory role with respect to Government securities brokers and dealers, which would be inconsistent with the existing law.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 648), as amended, was passed, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Market Reform Act of 1990".

SEC. 2. EMERGENCY AUTHORITY; TRADING HALTS.

Section 12(k) of the Securities Exchange Act (15 U.S.C. 781(k)) is amended to read as follows:

"(k)(1) If in its opinion the public interest and the protection of investors so require, the Commission may by order—

"(A) summarily to suspend trading in any security (other than an exempted security) for a period not exceeding 10 days, and

"(B) summarily to suspend all trading on any national securities exchange or otherwise, in securities other than exempted securities, for a period not exceeding 90 days.

The action described in subparagraph (B) shall not take effect unless the Commission notifies the President of its decision and the Commission is advised that the President does not disapprove of such decision.

"(2)(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under this title, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities); or

"(ii) to ensure prompt and accurate clearance and settlement of transactions in securities (other than exempted securities).

"(B) An order of the Commission under this paragraph shall continue in effect for the period specified by the Commission and may be extended, except that in no event shall the Commission's action continue in effect for more than 10 business days, including extensions. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

"(3) Upon direction by the President, any order or action by the Commission under paragraph (1)(B) or paragraph (2) shall cease to be effective.

"(4) No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any securities in contravention of an order of the Commission under this subsection unless such order has been stayed, modified, or set aside as provided in paragraph (5), or has ceased to be effective pursuant to paragraph (3).

"(5) An order of the Commission pursuant to this subsection shall be subject to review only as provided in section 25(a) of this title. Review shall be based on an examination of all the information before the Commission at the time of such order. The reviewing court shall not enter a stay, writ of mandamus, or similar relief unless the court finds, after notice and hearing before a panel of the court, that the Commission's action is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(6) For purposes of this subsection, the term 'emergency' means a major market disturbance characterized by, or constituting—

"(A) a substantial threat of sudden and excessive fluctuations of securities prices generally that threaten fair and orderly markets, or

"(B) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of securities.".

SEC. 3. LARGE TRADER REPORTING.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

"(h)(1) For the purpose of monitoring the impact on the securities markets of securities transactions involving a substantial volume or a large fair market value or exercise value, each large trader shall provide such information to the Commission as the Commission may by rule prescribe as necessary or appropriate, identifying such person and all accounts in or through which such large trader effects such transactions.

"(2) Every registered broker or dealer shall make and keep for prescribed periods such records as the Commission by rule prescribes as necessary or appropriate in the

public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, with respect to securities transactions of large traders effected directly or indirectly by or through such registered broker or dealer that equal or exceed the reporting activity level. Such records shall be available for reporting to the Commission, or any self-regulatory organization that the Commission shall designate to receive such reports, on the morning of the day following the day the transactions were effected, and shall be reported to the Commission immediately upon request by the Commission or a self-regulatory organization designated by the Commission. Such records and reports shall be in a format and transmitted in a manner prescribed by the Commission (including, but not limited to, machine readable form).

"(3) The Commission may prescribe rules governing the manner in which transactions and accounts shall be aggregated for the purpose of this subsection.

"(4) All records required to be made and kept by registered brokers and dealers pursuant to this subsection with respect to transactions effected by large traders are subject at any time, or from time to time, to such reasonable, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(5) In exercising its authority under this subsection, the Commission shall take into account—

"(A) existing reporting systems;

"(B) the costs associated with maintaining information with respect to transactions effected by large traders and reporting such information to the Commission or self-regulatory organizations; and

"(C) the relationship between the United States and international securities markets.

"(6) The Commission by rule or order, may exempt any person or classes of persons or any transaction or classes of transactions, either conditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection, and the rules thereunder.

"(7) Notwithstanding the provisions of any law, the Commission shall not be compelled to disclose any information required to be kept or reported under this subsection. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This subsection shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.

"(8) For purposes of this subsection—

"(A) the term 'large trader' means every person who, for his own account or an account for which he exercises investment discretion, effects transactions for the purchase or sale of any publicly traded security by use of any means or instrumentality of interstate commerce or of the mails, or of any facility of a national securities exchange, directly or indirectly by or through a registered broker or dealer during any 24-hour period in an aggregate amount equal to or in excess of the identifying activity level;

"(B) the term 'publicly traded security' means any equity security (including an option on individual equity securities, and an option on a group or index of such securities) listed, or admitted to unlisted trading privileges, on a national securities exchange, or quoted in an automated interdealer quotation system;

"(C) the term 'identifying activity level' means transactions in any publicly traded security at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission by rule;

"(D) the term 'reporting activity level' means transactions in any publicly traded security at or above a level of volume, fair market value, or exercise value as shall be fixed from time to time by the Commission by rule or order; and

"(E) the term 'person' includes, in addition to the definition given such term under section 3(a)(9), two or more persons acting as a partnership, limited partnership, syndicate, or other group, but shall not include a foreign central bank.".

SEC. 4. RISK ASSESSMENT FOR HOLDING COMPANY SYSTEMS.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

"(h)(1) Every person who is (A) a registered broker or dealer, or (B) a registered municipal securities dealer for which the Commission is the appropriate regulatory agency, shall obtain such information and make and keep such records as the Commission, by rule, prescribes concerning such registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of such registered person's associated persons, other than a natural person. Such records shall describe in the aggregate each of the financial and securities activities conducted by, and the customary sources of capital and funding of such registered person's associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its net capital, its liquidity, or its ability to conduct or finance its operations. The Commission, by rule, may require summary reports of such information to be filed with the Commission no more frequently than quarterly.

"(2) If, as a result of adverse market conditions or based on reports provided to the Commission pursuant to paragraph (1) of this subsection or other available information, the Commission reasonably concludes that it has concerns regarding the financial or operational condition of (A) any registered broker or dealer, or (B) registered municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, the Commission may require such registered person to make reports concerning the financial and securities activities of any of such registered person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The Commission, in requiring reports pursuant to this paragraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the Commission or to a self-regulatory organization with primary responsibility for examining such registered person's financial and operational condition.

"(3)(A) In developing and implementing reporting requirements pursuant to paragraph (1) of this subsection with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(B) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to paragraph (1) of this subsection concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to paragraph (1), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(C) Prior to making a request pursuant to paragraph (2) of this subsection for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(i) notify such agency of the information required with respect to such associated person; and

"(ii) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(D) Nothing in this subsection shall be construed to permit the Commission to require any broker or dealer, or any municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

"(4) The Commission, by rule or order, may exempt any person or classes of persons under such terms and conditions and for such periods as the Commission shall provide, from the provisions of this subsection and the rules thereunder. In granting such exemptions, the Commission shall consider, among other factors—

"(A) whether information of the type required under this subsection is available

from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(B) the primary business of any associated person;

"(C) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(D) the nature and extent of the registered person's securities activities; and

"(E) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(5) Notwithstanding the provisions of any law, the Commission shall not be compelled to disclose any information required to be reported under this subsection, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered broker, dealer, government securities broker, government securities dealer, or municipal securities dealer. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This subsection shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.".

(b) CONFORMING AMENDMENT.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended—

"(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) Every person who is registered as a government securities broker or government securities dealer under this section shall obtain such information and make and keep such records as the Secretary, by rule, prescribes concerning such registered person's policies, procedures, or systems for monitoring and controlling financial and operational risks to it resulting from the activities of any of such registered person's associated persons, other than a natural person. Such records shall describe, in the aggregate, each of the financial and securities activities conducted by, and customary sources of capital and funding of such registered person's associated persons whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person, including its capital, its liquidity, or its ability to conduct or finance its operations. The Secretary, by rule, may require summary reports of such information to be filed with the registered person's appropriate regulatory agency no more frequently than quarterly.

"(B) If, as a result of adverse market conditions or based on reports provided pursuant to subparagraph (A) of this paragraph or other available information, the appropriate regulatory agency reasonably concludes that it has concerns regarding the financial or operational condition of any government securities broker or government securities dealer registered under this section, such agency may require such registered person to make reports concerning the financial and securities activities of any of such registered person's associated persons, other than a natural person, whose business activities are reasonably likely to have a material impact on the financial or operational condition of such registered person. The Secretary or the appropriate regulatory agency, in requiring reports pursuant to this subparagraph, shall specify the information required, the period for which it is required, the time and date on which the information must be furnished, and whether the information is to be furnished directly to the appropriate regulatory agency or to a self-regulatory organization with primary responsibility for examining such registered person's financial and operational condition.

"(C)(i) In developing and implementing reporting requirements pursuant to subparagraph (A) of this paragraph with respect to associated persons subject to examination by or reporting requirements of a Federal banking agency, the Commission shall consult with and consider the views of each such Federal banking agency.

"(ii) A registered broker, dealer, or municipal securities dealer shall be in compliance with any recordkeeping or reporting requirement adopted pursuant to subparagraph (A) of this paragraph concerning an associated person that is subject to examination by or reporting requirements of an appropriate Federal banking agency if such broker, dealer, or municipal securities dealer utilizes for such recordkeeping or reporting requirement copies of reports filed by the associated person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 8 of the Bank Holding Company Act of 1956. The Commission may, however, by rule adopted pursuant to subparagraph (A), require any broker, dealer, or municipal securities dealer filing such reports with the Commission to obtain, maintain, or report supplemental information if the Commission makes an explicit finding that such supplemental information is necessary to inform the Commission regarding potential risks to such broker, dealer, or municipal securities dealer. Prior to requiring any such supplemental information, the Commission shall first request the appropriate Federal banking agency to expand its reporting requirements to include such information.

"(iii) Prior to making a request pursuant to subparagraph (B) of this paragraph for information with respect to an associated person that is subject to examination by or reporting requirements of a Federal banking agency, the Commission shall—

"(I) notify such agency of the information required with respect to such associated person; and

"(II) consult with such agency to determine whether the information required is available from such agency and for other purposes, unless the Commission determines that any delay resulting from such consultation would be inconsistent with ensuring the financial and operational condition of the broker, dealer, or municipal securities dealer, government securities broker, or government securities dealer or the stability or integrity of the securities markets.

"(iv) Nothing in this paragraph shall be construed to permit the Commission to require any broker or dealer, or any municipal securities dealer, government securities broker, or government securities dealer for which the Commission is the appropriate regulatory agency, to obtain, maintain, or furnish any examination report of any Federal banking agency or any supervisory recommendations or analysis contained therein.

"(D) The Secretary, by rule or order, may exempt any person or classes of persons, under such terms and conditions and for such periods as the Secretary shall provide, from the provisions of this paragraph and the rules thereunder. In granting such exemptions, the Secretary shall consider, among other factors—

"(i) whether information of the type required under this subsection is available from a supervisory agency (as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401(6))), a State insurance commission or similar State agency, the Commodity Futures Trading Commission, or a similar foreign regulator;

"(ii) the primary business of any associated person;

"(iii) the nature and extent of domestic or foreign regulation of the associated person's activities;

"(iv) the nature and extent of the registered person's securities transactions; and

"(v) with respect to the registered person and its associated persons, on a consolidated basis, the amount and proportion of assets devoted to, and revenues derived from, activities in the United States securities markets.

"(E) In exercising authority pursuant to paragraph (2)(A) concerning information with respect to associated persons of government securities brokers and government securities dealers who are also associated persons of registered brokers or dealers reporting to the Commission pursuant to section 17(h) of this title, the requirements relating to such associated persons shall conform, to the greatest extent practicable, to the requirements of section 17(h).

"(F) Notwithstanding the provisions of any law, the Secretary and any appropriate regulatory agency shall not be compelled to disclose any information required to be reported under this paragraph, or any information supplied to the Secretary or any appropriate regulatory agency by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a registered government securities broker or a government securities dealer. Nothing in this paragraph shall authorize the Secretary or any appropriate regulatory agency to withhold information from Congress, or prevent the Secretary or any appropriate regulatory agency from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action commenced by the United States or the Commission. This paragraph shall be considered a statute described in section 552(b)(3)(B) of title 5, United States Code.".

SEC. 5. COORDINATED CLEARING.

(a) AUTHORITY TO FACILITATE COORDINATED CLEARING MECHANISMS.—Section 17A(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1(a)(2)) is amended to read as follows:

"(2)(A) The Commission is directed, therefore, having due regard to the public inter-

est, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority under this title—

"(i) to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempt securities); and

"(ii) to facilitate the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options;

in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection.

"(B) The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing agencies and registered transfer agents. In carrying out its responsibilities set forth in subparagraph (A)(ii) of this paragraph, the Commission shall consult with the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System.".

(b) TRANSFER AND PLEDGE OF SECURITIES.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1) is amended by adding at the end the following:

"(f)(1) Notwithstanding any provision of State law, the Commission is authorized to adopt rules concerning the transfer of certificated or uncertificated securities (other than government securities issued pursuant to chapter 31 of title 31, United States Code, or securities otherwise processed within a book-entry system operated by the Federal Reserve Banks) or limited interests (including security interests) therein, and rights and obligations of purchasers, sellers, investors, financial intermediaries, and lenders to such transfers, and the rights of third parties whose interests in such securities devolve from such transfers, if the Commission finds—

"(A) that such rule is necessary or appropriate for the protection of investors or in the public interest and is reasonably designed to promote the prompt, accurate, and safe clearance and settlement of securities transactions;

"(B) that in the absence of a uniform rule, the safe and efficient operation of the national system for clearance and settlement of securities transactions will be or is substantially impeded; and

"(C) that to the extent such rule will impair or diminish directly or indirectly rights of investors under State law concerning transfers of securities (or limited interests therein), that the benefits of such rule exceed the detriment to investors.

In making such determinations, the Commission shall give consideration to the recommendations of the Advisory Committee established under paragraph (2), and it shall consult with and consider the views of the Secretary of the Treasury and the Board of Governors of the Federal Reserve System. If the Secretary of the Treasury shall object, in writing, to the Commission's findings with respect to the factors set forth in subparagraphs (A), (B), or (C) of this paragraph, the Commission shall consider all feasible alternatives to the proposed rule, and it shall not adopt any such rule unless the Commission shall make an explicit determination that the rule is the most practicable method for achieving safe and efficient operation of the national clearance and settlement system.

"(2)(A) Within 90 days after the effective date of this section, the Commission shall (and at such times thereafter as the Commission may determine, the Commission may), after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.). The Advisory Committee shall be directed to consider and report to the Commission on such matters as the Commission, after consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, determines, including the areas, if any, where State commercial laws and related Federal laws concerning the transfer of certificated or uncertificated securities, limited interests (including security interests) in such securities, or the creation or perfection of security interests in such securities do not provide the necessary certainty, uniformity, and clarity for purchasers, sellers, investors, financial intermediaries, and lenders concerning their respective rights and obligations.

"(B) The Advisory Committee shall consist of 15 members, of which the Commission shall designate 11 in accordance with the Federal Advisory Committee Act. The Board of Governors of the Federal Reserve System and the Secretary of the Treasury each shall be authorized to designate 2 such members of the Advisory Committee.

"(C) The Advisory Committee shall conduct its activities in accordance with the Federal Advisory Committee Act. Within 6 months of its designation or such longer time as the Commission may designate, the Advisory Committee shall issue a report to the Commission, and shall cause copies of that report to be delivered to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System.".

(c) COORDINATED FACILITIES FOR CLEARANCE AND SETTLEMENT OF CERTAIN CONTRACTS AND OPTIONS.—The Commodity Exchange Act is amended by inserting after section 5b (7 U.S.C. 7b) the following new section:

"SEC. 5c. COORDINATED FACILITIES FOR CLEARANCE AND SETTLEMENT OF CERTAIN CONTRACTS AND OPTIONS.

"(a) IN GENERAL.—With due regard for the public interest and maintenance of fair competition among contract markets, commodities and futures clearing organizations, members thereof, and futures commission merchants, the Commission shall facilitate the establishment of linked or coordinated facilities for clearance and settlement of contracts of sale for future delivery and options thereon, commodity options, securities, and securities options.

"(b) CONSULTATION.—In carrying out its responsibilities under this section, the Commission shall consult with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System.".

SEC. 6. REPORTS TO CONGRESS.

(a) FACILITIES FOR CLEARANCE AND SETTLEMENT.—The Securities and Exchange Commission and the Commodity Futures Trading Commission, in consultation with the Board of Governors of the Federal Reserve System, shall examine progress toward establishing linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, and commodity options, and shall submit to Congress, not later than 1 year from the date of enactment of this Act, a report detailing and evaluating such progress.

(b) COORDINATED MECHANISMS AND MARGIN LEVELS.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodities Futures Trading Commission, shall report to the Congress not later than May 31, 1990 and annually thereafter until May 31, 1995, on the following:

(1) The efforts such individuals have made relating to the coordination of regulatory activities to ensure the integrity and competitiveness of United States financial markets;

(2) The efforts such individuals have made to formulate coordinated mechanisms across marketplaces to protect the payments and market systems during market emergencies;

(3) The views of such individuals with respect to the adequacy of margin levels and use of leverage by market participants; and

(4) Such other issues and concerns relating to the soundness, stability, and integrity of domestic and international capital markets as may be appropriate.

(c) SEC AUTHORITY OVER MARKET MANIPULATION.—Not later than 90 days after the date of enactment of this Act, the Securities and Exchange Commission shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Energy and Commerce of the House of Representatives regarding whether the Commission has sufficient statutory authority to prohibit practices in the purchase and sale of securities to protect against market manipulation or fraud through program trading, including any practices or activities that are inconsistent with the statutory mission of the Commission to protect investors. If the Commission concludes that it lacks such authority, the Commission shall include in its report recommendations for legislative action to confer such authority.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "A bill to amend the Securities Exchange Act of 1934 to strengthen regulatory oversight of the United States securities markets, improve supervision of financial market participants, and improve the safety and efficiency of market mechanisms, and for other purposes.".

NATIONAL ENERGY POLICY ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 680, S. 324, the global warming bill; that the committee substitute be agreed to as amended by the following amendments now at the desk, and offered by the following Senators: PELL, GORE, and HATFIELD, LIEBERMAN, DOMENICI, JOHNSTON, and MCCLURE; that statements by Senators JOHNSTON, MCCLURE, PELL, WIRTH, Do-

MENICI, PELL, LIEBERMAN, and GORE appear at the appropriate place in the RECORD as though read; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table; and that title amendment be agreed to.

The Senate considered the bill (S. 324) to establish a national policy to reduce global warming, and for other purposes, which has been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.—This Act, together with the following table of contents, may be cited as the "National Energy Policy Act of 1990".

SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short title.
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Sec. 207. Energy efficiency information.
Sec. 208. Compact fluorescent lamps in Federal facilities.
Sec. 209. Demonstration.
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TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES
Subtitle A—General
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Sec. 302. Management plan.
Sec. 303. Joint ventures.
Subtitle B—Engine and Vehicle Fuel Research
Sec. 311. Vehicle engine fuel research.
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Sec. 313. Natural gas cofiring research, development and demonstration.
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Sec. 321. Short title.
Sec. 322. Purpose and definition.
Sec. 323. Comprehensive management plan.
Sec. 324. Research and development.
Sec. 325. Demonstrations.
Sec. 326. Technology Transfer Program.
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Sec. 341. Coal Program Goals.
Sec. 342. Non Fuel Use of Coal.
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Subtitle F—Natural Gas and Other Alternative Fuels
Sec. 351. Mass Transit Program.
Sec. 352. Natural Gas and Other Alternative Fuel Use in Fleet Vehicles.
Sec. 353. Training Program.
Sec. 354. Vehicle Research, Development and Demonstration Program.
Sec. 355. Natural Gas Recovery Research, Development and Demonstration Program.
Sec. 356. Natural gas and electric heating and cooling technologies.
Sec. 357. Vehicle and Battery Research, Development, and Demonstration Program.
Sec. 358. Definitions.
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Sec. 361. Program.
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Sec. 374. Identification of nonattainment areas.
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Sec. 376. Selection of manufacturers.
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Sec. 379. Authorizations.
Subtitle I—Advanced Nuclear Reactor Study
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Sec. 391. Program.
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TITLE IV—MISCELLANEOUS
Subtitle A—Methane Assessment
Sec. 401. Objective.
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Sec. 403. International studies.
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Sec. 411. Duties of CORECT.
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Sec. 414. Comprehensive energy technology evaluation.
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Subtitle C—Fuel Cycle Costs Analysis
Sec. 421. Program.
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TITLE V—NATURAL RESOURCE POLICY
Sec. 501. Ecological and environmental resource study.
Sec. 502. National forestation initiative.
Sec. 503. Urban forestry and energy savings.

SEC. 3. FINDINGS.—The Congress finds that—

(1) scientific evidence indicates that the atmosphere of the Earth is being affected by the generation from natural and manmade sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere may result in global changes in climate, with potentially significant economic, social and environmental implications for humankind, including effects on agricultural production, water supplies, wetlands, weather, and human health and welfare;

(3) a scientific understanding of the causes and economic effects of global climate change is necessary to formulate effective policies;

(4) the formulation of domestic and international energy and natural resource policies may be necessary in order to reduce the generation of carbon dioxide and other greenhouse gases and mitigate or adapt to potential adverse consequences of human-induced global climate change;

(5) the formulation of such policies by the Government will include an effort involving the private sector and the laboratories of the Department of Energy; and

(6) the United States should pursue a framework convention on global climate change by the year 1992 through the Intergovernmental Panel on Climate Change (IPCC) of the United Nations Environmental Program and the World Meteorological Organization.

SEC. 4. PURPOSES.—The overall purpose of this Act is to establish a national energy policy that will fully consider the contribution of energy use to potential changes in global climate and will include cost-effective strategies to lessen the generation of energy-related greenhouse gases consistent with the achievement of other domestic energy, economic, social, and environmental goals. The specific purposes of the Act are to—

(1) improve scientific understanding of the natural and manmade sources of greenhouse gases and their relative contributions to global climate change;

(2) evaluate the environmental, social, and economic consequences of global climate change;

(3) evaluate the environmental, social, and economic consequences of domestic and international policies for mitigating or adapting to global climate change;

(4) identify the actions required to mitigate current trends in atmospheric concentrations of greenhouse gases and analyze their relative cost-effectiveness;

(5) identify the actions necessary to mitigate or adapt to adverse consequences of global climate change;

(6) identify and evaluate the domestic policies required to mitigate or adapt to the possible adverse social and economic consequences of a reduction or stabilization in the generation of greenhouse gases;

(7) encourage the formulation of effective domestic and international energy and natural resource policies that will mitigate adverse consequences of human-induced global climate change;

(8) foster the development of technologies that will advance the goals and purposes of the Act and the transfer of such technologies to lesser-developed countries; and

(9) establish programs within the Department of Energy for the achievement of these purposes.

SEC. 5. GOALS.—(a) The goals of this Act are to—

(1) foster the identification of an appropriate mix of policies referred to in subsection (b) that have the potential, if fully implemented, to stabilize the generation of

carbon dioxide and other greenhouse gases in the United States;

(2) assess the feasibility of further limiting, or reducing, the generation of carbon dioxide and other greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;

(3) investigate the feasibility and economic, energy, social, and environmental implications of achieving a 20 per centum reduction in the generation of carbon dioxide by the year 2005 as recommended by the 1988 Toronto Scientific World Conference on the Changing Atmosphere;

(4) investigate the feasibility and economic, energy, social, and environmental implications of stabilizing carbon dioxide emissions by the year 2005; and

(5) evaluate the potential social, economic, energy, and environmental implications of implementing the policies mentioned in paragraphs (1), (2), (3), and (4) in order to enable the United States to comply with any obligations under an international global climate change framework convention or agreement.

(b) Policies to be considered in section 5(a) for the stabilization or reduction in the generation of carbon dioxide and other greenhouse gases include, but are not limited to, policies that—

(1) implement standards for more efficient use of fossil fuels;

(2) increase the energy efficiency of existing technologies;

(3) encourage technologies, including clean coal technologies, that generate lower levels of carbon dioxide and other greenhouse gases;

(4) promote the use of renewable energy resources, including solar, geothermal, sustainable biomass, hydropower, and wind energy;

(5) affect the development and consumption of energy and energy efficiency resources and electricity through tax policy;

(6) encourage investment in energy efficient equipment and technology;

(7) encourage the development of energy technologies, such as advanced nuclear fission and nuclear fusion, that produce energy without carbon dioxide and other greenhouse gases as a byproduct, and encourage the deployment of nuclear electric generating capacity; and

(8) encourage afforestation and reforestation.

(c) The reduction of the generation of chlorofluorocarbons shall be in accordance with the provisions of the Montreal Protocol, unless subsequent Federal legislation is enacted establishing new guidelines for the reduction or elimination of the use of chlorofluorocarbons.

(d) In order to promote international cooperation in addressing potential global climate change, it is the goal of the United States to establish by 1992, an international framework convention on global climate change through the activities of the Intergovernmental Panel on Climate Change of the United Nations International Environmental Program and the World Meteorological Organization and secure the commitment of the community of nations to such convention.

SEC. 6. DEFINITIONS.—For the purposes of this Act, the term—

(1) "Department" means the Department of Energy;

(2) "energy efficiency resource" means energy saved through improvements in the efficiency of energy production, transportation, or utilization;

(3) "energy resources" includes, but is not limited to, supplies of natural gas, crude oil and petroleum products, coal, nuclear energy, and renewable energy;

(4) "global climate change" means changes in the climate of the Earth that result from increases in the atmospheric concentrations of greenhouse gases;

(5) "greenhouse gases" means carbon dioxide and other gases such as chlorofluorocarbons, methane, ozone, and nitrous oxides that contribute to global climate change;

(6) "lesser-developed countries" shall include, but not be limited to, Eastern Europe and the Soviet Union; and

(7) "Secretary" means the Secretary of Energy.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A—National Energy Strategy

SEC. 101. LEAST-COST ENERGY STRATEGY.—(a)(1) The first National Energy Policy Plan (the "Plan") under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) prepared and submitted by the President to Congress after the date of the enactment of this Act, and each subsequent such Plan, shall include a least-cost energy strategy prepared by the Secretary.

(2) The Secretary need not prepare and submit a least-cost energy strategy with the National Energy Plan scheduled to be submitted in April of 1991.

(b)(1) The least-cost energy strategy shall identify Federal priorities for the encouragement of the use of energy and energy efficiency resources. In developing the least-cost energy strategy, the Secretary shall take into consideration the economic, energy, social, and environmental consequences of his choices. Such strategy shall be designed to achieve to the maximum extent practicable and at least-cost to the Nation—

(A) the energy production, utilization, and conservation objectives of the Plan; and

(B) the stabilization and eventual reductions in the generation of carbon dioxide and other greenhouse gases mentioned in section 5(a).

(2) The least-cost energy strategy shall include—

(A) a comprehensive inventory of available energy and energy efficiency resources and their projected costs, taking into account all costs of production, transportation, and utilization of such resources, including—

(i) coal, clean coal technologies, coal seam methane, and underground coal gasification;

(ii) energy efficiency, including existing technologies for increased efficiency in production, transportation, and utilization of energy, and other technologies that are anticipated to be available through further research and development; and

(iii) other energy resources, such as renewable energy, solar energy, nuclear fission, fusion, geothermal, biomass, fuel cells, and hydropower;

(B) a proposed two-year program for assuring adequate supplies of energy and energy efficiency resources under paragraph (1), and an identification of actions that can be undertaken within existing Federal authority; and

(C) recommendations for any new Federal authority needed to achieve the purposes of this Act.

(c)(1) The relative costs of energy and energy efficiency resources under this section shall be determined based upon a comparison of the estimated system costs of other similarly reliable and available resources.

(2) System costs under paragraph (1) are all direct and quantifiable net costs for the resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

(3) When comparing an energy efficiency resource to an energy resource, a higher priority shall be assigned to the energy efficiency resource whenever its estimated system cost is equal to the estimated system cost of the energy resource.

SEC. 102. CONFORMING AMENDMENTS.—(a) Section 801 of Public Law 95-91 is amended in subsection (c)(1) by inserting "cost estimates," after "whatever data and analysis are necessary to support the".

(b) Title III of the Energy Security Act (42 U.S.C. 7361, et seq.) is hereby repealed.

Subtitle B—Director of Climate Protection

SEC. 111. APPOINTMENT.—(a) Within six months after the date of the enactment of this Act, the Secretary shall appoint within the Department, a Director of Climate Protection (the "Director"). The Director shall:

(1) in the absence of the Secretary, serve as his representative for interagency and multilateral policy discussions of global climate change;

(2) monitor domestic and international policies for their effects on the generation of carbon dioxide and other greenhouse gases; and

(3) have the authority to participate in the planning activities in relevant Departmental programs.

(b) Beginning eighteen months after the date of the enactment of this Act, and annually thereafter, the Director shall participate in the formulation of the least-cost energy strategy under section 101, research and development priorities under section 301, and the management plan under section 302.

Subtitle C—National Academies of Science and Engineering

SEC. 121. REVIEW.—(a) Within ninety days after his appointment under section 111, the Director, in consultation with the Office of Science and Technology Policy (the "Office"), shall seek to enter into an agreement with the National Research Council to use the services of the National Academy of Sciences and the National Academy of Engineering (the "Academies") to conduct an ongoing review of current knowledge regarding—

(1) trends in the atmospheric concentrations of greenhouse gases, including current capabilities to model such trends with sufficient reliability to support international, domestic, and regional policy formulation;

(2) the causes of global climate change and the relative contribution of various sources of greenhouse gases including, but not limited to, fossil fuel production and use, forest management practices, agricultural practices, and other sources;

(3) the climatic, physical, economic, social and environmental consequences of current trends in atmospheric concentration of greenhouse gases;

(4) actions that might be taken to mitigate or adapt to possible adverse economic, social, and environmental consequences of global climate change and the relative cost-effectiveness of these actions;

(5) the generation and disposition of greenhouse gases into the environment including the relative contribution of the oceans, clouds, and biosphere; and

(6) current knowledge on the relationship between those policies that mitigate or abate stratospheric ozone depletion and those policies that mitigate or abate global climate change.

(b) In conducting such review, the Academies are encouraged to consult with international scientific and technical entities to determine where there is a consensus in current knowledge with respect to paragraphs (a)(1) through (6).

(c) The Secretary, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Transportation, the Secretary of Agriculture, the Administration of the Environmental Protection Agency, and the Director of the National Science Foundation shall, upon request, furnish to the Office and the National Research Council any information that such Office or Council determines to be necessary for purposes of conducting the review required under subsection (a).

SEC. 122. REPORT TO THE CONGRESS.—(a) Within one year after the date of the enactment of this section and periodically thereafter the Academies shall submit a report containing the findings and recommendations resulting from the review conducted under section 121 to the Office and the Congress. The findings and recommendations contained in such report shall not be subject to any prior clearance or review, nor shall any prior clearance conditions be imposed on the National Research Council, as part of the agreement made by the Office.

(b) Within six months after the transmission of such report to the Congress, the President shall transmit to the Congress his assessment of the findings and recommendations in the report pursuant to subsection (a) and any recommendations therein.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A—Energy Efficiency

SEC. 201 REPORT.—The Secretary, in consultation with the Council of Economic Advisors, shall submit to the Congress within one year after the date of the enactment of this subtitle, and every three years thereafter through the year 2003, a report evaluating energy efficiency policy options that would be necessary to produce decreases of one, two, three, and four per centum per year in overall United States, energy use per unit of GNP through the year 2005. These policy options shall be ranked according to their cost-effectiveness and feasibility of implementation.

SEC. 202. ENERGY-INTENSIVE INDUSTRIES.—(a) The Secretary, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other laws applicable to the Secretary, shall—

(1) pursue a research and development program intended to improve energy efficiency and productivity in energy-intensive industries and industrial processes; and

(2) undertake joint ventures to encourage commercialization of technologies developed under paragraph (1).

(b)(1) The Secretary shall—

(A) conduct a competitive solicitation for proposals from specialized private firms and investors for such joint ventures under subsection (a)(2); and

(B) provide financial assistance to at least five such joint ventures.

(2) The purpose of the joint ventures shall be to design, test and demonstrate changes to industrial processes that will result in improved energy efficiency and productivity. The joint ventures may also demonstrate other improvements of benefit to such industries so long as demonstration of energy efficiency improvements is the principal objective of this joint venture.

(3) In evaluating proposals for financial assistance and joint ventures under this section, the Secretary shall consider—

(A) whether the research and development efforts under this section (i) improve the quality and efficiency of industrial processes, and (ii) reduce the generation of carbon dioxide and other greenhouse gases into the atmosphere; and

(B) the regional distribution of energy-intensive industries and whether the joint-venture projects are located in the region in which the energy-intensive industries are located.

(c) There is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

SEC. 203. FEDERAL ENERGY MANAGEMENT AMENDMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (NECPA) (42 U.S.C. 8251 et seq.), as amended, is further amended as follows:

(a) In section 543:

(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 per centum of the projects on the list or projects on the list that would account for 25 per centum of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within ninety days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(3) In subsection (b):

(A) after the words "subsection (a)," insert the following:

"The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in thereof "National Energy Policy Act of 1990, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following; "and such plan shall include steps to take maximium advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph:

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) and "(5)"

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in Section 544, and".

(b) in section 544:

(1) Strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after word "each", in paragraph (b)(2) and insert in lieu thereof: "agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.".

(c) In section 545, add after the word "measures" the following: "as needed to meet the requirements of section 543.".

(d) in section 546, strike the text of subsection "(b)" and insert in lieu thereof the following:

"IMPLEMENTATION.—To facilitate the financing of energy conservation energy measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). The Secretary, in consultation with the Secretary of Defense and the Administrator of the General Services Administration, within six months after the date of the enactment of

the National Energy Policy Act of 1990, shall develop appropriate procedures and methods for use by Federal agencies to select energy service contractors that will achieve the intent of this section in a cost-effective manner. Notwithstanding any other procurement laws and regulations, such procedures and methods shall apply to the selection of energy service contractors by each Federal agency.".

(e) In section 548:

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following:

"In addition to the plan required to be submitted to the Secretary pursuant to Section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 204. FUEL CELLS.—Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

SEC. 205. REPEAL OF PROHIBITIONS ON SUPPLY AND INSTALLATION OF RESIDENTIAL ENERGY CONSERVATION MEASURES BY UTILITIES.—Section 216 of the National Energy Conservation Policy Act (42 U.S.C. 8217) is repealed and subsequent sections are renumbered accordingly.

SEC. 206. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.—(a)(1) The Secretary shall provide financial assistance to support a voluntary, national window rating program to develop energy ratings and labels for windows and window systems. The rating program shall be developed in order to be implemented by December 31, 1992. The rating program shall include specifications and guidelines that will enable all window buyers to make more informed purchasing decisions about the energy efficiency of windows and window systems. The rating program shall also contain information that allows window buyers to assess the energy consumption and potential cost savings of alternative window products.

(2) The rating program shall be administered by the National Fenestration Rating Council. The National Fenestration Rating Council shall periodically report to Congress and the Secretary on the progress being made toward establishing the voluntary, national window rating program.

(b) The Secretary shall monitor and evaluate the efforts of the National Fenestration Rating Council and make determinations whether the voluntary, national window rating system established within the National Fenestration Rating Council is consistent with subsection (a) of this section.

(c)(1) If the objectives of subsection (a) are not met by December 31, 1992, the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, rating procedures under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) for windows and window systems.

(2) The Federal Trade Commission (hereafter in this section, the "Commission") shall prescribe labeling rules under section 324 of said Act (42 U.S.C. 6294) for windows and window systems except to the extent that with respect to any type of window or window system (or class thereof), the Commission determines that labeling in accordance with this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions; and

(3) For purposes of sections 323 and 324 of said Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292).

(d) There are authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 for the purposes of this section.

SEC. 207. ENERGY EFFICIENCY INFORMATION.—(a) Within one year after the date of the enactment of this section, the Administrator of the Energy Information Administration shall report to Congress on the information being collected or otherwise acquired by the Administrator with respect to the efficiency of energy consumption. The report shall estimate future needs for collection of additional information related to energy efficiency and environmental impacts. The report shall also consider the feasibility of—

(1) increasing the frequency of collection of information on the utilization of energy;

(2) including additional energy-using classes and sectors in surveys conducted; and

(3) collecting additional information to assist in the analysis of barriers to improvement in energy efficiency.

(b) The report shall take into account reporting burdens and the protection of proprietary information under law.

(c) The Administrator shall periodically publish measures of energy efficiency in classes, sectors, and regions that consume significant amounts of energy.

SEC. 208. COMPACT FLUORESCENT LAMPS IN FEDERAL FACILITIES.—Not later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the generation of carbon dioxide and sulfur dioxide.

SEC. 209. DEMONSTRATION.—(a) Within one year after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of energy and energy efficiency resource technologies that have received Federal financial assistance for research and development. The technologies shall be those that are ready for commercial demonstration but are not widely commercially available. The Plan shall include—

(1) a listing of those technologies with specific candidate sites for the demonstration;

(2) the energy, environmental, cost savings or other expected benefits;

(3) a timetable for implementation; and

(4) a process for evaluation of the performance of the technologies.

(b) The Plan shall be updated every two years.

SEC. 210. HOME ENERGY EFFICIENCY RATINGS.—(a) Title II of the National Energy Conservation Policy Act is amended by adding a new part 6 as follows:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"SEC. 271. RATINGS.—(a) Within twelve months after the date of the enactment of the National Energy Policy Act of 1990, the Secretary, in consultation with the Secretary of Housing and Urban Development and State governments, shall, by rule, promulgate guidelines for procedures to be implemented by State governments that would enable the assignment of an energy efficiency rating to residential buildings.

"(b) The rule under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings can receive a rating at time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters; and

"(4) ensure that the rating system is designed to facilitate its use by lenders and the secondary mortgage markets to promote energy efficiency.

"(c) For purposes of the rule under subsection (a), supply of energy to any residential building from renewable sources shall not result in a reduction in the energy efficiency rating of such building.

"SEC. 272. TECHNICAL ASSISTANCE.—Within twelve months of the date of the enactment of this section the Secretary shall establish a program to provide technical assistance for State and local governments adopting energy efficiency rating systems or building codes. The program shall utilize the Federal Government's experience in developing Federal building energy performance standards and shall provide compliance methods, educational materials for builders and code officials, and other technical support.

"SEC. 273. AUTHORIZATION.—There are hereby authorized to be appropriated such funds as are necessary to carry out the purposes of this subtitle.".

(b) The National Energy Conservation Policy Act should be further amended by adding in the table of contents at the end of Title II—Residential Energy Conservation, the following items:

"Part 6—Residential Energy Efficiency Ratings

"Sec. 271. Ratings.
"Sec. 272. Technical Assistance.
"Sec. 273. Authorization.".

Subtitle B—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 211. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES AND STUDY OF CERTAIN STATE RATEMAKING POLICIES.—(a) The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117), as amended, is further amended by inserting the following new paragraph at the end of section 111:

"(7) ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES.—

"(A) The rates allowed to be charged by a State-regulated electric utility shall be such that the utility's investments in and expenditures for energy conservation, energy efficiency resources, and other demand side

management measures are as profitable as its investments in and expenditures for the construction of new generation facilities.

"(B) For purposes of implementing the provisions of this paragraph, any reference contained in this title to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of the National Energy Policy Act of 1990.".

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report to the President and to the Congress containing—

(1) a survey of all State laws, regulations, practices, and policies under which State regulatory authorities require or permit rates charged by an electric utility to reflect least-cost planning;

(2) an evaluation by the Secretary of whether, and to what extent, least-cost planning is likely to result in: (A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers, (B) enhanced or reduced reliability of electric service, and (C) increased or decreased dependence on particular energy resources; and

(3) an evaluation by the Secretary of whether, and to what extent, ratemaking methodologies implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) For purposes of this subtitle, the term "least-cost planning" means any standard, regulation, practice, or policy by which a State regulatory agency considers, or requires an electric utility to consider, actions (including, but not limited to, the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand side management measures) taken by a State regulated utility to provide adequate and reliable service to its electric consumers with the incurrence of lowest costs by such utility and its customers.

TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES

Subtitle A—General

SEC. 301. ENERGY RESEARCH AND DEVELOPMENT PRIORITIES.—In establishing research and development priorities, the Secretary shall include consideration of the following criteria:

(a) the potential to reduce generation of carbon dioxide and other greenhouse gases sooner than alternative projects;

(b) the projected cost-effectiveness of the energy or energy efficiency resource to be produced or saved, including an evaluation of the likelihood of the research contributing to the achievement of the purposes of this Act;

(c) the comparative environmental and public health impacts of the energy to be produced or saved by the specific research;

(d) the national security impact of the energy produced or saved, including its projected contribution to the reduction of oil imports and to the diversity of the domestic energy resource mix;

(e) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or maintaining technological leadership in the area of energy and energy efficiency resource technologies, including, but not limited to, solar, fuel cells, fusion, clean-coal technologies, and hydrogen;

(f) the contribution of a given research activity to fundamental scientific knowledge;

(g) the anticipated impact of the results of research activities on special or targeted populations, including low-income or aged persons; and

(h) the contribution to United States competitiveness.

SEC. 302. MANAGEMENT PLAN.—(a) The Secretary, in consultation with the Energy Advisory board to the Secretary, shall prepare a management plan for the conduct of research, development, and commercialization of energy technologies that is consistent with the purposes of this Act and guided by the priorities set forth in section 301.

(b) The management plan under subsection (a) shall contain proposals for—

(1) investigation of promising but unproven energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to the least-cost energy strategy under section 101;

(2) development of contingency energy and energy efficiency resource technologies that have the potential to mimimize adverse impacts on the environment, the global climate, and the economy; and

(3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can make a substantial contribution to reducing the impact on the global climate of the energy resource supply and use patterns of foreign nations.

(c) Within one year after the date of the enactment of this section, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially at the time of submittal of the President's annual budget submission to the Congress.

SEC. 303. JOINT VENTURES.—Joint ventures authorized under this Act shall be conducted pursuant to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218).

Subtitle B—Engine and Vehicle Fuel Research

SEC. 311. VEHICLE ENGINE FUEL RESEARCH.—The Secretary shall establish and carry out a program of research, development, and demonstration on advanced vehicle engine systems (including engine systems that rely on alternative fuels, reformulated gasoline, or advanced, high efficiency materials) that offer the potential to reduce the generation of greenhouse gases and improve the efficiency of energy in transportation uses.

SEC. 312. HIGH EFFICIENCY HEAT ENGINES.—(a) In carrying out a program of research, development, and demonstration on high efficiency heat engines, the Secretary shall emphasize advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and automotive power generation, such as—

(1) advanced combined cycle turbines;

(2) steam-injected gas turbines (STIG); and

(3) intercooled steam-injected gas turbines (ISTIG).

(b) The Secretary may enter into joint ventures with the appropriate parties to construct and demonstrate high efficiency heat engines.

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 313. NATURAL GAS COFIRING RESEARCH, DEVELOPMENT AND DEMONSTRATION.—(a) DEFINITIONS.—For the purposes of this section, the term—

(1) "cofiring" means the injection of natural gas and pulverized coal into the primary combustion zone of an electric utility unit or an industrial boiler and shall include gas reburn technologies; and

(2) "gas reburn" means the injection of natural gas into the upper furnace region of an electric utility unit or an industrial boiler to produce a fuel-rich zone thereby reducing nitrogen oxide emissions.

(b) The Secretary shall conduct a program of research, development and demonstration of cofiring in electric utility units and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(c) The Secretary may provide financial assistance under this section to public entities or interested or affected private firms to perform the research, development and demonstration of cofiring technologies.

(d) The Secretary may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of such programs to perform the research, development and demonstration of confiring technologies.

(e) For purposes of this section, there is authorized to be appropriated to the Secretary not more than $9,000,000 for each of the fiscal years 1992, 1993 and 1994.

Subtitle C—Hydrogen Research

SEC. 321. SHORT TITLE.—This subtitle may be referred to as the "Spark M. Matsunaga Hydrogen Research and Development Act of 1990".

SEC. 322. PURPOSE AND DEFINITION.—(a) The purposes of this subtitle are—

(1) to direct the Secretary to prepare a comprehensive five-year program management plan that will identify and resolve critical technical issues necessary for the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable;

(2) to direct the Secretary to develop a technology assessment and information transfer program among the Federal agencies and aerospace, transportation, energy, and other entities; and

(3) to develop renewable energy resources as a primary source of energy for the production of hydrogen.

(b) As used in this subtitle, the term "critical technology" or "critical technology issue" means a technology or issue that, in the opinion of the Secretary, requires understanding and development in order to take the next needed step in the development of hydrogen as an economic fuel or storage medium.

SEC. 323. COMPREHENSIVE MANAGEMENT PLAN.—(a) The Secretary shall prepare a comprehensive five-year program management plan for research and development activities, which shall be conducted over a period of no less than five years and shall be consistent with the provisions of sections 324 and 325. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Hydrogen Technical Advisory Panel, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. The plan shall be structured to identify and address areas of research critical to the real-

ization of a domestic hydrogen production capability within the shortest time practicable.

(b) Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space, and Technology of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Subsequent plans shall be incorporated in the management plan under section 302. The plan shall include—

(1) a prioritization of research areas critical to the economic use of hydrogen as a fuel and energy storage medium;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the Hydrogen Technical Advisory Panel, also prepare a comprehensive large-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to section 325. Subsequent plans shall be incorporated in the management plan under section 302. Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production and storage demonstration program;

(2) an assessment of the appropriateness of a large-scale demonstration immediately upon completion of the necessary research and development activities;

(3) an implementation schedule with associated budget and program management resource requirements; and

(4) a description of the role of the private sector in carrying out the demonstration program.

SEC. 324. RESEARCH AND DEVELOPMENT.—(a) The Secretary shall conduct a research and development program, consistent with the comprehensive five-year program management plan under section 323, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable consistent with market conditions.

(b)(1) Particular attention shall be given to developing and understanding and resolution of all critical technical issues preventing the introduction of hydrogen into the marketplace.

(2) The Secretary shall initiate research or accelerate existing research in critical technical issues that will contribute to the development of more economic hydrogen production and use, including, but not limited to, critical technical issues with respect to production, liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation).

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this subtitle, solicit proposals for and evaluate any reasonable new or improved technology that could lead or contribute to the development of economic hydrogen production storage and utilization.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section, consistent with section 336.

SEC. 325. DEMONSTRATIONS.—(a) The Secretary shall conduct demonstrations of critical technologies, preferably in self-contained locations, so that technical and non-technical parameters can be evaluated to best determine commercial applicability of the technology.

(b) Concurrently with activities conducted pursuant to section 324, the Secretary shall conduct small-scale demonstrations of hydrogen technology at self-contained sites.

SEC. 326. TECHNOLOGY TRANSFER PROGRAM.—(a) The Secretary shall conduct a program designed to accelerate wider application of hydrogen production, storage, utilization, and other technologies available in near term as a result of aerospace experience as well as other research progress by transferring critical technologies to the private sector. The Secretary shall direct the program with the advice and assistance of the Hydrogen Technical Advisory Panel. The objective in seeking this advice is to increase participation of private industry in the demonstration of near commercial applications through cooperative research and development arrangements, joint ventures or other appropriate arrangements involving the private sector.

(b) The Secretary, in carrying out the program authorized by subsection (a), shall—

(1) undertake an inventory and assessment of hydrogen technologies and their commercial capability to economically produce, store, or utilize hydrogen in aerospace, transportation, electric utilities, petrochemical, chemical, merchant hydrogen, and other industrial sectors; and

(2) develop a National Aeronautics Space Administration, Department of Energy, and industry information exchange programs to improve technology transfer for—

(A) application of aerospace experience by industry;

(B) application of research progress by industry and aerospace;

(C) application of commercial capability of industry by aerospace; and

(D) expression of industrial needs to research organizations.

The information exchange program may consist of workshops, publications, conferences, and a data base for the use by the public and private sectors.

SEC. 327. COORDINATION AND CONSULTATION.—(a) The Secretary shall have overall management responsibility for carrying out programs under this subtitle. In carrying out such programs, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this subtitle, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this subtitle.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the Executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this subtitle.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established under section 328 in carrying out his authorities pursuant to this subtitle.

SEC. 328. TECHNICAL PANEL.—(a) There is hereby established a technical panel, to be known as the Hydrogen Technical Advisory Panel (the "technical panel"), to advise the Secretary on the programs under this subtitle.

(b) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, financial, environmental, and other organizations as the Secretary deems appropriate based on his assessment of the technical and other qualifications of such representatives. Appointments to the technical panel shall be made within ninety days after the enactment of this subtitle. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(c) The heads of the departments, agencies, and instrumentalities of the Executive branch of the Federal Government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(d) The technical panel shall review and make any necessary recommendations to the Secretary on the following items—

(1) the implementation and conduct of programs under this subtitle;

(2) the economic, technological, and environmental consequences of the deployment of hydrogen production and use systems; and

(3) comments on and recommendations for improvements in the comprehensive five year program management plan required under section 323.

(e) The Secretary shall provide such staff, funds and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

SEC. 329. AUTHORIZATIONS.—There is hereby authorized to be appropriated to carry out the purposes of this subtitle (in addition to any amounts made available for such purposes pursuant to other Acts)—

(1) $3,000,000 for the fiscal year beginning October 1, 1992;

(2) $7,000,000 for the fiscal year beginning October 1, 1993; and

(3) $10,000,000 for the fiscal year beginning October 1, 1994.

Subtitle D—Fusion

SEC. 331. PROGRAMS.—(a) The Secretary shall conduct research, development, and demonstration programs to address in a timely fashion questions concerning the de-

velopment of magnetic and inertial confinement fusion for the production of electricity consistent with the purposes of this Act. Such programs shall include by the year 2010—

(1) a demonstration of the achievement of ignition conditions in both magnetic and inertial confinement fusion test facilities; and

(2) a demonstration of the technological feasibility of magnetic and inertial confinement fusion for the production of electricity.

(b) In the event such feasibility is determined for a fusion technology pursuant to subsection (a), the Secretary shall prepare a design for a prototype commercial fusion reactor using such technologies, including associated cost estimates and specifications shall be in sufficient detail to permit bids for construction.

Subtitle E—Coal

SEC. 341. COAL PROGRAM GOALS.—(a) The Secretary shall establish research, development, and demonstration goals to assure the timely development of technologies for the production, transportation, and utilization of coal consistent with this Act.

(b) The Secretary shall establish a research, development, and demonstration program within the Department designed to assure the timely development of cost-effective advanced coal based technologies to be available for widespread commercial use after the year 2010, which are capable of achieving the control of sulfur oxides and oxides of nitrogen at levels of proficiency greater than currently available commercial control technology. The coal technology development program shall also be designed to assure the timely development of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from coal.

(c) The Secretary shall develop the program described herein, for technologies that include, but are not limited to, the following:

(1) advanced integrated gasification combined cycle;

(2) pressurized fluidized bed combustion technology capable of achieving higher conversion efficiency than can be achieved through on-going demonstration projects;

(3) direct and indirect coal-fired turbines;

(4) coal refining processes capable of efficiently producing or utilizing the energy contained in coal and also utilizing the by-products thereof;

(5) technologies for the cost-effective control and disposition of carbon dioxide produced during the combustion of coal;

(6) magnetohydrodynamics;

(7) molten carbonate and solid oxide fuel cells; and

(8) other coal based technologies or processes on systems that are capable of achieving conversion efficiency greater than currently available technology.

SEC. 342. NON-FUEL USE OF COAL.—(a) Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for research, development, and demonstration with respect to technologies for non-fuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for non-fuel uses of coal.

(c) The plan under subsection (a) shall address and evaluate:

(1) the known and potential products and processes for the use of coal for products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of co-production of products from coal in conjunction with production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of research results produced by the research program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with non-fuel use of coal.

(d) The Secretary shall conduct a program of research and development under the plan under subsection (a).

(e) The Secretary may provide financial assistance for a research project under the plan using funds authorized by section 343(b) to the extent he finds that such project—

(1) furthers achievement of the goals and purposes of this Act;

(2) offers promise for commercial application; and

(3) has a reasonable prospect of support in at least 50 per centum of its direct costs from non-Federal funds.

(f) In preparing the plan and carrying out research under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 343. AUTHORIZATIONS.—(a) There is authorized to be appropriated such sums as are necessary for each of fiscal years 1992, 1993, and 1994 for purposes of implementing the program pursuant to section 341.

(b) There is authorized to be appropriated to carry out section 342, a total of $20,000,000 for fiscal years 1992 through 1994.

Subtitle F—Natural Gas and Other Alternative Fuels

SEC. 351. MASS TRANSIT PROGRAM.—(a)(1) The Secretary, consistent with this Act, in consultation with the Administrator of the Urban Mass Transit Administration, may, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-404), enter into cooperative agreements and joint ventures with any municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility, including safety of specific vehicle design, of using natural gas or other alternative fuels for mass transit.

(2) The program of the Secretary to implement the agreements under paragraph (1) may include interested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(b)(1) The Secretary may not enter into any agreement or joint venture under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least 25 per centum of the costs of such demonstration.

(2)(A) A transit authority may petition the Secretary for priority in allocating financial assistance under this section.

(B) The Secretary, at his discretion, may grant such priority under this section to any authority that demonstrates that the use of natural gas or other alternative fuels used for transportation would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(c) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 352. NATURAL GAS AND OTHER ALTERNATIVE FUEL USE IN FLEET VEHICLES.—(a) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494), and in consultation with the Administrator of the United States Environmental Protection Agency and the Secretary of Transportation, shall establish and carry out a program, and provide financial assistance to encourage the development and commercialization of natural gas and other alternative fuels for use in passenger fleets, light-duty trucks, and heavy-duty trucks consistent with the purposes of this Act. Such assistance shall provide for the purchase and construction of vehicles dedicated to the use of natural gas or other alternative fuels and of vehicles dually fueled by natural gas or other alternative fuels and gasoline or diesel, and associated refueling equipment.

(b) Public and private fleets may be eligible for financial assistance under this section. A public or private fleet operator may petition the Secretary for priority in allocating financial assistance under this section.

(c) The Secretary, at this discretion, may grant such priority to those fleets where the use of natural gas and other alternative transportation fuels would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(d) To facilitate the use of natural gas and other alternative fueled vehicles, the conversion of a vehicle from either gasoline or diesel alone to natural gas or other alternative fuels alone, or to natural gas or other alternative fuels and either gasoline or diesel, shall not be considered a violation of any anti-tampering provisions of the Federal law and implementing regulations, provided that the conversion complies with emissions standards issued by the Administrator of the Environmental Protection Agency.

(e) Any program established under this section that applies to existing vehicles shall take into consideration the safety of specific vehicle design and the compatibility of natural gas and other alternative fuel use with the original components of such existing vehicles.

(f) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 353. TRAINING PROGRAM.—(a) The Secretary of the Department of Labor shall establish and carry out a training and certification program for technicians who are responsible for vehicle installation of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas or other alternative fuels alone, or on natural gas or other alternative fuels and either diesel fuel or gasoline, and for the maintenance of such converted vehicles. Such training and certification programs shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) The Secretary, may enter into cooperative agreements with, and provide financial assistance, under this section, to appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) The program under this section shall be consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494).

(d) There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 354. VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—The Secretary shall carry out a program of research, development, and demonstration on techniques related to improving natural gas and other alternative fueled vehicle technology including, but not limited to, the following areas—

(1) fuel injection;
(2) carburetion;
(3) manifolding;
(4) combustion;
(5) power optimization;
(6) efficiency;
(7) lubricants and detergents;
(8) engine durability;
(9) ignition, including fuel additives to assist ignition;
(10) multifuel engines;
(11) emissions control, including catalysts;
(12) novel gas compression concepts;
(13) advanced storage systems;
(14) advanced gaseous fueling technologies; and
(15) the incorporation of advanced materials in these areas.

(b) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494), may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide 50 per centum of the costs of such programs to perform the research and development necessary to improve natural gas vehicle and other alternative fuel vehicle technology.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 355. NATURAL GAS RECOVERY, RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary shall expand and continue a program of research, development, and demonstration on techniques to increase the availability of natural gas from—

(1) intensive recovery of natural gas in place in discovered reservoirs or formations; and

(2) economic recovery of unconventional natural gas, including gas from tight sands, Eastern shales, gas from less permeable formations, coal-bed methane, and geopressured reservoirs.

(b) The Secretary shall seek to enter into joint ventures with persons engaged in the production, transportation, distribution, or major use of natural gas to implement the program under subsection (a).

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 356. NATURAL GAS AND ELECTRIC HEATING AND COOLING TECHNOLOGIES.—(a) The Secretary shall expand the program for research, development, and demonstration for natural gas and electric heating and cooling technologies for residential and commercial buildings.

(b) The natural gas heating and cooling program shall increase research on thermally-activated heat pumps including:

(1) absorption heat pumps; and
(2) engine-driven heat pumps.

(c) The electric heating and cooling program shall increase research on:

(1) advanced heat pumps;
(2) thermal storage; and
(3) advanced electrically-driven HVAC (heating, ventilation, and cooling) and refrigeration systems that utilize replacements for chlorofluorocarbons, including HCFC-22.

(d) There is authorized to be appropriated to the Secretary, not more than $15,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section in addition to current authorizations.

SEC. 357. VEHICLE AND BATTERY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary shall conduct a program of research, development, and demonstration on techniques related to improving electric vehicle and battery technology including, but not limited to, the following areas:

(1) high efficiency electric power trains, including advanced motors and hybrid power trains for vehicle range improvement;
(2) light-weight body structures for vehicle weight reduction;
(3) advanced batteries with high specific energy and specific power for electric vehicle application; and
(4) primary batteries and fuel cells for hybrid vehicle application.

(b) The Secretary shall enter into joint ventures with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of the joint ventures.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 358. DEFINITIONS.—For purposes of this subtitle natural gas includes natural gas derived fuels.

Subtitle G—Hydropower

SEC. 361. PROGRAM.—The Secretary, in consultation with the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of Commerce shall undertake an assessment of the statutory, economic, and regulatory barriers to expanded hydroelectric capacity development at existing dams. The assessment shall quantify the contribution that expanded hydroelectric power development could reasonably be expected to make to national energy needs and a reduction in the generation of greenhouse gases.

SEC. 362. REPORT.—The Secretary will submit a report to Congress containing the results of the assessment by December 31, 1991.

Subtitle H—Electric Vehicle Technology Development and Demonstration

SEC. 371. SHORT TITLE.—This subtitle may be cited as the "Electric Vehicle Technology Development and Demonstration Act of 1990".

SEC. 372. FINDINGS.—The Congress finds that:

(1) electric vehicles may be recharged primarily during times of nonpeak use of electricity, which will permit the most efficient utilization of electrical generating capacity, produce economic benefits for purchasers and producers of electricity, and improve the quality of air;

(2) the development, demonstration, and commercialization of electric vehicles in the United States will enhance the energy security of the United States and will encourage electric vehicle production in the United States;

(3) the use of electric vehicles rather than vehicles powered by conventionally fueled internal combustion engines could significantly improve the quality of air by allowing areas of the country that have not attained a quality of air that meets minimum health standards to meet such standards;

(4) because initial production of electric vehicles will not have economies of scale associated with mass production, the price to a user or owner may be so high as to discourage vehicle purchase and use; and

(5) because the substantial potential environmental and domestic energy security benefits that will result from the commercialization of electric vehicles are so great for the United States, it is in the public interest for the United States Government to assist in the development, demonstration, and commercialization of domestically produced, cost competitive, electric vehicles.

SEC. 373. DEFINITIONS.—For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "conventionally fueled vehicle" means a vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source;

(3) "electric vehicle" means a vehicle powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and that may include a nonelectrical source of power designed to charge batteries and components;

(4) "eligible nonattainment area" means a nonattainment area that the Secretary designates as an eligible nonattainment area under section 374(b);

(5) "life cycle costs" means all costs associated with the purchase, operation, maintenance, and disposal of a vehicle; and

(6) "nonattainment area" means a nonattainment area identified by the Administrator pursuant to section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

SEC. 374. IDENTIFICATION OF NONATTAINMENT AREAS.—(a) The Secretary, in consultation with the Administrator, shall identify, not later than thirty days after the date of the enactment of this Act, the nonattainment

areas in the United States in which the use of conventionally fueled vehicles contributes significantly to that nonattainment and in which the use of electric vehicles could contribute to attainment of applicable National Ambient Air Quality Standards.

(b) The Secretary, after consultation with the Administrator and not later than thirty days after notification of the nonattainment areas identified under subsection (a), shall designate nonattainment areas eligible to participate in the program authorized by this subtitle. Geographical diversity shall be among the factors to be considered by the Secretary in making such designations.

SEC. 375. APPLICATIONS FROM MANUFACTURERS.—(a) Not later than thirty days after the Secretary designated the eligible nonattainment areas under section 374(b), the Secretary shall make an initial request for applications from manufacturers to develop, demonstrate, certify, manufacture, sell, warranty, and service electric vehicles in one or more eligible nonattainment areas. Additional requests for applications may be made if the Secretary determines that the responses to the initial request are inadequate.

(b) The request for applications shall require a manufacturer to identify the following:

(1) SALES AREA.—Any eligible nonattainment area in which the electric vehicles will be sold;

(2) QUANTITY.—The quantity of vehicles that will be available for sale in each area;

(3) DISTRIBUTION.—The dealership network or other means to be used by a manufacturer to distribute, market, and sell vehicles;

(4) TYPE.—The type of vehicle (which may include light to medium duty cargo or passenger vehicles);

(5) CHARACTERISTICS.—The specifications and performance characteristics of each vehicle;

(6) SERVICE.—The maintenance and other support services that will be available to a purchaser;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of each type of vehicle;

(8) LIFE CYCLE COSTS.—Information regarding the life cycle costs, including projected costs of operating and maintaining an electric vehicle in comparison with operating and maintaining a conventionally fueled vehicle;

(9) STATE AND LOCAL INVOLVEMENT.—The level of involvement (cost-sharing or otherwise), if any, that State or local government entities will have in the manufacturer's proposal, and how that involvement will affect the level of Federal cost-sharing required; and

(10) OTHER.—Other information that the Secretary deems necessary.

SEC. 376. SELECTION OF MANUFACTURERS.—(a) After consulting with the Secretary of Commerce, the Secretary of Transportation, and the Administrator, and not later than one hundred and eighty days after the initial request for applications is made under section 375, the Secretary may select one or more manufacturers eligible to receive reimbursement payments for the development, demonstration, manufacture, and sale of electric vehicles.

(b) The Secretary shall select a manufacturer based upon the overall quality of the proposal, including the following:

(1) CAPABILITY.—The ability of a manufacturer, directly or indirectly, to develop, demonstrate, manufacture, distribute, sell and service a significant number of electric vehicles;

(2) GEOGRAPHIC DIVERSITY.—The commitment of the manufacturer to distribute, sell and service electric vehicles in various regions of the country.

(3) SUITABILITY.—The suitability of the vehicles for use as a cargo or passenger vehicle;

(4) SAFETY AND ENVIRONMENTAL BENEFIT.—The quality of the vehicle with respect to safety and environmental considerations;

(5) VIABILITY.—The long-term technical viability of the vehicle, and the ability of the manufacturer to incorporate subsequent advancements, modifications, and technology;

(6) LIFE CYCLE COST REDUCTION.—The ability and commitment of a manufacturer to reduce the life cycle costs of electric vehicles over a period of five years or less after selection to a level at least equal to comparable conventionally fueled vehicles;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of vehicles, the proposed discount (as defined in section 377), and life cycle costs of the electric vehicles;

(8) STATE AND LOCAL SUPPORT.—The extent to which the involvement of state or local government in the program will permit the reduction of the Federal costs share per vehicle to be supported or will otherwise be used to leverage the federal cost-sharing to be provided among a greater number of vehicles;

(9) OTHER.—Other criteria that the Secretary deems necessary.

SEC. 377. DISCOUNTS TO PURCHASERS.—(a) A manufacturer selected by the Secretary shall offer a purchaser a discount equal to either:

(1) LIFE CYCLE COST DIFFERENTIAL.—An amount which represents the excess of the estimated life cycle costs of the electric vehicle over the life cycle costs of a conventionally fueled vehicle of comparable type; or

(2) PURCHASE PRICE COST DIFFERENTIAL.—An amount by which the selling price of the electric vehicle exceeds the suggested retail price of a conventionally fueled vehicle of comparable type.

In no case shall the discount be greater than 50 per centum of the selling price by varying volumes of production.

(b) The Secretary, not later than thirty days after a manufacturer has provided notice in the form and manner specified by the Secretary of the sale of an electric vehicle, shall pay a manufacturer a payment not to exceed the discount for each electric vehicle sold.

(c) To be eligible for payment subsection (b), a manufacturer shall certify to the Secretary the following:

(1) PURCHASER DISCOUNT LIMITATION.—The discount to the purchaser does not lower the selling price of each electric vehicle below the suggested retail price of a conventionally fueled vehicle of comparable type;

(2) DISCOUNT PASSTHROUGH.—The actual selling price of the vehicle is equal to the selling price specified in the manufacturer's proposal to the Secretary reduced by the full amount of the discount received, calculated as specified above, unless the Secretary agrees to a request by the manufacturer to adjust the selling price as specified in the contract to reflect higher costs actually incurred in production;

(3) NONATTAINMENT AREA USE.—The vehicle will be used primarily in the eligible nonattainment area in which the vehicle will be purchased;

(4) INFORMATION FROM PURCHASER.—The purchaser has agreed to provide the manufacturer with information regarding operation, maintenance, and usability of the vehicle for five years after purchase; and

(5) INFORMATION FROM MANUFACTURER.—The manufacturer will povide such information regarding the development, demonstration, manufacture, sale, and maintenance of electric vehicles that the Secretary requests for a period of five years, beginning in fiscal year 1992.

(d) The Secretary may enter into contracts with manufacturers of electric vehicles for purposes of carrying out this Act.

SEC. 378. REPORTS TO CONGRESS.—The Secretary shall report to Congress in fiscal years 1992 and 1994 on the programs and projects supported under this subtitle and the progress being made toward accomplishing the goals of this subtitle.

SEC. 379. AUTHORIZATIONS.—There is authorized to be appropriated for purposes of this subtitle $10,000,000 for each of the five fiscal years following the date of enactment of this Act.

Subtitle I—Advanced Nuclear Reactor Study

SEC. 381. REPORT.—Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report on whether, and to what extent, continued or increased use of energy generated from nuclear fission can contribute substantially to safe and reliable supplies of electricity and reduce the generation of carbon dioxide and other greenhouse gases in the United States and internationally. The report shall include data on the extent to which additional increments of nuclear-generated electrictiy can reduce the generation of greenhouse gases and over what period of time. In preparing such report, the Secretary shall consider and make recommendations on the appropriate level of Federal support for research, development, and demonstration of advanced nuclear reactor technologies to support these objectives. Such report shall also include the recommendations of the Secretary regarding the necessary restructuring of existing nuclear fission research programs to achieve these objectives and the role of joint funding and cost-sharing in these activities.

Subtitle J—Technology Development Program

SEC. 391. PROGRAM.—The Secretary shall establish a program to develop technologies originating with the Department that is directed at the stage of technology development beyond the basic research stage. The purpose of such program shall be to develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development. Technology development programs may be conducted at any Department facility and would be intended to enhance the commercial development and transfer to private industry of technologies originating with the Department, consistent with the technology transfer mission of the Department. As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, and wholly non-Federal, funding of commercial development of particular technologies.

SEC. 392. AUTHORIZATIONS.—For the purposes of carrying out this subtitle, there are authorized to be appropriated such sums as are necessary for fiscal years 1992, 1993, and 1994.

TITLE IV—MISCELLANEOUS

Subtitle A—Methane Assessment

SEC. 401. OBJECTIVE.—The objective of this subtitle is to identify and analyze options to

reduce the risks of global climate change by—

(1) reducing worldwide generation of methane;

(2) identifying and analyzing the relationships between methane and other greenhouse gases to determine the synergies that may contribute to global climate change;

(3) promoting additional analyses of the factors causing methane concentrations to increase, and of the sources of methane generation, and the opportunities for reducing such generation; and

(4) identifying options for the reduction of methane generation that are economically as well as environmentally advantageous.

SEC. 402. DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS.—(a) Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Congress reports on:

(1) methane emissions from biogenic sources such as

(A) tropical, temperate, and subarctic forests;

(B) tundra; and

(C) freshwater and saltwater wetlands;

(2) changes in the generation of methane from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide;

(3) methane operation associated with natural gas extraction, transportation, distribution, storage and use, including an inventory of methane generation associated with such activities within the United States, information on accidental and intentional methane releases from natural gas and oil wells, pipelines, processing facilities, and gas burners;

(4) methane generation associated with coal extraction, transportation, storage, and utilization, including, but not limited to, an inventory of methane generation associated with such activities within the United States, information on accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal; and

(5) other sources of methane generation associated with human activities that are deemed by the Secretary to be significant.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that outlines measures that could be implemented to reduce the growth in atmospheric concentrations of methane from sources within the United States. This report shall identify and evaluate the technical options for reducing the generation of methane from each of the sources listed in paragraph (a) as well as other sources deemed by the Secretary to be significant, and shall include an evaluation of costs.

SEC. 403. INTERNATIONAL STUDIES.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit to Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane generation associated with the activities listed in section 402(a). The report shall also identify the United States and international lending agency programs, and an itemization of the costs of each category of reductions, that may be used to induce lesser-developed countries to undertake measures that could reduce the generation of methane and the resource needs of such programs.

Subtitle B—Committee on Renewable Energy Commerce and Trade

SEC. 411. DUTIES OF CORECT.—The Committee on Renewable Energy Commerce and Trade (CORECT) shall seek to enhance economic development in lesser-developed countries by expanding the transfer of energy efficient and renewable energy technologies to such countries.

SEC. 412. ADDITIONAL DUTIES OF CORECT.—(a) CORECT shall promote the development and application in lesser-developed countries of energy and energy efficiency resource technologies that—

(1) promote more efficient use of fossil fuels;

(2) may reduce dependence on the importation of fossil fuels by encouraging the use of sustainable biomass, wind power, hydropower, solar, geothermal and other energy and energy efficiency resource technologies; and

(3) foster rural and urban energy development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies.

(b) In furthering the purposes of this section, CORECT shall—

(1) provide aggressive in-country technical training for local users and international development personnel;

(2) establish feasibility and loan guarantee programs to facilitate access to capital and credit; and

(3) support, through financial incentives, private sector efforts to commercialize and export renewable energy and energy efficiency resource technologies.

(c) CORECT shall be responsible for the development of a comprehensive data base and information dissemination system. The system shall provide information on the specific energy technology needs of lesser-developed countries, the technical and economic competitiveness of various renewable energy and energy efficiency resource technologies, and the status of ongoing technology assistance programs. CORECT shall make such information available to industry, Federal and multilateral lending agencies, non-governmental organizations, host-country and donor-agency officials, and such others as the Secretary deems necessary.

SEC. 413. OUTREACH.—CORECT may establish renewable energy industry outreach offices in the Pacific Rim and in the Caribbean Basin for the purpose of providing information concerning renewable energy technologies and industries of the United States to governments, industries, and others outside of the continental United States.

SEC. 414. COMPREHENSIVE ENERGY TECHNOLOGY EVALUATION.—(a) Not later than June 1, 1991, and biennially thereafter, the Secretary shall prepare and submit to Congress, a comprehensive report evaluating the full range of energy and environmental technologies necessary to meet the energy needs of developing countries while reducing the generation of carbon dioxide and other greenhouse gases. This report shall also provide information on the specific needs of lesser-developed countries, an inventory of United States technologies and services to meet those needs, and an update on the status of ongoing bilateral and multilateral technology assistance and renewable energy resource programs.

(b) The report should also include an evaluation of current programs and recommendations for future programs that—

(1) develop and promote sustainable use of indigenous renewable energy resources in lesser-developed countries in order to reduce the generation of greenhouse gases that may contribute to global climate change;

(2) given the credit and capital restrictions in lesser-developed countries, focus on technologies that are both appropriate and economically viable;

(3) meet the needs of lesser-developed countries for energy rather than creating new needs, in order to ensure immediate income-generating use of the power generated;

(4) work with local individuals to assure that programs and projects meet specific national and local needs;

(5) use indigenous materials and associated hardware, wherever possible, in order to reduce costs and ensure project duplication;

(6) provide examples of cost-effective systems and applications for in-country nongovernmental organizations and project technical personnel;

(7) expand technical and administrative training programs, as well as distribution of multilingual technical training manuals and related materials; and

(8) examine the potential for using economic incentives to promote technology transfer (e.g. shared savings contracts, loan guarantees, tax incentives, etc.) to lesser-developed countries.

SEC. 415. AUTHORIZATIONS.—(a) There is authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal year 1993 and 1994 to carry out the purposes of this subtitle except for section 413.

(b) There is authorized to be appropriated for the purposes of section 413, in addition to the amount specified in the previous sentence, $2,750,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.

Subtitle C—Fuel Cycle Costs Analysis

SEC. 421. PROGRAM.—The Secretary shall undertake a comparative analysis of United States, European, and Asian fuel cycle costs. The analysis shall be undertaken for five fuel cycles: coal, oil, natural gas, nuclear, and renewable energy. The renewable energy fuel cycle shall include solar, hydro, wind, and biomass. The analysis shall be based on comparable assumptions, data, and methodologies and will explicitly address the extent to which environmental and other externalities are, or are not, reflected in the energy prices paid by consumers in the United States, Western Europe, and in the market economies of Asia.

SEC. 422. REPORT.—The Secretary will submit a report to Congress containing the results of the comparative fuel cycle cost analysis by December 31, 1991.

TITLE V—NATURAL RESOURCE POLICY

SEC. 501. ECOLOGICAL AND ENVIRONMENTAL RESOURCE STUDY.—(a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall conduct a study of the ecological and environmental resources in the United States that could be affected by a global climate change. The study should include implications for wildlife habitat preservation, coastal protection, inland rivers and lakes, irrigation and reclamation, ground water protection, and the natural resources within the boundaries of the Nation's Wildlife refuges and parks, national forests, and other Federal lands.

(b) The study should—

(1) include specific regional climatic and resource base information useful in anticipatory and mitigatory planning;

(2) identify actions that, if taken, could help mitigate the effects of global climate change; and

(3) evaluate the cost-effectiveness, including the environmental effects of possible action.

SEC. 502. NATIONAL FORESTATION INITIATIVE.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall report to the President and the Congress on the feasibility of a National Reforestation Initiative. Such report shall include—

(a) in coordination with the Resources Planning Act of 1974, an inventory of Federal, State, and private forested lands;

(b) an evaluation of the status of timber harvesting on those lands, including the extent to which those lands are being reforested;

(c) an assessment of the extent to which Federal, State, and private lands can be reforested, including lands not necessarily suitable for timber harvesting such as urban areas;

(d) an evaluation of the potential of a national reforestation initiative for mitigating climate change, and the measures needed to achieve that potential; and

(e) an assessment of the potential economic and environmental benefits and costs of such an initiative, the measures available to mitigate such costs, and an evaluation of the effectiveness of such measures.

SEC. 503. URBAN FORESTRY AND ENERGY SAVINGS.—(a) The Secretary, in consultation with the Secretary of Agriculture, and other relevant Federal agencies, shall conduct a study of the potential for reducing carbon dioxide emissions by undertaking targeted urban tree and vegetative plantings, including landscaping and the use of natural windbreaks, designed to reduce the air-conditioning and heating needs of buildings. The study shall provide estimates of the cost-effectiveness of such a program and shall outline a range of Federal, State, and local public policies and incentives that would encourage public and private efforts to undertake such plantings.

(b) Within eighteen months after the date of enactment, the Secretary shall complete the study and transmit it to the Congress.

AMENDMENT NO. 2605

Subtitle D—United Nations Conference

SEC. 431. 1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.—

(a) FINDINGS.—The Congress finds that—

(1) the 1992 United Nations Conference on Environment and Development will play a crucial role in advancing efforts to protect the global environment;

(2) international preparations for 1992 Conference have already begun; and

(3) the effectiveness of U.S. participation in the 1992 Conference would be greatly enhanced by the establishment of a secretariat within the Department of State to coordinate U.S. preparations for the Conference.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of State for fiscal year 1991, $350,000 for the purpose of establishing within the Department of State a secretariat to prepare for the 1992 United Nations Conference on Environment and Development. Such funds shall remain available until expended.

AMENDMENT NO. 2606

On page 236, line 19, delete "and"; on line 23, delete the period and insert a semicolon; and following line 23, insert the following:

"(4) explore mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services; and

"(5) increase staffing to support the new authority and responsibilities described in this section.".

On page 239, after line 11, insert the following new clause and redesignate clauses "(7)" and "(8)" as "(8)" and "(9)".

"(7) provide mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services;".

On page 239, redesignate section 415 as section 416 and insert a new subsection 415 as follows:

"SEC. 415. JOINT VENTURES IN DEVELOPING, DEMONSTRATING, AND MARKETING ENERGY EFFICIENT AND RENEWABLE ENERGY TECHNOLOGIES IN KEY LESSER DEVELOPED COUNTRIES.—

"(a) FIVE YEAR PLAN.—The management plan under section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218), shall include a five-year implementation plan for:

"(1) pursuing joint venture with United States manufacturers for the development, demonstration, or marketing of energy efficient and renewable energy technologies for application of use in key lesser-developed countries; and

"(2) provided mechanisms to assist U.S. manufacturers, particularly smaller manufacturers of energy efficient and renewable energy technologies, in identifying and pursuing opportunities for sales or joint ventures.

In developing the implementation plan required under this subsection, the Secretary shall consult with the Agency for International Development.

"(b) The Secretary shall solicit proposals for joint ventures in the areas described in subsections (a)(1) and (a)(2) as if such joint ventures were required by, and subject to the requirements set forth in, section 6 of Public Law 101-218. The Secretary shall select a total of at least three joint ventures, except that the Secretary may reduce this requirement to the extent that the proposals received do not meet the Secretary's qualifications.

"(c) For the purposes of this section, a lesser-developed country shall be considered a key lesser-developed country if direct export or use of U.S. manufactured energy efficient and renewable energy technologies in such country is inhibited by cultural, or other factors.".

On page 416, after line 3, at the end of the redesignated section 416, add the following new subsection:

"(c) There is authorized to be appropriated for the purposes of section 415, in addition to the amount specified in sections (a) and (b), $1,000,000 for fiscal years 1992, 1993, and 1994.".

AMENDMENT NO. 2607

On page 194, after line 13, add the following:

"Subtitle C—Fuel Cells

"SEC. 221. AMENDMENT.—"Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended by adding the following new part after section 569:

"Part 5—Fuel Cells

"SEC. 571. DEFINITIONS.—For purposes of this subtitle the term:

(1) "Federal building" shall mean "Federal building" as defined by Section 549(6); and

(2) "Task Force" shall mean the Interagency Energy Management Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term "Task Force" shall include the Environmental Protection Agency.

SEC. 572. FUEL CELL PROGRAM.—The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

SEC. 573. PURPOSES.—The purposes of this program are to:

(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

SEC. 574. IMPLEMENTATION AND ACQUISITION.—(a) In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cell systems for the production of energy to satisfy electrical and other energy requirements of such buildings.

(b) Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of ten projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

(c) The Secretary may provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install fuel cell systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In order to receive financial assistance from the Secretary, a project identified under subsection (b) must meet the ten-year payback criterion of section 543. The calculation of such ten-year payback period shall take account of cost benefits associated with cogenerated energy to the extent provided under section 544. In selecting qualified projects for financial assistance, the Secretary, in consultation with the Task Force, shall also consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgement of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

(d) Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environ-

mental advantages and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

'SEC. 575. AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of this subtitle a total of $15,000,000 for fiscal years 1992 through 1994.'."

AMENDMENT NO. 2608

(Purpose: To remove the regulatory barriers for solar, wind and geothermal electric energy generation contained in the Public Utility Regulatory Policies Act of 1978)

At the end of Title II add the following new subtitle:

"Subtitle C—Solar, Wind and Geothermal Electric Power Production

"SEC. 221. PURPA AMENDMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 is amended as follows:

"(a) In subsection (a), strike out ", and to encourage geothermal small power production facilities of not more than 80 megawatts capacity,".

"(b) In subsection (e)(2), insert "(other than a qualifying small power production facility which is a solar, wind or geothermal facility as defined in section 3(17)(E) of the Federal Power Act)" after "facility" where it first appears, and by striking out ", or 80 megawatts for a qualifying small power production facility using geothermal energy as its primary energy source,".

"SEC. 222. FEDERAL POWER ACT AMENDMENTS.—(a) Section 3(17)(A) of the Federal Power Act is amended by inserting "a facility which is a solar, wind or geothermal facility, or" after " 'small power production facility' means".

"(b) Section 3(17) of such Act is further amended by inserting at the end thereof the following new subparagraph:

" '(E) "solar, wind or geothermal facility" means a facility which produces electric energy solely by the use, as a primary energy source, of solar energy, wind energy or geothermal resources;".

"SEC. 223. FERC REGULATIONS.—(a) Within 30 days of the date of enactment of this Act, the Federal Energy Regulatory Commission shall issue such proposed modifications to its regulations as may be necessary to implement the amendments made by this subtitle, and within 90 days of such date, the Commission shall issue final regulations.

"(b) Until regulations described in subsection (a) are final and effective, any solar, wind or geothermal facility (as defined in section 3(17)(E) of the Federal Power Act), which is a qualifying small power production facility as defined in subparagraph (C) of section 3(17) of the Federal Power Act (as such section 3(17) is amended by this Act), (A) shall be considered a qualifying small power production facility under part 292 of title 18 of the Code of Federal Regulations, notwithstanding any size limitations contained in such part, and (B) shall not be subject to the size limitation contained in section 292.601(b) of such part.

"(c) The provisions of Subtitle C shall apply to a solar, wind or geothermal facility only if either of the following is submitted to the Federal Energy Regulatory Commission during the two year period beginning on the date of enactment of this Act:

"(1) an application for certification of the facility as a qualifying small power production facility; or

"(2) notice that the facility meets the requirements for qualification.".

AMEMDMENT NO. 2609 TO AMENDMENT NO. 2608

(Purpose: To remove size limitations for a period of 2 years on qualifying small power production facilities using waste as a primary energy source)

Amend the amendment proposed by Mr. DOMENICI et al. by: (1) adding ", waste" after the words "solar, wind" at every point at which the words appear in the amendment; and (2) adding ", waste resources" after "wind energy".

AMENDMENT NO. 2610 TO AMENDMENT NO. 2608

On page 2, line 29, following the word "if" insert ": (1)"

On page 3, line 2, strike "1" and insert in lieu thereof "A".

On page 3, line 4, strike "2" and insert in lieu thereof "B".

On page 3, line 5, following "qualification" insert the following: "; and (2) construction of such facility commences within five years of the date of such application or notice and reasonable diligence is exercised towards the completion of such facility taking into account all factors relevant to the construction of the facility."

MR. LIEBERMAN ON AMENDMENT TO S. 324

Mr. LIEBERMAN. Mr. President, in the areas of energy efficiency and pollution protection, this Nation has a great need to put its house in order. Our dependence on foreign imports to meet our voracious energy appetite has wreaked havoc with our balance of payments and, just as surely, the shear bulk of our energy use has placed great burdens on our fragile environment.

It is time we seek out new ways to meet our energy requirements which are both more efficient and less harmful to the environment. That is why, Mr. President, I have introduced this amendment to title V of the National Energy Conservation Policy Act, which would provide for the use of fuel cells to meet electrical requirements in Federal buildings.

Fuel cells are essentially large-scale batteries which use hydrocarbon fuels, without combustion, to produce electricity, but they are remarkable batteries indeed. They are superlative energy producers, reaching efficiencies of over 80 percent if heat energy is recovered, compared to about 30 percent for traditional power plants. They are virtually pollution free and, because of their great efficiency, emit far less carbon dioxide per unit of energy produced than do traditional power-generating devices. They are quiet and modular, making them ideal for use onsite and in situations where variable power demands allow fuel cells to be combined or separated as needed. In short, the widespread use of fuel cell technology promises to reduce the nation's energy consumption, clean up our air, reduce the threat of global warming, and improve the versatility of our energy base.

Mr. President, these are only some of the numerous benefits offered by fuel cell technology. The amendment I introduce today provides for the installation of fuel cell systems to meet energy requirements in at least 10 Federal facilities. This should do much to highlight the attributes of this technology. It requires selected agencies to provide a list of candidate facilities from which the Secretary of Energy, in consultation with other interested officials, would select project sites for installation of fuel cell systems. It requires the Secretary to prepare a comprehensive report detailing the results of the program, so that we are provided information which might point the way to wide scale commercial application.

Mr. President, I like to think of a day when our Nation comes to grips with our collective energy wastefulness and environmental despoliation. Programs to decrease the consumption of energy are vital, but they are not enough. We need also to increase the efficiency of the energy we do use and to positively influence the environmental cosnequences of that energy use. Fuel cells are one of the promising technologies that can achieve these goals, if only we reach out for them. With the introduction of this amendment, I hope we can begin to work toward these goals.

STATEMENT OF MR. DOMENICI ON AMENDMENT NO. 2608

Mr. DOMENICI. Mr. President, the amendment now pending before the Senate proposes to remove the size limitations for solar, wind and geothermal power plants contained in the Public Utility Regulatory Policies Act of 1978.

This amendment is similar to S. 2415, which I introduced and is presently cosponsored by Senators MCCLURE, WIRTH, REID, MCCAIN, BRYAN, CRANSTON, WILSON, HATFIELD, SYMMS, HARKIN, DECONCINI, PACKWOOD, ADAMS, MIKULSKI, SHELBY, HOLLINGS, HATCH, JEFFORDS, SANFORD, GARN, LIEBERMAN, MURKOWSKI, DASCHLE, ROBB, and AKAKA. The only difference is that the amendment encompasses wind power, whereas S. 2415 does not. That addition was made at the request of Senator HATFIELD and other Senators.

There is one important difference, however, between the pending amendment and S. 2415, and that is the 2-year sunset provision. This has been added at the request of Senator JOHNSTON, not because I am in favor of it; and, as a matter of fact, if I had my

way there would be no such sunset provision. But in order to obtain a time agreement on this amendment and to ensure that the global warming bill passes the Senate, it has been necessary to add at Senator JOHNSTON's request a 2-year sunset provision.

In a hearing before the Committee on Energy and Natural Resources, the administration testified in support of the changes in law that my amendment proposes to make.

This amendment is also supported by Public Citizen, by the National Association of State Energy Officials and by the electricity committee of the National Association of Regulatory Utility Commissioners. I ask unanimous consent that letters and resolutions from these groups be included in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, before I explain why it is in the public interest to eliminate PURPA's size restrictions on solar, wind, and geothermal powerplants, I will briefly summarize the underlying law my amendment proposes to change.

PURPA was enacted in 1978 as one of the five parts of President Carter's national energy plan to address our energy crisis. One key goal of PURPA was to expand our supply of electricity, which it did by encouraging the construction of nonconventional power-generating facilities by companies other than traditional electric utilities.

In the vernacular of PURPA, these nonconventional electric powerplants are known as qualified facilities or QF's. A QF can be a solar, geothermal, wind, or other renewable energy-based electrical generating facility. A QF can also be a fossil fuel-fired cogeneration facility, which is a type of powerplant that produces and sells steam heat as well as electricity.

PURPA encourages the construction of QF powerplants by giving them enhanced regulatory treatment: QF's are exempted from the Public Utility Holding Company Act, the Federal Power Act and from regulation as an local electric utility; and QF's are given the right to connect into the local utility's power grid and the right to sell their power to the utility at avoided cost.

Without this regulatory treatment, these powerplants would be caught in a regulatory tangle and could not be built; and even if built, traditional electric utilities could refuse to purchase the electricity produced by a QF powerplant. In other words, without PURPA, nonconventional powerplants could not exist.

One provision of PURPA—which is the focus of the pending amendment—places a size limitation on renewable-based QF powerplants. Under this provision, solar, wind and other renewable QF's can not be built larger than 30 megawatts without losing their PURPA benefits, and geothermal facilities can not be built larger than 80 megawatts.

Curiously, however, PURPA has no similar size limitation on fossil fuel-fired cogeneration facilities, which account for three-fourths of QF capacity; they can be built to any size without the loss of their PURPA benefits. And while cogeneration facilities are typically built in the 100- to 500-megawatt size range, earlier this year the largest cogeneration facility ever—a 1,240 megawatt powerplant—went into operation in Michigan. That is the size of a major base-load nuclear or coal-fired powerplant.

Now compare PURPA's 30-megawatt limitation for solar and wind facilities and its 80-megawatt limitation for geothermal facilities to the size of the Michigan cogeneration facility—some 15 to 40 times larger—and you will see one key need for this amendment.

One question relevant to this debate is why did Congress originally impose a size limitation on solar, wind and geothermal facilities, but not on fossil fuel-fired cogeneration facilities?

I was on the Energy and Natural Resources Committee back then and, quite frankly, I can't recall the reason; nor can anyone else. My guess is that when we were writing PURPA someone felt that it was a good idea, and so it was done. But who and why—your guess is as good as mine.

But laying that historical question aside, whatever public policy reasons Congress had back then, there is no valid reason today for these size limitations. On that there is no disagreement.

Mr. President, if we remove PURPA's size limitations for solar, wind, and geothermal facilities we can enhance our supply of electrical power, and that is clearly in the public interest.

Since 1978 nearly 5,000 megawatts of new solar, wind, and geothermal power have already obtained QF status. That is the equivalent of five traditional baseload nuclear or fossil fuel-fired powerplants. Now, while that may already seem like a lot, much more can be done—and will be done if we adopt this amendment.

Over the past decade, there has been a technological revolution which not only makes larger sized solar, wind, and geothermal projects possible, it also makes them far more efficient, which lowers the cost of power production.

Solar technology, for example, has evolved rapidly since the first utility-scale electric generating facility was placed in service back in 1984. Nearly 300 megawatts of solar thermal capacity have since been put into operation, and these plants have won high praise for both their design and reliability from the utility which purchases the power.

Geothermal technology has similarly demonstrated both cost-effectiveness and reliability. Over 2,000 megawatts of geothermal-generating capacity are currently in service in the United States.

And wind energy is likewise taking off. There are now about 14,000 wind turbines in operation, which now satisfy about 1 percent of California's electricity demand.

More can be done, but only if these renewable powerplants are allowed to remain price competitive through economies of scale, which the pending amendment would make possible.

There already have been dramatic improvements in efficiency which have significantly lowered the cost of production. For example, solar facilities built in 1984 generate electricity at a life cycle cost of 24 cents per kilowatt hour. In contrast, the most recently built solar powerplant, an 80 megawatt facility placed in service at the end of 1989, has a lifecycle cost of only 8 cents per kilowatthour. And larger, more efficient, solar facilities could be put on line at a production cost of 6 cents per kilowatthour.

But this cannot occur unless PURPA's size limitations are removed, and that brings me back to my amendment, which I will now explain.

Mr. President, the amendment before the Senate is really very simple: it removes PURPA's size limitations for solar, geothermal, and wind facilities. Nothing more.

Another way of looking at this amendment is that it gives solar, wind, and geothermal QF's the same PURPA treatment as PURPA now gives to fossil fuel-fired cogenerators. On its face that is only equitable.

As modest as this change may seem, without it, solar, wind, and geothermal powerplants will not have a place in the future wholesale power supply market where competition is increasingly intense. They need to be able to reduce the cost of production, for which economies of scale are critical; and that cannot occur unless this amendment is adopted.

Now some will assert that lifting these limitations will harm ratepayers because there is a requirement in PURPA that electric utilities purchase QF power at what is known as full avoided cost. But it should be noted that neither PURPA, nor the Federal regulations implementing PURPA, require state public utility commissions to force their electric utilities to pay more for QF power than it is worth. PURPA's implementation, including the setting of the avoided cost purchase rate for QF power, is left to

State commissions which are given broad discretion.

In the first few years following PURPA's enactment, there is no question that a number of State commissions overshot the mark. But over the past decade, State commissions have become far more expert in projecting and planning to meet future power needs, and that translates into more realistic numbers for avoided cost. As a consequence, State commissions have modified their implementing regulations to keep their rates in line, including the use of competitive bidding.

Thus, while the avoided cost rate may have once been a controversial matter, it no longer is. So, I find it hard to accept the argument made by some that if we remove the PURPA size limitations on solar, wind, and geothermal facilities, as this amendment proposes to do, ratepayers will be harmed.

Mr. President, let take a moment to put this amendment into a broader context. There is little question that our Nation has an increasingly serious energy problem. Each day our foreign energy dependence increases, and no end is in sight. Back in 1973, the year of the Arab oil embargo, we were about 36 percent foreign oil dependent; last year we were 46 percent foreign dependent; and so far this year we have inched up to 50 percent dependency. By almost every estimate, in just a few more years we will be two-thirds foreign dependent. And hardly a week goes by without reading one report or another that says that we are stretching our existing power production resources to their limit, and that we increasingly need to build new powerplants.

That trend not only has significant implications for the future price and reliability of our energy supplies, it also has broader economic, military and geopolitcal implications. Let us not forget that not too long ago the United States had naval warships in the Persian Gulf escorting Kuwait oil tankers against the threat of attack—protection which was provided at a time when only a tiny fraction of the United States' oil came directly from that region. Now, with the ongoing invasion of Kuwait by Iraq, we have the very real prospect of an international oil supply interruption of the size that sent prices soaring back in 1973 and 1979, and caused us to sit in long gasoline lines waiting to fill up our cars.

Mr. President, in terms of our national energy polices, it is important that we take reasonable steps to encourage a wide variety of options to help meet this Nation's future energy needs. We will never find a single or simple answer, but incremental steps to promote domestic energy production are very important and must be taken.

This amendment will take one such step, and it will help! For example, over its life each 80 megawatts of solar, wind, or geothermal generating capacity backs out the equivalent of 14 million barrels of foreign oil.

Mr. President, this is not the first time the Congress has addressed the PURPA size issue. Since its enactment in 1978, twice it has been necessary to raise PURPA's size restrictions to reflect the increased capabilties of maturing technologies. PURPA was amended in 1980 to increase from 30 to 80 megawatts the size limitation for geothermal facilities. Three years ago there was legislation enacted to temporarily lift the size limitation on solar facilities to 80 megawatts. And our experience with these changes have been only positive; new, more efficient facilities have been put on line at lower prices to consumers.

Mr. President, some will argue today that this amendment does not belong on the pending global warming bill, noting could be further from the truth. Solar facilities have minor emissions only when they burn natural gas as a backup source of energy; wind-driven generators have absolutely no emissions of any sort; and geothermal facilities have no combustion-related emissions.

In summary, it is clear that PURPA's size limitations on solar, wind, and geothermal power plants are no longer necessary, appropriate or in the public interest. It is also clear that these limitations unduly burden technological development. It is evident that their removal will bring forth lower cost and environmentally benign electrical generating capacity. And it is without question that encouraging this kind of new generation capacity will help our national energy security.

Simply put, adoption of this amendment is good public policy.

As a Senator from the sunny Southwest, I look forward to the day when my region will more fully utilize its abundant solar resources to generate electricity.

Mr. President, that is why I introduced this legislation, that is why I support it, and that is why I am urging the Senate to adopt this amendment.

EXHIBIT 1

PUBLIC CITIZEN,
CRITICAL MASS,
Washington, DC, May 10, 1990.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: We are writing to support S. 2415 which you have introduced to remove the size limits imposed by the Public Utility Regulatory Policies Act (PURPA) for solar and geothermal power facilities. In addition, we urge you to expand your proposal to include wind energy power plants.

In a May 1989 Public Citizen report, "Power Surge: The Status and Near-Term Potential of Renewable Energy Technologies," we made this same policy recommendation as one that would allow more rapid development of renewable energy. There is no public benefit gained by restricting the size of renewable energy projects that can qualify under PURPA, nor is there a need to restrict the regulatory exemptions afforded by PURPA to renewable energy facilities of certain sizes.

Renewable energy projects should be treated in the same manner as cogenerators are under PURPA, allowing them to be developed in sizes that relate to resource, market, and other relevant considerations rather than to artificial size restrictions now imposed by PURPA. This will allow renewable energy technologies to be developed in a more cost-effective manner.

We would not be opposed to lifting the size limits under PURPA for all renewable energy technologies. At a minimum, however, we believe that wind should be included in your proposal since the same rationale for removing the size restrictions on solar and geothermal facilities applies to wind projects as well. Optimal project sizes for all of these technologies are encumbered under current law.

We applaud you for sponsoring this much needed legislation, and urge you to expand it to include wind energy.

Sincerely,

NANCY RADER,
Energy Policy Analyst.

P.S. As you may know, Public Citizen is a research and advocacy organization founded by Ralph Nader in 1971 to address a broad range of consumer and environmental issues. Critical Mass is Public Citizen's energy policy arm.

NATIONAL ASSOCIATION
OF STATE ENERGY OFFICIALS,
Washington, DC, July 5, 1990.

Re Solar and Geothermal Power Production Incentives Act (S. 2415).

Hon. PETE V. DOMENICI,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR DOMENICI: On behalf of the National Association of State Energy Officials (NASEO), I wanted to take this opportunity to express our strong support of S. 2415, which you introduced on April 4, 1990. This bill would increase the size of solar (above 30 MW) and geothermal (above 80 MW) power plants that qualify for Qualifying Facility benefits under PURPA.

Hopefully, the passage by the House Energy and Commerce Committee of H.R. 4808, introduced by Mr. Sharp, will encourage the Senate to act on your legislation. We also support the expansion of the bill to cover wind power.

NASEO is composed of energy officials from 49 states, territories and the District of Columbia and we are dedicated to promotion of a balanced national energy policy which enhances energy security, environmental stability and economic development within our states. The states have long supported promotion of renewable energy and we see it as a necessary part of our future national energy supply. This support has included state funding, tax credit and rebates, use of oil overcharge refunds and use of the federally-supported State Energy Conservation Program (SECP) and the Energy Extension Service (EES) to implement renewable energy programs. With oil imports again crossing the 50% mark, concerns over global climate change and the expected passage of Clean Air Act amendments this year,

renewable energy and energy efficiency programs have become even more important.

NASEO strongly supports your legislation and we urge rapid consideration and passage.

Sincerely,

MITCH BEAVER.

RESOLUTION SUPPORTING LEGISLATION TO LIFT SIZE RESTRICTIONS ON SOLAR, GEOTHERMAL AND WIND ENERGY PROJECTS

Whereas, legislation has been introduced in the Congress that lifts the megawatt restrictions under the Public Utility Regulatory Policies Act (PURPA) for qualifying facilities; and

Whereas, this legislation applies to qualifying solar, geothermal and wind energy projects; and

Whereas, this legislation would make these renewable energy technologies more cost effective and would not alter existing State commission authority under PURPA to regulate facilities that use these technologies; now, therefore be it

Resolved, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC) assembled at its 1990 Summer Committee Meeting in Los Angeles, California, supports legislation amending the PURAP to lift the 30 megawatt restriction for qualifying solar and wind facilities and the 80 megawatt restriction on qualifying geothermal projects; and be it further

Resolved, That the Executive Committee of the NARUC supports only legislation that would lift the size restrictions for the above mentioned renewable technologies and opposes any legislation to expand the list beyond these technologies.

Mr. JOHNSTON. Mr. President, I rise today to urge my colleagues to join me in supporting S. 324, the National Energy Policy Act of 1990.

S. 324 seeks to identify an appropriate mix of policies to stabilize the generation of carbon dioxide and other greenhouse gases. The legislation also seeks to foster a better understanding of the causes, magnitude, and regional variations in global climate change and identifying the feasibility and implications of proposed policies to abate or mitigate global climate change.

The legislation supports international cooperation on efforts to address global climate change through the U.N. Intergovernmental Panel on Climate Change [IPCC] and specifically supports the objective to establish, by 1992, an international framework convention on global climate change. Consistent with this objective, the substitute supports efforts to evaluate the potential implications of the strategies to enable the United States to comply with any obligations under an international global climate change framework convention or agreement.

The bill focuses on: First, the formulation of a national energy strategy that includes least-cost planning as a component; second, energy efficiency initiatives; third, energy research and development initiatives including, innovative clean-coal and renewable energy technologies; fourth, use of natural gas and alternative fuels; fifth, reforestation and natural resource management policies; and sixth, international energy technology transfer. These programs would help to ensure sustained economic growth and development, achieve a secure domestic energy supply, and mitigate potential adverse global climate changes.

To many environmentalists and policymakers existing evidence on global warming is solid enough to begin taking steps to curb greenhouse gas emissions, while others have reserved judgment until more scientific data can be accumulated. Everyone agrees that there is a considerable amount of information on what we don't know, however, there is also a considerable amount of knowledge regarding what we do know: That a majority of the world's climatologists place the global average temperature rise in the next century at 1.5 to 4.5 degrees centigrade if current trends in the generation of greenhouse gases continue. Temperature changes of this magnitude may alter climatic patterns with subsequent effects on agriculture, forests, water supplies, ecosystems, endangered species, sea level, and coastlines.

In light of these alarming statistics, the National Energy Policy Act of 1990 is based on the premise that continued development of energy efficiency as well as more environmentally benign renewable energy resource technologies is a logical energy policy path to pursue regardless of the outcome of research efforts into global warming. The bill outlines prudent energy policy measures that can, and should be, taken in the near term to mitigate the effects of global warming.

Energy efficiency is a major component of this sensible domestic energy policy, not only to control emissions of CO_2 and trace gases caused by the combustion of fossil fuels, but to reduce the grave threat posed to our Nation's national security by unreliable fuel imports. The recent events in the Middle East dramatically illustrate the need for a strong national energy policy that recognizes not only the vital importance of our Nation's fossil fuel resources but also the importance of energy efficiency and renewable energy resources.

In addition, improvements in energy efficiency are consistent with long-term strategies for reducing the generation of carbon dioxide and other greenhouse gases. Efficiencies in the residential, commercial, industrial, and transportation sectors have risen dramatically in recent years. For example, the United States used approximately the same amount of primary energy in 1987, as it did in 1973, even though the economy grew almost 40 percent in real terms during that period.

Despite these gains in efficiencies, American energy needs continue to rise. In order to meet the challenge of increased energy demand, means must not only be found for making energy use more efficient, but for producing and utilizing energy in more environmentally benign ways. Efforts to strengthen funding and research into energy efficiency resource technologies and nonfossil energy resources and the encouragement of appropriate end-use are also important for several other reasons. Improvements in the efficiency of energy use may also lead to greater U.S. industrial competitiveness abroad, a decline in the cost of energy services at home thus freeing more capital for alternative investment in infrastructure or consumer purchases, reductions in the environmental impacts associated with the use of fossil fuels, and benefits for the Nation's energy security.

The legislation also increases funds available for research and development in order to help spur the advance and application of promising new energy technologies. Enhanced government/industry cooperation in research and development could cut costs and facilitate the dissemination of improved renewable energy technologies. The United States has the capability to make energy efficiency technology a viable domestic industry. If this technology can be taken to the rapidly industrializing countries of the Third World, our domestic industries can play a major role in helping these developing countries to restructure their economies. But we must not let this valuable opportunity pass us by. Already the Japanese and the Europeans stand poised to take advantage of the market opportunities that may exist for energy efficiency and renewable energy technologies.

As I have said many times before, energy efficiency must remain an important component of any national energy policy both to preserve domestic energy resources and to reduce emissions of CO_2 and trace gases which come from the burning of fossil fuels. As policymakers we must begin to seriously examine available strategies for minimizing future growth in greenhouse gas emissions while promoting sustainable economic growth.

Innovative policies are necessary not only to meet the domestic energy needs of this Nation, but to address the environmental and social problems posed by the greenhouse effect, acid rain, and the destruction of the ozone layer. As policymakers, we must also begin to examine seriously possible strategies for minimizing the rates of future greenhouse gas emissions while promoting sustained economic growth.

In many of the developing countries, efforts to explore the potential of renewable energy technologies as well as more efficient use of fossil fuel technologies have been stymied by a severe shortage of capital and political will.

The National Energy Policy Act of 1990 contains language to strengthen and broaden the mandate of the Committee on Renewable Energy, Commerce and Trade in order to help avert further environmental degradation and emissions of greenhouse gases and preserve valuable capital for use in developing infrastructure, et cetera.

Mr. President, in closing let me state that few people believe that the United States can end its dependence on fossil fuels overnight. However, the need for sound policies to address our Nation's energy policy has never been more apparent than it is today. Actions to mitigate global climate change will require initiative, risk, and perseverance. I'm pleased to stand before you today to urge your support for a bill which lays the foundation for a comprehensive national energy policy to tackle this enormous potential threat to our planet.

Mr. McCLURE. Mr. President, I rise in support of S. 324, as reported by the Committee on Energy and Natural Resources. Unlike the original bill, the National Energy Policy Act of 1990, as reported by the committee, recognizes that many scientific uncertainties surround our understanding of the causes and effects of global climate change which must be addressed. The substitute also recognizes that there are a number of policy initiatives which may contribute to abating and mitigating global climate change that should be pursued because they merit attention, in any case, on national energy policy grounds.

In November 1987, the Energy and Natural Resources Committee convened oversight hearings on the energy policy implications of what is now commonly referred to as the greenhouse effect or global climate change. Over the last 3 years the committee has held 18 days of oversight and legislative hearings related to this issue. In the process, the committee has compiled a record consisting of thousands of pages of testimony, statements, and documents.

Two conclusions emerge clearly from this effort: First, there is no question that mankind has significantly altered the composition of the atmosphere by the combustion of fossil fuels, by the clearing of forests to expand agricultural production, and by the production and use of synthetic chemicals such as chlorofluorocarbons. Over the past two centuries the amount of greenhouse gases in the atmosphere has increased sufficiently to raise questions regarding their effects on the temperature of the planet.

The second, and perhaps the most important, conclusion is that while scientific research is making progress in advancing our understanding of the relationship between greenhouse gases and global climate change, the state of scientific research remains imprecise and inadequate for the formulation of national and international policies.

Advancing our understanding in these areas is essential before the Congress and the administration can be expected to agree to an international framework convention on global climate change. Our global environment is under stress on many fronts. Global climate change is but one. As Dr. Robert M. White observed in the July 1990 Scientific American:

> What would be unwise is to lapse into apocalyptic thinking or ostrich-like denial. We like to believe ourselves far more sophisticated, more enlightened, than preceding generations. Until we can calmly and objectively approach our environmental challenges without promoting public hysteria and exciting shortsighted, self-interested reaction, we cannot claim that we are.

Mr. President, as I discussed in my additional views in the committee's report on S. 324, for too long the United States has lacked a long-term, comprehensive, and consensus-based national energy strategy that fosters not only the efficient use of available energy supplies, but also encourages domestic energy production consistent with the protection of environmental values. What is also missing is a national energy awareness.

The committee substitute fosters the formulation of a national energy strategy that reflects long-term concern for the provisions of adequate energy supplies at the least cost to our Nation, taking into consideration the overall economic, energy, social, and environmental costs. Among these concerns is the formulation of policies that address the adverse effects of global climate change.

However, there is a great need to improve scientific understanding of the natural and manmade sources of greenhouse gases and their relative contributions to the problem. Similarly, there is a need to understand the social, economic, energy, and environmental consequences of both global climate change and any actions proposed to mitigate or adapt to such changes.

As scientific knowledge is refined, our understanding of the causes of global climate change becomes more certain. At some point scientific knowledge will be sufficient for the purpose of formulating comprehensive policies to deal with global climate change. However, until there is some modicum of agreement on not only the timing and magnitude of the physical effects of global climate change, but also their ecological and economic consequences, perhaps we should resist calls for immediate and drastic unilateral reductions in the generation of carbon dioxide and other greenhouse gases.

Progress is being made through international cooperation and coordination. Policy statements already are mutually agreed concerning control targets for greenhouse gases and the negotiation timetable for formulation of an international convention on global climate change and associated control protocols. These ministerial declarations are contained in the November 1989 Noordwijk Declaration and the May 1990 Bergen Declaration.

Mr. President, I ask unanimous consent that excerpts from these declarations be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLURE. It would be useful, Mr. President, to understand what the United States has agreed to at these international meetings. In summary:

The United States agreed to stabilize greenhouse gas emissions as soon as possible, while ensuring economic stability. The United States did not agree to stabilize greenhouse gas emissions by the year 2000 at present levels or any other specified year or level.

The United States agreed to conduct analyses of the potential to limit these emissions on specific timetables within the framework of the U.N. Intergovernmental Panel on Climate Change.

The United States agreed to initiate negotiations to agree to a framework convention to be concluded, if possible, by June 1992, and to hold the first negotiation session in the United States at least early next year. The United States did not agree to conduct simultaneous negotiations of the framework convention and protocols dealing with greenhouse gases and forestation, among other topics; rather the current U.S. position is that protocol negotiations should follow the negotiations of the framework convention.

The United States position is that the base for development of the framework convention and associated protocols should be the best scientific information, primarily the reports of the U.N. Intergovernmental Panel on Climate Change.

The United States agreed to commit to establishment of national strategies and/or targets and schedules to limit or reduce the generation of carbon dioxide and other greenhouse gases; however, the United States did not agree to establish a national strategy for greenhouse gas emissions control before the start of negotiations.

Mr. President, S. 324 as reported by the Energy and Natural Resources Committee supports these international negotiations by addressing the gaps in our knowledge of the causes and consequences of global climate change. Both the goals and purposes of the legislation emphasize the need to identify, assess, and investigate the potential social, economic, energy, and environmental consequences of global climate change so as to enable us to understand the consequences of any pro-

posed policies for mitigating or adapting to global climate change.

However, Mr. President, there is a need for international cooperation and coordination if our quest for the necessary knowledge to formulate cost-effective technologies to deal with the potential adverse effects of global climate change is to be effective. Any change in the global climate will affect all nations, and it will affect each one differently. To fully understand the differences in how various countries will be affected will require additional research on a wide range of climate issues including historic natural changes in the environment, the ocean-atmosphere relationship, and the influence of clouds in the global climate equation.

International cooperation and coordination is essential to the success of this effort. And one goal of S. 324 is to secure the commitment of the community of nations to a framework convention on global climate change. Such an international collaboration will produce in relatively short order the quality information so desperately needed by policymakers during the current worldwide debate and is relatively inexpensive compared to the costs associated with many of the current proposals being made without knowledge of their social, economic, energy, and environmental consequences.

In this regard the committee substitute contains several scientific and energy initiatives that will advance our understanding of the causes and consequences of global climate change. However, the measure also contains energy initiatives for which there is general support and they are accompanied by the added benefit that they contribute to stabilization of the generation of greenhouse gases. Among these are research and development initiatives in the areas of energy conservation, advanced vehicle fuel and engine systems, natural gas and other alternative fuels, fusion energy, and hydrogen.

The Department of Energy can serve a unique role both in advancing our understanding of the causes and consequences of global climate change and in supporting energy initiatives that reflect national enrivonmental objectives.

There still is considerable debate going on in the scientific community among climatologists and geophysicists regarding the timing and magnitude of global climate change. This disagreement even extends to the relative roles of various greenhouse gases, such as carbon dioxide and methane, to name two.

The acrimonious nature of the debate within the scientific community is not in our mutual interest and signicantly detracts from the issue at hand—the identification of any adverse consequences of global climate change and the formulation of sensible policies to deal with them. Clearly there is need for an aggressive research program on the causes and the timing, magnitude, and regional consequences of these changes.

Let us assume for the sake of argument that the signs of global climate change are clear and the change is going to be accompanied by adverse consequences. If we are going to be successful in providing viable alternatives to our current energy policies then we must be receptive to new ideas, new developments, new ways of viewing circumstances, and new ways of achieving energy and environmental objectives.

As we enter the 21st century, advanced reactor development is crucial to the Nation and, possibly, to our entire globe. Greater use of nuclear power can contribute significantly to the mitigation or abatement of the generation of greenhouse gases. But the fact remains, as it exists today the future of nuclear power is not assured.

Failure to address this situation in the legislation approved by the committee is inconceivable to me. The measure addresses global climate change due to the generation of greenhouse gases, but it ignores the one technology most readily available to provide electricity without the concomitant generation of CO_2.

We must look ahead. We must anticipate the future. Nuclear power is a prime example of what happens when conditions change and our technology stays the same. Nuclear technologies that were good enough to lead the world when they were chosen in the 1950's are not good enough now, or for the 21st century. What is needed is advanced nuclear reactor technologies for the generation of electric power that, compared to currently operating technologies, offer the potential to advance the passive safety features, reliability, and ease of construction of nuclear reactors. An added benefit of such technologies is that they reduce the generation of carbon dioxide and other greenhouse gases.

As reported by the committee, S. 324, the National Energy Act of 1990, will advance our knowledge of the timing, magnitude, and regional variations in global climate change. The measure also will advance our understanding of the social, economic, energy, and enrivonmental implications of global climate change. But more importantly, the legislation will advance our understanding of the social, economic, energy, and environmental consequences of proposed policy initiatives. While these various implications of global climate change are potentially significant, so are the consequences of any proposed policy initiatives to stabilize or reduce the generation of greenhouse gases.

Mr. President, for the reasons stated here and in my additional views, I urge adoption of the committee-reported substitute for S. 324 as introduced.

ADDITIONAL VIEWS

For too long the United States has lacked a long-term, comprehensive, and consensus-based national energy strategy that fosters not only the efficient use of available energy supplies, but also encourages domestic energy production consistent with the protection of environmental values. What is missing is a national energy awareness.

The committee's reported substitute, unlike the original bill, recognizes that many scientific uncertainties exist which must be addressed. The substitute also recognizes that there are a number of policy initiatives which may contribute to abating and mitigating global climate change that should be pursued because they merit attention in any case—policies such as energy conservation. The committee substitute fosters the formulation of a national energy strategy that reflects long-term concern for the provision of adequate energy supplies at the least-cost to our Nation, taking into consideration the overall economic, energy, social and environmental costs to the Nation.

I wholeheartedly support these aspects of the committee substitute. A major weakness of the measure, however, is the lack of comparable attention to the advanced nuclear power option as a critical element of national energy and environmental policies.

OVERVIEW

Any change in the global climate not only will affect all nations but it will affect them differently. And one goal of S. 324 is to secure the commitment of the community of nations to a framework convention on global climate change.

If policies to deal with the potential adverse effects of global climate change are to be effective, there is a need for international cooperation and coordination. In response to this concern, the United States recently joined with over 70 other nations in supporting stabilization of the generation of carbon dioxide.

In support of this international effort, additional research is needed on a wide range of climate issues, including historic natural changes in the environment, the ocean-atmosphere relationship, and the influence of clouds in the global climate equation. Such an undertaking will produce in relatively short order the quality information so desperately needed by policy-makers during the current world-wide debate and is relatively inexpensive compared to the costs associated with many of the current proposals being made without knowledge of their effectiveness.

Concurrently, aggressive energy conservation and reforestation programs in the United States already are playing a leading role in the reduction of the generation of greenhouse gases. The Federal Government is committed to total phaseout of CFC's by the year 2000. Anticipated Clean Air Act amendments and improved automobile fuel efficiency will further reduce greenhouse gases.

In support of these parallel efforts, the committee substitute contains several scientific and energy initiatives that will advance our understanding of the causes and consequences of global climate change. However, the measure also contains energy initiatives for which there is general support and they are accompanied by the added benefit that they contribute to stabilization of the generation of greenhouse gases. Among these are research and development initiatives in the areas of energy conservation, advanced vehicle fuel and engine systems, natural gas and other alternative fuels, fusion energy, and hydrogen.

Several of these provisions deserve particular mention both for what they do, and what they do not do. However, noticeably absent from the measure are initiatives in the area of advanced nuclear reactor development.

But before proceeding with that discussion, the following observations are warranted: The Department of Energy can serve a unique role both in advancing our understanding of the causes and consequences of global climate change and in supporting energy initiatives consistent with national environmental objectives. The committee substitute attempts to better define this role.

GOALS

The findings in S. 324 recognize that an understanding of the scientific causes and economic effects of global climate change is necessary for the formulation of effective policies.

Before the Congress can formulate policies that will mitigate or adapt to the adverse effects of global climate change, there is a great need to improve scientific understanding of the natural and manmade sources of greenhouse gases and their relative contributions to the problem. Similarly, there is a need to understand the consequences of global climate change as well as the consequences of any policies for mitigating or adapting to global climate change.

Until there is some modicum of agreement on not only the timing and magnitude of the physical effects of global climate change, but also their ecological and economic consequences, perhaps we should resist calls for immediate and drastic unilateral reductions in the generation of carbon dioxide.

SCIENTIFIC UNCERTAINTIES

Scientific research is making significant progress in our understanding of both the scientific causes and economic consequences of global climate change. Testifying before the Committee on the state of current scientific knowledge on the causes of global climate change, Dr. D. Allan Bromley, the assistant to the President for Science and Technology, observed, "few scientists would argue with the contention that if we continue to load the atmosphere with greenhouse gases, we will eventually experience some degree of warming."

Dr. Bromley also referred in testimony to several recent studies suggesting that changes in global climate and their potential impacts may be more moderate than previous predictions. Within the last 6 months, for example:

A National Academy of Sciences panel estimated in January 1990, on the basis of current climate change models, that predicted global warming over the next fifty years is closer to 2 degrees Celsius, rather than the previous range of 1.5 to 4.5 degrees Celsius.

The American Geophysical Union in December 1989 revised earlier estimates of rise in sea level by the year 2100 from the previous estimate of between 20 and 120 inches to a new estimate of between 0 and 30 inches.

Following recent introduction by United Kingdom scientists of a better representation of cloud processes into their global climate change model, the model now predicts that a doubling of current CO_2 atmospheric levels will result in a warming of 1.9 degrees Celsius, down from the previous estimate of 5.2 degrees Celsius.

Following inclusion of more realistic ocean simulations into its global climate model, NOAA reported in January 1990 that even with a doubling of current CO_2 levels there would not be warming in the Southern Hemisphere.

As scientific knowledge is refined, our understanding of the causes of global climate change becomes more certain. At some point scientific knowledge will be sufficient for the purpose of formulating comprehensive policies to deal with global climate change.

However, at the present time there still is considerable debate going on in the scientific community among climatologists and geophysicists regarding the timing and magnitude of global climate change. This disagreement even extends to the relative roles of various greenhouse gases, such as carbon dioxide and methane, to name a few.

The acrimonious nature of the debate is not in our mutual interest and significantly detracts from the issue at hand—the identification of any adverse consequences of global climate change and the formulation of sensible policies to deal with them.

If we are to effectively exercise our responsibilities as policy makers, we must fully understand the basis for this disagreement, which is reflected in the following statement:

Current forecasts of the man-made greenhouse effect do not appear to be sufficiently accurate to be used as a basis for sound national policy decisions.

This view was recently expressed by three notable scientists: Frederick Seitz, past president of the NAS; Robert Jastrow, founder and former Director of the NASA's Goddard Institute for Space Studies; and William Nierenberg, director emeritus of the Scripps Institution of Oceanography. "Scientific Perspectives on the Greenhouse Problem," George C. Marshall Institute, Washington, 1989. These distinguished scientists also wrote that—

In fact it is possible that a combination of natural and solar variability is the cause of the entire temperature increase—about 0.5 degrees centigrade—observed since 1890.

If this review of the science is correct then human activity may have little, if any, impact on the earth's atmosphere and/or global temperatures in the last century. The words of Doctors Seitz, Jastrow, and Nierenberg were penned two summers ago as Washington, DC, and much of the rest of the Nation sweltered through a record-setting summer of heat, drought, and natural disasters. Nevertheless, perhaps we should pay close attention to these authors' advice. These men do not dismiss the greenhouse effect or its potential adverse impacts; in fact, they judge the warming of the earth in the last 100 years to be a real phenomenon. However, they do suggest that any policies we adopt be reasonable and carefully thought out.

Given this level of uncertainty in predictions about the timing and magnitude of global climate change, as policy makers we must proceed with restraint to ensure that we do not overreact while, at the same time, recognize that mankind has become a more important agent of environmental change than nature.

ECONOMIC AND ECOLOGICAL UNCERTAINTIES

Testifying before the committee on the economic and ecological uncertainties associated with the consequences of global climate change, Dr. Bromley observed that—

It is also important to recognize that developing an improved understanding of geophysical climate processes is only the first step in developing appropriate policies. Estimates of the human and social consequences stemming from actions that might be taken to curtail the generation of greenhouse gases, as well as those stemming from predictions on future warming and ancillary changes associated with it, must then be developed and used as the basis for policy formulation.

As Frank Press, the distinguished president of the National Academy of Sciences (NAS), observed at the June 1989 Paris symposium on "Planet Earth":

Substantial reductions of carbon dioxide emissions—will require a change in the economy of the world, at costs ranging from hundreds of billions to perhaps trillions of dollars, and may not be technically feasible over the next 40 years.

In view of the costs associated just with addressing carbon dioxide as one cause of global temperature increases, Frank Press recommended against making "such large investments at this time."

The economically wealthy nations of the world have the resiliency and resources to deal with the consequences of global climate change. But the economic development of the rest of the world is intimately bound to our success in the quest to find cost-effective solutions to such global issues as climate change.

RESEARCH NEEDS

Clearly there is need for an aggressive research program on the causes and the timing, magnitude, and regional consequences of global climate change. Such an investment is needed on a wide-range of climate issues, including historic natural changes in the environment, the ocean-atmosphere relationship, and the influence of clouds in the global climate equation.

Through such an investment, the government can accelerate the pace of climate research to yield the information in years rather than decades, so that timely action can be taken if needed. Such an approach is comparatively inexpensive compared to the costs associated with proposed environmental controls.

In the area of energy policy, we can pursue initiatives to conserve energy and water resources, to further research and development of promising alternative energy sources, and to develop programs to spur reforestation and slow deforestation. These initiatives also include continued support for the development and deployment of clean coal technologies which offer the best opportunity to reduce carbon dioxide emissions both here and abroad, while improving the efficiency of coal-fired electricity generation.

These policies should be pursued regardless of the outcome of current research efforts on global climate change. While this research is being undertaken, we can pursue more aggressively measures to reduce the greenhouse gases where those measures also serve other energy policy objectives.

NUCLEAR POWER

Let us assume for the sake of argument that the signs of global climate change are clear and the change is going to be accomplished by adverse consequences. If we are going to be successful viable alternatives to our current energy policies then we must be receptive to new ideas, new development, new ways of viewing circumstances, and new ways of achieving energy and environmental objectives.

As we enter the 21st century, advanced reactor development is crucial to the Nation and, possibly, to our entire globe. Greater use of nuclear power can contribute significantly to the mitigation or abatement of the generation of greenhouse gases. But the fact remains, as it exists today, the future of nuclear power is not assured.

Failure to address this situation in the legislation approved by the Committee is inconceivable to me. The measure addresses global climate change due to the generation of greenhouse gases, but it ignores the one technology most readily available to provide electricity without the concomitant generation of CO_2.

If the scientific community is correct about the causes of climate change, and we are serious about the stabilization or reduction of the generation of CO_2, then we have to be serious about finding the means to generate electricity needed for the prosperity of this world without the accompanying generation of greenhouse gases. I do not know how the Senate can rationally consider legislation to deal with global climate change without concurrently addressing the one technology that must be an indispensable component in any long-term strategy to deal with the stablization or reduction of the generation of greenhouse gases; namely, advanced nuclear reactors.

To do otherwise is to transform this legislation into an exercise in symbolism—without a conscience and without any realistic hope of coming to grips with the issue. In every other area we have gone beyond studies to propose some specific policy initiative. We would do the same for nuclear technology.

For example, one reactor type that could have a significant impact on the abatement of greenhouse gas effects in a sustained way is the breeder reactor. The breeder reactor's utilization of uranium is much more efficient than that of other reactor technologies, by a factor of 70 times or so. Use of our uranium by this means could theoretically produce enough energy to displace all fossil fuel consumption for at least 1,000 years. Such forms of nuclear power could play a significant role in any permanent solution to global climate change.

If nuclear energy is to fuel mankind's energy needs, and maintain the present atmospheric environment, that is to say provide an energy source for the millennia that need not pollute at all, breeding of nuclear fuel is a fundamental requirement. However, the whole question of the closing of the fuel cycle and breeding are inextricably linked.

A closed fuel cycle is needed for breeding to really be useful. Spent fuel must be processed, the accumulated fission products removed and the cladding material renewed. By this means, the fuel can be used over and over again.

A closed fuel cycle opens new possibilities for dealing with nuclear waste. Unlike conventional nuclear reactors, in a breeder reactor, all the actinides are effectively fuels, even the minor ones, so they can be recycled and consumed in the reactor, producing power and adding to the amount of energy that a given uranium resource can produce.

When reprocessing is tied to the breeder reactor, the nuclear wastes no longer have to be just whatever the reactor happened to leave over. Instead, the fission product wastes created during reactor operation can be separated from the actinides such as uranium, plutonium, and others created in smaller amounts, such as neptunium and americium. And the actinides and unspent uranium can be recycled as fuels.

But of more interest is what this does to the waste that is left over. In addition to being one-tenth the volume, this nuclear waste contains only fission products, and fission products die away relatively quickly compared to the time scale for decay of today's typical nuclear reactor wastes. Thus, in 200 years—not a million years, as is the case today—the carcinogenic risk drops below that of the original mined uranium ore. This difference significantly changes the character of the debate on this issue. The everlasting character of today's nuclear wastes is no longer an issue in view of breeder reactors that recycle actinides.

We must look ahead. We must anticipate the future. Nuclear power is a prime example of what happens when conditions change and our technology stays the same. Nuclear technologies that were good enough to lead the world when they were chosen in the 1950's, are not good enough now or for the 21st century. What is needed is advanced nuclear reactor technologies for the generation of electric power that, compared to currently operating technologies, offer the potential to advance the passive safety features, reliability, and ease of construction of nuclear reactors. An added benefit of such technologies is that they reduce the generation of carbon dioxide and other greenhouse gases.

CONCLUSION

In November 1987, the Energy and Natural Resources Committee convened oversight hearings on the energy policy implications of what is now commonly referred to as the "Greenhouse Effect" or "Global Climate Change". Over the last 3 years the committee has held 18 days of oversight and legislative hearings related to this issue. In the process, the

committee has compiled a record consisting of thousands of pages of testimony, statements, and documents.

Two conclusions emerge clearly from this effort: First, there is no question that mankind has significantly altered the composition of the atmosphere by the combustion of fossil fuels, by the clearing of forests to expand agricultural production, and by the production and use of synthetic chemicals such as chlorofluorocarbons. Over the past two centuries the amount of greenhouse gases in the atmosphere has increased sufficiently to raise questions regarding their effects on the temperature of the planet.

Second, and perhaps the most important conclusion, is that while scientific research is making progress in advancing our understanding of the relationship between greenhouse gases and global climate change, the state of scientific research remains imprecise and inadequate for the formulation of national and international policies.

As reported by the committee, S. 324, the National Energy Act of 1990, will advance our knowledge of the timing, magnitude, and regional variations in global climate change. The measure also will advance our understanding of the social, economic, energy and environmental implications of global climate change. But more importantly, the legislation will advance our understanding of the social, economic, energy, and environmental consequences of proposed policy initiatives. While these various implications of global climate change are potentially significant, so are the consequences of any proposed policy to stabilize or reduce the generation of greenhouse gases.

Advancing our understanding in these areas is essential before the Congress and the Administration can be expected to agree to an international framework convention on global climate change. Our global environment is under stress on many fronts. Global climate change is but one. As Dr. Robert M. White observed in the July 1990 Scientifc American:

What would be unwise is to lapse into apocalyptic thinking or ostrich-like denial. We like to believe ourselves far more sophisticated, more enlightened, than preceding generations. Until we can calmly and objectively approach our environmental challenges without promoting public hysteria and exciting shortsighted, self-interested reaction, we cannot claim that we are.

EXHIBIT 1

[Attachment 1]

EXCERPTS FROM THE NOORDWIJK DECLARATION ON CLIMATE CHANGE

III. SUSTAINABLE ENERGY USE

14. Taking into consideration that the ECE region presently accounts for about 70% of global primary energy and fossil fuel use, we assume a major responsibility to limit or reduce greenhouse gases and other emissions and to lead a global effort to address this matter by promoting energy efficiency, energy conservation and the use of environmentally sound and renewable energy sources.

(b) To reaffirm our continued support for the IPCC as the principal forum for scientific assessment related to climate change, the potential impacts of such changes, and the options available for preventing or adapting to changes in the climate of the earth. The process of the IPCC should be supported by the investigation of the feasibility of achieving targets to limit or reduce CO_2 and other greenhouse gas emissions including e.g. a 20% reduction of CO_2 emission level by the year 2005 as recommended by the Scientific World Conference on the Changing Atmosphere in Toronto 1988.

(c) To pledge our full support for the early completion of the work on a framework convention on climate change and the development of protocols dealing with, inter alia, greenhouse gases and forestation, with a view to signing not later than at the 1992 Conference on Environment and Development. The development of the convention and its associated protocols should be based on the best scientific evidence available, provided primarily by the report of the IPCC, and drawing upon the Toronto Conference recommendations, the Noordwijk 1989 declaration, and the report of the Bergen Conference on Sustainable Development, Science and Policy.

(d) To recognize the need to stabilize, while ensuring stable development of the world economy, CO_2 emissions and emissions of other greenhouse gases not controlled by the Montreal Protocol. The industrialized nations have agreed to Noordwijk that such stabilization should be achieved by them as soon as possible, at levels to be considered by the IPCC and the Second World Climate Conference. To fulfil this need, and

Noting with appreciation that some countries have already committed themselves in advance to stabilize CO_2 emissions at present levels or to reduce them by the year 2000;

Recognizing that countries with, [as yet, relatively low] energy requirements, which can reasonably be expected to grow in step with their development, may need strategies or targets which can accommodate that development;

Also recognizing that strategies or targets could be based, for example, on total emission levels, per capita emissions, climate conditions or other equitable considerations.

We urge all ECE countries to take action now, and we agree to commit to establish national strategies and/or targets and schedules following the report of the IPCC and no later than the start of the negotiations of a framework convention on climate change to limit or reduce CO_2 emissions and other greenhouse gas emissions as much as possible and to stabilize them. In the view of most ECE countries, such stabilization at the latest by the year 2000 and at present level must be the first step.

[Attachment 2]

EXCERPTS FROM BERGEN CONFERENCE SUSTAINABLE DEVELOPMENT MAY 8-16, 1990

(7) Climate change is a common concern of mankind. All countries should now, according to their capabilities and the means at their disposal, initiate actions and develop and maintain effective and operational strategies to control, limit or reduce emissions of greenhouse gases. As a first step, they should take those actions which are beneficial in their own right. Industrialized countries, in view of their contribution to the increase of greenhouse gas concentrations, and in view of their capabilities, have specific responsibilities of different kinds: (i) they should set an example by initiating domestic action, (ii) they should support, financially and otherwise, the action by countries to which the protection of the atmosphere and adjustment to climate change would prove to be an excessive burden and (iii) they should reduce emissions of greenhouse gases, also taking into account the need of the developing countries to have sustainable development. Developing countries establishing industrial facilities for the first time have a unique opportunity to include up-to-date technologies for controlling the emissions of greenhouse gases.

(8) For the long term safeguarding of our planet and maintaining its ecological balance, joint effort and action should aim at limiting or reducing emissions and increasing sinks for greenhouse gases to a level consistent with the natural capacity of the planet. Such a level should be reached within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and permit economic activity to develop in a sustainable and environmentally sound manner. Stabilizing the atmospheric concentrations of greenhouse gases is an imperative goal. The IPCC will need to report on the best scientific knowledge as to the options for containing climate change within tolerable limits. Some currently available estimates indicate that this could require a reduction of global antropogenic greenhouse gas emissions by more than 50 per cent. These estimates should be the subject of further examination by the IPCC.

(9) While striving to preserve the global environment, it is important to work at the same time to ensure stable development of the world economy, in line with the concept of "sustainable development". Effort and action should include: (i) the phasing-out of CFCs controlled by the Montreal Protocol, which are responsible for about one-fifth of projected global warming, by national action and international co-operation in the context of the Montreal Protocol. This includes financial assistance and transfer of technology and information. In this connection, it is important that the substitutes for CFCs also should not contribute significantly to the global warming problem, (ii) action especially by industrialized countries to limit or reduce CO_2-emissions, (iii) action to reduce deforestation, prevent soil erosion and desertification; increase afforestation, and sound forest management in the temperate as well as the tropical zones, (iv) action to limit or reduce the emissions of all greenhouse gases other than CO_2 and their precursors and to increase the sinks for such substances and (v) intensified efforts for technological breakthroughs, for example with regards to renewable energy and removal and re-utilization of CO_2.

(10) The conference recommends that appropriate fora, including the IPCC, consider the necessity and efficiency of the introduction of the concept of CO_2-equivalence. This would provide a single parameter to describe the radiative effects of the various greenhouse gases, including CFCs. Such a concept, after taking into account other environmental considerations, creates a basis for negotiations in response measures for different greenhouse gases in the most cost-effective manner. The Conference further recommends the development of common defi-

nitions and the harmonization of methods to calculate CO_2-emissions.

Given this stage of development of the issue of climate change, the Conference more specifically:

CARBON DIOXIDE (CO_2)

(14) Urges all countries to take steps individually and collectively, to promote better energy conservation and efficiency and the use of environmentally sound energy sources, practices and technologies with no or minimum environmentally damaging characteristics. These policies should be reflected in short and long term energy policies and be pursued by all relevant sectors, including industry and transport, taking into account the need of developing countries for an adaptation period in order to enable them to meet their technological and other developmental needs. One direct means of allowing markets to incorporate the risk of climate change could be to ensure that the price of all fuels reflect their full social, long run marginal and environmental costs and benefits.

(15) Agrees that it is timely to investigate quantitative emission targets to limit or reduce CO_2 emissions and encourages the IPCC, in their interim report due in 1990, to include an analysis of target options.

(16) Recognizes the need to stabilize, while ensuring stable development of the world economy, CO_2 emissions and emissions of other greenhouse gases not controlled by the Montreal Protocol. Industrialized nations agree that such stabilization should be achieved by them as soon as possible, at levels to be considered by the IPCC and the Second World Climate Conference of November 1990. In the view of many industrialized nations such stabilization of CO_2 emissions should be achieved as a first step at the latest by the year 2000.

Urges all industrialized countries to support the process of IPCC through the investigation of the feasibility of achieving targets to limit or reduce CO_2 emissions including e.g. a 20 percent reduction of CO_2 emission levels by the year 2005 as recommended by the scientific World Conference on the Changing Atmosphere in Toronto 1988.

Urges all industrialized countries to intensify their efforts in this respect, while ensuring sustainable development and taking into account the specific circumstances of individual countries.

(17) Agrees that industrialized countries with, as yet, relatively low energy requirements, which can reasonably be expected to grow in step with their development, may have targets that accommodate that development.

(18) Calls on the IPCC to present the analysis and conclusions referred to above to the Second World Climate Conference in November 1990.

(19) Agrees that developing countries endeavour to meet future targets for CO_2-emissions and sinks, with due regard to their development requirements and within the limits of their financial and technical capabilities. International co-operation, whenever available, would be a contributing factor for greater action. New processes or industries to be introduced should, as far as possible, incorporate technologies which are more energy-efficient and produce less pollution than present technologies.

(20) Agrees that developing countries will need to be assisted financially and technically, including assistance with training, i.e. by strengthening relevant mechanisms to ensure that they will be in a position to manage, develop, and conserve their forest resources in a sustainable and environmentally sound manner. This will also contribute to combating erosion and desertification. Recognition by the market of the total value of forests, including non-wood values, is a precondition for developing countries' being able to successfully use such financial and technical assistance for sustainable forest management.

CHLOROFLUOROCARBONS (CFC'S)

(22) Welcomes the commitment of the industrialized countries to amend the Montreal Protocol and to phase out the production and consumption of controlled chlorofluorocarbons by the year 2000, and of other controlled ozone depleting substances as soon as feasible. Urges all countries to become Parties to the Vienna Convention for the Protection of the Ozone Layer and to the Montreal Protocol. To facilitate this broad participation suitable amendments of the Montreal Protocol should be considered urgently by the Parties to the Protocol.

Urges industrialized countries to use financial and other means to assist developing countries in phasing out their production and consumption of controlled substances as soon as possible, by providing them with sufficient means to enable them to meet their target date. The development of alternative technologies and products in developing countries should be promoted.

OTHER GREENHOUSE GASES

(23) Recommends that the development and implementation of specific means of limiting the atmospheric concentrations of greenhouse gases other than CO_2 and CFCs should be energetically pursued, taking into consideration the special situation of developing countries.

CLIMATE CHANGE CONVENTION

(29) 1. Urges all countries to join and intensify the ongoing work within UNEP and WMO through the IPCC with respect to the compilation of elements for a framework convention on climate change so that negotiations upon it can start as soon as possible after the adoption of the interim report of the IPCC.

2. Recommends that such convention will be framed in such a way as to gain the adherence of the largest possible number and most suitably balanced spread of countries.

3. Agrees that to this end the framework convention and associated protocols should commit the parties inter alia to:

Enhancement of research and systematic observation of climate, aimed at detecting and monitoring climate variations and change;

Action to deal with greenhouse gas emissions and the effects of global warming;

Address the particular financial needs of the developing countries in the access to and transfer of technology; and

Strengthen sustainable forest management.

4. Agrees further that in developing the framework convention on climate change special attention should be given to ensuring that provision is made for appropriate decision making procedures and powers.

5. Urges all involved or to be involved in the negotiations to do their utmost to conclude these negotiations to ensure adoption of the convention as early as 1991 if possible and no later than at the Conference of the United Nations on Environment and Development in 1992.

6. Considers that in the preparation of the framework convention and protocols the relevant aspects of the Vienna Convention on the Protection of the Ozone Layer should be taken into account, as well as innovative approaches as may be required by the complex character of the problem.

(30) Recommends that this declaration and the supporting papers be conveyed to the IPCC at the conclusion of this Conference for further consideration and action.

[Attachment 3]

EXCERPTS FROM THE PRESIDENT'S APRIL WHITE HOUSE CONFERENCE

(Remarks by the President in the Closing Address to the White House Conference on Science and Economics Research Related to Global Change)

To those who suggest we're only trying to balance economic growth and environmental protection, I say they miss the point. We are calling for an early new way of thinking to achieve both while compromising neither. By applying the power of the marketplace in the service of the environment.

And we cannot allow a question like climate change to be characterized as a debate between economists versus environmentalists. To say that this issue has sides is about as productive as saying that the Earth is flat. It may simplify things, but it just doesn't do justice to the facts or to our future. The truth is, strong economies allow nations to fulfill the obligations of stewardship. And environmental stewardship is crucial to sustaining strong economies. If we lose sight of the forest for the trees we risk losing both.

But above all, the climate change debate is not about research versus action, for we've never considered research a substitute for action. Over the last two days, you've heard, formally and informally, that the United States is already taking action to stabilize and reduce emissions through our clean air legislation, our use of market-based incentives to control pollution, our search for alternative energy sources, our emphasis on energy efficiency, our reforestation initiatives, and our technical assistance programs to developing nations.

These policies were developed to address a broad range of environmental concerns, in particular our phaseout of CFCs, the impact of our Clean Air Act on emissions, our tree-planting initiative, and other strategies will produce reductions in greenhouse gas emissions that will reach 15 percent in 10 years—and considerably more later on.

We're also making a leading investment in climate change research—absolutely essential because it will tell us what to do next. But what bears emphasis is that we are committed to domestic and international policies that are environmentally aggressive, effective, and efficient.

And we are deeply committed to an international partnership, through the IPCC process. We look forward to its interim assessment. And we would encourage a framework convention a part of a comprehensive approach to address the system, sources, and sinks as a whole if a decision is made that environmental action is needed to reduce net emissions. We hope to provide a venue for the first negotiating sessions here in the United States.

And finally, here in conference working groups, we've offered four new ideas—a charter for cooperation in science and economic research related to global change; possible creation of international institutes for research on the science and economics or global change; data and information transfers through a global change communications network; and a statement of princi-

ples for implementing international cooperation in scientific and economic research related to global change.

[Attachment 4]

BERGEN MINISTERIAL DECLARATION ON SUSTAINABLE DEVELOPMENT IN THE ECE REGION

Sustainable development meets the needs of the present without compromising the ability of the future generations to meet their own needs.

1. We, the Ministers from 34 countries in the ECE region and the Commissioner for the Environment of the European Community, met at Bergen, Norway, from 14 to 16 May 1990, at the Regional Conference on "Action for a Common Future" organized by the Government of Norway in co-operation with the United Nations Economic Commission for Europe (ECE).

2. Our meeting, the second on an interministerial basis at the regional level, is part of the international follow-up for the report of the World Commission on Environment and Development. Our meeting is also a demonstration of our intention to take an active and constructive role in the preparations for the 1992 UN Conference on Environment and Development.

3. We have had the benefit of a preparatory process which included as full partners the representatives of a wide cross-section of groups in our society: industry, scientists, trade unions, voluntary environmental organizations and youth. Representatives of these groups have together with governments prepared the Bergen Agenda for Action of which we take note.

4. That process included four workshops focused on the following four themes: the Economics of Sustainability; Sustainable Energy Use; Sustainable Industrial Activities; and Awareness Raising and Public Participation.

I. COMMON CHALLENGES

5. Today destruction of the biosphere and its ecosystems, environmental degradation, population pressures, depleting of resources, and extinction of species threaten the quality of human life as well as human health and many of earth's biological systems. Unsustainable patterns of production and consumption, particularly in industrialized countries, are at the root of numerous environmental problems, notably foreclosing options for future generations by depletion of the resource base.

6. The challenge of sustainable development of humanity depends on providing sustainability of the biosphere and its ecosystems, and also requires action by national governments, as well as collaborative action by national governments and international and non-governmental organizations. Within the concept of sustainability, common objectives and concrete measures must be defined. Since sustainability cannot simply be achieved by action only at the level of individual ecosystems, economic sectors and geographic regions, a combination of national assessment and response and international co-ordination and cooperation is needed.

7. In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

8. Environmental problems require greater and more systematic use of science and scientific knowledge. Environmental science activities must therefore be strengthened nationally and internationally. We invite the international science community to contribute toward the advancement of sustainable development policies and programmes. Scientific analyses and forecasts and especially needed to help identify longer term policy options.

9. The evolving political and economic processes in Europe will provide new opportunities for member countries of ECE to cooperate more actively in implementing the provisions of the Helsinki Final Act of the Conference on Security and Co-operation in Europe (CSCE) and in particular the conclusions and recommendations of the concluding documents of the Vienna Meeting of the CSCE (1989), of the CSCE Meeting on the Protection of the Environment, held in 1989 in Sofia and of the Bonn Conference on Economic Co-operation in Europe (1990) as well as the ECE Regional Strategy for Environmental Protection and Rational Use of Natural Resources.

10. We believe that the attainment of sustainable development on the national, regional and global levels requires fundamental changes in human values toward the environment and in patterns of behaviour and consumption as well as the establishment of necessary democratic institutions and processes.

11. Member countries of the ECE and the European Community are fully cognizant of their special responsibilities in relation to global environmental problems and are ready to take a lead in the effort toward solving those problems and to assist developing countries in their environmental and developmental efforts.

12. We have agreed to the following policies, objectives, principles and commitments in support of sustainable development nationally, regionally and globally.

II. THE ECONOMICS OF SUSTAINABILITY

13. Taking into account the symbiotic nature of economy and the environment:

(a) To integrate environmental considerations with economic and sectoral planning and policies and to encourage all relevant institutions to be accountable for evaluating environmental effects of their programmes and policies.

(b) To develop sound national indicators for sustainable development to be taken account of in economic policy making. One of the ways to achieve this is to supplement national accounting systems in order to reflect as fully as possible the importance of natural resources as depletable or renewable economic assets. To this end we call upon the United Nations to accelerate its work on natural resource accounting and pollution control expenditures as production costs, and the Organization for Economic Co-operation and Development (OECD) to intensify its work on economic indicators. To investigate the possibilities of changing the present forms of resource accounting in investment analysis in order to give greater emphasis to long term sustainability compared with short term considerations.

(c) To make more extensive use of economic instruments in conjunction with a balanced mix of regulatory approaches in order to increase efficiency of environmental protection, of the use of natural resources and of energy consumption. Such instruments may include:

Taxes on environmentally damaging activities and products or energy inefficient products,

Reduction or, wherever possible, elimination of subsidies to resource-intensive or environmentally damaging activities,

Other measures such as emission charges and fees, deposit refund systems and tradeable permits and fiscal incentives.

Such actions would make prices, particularly those related to energy, reflect environmental costs and benefits more fully, and thus send market signals and provide incentives. They would modify production and consumption patterns and encourage use of environmentally sound and energy efficient technologies.

(d) To work towards a coordinated approach to the use of economic instruments which would be facilitated by guidelines and studies by international organizations, particularly the OECD, ECE and EC. In this context, we welcome the OECD's work on preparing principles and international guidelines which will be presented to its meeting of Environment Ministers in 1991.

(e) To support, in addition to present development assistance, programmes to increase the flow of capital and environmentally sound technology to developing and East European countries to assist the efforts by the receiving countries on high priority resource and environmental management projects and to meet their international obligations to protect the global environment. In particular it will be necessary to identify new ways and means of providing such resources to developing countries. We welcome the decision of the Development Committee of the World Bank and the International Monetary Fund on May 8, 1990, which urges the Bank, in close collabortion with UNEP and UNDP and other interested parties, to proceed expeditiously with the development of proposals for a pilot global environmental mechanism.

(f) To urge donors and multilateral agencies to take into account the relationship between debt service burdens and the ability of countries both within and outside the ECE to carry out measures to ensure the protection of the environment. We will also urge bilateral and multilateral partners and financial institutions to take full account of environmental considerations and opportunities for natual resource savings in their project and structural adjustment lending operations and debt-for-nature swaps, so that these operate in accordance with the principles of sustainable development.

(g) To address the relationship between population pressures and sustainable development. ECE donors should work with countries experiencing rapid population growth to assist them at their request in implementing their population policies.

(h) To accelerate in the OECD, ECE, GATT, UNCTAD, the European Community and other appropriate fora the dialogue on the interlinkages between environmental and trade policies. The dialogue should focus on, inter alia, the role of international trade in promoting sustainable development and on how to ensure that trade does not being about harmful environmental consequences.

(i) To encourage the extension of public purchasing practices which favour environmentally sound products and services.

III. SUSTAINABLE ENERGY USE

14. Taking into consideration that the ECE region presently accounts for about 70% of global primary energy and fossil fuel

use, we assume a major responsibility to limit or reduce greenhouse gases and other emissions and to lead a global effort to address this matter by promoting energy efficiency, energy conservation and the use of environmentally sound and renewable energy sources.

(a) To initiate an ECE wide campaign "Energy Efficiency 2000" to enhance trade and co-operation in energy efficient, environmentally sound techniques and management practices to close the energy efficiency gap between actual practice and best technologies, and between our countries, in particular between East and West, through national actions, bilaterally, multilaterally and especially through the ECE. We envisage that, through these efforts, this gap will be considerably narrowed by 2000.

(b) To reaffirm our continued support for the IPCC as the principal forum for scientific assessment related to climate change, the potential impacts of such changes, and the options available for preventing or adapting to changes in the climate of the earth. The process of the IPCC should be supported by the investigation of the feasibility of achieving targets to limit or reduce CO_2 and other greenhouse gas emissions including e.g. a 20% reduction of CO_2 emission level by the year 2005 as recommended by the scientific World Conference on the Changing Atmosphere in Toronto 1988.

(c) To pledge our full support for the early completion of the work on a framework convention on climate change and the development of protocols dealing with, inter alia, greenhouse gases and forestation, with a view to signing not later than at the 1992 Conference on Environment and Development. The development of the convention and its associated protocols should be based on the best scientific evidence available, provided primarily by the report of the IPCC, and drawing upon the Toronto Conference recommendations, the Noordwijk 1989 declaration, and the report of the Bergen Conference on Sustainable Development, Science and Policy.

(d) To recognize the need to stabilize, while ensuring stable development of the world economy, CO_2 emissions and emissions of other greenhouse gases not controlled by the Montreal Protocol. The industrialized nations have agreed at Noordwijk that such stabilization should be achieved by them as soon as possible, at levels to be considered by the IPCC and the Second World Climate Conference. To fulfil this need, and

Noting with appreciation that some countries have already committed themselves in advance to stabilize CO_2 emissions at present levels or to reduce them by the year 2000;

Recognizing that countries with, as yet, relatively low energy requirements, which can reasonably be expected to grow in step with their development, may need strategies or targets which can accommodate that development;

Also recognizing that strategies or targets could be based, for example, on total emission levels, per capita emissions, climatic conditions or other equitable considerations.

We urge all ECE countries to take action now, and we agree to commit to establish national strategies and/or targets and schedules following the report of the IPCC and no later than the start of the negotiations of a framework convention on climate change to limit or reduce CO_2 emissions and other greenhouse gas emissions as much as possible and to stabilize them. In the view of most ECE countries, such stabilization at the latest by the year 2000 and at present levels must be the first step.

(e) All ECE member countries should work individually and collectively toward reducing SO_2 and NO_x emissions and to support the early completion of a protocol on VOCs (volatile organic compounds).

(f) To recommend that the establishment and implementation of adequate abatement and conservation strategies should be guided by the principle of prevention and minimization of emissions in the most cost beneficial and cost-effective way and making use, as appropriate, of the best available technologies, which continuously should be improved, not entailing excessive costs. The concept of critical loads should serve as a guideline to formulate these strategies where science has provided the necessary information.

(g) To introduce and update an energy labelling system and voluntary agreements or mandatory standards, as may be appropriate, for products and processes aimed at improving energy efficiency of buildings and appliances. Governments should promote improved energy-efficiency in motor vehicles by use of labels and other measures that provide information on expected energy consumption and by the setting of guidelines or standards for fuel efficiency for new vehicles. These approaches should be facilitated by cooperative action of interested countries and organizations. We ask ECE to review progress in this regard at regular intervals.

(h) To introduce and update comprehensive policies to remove the existing barriers for market penetration of energy efficient technology, renewable energy and clean lifecycle technology and to promote energy efficient processes in all sectors. The funding of research, development and demonstration for renewable and non-renewable energy sources should be brought into a reasonable balance. in some countries, this should result in increased funding for renewables.

(i) To reduce the harmful effects of the transport sector on the environment by promoting fast, safe and convenient urban and regional transport services and reducing urban car traffic by means of a coordinated strategy reflecting national circumstances to:

Improve the efficiency of public transport services such as railways, underground trains, and buses;

Favour use of more energy efficient motor vehicles with low emission levels through economic, regulatory or other instruments noting, inter alia, the encouraging progress in the development of the lean-burn engine and that small car prototypes have achieved 2-4 litres per hundred kilometre in test conditions;

Consider the introduction of maximum speed limits, bans on idling, traffic-free urban areas, and bicycle paths;

Encourage physical planning and traffic management as instruments for promoting an urban development with a sound and clean transport infrastructure and low transport demand; encourage development of environmentally preferable alternative fuel vehicles and technologies;

Utilize information campaigns or other measures to encourage a change in transport behaviour;

Pay increased attention to air transport efficiency;

Further develop a joint strategy within the ECE framework for improving and integrating public and goods transportation with railways and waterways in mainland Europe including the harmonization of technical standards in rail transportation, particularly with a view to developing transportation between East and West Europe.

(j) All relevant international organizations are requested:

To exchange environmentally favourable proposals, ideas and recommendations in order to emphasize and implement the most progressive standards;

To facilitate and support the use of existing services for international transfer of energy and environmental technologies and related management skills, especially to developing countries;

(k) All ECE member countries should work individually and collectively toward redressing any imbalances which may exist in international institutional arrangements for addressing questions related to renewable sources of energy compared to other energy sources. Similarly the balance between institutional arrangements for different modes of transport should be examined.

IV. SUSTAINABLE INDUSTRIAL ACTIVITIES

15. Taking note of the need for our countries to further develop national and regional strategies for preventing pollution from industrial activities:

(a) To encourage in industry and in society approaches which address all phases of the life cycle of a product with the objective of minimization of short and long term risks to human health and the environment.

(b) To strengthen regulations and economic incentives for promoting environmentally sound production processes which include, inter alia, the modification of processes to make more efficient use of raw materials and to reduce generation of pollutants and to encourage recycling and other methods to minimize waste. To work actively towards replacing hazardous chemicals with ones that are less hazardous or can be handled in a safer way.

(c) To encourage the safe and appropriate use and disposal of hazardous substances based on a full assessment of risks to human health and the environment. To accelerate work on reducing the use and emission of hazardous substances that are toxic, persistent and bioaccumulative with the ultimate aim of phasing out those uses which cannot be adequately controlled, and by 1992, agree regional timetables for such phasing out. Disposal at sea, whether by dumping or incineration of wastes should not be allowed, unless such disposal poses no threat to the marine emvironment, in accordance with the provisions of the London Dumping Convention.

(d) To ratify as soon as possible the Basel Convention on the control of the transboundary movements of hazardous wastes and their disposal. This would constitute an important step towards reducing the generation of such wastes and ensure their disposal in an environmentally sound way.

(e) To stimulate transfer of environmentally sound technologies, particularly to East European and developing countries and to support the efforts of those countries to create and develop appropriate indigenous capacities. International organizations concerned should explore effective modalities, including funding mechanisms, to assure access to such technologies while ensuring the protection of proprietary rights.

(f) To encourage investors to apply environmental analysis procedures and the environmental standards required in their home

country to investments abroad. We encourage UNEP, UNIDO, UNDP, IBRD, ILO and appropriate international organizations to support their member countries, in particular developing countries, in establishing legislation, requirements and administrative systems for ensuring environmentally sound industrial investments. Industry and government should co-operate in establishing guidance for this purpose.

(g) To strengthen co-operation on the prevention and control of transboundary impacts of industrial accidents. In particular, to aim for a rapid elaboration of the ECE legal instrument on transboundary impacts of industrial accidents. To urge governments and international organizations to render assistance in overcoming the consequences of industrial accidents, especially those with transboundary effects such as the accident at Chernobyl nuclear power station. The proposal for a centre on emergency environmental assistance and identification of possible gaps in existing response networks should be taken into account in this work, as should relevant activities undertaken within other international organizations.

(h) To strengthen cooperation with industry through mutual consultation with regard to the development of environmental policies and encouraging industry to report annually on their environmental records, including information on the efficiency of the use of energy and raw materials.

(i) To encourage constructive and effective co-operation between governments, industry and labour in order to protect and improve safety and health conditions at the workplace in the light of the close link that exists between the general environment and the working environment.

(j) To strengthen sustainability in every sector of production, including forestry, agriculture and fisheries. Initiatives for sustainable development in these sectors are required for all ECE countries. This should be undertaken through appropriate plans at regional and national levels, and initiatives at the global level should be supported. The ECE countries should fully support the UNEP/FAO conference in 1991 in order to achieve substantial progress ahead of the global conference on environment and development in 1992.

V. AWARENESS RAISING AND PUBLIC PARTICIPATION

16. Emphasizing the importance of participation by a well-informed and well-educated society so as to allow the public to mobilize itself to effect political change consistent with sustainable development. The Bergen process is an important step forward in optimizing democratic decision making related to environment and development issues.

(a) To promote environmental education, including non-formal education, for all ages and sectors of society. This could be achieved, *inter alia*, by adapting school curricula and educational material on sustainable development and by designing education and training programmes that enable students, workers, businessmen and decision-makers to appreciate the connection between their specialisms and environmental issues. To integrate and use environmental knowledge in all sectors of society.

(b) To reaffirm the special role of women in promoting sustainable development and to improve their economic and educational opportunities, especially in developing countries.

(c) To stimulate national and international exchanges of environmental information and foster scientific and technological co-operation in order to achieve sustainable development.

(d) To encourage the use of schemes for informing the consumer of the environmental qualities and of the risks of industrial products from "cradle to grave". Such schemes could include environmental labelling, logos, product declarations and process declarations based on up-to-date and improved methods of analysis.

(e) To develop further national and international systems of periodic reporting of the state of the environment and to encourage open debate on the enviornmental implications of national policies.

(f) To undertake the prior assessment and public reporting of the environmental impact of projects which are likely to have a significant effect on the human health and the environment and, so far as practicable, of the policies, programmes and plans which underlie such projects and to ensure that East European and developing countries are assisted through bilateral and multilateral channels in evaluating the environmental impact and sustainability of their own development projects. To develop or expand procedures to assess the risks and potential environmental impacts of products.

(g) To reaffirm and build on the CSCE conclusions regarding the rights of individuals, groups and organizations concerned with environmental issues, and in addition to safeguard the rights of individuals and concerned groups to have access to all relevant information and to be consulted and participate in the planning and decision-making concerning activities which may affect health and environment with reasonable access to appropriate legal or administrative remedies and redress. In this connection to contribute to the preparation of a document on environmental rights and obligations for possible adoption at the 1992 Conference on Environment and Development, drawing on all relevant texts available.

(h) To develop rules for free and open access to information on the environment. Such rules can increase public participation in the procedures to control pollution and prevent damage to the environment.

(i) To ensure that members of the public are kept informed and that every effort is extended to consult them and to facilitate their participation in the decisionmaking process on plans to prevent industrial and technological hazards in areas where they live or work.

(j) To increase co-operation among representatives of government, international organizations and all sectors of society, including the Bergen partners, on developing and implementing national and international strategies for achieving sustainable development.

VI. THE FOLLOW-UP PROCESS

17. We, the governments and the European Community participating in this Conference, agree to continue our efforts towards reconciling our different needs so that we can work towards sustainable development not only within the ECE region but also globally, with due attention to the needs of developing countries.

18. We recognize that the different levels of economic and technological development among the ECE countries are an obstacle to progress within the region. Therefore it is of crucial importance to accelerate the ongoing process on closer economic and environmental cooperation, taking into account the need for more differentiated commitments. Means to this end should include proper financing and promoting transfer of environmentally sound technology, while ensuring that assistance to East Europe for environmental purposes does not reduce our aid to developing countries.

19. We will promote active and close cooperation between the ECE and relevant multilateral organizations and institutions and between the Governments of the ECE region on the most effective forms of future cooperation on sustainable development.

20. We invite the OECD and the ECE to strengthen their cooperation in relation to regional environmental policies, including the possibility for suitable policy reviews and, where it is appropriate, on follow-up to international commitments. We welcome the decision of the European Communities to establish an Environmental Agency and a European Environment Information and Observation Network, charged with the collection of objective, reliable and comparable information at the European level to asist in the effective implementation of environmental policies, and to inform the public on the state of the European environment. We also welcome the decision that participation in this Agency should be open on mutually acceptable terms to other countries of the ECE region. We invite UNEP, WMO, ECE and the OECD to cooperate actively in the work of the Agency.

21. We recommend the establishment or continued use of Round Tables or Committees or comparable processes to promote the integration of environmental considerations in all economic and social activities and thereby contribute to sustainable development with a view to improving the accountability of all participants in decisionmaking. Such bodies should take account of the Bergen model.

22. We will continue to improve national and international processes within the ECE region in the light of the important multisectoral dialogue among Governments and non-government sectors which was initiated by the Bergen process.

23. We will aim for the early completion, if possible in 1991, of the ECE Convention on environmental impact assessment in a transboundary context and to promote the further development of international environmental law.

24. We call on those ECE members who have not already done so to ratify or accede to the Montreal Protocol. We also call on the meeting of the Parties to the Montreal Protocol in London in June 1990 to strengthen international action to protect the ozone layer including, for example, through addtional resources and technology transfer. It will be necessary to contribute to the fulfilment of the financial and other conditions to be agreed by the Parties to encourage a broader participation in the Protocol. In the ECE region we are prepared to do so.

25. We will consider strengthening international programmes, existing institutions and law leading up to the 1992 United Nations Conference on the Environment and Development, taking into account, inter alia, the conclusions of the Siena forum on international environmental law.

26. We recognize the need to evaluate progress in the follow-up to the Bergen Conference and in the outcome for our region of the 1992 Conference and recommend the convening of a high-level meeting of countries in the ECE region, in full cooperation with nongovernmental organizations and with the ECE.

27. We invite the ECE to prepare a report on the Bergen Conference as a contribution to the 1992 Conference on Environment and Development.

28. We urge governments and others concerned to contribute generously to the voluntary fund established for the purpose of assisting developing countries, in particular the least developed among them, to participate fully and effectively in the 1992 Conference and in its preparatory process.

29. We strongly recommend that the experience gained in the preparation and conduct of the Bergen Conference with respect to the full involvement of nongovernmental organizations, be used by other Regional Commissions of the United Nations and by the Preparatory Committee of the 1992 Conference on Environment and Development and in this regard, welcome the organization of an NGO's meeting to be held in Paris in 1991, in order to prepare for their participation at the 1992 Conference.

Mr. WIRTH. Mr. President, this time 2 years ago, the United States was in the grips of one of the worst droughts in our history. The Farm Belt was scorching. The Mississippi River dropped so low it had to be closed to barge traffic. And all over the country, people developed a sense that something was amiss.

It was in this context that the Committee on Energy and Natural Resources held a hearing in late June 1988 on the subject of global warming. At that hearing, a little-known, but well-respected scientist named Dr. James Hansen told a packed committee room that he was 99 percent certain that global temperature increases during the 1980's were outside the range of natural variability. Dr. Hansen told us at that hearing that "the greenhouse effect has been detected, and it is changing our climate now." Dr. Hansen's testimony was front-page news in the New York Times and newspapers across the country. For the first time, global warming had emerged from the pages of arcane scientific journals to the lead stories on the evening news.

About 1 month after that hearing, together with 16 of my colleagues, I introduced a bill to help prevent global warming. Shortly, thereafter, we began a series of hearings on that bill in the Senate Energy Committee. When this Congress began, I introduced my bill again, this time with 32 of my Senate colleagues. We continued our hearings in the Energy Committee until the end of this spring. In all, 10 full days of hearings were held with dozens of witnesses from the public and private sector. Under the leadership of the chairman and ranking member of the committee, we reported a bill this summer.

The bill before us today establishes a timeframe under which the Department of Energy shall develop for the Congress and the American people a least-cost national energy plan, a plan that sets forth strategies that will reduce greenhouse gases and meet the Nation's energy needs at the least-cost to society. In addition, this bill would initiate a series of energy efficiency and energy research and development programs that will enable our country to use energy more wisely and to develop new technologies to meet our energy needs.

Mr. President, the development of international policies on global warming is emerging very rapidly. Several months ago, the scientific assessment panel of the Intergovernmental Panel on Climate Change [IPCC] presented its report on the state of global warming science. The IPCC was convened by the United Nations and the World Meterological Organization to study the science, impacts, and policy responses for global warming and has been endorsed by our Government and others around the world. The scientists on the IPCC panel found that prospect of global warming is a certainty. Unquestionably, the Earth will warm as a result of the gases generated by human activity—primarily the burning of fossil fuels. Despite the rhetoric of a few naysayers, the globe will warm, with the only remaining question being how much and how fast?

In order to stabilize the atmospheric concentrations of the so-called greenhouse gases, the IPCC found that emissions of carbon dioxide, chlorofluorocarbons, methane, nitrous oxide, and other trace gases must be reduced by 60 percent based on current emissions.

In response to these findings, the Netherlands plans to stabilize carbon dioxide emissions at 1990 levels by 1995; Sweden and Canada plan to stabilize 1990 emissions by the year 2000; Denmark and West Germany will reduce emissions from 1990 levels by 20 and 25 percent, respectively 20 percent in the year 2005; and most recently, Great Britain announced that it would stabilize emissions at 1990 levels by the year 2005.

In the context of these announcements, it is discouraging that our own Government has not come forward with a commitment to reduce greenhouse gas emissions. Indeed, the President has stated that the science is not in, despite the findings of the most respected scientists in the world; despite an appeal from half the Nation's Nobel laureates and members of the National Academy of Sciences; and despite the wishes of the vast majority of Americans. In addition, it is troubling that the Department of Energy is developing a national energy strategy without the objective of reducing greenhouse gas emissions to a specific level. In fact, I am unaware of any specific objectives of the national energy strategy.

Mr. President, this legislation is intended to fill this void. This bill is a guide, not a mandate, that will lead us toward greenhouse gas reductions. The international process is moving purposefully toward a multilateral agreement to reduce greenhouse gas emissions. If I had to estimate the schedule for his agreement, I would assume that serious negotiations on an international agreement will begin next year. I suspect that proposals will be discussed throughout 1991 and that a tentative agreement will be reached in the summer of 1992, when the United Nations will convene its second conference on the environment and development in Brazil. Under this kind of schedule, the United States will be in the position of having to ratify a multilateral agreement in early 1993.

The legislation before us will prepare us for that decisionmaking process. This bill would require the Department of Energy to set forth the necessary steps to reduce greenhouse gas emissions up to 20 percent by the year 2005. The DOE report will be submitted as part of the biennial national energy plan. Under this schedule, we will have a comprehensive report before us during 1993, and I would expect that preliminary findings will be available in 1992. At the same time, this bill would initiate a series of energy efficiency and alternative energy programs that will reduce greenhouse gas emissions and that make sense for other reasons. We propose an action-oriented program that moves toward tapping the energy efficiency resource, developing alternatives like hydrogen energy, and expanding the use of natural gas and other alternative fuels. As the current situation in the Middle East has made clear, steps to use energy more efficiently, steps to tap alternative energy resources—these are the things we should be doing regardless of concerns about global warming. In short, this bill represents the coalesence of good energy policy, good environmental policy, good economic policy and good long-term planning.

A detailed assessment of the bill is contained in the committee's report, which I commend to all of my colleagues.

Mr. President, this is a significant piece of legislation and represents hundreds of hours of work and a great deal of effort to find common ground among a diverse group of Senators. I cannot come close to expressing my gratitude for the work done by the staff of the Committee on Energy and Natural Resources. Suffice it to say that the work on this bill has been nothing short of extraordinary.

In particular, I would like to thank the majority staff—under the leadership of Daryl Owen and Mike Harvey. Bill Conway, Al Stayman, and Joel Saltzman were instrumental to the development of this bill on the majority side, as were Howard Useem, Frank

Cushing, and Gary Ellsworth for the minority. I would also like to thank Mark Mahoney, John Donaldson, and Bill Bonvillian of Senator LIEBERMAN's staff, Steve Polansky with Senator PELL, and Rick Adcock of Senator GORE's staff, with whom my office has been honored to collaborate on so many initiatives.

There are three additional staff members who deserve special recognition for their work on this bill. Ben Cooper and Richard Grundy, and the quarterback of this effort, Leslie Black did an exceptionally professional job in crafting this legislation. It simply would not have been possible without their dedicated stewardship of this legislation. Again, I am deeply grateful.

In conclusion, Mr. President, this legislation is a giant step forward in the search for policy solutions to the very serious threat of global climate change. This bill was a monumental, but cooperative task and I am grateful for the assistance of the leadership of the Energy Committee, Senator JOHNSTON and Senator MCCLURE, and all of their staffs.

Mr. PELL. Mr. President, in just 2 short years, the U.N. Conference on the Environment and Development will convene in Brazil. The 1992 Conference follows by 20 years the historic U.N. Conference on the Human Environment held in Stockholm, Sweden.

The Stockholm Conference proved to be a turning point in international efforts to protect the environment. Perhaps the most enduring legacy of the Conference was the creation of the United Nations Environment Programme. Today, UNEP stands out as the premier international environmental organization. In its 17 years of existence, UNEP has played an extraordinary catalytic role in developing international environmental law. It was under UNEP auspices that the landmark Montreal Protocol on Substances that Deplete the Ozone Layer was negotiated and UNEP played a key role in the creation of the Intergovernmental Panel on Climate Change.

My hope is that the achievements of the 1992 Conference will stand up to, and if possible exceed, the accomplishments of the Stockholm Conference. Already the agenda for the Conference is being set. At this time, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs is in Nairobi for a meeting of the Preparatory Committee of the Conference. The Prep Com is charged, among other things, with preparing draft decisions for consideration and adoption at the Conference. In short, if the United States is to play an effective role in advancing efforts to protect the global environment at the conference, we must begin those efforts now.

My amendment is simple: It authorizes $350,000 for the establishment within the Department of State of a secretariat to coordinate United States preparations for the Brazil Conference. I believe that such a step is essential if the United States is to be a positive and effective force at the 1992 Conference.

For my colleagues' information about the Conference, I am submitting for the RECORD a copy of the resolution calling for the 1992 Conference that was passed on December 18, 1989, by the U.N. General Assembly. I ask unanimous consent at this time that the resolution be placed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Finally, Mr. President, I thank Senators WIRTH, JOHNSTON, and MCCLURE for their help in securing approval of this amendment. I believe the Senate has taken a significant step in underscoring the importance of U.S. participation in the 1992 Conference.

EXHIBIT 1

DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: ENVIRONMENT—UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT, 1992

DRAFT RESOLUTION SUBMITTED BY THE CHAIRMAN

The General Assembly,

Recalling its resolution 43/196 of 20 December 1988 on a United Nations conference on environment and development,

Taking note of decision 15/3 of 25 May 1990 of the Governing Council of the United Nations Environment Programme on a United Nations conference on environment and development.

Taking note also of Economic and Social Council resolution 1989/87 of 26 July 1989 on the convening of a United Nations conference on environment and development,

Taking note also of Economic and Social Council resolution 1989/87 of 26 July 1989 on the convening of a United Nations conference on environment and development,

Taking note of Economic and Social Council resolution 1989/101 of 27 July 1989 entitled "Strengthening international co-operation on environment: provision of additional financial resources to developing countries",

Recalling also General Assembly solution 42/186 of 11 December 1987 on the Environmental Perspective to the Year 2000 and Beyond and resolution 42/187 of 11 December 197 on the report of the World Commission on Environment and Development,

Taking note of the report of the Secretary-General on the question of the convening of a United Nations conference on environment and development,[1]

Mindful of the views expressed by Governments in the plenary debate held at its forty-fourth session on the convening of a United Nations conference on environment and development,

Recalling the Declaration of the United Nations Conference on the Human Environment,

Deeply concerned by the continuing deterioration of the state of the environment and the serious degradation of the global life-support systems, as well as by trends that, if allowed to continue, could disrupt the global ecological balance, jeopardize the life-sustaining qualities of the Earth and lead to an ecological catastrophe, and recognizing that decisive, urgent and global action is vital to protecting the ecological balance of the Earth,

Recognizing the importance for all countries of the protection and enhancement of the environment,

Recognizing also that the global character of environmental problems, including climate change, depletion of the ozone layer, transboundary air and water pollution, the contamination of the oceans and seas and degradation of land resources, including drought and desertification requires actions at all levels, including the global, regional and national levels and involving the commitment and participation of all countries,

Gravely concerned that the major cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in industrialized countries,

Stressing that poverty and environmental degradation are closely interrelated and that environmental protection in developing countries must, in this context, be viewed as an integral part of the development process and cannot be considered in isolation from it,

Recognizing that measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in global patterns of production and consumption,

Affirming that the responsibility for containing, reducing, and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective capabilities and responsibilities,

Recognizing the environmental impact of material remnants of war and the need for further international co-operation for their removal,

Stressing the importance for all countries to take effective measures for the protection, restoration and enhancement of the environment in accordance, inter alia, with their respective capabilities, while at the same time acknowledging the efforts being made in all countries in this regard, including international co-operation between developed and developing countries.

Stressing the need for effective international co-operation in the area of research, development and application of environmentally sound technologies.

Conscious of the crucial role of science and technology in the field of environmental protection and of the need of developing countries, in particular, concerning favourable access to environmentally sound technologies, processes, equipment and related research and expertise through international co-operation designed to further global efforts for environmental protection, including the use of innovative and effective means.

Recognizing that new and additional financial resources will have to be channelled to developing countries in order to ensure their full participation in global efforts for environmental protection.

[1] A/44/256-E/1989/66 and Corr. 1 and Add. 1 and 2.

I

1. Decides to convene a United Nations Conference on Environment and Development of two weeks' duration and at the highest possible level of participation to coincide with World Environment Day, 5 June, 1992;

2. Accepts with deep appreciation the generous offer of the Government of Brazil to host the Conference;

3. Affirms that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of strengthened national and international efforts to promote sustainable and environmentally sound development in all countries;

4. Affirms that the protection and enhancement of the environment are major issues that affect the well-being of peoples and economic development throughout the world;

5. Also affirms that the promotion of economic growth in developing countries is essential to address problems of environmental degradation;

6. Further affirms the importance of a supportive international economic environment that would result in sustained economic growth and development in all countries for protection and sound management of the environment;

7. Reaffirms that States have, in accordance with the Charter of the United Nations and the applicable principles of international law, the sovereign rights to exploit their own resources pursuant to their environmental policies, and also reaffirms their responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction and the need for States to play their due role in preserving and protecting the global and regional environment in accordance with their capacities and specific responsibilities;

8. Affirm the responsibility of States for the damage to the environment and natural resources caused by activities within their jurisdiction or control through transboundary inteference, in accordance with national legislation and applicable international law;

9. Notes that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizes that those countries have the main responsibility for combating such pollution;

10. Stresses that large industrial enterprises, including transnational corporations, are frequently the repositories of scarce technical skills for the preservation and enhancement of the environment, conduct activities and sectors that have an impact on the environment and, to that extent, have specific responsibilities and that, in this context, efforts need to be encouraged and mobilized to protect and enhance the environment in all countries;

11. Reaffirms that the serious external indebtedness of developing countries, and other countries with serious debt-servicing problems, has to be addressed efficiently and urgently in order to enable those countries to contribute fully and in accordance with their capacities and responsibilities to global efforts to project enhance the environment;

12. Affirm that in the light of the above, the following environmental issues, which are not listed in any particular order of priority, are among those of major concern in maintaining the quality of the Earth's environment and especially in achieving environmentally sound and sustainable development in all countries:

(a) Protection of the atmosphere by combating climate change, depletion of the ozone layer and transboundary air pollution;

(b) Protection of the quality and supply of freshwater resources;

(c) Protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and of coastal areas and the protection, rational use and development of their living resources;

(d) Protection and management of land resources by, inter alia, combating deforestation, desertification and drought;

(e) Conservation of biological diversity;

(f) Environmentally sound management of biotechnology;

(g) Environmentally sound management of wastes, particularly hazardous wastes, and of toxic chemicals, as well as prevention of illegal international traffic in toxic and dangerous products and wastes;

(h) Improvement of the living and working environment of the poor in urban slums and rural areas, through eradicating poverty, inter alia, by implementing integrated rural and urban development programmes, as well as taking other appropriate measures at all levels necessary to stem the degradation of the environment;

(i) Protection of human health conditions and improvement of the quality of life;

13. Emphasizes the need for strengthening international co-operation for the management of the environment to ensure its protection and enhancement and the need to explore the issue of benefits derived from activities, including research and development, related to the protection and development of biological diversity;

14. Reaffirms the need to strengthen international co-operation, particularly between developed and developing countries, in research and development and the utilization of environmentally sound technologies;

15. Decides that the Conference, in addressing environmental issues in the developmental context, should have the following objectives:

(a) To examine the state of the environment and changes that have occurred since the 1972 United Nations Conference on the Human Environment and since the adoption of such international agreements as the Plan of Action to Combat Desertification, the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted on 16 September 1987, taking into account the actions taken by all countries and intergovernmental organizations to protect and enhance the environment;

(b) To identify strategies to be co-ordinated regionally and globally, as appropriate, for concerted action to deal with major environmental issues in the socio-economic development processes of all countries within a particular time-frame;

(c) To recommend measures to be taken at the national and international levels to protect and enhance the environment, taking into account the specific needs of developing countries, through the development and implementation of policies for sustainable and environmentally sound development with special emphasis on incorporating environmental concerns in the economic and social development process, and of various sectoral policies and through, inter alia, preventive action at the sources of environmental degradation, clearly identifying the sources of such degradation and appropriate remedial measures, in all countries;

(d) To promote the further development of international environmental law, taking into account the Declaration of the United Nations Conference on Human Environment, as well as the special needs and concerns of the developing countries, and to examine in this context the feasibility of elaborating general rights and obligations of States, as appropriate, in the field of the environment, also taking into account relevant existing international legal instruments;

(e) To examine ways and means further to improve co-operation in the field of protection and enhancement of the environment between neighbouring countries with a view to eliminating adverse environmental effects;

(f) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments for defined activities to deal with major environmental issues, in order to restore the global ecological balance and to prevent further deterioration of the environment, taking into account the fact that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizing that those countries have the main responsibility for combating such pollution;

(g) To accord high priority to drought and desertification control and to consider all means necessary, including financial, scientific and technological resources, to halt and reverse the process of desertification with a view to preserving the ecological balance of the planet;

(h) To examine the relationship between environmental degradation and the structure of the international economic environment, with a view to ensuring a more integrated approach to environment-and-development problems in relevant international forums without introducing new forms of conditionality;

(i) To examine strategies for national and international action with a view to arriving at specific agreements and commitments by Governments and by intergovernmental organizations for defined activities to promote a supportive international economic environment that would result in sustained and environmentally sound development in all countries, with a view to combating poverty and improving the quality of life, and bearing in mind that the incorporation of environmental concerns and considerations in development planning and policies should not be used to introduce new forms of conditionality in aid or in development financing and should not serve as a pretext for creating unjustified barriers to trade;

(j) To identify ways and means to provide new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans and to consider ways of establishing effective monitoring of the implementation of the provision of such new and additional financial resources, particularly to developing countries, so as to enable the international community to take further appropriate action on the basis of accurate and reliable data;

(k) To identify ways and means to provide additional financial resources for measures directed towards solving major environmental problems of global concern and especially to support those countries, in particular developing countries, for whom the implementation of such measures would entail a special or abnormal burden, in particular owing to their lack of financial resources, expertise or technical capacity;

(l) To consider various funding mechanisms, including voluntary ones, and to examine the possibility of a special international fund and other innovative approaches, with a view to ensuring the carrying out, on a favourable basis, of the most effective and expeditious transfer of environmentally sound technologies to developing countries;

(m) To examine with the view to recommending effective modalities for favourable access to, and transfer of, environmentally sound technologies, in particular to the developing countries, including on concessional and preferential terms, and for supporting all countries in their efforts to create and develop their endogenous technological capacities in scientific research and development, as well as in the acquisition of relevant information, and, in this context, to explore the concept of assured access, for developing countries to environmentally sound technologies in its relation to proprietary rights with a view to developing effective responses to the needs of developing countries in this area;

(n) To promote the development of human resources, particularly in developing countries, for the protection and enhancement of the environment;

(o) To recommend measures to Governments and the relevant bodies of the United Nations system, with a view to strengthening technical co-operation with the developing countries to enable them to develop and strengthen their capacity for identifying, analyzing, monitoring, managing or preventing environmental problems in accordance with their national development plans, objectives and priorities;

(p) To promote open and timely exchange of information on national environmental policies, situations and accidents;

(q) To review and examine the role of the United Nations system in dealing with the environment and possible ways of improving it;

(r) To promote the development or strengthening of appropriate institutions at the national, regional and global levels to address environmental matters in the context of the socio-economic development processes of all countries;

(s) To promote environmental education, especially of the younger generation, as well as other measures to increase awareness of the value of the environment;

(t) To promote international co-operation within the United Nations system in monitoring, assessing and anticipating environmental threats and in rendering assistance in cases of environmental emergency;

(u) To specify the respective responsibilities of and support to be given by the organs, organizations and programmes of the United Nations system for the implementation of the conclusion of the Conference;

(v) To quantify the financial requirements for the successful implementation of Conference decisions and recommendations and to identify possible sources, including innovative ones, of additional resources;

(w) To assess the capacity of the United Nations system to assist in the prevention and settlement of disputes in the environmental sphere and to recommend measures in this field, while respecting existing bilateral and international agreements that provide for the settlement of such disputes;

II

1. Decides to establish a Preparatory Committee of the General Assembly open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

2. Decides that the Preparatory Committee shall hold an organizational session of two weeks' duration in March 1990 and a final session, both at United Nations Headquarters, in New York, and three additional substantive sessions, the first in Nairobi and the following two in Geneva, the timing and duration of which shall be determined by the Preparatory Committee at its organizational session;

3. Decides that the Preparatory Committee, at its organizational session, shall elect, with due regard to equitable geographic representation, the Chairman and other members of its bureau, comprising a substantial number of vice-chairmen and a rapporteur;

4. Decides that the host country of the Conference, Brazil, shall be ex officio a member of the Bureau;

5. Requests the Secretary-General of the United Nations, following the organizational session of the Preparatory Committee, to establish an appropriate ad hoc secretariat in Geneva, with a unit in New York and another unit in Nairobi, taking into account the decisions to be made by the Preparatory Committee regarding the preparatory process for the Conference and based on the principle of equitable geographic distribution;

6. Decides that the ad hoc secretariat will be headed by a Secretary-General of the Conference to be appointed by the Secretary-General of the United Nations;

(7) Requests the Secretary-General of the United Nations to prepare a report for the organizational session of the Preparatory Committee containing recommendations on an adequate preparatory process, taking into account the provisions of the present resolution and the views expressed by Governments in the plenary debate at the forty-fourth session of the General Assembly;

8. Decides that the Preparatory Committee shall;

(a) Draft the provisional agenda of the Conference, in accordance with the provisions of the present resolution;

(b) Adopt guidelines to enable States to take a harmonized approach in their preparations and reporting;

(c) Prepare draft decisions for the Conference and submit them to the Conference for consideration and adoption;

9. Request the United Nations Environment Programmes, as the main organ for the environment, and requests the other organs, organizations and programmes of the United Nations system, as well as other relevent intergovernmental organizations, to contribute fully to the preparations of the Conference on the basis of guidelines and requirements to be established by the Preparatory Committee;

10. Requests the Secretary-General of the United Nations to ensure the co-ordination of contributions from the United Nations system, through the Administrative Committee on Co-ordination;

11. Invites all States to take an active part in the preparations for the Conference, to prepare national reports, as appropriate, to be submitted to the Preparatory Committee in a timely manner and to promote international co-operation and broad-based national preparatory processes involving the scientific community, industry, trade unions and concerned non-governmental organizations;

12. Requests relevent non-governmental organizations in consultative status with the Economic and Social Council to contribute to the Conference, as appropriate;

13. Stresses the importance of holding regional conferences on environment and development with the full co-operation of the regional commissions, and recommends that the results of regional conferences be introduced into the preparatory process for the 1992 Conference, bearing in mind that regional conferences should make important substantive contributions to the Conference;

14. Decides that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations without adversely affecting other, ongoing activities and without prejudice to the provision of sources of extrabudgetary resources;

15. Decides to establish a voluntary fund for the purpose of supporting developing countries, in particular the least developed among them, in participating fully and effectively in the Conference and in its preparatory process, and invites Governments to contribute to the fund;

16. Requests the Chairman of the Preparatory Committee to report to the General Assembly at its forty-fifth and forty-sixth sessions on the progress of the work of the Committee;

17. Decides to include in the provisional agenda of its forty-fifth and forty-sixth sessions an item entitled "United Nations Conference on Environment and Development".

Mr. GORE. Mr. President, I am a proud cosponsor of the National Energy Policy Act of 1990. I wish to commend my good friend, the Senator from Colorado, Senator WIRTH, on the passage of this most important piece of legislation. He has worked very hard on this day, and I am sure that this legislation will go very far indeed toward addressing many of the local, regional, and global environmental problems that we face.

Mr. President, energy is the very lifeblood of development. It warms our homes, fuels our vehicles, lights the darkness, and powers our industry. Unfortunately, its ubiquity also puts it at the very heart of many of the environmental problems that we face.

Here in the United States, we have spent the last decade basking in the glow of falling real energy prices. We have been lulled into a complacency that cannot last. We have been muddling along with an energy policy that is virtually nonexistent, all the while ignoring the recurrent rise in our oil imports, the dangerously poor air quality in our cities, and an ecomomy whose energy intensity—measured as the energy consumed to produce a dollar of GNP—is twice that of some of our competitors.

Now, we are witnessing what promises to be a sharp rise in energy prices,

in the wake of the Iraqi invasion of Kuwait, highlighting in cold reality just how vulnerable the United States is to the actions of a ruthless and calculating dictator in a land 10,000 miles from our shores.

Concerns over national security, the environment, public health, and economic competitiveness have not been viewed as pressing enough for either the Bush or the Reagan administration to face up to our energy problems, and to work on real solutions. But the threat of global warming, and the severe economic and environmental impacts that it implies, will no longer allow us—or any other nation—to remain complacent. Nature is forcing us to behave responsibly, even when markets and policies have not.

What has finally gotten our attention is the link between energy and global warming. That link, of course, is massive worldwide emissions of carbon dioxide: the exhaling breath of our industrial civilization.

And, the great potential for growth in fossil fuel and other emissions from Third World nations, makes their cooperation also crucial for stabilizing the level of greenhouse gases in the atmosphere. Estimates are that the developing world's share of greenhouse gas emissions from fossil fuels could grow from about 20 percent today, to as much as 50 to 60 percent by 2050.

Energy efficiency and conservation are the best, cheapest, and environmentally safest means for meeting the challenges of continued economic development in the near term. Efficiency gains and conservation will also buy us the critical time required to develop other alternatives and reduce greenhouse gas emissions. Although great strides were made in the developed world after the oil shocks of the 1970's, U.S. efficiency gains leveled off in 1986. In the past 2 years, U.S. energy demand has increased over 8 percent, in tandem with GNP growth. Global and U.S. energy use reached alltime highs in 1988 and 1989. Greenhouse gas emission rates are accelerating, not diminishing.

Low energy prices and a decreased federal commitment to efficiency and conservation have led to this slowdown in efficiency improvements. Our Nation's leadership has failed—or refused—to fill the policy vacuum created by cheap energy. I commend the Senator from Colorado for emphasis that this legislation places on the need to regain the trend toward higher energy efficiency in our economy.

In a few areas, the United States leads the world in energy-efficient technologies. Our companies produce outstanding appliances, lighting products, and windows, for example. In particular, a typical refrigerator produced in the United States today consumes half as much energy as the equivalent model produced 15 years ago. New, "low-emissivity" windows, a high-tech energy-conserving product developed in the United States, are rapidly catching on.

But today, the United States is not the world's leader in all energy-efficient technologies. Other nations—most notably Japan—are busy developing and marketing their own energy-efficient technologies, recognizing that the global environmental crisis is as much a business opportunity as any other. The Japanese already produce the world's most efficient automobiles, and their super-efficient prototypes do even better.

The global energy-efficiency race is on, and the United States is rapidly falling behind.

The same is true of renewable energy sources, such as solar and biomass. Just as with energy efficiency, we had an initial technological advantage in renewable energy, followed by a plunge in national commitment. Just a decade ago, the United States was in a class by itself in developing all of the promising renewable energy technologies—particularly the most promising of all, photovoltaics. Today, we are handing our lead to the Japanese, who have recognized the technology's importance to the 21st century, and are well on their way to becoming the dominant supplier of that critical technology.

Mr. President, our Nation must recapture the lead in conservation and renewable energy technologies that we have lost, and aggressively help our private sector to export these technologies to where they are needed around the world. We must aggressively funnel more resources into research and development, and into developing market incentives for energy efficiency, conservation, and renewable energy technologies such as photovoltaics, solar thermal, biomass, wind, and ocean thermal energy conversion.

We should also begin to collaborate intensively with Third World nations in their development planning. For example, it would be both an environmental and an economic disaster if the Third World were to follow down the same energy path previously traveled by the industrialized nations. Further, the Third World must be helped to plan and implement modern, efficient, diverse energy programs that reflect their unique resource capabilities and constraints.

We should move beyond studies of energy planning for developing countries, to programs of active joint ventures with Third World nations. This would not only be valuable to the developing countries, but it would also give the United States private sector a head start in marketing the technologies needed in the Third World's energy future. On this point, I was proud to sponsor an amendment to this legislation that addresses this goal.

Mr. President, for the first time, we are realizing that our destiny is really interlocked with the destiny of the developing world. We need development to proceed forward in areas lagging behind us, to create markets for the sake of our own economic growth and prosperity. But that development must now be understood to entail accelerated damage to the environment, with sharply accumulating risks not only for the developing countries, but for ourselves.

Responding in time and on a necessary scale to this challenge is no longer a matter of compassion. Properly understood, it is a matter of national security and self-preservation.

Again, I commend the Senator from Colorado for his work in this area, and I congratulate him on the passage by the Senate of the National Energy Policy Act of 1990.

So the bill (S. 324), as amended, was passed.

Mr. WIRTH. Mr. President, I ask unanimous consent to print S. 324 in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act, together with the following table of contents, may be cited as the "National Energy Policy Act of 1990".

SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Goals.
Sec. 6. Definitions.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A—National Energy Strategy

Sec. 101. Least-cost energy strategy.
Sec. 102. Conforming amendments.

Subtitle B—Director of Climate Protection

Sec. 111. Appointment.

Subtitle C—National Academies of Science and Engineering

Sec. 121. Review.
Sec. 122. Report to the Congress.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A—Energy Efficiency

Sec. 201. Report.
Sec. 202. Energy-intensive industries.
Sec. 203. Federal energy management amendments.
Sec. 204. Fuel cells.
Sec. 205. Repeal of prohibitions on supply and installation of residential energy conservation measures by utilities.
Sec. 206. Energy efficiency labeling for windows and window systems.
Sec. 207. Energy efficiency information.
Sec. 208. Compact fluorescent lamps in Federal facilities.

Sec. 209. Demonstration.
Sec. 210. Home energy efficiency ratings.
Subtitle B—Amendments to the Public Utility Regulatory Policies Act of 1978
Sec. 211. Encouragement of investments in conservation and energy efficiency resources and study of certain State ratemaking policies.
Subtitle C—Fuel Cells
Sec. 221. Amendment.
Subtitle D—Solar, Wind, waste and Geothermal Electric Power Production
Sec. 231. PURPA amendments.
Sec. 232. Federal Power Act Amendments.
Sec. 233. FERC regulations.
TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES
Subtitle A—General
Sec. 301. Energy research and development priorities.
Sec. 302. Management plan.
Sec. 303. Joint ventures.
Subtitle B—Engine and Vehicle Fuel Research
Sec. 311. Vehicle engine fuel research.
Sec. 312. High efficiency heat engines.
Sec. 313. Natural gas cofiring research, development and demonstration.
Subtitle C—Hydrogen Research
Sec. 321. Short title.
Sec. 322. Purpose and definition.
Sec. 323. Comprehensive management plan.
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Sec. 325. Demonstrations.
Sec. 326. Technology Transfer Program.
Sec. 327. Coordination and consultation.
Sec. 328. Technical panel.
Sec. 329. Authorizations.
Subtitle D—Fusion
Sec. 331. Programs.
Subtitle E—Coal
Sec. 341. Coal Program Goals.
Sec. 342. Non Fuel Use of Coal.
Sec. 343. Authorizations.
Subtitle F—Natural Gas and Other Alternative Fuels
Sec. 351. Mass Transit Program.
Sec. 352. Natural Gas and Other Alternative Fuel Use in Fleet Vehicles.
Sec. 353. Training Program.
Sec. 354. Vehicle Research, Development, and Demonstration Program.
Sec. 355. Natural Gas Recovery Research, Development and Demonstration Program.
Sec. 356. Natural gas and electric heating and cooling technologies.
Sec. 357. Vehicle and Battery Research, Development, and Demonstration Program.
Sec. 358. Definitions.
Subtitle G—Hydropower
Sec. 361. Program.
Sec. 362. Report.
Subtitle H—Electric Vehicle Technology Development and Demonstration
Sec. 371. Short title.
Sec. 372. Findings.
Sec. 373. Definitions.
Sec. 374. Identification of nonattainment areas.
Sec. 375. Applications from manufacturers.
Sec. 376. Selection of manufacturers.
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Sec. 378. Reports to Congress.
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Subtitle I—Advanced Nuclear Reactor Study
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TITLE IV—MISCELLANEOUS
Subtitle A—Methane Assessment
Sec. 401. Objective.
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Sec. 422. Report.
Subtitle D—United Nations Conference
Sec. 431. 1992 United Nations Conference on Environment and Development.
TITLE V—NATURAL RESOURCE POLICY
Sec. 501. Ecological and environmental resource study.
Sec. 502. National forestation initiative.
Sec. 503. Urban forestry and energy savings.

SEC. 3. FINDINGS.—The Congress finds that—

(1) scientific evidence indicates that the atmosphere of the Earth is being affected by the generation from natural and manmade sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere may result in global changes in climate, with potentially significant economic, social and environmental implications for human-kind, including effects on agricultural production, water supplies, wetlands, weather, and human health and welfare;

(3) a scientific understanding of the causes and economic effects of global climate change is necessary to formulate effective policies;

(4) the formulation of domestic and international energy and natural resource policies may be necessary in order to reduce the generation of carbon dioxide and other greenhouse gases and mitigate or adapt to potential adverse consequences of human-induced global climate change;

(5) the formulation of such policies by the Government will include an effort involving the private sector and the laboratories of the Department of Energy; and

(6) the United States should pursue a framework convention on global climate change by the year 1992 through the Intergovernmental Panel on Climate Change (IPCC) of the United Nations Environmental Program and the World Meteorological Organization.

SEC. 4. PURPOSES.—The overall purpose of this Act is to establish a national energy policy that will fully consider the contribution of energy use to potential changes in global climate and will include cost-effective strategies to lessen the generation of energy-related greenhouse gases consistent with the achievement of other domestic energy, economic, social, and environmental goals. The specific purposes of the Act are to—

(1) improve scientific understanding of the natural and manmade sources of greenhouse gases and their relative contributions to global climate change;

(2) evaluate the environmental, social, and economic consequences of global climate change;

(3) evaluate the environmental, social, and economic consequences of domestic and international policies for mitigating or adapting to global climate change;

(4) identify the actions required to mitigate current trends in atmospheric concentrations of greenhouse gases and analyze their relative cost-effectiveness;

(5) identify the actions necessary to mitigate or adapt to adverse consequences of gloal climate change;

(6) identify and evaluate the domestic policies required to mitigate or adapt to the possible adverse social and economic consequences of a reduction or stabilization in the generation of greenhouse gases;

(7) encourage the formulation of effective domestic and international energy and natural resource policies that will mitigate adverse consequences of human-induced global climate change;

(8) foster the development of technologies that will advance the goals and purposes of the Act and the transfer of such technologies to lesser-developed countries; and

(9) establish programs within the Department of Energy for the achievement of these purposes.

SEC. 5. GOALS.—(a) The goals of this Act are to—

(1) foster the identification of an appropriate mix of policies referred to in subsection (b) that have the potential, if fully implemented, to stabilize the generation of carbon dioxide and other greenhouse gases in the United States;

(2) assess the feasibility of further limiting, or reducing, the generation of carbon dioxide and other greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;

(3) investigate the feasibility and economic, energy, social, and environmental implications of achieving a 20 per centum reduction in the generation of carbon dioxide by the year 2005 as recommended by the 1988 Toronto Scientific World Conference on the Changing Atmosphere;

(4) investigate the feasibility and economic, energy, social, and environmental implications of stabilizing carbon dioxide emissions by the year 2005; and

(5) evaluate the potential social, economic, energy, and environmental implications of implementing the policies mentioned in paragraphs (1), (2), (3), and (4) in order to enable the United States to comply with any obligations under an international global climate change framework convention or agreement.

(b) Policies to be considered in section 5(a) for the stabilization or reduction in the generation of carbon dioxide and other greenhouse gases include, but are not limited to, policies that—

(1) implement standards for more efficient use of fossil fuels;

(2) increase the energy efficiency of existing technologies;

(3) encourage technologies, including clean coal technologies, that generate lower levels of carbon dioxide and other greenhouse gases;

(4) promote the use of renewable energy resources, including solar, geothermal, sustainable biomass, hydropower, and wind energy;

(5) affect the development and consumption of energy and energy efficiency resources and electricity through tax policy;

(6) encourage investment in energy efficient equipment and technology;

(7) encourage the development of energy technologies, such as advanced nuclear fission and nuclear fusion, that produce energy without carbon dioxide and other greenhouse gases as a byproduct, and encourage the deployment of nuclear electric generating capacity; and

(8) encourage afforestation and reforestation.

(c) The reduction of the generation of chlorofluorocarbons shall be in accordance with the provisions of the Montreal Protocol, unless subsequent Federal legislation is enacted establishing new guidelines for the reduction or elimination of the use of chlorofluorocarbons.

(d) In order to promote international cooperation in addressing potential global climate change, it is the goal of the United States to establish by 1992, an international framework convention on global climate change through the activities of the Intergovernmental Panel on Climate Change of the United Nations International Environmental Program and the World Meteorological Organization and secure the commitment of the community of nations to such convention.

SEC. 6. DEFINITIONS.—For the purposes of this Act, the term—

(1) "Department" means the Department of Energy;

(2) "energy efficiency resource" means energy saved through improvements in the efficiency of energy production, transportation, or utilization;

(3) "energy resources" includes, but is not limited to, supplies of natural gas, crude oil and petroleum products, coal, nuclear energy, and renewable energy;

(4) "global climate change" means changes in the climate of the Earth that result from increases in the atmospheric concentrations of greenhouse gases;

(5) "greenhouse gases" means carbon dioxide and other gases such as chlorofluorocarbons, methane, ozone, and nitrous oxides that contribute to global climate change;

(6) "lesser-developed countries" shall include, but not be limited to, Eastern Europe and the Soviet Union; and

(7) "Secretary" means the Secretary of Energy.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A—National Energy Strategy

SEC. 101. LEAST-COST ENERGY STRATEGY.—(a)(1) The first National Energy Policy Plan (the "Plan") under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) prepared and submitted by the President to Congress after the date of the enactment of this Act, and each subsequent such Plan, shall include a least-cost energy strategy prepared by the Secretary.

(2) The Secretary need not prepare and submit a least-cost energy strategy with the National Energy Plan scheduled to be submitted in April of 1991.

(b)(1) The least-cost energy strategy shall identify Federal priorities for the encouragement of the use of energy and energy efficiency resources. In developing the least-cost energy strategy, the Secretary shall take into consideration the economic, energy, social, and environmental consequences of his choices. Such strategy shall be designed to achieve to the maximum extent practicable and at least-cost to the Nation—

(A) the energy production, utilization, and conservation objectives of the Plan; and

(B) the stabilization and eventual reductions in the generation of carbon dioxide and other greenhouse gases mentioned in section 5(a).

(2) The least-cost energy strategy shall include—

(A) a comprehensive inventory of available energy and energy efficiency resources and their projected costs, taking into account all costs of production, transportation, and utilization of such resources, including—

(i) coal, clean coal technologies, coal seam methane, and underground coal gasification;

(ii) energy efficiency, including existing technologies for increased efficiency in production, transportation, and utilization of energy, and other technologies that are anticipated to be available through further research and development; and

(iii) other energy resources, such as renewable energy, solar energy, nuclear fission, fusion, geothermal, biomass, fuel cells, and hydropower;

(B) a proposed two-year program for assuring adequate supplies of energy and energy efficiency resources under paragraph (1), and an identification of actions that can be undertaken within existing Federal authority; and

(C) recommendations for any new Federal authority needed to achieve the purposes of this Act.

(c)(1) The relative costs of energy and energy efficiency resources under this section shall be determined based upon a comparison of the estimated system costs of other similarly reliable and available resources.

(2) System costs under paragraph (1) are all direct and quantifiable net costs for the resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

(3) When comparing an energy efficiency resource to an energy resource, a higher priority shall be assigned to the energy efficiency resource whenever its estimated system cost is equal to the estimated system cost of the energy resource.

SEC. 102. CONFORMING AMENDMENTS.—(a) Section 801 of Public Law 95-91 is amended in subsection (c)(1) by inserting "cost estimates," after "whatever data and analysis are necessary to support the".

(b) Title III of the Energy Security Act (42 U.S.C. 7361, et seq.) is hereby repealed.

Subtitle B—Director of Climate Protection

SEC. 111. APPOINTMENT.—(a) Within six months after the date of the enactment of this Act, the Secretary shall appoint within the Department, a Director of Climate Protection (the "Director"). The Director shall:

(1) in the absence of the Secretary, serve as his representative for interagency and multilateral policy discussions of global climate change;

(2) monitor domestic and international policies for their effects on the generation of carbon dioxide and other greenhouse gases; and

(3) have the authority to participate in the planning activities in relevant Departmental programs.

(b) Beginning eighteen months after the date of the enactment of this Act, and annually thereafter, the Director shall participate in the formulation of the least-cost energy strategy under section 101, research and development priorities under section 301, and the management plan under section 302.

Subtitle C—National Academies of Science and Engineering

SEC. 121. REVIEW.—(a) Within ninety days after his appointment under section 111, the Director, in consultation with the Office of Science and Technology Policy (the "Office"), shall seek to enter into an agreement with the National Research Council to use the services of the National Academy of Sciences and the National Academy of Engineering (the "Academies") to conduct an ongoing review of current knowledge regarding—

(1) trends in the atmospheric concentrations of greenhouse gases, including current capabilities to model such trends with sufficient reliability to support international, domestic, and regional policy formulation;

(2) the causes of global climate change and the relative contribution of various sources of greenhouse gases including, but not limited to, fossil fuel production and use, forest management practices, agricultural practices, and other sources;

(3) the climatic, physical, economic, social and environmental consequences of current trends in atmospheric concentration of greenhouse gases;

(4) actions that might be taken to mitigate or adapt to possible adverse economic, social, and environmental consequences of global climate change and the relative cost-effectiveness of these actions;

(5) the generation and disposition of greenhouse gases into the environment including the relative contribution of the oceans, clouds, and biosphere; and

(6) current knowledge on the relationship between those policies that mitigate or abate stratospheric ozone depletion and those policies that mitigate or abate global climate change.

(b) In conducting such review, the Academies are encouraged to consult with international scientific and technical entities to determine where there is a consensus in current knowledge with respect to paragraphs (a)(1) through (6).

(c) The Secretary, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Transportation, the Secretary of Agriculture, the Administration of the Environmental Protection Agency, and the Director of the National Science Foundation shall, upon request, furnish to the Office and the National Research Council any information that such Office or Council determines to be necessary for purposes of conducting the review required under subsection (a).

SEC. 122. REPORT TO THE CONGRESS.—(a) Within one year after the date of the enactment of this section and periodically thereafter the Academies shall submit a report containing the findings and recommendations resulting from the review conducted under section 121 to the Office and the Congress. The findings and recommendations contained in such report shall not be subject to any prior clearance or review, nor shall any prior clearance conditions be im-

posed on the National Research Council, as part of the agreement made by the Office.

(b) Within six months after the transmission of such report to the Congress, the President shall transmit to the Congress his assesment of the findings and recommendations in the report pursuant to subsection (a) and any recommendations therein.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A—Energy Efficiency

SEC. 201. REPORT.—The Secretary, in consultation with the Council of Economic Advisors, shall submit to the Congress within one year after the date of the enactment of this subtitle, and every three years thereafter through the year 2003, a report evaluating energy efficiency policy options that would be necessary to produce decreases of one, two, three, and four per centum per year in overall United States, energy use per unit of GNP through the year 2005. These policy options shall be ranked according to their cost-effectiveness and feasibility of implementation.

SEC. 202. ENERGY-INTENSIVE INDUSTRIES.—(a) The Secretary, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other laws applicable to the Secretary, shall—

(1) pursue a research and development program intended to improve energy efficiency and productivity in energy-intensive industries and industrial processes; and

(2) undertake joint ventures to encourage commercialization of technologies developed under paragraph (1).

(b)(1) The Secretary shall—

(A) conduct a competitive solicitation for proposals from specialized private firms and investors for such joint ventures under subsection (a)(2); and

(B) provide financial assistance to at least five such joint ventures.

(2) The purpose of the joint ventures shall be to design, test and demonstrate changes to industrial processes that will result in improved energy efficiency and productivity. The joint ventures may also demonstrate other improvements of benefit to such industries so long as demonstration of energy efficiency improvements is the principal objective of this joint venture.

(3) In evaluating proposals for financial assistance and joint ventures under this section, the Secretary shall consider—

(A) whether the research and development efforts under this section (i) improve the quality and efficiency of industrial processes, and (ii) reduce the generation of carbon dioxide and other greenhouse gases into the atmosphere; and

(B) the regional distribution of energy-intensive industries and whether the joint-venture projects are located in the region in which the energy-intensive industries are located.

(c) There is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

SEC. 203. FEDERAL ENERGY MANAGEMENT AMENDMENTS.—Part 3 of title V of the National Energy Conservation Policy Act (NECPA) (42. U.S.C. 8251 et seq.), as amended, is further amended as follows:

(a) In section 543:

(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 per centum of the projects on the list or projects on the list that would account for 25 per centum of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within ninety days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(3) In subsection (b):

(A) after the words "subsection (a)," insert the following:

"The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in thereof "National Energy Policy Act of 1990, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following; "and such plan shall include steps to take maximium advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph:

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) and "(5)"

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in Section 544, and".

(b) in section 544:

(1) Strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after word "each", in paragraph (b)(2) and insert in lieu thereof: "agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.".

(c) In section 545, add after the word "measures" the following: "as needed to meet the requirements of section 543.".

(d) in section 546, strike the text of subsection "(b)" and insert in lieu thereof the following:

"IMPLEMENTATION.—To facilitate the financing of energy conservation energy measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). The Secretary, in consultation with the Secretary of Defense and the Administrator of the General Services Administration, within six months after the date of the enactment of the National Energy Policy Act of 1990, shall develop appropriate procedures and methods for use by Federal agencies to select energy service contractors that will achieve the intent of this section in a cost-effective manner. Notwithstanding any other procurement laws and regulations, such procedures and methods shall apply to the selection of energy service contractors by each Federal agency.".

(e) In section 548:

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following:

"In addition to the plan required to be submitted to the Secretary pursuant to Section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 204. FUEL CELLS.—Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

SEC. 205. REPEAL OF PROHIBITIONS ON SUPPLY AND INSTALLATION OF RESIDENTIAL ENERGY CONSERVATION MEASURES BY UTILITIES.—Section 216 of the National Energy Conservation Policy Act (42 U.S.C. 8217) is repealed and subsequent sections are renumbered accordingly.

SEC. 206. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.—(a)(1) The Secretary shall provide financial assistance to support a voluntary, national window rating program to develop energy ratings and labels for windows and window systems. The rating program shall be developed in order to be implemented by December 31, 1992. The rating program shall include specifications and guidelines that will enable all window buyers to make more informed purchasing decisions about the energy efficiency of windows and window systems. The rating program shall also contain information that allows window buyers to assess the energy consumption and potential cost savings of alternative window products.

(2) The rating program shall be administered by the National Fenestration Rating Council. The National Fenestration Rating Council shall periodically report to Congress and the Secretary on the progress being made toward establishing the voluntary, national window rating program.

(b) The Secretary shall monitor and evaluate the efforts of the National Fenestration Rating Council and make determinations whether the voluntary, national window rating system established within the National Fenestration Rating Council is consistent with subsection (a) of this section.

(c)(1) If the objectives of subsection (a) are not met by December 31, 1992, the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, rating procedures under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) for windows and window systems.

(2) The Federal Trade Commission (hereafter in this section, the "Commission") shall prescribe labeling rules under section 324 of said Act (42 U.S.C. 6294) for windows and window systems except to the extent that with respect to any type of window or window system (or class thereof), the Commission determines that labeling in accordance with this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions; and

(3) For purposes of sections 323 and 324 of said Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292).

(d) There are authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 for the purposes of this section.

SEC. 207. ENERGY EFFICIENCY INFORMATION.—(a) Within one year after the date of the enactment of this section, the Administrator of the Energy Information Administration shall report to Congress on the information being collected or otherwise acquired by the Administrator with respect to the efficiency of energy consumption. The report shall estimate future needs for collection of additional information related to energy efficiency and environmental impacts. The report shall also consider the feasibility of—

(1) increasing the frequency of collection of information on the utilization of energy;

(2) including additional energy-using classes and sectors in surveys conducted; and

(3) collecting additional information to assist in the analysis of barriers to improvement in energy efficiency.

(b) The report shall take into account reporting burdens and the protection of proprietary information under law.

(c) The Administrator shall periodically publish measures of energy efficiency in classes, sectors, and regions that consume significant amounts of energy.

SEC. 208. COMPACT FLUORESCENT LAMPS IN FEDERAL FACILITIES.—Not later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the generation of carbon dioxide and sulfur dioxide.

SEC. 209. DEMONSTRATION.—(a) Within one year after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of energy and energy efficiency resource technologies that have received Federal financial assistance for research and development. The technologies shall be those that are ready for commercial demonstration but are not widely commercially available. The Plan shall include—

(1) a listing of those technologies with specific candidate sites for the demonstration;

(2) the energy, environmental, cost savings or other expected benefits;

(3) a timetable for implementation; and

(4) a process for evaluation of the performance of the technologies.

(b) The Plan shall be updated every two years.

SEC. 210. HOME ENERGY EFFICIENCY RATINGS.—(a) Title II of the National Energy Conservation Policy Act is amended by adding a new part 6 as follows:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"SEC. 271. RATINGS.—(a) Within twelve months after the date of the enactment of the National Energy Policy Act of 1990, the Secretary, in consultation with the Secretary of Housing and Urban Development and State governments, shall, by rule, promulgate guidelines for procedures to be implemented by State governments that would enable the assignment of an energy efficiency rating to residential buildings.

"(b) The rule under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings can receive a rating at time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters; and

"(4) ensure that the rating system is designed to facilitate its use by lenders and the secondary mortgage markets to promote energy efficiency.

"(c) For purposes of the rule under subsection (a), supply of energy to any residential building from renewable sources shall not result in a reduction in the energy efficiency rating of such building.

"SEC. 272. TECHNICAL ASSISTANCE.—Within twelve months of the date of the enactment of this section the Secretary shall establish a program to provide technical assistance for State and local governments adopting energy efficiency rating systems or building codes. The program shall utilize the Federal Government's experience in developing Federal building energy performance standards and shall provide compliance methods, educational materials for builders and code officials, and other technical support.

"SEC. 273. AUTHORIZATION.—There are hereby authorized to be appropriated such funds as are necessary to carry out the purposes of this subtitle.".

(b) The National Energy Conservation Policy Act should be further amended by adding in the table of contents at the end of Title II—Residential Energy Conservation, the following items:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"Sec. 271. Ratings.

"Sec. 272. Technical Assistance.

"Sec. 273. Authorization.".

Subtitle B—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 211. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES AND STUDY OF CERTAIN STATE RATEMAKING POLICIES.—(a) The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117), as amended, is further amended by inserting the following new paragraph at the end of section 111:

"(7) ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES.—

"(A) The rates allowed to be charged by a State-regulated electric utility shall be such that the utility's investments in and expenditures for energy conservation, energy efficiency resources, and other demand side management measures are as profitable as its investments in and expenditures for the construction of new generation facilities.

"(B) For purposes of implementing the provisions of this paragraph, any reference contained in this title to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of the National Energy Policy Act of 1990.".

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report to the President and to the Congress containing—

(1) a survey of all State laws, regulations, practices, and policies under which State regulatory authorities require or permit rates charged by an electric utility to reflect least-cost planning;

(2) an evaluation by the Secretary of whether, and to what extent, least-cost planning is likely to result in: (A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers, (B) enhanced or reduced reliability of electric service, and (C) increased or decreased dependence on particular energy resources; and

(3) an evaluation by the Secretary of whether, and to what extent, ratemaking methodologies implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) For purposes of this subtitle, the term "least-cost planning" means any standard, regulation, practice, or policy by which a State regulatory agency considers, or requires an electric utility to consider, actions (including, but not limited to, the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand side management measures) taken by a State regulated utility to provide adequate and reliable service to its electric consumers with the incurrence of lowest costs by such utility and its customers.

Subtitle C—Fuel Cells

SEC. 221. AMENDMENT.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended by adding the following new part after section 569:

"PART 5—FUEL CELLS

"SEC. 571. DEFINITIONS.—For purposes of this subtitle the term:

"(1) 'Federal building' shall mean 'Federal building' as defined by section 549(6); and

"(2) 'Task Force' shall mean the Interagency Energy Management Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term 'Task Force' shall include the Environmental Protection Agency.

"SEC. 572. FUEL CELL PROGRAM.—The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

"SEC. 573. PURPOSES.—The purposes of this program are to:

"(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

"(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

"(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

"SEC. 574. IMPLEMENTATION AND ACQUISITION.—(a) In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cell systems for the production of energy to satisfy electrical and other energy requirements of such buildings.

"(b) Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of ten projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

"(c) The Secretary may provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install fuel cell systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In order to receive financial assistance from the Secretary, a project identified under subsection (b) must meet the ten-year payback criterion of section 543. The calculation of such ten-year payback period shall take account of cost benefits associated with cogenerated energy to the extent provided under section 544. In selecting qualified projects for financial assistance, the Secretary, in consultation with the Task Force, shall also consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

"(d) Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, perfomance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

"SEC. 575. AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of this subtitle a total of $15,000,000 for fiscal years 1992 through 1994.".

Subtitle D—Solar, Wind, Waste and Geothermal Electric Power Production

SEC. 231. PURPA AMENDMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 is amended as follows:

(a) In subsection (a), strike out ", and to encourage geothermal small power production facilities of not more than 80 megawatts capacity,".

(b) In subsection (e)(2), insert "(other than a qualifying small power production facility which is a solar, wind, waste or geothermal facility as defined in section 3 (17)(E) of the Federal Power Act)" after "facility" where it first appears, and by striking out ", or 80 megawatts for a qualifying small power production facility using geothermal energy as its primary energy source."

SEC. 232. FEDERAL POWER ACT AMENDMENTS.—(a) Section 3(17)(A) of the Federal Power Act is amended by inserting "a facility which is a solar, wind, waste or geothermal facility, or" after " 'small power production facility' means".

(b) Section 3(17) of such Act is further amended by inserting at the end thereof the following new subparagraph:

[1](E) "solar, wind or geothermal facility" means a facility which produces electric energy solely by the use, as a primary energy source, of solar energy, wind energy or geothermal resources;"

SEC. 233. FERC REGULATIONS.—(a) Within 30 days of the date of enactment of this Act, the Federal Energy Regulatory Commission shall issue such proposed modifications to its regulations as may be necessary to implement the amendments made by this subtitle, and within 90 days of such date, the Commission shall issue final regulations.

(b) Until regulations described in subsection (a) are final and effective, and solar, wind, waste or geothermal facility (as defined in section 3(17)(E) of the Federal Power Act), which is a qualifying small power production facility as defined in subparagraph (C) of section 3(17) of the Federal Power Act (as such section 3(17) is amended by this Act), (A) shall be considered a qualifying small power production facility under part 292 of title 18 of the Code of Federal Regulations, notwithstanding any size limitations contained in such part, and (B) shall not be subject to the size limitation contained in section 292.601(b) of such part.

(c) The provisions of Subtitle C shall apply to a solar, wind or geothermal facility only if

(1) either of the following is submitted to the Federal Energy Regulatory Commission during the two year period beginning on the date of enactment of this Act:

(A) an application for certification of the facility as a qualifying small power production facility; or

(B) notice that the facility meets the requirements for qualification; and

(2) construction of such facility commences within five years of the date of such application or notice and reasonable diligence is exercised toward the completion of such facility, taking into account all factors relevant to the construction of the facility.

TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES

Subtitle A—General

SEC. 301. ENERGY RESEARCH AND DEVELOPMENT PRIORITIES.—In establishing research and development priorities, the Secretary shall include consideration of the following criteria:

(a) the potential to reduce generation of carbon dioxide and other greenhouse gases sooner than alternative projects;

(b) the projected cost-effectiveness of the energy or energy efficiency resource to be produced or saved, including an evaluation of the likelihood of the research contributing to the achievement of the purposes of this Act;

(c) the comparative environmental and public health impacts of the energy to be produced or saved by the specific research;

(d) the national security impact of the energy produced or saved, including its projected contribution to the reduction of oil imports and to the diversity of the domestic energy resource mix;

(e) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or maintaining technological leadership in the area of energy and energy efficiency resource technologies, including, but not limited to, solar, fuel cells, fusion, clean-coal technologies, and hydrogen;

(f) the contribution of a given research activity to fundamental scientific knowledge;

(g) the anticipated impact of the results of research activities on special or targeted populations, including low-income or aged persons; and

(h) the contribution to United States competitiveness.

SEC. 302. MANAGEMENT PLAN.—(a) The Secretary, in consultation with the Energy Advisory board to the Secretary, shall prepare a management plan for the conduct of research, development, and commercialization of energy technologies that is consistent with the purposes of this Act and guided by the priorities set forth in section 301.

(b) The management plan under subsection (a) shall contain proposals for—

(1) investigation of promising but unproven energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to the least-cost energy strategy under section 101;

(2) development of contingency energy and energy efficiency resource technologies that have the potential to mimimize adverse impacts on the environment, the global climate, and the economy; and

(3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can make a substantial contribution to reducing the impact on the global climate of the energy resource supply and use patterns of foreign nations.

(c) Within one year after the date of the enactment of this section, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially at the time of submittal of the President's annual budget submission to the Congress.

SEC. 303. JOINT VENTURES.—Joint ventures authorized under this Act shall be conducted pursuant to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218).

Subtitle B—Engine and Vehicle Fuel Research

SEC. 311. VEHICLE ENGINE FUEL RESEARCH.—The Secretary shall establish and carry out a program of research, development, and demonstration on advanced vehicle engine systems (including engine systems that rely on alternative fuels, reformulated gasoline, or advanced, high efficiency materials) that offer the potential to reduce the generation of greenhouse gases and improve the efficiency of energy in transportation uses.

SEC. 312. HIGH EFFICIENCY HEAT ENGINES.—(a) In carrying out a program of research, development, and demonstration on high efficiency heat engines, the Secretary shall emphasize advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and automotive power generation, such as—

(1) advanced combined cycle turbines;

(2) steam-injected gas turbines (STIG); and

(3) intercooled steam-injected gas turbines (ISTIG).

(b) The Secretary may enter into joint ventures with the appropriate parties to construct and demonstrate high efficiency heat engines.

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 313. NATURAL GAS COFIRING RESEARCH, DEVELOPMENT AND DEMONSTRATION.—(a) DEFINITIONS.—For the purposes of this section, the term—

(1) "cofiring" means the injection of natural gas and pulverized coal into the primary combustion zone of an electric utility unit or an industrial boiler and shall include gas reburn technologies; and

(2) "gas reburn" means the injection of natural gas into the upper furnace region of an electric utility unit or an industrial boiler to produce a fuel-rich zone thereby reducing nitrogen oxide emissions.

(b) The Secretary shall conduct a program of research, development and demonstration of cofiring in electric utility units and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(c) The Secretary may provide financial assistance under this section to public entities or interested or affected private firms to perform the research, development and demonstration of cofiring technologies.

(d) The Secretary may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of such programs to perform the research, development and demonstration of confiring technologies.

(e) For purposes of this section, there is authorized to be appropriated to the Secretary not more than $9,000,000 for each of the fiscal years 1992, 1993 and 1994.

Subtitle C—Hydrogen Research

SEC. 321. SHORT TITLE.—This subtitle may be referred to as the "Spark M. Matsunaga Hydrogen Research and Development Act of 1990".

SEC. 322. PURPOSE AND DEFINITION.—(a) The purposes of this subtitle are—

(1) to direct the Secretary to prepare a comprehensive five-year program management plan that will identify and resolve critical technical issues necessary for the realization of a domestic capability to produce, distribute, and use hydrogen economically within the shortest time practicable;

(2) to direct the Secretary to develop a technology assessment and information transfer program among the Federal agencies and aerospace, transportation, energy, and other entities; and

(3) to develop renewable energy resources as a primary source of energy for the production of hydrogen.

(b) As used in this subtitle, the term "critical technology" or "critical technology issue" means a technology or issue that, in the opinion of the Secretary, requires understanding and development in order to take the next needed step in the development of hydrogen as an economic fuel or storage medium.

SEC. 323. COMPREHENSIVE MANAGEMENT PLAN.—(a) The Secretary shall prepare a comprehensive five-year program management plan for research and development activities, which shall be conducted over a period of no less than five years and shall be consistent with the provisions of sections 324 and 325. In the preparation of such plan, the Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Hydrogen Technical Advisory Panel, and the heads of such other Federal agencies and such public and private organizations as he deems appropriate. The plan shall be structured to identify and address areas of research critical to the realization of a domestic hydrogen production capability within the shortest time practicable.

(b) Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit the comprehensive program management plan to the Committee on Science, Space, and Technology of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Subsequent plans shall be incorporated in the management plan under section 302. The plan shall include—

(1) a prioritization of research areas critical to the economic use of hydrogen as a fuel and energy storage medium;

(2) the program elements, management structure, and activities, including program responsibilities of individual agencies and individual institutional elements;

(3) the program strategies including technical milestones to be achieved toward specific goals during each fiscal year for all major activities and projects;

(4) the estimated costs of individual program items, including current as well as proposed funding levels for each of the five years of the plan for each of the participating agencies;

(5) a description of the methodology of coordination and technology transfer; and

(6) the proposed participation by industry and academia in the planning and implementation of the program.

(c) The Secretary shall, in consultation with the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the Hydrogen Technical Advisory Panel, also prepare a comprehensive large-scale hydrogen demonstration plan with respect to demonstrations carried out pursuant to section 325. Subsequent plans shall be incorporated in the management plan under section 302. Such plan shall include—

(1) a description of the necessary research and development activities that must be completed before initiation of a large-scale hydrogen production and storage demonstration program;

(2) an assessment of the appropriateness of a large-scale demonstration immediately upon completion of the necessary research and development activities;

(3) an implementation schedule with associated budget and program management resource requirements; and

(4) a description of the role of the private sector in carrying out the demonstration program.

SEC. 324. RESEARCH AND DEVELOPMENT.—(a) The Secretary shall conduct a research and development program, consistent with the comprehensive five-year program management plan under section 323, to ensure the development of a domestic hydrogen fuel production capability within the shortest time practicable consistent with market conditions.

(b)(1) Particular attention shall be given to developing and understanding and resolution of all critical technical issues preventing the introduction of hydrogen into the marketplace.

(2) The Secretary shall initiate research or accelerate existing research in critical technical issues that will contribute to the development of more economic hydrogen production and use, including, but not limited to, critical technical issues with respect to production, liquefaction, transmission, distribution, storage, and use (including use of hydrogen in surface transportation).

(c) The Secretary shall give priority to those production techniques that use renewable energy resources as their primary source of energy for hydrogen production.

(d) The Secretary shall, for the purpose of performing his responsibilities pursuant to this subtitle, solicit proposals for and evalu-

ate any reasonable new or improved technology that could lead or contribute to the development of economic hydrogen production storage and utilization.

(e) The Secretary shall conduct evaluations, arrange for tests and demonstrations, and disseminate to developers information, data, and materials necessary to support efforts undertaken pursuant to this section, consistent with section 336.

SEC. 325. DEMONSTRATIONS.—(a) The Secretary shall conduct demonstrations of critical technologies, preferably in self-contained locations, so that technical and non-technical parameters can be evaluated to best determine commercial applicability of the technology.

(b) Concurrently with activities conducted pursuant to section 324, the Secretary shall conduct small-scale demonstrations of hydrogen technology at self-contained sites.

SEC. 326. TECHNOLOGY TRANSFER PROGRAM.—(a) The Secretary shall conduct a program designed to accelerate wider application of hydrogen production, storage, utilization, and other technologies available in near term as a result of aerospace experience as well as other research progress by transferring critical technologies to the private sector. The Secretary shall direct the program with the advice and assistance of the Hydrogen Technical Advisory Panel. The objective in seeking this advice is to increase participation of private industry in the demonstration of near commercial applications through cooperative research and development arrangements, joint ventures or other appropriate arrangements involving the private sector.

(b) The Secretary, in carrying out the program authorized by subsection (a), shall—

(1) undertake an inventory and assessment of hydrogen technologies and their commercial capability to economically produce, store, or utilize hydrogen in aerospace, transportation, electric utilities, petrochemical, chemical, merchant hydrogen, and other industrial sectors; and

(2) develop a National Aeronautics Space Administration, Department of Energy, and industry information exchange programs to improve technology transfer for—

(A) application of aerospace experience by industry;

(B) application of research progress by industry and aerospace;

(C) application of commercial capability of industry by aerospace; and

(D) expression of industrial needs to research organizations.

The information exchange program may consist of workshops, publications, conferences, and a data base for the use by the public and private sectors.

SEC. 327. COORDINATION AND CONSULTATION.—(a) The Secretary shall have overall management responsibility for carrying out programs under this subtitle. In carrying out such programs, the Secretary, consistent with such overall management responsibility—

(1) shall use the expertise of the National Aeronautics and Space Administration and the Department of Transportation; and

(2) may use the expertise of any other Federal agency in accordance with subsection (b) in carrying out any activities under this subtitle, to the extent that the Secretary determines that any such agency has capabilities which would allow such agency to contribute to the purpose of this subtitle.

(b) The Secretary may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the Executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency, or instrumentality. Each such request shall identify the assistance the Secretary deems necessary to carry out any duty under this subtitle.

(c) The Secretary shall consult with the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Hydrogen Technical Advisory Panel established under section 328 in carrying out his authorities pursuant to this subtitle.

SEC. 328. TECHNICAL PANEL.—(a) There is hereby established a technical panel, to be known as the Hydrogen Technical Advisory Panel (the "technical panel"), to advise the Secretary on the programs under this subtitle.

(b) The technical panel shall be appointed by the Secretary and shall be comprised of such representatives from domestic industry, universities, professional societies, Government laboratories, financial, environmental, and other organizations as the Secretary deems appropriate based on his assessment of the technical and other qualifications of such representatives. Appointments to the technical panel shall be made within ninety days after the enactment of this subtitle. The technical panel shall have a chairman, who shall be elected by the members from among their number.

(c) The heads of the departments, agencies, and instrumentalities of the Executive branch of the Federal Government shall cooperate with the technical panel in carrying out the requirements of this section and shall furnish to the technical panel such information as the technical panel deems necessary to carry out this section.

(d) The technical panel shall review and make any necessary recommendations to the Secretary on the following items—

(1) the implementation and conduct of programs under this subtitle;

(2) the economic, technological, and environmental consequences of the deployment of hydrogen production and use systems; and

(3) comments on and recommendations for improvements in the comprehensive five year program management plan required under section 323.

(e) The Secretary shall provide such staff, funds and other support as may be necessary to enable the technical panel to carry out the functions described in this section.

SEC. 329. AUTHORIZATIONS.—There is hereby authorized to be appropriated to carry out the purposes of this subtitle (in addition to any amounts made available for such purposes pursuant to other Acts)—

(1) $3,000,000 for the fiscal year beginning October 1, 1992;

(2) $7,000,000 for the fiscal year beginning October 1, 1993; and

(3) $10,000,000 for the fiscal year beginning October 1, 1994.

Subtitle D—Fusion

SEC. 331. PROGRAMS.—(a) The Secretary shall conduct research, development, and demonstration programs to address in a timely fashion questions concerning the development of magnetic and inertial confinement fusion for the production of electricity consistent with the purposes of this Act. Such programs shall include by the year 2010—

(1) a demonstration of the achievement of ignition conditions in both magnetic and inertial confinement fusion test facilities; and

(2) a demonstration of the technological feasibility of magnetic and inertial confinement fusion for the production of electricity.

(b) In the event such feasibility is determined for a fusion technology pursuant to subsection (a), the Secretary shall prepare a design for a prototype commercial fusion reactor using such technologies, including associated cost estimates and specifications shall be in sufficient detail to permit bids for construction.

Subtitle E—Coal

SEC. 341. COAL PROGRAM GOALS.—(a) The Secretary shall establish research, development, and demonstration goals to asssure the timely development of technologies for the production, transportation, and utilization of coal consistent with this Act.

(b) The Secretary shall establish a research, development, and demonstration program within the Department designed to assure the timely development of cost-effective advanced coal based technologies to be available for widespread commercial use after the year 2010, which are capable of achieving the control of sulfur oxides and oxides of nitrogen at levels of proficiency greater than currently available commercial control technology. The coal technology development program shall also be designed to assure the timely development of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from coal.

(c) The Secretary shall develop the program described herein, for technologies that include, but are not limited to, the following:

(1) advanced integrated gasification combined cycle;

(2) pressurized fluidized bed combustion technology capable of achieving higher conversion efficiency than can be achieved through on-going demonstration projects;

(3) direct and indirect coal-fired turbines;

(4) coal refining processes capable of efficiently producing or utilizing the energy contained in coal and also utilizing the by-products thereof;

(5) technologies for the cost-effective control and disposition of carbon dioxide produced during the combustion of coal;

(6) magnetohydrodynamics;

(7) molten carbonate and solid oxide fuel cells; and

(8) other coal based technologies or processes on systems that are capable of achieving conversion efficiency greater than currently available technology.

SEC. 342. NON-FUEL USE OF COAL.—(a) Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for research, development, and demonstration with respect to technologies for non-fuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for non-fuel uses of coal.

(c) The plan under subsection (a) shall address and evaluate:

(1) the known and potential products and processes for the use of coal for products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of co-production of products from coal in conjunction with production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of research results produced by the research program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with non-fuel use of coal.

(d) The Secretary shall conduct a program of research and development under the plan under subsection (a).

(e) The Secretary may provide financial assistance for a research project under the plan using funds authorized by section 343(b) to the extent he finds that such project—

(1) furthers achievement of the goals and purposes of this Act;

(2) offers promise for commercial application; and

(3) has a reasonable prospect of support in at least 50 per centum of its direct costs from non-Federal funds.

(f) In preparing the plan and carrying out research under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 343. AUTHORIZATIONS.—(a) There is authorized to be appropriated such sums as are necessary for each of fiscal years 1992, 1993, and 1994 for purposes of implementing the program pursuant to section 341.

(b) There is authorized to be appropriated to carry out section 342, a total of $20,000,000 for fiscal years 1992 through 1994.

Subtitle F—Natural Gas and Other Alternative Fuels

SEC. 351. MASS TRANSIT PROGRAM.—(a)(1) The Secretary, consistent with this Act, in consultation with the Administrator of the Urban Mass Transit Administration, may, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-404), enter into cooperative agreements and joint ventures with any municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility, including safety of specific vehicle design, of using natural gas or other alternative fuels for mass transit.

(2) The program of the Secretary to implement the agreements under paragraph (1) may include interested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(b)(1) The Secretary may not enter into any agreement or joint venture under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least 25 per centum of the costs of such demonstration.

(2)(A) A transit authority may petition the Secretary for priority in allocating financial assistance under this section.

(B) The Secretary, at his discretion, may grant such priority under this section to any authority that demonstrates that the use of natural gas or other alternative fuels used for transportation would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(c) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 352. NATURAL GAS AND OTHER ALTERNATIVE FUEL USE IN FLEET VEHICLES.—(a) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494), and in consultation with the Administrator of the United States Environmental Protection Agency and the Secretary of Transportation, shall establish and carry out a program, and provide financial assistance to encourage the development and commercialization of natural gas and other alternative fuels for use in passenger fleets, light-duty trucks, and heavy-duty trucks consistent with the purposes of this Act. Such assistance shall provide for the purchase and construction of vehicles dedicated to the use of natural gas or other alternative fuels and of vehicles dually fueled by natural gas or other alternative fuels and gasoline or diesel, and associated refueling equipment.

(b) Public and private fleets may be eligible for financial assistance under this section. A public or private fleet operator may petition the Secretary for priority in allocating financial assistance under this section.

(c) The Secretary, at this discretion, may grant such priority to those fleets where the use of natural gas and other alternative transportation fuels would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(d) To facilitate the use of natural gas and other alternative fueled vehicles, the conversion of a vehicle from either gasoline or diesel alone to natural gas or other alternative fuels alone, or to natural gas or other alternative fuels and either gasoline or diesel, shall not be considered a violation of any anti-tampering provisions of the Federal law and implementing regulations, provided that the conversion complies with emissions standards issued by the Administrator of the Environmental Protection Agency.

(e) Any program established under this section that applies to existing vehicles shall take into consideration the safety of specific vehicle design and the compatibility of natural gas and other alternative fuel use with the original components of such existing vehicles.

(f) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 353. TRAINING PROGRAM.—(a) The Secretary of the Department of Labor shall establish and carry out a training and certification program for technicians who are responsible for vehicle installation of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas or other alternative fuels alone, or on natural gas or other alternative fuels and either diesel fuel or gasoline, and for the maintenance of such converted vehicles. Such training and certification programs shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) The Secretary, may enter into cooperative agreements with, and provide financial assistance, under this section, to appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) The program under this section shall be consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494).

(d) There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 354. VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—The Secretary shall carry out a program of research, development, and demonstration on techniques related to improving natural gas and other alternative fueled vehicle technology including, but not limited to, the following areas—

(1) fuel injection;
(2) carburetion;
(3) manifolding;
(4) combustion;
(5) power optimization;
(6) efficiency;
(7) lubricants and detergents;
(8) engine durability;
(9) ignition, including fuel additives to assist ignition;
(10) multifuel engines;
(11) emissions control, including catalysts;
(12) novel gas compression concepts;
(13) advanced storage systems;
(14) advanced gaseous fueling technologies; and
(15) the incorporation of advanced materials in these areas.

(b) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494), may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide 50 per centum of the costs of such programs to perform the research and development necessary to improve natural gas vehicle and other alternative fuel vehicle technology.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 355. NATURAL GAS RECOVERY, RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary shall expand and continue a program of research, development, and demonstration on techniques to increase the availability of natural gas from—

(1) intensive recovery of natural gas in place in discovered reservoirs or formations; and

(2) economic recovery of unconventional natural gas, including gas from tight sands, Eastern shales, gas from less permeable formations, coal-bed methane, and geopressured reservoirs.

(b) The Secretary shall seek to enter into joint ventures with persons engaged in the production, transportation, distribution, or major use of natural gas to implement the program under subsection (a).

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 356. NATURAL GAS AND ELECTRIC HEATING AND COOLING TECHNOLOGIES.—(a) The Secretary shall expand the program for research, development, and demonstration for natural gas and electric heating and cooling technologies for residential and commercial buildings.

(b) The natural gas heating and cooling program shall increase research on thermally-activated heat pumps including:

(1) absorption heat pumps; and

(2) engine-driven heat pumps.

(c) The electric heating and cooling program shall increase research on:

(1) advanced heat pumps;

(2) thermal storage; and

(3) advanced electrically-driven HVAC (heating, ventilation, and cooling) and refrigeration systems that utilize replacements for chlorofluorocarbons, including HCFC-22.

(d) There is authorized to be appropriated to the Secretary, not more than $15,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section in addition to current authorizations.

SEC. 357. VEHICLE AND BATTERY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary shall conduct a program of research, development, and demonstration on techniques related to improving electric vehicle and battery technology including, but not limited to, the following areas:

(1) high efficiency electric power trains, including advanced motors and hybrid power trains for vehicle range improvement;

(2) light-weight body structures for vehicle weight reduction;

(3) advanced batteries with high specific energy and specific power for electric vehicle application; and

(4) primary batteries and fuel cells for hybrid vehicle application.

(b) The Secretary shall enter into joint ventures with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of the joint ventures.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 358. DEFINITIONS.—For purposes of this subtitle natural gas includes natural gas derived fuels.

Subtitle G—Hydropower

SEC. 361. PROGRAM.—The Secretary, in consultation with the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of Commerce shall undertake an assessment of the statutory, economic, and regulatory barriers to expanded hydroelectric capacity development at existing dams. The assessment shall quantify the contribution that expanded hydroelectric power development could reasonably be expected to make to national energy needs and a reduction in the generation of greenhouse gases.

SEC. 362. REPORT.—The Secretary will submit a report to Congress containing the results of the assessment by December 31, 1991.

Subtitle H—Electric Vehicle Technology Development and Demonstration

SEC. 371. SHORT TITLE.—This subtitle may be cited as the "Electric Vehicle Technology Development and Demonstration Act of 1990".

SEC. 372. FINDINGS.—The Congress finds that:

(1) electric vehicles may be recharged primarily during times of nonpeak use of electricity, which will permit the most efficient utilization of electrical generating capacity, produce economic benefits for purchasers and producers of electricity, and improve the quality of air;

(2) the development, demonstration, and commercialization of electric vehicles in the United States will enhance the energy security of the United States and will encourage electric vehicle production in the United States;

(3) the use of electric vehicles rather than vehicles powered by conventionally fueled internal combustion engines could significantly improve the quality of air by allowing areas of the country that have not attained a quality of air that meets minimum health standards to meet such standards;

(4) because initial production of electric vehicles will not have economies of scale associated with mass production, the price to a user or owner may be so high as to discourage vehicle purchase and use; and

(5) because the substantial potential environmental and domestic energy security benefits that will result from the commercialization of electric vehicles are so great for the United States, it is in the public interest for the United States Government to assist in the development, demonstration, and commercialization of domestically produced, cost competitive, electric vehicles.

SEC. 373. DEFINITIONS.—For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "conventionally fueled vehicle" means a vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source;

(3) "electric vehicle" means a vehicle powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and that may include a nonelectrical source of power designed to charge batteries and components;

(4) "eligible nonattainment area" means a nonattainment area that the Secretary designates as an eligible nonattainment area under section 374(b);

(5) "life cycle costs" means all costs associated with the purchase, operation, maintenance, and disposal of a vehicle; and

(6) "nonattainment area" means a nonattainment area identified by the Administrator pursuant to section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

SEC. 374. IDENTIFICATION OF NONATTAINMENT AREAS.—(a) The Secretary, in consultation with the Administrator, shall identify, not later than thirty days after the date of the enactment of this Act, the nonattainment areas in the United States in which the use of conventionally fueled vehicles contributes significantly to that nonattainment and in which the use of electric vehicles could contribute to attainment of applicable National Ambient Air Quality Standards.

(b) The Secretary, after consultation with the Administrator and not later than thirty days after notification of the nonattainment areas identified under subsection (a), shall designate nonattainment areas eligible to participate in the program authorized by this subtitle. Geographical diversity shall be among the factors to be considered by the Secretary in making such designations.

SEC. 375. APPLICATIONS FROM MANUFACTURERS.—(a) Not later than thirty days after the Secretary designated the eligible nonattainment areas under section 374(b), the Secretary shall make an initial request for applications from manufacturers to develop, demonstrate, certify, manufacture, sell, warranty, and service electric vehicles in one or more eligible nonattainment areas. Additional requests for applications may be made if the Secretary determines that the responses to the initial request are inadequate.

(b) The request for applications shall require a manufacturer to identify the following:

(1) SALES AREA.—Any eligible nonattainment area in which the electric vehicles will be sold;

(2) QUANTITY.—The quantity of vehicles that will be available for sale in each area;

(3) DISTRIBUTION.—The dealership network or other means to be used by a manufacturer to distribute, market, and sell vehicles;

(4) TYPE.—The type of vehicle (which may include light to medium duty cargo or passenger vehicles);

(5) CHARACTERISTICS.—The specifications and performance characteristics of each vehicle;

(6) SERVICE.—The maintenance and other support services that will be available to a purchaser;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of each type of vehicle;

(8) LIFE CYCLE COSTS.—Information regarding the life cycle costs, including projected costs of operating and maintaining an electric vehicle in comparison with operating and maintaining a conventionally fueled vehicle;

(9) STATE AND LOCAL INVOLVEMENT.—The level of involvement (cost-sharing or otherwise), if any, that State or local government entities will have in the manufacturer's proposal, and how that involvement will affect the level of Federal cost-sharing required; and

(10) OTHER.—Other information that the Secretary deems necessary.

SEC. 376. SELECTION OF MANUFACTURERS.—(a) After consulting with the Secretary of Commerce, the Secretary of Transportation, and the Administrator, and not later than one hundred and eighty days after the initial request for applications is made under section 375, the Secretary may select one or more manufacturers eligible to receive reimbursement payments for the development, demonstration, manufacture, and sale of electric vehicles.

(b) The Secretary shall select a manufacturer based upon the overall quality of the proposal, including the following:

(1) CAPABILITY.—The ability of a manufacturer, directly or indirectly, to develop, demonstrate, manufacture, distribute, sell and

service a significant number of electric vehicles;

(2) GEOGRAPHIC DIVERSITY.—The commitment of the manufacturer to distribute, sell and service electric vehicles in various regions of the country.

(3) SUITABILITY.—The suitability of the vehicles for use as a cargo or passenger vehicle;

(4) SAFETY AND ENVIRONMENTAL BENEFIT.—The quality of the vehicle with respect to safety and environmental considerations;

(5) VIABILITY.—The long-term technical viability of the vehicle, and the ability of the manufacturer to incorporate subsequent advancements, modifications, and technology;

(6) LIFE CYCLE COST REDUCTION.—The ability and commitment of a manufacturer to reduce the life cycle costs of electric vehicles over a period of five years or less after selection to a level at least equal to comparable conventionally fueled vehicles;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of vehicles, the proposed discount (as defined in section 377), and life cycle costs of the electric vehicles;

(8) STATE AND LOCAL SUPPORT.—The extent to which the involvement of state or local government in the program will permit the reduction of the Federal costs share per vehicle to be supported or will otherwise be used to leverage the federal cost-sharing to be provided among a greater number of vehicles;

(9) OTHER.—Other criteria that the Secretary deems necessary.

SEC. 377. DISCOUNTS TO PURCHASERS.—(a) A manufacturer selected by the Secretary shall offer a purchaser a discount equal to either:

(1) LIFE CYCLE COST DIFFERENTIAL.—An amount which represents the excess of the estimated life cycle costs of the electric vehicle over the life cycle costs of a conventionally fueled vehicle of comparable type; or

(2) PURCHASE PRICE COST DIFFERENTIAL.—An amount by which the selling price of the electric vehicle exceeds the suggested retail price of a conventionally fueled vehicle of comparable type.

In no case shall the discount be greater than 50 per centum of the selling price by varying volumes of production.

(b) The Secretary, not later than thirty days after a manufacturer has provided notice in the form and manner specified by the Secretary of the sale of an electric vehicle, shall pay a manufacturer a payment not to exceed the discount for each electric vehicle sold.

(c) To be eligible for payment subsection (b), a manufacturer shall certify to the Secretary the following:

(1) PURCHASER DISCOUNT LIMITATION.—The discount to the purchaser does not lower the selling price of each electric vehicle below the suggested retail price of a conventionally fueled vehicle of comparable type;

(2) DISCOUNT PASSTHROUGH.—The actual selling price of the vehicle is equal to the selling price specified in the manufacturer's proposal to the Secretary reduced by the full amount of the discount received, calculated as specified above, unless the Secretary agrees to a request by the manufacturer to adjust the selling price as specified in the contract to reflect higher costs actually incurred in production;

(3) NONATTAINMENT AREA USE.—The vehicle will be used primarily in the eligible nonattainment area in which the vehicle will be purchased;

(4) INFORMATION FROM PURCHASER.—The purchaser has agreed to provide the manufacturer with information regarding operation, maintenance, and usability of the vehicle for five years after purchase; and

(5) INFORMATION FROM MANUFACTURER.—The manufacturer will povide such information regarding the development, demonstration, manufacture, sale, and maintenance of electric vehicles that the Secretary requests for a period of five years, beginning in fiscal year 1992.

(d) The Secretary may enter into contracts with manufacturers of electric vehicles for purposes of carrying out this Act.

SEC. 378. REPORTS TO CONGRESS.—The Secretary shall report to Congress in fiscal years 1992 and 1994 on the programs and projects supported under this subtitle and the progress being made toward accomplishing the goals of this subtitle.

SEC. 379. AUTHORIZATIONS.—There is authorized to be appropriated for purposes of this subtitle $10,000,000 for each of the five fiscal years following the date of enactment of this Act.

Subtitle I—Advanced Nuclear Reactor Study

SEC. 381. REPORT.—Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report on whether, and to what extent, continued or increased use of energy generated from nuclear fission can contribute substantially to safe and reliable supplies of electricity and reduce the generation of carbon dioxide and other greenhouse gases in the United States and internationally. The report shall include data on the extent to which additional increments of nuclear-generated electrictiy can reduce the generation of greenhouse gases and over what period of time. In preparing such report, the Secretary shall consider and make recommendations on the appropriate level of Federal support for research, development, and demonstration of advanced nuclear reactor technologies to support these objectives. Such report shall also include the recommendations of the Secretary regarding the necessary restructuring of existing nuclear fission research programs to achieve these objectives and the role of joint funding and cost-sharing in these activities.

Subtitle J—Technology Development Program

SEC. 391. PROGRAM.—The Secretary shall establish a program to develop technologies originating with the Department that is directed at the stage of technology development beyond the basic research stage. The purpose of such program shall be to develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development. Technology development programs may be conducted at any Department facility and would be intended to enhance the commercial development and transfer to private industry of technologies originating with the Department, consistent with the technology transfer mission of the Department. As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, and wholly non-Federal, funding of commercial development of particular technologies.

SEC. 392. AUTHORIZATIONS.—For the purposes of carrying out this subtitle, there are authorized to be appropriated such sums as are necessary for fiscal years 1992, 1993, and 1994.

TITLE IV—MISCELLANEOUS

Subtitle A—Methane Assessment

SEC. 401. OBJECTIVE.—The objective of this subtitle is to identify and analyze options to reduce the risks of global climate change by—

(1) reducing worldwide generation of methane;

(2) identifying and analyzing the relationships between methane and other greenhouse gases to determine the synergies that may contribute to global climate change;

(3) promoting additional analyses of the factors causing methane concentrations to increase, and of the sources of methane generation, and the opportunities for reducing such generation; and

(4) identifying options for the reduction of methane generation that are economically as well as environmentally advantageous.

SEC. 402. DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS.—(a) Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Congress reports on:

(1) methane emissions from biogenic sources such as

(A) tropical, temperate, and subarctic forests;

(B) tundra; and

(C) freshwater and saltwater wetlands;

(2) changes in the generation of methane from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide;

(3) methane operation associated with natural gas extraction, transportation, distribution, storage and use, including an inventory of methane generation associated with such activities within the United States, information on accidental and intentional methane releases from natural gas and oil wells, pipelines, processing facilities, and gas burners;

(4) methane generation associated with coal extraction, transportation, storage, and utilization, including, but not limited to, an inventory of methane generation associated with such activities within the United States, information on accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal; and

(5) other sources of methane generation associated with human activities that are deemed by the Secretary to be significant.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that outlines measures that could be implemented to reduce the growth in atmospheric concentrations of methane from sources within the United States. This report shall identify and evaluate the technical options for reducing the generation of methane from each of the sources listed in paragraph (a) as well as other sources deemed by the Secretary to be significant, and shall include an evaluation of costs.

SEC. 403. INTERNATIONAL STUDIES.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit to Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane generation associated

with the activities listed in section 402(a). The report shall also identify the United States and international lending agency programs, and an itemization of the costs of each category of reductions, that may be used to induce lesser-developed countries to undertake measures that could reduce the generation of methane and the resource needs of such programs.

Subtitle B—Committee on Renewable Energy Commerce and Trade

SEC. 411. DUTIES OF CORECT.—The Committee on Renewable Energy Commerce and Trade (CORECT) shall seek to enhance economic development in lesser-developed countries by expanding the transfer of energy efficient and renewable energy technologies to such countries.

SEC. 412. ADDITIONAL DUTIES OF CORECT.—(a) CORECT shall promote the development and application in lesser-developed countries of energy and energy efficiency resource technologies that—

(1) promote more efficient use of fossil fuels;

(2) may reduce dependence on the importation of fossil fuels by encouraging the use of sustainable biomass, wind power, hydropower, solar, geothermal and other energy and energy efficiency resource technologies;

(3) foster rural and urban energy development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies;

(4) explore mechanisms for assisting United States manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services; and

(5) increase staffing to support the new authority and responsibilities described in this section.

(b) In furthering the purposes of this section, CORECT shall—

(1) provide aggressive in-country technical training for local users and international development personnel;

(2) establish feasibility and loan guarantee programs to facilitate access to capital and credit; and

(3) support, through financial incentives, private sector efforts to commercialize and export renewable energy and energy efficiency resource technologies.

(c) CORECT shall be responsible for the development of a comprehensive data base and information dissemination system. The system shall provide information on the specific energy technology needs of lesser-developed countries, the technical and economic competitiveness of various renewable energy and energy efficiency resource technologies, and the status of ongoing technology assistance programs. CORECT shall make such information available to industry, Federal and multilateral lending agencies, non-governmental organizations, host-country and donor-agency officials, and such others as the Secretary deems necessary.

SEC. 413. OUTREACH.—CORECT may establish renewable energy industry outreach offices in the Pacific Rim and in the Caribbean Basin for the purpose of providing information concerning renewable energy technologies and industries of the United States to governments, industries, and others outside of the continental United States.

SEC. 414. COMPREHENSIVE ENERGY TECHNOLOGY EVALUATION.—(a) Not later than June 1, 1991, and biennially thereafter, the Secretary shall prepare and submit to Congress, a comprehensive report evaluating the full range of energy and environmental technologies necessary to meet the energy needs of developing countries while reducing the generation of carbon dioxide and other greenhouse gases. This report shall also provide information on the specific needs of lesser-developed countries, an inventory of United States technologies and services to meet those needs, and an update on the status of ongoing bilateral and multilateral technology assistance and renewable energy resource programs.

(b) The report should also include an evaluation of current programs and recommendations for future programs that—

(1) develop and promote sustainable use of indigenous renewable energy resources in lesser-developed countries in order to reduce the generation of greenhouse gases that may contribute to global climate change;

(2) given the credit and capital restrictions in lesser-developed countries, focus on technologies that are both appropriate and economically viable;

(3) meet the needs of lesser-developed countries for energy rather than creating new needs, in order to ensure immediate income-generating use of the power generated;

(4) work with local individuals to assure that programs and projects meet specific national and local needs;

(5) use indigenous materials and associated hardware, wherever possible, in order to reduce costs and ensure project duplication;

(6) provide examples of cost-effective systems and applications for in-country non-governmental organizations and project technical personnel;

(7) provide mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services;

(8) expand technical and administrative training programs, as well as distribution of multilingual technical training manuals and related materials; and

(9) examine the potential for using economic incentives to promote technology transfer (e.g. shared savings contracts, loan guarantees, tax incentives, etc.) to lesser-developed countries.

SEC. 415. JOINT VENTURES IN DEVELOPING, DEMONSTRATING, AND MARKETING ENERGY EFFICIENT AND RENEWABLE ENERGY TECHNOLOGIES IN KEY LESSER DEVELOPED COUNTRIES.—

(a) FIVE YEAR PLAN.—The management plan under section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218), shall include a five-year implementation plan for:

(1) pursuing joint ventures with United States manufacturers for the development, demonstration, or marketing of energy efficient and renewable energy technologies for application of use in key lesser-developed countries; and

(2) providing mechanisms to assist U.S. manufacturers, particularly smaller manufacturers of energy efficient and renewable energy technologies, in identifying and pursuing opportunities for sales or joint ventures.

In developing the implementation plan required under this subsection, the Secretary shall consult with the Agency for International Development.

(b) The Secretary shall solicit proposals for joint ventures in the areas described in subsections (a)(1) and (a)(2) as if such joint ventures were required by, and subject to the requirements set forth in, section 6 of Public Law 101-218. The Secretary shall select a total of at least three joint ventures, except that the Secretary may reduce this requirement to the extent that the proposals received do not meet the Secretary's qualifications.

(c) For the purposes of this section, a lesser-developed country shall be considered a key lesser-developed country if direct export or use of United States manufactured energy efficient and renewable energy technologies in such country is inhibited by cultural, or other factors.

SEC. 416. AUTHORIZATIONS.—(a) There is authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal year 1993 and 1994 to carry out the purposes of this subtitle except for section 413.

(b) There is authorized to be appropriated for the purposes of section 413, in addition to the amount specified in the previous sentence, $2,750,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.

(c) There is authorized to be appropriated for the purposes of section 415, in addition to the amount specified in sections (a) and (b), $1,000,000 for fiscal years 1992, 1993, and 1994.

Subtitle C—Fuel Cycle Costs Analysis

SEC. 421. PROGRAM.—The Secretary shall undertake a comparative analysis of United States, European, and Asian fuel cycle costs. The analysis shall be undertaken for five fuel cycles: coal, oil, natural gas, nuclear, and renewable energy. The renewable energy fuel cycle shall include solar, hydro, wind, and biomass. The analysis shall be based on comparable assumptions, data, and methodologies and will explicitly address the extent to which environmental and other externalities are, or are not, reflected in the energy prices paid by consumers in the United States, Western Europe, and in the market economies of Asia.

SEC. 422. REPORT.—The Secretary will submit a report to Congress containing the results of the comparative fuel cycle cost analysis by December 31, 1991.

Subtitle D—United Nations Conference

SEC. 431.—1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.—(a) Findings.—The Congress finds that—

(1) the 1992 United Nations Conference on Environment and Development will play a crucial role in advancing efforts to protect the global environment;

(2) international preparations for 1992 Conference have already begun; and

(3) the effectiveness of U.S. participation in the 1992 Conference would be greatly enhanced by the establishment of a secretariat within the Department of State to coordinate U.S. preparations for the Conference.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of State for fiscal year 1991, $350,000 for the purpose of establishing within the Department of State a secretariat to prepare for the 1992 United Nations Conference on Environment and Development. Such funds shall remain available until expended.

TITLE V—NATURAL RESOURCE POLICY

SEC. 501. ECOLOGICAL AND ENVIRONMENTAL RESOURCE STUDY.—(a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall conduct a study of the ecological and environmental resources in the United States that could be affected by

a global climate change. The study should include implications for wildlife habitat preservation, coastal protection, inland rivers and lakes, irrigation and reclamation, ground water protection, and the natural resources within the boundaries of the Nation's Wildlife refuges and parks, national forests, and other Federal lands.

(b) The study should—

(1) include specific regional climatic and resource base information useful in anticipatory and mitigatory planning;

(2) identify actions that, if taken, could help mitigate the effects of global climate change; and

(3) evaluate the cost-effectiveness, including the environmental effects of possible action.

SEC. 502. NATIONAL FORESTATION INITIATIVE.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall report to the President and the Congress on the feasibility of a National Reforestation Initiative. Such report shall include—

(a) in coordination with the Resources Planning Act of 1974, an inventory of Federal, State, and private forested lands;

(b) an evaluation of the status of timber harvesting on those lands, including the extent to which those lands are being reforested;

(c) an assessment of the extent to which Federal, State, and private lands can be reforested, including lands not necessarily suitable for timber harvesting such as urban areas;

(d) an evaluation of the potential of a national reforestation initiative for mitigating climate change, and the measures needed to achieve that potential; and

(e) an assessment of the potential economic and environmental benefits and costs of such an initiative, the measures available to mitigate such costs, and an evaluation of the effectiveness of such measures.

SEC. 503. URBAN FORESTRY AND ENERGY SAVINGS.—(a) The Secretary, in consultation with the Secretary of Agriculture, and other relevant Federal agencies, shall conduct a study of the potential for reducing carbon dioxide emissions by undertaking targeted urban tree and vegetative plantings, including landscaping and the use of natural windbreaks, designed to reduce the air-conditioning and heating needs of buildings. The study shall provide estimates of the cost-effectiveness of such a program and shall outline a range of Federal, State, and local public policies and incentives that would encourage public and private efforts to undertake such plantings.

(b) Within eighteen months after the date of enactment, the Secretary shall complete the study and transmit it to the Congress.

The title was amended so as to read: "A bill to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes.".

NATIONAL HEALTH SERVICE CORPS REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 691, S. 2617, to make improvements in the scholarship and loan repayment program.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2617) to amend the Public Health Service Act to make various improvements in existing scholarships and loan repayment programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, I am pleased that the Senate will today pass the Rural Health Care Provider Recruitment and Education Act of 1990 as an amendment to the National Health Service Corps Revitalization Act of 1990. Both of these important pieces of legislation will go a long way in addressing the critical problem of geographic maldistribution of physicians and primary health care services.

During the last decade, the National Health Service Corps [NHSC] was nearly eliminated, compromising the ability of this important program to meet the needs of rural and urban underserved areas around the Nation. I am pleased that the Congress has recognized that the corps must be rebuilt and revitalized if we are to provide primary health care to millions of Americans in underserved areas of our country.

The legislation I introduced several weeks ago, the Rural Health Care Provider Recruitment and Education Act of 1990, will become a 3-year demonstration program under the NHSC. This demonstration is intended to provide an innovative tool for rural communities who want to make a commitment to help finance the medical or clinical education of a primary care physician or midlevel practitioner.

The underlying concept for this demonstration program is based on the experience of Dr. Roger Pelli, formerly a physician assistant—now a primary care physician from Aroostook County, ME—who received his Osteopathic education at the University of New England College of Osteopathic Medicine in Biddeford, ME.

Six towns in northern Maine voted to levy a tax of about $5 on each taxpayer for 4 years to help finance Dr. Pelli's medical education in exchange for a commitment that he serve the towns for 8 years or repay the funds.

Since Dr. Pelli's successful experience, the Office of Planning, Research, and Development in the State of Maine has had numerous inquiries from students interested in making similar agreements with local communities. Unfortunately, there are more students interested in such arrangements than there are communities willing or able to make commitments. I hope that this demonstration program will enable more localities to enter into agreements with students who want to provide health care in their own communities.

The introduction of the Rural Health Care Provider Recruitment and Education Act of 1990, has received positive reaction. Kevin Flynn, a recruiter for Franklin Memorial Hospital in Farmington, ME called the proposal "an excellent idea." It is not uncommon for doctors to enter practices with $100,000 in student loan debts, he said.

Jim Harner, spokesperson for the Maine Hospital Association, said, "Many parts of Maine, though, do have shortages of family practitioners. The problem exists in western Maine, adding that the Senator's bill would be a "very innovative way to retain services," and a way for rural communities to "join forces to address a common problem."

This demonstration program will allow funding from local communities to be matched with Federal and State dollars through the State loan repayment program of the National Health Service Corps. The Federal Government will provide a 25- percent match to local communities that raise at least 50 percent of the necessary funds to finance a student's medical or clinical education. States will be required to contribute at least 15 percent, but no more than 25 percent, of the total obligation. Eligibility will be limited to students who are residents of the areas to be served and who are sponsored by local communities.

The demonstration will be authorized at $5 million in the fiscal year 1991, $10 million in fiscal year 1992, and such sums as may be necessary in fiscal year 1993.

In order to be eligible, students would first have to meet the criteria established for NHSC loans and scholarships. Students participating in this demonstration program would have available to them the same support services offered by others participating in the National Health Service Corps. It is important that students maintain regular contact with mentors during the period of their education.

I believe that this demonstration program will provide an opportunity for both local communities and enthusiastic students to come together in an effort to provide quality health care services in rural areas of our country. We have seen such an experiment succeed in rural Maine and I am confident that Dr. Pelli's experience can serve as a model for other communities in desperate need of a doctor and for students unable to finance their own medical education.

I hope that the 3-year demonstration will eventually become a permanent part of the National Health Service Corps.

AMENDMENT NO. 2604

Mr. MITCHELL. Mr. President, on behalf of Senator Kennedy, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for Mr. KENNEDY, proposes an amendment numbered 2604.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Service Corps Revitalization Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the mission of the National Health Service Corps is to improve access to primary health care services through coordinated systems of care for medically underserved populations by addressing the geographic maldistribution of physicians and other health care personnel;

(2) over the years, more than 16,500 health care providers have been placed in communities that greatly needed their services with the peak field strength of the National Health Service Corps occurring in 1986 with 3,127 providers;

(3) the key contributor to this field strength were the individuals who had received medical school scholarships in return for a commitment to serve with such Corps;

(4) the number of scholarship awards by the National Health Service Corps peaked in 1978 when 3,150 were awarded;

(5) due to a planned phase out of the scholarship program combined with reductions in funding, the number of scholarships and commitments to serve in the Corps declined steadily throughout the 1980's, and between 1986 and 1989, the number of providers in place around the country declined by over 1000;

(6) the cut back described in paragraph (5) was based on the theory that a physician surplus would drive physicians into underserved communities, but the anticipated overflow of physicians into underserved areas did not happen and many communities lost their sole provider of health services due to the cutback in this Federal program;

(7) inner city and rural communities face an especially serious deterioration in the availability of health services that has been greatly exacerbated by the decline in the strength of the Corps with the situation reaching a crisis level in some communities;

(8) as of December 1988, the Department of Health and Human Services had designated the following number of health personnel shortage areas—

(A) 793 dental shortage areas;

(B) 592 psychiatry shortage areas; and

(C) 1,944 primary care shortage areas;

(9) it would take more than 4,000 physicians to fill the primary care shortage areas and eliminate the designations referred to in paragraph (8);

(10) approximately 50 percent of the medically indigent population in the shortage areas reside in rural areas and rural areas constitute roughly 70 percent of the shortage area designations;

(11) in 1987, to begin to address the shortage created by the cuts in the scholarship program, a new loan repayment program for health professionals was established;

(12) the loan repayment program referred to in paragraph (11) was offered to doctors and nurses with the response making it clear that additional funds were needed for such program;

(13) the number of mid-level health practitioners, including nurse practitioners and physicians assistants, in underserved areas, and especially in rural areas, has increased significantly in recent years, and such practitioners have provided an important source of care and have often been complementary to existing physician services;

(14) a mix of providers that include nurses, nurse practitioners, certified nurse midwives, physicians assistants, psychologists, social workers, other mental health workers, dentists, podiatrists, and physicians is needed in order to provide for the full range of services needed by underserved communities;

(15) though loan repayment may represent a useful incentive to bring such health personnel to underserved areas, scholarships are specially needed in order to successfully recruit physicians, nurses, certified nurse midwives, and nurse practitioners to serve in such areas; and

(16) due to the high turnover of health professionals in underserved areas, improved methods of retention are needed to keep existing National Health Service Corps personnel in underserved communities to which such personnel are assigned to serve.

(b) PURPOSE.—It is the purpose of this Act—

(1) to increase the supply of primary care providers to urban and rural underserved health professional shortage areas;

(2) to halt proposals to phase out the National Health Service Corps scholarship program and to increase the number of scholarships and loan repayments for physicians and other providers to address the serious decline in the availability of health professionals in underserved areas; and

(3) to revitalize the National Health Service Corps by improving the recruitment and retention of providers and by diversifying the Corps so that it includes mid-level practitioners, psychologists, social workers, and other mental health professionals.

SEC. 3. PUBLICITY AND RECRUITMENT.

Section 338A(c)(2) of the Public Health Service Act (42 U.S.C. 254l(c)(2)) is amended by inserting before the period the following: ", including a statement of all factors considered in the selection of applicants and the assignment of corps members".

SEC. 4. SCHOLARSHIP AND LOAN REPAYMENT PROGRAM PRIORITIES.

(a) SCHOLARSHIP PROGRAM.—Section 338A(d) of the Public Health Service Act (42 U.S.C. 2541(d)) is amended to read as follows:

"(d)(1) The Secretary shall consider the following factors in selecting applicants to participate in the Scholarship Program—

"(A) the applicant's demonstrated interest in providing primary services;

"(B) the applicant's demonstrated interest in providing health services to individuals residing in underserved areas;

"(C) the applicant's connection to a health professional shortage area (designated under section 332) at the time of the submission of the application;

"(D) the need and demand for nurses, certified nurse midwives, nurse practitioners, physicians assistants, podiatrists, dentists, psychologists, social workers, and other mental health professionals;

"(E) the school attended by the applicant with regard to its demonstrated record of success or its effort to train individuals to enter primary care fields, and to serve underserved areas; and

"(F) any other factors which the Secretary determines are relevant to the selection of qualified applicants.

"(2) In determining which applications under the Scholarship Program to approve (and which contracts to accept), the Secretary shall give priority—

"(A) first, to applications made (and contracts submitted) by individuals who have previously received scholarships under the Scholarship Program or under section 758; and

"(B) second, to applications made (and contracts submitted) by individuals from disadvantaged and minority backgrounds.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(d) of the Public Health Service Act (42 U.S.C. 254l-1(d)) is amended to read as follows:

"(d)(1) The Secretary shall consider the following factors in selecting applicants to participate in the Loan Repayment Program—

"(A) the applicant's demonstrated interest in providing primary services;

"(B) the applicant's demonstrated interest in providing health services to individuals residing in underserved areas;

"(C) the applicant's connection to a health professional shortage area (designated under section 332) at the time of the submission of the application;

"(D) the need and demand for nurses, certified nurse midwives, nurse practitioners, physicians assistants, podiatrists, dentists, psychologists, social workers, and other mental health professionals;

"(E) the training program attended by the applicant with regard to its demonstrated record of success or its effort to train individuals to enter primary care fields, and to serve underserved areas; and

"(F) any other factors which the Secretary determines are relevant to the selection of qualified applicants.

"(2) In determining which applications under the Loan Repayment Program to approve (and which contracts to accept), the Secretary shall give priority—

"(A) first, to applications made (and contracts submitted) by individuals who have previously received scholarships under the Loan Repayment Program or under section 758, and then;

"(B) to applications made (and contracts submitted) by individuals from disadvantaged and minority backgrounds;

"(C) to applications from individuals who are legal residents of health professional shortage areas or who, at the time of the submission of the application, reside in a health professional shortage area; and

"(D) to applications from individuals who have demonstrated an interest in providing primary care service for the underserved through the participation of such individuals in clinical programs.".

SEC. 5. INCENTIVES AND ADMINISTRATIVE PROVISIONS.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 338K. INCENTIVES FOR RECRUITMENT AND RETENTION.

"(a) IN GENERAL.—The Secretary shall establish and implement a program of incentives, as described in subsection (b), to improve National Health Service Corps recruitment and retention.

"(1) MATERIALS.—The Secretary shall distribute materials that encourage the financial aid offices of medical, dental, nursing, graduate departments of psychology, and social work schools, primary care oriented medical school departments, and residency programs to inform all students and residents about the Scholarship and Loan Repayment Program.

"(2) STUDENT TRAINING AND EXTERNSHIP PROGRAM.—The Secretary shall make grants and enter into contracts with health professions institutions and public and private nonprofit entities for the conduct of programs that would expose and train health professions students throughout their academic careers to clinical settings administered by countries, States, or the Public Health Service that provide primary care services to medically underserved areas.

"(3) CAREER ADVISOR.—The Secretary shall assure the availability of career advisors to assist Corps members from the time such members enter into a contract with the Corps until such members complete their obligation.

"(4) FELLOWSHIPS IN PRIMARY CARE.—The Secretary, in conjunction with eligible residency programs and other training programs, shall establish fellowship programs for physicians, dentists, nurse practitioners, nurse midwives, and physician assistants who have an interest and commitment to primary care, to enable such health professionals to gain exposure and expertise in the delivery of medical services to underserved populations in health professional shortage areas.

"(5) FACULTY APPOINTMENTS.—The Secretary shall encourage the provision of faculty appointments for Corps providers at health professional schools, to provide access for such providers, and the communities they serve, to university facilities and to make such providers a source of expertise for health professions students.

"(6) EXCHANGE PROGRAMS, ETC.—The Secretary shall establish exchange programs with teaching centers, leave time for professional conferences, sabbatical leave, and traveling medical consultation teams to increase opportunities for patient case presentations and discussions and research by Corps personnel.

"(7) JOB SHARING, ETC.—The Secretary shall establish options, such as job sharing and couple recruitment, and other flexible work programs for Corps members to be available after the period of obligated service.

"(8) RESPITE SQUAD.—The Secretary shall establish a 'respite squad' that shall consist of mid-career health professionals who would work in underserved areas on a short-term basis, such as a two-week period or a one day a month basis.

"(9) INDEPENDENT RECRUITMENT.—The Secretary shall maintain a recruitment program to recruit individuals, who are not participants in the Scholarship or Loan Repayment Programs, to become Corps members.

"(c) TRACKING AND EVALUATION.—

"(1) IN GENERAL.—The Secretary shall track and evaluate the incentive programs established under subsection (b), to determine the effectiveness of such programs in increasing the participation of individuals in the programs established under this part, and in the continuing participation of such individuals in such programs.

"(2) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of the programs established in paragraphs (3) and (5) of subsection (b) in influencing the specialty choice and practice setting of program participants.

"(3) REPORTING.—Not later than March 1 of every even numbered year, the Secretary shall prepare and submit to the appropriate Committees of Congress, a report concerning the evaluations conducted under paragraphs (1) and (2).

"SEC. 338L. INCREASE IN STAFF.

"The Secretary shall ensure that the administrative staff of the National Health Service Corps is adequate and appropriate to administer the programs established and operated under this subpart. The Secretary shall increase such staff if such increase is necessary to effectively administer such programs.".

SEC. 6. TRACKING AND EVALUATION REQUIREMENTS.

(a) SCHOLARSHIP PROGRAM.—Section 338A(i) of the Public Health Service Act (42 U.S.C. 254l(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Scholarship Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Scholarship Program.".

(b) LOAN REPAYMENT PROGRAM.—Section 338B(i) of such Act (42 U.S.C. 254l-1(i)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) the effectiveness in maintaining or increasing the interest in and commitment of individuals participating in the Loan Repayment Program to primary care and service to the underserved; and

"(6) the retention rate of participants in the Loan Repayment Program.".

SEC. 7. TRANSFER OF FUNDS.

Section 338G of the Public Health Service Act (42 U.S.C. 254q) is amended by adding at the end thereof the following new subsection:

"(c) TRANSFER OF FUNDS.—The Secretary may transfer funds between the Scholarship Program and the Loan Repayment Program as needed due to the availability of applicants for such programs.".

SEC. 8. ADMINISTRATIVE REVIEW.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 336A the following new section:

"SEC. 336B. ADMINISTRATIVE REVIEW.

"Not later than January 1, 1993, the General Accounting Office shall complete an administrative review of the Corps including the administration of the Scholarship Program and the Loan Repayment Program.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended to read as follows:

"(a) To carry out this subpart and section 338K, there are authorized to be appropriated $65,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, of which not less than 8 percent should be made available with respect to nurses, nurse practitioners, certified nurse midwives, physician assistants, psychologists, social workers, and other non-physician health providers.".

(b) SCHOLARSHIP AND LOAN REPAYMENT PROGRAM.—Section 338G(b) of such Act (42 U.S.C. 254q(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated $63,900,000 for fiscal year 1991, and such sums as may be necessary for subsequent fiscal years, for scholarships and loan repayments under this subpart.

"(2) SET-ASIDE.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall make available not less than 10 percent for scholarships and loan repayments under this subpart with respect to nurses, nurse practitioners, nurse midwives, physician assistants, psychologists, social workers, and other non-physician health providers.".

(c) STATE PROGRAMS.—Subsection (d) of section 338H of such Act (42 U.S.C. 254q-1(d)) is amended to read as follows:

"(d)(1) The Secretary shall use such sums as may be necessary from amounts available under section 338G(b)(1) to carry out the physician loan repayment program, and such sums as may be necessary from the amounts available under section 338G(b)(2) for loan repayment for nurses, psychologists, social workers, and other health professionals.

"(2) Nothing in this section shall prohibit a State from entering into multiyear contracts under this section.".

SEC. 10. GRANTS TO STATES FOR OPERATION OF OFFICES OF RURAL HEALTH.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254l et seq.) (as amended by section 5) is further amended by adding the end thereof the following new section:

"SEC. 338M. STATE OFFICES OF RURAL HEALTH.

"(a) IN GENERAL.—The Secretary shall make grants to States in accordance with this section to enable such States to establish State Offices of Rural Health, or to assist existing State rural health offices, to engage in the activities described in subsection (d)(2).

"(b) AMOUNT OF GRANT.—

"(1) MAXIMUM AMOUNT.—The Secretary shall not make grants to a single State for a fiscal year under this section in an amount that is more than the quotient of the aggregate amount appropriated pursuant to subsection (g) for such fiscal year divided by the number of applications under subsection (f) that are approved for such fiscal year.

"(2) MATCHING REQUIREMENT.—Except as provided in paragraph (3), a State that receives a grant under this section shall provide an amount equal to the amount provided under such grant to establish, administer, or enhance the ongoing operations of the Office. Such amounts may be provided in cash or in-kind.

"(3) EXCEPTION.—To assist in the establishment of new rural health offices, for the first year of operation of a State Office of

Rural Health, the Secretary may modify the matching requirement under paragraph (2) to the extent that the State shall contribute not less than $1 for each $3 of Federal funds provided.

"(c) LIMITATION ON USE OF GRANT FOR RESEARCH ACTIVITIES.—Each State receiving a grant under this section shall not use in excess of 5 percent of the amounts provided under such grant for research activities.

"(d) STATE OFFICES OF RURAL HEALTH.—

"(1) ESTABLISHMENT.—Each State that receives a grant under this section may establish, or continue the operations of, the State Office of Rural Health in a State agency, or through contract with a public or private educational institution or other organization, or any combination of the preceding entities, as determined by the State.

"(2) ACTIVITIES.—

"(A) DUTIES.—Each State Office of Rural Health established or operated under a grant made under this section shall—

"(i) provide leadership and advocacy for rural residents with regard to rural health;

"(ii) coordinate the activities of such Offices with Federal, State, local, and private health entities, and with the rural development activities of, and cooperate with, the Agricultural Extension Service;

"(iii) make recommendations to the Federal Office of Rural Health on improving the quality and cost effectiveness in the delivery of rural health care;

"(iv) identify Federal and State programs regarding rural health, and provide technical assistance to public and nonprofit private entities regarding participation in such programs;

"(v) prepare and submit reports periodically to the Office of Rural Health Policy concerning the activities of the office; and

"(vi) communicate and cooperate with rural health research centers established by the Federal Office of Rural Health Policy established under section 301.

"(B) OPTIONAL ACTIVITIES.—Each State Office of Rural Health established under a grant made under this section may—

"(i) assist rural areas in responding to changes in access to health care;

"(ii) plan and assist in the professional recruitment and retention of medical professionals and assistants in rural areas;

"(iii) improve community involvement in health care delivery through methods including the conduct of leadership development programs for the members of the community;

"(iv) improve rural emergency medical services;

"(v) improve access to health care in rural areas through innovative transportation and communications services;

"(vi) encourage the sharing of rural health care information;

"(vii) evaluate data on rural health conditions and needs; and

"(viii) provide technical assistance for rural hospital transition grants.

"(3) ANNUAL MEETINGS.—Representatives from each State Office of Rural Health that receives a grant made under this section shall meet annually with representatives from the Office of Rural Health Policy to share information and coordinate strategies for improving quality and cost effectiveness in the delivery of rural health care.

"(4) LIMITATION.—No amounts appropriated under subsection (g) shall be used for health planning uses of the type performed under title XV (as such title existed prior to January 1, 1987,) such as certificate of need programs.

"(e) STATE DEFINED.—As used in this section, the term 'State' means the 50 States.

"(f) REQUIREMENT OF APPLICATION.—The Secretary shall not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, made in such manner, and contains such agreements, assurances, and information as the Secretary determines necessary to carry out such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $3,750,000, for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994.".

SEC. 11. ADMITTING PRIVILEGES OF HEALTH CARE PROFESSIONALS.

Section 335(e)(1)(A) of the Public Health Service Act (42 U.S.C. 354h(e)(1)(A)) is amended—

(1) by striking out "or dentist member" and inserting in lieu thereof ", dentist, or other health care professional member"; and

(2) by inserting ", is authorized by State law to have such privileges," after "granting such privileges".

SEC. 12. GRANTS FOR HOME HEALTH ARE DEMONSTRATION PROJECTS.

(a) NUMBER OF GRANTS.—

(1) IN GENERAL.—Section 395(a) of the Public Health Service Act (42 U.S.C. 280c(a)) is amended by striking out "3, and not more than 5, grants to States" and inserting in lieu thereof "10, and not more than 50, grants to States or private entities.

(2) GRANTEES.—Section 395 of such Act (42 U.S.C. 280c) is amended by adding at the end thereof the following new subsection:

"(d) GRANTEES.—In making grants under subsection (a), the Secretary shall—

"(1) award five such grants to the grantees that received grants under such subsection as such subsection existed prior to July 1, 1989;

"(2) award not to exceed 50 percent of such remaining grants to private entities, who shall be considered in the same manner as a State for purposes of administering this subpart; and

"(3) award any remaining grants to States.".

(b) APPLICATION TO STATE CHIEF EXECUTIVE OFFICER.—Section 397(c) of the Public Health Service Act (42 U.S.C. 280c-2(c)) is amended—

(1) in paragraph (2), by striking out "and" at the end thereof

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2), the following new paragraph:

"(3) include a certification that the applicant has provided he governor of the State in which the applicant resides with a copy of the application, and a certification that the governor of the State will submit comments to the Secretary concerning any such application at such time as the Secretary determines appropriate; and".

(c) MATCHING REQUIREMENT.—Section 396(b) of such Act (42 U.S.C. 280c-1(b)) is amended—

(1) in paragraph (1), by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) For the third and subsequent years of such payments to a State, the Secretary may not make such payments in an amounts exceeding 75 percent of the costs of such services."; and

(2) in paragraph (2), by striking out subparagraph (C) and inserting in lieu thereof the following new subparagraph:

"(C) for the third and subsequent years of such payments to a State, not less than $25 (in cash or in kind under subsection (c)) for each $75 of such Federal funds.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 397(e) of the Public Health Service Act (42 U.S.C. 280c-2(e)) is amended by striking out "$5,000,000 for each of the fiscal years 1988 through 1990" and inserting in lieu thereof "such sums as are necessary in each of the fiscal years 1991 through 1994".

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit, to the appropriate Committees of Congress, a report concerning the effectiveness of programs that receive assistance under the amendments made by this section with regards to the objectives of such programs. The Secretary shall not decrease the amounts appropriated to carry out this section to complete such report.

SEC. 13. TECHNICAL AMENDMENTS.

(a) ASSIGNMENT OF PERSONNEL.—Section 333(h) of the Public Health Service Act (42 U.S.C. 254f(h)) is amended—

(1) in paragraph (1), by inserting "(M.D. and D.O.)" after "physicians"; and

(2) in paragraph (2), by inserting ", payment," after "utilization".

(b) COST SHARING.—Section 334(f)(2)(B)(ii) of such Act (42 254g(f)(2)(B)(ii)) is amended by inserting "payments or" after "third party".

(c) PROVISION OF HEALTH SERVICES.—Section 335 of the Public Health Service Act (42 U.S.C. 254h) is amended—

(1) in subsection (b)(1)(i)(II), by inserting "(M.D. and D.O.)" after "physicians";

(2) in subsection (c), by inserting "(M.D. and D.O.)" after "medical; and

(3) in subsection (e)(1)(A), by inserting "(M.D. and D.O.)" after "physician".

(d) LOAN REPAYMENT PROGRAM.—Section 338B of the Public Health Service Act (42 U.S.C. 254l-1) is amended in subsection (g)—

(1) by inserting "all" after "related expenses on" in paragraph (1);

SEC. 14. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM DEBTS IN BANKRUPTCY NONDISCHARGEABILITY PROVISIONS.

(a) IN GENERAL.—Paragraph (3) of section 338E(d) of the Public Health Service Act (42 U.S.C. 254o(d)(3)) is amended to read as follows:

"(3) Any obligation of an individual under section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484), or under this section may be released by a discharge in bankruptcy under title 11, United States Code, only if that discharge is granted after the expiration of the 5-year period beginning on the first date that payment of that obligation is required, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(b) EFFECTIVE DATE AND INTERPRETATION.—

(1) OBLIGATIONS UNDER SECTION 225.—With respect to obligations arising under section 225(f) of the Public Health Service Act (as that section existed prior to its repeal by section 408(b) of the Health Professions Educational Assistance Act of 1976 (Public Law 94-484)), the amendment made by subsection (a) shall apply to any bankruptcy proceeding in which the discharge of such

an obligation has not been granted before 31 days after the date of enactment of this Act.

(2) OBLIGATIONS UNDER SECTION 338E.—With respect to obligations arising under section 338E of the Public Health Service Act, the amendment made by subsection (a) shall be effective upon the date of enactment of this Act, and shall not be construed as changing or affecting any right, liability, status, or interpretation (pertaining to any such obligation) which existed under such section 338E(d)(3) prior to such date of enactment.

SEC. 15. ESTABLISHMENT OF RURAL HEALTH CARE PROVIDER RECRUITMENT AND EDUCATION PROGRAM.

Subpart III of part D of title III of the Public Health Service Act (as amended by section 10) is further amended by adding at the end thereof the following new section:

"SEC. 338N. RURAL HEALTH CARE PROVIDER RECRUITMENT AND EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a demonstration program to be known as the Rural Health Care Provider Recruitment and Education Program (hereinafter referred to in this section as the 'Program') to assist rural communities in recruiting and educating eligible individuals to serve as health care providers in such areas. The Secretary shall administer the Program through the existing grant program established under section 338H.

"(b) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants under this section to States that meet the eligibility requirements for receiving grants under subsection (c) to share the costs incurred by local communities within such State, and by the State, in providing funds to eligible individuals.

"(2) PROHIBITION.—The Secretary may not make a grant under this section to a State that has not established a State loan repayment program under section 338H unless the State agrees, as a condition of receiving the grant, to designate a State agency to administer the program operated with the grant.

"(c) ELIGIBILITY.—

"(1) STATE APPLICATION.—

"(A) IN GENERAL.—To be eligible to participate in the Program established under this section, a State shall prepare and submit, to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including—

"(i) the proposal of the State for providing assistance to local communities from amounts received under this section;

"(ii) the estimated expenses that the State expects to incur in providing technical and other assistance to local communities under this section based on the applications that the State receives under paragraph (2);

"(iii) an assurance that the State, shall only provide assistance from amounts received under this section to local communities submitting applications under paragraph (2) who desire to assist eligible individuals who are—

"(I) recommended by local sponsoring organizations within the rural community to be served; and

"(II) residents of the rural community to be served;

"(iv) an assurance that the State will contribute to local communities to which the State provides assistance under a grant awarded under this section, not less than 15 nor more than 25 percent of the cost associated with such local communities providing assistance to eligible individuals under this section;

"(v) an analysis of the potential use of health professions personnel in communities that desire to receive assistance from the State under this section;

"(vi) a determination by the State of the need within the local communities that desire to receive assistance from the State under this section for such health professions personnel;

"(vii) a determination of the extent to which such local communities will have a financial base to support the practice of such health professions personnel; and

"(viii) any other information determined appropriate by the Secretary.

"(B) CONSOLIDATION OF APPLICATIONS.—The application required under this paragraph may be submitted as part of the State application submitted under section 338H.

"(2) LOCAL APPLICATION.—A local community that desires to receive assistance from a State through a grant awarded under this section shall prepare and submit, to the State office that is responsible for the administration of the State loan repayment program established under section 338H within that State, an application at such time, in such form, and containing such information as the State shall require, including—

"(A) the identity and place of residence of the eligible individual for which the local community is providing assistance under this subsection and the relationship, if any, of the eligible individual to the local community;

"(B) the nature and estimated length of the education or training to be provided to such individual with assistance provided under this subsection;

"(C) the estimated costs of the education and training referred to in subparagraph (B), the amount of such costs that will be paid by the applicant, and the amount that the applicant desires to receive from the State under the Program;

"(D) assurances that such individual will comply with the requirements of subsection (e);

"(E) an assurance that the applicant will contribute local funds derived from non-Federal sources in an amount equal to not less than 50 percent nor more than 60 percent of the cost to be paid by the applicant, as described in subparagraph (C); and

"(F) any other information determined appropriate by the Secretary.

"(3) ELIGIBLE INDIVIDUALS.—To be eligible to receive assistance under this section an individual identified in the application submitted under paragraph (2)(A)(i) shall—

"(A) be recommended by a local community and enrolled, or accepted for enrollment, as a full-time student—

"(i) in an accredited educational institution, approved by the Secretary, in a program leading to a degree in medicine or osteopathic medicine;

"(ii) in an approved program leading to eligibility for licensure as a nurse midwife, nurse practitioner, or a physician assistant; or

"(iii) in an approved graduate program leading to eligibility for certification (or the State equivalent) as a nurse midwife, nurse practitioner, or a physician assistant;

"(B) prepare and submit to the local community an application (that shall be submitted to the State as part of the application of the local community under paragraph (2)(A)) to participate in the program established under this subsection; and

"(C) sign and submit to the local community and the State, at the time of the submission of the application, a written contract to serve for not less than 2 years, after licensure or certification, in the rural community, but in no event shall such applicant serve for a period of years that is less than the number of years in which the applicant was provided with assistance under this section.

"(d) USE OF FUNDS.—Amounts provided to a State under a grant awarded under subsection (b) shall be used to reimburse a local community for 25 percent of the costs associated with providing assistance to an eligible individual to enable such individual gain the medical or clinical education necessary to become a primary care physician, a nurse practitioner, a nurse midwife, or a physician assistant.

"(e) SERVICE BY INDIVIDUAL.—An individual that receives assistance under this section shall serve as a primary care allopathic or osteopathic physician (including a family practitioner, an obstetrician/gynecologist, a practitioner of internal medicine or pediatrics) a nurse midwife, a nurse practitioner, or a physician assistant in the rural community represented by the local community that provided assistance to the individual under this section. Such period may be in excess of 4 years if the local community and the individual agree.

"(f) FAILURE TO COMPLY.—The provisions of section 338E regarding the breach of a service contract shall apply to eligible individuals that enter into contracts to receive assistance under this section.

"(g) COORDINATION.—The State shall coordinate and be responsible for the recovery of any payments due from delinquent individuals under this section on behalf of localities and the Federal Government.

"(h) EVALUATION.—The Secretary, acting through the Health Resources and Services Administration, shall evaluate the impact of the program established under this section on the participation of primary care physicians and mid-level practitioners in the program established under this section and prepare and submit, to the appropriate Committees of Congress, a report containing the number of primary care physicians and mid-level practitioners, on a State by State basis, who participate on the program established under this section in the State.

"(i) DEFINITIONS.—As used in this section:

"(1) LOCAL COMMUNITY.—The term 'local community' means a local public or private nonprofit entity or combination of such entities, that is located in or serves a rural community.

"(2) RURAL COMMUNITY.—The term 'rural community' means a Federally designated health manpower shortage area or a medically underserved area designated by a State pursuant to section 338H, that is not within a metropolitan statistical area.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1991, $10,000,000 for fiscal year 1992, and such sums as may be necessary for 1993.".

SEC. 16. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended in the first sentence—

(1) by striking out "not more than four";

(2) by striking out "in any fiscal year"; and

(3) by striking out "in such States".

SEC. 17. CONFORMING AMENDMENTS.

(a) UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1972.— Section 2123(e) of title 10, United States Code, is amended by striking out "an area of health manpower shortage" and inserting in lieu thereof "a health professional shortage area".

(b) PUBLIC HEALTH SERVICE ACT.—

(1) Sections 303(d)(2)(B), 331, 333, 334, 335, 336(a), 336A, 338A, 338B, 338C, 338D, 338F(a)(1), 735, 741(f)(1)(C), 759(a), 781(a)(2)(B)(iii), and 822 of the Public Health Service Act (42 U.S.C. 242a(d)(2)(B), 254d, 254f, 254g, 254h, 254h-1(a), 254i, 254l, 254l-1, 254m, 254n, 254p(a)(1), 294h, 294n(f)(1)(C), 294aa(a), 295g-1(a)(2)(B)(iii), and 296m) are amended by striking out "health manpower shortage area" each place such appears and inserting in lieu thereof "health professional shortage area".

(2) Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS";

and

(B) by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(c) SOCIAL SECURITY ACT.—The Social Security Act is amended—

(1) in section 1156(b)(5) (42 U.S.C. 1320c-5(b)(5)), by striking out "health manpower shortage area (HMSA)" and inserting in lieu thereof "health professional shortage area"; and

(2) in sections 1833(m), 1842(b)(4)(F), and 1861 (42 U.S.C. 1395l(m), 1395u(b)(4)(F), and 1395x), by striking out "health manpower shortage area" each place it appears and inserting in lieu thereof "health professional shortage area".

(d) COMPREHENSIVE HEALTH MANPOWER TRAINING ACT OF 1971.—Section 202 of the Comprehensive Health Manpower Training Act of 1971 (42 U.S.C. 3505d) is amended—

(1) by striking out the section heading and inserting in lieu thereof the following:

"NATIONAL HEALTH PROFESSIONAL SHORTAGE CLEARINGHOUSE";

and

(2) in subsection (a), by striking out "Manpower" and inserting in lieu thereof "Professional".

(e) HEAD START ACT.—Section 645(a)(2)(B) of the Head Start Act (42 U.S.C. 9840(a)(2)(B)) is amended by striking out "health manpower shortage area" and inserting in lieu thereof "health professional shortage area".

The PRESIDING OFFICER, The question is on agreeing to the amendment.

The amendment (No. 2604) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MITCHELL. Mr. President, I ask unanimous consent to now proceed to consideration of Calendar No. 758, H.R. 4487, the House companion bill, and that all after the enacting clause be stricken; that the text of S. 2617 be inserted in lieu thereof; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I ask unanimous consent that S. 2617, Calendar No. 691, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 10, 1990

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate reconvenes on Monday, September 10 at 10 a.m., following time for the two leaders there be a period for morning buisness not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that, at 10:30 a.m., the Senate turn to the consideration of H.R. 5241, the Treasury and Postal appropriations bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 10, 1990

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the provisions of House Concurrent Resolution 360, until 10 a.m., on Monday, September 10, 1990.

There being no objection, the Senate, at 6:20 p.m., adjourned until Monday, September 10, 1990, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 5, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 5, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

During all the seasons of life, gracious God, Your presence has been a judgment on the oppressors and a source of hope for the oppressed. In good times of celebration and joy Your Word of blessing has been our companion and in the dark moments of despair Your Word of comfort has sustained and made whole. We pray, O God, that Your Word of judgment and blessing that has been spoken to those who have gone before us may be heard in our day and time. May Your judgment be known by those who take advantage over people and may Your peace that passes all understanding be with those who suffer and are alone. Let us, O God, search our own hearts and our own attitudes that we will truly do justice, love mercy, and walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wyoming [Mr. THOMAS] to lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 94. An act to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes;

H.R. 987. An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes;

H.R. 2575. An act to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941, to provide for the striking of medals in commemoration of the centennial of Yosemite National Park, and for other purposes;

H.R. 4009. An act to authorize appropriations for fiscal year 1991 for the Federal Maritime Commission, and for other purposes;

H.R. 5229. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes; and

H.R. 5256. An act to amend the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 987) "An act to amend the Alaska National Interest Lands Conservation Act, to designate certain lands in the Tongass National Forest as wilderness, and for other purposes," disagreed to by the House, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON, Mr. BUMPERS, Mr. FORD, Mr. BRADLEY, Mr. WIRTH, Mr. MCCLURE, Mr. MURKOWSKI, Mr. WALLOP, and Mr. GARN, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5229) "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1991, and for other purposes," and request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. INOUYE, Mr. D'AMATO, Mr. KASTEN, Mr. DOMENICI, Mr. GRASSLEY, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, a joint resolution and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 324. An act to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes;

S. 605. An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes;

S. 648. An act to amend the Securities Exchange Act of 1934 to strengthen regulatory oversight of the United States securities markets, improve supervision of financial market participants, and improve the safety and efficiency of market mechanisms, and for other purposes;

S. 1289. An act to improve the management of forests and woodlands and the production of forest resources on Indian lands, and for other purposes;

S. 1834. An act to recognize and grant a Federal charter to the organization known as the Supreme Court Historical Society;

S. 1913. An act to require the use of child restraint systems on commercial aircraft;

S. 1963. An act to amend the Public Health Service Act to facilitate the revitalization of the Commissioned Corps of the Public Health Service, and for other purposes;

S. 1974. An act to require new televisions to have built in decoder circuitry;

S. 2176. An act to provide better enforcement of the environmental laws of the United States, and for other purposes;

S. 2340. An act to develop and improve child protective service programs on Indian reservations and to strengthen Indian families;

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes;

S. 2632. An act to amend the Public Health Service Act to reauthorize the National Center for Health Statistics, and for other purposes;

S. 2636. An act to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes;

S. 2753. An act to reauthorize the Developmental Disabilities Assistance and Bill of Rights Act;

S. 2757. An act to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people

to alleviate suffering during the current emergency;

S. 2834. An act to authorize appropriations for fiscal year 1991 for the intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 2841. An act, the Omnibus Territories Act of 1990;I21S. 2884. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;I21S. 2905. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2906. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2907. An act to provide for the utilization, force structure, and preservation of personnel of the Reserve components, for procurement for such components, and for other purposes;

S. 2908. An act to provide transition assistance for military personnel involuntarily discharged or released from active duty, and for other purposes;

S. 2909. An act expressing the sense of Congress relating to the reduction of nuclear risk, requiring the Secretary of Defense to report on measures to reduce such risk, and for other purposes;

S. 2910. An act to authorize appropriations for fiscal year 1991 drug interdiction and counter-drug activities of the Department of Defense, to allow the Department of Defense to provide additional support to State and local agencies for such activities, and for other purposes;

S. 2911. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2912. An act to authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other puproses;

S. 2913. An act to authorize certain construction at military installations for fiscal year 1991, and for other purposes;

S. 2914. An act to authorize funds for Department of Energy national security programs, the Defense Nuclear Facilities Safety Board, civil defense; to authorize expenditures by the Panama Canal Commission, and for other purposes;

S. 2915. An act to amend title 10, United States Code, to require the Secretary of Defense to establish a strategic environmental research program;

S. 2916. An act to amend title 10, United States Code, to encourage the development and transfer of critical technologies and to improve acquisition actitivties of the Department of Defense, to authorize acquisitions and dispositions for the National Defense Stockpile for fiscal year 1991, and for other purposes;

S. 2930. An act to eliminate "substantial documentary evidence" requirement for minimum wage determination for American Samoa;

S. 3000. An act to strike congressional medals for Pearl Harbor Veterans and the Yosemite National Park Centennial and bicentennial coins commemorating the U.S. Constitution.

S.J. Res. 357. Joint resolution to designate September 15, 1990 to October 15, 1990, as "Community Center Month";

S. Con. Res. 99. Concurrent resolution Expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965;

S. Con. Res. 123. Concurrent resolution to encourage State governments, local governments and local educational agencies to adopt a comprehensive curricular program which provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights and which fosters civic competence and civic responsibility;

S. Con. Res. 127. Concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service to resolve their dispute and restore vital transportation services to American communities;

S. Con. Res. 132. Concurrent resolution expressing the sense of the Congress that August 30, 1990, be observed as "1890 Land-Grant Institutions Centennial Recognition Day"; and

S. Con. Res. 145. Concurrent resolution to salute and congratulate the people of Poland as they commemorate the two-hundredth anniversary of the adoption of the Polish Constitution.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 605) "An act to authorize appropriations for the Consumer Product Safety Commission, and for other purposes," and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. BRYAN, Mr. GORE, Mr. DANFORTH, and Mr. GORTON, to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *August 6, 1990.*

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 12:45 p.m. on Monday, August 6, 1990 the following message from the Secretary of the Senate: That the Senate agreed to the Conference Report on S. 2240, that the Senate agreed to the House amendments to S. 2461, that the Senate agreed to the House amendments to the Senate amendment to H.R. 498, that the Senate passed without amendment H.R. 3048, H.R. 3248, H.R. 4035, H.R. 4273, H.R. 4314, H.R. 5131, H.R. 5432, H.J. Res. 467, H.J. Res. 515, Res. 554, and H.J. Res. 627.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Thursday, August 9, 1990:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 1159. An act to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic trail, and for other purposes;

H.R. 1199. An act to amend title 38, United States Code, to establish a system of competitive pay for nurses employed by the Department of Veterans Affairs, to authorize the Secretary of Veterans Affairs to make such system applicable to certain other health-care personnel, to make certain improvements in veterans' health and education programs, and for other purposes;

H.R. 1465. An act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes;

H.R. 1594. An act to make miscellaneous and technical changes to various trade laws;

H.R. 3048. An act to designate the Agricultural Research Service, United States Department of Agriculture, Animal Health Research Building in Clay Center, Nebraska, as the "Virginia D. Smith Animal Health Research Laboratory";

H.R. 3086. An act to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes;

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building";

H.R. 4273. An act to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes;

H.R. 4314. An act to implement the Inter-American Convention on International Commercial Arbitration;

H.R. 4790. An act to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer;

H.R. 5131. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes;

H.R. 5350. An act to provide for a temporary increase in the public debt limit;

H.R. 5432. An act to extend the expiration date of the Defense Production Act of 1950;

H.J. Res. 467. Joint resolution designating September 21, 1990, as "National POW/MIA Recognition Day," and recognizing the National League of Families POW/MIA flag;

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week";

H.J. Res. 554. Joint resolution designating January 6, 1991, as "National Law Enforcement Training Week";

H.J. Res. 627. Joint resolution designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend";

S. 666. An act to enroll twenty individuals under the Alaska Native Claims Settlement Act;

S. 2461. An act to amend the Public Health Service Act to revise and extend the programs of grants for reducing the waiting period for receiving treatment services for drug abuse, and for other purposes;

S. 2952. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II;

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month";

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; and

S.J. Res. 343. Joint resolution to designate August 13 through August 19, 1990, as "Home Health Aide Week."

The following enrolled bill was signed by the Speaker pro tempore on Monday, August 13, 1990:

S. 2240. An act to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

CONSTITUENTS ARE MAD AS HELL OVER S&L DEBACLE AND OIL COMPANIES' RIPOFF

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, as we return to the session after our August break, many of us in the Congress have had an occasion to talk to our constituents, and I find my constituents in Pennsylvania mad as hell over two particular issues.

One, of course, is the S&L debacle and the tremendous cost to the American taxpayers of that cleanup. But the second is even a more rude action by the multinational oil companies of the world who have not only drilled for oil but who intend to drill the American people. They are now attempting to rip off the American people in the midst of an international crisis, and the American people and my constituents are mad as hell.

Mr. Speaker, I suggest, and am introducing today, a piece of legislation to try to cure a little bit of both of these problems. I am asking the Congress of the United States to reenact the windfall profits tax so that we can take these obscene profits that will be made by these multinational oil companies away from them in the time that they are ripping off the American taxpayer, and help the American taxpayer by contributing those windfall profits to the bailout of the S&L crisis, to alleviate the tax pressure on the American taxpayer.

Mr. Speaker, I ask you and my colleagues in the Congress of the United States to take heed: We are mad as hell, and it is time we cured two problems, the ripoff by the oil companies and the S&L debacle, at the same time.

SEQUESTRATION WOULD BE DEVASTATING, WOULD PROMOTE A NATIONAL RECESSION

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, without decisive action to bring our deficit under control, sequestration will devastate the Federal Government and promote a national recession. Sequestration is 3 weeks away. The threat of a sequester is real, and imposition of a sequester will hurt. Badly.

Departments and agencies were asked to submit sequester plans to OMB by August 27. I am currently reviewing those plans, and I will soon be issuing a report on the effects of a full-year sequester. In the meantime, here are a few things to think about. A sequester will result in:

A 1-month furlough for about 1 million civilian employees of the Department of Defense;

A complete shutdown of the Court of Veterans Appeals;

Suspension of meat and poultry inspections for 137 days, crippling those industries;

The unprecedented release of 46,000 potentially dangerous probationers and parolees;

Termination of 6,160 FBI staff, drastically impairing investigations of S&L fraud and other crimes;

The threat of terminations and 60-90 day furloughs for 50,000 employees of the VA.

The sequester time bomb is ticking. Without full cooperation from both sides of the aisle and a willingness to advance and consider meaningful proposals, the sequester bomb will explode in 3 weeks.

□ 1210

NEW MEXICANS QUESTION DESERT SHIELD

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, President Bush deserves credit for the Persian Gulf operation. So far, he has done everything right and deserves our bipartisan support. Having just returned from nearly 40 town meetings in my district, New Mexicans are asking plenty of questions about operation desert shield.

Why are we there? To stop Iraqi aggression or to protect oil?

What is more important? Arab oil or American blood?

How much of American intervention is aimed at preserving the profits of big oil companies? Why did gasoline prices shoot up the day after Iraq invaded Kuwait? Why have the prices continued to rise? Why can the Government not stop this price gouging?

Why are our friends, like Germany and Japan, doing so little to help? Where are their troops and money?

Is the Persian Gulf going to be another protracted conflict like Vietnam?

Whose side is Jordan on? Is that what we get after billions of dollars of U.S. aid?

What will it take to convince our Government to establish a sound energy policy, one that reduces our dependence on foreign oil and stimulates alternative energy sources?

These are just some of the questions New Mexicans have been asking—questions that we in the Congress must continue to ask in the coming months and demand appropriate answers.

CONGRATULATIONS TO HOUSE MINORITY WHIP

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I would like to take this time to applaud my colleague, the House minority whip, NEWT GINGRICH. Congressman GINGRICH has outlined a 4-percent budget strategy for all Americans and especially for those who support a progrowth budget solution. The 4-percent solution allows Congress to increase total Federal spending by no more than 4 percent of previous years spending levels for the next 6 years thus balancing the budget in fiscal 1997.

Congressman GINGRICH has taken a bold stand in favor of the American people and revealed the truth about the Federal budget. The truth being that the Washington establishment favors the Federal budget over the family budget. That Congress has developed a tax system that is antichild, antifamily, antiwork, antisavings, antiinvestment, and antijobs. Congressman GINGRICH has courageously voiced loud and clear what the Democrats and those so driven by money politics fail to recognize, that the budget system is broken and in desperate need of repair. I applaud the Con-

gressman and support his efforts to avoid a recession.

STATUS OF EL SALVADOR NEGOTIATIONS

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, last month another round in the negotiations between the Government of El Salvador and the opposition FMLN was held in San Jose, Costa Rica. The goal of the negotiations is a peaceful settlement to a long and brutal war that has already claimed over 70,000 lives.

Unfortunately the negotiations last month did not go well. Almost no progress was made on the key issue of military reform. The FMLN's proposal on this subject was particularly extreme and unrealistic and provided no opportunity for the United Nations mediator to bring the two sides closer together.

Another round of negotiations is scheduled to begin next week. I hope that the FMLN position will be more flexible at that time, and that the mediators will be encouraged by both sides, to develop proposals aimed at establishing a middle ground.

I also condemn, in the strongest possible terms, FMLN threats of another military offensive. The Salvadoran people are sick of war, and sick of people, who talk of nothing but war.

In this connection, I think it ironic that last May, this House voted to provide strong incentives for the FMLN to refrain from a new offensive, to refrain from purchasing arms, to refrain from attacks against civilians, and to negotiate in good faith.

The administration opposed that plan and, as a result, those incentives are not now in law. I only hope that the administration's opposition to the proposal, which was offered by Rep. JOHN MURTHA and myself, does not lead inadvertently to further violence in El Salvador.

And I hope that we will, in the weeks ahead, pass legislation that will provide strong incentives for both sides in El Salvador to respect human rights and to end this senseless war.

I would also add that I am encouraged by the administration's willingness to attempt to reach an accommodation on this issue with the Congress, and I am confident in the weeks ahead. This will happen.

FURLOUGHING OF FEDERAL EMPLOYEES

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, once again, Federal employees have become the scapegoats of our seriously troubled budget process. Over and over again, this country's civil servants are threatened by the legislature tampering with their retirement funds, not receiving cost of living adjustments, and just plain lack of respect. The most recent slap in the face is the proposal to furlough Federal employees. Does anyone really believe that it is fair to balance the budget on the backs of Government workers?

Furloughing Federal employees for up to 22 days is not simply a blow to morale. Our Nation's 2.4 million civil servants are paying mortgages, feeding children, and working hard to enhance their quality of life. And now we propose cutting them off at the knees by taking chunks of their salaries to meet budget constraints. Even a 2-day furlough can have devastating effect on a struggling worker or family.

I can't imagine anything more unfair to these dedicated people and potentially damaging to the Federal work force, and, in turn, the productivity of this country. At this moment, Federal employees at the Department of Defense are working night and day to sustain our activities in the Persian Gulf crisis, and other Government workers are engaged in vital activities all across the country. There are other ways of solving our budget woes, and we must find them but an extensive furlough of essential employees is not the way. I urge my colleagues to move decisively to reach a responsible budget agreement by October 1.

CONDOLENCES TO FAMILY OF U.S. AIR FORCE S. SGT. JOHN CAMPISI

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, let me say to my colleagues, ever since I was allowed the privilege and honor of serving with you, I never have had to stand before you for the reason I do now.

It is with profound regret and sadness that I must now inform you of the death of one of our young servicemen while on duty in the Middle East. U.S. Air Force S. Sgt. John Campisi, of West Covina, CA, was hit and killed by a truck on Sunday, August 12, while on duty in Saudi Arabia.

As a member of our Armed Forces, John was one of the first of our personnel to arrive in the Middle East.

A career military man, John, at age 31, was married and had four young children.

His death, one of the first to occur as a result of this current crisis, was both grievous and damaging to those who knew him. He leaves four children.

My sympathies and those of my fellow members, go out to his family and loved ones.

Unfortunately, John's death is also a reminder. A reminder to us in the Congress of the United States, that an important responsibility of our office is to provide for the welfare of American personnel overseas.

Let us remember our duty to bring them home safely, so that their families can be spared an anguish similar to that of John Campisi's family.

Mr. Speaker, I send a message to those families who have loved ones overseas during this tense and emotive period.

By saying that a peaceful and negotiated settlement is the primary goal of this Government, we are letting them know that the lives of their loved ones, for their husbands and sons, wives and daughters, brothers and sisters, are just as important to us as they are to them.

Most of us do, indeed, have families, and so our sympathy, too, is genuine. Thus, we in the Congress of the United States, must work together toward reaching a peaceful agreement. But in so long, we must move quickly.

Let the times be few and far between that I or any of my colleagues need come to the floor and announce the death of a constituent in the current crisis.

THE UNITED STATES DESERVES ALLIES' HELP IN PERSIAN GULF

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, along with majority and minority Members, I was privileged to visit Saudi Arabia over this last weekend. It was a moving experience and one that makes all Americans very proud. We can be very proud of the way that our military forces have conducted themselves in both the planning and the execution of the Operation Desert Shield.

This is a dangerous and hazardous mission, as all Americans know. We are there because we want a peaceful world. We are there because we want to see that nobody ever takes advantage of their neighbor and gobbles up their country such as Saddam Hussein had done to Kuwait. We are there because we know that history teaches that that kind of aggression is infectious, and if we do not stop it now we will have to stop it later at even greater cost. We are there because we can allow no one to drive up the price of our fuel to such an extent that it would wreck our economy and perhaps wreck the economy of this planet.

We need help. Our allies in Europe and our allies in the Pacific should speedily send their armed forces also to that area.

□ 1220

Some are there, but more are needed and more are expected to be sent, expected by the American people to be sent.

Before we adjourned we sent to the Senate a piece of legislation that would greatly enhance the power of the President in dealing with those allies. I hope the Senate will take it up and pass it on.

I think we ought to say a word about Saddam Hussein. Saddam Hussein has already qualified as an international war criminal, and those around him have also qualified. I would urge the civilized people of this Earth to form the appropriate tribunal to collect the evidence and to present the case against him. We must stop aggression before it gets started.

In conclusion, Mr. Speaker, the American people must learn to do something that we are not very good at, and that is to have patience. But patience is in our self-interest. The embargo will work if we will give it a chance to work. It is working right now, and if we are patient, we will save lives, American lives. Let us all remember that as we go forward in this very difficult task.

ISRAEL'S ACTIONS IN THE MIDDLE EAST JUSTIFIED

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, I spent the last week in the State of Israel, and it is abundantly clear to me that in June 1981 the Israelis were 100 percent correct in sending in 14 F-15's and F-16's to destroy the Osirak Nuclear Reactor near Baghdad, and that our Government and the United Nations were wrong in condemning Menachem Begin and the Israeli Government in 1981 for halting Iraq's efforts to obtain nuclear weapons. They were right. They were warning us. They were telling us about Saddam's nuclear ambitions, and we were turning a deaf ear to them, as did the entire United Nations. We owe them an apology. We owe them a debt of gratitude.

Similarly, Israel has been right in its assessment of the reliability of the Palestinian leadership as a negotiating partner and the PLO's ties to radical Arab states. The Palestinians, who have no military card, who have no economic card, who had only one card, a moral card to play in the Middle East. In 1948, 1967, and 1973 they chose to help lead attacks on Israel. And once again this year they had another opportunity to show which side they were on, the side of peace or the side of war. As other Arab nations aligned against Saddam Hussein, the Palestinians aligned themselves with Saddam. Again, the Israelis have warned us. The Israelis have told us that we cannot find peace in this region until the Saddams and Assads and the others will grant the right of Israel to exist peacefully.

The Palestinians have lost an incredible opportunity to demonstrate their commitment to peace, and unless and until they realign themselves so they are aligned against Saddam and with the cause of peace in the Middle East, they will have set back by many years their opportunity to find a place of permanence in the Middle East and resolve a debate that has been raging over the last century.

VIRGIN ISLANDS NEEDS FEDERAL JUDGES

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, the U.S. Virgin Islands is suffering from an intolerable crisis in its Federal court system. We do not have a single permanent judge.

Our senior district court judge went into retirement more than 2 years ago, after giving a year's advance notice to Justice. Our other judge died tragically 9 months ago, after an unsuccessful battle with cancer. In all this time, from 1987 until now, Justice has failed to submit an acceptable nominee.

Just last month, the only nomination ever forwarded to the Senate was sent back to the White House, based on bipartisan agreement in the Senate Judiciary Committee.

True, visiting judges are sent down on a rotating basis to keep our courts afloat. But the backlog of cases is growing enormously. And public confidence in the courts is suffering, as the people of the Virgin Islands see long delays, and watch a procession of new judges file through our courts, with one judge handling the trial and another judge handling the sentencing, and no continuity.

The Department of Justice has to make the appointment of Federal judges in the Virgin Islands a top priority.

We have a pool of talented, native-born Virgin Islands lawyers from which Justice can select judicial nominees if the White House is willing to put aside politics and put priority where it belongs—on the administration of justice.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore (Mr. MOAKLEY) laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, August 7, 1990.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, the House Committee on Public Works and Transportation approved the following resolutions on August 1, 1990:

CONSTRUCTION RESOLUTIONS

Federal Building-United States Courthouse (amendment), Los Angeles, California.

Federal Building-United States Courthouse, Lake or Porter Counties, Indiana.

Federal Building-United States Courthouse (amendment), St. Croix, United States Virgin Islands.

Field Office, Federal Bureau of Investigation, Washington, DC.

Facades on the Internal Revenue Service Building, Washington, DC.

REPAIR AND ALTERATION RESOLUTIONS

John F. Kennedy Federal Building (amendment), Boston, Massachusetts.

LEASE RESOLUTIONS

Department of the Treasury, Philadelphia, Pennsylvania.

Federal Aviation Administration, Fort Worth, Texas.

Internal Revenue Service (amendment), Covington, Kentucky.

11(b) RESOLUTIONS

Federal Building-United States Courthouse, Tampa-St. Petersburg, Florida area.

Federal Building-United States Courthouse, Fargo, North Dakota.

Food and Drug Administration, Jamaica, Queens, New York.

In addition, I have enclosed a copy of the Committee Resolution adopted on June 28, 1990 for the Customs Service at John F. Kennedy Airport that corrects a typographical error in the Resolution transmitted to you on July 2, 1990.

The original and one copy of the authorizing resolution is enclosed.

Sincerely,

GLENN M. ANDERSON,
Chairman.

There was no objection.

A POLICY TO PROVIDE ENERGY SECURITY FOR THE FREE WORLD

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, I, too, was privileged to join the leader and the minority leader in our visit to Saudi Arabia just this weekend. I saw the young men and young women on

the front lines for America whose lives are now at risk in our policy of opposing Saddam Hussein's aggression and partially in support of our efforts to provide energy security for the free world.

□ 1230

It is partially because of our extraordinary dependence upon oil from that region that the lives of our young men and women are on the line today.

Mr. Speaker, I was appalled today to hear that the first speech given on this House floor was a call again for the reenactment for some failed energy policies which have brought us that kind of reliance, the policy of windfall profits tax, the policy of moratoriums against development of energy in America, a policy that would put the life of caribou ahead of the life of our own boys and girls, our children, as they face the danger in the Middle East.

It seems to me, Mr. Speaker, that our President has proceeded extremely professionally. His mastery of the international situation has been applauded by all of us on both sides of this aisle. It seems to me the Members of this body ought to proceed as professionally, as cautiously, as carefully, to build an energy policy that works for America instead of one that leads us into further and further dependence upon those sources in the Middle East.

Mr. Speaker, the lives of our children are all at stake. Can we not indeed build an energy policy that makes us more secure at home?

FILING OF AMENDMENTS ON THE COMPREHENSIVE CRIME CONTROL ACT OF 1990

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore (Mr. TAUZIN). Without objection, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 minute.

There was no objection.

Mr. MOAKLEY. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 5269, the Comprehensive Crime Control Act of 1990. The committee is planning to meet on Wednesday, September 12, 1990, to take testimony on the bill. In order to assure timely consideration on the floor, the Rules Committee is considering a rule that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 5269 should submit, to the Rules Committee in H-312 in the Capitol 35 copies of the amendment and a brief explanation of the amendment not later than 5 p.m. on Tuesday, September 11, 1990.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 5269.

SEEKING LOCAL INVOLVEMENT IN O'HARE DECISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, noise pollution, congestion, and increased delays have been continuing problems at Chicago's O'Hare International Airport, the busiest in the Nation and the major crossover station between East and West in the United States. During my 26 years in Congress, I have tried hard to change the thinking of the Federal bureaucracy to alleviate the ever-growing air traffic in and out of O'Hare, which has made life miserable for residents near the airport.

It seems that each time the subject of noise pollution is broached with the Federal Government, the bureaucrats confer with the airline executives and other industry officials and conclude there is no problem. In fact, the meetings often result in more aircraft being permitted to land and take off at O'Hare.

The Federal Government has an important role in insuring that the United States maintains a modern and safe national and international aviation system. But the Government must also make sure that local residents are included in the formulation of any policy dealing with the Nation's airports. Too often, solutions to the problems are made without any substantial input from the segment of the population that is most affected by the traffic at the busy airport—the local residents. It is about time this situation is changed.

There are a couple of opportunities presenting themselves that can facilitate this change. Last fall, U.S. Transportation Secretary Samuel K. Skinner created a task force to, in his words, "tackle the crucial task of modernizing and expanding our aviation system capacity."

The Aviation System Capacity task force is a Government-private sector group which consists of representatives of the major airlines, airport operators and executives, and the Federal Aviation Administration. I would like to point out that there was no formal participation by local citizens to help develop this national policy.

Secretary Skinner said there were several important issues before the task force. He said, among other things, there must be a balancing of the prerogatives of local autonomy with the need for some degree of standardization regarding acceptable environmental quality and the airlines' tendency to overschedule prime time flight times, creating unnecessary congestion.

At the same time, the task force established a noise working group to draw up a set of recommendations for the task force which would become part of any proposed Federal rules or regulations on noise abatement. At an April 24 meeting, it was reported that the rulemaking implementation for the transportation policy was scheduled for the end of the year. Therefore, the noise working group's activity needed to be completed by the end of this summer.

Mr. Speaker, my staff, after some research, learned that the noise group submitted its recommendations to the task force which, in turn, is to make a report to the FAA Administrator, but has not done so yet. So, I don't know what is in or will be in the report. It is important for Members of Congress who have busy airports in their districts to know what the new regulations will be. Or what are being contemplated. I hope this is not another case where the Federal Government will, without notice, publish new regulations and tell local residents they must live with them.

I have written Secretary Skinner in an attempt to receive answers to these important questions. If the residents near O'Hare do not know what is being planned, they will not be able to react to any proposal. This must not be the case in this instance.

I am not the only Member who is deeply concerned about the issue of noise pollution and the congestion and increased delays which contribute to the undesirable environment in the vicinity of O'Hare International. Chairman JAMES L. OBERSTAR of the Aviation Subcommittee of the House Public Works and Transportation Committee has scheduled hearings later this month on the subject of noise pollution, including Federal versus local rights in limiting the burden on communities surrounding an airport. I will take an active role in the hearings in looking out for the interests of the residents near O'Hare.

Mr. Speaker, earlier this year, I reported on legislation working its way through the other body which would end the limits on the number of landings and takeoffs from four of the busiest airports in the country, including O'Hare. This, naturally, would increase the number of flights into those airports and, therefore, add to the noise. The Transportation Department opposes the measure which would eliminate the limit on the number of airline, commuter and general aviation flights into the four airports, a rule that has been in effect since 1969. I oppose the legislation, and will fight it as strongly as I can to keep it from becoming law.

Mr. Speaker, aircraft noise has become a major environmental headache for the many communities near O'Hare. I have received hundreds upon hundreds of letters over the years from citizens living in Norridge, Harwood Heights, Schiller Park, Franklin Park, Niles, and northwest Chicago, areas surrounding O'Hare or underneath its flight paths.

A recent letter from the village of Harwood Heights told me the neighborhood has been plagued with noise and pollution for years. They have been experiencing flights 24 hours a day. The letter writer said the aircraft get into a holding pattern over Lake Michigan. When clearance is received for landing, she said, "it is like a 'Blitz' coming at us. Our skies light up, like it is the "Fourth of July." This can go on from 2 to 3 hours. Counted from 50 to 60 aircraft per hour, coming over our area, for a landing." This is not imagined. This is a real letter from a real person who lives with the noise every day, 7 days and nights a week.

Another letter was from a woman in Melrose Park, a resident there since 1948. She said the noise is getting worse all the time. It gets to the point, she said, when two people

can hardly hear each other when they try to talk. And, she points out, when a plane goes over her yard "the stink from the jet fuel is so bad."

A third letter came from Niles in which a person representing a group of residents said, "Please fight the increase—in air traffic—as hard as you can. I know I can speak for everyone around here when I say we cannot tolerate it now and cannot imagine it becoming worse."

Mr. Speaker, these are just a small sampling of the views of the residents near O'Hare International Airport. There is no reason that the Federal Government cannot exert a strong hand in seeking a solution to their cries for help from the noise emanating from the airport. I will do everything within my power to prevent an increase in the noise pollution in the area. I hope the Bush administration will do the same.

TOWARD DEPOSIT INSURANCE REFORM

The SPEAKER pro tempore (Mr. MOAKLEY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. For many years, I have been concerned about the deposit insurance system, one of the cornerstones of our Nation's financial and economic stability. It was evident to me that the deposit insurance system was vulnerable to abuse, to economic adversity and to regulatory failure years ago. The savings and loan insurance fund was insolvent as early as 1986, but the response of the Reagan administration was hesitant and inadequate. If anything, the response of the Congress was pathetic. Only last year did we finally take decisive steps to deal with the failure of the savings and loan insurance fund; and only this year have we fully realized the extent of the disaster. In the failure of FSLIC, we have the greatest financial scandal in the history of the Nation. No one knows what the cost will be; that figure remains for history to determine, but actually, as I have said all along, it is going to be determined by what we do and the administration will do from here on out, as it should have been since 2 years ago. What we do know is that we must solve the problems left by a decade of financial excesses, legislative errors, and unprecedented regulatory failure.

We must now confront what some of us have been asking that we confront for more than 24 years, what no one wanted to admit, particularly in the last 4 or 5 years: the deposit insurance system is in urgent need of repair. Not only did the savings and loan insurance fund fail—today the bank insurance fund is facing a fifth consecutive year of multi-billion-dollar losses, and its reserve level is at less than half the amount required for minimum safety. Even though bank deposit insurance premiums have more than doubled since last year, the bank insurance fund remains at risk and at best will not reach a reasonably safe level for perhaps 5 more years. With the economy in fragile condition, and with the bank insurance fund at less than half a safe level, we must recognize the critical need to deal with the problem. Deposit insurance is at the heart of our financial and economic stability; we ignore its problems only with the greatest peril. The failure of the FSLIC, the hundreds of billions of dollars it will cost, the present weakness of the bank insurance fund, are warnings we cannot ignore, particularly in the midst of spreading problems in the banking industry and continued weakness in the savings and loan industry. Reform is imperative.

My purpose today is to outline my proposal for deposit insurance reform. My committee will conduct hearings throughout this month to learn more about the scope of the problem and how it might be addressed. I hope that despite all the distractions we face in the closing days of this Congress, my colleagues will pay close attention to this problem, because it must be dealt with, and the sooner the better. My proposal will be controversial—truthfully, any realistic proposal will be controversial. But no matter how much controversy reform might create, I can assure you that it would be small compared to the outrage that would occur if the deposit insurance system suffers another scandalous failure.

Reform must be guided by clear principles. If we keep these principles in mind, we can overcome the complex problems that lie along the road to reform. This is the goal that guides my proposal:

We must strengthen and protect the deposit insurance funds.

We can reach the goal of strengthening and protecting the insurance funds by adhering to four basic principles, which are these:

First, ensure stringently and enforce adequate capital standards.

Second, limit insurance coverage to the amount authorized by law.

Third, require regulators to take strong, certain and prompt action when an institution begins to lose capital.

Fourth, make holding companies responsible for losses incurred by their insured depository institutions.

These ideas are simple, but they involve many complex details and much controversy. But I submit that if these principles are followed faithfully, the goal of a strong deposit insurance system can be reached, and so can the goal of protecting that system from further erosion.

We learned a great deal from the failure of the savings and loan insurance system, and many of those lessons were applied in last year's reform bill, the Financial Institutions Reform, Recovery and Enforcement Act. We learned that it is fatal to permit insured institutions to operate with little or no capital, because the money they risk is not their own, but that of depositors and ulitmately, the money of the taxpayers who insure the safety of those deposits. We also learned that temporizing only allows embedded weaknesses to fester and grow. We learned that permitting too much discretion to regulators only allows them to postpone the day of reckoning, which is not a case today and has not been for some years, as it has with the politician and the Members of Congress, in all truthfulness, and tempts them to delay action when institutions are hopelessly insolvent.

We learned that a deposit insurance fund must be strong enough to handle problems far greater than anyone had previously imagined.

□ 1240

We learned, most of all, that certain fundamental principles must be clearly known, well understood and faithfully adhered to, if insured institutions are to remain safe and sound.

Many of the reforms contained in last year's bill, known as FIRREA, are in fact deposit insurance reforms. This is the issue. The use of bailout terms is a misnomer. If I had thought that any owner, stockholder, bond holder, investor, or speculator was going to be bailed out, I would not have lifted one finger last year. What we are trying to do is rescue, preserve and reintegrate the viability of the deposit insurance fund. This is where the money is going. The sustenance of the American unique deposit insurance fund, which over the years has so become distorted, diverted from its original intent, and today is in chaotic condition.

Those reforms are intended both to strengthen the insurance funds and to protect them against future loss. But much more remains to be done.

Under FIRREA, we established two separate deposit insurance funds, both administered by FDIC. The Savings and Loan Insurance Fund [SAIF] will become operative in 1992, and will be responsible for resolving failures after that date; meanwhile this task is done by the Resolution Trust Corporation. The Bank Insurance Fund [BIF] covers deposits in banks.

The Bank Insurance Fund [BIF] and SAIF both are required under FIRREA to have a reserve of at least $1.25 for each $100 covered. But the Bank Insurance Fund has suffered enormous losses, and today stands at less than half the required amount. In fact, the bank's fund has lost money every year since 1983, and just since 1987, the BIF, the Bank Insurance

Fund reserve has fallen from $1.10 per $100 insured to 60 cents, more or less, with recent predictions it will fall still further, and is falling to 50 cents per $100 of insured. Even though BIF premiums were drastically increased in FIRREA, and even though the FDIC has put in place the maximum permissible premium increase for 1991, the fund remains perilously low and is of much concern.

The deposit insurance system has been distorted and put at risk of failure because it now extends coverage to virtually all deposits.

As a matter of fact, I have been saying for years that the original intent was to insure depositors, not deposits, but today even the name indicates that you are insuring deposits, not just those of individuals, and particularly when those deposits are placed in large institutions deemed "too large to fail," a doctrine announced very imperiously in 1984 on the occasion of the failure of the Continental Illinois, in which in effect if it had been another country, we would have said we had nationalized it, and there was in fact a little better than a $6 billion tab attached to that; but everybody was paid, including foreign depositors, and it was those foreign depositors and their ficklenesss that was the immediate cause, not the underlying cause, but the immediate cause of the fall of the Continental Illinois. No bank can have in 3 days, suffer the loss of $8.3 billion in deposits, and that is what happened when the Japanese and the European depositors pulled them out in 3 days, and then on top of that, where were the regulators when the bank had exceeded the 10 percent limit that has been in the law for years on loans to any one borrower? Without even the bank realizing itself, it had become so big that the right hand did not know what the left hand was doing, and so the Penn Square, the little shopping mall bank in Oklahoma, was able to come in and borrow with little or no collateral over $1.3 billion, way in excess of the 10 percent allowed by the law. That can still happen today, because the regulatory system certainly has not been reformed.

Moreover, this virtually unlimited coverage magnifies the so-called moral hazard of deposit insurance—that is, it increases the temptation of managers to take unwise risks in the hope of making big gains, because ultimately the risk of loss is borne by the insurance system, and that means ultimately the taxpayers. This risk is particularly great where an institution has little or no capital, cash money, and thus nothing to lose and everything to gain by taking these risks.

Our system of deposit insurance is unique. There is no other of its like in any of the industrialized nations. Both State and federally chartered institutions are covered; it provides explicit guarantees, and it is explicitly backed by the Federal Government. For all these reasons, and most especially because it is backed by the taxpayers, the distortions and weaknesses of the system cannot any longer be ignored. Reform is inescapable, and I repeat, imperative. The task will be neither simple nor will it be pleasant, of course, no problem is, but it is essential if this unique system is to be preserved, or what is more important, the safety and soundness of our financial system.

These are the actions that I propose we take: First, to strengthen the insurance funds, I propose that we:

One, remove the current ceilings on deposit insurance premium assessments, and give the FDIC the authority to set premiums as needed and as appropriate. The existence of the premium ceiling creates false expectations that deposit insurance will be cheap, regardless of the underlying risks.

Two, extend assessments to foreign deposits and the various bank debt obligations, which are treated as insured in any event. This would increase revenues to the insurance funds, and would also be fundamentally fair, since what is insured should also be assessed a premium.

Three, establish a risk-based premium system. Presently, an institution pays a flat premium regardless of how risky its activities are. FIRREA requires the FDIC to study such a system and report to the Congress by January 1. I recognize that not every risk can be quantified and that risks can change over time, but I also believe that risks can and should be taken into account, certainly they should be, in the premium assessment system, so that institutions that take greater risks will pay insurance premiums commensurate to that risk. That is certainly done by all private insurers. Why should the government be less considerate.

Four, limit the risk of investments permissible for insured funds. In FIRREA, we adopted limits on investments savings and loan associations can make—no junk bonds, limits on loans to one borrower, and other restrictions. In addition, we established risk-based capital standards. In each instance, the idea is to provide limits on risks, and to provide incentives to reduce the risks taken with insured funds.

The steps I have outlined are not merely prudent, but I believe essential to build a deposit insurance fund that has strength approaching a reasonable level.

Not only do we have to strengthen the funds, we have to protect them. No insurance system can survive unlimited risks, nor can it survive wanton recklessness and irresponsibility. Therefore reform must protect those funds, not merely to prevent payouts, but to ensure the basic safety of the financial system itself. The weakness of the fund clearly reveals the underlying weakness of the nation's banking system.

These are the steps necessary to protect the banking system and the insurance that stands behind it:

□ 1250

First, and most important, strengthen capital. Capital is the money that the owners of financial institutions have at risk. if owners have little or no capital, the only money they are risking is the money of the insurance system and the taxpayers who back it up. Conversely, if the owners of an institution have a great deal of capital at risk, they are much more likely to be two things: more profitable and more prudent. Capital is the key, the indispensable element.

In FIRREA, we went a long way toward taking the necessary action. We prevented insured institutions from operating without capital; we eliminated the idea that phony capital is a substitute for the real thing; and we firmly established the principle that capital should reflect the risk of the underlying assets—the greater the risk, the higher the capital.

But we need to do more.

Accounting standards that overstate the value of assets or that understate liabilities ought to be eliminated. Whenever possible, assets ought to be computed on a market value basis; book values sometimes fail to reflect what an asset can be sold for, and thus distort economic reality. Where assets are of a type that are not often traded and thus can't readily be marked to market, independent valuations should be made on a regular basis.

The regulator, who must be independent, must regularly evaluate capital requirements. In a dynamic and rapidly changing world, no one capital standard is right for all institutions at all times. There must be certain absolute minimums, but regulators must routinely determine appropriate levels for minimum capital, and must regularly assess the need to change risk weighting.

Regulatory staffs must be sufficient and sufficiently trained, to enable more frequent determinations of institution strengths. Never again should there be institutions that are not regularly examined. Never again should there be any notion of substituting phony capital for the real thing, or of allowing institutions to operate without a safe level of capital.

Probably the best way to assure that capital standards are uniform and uniformly enforced, would be to consolidate regulatory functions in a single, truly independent agency. Such an

agency would provide consistent administration of laws intended to protect safety and soundness of insured institutions. Studies through the years have revealed a crazy-quilt pattern of interpretations and enforcement standards. I can recall every one of the major studies that our committees have authorized and paid for since the 1960's, and every one of them revealed strong deficiencies about which unfortunately we could never, never muster our leadership at the time from following through on some minimal legislative recommendations that resulted from the studies and the hearings. A single agency would eliminate the remnants of the age-old tradition of agency-constituency relationships that sometimes have led agencies to become cheerleaders for their segment of the industry, rather than objective, flinty supervisors. A case in point is the former Federal Home Loan Bank Board, widely and justifiably seen as a captive of the savings and loan industry it was supposed to regulate.

In fact, in my area, Home Loan Bank Board of Dallas, TX, was inseparable. The members were members of the industry. They were regulating themselves and leading the regulation. All the plans that were developed in 1988 came from that source.

At the moment, two key regulatory agencies, the Office of the Comptroller of Currency and the Office of Thrift Supervision, are components of the Treasury, while a third bank supervisor is in the Federal Reserve. The Treasury has multiple functions and distractions, while the Federal Reserve must focus on monetary policy. It makes sense to create an independent agency whose sole function would be to provide the kind of consistent, hard-nosed regulation that would protect the insurance funds.

Additionally, we must enforce the insurance limit per account. As matters stand today, better than 99 percent of all deposits are effectively insured, notwithstanding the $100,000 limit, believe it or not. It is incredible. The present regulations effectively evade limits because they allow coverage of giant accounts to be "passed through" to clients of pension systems; and because a single individual can have multiple disaggregated—they call it technically—insured accounts in a single institution.

In addition, the resolution methods commonly used simply pass all accounts, regardless of size, from a failed institution to an acquirer. For example, the failed National Bank of Washington's deposit and loan accounts were sold to the Riggs Bank, which apparently intends to keep only a tiny handful of the old bank's loans. Thus, everybody in the bank, regardless of their deposit size, was protected as if the whole bank had been taken over, when in fact the acquiring bank just wanted the deposit customers, not the loan business with its attendant risks. A deposit payoff, which would have protected only those within the limit, might well have been less, and I am sure it would have been a lot less expensive.

I would consider actually reducing the $100,000 deposit coverage. That is not holy skrit. That is not set on tablets of stone. I was here on this floor with less than 15 Members present when in less than 15 minutes the insurance amount of coverage was raised from $40,000 to $100,000, and with no discussion, no debate, no hearings at any time, at least not on the House side that I can recall. So what is the sanctity of that amount, even though, in my opinion, the other more fundamental reforms should be a matter of priority. The average account in this country is only about $8,700. The overwhelming majority of depositors would be fully protected with far less insurance coverage than the law currently provides. The great preponderant majority of depositors today, over 80–85 percent, do not even have over $10,000 in an insured institution. So where are all of these payouts going in the case of the failed ones? They are going to these giant disaggregated and rich depositors. The purpose of deposit insurance is not to totally protect all depositors—it is to protect small depositors who do not have the means to investigate the safety of a given investment. If we were to reduce the amount of coverage, we would encourage greater prudence by investors and bank management alike. This is what we said as soon as we discovered belatedly what was contained in that motion to accept the Senate bill that fateful day, and some say it was 1980. I recall it was 1979, and the reason I recall it is that some have mistakenly said that the immediate predecessor chairman of the Committee on Banking, Finance and Urban Affairs was the one that was chairman then. He was not. He was then handling it as chairman of the subcommittee. The full committee chairman at that time had delegated him to handle that matter. As it is, everyone feels free to take a flyer in a weak bank, knowing that Uncle Sam will pick up the pieces if the place fails. This hot money phenomenon would be diminished with a lower amount of coverage, without adversely affecting the overwhelming majority of depositors.

I also propose preventing multiple insured accounts. It might be reasonable to allow each customer insurance on a personal account, a separate business account and a separate custodial account like an IRA. But today, it is possible to insure hundreds of thousands of dollars in differently styled accounts, all in a single institution; this is a distortion and abuse of the insurance system.

I have been saying that for years, but the thing is so overgrown and so distorted it is going to be a tough one.

□ 1300

I would allow a person to increase coverage over and above the basic limit only if that individual were to pay an additional premium up front. Those who benefit from huge coverage ought to pay for it—not the small depositor whose taxes back up that inflated coverage.

So-called super accounts like bank investment contracts, pension fund deposits and others, should not get the kind of multimillion dollar protection that exists today. These are funds placed by professionals, who ought to be able to evaluate risks for themselves, and certainly shouldn't be rewarded for placing huge sums in weak institutions.

An additional and vital principle of my reform proposal is to limit the discretion of regulators, when an institution is in a weakening position. This is the only way to resolve the "too big to fail" problem.

At the heart of the FSLIC disaster was the failure of Congress and regulators to take early and forceful action to close insolvent institutions. The use of regulatory accounting gimmicks, the hopes that forbearance would allow time to heal all problems, and the idea that capital wasn't necessary, that we could through legislative jiggerypokery and legislative legerdemain, make a risky institution safe and sound. All contributed to the growing depth and breadth of the scandal.

I propose that regulators follow clearly prescribed actions when an insured institution's capital is impaired. The greater the impairment, the more stringent the action, and the less discretion permitted, would be the general rule. All institutions, regardless of size, would be treated in a like way, whenever their capital is impaired.

Today, the Comptroller acts to seize a bank when equity capital is gone—the place may not be totally broke by then, but clearly is unlikely to survive. The cost of resolving such a case is much less than the cost of allowing an institution to go through the floor and into the endless depths of failure. Mandatory restrictions on capital impaired savings and loans were imposed in FIRREA—such mandatory actions clearly ought to be a central element in protecting the deposit insurance system. But such treatment still is not certain nor is it uniform. I propose to remedy that.

For example, an institution with capital below a prescribed level should not be permitted to devise golden parachutes for the failing managers. Nor should such institutions pay out dividends when they ought to be re-

plenishing capital. There should be no payments to affiliates, without regulators approval.

Limits on growth, payments on subordinated debt interest, and the like, all should be restricted in a systematic way as capital declines. Correspondingly, regulatory control on a well-capitalized institution should be loosened.

I propose requiring a clear business plan at a certain capital level; I would require conservatorship at a lower level, perhaps a two per cent capital level. In no event would I permit regulatory to keep open an insolvent institution. The clarity and certainty of action I propose would impose a salutary discipline on regulators and regulated alike.

But there are still more actions needed to protect a strengthened deposit insurance system.

In FIRREA, we made commonly controlled institutions liable for each other's losses. What this means is that where a number of insured institutions are commonly controlled, the controlling entity cannot allow one or more institutions to sink, and hold on to just the healthy ones. This has happened in Texas, my own State. In other words, they leave the Government holding the bag, as it is. Uncle Sam ends up with all of the bad loans, all the junk, and you get an acquirer that has been bailed out through Government subsidy, in effect, with no bad loans.

This is the worst of all worlds, because that entity is competing now with the last few surviving independent, nonsubsidized entities. How can they last? They did not in the case of the savings and loans.

In my city of San Antonio we have only one remaining savings and loan. But every one of those that went under would have thought I was and in fact did think I was a raving radical.

I notice the presence of my colleague the gentleman from Virginia [Mr. PARRIS]. Let me say in all fairness, all truthfulness, his voice on several occasions I recall vividly was raised in the committee at hearings, and the gentleman was expressing grave and serious concern, and was most knowledgeable. I want to recognize that fact.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I appreciate the gentleman yielding. I have listened with considerable interest to the excellent statements that the chairman of the Committee on Banking, Finance, and Urban Affairs has made today on this important subject.

We have all heard it said many times that in a very complex situation, there is always a simple answer, which is always wrong. This is a very, very complex situation.

Mr. Speaker, I have come here today to listen to the remarks of the gentleman from Texas [Mr. GONZALEZ], because this is a matter of which I have had some interest over time as a Member of this institution. I want to say again to the chairman in response to his very kind comments, that under his leadership, as chairman of the Committee on Banking, Finance, and Urban Affairs, when we adopted FIRREA and instituted many of the reforms and measures that the gentleman has alluded to in his previous remarks here this afternoon, that much of that has been due to his leadership as chairman of that committee. I applaud the gentleman for that role and for his leadership.

Mr. Speaker, I just have one question of the gentleman from Texas [Mr. GONZALEZ], if I might. That is as the gentleman has previously mentioned in his remarks, FIRREA does require the Treasury Department to examine and report back to the Congress and the appropriate committees in regard to deposit insurance reform, and, my recollection is, there is some reference to restructuring.

Mr. GONZALEZ. Mr. Speaker, that is correct.

Mr. PARRIS. The Treasury Department has, in fact, indicated that they are undertaking some examination of that situation in both regards. My question to the chairman, and I especially noted his reference to holding some hearings in an early time frame in this Congress in regard to restructuring and to deposit insurance is, is it possible, and if this is an inappropriate question at the moment, do not hesitate to say so, but is it possible that the chairman would consider legislation in this Congress in regard to those two issues? Or is the gentleman simply attempting to focus attention and concern and lay the groundwork, if you will, to the study from the Treasury Department in regard to these important areas?

Mr. GONZALEZ. Mr. Speaker, yes, to follow through in more precise legislative language to this general statement I am making today as to intention, we should be able to have some results after checking with the Legislative Research Service before the end of the month. It would be my intention to go ahead and submit it. I do not know that from a realistic standpoint there would be much hope for action in the remaining time, but we do not know what is going to happen. We do not know if we will have a lame duck session or not. I think the sooner we get going, the better. That is why we want to have hearings, so we will have a background of information we can be adducing in the meanwhile.

Also in order to provide some leadership, some target, I hope to submit in bill form before the end of the month, and I would say substantially before the end of the month, a precise legislative draft expressing these intentions that I am mentioning generally today.

Mr. Speaker, of course, I will be communicating with the gentleman from Virginia [Mr. PARRIS]. He will be one of the first that I will be sending this copy to, and then, of course, a whole lot will depend on what happens here on out and what the will of Members like the gentleman from Virginia [Mr. PARRIS] and the majority of the committee wants to do and can do.

Mr. Speaker, it would seem to me that the better part of wisdom would be to wait until we had the benefit of Treasury's recommendations, which under FIRREA, they must submit by the end of the year, by 1991. But I do not see any reason why we should not be working in the meanwhile, while we are constituted and in session.

Mr. Speaker, as the gentleman from Virginia [Mr. PARRIS] knows, we will have a new Congress in January. By the time we have organized and reorganized committees, it will be the first week in February. So I think this is a matter so urgent that we should do everything that we are able to do now, and at the same time not try to overreach ourselves and act independently of whatever findings and recommendations Treasury might give us.

□ 1310

Mr. PARRIS. Of course, I hope and expect to be a Member of that new Congress.

Mr. GONZALEZ. I trust so.

Mr. PARRIS. And I look forward to approaching the task of restructuring and deposit insurance reform.

Finally, I say to the chairman, there are those of us who have different judgments in regard to these complex matters, but the chairman, as usual, has been courageous and is recognized for his lack of timidity in tackling these very, very difficult issues, sometimes in the face of opposition by special interest groups.

I congratulate the chairman for his position with regard to that and for his cooperation in the past.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GONZALEZ. I am very grateful to the gentleman for his kind remarks, but above all for his performance and his contribution to whatever successes the committee can point to with some pride.

The gentleman has been in the forefront, as I said earlier, and the record is there. Politics aside, and I hope that even in this political year that we could minimize that because the issue is of such national importance, so vital, that unless men of goodwill, regardless of partisan differences and even ideology or ideas as to how to approach it—after all, that is why we have debate—2 heads, 10 heads, 30

heads are better than 1. We have very able membership on the committee.

I think the gentleman from Virginia, in all truthfulness, has been in the forefront. I think he was kind of rasping some nerves just 2½ or 3 years ago. I remember vividly because the gentleman was giving us statistics as to occurrences in my own home State of Texas with which I had been agonizing for months and could not get anybody to listen to.

I was surprised, but very pleased. I was hopeful that, with that expressed interest and the gentleman's leadership as a minority member of the committee, that we could have somehow or other prevailed a little bit earlier than was the case. But I think the record is there. I think, in all justification, the gentleman should feel proud that he recognized the dimensions of the problem and was concerned and expressed that concern and was knowledgeable. Let me say that his expertise contributed greatly to this committee.

I am not saying that just because the gentleman is here; I have said it elsewhere and I will say it again.

I said at the beginning that all the real power I ever felt a chairman really had essentially was just the power to set the agenda and offer leadership. After all, why be there?

Then you let the will of the majority prevail, but only after that agenda has provided, as far as it is humanly possible, all the necessary information and knowledge adduced through intensive hearings.

Let me point out that when I first came to the Congress, my first session—I have belonged to this committee since I came to the Congress 29 years ago—we had two sessions of the committee that whole half-year. That last session of the 87th Congress was only two full committee meetings.

And up to now, in this session, we have had 43 full committee hearings since the beginning of this Congress last year.

That is the only way I know, and I think that is basic to the purpose of congressional legislative activity, to be informed.

We have to adduce that information from all levels. The record will show that again.

I want to thank the gentleman, that even when few showed up, I could look to my left and see the gentleman's presence there. I want the gentleman to know that that meant a lot to me.

After all, the committee is a 51-member committee today. When I came aboard, I constituted No. 31. And there was some reluctance at that point to enlarge it to 31.

So I think the record ought to show that, and in all fairness and justice, the gentleman should be given credit for his performance. The record is there.

Coming back to the theme, I left off about the commonly controlled institutions liable for each other's losses. I just do not believe that the so-called firewall concept is very effective in preventing a holding company from undertaking activities that could put insured institutions at risk. In fact, we are seeing this now.

The Federal Reserve Board, through its interpretation and action of January 20 of last year, 1989, decided to interpret a section of the Bank Holding Company Act in such a way as to allow banks to get into this dastardly thing that has given all the mischief; and that is, equity for debt, to five specific big banks, the Federal Reserve.

I wrote a letter and expressed concern and said, "Hold up, don't do anything. We want to have hearings on this thing." They said, "Well, that is too bad. That is our interpretation of the law. We have taken care, we have firewalls, and we have this, that and the other." We examined that.

We find that there are untold millions of dollars of insured deposit money that is involved in high-risk, speculative ventures.

In the leveraged buyouts, and its apparent collapse, the commercial banking institutions are out way over, way over $50, $60 billion.

In just one, the R.J. Reynolds transaction, bank credit—and to what extent does that mean insured deposits—well, you can take it from there, anyway, you had more than $24 billion involved. So we are facing tremendous problems.

We have a total of over $3 trillion worth of insured deposits in commercial banks alone. But in the insurance fund, we do not even have $12 billion now.

This is the reason I am saying, and on the record, to my colleagues that the day has been reached where we cannot turn our backs, where we have got to at least initiate what must be a basic reform.

My proposition would be, instead of depending on firewalls, to extend the principle of cross-guarantees by requiring indemnification or liability provisions running from the parent, or the affiliate, to the insured institution. In this way there is a strong and, hopefully, compelling financial incentive to avoid actions by the parent company that can wreck the insured institution.

Similarly, the cross-guarantee concept needs to be clarified so that the authority of regulators to require a holding company to recapitalize insured affiliates is unquestioned.

All subsidiaries of a holding company ought to be separately capitalized. This is the theory they give us behind the so-called firewall concept. The operating principle here is to provide incentives for holding companies not to loot the bank or let it go down the drain, secure in the knowledge that somebody else will pick up the pieces.

Those who own banks, after all, are given special privileges, in fact, the most privileges.

Our country was started on the concept that we had equal rights for all, privileges for none. But the banking community is the most privileged of any segment of our society. As a matter of fact, they manufacture money and credit, not the Congress. What greater power and privilege than that?

So that, to repeat, the operative principle here is to provide incentives for the holding companies not to loot the bank. Of course, it is going to happen, when it comes to a push and a shove. And you realize, "well, after all, the FDIC will come in and will take over and we are not going to lose anything. So the fund is broke. Well, the taxpayers are guaranteeing that. So we are taxpayers, we will all be paying."

□ 1320

Those who own banks, after all, are given special privilege and status throughout their charters, and let me remind the banking community charters, when they are chartered, we have not really gone through the chartering process. The problem began back in the 1960s. In fact, I even introduced a bill to try to control a takeover of one bank of another through what they call hypothecation of bank stock.

This had happened in my district, and it showed clearly how, by evading the chartering process, otherwise incompetent applicants for charter were able to obtain a bank. However, every one of our statutes from the beginning of the country indicated that a bank shall be chartered for public need and convenience. Not convenience and profit of the bank, but "public need and convenience." I have crooned for 29 years when I have seen the great panjandrum of regulators and Chairmen of the Fed and others come and act as if we are supposed to be here, the Congress of the United States, representatives of the people, supposed to be at their beck and call rather than for the greatest interest of the greatest number of those who have elected Members to represent them. I want to remind bankers that if they are chartered, they are chartered for public need and convenience. Not as a license to go out and hunt for profits of an inordinate kind. They owe a special responsibility in exchange for that privilege. We cannot any longer afford to let the Deposit Insurance System underwrite the greatest risk while the profits go to owners and managers. Strengthening the system of cross guarantees not only is better than constructing elaborate but always vulnerable firewalls, it

is the best possible protection there is against moral hazard, and the idea that we would even use a word "moral hazard" is almost repugnant. An entity that has its own money at the greatest risk is not likely to be tempted to undertake foolish ventures. What regulation and proscription cannot accomplish, economic incentives can. This is the way to minimize the moral hazard that presently is associated with the deposit insurance structure today.

To summarize, my goal is to strengthen and protect the Deposit Insurance System itself, and the safety and soundness of our financial institutions thereby. This can be done by providing and enforcing adequate capital standards; by limiting insurance coverage and requiring realistic pricing for the coverage; by unifying the regulatory system and making it independent; by requiring regulators to act promptly and decisively when an insured institution begins to weaken; and by making holding companies responsible for losses their institutions incur.

This month, the committee will conduct hearings on deposit insurance in anticipation of reports required by FIRREA. We will hear from the Chairman of the Federal Reserve Board, the Chairman of the FDIC, the Director of the Congressional Budget Office and the Comptroller of the General Accounting Office. All of these agencies have been developing information on a crucial problem; all are ready to present findings thus far. All agree that there is an urgent need to act.

My proposal will be controversial. But I have learned that the more needed a reform is, the greater is the resistance; and I have learned that the greater the delay, the harsher the penalty. In the savings and loan catastrophe, we learned the cost of ignoring perilous situations. The reform I am offering will not be easy, but these are actions we must take. Delay will not make the task any easier, only harder and much more costly. Despite all distractions, despite all pleas to avoid these necessary actions, the reform I have outlined must be adopted. The only question is whether we will act before the storm clouds break.

Before I close, I would like to recognize the presence of another gentleman, and he has a little bit higher ranking on the minority side than the gentleman from Virginia [Mr. PARRIS], and I am speaking of the gentleman from Iowa [Mr. LEACH]. Now, I have tried to minimize and done my deadlevel best to minimize partisanship. It so happens that at this time the only two Members that have come in from the committee happen to be Members of the minority party. But the record there, again, is clear and evident, and it is self-proclaiming. As in the case of the gentleman from Virginia [Mr. PARRIS] and in the case of the gentleman from Iowa [Mr. LEACH], precisely, he has been forceful, outspoken, clear in his judgments, also another indispensable factor as a member of the Committee on Banking, and I am grateful for this opportunity to say so. I want to thank the gentleman from Iowa [Mr. LEACH] for his presence here today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PARRIS) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 60 minutes each day, on September 6 and 7.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes each day, on September 11, 18, and 25.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ALEXANDER, for 15 minutes, on September 6.

Mr. LIPINSKI, for 60 minutes each day, on September 12, 19, and 26.

Mr. GONZALEZ, for 60 minutes, each day, on September 10, 13, 14, 17, 20, 21, 24, 27, and 28.

Mr. OWENS of New York, for 60 minutes each day, on September 12, 13, 14, 17, 18, 19, 20, and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PARRIS) and to include extraneous matter:)

Mr. SCHUETTE.

Mr. TAUKE.

Mr. BROOMFIELD in three instances.

Mr. PURSELL.

Mr. BLILEY.

Mr. CONTE.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. NELSON of Florida.

Mr. MCMILLEN of Maryland.

Mr. MAVROULES.

Mr. MOAKLEY.

Mr. ROE in two instances.

Mr. KANJORSKI.

Mr. HOCHBRUECKNER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 324. An act to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes; to the Committees on Energy and Commerce and Science, Space and Technology.

S. 1289. An act to improve the management of forests and woodlands and the production of forest resources on Indian lands, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1834. An act to recognize and grant a Federal charter to the organization known as the Supreme Court Historical Society; to the Committee on the Judiciary.

S. 1913. An act to require the use of child restraint systems on commercial aircraft; to the Committee on Public Works and Transportation.

S. 1963. An act to amend the Public Health Service Act to facilitate the revitalization of the Commissioned Corps of the Public Health Service, and for other purposes; to the Committee on Energy and Commerce.

S. 1974. An act to require new televisions to have built in decoder circuitry; to the Committee on Energy and Commerce.

S. 2176. An act to provide better enforcement of the environmental laws of the United States, and for other purposes, to the Committee on Merchant Marine and Fisheries.

S. 2340. An act to develop and improve child protective service programs on Indian reservations and to strengthen Indian families; to the Committee on Interior and Insular Affairs.

S. 2628. An act to amend the Public Health Service Act to reauthorize certain National Institute of Mental Health grants and to improve provisions concerning the State comprehensive mental health services plan, and for other purposes; to the Committee on Energy and Commerce.

S. 2632. An Act to amend the Public Health Service Act to reauthorize the National Center for Health Statistics, and for other purposes; to the Committee on Energy and Commerce.

S. 2636. An act to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on House Administration.

S. 2753. An act to reauthorize the Developmental Disabilities Assistance and Bill of Rights Act; to the Committee on Energy and Commerce.

S. 2757. An act to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency; to the Committee on Foreign Affairs.

S. 2841. An act the Omnibus Territories Act of 1990; to the Committees on Armed Services, Interior and Insular Affairs, and Government Operations.

S. 2909. An act expressing the sense of Congress relating to the reduction of nuclear risk, requiring the Secretary of Defense to report on measures to reduce such risk, and for other purposes; to the Committees on Foreign Affairs and Armed Services.

S.J. Res. 357. Joint resolution to designate September 15, 1990 to October 15, 1990, as "Community Center Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 123. Concurrent resolution to encourage State governments, local governments and local educational agencies to adopt a comprehensive curricular program which provides elementary and secondary students with a thorough knowledge of the history and principles of the Constitution and the Bill of Rights and which fosters civic competence and civic responsibility; to the Committee on Education and Labor.

S. Con. Res. 127. Concurrent resolution to express the sense of Congress that Greyhound Lines, Inc., and the Amalgamated Transit Union should pursue meaningful negotiations under the auspices of the Federal Mediation and Conciliation Service to resolve their dispute and restore vital transportation services to American communities; to the Committee on Education and Labor.

S. Con. Res. 132. Concurrent resolution expressing the sense of the Congress that August 30, 1990, be observed as "1890 Land-Grant Institutions Centennial Recognition Day"; to the Committee on Post Office and Civil Service.

S. Con. Res. 145. Concurrent resolution to salute and congratulate the people of Poland as they commemorate the 200th anniversary of the adoption of the Polish Constitution; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills, and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 1159. An act to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes;

H.R. 1199. An act to amend title 38, United States Code, to establish a system of competitive pay for nurses employed by the Department of Veterans Affairs, to authorize the Secretary of Veterans Affairs to make such system applicable to certain other health care personnel, to make certain improvements in veterans' health and education programs, and for other purposes;

H.R. 1465. An act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes;

H.R. 1594. An act to make miscellaneous and technical changes to various trade laws;

H.R. 3048. An act to designate the Agricultural Research Service, U.S. Department of Agriculture, animal health research building in Clay Center, NE, as the "Virginia D. Smith Animal Health Research Laboratory;"

H.R. 3086. An act to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes;

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building;"

H.R. 4273. An act to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes;

H.R. 4314. An act to implement the Inter-American Convention on International Commercial Arbitration;

H.R. 4790. An act to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer;

H.R. 5131. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes;

H.R. 5350. An act to provide for a temporary increase in the public debt limit;

H.R. 5432. An act to extend the expiration date of the Defense Production Act of 1950;

H.J. Res. 467. Joint resolution designating September 21, 1990, as "National POW/MIA Recognition Day," and recognizing the National League of Families POW/MIA flag;

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week;"

H.J. Res. 554. Joint resolution designating January 6, 1991 as "National Law Enforcement Training Week;" and

H.J. Res. 627. Joint resolution designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend."

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 666. An act to enroll 20 individuals under the Alaska Native Claims Settlement Act;

S. 2240. An act to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes;

S. 2461. An act to amend the Public Health Service Act to revise and extend the program of grants for reducing the waiting period for receiving treatment services for drug abuse, and for other purposes;

S. 2952. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II;

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month;"

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day;" and

S.J. Res. 343. Joint resolution to designate August 13 through August 19, 1990, as "Home Health Aide Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 10, 1990:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 1159. An act to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes;

H.R. 1199. An act to amend title 38, United States Code, to establish a system of competitive pay for nurses employed by the Department of Veterans Affairs, to authorize the Secretary of Veterans Affairs to make such system applicable to certain other health care personnel, to make certain improvements in veterans; health and education programs, and for other purposes;

H.R. 1465. An act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes;

H.R. 1594. An act to make miscellaneous and technical changes to various trade laws;

H.R. 3086. An act to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes;

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building;"

H.R. 4273. An act to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes;

H.R. 4314. An act to implement the inter-American Convention on International Commercial Arbitration;

H.R. 3048. An act to designate the Agricultural Research Service, U.S. Department of Agriculture, animal health research building in Clay Center, NE, as the "Virginia D. Smith Animal Health Research Laboratory;"

H.R. 4790. An act to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer;

H.R. 5131. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes;

H.R. 5350. An act to provide for a temporary increase in the public debt limit;

H.R. 5432. An act to extend the expiration date of the Defense Production Act of 1950;

H.J. Res. 467. Joint resolution designating September 21, 1990, as "National POW/MIA Recognition Day," and recognizing the

National League of Families POW/MIA flag;

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week;"

H.J. Res. 554. Joint resolution designating January 6, 1991, as "National Law Enforcement Training Week;"

H.J. Res. 627. Joint resolution designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend;" and

H.R. 76. An act to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Thursday, September 6, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3688. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester to the Committee on Appropriations.

3689. A letter from the Chairman, Farm Credit Administration, transmitting the annual report of the administration for calendar year 1989, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

3690. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the laboratory supply support function at Kirtland Air Force Base, NM, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

3691. A letter from the Assistant Secretary, Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin magistrate for the quarter, April 1, 1990, through June 30, 1990, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

3692. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-227); to the Committee on Appropriations and ordered to be printed.

3693. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's seventh special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-228); referred to the Committee on Appropriations and ordered to be printed.

3694. A letter from the Director, Office of Management and Budget, transmitting the agency's initial sequester report for fiscal year 1991, pursuant to 2 U.S.C. 901; to the Committee on Appropriations.

3695. A letter from the Director, Office of Management and Budget, transmitting a copy of the President's initial sequester order for fiscal year 1991, pursuant to 2 U.S.C. 902; to the Committee on Appropriations.

3696. A letter from the Secretary of Veterans Affairs, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the overapportionment of funds for actual fiscal year 1989 obligations for general administration activities, exceeding OMB category A apportionment and VA Office of Finance and Planning allotment, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3697. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-229); to the Committee on Appropriations and ordered to be printed.

3698. A communications from the President of the United States, transmitting his determination that it is necessary to augment the active Armed Forces of the United States for the effective conduct of operational missions in and around the Arabian Peninsula, pursuant to 10 U.S.C. 673b(f)(i) (H. Doc. No. 101-223); to the Committee on Armed Services and ordered to be printed.

3699. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles (transmittal No. 90-68), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3700. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles (transmittal No. 90-67), purusant to 10 U.S.C. 118; to the Committee on Armed Services.

3701. A letter from the Principal Deputy Comptroller, Department of Defense, transmitting a copy of the contract award report for the period September 1, 1990 to October 31, 1990, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

3702. A letter from the Under Secretary of Defense for Acquisition, transmitting the selected acquisition reports [SARS] for the quarter ending June 30, 1990, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3703. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the disposal and acquisition of certain strategic and critical materials from the national defense stockpile and to amend the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 set seq.); to the Committee on Armed Services.

3704. A letter from the Department of Defense, transmitting notification that the report required be section 801 of Public Law 100-456 has not been completed, but expect completion by October 30, 1990; to the Committee on Armed Services.

3705. A letter from the Secretary of Housing and Urban Development, transmitting a report on the administration of the Manufactured Home Construction and Safety Standards Program for the years 1984-87, pursuant to 42 U.S.C. 5425; to the Committee on Banking, Finance and Urban Affairs.

3706. A letter from the Secretary of Housing and Urban Development, transmitting a report on the program to demonstrate the effectiveness of disposing of distressed HUD-owned projects through a partnership with State housing finance agencies [SHFA], pursuant to 42 U.S.C. 4822; to the Committee on Banking, Finance and Urban Affairs.

3707. A letter from the Federal Financial Institutions Examination Council, transmitting the Council's report on the results of its study on the feasibility and appropriateness of establishing a formalized risk management training program designed to lead to the certification of risk management analysts, pursuant to 12 U.S.C. 3309; to the Committee of Banking, Finance and Urban Affairs.

3708. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3709. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3710. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3711. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting a copy of a report entitled, "Appraisal Data Availability Study"; to the Committee on Banking, Finance and Urban Affairs.

3712. A letter from the Administrator, General Services Administration, transmitting the agency's 12th quarterly report on its administration of the personal property donation program and the identification and use of Federal real property to assist the homeless, pursuant to Public Law 100-77, Sec. 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

3713. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Department of Recreation and Parks' Potomac Riverfest Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3714. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Fiscal Year 1989 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3715. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Student Tutorial and Recreation Support (STARS) Program," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3716. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Department of Public and Assisted Housing Inventory Accountability and Internal Controls," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3717. A letter from the Chairman, Board of Elections and Ethics of the District of Columbia, transmitting notification relating to a referendum petition filed with the Dis-

trict of Columbia Board of Elections and Ethics; to the Committee on the District of Columbia.

3718. A letter from the Chairman, Interagency Coordinating Council, transmitting a report on the activities of the Interagency Coordinating Council, pursuant to 29 U.S.C. 794c; to the Committee on Education and Labor.

3719. A letter from the Secretary of Education, transmitting a copy of final regulations—drug-free schools and campuses, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3720. A letter from the Secretary of Labor, transmitting the annual report of enforcement activities under the Fair Labor Standards Act for the period October 1, 1987, through September 30, 1988, pursuant to 29 U.S.C. 204(d)(1); to the Committee on Education and Labor.

3721. A letter from the Department of Agriculture, transmitting the annual horse protection enforcement report for fiscal year 1989, pursuant to 15 U.S.C. 1830; to the Committee on Energy and Commerce.

3722. A letter from the Secretary of Commerce, transmitting the annual report of the Tourism Policy Council for fiscal year 1989, pursuant to 22 U.S.C. 2124a; to the Committee on Energy and Commerce.

3723. A letter from the Secretary of Energy, transmitting the 10th report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Energy and Commerce.

3724. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1989 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

3725. A communication from the President of the United States transmitting a report on additional steps taken in response to the national emergency with respect to Iraq and Kuwait, pursuant to 50 U.S.C. 1621(a) and 1703(c); 22 U.S.C. 287(c). (H. Doc. No. 101-222); to the Committee on Foreign Affairs and ordered to be printed.

3726. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the semiannual reports for the period October 1989-March 1990 listing voluntary contributions made by the U.S. Government to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

3727. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 18-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3728. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 90-67), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3729. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 90-68), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3730. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Thailand (Transmittal No. DTC-18-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3731. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Turkey (Transmittal No. DTC-27-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3732. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Thailand (Transmittal No. DTC-19-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3733. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-20-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3734. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-21-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3735. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the mid-year update of the 1990 International Narcotics Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

3736. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to West Germany (Transmittal No. DTC-28-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3737. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense equipment sold commercially to Israel (Transmittal No. DTC-26-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3738. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification that it is in the national interest to grant assistance to Egypt, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

3739. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 15-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3740. A letter from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from mid-May through July 1990, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

3741. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Arlene Render, of Virginia, to be Ambassador to the Republic of Gambia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3742. A letter from the Assistant Secretary for Legislative Affairs, transmitting copies of the original report of political contributions of Herbert Donald Gelber, of Florida, to be Ambassador to the Republic of Mali, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3743. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Juliette Clagett McLennan, of the District of Columbia, as the U.S. Representative on the Commission on the Status of Women of the Economic and Social Council of the United Nations, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3744. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Linton F. Brooks, of Virginia, for the rank of Ambassador as the Deputy Head of Delegation to the Nuclear and Space Talks, and members of his family, pursuant to 1 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3745. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other 112b(a); to the Committee on Foreign Affairs.

3746. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3747. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3748. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a followup summary of activities proposed for funding in Peru during fiscal year 1990 by AID's Latin America and Caribbean Bureau, pursuant to 22 U.S.C. 2151u(e); to the Committee on Foreign Affairs.

3749. A communication from the President of the United States, transmitting his notification of the necessity to send U.S. marines to provide additional security at the U.S. Embassy in Monrovia, Liberia (H. Doc. No. 101-224); to the Committee on Foreign Affairs and ordered to be printed.

3750. A communication from the President of the United States, transmitting a report on the deployment and mission of U.S. Armed Forces in response the request received from the Government of Saudi Arabia (H. Doc. No. 101-225); to the Committee on Foreign Affairs and ordered to be printed.

3751. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in July 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3752. A letter from the Director, Morale, Welfare and Recreation Support Activity,

Department of the Navy, transmitting the annual report of the retirement plan for civilian employees of the U.S. Marine Corps morale, welfare and recreation activities, the morale, welfare and recreation support activity and miscellaneous nonappropriated fund instrumentalities, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3753. A letter from the Benefits Administrator, Farm Credit Bank of Baltimore, transmitting the annual report for the farm credit district of Baltimore retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3754. A letter from the vice president, Farm Credit Bank of St. Louis, transmitting the annual report for the sixth farm credit district retirement plan, including the financial report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3755. A letter from the Benefits Administrator, Farm Credit Services, transmitting the annual report for the seventh farm credit district retirement plan, including a copy of the audited financial statements, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3756. A letter from the Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on House Administration.

3757. A letter from the Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3758. A letter from the plan administrator, Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan report for the Production Credit Associations' retirement plan, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3759. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to improve the utilization of Federal real property, and for other purposes; to the Committee on Government Operations.

3760. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal year 1989, pursuant to 40 U.S.C. 483(e); to the Committee on Government Operations.

3761. A letter from the Secretary of Transportation, transmitting the annual report on the valuation of the U.S. Coast Guard military retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3762. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1990, through June 30, 1990, pursuant to 2 U.S.C. 104a (H. Doc. 101-230); to the Committee on House Administration and ordered to be printed.

3763. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3764. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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3768. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3769. A letter from the Acting Assistant Secretary for Land Minerals Management, Department of the Interior, transmitting the Department's report entitled "Report of Review and Revision of Royalty Payments for Fiscal Years 1988 and 1989 for Onshore and Outer Continental Shelf Oil and Gas Leases", pursuant to 30 U.S.C. 237; to the Committee on Interior and Insular Affairs.

3770. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the 1989 annual report describing royalty management and collection activities under the Federal Oil and Gas Royalty Management Act of 1982, pursuant to 30 U.S.C. 1752(a); to the Committee on Interior and Insular Affairs.

3771. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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3777. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3778. A letter from the Secretary of the Interior, transmitting the study report on the De Soto Trail in Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Arkansas, Texas, and Louisiana, pursuant to 16 U.S.C. 1244(b); to the Committee on Interior and Insular Affairs.

3779. A letter from the Chairman, Administrative Conference of the United States, transmitting the eight annual report on agency activities for the period of October 1, 1988, through September 30, 1989, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

3780. A letter from the U.S. Sentencing Commission, transmitting the 1989 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

3781. A letter from the Secretary of Commerce, transmitting a report on the fishermen's contingency fund, pursuant to 43 U.S.C. 1846(a); to the Committee on Merchant Marine and Fisheries.

3782. A letter from the Secretary of the Interior, transmitting a report of the U.S. Fish and Wildlife Service entitled "Wetland Losses in the United States—1780's to 1980's", pursuant to Public Law 101-233, section 18; to the Committee on Merchant Marine and Fisheries.

3783. A Communication from the President of the United States, transmitting an alternative plan for a Federal employees' pay adjustment to become effective on the first day of the first applicable pay period on or after January 1, 1991, pursuant to 5 U.S.C. 5305(c)(1) (H. Doc. No. 101-221); to the Committee on Post Office and Civil Service and ordered to be printed.

3784. A letter from the Martin Luther King, Jr. Federal Holiday Commission, transmitting the summary report on the fifth Federal holiday in honor of Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

3785. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report, "Rainfall Induced Infiltration Into Sewer Systems"; to the Committee on Public Works and Transportation.

3786. A letter from the Administrator, General Services Administration, transmitting an informational copy of a prospectus for the Environmental Protection Agency in Chapel Hill, NC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3787. A letter from the Administrator, General Services Administration, transmitting an information copy of a lease prospectus for the U.S. attorney in Cleveland, OH, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3788. A letter from the Administrator, General Services Administration, transmitting an informational copy of a prospectus for the Office of Personnel Management, located in the Thomas Circle South Building, 1121 Vermont Avenue, Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3789. A letter from the Chairman, National Transportation Safety Board, transmitting the Ethiopian Government's report of the August 7, 1989, aviation accident involving Congressman Mickey Leland; to the Committee on Public Works and Transportation.

3790. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notification of the waiver of the monetary set-aside for technology transfers and the reasons therefor; to the Committee on Science, Space, and Technology.

3791. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Continuous Fiber Ceramic Composite Program Plan"; to the Committee on Science, Space, and Technology.

3792. A letter from the Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for the period October 1989, through May 1990, and fiscal year 1990, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

3793. A letter from the U.S. Court of Veterans Appeals, transmitting the actuarial report for year ending December 31, 1989; to the Committee on Veterans' Affairs.

3794. A communication from the President of the United States, transmitting notification of his determination that a waiver with respect to the emigration practices of the German Democratic Republic will substantially promote the objectives of section 402 of the Trade Act of 1974, pursuant to 19 U.S.C. 2432 (c), (d) (H. Doc. No. 101-226); to the Committee on Ways and Means and ordered to be printed.

3795. A letter from the Secretary of Health and Human Services, transmitting the fourth annual report on the impact of the Medicare hospital prospective payment system, pursuant to 42 U.S.C. 1395ww nt.; to the Committee on Ways and Means.

3796. A letter from the Acting U.S. Trade Representative, transmitting the President's determination that unilateral imposition of certain import fees are not in the national economic interest, pursuant to 19 U.S.C. 2411; to the Committee on Ways and Means.

3797. A letter from the Acting General Counsel, Department of Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 to modernize and simplify customs procedures, facilitate the entry and clearance of vessels, increase the effectiveness of the Customs Service in commercial matters, and for other purposes; to the Committee on Ways and Means.

3798. A letter from the Secretary of Health and Human Services, transmitting a report on the rural secondary specialty demonstration; to the Committee on Ways and Means.

3799. A letter from the U.S. Trade Representative, transmitting a report on recent developments regarding implementation of section 301 of the Omnibus Trade and Competitiveness Act of 1988 for the period January through June 1990, pursuant to 19 U.S.C. 2411; to the Committee on Ways and Means.

3800. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting a country and commodity allocation report showing current programming plans for food assistance under title II of Public Law 480 for fiscal year 1990, pursuant to 7 U.S.C. 2736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

3801. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are $5,187,142 less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the third quarter of 1990, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committees on Appropriations and Foreign Affairs.

3802. A letter from the Comptroller of the Department of Defense, transmitting notification that the Secretary has invoked the authority granted by section 3732 of the revised statutes to authorize the military departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, and medical and hospital supplies; jointly, to the Committees on Armed Services and Appropriations.

3803. A letter from the Acting Secretary of State, transmitting the President's certification waiving certain restrictions as it is in the national interest, pursuant to Public Law 100-456, section 1306(b); jointly, to the Committees on Armed Services and Foreign Affairs.

3804. A letter from the Secretary of Energy, transmitting an implementation plan regarding operator training at Savannah River site; jointly, to the Committees on Armed Services and Energy and Commerce.

3805. A letter from the Secretary of Labor, transmitting the Department's annual report on black lung benefits during calendar year 1988, pursuant to 30 U.S.C. 936(b); jointly, to the Committees on Education and Labor and Ways and Means.

3806. A letter from the Acid Precipitation Assessment Program, transmitting the program's 1989 annual report, pursuant to 42 U.S.C. 8903(e); jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3807. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1990, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3808. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report on the nondisclosure of Safeguards Information for the quarter ending June 30, 1990, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3809. A letter from the Agency for International Development, transmitting the fiscal year 1989 report on the Denton amendment program; jointly, to the Committees on Foreign Affairs and Armed Services.

3810. A letter from the Comptroller General of the United States, transmitting a joint review by the GAO and the Federal Court of Audit of the Federal Republic of Germany of the Rolling Airframe Missile Program (GAO/NSLAD-90-208, August 1990); jointly, to the Committees on Government Operations and Armed Services.

3811. A letter from the Chairman, Federal Election Commission, transmitting the fiscal year 1991 contingency plan for operations under a sequestered appropriation; jointly, to the Committees on House Administration and Appropriations.

3812. A letter from the Secretary of Health and Human Services, transmitting recommendations for changes in the methodology for payment under risk-sharing contracts, pursuant to Public Law 101-239, section 6102(d)(2) (103 Stat. 2185); jointly, to the Committees on Ways and Means and Energy and Commerce.

3813. A letter from the Secretary of Commerce, transmitting the Department's report on the competitiveness of the U.S. telecommunications industry; jointly, to the Committees on Ways and Means and Energy and Commerce.

3814. A letter from the Secretary of Energy, transmitting a comprehensive report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program, describing the project entitled "Full-Scale Demonstration of Low-Nox Cell Burner Retrofit" proposed by Babcock & Wilcox; jointly to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

3815. A letter from the Secretary of Energy, transmitting a comprehensive report on a project negotiated under the Department of Energy's Clean Coal Technology Demonstration Program describing the project entitled "10 MW Demonstration of Gas Suspension Absorption" proposed by AirPol, Inc.; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

3816. A letter from the Comptroller General, transmitting a report on financial institutions known as Government-sponsored enterprises [GSE's] (GAO/GGD-90-97); jointly to the Committees on Government Operations; Banking, Finance and Urban Affairs; Agriculture; and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted Sept. 5, 1990]

Mr. BROOKS: Committee on the Judiciary. H.R. 849. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to amend the Rules of the House of Representatives to require the Clerk to make certain notifications to the Speaker; with — amendments (Rept. 101-417, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Aug. 30, 1990]

Mr. ROE: Committee on Science, Space, and Technology. H.R. 4115. A bill to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration; with an amendment; (Rept. 101-519, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Aug. 4, 1990, the following report was filed on Aug. 9, 1990]

Mr. CONYERS: Committee on Government Operations. The Agent Orange Coverup: A Case of Flawed Science and Political Manipulation; (Rept. 101-672). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Aug. 4, 1990, the following report was filed on Aug. 14, 1990]

Mr. CONYERS: Committee on Government Operations. Stopping the Flood of Cocaine With Operation Snowcap: Is It Working? (Rept. 101-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. AIDS Treatment and Care: Who Cares? (Rept. 101-674). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. The Relationship Between State Assistance Programs and Federal Food Stamp Allocations: Two Case Studies; (Rept. 101-675). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Immigration Limbo or the Plight of Foreign National Witnesses Used in Major Narcotics Prosecutions (Rept. 101-676). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Aug. 3, 1990, the following report was filed on Aug. 15, 1990.]

Mr. HAWKINS: Committee on Education and Labor. H.R. 4330. A bill to establish school-based and higher education community service programs, to establish youth service programs, and for other purposes; with an amendment (Rept. 101-677, Pt. 1). Ordered to be printed.

[Pursuant to the order of the House of Aug. 4 (legislative day of Aug. 3), 1990, the following report was filed on Aug. 22, 1990.]

Mr. CONYERS: Committee on Government Operations. Pluralism in Cultural Institutions Receiving Federal Funds (Rept. 101-678). Referred to the Committee on the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Programs Administered by the Bureau of Justice Assistance: Questionnaire Results Demonstrate Communication Breakdown (Rept. 101-679). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. H.J. Res. 226. A bill to establish a national policy on permanent papers; with amendments (Report 101-680, Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED AND EXTENSION OF CONCURRENT REFERRAL

[Submitted Sept. 5, 1990]

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 5269. A bill to control crime; with an amendment; concurrent referral to the Committees on Armed Services, Education and Labor, Energy and Commerce, and Ways and Means extended for a period ending not later than September 10, 1990. The amendment recommended by the Committee on the Judiciary referred sequentially to the Committees on Banking, Finance and Urban Affairs, Government Operations, Interior and Insular Affairs, Public Works and Transportation, and Veterans Affairs for a period ending not later than September 10, 1990 for consideration of such provisions within the jurisdictions of those committees pursuant to clause 1, rule X, respectively (Rept. 101-681, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. FRANK, and Mr. KENNEDY):

H.R. 5549. A bill to provide for the temporary extension of the Emergency Low Income Housing Preservation Act of 1987; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROTH:

H.R. 5550. A bill to direct the Secretary of Veterans Affairs to establish a satellite outpatient clinic in northeast Wisconsin; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI:

H.R. 5551. A bill to amend the Internal Revenue Code of 1986 to reinstate the windfall profit tax on domestic crude oil and to appropriate the proceeds of the tax to the Resolution Trust Corporation; to the Committee on Ways and Means.

By Mr. LEHMAN of Florida:

H.R. 5552. A bill to provide assistance to Florida Memorial College in Miami, FL, for asbestos removal; to the Committee on Education and Labor.

By Mr. SLATTERY:

H.R. 5553. A bill to provide that taxpayers may rely on Internal Revenue Service guidelines in determining the funding limits for pension plans; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. GONZALEZ:

H.J. Res. 645. Joint resolution calling for the removal of U.S. Armed Forces from the Middle East; to the Committee on Foreign Affairs.

By Mr. FRANK (for himself, Mr. SOLOMON, Mr. DERRICK, Mr. STOKES, Mrs. COLLINS, Mr. YATES, Mr. HEFNER, Mrs. LLOYD, and Mr. STUDDS):

H.J. Res. 646. Joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. MARKEY, Mr. ROSE, Mr. SCHULZE, Mr. HUNTER, Mr. MCCANDLESS, Mr. COBLE, Mr. RAVENEL, Mr. RHODES, Mr. DOUGLAS, Mr. CARPER, Mr. SCHIFF, Mr. SPENCE, Mr. HOPKINS, Mr. WALSH, Mr. SCHEUER, Mr. APPLEGATE, and Mr. ROHRABACHER):

H.J. Res. 647. Joint resolution disapproving the recommendations of the President to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Ways and Means.

By Mr. TAUKE:

H. Con. Res. 364. Concurrent resolution expressing the sense of Congress concerning a drawdown of the strategic petroleum reserve; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

489. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to supporting a police corps program; to the Committee on the Judiciary.

490. Also, Memorial of the Legislature of the State of Alaska, relative to reauthorization and amendment of the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

491. Also, Memorial of the Legislature of the State of Alaska, relative to taxation of certain student loans; to the Committee on Ways and Means.

492. Also, memorial of the General Assembly of the State of North Carolina, relative to urging Congress to pass legislation to ensure equitable distribution of Social Security benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of Aug. 3, 1990]

By Mr. FRANK:

H.R. 5547. A bill for the relief of Ovidio Javier Morla Paredes, Maria Estrada de Morla, Javier Alfredo Morla Estrada, and Carlos Andres Morla Estrada; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 5548. A bill to transfer certain lands placed within the Cape Hatteras National Seashore because of an erroneous survey to those individuals claiming the lands; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Submitted Sept. 5, 1990]

H.R. 1268: Mr. BENNETT.

H.R. 2041: Mr. SKEEN and Mr. CAMPBELL of Colorado.

H.R. 2351: Mr. BOSCO.

H.R. 2596: Mr. GILLMOR.

H.R. 2816: Mr. TANNER, Mr. BILIRAKIS, and Mr. DYSON.

H.R. 3220: Mr. LANTOS, Mr. GILLMOR, and Mr. FAWELL.

H.R. 3272: Mr. GOODLING.

H.R. 3631: Mr. PALLONE.

H.R. 4226: Mr. UPTON, Mr. APPLEGATE, and Mr. PICKLE.

H.R. 4483: Mrs. LOWEY of New York, Mr. AUCOIN, Mr. CRAIG, Mr. ENGLISH, Mr. STUMP, and Mr. BRUCE.

H.R. 4492: Mr. MCCLOSKEY.

H.R. 4573: Mr. VALENTINE.

H.R. 4690: Mr. DOUGLAS, Mr. ERDREICH, Mrs. SCHROEDER, Mr. FOGLIETTA, and Mr. CROCKETT.

H.R. 4848: Mr. MCMILLAN of North Carolina.

H.R. 4923: Mr. EARLY.

H.R. 4976: Mr. LAGOMARSINO.
H.R. 5025: Mr. MACHTLEY.
H.R. 5123: Mr. VANDER JAGT.
H.R. 5133: Mr. ESPY.
H.R. 5163: Mr. TAUZIN.
H.R. 5269: Mr. HOAGLAND, Mr. ANNUNZIO, Ms. OAKAR, and Mr. HEFNER.
H.R. 5338: Mr. DIXON, Mr. WEISS, and Mrs. COLLINS.
H.R. 5344: Mr. VANDER JAGT, Mr. BEREUTER, Mr. STARK, Mr. LAGOMARSINO, Mr. SHAW, and Mr. ROBERT F. SMITH.
H.R. 5377: Mr. EMERSON, Mr. MCEWEN, Mr. FALEOMAVAEGA, Mr. HOYER, Mr. MARKEY, Mr. WALGREN, Mr. CRAIG, Mr. MACHTLEY, Mr. SAXTON, Mr. MILLER of Washington, Mr. DORNAN of California, and Mr. GILMAN.
H.R. 5411: Ms. MOLINARI and Mr. MURPHY.
H.R. 5429: Mr. DONALD E. LUKENS, Mr. SHARP, Mr. CHAPMAN, and Mr. PENNY.
H.R. 5491: Mr. SCHEUER, Mr. MACHTLEY, Mr. FAUNTROY, Mr. DONALD E. LUKENS, Mr. PAXON, and Ms. PELOSI.
H.J. Res. 369: Mr. THOMAS A. LUKEN, Mr. LEVIN of Michigan, Ms. LONG, Mr. BONIOR, Mr. MCHUGH, Mr. MORRISON of Washington, Mr. RINALDO, Mr. PANETTA, Mr. ROSE, Mr. MCDADE, Mr. COLEMAN of Missouri, Mr. BRENNAN, Mr. LEVINE of California, Mr. NEAL of Massachusetts, and Mr. STEARNS.
H.J. Res. 374: Mr. KENNEDY and Mr. MCDERMOTT.
H.J. Res. 439: Mr. PRICE.
H.J. Res. 583: Mr. DORGAN of North Dakota, Mr. HENRY, Mr. SLATTERY, Mr. SKAGGS, Mr. WISE, Mr. SISISKY, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. HAYES of Louisiana, Mr. CARDIN, Mr. SHAYS, Mrs. MARTIN of Illinois, Mr. MILLER of Ohio, Mr. BORSKI, Mr. FLIPPO, Mr. ROWLAND of Connecticut, Mr. GILMAN, Mr. FRENZEL, Mr. FISH, and Mr. HYDE.
H.J. Res. 616: Mrs. BOXER, Mr. LAGOMARSINO, Mr. GREEN, Mr. PICKLE, Mr. HERTEL, Mr. BARTLETT, Mr. COLEMAN of Texas, Mrs. MEYERS of Kansas, Mr. NEAL of North Carolina, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mr. NELSON of Florida, Mr. OLIN, Mrs. PATTERSON, Mr. STARK, Mr. MCCRERY, Mr. COBLE, Mr. GALLO, Mr. WHITTAKER, Mr. GONZALEZ, Mr. DE LUGO, Mr. LEVIN of Michigan, Mr. DONNELLY, Mr. SARPALIUS, Mr. MACHTLEY, Mr. TRAFICANT, Mr. BUNNING, Mrs. SAIKI, Mr. HOYER, Mr. WILSON, Mr. COSTELLO, Mr. DELLUMS, Mr. BROWN of California, Mr. MOODY, Mr. CARR, Mr. DERRICK, Mr. DENNY SMITH, Mr. SMITH of New Jersey, Mr. BAKER, Mr. BRENNAN, Mr. POSHARD, Mr. CROCKETT, Mr. BILBRAY, Mr. BLAZ, Mr. DAVIS, Mr. FAWELL, Mr. GRANT, Mr. HAMILTON, Mr. BROWN of Colorado, Mr. MCEWEN, Mr. WEBER, Mr. SMITH of Iowa, Mr. SOLARZ, and Mr. STEARNS.
H.J. Res. 626: Mr. PRICE, Mr. GALLO, Mr. WOLPE, Mr. FALEOMAVAEGA, and Mr. BOSCO.
H. Con. Res. 151: Mr. BROWN of California, Mr. FEIGHAN, and Mr. DINGELL.
H. Con. Res. 259: Mr. RAHALL, Mr. MARTINEZ, Mr. PALLONE, Mr. APPLEGATE, Mr. JOHNSTON of Florida, Mr. SANGMEISTER, Mr. WALGREN, Mr. HAMILTON, Mr. COYNE, Mr. VALENTINE, Mr. ECKART, Mr. SMITH of Florida, Mr. SAVAGE, Mr. SERRANO, Mr. GORDON, Mr. WALSH, Mr. GRANT, Mr. MCNULTY, Mr. STOKES, and Mr. MILLER of Washington.
H. Res. 418: Mr. RANGEL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

222. By the Speaker: A petition of the Legislature of Rockland County, NY, relative to opposition of elimination of State and local tax deductions; to the Committee on Ways and Means.

223. Also petition of the Network Municipal Council, Newark, NJ, relative to an excise tax increase on beer; to the Committee on Ways and Means.

224. Also, petition of Canadian Embassy, relative to an energy tax as a way of increasing Government revenues; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SOME COMMENTS ON THE RECENT BIPARTISAN HOUSE DELEGATION TO BAHRAIN, SAUDI ARABIA, AND EGYPT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. BROOMFIELD. Mr. Speaker, a number of Members have just returned from the Persian Gulf where we participated in a House delegation led by our distinguished majority leader, RICHARD GEPHARDT, and our distinguished minority leader, BOB MICHEL.

On this brief study mission, we had meetings with the Amir Sheikh Isa of Bahrain, King Fahd of Saudi Arabia, President Mubarak of Egypt, and the leaders of the Kuwaiti Government in exile.

Several impressions from this trip stand out. First, seeing conditions first-hand on the ground in Bahrain, Saudi Arabia, and Egypt strengthened our belief that President Bush did the right thing in making a massive show of force in the gulf.

Not only did he do the right thing, but he did it the right way. He knew that only a quick and decisive response to the Iraqi invasion could dissuade Sadam Hussein from further aggression. It was a response that was designed to protect our vital interests in the gulf, and also to send a message to other potential aggressors that such actions would not be tolerated in the post-cold war world.

President Bush also moved quickly to put together the kind of international support that would convince Saddam Hussein that he had made a horrendous miscalculation and that would assure other Arab leaders that their decision to oppose a fellow Arab had the broad political, moral, and military support of the rest of the world.

The second impression came from our conversations with the men and women of America's Armed Forces. It's been said that when the going gets tough, the tough get going. The temperature in Saudi Arabia rises to more than 120 degrees during the day. Sand gets in uniforms, clogs up weapons, and makes it hard to get about. The soldiers must often carry out their exercises in heavy clothing that protects them from chemical warfare, but that makes them all the more susceptible to the heat.

Yet they are in high spirits and proud of the job they are doing under difficult conditions. One young Marine told me he didn't mind the 120 degrees heat in Saudi Arabia because, he said, "I feel I am part of history." America's military is doing a tough job, and it is doing it well.

The third impression is the multinational nature of this operation. Some 22 nations are now involved—either by sending forces or by sending logistical and financial support. This includes support from several Arab nations.

Yet I believe these and other nations could be doing a lot more. The oil coming out of the Persian Gulf is a whole lot more important to the West Germans and Japanese and other industrial democracies than it is to the United States.

Young American men and women have dug themselves into foxholes in the sand of Saudi Arabia to protect the economic futures of their counterparts in Europe and elsewhere. I would like to see some of these allies contribute not only a lot more financial support to this operation, but some of their troops as well.

The fourth impression is that the President's strategy in the gulf has been bold and decisive on the one hand, and yet prudent and well thought out on the other.

There has been some talk in the United States about going after Saddam. Some refer to it as "taking him out." Yet there is a widespread belief among the people we talked with that the U.N. sanctions should be given a chance to work.

In this century, America has fought in two world wars, in Korea and Vietnam, and has committed its forces in many other perilous situations. I don't think that Americans are willing to conclude this century by becoming involved in what could be another major war, bloody and costly for all sides, unless this Nation has no other alternative.

Today there is a clear alternative—the blockade of Iraq. And it appears to be working. The United States military leaders we talked to believe that the blockade has virtually sealed off Iraq from seaborne commerce. The international community has responded with one voice.

If this multilateral operation succeeds in demonstrating that the world will no longer tolerate this kind of piracy on a large scale, then the U.N. sanctions will have succeeded not only in forcing Saddam Hussein to back down, but also in creating a climate for peace and cooperation among the nations of the world.

Mr. Speaker, I know many of my fellow Members will look forward to hearing the individual observations of those who were on the trip, so I would like to mention the names of those who served on the delegation. They were:

House leadership: RICHARD A. GEPHARDT, ROBERT H. MICHEL, STENY H. HOYER, and NEWT GINGRICH.

Armed Services Committee: LES ASPIN, G.V. (SONNY) MONTGOMERY, WILLIAM L. DICKINSON, and BEVERLY B. BYRON.

Permanent Select Committee on Intelligence: ROBERT W. KASTENMEIER, DAVE MCCURDY, and BUD SHUSTER.

Energy and Commerce Committee: W.J. (BILLY) TAUZIN, ED TOWNS, and WILLIAM E. DANNEMEYER.

Ways and Means Committee: DAN ROSTENKOWSKI, SAM GIBBONS, and GUY VANDER JAGT.

Appropriations Subcommittee on Foreign Operations: DAVID R. OBEY, ROBERT J. MRAZEK, and MICKEY EDWARDS.

Foreign Affairs Committee: DANTE B. FASCELL and WILLIAM S. BROOMFIELD.

PLACEMENT AND RELIGHTING OF THE "BUG" LIGHTHOUSE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, today is an important day in the history of eastern Long Island. I am proud to report that today, September 5, 1990, the placement and relighting of the Long Beach Bar "Bug" Lighthouse is taking place. I ask that the text of my remarks delivered at an event in Greenport, NY, commemorating this occasion be inserted into the RECORD at this point.

THE DEDICATION OF THE LONG BEACH BAR LIGHTHOUSE, LONG ISLAND, NY

(Remarks by Hon. George Hochbrueckner)

Thank you, and first let me say how delighted I am to be here today with my wife Carol Ann to celebrate the return of the Long Beach Bar "Bug" Lighthouse, and, just as importantly, to recognize and applaud the commitment of this community to preserving Eastern Long Island's rich history. The East End Seaport and Marine Historical Foundation has worked what seems like a miracle here at the gateway to the Peconic Bays, and I am very pleased to be here with you.

I think it is especially appropriate that, as we gather to recall the East End's long and eventful marine and seaport history, we are joined by representatives of the United States Coast Guard and the Navy Marching Band. Our celebration would not be complete without them, and I am delighted they were able to be here.

The Coast Guard's mission includes the responsibility to maintain and patrol our waters. In Congress, where I serve on the Merchant Marine and Fisheries Committee in the House of Representatives, I have had many opportunities to witness their skill and dedication. They do a complex and often dangerous job very successfully. Today experienced men and women in the service design and operate sophisticated technology to monitor our waters. Not too long ago, however, the Coast Guard and mariners relied heavily on manned lighthouses and similar aids when navigating the inlets and harbors of the nation.

It's certainly a great pleasure to have the Navy Marching Band performing for us. The Navy is at the center of our nation's

maritime history, and as a veteran of the Navy and a strong supporter of our armed services, I am always happy to see them perform.

I would like to say a few words about the history of lighthouses. As lighthouse enthusiasts know, lighthouses were first built by the Egyptians in the third century B.C. For centuries, all over Europe and Asia, signal fires were built in towers, under treacherous conditions, to provide a welcoming beacon to those travelling toward new lands and unique cultures. The first lighthouse built in the United States stood in Boston Harbor in 1716. Over the years, some 1,200 navigational aids were constructed along 90,000 miles of coastline, rivers, and lakes in our nation.

Lighthouses were an integral part of the growth and strength of our early economic history, and surely played a crucial role in the defense of our nation. In these lighthouses, entire families were needed to manage the difficult responsibility of providing the clear and bright signal by which approaching vessels charted their course. Together with the United States Coast Guard, which has demonstrated its expertise for two centuries in patrolling our shores and waters, the lighthouse keepers' exacting tasks helped to ensure safe sea travel for millions. The shift of our national commerce from water to road, rail, and air in the last century has reduced the practicality of this aspect of the lighthouse's use. New technology also enabled many lighthouse families to return to the mainland permanently. Electronics and computers, administered by the U.S. Coast Guard, now operate the approximately 750 lighthouses still in use.

However, many of the nation's lighthouses have not been so fortunate. Over the years, hundreds of lighthouses were sold, left abandoned, or even demolished. This physical destruction often meant a loss of precious maritime and culture history as well. The neglect or destruction of lighthouses on Long Island is especially tragic. We on Long Island are very fortunate to have several lighthouses in our midst—including the Fire Island Light, and the Montauk Lighthouse at the tip of the South Fork. Of course, the Montauk Lighthouse is the second oldest lighthouse in continuous use in the United States.

We have inherited a rich fishing and navigation history, and a special awareness of the beauty surrounding us on land and sea. It is this appreciation of the value and importance of the past, I think, that is at the heart of the impulse on Long Island and nationwide to restore lighthouses. We would be remiss if we allowed lighthouses, the subject of the first public works bill passed by the newly united American Colonies, to be left to ruin. Across the country, we are seeing the efforts much like the one undertaken so successfully by the East End Seaport and Marine Historical Foundation. Communities and private organizations have taken the lead in safeguarding for future generations the tradition and beauty of the towers that help keep our travellers safe.

Preservation of the Bug Light is the product of the efforts of a relatively small community dedicated to the marine and seaport history of the East End. In an incredibly short span of time, the group has raised a tremendous amount of money; organized committees to oversee the project; involved the Coast Guard; investigated the history of the Bug Light structure and property; and carried out a reconstruction that we can all enjoy and take pride in. They've worked together, and my staff has worked with them, in a spirit and a dedication that is really wonderful. That's why I'm so pleased to be here today, to enjoy the re-creation of history brought about through the efforts of Merlon Wiggin and the East End Seaport and Marine Historical Foundation.

Merlon is originally from Maine, where the jagged coastline was once dotted with lighthouses. It should come as no surprise to us that he has a love of lighthouses, and a sense of the mystery and sentiment that surround them. He moved to Long Island in time to see the original Bug Light, before it was burned in 1963, and kept that picture in his mind. With his fellow directors Sarah Sands, George Rowson and Lucy Thompson, Merlon talked to friends and neighbors and began pursuing solutions for financing and maintaining a re-created Bug Light Lighthouse in Long Beach. The results are in, and I think we can all agree that a thoughtful and truly magnificent job was done.

I must also mention the important contribution to the Bug Light of Bill Allen, who recently passed away. A fisherman, Bill Allen spent his life plying the waters of the Peconic Bays, and lived for a time in the original Bug Lighthouse. His personal dream of having the Bug Light reconstructed and lit once again is finally being realized. The Allen family members here with us today can be proud of Bill and his dedication to the Bug Lighthouse.

As the Representative in Congress of a half million people on Eastern Long Island, I recognize citizens who make valuable contributions to their communities with a certificate of Congressional Recognition. I would say the value of the restoration of a piece of our local history is priceless. I am proud, as your Congressman and a native Long Islander, to recognize the work of Merlon Wiggin and the East End Seaport and Marine Foundation, and Bill Allen. When I return to Washington, I intend to place these remarks into the Congressional Record, making them and this occasion a permanent part of the official record of the Congress of the United States. I thank you all.

THE CUBAN AMERICAN NATIONAL COUNCIL HELPS FLORIDA INTERNATIONAL UNIVERSITY'S COLLEGE OF EDUCATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to recognize the Cuban American National Council for their organization has sought different methods to improve existing programs and design new ones.

Since its inception in 1972, the Cuban American National Council [CNC] has strived to deal realistically with modern social issues facing Cuban-Americans and other minorities. The CNC is to be commended for its important role in helping Cuban-Americans and other refugees adjust to the United States. The CNC accomplishes just that by acting as an identifier of the economic, social, and educational needs of Cuban-Americans and other minorities and attracting the support of Government agencies, corporations, and foundations in order to fulfill those needs.

However, the CNC also focuses its efforts in other areas of the community needing assistance. This year, one such project includes putting on the First Annual Dinner to benefit the College of Education at Florida International University [FIU] to be held on February 9, 1991. The College of Education is a leading force in Florida in providing top quality educational access and academic/professional excellence. The evening's events will focus on raising critically needed funds for FIU's College of Education in order to assist them in maintaining high quality education.

The Cuban American National Council members are to be thanked for their efforts to help Florida's community. The officers of CNC are: Guarione M. Diaz, president; Agustin de Goytisolo, chairman; Alina E. Becker, secretary; Maria Acosta, treasurer. The board of directors include Wilfredo Allen, Alina Antonetti, Antonio L. Argiz, Enrique Baloyra, Laureano Batista-Falla, Nelson Benedico, Marta Bequer, Peter Bernal, Annie Betancourt, Elva Collazo, Federico Costales, Rita Di Martino, Albert E. Dotson, Nancy Dreicer, Jorge Escalona, Zulima Farber, Marcelo Fernandez-Zayas, Vincent Forte, Juan Galan, Margarita Garcia, Mario Goderich, Sara C. Gomez, Pedro Jose Greer, Jr., Alma Guerra, Jose Manuel Hernandez, Antonio Jorge, Ada M. Kirby, Carmela Lacayo, Ivan Llorente, Sergio Masvidal, Marta Miyares, Beatriz Olivera, Jose S. Prince, Rene Rocha, Angel Rodriguez, Jorge Salazar, Celia Suarez, Frank Torano, Barton Udell, Mario Vizcaino, Raul Yazguirre, and Tere Zubizarreta.

A TRIBUTE TO SUNIL DUTT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. DYMALLY. Mr. Speaker, it is my great pleasure to share with my colleagues the following information, written by Rajen S. Anand, a prominent member of the Asian Indian community, recognizing the charitable work of one Indian, Sunil Dutt, in helping lead the fight against cancer.

While this information focuses on the work of one man to save his fellow man, this effort is only symbolic of the great charitable sense demonstrated by the Indian community which is evident in the work of the Indian community. Asian Indians, a relatively new immigrant community have worked hard, ever since their arrival in the United States, to contribute to their new homeland without forgetting those less fortunate in their mother land—India.

SUNIL DUTT: A MAN WITH A MISSION

(By Rajen S. Anand)

Sunil Dutt is an acclaimed movie actor, film producer and director. He has acted in over 50 films, produced over a dozen full length films and has directed several successful movies which have been exhibited in many international Film Festivals. The highly popular man, Dutt is also an elected member of India's parliament and is currently serving his second term.

In addition to being a successful professional of the Indian film industry and a popular politician, the tall and handsome actor is widely respected for his personal attributes of a compassionate and caring human being, who has dedicated his efforts to uplift the poor and down trodden people of India. A strong promotor of secularism and religious tolerance amongst the highly fractional Indian society, a believer of peace and harmony in the world, Dutt has taken his message to the masses through his long peace marches.

On January 26, 1987, Dutt led a group of people to walk a distance of over 2,000 km. from Bombay to Amritsar to promote peace and harmony in the State of Punjab. He and 14 other members undertook a peace march on foot in Japan commencing from Nagasaki on July 9, 1988 reaching Hiroshima on August 6, covering a distance of 500 km. for world peace and a total ban on nuclear weapons and disarmament.

Sunil Dutt was married to a famed film actress, Nargis, who appeared in many hit movies. The glamorous film star dominated the Indian movie screen for years and gave memorable performances in movies such as Awara, Aah, Andrez and Mother India. In her later life, Nargis was stricken with pancreatic cancer for which she was treated in the United States. In 1981 Nargis, while laying on the Hospital bed in New York thought of a common man in India, who could not afford to come to the United States for advanced and expensive treatment. She asked Sunil Dutt to work for the day when the poor people will have access to modern medical care in India.

The cancer ultimately took the life of Nargis and after her death, Sunil Dutt established a charitable Foundation in the memory of his beloved wife, and has since been working to fulfill her dream of providing advanced medical care to cancer patients in India. The objective of the Foundation is to acquire sophisticated medical equipment, supplies and medicine in the U.S. and send it to India. Beside the parent chapter in New York, the Foundation currently has chapters in Detroit, Los Angeles, San Francisco, Toronto, and London (U.K.).

The Foundation has sent to India several hundred thousand dollars worth of equipment and helped establish cancer units in two hospitals.

Sunil Dutt very faithfully comes to the United States each year to help various Nargis Dutt Memorial Foundation chapters to raise money for the cause. The money is left here to purchase equipment and no cash is sent to India.

He is now a man with a mission of raising funds, buying modern equipment to be sent to India to provide better health care for the common people. Dutt has received many prestigious awards and honors and continues to work to fulfill the dream of his wife, meeting his own commitment to the great cause.

Mr. Speaker, at this time, I ask that my colleagues please join me in saluting Mr. Sunil Dutt, and the Indian community in southern California for making this world a better place to live in.

FEDERAL MILK PRICING—AN ISSUE OF FAIRNESS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. ROTH. Mr. Speaker, today in Eau Claire, WI., a historical change is beginning in American agriculture. It is on this day that the first of many hearings around the nations on the Federal milk marketing orders is taking place. America has prided itself in being a fair nation, and reform of the milk marketing orders will bring this fairness to our farmers and consumers. Many proposals will be heard, including one that is modeled after legislation I sponsored, H.R. 501, the Milk Marketing Reform Act of 1989.

I had the opportunity to submit testimony at the first hearing that was held today, and I would like to submit a copy of my testimony to the RECORD.

TESTIMONY OF HON. TOBY ROTH

MILK MARKETING ORDERS

The federal milk marketing order system was established in the early 1930s to ensure a safe and adequate supply of milk. It also was meant to safeguard dairy farmers and consumers against great price swings and encourage regional milk production. Now, however, this system has become outdated and economically unsound. More importantly, these policies have severely hurt upper midwestern dairy farmers and Wisconsin farmers in particular. Midwest farmers have been trying to fight in the milk market with one hand tied behind their backs, and they can no longer afford this disadvantage.

Under the current order system, Wisconsin farmers receive the Minnesota-Wisconsin base price, which is calculated from surveys of what grade B milk producers are paid for their milk.

The class I price of milk is then calculated from the basic Minnesota-Wisconsin price and based in Eau Claire, Wisconsin. Since the base price for the Nation is the M-W, transportation differentials are then factored into the price of class I fluid milk. This gives higher prices to farmers the farther away they are from Eau Claire.

The effect of the current orders system has been to shift milk production to the west and southwest. The orders have long ago fulfilled their purpose of allowing areas with milk deficits, especially in the southwest, to meet their regional demands. Now, however, the orders have created milk surpluses in these areas and will continue to create more in the future.

A uniform playing field must be provided for all the Nation's farmers. To do this, the Federal order system should be consolidated and its inadequacies eliminated.

That is why I am proposing a plan to establish 4 to 8 regions with their own basing points. These regions would have a class I use of less than 60 percent and would be assigned the same cost differentials. This will efficiently supply milk to areas in need and bring fairness back to the order system.

Multiple basing points and fewer order regions will allow areas with deficit milk situations to pay differentials calculated from the nearest source of milk, not from Eau Claire, Wisconsin.

Under the multiple-basing point plan, new basing points will be established in the corn belt and northern plains. The corn belt and Kentucky-Tennessee exports will supply southern deficit regions such as Florida with enough fluid milk. Fluid milk would follow more common sense patterns and manufacturing milk availability would be assured for the upper midwest.

USDA figures show imports into the southern plains will decline 94 percent. The need for marketing from the Mid-Atlantic region to the Northeast would be eliminated if both regions are established as basing points.

The multiple basing point alternative will still have the stabilizing influence of an order system but will lower differentials around the country. This will be good news for consumers. For example, a six-region system would lower consumer prices an average of 6 percent and CCC expenditures 19 percent.

The multiple basing point plan I have proposed will reduce the high interregional milk marketing costs which plague the dairy industry under the current system and will make the milk industry more market-oriented.

We are entering into a new era of freer markets and less government money being spent on agriculture, including commodity credit corporation purchases. It is time to realize this and establish a common-sense, realistic plan that will be accepted by all producers in the country. I believe the multiple-basing point concept is the answer. In the long run it will give farmers and manufacturing plants the fair prices they deserve when rightful marketshare is restored to traditional dairy producing states.

LETTER OF COMMENDATION TO WILLIAM THOMAS SKINNER OF THE U.S. NAVY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. PURSELL. Mr. Speaker, let me take this opportunity to share with my colleagues the letter of commendation that one of my constituents, Ensign William Thomas Skinner recently received. We congratulate him for his efforts

LETTER OF COMMENDATION

The Commander Naval Surface Group Western Pacific, Commander Task Force Seventy-Three and Commander Task Force Seventh-Five takes pleasure in presenting William Thomas Skinner, Ensign, Supply Corps, United States Navy a Letter of Commendation for service as set forth in the following citation:

"For outstanding performance as S-4 Division Officer in USS *Niagara Falls* [AFS 3] from September 1989 to March 1990 while deployed to the Western Pacific and Indian Ocean. Ensign Skinner consistently performed his demanding duties in an exemplary and highly professional manner. Displaying exceptional skill and resourcefulness, he led his undermanned division in not only the fulfillment of its mission but in the breaking of new sales records for the Ship's Store. He moved hundreds of lifts as a Flight Deck Officer without one being missent and set the standard for performance among the junior officers on board, and completed his Surface Warfare Supply Corps Officer qualifications despite his

heavy workload. His diligent efforts and resourcefulness inspired all who observed him and contributed significantly to the successful accomplishment of *USS NIAGARA FALLS'* mission. Ensign Skinner's exceptional professionalism, initiative and loyal dedication to duty reflected great credit upon himself and were in keeping with the highest traditions of the United States Naval Service."

G.L. CHESBROUGH,
Rear Admiral,
U.S. Navy.

U.S. ECONOMIC ASSISTANCE TO THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. HAMILTON. Mr. Speaker, I initiated correspondence with the Department of State on June 26, 1990, with respect to discussions between President Gorbachev and President Bush on the topic of United States economic assistance to the Soviet Union. On August 14, 1990, I received a reply from Secretary Baker which outlines United States-Soviet discussions on this topic during the course of the past year. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 26, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to ask some questions with respect to the recent Washington visit of President Gorbachev.

Following this visit, there were a number of reports that President Gorbachev had asked the United States to provide forms of economic assistance to the Soviet Union.

My first question is: Did President Gorbachev raise the subject of U.S. assistance?

If such a discussion occurred, I would like to know more about the details. Specifically:

What did the Soviet leader say he needed: Credits or credit guarantees; direct financial assistance; technical assistance; humanitarian assistance; or other assistance?

What amounts of assistance were discussed?

What was the response of the United States to the Soviet approach on assistance issues?

I appreciate your consideration of this letter and look forward to an early reply so that this issue can be explored further in July.

With best regards,
Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

THE SECRETARY OF STATE,
Washington, DC, August 14, 1990.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives.

DEAR LEE: Thank you for your letter of June 26 requesting details on the discussions between President Bush and President Gorbachev during the Washington Summit on the subject of U.S. economic assistance to the Soviet Union.

Our high-level discussions with the Soviets on economic issues date from the Wyoming Ministerial in September 1989. The dialogue continues and to date has covered such topics as the transition to a market economy, the development of competition and competitive enterprises, the development of modern financial structures, ruble stabilization, and the need for full property rights.

At Malta in December 1989, the President told President Gorbachev that he would be prepared to waive the Jackson-Vanik Amendment to the 1974 Trade Act if the Soviets adopt and implement emigration legislation meeting international standards. Toward that end, we negotiated a Trade Agreement that was signed in June 1990 and are now engaged in negotiations with the Soviets on a bilateral investment treaty to improve the investment climate for U.S. investors in the Soviet Union. The President also indicated at Malta a willingness, once Jackson-Vanik is waived, to explore with Congress the removal of the Marxist-Leninist provisions of and the Stevenson Amendment to the Export Import Bank Act and the Byrd Amendment to the 1974 Trade Act. These provisions currently effectively deny access by the Soviet Union to U.S. credits and loan guarantees.

The President also proposed at Malta a set of specific proposals for technical cooperation designed to help the Soviets identify the issues involved in adopting a market-oriented economic strategy and to implement such a strategy. Several of the projects proposed at that time have now been completed and involved discussions with U.S. and Soviet government officials, non-official Soviet proponents of market reform, and the U.S. private sector. These projects include the following:

In October 1989, Federal Reserve Chairman Greenspan visited Moscow for discussions with Soviet officials and policy makers.

In February 1990, the Department of Commerce and the Small Business Administration hosted a Soviet delegation to study small businesses and how governments support their development.

Also in February, we hosted talks in Washington with a Soviet delegation, organized in part by the New York Stock Exchange on the development and regulation of securities and commodities exchanges.

In March, Soviet Finance Minister Pavlov and Gosbank Chairman Gerashchenko met with senior Administration officials and with Congressional members on macroeconomic and finance policy issues.

In April, Council of Economic Advisors Chairman Boskin visited the USSR to discuss economic reform and technical cooperation with Soviet policy makers and economists.

Also in April, the Bureau of Labor Statistics signed a Memorandum of Understanding with Soviet counterparts to expand cooperation in the development of statistical data.

Again in April, CPSU Central Committee official Ladygin led a delegation to Washington for talks at Treasury, the Federal Trade Commission (FTC), Justice, and State on anti-trust policy. At Ladygin's request, Justice and the FTC provided comments on Soviet draft anti-monopoly legislation.

At the Washington Summit, President Gorbachev spoke about the need for Western economic assistance to help the Soviet Union make the transition to a market-oriented economy. He referred to the need for financial assistance but did not identify any specific needs or figures. President Gorbachev also stressed the Soviet Union's interest in normal trade relations with the United States. President Bush made clear that the United States was prepared to offer technical cooperation to help the Soviet Union move toward a market-based economy. Gorbachev expressed interest in cooperation of this kind, but he was not specific on what technical cooperation needs and priorities he has.

Prior to the Houston Summit, President Gorbachev wrote to the President in his capacity as host of the Summit, regarding Western economic and financial assistance to the Soviet Union. This subject was discussed at Houston, and the Summit partners agreed that technical assistance should be provided now to help the Soviet Union move to a market-oriented economy. The Summit partners also noted that the prospects for meaningful and sustained economic assistance would be improved by further Soviet decisions to introduce more radical steps toward a market-oriented economy, to shift resources substantially away from the military and to cut support to nations promoting regional conflict. They agreed to ask the International Monetary Fund, the World Bank, the Organization for Economic Cooperation and Development, and the designated President of the European Bank for Reconstruction and Development, in consultation with the European Community, to study the Soviet economy, make recommendations for its reform and establish criteria for Western assistance that would support these reforms. This study should be completed by the end of this year.

To follow up the results of the Houston Summit, I proposed during my meeting with Foreign Minister Shevardnadze in Paris, July 18, the expansion of technical cooperation and gave him a list of additional projects for consideration. These include initiatives such as:

Market Economic Education to provide general economic education to Soviet officials, students, and the general population.

Distribution System to explore the possibilities of using our bilateral transportation agreement to support private sector projects, particularly in the area of freight transport by rail.

Market Pricing and its role in the operation of a market economy.

We will be pursuing this expansion of technical cooperation with the Soviets to develop projects which meet Soviet needs and interests and which are consistent with U.S. interests.

The Soviet Union has approached the United States to request financial credit guarantees for exports of U.S. agricultural products. The Department of Agriculture informed the Soviets in May that a waiver of the Jackson-Vanik Amendment to the 1974 Trade Act would be required for the Soviets to be eligible for such credits, which in turn hinges upon passage by the Soviets of their proposed emigration bill.

I hope this information will be useful to you.

With best personal regards,
Sincerely yours,

JAMES A. BAKER III.

BETH-EL HONORS RABBI MYRON BERMAN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. BLILEY. Mr. Speaker, on Sunday, September 9, 1990, Temple Beth-El will honor Rabbi Myron Berman on the occasion of his 25th anniversary of service to the congregation and the Richmond Jewish community.

The program will begin at 2:30 p.m. in the sanctuary and will have several notable speakers, namely: Gerald Baliles, former Governor of Virginia; Bishop Walter Sullivan; Most Reverend Father Constantine Dombalis; Dr. John Ruskay, vice chancellor of the Jewish Theological Seminary of America.

The procession of all the dignitaries will precede the program and Mr. Alvin Lehman, president of Beth-El, will welcome the congregants and guests. Other participants will be Cantor Error Helfman, the Beth-El Choir, and Mr. Yakov Tulchinsky, principal violist with the Richmond Symphony. Rabbi Aaron Koplin will offer the invocation and Rabbi Joel Chaizen will deliver the benediction.

A Holocaust Torah will be presented to the temple commemorating Rabbi Berman's 25 years of dedicated service. The presentation will be made by Mrs. Jack Fine and Mr. Milton J. Lewis.

Mr. Richard November will serve as program director, and the program will close with a recessional, to be followed by a reception in the social hall.

Mrs. Joy Gerson, chairman of the tribute committee, noted that Dr. Myron Berman has been honored by many religious and communal organizations.

It is rare that a synagogue has the honor of celebrating a Rabbi's 25th anniversary. In the long history of Richmond, this is only the third time that a Rabbi has been so honored—it is a first for Beth-El.

Rabbi Berman came to Temple Beth-El in August 1965 after serving as associate Rabbi for Beth-El in Cedarhurst, NY for 7 years. A graduate of City College in New York, he received his MA and Ph.D. from Columbia University. He is a graduate with honors from the Rabbinical School of the Jewish Theological Seminary where he also received a BHL from its seminary college as well as a MHL and a honorary DD degree. The first Rabbi to serve as president of the Richmond Area Clergy Association, he received the Richmond City Medallion for communal service and later was honored by the National Conference of Christians and Jews. Recently, he received a citizens award from the Henrico Police Department.

He previously served as chairman of the board of education for the seaboard region of the United Synagogue and participated in the Richmond's first federation-sponsored mission to Israel. Subsequently he has led several groups to Israel. Through his efforts, Beth-El led all congregations in the State of Virginia for 2 years in raising $100,000 in Israel bonds at the Yom Kippur appeal.

He is the author of "Richmond's Jewry Shabbat in Shockoe 1769-76" and "The Attitudes of American Jews Towards East European Jewish Immigration, 1881-1914." Book reviews by Rabbi Berman have appeared in the American Historical Review and in the Journal of American History among other periodicals. He is also the author of numerous articles as well as the television videotape which appeared over WCVE, Jewish Currents in the James.

A member of the Virginia-Israel Commission, appointed by Governor Baliles, he authored the introductions to both Holocaust curricula published by the State of Virginia, and he is also a consultant to the State's commission on social studies. Most recently, he served as a member of the Henrico 2000 Committee which forecasted trends in education for the next decade.

Cited by Hadassah Magazine and Surroundings as among Richmond's most influential citizens, he served as chaplain in the United States Air Force, serving in New Mexico and Japan. Today he serves as chaplain for the Jewish War Veterans.

Rabbi Berman and his wife, Ruth, have two children, Barrie and Gregg, who have recently married and are practicing attorneys.

THE SALVATION ARMY: 100 YEARS OF GIVING TO THE PONTIAC-NORTH OAKLAND, MI AREA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. BROOMFIELD. Mr. Speaker, on September 11, 1990, the Salvation Army will celebrate 100 years of service in the Pontiac-North Oakland, MI area. From the beginning this was a military occupation that was welcomed with open arms.

The parent body, which celebrates its 125th anniversary this year, may be the most far-reaching military organization in the world. It serves millions of people through 15,000 centers and outposts in 90 countries.

The Salvation Army serves the whole man—and woman. Its volunteers believe in a balanced ministry that cares for the needs of both the body and the spirit. As one of them put it, the "s" on their uniforms stand for "soup, soap, and salvation."

To me, their greatest virtue is their selflessness. They lead not only by exhortation, but by example. It is an army of volunteers that join not to do well, but to do good.

I have seen army members spending many a cold Michigan night raising their banners, setting up kettles and ringing their bells so that the warm spirit of Christmas could be shared by the poor and homeless.

The Salvation Army can be justifiably proud of its 100 years of service in the Pontiac-North Oakland area, and I hope that the people they serve can count on many more years of their inspiring ministry.

FAMILY COUNSELING SERVICES OF GREATER MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to thank and commend the Family Counseling Services of Greater Miami [FCS], which will honor University of Miami president, Edward T. "Tad" Foote II for his dedication to the community, particularly as chairman of the Miami Coalition for a Drug Free Community. This occasion, which will take place on September 26, 1990, at the Biscayne Bay Marriott, also serves to thank the many volunteers and dedicated staff who have made the Family Counseling Services a success story since its founding in 1917.

It is the longstanding goal of FCS to make the world a better place by going directly to the source of our very being—the family. Countless programs and projects offered, such as the Comprehensive Counseling Centers, Project Self-Esteem, Operation Mainstream, Positive Start, AIDS Education and Prevention Project, Employee Counseling Services and Community Education, focus on the emotional and psychological as well as educational and health needs of the family.

On behalf of the many people who have benefited from the selfless efforts of FCS of Greater Miami, I extend my heartfelt appreciation to the following: Carl E.B. McKenry, president; Betty L. Alvarez, vice president; Errol J. Simmons, vice president; Greta Shulack, secretary; Felix Castillo, treasurer; Larry E. Adams, Sr., Jose Antonio Alvarado, Ph.D., Vashti Armbrister, Lettie J. Bien, Marilyn Cesarano, Polidecto Correa, O.D., John F. Cosgrove, Carol B. Courshon, Elvira M. Dopico, Ana Maria Haar, Phil Hamilton, Jr., David Kirsh, M.D., James A. Long, Carmen Morris, Van Myers, Douglas L. Oppenheimer, Jose Ramon Rodriguez, Jose B. Sanchez, Fred Seligman, M.D., Harriette S. Sherman, William J. Sipes, Jr., Anna A. Wyche, Albert L. Harriett, as well as the staff and the countless volunteers.

In an age of voluntarism, the Friends of the Family is a group of concerned individuals whose contributions advance the meaningful accomplishments of FCS. A nonprofit agency, FCS strives to strengthen family ties in Dade County through educational classes, groups, and training seminars for professionals. It should be of great comfort to us all to know that such an organization exists which helps people to reach their best potential.

FCS believes that no one is out of their reach of help. They care enough to help anyone in need of their assistance, from the 6-year-old child whose parents are in the midst of a bitter divorce to the 13-year-old drug abuser to a 68-year-old widow facing the fear of eviction to the recently laid-off mother of two seeking employment to the person suffering from AIDS and the prejudice and callous treatment that often accompanies this disease. It is the strong commitment of FCS of Greater Miami to combat the problems we encounter in modern life.

TRIBUTE TO SAMSTON (SAM) LITTLETON

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. DYMALLY. Mr. Speaker, I rise today to recognize the accomplishments of Sam Littleton, a trustee of the Compton Unified School District and a longtime friend who will be honored on September 8, 1990, for a distinguished career serving the people of the 31st district and southern California in the health sector.

During his early career, Sam Littleton worked as a mail carrier for the cities of Los Angeles and Compton at various intervals until he became disabled. However, he did not let his disability dissuade him from continuing to be a productive citizen. He enrolled, in middle age, at Compton Community College earning an AA degree and continued his college education at California State University, Los Angeles where he received his bachelor of arts degree in 1969. Still motivated for higher education, he applied and was accepted into the graduate program in social work at UCLA where he completed his studies for a masters degree in 1971.

Mr. Littleton's primary ambition was to become a social worker at the new King/Drew Medical Center and he was subsequently hired in April 1972, 1 month after the hospital opened its doors. Since that time, he was promoted to senior clinical social worker from 1972 until present, he has worked as the lone social worker on the evening shift in the emergency room at King/Drew—a position new and unique, at the time, in clinical social work.

In his assignment, he has assisted thousands of bereaved and grieving families; assisted many homeless persons in finding shelter; counseled many individuals with substance abuse problems; women who were victims of rape; elderly individuals who were confused and did not know their identity; made many home visits in the community to assist families in adapting to the grief process; responded to thousands of requests from inpatient hospital units requiring social work services during the evening hours when most social agencies in the community were and still are closed. He has been a champion for patient rights and utilized advocacy as a natural part of his role as a social worker.

His longevity in working the evening shift—4 p.m. to 12:30 a.m.—for 18 years is remarkable in its own right since the high pressure environment of the emergency room/trauma center has inherent characteristics that lead to staff burnout. His 18-year reign as the evening social worker has endeared him to many families, employees, and coworkers at the medical center and he will be sorely missed upon his retirement.

A VA CLINIC FOR NORTHEAST WISCONSIN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. ROTH. Mr. Speaker, today I have introduced H.R. 5550, to direct the Secretary of Veterans Affairs to establish a veterans' outpatient clinic in northeast Wisconsin.

This bill is the latest step in my efforts to improve the VA health care system for thousands of veterans in northeast Wisconsin. In February, more than 700 veterans participated in my congressional forum on veterans issues, held in Depere, WI. Veterans Affairs Secretary Derwinski was the featured guest, along with leaders from national veterans organizations and officials from the Department of Veterans Affairs.

At the February forum, veterans identified this proposed clinic as their top priority. To help build additional support, more than 2,000 veterans signed a petition endorsing the clinic. I presented their petition to Secretary Derwinski in May.

Subsequently, I have communicated regularly with Department officials, culminating in a meeting with the Secretary in which he promised priority attention to this proposal.

Now the time has come to put this proposal into legislation and to ask the support of my colleagues.

It is vitally important that we continue to refine the veterans health care system, to meet the evolving needs of those who have sacrificed to defend our country. I know that Secretary Derwinski is committed to that goal. Enactment of this bill will help fill a significant need in northeast Wisconsin, and I urge my colleagues to study this legislation and work with me to make this clinic a reality.

H.R. 5550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) IN GENERAL.—To carry out the recommendation concerning the need for a satellite outpatient clinic in northeast Wisconsin that was made by the Task Force on Access to Care and Rural Outreach of the Central Region Office of the Department of Veterans Affairs in the report of that task force that was made in May 1987, the Secretary of Veterans Affairs shall establish and maintain such an outpatient clinic in that area for the provision of outpatient care directly by the Department of Veterans Affairs.

(b) USE OF EXISTING FACILITIES.—So that medical care can be provided through such clinic in a cost-effective manner as soon as practicable after the date of the enactment of this Act, the Secretary shall seek to locate the clinic at a suitable existing facility that is vacant or underutilized, if such a facility is reasonably available and meets the requirements of the Department of Veterans Affairs.

(c) DATE FOR PROVIDING SERVICES.—The Secretary shall begin providing medical services from the outpatient clinic established pursuant to this section no later than October 1, 1991.

PUT OIL COMPANY WINDFALL PROFITS TO WORK FOR U.S. TAXPAYERS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. KANJORSKI. Mr. Speaker, today I am introducing legislation to resolve taxpayer anger over two of our most pressing problems: Price gouging by major oil companies, and the cost of the savings and loan cleanup.

My bill would save taxpayers billions of dollars in savings and loan cleanup costs by reinstating the old windfall profits tax on oil companies and dedicating the proceeds to the Resolution Trust Corporation.

By providing as much as $15 billion a year for the savings and loan cleanup we will also be saving taxpayers, and future generations, hundreds of billions in interest rate costs for the cleanup.

Mr. Speaker, American consumers are already paying billions of dollars in unjustified windfall profits to the multinational oil companies, which are increasingly owned by Middle Eastern interests, as a result of the crisis in the Middle East and the resulting near doubling in oil prices. It is time we put those funds to work for the taxpayer.

I would like to share with my colleagues a summary of my bill and an explanation of how it operates. As our colleagues meet with the administration at Andrews Air Force Base I hope they will incorporate this proposal into the bipartisan budget agreement.

BENEFITS

A windfall profits tax raises substantial revenues without imposing any additional burden on average taxpayers. It uses definitions and mechanisms from prior law which are well understood, easy to implement, and above all, fair. It turns adversity into an asset. It enables us to pay for a significant portion of the S&L cleanup today rather than running-up hundreds of billions of dollars of interest for our children to pay.

REVENUES

More than $15 billion a year would be raised by a windfall profits tax assuming an oil price of $30/barrel and thus a windfall of $8.50/barrel and a tax rate of 60 percent of the windfall (the midpoint between the rates on major oil companies and independents). Between 1980 and 1988 (when the original windfall profits tax was repealed) it raised $80 billion, with a high of more than $22 billion in 1982. This could pay for the entire savings and loan cleanup in less than a decade. In addition, for every dollar the price of oil rises over $30/barrel an extra $3 billion is generated.

EFFECT ON FUTURE OIL PRODUCTION AND EXPLORATION

None since the market price of oil is still below the base price of "new" oil. In addition, even if the market price did rise above the base price, the tax rate on new oil is relatively

low and producers would still receive more than twice as much for each barrel as they did only a few months ago, more than enough of an incentive to keep drilling.

IMPACT ON OIL PRICES AND CONSUMERS

None since it only taxes windfall profits and the oil companies do not have the ability to raise the price of oil above the level set by the cartel. Consumers are already paying higher prices, it is up to us to recapture part of the oil companies' windfall profits. As recent events have amply demonstrated, oil prices only rachet up. While companies always pass increases in wholesale prices along to consumers, they rarely, if ever, pass along decreases.

EQUITY

The last boom and bust in the economy of the oil patch is responsible for a significant portion of the cost of the savings and loan crisis. Reinstating the windfall profits tax will have a leveling effect on the economy of the Southwest and will relieve taxpayers of some of the cost of resolving the thrift crisis.

MECHANISM

The windfall profits tax divides all oil into three tiers: Tier I ("old" oil), Tier II (oil from stripper wells and the Naval Petroleum Reserve) and Tier III ("new" oil and expensive to extract heavy and tertiary oil).

A tax is imposed on the difference between the actual sales price and a base or reasonable price established before the oil cartel started manipulating supplies and prices. Tier I has the lowest base price, while tier III has the highest base price. Base prices are adjusted quarterly for inflation, and tier III new oil receives a special adjustment 2 percent above the rate of inflation.

Tier I windfall profits are taxed at a higher rate than tier II or tier III windfall profits. Tier I and tier II windfall profits of small independent producers are also taxed at a lower rate than the windfall profits of major multinational oil companies.

	Estimated base price	Tax rate for major producers (percent)	Tax rate for independent producers (percent)
Tier I (old oil)	$21.50	70	50
Tier II (stripper wells and Naval Petroleum Reserve)	26.25	60	30
Tier III			
Heavy and tertiary	34.50	30	30
New oil	34.50	22.5	22.5

EXAMPLE WITH OIL AT $30/BARREL

Tier III (new) oil is not taxed at all because the base price is above the sales price. For Tier II oil, the windfall is $30–$26.25 or $3.75/barrel, major producers pay a tax of 60 percent of that windfall ($2.25/barrel) and independents pay a tax of 30 percent of their windfall ($1.13/barrel). For Tier I (old) oil, the windfall is $30–$21.50 or $8.50/barrel, major producers pay a tax of 70 percent of that windfall ($5.95/barrel), and independents pay a tax of 50 percent of their windfall ($4.25/barrel).

27 MEMBERS ADD NAMES TO AMICUS CURIAE BRIEF

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, this week I joined with 26 of my distinguished colleagues in the House of Representatives in adding our names to an amicus curiae brief prepared by our distinguished former colleague and long-time chairman of the Judiciary Committee, Peter Rodino. The issue concerns a dispute between an American automobile distribution company in Maryland and Toyota, the Japanese automobile manufacturer.

In 1987, the distributor, Mid-Atlantic Toyota of Glen Burnie, MD, was attempting to hold on to its contract to distribute Toyotas in Maryland, Pennsylvania, Virginia, West Virginia, Delaware, and the District of Columbia. It brought its dispute to the Congress and this led Toyota to extend the contract, but not before Toyota had inserted an astounding paragraph. In essence, Mid-Atlantic Toyota was forced to agree that they would not "directly or indirectly, take any political actions at the local, State or Federal levels that are contrary to any business objectives of Toyota."

This gag order in effect, is an intrusion into the public process of our Government. The amicus curiae brief that I have joined asks a Federal court to remove this interference with an American firm's first amendment rights. If Toyota's efforts succeed, the right of a constituent to petition the Congress would have been violated and greatly reduced. I urge my colleagues to support us in this matter by adding their names of the amicus curiae brief.

Mr. Speaker, I will include in my remarks, the entire amicus curiae brief and the names of my colleagues who have already joined in this action.

As of 12 noon on August 3, 1990, the following Members have agreed to support the amicus brief:

Hon. FRANK J. GUARINI.
Hon. HOWARD BERMAN.
Hon. BEN JONES.
Hon. CHARLES WILSON.
Hon. MARCY KAPTUR.
Hon. BRUCE A. MORRISON.
Hon. JACK BROOKS.
Hon. EDOLPHUS TOWNS.
Hon. BENJAMIN GILMAN.
Hon. HELEN BENTLEY.
Hon. BENJAMIN CARDIN.
Hon. NANCY PELOSI.
Hon. EDWARD FEIGHAN.
Hon. JOHN G. ROWLAND.
Hon. THOMAS E. PETRI.
Hon. SONNY CALLAHAN.
Hon. JOHN CONYERS, JR.
Hon. BOB LIVINGSTON.
Hon. JILL LONG.
Hon. NICK JOE RAHALL II.
Hon. BOB MCEWEN.
Hon. BILL LEHMAN.
Hon. ROBERT TORRICELLI.
Hon. NICK MAVROULES.
Hon. ROBERT ROE.
Hon. BILLY TAUZIN.

[In the U.S. District Court, Central District of California, No. 90-3504 (JGD)]

FREDERICK R. WEISMAN, AN INDIVIDUAL, FREDERICK WEISMAN COMPANY, A DELAWARE CORPORATION, AND MID-ATLANTIC TOYOTA DISTRIBUTORS, INC., A DELAWARE CORPORATION, PLAINTIFFS, *v.* TOYOTA MOTOR SALES, U.S.A., INC., A CALIFORNIA CORPORATION, DEFENDANT

MOTION FOR LEAVE TO FILE A MEMORANDUM AMICUS CURIAE AND MEMORANDUM AMICUS CURIAE IN SUPPORT OF THE PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

This Motion is filed by XX Members of Congress, each of whom is a duly elected legislator now serving in the United States House of Representatives. The office of each movant is described in detail in Exhibit A. We seek leave to file this Memorandum amicus curiae to stress the importance of the First Amendment Right of Petition to the Congress and the American people. While we fully support the plaintiffs' efforts to secure their individual rights to communicate with Congress, we are equally, if not more, concerned with the protection of the right of Congress to receive communications from the plaintiffs and others, a right that is essential to the maintenance of representative democracy. Our interests are different than those of the plaintiffs, and while our views complement and support theirs, our memorandum seeks to inform the Court of certain aspects of the law, history and role of the First Amendment that are of unique importance to us as Members of Congress. We therefore ask the Court to grant this Motion and accept this Memorandum as part of its consideration of the plaintiffs' motion for a preliminary injunction.

We have received consent from counsel for the plaintiffs [and counsel for the defendants] to file this Motion and the accompanying Memorandum. We therefore move this Court to accept and consider this Memorandum.

PRESERVATION OF AN ABSOLUTE, UNWAIVABLE RIGHT TO COMMUNICATE FREELY WITH CONGRESS IS ESSENTIAL TO THE MAINTENANCE OF A REPRESENTATIVE FORM OF GOVERNMENT

The "gag provision" at issue in this case would, if enforced, preclude the Mr. Weisman and his companies from communicating with Congress in any manner that Toyota considers "contrary to [its] business interests." That restriction is extraordinarily broad and, to the best of our knowledge, unprecedented. The provision represents a shocking assertion of private power to interfere in the public process of governance. In our view the provision is facially inconsistent with the history, purpose and implementation of the First Amendment. It also represents a substantial threat to the ability of Congresss to carry out its constitutional function of legislating for the welfare of the American people.

A. The Right of Petition in Our Constitution Was Intended to Preserve Full, Free and Unihibited Access to Congress

The First Amendment not only guarantees "freedom of speech," it specifically guarantees "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." While "freedom of speech" has often been the object of judicial interpretation, the "right of petition" has rarely been litigated. The absence of litigation is no indication of any diminished importance of this right. It is, instead, an indication of the unquestioned

importance of the right and a testament to the rarity of efforts to interfere with the exercise of the right.

The "right of petition" was not born in the United States, but finds its roots deep in our English common law tradition. King John guaranteed his subjects the right of petition in 1215 when he agreed to the Magna Carta. One of the central provisions of that covenant, found in clause 61 of the original version, established a council of 25 barons who were guaranteed the right, on behalf of all the king's subjects, to advise the king if he was "any respect delinquent toward any one or transgress any article" of the Magna Carta. King John, in a royal tone well known to the English barons, agreed that if any such delinquency were "shown to four barons of the aforesaid twenty-five barons, those four barons shall come to us . . . to explain to us the wrong, asking that without dealy we cause this wrong to be redressed." Magna Carta, clause 61 of the original version, as reprinted in C. Stephenson & F. Markham, Sources of English Constitutional History (Harper & Bros. New York 1937) at 125.

The English kings were, unfortunately, not always ready to stand behind King John's promise. After a series of punishments inflicted by their predecessors on petitioners for the King's redress, William and Mary were required to acknowledge in 1688 that "[I]t is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal." Statute of 1 Wm. & Mary, Sess. 2, c.2 (1688).

The importance of the right of petition was recognized in colonial America. England's failure to consistently recognize this right was one of the colonists' complaints that led to the Declaration of Independence. In its very first resolution, the first Continental Congress adopted the first American Bill of Rights, including in it our own version of William and Mary's promise:

"[T]he inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights:

* * * * *

"That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same are illegal."

It was from these established roots that the First Amendment grew. The Framers did not invent a new right in 1791, they acted only to confirm what had been the right of our English ancestors for centuries—the right freely, openly and without fear of punishment to communicate with the Government.

B. Congress Has Repeatedly Legislated to Insure Open And Undeterred Access From the People to The Legislature

The First Amendment guarantee of an unfettered "right of petition" has not always been respected by the Government, but the Congress has repeatedly acted to insure that the lines of communication between it and the people remain open. President Taft issued an Executive Order prohibiting federal employees from testifying directly to Congress. (Ex. Order No. 1142) Congress responded with a law intended to guarantee that government employees had the same right to access to Congress that the First Amendment guaranteed to other citizens. Section 6 of the Post Office Appropriations Bill of 1912 provided that "[t]he right of persons employed in the civil service of the United States * * * to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with." (Ch. 389, § 6, 37 Stat. 539, 555) The purpose of the bill was plainly stated by Congressman Rouse:

"Mr. Chairman, all of us are familiar with what is known as the 'gag rule'; the officers of the Government, the employees of every department are by this rule denied that right which is given them by the Constitution. * * * This bill also gives to the employees * * * the right to present their grievances to Congress or any member thereof. * * * This provision simply places all employees on the same footing with all other American citizens, which should never have been otherwise, and restores to them the rights guaranteed by the Constitution." (48 Cong. Rec. 5080)

That provision remains a part of the law to this day. (5 U.S.C. § 7211)

At least three other congressional actions evidence the public importance of insuring open communications with Congress. Section 1505 of Title 18 makes it a crime to "corruptly * * * intimidate, or impede any witness * * * in connection with any inquiry or investigation being had by either House, or any committee of either House." Section 192 of Title 2 punishes false testimony before Congress. The Civil Service Reform Act of 1978 contained a provision making the improper dismissal of "whistleblower" a prohibited personnel practice. 5 U.S.C. § 2302(b)(8). Each of these laws is designed, at least in part, to insure that Congress can be informed by those who are aware of the facts that Congress must know to protect the public interest.

C. Unfettered Communications Between the People and the Congress is Essential to Effective Legislation in the Interests of all the People

In most First Amendment cases the focus is on the rights of the individual to speak out in the face of governmental restraint. In most First Amendment cases the courts are called upon to guarantee the rights of individuals that may be threatened by opposition from the majority. That traditional situation is not present in this case. What is at issue here, in our view, is not merely an issue of individual freedom, but an issue of insuring a collective right essential to the maintenance of a representative democracy.

Although the "right of petition" finds its roots in an effort to guarantee individuals access to their sovereign, that modern freedom also serves to insure an informed legislative process. When our Nation was younger and smaller, legislators were "full time" farmers, businessmen, lawyers and doctors and "part time" public servants. Today being a Member of Congress is a full-time, year-round job. Each of us depends on full, frank and open communications with our constituents and other citizens to inform us so we can legislate in the public's best interest. The First Amendment guarantee of the "right to petition" is the lynchpin of this essential communication. Toyota's "gag provision" threatens that lynchpin.

We have pointed out how Congress has legislated on several occasions to insure open communications between the people and the Government. But sensitivity to the central importance of this communications is not limited to the Legislative Branch. President Wilson recognized the importance of communications with Congress:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself . . . and unless Congress both scrutinize these things and sift them by every means of discussion, the country must remain in embarrassing crippling ignorances of the very affairs which it is most important that it should understand and direct. *The informing function of Congress should be preferred even to its legislative function.*" W. Wilson, Congressional Government at 303 (emphasis added).

The courts have also recognized the importance of open communications with Congress. In *McGrain* v. *Daugherty*, 273 U.S. 135 (1927), the Supreme Court noted that:

"[a] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who possess it." 273 U.S. at 174-75. *See also Barenblatt* v. *United States*, 380 U.S. 109, 111 (1958).

The fact that the "right to petition" guarantees the flow of information *to Congress* as well as *from the individual* was expressly recognized by the court in *Osborn* v. *Pennsylvania-Delaware Serv. Station*, 499 F.Supp. 553, 556 (1980):

"The objective of the "right to petition" clause is not merely to guarantee the opportunity for seeking redress * * * it is also designed to provide some assurance that public decision-makers will be sufficiently informed to carry out their function."

Because the "right to petition" is both a private and a public right, protection of this First Amendment freedom is especially important.

D. The Toyota "Gag Provision" Threatens Effective Communication With Congress and Should be Held Invalid and Unenforceable as a Contract Against Public Policy and the Constitution

We are well aware that the "gag provision" in this case does not arise from any governmental action, but is found in a private contract between two parties, both of whom may be considered substantial economic entities. Nonetheless we urge the Court to hold that the "right of petition" is too important to *all* the people to be bargained away or waived by *some* of the people. In this case one of the parties to the contract now seeks judicial relief from its agreement, but that fact in our view should not control the Court's decision. There are some things the law cannot let private parties agree to do. We need not explain this fundamental proposition to this Court, for the Court is more fully informed on the legal concept than we are. But we urge the court to recognize the fundamental importance to all of us in insuring totally open communications with the arms of Government.

We doubt that any court would enforce a private contract under which one party bound itself not to testify in court on pain of economic punishment. Not only would such provision fail to insulate a witness from contempt or perjury charges, we do not believe a court would countenance imposition of damages on someone who broke a promise to "stand silent" and instead came

forward with pertinent evidence. That refusal to enforce a private agreement should be the reaction in this case as well.

In our view the existence of congressional subpoena power does not alter the adverse consequences of the Toyota "gag provision." While we are confident that a congressional subpoena would override any private agreement not to testify, the Court should appreciate the fact that Congress rarely resorts to subpoenas to obtain information. Our history and tradition is to rely primarily on voluntary testimony, not compulsory process. Moreover, unless Congress is first informed of the existence of a problem, it has no basis to issue a subpoena to obtain information. The Toyota "gag provision" thus has the consequence of cutting off the basic information Congress would need to know before it could initiate any formal inquiry. Moreover, subpoenas can only be issued by committees and individual Members of Congress depend almost entirely on voluntary communications initiated by the public for aquisition of the basic information we need in order to perform our public duties.

We see no valid reason for a court to legitimize a private contract such as the one in issue here. No individual has a legitimate right to attempt to muzzle another party in its communications with Congress. No individual has a right to seek to keep Congress from becoming informed about matters of public interest. While there may be few absolutes in the law, we submit that the rule we urge is an exception to that general principle. It is essential to the concept of representative government that all individuals are free, at all times and under all circumstances, to communicate with Congress. Our Constitution requires it and our collective welfare demands it. We urge this Court to clearly, plainly and promptly declare that "gag provisions" such as the one involved in this case are unlawful, void and repugnant to our laws and our Constitution.

CONCLUSION

For the reasons stated we urge the Court to grant the plaintiffs' Motion for a Preliminary Injunction and declare the Toyota "gag provision" void and unlawful as a matter of public policy.

Respectfully submitted,

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Counsel for Amici.

SENSE-OF-CONGRESS RESOLUTION THAT THE UNITED STATES SHOULD TAP THE STRATEGIC PETROLEUM RESERVE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. TAUKE. Mr. Speaker, today I am introducing a resolution expressing the sense of the Congress that the President should direct the Department of Energy to take all of the administrative steps, including prequalifying of bidders, for the use of the strategic petroleum reserve [SPR], and that the President should authorize a drawdown of the SPR in coordination with other countries holding their own strategic stockpiles of crude oil, such as Japan and West Germany.

Last winter we learned a painful lesson when prices of heating oil doubled and propane prices tripled in December 1989 in large part because of unexpected demand from unanticipated record cold weather and low inventories going into the winter heating season. I am afraid we may be about to endure the same hardships yet again, unless corrective actions are taken now to avoid them.

While a snapshot of the oil supply situation taken today indicates that supplies are adequate, storm clouds are on the horizon. Given the lead time involved in coordinating a drawdown of the SPR with our allies and then going through the administrative procedures associated with using the SPR, prudency dictates that we err on the side of caution and begin taking steps leading to a modest draw down of the SPR, as recommended by many notable energy analysts.

The SPR presently contains over 590 million barrels of crude oil in salt caverns on the gulf coast in Texas and Louisiana. U.S. taxpayers have invested over $20 billion in building the facilities and filling them with oil. The SPR contains the equivalent of 800 days of United States imports of oil from Iraq and Kuwait based on the average rate of 730,000 barrels per day at which we purchased oil from those two countries in the first 5 months of 1990. Once the remaining oil tankers which were loaded with Iraqi and Kuwaiti oil before the August 2, 1990 Iraq invasion of Kuwait and the subsequent United States and U.N. embargoes arrive in the United States in the next few weeks, the United States will need to draw down commercial and Government stockpiles of oil in order to meet likely demand for oil this winter and possibly into next year.

Oil, particularly with market changes in the 1980s, acts like a fungible commodity. As American consumers learned the hard way last month, the price of refined petroleum products like gasoline and heating oil is determined by world supply and demand, and thus by world events. The United States is not an island unto itself when it comes to oil. Thus, we should be paying careful attention to the forecasts that supplies could be very tight by the end of the year and into next year, even with the increased production coming from Saudi Arabia, Venezuela, and other oil producing countries.

The New York Times of August 31, 1990, ran an article based on an interview with a senior official of the International Energy Agency in which the official stated that the worldwide shortage of oil—based on current demand in excess of current production—could rise to more than 500,000 barrels per day in December. An IEA official is quoted as saying that such a shortfall is unmanageable without use of strategic oil reserves. These warnings were confirmed, albeit guised in diplomatic language, in the IEA communique issued following the meeting of the IEA board of governors later on August 31.

Section 161 of the Energy Policy and Conservation Act of 1975 authorizes the drawdown of the SPR if the President finds that it is required by a severe energy supply interruption. The law defines such an interruption as one which is, or is likely to be, of significant scope and duration and of an emergency nature, which may cause adverse economic impact on national safety or the national economy, and which results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God. I believe that the current situation meets the criteria in the law and the Department of Energy concedes as much.

For example, the Northeast-Midwest Congressional Coalition issued a report done by its research institute which found that a 50 percent increase in annual average retail costs for petroleum products would increase oil costs in Iowa by an estimated $1.16 billion, or $250 more per person each year. Similar and in some cases greater increases are estimated for other States. The adverse economic impact from large oil price increases, particularly given the softness in the economy already, is self-evident. The sense of Congress resolution I am introducing puts the Congress formally on record as concluding that the current energy situation and that projected for the near future constitute a severe energy supply interruption within the meaning of the law.

In conclusion, the policy of the United States as declared in section 151 of the Energy Policy and Conservation Act of 1975 is that the purpose of the SPR is to reduce the impact of disruptions in supplies of petroleum products. The Energy Information Administration has advised the Congress through its daily energy situation analysis reports that there is a gross world oil disruption in excess of 4 million barrels per day, only 800,000 barrels per day of which was offset in August. As noted earlier, while increased production elsewhere is increasing, it could very well not be enough. Secretary of Energy James D. Watkins spoke to the IEA in Paris on May 30, 1989, and urged other IEA members to build their own SPR's for use early in a supply disruption. Early use has long been U.S. policy as set by the Congress and as advocated by the executive branch, including the current Secretary of Energy. The resolution I am introducing today reaffirms that important tenet of U.S. energy policy which is vital to the protection of the national economy.

A NEW POLICY FOR THE PERSIAN GULF

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. BROOMFIELD. Mr. Speaker, during the last month, I have had a number of conversations with my fellow Members from both sides of the aisle about events in the Persian Gulf. In my years in Congress, I have never seen such strong bipartisan support for a Presidential initiative in the foreign policy area. President Bush's swift and decisive response to the Iraqi invasion of Kuwait has earned him the praise of Democrats and Republicans, liberals and conservatives.

Perhaps the one thing lacking in this initiative has been a comprehensive statement of America's policy objectives. Yesterday, Secretary Baker appeared before the House Foreign Affairs Committee to give us such a

statement. It was clear, straightforward, thoughtful, and persuasive.

Secretary Baker's statement describes what's at stake in this crisis, what our goals are, and how we plan to achieve those goals. I commend it to any of my colleagues who want a clear statement of America's policy in the Persian Gulf, and ask that it be reprinted in the RECORD.

AMERICA'S STAKE IN THE PERSIAN GULF CRISIS

(Statement by Hon. James A. Baker III)

Mr. Chairman, Members of the Committee: I have come here today to speak to you—and through you to the American people—about the conflict in the Persian Gulf and what it means for the United States.

I would like to use my statement today to place this crisis in a larger context. The entire world has mobilized to redress aggression against a small country in a distant place. Already, we're paying higher prices when we pull up to the local gas pump. And thousands of our finest young men and women now stand guard in the heat of the Persian Gulf.

The President has made it plain we have a straightforward responsibility to the American people: Openly and clearly, we have a duty to state what is at stake as a result of Saddam Hussein's invasion of Kuwait. We have a duty to tell our people what our immediate goals are in this conflict. And we have a duty to explain how we plan to achieve those goals in order to further our long-run interests in the Gulf and beyond.

THE STAKES

Let me start by discussing what's at stake.

First, Iraq's unprovoked aggression is a political test of how the post-Cold War world will work. Amidst the revolutions sweeping the globe and the transformation of East-West relations, we stand at a critical juncture in history. The Iraqi invasion of Kuwait is one of the defining moments of a new era—an era full of promise but also one replete with new challenges. While the rules of the road developed during the Cold War did, in the end, preserve East-West peace in Europe, the task now is to build an enduring peace that is global in scope, not limited just to Europe and not rooted in confrontation and tension.

If we are to build a stable and more comprehensive peace, we must respond to the defining moments of this new era, recognizing the emerging dangers lurking before us. We are entering an era in which ethnic and sectarian identities could easily breed new violence and conflict. It is an era in which new hostilities and threats could erupt as misguided leaders are tempted to assert regional dominance before the ground rules of a new order can be accepted.

Accordingly, we face a simple choice: Do we want to live in a world where aggression is made less likely because it is met with a powerful response from the international community, a world where civilized rules of conduct apply? Or are we willing to live in a world where aggression can go unchecked, where aggression succeeds because we cannot muster the collective will to challenge it?

Sadly, Saddam Hussein's attack on Kuwait will not be the last act of aggression that international society will face. So long as ruthless aggressors remain, the reality of international life is that such predatory designs will emerge from time to time. But the current crisis is a first opportunity to limit such dangers, to reinforce the standards for civilized behavior found in the United Nations Charter, and to help shape a more peaceful international order built on the promise of recent trends in Europe and elsewhere. We must seize this opportunity to solidify the ground rules of the new order.

Second, from a strategic standpoint, we must show that intimidation and force are not successful ways of doing business in the volatile Middle East—or anywhere else. The combination of unresolved regional conflicts, turbulent social and political changes, weapons of mass destruction, and much of the world's energy supplies makes the Middle East particularly combustible. No one is immune from conflicts in the Middle East. And no one can feel safe when the danger of war escalating in the Middle East is so high.

If we want to encourage peaceful change and preserve the security of all our friends in the area, we must remain a reliable partner for peace. We must help demonstrate that Saddam Hussein's violent way is an anachronism, not the wave of the future.

Third, and perhaps most obviously, what is at stake economically is the dependence of the world on access to the energy resources of the Persian Gulf. The effects on our economy and our people are already being felt. But this is not about increases in the price of a gallon of gas at your local service station. It is not just a narrow question of the flow of oil from Kuwait and Iraq. It is about a dictator who acting alone and unchallenged could strangle the global economic order, determining by fiat whether we all enter a recession, or even the darkness of a depression.

A sustained oil price spiral—similar to what happened in 1973 and again in 1979—could easily cause higher inflation and interest rates worldwide, sending us all into a sustained recessionary slide. The burden could become particularly great for the new democracies of Eastern Europe, threatening to undo the revolutions of 1989. It would also be painfully felt in the poorer countries of Central America, South Asia, and Africa—threatening those who are now embracing market-oriented reforms and striving to improve living standards for their impoverished millions.

Simply put, these are the stakes raised by Iraq's invasion against Kuwait. How have we and the international community responded to them?

OUR OBJECTIVES

For the United States, the President has identified four immediate goals:

One, the immediate, complete, and unconditional withdrawal of all Iraqi forces from Kuwait as mandated in United Nations Security Council Resolution 660;

Two, the restoration of Kuwait's legitimate government;

Three, the protection of the lives of American citizens held hostage by Iraq, both in Iraq and in Kuwait; and

Four, a commitment to the security and stability of the Persian Gulf.

Our strategy is to lead a global political alliance to isolate Iraq—politically, economicaly, and militarily. In this way, we aim to make Iraq pay such a high price for its aggression that it will be forced to withdraw from Kuwait and release Americans and others held hostage. This in turn will allow the restoration of Kuwait's legitimate government. It will also improve the opportunities for long-term security and stability in the Persian Gulf in a way that builds on the unprecedented international consensus that has already been formed.

IMPLEMENTING THE STRATEGY

Our strategy has moved on two mutually-supporting tracks toward these aims. Let me summarize our efforts.

Diplomatically, we have worked from the beginning to foster a coordinated international response to Iraq's aggression. The results have been extraordinary and unprecedented. Five unanimous United Nations Security Council resolutions have been passed. And Iran is now isolated.

We are gratified by the responsible and productive work we have been able to undertake with the other Permanent Members—Britain, France, the Soviet Union, and the People's Republic of China—as well as the support the Arab League and the Non-Aligned Movement have provided.

In particular, the Soviet Union has proven a responsible partner, suggesting new possibilities for active superpower cooperation in resolving regional conflicts. The President will work to further strengthen our ties of partnership when he meets President Gorbachev in Helsinki this Sunday. In taking the long view, we should remember what this conflict would have looked like if old-style zero-sum thinking was still driving Soviet policy in the Gulf.

NATO, the EC, and the West European Union have pitched in magnificently. Our NATO ally, Turkey, should also be singled out for its fast, effective, and courageous cooperation. Finally, a broad regional coalition—including Egypt, Saudi Arabia, Kuwait, the Gulf states, and Syria—have done much to foster international cohesion.

In this regard, let me make a larger point: From the early days of this Administration, we have made a concerted effort—with our friends in Asia and Europe, with the Soviets, and with organizations like NATO and the EC—to focus on the explosive dangers inherent in regional conflicts. In response to Iraq's invasion, we have drawn upon the new international ties being shaped by this strategy.

The Kuwaitis themselves deserve our compassion and respect. They have suffered a brutal invasion, their country pillaged, their lives traumatized. There has been a tragic loss of life, and thousands of Kuwaitis have fled to neighboring states, escaping in many cases with only the clothes on their back.

The Kuwaitis, however, are fighting back heroically. They are not collaborating with the Iraqi occupiers. All elements of Kuwaiti society—from religious conservatives to secular liberals—have voiced support for the restoration of the government. An indigenous Kuwaiti resistance has emerged. It carries on the struggle against Iraqi aggression from inside Kuwait. Moreover, the government of Kuwait in exile is providing financial aid to support our military effort and to help alleviate economic disruptions that have occurred in such states as Egypt.

In short, Kuwait has been occupied, not conquered.

The political coalition, bound by the principle that Saddam Hussein must be denied the fruits of aggression, has created an economic embargo under UN auspices that is solidly in place. Iraq's import-dependent economy is beginning to feel the strain, and international pressures will continue to grow over time as shortages mount. Sanction busters may be tempted by the lure of financial profits, but Security Council Resolution 665 which permits enforcement by appropriate means should ensure that Iraq's

opportunities to export its oil and import key materials will be severely constrained over time.

Saddam Hussein's aggression has exacted a broad range of economic costs for countries across both the region and globe. The destruction of the Kuwaiti economy by Iraqi invaders has caused major economic dislocations for our friends in the region, notably Egypt and Turkey. Other countries with fragile economies, especially in Eastern Europe, are bearing heavy costs. The need to offset the burden of our own military efforts must also be addressed.

As the President announced last Thursday, we have initiated an action plan to meet these needs. Our friends around the world are responding. Saudi Arabia is meeting a large share of the fuel costs for this effort. And other Gulf states are providing fuel and financial resources to the affected states.

The President has also asked Secretary Brady and myself to go to key nations in the Gulf, Europe, and Asia to help mobilize and coordinate the international effort. We will attempt to ensure that the costs and responsibilities are shared equitably and that our various efforts complement one another. The aim is to address the vital needs of affected parties and to maintain the solidarity of the international coalition.

Time can be on the side of the international community. Diplomacy can be made to work.

On the military track, over twenty-five countries are now supplying men and materiel in support of the Security Council resolutions. US military objectives are to deter an Iraqi attack on Saudi Arabia and to insure the effective implementation of the United Nations sanctions. Our military forces are also there to protect American lives and to provide an effective and decisive military response should Iraq escalate its aggression to active combat with the multinational force.

Once the present danger passes, however, we must not let its lessons go unheeded. We have a responsibility to assure the American people that a decade from now, their sons and daughters will not be put in jeopardy because we failed to work toward long-run solutions to the problems of the Gulf.

The historic international consensus we have built can become a solid foundation for successfully meeting our immediate objectives and building a safer future. It can foster a future Gulf environment that will protect our interests and help us avoid having to make this kind of massive diplomatic and military effort again.

In the long run, we seek a stable Gulf in which the nations of that region and their peoples can live in peace, free of the fear of coercion. We seek a region in which change can occur and legitimate security concerns can be preserved peacefully. And we seek a region in which energy supplies flow freely.

We will need to work together with governments in the Gulf and outside of it to build a more durable order. We will want to ensure that our friends in the area have the means to deter aggression and defend themselves, making it less necessary to send American men and women to help them. And we will work with the rest of the regional and international community to prevent further Iraqi expansionism as well as Iraqi efforts to acquire and produce weapons of mass destruction.

Resolution of today's threat should also become a springboard for a sustained international effort to curb the proliferation of chemical, biological, and nuclear weapons and ballistic missiles in the region and elsewhere. It can become a springboard for revived efforts to resolve the conflicts which lie at the root of such proliferation, including the festering conflict between Israel and its Palestinian and Arab neighbors.

It is not enough to demonstrate that aggression and intimidation don't pay; we must show that a pathway to reconciliation and peace does exist, and that it can be found with good will and good faith on all sides.

THE IMPLICATIONS FOR AMERICA'S ROLE IN THE WORLD

Mr. Chairman, let me conclude by placing Saddam Hussein's invasion of Kuwait in historical perspective.

For over four decades, the central fact of international relations was the conflict between East and West. The Cold War reverberated across the globe, affecting everyone everywhere. Much of America's foreign policy was either driven by, or derivative of, our efforts to contain Stalinist aggression.

Now, the central dispute of the post-war period—the East-West conflict over the future of Europe—has been transformed. Last year's people power revolutions in Central and Eastern Europe swept away the dictatorships of the past. In their place, the people are finding freedom. Europe is becoming whole and free, and Germany will be united in peace and freedom.

An enlightened Soviet leadership has encouraged peaceful, democratic change as the only legitimate road to progress. This Administration has actively engaged the new thinkers and reformers in the Soviet Union. Together, we are finding common interests that will unite East and West. Partnership is replacing conflict.

As I have said many times before, America's role in this sea change in world politics is straightforward: We must leave behind not only the Cold War but also the conflicts that preceded it.

And this is why—as the President has said from the outset—Iraq's aggression cannot stand.

The line in the sands of Arabia is also a line in time. By crossing into Kuwait, Saddam Hussein took a dangerous step back in history. Maybe he thought the world would consider Kuwait expendable, that we would think of it as just a small, faraway country of which we knew and cared little. Possibly he remembered the 1930s when the League of Nations failed to respond effectively to Mussolini's aggression against Abyssinia, what is today Ethiopia. Clearly, Saddam Hussein thought his crime would pay.

But the world has decided otherwise. He must not be allowed to hold on to what he stole.

The President has made our position clear: The world must stand united to defend the principles enshrined in the United Nations Charter.

In this effort, America must lead and our people must understand that. We remain the one nation that has the necessary political, military, and economic instruments at our disposal to catalyze a successful collective response by the international community.

Geographically, we stand apart from much of the world, separated by the Atlantic and the Pacific. But politically, economically, and strategically, there are no oceans, and in a world without oceans, a policy of isolationism is no option at all. Only American engagement can shape the peaceful world our people so deeply desire.

We believe this coordinated and comprehensive international isolation of Iraq is the only peaceful path to meeting the objectives set by the President. Our efforts will, however, take time and that is what we ask most of the American people: Stand firm. Be patient. And remain united so that together we can show that aggression does not pay.

LITTLE HAVANA AND HIALEAH PALM CENTER INSTITUTES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Cuban American National Council [CNC] has had yet another success in the area of education. The Little Havana and Hialeah Palm Center Institutes were created and administered by the CNC in conjunction with the Dade County Public Schools. The institutes serve as an alternative to existing middle schools, their goal being to prepare students to return to the regular classroom with the academic and social skills needed to succeed.

The institutes help those students who have encountered difficulties in the traditional school setting because of a lack of motivation and personalized attention. The programs offered are directed to assist students whose school performance is affected by limited English proficiency, problems of acculturation, prolonged absence from school, excessive absenteeism and lack of educational continuity, problems of socialization and behavior, emotional and family difficulties, and the need to work.

The institutes provide small group and individualized academic instructions for students from the 6th through 10th grades. A ratio of six teachers and a full-time counselor to every 100 students assures indepth counseling attention, as well as ensuring academic success for those students identified "at-risk" of dropping out of school before graduation.

A school of choice, the institutes require that students demonstrate a personal commitment to excel academically. More importantly, their parents or guardians must share the commitment and express their willingness to help in educationally related programs. Such parent/family participation is expected. Statement of their express awareness of the significant educational opportunity being offered must be made by students and parents alike.

I would like to extend special thanks to CNC's Board of Directors; Guarione M. Diaz, president; Agustin de Goytisolo, chairman; Alina E. Becker, secretary; Maria Acosta, treasurer; Wilfredo Allen; Alina Antonetti; Antonio L. Argiz; Enrique Baloyra; Laurence Batista-Falla; Nelson Benedico; Marta Bequer; Annie Betancourt; Elva Collazo; Frederico Costales; Rita Di Martino; Albert E. Dotson; Nancy Dreicer; Jorge Escalona; Zulima Farber; Marcelo Fernandez-Zayas; Vincent Forte; Juan Galan; Margarita Garcia; Mario Goderich; Sara C. Gomez; Pedro Jose Greer, Jr.; Alma Guerra; Jose Manuel Hernandez; Antonio Jorge; Ada M. Kirby; Carmela Lacayo;

Ivan Llorente; Sergio Masvidal; Marta Miyares; Beatriz Olivera; Jose S. Prince; Rene Rocha; Angel Rodriguez; Jorge Salazar; Celia Suarez; Frank Torano; Barton Udell; Mario Vizcaino; Raul Yzaguirre; and Tere Zubizarreta.

As a great supporter of education, I extend my sincerest appreciation to the Cuban American National Council for their latest effort to advance the cause of education in Dade County.

CHARLIE SMITH'S VISIT TO THE SOVIET UNION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. CONTE. Mr. Speaker, I rise to bring the House's attention to a journey Charlie Smith, of Pittsfield, will undertake, beginning on September 15, 1990.

Charlie will be traveling with "Bridges for Peace," a grassroots organization with branches in the United States and the Soviet Union. The group brings American and Soviet citizens together, in the hope of progress toward peace and greater mutual understanding. His delegation will visit Moscow, and then move on to the cities of Kiev, Lvov, and Odessa in the Ukraine. At the same time, other Bridges for Peace delegations will visit Russia and the Baltic Republics.

Charlie is the former mayor of my hometown of Pittsfield and an executive of the Krofta Water Co. As a talented political leader, a resourceful businessman and a humanitarian who has devoted his life to helping people in western Massachusetts and around the world, he is an ideal representative of our region.

He will visit the Soviet Union at a crucial point in United States-Soviet relations and Soviet history as a whole. The Soviet Union is undertaking an epic reform in virtually all areas. Its leaders and citizens are making dramatic changes in policies ranging from economic planning, to foreign affairs, to farm policy, to relations between Soviet Republics. As this process continues, citizens of both the United States and the U.S.S.R. are doing their best to bring down the walls which divided us for so long.

The Bridges for Peace mission, dedicated to international peace and understanding, is an important part of that process. Today, I offer Charlie my congratulations for his role in helping build a stable peace, and I give him my best wishes and sincere hopes for a successful journey. I ask the whole House to join me.

A TRIBUTE TO SISTER MARY EDITH KNEBLEWSKI

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. SCHUETTE. Mr. Speaker, I have the privilege today of congratulating an outstanding citizen of the State of Michigan, Sister Mary Edith Kneblewski, on her 75 anniversary as a Sister of Mercy. There was a special service held in her honor at the St. Francis Catholic Church on August 21, 1990. Immediately following the service, Sister Mary Edith joined all of her friends for a potluck dinner held in the St. Francis gymnasium.

Sister Mary Edith, one of 17 children, was born in 1897, in Traverse City, MI. She was baptized in the old St. Francis Church where she remains an adherent member. Over a period of 56 years, Sister Mary Edith served as a teacher, principal, and administrator in area Catholic schools. She then continued her devotion to a life of service as a chaplain for the sick at local hospitals and convalescent homes, as well as serving communion to area sick people in their homes.

At the age of 92, Sister Mary Edith has no plans to retire. She occasionally visits the sick in Detroit area hospitals as well as helps care for the older sisters at the Mercy Mother House. She also finds time to visit the infirm, helps feed stroke victims, and read to the blind.

Sister Mary Edith is a warm, thoughtful, and attentive friend. She is loved and respected by her colleagues, students, and friends. Sister Mary Edith has made a positive impression on people of all faiths who have been affected by her presence throughout the years.

Mr. Speaker, and my colleagues in the House, please join me in honoring Sister Mary Edith Kneblewski with congratulations on her 75th anniversary as a Sister of Mercy. I applaud Sister Mary Edith for her outstanding lifetime achievements and for serving as a role model and a friend to her community.

TESLA'S 134TH BIRTHDAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. GEKAS. Mr. Speaker, it is fitting that as America celebrates the reopening of Ellis Island as a museum of our heritage, we honor an immigrant who contributed much to this country. He was a distinguished scientist and inventor, Nikola Tesla. Tesla's 134th birthdate was this summer, July 11.

In 1856 Nikola Tesla was born in Serbia, which is now Yugoslavia. He emigrated to this country at the age of 28. He was ahead of his time as a scientist and worked with Thomas Edison for nearly a year. Then he established his own laboratory and began a spectacular career in research and invention.

He was convinced that alternate electric current could provide light and power systems and he worked with George Westinghouse to market this system. Of course, today's electricity is provided through alternate current.

Nikola Tesla became a U.S. citizen in 1891. I am sure my colleagues join me in honoring this man who contributed so much to our country. His 700 inventions continue to influence the world in which we live.

Mr. Speaker, the United States is a better place for immigrants such as Nikola Tesla.

NEW SCIENCE AND SPACE MUSEUM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Miami Museum of Science and Space Transit Planetarium's groundbreaking ceremonies for Phase I of the building renovation and expansion was held on August 20, 1990, at the Museum Lobby in Miami, FL.

In an attempt to enrich our community's cultural life, the Columbus Discovery Commemorative Fund Campaign will make the museum's renovation and expansion a realization through its generous funding. Similar gestures of generosity are a joint fundraising effort by and for the Greater Miami Opera, Historical Association of Southern Florida, and Miami Museum of Science, as well as a challenge grant from Mr. Mitchell Wolfson, Jr., which has inspired and endowed this worthwhile endeavor.

Special recognition should go to the museum's board of trustees: James M. Miller, president, Dennis Finneran, vice president, Peter E. Houghton, vice president, Mary Brenner, secretary, James H. Scott, treasurer, Marcelo A. Alvarez, assistant treasurer, executives Jack Admire, Mary Ann Bedingfield, Doris Blanck, Janet Case, Gloria Clifford, Lucy Constant, Anne Cruxent, Irene Lofberg, Roderick N. Setrey, James O. Plinton, Olga Pouget, Helene Schneker, Barbara Vicevich, and Mattie Lou Wessell.

Other board members include, Blanche August, Herman Berger, Martha Lou Bradley, Ethel Cassel, Marty Cleveland, Douglas Coffey, Clark Cook, Jr., Leona H. Cooper, Mayor George Corrigan, Mitchell Dauerman, Ethel Dessaint, Esther Ehlert, Marilyn Ellyson, Pat Fine, Jose A. Garrido, Jr., Martin J. Genauer, Pat Graham, Dale M. Gregory, Mimi Hammond, Herschel C. Hayo, Jr., Nancy Herget, William Heuson, James Hobbs, Joan Hudiburg, Carla Imbrie, Lonnie Kantor, Annalea Kayar, Michael Krop, Harold G. Levell, Steve Lieberman, Bruce Malec, Eugene H. Man, John Mann, Ernestine McKay, Bunny Meyer, John O'Hare, Jr., Angie Pickett, Austin Porfiri, William F. Quesenberry III, Ambrosio Rodriquez, Peter A. Rona, Stanley Ross, Jack J. Sapia, John Stokes, Lynn Strauss, Cathy Tilton, Jeff B. Weiner, and Albert L. Weintraub.

It is the museum's motto, "Making our dreams of the future * * * a reality today," which best captures the essence of this undertaking. For years now, the museum has made the dreams of many people, young and old, and from all walks of life, a reality. It has planted the seed of knowledge of the sciences and space in the hearts and minds of countless children, among whom our future Albert Einsteins and Buzz Aldridges will come. The investment of the efforts of those mentioned above is an insurance policy for coming generations to share in this experience and, consequently, ensure the strength and well-being of our country's future.

TRIBUTE TO THE U.S. BOARD ON GEOGRAPHIC NAMES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. YATES. Mr. Speaker, I wish to take a moment to salute the U.S. Board on Geographic Names for 100 years of excellent service to the Nation. The Board, which has functioned without a budget and with little recognition, is a superb example of long-standing cooperation between government agencies. It has had remarkable success in resolving local "naming" conflicts and over the years it has given the country the standard names and spellings that we take for granted on maps and other official documents.

The Board on Geographic Names makes policy on place names. Every year, the Board reviews scores of new domestic names and suggested changes. In addition, the Board may approve several thousand foreign names in a year. The need for such a body became evident with the opening of the American West. Exploration reports, mining claims, and surveys frequently referred to places and geographic features—mountains, valleys, rivers, settlements—by different names. As a result, President Benjamin Harrison created the U.S. Board on Geographic Names on September 4, 1890. President Theodore Roosevelt extended the Board's responsibilities in 1906, and the two great wars of this century greatly increased the Board's involvement with foreign names.

As it turns out, the Board has performed pioneering work in toponymy, the study of place names, and has earned for itself an estimable reputation among its counterparts the world over. The naming of places carries with it the implicit, fundamental human power of intellectual possession. The Board on Geographic Names has exercised that power with fairness, discretion, discrimination, taste, and sensitivity.

With no staff or facilities of its own and no distinct appropriation, the Board relies for those resources on the agencies from which its members are drawn: the Departments of Interior, Agriculture, Commerce, Defense, and State; the Central Intelligence Agency; the Government Printing Office; the Postal Service; and the Library of Congress. The Secretary of the Interior serves conjointly with the Board to standardize names. The U.S. Geological Survey, in the Department of the Interior, provides staff services for the Domestic Names Committee. Its counterpart in the Department of Defense, the Defense Mapping Agency, staffs the Foreign Names Committee.

The week of September 4–7 is the Board's centennial observation. The centennial is being marked by a major exhibition opening in the Madison Gallery of the Library of Congress. The exhibition, entitled "A World of Names," tells the fascinating story of how geographic places acquire their unique names. I urge you to stop by the Madison Building and visit the very informative exhibition. In addition, a series of symposia relating to the history and process of naming of geographic places is being held this week at the Library.

SGT. LEONARD P. MORAN—A HERO RECOGNIZED

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. MOAKLEY. Mr. Speaker, I rise today to recognize a genuine American hero. U.S. Army Sgt. Leonard P. Moran was from my hometown of South Boston, MA. Sergeant Moran served with distinction in Korea; earning the Combat Infantry Badge, the Purple Heart, and three battle stars in that war. In addition, without regard for his own safety, while in Korea, he saved the life of a fellow soldier, John Norton.

"Lennie" Moran lived and died as a hero. He was completely selfless in the final brave act that took his life. Sergeant Moran returned from Korea to continue his service to his country in the United States Army. He was stationed at Fort Dix, NJ where he was an instructor for new Army recruits. On January 7, 1954, Sergeant Moran was instructing a new trainee, Pvt. John D. O'Callaghan, in throwing live hand grenades out of a pit. The trainee's first effort was done properly but his second attempt was low and it struck a parapet. The grenade bounced back into the pit with Sergeant Moran and the recruit. In the brief moment that followed, Lennie had to make a decision, and the one he made was brave and selfless.

Sergeant Moran was posthumously awarded the Soldier's Medal for the action that he took. The citation on the medal read in part, "Without hesitation and with complete disregard for his own personal safety, Sergeant Moran threw his body between the grenade and the trainee, thus shielding the soldier from danger and absorbing the full force of the explosion himself."

The citation continues, Sergeant Moran's consummate valor, inspirational action, and supreme sacrifice in saving human life, thereby reflecting lasting glory on himself, are in keeping with the honored traditions of the military service."

Sgt. Leonard Moran, war hero, died at the age of 22. In his life and in his death he acted completely without regard for his own safety. Sergeant Moran paid the ultimate price and made the supreme sacrifice for his country, for his beliefs and for his fellow man. For his bravery, former Speaker of the House John McCormack recommended Sergeant Moran for our country's highest military honor, the Congressional Medal of Honor.

It has taken over 36 years for this patriot and hero to be properly recognized but this September 22, Sergeant Moran's memory will be celebrated in South Boston at a Memorial Mass at the Gate of Heaven Church followed by a dedication ceremony in which the corner of Flint Place and Marine Road, across the street from his family's home, will be named in his honor.

Mr. Speaker, Sgt. Lenoard P. "Lennie" Moran was a hero in every sense of the word. His ideals and his actions are sources of inspiration for all of us who believe that this is the greatest country on God's earth. I salute Sergeant Moran, and I remember Lennie. He is missed but his memory lives with us still.

OLD SAN JUAN/WYNWOOD FESTIVAL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the outstanding job the Old San Juan Festival Corp. has done in the Miami area to promote cultural and economic development in the community. On July 29, 1990, the members held the Old San Juan/Wynwood Festival to celebrate the many contributions the Puerto Rican community has given to southern Florida and the event was a resounding success.

It is encouraging to see such great civic pride and I am very pleased to have the Old San Juan Festival Corp. enrich us all by sharing their culture with the many diverse ethnic groups living in the Miami area. This fine group is composed of various community leaders and representatives of local Puerto Rican agencies and organizations.

Because of their diligent efforts, the Puerto Rican community has been able to prosper, as newer and better opportunities are created. Their success and growth allows the entire community to flourish, and for that we are all thankful and appreciative.

The board of directors deserves special recognition, including: Nelly Cordero, Adaljisa Martinez, Nilsa Velazquez, Roberto Camacho, William Rios, Dororthy Quintana, William Morales, Felix Rivera, Jose Rivera, Iris Corchado, Nora Smith, Jose Cobian, Gregorio Lind, John Martinez, Maria Luisa Rivera, Ramon Rivera, Betzaida Ferrer, Alicia Baro, Milagros Gonzalez, and Sadie Candelario.

Mr. Speaker, organizations such as the Old San Juan Festival Corporation deserve our praise for their exemplary efforts in promoting ethnic diversity. I am honored to recognize them today.

A TRIBUTE TO RAY DONAHUE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. MAVROULES. Mr. Speaker, I would like to bring to your attention the upcoming departure of Combr. Raymond Patrick Donahue from the Department of the Navy's Congressional Liaison office. Combr. Ray Donahue has served the House of Representatives with distinction since May of 1988. He has been key in maintaining the flow of information between the Congress and the Navy on literally hundreds of thousands of our inquiries on behalf of our constituents serving our U.S. Navy throughout the world. His dedicated effort to bring his wealth of fleet experience to our office has brought an improved understanding to my colleagues and our staffs. I have personally had the opportunity to travel

with Combr. Ray Donahue and have found him to be an outstanding example of our Navy's finest. He is as comfortable in the Halls of Congress or the distant lands of Europe as he is on the bridge of our Navy's most modern destroyer. Through this unparalleled professionalism and high spirit, Combr. Ray Donahue has become a true friend and comrade to all of us. As Combr. Ray Donahue transfers to attend the Industrial College of the Armed Forces for graduate studies prior to returning to sea, it is appropriate that we pause and offer our thanks. Mr. Speaker, Combr. Ray Donahue's service has been in the highest tradition of the Naval Service. I call you and my colleagues to join me in wishing Combr. Ray Donahue "Fair winds and following seas."

HONORING FRANK H. DeLELLO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Mr. COURTER. Mr. Speaker, it is an honor and a privilege for me to recognize Frank H. DeLello, of Hackettstown, NJ. Frank has done nothing more or less than serve his community better than over 15 years. Frank has demonstrated a superior intellect and a keen sense for what can be accomplished through his many successes in the private sector including ownership of several businesses. In the political sector, Frank has worshiped the Republican Party and has been one of the most loyal supporters both on the national and local levels. He helped the successful Bush/Quayle team in 1988 and has maintained the grass roots political experience that he garnered as the Warren County Republican Chairman.

The secret to Frank's success has much to do with his wonderful family. He is married and has three sons. Their support for Frank and confidence in him has been a strong support system and has helped guide the path to Frank's accomplishments. I, along with many others, wish continued success to Frank and I am confident that his strong commitment and service will continue in Warren County.

THE HISPANIC COALITION'S 1990 INTERAMERICAN 2000 PERMANENT CONFERENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 5, 1990

Ms. ROS-LEHTINEN Mr. Speaker, on July 27th of this year, the Hispanic Coalition hosted the Permanent Conference, 1990 Interamerican 2000 in Miami, FL. The coalition strives to reach the Hispanic communities in an effort to strengthen ties with the United States and improve their quality of life.

Equal opportunity, culturally, educationally, economically and socially, for all is of the utmost importance. Of major concern to the coalition is how to assure that Hispanics, and all other American groups, can enjoy full access to the opportunities and resources in this country today, as well as tomorrow. As productivity and international competitiveness gain increasing importance, the coalition believes that serious attention must be paid to adequate integration, exchange and development for all.

Activities organized by the coalition during the period between April and June, 1990, alone, was extensive. As a means of disseminating public information to the Hispanic organizations, the coalition attended several radio programs, as well as several TV programs, in an attempt to bring the services they provide to the community's attention. As part of their goals in addressing community needs, the coalition has actively participated and cooperated with several Hispanic organizations which had problems, by acting as a mediator and offering possible ways of solving their differences.

To advocate cases and promote issues that affect our Hispanic communities, the coalition has addressed letters to Senators and Congressmen requesting their support to repeal the employer sanction provisions in the Immigration Reform and Control Act [IRCA] of 1986. Furthermore, the coalition worked in conjunction with ASPIRA of Florida, Inc., a community-based organization, whose mission it is to develop a better educated, more community conscious Hispanic youth. They were asked by ASPIRA's drug prevention coordinator to assist them in offering a 12-week course to provide information and training to prevent the use and abuse of drugs in the Hispanic community.

These activities only begin to scratch the surface of the numerous invaluable services provided by the Hispanic Coalition, and we have the following to thank for that: Rosa E. Kasse, president; Rene A. Quinones, executive director; Marcos Alcayaga, conference general director; Rosario S. Roman, general secretary; Manuel R. Del Valle, treasurer; Victor T. Gutierrez, legal counsel; board of directors Beatriz A. Consuegra; Gabriel De La Hoz; Rafael Mencia Lister; Raul E. Ona; Hector Polit; Ivonne Rivera; and Jose F. Padro; and, advisory council members Humberto Amaro; Guarione M. Diaz; Edgard Solis; Janirah Vians; Tito Zambrana; Maurice Ferre; Roberto J. Arguello; and, Matilde Perez Porrata.

For their hard work and dedication in meeting the needs of Hispanics, from employment to education to immigration needs to the strengthening of coalitions among Hispanics nationwide, I offer my sincerest gratitude and the hope for the Hispanic Coalition's continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 6, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment-unemployment situation in August.
2359 Rayburn Building

SEPTEMBER 11

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation on San Carlos water settlement rights.
SR-485

10:00 a.m.
Finance
Business meeting, to hear and consider the nominations of Jerome H. Powell, of New York, to be Assistant Secretary of Treasury for Domestic Finance, and Steven B. Kelmar, of Pennsylvania, to be Assistant Secretary of Health and Human Services for Legislation.
SD-215

2:00 p.m.
Armed Services
To hold hearings on the situation in the Persian Gulf.
SH-216

SEPTEMBER 12

9:00 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 1554, to implement water settlements involving the Pyramid Lake Paiute Tribe, the States of California and Nevada and other parties regarding the waters of the Truckee and Carson Rivers and Lake Tahoe in Nevada and California, and H.R. 5063, to provide for the settlement of the water rights claims of the Fort McDowell Indian community in Arizona.
SR-485

SEPTEMBER 13

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2657, to direct the Secretary of the Interior to conduct studies to investigate opportunities for wastewater reclamation and reuse and to study groundwater, S. 2658, to establish conditions for the sale and delivery of water from the Central Valley Project, California, S. 2870, to approve the Fort Hall Indian Water Rights Settlement, and H.R. 4148, to acquire certain water rights for the settlement of Indian water rights claims in the State of Arizona.
SD-366

10:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings to review programs of the Economic Development Administration, Department of Commerce, and the Appalachian Regional Commission.
SD-406

2:00 p.m.
Foreign Relations
To resume hearings on Threshold Test Ban and Peaceful Nuclear Explosions Treaties with Russia (Treaty Doc. 101-19, and Ex. N, 94th Congress, 2nd Session), and verification protocols for each treaty.
SD-419

SEPTEMBER 14

10:00 a.m.
Foreign Relations
Business meeting, to consider Threshold Test Ban and Peaceful Nuclear Explosions Treaties with Russia, (Treaty Doc. 101-19, and Ex. N, 94th Congress, 2nd Session), and verification protocols for each treaty, and S. 2436, authorizing funds for fiscal years 1991 and 1992 for the United States Peace Corps.
SD-419

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on proposed legislation to help senior citizens make more informed choices when purchasing Medigap insurance policies and to moderate increases in Medigap premiums.
SD-215

SEPTEMBER 17

10:00 a.m.
Finance
Health for Families and the Uninsured Subcommittee
To hold hearings on proposed legislation to modify Medicaid's drug reimbursement program to improve access to affordable high quality care.
SD-215

SEPTEMBER 18

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2969, to provide for completion of the Central Utah Project.
SD-366

Veterans' Affairs
To hold joint hearings with the House Veterans' Affairs Committee to review legislative recommendations of the American Legion.
SD-106

9:30 a.m.
Rules and Administration
Business meeting, to mark up S. 2522, to require Congress to purchase recycled paper and paper products to the greatest extent practicable, S. 2758, to provide additional membership on the Library of Congress Trust Fund Board, H. Con. Res. 338, authorizing printing of the proceedings of the bicentennial research conference entitled "Understanding Congress," and other pending calendar business.
SR-301

2:00 p.m.
Joint Library
Business meeting, on matters relating to the Library of Congress and its Congressional Research Service.
H-328, Capitol

SEPTEMBER 21

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review the final report on the U.S.-Japan Structural Impediments Initiative (SII) talks.
SD-215

SEPTEMBER 25

8:30 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF-100, Capitol

SEPTEMBER 28

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review progress made on important trade issues between the U.S. and Canada, focusing on subsidies, dispute settlement panels, and general implementation of the Free Trade Agreement and the 1986 Softwood Lumber Memorandum of Understanding.
SD-215

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, Blinded Veterans Association, Vietnam Veterans of America, Military Order of the Purple Heart, and Non-Commissioned Officers Association.
345 Cannon Building

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of AMVETS, Ex-Prisoners of War, Jewish War Veterans, and World War I Veterans.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, September 6, 1990*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONIOR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 6, 1990.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

Rabbi David B. Saltzman, Aventura-Turnberry Jewish Center, Aventura, FL, offered the following prayer:

O Lord who is manifest in the wonders of the natural world and in the story of humankind, we are aware of the important moment in history which we face.

As the seasons change, now that Labor Day has passed and the fall season is upon us, we recognize that it is traditional to begin to take stock of our deeds and thoughts and resolve to utilize our spiritual resources and inner strength in order to be more able to accomplish our goals for the future.

We pray that the leaders of our country gathered here, will continue to hear the lessons of the past and work to fulfill the dreams and ideals that are yet to be realized.

May this country continue to grow as a dynamic model of the flowering of the human spirit and continue to be a bastion for liberty and freedom.

Our prayers are with the members of the Armed Forces who are once again announcing to the world that the United States has learned from our past and is true to our ideals and purposes.

Bless all who are working to ensure a world at peace where individuals and peoples can live with security.

May the power that created harmony in the universe, grant us the ability to live in a world where all God's creatures understand the need for shalom, peace, harmony, and a sense of completeness and to that let us all say amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will lead the House in the Pledge of Allegiance.

Mr. LEHMAN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RABBI DAVID B. SALTZMAN

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. Speaker, I would like to thank Chaplain Ford for the privilege of having Rabbi David Saltzman as the guest chaplain this morning.

Rabbi Saltzman has served for the past 11 years as spiritual leader of the Aventura-Turnberry Jewish Center, a dynamic and growing congregation in our 17th Congressional District. This coming Sunday, I will be attending the official ceremony for the placing of the Torah in the new sanctuary.

Rabbi Saltzman was born in Brooklyn, NY, attended Flatbush Yeshiva High School, and graduated from Brooklyn College, after first spending his freshman year at Bar Ilan University during the time of the Sinai campaign. He was ordained at the Jewish Theological Seminary in 1965, where he was awarded the degree of doctor of divinity. He also holds a masters of Hebrew letters and master in academic administration.

Rabbi Saltzman has had a rich religious background, serving the spiritual needs of congregations in Massachusetts, New York, Illinois, and Florida, and as Navy chaplain in Guantanamo Bay, Cuba, and later with the marines in Vietnam.

This fall, Rabbi Saltzman will be leaving our community to serve as rabbi of the Conservative Congregation Moriah in Haifa, Israel. Our community will miss him, but we are most fortunate to have him with us today.

WE OUGHT TO BE REITERATING OUR SUPPORT FOR PRESIDENT BUSH IN THE MIDEAST CRISIS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, increasingly there are Members of Congress who are taking the podium to give indication that they are beginning to abandon the President on his initiatives in the Middle East. Now is precisely the time when we ought to be reiterating our support for the President in the crisis in the Persian Gulf.

After all, the President has already been able to reach two of the three goals that he has stated: First, to deter aggression into Saudi Arabia; second, to converge the international community onto the crisis so that it would be a world against Iraq, not the United States against Iraq; and third, yet to be accomplished, the blockade, the economic blockage to bring Saddam Hussein to his senses, to his knees, if necessary.

The more time we give him—and we must give him time—the less chance there is that American blood will be spilled.

So let us respond immediately to those critics of the American policy and reiterate our support for the President to use whatever is necessary to make sure that our policy of national security and protection of our standard of living is protected in the Persian Gulf.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesay next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 10, 1990

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR A JOINT SESSION OF CONGRESS ON TUESDAY, SEPTEMBER 11, 1990

Mr. LEHMAN of Florida. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 365) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 365

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, September 11, 1990, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

IMPORTANCE OF NAVAL ORDNANCE STATION IN LOUISVILLE, KY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I support President Bush's decision to send U.S. military personnel to the Persian Gulf.

□ 1010

And like all Members of the House and Senate and people in the United States, we hope that this crisis can be settled quickly and peacefully.

Mr. Speaker, the current gulf crisis, however, demonstrates the importance of the U.S. Navy's sealift ability and seapower ability, and it demonstrates the vital role in both sealift and seapower played by Naval Ordnance Station, Louisville, which is located in my hometown.

Ironically, Naval Ordnance Station, Louisville, is one of the bases targeted for possible closure or realignment by Defense Secretary Cheney's decision of January of this year, 1990.

Mr. Speaker, events unfolding in the gulf, even as we speak today, underscore the importance of naval ordnance and the importance of the Pentagon not to move precipitously in deciding naval ordnance station's fate in the future.

In this connection, I wholeheartedly endorse the fair and impartial base closure guidelines which the House Committee on Armed Services, under the chairman, the gentleman from Wisconsin [Mr. ASPIN], has worked into the 1991 Defense bill which will reach the floor later this year.

I urge my colleagues in the House to support the language on base closure and the bill itself, when they reach the House, in order that we not in any way impede our ability to handle the problems in the gulf region.

THE 1990 AAA SCHOOL SAFETY PATROL LIFESAVING MEDAL

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, on September 14, the American Automobile Association will present to five deserving young students the highest award given to members of school safety patrols throughout the United States—the AAA School Safety Patrol Lifesaving Medal.

The Lifesaving Medal Program was initiated in 1949 by the American Automobile Association to recognize and honor selected school patrol members for heroic lifesaving actions. These awards are presented annually to school safety patrols who, while on duty, have saved the lives of persons in imminent danger.

An award review board composed of representatives from national educational, law enforcement, and safety organizations, selects outstanding medal recipients from candidates who have been officially nominated for consideration.

I am pleased to offer special commendation to the 1990 AAA School Safety Lifesaving Medal recipients:

Katie Dalbey, age 10, Tuscan Elementary School, Maplewood, NJ.

James Moon, age 9½, Monteith Elementary School, Grosse Pointe Woods, MI.

Taras P. Pacula, age 12, Winesburg Elementary School, Winesburg, OH.

Donald K. Pierce, Jr., age 10½, Monteith Elementary School, Gross Pointe Woods, MI.

Robbie Sanders, age 12, McCurdy Elementary, Florissant, MO.

Many congratulations to these outstanding AAA school patrols.

INTEREST ON UNDERPAYMENTS OF TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to introduce a bill entitled the Interest Equity Act of 1990. This is a simple bill with one purpose, and one purpose only—to treat business taxpayers the same as individuals regarding interest they pay on tax obligations.

Since the passage of the Tax Reform Act of 1986, most of the interest paid by individuals has been subject to an increasing nondeductible percentage. Last year, 90 percent of individual's personal interest was nondeductible. This year, 100 percent is nondeductible. As you know, Mr. Speaker, interest is no longer deductible on such worthy obligations as education and medical loans. Likewise, interest you pay to the Internal Revenue Service if you pay your taxes late can no longer be deducted. Some folks might say, "Why should it be? Why should I, a person who pays my taxes when they're due, subsidize someone who pays their taxes late?"

A good question, yet that's a subsidy that business taxpayers enjoy today. The individual taxpayer subsidizes the tax writeoff that businesses take when they pay interest on tax payments made after they are due. For corporations, that can amount to up to $340 of every $1,000 they pay in interest on their obligations. That's right, for every $1,000 a corporation is assessed in interest, only $660 actually comes out of the corporate coffers; the rest comes out out the pockets of other American taxpayers.

There's another aspect to this. During hearings held a couple of months ago by the Ways and Means Subcommittee on Oversight, there was mention of one company that delayed providing information necessary for completing an audit only to turn around at the completion of that audit and deduct the interest on the increased tax on their next tax return. So not only are we subsiziding the decision to delay payments of tax, we are doing so at the expense of our system of tax administration.

Mr. Speaker, this isn't one of those huge revenue raisers that we're going to need to balance the budget, but revenuewise, it's a winner, not a loser, and it's good tax policy.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interest Equity Act of 1990".

SEC. 2. INTERNAL REVENUE CODE AMENDMENTS.

(a) DISALLOWANCE OF INTEREST EXPENSE.—Section 163 of the Internal Revenue Code of 1986 is amended by inserting the following:

"(k) Disallowance of deduction for interest paid on tax obligations."

"(1) IN GENERAL.—In the case of any taxpayer, no deduction shall be allowed under this chapter for interest on tax obligations paid or accrued during the taxable year.

"(2) INTEREST PAID OR ACCRUED ON TAX OBLIGATIONS.—For purposes of this subsection, the term 'interest paid or accrued on tax obligations' means any interest paid or accrued on the following amounts:

"(A) Any amount required to be paid by the Internal Revenue Code of 1986;

"(B) Any amount for which a deduction is allowed under Section 164 of the Internal Revenue Code of 1986;

"(C) Any additions to taxes that are described in (A) and (B) above; or

"(D) Any amount for which a tax credit is allowed under Section 901 or 903 of the Internal Revenue Code of 1986."

(b) CONFORMING AMENDMENTS.—Subsection (k) "Cross references" is renumbered (1).

SEC. 3. EFFECTIVE DATE

This Act and the amendments made by this Act shall be effective for payments made after January 1, 1991.

ON DEBT FORGIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, we read in the morning news today that

congressional leaders are convening at Andrews Air Force Base for the purpose of trying to work out a resolution on the current budget. Among those numbers that were reported by the local newspaper, the sum of $400 billion was thrown out as a possible deficit for next year. Actually, more precise numbers have been reported recently by the Committee on the House Budget, totaling about $393 billion in Federal fund deficits for next year. I mention that figure only to make reference to the fact that the Bush proposal to forgive $7 billion in debt owed to the United States by Egypt, our ally in the Middle East, for American military and other assistance, comes at a time when our budget is strained to the limits, when we face the possibility of massive Federal employee layoffs. The Federal Bureau of Investigation would be required to cut back many of its efforts to investigate organized crime in this country. The Task Force on Terrorism is threatened. The Drug Enforcement Administration would be required to cut back their initiative to fight the war on drugs. Also, there is little money to invest in our country, for such things as education and housing and public works, construction for highways, and other needed infrastructure.

If we are to deal with the Federal deficit, we must change both policies and management practices. One of the management practices that must be changed by this administration is the practice of the previous administration to ignore and to reschedule foreign debt collection. Foreign debt collection has been a subject of involvement, for me, almost from the day I came to the Congress 22 years ago. I felt then, as I feel now, that if foreign countries owe the American taxpayer money, then they should pay, the same as Americans must pay if they owe the Government money.

People I represent in Arkansas have a difficult time understanding how the Government can forgive billions of dollars in debt owed by foreign countries essentially treating those countries better than they treat American citizens. They know if those debtor nations had been Arkansas farmers, for example, or home buyers from the Farmers Home Administration, that the U.S. Government would foreclose those debts.

In fact, the U.S. Government did foreclose on many farmers in my district when policies of the past administrations sent farm prices plummeting through the floor, putting our farmers in a recession, unlike what we have seen in the last 20 years, and more like what we had during the 1930's, when farmers were unable to pay their obligations. I am sure those farmers are shaking their heads today over the news that the administration is proposing to wipe out $7 billion in debt when they lost their land and their homes for individual debts that appear tiny when compared to that massive figure.

I am told that the total debt owed by all farmers in Arkansas at the end of last year was about $3.2 billion, less than half of what the administration proposes to forgive in Egyptian debt.

The proposed Egyptian forgiveness would pay the debts of my State's farmers, with a lot of change left over. Farmers and home buyers in Arkansas know that if they do not pay the Government, the Government forecloses. When foreign countries do not pay, they are forgiven their debts. It is that arrangement which the people I represent do not understand. I recognize from having served as a member of the Subcommittee on Foreign Operations, many years ago, that there are special circumstances that develop in foreign countries that must be given consideration. However, the problem remains that foreign debt is not being collected and should be. The Egyptian situation merely puts this whole issue of foreign debt collection back into the spotlight.

I must also add, Mr. Speaker, that if the United States had an energy policy which depended more on our own natural resources, and less on foreign oil, we import about 52 percent of our oil today, we would not have this problem in the first place. The advancement of the alternative fuels industry in this country would have been greatly accelerated if we had spent just part of that $7 billion Mr. Bush proposes to forgive, in the development of alternative fuel sources, rather than in providing military aid, in order to protect fuel supplies coming from the Middle East.

Last year, I was successful in requiring the Department of the Treasury to provide a detailed accounting of the management of foreign debt owed to the United States, including information on the rescheduling of that debt. The rescheduling of the debt is a tool which has been used to evade provisions of the Alexander-Brooke amendment, passed in 1975, which merely said that if a foreign country is delinquent for more than 1 year in its oligations to the United States, that all future foreign aid is cut off. That is a reasonable provision. It is one that should be enforced, but it is one that was ignored by the Reagan-Bush administration, and I hope that the Bush administration changes that policy and that practice.

Mr. Speaker, the Alexander-Brooke amendment rests on the simple premise that if a nation is behind in its debt repayment to this country, it should not continue to receive foreign aid. I do not think it is so much to ask the countries which owe the United States money, to repay it. A high Government official was recently quoted as saying that this country had given up hope of collecting the $7 billion Egyptians owe to the United States, making the proposal to forgive it, a mere formality.

□ 1020

Mr. Speaker, I believe it is more than a formality, that we may be giving up hope of collecting too fast, and that such an attitude does not take into consideration the principle involved, which is what I am here today to discuss.

From my own experience I can tell my colleagues that it is possible to collect these debts, if someone will work at the task. I know from my own personal experience that in many cases the foreign countries simply have not been asked. Sure, there are special and extenuating circumstances, like in the case of Poland, for example, or, possibly, even Turkey, but in most instances our Government, our administration through the State Department, has simply not used the energy and the diplomacy necessary in order to get the job done.

In other words, Mr. Speaker, the executive branch cannot tell us how good or bad a job it is doing in collecting the past-due debts owed to the American people by foreign governments because they simply have not tried to do the job.

Mr. Speaker, I do not believe this is the way to run a railroad or a government, and, certainly if we are going to deal with the problem of the deficit facing this Nation, we must change some of our policies and some of our practices, and one management practice that we can begin with is to collect the debts that are justly owed to the American people by our foreign friends and allies abroad.

As we have seen, other nations are quickly lining up to receive the same treatment from this country as is proposed for Egypt and I believe that we may be sending the ship of state into very choppy seas.

I view this Egyptian debt proposal as the high price the Nation pays for being so dependent on foreign oil—it is a price which is too high.

America is now in the position of having to forgive billions in debt to protect its oil supply and is also in the frightening position of possibly having to trade blood for gasoline.

It must stop and it can stop.

A more efficient debt-collection process and an energy policy which depends more on the grain fields of the Midsouth than on the oil fields of the Mideast will help extricate America and the American taxpayers from this morass.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, during my trip to the State of Israel last week I had an opportunity to meet with many in the top Israeli leadership, including Prime Minister Yitzak Shamir, Mr. Yitzak Rabin, and Deputy Foreign Minister Netan Yahu.

I come away from those meetings convinced more than ever that while the obstacles to a lasting peace between Israel and the Palestinians are many, they are not insurmountable. Israel genuinely wants peace. The key question is, Will the PLO and radical Arab States develop their quest to destroy Israel and grant Israel its right to exist.

The combination of Arab intransigence and growing Arab military might, including acquisition of nuclear, chemical, biological, and ballistic missile capabilities poses a threat to the peace and security of the entire Middle East and Persian Gulf regions. These weapons also pose a particular threat to the security of Israel. U.S. policy must help to avert both threats.

Secretary of State Baker yesterday agreed to a request by Israeli Foreign Minister David Levy for Patriot grount-to-air missiles to defend Israel against Iraqi ballistic missile attacks. I commend the administration for this decision, which is a good first step toward preserving Israel's security against the heightened danger of Iraqi aggression and intimidation.

But in the weeks and months ahead, the United States must consider the consequences for Israel's security of a massive influx of arms into the Arab world. We want to bolster the ability of Saudi Arabia to defend itself against Iraqi aggression and we want to encourage the courageous efforts of President Mubarak and other moderate Arab leaders to contain Saddam Hussein. But at the same time, we must take steps to assure that in arming the Arabs, we do not undermine the security of Israel. We need a balanced military assistance policy, which assists moderate Arab States seeking to resist aggression, while simultaneously assuring the continued security and survival of Israel.

Saddam Hussein's invasion of Kuwait has served as a wake up call to the world regarding the true nature of the threat to international security. As the cold war had ended, ushering in a new period of cooperation between East and West, a new danger to international security is emerging along a North-South axis. The Iraqi invasion should serve as a springboard to renewed efforts to prevent the proliferation of weapons of mass destruction, as Secretary Baker suggested the other day. At the same time, it should also serve as a springboard for us to put the pressure on the Arab world to reach as peace agreement with Israel and to halt their support for Palestinian terrorism.

Mr. ALEXANDER. Mr. Speaker, I appreciate the contribution of the gentleman from Massachusetts [Mr. MARKEY], and I would simply add that I had the privilege of meeting with President Mubarek, when he was Vice President, about 10 years ago, and he is an ally and friend of the United States and one that we do not take lightly. I hope that the principles that I have discussed here about fiscal management and about fiscal policy in no way denigrate the appreciation that we all have for an ally, but the fact remains that business is business, and we must get about the business of our own fiscal affairs if we are to continue to maintain the troops in the Middle East that protect the vital oil supply that runs the wheels of commerce and agriculture in America.

Again, Mr. Speaker, I appreciate very much the comments of the gentleman from Massachusetts [Mr. MARKEY].

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 5267, CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1990

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tonight to file the report to accompany H.R. 5267, the Cable Television Consumer Protection and Competition Act of 1990.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MINDING THE STORE

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, certainly the attention of all this Nation has been focused on our crisis in the Middle East, as it properly should be. However, Mr. Speaker, I think we in Congress need to remember that there are other things that deserve our attention and deserve our work, as well, during the coming months.

While President Bush has done a commendable job, I believe with consultation and assistance from Congress in carrying on a very difficult mission in the Middle East, let us remember now that the job of the Congress is now to mind the store. We are directors, Mr. Speaker, of more than a trillion dollar corporation, and, if we do not meet our deadlines and our responsibilities by October 1, we can find ourselves in a rather embarrassing position with the American public.

So, Mr. Speaker, as we follow Ted Koppel, and Dan Rather, and Jim Kaiserski, and Dan Farmer and others in the Middle East and our media attention is focused there, let us not forget what we are about in Washington, and that is to do the business of the people and to get our trillion dollar corporation obligations met so that we can continue the business of the U.S. Government. Mr. Speaker, let us keep on track and let us look after and mind the store, as well as meet our global responsibilities.

□ 1030

FOREIGN SUBSIDIARY TAX AVOIDANCE

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, I requested time today to discuss a matter that is very troubling to me and I believe will be as equally troubling to the American people when they learn all the facts about a situation involving foreign-owned subsidiaries and the payment of U.S. taxes.

We have recently been debating and approving next year's appropriations bills. At the same time, congressional leaders have been meeting with the President and his top advisers in a budget summit. And we have heard revised reports of the size of the Federal budget deficit. From some corners we have been hearing the call for new taxes. The serious problem that I will talk about today is part of the reason for the deficit and part of the reason for the shortfall in revenue. It is part of the reason for the trade deficit. The problem is that many foreign-owned subsidiaries in the United States are apparently not paying Federal income tax.

All of the evidence is not yet in, but today I want to raise some questions that I believe the American people deserve to have answered. The issue of foreign-owned subsidiaries avoiding U.S. taxes has been studied for the past 9 months by the investigators of the House Ways and Means Oversight Subcommittee. It is also currently being investigated by the General Accounting Office and the IRS. The results of these investigations—which you must remember are just preliminary—are troubling.

The Internal Revenue Service has reported that 1986 IRS statistics of income [SOI] data showed that foreign-owned companies reported approximately $550 billion in gross sales in the United States in that year. That is a big number, and represents all of the VCR's, foreign cars, electronic equipment, and so on that Americans are buying. But these same foreign-

owned companies collectively reported negative taxable income of $1.5 billion. Something here seems to be very, very wrong.

First I should indicate that this aggregate data does not prove that all foreign subsidiaries are avoiding taxes or are fixing their books—no one is claiming that all foreign subsidiaries are doing this. Many foreign subsidiaries are good, taxpaying corporate citizens that create jobs and are good for this country.

But as the investigators are scratching beneath the surface and are looking at specific industries and at specific companies, which are well-known to all of us, they are finding that the underreporting of income and tax avoidance may be pervasive. There has been testimony that these companies may have avoided paying up to $25 billion that they owe to the U.S. Government.

I have been looking into how to improve American competitiveness over the past few years, and this particular tax avoidance matter seems to encompass many of the factors that keep coming up when I look at competitiveness. It is like a microcosm of many of the things that are making it more and more difficult for American businesses to compete. And this tax avoidance by foreign subsidiaries is particularly disappointing to me as a supporter of free and fair trade.

Let me make clear my background on trade matters, to put things in perspective. I believe in free and fair trade, and in a level playing field for all firms that want to invest around the world. I have consistently opposed protectionist approaches to trade problems during my time in Congress. I have on several occasions voted against textile import quotas, and textiles are an important industry in Virginia. I voted against my colleague Mr. GEPHARDS's amendment to the omnibus trade bill in 1987. I have opposed import adjustment assistance and I have voted against domestic content requirements. I believe that America has the most to gain by remaining open to trade and by encouraging other countries to open their borders to American products and services. So I have never advocated barriers to trade. That has to be clear, based on what I am going to say. I have never advocated barriers to trade.

But I have also had some very real concerns about America's position in the international marketplace. There are storm warnings in many sectors of the economy, and I have worked with Members on both sides of the aisle on ways to improve American productivity, savings, investment in plant and infrastructure, and education, so that in the years ahead America will continue to offer opportunity and world leadership.

One of the storm warnings that concerns me is the rapid rise in foreign investment in this country. Foreign investment clearly has its positive and negative aspects, if it creates jobs and brings new technologies to the United States, then it should be welcomed. But some commentators suggest that American business is giving up whole sectors of the economy, and that America is becoming so dependent upon foreign capital that it affects our national policies and priorities. If they are right, then there may be a problem.

All you have to do is read the newspaper, listen to the radio, or watch television to hear about foreign investors buying high-profile U.S. companies and properties, and gaining market share in high technology products. Foreign companies are making a big impact in some industries such as chemicals and consumer electronics, and in some areas in commercial banking. To me, the most troubling cases are when a foreign interest acquires a defense-related company. If it happens enough, there is the potential that American firms will no longer be able to supply our forces with essential technologies, and we can see how important that is by what is happening in the Persian Gulf today.

Public opinion polls suggest that the American people are concerned about foreign investment, about the persistent trade deficits that America runs with some of these countries, and about the overall economic future of this Nation. Add to this the evidence that some foreign companies which have set up operations here, and which have been importing high percentages of parts and thus have contributed to the trade deficit, may not be paying their fair share of taxes. What does this mean about the validity of some of the arguments in favor of foreign investment?

I want to mention another preliminary issue, before I get into this tax avoidance matter in detail. I have watched as the debate on foreign investment and competitiveness has progressed and a pattern has developed where the media pretty quickly puts you into one camp or the other. When you talk about foreign investment or foreign lobbying, Japan often becomes the focus. You either get labeled as an internationalist, or as some would say, an apologist, or you get labeled as a basher.

I don't think that I would like to be put in with either group, and I think that trying to discredit someone and his or her ideas by name calling just clouds the issues. It is a smokescreen.

On the issue of tax avoidance, it should not matter where you stand on foreign investment. The issue is whether or not these companies, which enjoy the benefits of American markets, capital infrastructure, and workers, are paying their fair share of taxes.

The American taxpayer would have every right to be indignant if we are facing a huge budget deficit while foreign-owned companies are cheating on their taxes to the tune of billions of dollars. So today I want to raise some questions. I am not going to provide definitive answers, because the congressional investigators and the IRS are still looking into the matter. But I do want to raise some questions that I believe every business owner that pays taxes, and every American citizen that pays taxes, deserves to have answered.

I want to commend at the outset my colleagues who have focused on this issue, including DUNCAN HUNTER, DICK SCHULZE, MARCY KAPTUR, JAKE PICKLE, DICK GEPHARDT, and DAVID BONIOR. Now, let me briefly describe what the testimony before the Oversight Subcommittee has shown.

□ 1040

The congressional investigators focused on 36 foreign-owned U.S. distributors of automobiles, motorcycles, and electronics equipment. These companies are incorporated in the United States and distribute foreign-made products to American wholesalers and retailers. Out of the companies investigated, 25 were from Pacific Rim countries, and 11 had European parent companies.

The main tax issue that arose was transfer pricing, where, for example, a subsidiary would pay inflated prices for products that it purchases from the foreign parent to sell to the American public. By transferring the bulk of its profits back to the overseas parent because of this infalted price it pays, the subsidiary has a lower taxable income in the United States. Other ways of reducing taxable income that were discovered by the investigators included the shifting of income through excessive freight, insurance, and interest charges.

The investigators studied tax returns over a 10-year period, and found that more than half of the 36 companies investigated paid little or no Federal income tax. At the same time these companies were selling billions of dollars' worth of made products to American consumers.

Can it be that all of these companies are so poorly managed that even with billions in sales they are unable to make a profit?

Let me give an example of what the Oversight Subcommittee investigators found. They looked at one electronics company, described by IRS agents as a very aggressive and egregious taxpayer that had gross receipts over a 7-year period of approximately $4 billion. The company, over that period, reported $15 million in tax liabilities.

Now, it is possible that this company just had some bad years, and that is why its taxable income was so low. But when you look across the board among different industries and different companies and there is a pattern of unusually low taxable incomes, then this raises the question of tax evasion.

How much should these companies be paying in taxes? Several experts, including investment analysts, suggest that a rough estimate of how much a company should earn as taxable income is percent on gross revenues. So what would this mean for the electronics company with $4 billion in gross revenue?

If the company made $4 billion in gross receipts, you would thus expect a taxable income of roughly $320 million. And assuming a corporate tax rate of 34 percent—and, of course, the corporate tax rate was higher than that a few years ago—you would expect that company to pay taxes of about $109 million.

So it could be argued that this company probably should have paid taxes in the neighborhood of $109 million. And that is just one company. How much revenue has the Treasury lost if this pattern exists among many foreign subsidiaries?

In studying the 18 foreign automobile and motorcycle companies, all but two paid some Federal income taxes. But many utilized net operating loss carryforwards to substantially reduce their tax liability. In tax year 1987, 10 companies reported $38 billion in gross receipts and paid only $366 million, or less than 1 percent of gross receipts in Federal taxes.

Are U.S. companies doing the same thing and underreporting their income abroad? At the Oversight Subcommittee hearing on July 10, an IRS official testified that he has studied the tax return data of U.S. subsidiaries abroad, and that these firms "generally earned 8- to 10-percent pretax net operating profit on their business receipts." So this is consistent with the 8-percent figure that could be used to roughly estimate what taxable income should be. Compare this with the 1 percent for foreign subsidiaries, and there is cause for concern.

IRS statistics for income data for 1987, the most recent year available, both for all foreign companies operating in the United States, and for all Japanese firms show the return on assets and return on receipts for all foreign firms in 1987 are both less than 1 percent. For all Japanese firms, the return on assets and return on receipts is slightly more than one-tenth of 1 percent.

In contrast, remember, American firms overseas are generally reporting 8 percent of gross receipts as taxable income.

Other statistics illustrate the performance of Japanese controlled subsidiaries in the United States, in billions of dollars, from 1984 to 1987. It is reported that the receipts of these subsidiaries have increased from $112.6 billion in 1984 to $184 billion in 1987. The Japanese seem to be doing pretty well, as anyone who has purchased a TV or VCR or microwave lately will attest. Statistics also show that the assets of Japanese subsidiaries in the United States have increased from $65.6 billion in 1984 to $172 billion in 1987. Again, a large increase.

It would seem to follow that the net income of these subsidiaries would also increase. In fact, the IRS reports that collective net income fell from $1.6 billion in 1984 to $219 million in 1987. This is how much was reported for tax purposes.

Why, if their profits were falling like this, did foreign investors increase their purchases of companies in the United States? Why is it that while their receipts and assets are increasing, their net income, their profits, are decreasing?

Does it mean that these firms are getting worse at managing their companies, or better at arranging their books so that they show less taxable income?

I would like to illustrate these points with some charts.

This first chart shows foreign-controlled U.S. corporation assets in billions of dollars. In 1984, and these are the figures of the Department of the Treasury, their assets were $553 billion. In 1985 they went to $656 billion, in 1986, to $841 billion, and in 1987, $950 billion.

The next chart illustrates foreign-controlled U.S. subsidiaries' receipts in billions of dollars. In 1984 they were $459 billion; 1985, $514 billion; 1986, $543 billion; and in 1987, $650 billion. That is gross receipts.

The next set of charts shows Japanese-controlled United States corporation assets in billions of dollars. In 1984 they were $65.6 billion. In 1985 it went to $81.1 billion. If one has been reading the newspapers, that is not exactly a surprise, because foreign investors have purchased many U.S. buildings and companies. In 1986 it was $132.8 billion. In 1987, and it has gone higher since then, but this is the latest Department of the Treasury figure I have, it was $172 billion.

Moving to the other chart, we see Japanese-controlled United States corporations' receipts in billions of dollars. In 1984 they were $112 billion; 1985, $133 billion; it drops to $126 billion in 1986; it then shot up in 1987 to $184.9 billion in receipts.

So we see assets going off the chart to $87 billion. We see corporate receipts going up off the chart. I am sure every American would like their assets to be going up the same way.

□ 1050

This final chart shows Japanese-controlled United States corporations' net income, as reported to the IRS for tax purposes. It shows in 1984 net income was $1.8 billion. In 1985 it dropped to $1.3 billion in the midst of the economic recovery and prosperity under the Reagan administration, and as the economy continued to grow in this country their receipts dropped to $629 million. Then in 1987, in the heyday of the economic recovery, their receipts were $219 million.

The previous chart showed assets increasing. But the next chart shows as assets increased, net income decreased. As one goes up the other goes down.

I think this points to a problem. I think when Members focus on this they will agree that there may be a problem.

I think these statistics raise another issue—about who is providing advice to these foreign subsidiaries.

Obviously, the fact that some Members of Congress and the IRS are now focusing on tax avoidance by foreign subsidiaries means that those foreign subsidiaries that owe substantial back taxes are nervous. It means a lot of money to them. And, if the past is any guide, these foreign subsidiaries may spend big lobbying Congress to try to lessen the repercussions.

I believe that every company should be able to have access to legal advice and to accounting advice. But firms operating in this country also have an obligation to pay taxes. States? We are talking about possible tax evasion to the tune of $25 billion, and this would seem to be more than just creative accounting. And it has occurred while the countries that these parent companies are from have been building up huge trade surpluses with the United States.

Concerns have been raised that a lobbying effort might be waged in an attempt to divert attention from this tax issue, and it is probable that some of the lawyers and lobbyists that the foreign-owned subsidiaries will look to for help will be former top-ranking Federal officials. These former officials were educated and learned about the workings of the government at the expenses of the taxpayers of this country.

I am a lawyer, and I have worked here in Washington for years, so I am not naive about these matters. But I have become concerned about foreign lobbying since the Toshiba case, when this Congress was basically rolled by foreign interest, to the detriment of the American public.

I am not going to take the time of the House to rehash all of the details of the diversions of sensitive milling equipment by a subsidiary of Toshiba and a Norweigian company to the Soviet Union. But basically Congress

was rolled by the lobbyists representing foreign interests, and the company involved got nothing more than a slap on the wrist.

Originally, Congress would have put a 3-year ban on U.S. sales by the parent Toshiba company, a ban which would have cost them $2.5 billion. After the lobbying of former high-ranking U.S. officials, the final version of the Omnibus Trade Act included only a 3-year ban on imports from the subsidiary Toshiba Machine, which would cost them about $300 million. At the same time that Toshiba claimed innocence, the company was negotiating the sale of another sensitive technology to another East Bloc country. The total cost to the Navy to regain our advantage in submarine technology ranges in the billions of dollars. And we may never be able to calculate the cost to our national security.

As Members will recall, Toshiba sold high-technology equipment to the Soviet Union which enabled the Soviet Union to develop a quiet propeller. Our Navy used to be able to hear the Soviet subs 100 miles off the coast, and after Toshiba sold this high-technology information to the Soviet Union that range was reduced to about 10 miles. They sold it for $12 million, literally 30 pieces of silver. It was disappointing to see that activity. There were articles in the newspaper saying that Toshiba did not do it. Saying that if they did it, they apologized and that they were sorry. Then we found out that they were at the same time negotiating with another East bloc country to sell some other militarily sensitive equipment.

I might say that this technology endangered the lives of American sailors on submarines and the national security of the United States. To make up for the difference, it would cost anywhere from $6 billion to $10 billion to $30 billion.

I would hope that the Congress and the administration learned something from the Toshiba case, and that it will never, ever be repeated. Many in Congress are watching very closely any similar lobbying effort on behalf of foreign-owned subsidiaries that are avoiding taxes. Personally, I am concerned about what some of these former top-level U.S. officials are doing once they leave office. But it is very difficult to pass laws to regulate ethics in that area.

I do not want to attack anyone personally. I would like to give these individuals the benefit of the doubt—they may think that they are just doing a job and are not working against America's best interests.

In all fairness, on the Toshiba case reasonable men and women could differ. What we are talking about is what takes place in the future.

But the American people could have legitimate concerns about former top officials who gain the public trust and learn the ins and outs of government while being paid by the taxpayers, then go out to represent foreign interests.

To give you an idea of the magnitude of this foreign lobbying, congressional testimony last year suggested that the lobbying efforts of Japan was more than the combined budgets of America's five top industry organizations—the U.S. Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable, the Committee for Economic Development, and the American Business Conference.

The foreign lobbying issue troubles many people in and out of Congress, and some have called for a new ethic in Washington. Many people believe there ought to be a new ethic beginning now to see that perhaps some of the abuses of the past do not take place in the future.

One of the major concerns that I have about this foreign subsidiary tax avoidance matter is the effect that it has on the competitiveness of American business. If you and I are in the same business, and I pay taxes and you don't, you will have a huge competitive advantage. If the corporate tax rate is 34 percent, then you will have 34 percent more of your income to spend on research and development, marketing, investment in new plant and machines, and so on. You here talk about the competitive disadvantage because of the cost of capital in this country—well that difference is small compared with this. Every business man and women who pays taxes in this country and has faced competition from foreign subsidiaries would have a right to be incensed about this.

There ought to be a level playing field. We all ought to be treated exactly equal.

□ 1100

There are also wider competitiveness repercussions. The Commerce Department reports that foreign-owned subsidiaries are much more likely than American companies to import finished products or parts from abroad. Thus, if they have more money to spend because of tax avoidance, they will be able to import more—this adds to our trade deficit. The figures on imports by foreign affiliates in this country are significant.

A Deputy Assistant Secretary of Commerce testified recently that in 1987 imports for foreign affiliates in the United States accounted for 35 percent of all imports, and 26 percent were imported directly from the affiliate's parent company. For Japan, the data is even worse: imports by Japanese affiliates in the United States account for 81 percent of total imports from Japan.

Several experts on transfer pricing cases suggest that a realistic estimate of the amount of unpaid taxes that the United States could recover in this area is $50 billion. This figure represents about $10 billion a year that could be collected for each year since 1985, plus interest on the unpaid taxes.

If there is delay in going after the unpaid taxes, however, the actual recovery could be much less, because of statute of limitations problems.

It is time for the Commissioner of the Internal Revenue Service to establish a strike force to investigate and, if the evidence supports it, to prosecute these cases. This strike force should be made up of experienced and talented tax auditors and attorneys, and the IRS should be given the authority to hire outside audit teams and tax experts to match up against the hired guns that will be representing the foreign-owned subsidiaries.

The Treasury appropriations bill that the House passed on July 13 included an amendment that I offered at full committee that provided the IRS with $10 million above last year's levels for its international enforcement activities and targeting foreign subsidiaries. These funds should be used to set up an expert strike force, and to target those foreign-owned subsidiary cases where the American people can recover the largest amount of unpaid taxes.

Frankly, the IRS, the Treasury Department, and the Congress should know that the American people will demand that these taxes be paid and that there be every type of aggressive activity to be sure that the IRS is supported in doing their job to collect these taxes.

I know that the Ways and Means Committee is looking at several substantive changes to the Tax Code to address the foreign subsidiary problem. I commend the committee on having the foresight to look into this issue, and I would encourage timely action on the substantive tax issues.

For the present, the Internal Revenue Service should set up a strike force to aggressively pursue the unpaid taxes of these foreign subsidiaries. Our tax system depends upon citizens complying with U.S. tax laws and everyone paying his or her fair share of taxes. Foreign-owned subsidiaries that come to this country to take advantage of U.S. workers and infrastructure and markets and do not pay taxes should be vigorously prosecuted.

The American taxpayer deserves nothing less.

As Congress and the administration continue to deal with the issue, it is important to remember what happened during the Toshiba case. Special

interest lobbying should not be permitted to distort this issue.

Let me say that one more time. Special interest lobbying should not be permitted to distort the issues, and the companies involved should be dealt with fairly and justly on the merits of their compliance with the U.S. tax laws. They ought not be dealt with in a negative way because they are foreign-owned. As I said earlier, many foreign-owned companies are good for this country and are law abiding and very beneficial. No negative action or repercussion should be taken just because they have foreign parent companies. But all we are asking is that they be treated exactly the same as American businesses.

We should give the IRS the support it needs to collect any taxes owed to the Federal Government and I hope my colleagues will take a close look at this issue and consider how the Congress can offer that support.

A TRIBUTE TO RICHARD CYERT

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, one of the most distinguished individuals in my hometown of Pittsburgh, Richard Cyert, retired this summer as president of Carnegie Mellon University.

Frankly, my reaction when I first heard that he was going to retire was: it is hard to imagine Carnegie Mellon without Dick Cyert at the helm. He started as an instructor there in 1948, back in the days when it was known as the Carnegie Institute of Technology. His very impressive career has been based there ever since, and he has served as president for 18 years.

Carnegie Mellon University has grown and prospered under his leadership. Indeed, one of the most important reasons that it is a world-class academic institution is Dick Cyert.

Dick has a reputation not only as a successful university administrator, but also as a highly respected economist. He has written and edited many books and articles on economics, some of which have become internationally recognized as landmarks in their field.

Among his greatest contributions to economics have been in oligopoly theory. "My first paper," he once recalled, "tested the hypothesis that oligopolists followed price changes during the upswing but not during the downswing of a business cycle." His work in this area eventually led to one of the classics in economics, "A Behavioral Theory of the Firm," which Dick cowrote with James March in 1963.

An indication of Dick's accomplishments is the number of honors he has received over the years. They include the Hofstra Distinguished Scholar Award, the University of Minnesota's Outstanding Achievement Award, a Ford Foundation Resident Faculty Fellowship, and a Guggenheim Foundation Fellowship.

Dr. Cyert is also a citizen of Pittsburgh in the best and fullest sense. No one has done more for the economic and intellectual life of our city than Dick Cyert.

Many of us remember the bad economic slump in Pittsburgh in the early 1980's. Dick was one of our local leaders who understood the gravity of our problems and helped devise the strategies we needed for economic renewal. He worked with others in private industry, the public sector, and the academic community to turn things around. Pittsburgh is now enjoying an economic renaissance, with a high-technology base that puts us in a strong position for the future. We are lucky to have had the vision and tenacity of Dick Cyert and his colleagues.

Many of us will miss our frequent meetings and conversations with Dr. Cyert—but after all, he has accomplished—he certainly deserves a full and happy retirement. I know that all Pittsburghers join me in paying tribute to Richard Cyert, thanking him for all he has done, and wishing him the very best.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WOLF) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes today, September 10, 11, 12, 13, and 14.

(The following Members (at the request of Mr. ALEXANDER) to revise and extend their remarks and include extraneous material:)

Mr. NELSON of Florida, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. HUCKABY, for 5 minutes, on September 7.

Mr. RICHARDSON, for 5 minutes, on September 11.

Mr. MCMILLEN of Maryland, for 5 minutes, today.

(The following Member (at the request of Mr. DARDEN) to revise and extend his remarks and include extraneous material:)

Mr. COYNE, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. LEACH of Iowa.

(The following Member (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. ROE.

Mr. NELSON of Florida.

Mr. TORRES in two instances.

Mr. LANTOS.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes a.m.) under its previous order, the House adjourned until Monday, September 10, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3817. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester, if a sequester is necessary, pursuant to 2 U.S.C. 903; to the Committee on Appropriations.

3818. A letter from the Commission on Alternative Utilization of Military Facilities, transmitting the Commission's second report on alternative utilization of military facilities, pursuant to Public Law 100-456, section 2819(b)(4) (102 Stat. 2120); to the Committee on Armed Services.

3819. A letter from the Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the 1989 annual report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

3820. A letter from the Secretary of Education, transmitting a copy of final regulations—chapter 1 State operated or supported programs for Handicapped Children Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3821. A letter from the Assistant General Counsel, Department of Energy, transmitting notice of a meeting related to the International Energy Program to be held on Thursday, August 30, 1990, at the OECD, in Paris, France; to the Committee on Energy and Commerce.

3822. A letter from the Acting Assistant Secretary of State, transmitting the President's Memorandum of Justification that it is important to United States security interests to authorize certain arms sales to Saudi Arabia, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

3823. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 90-36 concerning emergency military sales to Saudi Arabia, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

3824. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3825. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3826. A letter from the Deputy Associate Director for Collection and Disbursement,

Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3827. A letter from the Secretary, Department of Transportation, transmitting a report on options to prevent exotic species from entering U.S. waters in ships' ballast water, pursuant to Public Law 101-225, section 207(a) (103 Stat. 1913); to the Committee on Merchant Marine and Fisheries.

3828. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to extend the deadline by which foreign nations must meet the requirements of the Marine Mammal Protection Act, to limit the embargo of tuna and tuna products from embargoed nations, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3829. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the Economic Development Administration for fiscal year 1989, pursuant to 42 U.S.C. 3217; to the Committee on Public Works and Transportation.

3830. A letter from the Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for the period October 1989 through June 1990, fiscal year 1990, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

3831. A letter from the Secretary of Veterans' Affairs, transmitting the biennial report of the Advisory Committee on Former Prisoners of War, pursuant to 38 U.S.C. 221(c); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5267. A bill to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes; with an amendment (Rept. 101-682). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GAYDOS:

H.R. 5554. A bill to direct the Administrator of the Small Business Administration to amend Federal regulations to provide eligibility for media and similar business concerns to participate in financial assistance programs administered by the Small Business Administration; to the Committee on Small Business.

By Mr. SLAUGHTER of Virginia:

H.R. 5555. A bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park; to the Committee on Interior and Insular Affairs.

H.R. 5556. A bill to amend title 28, United States Code, to make changes in the composition of the eastern and western districts of Virginia; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 5557. A bill to amend the Internal Revenue Code to disallow a deduction for interest paid or accrued on late paid taxes; to the Committee on Ways and Means.

By Mr. WEISS:

H.J. Res. 648. Joint resolution to designate the month of October 1990 as "National AIDS Awareness and Prevention Month"; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN of Florida:

H. Con. Res. 365. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 173: Mr. VALENTINE, Mrs. BOXER, Mr. SHUMWAY, Mr. GUARINI, Mr. MAVROULES, and Mr. SLATTERY.

H.R. 661: Mr. COYNE.

H.R. 2608: Mr. SMITH of New Jersey.

H.R. 3355: Mr. DE LUGO and Mr. PENNY.

H.R. 3520: Mr. HAYES of Louisiana.

H.R. 3547: Mr. HOLLOWAY.

H.R. 3979: Mr. PAYNE of New Jersey, Mr. BROWN of California, and Mr. DWYER of New Jersey.

H.R. 4147: Mr. WEISS and Mr. DYSON.

H.R. 4250: Mr. DEFAZIO.

H.R. 4300: Mr. MCGRATH.

H.R. 4369: Mr. SPRATT, Mr. STALLINGS, Mr. GALLO, and Mr. SUNDQUIST.

H.R. 4492: Mr. GORDON and Mr. MCGRATH.

H.R. 4575: Mrs. BENTLEY.

H.R. 4652: Mr. KASTENMEIER, Mr. OLIN, Mr. RINALDO, and Mrs. SCHROEDER.

H.R. 4864: Mr. MOAKLEY, Mrs. MEYERS of Kansas, Mr. ROE, Mr. BORSKI, Mr. MARKEY, Mr. SMITH of Vermont, Mr. ECKART, Mr. BEREUTER, Mr. FOGLIETTA, Mr. CONTE, and Mr. CROCKETT.

H.R. 4865: Mrs. MEYERS of Kansas, Mr. ROE, Mr. BORSKI, Mr. MARKEY, Mrs. MORELLA, Mr. SMITH of Vermont, Mr. BEREUTER, Mr. FOGLIETTA, Mr. CONTE, and Mr. CROCKETT.

H.R. 5306: Mr. BONIOR, Mr. BOSCO, Mr. FOGLIETTA, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. RAVENEL, Ms. SCHNEIDER, Mr. WELDON, and Mr. YATRON.

H.J. Res. 509: Mr. HERTEL, Mrs. KENNELLY, Mr. HUGHES, Mr. VOLKMER, Mr. VENTO, Mr. GUNDERSON, Mr. CHAPMAN, Mr. SYNAR, Mr. HALL of Texas, Mr. OXLEY, and Mr. KASICH.

H.J. Res. 525: Mr. GEREN, Mr. FAZIO, Mr. MILLER of California, Mr. HAYES of Illinois, Mr. BERMAN, Mr. GILMAN, Mr. POSHARD, Mr. INHOFE, Mr. ROSE, Mr. DENNY SMITH, Mr. HATCHER, Mr. SCHUMER, Mr. TRAFICANT, Mr. YATRON, and Mr. NEAL of North Carolina.

H.J. Res. 616: Mr. VANDER JAGT, Mr. VENTO, Mr. GILMAN, Mr. DORNAN of California, Mr. DOUGLAS, Mr. MATSUI, Mr. NOWAK, Mr. WHITTEN, Mr. BENNETT, Mr. SAWYER, Mr. MCCLOSKEY, Mrs. LLOYD, Mr. BROWDER, and Mr. HAMMERSCHMIDT.

H.J. Res. 632: Mr. RAHALL.

H. Con. Res. 329: Mr. GRANT.

H. Res. 312: Mr. WELDON, Mr. WOLF, Mr. SERRANO, Mr. KLECZKA, Mr. PASHAYAN, Mr. GEJDENSON, Mr. FRENZEL, and Mr. JONES of North Carolina.

H. Res. 411: Mr. RANGEL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

225. The SPEAKER presented a petition of Board of Chosen Freeholders, Toms River, New Jersey, relative to the Reedy Creek area; which was referred to the Committee on Merchant Marine and Fisheries.

EXTENSIONS OF REMARKS

ENDANGERED SPECIES ACT "TOO TOUGH," LUJAN SAYS

HON. MEL LEVINE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. LEVINE of California. Mr. Speaker, Earth Day has come and gone, but the need for environmental education goes on and on.

Take the recent comment by Secretary of the Interior Manuel Lujan that the Endangered Species Act is "too tough" which was prompted in part by the controversy in Arizona over protecting the endangered red squirrel. In an interview, Secretary Lujan went on to ask "do we have to save every subspecies" and to comment that "nobody's told me the difference between a red squirrel, a black one, or a brown one."

The answer to his question is, of course, we need to save every subspecies and, yes, there are important differences among squirrels and the millions of other species and subspecies on the planet. It is precisely this multitude of species and genetic differences which we are trying to save.

There are a number of very good, practical reasons for such a policy. Genetic diversity is crucial to every source of all of mankind's food, including the organisms which support the plants and animals we consume.

In an outstanding essay for the Los Angeles times, Sunday May 13, Prof. Donella Meadows of Dartmouth College outlines the case for biodiversity and answers Secretary Lujan's about saving the species.

The House is currently considering H.R. 1268, the National Biological Conservation and Environmental Research Act, which I am an original cosponsor of and which addresses the critically important issue of preserving species diveristy. We need this legislation and we need the administration's recognition of this deeply important issue.

Toward this end, I submit for the RECORD, the Meadows essay and an article including Secretary Lujan's comments:

[From the Los Angeles Times, May 12, 1990]

ENDANGERED SPECIES ACT "TOO TOUGH," LUJAN SAYS

(By Rudy Abramson)

WASHINGTON.—Under mounting pressure to protect the embattled Mt. Graham red squirrel in Arizona, the squawfish in Colorado and the spotted owl of the Pacific Northwest, Interior Secretary Manuel Lujan Jr. has suggested that Congress take a look at the Endangered Species Act to see whether it is unnecessarily restrictive.

Lujan's comments in a copyrighted interview in Friday's Denver Post incited an uproar from environmentalists, who interpreted them as a call for weakening the federal protection of a host of endangered plants and animals.

After an interview at Mesa Verde National Park in Colorado, the newspaper quoted the secretary as saying that the law "is just too tough," questioning whether endangered species must be protected in every locale where they exist, and asking: "Do we have to save every subspecies?"

The reaction was swift, with environmentalists accusing the secretary of insensitivity and creeping "Wattism," a reference to Ronald Reagan's Interior secretary, James G. Watt, who resigned after developing a reputation as notoriously anti-environment.

"We are incensed that the very Cabinet official whose job it is to be the country's front-line protector of endangered wildlife would make such outrageous statements," said National Wildlife Federation President Jay D. Hair.

"Secretary Lujan was quoted as saying that nobody has told him the difference between a red squirrel, a black one, or a brown one, and whether we have to save every subspecies," Hair added. "I would gladly meet with the secretary to provide him with a much-needed education about the importance of biodiversity."

The proximate cause of Lujan's criticism of the act apparently was a fight between scientists supporting construction of a $200-million telescope atop Mt. Graham in Arizona and environmentalists trying to protect the habitat there of 100 or so red squirrels confronting extinction.

The squirrels, Lujan said, presented "the best example" of the dilemma presented by the act's requirements and the interests of development. "Nobody's told me the difference between a red squirrel, a black one, or a brown one," he told the newspaper.

Opposing forces in the Arizona struggle have gone to court and two biologists for the Interior Department's Fish and Wildlife Service have said in depositions that their superiors ordered them to prepare reports stating that the squirrels and the telescope could coexist on Mt. Graham.

Lujan's complaint that the Endangered Species Act makes no provision for economic considerations came during the same week that the Interior Department was forced to suspend work on a Western water project because of scientists' concern over a protected fish.

The Department's Bureau of Reclamation put an indefinite hold on a $589-million Colorado reservation project after scientists for the Fish and Wildlife Service concluded it would threaten the survival of the Colorado squawfish, a large member of the minnow family.

Some $9 million already had been invested in the $589-million reservoir, which is designed to provide water for irrigation, for municipal supplies in southwestern Colorado and for Ute Indian tribes. Environmentalists hailed the action, but critics ridiculed the protection of a species regarded locally as a trash fish.

Lujan said the project will be restudied, and he argued that consideration should be given to the fact that the squawfish exists in other places far from the contested Animas-La Plata project.

Just hours before his Colorado interview, Lujan was asked by San Bernardino City Attorney James F. Penman to stop malathion spraying around the city until it could be determined whether threatened and endangered species would be harmed by the chemical war on Medflies.

Lujan declined, and an Interior Department spokesman called Freeman's request an attempt to make political use of the act.

Steven Goldstein, Lujan's press secretary, denied Friday that the secretary was calling for a weakening of the Endangered Species Act, saying he was expressing mounting frustrations caused by efforts to enforce it.

The secretary, he said, is concerned that the law is being missued to block economic development. Rather than calling for a weakening of it, Goldstein said, Lujan would like Congress to review how it applies to the protection of subspecies and officially endangered species that exist in more than one locale.

"He is suggesting," Goldstein said, "that Congress might want to examine it to determine whether it is being implemented for the purpose for which it was intended."

Lujan's remarks seemed certain to add fuel to the already furious debate over protection of the spotted owl in Washington, Oregon and Northern California.

Environmentalists and timber interests have battled over the issue of restricting logging in century-old forests that provide the habitat of the 1,500 pair of breeding owls still believed to exist.

The spotted owl currently is not listed as endangered, but a study by the Fish and Wildlife Service has been under way for months. An announcement is expected next month on whether the owl will be put on the list, a move that timber interests contend would have massive economic repercussions.

[From the Los Angeles Times, May 13, 1990]

PRESERVING BIODIVERSITY IS PROTECTING LIFE ON EARTH

(By Donella H. Meadows)

PLAINFIELD, NH.—The ozone hole and the greenhouse effect have entered our public vocabulary, but we have no catchy label for the third great environmental problem of the late-20th Century. It's even more diffuse than depletion of the ozone layer or global warming, harder to grasp and summarize. The experts call it "the loss of biodiversity."

Biodiversity obviously has something to do with pandas, tigers and tropical forests. But preserving biodiversity is a much bigger job than protecting rainforests or charismatic magafauna. It's the job of protecting all life—microscopic creepy-crawlies as well as elephants and condors—and all life's habitats—tundra, prairie and swamp as well as forests.

Why care about red squirrels, for instance?

"Do we have to save every subspecies?" asked the U.S. Interior secretary, Manuel Lujan Jr., on Thursday. He called for changes in the Endangered Species Act, because it is blocking construction of a $200-million telescope on Mt. Graham in Arizona, the habitat for about 180 endangered red squirrels.

Why care about tundra, swamp, blue beetles or little bluestem grasses? Ecologists give three reasons, which boil down to

simple self-interest on three levels of escalating importance.

Biodiversity has both immediate and potential economic value. This is the argument most commonly put forward to defend biodiversity, because it's the one our culture is most ready to hear. It cites the importance of the industries most directly dependent upon nature—fisheries, forestry, tourism, recreation and the harvesting of wild foods, medicines, dyes, rubber and chemicals.

Some ecologists are so tired of this line of reasoning that they refer wearily to the "Madagascar periwinkle argument." That obscure plant yields the drugs vincristine and vinblastine, which have revolutionized the treatment of leukemia. About a third of all modern medicines have been derived from molds and plants. The potential for future discoveries is astounding. The total number of species of life is somewhere between 10 million and 30 million, only 1.7 million of which we have named, only a fraction of which we have tested for usefulness.

The economic value of biodiversity is very real, but ecologists hate the argument because it is both arrogant and trivial. It assumes that the Earth's millions of species are here to serve the economic purposes of just one species. And even if you buy that idea, it misses the larger and more valuable ways that nature serves us, even if we never name or harvest its millions of species.

Biodiversity performs environmental services beyond price. How would you like the job of pollinating all trillion or so apple blossoms in New York state some sunny afternoon in late May? It's conceivable, maybe, that you could invent a machine to do it, but inconceivable that the machine could work as elegantly and cheaply as the honeybee, much less make honey on the side.

Suppose you were assigned to turn every bit of dead organic matter, from fallen leaves to urban garbage to road kills, into nutrients that feed new life. Even if you knew how, what would it cost? A host of bacteria, molds, mites and worms do it for free. If they ever stopped, all life would stop. We would not last long if green plants stopped turning our exhaled carbon dioxide back into oxygen. Plants would not last long if a few genera of soil bacteria stopped turning nitrogen from the air into nitrate fertilizer.

Human reckoning cannot put a value on the services performed by the ecosystems of earth. In addition to pollination and nutrient recycling, these services include the cleansing of air and water, flood control, drought prevention, pest control, temperature regulation and maintenance of the world's most valuable library—the genes of all living organisms.

Biodiversity contains the accumulated wisdom of nature and the key to its future. If you ever wanted to destroy a society so thoroughly that there would be no hope of its resuscitation, you would burn its libraries and kill its intellectuals. You would destroy its knowledge. Nature's knowledge is contained in the DNA within living cells. The variety of that genetic information is the driving engine of evolution, the immune system for life, the source of adaptability—not just the variety of species but also the variety of individuals within each species.

Individuals are never quite alike. Each is genetically unique mostly in subterranean ways that will only appear in future generations. We recognize that is true of human beings. Plant and animal breeders recognize it in dogs, cattle, wheat, roses, apples. The only reason they can bring forth bigger fruits or sweeter smells or disease resistance is that those traits are already present in the genes carried by some individuals.

The amount of information in a single cell is hard to comprehend. A simple one-celled bacterium can carry genes for 1,000 traits, a flowering plant for 400,000. Biologist E.O. Wilson says the information in the genes of an ordinary house mouse, if translated into printed letters, would fill all the 15 editions of the Encyclopedia Britannica that have been published since 1768. And each house mouse is slightly different from all the others.

The wealth of genetic information has been selected over billions of years to fit the ever-changing necessities of the planet. As Earth's atmosphere filled with oxygen, as land masses drifted apart, as humans invented agriculture and altered the land, there were lurking within individuals pieces of genetic code that allowed them to defend against or take advantage of the changes. These individuals were more fit for the new environment. They bred more successfully. The population began to take on their characteristics. New species came into being.

Biodiversity is the accumulation of all life's past adaptations, and it is the basis for all future adaptations (even those mediated by human gene-splicers). That's why ecologists value biodiversity as one of the Earth's great resources, as great as oil deposits or topsoils or fresh water. It's why they take seriously the loss of even the most insignificant of species; why they defend not only the preservation of species but the preservation of populations within species, and why they regard the current rate of human-induced extinctions as an unparalleled catastrophe.

We don't know how many species we are eliminating, because we don't know how many species there are. It's a fair guess that at the rate we are destroying habitat, especially, but not exclusively in the tropics, we're pushing to extinction about one species every hour. That doesn't count the species whose populations are being reduced so greatly that diversity within the population is essentially gone. Earth has not seen a spasm of extinctions like this for 65 million years.

Biologists estimate that human beings usurp, directly or indirectly, about 40% of each year's total biological production (and our population is on its way to another doubling in 40 years). There is hardly a place on Earth where people do not log, pave, spray, drain, flood, graze, fish, plow, burn, drill, spill or dump. There is no life zone, with the possible exception of the deep ocean, that we are not degrading. In poor countries biodiversity is being nickel-and-dimed to death; in rich countries it is being billion-dollared to death.

Besides "loss of diversity," biologists have another name for this problem—"biotic impoverishment." What is impoverished is not just biodiversity, it is also the human economy and human spirit. Ecologist Paul Ehrlich describes biotic impoverishment this way: "Unless current trends are reversed, Americans will gradually be living in a nation that has fewer warblers and ducks and more starlings and herring gulls, fewer native wildflowers and more noxious weeds, fewer swallowtail butterflies and more cockroaches, smaller herds of elk and bigger herds of rats, less edible seafood, less productive croplands, less dependable supplies of pure fresh water, more desert wastes and dust storms, more frequent floods and more uncomfortable weather."

Biodiversity can't be maintained by protecting a few species in a zoo, or by preserving greenbelts or national parks. To function properly nature needs more room than that. It can maintain itself, however, without human expense, without zookeepers, park rangers, foresters or gene banks. All it needs is to be left alone.

To provide their priceless polli-nation service, the honeybees ask only that we stop saturating the landscape with poisons, stop paving the meadows where bee-feed grows and leave them enough honey to get through the winter.

To maintain our planet, our lives and our future potential, the other species have similar requests, all of which add up to: Control yourselves. Control your numbers. Control your greed. See yourselves as what you are, part of an interdependent biological community—the most intelligent part, though you don't often act that way.

So act that way, either out of a moral respect for something magnificant that you did not create and do not understand, or out of a practical interest in your own survival.

IRS DISTRICT DIRECTOR IS RETIRING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. MICHEL. Mr. Speaker, despite a general belief that IRS employees are out to get the taxpayer, the Internal Revenue Service has many exemplary employees in its ranks. One such employee is Ira Loeb, Director of the Springfield District of the IRS, who recently announced his retirement. Ira is the longest serving director in the history of the Springfield office, and is the recipient of numerous awards such as the prestigious Regional Commissioner's Award and several Assistant Commissioner Awards. His record as a public servent is laudable, and his presence at the helm of the Springfield District IRS office will be missed.

At the time, I would like to insert in the RECORD an article citing Ira Loeb's distinguished career which appeared recently in the State Journal Register.

IRS DISTRICT DIRECTOR IS RETIRING

(By Chris Dettro)

Ira Loeb, the longest-serving director in the history of the Springfield district of the U.S. Internal Revenue Service, announced his retirement Wednesday, saying his successor "will be a lucky man or woman."

Loeb will leave the IRS on Sept. 29. His successor likely will be named before he leaves and will be someone who has come through the IRS' Executive Development Program.

Loeb, who will turn 65 next month, has been director of the district, which stretches from Galesburg to Cairo, since Sept. 1, 1974. He is the third district director in Springfield since the district system was devised.

A reproduction of the commission by President Abraham Lincoln of a Springfield predecessor, William G. Green, as "collector of Internal Revenue for the Ninth Collec-

tion District of Illinois" dated March 4, 1863, hangs behind Loeb's desk.

"I'm not going to relax," Loeb said of his retirement. "I want to do something where I can use the skills I have in some kind of community service work. I just don't know what yet."

Loeb shouldn't be short on offers. He has already served on the United Way, the Combined Federal Campaign, Community Action Agency and the Springfield Jewish Federation while holding his full-time job. He also is a trustee of Temple B'rith Sholom.

He said he and his wife, Lenore, intend to stay in Springfield. "Springfield is our home," he said. "Two of our sons graduated from Springfield High School, and before this we had never lived anywhere longer than four years—12 different cities."

Loeb has occupied an office decorated with pictures of trips to Europe—including pictures he took while serving with the U.S. Army during World War II—for 16 years.

He said his greatest personal accomplishment during that time was overseeing the development of the IRS's Central Area Distribution Center in Bloomington.

"If it hadn't been for that, I probably would have retired five years ago," he said. "In the position of director, it's unusual to do something from the ground up, because most of the buildings and the system are already there and functioning when you arrive."

Tax forms are shipped to a 23-state area from the center. Loeb is responsible for the work of 1,600 employees in 14 offices throughout the district, including the Springfield headquarters on West Washington Street.

"On the tax side, I'd have to say electronic filing is the biggest innovation," he said. "It saves us so much work, and has reduced the input error rate from 20 percent to 3 percent. It's fast and virtually error-free."

More than 70,000 taxpayers filed their returns electronically in the district last year.

Loeb has received numerous awards during his 41-year federal career (25 with the IRS), including three assistant commissioner awards—one of the highest recognitions given to IRS executives. He also received a regional commissioner's award—the highest award given to IRS employees in the Midwest—for his work on the Bloomington distribution center.

Loeb said he is aware that the U.S. tax system is complicated and causes much consternation among taxpayers.

"There have been more than 150 tax law changes by Congress in the 16 years I've been director—some small, some not so small," he said. "We're conscious of the burden on the public, particularly the small businessman.

"But 100 million Americans get to sit down every year at their kitchen table in their own home and compute their share of what it costs to run the country, with no one looking over their shoulder," he said. "And most do it honestly."

If he could do one thing before he retired, he said, "I'd convince the American people we aren't the enemy. The millions of people who pay their taxes are the victims of the few who cheat.

"I'd just like people to understand we're not the bad guys. Talk to the people who have dealt with us. You'll find most have been pleasantly surprised."

HONORING JIM JIRSA, RESIDENT OF BALDWIN PARK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. TORRES. Mr. Speaker, on September 10, 1990, Mr. Jim Jirsa will celebrate his 100th birthday. For this occasion, the community of Baldwin Park will organize a recognition day for him.

When Jim Jirsa and his wife May moved to Baldwin Park in 1945, they encountered turkey ranches, chicken farms, and orange groves. Signs warned of penalties for orange picking and it only cost a nickel to go downtown on the old, electric, red cars. Mr. Jirsa, along with his wife of 73 years, has watched the city's population grow from 16,000 to more than 60,000.

Mr. Jirsa has done more than watch the city change; he has been a dynamic force behind the changes. He set the wheels in motion for the senior citizen's programs by incorporating the Committee on Aging in 1977. A 1908 graduate of Chicago Business College, he has used his background in bookkeeping and accounting to help various community organizations. He served as treasurer for the Committee on Aging, the Senior Citizen Nutrition program and the American Legion in which he is a life member.

In addition Mr. Jirsa also served as a visitor on the Advisory Commission and as recreation and parks commissioner for Baldwin Park. In 1981 he was Senior Citizen of the Year and was honored on the 16th annual Older Americans Recognition Day by the L.A. County Board of Supervisors. He has also worked closely with the Baldwin Park Adult School.

Mr. Jirsa is the last remaining WWI veteran in Barracks No. 1643, the Baldwin Park post for veterans of WWI. In 1918, he was 28 years old and a newlywed of 14 months when he reported to Camp Grant in Rockford, IL. As a member of the 161st Depot Brigade, he worked as an orderly delivering transfers and telegrams for a monthly salary of about $8 after deductions.

Mr. Jirsa attributes his long life to days filled with responsibility both at home and within the community. Also, he says, he drinks milk.

Mr. Speaker, at this time I ask that my colleagues please join me in saluting Mr. Jim Jirsa for his outstanding community efforts in Baldwin Park. As a visible voice in the community, he has been part of the leadership, an active force, for Baldwin Park.

CELEBRATING THE WAYNE MANOR'S SILVER ANNIVERSARY CHARITY BALL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. ROE. Mr. Speaker, it is with distinct pleasure that I rise today to pay tribute to a family who has spent 35 years in business faithfully and generously serving the people of my Eighth Congressional District of New Jersey. The Jachera family have been in the restaurant business since 1955 and for the last 25 years have been the proud proprietors of the Wayne Manor which will celebrate its silver anniversary on Friday, September 7, 1990.

To commemorate this event the Wayne Manor will host a charity ball and in typically unselfish behavior all proceeds will be donated by Ted Jachera, owner of the Manor, to two very worthy causes—St. Joseph's Home for the Elderly of the Little Sisters of the Poor in Totowa, NJ and the Huntington's disease unit of the Terence Cardinal Cooke Health Care Center in New York City. Honorary chairman for the ball is His Eminence John Cardinal O'Connor, archbishop of New York.

This silver anniversary notes not only 25 years of successful business, but 25 years of active participation in, and devotion to, a community and individuals who have had the good fortune to have come in contact with Ted Jachera and his family. The two charities which are being benefited by this dinner dance perform a great deal of important work in the area, ensuring that the unfortunate victims of disease and poverty have care and shelter.

The Little Sisters of the Poor dedicate their lives to taking care of the aged poor at St. Joseph's Home for the Elderly. These sisters provide the personal care and spiritual comfort which gives the aged the dignity and kindness which they deserve and so often are denied during the later stages along life's journey. Among the sisters' vows is that of hospitality—welcome of the aged regardless of race, religion, color, or natural origin. Devotion to the care and consolation of your fellow man has no higher calling and is truly God's work.

Huntington's disease is a hereditary brain disorder that slowly erodes the victim's mental capacity and physical control. In 1988, the Archdiocese of New York, under the leadership of John Cardinal O'Connor, established a unit for the care of Huntington's disease patients at the Terence Cardinal Cooke Health Care Center. Care at the Cooke Center is geared to the unique needs of the Huntington's patient. It is believed that this unit will serve as a model for others across the Nation and around the world. The charity ball will help to make the lives of the aged poor and Huntington's disease patients a bit more comfortable and hopeful. What better way to share the joy and success of 25 years in business than by helping those less fortunate.

The Jachera family began its long career in the restaurant business in 1955. Louis Jachera, laid off from work at the Tide Water Oil Co., and knowing that he must provide a living for his family, invested in a tavern called the Hi-Ho Club in Wayne, NJ, and moved his family into the apartment above the club. For 10 years, Louis and Anlela Jachera operated the club with the help of their sons Ted and Stan.

In 1964 Ted and Stan decided to set up their own business in association with Jerry Cardillo who lent his knowledge of the catering business and experience with Sam Cuccinello at the Rustic Lodge and was of tremendous assistance to the Jachera brothers. After a full year of work to complete the original section of the building, the Wayne Manor opened in July 1965. The building consisted of two rooms and an office. The Empire Room on the upper level opened first and was split into two separate rooms—the Princess and Duchess. By the end of the year the downstairs room opened and was called the Manor Room, divided into the Apollo and Venus Rooms.

The official grand opening occurred on August 9, 1965, and was one of the happiest days of Louis Jachera's life. He was able to witness his sons opening their own business. The opening would never have been possible without his proud support and generous financial backing. The HI-Ho Club was sold in October 1965 and Louis only shortly there after died of cancer on November 13, 1965.

The Manor expanded in 1969 adding an extension to the building and currently, after a great deal of hard work and renovations, can accommodate up to 2,000 people. There are eight banquet rooms, five kitchens, and an indoor and outdoor chapel.

In 1977, Ted and Stan Jachera were joined by their brother John who left IBM and began working with them full time at the Wayne Manor and is now in partnership with Ted. Ted's children Kathleen, Robert, and Thomas all work full time in the establishment and plan to continue the family business. John's children Linda and Steven are part-time employees as well.

Stanley Jachera and Jerry Cardillo have since passed away. They are both greatly missed and will always be remembered.

In addition to the coming Silver Anniversary Charity Ball, another silver anniversary was recently held at the Wayne Manor. The Martens, who on August 4, 1965, were the first couple to use the Manor for their wedding reception, renewed their vows on their 25th wedding anniversary. Again, in recognition of and gratitude to the people who have partronized his business over the years, Ted Jachera offered the use of the indoor chapel with his compliments.

Mr. Speaker, it is gestures such as this and the charity ball which often go unnoticed in the community, but they demonstrate the sincerest commitment and devotion to people which responsible businessmen across the Nation should emulate and which this particular community can be proud of. I know that you join with me and the rest of my colleagues in the House in extending my heartiest congratulations to the Jachera family on their achievements and generosity and for their continued success and prosperity.

INTRODUCTION OF A BILL TO MOVE THE COUNTIES OF CULPEPER, LOUISA, AND ORANGE FROM THE EASTERN JUDICIAL DISTRICT OF VIRGINIA TO THE WESTERN JUDICIAL DISTRICT

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise today to introduce a bill which will enhance the access to the Federal courts for some 70,000 residents of my congressional district. Specifically, the bill will move the counties of Culpeper, Louisa, and Orange from the eastern judicial district of Virginia to the western district of Virginia.

Currently, litigants and lawyers are required to travel some distance to Alexandria or Richmond to access the Federal court. In light of the distance required to attend court, and the traffic and parking problems associated with such travel, there exists a reluctance to use the Federal court. Since these counties, once moved, would be assigned to the Charlottesville division of the western district, travel to a Federal court will be more convenient thereby enhancing utilization of the court.

The bill has the enthusiastic support of the bar associations of the three affected counties as well as the chief judge of the western district and the resident judge in Charlottesville.

I look forward to working with the Judiciary Committee to move this bill to enactment and provide the relief necessary for the people of Culpeper, Louisa, and Orange.

OLD GLORY

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. IRELAND. Mr. Speaker, I rise today to share with my colleagues a fine and stirring poem written by my constituent, Mr. Howard Sessoms of Homeland, FL.

I met Mr. Sessoms while I was traveling in my district this summer. We visited, and he gave me a copy of a poem he had written about that great symbol of freedom, the American flag.

As I reflect on the debates we had earlier this year about the so-called right to desecrate our flag, I wish that all of my friends here in the Congress could see the wisdom contained in this simple poem by a true patriot.

Mr. Speaker, with the House's permission, I wish to reprint "Should We Burn The Flag."

SHOULD WE BURN THE FLAG

Today as I sit and meditate
And think back through the years
Of where we "were" and where we "are" now
I can hardly hold back the tears.

Can we still sing the Star Spangled Banner
Is this still a nation with Pride?
Have we lost all our morals and values?
Seems something in our nation has died.

Our Flag should be a symbol
We should fly it high with Pride
Men have followed it into battle
And for it men have died.

You ask, "should one be allowed to burn it?"
To express a point of view
To really get an answer to your question
Let me tell you what do do.

Ask those who died on Iwo Jima
Or the "Death March" on Bataan
Ask those who died in Korea
Ask those who fell in Viet-Nam.

Ask those entombed in Pearl Harbor
Ask those who were shot from the skies
Ask those who came home with limbs missing
Ask those who came home without eyes.

Ask those who died at Normandy
Ask General McArthur or Ike
Why not ask some of your veterans
Who under this banner did fight.

Now, I am a Pearl Harbor survivor
I've fought for our Flag and our land
And to see anyone that's so disloyal
I'll stand up and condemn any man.

It might be a long-haired hippie
Or someone in tuxedo or rags
But despicable is the man who lives in this land
And burns our American Flag.

Within these lines is an answer
Let your heart and your conscience decide
Should we burn our Star Spangled Banner
For which so many Americans have died?

UNITED STATES-MEXICO FREE TRADE AGREEMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. PEASE. Mr. Speaker, President Bush is expected to notify Congress this month that he plans to negotiate a free trade agreement [FTA] with Mexico. In recent hearings on this subject held by the Ways and Means Trade Subcommittee, I expressed certain misgivings I had about a United States-Mexico FTA. I argued that, while an FTA arrangement with Mexico might be good for the overall economic health of both nations, Mexico's low wage base might have a depressing effect on wages in the United States, especially in the manufacturing sector.

Prof. Robert Dunn, a professor at George Washington University, makes a similar case in a Washington Post article, which is printed below. It should be required reading for everyone involved in these bilateral trade negotiations.

[From the Washington Post, Aug. 1, 1990]

LOW-PAID WORKERS WOULD LOSE EVEN MORE IN FREE-TRADE PACT WITH MEXICO

(By Robert M. Dunn, Jr.)

A free-trade pact between the United States and Mexico is being portrayed as little more than an extension of the U.S.-Canada free trade deal of two years ago.

It is no such thing.

Free trade between the United States and Mexico would affect the distribution of income within the United States in ways that need careful consideration before such a system is implemented. The U.S.-Canada

pact did not produce these effects, so this problem did not arise two years ago.

Although free trade between the United States and Mexico would increase total incomes in this country, it would also redistribute income away from unskilled and semi-skilled labor and toward professional and technical labor and capital. Because the "winners" would be people whose incomes are already above average, while the "losers" would start with below average incomes, this arrangement would make the distribution of U.S. incomes more unequal.

This is because of the types of products each country would export to the other, and because of the resulting expansion of some industries and contraction of others. It is an argument first developed 70 years ago by two Swedish economists, Eli Hecksher and Bertril Ohlin.

They noted that when there is free trade between two countries when one has an abundance of labor and the other an abundance of capital, each will export products that use a great deal of its abundant input.

Labor-abundant countries export textiles because that industry uses a great deal of labor. Countries with large amounts of capital export products such as chemicals that require a lot of capital.

In the U.S.-Mexico case, this means that the United States will import labor-intensive goods such as garments and shoes from Mexico and will export capital and professional and technical labor-intensive goods such as computers and machinery. With an underemployed population of about 90 million people, Mexico could produce a huge volume of garments and shoes.

This pattern of trade would mean that labor-intensive industries in the United States would shrink, while capital and technical labor-using industries would expand. The U.S. demand for unskilled and semi-skilled labor would fall, while the demand for capital and for highly educated labor would grow. As a result, U.S. wage rates for unskilled and semi-skilled labor would fall, while returns to capital and to professional and technical labor would rise.

The U.S.-Canada free-trade agreement did not produce this effect because these two countries have very similar economies. U.S. labor is not threatened by competition from Canadians whose wages are similar to those prevailing here, but competition with Mexican labor is a very different matter.

Restraining laid-off workers, with the goal of making them high-income skilled workers, is often seen as the answer, but experience with such programs has been very disappointing. Most of the affected workers have limited educational backgrounds, and many are not young. Despite retraining efforts, they generally have ended up with lower incomes than in the jobs they lost.

There is a solution to this income redistribution problem, but it is difficult to implement. Because total U.S. incomes would undoubtedly rise as a result of free trade with Mexico, the winners would gain more dollars than the losers would lose. This makes it possible for the winners to compensate the losers and still gain. If, for example, half of the population gains $100 each from free trade, while the other half loses $50 per person, the winners could pay the losers $50 each, thus restoring their original incomes, while still having net gains of $50. If those benefiting from free trade with Mexico paid part of their gains as additional taxes, and if the revenues were used to compensate those whose incomes would decline, this would be an arrangement in which nobody loses.

The compensation approach is theoretically simple, but politically and administratively difficult. It implies a more active income redistribution policy from Washington, which is not a politically popular idea. It is also far from easy to measure the gains and losses with precision, so the compensation would be approximate at best. In any event, this approach has never been seriously considered by the Congress as part of U.S. trade policy.

Until it is clear that compensation will be provided, the AFL-CIO and other representatives of labor are correct in opposing the U.S.-Mexico free trade proposals. Most Americans are not unskilled or semi-skilled and would clearly gain from this arrangement, but the losers would be irrational if they did not oppose it.

There is, however, one way in which U.S. labor and the AFL-CIO would gain from free trade with Mexico, but it only partially offsets these income distribution effects.

Because Mexico is on the opposite side of the Hecksher-Ohlin process from the United States, it would export labor-intensive goods, and experience an increase in wage rates. Higher Mexican wages would reduce pressures to emigrate, thus cutting the number of illegal immigrants coming to the United States to compete with U.S. workers.

For years, the AFL-CIO has been looking for ways to reduce competition from foreign workers within our economy, and now it could have one, although it is a very expensive solution to the problem of illegal immigration. It requires trade flows that would reduce U.S. wage rates, which defeats the original reason for trying to keep foreign workers out.

Free trade with Mexico or the free international mobility of labor would produce the same income distribution effects. U.S. wages fall, while those in Mexico rise. The rational AFL-CIO goal is to both avoid free trade and keep foreign workers out of this country.

The United States faces a difficult dilemma in designing a policy for its trade with developing countries. On one hand, this country wants the gains in total income that result from free trade and would also like to encourage the growth of these economies and reduce pressures for their workers to try to come here. On the other side, there is already strong evidence that the distribution of U.S. incomes has become more unequal in the last two decades, and free trade with countries such as Mexico would make that problem worse.

If the United States is going to pursue free-trade discussions with Mexico as well as other Latin American countries, as suggested recently by the White House, serious thought must be given to providing compensation.

TRIBUTE TO JUDGE WILLIAM F. LANAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Judge William F. Lanam, a distinguished justice in the Superior Court of San Mateo County. After 20 years of exemplary judicial service and a notable career of service to the citizens of San Mateo County, Judge Lanam will retire this month.

In the Superior Court, where he has served since January 1973, Judge Lanam was presiding judge, assistant presiding judge, and held other assignments on domestic, juvenile, mental, criminal, and civil calendars. He dealt with a number of complex litigation cases, including the publicized Tinsley desegregation case and the massive Shell oil case involving some 250 insurance companies.

Judge Lanam's service to our community did not begin with his appointment to the Superior Court in 1973. For 2 years prior to that time, he was a municipal court judge in the central district of San Mateo County. During his tenure, he initiated procedures which substantially reduced delays in bringing cases to trial, which has contributed significantly to the current status of San Mateo County courts as having the most up-to-date calendars in the State of California.

While he was executive director of the San Mateo County Bar Association, he developed the private defender program to provide private counsel for accused indigent individuals on trial. Since the inception of the program in 1969, it has been under contract with the San Mateo Board of Supervisors, and it has received awards of merit from the American Bar Association.

Judge Lanam also served as a deputy district attorney in San Mateo County from 1960 to 1962 and again in 1967. From 1962 to 1967 he was in private practice, and during that time he was named as the first juvenile court referee for San Mateo County by a unanimous vote of the Superior Court judges.

William F. Lanam was born in Hawaii on July 28, 1929, but spent his formative years in San Francisco. He graduated from the City College of San Francisco, San Francisco State College, and the University of San Francisco School of Law.

He met his wife while both were students at Commerce High School of San Francisco. They have been married for 40 years and have lived in Burlingame for the past 30 years. They are the parents of 6 children and have 11 grandchildren—all living in the San Francisco Bay Area.

A member and past chairman of the judicial ethics and judicial elections committees for the California Judges Association, Judge Lanam is the author of Judicial Elections Handbook. He formed and coordinated the San Mateo County Committee for Fair Judicial Elections and established the format which has been adopted by other counties throughout the State. He also organized and coordinated the joint committee on mental health and the law, which is comprised of members of the legal and mental health professions. An indication of his concern for others was his selection for the People Who Care Award.

Mr. Speaker, Judge William F. Lanam has been a steadfast and devoted public servant. The citizens of San Mateo County owe him a debt of gratitude for his public-spirited contribution to the courts and government of our area. I urge my colleagues to join me in honoring him now as he retires from the bench. We wish him well now as he pursues other activities.

AG LAB'S DIRECTOR READY FOR RETIREMENT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. MICHEL. Mr. Speaker, the Northern Regional Research Center, "Ag Lab" in Peoria, IL, in my district, recently celebrated its golden anniversary. Throughout that time, the "Ag Lab" has been at the forefront of many important discoveries, universal in their applications. Credit for the successes of the Ag Lab goes in no small part to Lambertus Princen who recently retired from his position as director of the Northern Regional Research Center.

His tenure as director has been an exemplary one and he will be definitely missed. I know many share my hope for Dr. Princen's continued success.

At this time I would like to insert into the RECORD the following article which appeared in the Peoria Journal Star.

AG LAB'S DIRECTOR READY FOR RETIREMENT

(By Clare Howard)

Nearly three decades ago Lambertus H. Princen invented a soybean oil-based paint to replace the petroleum-based paint. Today the crisis in the Middle East reinforces the need to end America's dependence on foreign oil.

But Princen, director of the Northern Regional Reserch Center since 1984, is passing on that mission to others. He retired Friday, on his 60th birthday.

"Bert is a charismatic person—colorful, articulate," said William Tallent, former center director and now assistant administrator with the Agricultural Research Service in Washington, D.C.

"Bert played a key role working with Del Schneider in developing the Biotechnology Research and Development Consortium. BRDC is a model cited by all parts of the federal government, especially the Department of Commerce," Tallent said.

The Peoria ag lab is the only one of the four regional U.S. Department of Agriculture research laboratories affiliated with a consortium representing private industry. The goal of the consortium is to coordinate public and private research to bring discoveries to commercialization.

Princen has never walked a company line, never served as a government mouthpiece, his colleagues reported.

Last year, when the oil wars between the soybean industry and the tropical oil industry escalated, Princen made headlines when he said the hoopla was generated by special interest groups. He contended it didn't matter which oil people consume, as long as they consume in moderation.

Princen, a native of Holland, said recently, "In Holland people don't die of heart attacks, and they eat diets high in saturated fats, but they are never fat. They are a much leaner people, and they don't eat or drink as much and they ride bicycles more.

"If you burn all fat by exercise you have less fat to deposit in the heart—whether it's saturated or unsaturated," he said.

Princen also has not held back his criticism of the federal government's farm subsidies. He said the farm bill helps neither farmers nor the public, but is geared for maintaining the status quo.

"The government's very early concept was that food has to be cheap," Princen said. "But the government should not be responsible for making food cheap. If farmers got a higher (market) price for food they would not need government subsidies."

Railroad cars full of produce come into this country every day from Mexico, partly because labor is cheaper in South America and because pesticides are less expensive and more available there, he said.

Some U.S. companies continue to manufacture pesticides that are banned in this country but legal to sell abroad.

"In my mind it is unscrupulous to export chemicals banned in this country," Princen said. "Industrialists ought to have the same code of ethics, but some people do anything to make a buck. It's a question of degree—where one person's scruples start and another's end."

Princen said no classified research is conducted at the lab.

"The only hush-hush work was in cooperation with Thailand and Turkey to develop a poppy with no heroin in it," he said.

Princen received doctorate in physical chemistry from the State University of Utrecht in Holland. He worked as a postdoctoral fellow at the University of Southern California and joined the team of scientists at the ag lab in 1960. He and his wife have one son who is an aeronautical engineer with McDonnell Douglas Corp. in Long Beach, Calif.

In addition to soybean oil-based paint, Princen conducted research on electron microscopy, aerosol filtration, emulsions and particle size analysis.

He supervised research on antitumor agents, vegetable toxicants, new crops for industrial oils and paper production, lubricants, growth stimulators, tissue culture, photosynthesis and cattle feed production. He has published more than 80 research papers and book chapters and edited six books.

In January, Princen will begin teaching a chemistry course at Bradley University.

"I want to give chemistry majors an appreciation of agricultural chemistry and point out their opportunities in agriculture," he said. "This country needs more chemists to enter agricultural fields to keep our food systems safe. Our chemistry graduate students are steered toward medicine and petroleum."

Princen said part of the problem is that the petroleum industry funds scholarship and research in land grant universities in this country.

William Doane is a research leader of the plant polymer unit at the ag lab.

"Dr. Princen and I started here about the same time. He has always been a very strong supporter of research programs and scientists.

"Our center is in the lead among area centers in cooperative agreements with private industry. We are on a roll here, and if rumors are correct and we see an increase budget for product development, we should continue to see a wave of developments. The future looks very bright for the center."

HONORING JACOBO A. MOLINARI, RESIDENT, NORWALK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. TORRES. Mr. Speaker, on September 13, 1990, Mr. Jacobo Augustine Molinari will celebrate his 90th birthday. On this special occasion, I would like to recognize the accomplishments of my friend, "El Comandante."

Mr. Molinari was born on September 13, 1900, in La Guilla, TX. Long time residents of Norwalk, he and his wife of 65 years, Linda, together have five children; two daughters and three sons.

"El Comandante" served in the Mexican Army at the young age of 13. He served as a first lieutenant from 1913 to 1916. In addition, he served in the U.S. Army as a commanding officer—Army captain—from 1942 to 1945. Because of his fluency in languages—French, German, Latin, Italian, Spanish, and English—he was a tremendous asset during his two military assignments.

Jacobo is a versatile man, having had a number of careers throughout his life and being an active member in many organizations.

A member of the Motion Picture Actors Guild since the 1920's, working in theatre and studios, his agent was Billy Rose until 1932. Jacobo has been an inactive mason since 1933. A retired dental technician for 65 years, he is now retired and is an honorary member of the Dental Technicians Association. Jacobo is a member of the Smithsonian Institute. He also served on the Southeast Area Social Service Funding Authority [SASSFA], "Nutrition Program Advisory Committee" for 8 years. Jacobo served on this committee's executive board for 4 years and has been a volunteer of the Nutrition Program for 8 years.

Jacobo, "El Comandante", has always spoken for the betterment of the senior citizens of Norwalk. An active member of the Senior Citizens Nutrition Program, Jacobo entertains the seniors with songs and poetry, as a host and cashier for the program. Mr. Molinari is an outstanding citizen of the community and serves whenever he is needed.

Mr. Speaker, at this time I ask my colleagues to please join me in saluting my good friend, "El Comandante", Mr. Jacobo Augustine Molinari, for his commendable efforts and achievements in improving his community. As Jacobo's actions stand recognized, I would like to officially wish him a happy birthday.

TRIBUTE TO ST. MICHAEL THE ARCHANGEL CATHEDRAL, PASSAIC, NJ, ON THE CELEBRATION OF ITS 100TH JUBILEE YEAR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. ROE. Mr. Speaker, it is with the deepest reverence and the greatest sense of pride that I rise today to salute an outstanding house of worship and parish community in my Eighth Congressional District of New Jersey which, for a full century, has been a spiritual focal point and a beacon of faith for countless numbers of worshipers in the greater northern New Jersey area.

I am speaking of the Cathedral of St. Michael the Archangel in Passaic, NJ, which is celebrating their 100th anniversary in 1990.

This proud and historic occasion will be observed with a special celebration at the church on October 21, which will serve as a tremendous source of pride to all in attendance, and especially the pastor, Rev. Marcel Szabo and parochial vicar, Rev. James G. Hayer.

Mr. Speaker, the history of the Cathedral of St. Michael the Archangel is indeed a rich one. For the benefit of you and our colleagues, I would like to insert for the RECORD the history of this truly fine house of worship:

CHURCH HISTORY

At the end of the 19th century, when the Industrial Revolution was beginning in the United States, many immigrants came from Eastern Europe to work in the coal mines of Pennsylvania and the wool and silk mills of Passaic and Paterson.

In the early years, Byzantine Rite Catholics who immigrated from East Europe relied on a traveling pastor who served worshipers from Pennsylvania to Passaic. However, by 1890, the people of Passaic were able to establish their own church—St. Michael the Archangel—and the Rev. Nicephore Chanath came to serve as their first resident pastor. The church purchased the Evangelical Mission Chapel at the corner of First and Bergen Streets as its first meeting place, and in 1893, expanded the building to accommodate 300 people.

The membership of the church grew rapidly, and by 1902, the church had 600 families. That same year, construction began on a new church on the same site, at 96 First Street. The church was completed in 1905.

In 1917, the church purchased property in South Hackensack for use as a cemetery. Half the land was consecrated in 1921, and in 1936 the remaining half of St. Michael's Cemetery was consecrated.

In 1953, the church purchased, from the city of Washington, School No. 2 at 101 Market Street. The building was completely renovated, which entailed removing the third floor and providing a convent for Sister Servants of Mary, who would staff St. Michael's School. A Ladies Guild was also organized and raised funds to keep the school tuition free.

Ten years later a new diocese, the Eparchy of Passaic, was formed and the first bishop appointed. St. Michael's became the Cathedral—the principal church of the diocese. The church was also renovated at this time. The tall steeples that once stood a top the cathedral became worn and were removed and replaced with domes, and the building was brickfaced. In 1965, St. Michael's Cathedral housed the chancery offices and served as headquarters for the eparchial newspaper, Eastern Catholic Life.

In 1982, the diocese of Passaic bought 19 acres on Lackawanna Avenue in west Paterson as a site for a new diocesan headquarters, bishop's residence, and a cathedral chapel. The bishop's residence and center was completed in August 1986, and St. Michael's Cathedral Chapel in May 1987.

Mr. Speaker, I appreciate the opportunity to present a portion of the history of this distinguished church that remained dedicated to helping others and guiding them spiritually. As the Cathedral of St. Michael the Archangel of Passic, NJ, celebrates its 100th anniversary, I know that you and all of our colleagues here in Congress will want to join me in extending our warmest greetings and felicitations for both the service and guidance it has provided for its community, State, and Nation.

INTRODUCTION OF LEGISLATION TO EXPAND THE BOUNDARIES OF THE FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. SLAUGHTER of Virginia. Mr. Speaker, today I am introducing legislation to provide for the protection of Civil War battleground vital to the Battle of Wilderness. The bill authorizes the boundary expansion of the Fredericksburg and Spotslyvania County Battlefields Memorial National Military Park at Wilderness Battlefield to include property that was the site of General Longstreet's successful flank attack of Union troops. The purpose of this legislation is uniquely important. While at first glance it may appear to be just another national park boundary expansion to be considered and implemented like most other expansions, I am pleased to convey otherwise.

As you may know, Secretary of Interior Manuel Lujan recently announced a new initiative to protect Civil War sites. Entitled the American Battlefield Protection Plan, the initiative brings Federal attention to the role that States, localities and private preservation groups must play if we are to effectively preserve our history for future generations. Partnerships between the Government and private sector interests are always beneficial, but rarely do we witness the implementation of this laudable goal.

The bill I have introduced today to foster the preservation and interpretation of Longstreet's flank attack at Wilderness Battlefield is the first step towards making the goal of public-private partnership a reality. Following the unveiling of his American Battlefield Protection Plan, Secretary Lujan toured the site of Longstreet's flank attack which is currently owned by a private developer and slated for housing construction. At that time, the Interior Secretary revealed that the landowner was interested in working with the Park Service, Spotsylvania County officials, and private preservation groups to reach an agreement on the protection of this site.

Although many details have yet to be resolved between these groups, the current plan entails the purchase of land from the developer by a private preservation group so that the property can be held in abeyance until such time as the Department of Interior has the ability to purchase the land. Donation of the property to the National Park Service may also be possible in the long term. The key to making this idea work is the adoption of legislation to permit the inclusion of Longstreet's flank attack in the boundary of Wilderness Battlefield.

The Congress has not been presented with such an agreeable task for Civil War preservation in many years. Rarely do you find an instance where local officials, citizens, the Federal Government and private landowners agree that a solution is possible. While we no doubt have a responsibility to protect our heritage and the lessons learned by a war that tore this Nation apart for some time, we also have the responsibility to the taxpayers of this country. The American Battlefield Protection Plan is a worthy agenda, and the adoption of this legislation would encourage a more prudent approach to Civil War preservation.

THE BEACHWOOD 100

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. FEIGHAN. Mr. Speaker, I rise today to salute the Beachwood, OH Police and Fire Departments. I do so as the Beachwood 100 prepares its own salute on September 16, a salute that goes beyond words to the actual provision of assistance to police and firefighters faced with unusual or extraordinary hardship.

Beachwood is a model city in so many ways. A great place to live, a great place to raise kids, one of the best examples I know of what we all call the "American way of life." Beachwood's assistance program to its police and firefighters is example of what makes Beachwood shine.

The assistance is provided by a group called the Beachwood 100, a group of citizens whose annual dues are used solely to create this aid fund. Any policeman or fireman in Beachwood has the security of knowing that in the event of a medical emergency he can turn to the fund for assistance. Aid comes in the form of a loan or an outright cash grant. The Beachwood 100 is always there.

Mr. Speaker, I am proud of the Beachwood 100 and of its officers. Larry Small, my field representative, is president of the Beachwood 100. I'm proud of the work he does for the 19th Congressional District as my representative and of his work with the Beachwood 100. The other officers are Dr. Seymour Ullman, vice president; Irv Berger, treasurer; Nancy Small, secretary. The board of directors includes Larry Cohn, chairman; Leon Miller, Sol Ronder, Don Kravitz, and Emory Kritzler.

I would also like to recognize each of the fine public servants of the Beachwood Police and Fire Departments:

BEACHWOOD POLICE DEPARTMENT

Chief Robert Abrams.
Deputy Chief Almis Stempuzis.
Lieutenant William Gerz.
Lieutenant Mark Sechrist.
Lieutenant John Corrigan.
Sergeant Dennis Nicklas.
Sergeant Joe Orosz.
Sergeant Gordon Fuchs.
Sergeant John O'Donnell.
Officer Jim Frydl.
Officer David Nank.
Officer Paul Berline.
Officer Alfred Holmberg.
Officer Joseph Bors.
Officer Joseph Ferenczy.
Officer Joel Edelstein.
Officer William Balcom.
Officer Darrell Dunham.
Officer Patrick Sullivan.
Officer Michael Nelson.
Officer Jack Wilson.
Officer Don Breckenridge.

Officer Thomas Karduck.
Officer Roger Curtiss.
Officer Bruce Hof.
Officer Eric Hall.
Officer Thomas Wetzel.
Officer Robert Brininger.
Officer Glen Payne.
Officer Robert Riley.
Officer Lance Burling.
Officer Allan Baumgartner.
Officer Gerol Character.
Officer Keith Winebrenner.
Officer Raymond Swenton.

BEACHWOOD FIRE DEPARTMENT

Chief William Kaselak.
Inspector Dennis Goebelt.
Inspector Howard Wise.
Inspector Thomas Vilt.
Inspector George Ward.
Inspector Robert Wood.
Inspector Patrick Kearns.
Inspector Kenneth Taylor.
Firefighter Frank Gaglione.
Firefighter Alex Kabal.
Firefighter Ron Gennert.
Firefighter Ken Kaplan.
Firefighter David Linn.
Firefighter Peter Priola.
Firefighter Douglas Corwon.
Firefighter Edward Hanzel.
Firefighter John Page.
Firefighter Richard Six.
Firefighter John Urvan.
Firefighter Chris Vatty.
Firefighter Len Sechrist.
Firefighter Dale Cubranich.
Firefighter Kern Swope.
Firefighter Dan O'Connell.
Firefighter Greg Schneider.
Firefighter William Peskura.
Firefighter Ron Serger.
Firefighter Fred Eichorn.
Firefighter Thomas Luskin.
Firefighter Scott Shannon.
Firefighter Dominic Peterre.
Firefighter Scott Schmauder.

A NEW CHINESE PRAGMATISM

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. LEACH of Iowa. Mr. Speaker, for collective security to function efficaciously under the U.N. system, cooperation is necessitated between the Permanent Five Members of the Security Council. Accordingly, one crucial aspect of the Mideast crisis that is deserving of serious note by Congress is the cooperation or at least non-obstructionism of the People's Republic of China in the Security Council at this critical time.

The new era of heightened international cooperation which we all wish to see inaugurated must be hallmarked in theory and in fact by collective security. In what we hope is the post-cold war era the Iraqi crisis is in some ways the second poignant challenge—the first relating to the ongoing civil war in Cambodia.

In both the instance of Iraq and Cambodia the government in Beijing has, perhaps reluctantly and with substantial reservations, nevertheless progressively determined to side with the institutions of international law and order established and propelled by the framers of the United Nations Charter.

It is also worthy of note that this July after a 23 year hiatus, China restored formal diplomatic relations with Indonesia. In addition, within the next several months it is expected that China will normalize relations with Singapore as well.

It is also of significance that Beijing has recently proposed a regional approach to the joint development of the resource rich, but vehemently contested, Spratly islands. Located in the South Sea—roughly equidistant between Vietnam and Malaysian North Borneo—the Spratlys are claimed by Vietnam, China, the Philippines and Malaysia. In contrast with the belligerency implied by the March 1988 Chinese-Vietnamese naval encounter over the contested islands, the Chinese appear today to be attempting to use their enormous regional influence and power to move toward pragmatic reconciliation in Southeast Asia, particularly with those nations associated with the Association of Southeast Asian Nations [ASEAN].

These positive signs of enhanced Chinese cooperation with the United States and the international community in efforts to advance regional stability and global order can only be welcomed by the world at large. The United States not only has an important interest in a humanely governed China which pursues policies of economic and political reform at home, but a China which also plays a responsible role in world affairs. In this regard, it is to be hoped that in the aftermath of the Gulf crisis China will join with the United States and other concerned countries in a sustained international effort to curb the proliferation of chemical, biological, and nuclear weapons and ballistic missiles in the Middle East and elsewhere.

In conclusion, all sovereign countries are ultimately responsible for the formulation of their foreign policy. But from a congressional perspective it is this Member's judgment that to the degree American statecraft has played a role in the give and take of international diplomacy, the basic high-level, open communication approach of the Bush administration vis-a-vis China would appear in large measure to be vindicated.

If there is a lesson for Congress in these challenges of the year, it would appear to be that rhetorical posturing which would close the door on our historical open door policy with China may be solace for the soul but risky to the national interest.

When emergencies arise, when long-simmering disputes reach the point where credible resolution appears possible, leaders must be able to communicate with each other on a basis of mutual respect. It would simply have been disastrous if the United States had followed the siren of congressional perturbations and turned off serious communication with China a year ago.

AIDS AWARENESS MONTH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. WEISS. Mr. Speaker, today, I am introducing a resolution designating October 1990 as "National AIDS Awareness Month."

Mr. Speaker, we are now in the second decade of the AIDS epidemic. AIDS is still very much with us; rumors of its decline are false. The U.S. Public Health Service tells us that in 3 years, there would be as many as 225,000 persons living with AIDS and 340,000 will have died.

The Public Health Service also reports that the number of HIV-infected persons who have not yet developed symptoms is continuing to increase. They estimate that one to one-and-a-half million pesons in the United States are infected, and, if a cure is not found, that the vast majority of them will eventually develop AIDS.

In spite of nearly a decade of AIDS research and prevention activities sponsored by the Federal Government and carried out by research labs, health departments and community-based organizations across the country, there still is no cure. Furthermore, prevention strategies have not reached many who are at the greatest risk of being infected.

In spite of these signs and signals that should continue to alarm the entire Nation, the AIDS epidemic is no longer the lead story in the Nation's media.

October has been the month designated as a time for increased efforts on the part of all agencies and organizations involved in the fight against AIDS to publicize the epidemic and raise consciousness about preventing the transmission of HIV.

By designating October "AIDS Awareness Month" we will focus the Nation's attention on this deadly disease. Education is our best weapon against AIDS and is essential to prevent its transmission. "AIDS Awareness Month" can stimulate activities by Federal, State and local agencies, and national and community groups in all parts of the United States to mount a campaign to educate our citizens about the need and the means to prevent the spread of AIDS, to provide compassionate, effective treatment and care to those who are infected, and to find a cure.

Mr. Speaker, I urge all my colleagues to join in this critical effort.

SALUTE TO PASSAIC COUNTY REGIONAL HIGH SCHOOL, LITTLE FALLS, NJ, ON ITS GOLDEN ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding educational institution in my Eighth Congressional District of New

Jersey that has helped mold the lives of young people in the greater northern New Jersey area for half a century.

I am speaking of Passaic County Regional High School of Little Falls, NJ, which is observing the 50th anniversary of its founding. To celebrate this historic event, Passaic County Regional High School will hold a dinner at the school on Wednesday, September 15, 1990. I know that this event will bring great pride to Dr. Louis R. Centolanza, the superintendent of Passaic County Regional High School, and to everyone connected with this great institution.

Mr. Speaker, as a means of providing you and our colleagues with the details of this fine school's rich background, I would like to insert for the RECORD the official history of Passaic County Regional High School:

Passaic County Regional High School opened its doors on September 16, 1940, to some 610 students from Totowa, West Paterson, and Little Falls, NJ. This institution is governed by the Passaic County Regional High School District No. 1 Board of Education which is composed of nine board of education members from Totowa, West Paterson, and Little Falls.

Passaic Valley is committed to the development of the well-rounded individual and has augmented its strong academic program with a wide range of athletic, musical, and literary activities designed to stimulate and encourage the individual growth of each student. The devotion, commitment, and encouragement of the many men and women, who as board members, administrators, teachers, and friends have assisted generations of students in becoming self-directed, aware, and integrated individuals who are capable of continued growth, has made Passaic Valley High School a special place.

The faculty considers this celebration of the 50th anniversary of the school's founding a milestone indicating, not the end of the journey, but rather an experience that will help Passaic Valley Regional High School charter its course into the 21st century. The loyalty and encouragement of so many alumni and friends guide many youths toward a better future.

Mr. Speaker, on behalf of myself and the rest of my colleagues I would like to congratulate the students, teachers, administrators, and board members, past and present of Passaic Valley Regional High School upon the school's 50th anniversary, which has continually aspired to the highest standards of educational excellence and which has most certainly made its community, its State, and our Nation a far better place to live.

RECOGNITION OF KEVIN LOCKE'S 1990 NEA NATIONAL HERITAGE FELLOWSHIP AWARD

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise with pride to announce that one of my constituents, Kevin Locke, of McLaughlin, SD, has just won one of the 13 1990 National Endowment for the Arts National Heritage Fellowship Awards. Mr. Locke is a flute player, singer, dancer and storyteller who lives on the Standing Rock Indian Reservation in the north central part of our home State, and is also a member of the governing body of the American Baha'i religious community.

Mr. Locke is being honored with this award because of his effort to preserve Lakota Sioux courting and flute songs, many of which have already been lost. However, living as a young man with an elderly Lakota-speaking uncle, Kevin learned much about the language and culture of his people. He studied the language and culture of his people, and became determined to save as many of the songs as he could, eventually becoming so proficient that many old people now say that he is a better flute player than those that they remember from days long past.

According to the National Endowment of the Arts citation, "Kevin Locke not only performs and lectures in schools all across the Plains States, he has toured the world, appearing in Canada, China, Spain, and Australia and on tours of Africa nations sponsored by the State Department. His nomination for a National Heritage Fellowship was supported by his own tribal council, the elders of his community, the faculty of the University of South Dakota, where he is pursuing a Ph.D. in Education, and the South Dakota Arts Council—a remarkable grouping that attests to his widespread reputation."

Mr. Speaker, South Dakota is greatly honored by the work of Mr. Locke, and we are especially proud that his many achievements are being recognized by the National Endowment for the Arts with this prestigious award.

IRAQ, THE MIDDLE EAST, AND THE UNITED STATES MILITARY BUDGET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. FRANK. Mr. Speaker, the world has changed in dramatic ways in the past few years, and our budget can be the beneficiary of much of these changes. It is now indisputable that many of our allies who have been the recipients of American subsidy in the form of military support can fully afford to pay their own way. At the same time, we have seen within the past year a very substantial diminuation in the potential military power of the Soviet Union. The Warsaw Pact is no more—Russia has lost all of its allies, and the threat of a Russian led land invasion in Europe is no longer a fact. Moreover, the Soviet Union itself has been substantially weakened by the economic and social crisis which it confronts. America needs to remain strong, with a substantial nuclear deterrent and the capacity to intervene when necessary in trouble spots like Iraq. But it is also clear that, with our allies now able to bear a far greater share of the common burden than they have historically done, and the threat from the Soviets considerably less than it was, we can afford to begin a sustained and reasonable reduction in our own military expenditures.

Some of those who have consistently opposed these reductions are trying to use the trouble in the Middle East as an argument against sensible reductions in American military expenditure which are in fact unrelated to the Middle East.

The Council for a Livable World has done a superb job in recent years in making a balanced and factual case for substantial reductions in our military budget in ways that will not diminish American security at all. During our congressional work period, the council summarized the arguments against those who would use the Iraq situation as a reason to perpetuate unnecessarily high military spending. I think the council has done a very good job once again in rebuting these arguments and in explaining why it is still very much in our national interest to proceed with a sensible set of reductions in the military budget. I believe the Members will profit greatly, Mr. Speaker, from reading these arguments and I ask that the Council of a Livable World summary of them be printed here.

IRAQ, THE MIDDLE EAST AND THE UNITED STATES MILITARY BUDGET

Iraq's invasion of Kuwait is being used to defend a variety of controversial weapons programs and to argue that the U.S. military budget should not be reduced. The U.S. military response instead indicates that it is more essential than ever for the United States to make careful choices among competing programs and priorities, both within the Pentagon and between military and domestic social needs.

Some important points to remember in light of the new international climate:

1. The substantial portion of the military budget devoted to support NATO and to oppose the Soviet military threat can still be substantially reduced. The Pentagon estimates that 60 percent of its total budget—about $170-$180 billion—is oriented towards a European mission. With the Soviet military threat continuing to decline and the disappearance of the Warsaw Pact, that portion remains ripe for cutbacks. The U.S. continues to maintain over 300,000 troops in Europe.

2. The segment of the budget spent on strategic nuclear programs—some 12% to 15%—can be pared back. There is no reason to move to a new generation of land based strategic nuclear missiles. A B-2 stealth bomber at $865 million a copy makes no sense for a conventional role in third world contingencies. The Brilliant Pebbles strategic defense initiative is irrelevant to the Middle East. Beware of politicians who argue, that "With SDI, we can be more aggressive in stopping the hegemony of tyrants like Hussein."

3. The need to transport quickly personnel and supplies to the Middle East highlights the requirement to make policy choices within the military budget. It is evident that transport planes and fast-sealift ships have a critical role to play in third world conflicts. The Pentagon has starved lift capacity in favor of more glamorous systems. Heavy weapons designed to counter the Soviet threat should be deemphasized. Weapons choices should be redirected to systems easier to transport. The U.S. could build many ground support or fighter aircraft for the price of one super-sophisticat-

ed B-2 designed to evade Soviet air defenses (over 40 F-16 Falcons for the price of one B-2). Minesweepers have also been neglected. To his credit, in the midst of the latest Middle East crisis, Defense Secretary Cheney ordered the Navy to halve the number of Seawolf attack submarines planned over the next four years and to build 16 Arleigh Burke class destroyers during that time rather than the original proposed 25.

4. The Pentagon should not use the Middle East crisis to evade the sound "fly before buy" management principle. The Senate Armed Services Committee recently emphasized that concept to guide its decision to defer procurement of the C-17 cargo aircraft because of development and testing delays and to eliminate procurement funding for the A-12 aircraft due to excessive concurrency between development and procurement. A weapons program suffering technical difficulties before the crisis should not be rushed ahead at a higher ultimate cost.

5. The Pentagon can make deep reductions in personnel. The Pentagon has asked to retain 2,038,000 active duty forces for the next fiscal year and 1,096,000 civilians. Even with the deployment of tens of thousands of troops to Saudi Arabia—only a small percentage of active duty forces—troops in Europe and elsewhere should be withdrawn and demobilized. Former Pentagon official William Kaufman points out that a greatly reduced force structure is more than sufficient to meet third world contingencies such as the Middle East. The reserves that may be called up would specialize in transport and supply. The Senate recently approved a plan to reduce military personnel by 100,000 per year for each of the next five years.

6. The expenditures for the troop deployment to the Middle East should be covered by a supplemental appropriations bill next year when the costs are more clearly known. It makes no sense to add money to the fiscal year 1991 military budget without any idea of the eventual costs.

7. The federal budget deficit represents a grave national problem requiring further military budget cutbacks. The most recent estimate by Richard Darman, director of the Office of Management and Budget, is that the federal budget deficit for fiscal year 1991 would be $168.8 billion. That figure does not include costs of the savings and loan bailout or effects on the economy of the oil price hikes and new military expenditures in the Middle East.

8. Protecting U.S. national security means more than spending money on Pentagon weapons programs. Helping Eastern European countries to make the transition from communism to democracy is a productive national security expenditure. So too would be renewing our economic competitiveness, nurturing the technology of the future, strengthening our health care and education systems, rebuilding the infrastructure of the country and adopting an energy policy to lessen our dependence on Middle East Oil.

SOME USEFUL QUOTES

"A new response to a new threat still means less money than it cost to counter the Soviet threat. For now, the military budget remains a political argument, and that argument is going to be settled in the context of domestic spending needs, just as it was before Iraq. It's still going to be easier to cut defense than to cut domestic spending or raise taxes."—Rep. Les Aspin, the New York Times, p. 10, August 12, 1990.

"U.S. military planning during the past 40 years has emphasized combat systems designed to fight against a numerically-superior, increasingly capable Soviet/Warsaw Pact conventional threat. That threat scenario led the military Services to develop increasingly expensive, sophisticated, and heavy combat equipment. The Services—especially the Army and the Marine Corps—have become too heavy and cumbersome to transport. The committee concluded that the Services need to promote research and development to field lighter, more lethal combat forces."—Report of Senate Armed Services Committee on FY 1991 Defense Authorization Bill, p. 23, July 20, 1990.

"The United States has only eight fast sealift ships capable of carrying heavy armored equipment to the gulf in about two weeks . . . Last year, the Pentagon rebuffed Congressional efforts to buy more fast ships. Congress approved $600 million for the vessels, but Defense Secretary Dick Cheney shifted some of the money to other programs. So far, none of the remaining $375 million has been spent."—The New York Times, p. A10, August 14, 1990.

"Everybody is going to be using what is going on in the Gulf as an argument for not cancelling his or her favorite programs."—Phil Friedman, military budget analyst for Paine Webber, The Washington Times, p. A10, August 14, 1990.

"As for domestic debates over specific weapons, the Iraq crisis may turn out to have as much impact on rhetoric as on outcomes, at least in the near term."—Pat Towell, Congressional Quarterly, p. 2596, August 11, 1990.

"The research, development and procurement process for defense has been geared toward early production—a research and buy process. This quick march to production was justified by citing a relentlessly modernizing military in the Soviet Union. That justification no longer exists."—FY91 Defense Authorization Bill: Committee Markup, Summary of Major Actions," House Armed Services Committee report, p. 5, July 31, 1990.

"Pentagon spending needs to be reshaped, and the first step is to curb systems designed to meet the now-shrinking threat from the Soviet Union. Congress and the services find all reductions painful, but the first retrenchments have been made. Secretary Cheney made another on Monday in deciding to stretch out purchases of the Seawolf nuclear attack submarine and the Aegis cruiser. Since these decisions are based on the diminishing Soviet threat, the crisis in the Middle East is no reason for reversing them."—Editorial in The New York Times, August 16, 1990.

COMMENDING HERMAN LECHT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. CARDIN. Mr. Speaker, I would like to call to the attention of my colleagues my constituent, Mr. Herman S. Lecht. Mr. Lecht has recently been appointed chairman of the Senior Advisory Council for the Baltimore City Department of Aging and Retirement Education, and will be installed on September 14, 1990.

Mr. Lecht has worked hard to get to where he is today. He worked his way through college and law school in New York, by working the night shift as a civil servant, in the New York Post Office.

After graduating from law school, he continued his civil service career as an attorney with the Veterans Administration, where he continued to serve his country for 30 years, until he retired in 1973.

Mr. Lecht has served his community as well, through his memberships and offices he has held in many civic and fraternal organizations. He has prepared himself well for his new post on the Senior Advisory Council as vice president of the Northwest Senior Center.

Mr. Lecht can also be proud to call himself a family man. He and his wife Celia have been married more than 60 years, and have one daughter, four grandchildren, and two great grandchildren.

I am proud to call Herman Lecht not only a constituent, but also a friend. I urge my colleagues to join me today in saluting his accomplishments and his coming installation as chairman of the Senior Advisory Council.

HONORING THE HILLCREST JEWISH CENTER'S GOLDEN ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Hillcrest Jewish Center, which this year is celebrating its Golden Jubilee Anniversary of service to the Hillcrest, Fresh Meadows and Jamaica Estates communities in Queens County, NY. The year-long celebration will culminate on Sunday, September 9, 1990, with the official receipt and display in a place of honor of a Holocaust Memorial Torah Scroll from Eastern Europe. Also on that day a new Torah, commissioned by the center, will be dedicated.

The Hillcrest Jewish Center was founded in 1938 by a group of women who felt the need for a place of worship and a home in which to gather socially and fraternally. Within the first year 162 families had joined the center. The first Sunday school for children was started with classes held at the home of Tess Rosenfeld. The first High Holy Day services were held on October 2, 1940, at a rented storefront on Union Turnpike with 400 worshippers in attendance. The services were conducted by Rabbi Morris Dembowitz, who was retained as spiritual leader.

Funds for a building were raised at a dinner dance, ground was broken on September 9, 1941, and the dedication took place on February 15, 1942. In the summer of 1942 Rabbi Nathan Jacobson assumed the center's pulpit. During the war years the center was active in selling bonds, sending cheer packages to service men and women abroad, and participated in other defense activities.

Under the leadership of Rabbi Israel Mowshowitz, the center grew to its current prominent position in the community. It continues to serve the neighborhood as a place of worship, schools from Nursery School to Adult Education, a meeting place for lectures, con-

certs and all forms of communication in Jewish life. The center is a hallmark for continuity of faithful service to the people of Queens. It has weathered its hard times and has grown stronger through the hard work of its members. We need places like this to turn to in times of joy and need. So I ask my colleagues in the House of Representatives to join me in congratulating the Hillcrest Jewish Center, Rabbi Moshowitz and Congregation President Lawrence A. Lansner on the 50th anniversary and to extend the hope that the next 50 years will be as successful as the first.

SENATE—*Monday, September 10, 1990*

The Senate met at 10 a.m., and was called to order by the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God.—Psalm 90:1, 2.

Eternal God, sovereign Lord of history, make us wise to comprehend the times in which we live. We had just begun to adjust to the end of cold war—now our military might, with that of many nations, amasses in the Middle East where biblical history began and ends. Four thousand years ago Thou didst call a man Abram, out of whose loins came two sons, Isaac by his wife Sarah, and Ishmael by her Egyptian handmaid, Hagar. For 40 centuries, their progeny have been in almost perpetual conflict. Now their descendants are in the vortex of potential universal struggle.

Gracious God, when we adjourned barely 5 weeks ago, we were reorganizing for a peaceful world. Now the armies of the world confront each other with the possibility of an explosive conflagration involving the whole Earth. It is as though peace mocks us.

Creator God, You placed in the Earth of the Middle East a product upon which the whole world has come to depend. Meant to be a blessing, it becomes a curse. Deliver us, O Lord, by Thy mighty hand. Give wisdom to the President, his Cabinet and counselors, Members of Congress and world leaders in facing these critical days.

In the name of Jesus, the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALBERT GORE, Jr., a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. GORE thereupon assumed the chair as Acting President pro tempore.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from Tennessee, I ask unanimous consent that the Journal of proceedings be approved to date; that the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired.

Without objection, it is so ordered.

PROGRAM

The ACTING PRESIDENT pro tempore. I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each; that at 11 a.m., the Senate begin consideration of Calendar No. 757, H.R. 5241, the Treasury, Postal Service appropriations bill.

Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from Tennessee, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

THE BUDGET NEGOTIATIONS

Mr. LOTT. Mr. President, like most Senators, I have spent a good part of the last month in my State of Mississippi. I have been all the way from Biloxi on the Mississippi gulf coast to Bull Frog Corner near Memphis, TN.

It is interesting the great words of wisdom you get when you go back home and meet with your constituents and listen to them at all times, in all types of forums from educational institutions, civic clubs, town hall meetings. They are all very interesting, very enjoyable, and you learn a lot from them. I certainly did while I was home. Most of the questions when I went to various meetings centered around what was happening in Saudi Arabia, what was happening with Iraq, and what the United States would do. Later on this week I will share some thoughts on that subject, as I know a lot of Senators will.

But my constituents always got around, during the question-and-answer periods, to saying that they are still concerned about the budget deficit. If I had to rate the issues on which I was questioned, I would put that one in second place, although it usually is in first place. The people really do care, they do think deficits matter, and they do not understand why the President and the Congress cannot get together on this issue in a sensible and reasonable way and bring down the deficit without having to go to the Gramm-Rudman-Hollings sequestration across the board. I heard a lot of Federal employees who are very concerned about furloughs. They do not like that. They think it is disruptive. I met with Customs officers concerned about literally being able to do their job.

I just want to share with the Senators today the fact that people in my State really do care, and I believe that is true in Nevada, in Virginia, in New York or in California. They expect results. That's why I am pleased to see that the budget negotiators, summiteers, whatever you might call them, have been sequestered over the weekend out at Andrews Air Force Base. I was a part of that type of discussions for I guess 6 or 7 of the last 10 years, and as a member of the so-called Gang of 17 and being involved in the negotiations in late 1987, I know how important they are and how difficult they are. I think we need to recognize that, whether Republican or Democrat, no matter what region you are from, dealing with budget deficits is a very difficult thing to do. Priorities are different in different regions with different Senators and Members of the other body. Coming together with an agreement and solution that will pass is extremely difficult. But it has to happen, and I hope that they will stay sequestered until they come out with an agreement, maybe all day and all night. Since I am not with them, it suits me fine if they stay day and night unitl they get the job done. I think all of us have to wish them well and hope they will be successful.

I am very much concerned about what I see or read that is expected to come out of these negotiations, and I hope to get more information from the negotiators today or in the next couple of days. It sounds negative. It sounds to me like it is where we left it the first of August, where it was back in June. There have been a few changes here or there, but they still are not really making the progress they need to make.

When I was home in the great State of Mississippi, I emphasized the fact that the President had been forthcoming—the President proposed a budget at the beginning of the year. The Congress laughed at it, beat up on it, threw it out on the street, and left it to die. The President, mistakingly, in my opinion, came foward and said everything is on the table and made his comment about taxes. He was willing to negotiate on everything. He made a sacrifice, a political sacrifice. I think he was wrong, but he did it. Still it did not move the negotiators.

Again, in my opinion mistakingly, the administration came foward with a second budget with little different parameters. Again, the Congress heaved a great laugh, and, in fact, one negotiator was quoted as saying: "Why should we slash our wrists when the administration is doing it to themselves every day? Let them go ahead and slash their wrists and kill themselves politically and see how many more budgets they will offer."

This process has to be bipartisan between the administration and Congress. The President has been forthcoming, and I think he has reached the point where he needs to go over the head of the Congress to the American people and sock it to the Congress for not being serious about reaching an agreement.

Hopefully later on today or tomorrow, there will be an agreement, but I am worried about a lot of what I see. There are some things that are going in the right direction.

First, I think timing is important. The negotiators seem to be saying we have to get the job done, do it now or face never getting it concluded in time to adjourn October 5 or close to that for the election. If not, a lameduck session would be in the offing, and that has almost always been a mistake. I have been through eight or nine of those, and every time the American people lose. We do not need a lameduck session. So timing is important.

Second, I think they are seeking the right amounts in the budget negotiations. They are trying to find $50 to $55 billion in revenue reduction and trying to make it a multiyear program up to about $500 billion in reductions. That is about where we should be.

But how they are talking about getting there is where major problems exist. No. 1, it seems that the negotiators are basically agreed we are going to get 50 percent of the reduction in tax increases. Call them alterations in the deductions, call them just revenue raisers, give them any name you want, but they are tax increases. The people are going to have to pay more taxes. The negotiators already seem to have said 50 percent comes on the side. Mistake No. 1.

The problem is not insufficient revenue. The problem is too much spending. We may not know that. We may have forgotten, but let me tell you, the people out in the trenches understand that. They say, "Get you priorities changed, cut back on the spending side. Do not raise taxes on us."

The second mistake is, after agreeing on parameters of 50 percent in tax increases for the budget agreement, the next 25-percent reduction would come out of defense. Again a mistake. Too deep, too precipitous. We have seen what can happen in an instant, not with the Soviet Union, but with some maniac from Iraq or some other place in the world, who threatens our security.

We need a planned, cautious, systematic, careful reduction in defense spending, at not the 25-percent level that would run into $11, $13, maybe $20 billion in cuts in 1 year. That's too much out of defense.

Then the last parameter they seem to agree to is an approximate 25-percent reduction in other spending, and they have been wimping out on that. They do not seem to think they can get 25 percent of a $50 billion agreement on the spending side, and that includes domestic and entitlement reforms. That's not nearly enough in spending savings.

Let me get into some of the details on that. There is no doubt in my mind we can cut spending. At a very minimum, we ought to freeze spending at last year's level.

We are going to be taking up an appropriations bill later today, and I have not really had a chance to study it that carefully—the Treasury, Postal Service, and General Government appropriations. It looks to me like it's $2.3 billion over the fiscal year 1990 level. The House of Representatives has already passed appropriations that are $1 billion over last year's level. Could we not at least freeze at last year's level.

We can make savings in domestic spending programs, and we can have reforms in entitlements that desperately need to be made. In fact, if you look at the charts, at where our budget dollars go, the lines going up astronomically—almost straight up—are entitlement programs. We have to make sure when we vote on the budget that the entitlement changes are also included, if it is to be a two-step process. The Congress will say we are going to do it, that we are going to make savings in entitlements. But they will not do it, they will duck it; it is too hot politically. We have not the time. We will wind up not doing it. Spending cuts are where the budget deficit needs to be attacked.

On taxes, in this city it is the conventional wisdom that, yes, we need more taxes. You hear it from the commentators. Always they need to talk about the tax side. Well, I am telling you that the individuals out there do not want their taxes increased. The conventional wisdom says, look, let us tax the rich; we do not want to affect the average working men and women. We will tax the rich.

One of the proposals I have seen being considered in negotiations is the gasoline tax increase. Who do you think really gets hit the hardest by a gasoline tax increase? Western, Southern, working class people. You know, the guy with a gas-guzzling Cadillac, does not care about a 7-cent-a-gallon increase. But for the guy with the Ford pickup truck going to work from Wiggins, MS, driving 50 or so miles a day round trip, it hits him or her hard. When you raise gasoline taxes, you are hurting the working people in this country.

And when you raise taxes on alcohol and beer and tobacco, do you think it just hits the rich. The rich are not the only people who drink beer. Again, the small working people are going to be hit. Some have even suggested that we eliminate any remaining tax deductions that we did not kill off in the last tax reform package.

We went too far last time. I am sorry I voted for that tax reform package. The people out in the real world were hurt by that, and not just upper middle-income and upper-income people. It was elderly people. It was the working folks.

Forget this baloney about taxing the rich—any time the Congress raises taxes, everybody gets hurt. Everybody. That is not the way to go.

I cannot help but remember TEFRA, the tax bill we passed back in the early 1980's when we agreed to raise taxes, I think by $75 billion, I have forgotten the exact amount, but it was some astronomical figure. We also were going to cut spending by $20 billion. We were going to get $1 in spending savings for every $3 we raised in taxes. We got every nickel of the tax increases, but only about 10 percent of the spending cuts.

I am not going to buy that deal again. I am not going to buy a deal where we vote to raise taxes and lower spending, and the deficit keeps going up. TEFRA is like a ghost that haunts us in the Congress. It was the worst vote I ever cast in the 18 years I have been a Member of Congress. I am not

going to be dragged into that kind of a deal again.

The negotiators further say we are not going to reduce the capital gains tax because again, it will benefit the wealthy. Let me tell you, the people out in the trenches, the people in the poorest State in the Nation—Mississippi—tell you they want the capital gains tax rate cut. Elderly couples who own a home would like to sell their home and not have their sales eaten up by capital gains.

For the timber industry, probably the biggest industry in my State of Mississippi, the capital gains reduction would have a tremendously positive impact. And these are not big wealthy landowners. A lot of them are people who own 60 acres of timberland.

The capital gains tax reduction is something that should be done. I do not understand why it has become such a political issue. I know a lot of Democrats as well as Republicans would like to see the capital gains rate reduced.

I am concerned that in these negotiations that are going forward, that maybe the administration is doing some things, thinking that Members of the Senate on the Republican side of the aisle are going to buy it outright to get a good deal. Yes, we need a good deal. I have voted many times in the past for budgets I did not like. But I am not going to vote for just any package that comes out of these negotiations, especially if 50 percent of it comes out of tax increases and where the priorities are clearly not in the proper order. I urge the negotiators, get your job done, do it now, do it on the spending side. Do not raise taxes.

I know there are people saying it is easy to stand up there and make that speech, but I tell you, I have been home. I have listened to the people. They understand what is happening up here better than we do. Maybe it is because we are so deep into the forest we are seeing every tree. But the people understand that there is too much spending going on up here, too much positioning, and tax increases are paid by real people out in the real world.

I hope our negotiators will come forward with a package that we can support together in a bipartisan way, but they had better take a serious look at where they are headed and what their priorities are at this time.

I thank the Chair and I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

TRIBUTE TO JAMES AUSTIN

Mr. WILSON. Mr. President, I rise today to pay tribute to the memory of James Austin, a fellow Californian who served his community with distinction and exemplary commitment.

James' long history of service began in 1963, when he served as a lieutenant in the Army National Guard for 6 years. In 1969, he became senior deputy at the central jail in Los Angeles, where he was responsible for training and ensuring that jail policies were adhered to by the deputies in his unit. James went on to become administrative sergeant and was instrumental in the development of the custody training manual. In November, 1977, he became patrol sergeant at the Lennox Station, overseeing personnel in cases of emergency and high risk situations. It was here that his expertise and abilities were tested, and on March 19, 1979, he passed with flying colors and received a letter of commendation for the successful handling of a barricaded suspect.

In 1983, he became the watch commander and later the operations lieutenant at the Altadena Station, where he was responsible for implementation of department policy and policies set forth by the captain, and also maintenance of the station and its vehicle fleet. Two years later, James continued his service to the people of Los Angeles by taking over as director of security at Los Angeles County Health Services. There, he drew from his rich background in public administration to restructure security procedures and develop a new training program. James capped off his distinguished career as license and bookmaking lieutenant, where he administered ongoing investigations conducted by sworn and civilian crews in his unit, advising the captain as to the status of cases being investigated.

California will miss James Austin. I am proud to salute this valued public servant and to commend the many contributions he made to our State community in the course of his distinguished career.

MARATHON HOUSE COMMENCEMENT EXERCISES

Mr. CHAFEE. Mr. President, on September 16, 1990, the nationally renowned Marathon House Drug and Alcohol Treatment Center will be holding its annual graduation exercises. Marathon is a Rhode Island-based treatment center that has helped thousands of families repair lives damaged by substance abuse.

I applaud Marathon's record of achievement and tradition of excellence. I ask unanimous consent that a statement on this event be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MARATHON HOUSE COMMENCEMENT EXERCISES, SEPTEMBER 16, 1990

Warm congratulations to each and every one of you on this commencement day. Successful completion of the Marathon House Residential Treatment Program is a tremendous accomplishment. I know your families, friends, and counselors are happy for you.

Marathon House has a record of success. Ninety percent of the individuals who complete its program are substance-free and employed after one year. This record of achievement is unmatched anywhere in the nation. But, it can be improved upon. I hope that each of you—100 percent—are on your way to drug and alcohol-free lives.

Treatment programs are challenging; a great deal of hard work. It takes no less than an all-out effort to tackle what President Bush has called "the gravest domestic threat facing our nation today"—substance abuse. As members of Marathon's largest graduating class, you have won an important battle in the war on drugs. Keep fighting.

Marathon House plays a critical role in reducing the devastating impact of drug and alcohol abuse. It is wonderful to see that it continues to serve its clients so well. I was pleased to help secure funding for Marathon's new space in Exeter, Rhode Island, and I am delighted to see the opening of the new Wallom Lake facility in Pascoag. We all have high hopes for the future.

You, the graduates of 1990, have much to offer our communities. I urge you to set your sights high. The energy and determination that you brought to the treatment program will serve you well as you step away from Marathon House. One day at a time, it is possible to maintain healthy, productive, and substance-free lives. Good luck!

Again, congratulations, and have a great day.

ALZHEIMER'S ASSOCIATION 10TH ANNIVERSARY

Mr. PRESSSLER. Mr. President, it is a pleasure for me to extend congratulations to the Alzheimer's Association on its 10th anniversary. The association will celebrate its anniversary on Saturday, October 13, at its annual board meeting in Chicago. Today, I commend the association for its decade of commitment to finding a cure for Alzheimer's disease.

It is estimated that 4 million Americans currently are affected by Alzheimer's disease. My own father suffered from Alzheimer's for many years. It is the fourth leading cause of death for adults. By the 21st century, an estimated 14 million Americans will have Alzheimer's disease. Now is the time to support funding for research and education on Alzheimer's disease to curb this devastating disease before the number of victims doubles. I have been working on legislation in this area for nearly 12 years. Progress has been made in the field of biomedical research. But four out of five research projects are still rejected due to inadequate funding.

I congratulate the Alzheimer's Association for its lobbying efforts, which have resulted in a substantial increase in appropriations for Alzheimer's research since 1983. The Alzheimer's Association is a privately funded, voluntary organization. It has been truly inspiring to see the efforts, dedication and, most importantly, the results achieved by the Alzheimer's Association during the past 10 years. Its slogan, "Someone to Stand By You," accurately states the association's role in addressing the needs of those who are victimized by Alzheimer's disease. It is our duty to provide the financial support necessary to ease the burdens of the victims of Alzheimer's disease and their caregivers, as well as to find a cure for this terrible disease.

JOHN ALFRED PICKLER: SOUTH DAKOTA'S FIRST MEMBER OF CONGRESS

Mr. PRESSLER. Mr. President, during my recent visit to Faulkton, SD, I was invited by Jody Moritz, coeditor of the Faulk Record, Shirley Pritchard and the Faulk County Historical Society to tour the home of John Alfred Pickler, the first Congressman of the proud State of South Dakota. John Pickler was a true frontiersman. Realizing Dakota Territory's potential for statehood, in 1882, he and his wife Alice left the Muscatine, IA, area for Faulkton, where he established a law practice.

As we head toward the 21st century, I would like to thank the ladies of the Faulk County Historical Society for bringing to my attention Congressman Pickler's important role in leading the young State of South Dakota into the 20th century.

John Pickler was destined to be a leader. At age 18 he enlisted in the Army, served during the Civil War, rose to the rank of captain, and led the 138th Regiment of the U.S. Colored Infantry. He also reached the rank of major in the peacetime Army. He participated in a number of notable engagements and established an enviable record as a loyal, valiant soldier and able commanding officer.

Upon completion of military duty John Pickler entered Iowa State University and completed a 4-year degree. While at Ames, IA, he met Miss Alice Alt, whom he would wed in 1870. He then entered the University of Michigan at Ann Arbor, graduating in 1872 with a law degree. He then went to Kirksville, MO, where he engaged in the practice of law with P.F. Greenwood. He was elected State's attorney of Adair County, MO, where he remained for 2 years. He then traveled to Muscatine, IA, and formed with a classmate the firm Hoffman, Pickler & Brown. The firm stayed together until 1882 when John departed Iowa for the prairie of South Dakota.

John Pickler was recognized as a Republican leader in Iowa and served as chairman of his county's Republican central committee. He was also one of the Garfield, IA, electors in 1880. His word always carried weight in the councils of his party.

In September 1882, Pickler arrived by rail at Mitchell, SD, from which he traveled by stagecoach to Huron. There he joined a party of gentlemen who were headed to the center of Faulk County to establish a town. The party proceeded by rail to Miller, in Hand County, where the men procured lumber and other materials to construct a hotel in their new town.

The party set out northward from Miller without a trail to follow. They placed lumber lath at various high points on the prairie as they traveled across the sea of prairie grass to ensure that they would be able to find their way back. The men journeyed for 2 days until they settled on a site located on the south bank of the Nixon River where the town of Faulkton is now located.

Major Pickler's service to the State of South Dakota began as a member of the territorial legislature in Yankton from 1885 until 1887. He was instrumental in introducing the first bill in the territorial legislature to give women the right to vote in the Dakota Territory, 33 years prior to the ratification of the 19th amendment to the U.S. Constitution. He and his wife Alice promoted woman suffrage and were friends of Susan B. Anthony. That famous advocate for women suffrage visited their Faulkton home.

John's strong convictions were shared by his wife Alice. Mrs. Pickler and Susan B. Anthony in 1890 went on a speaking tour together through the State of South Dakota. She and Mrs. Anthony spoke on women suffrage and the temperance cause. Alice was the vice president of the Women's Christian Temperance Union for the State, president of the Woman's Relief Corp, and president of the South Dakota Equal Suffrage Association. Alice stayed active in civic affairs until her death on March 31, 1932.

Active in Republican politics, John Pickler was elected in 1889 to represent the new State of South Dakota in the U.S. House of Representative. He served in the 51st through the 54th Congresses, 1889–97. During his tenure as Congressman, he served as an active member on the committees on Public Lands, Indian Affairs, Invalid Pensions, Irrigation of Arid Lands, Alcohol-Liquor Traffic, and Claims. He was chairman of the Committee on Invalid Pensions during the 54th Congress. The Committee on Invalid Pensions no longer exists. Its modern counterpart would be the Veterans' Affairs Committee. He served 8 years in Congress before being nominated for the U.S. Senate along with James H. Kyle. Pickler understood that the Republican vote would be split, and that neither Kyle nor himself could be elected to the Senate in the aftermath of a tough intra-party struggle. Rather than seeing the office lost to his party, Pickler withdrew his name and threw his support to James H. Kyle. Kyle won the Senate seat for the Republicans.

As a result of his quest for knowledge, John Pickler was a broad-minded man of liberal culture and education. He spent many hours reading books in his personal search for enlightenment. John enjoyed reading and music with such a passion that he acquired a two-story commercial building from the ghost town of LaFoon, SD, sometime during the 1890–92 period. He put the building up on wheels and moved it to his Faulkton home. The 30-foot by 30-foot structure, now the largest room in the Pickler home, became the library. That library contained one of the largest and finest collections in the State at the turn of the century, with more than 2,000 volumes.

John's character and conduct were of the highest caliber. Upon his death on June 13, 1910, the bar of Faulk County prepared the following memorial:

Be it resolved, that in his death this court, the legal profession and the people of this state have sustained a great loss. He was the pioneer lawyer of Faulk county and during the years that he was associated with us, exerted a strong wholesome influence as a lawyer, public officer and a citizen. He was a man of strong individuality and personality, a tireless worker, diligent and strenuous in the interest of his clients. Possessed of firm convictions, of extraordinary intellectual force and ability, together with marked oratorical powers, he achieved a degree of usefulness, influence and power which is given but few to attain. The purity of his daily life and habits, his unswerving fidelity to high ideals and moral principles are especially to be commended, and furnish an example which has been an inspiration to all his associates. He was especially endowed with a sweet spirit of Christian charity, a spirit of goodwill and kindliness which went out toward all with whom he came in contact. He had a disposition which led him to overlook and make allowances for the faults and frailities of others, which was absolutely incapable of malice, and manifested itself in deeds of helpfulness and sympathy wherever the opportunity occurred. He was absolutely true to his convictions and stood for them with all of this might, mind and strength. Possessed of undaunted moral courage, he fearlessly stood and fought for what he believed to be right, uninfluenced by personal motives and without fear of consequences. And this undaunted courage was never more manifest than in his last struggle with the "grim monster who comes but to conquer." During all the long months of final illness he never for one moment evinced the slightest fear as to when or what the end of this struggle might be. *Resolved,* that we recognize with pride and thankfulness the value of his life and influence to the legal profession, to the community and to the state.

We South Dakotans are proud of John Pickler and his accomplishments in the military, political, and civic arenas. The legacy he began more than a century ago sets a fine example for all South Dakotans.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,004th day that Terry Anderson has been held captive in Beirut.

September 6, 1990, marked Terry Anderson's 2,000th day in captivity. According to the New York Post: "another grim milestone." Mr. President, I wish to express the hope that recent developments in the region might put an end to the journey.

Saddam Hussein's invasion of Kuwait has generated turmoil in the Middle East. Turmoil and shifting alliances. One hostage, Irishman Brian Keenan, has been released. Perhaps there is now good reason to hope that others will also be released.

I ask unanimous consent that the above mentioned New York Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Post, Sept. 6, 1990]

U.S. NEWSMAN IN 2,000TH DAY AS HOSTAGE

BEIRUT, LEBANON.—Hostage American journalist Terry Anderson marked another grim milestone yesterday his 2,000th day in captivity.

Anderson, 42, chief Middle East correspondent of The Associated Press, is the longest-held of the six Americans, four Britons, two West Germans and one Italian who are captives in Lebanon. Most are held by pro-Iranian Shiite Moslem militants. Anderson, 42, of Lorain, Ohio, was kidnapped in Moslem West Beirut on March 16, 1985, by the Islamic Jihad, or Islamic Holy War.

The last information on Anderson came from former Irish hostage Brian Keenan, who said after his release Aug. 24 that he had seen Anderson during his four years in captivity.

"I saw Terry Anderson some time ago. He's in good form," Keenan said after he was freed by a group calling itself the Organization of Islamic Dawn.

Islamic Dawn had freed U.S. hostages Robert Polhill and Frank Reed in April as a "good-will gesture."

Keenan said he spent part of his time in captivity with Anderson, noting they were in chains and blindfolded much of the time.

The Irishman said Anderson "appreciates the letters that he received from his family. He has a picture of his daughter, Sulome, which is some great companionship for him."

Sulome, Anderson's younger daughter, has never met her father. She was born nearly three months after he was kidnapped.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 5241

Mr. DECONCINI. Mr. President, I ask unanimous consent that Mr. Robert Finan be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, what is the pending business?

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991

The PRESIDING OFFICER. If the Senator will suspend, under the previous order the hour of 11 a.m. having arrived, the Senate will proceed to the consideration of H.R. 5241, which the clerk will now report.

The legislative clerk read as follows:

A bill (H.R. 5241) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, H.R. 5241, the fiscal year 1991 appropriations bill for the Department of the Treasury, Postal Services and general government is what is before us today.

Mr. President, I make a motion to move to the consideration of this bill, an act making appropriations for this purpose ending September 30, 1991.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts on the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 5241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I

[TREASURY DEPARTMENT

[OFFICE OF THE SECRETARY

[DEPARTMENTAL OFFICES

[Salaries and Expenses

[For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $1,649,000, to remain available until expended, for systems modernization requirements; not to exceed $1,000,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $63,083,000.]

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not less than $2,212,000 and 40 full-time equivalent positions for the Office of Foreign Assets Control; not to exceed $1,649,000, to remain available until expended, for systems modernization requirements; not to exceed $1,000,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex; $63,883,000.

INTERNATIONAL AFFAIRS

For necessary expenses of the international affairs function of the Departmental Offices, including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; [$27,517,000] *$29,717,000.*

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $1,543,000 to remain available until expended, for systems modernization requirements; $21,296,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; not to exceed $3,000 for official reception and representation expenses; and awards of compensation to informers; $16,688,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed thirty for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public

awareness and enhancing community support of law enforcement training; not to exceed [$7,000] *$5,000* for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept gifts: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; training of [private sector security officials] *community leaders* on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further,* That the Director of the Federal Law Enforcement Training Center shall annually present an award to be accompanied by a gift of intrinsic value to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, to be funded by donations received through the Center's gift authority: *Provided further,* That none of the funds appropriated under this heading shall be used to reduce the level of advanced training or other training activities of the Federal Law Enforcement Training Center at Marana, Arizona; [$36,727,000] *$41,142,000: Provided further, That the Federal Law Enforcement Training Center shall hire up to and maintain an average of not less than 445 direct full-time equivalent positions for fiscal year 1991.*

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, [$18,735,000] *$29,000,000,* to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $218,742,000, of which not to exceed $13,287,000 shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed [six] *seven* hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; not to exceed [$5,000] *$10,000* for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; [$296,284,000] *$305,704,000,* of which [$19,000,000] *$25,000,000* shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1991, and of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the FEDERAL REGISTER, volume 43, number 55, of March 21, 1978: *Provided further,* That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further,* That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further,* That this provision shall not preclude ATF from assisting the International Civil Aviation Organization in the development of a detection agent for explosives or from enforcing any legislation implementing the Convention on the Marking of Plastic and Sheet Explosives for the Purpose of Detection: *Provided further,* That funds made available under this Act shall be used to achieve a minimum level of [3,984] *4,098* full-time equivalent positions for fiscal year 1991, of which no fewer than [692] *1,037* full-time equivalent positions shall be allocated for the Armed Career Criminal Apprehension Program.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$1,140,086,000, of which $7,000,000 shall be for the Interagency Border Inspection System, and] *$1,141,725,000* of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000, to remain available until expended, for research, and not to exceed $3,395,000, to remain available until expended, for renovation and expansion of the Canine Enforcement Training Center: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service[: *Provided further,* That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program: *Provided further,* That the United States Customs Service shall hire and maintain an average of not less than 17,604 full-time equivalent positions in fiscal year 1991, of which a minimum level of 10,385 full-time equivalent positions shall be allocated to commercial operations activities, and of which a minimum level of 930 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service]*: Provided further, That the United States Customs Service shall hire and maintain an average of not less than 17,162 full-time equivalent positions in fiscal year 1991, of which a minimum level of 10,421 full-time equivalent positions shall be allocated to commercial operations activities, and of which a minimum level of 930 full-time equivalent positions shall be allocated to air interdiction activities of the United States Customs Service, and of which a minimum level of 222 full-time equivalent positions shall be allocated to the Nogales District of the United States Customs Service: Provided further,* That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1991: *Provided further,* That not less than $500,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District[: *Provided further,* That $1,750,000 shall be expended to increase by 30 the number of full-time employees of the United States Customs Service in the Honolulu Customs District]*: Provided further, That not less than $1,440,000 shall be expended to increase by 24 the number of full-time employees of the United States Customs Service in the Honolulu Customs District.*

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; [$107,047,000] *$114,347,000,* to remain available until expended: *Provided,* That no aircraft or other related equipment with the exception of the aerostat program which will be transferred to the Department of Defense, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1991*: Provided further, That the United States Customs Service shall commence procurement of long-lead items and conduct all advanced planning required in preparation for the procurement of one additional P-3 airborne early warning (AEW) aircraft in fiscal year 1992.*

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $14,855,000, as authorized by Public Law 100-690; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $2,152,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be de-

rived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $51,429,000, including amounts for purchase and maintenance of uniforms not to exceed $275 multiplied by the number of employees of the agency who are required by regulation or statute to wear a prescribed uniform in the performance of official duties.

EXPANSION AND IMPROVEMENTS

For expansion and improvements to existing Mint facilities and for renovation of such facilities as may be acquired, $550,000, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $175,139,000[: *Provided*, That such sums as are necessary are appropriated to reimburse Federal Reserve Banks for services required by the Secretary to be performed by such banks as fiscal agents of the United States in support of administering the public debt, effective October 1, 1991].

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), $500,000, to remain available until expended.

INTERNAL REVENUE SERVICE

ADMINISTRATION AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; executive direction, management services, and internal audit and security; including purchase (not to exceed 89 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$136,072,000] *$142,279,000*, of which not to exceed $25,000 for official reception and representation expenses; and of which not to exceed $500,000 shall remain available until expended for research.

PROCESSING TAX RETURNS AND ASSISTANCE

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; statistics of income; providing assistance to taxpayers; [establishing and operating an ongoing training program for IRS employees under which employees will be provided with training and information designed to curtail employee mistreatment of taxpayers; and] hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,444,517,000] *$1,521,595,000*, of which $3,000,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; the purchase (not to exceed 451, for replacement only, for police-type use), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$3,560,484,000] *$3,310,119,000*, of which not to exceed $70,000 shall be for official reception and representation expenses in connection with the 1991 General Assembly of the Inter-American Center of Tax Administrators, to be hosted by the United States[, and of which not less than $10,000,000 above fiscal year 1990 levels shall be available for the purposes of enforcement activities related to United States subsidiaries of foreign-controlled corporations that are in non-compliance with United States tax laws].

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: returns processing and services; compliance and enforcement; program support; and tax systems modernization; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$993,927,000, of which not less than $247,878,000 shall remain available until expended and shall not be obligated prior to September 30, 1991, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change and of which not to exceed $60,000,000 shall remain available until expended for other systems development projects and shall not be obligated prior to September 30, 1991, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change] *$932,932,000, of which not less than $247,878,000 shall remain available until expended for tax systems modernization, and of which $60,000,000 shall remain available until expended for other systems development projects.*

ADMINISTRATIVE [PROVISION] *PROVISIONS*—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed [5] *4* per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 2. Not to exceed 15 per centum, or $15,000,000, whichever is greater, of any appropriation made available to the Internal Revenue Service for document matching for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation for document matching.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $15,000 to assist in hosting the Biennial Conference of the Organization of Women in Federal Law Enforcement; to be held during fiscal year 1991; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations, in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$397,640,000] *$412,740,000*, of which $2,500,000 shall remain available until expended for renovations at the temporary official residence of the Vice President and [$3,200,000] *$1,600,000* to remain available until expended for renovations of the New York Field Office; and of which not to exceed $160,000 shall be made available for the protection at the one non-governmental property designated by the President of the United States under provisions of section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note).

TREASURY DEPARTMENT—GENERAL PROVISIONS

SEC. 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. [However, no such appropriation shall be increased or decreased] *Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any ap-*

propriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

[SEC. 104. Notwithstanding any other provision of law, beginning October 1, 1990, and thereafter, the Financial Management Service shall be fully and directly reimbursed from the Social Security Trust Funds for the costs it incurs in the issuance of Social Security Trust Funds benefit payments, including all physical costs associated with payment preparation and postage costs. Such direct reimbursement shall also be made for all other trust and special funds which are the recipients of services performed by the Financial Management Service and which prior to enactment of this provision reimburse the General Fund of the Treasury for such services.]

This title may be cited as the "Treasury Department Appropriations Act, 1991".

TITLE II

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; [$484,592,000] *$470,592,000*: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1991.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $38,142,000.

UNITED STATES POSTAL SERVICE

GENERAL PROVISION

SECTION 1. None of the funds appropriated in this Act or made available by 39 U.S.C. 2401(a) shall be available for the investigation of any bombing, attempted bombing, or other explosive incident unless such bombing, attempted bombing, or other explosive incident is directed at a United States postal facility, or the explosive device detonates or is discovered while still in possession of the United States Postal Service.

SEC. 2. (a) IN GENERAL.—Section 3626 of title 39, United States Code, is amended by adding at the end the following:

"(j)(1) In the administration of this section, the rates for mail under former section 4452(b) or 4452(c) of this title shall not apply to mail which advertises, promotes, recommends, offers, describes, or announces the availability of any credit, debit, or charge card, or similar financial service, provided by or through an arrangement with any person or organization not authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of this title.

"(2) Paragraph (1) of this subsection shall not exclude matter from being mailed at the rates for mail under former section 4452(b) or 4452(c) of this title, by an organization authorized to mail at those rates, solely because such matter contains—

"(A) space advertising for which a valuable consideration has been paid, provided that such advertising is an integral part of a publication issued on a periodic basis by the authorized organization, and not included as an insert, enclosure, or supplement;

"(B) an incidental acknowledgement or mention of organizations or individuals who have made donations to the authorized organization; or

"(C) an incidental reference to services or benefits available as a result of membership in the authorized organization, provided that advertising, promotional, or application materials specifically concerning such services or benefits are not included.".

(b) CONFORMING AMENDMENT.—Section 2401(c) of title 39, United States Code, is amended by striking "3626(a)-(h)" and inserting "3626(a)-(h) and (j)".

This title may be cited as the "Postal Service Appropriations Act, 1991".

TITLE III

EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; [$24,910,000] *$25,410,000, of which not less than $500,000 shall remain available until expended for the White House Conference on Indian Education*, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $32,799,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $8,495,000, of which $500,000 for the rehabilitation of the White House kitchens shall remain available until expended, *and of which $1,202,000 for the repair of the face of the Executive Residence shall remain available until expended*, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $626,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $2,587,000.

COUNCIL OF ECONOMIC ADVISERS

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); $3,064,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,395,000.

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; [$235,000] *$400,000: Provided, That a minimum level of 5 permanent full-time equivalent positions shall be hired and maintained by the National Critical Materials Council for fiscal year 1991.*

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $5,893,000[, of which not to exceed $2,000 may be for official reception and representation expenses].

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$49,305,000] *$48,343,000*, of which not to exceed $4,500,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made

except as otherwise provided by law: *Provided further,* That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further,* That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further,* That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs: *Provided further,* That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further,* That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 105, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; $2,914,000.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100-690; not to exceed $7,500 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; [$66,500,000, of which $50,000,000 will be for activities authorized by section 1005 of Public Law 100-690 for areas designated as High Intensity Drug Trafficking Areas and which may be transferred to Federal agencies and departments for the purposes of assisting such designated areas] *$16,500,000*: *Provided,* That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

[For activities authorized by Public Law 100-690, such sums as may be necessary, to be derived from deposits in the Special Forfeiture Fund, and to remain available until expended: *Provided,* That the amounts made available under this appropriation may not exceed the amounts deposited in the Special Forfeiture Fund as authorized by section 6073: *Provided,* That 28 U.S.C. 534(c)(9) is amended by deleting the second sentence and inserting the following: "For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer such sums as may be necessary in unobligated amounts available in the Department of Justice Assets Forfeiture Fund to the Special Forfeiture Fund: *Provided further,* That such amounts will be transferred on a quarterly basis: *Provided further,* That such sums as may be necessary or, if determined by the Attorney General to be necessary to meet asset specific expenses, an amount equal to one-tenth of the previous year's obligations, may be retained in the Fund and remain available for appropriation.": *Provided further,* That funds deposited into the Special Forfeiture Fund may be transferred to Federal agencies and departments for the purpose of executing the National Drug Control Strategy: *Provided further,* That section 6073(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended to read as follows:

[''(b) DEPOSITS.—In each of fiscal years 1991, 1992, and 1993, there shall be transferred to and deposited in the Special Forfeiture Fund, from the Department of Justice Assets Forfeiture Fund pursuant to 28 U.S.C. 524(c)(9), not to exceed $150,000,000: *Provided,* That amounts specified in the second proviso of said section may be retained in the Assets Forfeiture Fund and remain available for appropriation.'']

For activities authorized by Public Law 100-690, $128,000,000, to be derived from deposits in the Special Forfeiture Fund; of which $4,548,000 shall be transferred to Federal Bureau of Investigation, "Salaries and expenses"; of which $2,637,000 shall be transferred to Immigration and Naturalization Service, "Salaries and expenses"; of which $6,941,000 shall be transferred to Interagency Law Enforcement, "Organized Crime Drug Enforcement"; of which $18,884,000 shall be transferred to United States Customs Service, "Salaries and expenses"; of which $3,856,000 shall be transferred to Bureau of Alcohol, Tobacco and Firearms, "Salaries and expenses"; of which $3,059,000 shall be transferred to Internal Revenue Service, "Tax law enforcement"; of which $91,000 shall be transferred to Secret Service, "Salaries and expenses"; and of which $82,000,000 shall be available for activities authorized by Section 1005 of Public Law 100-690 for areas designated as High Intensity Drug Trafficking Areas and which may be transferred to Federal agencies and departments for the purposes of assisting such designated areas and shall be obligated in fiscal year 1991 by such Federal agencies and departments: Provided, That of such amount not less than $32,000,000 shall be available to the Department of Justice and the Department of the Treasury for distribution to State and local law enforcement entities for drug control activities consistent with the strategy for each designated High Intensity Drug Trafficking Area; and of which $4,984,000 shall remain available until expended for automated data processing enhancements at the El Paso Intelligence Center; and of which $1,000,000 shall remain available until expended to implement section 7604 of Public Law 100-690, the National Commission on Measured Responses to Achieve a Drug-Free America by 1995 Authorization Act: Provided, That amounts transferred under this heading shall be used for salaries and expenses of drug enforcement personnel.

OFFICE OF NATIONAL DRUG CONTROL POLICY

GENERAL PROVISION

SECTION 1. Section 524(c)(9) of title 28, United States Code is amended by deleting the second sentence and inserting the following: "For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer not to exceed $150,000,000 in unobligated amounts available in the Fund to the Special Forfeiture Fund: Provided, That such amounts will be transferred on a quarterly basis: Provided further, That, upon each transfer, not to exceed $15,000,000 or, if determined by the Attorney General to be necessary to meet forfeiture program expenses, an amount not to exceed one-tenth of the previous year's obligations shall be retained in the Fund and remain available for payment of authorized expenses: Provided further, That, any unobligated amounts in excess of $150,000,000 shall remain on deposit in the Fund.".

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1991".

TITLE IV

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), including not to exceed $1,000 for official reception and representation expenses; $2,079,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended (42 U.S.C. 4271-79); $1,300,000, and additional amounts not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $207,000: *Provided,* That the annual report of the Advisory Committee on Federal Pay shall be submitted to the Appropriations Committees of the House and Senate and other appropriate Committees of the Congress at the same time the report is submitted to the President.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28 $1,160,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $17,150,000[, of which not to exceed $5,000 shall be available for reception and representation expenses].

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

[For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $1,408,870,000 to be deposited into said Fund. The revenues and collections deposited into said fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,279,209,000, of which (1) not to exceed $1,469,642,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

[New Construction:

[California:

[East Los Angeles, a grant to California State University, $200,000

[Los Angeles, a grant to the Japanese American National Museum, $39,000

[Marymount, a grant to Loyola University, $5,000,000

[Menlo Park, Laboratory Building A, $22,000,000

[Sacramento, John E. Moss Federal Building U.S. Courthouse, Extension, $5,801,000

[San Diego, a grant to Children's Hospital, $2,000,000

[District of Columbia:

[A grant to the American Indian Higher Education Consortium, $2,000,000

[A grant to the D.C. Children's National Medical Center, $2,000,000

[Florida:

[Miami, a grant to Mt. Sinai Medical Center, $2,000,000

[Illinois:

[Chicago, John C. Kluczynski Federal Building, Claim, $455,000

[Kansas:

[Kansas City, Federal Building U.S. Courthouse, $29,475,000

[Maryland:

[Baltimore, a grant for planning and design of the Christopher Columbus Center on Marine Research and Exploration, $5,000,000

[College Park, a grant to the University of Maryland for superconducting materials research, $1,500,000

[Prince George's County, U.S. Courthouse, $21,883,000

[Massachusetts:

[Boston, Federal Building-Courthouse, site acquisition and design, $51,300,000

[Waltham, a grant to establish and construct a National Center for Complex Systems at Brandeis University, $5,000,000

[Woods Hole, a grant for the continued development of the Marine Biomedical Institute for Advanced Studies, $6,000,000

[Michigan:

[Houghton, a grant to Michigan Technological University for construction of a center for applied metallurgical, minerals, and materials research, $2,000,000

[Minnesota:

[Minneapolis, Federal Building and U.S. Courthouse Annex, $68,772,000

[New Jersey:

[Camden, Post Office and Courthouse Annex, Escalation, $8,903,000

[New Mexico:

[Alamogordo, a grant to the Primate Research Institute, Site and Facilities, to be constructed on a site leased from the United States Air Force at Holloman Air Force Base, $5,000,000

[New York:

[Rochester, a grant to Rochester Institute of Technology for a strategic materials research center, $2,000,000

[New York:

[White Plains, Courthouse, $26,350,000

[Oregon:

[Portland, Courthouse Annex, $33,320,000

[Pennsylvania:

[Wilkes Barre, Social Security Administration Data Operations Center, Escalation, $11,905,000

[Philadelphia, a grant to Parents Against Drugs, $778,000

[Texas:

[College Station, a grant to Texas A&M University for the establishment of the Institute for National Drug Abatement Research at the Texas Engineering Experiment Station, $1,000,000

[El Paso, a grant to the University of Texas, $2,000,000

[Virginia:

[Alexandria, U.S. Courthouse, $58,202,000

[Non-Prospectus Construction Projects, $5,000,000

[New Construction (other):

[District of Columbia:

[Department of Transportation, Headquarters, Site, $50,000,000: *Provided*, That such funds will be available only with the prior approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation

[Southeast Federal Center, $122,000,000

[Louisiana:

[Shreveport, Federal Building and Courthouse, $24,669,000

[Maryland:

[Prince George's County, Internal Revenue Service, $206,502,000

[Virginia:

[Northern, Naval Systems Commands, $679,588,000]

For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f), $1,578,360,800 to be deposited into said Fund. The revenues and collections deposited into said Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,084,586,800, of which (1) not to exceed $1,282,830,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Arizona:

Flagstaff, a grant to Northern Arizona University, Southwest Forestry Science Complex, $5,000,000

California:

Menlo Park, U.S. Geological Survey, Laboratory Building A, $22,000,000

Sacramento, John E. Moss Federal Building U.S. Courthouse, Extension, $5,801,000

District of Columbia:

Army Corps of Engineers, Southeast Federal Center, Headquarters, $87,234,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Federal Bureau of Investigation, Field Office, $98,372,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

General Services Administration, Southeast Federal Center, Headquarters, $148,500,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Department of Transportation, Headquarters, site, $50,000,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works

Southeast Federal Center, $88,000,000: Provided, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and

Transportation and the Senate Committee on Environment and Public Works

Georgia:

Athens, a grant to University of Georgia, Dean Rusk Center for International and Comparative Law, $1,000,000

Augusta, U.S. Courthouse, $353,000

Idaho:

Moscow, a grant to University of Idaho, Environmental Laboratory, $5,800,000

Iowa:

Ames, a grant to Iowa State University, Midwest Supercomputer Access Center, $4,300,000

Illinois:

Chicago, John C. Kluczynski Federal Building, Claim, $455,000

Kansas:

Kansas City, Federal Building U.S. Courthouse, $29,475,000

Pittsburg, a grant to Pittsburg State University, School of Technology Complex, $6,000,000

Louisiana:

Shreveport, Federal Building and U.S. Courthouse, $24,669,000

Maryland:

Prince Georges County, Internal Revenue Service, $206,502,000

Prince Georges County, U.S. Courthouse, $21,883,000

Massachusetts:

Boston, Federal Building U.S. Courthouse, $184,200,000

Minnesota:

Minneapolis, Federal Building and U.S. Courthouse Annex, $47,710,000

Montana:

Great Falls, a grant to the McLaughlin Research Institute for Biomedical Sciences, $5,000,000

Nebraska:

Lincoln, a grant to University of Nebraska, George W. Beadle Center for Genetic and Bilmaterials Research, $6,000,000

Omaha, a grant to Creighton University, Criss Research Building, $2,000,000

Nevada:

Carson City, Federal Building-Post Office, parking construction, $50,000

New Jersey:

Camden, Post Office and Courthouse Annex, Escalation, $8,903,000

New Mexico:

Albuquerque, a grant to Sandia National Laboratory for research in environmentally conscious manufacturing, $4,000,000

New York:

New York, a grant to Columbia University, Center for Disease Prevention, $1,000,000

White Plains, Courthouse, $26,350,000

Oregon:

Portland, Courthouse Annex, $33,320,000

Pennsylvania:

Wilkes-Barre, Social Security Administration Data Operations Center, Escalation, $11,905,000

Tennessee:

Knoxville, U.S. Courthouse-Post Office, $3,431,000

Virginia:

Alexandria, U.S. Courthouse, $58,202,000

West Virginia:

Charleston, Federal Building U.S. Courthouse, $80,407,000

Nonprospectus construction projects, $5,000,000

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1992 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That claims against the Government of less than $100,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$579,710,000] *$780,251,800* which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

California:

[Calexico, New Border Station, $1,174,000

[Otay Mesa, New Facility, $7,000,000]

Sacramento, John E. Moss Federal Building U.S. Courthouse, $10,990,000

San Diego, Federal Building and U.S. Courthouse, $7,836,000

San Francisco, Appraisers Building, $3,958,000

San Francisco, Customhouse, $9,508,000

Colorado:

Lakewood, Denver Federal Center, Building 56, $8,584,000

District of Columbia:

Washington, DC Area Elevators, $16,500,000

Hubert H. Humphrey Federal Building, $7,300,000

National Building Museum, Pension Building, $4,500,000

Veterans' Administration Building, $26,000,000

Georgia:

Richard B. Russell Federal Building and United States Courthouse, $3,544,000

Illinois:

Chicago, Customhouse (phase 2), $10,260,000

Chicago, Everett McKinley Dirksen Building (phase 2), $37,700,000

Chicago, Federal Building, 536 S. Clark Street (phase 2), $6,248,000

Indiana:

Indianapolis, Federal Building and Courthouse, $3,908,000

Minnesota:

Saint Paul, Warren E. Burger Federal Building and United States Courthouse, $7,633,000

New Jersey:

Newark, Peter W. Rodino, Jr. Federal Building, $3,755,000

New York:

New York, Bowling Green Customhouse (phase 1), $4,727,000

New York, Emanuel Celler Federal Building and U.S. Courthouse, $3,915,000

New York, Jacob K. Javits Federal Building, $13,721,000

Rochester, Kenneth B. Keating Federal Building and U.S. Courthouse, $1,994,000

Oklahoma:

Oklahoma City, Post Office and Courthouse, $11,242,000

Pennsylvania:

Philadelphia, Customhouse, $20,166,000

Pittsburgh, Post Office and Courthouse, $2,700,000

Tennessee:

Nashville, Estes Kefauver Federal Building and U.S. Courthouse Annex, $4,616,000

Texas:

Dallas, Federal Building (Terminal Annex), $4,307,000

[El Paso, Ysleta Border Station, $9,044,000]

Virginia:

Arlington, Pentagon, $35,500,000

Portsmouth, Federal Building, $1,700,000

Washington:

Seattle, Federal Office Building, $17,932,000

Spokane, Federal Building and Post Office, $5,071,000

Capital Improvements of United States-Mexico Border Facilities, $211,659,800 as follows:

Arizona:

Naco, New Border Station, $3,497,500

Nogales, Grand Avenue, Border Station, site and drainage, $3,200,000

Sasabe, New Border Station, $3,185,000

California:

Andrade, New Border Station, $6,400,700

Calexico, New Border Station, $41,395,000

Otay Mesa, New Border Station, $14,112,700

San Ysidro, Border Station, $8,000,000

Tecate, New Border Station, $10,367,500

New Mexico:

Santa Teresa, New Border Station, $6,000,000

Sunland Park, New Border Station, planning, $500,000

Texas:

Brownsville, New Border Station, $17,520,000

Brownsville, Gateway Bridge, Border Station, $3,500,000

Columbia/West Laredo, New Border Station, $12,991,000

Del Rio, Border Station, $13,042,000

El Paso, Bridge of the Americas, Border Station, $5,291,000

Laredo/Juarez-Lincoln Bridge, Border Station, $25,679,400

Los Indios, New Border Station, $7,934,000

Ysleta, New Border Station, *$9,044,000*

Southwest Border:

New Border Stations, $20,000,000

Minor Repairs and Alterations, [$271,177,000] *$272,777,000, including $1,600,000 for Building No. 6, World Trade Center, New York, New York: Provided, That by no later than July 30, 1991, the Administrator of General Services shall assess the level of unobligated balances, if any, in the Federal Buildings Fund and request reprogramming of such balances, not to exceed $10,000,000, to provide additional funding for United States-Mexico Border Facility projects*[*: Provided,*]*: Provided further,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1992, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed $136,579,000 for installment acquisition payments including payments on purchase contracts; (4) not to exceed [$1,506,300,000] *$1,505,780,000* for rental of space; (5) not to exceed $1,037,200,000 for real property operations; (6) not to exceed $90,781,000 for program direction and centralized services; and

(7) not to exceed [$242,165,000] *$251,165,000* for design and construction services *of which $9,000,000 shall be available for payment to a public entity in fiscal year 1991 to house the Bureau of Mines, the United States Geological Survey and the National Weather Service in Tucson, Arizona, such location to be designated by the housed agencies and such agencies are to be housed rent free, exclusive of operating expenses, in such location;* which shall remain available until expended[, including expenses for preliminary design for a 300,000 square foot Government-owned facility for the Center for Disease Control at their campus on Clifton Road in Atlanta, Georgia, such expenses to be reimbursed to GSA by the Center for Disease Control]: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration *with the exception of those of Capital Improvements of United States-Mexico Border Facilities; the Augusta, Georgia, United States Courthouse; the Boston, Massachusetts, Federal Building United States Courthouse; the Carson City, Nevada, Federal Building-Post Office parking facility; the Shreveport, Louisiana, Federal Building and United States Courthouse; the District of Columbia Pension Building, National Building Museum; the Knoxville, Tennessee, United States Courthouse-Post Office; the Charleston, West Virginia, Federal Building United States Courthouse; Building No. 6, World Trade Center, New York, New York; and the Tucson, Arizona, United States Geological Survey, National Weather Service, and Bureau of Mines space expansion* shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this Fund during fiscal year 1991 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$5,279,209,000] *$5,084,586,800* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for property management activities, utilization of excess and disposal of surplus personal property, rehabilitation of personal property, transportation management activities, transportation audits by in-house personnel, procurement, and other related supply management activities, including services as authorized by 5 U.S.C. 3109; [$53,957,000] *$52,243,000.*

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property, including services as authorized by 5 U.S.C. 3109; [$13,386,000] *$12,798,000,* to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5).

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, $8,000,000 to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended[: *Provided, T1That $2,500,000 of this amount shall be made available to pay expenses related to the relocation of the United States Fish and Wildlife Service regional office authorized and directed by Public Law 101-136*]: *Provided further,* That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further,* That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

[For necessary expenses, not otherwise provided, for Policy Direction, Board of Contract Appeals, and accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109, $35,100,000: *Provided,* That this appropriation shall be available, for general administrative and staff support services, subject to reimbursement by the applicable organization or agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses.]

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; for providing accounting, records management, and other support incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109; $91,455,000, of which $800,000 shall be available only for, and is hereby specifically earmarked for personnel and associated costs in support of Congressional District and Senate State offices: Provided, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; [$39,961,000] *$39,268,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General [$30,997,000] *$30,139,000* of which not to exceed $1,000,000 shall remain available until expended for procurement and installment of an automation program in support of audits and investigations: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further,* That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; [$1,808,000]

$1,964,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Not to exceed 1 per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 4. Funds in the Federal Buildings Fund made available for fiscal year 1991 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

[SEC. 5. Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.

[SEC. 6. Notwithstanding any provisions of this Act or any other Act in any fiscal year, the Administrator of General Services is authorized and directed to charge the Department of the Interior for design and alterations to the Avondale, Maryland, property at rates so as to recover the approximate applicable cost incurred by General Services Administration in providing such alterations, and the Department of the Interior is authorized to repay such charges out of any appropriation available to the department and the payments shall be deposited in the fund established by 40 U.S.C. 490(f).

[SEC. 7. The General Services Administration shall take immediate action to secure corrections to health and safety problems at the IRS Manhattan District Office and is directed if unable to correct such problems through the lessor within 90 days, to take such actions necessary to accomplish the corrections and withhold such amounts expended on such corrections from rental payments.]

SEC. [8] *5.* Notwithstanding any other provision of law, the Secretary of the Interior shall transfer to the General Services Administration, without consideration, approximately 14 acres of the United States Geological Survey Western Region Headquarters together with any improvements, structures and fixtures located thereon. The General Services Administration shall construct additional facilities for the United States Geological Survey on this site.

SEC. [9] *6.* (a) Notwithstanding any other provision of law, agencies are hereafter authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)) and are to be deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a).

SEC. [10] *7.* None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Norfolk Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. [11] *8.* None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing, or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas, administered by the Corps of Engineers, Department of the Army, without the specific approval of the Congress.

SEC. [12] *9.* Notwithstanding any other provision of law, the Administrator of General Services is authorized to sell by publicly advertising for bids and on such terms and conditions as the Administrator deems proper, the John W. McCormack Post Office and Courthouse located at One Post Office Square in Boston, Massachusetts. All proceeds from such sale, less direct expenses incurred in the sale, shall be deposited into the fund established under section 210(f) of the Federal Property and Administrative Services Act.

[SEC. 13. Notwithstanding any other provisions of law, the Administrator of General Services is authorized and directed to provide not less than 12,000 square feet of storage, office and public space in Pittsfield, Massachusetts, for the New England Regional Archives of the National Archives and Records Administration.]

[SEC. 14.] *10.* Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

[SEC. 15. The Administrator of General Services is directed to coordinate its requirements for office and other space to house Government activities by utilizing assets of the Resolution Trust Corporation and its receivers and conservators.]

SEC. 11. Notwithstanding any other provision of law, the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is authorized to receive any revenues, collections, or other income received during fiscal year 1991 in the form of rebates, cash incentives or otherwise, related to energy savings, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

SEC. 12. Notwithstanding any other provision of law, the General Services Administration is hereby authorized to sell, at competitive bid, the Federal Building located at 500 Quarrier Street in Charleston, West Virginia, and to deposit such proceeds into the Federal Buildings Fund.

SEC. 13. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to sell on such terms and conditions as the Administrator deems proper, the Federal Building and United States Courthouse located at 110 South Fourth Street in Minneapolis, Minnesota. All proceeds from such sale, less direct expenses, shall be deposited into the fund established under section 210(f) of the Federal Property and Administrative Services Act, and the General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority in the Construction and Acquisition of Facilities activity of the Federal Buildings Fund for the construction of a new Federal Building and United States Courthouse in Minneapolis, Minnesota.

(b) In addition, the General Services Administration is hereby authorized to accept donations from the City of Minneapolis, Minnesota and to deposit such donations into the fund established under section 210(f) of the Federal Property and Administrative Services Act, and the General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Construction and Acquisition of Facilities activity of the Federal Buildings Fund for the construction of a new Federal Building and United States Courthouse in Minneapolis, Minnesota.

(c) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary for carrying out the purposes of subsections (a) and (b).

SEC. 14. The Administrator of General Services shall issue a request for proposals for the procurement of move management services within thirty days after enactment of this Act.

SEC. 15. The General Services Administration is authorized to utilize and lease space in the Harlem International Trade Center located at 125th Street in the county of New York, New York, for future Federal long-term office space needs in the Metropolitan New York City area up to 200,000 square feet pursuant to the availability of Federal tenants.

The lease rate for such office space shall not exceed comparable rates for equivalent space in the surrounding area or comparable rates in the Harlem International Trade Center.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents,

and for the hire of passenger motor vehicles, [$139,756,000] *$131,469,000*, of which [$5,000,000] *$6,500,000* for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended [and of which $9,877,000 shall remain available until expended for renovations and improvements to the John F. Kennedy Library.]

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

GENERAL PROVISION

SECTION 1. (a)(1) The position of Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 title 5. Effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act, the basic rate of pay for such position shall be the minimum rate of pay grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.

(2) There is established within the Center for Legislative Archives within the National Archives and Records Administration the position of Specialist in Congressional History. Such position shall be classified at the grade of GS-13 of the General Schedule on the date of the enactment of this Act, and may be reclassified thereafter at the grade of GS-14 of the General Schedule under the provisions of chapter 51 of title 5, United States Code.

(b) There shall be made available from funds appropriated in each fiscal year to the National Archives and Records Administration, $20,000 for the administrative expenses of the Advisory Committee on the Records of Congress established under section 2701 of title 44, United States Code.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (a) and (b) of this section.

(d)(1) Title 44, United States Code, is amended by inserting after chapter 25, the following new chapter:

"CHAPTER 27—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

"Sec.
"2701. Advisory Committee on the Records of Congress.
"2702. Membership; chairman; meetings.
"2703. Functions of the Committee.
"2704. Powers of the Committee.
"2705. Compensation and travel expenses.
"2706. Administrative provisions.

"§ 2701. Advisory Committee on the Records of Congress

"(a) There is established the Advisory Committee on the Records of Congress (hereafter in this chapter referred to as the Committee).

"(b) The Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), except that the Committee shall be of permanent duration, notwithstanding any provision of section 14 of the Federal Advisory Committee Act.

"§ 2702. Membership; chairman; meetings

"(a)(1) The Committee shall consist of the eleven members including—

"(A)(i) the Secretary of the Senate;

"(ii) the Clerk of the House of Representatives;

"(iii) the Archivist of the United States;

"(iv) the Historian of the Senate; and

"(v) the Historian of the House of Representatives; and

"(B) six members of whom one shall be appointed by each of the following:

"(i) the Speaker of the House of Representatives;

"(ii) the Minority Leader of the House of Representatives;

"(iii) the Majority Leader of the Senate;

"(iv) the Minority Leader of the Senate;

"(v) the Secretary of the Senate; and

"(vi) the Clerk of the House of Representatives.

"(2) Each member appointed under paragraph (1)(B) shall have expertise in United States history or archival management.

"(b) The Secretary of the Senate shall serve as Chairman during the two-year period beginning on January 1, 1991, and the Clerk of the House of Representatives shall serve as Chairman during the two-year period beginning on January 1, 1993. Thereafter, such members shall alternate serving as Chairman for a term of two years.

"(c)(1) Members of the Committee referred to in subsection (a)(1)(A) shall serve only while holding such offices. Members appointed to the Committee under subsection (a)(1)(B) shall serve for a term of two years, and may be reappointed without limitation. The initial appointments for such terms shall begin on January 1, 1991.

"(2) Any vacancy on the Committee shall not affect the powers of the Committee. Any vacancy in an appointed position on the Committee shall be filled in the same manner in which the original appointment was made.

"(d)(1) No later than thirty days after the date on which the first session of the 102d Congress begins, the Committee shall hold its first meeting. Thereafter, the Committee shall meet semi-annually or at the call of a majority of its members.

"(2) Seven members of the Committee shall constitute a quorum, but a lesser number may hold hearings.

"§ 2703. Functions of the Committee

"The Committee shall—

"(1) review the management and preservation of the records of Congress;

"(2) report to and advise the Congress and the Archivist of the United States on such management and preservation; and

"(3)(A) no later than December 31, 1991, conduct a study and submit a report to the Congress on—

"(i) the effect any transfer of records of the National Archives and Records Administration from facilities located in Washington, D.C., to any location outside of Washington, D.C., shall have on the management and preservation of the records of Congress; and

"(ii) the five year plan for the management and preservation of the records of Congress; and

"(B) no later than December 31, 1995, conduct a study to update the report submitted under subparagraph (A)(ii), and submit a report to the Congress.

"§ 2704. Powers of the Committee

"(a) For purposes of carrying out the duties referred to under section 2703, the Committee or, on the authorization of the Committee, any subcommittee or member thereof, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as is appropriate.

"(b) The Committee may secure directly from any department or agency of the United States such information as the Committee may require to carry out the duties referred to under section 2703. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

"§ 2705. Compensation and travel expenses

"A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Committee.

"§ 2706. Administrative provisions

"(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a non-reimbursable basis, any of the personnel of such agency to assist the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

"(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-16 of the General Schedule under section 5332 of such title.".

(2) The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 25 of such title the following:

"27. Advisory Committee on the Records of Congress..... 2701".

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses: $3,725,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Director is hereby authorized to accept gifts for goods and services, which shall be available only for hosting National Civil Service Appreciation Conferences, to be held in several locations throughout the United States in 1991. Goods and services provided in connection with the conference may include, but are not limited to, food

and refreshments; rental of seminar rooms, banquet rooms, and facilities; and use of communications, printing and other equipment. Awards of minimal intrinsic value will be allowed. Gifts provided by an individual donor shall not exceed 50 percent of the total value of the gifts provided at each location; [$114,461,000] *$114,461,000, of which not less than $250,000 shall be made available to continue the use of job sharing arrangements in agencies as authorized in section 3402 of title 5, United States Code, and of which not less than $1,000,000 shall be made available for establishment of Federal health promotion and disease prevention programs for Federal employees*; and in addition $74,379,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs: *Provided further*, That amounts authorized to be transferred from the appropriate trust funds for implementation of the Federal Employees' Retirement System automated recordkeeping system in this or prior Acts, may be transferred at any time the Office of Personnel Management deems appropriate: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1991, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles: $4,607,000; and in addition, not to exceed $3,043,000 for administrative expenses to audit the Office of Personnel Management's insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $3,509,563,000, to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, $8,700,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, $5,687,105,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000.

OFFICE OF PERSONNEL MANAGEMENT

GENERAL PROVISION

SECTION 1. Section 8902(k)(1) of title 5, United States Code, is amended—

(1) by striking out "performed by a clinical psychologist or optometrist" and inserting in lieu thereof "performed by a clinical psychologist, optometrist, nurse midwife, or nurse practitioner/clinical specialist"; and

(2) by striking out "qualified clinical social worker or optometrist" and inserting in lieu thereof "qualified clinical social worker, optometrist, nurse midwife, or nurse practitioner/nurse clinical specialist".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $22,564,000, together with not to exceed $1,500,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), and the Whistleblower Protection Act of 1989 (Public Law 101-12), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $6,608,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $18,443,000: *Provided*, That public members of the Federal Services Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $31,598,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1991".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where other-

wise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided,* That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds, is necessary to comply with a final order of the Federal court system.

[SEC. 509. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.]

SEC. [510] *509.* None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. [511] *510.* None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. [512] *511.* None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, Marana, Arizona, and Artesia, New Mexico, out of the Treasury Department.

SEC. [513] *512.* No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. [514] *513.* No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. [515] *514.* No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. [516] *515.* The provision of section [515] *514* shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. [517] *516.* None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

[SEC. 518. The Administrator of General Services, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, may acquire, by means of a lease of up to thirty years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.]

SEC. [519] *517.* Funds under this Act shall be available to authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year [1990] *1991.*

SEC. [520] *518.* (a) Notwithstanding any other provision of law, during fiscal year 1991, the authority to establish higher rates of pay under section 5303 of title 5, United States Code, may—

(1) in addition to positions paid under any of the pay systems referred to in subsection (a) of section 5303 of title 5, United States Code, be exercised with respect to positions paid under any other pay system established by or under Federal statute for positions within the executive branch of the Government; and

(2) in addition to the circumstance described in the first sentence of subsection (a) of section 5303 of title 5, United States Code, be exercised based on—

(A) pay rates for the positions involved being generally less than the rates payable for similar positions held—

(i) by individuals outside the Government; or

(ii) by other individuals within the executive branch of the Government;

(B) the remoteness of the area or location involved;

(C) the undesirability of the working conditions or the nature of the work involved, including exposure to toxic substances or other occupational hazards; or

(D) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subparagraph) may identify.

Nothing in paragraph (2) shall be considered to permit the exercise of any authority based on any of the circumstances under such paragraph without an appropriate finding that such circumstances are significantly handicapping the Government's recruitment or retention efforts.

(b)(1) A rate of pay established during fiscal year 1991 through the exercise of any additional authority under subsection (a) of section 5303 of title 5, United States Code—

(A) shall be subject to revision or adjustment,

(B) shall be subject to reduction or termination (including pay retention), and

(C) shall otherwise be treated,

in the manner as generally applies with respect to any rate otherwise established under section 5303 of title 5, United States Code.

(2) The President (or an agency duly authorized or designated by the President in accordance with the last sentence of section 5303(a) of title 5, United States Code, for purposes of this subsection) may prescribe any regulations necessary to carry out this subsection.

(c) Any additional authority under this section may, during fiscal year 1991, be exercised only to the extent that amounts otherwise appropriated under this Act for purposes of section 5303 of title 5, United States Code, are available.

[SEC. 521. None of the funds available in this Act may be used to contract out positions or downgrade the position classification of the Bureau of Engraving and Printing Police Force.]

SEC. 519. None of the funds appropriated or otherwise made available to the Department of the Treasury by this or any other Act shall be obligated or expended to contract out positions in, or downgrade the position classifications of, members of the United States Mint Police Force and the Bureau of Engraving and Printing Police Force, or for studying the feasibility of contracting out such positions.

SEC. [522] *520.* The Office of Personnel Management may, during the fiscal year ending September 30, 1991, accept donations of supplies and equipment for the Federal Executive Institute for the enhancement of the morale and educational experience of attendees at the Institute.

SEC. [523] *521.* No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not

produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. [524] *522.* (1) The Secretary of the Treasury shall issue, no later than one hundred and eighty days after the enactment of this Act, to the House Committee on Appropriations and the Senate Committee on Appropriations a report making recommendations on appropriate measures to reduce the Federal expenditures incurred when former Presidents and spouses of former Presidents travel for the purpose of speaking or making an appearance for a payment of money or any thing of value, in excess of any actual and necessary travel expenses.

(2) The Secretary of the Treasury, in consultation with the advisory committee established by Public Law 90-331, shall consider among other expenses, administrative expenses and expenses associated with Secret Service protection, and shall determine what methods of reimbursement would be feasible to offset expenditures by the Federal Government that are associated with such speeches or appearances by former Presidents or spouses of former Presidents.

SEC. [525] *523.* The United States Secret Service may, during the fiscal year ending September 30, 1991, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

[SEC. 526. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.]

SEC. [527] *524.* None of the funds made available to the Postal Service by this Act shall be used to transfer mail processing capabilities from the Las Cruces, New Mexico postal facility, and that every effort will be made by the Postal Service to recognize the rapid rate of population growth in Las Cruces and to automate the Las Cruces, New Mexico postal facility in order that mail processing can be expedited and handled in Las Cruces.

[ADDITIONAL AUTHORITY FOR THE SECRET SERVICE

[SEC. 528. (a) IN GENERAL.—Section 3056(b)(1) of title 18, United States Code, is amended—

[(1) by inserting "financial institutions, and the Resolution Trust Corporation, and concurrent with the authority of any other Federal law enforcement agency," after "land bank associations,";

[(2) by inserting "215," after "213,";

[(3) by inserting "656," after "493,";

[(4) by inserting "1005," after "709,"; and

[(5) by inserting "1341, 1343, 1344, 1510," after "1014,".

[b) EFFECT OF AMENDMENTS.—The amendments made by this section shall not alter the authority of any other Federal law enforcement agency.]

SEC. 525. (a) Notwithstanding any other law—

(1) the Attorney General may accept, and Federal departments and agencies, including the United States Secret Service, the Internal Revenue Service, the Resolution Trust Corporation, and the appropriate Federal banking agency, may provide, without reimbursement, the services of attorneys, law enforcement personnel, and other employees of any other departments or agencies of the Federal Government to assist the Department of Justice, subject to the supervision of the Attorney General, in the investigation and prosecution of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation; and

(2) any attorney of a department or agency whose services are accepted pursuant to paragraph (1) may, subject to the supervision of the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, and perform any other investigative or prosecutorial function, which United States attorney are authorized by law to conduct or perform, whether or not the attorney is a resident of the district in which the proceeding is brought; and

(3) any law enforcement personnel of the United States Secret Service whose services are accepted pursuant to paragraph (1) may, subject to the supervision of the Attorney General, conduct or perform any kind of investigation, civil or criminal, which the Department of Justice law enforcement presonnel are authorized by law to conduct or perform.

(b) This section—

(1) shall not, except as expressly provided herein, alter the authority of any Federal law enforcement agency; and

(2) shall expire coterminously with the authority of the Resolution Trust Corporation or six years from the date of enactment of this section, whichever date occurs earlier, except that the Attorney General may extend the authority conferred herein as he deems appropriate.

SEC. 526. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 527. Section 12 of the President Protection Assistance Act of 1976 (18 U.S.C. 3056 note) is amended by striking out "Expenditures for this reimbursement are authorized not to exceed $160,000 in any one fiscal year" and inserting in lieu thereof "Expenditures for this reimbursement are authorized not to exceed $200,000 in any one fiscal year".

SEC. 528. Title 41, United States Code, chapter 4, subchapter IV, is amended by inserting at the end thereof, the following new section:

"The Internal Revenue Service may use competitive procedures or procedures other than competitive procedures to procure the services of experts for use in the examination of tax returns or litigating any action under the Internal Revenue Code in the United States Tax Court, whether or not the expert is expected to testify at trial. The Internal Revenue Service need not provide any written justification for the use of procedures other than competitive procedures when procuring expert services for cases involving the Internal Revenue Code and need not furnish for publication in the Commerce Business Daily or otherwise any notice of solicitation or synopsis with respect to such procurement.".

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $7,100 except station wagons for which the maximum shall be $8,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may be exceeded by not more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 602. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-24.

SEC. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 604. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the Gener-

al Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 606. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 607. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 608. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 609. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 610. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 611. No part of any appropriation contained in, or funds made available by, this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year for which appropriations were granted.

SEC. 612. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1991, or September 30, 1992, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 612 of the Treasury, Postal Service, and General Government Appropriations Act, 1990, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 612; and

(2) during the period consisting of the remainder, if any, of fiscal year 1991, and that portion of fiscal year 1992, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1992, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1991.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1990, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1990, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1990.

(f) For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 613. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. 615. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 616. (a) Notwithstanding the provisions of sections 112 and 113 of title 3, United States Code, each Executive agency detailing any personnel shall submit a report on an annual basis in each fiscal year to the Senate and House Committees on Appropriations on all employees or members of the armed services detailed to Executive agencies, listing the grade, position, and offices of each person detailed and the agency to which each such person is detailed.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

(c) The exemptions in part (b) of this section are not intended to apply to information on the use of personnel detailed to or from the intelligence agencies which is currently being supplied to the Senate and House Intelligence and Appropriations

Committees by the executive branch through budget justification materials and other reports.

(d) For the purposes of this section, the term "Executive agency" has the same meaning as defined under section 105 of title 5, United States Code (except that the provisions of section 104(2) of title 5, United States Code shall not apply) and includes the White House Office, the Executive Residence, and any office, council, or organizational unit of the Executive Office of the President.

SEC. 617. No funds appropriated in this or any other Act for fiscal year 1991 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form or agreement if such policy, form or agreement—

(1) concerns information other than that specifically marked as classified; or, unmarked but known by the employee to be classified; or, unclassified but known by the employee to be in the process of a classification determination;

(2) contains the term classifiable;

(3) directly or indirectly obstructs, by requirement of prior written authorization, limitation of authorized disclosure, or otherwise, the right of any individual to petition or communicate with Members of Congress in a secure manner as provided by the rules and procedures of the Congress;

(4) interferes with the right of the Congress to obtain executive branch information in a secure manner as provided by the rules and procedures of the Congress;

(5) imposes any obligations or invokes any remedies inconsistent with statutory law:

Provided, That nothing in this section shall affect the enforcement of those aspects of such nondisclosure policy, form or agreement that do not fall within subsection (1)-(5) of this section.

[SEC. 618. (a) Notwithstanding any other provision of law, in the case of fiscal year 1991, the overall average percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent.

[(b) Any increase in a pay rate or schedule which takes effect under such section 5305 in fiscal year 1991 (in accordance with subsection (a)) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1991.]

SEC. [619] *618.* Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. [620] *619.* None of the funds appropriated by this or any other Act may be expended by any Federal agency to procure any product or service that is subject to the provisions of Public Law 89-306 and that will be available under the procurement by the Administrator of General Services known as "FTS2000" unless—

(1) such product or service is procured by the Administrator of General Services as part of the procurement known as "FTS2000"; or

(2) that agency establishes to the satisfaction of the Administrator of General Services that—

(A) the agency's requirements for such procurement are unique and cannot be satisfied by property and service procured by the Administrator of General Services as part of the procurement known as "FTS2000"; and

(B) the agency procurement, pursuant to such delegation, would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 procurement.

SEC. [621] *620.* No department, agency, or instrumentality of the United States receiving appropriated funds under this Act for fiscal year 1991, or under any other Act appropriating funds for fiscal year 1991, shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. [622] *621.* (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) announce in any solicitation for offers to procure such goods or services (including construction services) the amount of Federal funds that will be used to finance the acquisition for which such offers are being solicited; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. [623] *622.* Notwithstanding section 1346 of title 31, United States Code, or section 608 of this Act, funds made available for fiscal year 1991 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. [624] *623.* Notwithstanding any provisions of this Act or any other Act, during the fiscal year ending September 30, 1991, any department, division, bureau, or office participating in the Federal Flexiplace Project may use funds appropriated in this or any other Act to install telephone lines, necessary equipment, and pay monthly charges, in any private residence or private apartment: *Provided,* That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. [625] *624.* Notwithstanding the provisions of the Act of September 13, 1982 (Public Law 97-258, 31 U.S.C. 1345), any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided,* That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

[SEC. 626. (a) Notwithstanding any other provision of law, the Secretary of Education, by appropriate release instrument, shall release New College of California, Inc., from the requirement not to mortgage, or encumber the property as specified in condition subsequent No. 2 as set forth at page 3 of that quitclaim Deed dated April 14, 1975, wherein the United States of America conveyed to New College of California, Inc., certain real property identified in that deed instrument. The intent purpose of such release and waiver being to enable New College of California, Inc., to secure needed financing for repairs to the facility, as identified in paragraph (b) necessitated by earthquake activity of October, 1989; such purpose to be included in the instrument releasing the requirement not to mortgage.

[(b) The property, sometimes known as 50 Fell Street, is described as: A parcel of land situated in the City and County of San Francisco, State of California, said parcel being described in the Judgment on Declaration of Taking entered 11 March 1946 in Civil Action No. 25791 in the District Court of the United States in and for the Northern District of California, Southern Division, which was filed March 22, 1946, in the Office of the Recorder, City and County of San Francisco, California. Beginning at a point on the northerly line of Fell Street distant therefrom 100 feet easterly from the easterly line of Van Ness Avenue and running thence easterly along said line of Fell Street 109 feet; thence at a right angle northerly 120 feet; thence at a right angle westerly 109 feet; thence at a right angle southerly 120 feet to the Point of Beginning, being a portion of Western Addition, Block No. 69, and known on the assessor's map as Lot 10, Block 814, City and County of San Francisco, California.]

SEC. 625. (a) Agencies receiving funds appropriated by any Act and which award contracts under the Federal Acquisition Regulations shall provide to the General Accounting Office during October 1991, the following information for contracts awarded during fiscal year 1991—

(1) the number and total dollar value of contracts awarded which required bonding of the contractors;

(2) the number and total dollar value of contracts for which individual sureties were used to meet the bonding requirements;

(3) the number of defaults by contractors using individual sureties and percentage they represent of total defaults;

(4) the number of individual sureties who defaulted on their obligation and the total dollar value of such defaults; and

(5) the number of contracts awarded to Minority Business Enterprises which required bonding of contractors and the number of these which used individual sureties to meet the bonding requirements.

(b) The General Accounting Office shall compile the information collected under subsection (a) and provide a report to the Senate and House Appropriations Committees no later than April 1, 1992. Such report shall include—

(1) the percentage of contracts for which individual sureties were used to meet bonding requirements;

(2) the percentage of total defaults by contractors using individual sureties;

(3) the percentage of individual sureties which default on their obligations; and

(4) the percentage of contracts awarded to Minority Business Enterprises for which individual sureties were used to meet bonding requirements.

SEC. 626. None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

SEC. 627. None of the funds appropriated or made available to any department, agency, or office by this Act or any other Act, shall be available for obligation or expenditure to issue any accounting principles, standards, or requirements for the Federal Government which are inconsistent with those established pursuant to section 3511 of title 31, United States Code.

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1991".

The PRESIDING OFFICER (Mr. GLENN). The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am pleased to bring before the Senate H.R. 5241, the Fiscal Year 1991 Appropriations Act for the Department of the Treasury, Postal Service, and General Government. H.R. 5241 responds to the increasing requirements of Federal law enforcement, revenue generation and General Government operations. This was a particularly difficult year to formulate funding recommendations for the Department of the Treasury, Postal Service, the Executive Office of the President and certain independent agencies because the President's budget request for some of the agencies, like the Internal Revenue Service, was higher than the subcommittee's 302(b) allocation would permit us to spend.

Nonetheless, I believe the committee recommendations contained in H.R. 5241 meet the highest priorities of the Federal agencies which receive funding under the act. The committee bill totals $20.720 billion in budget authority and $19.881 billion in outlays. This amount is $2.547 million below the President's request and $10.183 million below the House-passed bill. In relation to our 302(b) allocation, the recommendation is $84.349 million below our domestic discretionary ceiling for budget authority and is within our ceiling for domestic discretionary outlays.

This points out, Mr. President, there is no room here for add ons without finding some reduction.

Briefly, I will go over some of the highlights contained in the committee bill.

First, let me thank my distinguished ranking member who is not here, Senator DOMENICI, who is part of the budget summit going on, and I am pleased to have our colleague from Mississippi, Senator COCHRAN, sitting in and handling this for us.

For Federal law enforcement, the bill contains an additional $21.639 million for the U.S. Customs Service. This amount of funding will restore reductions due to increased pay costs and permit the Customs Service to increase by 500 the number of inspectors at our land border, sea, and airports of entry for drug interdiction and merchandise processing purposes.

The bill includes an additional $30.419 million for the Bureau of Alcohol, Tobacco, and Firearms. This increase will allow ATF to add 287 positions above the fiscal year 1990 level for the armed career criminal program.

It includes an additional $10.350 million for the construction of additional Federal law enforcement training center dormitories to meet increased student training demands.

The bill includes an additional $15.1 million for the Secret Service to allow the service to fund some overdue protection initiatives and curb the erosion of base funding from other programs.

The bill increases by $32 million to a new level of $82 million the amount of funding available for the Office of National Drug Control Policy's designated high intensity drug trafficking areas. Mr. President, over the past several months, the subcommittee has held field hearings in Phoenix and New York on the Office of National Drug Control Policy's strategic plan for the high intensity drug trafficking areas. From the testimony presented at the Arizona hearing and the one in New York, it was evident that the Congress needed to provide additional resources to support State and local law enforcement activities in each of the five high intensity drug trafficking areas. Existing plans by the Office of National Drug Control Policy allocate no direct funds to State and local law enforcement for carrying out the job they will be asked to do in each of the five HIDTA areas, and I think it is up to the Congress to make sure some of this money gets to the individuals who are on the front lines of this drug war. The recommendations contained in the bill do just that.

For the General Services Administration, the bill provides $1.283 billion for construction of new Federal office buildings requested by the Administration in its fiscal year 1991 budget amendment and $211.659 million for full funding of construction, repair and alterations of United States-Mexico border facilities. Mr. President, as you may know, for the past 3 years the Congress has provided increased funding to repair our deteriorated land border ports of entry along the United States-Mexico border. The funding we propose for fiscal year 1991 will enable the United States to provide modern and efficient inspection facilities along the border—facilities which will ultimately enhance the flow of trade while permitting us to do a better job of interdicting the illegal entry of narcotics.

For the Internal Revenue Service the bill provides an increase of $405.606 million over the fiscal year 1990 enacted level of funding. This amount represents a 7-percent increase over the fiscal year 1990 level. This level of funding will permit the IRS to achieve its goals for taxpayer service, meet growing labor and other nondiscretionary support costs and maintain the current schedule for redesign of the IRS tax processing systems, which is critical to the well-being of our tax collection system.

Mr. President, in previous years the Congress has attempted to provide the full amount of funding required by the Internal Revenue Service to carry out its enormous tax collection responsibilities. However, due to unanticipated mandatory labor costs IRS has been repeatedly faced with budget shortfalls.

Mr. President, in fiscal year 1991, we hope to alter this situation by providing an additional $95 million to the IRS for the specific purpose of meeting mandatory pay, labor, and other nondiscretionary program costs. This action will permit the agency to cover its basic requirements without having to shift funds from critical areas.

For the Executive Office of the President agencies like the White House, the Office of Management and Budget, and numerous other Federal agencies, the committee bill provides $329.973 million, which is $59.155 million above the amount of funding provided in fiscal year 1990.

For the mandatory programs under the jurisdiction of the Office of Personnel Management, which fund civil service employee and annuitant retirement, health, and life insurance benefits, the committee bill contains the full requested amount of $9.205 billion. This level of funding reflects an increase of $263.727 million over the fiscal year 1990 enacted level and will permit the Federal Government to meet its statutory obligations to current Federal employees as well as Federal retirees.

All other programs in the committee bill are either at or slightly above the President's requested level of funding.

This is a balanced bill, Mr. President, which will permit Federal law enforcement agencies and the many basic Government agencies under our jurisdiction to operate effectively in fiscal year 1991. It meets funding priorities and at the same time meets the

budget deficit reduction targets. I urge its adoption by the full Senate.

(The remarks of Mr. DOMENICI appear at this point in the RECORD by unanimous consent.)

Mr. DOMENICI. Mr. President, we are pleased to bring before the Senate today H.R. 5241, the fiscal year 1991 treasury, Postal Service and General Government Appropriations Act. This bill, as reported by the Appropriations Committee, provides a total of $20.7 billion for programs and activities of the United States Treasury Department, the United States Postal Service, the Executive Office of the President, and a number of very important agencies, including the General Services Administration, the Office of Personnel Management, and the National Archives and Records Administration.

The bill recommends total discretionary spending of $11.5 billion in budget authority and $10.3 billion in outlays for fiscal year 1991. These amounts are below the Treasury, Postal Service, and General Government Subcommittee's 302(b) discretionary spending allocations. Total discretionary spending recommended by this bill is also $3 million in budget authority and $153 million in outlays below the levels requested by the President.

It has not been easy to meet the fiscal year 1991 spending targets set for this bill given the new and increased funding needs of the many and varied programs and activities it funds. We have attempted to provide at least the level requested for most of these agencies, recognizing that they are responsible for the basic, day-today operations of our Federal Government. Obviously, within the total funding provided, we are recommending some spending priorities and policies which are different than those contained in the President's budget and the House-passed bill.

I would like to highlight some of these.

First, this bill continues to place, a high funding priority on law and drug enforcement activities. For the Customs Service; the Financial Crimes Enforcement Network; the Federal Law Enforcement Training Center; the Secret Service; and the Bureau of Alcohol, Tobacco, and Firearms, additional funding is provided to cover the full cost of increased pay and other mandatory expenses and to restore cuts in essential support requirements. This additional funding will prevent reductions in law enforcement personnel levels so important to this Nation's fight against crime and illegal drugs.

In addition, we have provided some specific funding enhancements for key law enforcement programs.

We have provided the Federal Law Enforcement Training Center with additional funds to expand its financial fraud institute, to establish a drug demand reduction training program, and to proceed with construction projects to increase the center's training capacity.

We have provided additional funding for the Bureau of Alcohol, Tobacco and Firearms to expand its highly successful armed career criminal program and to establish eight additional Achilles task forces targeted specifically on armed habitual criminals and narcotics traffickers.

We have provided increased funding to allow the Customs Service to hire additional inspectors; this increase, in addition to the 221 new Customs positions requested by the President and funding restorations to prevent the loss of 636 positions, will provide Customs with an additional 720 full-time equivalent positions for its drug interdiction, enforcement and commercial operations functions in fiscal year 1991.

Another priority funding item included in this bill is $212 million to repair, renovate, expand, and construct inspection facilities along our Nation's southern land border with Mexico; 3 years ago, the chairman of this subcommittee, Senator DECONCINI, and I initiated a multiyear southwest border facilities' capital improvements program. We had seen some of these border facilities. Many were in a serious state of disrepair, lacking even in the most basic needs. Others were simply inadequate to efficiently handle the heavy volume of increasing traffick and workload. Through this funding initiative, we are beginning to rectify these problems. Work is now underway at U.S. facilities all along the border, from California to Texas. We are renovating, replacing, and expanding existing facilities to allow the efficient processing of passengers, vehicles and cargo across our border. We are constructing new facilities at some of the busiest ports simply overwhelmed by the sheer volume of traffic. This bill recommends the funding needed to complete all projects started under this program and to construct inspection facilities at new border crossings which may be opened by the United States and Mexico in the near future. This funding is essential to our economic future. Trade with Mexico is acclerating at a rapid pace and we can no longer wait to finish this work. These facilities must be put in place now.

The last thing I would like to bring to the attention of my colleagues is the funding included in this bill for the Internal Revenue Service. For fiscal year 1991, the President requested a $634 million funding increase for the IRS. Funding constraints have prevented us from providing the full amount requested by the President. However, this bill recommends total funding of $5.9 billion for the IRS for fiscal year 1991. This recommendation is $405.6 million above the current funding level.

In developing this recommendation, we have worked with the IRS to provide the funding it requires to maintain its on-board personnel strength. We have not funded any "Phantom" staff years. No absorption of pay increases, rising retirement and health benefit, or other mandatory labor and support costs is assumed. Our funding recommendation will allow the IRS when it loses a person, to fill that vacancy. This has not been possible in the current fiscal year. The IRS has been under a hiring freeze for virtually all of fiscal year 1990.

Year after year, the IRS has experienced a shortfall in funds necessary to cover its base operating expenses. In fiscal year 1989 the Internal Revenue Service faced a $360 million funding shortfall resulting from sequestration, full absorption of pay raises, and increased employee benefits' costs. IRS's base program deficiency in fiscal year 1990 as a result of last year's deficiencies and unfunded labor cost increases is $463 million. Despite attempts by the IRS to meet these budget shortfalls through hiring freezes and cutbacks in less essential spending for supporting services and information systems, start-up of new program initiatives has been delayed.

The IRS commissioner has testified that addressing the base level funding deficiencies of the agency is essential and must be done before consideration can be given to funding new initiatives. We agree. These are costs that must be paid. If they are not funded, as in the past, new initiatives will ultimately suffer. We have therefore adopted this more realistic approach to budgeting in formulating our fiscal year 1991 funding recommendation for the IRS.

As a result, we have provided an additional $95 million not included in the President's request to fully fund IRS's fiscal year 1991 labor and base operating requirements. While we were not able to fund all of the initiatives proposed by the President for fiscal year 1991, we have accommodated some. We have provided the additional funding requested to increase IRS's antidrug enforcement efforts. We have also provided all but $60 million of the increase requested for essential investments in the long-term health of the tax system. The $60 million reduction we have taken from the President's requested increase for the IRS information systems account defers some data processing procurements until fiscal year 1992 without adversely affecting progress on tax systems modernization.

As I have indicated, the fiscal year 1991 appropriations level recommended for the IRS provides the funding necessary for the IRS to maintain its

current on-board personnel strength. In addition, it will fund approximately 1,400 new full-time equivalent positions, allowing the IRS to increase its enforcement efforts, to proceed with tax systems modernization plans, and to provide increased levels of service to American taxpayers in fiscal year 1991.

In closing, Mr. President, I would like to commend my good friend from Arizona, the chairman of the Treasury Appropriations Subcommittee, for his hard work and leadership on this bill. I would also like to express my appreciation to Patty Lynch of his staff for her many hours of work in preparing this bill.

Mr. President, this is a good bill and one my colleagues should support. I urge its adoption.

Mr. DECONCINI. Before I yield to the Senator from Mississippi, I want to take this opportunity to compliment the members of the Treasury Subcommittee and the staff of the committee, Becky Davies, on the minority side, and Patty Lynch on our side. Our subcommittee has worked hard to put this together. I want the record to show that we could not have done it without the cooperation of the members of the subcommittee and their staffs.

I am now glad to yield to the Senator from Mississippi.

(Mr. WIRTH assumed the chair.)

Mr. COCHRAN. Mr. President, let me say that the distinguished Senator from New Mexico, who is the ranking Republican member of the subcommittee, is not here because he is involved in negotiations at Andrews Air Force Base with other House and Senate leadership over the issue of the budget. It may be later today before he can come and participate in a discussion of the bill.

Mr. President, the subcommittee has worked very hard to bring a bill to the Senate that is within the guidelines of the 302(b) allocation and the other requirements of the Budget Act.

Some amendments will be brought up. I can say that the distinguished Senator from Delaware [Mr. ROTH] has an interest in these amendments as they relate to the Federal law enforcement pay reform issues. Before any agreement is reached on an order for proceeding with respect to those issues, I hope the committee will wait until the distinguished Senator from Delaware is present to discuss the matter with the committee leadership.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the committee amendments to H.R. 5241, with the exception of the following committee amendments; beginning on page 92, line 13, through and including line 19 on page 95, and committee amendments beginning on page 78, line 13, through and including line 2 on page 79, be considered and agreed to en bloc; provided that no points of order are waived thereon, and that the measure as amended be considered as original text for the purpose of further amendments, and that the two remaining committee amendments be considered in reverse order; and provided further that the remaining committee amendments may be temporarily laid aside by agreement of the floor managers of the bill.

Mr. COCHRAN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I reserve the right to object, not necessarily because I have an objection to make, but because the distinguished Senator from Delaware [Mr. ROTH] has an interest in the order in which we are proceeding to take up these amendments as they relate to the Federal law enforcement pay raise issue. I ask that the chairman of the subcommittee withhold seeking this consent until Senator ROTH can be here to discuss the ramifications of the agreement as they relate to that issue.

Mr. DECONCINI. Mr. President, I have no option but to wait for Senator ROTH. I hope that he will agree to the arrangement that we have made with the chairman of the Governmental Affairs Committee, the distinguished Senator from Ohio, so that we can both get our issues up here and debated. I appreciate the cooperation of the Senator from Ohio in doing this because we can both do it. It is just a matter of accommodating and getting it done in an orderly manner. I will certainly accede to the request of the Senator from Mississippi and withdraw the unanimous-consent request at this time.

Mr. GLENN. Mr. President, I think it is good to wait until Senator ROTH gets here if it is not too long. I understand he is on the way. I know personally of his interest in this matter in committee, and certainly want him to be part of any debate or approval of what amendments will be considered or not before we go ahead. I wonder if it might be possible if we could perhaps have a quorum call while we check to see how long he might be?

Mr. COCHRAN. Mr. President, I thank the distinguished Senators for their understanding of the situation. I am advised that Senator ROTH is on his way to the floor. He should be here momentarily. So if the chairman would like to proceed with a quorum call.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent I may be permitted to proceed as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes.

THE IMPORTANCE OF TURKEY

Mr. COCHRAN. Mr. President, just before the Senate adjourned for the August recess, the invasion of Kuwait by the armed forces of Iraq had stunned the world.

President Bush provided immediate and strong leadership for a multinational show of force and resolve to prevent Saddam Hussein from profiting from the illegal and immoral assault against the nation and the people of Kuwait.

Among the countries in the region which responded with decisive and courageous support for the economic embargo against Iraq, was Turkey.

Coincidentally, the distinguished President pro tempore of the Senate, Mr. BYRD, had planned a trip to Turkey several months before these events in response to an invitation from President Ozal, and he had invited this Senator to accompany him.

It is fortuitous that we were able to visit Turkey when we did. Although a full report of our discussions and findings will be made to the Senate later, I take this time on the Senate floor to emphasize how important Turkey is to the success of the multinational economic embargo against Iraq and to the stability of the Middle East in the months and years ahead.

Not only has Turkey been a major source of food for Iraq, it has been a purchaser of oil and a transporter of oil, through the pipeline that takes Iraqi oil to the Mediterranean Sea. Turkey promptly shut off the flow of oil from Iraqi after the invasion and suspended trade of all kind with Iraqi, in spite of the very substantial economic losses that were obviously going to be incurred because of that action. It did what it thought ought to be done without hesitation and it is bearing, voluntarily, a heavy financial burden.

As Senators know, Turkey borders Syria and Iraq to the south and Iran and the Soviet Union to the east. It has the largest army in NATO except in the United States. Its armed forces are well equipped, well trained, and not afraid to fight.

In recent years Turkey's economy has begun to expand, and major progress has been made to strengthen its national infrastructure. It has applied for membership in the European Economic Community. With the ex-

ception of Israel, it is the only democracy in the Middle East.

During the Korean war, Turkey sent troops to fight alongside our soldiers under the flag of the United Nations. Now, it is responding again to a crisis as a responsible and courageous member of the world community, the United Nations, and NATO.

It seems to this Senator that as much as any country in the world, Turkey is displaying the kind of character and leadership we need so much in these uncertain and dangerous times.

We don't know how this so-called crisis in the gulf will be resolved. But, from my impressions, gained during the meetings Senator BYRD and I had with Government officials and military leaders in Turkey during our recent visit, I am convinced our policies will prevail with the resolute assistance and cooperation of other countries like Turkey.

We are fortunate indeed to have an ally like Turkey when the going gets a bit rough. They deserve to be counted as one of the best and most dependable friends of freedom and democracy in the world today.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPAN AND THE CRISIS IN THE GULF

Mr. McCAIN. Mr. President, there are times when our allies must stand up and be counted on the basis of their actions, and not their words. The events of the last month have made it clear that we cannot hope for a peaceful solution in the gulf, or the effective military action, unless the United States is willing to take the risk of acting as a global policeman, and unless the world supports the United States and the other military forces who support the United Nations in checking Saddam Hussein's murderous acts of aggression.

It is clear that most of the world fully understands this situation. The vast majority of Arab States support the U.N. resolution, and the U.S. military presence in the gulf. Many Arab nations are commiting military forces—in spite of the fact they have major economic problems, and are anything but wealthy.

Many of our European allies are providing similar support, and the Soviet Union has provided an unprecedented amount of political support, as well as a limited military presence. The American people have made it clear that they fully support President Bush, even though they clearly understand that this may mean conflict.

Yet, Mr. President, one key nation has left its resolve unclear. Japan, the world's largest creditor nation, has offered about a billion dollar aid package—just as it talked vaguely about a major aid effort when the United States acted as the world's policeman in the gulf in 1987 and 1988. Yet, Japan has so far, done little more than pledge a few billions to aid Jordan at a time when massive financial need to many nations is already clearly required.

Mr. President, a billion dollars means very little when the United States alone will have to spend at least $15 billion to pay the operating costs of operation Desert Shield and when the full cost may well be in excess of $25 billion—even if we do not fight. Policemen are not a charitable institution that can be supported with a few token shillings. Policemen have to be paid, particularly when they are trying to halt a thief that threatens 70 percent of Japan's oil and the very lifeblood of its economy.

Mr. President, if combat arises, which we all devoutly hope and pray will not happen, it will not be Japanese boys whose lives are at risk; it will be American boys.

Mr. President, I believe that Japan has had few stronger supporters than I. I took the lead in supporting the sale of the JFX. I have consistently opposed Japan-bashing in any form. I have opposed trade barriers and trade retaliation.

I want to make it clear to my friends in Japan, however, that enough is enough, and that the contemptible tokenism of the actions of the Japanese Government to date merit nothing but the world's contempt and American hostility.

If Japan wants friends in the United States, and to continue the progress of economic interdependence among nations, then it must assume the mantle of a world power. Japan must pledge at least $8 billion, not $1. Japan must contribute at least half as much to the ultimate cost of supporting Desert Shield and enforcing the United Nations embargo as the United States has contributed. Japan must begin to make good on this commitment immediately and not in the coming months, years, or at some undeterminated moment in the future. Japan must no longer cower behind the world's most flexible constitution, and the protests of a few dock workers and students.

Throughout this crisis, the United States has been motivated by the conviction that what we have set out to accomplish is nothing less than a new world order. We are heartened by the prospect that this new order may be defined by a much greater sense of shared purposes and shared responsibilities among nations than the world has ever known. We can be certain that as some states experience a relative decline in international influence in tomorrow's world, other states will assume the status of a great state, to whom the world will look for leadership.

Japan expects to be considered a great state. Given its vast wealth, its democratic principles, and its enormous influence in Asia and beyond, Japan should, indeed, occupy a position in world affairs commensurate with its strengths. But Japan's greatness will still depend on her willingness to act forcefully—sometimes at risk to herself—sometimes alone—in the interests of international stability and world peace.

A great state exercises great responsibilities. The United States has demonstrated to the world once again that it accepts this condition of greatness. The time has come for Japan to accept it as well. Japan's destiny will be determined here in this crisis, in this hour. She no longer enjoys the luxury of developing her place in the world. Japan faces the question squarely—will Japan be the world leader that her thriving economy and political freedoms enable her to be? Japan must answer that question today. Further procrastination will serve neither the world nor Japan.

Mr. President, the United States awaits Japan's commitment to a more peaceful, safer, and freer world. We sincerely want Japan to shoulder the international responsibilities of a great state, to take the risks, endure the sacrifices, and provide the example of leadership the world expects of her. If the 21st century is to be less hostile to the values of democracy and to peaceful relations between nations, then Japan will have to do her share. Japan is called to greatness today. For her sake and for the sake of the world, I hope Japan answers that call.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. DECONCINI. Mr. President, the Senator from Mississippi asked us to reconsider the unanimous-consent request. I think it has been worked out with the Senator from Delaware. I will

propose a new unanimous-consent request.

I ask unanimous consent that the committee amendments to H.R. 5241, with the exception of the following committee amendment beginning on page 92, line 13, through and including line 19 on page 95, be considered and agreed to en bloc, provided that no points of order are waived thereon and that the measure as amended be considered as original text for the purpose of further amendments; and, providing further that the remaining committee amendments may be temporarily laid aside by an agreement of the floor managers of the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, this means that the Senator from Ohio, and I believe the Senator from Delaware, will propose an amendment on Federal pay. We will proceed on that basis. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2612

(Purpose: To establish a Federal pay system with locality-based adjustments, and for other purposes)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. ROTH, and Mr. LAUTENBERG, proposes an amendment numbered 2612.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GLENN. Mr. President, I rise to offer an amendment concerning Federal pay reform. I start out by saying that this amendment has the support of the administration. We worked very closely with the Office of Personnel Management. This pay reform proposal has been literally some 3 years in the making.

Mr. President, pay-related recruitment and retention problems are widespread throughout the Federal service and demand a comprehensive solution. To address these governmentwide problems, on March 9, 1990, I introduced S. 2274, the Federal Pay Reform Act of 1990.

I should have started out by saying that I propose this amendment today on behalf of myself, and the distinguished Senator from Delaware [Mr. ROTH] who has worked long and hard on this with us, and has shown a long-time interest for many, many years in this particular subject.

Mr. President, to address these governmentwide problems, on March 9, 1990, we introduced S. 2274, the Federal Pay Reform Act of 1990. The bill would amend the current civil service pay-setting process and establish a mechanism for locality-based salary adjustments. The Governmental Affairs Committee held 2 days of hearings in late March which highlighted widespread recruitment and retention problems throughout the whole Government. Because of inadequate pay, the Government simply is not competitive with other employers, especially in the high-cost, high paying urban centers of the country where much of our governmental activity takes place.

On July 25, the committee approved the bill to be reported to the Senate for its consideration. The amendment I am offering today incorporates the provisions of that bill S. 2274 except that it provides the President with unlimited discretion to offer an annual alternative pay plan.

The pay adjustment process used for over a decade has caused Federal pay rates to fall far behind the rates paid in the private sector for similar jobs.

The Pay Comparability Act of 1970 calls for pay comparability between the Federal and the private sectors. However, every year since 1978 Presidents have, one after another, proposed Federal pay increases at amounts lower than those received by private sector workers resulting in the pay gap that exists today.

Look at the recent figures. Based on the most recent pay survey, the President's pay agent determined that Federal salaries lagged the private sector by over 30 percent for comparable jobs. OPM, the Office of Personnel Management, estimates that Federal pay is currently at the 12th percentile, which means that 88 percent of private sector employees covered by its annual survey received higher salaries for similar jobs. Is it any wonder then that agency officials are complaining about the difficulties they face in hiring staff?

Mr. President, during the past spring every single departmental Secretary, every single one of them, wrote to me about their concerns in attracting and retaining the quality staff needed to carry out their programs. Each one of those Secretaries urged to me to give prompt attention to reforming the Federal pay system to provide immediate relief to their most pressing problems in this area.

Let me cite the situation in New York City as just an illustration of the problems that agencies are facing. In 1988, the New York Federal Executive Board, comprised of representatives of all major Federal agencies in the area, made a survey of the staffing situation in those agencies. The board found recruiting and retention problems in all agencies. Among the professional occupations the board found that one-third of the positions were vacant.

Mr. President, one-third of the positions were vacant. Loss rates for entry level professionals at GS-5 and GS-7 levels were an incredible 50 and 52 percent, respectively.

Similarly, the board found one-half of the clerical positions were vacant, and of those hired during the past year, 37 percent quit for higher pay. Consequently, agencies were contracting for word processing clerical support at hourly rates equivalent to annual salaries of $42,000, substantially higher than the $18,000 per year that Federal employees were being paid for the same work.

To address these problems, my amendment takes a significant first step toward closing the pay gap by instituting a form of locality pay to make the Government more competitive in the areas where the pay gap is the greatest. It would add a locality adjustment to basic pay rates in those areas where non-Federal pay rates, both private sector and State and local governments, are above the national average.

It would also keep the overall gap from widening by mandating that yearly increases in basic salary rates will be equal to the national average percentage increase in non-Federal salaries each year. The amendment also gives the President the authority to recommend lower pay increases, if a national emergency or economic conditions warrant them. I know that is of concern to my distinguished colleague from Delaware, the cosponsor of this amendment.

Other provisions in my amendment would give agencies more flexibility in their recruiting efforts. The agencies would be authorized to hire new employees at salaries above the minimum rate for the appropriate grade when they meet certain criteria, or to grant recruiting bonuses.

Also, the amendment broadens the circumstances under which special pay rates could be authorized and provides for even higher rates for 800 critical pay positions Governmentwide to hire and retain what we refer to as "world class experts." I can assure you that the U.S. Government needs some world class experts in some of these positions. Retention and relocation and bonus authority would be available to help agencies meet special staffing needs.

Finally, to address the specific needs of the law enforcement community, the amendment authorizes the President's pay agent to establish a separate pay system for law enforcement personnel.

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Mr. President, I am well aware of the budget crisis we face, and it was uppermost in our minds as we crafted S. 2274. No pay increases are required to be granted in the fiscal year 1991 by this amendment, but agencies could exercise the new authorities, if funds were already available.

If we expect Government programs to be run effectively, we must make the goal of attracting and retraining the best and the brightest a reality. We cannot do that by paying salaries that are among the lowest in the country. Last year Congress addressed the problem of inadequate pay for Federal executives. Now we need to turn our attention to the problem of low pay for the rest of the work force. I urge the support of all my colleagues for this amendment.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to express my strong support for reform of the Federal compensation structure. I want to compliment Connie Newman, the head of OPM, as well as the administration, for its leadership in seeking appropriate reform.

I think the arguments for pay reform are indeed compelling. The Federal Government is experiencing a quiet crisis. As the pay gap between the private sector and the Federal Government expands, the ability of the Federal Government to attract and retain valued employees becomes more difficult.

This legislation would represent a step forward in addressing this challenge. This is a complex task, but like the reform of the Federal Employee Retirement System several years ago, it is a task this committee has undertaken as we attempt to remain competitive with the private sector in attracting valued employees.

As the Governmental Affairs Committee began consideration of pay reform earlier this year, I pointed out that this initiative must be balanced with a realistic view of the Government's available resources. We hope this balance has been achieved, as it takes realistic view of what the Government can afford at a time when the deficit continues to grow.

At a time when communication and technological advances in the workplace provide fertile ground for sweeping improvements in employee productivity, we must do more to attract and retain highly educated and well-trained employees. Demands for competent public service, including social services and law enforcement, require that we address this quiet crisis in the near term.

In its 1989 report, "Leadership in America—Rebuilding the Public Service," the National Commission on the Public Service, chaired by Paula Volcker, pointed to some startling statistics:

Only 13% of Federal government senior executives interviewed would recommend that young people start their careers in government, while several recent surveys show that less than half the senior career civil servants would recommend a job in government to their own children; Of the 610 engineering students who received degrees at M.I.T. and Stanford in 1986, and the 600 who graduated from Rensselaer Polytechnic Institute in 1987, only 29 took jobs in government at any level; and

More than 50% of the respondents to a recent survey of Federal personnel officers said recruitment of quality personnel had become more difficult over the past five years.

The General Accounting Office testified that of 64 college students in various discussion groups, only 2 indicated a willingness to accept a starting salary at the Federal entry-level rate. While the pay gap between the private and Federal sector is a significant factor contributing to the failure of the Federal Government to recruit and retain the best possible employees, it is not the only factor.

We must do more to promote the ideal of public service, and all Americans must recognize the value these public servants are providing. And we must do more to ensure that civil servants know what their responsibilities are and know how they are performing.

This goal may best be achieved through the implementation of a pay for performance system which requires managers and employees to review together performance appraisals and suggestions for improvements. Managers must be provided with the proper training to ensure that reviews are a successful tool for quality performance. This legislation establishes a labor-management committee which will advise the Office of Personnel Management in the creation of a pay for performance system.

We must also provide Federal employees with the assurance that they will be rewarded appropriately for their service. If employees are not recognized for their service, or told how they can perform their jobs better, we will continue down the slippery slope of a Federal Government that can't do. And this is unacceptable at a time when the Federal Government has the capability to be more responsive to the needs of the American people.

Since introducing the administration's pay reform proposal last May, I have heard from a number of Cabinet Secretaries urging the passage of a comprehensive pay reform proposal. The following are some excerpts from those letters:

Secretary of Defense Cheney wrote:

The Department faces a formidable challenge in attracting and retaining top quality civilian personnel as we reshape our civilian work force in the coming years. Increased flexibility is essential. The Department has a particularly crucial need for the legislation to improve its ability to attract and retain highly skilled and experienced scientific, technical, professional and administrative personnel.

Secretary of Energy Watkins wrote:

Since coming to the Department, my efforts to staff key positions, particularly in highly technical fields, have been stymied continually by our inability to offer competitive salaries and financial incentives. The Administration's proposal will help remedy these problems immediately while also restructuring the entire Federal pay system in a way which will enable us to compete successfully in the marketplace over the long term. Without statutory relief, the Department is unable to hire the individuals having the special skills and experience necessary to revitalize the nuclear weapons complex.

Secretary of Health and Human Services Sullivan wrote:

The Department of Health and Human Services has encountered particular difficulty in recent years in staffing positions requiring high levels of professional competence in medical and related occupations. In addition to addressing the underlying structural problems of the current system, this legislation offers immediate relief in the form of special allowances that will help us hire and retain these highly skilled professionals. We are also interested in the authorities that would be granted by the proposal for special pay treatment of world class experts and separate systems for occupations that cannot be accommodated fully in the general system. We believe the health related occupations may require such separate treatment.

Current law provides the President complete discretion to recommend an alternative pay raise than that recommended by the President's pay agent in the event of national emergency or serious economic condition. This legislation retains that authority. Given this authority, I believe this legislation represents a reasonable approach in light of persistent budget deficits.

Mr. President, this is a moderate bill to meet the compelling need for Federal employee compensation reform. I support the amendment brought forth today and urge my colleagues to adopt it.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, the amendment that the Senator from Delaware and Senator from Ohio have offered is a good amendment. In my opinion it does not go far enough in the area of law enforcement which I will discuss a little bit later when I offer an amendment on that subject matter. But I know the time that the distinguished chairman of the Governmental Affairs Committee has spent on this has been I think more than a year, maybe several years, a lot longer than maybe he wanted to.

I think it is really a tragedy, as I am sure the distinguished chairman would agree, that as we face the deficit prob-

lem we kind of cut off our nose to spite our face. We want our Federal employees to work harder for less. We ask agencies to absorb pay raises that we do not give them money to absorb and when they reprogram them they have to take it away from something else we told them to do. So it has been a long time.

Regardless of how the other amendment comes out, I say to the Senator from Ohio, I am pleased to see him bring forward an amendment that is going to at least create a level playing field for Federal workers.

We hear a lot of complaint about Federal workers and, yes, there are some who are a disgrace, but the majority are not. They are hard working people. They are committed. They get up every morning to serve their employer, the U.S. Government and the U.S. taxpayer, and there is no reason for us to think that they should not be paid, and paid a comparable wage to what they would be paid in the private sector.

So I am pleased to support this amendment and I am advised that we have no objection to it.

I see the managing Senator on the minority side is not here right now.

Mr. ROTH. I am managing.

Mr. DECONCINI. So the majority is prepared to accept this amendment.

I yield to the minority for their comments on accepting the amendment.

FEDERAL PAY REFORM AMENDMENT

Mr. LIEBERMAN. Mr. President, for some time now, the Federal budget deficit has touched virtually everything we in the Congress and the administratioin have tried to do. As we have struggled to deal with the deficit, however, we have sometimes been pennywise and pound foolish. A prime example of this has been our failure to pay Federal workers a fair and competitive salary—which has made it extremely difficult for the Federal Government to attract and keep skilled workers, diminished the effectiveness of many Federal programs, and in many instances actually cost the Federal Government money.

Year after year, by keeping Federal salaries low, we have made it more and more difficult for all Federal agencies to recruit and retain skilled workers. This is especially true in some of the areas of our country, such as my own State of Connecticut where the cost of living is extremely high.

GAO has found that, as a rule, private sector jobs are paying 25 percent more than their counterpart positions in the Federal Government. Current law calls for Federal pay to be comparable to pay for similar private positions, yet the pay gap continues to grow. At the same time, the number of special salary provisions for specific agencis and positions has grown dramatically, as we struggle to deal with the problems caused by inadequate pay. The time has come for a rational, comprehensive approach to Federal pay reform.

The cost of pay reform is substantial, but there are real costs to failing to enact pay reform. Make no mistake about it, inadequate pay does affect the ability of Federal agencies to carry out the functions we assign to them, and often costs the Government money.

For example, FBI special agents in the New Haven, CT, field office have been struggling to get accelerated grade raises, so they can meet the high cost of living in that area. The FBI cannot be expected to retain trained agents who earn less than their counterparts in the State and local police, and that is the case now.

The IRS provides another important example. The Governmental Affairs Committee has recently held hearings on the serious problems the IRS is having collecting taxes that are owed to the Government. GAO and the IRS estimate that IRS accounts receivable reached $60 billion in fiscal year 1989, $87 billion if accrued interest and penalties are included. Much of these delinquent taxes become uncollectible each year as the applicable 6 year statute of limitations expires.

There are a lot of reasons for the growth in uncollected taxes, but inadequate pay and the inability to retain skilled employees clearly contribute to the problem.

In the past year, I have met with employees of the Internal Revenue Service and the Treasury Department who work in Connecticut. These public servants have repeatedly raised with me the difficulty they have making ends meet because of Connecticut's high cost of living. They also told me of the trouble the IRS has had in retaining revenue agents and auditors in Connecticut. While the IRS is able to hire people straight out of college, after these people get their CPA and some experience—that is, at the point that they are becoming truly productive auditors and agents—they leave to take advantage of much higher salaries in the private sector. This loss of experienced agents and auditors cripples the IRS' ability to carry out its important functions. Locality pay would go a long way toward helping the IRS retain talented, experienced, and public-service oriented employees.

The pay reform bill reported out by the Governmental Affairs Committee would begin to address the inadequacy of Federal salaries by providing for locality pay and certain automatic pay adjustments, particularly for workers in expensive cities. The bill as it currently stands reflects months of negotiation and, ultimately, compromise with the administration.

While the current bill is not perfect, if we do not act now, there will be no comprehensive and thoughtful pay reform. Our Federal work force, and the effectiveness of our Government, will continue to decline, or more likely, we will yield to pressure from particular groups of Federal employees and grant them special pay relief. This will result in a crazy quilt of special benefits, which will eat up funds that could otherwise be spent implementing a rational, comprehensive solution to the Federal pay problem.

The amendment offered by Senator GLENN offers a realistic and reasonable approach to pay reform in view of the current budget crisis, and I am pleased to support it.

Mr. KERRY. Mr. President, I would like to thank the chairman of the Governmental Affairs Committee, Senator GLENN, and the distinguished ranking member, Senator ROTH, for their diligent work to assure that all Federal employees be more fairly compensated for their dedicated public service. I am proud to have been an early cosponsor of the Senator from Ohio's timely proposal and I am pleased this measure included provisions which will make Federal workers in the Boston area eligible for higher pay based on our high cost of living. This provision accomplished what I intended in my legislation S. 2792, a companion measure to one introduced by Congressman FRANK.

Federal employees have, in the past, been asked to shoulder a disproportionate amount of the budget shortfalls. They have had to survive on static wages while their cost of living soared. As a result, the difference between Federal and non-Federal salaries increased dramatically. This pay gap has made it increasingly difficult to attract and retain the kind of professionals that we need to protect the public's interest associated with billions of dollars of taxpayers money. This amendment will help the Federal Government attract and keep the talented individuals needed to fight a real war on drugs, to clean up the environment, to provide citizens with adequate health care, and to resolve the savings and loan debacle. Once again I would like to thank my distinguished colleague from Ohio for recognizing the need to adequately reward our Federal employees. The present administration's plan to reform Federal employee salaries, while well intentioned, was inadequate to meet the needs of our Federal employees. I am pleased with the bipartisan cooperation which produced this more comprehensive and progressive piece of legislation we have passed today.

Mr. President, I also wish to commend the Senator from Arizona for his leadership on this very important issue as it relates to Federal law enforcement personnel. I would like to commend both sides of the aisle for

the spirit of cooperation which allowed the passage of this amendment.

For far too long, Federal law enforcement agents have not received proper and competitive compensation for their heroic and often thankless work. They have been asked to place their lives on the line, each and every day, and their sacrifice has long been taken for granted. This amendment allows us to show our appreciation for their courageous work and is an important piece of legislation which shows our commitment to fight the war on drugs and our commitment to make the streets of our cities and towns safe again. Those individuals who risk their lives daily for the public safety deserve to be fairly rewarded for their courage, and that is why I was an early cosponsor of this important measure. This amendment will also allow us to attract and retain the finest individuals to Federal service with one of our fine law enforcement agencies. I am also particularly pleased that this amendment also recognizes that Boston is a high cost area and will provide a pay differential to Federal law enforcement officers rectifying this fact.

Finally, I want to commend Senator DECONCINI for the work he has done to bring us a sound appropriatons bill. I am particularly grateful for including in this bill $184 million for design and construction of a much needed new Federal courthouse in Boston. Replacement of the existing, antiquated Federal courthouse in Boston, constructed in the early 1930's is long overdue. Given the increased demands on our criminal justice system in recent years, a new modern facility will help expedite the work of the court. In addition, given the high level of unemployment in the construction trades in Massachusetts at this time, this project will create hundreds of jobs in a depressed economy at a time when they are desperately needed.

Mr. ROTH. Mr. President, as I indicated in my prior statement I strongly support this amendment. We are happy to join the majority in accepting this amendment because frankly I think there is no more critical problem in Government than providing the kind of compensation and environment that will attract the bright young people who we are going to need in the years ahead. So we are happy to accept the amendment.

Mr. DECONCINI. I thank the Senator from Delaware.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 2612) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. I thank the Chair, and thank the Senator from Delaware and the Senator from Ohio.

AMENDMENT NO. 2611

Mr. DECONCINI. Mr. President, on behalf of the two Senators from the State of Maine, Senator MITCHELL, the majority leader, and Senator COHEN, I send several amendments to the desk and ask that they be considered and agreed to en bloc.

The PRESIDING OFFICER. Does the chairman of the subcommittee request that the pending committee amendment be set aside?

Mr. DECONCINI. I thank the Chair and apologize. I ask unanimous consent that the pending amendment be set aside and we proceed with the Mitchell-Cohen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. MITCHELL (for himself and Mr. COHEN), proposes an amendment numbered 2611.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 16, strike "$160,000" and insert in lieu thereof, in italics: "$300,000".

On page 94, line 23, insert "(a)" after "SEC. 527".

On page 95, line 3, strike "$160,000" and insert in lieu thereof, "$300,000".

On page 95, insert between lines 4 and 5 the following new subsection:

"(b) Funds appropriated for fiscal year 1991 for reimbursements for Presidential protection assistance authorized under Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) shall be made available for any such reimbursements claimed during fiscal year 1990.".

Mr. DECONCINI. Mr. President, the amendment I am offering on behalf of the distinguished Senators from Maine will raise the amount of reimbursement funding from the U.S. Secret Service which may be provided to State and local law enforcement jurisdictions within the State of Maine for Presidential protection and assistance.

The amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further discussion of the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2611) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. I thank the Chair.

AMENDMENT NO. 2613

Mr. DECONCINI. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send to the desk a number of technical amendments and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI] proposes an amendment numbered 2613.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and the amendments all be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 14, before the period, add the following new proviso:

": *Provided*, That of the $247,878,000 provided for tax systems modernization up to $15,000,000 shall be available until expended for the establishment of a Federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization.

On page 19, line 20, after the word "in" strike "this or".

On page 21, strike lines 18 through line 25.

On page 22, line 1, strike "2" and insert in lieu thereof, "1".

On page 31, line 14, strike "may" and insert in lieu thereof, "shall".

On page 31, line 19, strike "available" and insert in lieu thereof, "transferred".

On page 46, line 16, insert a colon before "*Provided*".

On page 51, line 21, place "Ysleta, New Border Station" in italics.

On page 52, starting on line 22, strike "$251,165,000" and line type "for design and construction services", and insert immediately following the line type: "$251,165,000 for design and construction services" in italics.

On page 54, line 4, strike "Building" and insert in lieu thereof, "Building" in italics.

Mr. DECONCINI. Mr. President, this amounts to 10 amendments that are technical in nature and permits the IRS to expend up to $15 million in funds appropriated for tax systems modernization of a federally funded research and development center and affects authority of the Department

of Treasury and eliminates bill language and technical changes necessary to make the bill correct.

I believe they have been approved on the minority side.

Mr. ROTH. That is correct.

Mr. DECONCINI. I ask that the amendment be agreed to.

The PRESIDING OFFICER (Mr. SARBANES). The question is on agreeing to the amendment.

The amendment (No. 2613) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2614 TO COMMITTEE AMENDMENT BEGINNING ON PAGE 92, LINE 13

(Purpose: To provide for Federal law enforcement pay reform)

Mr. DECONCINI. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the amendment of the Senator from Arizona be considered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. D'AMATO, proposes an amendment numbered 2614, to the committee amendment beginning on page 92, line 13.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, insert between lines 19 and 20 the following new section:

"SEC. 526. (a) This section may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

(b)(1) Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5376. Pay for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) with respect to whom the provisions of subchapter III of chapter 53 apply (or would apply, but for this section.)

"(b) Except as otherwise provided in subsection (c)—

"(1) effective for pay periods beginning on or after October 1, 1991, and until otherwise provided for under this subsection—

"(A) the minimum rate of basic pay for a law enforcement officer whose position is classified at a grade above GS-2 and below GS-11 shall be determined in accordance with the following table:

"If classified at the following grade:	The minimum rate of basic pay shall be the rate payable for the following step of that grade (determined using the rates of basic pay in effect as of September 30, 1990):
GS-3	step 10;
GS-4	step 10;
GS-5	step 10;
GS-6	step 8;
GS-7	step 6;
GS-8	step 6;
GS-9	step 4;
GS-10	step 3;

and

"(B) the rate for each step above the minimum rate for each grade under subparagraph (A) shall, for any law enforcement officer, be the rate prescribed by the Office of Personnel Management, taking into consideration the minimum rates set forth in subparagraph (A) and the need to provide for appropriate pay relationships within and between grades;

"(2) in order to ensure the continued competitiveness of the rates of pay established under this subsection—

"(A) the Office of Personnel Management shall prescribe regulations under which the Office shall—

"(i) compare rates paid to law enforcement officers under this subsection with the rates generally being paid to individuals performing the same levels of work for State and local governments (determined on a nationwide basis); and

"(ii) determine whether an increase should be made under this paragraph as of the next opportunity allowable under subparagraph (B) and, if so, the size of that increase; and

"(B) whenever the Office makes an affirmative determination under the provisions of subparagraph (A)(ii), provide for any pay incease determined under those provisions to be appropriate, effective beginning with the first applicable pay period beginning on or after October 1, 1993, or October 1 of any third year thereafter (whichever occurs next);

"(3) effective at the beginning of the first applicable pay period beginning on or after the first day of the month in which an adjustment takes effect under section 5305 in the rates of pay under the General Schedule, the rates of pay in effect under this subsection shall be adjusted by the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule; and

"(4) the Office shall prescribe such regulations as may be necessary for the coordination of paragraphs (2) and (3).

"(c)(1) The purpose of this subsection is to establish a pay-adjustment mechanism for law enforcement officers which takes into account the fact—

"(A) that the cost of living in certain parts of the United States is appreciably higher than in others; and

"(B) that the Government's success in recruiting and retaining the best-qualified individuals to serve as law enforcement officers, particularly in areas having higher living costs, will in large part depend on its ability to keep rates of pay at levels that are competitive with those offered by State and local governments.

"(2) To carry out the purpose of this subsection, the Office of Personnel Management shall prescribe regulations which shall provide for the following:

"(A) The establishment of an appropriate number of geographic regions (established using consolidated metropolitan statistical areas, as defined by the Office of Management and Budget) with respect to which pay comparisons shall be made, special pay rates for law enforcement officers may be established or adjusted, and the provisions of this subsection shall otherwise be carried out.

"(B)(i) Procedures for identifying those regions for which higher pay rates are needed, as identified under clause (ii).

"(ii) A region shall be considered to satisfy the requirements for higher pay rates if, using the average of—

"(I) a value (determined by the Office, and expressed as a percentage) representing that region's relative cost of living, as compared with the cost of living in the United States as a whole, and

"(II) a value (determined by the Office, and expressed as a percentage) representing the relative size of the average salary for State and local law enforcement officers within that region (expressed as a single weighted average salary), as compared with the average salary for State and local law enforcement officers in the United States as a whole (expressed as a single weighted average salary),

such region is determined to be a least 5 percent above the national average (which, for purposes of this clause, shall be deemed to be equal to 100 percent).

"(C) Procedures under which higher rates of pay for law enforcement officers within a particular region shall be established or adjusted under this subsection.

"(3)(A) A rate of basic pay payable to a law enforcement officer under this subsection may not be less than the rate to which such officer would otherwise be entitled if this subsection had not been enacted.

"(B) A rate of basic pay payable to a law enforcement officer under this subsection, based on such officer's serving in a particular region, shall cease to apply if such officer is transferred or reassigned to a place outside of such region.

"(4) The first rates of pay established under this subsection shall be effective for pay periods beginning on or after October 1, 1991, and, notwithstanding any other provision of this subsection, shall be based on pay data compiled by the National Advisory Commission on Law Enforcement, as contained in its report submitted under section 6160(h) of the Anti-Drug Abuse Act of 1988. Subsequent adjustments under this subsection may be made, effective for applicable pay periods beginning on or after October 1, 1993, and October 1 of any third year thereafter, subject to the preceding paragraphs of this subsection.

"(d)(1) The Bureau of Labor Statistics shall conduct such pay surveys as may be necessary in order to compile any data (relating to rates of pay being paid by State or local governments) which may be necessary to carry out this section. To the extent practicable, data so compiled shall reflect rates of pay in effect as of January 1, 1993, and January 1 of every third year thereafter.

"(2) Except as otherwise expressly provided for in this section, any comparisons or determinations under this section shall, to the extent that they involve rates of pay or

other data relating to State or local government, be based solely on data compiled under this subsection.

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Pay for law enforcement officers.".

(c)(1) The appropriate agency head (as defined in paragraph (3)) shall prescribe regulations under which the purposes of the amendments made by subsection (b) shall be carried out with respect to individuals holding positions described in paragraph (2).

(2) This subsection applies with respect to any—

(A) member of the United States Secret Service Uniformed Division;

(B) member of the United States Park Police;

(C) special agent within the Diplomatic Security Service;

(D) postal inspector;

(E) probation officer (referred to in section 3672 of title 18, United States Code); or

(F) pretrial services officer (referred to in section 3153 of title 18, United States Code).

(3) For the purpose of this subsection, the term "appropriate agency head" means—

(A) with respect to any individual under paragraph (2)(A), the Secretary of the Treasury;

(B) with respect to any individual under paragraph (2)(B), the Secretary of the Interior;

(C) with respect to any individual under paragraph (2)(C), the Secretary of State;

(D) with respect to any individual under paragraph (2)(D), the Postmaster General; and

(E) with respect to any individual under paragraph (2)(E) or (2)(F), the Director of the Administrative Office of the United States Courts.

(d) Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.

(e)(1) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"§ 5949. Retention allowances for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 5376(a);

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent within the Diplomatic Security Service;

"(5) a postal inspector;

"(6) a probation officer (referred to in section 3672 of title 18, United States Code); and

"(7) a pretrial services officer (referred to in section 3153 of title 18, United States Code).

"(b)(1) Notwithstanding any other provision of law, and in order to retain highly qualified law enforcement officers who possess special skills or experience or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a law enforcement officer.

"(2) Under any such agreement, the law enforcement officer shall agree to complete a specified period of service in such agency in return for an allowance, for the duration of such agreement, in an amount determined by the agency head and specified in the agreement, but not to exceed $10,000 per year.

"(c) In order to be eligible for an allowance under this section, a law enforcement officer must then satisfy the age and service requirements under section 8336 or 8412, as the case may be, for entitlement to an annuity.

"(d) Any agreement entered into by a law enforcement officer under this section shall be for a period of 1 year of service in the agency involved unless the officer requests an agreement for a longer period of service.

"(e) Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the law enforcement officer, in the event that such officer voluntarily, or because of misconduct fails to complete at least 1 year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the officer.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the law enforcement officer may elect to terminate such agreement, and the amounts, if any, required to be refunded by the law enforcement officer for each reasons for termination.

"(g)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, 84, or 87, or other benefits related to basic pay.

"(2) Any allowance under this section for a law enforcement officer shall be paid in the same manner and at the same time as the officer's basic pay is paid.

"(h) An agency head may delgate, in whole or in part, any functions vested in such agency head under this section.".

(2) The table of sections for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5948 the following:

"5949. Retention allowances for law enforcement officers.".

(f)(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

"§ 5724d. Relocation payments for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"(b) Under such regulations as the head of an agency (or designee thereof) may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to such agency for administrative expenses are available for payments under this section.

"(c) Payments under this section—

"(1) may be paid to any law enforcement officer within the agency who is transferred or reassigned, in the interest of the Government, to an area or region (not within a foreign country) having higher than average housing costs (as determined under the regulations); and

"(2) may not be made to a law enforcement officer if, or to the extent that, such payment would cause the total amount paid to such officer under this section to exceed $20,000 (including, in the case of any individual who is married to another law enforcement officer, any amounts paid under this section to the spouse).

"(d) An agency may make a payment under this section only after the law enforcement officer selected agrees in writing to remain a law enforcement officer for a period of time (not to exceed 3 years) specified in the agreement, unless separated for reasons beyond the officer's control which are acceptable to the agency. If the individual violates the agreement, any money paid to the individual under the agreement is recoverable from the individual as a debt due the United States.".

(2) The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

"5724d. Relocation payments for law enforcement officers.".

(g)(1)(A) Section 5333 of title 5, United States Code, is amended by adding at the end the following:

"(c) In applying subsection (a) with respect to a law enforcement officer (within the meaning of section 5376(a)), the reference in such subsection to 'GS-11' shall be deemed to read 'GS-3'.".

(B) Each of the appropriate agency heads (as defined in subsection (c)(3)) shall prescribe regulations under which the purpose of the amendment made by paragraph (1) shall be carried out with respect to individuals under subsection (c)(2) under the juridiction of such agency head.

(2)(A) Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"§ 4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"§ 4523. Award authority

"(a) An agency may pay a cash award, up to 25 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more languages (other than English) in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter.".

(B) The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.
"4522. General provision.
"4523. Award authority.".

(3)(A) Section 8335(b) of title 5, United States Code is amended—

(i) in the first sentence, by striking "law enforcement officer or a"; and

(ii) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) of this title shall be separated from the service on the last day of the month in which he becomes 57 years of age or completes 20 years of service if then over that age.".

(B) Section 8425(b) of title 5, United States Code, is amended—

(i) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(ii) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement officer becomes 57 years of age or completes 20 years of service if then over that age.".

(4) Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraphs (1) and (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 5949(a) of this title), the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay to the employee, and all that amount is premium pay.".

(5) Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The provisions of subsection (a) shall not apply to the pay of a law enforcement officer for any pay period in which such officer is required to perform overtime under section 5542(a) or administratively uncontrollable overtime under section 5545(c)(2).

"(2) Notwithstanding the provisions of paragraph (1), no law enforcement officer may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the scheduled rate of pay for level V of the Executive Schedule.

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) a member of the United States Secret Service Uniformed Division, a member of the United States Park Police other than for purposes of sections 5545(a) and 5546;".

On page 94, line 20, strike "526" and insert in lieu thereof, "527".

On page 94, line 23, strike "527" and insert in lieu thereof, "528".

On page 95, line 5, strike "528" and insert in lieu thereof, "529".

Mr. DECONCINI. Mr. President, this is a critical time in our Nation's history. I am pleased that the Senate has just adopted a major pay bill for Federal employees. The Congress, with the support of the Bush administration, has escalated the "war against drugs," committing more than $20 billion toward this effort between fiscal years 1989 and 1991. The Department of Defense has finally become actively involved, mobilizing air, sea, and land resources to support Federal, State, and local law enforcement agencies. It is an all-out national offensive against the drug epidemic that has left no segment of our society untouched. Only the amount of resources and their proper allocation continue to be a matter of debate between the administration and this Congress.

Nevertheless, at the very time that a strong stand has been taken against drug traffickers, drug producers, and the drug syndicates, we continue to ignore a major problem which has been building for several years within the ranks of Federal law enforcement agencies. It affects the very officers and agents tasked with front line combat duty in the drug war.

In April the National Advisory Commission on Law Enforcement issued its final report after a year-long investigation.

I have a copy of that here which I will be more than happy to have anybody look at if they care to. Copies were sent to Senators' offices.

The Commission, established by a provision I inserted in the Anti-Drug Abuse Act of 1988, includes such members as Attorney General Dick Thornburgh, Office of Personnel Management Director Constance Newman, FBI Director William Sessions, and my colleagues Senator BOSCHWITZ and Senator COATS. That distinguished Commission concluded that Federal law enforcement agencies face serious employee recruitment and retention problems. Although reports of inadequate salaries and hiring problems have been around for some time, the Commission has now documented that these problems have reached a critical stage.

Imagine entering into a war, developing a battle plan, making commitments, purchasing equipment, and then finding out that troops are not available and that qualified replacements are not to be found. This is the scenario we are facing today.

Law enforcement has always been a proud profession with its own history and traditions. The men and women who have accepted appointments as Federal law enforcement officers have always given more than they have received. Their lives and backgrounds are closely scrutinized. Their conduct on and off duty is always held to a higher standard then most and their personal sacrifices have been many. Yet very little consideration has been given to compensate them at a level appropriate to their contributions.

Most Federal agent candidates are required to have college degrees and blemish-free backgrounds verified by extensive security investigations and polygraph examinations. They undergo medical, physcial and sometimes psychological preemployment screening and must successfully pass written examinations and a battery of interviews. They must be willing to accept periodic transfers, extensive travel, long work days, dangerous assignments and sometimes uncompensated overtime.

Most Federal agents can look forward to three or four transfers during a career. For those who are selected for advancement, more transfers will occur as they assume management level positions. Some Federal agents have relocated "in the best interest of the Government" in excess of 10 times during their careers.

When you consider what is expected of candidates, it should be no great surprise that the average starting salary of Federal officers—$18,250—no longer attracts the number of qualified individuals that this profession requires. Where salary once was the attraction to a career in Federal law enforcement, it is today's low salaries that are now discouraging the most qualified candidates from considering Federal law enforcement as a profession.

The Commission found that the recruitment and retention problems are the direct result of the large disparity that exists between the pay and benefits of Federal officers compared with those of State and local agencies. Surprisingly, the physical dangers associated with the profession have little to do with recruitment and retention problems.

The disparities identified across the country are shocking. Why would good candidates consider positions with DEA, Secret Service, FBI, Customs, the Bureau of Prisons or any other Federal law enforcement agency, when State and local agencies in Chicago, Los Angeles, and San Francisco provide entry level salaries of over $30,000 per year? In fact, the Commission found more than 50 U.S. cities where the entry level salary for State and local officers was in excess of $24,000 a year—a salary which is about $6,000 more than the average starting pay of a Federal officer. I think that is astounding and something that has to be dealt with.

Federal officers also experience the impact of the salary disparity when they are transferred to a high cost area. The case of the Customs agent moved from Tucson to Los Angeles, the DEA agent transferred from Indianapolis to San Francisco, or the Secret Service agent moving from Charlotte to New York City have all caused financial disasters for the families involved in such moves. The purchase of a comparable residence at the new duty station can be prohibitive.

I am introducing this amendment to make the pay and benefits of Federal officers more competitive with their State and local counterparts. The amendment would raise the starting salaries of Federal officers by approximately $3,000 per year. It provides cost of living bonuses for those assigned to the 13 highest cost areas. The amendment would also allow agencies to pay one-time relocation bonuses to Federal officers transferred to high cost areas to help in purchasing comparable housing. It also would allow for bonuses to be paid to employees whose position requires foreign language proficiency. In addition, it extends the mandatory retirement age from 55 to 57, helping agencies to retain experienced personnel.

Attorney General Thornburgh, the top law enforcement officer in the United States has pledged his support for this legislation. He is well aware of the critical recruitment and retention problems that now exist for all Federal law enforcement agencies. Similarly, the American Federation of Government Employees made a significant departure from its longstanding position recently when it openly supported this occupation specific pay reform measure.

Some have voiced concerns that we must be cautious in making adjustments to salaries when it only affects a segment of the Federal work force. Mr. President, I submit that when a problem of this magnitude, identified by the National Law Enforcement Commission, is brought to our attention, it would be sheer negligence for us not to take action to correct the problem. This body created the Commission and gave it the mandate to investigate and report on the problem. They did just that and now the ball is in our court. To date, 39 of my colleagues from both sides of the aisle have cosponsored this initiative and I ask the rest of the Members to join us. Crime fighting is not a partisan issue and it, therefore, deserves all of our support.

Federal officers register few complaints about the increasing dangers of their job. They accept them as part of their chosen profession. They do not make an issue about the conditions of their work environment or the many uncompensated hours that they put in. However, it is now apparent from the significant numbers leaving Federal law enforcement, and the reduced candidate pool available, that major adjustments must be made immediately to ensure the uninterrupted mission of public safety championed by Federal law enforcement agencies.

The war on drugs has been declared. The long-standing battle against illegal drugs, organized crime, white collar crime, terrorism, and other violent crimes continues with a greater commitment than ever. This is not the time to allow the most crucial resource in the war on drugs, the Federal law enforcement officers, to become extinct.

Mr. President, I have a number of charts here I would like to put up. The first one is on the left as we view them here. Mr. Finan will help me change them as we go through them.

I would like to point out, Mr. President, this first chart on the left, this first exhibit, shows the disparity between every entry level salary for Federal law enforcement officers in four different categories when compared with their State and local counterparts. Uniformed Federal officers begin at $16,305, which is the first column, the top of the first column on the left of the first exhibit on the left.

We will see the disparity there between the entrance level Federal officer at $16,305, and what a law enforcement officer received on the entrance level in Lowell, MA, San Francisco, and New Jersey, from the police departments and the State police, ranging from $31,570 in San Francisco to $31,000 in Lowell, MA, and $25,182 in New Jersey.

Nonuniformed Federal officers, investigators, those types of law enforcement, beginning at $16,305, as compared with the nonuniform counterpart at the State and local level with starting salaries such as we see here. The nonuniformed officer starts at $16,305. Look what they start in the Boston Police Department, $34,456. In Des Plains, IL, police start at $27,079. In Dade County, FL, at $25,134 and New York State police at $39,589.

Why do people not want to go into the Federal law enforcement? That pretty well tells the story.

Federal probation officers begin at $20,195 compared with State and local officers starting salaries much higher; the California corrections officers start at $34,560, the Dallas adult probation at $21,168.

Federal correction officers begin at $18,174 as compared to their State and local counterparts. That is the last row there, which would be New York City corrections at $25,977; Los Angeles at $34,452.

So, from $16,305 to as much as $31,000 for uniformed officers and probation officers from $20,000 going up to as much as $34,000; we see the disparity. I think it is clear it is long overdue we do something about this.

The next visual exhibit on the right, I want to point out this chart gives a visual picture of the Federal law enforcement starting salary at GS-5 and GS-7 levels, represented by the first and second block on the left.

Mr. Finan will point to those two blocks which represent the GS-5 and GS-7 levels, compared to the mean entry level starting salary of State and local law enforcement represented at the third block being pointed to right there and compare to the mean starting salary of college graduates, which is represented by the fourth block.

If that does not tell us how far behind the curve we are, I do not know what needs to be said.

The third exhibit, these 13 cities that are listed here represent locations where the cost of living, the cost of housing, and the disparity between Federal law enforcement salaries and local law enforcement salaries is great enough that retention and recruitment is a serious problem and where, under this legislation, cost of living allowances would be paid at percentages between 5 and 25 percent.

These will just give some idea of the Federal law enforcement officers, how many there are in each of those cities. In Los Angeles, one of the highest cost-of-living areas for anybody, but for law enforcement, this amendment would provide for a cost of living allowance of 25 percent.

In San Diego, another high cost of living area, it would be 10 percent. In other high cost of living areas it ranges from 5 to 25.

The next exhibit is this chart. The significance of this chart is by increasing the mandatory retirement age from 55 years to 57 we can retain experienced law enforcement management officials for almost 4 more years. Between 1986 and 1989 approximately 2,500 senior law enforcement officers left Federal service, with a combined experience level of over 50,000 years of laws enforcement.

So we see by this chart, in 1988, 840 were the number of total retirements. Their average age that they retired at was not 55, it was 53 years and 3 months. And, in 1986 it was 925, with the average retirement of 53 years and 4 months. So Federal law enforcement people are leaving earlier. They are not staying even until 55. Why? Because of the pay differential that needs to be changed.

The last chart, Mr. President, the grades and salaries on the left side are the 1990 salaries under the General Schedule of Federal Employees that now range from GS-3 at $12,982 down to GS-10, first step, $27,206.

The grades and salaries of this proposal, on the right side, demonstrate the GS-3 step 1 would be $16,879 going through the various steps up to GS-10 going from $27,206 to $29,020.

Mr. President, I ask Mr. Finan to put up the last. This is important.

This is a June 25 Washington Post article about the "Violence, Tensions Increasing Along the U.S.-Mexican Border," which is of course of great interest to me. I will just highlight areas of quotes to this particular article. I would commend to Senators that they read the whole thing. It will just knock their socks off.

Right here it says:

In recent days, the San Diego Police Department has pledged to assign a SWAT team and a elite unit called the Special Response Team to help patrol the area west of the San Ysidro crossing. Wednesday, the border patrol announced it was installing floodlights in the area and installing 30 more agents there in a bid to curb what it has called a "an alarming increase in violence."

This is what is happening on our border, not to mention many of our cities.

Further it states, and I would like to quote:

But, said Border Patrol spokesman Swofford, from January through mid-May, there have been 73 assaults on agents, an increase of 145 percent over the same period last year. More than 100 stoning incidents also have been reported, resulting in injuries to several agents, he said.

It goes on to point out the first 4 months of this year, apprehension averaged 1,300 a day in the San Diego-Tijuana sector, up 50 percent from last year.

This article, Mr. President, only points out the severity of what our law enforcement officers are up against and it is high time that we do something about it.

What we have done is adopted a major pay bill for all Federal employees, which includes the Federal law enforcement. But it does not go to what the Commission labored over for more than 1 year. This Commission was not just something appointed by the President. This Commission was authorized by the Senate and the House. The Commission members spent a great deal of time on this.

I remember attending those meetings myself where the head of the FBI, Mr. Sessions, was there; Mr. Webster was there; Mr. Thornburgh came. It is clear that this is a lot of work that has been put in to making it correct.

Mr. President, I am advised I need to ask unanimous consent that the previous unanimous-consent agreement to lay the committee amendment aside be vitiated, and I ask unanimous consent instead that the amendment I am offering be an amendment to the committee amendment, as amended. I made the wrong request.

The PRESIDING OFFICER. Without objection, the previous order is vitiated, and the amendment offered by the Senator is pending to the committee amendment.

● Mr. BRADLEY. Mr. President, I rise as a cosponsor of the amendment offered by my colleague, the gentleman from Arizona [Mr. DECONCINI] to raise pay levels for Federal law enforcement officers. The amendment implements the key recommendations of the National Advisory Commission on Law Enforcement, which was established by the Anti-Drug Abuse Act of 1988.

The amendment provides pay hikes of 5 to 25 percent for Federal officers living in unusually high cost-of-living areas, such as New Jersey; allows for payments of one-time housing bonuses of up to $20,000 to Federal officers transferred to areas with unusually high housing costs; and raises Federal law enforcement entry salaries to parity with State and local law enforcement officers.

Mr. President, the problems facing Federal law enforcement officers in New Jersey are acute. Many Federal agencies are having problems recruiting qualified officers because starting pay for State and local law enforcement officers is thousands of dollars more than Federal pay levels. Federal agencies also have some problems retaining experienced officers.

These pay incentives have particularly crippled the law enforcement efforts of the FBI office in Newark. Two years ago, the New York FBI office established a demonstration project that raised pay by 25 percent to help offset the high cost of living in the New York area. The demonstration has certainly helped retention and recruitment efforts in the New York City office, but has decimated the Newark office. It has created an anomaly under which two agents might live next door to each other, but one might make substantially more than the other doing the same job with the same record of service. Many agents have requested transfers from Newark to New York. As many of the transfer requests are being made by senior agents, law enforcement in New Jersey is losing some of its most experienced crime fighters.

The experience in New York shows that Federal pay raises will help recruitment and retention efforts. This legislation will go a long way in solving our Federal law enforcement efforts in New Jersey, and I urge my colleagues to support it.●

Mr. DECONCINI. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent to modify amendment No. 2614 with a new page 11, and I send that page 11 to the desk as a modification.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The modification is as follows:

At the end of the amendment add the following:

(h) If the President determines that national emergency or serious economic conditions affecting the general welfare require that the annual general adjustment and the locality adjustments be held below the levels described in the previous section, or that any other provision of this section be waived or modified, the President shall prepare and report that determination to the Congress in the budget transmittal described in the previous section. In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures. The President shall include in the report to Congress under this subsection his assessment of the impact that holding the general adjustment and the locality adjustments below the levels described in the previous section will have on the Government's ability to recruit and retain well-qualified employees.

Mr. DECONCINI. Mr. President, this modification is to place in the bill language somewhat similar to the language that was in the previous pay bill for Federal employees which permits the President some discretion in implementing the location pay and the increased pay.

I do not like it too much, Mr. President, but I feel that the Senators from Ohio and Delaware have worked in good faith here trying to accommodate not only the law enforcement Federal officials, on which the commission has worked so long and so hard to put together a bill, but in fact have accommodated all Federal officials. I am prepared to go to conference with this language in the bill. I think that may clear this amendment rather rapidly, as a matter of fact.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I think this is a good change to the proposal made by the distinguished Senator from Arizona. I, too, want more pay for Government employees. I want it to apply to the Federal law enforcement officers as well as others in Government. We want to make certain that we get something through here. This does one thing. It makes it certain that the administration now has the full legal tools they need to go ahead and raise pay.

We can work out the differences in conference between the bills of the House and the Senate. I think getting these before that conference is very, very important, for pay legislation has been stalled for far, far too long.

So while I would obviously prefer that the Federal Law Enforcement Pay Reform Act not be done separate-

ly, nevertheless attaching it with this provision I think let us consider this in conference, and work out the best solution.

Mr. President, Connie Newman, who is Director of the Office of Personnel Management, has objected to some of this separate consideration. I ask unanimous consent to enter her letter and factsheet in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, July 26, 1990.

Hon. DENNIS DECONCINI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DECONCINI: I understand that you are considering offering S. 2250, your proposed "Federal Law Enforcement Pay Reform Act of 1990," as an amendment to the FY 1991 Treasury, Postal Service and General Government appropriations bill. I am writing to tell you why we are opposed to such an amendment.

I certainly realize that the Federal law enforcement community faces very serious pay-related recruitment and retention problems, but these problems are not unique to the law enforcement community; rather, they are widespread throughout the Federal service. As you know, we have been working on a Governmentwide solution to these problems, as evidenced by S. 2547, the Administration's proposed Federal Pay Reform Act. We are actively pursuing a Governmentwide approach to pay reform in both the Senate and the House, and I believe there is a very real likelihood we are going to be successful.

Dealing with the problems of the Federal pay system on a fragmented basis will, I believe, only delay the needed comprehensive solution, and is likely to lead to dysfunctional conflicts between different and competing personnel systems in different agencies or even within single agencies. While no one would question the vital importance of our Federal law enforcement community to the Nation's well-being and safety, there are many thousands of Federal employees in other fields who are equally deserving of the benefits of a fair and efficiently functioning pay system.

We are also very much concerned by the cost of S. 2250. In view of the Government's grave fiscal problems, we believe that any changes in the Federal pay system must be very carefully structured to ensure that any additional payroll expenditures are targeted as narrowly as possible toward the most serious problem areas. The pay improvements in S. 2250 would be extended so broadly through the Government's law enforcement activities that we believe the costs would be prohibitive.

I would very much like to work with you to ensure that any Governmentwide solution to the problems of Federal employee pay satisfactorily address your special concern for the needs of the law enforcement community. I believe, and hope you will agree, that such an approach is preferable to that taken by S. 2250.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

CONSTANCE BERRY NEWMAN,
Director.

FEDERAL LAW ENFORCEMENT PAY REFORM ACT OF 1990, S. 2250—AUGUST 28, 1990

The various pay enhancement provisions would be expensive, having large hidden costs, as well as interfere and be disequitable with long-term Administration pay reform goals which would include the establishment of separate pay systems.

S. 2250 will carry an estimated 1992 cost of $486 million, over twice the cost estimated by the National Advisory Commission on Law Enforcement (NACLE). The 1991 cost is estimated at over $150 million. NACLE estimated the annual cost of all provisions at $180-$200 million in its study.

If the annualized costs were fully absorded, law enforcement man-year reductions would total about 11,012—6,479 for Justice, 1,358 for Treasury and 3,175 for other agencies. The other agency reduction is based on an average man-year cost of about $43 thousand.

S. 2250 contradicts the philosophy behind the Administration's pay reform package, which would authorize agencies to establish separate pay scales tailored to a few occupations. Flexibility within the Administration's pay reform plan will meet special agency needs. Clearly, it has not been demonstrated by the NACLE report that law enforcement salary problems are so pressing that they can't be resolved through both the Administration's immediate relief and long-term proposals.

The Administration's pay reform plan tackles salary issues that need to be addressed now—a modest 5 percent increase for GS-5s and GS-7s and an 8 percent georgraphical differential in three cities starting in 1991. S. 2250 has charged ahead of the Administration, proposing increases for GS-5s through GS-10s, including a 30 percent increase for GS-5s and a 17 percent increase for GS-7s. Additionally, geographic pay increases of up to 25 percent for 13 cities have been proposed. Such an inconsistent pay policy would surely have a detrimental effect on employee morale throughout the Federal sector by undermining the fairness of the Administration's immediate relief provisions.

S. 2250 has large, hidden costs for increased retirement benefits. Retirement benefits for the 1991 payroll could reach $2 billion based upon OPM analysis of law enforcement retirement costs. General pay benefits associated with increased salary increases have also been estimated and will substantially increase the funding requirements of this bill.

Law Enforcement salaries for higher graded personnel have already been addressed through the passage of H.R. 215 which lifts the GS-10, Step 1 cap on administratively uncontrollable overtime (AUO) and will provide annual $6,000-plus salary increases to law enforcement personnel higher than a GS-10. Based on 2nd quarter, 1990 employment statistics, 60 percent of Justice law enforcement and 75 percent of Treasury personnel are graded higher than GS-10. With the 1991 AUO increase, FBI agents will average $51,000 annually. DEA and Secret Service agents will earn $50,000.

Retention problems do not exist for the 30,000 Special Agents employed by the Federal Government. The "quit" rate for Special Agents is currently 1.3 percent, among the lowest of all Federal jobs. Special Agents account for 50 percent of all law enforcement positions which would be covered by S. 2250. Pay increase proposals in this bill may be appropriate for some law enforcement occupations, but should not target jobs which do not have retention problems.

S. 2250 provides for relocation and retention bonuses, but so does the Administration. S. 2250 does provide for an up-to-25 percent language bonus for certain law enforcement personnel. The FBI and DEA already have modest language programs tailored to language skill and the amount of usage. S. 2250 provides no guidance on implementing an up-to-25 percent language bonus.

S. 2250 and the Administration's pay reform proposal will rely on salary surveys by the Bureau of Labor Statistics to adjust salary rates. A distinct possibility of overlapping and administratively costly surveys exists. The periodic administration of salary review would be more efficient under one, government-wide pay reform package.

ESTIMATED 1991 COSTS OF DeCONCINI PROPOSALS—AUG. 13, 1990

[In millions of dollars]

Summary by Agency	Entry pay	Geographic pay	Relocation retention	Overtime premium	Foreign language	Ben.	Total
FBI	NA	NA	8.0	0.9	1.6	NA	10.5
DEA	NA	NA	3.1	1.1	3.0	NA	7.2
INS	NA	NA	1.3	2.6	33.0	NA	36.9
Prisons	NA	NA	19.0	2.2	4.4	NA	25.6
Marshals	NA	NA	0.6	4.3	1.1	NA	6.0
IG/U.S. attorney	NA	NA	0.5	0.0	0.0	NA	0.5
OCDE	NA	NA	1.3	0.1	1.1	NA	2.5
Justice subtotal	0.0	0.0	33.8	11.2	44.2	0.0	89.2
ATF	NA	NA	0.9	0.0	0.6	NA	1.5
Customs	NA	NA	6.2	0.3	5.0	NA	11.5
Secret Service	NA	NA	3.7	5.7	1.4	NA	10.8
IRS	NA	NA	2.0	0.2	1.1	NA	3.3
Treasury subtotal	0.0	0.0	12.8	6.2	8.1	0.0	27.1

ESTIMATED 1991 COSTS OF DeCONCINI PROPOSALS—AUG. 13, 1990—Continued

[In millions of dollars]

Summary by Agency	Entry pay	Geographic pay	Relocation retention	Overtime premium	Foreign language	Ben.	Total
Other subtotal	NA	NA	24.0	8.9	8.6	NA	41.5
Governmental total	0.0	0.0	70.6	26.3	60.9	0.0	157.8

Note: 1991 does not include funds for entry level and locality provisions, which are effective in 1992.

ATTACHMENT A.—ESTIMATED 1992 COSTS OF DeCONCINI PROPOSALS—AUG. 13, 1990

[In millions of dollars]

Summary by Agency	Entry pay	Geographic pay	Relocation/ retention	Overtime/ premium	Foreign language	Ben.	Total
FBI	1.2	29.8	8.0	0.9	1.7	10.1	51.7
DEA	1.5	7.9	1.3	1.2	3.3	3.2	18.4
INS	15.4	9.5	5.6	2.8	34.3	9.9	77.5
Prisons	43.5	15.7	19.0	2.3	4.6	24.4	109.5
Marshals	2.7	3.2	0.6	4.5	1.1	2.2	14.3
IG/U.S. attorney	0.0	0.48	0.6	0.0	0.0	0.1	1.1
OCDE	0.4	4.38	0.7	0.1	1.1	1.5	8.1
Justice subtotal	64.7	70.8	35.8	11.8	46.1	51.4	280.6
ATF	1.3	2.8	0.9	0.0	0.6	0.9	6.5
Customs	1.4	9.6	6.2	0.3	5.0	1.9	24.4
Secret Service	1.3	12.7	3.7	5.7	1.4	1.5	26.2
IRS	0.9	5.6	2.0	0.2	1.1	1.0	10.8
Treasury subtotal	4.9	30.7	12.8	6.2	8.1	5.3	67.9
Other subtotal	43.5	32.6	21.6	8.2	8.1	23.6	137.5
Governemnt total	113.0	134.1	70.2	26.2	62.3	80.2	466.0

Mr. GLENN. Mr. President, I think this is a good move. On our side I certainly commend the distinguished Senator from Arizona for his action in this regard, and look forward to working with him on this.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I, too, wish to commend the distinguished Senator from Arizona. I think that the modification made in his amendment enables us to go to conference in a sincere effort to arrive at the kind of approach that will begin to take care of the inadequacies of current Federal compensation. This is a problem not only for the law enforcement officials, where it is most serious—and I share the concern of the distinguished Senator from Arizona in that regard—but it also concludes any omnibus proposal.

I think it lays the groundwork for the conference, working together with the administration through Connie Newman, who has taken such a strong lead in these matters, to arrive at an equitable approach, bearing in mind the serious problems we have on the deficit as well.

So I am happy to agree to the revision.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I think this deals with the issue raised earlier in a way that will permit the Senate to move along with this bill and take up other amendments. I do not see any need to pursue the debate any longer except to congratulate the distinguished Senator from Delaware for his hard work and his effort to reconcile the differences that existed a little while ago on this issue.

I commend the distinguished chairman of the subcommittee and the distinguished Senator from Ohio for working this matter out. We have no objection to proceeding to agreement to the amendment on a voice vote.

Mr. DECONCINI. Mr. President, when I modified my amendment I modified the wrong part of the amendment. I am rewriting that and will send another and ask unanimous consent for the modification after I clear it with the Senator from Ohio and the Senator from Delaware. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOR PRIVILEGES

Mr. GLENN. Mr. President, I ask unanimous consent that Mr. Robert McArter, who is temporarily my Governmental Affairs Committee staff from GAO, the General Accounting Office, be allowed on the Senate floor during the consideration of the Treasury and Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

MODIFICATION TO AMENDMENT NO. 2611

Mr. DECONCINI. Mr. President, referring to the previous amendment that we adopted here for the Senators from Maine, I ask unanimous consent that amendment be modified and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment previously agreed to is now modified.

The modification to amendment No. 2611 is as follows:

In amendment No. 2611; on page 95, line 3, change language to read "strike $200,000" instead of "$160,000".

Mr. DECONCINI. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that I be allowed to modify amendment No. 2614, the amendment that I previously sent to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it has been so modified.

Mr. DECONCINI. I thank the chair.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I strongly support Senator DECONCINI's

amendment providing a fair deal for our Federal law enforcement officers.

For almost 3 years, we have been talking about the need to pay our Federal law enforcement officers what they deserve.

Starting salaries for newly hired Federal law enforcement agents range between $16,000 and $20,000, but the average starting salary for local law enforcement officers is over $22,000. In some areas it is around $30,000.

To correct this imbalance, Senator DECONCINI's amendment:

First, raises Federal law enforcement salaries to make them competitive with local pay scales;

Second, provides 5 to 25 percent locality pay differentials for high cost of living cities, including: Los Angeles, New York, San Francisco, Boston, Washington, DC, Chicago, Denver, Philadelphia, and Seattle;

Third, directs the Office of Personnel Management [OPM] to develop a new pay and classification system for law enforcement;

Fourth, permits law enforcement agencies to pay bonuses to retain exceptional law enforcement officers with special skills who would otherwise retire; and

Fifth, provides bonuses for foreign language ability, and increases the mandatory retirement age from 55 to 57.

The National Commission on Law Enforcement's estimate of the cost of these proposals is between $150 million and $200 million per year, only 2.7 to 3.7 percent above next fiscal year's total outlays for law enforcement.

We have had enough study. It is time to act. This amendment is a matter of simple justice and fairness for our Federal law enforcement officers. I urge my colleagues to give this amendment their full support.

Mr. DECONCINI. Mr. President, I urge the adoption of the amendment, as modified.

The PRESIDING OFFICER (Mr. KERREY). Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 2614), as modified, was agreed to.

Mr. DECONCINI. I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2615

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 2615.

On page 11 of the bill, line 5, before the period, insert the following: ": *Provided further,* That not less than $600,000 shall be available to increase by 10 the number of full-time inspectors in the Charleston, South Carolina Customs District".

Mr. HOLLINGS. Mr. President, last month I discussed our needs in Charleston with our distinguished manager of the bill, the senior Senator from Arizona. I had just had a meeting with the Commissioner of Customs, Carol Hallett, with regard to the situation at Charleston International Airport. Charleston is the east coast base for the military airlift command flights from Europe and Central America and also receives State Department evacuation flights, such as from Liberia last month. Just late last evening, I witnessed the arrival of the first 350 evacuees from Iraq.

Our problem in Charleston is that Customs just does not have sufficient inspectors to cope with the explosion of cargo coming into Charleston's docks. Charleston is now second only to New York in container cargo on the east coast—and to man the airport. I met with the Commissioner because the District Director put out a notice that Customs would not inspect the MAC flights before 5:30 p.m. in order to keep up the work of the docks.

If you do not come in until after 5:30, that means they are late and they miss all the outgoing flights, and that means all those who were coming in, instead of immediately moving on to their final destination, miss those flights. Some 17 in all would be missed, leaving out within the next 2-hour period in there, and then they would all have to find rooms, and they would all stay over, and it would be added costs to the Government for the individuals and the Government itself.

Of course, this is completely intolerable, as it would mean that returning servicemen and their families would miss those flights. As I pointed out, Commissioner Hallett recognized the impact of this, and on August 17, she wrote me that she would return to the former schedule of having inspectors at the airport at 4 p.m.

This alone is only a temporary fix because the flight, for example, on yesterday, was scheduled to come in much earlier than that particular time, and we just cannot wait until late evening for Customs just to sit on the ground there and meet the flights. In fact, one flight had to just stay over in Halifax, Nova Scotia, for 2 hours, knowing they could not be processed, so they just held them over there, and they came in late.

I believe Charleston needs a minimum of 10 additional inspectors to keep up with increased amount of cargo coming into the Port of Charleston and for the international airport and these evacuation flights, military flights that are constantly being received throughout the day.

I particularly wanted to thank my colleague, the chairman of our subcommittee, for his consideration of this.

Mr. DECONCINI. Mr. President, the Senator from South Carolina raises a very good point here. Charleston is, I think, the second largest container point—if the Senator will correct me—in the United States. It is growing, and I was advised that the Americans coming from the Middle East that have been held hostage there are coming to that port and need to be cleared. There is just no reason that Customs ought not to have done what we told them to do in report language and in letters previously.

I support the amendment that puts it into the bill and makes it clear that 10 additional agents will be assigned to the Customs branch in that area.

Mr. COCHRAN. Mr. President, we have reviewed the amendment on this side and have no objection to it. We recommend its adoption.

Mr. HOLLINGS. I thank the Senator from Mississippi and the Senator from Arizona and urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2615) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I ask that the pending committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2616

Mr. DECONCINI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. BIDEN, proposes an amendment numbered 2616.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 9, strike "$16,500,000: *Provided,*" and insert in lieu thereof, "$17,500,000: *Provided,* That not less than $1,000,000 of such amount shall be available for the establishment of a Technology Re-

search and Development Center within the Office of National Drug Control Policy: *Provided further,*".

On page 75, line 13, strike "$114,461,000" and insert in lieu thereof, $113,461,000".

Mr. DECONCINI. This amendment was sent to the desk on behalf of Senator BIDEN, the chairman of the Judiciary Committee. It would provide $1 million in fiscal year 1991 to the Office of National Drug Control Policy for the establishment of a new technological research and development center. The center will employ a chief scientist and 11 staff to better coordinate Federal drug research and development efforts. This amendment has been cleared on both sides, and I urge its adoption.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have reviewed this amendment offered on behalf of the Senator from Delaware, and we have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2616) was agreed to.

Mr. DECONCINI. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I ask unanimous-consent to set aside the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2617

Mr. DECONCINI. I send an amendment to the desk on behalf of myself and Senator DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. DOMENICI, proposes an amendment numbered 2617.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67 of the bill, line 12, add the following new section:

SEC. 16. Notwithstanding any other provision of law, the General Services Administration is directed to maintain during the fiscal year ending September 30, 1991, the vehicle rental rates and per mile rates charged to schools and dormitories funded by the Bureau of Indian Affairs that were in effect on June 30, 1990, except for subsequent per mile rate adjustments related to fuel cost increases.

Mr. DECONCINI. This amendment addresses a problem which has arisen with the proposed implementation of the new GSA Interagency Fleet Management System lease and mileage rates for school buses at the beginning of fiscal year 1991. My amendment places a 1 year moratorium on the implementation of the school bus rates for the federally funded Bureau of Indian Affairs [BIA] schools. This action is necessary to give the schools, which are wholly dependent on Federal funding, time to work with the BIA and GSA to determine their student transportation budget needs based on the new rates and to get their budget request for future fiscal years appropriately adjusted.

The BIA, the agency responsible for submitting the schools' budget request, was unaware of the pending GSA rate increases when the schools' fiscal year 1991 budgets were proposed. Now the schools are facing lease and mileage rate increases of 50 percent or more in the academic year beginning October. School has already started and administrators have allocated their budgets for the year. They have no ability to raise revenues to meet these unexpected costs because the schools are located on Indian reservation trust lands.

The schools serve Native American children who live in widely dispersed homes in rural areas where there are more unpaved roads than paved highways. Their buses must operate daily on miles and miles of rough, unimproved road systems to get students to classes. This drives their annual student transportation costs up. However, the BIA reimburses them for only part of these costs.

For example, despite the fact that these schools pay transportation costs which mirror the current national average school bus cost of $1.98 per mile, they receive only $1.15 per mile in reimbursement from the BIA. The new GSA rates will only exacerbate this situation. The temporary moratorium will give the schools time to adjust their transportation budgets and to consider the most cost effective ways of providing student transportation services. The language allows GSA to implement mileage rate adjustments related to fuel cost increases.

This amendment prevents the BIA schools from taking drastic measures to meet their student transportation costs. It protects the classroom instruction budget at these schools against funding reductions. It will give the schools time to determine the total funding needs under the new rate structure and include this additional amount in the fiscal year 1992 BIA budget. This is a reasonable proposal which has been worked out with the participation of all interested parties. I ask for the adoption of this amendment.

I believe it is acceptable on the other side.

Mr. COCHRAN. Mr. President, on behalf of the Senator from New Mexico [Mr. DOMENICI], I ask that the amendment be approved.

The PRESIDING OFFICER. Is there objection to the amendment? The question is on agreeing to the amendment.

The amendment (No. 2617) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

INVESTIGATIONS OF BOMBINGS

Mr. DECONCINI. Mr. President, in the past year, questions have arisen as to the scope of the investigative jurisdiction of the Bureau of Alcohol, Tobacco, and Firearms [ATF] and the Postal Inspection Service over mailed bombs. In order to encourage the two agencies to work out their differences, the Appropriations Committee included strong language in the bill and the report.

Mr. President, I am pleased to report that the two agencies have met and have entered into a memorandum of understanding which provides, in effect, that the two agencies will jointly investigate cases involving mailed bombs; that where the investigation indicates that the mails were used to deliver a bomb, the evidence will be processed by the Postal Inspection Service; that in all cases where the bomb was not delivered by mail, the ATF will process the evidence; and that each agency will lend its support and expertise to the other and work cooperatively to solve these crimes.

I ask unanimous consent that a copy of the memorandum of understanding be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES POSTAL INSPECTION SERVICE AND THE BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, DEPARTMENT OF THE TREASURY

1. PURPOSE

The purpose of this memorandum is to further implement the Investigative Guidelines, Title XI, Organized Crime Control Act of 1970, March 1, 1973, which allocated investigative jurisdiction over certain offenses involving unlawful use of explosives. As provided in the Guidelines, the Bureau of Alcohol, Tobacco and Firearms (ATF) was given, among other things, primary investigative jurisdiction over violations of 18 U.S.C. Section 844 (d) and (i) and other violations of Section 844 directed at Treasury Department property and functions. The United States Postal Inspection Service (Inspection Service) was accorded primary jurisdiction to investigate incidents involving explosives or incendiary devices sent through the mails

or directed against Postal Service property or functions.

2. SCOPE

This memorandum pertains only to those incidents involving explosives or explosive or incendiary devices unlawfully sent through the mail. The jurisdiction of the Federal Bureau of Investigation, as well as state and local law enforcement agencies, is acknowledged by the parties but is outside the scope of this agreement.

3. NOTIFICATION

Each agency will immediately notify the other of any report received of an incident involving explosives or an explosive or incendiary device sent through the mail. If, in the course of an ATF investigation, evidence is found that any such explosive or incendiary device was sent through the mail, ATF will immediately notify the Inspection Service.

4. INVESTIGATIONS

a. Response and Crime Scene.—Whenever ATF receives a report of a mail bombing, it shall immediately notify the Inspection Service. Whenever ATF responds to any bombing, it shall take reasonable steps to determine whether the explosive device or incendiary device had been sent through the mail. If there is any indication that the device had been mailed, ATF shall immediately notify the Inspection Service. The local Special Agent in Charge (SAC) and Inspector in Charge (INC) will determine when to initiate processing of the scene. This determination will be based on the initial assessment of the crime scene, the anticipated time of arrival of Inspection Service personnel, and the concern for public safety. If initial indications are that the bomb was not delivered by mail, ATF will act in accordance with its normal procedures. However, if, at any time, ATF obtains information indicating that the bomb was delivered by mail, it shall notify the Inspection Service and a joint task force will conduct the investigation.

b. Post-Crime Scene Investigation.—The ensuing investigation after examination of the crime scene will be conducted jointly by the Inspection Service, ATF, and available federal, state and or local authorities in a task force type of approach. Investigative strategies employed will be determined jointly by Inspection Service, ATF, and other involved agencies. In addition, contacts with federal, state, or local prosecutorial offices will be made jointly by the Inspection Service and ATF unless otherwise agreed.

c. Coordination.—Inspection Service and ATF managers will coordinate investigative activities and maintain appropriate liaison. Related activities such as press releases, press conferences and other investigative approaches will also require joint coordination by ATF and the Inspection Service.

5. EXAMINATION OF EVIDENCE

a. All evidence recovered during a crime scene investigation shall immediately be turned over to the Inspection Service at the crime scene or other mutually agreed location for examination by the Inspection Service crime laboratory. ATF assistance will be provided to the Inspection Service examination of the evidence if requested. In those cases where it had not been determined through processing of the crime scene that the explosives or explosive or incendiary device had been mailed and subsequent laboratory examination revealed that the mails had been used, the Inspection Service will be immediately notified and the evidence will be examined jointly by Inspection Service and ATF crime laboratory personnel.

b. Regardless of which agency has custody of the evidence, the crime laboratories of each agency will be available to the other on request to provide any assistance, information or expertise.

6. IMPLEMENTATION AND RESOLUTION OF DISPUTES

a. Primary responsibility for the implementation of this agreement is in the local Special Agent in Charge of ATF and the Inspector in Charge of the Inspection Service, or their designees. They shall make every reasonable effort to implement this memorandum.

b. In the event a dispute arises regarding this Memorandum of Understanding which they are unable to resolve, the matter shall be referred to the Chief, Explosives Division, ATF and the Manager, Fraud and Prohibited Mailings Branch, Postal Inspection Service.

c. In the event the parties are unable to resolve a dispute, they agree to ask the Assistant Attorney General, Criminal Division, to mediate the dispute.

d. The parties agree to advise their agents of the provisions of this agreement.

e. Nothing in this agreement is intended to augment or diminish the authority of ATF or the Inspection Service to investigate crimes against the United States nor does this agreement confer any rights on any third party in litigation with the United States.

STEPHEN E. HIGGINS,
Director, Bureau of Alcohol, Tobacco and Firearms.
Date: August 24, 1990.

CHARLES R. CLAUSON,
Chief Postal Inspector.
Date: August 24, 1990.

INVESTIGATION OF FINANCIAL INSTITUTION FRAUD

Mr. DECONCINI. Mr. President, section 525 of the bill contains a provision which authorizes certain Federal law enforcement agencies to investigate financial institution fraud. Under current law, the Department of Justice has primary investigative jurisdiction on financial institution fraud. The provision contained in H.R. 5241 will permit the Attorney General to utilize the combined talents of other law enforcement agencies and in particular, the U.S. Secret Service to carry out these investigations and curtail the growing backlog.

The following letter from Attorney General Richard Thornburgh states the commitment of the Attorney General to utilize the expertise of these agencies to undertake financial institution investigations.

I ask unanimous consent that a letter from the Attorney General, dated July 31, 1990, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 31, 1990.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Treasury, Postal Service, General Government, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As a follow-up to our conversation last Thursday, I want to reiterate in the strongest terms my commitment to effectively employ the Secret Service in helping this Department combat the fraud associated with the savings and loan crisis. In light of the magnitude of the task before us, I welcome these additional resources. I expect that the help Director Simpson is so willing to provide will greatly assist us in expediting these investigations.

I believe it is critical that the Secret Service be brought into the picture as soon as possible. I understand the FBI has offered and Director Simpson has accepted the use of the FBI's specialized training programs that have evolved since the beginning of these cases. We also can use immediate help in those areas of the country where the problem is most acute. Providing additional experienced investigators, for example, in Texas and California should have an immediate impact. I can assure you that the Department and the FBI will work hand-in-hand with the Treasury Department and Secret Service to maximize the impact these fine investigators will have on the problem.

I also want to express my appreciation for your support and assistance in helping to ensure continuation of a coordinated approach to the investigation and prosecution of financial institution fraud. The proposed bill language agreed upon by the FBI and Secret Service and which you support both addresses the needs of all participants and ensures full participation by the Secret Service. I believe this approach will result in the most effective use of the resources Secret Service will bring to bear on the issue.

Sincerely,

DICK THORNBURGH,
Attorney General.

AMENDMENT NO. 2618

(Purpose: To include an exemption for intelligence community personnel from certification requirements of detailee position)

Mr. COCHRAN. Mr. President, on behalf of the distinguished Senator from New Mexico [Mr. DOMENICI], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator request to lay the pending amendment aside?

Mr. COCHRAN. The Senator asks unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOMENICI, proposes an amendment numbered 2618.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, line 4, after the section designation, insert "(a)" and after line 15, insert the following new subsection:

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

Mr. COCHRAN. Mr. President, this amendment modifies section 626 of the bill to exempt intelligence community personnel from certain requirements relating to agency detailees. I understand the amendment has been reviewed and that there is no objection to it.

Mr. DeCONCINI. Mr. President, this side has no objection to the amendment and we are prepared to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2618) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DeCONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DeCONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, may I ask of the chair what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the committee amendment.

Mr. DECONCINI. Mr. President, I am prepared to proceed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment beginning on page 92, line 13, as amended, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2619

(Purpose: To provide that Federal employees may participate in State and local government programs encouraging the use of public transportation).

Mr. DECONCINI. Mr. President, I send an amendment to the desk on behalf of the Senator from Maryland [Ms. MIKULSKI].

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Ms. MIKULSKI, proposes an amendment numbered 2619.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page —, insert between lines — and — the following new section:

SEC. . (a) A Federal agency may participate in any program established by a State or local government that encourages employees to use public transportation. Such programs may involve the sale of discounted transit passes or other incentives that reduce the cost to the employees of using public transportation.

(b) notwithstanding the provisions of section 5536 of title 5, United States Code, or any other provision of law, an employee may participate in a program described under subsection (a).

(c)(1) For purposes of this section the term "Federal agency" shall mean an Executive agency as defined under section 105 of title 5, United States Code, and shall include any agency of the legislative or judicial branch of Government.

(2) For purposes of subsection (b), the term "employee" shall mean an employee as defined under section 2105 of title 5, United States Code, and shall include an employee of any legislative or judicial agency.

(d) No later than June 30, 1993, the General Accounting Office shall conduct a study and submit a report on the implementation of programs under subsection (a) and the employees (including information of the employing agencies and rates of pay of such employees) who have participated in such programs.

(e) The provisions of this section are repealed effective December 31, 1993.

Mr. DECONCINI. Mr. President, this amendment allows agencies to participate in State and local government programs encouraging the use of public transportation. There is no cost associated with the amendment. The cost to the agency would be absorbed within existing funds. The amendment has been cleared on both sides, I am so advised.

Mr. COCHRAN. Mr. President, we have reviewed the amendment on this side of the aisle. It has been cleared. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2619) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2620

(Purpose: To express the sense of the Senate regarding burdensharing in the Persian Gulf)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. D'AMATO, proposes an amendment numbered 2620.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 114, after line 22, add the following new section:

SEC. . (a) The Senate finds that—

(1) democracy and freedom of the independent Arab nations have been threatened by the invasion and illegal annexation of Kuwait by the Government of the Republic of Iraq;

(2) the safety of American citizens and those of other countries have been directly threatened by the decision of the Government of Iraq to move them and use them as "human shields" at strategic defense and industrial installations;

(3) the stability of world oil production and marketing has been threatened by the illegal Iraqi seizure of Kuwaiti ports and oil production facilities;

(4) the United Nations has condemned Iraq's invasion of Kuwait, has voted to impose an economic embargo on Iraq, and has declared null and void the annexation of Kuwait;

(5) the United Nations Security Council has approved the use of appropriate military force by individual nations to enforce United Nations sanctions;

(6) the President of the United States has taken the lead in unifying world opinion and directing international efforts against the Iraqi aggression and in defense of Saudi Arabia and the other Gulf states;

(7) a majority of Arab nations have condemned Iraq's actions and have supported Arab military and diplomatic efforts to defend the Gulf states and to ensure Iraq's withdrawal from Kuwait;

(8) the United States is deploying tens of thousands of American troops and military hardware to the Persian Gulf in defense of the strategic interests of the United States in the region, placing American defense forces at considerable risk of attack and at costs estimated to be in excess of $25 million a day, during a time of an increasing budget deficit;

(9) a principle position of the United States and its NATO and major non-NATO allies is one of burdensharing in the collective defense of the Western alliance;

(10) the Senate and the American people are deeply concerned about the need for reduced budget deficit and improved economic growth; and

(11) President George Bush has announced his intention to develop an economic action plan under which nations benefitting from the economic embargo and the military actions in the Persian Gulf assist those nations which are committing their military personnel and materiel to support these United Nations actions.

(b) It is the sense of the Senate that—

(1) the President of the United States be congratulated for taking the diplomatic initiative to encourage other nations to share the international financial burden of the defense of Saudi Arabia; and

(2) the President of the United States—

(A) in consultation with the allies of the United States in the Persian Gulf defense operation, should—

(i) take steps to ensure that United States allies are sharing an appropriate portion of the collective defense of their interests in the Gulf;

(ii) take steps to ensure that those allies who are precluded from any overt military participation in the Gulf, or who decide against participating in these defensive actions, or who only provide minimal participation are assuming an appropriate financial share of the collective defense commensurate with their national means; and

(iii) take steps to ensure that those oil producing nations which may benefit from increased individual oil production and world oil prices as a result of the embargo of Iraqi and Kuwaiti oil proportionally share the burden of the costs of the embargo, either directly with those nations providing the defense, or by equivalent "in-kind" payments or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the congressional leadership no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral realtionship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

Mr. DECONCINI. Mr. President, I take to the floor to introduce this amendment calling for other nations to help in sharing the responsibility for the military action in the Persian Gulf. I am proud to be joined in this effort by my friend and colleague from New York, Senator D'AMATO. Senator D'AMATO was one of the first voices to be raised calling for sanctions against Iraq for its past aggressions and its use of chemical weapons, those chemical weapons used against their own people.

I happen to have had the pleasure, if you can call it that, but the distinct experience of visiting with some Iraqi Kurds who told stories of these chemical weapons being used against the Iraqi citizens of Kurdish extraction during the Iran-Iraq war.

This amendment has two parts. It congratulates President Bush for the actions which he has undertaken thus far to obtain from our allies in this effort a greater share of the military and financial responsibility for the defensive operations in the gulf. It also expresses the sense of the Senate that the President should consult with our allies about shouldering a greater share of this burden, and report back to Congress on his progress.

Mr. President, on August 2, Saddam Hussein lived up to his reputation as the "Butcher of Baghdad" when he ruthlessly invaded his neighbor to the south, the Emirate of Kuwait. He established a puppet government composed of Iraqi nationals after he was unable to find any quisling Kuwaitis who would assist him in bringing a vestige of legitimacy to his so-called provisional Kuwaiti government. From reports of those who are only now beginning to make their way out of Kuwait, Iraqi soldiers looted and ransacked stores, businesses, and homes in that tiny country. The hordes then turned their attention to brutally terrorizing the people of Kuwait and searching house-to-house in order to round-up foreign nationals. The Kuwaiti people have bravely resisted these attempts at destroying their national will and have provided refuge for foreigners at great personal risk to themselves in their own homes and other hiding places.

On August 7, President Bush wisely ordered United States troops to Saudi Arabia to accomplish four goals: Obtain the complete and unconditional withdrawal of Iraqi troops from Kuwait; restore the legitimate government of Kuwait; protect American citizens in Iraq and Kuwait; and maintain stability in the region. This rapid response by President Bush, as well as his ability to obtain widespread international condemnation of Saddam Hussein and support for the United Nations economic embargo and the defense of Saudi Arabia, undoubtedly prevented Saddam's tanks from rolling down the highway—and, believe me, it is some freeway from Kuwait City to Dhahran in Saudi Arabia—and overrunning Saudi Arabia.

Since being halted from further aggression by an unprecedented international expression of outrage and condemnation, Saddam has shown the world his true colors. We already knew about his prior record of broken threaties, aggression against his neighbors, and the hideous use of chemical weapons against his own people. Now, we have been exposed to some of the most outrageous, inexplicable actions by a ruthless leaders. He has taken hostage thousands of innocent civilians—foreign nationals, Moslem and Christian alike. He has paraded women and children before television cameras in a sorry attempt to put a human face on his inhuman acts. He has toyed with the frayed emotions of hundreds of these hostages by first saying they were free to go, then repeatedly throwing up new hurdles over which they must jump in order to gain their valued freedom. And he has provided a sadly ironic twist to the Pentagons's name for the military operations in the Persian Gulf—Desert Shield. He has made human shields in the desert of countless innocent foreigners.

During my travels in August, the people of Arizona expressed their strong support for the actions taken by the President thus far. They were pleased that this country reacted as quickly as it did to defend our National interests.

They also, however, shared with me other concerns. Why, they asked, is it always to America which other countries turn to help them out of a bind? Why are not other countries doing more to help us defend Saudi Arabia from Iraq and enforce the United Nations embargo? Other countries are far more dependent on Persian Gulf oil than we are, why do they not send troops to Saudi Arabia? These are very legitimate questions and the American people deserve an answer.

President Bush has started to provide an answer to these questions. Last week, he sent Treasury Secretary Brady and Secretary of State Baker to Europe, Asia, and the Middle East to obtain more support—either military, financial, or payments in-kind—from our allies and friends. The amendment I am offering today supports these actions and urges the President to consider taking certain steps in consulting with our allies.

My amendment urges the President to ensure that our allies are sharing an appropriate share of the burden of the collective defense of international interests in the gulf.

It urges him to ensure that those who are constitutionally precluded from military operations in the Gulf—such as West Germany and Japan—or those who decided against any military participation, or who provide only minimal participation in the operations, assume an appropriate share of the burden commensurate to their national means. This is not asking too much, in my judgment.

It urges him to ensure that oil-producing countries—which may benefit from increased oil production and increased world oil prices as a result of the embargo of Iraqi and Kuwaiti oil—share a proportionally larger share of the burden.

The amendment also calls upon the President and certain cabinet officials to consult with Congress on the administration's progress on burdensharing arrangements and the other goals outlined in this amendment and to report to Congress no later than November 30, 1990.

The amendment encourages the President to consider stressing, among other points, that failure by a given country to contribute in the most appropriate manner could have a detrimental impact on its bilateral relationship with the United States.

Finally, the amendment encourages the President to inform Congress of any legislative actions which need to be taken to assist him in reaching these goals.

I am certain, from what I have read in the papers and seen on television, that the President has already taken a number of these steps. His representatives have pressed the case for greater international military and financial support in London, and Bonn, Tokyo and Seoul, with the Saudis and the Kuwaitis. His actions are beginning to bear some fruit. Saudi Arabia's King Fahd has promised a multi-billion-dollar aid package to include food, water, fuel, and transportation for our forces. Kuwait's Emir, Sheik Jabir Ahmed Sabah, has also pledged to provide up to $5 billion this year alone. Considering his country's vast wealth, and his family's even greater personal wealth, this is only appropriate.

Granted these nations are benefitting directly from the United States presence in the gulf. United States troops are defending Saudi Arabia from an Iraqi attack from the north, while President Bush's diplomatic actions, in concert with the United Nations, seek to restore the legitimate Government of Kuwait.

However, others are benefiting as well and those nations can do more. Some have already provided substantial support and assistance. Great Britain, which has stood by us from the start, has sent four warships, a squadron of Tornado jet fighters each to Saudi Arabia and Bahrain, a Vaguar fighter squadron to Oman, and surface-to-air missiles to Bahrain. British forces in the area include approximately 2,000 men. France has sent 14 naval vessels to the region and has increased its troops to more than 4,000 men. Britain is an oil exporter, but France imports close to 30 percent of its oil from the region.

Arab countries, including Egypt, Syria, Morocco, and others have sent troops to Saudi Arabia. More ground troops from these countries are needed and the Saudis appear ready to request that additional Arab troops be deployed in their country.

Other nations can and should do more. Japan, which relies on imports for 99 percent of its total oil consumption, imports nearly half of its oil from the Persian Gulf. Yet Japan had difficulty even sending 800 four-wheel-drive vehicles for troop transport use in Saudi Arabia because its merchant marine was hesitant about sending a ship into the region. It took nearly a week for the vehicles to be shipped. There does not seem to be this same hesitation, however, when four-wheel-drive vehicles are sent to U.S. ports for sale in this country.

Arizonans have voiced similar frustrations about the reluctance of West Germany, and other NATO allies, to play a more active role in the Persian Gulf. According to last week's Fortune magazine, Italy, the Netherlands, Spain, and Belgium rely to varying degrees on imported gulf oil. Imports account for more than 90 percent of all of the oil consumed in Western Europe, whereas the United States imports less than 50 percent of the oil consumed in this country. These countries have sent some ships to the region. Italy and The Netherlands have each sent two frigates, while Spain has sent a frigate and two corvettes. But NATO remains disinclined to take on a greater role in this operation.

West Germany's post-World War II Constitution, similar to that of Japan, has been interpreted as prohibiting it from sending any troops outside of NATO territory. Japan is also constrained because its Constitution limits the amount of its budget which can be used on its military. But these constraints do not mean that these countries cannot contribute in substantial ways to the international effort.

Germany can send more ships to the Mediterranean to offset the many United States naval vessels now in the Red Sea, the Persian Gulf and the Gulf of Oman. It can send doctors, food, other inkind payments. It can take on more of the burden for refugees and for those countries which are suffering economically through their support for the United Nations embargo against Iraq. It could perhaps buy much of the food from those countries which normally exported food to Iraq and deliver it to regions suffering from famine around the globe.

Similarly, Japan and South Korea can do more, much more. Our colleague, the distinguished chairman of the Armed Services Committee, Senator NUNN, has suggested that Japan, can afford up to $5 billion to defray the expenses for this international effort. Japan's Prime Minister has offered approximately $1 billion. South Korea, which imports 100 percent of its oil, 25 percent of which comes from the Persian Gulf, can send some troops. It can provide transport and some additional assistance as well. Strife-torn Pakistan has sent troops to the region. Even starving Bangladesh has sent approximately 5,000 troops. I do not understand why the economic powerhouses are having such difficulty doing more.

It is estimated that by the end of this month, the end of the fiscal year, we will have spent $2.5 billion on Operation Desert Shield. The Pentagon has told the budget negotiators that we will spend approximately $11.3 billion in the coming fiscal year. Our budget deficit is hovering somewhere around $170 billion and, with strong hints of an impending recession, we cannot expect an economic miracle to pull us out of this one. Tough choices will have to be made to turn this economy around and reduce our deficit. Deeper cuts in social programs and defense programs will have to be made. We may even have to cut or freeze our entitlement programs.

Mr. President, I think we can do these types of alterations to our revenues without the freeze of entitlement programs. I hope the budget summiteers rule that out of consideration.

With even greater sacrifices expected for the American taxpayer in the coming year, we cannot play "Uncle Sugar" to the world any longer, especially not with our brave fighting men and women literally feeling the heat every day on the sands of Saudi Arabia. Other countries must also sacrifice.

We bore the financial brunt of the Kuwaiti reflagging operation in 1987 and 1988. Asia and Europe were the beneficiaries.

Again, we are bearing a significant portion of the burden in this operation. As President Bush has said, it is in our national interest to do so. But it is also in the national interests of West Germany, and Japan, and South Korea, and the Netherlands, and the world as a whole to participate in this effort economically, as well as with troops. This time the burden and the responsibility must be shared. If not, I do not think that the American people will be as willing to support similar operations in the future which also benefit other wealthy countries.

It has been suggested in the media that President Bush proposed his international economic assistance plan because of the rumblings of concern coming from Congress about the costs to this country of Operation Desert Shield. That is partially correct. These rumblings are coming from Congress, but it is because we have heard from the American people on this issue. I believe that adoption of this resolution will help President Bush in his discussions with world leaders. It will demonstrate that the Congress of the United States and the American people fully support the President as he attempts to get other nations to share the burden in the Persian Gulf.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment could just as well be entitled "A resolution to commend the President on his leadership and to urge that he continue to do what he has been doing." In no way should my remarks be considered critical of the intent of the amendment, if that is, in fact, its purpose. This is a matter that does come within the jurisdiction of the Committee on Foreign Relations of the Senate. We have been advised that Senators who are members of that committee are reviewing the resolution and may have a desire to comment on it before the Senate votes on the amendment.

Let me just say at this point, Mr. President, that I think the distinguished Senator from Arizona is certainly correct when he points out the very hard work that is being undertaken by the administration, not only by the President but by members of his Cabinet and others, to elicit the support of other countries around the world in the effort to make this economic embargo work and to make it very clear to Saddam Hussein that his effort to intimidate by the use of force and to gain, through an invasion of a neighboring country, more control and more power that would be detrimental to the rest of the world is simply not going to work and will not be tolerated.

The President and his administration ought certainly to be commended for the wonderful leadership that they have shown. I know Senators have been impressed with the fact that the United Nations has moved as it has to adopt resolutions that have been very forceful and very strong to indicate not only an economic embargo be imposed against Iraq, but that it be enforced with the use of force, if that is necessary, under certain circumstances.

I think it is also important to recognize the unity displayed by our NATO allies in not only supporting and fully participating in the economic embargo that the President has recommended, but also participating in the deployment of military forces to the region to help convince Saddam Hussein that he cannot win, that he cannot expect to achieve any positive result from the actions that he has undertaken so far.

What I hope the Senate will not do, however, is adopt a measure that would in any way suggest that the President is not providing strong and important leadership in working to help achieve these goals. I do not say the working of the amendment does that but I am not an expert in these matters and am not a member of the Committee on Foreign Relations. It seems to me, however, that we need not suggest to the President that he should consult with Members of Congress about how he is doing what he has already done. It is inappropriate to suggest he is not taking the initiative, that he is not displaying strong leadership, when I think the facts are certainly on the other side of that question.

We do hope that the whole world understands that the United States Congress supports the President in this situation and that we are firmly committed to helping ensure that the embargo works and that it is enforced; that the leaders in Iraq and elsewhere in the region do not make the mistaken assumption that under appropriate circumstances force will not be used, because, we intend to make it very clear that we will not tolerate the military annexation of territory or the plunder of neighboring countries, actions we have seen the President of Iraq undertake in recent weeks.

It is my hope that the Senate will have a chance to look at this resolution, and, for that reason, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I believe the pending business is amendment No. 2620 offered by the distinguished Senator from Arizona [Mr. DECONCINI]; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, I am assuming that I have been identified as a cosponsor of this amendment; is that correct?

The PRESIDING OFFICER. The Senator has not been identified as of this time as a cosponsor of the amendment.

Mr. DECONCINI. I would welcome a cosponsor. I have Senator D'AMATO of New York and now the distinguished ranking member on the Foreign Relations Committee, and I am honored to have him.

Mr. HELMS. I thank the Senator, and I commend him on his amendment. It is an excellent one.

I am assuming that the very brief phrase that we discussed has been deleted. Has the Senator modified his amendment along the lines we discussed?

Mr. DECONCINI. I have not yet done so. But if the Senator would like to do that—I am awaiting clearing on this side before modifying it. Before it comes to a vote, I assure the Senator that I will make the modification that he and the Republican leader are suggesting.

Mr. HELMS. With that understanding, I ask unanimous consent that I be added as a cosponsor.

I thank the Senator for offering the amendment, and I doubly thank him for my being a cosponsor.

The PRESIDING OFFICER. Hearing no objection, the Senator is added as a cosponsor.

Mr. HELMS. Mr. President, is there any sort of pattern for further amendments? Do we have another amendment to be proposed that has already been placed in order by unanimous consent?

The PRESIDING OFFICER. This amendment is a first-degree amendment pending. A second-degree amendment or second-degree perfecting amendment would be in order.

Mr. HELMS. Very well.

I ask the distinguished Senator if he would forbear for a little bit. I have an amendment that I know he will gladly agree to, and it will enhance his amendment and certainly be welcomed by most Senators, if not all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. HELMS. Mr. President, on the presumption that the DeConcini amendment will be adopted shortly—which I hope it will be inasmuch as I am a cosponsor of it—might I ask unanimous consent that I be recognized immediately thereafter to offer another amendment?

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. DECONCINI. Mr. President, reserving the right to object, I did not hear the request. I want to cooperate with the Senator from North Carolina.

Mr. HELMS. I expressed the hope that the Senator's amendment will be adopted quickly and unanimously and I asked unanimous consent that I be recognized immediately thereafter to offer another amendment.

Mr. DECONCINI. I have no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI].

AMENDMENT NO. 2620, AS MODIFIED

Mr. DECONCINI. Mr. President, I send a modification of my amendment to the desk and ask my amendment be modified forthwith.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

On page 114, after line 22, add the following new section:

SEC. . (a) The Senate finds that—

(1) democracy and freedom of the independent Arab nations have been threatened by the invasion and illegal annexation of Kuwait by the Government of the Republic of Iraq;

(2) the safety of American citizens and those of other countries have been directly threatened by the decision of the Government of Iraq to move them and use them as "human shields" at strategic defense and industrial installations;

(3) the stability of world oil production and marketing has been threatened by the illegal Iraqi seizure of Kuwaiti ports and oil production facilities;

(4) the United Nations has condemned Iraq's invasion of Kuwait, has voted to impose an economic embargo on Iraq, and has declared null and void the annexation of Kuwait;

(5) the United Nations Security Council has approved the use of appropriate military force by individual nations to enforce United Nations sanctions;

(6) the President of the United States has taken the lead in unifying world opinion and directing international efforts against the Iraqi aggression and in defense of Saudi Arabia and the other Gulf states;

(7) a majority of Arab nations have condemned Iraq's actions and have supported Arab military and diplomatic efforts to defend the Gulf states and to ensure Iraq's withdrawal from Kuwait;

(8) the United States is deploying tens of thousands of American troops and military hardware to the Persian Gulf in defense of the strategic interests of the United States in the region at costs estimated to be in excess of $40 million a day, during a time of an increasing budget deficit;

(9) a principal position of the United States and its NATO and major non-NATO allies is one of burdensharing in the collective defense of the Western alliance;

(10) the Senate and the American people are deeply concerned about the need for a reduced budget deficit and improved economic growth; and

(11) President George Bush has announced his intention to develop an economic action plan under which nations benefitting from the economic embargo and the military actions in the Persian Gulf assist those nations which are committing their military personnel and materiel to support these United Nations actions.

(b) It is the sense of the Senate that—

(1) the President of the United States should be congratulated for taking the diplomatic initiative to encourage other nations to share the international financial burden of the defense of Saudi Arabia; and

(2) the President of the United States—

(A) in consultation with the allies of the United States in the Persian Gulf defense operation, should—

(i) take steps to ensure that United States allies are sharing an appropriate portion of the collective defense of their interests in the Gulf;

(ii) take steps to ensure that those allies who are precluded from any overt military participation in the Gulf, or who decide against participating in these defensive actions, or who only provide minimal participation are assuming an appropriate financial share of the collective defense commensurate with their national means; and

(iii) take steps to ensure that those oil producing nations which may benefit from increased individual oil production and world oil prices as a result of the embargo of Iraqi and Kuwaiti oil proportionally share the burden of the costs of the embargo, either directly with those nations providing the defense, or by equivalent "in-kind" payments, or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the Congress no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral relationship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

Mr. DECONCINI. Mr. President, this modification is in accordance with the discussion I had with the distinguished Senator from North Carolina, changing some wording on page 2, the bottom of that page, line 25, taking out the words "placing American defense forces at considerable risk of attack and"—those words are deleted. Also, there are a couple of clarifications, words of distinction here, that are modified as well.

The other changes include one on line 2, page 3. I am advised from good sources, the State Department and Foreign Relations Committee, that the amount now is $40 million a day. So that is changed to $40 million.

In line 19 on page 3, after the words "United States" the word "should" should be inserted, to read "United States should be congratulated".

Over on page 5, on lines 9 and 10, we change the words "congressional leadership." It should read, "report to the Congress no later than November 30, 1990".

Those are the changes, Mr. President, that I believe have been cleared now on both sides and the Foreign Relations Committee, and the distinguished ranking member, Senator HELMS. I am prepared to go with the amendment unless the Senator from Mississippi cares to proceed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Let me express our thanks to the distinguished Senator from Arizona for making these modifications in the amendment. The amendment has been cleared on this side of the aisle.

We do think it expresses support for the President in his efforts in the Middle East and the crisis in the Gulf, getting multinational cooperation for an embargo and a show of military force under the circumstances, and a sharing of the economic burden, all of which the Congress should enthusiastically support, in my judgment. I hope the Senate will approve the resolution.

Mr. DECONCINI. I thank the Senator from Mississippi. I want to assure him my purpose here is to do just what he has said. The President has really demonstrated some very outstanding leadership, as I pointed out in my prepared statement, and also taking the first major steps through Secretary Brady of Treasury and Secretary Baker of State in getting some burden sharing. There is just no reason that these countries should not participate. It looks like it will be successful. I want to encourage good actions. That is the purpose of this amendment.

Also, I want to send a signal to other nations that we are willing to take on this kind of burden but we expect them to be participants. So I thank the Senator for his support of the amendment. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? Hearing none, the question is on agreeing to the amendment, as modified.

The amendment (No. 2620), as modified, was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is now recognized.

AMENDMENT NO. 2621

(Purpose: To amend title 39, United States Code, to authorize the provision of free mailing privileges for members of the Armed Forces who are participants in a temporary overseas deployment for an operational contingency in arduous circumstances)

Mr. HELMS. Mr. President, thank you very much. I shall be brief. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2621.

On page 114, after line 22, insert the following new section:

SEC. 628. Section 3401(a) of title 39, United States Code, is amended in clause (1)(A) by striking out "or" the first time it appears in such clause and inserting ", or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense" after "belligerent".

Mr. HELMS. Mr. President, last week at the request of the administration and the leadership of the Senate, I participated in the leadership delegation to Saudi Arabia to talk with the troops deployed in Operation Desert Shield and to get a firsthand view of the United States response to the crisis in Kuwait.

It was not the most pleasurable trip I have ever taken. I remember the desert heat was 126 degrees. But the longer I am home and the more I think about those young men with whom I visited in the desert and on the battleships in the Persian Gulf, the prouder I become of America.

We visited with the marines dug in somewhere near the frontlines, and we met with sailors aboard the battleship U.S.S. *Wisconsin* at sea in the Persian Gulf. A great many of them were from North Carolina, as it turned out. In fact, nearly half of the young men and women sent to the Middle East came from U.S. bases in North Carolina.

I reiterate I now feel an almost overwhelming sense of pride in finding such loyalty and dedication that I saw among these courageous and dedicated young Americans.

No shots have been fired, but these young troops and these young sailors were standing by their guns, locked and loaded ready for action if, as, and when it occurs.

Despite the unbearable heat, despite the sand, despite the haze that cloaked the gulf, their morale was and is high, but there was one point that they kept repeating to me over and over. It may be trivial to those of us back home. It involved their not having stamps to mail letters back to their loved ones in the United States. They cannot get stamps, and even if they could, the stamps would soon be stuck together by the humidity and the sweat and the heat.

No one needs to be told that mail is the crucial link between the fighting man or woman and his or her family and friends back home. These young people, suddenly picked up from the United States and transported to the other side of the world, find themselves divided from their families, cut off from their children, and no way to get back in contact.

So one young soldier, one marine after another, and sailors, came to me and asked me to do something about getting the mail out so their loved ones back in the United States could hear from them. They asked for the privilege the soldiers in the Vietnam war had, that being simply to write their name up in the right-hand corner of the envelope and the rank or rating and serial number in the upper left-hand corner. Those of us in World War II remember all we had to do was write the word "free" and put, in my case, Jesse Helms—I can almost remember my service number—and that is all there was to it.

I talked to the President about it upon my return and he wants to do something about it, but it requires a modest change in the law. So I asked the Department of Defense to suggest some language, and they provided the text for an amendment, which the distinguished clerk has just read. That is the pending amendment, of course.

According to the Department of Defense, section 3401 of title 39, United States Code, authorizes free mailing privileges for members of the Armed Forces who are engaged in action against an enemy of the United States, engaged in military operations involving an armed conflict with a hostile force or serving with a friendly force in an armed conflict in which the United States is not a belligerent.

Our forces currently deployed with Operation Desert Shield—and I am talking about the sailors, marines, soldiers, all of them, both regular and Reserve—stand poised, stand ready to deter and, if necessary, employ armed force to encounter the Iraqi force. But the United States is not yet in armed conflict, so, technically, the free mailing privilege does not apply.

This is a difficult circumstance because it imposes upon our military personnel many of the same hardships of actual hostilities. Under current law, these men and women are not eligible for free mail privileges.

So, simply said, the pending amendment, which I have just sent to the desk, will add language to title 39 permitting free mailing privileges to personnel temporarily deployed overseas for an operational contingency in arduous circumstances as determined by the Secretary of Defense. That will take care of it. That will free up the guy 40 miles from nowhere in 126 to 130-degree heat at least to send letters back home to their loved ones.

The Department of Defense tells me the budgetary impact of this action will be minimal, but the impact upon the morale of our troops involved overseas in Operation Desert Shield will be maximal.

Mr. President, the troops have asked for this amendment, the Department of Defense has asked for this provision, and President Bush has assured me that it is high on his list of priorities.

With that, I assume Senators will agree to adopt this amendment forthwith. I yield the floor.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arizona has suggested the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, the Senator from North Carolina has come forward with a very, very good amendment. I ask unanimous consent that I be added as a cosponsor of the amendment of Senator HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2622 TO AMENDMENT NO. 2621

Mr. DECONCINI. Mr. President, I discussed this with the distinguished Senator from North Carolina. It so happened at the time that he offered his amendment, this side of the aisle was considering a very similar amendment by the Senator from California [Mr. CRANSTON]. In fact, they have both visited the Persian Gulf and have come to the same conclusion that something needs to be done to facilitate the distribution of mail to be sure that there is no added burden to the troops that are there.

With the indulgence of my friend from North Carolina, I am sending a modification to his amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for Mr. CRANSTON, proposes an amendment numbered 2622 to amendment No. 2621.

At the end of the amendment, add the following new subsection:

This section shall apply to military personnel participating in "Operation Desert Shield".

Mr. DECONCINI. Mr. President, the Senator from California supports the amendment of the Senator from North Carolina completely. He wants to just reiterate his deep impressions of the need to recognize what the Senator from North Carolina is doing here, that these troops that are deployed in the Persian Gulf area have some particular recognition as to the ability to be able to send mail out without having to go around and try to find a local 7-Eleven and get some stamps to mail it, and there just are not any there. I appreciate that very much.

Mr. CRANSTON. Mr. President, last week I visited, as part of the congressional delegation led by our friend and distinguished colleague, Senator PELL, America's fighting men and women serving in uniform in Saudi Arabia and in the gulf.

The one thing that all of our troops told me is of their wish for letters, and more letters, from home. Therefore, I urge those with loved ones participating in Operation Desert Shield to write to them as often as possible.

Here in Congress, too, we can do things to ensure that their sacrifice does not impose any unnecessary hardship on their lives.

For that reason I am today offering an amendment to grant those troops participating in Operation Desert Shield free mail privileges. Current law provides free mail privileges for soldiers only when America's forces are engaged in action against an enemy of the United States, or engaged in military operations involving armed conflict with a hostile foreign force, or when serving with a friendly foreign force in armed conflict in which the United States is not a belligerent.

My amendment would cover another circumstance under which free mail may be granted. Specifically, free mail may also be granted when American forces are deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense. Further, adding this new circumstance does not impose additional costs on the Postal Service since current law mandates that the Postal Service be reimbursed by the Department of Defense for free mail expenses.

In a letter dated just last Thursday from Secretary Cheney to Budget Director Darman, Secretary Cheney recommended revising the current free mail statute in precisely the manner which my amendment does.

Mr. President, adoption of this amendment will send a message to our troops that we care and deeply appreciate the sacrifice which they are making to this cause. The easier the lines of communication are between the home-front and the gulf, the better our troops will understand that we stand behind them.

Mr. President, the Senator from North Carolina [Mr. HELMS], and I, have exactly the same goal—helping our service men and women deployed under Operation Desert Shield stay in touch with their families while serving on this mission.

My modification simply makes it clear that this change in the authorizing statute is to be effective immediately with respect to the current gulf crisis. It is urgent that this provision be implemented without any delay.

I am pleased that there is broad support for this change in law and I know it will mean much to the many service men and women who raised this issue with me during my trip last week with other Members of the Senate.

Mr. HELMS. Mr. President, I am happy to accept the modification suggested by the Senator on behalf of the Senator from California. Even though it is not necessary, it does nail down without any question the intent of the amendment. It leaves in place, of course, the discretionary authority of the Secretary of Defense, but it makes unquestionably clear to our troops that it is intended to help them now in Operation Desert Shield. So I have no objection to the modification and, in fact, welcome it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2622) to amendment No. 2621 was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 2621) as amended was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, inasmuch as the distinguished Senator from New Mexico [Mr. DOMENICI] is still involved at Andrews Air Force Base in his discussions on the budget as the ranking minority member of the Senate Budget Committee, he is not able to be here at this time to deliver remarks that he had prepared on the subject of the appropriations bill that is before us. As the Senate knows, he is also the ranking minority member of the Treasury, Postal Service, and General Government Appropriations Subcommittee.

I ask unanimous consent, therefore, Mr. President, that the statement of Senator DOMENICI be printed in the RECORD immediately following the statement that was made earlier today by the chairman of the subcommittee, Mr. DECONCINI.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2623

(Purpose: To increase the funding available for construction of the Minneapolis, MN, Federal Building and U.S. Courthouse Annex)

Mr. COCHRAN. Mr. President, on behalf of the Senators from Minnesota, Senator DURENBERGER and Senator BOSCHWITZ, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DURENBERGER (for himself and Mr. BOSCHWITZ), proposes an amendment numbered 2623.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 41, line 17, strike "$5,084,586,800" and insert in lieu thereof "$5,099,606,800".

On page 41, line 18, strike "$1,282,830,000" and insert in lieu thereof "$1,298,133,000".

On page 44, line 25, strike "Courthouse Annex, $47,710,000" and insert in lieu thereof "Courthouse, $63,013,000".

On page 52, line 18, strike "$1,505,780,000" and insert in lieu thereof "$1,505,497,000".

On page 55, line 6, strike "$5,084,586,800" and insert in lieu thereof "$5,099,606,800".

Mr. COCHRAN. Mr. President, this involves a problem concerning the construction of a courthouse and Federal building in Minnesota. This amendment is offered on behalf of the Senators there to deal with a specific problem that was encountered in connection with whether or not an amount of $15 million was going to be budgeted by GSA for repairs and maintenance on that building. It helps address this problem and, we hope, clarifies the situation in a way that will permit this project to proceed without any unnecessary delay or interruption.

The Senator from Minnesota [Mr. DURENBERGER] is here on the floor. I will let him explain, to whatever extent he would like, the situation here.

Mr. DURENBERGER. Mr. President, the amendment today that the Senator from Minnesota [Mr. BOSCHWITZ] and I offer, corrects a misimpression given the Subcommittee on Treasury, Postal Service, and General Government Appropriations by the General Services Administration regarding the funding of a new Federal courthouse in Minneapolis, MN.

Contained within the President's 1991 budget was $47,710,000 for the construction of a new Federal building on land adjacent to the current building. In addition, another $15,303,000 was proposed to repair and update the current building. Thus, the Federal Government planned to allocate $83,013,000 for new, and much needed, Federal facilities in Minneapolis.

Minnesotans and those who use the current Minneapolis Federal building appreciate the commitment for new facilities. The current facilities are so inadequate they embarrass the Federal Government. However, the original GSA proposal to build the new building on adjacent land and rehabilitate the current building, does not meet the long-term plans of Minneapolis.

Accordingly, Senator BOSCHWITZ, Congressman SABO, and I have facilitated negotiations between the city and the GSA toward finding a different site that meets both the Federal Government's and city's needs. These negotiations are ongoing.

To provide greater flexibility, Senator BOSCHWITZ and I asked the Appropriations Subcommittee to allocate the total amount, $83,013,000, recommend-

ed for the original plan to be put toward a different, yet to be determined site. The subcommittee accepted our request but relied upon GSA assurances that the additional $15,303,000 was available for the new site from the repair and alteration account. It now turns out that this is not the case due to bureaucratic accounting procedures.

Thus, this amendment corrects an accounting error and fulfills the subcommittee's intent. It will provide the General Services Administration $83,013,000 for the construction of a new Federal building in Minneapolis, MN.

Mr. President, my colleague from Mississippi has accurately stated the amendment, but I wanted to rise to explain just briefly why it is that we have to ask the chairman of the subcommittee and the ranking member their indulgence to consider this particular amendment. I rise also to express my special appreciation to the chairman of the subcommittee who has the impossible task of dealing with such a wide variety of demands against such a limited appropriation.

This is a very difficult case. I personally have spent literally hundreds of hours on just this one building. I know that there have been a variety of debates, as there always are, on the figures of something planned 5 years ago, or 4 years ago, which gets changed in midstream and becomes something else.

There is really no reason other than special courtesy that the Senator from Arizona and the Senator for Mississippi should even consider this amendment. But I wanted to say something on their behalf before this amendment is adopted. We probably should have had this straightened out before it got to the subcommittee. We certainly should have straightened it out at the subcommittee level, particularly given the difficulty of their task. And having not accomplished that so-called $15 million mistake here, I just have to be present to express my appreciation to them, the chairman in particular, for accepting this amendment.

I ask that the amendment be adopted.

Mr. DECONCINI. Mr. President, I must say that we had information from the GSA on this particular building, but I cannot turn down my colleague from Minnesota for his request. I understand the situation very clearly, and we are prepared to accept the amendment.

Mr. BOSCHWITZ. Mr. President, this amendment corrects a misunderstanding between the General Services Administration and the Senate regarding the Courthouse and Federal Building in Minneapolis, MN.

The President included in his 1991 budget, $47,710,000 for construction of an annex to the existing Minneapolis Courthouse and Federal Building. In a General Services Administration report to Congress, GSA also identified $15,303,000 for repairs and alterations to the existing facility. The proposal to add an annex and refurbish the current courthouse, however, may not meet the long-term development needs of the city of Minneapolis or the courts. At the request of Senator DURENBERGER and myself, GSA and the city of Minneapolis have become involved in ongoing discussions regarding construction of new Federal facilities in Minneapolis.

Included in the legislation we are discussing today is $47,710,000 for that new construction. Along with this amount, we were acting on the assumption that the $15,303,000 identified for repair and alterations by GSA would also be available for new construction in fiscal year 1991. After the committee has reported this bill, we learned that this $15 million was only a planned expenditure and the money would not be available for several years. This incorrect information or misunderstanding lead the subcommittee to fund the courthouse at an amount lower than it intended.

Therefore, today in this amendment we are asking that the $15,303,000 originally intended for this project be added. This brings the funding level to GSA's total project cost and closer to that of the House of Representatives.

The amount currently appropriated in the bill before us does not represent the amount required for the project. We understand it was not the intention of the subcommittee, its chairman or ranking member to shortchange the project, but rather it resulted from misinformation and confusion. We ask that today you accept our amendment.

It is also important to note that the Senate Committee on Environment and Public Works has already approved a prospectus outlining the desperate need for new Federal facilities in Minneapolis and has indicated its willingness to consider proposals for a new facility. I ask that the pertinent statements from the June 7, 1990, CONGRESSIONAL RECORD be inserted following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOSCHWITZ. This amendment increases new obligational authority. It would not increase budget authority. The Congressional Budget Office does indicate that this amendment would increase outlays by $459,000 in fiscal year 1991. Senator DURENBERGER and I understand that the bill reported to the Senate is $176,000 below the subcommittee's total 302(b) outlay allocation. I keeping with the Budget Act, we have worked with the subcommittee to offer the needed reduction to offset the remaining increase in outlays.

This amendment has the approval of the distinguished Republican floor manager, and I yield the floor.

EXHIBIT 1

CONSTRUCTION OF NEW FEDERAL BUILDING SPACE IN MINNESOTA

Mr. DURENBERGER. Mr. President, today the Senate Committee on Environment and Public Works sends to the Senate a General Services Administration's facilities prospectus dealing with the construction of new Federal facilities in Minneapolis, MN.

The prospectus outlines the desperate need for new Federal facilities in Minneapolis and includes a proposal to renovate the current Federal building and construct a new building on Federal land—a parking lot adjacent to the current building.

Mr. President, I am very pleased that GSA is taking these steps but the proposal outlined in the prospectus may not meet the long-term development needs of the city of Minneapolis. Accordingly, and at my request, GSA has begun negotiations with the city of Minneapolis and others concerned with this issue to see if alternative site can be selected.

Thus, I want to make clear to the Senate and to GSA that it is the intent of the Environment and Public Works Committee that approval of the prospectus in no way inhibits GSA from seeking a more satisfactory site. Nor should the approval of the prospectus affect the negotiations between the GSA and the city of Minneapolis. The purpose of approving the prospectus is to authorize much-needed space for the U.S. Courts and Federal agencies in Minneapolis. Should these discussions result in the submission of an amended prospectus, or a new prospectus, the committee will be happy to consider it. I ask the committee chairman, Senator Burdick, if this is a correct understanding of the committee's intent?

Mr. BURDICK. Mr. President, the Senator from Minnesota is correct. It is not the committee's intent in authorizing this project to interfere with the on-going negotiations regarding new Federal facilities in Minneapolis. If a better arrangement is found, we would be happy to look at a new prospectus.

Mr. DURENBERGER. Mr. President, I thank the distinguished chairman for clarifying this point for me and appreciate the help he has given me on this issue. I would also like to ask the ranking member, if this is his understanding as well?

Mr. CHAFEE. Mr. President, I agree with the committee chairman. By approving the prospectus, it is not the committee's intention to interfere in the discussions currently taking place between GSA and the city regarding this construction project. The committee is aware of this negotiations and hopes that a project can be designed that will meet the concerns of all parties involved.

Mr. DURENBERGER. Mr. President, I thank the ranking member and appreciate his assistance in this matter. Does the Senator from New York and chairman of the Subcommittee on Water Resources, Transportation, and Infrastructure, Senator Moynihan, have any comments on this issue?

Mr. MOYNIHAN. Mr. President, I agree with the distinguished chairman and ranking member of our committee. In fact, I understand the Senator from Minnesota's concerns. The committee is always interested in finding better ways to meet the space needs of Federal courts and is willing to consider a new prospectus, if that is appropriate.

Mr. DURENBERGER. Mr. President, I thank the Senator from New York for his words and appreciate his willingness to consider this matter.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2623) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2624

Mr. COCHRAN. Mr. President, on behalf of the distinguished Senator from North Dakota [Mr. BURDICK] and this Senator, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BURDICK (for himself and Mr. COCHRAN), proposes an amendment numbered 2624.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . None of the funds in this Act, or otherwise made available by this Act, may be used to pay the salaries of personnel at the Office of Management and Budget who withhold, or fail to make available, funds made available by law needed to eliminate the backlog of applications for insured loans by the Rural Electrification Administration.

Mr. COCHRAN. Mr. President, the amendment I have sent to the desk is an effort to direct the Office of Management and Budget to be more sensitive to the approval of allocation of funds to the REA, when it comes time to approve loan applications that are submitted to the REA. The language in here simply withholds the obligation of funds to OMB for any purpose that would obstruct the clear intent of congressional authorizing legislation and appropriations bills that make available to that agency the funds to carry out that important program.

We hope this addresses the problem so that funds can be allocated in a timely way and there will not be any delays or holding up of approvals simply by withholding allocations to the agency. That is what this seeks to address. We hope it can be included in the bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, we accept that amendment and are prepared to support it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2624) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes on a subject unrelated to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISPLACED PRIORITIES

Mr. BUMPERS. Mr. President, about 2 months ago, James R. Allison wrote to the newspaper in Eureka Springs, AR. I will not repeat all of the letter, but it is addressed to Senator PRYOR, Senator BUMPERS, and Congressman HAMMERSCHMIDT.

I just happened to find this in the newspaper clippings that come into my office from State newspapers. I started reading it, and I found it so poignant and so right on target with my own philosophy and my own concerns about the country and the budget and what I consider misplaced priorities I felt constrained to come over and discuss what this working man has to say. I will read some of it just so everybody understands the gist of it.

He said:

I have watched with great interest the recent debate over Senator Moynihan's proposal to reduce the Social Security Tax which has increased to 7.65% beginning this year and has debilitated even more the lower and middle class "take home" survival income. Those of use who earn below or near the basic poverty level or the quote "middle class" who have worked and are working hard to be there enjoying the "American Dream" have experienced a serious and almost fatal illness called "regressive taxing" in the last 10 years. Simply put, "regressive taxing means that those of us who earn under $50,000 are paying a bigger percentage of our survival income than those making in excess of $50,000. It is very difficult for a Ozark country boy, ten years strong, to even fathom $50,000 a year as "middle class" but having been in the fast lane of income in Dallas for 16 years I can even sympathize with that group because "big city" life is sometimes more costly. What the bottom line reveals is that we on the far end of the income scale right up to the $50,000 a year level are seeing less "take home pay" in the last 10 years while we at the same time experience one shock after economic shock. What do I mean when I say "shock"? . . . I am so glad you asked: Have you been to the grocery store lately to see how many bags of groceries you can take out for $50 now?; Have you been to a doctor's office of late and then went to the drugstore to fill the prescription?; Has your company with a "health insurance" program complained about increasing costs or worse, has your share been increased or God forbid, have you had to furnish your own because the company does not provide it or you are self-employed?; Have you faced the hospital without "health insurance" because you can not afford insurance and provide for your family?; Have you paid this winters heating bill?; Have you priced a basic need in our way of life lately, a car?; Have you received those yearly "woe notices" from your house and automobile insurance companies about increased premiums due to increased costs?; Have you seen an increase in state income and/or sales tax and local sales, personal and real estate taxes?; Have you felt the despair of trying to buy or build a house or improve your house or experienced rent increases?; Have you despaired over sending a child to college or help them get a "start" towards the "American Dream?" Have you tried to find a job lately in a depressed area and if you're lucky? find out what "minimum wages" mean in the reality of providing for a family? and etc., etc., etc. If you have felt any of these shocks lately, you will know that to us on the lower income scale these shocks can and many times are major catastrophes while to those on the upper end of the income scale these shocks are simply annoyances. I admire many of those who have worked hard on the "American Dream" and realized the success of being on the upper income scale but at the same time they must take proportionate responsibility for the moral needs of all our citizens because simply put, the "American Dream" would not exist without the efforts of all of us wherever you are on the income or social scale.

Later on he points out:

* * * although we know that a system of equal income for all would not work we do know that justice for all could prevail if we only made the tax system fairer for all. The dignity lost and sacrifices made are a lot less of a loss in human spirit for a yearly wage earner of a $100,000, $200,000 or $1,000,000 than a family of four struggling on less than $20,000, $10,000 or even $5,000. It's not that we should punish anyone for making more than $50,000 but rather have them pay a proportionate share for realizing a dream of opportunity found in America that we all contribute to as participants no matter which end of the income or social scale because it is us who made this country great in the past, the present and hopefully in the future.

There is much more to the letter, Mr. President, and I ask unanimous consent that it be printed immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. Mr. President, I think one of the reasons there is so much cynicism across the country

about politicians and government—it has always been so but I think it is more pervasive now perhaps than any time in my lifetime—is that the Congress and the President are not doing very much that is relevant in peoples' lives. As Mr. Allison said in this remarkable letter, you get a notice from your liability insurance carrier and your automobile insurance goes up. You get a statement from the tax assessor on your home, and your real estate taxes go up. Wage earners are not making any more in real income now than they did in 1959.

It is very difficult even for U.S. Senators who make $98,000 to relate to people like this man with a wife and two children who is trying to make it on so much less, who loves his children no less, who wants them to have a good education, a decent home, clothing that is at least adequate, a balanced diet, and is struggling under extremely difficult circumstances to achieve any of that.

Our summiteers are supposed to come back here with a budget for us, but according to all reports they are bogging down on taxes. Mr. President, there are not more than 5 to 10 people in this body of 100 who do not know that taxes are going to have to be raised.

I remember in January when we were told the budget deficit for 1991 was going to be $100 billion, and in order to meet the Gramm-Rudman targets we were going to have to come up with another $36 billion in taxes and spending cuts. Within 6 months after that prediction we were told that this had been a mistake, the economy was not vibrant, and that the deficit was not going to be $100 billion—it was going to be $150 billion.

The summiteers went to work and said we have to come up with $50 billion, half in taxes, half in spending cuts. Of the $25 billion in spending cuts it was expected that defense would take half of that, or roughly $12.5 billion, pre-Persian Gulf. All of a sudden, 3 weeks later, the Director of OMB came and said it is not going to be a $150 billion deficit; it is going to be $169.8 billion; the economy is still sick; corporate profits are down.

Since that time we have not had any additional projections. So I will make my own. My own projection is that come September 30 we will be told that the deficit for 1991 is not going to be $169.8 billion, it is more likely to be in the vicinity of $185 billion to $215 billion. Bear in mind that figure does not include Social Security, the trust funds, and the S&L bailout.

Mr. President, the fact that we have a unique accounting system here where we just do not count things, we just do not put them out where they are visible if they are unpleasant, does not change the numbers. The real deficit for 1991 that we are facing is between $350 and $400 billion.

In short, Mr. President, one-third of the budget as presently projected next year will be paid for with hot checks. When one considers that in the past 3 to 4 months the Japanese have sold more American debentures than they have bought; and when one considers that Germany is totally engrossed and absorbed with unification, and most of their spear money will not go into buying American bonds and notes but rather into solving all the problems of the reunification, this body should ask itself a question.

If the economy is not growing and we are looking at a $350 to $400 billion deficit for next year, and if the Japanese are selling more than they are buying, and the interest rates in Japan have almost as good a yield as we have here, and Germany is engrossed in reunification and it is going to take every spare dime they can come up with to solve the environmental problems they are inheriting in East Germany, you tell me where are we going to get the $400 billion? We are going to print money. What does that mean? It means inflation—lots of it.

Mr. President, what I just said is the conventional economic wisdom. It may not happen that way at all. I have said that I predicted about six of the last three recessions, so I do have a tendency to be a lot more apocalyptic about these things than history has proven to be right.

But my point is this: One of the vast differences that you find between most European countries and us is that they decide what they want, and they decide how they are going to pay for it. In this country—it has been this way in modern times, and especially in the last 10 years—we decide what we want, and we do not worry about how we are going to pay for it. So we have now this $3.2 trillion deficit, going up by our own accounting figures at a rate of about $200 billion a year, but actually going up almost $400 billion a year.

How long can that go on? I have no idea. I have been absolutely amazed that we have been able to do this the past 10 years. But now the two schools of thought are still that we have to come up with $50 billion in spending cuts and increased taxes. I do not think $50 billion is very relevant when you are talking about a true deficit of $400 billion. It seems to me that $100 billion would be much more relevant, given what has transpired in the last 6 months and knowing what the real deficit is going to be.

Then you have this next question: Who are you going to cut and who are you going to tax? Well, I understand that the people on the other side of the aisle have proposed to tax beer and wine. And the people on this side of the aisle have said, no, that is not fair; that is regressive. And people like my friends from Eureka Springs are the ones who are going to have to bear the burden of that.

A value added tax has been suggested, and in all fairness, the proposals I have seen are not quite as regressive as they might be, because housing and health care and food are eliminated from the value added tax proposals, which takes some of the regressivity out of it.

Mr. President, I am telling you now, I am not voting for a budget proposal that taxes this man and does not tax U.S. Senators, who make so much more money. In 1981, we passed that colossal tax increase, and according to the President's own budget numbers—these are his, not mine—the 1981 tax bill reduced taxes, since it passed in 1981, as of September 30 of this year, $1.763 trillion.

In short, almost 75 percent of the tax cuts of 1981 are in the deficit; 75 percent of the additional $2 trillion deficit we have incurred in the last 10 years occurred as a result of the tax bill of 1981. Incidentally, I want to put on my epitaph that I voted no—1 of 11 Senators.

Where did it go? It went essentially to the top 20 percent of the wealthiest people in America. Who are they? They are the people who make more than $60,000 a year. Believe it or not, 80 percent of the people in this country make less than $63,000 a year. Ask the Joint Committee on Taxation what happened to that $1,763 tax cut of 1981. It went to the top 5 percent mostly, but generally to the top 20 percent, whose pretax earnings have gone up 46 percent, while the bottom 20 percent has gone down 16 percent.

Is that a great nation? Are we talking about improving people's pride and their dignity? The 2 million biggest wage earners in the United States now make more than the bottom 100 million.

But I think also, Mr. President, that the people of this country at the belt buckle level are very resilient, and there is a lot of native intelligence. Every poll shows it. Every poll shows an increasing number of people who think this country's priorities are wrong and that we are off track.

Why would they not? When you talk about refusing to tax the people who got it all in 1981 and say, no, let us go back and put it on the 80 percent who got nothing, what kind of democracy is that, what kind of fairness is that, what kind of justice is that?

Back to the President of the United States, who could go on all three networks, go on television in prime time, and say to the American people: Folks, we have big problems; here are the numbers, and these are not made up; they are real. And nobody is going to solve this problem for us except the

American people under my leadership. I have a 70- to 75-percent approval rating with you people. You all love what I have done in the Persian Gulf; 75 percent of the people say they totally agree with me. Very few people disagree. And right now I have the highest approval rating that any President of the United States has ever had. But I am willing to sacrifice some of that, because I know this proposal is not going to meet with the approval of a lot of folks. It is tough and stringent. But here it is. And if my approval rating goes down to 40 percent or 45 percent, what does it matter as long as I am saying to the American people we are the makers of our own destiny? We can do nothing, or we can adopt the program I am outlining here.

I think the response would be overwhelmingly in the President's favor.

Mr. President, I heard, I believe it was, Robert White make this point. When this country was founded, de-Tocqueville came here from France to study our system. He found the most unique thing about American democracy was that people here believed in what they called enlightened self interest. They were willing to make sacrifices because they thought that every time you lend a helping hand to somebody else, you help yourself. That is not just a political theory; that is also biblical.

I must say that is one of the reasons I am a Democrat. I still believe it. I believe that when I see somebody reaching for the first rung on the ladder, as I did one time and got a lot of helping hands, I have an obligation to reach down and give a helping hand. That is what enlightened self interest was. That is what it still ought to be.

So, Mr. President, I do not understand what is going on in this budget summit. What has to be done seems palpably clear to me and it does to all the economists. Now they are saying, well, what we do right now is not as important as the stage we set for the future over the next 4 years.

I am very empathetic—and I am not being critical of the summiteers. I am sure they are doing their best to grapple with economic theories, to grapple with the politics of the problem. But I am saying, Mr. President, here is a man who put it all in perspective. I am honored to have him as a constituent, and I am honored to honor him by putting this very eloquent, poignant statement in the RECORD so that all the Members of this body, indeed all the people across America can see what he believes this country is all about and what I believe this country is all about.

EXHIBIT 1

[From the Eureka Springs Times-Echo, May 17, 1990]

TAXES

Dear Editor:

To the Honorable: David Pryor, Dale Bumpers, and John Paul Hammerschmidt:

I have watched with great interest the recent debate over Senator Moynihan's proposal to reduce the Social Security Tax which has increased to 7.65% beginning this year and has debilitated even more the lower and middle class "take home" survival income. Those of use who earn below or near the basic poverty level or the quote "middle class" who have worked and are working hard to be there enjoying the "American Dream: have experienced a serious and almost fatal illness called "regressive taxing" in the last 10 years. Simply put, "regressive taxing means that those of us who earn under $50,000 are paying a bigger percentage of our survival income than those making in excess of $50,000. It is very difficult for a Ozark country boy, ten years strong, to even fathom $50,000 a year as "middle class" but having been in the fast lane of income in Dallas for 16 years I can ever sympathize with that group because "big city" life is something more costly. What the bottom line reveals is that we on the far end of the income scale right up to the $50,000 a year level are seeing less "take home: pay in the last 10 years while we at the same time experience one shock after economic shock. What do I mean when I say "shock"? . . . I am so glad you asked: Have you been to the grocery store lately to see how many bags of groceries you can take out for $50 now?; Have you been to a doctor's office of late and then went to the drugstore to fill the prescription?; Has your company with a "health insurance" program complained about increasing costs or worse, has your share been increased or God forbid, have you had to furnish your own because the company does not provide it or you are self-employed?; Have you faced the hospital without "health insurance" because you can not afford insurance and provide for your family?; Have you paid this winters heating bill?; Have you priced a basic need in our way of life lately, a car?; Have you received those yearly "woe notices" from your house and automobile insurance companies about increased premiums due to increased costs?; Have you seen an increase in state income and/or sales tax and local sales, personal and real estate taxes?; Have you felt the despair of trying to buy or build a house or improve your house or experienced rent increases?; Have you despaired over sending a child to college or help them get a "start" towards the "American Dream?" Have you tried to find a job lately in a depressed area and if you're lucky find out what "minimum wages" mean in the reality of providing for a family? and etc. etc., etc. If you have felt any of these shocks lately, you will know that to us on the lower income scale these shocks can and many times are major catastrophes while to those on the upper end of the income scale these shocks are simply annoyances. I admire many of those who have worked hard on the "American Dream" and realized the success of being on the upper income scale but at the same time they must take proportionate responsibility for the moral needs of all our citizens because simply put, the "American Dream" would not exist without the efforts of all of us wherever you are on the income or social scale.

It would probably surprise many of you politicians to realize there are a great many of us who lead contented and fulfilling lives on the lower end of the income scale but that feeling of contentedness is being seriously challenged by ever escalating costs of "basic" needs and it is being shattered by a government who more and more is dumping the tax burden down the scale of income. The government even has ostentatiously set a level of income they consider poverty level but yet they continue to reach into the pockets of those they consider in poverty so that a system of disproportionate taxing can continue. Shame on our system for allowing that kind taxing to exist. I hope you do not consider me a radical to suggest that a government which can tell us what is a poverty level could also tell us what amount a person or family needs for basic survival in our society and then not tax anyone (rich or poor) until they have exceeded that level. Whether the level is $15,000, $20,000, $25,000 or etc. everyone should be able to count on a take home pay to fulfill their basic needs without the shocks we all have experienced with taxing, and I am talking Federal Income Tax and Social Security Tax. Even if we had the burden of Federal Income Tax and Social Security Tax lifted from us to a certain level we are still paying an ever increasing rate of state income, sales and etc. tax along with increasing local sales, real estate personal and etc. tax. This ever increasing state and local taxes are a partial result of federal cuts to states, counties, and cities and while I will not argue the merits of those decisions, it does translate to the reality of an even greater tax burden for those on the lower income scale. Why would it not work to spread the tax burden more up the scale proportionately and protect a certain amount of income needed for basic economical suvival for everyone? I am not an economist or technician but I will bet that there are enough in Washington on the taxpayer's payroll that could figure out what impact a proposal of this nature would have and I further say that if the impact means someone on the upper scale has to buy a Chrysler New Yorker instead of a Rolls Royce or some other so priced car so that some of the desperation felt by many on the low income scale is eased, then I say we are all beginning to realize the "American Dream." It can be done and more importantly, it should be done.

Democracy means justice and equality for all and although we know that a system of equal income for all would not work we do know that justice for all could prevail if we only made the tax system fairer for all. The dignity lost and sacrifices made are a lot less of a loss in human spirit for a yearly wage earner of a $100,000, $200,000 or $1,000,000 than a family of four struggling on less than $20,000, $10,000 or even $5,000. It's not that we should punish anyone for making more than $50,000 but rather have them pay a proportionate share for realizing a dream of opportunity found in America that we all contribute to as participants no matter which end of the income or social scale because it is us who made this country great in the past, the present and hopefully in the future.

There are even many of us who could deal with the tax burden as it is, if only our President, our Senators and our Congressmen would ask all to pay a fair share and then use the funds wisely to reduce the debt and most of all return the funds to worthwhile projects cut and create programs to address the social decay of dignity that is eroding the very fibers of our Democracy and Society. I truly believe in the basic goodness and decency in the vast majority of our citizens and if that be true, the conscience of America must hurt when we see

the homeless or 50% of the 30,000 elderly, who invested their lives through depression and wars to make this country great, go hungry or our 19th ranking in childbirth mortality or the total despair of poverty or I could go on and on but I would emphasize that the priorities of this country should be reexamined closely and that we who have been blessed by the "American Experience" should reach out in compassion to those, no matter the reasons, who have fallen through the net of dignity into despair. You can't convince me that a 200 year plus Democracy that has survived and solved dilemmas•through out its rich history can not now reach out a hand of dignity to those in our Society that are in desperate need. Shame on us for sending our dollars for guns overseas when we will not even increase the budget for the needs of our elderly such as the "Meal on Wheels" to feed the increasing number of hungry Senior Citizens; Shame on us for buying a "Stealth Bomber" when entire families are homeless in ever crowded and growing shelters that strip them of pride and dignity; Shame on us for anything in our budget that does not serve the purpose of helping all Americans to a level of basic pride and dignity.

I know what I say is not new by any means but IF only the vast majority of good and decent citizens would rise up to say that we must reach out with compassion and help, I truly believe that the President, the Senators and the Congressmen would listen because I still firmly believe in our Democracy despite the feeling that most of our politicians, decision makers and lobbyist have either not lived at the bottom end of the income scale or have forgotten what it is like to take care of a family's shelter, food, medical needs, transportation needs etc. on $5,000, $10,000, $15,000 or even up to that higher level of middle income. If they only felt the desperation I and others have felt, and I consider myself lucky with an income of under $15,000 a year for a family of four compared to a greater number of less fortunate citizens. I may be only one voice now but rest assured that the neglect of basic human needs and human dignity will in the future ring forth a mighty chorus so loud that those in Washington and State Capitols will hear the thunder of voices even through the insulation they have wrapped themselves with, even if sacrifices have to be made . . . and please, may this time the sacrifices start at the top and let the "trickle down theory" exist as what it should be, not what it is today.

JAMES R. ALLISON,
Voting Constituent,
Eureka Springs.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

TREATMENT OF WAR CRIMINALS

Mr. HEINZ. Mr. President, over Labor Day, a number of us were privileged to participate in a congressional delegation to the Middle East, most specifically Saudi Arabia, the Persian Gulf, some of the emirates, in my case Bahrain, and the country of Egypt where we met with President Mubarak; in the case of Saudi Arabia, King Fahd; and the Emir of Bahrain; and, of course, most important of all, we visited our American fighting men and women in the Air Force, the Army, the Navy and the Marines on station in and around the Persian Gulf.

The week before taking that trip, the junior Senator from Missouri and I had discussed the fate of the people we were unable to visit during that trip, namely the hostages, Americans and others, held in both Kuwait and Iraq. As I stand here this evening, we convene in the Senate, there are still some 1,500 Americans being held in Kuwait and Iraq, and several other nationalities as well.

It is a well-known fact that numbers of these hostages have been used as human shields. They have been placed in harm's way purposely by the Iraqis around their installations, chemical and biological facilities, and other critical and strategic points that in the event of hostilities with this country and countries represented there in Saudi Arabia, the Saudis, the Moroccans, the Egyptians, the French, and others would want to make, as a practical matter, among our first targets should it come to a shooting war.

Mr. President, Senator BOND and I agreed that the most critical thing we could do for the benefit of our hostages, either for those who are segregated as human shields, or those who have not yet been apprehended, those who are in safe houses, those who are within the American Embassy compounds and other embassies, is to send a very strong message to Saddam Hussein that if any harm should come to our hostages in the event of hostilities between Iraq and the United States or the United Nations forces, sanctioned forces there, Saddam Hussein, his leadership, and any of the perpetrators, who would carry out acts which resulted in harm to Americans or other hostages would be tried and treated as war criminals.

When I say "treated as war criminals," I mean they would be pursued after the hostilities and conflict were over, they would be apprehended, they would be brought to justice, and they would be subjected to the full sweep and power of international law with just as much certainty and severity as were the Nazi war criminals who were tried at Nuremberg in the aftermath of World War II.

I do not think this is medicine that is too strong for this occasion. Indeed, it is this Senator's view, Mr. President, that this is the minimum message we should send, send strongly, swiftly, and surely now, particularly if we want to provide the maximum amount of safety for our and other hostages by making it very clear to Saddam Hussein and his murderous group of retainers that there will be no place they can run, there will be no place they can hide if any harm comes to those people we are not now in a position to rescue and help.

So Senator BOND and I intend to offer a resolution in just a minute or two. It is our intention to ask that that resolution be put over, that it might be voted on tomorrow, perhaps as one of the first orders of business, and I mention particularly Senator BOND—and he is, as I speak, on his way over here, I understand—because this is as much his idea as it is this Senator's.

Let me, if I may, elaborate a bit on the resolution. I do so because I think it is important for everybody in the Chamber, even those who are out at Andrews Air Force Base working, as we are all glad and grateful they are, on the budget, to understand for the record how little regard, if any, Saddam Hussein throughout his career but particularly now has shown for anything but his own power, his own selfish goals, his own well-being, and that this is the time, right now, when we have returned from the Persian Gulf and we know what the situation is to make him understand he cannot threaten innocents with impunity.

So the purpose of our amendment is to make clear to Hussein that, in the event of hostilities, he will simply be unable under any circumstances ever to escape the culpability of his actions, that those who support him will be held accountable, and, that saying I was just following orders will not be an excuse.

So our resolution makes clear to both Saddam Hussein and the international community that the United States Senate considers Iraq's actions to be criminal, above and beyond what is acceptable even in the conduct of warfare, and it expresses the demands of the American people that one of our goals in conflict with Iraq, along with protection of our citizens and the restoration of Kuwait's independence, will be the apprehension and prosecution of Saddam Hussein himself, together with those people who have anything to do with hostages coming to harm.

We hope the hostilities will not break out. We hope that this dispute will be settled without shots being fired, and without lives being lost. But should lives be lost, should the hostages be harmed, should hostages be killed, should war break out even if that is not our wish that it break out, and if that conflict involves the United States and Iraq, as it would surely, Saddam Hussein must be sent a message once and for all that he will not

be able to hide behind any sort of settlement that will allow him to retain his power or escape retribution for the kinds of inhuman actions he is taking: The exploitation, the placing in harm's way, or the death of hostages.

AMENDMENT NO. 2625

(Purpose: To express the sense of the Senate that Saddam Hussein should be tried for war crimes in the event of hostilities between the government of Iraq and the United States)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ], for himself and Mr. BOND, proposes an amendment numbered 2625.

At the appropriate place in the bill, insert the following new section:

SEC. . (a) THE CONGRESS FINDS THAT—

(1) President Saddam Hussein of Iraq has attempted to evade the consequences of his illegal invasion of Kuwait by the taking of civilian hostages;

(2) Saddam Hussein has violated standards of civilized conduct by willfully seeking to endanger the lives of foreign civilians in Kuwait and Iraq;

(3) He has further violated international diplomatic practice by laying siege to Western embassies in Kuwait;

(4) Iraq's conduct both at home and on the battlefield during the recent war with Iran has demonstrated a willingness to use the most barbaric methods of warfare, including the gassing of civilian women and children;

(5) The Nuremberg conventions, while denying national quilt for acts of war, do also stipulate that individual leaders may be held responsible for violations of the conventions of war and of civilized behavior;

(6) The taking of hostages, the use of gas, the terrorizing of civilians and diplomats, and other such acts in both peace and war have long been considered crimes against humanity for which prosecution is justifiable.

(b) It is the sense of the Senate that in the event of hostilities between the United States and the government of Iraq it shall be the policy of the United States to pursue Saddam Hussein, other Iraqi leaders, and other such perpetrators as may be determined responsible in order to bring them to justice as war criminals, and to seek their prosecution and punishment under international auspices of the international community.

Mr. HEINZ. Mr. President, I think that I have not only explained the resolution, but it speaks for itself. It is my understanding that Senator BOND is on his way to the floor, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I rise today in support of this very important resolution. I am pleased that my distinguished colleague from Pennsylvania, Senator HEINZ, has brought it to the attention of this body, because I believe it is of such importance that we in the United States Senate should participate in sending a very strong and clear message to Saddam Hussein and to the other people in Iraq.

This amendment makes it clear that in the event hostilities break out in the Persian Gulf, the United States and other civilized nations will hold individual Iraqis personally—personally—responsible for the commission of war crimes, just as we did Nazi and Japanese war criminals following World War II.

Saddam Hussein has shocked the civilized world by his moves to take Western civilians, including women and children, as hostages and to use them as shields in the hope of deterring attacks on Iraqi military and industrial facilities. Hussein's moves are controlled, calculated, and clear violations of customary international law and the Fourth Geneva Convention, to which Iraq is a signatory, which prohibits specifically the taking of civilians as hostages.

Customary international law and the international covenant on civil and political rights, to which Iraq is also a signatory, guarantee all civilians the right to freedom of movement, the right to leave any country and the right not to be discriminated against on the basis of national religion. All of these rights are being violated, and we fear further violations may occur. Iraq has threatened to use chemical and biological weapons, which is a clear violation of international law.

During the recess, as we watched what was going on in Iraq, it became clear that our civilians and civilians of other nations were at risk, at risk of the most basic type of retaliation, threats, and harm from a ruthless dictator. It was for this reason that I circulated a letter to my colleagues asking that they join with me in condemning the process and the purported plans of Saddam Hussein.

I commend Senator Heinz for bringing this measure to the attention of the Senate now, because it is extremely important that we get this message across. Whether hostilities increase, whether we actually go to war, whether this can be resolved by economic boycotts and diplomatic negotiations, the point must remain clear: We intend to hold individual Iraqi soldiers and even irregulars responsible if they violate international law.

Yes, Mr. President, there is a real threat. There is a threat that far worse could happen to our hostages than has already happened. And the suffering that we have seen and we have heard reported by those who have been let free is unconscionable. But if individual Iraqi soldiers think that they are carrying out the will of Saddam Hussein by taking further steps against civilian hostages, or in the worst case taking the lives of hostages or putting them in mortal danger, then we must let them know that we will pursue them, we will pursue them long after hostilities, disagreements, or controversy are over with. They will be held personally responsible.

I hope, Mr. President, that when President Bush has an opportunity to speak to the world, or particularly to the people of Iraq, that he will make the point of the Geneva Convention in the Nuremberg trials. That is the one and most important message we can send to attempt to safeguard and to protect those who are held hostage by Iraq.

After World War II, in the Nuremberg trials, the civilized world made it clear that atrocities against humanity, even during war, will not be excused, and that those individuals responsible for such atrocities will be held personally responsible for their crimes against humanity. This resolution will serve as a first step toward putting the Iraqis on notice that we remain committed to those principles.

Mr. President, I urge all of my colleagues to support this amendment. I hope that we also will continue to see the leaders of the world call attention to the principles of the Nuremberg trials and the Geneva conventions. Prime Minister Margaret Thatcher has already stated the clear position of the British Government. I believe that our State Department and other leaders have stated that as well. But that message must continue to be drummed home to the people who have it within their power to harm the hostages now held in Kuwait or Iraq.

Mr. President, this is one very important piece of a very difficult crisis that we face in the Middle East. For the sake of our hostages, I urge the Senate to support this amendment and to send a very clear signal to Saddam Hussein and everybody down the chain of command in Saddam Hussein's army and legions.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it had been my hope that we would complete action on the pending Treasury-Postal appropriations bill this evening. I had several discussions on the matter with the managers of the bill and with the Republican leader earlier in the day while I was out at Andrews Air Force Base at the budget discussions going on there.

But I am now advised that the negotiations on the budget are continuing with another meeting of all participants scheduled to commence shortly, and the Republican leader suggested that it would be more useful to defer any further action on this bill tonight that might involve votes until tomorrow so as to permit that meeting to go forward, there being approximately 10 Senators participating in those discussions.

Therefore, Mr. President, to accommodate that request and to permit those important discussions to continue, there will be no rollcall votes this evening, and I will now propound a unanimous-consent request limiting the remaining amendments on the pending bill which has been cleared on the Republican side and with respect to which I am authorized by the Republican leader to proceed.

UNANIMOUS-CONSENT AGREEMENT—TREASURY-POSTAL APPROPRIATIONS

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent that the only remaining amendments to the Treasury-Postal appropriations bill be the following: Senator GLENN's amendment relative to IRS tax collections; Senator BRADLEY's sense-of-the-Senate amendment relative to the Convention on the Rights of the Child; Senator DOLE's amendment on wheat; Senator PRYOR's amendment on the bill's nondisclosure provisions; and Senator HEINZ' amendment on the Middle East, which is now pending as amendment No. 2625. I further ask unanimous consent that no motions to recommit be in order; that the listed amendments be subject to relevant second-degree amendments except for the amendment offered by Senator GLENN, and with respect to that amendment no second-degree amendment shall be in order; and that no points of order be waived.

Mr. President, I withhold the request momentarily at the request of the minority staff.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, we will be back on the bill at about 10 o'clock tomorrow morning. Although we do not have time agreements on these amendments, I do not expect any of these amendments to be very time-consuming. Therefore, we hope to complete action on the bill during the day tomorrow. There will be votes, I am advised, on at least some of these amendments. So Senators should be aware that we hope to complete action on the Treasury-Postal appropriations bill tomorrow, with votes possible on one or more of these amendments during the day.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: calendar Nos. 876 and 903. I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

PANAMA CANAL COMMISSION

Gilberto Guardia Fabrega, a citizen of the Republic of Panama, to be Administrator of the Panama Canal Commission.

THE JUDICIARY

Graham C. Mullen, of North Carolina, to be U.S. district judge for the Western District of North Carolina.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 138

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on August 9, 1990, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

THE WHITE HOUSE,
Washington, DC, August 9, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On August 2, 1990, I reported to the Congress that, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime that in no way represents the people or legitimate Government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990. Specifically, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new Executive orders.

The order I have issued with respect to Iraq:

—prohibits exports and imports of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such exportation and importation;

—prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;

—prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the

United States Government or of the United Nations, or journalistic travel;

—prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

—prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;

—prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;

—blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and

—clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

—prohibits exports and imports of goods and services between the United States and Kuwait, and any activity that promotes or is intended to promote such exportation or importation;

—prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

—prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;

—prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;

—prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;

—prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;

—blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and

—clarifies that definition of U.S. persons includes vessels of U.S. registry.

Today's orders provide that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at 8:55 pm e.d.t., August 9, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

Sincerely,

GEORGE BUSH.

NOTIFICATION OF DEPLOYMENT OF U.S. TROOPS UNDER THE WAR POWERS ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 139

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on August 9, 1990, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
Washington, DC, August 9, 1990.

Hon. ROBERT C. BYRD,
President pro tempore of the Senate, Washington, DC.

DEAR MR. PRESIDENT: On August 2, 1990, Iraq invaded and occupied the sovereign state of Kuwait in flagrant violation of the Charter of the United Nations. In the period since August 2, Iraq has massed an enormous and sophisticated war machine on the Kuwaiti-Saudi Arabian border and in southern Iraq, capable of initiating further hostilities with little or no additional preparation. Iraq's actions pose a direct threat to neighboring countries and to vital U.S. interests in the Persian Gulf region.

In response to this threat and after receiving the request of the Government of Saudi Arabia, I ordered the forward deployment of substantial elements of the United States Armed Forces into the region. I am providing this report on the deployment and mission of our Armed Forces in accordance with my desire that Congress be fully informed and consistent with the War Powers Resolution.

Two squadrons of F-15 aircraft, one brigade of the 82nd Airborne Division, and other elements of the Armed Forces began arriving in Saudi Arabia at approximately 9:00 a.m. (EDT) on August 8, 1990. Additional U.S. air, naval, and ground Forces also will be deployed. The Forces are equipped for combat, and their mission is defensive. They are prepared to take action in concert with Saudi forces, friendly regional forces, and others to deter Iraqi aggression and to preserve the integrity of Saudi Arabia.

I do not believe involvement in hostilities is imminent; to the contrary, it is my belief that this deployment will facilitate a peaceful resolution of the crisis. If necessary, however, the Forces are fully prepared to defend themselves. Although it is not possible to predict the precise scope and duration of this deployment, our Armed Forces will remain so long as their presence is required to contribute to the security of the region and desired by the Saudi government to enhance the capability of Saudi armed forces to defend the Kingdom.

I have taken these actions pursuant to my constitutional authority to conduct our foreign relations and as Commander in Chief. These actions are in exercise of our inherent right of individual and collective self-defense. I look forward to cooperation with the Congress in helping to restore peace and stability to the Persian Gulf region.

Sincerely,

GEORGE BUSH.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT—PM 140

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I transmit herewith the annual Report of the National Endowment for the Arts for Fiscal Year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

BUDGET SEQUESTER AMOUNTS FOR EACH PROGRAM, PROJECT, AND ACTIVITY—MESSAGE FROM THE PRESIDENT—PM 141

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to Public Law 100-119, section 252(a)(5) was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Af-

fairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, the Special Committee on Aging:

To the Congress of the United States:

In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, I transmit herewith the program, project, and activity information required by section 252(a)(5) of the act.

The attachment provides information on both base and sequester amounts for each program, project, and activity in each budget account subject to the sequester.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on August 9, 1990, during the adjournment of the Senate, received a message announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 666. An act to enroll twenty individuals under the Alaska Native Claims Settlement Act;

S. 2461. An act to amend the Public Health Service Act to revise and extend the program of grants for reducing the waiting period for receiving treatment services for drug abuse, and for other purposes;

S. 2952. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II:

HR. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

HR. 1159. An act to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes;

HR. 1199. An act to amend title 38, United States Code, to establish a system of competitive pay for nurses employed by the Department of Veterans Affairs, to authorize the Secretary of Veterans Affairs to make such system applicable to certain other health-care personnel, to make certain improvements in veterans' health and education programs, and for other purposes;

HR. 1465. An act to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes;

HR. 1594. An act to make miscellaneous and technical changes to various trade laws;

H.R. 3048. An act to designate the Agricultural Research Service, United States Department of Agriculture, animal health research building in Clay Center, NE, as the "Virginia D. Smith Animal Health Research Laboratory";

H.R. 3086. An act to amend title 5, United States Code, to grant appeal rights to members of the excepted service affected by adverse personnel actions, and for other purposes;

H.R. 3248. An act to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes;

H.R. 4035. An act to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building";

H.R. 4273. An act to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes;

H.R. 4314. An act to implement the Inter-American Convention on International Commercial Arbitration;

H.R. 4790. An act to amend the Public Health Service Act to establish a program of grants for the detection and control of breast and cervical cancer;

H.R. 5131. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program, and for other purposes;

H.R. 5350. An act to provide for a temporary increase in the public debt limit;

H.R. 5432. An act to extend the expiration date of the Defense Production Act of 1950;

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month";

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day";

S.J. Res. 343. Joint resolution to designate August 13 through August 19, 1990, as "Home Health Aide Week";

H.J. Res. 467. Joint resolution designating September 21, 1990, as "National POW/MIA Recognition Day," and recognizing the National League of Families POW/MIA flag;

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week";

H.J. Res. 554. Joint resolution designating January 6, 1991, as "National Law Enforcement Training Week"; and

H.J. Res. 627. Joint resolution designating Labor Day weekend, September 1 through September 3, 1990, as "National Drive for Life Weekend."

Under the authority of the order of the Senate of January 3, 1989, the enrolled bills and joint resolutions were signed on August 9, 1990, during the adjournment of the Senate by the President pro tempore [Mr. BYRD].

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on August 13, 1990, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 625. Joint resolution designating August 6, 1990, as "Voting Rights Celebration Day."

(Under the authority of the order of the Senate of August 2, 1990, the joint resolution had been signed on August 2, 1990, by the majority leader, Mr. MITCHELL.)

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on August 14, 1990, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore [Mr. HOYER] had signed the following enrolled bill:

S. 2240. An act to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

Under the authority of the order of the Senate of January 3, 1989, the enrolled bill was signed on August 14, 1990, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the bill (S. 566) to authorize a new Housing Opportunities Partnerships Program to support State and local strategies for achieving more affordable housing; to increase home ownership; and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5170. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1991 and 1992, to improve aviation safety and capacity, to reduce the surplus in the Airport and Airway Trust Fund, to authorize the Secretary of Transportation to grant authority for the imposition of airport passenger facility charges, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution;

H. Con. Res. 365. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

At 1:44 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 2597) to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5170. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1991 and 1992, to improve aviation safety and capacity, to reduce the surplus in the Airport

and Airway Trust Fund, to authorize the Secretary of Transportation to grant authority for the imposition of airport passenger facility charges, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

Pursuant to the provisions of the order of August 4, 1977, the Committee on Governmental Affairs was discharged from the further consideration of the following bills, which were placed on the calendar:

S. 101. A bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 532. A bill to amend the Congressional Budget Act of 1974 to provide that any concurrent resolution on the budget that contains reconciliation directives shall include a directive with respect to the statutory limit on the public debt, and for other purposes.

S. 2999. A bill to exclude the Social Security trust funds from the deficit calculation.

S. 3008. A bill to exclude the Federal hospital insurance trust fund from the deficit calculation.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills and joint resolutions:

On August 9, 1990:

S. 666. An act to enroll 20 individuals under the Alaska Native Claims Settlement Act;

S. 2461. An act to amend the Public Health Service Act to revise and extend the program of grants for reducing the waiting period for receiving treatment services for drug abuse, and for other purposes;

S. 2952. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II;

S.J. Res. 248. Joint resolution to designate the month of September 1990 as "International Visitors' Month";

S.J. Res. 296. Joint resolution designating August 7, 1990, as "National Neighborhood Crime Watch Day"; and

S.J. Res. 343. Joint resolution to designate August 13 through August 19, 1990, as "Home Health Aide Week."

On August 14, 1990:

S. 2240. An act to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3416. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, the second annual report of the Board dated June 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3417. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals dated August 1, 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Finance, and the Committee on Foreign Relations.

EC-3418. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notification dated August 10, 1990, of the President's intent to exempt all military personnel accounts from sequester, if a sequester is necessary; referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-3419. A communication from the Deputy Assistant Secretary of Defense (Procurement), transmitting, pursuant to law, notice of the delay in submission of a report to recommend a financial analysis methodology to be used in future return on investment studies of the defense industry; to the Committee on Armed Services.

EC-3420. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC-3421. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notification of the completion of a study on converting the Laboratory Supply Support function at Kirkland Air Force Base, NM, to performance under contract; to the Committee on Armed Services.

EC-3422. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notification of the Air Force's plans to study conversion of the Strategic Air Command's radar bombing scoring sites and six mobile duty location sites to performance under contract; to the Committee on Armed Services.

EC-3423. A communication from the Executive Secretary of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, a study on the feasibility of establishing a formalized risk management training program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3424. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification that the Commission has extended the time period for issuing a final decision in Finance Docket No. 31387 (Sub-No. 1), by 30 days to August 23, 1990; to the Committee on Commerce, Science, and Transportation.

EC-3425. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to designate a segment of the Little Bighorn River in Wyoming as a component of the National Wild and Scenic Rivers Systems and for other purposes; to the Committee on Energy and Natural Resources.

EC-3426. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of the intent to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3427. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3428. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3429. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notification of the intention to make refunds listed on the enclosure; to the Committee on Energy and Natural Resources.

EC-3430. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the project "Full-Scale Demonstration of Low-NO_x Cell Burner Retrofit"; to the Committee on Energy and Natural Resources.

EC-3431. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the "10 MW Demonstration of Gas Suspension Absorption" project; to the Committee on Energy and Natural Resources.

EC-3432. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report assessing the estimated total number of acres of wetland habitat as of the 1780's and the 1980's; to the Committee on Environment and Public Works.

EC-3433. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the first calender quarter of 1990; to the Committee on Environment and Public Works.

EC-3434. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on "Special Wastes from Mineral Processing"; to the Committee on Environment and Public Works.

EC-3435. A communication from the Administrator of General Services, transmitting, pursuant to law, an informational copy of a lease prospectus for the Federal Aviation Administration's eastern region in New York; to the Committee on the Environment and Public Works.

EC-3436. A communication from the U.S. Trade Representative, transmitting, pursuant to law, a report on recent developments regarding implementation of section 301 of the Trade Act of 1974; to the Committee on Finance.

EC-3437. A communication from the President of the United States, transmitting, pursuant to law, a determination under the Trade Act of 1974 with respect to the German Democratic Republic; to the Committee on Finance.

EC-3438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Prior and Concurrent Authorization Demonstrations"; to the Committee on Finance.

EC-3439. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a quarterly report concerning human rights activities in Ethiopia for the period January 15 through April 14, 1990; to the Committee on Foreign Relations.

EC-3440. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Foreign Relations.

EC-3441. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to August 2, 1990; to the Committee on Foreign Relations.

EC-3442. A communication from the Plan Administrator of the Federal Intermediate Credit Bank of Jackson, transmitting, pursuant to law, the annual pension plan report of the Federal Intermediate Credit Bank of Jackson for the plan year ending December 31, 1990; to the Committee on Governmental Affairs.

EC-3443. A communication from the vice president of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual pension plan report of the corporation's employee pension plan for 1989; to the Committee on Governmental Affairs.

EC-3444. A communication from the Director, morale, welfare, and recreation support activity, headquarters, U.S. Marine Corps, transmitting, pursuant to law, the annual report of the retirement plan for civilian employees of the U.S. Marine Corps morale, welfare, and recreation activities, the morale, welfare, and recreation support activities and miscellaneous nonappropriated fund instrumentalities; to the Committee on Governmental Affairs.

EC-3445. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-3446. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report of personal property furnished to non-Federal recipients for fiscal year 1989; to the Committee on Governmental Affairs.

EC-3447. A communication from the Benefits Administrator of the Farm Credit Services, transmitting, pursuant to law, the annual financial report of the Retirement Plan for the Employees of the Seventh Farm Credit District as of January 1, 1990; to the Committee on Governmental Affairs.

EC-3448. A communication from the Chief Judge of the U.S. Court of Veterans Appeals, transmitting, pursuant to law, an actuarial report of the court for the year ended December 31, 1989; to the Committee on Governmental Affairs.

EC-3449. A communication from the Benefits Administrator of the Farm Credit Bank of Baltimore, transmitting, pursuant to law, the annual audit report of the Farm Credit District of Baltimore Retirement Plan for plan year 1989; to the Committee on Governmental Affairs.

EC-3450. A communication from the District of Columbia auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1989 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-3451. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-3452. A communication from the Secretary to the Consumer Product Safety Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3453. A communication from the Secretary to the Consumer Product Safety Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3454. A communication from the District of Columbia auditor, transmitting, pursuant to law, a report entitled "Review of the Department of Recreation and Parks' Potomac Riverfest Fund"; to the Committee on Governmental Affairs.

EC-3455. A communication from the Deputy Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, a report on activities initiated pursuant to the Civil Rights of Institutionalized Persons Act for the fiscal years 1988 and 1989; to the Committee on the Judiciary.

EC-3456. A communication from the Secretary of Education, trasmitting, pursuant to law, a report on criteria for defining literacy and plans for determining the extent of adult literacy in the Nation; to the Committee on Labor and Human Resources.

EC-3457. A communication from the Secretary of Education, transmitting, pursuant to law, final priority for the Upward Bound Program; to the Committee on Labor and Human Resources.

EC-3458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, recommendations for certain changes to the National Health Service Corps Revitalization Act of 1990; to the Committee on Labor and Human Resources.

EC-3459. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—institutional eligibility under the Higher Education Act of 1965, as amended, and student assistance general provisions; to the Committee on Labor and Human Resources.

EC-3460. A communication from the Secretary of Education, transmitting, pursuant to law, the fiscal year 1989 reports of the Department of Education's advisory committees; to the Committee on Labor and Human Resources.

EC-3461. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed forms for the submission of debt settlement plans for political committees; to the Committee on Rules and Administration.

EC-3462. A communication from the under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period October 1989 through May 1990; to the Committee on Small Business.

EC-3463. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Secretary of Veterans Affairs for fiscal year 1989; to the Committee on Veterans' Affairs.

EC-3464. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Initial OMB Sequester Report to the President and Congress for fiscal year 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Special Committee on Aging.

EC-3465. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the President's initial sequester order for fiscal year 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Special Committee on Aging.

EC-3466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Special Committee on Aging.

EC-3467. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Initial Sequester Report for fiscal year 1991; pursu-

ant to the order of January 30, 1975, as modified, referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Small Business, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Special Committee on Aging.

EC-3468. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's seventh special impoundment message for fiscal year 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-3469. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's sixth special impoundment message for fiscal year 1990; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-3470. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report for fiscal year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3471. A communication from the Secretary of Agriculture and the Administrator of the Agency for International Development, transmitting jointly, pursuant to law, the fifth quarterly report on progress made in implementing the recommendations of the Agricultural Trade and Development Missions; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3472. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, a country and commodity allocation table showing current programming plans for food assistance under Title II of Public Law 480 for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3473. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, notice that the Secretary of Defense has invoked authority to authorize the Military Departments to incur obligations in excess of available appropriations for clothing, subsistence, forage, fuel, quarters, transportation, and medical and hospital supplies not in excess of the necessities of the current year; to the Committee on Appropriations.

EC-3474. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc. are less than that amount necessary to maintain the budgeted level of operation due to exchange rate losses and that amounts to offset these losses will be removed from the Board for International Broadcasting's currency reserve fund; to the Committee on Appropriations.

EC-3475. A communication from the President of the United States, transmitting, pursuant to law, authorization for the Secretary of Defense and the Secretary of Transportation (with respect to the Coast Guard) to order to active duty units and individual members not assigned to units of the Selected Reserve to perform such missions that the Secretary of Defense may deem necessary; to the Committee on Armed Services.

EC-3476. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for the quarter ended June 30, 1990; to the Committee on Armed Services.

EC-3477. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1 through June 30, 1990; to the Committee on Armed Services.

EC-3478. A communication from the Principal Deputy Comptroller of the Department of Defense, transmitting, pursuant to law, a contract award report for the period September 1 to October 31, 1990; to the Committee on Armed Services.

EC-3479. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the disposal and acquisition of certain strategic and critical materials from the National Defense Stockpile and to amend the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98); to the Committee on Armed Services.

EC-3480. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report entitled "Appraisal Data Availability Study; to the Committee on Banking, Housing, and Urban Affairs.

EC-3481. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Government-Sponsored Enterprises: The Government's Exposure to Risks"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3482. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3483. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-3484. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-3485. A communication from the President of the United States, transmitting, pursuant to law, a proclamation that extends nodiscriminatory treatment to the products of the Czech and Slovak Federal Republic; to the Committee on Finance.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 2, 1990, the following reports of committees were submitted on August 30, 1990:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2809. A bill to provide for the transfer of certain lands to the State of California, and for other purposes (Rept. No. 101-430).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1918. A bill to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes (Rept. No. 101-431).

By Mr. BIDEN, from the Committee on the Judiciary:

Special Report entitled "Civil Contempt in the Federal Courts (Rept. No. 101-432).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1829. A bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones (Rept. No. 101-433).

S. 1931. A bill to prevent the discharge in a chapter 13 bankruptcy proceeding of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated (Rept. No. 101-434).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2600. A bill to combat homelessness through the establishment of housing-based family support centers, through the provisions of housing-based services to elderly individuals with chronic and debilitating illnesses and conditions, through the provision of residence-based outpatient mental health services, and through the use of grants for the improvement of community development corporations, and for other purposes (Rept. No. 101-435).

S. 2863. A bill to amend the Steward B. McKinney Homeless Assistance Act and the Public Health Service Act to reauthorize certain health, education, training, and community services programs, and for other purposes (Rept. No. 101-436).

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. 2835. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require the President and Congress to set, on an annual basis, the ratio of defense versus nondefense spending reductions required under sequestration (Rept. No. 101-437); referred to the Committee on Governmental Affairs.

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. 3011. An original bill to amend the Congressional Budget Act to create a functional category for gross interest on public debt (Rept. No. 101-438); referred to the Committee on Governmental Affairs.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1660. A bill relating to telephone operator consumer services, and for other purposes (Rept. No. 101-439).

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By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1884. A bill to promote the use of recycled materials derived from municipal refuse, and for other purposes (Rept. No. 101-440).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1933. A bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fireservice bill of rights and programs to fulfill those rights (Rept. No. 101-441).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2170. A bill to prescribe the conditions under which contractors receiving operating-differential subsidy of their affiliates may engage in coastwise or intercoastal trade (Rept. No. 101-442).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2516. A bill to augment and improve the quality of international data compiled by the Bureau of Economic Analysis under the International Investment and Trade in Services Survey Act by allowing that agency to share statistical establishment list information compiled by the Bureau of the Census and for other purposes (Rept. No. 101-443).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2760. A bill to authorize appropriations for fiscal year 1991 for the Maritime Administration, and for other purposes (Rept. No. 101-444).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2782. A bill to amend the Coastal Zone Management Act of 1972 to authorize appropriations for fiscal years 1991 through 1995 and to require State coastal zone management agencies to prepare and submit for the approval of the Secretary of Commerce programs for the improvement of coastal zone water quality, and for other purposes (Rept. No. 101-445).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2789. A bill to authorize appropriations for the Earthquake Hazards Reduction Act of 1977, and for other purposes (Rept. No. 101-446).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2851. A bill to alter the Federal rules applicable to commercial air carriers at high density traffic airports (Rept. No. 101-447).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments and an amendment to the title:

S. 2933. A bill to amend title 49, United States Code, regarding the collection of overpayments of undercharges on shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes (Rept. No. 101-448).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2936. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1990, 1991, and 1992, and for other purposes (Rept. No. 101-449).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3012. An original bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1991, 1992, and 1993, and for other purposes (Rept. No. 101-450).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment and a preamble:

S.J. Res. 355. A joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its 20 years of existence (Rept. No. 101-451).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 4522. A bill to improve the information available to emergency response personnel in the field, and for other purposes (Rept. No. 101-452).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 520. A joint resolution granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2793. A bill to amend the United States Institute of Peace Act to honor the memory of the late Spark M. Matsunaga, United States Senator from the State of Hawaii, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2442. A bill to amend the Occupational Safety and Health Act of 1970 to expand the rights of victims of occupational safety and health hazards, and for other purposes (Rept. No. 101-453).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1957. A bill to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies, and for other purposes (Rept. No. 101-454).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 4, 1990, the following executive reports of committees were submitted on August 30, 1990, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-20. Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (with additional views) (Exec. Rept. No. 101-30).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and refered as indicated:

By Mr. SHELBY:

S. 3013. A bill to amend the International Emergency Economic Powers Act to increase the amount of civil and criminal penalties which may be imposed under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN:

S. 3014. A bill to amend title XVIII of the Social Security Act to provide for assessment and adjustment of the coinsurance amount for post-hospital extended care services; to the Committee on Finance.

By Mr. HOLLINGS:

S. 3015. A bill to amend title XVIII of the Social Security Act to improve the limitations on actual physician's charges for unassigned claims; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 3016. A bill for the relief of Janice and Leslie Sedore and Ruth Hillman; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself and Mr. MCCLURE):

S. 3017. A bill to amend section 28(w) of the Mineral Leasing Act of 1920, as amended, to repeal the 60-day waiting period for the granting of pipeline rights of way; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for Mr. DOLE):

S. 3018. A bill to require the Secretary of Agriculture to announce an acreage limitation program for the 1991 crop of wheat; read the first time.

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S.J. Res. 361. A joint resolution approving the extension of nondiscriminatory treatment (most favored nation treatment) to the products of Czechoslovakia; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3013. A bill to amend the International Emergency Economic Powers Act to increase the amount of civil and criminal penalties which may be imposed under the Act; to the Committee on Banking, Housing, and Urban Affairs.

INCREASE IN PENALTIES FOR VIOLATIONS OF EMBARGO AGAINST IRAQ

● Mr. SHELBY. Mr. President, I rise today to introduce a bill to increase the penalties for a violation of the Presidential embargo against Iraq and Kuwait. Currently, the penalties for a violation of a Presidential embargo are so insubstantial as to be almost meaningless. The civil fine for a violation of a Presidential embargo is currently set at $10,000 and the criminal fine is set at $50,000. My bill will raise the civil fine for a violation to $250,000 and the criminal fine will be set at $1,000,000.

I do not have to remind my colleagues of the commitment we have

made in the Middle East. Not only have we placed the lives of thousands of U.S. men and women on the line, we have entered into a commitment that will cost our Nation billions of dollars. An integral part of our success in the Mideast will depend on the success of the President's embargo against Iraq and Kuwait. If our mission in the Mideast is to be a success, the embargo must be strong and impenetrable. To ensure the effectiveness of the embargo we need to say to those individuals and businesses that would do business with the barbarous regime in Iraq for mere profit—you will be punished severely. The current fines are so low that they do not serve as a deterrent or even adequate punishment for violating a Presidential embargo. The current law is a mere slap on the wrist. I believe that my amendment will put some bite into the punishment for a violation of a Presidential embargo.

I encourage all my colleagues in the Senate to join me in supporting this legislation. The least we can do for the men and women whose lives we have laid on the line is to ensure that those in this country who work against their mission will be punished and not allowed to enjoy the fruits of their illgotten gains.●

By Mr. BENTSEN:

S. 3014. A bill to amend title XVIII of the Social Security Act to provide for assessment and adjustment of the coinsurance amount for post-hospital extended care services; to the Committee on Finance.

ADJUSTMENTS TO COINSURANCE AMOUNT FOR POST-HOSPITAL EXTENDED CARE SERVICES

● Mr. BENTSEN. Mr. President, the bill I am introducing today would rectify a serious problem with the coinsurance requirements under Medicare's skilled nursing facility [SNF] benefit. When the Medicare Program first began, beneficiaries paid a daily SNF coinsurance amount of $5 beginning on the 21st day of a nursing home stay. That amount has increased rapidly over the past 25 years. In 1990, beneficiaries are paying $74 a day.

On average, the beneficiary contribution covers more than 50 percent of the cost of a nursing home day. This is much higher than the 20 percent coinsurance required for most Medicare services. And in some cases, the $74 actually exceeds the cost of a day of care in a SNF. When this occurs, it's less costly for beneficiaries to give up their Medicare benefits and directly pay the entire nursing home cost themselves. CBO estimates that this happens in about 20,000 cases each year, or 5 percent of Medicare nursing home stays nationally. But it varies by geographic region. In the region including the States of Alabama, Kentucky, Mississippi, and Tennessee, for example, over 14 percent of the patients are better off paying the whole cost of the nursing home day than the $74 Medicare coinsurance rate.

The problem results from the link between the coinsurance rate for nursing home stays and the inpatient hospital deductible. The coinsurance rate is set to equal one-eighth of the hospital deductible, which is computed to represent the average cost of a hospital day. Hospital costs have grown much faster than nursing home costs over the years, and the result is that the SNF coinsurance amount is out of proportion to the cost of nursing home care.

S. 3014 would break the link between the hospital deductible and the SNF coinsurance rate and lower the coinsurance amount to $65 in 1991. The $65 coinsurance amount would stay in place over time until the coinsurance rate was reduced to 20 percent. This would happen gradually over a number of years. Extrapolating current CBO projections of nursing home cost increases, the SNF coinsurance rate would not be increased from the $65 level until the year 2005.

I would have liked to propose moving immediately to a 20-percent coinsurance rate, but CBO estimates that it would cost $240 million to do that in 1991. This is simply not feasible given our difficult budgetary situation. But I hope we can take the modest steps proposed in this bill to ensure that beneficiaries are not required to contribute an excessive amount toward the cost of their nursing home stay.

CBO estimates that the gradual reduction in the SNF coinsurance rate proposed in this bill would cost $60 million in fiscal year 1991, and $850 million over 5 years. We are involved in an important effort to reduce the Federal deficit, and even this modest approach may not be affordable this year, but I hope that steps can be taken to accommodate some reduction in the coinsurance rate.

Mr. President, I ask unanimous consent that the text of S. 3014 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSESSMENT AND ADJUSTMENT OF COINSURANCE AMOUNT FOR POST-HOSPITAL EXTENDED CARE SERVICES.

(a) IN GENERAL—Paragraph (3) of section 1813(a) of the Social Security Act (42 U.S.C. 1395e(a)), as restored by section 101(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended to read as follows:

"(3)(A) The amount payable for post-hospital extended care services furnished an individual during any spell of illness shall be reduced by a coinsurance amount equal to $65.00 for each day (before the 101st day) on which such individual is furnished such services after such services have been furnished to such individual for 20 days during such spell.

"(B) Before September 1 of each year (beginning with 1991), the Secretary shall estimate the national average per diem reasonable cost recognized under this title for post-hospital extended care services which will be furnished in the succeeding calendar year.

"(C) The Secretary shall, in September of each year (beginning with 1991), promulgate the coinsurance amount which shall apply to post-hospital extended care services furnished in the succeeding year. Such amount shall be equal to the greater of—

(1) 20 percent of the national average per diem cost estimated under subparagraph (B) in that year, rounded to the nearest multiple of 50 cents (if such amount is not a multiple of 50 cents); or

(2) $65.00.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 1813(b)(3) of such Act (42 U.S.C. 1395e(b)(3)), as revived by section 101(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by striking "and post-hospital extended care services".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to post-hospital extended care services furnished on or after January 1, 1991.●

By MR. HOLLINGS:

S. 3015. A bill to amend title XVIII of the Social Security Act to improve the limitation on actual physicians' charges for unassigned claims; to the Committee on Finance.

LIMITATION ON PHYSICIANS' ACTUAL CHARGES FOR UNASSIGNED CLAIMS

Mr. HOLLINGS. Mr. President, today I am introducing legislation, technical in nature, that would correct a glitch in the transition to the Medicare resource-based relative value system [RBRVS] of physician payment. As many of my colleagues will remember, landmark physician payment reform was enacted as part of OBRA '89 just last December. This new law provides for an orderly transition to new payment levels over a 5-year phase-in period beginning January 1, 1992.

Unfortunately, the final reconciliation bill imposed balance billing limits of 125 percent of the local prevailing—or a physician's MAAC, whichever is less—on all Medicare services starting this January 1, 1991—1 full year before implementation of the RBRVS begins. What does this mean for your physician constituents who treat this Nation's elderly? Basically it means that those physicians that have the lowest reimbursement will be penalized for keeping health care costs down. Is that what we intended? I don't believe so.

By design, the RBRVS was to reallocate reimbursement toward historically undervalued services and geographic areas. Congress deliberately chose a 5-year transition period to avoid abrupt cuts in certain services and to ensure continued Medicare patient access. If left unchanged, the 1991

limits will completely short-circuit the safeguards of the 5-year phase-in. Specifically, the 1991 balance billings limits the lower revenues significantly for many medical services actually scheduled for increases in 1992 under the RBRVS. The results will be particularly harsh where fees for service are now far below the predicted national prevailing rate of the RBRVS, and the problem is not restricted to just one or two specialties.

For instance: in my state of South Carolina, the average practice will lose $1,400. In the neighboring State of North Carolina, the same practices will lose up to $4,000. In Kansas, significant reductions will result in several historically low-paying carrier locales and for some specialists, e.g. anesthesiology. In Wyoming, 17 percent of medical practices will face over $10,000 loss in 1 year!

Mr. President, I ask unanimous consent to include in the record a table of differences by CPT code between current MAAC's and a limitation at 125 percent of the prevailing and excerpts from letters from physicians in Greenville, SC, and Farmington, ME, which demonstrate the impact of those losses on a practice when volume is taken into account.

Mr. President, there simply is no need to cause additional disruption in physician reimbursement for 1 year when we have taken action to correct long-standing problems. My bill is modest in scope and will cause no additional revenue expenditure to the Federal Government. It calls for delaying the phase-in of balance billing restrictions until 1992. It merely will put physician payment reform back on the right track. This 1 year delay will keep faith with organized medicine's commitment to the RBRVS by not penalizing the very physicians the RBRVS was designed to assist.

I urge my colleagues to lend their full support to my measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON PHYSICIANS' ACTUAL CHARGES FOR UNASSIGNED CLAIMS.

(a) DELAY IN EFFECTIVE DATE OF LIMITATION ON PHYSICIANS' SERVICES.—Section 1848(g) of the Social Security Act (42 U.S.C. 1394w-4) is amended—

(1) in paragraph (1), by striking "1991" and inserting "1992";

(2) in paragraph (2)—

(A) in subparagraphs (A) and (B), by striking "1991" each place it appears and inserting "1992"; and

(B) in subparagraphs (B) and (C), by striking "1992" each place it appears and inserting "1993"; and

(3) by striking subparagraph (D) and inserting a new subparagraph (D) to read as follows:

"(D) RECOGNIZED PAYMENT AMOUNT.—In this section, the term 'recognized payment amount' means, for services furnished after January 1, 1992, the fee schedule amount determined under subsection (a).".

COMPARISON OF MAXIMUM ACTUAL ALLOWABLE CHARGE AND 125 PERCENT OF PREVAILING IN SEVERAL LOCALITIES

State	CPT code	Prevailing	MAAC	125 percent	Difference
Arkansas	90040	$14.10	$20.80	$17.63	$3.18
Illinois	90040	15.80	26.00	19.75	6.25
Indiana	90040	15.80	18.86	19.75	.89
Oklahoma	90040	13.60	22.75	17.00	−5.75
South Dakota	90040	18.33	18.73	14.10	−.40
Texas	90040	14.10	21.84	17.63	−4.21
Wisconsin	90040	13.50	21.84	16.88	−4.96
Iowa	90050	25.25	25.75	31.56	5.81
Arkansas	90050	14.10	22.88	17.63	5.26
Colorado	90050	18.40	26.00	23.00	3.00
Illinois	90050	12.94	23.75	16.00	−7.75
Indiana	90050	20.00	28.00	25.00	−3.00
Kansas	90050	29.60	36.42	37.00	.58
Louisiana	90050	16.30	26.00	20.38	−5.62
Maine	90050	18.10	28.50	22.63	−5.87
Minnesota	90050	24.40	36.40	30.50	−5.90
North Carolina	90050	17.30	26.02	21.63	−4.39
Oklahoma	90050	21.87	31.00	27.34	−3.66
South Carolina	90050	18.92	29.12	23.52	5.60
South Dakota	90050	20.00	27.06	26.00	−1.06
Tennessee	90050	17.12	23.69	21.40	−2.29
Texas	90050	23.50	30.16	29.38	−.78
Wisconsin	90050	22.50	30.69	28.13	−2.56
California	90060	33.70	46.82	42.13	−4.69
Colorado	90060	23.60	31.20	29.50	1.70
Florida	90060	30.40	36.42	36.42	.00
Illinois	90060	19.48	31.00	24.00	−7.00
Iowa	90060	23.70	26.21	29.63	3.42
Kansas	90060	29.60	36.42	37.00	.58
Maryland	90060	31.00	40.00	38.75	−1.25
Minnesota	90060	29.60	45.50	37.00	−8.50
South Carolina	90060	33.20	45.77	41.50	−4.27
South Dakota	90060	20.90	24.96	27.17	2.21
Tennessee	90060	23.10	31.20	28.88	−2.32
Virginia	90060	26.00	32.32	32.50	.18
Washington	90060	27.10	40.17	33.87	−6.30
Wisconsin	90060	22.50	46.81	28.13	−18.68
California	93000	42.90	51.46	53.63	2.17
Arkansas	93000	$26.90	$31.25	$33.62	$2.37
Illinois	93000	23.59	36.75	29.00	−7.75
Oregon	93000	38.00	41.80	47.50	5.70
Tennessee	93000	23.51	35.39	29.39	−6.00
Wisconsin	93000	36.50	39.90	45.63	5.73
Arkansas	90220	76.70	122.78	95.88	26.91
California	90220	107.50	286.17	135.38	−150.79
Florida	90220	79.80	91.85	80.80	−11.05
Illinois	90220	51.68	77.00	64.00	−13.00
Iowa	90220	75.20	103.03	94.00	−9.03
Minnesota	90220	89.50	137.34	111.87	25.47
Mississippi	90220	53.70	72.12	67.13	−4.99
North Carolina	90220	83.10	90.85	103.86	13.01
Oklahoma	90220	75.20	88.40	94.00	5.60
Oregon	90220	64.50	116.00	80.63	−35.37
South Carolina	90220	76.70	114.46	95.87	18.59
South Dakota	90220	76.80	109.26	99.84	−9.42
Texas	90220	76.70	90.00	95.88	5.88
Virginia	90220	76.80	104.06	96.00	−8.06
Wisconsin	90220	77.30	115.50	96.63	−18.87
Arkansas	90250	17.60	28.08	22.00	6.08
Florida	90250	26.50	39.45	26.88	−12.57
Illinois	90250	11.83	31.00	14.00	−17.00
Indiana	90250	15.10	20.02	28.88	−1.14
Kansas	90250	24.30	27.03	30.38	3.35
Louisiana	90250	26.30	36.41	32.88	−3.53
Maine	90250	19.30	26.70	24.13	−2.57
Mississippi	90250	20.80	30.91	26.00	−4.91
Minnesota	90250	27.70	42.80	34.63	−8.17
North Carolina	90250	20.80	26.02	26.00	−.02
Oregon	90250	21.50	26.00	26.88	.88
South Carolina	90250	19.85	29.12	24.81	4.31
South Dakota	90250	22.00	26.02	28.60	2.58
Tennessee	90250	14.18	26.02	17.73	−8.29
Texas	90250	32.70	27.60	40.88	3.28
Virginia	90250	22.00	31.22	27.50	−3.72
Washington	90250	25.80	32.96	32.25	.71
Wisconsin	90250	25.70	38.49	32.13	6.36

Procedure code	Difference	Number of Medicare procedure/month	Amount per month	Amount per year
90220	$18.59	58	$1,078.22	$12,938.64
99174	3.90	70	273.00	3,276.00
90250	4.31	340	1,465.40	17,584.80
90050	5.60	384	2,150.40	25,804.80
90080	11.10	83	921.30	11,055.60
90020	21.50	31	666.50	7,998.00
90620	18.59	8	148.72	1,784.65
Total				80,442.4

CPT code and description	Number (1989)	1990 Medic. fee	1990 Medic. allow.	1991 MAAC	Loss
90050 Limited Office Visit Established Pt	2,570	28.50	18.10	22.63	15,099
90250 Limited Hospital Subsequent Visit	1,929	26.70	19.30	24.13	4,967
99160 Intensive Care Services	58	96.80	64.60	80.75	931
90240 Brief Hospital Subsequent Visit	145	20.60	10.70	13.38	1,048
90015 Intermediate Office Visit New Pt	25	34.80	20.40	25.50	232
Total					22,277

Procedure code	1990 MAAC	Current Medicare allowable	125 percent of Medicare allowable	Difference in 1990 MAAC and 125 percent allowable
90220	$114.46	$76.70	$95.87	$18.59
99174	70.13	52.99	66.23	3.90
90250	29.12	19.85	24.81	4.31
90050	29.12	18.82	23.52	5.60
90080	104.06	74.37	92.96	11.10
90020	114.46	74.37	92.96	21.50
90620	114.46	76.70	95.87	18.59

By Mr. JOHNSTON (for himself and Mr. MCCLURE):

S. 3017. A bill to amend section 28(w) of the Mineral Leasing Act of 1920, as amended, to repeal the 60-day waiting period for the granting of pipeline rights of way; to the Committee on Energy and Natural Resources.

REPEAL OF WAITING PERIOD FOR PIPELINE RIGHTS-OF-WAY

● Mr. JOHNSTON. Mr. President, on behalf of Senator MCCLURE and myself, today I am introducing legislation to remove an unnecessary, and at times very costly, procedural roadblock to the issuance of rights-of-way for the construction of pipeline projects that cross Federal Lands. This bill would repeal the requirement under section 28 of the Mineral Leasing Act that no right-of-way for a pipeline 24 or more inches in diameter may be granted until 60 days after the agency head has notified the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs of his intention to grant the right-of-way.

The delay created by this provision can be much longer than 60 days. This is because under section 28 the 60 days does not include "days on which the House of Representatives of the Senate has adjourned for more than 3 days." For example, in a case where the Secretary of the Interior provides the congressional committees with notice of his intention to grant a right-

of-way in late June the waiting period would likely last more than 100 calendar days due to the intervening Independence Day recess and August recess, which do not count for purposes of calculating the statutory 60-day period. An even more extreme example would occur where the Secretary provided the committees with notice in late September or early October and the Congress adjourned in mid-October and did not reconvene until January of the following year. In that case it would take at least 5 months for the statutory waiting period to expire.

Under current law, section 28 provides that the Senate Energy Committee and the House Interior Committee may by committee resolution waive the waiting period. This provision, however, is not satisfactory, because the Department of the Interior has in the past stated that it would consider a waiver by committee resolution to be legally ineffective and would wait the full 60 days of congressional session before granting a right-of-way.

In 1985, the then Solicitor of the Department of the Interior provided me with his legal opinion that under the Supreme Court's 1983 invalidation of the legislative veto in INS against Chadha the committee waiver provision of section 28 of the Mineral Leasing Act is an unconstitutional legislative veto provision. The Solicitor added that, nothwithstanding the invalidity of the waiver provision, the statutory waiting period would still be applicable.

While I disagree with the Solicitor's legal opinion and believe that the weight of legal precedent and analysis support my position, the point remains that the Department of the Interior may continue to adhere to the position that it is legally obligated to disregard committee resolutions to waive the waiting period. In that event, the only choice for the Congress, short of amending section 28, is legislation passed by both Houses of the Congress to authorize the immediate granting of a right-of-way for a particular pipeline project notwithstanding the generally applicable statutory waiting perood. This is not a practical alternative.

The 60-day waiting period serves no useful purpose. It does not confer additional rights upon parties interested in an agency's consideration of a right-of-way application. It does not, without further action by the full Congress, prevent the agency head from granting the right-of-way upon the expiration of the waiting period. Furthermore, repeal of the waiting period does not deprive the Congress of notice and the opportunity to act in response to an application for a right-of-way to construct a pipeline that will cross Federal lands. Repeal of the 60-day waiting period does not relieve the agency head of the obligation under section 28 to provide the committees with notice of the receipt of an application for a right-of-way for a pipeline 24 inches or more in diameter.

While the statutory waiting period under section 28 serves no clearly identifiable public policy, it does frustrate the achievement of energy policy goals. First, the waiting period thwarts efforts by the Federal Energy Regulatory Commission to expedite the regulatory approval and construction of new natural gas pipelines. The FERC has attempted to minimize regulatory obstacles to increased competition in the natural gas industry. To this end, the FERC has done its best within the existing statutory framework to expedite the certification of new pipeline facilities.

This year, for example, the completion of several pipeline projects designed to increase natural gas deliverability for the upcoming winter heating season has been jeopardized by the mandatory waiting period under section 28. Such increased gas deliverability could help to prevent a recurrence of last December's heating fuel crunch in some regions of the country. In most cases, the construction permits for the pipelines are conditioned to limit the period during which construction may occur so as to minimize environmental disturbance. Should the construction period for the pipeline run out prior to the expiration of the statutory waiting period for granting the right-of-way, the pipeline company might have to wait until the next calendar year before constructing the pipeline.

Second, the waiting period frustrates the Nation's energy policy response to the Persian Gulf crisis. One of the short-term initiatives announced by the Department of Energy has been the displacement of imported oil with domestic natural gas in facilities with dual fuel capability. In many cases such displacement will not occur year-round unless new pipelines can be constructed to serve capacity-constrained markets.

In conclusion, Mr. President, I urge the quick passage of this modest but nonetheless very constructive legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3017

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF WAITING PERIOD.

(a) Section 28(w)(1) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185(w)(1)), is amended by striking "House and Senate Committees on Interior and Insular Affairs" and inserting in lieu thereof "House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources".

(b) Section 28(w)(2) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185(w)(2)), is amended to read as follows:

"(2) The Secretary or agency head shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees."●

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. WILSON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 38, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 190

At the request of Mr. EXON, his name was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 260

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance programs.

S. 273

At the request of Mr. HEINZ, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 273, a bill to amend title 39, United States Code, to designate as nonmailable matter of solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government connection or endorsement, unless such matter contains an appropriate, conspicuous disclaimer, and for other purposes.

S. 435

At the request of Mr. REID, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 563

At the request of Mr. EXON, his name was added as a cosponsor of S. 563, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 685

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 685, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of rules relating to fiduciary duties in relation to plan assets of terminated pension plans and to provide for an explicit exception to such rules for employer reversions meeting certain requirements.

S. 891

At the request of Mr. REID, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 891, a bill to provide for the modernization of testing of consumer products which contain hazardous or toxic substances.

S. 1126

At the request of Mr. BUMPERS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1126, a bill to provide for the disposition of hardrock minerals on Federal lands, and for other purposes.

S. 1273

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1349

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

S. 1619

At the request of Mr. BOSCHWITZ, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1619, a bill to amend the Internal Revenue Code of 1986 to reduce the occupational tax on small retail liquor and beer dealers, and for other purposes.

S. 1651

At the request of Mr. MCCAIN, the names of the Senator from Florida [Mr. MACK], the Senator from Maryland [Mr. SARBANES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Pennsylvania [Mr. SPECTER], the Senator from West Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Mr. SIMON], the Senator from Indiana [Mr. COATS], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. GRAMM], the Senator from Colorado [Mr. WIRTH], the Senator from Nevada [Mr. REID], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States Organization.

At the request of Ms. MIKULSKI, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from New York [Mr. MOYNIHAN], the Senator from Idaho [Mr. SYMMS], the Senator from Flordia [Mr. GRAHAM], the Senator from Alabama [Mr. SHELBY], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 1651, supra.

S. 1682

At the request of Mr. BENTSEN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to encourage savings by increasing the amount of deductible contributions which may be made to an individual retirement account, to allow distributions from individual retirement accounts to be used without penalty to purchase a first home or to pay for higher education expenses, and for other purposes.

S. 1758

At the request of Mr. GLENN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 1758, a bill to provide for the establishment of an Office for Small Government advocacy, and for other purposes.

S. 1815

At the request of Mr. BOSCHWITZ, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 1860

At the request of Mr. BOREN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1860, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 1884

At the request of Mr. GORE, the names of the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. CONRAD], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1884, a bill to promote the use of recycled materials derived from municipal refuse, and for other purposes.

S. 1890

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1911

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operation agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 2044

At the request of Mr. BIDEN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2044, a bill to require tuna products to be labeled respecting the method used to catch the tuna, and for other purposes.

S. 2128

At the request of Mr. KERRY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2128, a bill to direct the Secretary of Veterans Affairs to establish and maintain a comprehensive services program for homeless veterans.

S. 2250

At the request of Mr. DECONCINI, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2290

At the request of Mr. HEINZ, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2290, a bill to amend titles II and XVI of the Social Security Act to improve widow's and windower's eligibility for insurance benefits and children's eligibility for supplemental security income benefits.

S. 2307

At the request of Mr. RIEGLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a

cosponsor of S. 2307, a bill to require the Secretary of Health and Human Services to provide intensive outreach and other services and protections to homeless individuals.

S. 2312

At the request of Mr. SYMMS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2312, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 2334

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2334, a bill to expand the U.S. Department of Agriculture's low input sustainable agriculture research and education programs, and to provide biotechnology risk assessment research, and for other purposes.

S. 2346

At the request of Mr. REID, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 2346, a bill to prohibit certain practices in the raising of calves, and for other purposes.

S. 2356

At the request of Mr. SYMMS, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2356, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 2366

At the request of Mr. BOND, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2366, a bill to encourage States to establish parents as Teachers programs.

S. 2415

At the request of Mr. DOMENICI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2415, a bill to encourage solar and geothermal power production by removing the size limitations contained in the Public Utility Regulatory Act of 1978.

S. 2426

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2426, a bill to authorize the President to designate a private nonprofit foundation as eligible to receive funds for the purpose of promoting community tree planting and cultivation projects, to authorize the Secretary of Agriculture to establish a rural tree planting program and a community tree planning program, and for other purposes.

S. 2465

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. COATS], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from North Carolina [Mr. HELMS], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 2465, a bill to provide a new civil cause of action in Federal law for acts of international terrorism that provides extraterritorial jurisdiction over terrorist acts abroad against U.S. nationals.

S. 2509

At the request of Mr. PRYOR, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2509, a bill to improve the nutrition of elderly Americans, and for other purposes.

S. 2591

At the request of Mr. BAUCUS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Nebraska [Mr. KERREY], the Senator from South Dakota [Mr. DASCHLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Dakota [Mr. CONRAD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 2591, a bill to amend title XVIII of the Social Security Act to provide relief from certain regulations relating to physicians' services.

S. 2602

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 2602, a bill to amend the Public Health Service Act to provide assistance for biomedical and health services research, treatment programs and for other purposes relating to Alzheimer's disease and related disorders.

S. 2619

At the request of Mr. GLENN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 2619, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program.

S. 2640

At the request of Mr. DASCHLE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Delaware [Mr. BIDEN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2640, a bill to amend title XVIII of the Social Security Act to prevent fraud and abuse and encourage competition in the sale of Medicare supplemental insurance.

S. 2641

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2641, a bill to amend title XVIII of the Social Security Act to provide for simplification in the purchase of Medicare supplemental insurance.

S. 2672

At the request of Mr. THURMOND, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 2672, a bill to establish a U.S. Marshals Foundation.

S. 2688

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2688, a bill to amend section 21B of the Federal Home Loan Bank Act to provide for Resolution Funding Corporation borrowing from the Treasury.

S. 2766

At the request of Mr. MCCAIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2766, a bill to provide for the restoration of certain Medicare catastrophic benefits, plus addition of colon cancer screening benefit.

S. 2767

At the request of Mr. MCCAIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2767, a bill to provide for retention of certain Medicare catastrophic benefits provided by health maintenance organizations.

S. 2813

At the request of Mr. GRAHAM, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2813, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1992 Olympic games.

S. 2819

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2819, a bill to amend title XVIII of the Social Security Act to provide coverage of services rendered by community mental health centers as partial hospitalization services, and for other purposes.

S. 2836

At the request of Mr. MITCHELL, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2836, a bill to deny the People's Republic of China nondiscriminatory—most-favored-nation—trade treatment.

S. 2840

At the request of Mr. GLENN, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 2840, a bill to improve the management of the Federal

Government by establishing a Deputy Director for Management in the Office of Management and Budget; by establishing a chief financial officer of the United States who shall be in the Office of Management and Budget; by requiring the development of systems that provide complete, accurate and timely financial information; by increasing financial discipline and accountability by requiring independently audited agency financial statements; and for other purposes.

S. 2843

At the request of Mr. DURENBERGER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2843, a bill to amend title XIX of the Social Security Act to clarify that States may use a more liberal methodology in determining income and resource eligibility under medicaid for certain medically needy individuals.

S. 2850

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2850, a bill to authorize demonstration projects in connection with providing health services to Indians.

S. 2873

At the request of Mr. BOSCHWITZ, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Wyoming [Mr. WALLOP], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2873, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 2885

At the request of Mr. KASTEN, the names of the Senator from Maine [Mr. COHEN] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 2885, a bill to amend the Federal Deposit Insurance Act to require States in which the failure of State chartered savings associations has involved a disproportionately large share of the thrift resolution costs to pay a State thrift deposit insurance premium as a condition of future Federal deposit insurance.

S. 2893

At the request of Mr. LIEBERMAN, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2893, a bill to facilitate and assist in the economic adjustment and industrial diversification of workers, communities, and businesses adversely affected by the termination or reduction of defense contracts or the realignment or closure of defense facilities.

S. 2904

At the request of Mr. INOUYE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2904, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes.

S. 2924

At the request of Mr. MITCHELL, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2924, a bill to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 2959

At the request of Mr. HEINZ, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2959, a bill to amend the Railroad Retirement Solvency Act of 1983 to extend for 2 years the transfer to the Railroad Retirement Account of income tax revenues from tier 2 benefits.

S. 2961

At the request of Ms. MIKULSKI, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 2961, a bill to amend the Public Health Service Act to promote greater equity in the delivery of health care services to women through expanded research on women's health issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

SENATE JOINT RESOLUTION 12

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 272

At the request of Mr. COCHRAN, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. FOWLER], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. BREAUX], the Senator from Vermont [Mr. JEFFORDS], the Senator from Tennessee [Mr. GORE], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. BURDICK], the Senator from Wyoming [Mr. WALLOP], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], the Senator from Idaho [Mr. SYMMS], the Senator from Florida [Mr. GRAHAM], the Senator from North Carolina [Mr. SANFORD], the Senator from Rhode Island [Mr. PELL], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE JOINT RESOLUTION 305

At the request of Mr. THURMOND, the names of the Senator from Washington [Mr. ADAMS], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. FOWLER], the Senator from North Carolina [Mr. HELMS], the Senator from Alaska [Mr. STEVENS], the Senator from Texas [Mr. BENTSEN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 305, a joint resolution to designate the month of September 1990, as "National Awareness Month of Children with Cancer."

SENATE JOINT RESOLUTION 309

At the request of Mr. BIDEN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 309, a joint resolution designating the month of October 1990 as "Crime Prevention Month."

SENATE JOINT RESOLUTION 329

At the request of Mr. KASTEN, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 329, a joint resolution to designate the week of June 17, 1990, through June 23, 1990, as "National Week To Commemorate the Victims of the Famine in Ukraine, 1932-1933," and to commemorate the Ukrainian famine of 1932-1933 and the policies of Russification to suppress Ukrainian identity.

SENATE JOINT RESOLUTION 344

At the request of Mr. THURMOND, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 344, a joint resolution to designate the week of November 18 through 24, 1990, as "National Wild Turkey Week" and November 22, 1990, as "National Wild Turkey Day."

SENATE JOINT RESOLUTION 346

At the request of Mr. BOSCHWITZ, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Missouri [Mr. BOND], the Senator from Alabama [Mr. HEFLIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Georgia [Mr. FOWLER], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Vermont [Mr. JEFFORDS], the

Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. SASSER], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Utah [Mr. GARN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Florida [Mr. GRAHAM], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. WILSON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. D'AMATO], the Senator from New York [Mr. MOYNIHAN], the Senator from Indiana [Mr. LUGAR], the Senator from Maine [Mr. COHEN], the Senator from Alaska [Mr. STEVENS], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Tennessee [Mr. GORE], the Senator from Texas [Mr. BENTSEN], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 346, a joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America."

SENATE JOINT RESOLUTION 349

At the request of Mr. D'AMATO, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of Senate Joint Resolution 349, a joint resolution designating October 1990, as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 356

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. HELMS], the Senator from North Dakota [Mr. BURDICK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. SASSER], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 356, a joint resolution designating November 4 through 11, 1990, as "National Key Club Week."

SENATE JOINT RESOLUTION 359

At the request of Mr. D'AMATO, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. GORTON], the Senator from Alaska [Mr. STEVENS], the Senator from Indiana [Mr. COATS], the Senator from California [Mr. WILSON], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. DIXON], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 359, a joint resolution designating the week beginning September 16, 1990, as "Emergency Medical Services Week."

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HATFIELD, the name of the Senator from Hawaii [Mr. AKAKA], was added as a cosponsor of Senate Concurrent Resolution 52, a concurrent resolution to express the sense of the Congress that science, mathematics, and technology education should be a national priority.

SENATE CONCURRENT RESOLUTION 134

At the request of Mr. HEINZ, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Concurrent Resolution 134, a concurrent resolution expressing the sense of Congress concerning a 1991 White House Conference on Aging.

SENATE RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Resolution 80, a resolution relating to legislation which would require interstate mail-order companies to impose State taxes on items mailed across State borders.

AMENDMENTS SUBMITTED

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991

MITCHELL (AND COHEN) AMENDMENT NO. 2611

Mr. DECONCINI (for Mr. MITCHELL, for himself and Mr. COHEN) proposed an amendment, which was subsequently modified, to the bill (H.R. 5241) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1991, and for other purposes, as follows:

On page 18, line 16, strike "$160,000" and insert in lieu thereof, in italics: "$300,000".

On page 94, line 23, insert "(a)" after "SEC. 527". On page 95, line 3, strike "$200,000" and insert in lieu thereof, "$300,000".

On page 95, insert between lines 4 and 5 the following new subsection:

"(b) Funds appropriated for fiscal year 1991 for reimbursements for Presidential protection assistance authorized under Section 12 of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note) shall be made available for any such reimbursements claimed during fiscal year 1990.".

GLENN (AND OTHERS) AMENDMENT NO. 2612

Mr. GLENN (for himself, Mr. ROTH and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 94 between lines 19 and 20 add the following new section.

SEC. 526. SHORT TITLE.

This title may be cited as the "Federal Pay Reform Act of 1990".

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Sec. 775. Additional conforming amendments.
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Subtitle A—Federal Pay Comparability Reform and Locality-Based Pay Adjustments

SEC. 711. POLICY.

Section 5301 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "within each pay area" after "work";

(B) in paragraph (2) by inserting "within each pay area" after "maintained"; and

(C) in paragraph (3) by striking out "pay rates for the same levels of work" and inserting in lieu thereof "and State and local government pay rates for the same levels of work within each pay area"; and

(2) in subsection (c)—

(A) in paragraph (2) by striking out "or" at the end thereof;

(B) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) chapter 54 of this title, relating to the performance management and recognition system.".

SEC. 712. LOCALITY-BASED ADJUSTMENTS.

Chapter 53 of title 5, United States Code, is amended by inserting after section 5301 the following new section:

"§ 5302. Locality-based adjustments

"(a) Locality-based pay adjustments shall be determined by the pay agent, referred to under section 5305, based on pay relative data determined by the Bureau of Labor Statistics under section 5305 for positions under statutory pay systems including professional, administrative, technical, clerical, and other positions (including law enforcement officers). The adjustments shall be paid in wage areas surveyed by the Bureau of Labor Statistics and shall apply to each employee in a statutory pay system as defined under section 5301(c) whose permanent duty station is within the boundaries of the applicable wage area. An employee whose permanent duty station is not located within the boundaries of wage area surveyed by the Bureau of Labor Statistics shall receive that locality-based pay adjustment, if any, payable to employees in the nearest wage locality.

"(b) For purposes of pay retention under section 5363 of this title, that portion of a pay rate based on locality-based adjustments shall not be a rate of basic pay, if an employee transfers to a locality with a differing locality-based pay rate. Locality-based pay rates shall be part of basic pay for all other purposes, including retirement, life insurance, lump-sum leave payments, and severance pay.".

SEC. 713. HIGHER MINIMUM RATES; PRESIDENTIAL AUTHORITY.

Section 5303 of title 5, United States Code, is amended to read as follows:

"§ 5303. Higher minimum rates; Presidential authority

"(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level (including under an alternative pay schedule). However, a minimum rate so established may not exceed 160 percent of the minimum pay rate prescribed by statute (or established under an alternative pay schedule, if applicable) for the grade or level. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointments in the competitive service, by such other agency as he may designate.

"(b) Authority under subsection (a) may be exercised if the Government's efforts to recruit or retain well-qualified individuals are significantly handicapped by—

"(1) the remoteness of the area or location involved;

"(2) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or

"(3) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate.

"(c) Authority under subsection (a) may be exercised with respect to positions paid under—

"(1) a statutory pay system; or

"(2) any other pay system established by or under Federal statute for civilian positions within the executive branch.

"(d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as he may designate. The actions and revisions have the force and effect of statute.

"(e) An increase in a rate of pay established under this section is not an equivalent increase in pay within the meaning of section 5335 and may not be considered part of basic pay of an employee.

"(f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system referred to in subsection (c), shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.

"(g) The Office of Personnel Management may make appropriate locality-based adjustments under section 5302 for any position for which a rate of pay is established under this section, except any such adjustment may not exceed the minimum rate limitation under subsection (a).".

SEC. 714. PRESIDENTIAL POLICIES AND REGULATIONS.

Section 5304 of title 5, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) reviewing and reporting to the President biennially the comparison of Federal pay rates with pay rates in private enterprise and State and local governments;";

(2) in paragraph (2) by striking out "annual comparison" and inserting in lieu thereof "annual general adjustment and locality-based adjustments"; and

(3) in paragraph (4) by inserting "and State and local government" after "enterprise".

SEC. 715. ANNUAL GENERAL ADJUSTMENT AND LOCALITY-BASED ADJUSTMENTS.

(a) ADJUSTMENTS.—Section 5305 of title 5, United States Code, is amended by striking out subsections (a) through (k) and inserting in lieu thereof:

"(a)(1) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(A) direct the Bureau of Labor Statistics to determine in each fiscal year the increase in wages or salaries as reflected by the employment cost index (wages and salaries, white-collar occupations excluding sales) based on information for the preceding 12-month period ending on September 30 of each year; and

"(B) direct the Bureau of Labor Statistics to determine pay relative data for each locality surveyed by examining a broad representation of positions in professional, administrative, technical, clerical, and other positions.

"(2) A pay relative shall be the average earnings in a locality expressed as a percentage of the average earnings in all wage areas combined. The wage areas surveyed shall be those areas determined by such agent as the President considers appropriate, in consultation with the Bureau of Labor Statistics and shall be limited to those areas located within the conterminous United States and shall not include Alaska, Hawaii, or areas outside the United States. Each wage area shall be surveyed at least once every 2 years.

"(b) No later than November 1 of each year, the Bureau of Labor Statistics shall submit a report of the determinations made under subsection (a) to the pay agent referred to under subsection (a).

"(c)(1) No later than December 31 of each year, the pay agent referred to under subsection (a) shall report to the President and the Congress the annual general adjustment which shall be that percentage adjustment to statutory pay rates which equals the increase in the employment cost index. The

pay agent shall also report locality adjustments necessary to reflect the pay relative data determined by the Bureau of Labor Statistics. No locality adjustment shall be reported for any wage area where the pay relative is 1.0 or less. Such adjustments shall be included in the budget next transmitted under section 1105(a) of title 31, United States Code by the President to the Congress after the date of the submission of the agent's report.

"(2) The employment cost index adjustment described under paragraph (1) shall be rounded to the nearest tenth of a percent. The locality-based adjustment described under paragraph (1) shall be rounded to the nearest tenth of a percent.

"(d) Except as provided in subsection (e) of this section, the President shall make adjustments in the rates of pay of each statutory pay system equal to the sum of the general annual adjustment and any locality-based adjustment figures as reported under subsection (c) of this section and in accordance with the principles of section 5301(a) of this title, effective as of the beginning of the first applicable pay period beginning on or after October 1 of the applicable year.

"(e) If the President determines that national emergency or serious economic conditions affecting the general welfare require that the annual general adjustment and the locality adjustments be held below the levels described in subsection (c), the President shall prepare and report that determination to the Congress in the budget transmittal described in subsection (c). In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures. The President shall include in the report to Congress under this subsection his assessment of the impact that holding the general adjustment and the locality adjustments below the levels described in subsection (c) will have on the Government's ability to recruit and retain well-qualified employees.".

(b) REDESIGNATIONS.—Section 5305 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (f);

(2) by striking out subsection (m); and

(3) by redesignating subsections (n) through (r) as subsections (g) through (k), respectively.

SEC. 716. FEDERAL PAY COUNCIL.

Section 5306 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The President shall establish a Federal Pay Council of 9 members, of whom—

"(A) 3 shall be chosen from among persons generally recognized for their impartiality, knowledge, and experience in the field of labor relations and pay policy; and

"(B) 6 shall be representatives of employee organizations which represent substantial numbers of employees holding General Schedule positions, and who shall be selected with due consideration to such factors as the relative numbers of employees represented by the various organizations, except that not more than 3 members of the Council at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations.

"(2) Members of the Council who are not otherwise employees of the United States shall neither receive pay nor be considered to be employees by reason of service as such members.

"(3) The pay agent, referred to under section 5305, shall—

"(A) provide for meetings with the Council and give thorough consideration to the views and recommendations of the Council and the individual views and recommendations, if any, of the members of the Council regarding—

"(i) the establishment or modification of pay localities;

"(ii) the coverage of the annual survey conducted by the Bureau of Labor Statistics under section 5305(a) (including, but not limited to, the occupations, establishment sizes, and industries, to be surveyed, and how pay localities are to be surveyed); and

"(iii) the process of comparing the rates of pay payable under the General Schedule with rates of pay for the same levels of work performed by non-Federal workers;

"(B) give thorough consideration to the views and recommendations of employee organizations not represented on the Council regarding the subjects in subparagraph (A); and

"(C) include in its report to the President the views and recommendations submitted as provided in this subsection by the Council, by any member of the Council, and by employee organizations not represented on the Council.";

(2) by striking out subsection (b);

(3) by redesignating subsection (c) through (f) as subsections (b) through (e), respectively;

(4) in subsections (b) through (e) (as redesignated in paragraph (3)) by striking out "Committee" each place it appears and inserting in lieu thereof "Council" in each such place; and

(5) by striking out subsections (g) and (h) and inserting in lieu thereof:

"(f) The Council may appoint and fix the pay of such personnel as may be necessary to carry out its function, except such personnel may not exceed 20 persons. One such person may be an Executive Director whose rate of pay may not exceed the annual rate of basic pay of level V of the Executive Schedule.".

SEC. 717. PAY LIMITATION.

Section 5308 of title 5, United States Code, is amended to read as follows:

"§ 5308. Pay limitation

"Except for locality-based adjustments alone or in combination with rates set under section 5303, pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule. Pay adjusted in accordance with this subchapter, including any locality-based adjustment, may not exceed the rate of basic pay for level II of the Executive Schedule.".

SEC. 718. CRITICAL-POSITION PAY AUTHORITY.

Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5309. Critical-position pay authority

"(a) The Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, may, from time to time, allocate and reallocate among the departments and agencies of the executive branch, critical-position pay authority for not to exceed a Government-wide total of 800 positions.

"(b) The head of an agency that receives an allocation of critical-position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Personnel Management under subsection (a).

"(c) For purposes of this section, 'critical-position pay authority' means the authority for the head of an agency, notwithstanding any other law, including any provision of this chapter, to fix the rate of basic pay for any position which such agency head determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(d) Critical-position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Personnel Management required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Personnel Management at the time of such reexercise.

"(e) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

"(1) the extent to which the position requires expertise of an extremely high level in a scientific, technical, professional, or administrative field;

"(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals; and

"(3) the extent to which the position is critical to the agency's successful accomplishment of an important mission.

"(f)(1) The Office of Personnel Management shall establish a Critical Position Advisory Panel to make recommendations on—

"(A) the criteria that should be used to determine which positions should be critical positions; and

"(B) the qualifications that should be expected of individuals assigned to critical positions.

"(2) The panel shall be composed of members with exceptional expertise and experience in management, administration, and personnel matters.

"(g) On October 1 of each year, the Office of Personnel Management shall submit a report to the Congress listing all critical-pay positions in the Government.".

SEC. 719. REPORTS BY THE PAY AGENT.

(a) REPORT ON LOCALITY-BASED ADJUSTMENTS FOR CERTAIN EMPLOYEES.—Within 2 years after the date of the enactment of this title, the pay agent, referred to under section 5305 of title 5, United States Code, shall report to the President and the Congress on the feasibility of including within the scope of the locality-based adjustment plan those employees who are stationed outside the continental United States or in Alaska who receive allowances based on living costs and conditions of environment

under section 5941 of title 5, United States Code.

(b) REPORT ON ADJUSTMENTS RELATING TO EMPLOYMENT PERFORMANCE.—Within 2 years after the date of the enactment of this title, the pay agent referred to under section 5305 of title 5, United States Code, shall report to the President and the Congress on the feasibility of linking all or part of the annual adjustments and locality-based adjustments to the employee's on-the-job performance.

(c) REPORT ON OTHER PLANS.—Within 3 years following implementation of the pay increases for fiscal year 1992, the pay agent shall submit a plan to the President and the Congress to close any remaining differences in Federal pay in comparison with private enterprise and State and local government pay rates.

(d) REPORTS ON SEPARATE PAY SYSTEMS.—Within 2 years after the date of the enactment of this title, the pay agent shall report on the desirability of establishing separate pay systems for certain occupations.

(e) SPECIAL OCCUPATIONAL PAY SYSTEM.—Notwithstanding the provisions of subsection (d), the President's Pay Agent shall establish a special occupational pay system consistent with chapter 53 of title 5, United States Code, for law enforcement officer positions (as defined by the President's Pay Agent) that would otherwise be subject to chapter 51 of such title.

SEC. 720. IMPLEMENTATION.

In the implementation of the amendments made under this subtitle for the fiscal year beginning on October 1, 1991, the Bureau of Labor Statistics may use pay relative and locality data from commercially available sources, as necessary.

SEC. 721. EFFECTIVE DATE.

The provisions of this subtitle and amendments made by this subtitle shall take effect on October 1, 1990, and the annual general adjustment and any locality-based adjustments under such amendments shall take effect on the first applicable pay period beginning on or after October 1, 1991. The provisions of title 5, United States Code, (before the amendments made by this subtitle) shall apply for pay adjustments made under section 5305 of such title before October 1, 1991.

Subtitle B—Miscellaneous Federal Pay Reform Provisions

SEC. 731. EQUAL PAY PRINCIPLES.

Section 2301(b)(3) of title 5, United States Code, is amended by striking out "employers in the private sector" and inserting in lieu thereof "non-Federal employers".

SEC. 732. TIME OFF DUTY AS AN INCENTIVE AWARD.

Section 4502 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) The Office of Personnel Management may by regulation permit agencies to grant employees time off duty, without loss of pay or charge to leave, as an award in recognition of superior accomplishment or other personal effort that contributes to the quality, efficiency, or economy of Government operations. Such time off duty may not exceed 5 working days in any calendar year for any employee.".

SEC. 733. CLASSIFICATION OF GENERAL SCHEDULE POSITIONS ABOVE GS-15.

Section 5108 of title 5, United States Code, is amended—

(1) in the heading by striking out "at GS-16, 17, and 18" and inserting in lieu thereof "above GS-15";

(2) in subsection (a)—

(A) in clause (i) by striking out "GS-16, 17, and 18" and inserting in lieu thereof "a position above GS-15"; and

(B) in the sentence immediately following clause (iii) by striking out " in GS-16, 17, or 18," and inserting in lieu thereof "above GS-15,";

(3) in subsection (b)—

(A) in paragraph (1) by striking out "in GS-16, 17, and 18" and inserting in lieu thereof "above GS-15"; and

(B) in paragraph (2) by striking out "GS-16, 17, and 18" and inserting in lieu thereof "above GS-15"; and

(4) in subsection (c)—

(A) by striking out paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1) and striking out "in GS-16, 17, and 18" and inserting in lieu thereof "above GS-15" in such paragraph; and

(C) by redesignating paragraph (3) as paragraph (2) and striking out "GS-16, 17, and 18" and inserting in lieu thereof "above GS-15" in such paragraph.

SEC. 734. RECRUITMENT AND RELOCATION BONUSES, RETENTION ALLOWANCES, AND SENIOR GENERAL SCHEDULE POSITIONS.

Chapter 53 of title 5, United States Code is amended by inserting after section 5309 (as added by section 718 of this title) the following new sections:

"§ 5310. Recruitment and relocation bonuses

"(a) The Office may authorize the head of an agency to pay a bonus to an employee who is newly appointed to a position under the General Schedule, or to an employee under the General Schedule or under any other pay authority in the executive, legislative, or judicial branch, who is required to relocate to accept a position under the General Schedule, if the Office determines that the agency would be likely, in the absence of such a bonus, to encounter difficulty in filling the position.

"(b)(1) The amount of a bonus under this section shall be determined by regulations of the Office, but may not exceed 25 percent of the annual rate of basic pay of the position to which the employee is being appointed or relocated.

"(2) Payment of a bonus under this section shall be contingent upon the employee entering into an agreement with the agency to complete a period of employment with the agency, with the required period determined pursuant to regulations of the Office. If the employee voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the employee shall repay the bonus on a pro rate basis.

"(3) A bonus under this section shall be paid as a lump sum, and may not be considered to be part of the basic pay of an employee.

"(4) Under regulations of the Office, a recruitment bonus may be paid to a newly-hired employee before the employee enters on duty.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the General Schedule has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency will use at the level of recognition for determining eligibility for and the amount of relocation bonuses under this section.

"§ 5310A. Retention allowances

"(a) The Office may authorize the head of an agency to pay an allowance to an employee under the General Schedule, if—

"(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services make it essential to retain the employee; and

"(2) the agency determines that the employee would be likely to leave in the absence of a retention allowance.

"(b)(1) A retention allowance, which shall be stated as a percentage of the rate of basic pay of the employee, may not exceed 25 percent of such rate of basic pay.

"(2) A retention allowance may not be considered to be part of the basic pay of an employee, and the reduction or elimination of a retention allowance may not be appealed.

"(3) A retention allowance shall be paid in the same manner and at the same time as the employee's basic pay is paid.

"(c)(1) The Office shall prescribe such regulations as it considers necessary for the administration of this section.

"(2) If a labor organization representing employees of an agency under the General Schedule has been accorded exclusive recognition under section 7111 or has been granted national consultation rights under section 7113, the agency shall consult with that labor organization on any criteria the agency shall use at the level of recognition in determining eligibility for and the amount of allowances under this section.

"§ 5310B. Pay for senior General Schedule positions

"(a)(1) This section applies to employees in—

"(A) positions that are classified above GS-15 under section 5108, but that are not—

"(i) Senior Executive Service positions under section 3132; or

"(ii) positions in the Federal Bureau of Investigation and the Drug Enforcement Administration Senior Executive Service under section 3151; and

"(B) scientific and professional positions established under section 3104.

"(2) An employee paid under this section shall not be covered by sections 5302, 5303, and 5304, but shall be subject to the other provisions of this subchapter.

"(b) Subject to regulations and criteria prescribed by the Office of Personnel Management, the head of an agency may set the rate of basic pay of a position to which this section applies at not less than 120 percent of the minimum rate for GS-15 nor more than the rate for level IV of the Executive Schedule.

"§ 5310C. Bar to judicial review

"There shall be no judicial review of matters entrusted to the discretion of the President, the pay agent, or the Office of Personnel Management under this subchapter or under section 5372 or 5382.".

SEC. 735. MINIMUM RATE FOR NEW APPOINTMENTS.

Section 5333(a) of title 5, United States Code, is amended by striking out "in GS-11 or above" and inserting in lieu thereof "in the General Schedule or other statutory pay system".

SEC. 736. PAY FOR ADMINISTRATIVE LAW JUDGES.

(a) IN GENERAL.—Section 5372 of title 5, United States Code, is amended to read as follows:

"§ 5372. Administrative law judges

"(a)(1) The President shall, in his sole discretion, establish and from time to time adjust 3 or more rates of basic pay for administrative law judges, of which the minimum rate may not be less than 120 percent of the minimum rate for GS-15, as in effect from time to time, and the maximum rate may not be more than the rate for level IV of the Executive Schedule, as in effect from time to time.

"(2) The rates of basic pay that are established and adjusted under this subsection shall be printed in the Federal Register and shall supersede any prior rates of basic pay for administrative law judges.

"(b) The Office of Personnel Management shall determine, in its sole discretion, at which rate of basic pay each administrative law judge shall be paid. In making such determination, the Office shall consider the complexity and variety of the cases assigned to the administrative law judge, and any administrative responsibilities of the administrative law judge, and may consider the administrative law judge's length of service as an administrative law judge. Notwithstanding section 1104(a)(2), this authority may not be delegated to the head of any agency.

"(c) The Office of Personnel Management shall prescribe such regulations as it considers necessary for the administration of this section.".

(b) LIMITATION ON PAY.—Section 5373 of title 5, United States Code, is amended by striking out "maximum rate for GS-18" and inserting in lieu thereof "rate for level IV of the Executive Schedule".

SEC. 737. SENIOR EXECUTIVE SERVICE PAY ADJUSTMENT CORRESPONDING TO GENERAL SCHEDULE PAY ADJUSTMENT.

Section 5382(c) of title 5, United States Code, is amended to read as follows:

"(c) Subject to subsection (b), effective at the beginning of the first applicable pay period commencing on or after the effective date of an adjustment in the rates of basic pay of the General Schedule or of the rates of pay of the Executive Schedule, each rate of basic pay for the Senior Executive Service shall be adjusted by an amount determined by the President in his sole discretion to be appropriate.".

SEC. 738. ADVANCES OF PAY.

Section 5522 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

"(c) Under regulations prescribed by the Office of Personnel Management, an agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to any individual who is newly appointed to a position in the agency and who has to relocate to accept such appointment."; and

(3) in subsection (d), as redesignated, by striking out "subsection (a)" both times it occurs and inserting in lieu thereof "subsection (a) or (c)".

SEC. 739. PREMIUM PAY AMENDMENTS.

Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end thereof the following new subsection:

"(c) This section shall not apply to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work.";

(2) in section 5544 by adding at the end of subsection (a) "This section, other than the sixth sentence, shall not be applicable to an employee who is subject to the overtime pay provisions of section 7 of the Fair Labor Standards Act of 1938. In the case of an employee who would, were it not for the preceding sentence, be subject to this section, hours of work in excess of 8 hours in a day shall be deemed to be overtime hours for the purposes of such section 7 and hours in a paid non-work status shall be deemed to be hours of work.";

(3) in section 5545(d)—

(A) by striking out "irregular or intermittent"; and

(B) by amending paragraph (1) to read as follows:

"(1) may apply to an employee in a position which by its nature inherently involves physical hardship or hazard only if the Office determines such application to be appropriate; and"; and

(4) in section 5547 by amending subsection (b) to read as follows:

"(b)(1) Subject to regulations prescribed by the Office of Personnel Management, the provisions of the first sentence of subsection (a) shall not apply to an employee who is paid premium pay by reason of work on, or in support of, an emergency involving a direct threat to life or property, including a forest wildlife emergency.

"(2) Notwithstanding paragraph (1), no employee (other than an employee subject to the second sentence of subsection (a)) may be paid premium pay under sections 5542, 5545 (a), (b), and (c), and 5546 (a) and (b) to the extent that the aggregate of basic and premium pay for such employee for the aggregate of all pay periods in any calendar year would otherwise exceed the maximum annual rate of basic pay for GS-15 in effect at the end of such calendar year.".

SEC. 740. TRAVEL AND TRANSPORTATION EXPENSES FOR CANDIDATES AND NEW APPOINTEES.

Chapter 57 of title 5, United States Code, is amended—

(1) in section 5703—

(A) in the section heading by inserting after "pay" the following: "; interview expenses"; and

(B) by adding at the end thereof the following: "An individual being considered for employment by an agency may be paid travel or transportation expenses under this subchapter to travel to and from pre-employment interviews determined necessary by the agency.";

(2) in section 5723—

(A) in the section heading by striking out "; manpower shortage positions"; and

(B) in subsection (a) by amending paragraph (1) to read as follows:

"(1) travel expenses of a new appointee or a student trainee when assigned on completion of college work; and";

(3) by repealing section 5752; and

(4) in the table of sections for such chapter—

(A) by amending the item relating to section 5703 to read as follows:

"5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay; interview expenses.";

(B) by amending the item relating to section 5723 to read as follows:

"5723. Travel and transportation expenses of new appointees and student trainees.";

and

(C) by striking out the item relating to section 5752.

SEC. 741. UNIFORM ALLOWANCES.

Subchapter I of chapter 59 of title 5, United States Code, is amended—

(1) in section 5901(a) by striking out "$125" each place it appears and inserting in lieu thereof "$400";

(2) by amending section 5902 to read as follows:

"§ 5902. Increase in maximum uniform allowances

"Notwithstanding section 5901, the Office of Personnel Management may from time to time, by regulation, adjust the maximum amount for the cost of uniforms and the maximum allowance for uniforms under section 5901, and such adjustment shall also adjust the amount prescribed under the first sentence of section 5901."; and

(3) by amending section 5903 to read as follows:

"§ 5903. Regulations

"The Office of Personnel Management may prescribe such regulations as it considers necessary for the administration of this subchapter.".

SEC. 742. EXTENSION OF PHYSICIANS COMPARABILITY ALLOWANCES.

Section 5948(d) of title 5, United States Code, is amended—

(1) by striking "September 30, 1990" and inserting in lieu thereof "September 30, 1995"; and

(2) by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

SEC. 743. REEMPLOYMENT OF RETIREES.

(a) CIVIL SERVICE RETIREMENT SYSTEM RETIREES.—Section 8344 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency, waive the application of the provisions of this section on a case-by-case basis to fill vacancies in scientific, technical, professional, or administrative positions for which there is exceptional difficulty in recruiting qualified applicants. An employee to whom such waiver applies shall not be deemed an employee for the purposes of chapter 83 or 84 while such waiver is in effect. The Office shall prescribe regulations establishing criteria for the exercise of this authority.".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM RETIREES.—Section 8468 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Director of the Office of Personnel Management may, at the request of the head of an Executive agency, waive the application of the provisions of this section on a case-by-case basis to fill vacancies in scientific, technical, professional, or administrative positions for which there is exceptional difficulty in recruiting qualified applicants. An employee to whom such waiver applies shall not be deemed an employee for the purposes of chapter 83 or 84 while such waiver is in effect. The Office shall prescribe regulations establishing criteria for the exercise of this authority.".

(c) ADMINISTRATION BY THE OFFICE OF PERSONNEL MANAGEMENT.—In the administration of the provisions of sections 8344(i) and

8468(f) of title 5, United States Code (as added by the amendments under this section) the Office of Personnel Management shall ensure that the combined number of waivers granted under such sections shall not apply to more than 1,250 positions at any time.

SEC. 744. COMPENSATION OF STANDING TRUSTEES APPOINTED UNDER TITLES 11 AND 28, UNITED STATES CODE.

(a) COMPENSATION.—Section 586(e)(1)(A) of title 28, United States Code, is amended to read as follows:

"(A) a maximum annual compensation for such individual consisting of—

"(i) an amount not to exceed the highest annual rate of basic pay in effect for level V of the Executive Schedule; and

"(ii) the cash value of employment benefits comparable to the employment benefits provided by the United States to individuals who are employed by the United States at the same rate of basic pay to perform similar services during the same period of time; and".

(b) APPLICATION TO ALL STANDING TRUSTEES.—The amendment made by subsection (a) shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Pub. Law 99-54; 100 Stat. 3121) apply.

SEC. 745. ADJUSTMENTS OF COMPENSATION IN PAY OF UNIFORMED SERVICES.

(a) Section 1009 of title 37, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) Effective on October 1, 1991, and on the first day of October of each year thereafter, the President shall make an adjustment, by a percentage determined by the President, in the current rates of—

"(1) the monthly basic pay authorized members of the uniformed services pursuant to section 203(a) of this title;

"(2) the basic allowance for subsistence authorized members of the uniformed services pursuant to section 402 of this title; and

"(3) the basic allowance for quarters authorized members of the uniformed services pursuant to section 403(a) of this title.";

(2) in subsection (b) by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof:

"(1) be based on the rates of the various elements of compensation as defined in, or made under, section 402 or 403 of this title, or this section; and

"(2) subject to subsections (c) and (d) of this section, provide all eligible members with the same overall percentage increase in each element of compensation set forth in subsection (a) of this section.";

(3) in subsections (c) (1) and (2) and subsection (d)(2)(A) by striking out "subsection (b)(3)" each place that it appears and inserting in lieu thereof "subsection (b)(2)";

(4) in subsection (d)(2)(B) by striking out "in the General Schedule rates of basic pay for civilian employees" and inserting in lieu thereof "described in subsection (b)(2) of this section"; and

(5) by adding at the end thereof the following new subsection:

"(g) Basic pay authorized for members of the uniformed services may not be paid at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule under title 5.".

SEC. 746. COMPENSATION FOR AGENCY BOARDS OF CONTRACTS APPEALS.

Section 8(b) of the Contract Disputes Act of 1978 (41 U.S.C. 607(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "GS-18 under the General Schedule contained in section 5332, United States Code," and inserting in lieu thereof "rate 6 in the Senior Executive Service established under section 5382 of title 5, United States Code,";

(B) by striking out "GS-17 under such General Schedule," and inserting in lieu thereof "rate 5 in the Senior Executive Service established under section 5382 of such title,";

(C) by striking out "GS-16 under such General Schedule" and inserting in lieu thereof "rate 4 in the Senior Executive Service established under section 5382 of such title"; and

(D) striking out the fifth sentence; and

(2) in paragraph (2)—

(A) by striking out "GS-18 under the General Schedule contained in section 5332, United States Code," and inserting in lieu thereof "rate 6 in the Senior Executive Service established under section 5382 of title 5, United States Code,"; and

(B) by striking out "GS-16 under such General Schedule" and inserting in lieu thereof "rate 4 in the Senior Executive Service established under section 5382 of title 5, United States Code,".

SEC. 747. EFFECTIVE DATE.

The provisions of this subtitle and the amendments made by this subtitle shall take effect on October 1, 1990, and any adjustments in pay under such provisions shall take effect on such date as determined by the Office of Personnel Management, but no later than the first applicable pay period beginning on or after October 1, 1991.

Subtitle C—Administrative Office of the United States Courts Personnel

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Administrative Office of the United States Courts Personnel Act of 1990".

SEC. 752. DEFINITIONS.

For purposes of this subtitle the term—

(1) "Director" means the Director of the Administrative Office of the United States Courts;

(2) "employee" means any employee of the Administrative Office of the United States Courts, except any employee referred to in section 603 of title 28, United States Code; and

(3) "Office" means the Administrative Office of the United States Courts.

SEC. 753. GENERAL PERSONNEL AUTHORITY.

The Director of the Administrative Office of the United States Courts may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

SEC. 754. ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM.

(a) ESTABLISHMENT.—The Director shall establish a personnel management system for the Office—

(1) which provides for the appointment, pay, promotion, and assignment of all employees on the basis of merit; and

(2) to which the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive civil service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates shall not apply.

(b) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established under subsection (a) shall, at a minimum—

(1) provide for a schedule of pay rates applicable to all employees;

(2) provide that the basic rate of pay of any person appointed under this section shall not exceed the rate of basic pay for level V of the Executive Schedule, except as provided in paragraph (11);

(3) incorporate pay comparability principles as set forth under section 5301(a) of title 5, United States Code;

(4) provide for the adjustment of the pay of employees at the same time and in the same percentage amount as rates of basic pay are adjusted for General Schedule and prevailing rate employees, as appropriate;

(5) establish procedures for employee evaluations, the granting of periodic pay adjustments, incentive awards, and resolution of employee grievances;

(6) establish procedures for disciplinary actions, including reduction in grade or pay, suspension, and removal, based on unacceptable performance or misconduct, except that the Director may exempt from such procedures positions of a confidential or policy-determining character, not to exceed 4 percent of the authorized positions of the Office;

(7) establish procedures for premium pay (including overtime) similar to the provisions of subchapter V of chapter 55 of title 5, United States Code;

(8) include the merit system principles set forth under section 2301(b) of title 5, United States Code;

(9) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code;

(10) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

(11) provide for the basic rate of pay of not more than 5 percent of the authorized positions of the Office (excluding the positions referred to in section 603 of title 28, United States Code) to be set at rates not to exceed the rate of basic pay for positions at level IV of the Executive Schedule.

SEC. 755. ADMINISTRATIVE PROVISIONS.

(a) WORK SCHEDULES.—In establishing procedures under section 754(b)(7) the Director may at his discretion implement flexible and compressed work schedules and may exempt the hours constituting such schedules from premium pay to the extent the Director determines necessary to implement such schedules.

(b) DISCRIMINATION COMPLAINTS.—In implementing the provisions of section 754(b)(10), the Director shall, no later than 6 months after the date of the enactment of this title, promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment.

(c) PAY LIMITATION.—Notwithstanding any other provision of this section, aggregate pay in any 1 year period (including basic pay and incentive awards) of any individual whose basic rate of pay is set under this subtitle may not exceed the annual aggregate pay computed at the basic rate of pay for the position of the Director.

(d) TRAVEL EXPENSES AND LEAVE FOR CERTAIN POSITIONS.—The Director may apply the provisions of sections 5723 and 6304(f) of title 5, United States Code, to the positions referred to under section 754(b)(11) and in section 603 of title 28, United States Code, including the Deputy Director.

(e) INCENTIVE AWARDS FOR CERTAIN POSITIONS.—The Director may provide for incen-

tive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation under subsection (c).

(f) PAY, INCENTIVE AWARDS, AND TRAVEL EXPENSES OF DIRECTOR.—The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director's aggregate pay for any fiscal year, including aggregate annual pay and incentive awards, may not exceed the aggregate annual pay of a United States circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

(g) TRAINING PROGRAMS.—The Director may develop and conduct programs to meet the short and long range training needs of the agency.

(h) EMPLOYEE GRIEVANCES AND APPEALS.—(1) Notwithstanding any other provision of law, an individual who is an employee of the Office on the day before the effective date of this subtitle and who, as of that day, was entitled to—

(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

(C) file an appeal with the Equal Employment Opportunity Commission under 29 CFR, Part 1613,

shall continue to be entitled to file such appeal so long as the individual remains an employee of the Office.

(2) The provisions of paragraph (1) shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character described under section 754(b)(11).

SEC. 756. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1990 and for each year thereafter such sums as may be necessary to carry out the provisions of this subtitle.

SEC. 757. EFFECTIVE DATE.

The provisions of this subtitle shall take effect 60 days after the date of the enactment of this title.

Subtitle D—Pay for Performance

SEC. 761. POLICY.

It is the policy of the Congress that—

(1) the Federal Government should institute systems for determining pay for its General Schedule employees under which the linkage between their performance and their pay will be strengthened;

(2) the design of such systems should be developed by the Office of Personnel Management, in conjunction with the Pay-for-Performance Labor-Management Committee;

(3) the systems should provide flexibility to adapt to the different needs of different agencies and organizational components in the Federal Government; and

(4) any legislation needed to implement the systems should be enacted in a timely fashion so as to permit implementation of the system by October 1, 1993.

SEC. 762. PAY-FOR-PERFORMANCE LABOR-MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—The Office of Personnel Management shall establish a Pay-for-Performance Labor-Management Committee to advise the Office on the design and establishment of systems for strengthening the linkage between the performance of General Schedule employees and their pay.

(b) MEMBERSHIP.—The members of the Committee shall be—

(1) a Chairman, who shall be appointed by the Director of the Office of Personnel Management on the basis of the appointee's education, training, and experience as an expert in compensation practices, and after consultation with the Chairmen of the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service;

(2) an employee of the Office of Personnel Management, designated by the Director of such Office;

(3) an employee of the Office of Management and Budget, designated by the Director of such Office;

(4) an employee of the Department of Defense, designated by the Secretary of Defense;

(5) 3 individuals, each of whom shall be an employee designated by the head of each of 3 other departments or agencies selected by the Director of the Office of Personnel Management from among departments and agencies having substantial numbers of General Schedule employees; and

(6) 6 individuals appointed by the Director of the Office of Personnel Management to serve as representatives of employee organizations which represent substantial numbers of General Schedule employees, and who shall be selected with due consideration to such factors as the relative numbers of General Schedule employees represented by the various organizations, except that not more than 4 members of the Committee at any one time shall be from a single employee organization, council, federation, alliance, association, or affiliation of employee organizations.

(c) PAY FOR MEMBERS.—The Chairman shall be paid at a rate of basic pay for the Senior Executive Service, to be determined by the Director of the Office of Personnel Management. The members of the Committee who are otherwise employees of the Federal Government shall not receive any additional pay by reason of their service on the Committee. The members of the Committee who are not otherwise employees of the Federal Government shall not be paid for their service on the Committee and shall not be considered employees of the Federal Government for any purpose by reason of their service on the Committee.

(d) ADMINISTRATIVE SUPPORT.—The Office of Personnel Management may provide staff and administrative support for the Committee.

(e) FUNCTIONS.—The Committee shall review available reports and studies on performance evaluation and performance-based pay systems (including a report to be prepared by the National Academy of Sciences) and any other pertinent information.

(f) REPORT TO THE OFFICE OF PERSONNEL MANAGEMENT.—No later than 1 year after the date of the enactment of this Act, the Committee shall submit a report to the Director of the Office of Personnel Management which shall include recommendations as to—

(1) the types of pay raises to be covered;

(2) guidelines for pay-for-performance systems, including the criteria to be used in determining eligibility for and the amount of increases in basic pay above the midpoint of the pay range;

(3) the role organizational performance should play in pay-for-performance systems;

(4) any differences in pay-for-performance systems for different categories of employees;

(5) the role for employee organizations in the implementation and operation of pay-for-performance systems; and

(6) whether demonstration projects on pay-for-performance are desirable.

SEC. 763. REPORT TO THE CONGRESS.

No later than 6 months after the report of the Pay-for-Performance Labor-Management Committee is submitted to the Director of the Office of Personnel Management, the Director shall transmit the Committee's report to the Congress, together with appropriate legislation to implement the recommendations of the Committee, or, if the Office determines that some other action is appropriate, an explanation of the reasons the Office's views are different from those of the Committee.

SEC. 764. EFFECTIVE DATE.

The provisions of this subtitle shall be effective on the date of the enactment of this title.

Subtitle E—Technical and Conforming Amendments

SEC. 771. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) TABLE OF SECTIONS.—The table of sections for subchapter I of chapter 53 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER I—PAY COMPARABILITY SYSTEM

"Sec.
"5301. Policy.
"5302. Locality-based adjustments.
"5303. Higher minimum rates; Presidential authority.
"5304. Presidential policies and regulations.
"5305. Annual general adjustment and locality-based adjustments.
"5306. Federal Pay Council.
"5307. Pay fixed by administrative action.
"5308. Pay limitation.
"5309. Critical position pay authority.
"5310. Recruitment and relocation bonuses.
"5310A. Retention allowances.
"5310B. Pay for Senior General Schedule positions.
"5310C. Bar to judicial review.".

(b) SECTION HEADINGS.—(1) The heading for section 5305 of title 5, United States Code, is amended to read as follows:

"§ 5305. Annual general adjustment and locality-based adjustments".

(2) The heading for section 5306 of title 5, United States Code, is amended to read as follows:

"§ 5306. Federal Pay Council".

SEC. 772. AMENDMENTS RELATING TO POSITIONS ABOVE GS-15.

(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) All citations in this subsection shall refer to title 5, United States Code.

(2)(A) Section 3132(a)(2) is amended in the first sentence by striking out "in GS-16, 17, or 18" and inserting in lieu thereof "above GS-15".

(B) The table of sections for chapter 33 is amended by amending the item relating to section 3324 to read as follows:

"3324. Appointments above GS-15.".

(C) Section 3304a(a) is amended in the first sentence by striking out "in GS-16, GS-17, or GS-18" and inserting in lieu thereof "above GS-15".

(D) The heading for section 3324 is amended by striking out "at GS-16, 17, and

18" and inserting in lieu thereof "above GS-15".

(E) Section 3324(a) is amended in the first sentence by striking out "in GS-16, 17, or 18" and inserting in lieu thereof "above GS-15".

(F) Section 3405(b) is amended by striking out "for GS-16" and inserting in lieu thereof "above GS-15".

(G) The table of sections for chapter 51 is amended by amending the item relating to section 5108 to read as follows:

"5108. Classification of positions above GS-15.".

(H) Section 5102(c)(25) is amended by striking out "for GS-18" and inserting in lieu thereof "for level IV of the Executive Schedule".

(I) Section 5104 is amended by striking out paragraphs (16), (17), and (18).

(J) Section 5109(b) is amended by striking out "at GS-18" and inserting in lieu thereof "above GS-15".

(K) Section 5382(b) is amended by striking out "for GS-16" and inserting in lieu thereof "above GS-15".

(L) Section 5595(a)(2)(B)(i) is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(M) Section 5723(a)(1)(C) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15 of the General Schedule".

(N) Section 8476(d)(1) is amended by striking out "grade GS-18" and inserting in lieu thereof "above GS-15".

(b) AMENDMENTS TO OTHER PROVISIONS OF LAW.—(1) Section 204 of House Resolution 988 of the Ninety-third Congress enacted into law by chapter III of title I of Public Law 93-554 (2 U.S.C. 29b(b)(3)) is amended by striking out "in grade GS-18" and inserting in lieu thereof "above GS-15".

(2) The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(A) in section 101(f)—

(i) in paragraph (3)—

(I) by striking out "at GS-16 or above" and inserting in lieu thereof "above GS-15"; and

(II) by striking out "for GS-16" and inserting in lieu thereof "for above GS-15"; and

(ii) in paragraph (6) by striking out "GS-16" and inserting in lieu thereof "above GS-15";

(B) in section 109—

(i) in paragraph (8) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15"; and

(ii) in paragraph (13)(B)—

(I) in clause (i) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15"; and

(II) in clause (ii) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15";

(C) in section 501(a)—

(i) in paragraph (1) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15"; and

(ii) in paragraph (2) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15"; and

(D) in section 502 by striking out "grade GS-16" and inserting in lieu therefore "above GS-15".

(3) Section 118(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1107(b)) is amended by striking out "in grade GS-18" and inserting in lieu thereof "above GS-15".

(4) Section 119(a)(2) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1108(a)(2)) is amended by striking out "for grade GS-18" and inserting in lieu thereof "above GS-15".

(5) Section 105 of title 3, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (2)(C) by striking out "GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) in paragraph (2)(D) by striking out "GS-16" and inserting in lieu thereof "above GS-15"; and(B) in subsection (b)—

(i) in paragraph (2)(A) by striking out "GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) in paragraph (2)(B) by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(6) Section 106(a)(1)(C) of title 3, United States Code, is amended by striking out "GS-18" and inserting in lieu thereof "above GS-15".

(7) Section 107 of title 3, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (B) by striking out "GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) in subparagraph (C) by striking out "GS-16" and inserting in lieu thereof "above GS-15"; and

(B) in subsection (b)(1)—

(i) in subparagraph (A)(ii) by striking out "GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) in subparagraph (B) by striking out "GS-18" and inserting in lieu thereof "above GS-15".

(8) Section 7(d)(1)(A) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(9) Section 6(a)(8) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out "grade GS-18 of the General Schedule by section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of Executive Schedule".

(10) Section 12(b) of the Commodity Exchange Act (7 U.S.C. 16(b)) is amended by striking out "GS-18 under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(11) Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w(d)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "the rate for level V of the Executive Schedule".

(12) Section 505(c) of the Federal Crop Insurance Act (7 U.S.C. 1505(c)) is amended by striking out "grade GS-18 under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(13) Section 602(d) of the Act of August 28, 1954 (68 Stat. 908, chapter 1041; 7 U.S.C. 1762(d)) is amended by striking out "grade GS-16, GS-17, or GS-18" and inserting in lieu thereof "above GS-15".

(14) Section 1412(a)(1) at the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127(a)(1)) is amended by striking out "for GS-18 of the General Schedule established in section 5332 of title 5, United States Code" and inserting in lieu thereof "above GS-15".

(15) Section 7043(b) of title 10, United States Code, is amended by striking out "grade GS-18 of General Schedule under section 5332 of title 5" and inserting in lieu thereof "the rate for level V of the Executive Schedule".

(16) Section 1202(d) of the National Housing Act (12 U.S.C. 1749bbb-1(d)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(17) Section 205(a)(1) of the Act entitled "An Act to increase deposit insurance from $20,000 to $40,000 to provide full insurance for public unit deposits of $100,000 per account, to establish a National Commission on Electronic Fund Transfers, and for other purposes.", approved October 28, 1974 (12 U.S.C. 2405(a)(1); Public Law 93-495) is amended by striking out "GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(18) Section 103(h) of the National Consumer Cooperative Bank Act (12 U.S.C. 3013(h)) is amended by striking out "grade GS-18 under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(19) Section 10 of the Act of March 3, 1901 (15 U.S.C. 278) is amended by striking out "in grade GS-18 of the General Schedule under section 5332 of title 5 of such Code" and inserting in lieu thereof "at the rate for level V of the Executive Schedule".

(20) Section 21(i)(2) of the Small Business Act (15 U.S.C. 648(i)(2)) is amended by striking out "under GS-18 of the General Schedule," and inserting in lieu thereof "at the rate for level V of the Executive Schedule".

(21) Section 53 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790b(b)) is amended by striking out "in grade GS-16, GS-17, or GS-18" and inserting in lieu thereof "above grade GS-15".

(22) Section 20(b)(5) of the Federal Hazardous Substances Labeling Act (15 U.S.C. 1275(b)(5)) is amended by striking out "of basic pay payable for grade GS-18 of General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "for level V of the Executive Schedule".

(23) Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended—

(A) in paragraph (1) by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in paragraph (3) by striking out "GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15".

(24) Section 28(g) of the Consumer Product Safety Act (15 U.S.C. 2077(f)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "grades above GS-15".

(25) Section 202(d)(1) of the National Productivity and Quality of Working Life Act of 1975 (15 U.S.C. 2412(d)(1)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(26) Section 401 of the National Productivity and Quality of Working Life Act of 1975 (15 U.S.C. 2451) is amended—

(A) in paragraph (5) by striking out "GS-18 under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in paragraph (8) by striking out "GS-18 under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(27) Section 5205(f)(1)(A) of the Competitiveness Policy Council Act (15 U.S.C.

4804(f)(1)(A)) is amended by striking out "GS-18 of the General Schedule pursuant to section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(28) Section 5206(a)(1) of the Competitiveness Policy Council Act (15 U.S.C. 4805(a)(1)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(29) Section 1303(g)(3) of the International Security and Development Cooperation Act of 1985 (16 U.S.C. 469j(g)(3)) is amended by striking out "grade GS-18 of General Schedule (5 U.S.C. 5332(a))" and inserting in lieu thereof "level V of the Executive Schedule".

(30) Section 319(a)(2)(B) of the Federal Power Act (16 U.S.C. 825q-1(a)(2)(B)) is amended by striking out "GS-18 of General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(31) Section 4 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b) is amended—

(A) in subsection (a)(3) by striking out "step one of level GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (b)(3)—

(i) by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "V of the Executive Schedule"; and

(ii) by striking out "step 1 of level GS-18" and inserting in lieu thereof "above GS-15".

(32) Section 201 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1401) is amended—

(A) in subsection (d) by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (e) by striking out "GS-18 of General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(33) Section 203(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1403(b)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(34) Section 302(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(d)) is amended by striking out "GS-18 of General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(35) Section 11(a) of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640(a)) is amended by striking out "GS-18 of General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(36) Section 3(g)(2)(A) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(A)) is amended by striking out "grade GS-18 of General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(37) Section 4351 of title 18, United States Code, is amended—

(A) in subsection (d) by striking out "GS-18 by section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (f) by striking out "GS-18 by section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(38) Section 4352(a)(14) of title 18, United States Code, is amended by striking out "GS-18 by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(39) Section 141(e)(2) of the Trade Act of 1974 (19 U.S.C. 2171(e)(2)) is amended by striking out "grade GS-18 as provided section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(40) Section 1411(d) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929(d)) is amended by striking out "grade GS-18 in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(41) Section 6(e) of the National Arts and Cultural Development Act of 1964 (20 U.S.C. 955(e)) is amended by striking out "grade GS-18 by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(42) Section 8(e) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(e)) is amended by striking out "grade GS-18 by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(43) Section 204(e) of the Museum Services Act (20 U.S.C. 963(e)) is amended by striking out "grade GS-18 set forth in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(44) Section 491(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1098(h)(1)) is amended by striking out "GS-18 of General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(45) Section 932(a)(7) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(7)) is amended by striking out "GS-18 of General Schedule under section 5332, title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule,".

(46) Section 1206(h)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1145a(h)(1)(B)) is amended by striking out "GS-18 of General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(47) Section 406(e)(9)(B) of the General Education Provisions Act (20 U.S.C. 1221e-1(e)(9)(B)) is amended by striking out "grade GS-18 of General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(48) Section 444 of the General Education Provisions Act (20 U.S.C. 1233c) is amended by striking out "grade GS-18 in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(49) Section 435(c) of the Elementary and Secondary Education Amendments of 1967 (20 U.S.C. 1233d(c)) is amended by striking out "grade GS-18 in section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(50) Section 603(b)(1) of the Education of the Handicapped Act (20 U.S.C. 1402(b)(1)) is amended by striking out "grade GS-18 of the General Schedule under section 5104 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(51) Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(A) in subsection (b) by striking out "grade GS-18 in section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in paragraph (c)(2) by striking out "for grade GS-18 in section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(52) Section 13(a)(2) of the Harry S Truman Memorial Scholarship Act (20 U.S.C. 2012(a)(2)) is amended by striking out "grade GS-18 in section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(53) Section 4(f) of the American Folklife Preservation Act (20 U.S.C. 2103(f)) is amended by striking out "GS-18 of General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(54) The second section 1429(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2839(f)) is amended by striking out "GS-18 of General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(55) Section 5051(g)(1) of the Anti-Drug Abuse Act of 1988 (20 U.S.C. 3172 note) is amended by striking out "grade GS-18 of General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule,".

(56) Section 203(c)(4) of the Department of Education Organization Act (20 U.S.C. 3413(c)(4)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(57) Section 401(b)(1) of the Department of Education Organization Act (20 U.S.C. 3461(b)(1)) is amended by striking out "GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15".

(58) Section 402 of the Department of Education Organization Act (20 U.S.C. 3462) is amended by striking out "GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(59) Section 303(a)(1) of the Education of the Deaf Act of 1986 (20 U.S.C. 4343(a)(1)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(60) Section 304(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4344(b)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(61) Section 1508(b) of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4415(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(62) Section 813(b) of the James Madison Memorial Fellowship Act (20 U.S.C. 4512(b)(3)) is amended by striking out "grade GS-18 of the General Schedule set forth in section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(63) Section 814(a)(2) of the James Madison Memorial Fellowship Act (20 U.S.C. 4513(a)(2)) is amended by striking out "grade GS-18 in section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(64) Section 1410(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4709(b)) is amended by

striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(65) Section 1411(a)(2) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(a)(2)) is amended by striking out "grade GS-18 under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(66) Section 513(b)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(b)(3)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(67) Section 514(g)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(g)(5)(B)) is amended by striking out "grade GS-18 of the General Schedule," and inserting in lieu thereof "level V of the Executive Schedule".

(68) Section 515(g)(2)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(g)(2)(B)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(69) Section 520(f)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)(3)) is amended by striking out "grade GS-18 of the General Schedule," and inserting in lieu thereof "level V of the Executive Schedule".

(70) Section 706(b)(5)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)(5)(D)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(71) Section 1003(d)(4) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1502(d)(4)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(72) Section 604(c) of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(73) Section 104 of the Act of March 14, 1980 (Public Law 96-209; 22 U.S.C. 1622d) is amended by striking out "GS-18 under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(74) Section 41(b) of the Arms Control and Disarmament Act (22 U.S.C. 2581(b)(1)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(75) Section 2(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(g)) is amended by striking out "GS-18 under section 5332 of such title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(76) Section 4(a)(7)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2873(a)(7)(A)) is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(77) Section 4(b) of the Japan-United States Friendship Act (22 U.S.C. 2903(b)) is amended by striking out "grade GS-18 in section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(78) Section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905) is amended—

(A) in paragraph (5) by striking out "a GS-18 of the General Schedule of such title" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in paragraph (6) by striking out "grade GS-18 in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(79) Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(80) Section 1104(b) of the Panama Canal Act of 1979 (22 U.S.C. 3614(b)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(81) Section 1010(b) of the Foreign Service Act of 1980 (22 U.S.C. 4110(b)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(82) Section 1105(c) of the Foreign Service Act of 1980 (22 U.S.C. 4135(c)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(83) Section 1706(i) of the United States Institute of Peace Act (22 U.S.C. 4605(i)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(84) Section 302 of the Diplomatic Security Act (22 U.S.C. 4832(a)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "V of the Executive Schedule".

(85) Section 131(o) of title 23, United States Code, is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(86) Section 12 of the Act of December 22, 1974 (25 U.S.C. 640d-11; Public Law 93-531) is amended—

(A) in subsection (b)(3) by striking out "of GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "at level V of the Executive Schedule"; and

(B) in subsection (d)(1)(A) by striking out "GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(87) Section 8 of the Indian Gaming Regulatory Act (25 U.S.C. 2707) is amended—

(A) in subsection (a) by striking out "GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (c) by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(88) Section 594(c) of title 28, United States Code, is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(89) Section 213(b)(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 183(b)(2)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(90) Section 7(c)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(c)(2)) is amended by striking out "grade GS-18 under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(91) Section 18 of the Rehabilitation Act of 1973 (29 U.S.C. 717) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(92) Section 304(e)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 774(e)(2)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(93) Section 402(a) of the Rehabilitation Act of 1973 (29 U.S.C. 782(a)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(94) Section 403(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 783(b)(1)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(95) Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(A) in subsection (a)(5)(A) by striking out "GS-18 under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (f)—

(i) by striking out "as a GS-18 under section 5332 of title 5, United States Code" and inserting in lieu thereof "at level V of the Executive Schedule"; and

(ii) by striking out "such title 5" and inserting in lieu thereof "title 5, United States Code".

(96) Section 506(b) of the Rehabilitation Act of 1973 (29 U.S.C. 794b(b)) is amended by striking out "grade GS-18 of the General Schedule, under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(97) Section 512(d)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1142(d)(1)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(98) Section 4002(h)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(7)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(99) Section 105(a)(2)(B)(ii) of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. 2215(a)(2)(B)(ii)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(100) Section 102(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 812(d)) is amended by striking out "grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(101) Section 9(c) of an Act entitled "An Act to establish a State Mining and Mineral Resources Research Institute program, and for other purposes", approved August 29, 1984 (30 U.S.C. 1229(c)) is amended by strik-

ing out "grade GS-18 of the General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(102) Section 805(d)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1315(d)(1)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(103) Section 332(1) of title 31, United States Code, is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(104) Section 731(e) of title 31, United States Code, is amended by striking out "GS-18 under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(105) Section 732(c)(4) of title 31, United States Code, is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(106) Section 751(e) of title 31, United States Code, is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(107) Section 6 of the Act of July 3, 1930 (33 U.S.C. 569a) is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(108) Section 5 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-16) is amended by striking out "a GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(109) Section 204 of the National Sea Grant College Program Act (33 U.S.C. 1123) is amended—

(A) in subsection (b)(2) by striking out "GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (d)(1) by striking out "GS-18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "level V of the Executive Schedule".

(110) Section 209(c)(5)(A) of the National Sea Grant College Program Act (33 U.S.C. 1128(c)(5)(A)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(111) Section 310(e) of the Federal Water Pollution Control Act (33 U.S.C. 1320(e)) is amended by striking out "grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(112) Section 315(f) of the Federal Water Pollution Control Act (33 U.S.C. 1325(f)) is amended by striking out "Grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(113) Section 515(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1374(c)(2)) is amended by striking out "grade GS-18, as provided in the General Schedule under section 5332 of title V of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(114) Section 6(a) of an Act entitled "An Act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.", approved August 27, 1984 (36 U.S.C. 169j-5(a)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(115) Section 3(a) of an Act entitled "An Act to establish the United States Holocaust Memorial Council", approved October 7, 1980 (36 U.S.C. 1403(a)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(116) Section 4(a) of an Act entitled "An Act to establish the United States Holocaust Memorial Council", approved October 7, 1980 (36 U.S.C. 1404(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(117) Section 5 of an Act entitled "An Act to establish the United States Holocaust Memorial Council", approved October 7, 1980 (36 U.S.C. 1405) is amended—

(A) in subsection (a) by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (b)(2) by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(118) Section 3(h) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(h)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(119) Section 4(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 873(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(120) Section 1(e)(1) of the Act of June 25, 1938 (popularly known as the Wagner-O'Day Act) (41 U.S.C. 46(e)(1)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(121) Section 26(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(122) Section 208(c) of the Public Health Service Act (42 U.S.C. 210(c)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(123) Section 337(b)(2) of the Public Health Service Act (42 U.S.C. 254j(b)(2)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(124) Section 406(b)(4) of the Public Health Service Act (42 U.S.C. 284a(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(125) Section 430(c) of the Public Health Service Act (42 U.S.C. 285c-4(c)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(126) Section 442(c) of the Public Health Service Act (42 U.S.C. 285d-7(c)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(127) Section 480(b)(4) of the Public Health Service Act (42 U.S.C. 287a(b)(4)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(128) Section 485(b)(4) of the Public Health Service Act (42 U.S.C. 287c-2(b)(4)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(129) Section 505(b)(4) of the Public Health Service Act (42 U.S.C. 290aa-3a(b)(4)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(130) Section 788B(c) of the Public Health Service Act (42 U.S.C. 295g-8b(c)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(131) Section 799(g) of the Public Health Service Act (42 U.S.C. 295i(g)) is amended by striking out "GS-18 under the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(132) Section 1446(c) of the Safe Drinking Water Act (42 U.S.C. 300j-5(c)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(133) Section 1451 of the Safe Drinking Water Act (42 U.S.C. 300j-10) is amended by striking out "GS-18 of the General Schedule under section 5332 of the title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(134) Section 1801(e)(1) of the Public Health Service Act (42 U.S.C. 300v(e)(1)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(135) Section 2119(d) of the Public Health Service Act (42 U.S.C. 300aa-19(d)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(136) Section 1122(i)(3) of the Social Security Act (42 U.S.C. 1320a-1(i)(3)) is amended by striking out "grade GS-18 in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(137) Section 1153(d)(3) of the Social Security Act (42 U.S.C. 1320c-2(d)(3)) is amended by striking out "grade GS-18 under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(138) Section 1878(h) of the Social Security Act (42 U.S.C. 1395oo(h)) is amended by striking out "grade GS-18 in section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(139) Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(140) Section 14(c) of the National Science Foundation Act of 1950 (42 U.S.C. 1873(c)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(141) Section 105(a)(5) of the Water Resources Planning Act (42 U.S.C. 1962a-4(a)(5)) is amended by striking out "grade GS-18 under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(142) Section 205(a)(4) of the Water Resources Planning Act (42 U.S.C. 1962b-4(a)(4)) is amended by striking out "grade GS-18 under section 5332 of title 5, United

States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(143) Section 205(c) of the Water Resources Planning Act (42 U.S.C. 1962b-5(c)) is amended by striking out "grade GS-18 of the Classification Act of 1949, as amended" and inserting in lieu thereof "level V of the Executive Schedule".

(144) Section 203(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)) is amended—

(A) in paragraph (2) by striking out "grade 18 of the General Schedule of the Classification Act of 1949, as amended," and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in paragraph (9) by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(145) Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(146) Section 205(b)(4) of the Older Americans Act of 1965 (42 U.S.C. 3015(b)(4)) is amended by striking out "grade GS-18 in section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(147) Section 105(c) of the Public Works Improvement Act of 1984 (42 U.S.C. 3121 note) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(148) Section 7(e) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(e)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(149) Section 807 of the Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3788) is amended—

(A) in subsection (d) by striking out "GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (e) by striking out "GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(150) Section 8(h)(2) of Public Law 95-155 (42 U.S.C. 4365(h)(2)) is amended by striking out "grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(151) Section 203(c) of the Environment Quality Improvement Act of 1970 (42 U.S.C. 4372(c)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(152) Section 508(b) of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4768(b)) is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(153) Section 15(b)(3) of the Noise Control Act of 1972 (42 U.S.C. 4914(b)(3)) is amended by striking out "Grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(154) Section 402(2)(B) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5042(2)(B)) is amended by striking out "GS-18 employee under section 5332 of such title" and inserting in lieu thereof "at level V of the Executive Schedule".

(155) Section 202(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5112(b)(3)) is amended by striking out "GS-18 employee under section 5322 of title 5, United States Code" and inserting in lieu thereof "at level V of the Executive Schedule".

(156) Section 202 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(b)) is amended—

(A) in subsection (b) by striking out "GS-18 of the General Schedule by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule"; and

(B) in subsection (d) by striking out "GS-18 of the General Schedule by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(157) Section 241(e)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(e)(5)) is amended by striking out "GS-18 of the General Schedule by section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(158) Section 205(b)(4) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6614(b)(4)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(159) Section 207(c)(2) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(c)(2)) is amended by striking out "grade GS-18 of the General Schedule by section 5332 of title 5" and inserting in lieu thereof "level V of the Executive Schedule".

(160) Section 302(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6632(d)) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(161) Section 601(a)(1) of the Department of Energy Organization Act (42 U.S.C. 7211(a)(1)) is amended by striking out "at GS-16, GS-17, or GS-18" and inserting in lieu thereof "above GS-15".

(162) Section 621 of the Department of Energy Organization Act (42 U.S.C. 7231) is amended—

(A) in subsection (b)(1) by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule";

(B) in subsection (c)—

(i) in paragraph (1) by striking out "at GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) in paragraph (2) by striking out "under GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15";

(C) in subsection (d)—

(i) by striking out "at GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule"; and

(D) in subsection (e)—

(i) by striking out "at GS-16, GS-17, or GS-18" and inserting in lieu thereof "above GS-15"; and

(ii) by striking out "deemed GS-18" and inserting in lieu thereof "deemed at level V of the Executive Schedule".

(163) Section 623 of the Department of Energy Organization Act (42 U.S.C. 7233) is amended by striking out "grade GS-18 of the General Schedule under section 5332 of title 5, United States Code," and inserting in lieu thereof "level V of the Executive Schedule".

(164) Section 212(b)(3)(A) of the Clean Air Act (42 U.S.C. 7546(b)(3)(A)) is amended by striking out "GS-18 by section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(165) Section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104(a)) is amended by striking out "GS-18 of the General Schedule under section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(166) Section 601(b) of the Mental Health Systems Act (42 U.S.C. 9511(b)) is amended by striking out "grade GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(167) Section 143(a)(4)(A)(ii) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10163(a)(4)(A)(ii)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(168) Section 408(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10248(2)) is amended by striking out "grade GS-18 of the General Schedule by section 5332 of title 5, United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(169) Section 506(b)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10266(b)(3)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(170) Section 507(e) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10267(e)) is amended by striking out "GS-18 of the General Schedule" and inserting in lieu thereof "level V of the Executive Schedule".

(171) Section 7(b)(9) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(9)) is amended by striking out "four positions in grade GS-16 of the General Schedule established by that Act, four positions in grade GS-17 of such schedule, and one position in grade GS-18 of such schedule." and inserting in lieu thereof "eight positions above GS-15 of the General Schedule and one position at level V of the Executive Schedule.".

(172) Section 13110(d) of title 46, United States Code, is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(173) Section 711(d)(1) of the Communications Act of 1934 (47 U.S.C. 611(d)(1)) is amended by striking out "grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code" and inserting in lieu thereof "level V of the Executive Schedule".

(174) Section 10363(c) of title 49, United States Code, is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(175) Section 10383(c) of title 49, United States Code, is amended by striking out "GS-18" and inserting in lieu thereof "level V of the Executive Schedule".

(176) Section 303(a) of National Security Act of 1947 (50 U.S.C. 405(a)) is amended by striking out "grade GS-18 of the General Schedule established by section 5332 of the title 5, United States Code" and inserting in

lieu thereof "level V of the Executive Schedule".

(c) AMENDMENTS RELATING TO GS-17 AND GS-16.—(1) Section 605A(c) of the Act of August 28, 1954 (7 U.S.C. 1765a(c)) is amended by striking out "GS-17" and inserting in lieu thereof "above GS-15".

(2) Section 274B(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(c)(3)) is amended by striking out "grade GS-17" and inserting in lieu thereof "above GS-15".

(3) Section 207 of title 18, United States Code, is amended—

(A) in subsection (c)(2)(A)(ii) by striking out "GS-17" and inserting in lieu thereof "above GS-15"; and

(B) in subsection (e)(6) by striking out "GS-17" and inserting in lieu thereof "above GS-15".

(4) Section 202(c)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)(2)) is amended—

(A) by striking out "grade GS-17" and inserting in lieu thereof "above GS-15"; and

(B) by striking out "in grade GS-17" and inserting in lieu thereof "above GS-15".

(5) Section 7(d)(2)(B) of the Federal Triangle Development Act (40 U.S.C. 1106(d)(2)(B)) is amended by striking out "GS-17" and inserting in lieu thereof "above GS-15".

(6) Section 9(b) of the Act entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes" approved September 27, 1988 (2 U.S.C. 178h(b)) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(7) Section 113(b) of title 3, United States Code, is amended—

(A) in paragraph (2) by striking out "GS-16" and inserting in lieu thereof "above GS-15"; and

(B) in paragraph (3) by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(8) Section 114 of title 3, United States Code, is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(9) Section 3304a of title 5, United States Code, is amended in subsection (a) by striking out "in GS-16, GS-17, or GS-18," and inserting in lieu thereof "above GS-15".

(10) Section 3405 of title 5, United States Code, is amended in subsection (b) by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(11) Section 5371 of title 5, United States Code, is amended by striking out "not less than minimum rate for GS-16 nor more than the maximum rate for GS-18" and inserting in lieu thereof "above GS-15".

(12) The Act of June 20, 1956 (8 U.S.C. 1553) is amended by striking out "of GS-16" and inserting in lieu thereof "above GS-15".

(13) Section 2318(b) of title 10, United States Code, is amended by striking out "GS-16 or above" and inserting thereof "above GS-15".

(14) Section 4(g)(3) of the Consumer Product Safety Act (15 U.S.C. 2053(g)(3)) is amended by striking out "in grades GS-16, GS-17, and GS-18" and inserting in lieu thereof "above GS-15".

(15) Section 103(d)(1) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102(d)(1)) is amended by striking out "for GS-16" and inserting in lieu thereof "above GS-15".

(16) Section 11(b) of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640(b)) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(17) Section 205(c) of the Museum Services Act (20 U.S.C. 964(c)) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(18) Section 3(c)(1) of the Asbestos School Hazard Detection and Control Act of 1980 (20 U.S.C. 3602(c)(1)) is amended by striking out "grade GS-16" and inserting in lieu thereof "above GS-15".

(19) Section 6103(a) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5093(a)) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(20) Section 586(e)(1)(A) of title 28, United States Code, is amended by striking out "step 1 of grade GS-16" and inserting in lieu thereof "above GS-15".

(21) Section 12(k) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661(k)) is amended by striking out "GS-16" and inserting in lieu thereof "above GS-15".

(22) Section 428(b) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 938(b)) is amended by striking out "GS-16" and inserting in lieu thereof "levels above GS-15".

(23) Section 752(b)(2) of title 31, United States Code, is amended by striking out "grade GS-16" and inserting in lieu thereof "above GS-15".

(24) Section 3801(a) of title 31, United States Code, is amended—

(A) in paragraph (4)(B) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15"; and

(B) in paragraph (8)(B) by striking out "grade GS-16" and inserting in lieu thereof "above GS-15".

(25) Section 7(c) of title 35, United States Code, is amended by striking out "grade GS-16" and inserting in lieu thereof "above GS-15".

(26) (42 U.S.C. 7211(a)(1)) is amended by striking out "GS-16 of the General Schedule" and inserting in lieu thereof "above GS-15".

(d) AMENDMENT RELATING TO RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 3(b)(1) of Rule XLVII of the Rules of the House of Representatives is amended by striking out "grade GS-16" and inserting in lieu thereof "above GS-15".

SEC. 773. AMENDMENTS RELATING TO THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS PERSONNEL.

(a) APPLICATION OF MERIT SYSTEM PRINCIPLES.—Section 2301(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding "and" at the end thereof;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) PROHIBITED PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(c) PERFORMANCE APPRAISAL.—Section 4301(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by adding "and" at the end thereof;

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) AWARDS FOR SUPERIOR ACCOMPLISHMENTS.—Section 4501(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(e) PERSONNEL RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS.—Section 4701(a)(1) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(f) PAY AND ALLOWANCES CLASSIFICATION.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(g) PREVAILING RATE EMPLOYEES.—Section 5349(a) of title 5, United States Code, is amended in the first sentence by striking out "the Administrative Office of the United States Courts,".

(h) SEVERANCE PAY.—Section 5595 of title 5, United State Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C) by striking out "and" at the end thereof; and

(B) by adding at the end thereof the following new subparagraph:

"(E) the Administrative Office of the United States Courts, the Federal Judicial Center, and the courts named under section 610 of title 28; and"; and

(2) in subsection (b) by amending such subsection to read as follows:

"(b)(1) Under regulations prescribed by the President or such officer or agency as he may designate, an employee who—

"(A) has been employed currently for a continuous period of at least 12 months; and

"(B) is involuntarily separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency;

is entitled to be paid severance pay in regular pay periods by the agency from which separated.

"(2) Notwithstanding the provisions of paragraph (1), the Director of the Administrative Office of the United States Courts may prescribe regulations to effect the application and operation of this section to the agencies specified in subsection (a)(1)(E) of this section.".

(i) BACK PAY.—Section 5596 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by inserting ", the Federal Judicial Center, and the courts named by section 610 of title 28" after "Courts"; and

(2) in subsection (c) in the second sentence by inserting after "employees" a comma and "or to the agencies described under subsection (a)(2) of this section".

(j) CIVIL SERVICE RETIREMENT.—(1) Section 8331(1)(v) of title 5, United States Code, is amended to read as follows:

"(v) an employee of the Administrative Office of the United States Courts, of the Federal Judicial Center, or of a court named by section 610 of title 28, if excluded by the Director of the Administrative Office under section 8347(p) of this title.".

(2) Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) The Director of the Administrative Office of the United States Courts may exclude from the operation of this subchapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(k) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8401(11)(i)(I) of title 5, United States Code, is amended by striking out "(v),".

(2) Section 8402(c) of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(7) The Director of the Administrative Office of the United States Courts may exclude from the operation of this chapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(l) COMPENSATION OF EMPLOYEES OF THE OFFICE.—Section 602(a) of title 28, United States Code, is amended to read as follows:

"(a) The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the Administrative Office of the United States Courts Personnel Act of 1990.".

(m) SPECIAL EMPLOYEES.—Section 602(b) of title 28, United States Code, is amended by striking out "604(a)(15)(B)" and inserting in lieu thereof "604(a)(16)(B)".

(n) SALARY OF DEPUTY DIRECTOR; LEAVE OF DIRECTOR.—Section 603 of title 28, United States Code, is amended—

(1) in the second sentence by striking out "of the Deputy Director"; and

(2) by inserting after the first sentence "Notwithstanding any other provision of law, the Director shall not be an employee for purposes of subchapter I of chapter 63 of title 5, United States Code. The salary of the Deputy Director shall be 92 percent of the salary of the Director.".

(o) REDESIGNATIONS.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating the first paragraph (19) as paragraph (18);

(2) in paragraph (22) by adding "and" after the semicolon; and

(3) in paragraph (23) by striking out the semicolon and inserting in lieu thereof a period.

SEC. 774. REFERENCES TO GS-16, 17, AND 18 POSITIONS.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to GS-16, GS-17, or GS-18 of the General Schedule shall be deemed to refer to a position classified above GS-15 under section 5108 of title 5, United States Code.

SEC. 775. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the appropriate committees of the Congress, the Office of Personnel Management shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title to the United States Code, and any other provision of law. No later than 6 months after the date of the enactment of this title, the Office of Personnel Management shall submit such recommended legislation.

SEC. 776. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle (except for the amendments made by section 773) shall take effect on such date determined by the Office of Personnel Management, but in no event shall such effective date be later than October 1, 1991.

(b) AMENDMENTS RELATING TO THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS PERSONNEL.—The amendments made by section 773 shall take effect 60 days after the date of the enactment of this subtitle.

DECONCINI AMENDMENT NO. 2613

Mr. DECONCINI proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 16, line 14, before the period, add the following new proviso: ": *Provided*, That of the $247,878,000 provided for tax systems modernization up to $15,000,000 shall be available until expended for the establishment of a Federally funded research and development center and may be utilized to conduct and evaluate market surveys, develop and evaluate requests for proposals, and assist with systems engineering, technical evaluations, and independent technical reviews in conjunction with tax systems modernization".

On page 19, line 20, after the word "in" strike, "this or".

On page 21, stike lines 18 through line 25.

On page 22, line 1, strike "2" and insert in lieu thereof, "1".

On page 31, line 14, strike "may" and insert in lieu thereof, "shall".

On page 31, line 19, strike "available" and insert in lieu thereof, "transferred".

On page 46, line 16, insert a colon before *"Provided"*.

On page 51, line 21, place "Ysleta, New Border Station" in italics.

On page 52, starting on line 22, strike "$251,165,000" and line type "for design and construction services", and insert immediately following the line type: "$251,165,000 for design and construction services" in italics.

On page 54, line 4, strike "Building" and insert in lieu thereof, "Building" in italics.

DECONCINI (AND OTHERS) AMENDMENT NO. 2614

Mr. DECONCINI (for himself, Mr. D'AMATO, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 94, insert between lines 19 and 20 the following new section:

"SEC. 526. (a) This section may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

(b)(1) Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5376. Pay for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) with respect to whom the provisions of subchapter III of chapter 53 apply (or would apply, but for this section.)

"(b) Except as otherwise provided in subsection (c)—

"(1) effective for pay periods beginning on or after October 1, 1991, and until otherwise provided for under this subsection—

"(A) the minimum rate of basic pay for a law enforcement officer whose position is classified at a grade above GS-2 and below GS-11 shall be determined in accordance with the following table:

"If classified at the following grade:	The minimum rate of basic pay shall be the rate payable for the following step of that grade (determined using the rates of basic pay in effect as of September 30, 1990):
GS-3	step 10;
GS-4	step 10;
GS-5	step 10;
GS-6	step 8;
GS-7	step 6;
GS-8	step 6;
GS-9	step 4;
GS-10	step 3;

and

"(B) the rate for each step above the minimum rate for each grade under subparagraph (A) shall, for any law enforcement officer, be the rate prescribed by the Office of Personnel Management, taking into consideration the minimum rates set forth in subparagraph (A) and the need to provide for appropriate pay relationships within and between grades;

"(2) in order to ensure the continued competitiveness of the rates of pay established under this subsection—

"(A) the Office of Personnel Management shall prescribe regulations under which the Office shall—

"(i) compare rates paid to law enforcement officers under this subsection with the rates generally being paid to individuals performing the same levels of work for State and local governments (determined on a nationwide basis); and

"(ii) determine whether an increase should be made under this paragraph as of the next opportunity allowable under subparagraph (B) and, if so, the size of that increase; and

"(B) whenever the Office makes an affirmative determination under the provisions of subparagraph (A)(ii), provide for any pay incease determined under those provisions to be appropriate, effective beginning with the first applicable pay period beginning on or after October 1, 1993, or October 1 of any third year thereafter (whichever occurs next);

"(3) effective at the beginning of the first applicable pay period beginning on or after the first day of the month in which an adjustment takes effect under section 5305 in the rates of pay under the General Schedule, the rates of pay in effect under this subsection shall be adjusted by the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule; and

"(4) the Office shall prescribe such regulations as may be necessary for the coordination of paragraphs (2) and (3).

"(c)(1) The purpose of this subsection is to establish a pay-adjustment mechanism for law enforcement officers which takes into account the fact—

"(A) that the cost of living in certain parts of the United States is appreciably higher than in others; and

"(B) that the Government's success in recruiting and retaining the best-qualified individuals to serve as law enforcement officers, particularly in areas having higher living costs, will in large part depend on its ability to keep rates of pay at levels that are competitive with those offered by State and local governments.

"(2) To carry out the purpose of this subsection, the Office of Personnel Management shall prescribe regulations which shall provide for the following:

"(A) The establishment of an appropriate number of geographic regions (established using consolidated metropolitan statistical areas, as defined by the Office of Management and Budget) with respect to which pay comparisons shall be made, special pay rates for law enforcement officers may be established or adjusted, and the provisions of this subsection shall otherwise be carried out.

"(B)(i) Procedures for identifying those regions for which higher pay rates are needed, as identified under clause (ii).

"(ii) A region shall be considered to satisfy the requirements for higher pay rates if, using the average of—

"(I) a value (determined by the Office, and expressed as a percentage) representing that region's relative cost of living, as compared with the cost of living in the United States as a whole, and

"(II) a value (determined by the Office, and expressed as a percentage) representing the relative size of the average salary for State and local law enforcement officers within that region (expressed as a single weighted average salary), as compared with the average salary for State and local law enforcement officers in the United States as a whole (expressed as a single weighted average salary),

such region is determined to be a least 5 percent above the national average (which, for purposes of this clause, shall deemed to be equal to 100 percent).

"(C) Procedures under which higher rates of pay for law enforcement officers within a particular region shall be established or adjusted under this subsection.

"(3)(A) A rate of basic pay payable to a law enforcement officer under this subsection may not be less than the rate to which such officer would otherwise be entitled if this subsection had not been enacted.

"(B) A rate of basic pay payable to a law enforcement officer under this subsection, based on such officer's serving in a particular region, shall cease to apply if such officer is transferred or reassigned to a place outside of such region.

"(4) The first rates of pay established under this subsection shall be effective for pay periods beginning on or after October 1, 1991, and, notwithstanding any other provision of this subsection, shall be based on pay data compiled by the National Advisory Commission on Law Enforcement, as contained in its report submitted under section 6160(h) of the Anti-Drug Abuse Act of 1988. Subsequent adjustments under this subsection may be made, effective for applicable pay periods beginning on or after October 1, 1993, and October 1 of any third year thereafter, subject to the preceding paragraphs of this subsection.

"(d)(1) The Bureau of Labor Statistics shall conduct such pay surveys as may be necessary in order to compile any data (relating to rates of pay being paid by State or local governments) which may be necessary to carry out this section. To the extent practicable, data so compiled shall reflect rates of pay in effect as of January 1, 1993, and January 1 of every third year thereafter.

"(2) Except as otherwise expressly provided for in this section, any comparisons or determinations under this section shall, to the extent that they involve rates of pay or other data relating to State or local government, be based solely on data compiled under this subsection.

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Pay for law enforcement officers.".

(c)(1) The appropriate agency head (as defined in paragraph (3)) shall prescribe regulations under which the purposes of the amendments made by subsection (b) shall be carried out with respect to individuals holding positions described in paragraph (2).

(2) This subsection applies with respect to any—

(A) member of the United States Secret Service Uniformed Division;

(B) member of the United States Park Police;

(C) special agent within the Diplomatic Security Service;

(D) postal inspector;

(E) probation officer (referred to in section 3672 of title 18, United States Code); or

(F) pretrial services officer (referred to in section 3153 of title 18, United States Code).

(3) For the purpose of this subsection, the term "appropriate agency head" means—

(A) with respect to any individual under paragraph (2)(A), the Secretary of the Treasury;

(B) with respect to any individual under paragraph (2)(B), the Secretary of the Interior;

(C) with respect to any individual under paragraph (2)(C), the Secretary of State;

(D) with respect to any individual under paragraph (2)(D), the Postmaster General; and

(E) with respect to any individual under paragraph (2)(E) or (2)(F), the Director of the Administrative Office of the United States Courts.

(d) Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.

(e)(1) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"§ 5949. Retention allowances for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means—

"(1) a law enforcement officer within the meaning of section 5376(a);

"(2) a member of the United States Secret Service Uniformed Division;

"(3) a member of the United States Park Police;

"(4) a special agent within the Diplomatic Security Service;

"(5) a postal inspector;

"(6) a probation officer (referred to in section 3672 of title 18, United States Code); and

"(7) a pretrial services officer (referred to in section 3153 of title 18, United States Code).

"(b)(1) Notwithstanding any other provision of law, and in order to retain highly qualified law enforcement officers who possess special skills or experience or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a law enforcement officer.

"(2) Under any such agreement, the law enforcement officer shall agree to complete a specified period of service in such agency in return for an allowance, for the duration of such agreement, in an amount determined by the agency head and specified in the agreement, but not to exceed $10,000 per year.

"(c) In order to be eligible for an allowance under this section, a law enforcement officer must then satisfy the age and service requirements under section 8336 or 8412, as the case may be, for entitlement to an annuity.

"(d) Any agreement entered into by a law enforcement officer under this section shall be for a period of 1 year of service in the agency involved unless the officer requests an agreement for a longer period of service.

"(e) Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the law enforcement officer, in the event that such officer voluntarily, or because of misconduct fails to complete at least 1 year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the officer.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the law enforcement officer may elect to terminate such agreement, and the amounts, if any, required to be refunded by the law enforcement officer for each reasons for termination.

"(g)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, 84, or 87, or other benefits related to basic pay.

"(2) Any allowance under this section for a law enforcement officer shall be paid in the same manner and at the same time as the officer's basic pay is paid.

"(h) An agency head may delgate, in whole or in part, any functions vested in such agency head under this section.".

(2) The table of sections for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5948 the following:

"5949. Retention allowances for law enforcement officers.".

(f)(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

"§ 5724d. Relocation payments for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"(b) Under such regulations as the head of an agency (or designee thereof) may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to such agency for administrative expenses are available for payments under this section.

"(c) Payments under this section—

"(1) may be paid to any law enforcement officer within the agency who is transferred or reassigned, in the interest of the Government, to an area or region (not within a foreign country) having higher than average

housing costs (as determined under the regulations); and

"(2) may not be made to a law enforcement officer if, or to the extent that, such payment would cause the total amount paid to such officer under this section to exceed $20,000 (including, in the case of any individual who is married to another law enforcement officer, any amounts paid under this section to the spouse).

"(d) An agency may make a payment under this section only after the law enforcement officer selected agrees in writing to remain a law enforcement officer for a period of time (not to exceed 3 years) specified in the agreement, unless separated for reasons beyond the officer's control which are acceptable to the agency. If the individual violates the agreement, any money paid to the individual under the agreement is recoverable from the individual as a debt due the United States.".

(2) The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

"5724d. Relocation payments for law enforcement officers.".

(g)(1)(A) Section 5333 of title 5, United States Code, is amended by adding at the end the following:

"(c) In applying subsection (a) with respect to a law enforcement officer (within the meaning of section 5376(a)), the reference in such subsection to 'GS-11' shall be deemed to read "GS-3'.".

(B) Each of the appropriate agency heads (as defined in subsection (c)(3)) shall prescribe regulations under which the purpose of the amendment made by paragraph (1) shall be carried out with respect to individuals under subsection (c)(2) under the juridiction of such agency head.

(2)(A) Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"§ 4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"§ 4523. Award authority

"(a) An agency may pay a cash award, up to 25 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more languages (other than English) in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter.".

(B) The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.

"4522. General provision.

"4523. Award authority.".

(3)(A) Section 8335(b) of title 5, United States Code is amended—

(i) in the first sentence, by striking "law enforcement officer or a"; and

(ii) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) of this title shall be separated from the service on the last day of the month in which he becomes 57 years of age or completes 20 years of service if then over that age.".

(B) Section 8425(b) of title 5, United States Code, is amended—

(i) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(ii) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement officer becomes 57 years of age or completes 20 years of service if then over that age.".

(4) Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraphs (1) and (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 5949(a) of this title), the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay to the employee, and all that amount is premium pay.".

(5) Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The provisions of subsection (a) shall not apply to the pay of a law enforcement officer for any pay period in which such officer is required to perform overtime under section 5542(a) or administratively uncontrollable overtime under section 5545(c)(2).

"(2) Notwithstanding the provisions of paragraph (1), no law enforcement officer may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the scheduled rate of pay for level V of the Executive Schedule.

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) a member of the United States Secret Service Uniformed Division, a member of the United States Park Police other than for purposes of sections 5545(a) and 5546;".

On page 94, line 20, strike "526" and insert in lieu thereof, "527".

On page 94, line 23, strike "527" and insert in lieu thereof, "528".

On page 95, line 5, strike "528" and insert in lieu thereof, "529".

At the end of the amendment add the following:

(h) If the President determines that national emergency or serious economic conditions affecting the general welfare requiring that the annual adjustment and the locality adjustments be held below the levels described in the previous section, or that any other provision of the section be *** the President shall prepare and report that determination to the Congres in the budget transmittal described in the previous section. In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures. The President shall include in the report to Congress under this subsection his assessment of the impact that holding the general adjustment and the locality adjustments below the levels described in the pervious section will have on the Government's ability to recruit and retain well-qualified employees.".

HOLLINGS AMENDMENT NO. 2615

Mr. HOLLINGS proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 11 of the bill, line 5, before the period, insert the following: ": *Provided further,* That not less than $600,000 shall be available to increase by 10 the number of full-time inspectors in the Charleston, South Carolina Customs District".

BIDEN AMENDMENT NO. 2616

Mr. DECONCINI (for Mr. BIDEN) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 29, line 9, strike "$16,500,000: *Provided,*" and insert in lieu thereof, "$17,500,000: *Provided,* That not less than $1,000,000 of such amount shall be available for the establishment of a Technology Research and Development Center within the Office of National Drug Control Policy: *Provided further,*".

On page 75, line 13, strike "$114,461,000" and insert in lieu thereof, $113,461,000.

DECONCINI (AND DOMENICI) AMENDMENT NO. 2617

Mr. DECONCINI (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 5241, supra, as follows:

On Page 76 of the bill, line 12, add the following new section:

SEC. 16. Notwithstanding any other provision of law, the General Services Administration is directed to maintain during the Fiscal Year ending September 30, 1991, the vehicle rental rates and per mile rates charged to schools and dormitories funded by the Bureau of Indian Affairs that were in effect on June 30, 1990, except for subsequent per mile rate adjustments related to fuel cost increases.

DOMENICI AMENDMENT NO. 2618

Mr. COCHRAN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 114, line 4, after the section designation, insert "(a)" and after line 15, insert the following new subsection:

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

MIKULSKI AMENDMENT NO. 2619

Mr. DECONCINI (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page , insert between line and the following new section:

SEC. . (a) A Federal agency may participate in any program established by a State or local government that encourages employees to use public transportation. Such programs may involve the sale of discounted transit passes or other incentives that reduce the cost to the employee of using public transportation.

(b) Notwithstanding the provision of section 5536 of title 5, United States Code, or any other provision of law, an employee may participate in a program described under subsection (a).

(c)(1) For purposes of this section the term "Federal agency" shall mean an Executive agency as defined under section 105 of title 5, United States Code, and shall include any agency of the legislative or judicial branch of Government.

(2) For purposes of subsection (b), the term "employee" shall mean an employee as defined under section 2105 of title 5, United States Code, and shall include an employee of any legislative or judicial agency.

(d) No later than June 30, 1993, the General Accounting Office shall conduct a study and submit a report on the implementation of programs under subsection (a) and the employees (including information of the employing agencies and rates of pay of such employees) who have participated in such programs.

(e) The provisions of this section are repealed effective December 31, 1993.

DECONCINI (AND OTHERS) AMENDMENT NO. 2620

Mr. DECONCINI (for himself Mr. D'AMATO, and Mr. HELMS) proposed an amendment which was subsequently modified, to the bill H.R. 5241, supra as follows:

On page 114, after line 22, add the following new section:

SEC. . (a) The Senate finds that—

(1) democracy and freedom of the independent Arab nations have been threatened by the invasion and illegal annexation of Kuwait by the Government of the Republic of Iraq;

(2) the safety of American citizens and those of other countries have been directly threatened by the decision of the Government of Iraq to move them and use them as "human shields" at strategic defense and industrial installations;

(3) the stability of world oil production and marketing has been threatened by the illegal Iraqi seizure of Kuwaiti ports and oil production facilities;

(4) the United Nations has condemned Iraq's invasion of Kuwait, has voted to impose an economic embargo on Iraq, and has declared null and void the annexation of Kuwait;

(5) the United Nationns Security Council has approved the use of appropriate military force by individual nations to enforce United Nations sanctions;

(6) the President of the United States has taken the lead in unifying world opinion and directing international efforts against the Iraqi aggession and in defense of Saudi Arabia and the other Gulf states;

(7) a majority of Arab nations have condemned Iraq's actions and have supported Arab military and diplomatic efforts to defend the Gulf states and to ensure Iraq's withdrawal from Kuwait;

(8) the United States is deploying tens of thousands of American troops and military hardware to the Persian Gulf in defense of the strategic interests of the United States in the region at costs estimated to be in excess of $40 million a day, during a time of an increasing budget deficit;

(9) a principal position of the United States and its NATO and major non-NATO allies is one of burdensharing in the collective defense of the Western alliance;

(10) the Senate and the American people are deeply concerned about the need for a reduced budget deficit and improved economic growth; and

(11) President George Bush has announced his intention to develop an economic action plan under which nations benefitting from the economic embargo and the military actions in the Persian Gulf assist those nations which are committing their military personnel and materiel to support these United Nations actions.

(b) It is the sense of the Senate that—

(1) the President of the United States should be congratulated for taking the diplomatic initiative to encourage other nations to share the international financial burden of the defense of Saudi Arabia; and

(2) the President of the United States—

(A) in consultation with the allies of the United States in the Persian Gulf defense operation, should—

(i) take steps to ensure that United States allies are sharing an appropriate portion of the collective defense of their interests in the Gulf;

(ii) take steps to ensure that those allies who are precluded from any overt military participation in the Gulf, or who decide against participating in these defensive actions, or who only provide minimal participation are assuming an appropriate financial share of the collective defense commensurate with their national means; and

(iii) take steps to ensure that those oil producing nations which may benefit from increased individual oil production and world oil prices as a result of the embargo of Iraqi and Kuwaiti oil proportionally share the burden of the costs of the embargo, either directly with those nations providing the defense, or by equivalent "in-kind" payments, or by assuming some of the other international financial burdens of the major defense-providing nations;

(B) in concert with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall consult with Congress on the steps the President is taking to meet the goals enumerated in subparagraph (A) and shall provide a report to the Congress no later than November 30, 1990, detailing the progress of such steps to date;

(C) during his consultations with other international leaders, should consider stressing, among other points, that failure by any country to actively contribute in the most appropriate manner for that country could have a detrimental impact on its bilateral relationship with the United States; and

(D) should also inform Congress of any legislative initiatives which need to be taken to meet the goals enumerated in subparagraphs (A) through (C).

HELMS (AND OTHERS) AMENDMENT NO. 2621

Mr. HELMS (for himself, Mr. DECONCINI, and Mr. SARBANES) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 114, after line 22, insert the following new section:

SEC. 628. Section 3401(a) of title 39, United States Code, is amended in clause (1)(A) by striking out "or" the first time it appears in such clause and inserting ", or temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense" after "belligerent".

CRANSTON (AND SARBANES) AMENDMENT NO. 2622

Mr. DECONCINI (for Mr. CRANSTON, for himself and Mr. SARBANES) proposed an amendment to the bill H.R. 5241, supra, as follows:

At the end of the amendment, add the following new subsection:

This section shall apply to military personnel participating in "Operation Desert Shield".

DURENBERGER (AND BOSCHWITZ) AMENDMENT NO. 2623

Mr. COCHRAN (for Mr. DURENBERGER, for himself and Mr. BOSCHWITZ) proposed an amendment to the bill H.R. 5241, supra, as follows:

On page 41, line 17, strike "$5,084,586,800" and insert in lieu thereof "$5,099,606,800".

On page 41, line 18, strike "$1,282,830,000" and insert in lieu thereof "$1,298,133,000".

On page 44, line 25, strike "Courthouse Annex, $47,710,000" and insert in lieu thereof "Courthouse, $63,013,000".

On page 52, line 18, strike "$1,505,780,000" and insert in lieu thereof "$1,505,497,000".

On page 55, line 6, strike "$5,084,586,800" and insert in lieu thereof "$5,099,606,800".

BURDICK (AND COCHRAN) AMENDMENT NO. 2624

Mr. COCHRAN (for Mr. BURDICK, for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 5241, supra, as follows:

At the appropriate place in the bill, insert:

SEC. . None of the funds in this Act, or otherwise made available by this Act, may be used to pay the salaries of personnel at the Office of Management and Budget who withhold, or fail to make available, funds made available by law needed to eliminate

the backlog of applications for insured loans by the Rural Electrification Administration.

HEINZ (AND BOND) AMENDMENT NO. 2625

Mr. HEINZ (for himself and Mr. BOND) proposed an amendment to the bill H.R. 5241, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Congress finds that—

(1) President Saddam Hussein of Iraq has attempted to evade the consequences of his illegal invasion of Kuwait by the taking of civilian hostages;

(2) Saddam Hussein has violated standards of civilized conduct by willfully seeking to endanger the lives of foreign civilians in Kuwait and Iraq;

(3) He has further violated international diplomatic practice by laying siege to Western embassies in Kuwait;

(4) Iraq's conduct both at home and on the battlefield during the recent war with Iran has demonstrated a willingness to use the most barbaric methods of warfare, including the gassing of civilian women and children;

(5) The Nuremberg conventions, while denying national guilt for acts of war, do also stipulate that individual leaders may be held responsible for violations of the conventions of war and of civilized behavior;

(6) The taking of hostages, the use of gas, the terrorizing of civilians and diplomats, and other such acts in both peace and war have long been considered crimes against humanity for which prosecution is justifiable.

(b) It is the sense of the Senate that in the event of hostilities between the United States and the Government of Iraq it shall be the policy of the United States to pursue Saddam Hussein, other Iraqi leaders, and other such perpetrators as may be determined responsible in order to bring them to justice as war criminals, and to seek their prosecution and punishment under international auspices of the international community.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint hearing with the House Committee on Interior and Insular Affairs on Tuesday, September 11, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building on H.R. 5539, the San Carlos water settlement.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Wednesday, September 12, 1990, beginning at 10 a.m., in 485 Russell Senate Office Building on S. 2850, the Innovative Indian Health Facilities and Delivery System Demonstration Project Act; S. 2928, the Technical Amendments to the Indian Self-Determination Act; S. 381, a bill to provide Federal recognition of the Mowa Band of Choctaw Indians; S. 2888, the Indian Health Care, Provision; and S. 2995, a portion of income derived from trust or restricted land held by an Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint hearing with the Senate Committee on Energy and Natural Resources on Thursday, September 13, 1990, beginning at 8:30 a.m., in 366 Dirksen Senate Office Building on S. 2870, the Fort Hall Indian Water Rights Act of 1990.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Tuesday, September 18, 1990, beginning at 10 a.m., in 485 Russell Senate Office Building on S. 2645, the Urban Indian Health Equity Act; H.R. 5539, the San Carlos water settlement and H.R. 5063, the Fort McDowell Indian water settlement to be followed by a hearing on S. 2895, the Seneca Nation Settlement Act of 1990.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on Tuesday, September 25, 1990, beginning at 10 a.m., in 485 Russell Senate Office Building on S. 1554, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act and S. 2870, the Fort Hall Indian Water Rights Act of 1990 to be followed by an oversight hearing on a proposal to establish Wounded Knee Memorial and Historic Site.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on Wednesday, September 12, 1990, at 9 a.m., jointly with the House Committee on Veterans' Affairs, to consider the adequacy of the Soldiers' and Sailors' Civil Relief Act and Veterans Reemployment Rights for Operation Desert Shield personnel, in room 334 of Cannon House Office Building.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing entitled "Older Americans: An Effective, but Ignored Weapon Against Fraud and Abuse." The hearing will focus on Medicare's lack of responsiveness to concerns raised by beneficiaries about provider abuse and related issues.

The hearing will take place on Wednesday, September 12, 1990, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

SUBCOMMITTEE ON WATER AND POWER AND SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the joint hearing before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources and the Select Committee on Indian Affairs previously scheduled to take place Thursday, September 13, 1990, at 9 a.m. in room SD-366 of the Dirksen Senate Office Building, Washington, DC, has been rescheduled to begin at 8:30 a.m. in room SD-562. The subject of the hearing will be S. 2870, the Fort Hall Indian Water Rights Act of 1990.

The subcommittee will postpone consideration of S. 2657, S. 2658, and H.R. 4148 until a later date.

For further information, please contact Tom Jensen, counsel for the subcommittee at (202) 224-2366.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the implications of the Middle Eastern crisis for near- and mid-term oil supply.

The hearing will take place on Thursday, September 13, 1990, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written testimony for the record should address it to the Committee on Energy and Natural Resources, room 364 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 13, 1990, at 2 p.m. in room 428A of the Russell

Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony concerning the royalty and fee provisions of S. 1126, a bill to provide for the disposition of hardrock minerals on Federal lands.

Those wishing to submit written statements for the hearing record should deliver them to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, room 364, Washington, DC 20510. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to advise the public and my colleagues in the Senate that the Subcommittee on Public Lands, National Parks and Forests has scheduled four hearings in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearings is to receive testimony on several measures currently pending before the subcommittee. The hearings have been scheduled as follows:

September 19, 2 p.m.:

S. 2674, to provide for the reestablishment of the gray wolf in Yellowstone National Park and the Central Idaho Wilderness Areas.

September 20 2 p.m.:

S. 2771, to establish the Vancouver National Historical Reserve in the State of Washington, and for other purposes;

S. 2802, to authorize the establishment of the Fort Totten National Historical Site;

S. 2809 and H.R. 3683, to amend the National Trails System to provide for the study and designation of the Underground Railroad Historic Trail;

S. 2818 and H.R. 4834, to provide for a visitor center at Salem Maritime Nationl Historic Site in the Commonwealth of Massachusetts; and

H.R. 5084, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes.

September 26, 2 p.m.:

S. 2474, to authorize an exchange of lands in South Dakota and Colorado;

Section 6 of S. 2543, entitled the "Admiralty Island National Monument Land Management Act of 1990," relating to a study of certain native villages in Alaska;

S. 2815, to establish the Kokapelli National Outdoor Theater in the State of Utah, and for other purposes;

S. 2816, to disclaim right, title, and interest of the United States in and to certain private lands conditionally relinquished to the United States under the act of June 4, 1987 (30 Stat. 11, 36), and for other purposes;

S. 2891, to authorize and direct an exchange of lands in Colorado;

H.R. 2566, to disclaim any interests of the United States in certain lands on San Juan Island, WA, and for other purposes; and

H.R. 3888, to allow a certain parcel of land in Rockingham County, VA, to be used for a child care center.

September 27, 2 p.m.:

S. 2882 and H.R. 3209 to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes.

Due to the limited time available for the hearings, witnesses will be asked to testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearings, please contact David Brooks at (202) 224-9863 or Beth Norcross at (202) 224-7933 of the subcommittee staff.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EDUCATION, ARTS, AND THE HUMANITIES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and the Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Monday, September 10, 9 a.m., for a hearing on S. 2034, the national education report card.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Monday, September 10, 1990, at 10 a.m. to conduct a hearing on capital standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LITTLE TOWN A NOTCH ABOVE US

● Mr. GORE. Mr. President, a lot of people in Washington, DC, were surprised by the recent issue of Money magazine and its fourth annual "The Best Places to Live Now" survey. Not only had Washington slipped from last year's 15th place in the survey to 142d, but Johnson City, TN, ranked 141st. Even the Washington Post was surprised. But, for those of us from Tennessee, well acquainted with Johnson City, no explanations were needed.

Tucked away in the foothills of the Appalachian Mountains, Johnson City boasts some of the most beautiful scenery in the country.

But, Johnson City is more than just a pretty face. The city's children benefit from excellent schools. Every resident can take advantage of the first-rate health services—the Mountain Home VA Hospital and the James H. Quillen Medical School. Businesses and industries praise the transportation network that links the area to other economic centers in the Southeast. All of these contribute to a quality of life that makes Johnson City special—ranked higher than even our Nation's Capital.

But what is truly exceptional about Johnson City are the people who call it home. There is no such thing as a stranger in Johnson City. Hospitality is the hallmark. And, as Washington Post reporter Phil McCombs discovered, that friendliness begins at the office of my friend, Mayor P.C. Snapp.

Unfortunately, because Mayor Snapp's barber was fishing the day of the interview, Phil McCombs did not talk to him, but pharmacist Clay Marrs and Tom Hodge, editorial director of the Johnson City Press spoke with Phil McCombs and told him what everyone in Johnson City—had they been interviewed—would have said—that with the mountains, lakes and hospitality, there is not a city in the United States they would rather live.

Tennesseans have known all along that Johnson City, and the other Tennessee cities listed in the Money magazine survey, Chattanooga, Clarksville, Knoxville, Memphis, and Nashville—some also ranked higher than Washington, DC—are great places to live and work.

Mr. President, I am pleased to include the Washington Post story "The Little Town a Notch Above Us" in the CONGRESSIONAL RECORD as a tribute to Mayor Snapp, Clay Marrs, Tom Hodge, and to all the wonderful people who call Johnson City, TN, home.

The article follows:

[From the Washington Post, Aug. 23, 1990]

THE LITTLE TOWN A NOTCH ABOVE US—JOHNSON CITY, TN.: NICE PLACE NO. 141

(By Phil McCombs)

As if the Washington area didn't have enough problems, comes now the September issue of Money magazine with its fourth annual "The Best Places to Live Now" survey showing that the area has dropped from the quite respectable 15th place it held last year.

To 142nd.

Ouch. Los Angeles-Long Beach was No. 10, for heaven's sake. And, according to Money, you'd be better off in Galveston, Tex. (32nd), Reno, Nev. (48th), or Florence, Ala. (60th). Even Buffalo ranked 91st of the 300 metropolitan areas evaluated.

Buffalo.

And get this: In 141st place this year, one notch above the nation's capital, is Johnson City, Tenn., a jurisdiction of about 50,000 souls in a "tri-city" metropolitan area on the eastern tip of the state that also includes Kingsport and Bristol, the latter being a two-state town that spills over into Virginia.

In an effort to assess what is so much better about Johnson City than Washington, a reporter telephoned city hall there and asked for the mayor's office.

"This is the mayor's office", said the woman pleasantly.

Could one possiby speak with the mayor?

"Yes, you may. Just a moment," she said without hesitation. And without asking who was calling.

Mayor P.C. Snapp came on the line. "It's like heaven down here," he said. "It probably takes me five minutes to drive to work. We've got a school system that was rated among the top 12 out of 142 systems in the state. We had the first curb-side recycling program in the state. The crime rate is very low too. I think we had four murders last year—that was an increase of 25 percent because we had three the year before—and all of these were people who knew one another. We have a minor legue baseball team, the Johnson City Cardinals, and were state high school basketball champs, Triple-A, this year."

A baseball team.

There is also this: "Just yesterday I was in New York at Moody's, or whatever they're called. We had been an A-rated city, and after going up there and presenting our case we're now an A-1, which means we can sell bonds a lot cheaper."

And this: Snapp's modern house has four bedrooms, two full baths, living room, dining room, TS kitchen, garage, a deck off the back and a third of an acre wooded lot. He figures he could get maybe $85,000 for it.

It's a suburban-rural area with lakes and mountains and countryside close at hand. The economy down there, he said, is "diversified," with East Tennessee State University, a new medical center, a new Veterans Affairs hospital and Texas Instruments providing more than 5,000 jobs.

"And Sears has its payment center here, where they have this—what's it called?—Discover card. Then another one is the Sears Tele-Catalogue center—if you call from five surrounding states to order something from Sears, it comes to this center. My wife, incidentally, works there. Mary Anne."

There's an arts center, of course, and "the foliage is real nice in the fall of the year. There are a lot of places here and there you can drive and look—hills and flatlands, undulating in places. On a clear day you can see Roan Mountain, part of the Appalachian chain, 6,000 foot, though near here it's 1,700 foot."

He recommended that a reporter talk to his barber for local color. But then he remembered that it was Wednesday, the barber's fishing day.

Tom Hodge, editorial director of the Johnson City Press, a paper where he's worked for 40 years, puts his love for the area this way: "I was born here and worked here and all over the United States, and chose to remain here. I never found a place I would rather raise my children than right here. It's a mixture of mountains and lakes with four full seasons, and, in my opinion, some of the most hospitable people in the world."

Clay Marrs, a pharmacist over at the Blankenship Pharmacy, located up against Interstate 181 halfway between the struggling old downtown and the busy new Miracle Mall, takes his Sunday school lessons from Hodge over at the First United Methodist Church. He says he's been up to Washington and doesn't like it much. "Washington has all the pitfalls of big cities," says Marrs, "all the hubbub of super-activity. Here we have busy days, but we're not under the pressure you are in the big city. There's too much going on, and you can't flatten it down, there's just no way."

And he's right. Somehow you just can't flatten it down, no matter how hard you try. All you can do, like the editors of Money, is drop it down to No. 142.

The magazine's editors asked 252 subscribers to rate the importance of characteristics such as weather and crime, then with the help of a consulting firm assigned points to each area depending on how it was thought to deliver on each characteristic. Most important to this year's readers were clean water, low crime, clean air, good cheap medical care, sound local government and low taxes.

Some of these are available around here, some clearly aren't.

The consulting firm, incidentally, is located in Portland, Ore. (38th), and, as it turned out, the Pacific Northwest nearly swept the top ratings, with four of the top eight places this year being in Washington state and another next door in Oregon. But that's another story.

At least Washington, at 142, is one notch above Lynchburg, Va.

Whew.●

AMERICAN MILITARY RESCUE ASSISTANCE FOLLOWING EARTHQUAKE IN REPUBLIC OF THE PHILIPPINES

● Mr. McCAIN. Mr. President, this morning I would like to take a moment to recognize the efforts of the men and women of the our military that have taken part in the recent earthquake rescue efforts in the Republic of the Philippines.

The earthquake that shook the Philippines on July 17 measured 7.7 on the Richter scale; the devastation was vast. The majority of the destruction was centered in Baguio, a town of 170,000 located high in the mountains 130 miles north of Manila.

During the initial hours following the initial tremor, the only means of rescue and support for the town of Baguio was by helicopter. Teams of medical support personnel and relief rescue members were flown by Marine Corps helicopters attached to Marine Air Ground Task Force 4-90, from the 1st Marine Aircraft Wing and the 13th Marine Expeditionary Unit, to Baguio. For 4 days, before Bangio's Loakan Airport was repaired and operational, the Marines flew mission after mission providing the earthquake victims much needed food, medicine and temporary shelter. The around-the-clock effort of these Marines is reflected in the many tons of emergency supplies flown in to the mountain town and the number of lives saved through medical evacuation to hospitals to the south.

Tons of relief supplies, equipment and support personnel were flown to the Philippines in Marine Corps KC-130 aircraft stationed on Okinawa, Japan with Marine Corps Squadron VMGR-152. Once in the Philippines, CH-53D's from HMH-363, OV-10's from VMO-2, and UH-1N's from HMLA-267 along with CH-53E's and CH-46's from the 13th Marine Expeditionary Force provided continuous relief efforts to the earthquake stricken area.

Amid the rubble and the tremors of the after shocks, the Marines worked hand-in-hand with the people of Baguio searching for survivors and claiming the dead. The work was dangerous as the rescuers worked midst destroyed buildings in the intense heat and humidity of a Philippine summer. The destruction was massive and it is estimated that 90 percent of all of the buildings and houses in Baguio were seriously damaged or destroyed.

Mr. President, this tragic event helps remind us that while the men and women of our Armed Forces serve in the defense of this Nation, they also provide a strength and determination that can be brought to bear in crises such as the one recently experienced in the Philippines. The humanitarian efforts of those that participated in the rescue efforts should be held out as demonstration that the good will of this Nation extends far beyond the negotiation table. As they have so many times in the past, the Marines, soldiers, sailors and airmen of this Nation demonstrated their readiness and willingness to perform missions that required moments of daring and acts of heroism.

Mr. President, it is important that we take a moment to remember that the men and women of our military serve in harms way in many different types of operations. During the rescue operation, a Marine Corps aircraft crashed, killing the pilot, Capt. Michael J. Shannon, and injuring the co-pilot. Mr. President, Captain Shannon died while serving in a humanitarian effort to save the lives of the victims of this devastating earthquake. As a Marine pilot, he knew the risks of his profession. Mr. President, the world is a better place because of the sacrifices of all of the members of our Armed Forces that participated in the rescue operation. In particular, I would ask that we recognize the sacrifice of Captain Shannon, his service to his country and to his fellow man.●

WHY IS AMERICA FAILING ITS CHILDREN?

● Mr. KOHL. Mr. President, the stark black and white cover of yesterday's New York Times magazine, struck me with the question, "Why Is America Failing Its Children?" T. Berry Brazel-

ton, a pediatrician at Harvard Medical School and Children's Hospital Medical Center in Boston, has once again pricked our conscience on where our national priorities ought to be.

It is a time when the National Commission on Children tells us that 25 percent of our children are living in poverty. It is a time when a new twist has been added to the Peace Corps: Foreign students doing service in the United States, shocked at the poverty and homelessness they find in our streets. It is a time when the leaders of the world will soon be gathering at the United Nations to participate in the Summit on Children. And it is a time, when at Andrews Air Force Base our own summiteers and President are meeting to define our budget. In so doing, we have an opportunity to realign our national priorities for the next 5 years.

We ought to recommit to our Nation's children and families, Mr. President. It is the best investment we can make in our future. I urge my colleagues to read Dr. Brazelton's article, to give serious consideration to this point that we have no choice but to make families our top priority. I ask that the article be printed in the RECORD.

The article follows:

[From the New York Times magazine, Sept. 9, 1990]

WHY IS AMERICA FAILING ITS CHILDREN?

(By T. Berry Brazelton)

Frightened children crowd the chaotic, steamy hall outside a Los Angeles courtroom. Some are crying. Others can only muster the energy to whimper. Most are dirty, with sallow skin and dull expressions, and they cling to their mothers' skirts.

In succseesion, the mothers and a few fathers are called to appear before a sympathetic but harried judge, who has already studied the pile of reports from welfare workers and now allots 30 minutes to hear and decide each case. The question: Which children can stay with their parents and which ones cannot?

The children in the courthouse have been living at a shelter that tries to rehabilitate families. Their stories have a pathetic sameness. A family of four had been wandering for two years after relatives threw them out. When the father succeeds in panhandling money, he drinks and becomes abusive and violent. The mother, haggard and slow-moving, appears half-witted. Her file says she is incapable of caring for there two children. The daughter, age 8, was failing second grade and has changed schools five times. Her 5-year-old brother has bad dreams. At the welfare hotel where the family lived for a while, he was scared that "a mean man" would take him away from his mother. When asked how that made him feel, he replied "itchy." The reason, his mother said, was that there were not enough beds and that the children slept on the bug-infested floor.

What choice do the courts have with such families? Often, the judges will deem the case hopeless and try to salvage children by putting them in foster care—"before it is too late."

But, in too many cases, it already seems too late to me. The families are locked into a system that is not working for anyone—the family or the courts—and judges and social workers can offer only Band-Aids.

I was at the courthouse several months ago with other members of the National Commission on Children, a group appointed by the White House and Congress in 1989 to study the status of America's future generation. The panel's 36 members come from all professions, all political persuasions and all parts of the country. In the first year of its two-year tenure, the commission has been visiting prisons, courtrooms and neighborhoods, and holding hearings and meetings in cities and towns from Connecticut to California. What it learns will shape its recommendations, due next spring, for private and public initiatives for the 90's.

As a pediatrician with 40 years' experience with 25,000 children, mostly middle class, I have begun to regard the growing neglect and poverty of the young as the biggest threat to the nation's future. I also see evidence that we could start preventing this terrible waste, with remedies available right now—but we seem to have lost the will even to think about it.

Consider the reaction when the commission reported its first-year findings last month. Children are the poorest group in society, with more than one in five living in a household whose income is below the poverty level, $12,700 for a family of four. Despite medical advances, the United States infant mortality rate is worse than in some third world countries, and every day more than 100 American babies die before their first birthday. About one million teen-agers become pregnant each year, and as many as 18 percent of newborns in some city hospitals are born exposed to alcohol, crack and other hard drugs.

On hearing all this, the press asked, "So, what's new?" The panel could only reply, alas, that nothing is new. Americans have become numb to reports of the hopelessness of their children.

Are we really so cynical or are we afraid to face the problem? As the commission has noted, the figures are widely reported, but too rarely followed up by action. Taxpayers and legislators are not yet determined to insure that every child has the opportunity to grow up healthy and whole, to be secure, and to become literate and economically productive.

Certainly, the uneven face of American poverty is a factor. Although at least 21 percent of all children are needy, the problem is more intense in city neighborhoods and rural pockets. Forty-five percent of black children and 39 percent of Hispanic children were poor in 1987, compared with 15 percent of whites. More than half the children in households headed by single women are impoverished.

Employment does not guarantee escape from poverty. Forty-four percent of poor two-parent families have at least one full-time worker, and 25 percent of these households have a parent who works part time. The prevalent bias—that those who are destitute deserve it—is not borne out by the commission's investigations.

Needy children are in double jeopardy. They have the most health problems, and the least access to care. Poor women do not receive prenatal care or adequate preventive care for their infants. When they do seek help, no one seems to care about them as people. Thus, they go to doctors and hospitals only in emergencies. In general, the families that suffer the most social stress receive the least social support. The widening gap in this country between rich and poor makes it even more likely that these children will repeat their parents' poverty. They will not be prepared to contribute to society—except in an antagonistic, often violent, way.

When I testify about the problems of middle-class, two-career families, I find the news media attentive. The increasing pressure on such families is enormous. But even there, in pressing for decent day care, maternity and paternity leaves from work and other initiatives related to children's well-being, I have learned how little commitment there is at the national level to family issues.

We are the least family-oriented society in the civilized world. If you asked any citizen, "Does America believe in families and children?" the answer would be, "Of course." But how much denial and distortion is couched in that answer!

If there is an implicit bias in the United States, it is this: Families should be self-sufficient, and if they're not, they deserve to suffer. That outlook appears to dominate political and private decisions. Only for the group of desperate families willing to label themselves hopeless—unwed, unemployed, homeless—do we have handouts, like Aid to Families with Dependent Children. to qualify for help, a family must first identify itself as a failure. The labels stick. Treated as such, people will feel and act like failures. Despite the huge amount spent on welfare, the efforts are generally counterproductive, offering money without real support.

Programs like Head Start and Women, Infants and Children (a supplemental food program) have often succeeded because they reached out to parents. Families are educated together. As children succeed, their parents begin to feel successful. This progress has a lasting effect. Unfortunately, few programs take such an approach, and the human and financial commitment required is considerable. To succeed, a program has to make people feel as if they are individuals worthy of help. How is that done? It might mean that someone has to enter the bleak, often dangerous, world of poor families to help clean up their house, for example, to buy the groceries and to play with their children.

Several months ago, I was hurrying to an appointment in lower Manhattan. I saw a typical homeless man approaching. He had long, matted hair and dirty, slept-in clothing. I was relieved to see that his eyes were fixed on the ground. I averted mine to avoid contact, which would have added guilt to my feelings about his condition.

As we passed each other, he said, "I sure like your show, Doc."

Startled and unbelieving, I asked, "Do you watch it?"

"When I can find a free TV," he replied.

"Do you have any children?"

"Yeah, a baby. She's right over here, if you want to see her."

He took me over to the protected corner of a bank building, where a young woman was tenderly nursing her 4-month-old baby. The father, whose image had already changed in my eyes, picked up the infant, cradled her and began to play.

Soon they were locked in a reciprocal exchange of "Yeah," "Coo," "That's right," "Coo," "Come on, one more time." He turned to me and said, "That's how you do it on your television show."

I was completely won over. We were on the same wave-length and talked about baby and family issues for several minutes. All the ingredients for being a successful parent were there, needing only adequate support.

I didn't give them housing or money, but they welcomed my respect and empathy. Their gift to me was insight into the depth of my prejudices.

When I returned to my Cambridge, Mass., office that afternoon, a young father brought me his 4-month-old baby. He was as proud and committed as my friend of the streets. He demonstrated the same tender communication as he looked down at his daughter. "How is my girl?" he said. She cooed. He cooed back. Their communication was a replica of the powerful bonds I saw growing in the homeless family in New York.

Families do care about one another. What an opportunity we have to strengthen and cement young families around a new baby.

Members of the National Commission on Children went to a high-security prison in rural South Carolina to talk to teen-agers serving sentences of 15 to 20 years for rape, murder and armed robbery.

Many of the young men, white and black, carried the signs of intractable poverty: the shifty, gaze-avoiding look with head half-cocked that says, "Hit me again, I'm no good." The looks of others, however, were clear-eyed, direct and confident. They sat in a ring next to us in the room where we met. The armed guards who surrounded us were as unobtrusive as possible. We wanted to find out what brought these children there.

As we talked, the questions became more personal. Their responses seemed to fall into two categories.

One group became sullen and lifeless. Their shoulders sagged. Their hands shifted uneasily in their laps. Their dirty hair and sallow complexions gave the impression that they had given up. Only their eyes belied this, becoming steely as they watched the more verbal members talk with us. They were angry, not hopeless.

The verbal teen-agers were alert and carried themselves with the confidence of athletes. Their complexions were clearer, their hair was likely to be clean and thick. Their responses were open and charming, and had none of the ominous hostility of those of the other group. They used body language to capture our attention. One could easily imagine offering a home to one of them, though their histories included murder and rape.

A handsome youth in this group told us his story. He grew up in poverty in rural South Carolina, raised by a struggling single mother. Even as a child, he felt sorry for her. He saw her as overwhelmed—with too many kids, no support, no hope in her job. No one ever had time to do anything but scold or swat him. He couldn't wait until he reached the age of 12. Then, he figured, he could be on his own and be as angry as he always wanted. He could rob, vandalize, even murder, if anyone got in his way. He could get all the things he wanted, trying to banish the empty feeling he always had. He spoke as if this had been his destiny, and he had fulfilled it.

Others spoke of anger and crime as an antidote to boredom and emptiness. They told us how sure they were that they needed to be incarcerated. A curly headed boy said, "I knew that if they didn't put me in jail the first time, I'd keep on until they did."

A commission member asked, "What will you do when you finish your term here?"

"Get put back in, I guess," he replied. His energy and air of self-confidence covered his underlying turbulence.

I felt this boy had the capacity for what physicists call escape velocity. As particles circle a central focus, centrifugal force holds them in their orbit. A few particles spin out of orbit and shoot off into space with escape velocity. These particles are indowed with unusual force. They continue on a long trajectory.

Some young prisoners had that kind of personal force. If they had been salvaged early and had had this energy channeled more positively, they might have become the children who escape from poverty. But no one had stood by to help or guide them. No one had given their families individual attention or expert advice.

When I saw these teenagers in the Bennettsville, S.C., prison, I thought: From years of experience, I know that we have the knowledge to recognize this expectation of failure, when a child is as young as 9 months. Can we avert it if we start to help them then?

In our work at Children's Hospital in Boston, where I founded the Child Development Unit, we assess babies of all ages and from all sectors of society. By 9 months of age, the babies who show signs that they expect to fail for the rest of their lives can be identified by various tests. For instance, we can tell a lot when we hand them two blocks to play with. A child who expects to succeed in demanding situations will take one block, mouth it, rub it in his hair, drop it over the side of the table, looking up to see who will retrieve it. Finally, he'll show his cognitive capacity to match size and shape by putting the two blocks together. At that point, he'll look up at the examiner with a twinkling, bright-eyed look. He expects to be praised.

By contrast, a child who expects to fail may dutifully take the two blocks. He won't dare to experiment. His repertory is already limited by the realization that no one will care. He slides the two blocks close to each other, demonstrating appropriate cognitive capacity. But, as if compelled, he slides them past each other. As he fails in the task, he looks up at us with a dull look of failure. He cocks his head to one side, as if to say: "Hit me again. I'm no good, and I deserve it." At 15 months, he'll trip as he walks. Then he'll look up vacantly to receive the recognition of his failure. At 18 months, he'll make the adults who take care of him so angry, with temper tantrums and other provocations, that they'll want to strangle him. He already feels it is his destiny to fail.

We don't know whether he expects to fail because he comes from a chaotic, unrewarding environment, or whether learning disabilities or hyperactivity have held him back. Either factor produces such a pattern. A hyperactive child senses his failure long before it can be diagnosed. He already experiences the damaged self-image that will be the most serious hurdle for any potential remedial action. Poor children sense the hopelessness in their parents and learn to fail. No one in their surroundings has the time or the energy to observe them as they work to master a developmental task. No one supports them as they struggle toward a goal. If they do master something, there is not one to say: "Look what you just did! You did it yourself!" The rewards to fuel future success are not present.

Some children need help from the day they are born. The newborns who are exposed to alcohol and hard drugs like crack and heroin are potentially handicapped by the disorganization of their nervous systems, a condition that is hard to establish medically but is apparent to anyone who sees the baby. They are either limp and unresponsive or are hypersensitive and behave chaotically. They have difficulty receiving and responding to the stimuli of a soothing voice or face. When they are cuddled or rocked, they react with piercing wails and jerky motions. Few people could love these babies. They are likely to suffer later from learning disabilities and to be either hyperactive or emotionally flat. They also tend to be at the mercy of their impulses. The social programs required to educate them will cost billions of dollars. Then, eventually, it will cost billions more to incarcerate them. A new generation will have to live with them, as well as pay the price of our generation's insensitivity to their parents' hopelessness.

What would help? Special centers for fragile infants and mothers would allow two generations a safe haven, a place to withdraw from their addiction and despair. A new mother has a rare incentive to re-evaluate her own life. Early intervention in teaching mothers how to care for their babies could help.

Recently, I assessed a premature infant at Boston City Hospital. She was one of twins born to a drug addict. The other baby was still on life support, but at 1 week of age, this one was now out of the oxygen unit and could be evaluated. She still had an intravenous line dripping into her right hand for feeding. The intestinal tracts of such babies cannot tolerate food, and they must be fed artificially. Meanwhile, they are at high risk.

The neonatologist told me she and the other doctors thought that the baby was blind, because her eyes wandered independently. They weren't sure if she could hear, and her muscle tone was so poor that they thought she had a damaged nervous system. Newborns of mothers addicted to cocaine are unresponsive. During pregnancy, the drug crosses into the placenta and remains in a fetus's system for two to three hours after a 20-minute hit for the mother.

As I tried to arouse this limp infant, she suddenly began to stiffen and scream, changing from a listless state to a hyperactive one. Her screams, coupled with her scrawny, wrinkled body and frowning face, made her extremely unattractive. What would an addicted parent in an addicted environment do to such a baby? The ingredients for child abuse were all there. When I tried to swaddle her, she fought her way out of the wrappings with frantic motions of arms, legs and torso. When I tried to give her a pacifier, she spit it across the room.

Finally, in desperation, I forced her left thumb into her mouth and held it there. She gagged, and the onlookers winced. I held it in her mouth until she finally began to suck on it. At that point, her eyes, which had been wandering, came together. She seemed to focus all of her kinetic energy on her sucking. Her eyes opened to follow my face and voice, as I rocked her gently and talked quietly to her. She followed a bright red ball that I held about 18 inches in front of her eyes. Her face brightened and softened, her features became babyish and pretty for the first time. Her entire body relaxed in my hands, as she followed me with her eyes and turned to my voice. She had become an engaging baby. No longer did we think she was blind, or even brain-damaged. She was saving herself.

The nurses who had cared for her were amazed. They brought in the mother, a depressed, fragile-looking woman who had been indicted on charges that she had abused her fetus. As she watched her transformed baby responding to my face and voice, relaxed and responsive, sucking on her fist to control herself, the mother began to weep and said: "What I've done to my baby!"

The woman, addicted to crack, heroin and methadone, is in treatment and is showing signs of progress. Her baby is in an early intervention program and is doing well. She probably does not have permanent brain damage, though she may eventually have various physiological problems.

But a lot is known about remedial treatment for fragile premature babies, knowledge that could also be applied to drug-exposed babies. In a recent study in eight cities of high-risk premature infants, sponsored chiefly by the Robert Wood Johnson Foundation, it was demonstrated that intervention for the infant and personal care and attention for the families paid off. At age 3, the I.Q.'s of the babies who received help increased by 6 to 13 points, enough to provide them with the basis for making it in society.

Many of these babies will have learning disabilities, attention disorders like hyperactivity and, eventually, impulse disorders, meaning they will lack all sense of self-control. If they are sent home to a parent who is addicted or to an otherwise chaotic environment, they have little hope for recovery.

Can some addicted mothers be salvaged for their babies' sake? The effort needs to be made, because there are not enough foster homes for the lost children. If this isn't addressed as a national emergency, the country will throw away two generations—the babies and their mothers.

The course of American poverty can be changed. We must identify what endangers children and what protects them. We must begin early to enhance parents' desire to nurture their children. A few programs follow this approach, and they are outlined in Lisbeth B. and Daniel Schorr's excellent book, "Within Our Reach: Breaking the Cycle of Disadvantage" (Doubleday, Anchor).

Take two outstanding programs, in Tacoma, Wash., and New Haven.

In Tacoma several years ago, a group from Catholic Community Services was bemoaning the tragedy of troubled families who were on the verge of giving up their children. The families received aid from a patchwork of services, but needed more concerted help. The group created a program, with the help of financing from the National Institute of Mental Health, that offers the services of social workers, psychologists and counselors for any family in imminent danger of losing their child or children. The worker has only two families at a time and meets frequently with them at home, even occasionally helping with daily problems like balancing checkbooks. Gradually the family learns to trust this counselor, who can then help them with the harder task of rebuilding their lives. The success of the Tacoma program is demonstrated in the number of preserved families. Ninety percent of the families in the program are together after nine years.

The New Haven program is for school-age children. Starting two decades ago, Dr. James P. Comer, a Yale child psychiatrist, reorganized communities around efforts of improve elementary schools in devastated neighborhoods. The parents work with the teachers, principal and other school staff as part of a team. Children do better in school when they see that their parents are involved in their education. At the same time, the parents find allies who can help them with the problems of living in the inner city.

More than 100 schools across the country have adopted the parent-partnership approach, and they have reported impressive gains in students' test scores. With support from the Rockefeller Foundation, Dr. Comer's approach will be tried in the District of Columbia public schools.

According to the Schorrs, the programs that succeed in helping children have four things in common, all seemingly self-evident but all difficult to achieve with the current Band-Aid system. Help must be available at all times and in many different ways. There must be provision, missing from current welfare policies, for meeting individual needs. The staff must be trained and, just as important, build trust among the people. The program must also be accepted in the community.

The challenge for the National Commission on Children is to come up with ways to strengthen families and to support them as they nurture their children's development. We can do it, but it will be expensive and difficult. American leaders seem able to focus only on danger from outside the country, not yet recognizing in any committed way that the greatest threat is from within, in the breakdown of families and in the growing numbers of poor. The anger and addictions of the impoverished and the harm being done to their children are a national crisis. If we want poor children—and therefore all children—to have a future in this country, we have no choice but to make families our top priority.●

TRIBUTE TO QUEENS MINORITY BUSINESS DEVELOPMENT CENTER

● Mr. D'AMATO. Mr. President, I rise today to congratulate the members of the Queens Minority Business Development Center as they prepare for Minority Enterprise Development Week 1990, which will be observed during the first week of October.

The Queens Minority Business Development Center, which operates under a cooperative agreement with the U.S. Department of Commerce Minority Business Development Agency, is dedicated to establishing and strengthening minority-owned businesses throughout the Queens Borough. The center operates as a highly skilled business consulting firm that renders technical assistance and professional services to minority-owned firms. This assistance is accomplished by providing expertise in particular service areas such as financial management, loan proposals, marketing development and training.

Small businesses are certainly the backbone of our economy. The furnishing of technical assistance and counseling through consulting firms such as the Queens Minority Business Development Center will go a long way in assisting in the rejuvenation of our economy.

I strongly urge the Queens Minority Business Development Center to continue their efforts to help New York State's minority businessmen and businesswomen. Moreover, I would like to personally thank them for their contribution to America's future.●

DOWNRIVER SALVATION ARMY MARKS ITS CENTENNIAL

● Mr. RIEGLE. Mr. President, this week marks the centennial celebration of the Salvation Army in the Downriver Detroit area and the 125th anniversary of the Salvation Army's inception. The Salvation Army's history is one of service to the community and enhancement of the lives of everyone this fine organization comes in contact with through its extensive network. This association deserves recognition for its altruistic work and its efforts to spread good will around the world.

Since 1865, when William Booth began preaching the word of God to the downtrodden in London's East End, the Salvation Army has maintained the highest level of integrity. The goal of the organization has been to rescue the more unfortunate in our society by providing hospitals, drug and alcohol rehabilitation centers, senior activity clubs, boys and girls camps and clubs, and day-care centers. It also provides family assistance, education programs for unwed mothers, aid to prisoners and their families, and spiritual and secular guidance for all.

There are presently more than 14,000 corps communities worldwide. The Salvation Army now grants much of its assistance to people in less developed countries. These services include disaster relief, the acquisition of fundamental requirements, and vocational instruction.

The Downriver Corps has met the challenges they have faced in the Downriver area with the same unwavering determination that has been the distinguishing feature of the international corps. The fact that they are able to have a centennial celebration is a testimony to the importance of their cause.●

HONORING CAMP FIVE IN LAONA, WI

● Mr. KASTEN. Mr. President, I rise today to report to my colleagues on the very entertaining and instructive visit I paid over the congressional recess to Camp Five in Laona, WI.

Camp Five is a living museum—an industrial forest that demonstrates with breathtaking vividness the richness of Wisconsin's forestry resources. It combines a recreational environment—including wildlife habitat—with a working multiple-use commercial forest.

The guiding spirit behind Camp Five—indeed, behind the whole economic project of the State of Wisconsin—is the prudent combination of environmental protection and wise resource management.

Camp Five doesn't just profess this approach as an ideal; it demonstrates it in action. Everyone I met there was convinced that a genuine community of interests exists among environmentalists, loggers, timber owners and other citizens concerned about the future.

I think the country as a whole has a lot to learn from their attitude—and I encourage all my colleagues here in the Senate to investigate the intriguing facility that is Camp Five in Laona, WI.●

TOWN OF HARRISON, NJ, COMMEMORATES 150TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the town of Harrison, NJ, celebrating its sesquicentennial this year.

Harrison's citizens will gather on September 22 to enjoy a gala celebration in honor of its 150th year. Since 1668, Harrison has had historical significance. That year, Capt. William Sandford arrived from the West Indies and purchased a tract of land from present day Harrison to what is today the northern boundary of Rutherford, NJ.

172 years later on February 22, 1840, the New Jersey State Legislature established Harrison. For the next 50 years the town saw many changes as it prepared to go into the 20th century.

There was development of heavy industry, increasing residential development, and the formation of the board of education and the construction of two schools. Many more changes have taken place over the years, including the construction of residential neighborhoods and industrial complexes.

A five-man commission governed Harrison from 1840 to 1903. In 1904 a mayor/council form of government replaced the previous commission government.

Only five mayors have served since the town has been governed by a mayor and council. For 43 years the country's longest continuous elected mayor has served. I am proud to recognize the Honorable Frank E. Rodgers, who has served his community with pride and distinction.

I join Mayor Rodgers and all the proud citizens of Harrison in extending my heartiest congratulations as they commemorate their rich 150-year history.

For 1½ centuries this proud town has played an important role in New Jersey. Best wishes to all as you celebrate this significant milestone.●

WOMEN'S HEALTH EQUITY ACT—ADDITIONAL COSPONSORS

● Ms. MIKULSKI. Mr. President, the names of two original cosponsors of my bill S. 2961, the Women's Health Equity Act of 1990, were mistakenly omitted. Senator GLENN, of Ohio, and Senator KOHL, of Wisconsin, have been strong in their support of women's health issues and wished to be included among the original cosponsors of this package.

The substance of Senator GLENN's bill S. 2619, on coverage of bone mass measurement for osteoporosis, has been included in my bill. Senator KOHL has been very active in support of legislation to aid women and families with substance abuse problems. I greatly regret having omitted their names from my earlier list of original cosponsors.●

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 365 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 365) providing for a joint session of Congress to receive a message from the President.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDEING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 365) was agreed to as follows:

H. CON. RES. 365

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, September 11, 1990, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Passed the House of Representatives September 6, 1990.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to and I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACREAGE LIMITATION PROGRAM FOR 1991 CROP OF WHEAT

Mr. MITCHELL. Mr. President, on behalf of Senator DOLE, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3018) to require the Secretary of Agriculture to announce an acreage limitation program for the 1991 crop of wheat.

Mr. MITCHELL. Mr. President, on behalf of Senator DOLE I now ask for the bill's second reading and, in my own right, on behalf of some Members on this side of the aisle, I object to that request.

The PRESIDING OFFICER. Objection is heard.

The bill will be held over to the next legislative day for a second reading.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate complete its business today, it stand in recess until 8:30 a.m. on Tuesday, September 11; that following the prayer, the Journal of proceedings be deemed approved to date; and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business not to extend beyond 10 a.m.; and that the following Senators be recognized to speak, beginning with Senator ROCKEFELLER for 30 minutes, then Senator LAUTENBERG for 10 minutes, then Senator SPECTER for 15 minutes, and then Senator BIDEN for 45 minutes; and that at 10 a.m. the Senate resume consideration of H.R. 5241, the Treasury-Postal Service appropriations bill; I further ask unanimous consent that the Senate stand in recess at 12:30 p.m. to 2:15 p.m. tomorrow, to accommodate the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess under the previous order until 8:30 a.m. on Tuesday, September 11, 1990.

There being no objection, the Senate, at 7:09 p.m., recessed until Tuesday, September 11, 1990, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 1990:

DEPARTMENT OF STATE

G. PHILIP HUGHES, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF DOMINICA, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAINT LUCIA, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAINT VINCENT AND THE GRENADINES.

GEORGE FLEMING JONES, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

AFRICAN DEVELOPMENT FOUNDATION

WILLIAM H.G. FITZGERALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 1996, VICE JAY KENNETH KATZEN, TERM EXPIRED.

BOARD FOR INTERNATIONAL BROADCASTING

BARRY ZORTHIAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING MAY 20, 1992, VICE ARCH MADSEN, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES O. MASON, OF UTAH, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION, VICE FRANK E. YOUNG, RESIGNED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR TERMS EXPIRING JULY 1, 1991:

WILLIAM J. HYBL, OF COLORADO, VICE RICHARD M. SCALFE, TERM EXPIRED.

RICHARD B. STONE, OF THE DISTRICT OF COLUMBIA, VICE E. ROBERT WALLACH, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

JEANNE S. ARCHIBALD, OF VIRGINIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE EDITH E. HOLIDAY, RESIGNED.

THE JUDICIARY

JAMES B. LOKEN, OF MINNESOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT VICE GERALD W. HEANEY, RETIRED.

DEPARTMENT OF JUSTICE

LINDA A. AKERS, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS VICE STEPHEN M. MCNAMEE, RESIGNED.

KENNETH W. SUKHIA, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS VICE K. MICHAEL MOORE, RESIGNED.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

TODD W. DILLARD, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS VICE A NEW POSITION CREATED BY P.L. 100-690, DATED NOVEMBER 18, 1988.

DEPARTMENT OF COMMERCE

CRAIG R. HELSING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE MARC G. STANLEY, RESIGNED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

JOAN R. CHALLINOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PHILIP-MICHAEL GARY, OF WASHINGTON

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL R. BRADLEY, OF FLORIDA
DAVID LIVINGSTONE RHOAD, OF VIRGINIA
MICHAEL A. ROGAL, OF PENNSYLVANIA
ERHARDT O. RUPPRECHT, OF VIRGINIA
ROBERT V. SHOEMAKER, OF VIRGINIA
PAUL A. STRUHARIK, OF FLORIDA
ALAN EUGENE VAN EGMOND, OF MARYLAND
FREDERICK ALPHONSUS WILL, OF DELAWARE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DAID K. KATZ, OF CALIFORNIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN M. AVILA, OF CALIFORNIA
JAMES R. BOSSARD, OF VIRGINIA
BRUCE NEIL BOYER, OF MARYLAND
LAWRENCE E. CLARK, OF MARYLAND
LEONARD DEEGE, OF VIRGINIA
JAMES J. DUNLAP, OF CALIFORNIA
JOHN JOSEPH OTTKE, OF VIRGINIA
CORNELIS A. STEK, OF ARIZONA
JOHN DYKEN WOOTEN, JR., OF ARIZONA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHNEY BROOKS, OF CALIFORNIA
BENJAMIN H. CASTRO, OF CALIFORNIA
LOUISE ANITA SCOTT, OF MARYLAND

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARILYN COLLINS, OF THE DISTRICT OF COLUMBIA
R. STEVEN CRABTREE, OF VIRGINIA
BARBARA ELLINGTON-BANKS, OF NORTH CAROLINA
HERBERT AXEL FELDT, OF TEXAS
MONICA GIANNI, OF WASHINGTON
ANNE S. HEARD, OF THE DISTRICT OF COLUMBIA
MARGARET TERESA KROMHOUT, OF MINNESOTA
ROBERTA MAHONEY, OF FLORIDA
CARL F. MAXWELL, OF ALASKA
JOHN A. MAY, OF CALIFORNIA
CATHERINE E. MCINTYRE, OF WASHINGTON
PAUL NEIFERT, OF CALIFORNIA
DAVID NOBLE, OF PENNSYLVANIA
JOHN P. PEEVEY, OF THE DISTRICT OF COLUMBIA
JAMES H. REDDER, OF NEW YORK
JOHN ROBERT ROGERS, III, OF FLORIDA
JANET ANTIRI SCHULMAN, OF CALIFORNIA
ELIZABETH BANCROFT WARFIELD, OF THE DISTRICT OF COLUMBIA
STEVEN G. WISECARVER, OF VIRGINIA

UNITED STATES INFORMATION AGENCY

JOHN FREDERIC BERRY, OF MICHIGAN
JANE CATHERINE GAFFNEY, OF MARYLAND
SAMI GEORGE HAJJAR, OF WYOMING
NEBEEL A. KHOURY, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DONALD EDWARD AHERN, OF CALIFORNIA
KARL PHILIP ALBRECHT, OF VIRGINIA
WENDELL IAN CHRISTOPHER ALBRIGHT, OF OHIO
LORA JANE BERG, OF NEW YORK
JOAN CALLAHAN BIGGE, OF CALIFORNIA
NATHAN M. BLUHM, OF CALIFORNIA
RICHARD P. BONSIGNORE, OF NEW JERSEY
NIKKI BRAJEVICH, OF CALIFORNIA
WILLEM H. BRAKEL, OF THE DISTRICT OF COLUMBIA
SUE LENORE BREMNER, OF CALIFORNIA
VINCENT PAUL CARVER, OF CONNECTICUT
CASEY H. CHRISTENSEN, OF UTAH
KATHERINE CHRISTENSEN, OF TEXAS
COLIN CLEARY, OF NEW YORK
GAIL P. CLEVELAND, OF OHIO
LAWRENCE FLY CONNELL, OF NEW YORK
STEPHEN ALAN CRISTINA, OF LOUISIANA
BALAJI DORAISWAMY, OF TEXAS
DAVID BRYAN EDWARDS, OF NEW JERSEY
CRAYON CORNLIUS EFIRD, JR., OF MARYLAND
BARBARA JEAN EUSER, OF COLORADO
KENNETH LEE FOSTER, OF VIRGINIA
JULIE A. FURUTA-TOY, OF CALIFORNIA
JANE GRAY, OF ARIZONA
KENNETH E. GROSS, JR., OF GEORGIA
ANNE HALL, OF MAINE
CALDWELL HARROP, OF MASSACHUSETTS
DEBRA LEE PINGREE HEIEN, OF HAWAII
PAUL JEROME HOWARD, OF WASHINGTON
KATHY A. JOHNSON, OF ILLINOIS
STUART E. JONES, OF PENNSYLVANIA
ROBERT R. KUNTZ, II, OF CALIFORNIA
CHRISTOPHER JON LAMB, OF VIRGINIA
JOHN COTTON LAMSON, OF NEW HAMPSHIRE
KENT D. LOGSDON, OF PENNSYLVANIA
THEODORE J. LYNG, OF NEW YORK
VICTOR E. MANLEY, OF WASHINGTON
JOANNE M. MARTIN, OF CALIFORNIA
PAUL JEROME MARTIN, OF TEXAS
RAYMOND GERARD MCGRATH, OF VIRGINIA
CHRISTHOPHER J. MCMULLEN, OF VIRGINIA
AFTON OLSON MILES, OF NEW YORK
CALVIN A. MITCHELL, III, OF NEW YORK
MATTHIAS JOHN POST MITMAN, OF INDIANA
MICHAEL K. MORROW, OF MICHIGAN
NAN A. NIDA, OF VIRGINIA
GARY G. OBA, OF ALASKA
LEE Y. O'DONNELL, OF MARYLAND
PAUL CHRISTOPHER O'FRIEL, OF MASSACHUSETTS
VIRGINIA E. PALMER, OF VIRGINIA
FRANCISCO LUIS PALMIERI, OF CONNECTICUT
AARON M. PANNER, OF NEW YORK
ANDREW A. PASSEN, OF PENNSYLVANIA
RICHARD JAMES PATARD, OF NEW JERSEY
KRISTINE LOUISE PELZ, OF CALIFORNIA
CAROL ZELIS PEREZ, OF TEXAS
DANIEL WILLIAM PICCUTA, OF CALIFORNIA
JANET R. POTASH, OF MASSACHUSETTS
JEAN E. PRESTON, OF NEW JERSEY
EVELYNN ULULANI PUTNAM, OF MARYLAND
ANNE LOUISE RAFFERTY, OF TEXAS
PATRICIA J. RAIKES, OF IOWA
THOMAS DWIGHT REID, JR., OF ALABAMA
KRYSTIN BUCKEY REIDER, OF MARYLAND
TODD DAVID ROBINSON, OF NEW JERSEY
JEFFREY B. ROCK, OF CALIFORNIA
SHIRLEY ELOISE RUEDY, OF VIRGINIA
MICHAEL H. SCANLON, OF CONNECTICUT
MICHAEL R. SCHIMMEL, OF MICHIGAN
SALLY VIRGINIA SOLCUM, OF NEVADA
MONTY J. TILLES, OF FLORIDA
MARY TOWNSWICK, OF MINNESOTA
CONRAD ROBERT TRIBBLE, OF CALIFORNIA
HEATHER ANNE TROUTMAN, OF OHIO
JOHN MICHAEL UNDERRINER, OF ILLINOIS
KRISHNA RAJ URS, OF TEXAS
BRIAN WILSON, OF WASHINGTON

UNITED STATES INFORMATION AGENCY

BRUCE ARMSTRONG, OF CALIFORNIA
KATHLEEN LOUISE BOYLE, OF VIRGINIA
P. PATRICIA BYRD, OF NEW YORK
LAWRENCE J. FUCHSBERG, OF NEW JERSEY
THOMAS MARK HODGES, OF TENNESSEE
SUSAN A. KRAUSE, OF MISSOURI
EDWARD LOO, OF CALIFORNIA
ROBERT K. MCNAMARA, OF FLORIDA
VICTORIA MIDDLETON, OF FLORIDA
JEROME J. OETGEN, OF PENNSYLVANIA
DAVID MILLER PARK, OF VIRGINIA
MICHAEL P. PELLETIER, OF MAINE
KEITH EDWIN PETERSON, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

BRIAN C. AGGELER, OF THE DISTRICT OF COLUMBIA
GEORGE WILLIAM ALDREDGE, OF TEXAS
CONSTANCE C. ARVIS, OF CALIFORNIA
SUSAN M. BALL, OF THE DISTRICT OF COLUMBIA
KRISTEN F. BAUER, OF MASSACHUSETTS
LINDA A. BEARDSLEY, OF VIRGINIA
RENE LOUIS BEBEAU, OF VIRGINIA
NANCY F. BERRY, OF VIRGINIA
BONNIE GAYLE BIRD, OF MARYLAND
BERNHARD M. BLOOM, OF VIRGINIA
JOHN KYLE BOICE OF VIRGINIA
NATALIE EUGENIA BROWN, OF VIRGINIA
G. CRAIG COOMBS, OF NORTH CAROLINA
MARY S. CROWLEY, OF NEW YORK
KAREN B. DECKER, OF ILLINOIS
JOHN M. DESMOND, OF COLORADO
CHRISTOPHER J. DOHERTY, OF VIRGINIA
KATHLEEN ANN DOHERTY, OF NEW YORK
THOMAS JOHN DOUGHERTY, II, OF VIRGINIA
FELIX ANDREW DOWDY, OF OKLAHOMA
DOUGLAS K. ELLRICH, OF INDIANA
JOHN ERATH, OF NEW JERSEY
STEPHANIE KAY ESHELMAN, OF THE DISTRICT OF COLUMBIA
MICHELLE MARIE ESPERDY, OF NEW YORK
ELIZABETH R. ETZEL, OF VIRGINIA
JANICE R. FAIR, OF MARYLAND
MOLLY ANN FAYEN, OF ARIZONA
JOHN DAVID FEELEY, OF NEW JERSEY
JOSEPH JOHN FETTES, III, OF VIRGINIA
ANITA M. FIELDER-CABRAL, OF HAWAII
NINA MARIA FITE, OF PENNSYLVANIA
PEGGY THERESE FLORIDA, OF VIRGINIA
PAUL STEVEN FOLDI, OF DELAWARE
ROMILDA M. GALIFFA, OF VIRGINIA
LISA A. GAMBLE, OF RHODE ISLAND
BENJAMIN ANDRES GARCIA, OF NEW JERSEY
JAMES GEARHART, OF WASHINGTON
ROBERT S. GILCHRIST, OF FLORIDA
BONNIE LAURA GLICK, OF ILLINOIS
NICAHOLAS JOHN GREANIAS, OF ILLINOIS
ERIC F. GREEN, OF MINNESOTA
KRISTIN HAGERSTROM, OF THE DISTRICT OF COLUMBIA
DAVID E. HANZLIK, OF IOWA

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MARGARET R. HAWLEY, OF IOWA
DEBORAH A. HESS, OF VIRGINIA
MARK T. HILL, OF SOUTH DAKOTA
MICHAEL W. HOFF, OF CALIFORNIA
DAVID L. HOLLINGER, OF PENNSYLVANIA
JEFFREY M. HOVENIER, OF MARYLAND
PAUL D. HUMPHRIES, OF VIRGINIA
JAMES BAXTER HUNT, III, OF NORTH CAROLINA
MARTHA A. HUSTED, OF CALIFORNIA
ANN LANG IRVINE, OF MARYLAND
JOHN L. JUNK, OF INDIANA
PRABHI GUPTARA KAVALER, OF FLORIDA
MELISSA J. KEHOE, OF WASHINGTON
PAMELA FRANCIS KIEHL, OF PENNSYLVANIA
OREST KOLYBABIUK, OF PENNSYLVANIA
MARK BAXTER LAMBERT, OF OREGON
TIMOTHY E. LANGFORD, OF VIRGINIA
LAURA LARSEN-TANUIS, OF ILLINOIS
DANIEL J. LAWTON, OF NEW YORK
MARK ANTHONY LEONI, OF CALIFORNIA
BRUCE JONATHAN LEVINE, OF NEW YORK
PHILLIP LINDERMAN, OF VIRGINIA
JILL CATHERINE LUNDY, OF VIRGINIA
PATRICIA MAHONEY, OF CONNECTICUT
TERESA L. MANZI, OF VIRGINIA
JOHN CARL MARIZ, OF CALIFORNIA
T. KIRK MCBRIDE, OF CALIFORNIA
MICHAEL A. MCCARTHY, OF MARYLAND
CARYN R. MCCLELLAND, OF CALIFORNIA
CHARLES M. MCGARRY, OF VIRGINIA
MICHAEL D. MCGUIRE, OF VIRGINIA
THOMAS J. MCNULTY, OF NEW JERSEY
FLOYD MIKE MILES, OF COLORADO
VIRGINIA LEIGH HUTCHISON MILHOUS, OF FLORIDA
CHRISTOPHER L. MOLNAR, OF MISSOURI
JONATHAN MICHAEL MOORE, OF ILLINOIS
JOSEPH P. MURPHY, OF SOUTH CAROLINA
THOMAS E. NEMETH, OF VIRGINIA
ANN GAYLIA O'BARR-OLIVER, OF GEORGIA
CHRISTOPHER MICHAEL O'CONNOR, OF FLORIDA
JULIE ANNE O'REAGAN, OF TEXAS
DIANA PREUTHUN PAGE, OF VIRGINIA
PUL DAVID PALMER, OF TEXAS
MARY PENXA, OF VIRGINIA
JOSEPH EDWARD PUCHNER, OF WISCONSIN
E. CANDACE PUTNAM, OF VIRGINIA
BARRY A. RIGGSBEE, OF MARYLAND
BEVERLY D. ROCHESTER, OF MARYLAND
C. MICHAEL SAYRE, OF NEW MEXICO
SUSAN MARIE SCHMIDT, OF CALIFORNIA
CECILE SHEA, OF NEVADA
JOHN R. SHEIL, OF VIRGINIA
KATHERINE SIMONDS, OF CALIFORNIA
ALDO J. SIROTIC, OF NEW YORK
MICHAEL HANSCOM SMITH, OF MAINE
SCOTT ARTHUR SMITH, OF PENNSYLVANIA
MICHAEL GRANT SNOWDEN, OF CALIFORNIA
DAVID R. STAATS, OF VIRGINIA
ADAM H. STERLING, OF NEW YORK
PATRICIA A. STUART, OF WYOMING
MARK PATRICK TALLY, OF NEBRASKA
DANIEL EMERSON TURNBULL, OF MASSACHUSETTS
ARTHUR EUGENE TUTEN, OF VIRGINIA
LISA A. VICKERS, OF CALIFORNIA
WILLIAM CHRISTOPHER WALKER, OF WISCONSIN
E. ANDREW WALTON, OF VIRGINIA
MARY E. WOLK, OF MISSOURI
UZRA SHAHMIN ZEYA, OF THE DISTRICT OF COLUMBIA

CONSULAR OFFICERS OF THE UNITED STATES OF AMERICA:

OMAR A. BSAIES, OF VIRGINIA
LUCIANO D'ANGELO, OF COLORADO
PAUL F. FIFFICK, OF PENNSYLVANIA
PETER F. SPALDING, OF CALIFORNIA

SECRETARIES IN THE DIPLOMATIC SERIVCE OF THE UNITED STATES OF AMERICA:

DAVID K. KATZ, OF CALIFORNIA
RICHARD LENAHAN, OF OREGON
ROBERT JOHN MCANNENY, OF CONNECTICUT
BRIAN R. STICKNEY, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING NAME OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. ROBERT D. RUSS, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JIMMIE V. ADAMS, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. MERRILL A. MCPEAK, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT P. MCCOY, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. TREVOR A. HAMMOND, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT H. LUDWIG, [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSISGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. NELSON, [redacted] UNITED STATES AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN S. DISHER, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. DIEGO E. HERNANDEZ, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN W. NYQUIST, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JOHN H. FETTERMAN, JR., U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. HENRY H. MAUZ, JR., U.S. NAVY. [redacted]

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JAMES D. WILLIAMS, U.S. NAVY, [redacted]

IN THE ARMY

THE ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER NAMED HEREIN FOR APPOINTMENT AS A RESERVE OFFICER OF THE ARMY IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 593(A) AND 3385:

To be major general

BRIG. GEN. WILLIAM A. NAVAS, JR., [redacted]

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general

BRIG. GEN. JOHN H. MCDONALD, [redacted]
BRIG. GEN. RAYMOND F. REES, [redacted]
BRIG. GEN. DANIEL J. O'NEILL, [redacted]

To be brigadier general

COL. MARK C. BOWEN, [redacted]
COL. ECHOL E. COOK, [redacted]
COL. THOMAS R. ICE, [redacted]
COL. ROBERT J. MITCHELL, [redacted]
COL. ELON M. PEARSON, [redacted]
COL. GARY R. STONE, [redacted]
COL. DAVID P. SZCZYGIEL, [redacted]
COL. WILLIAM A. HOLLAND, [redacted]
COL. WESLEY J. JACOBS, [redacted]
COL. JOHN A. LIETHEN, [redacted]
COL. JAMES W. MACVAY, [redacted]
COL. THOMAS J. GALLAGHER, [redacted]
COL. FRANK N. SEFTON, III, [redacted]
COL. WILLIAM S. GREENBERG, [redacted]
COL. GEORGE K. HASTINGS, [redacted]
COL. CHARLES E. KRUSE, [redacted]
COL. WILLIAM J. YEAGER, [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

RICHARD N. BOSWELL, [redacted]

MEDICAL CORPS

To be lieutenant colonel

RUDOLPH P ARNOLD, [redacted]
JAMES W BUTLER, [redacted]
ERNEST C HANES, [redacted]
RICHARD A HERSACK, [redacted]
PAUL H LILLY, JR., [redacted]

MEDICAL CORPS

To be major

THOMAS C ABSHIRE, [redacted]
GERALD W SABOE, [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DAVID B. BAIRD, [redacted]
ROBERT W. CROOKS, [redacted]
RICHARD C. GRIFFITH, [redacted]
JACOB J. KOCH, [redacted]
ARTHUR M. PALRANG, [redacted]
SHEELA RAJAN, [redacted]
LELAND E. STANLEY, [redacted]

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

MICHAEL H. KING, [redacted]
DARYL B. RICKARD, [redacted]

THE FOLLOWING AIR FORCE CHIEF WARRANT OFFICER FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 555 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be chief warrant officer (W3)

JAMES H. WALTERS, [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR GEORGE W. BOWEN, [redacted] 5/1/90
MAJOR WILLIAM J. BURNS, [redacted] 5/15/90
MAJOR RONALD E. CARDIN, [redacted] 5/5/90
MAJOR BERNARD E. COX JR., [redacted] 5/1/90

MAJOR JOHN G. COZAD, xxx-xx-xxxx 5/10/90
MAJOR JOHN C. FARRELL, xxx-xx-xxxx 4/8/90
MAJOR JOHN B. HANDY, xxx-xx-xxxx 5/23/90
MAJOR EDWARD A. HASLER, xxx-xx-xxxx 4/16/90
MAJOR RICHARD B. MARINO, xxx-xx-xxxx 4/2/90
MAJOR CRAIG R. MCKINLEY, xxx-xx-xxxx 5/16/90
MAJOR WENDELL W. PARMER xxx-xx-xxxx 5/9/90
MAJOR RONNIE C. PORTIS, xxx-xx-xxxx 3/30/90
MAJOR JEFFREY D. SCHJODT, xxx-xx-xxxx 5/19/90
MAJOR KARRIE E. SINKAVICH, xxx-xx-xxxx 4/26/90
MAJOR MILLARD F. SLOAN JR., xxx-xx-xxxx 4/16/90
MAJOR JAMES E. THORNELL, xxx-xx-xxxx 5/5/90
MAJOR DEAN F. WHEELER JR., xxx-xx-xxxx 5/3/90
MAJOR DAVID S. ZELENOK, xxx-xx-xxxx 4/8/90

MEDICAL CORPS

To be lieutenant colonel

MAJOR WILLIAM J. DUNN, xxx-xx-xxxx 5/5/90
MAJOR JAMES R. HILDEBRAND, xxx-xx-xxxx 5/3/90
MAJOR SAMUEL R. SCARBRO, xxx-xx-xxxx 4/18/90
MAJOR PAUL M. STROMBORG, xxx-xx-xxxx 5/5/90

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

MEDICAL CORPS

To be colonel

JOHN E. BUTLER, xxx-xx-xxxx
MICHAEL C. COLLOPY, xxx-xx-xxxx
JAMES S. DONAHOO, xxx-xx-xxxx
CHARLES J. FAGAN, xxx-xx-xxxx
YUAN CHAO HUANG, xxx-xx-xxxx
FREDERICK J. HUMPHREY, II, xxx-xx-xxxx
FREDRIC JARRETT, xxx-xx-xxxx
DONALD SERAFIN, xxx-xx-xxxx
JAMES W. SIMMONS, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

SANJIVANI B. C. BAKARE, xxx-xx-xxxx
JERGEN L. BARBER, xxx-xx-xxxx
ELEANOR S. BLATT, xxx-xx-xxxx
ROGER P. BLITZ, xxx-xx-xxxx
JAMES F. BOYD, xxx-xx-xxxx
DAVID J. CARLSON, xxx-xx-xxxx
ELIJAH CARTER, JR., xxx-xx-xxxx
WILLIAM L. DIXON, xxx-xx-xxxx
JOHN P. DURBIN, xxx-xx-xxxx
CHARLES D. GLAZZARD, xxx-xx-xxxx
GARY W. GROSS, xxx-xx-xxxx
ZAFAR IQBAL, xxx-xx-xxxx
JOHN G. JAEGER, xxx-xx-xxxx
FRITZ M. JOHNSON, xxx-xx-xxxx
DONALD KAPLAN, xxx-xx-xxxx
THOMAS M. KIDDER, xxx-xx-xxxx
MICHAEL R. KLEIN, JR., xxx-xx-xxxx
ALFRED E. KRITTER xxx-xx-xxxx
LAWRENCE LAVINE, xxx-xx-xxxx
WILLIAM C. MADAUSS, xxx-xx-xxxx
PERRY L. MATHIS, xxx-xx-xxxx
ALEXANDER M. MCBRIDE, xxx-xx-xxxx
JAMES E. MCGILLICUDDY, xxx-xx-xxxx
THEODORE R. MCNITT, xxx-xx-xxxx
ANTONIOS C. PAGEDAS, xxx-xx-xxxx
SAMUEL PARRA, xxx-xx-xxxx
REX G. QUIGLEY, xxx-xx-xxxx
KENNETH T. REICHARD, xxx-xx-xxxx
JOHN D. ROWEKAMP, xxx-xx-xxxx
CHARLES K. SAKAMOTO, xxx-xx-xxxx
RICHARD W. SHERRILL, JR., xxx-xx-xxxx
GEORGE SHIMOMURA, xxx-xx-xxxx
PARVEZ H. SHIRAZI, xxx-xx-xxxx
WILLIAM H. SIMPSON, xxx-xx-xxxx
LAIRIE O. STABLER, xxx-xx-xxxx
HENRY G. STEIN, xxx-xx-xxxx
NICH SUTHUN, xxx-xx-xxxx
WILLIAM A. WHITEHEAD, xxx-xx-xxxx
KENNETH S. WOODMAN, xxx-xx-xxxx

IN THE NAVY

THE FOLLOWING-NAMED OFFICER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be Lieutenant Commander

DONALD J CENTNER

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MAX R. DAWKINS
ROBERT C. HUFFORD
MICHAEL J. YAREMA

THE FOLLOWING NAMED U.S. NAVAL RESERVE CHIEF WARRANT OFFICER TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

AGOSTINO S. DIROMA

THE FOLLOWING NAMED ENLISTED MEMBERS, TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CODE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSE A. AGUINAGA
JOHN F. BAITINGER
JEREMY T. BELL
WILLIAM R. BIES
JAMES E. BROWN
JAMES S. BURRELL
JOHN M. CADRAIN
KATHY S. CHIVINGTON
THOMAS M. COOPER
VICTOR D. DELAOSSA
THOMAS W. DEROCHE
RALPH J. DISALVO
DENNIS L. FAIR
FRANK R. FORTIER
ROBERT S. FRY
WILLIAM R. GAITHER
SCOTT A. HARATY
WILLIAM J. HARTMANN
MARK S. HERNANDEZ
SCOTT H. HOLLOWAY
STEVEN E. JACOBS
EDWARD A. JAMES
LORENZO NMN JONES
SETH C. LARSON
HERBERT M. LYNCH
ESTER P. MACK
KIMBERLEY A. MARSHALL
ALAN R. MARTIN
BRIAN E. MCELYEA
MELODY E. MCMATH
DANNY L. MINGUS
JOHN S. MOFFETT
JOSEPH E. MURPHY, II
MICHAEL S. MYERS
DELON NMN NICHOLAS
CRANFORD R. POWELL
EDWIN A. ROSAS
MARK A. SCHIFFNER
WALTER E. STRATTON
JAMES A. STUDEBAKER
RUBY M. TENNYSON
DOUGLAS E. THOMAS
KENNETH J. VINING
BERNADETTE L. WEISER
THOMAS D. YANCOSKIE

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531;

EDWARD E. SIMPSON
JOHN D. WILSHUSEN

THE FOLLOWING CHIEF WARRANT OFFICER, W-4 TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

PETER E. CROWL

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

K.M. CALLAHAN
E. CARDEN
D.R. CIOFFI
THOR K. DUNMIRE
A.J. FARBER
D.R. FARLEY
M.A. GADSDEN
G.S. GAGE
S.T. GARNER
T.A. HAEUSSLER
M.J. HALL
FRED D. ORCUTT
CLAIRE M. PARSONS
O.E. RICH
S.T. SEXTON
MARK D. SICILIANO
L.J. STROBEL
DAVID N. TSUI

THE FOLLOWING EX-U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

JAMES S. GODWIN

THE FOLLOWING EX-U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

JAMES S. BIRD

THE FOLLOWING MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

GLENN B. POLLOCK

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JOSEPH J. KEELEY
KONG T. TURK

DEPARTMENT OF ENERGY

RICHARD A. CLAYTOR, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (DEFENSE PROGRAMS), VICE SYLVESTER R. FOLEY, JR., RESIGNED.

CENTRAL INTELLIGENCE AGENCY

FREDERICK PORTER HITZ, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 14 JUNE 1990, AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

LINE OF THE AIR FORCE

To be lieutenant colonel

ROBERT A. ABENDSCHEIN, xxx-xx-xxxx
CHARLES E. ABRAMSON, xxx-xx-xxxx
BENNY E. ACOCK, JR, xxx-xx-xxxx
GARY D. ADKISSON, xxx-xx-xxxx
GERALD D. ALBORN, xxx-xx-xxxx
MARVIN D. ALEXANDER, xxx-xx-xxxx
RONALD H. ALLEN, xxx-xx-xxxx
WILLIAM H. ALLEN, JR, xxx-xx-xxxx
ROBERT E. ALLISON, JR, xxx-xx-xxxx
DAVID B. ANDERSEN, xxx-xx-xxxx
DAVID P. ANDERSON, xxx-xx-xxxx
GLENN E. ANDERSON, JR, xxx-xx-xxxx
JOHN E. ANDERSON, xxx-xx-xxxx
DENNIS G. ANDRADE, xxx-xx-xxxx
EDWARD ANDREWS, JR, xxx-xx-xxxx
PHILIP E. ANGINO, xxx-xx-xxxx
DOYLE W. ARGO, xxx-xx-xxxx
MICHAEL J. ARMATO, xxx-xx-xxxx
RICHARD J. ARMSTRONG, xxx-xx-xxxx
ROBERT W. ARRELL, xxx-xx-xxxx
EDWARD A. ASKINS, xxx-xx-xxxx
CHARLES E. AULBACH, II, xxx-xx-xxxx
GEOFFREY S. AVERY, xxx-xx-xxxx
CHARLES W. AWBREY, xxx-xx-xxxx
WILLIAM C. AYCOCK, xxx-xx-xxxx
THOMAS D. BABER, xxx-xx-xxxx
CRAIG A. BAER, xxx-xx-xxxx
CHARLES P. BAILEY, xxx-xx-xxxx
GORDON BAILEY, xxx-xx-xxxx
JOHN D. BAILEY, xxx-xx-xxxx
JOHN L. BAILEY, xxx-xx-xxxx
ELAINE A. BAINTER, xxx-xx-xxxx
STEVEN T. BAKER, xxx-xx-xxxx
DENNIS G. BAKKO, xxx-xx-xxxx
WILLIAM F. BALAS, xxx-xx-xxxx
JON E. BALK, xxx-xx-xxxx
JOHN R. BALL, xxx-xx-xxxx
JAMES E. BALLARD, xxx-xx-xxxx
ANTHONY J. BANTA, xxx-xx-xxxx
RICHARD BARANSKI, xxx-xx-xxxx
GARY H. BARBER, xxx-xx-xxxx
ROBERT L. BARBER, xxx-xx-xxxx
RICHARD O. BARBIN, xxx-xx-xxxx
MILTON R. BARNES, JR, xxx-xx-xxxx
STEPHEN R. BARNES, xxx-xx-xxxx
JOHN J. BARRETT, JR, xxx-xx-xxxx
PAUL A. BART, xxx-xx-xxxx
GEORGE L. BARTON, xxx-xx-xxxx
JOHN B. BARTON, xxx-xx-xxxx
THOMAS J. BATURA, xxx-xx-xxxx
JERALD A. BAUM, xxx-xx-xxxx
ROBERT E. BEARDEN, xxx-xx-xxxx
HERMAN E. BECKER, JR, xxx-xx-xxxx
BRYON J. BEDNAR, xxx-xx-xxxx
BYRON W. BELCHER, xxx-xx-xxxx
JOHN K. BELL, xxx-xx-xxxx
KENNETH V. BELL, xxx-xx-xxxx
STANLEY M. BELL, xxx-xx-xxxx
JAMES J. BELLOTTY, xxx-xx-xxxx
TIMOTHY W. BELLURY, xxx-xx-xxxx
WILLIAM B. BENTON, xxx-xx-xxxx
JAMES H. BERRY, xxx-xx-xxxx
GERARD T. BERTERO, xxx-xx-xxxx
NORMAN H. BEULKE, xxx-xx-xxxx
LOUIS F. BIGOS, JR, xxx-xx-xxxx
DALE A. BILLUPS, xxx-xx-xxxx
JOE B. BINGHAM, xxx-xx-xxxx
JOHN J. BINKOWSKI, xxx-xx-xxxx
DAVID C. BIRD, xxx-xx-xxxx
ULKER C. BIRSON, xxx-xx-xxxx
WILLIAM W. BISCHOF, xxx-xx-xxxx
THOMAS E. BISSELL, xxx-xx-xxxx
WILLIAM C. BITTNER, xxx-xx-xxxx
BRUCE H. BJERKE, xxx-xx-xxxx
JOHN A. BLACKBURN, xxx-xx-xxxx
JAMES F. BLACKMAN, xxx-xx-xxxx
ANDREW M. BLAHA, xxx-xx-xxxx
HARRY B. BLAIR, xxx-xx-xxxx
ROBERT V. BLANTON, xxx-xx-xxxx
KENNETH F. BODAY, xxx-xx-xxxx
ANDREW BOHUTINSKY, xxx-xx-xxxx
DONALD C. BOLGER, xxx-xx-xxxx
DAVID A. BOLSTAD, xxx-xx-xxxx
MAURICE E. BORUD, xxx-xx-xxxx
JAMES A. BOTZ, JR, xxx-xx-xxxx
JAMES A. BOWDEN, xxx-xx-xxxx
PAUL E. BOYER, xxx-xx-xxxx
SHARON L. BOYNTON, xxx-xx-xxxx
GERALD J. A. BOYUM, xxx-xx-xxxx
HARRY P. BRADFORD, xxx-xx-xxxx
STEVEN C. BRADFORD, xxx-xx-xxxx
JEFFREY L. BRANN, xxx-xx-xxxx
PATRICK T. BRANNIGAN, xxx-xx-xxxx
THOMAS B. BRATTEBO, III, xxx-xx-xxxx
CURTIS N. BREEDING, xxx-xx-xxxx
DAVID M. BREEN, xxx-xx-xxxx
JOSEPH P. BRENNAN, xxx-xx-xxxx
DAVID G. BRESKMAN, xxx-xx-xxxx
STEVEN A. BROSOWSKE, xxx-xx-xxxx
CALVIN W. BROWN, xxx-xx-xxxx
RAY L. BROWN, xxx-xx-xxxx
ROBERT L. BROWN, xxx-xx-xxxx
CECIL H. BRUNSON, xxx-xx-xxxx
JOHN H. BRUNSON, xxx-xx-xxxx
ARCH S. BRUNTLETT, xxx-xx-xxxx
GREGORY M. BUCHANAN, xxx-xx-xxxx
WARREN E. BUCHER, xxx-xx-xxxx
CHARLES R. BUCK, xxx-xx-xxxx
JAMES R. BUCKWALTER, JR, xxx-xx-xxxx
DAVID A. BULGER, xxx-xx-xxxx
DOUGLAS B. BULLOCK, xxx-xx-xxxx
JIM BULLOCK, xxx-xx-xxxx
GARY L. BUNNEY, xxx-xx-xxxx
JOHN H. BURGE, xxx-xx-xxxx

JERALD C. BURGESS, xxx-xx-xxxx
JOHN A. BURKE, xxx-xx-xxxx
HAL S. BURTON, xxx-xx-xxxx
KENNETH R. BURTON, xxx-xx-xxxx
JONATHAN F. BUSHNELL, JR., xxx-xx-xxxx
KENNETH A. BYRD, xxx-xx-xxxx
RUBEN J. CABALLERO, xxx-xx-xxxx
ROBERT A. CAIN, xxx-xx-xxxx
WILLIAM P. CANAVAN, xxx-xx-xxxx
ANNE K. CANNON, xxx-xx-xxxx
LEO N. CAPRIA, JR., xxx-xx-xxxx
VERN R. CARDON, xxx-xx-xxxx
CARL E. CARLSON, JR., xxx-xx-xxxx
DOUGLAS D. CARMICHAEL, xxx-xx-xxxx
LARRY J. CARNAHAN, xxx-xx-xxxx
FREDERICK S. CARPENTER, xxx-xx-xxxx
RICHARD E. CARR, xxx-xx-xxxx
RICHARD A. CARTER, xxx-xx-xxxx
THOMAS L. CARTER, xxx-xx-xxxx
DAVID L. CASEBERE, xxx-xx-xxxx
GREGORY B. CASEY, xxx-xx-xxxx
JOHN M. CASHEL, JR., xxx-xx-xxxx
RONALD CASSANO, xxx-xx-xxxx
ANTHONY P. CASSESE, xxx-xx-xxxx
FRED F. CASTLE, JR., xxx-xx-xxxx
LANNY D. CAVERLY, xxx-xx-xxxx
LEBO S. CENTANNI, JR., xxx-xx-xxxx
MARK R. CHAMBERS, xxx-xx-xxxx
ROBERT E. CHANDLER, xxx-xx-xxxx
THOMAS B. CHANG, xxx-xx-xxxx
CHARLES F. CHAPAS, xxx-xx-xxxx
ROBERT G. CHAPMAN, xxx-xx-xxxx
RICHARD W. CHASE, xxx-xx-xxxx
DAVID A. CHERTOFF, xxx-xx-xxxx
RONALD M. CHILDRESS, xxx-xx-xxxx
JONATHAN C. CHRISTIE, xxx-xx-xxxx
JOHN R. CHURCH, xxx-xx-xxxx
GARY L. CLAPPER, xxx-xx-xxxx
THOMAS N. CLARKE, xxx-xx-xxxx
COLLIN H. CLEMENT, xxx-xx-xxxx
GEORGE W. CLEMENTS, xxx-xx-xxxx
NANCY A. CLEVELAND, xxx-xx-xx...
MICHAEL W. CLIFTON, xxx-xx-xxxx
HARVEY E. COGEN, xxx-xx-xxxx
GERALD E. COHEN, xxx-xx-xxxx
DENNIS E. COLDREN, xxx-xx-xxxx
LELAND J. COLEMAN, xxx-xx-xxxx
JAMES A. COLGATE, xxx-xx-xxxx
ROBERT L. COLLIGAN, III, xxx-xx-xxxx
PATRICK A. COLLINS, xxx-xx-xxxx
RAYMOND M. COLLINS, JR., xxx-xx-xxxx
RICHARD C. COLLINS, xxx-xx-xxxx
RODNEY A. CONNELL, xxx-xx-xxxx
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RODNEY L. MOORE, xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

WILEY E. ANDREWS, xxx-xx-xxxx
GLEN L. BALLARD, xxx-xx-xx...
ANTHONY L. BARNHILL, xxx-xx-xxxx
COY E. BRANCH, xxx-xx-xxxx
CLYDE R. BRAWLEY, JR., xxx-xx-xxxx
ROY T. CAVICCHI, xxx-xx-xxxx
JAMES R. DAVIES, xxx-xx-xxxx
TONY J. DEMASI, xxx-xx-xxxx
DAVID W. EASTON, xxx-xx-xxxx
DALE L. FRINK, xxx-xx-xxxx
GEORGE J. GLUSKI, xxx-xx-xxxx
HORST A. GOLDSCHMIDT, xxx-xx-xxxx
MICHAEL R. GONZALES, xxx-xx-xx...
GEORGE A. GORE, xxx-xx-xxxx
MICHAEL L. GROVE, xxx-xx-xx...
WILLIAM E. GROWNEY, xxx-xx-xx...
KENNETH F. HEITKAMP, xxx-xx-xxxx
MICHAEL D. HILL, xxx-xx-xx...
ROBERT E. MORAN, xxx-xx-xxxx
RICHARD W. NICHOLS, xxx-xx-xxxx
DENNIS W. PIKE, xxx-xx-xxxx
THOMAS L. RALPH, xxx-xx-xx...
HENRY B. RICHARDSON, JR., xxx-xx-xxxx
FRANK X. RIGGIO, xxx-xx-xxxx
CHARLES D. RYDELL, xxx-xx-xx...
DANIEL L. SCHLIMGEN, xxx-xx-xx...
WILLIAM A. SLOTTER, xxx-xx-xx...
ANTHONY L. SPENCER, xxx-xx-xx...
JAMES L. TEFTELLER, xxx-xx-xx...
WILLIAM H. WADE, xxx-xx-xx...
JEFFREY A. WAITE, xxx-xx-xxxx
RONALD C. WHITE, xxx-xx-xxxx
TERRY G. WILKERSON, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

AUGUST G. LAGEMAN, IV xxx-xx-xx...

ARMY NURSE CORPS

To be lieutenant colonel

JO ANN. CORNELIUS, xxx-xx-xx...

MEDICAL SERVICE CORPS

To be lieutenant colonel

RAFAEL NUN-MARIN, xxx-xx-xx...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY NURSE CORPS

To be colonel

NANCY L. ADAMS, xxx-xx-xx...
PATRICIA ANDERSON, xxx-xx-xxxx
FRANCIS C. ASSALONE, xxx-xx-xxxx
MARY L. BALDWIN, xxx-xx-xx...
JUDITH A. BOWERS, xxx-xx-xxxx
ROBERT J. BURK, xxx-xx-xxxx
BARBARA J. CARTER, xxx-xx-xxxx
SUSAN F. CLARK, xxx-xx-xxxx
ELNORA D. DANIEL, xxx-xx-xx...
ETHEL J. DELCAMPO, xxx-xx-xx...
REBECCA D. ELLIS, xxx-xx-xx...
BETTY J. FITZGERALD, xxx-xx-xxxx
BARBARA A. FOSS, xxx-xx-xxxx
FRANCES T. GERBER, xxx-xx-xxxx
GLORIA J. GIBBONS, xxx-xx-xxxx
GARY N. GILES, xxx-xx-xxxx
ELLA D. GORDON, xxx-xx-xxxx
JACQUELINE D. HALL, xxx-xx-xx...
SHEILA L. HARRIS, xxx-xx-xxxx
EVELYN R. HAYES, xxx-xx-xxxx
ANN C. HURLEY, xxx-xx-xxxx
CELESTI C. HUTCHISSON, xxx-xx-xxxx
HELEN D. JOHNSON, xxx-xx-xxxx
SUSAN M. KREMMER, xxx-xx-xxxx
EMILY R. LEAVITT, xxx-xx-xx...
DELIA R. LUPACCHINO, xxx-xx-xx...
JANE D. MADSEN, xxx-xx-xxxx
BRUN B. MALAVECABANAS, xxx-xx-xx...
CAROL A. MILLER, xxx-xx-xx...
JEAN R. MILLER, xxx-xx-xxxx
DOROTHY A. MORALES, xxx-xx-xxxx
ANNMARIE A. MULLEN, xxx-xx-xx...
GARY A. NYBAKKEN, xxx-xx-xxxx
DOLORES J. PADGETT, xxx-xx-xxxx
JACQUELYN Y. PELHAM, xxx-xx-xx...
SHIRLEY A. ROBERTS, xxx-xx-xxxx
ROBERT C. RORICK, xxx-xx-xxxx
JUDITH E. ROSE, xxx-xx-xxxx
PATRIC P. SATTERFIELD, xxx-xx-xxxx
RENEE A. SAUL, xxx-xx-xxxx
MARLENE M. SCHMID, xxx-xx-xx...
MAUREEN G. SHANAHAN, xxx-xx-xxxx
VIRGINIA M. SMITH, xxx-xx-xxxx
MARGARET S. TEXIDOR, xxx-xx-xxxx
LAWRENCE R. TODD, xxx-xx-xxxx
CAROL C. TRUSLOW, xxx-xx-xx...
MARY E. VIANCOURT, xxx-xx-xxxx
DOROTHY C. VIVIANS, xxx-xx-xxxx
ALICE F. WADE, xxx-xx-xx...
EDA L. WEISKOTTEN, xxx-xx-xxxx
BETTYE J. WILSON, xxx-xx-xxxx

DENTAL CORPS

To be colonel

PAUL S. CHOJNACKI, xxx-xx-xxxx
JAMES C. COHEN, xxx-xx-xx...
MICHAEL COLWELL, xxx-xx-xx...
HAROLD G. COOKE, xxx-xx-xxxx
ROBERT A. DALE, xxx-xx-xxxx
HARRY W. DAVIS, xxx-xx-xxxx
PAUL L. DAVOREN, xxx-xx-xx...
FRANK R. FAUNCE, xxx-xx-xxxx
ALBERT C. FEARS, xxx-xx-xxxx
JOHN S. HAGER, xxx-xx-xxxx
WILLIAM HEMPSTEAD, xxx-xx-xx...
GEORGE E. HOLLAND, xxx-xx-xxxx
WILLIAM D. IRVING, xxx-xx-xxxx
DAVID G. JOCHEN, xxx-xx-xxxx
WARREN K. JOHNSON, xxx-xx-xxxx
JAMES M. LEARY, xxx-xx-xx...
MAX P. MARQUART, xxx-xx-xxxx
JAMES R. MATTESON, xxx-xx-xxxx
FRED E. MEECE, xxx-xx-xxxx
CARNEY M. MIDDLETON, xxx-xx-xx...
DANIEL D. MIKKONEN, xxx-xx-xx...
MICHAEL B. MILES, xxx-xx-xx...
STEVEN L. PAXTON, xxx-xx-xx...
JOHN E. PISKAI, xxx-xx-xxxx
JAMES D. RAWLINS, JR, xxx-xx-xx...
ROBERT W. SMITH, xxx-xx-xx...
THOMAS B. SMITH, JR., xxx-xx-xxxx
GEORGE M. STEPHENS, xxx-xx-xxxx
TOMMY D. THOMPSON, xxx-xx-xx...
JOHN S. YOUNG, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

EUGENE W. ADCOCK, xxx-xx-xx...
ARACELI B. AGUILA, xxx-xx-xx...
CHARLEST C. ALEXANDER, xxx-xx-xx...
MURTADHA M. ALMARASHI, xxx-xx-xx...
JACQUELINE J. BERRYER, xxx-xx-xx...
PAZ Q. BILKEY, xxx-xx-xx...
TRISTAN BRIONES, xxx-xx-xxxx
ROBERT A. BRUNSVOLD, xxx-xx-xx...
FRANCISCO L. BURGOS, xxx-xx-xx...
ROBERT W. BUTNER, xxx-xx-xxxx
THOMAS L. BUTTRAM, xxx-xx-xx...
CLAREL CHARLES, xxx-xx-xx...
CHARLE C. CHRISTOPHER, xxx-xx-xx...
DAVID J. COHEN, xxx-xx-xx...
CRISTI C. COLONARVELO, xxx-xx-xx...
MARC F. DAVID, xxx-xx-xx...
CAROL R. DAVIS, xxx-xx-xx...
NARAYAN DESHMUKH, xxx-xx-xx...
ROBERT A. DRAGOO, xxx-xx-xxxx
PAUL H. DURAY, xxx-xx-xx...
SCOTT F. DYE, xxx-xx-xxxx
ROBERT G. ELLIS, xxx-xx-xx...
WILLIAM B. GENEROSO, xxx-xx-xx...
STANLEY K. GILBERT, xxx-xx-xxxx
ZACHARY D. GOODMAN, xxx-xx-xx...
GERALD GREENFIELD, xxx-xx-xxxx
BEN C. HARMON, xxx-xx-xx...
MARION P. HAZZARD, xxx-xx-xx...
EARL T. HECKER, xxx-xx-xx...
YUAN C. HUANG, xxx-xx-xx...
PETER C. ISAAC, xxx-xx-xx...
ARNOLD J. JACKSON, xxx-xx-xx...
BOYD A. KELLETT, xxx-xx-xx...
ANDRAS A. KORENYIBOTH, xxx-xx-xxxx
GEORGE LIGHTBOURN, xxx-xx-xxxx
RAYMOND LOHIER, xxx-xx-xx...
PABLO LOMANGCOLOB, xxx-xx-xx...
SELDEN I. LONGLEY, III, xxx-xx-xx...
TSU T. LOO, xxx-xx-xxxx
RAUL H. LOPEZCORREA, xxx-xx-xx...
HENRY W. LOURIA, xxx-xx-xx...
THOMAS M. LUNSFORD, xxx-xx-xx...
NORMA O. MAGPOC, xxx-xx-xxxx
SOFIA G. MALANUM, xxx-xx-xx...
PETER R. MANES, xxx-xx-xxxx
PEDRITO MANGAWANG, xxx-xx-xxxx
WILLIAM J. MARSHALL, xxx-xx-xx...
AKIKO MASAKAWA, xxx-xx-xx...
CONRAD G. MAULFAIR, xxx-xx-xx...
MAHMUD U. MIRZA, xxx-xx-xx...
JOHN G. MOHLER, xxx-xx-xx...
ROBERT L. MORROW, JR., xxx-xx-xxxx
DAVID L. OHMART, xxx-xx-xx...
HAVNER H. PARISH, xxx-xx-xxxx
ROBERT H. PETERSON, xxx-xx-xxxx
ARTHUR S. PETOYAN, xxx-xx-xxxx
ANGELO T. PEZZELLA, xxx-xx-xx...
IRVING H. PIERCE, xxx-xx-xxxx
TERESA PIETRUK, xxx-xx-xxxx
DONALD H. POLK, xxx-xx-xx...
MALCOLM R. POWELL, xxx-xx-xx...
KENN K. PREIMESBERGER, xxx-xx-xxxx
MIGUEL A. RAMOS, xxx-xx-xx...
PATERNO A. REMIGIO, xxx-xx-xxxx
SETTI S. RENGACHARY, xxx-xx-xxxx
ASHLEY S. ROSS, xxx-xx-xxxx
WILLIAM R. ROUT, xxx-xx-xx...
GEORGE A. ROWE, xxx-xx-xxxx
HENRY J. SCHMITT, xxx-xx-xxxx
PHILIP S. SIEGEL, xxx-xx-xxxx
ROBERT C. SINNOTT, xxx-xx-xxxx
HOWARD M. SNYDER, xxx-xx-xxxx
JOSEP J. TADEOGOLDMAN, xxx-xx-xxxx
W. VELAZQUEZCAPO, xxx-xx-xx...
DONALD H. VINES, xxx-xx-xxxx
REYNALDO B. VISTA, xxx-xx-xxxx
LEWIS C. VOLLMAR, xxx-xx-xx...
MICHAEL H. WALTER, xxx-xx-xx...
HARRY J. WANDER, xxx-xx-xxxx
KEITH L. WEDIN, xxx-xx-xxxx
LARRY J. WELLS, xxx-xx-xx...
LOUIS M. WELLS, xxx-xx-xx...
ROBERT M. WILSON, xxx-xx-xxxx
THOMAS R. WOOD, xxx-xx-xxxx
JAMES YOVANOFF, xxx-xx-xxxx
CALVIN T. ZEN, xxx-xx-xx...

MEDICAL SERVICE CORPS

To be colonel

RICHARD F. ABBOTT, xxx-xx-xxxx
LOUIS S. ALLEN, xxx-xx-xx...
JEFFREY H. BAIR, xxx-xx-xxxx
EDWARD A. BERGMAN, xxx-xx-xxxx
HENRY M. BERMAN, xxx-xx-xxxx
PAUL A. BOENSCH, xxx-xx-xx...
STUART A. BOTWINIK, xxx-xx-xxxx

RICHARD A. BOWMAN, xxx-xx-xxxx
FRANCES F. CASTELLANO, xxx-xx-xxxx
WELLINGTON J. DAVIS, xxx-xx-xxxx
DAVID C. DICKERMAN, xxx-xx-xxxx
WILLIAM C. DUKE, xxx-xx-xxxx
WILLIAM J. FLAHIVE, xxx-xx-xxxx
JOHN D. FLOCK, xxx-xx-xxxx
LLOYD J. FREDERICK, xxx-xx-xxxx
THOMAS W. HAGAN, xxx-xx-xxxx
DOLORES H. HAMPTON, xxx-xx-xxxx
KENNETH W. KING, JR., xxx-xx-xxxx
THOMAS F. KIRBY, xxx-xx-xxxx
KENNETH E. KNOX, xxx-xx-xxxx
DUANE B. LACY, xxx-xx-xxxx
LYNNE I. LAKOMIA, xxx-xx-xxxx
THOMAS C. MAJERUS, xxx-xx-xxxx
JAMES C. MARQUART, xxx-xx-xxxx
LEWIS H. MELTZER, xxx-xx-xxxx
JAMES E. MONROE, xxx-xx-xxxx
RODNEY L. MOORE, xxx-xx-xxxx
CAROL A. ODONNELL, xxx-xx-xxxx
JAMES L. ONEAL, xxx-xx-xxxx
DONALD A. PARIS, xxx-xx-xxxx
CARLOS F. PINKHAM, xxx-xx-xxxx
THOMAS C. PUCKETT, xxx-xx-xxxx
JAMES M. RICHARD, xxx-xx-xxxx
MICHAEL RISKO, JR., xxx-xx-xxxx
EDWIN S. ROSS, xxx-xx-xxxx
MARVIN RUDENSTEIN, xxx-xx-xxxx
GARY F. SERIO, xxx-xx-xxxx
OWEN H. SKINNER, xxx-xx-xxxx
JAMES P. SMITH, xxx-xx-xxxx
JAMES P. TIERNEY, xxx-xx-xxxx
JOSEPH R. TOLER, xxx-xx-xxxx
JUNRO E. WAKAYAMA, xxx-xx-xxxx
JERRY W. WARD, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

PATTY S. BROOKS, xxx-xx-xxxx
LINDA J. GODFREY, xxx-xx-xxxx
GEOFFRE G. HUTCHINSON, xxx-xx-xxxx
MARSHA C. LILLY, xxx-xx-xxxx
CECILIA V. SANTOS, xxx-xx-xxxx
VIRGINIA A. SMITH, xxx-xx-xxxx

VETERINARY CORPS

To be colonel

WILLIAM C. HALL, xxx-xx-xxxx
VERN E. OTTE, xxx-xx-xxxx
KAREN M. WESSON, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

CELESTE ACKERMANN, xxx-xx-xxxx
TEDDY L. ACOJEDO, xxx-xx-xxxx
MARGARET J. ADAMS, xxx-xx-xxxx
MARY J. ADAMS, xxx-xx-xxxx
JACQUELINE AGNEW, xxx-xx-xxxx
SHIRLEY E. AIKIN, xxx-xx-xxxx
MARY D. ALDRIDGE, xxx-xx-xxxx
LAVERNE ALEXANDER, xxx-xx-xxxx
LINDA D. ALSTON, xxx-xx-xxxx
BEADDIE M. AMBRUCH, xxx-xx-xxxx
KARIN E. ANDERSON, xxx-xx-xxxx
TIMOTHY D. ANDERSON, xxx-xx-xxxx
MARGARET L. ANDREWS, xxx-xx-xxxx
NORMAN J. ANDREWS, xxx-xx-xxxx
JEANNE E. ARANA, xxx-xx-xxxx
CHRISANNE T. ARCHEY, xxx-xx-xxxx
ROQUEMORE B. ARNOLD, xxx-xx-xxxx
BARBAR B. ASHENFELTER, xxx-xx-xxxx
LINDA R. ATTEBERRY, xxx-xx-xxxx
LYNN M. BAILEY, xxx-xx-xxxx
GEORGIA W. BARKERS, xxx-xx-xxxx
NANCY J. BARR, xxx-xx-xxxx
CAROL L. BATISTE, xxx-xx-xxxx
KATHRYN E. BAUER, xxx-xx-xxxx
CATHERINE BEATTIE, xxx-xx-xxxx
BARBARA L. BECKER, xxx-xx-xxxx
MARY C. BEHR, xxx-xx-xxxx
JANETT J. BEIDERBECKE, xxx-xx-xxxx
DORIS R. BENDER, xxx-xx-xxxx
MARCIA J. BENJAMIN, xxx-xx-xxxx
KATRINA K. BENTLEY, xxx-xx-xxxx
JOSE J. BERRIOSFLORES, xxx-xx-xxxx
BETHANY L. BLAND, xxx-xx-xxxx
THOMAS S. BOLESTA, xxx-xx-xxxx
BRENDA A. BOLT, xxx-xx-xxxx
RICHARD A. BORDEN, xxx-xx-xxxx
INEZ A. BOTT, xxx-xx-xxxx
WENDY J. BOTTOMLEY, xxx-xx-xxxx
SUSAN M. BOULD, xxx-xx-xx...
SHARON L. BOWMAN, xxx-xx-xxxx
MARCELA E. BROE, xxx-xx-xxxx
MARY A. BROGAN, xxx-xx-xxxx
MARILYN H. BROOKS, xxx-xx-xxxx
MARION E. BROOME, xxx-xx-xxxx
JUDY C. BROUGHTON, xxx-xx-xxxx
LINDA E. BROUN, xxx-xx-xxxx
JULIE A. BROWN, xxx-xx-xxxx
ROOSEVELT R. BROWN, xxx-xx-xxxx
BARBARA L. BUEHNER, xxx-xx-xxxx
MARY E. BULEY, xxx-xx-xxxx
MARGARET B. BURKE, xxx-xx-xxxx
KATHLEEN CALLAHAN, xxx-xx-xxxx
DIANNE W. CANCIAN, xxx-xx-xxxx
ROSALIND CARLIES, xxx-xx-xxxx
NANCY Y. CARTER, xxx-xx-xxxx
PATRICIA P. CHATFIELD, xxx-xx-xxxx
EVA E. CHIARAMONTE, xxx-xx-xxxx
MICHAEL CHRISTNER, xxx-xx-xxxx
ANN D. CIAK, xxx-xx-xxxx
MARGARET D. COBURN, xxx-xx-xxxx
MARY M. COOLEY, xxx-xx-xxxx
GAIL L. COOVERT, xxx-xx-xxxx
DIANNA S. COSTA, xxx-xx-xxxx
THOMAS F. COSTELLO, xxx-xx-xxxx
PAULINE A. COVEL, xxx-xx-xxxx
BARBARA K. COYNER, xxx-xx-xxxx
LAURA S. CROSSLEY, xxx-xx-xxxx
ALICE M. CULPEPPER, xxx-xx-xxxx
CHRISTINE C. DATTILIO, xxx-xx-xxxx
TERRY L. DAVIDSON, xxx-xx-xxxx
ALICE E. DAVIS, xxx-xx-xxxx
CYNTHIA S. DAVIS, xxx-xx-xxxx
MARY J. DAVIS, xxx-xx-xxxx
TERRY E. DAVIS, xxx-xx-xxxx
THOMA T. DEBENEDICTIS, xxx-xx-xxxx
MARY S. DENNIS, xxx-xx-xxxx
MARY G. DENTON, xxx-xx-xxxx
JULIANN DESMOND, xxx-xx-xxxx
ALISON S. DEWITT, xxx-xx-xxxx
MARGARET A. DOHERTY, xxx-xx-xxxx
JANET P. DOLLAR, xxx-xx-xxxx
WENDY L. DORING, xxx-xx-xxxx
AVRIL E. DOZIER, xxx-xx-xxxx
LAURENCE G. DRENNAN, xxx-xx-xxxx
MARGARET M. DUFFY, xxx-xx-xxxx
ILENE M. DUNAGAN, xxx-xx-xxxx
CAROLYN M. DUNKI, xxx-xx-xxxx
JOY E. DUNSON, xxx-xx-xxxx
MARY C. DURHAM, xxx-xx-xxxx
PATRICIA A. ELIAS, xxx-xx-xxxx
RICHARD J. ENRIGHT, xxx-xx-xxxx
JOHNNIE L. FANNER, xxx-xx-xxxx
SHARMAN M. FLANAGAN, xxx-xx-xxxx
HAROLD E. FLEEGER, xxx-xx-xxxx
PEARLIE J. FLOYD, xxx-xx-xxxx
MARIE E. FOLKLIGHTY, xxx-xx-xxxx
MARY E. FORSLUND, xxx-xx-xxxx
BARBARA FORTUNATI, xxx-xx-xxxx
ANN M. GALPIN, xxx-xx-xxxx
SUSAN M. GARAYALDE, xxx-xx-xxxx
LARRY E. GARRETT, xxx-xx-xxxx
PETER GETZIE, xxx-xx-xxxx
DIANNE GILL, xxx-xx-xxxx
MARY J. GILLETTE, xxx-xx-xxxx
LYNNDA L. GLOVER, xxx-xx-xxxx
MARY A. GOETZ, xxx-xx-xxxx
JAMES R. GOODWIN, xxx-xx-xxxx
TANA L. GORBETT, xxx-xx-xxxx
WILLARD P. GOWDY, xxx-xx-xxxx
ROBERT W. GREEN, xxx-xx-xxxx
OLGA R. GUNNELL, xxx-xx-xxxx
MARILYN A. HAFFEY, xxx-xx-xxxx
MARGARET HAGGERTY, xxx-xx-xxxx
DINAH L. HALOPKA, xxx-xx-xxxx
PATRICIA A. HAMILL, xxx-xx-xxxx
KRISTIE L. HAMPTON, xxx-xx-xxxx
ANNETTE M. HANSON, xxx-xx-xxxx
NINA B. HARMON, xxx-xx-xxxx
ETHEL F. HARRIS, xxx-xx-xxxx
MARGARET B. HARRIS, xxx-xx-xxxx
ROBERT L. HARRIS, xxx-xx-xxxx
BARBARA HASBARGEN, xxx-xx-xxxx
PATRICIA A. HASKELL, xxx-xx-xxxx
KAREN S. HAYES, xxx-xx-xxxx
TIMOTHY G. HAYES, xxx-xx-xxxx
PATRICIA A. HECTOR, xxx-xx-xxxx
KATHRYN R. HENBEST, xxx-xx-xxxx
JANE F. HENDERSON, xxx-xx-xxxx
CAROL L. HENNING, xxx-xx-xxxx
ELEANOR M. HENRY, xxx-xx-xxxx
JUDITH A. HILL, xxx-xx-xxxx
ALEATA J. HOLLAND, xxx-xx-xxxx
KENNETH D. HOLLAND, xxx-xx-xxxx
CHRISTINE E. HOLLIS, xxx-xx-xxxx
KATHLEEN R. HOLMES, xxx-xx-xxxx
MARGARET M. HOLMES, xxx-xx-xxxx
HAROLD T. HOWELL, xxx-xx-xxxx
MARY E. HOWELL, xxx-xx-xxxx
BARBARA F. HUBBARD, xxx-xx-xxxx
BERNICE HUGHES, xxx-xx-xxxx
CATHERINE HUNDLEY, xxx-xx-xxxx
CAROL J. HUSTON, xxx-xx-xxxx
JAMES B. IRVIN, xxx-xx-xxxx
ROCHELLE B. JACKSON, xxx-xx-xxxx
JULIE A. JEFFERSON, xxx-xx-xxxx
CARY L. JOHNSON, xxx-xx-xxxx
JAY C. JOHNSON, xxx-xx-xxxx
JUDY A. JOHNSON, xxx-xx-xxxx
LINDA D. JOHNSON, xxx-xx-xxxx
PAMELA J. JOHNSON, xxx-xx-xxxx
WILLIAM R. JOHNSON, xxx-xx-xxxx
JOHN C. JOHNSTON, xxx-xx-xxxx
VERONICA D. JONES, xxx-xx-xxxx
VIRGINIA JUERN, xxx-xx-xxxx
SHARON E. KANE, xxx-xx-xxxx
EDNA P. KASSEL, xxx-xx-xxxx
CHRISTINE K. KEENEY, xxx-xx-xxxx
LINDA S. KIESLING, xxx-xx-xxxx
ORLETTA L. KILEN, xxx-xx-xxxx
CAROL B. KINNEY, xxx-xx-xxxx
JUDY L. KIRKWOOD, xxx-xx-xxxx
GAIL A. KLINE, xxx-xx-xxxx
KATHRYN V. KNAK, xxx-xx-xxxx
REBECCA M. KNEER, xxx-xx-xxxx
KATHRYN A. KNOX, xxx-xx-xxxx
RHONDA M. KOCOUREK, xxx-xx-xxxx
KAREN C. KRAUS, xxx-xx-xxxx
SUE H. KREICHELT, xxx-xx-xxxx
SALLY M. KRUGER, xxx-xx-xxxx
JEANNETTE P. LACHAT, xxx-xx-xxxx
PAUL M. LANGFORD, xxx-xx-xxxx
DOUGLAS A. LARAMORE, xxx-xx-xxxx
LOU A. LARGENT, xxx-xx-xxxx
JACK R. LARSON, xxx-xx-xxxx
SANDRA J. LASATER, xxx-xx-xxxx
MARY E. LASTER, xxx-xx-xxxx
ROBERT A. LAVALETTE, xxx-xx-xxxx
KATHRYN M. LEINEKE, xxx-xx-xxxx
JEAN M. LEWIS, xxx-xx-xxxx
CAROLE A. LIEBLEIN, xxx-xx-xxxx
PAUL S. LILJA, xxx-xx-xxxx
MAXINE P. LINDSEY, xxx-xx-xxxx
MARION P. LIPMAN, xxx-xx-xxxx
MARY J. LLOYD, xxx-xx-xxxx
JESSE A. LOBB, xxx-xx-xxxx
JOAN L. MACLEOD, xxx-xx-xxxx
MILLIE J. MACMASTER, xxx-xx-xxxx
STEPHEN L. MALMBERG, xxx-xx-xxxx
SHANNON A. MALONE, xxx-xx-xxxx
RICHARD A. MARSHALL, xxx-xx-xxxx
MARIE A. MARTELLO, xxx-xx-xxxx
KATHY M. MARTINEZ, xxx-xx-xxxx
PETER B. MASLEY, xxx-xx-xxxx
LOIS I. MAY, xxx-xx-xxxx
GAIL M. MAYS, xxx-xx-xxxx
KAY L. MCBEE, xxx-xx-xxxx
LINDA M. MCCALL, xxx-xx-xxxx
JAYNE MCCAMBRIDGE, xxx-xx-xxxx
CAROL A. MCCARTY, xxx-xx-xxxx
NANCY A. MCCLUGGAGE, xxx-xx-xxxx
JUDY N. MCCORMICK, xxx-xx-xxxx
PEGGY A. MCDERMOTT, xxx-xx-xxxx
DEBORAH MCGEEHAN, xxx-xx-xxxx
NANCY E. MCGREEVY, xxx-xx-xxxx
DOROTHY J. MCKEAN, xxx-xx-xxxx
MICHAEL J. MCMAHON, xxx-xx-xxxx
CAROL A. MCMASTERS, xxx-xx-xxxx
CANDY L. MCMORRIS, xxx-xx-xxxx
PHYLLIS A. MCNAMEE, xxx-xx-xxxx
WANDA J. MIALKOWSKI, xxx-xx-xxxx
NANCY A. MILES, xxx-xx-xxxx
DONALD MILHOLLAND, xxx-xx-xxxx
MARGIE V. MILLER, xxx-xx-xxxx
NANCY MILLERCROSS, xxx-xx-xxxx
DIANE M. MILLIGAN, xxx-xx-xxxx
MICHAEL D. MILLIKEN, xxx-xx-xxxx
SUSAN K. MILLMAN, xxx-xx-xxxx
PEDRO J. MIROALICEA, xxx-xx-xxxx
MICHAEL L. MISTRIC, xxx-xx-xxxx
JAMES A. MOODY, xxx-xx-xxxx
EVELYN W. MOORE, xxx-xx-xxxx
GERALDINE L. MOORE, xxx-xx-xxxx
MICHELE A. MOORE, xxx-xx-xxxx
JANICE L. MORIN, xxx-xx-xxxx
RHONDA H. MORRIS, xxx-xx-xxxx
CATHLEEN C. MORRISSEY, xxx-xx-xxxx
KIM L. MORRISSEY, xxx-xx-xxxx
SUZANNE C. MOUSEL, xxx-xx-xxxx
PAMELA A. MYERS, xxx-xx-xxxx
GLADYS M. NADAL, xxx-xx-xxxx
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TOD R. GRANGER, xxx-xx-xxxx
EDWARD A. HADAWAY, xxx-xx-xxxx
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MEDICAL CORPS

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JULIO ALARCON, xxx-xx-xxxx
RONALD G. ALBRIGHT, xxx-xx-xxxx
LUNINGNING ALDABA, xxx-xx-xxxx
JOHN ALDRIDGE, xxx-xx-xxxx
ROBERT J. ALLEY, xxx-xx-xxxx
JUAN J. ALVA, xxx-xx-xxxx
ASHLEY G. ANDERSON, xxx-xx-xxxx
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ROBERT D. ARMSTRONG, xxx-xx-xxxx
JAMES W. ARROTT, xxx-xx-xxxx
MARTIN R. ARTMAN, xxx-xx-xxxx
JAMES P. ASHER, xxx-xx-xxxx
WILLIAM R. ATKINS, xxx-xx-xxxx
ANDREW D. BAILEY, xxx-xx-xxxx
FRED R. BAILOR, xxx-xx-xxxx
JAMES F. BALSLEY, xxx-xx-xxxx
RAMAKRISHNA BANDI, xxx-xx-xxxx
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MAXIMINO P. BASCO, xxx-xx-xxxx
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PHILIP W. BERGER, xxx-xx-xxxx
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TOM T. BIRRIELSALCEDO, xxx-xx-xxxx
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HYRUM C. BLACKBURN, xxx-xx-xxxx
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JANET E. BOONE, xxx-xx-xxxx
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GARY M. SELTMAN, xxx-xx-xxxx
CALINICA O. SEMENSE, xxx-xx-xxxx
LONNIE H. SESSLER, xxx-xx-xxxx
FRANK D. SETZLER, xxx-xx-xxxx
SYED T. SHAH, xxx-xx-xxxx
FAYAZ A. SHAWL, xxx-xx-xxxx
CONRAD D. SHEFF, xxx-xx-xxxx
NASREEN S. SHEIKH, xxx-xx-xxxx
KUN I. SHIM, xxx-xx-xxxx
CHRISTIAN SHIMODA, xxx-xx-xxxx
ZARRIN SHOURAIE, xxx-xx-xxxx
RODOLFO D. SILAN, xxx-xx-xxxx
JOHN O. SIMMONS, xxx-xx-xxxx
ROBERT SIMS, xxx-xx-xxxx
WAYNE D. SINCLAIR, xxx-xx-xxxx
SUPACHOKE SIRI, xxx-xx-xxxx
ROBERT I. SLOTT, xxx-xx-xxxx
DENNIS M. SMALL, xxx-xx-xxxx
JOEL I. SOROSKY, xxx-xx-xxxx
VICTOR O. SOUSA, xxx-xx-xxxx
KENNETH A. SPANGLER, xxx-xx-xxxx
JIMMY M. SPARKS, xxx-xx-xxxx
KETHANDAP K. SRINIVAS, xxx-xx-xxxx
JANE C. STAFFORD, xxx-xx-xxxx
CRAIG N. STEVENS, xxx-xx-xxxx
ROBERT B. STEVENS, xxx-xx-xxxx
SAMUEL W. STEVER, xxx-xx-xxxx
JOHN R. STOIANOFF, xxx-xx-xxxx
MICHAEL D. STONE, xxx-xx-xxxx
JAMES E. STRONG, xxx-xx-xxxx
ROBERT E. STUART, xxx-xx-xxxx
RONALD K. SUGIYAMA, xxx-xx-xxxx
THOMAS B. SULISTIO, xxx-xx-xxxx
DENNIS M. SULLIVAN, xxx-xx-xxxx
JILL M. SUMFEST, xxx-xx-xxxx
DALE A. SUNDWALL, xxx-xx-xxxx
BERNARD A. SUSAVAGE, xxx-xx-xxxx
LAWRENCE M. SUTTON, xxx-xx-xxxx
DANIEL R. SZEKELY, xxx-xx-xxxx
RAUL H. TAMAYO, xxx-xx-xxxx
DAVID C. TAPP, xxx-xx-xxxx
CHARLES S. TARA, xxx-xx-xxxx
RAMSEY TARABISHY, xxx-xx-xxxx
DAVID A. THOMAS, xxx-xx-xxxx
LOUYS THOMAS, xxx-xx-xxxx
HOWARD E. TRENT, xxx-xx-xxxx
GREGORY W. TURNER, xxx-xx-xxxx
RUDOLF C. ULIRSCH, xxx-xx-xxxx
CHRISTOPH C. VANASCHE, xxx-xx-xxxx
DAVID A. VANBOCKEL, xxx-xx-xxxx
HOMI B. VANIA, xxx-xx-xxxx
MADGE B. VANNESS, xxx-xx-xxxx
ORLA O. VAZQUEZTORRES, xxx-xx-xxxx
RAKESH WAHI, xxx-xx-xxxx
RICHARD J. WALDROP, xxx-xx-xxxx
JAMES S. WALKER, xxx-xx-xxxx
MARVIN D. WALKER, xxx-xx-xxxx
JAMES WALLINGFORD, xxx-xx-xxxx
TIMOTHY T. WANG, xxx-xx-xxxx
WILLIAM L. WEAVER, xxx-xx-xxxx
TIMOTHY J. WEBB, xxx-xx-xxxx
JEFFREY B. WEEKS, xxx-xx-xxxx
GERALD T. WEIR, xxx-xx-xxxx
FRANK R. WELLBORNE, xxx-xx-xxxx
DONNA M. WHITE, xxx-xx-xxxx
LAWRENCE J. WHITE, xxx-xx-xxxx
RONNIE E. WHITE, xxx-xx-xxxx
RONALD K. WIBKING, xxx-xx-xxxx
BERNARD A. WIGGINS, xxx-xx-xxxx
BRUCE E. WILLHAM, xxx-xx-xxxx
FREDERICK F. WILLIAMS, xxx-xx-xxxx
CHARLES V. WILSON, xxx-xx-xxxx
DONALD J. WITTICH, xxx-xx-xxxx
DAVID M. WODICKA, xxx-xx-xxxx
JAMES R. YATES, xxx-xx-xxxx
JAMES W. YOST, xxx-xx-xxxx
DAVID Y. YOUNG, xxx-xx-xxxx
LENN A. YUSI, xxx-xx-xxxx
ALAN D. ZABLOCKI, xxx-xx-xxxx
THOMAS F. ZIMMERMAN, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

ALAN K. ABRAHAM, xxx-xx-xxxx
KENNETH W. ACKERMAN, xxx-xx-xxxx
EDWARD A. AHERN, xxx-xx-xxxx
LEE H. ALBRIGHT, xxx-xx-xxxx
DAVID R. ALLEN, xxx-xx-xxxx
EDWARD H. ALLEN, xxx-xx-xxxx
RICHARD G. ALLISON, xxx-xx-xxxx
GARY N. ARNESS, xxx-xx-xxxx
THOMAS J. ARNI, xxx-xx-xxxx
RICHARD ARONOFF, xxx-xx-xxxx
JOHN D. BAMFORD, xxx-xx-xxxx
HOLLIS E. BARNES, xxx-xx-xxxx
WAYNE R. BARNES, xxx-xx-xxxx
DAVID S. BARRIE, xxx-xx-xxxx
SALVATORE J. BATE, xxx-xx-xxxx
JERRY B. BAUMEISTER, xxx-xx-xxxx
EDWIN T. BENNETT, xxx-xx-xxxx
THOMAS J. BERRY, xxx-xx-xxxx
JESSE A. BICAD, xxx-xx-xxxx
LINAS BIELIAUSKAS, xxx-xx-xxxx
DONALD BIRMINGHAM, xxx-xx-xxxx
DAVID M. BIXLER, xxx-xx-xxxx
ROGER S. BLACKSTOCK, xxx-xx-xxxx
ROBERT A. BOGDANSKI, xxx-xx-xxxx
JANE M. BONEWITZ, xxx-xx-xxxx
DONALD E. BOREY, xxx-xx-xxxx
RICHARD G. BRADSHAW, xxx-xx-xxxx
ANNIE P. BRISCOE, xxx-xx-xxxx
DENNA J. BROWN, xxx-xx-xxxx
ERIC B. BROWN, xxx-xx-xxxx
THOMAS R. BROWN, xxx-xx-xxxx
JUANITA M. BRUCE, xxx-xx-xxxx
RALPH D. BRUNO, xxx-xx-xxxx
RICHARD S. BRYAN, xxx-xx-xxxx
JOHN R. BURDICK, xxx-xx-xxxx
WALLACE E. BURG, xxx-xx-xxxx
ROBERT J. BURRIS, xxx-xx-xxxx
JOANNE M. BURTON, xxx-xx-xxxx
RACHEL A. CANARELLI, xxx-xx-xxxx
STANLEY R. CANTLEY, xxx-xx-xxxx
GERALD W. CARLSON, xxx-xx-xxxx
JACK T. CARPENTER, xxx-xx-xxxx
WILLIAM W. CHAMBERLIN, xxx-xx-xxxx
MICHAEL R. CHEEK, xxx-xx-xxxx
EUGENE CHIMINELLO, xxx-xx-xxxx
RANDA R. CHRISTIANSEN, xxx-xx-xxxx
LOUIS A. CIOLETTI, xxx-xx-xxxx
GUILLERMO G. CISNEROS, xxx-xx-xxxx
DAVID W. CLARK, xxx-xx-xxxx
RICHARD M. CLARK, xxx-xx-xxxx
GARRA P. COHEN, xxx-xx-xxxx
CHARLES T. COLE, xxx-xx-xxxx
STEVEN C. COLLINS, xxx-xx-xxxx
JOHN G. CONNELL, xxx-xx-xxxx
MICHAEL D. CONNELL, xxx-xx-xxxx
DAVID H. COOPER, xxx-xx-xxxx
CHESTER D. COPEMAN, xxx-xx-xxxx
WAYNE A. CORNWELL, xxx-xx-xxxx
RUDOLPH G. DASCHNER, xxx-xx-xxxx
JOSEPH A. DELGALLO, xxx-xx-xxxx
GERALD G. DESLAURIERS, xxx-xx-xxxx
DAVID H. DESWARTE, xxx-xx-xxxx
RONALD M. DEWBERRY, xxx-xx-xxxx
HOUSTON G. DEWEY, xxx-xx-xxxx
JAMES B. DEWITT, xxx-xx-xxxx
EUGENE E. DODGE, xxx-xx-xxxx
FRANK P. DOMBROWSKI, xxx-xx-xxxx
STEPHEN L. DREYFUSS, xxx-xx-xxxx
WILLIE T. DRINKS, xxx-xx-xxxx
GEORGE DRUCKER, xxx-xx-xxxx
WILLIAM F. EDWARDS, xxx-xx-xxxx
RICHARD G. ENDRIS, xxx-xx-xxxx
THOMAS S. FAMOSO, xxx-xx-xxxx
THOMAS D. FARRELL, xxx-xx-xxxx
DANIEL FASKO, JR., xxx-xx-xxxx
LINDA M. FIELDS, xxx-xx-xxxx
LAWRENCE K. FINK, xxx-xx-xxxx
LLOYD B. FOSEN, xxx-xx-xxxx
THOMAS R. FOWLER, xxx-xx-xxxx
RICHARD P. FRANZEN, xxx-xx-xxxx
CHARLES D. FREEMAN, xxx-xx-xxxx
RENE D. GARCIA, xxx-xx-xxxx
DAVID D. GARRIOTT, xxx-xx-xxxx
RAYMOND J. GEYE, xxx-xx-xxxx
HERMAN J. GIBB, xxx-xx-xxxx
JAMES J. GIBBONS, xxx-xx-xxxx
DARWIN L. GONNERMAN, xxx-xx-xxxx
JOSEPH R. GOODMAN, xxx-xx-xxxx
LEWIS E. GORMAN, xxx-xx-xxxx
JOHN M. GRAHAM, xxx-xx-xxxx
JOHN A. GREEN, xxx-xx-xxxx
OBEDIAH C. GRESHAM, xxx-xx-xxxx
CURT G. GRIFFIS, xxx-xx-xxxx
GEORGE W. GROSS, JR., xxx-xx-xxxx
STEPHEN E. HACKETT, xxx-xx-xxxx
EARL L. HAFNER, xxx-xx-xxxx
VANIEL C. HALE, xxx-xx-xxxx
JOHN W. HALL, xxx-xx-xxxx
RONALD M. HANNON, xxx-xx-xxxx
ROMIE D. HARGROVE, xxx-xx-xxxx
DIANE L. HARRIS, xxx-xx-xxxx
WILLIAM W. HART, xxx-xx-xxxx
GORDON W. HAWTHORNE, xxx-xx-xxxx
WARREN A. HAYES, xxx-xx-xxxx
JAMES A. HAZELRIGS, xxx-xx-xxxx
WILLIAM A. HEFNER, xxx-xx-xxxx
LEONARD HENDERSON, xxx-xx-xxxx
WILLIAM E. HENNESSY, xxx-xx-xxxx
JAMES K. HILBUN, xxx-xx-xxxx
PETER L. HILLIARD, xxx-xx-xxxx
LLOYD A. HINKLE, xxx-xx-xxxx
ROBERT E. HODGES, xxx-xx-xxxx
RICHARD C. HODGKINS, xxx-xx-xxxx
JAMES M. HOGUE, xxx-xx-xxxx

ROBERT J. HOLMES, xxx-xx-xxxx
GEORGE D. HOLT, xxx-xx-xxxx
RICHARD S. HOWARD, xxx-xx-xxxx
RANDOLPH L. HUCK, xxx-xx-xxxx
JACK J. IENNA, xxx-xx-xxxx
DUANE A. ILES, xxx-xx-xxxx
ROBERT C. INTRESS, xxx-xx-xxxx
JOHN B. JACKSON, xxx-xx-xxxx
CLARENCE JACOBSON, xxx-xx-xxxx
WALTER C. JANTS, xxx-xx-xxxx
HARLEY W. JENSE, xxx-xx-xxxx
JOHN F. JONES, xxx-xx-xxxx
HOWARD C. JORDI, xxx-xx-xxxx
TERRY L. KADUCE, xxx-xx-xxxx
MARTIN KALISH, xxx-xx-xxxx
GORDON F. KAPKE, xxx-xx-xxxx
PAUL A. KARWASKI, xxx-xx-xxxx
JAMES K. KEARNES, xxx-xx-xxxx
JAMES J. KENNY, xxx-xx-xxxx
JACK L. KILLEN, xxx-xx-xxxx
GREGORY B. KNUDSON, xxx-xx-xxxx
KLAUS KOCH, xxx-xx-xxxx
HAROLD KOHN, xxx-xx-xxxx
EDWIN J. KOHNER, xxx-xx-xxxx
EDWARD J. KOTARSKI, xxx-xx-xxxx
WILLIAM F. KRINGEL, xxx-xx-xxxx
BRUCE K. KRUMEICH, xxx-xx-xxxx
JOHN F. KUHN, xxx-xx-xxxx
BRYANT E. LAFOY, xxx-xx-xxxx
RICHARD T. LARIA, xxx-xx-xxxx
PAUL H. LAWHON, xxx-xx-xxxx
JAMES R. LAWS, xxx-xx-xxxx
CLARENCE E. LEE, xxx-xx-xxxx
RONALD D. LESTER, xxx-xx-xxxx
BARRY LISCHINSKY, xxx-xx-xxxx
CLIFTON LOUIE, xxx-xx-xxxx
EARNEST MADDOX, xxx-xx-xxxx
BRIAN C. MARKLE, xxx-xx-xxxx
LAWRENCE R. MARSH, xxx-xx-xxxx
JAMES W. MARTIN, xxx-xx-xxxx
EMERY C. MAYOROS, xxx-xx-xxxx
DAN T. MCCOLLISTER, xxx-xx-xxxx
OTIS M. MCDANIEL, xxx-xx-xxxx
GERARD A. MCENERNEY, xxx-xx-xxxx
MARY F. MCGHEE, xxx-xx-xxxx
GREGORY E. MCGREER, xxx-xx-xxxx
LESLIE R. MCKECHNIE, xxx-xx-xxxx
CHARLES C. MCLAUGHLIN, xxx-xx-xxxx
JAMES R. MCQUEEN, xxx-xx-xxxx
DONALD L. MELLOR, xxx-xx-xxxx
JAMES W. MENTZER, xxx-xx-xxxx
NATHAN D. MERRITT, xxx-xx-xxxx
EARLE H. NAKAGAWA, xxx-xx-xxxx
KATSUMI J. NEHIRA, xxx-xx-xxxx
EDWARD T. NELSON, xxx-xx-xxxx
LEWIS E. NEUMANN, xxx-xx-xxxx
KENT J. NIELSEN, xxx-xx-xxxx
NICHOLA N. NOVAKOVICH, xxx-xx-xxxx
RAFAEL NUNMARIN, xxx-xx-xxxx
ROBERT P. OBRIEN, xxx-xx-xxxx
TERRY A. ODONNELL, xxx-xx-xxxx
ROLF W. PARSONS, xxx-xx-xxxx
STEPHEN D. PARTIN, xxx-xx-xxxx
JAMES H. PATTERSON, xxx-xx-xxxx
JAMES E. PAWELAK, xxx-xx-xxxx
BRUCE A. PERRY, xxx-xx-xxxx
JOSEPH E. PETERS, xxx-xx-xxxx
HARRY L. PIERSMA, xxx-xx-xxxx
BRUCE E. PLISNER, xxx-xx-xxxx
DAVID A. PLYMYER, xxx-xx-xxxx
PAUL L. POLK, xxx-xx-xxxx
GEORGE T. POOLE, xxx-xx-xxxx
LARRY W. POTTER, xxx-xx-xxxx
DON M. PROZIK, xxx-xx-xxxx
DONALD R. PUNG, xxx-xx-xxxx
RAYMOND L. QUON, xxx-xx-xxxx
RICHARD W. RADACKY, xxx-xx-xxxx
ERIC L. REED, xxx-xx-xxxx
WILLIAM L. REESE, xxx-xx-xxxx
GEORGE RICHARDSON, xxx-xx-xxxx
JOSEPH E. RICKETTS, xxx-xx-xxxx
GEORGE RIPPLINGER, xxx-xx-xxxx
LARRY W. ROACH, xxx-xx-xxxx
GARY D. ROBERTSON, xxx-xx-xxxx
EDUARDO RODELA, JR, xxx-xx-xxxx
JOSEPH A. ROMANELLI, xxx-xx-xxxx
ARTHUR ROSENBERG, xxx-xx-xxxx
MICHAEL J. ROY, xxx-xx-xxxx
ROBERTO RUIZ, JR, xxx-xx-xxxx
FREDERICK RUSHING, xxx-xx-xxxx
JOHN G. RYAN, xxx-xx-xxxx
RAYMOND W. RYAN, xxx-xx-xxxx
THOMAS P. SAPIENZA, xxx-xx-xxxx
MICHAEL P. SARRAS, xxx-xx-xxxx
LARRY L. SEARLE, xxx-xx-xxxx
LAWRENCE D. SELLA, xxx-xx-xxxx
WILLIAM D. SHERMAN, xxx-xx-xxxx
WILLIAM D. SHIRLEY, xxx-xx-xxxx
GORDON A. SHIVELER, xxx-xx-xxxx
ROBERT H. SHOEMAKER, xxx-xx-xxxx
CHARLES W. SIMMONS, xxx-xx-xxxx
HARRY J. SIMPSON, xxx-xx-xxxx
RONALD R. SIMS, xxx-xx-xxxx
JOHN S. SINCLAIR, xxx-xx-xxxx
GERARD S. SIUTA, xxx-xx-xxxx
ALONZO G. SMITH, xxx-xx-xxxx
RICHARD C. SOMMER, xxx-xx-xxxx
WILLIAM H. STASO, xxx-xx-xxxx
RICHARD L. STEPKIN, xxx-xx-xxxx
MICHELE S. STERN, xxx-xx-xxxx
IAN B. STEWART, xxx-xx-xxxx
JEFFREY A. STRAUSS, xxx-xx-xxxx
RICHARD M. SULLIVAN, xxx-xx-xxxx
CHARLES R. SWART, xxx-xx-xxxx
JOHN J. TATAR, xxx-xx-xxxx
DAVID B. TATE, xxx-xx-xxxx
ALVIN D. TEFFT, xxx-xx-xxxx
ROGER D. THOMAS, xxx-xx-xxxx
JOHN E. THOMPSON, xxx-xx-xxxx
ARMEN H. THOUMAIAN, xxx-xx-xxxx
CARLTON M. THYGESEN, xxx-xx-xxxx
LARRY J. TILLMAN, xxx-xx-xxxx
JAMES TOMASZEWSKI, xxx-xx-xxxx
WALTER A. TOZZI, xxx-xx-xxxx
KENNETH F. TRELA, xxx-xx-xxxx
RONALD TROY, xxx-xx-xxxx
STEVEN K. TURNBULL, xxx-xx-xxxx
GREGORY C. UPHAM, xxx-xx-xxxx
DONALD P. VANBUREN, xxx-xx-xxxx
MELVIN R. VANDYKE, xxx-xx-xxxx
CAMERON L. WEBER, xxx-xx-xxxx
JOSEPH K. WEST, xxx-xx-xxxx
MALCOLM B. WESTCOTT, xxx-xx-xxxx
JAMES A. WESTPFAHL, xxx-xx-xxxx
JOHN C. WHITE, xxx-xx-xxxx
ROBERT M. WHITE, SR, xxx-xx-xxxx
NORMAN A. WIKA, xxx-xx-xxxx
TOMMY L. WILHOIT, xxx-xx-xxxx
GARY L. WILLIAMS, xxx-xx-xxxx
STEPHEN H. WILLIAMS, xxx-xx-xxxx
RICHARD WILSON, JR, xxx-xx-xxxx
ELIOT WINOKUR, xxx-xx-xxxx
THOMAS D. WINSTEAD, xxx-xx-xxxx
ROBERT A. WIRTZ, xxx-xx-xxxx
PETER T. WOOD, xxx-xx-xxxx
KERRY W. WYANT, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

GUADALUPE ABENOJA, xxx-xx-xxxx
BARBARA AGENBROAD, xxx-xx-xxxx
JUNE B. BARRETT, xxx-xx-xxxx
ELIZABETH S. BLAIR, xxx-xx-xxxx
STEVEN E. BROCKEL, xxx-xx-xxxx
SHEILA J. BROOKS, xxx-xx-xxxx
LINDA M. DEMARCO, xxx-xx-xxxx
DIXIE K. DUNN, xxx-xx-xxxx
KAREN ENCHELMAYER, xxx-xx-xxxx
DONALD J. GARGUILO, xxx-xx-xxxx
DONNA L. GREEN, xxx-xx-xxxx
DANIEL A. GULLOTTA, xxx-xx-xxxx
STUART A. HARRIS, xxx-xx-xxxx
BRUCE F. HECKMAN, xxx-xx-xxxx
LANCE B. HENDRICKS, xxx-xx-xxxx
MARY E. HOETTELS, xxx-xx-xxxx
JOHN W. HUFF, xxx-xx-xxxx
PETER L. LEONARD, xxx-xx-xxxx
DAVID W. LIVINGSTON, xxx-xx-xxxx
ANITA A. MARTIN, xxx-xx-xxxx
GEORGE J. MATELJAN, xxx-xx-xxxx
SUSAN S. MCLEAN, xxx-xx-xxxx
MICHAEL E. MIZE, xxx-xx-xxxx
PATRICIA OCONNELL, xxx-xx-xxxx
DENNIS M. ODONNELL, xxx-xx-xxxx
WILLIAM H. OGRADY, xxx-xx-xxxx
JOSEPH J. PETKEWICH, xxx-xx-xxxx
EVELYN E. SHACKLEFORD, xxx-xx-xxxx
SARAH P. SMITH, xxx-xx-xxxx
THOMAS C. TURTURRO, xxx-xx-xxxx
ROBERT F. VERZONE, xxx-xx-xxxx
WINONA C. WILLIAMS, xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

JOHN P. BLACK, xxx-xx-xxxx
GARY L. BRICKLER, xxx-xx-xxxx
JOHN C. DOCKERY, xxx-xx-xxxx
ROBERT M. FREY, xxx-xx-xxxx
JACQUELYN J. GERRELLS, xxx-xx-xxxx
HORTENTIA D. HARRIS, xxx-xx-xxxx
KEVIN P. KEENAN, xxx-xx-xxxx
JAMES R. KENYON, xxx-xx-xxxx
EUGENE L. KUHNS, xxx-xx-xxxx
SIDNEY E. MCDANIEL, xxx-xx-xxxx
GARY VROEGINDEWEY, xxx-xx-xxxx
JOHN L. WILLIAMS, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

CHARLES H. ALLEN, xx...
FREDERICK G. ARCHBOLD, III, xx...
KEVIN M. ASHCROFT, xx...
GEORGE S. ASMUS, xx...
DOUGLAS D. BALLARD, xx...
GORDON M. BELL, JR, xx...
DAVID C. BENDER, xx...
PAUL E. BLACK, xx...
CRAIG T. BODDINGTON, xx...
GEORGE A. BODE, xx...
JOHN D. BRATTEN, xx...
MICHAEL A. BROWNLEE, xx...
JAMES A. BUCHANAN, V, xx...
LAURA M. BULTEMEIER, xx...
KEVIN J. BURDICK, xx...
BRUCE L. BUTLER, xx...
JOHN P. CARUSO, xx...
ROLAND C. CHAMBERS, xx...
JOHN M. CLAPP, xx...
JAMES A. COOK, xx...
CHARLES L. CRAWFORD, xx...
GARY J. DAIGLE, xx...
JAMES E. DAVIS, xx...
THOMAS E. DAVIS, xx...
DELL M. DEMPSEY, xx...
ALWYN DOWELL, xx...
JAMES M. DUNHAM, xx...
ROBERT C. EIKENBERRY, xx...
BRUCE J. ELLIOTT, xx...
JOSEPH S. ELMER, xx...
JOHN H. FEILY, xx...
FLORITO T. FLORES, xx...
ROBERT W. FOLTYN, xx...
HENRY FONTELA, xx...
JAMES C. FORNEY, xx...
CHRISTOPHE T. FRANKLIN, xx...
WALTER H. FREED, xx...
HERBERT L. FRITZ, JR, xx...
HILTON O. GARNES, JR, xx...
RICHARD W. GITTINGS, xx...
RICHARD D. GLOGER, xx...
MARK D. GRIM, xx...
DAVID A. GROVES, xx...
KATHERINE S. GUNTHER, xx...
RALPH D. HADDOCK, xx...
DANIEL K. HAGOOD, xx...
WILLIAM C. HAMERSTADT, xx...
DANIEL L. HANKEMEIER, xx...
GORDON E. HARPER, xx...
TORSTEN H. HARTMANN, xx...
JOSEPH D. HERNANDEZ, xx...
CLINTON L. HUBBARD, III, xx...
ROBERT L. HUDON, JR, xx...
JOHN P. HUTCHINGS, xx...
KENNETH A. ICENHOUR, xx...
DAVID M. JESPERSEN, xx...
RANDY G. KALIFF, xx...
PETER A. KIEFER, xx...
JOSEPH T. KIRINCICH, xx...
DAVID M. KIRKWOOD, xx...
JOSEPH H. KRASINSKI, xx...
DAVID A. LANG, xx...
WILLIAM C. LEBLANC, xx...
ARLENE A. LOMAX, xx...
JARVIS K. LONG, xx...
RICHARD MAESTAS, xx...
CONRAD F. MALLEK, xx...
LAWRENCE D. MANGIN, xx...
VINCENT F. MANNELLA, xx...
MICHAEL B. MARSH, xx...
WILLIAM J. MARVIN, xx...
ROBERT M. MCGINNIS, xx...
STEVEN E. MCKINLEY, xx...
MARTIN E. MCPIKE, xx...
PAUL MELSHEN, xx...
DENNIS V. MESSOLINE, xx...
DALE W. MILLER, xx...
JIMMY L. MITCHELL, xx...
MARK D. MONTGOMERY, xx...
MARK E. MOONEY, xx...
WILLIAM L. MORRIS, xx...
STEVEN M. MUTZIG, xx...
DONNA J. NEARY, xx...
HENRY L. NICHOLS, xx...
STEPHEN J. NICHOLS, xx...
MICHAEL E. NUNNALLY, xx...
WILLIAM J. OBRIEN, JR, xx...
THOMAS Q. OHARA, xx...
FREDERICK J. OTT, JR, xx...
JAMES R. OTTAWAY, xx...
DALE A. PAPPAS, xx...
LLOYD W. PATRICK, xx...
THOMAS G. PEELER, xx...
EDWARD A. PERNAL, JR, xx...
KATHLEEN POWERS, xx...
STEPHEN K. PROTZELLER, xx...
ROBERT B. RICHARDS, xx...
MARK S. RILEY, xx...
MICHAEL S. ROBICHEAUX, xx...
JOSEPH O. ROGERS, xx...
DAVID P. ROSACKER, xx...
CHRIS ROWAN, xx...
MICHAEL E. SATRAN, xx...
EDWARD C. SCHROEDER, xx...
PRESTON E. SIMMS, xx...
CHARLES C. SMITH, xx...
JAMES L. SMITH, xx...
RICHARD L. SOUTHARD, xx...
JACK G. SPENCE, JR, xx...
JAMES M. SPIRES, JR, xx...
STANLEY J. SUCHECKI, JR, xx...
ARTHUR D. TAYLOR, xx...
FRANK M. THOMPSON, I, xx...
CARROLL R. THORNE, xx...
ROBERT H. THORNE, xx...
DENNIS M. TOPP, xx...
CHARLES J. TORTORICE, xx...
STEPHEN F. TREMEL, xx...
JEFFREY C. TUOMALA, xx...
JOSEPH J. VACCARO, xx...
PATRICK D. VETETO, xx...
JOHN R. WADE, xx...
STEPHEN E. WAGAMAN, xx...
DONALD J. WAGNER, xx...
JAMES C. WAITES, JR, xx...
WILLIAM C. WALKER, JR, xx...
DALE M. WATSON, xx...
DONALD L. WEISS, xx...
DEAN E. WELLS, xx...
LARRY O. WELLS, xx...
RICHARD J. WESTBERRY, xx...

HARRY T. WILLIAMS, xx...
FREDERICK B. WITESMAN, II, xx...
RONALD F. WNEK, xx...
BILLY C. WOLFENBARGER, xx...
JERRY M. WOODARD, xx...
TERESA J. WRIGHT, xx...
WILLIAM M. YATES, xx...
THOMAS R. YEOMAN, III, xx...

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be commander, line, USN, permanent

JAMES ARLING HAZLETT

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander, line, USN, permanent

BILLY J. HYNUM
MICHAEL C. MCAULEY
FRANCES OMORI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, line, USN, permanent

LEONARD MICHAEL ABBATIELLO
KENT ROBERT AITCHESON
ROBERT DURAND ANDERSON, JR
STEPHEN JOHN ANDREWS
JOSEPH EUGENE ARLETH
WILLIAM WEST ARRAS
MATTHEW B. ASHLEY
EDWARD LEROY AUSTIN
KEVIN LOUIS BAKER
BRIAN KEITH BALDAUF
LAWRENCE BUFORD BARKER, JR
JAMES FRANCIS BARNES
ROBYN DENISE BARNES
JAMES JOSEPH BAUSER
REVONE RENEE BAUWENS
WILLIAM FREDERICK BEACHAM
MICHAEL EARL BELCHER
ROBERT HERMAN BENNETT, JR
WILLIAM JOHN BERGIN
JAMES BRANDON BILES
KARL FREDERICK BITTER
CAROL LEE BLACKWOOD
SCOTT RANDALL BLACKWOOD
BETTY JOYCE BLAND
PATRICK JOSEPH BOHAN
STEVEN BRUCE BOLSTAD
GEORGE BERNARD BOUDREAU, III
ROMAN DANIEL BOWLES
MICHAEL ALAN BROOKS
WILLIAM ALLEN BROOKS
DENNIS FRANKLIN BROWN
YVETTE CAMILLE BROWNWAHLER
JOSEPH ANTHONY BRUENING
JAMES FRANCIS BUCKLEY
NICHOLAS FREDERICK BUDD
STEPHEN THOMAS BURFIELD
JEFFREY THOMAS BYRD
JAY DAVID CALER
DAVID KEITH CARLSON
GORDON REID CARTER
MATTHEW JOSEPH CARTER
EUSTAQUIO CASTROMENDOZA
DAVID ALLAN CATE
CHARLES FRANKLIN CAUDILL, JR
THOMAS HENRY CHAPIN
EDWARD MARK CHICOINE
SCOTT VINCENT CHILMAN
KEVIN LUTHER CLARK
MICHAEL SCOTT CLEVELAND
MYLES STANLEY COLEMAN
WILLIAM FITZGERALD COLEMAN
CONSUELO BETH CONGREVE
KENRICK MICHAEL CONRAD
ELIZABETH LYNN COOK
JAMES MICHAEL COOK
JAMES ANDREW COOPER
VIRGINIA EILEEN CORNWELL
DIEGO RAMIRO CORRAL
MICHAEL JOHN CORRIGAN
MARK ALLEN COUCH
STEVEN LEE COX
BRIAN LEE CRADDOCK
DAVID ALLEN CRANDALL
RONALD WILLIAM CREIGHTON
MARK ANTHONY CRIDER
RAY ANDREW CROSS
JOHN FRANCIS CRYER
JOHN CARROLL CUMMINGS
BRYAN L. CUNY
STEPHEN GLENN CURTIS
DAVID THOMAS DALLAS
TYLER FRANKLIN DAVENPORT
EDWARD NEHEMIAH DAVIS
KRIS OTIS DAVIS
MAXIE YVONNE DAVIS
CHARLES EMERY DENNY
JOSEPH ORTEGA DESHAZO
AMY MARTHA MURPHY DEWITT
RICHARD C. DIAMANTOPOULOS
KAY LYNN DINOVA
TIMOTHY JOHN DOWNING
PETER MARTIN DRISCOLL
JON STEPHEN DROF
MICHAEL AUGUSTUS DUDZINSKI
RON EDWARD DURRANCE
JENNIFER ELIZABETH DYER
DALE RICHARD EADS
JON RUBEN EBERT
MARK CHRISTIE ENDERSON
RAYMOND TIMOTHY ESTES
JOHN RAYMOND FAHEY
ADAM DAVID FERREIRA
MARK ALBIN FILIPIC
RONALD JOSEPH FINES
MARK SIDNEY FOLDY, JR
JAMES EDWARD FORD, II
DWIGHT LAWRENCE FRANKE
JOHN COSMOS PETER FRISTACHI
AMOS MEAD GALLAGHER
THERESA OMALLEY GIBSON
MICHAEL JAMES GINTER
KARL ERIC GLAESER
DAVID LEO GLASS
JERRY LYNN GODDING
OWEN GUY GODFREY
ROBERT DAVIS GOLDMANN
BAXTER ANGELO GOODLY
JOSEPH LUDEMAN GOODMAN
ROBERT EUGENE GREEN
ALBERT WILLIAM GRIEPENSTROH
BRENT JOSEPH GRIFFIN
FRANKLIN TODD GRIFFIN
CARL JOSEPH GRIM
STEVEN MARK GUILIANI
GLEN WILLIAM GUILLOW
MARK BRADY GUTTENDORF
NORTHMORE WILBUR HAMILL
DAVID MATHER HARMAN
JOHN THOMAS HART
ANDREW GERARD HARTIGAN
CORETTA MARIA HAZELTON
STEPHEN JOHN HEUSER
CHRISTOPHER NEWMAN HILL
MARY PATRICIA HILL
GEORGE FRANKLIN HOFFER
DAVID MICHAEL HOFFMAN
CHRISTOPHER RALPH HOGUE
STUART REED HOWARD
GARY MICHAEL HUMES
ALLAN LEROY HUX
LIONEL DWIGHT JENKINS
CECIL RAY JOHNSON, JR
DORIAN FRANK JONES
RICHARD KIRK JOYCE
GLENN ALLEN KAINE
SHAUN MICHAEL KELLY
TIMOTHY JAMES KELLY
ROBERT PAUL KENNETT
JAMES ADDISON KERN
KENT MICHAEL KIEPE
MICHAEL EMMETT KILEY
PETER JOHN KIND
JERI SUE KING
KARL DAVID KLICKER
BRYANT WHITFIELD KNOX
DAVID MARK KOONTZ
NANCY CARROL KORPELA
PAUL LAWRENCE KRATOCHWILL
MARCIA ANN KUECHLER
DAVID ALLEN KUNSKY, JR
JOHN BRENT JAMES KUYKENDALL
AVA RAMONA LANGSTON
STEPHEN MAC EWAN LARDNER
SCOTT LEON LARKIN
DAVID BRIAN LASHER
BRYAN KEITH LATHAM
MARK LEO LEAVITT
JEFFREY DEAN LEE
BRUCE CHARLES LINDEMAN
ROBERT RUSSELL LINDSAY
MICHAEL NMN LOIZOS, JR
DARRYL JAMES LONG
DANIEL SCOTT LORENZ
ROBERT PAUL LUNT
NORMAN LAWRENCE LYSTER
RUSSELL FREDERICK MADING, JR
JOHN DAVID MALINICK
ERIN KAY MARLOW
HALL ALEXANDER MARTIN, JR
GEORGE ALLEN MASON, JR
LAURA ELIZABETH MASON
DAVID ANTHONY MASSEY
WILLIAM R. MASSEY, JR
KEITH WAYNE MAY
GARY FRANCIS MCCLELLAND
TIMOTHY JOHN MCCOY
DAVID ALEXANDER J. MCCULLOCH
MICHAEL G. MCCULLOUGH
DAVID ROBERT MENZEN
DOUGLAS CHARLES MERCHANT
MARY ELIZABETH MEYER
KATHLEEN MARIE MILEWSKI
MARSHALL NATHAN MILLARD
CHRIS ALLAN MILLER
DAVID ANDREW MILLER
TERRY TYRONE MILLER
ELLEN ELIZABETH MOORE
MICHAEL DAVID MORRIS
WILLIAM FRANK MOSK
MARK EDWARD NAVARRO
SCOTT JAMES NEWELL
BRIAN DAVID NICHOLSON
CHARLES L. NICHOLSON
KELLEY LORENE NIELSEN
FREDERICK MALCOLM NILES
JAMES ERIC NOCK
GREGORY ALFONSO NOTTINGHAM
GEORGE EVERETT NOYES
PAUL GERARD OCONNOR
ALBERT CARL OESTERLE
FRANK JEROME OLMO
ERIC WINTER OLSON
JAMES EVANS OSTERHELD
MICHAEL ALAN OVERSON
LAWRENCE MICHAEL PANETTA
GREGORY KENT PARKER
ERIC ANDREW PATTEN
ROBERT LAWRENCE PAULSON
WILLIAM THOMAS PETERSON
KENNETH DEAN PIERCE
RICHARD ANDREW POWERS
JEFFREY DAVID PRATER
DANIEL WILLIAM PROCTOR
MARK VINCENT PROCTOR
RAMON NMN QUINTANILLA
MARIE LOUISE ANGELA RAMOS
GREGORY LOUIS RAND
PETER CRAIG RASNICK
JIMMY ROGER REED
STEPHEN S. REISING
MICHAEL LAWRENCE REYNOLDS
ROBERT ROLANDO RIVERA
DOUGLAS PHILIP ROBBINS
BROOK ROBIN ROBERTS
MICHAEL THOMAS ROBERTSON
WARREN WENDELL RODIE
WILLIAM HERBERT ROSS, JR
WILLIAM EDWARD ROYSTER
EDMUND KENNETH RYBOLD, JR
KEVIN LAVARD SANDERS
WILLIAM A. SANDGREN
GRADY SASS
DARREN ANTWON SAWYER
DEEANN MICHELLE SCHUMAN
EDWARD MICHAEL SCOTT
NATHAN LEONARD SEARS
RICHARD J. SHY
MARK STEVEN SIMPSON
GEORGE GILBERT SIMS, III
PAUL ERIC SKOGERBOE
MILTON AUGUSTUS SMITH, JR
STEPHEN MICHAEL SMOOT
ONA CLAIRE SOLBERG
WILLIAM STEADMAN SPANN
MARY KATHERINE SPER
LOWELL SCOTT STANTON
ROBERT JAMES STARKWEATHER
KEVIN PAUL STAUFF
KEVIN NOBLE STEEL
BRAD ALLEN STEELE
JEFFREY WAYNE STETTLER
ROBERT MICHAEL STEWART
PHILIP GERALD STROZZO
KAREN KAY STRUBLE
KEITH ANDREW SWENSEN
KENNETH JOHN SZCZUBLEWSKI
RANDY KIRK THOMASSON
JEFFERY GLEN THOMPSON
JULIAN E. TONNING
KEVIN ALAN TORSIELLO
THOMAS RAY TRAIL, JR
JEFFREY LEE TURNER
DOUGLAS ERIC ULLMAN
CLARK ANDREW VALCESCHINI
KELLY JEAN VALENCIA
THOMAS PAHLS VANLEUNEN, JR
MICHAEL LOUIS VIEIRA
ELIZABETH ALIEEN VOGEL
DEBRA JEAN WADE
JEFFREY F. WADE
KENNETH ALAN WALEY
CHARLES LEE WALLACE
DAVID J. WALSH
RICHARD WILLIAM WALTER, II
MARK KEVIN WARD
TIMOTHY EARL WASHINGTON
JOHN ARTHUR WELCH
MARILYN SUE WESSEL
WILK OTIS WEST, III
LATHAM ERWIN WHITE
KENNETH RAY WHITESELL
DAVID PAUL WILLIAMS
JAMES EDGAR WILLIAMS
JAMES ESTEL WILLIAMS
ALVIN CARLISLE WILSON, III
RUSSELL CLARK WOLFARD
RONALD ERIC WOLFE
MICHAEL JAMES WOMBLE
ROBERT WILLIAM WORRINGER
KENNETH ALLEN WOS
ROSEMARY ANNE WYNNE
RONALD JOHN ZARKO
HELEN ANN ZEPPENFELD
DIEGO RAUL ZEVALLOS
MARY MARGARET ZUROWSKI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade), line, USN, permanent

JAMES ALAN ALEXANDER
JAMES DAVID ALGER, II
GREGG WARREN ALLRED
MICHAEL DEAN ANTHONY
JAMES LLOYD AUTREY
ARNOLD BARTHEL, III
MICHAEL LOYD BARTON
MARTIN ALLEN BECK
JEFFREY HALLIDAY BELL
PHILLIP KEITH BESS
KEVIN ROBERT BISHOP
DONALD JOSEPH BODIN, JR
PAUL JOSEPH BROCHU
JOEL LEE CABANA
KELLY LYNN CALABRESE
ALEXANDRA ANN CAMPBELL
JONATHAN CHRISTIAN
BARBARA JANE CODER
JAMES WALKER COLEMAN
DAVID SHAWN COOK
DOUGLAS BRIAN COOPER
DAVID RICHARD CRUCE
CARL STEPHEN DODD
JON ANDRE DOLLAN
RANDALL WARREN DOYLE
MATTHEW JOHN DUFFY
ELIZABETH MARIE DUNTON
MARI KATHRYN DYSON
DONALD JOSEPH EBNER
ROBERT ALLEN EGGER
JOHN GILBERT ESAREY
JAMES EDWARD FANELL
CHRISTOPHER JOHN FORSLUND
DAVID FRAZEE FOSTER
ROBERT MICHAEL FRANCIS
JOHN C. FRASER
JACQUELINE RENEE FRENCH
CAROLYN SUE FRICKE
JOHN GADZINSKI
ANN MARIE GASPARRINI
BONITA ANNE GOODWIN
KATHY ELAINE GORDON
JAMES WILLIAM GUEST
CHRISTINE MARIE HALBUR
BRIAN SCOTT HALL
RICHARD SPOTSWOOD HAMILTON
NICHOLAS GORDON HARMON
MARYANNE HEINBAUGH
ERIC MORGAN HOLLIS
DOUGLAS DEAN JACKSON
RUSSELL CHRISTIAN JENSEN
GLENN DELL KASPER
MARK EDWARD KELLY
THOMAS ANDREW KENNEDY
JOSHUA BYRON TUDOR KLEIN
KARL WAYNE KOPSO
COLE JEROME KUPEC
KEVIN WILLIAM LAPOINTE
RICHARD NELS LARSEN, JR
TODD WILLIAM LEAVITT
EDWIN LEBRON
ANDREW ROBERT LEECH
MICHELLE ELLEN LESLIE
CHARLES EARL LINDHOLM
DOUGLAS ALLAN MALIN
KEVIN MANNIX
DEBRA SUSAN MCGINNIS
NORBERT FREDRICK MELNICK
KEITH E. MORAN
PETER CHRISTIAN NULAND
HESHAM DIN OUBARI
MARK DAVID OUWERKERK
CHARLES ALPHONSO PINNIX
SCOTT LEONARD PRESTON
FRANK DEAN QUADRINI
JOHN JUSTIN RANDALL, JR
GREGORY DEAN RASOR
JOHN TAD ROESLI
JOHN ALBERT ROHAN
LAMIA ROLLINS
GREGORY CHARLES ROSS
JON TODD ROSS
RENE C. SANTOS
JOHN ARNOLD SCHAPER
EDWARD GUY SCHIEFER
CHARLES JOSEPH SCHUG
JEFF ANDREW SCIUTO
SANDRA LYNN SCOTT
JOHN CURTIS SHAUB
LISE JANE SIMONS
ELAINE M. SLOAN
BETH JOY SMITH
MARY ELLEN SOBRAY
MARY TOMPKINS SPENCE
CHRISTOPHER JUDE STEVANS
SCOTT DAVID SULLIVAN
TAD EDMUND TEICHERT
CURTIS JOHN THOMAS
JAMES DOUGLAS THOMPSON
PETER DAVID TOMASCAK
TIMOTHY MICHAEL TURIS
PATRICIA KIM VINES
STEPHEN MICHAEL WALLACE
THOMAS PAUL WALSH
EDWARD BRIAN WARFORD
QUENTIN GREGORY WHEELER
JEFFREY ALLAN WHITAKER
TONYA YVETTE WHITEHEAD
TIMOTHY MICHAEL WILSON
ROY FRANKLIN WOOLWINE
WILLIAM ADOLF ZIRZOW, IV

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign, line, USN, permanent

KEVIN T. ABELL
STEVEN M. ALLINDER
JOHN G. ARCH, JR
KEVIN F. AUGUSTINE
JOSEPH M. BAKER
MARTY A. BAKER
PETER R. BASTIEN
JEFFREY R. BAY
TIMOTHY C. BENNER
MICHAEL D. BERNACCHI, JR
CARL BISIO
EDWARD P. BLACKARD
CHRISTOPHER S. BLATT
DANIEL W. BODTKE
GEORGE W. BONADIO
MICHAEL J. BONELLA
PAUL D. BORISUK
JAY M. BRACKETT
WILLIAM J. BROUGHAM
TIMOTHY J. BUCHAL
LAWRENCE J. BURKHART
LAWRENCE O. CASAZZA
KYLE A. CAUDLE
PETER A. CHACE
ROBERT C. CHACE
KEITH K. CHEUNG
JAMES L. CHRISTIE
TIMOTHY M. CIOCCO
STEVEN D. COCHRUM

RICHARD P. COGHLAN
DONALD E. COOPER
THOMAS C. V. CREESE
KEVIN I. CROFT
HENRY T. CURRY
LARRY T. DEATON
DANIEL D. DEBOER
DAVID A. DEMARCO
JAMES L. DIORIO
EDWARD A. DOWDELL
STEVEN C. DUNSTON
RANDELL W. DYKES
VINCENT M. EGIZI
DAVID L. ELLIOTT
ANDREW W. ERICKSON
ASHLEY D. EVANS
PATRICK A. FERGUSON
WILBERT C. FONTAN
GLENN R. FOSTER
MICHAEL NMN GABBAY
JOSEPH A. GAITHER
HARRY L. GANTEAUME
STEPHEN J. GILL
JAMES N. GILMAN
DAVID H. GOOD, II
JAMES C. GRIFFIN, JR
GORDON L. HANNAH, JR
GERARD S. HANSON
DARALL LEE HARRIS
KENNETH NMN HEE
MICHAEL R. HEIER
DONALD D. HENRIKSON
STEVEN A. HILL
MICHAEL A. HORNBECK
MATTHEW J. HORTON
LANE D. HOWARD
VICTOR G. JACKSON
RICHARD J. JAROS
RICHARD N. JOHANNES, JR
WILLIAM E. JOHNSON
CARL D. JOSEY
PATRICK S. JOYNER
GORDON K. JUDD
JEFFREY H. KAHLER
TERRENCE J. KEISCI
JEFFREY A. KEITHLINE
KRAIG R. KENT
KIRT D. KERR
ALAN D. KIERSTEAD
MARC R. KOEHLER
DOUGLAS J. KUSH
EDWARD A. LARMORE
DEAN A. LATRAY
DAEHYUN NMN LEE
CHRISTOPHER J. LEMNAH
JAMES M. LEWIS
RANDALL K. LEWIS
TODD CRAIG LEWIS
RICHARD T. LOCKE
ROLAND G. LOPEZ
RICHARD P. LUKAS
ROBERT J. MACKENZIE
HERNANDO A. MADRONERO
ROBERT D. MAIXNER
TIMOTHY F. MAKER
MICHAEL J. MALECHA
JULES L. MARCHESSEAULT
DAVID L. MARCUS
GREGORY S. MARTIN
JOSEPH D. MAUSER
BRADLEY J. MAY
ROBERT P. MAYER
DAVID A. MAZZULLA
WILLIAM C. MCDANIEL
JOSEPH P. MCDOUGALL
THOMAS A. MCGREEVY
JOHN M. MILLARD, JR
SCOTT E. MIZE
ROBERT P. MOLINOWSKI
ROBERT F. MOORE
ROBERT A. MORIN, JR
DOUGLAS M. MORRIS
PAUL NMN MUELLER
THOMAS T. MUNNING
THOMAS A. MYERS
MICHAEL D. NEAVES
WILLIAM L. NUNAN
CRAIG L. OELTJEN
KENNETH T. OGAWA
RONALD J. OLEARY
ROBERT H. OLSHAUSEN
JAMES D. OSTERLOW
ROOPAK A. PATEL
RICHARD D. PEACOCK
MATTHEW T. PLANTE
EDWARD B. POND
GARY W. POTH
KELLY D. PRICE
KENT E. RADSPINNER
DAVIS B. REEDER
JEFFERSON A. RINK
ANDREW C. ROBERTSON
MARC W. ROGERS
MICHAEL G. ROK
RICHARD H. ROSENKOETTER
STEVEN C. ROSSE
ALEXANDER A. ROUBANIS
RICHARD W. RUSSELL
ROBERT A. RUSSELL
CHARLES J. SCHMIDHEISER
FREDERIC K. SCHMUCKER
TIMOTHY L. SCHORR
JAMES C. SEALS, JR
JOHN S. SELLE
ROBERT P. SHAFER
BRYAN J. SHEPPECK
STEPHEN W. SHERRARD
YOUNG S. SHIN
THOMAS J. SHREEVE
EDWARD B. SHROCK
RAYMOND S. SMETANA, IV
MARK K. SMITH
MARTIN K. SMITH
JOHN M. STADTMUELLER
JAMES K. STOELZEL
JOHN P. STOKELY
GORDON E. STRICKLAND, JR
KENNETH L. STRUVE, JR
RANDY L. SUMMERVILL
KEVIN W. SUTTON
TERUHISA NMN TAKEUCHI
DAVID B. TANKARD, JR
JAMES P. THOMAS
PHILLIP A. TITZER
JOHN V. TOLLIVER
MICHAEL A. UZARSKI
RANDEL G. VALERIO
CLAUDEB VANVOLKENBURG
TODD M. VERSAW
DEAN M. VESELY
KEVIN J. VIAU
LLOYD E. VOGES
THOMAS H. WAGNER
WILLIAM M. WALES
DEAN F. WATTS
LAWRENCE J. WELLHAM
PAUL H. WHEELER
WARD L. WITHERSPOON
THOMAS J. ZAENGLE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain, medical corps, USN, permanent

GABRIEL P. LOMBARD
WILLIAM A. ONEIL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be commander, medical corps, USN, permanent

WALTER D. OPFER
MARGARET E. STOCK
RICHARD STOCK
MARGAN J. ZAJDOWICZ

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander, medical corps, usn, permanent

CHARLES ELDON BRADY, JR
CATHERINE M. CHRISTENSON
SCOTT J. GRAHAM
MALCOLM HOLMES HORRY
EDGAR THOMAS JONES
RANDALL KELLEY
KAYNE KISHIYAMA
FRANCIS R. MACMAHON
MARK WILLIAM MITTAUER
CHARLES DANIEL RAINBOLT
SANDRA LEE REED
MARSHALL ADRIAN SALKIN
LOUIS EDWARD VALBRACHT
JOSEPH M. VULGAMORE
BRUCE MAC WENIG

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, medical corps, usn, permanent

NILS ANDERSON
DANIEL S. BEGGS
MARK ANDREW BUTCHER
DANIEL R. ELIZONDO
JOHN STEPHEN FUQUA
THOMAS J. KIM
MARGARET MCKEATHERN
BRUCE COVAL MENELEY
ROBERT J. OLSON
CRAIG C. POWELL
WILLIAM C. WASSEL
JOHN T. WIDERGREN
HAROLD JAMES WILLIAMS

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant, supply corps, usn, permanent

GERALD KEITH PEOPLES
DANA STUART WEINER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, supply corps, usn, permanent

TODD LARIMORE BARNUM
JEAN PATRICIA CANAVAN
ROBERT KENTON CARTER
WILLIAM LAMONT HARDISON
MARK EDWARD HOGENMILLER
RICHARD CHESTER MIKOLAJCZAK
RAFAEL A. QUINONES

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade), supply corps, usn, permanent

WILLIAM EDWIN BAILEY, II
ROBERT EDWARD BALLENGER
ROBERT BRUCE BIRMINGHAM
CHRISTOPHER BOWER
ANTHONY GEORGE DENOBLE
RAOUL MICHAEL DRAPEAU
WILLIAM CHARLES EYTEL
WILLIAM ROBERT FENICK
JAIME ALBERTO GARCIA
JOHN CARSON GENTLE
PAUL WARD HAGEN
MARSHALL WELDON HEPHNER
JOSEPH JAMES ILLAR
LEE ANN LAMBIRTH
BRIAN HARRISON MALLADY
KEVIN FRANCIS MOONEY
SCOTT ALEXANDER MORGEN
RANDAL JOHN ONDERS
JOSEPH OSAGIE OSAZUWA
PAUL THOMAS PARK
MARK ANDREW PATZMAN, II
DOUGLAS PAUL PORTER
DAVID FRANK ROCKWELL
TREVERN ANTHONY STERLING
DAVID HARRY STYBURSKI
SUSAN ALLEN TALWAR
PAUL JASON VERRASTRO
TODD L. WAGNER
BOBBY JOE WARFIELD

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign, supply corps, usn, permanent

JAMES T. OFARRELL, JR
BRENDAN P. ONEILL
GUY C. PATTERSON
DEAN T. WALSH

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, chaplain corps, usn, permanent

FELIX CARLOS VILLANUEVA

THE FOLLOWING NAMED LINE OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant, civil engineer corps

FRANKLIN NMN HICKMAN

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant, civil engineer corps

NAPOLEON J. ARCALA, JR
MARK ANDREW POINDEXTER
THOMAS ANTHONY SATTERLY

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, civil engineer corps, usn, permanent

JAMES PARSELL BECKETT
JOHN THOMAS BEROSTROM
DONALD RAY CHANDLER
JOSEPH MICHAEL DEBELLA
ANTHONY DIDOMENICO
ROBERT GERARD FAHEY
PATRICK JOSEPH HAMILTON
STANLEY GIL HENDERSON
BETH ELISE LEINBERRY
KAREN FUSAE MATSU NATSUHARA
MICHAEL KEITH WESTMORELAND
WADE BERNARD WILHELM

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade), civil engineer corps

JOSEPH ALOYSIUS CAMPBELL
RUSSELL HILL LAMB
DAVID J. SIENICKI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531:

To be lieutenant (junior grade), civil engineer corps, usn, permanent

DARIUS BANAJI
JOSE IGNACIO BARRIENTES
MARK RICHARD DEIBERT
WILLIAM ERICKSON DUNNING
WILLIAM KEVIN FREDERICK
GARY ROBERT LEACH
MARK EUGENE VANVLECK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign, civil engineer corps, usn, permanent

BRETT H. ESHLEMAN

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, judge advocate general's corps, usn, permanent

To be lieutenant, judge advocate general's corps, USN, permanent

EDWARD LEE BOWLING
JONATHAN ERIC FINK
DIANE LYNN KARR
ALAN GILBERT KAUFMAN
MARK DENNIS LAWTON
RICHARD MATTHEW LOGAZINO
FREDERICK DEAN MITCHELL
GERALD G. SCHAFF

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT CAPTAIN IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain, dental corps, USN, permanent

NELSON T. CROWELL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander, dental corps, USN, permanent

JAMES CAREY MARTIN, III
GREGORY MORANDO
PAUL JAMES VANKEVICH
FENN HOLDEN WELCH

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, dental corps, USN, permanent

MICHAEL JOSEPH ASHE
EDWIN TYRONE BATCHELOR
MELINDA MARKS BERGENHEIM
JEFFREY ALAN BLOCH
FREDERICK HENRY BUETTNER, II
DOUGLAS WILLIAM COFFELT
DONALD BERNARD CORK, JR
STEVE CROSSLAND
GARY GERVAIS GOODELL
JOHN RAY GORDON
GERALD T. GRANT
MILTON JOSEPH GRISHAM, JR
MARK FRANCIS HALEK
MICHELE HALLE
ROBERT JOSEPH HANLON, JR
STEPHEN IANNAZZO
MICHAEL KENNETH

KOCEJA
KEVIN THOMAS LADESIC
STEPHEN ROBERT LEE
MARC DAVID LEFTON
JOHN M. LIES
RICHARD EUGENE LIVESAY
PAUL G. LUEPKE
JOHN CHARLES MARINUCCI
MICHAEL GEORGE MARKS
KATHLEEN M. MATALDI
JEROME MCSWAIN, JR
MICHAEL L. MINTEN
KEVIN LEE NEAL
WILLIAM NIELSEN NORMAN
JOHN PHILLIP PIERCE, JR
MARK STEVEN QUAGLIOTTI
RICHARD LUNT ROMNEY
GARY DAVID RUSCHBEHREND
ADAM DICKSON RUTTER
THOMAS SAKO
STEPHANIE ANNE SCIALLI
CYNTHIA JAKUBAS SHALOM
PAUL CHARLES SHICK
BRUCE CHRISTOPHER SMITH
JAMES MICHAEL SOLOMON
JAMES WILLIAM SWENSON
DAVID MICHAEL TEETER
ROGER SCOTT THOMPSON
JOSEPH ALAN ZAKOWSKI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander, medical service corps, USN, permanent

LINDA G. CLEVER

THE FOLLOWING NAMED REGULAR OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant, medical service corps, USN, permanent

LUISITO JOCSON AREVALO

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, medical service corps, USN, permanent

DON CENON B. ALBIA
KENNETH EDWIN ALEXANDER
MICHAEL JOHN BANGS
LUCERO MEGABONG CABOTAJE, JR
JENNIFER JUDITH CARTELL
PAUL EMERSON CONNOR
TEODORO PAGULAYAN CRISTOBAL
JOHN ARNOLD DALESSANDRO
CAROL SUE EICHLING
KENNETH PETER GREEN
THOMAS JOSEPH HAWKINS
JASON AZEL JACKSON
JOHN WILLIAM KNOWLES
DAIZO KOBAYASHI
KATHLEEN ANN KOPAY
TERRY MICHAEL LANE
MICHAEL CLAUDE LIBBY
KEVIN LEE LITTLE
LOUIS LOUK, JR
CHARLES LYNN MCBEE
PATRICIA ELENA MORELL
DONNA MARIE MURDOCH
FREDERICK ROBERT PATTERSON
MITCHELL JOHN READING
MARK ALAN RICHERSON
MICHAEL EDWARD ROSS
WILLIAM DENNIS SANDERS
GARY ALLEN SHAW
PHILIP ADDISON SMITH
STEWART DEAN SMITH
REBECCA VALENTINE SPARKS
LISA C. SPEERHUET
CHARLES KEITH SPRINGLE
ROBIN A. SWINDLE
CLARENCE THOMAS, JR
JAMES ARTHUR THRALLS
ROBERT BRADEN TOWLE
KARL FREDERICK VANORDEN
RICKY LEE VANWAY
RESA LYN WARNER
GRETCHEN M. WAVELL
KENNETH EDWARD WAVELL
CAROL RUTH WILHELMI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade), medical service corps, USN, permanent

GILDA MARIA COLLAZO
LISA VICTORIA DEPASQUALE
JEFFREY THOMAS EVANS
RICHARD CHARLES ALE LALONDE
THOMAS ALLEN MADSON
TONY BENNAE RICHARD
MICHAEL STEPHEN SCHAFFER
ELIZABETH CHERRY LIVI SNELL
MICHAEL SCOTT SNYDER
DAVID FREDERICK WALTON
JEAN MARIE WILLIAMS

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant commander, nurse corps, USN, permanent

JOSIE I. GIL
DIANNA E. MCCORKLE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, nurse corps, USN, permanent

ROBERT JULIO AMAYA
BRENDA CAROLE BAKER
FAY MANDAPAT BAYSIC
RENAE LAREE BLACK
JODY KATHRYN BLONIEN
KATHRYN ANNE BRITTON
EARTHA IRENE BURNS
JUDITH ANN CANNON
PATRICK PAKNAM CHAN
KASSANDRA LYNN DUKE
HELENA GERTRUDE ELY
COLLEEN DALEY FIELDS
KRISTIN LEE FLEMING
PAUL JAMES GEARHART
ROSARIA GEMENDER
DOROTHY M. GRACE
JANET ELIZABETH HUGHEN
JOSEPH AUGUST KOLLY
JEANNE MARIE KOVACH
ANDREW JEROME LAGER
BONNY JEANNIE COOK LAMPO
JAMES WILLIAM LANTRY, JR
LOUISE ALICE LOY
KATHRYN LOUISE MARTINSON
ROBERT JAY MASTERS
DEBORAH SUE MCCAIN
ELIZABETH A. MCDONALD
MATHEW DARRELL OFFE
PATRICIA BRIDGET PETERSEN
KATHLEEN MARIE PIERCE
WANDA IVELISSE RODRIGUEZ
KRISTIN ELIZABETH SCHLIEF
DEBORAH ANN SHERROCK
MICHAEL VERNERE
ESTEBAN CATBAY VILLAROS, JR
NANCYE KATHLEEN WARREN
DEBRA DEANNE YAREMA

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant (junior grade), nurse corps, USN, permanent

ROBIN RENAE AKINS
JAMES LEWIS BARRETT
TOMI LYNN BEARGARCIA
CASSANDRA ANN BOYLE
MICHAEL ROBERT BRANTLEY
MARGARET LEANNE BRIDWELL
DENNIS MICHAEL CAMPBELL
DEAN CHARLES CONSTANTINE
WILLIE MAE HEMINGWAY DAVIS
STEVEN EDWARD DICHIARA
PATRICE ANN DRAPEAU
B. J. V. DREW
CONNIE LOUISE FOX
WANDA PAULETTE HEISLER
BRIAN JAY LEWIS
VALARIE ANNE LOVE
CARLA GRACE MAXFIELD
MARIE RENEE MERCER
JANET ELAINE OOSTERHOUSE
NANCY LEE PEARSON
DAVID KIMBERLY PENNEBAKER
ELIZABETH ANN REISER
NANCY DAWN SAVALOX
ANDREW PAUL SPENCER
JAMES XAVIER STOBINSKI
SANDRA LORRAINE THOMAS
CHERYL ELIZABETH TURNER
UNKYONG SUZIE URBAN
MARY KATHRYN VANN
WILLIAM EDWARD WELLS
LESTER MILTON WHITLEY, JR
STEVEN JOHN WYRSCH
HUMBERTO ZUNIGA, JR

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign, nurse corps, USN, permanent

DANNY LEE FOUST
KEITH GERARD LASTRAPES
EDWARD LOSBANOS LEE

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER AS A REGULAR OFFICER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant commander, line, USN, permanent

ROY CHARLES PETERSON

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant, line, USN, permanent

STEVEN JOHN GULINO
CONNIE LEE KEPLER
ROBERT F. PARKER
PETER EDWARD SCHUPP

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) AS A REGULAR OFFICER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

To be lieutenant (junior grade), line, USN, permanent

RICHARD NEAL OSTER
RICHARD ALLEN ROBERTS

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 10, 1990:

PANAMA CANAL COMMISSION

GILBERTO GUARDIA FABREGA, A CITIZEN OF THE REPUBLIC OF PANAMA, TO BE ADMINISTRATOR OF THE PANAMA CANAL COMMISSION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

GRAHAM C. MULLEN, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

WITHDRAWALS

Executive message received September 10, 1990, withdrawing from further Senate consideration the following nominations:

UNITED STATES ARMY

THE FOLLOWING-NAMED ARMY JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C), WHICH NOMINATIONS WERE SENT TO THE SENATE ON JULY 24, 1989:

To be permanent brigadier general

COLONEL THOMAS M. CREAN, XXX-XX-XXXX UNITED STATES ARMY
COLONEL KENNETH D. GRAY, XXX-XX-XXXX UNITED STATES ARMY

HOUSE OF REPRESENTATIVES—*Monday, September 10, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 10, 1990.

I hereby designate the Honorable Romano L. Mazzoli to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for Your protection and providence, O God, in all the avenues of life. We attempt to use our own resources to be the people we ought to be and yet we still are weak and alone and fall short of the mark. On this day, O God, we pray that Your abiding and sustaining love will nurture us and make us whole and give us that quiet spirit of confidence and peace that is our earnest desire. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from California [Mr. CAMPBELL] will lead the House in the Pledge of Allegiance.

Mr. CAMPBELL of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1101. An act to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994.

BIPARTISAN SUPPORT NEEDED FOR MIDDLE EAST CRISIS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, political watchers are saying today that now that Congress is back in session the bipartisan support for President George Bush's handling of the Middle East crisis will begin to come apart.

My constituency's voter registration is about 91 percent Democrat and 9 percent Republican.

The great majority of my constituents supports President Bush in his efforts thus far to halt the naked aggression of the modern day Adolf Hitler, the butcher of Baghdad—Saddam Hussein.

If we've learned anything from Hitler's rise to power, it's that this kind of aggression can only be confronted in a united effort.

As elected Representatives, hopefully we will be united in the face of a grave threat in the Middle East to our economy, even to our very way of life. We need to provide Saddam Hussein with unequivocal evidence of our country's determination to do whatever is necessary to force Iraq to surrender its human and territorial prey.

As Democrats and Republicans, we should remember: The less partisanship over this crisis by Democrats and Republicans, the better the prospects for success in the dangerous days and weeks ahead in the Middle East.

We might remember Kentucky's motto—"United we stand, divided we fall."

POLLS DO NOT REFLECT CONSTITUENTS' OPINION

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I have been amazed at the disparity between the tenor of the mail I have received from my constituents, and the national polls on the Middle East involvement of the United States. To clarify to my constituents who have written these many letters, and perhaps to save some postage for the taxpayers, let me explain.

Uncle Sam is in Saudi Arabia to defend everything he does not believe in, and one thing he wants.

SUPPORT FOR PRESIDENT ON IRAQ

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, "politics end at the water's edge," is a thesis of American diplomacy that we have tried to live by for many, many years. Yet I must say in the past 10, 15 years, that has been fractured a thousand times with some of the rhetoric that has come even from this floor in against the President's action, any President's action.

It is refreshing to note that what the President of the United States, the current President has done, in garnering the international moral imperative of the United Nations and all the surrounding nations to Iraq, has been an exercise that has borne the praise of the American people and of citizens around the world. I am pleased to note, then, as a refreshing change that the rhetoric also on the floor of the House has begun to moderate, and indicates and reflects the will of the American people to support their President 100 percent in this exercise in Saudi Arabia.

REQUEST TO PRESIDENT GORBACHEV: REMOVE MILITARY ADVISERS FROM IRAQ

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I would like to commend President Bush and President Gorbachev on the conclusion of a successful summit. This summit could have been far more successful had President Gorbachev done just one thing.

Summits are symbolism, and the symbolism of 156 Soviet military advisers remaining in Iraq is a very ugly symbol. The Soviet advisers do not make one iota of substantive difference, but they send a confusing and uncertain and mixed message.

Therefore, I call on Mr. Gorbachev with friendship and in good faith that he forthwith rectify this error. We want every last Soviet military adviser out of Iraq—and we want them out now.

If Mr. Gorbachev thinks about this for a minute, the future of the Soviet Union depends on the good feelings, trade, technology, and investment of the United States, Western Europe, and Japan, and not the good will of the bankrupt dictator of Iraq, Saddam Hussein. Let the Soviets get the Soviet military advisers out of Iraq. Now.

□ 1210

EMPHASIZING UNITED STATES COMMITMENT TO DEMOCRACY IN BURMA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ROHRABACHER. Mr. Speaker, the Burmese people languish under a vicious, brutal, and corrupt military dictatorship.

Three months ago the gangsters in Rangoon sought to appease foreign critics by permitting an election. To the surprise of everyone—and I include myself—the election was legitimate. Although the regime used intimidation and terror, 85 percent of the Burmese voters cast their ballot for the opposition.

Since the election, however, the clique that suppresses the Burmese people and pillages their country has shown no signs of budging or recognizing the results of the election. Just 4 days ago leaders of the victorious democratic opposition were jailed. This outrage has not gone unnoticed because of our commitment on the Saudi Arabian Penninsula.

We are watching you, General Ne Win, and we are watching all of you who are holding the people of Burma hostage. Now is the time for you to save yourselves by siding with the people and the cause of democracy.

That is why, today, I am introducing a sense of the Congress resolution, underscoring our absolute commitment to democracy in Burma.

DESERT SHIELD—NOT A PIGGY BANK FOR ALLIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Egypt wants America to forgive their $7 billion loan. After all, they said they sent 2,000 men to Saudi Arabia. If you have a calculator, you can figure that out. That is $3.5 million per man. That must have been a troop of bionic soldiers.

Now, Jordan does not even want a loan. Jordan just wants $4 billion in cash. What did they do? They kept the port of Aqaba open, and that kept this thing alive.

What is going to be next? Will the battle of the press conferences end up with Saddam Hussein changing Americans room and board for being held hostage over there?

This has turned into a giant piggy bank, not a desert shield, and it is time that the world starts forgiving America's debt. We keep saving their assets. The American people are sick and tired of getting screwed, and I think it is time that we tell everybody we are not going to forgive their debts. They can pay their debts just like we do.

NO APPEASEMENT IN THE MIDDLE EAST CRISIS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, after this recess I was not going to say anything today until I overheard some of my colleagues talk in a very critical vein about the way our President is handling his very strong position in the Middle East, perhaps preferring something of appeasement.

Mr. Speaker, we have not faced this kind of crisis since World War II. We have become dependent upon the Middle East for our ability not only to survive but to fight a war and defend ourselves. There is a possibility that the President will be coming to us in this body and asking for a declaration of war against Iraq, and when that time comes, I hope our decisions will not be predicated upon what is best for a political party but upon what is best for America.

I can assure the Members, Mr. Speaker, that it is not going to be a policy of appeasement. An appeaser is a guy who throws his friends to the alligators, hoping they will eat him last.

There was a poem that was written by—and I am going from memory now—Hiram Mann, and I think it is very appropriate today. This is how it goes:

"No man survives when freedom fails.
The best man rot in filthy jails,
And those who cry, 'Appease, appease'
Are hanged by those they try to please."

Mr. Speaker, I say, go get 'em, Mr. President.

FULL FINANCIAL PARTICIPATION SOUGHT IN OPERATION DESERT SHIELD

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I was pleased to read of reports that Saudi Arabia and Kuwait have assured the United States Government that they will provide billions to defray the cost of the United States military buildup to counter Iraqi aggression. This is a major step toward a fair burdensharing of the gulf crisis.

On August 23, 1990, I wrote the President and asked him to begin negotiations with Saudi Arabia regarding financial compensation for the United States troop presence there. Because the gulf crisis will provide the Saudis with a windfall of billions of dollars, it is only fair for them to share some of the financial burden of having troops in the region.

But the Saudis are not the only ones who should be paying. Considering that the Mideast oil we are protecting is the lifeblood of Japan and Europe, it is essential that those countries fully participate in Operation Desert Shield.

Yet, West Germany has refused to share the cost, of the buildup of United States troops in the region, while the Japanese gulf effort has been meager.

It is wrong for the President to ask the American Federal employee to take an upaid furlough from work in order to protect the economies of Western Europe and Japan. Nor should the President be forgiving the Egyptian debt at this time.

Mr. President, the United States cannot afford to return to the days of isolationism, but we can no longer act in isolation. If we are to act as the world's policeman, we need to have the help of our allies, not their indifference.

KENTUCKIANS: RISE AND BE COUNTED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, today I call on all Kentuckians to rise and be counted: rise and be counted, that is, for the 1990 census.

It is not too late for Kentuckians to be counted for the 1990 census.

Until the end of September, a toll free number—1-800-999-1990—can be called by those who believe they were not counted April 1 when the census was taken.

Mr. Speaker, needless to say, the stakes are high for the Commonwealth of Kentucky to have an accurate count of its population. The Commonwealth's fair share of highway, health, social, and educational funds, just to name a few programs, is dependent on an accurate census count of its people.

The Census Bureau wants an accurate count just as much as Kentucky does. The Census Bureau is as anxious

as we are that all Kentuckians be counted.

Mr. Speaker, let me again repeat the toll free number for Kentuckians to call if they think they have not been counted in the 1990 census: 1-800-999-1990.

VA READY TO BACK UP DOD

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I certainly support the President's actions in Saudi Arabia. We will do everything possible to support and protect our men and women who are serving there. We must be prepared for any event that might occur.

In 1982, the Congress told the Department of Defense and the Veterans' Administration that we wanted them to develop contingency procedures for our veterans' hospital system to back up our military hospitals in case of war or other national emergencies. Though VA and DOD conduct exercises on a regular basis to make certain these procedures are in good working order, this is the first time the plan has been fully activated.

I'm pleased to report to my colleagues that our new Department of Veterans Affairs is on standby and ready to take immediate action in case hostilities break out in the Middle East.

Since the crisis began, VA's 172 hospitals have been providing DOD with a count of available hospital beds—initially on a daily basis, but now weekly—which could be used for military casualties. Eighty of the hospitals would receive patients directly from the battlefield or from a DOD facility. However, all VA hospitals are potential sites for receiving casualties.

VA is reporting that, within 24 hours, it could provide over 10,000 beds; within 72 hours, almost 14,000 beds; and within 1 month, 25,000 beds. Our military hospitals have a total of 16,000 beds.

VA medical personnel would work closely with DOD in areas such as communications; transportation; patient sorting, processing and emergency care at military installation arrival points; acute medical care; data management; and supply. VA also is responsible for maintaining a patient locator and information system, which is particularly important to families. VA works closely with Red Cross on this.

I want to emphasize that, if it were necessary for VA hospitals to begin accepting military casualties, no veteran patients would be unnecessarily displaced.

Mr. Speaker, I know we all hope and pray that these procedures will never have to be used, but at least we know that VA has planned well and can handle the job.

In a related matter, I want to report that on Wednesday, the House and Senate Veterans' Affairs Committees will hold a joint hearing on the Soldiers' and Sailors' Civil Relief Act to determine if the protection the act provides for military personnel called up because of the crisis in the Middle East is sufficient. We will also review reservists' reemployment rights.

Mr. Speaker, the Veterans' Affairs and Armed Services Committees are going to make certain that the men and women who have been called on to serve in Saudi Arabia as well as here at home receive appropriate assistance.

□ 1220

GOVERNMENT SHOULD NOT BE IN CENSORSHIP BUSINESS

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, last Friday the Solicitor General urged the Supreme Court to overturn Roe versus Wade, the 1973 ruling establishing the constitutional right to free choice for women. The case that the Justice Department is using as a vehicle, Rust versus Sullivan, was filed by family planning clinics across the country to overturn misleading regulations that would restrict doctors in federally funded family programs from informing patients about a full range of options available to them.

Mr. Speaker, the Government should not be in the censorship business, and if this were the private sector our physicians would be exposed to liability problems for not fully informing their patients about the full range of choices available to them, including abortion.

The gentleman from Illinois [Mr. PORTER] and I have introduced legislation that would spell out in statute that the patients at federally funded clinics would have exactly the same rights as those who go to private clinics. Given the Solicitor General's opinion of last Friday on attempts to overturn Roe versus Wade, I hope that our colleagues on both sides of the aisle will support the legislation that the gentleman from Illinois [Mr. PORTER] and I have introduced.

THOUGHTS ABOUT OUR OPERATIONS IN SAUDIA ARABIA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, some thoughts about our operations in Saudia Arabia. They are going well. They have been well planned. They have been well executed and our troops are psychologically prepared and equipped for this operation. There are some other things that we should focus on now.

Saddam Hussein has qualified as a war criminal under international law. He and those who surround him should be tried for those crimes.

Second, Iraq should be required when this is over to reduce the size of its military forces to those that are only necessary to defend that country.

Third, Iraq should be required to rid itself of weapons of mass destruction, such as atomic weapons, such as chemical weapons and the delivery system for those, and there should be international inspections of Iraq to make sure that that is carried out.

Let us be patient. Let us be firm. Let us help establish a new world order of peace and peace under law.

MORAL BURDEN SHARING IN SAUDI ARABIA

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, many questions have been raised with regard to the Desert Shield Operation in Saudi Arabia. I think it is very pertinent that we raise the questions of cost and burden sharing, but I would like to speak today about the sharing of the moral burden with regard to this operation. The United States has nearly 100,000 troops in Saudi Arabia today to prevent the type of unprovoked, premeditated attack on a sovereign nation that occurred in Kuwait. That is the reason we are there; but we should not, Mr. Speaker, slip into being the latter day mercenaries, or world policemen, in terms of what our role is there. Nor should we slip into the trap of suggesting that it is our responsibility to be there to maintain, for instance, the supply of cheap oil to this country, the so-called suggestion that somehow this is the American way of life. That is not my understanding of why we are there. If we are there so that you or I can drive our Ford or Chevrolet 15 miles to the gallon, then we ought to get out of there.

Mr. Speaker, we should, I think, expect the resolutions from the United Nations and the encouragement that we have received on a global basis, I think quite justifiably from the Soviet Union, is a new world order that makes it possible.

We should also expect from supportive notions, that share the same values that we have with regard to the territorial integrity of Kuwait to have a presence in that desert; to be there standing alongside American troops.

The United States should not be playing the Lone Ranger in Saudia Arabia. This has gone on for over a month. Surely the burden sharing and the dollars are very important to all of us as we look at the plight of our budget; but the other question is, Where are the other nation's troops? Where are the other men and countries that should be providing assistance on this issue?

The United States should not set alone on this powder keg and side into a conflict without other nations offering their own troops along with just economic burden sharing, Mr. Speaker.

GREAT LEADERSHIP FROM PRESIDENT BUSH

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I think it is appropriate that as the President returned from his meeting with the President of the Soviet Union that we express our gratitude for the excellent leadership that President Bush has given to our Nation and to the world in an unprecedented fashion over these past 30 days.

Never since 1950 has the United Nations joined together to enforce one of its resolutions, and yet we saw that through the leadership of President Bush and the cooperation of our allies we were able to have that alignment whereby the free nations of the world said to Mr. Hussein that he had to discontinue the barbarous actions in which he has engaged in Kuwait.

I believe that this would not have come about had it not been for the respect that the world has for our Nation and its leadership in President Bush.

I recall that just 2 weeks ago tomorrow China admitted that they intended to veto this resolution and Mr. Bush, through his cooperation with their leadership in sending the Kuwaiti Foreign Minister, met with them and 2 weeks ago tomorrow they said that they would not veto the resolution, but they would continue to oppose it.

Then we saw that 2 days later in the Security Council there was a unanimous vote with China voting with us, unprecedented.

Also it was unprecedented to see Egypt, to see the United Arab Emirates, to see Saudi Arabia, to see Oman, to see Bahrain, to see these other Arab nations uniting with the United States, Morocco and the others, to stand against the tyranny that is existing there in the Middle East.

Now we see Korea giving every request that we have made of them to assist in the airlift, to assist in marine fleets.

We see over $5 billion committed now from Japan.

We see our NATO allies cooperating.

The bottom line is simply in this time of international tensions our Nation is abundantly blessed to have the person in the White House at this moment who is able to accomplish this as skillfully as he has. I look forward to the presentation of the President of the United States tomorrow evening and wish him well.

PROGRAM PROJECT AND ACTIVITY INFORMATION REPORT REQUIRED BY BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, I transmit herewith the program, project, and activity information required by section 252(a)(5) of the act.

The attachment provides information on both base and sequester amounts for each program, project, and activity in each budget account subject to the sequester.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS, FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, September 11, 1990.

CLARIFYING AUTHORITY OF NEW MEXICO TO EXCHANGE LANDS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2597) to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges.

The Clerk read as follows:

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO EXCHANGE LAND.

Section 10 of the Act of June 20, 1920 (36 Stat. 563), is amended by inserting after the ninth paragraph thereof the following new paragraph:

"The State commissioner of public lands may exchange any land granted or confirmed by this Act for any land of the United States or an agency thereof, a State agency or political subdivision, a beneficiary of lands granted or confirmed by this Act, as Indian tribe or pueblo, or a private entity when the commissioner finds, after consultation with the chief administrative officer of the affected beneficiary of lands granted or confirmed by this Act, that—

"(1) based upon appraisals of the true value thereof, the value of the land to be received by the State is equal to or greater than the land to be conveyed by the State; and

"(2) the proposed exchange is beneficial to the interests of the affected beneficiary.".

SEC. 2. EFFECTIVE DATE.

(a) FINDING.—The Congress finds that the retroactive application of the amendments made in section 1 to approve, validate, and ratify land exchanges made prior to the effective date of the amendment will not prejudice the interests of any person and will benefit the interests of the parties to such exchanges, the beneficiaries of land granted or confirmed under the Act of June 20, 1910, and the public.

(b) RETROACTIVE APPLICATION.—On the date that the Secretary of State of the State of New Mexico certifies that the people of the State of New Mexico have consented to this Act by amendment of article XXI of the constitution of the State of New Mexico, the amendment made in section 1 shall be effective as of June 20, 1910, so as to approve, validate, and ratify all exchanges made after that date of lands granted or confirmed to the State of New Mexico after that date.

SEC. 3. CONSENT TO CONSTITUTIONAL AMENDMENTS.

The consent of Congress is given to amendment to article XXI of the Constitution of the State of New Mexico to consent to the amendment made in section 1, to

become effective as of June 20, 1910, as provided in section 2.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 2597, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial bill that has already passed the Senate. It is intended to resolve uncertainties that have arisen over the interpretation of those portions of the enabling act under which New Mexico was admitted to the Union that relate to the grant of public lands to New Mexico before and at the time of its statehood in 1912.

The total territorial and statehood grants to New Mexico amounted to some 13.4 million acres. Presently there are approximately 9 million surface acres and 13 million acres of minerals. There have been approximately 4 million acres of surface sold and some minor adjustments in ownership of minerals through condemnation action by the Federal Government. Annual income provided to New Mexico public schools, universities, and other beneficiary institutions is over $350 million. The surface ownership in New Mexico is approximately 45 percent private, 12 percent State trust lands, 10 percent Indian land and the balance, approximately 33 percent, Federal. The majority of the Federal land is managed by the Bureau of Land Management, the U.S. Forest Service, and the military departments.

As in other Western States, the land ownership pattern in New Mexico is an extremely complicated one that presents many problems for the United States, the State, and other landowners. As in other States, land exchanges have often been utilized to rearrange this land ownership pattern to produce a more manageable division.

Land exchanges involving New Mexico's grant lands have been carried out since statehood, but some recent rulings by courts and a recent opinion by the attorney general of New Mexico have cast doubt on the legal ability of the State, under the enabling act, to carry out such exchanges.

Earlier this year, the New Mexico Legislature passed a joint resolution and memorial asking that Congress authorize an amendment to the enabling act and authorizing a constitutional amendment to be on the ballot in the November 1990 general election. The intent of the New Mexico Legislature and S. 2597 are to set forth the terms that clarify the authority to exchange lands and to validate prior land exchanges.

S. 2597 would clarify the New Mexico public lands commissioner's authority to exchange any land granted and confirmed by the New Mexico enabling act. This authorization would include any land of the United States or an agency thereof, State agency or political subdivision, beneficiary of the lands granted or confirmed by this act, any Indian tribe or pueblo, or private entity.

This bill would also retroactively apply, so as to remove doubts about the legality of past exchanges.

Mr. Speaker, this is a noncontroversial measure, supported by the administration, as well as the New Mexico delegation, including our colleague on the Interior Committee, Mr. RICHARDSON. It deals with a technical but real problem. I urge its passage.

□ 1230

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California, the chairman of the Committee on Public Works and Transportation.

(By unanimous consent Mr. ANDERSON was allowed to speak out of order.)

TAX THE GREEDY, NOT THE NEEDY

Mr. ANDERSON. Mr. Speaker, I rise to express concern about the reports this past weekend of a proposal to increase the gas tax as part of the budget agreement. Mr. Speaker, I believe that is the wrong kind of signal to send to the American taxpayers.

We should not try to balance the budget on the backs of the middle- and low-income Americans.

A gas tax would do just that. It is regressive and unduly burdens the average American wage earner. Perhaps that is why House Resolution 41, which expresses opposition to fuels tax increases, for deficit reduction, has been cosponsored by 250 of our colleagues.

No one wants sequestration to happen, but there has to be a more equitable way of addressing the problem.

For example, why can we not eliminate some of the unfair and distorted tax preferences enjoyed by corporate fat cats?

To the budget negotiators, my message is a simple one: if you must tax, tax the greedy, not the needy.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I associate myself with the remarks of the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO.

As Chairman VENTO explained, S. 2597 is needed to clarify the State of New Mexico's authority to exchange lands granted by the United States in trust and to validate prior land exchanges.

The need for this legislation resulted from a 1988 legal opinion issued by the New Mexico attorney general that questioned the authority for future land exchanges and cast doubt on the validity of many prior exchanges. This cloud over exchanges originated from the New Mexico Enabling Act of 1910 which placed some significant restrictions of the State's ability to conduct land exchanges of school trust lands.

As has been mentioned, there is a sense of urgency in passage of S. 2597. Because this bill contains an amendment to the New Mexico Enabling Act of 1910, the amendment must also be approved by New Mexico's voters this November. The New Mexico secretary of state requires that congressional action must be approved by September 11, 1990 to qualify for being placed on the November ballot.

As a result, Chairman VENTO should be commended by everyone involved in this issue for his expeditious action particularly at a time during the session when we are already faced with an enormous legislative burden.

Finally, I would like to reiterate that S. 2597 is supported by all five members of the New Mexico congressional delegation as well as State elected officals involved in land exchanges such as the attorney general and commissioner of public lands.

I urge my colleagues to support S. 2597.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in strong support of this legislation.

I want to thank the gentleman from Minnesota [Mr. VENTO] and the ranking member, the gentleman from California [Mr. LAGOMARSINO] for their tremendous assistance in bringing this important legislation before the House. I also want to acknowledge the help of the gentleman from New Mexico [Mr. RICHARDSON] for his strong support of this bill and to our State land commissioner, Bill Humphries, for his leadership on this matter. For reasons I will explain

shortly, it is essential this legislation pass the House today.

Senate bill 2597 amends the State of New Mexico's Enabling Act to fill a void in current authority to exchange State lands.

I have introduced similar legislation in the House, H.R. 4777.

Last year the New Mexico attorney general issued an opinion that stated the land commissioner has limited authority to exchange State lands under his jurisdiction.

Specifically, the attorney general determined the land commissioner only has the constitutional authority to exchange for lands under the jurisdiction of the Department of the Interior and the U.S. Forest Service. This excludes opportunities to exchange lands with other Federal agencies, local governments, schools, and private land owners.

The attorney general indicated that any attempt to broaden the exchange authority should be made by amending the State Enabling Act. He also recommended the change be made retroactive to the beginning of statehood. This would ensure all previous exchanges made by the State land commissioner are valid.

The legislation being considered today adequately addresses all these concerns.

Let me give you an indication of the need for this expanded authority.

The New Mexico land commissioner has responsibility over lands that encompass approximately 12 percent of the land mass in the State. Much of this land is fragmented in a checkerboard pattern and involves hundreds of small parcels of land.

The need to consolidate State lands is obvious. It will improve the management of these lands and will assist other entities who, for whatever reasons, would like to exchange for State lands.

The bottom line is current authority is too restrictive to allow the land commissioner to properly carry out his responsibilities.

To remedy this void, Congress must pass this legislation allowing a change in the State's Enabling Act. The voters of New Mexico must then approve a constitutional amendment. But for New Mexicans to have a chance to vote on this measure in November, Congress must pass the legislation by September 11, 1990. Otherwise it will be another 2 years before a similar initiative can be placed on the ballot.

To my knowledge there is no opposition to this legislation. The New Mexico State Legislature is on record as supporting a broadening of the exchange authority of the land commissioner, and the entire New Mexico congressional delegation and the administration supports this legislation.

Again, I appreciate the chairman's assistance in ensuring this legislation is considered by Congress before the September 11 deadline. This is a great example of bipartisan cooperation working to address important matters.

Again, I urge my colleagues to support this legislation.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me acknowledge with gratitude the response from the gentleman from New Mexico [Mr. SKEEN] who first called this issue to my attention, and just before we recessed, and, frankly, I know that they are very anxious to get this matter accomplished because this has to go immediately to the President and be signed for it to make the November ballot. Even then, Mr. Speaker, I am certain that we are facing some risk that that may not accomplish it, and for that I would say that, if it does not happen, I regret it. I felt this was an important issue that should be heard by the subcommittee in somewhat of an unusual procedure with the cooperation of the chairman, the gentleman from Arizona [Mr. UDALL] and ranking member, as well as, of course, our colleagues on the Committee on Interior and Insular Affairs, not least of which, of course, is the gentleman from New Mexico [Mr. RICHARDSON] who serves on my subcommittee and whose statement I have here to submit for the RECORD. We were able to bring this bill up this week. I had hoped, quite frankly, when we last talked that we would be able to deal with this last week in the full House, that we would be able to bring it up in that particular manner, but, as my colleagues know, we were not in session for business, but merely for pro forma sessions last week because of the events and the status of the Senate, being out.

Mr. Speaker, the House leadership came to the conclusion that it would be well advised to try to accommodate the Members with additional time in their districts, which I am sure was put to good use. But I just want to call to my colleagues' attention that the subcommittee was meeting last week. We did have the hearing on Tuesday. We did a considerable amount of work in our subcommittee last week, but again that is the basis for putting this off to the last minute here. Simply, Mr. Speaker, I did not anticipate the events that occurred would occur last week and that we would have the time to do it.

So, with this, the House leadership did respond, and others, by putting this on the Suspension Calendar today, and I am optimistic that they will have no trouble in acting on this measure and that this will be send to the President. Hopefully we can pull him out of Andrews Air Force Base long enough to get this measure signed, but, Mr. Speaker, this is a matter which has to be acted on promptly. I think Members on the floor and in their offices should recognize that this has a profound impact on the State of New Mexico, and these lands that are impacted are important to the State.

Mr. Speaker, with that said, I would submit the statement from the gentleman from New Mexico [Mr. RICHARDSON], my colleague, a strong advocate and a hard worker on the subcommittee.

Mr. RICHARDSON. Mr. Speaker, I want to thank my good friend and colleague Chairman VENTO and the House leadership for bringing S. 2597, a bill to amend the New Mexico Enabling Act of 1910 and clarify lands granted in trust and to validate prior exchanges, to the floor for final passage. Congressional action must be completed by September 11, 1990, in order for the proposed amendment to be presented to New Mexico voters on the November 1990 general election ballot.

In 1910, Congress passed the Enabling Act that led to statehood for New Mexico. This act was consented to by the people of New Mexico and it became a part of New Mexico's Constitution. Approximately 13 million acres of land was transferred by the Federal Government to the State of New Mexico to be held in trust. These lands are managed and administered by the State Land Commissioner.

Historically, the State land office has engaged in many exchanges with the U.S. Government, primarily the Department of Interior. A wide range of exchanges have taken place including the Carlsbad Caverns exchange, the White Sands Missile Range exchange, the El Malpais exchange, and most recently the Denazin exchange. Under the enabling act, however, Congress placed strict limits on the disposal of the trust lands granted to New Mexico and Arizona. Recent court decisions in Arizona, have raised the question of whether the New Mexico Enabling Act contains authority for the State to make exchanges as described above.

In May 1987, the State land commissioner requested the State attorney general's opinion on the following question:

May the Commissioner of Public Lands exchange state trust lands for equal value lands in private fee simple ownership and for lands held by other state agencies, local governing bodies, trust land beneficiary institutions, and federal agencies other than the Department of Interior?

The Department of Interior was excepted from the question because of a 1957 statute which purports to authorize the Commissioner to exchange with the Department of Interior.

The attorney general's response in Opinion No. 88–35 (May 23, 1988) was no. (The opinion did not address exchanges made pursuant to the 1957 statute.) The opinion finds that exchanges were not permitted by the Enabling Act, and cast doubt on the validity of that statute, since legislation cannot expand constitutional powers. The attorney general advised the Commissioner that, "if land exchanges proposed by your office are to be effectuated, we believe the best way to do that would be through amendment of the Enabling Act."

As a result, the New Mexico Legislature passed both a resolution and a memorial—the resolution proposes an amendment to the

New Mexico Constitution clarifying the commissioner's authority to exchange lands and the memorial asks the U.S. Congress to consent to the amendment by amending the New Mexico Enabling Act. The New Mexico Secretary of State's Office requires that congressional action be completed by September 11, 1990, in order for the proposed amendment to be presented to the voters on the November 1990 general election ballot.

Mr. Speaker, S. 2597 would clarify that the State of New Mexico has authority to exchange State trust lands with the Federal Government, State agencies, city governments, Indian Tribes, institutions for whom the lands are held in trust, and private entities. The bill also makes the Enabling Act amendment retroactive to 1910 to assure that exchanges since 1910 are validated. I urge my colleagues support for this legislation and swift passage.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2597.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1240

DESIGNATING PORTIONS OF THE DELAWARE RIVER AS PART OF THE WILD AND SCENIC RIVERS SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3764) to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 3764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(109) DELAWARE, PENNSYLVANIA AND NEW JERSEY.—The segment consisting of approximately 8.5 miles from the Bucks County and Northampton County border to a point just north of the Gilbert Generating Station, the segment consisting of approximately 11.5 miles from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station, the segment consisting of approximately 6.5 miles from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge, and the segment consisting of approximately 6 miles between the southern boundary of the town of New Hope to Washington's Crossing; to be administered by the Secretary of the Interior. In preparing the comprehensive management plan for the segments designated under this paragraph the Secretary shall give priority to the acquisition of the islands in the Delaware River, undeveloped open space along the river, and a tract of approximately 250 acres in Bridgeton Township, Bucks County, Pennsylvania as generally depicted on a map entitled "Thomas McBrien Property," dated July 1990.

SEC. 2. EXISTING FACILITIES.

The designation of segments of the Delaware River made by section 1 of this Act shall not preclude or interfere with the operation or maintenance of the Gilbert Generating Station or the Point Pleasant Pumping Station as authorized under any license or permit as of the date of enactment of this Act or any replacement or modification of such facilities that has no greater impact on such segments; nor shall such designation be used in any proceeding to prevent the relicensing or repremitting of such facilities as currently authorized.

SEC. 3. STUDIES.

(a) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)), as amended, is further amended by adding the following new paragraphs:

" DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—The segment from Washington's Crossing to the point where the river intersects the Trenton, New Jersey, city limits, together with the Cook's Creek, Tinicum Creek, and Tohickon Creek tributaries to the Delaware River.

(b) The Secretary of the Interior, pursuant to section 11(b)(1) of the Wild and Scenic Rivers Act, shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. (Mr. MAZZOLI). Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is sponsored by the gentleman from Pennsylvania [Mr. KOSTMAYER], and would designate four segments of the Delaware River between Pennsylvania and New Jersey as components of the National Wild and Scenic River System, and would require that additional segments of the Delaware River be studied pursuant to the Wild and Scenic River Act for future steps to protect their natural and other resources and values.

Mr. Speaker, I have, personally, visited this area with the gentleman from Pennsylvania [Mr. KOSTMAYER]. We have had hearings on this segment in the 100th Congress, and, of course, we have had hearings this Congress on his legislation that is now being presented in revised form to the House.

These river segments that would be designated are in the northern boundary of Bucks County, to Washington's Crossing. The bill would exclude from designation two areas each associated with the existing facilities, the Gilbert Generating Station, and the Point Pleasant Pumping Station.

The Delaware River is one of the few remaining free-flowing, relatively undeveloped rivers in its region. It rises in the Appalachian Plateau region of the Catskill Mountains in New York and flows over 300 miles to the Atlantic Ocean.

At the fall line at Trenton, the river enters the Atlantic coastal plain, a physiographic region where it is a steeply sloped valley, flattens out, and the river gradually expands until it reaches its broadest point at the mouth of Delaware Bay.

While there is extensive urban development from southern Bucks County, PA, through the port of Philadephia, the portions of the river dealt with in this bill are comparatively rural or suburban.

The river affords many valuable opportunities for enjoyment of relatively undisturbed landscapes and outdoor water-based recreation.

This is not, of course, the first time that the House has considered legislation dealing with the Delaware River. Some 114 miles of the Delaware River have already been designated as components of the National Wild and Scenic River System by legislation enacted in 1978.

Proposals for similar legislation affecting other portions of the river have been considered as well. In 1983, the Subcommittee on Public Lands and National Parks made a field inspection of portions of the lower Delaware for designation under the Wild and Scenic Rivers Act. In 1983 the subcommittee favorably reported to the full Committee on Interior and Insular Affairs some of the same parts of the river as the bill now before us. However, no further action was taken.

As I indicated earlier in my statement, I personally visited this site in the last Congress. We were there on a related hearing dealing with the canal legislation, the Lehigh-Delaware Canal legislation, which was signed by the President in the last Congress. I can attest, as I indicated, to the qualities of this resource, both in terms of the cultural and historic resources lo-

cated in the corridor of the Delaware River, the segments of which are designated here, and the natural conditions.

Mr. Speaker, this bill speaks to the development and concept, of course, of linear parks that have been advocated under the President's Commission on American Outdoors.

Such parks, such views, recognizing that there are parks close to urban centers, close to people, are increasingly important as we attempt to provide for recreation and protection of natural areas in urban areas. It is an appropriate role of the Park Service, and certainly under the Wild and Scenic Rivers Act, there is an opportunity and a framework in which such resources can be adequately protected.

The major reason Congress has not acted in the past was because of concerns about the effect of the bills related to portions of the Delaware River bordering Bucks County, PA, might have on the proposal to build a pumping station at Point Pleasant. The Point Pleasant station is now in operation, it has been built, as is the Gilbert Generating Station, and both are outside the river segments that would be affected by this measure.

Therefore, Mr. Speaker, I think that it is appropriate for the Congress to act on this measure. Clearly there is a debate about the appropriateness of these segments under the Wild and Scenic Rivers Act. But, as I said, I have visited the sites. I can and do, personally, attest to the qualities of them. Furthermore, under the Wild and Scenic Rivers Act, we permit a number of different designations. It could be wild and scenic, it could be recreational.

In other words, there are a number of categories and techniques that are utilized in terms of managing rivers. We leave that determination to the Park Service here, to the professionals in the Park Service, to select the appropriate type of designation.

It is my assumption that they will select recreational, because indeed some of the development in the river corridor and the natural qualities of it have been affected by those buildings and other structures.

But nevertheless, I think that that being said, the fact is though that the designations are appropriate in the context of the Wild and Scenic Rivers Act.

Far too many miles of river today are unprotected under the Wild and Scenic Rivers Act. It is principally because of the conflict that is inherent when we begin to designate areas in and around rivers. Invariably these rivers, from our earliest history, have been the place where individuals and populations have located. It is the place where industries occur. Very often these rivers are used as working rivers, carrying barges and so forth.

I think, too, that the rivers largely have been abused and misused, Mr. Speaker. So often these facilities that are located on the rivers really in the past used them as a dumping ground, to eliminate waste, even to carry the storm water or sanitary water, a nice way of saying it.

Mr. Speaker, I think there is a changing attitude and view. But nevertheless, because of these conflicts, the powerplants, the flood control structures, the natural qualities of those rivers have been adversely impacted. Today and in the past decade we have started to reclaim these rivers for the natural qualities, for the special cultural resources that they have, and attempt to reclaim them for urban populations that look for park values, look for the use of these rivers in a better way.

Mr. Speaker, I believe that this bill is really a major step. This is an intensely urban area. There are not many open spaces remaining in it.

The gentleman from Pennsylvania [Mr. KOSTMAYER], who has written this legislation, certainly deserves special credit and recognition for his leadership and his persistence in working for the protection of key parts of the Delaware River. Since his first days in Congress, Mr. Speaker, and I came to Congress with the gentleman from Pennsylvania [Mr. KOSTMAYER] some 14 years ago, he has taken on the task. He fought the powerplants, the water projects, the channelization and abuse of this river in his unyielding advocacy to try to claim this river for its natural, environmental, and cultural qualities. Obviously, there are some battles that he won, there are some that he has lost. I think today we are here as much as anything to ratify and protect the portions of that river that remain. Now, some, of course, say that the qualities do not exist.

□ 1250

Mr. Speaker, I reserve the balance of my time on this matter, and I urge my colleagues to support it.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect to my friend from Pennsylvania, Mr. KOSTMAYER, I must rise in strong opposition to H.R. 3764.

Although I am also concerned about protecting the important resource values on these segments of the lower Delaware River, I believe this bill runs roughshod over existing statutes and administrative practices and sets a dangerous precedent. There are other techniques available such as a national recreation area, as was the case with the Chattahoochee River in Georgia.

There are three fundamental problems with this bill. The first is that it establishes a precedent of designating a stream under the Wild and Scenic Rivers Act which is far too developed to meet existing criteria. The second problem is that there has been very limited discussion with private landowners on how the designation will impact them.

Finally, the bill directs the Federal Government to initiate an ill-advised land acquisition program.

Oftentimes, members of the Interior Committee discuss the issue of precedence when considering legislation and especially the need to avoid dangerous precedents. The same argument holds here. Passage of this bill will be a directive to the administration to rewrite their criteria for determining how much development is acceptable along a wild, scenic, or recreational river. It is telling other members to bring forward their proposals for designating any river in their district which they would like to protect, regardless of how developed it is. Of even more concern, it is signaling the administration that greater levels of development are acceptable at existing units of the Wild and Scenic River System.

Mr. Speaker, I am inserting into the RECORD letters to Chairman UDALL by the Assistant Secretary of the Interior for Fish and Wildlife and Parks and the Executive Director of the Delaware River Basin Commission that discuss some of my concerns with this legislation in more detail.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
WASHINGTON, DC, AUGUST 2, 1990.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 3674, a bill to designate certain segments of the lower Delaware River as components of the National Wild and Scenic Rivers System, is scheduled for consideration soon by the full Committee on Interior and Insular Affairs.

The bill as introduced would designate 32.5 miles of the lower Delaware as components of the National System. The river segments have not been formally studied. Moreover, as the National Park Service testified on May 14, the river shoreline is simply too heavily developed to qualify even for the inventory of rivers that should be studied.

An amendment proposed in the Subcommittee on National Parks and Public Lands adds a requirement that an additional six miles immediately downstream be studied for inclusion in the National System. This six mile segment includes the Interstate 95 crossing of the river north of Philadelphia and Trenton; it is paralleled on both banks by roads and by a railroad on the New Jersey bank; it contains much residential development, particularly on the New Jersey side.

We continue to oppose the bill, and we oppose the amendment. In our view these river segments contain residential, transportation, and commercial development in such concentrations as to be inappropriate as

part of the National Wild and Scenic Rivers System.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary,
Fish and Wildlife and Parks.

DELAWARE RIVER BASIN COMMISSION,
West Trenton NJ, July 27, 1990.

DEAR CHAIRMAN UDALL: This concerns the matter of H.R. 3764 now pending in Congress which relates to a section of the Delaware River for consideration under the Wild and Scenic Rivers Act. Congressman Peter H. Kostmayer introduced H.R. 3764 and, and as I understand, has offered amendments to his original bill.

First, let me state that the following views are being expressed by me as Executive Director of the Delaware River Basin Commission at the request of three of our Commissioners, representing the States of New Jersey and Pennsylvania, and the United States. I did comment informally to Mr. David Weiss of the Subcommittee on General Oversight and Investigations several months ago, at his request, on H.R. 3764 and H.R. 3765.

It was hoped that this office would have been informed, in advance of scheduled hearings. But, that did not occur.

Most of the following remarks were communicated to Mr. Weiss.

ACCURACY OF MILEAGE SEGMENTS

The River segment from the Bucks County/Northampton County point down to the Gilbert Generating Station is not 8.5 miles. It is 4.2 miles. The segment from just south of Gilbert to just upstream of the Point Pleasant intake is 14.2 miles, not 11.5 miles.

Another important water supply taking point which was neglected is that of the New Jersey Water Supply Authority's at the head of the D&R Canal. This intake serves 100 mgd to New Jersey residents and businesses. The point selected to resume designation south of the Point Pleasant intake should fall below the D&R Canal inlet.

ACKNOWLEDGING EXISTING INFRASTRUCTURE

H.R. 3764 recognizes the Gilbert Generating Station and Point Pleasant intakes, as well as the Lambertville Sewage Treatment Plant Outfall. However, it doesn't consider other existing water supply intakes of: PA American WCO at Yardley; Naval Air Propulsion Center; Yardley Ball Corp.; and James River Corp. at Milford.

Also, the bill doesn't consider wastewater outfalls of: Heritage Hills above Washington Crossing; James River Paper Corp. at Milford; Rieglesville Municipal STP; and Frenchtown Municipal STP.

In addition, there are three (3) pipeline crossings in the segment from Washington Crossing to the Bucks County/Northhampton County point on the Delaware River: Getty (Texaco); Sun Oil; and Buckeye Pipeline.

Why superimpose U.S. National Park Service jurisdiction over these facilities and the users they serve, when the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection, and the Delaware River Basin Commission already adequately perform such regulatory functions?

MAJOR ISLANDS AFFECTED

In the River stretch from Bucks County/Northhamptom point to Washington Crossing, there are thirteen (13) islands over five acres in size. Our files indicate that on the New Jersey side, there are three—two owned by the State and one five-acre island undeveloped and privately owned.

Of the ten (10) islands on the Pennsylvania side, three are in private/non-profit ownership and already developed. Two of those are zoned residential/conservation and one residential. One is owned by the State of New Jersey. Of the six remaining, three are zoned residential/agricultural, one resource protection, one conservation management and one residential-2. Why not allow the municipal, county and/or state governments to acquire any further properties they might deem important for scenic or recreational purposes, or continue to adequately handle the zoning?

CONTROLS ON FUTURE INFRASTRUCTURE

The States of Pennsylvania and New Jersey possess environmental control authorities in the areas of: waste discharge; wetland protection; stream encroachment; recreation facility management; and flood plain control.

The Delaware River Basin Commission also regulates all of the above, save recreational facility management. The DRBC must also review and approve any new water intake facility. Again, why institute another review and regulatory agency atop those that already exist? It should be pointed out that the National Park Service, the U.S. Environmental Protection Agency, and other Federal agencies have a direct voice to the DRBC through the Federal Commissioner.

It is hoped that the Committee on Interior and Insular Affairs, the Subcommittee on Parks and Public Lands, and Congress in general, will consider the above comments before acting on H.R. 3764.

I would be most happy to discuss this matter with you, Congressman Vento, and/or Congressman Kostmayer at your mutual convenience(s).

Respectfully,

GERALD M. HANSLER

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I am not going to oppose this legislation although I have serious reservations about it in its present form.

As my colleagues know, I have long supported the designation of free flowing and undeveloped rivers as units of the National Wild and Scenic Rivers System. These pristine resources must be preserved and protected for present and future generations. I have also consistently voted for legislation embodying these principles and will continue to do so. Given these long held beliefs, I reluctantly rise to express my serious reservations.

First, there are questions as to whether the Delaware River segments covered by H.R. 3764 meet the criteria for inclusion into the National Wild and Scenic Rivers System. The National Park Service, in fact, testified against H.R. 3764 because its study of the Delaware River corridor showed that the area is too developed to be eligible for designation. I am also familiar with the river and it is truly beautiful but it is far from what we commonly believe to be a pristine river corridor.

If blocking unwanted development is one of the purposes of the legislation—as we stated during the testimony of one county commissioner—then other devices should be explored. The National Wild and Scenic Rivers System should not be misused in this fashion.

Second, my constituents will be directly affected by the legislation through its failure to protect the continued operation of existing facilities outside the boundaries of the designated segments. Nor are protections afforded for water supply projects that have been authorized but upon which construction has not begun. Moreover, the legislation's impact on the ability to supply customers with water was extensively discussed in the testimony presented on behalf of two of my constituent water companies.

I am also aware that good faith efforts were made during the bill's markup to meet these concerns while affording the river segments protection. Despite this failure, I am confident that the discussions can continue in the Senate and that revisions in the bill's savings language can be made in the Senate.

Therefore, I will not oppose the bill's passage today but will reserve my ultimate judgment until after the Senate addresses the concerns I raised today.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. VENTO], chairman of the Subcommittee on National Parks and Public Lands, for his assistance not only on this matter, but on a variety of other matters with which he has assisted me and been very helpful. I also want to thank my very good friend, the gentleman from California [Mr. LAGOMARSINO] for his assistance.

Mr. Speaker, let me say very briefly that the Delaware River remains one of the few undammed rivers in the Eastern United States. We would like to keep it that way. One hundred and fourteen miles of this river, which is a little more than 300 miles long, have already been designated by the Congress as wild and scenic back in 1978. Through that designation in 1978, we were able to stop construction of the Tocks Island Dam. This segment is further downstream. It goes from a little village called Uhlerstown, PA, for 32 miles down to another little village called Washington Crossing, PA. That is where General Washington crossed the Delaware River on Christmas night, 1776, to fight the Battle of Trenton. This is an area which I think is adequately defined as wild and

scenic. I think it fits the criteria. I think it is long overdue.

I am grateful that the Congress is considering this action, and I urge its speedy adoption.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. KOSTMAYER. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I wanted to point out that this is the area where Washington crossed the Delaware that would be designated by the gentleman's legislation. It would be designated wild and scenic. But it would be classified according to what the Park Service thought was appropriate, which may be recreational. I think it is an important point in terms of we do not normally deal with sites, that is to say, there is no historic fabric remaining there. The boat is not there. The lines in the water have long since disappeared. But I do think from that standpoint that it does show the nature of the cultural and historic resource, not necessarily that event, but others.

Mr. KOSTMAYER. Reclaiming my time, the boats are there. The men who died there are buried there. It is historic territory. It is marked by a State park on both sides of New Jersey and Pennsylvania. There is a museum there. For a long time Emanuel Leutze's famous painting "Washington Crossing the Delaware" hung there, but it is now in the Metropolitan Museum of Art in New York City.

Mr. Speaker, I rise today to ask the support of Members for my legislation to designate approximately 32 miles of the Delaware River as a component of the Wild and Scenic Rivers System.

As my good friend and colleague, Mr. VENTO, mentioned during his remarks, my efforts to protect the Delaware began in 1977, when I was a freshman. In that year, Members voted to designate approximately 114 miles of the Middle Delaware as part of the Wild and Scenic River System. Unfortunately, however, portions of the legislation that would have protected the river segments adjoining Bucks County were deleted from the final version signed by President Carter.

Since then, I have continued efforts to protect the Delaware. Mr. Speaker, in 1983 the National Parks Subcommittee approved legislation to designate as wild and scenic the portion of the Delaware that runs through Bucks County. Due to controversy over the construction of the Point Pleasant Pumping Sttion, however, further progress on the bill was stalled.

In 1988, President Reagan signed legislation that created the Delaware and Lehigh Canal National Heritage Corridor, commemorating the areas along the Pennsylvania shore of the river as part of the National Park System.

Mr. Speaker, I urge my colleagues to vote to protect the Delaware because I believe, as I did when I came here 14 years ago, that the natural, cultural, and historic resources of the river make it an invaluable resource not only for the people of southeastern Pennsylvania, but for all Americans. Designating the Delaware as wild and scenic will ensure that our Nation's citizens will be able to enjoy and cherish the solitude that this river provides in the midst of the most congested area of our country.

Clearly, the Delaware qualifies for preservation under the Wild and Scenic Act. It has outstandingly remarkable values, and provides unique recreational resources to millions of people. Further delay of Federal protection for this river would be a serious mistake. Let us move forward to save the Delaware.

In closing, Mr. Speaker, I again wish to thank Mr. VENTO, the chairman of the Parks Subcommittee, and Mr. LAGOMARSINO, the ranking member, for their help in bringing this legislation to the floor.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3764, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOTEL AND MOTEL FIRE SAFETY ACT OF 1990

Mr. ROE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 94) to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) automatic sprinklers and smoke detectors should supplement and not supplant other fire protection measures, including existing requirements for fire resistive walls and fire retardant furnishings;

(4) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(5) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

"LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 2 years after the date of enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 2-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to the Director pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that are 3 stories or lower.

"(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement

or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;".

(2) Section 4 of such Act (as amended by paragraph (1)) is further amended by inserting immediately after paragraph (6), as so redesignated, the following new paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;".

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5707 the following new section:

"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

"(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services may not include in any directory which lists lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(c) The Administrator of General Services shall include in each directory which lists lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

"(d) The Administrator of General Services may take any additional actions the Administrator determines appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. ESTABLISHMENT OF APPROVED ACCOMMODATIONS PERCENTAGE FOR FEDERAL AGENCIES.

(a) APPROVED ACCOMMODATIONS PERCENTAGE.—

(1) IN GENERAL.—Section 5707 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—

"(A) 65 percent, for the first fiscal year that begins 4 years after the date of enactment of this subsection;

"(B) 75 percent, for the fiscal year that begins 5 years after the date of enactment of this subsection; and

"(C) 90 percent, for the fiscal year that begins 6 years after the date of enactment of this subsection and for each subsequent fiscal year.

"(2) In this subsection, an agency's 'approved accommodations percentage' for a fiscal year is the percentage determined by multiplying 100 by the quotient of—

"(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or other place of public accommodation not owned by the Federal Government; divided by

"(B) the total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.

"(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(4) For purposes of this subsection—

"(A) the term 'agency' does not include the government of the District of Columbia; and

"(B) the term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, the Canal Zone, Guam, American Samoa, or any other territory or possession.".

(2) CONFORMING AMENDMENT.—Section 5701 of such title is amended in the matter preceding paragraph (1) by striking "For the purpose" and inserting "Except as otherwise provided in section 5707(d), for the purpose".

(b) GAO AUDIT OF AGENCY COMPLIANCE.—Not later than 6 months after the last day of the first fiscal year during which lodging expenses are subject to the requirements of section 5707(d) of title 5, United States Code, as added by subsection (a), and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General shall conduct an audit of the compliance of agencies with the requirements of section 5707(d) of title 5, United States Code (as added by subsection (a)), and shall submit a report to Congress describing the results of such audit.

SEC. 6. PROHIBITING FEDERAL FUNDING OF CONFERENCES HELD AT NON-CERTIFIED PLACES OF PUBLIC ACCOMMODATION.

(a) IN GENERAL.—No Federal funds may be used to sponsor of fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (as added by section 3(a) of this Act).

(b) WAIVER.—

(1) IN GENERAL.—The head of an agency of the Federal Government sponsoring or funding a particular meeting, convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the case of such particular event.

(2) *Delegation of authority.*—The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) NOTICE REQUIREMENTS.—

(1) ADVERTISEMENTS AND APPLICATIONS.—(A) Any advertisement for or application for attendance at a meeting, convention, confer-

ence, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) PROVIDING NOTICE TO RECIPIENTS OF FUNDS.—(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms "Executive department", "Government corporation", and "independent establishment" have the meanings given such terms in chapter 1 of title 5, United States Code.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the Federal Register of the master list referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 7. WAIVER OF FEDERAL LIABILITY.

In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act or the amendments made by this Act.

SEC. 8. EFFECT ON CERTAIN REQUIREMENTS.

Nothing in this Act shall be construed to encourage model building code organizations, or State or local governments, to reduce requirements for fire resistive walls or other safety features.

The SPEAKER pro tempore. Is a second demanded?

Mr. WALKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 94, the Hotel and Motel Fire Safety Act of 1990, as amended by the Senate on August 4, 1990. The bill is designed to motivate hotels and motels to install fire safety equipment by encouraging Federal employees to stay at hotels and motels that have sprinkers and smoke detectors.

The Senate passed bill that we are considering today is similar to the bill passed under suspension of the rules by the House on November 17, 1989. The Senate passed bill makes the following changes:

It alters the sprinkler exemption guidelines to allow Federal employees to be reimbursed for their stay at hotels and motels that have only smoke detectors, if the hotels are under four-stories. The House passed bill provided for sprinkler exemption if the hotels were under three-stories, had no interior corridors adjoining guest rooms, and had immediate egress from the room to the outside. The Senate modified this provision in response to concerns expressed that small businesses unable to bear significant increased costs to install sprinkler equipment would be necessarily and unreasonably impacted. I agree with the Senate that raising the exemption from under three-stories to under four-stories would not have a serious impact on fire safety. However, I do believe that among the issues that merit further consideration is the need for installation of smoke detectors in the corridors of three-story hotels that lack sprinklers and exterior egress from the rooms.

The amended bill gives States 2 years to submit a list to the U.S. Fire Administration of Hotels that meet the Federal fire safety guidelines. The House passed bill allowed States only 1 year. Since the bill does not affect Federal travel until 4 years after enactment, this change should not delay implementation.

Third, the Senate, added a provision that the bill is not to be construed by State and local governments and building code organizations to reduce requirements for other safety features, such as fire resistive construction materials. This provision recognizes the importance of other fire safety measures, and clarifies that sprinklers and smoke detectors are not the only means of fire safety in hotels.

H.R. 94 requires all federally listed hotels to install sprinklers in accordance with the applicable National Fire Protection Association [NFPA] standard. Hotels that, at the time of enactment, have sprinkler systems that were installed in accordance with an equivalent State code should also be deemed to meet this requirement. Any hotel that installs a sprinkler system after enactment must conform to the NFPA standard in effect at the time of the installation.

The Senate made no changes in the provisions that address travel of Federal employees. Specifically, the bill allows Federal agencies to phase in the requirements, while insuring that each year an increased percentage of Federal employees stay in facilities that meet the fire safety guidelines. The bill also would prohibit the General Services Administration [GSA] from listing in any directory of lodging for Federal employees the rates of any hotel or motel that does not meet the safety guidelines. GSA also would be prohibited from including noncomplying facilities in any survey conducted to determine Federal employee per diem rates. These provisions represent an agreement reached in the House by the Committee on Science, Space, and Technology and the Committee on Government Operations.

I want to extend my appreciation for the efforts of the chairman of the Committee on Government Operations, Congressman JOHN CONYERS, along with Congressman FRANK HORTON, ranking Republican member of the committee. Also, I especially want to thank Congresswoman CARDISS COLLINS, The chairman of the Subcommittee on Government Activities and Transportation, and Congressman HOWARD NIELSON, the ranking Republican member of that subcommittee for the cooperation and understanding that they extended to us as we worked on this legislation.

I want to congratulate the primary sponsors of the bill, Congressmen DOUG WALGREN and SHERWOOD BOEHLERT, for their vision in identifying this overlooked fire safety problem and for their sustained efforts to ensure passage of this legislation to increase the fire safety of public accommodations, and our current chairman of the subcommittee, the gentleman from North Carolina [Mr. VALENTINE].

The bill as amended by the Senate strikes the proper balance between the Federal Government's desire to encourage effective fire safety in hotels and motels and the authority and rights of States and local governments to establish fire and building codes.

I urge my colleagues to support H.R. 94, as amended by the Senate.

□ 1300

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Hotel Fire Safety Act of 1989 which was introduced by the gentleman from New York [Mr. BOEHLERT], who is the Republican vice chairman of the Science Committee's Technology Panel which handles fire research and control matters.

Mr. Speaker, H.R. 94, first passed by the House last November, is a responsible approach to encourage hotels to further improve their fire prevention efforts. It uses the carrot and not a stick. In fact, the legislation does not put any new mandatory requirements on hotels. Rather, it simply induces them to install sprinklers and smoke detectors over the next 4 years before requiring an annually increasing majority of Federal employees to stay at hotels so equipped.

Agencies are guaranteed sufficient flexibility where cost and availability make this impractical. Paperwork is at

a minimum and the phase-in is gradual.

This market share coercion will hopefully have a positive and not disruptive effect on the industry. Small family businesses are protected by exempting establishments with fewer than six units. And from what I understand, a hotel could recover their upfront investment on the installation of smoke alarms and sprinkler systems through lower insurance premiums within about 5 years, with operational savings in the outyears. Therefore, it is in the long term financial best interests of the industry to increase fire safety in order to reduce its risk and potential liability.

Additionally, the bill version we are clearing today for the President's signature has been improved by the Senate in broadening the exemption for hotels to those with three floors or less. This better takes into account an ability to pay by the proprietor. The bill we had passed in the House was at a two-story level, and this raises it to three, and I think is a very responsible approach.

The administration does support the enactment of H.R. 94. With less than half of the public accommodations today protected by sprinklers, I am proud to be a cosponsor of H.R. 94, and I urge its passage by the House.

Mr. BOEHLERT. Mr. Speaker, today is a landmark day in the history of fire safety.

The legislation we are sending on to the President this morning is analogous to the creation of the Food and Drug Administration or the Consumer Product Safety Commission in this regard—it is a signal recognition of a major safety threat and of the Federal Government's responsibility to help eliminate it.

The United States has the worst rate of fire deaths and losses in the industrialized world. And the reason is as simple as it is pathetic—we don't take the simple, obvious, cost-effective steps to protect ourselves.

This was brought home to me with brutal force at a hearing several years back on the Dupont Plaza Hotel fire in Puerto Rico, which killed 97 Americans on New Year's Eve, 1986. They were all incinerated in about 10 minutes by a fire ball that ripped through the casino. If the hotel had had sprinklers, no one would even have been injured.

From the moment we heard that testimony, Mr. WALGREN and I dedicated ourselves to this bill, and it is with great satisfaction that we now see our three years of work bearing fruit.

Incidentally, Senator BRYAN, who did a brilliant job of championing this bill in the Senate, has a similar story to tell. He was the Governor of Nevada at the time of the MGM Grand fire in Las Vegas. He tells of walking through the ruins of the hotel after the fire and seeing the clear line between the undamaged, sprinklered section and the devastated remainder.

Sprinklers clearly save lives and prevent damage. And they are affordable. It's the rare hotel today that is built without sprinklers both because of concerns in the industry and ever stricter State regulation.

But the problem of existing hotels—the bulk of hotels, after all—has largely been ignored. That's where H.R. 94 comes in. Given that installing sprinklers is generally no more expensive than installing new carpet, there's no reason not to expect hotels to install this safety equipment.

The bill does not require any hotel to do anything. But it does put the purchasing power of the Federal Government to work to encourage safety improvements. The Federal Government should not be putting its employees at risk or, in effect, subsidizing unsafe properties.

This is a reasonable approach with ample precedents in both the Federal and private sector. It has been made even more reasonable—I hope not overly reasonable—by the amendments we worked out with the Senate, which exempt more hotels. While fire safety experts have their qualms about the safety of three-story properties, this bill still will have an impact on those hotels that present the greatest threat to life safety.

In any event, the bill is not a cure-all for fire safety. It encourages what we view as the bare minimum necessary to protect hotel guests. The bill, for example, acknowledges the important role of containment, but sets no standards in that area. The smoke detector requirements are less comprehensive than would be ideal; among the steps that merit further investigation is the installation of smoke detectors in the corridors of three-story hotels that lack sprinklers and exterior egress from the rooms. And the list could go on.

One question of interpretation has arisen about the bill already. The bill requires all federally listed hotels to install sprinklers in accordance with the applicable National Fire Protection Association standard. Hotels that, at the time of enactment, have sprinkler systems that were installed in accordance with an equivalent State code should be deemed to meet this requirement. Any hotel that installs a sprinkler system after enactment must conform precisely to the NFPA standard in effect at the time of the installation.

H.R. 94 will raise public awareness about fire safety and will increase the use of fire safety equipment. It is a step that is long overdue.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE], the distinguished chairman of the Subcommittee on Science, Research and Technology.

Mr. VALENTINE. Mr. Speaker, I thank the chairman of our full committee for yielding this time to me.

Mr. Speaker, I rise in full support of H.R. 94, the Hotel and Motel Fire Safety Act of 1990, a bill designed to protect the American public. H.R. 94, will encourage hotels and motels to provide the traveling public with a greater measure of fire protection through the use of fire sprinklers and smoke detectors in hotels.

The bill was first introduced last Congress, as a result of a hearing held by the Subcommittee on Science, Research and Technology on the Dupont Plaza Hotel fire in San Juan, Puerto Rico, on December 31, 1986. That tragic fire claimed the lives of 97 people. Investigations of the fire by the National Institute of Standards and Technology and the U.S. Fire Administration concluded that a sprinkler system would have prevented this tragedy.

The bill requires Federal agencies, through a phase-in period, to insure that an increasing percentage of its employees stay in hotels that meet the fire safety guidelines under the bill. The guidelines provide for automatic sprinklers and smoke detectors in accordance with appropriate existing national standards in all hotels four stories and over in height.

Hotel fire safety is a necessary goal in this country. Statistics show that the United States currently has one of the worst fire records of any country in the industrialized world. Annually, about 6,000 Americans die from fires in this Nation. Data shows that 36 percent of multiple fatalities occur in our Nation's hotels. Sprinklers and smoke detectors are effective means of fire safety; and combined, provide one of the best safeguards against the dangers of fire for the traveling public.

I urge my colleagues to support H.R. 94, as amended by the Senate. This bill represents a significant step toward protecting the public from fires in hotels and motels.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALGREN], former chairman of the subcommittee and one of the prime authors of this legislation.

Mr. WALGREN. Mr. Speaker, I would like to recognize all those who have made essential contributions to the act which we have before us today that will go on to the President for his signature, and especially the contribution of the gentleman from New York [Mr. BOEHLERT]. The gentleman from New York and I were the chairman and ranking minority member respectively of the Science, Research and Technology Subcommittee which had responsibility for fire research at the time of the DuPont Plaza Hotel fire now some 4 years ago. I do not think there was any hearing or any incident that moved us together more deeply than the testimony that we heard about the 97 people who lost their lives in that fire, and from their families who had every expectation when they went to a facility of that kind that their family members would be protected with state-of-art fire protection equipment. That simply was not the case.

The gentleman from New York [Mr. BOEHLERT] has maintained a steadfast interest in this, along with others. I also want to particularly recognize the gentleman from Pennsylvania [Mr. WELDON] and all those involved in the

Congressional Fire Service Caucus which has given this issue a great deal of staying power.

There is no question that sprinklers save lives. As has been said, there never has been a fatality in a properly sprinklered hotel or motel. Sprinklers are gathering in their recognition across the industrial world. I noticed the other day that in Vancouver, Canada, they have now required that all new residential facilities in that community be protected by automatic fire sprinklers.

Certainly, in combination with smoke detectors, they are an absolute best possible circumstance to protect lives from fire. When people in our country travel as much as we do officially and on vacations, we deserve to know that we will have the kind of protection that we would reasonably expect.

This bill is the product of the interaction with other committees, the Government Operations Committee and the Senate as well. They have all made good contributions to a system here that should set a standard that hotels and motels, regardless of whether they are particularly covered by this legislation, will want to meet on their own and as such, I am sure that there will be many instances where hotels and motels will upgrade their fire safety protection so that all their customers will know that they are protected in their facility in a way that is as full and complete as in any other commercial hotel or motel that someone might go to.

So Mr. Speaker, I would simply like to express my appreciation to all those who have worked on this bill over these past 3 years. We hope it makes a good contribution to the safety of the public.

Mr. WELDON. Mr. Speaker, I rise today to mark a very special occasion for fire and life safety. With the passage of the Hotel-Motel Fire Safety Act, Congress has taken a great leap forward in protecting the American public.

Today we are poised to take the last steps toward enactment of legislation which will provide greater fire safety for the traveling public. And while all Americans will reap the benefits, praise is due to three of our colleagues who labored hard and long for passage of this bill. My good friend, DOUG WALGREN, began this fight during his stint as chairman of the Science Committee's Subcommittee on Science, Research and Technology. Although he has moved on to a bigger assignment on the Energy and Commerce Committee, his wisdom and dedication were critical.

I would also like to commend my friend and colleague from New York, SHERRY BOEHLERT. His tireless efforts to secure passage of legislation to promote fire safety in places of public lodging was indispensible in the fight for H.R. 94. Let me also mention the work of a Member of the other body, the gentleman from Nevada [Mr. BRYAN]. As the new chair of the Senate Commerce Committee's Subcommittee on Consumer, his leadership secured Senate passage of H.R. 94.

Like most legislation, H.R. 94 is the product of compromise. Concessions were made to ensure that this bill does not unfairly penalize hotel owners and operators. My colleagues should be commended for their willingness to compromise and their unyielding dedication to the promotion of fire and life safety.

Each year, more than 6,000 Americans lose their lives to fire. More than one-third of the multiple death fires occur in public lodging facilities. Passage of H.R. 94 will encourage the expanded use of sprinklers, a proven tool for preserving life and property.

Mr. Speaker, I urge my colleagues to join me in strong support of the final passage of H.R. 94. The life you save may be your own.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and concur in the Senate amendment to H.R. 94.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter on the Senate amendment to H.R. 94 just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1310

JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5070) to amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAINTENANCE, REPAIRS, AND OTHER BUILDING SERVICES.

Section 6(e) of the John F. Kennedy Center Act (20 U.S.C. 761(e)) is amended to read as follows:

"(e) MAINTENANCE, REPAIR, ALTERATION, SECURITY, INFORMATION AND OTHER SERVICES.—

"(1) PROVISION OF SERVICES.—The Secretary of the Interior, acting through the National Park Service, and the Board shall provide for maintenance, repair, and alteration of the building and security, information, interpretation, janitorial, and all other services necessary for operating the building.

"(2) AGREEMENT.—The Secretary and the Board shall enter into a cooperative agreement setting forth their respective responsibilities under paragraph (1) of this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

"(A) for fiscal year 1991, not more than—

"(i) $6,750,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) $15,000,000 for deferred maintenance, repairs, and alterations; and

"(B) for fiscal year 1992, not more than—

"(i) $9,850,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) $15,512,000 for deferred maintenance, repairs, and alterations.".

SEC. 2. AUDITS.

Section 6(f) of the John F. Kennedy Center Act (20 U.S.C. 761(f) is amended to read as follows:

"(f) AUDITS.—The General Accounting Office shall review and audit, at least every 3 years, the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of—

"(1) examining expenditures made under the cooperative agreement entered into under subsection (c)(2); and

"(2) determining the continuing ability of the Center to pay its share of future expenditures under such agreement.".

SEC. 3. REPEAL OF OUTDATED PROVISIONS.

Sections 6(d), 7, and 8 of the John F. Kennedy Center Act (20 U.S.C. 761(d), 76m, and 76n) are repealed.

SEC. 4. TECHNICAL AMENDMENT.

Section (a) of the John F. Kennedy Center Act (20 U.S.C. 760(a)) is amended by striking "the Second Liberty Bond Act, as amended," each place it appears and inserting "chapter 31 of title 31, United States Code,".

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5070 authorizes appropriations for the repair, maintenance, and operating services of the John F. Kennedy Center for the Performing Arts.

The Kennedy Center is our living memorial to the late President John F. Kennedy. It is living because of the ongoing public activities which bring

to mind the many programs President Kennedy initiated for the people of our country. Last year alone, 4 million Americans participated in the Center's tours education, and outreach efforts. Since 1971, when the Center opened, 66 million people have entered this memorial for tours and performances.

However, this memorial has fallen on hard times. The building has many structural and mechanical problems. Some of these problems are simply because of the age of the facility. For example, at 20 to 25 years, any building's needs major work done on its air-conditioning system. Other problems are a result of the poor design or construction of the building. Quite simply, the Carrera marble exterior was not designed for the changing Washington climate; the marble contracts too much during the winter and expands too much during the summer. Many buildings built in the United States during the same period are experiencing the same problem. The Kennedy Center is not unique in this respect. We cannot simply let the building fall apart and become a safety hazard to the public.

This building is owned by the Federal Government, and it is the responsibility of the Federal Government to maintain its property.

The bill before us today is a bare bones authorization. It authorizes $6.75 million in fiscal year 1991 for annual maintenance, repairs, alterations, and operating services such as janitorial services power, water, and sewage. It also authorizes $15 million in fiscal year 1991 to begin a 2-year project of eliminating the backlog of deferred maintenance, repairs, and alterations. These two programs are authorized in fiscal year 1992 at levels of $9.8 million and $15.5 million, respectively.

This funding is adequate to eliminate the backlog of repairs at the Center and to place the maintenance, repair, and alteration program on the same type of a normal planning cycle that other Federal buildings are on.

The Kennedy Center was opened in 1971. One of the problems that has arisen since that time concerns the responsibility for the long-term repair and alteration of the building. The John F. Kennedy Center Act did not vest this responsibility with either the Department of the Interior or the Kennedy Center Board. As a result, adequate long-term program planning for the replacement of aging building systems has not occurred. H.R. 5070 places this responsibility in the Interior Department and the Kennedy Center Board, and requires them to enter into a cooperative agreement setting forth their respective responsibilities to maintain, repair, and alter the building.

The Kennedy Center, by law, is the memorial in Washington to President Kennedy, just as the Lincoln Memorial and Jefferson Memorial were built as monuments to President Lincoln and Jefferson. The new Chairman of the John F. Kennedy Center for the Performing Arts, James Wolfensohn, has a vision of what the Kennedy Center can become to our Nation. Jim Wolfensohn, is going to build on the existing foundation to bring the Kennedy Center into the 21st century.

The funding in today's bill will help repair and maintain the building in order to help achieve that.

I urge my colleagues to support the passage of H.R. 5070.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support for H.R. 5070, which would authorize appropriations for the repair, maintenance, and operation of the John F. Kennedy Center for the Performing Arts for fiscal years 1991 and 1992. I am pleased to be a cosponsor of this legislation.

It has become apparent that urgent structural and mechanical repairs are needed at the Kennedy Center and can no longer be ignored. In fact, if these repairs are not completed, these problems will pose a serious safety hazard to visitors to the Center, if they do not do so already. H.R. 5070 would authorize a total of $30.5 million in fiscal years 1991 and 1992 to be appropriated to the Secretary of the Interior, acting through the National Park Service, to complete deferred maintenance and repairs.

The necessary repairs which have been identified by the Kennedy Center and the National Park Service include the continuation of the $16 million repair of the parking garage; structural and marble repairs to the roof and plaza terraces, including correcting major water leaks; repair to the plaza drive; and a replacement program for mechanical equipment which has reached the end of its useful life. In addition, $2.8 million in cyclical maintenance work which has been deferred and $1 million of disabled accessibility improvements are included in the $30.5 million authorization.

H.R. 5070 also authorizes annual operating, maintenance, and repair funding in the amount of $6,750,000 in fiscal year 1991 and $9,850,000 in fiscal year 1992. The 1992 figure reflects the continuing program of equipment repairs at the Kennedy Center.

One of the results of a hearing on this matter by the Public Buildings and Grounds Subcommittee was a recognition that responsibility for capital improvement to the Kennedy Center has never been specifically assigned. This has led to the deteriorated condition of the Kennedy Center that we now face. H.R. 5070 requires that the Secretary of the Interior, acting through the Park Service, and the Board of Trustees of the Kennedy Center negotiate a new cooperative agreement spelling out the responsibilities of each for the overall physical care and operation of the Kennedy Center. Congress would continue to control the amount of Federal funds being devoted to the Kennedy Center through the authorization and appropriations process.

I want to point out that no programing funds are included in this bill. Earlier this year, James Wolfensohn was elected as Chairman of the Board of Trustees of the Kennedy Center. I have met with Mr. Wolfensohn and am confident of his abilities in directing the future of the Kennedy Center. He has made a realistic, though difficult, assessment of current needs and has committed himself to increasing the fund-raising efforts of the Board of Trustees. I look forward to seeing the results of his service as Chairman in both the creative and financial operations of the Kennedy Center.

In addition to being a national performing arts center, the Kennedy Center has also been designated as the sole memorial to the late President Kennedy in the city of Washington. As such, we have a commitment to ensure that the physical integrity of this building, which is visited by 3.5 million people each year, is preserved. Without the funding authorized by this bill, the condition of the Kennedy Center will simply continue to deteriorate and repair costs will only increase. With a new cooperative agreement between the Park Service and the Board of Trustees of the Kennedy Center, we should not find ourselves in a position in the future where critical improvements are not made as a result of confusion over where responsibility lies.

Mr. Speaker, the $30.5 million in urgent repairs has been approved by the administration. I urge passage of H.R. 5070 today.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 5070, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended) was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5070, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLAUDE PEPPER FEDERAL BUILDING

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4985) to designate the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building."

The Clerk read as follows:

H.R. 4985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 51 Southwest 1st Avenue in Miami, Florida, shall be known and designated as the "Claude Pepper Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Claude Pepper Federal Building."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

□ 1320

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4985 names the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building."

When Claude Pepper died on May 30, 1989, it was the end of a long and distinguished career as a Member of the House of Representatives and the Senate that spanned over 50 years.

Claude served in the U.S. Senate from November 4, 1936, to January 3, 1951, and served as the chairman of the Committee on Patents in the 78th and 79th Congresses.

In 1962, Senator Pepper was elected to the U.S. House of Representatives. During this tenure he was chairman of the Committee on Rules from the 98th Congress to the 101st Congress; chairman of the Select Committee on Crime for the 91st through 93d Congresses; chairman of the Select Committee on Aging for the 95th Congress through the 97th Congress; and chairman of the U.S. Bipartisan Commission on Comprehensive Health Care.

Shortly before his death, President Bush awarded Senator Pepper with the Presidential Medal of Freedom in recognition of his distinguished service to the people of the United States. This is the highest possible award that can be bestowed by the President.

Claude was one of the most effective and relentless advocates of senior citizens rights and health care our country has ever known. The people of the United States recognized Claude as "Mr. Senior Citizen," "Mr. Social Security," and "Mr. Medicare." Senator Pepper was committed to protecting the dignity of older Americans.

Claude Pepper was moved by the true spirit of public service. He has left a legacy of a lifetime of dedicated public service. Few Americans have witnessed so much of America's history, have worked beside so many of its leaders, and have touched so many of its people as did Claude Pepper. The prologue in Claude's autobiography states "Providence has given me a life of personal satisfaction and fulfillment that comes only from knowing one has been able to make life a bit better for others."

Until his death, Senator Pepper continually cared about the people and their afflictions including illiteracy, adequate medical care for the sick, housing for the poor, and the sometimes lonely existence of our elderly. Above all, Claude was a friend of the American people and serves as an inspiration for the young people of the United States. Claude's goal was to provide everyone an equal chance to achieve the very best this country can offer.

In tribute to Claude Pepper's numerous contributions to the American people, it is fitting and appropriate to name this Federal building in Miami, FL as the "Claude Pepper Federal Building."

I urge my colleagues to support the passage of H.R. 4985, and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support for H.R. 4985, which would name a Federal building in Miami, FL, in honor of Claude Pepper, our late friend and colleague. Claude Pepper was first elected to the Senate in 1936, and served 14 years during the difficult times of the Depression and World War II. After a 13-year absence, Senator Pepper was back in Congress, being elected to the House in 1962. He continued to serve until his death last year.

Claude Pepper had a direct connection with my State of Arkansas.

As a newly graduated law student from Harvard, Claude taught at the University of Arkansas in 1925. Former Senator Bill Fulbright was one of his students.

I had a great appreciation for Senator Pepper's great intellect and for his warmth and friendship. I was honored to serve with him as the ranking Republican while he was chairman of the Select Committee on Aging.

During his many years of service, Claude Pepper became recognized as the champion of senior citizens—but his commitment and concern extended to all Americans, and particularly to his constituents in Miami. Many of the residents of Miami, arriving as refugees from Cuba or elsewhere, knew that his door was always open and relied on his assistance. One of these former refugees is now Claude Pepper's successor and sponsor of H.R. 4985, Representative ILEANA ROS-LEHTINEN.

Therefore, it is appropriate that we honor Claude Pepper's many decades of distinguished service in the Congress by designating the Miami Federal building in which his district office was located as the "Claude Pepper Federal Building." I urge passage of H.R. 4985 by the House today.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, it was my great honor and privilege and joy when I was a senior at the University of Florida in 1934, to actively support Senator Pepper in his first race for the U.S. Senate. I had already known him before that time, and all the years that have followed, the enrichment of my life has come about because of this magnificent person who stood for integrity, courage, and compassion. A very magnificent individual, unexcelled and unequaled by most people I have ever heard of.

In the lifetime that we shared together, I saw in him a person who had the creativity and the courage and the vigor and enthusiasm for doing things that were to help people who needed help, and not himself or to put himself in great aggrandizement. He certainly was a great scholar, a very eloquent speaker, but most of all the compassion of his life is what is most outstanding to Members today, and most helpful to the country as a whole and to mankind as a whole.

I greatly appreciate this opportunity to speak in his behalf, and the naming of the building is very important.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I want to express my support for H.R. 4985, legislation to honor our late colleague Claude Pepper by designating a Federal building in Miami, FL, as the "Claude Pepper Federal Building."

Until his death last year, Claude Pepper devoted his life to public service, first in the Senate and then for 27 years as the Representative of the 18th District of Florida. As a result of his tireless efforts in the Senate and the House, he became known across the country as a defender of the elderly, but was also active in the areas of health care, civil rights, and many other issues affecting all Americans. Although Claude Pepper was a national figure, he always served his Miami constituents well and his efforts were acknowledged and appreciated by them.

Mr. Speaker, it is truly appropriate that we recognize the many accomplishments of Claude Pepper by permanently designating the Miami Federal building in his honor.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I rise in strong support of H.R. 4985, and I congratulate my distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN] for being the primary sponsor on this bill in the committee to bringing the bill out to give recognition to a true statesman, a friend of all of ours, and the recognition that is justly deserved.

I think that one way to do it, because of Claude Pepper's not only long service, but because of something that he innately believed, and that is that government has a responsibility to people. In all of his life, Claude Pepper did everything he knew how to do to make sure that would be done. If anything, it symbolizes concern for people around this Nation of ours, the Federal edifices which represent the capability of the Federal Government to make those services available to our citizens.

So we are very proud, in fact, that the committee has seen fit, and that this Congress will enact a bill which will name the Federal building in Miami the Claude Pepper Building, a justifiable recognition for a great person.

Mr. Speaker, I rise in strong support of H.R. 4985, a bill to designate a Federal building located in Miami as the "Claude Pepper Federal Building." I wish to commend our colleague from Dade County, the successor to our colleague Claude Pepper, for introducing this bill to remember a man who was a distinguished public servant and a friend to us all.

History will record Claude Pepper as a man dedicated to public service, and there are 50 years of distinguished service which reflect it. His political values embodied of the New Deal of President Roosevelt, constantly being shaped by an ideal that government has a responsibility to take an active role in improving the lives of its citizens. In a sense, it is not right that many people will only remember Claude for his tireless work to protect Social Security and to provide for better health care for the elderly, for these are only several of the issues which reflect the cornerstone of his beliefs—that government has an obligation to take care of those who have given much and need a little help.

Claude Pepper was not a man of the past, he was a man of the future who always looked forward. This opinion was only reenforced when I visited Claude shortly before he passed away when he was talking of the work that still needed to be done that he knew he would not be part of. By naming this building in his honor, we are remembering his past and his legacy, but we are also challenging ourselves to look forward to accomplishing the work that he knew would need to be done.

□ 1330

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as she may consume to our distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor and a privilege for me to appear before the House of Representatives today to speak about the accomplishments of a man who represents the epitome of public service, and to urge your consideration of H.R. 4985 to rename the Federal building in downtown Miami as the Claude Pepper Federal Building. My colleagues, Representatives FASCELL, LEHMAN, SMITH, BENNETT, and SHAW join me in support of this proposal.

Mr. Speaker, Claude Pepper will be remembered as one of the giants of this institution, I would like to briefly recap his remarkable career.

First elected to the Senate in 1936, Claude Pepper, became a key leading figure during the difficult times of World War II. His leadership skills played a decisive role in the enactment of legislation designed to accelerate the incorporation of the citizenry to the war effort. At the same time, Senator Pepper became an ardent advocate of FDR's New Deal programs during the difficult times of the Great Depression.

These years of economic depression had a tremendous impact on Senator Pepper's career as a public servant and in the shaping of his legislative social agenda. Because he always reminded us about his growing up in the poverty of rural Alabama, he had a unique ability to understand the frustrations and needs of those less fortunate.

Senator Pepper's return to public service in 1963, as the newly elected Representative for the 18th Congressional District of Florida, marked the return to public life after a 13-year hiatus. Senator Pepper quickly became the leading force in the House of Representatives and distinguished himself as a champion of the people.

It was during these years that Congressman Pepper had his district office in the Federal building at 51 SW., 1st Avenue, in downtown Miami. Through those doors passed countless people who were helped by Congressman Pepper and his staff.

Senator Pepper established himself as the symbol of what our country stands for: equality and justice. He had the vision and courage to stand up and fight for a better America; an America where no one was denied the opportunity to excel because of the color of his or her skin, where the elderly were properly represented and their needs listened to, and where every citizen had access to good quality health care.

Senator Pepper challenged consensus and introduced an impressive number of legislation in the area of civil rights, health care, and social programs. He established himself as the tireless defender of the poor, the elderly, and the oppressed. His humanitarian and uninterrupted service to this country for 27 years as the Representative of the 18th Congressional District of Florida brought distinction and honor to our State.

Claude Pepper's life as a legislator represents the ultimate example of what a representative democracy is all about. He was the type of Representative who was always aware and alert to the needs of his constituents. He constantly encouraged the opinions of his electorate on the difficult issues of the day.

Mr. Speaker, in Miami we have a special fondness for Congressman Pepper. Whether Democrat or Republican, we remember his long years of service and his civic mindedness. When my family and I, and thousands like us, came to the United States after fleeting communism in Cuba, Claude Pepper's office was always open to help all refugees in filling out confusing Government documents and to help us become United States citizens.

Senator Pepper helped all who sought his help, whether they had been in Miami for many decades, as he had been, or whether they were new Haitian or Nicaraguan refugees or any other resident. There will never be enough words of praise that will do justice in paying tribute to the man who lived such as an exemplary life, and who did so much for the well-being of the citizens of the State of Florida as Claude Pepper.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW], who is a cosponsor of H.R. 4985.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Arkansas for yielding me this time.

So many of us who have served in this Hall have wonderful, fond memories of Claude Pepper. I had a some-

what unique relationship, though it was somewhat detached from Claude Pepper. Claude Pepper taught high school at Dothan High School in Dothan, AL. When he went to the Dothan High School, he replaced my father as a teacher as my father went on to Johns Hopkins University to study medicine.

My earliest remembrances of Claude Pepper was as I was being raised in Miami, FL, and, of course, Claude Pepper was our Senator. I remember the very difficult race that split so many people politically in the State of Florida, the Smathers-Pepper race. That was really my first remembrance of a real political race, have been raised in the State of Florida.

I am sure we all remember the many times Claude Pepper would take to the well of the House and speak. During periods of turmoil he seemed to have a way to just be able to calm the waters, and all of us have remembrances of some of the great speeches this man gave well into his eighties without a note, without hesitation, and with perfect memory and perfect organization as he spoke.

I would just like to remember one speech as we close what could not be characterized as debate but as discussion and found memories of a very much-loved colleague. I would like to close by reading from one of the speeches he gave in the last year as he served in this House.

This is what he said:

So I ask you, my colleagues, when you go home tonight and close your eyes in sleep and you ask, "What have I done today to lighten the burden upon those who suffer," at least you could say, I helped a little bit today; I voted to help those who needed help.

Mr. Speaker, these are the types of words that were always surrounding Claude Pepper as we remember him when he was our colleague. Whether we agreed with what he was voting on or agreed that the country could afford it or agreed that it was the best way to attack a problem, no one ever disagreed with the motivation of this great statesman. We are certainly far richer that he served among us here in the House of Representatives.

Mr. SMITH of Florida. Mr. Speaker, I rise in support of H.R. 4985, a bill to rename the Federal Building in Miami the Claude Pepper Federal Building.

It was with a deep sense of personal loss that I, along with U.S. Congress, the State of Florida, and indeed the entire country, mourned the passing last year of one of this century's greatest Americans, Claude Pepper. I knew Claude for 20 years, and it is impossible for me to imagine a more caring, dedicated, honest and loved man.

Claude Pepper began his 60 years of public service in 1929, as a member of the Florida State House. Claude went on to become a U.S. Senator from 1936 to 1951 and, finally a Member of Congress from 1962 until his death. Throughout his illustrious career, Senator Pepper served 10 U.S. Presidents and championed many noble causes—none as dear to his heart, however, as the plight of the elderly. This powerful commitment began not when he became older, but at the very start of his career. Sixty years ago, he sponsored a bill to permit senior citizens to fish without a license. Claude's deep compassion for all people—seniors, children, and the disadvantaged—came not from any political ambition but from a deep and abiding love and heartfelt concern.

As Senator Pepper grew older, he refused to slow down. One could find him poring over legislation, returning a constituent phone call, fighting for an issue on the House floor. As Time said of him in 1982, "he is like a vintage automobile with new parts: he keeps getting better and more powerful with age."

The Federal Building in Miami housed Claude Pepper's district office for over 20 years. It was here that he worked tirelessly to improve the lives of both the young and old, and it is here that we should pay tribute to him by renaming the Federal Building in his honor. By keeping Claude Pepper's name fresh in the minds of the people of Florida, the legacy of this wonderful human being and patriot will grow for generations to come.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 4985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING AND GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes.

The Clerk read as follows:

H. RES. 402

Resolved,

SECTION 1. DESIGNATIONS.

(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the "Thomas P. O'Neill, Jr. House of Representatives Office Building".

(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the "Gerald R. Ford House of Representatives Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

SEC. 33. STATUES.

The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation being brought to the House floor for consideration today would result in an important and appropriate tribute to two former Members of the House: Speaker Thomas P. (Tip) O'Neill, Jr. and President Gerald R. Ford.

In addition to naming House of Representatives office buildings after Thomas P. O'Neill and Gerald R. Ford, this resolution provides that the Speaker may purchase or accept as a gift to the House of Representatives a suitable statue or bust of Speaker O'Neill or President Ford for display subject to certain conditions.

Thomas P. (Tip) O'Neill, Jr. had a remarkable career in the U.S. Congress, spanning 34 years. He was born in Cambridge, MA, on December 9,

1912. After attending parochial schools and graduating from St. John's High School in 1931, he graduated from Boston College in 1936.

From 1936 to 1952, Tip was a member of the Massachusetts State House of Representatives.

O'Neill was elected to fill John F. Kennedy's seat in Congress, when Kennedy was elected to the Senate in 1953. He represented this district from 1953 to 1987. He served as majority whip from 1971 to 1972, and as majority leader from 1973 to 1976.

Congressman O'Neill was Speaker of the House of Representatives from 1977 through 1986. This is longer than any other Speaker in continuous service. This is a remarkable achievement from a personal as well as an institutional standpoint.

Speaker O'Neill also cared greatly about the House of Representatives as an institution, and was an effective leader of the House for 9 years.

I believe that Tip was an exemplary role model for young people and demonstrated that politics can be clean and a profession to which young Americans can aspire.

Tip O'Neill was always a firm but fair Speaker. Yet Tip O'Neill did far more as Speaker. He raised the stature of the office and in doing so raised the stature of the entire House of Representatives. At the same time, he led the effort to democratize the House.

However, Tip was more than the Speaker of the House. During the Reagan era, he was the national spokesman for the Democratic Party. In particular, he cared strongly about reducing the trade deficit and the budget deficit, limiting aid to the Contras in Nicaragua, and sanctions on South Africa.

I will always remember Tip as someone of impeccable honesty who cared about people. Tip fought to make sure that the Government was there to help people who can't protect themselves. These qualities won for him the complete respect and admiration of those of us who have been fortunate enough to have served with him in the Congress as well as the American people.

Tip retired in 1986 and now resides in Cambridge, MA.

This remarkable man devoted 50 years to public service. It is fitting to honor Tip's many contributions to the House of Representatives and the Nation, by naming the House of Representatives Office Building Annex No. 1 as the "Thomas P. O'Neill, Jr. House of Representatives Office Building."

Gerald R. Ford, House minority leader and 38th President of the United States was born on July 14, 1913, in Omaha, NE. The family later moved to Grand Rapids, MI, and Ford attended South High School there.

Gerry Ford attended the University of Michigan from 1931 to 1935, where he excelled at football and graduated with a B.A. degree in 1935.

After graduating from Yale Law School in 1941, Gerry returned to Grand Rapids and went into law practice.

World War II interrupted this career. Gerry joined the U.S. Naval Reserve in 1942 as an ensign and was discharged in 1946, as a lieutenant commander.

After the war Gerry returned to Grand Rapids and soon entered politics. In 1948, he ran for a seat in the House of Representatives and won. Gerald Ford served with distinction in Congress from 1949 through 1973.

In 1961, Gerald became the chairman of the House Republican Conference. In 1965, Ford was elected minority leader and held this position for the remainder of his time in Congress.

As a guide to his political philosophy, Gerry once described himself as a "moderate in domestic affairs, an internationalist in foreign affairs, and a conservative in fiscal policy."

In 1973, Vice President Spiro Agnew resigned. President Nixon chose Gerald Ford to be his new Vice President on December 6, 1973. Shortly afterward, President Nixon also resigned from office.

On August 9, 1974 Gerald Ford became the 38th President of the United States. His calm strength and integrity reassured the country. As President, Ford faced many challenges. The foremost was to restore the credibility of the Presidency. He did this successfully.

In domestic policy he tried to fight inflation and unemployment.

In foreign policy, Ford focused on the Nixon initiatives of detente with the Soviet Union and peace in the Middle East.

In honor of the many years of distinguished service to the House of Representatives and the American people, it is fitting that the House of Representatives office building annex No. 2 be named as the "Gerald R. Ford House of Representatives Office Building."

I urge you to give your strong support to passage of House Resolution 402.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 402, which would name the two House annexes, and I am proud to be a cosponsor of this resolution. Annex No. 1 would be named in honor of Tip O'Neill, who devoted 50 years of his life to public service on the State and national level. He served in the House for 34 years—the last 10 of those years as Speaker of the House. Tip had a great love and respect for this institution and it is appropriate that we remember his years of service in this way.

House Annex No. 2 would be named in honor of former President Gerald R. Ford. President Ford first came to the House in 1949. He served as the House minority leader for several years before being appointed Vice President in 1973. Shortly thereafter, of course, he became President and served admirably during a very difficult time in our Nation's history. In a more personal way I remember him as my minority leader when I first came to Congress in 1967.

The three House buildings which are currently named are named after the Member who was serving as Speaker during the time when the building was constructed. It is time that we finally give more impressive names to the two annexes, which were purchased in 1957 and 1975.

It is fitting that these House office buildings be named in honor of two distinguished former Members who served in the House together and continue their friendship to this day. Mr. Speaker, President Ford and Speaker O'Neill are certainly deserving of this honor and I would urge the House to adopt House Resolution 402 today.

Mr. Speaker, I want to yield time to our senior Republican in the House of Representatives and the dean of the Michigan delegation [Mr. BROOMFIELD]. He and the gentleman from Illinois [Mr. MICHEL] have memories of Tip and Gerry that go back as far as anyone on our side of the aisle, so it is my pleasure to yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as dean of the Michigan Republican Delegation, I am delighted to have a chance to speak on behalf of House Resolution 402. I have served with both Gerry and Tip for many years, and I can not think of two more deserving members.

I am particularly happy that we are going to honor my good friend, my former leader, and my fellow Michiganite, Gerry Ford.

I came to the House in 1957 after 8 years in the Michigan State Legislature. You might think that 8 years in another legislative body would prepare you for the U.S. House of Representatives. But as anyone in this Chamber can attest, there is nothing quite like the experience of your first few weeks in Congress.

Bob Griffin, who later became minority leader in the Senate, Chuck Chamberlain, Jack McIntosh, and I all arrived at the same time. Gerry went out of his way to help us those first few weeks, and not only acquired four new friends, but four very loyal supporters in the years ahead.

It is quite an honor to have a House building named after you. There are plenty of post offices, highways, and schools out there. But there are very few House office buildings.

There is a lot competition for the honor. There have been about 11,000 Congressmen and women since the first Congress met in 1789. Nineteen of them have served as President. Among them are John Quincy Adams, Abe Lincoln, Jack Kennedy, and George Bush. I might add that Daniel Webster, Henry Clay, John C. Calhoun, and many other great Americans have also served in the House.

Yet it is hard to think of many Members who have been so identified with the House of Representatives as Gerry Ford.

I can remember many times when political leaders back home in Michigan urged Gerry to run for the Senate or for the governorship. Each time, Gerry turned them down.

He was a man of the House, and there was only one ambition for him. He knew that the greatest political institution in America was the one that was closest to the people—and he wanted to lead that institution as Speaker.

It is one of my greatest regrets that he never did—and one of my greatest hopes that a Republican soon will.

Gerry certainly never sought the office of Vice President. But when the call came, he was too loyal to his country and his party to turn it down.

Nor did he seek the office of President. But when it was thrust in his hands, he served his Nation well. He entered the office at one of the most difficult periods in American history, and he used his straightforward honesty, his decency, and his uncommon good sense to bring the Nation together.

Nothing could be more appropriate than to name a House office building after the man who loved this body so deeply and served his country so well.

I urge my colleagues to support this resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. PETRI], the distinguished ranking member of the subcommittee, be allowed to handle the balance of the time on this side.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of House Resolution 402, legislation authored by my friend and colleague from Florida, Representative CLAY SHAW, renaming House Annex I and II in honor of two of the House of Representatives' most illustrious living alumni, former Speaker Thomas P. O'Neill and former President Gerald R. Ford.

It is altogether fitting that such an honor be accorded President Ford and Speaker O'Neill, who diligently in the course of their public lives and careers, contributed so much, on almost a daily basis, to the fabric of these United States, and to the traditions of service that define membership in the House of Representatives. It is equally fortuitous that this honor be accorded these two giants at the same time, when you consider the marked similarities in terms of the origin of President Ford's and Speaker O'Neill's career, their rise to elective office, their service in the House both as members of powerful state delegations—Michigan and Massachusetts, their rise to influence within the highest echelon of leadership in their respective parties, and finally, Gerald Ford's elevation to the Presidency in 1974, and Tip O'Neill's elevation to the Speakership in 1977.

In their own way and with their own style, both President Ford and Speaker O'Neill left an indelible stamp on the institution of the House. They opened up access to the seniority system, and limited the often tyrannical rule of institutional chairmen. They worked hand in hand to advance election law reform, stood firm in countering executive excess with a sure footed legislative response and restored honor, trust, and caring, to an institution often lacking in public relations counsel. Speaker O'Neill and President Ford stand for many of the identical characteristics we would hope to find in our national leaders—integrity, honor, intelligence, persistence and imagination. Their elective careers, their lives before the glare of the camera, and their post elective lives, all bespeak the same tradition of service, accessibility and delivery of results.

It is rare, I think, that living and thriving individuals receive the honor of having buildings named after them in their lifetime. Naming House Annex I and House Annex II after the former President and former Speaker are entirely appropriate and fitting. Annex I and Annex II house hundreds of committee staff, offices of the House and the page residence. What better way to commemorate the careers to these two statesmen and public servants than by renaming these facilities in their honor? In the tradition of Russell, Dirksen and Hart, in the footsteps of Rayburn, Longworth, and Cannon, Gerry Ford and Tip O'Neill, will hopefully now be a permanent part of Capitol Hill's geography.

I urge the committee's favorable consideration of House Resolution 402.

□ 1350

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY], President Ford's worthy successor from Grand Rapids.

Mr. HENRY. Mr. Speaker, how fitting it is that we honor our former President, and a truly distinguished former Member of this body in the manner proposed.

The building we are soon to call the Gerald R. Ford House of Representatives Office Building is a most appropriate place. For it is an unpretentious place where hundreds of House staff members get the job done. And getting the job done is what Gerald Ford's time in Washington was all about.

Gerald Ford served in the House of Representatives from 1949 to 1973. In 1965 he became Republican leader. He was known throughout his tenure as a solid voice of moderation.

When our Nation needed a leader to bring us through the crisis of Watergate, we could have done no better than Gerald Ford. As Vice President, and then as our Chief Executive, he helped to hold us together as we started the healing process.

Mr. Speaker, it is with great pride that I mention that my district, Michigan's Fifth District, is still frequently called the Gerald Ford District. You cannot visit the Grand Rapids area without realizing how its most distinguished son has touched the people there.

Gerald Ford once described himself as "a moderate in domestic affairs, an internationalist in foreign affairs, and a conservative in fiscal policy." Not a bad formula.

If I may, let me add to that description: "A good person who, throughout his life, has given exceedingly of himself to his country."

Mr. Speaker, if only we could have more Gerald Fords.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW], a sponsor of the resolution.

Mr. SHAW. Mr. Speaker, today I am pleased to rise in strong support of House Resolution 402, a resolution that would honor two of the most distinguished living alumni of the House: Former House minority leader and President Gerald R. Ford and former Speaker Thomas P. (Tip) O'Neill, Jr. This resolution renames the blandly named House Annex 1 and House Annex 2 to the Thomas P. O'Neill, Jr. House of Representatives Office Building, and the Gerald R. Ford House of Representatives Office Building," respectively. I am proud to

have introduced this measure, which enjoys the overwhelming bipartisan support of this body.

Additionally, I would like to thank Chairman Bosco and Congressman PETRI of the Public Buildings and Grounds Subcommittee, and Chairman ANDERSON and Congressman HAMMERSCHMIDT of the Public Works and Transportation Committee, for their support of this legislation, and their invaluable assistance in seeing this resolution to the House floor.

I would also like to thank Chairman MOAKLEY and Speaker FOLEY, without whom this resolution would not have been possible. Lastly, I would like to thank the 151 cosponsors of this measure.

Mr. Speaker, both Speaker O'Neill and President Ford served this House, their constituents, and the Nation, with honor and distinction. Their accomplishments are well-known and have been well-documented.

Gerry Ford started his career in public service with his election to the House of Representatives in 1948. Over time, he worked his way up the Republican party ladder in the House, eventually becoming minority leader in 1965. President Ford served in this position until his appointment to the Vice-Presidency in 1973. Later, of course, he assumed the Presidency following the resignation of Richard Nixon. Most historians would agree that one of President Ford's greatest achievements while President was his healing role after the national trauma surrounding the Watergate scandal. America will forever be indebted to him for his leadership through that grave crisis.

Tip O'Neill began his career in politics with his election in 1936 to the Massachusetts House of Representatives. There, He distinguished himself by becoming the first Democratic Speaker of the Massachusetts House in its history. Later, Tip O'Neill used his position as Speaker of the Massachusetts House to win John F. Kennedy's seat in the U.S. House of Representatives. Like Gerry Ford, Tip O'Neill worked his way up the Democratic party ladder, becoming majority whip in 1971, majority leader in 1973, and Speaker of the House in 1977. Tip O'Neill served as Speaker of the House until his retirement in 1986.

Although President Ford and Speaker O'Neill were often combatants in the political arena, their long friendship, based on trust and mutual respect for one another's beliefs, is almost legendary. And, of course, their shared love for the game of golf is legendary. Their friendship was so strong that even through they both could be scathingly critical of each other's policies, never once, in all their years of disagreeing on the issues, did their attacks become personal.

For example, Tip has written:

Democrats and Republicans can be friends, that, to me, is the special greatness of our political system. There's no rancor or hatred—only the energetic clash of conflicting ideas. Your views may be different from mine, but we can still respect each other and work together, which is what the Congress is all about.

In a similar vein, Speaker O'Neill once stated that he agreed with former Congressman Clarence Long of Maryland, who said that while Ford voted wrong most of the time, at least he was decently wrong.

I am sure President Ford felt the same way about Tip O'Neill's voting

Although I sat across the aisle from Tip O'Neill during his tenure as Speaker, I have long admired his dedication to God, family, party, and country. His political convictions in his 50 years of public office never wavered, whether his views were in vogue at the time or not. Tip O'Neill never made excuses or apologies for his brand of politics.

In my view, Tip O'Neill was, above all, a fair and reasonable man. Many in this House could count on Tip as a friend, while still opposing him on an issue. The saying, "People can disagree without being disagreeable," is but one way to sum up Speaker O'Neill's style of leadership. Certainly, his impact on this body and this Nation will be felt for many years to come.

In closing, I would like to read a passage about Gerry Ford from Tip O'Neill's excellent memoirs, "Man of the House". He writes:

God has been good to America especially during difficult times. At the time of the Civil War, He gave us Abraham Lincoln. And at the time of Watergate, He give us Gerald Ford—the right man at the right time who was able to put our Nation back together again. Nothing like Watergate had ever happened before in our history, but we came out of it strong and free, and the transition from Nixon's administration to Fords' was a thing of awe and dignity.

Such was the nature of their relationship. Mr. Speaker, the naming of two House of Representatives office buildings after these two great Americans is but one way the House, and the American people, can thank them for their decades of public service. For that reason, I urge my colleagues to pass House Resolution 402.

□ 1400

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 402 would rename House Annex I and House Annex II in honor of two former Members of this House—former President Gerald Ford and former House Speaker Thomas P. O'Neill, Jr.

President Ford and Speaker O'Neill served together in this House for many years and are deserving of this honor. President Ford began his congressional career in 1949, eventually being elected House minority leader. In 1973, President Nixon selected Gerry Ford to serve as his Vice President, which then led to his assuming the Presidency in 1974. During his time in office, President Ford's values and character saw the country through troubled times.

Likewise, Speaker O'Neill's accomplishments and 50 years of public service are worthy of being permanently honored here on Capitol Hill. His dedication and respect for this institution were obvious to all of us who served with him, as was his ability as a raconteur.

Mr. Speaker, along with former Speaker Carl Albert, President Ford and Speaker O'Neill are perhaps the most respected and accomplished former Member of this body living today. It is appropriate that we acknowledge their service to the House and to the country by designating two House office buildings in their honor.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI]. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and agree to the resolution, House Resolution 402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS AUTHORIZATION ACT

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4773) to authorize the President to call and conduct a National White House Conference on Small Business, as amended.

The Clerk read as follows:

H.R. 4773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Small Business Authorization Act".

AUTHORIZATION OF CONFERENCE

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "National Conference") not earlier than January 1, 1994, and not later than April 1, 1994, to carry out the purposes described in section 3 of this Act. The National Conference shall be preceded by State conferences, with at least one such conferences being held in each State, and with at least two conferences being held in any State with a population of ten million or more. The State conferences shall be held not earlier than December 1, 1992, and at their conclusion shall be followed by regional meetings of delegates in at least six cities prior to the National Conference.

(b) Participants in the National Conference and other interested individuals and organizations, are authorized to conduct activities at the State and regional level prior to the date of the National Conference, and shall direct such activities toward the consideration of the purposes of the National Conference.

(c) The National Conference shall be conducted under the general supervision and direction of the White House Conference on Small Business Commission (hereinafter referred to as the "Commission") established in section 5 of this Act.

PURPOSE OF CONFERENCE

SEC. 3. The purpose of the National Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses (particularly those who are not actively involved in small business or trade organizations) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1986 White Conference on Small Business.

CONFERENCE PARTICIPANTS

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the National Conference shall bring together individuals concerned with issues relating to small business: *Provided,* That no owner, officer or employee of a small business concern may be denied admission to any State conference, nor may any fee or charge be imposed on any such owner, officer, or employee except an amount to cover the cost of any meal provided plus a registration fee of not to exceed $10. The Commission may not impose any fees or charges except as specified in this subsection and may not accept any gifts of money from any source. Amounts collected as fees and charges shall be used solely to pay the cost of meals provided and to defray the expense of meeting rooms. The Commission shall—

(1) keep a record of all receipts and disbursements as directed by the Administrator of the Small Business Administration;

(2) open and maintain an account in an institution whose accounts are insured by an instrumentality of the United States, into which amount all receipts shall be deposited and from which all payments shall be disbursed; and

(3) provide such periodic financial reports to the Small Business Administration as the Administrator may request.

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences: *Provided,* That each Governor and each chief executive official of the political subdivisions enumerated in section 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further,* That each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate: and *Provided further,* That the President may appoint one hundred delegates and alternates. Only owners, employees or corporate officers of small businesses shall be eligible for appointment or election pursuant to this subsection, and delegates may be elected only at the conference for the State in which he or she resides.

COMMISSION

SEC. 5. (a) There is hereby established a White House Conference on Small Business Commission. The President shall select and appoint eleven individuals. The commissioners shall be responsible for the overall preparation for and conduct of the National Conference, including the issuance of the report specified in section 7 of this Act.

(b) At least seven of the individuals appointed shall be small business owners, employees or corporate officers of a small business. Other members may include representatives of businesses (other than small), associations, or educational institutions.

(c) Not more than six of the Commissioners shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

(d) Commissioners shall be appointed for a term which shall expire on the date the report is submitted, except if the status of any such appointee changes so that he or she would have been ineligible for appointment, such individual may continue as a Commissioner for not longer than a thirty-day period beginning on the date such individual becomes ineligible.

(e) A vacancy shall be filled in the manner in which the original appointment was made.

(f) Commissioners shall serve without pay, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their functions in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code.

(g) Six Commissioners shall constitute a quorum for the transaction of business. Meetings shall be at the call of the Chairperson who shall be designated by the President.

(h) The Commission shall have an executive director who shall be appointed by the Chairperson, and such other staff as it deems appropriate. The executive director and other personnel may be appointed without regard to section 531(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(i) The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(j) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist in carrying out of the National Conference without regard to section 3341 of title 5 of the United States Code. Except as otherwise prohibited by law, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon the request of the Chairperson, the head of such department or agency shall promptly furnish such information to the Commission.

(k) The Administrator of the General Service Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 6. (a) In order to facilitate the carrying out of the provisions of this Act, the Administrator of the Small Business Administration—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2 of this Act;

(2) is authorized to enter into contracts with public agencies, private organizations, business entities and academic institutions to carry out the provisions of this Act: *Provided,* That the Administrator shall coordinate any such contracting in advance with the Commission if it has met and organized; and

(3) shall prescribe such financial controls and accounting procedures for the handling of income received by the Commission as fees and charges and the payment by the Commission of authorized meal and meeting room expenses.

(b) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the National Conference, as well as by participants in State and regional conferences.

(c) The White House Conference on Small Business Commission shall conduct appropriate outreach efforts to obtain the participation, at both state conferences and at the National Conference, of individuals who are not actively involved in small business or trade organizations.

(d) EXPENSES.—Each delegate to the National Conference shall pay his or her expenses of attending the Conference. However, prior to the National Conference, any delegate may seek reimbursement from the Conference upon written application establishing that his or her anticipated expenses would constitute a financial burden.

(1) The Commission shall adopt rules, guidelines, and procedures to implement this provision. No delegate shall be reimbursed for any expense except transportation, meals and lodging and shall not be reimbursed at more than the rates provided to employees of the Federal Government who travel to Washington, DC, on official business during the time when the National Conference is held.

(2) At the beginning of each State conference, all attendees shall be advised of this provision and any rules or procedures adopted by the Commission to implement it.

(3) A separate accounting for these reimbursed expenses shall be provided to the Small Business Administration.

REPORTS REQUIRED

SEC. 7. (a) Not more than four months from the date on which the National Conference is convened, a final report of the National Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the delegates as well as proposals for any legislative action necessary to implement their recommendations. The report shall be available to the public.

(b) At the same time, the Commission shall—

(1) provide a final financial report to the Small Business Administration and shall deliver to the Agency all of its financial books and records; and

(2) deposit in the Treasury of the United States, for crediting as miscellaneous receipts, any monies collected as fees and charges pursuant to the authority of this Act which remain unexpended.

FOLLOWUP ACTIONS

SEC. 8. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the National Conference on the status and implementation of the findings and recommendations.

AVAILABILITY OF FUNDS

SEC. 9. (a) There are hereby authorized to be appropriated for fiscal year 1992, or any year thereafter, not to exceed $5,000,000 to carry out the provisions of this Act, and such sums shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the National Conference. Any funds remaining unexpended at the termination of the National Conference, including submission of the report pursuant to section 7, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4773, the White House Conference on Small Business Authorization Act.

This legislation would authorize and direct the President to convene a National White House Conference on Small Business in Washington early in 1994. The Washington conference would be preceded by State and regional conferences at which delegates would be selected and then briefed as to the issues that they had selected for consideration at the national conference.

This would be the third White House Conference on Small Business. I had the honor to participate in the White House Conference on Small Business in 1980. Back then I was a panel member on efforts to assist small businesses enter the field of international trade. At that conference a number of very difficult issues were handled. Among the recommendations which resulted in legislation being enacted by the Congress were the Small Business Innovation and Research Act [SBIR] which was authored by our Committee chairman, Representative JOHN J. LAFALCE. Also, the Equal Access to Justice Act, which was authored by the committee's ranking minority member, JOE MCDADE. In addition, the conference supported the subsequently passed Regulatory Flexibility Act and the Prompt Payment Act. I believe that Congress considered or took action on a majority of the recommendations that came from the 1980 conference.

The participants take these conferences very seriously. They build coalitions, they argue and persuade, they make presentations before their peers that are every bit as structured and impressive as we see here in the House. This is because they know that they are having an impact. Their recommendations are not only sent to every Member of Congress, they are taken by some of us as marching orders, a referendum, if you will on which issues really are supported by small business. I know also that my colleague from Florida who will speak to this bill in a moment has been among the strongest supporters of the White House conference and an active participant in the planning and the conduct of past conferences.

I attended the conference when it was held again in 1986. This conference occurred during very difficult times for the small business community. The Office of Management and the Budget was proposing to abolish the Small Business Administration, but the delegates very vociferously rejected this proposal and strongly recommended that the SBA be continued as an independent agency. In fact, they felt so strongly about the continuation of the SBA that most of the discussion at the conference was not about continuing the agency, but whether it should be elevated even further and made part of the President's Cabinet.

In addition, I am very pleased to note that among the recommendations was to provide equal access to credit by women entrepreneurs, legislation which was enacted by Congress 2 years ago.

Congress is still wrestling with other issues debated by the delegates, including matters concerning product liability, mandated benefits and deficit reduction.

I believe the interest shown by the small business community in these conferences is extraordinary. Delegates must volunteer their time to participate in this process and pay their own expenses. Clearly they are willing to do this as it is little short of amazing that of the delegates elected at the prior conferences, sometimes up to a year in advance of the date of the national conference, almost 90 percent have carried through on their commitment and have attended the Washington conference.

I am confident that this level of interest and commitment continues today and that particularly with the planning time provided by this bill, the 1994 conference can be the best in history.

Mr. Speaker, I reserve the balance of my time.

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Mr. IRELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America's 19 million small business owners—whose determination, hard work, and community involvement are essential to the success of our free-enterprise system—deserve a strong voice in government policies. For that reason, I rise today to join the distinguished gentleman from Missouri in support of H.R. 4773, the White House Conference on Small Business Authorization Act.

Small business men and women make significant contributions to our economy. It is their creativity, innovation, and entrepreneurial spirit that generate more than 57 percent of all new jobs in the United States.

As demonstrated by previous conferences in 1980 and 1986, a White House Conference on Small Business can provide needed insight and understanding about small business and entrepreneurial development—insight that must be factored into Federal policy if we are to remain competitive as a nation.

The 1980 and 1986 conference served to rally thousands of owners and managers of small businesses and make them an integral part of the democratic process. It is time to draw these dedicated men and women into the Federal legislative process once again.

Our rapidly evolving work force, as well as moves in the European Community and in Eastern Europe toward a more global economy, will require our Nation's small businesses to make some major adjustments in the way they do business in the not-so-distant future. Job training, employee needs, and rapidly changing technologies are already challenging entrepreneurs to

rethink their ways of doing business. A White House Conference on Small Business can help to raise awareness about what lies ahead, and can provide a pro-active plan for dealing with these changes.

America's small business owners are productive, creative, and willing to take risks and overcome obstacles in their quest for a piece of the American Dream. They have built their businesses and successes over the years through personal sacrifice and sweat equity—and made them thrive in spite of Federal and State policymakers who at times were swayed into thinking that big business and big labor represented America and its future.

A new White House Conference on Small Business will help to remind those of us in Congress what small businesses mean to our local communities and our country.

Mr. Speaker, we must develop a wider appreciation of the innovation, the competitive strength and the quality of life that smaller firms bring to our economy if we are to insure the long-term strength and growth of this country.

We must once again call attention to the fact that the future of small business is dependent on the business climate created by fiscal policies and regulatory and legislative mandates from Washington.

And we must address not only the problems confronting business and our Nation as a whole, but also the particular problems of small business.

Quite simply, we must have another White House Conference on Small Business. For if we fail to pay attention to the effects of government activities on smaller firms, our shortsighted economic policies will make our Nation less productive, less innovative, less competitive and unable to maintain our status as the leader of the free world.

I have challenged the small business community to use this forum not to plead for special treatment, but instead to offer pro-active strategies for dealing with the issues we face as a nation—strategies that will complement free-market initiatives rather than competing with them. I am confident that our Nation's small business men and women will rise to that challenge.

Mr. Speaker, I urge my colleagues to strongly support this legislation.

Mr. McDADE. Mr. Speaker, I rise in strong support of the bill before us today and recommend it to our colleagues as a measure deserving of their support.

H.R. 4773 would authorize the President to convene a National White House Conference on Small Business in Washington, DC in 1994. This National Conference would be the third of its kind, building on the success of two precedings gatherings convened in 1980 and 1986. Preparatory to the National Conference, and in keeping with previous practice, each State would hold its own conference to examine issues of concern to small business owners and to elect delegates to the National Conference. These State meetings would then be followed by regional conferences at which delegates would explore issues they had identified for discussion and consideration at the National Conference.

The Nation's small businesses represent the most dynamic and productive force in our economy today. These firms brought about the economic miracle of the 1980's during which 18 million new jobs were created. Today, small enterprises create 2 out of every 3 jobs, employ 6 out of every 10 American workers, generate nearly 40 percent of our gross national product, and contribute an estimated 55 percent of all innovations. It is estimated that in the next 25 years the U.S. economy will need to create 43 million new jobs and 75 percent of these will have to come from small businesses.

If small firms are to continue to be America's partner in growth, they must have a voice in shaping those policies and laws that will not only affect them but that will also help them develop and grow. Periodic State and national conferences provide an opportunity for small businesses to gather and participate in a forum where issues can be examined, policies reviewed, and legislative recommendations for new policies and reforms put forth. Previous conferences have been helpful in yielding useful information and revealing insights into the problems and concerns of small businesses. This knowledge has proved of great use to the Congress and the administration which have acted to implement many of the recommendations suggested by previous conference participants. Yet, as one vexing problem is resolved, a new and often more perplexing one arises that requires corrective action. The continuing emergence of new challenges and opportunities makes the periodic convening of conferences imperative.

Mr. Speaker, I urge my colleagues to support the Nation's small business men and women and approve this measure.

Mr. OWENS of Utah. Mr. Speaker, just 4 short years ago, talk around the Beltway was that the administration wanted to eliminate the Small Business Administration, because critics of the SBA claimed it duplicated much of the work done by the Commerce Department. Mr. Speaker, last year the SBA provided more than $3 billion in loans to small businesses struggling to make the American dream come true.

More than $2.6 billion were in general business loans—$13 million went to handicapped assistance. The Economic Opportunity Loan Program for businesses in low income/high unemployment areas received over $50 million. Veterans programs received more than $17 million. Certified development companies, licensed by the SBA, received $364 million. The Small Business Investment Program, which provides money for venture or risk investment, was funded with more than $50 million. The 301D program for minority investment received $36 million and the 8A program to help minority businesses with procurement of Federal contracts was funded for almost $1 million more. Disaster loan assistance accounted for an additional $146 million. Without the SBA last year, thousands of small businesses probably would have failed and thousands more entrepreneurs would never have been able to make their ideas and innovations come to life.

Mr. Speaker, I mention these statistics for two reasons. First, small businesses are the backbone of the American economy. Without vigorous support from this body for the small businessmen and women, willing to harness the challenge and take the risk of making their ideas reality, then the future on this Nation's economy is very much in jeopardy.

I also note the accomplishments of the SBA because in 1986 there was a White House Conference on Small Business. Aside from many progressive recommendations that originated from it, one of the most important results was that the conference is credited with helping save the SBA. Despite proposals by the Administration, delegates at the conference overwhelmingly supported saving the SBA, and along with the backing of Congress, the agency's future was solidified.

Before this house today is H.R. 4773, which authorizes the President to conduct a White House Conference on Small Business in 1994. As it has done in the past, this conference would provide small businesses with a critical forum to voice concerns and opinions to policy makers in Washington. As many of us know, public officials are bombarded with more information and more issues than can logically be focused on. This is an opportunity for Washington to stand still for a moment and listen to the folks who are on the front lines of bolstering the American economy. I strongly recommend that my colleagues pass this bill.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. IRELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 4773, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4773, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1990

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5267) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1990".

SEC. 2. FINDINGS.

Section 601 of the Communications Act of 1934 (47 U.S.C. 521) is amended—

(1) by striking the heading of such section and inserting the following:

"PURPOSES; FINDINGS";

(2) by inserting "(a) PURPOSES.—" after "SEC. 601."; and

(3) by adding at the end thereof the following new subsection:

"(b) FINDINGS.—The Congress finds and declares the following:

"(1) Fair competition in the delivery of television programming should foster the greatest possible choice of programming and should result in lower prices for consumers.

"(2) Between the passage of the Cable Communications Policy Act of 1984 and July 1990, rates for cable television services have been deregulated in 96 percent of all franchises. A minority of cable operators have abused their deregulated status and their market power and have unreasonably raised cable subscriber rates.

"(3) In order to protect consumers, it is necessary for the Congress to establish a means for the Federal Communications Commission to identify such cable operators and, in those individual cases, to prevent them from imposing rates upon consumers that are unreasonable or abusive.

"(4) There is a substantial governmental and first amendment interest in promoting a diversity of views provided through multiple technology media.

"(5) The Federal Government has a compelling interest in making all nonduplicative local public television services available on cable systems because—

"(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

"(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10,800,000,000 between 1972 and 1990 that provides public service programming that is responsive to the needs and interests of the local community;

"(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3,000,000,000 in public broadcasting between 1969 and 1990; and

"(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

"(6) The Federal Government also has a compelling interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals—

"(A) promotes localism and provides a significant source of news, public affairs, and educational programming;

"(B) is necessary to serve the goals contained in section 307(b) of this Act of providing a fair, efficient, and equitable distribution of broadcast services; and

"(C) will enhance the access to such signals by Americans living in areas where the quality of reception of broadcast stations is poor.

"(7) Broadcast television programming is supported by revenues generated from advertising. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

"(8) Because television broadcasters and cable television operators compete directly for the television viewing audience, for programming material, and for advertising revenue, in order to ensure that such competition is fair and operates to the benefit of consumers, the Federal interest requires that local broadcast stations be made available on cable systems as a separate and distinct purchase option for subscribers.

"(9) Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the 'A/B' input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

"(10) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming.

"(11) Secure carriage and channel positioning on cable television systems are the most effective means through which off-air broadcast television can access cable subscribers. In the absence of rules mandating carriage and channel positioning of broadcast television stations, some cable system operators have denied carriage or repositioned the carriage of some television stations.

"(12) Cable television systems and broadcast television stations increasingly compete for television advertising revenues and audience. A cable system has a direct financial interest in promoting those channels on which it sells advertising or owns programming. As a result, there is an economic incentive for cable systems to deny carriage to local broadcast signals, or to reposition broadcast signals to disadvantageous channel positions, or both. Absent reimposition of must carry and channel positioning requirements, such activity could occur, thereby threatening diversity, economic competition, and the Federal television broadcast allocation structure in local markets across the country.

"(13) Cable systems provide the most effective access to television households that subscribe to cable. As a result of the cable operators provision of this access and the operator's economic incentives described in paragraph (12), negotiations between cable operators and local broadcast stations have not been an effective mechanism for securing carriage and channel positioning.

"(14) The public interest will be served by the development of competition in the marketplace for video programming and by encouraging new multichannel video programming distribution technologies. Prohibiting video program vendors in which a multichannel video system operator has an attributable interest from unreasonably refusing to deal with other multichannel video system operators with respect to provision of video programming is necessary to help establish a competitive marketplace.

"(15) It is necessary and appropriate to promote competition between cable operators and other multichannel video system operators by facilitating access of such other multichannel video system operators to video programming, subject to exclusive contractual arrangements between programmers and cable operators that do not have the effect of significantly impeding competition.".

SEC. 3. REQUIREMENTS FOR THE PROVISION AND REGULATION OF BASIC SERVICE TIER.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 is amended to read as follows:

"REGULATION OF RATES

"SEC. 623. (a) IN GENERAL; LIMITATIONS.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b) ESTABLISHMENT OF BASIC SERVICE TIER RATE LIMITATIONS.—

"(1) COMMISSION REGULATIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish the following:

"(A) BASIC SERVICE TIER RATES.—A formula to establish the maximum price of the basic service tier, which formula—

"(i) shall take into account only—

"(I) the number of signals required to be carried on the basic service tier pursuant to paragraph (2);

"(II) the direct costs of obtaining, transmitting, and otherwise providing such signals, and changes in such costs;

"(III) such portion of the joint and common costs of the cable operator as is determined, in accordance with regulations prescribed by the Commission, to be properly allocable to obtaining, transmitting, and otherwise providing such signals, and changes in such costs; and

"(IV) a reasonable profit (as defined by the Commission) on the provision of the basic service tier; and

"(ii) shall not take into account—

"(I) any additional video programming services carried on the basic service tier pursuant to paragraph (4);

"(II) any costs of obtaining, transmitting, marketing, or otherwise providing any such additional video programming services or any other signal not required to be carried on the basic service tier pursuant to paragraph (2);

"(III) any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers; or

"(IV) any amount required to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels.

"(B) EQUIPMENT.—A formula to establish the price for installation and lease of the equipment necessary for subscribers to receive the basic service tier, including a converter box and a remote control.

"(C) CONVERTER BOXES AND REMOTES.—Standards concerning the availability for lease or purchase and pricing of converter boxes and remote controls.

"(D) COSTS OF FRANCHISE REQUIREMENTS.—(i) A formula to identify and allocate costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise, and (ii) procedures by which the cable operator will recover from subscribers—

"(I) the costs described in clause (i) of this subparagraph, and

"(II) the costs of any amounts assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers and any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers.

"(E) IMPLEMENTATION AND ENFORCEMENT.—Additional standards, guidelines, and procedures concerning the implementation and enforcement of the regulations prescribed by the Commission under this subsection, which shall include—

"(i) procedures by which cable operators may implement and franchising authorities may oversee the administration of the formulas, standards, guidelines, and procedures established by the Commission under this subsection; and

"(ii) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method.

"(F) EFFECTIVE DATES.—An effective date or dates for compliance with the formulas, standards, guidelines, and procedures established under this subsection.

"(2) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which the rates prescribed under paragraph (1) shall apply and to which subscription is required for access to all other tiers of service. Such basic service tier shall, except as provided in paragraphs (3), (4), (5), and (6), consist only of the following:

"(A) All signals carried in fulfillment of the requirements of sections 614 and 615.

"(B) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

"(3) SMALL SYSTEM EXCEPTION.—The requirements of this subsection shall not apply to any cable system with 12 or fewer usable activated channels that has 300 or fewer subscribers, so long as such system does not delete any signal of a broadcast television station from carriage by that system.

"(4) ADDITIONS TO BASIC TIER PROHIBITED.—(A) No cable operator may add any video programming to the basic tier that is not a signal or programming required to be included in such tier pursuant to paragraph (2). Any obligation imposed by a franchise that is inconsistent with this paragraph is preempted and may not be enforced. A contract or other agreement that requires carriage on the basic service tier, or that establishes a rate for carriage (as part of the basic service tier), of a signal or programming that is not required to be included in such tier pursuant to paragraph (2) may not be enforced by a video programming vendor (as such term is defined in section 705A(g) of this Act) unless such contract or agreement is applied to require carriage of such signal or programming on the next most widely subscribed level of service.

"(B) Subparagraph (A) of this paragraph and paragraph (2) shall not prohibit a cable operator from carrying on the basic tier nationally distributed public and government affairs cable networks that are provided by nonprofit organizations that are exempt from Federal income tax, that do not carry advertising, and that were so distributed on or before January 1, 1990.

"(5) RATE REGULATION AGREEMENTS.—The provisions of this subsection (and the regulations thereunder) shall not apply to the cable system of a cable operator who has, before July 1, 1990, entered into an agreement with a franchising authority that authorizes the franchising authority to regulate the rates of such cable system for basic cable service where such system was not subject to effective competition pursuant to the rules of the Commission in effect on July 1, 1990.

"(6) TREATMENT OF EXISTING BROADCAST TIERS.—

"(A) CONTINUED CARRIAGE PERMITTED.—In the case of any cable operator that offered to subscribers a tier of programming as of January 1, 1990, consisting of not more than—

"(i) the signals of any broadcast television station carried on the system;

"(ii) any public, educational, or governmental access or local origination programming; and

"(iii) any nationally distributed public and government affairs cable network provided by a nonprofit organization exempt from Federal income tax, and that does not carry advertising,

the provisions of paragraphs (2) and (4) of this subsection shall not prohibit such operator from continuing to provide such tier.

"(B) RATE FORMULA ADJUSTMENT; RETIERING.—Any cable operator providing a tier of programming described in subparagraph (A) may—

"(i) continue to provide such tier to subscribers, subject to a formula for a maximum price established by the Commission, which formula shall comply with the requirements of paragraph (1), except that the Commission shall take into account additional costs described in subclauses (II) and (III) of paragraph (1)(A)(i) with respect to the signal of any broadcast television station not required by paragraph (2) to be offered on the basic service tier; or

"(ii) delete such programming from the tier described in subparagraph (A) as may be necessary to comply with the requirements of this subsection.

"(c) REGULATION OF UNREASONABLE OR ABUSIVE RATES.—

"(1) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish the following:

"(A) criteria prescribed in accordance with paragraph (2) for identifying, in individual cases, rates for cable programming services that are unreasonable or abusive;

"(B) fair and expeditious procedures for the receipt, consideration, and resolution of complaints from any franchising authority or other relevant State or local government entity alleging that a rate for cable programming services charged by a cable operator violates the criteria prescribed under subparagraph (A), which procedures shall set forth the minimum showing that shall be required for a complaint to establish a prima facie case that the rate in question is unreasonable or abusive; and

"(C) the procedures to be used to reduce rates for cable programming services that are determined by the Commission to be unreasonable or abusive.

"(2) FACTORS TO BE CONSIDERED.—In establishing the criteria for determining in individual cases whether rates for cable programming services are unreasonable or abusive under paragraph (1)(A), the Commission shall consider, among other factors—

"(A) rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

"(B) the history of the rates for cable programming services of the system;

"(C) the rates, as a whole, for all the cable programming, equipment, and services provided by the system;

"(D) capital and operating costs of the cable system; and

"(E) the quality and costs of the customer service provided by the cable system.

"(3) LIMITATION ON COMPLAINTS CONCERNING EXISTING RATES.—On and after 180 days after the effective date of the regulations prescribed by the Commission under paragraph (1), the procedures established under subparagraph (B) of such paragraph shall be available only with respect to complaints filed within a reasonable period of time following a change in rates that is initiated after that effective date.

"(d) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

"(1) prohibiting discrimination among customers of basic cable service, or

"(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

"(e) REVIEW OF FINANCIAL INFORMATION.—

"(1) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require cable operators to file, within 60 days after the effective date of the regulations prescribed under subsection (c)(1) and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

"(2) CONGRESSIONAL REPORT.—The Commission shall submit to each House of the Congress, by January 1, 1994, a report on the financial condition, profitability, rates, and

performance of the cable industry and making such recommendations as the Commission considers appropriate in light of such information.

"(f) PREVENTION OF EVASIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions of the rates, services, and other requirements of subsections (a), (b), (c), (d), and (e) of this section.

"(g) DEFINITION.—As used in this section, the term 'cable programming service' means any video programming provided over a cable system, regardless of service tier, other than video programming required to be carried under subsection (b)(2) and video programming offered on a per channel or per program basis.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. CARRIAGE OF NONCOMMERCIAL TELEVISION STATIONS.

Part II of title VI of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"CARRIAGE OF NONCOMMERCIAL TELEVISION STATIONS

"SEC. 614. (a) CABLE OPERATOR OBLIGATIONS.—For the purposes of providing a basic service tier pursuant to section 623, each cable operator shall carry, on the cable system of that operator, the signals of qualified noncommercial television stations in accordance with the provisions of this section.

"(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

"(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraph (2) of this subsection and subsection (e), each cable operator shall carry, on the cable system of that operator, each qualified local noncommercial television station requesting carriage.

"(2) EXCEPTIONS TO GENERAL REQUIREMENT.—

"(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding any other provision of this subsection, a cable operator of a cable system with 12 or fewer usable activated channels shall carry on that system only one qualified local noncommercial television station, but such operator shall comply with subsection (c) and may, in its discretion, carry on that system other qualified noncommercial television stations.

"(B) SYSTEMS WITH 13 TO 36 CHANNELS.—Subject to subsection (c), a cable operator of a cable system with 13 to 36 usable activated channels—

"(i) shall carry on that system at least 1 qualified local noncommercial television station but shall not be required to carry more than 3 such stations; and

"(ii) may, in its discretion, carry on that system additional such stations.

"(C) DUPLICATION OF AFFILIATES OF STATE PUBLIC TELEVISION NETWORKS NOT REQUIRED.—The operator of a cable system described in this paragraph which carries a qualified local noncommercial station affiliated with a State public television network shall not be required to carry any additional qualified local noncommercial television station affiliated with the same network if the programming of such additional station substantially duplicates the programming of the qualified local noncommercial television station receiving carriage.

"(D) DISTANT STATIONS.—In the case of any cable system with 36 or fewer activated channels which operates beyond the presence of any qualified local noncommercial television station—

"(i) the cable operator of such system shall carry on that system one signal of a qualified noncommercial television station;

"(ii) the selection for carriage of such a station shall be at the election of the cable operator; and

"(iii) in order to satisfy the requirements for carriage specified in this subsection, a cable operator of such system shall not be required to remove any other programming service actually provided to subscribers on January 1, 1990, except that such cable operator shall use the first channel available to satisfy the requirements of this subparagraph.

"(3) CONSEQUENCES OF INCREASE IN NUMBER OF CHANNELS.—A cable operator of a system described in paragraph (2)(B) of this subsection which increases the usable activated channel capacity of the cable system to more than 36 channels on or after January 1, 1990, shall, in accordance with the other provisions of this section, carry on that system each qualified local noncommercial television station requesting carriage, subject to subsection (e).

"(c) CONTINUED CARRIAGE OF EXISTING STATIONS; WAIVER.—Notwithstanding any other provision of this section, all cable operators shall continue to provide carriage to all qualified local noncommercial television stations carried on their systems as of January 1, 1990. The requirements of this subsection may be waived upon the written consent of the cable operator and any such station.

"(d) USE OF PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNELS.—A cable operator required to add the signals of qualified local noncommercial television stations to a cable system under this section may, with the approval of the franchising authority, do so by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

"(e) DUPLICATION NOT REQUIRED ON SYSTEMS CARRYING 3 QUALIFIED STATIONS.—A cable operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry three qualified local noncommercial television stations shall not be required to carry additional such stations if the programming of such additional stations substantially duplicates the programming broadcast by another qualified local noncommercial television station requesting carriage. For purposes of this subsection and subsection (b)(2)(C), substantial duplication shall be defined by the Commission by regulation in a manner that promotes access to distinctive noncommercial educational television services.

"(f) STATIONS CARRIED PROHIBITED FROM ASSERTING NONDUPLICATION RIGHTS.—A qualified local noncommercial television station carried by a cable operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, as in effect on January 1, 1990, to require the deletion of programs aired on other qualified local noncommercial television stations carried by that operator.

"(g) CARRIAGE STANDARDS.—

"(1) CARRIAGE OF ENTIRE SIGNAL.—A cable operator shall carry in its entirety, on the cable system of that operator, the primary video and accompanying audio transmission of each qualified local noncommercial television station carried on the cable system (unless otherwise agreed upon by the cable operator and the station), and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

"(2) SIGNAL STRENGTH, BANDWIDTH, AND QUALITY.—A cable operator shall provide each qualified local noncommercial television station carried in accordance with this section with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

"(3) CHANNEL ASSIGNMENTS.—A qualified local noncommercial television station may be repositioned to a different channel in accordance with the requirements of section 623, but shall not be repositioned to a different channel by a cable operator unless the cable operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes assignment of a qualified local noncommercial television station to a cable system channel number different from the cable system channel number to which the station was assigned as of January 1, 1990.

"(4) SIGNAL QUALITY RESPONSIBILITIES OF STATION.—Notwithstanding any other provisions of this section, a cable operator shall not be required to carry any qualified local noncommercial television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission by regulation.

"(h) PAYMENTS FOR CARRIAGE.—

"(1) GENERAL PROHIBITION ON PAYMENT FOR CARRIAGE; SIGNAL QUALITY COSTS PERMITTED.—A cable operator shall not request or accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal to the headend of the cable system.

"(2) PAYMENT OF COPYRIGHT CHARGES FOR CARRIAGE OF DISTANT SIGNALS.—Notwithstanding any other provisions of this section, a cable operator shall not be required to add a qualified local noncommercial television station not already carried under the provisions of subsection (c), where such station would be considered as a distant signal for copyright purposes, unless such station reimburses the operator for the incremental copyright costs assessed against such operator as a result of such carriage.

"(i) LISTING OF STATIONS PURSUANT TO REQUIREMENTS.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(j) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a qualified local noncommercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the

cable operator is obligated to carry the signal of such station. The cable operator shall, within 30 days thereafter, respond in writing to such notice and either commence to carry the signal of such station or state its reasons for believing that it is not obligated to carry such signal. A broadcast station that is denied carriage of a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall state with particularity the basis for such findings and order the cable operator to take such remedial action as is necessary to meet the requirements of this section. If the Commission determines that the cable operator has fully met such obligations, it shall dismiss the complaint.

"(k) DEFINITIONS.—As used in this section—

"(1) QUALIFIED NONCOMMERCIAL TELEVISION STATION.—The term 'qualified noncommercial television station'—

"(A) means any television broadcast station which—

"(i)(I) under the regulations of the Commission in effect on January 1, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and is owned and operated by a public agency, nonprofit foundation, corporation, or association; or

"(II) is owned or operated by a municipality and transmits only noncommercial programs for educational purposes; and

"(ii) has as its licensee an entity which has been qualified by the Corporation for Public Broadcasting, or any successor organization thereto, to receive a community service grant, or any successor grant thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this Act; and

"(B) includes any translator, as defined in section 74.701(a) of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulation thereto, which operates with five watts or higher power and which rebroadcasts the signal of a station described in subparagraph (A) or this subparagraph.

"(2) QUALIFIED LOCAL NONCOMMERCIAL TELEVISION STATION.—The term 'qualified local noncommercial television station' means a qualified noncommercial television station—

"(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

"(B) whose grade B service contour, as defined in section 73.683(a) of such title (as in effect on January 1, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.".

SEC. 5. CARRIAGE OF QUALIFIED LOCAL TELEVISION SIGNALS.

(a) AMENDMENT.—Part II of title VI of the Communications Act of 1934 is further amended by inserting after section 614 (as added by section 4 of this Act) the following new section:

"CARRIAGE OF QUALIFIED LOCAL TELEVISION STATIONS

"SEC. 615. (a) CARRIAGE OBLIGATIONS.—For the purposes of providing a basic service tier pursuant to the provisions of section 623, each cable operator shall carry, on the cable system of that operator, the signals of qualified local television stations as provided by section 614 and the following provisions of this section:

"(1) MAXIMUM NUMBER OF SIGNALS REQUIRED.—A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of qualified local television stations up to the maximum number determined by the following table:

Number of usable activated channels	Maximum number of signals required to be carried
13 to 20	5
21 to 29	7
30 to 33	8
34 to 37	9
38 to 41	10
42 to 45	11
46 to 49	12
50 to 53	13
54 to 57	14
58 to 61	15
62 to 65	16
66 to 69	17
70 to 73	18
74 to 77	19
78 to 81	20
82 to 85	21
86 to 89	22
90 to 93	23
94 to 97	24
98 to 101	25
102 to 105	26
106 to 109	27
110 to 113	28
114 to 117	29
118 to 121	30
122 to 125	31
Above 125	25% of channel capacity

Carriage of additional broadcast television stations on such system shall be at the discretion of such operator. Beginning five years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, cable systems with 12 or fewer usable activated channels shall be required to carry up to a maximum of three qualified local television stations, except that if such a system has 300 or fewer subscribers, such system shall not be subject to any requirements under this section so long as such system does not delete any signal of a broadcast television station from carriage by that system.

"(2) SELECTION OF SIGNALS.—Whenever the number of qualified local television stations for any cable system exceeds the maximum number of signals the system is required to carry under paragraph (1), the cable operator shall have complete discretion in selecting which such stations' signals shall be carried on its cable system, except that—

"(A) in fulfilling the requirements of paragraph (1)—

"(i) a cable system of 53 or fewer usable activated channels may count only one qualified local noncommercial television station carried pursuant to section 614;

"(ii) a cable system of 54 or more usable activated channels may count only two qualified local noncommercial television stations carried pursuant to section 614; and

"(iii) additional qualified local noncommercial television stations carried pursuant to section 614 may not be counted; and

"(B) if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulation thereto, is closest to the principal headend of the cable system.

"(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video and accompanying audio transmission of each of the qualified local commercial television stations carried on the cable system (unless otherwise agreed upon by the cable operator and the station), and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes, including use of separate audio program channels, or that relates to or enhances the primary video and audio signal (such as closed-captioning or multichannel sound). Retransmission of other material in the vertical blanking interval or other enhancements of the primary video and audio signal (including teletext and other subscription and advertiser-supported information or service, and material carried on subcarriers) shall be left to the discretion of the cable operator. Where appropriate and feasible, operators may strip signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend. The Commission may study technological enhancements contained in broadcast signals and adjust cable system obligations consistent with this paragraph as necessary.

"(B) A cable operator is required to carry the entirety of the program schedule of such a station unless carriage of specific programming is prohibited pursuant to section 76.67 or subpart F of part 76 of title 47 of the Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto.

"(4) SIGNAL QUALITY.—

"(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of qualified local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards, as necessary, to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of qualified local commercial television stations will be no less than that provided by the system for carriage of any other comparable type of retransmitted signal.

"(B) ADVANCED TELEVISION.—At any time that the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall—

"(i) initiate a proceeding to consider technical standards applicable to cable carriage of broadcast signals; or

"(ii) consider submission to the Congress of suggestions for legislative changes necessary to ensure cable carriage of the new broadcast standard.

"(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any qualified local commercial television station that substantially duplicates the signal of another qualified local commercial station or to carry the signals of more than one qualified commercial television station affiliated with a particular broadcast network entity (as such term is defined by the Commission). If a cable operator elects to carry a signal which substantially duplicates the signal of another qualified local commercial television station carried on the cable system, or to carry the signals of more than one qualified local commercial television station affiliated with a particular broadcast network entity, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

"(6) CHANNEL POSITIONING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each signal of a qualified local commercial television station carried in fulfillment of the requirements of this subsection shall be carried on the cable system, at the option of the licensee of the station, on one of the following channels:

"(i) The channel on which that signal was carried on June 26, 1990.

"(ii) The channel corresponding to the station's broadcast channel number, as assigned by the Commission, unless that channel on the cable system was occupied by another qualified local commercial television station on June 26, 1990, that does not wish to relinquish that channel position.

"(iii) A channel mutually agreed upon by the broadcast station and the cable operator.

"(B) EXCEPTION.—A cable operator may make a single election to carry all the signals of qualified local commercial television stations carried in fulfillment of the requirements of this section on channel numbers 2 through 13, inclusive. The channel position of any qualified local commercial television station carried on channels 2 through 13, inclusive, on June 26, 1990, shall not be changed without the consent of the station.

"(7) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(8) NOTIFICATION.—A cable operator shall provide written notice to a qualified local commercial television station at least 30 days prior to either deleting from carriage or repositioning that qualified local commercial television station. No deletion or repositioning of a qualified local commercial television station shall occur during a period in which major television rating services measure the size of audiences of local commercial television stations. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(9) COMPENSATION FOR CARRIAGE PROHIBITED.—A cable operator shall not accept or request monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local commercial television station carried in fulfillment of the requirements of this section, or in exchange for carriage on the channel of carriage as of June 26, 1990, or the channel corresponding to the station's broadcast channel number, except that—

"(A) any such station may be required to bear the costs associated with delivering to the headend of the cable system a signal of the quality defined in subsection (c)(2)(A)(ii) of this section; and

"(B) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any qualified local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a qualified local commercial television station entered into prior to June 26, 1990.

"(b) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a qualified local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning requirements of this section. The cable operator shall, within 30 days thereafter, respond in writing to such notice and either commence to carry the signal of such station or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning or repositioning requirements of this section. A broadcast station that is denied carriage or channel positioning or repositioning by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall state with particularity the basis for such findings and order the cable operator to reposition such station or, in the case of an obligation to carry a station, to commence carriage of the station within a reasonable period, as specified by the Commission, and shall continue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met such obligations, it shall dismiss the complaint.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED LOCAL TELEVISION STATION.—The term 'qualified local television station' means any qualified local commercial television station, and any qualified noncommercial educational television station as defined in section 614.

"(2) QUALIFIED LOCAL COMMERCIAL TELEVISION STATIONS.—(A) The term 'qualified local commercial television station' means any full service commercial television station licensed and operating on a channel regularly assigned to its community by the Commission (except where such station would be considered a distant signal under section 111 of title 17, United States Code) and that, with respect to a particular cable system—

"(i) is licensed to a community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system;

"(ii) delivers to the principal headend of the cable system a signal of good technical quality that is either a signal level of -45 dBm for UHF signals or -49 dBm for VHF signals at the input terminals of the video processing equipment, or a baseband video signal; and

"(iii) meets the television viewership standards specified in paragraph (3) of this subsection.

"(B) The term 'qualified local commercial television station' shall not include low-power television stations, television translator stations, and other passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto.

"(3) VIEWERSHIP STANDARD.—

"(A) MINIMUM VIEWERSHIP REQUIRED.—Except as provided in subparagraphs (C) and (D), the viewership standard that must be achieved by a qualified local commercial television station, as determined in accordance with subsection (d) of this section, is an average share of total viewing hours of at least 2 percent and a net weekly circulation of at least 5 percent.

"(B) LOSS OF VIEWERSHIP.—Once a commercial station has demonstrated that, on the basis of a full one-year television survey season, it meets the viewership standard specified in subparagraph (A) of this paragraph, it will be deemed to have met such standard until such time as the cable system operator demonstrates, using the methodology specified in subsection (d) of this section, that the station no longer meets such standard.

"(C) NEW STATIONS.—If a station commenced operations, as defined in subsection (d)(3), after December 11, 1987, and otherwise meets the requirements of paragraph (2) of this subsection, it shall be a qualified local commercial television station for one year after the date the station commenced operations or the date the carriage obligations imposed in this section become effective, whichever is later, regardless of whether the station achieves the viewership standard in subparagraph (A) of this paragraph. For purposes of this subparagraph, a station shall be deemed to have initially commenced operations as of the date it initially commences operations under program test authority. A station which changes station operations, upgrades facilities, transfers or assigns its license, or recommences its operations after operations have ceased shall not be deemed to have initially commenced operations.

"(D) SPECIAL FORMAT AND MINORITY STATIONS.—The viewership standard in subparagraph (A) of this section shall not apply with respect to carriage of a special format or minority station (as defined in subparagraph (E)) that otherwise meets the requirements of paragraph (2) of this subsection, but in no case shall this subparagraph require a cable operator to delete from carriage any signal carried on the system of that operator on July 26, 1990. Nothing in this section shall be construed to require a cable operator to delete from carriage the signal of any such special format or minori-

ty station that was carried on the system of that operator on July 26, 1990.

"(E) DEFINITIONS OF SPECIAL FORMAT AND MINORITY STATIONS.—For purposes of subparagraph (E)—

"(i) a 'special format station' is a station that provides, as a substantial portion of its program schedule, specialized format programming (including programming in foreign languages, programming directed at minority groups, or programming which is not otherwise provided to the subscribers served by the cable system by other commercial television stations); and

"(ii) a 'minority station' is a station that is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii) of this Act.

"(d) SURVEY OF BROADCAST AUDIENCE.—Compliance with the viewership standard specified in subsection (c)(3) shall be demonstrated on the basis of an independent professional survey of noncable homes. Such survey shall cover 4 separate, consecutive 4-week periods, including one in each of April through June, July through September, October through December and January through March, pursuant to the methodology used to compile Appendix B of the Memorandum Opinion and Order on Reconsideration of Cable Television, Federal Communications Commission Report and Order (in C.T. Docket 72-530; 36 FCC 2d 326 (1972)), except that such methodology shall be modified, as necessary, to encompass all households or all cable homes when a station chooses to rely on viewing in such households and cable subscribership reaches 70 percent of the homes in the county.

"(e) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

"(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device, or

"(2) to provide information to subscribers about input selector switches or comparable devices.

"(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the effective date of regulations promulgated by the Commission pursuant to section 623(b) of this Act as amended by the Cable Television Consumer Protection and Competition Act of 1990.".

(b) CONFORMING AMENDMENTS.—Section 602 of the Communications Act of 1934 is amended—

(1) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (14), (15), (16), and (18), respectively; and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) the term 'principal head- end' means a single location at which is located the cable system equipment used to receive and process the signals of local television broadcast stations for redistribution to subscribers. Where more than one location meets this definition, the cable operator shall designate to the Commission a single location as the principal headend for purposes of section 614 and 615. No designation of the location of the cable system's principal headend shall be made in a manner which will undermine or evade the signal carriage obligations imposed upon cable operators under this Act;";

(3) by striking "and" at the end of paragraph (16) (as redesignated); and

(4) by inserting after such paragraph (16) the following new paragraph:

"(17) the term 'usable activated channels'—

"(A) means channels engineered at the headend of the cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided; and

"(B) includes any channel designated for public, educational, or governmental use but excluding channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as defined by the Commission; and".

SEC. 6. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

"CONSUMER PROTECTION AND CUSTOMER SERVICE

"SEC. 632. (a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may require, as part of a franchise (including a modification, renewal, or transfer thereof), provisions for enforcement of—

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

"(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1990, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

"(1) cable system office hours and telephone availability;

"(2) installations, outages, and service calls; and

"(3) communications between the cable operator and the customer (including standards governing bills and refunds).

"(c) AVAILABILITY OF TECHNOLOGY; PROCEEDING REQUIRED.—The Federal Communications Commission shall—

"(1) within 60 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, initiate a proceeding to determine—

"(A) whether equipment standards are necessary to permit the commercial availability, from cable operators or retail vendors that are not affiliated with cable systems, of converter boxes and remote controls compatible with cable systems; and

"(B) the feasibility of including converter and addressability technology for cable systems and other multichannel video systems in television receivers shipped in interstate commerce or imported from any foreign country into the United States for sale or resale to the public, taking into account (i) the impact on domestic manufacturers of including such technology in such television receivers, and (ii) the need for cable operators and other multichannel video systems to protect their signals against unauthorized reception; and

"(2) prescribe any standards determined to be necessary under paragraph (1).

"(d) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

"(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not inconsistent with this title.

"(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b).".

SEC. 7. TECHNICAL STANDARDS.

Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems' technical operation and signal quality. The Commission periodically shall update such standards to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection.".

SEC. 8. COMPETITION AND TECHNOLOGICAL DEVELOPMENT.

(a) PROHIBITION ON UNREASONABLE REFUSALS TO DEAL WITH MULTICHANNEL VIDEO SYSTEM OPERATORS.—Title VII of the Communications Act of 1934 is amended by inserting after section 705 (47 U.S.C. 605) the following new section:

"PROGRAMMING ACCESS TO PROMOTE COMPETITION AND CONTINUING TECHNOLOGICAL DEVELOPMENT

"SEC. 705A. (a) UNREASONABLE REFUSALS TO DEAL PROHIBITED.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, in order to promote competition and diversity in the multichannel video programming market and continuing development of communications technologies, prescribe regulations to prohibit any video programming vendor—

"(1) in which a multichannel video system operator has an attributable interest, and

"(2) that licenses video programming for national or multistate regional distribution,

from unreasonably refusing to deal with any multichannel video system operator with respect to the provision of video programming in accordance with such regulations. Entering into or abiding by the terms of an exclusive contract that does not have the effect of significantly impeding competition shall not be considered an unreasonable refusal to deal. Nothing contained in this subsection shall require any person who licenses video programming for national or multistate regional distribution to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(b) REMEDIES FOR VIOLATIONS.—Any multichannel video system operator aggrieved by conduct that it alleges constitutes a violation of the regulations prescribed under this section may commence an adjudicatory proceeding at the Commission. Upon completion of such proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video system operator.

"(c) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

"(1) provide for an expedited review of any complaints made pursuant to this section;

"(2) establish procedures for the Commission to collect such data as the Commission requires to carry out this section with respect to exclusive contracts or other practices and their effects on competitors, competition, or the video programming distribution market or on the development of new video distribution technologies; and

"(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(d) SUNSET.—The regulations prescribed under subsection (a)(1) of this section shall cease to be effective 9 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, or on such earlier date as the Commission determines that a competitive national market for the delivery of video programming exists. Such regulations shall cease to be effective for any local market on such earlier date as the Commission determines that a competitive market for the delivery of such programming exists in such local market.

"(e) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (a), annually report to Congress on the status of competition in the market for the delivery of video programming.

"(f) EXEMPTIONS FOR PRIOR CONTRACTS.—Nothing in this section shall affect any contract (or the renewal or extension of any contract) that grants exclusive distribution rights to any person with respect to video programming and that was entered into on or before June 1, 1990.

"(g) DEFINITIONS.—

"(1) The term 'multichannel video system operator' includes an operator of any cable system, multichannel multipoint distribution service, direct broadcast satellite distribution service, television receive-only satellite distribution service, or other comparable system for the distribution of video programming.

"(2) The term 'video programming vendor'—

"(A) means any person who licenses video programming for distribution by any multichannel video system operator;

"(B) includes satellite delivered programming networks and other programming networks and services;

"(C) does not include a network or service distributing video programming intended for broadcast by a television station affiliated with a broadcasting network; and

"(D) does not include a network or service distributing video programming that is carried as a secondary transmission of a signal broadcast by a television station.

"(3) The terms 'cable system' and 'video programming' have the meanings provided by section 602 of this Act.".

(b) REGULATION OF CARRIAGE AGREEMENTS.—

(1) REGULATIONS.—Within one year after the date of enactment of this Act, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators and video programming vendors. Such regulations shall—

(A) include provisions designed to prevent a cable operator or other multichannel video system operator from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

(B) include provisions designed to prohibit a cable operator or other multichannel video system operator from coercing a video programming vendor to provide exclusive rights against other multichannel video system operators as a condition of carriage on a system;

(C) contain provisions designed to prevent a multichannel video system operator from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation in the selection, terms, or conditions for carriage of video programming vendors;

(D) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

(E) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

(F) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

(2) DEFINITIONS.—As used in this subsection, the terms "video programming vendor" and "multichannel video system operator" have the meanings provided by section 705A(g) of the Communications Act of 1934 (as added by subsection (a) of this section).

SEC. 9. MARKETING OF CERTAIN SATELLITE COMMUNICATIONS.

(a) FINDINGS.—The Congress finds that—

(1) many satellite-delivered programming services have unnecessarily restricted options for consumers wishing to choose between competing television programming distributors;

(2) presently 3,000,000 Americans own C-band home satellite television systems and the number is growing at a rate of 350,000 to 400,000 each year;

(3) there is disparity in wholesale pricing between programming services offered to cable operators and to satellite programming distributors;

(4) independent, noncable third-party packaging of C-band direct broadcast satellite delivered programming will encourage the availability of programming to C-band direct broadcast home satellite television systems; and

(5) in order to promote the development of direct-to-home satellite service, Congress must act to ensure that video programming vendors provide access on fair and nondiscriminatory terms.

(b) AMENDMENTS.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) by striking subsection (f) as added by section 204 of the Satellite Home Viewer Act of 1988;

(2) by striking "subsection (d)" each place it appears in subsections (d)(6) and (e)(3)(A) and inserting "subsection (f)";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following new subsection:

"(c)(1) Any person who encrypts any satellite delivered programming shall—

"(A) make such programming available for private viewing by home satellite antenna users;

"(B) when making such programming available through any other person for distribution through any medium, establish reasonable and nondiscriminatory financial, character, technical, and service criteria and requirements under which noncable distributors shall qualify to distribute such programming for private viewing by home satellite antenna users; and

"(C) when making such programming available through any other person for distribution through any medium, establish by the effective date of this subparagraph or January 1, 1991, whichever is later, price, terms, and conditions for the wholesale distribution of such programming which do not discriminate between the distribution of such programming to distributors for cable television subscribers and distributors to home satellite antenna users, nor among different distributors to home satellite antenna users, except that this subparagraph shall not prohibit rate differentials which are—

"(i) attributable to actual and reasonable differences in the costs of the creation, sale, delivery, or transmission of such programming as between different delivery media;

"(ii) attributable to reasonable volume discounts; or

"(iii) attributable to bona fide agreements for the distribution of such programming which were in effect prior to the enactment date of this subparagraph.

"(2) Where a person who encrypts satellite delivered programming has established a separate subsidiary for distribution to satellite antenna users, such person shall not be required to establish or license any entity on the same terms and conditions as such separate subsidiary; except that for purposes of any claim of discrimination under this section, a party aggrieved may, as evidence of discrimination, compare the prices, terms, and conditions established by the person who encrypts.

"(3) Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to authorize or license any distributor for a secondary satellite retransmission of such programming, but, if any person who encrypts satellite delivered programming authorizes or licenses such a distributor, such person shall, consistent with the provisions of paragraph (1)(B) and (1)(C), establish criteria to qualify to distribute such programming through such secondary satellite retransmissions, and further establish nondiscriminatory price, terms, and conditions for such distribution. Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(4) Any person aggrieved by any violation of paragraph (1)(A) of this subsection may bring a civil action in a United States district court or in any other court of competent jurisdiction. Such court may grant temporary and final injunctions or other equitable relief on such terms as it may deem reasonable and appropriate to prevent or restrain such violations.

"(5) Any person aggrieved by any violation of paragraph (1)(B), (1)(C), or (2) of this subsection may bring a civil action in the United States district court or other court of competent jurisdiction. Such court may grant temporary and final injunctions on such terms as it may deem reasonable and appropriate to prevent or restrain such violations; and (i) direct the recovery of damages to a prevailing plaintiff, including actual damages, or statutory damages for all violations in a sum of not more than $500,000, as the court considers just; and (ii) direct the recovery of full costs, including reasonable attorney's fees, to a prevailing party.

"(6) As used in this subsection—

"(A) the term 'satellite delivered programming' means video programming transmitted by a domestic C-band direct broadcast communications satellite intended for reception by cable television systems or home satellite antenna users and does not include any satellite communication of any broadcaster or broadcast network;

"(B) the term 'home satellite antenna users' means individuals who own or operate C-band direct broadcast satellite television receive-only equipment for the reception of satellite delivered programming for viewing in such individual's single family dwelling unit; and

"(C) the term 'person who encrypts' means the party who holds the rights to the satellite delivered programming or who establishes the prices, terms, and conditions for the wholesale distribution thereof.

"(7) This subsection shall cease to be effective 7 years after the date of enactment of this subsection."; and

(5) in subsection (h) (as redesignated) by striking ", based on the information gathered from the inquiry required by subsection (f),".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) of this section shall take effect 90 days after the date of enactment of this Act.

SEC. 10. C-BAND SATELLITE REGULATION.

(a) FINDINGS.—The Congress finds that—

(1) under existing technical regulations of the Federal Communications Commission, the development of the C-band home satellite television market is likely to be adversely affected in the future by interference caused by adjacent satellites;

(2) current home dishes, which are commonly 8 to 10 feet in diameter, might receive interference from new satellites that the Commission has authorized and assigned to orbital slots but which have not yet been constructed or launched; and

(3) future C-band home dishes, which might be as small as 4 feet in diameter and still receive good picture quality from higher power C-band satellites than are used today, may be unable to reject interference from adjacent satellites spaced as close as 2 degrees.

(b) TECHNICAL REGULATION OF C-BAND SATELLITES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

"(u) Have authority to make such rules and regulations as may be necessary to assure that satellite Earth stations receiving signals in the 3700-4200 MHz band used for private viewing pursuant to section 705 are not unduly restricted from being used for the reception of television programming services, including regulations to assure that such receivers are protected from interference caused by unwanted satellite emissions.".

(c) BARRIERS TO USE OF SMALLER SATELLITE DISH RECEIVERS.—Section 705 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(i)(1) The Federal Communications Commission shall, within 45 days after the date of enactment of this subsection, initiate a combined inquiry and rulemaking proceeding for the purpose of—

"(A) determining the technical feasibility of using smaller C-band home dish receivers than are commonly used on such date of enactment,

"(B) determining the extent to which existing rules and regulations of the Commission in effect on such date act as a barrier to the use of smaller dish receivers,

"(C) determining the extent to which local zoning, construction, or other regulations have acted as barriers to the successful development of the C-band satellite television delivery service,

"(D) determining the extent to which smaller dish sizes might overcome such local barriers, and

"(E) evaluating the impact that any proposed regulation changes would have on the users, operators, or licensees of existing or authorized fixed satellite services (FSS) satellites, taking into account any Act, treaty, or convention binding on the United States which the Commission is authorized to administer.

"(2) If the Commission finds—

"(A) that any of its policies, rules, or regulations relating to two degree satellite spacing requirements act as barriers to the use of smaller C-band home satellite dishes,

"(B) that such dishes would be technically feasible but for the Commission's policies, rules, or regu- lations,

"(C) that modification of the such policies, rules, or regulations would be in the interest of current and future C-band home satellite dish users, and

"(D) that, considering the Commission's evaluation pursuant to paragraph (1)(E) of this subsection, such modifications would nevertheless be in the public interest,

the Commission it shall initiate a rulemaking to remove such barriers and complete such rulemaking within 360 days of the initiation of the inquiry.".

SEC. 11. EQUAL EMPLOYMENT OPPORTUNITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) despite the existence of present legislation governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable television and broadcast industries;

(2) increased numbers of females and minorities in positions of management authority in the cable television and broadcast industries advances the Nation's policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) STANDARDS.—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

"(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, of this section, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3) of this subsection.".

(c) CONTENTS OF ANNUAL STATISTICAL REPORTS.—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

"(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

"(i) Corporate officers.
"(ii) General Manager.
"(iii) Chief Technician.
"(iv) Comptroller.
"(v) General Sales Manager.
"(vi) Production Manager.
"(vii) Managers.
"(viii) Professionals.
"(ix) Technicians.
"(x) Sales.
"(xi) Office and Clerical.
"(xii) Skilled Craftspersons.
"(xiii) Semiskilled Operatives.
"(xiv) Unskilled Laborers.
"(xv) Service Workers.

"(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission's rules shall sufficiently define job categories (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and that have supervisory authority are reported for such categories. The Commission shall adopt rules that define job categories (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in job categories (i) through (x) and the number of minorities and women in job categories (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity's central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section.".

(d) PENALTIES.—Section 634(f)(2) of such Act is amended by striking "$200" and inserting "$500".

(e) APPLICATION OF REQUIREMENTS.—Section 634(h)(1) of such Act is further amended by inserting before the period the following: "and any multichannel video system operator (as that term is defined in section 705A(g) of this Act)".

(f) STUDY AND REPORT REQUIRED.—Not later than 240 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of its procedures, regulations, policies, standards, and guidelines concerning equal employment opportunity in the broadcasting industry. In conducting such review, the Commission shall consider the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. In conducting such proceeding the Commission also shall review the effectiveness of penalties and remedies

for violation of existing regulations and policies concerning equality of employment opportunity in the broadcasting industry. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting industry as it deems necessary.

SEC. 12. HOME WIRING.

Section 624 of the Communications Act of 1934 (17 U.S.C. 544) is amended by adding at the end the following new subsection:

"(g) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules and regulations concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber.".

SEC. 13. SALES OF CABLE SYSTEMS.

Part II of title VI of the Communications Act of 1934 is further amended by adding at the end thereof the following new section:

"SALES OF CABLE SYSTEMS

"SEC. 616. (a) 3-YEAR HOLDING PERIOD REQUIRED.—Except as provided in this section, no cable operator may sell or otherwise transfer ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system by such operator.

"(b) TREATMENT OF MULTIPLE TRANSFERS.—In the case of a sale of multiple systems, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction.

"(c) EXCEPTIONS.—Subsection (a) of this section shall not apply to—

"(1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability,

"(2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority, or

"(3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferror.

"(d) WAIVER AUTHORITY.—The Commission may, consistent with the public interest, waive the requirement of subsection (a), except that, if the franchise requires franchise authority approval of a transfer, the Commission shall not waive such requirements unless the franchise authority has approved the transfer.

"(e) LIMITATION ON DURATION OF FRANCHISING AUTHORITY POWER TO DISAPPROVE TRANSFERS.—In the case of any sale or transfer of ownership of any cable system after the 36-month period following acquisition of such system, a franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations. If the franchising authority fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time.".

SEC. 14. CABLE CHANNELS FOR COMMERCIAL USE.

(a) RATES, TERMS, AND CONDITIONS.—Section 612(c) of the Communications Act of 1934 (47 U.S.C. 532(c)) is amended—

(1) by striking "consistent with the purpose of this section" in paragraph (1) and inserting "consistent with regulations prescribed by the Commission under paragraph (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4) The Commission shall, not later than 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, by regulation establish—

"(A) a formula to determine the maximum rates which a cable operator may establish under paragraph (1) of this subsection;

"(B) standards concerning the terms and conditions which may be so established; and

"(C) standards concerning methods for collection and billing for commercial use of channel capacity made available under this section.".

(b) ACCESS FOR MINORITY PROGRAMMING SOURCES.—Section 612 of such Act is further amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming on that cable system under this subsection.

"(2) For purposes of this subsection, the term 'qualified minority programming source' means a programming source which devotes significantly all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii) of this Act.".

SEC. 15. CABLE FOREIGN OWNERSHIP RESTRICTIONS.

(a) FINDINGS.—The Congress finds that—

(1) restrictions on alien or foreign ownership of broadcasting and common carriers first were enacted by Congress in the Radio Act of 1912;

(2) cable television service currently is available to more than 80 percent of American households, more than 59 percent of American households subscribe to such services, and the majority of viewers rely on cable as the conduit through which they receive terrestrial broadcast signals;

(3) many Americans receive a significant portion of their daily news, information, and entertainment programming from cable television systems, and such systems should not be controlled by foreign entities; and

(4) the policy justifications underlying restrictions on alien ownership of broadcast or common carrier licenses have equal application to alien ownership of cable television systems, direct broadcast satellite systems, and multipoint distribution services.

(b) AMENDMENT TO COMMUNICATIONS ACT.—Section 310(b) of the Communications Act of 1934 (47 U.S.C. 310(b)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end thereof the following new paragraphs:

"(2)(A) No cable system (as such term is defined in section 602) in the United States shall be owned or otherwise controlled by any alien, representative, or corporation described in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection.

"(B) Subparagraph (A) of this paragraph shall not be applied—

"(i) to require any such alien, representative, or corporation to sell or dispose of any ownership interest held or contracted for on or before June 1, 1990, or acquired in accordance with clause (ii); or

"(ii) to prohibit any such alien, representative, or corporation that owns, has contracted on or before June 1, 1990, to acquire ownership, or otherwise control, any cable system from acquiring ownership or control of additional cable systems if the total number of households passed by all the cable systems that such alien, representative, or corporation would, as a result of such acquisition, own or control does not exceed 2,000,000.

"(3)(A) For purposes of paragraph (1) of this subsection, a license or authorization for any of the following services shall be deemed to be a broadcast station license:

"(i) cable auxiliary relay services;

"(ii) multipoint distribution services;

"(iii) direct broadcast satellite services; and

"(iv) other services the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

"(B) Subparagraph (A) of this paragraph shall not be applied to any cable operator to the extent that such operator is eligible for the exemptions contained in subparagraph (B) of paragraph (2).".

SEC. 16. THEFT OF CABLE SERVICE.

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking "$25,000" and inserting "$50,000";

(B) by striking "1 year" and inserting "2 years";

(C) by striking "$50,000" and inserting "$100,000"; and

(D) by striking "2 years" and inserting "5 years"; and

(2) by adding at the end thereof the following new paragraph:

"(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.".

SEC. 17. STUDIES.

(a) STUDY OF VIDEO PROGRAMMING DIVERSITY AND COMPETITION.—

(1) COMMISSION STUDY.—The Commission shall conduct a review and study to determine whether it is necessary or appropriate in the public interest to prohibit or constrain acts and practices that may unreasonably restrict diversity and competition in the market for video programming. In conducting such review and study, the Commission shall consider the necessity and appropriateness of—

(A) imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of such programming; and

(B) imposing limitations on the proportion of the market, at any stage in the distribution of video programming, which may be controlled by any multichannel video programming distributor or other person engaged in such distribution.

(2) REPORT.—Within one year after the date of enactment of this Act, the Commission shall submit a report on the review and study required by paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Thereafter, the Commission shall continue to monitor (and summarize in the Commission's annual reports) the status of diversity and competition in the marketplace for video programming.

(3) PROCEEDING REQUIRED TO REVIEW DBS RESPONSIBILITIES.—The Federal Communications Commission shall, within 180 days after the date of enactment of this Act, initiate a rulemaking proceeding to impose, with respect to any direct broadcast satellite system that is not regulated as a common carrier under title II of the Communications Act of 1934, public interest or other requirements on direct broadcast satellite systems providing video programming. Any regulations prescribed pursuant to such rulemaking shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) of the Communications Act of 1934 and the use of facilities requirements of section 315 of such Act to direct broadcast satellite systems providing video programming. Such proceeding also shall examine the opportunities that the establishment of such systems provide for the principle of localism under such Act, and the methods by which such principle may be served through technological and other developments in, or regulation of, such systems.

(4) PUBLIC SERVICE USE REQUIREMENTS.—(A) The Federal Communications Commission shall require, as a condition of any initial authorization, or renewal thereof, for a direct broadcast satellite service providing video programming, that the provider of such service reserve not less than 4 percent or more than 7 percent of the channel capacity of such service exclusively for noncommercial public service uses. A provider of such service may use any unused channel capacity designated pursuant to this paragraph until the use of such channel capacity is obtained, pursuant to a written agreement, for public service use. As used in this paragraph, the term "public service uses" includes—

(i) programming produced by public telecommunications entities, including programming furnished to such entities by independent production services;

(ii) programming produced by public or private educational institutions or entities for educational, instructional, or cultural purposes; and

(iii) programming produced by any entity to serve the disparate needs of specific communities of interest, including linguistically distinct groups, minority and ethnic groups, and other groups.

(B) There is established a study panel which shall be comprised of a representative of the Corporation for Public Broadcasting, the National Telecommunications and Information Administration, and the Office of Technology Assessment selected by the head of each such entity. Such study panel shall within 2 years after the date of enactment of this Act, submit a report to the Congress containing recommendations on—

(i) methods and strategies for promoting the development of programming for transmission over the public use channels reserved pursuant to subparagraph (A);

(ii) methods and criteria for selecting programming for such channels that avoids conflicts of interest and the exercise of editorial control by the direct broadcast satellite service provider; and

(iii) identifying existing and potential sources of funding for administrative and production costs for such public use programming.

(5) DEFINITION.—As used herein, the term "'direct broadcast satellite systems" includes (A) satellite systems licensed under Part 100 of the Federal Communications Commission's rules, and (B) high power Kuband fixed service satellite systems providing video service directly to the home and licensed under Part 25 of the Federal Communications Commission's rules.

(b) STUDY OF PROGRAMMING MARKET.—On or before January 1, 1995, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effects of exclusive licensing arrangements for video programming on competition between classes of multichannel video system operators. The Commission shall evaluate whether grantors or holders of exclusive licensing arrangements for video programming discriminate against classes of multichannel video system operators in a manner that deprives the public of access to diverse sources of programming. Such report shall include such recommendations for legislation as the Commission deems appropriate.

(c) STUDY OF THE FUTURE OF THE UNITED STATES VIDEO MARKETPLACE.—

(1) STUDY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the Congress a report regarding the status, direction, and future of the video marketplace in the United States. Such report shall identify and address the principal financial, competitive, consumer, and other factors that are influencing, and will continue to influence, the development of the video marketplace for the remainder of this century. The Commission shall conduct such study in conjunction with an inquiry that elicits the views of the participants in the video marketplace and interested members of the public.

(2) SUBJECTS OF STUDY.—Among the issues to be reported upon, and upon which the Commission shall, if necessary, make recommendations for legislation, are the following—

(A) the promotion of full and fair competition among all participants in the video marketplace, including particularly the roles of terrestrial broadcasting, cable television, and other multichannel video services;

(B) the preservation of local news, public affairs, and other types of public service programming for the video audience;

(C) the availability of universal service with a broad range of news, sports, and entertainment programming (both local and national); and

(D) the extent to which interlocking relationships among participants in the video marketplace may affect the nature, quality, or competitiveness of such participants in the video marketplace.

(d) PROCEEDING WITH RESPECT TO AREAS RECEIVING POOR OVER-THE-AIR SIGNALS.—The Federal Communications Commission shall initiate an inquiry and rulemaking to examine the feasibility of providing access to network and independent broadcasting station signals to persons who subscribe to direct broadcast satellite service and are unable to receive such signals (of grade B quality) over the air from a local licensee, or from a cable system. In undertaking such rulemaking, the Commission shall take into consideration pertinent economic and technological factors, including the following:

(1) the extent to which individuals in rural, underserved areas are unable to receive broadcast television transmission; and

(2) potential ways in which operators of satellite-delivered programming services or the manufacturers or distributors of receiving equipment might enhance the ability of such persons to receive and readily access additional video distribution, including without limitation, an electronic switching capability as a minimum feature on satellite television receiving equipment.

(e) STUDY OF LOW-POWER TELEVISION.—

(1) STUDY REQUIRED.—Within 12 months after enactment of this Act, the Federal Communications Commission shall prepare and submit to the Congress a report on whether, and under what conditions, low power television stations (as defined in section 74.701(f) of title 47, Code of Federal Regulations, or any successor regulations thereto) which provide local origination programming should be entitled to carriage on cable systems whose service area encompasses the service area to which a low power television station is licensed.

(2) PUBLIC COMMENT; FACTORS FOR CONSIDERATION.—In preparing its report, the Commission shall provide an opportunity for public comment and take into account—

(A) whether and how many low power television stations provide local program services which serve the public interest, convenience and necessity;

(B) the status of low power television as a secondary service;

(C) the impact of carriage of low power television stations on the availability of channels for future communications needs;

(D) the burden on cable systems of carriage of low power television stations, the propriety of imposing such a burden, and any technical considerations relating to providing carriage limited only to the low power television station's community of license; and

(E) the extent of the burden presently imposed upon low power television stations as a result of charges for carriage imposed on stations by cable systems.

SEC. 18. EFFECTIVE DATE.

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this piece of legislation which is the product of a bipartisan effort undertaken

over the last 2 years in the Telecommunications and Finance Subcommittee, and the Committee on Energy and Commerce, at the insistence of the consuming public, cities and towns, and of competitors in this marketplace.

Over the last 2 years, in a long series of hearings, we have been able to elicit, I think, the concepts, the ideas that will substantially protect consumers and at the same time advance competition in this very important area of American life.

Mr. Speaker, let me begin by telling the Members that this landmark piece of legislation makes strides for American consumers in several important ways. First, in section 3, the bill creates a cost-based regulated tier of over-the-air broadcast channels and public educational and governmental access channels. Second, in section 3, the bill provides a regime for preventing unreasonable or abusive rates for the range of advertiser-supported channels and empowers affected local and State agencies to file complaints with the FCC to enforce the rate strictures, and, third, in sections 8 and 9, the bill contains specific provisions to promote competition in the marketplace for video services.

For example, in section 8(a), it facilitates companies that compete with cable operators to gain access to programming, and in section 8(b), it prevents certain types of discrimination and other practices by cable operators against programmers.

Significantly, this provision establishes new FCC remedies for conduct that violates standards which have been carefully crafted to deal with particular sorts of problems and circumstances in the video marketplace. These standards are not a replication of existing antitrust standards.

The legislation includes several other consumer safeguard measures. It guarantees national regulatory standards for the cost of the equipment that consumers need to receive cable programming. It enables both Federal and local authorities to establish meaningful customer service standards. It contains long awaited must-carry and channel positioning language needed to preserve our Nation's unique heritage of high-quality and ubiquitous over-the-air broadcasting.

It calls for an FCC evaluation of EEO performance in the broadcast industry, and it mandates several important studies of the nature and direction of present and likely future developments in the video marketplace with a view toward anticipating critical issues as we are moving toward the 21st century.

□ 1420

There are two matters that I would like to clarify. First, the portion of the committee's report on section 8(a) of the bill inadvertently does not accurately reflect language agreed to by Mr. RINALDO and me at the subcommittee's markup. The language should state that,

> It would be significant if a pattern developed whereby cable operators obtained or a video program vendor granted exclusivity foreclosing one or more other technologies from effectively competing with cable.

The second clarification concerns the portion of the report on section 8(b) of the bill with respect to how the committee intends the term "coercing" to be construed. I wish to make clear that the committee does not intend for the statutory provisions to interfere with fair but hard bargaining between multichannel video system operators and video programming vendors.

This legislation is the product of the combined efforts of many members of the Committee on Energy and Commerce and the Subcommittee on Telecommunications and Finance.

In particular, I would like to thank the chairman of the full committee, JOHN DINGELL, for his wise and active involvement and support in the drafting of this legislation. He made a commitment to legislating in this area, feeling that it was critical to protect consumers and to advance competition, and I think this bill accomplishes the goals which he laid out for our committee.

In addition, as usual, I want to thank the ranking member of the subcommittee, Mr. MATT RINALDO. He and I have worked cooperatively over the last year in trying to frame these issues and ensure that they could be worked out in a bipartisan fashion, and the product out here on the floor more than anything reflects the leadership of the gentleman from New Jersey in ensuring that we could deal with these issues in a nonideologically, pragmatic way, and it is a tribute to him that we have this bill to present to the floor today, because without his ability and a commitment to working in this type of fashion this issue could have been highly contentious and fractious, and could have consumed an entire week of the House's attention because of the nature of the issues involved.

In addition, I also want to commend my colleagues, including the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Tennessee [Mr. COOPER], the gentleman from Virginia [Mr. BOUCHER], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Ohio [Mr. ECKART], the gentleman from Washington [Mr. SWIFT], the gentleman from Texas [Mr. BRYANT], the gentleman from New Mexico [Mr. RICHARDSON], the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Kansas [Mr. SLATTERY], the gentleman from California [Mr. WAXMAN], and the gentleman from Pennsylvania [Mr. WALGREN] for their leadership on these important public policy issues. I could spend 5 minutes on each one of these Members in eye-watering detail explaining the major contributions which they have made to the crafting of this legislation. But just let me let it go with the fact that without them we would not be here today, and I would just like to compliment each and every one of them and their staffs.

Finally, this legislation would not have been possible without the significant contributions of the National Cable Television Association, the Consumer Federation of America, the National Association of Broadcasters, the Community Antenna Television Association, the National League of Cities, the National Conference of Mayors, the National Association of Public Television Stations, the Association of Independent Television Stations, the Motion Picture Association of America, the Satellite Broadcasting Communications Association, and numerous public interest groups. The willingness of these parties to discuss deal fairly, and compromise paved the way for meaningful progress on this legislation.

H.R. 5267 addresses real problems in a surgical and balanced manner. It will provide strong protection for consumers, ignite vigorous competition in the video marketplace, and promote the public interest in securing diversity in video programming under fair and effective conditions. I urge my colleagues to give their full support to this bill. And I will do all within my power to secure President Bush's signature on this critical bill before the year's end.

Mr. Speaker, I reserve the balance of my time.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sensible cable legislation is something that few people thought would come out of the House this year. But today we're going to beat the odds.

The Energy and Commerce Committee has developed a well-crafted, bipartisan bill which will solve the most pressing problems with the cable industry faced by cable subscribers and cable competitors. This bill was approved unanimously both in subcommittee and in the full committee.

The bill before the House today will correct the problems with rates and customer service that have been the target of numerous consumer complaints, with solutions that will provide immediate benefits to consumers and competitors.

Let me say a few words about why Chairman DINGELL, Chairman MARKEY, and I joined together to write this bill, and why it's so necessary.

Some people call this bill reregulatory. Others say that it doesn't go far enough because it doesn't substitute competition for regulation.

Both of those arguments are completely wrong.

This bill provides important and necessary adjustments to the existing regulatory structure of the Cable Act. The bill will significantly change the way the cable industry is regulated in order to benefit consumers.

The legislation imposes comprehensive must-carry rules to require cable carriage of local broadcast stations. This provision, which Members have overwhelmingly supported for years, reflects agreements among the broadcasting and cable industries.

The bill reimposes rate regulation of a broadcast basic tier, which is similar to the regulatory situation that existed before the Cable Act. The bill also gives the FCC authority to go after bad actors that charge unreasonable or excessive rates for basic cable services.

This regulatory regime will ensure that consumers who want nothing more than broadcast stations will get them at a reasonable price. It also removes the ability of cable operators to piggyback the sales of their services by forcing consumers to buy them in order to receive popular local broadcast TV stations. This fact alone should reduce rates and provide consumers a greater choice to pay only for the services they want, and not be forced to pay for lots of channels they don't want, to get the ones they do.

Finally, we have given the FCC more authority than they had even before the Cable Act to crack down on unreasonable cable rates and to ensure that cable systems provide friendly, courteous customer service without usurping the role local governments play in regulating the cable industry.

This bill also is an important victory for all cable competitors, whether those competitors are large DBS partnerships or local wireless cable systems.

Competition won't develop naturally without fair access to programming in a free marketplace. That's why this bill gives cable competitors the ability to bargain in a free program market through limited regulation targeted specifically to remove any unfair leverage which cable operators have over programmers.

These provisions will make it possible for programmers to bargain with whatever video outlets they choose. It also will preserve programmers' ability to make exclusive distribution arrangements with any particular distributor—or refuse to make any exclusive distribution arrangements if they choose.

It is regulation designed to remove market imbalances and make sure a free programming market can develop.

Most Members, particularly republican Members, prefer competitive solutions to regulatory ones. In fact, we are solving problems in a manner that benefits competitors as much as possible—whether it's broadcasters, wireless cable, C-band satellites, or DBS

While it may justifiably be argued that a purely competitive solution may be preferable in the long run, that won't help cable subscribers in the short run. So the committee's work is designed to solve the short-term problems with the cable industry in a manner that has the greatest long-term benefits for consumers and competition.

The legislation before the House today is a pragmatic, practical, doable approach, which I support wholeheartedly, and urge Members on both sides of the aisle to do the same.

I want to thank the full committee chairman, Mr. DINGELL, and the subcommittee chairman, Mr. MARKEY, for the bipartisan spirit in which they have worked with me, and with the minority, on this legislation. It has been a difficult process sometimes. But the result is good legislation which we all can recommend to the House both as effective protection for cable subscribers and an effect spur to cable competition.

□ 1430

In closing, let me just say a word or two about the gentleman from Massachusetts [Mr. MARKEY], because I want to acknowledge his willingness, his hard work, his dedication, and his desire to make this legislation truly reflect a consensus among all committee members.

That was an extremely difficult task, and I want him to know how much we in the minority appreciate the bipartisan spirit in which we joined in order to enact a very, very difficult bill.

So once again, Mr. Speaker, this is legislation that I hope everyone will support.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts [Mr. MARKEY] has 12 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN] who, throughout the course of the entire deliberation focusing upon the satellite issue, that is, the assurance that there would be new competition entered into the marketplace, but also on the whole question of could we bring together all of the various parties who were seemingly at irreconcilable loggerheads on this issue, Mr. TAUZIN dedicated himself to the reconciliation of those issues and in fact played a major role in insuring this piece of legislation would move forward.

Mr. TAUZIN. Mr. Speaker, I want to thank the chairman. I particularly want to thank the chairman of our subcommittee, the gentleman from Massachusetts [Mr. MARKEY] for the incredible work he has done in bringing these forces together to resolve some very, very difficult issues.

As peaceful as this debate may seem, let me assure the Members of this body there are some awfully controversial issues settled here today, and because of the incredibly successful strategy of the chairman working with the minority, Mr. RINALDO and several others, we were able to bring those awfully controversial issues to the surface.

The chairman's strategy was to force each side to look at the other's point of view and to try to reconcile them. As a result, we brought forth a bill that is good for the consumers and at the same time will foster, I think, an invigorated area of competition in the services for the industry and for America.

The bill is not so heavily weighed on one side or the other as to be identified as a reregulation bill. It contains elements of regulation to insure that the worst practices of the bad violators in the cable industry, who are raising rates inordinately and who are affecting the tiers of programs in a way that cause consumers to complain vigorously, so vigorously, to Congress, are dealth with.

It also assures the basic cable tier, people who do not want all of these exotic programs on cable that cable has so marvelously brought to the American marketplace, but simply want the must carry signals and the news services. This bill provides for that for Americans.

Finally, this really addresses the issue of competition. More than anything else, I think this area, this cable industry area, video service area is begging for vigorous competition. In no other place can the consumer eventually find the full satisfaction of protection in the marketplace than when there is more than one store to shop in.

When services in video are delivered not simply by wire but through the air, through the advances in satellite technology and eventually the new KU-band satellites that will deliver services on a dish no bigger than the size of a table napkin.

When those things are possible under this bill, the full-blown effects of competition will be realized, and I think the consumers in America will greatly benefit. Competition will continue to yield new programming formats, new program ideas, new menus for America to choose from, and yet prices and terms will be much more acceptable to the American consumer as a result of this compromise bill.

I particularly want to commend all the work done, and I particularly want to commend all the staff, the minority staff working with the majority staff, and the staffs of JOHN DINGELL's full committee who worked so diligently with us to bring people together so that they might come to compromise.

One final thought, AL GORE and I have been working for a long time on a thing called the Satellite Viewer's Protection Rights Act, an act designed in fact to yield competition to this area of the marketplace to make sure the consumers who are dissatisfied with their cable have another way to go, who could in fact receive the same menu of programming, at fair pricing, on a satellite dish that they may have in their homes.

As that technology improves, more Americans are going to have that option. This bill, in fact, incorporates all the provisions of the bill that Senator GORE and I pushed for so many years, to guarantee that menu availability to Americans and that choice for Americans.

Again I want to commend the chairman, the staff and all those who played a part in fashioning this compromise. It is a solid bill, it is good for the consumer. At the same time, it is not so oppressive in the marketplace as to discourage ingenuity, inventiveness, which has been the hallmark of the cable industry.

The cable industry has done great things for this country in terms of bringing new programs for us. We want to make sure that that continues.

This bill does that, and at the same time it affords new consumers protections that the industry sorely needed.

Again I want to commend the chairman for this bill, and I urge Members of the House to adopt it.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART], who played a vital role in helping to construct this coalition which makes it possible for us to present this historic piece of legislation to the House today.

Mr. ECKART. Mr. Speaker, I thank my chairman. I congratulate both the Chair and the ranking Republican for the work that the committee and subcommittee have done to bring this piece of legislation here today. There is no doubt in any of our minds, as we have stated in other circumstances and at other times,. that if we had written this bill ourselves, it would not have looked like this.

The simple fact of the matter remains, however, that the Nation has enjoyed the tremendous benefits and opportunities in the entertainment arena from the burgeoning cable television industry.

But with their expansion and opportunities came more difficulties in some respects for consumers. The ultimate effect of the legislation adopted some years ago was that you had an unregulated monopoly. With that, quality of service freqently goes down while prices go up.

As my colleagues from Louisiana state so eloquently before me, the opportunity now to correct the errors of a run-amok deregulation is now presented to this Congress. That is what this bill does. It restores opportunities to local government to have a say in the cable television process. It gives them the rights and will set the standards nationally by which local governments can be involved in the mechanism by which they grant franchises and in forcing those franchisees to live up to the terms of their agreements.

Most importantly, as we go through the interrugnum between some regulation and new technologies that my colleague from Louisiana referred to, it is an opportunity for real competition to take place. No, not just the simple competition of direct over-the-air broadcasts, but the kind of direct competition from satellite, so-called wireless cable, and opportunities for folks in rural communities to know that they too can share in the wealth of entertainment that exists in the marketplace.

There have indeed been many opportunities that consumers have enjoyed from the cable industry. We know that in our own House, the Discovery Channel is a wonderful opportunity for my son, and indeed his mom and dad, to learn more about the world. But we also have seen prices rise. We have seen the quality of service decline.

This legislation restores the abilities of local government and the rights of consumers to be a more willing and meaningful partner in the cable television process. This bill should be adopted.

Mr. RINALDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I want to commend my colleagues on the Energy and Commerce Committee who have worked long and hard on this legislation. However, I am very concerned with language in the bill regarding the so-called must carry provisions.

I am troubled by the special treatment afforded to one company under an amendment adopted in committee which creates a specialty format station status. The amendment was designed to grant special status for minority oriented and foreign language broadcast stations, which I applaud.

As drafted, the amendment appears to grant special treatment to one particular company, the Home Shopping Network, granting them the same must carry status as minority oriented and foreign language stations.

In legislation titled the Cable Television Consumer Protection and Competition Act, we in Congress should not establish a special exemption for one company to the disadvantage of its competitors. Legislation that bestows must carry rights on only one of the three major competitors in the televised home shopping field, while denying equal rights to the other two competitors, is grossly inequitable and not in the public interest.

I believe this discriminatory situation in the televised home shopping industry must be corrected in conference with the Senate and I would be happy to work with my colleagues to correct this inequity.

□ 1430

Mr. RINALDO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, at the outset, I would like to commend Chairman DINGELL and Mr. LENT of the full committee and Chairman MARKEY and Mr. RINALDO of the subcommittee for taking a tempered and responsible approach to this rhetorically charged issue.

Mr. Speaker, the legislation before us has a noble intent. In the name of the American consumer, we are taking aim at those in the cable industry which have taken advantage of deregulation by charging unreasonable rates and providing poor customer service. Each of us, from the ratepayer to the vast majority of responsible cable operators, heartily supports ridding the industry of these so-called bad actors.

But before congratulating ourselves, we should first understand the full extent of our actions. For the penalties of reregulation imposed by this legislation go beyond the renegades of the cable industry. Over the district work period, I had the opportunity to meet with a number of representatives from cable systems in and around my district, like Columbine Cablevision in Fort Collins, CO, which offers 36 channels of programming for less than 50 cents per day, like United Artists Cable in Englewood which has wired 225 schools in the Denver area at no cost, and Jones Intercable in Englewood which already more than complies with the aggressive customer service standards contained in the legislation. They too, despite their actions, will be subject to reregulation under this bill.

As the GAO reported, an examination of the industry as a whole shows that responsible cable operators like those I mentioned are by far the norm. Consider that last year the average customer's cable bill rose $1.42. Broken down further, this means the typical subscriber paid 2 cents more per channel than he or she did at the beginning of 1989. Yet many quote the GAO report as documenting the need for reregulation.

I will not oppose the legislation today despite my fears that it exceeds the justified level of fine tuning which the Cable Act requires. I agree that

cable is now a mature industry which must exercise its freedoms responsibly. But it is clearly not in the public interest to reshackle this important source of information and entertainment with government regulation, discouraging reinvestment and responsiveness. Nothing less than the intent of the original Cable Act—to provide greater quality and diversity of television programming—is at stake.

Again, I commend the respective chairmen and ranking minority members for using restraint when the rhetoric surrounding this issue demanded otherwise. I look forward to working with them in ensuring that should legislation continue to proceed through the Congress, that our actions be governed by a similar sense of reason, And I urge my colleagues to remember that in our efforts to remove the few bad apples from the cable industry that we not do so at the expense of the entire tree.

Again, I certainly want to commend the chairmen, particularly the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from New Jersey [Mr. RINALDO], for working so hard on this very difficult subject that so many people were so far apart on at the beginning. I look forward to working with the gentlemen so this legislation can continue on through the process. I would like to thank them for all their efforts.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I would like to commend the chairman, the gentleman from Massachusetts [Mr. MARKEY] and other members of his subcommittee, as well as the full committee, for reporting this bill to the House floor today.

Mr. Speaker, I would like to engage in a colloquy with the chairman, my good friend from Massachusetts [Mr. MARKEY], if he would be willing to do so.

Mr. MARKEY. If the gentleman will yield, I would be more than glad to.

Mr. FORD of Tennessee. Mr. Speaker, I am concerned that the nondiscrimination provisions in H.R. 5267 may not guarantee access to cable for all programmers, and that this lack of access will result in higher prices for cable consumers. Nonetheless, I am willing to support this bill, but will this issue be revisited if discrimination in programming persists after this legislation is enacted and signed into law?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, I thank him for engaging in this colloquy, because as the gentleman knows, our bill allows exclusive arrangements between cable companies and programmers as long as they do not significantly impede competition. I believe this provision will help encourage competition, but the subcommittee will continue to monitor the competition in the video marketplace. If the situation merits, we will certainly reexamine the issue.

Mr. FORD of Tennessee. I have one more concern dealing with entry of the telephone companies into the cable market. As I understand it, there is no telephone provision in H.R. 5267, but you will be holding hearings next year to examine this issue. I want to encourage you to hold these hearings as soon as possible, and I want to compliment you on your work once again, and the committee's work for reporting this bill to the House floor.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for his concern. It is going to be a very high priority in the next session. We will do it as part of a unified debate that looks at information services from top to bottom that the telephone industry may engage in, and it is our full intention to revisit that issue next year.

Mr. RINALDO. Mr. Speaker, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, section 5 of the bill dealing with carriage of qualified local television stations provides new FCC remedies. It is my understanding that these new remedies are not intended in any way to deprive Federal or State enforcement authorities, consumers, or other private parties of any rights or remedies which they may otherwise have under Federal or State laws safeguarding competition or consumer interests.

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, the gentleman's understanding is correct.

FCC remedies created under section 5 of the bill are not intended in any way to limit any rights or remedies otherwise available under Federal or State laws safeguarding competition or consumer interests.

Mr. RINALDO. Mr. Speaker, I yield such time as he may consume, for purposes of colloquy with the chairman of the subcommittee, to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I want to thank the distinguished ranking member, the gentleman from New Jersey [Mr. RINALDO], for yielding, and for the cooperation of him and his staff.

I now ask the distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY] to please join in a colloquy. Since the beginning of the year when the syndex rule went into effect, I have sought to resolve this problem through various methods, considering a unique syndex problem adversely affecting a single region of Western Wisconsin. I introduced legislation, H.R. 4448, that I intended to offer as an amendment to the bill now before Members, until it became clear this bill was going to come up under the rule and calendar under which it is being considered.

The FCC rules were not intended to result in blackout or disconnection of the most local instate network broadcasts. One of the primary objectives of these communities' initial franchising requirements was to ensure that local broadcasts would be carried to the greatest extent possible over their cable systems.

Yet the law has resulted in the Prescott-to-Hudson corridor in Wisconsin losing broadcast channels with a strictly Wisconsin identity. Furthermore, the 4,000 homes hooked up to cable in these communities represent only 0.3 percent of the total households in the Twin Cities market. Granting a waiver of the new syndex rule would clearly not pose an economic hardship to the three Minneapolis broadcasters.

Mr. Speaker, I have tried unsuccessfully in the past to resolve this matter with the FCC. Therefore, I would appreciate your personal attention in this matter by requesting the FCC to study this particular case and report back with recommendations to a solution within 30 days. In addition, I ask the committee to carefully consider an amendment I expect to be offered in the Senate, similar to my legislation, that would resolve this unique situation.

Mr. VISCLOSKY. Mr. Speaker, if the gentleman will yield.

I share the concerns of the distinguished Member from Wisconsin.

Indiana's First Congressional District is adjacent to the greater Chicago metropolitan area. Due to the region's close proximity to Chicago, all major television stations are Chicago-based. Understandably, these stations provide predominantly Chicago and Illinois related news. Because very little information is broadcast about Indiana events, northwest Indiana residents have found themselves in an information void.

The advent of cable television had changed this situation for many northwest Indiana residents. When three South Bend stations were made available, via cable, they provided desperately needed news about Indiana.

However, the FCC syndex and network nonduplication rules have forced our cable providers to discontinue these Indiana stations. Once again, residents of northwest Indiana are without easy access to information that affects their everyday lives as residents of Indiana.

□ 1450

Mr. Speaker, I say to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY] that I do look forward to working with

him and with my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], in addressing this important issue.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I appreciate the remarks of the gentleman from Wisconsin [Mr. GUNDERSON] and the gentleman from Indiana [Mr. VISCLOSKY], and I want to assure them that the committee will make the request to the FCC, and that the committee will give full consideration to the anticipated Senate amendment.

Mr. GUNDERSON. Mr. Speaker, I appreciate the remarks of the chairman of the subcommittee.

Mr. RINALDO. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, it has never ceased to amaze me that State governments gave cable franchises away without requiring anything in return for it, making instant millionaires out of cable operators.

But what amazed me even more was that Congress chose in 1984 to take what were clearly already regional monopolies and deregulate them, allowing them to change service and increase prices at will. And they clearly have done that since that time.

With deregulation, millionaires became multimillionaires, with cable consumers paying the bill. In fact, the Wall Street Journal noted that cable rates may currently be twice what they would be if operators faced true competition, meaning that cable customers may be overcharged $6 billion each year. But even if it were $1 billion, it would be $1 billion too much.

I would like to thank the chairman of the subcommittee, ED MARKEY, and also the ranking member, MATT RINALDO, for the fine work they have done in beginning to undo the mistake of 1984. I think this bill is a good step in the right direction. It provides for some regulation and encourages some competition as well.

It is my hope that in the years to come we will not need to further regulate, with the advent of more effective competition from satellite dishes, wireless cable and other services. The real impact of the bill will depend, however, on how the FCC implements it.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I just wanted to comment that our committee is enormously indebted to the gentleman from Connecticut. He was amongst the earliest and most tireless workers on this subject. He testified twice before our subcommittee on the subject, and without question he has been one of the consciences of cable in this country over the last several years.

Mr. Speaker, I just wanted to publicly note that and compliment the gentleman for his good work.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for his graciousness.

Mr. RINALDO. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, it is an old, old story in politics to say that when you are up to your waist in alligators, it is hard to remember that the original purpose was to drain the swamp.

This bill deals with a lot of important "alligators," and it does it well. I would like to commend both the chairman of the subcommittee and the ranking member of the subcommittee for making that possible and for drafting a bill which we can bring to the floor on suspension, which certainly tells all those listening, including those in the other body, that the House is very serious about doing something about cable legislation. But I would also like to note that there is contained in this—and this arrived with the cooperation of the chairman and of the ranking member—a swamp-draining provision as well.

Broadcasters under our system have a responsibility to serve the public. The question is, What will people using DBS have? We managed to let cable into the communications field without that responsibility, and this bill contains a provision which says that if you are going to go into the direct broadcast satellite business, you have, like terrestrial broadcasters, a responsibility to serve the public. It sets a percentage of the capacity that is devoted to that purpose.

This, I think, is terribly important. If in fact the communities of America are to be served with special interest programming, as well as that which will respond rather readily to the polls and to the measurements that are made of viewer listening, there has to be some programming that is not driven by those polls. This bill provides that, and I want to thank the chairman and the ranking member for enabling this provision to be possible.

Mr. Speaker, I urge all my colleagues to support this legislation as important both in terms of what it does with the alligators and what it does with regard to draining the swamp.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from New Jersey [Mr. RINALDO] has 4 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 2 minutes remaining.

Mr. RINALDO. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I want to commend my chairman, the gentleman from Massachusetts [Mr. MARKEY], who has once again wrestled to the ground four or five gorillas at once and forged the competing interests and goals of this institution into a very workable and useful bill, clearly the best bill that could have been put together under the circumstances, the Cable Television Consumer Protection and Competition Act, which is now on the floor.

I also want to say a strong word of thanks to the gentleman from New Jersey [Mr. RINALDO], the ranking minority member, for his leadership as well, which has been constructive from beginning to end. I am particularly gratified to both of them for having allowed a resolution in this bill of the must carry and channeling position provisions which I have spent some time working on over the last several years. That, I think, is a very constructive part of this bill, and I commend it to the Members as they examine how to vote.

I have been a vocal critic, as many here have, of some of the ways in which the cable industry has used its monopoly power to control 45 million cable subscribers' access to over-the-air broadcast, and today in order to rectify the situation we are about to pass out of the House a sound and workable carriage requirement within this bill that would enable all local over-the-air broadcast signals to be carried on cable's basic tier and to be carried in a channel position the same as that used over the air.

I am pleased that the competing organizations of various broadcast groups were able to get together on this and to make it a part of the bill. I think this is a significant contribution to the public interest.

I would also like to comment that I have a continued interest in developing additional broadcast networks as an economic base for local stations. This public interest position may be a bit at odds with this bill's basic tier provisions with respect to emerging network coverage. I would, however, express my interest in enabling cable viewers in every corner of our Nation to receive both existing and emerging broadcast network programming in the most economic manner as part of the basic tier offerings.

Mr. Speaker, I hope we can continue to pursue this in committee and perhaps in the conference committee as well.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BRUCE], a member of the committee.

Mr. BRUCE. Mr. Speaker, I thank the ranking member for yielding this 1 minute to me.

Mr. Speaker, I want to express my appreciation to you, Mr. MARKEY, to the full committee chairman, and to the ranking members of your panels for bringing this legislation to the floor. Your efforts to move this bill quickly through the committee process while facing disagreements on a number of issues are admirable.

If the Federal Communications Commission vigorously enforces all of the provisions of this legislation, particularly those governing prior rate abuses and restricting retiering of prices to avoid compliance with this act, it will be successful in protecting consumers from the most abusive cable rates. However, the Energy and Commerce Committee must maintain its longstanding record of vigorous oversight to ensure that the FCC follows the will of the Congress.

I retain concerns that we are not doing enough to spur competition in the cable industry, and appreciate the commitment from Mr. MARKEY that his subcommittee will consider those concerns next year. I also appreciate the efforts of Mr. COOPER, Mr. TAUZIN, Mr. BOUCHER, Mr. MADIGAN, and a number of others who have worked to ensure that the Cable Television Consumers Protection and Competition Act lives up to its name. I look forward to working in the committee next year to improve competition for the cable industry.

□ 1500

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN], a member of the committee.

Mr. MCMILLEN of Maryland. Mr. Speaker, today I rise in support of H.R. 5267. The Cable Television Consumer Protection and Competition Act of 1990 would charge the Federal Communications Commission [FCC] with ensuring fair competition, reasonable cable subscriber rates, and the promotion of a diversity of views on our Nation's cable systems.

These are all laudable goals. Goals which I support. Therefore, I support H.R. 5267 although I am concerned that the bill does not address several important matters.

One of these is the issue of developing a fiber optics network to the home. Both the Japanese and the West Germans plan to have implemented a door-to-door fiber optics system by the middle of this decade. I continue to believe that if we are to compete effectively with the rest of the world, a door-to-door fiber optics network is a necessity.

With the passage of H.R. 5267 we achieved a necessary short-term solution to the problems of the cable industry. However, we need to address the long-term problems of developing an efficient door-to-door fiber optics system.

Mr. Speaker, I want to commend you for your efforts in moving cable legislation forward. It has been a difficult process, but as always you have handled the assignment in a fair and a professional manner. I urge support for passage of H.R. 5267.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding this time to me.

In concluding this debate, what I would like to do is to say that as good a job as the JOHN BRYANTS, the TERRY BRUCES, the AL SWIFTS, and the TOM MCMILLENS did on this job, it was matched by the quality of the staff work on this legislation.

I would like at this time to thank David Leach from the full committee, and Terry Haines from the minority for their work, Steve Cope who is legislative counsel for his patience and for his expertise in draftsmanship; but also individual staff members, Scott Cooper from the office of the gentleman from Washington [Mr. SWIFT]; Dan Tate, from the office of the gentleman from Louisiana [Mr. TAUZIN]; David Zesiger, from the office of the gentleman from Ohio [Mr. ECKART]; Larry Clinten, from the office of the gentleman from Virginia [Mr. BOUCHER]; Sara Matthews, from the office of the gentlewoman from Illinois [Mrs. COLLINS]; Kim Koontz, from the office of the gentleman from Oklahoma [Mr. SYNAR]; Howard Bauleke, from the office of the gentleman from Kansas [Mr. SLATTERY]; Dirk Forrester, from the office of the gentleman from Tennessee [Mr. COOPER]; Barbara Crapa, from the office of the gentleman from Texas [Mr. BRYANT]; Pablo Collins, from the office of the gentleman from New Mexico [Mr. RICHARDSON]; and my own staff led by Staff Director Herb Brown, excellent work; Lisa Gurskey; Gerry Salemme; Sara Morris; John Kinney; Mark Risch; and especially Larry Irving, who is our chief for the mass media counsel, who has worked on this bill tirelessly for the last 1½ years. This legislation is as much a tribute to him as it is to any Member of the House of Representatives.

Mr. Speaker, with the thanks I have as usual to the gentleman for his good work, I will conclude.

Mr. RINALDO. Mr. Speaker, I yield myself the final minute.

Mr. Speaker, I want to take this opportunity once again to thank the gentleman from Massachusetts [Mr. MARKEY] in particular, and also to commend the staff, but because we spoke about bipartisanship earlier when we spoke about a consensus, when we spoke about working together, I think that is epitomized not only in the work of all the Members who were mentioned here today on both sides of the aisle, but also on the staffs of both the majority and the minority.

I want to join Chairman MARKEY in commending the staff who worked so well together under the direction of Herb Brown on the majority side, and Margaret Durbin on our side. They did a yeoman's job. They cooperated. They discussed some very, very tough problems and were able to work them out.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding to me.

I just would like to note, because it was an oversight but not an insignificant one, which is that Jack Clough, who is staff director for the full committee under the gentleman from Michigan [Mr. DINGELL], was absolutely instrumental at each critical juncture in insuring that this package could be put together, and I think it should be noted publicly.

Mr. RINALDO. Mr. Speaker, let me just say that I completely agree with the gentleman, because without that kind of cooperation we would not have the bill here today.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Mr. WELDON. Mr. Speaker, I would like to commend my colleagues, Chairman DINGELL, Chairman MARKEY, Mr. LENT, Mr. RINALDO, Mr. TAUZIN, and the others who have worked so hard to develop a piece of legislation that has as its goal a better environment for cable consumers.

I must point out a particular problem in this bill that I assume is an unintended consequence of fashioning the bill's must carry provisions. During the markup, an amendment was adopted that created a specialty format station status. This provision enabled certain types of broadcast stations to be exempted from the bill's viewership test in order to qualify for must carry status. The amendment, which was not a part of my colleague, Mr. TAUZIN's, successful effort to forge a broadcaster/cable operator compromise, was designed to bestow a special status on minority oriented and foreign language format stations. The goal is to promote diversity in programming.

However, as drafted, the amendment allows the Home Shopping Network [HSN] to receive the same special status accorded to minority oriented and foreign language stations. HSN is one of several satellite delivered cable shopping channels. However, it is the only cable shopping service that has also purchased broadcast licenses and has affiliation agreements with other broadcasters.

The fact that HSN goes out and buys up or signs up broadcasters in order to place their service in front of more people should not give them a special must carry status over

their competition. To give HSN the potential to receive must carry status while prohibiting competing shopping channels from being placed on the must carry tier is unfair not only to the other televised home shopping services, but to thousands of customers who rely on these services.

To give HSN a preferred status is incomprehensible. It will discourage diversity and localism by creating an incentive for struggling broadcasters to sell out to shopping services rather than offer diverse and local programming to the public. Further, it could force other shopping services to start buying up licenses.

In a time when the spectrum is so scarce that Congress has before it proposals to take spectrums reserved for government and military use and to make it available for commercial use, we should not, as a matter of policy, encourage the creation of a spectrum supermarket at the expense of diversity and localism.

Again, I commend the extraordinary efforts of my colleagues and hope that this must carry problem can be corrected.

Mr. LENT. Mr. Speaker, when President Reagan signed the 1984 Cable Act, Congress thought it had solved the problems which plagued the cable industry. We hoped we had encouraged real choices in programming and real competition to traditional television.

Those hopes came true faster and to a greater extent than we expected. Cable television has been one of the major growth industries of the 1980's. A great number of cable networks quickly became staples of the American TV diet, from CNN to MTV to ESPN—even to C–SPAN. Cable penetration jumped drastically: today, nearly 60 percent of American TV households are cable subscribers, and 85 percent can get cable if they want it.

Unfortunately, the Cable Act also has helped prove the law of unintended consequences. New problems sprang up in the wake of the new freedom granted to cable operators.

Within a few years after the Cable Act passed, the new kid on the block began to show some teeth. A few cable operators dropped some local TV stations. Other cable companies withheld programming from would-be competitors. Customer service quality has been uneven at best, and poor in many places.

In my district on Long island, the sole cable system simply refused to carry popular programming, including local pro sports teams, whether or not subscribers were willing to pay to see it. This decision blacked out coverage of New York Knicks basketball and New York Ranger hockey games, just as each team reached the playoffs. Hundreds of thousands of loyal fans could not watch their favorite teams because one man, operating a virtual monopoly, decided he did not want to make the games available.

I know how difficult it has been for many cable systems to keep up with the industry's explosive growth. But new market freedoms also carry responsibilities with them. The fact is that the cable industry hasn't shouldered those responsibilities as well as they should have.

In the worst cases, the industry's behavior provides classic examples of greed run amuck. On Long Island, everyone involved—the cable network, the cable system, and the teams—wrestled over profits.

All of them completely forgot about their obligation to the consumers who pay for the cable system, for the programming, and for the ticket when they go to the ball park.

The arguments in Long Island and elsewhere about cable began over programming costs and subscriber rates. These disputes quickly became consumer protection issues that started locally and ended up as a serious focus of congressional concern.

The simple question is whether every cable subscriber deserves access to a wide variety of programming, at reasonable rates, and with quick and courteous service. Our answer comes today in the legislation before the House.

This legislation is a serious effort to balance the scales and correct the unforeseen problems with the cable industry that have cropped up on a number of fronts. The bill will protect consumers from excessive rates and poor service, and enables competitors to compete for programming in a free market.

I strongly favor competitive solutions to market abuses in every industry. Adding regulatory burdens onto any industry should only be contemplated when there is no way that a competitive solution would immediately fix a problem, and only to the most limited extent possible. Whether or not cable systems are a natural monopoly, right now they are, in fact, the only outlet for multichannel programming available to the vast majority of Americans.

It looks like that will change in the near future. At last, full-fledged competition to cable will be coming from DBS, wireless cable, and a variety of other sources.

This legislation takes serious steps to make sure that all cable competitors can flourish to the greatest extent possible. But those new competitive systems won't be a true choice for most Americans for a few years. So the likelihood of increased competition to cable some time in the future will not solve any of our constituents' problems today. That is why the House is considering this legislation, and that is why I support it.

As long as cable retains its present monopoly status, limited regulation is the only solution to anticompetitive situations like the problems experienced by my constituents in Long Island.

We need to solve our constituents' immediate problems with limited regulatory reforms that ensure quality cable service, and not blindly rely on what may or may not happen in the next decade.

Our constituents do not want us to wait any longer to solve these problems, and I don't think we should. For that reason, I urge my colleagues to support H.R. 5267 as approved unanimously by the House Energy and Commerce Committee.

In closing, I want to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and the Telecommunications Subcommittee chairman, the gentleman from Massachusetts [Mr. MARKEY] for their willingness to make this legislation truly reflect a consensus among all committee members. I particularly want to commend the ranking Republican member of the Telecommunications Subcommittee, the gentleman from New Jersey [Mr. RINALDO], for the important role he played in making sure this bill accomplishes its goals without overregulating the cable industry. The result is a bipartisan bill which applies limited regulatory solutions to better achieve a free and competitive video marketplace.

I urge all members to support H.R. 5267.

Mr. MCGRATH. Mr. Speaker, I rise today in strong support of H.R. 5267, the Cable Television Consumer Protection and Competition Act.

Since the cable television industry was deregulated in 1984, subscription rates, along with consumer complaints, have skyrocketed. Once advertised as a minimal fee, cable rates now rival electric and gas bills as monthly payments for home dwellers. Subscribers in my district now pay $19.95 a month for basic cable service.

H.R. 5267 is a bill designed to restore reasonable statutes to the cable television industry. The bill requires cable systems to offer a low-cost tier of local broadcast, public television and cable-access channels, with the Federal Communications Commission [FCC] to decide on maximum rates for such a tier. The legislation also allows State and local authorities to challenge cable rates deemed unreasonable or abusive by the FCC for programming like ESPN or MTV.

Cable customers have been held hostage by the industry long enough. I was hopeful that the Congress would pass a bill that would also allow for competition; however, this legislation is an important first step in ensuring better service for cable television consumers. I urge my colleagues to support H.R. 5267 and help bring stability back to cable television.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 5267, the Cable Television Consumer Protection Competition Act of 1990.

This legislation would require the Federal Communications Commission to cap prices for a basic tier of cable programming, which would include local broadcasts and public access channels.

The FCC also would be required to regulate renegade cable operators that excessively raise rates for other programming. Complaints about abusive rate increases would have to be filed by State or local governments.

To discourage monopolistic practices in the industry, the legislation would prohibit cable programmers with financial ties to cable operators from unreasonably refusing to deal with competitors, such as the home satellite dish industry, wireless cable and direct satellite broadcasts. This provision would remain in effect for 9 years, or until the FCC determined that the cable market was competitive.

Cable companies would be allowed to enter into exclusive agreements with video programmers as long as doing so would not significantly impede competition.

I believe that all of these provisions will protect the interests of cable consumers in those communities which have suffered as the result of cable deregulation. This measure strikes an appropriate balance between the need to maintain regulation in areas of the marketplace where competition does not exist and

the importance of preserving free market incentives for the development of new programming and delivery services.

Unfortunately, the Energy and Commerce Committee did not vote on a proposal to allow telephone companies to enter the cable television business by carrying affiliated video programming over fiber optic telephone lines.

I believe that with strong and effective regulation, small, non-Bell telephone companies could bring additional competition to the video programming marketplace by providing a video dial tone for programmers and a small amount of affiliated programming. I oppose allowing telephone company entry into the local broadcasting business.

This legislation also includes an amendment I authored mandating an FCC study of whether low-power television stations should be granted mandatory carriage by local cable systems.

Low-power television stations that originate programming often provide the only local television service to small communities and to minority, ethnic and specialized interest groups.

People who have nowhere else to turn for television programming direct toward their own local concerns should not be denied access to low-power stations that address those concerns because cable TV systems refuse to carry the signals. I recognize that these low-power stations should not be carried on cable systems beyond their broadcast service areas. We should encourage the development of these low-power stations.

I would have liked to see this legislation include limited carriage requirements for low-power stations that have made a significant commitment to local programming and to meeting public service requirements imposed upon full power broadcasters. It is unfortunate that the bill before us today, on the other hand, allows mandatory carriage for certain Home Shopping channels that do not meet the generally applicable viewership standards for carriage.

My amendment directs the FCC to examine whether and how many low-power television stations provide local programming that serves the public interest and meets local needs.

The FCC would examine the status of low-power TV as a secondary service and the impact of low-power carriage on the availability of channels for future communications needs.

The FCC also would examine the burden that carriage would place on cable systems, technical issues related to carriage, and the burden presently imposed by carriage fees upon low-power stations that are carried by cable systems.

Mr. Speaker, I am concerned that as we move into a new century with pervasive new communications technologies, we will lose sight of our historic commitment to localism in communications. I believe that low-power television has a role to play in both serving the interests of minority communities in larger cities and providing local news and information in small towns across America.

Mr. MADIGAN. Mr. Speaker, I am disappointed that we have not solved the problem we set out attempting to address in consideration of H.R. 5267. Although cable systems in this legislation will be reregulated to some extent, reining in the bad actors in the cable industry, we have done very little, if anything, to introduce new competition in the delivery of video programming to many parts of the United States, especially small towns and rural areas. Reregulation without competition only solves one side of the cable equation—rates will either stay the same, or, most probably, increase. Beyond that, the key competitive element of encouraging telephone companies to provide fiber optic highways, or other modern broadband technology, to carry information services of all types sooner, rather than later, is greatly lacking in the current legislation.

As a result of the colloquy between the subcommittee chairman and the gentleman from Virginia [Mr. BOUCHER], I note that Chairmen DINGELL and MARKEY have stated that they will make the issue of telephone company entry into video programming a legislative priority for the subcommittee in the 102d Congress. It is still the intent, though, of this Member and many of the members of the committee to examine the following legislative remedies to this important question in the near future:

First, telephone companies should be able to provide video carriage, gateways, packaging, billing, and collection in their telephone service areas and the Federal Communications Commission [FCC] should allow a telephone company to own or originate video programming if the FCC finds that programming is not available for transport;

Second, cross-subsidies, a concern as a result of the entry of local exchange carriers [LEC's] into the cable programming marketplace should be strictly prohibited. Video services and marketing should be provided through a separate subsidiary of the telephone company. Violation of the cross-subsidy prohibition should force the immediate divestiture of the telephone company's video subsidiary;

Third, a Federal-State joint board should establish rules and regulations to ensure proper cost allocation between video and telephone services;

Fourth, telephone companies should not buyout existing cable systems;

Fifth, within a specified time after the passage of such legislation, telephone company video subsidiaries should be able to offer their own programming under the following conditions:

Fiber optic technology, or other state-of-the-art modern broadband technology, should be installed to the curb of all telephone company subscribers within the telephone company video service franchise area;

Telephone companies should provide video gateways for all unaffiliated programmers under the same terms and conditions available to affiliated programmers; and

Telephone company-affiliated programming should be limited to an amount of capacity equal to that made available to unaffiliated programmers.

Mr. Speaker, these and other issues germane to this debate, such as the rural area exemption, must be thoroughly reviewed in order to adequately legislate in this important telecommunications area. H.R. 5267 certainly does not go far enough and I predict we will need to revisit the whole issue of telephone company/cable competition in the near future.

Mr. WAXMAN. Mr. Speaker, I support H.R. 5267, the Cable Television Consumer Protection and Competition Act, and congratulate Chairman MARKEY and Chairman DINGELL for moving this significant legislation. I would like to highlight an area of concern, however, that is addressed in the Senate cable bill, S. 1880, but not in H.R. 5267. I urge the House conferees to consider the Senate language on this important issue.

Under the Cable Communications Policy Act of 1984, Congress vested in local governments the power to grant cable franchises in their jurisdictions. Since that time, individuals who have been denied cable franchises or who object to the terms and conditions of the franchises issued to them have brought lawsuits against Los Angeles and a number of other cities and municipalities. The plaintiffs in these suits have claimed that the cities' actions have violated their constitutional rights under the first and 14th amendments. While I do not take a position on the constitutional questions that have been raised, I am concerned that the plaintiffs have sought large monetary damages from local governments in these cases.

In California, the cities of Sacramento, Palo Alto, and Santa Cruz have faced lawsuits with damage claims worth millions of dollars, which they have settled for substantial sums of taxpayers' funds. Los Angeles is currently facing two suits seeking large damage awards.

When Congress passed the 1984 Cable Act, it did not intend to expose local governments to monetary damages for denying cable franchises. We are now faced with an anomalous situation, however, in which cities and municipalities are being threatened with such claims even though they have strictly adhered to cable laws and regulations.

I believe it is crucial for Congress to protect local governments from monetary claims, while permitting the courts to resolve the important constitutional issues in these suits. Large damage awards will only drain resources from our cities and encourage others to bring similar suits against other local governments. While this problem has been limited to a small number of cities to date, it has the potential of affecting thousands of local governments across the country.

I urge the conferees to pay close attention to the financial difficulties this problem has created for our cities and to adopt the provision in the Senate bill which would exempt them from liability as long as they have adhered to the provisions of the 1984 Cable Act.

Mr. RITTER. Mr. Speaker, H.R. 5267 is a compromise piece of legislation. This legislation is a compromise between the majority and minority, as well as a compromise between the cable and broadcast industries. I thank Chairman MARKEY and ranking member Mr. RINALDO for their dedication in bringing this bill to the floor today.

As with every good compromise, no party is completely satisfied. This bill opens up some possibilities of competition by allowing program suppliers and alternative delivery systems, such as wireless cable and direct broad-

cast satellite [DBS], to bargain freely and fairly for program carriage. Furthermore, program services that are vertically integrated with cable operators are forbidden from unreasonably refusing to deal with an unaffiliated cable operator for a 9-year period. Combined with the current antitrust laws, these provisions will allow for some future competition to cable from wireless cable and DBS.

However, the bill fails to allow competition in video services from the local telephone company. Telephone companies would be a natural competitor to cable companies. Allowing local telephone companies into cable would allow for greater investment in the telecommunications infrastructure that is so essential to our economic competitiveness in the information age. We will see the issue of cable/telco cross ownership again in the near future, but as for this bill, it is silent on the issue.

Compromises were also made in the bill relating to technical standards. The bill now requires the FCC to maintain national technical standards, instead of allowing local franchising authorities with little or no technical expertise to dictate unreasonable technical standards. Also, a compromise was reached on financial disclosures for cable companies. Instead of a broad, unreasonable requirement, the FCC is authorized to request only the financial information needed to carry out the provisions of this bill.

I do have some reservations regarding the must-carry section of the bill. While most of this section was the product of protracted negotiations between the National Association of Broadcasters [NAB] and the National Cable Television Association [NCTA], it appears that the one group of stations who would benefit most from cable carriage was left out of the picture. Under this bill, local UHF stations in secondary markets, such as WFMZ-TV in Allentown, PA, will not be able to obtain cable carriage in the lowest priced tier. WFMZ is the only local no-commercial television station in the Lehigh Valley, the third largest population center in the State. WFMZ has to compete with television stations from Philadelphia and New York City and is the only television station that provides local news and programming to the Lehigh Valley. Due to the mountainous terrain and the relatively low power of the station, it is difficult for WFMZ to be received outside of the Lehigh Valley. This is the type of station the must-carry rules need to help, but these marginal stations are losing out. The must-carry language we passed would do more for home shopping stations than it would for struggling local UHF programmers. Soon, the local independent UHF station may completely disappear from the scene. I strongly encourage that when this bill comes to conference, that the interests of the struggling independent UHF stations be taken into consideration.

I also have some reservations about the basic rate regulation. Under the bill, every cable system will have to provide a basic broadcast tier. Those systems who do not already have a basic tier will have to retier. Retiering will cost more than systems are able to recover in the cost of the basic service, forcing operators to increase the prices of the satellite-delivered tier. There is evidence that where a basic broadcast tier is available, only a small percentage of subscribers actually opt for that tier. The cost of implementing this tier for a small minority of consumers will be balanced on the vast majority of those consumers that receive satellite-delivered cable television. Furthermore, the way the FCC is required to develop a formula for basic service looks similar to the traditional rate of return regulation for telephone companies. Rate of return regulation is currently on its way out, in favor of a more economically efficient form of regulation. In the conference with the Senate on this bill, we need to take a good look at the rate reregulation portions of this bill and determine if we are really helping or hurting consumers.

Again, I thank Chairman MARKEY and ranking member Mr. RINALDO, as well as both the majority and minority staffs for their excellent work and unending dedication in bringing this bill to the floor today. Thank you Mr. Speaker, and I yield back the rest of my time.

Mr. RINALDO. Mr. Speaker, I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 5267, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5267, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR TEMPORARY EXTENSION OF CERTAIN PROGRAMS RELATING TO HOUSING AND COMMUNITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5558) to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

The Clerk read as follows:

H.R. 5558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMERGENCY LOW INCOME HOUSING PRESERVATION ACT OF 1987.

Section 203(a) of the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715ll note) is amended by striking "September 30, 1990" and inserting "October 31, 1990".

SEC. 2. INTERAGENCY COUNCIL ON THE HOMELESS.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1990" and inserting "October 31, 1990".

SEC. 3. FHA MORTGAGE LIMIT.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "during fiscal year 1990" and inserting "until October 31, 1990".

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this bill, H.R. 5558, before the House today would extend for 1 month three housing related requirements or programs that are set to expire at the end of the fiscal year. This short term extension is necessary to ensure that these requirements and programs do not lapse before Congress can reauthorize or otherwise resolve these issues before adjournment.

The first extension would extend the plan of action requirements under the Emergency Low Income Housing Preservation Act of 1987, commonly referred to as the moratorium provisions. The 1987 act put into place a temporary program to provide for the prepayment of mortgages on certain low-income rental housing. The 1987 program was to last until Congress could consider and address the issue in detail. During the consideration of H.R. 1180, the House dealt with this issue and I have confidence that the conference committee on S. 556, the 1991 housing authorization bill, will adopt a permanent program to cover the prepayment of these mortgages. This simple extension is needed to prevent the lapse of the temporary program until a permanent solution can be enacted.

The second extension is for the Interagency Council for the Homeless under the McKinney Act. This extension is necessary because if the Council is not extended it will have to be disbanded before Congress can reauthorize it in the general McKinney Act.

Finally, this bill would extend the current FHA limit of $124,500 for an additional month. This limit which was adopted for only fiscal year 1990 last year would be made permanent

under S. 556 as adopted by the House. This extension would allow the conference committee to act on the level before it lapses thereby avoiding disruption of the lending limits.

Mr. WYLIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5558 and am pleased to join the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ] as a cosponsor.

The chairman has mentioned the three provisions which would extend until October 31, 1990, and I will not be repetitive there, but this involves the Emergency Low Income Preservation Act of 1987, the Interagency Council on the Homeless, and the increase in the FHA loan limit. Although all three items are addressed in the comprehensive housing authorization bills recently passed by the House and Senate, time constraints made it virtually impossible to enact final authorization legislation before the end of September. Because current law with regard to all three provisions is due to expire on September 30, 1990, it is essential that this bill be passed as temporary extensions of the three programs, until permanent legislation can be enacted.

The Emergency Low Income Preservation Act refers to the prepayment moratorium in title II of the 1987 Housing Act, which prohibited the prepayment of mortgages on privately owned, Government-assisted housing. In 1987 Congress took temporary action to prevent a large-scale loss—up to 360,000 units—of affordable, low-income housing units. The House-passed omnibus housing bill, H.R. 1180, contains the Barnard-Bartlett compromise as a permanent solution to the prepayment issue. The Senate-passed bill, S. 566, basically makes the prepayment moratorium permanent. This is a contentious issue which will take time to resolve. The point the prepayment moratorium contained in the 1987 Housing Act is due to expire on September 30, 1990, if we do not do something. We need to pass a temporary extender until a permanent solution can be agreed upon in conference.

Another section of this bill deals with the Interagency Council on the Homeless. The Interagency Council on the Homeless was established by the McKinney Act in July 1987. The Council provides Federal leadership and coordination for activities which assist homeless individuals and families. Although the Council membership is composed of various department and agency heads—chaired by Secretary Kemp of HUD—the Council receives a small, annual authorization for Washington, DC, staff and 10 regional coordinators. The provision authorizing the Council is due to expire on September 30, 1990. Again, this temporary extension is necessary until the McKinney Act is reauthorized.

In last year's appropriations bill, the FHA loan limit was raised from $101,250 to $124,875 for fiscal year 1990 only. This bill would temporarily maintain this increase, pending enactment of an authorization bill to permanently authorize the higher loan limit.

The administration supports this legislation and I urge all Members to support the bill.

Mr. GONZALEZ. Mr. Speaker, before yielding time to the gentleman from Massachusetts [Mr. FRANK], I do want to have the record reflect that if anyone has taken the leadership on what we call this prepayment issue, those Members who recall the general debate on the housing reauthorization bill, it sounds as if it is something that is almost impersonal, but it involves hundreds of thousands of low and moderate income renters, and the legislation would not be possible were it not for the efforts of the gentleman from Massachusetts [Mr. FRANK]. And I believe there have been others on the committee over on the minority side; we have had very active participation by not only the ranking minority leader, the gentleman from Ohio [Mr. WYLIE], but the gentleman from Texas [Mr. BARTLETT].

□ 1510

Mr. Speaker, on this point I do think we ought to reflect and give credit where credit is due to those that have taken the leadership in this very, very critical issue, and the gentleman from Massachusetts [Mr. FRANK], I think, was the member I would put at the head of the list.

So, Mr. Speaker, I yield up to 18½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ], my chairman, but, unlike the precedessor committee, I do not think we will be taking all or our time. But I want to thank him for his very gracious words and his leadership, and I want to acknowledge the speed with which he and the ranking minority member, the gentleman from Ohio [Mr. WYLIE], acted in allowing us to have this extension come to the floor.

The point, as has been made clear: We have a deadline with which we set ourselves because we were not trying to delay. We were making a good-faith effort to meet the deadline. We will come very close, I believe, but, in case we do not quite meet it and send the bill to the President that I hope he is going to sign and that 10 days may lapse, we want to make very important assets, namely subsidized tenancies. So, extending the deadline on this moratorium from September 30 to October 30 is very important.

As the chairman, the gentleman from Texas [Mr. GONZALEZ], has pointed out, we have been working very hard on this bill. We have not yet got the complete agreement, but I must say that I think, if my colleagues look at where we are today, we are closer to agreement. We will go to a conference with the other body. There will be not unanimity, but I believe we are within clsoe reach of an agreement. I think we will come out with something that will resolve most of the problems.

For many of us it is absolutely essential, given the scarcity of affordable housing in the country today, that we act so that we do not lose any units, and that means two things.

First of all, Mr. Speaker, we have to prevent vulnerable people from being evicted, people who moved into these buildings knowing that they were federally subsidized, who have lived up to their obligations of tenancies, who have paid their rent. They have a right to be protected in their homes.

In addition, Mr. Speaker, we have to make sure that the tenancies themselves remain. These subsidized units are a very scarce resource, and we cannot allow various economic forces to deprive us of the units we already have.

It will cost us some money, but, if my colleagues assume that providing subsidized housing is one of the relevant functions of this Government, it is very clear that protecting the existing subsidized units is by far the cheapest per unit way to maintain a given number of subsidized units. If we would have to rebuild these, or build them anew, it would cost a great deal more.

So, I look forward to working under the leadership of the gentleman from Texas [Mr. GONZALEZ] in our conference. I believe we are going to come out with a housing bill which will do this Congress proud. Obviously, because of the budget, we are not going to be able to fund it at the levels many of us would like to see right now, but we are, I believe, going to be able to do the right thing substantively.

Mr. Speaker, getting this passed is important so that we can legislate with some deliberation and know that whatever we come out with in conference does not come after the horse has been stolen. This locks the barn door, and we do not always do this in Congress. This locks the barn door before there can be any loss of a horse, and for that I appreciate the leadership of the gentleman from Texas, and I appreciate the willingness of the gentleman from Ohio [Mr. WYLIE] to allow us to move so rapidly so we could do that, and I am delighted to give my chairman a present of at least 16 minutes, which I am sure he can use, and I hope someday I will be rewarded for that.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTLETT] who has worked very, very hard on this issue and certainly has been a leader as far as prepayment is concerned.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Ohio [Mr. WYLIE] for his generous yielding of time.

I do support this legislation, I want to say at the outset, of a 30-day extension for three items of Federal law that would otherwise expire on September 30. I support it with, I will confess, some level of modest misgiving, but nevertheless I support it in large part because of the fair play that has been exhibited by the gentleman from Texas [Mr. GONZALEZ], the chairman of the Committee on Banking, Finance and Urban Affairs. Because of his leadership on this issue as we in the House developed a consensus legislation, bipartisan legislation, not unanimous, but we did, in fact, grapple with the issues of preservation, and, in that spirit of fair play, I look forward to going to conference with the chairman, Mr. GONZALEZ, my colleague from Texas, and with the gentleman from Ohio [Mr. WYLIE], the ranking member.

Mr. Speaker, this legislation, as has been said, extends for 30 days, and 30 days only, three elements of current law. The first is what is current law is generally called a mortorium, or a so-called mortorium, that prohibits individual property owners who own their own property from paying their mortgage at the conclusion of the 20-year term of the mortgage.

Now I want to suggest for starters that that is a bad law. It is a law that is wrong on its face, and it leads to the disruption of the lives of countless thousands, indeed tens of thousands, of individuals, both property owners and tenants, and a 30-day extension of that bad law under ordinary circumstances would be then acceptable. But these are not ordinary circumstances, and so, with that caveat, I would support this modest, temporary 30-day extension.

I also support the extension of 30 days of the authorization of the homeless council. The world, I would note, would not come to an end if we do not extend the authorization of the homeless council for an additional 30 days, but it would be somewhat disruptive to those who serve on that council.

Then also included in this is an extension of the $124,875 cap on FHA mortgage insurance which does need to be extended, and it needs to be extended so that the marketplace can rely on a certain mortgage cap of FHA that does not change every 30 days because that would be quite costly to home buyers.

Mr. Speaker, I might want to go back just a little bit to the basis of the preservation law that was passed by the House.

First, I want to note that the House, with the leadership of the gentleman from Texas [Mr. GONZALEZ] and the assistance from those on both sides of the aisle, adopted a bipartisan approach. We adopted that approach in the committee in a rather substantial, overwhelming vote for that approach. It was not unanimous, and there are those who dissented, and then we adopted it on the House floor even though a number of individuals expressed their misgivings about it. Not a single amendment was offered that would change that bipartisan approach, and thus we do to conference on the House side with what is very close to a united front on the House side.

Mr. Speaker, I want to note that the Senate did not do that. The Senate side not consider the preservation issues at all. The Senate instead simply took what is a bad law, a law that denies rights to both property owners and to tenants of a temporary so-called moratorium and extended that so-called moratorium permanently.

Now the Senate bill is a bit more complicated than that, but, by boiling it all down, what the Senate provision provides is one that is not acceptable to a majority of the House as a whole or the House conference. The Senate bill provides for permanentizing the so-called moratorium. Since the Senate made no attempt, or not the kind of attempt that we made in the House, to deal with the problem, it does seem to me that the House provision will and should prevail in the conference.

Let me walk through a couple of the items of the House bill, of the bipartisan compromise that was adopted in the House bill.

We, first, provide, unlike the moratorium, we provide that tenants will be protected in every single case. We suggest in the House bill that every tenant who is income eligible for section 8 or for vouchers will be guaranteed the receipt of that voucher or certificate, and HUD will guarantee that that certificate or voucher is usable in that marketplace. Indeed we place that certificate at a value of 110 percent of the fair market value. We guarantee that HUD has to conduct a survey and guarantee that every tenant who is income eligible will receive that certificate for that marketplace. And should there be areas in which that certificate is not usable, then, in addition to the 2½ years of notification we place on every other marketplace, we would impose an additional 3 years of notification for that individual tenant so that high type rental markets, low vacancy markets, would be able to have a total of 5½ years to adjust to those additional certificates.

□ 1520

So the moratorium does not protect any tenants at all. The House-passed preservation package preserves the ability of tenants to live in subsidized housing, those tenants already in these 221's, 236's, and 231(d)(3)'s.

Second, the House provision treats project-based assistance, project-based units with expiring certificates, identically to the federally insured projects of 236's and 221-3's identically. They are the same units, same apartment complexes. They are operated and owned and built side by side with the project-based certificates.

The Senate provision would have one standard for project-based units, and a wholly different standard from Federal FHA insurance. In fact, the title projects would have a much tougher standard with regard to expiring certificates. So the House-passed bill treats both essentially the same.

Third, we would set in the House bill to respect property rights, the rights of people who own real property in the United States, including multifamily projects.

We first protect tenants, but we also understand a fundamental on the House side. The fundamental is these apartment complexes are not owned by the Federal Government; they are not owned by the taxpayers; they are not owned by local governments; they are not owned by HUD; they are not owned by public housing authorities. They are owned by individuals who bought them, built them, and paid for them, and in exchange for a 20-year mortgage, agreed by contract to a minimum of 20 years' worth of rent control.

It is at that point that the House understands the situation much better than the other body, in that the House understands that those private property owners own those units and should have some say over the conduct of their private property within the contracts. The contract clearly says that these are 40-year amortization schedules for rent, but they have a 20-year balloon, at which time a private property owner can pay those mortgages, if they choose.

Last, the House provision provides for dramatically improved, dramatic incentives, for these private property owners to continue to use this property in a safe and habitable form for low-income tenants. The Senate provision or an extension of the moratorium does nothing of the sort. Indeed, an extension of the moratorium would almost drive unsafe conditions, unhabitable conditions, in increasing numbers, into these projects.

The House provision, for example, requires an annual inspection by HUD to certify that these projects are livable. The House provision creates monetary incentives to keep these projects in the low-income pool for an additional 20 years, and an additional 10 years beyond that. The Senate provision, or an extension of the moratorium, does nothing of the sort.

We had testimony, Mr. Speaker, in the Housing Subcommittee that was very clear on one point. While we had disagreement on all sides from various witnesses, we had one bit of testimony that was agreed to by everyone who testified. That is the moratorium causes many of these properties to deteriorate physically, because property repairs are made from the stream of income from the property, and if the Congress erroneously, and I believe wrongly, were to continue the moratorium of limiting that income stream, the fact is that these properties are and will in a precipitous manner deteriorate in a rather dramatic form.

I would suggest what we are doing here is correct, if temporary. It is only correct because it is only temporary. It only continues through October 31. I am prepared to support this temporary extension, but not a day longer than this temporary extension. It will not be necessary. I am prepared to support a housing bill that comes back and in fact includes this provision.

I am also prepared to oppose a housing bill that would come back that were to deny tenants with the right of these incentives and this notice in the preservation package of the House. I believe that we will have a housing bill. I hope that we will have a housing bill. If we should fail to achieve a housing bill, the only solution at that point would be for the House to adopt a freestanding bill for preservation.

Mr. Speaker, I want to make it clear that no further extension of this so-called moratorium is acceptable. It is not acceptable to me, and I do not believe it would be acceptable to a majority of Members.

So the House conferees have our job set out for us. I look forward to working with the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], and the ranking member, the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the main thing that remains to be said is for the record we should recognize the tremendous work and contribution, indefatigable, if I would use any word to describe his actions, of the gentleman from Massachusetts [Mr. KENNEDY], a member of the committee and subcommittee, who has been very active together with the gentleman from Massachusetts [Mr. FRANK] on this prepayment issue.

Mr. Speaker, on the noncommittee member level is the gentleman from Illinois [Mr. YATES]. Even though the gentleman is not a member of the committee, he has been in constant communication, in fact almost as if he were a member, and has contributed greatly to our success in the House deliberations on this prepayment issue.

Mr. Speaker, I also recognize the respective staffs, the majority as well as the minority, Mr. DeStefano, the staff director of the subcommittee, and the counsel, Ms. Fisher; and on the minority side I would recognize Mr. Tony Cole, and, above all, Mr. Joseph Ventrone, who have always been great forces in shaping this legislation.

Mr. Speaker, I will close by asking that Members unanimously pass out this extender.

Mr. VENTO. Mr. Speaker, I rise in support of this bill that will protect some key housing programs so that the soon to be named conference committee can work out the various differences on S. 566, the Housing and Community Development Act of 1990. Removing this rapidy approaching deadline from the horizon should allow the conferees to craft a solution to the prepayment crisis without unreasonable, unnecessary pressure.

I would hope that it will also give the conferees a chance to examine the deficiencies of the House-passed measure while maintaining as much of the assisted housing for low-income families as possible. Future Congresses hopefully will not have to wrestle with another prepayment crisis for many years if the Congress designs a long-term solution. Notwithstanding the rights of owners, their right to profit or their need to pull out equity in a specific time frame, a more stringent process for limiting prepayment would be preferable in the final measure. A conference compromise based on the Senate-passed bill could be a better response to hundreds of thousands of people and their families who are faced with losing their homes.

Qualified residents have housing as a result of Federal policies and subsidies and we as Members of Congress have a responsibility to maintain and preserve such housing. We cannot afford to add to the ranks of the homeless or the inadequately housed! Our efforts must focus on maximizing our Federal dollars for this purpose. In Minnesota alone, some 39 projects have been labeled "at risk," directly jeopardizing over 5,200 units. In total, over 11,000 units in 99 developments in my State could be affected by this legislation. I have met with concerned tenants from several locations in the Twin Cities area including the Maryland Park complex on the eastside of St. Paul and Bor-Son Towers in Minneapolis, MN. They are worried that they won't have a place to live or raise their families, to instill a sense of community, or to make a home. Whether it is in drafting language to protect acquisitions in progress or language to protect transactions yet to come, the overwhelming needs of tenants, such as these residents, must be appropriately balanced with the contractual rights of the owners. That is the goal of the upcoming conference and today's legislation should assist us in achieving this goal.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 5558.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

IMPOSITION OF PENALTIES FOR INDUCING THE COAST GUARD TO RENDER AID UNDER FALSE PRETENSES

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4632) to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liability for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction finding equipment for the Coast Guard, as amended.

The Clerk read as follows:

H.R. 4632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PENALTIES AND LIABILITY FOR MAKING A FALSE DISTRESS REPORT.

Section 88 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

"(1) guilty of a class D felony;

"(2) subject to a civil penalty of not more than $5,000; and

"(3) liable for all costs the Coast Guard incurs as a result of the individual's action.".

SEC. 2. AUTHORIZATION FOR ACQUIRING DIRECTION FINDING EQUIPMENT.

There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating not more than $2,000,000 for fiscal year 1991 and not more than $2,000,000 for fiscal year 1992 for ac-

quiring direction finding and transmitter identification equipment to improve land-based and mobile Coast Guard search and rescue capabilities.

The SPEAKER pro tempore. Is a second demanded?

Mr. DAVIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4632, a bill that I introduced several months ago in response to a tragedy that occurred in my district.

Last March 25, two Coast Guard units in southeastern Massachusetts received a weak "May Day" from the fishing vessel *Sol E Mar.* Because the Coast Guard does not have up to date technology, it was not possible to pinpoint the source of the call. And when the "May Day" was followed immediately by another call, this one obviously phony, the Coast Guard concluded that both calls were fake, and no search and rescue resources were sent.

The two New Bedford fishermen who had radioed desperately for help, William Hokanson and his son William, Jr., died in that tragedy. We will never know whether their lives could have been saved.

What we do know is that false distress calls are a serious and growing problem for the Coast Guard. They waste resources; they needlessly endanger Coast Guard personnel; and they make it less likely that the Coast Guard will respond successfully when human lives are truly in danger.

We also know that the Coast Guard's ability to locate the source of distress calls is limited by World War II vintage communications equipment. Better direction-finding equipment could mean the difference between life and death in a real emergency; and between jail and freedom for the perpetrator of a hoax call.

Mr. Speaker, H.R. 4632 authorizes the Coast Guard to purchase state-of-the-art communications equipment and increases the penalty for making a false distress call. Under this bill, if you make a hoax call to the Coast Guard, and the Coast Guard sends out a helicopter or a patrol boat in response, you will be liable for every penny of the Coast Guard's increased operating expenses resulting from that call. The message is clear: if you're tempted to play games with the Coast Guard—don't because if you do, you'll be paying for it for the rest of your life.

Before closing, I want to mention two related issues. First, our hearings on this legislation convinced us of the need to reserve channel 16, the international distress channel, for emergency calls only. Today, that channel is so overloaded with routine, nonessential conversations that mariners in distress have no guarantee their calls will be heard. We have asked the FCC to take action on this matter, and we have been assured that it will.

Second, and this is news to no one, the Coast Guard needs more money. On Cape Cod, watchstanders are given so many other duties, and they are required to monitor so many radio speakers, they need superhuman energy, superhuman endurance, superhuman hearing, and a superhuman ability to tell when someone is speaking the truth. The men and women of the Coast Guard cannot be forced to cut back any more. They have reached their limit. They need our help. And people will die needlessly if that help is not forthcoming.

Finally, I want to express my deepest thanks to the chairman of the subcommittee on Coast Guard and Navigation, Mr. TAUZIN, for bringing his subcommittee to Woods Hole for a hearing on this bill, and for his support in bringing this measure to the floor today. There is not a Member of this body who is more knowledgeable or more powerful an advocate for the Coast Guard than the gentleman from Louisiana.

In that same spirit, I would also like to thank the chairman of our full committee, Mr. JONES of North Carolina; our ranking minority member, Mr. DAVIS; and Adm. William Kime, Commandant of the Coast Guard, for their help and support on this bill. And I urge its passage this afternoon.

□ 1530

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4632, authored by my colleague Mr. STUDDS, chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

Unfortunately, the case of the *Sol E. Mar* Mr. STUDDS related to you, is no longer the only instance where lives have been needlessly endangered by the games being played by thoughtless individuals. This summer the life of a youth may have been lost on the Great Lakes because all available Coast Guard resources in the area were responding to a vessel's radioed call for help. That call was a hoax. And when the young man slipped off the end of a pier, there were no Coast Guard crews or vessels to aid in his rescue. The "vessel in distress" was never located, and later only the youth's body was recovered.

This is not just a regional problem, but one that has spread until it is national in scope, and it is a sad commentary on today's society. The momentary excitement of placing a prank call and creating a disturbance on the water has become more important than consideration for the persons whose lives it may impact. The Coast Guard must respond to those calls under the assumption that they are true emergencies, regardless of the weather and water conditions. They selflessly place their lives in jeopardy every time a boat or aircraft goes out on a search and rescue mission and it is difficult to imagine the guilt they must feel when they learn that a life has been needlessly lost while they were responding to a practical joke.

Since simple consideration for others is not sufficient cause to prevent someone from placing a hoax call, then stronger measures are demanded to make the perpetrators aware of the consequences of their actions. This bill will do that.

I strongly urge my colleagues to rise in support of H.R. 4632.

Mr. TAUZIN. Mr. Speaker, I rise to urge adoption of H.R. 4632, a bill which increases penalties for inducing the Coast Guard to render aid under false pretenses, and to hold the perpetrators liable for whatever costs are incurred as a result. The bill also authorizes the Coast Guard to acquire additional direction finding equipment.

The U.S. Coast Guard continually monitors and responds to calls from mariners on channel 16, which is the international distress frequently reserved for emergency calls.

When a distress call is received, the Coast Guard is obligated to respond. Occasionally, hoax calls are received which send the Coast Guard on an expensive, demoralizing and time consuming wild goose chase. Depending on the resources needed, a search and rescue case can cost tens or hundreds of thousands of dollars.

The bill under consideration today will curb the practice of hoax calls from vessels, land based radios or telephones.

Because of the significance of the problem, the Coast Guard and Navigation Subcommittee held a hearing on H.R. 4632, and marked up the bill within 2 months of it introduction. I am delighted that the subcommittee was able to move so swiftly on the bill and send it forward for what I hope will be approval by the House.

I applaud my friend and colleague, GERRY STUDDS, for introducting H.R. 4632, and for his outstanding efforts in bringing this matter to the attention of the Federal Communications Commission, the U.S. Coast Guard, and the House of Representatives.

Mr. Speaker, this is a significant bill which will aid the Coast Guard in its ability to assist mariners in need while penalizing those who would frivolously endanger the lives of seamen with bizarre false distress calls.

I strongly urge the passage of H.R. 4632.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4632, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4632, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT, FOR FISCAL YEAR 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except those specified by this resolution, the amendments designated in the report of the Committee on Rules accompanying this resolution, or by subsequent order of the House. Said amendments shall be considered in the order and manner specified and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules, or this resolution, or his designee. Debate on each amendment made in order by this resolution, unless otherwise specified, shall not exceed ten minutes, to be equally divided and controlled between the proponent and an opponent. During consideration of the bill, pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services, who may yield blocks of time. Any period of general debate specified in this resolution shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. No amendment shall be subject to amendment except as specified in this resolution or in the report of the Committee on Rules, nor be subject to demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. It shall be in order to begin consideration of amendments as follows:

(A)(1) Upon the conclusion of general debate on the bill, it shall be in order to consider amendments en bloc, to be offered by Representative Aspin of Wisconsin, and all points of order against the amendments en bloc are hereby waived. Said amendments en bloc shall be debatable for not to exceed forty minutes.

(2) Following disposition of the amendments en bloc, it shall be in order to debate the subject of the appropriate levels of funding for the Strategic Defense Initiative for a period not to exceed one hour. It shall then be in order to consider the amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) by Representative Dornan of California; (B) by Representative Dellums of California; (C) by Representative Kyl of Arizona; and (D) by Representative Bennett of Florida. If more than one of said amendments is adopted, only the last amendment which is adopted shall be considered as finally adopted and reported back to the House.

(3) Following disposition of said amendments, it shall be in order to debate the subject of the Strategic Defense Initiative for a period not to exceed thirty minutes. It shall then be in order to consider the amendment printed in the report of the Committee on Rules relating to that subject offered by Representative Spratt of South Carolina.

(4) Following disposition of said amendment, it shall be in order to debate the subject of an acquisition work force for not to exceed one hour. It shall then be in order to consider the amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) by Representative Mavroules of Massachusetts; and (B) an amendment thereto offered by Representative Gilman of New York.

(5) Following disposition of said amendments, it shall then be in order to debate the subject of homeporting for not to exceed thirty minutes. It shall then be in order to consider the amendments printed in report of the Committee on Rules relating to that subject in the following order: (A) an amendment offered by Representative Bennett of Florida; and (B) a substitute amendment thereto offered by Representative Molinari of New York.

(6) Following disposition of said amendments, it shall then be in order to debate the subject of defense burdensharing for not to exceed thirty minutes. It shall then be in order to consider the following amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) amendments en bloc by Representative Martin of New York; (B) by Representative Bonior of Michigan; and (C) by Representative Mrazek of New York.

(B) It shall be in order for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize for the consideration of amendment groups in an order other than that prescribed by this resolution.

SEC. 3. No further amendments shall be in order except as subsequently ordered by the House.

□ 1540

The SPEAKER pro tempore. (Mr. MAZZOLI). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 457 is the initial rule for the consideration of H.R. 4739, the National Defense Authorization Act for fiscal year 1991. The Rules Committee will meet again later this week to grant another rule providing for the further consideration of the bill.

Mr. Speaker, House Resolution 457 provides 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. All points of order against consideration of the bill are waived. The rule makes in order the committee substitute now printed in the bill as the original bill for the purpose of amendment, and all points of order against the substitute are waived.

Mr. Speaker, only the amendments specified in the rule or printed in the report accompanying the rule will be in order during the initial consideration of the bill. House Resolution 457 waives all points of order against the amendments made in order by the rule. All the amendments are to be considered only in the order and manner specified.

The amendments are debatable for the time designated, to be equally divided between the proponent of the amendment and an opponent. The amendments are not subject to amendment, except as specified, nor are they subject to a demand for a division of the question in the House or in the Committee of the Whole.

House Resolution 457 structures the first days of the debate on the National Defense Authorization Act as follows: First, 2 hours of general debate; second, the amendments en bloc by Representative ASPIN of Wisconsin,

debatable for 40 minutes; third, SDI funding levels as follows: 1 hour of debate on appropriate levels of funding for the strategic defense initiative, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee, followed by consideration of four amendments on the subject, printed in the report, to be offered by Representative DORNAN of California, Representative DELLUMS of California, Representative KYL of Arizona, and Representative BENNETT of Florida under the king-of-the-hill procedure. If more than one of the amendments is adopted, only the last one adopted will be considered as finally adopted. Each amendment is debatable for 10 minutes; fourth, SDI policy as follows: 30 minutes of debate on the strategic defense initiative followed by consideration of the amendment by Representative SPRATT of South Carolina, debatable for 10 minutes; fifth, acquisition work force: 1 hour of general debate followed by consideration of two amendments on the subject, printed in the report, by Representative MAVROULES of Massachusetts and an amendment to the Mavroules amendment by Representative GILMAN of New York, each debatable for 10 minutes; sixth, homeporting: 30 minutes of general debate followed by consideration of two amendments on the subject, printed in the report, by Representative BENNETT of Florida and an amendment to the Bennett amendment by Representative MOLINARI of New York, each debatable for 10 minutes; and seventh, defense burdensharing: 30 minutes of general debate followed by consideration of three amendments on the subject, printed in the report, by Representative MARTIN of New York, Representative BONIOR of Michigan, and Representative MRAZEK of New York, debatable for 10 minutes each.

The rule further states that debate may be extended through pro forma amendments but only if offered by the chairman or ranking minority member of Armed Services, who may then yield blocks of time.

In addition, Chairman ASPIN may request the Chair to consider issue clusters of amendments including the Aspin amendments en bloc, in a different order than prescribed in the rule, but only after giving 1 hour notice and after consulting with the ranking minority member.

No other amendments will be in order except as specified by subsequent rule.

Mr. Speaker, the world has changed since this bill was reported. The gulf crisis will no doubt prompt us to rethink defense policy and to reconsider many defense issues, large and small. There is no reason, however, to postpone the debate. House Resolution 457 is a fair rule that permits the House to begin to consider H.R. 4739. I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield my self such time as I might consume.

Mr. Speaker, I join with the gentleman from Texas in urging the Members to support this rule. House Resolution 457 will provide for the initial phase of consideration of H.R. 4739, the Defense Department authorization bill for fiscal year 1991.

Mr. Speaker, you and the other Members should be aware that during the time when the House is debating H.R. 4739 tomorrow, the Rules Committee will be meeting to write another rule which will provide for the further disposition of amendments on Wednesday.

Mr. Speaker, at this time I have written a letter to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Rules Committee.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 1990.

Hon. JOHN JOSEPH MOAKLEY,
Chairman Committee on Rules, Room H-312, The Capitol, Washington, DC.

DEAR JOE: I have been in touch with Bill Dickinson and have seen the letter he sent to you concerning his interests for the rule on H.R. 4739, the Defense Department Authorization bill.

As the Republican Member who will be carrying that rule on the floor, I would like to weigh in on behalf of several items that Bill mentioned.

I very much hope—and request—that the second rule which provides for further disposition of amendments to H.R. 4739 will make in order the following items:

A mechanism whereby the majority and minority floor managers reach consent on the contents of omnibus en block amendments;

A right for the minority to offer a motion to recommit with instructions, with one hour of debate on such motion;

A right for Bill Dickinson to offer his amendmen #128 if the Mavroules amendments#119 and 120 and the Hochbrueckner amendment #69 are also made in order;

A right for Bill Dickinson to offer his amendment#129, with at least 30 minutes of debate time allowed;

A right for the minority to offer a substitute amendment if the Mavroules amendment #119 and 120 are made in order.

Thank you very much for your consideration, Joe.

Sincerely,

GERALD B. SOLOMON,
Member of Congress.

I call that letter to the attention of the Members.

Mr. Speaker, I will not repeat the details concerning the present rule which have already been outlined by the gentleman from Texas. I will reiterate, however, that this rule will permit the House to debate four important issues tomorrow: The strategic defense initiative; the training of a skilled work force to meet the Nation's defense needs; the issue of homeporting, about which I will have something to say in just a moment; and, finally the issue of burden sharing.

Mr. Speaker, the rule provides for several important amendments concerning each of these issues, as well as for adequate time to consider each one. In addition, the rule provides for Mr. ASPIN, the chairman of the Armed Services Committee, to offer an amendment pertaining to the overall defense budget, and yes, times have changed, and yes, I hope Mr. ASPIN does offer such an amendment.

I have not seen Mr. ASPIN's amendment, and its precise contents may still be under negotiation, but I cannot avoid making the observation that H.R. 4739 will be debated on the floor under dramatically different circumstances than those under which it was marked up in committee.

When H.R. 4739 was being marked up, no Member could possibly have foreseen the need to deploy nearly 200,000 American troops in the Persian Gulf. No Member could have anticipated calling up the Reserves for the first time in a generation.

Accordingly, the funding levels in H.R. 4739 were reduced much too much. This bill comes in $24 billion below the President's original request. Mr. Speaker, a defense cut of such magnitude is a reflection of the rather naive optimism which prevailed earlier in the year concerning a so-called peace dividend. And I guess it took a cunning, ruthless, despicable despot called Saddam Hussein, the most dangerous man in the world, to wake us up to that fact.

Mr. Speaker, all Americans are encouraged by the relaxation of tensions between the United States and the Soviet Union. Thank goodness tensions have been relaxed. Tensions have relaxed, but they are not gone altogether—there still are 10,000 nuclear warheads pointed in our direction. Nevertheless, the summit conference in Helsinki over the weekend is a hopeful sign that we can work together on important issues.

But, however much superpower tensions may relax, we have to be aware of the ironic effect that such a change in the superpower relationship brings: Namely, that it makes regional hoodlums like Saddam Hussein that much more powerful, relatively speaking, on the world scene. Moreover, people like Saddam Hussein are more unpredictable now that they are acting on their own instead of serving as proxies for the Soviet Union, as he was doing before.

So, Mr. Speaker, we continue to live in a dangerous world—make no mistake about it. America must remain ready to meet any challenge to our vital interests—and our allies must be more willing to stand up for our common interests, too. But the funding level presently contained in H.R. 4739 is inadequate and inconsistent

with America's responsibilities, and we had better do something about it.

It is my hope that the Aspin amendment and such additional amendments as may be made in order by the next rule on Wednesday will provide the House with the opportunity to bring funding levels in this bill back up to realistic and responsible amounts.

Mr. Speaker, we are probably $5 billion short in outlays and we are probably $7 billion short in budget authority. So, Mr. Speaker, let us take account of that when we work a second rule out tomorrow.

□ 1550

Finally, Mr. Speaker, I would just like to say a word about homeporting, an issue of great importance to my home State of New York. A total of $230 million has already been invested in the construction—now 90 percent complete—of a new naval homeport in Staten Island. This facility will provide state-of-the-art maintenance for our Naval Reserves; it will also enable the Navy to close its obsolete facilities in New York City and consolidate its activities there in one place.

For reasons that are not clear to me, the Staten Island homeport is the target of an amendment that seeks to shut it down. Not any other homeport in the country, just this one. Alone among the homeport projects now under way, the Staten Island homeport has been singled out for closing. This is clearly a case of being penny-wise and dollar-foolish. It also discriminates against my State.

If and when the amendment to close the Staten Island homeport is brought up, the gentlelady from New York, SUSAN MOLINARI, will be offering a substitute amendment which would give the Secretary of Defense adequate time to examine fully the status of this project and the status of our military construction program as a whole—and then report his recommendations to the U.S. Congress. That is the way it should be.

And so I urge support for the Molinari amendment and I urge support for this rule. We have a lot of work to do this week, Mr. Speaker, and so let's get started.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 26 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my colleagues, and I thank the Speaker.

Mr. Speaker, let me address an issue which relates to this rule. First of all, let me just commend my colleague, the gentleman from Texas [Mr. FROST] for bringing this rule to the floor. It is a fair, a good rule. It is a good start on an important subject that affects this Nation and the security of the free world.

I want to commend the gentleman from Texas and my colleagues on the Committee on Rules for bringing it forward.

The issue that I want to address is an amendment that is being made in order by this rule under burden sharing. And it deals with Japan and the cost of the United States' defense of Japan.

In last year's fiscal year 1990 Defense Authorization Act we in the Congress called on Japan to assume all the costs of the United States forces in Japan. While we do this on a constant basis, whether it is military or domestic or trade issues with Japan, and often, as my colleagues know and understand, the response from the other side is, "Well, we will see what we can do. We will try to accommodate you. Let's sit down and talk. Let's think about this a little longer."

You know, we have gotten ourselves into a situation where we have roughly 50,000 troops, American troops, stationed in Japan at 31 installations, costing us in the neighborhood of $7.4 billion a year. The Japanese pick up about $2.9 billion of that. But our people in this country are paying close to $5 billion a year to defend the Japanese.

Now, I go home, first of all, and I tell my people over the break that we have got 50,000 troops in Japan, and they are really sort of taken aback when you tell them that. They have come to assume that 45 years after the end of the war, that we certainly would not have that many people stationed in Japan.

They understand that we have hundreds of thousands in Europe, 40,000 in Korea, but when you tell them that we have got 50,000 troops stationed in Japan costing them almost $5 billion a year, while the Japanese have a $45 billion trade deficit with us, where their markets are closed to all of our products.

I represent the Detroit area. The Japanese have a $60 billion auto parts market, $60 billion.

We get 1 percent of that. Theirs is closed. "You can't come in."

Now, my colleagues from California have heard it with computers, with semiconductors, we hear it from our colleagues in agriculture that their markets are closed. But we have got 50,000 troops there, at 31 installations, $5 billion a year, taking care of their needs.

What about the needs of the American people? We have got people in this country who do not have health care; 37 million people, no health care insurance.

There are millions of homeless. Many of those are families.

Bridges and roads need repairs. What about those people?

Yet we are spending $5 billion a year for their defense.

Now, my amendment simply calls upon us to do what we said we wanted the Defense Department to do in the fiscal year 1990 bill last year, and that is for them to assume the cost. It is only fair that they do that. They have been reluctant to come forward.

In the Middle East they get 60 to 70 percent of their oil from the Persian Gulf. They said they were going to commit $1 billion to this effort. We have seen nothing as of yet. They are fighting in Japan now over, in fact, whether they are going to fulfill that commitment at all.

After all, a billion dollars, it is about a month's efforts of our troops in the Persian Gulf. Something is entirely out of whack, Mr. Speaker.

We have got to start taking care of our own in this country. Yes, we will defend freedom around the world, and obviously we are doing it, and I support the President—I think he has done an excellent job, quite frankly, in the way he has handled this so far. But our allies have to be there with us. We cannot police the entire world and pay for the cost by ourselves.

I want our European friends there, I want the check from the French, and I want the Japanese to pay their fair share because we have got concerns and needs here at home that have to be addressed.

We could use that $5 billion to take care of the insurance of those constituents that I have who do not have any health insurance; we could use that $5 billion to take care of the homeless in this country; we could use that $5 billion to take care of the educational needs of our younger people.

So I ask my colleagues to put a little teeth, tomorrow or Wednesday when we deal with this amendment, into our negotiating position.

The Senate did their bill. They did not do anything on it. This is a tough amendment. But you got to be tough with the Japanese. If we have not learned that, we have not learned anything in the last 45 years.

You have got to be tough negotiators. This amendment says to the President you got to negotiate for them to pay for the costs.

They got 22,000 people working at these installations, Japanese people working at the installations, and we are paying for the cost of many of those people. There is no necessity for that, not when our own people need work, when our own people need housing, when our own people need health care.

So I ask my colleagues to stay with me on the amendment tomorrow. It is fair, it is firm, it will give us a negotiation—it will give the administration the leverage it needs to sit down with them and hammer out more of the

burden sharing that is necessary in this part of the world.

I thank my colleagues for giving me the time to address this issue, and I hope my colleagues who are listening to this debate this afternoon will look at this amendment seriously and would give us the support that we need.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. DICKINSON], the ranking Republican member on the Committee on Armed Services.

Mr. DICKINSON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, let me say that I do not always find myself in agreement with the gentleman who just preceded me in the well, the gentleman from Michigan [Mr. BONIOR], but let me just close ranks with him and say that I think that basically he is on the right track. I think we have been playing on an unlevel playing field when it comes to our exports and the deficit payments with Japan.

□ 1600

Whether we're talking about, as the gentleman pointed out, agriculture, automobiles, or electronics, it is ludicrous for us to be picking up the entire cost of the umbrella which encompasses Japan's defense. At the same time, we cannot work out any equitable arrangement for sales to offset our trade imbalance though I do feel like our presence there is good, and is needed.

As far as payments for our services, I think it is not unreasonable to expect the Japanese, who are so wealthy they are hard-put to find places to put their money—they are coming to invest in very great amounts in real estate and farms and so forth in this country—to compensate us. I think if they are really having trouble finding places to make their investments, let them help in their own protection. For the tremendous expense we are bearing there, not to mention our expenses in the Mideast, where, as has been pointed out, the figures range from 60 to 90 percent of Japan's total oil imports come from that section of the world, we should be compensated.

I was informed that they were supposed to, even going back to the Kuwaiti reflagging that caused the United States substantial military resources, they were going to do a great deal more than has, in fact, been forthcoming. So it just might be that when the gentleman from Michigan [Mr. BONIOR] offers his amendment on this bill, that he might find support from unexpected quarters.

Let me say that I rise in support of this resolution, the first rule of fiscal year 1991 Defense authorization bill. As one who normally opposes closed rules, I believe this is the only way in which to manage this particular bill, with over 130 amendments, in just 2 days. The first rule is generally uncontroversial and adequately protects the rights of the minority so far as we can ascertain. We are working with the Committee on Rules on the second rule, and I hope that it is equally uncontroversial. We have had to go about this process in a truncated fashion. We would begin debate tomorrow with the initial rule that we are debating today, which is noncontroversial.

The Committee on Rules will be meeting again tomorrow to determine what the second rule will look like, and which will make certain amendments in order, and allow only certain people to offer them.

In the committee, I opposed H.R. 4739 because it is terribly flawed, so the Committee on Rules, in my opinion, would be hard pressed to find a way to make this bill worse. I think the bill is bad. I think it needs a lot of remedial work. I think we need to do a lot to make it passable and make it supportable so far as this Member is concerned, and hopefully as far as the administration is concerned. H.R. 4739 cuts $24 billion from the President's request, it guts our strategic and conventional modernization programs, and is riddled with add ons that are not required and have been asked for because they are pure pork in nature. Many of the proposed amendments have the flavor of pure pork and they just benefit people back home. They are not necessary for our overall defense structure and posture, and I would hope they would be deleted. I intend to elaborate on the many flaws of this Defense bill during the general debate tomorrow.

The annual Defense authorization bill has always been difficult and cumbersome legislation under the best of circumstances. I do not believe this rule disadvantages the minority, so I urge its adoption.

I would like to take this opportunity, if I may, Mr. Speaker, to thank the gentleman from Massachusetts, [Mr. MOAKLEY], and also the gentleman from Tennessee [Mr. QUILLEN], and especially the gentleman from New York [Mr. SOLOMON], the ranking Republican on the Committee on Rules, for their hard work on the rule. I think we all are thankful to have avoided the misunderstandings that happened during considerations in the past. As the first rule, I urge unanimous support for it. I think it is fair, and I certainly intend to support it.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I rise in support of the rule. I wish we could have more time to debate some of the issues, but I do understand the need for prompt action as we get toward the end of a session.

I want to use my time to voice my very strong support for the amendment that will be offered by the gentleman from New York [Mr. MRAZEK] and the gentleman from Michigan [Mr. BONIOR]. Both of those amendments deal with a situation that cries out for change. It is a situation in which many wealthy nations in this world and many middle league nations in this world, act as if they were still poor and the United States was the only source of funds. In 1945 this Nation began a policy of extraordinary generosity. When World War II ended, we as a nation did not simply go to the aid of our former allies with financial and political and military support. We did something unprecedented, in my judgment. We went to the aid of our enemies. I do not think Members will find in the history of the world a clearer example of farsighted generosity than what America did with regard to Japan and Germany. And in part as a result of our policies, largely as a result of their own actions, obviously, those nations are today prosperous and democratic beyond what they have ever been.

The question is, shall we continue to act in 1990, when Germany and Japan are wealthy and strong nations, as if they were improverished victims of a war? Because if we do not begin to change our policy, this is what we will be doing. We spend more than $100 billion a year defending the nations of Western Europe against an invasion which is not coming. The likelihood that the Russians will lead Poland, Hungary, Czechoslovakia, Bulgaria, and for the few weeks it remains as an entity, East Germany, is any invasion of the West is nil. As to Japan, I do not know what our large troop concentration in Japan is defending the Japanese from. Partly the Chinese, whom the Japanese cannot wait to sell things to. I do not think it is the Russians. Whoever it is, however, if the Japanese feel imperiled, it is reasonable for Members to ask them to compensate the United States fully for the troops we have there. That is what the gentleman from Michigan says.

Let me address those who say, do we want Americans to be mercenaries. No, I do not want Americans to be mercenaries. A mercenary, as I understand it, is someone whose gun if for hire to the top bidder, regardless to any common moral purpose, regardless to any strategic justification. No Member would ever tolerate America's young people being in that situation. That is not what we are talking about. We are not talking about America simply taking bids and sending troops anywhere that people have the money. We are talking about America working in conjunction with allies to set a

common purpose, but saying, in some circumstances where it makes sense, for Members to supply the firepower, in pursuit of this common purpose, it makes sense for Japan to compensate the United States for it. Japan is a wealthy nation, spending 1 percent of the gross national product on the military. We spend 6 percent. Then, people wonder why they can outcompete the United States in other areas.

Suppose two business people who have the same business, maybe a factory, maybe a retail store, whatever it is, and they are separated by a channel, and because of different police policies in the two towns, one entity has to spend $6 out of every $100 on security, and the other entity spends $1. Who will win the competition for market share? That is the United States and Japan. When Japan needed the help, we gave it unstintingly and generously. Today, we are in the bizarre position of spending billions of dollars of American taxpayer money every year, money we have to borrow, to defend Japan, when Japan is quite wealthy enough to pay the United States for it.

□ 1610

The situation is similar with South Korea. The South Koreans do face a threat from an ugly and immoral North Korean regime, although there may be some signs of change. But South Korea is larger than North Korea. It has a bigger population, and it has a better industrial base. Surely they do not need 43,000 American ground troops. They need American commitment, which they should have.

And it is not simply the case in Asia; it is also the case in the Middle East. We should be insisting that our allies do more. We could not wait for that, because had we waited, we might have confronted a situation where Saddam Hussein would have seized part of Saudi Arabia. So the President, I believe, did the right thing by moving in, and he is doing the right thing by asking for a share. But that principle, which makes sense in the Middle East, makes equal sense in Western Europe, and it makes sense in South Korea and it makes sense in Japan.

The Bonior amendment and other amendments give us the chance to say to our allies that the free ride is over. We are willing to be equal participants in the defense of common interests, but we are not willing to be suckered into paying and paying and paying a subsidy to those who are at least as wealthy as we are.

Mr. Speaker, I hope the amendments are adopted when we consider the bill.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, today I rise in support of the rule, and I thank the chairman and the ranking minority of the committee and the committee members for making it in order.

My amendment which will be discussed early tomorrow seeks to substitute for the Bennett amendment, which would destroy a naval station existing and operating in my district right now. The Bennett amendment would subject Naval Station New York to an action enforced upon no other military installation in our Nation, in our Nation's history. It would fly in the face of the Base Closure and Realignment Act.

Why would they do this? I have great respect for Chairman BENNETT. He sent a letter out saying that this is not a parochial move, although he himself enjoys a home port which reaps $1.7 billion of Federal taxpayer money a year. Both of my colleagues, Chairman BENNETT and the gentlewoman from Colorado [Mrs. SCHROEDER], say this is about cost, and yet it will cost more to close this base down than it will cost to keep it functioning and operating.

So why? Why are we making this drastic move on just this one port, just this one military installation in 50 States? Perhaps this "Dear Colleague" letter to my colleagues sums it up in the last paragraph:

> New York City doesn't want the base. The base would open in an overwhelming Democratic area, but the city's Democratic mayor and 11 of the 12 Democratic city Representatives have told us, Congress, "Close the base."

What is that last paragraph saying? Is it saying that Democrats should decide national defense issues based upon in whose district the base is located? Perhaps it is saying that Democrats know more about national security than anybody else. Maybe it is saying that Democrats are willing to pay less for national security than any other political party.

Of course, none of that is accurate. Clearly, what they are saying is that this is a political party vote on national defense. I appeal to my Democratic colleagues tomorrow to judge the issues of the facts. You may decide on the facts to vote against the Molinari substitute. You may decide for the first time to start the ball rolling and subject every base in this country vulnerable to partisan policy or parochial attack, but your vote should not be cast on what is in the best interest of the Republican Party or the Democratic Party.

Mr. Speaker, I appeal to my colleagues through this exception in the rule to decide what is in the best interests of our country.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Members who just spoke, the gentleman from Massachusetts [Mr. FRANK] was eloquent in his presentation. I have a couple of things to say about that. But I also want to thank him in advance for his efforts in fairness, in passing legislation out of his subcommittee and out of the Committee on the Judiciary and referring it over to the Committee on Armed Services that would restore the pension, specifically, of Lt. Col. Oliver North and others like him who were being discriminated against because of the way the law was being interpreted.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for bringing that forward and for cooperating with us so that we were able to do it, not as an individual favor, because we changed public policy since many of us believe, I think, including the gentleman and I, that if you come before a court in a criminal situation, you should be treated like anybody else. We had this anomaly where some people lost their pensions and others did not.

Mr. Speaker, I think we have improved the criminal justice system, and I thank the gentleman for taking the initiative and giving us a chance to do that.

Mr. SOLOMON. Mr. Speaker, the gentleman was most fair, as he usually is, and certainly we thank him for his consideration.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK. What do you mean, "usually"?

Mr. SOLOMON. Mr. Speaker, let me just say also that the gentleman from Massachusetts [Mr. FRANK] was talking about the North Koreans. That was also true back in 1950 when North Korea invaded South Korea. It just so happened that they were backed up by a billion Chinese, and nothing has happened since. A billion Chinese are still there, and they are run by one of the most inhumane governments in the world, the Communist government that is in effect there.

The gentleman also mentioned that Japan and Germany now have some of the most democratic governments in the entire world, and, yes, he is right. Let me just say that the reason they have some of the most democratic governments in the world is because the United States of America and its allies beat their brains out in the Second World War. This is why they have a democratic government today.

Let us contrast that with what happened in the Korean War when we, because of our politicians, only went up to the 38th parallel and stopped; now the rest of that country, North Korea,

is still run by these same despots, these same Communists who have run that country since 1945.

Let us look at Vietnam. The same thing happened there. The politicians got involved, and we failed to win that war. So Vietnam is still ruled by these same Communists who have no respect for human life at all.

Mr. Speaker, let me just say in closing the debate here that we can be so proud of the United States military today and of the young men and women who serve throughout this country and the world. If you have traveled throughout the military bases, as I have, here and overseas, you know that we have a cross-section of America today operating an all-volunteer military—no draft involved, just young men and women who want to serve their country.

Let us contrast our military preparedness that we have in Saudia Arabia, something we can be proud of, with what we had in 1980. I can recall in 1980 a B-52 bomber that was being flown at that time which was older than the pilots who were flying those planes. I can recall one out in Colorado where the wing absolutely fell of the plane.

That was the condition of our military. Our young men and women who were trying to serve in the military had to live on food stamps. And Jimmy Carter, with all due respect to him, tried to rescue American hostages in Iran; we had to cannibalize parts for eight helicopter gunships just to get a few that would work, and those failed. That was our ability to defend American interests back in 1980.

Today, thank God, because of Ronald Reagan and because of George Bush and this Congress backing them up, we went through a period of peace through strength so that today we can defend ourselves over in Operation Desert Shield. We can defend American interests around this world, and we ought to be enacting a program here this week that will provide a decent Defense authorization bill that will keep us in that position.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I commend the Rules Committee for this rule on the Defense bill.

This is a particularly difficult time. It is hard to imagine a time when this country has faced greater challenges. We are now the single largest debtor nation in the world. We constantly have to tell the American people that we cannot provide adequate health care or adequate educational opportunities, and the challenge is before us on environmental policy and others that put pressure on the administration. These are things the leaders of this Congress are trying to work on now. For our part, we have to be ready to make tough choices as well.

It is hard to make the argument that we need a larger Defense budget to confront Saddam, Hussein than we needed to confront the Soviets. So we do have to go through some change. We have to find ways to convert our economy from a defense-dependent economy to an economy that spends more of its dollars on engineering and moving to exports.

□ 1620

We have to make sure that the workers who built the defense establishment of this Nation are not simply left behind. I would particularly like to commend the Rules Committee and its chairman for including the MAVROULES amendment that Congressman MAVROULES and myself and others, the majority leader, spent over the last year or so working on to make sure that the choice for America's defense workers was not either to simply let them drop off a cliff or try to make products that were not needed.

There are going to be changes. We have already had those affect each of our districts. In my district the workers at UNC have been laid off without any real opportunity, without the kind of program that is necessary to convert our economies. If we abandon these workers who helped build the best defense in the world, we have not fulfilled our obligations. If we allow our economy to disintegrate because of the changes that have occurred in this world, we have not fulfilled our responsibilities as Members of Congress.

The choice ought not to be massive unemployment or building weapons systems that are no longer necessary. We need to harness that energy, that talent, that capital, and those facilities to build a stronger economy for the future. That is going to be the real test for this Nation, to provide for an adequate defense and to have an economy that can sustain that defense and sustain the needs of the citizens of this country.

I thank the Rules Committee for the time and commend them for the work they have done.

Mr. SOLOMON. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 285), to designate the period commencing September 9, 1990, and ending on September 15, 1990, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from Ohio?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I yield to the gentleman from South Carolina [Mr. SPENCE], who is the chief sponsor of House Joint Resolution 552.

Mr. SPENCE. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise today in support of Senate Joint Resolution 285, a resolution to designate this week, September 9 through September 15, as "National Historically Black Colleges Week." I have introduced the House companion bill, House Joint Resolution 552.

Over the past few years, I have been privileged to have sponsored legislation commemorating National Historically Black Colleges Week, and it is my honor to do so again. These schools are certainly deserving of recognition for the invaluable service that they have provided to our great Nation. Across the country there are 107 historically black colleges and universities, located in 20 States plus the District of Columbia and the Virgin Islands. Six of these institutions are located in my district alone.

I think we all realize the importance of education to full participation in our complex, highly technological society. Throughout their existence, historically black colleges and universities have provided, and continue to provide, the quality education that is vital in enabling individuals to improve their lives and the livelihoods of their families. They have allowed many underprivileged students to attain their full potential through higher education.

Mr. Speaker, it is appropriate that we honor historically black colleges and universities in this way.

At this time, I would like to express appreciation to those who have been so helpful in bringing this resolution before the House today; namely, the 223 cosponsors; the chairman of the full committee, the gentleman from Michigan [Mr. FORD]; the ranking member, the gentleman from New York [Mr. GILMAN]; the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER]; and the

ranking member, the gentleman from Pennsylvania [Mr. RIDGE]. I would also like to thank the staffs of these Members and the committee staffs.

Mr. Speaker, again I would like to thank these people for their support in the consideration of this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I just want to thank the gentleman for his sponsorship of this important resolution.

In the State of Maryland we have at least three historically black colleges which are renowned for the quality of their education and for nurturing leadership: the University of Maryland on the Eastern Shore, Bowie State University, and Morgan State University.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 285

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 9, 1990, and ending on September 15, 1990, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL REHABILITATION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 279) to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this important resolution, but does want to commend the prime sponsor, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 279

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That,

(1) the week of September 16, 1990, through September 22, 1990, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(b) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 289) to designate October 1990 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I just want to commend the prime sponsor of the bill, the gentleman from Wisconsin [Mr. KLECZKA] for dedicating October 1990 as "Polish American Heritage Month."

I just returned during the recess from a trip to Poland and noted not only their adherence toward a market economy and trying to emulate the United States but their great love for Americans and their relatives who are here.

Mr. Speaker, I am very pleased to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 289, which designates October 1990, as "Polish American Heritage Month," and commend my good friend Mr. SIMON and my distinguished colleague from Wisconsin, Mr. KLECZKA for their work on this resolution.

I am proud to recognize the myriad of contributions of Polish Americans to life in the United States, and to support legislation that will bring to national attention these contributions.

Since the days of Kosciuszco, ethnic Poles have shared their burning desire for freedom throughout the world. Polish Americans have served in our Armed Forces, and preserved, protected, and defended the American way of life since the inception of the American experience. From our steel mills to top foreign policy positions, to the fields of medicine and law, the contributions of ethnic Poles to the good of American society will be commemorated for generations to come.

Mr. Speaker, Polish Americans can look across the seas to the land of their ancestry and derive pleasure from the raging tide of democracy throughout Eastern Europe. These changes bring hope and inspiration to Polish citizens and give the opportunity to experience some of what their emigre counterparts have experienced in our great Nation for over 200 years. Accordingly, I urge my colleague to join with me in supporting this important resolution.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

Mr. KLECZKA. Mr. Speaker, I rise today to thank my colleagues for approving House Joint Resolution 604, a resolution I introduced earlier this year designating October 1990 as Polish American Heritage Month.

As an American of Polish descent who represents tens of thousands of Polish Americans in Milwaukee and Waukesha Counties, I am proud that the House of Representatives is conferring this great honor on my community.

Poles have worked with other Americans to make this country the prosperous, democratic nation we know today ever since they first arrived in this land among the first settlers at Jamestown, VA in the 17th century. A century later, heroic Poles, such as Kazimierz Pulaski and Tadeusz Kosciuszko, led American patriots in battle against British troops in our War of Independence.

Polish Americans deserve special recognition in their effort and commitment to aid their Polish brothers and sisters in peacefully transforming Poland into a multiparty democracy and a free market economy. Americans of Polish ancestry are among the most enthusiastic investors in the reviving Polish economy.

Like other peoples that came to our shores, Polish Americans have made great contributaions to our society in the arts, sciences, industry, and government. While integrating fully into American society, Polish Americans have retained their own special culture.

The month of October will be a time to highlight and reflect on Polish American accomplishments so that all Americans can gain a deeper understanding and appreciation for this unique culture. I urge my colleagues to avail themselves of opportunities in their districts to celebrate Polish American Heritage Month by eating our delicious food, viewing our colorful folk dances, and listening and dancing to our famous polkas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 289

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas, the Polish constitution of May 3, 1791, was modeled directly on the constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor the greatest son of Poland, His Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader Lech Walesa and the Polish Government in holding a Round Table conference in February-April 1989, which led to a peaceful transition to a multi-party democracy;

Whereas Americans of Polish descent and Americans take great pride in the election of Tadeusz Mazowiecki as Prime Minister of Poland;

Whereas Americans of Polish descent and Americans support the struggle of the Polish people to move toward a free-market economy; and

Whereas the Polish American Congress is observing its forth-sixth anniversary this year and is celebrating October 1990 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1990 is designated "Polish American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CRIME PREVENTION MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 309) designating the month of October 1990 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

□ 1630

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Ohio?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 309, which designates the month of October 1990 as "National Crime Prevention Month."

The terrible violence and suffering associated with the national scourge of illicit drug abuse has helped to energize the public outcry against all crime. While personal efforts by individual citizens are important, organized community crime prevention is imperative if the war on drugs and other crime is to be won.

Organized community action when in cooperation with local law enforcement officials can effectuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

As we celebrate the 10th Anniversary of the National Citizen's Crime Prevention Campaign which features the McGruff crime dog, the outstanding efforts of the crime prevention campaign as well as those of the Department of Justice and a variety of organizations promoting local partnerships among our law enforcement agencies should be recognized and commended. It is through these programs that the quality of life in communities across our Nation is being improved.

Mr. Speaker, I urge all my colleagues to join with me in supporting this important resolution.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his comments on this very important issue, and, before I withdraw my reservation, I want to say it is a pleasure to be a floor manager with my good friend, the gentleman from Ohio [Mr. SAWYER]. I have not done this for a while.

Mr. PRICE. Mr. Speaker, I rise in support of the resolution designating October 1990 as "Crime Prevention Month." I first want to thank Representative BILL HUGHES, chairman of the Judiciary Subcommittee on Crime, and Representative HAMILTON FISH, ranking minority leader on the Judiciary Committee, for working with me in promoting this resolution.

I hope all of our colleagues in the House and Senate will use Crime Prevention Month to commend the community-based organizations and programs that work to reduce crime in our communities everyday, and to encourage more of our constituents to get involved in these programs.

Citizen involvement has led to the development of diverse local partnerships among law enforcement agencies, citizens, businesses, and government such as: Neighborhood Watch, Crime Stoppers; Teens, Crime and the Community; and Congregations and Support for Families. These groups have already taught many people that they do not need to be helpless victims of crime, but by working together they can effectively reduce crime in their neighborhoods. These programs have also helped increase people's pride and shared responsibility in their community. Crime Prevention Month will also highlight the 10th anniversary of the highly successful McGruff The Crime Dog campaign. Through the McGruff campaign millions of schoolchildren have learned about the dangers of substance abuse and how to protect themselves against crime.

For my part, I hope this month will serve as a catalyst in the communities in my district to help teach schoolchildren more about the dangers of drugs; teach senior citizens how to protect themselves from attacks and robberies; and to help groups such as Neighborhood Watch meet the new challenges posed by the abuse or drugs. While skilled law enforcement agents are still the key to preventing crime and maintaining public order, crime prevention by individuals and communities plays a key role as well.

Crime Prevention Month is supported by the Crime Prevention Coalition which is made up

of 130 organizations including the Boy Scouts of America, the National Sheriffs Association, NAACP, FBI, AARP, and the National Association of Attorneys General. I appreciate all they have done to build support for this resolution, and anticipate working with them to make this observance a success.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 309

Whereas it has been proven that community crime prevention efforts are reducing victimization by crime and helping to rebuild a sense of mutual responsibility and shared pride in community;

Whereas the National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog and promoted by the United States Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition, helps spur diverse local partnerships among law enforcement agencies, citizens, businesses, and government which work to reduce crime and improve community life throughout the Nation; and

Whereas the 10th anniversary of McGruff the Crime Dog as a symbol of the Nation's fight against crime and drugs will be celebrated in October 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1990 is designated as "Crime Prevention Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several Senate joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMUNICATION FROM THE HONORABLE LEON E. PANETTA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LEON E. PANETTA, a Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 24, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House,
H-204, Capitol.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena duces tecum issued by the Superior Court of California for the County of Monterey.

After consultation with the General Counsel to the Clerk, I will notify you of my determinations required by the Rule.

Sincerely,

LEON E. PANETTA,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 188

Mr. BRYANT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 188.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JAPAN SHOULD CONTRIBUTE MORE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material).

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, Japan is not shouldering a proportional share of the burden in the Middle East crisis, especially in light of what they have at stake. In the next 6 months, it will cost the United States $20 billion to maintain our forces in the Middle East, including the $7 billion debt we are forgiving Egypt. That is only if there is no military action over the next months.

What is Japan, the wealthiest country in the world, contributing? Not one soldier, not on plane, not one ship, and relatively little financial assistance in relation to her wealth and vital energy interests in the region.

What is Japan receiving? Multinational protection for 90 percent of her total energy requirements and 70 percent of her oil which is imported directly from the Middle East.

Japan should contribute more assistance that is proportionately accurate with the enormous interest she has at stake.

[From Newsweek, Sept. 17, 1990]

THE HIGH COST OF GIVING

We have more will than wallet," George Bush declared in his Inaugural Address last year. His response to Saddam Hussein has proven that. The United States is long on will to roll back the Iraqi leader's annexation of Kuwait. But as the world's largest debtor nation, it lacks the wallet for a protracted stay in the Persian Gulf. At the current level of commitment, Operation Desert Shield is expected to cost $17.5 billion by the end of fiscal 1991 (chart). Last week Secretary of State James Baker hopscotched across the gulf region and Treasury Secretary Nicholas Brady hit Europe and Asia in what Sen. Richard Lugar (Indiana Republican) called an "international United Way campaign." After talks in the oil-rich emirate of Abu Dhabi, Baker said, "We're making very good progress here."

It was a good haul. The Kuwaiti emir, Sheik Jabiral-Ahmad al-Sabah, now exiled in Taif, Saudi Arabia, offered $2.5 billion to offset U.S. military expenses to the end of 1990. The Saudi government promised to cover all of the "incountry" costs of American forces on Saudi soil—several hundred million dollars a month. Baker would only describe talks with the United Arab Emirates as "very forthcoming." In addition, Kuwait said it would extend $2.5 billion to frontline countries like Jordan, Egypt and Turkey, in compensation for losses suffered under the embargo against Iraq. In all, it seemed possible that the aid would almost cover the costs of the U.S. commitment, at least in the short run.

For the oil producers of the gulf (with the obvious exception of Kuwait) even these amounts are small compared with the billions of dollars in windfall they can expect from higher oil prices caused by the crisis. "This is a battle for survival and a few billion dollars don't mean much in that context. We will pay whatever it costs," said a Saudi official last week. In fact, it is oil consumers everywhere, America included, who will pay. For the whole world, an oil-price increase of $10 a barrel translates into a $36 billion annual payment to Saudi Arabia—money that will then be "recycled" into defraying the costs of the American military presence in the Middle East.

Meanwhile, Treasury Secretary Brady came away from his trip virtually empty-handed. Japanese officials told him that aid to countries hurt by the embargo will be "on a considerable scale"—an earlier promise was for $1.3 billion. Washington wants the aid quickly to help governments that otherwise might be tempted to break the sanctions against Iraq. Japanese Foreign Ministry sources said Japan felt it was "doing its best," but insisted there are institutional constraints in place that the government is not going to be able to get around any time soon. "Their bill will go higher," said one senior Bush aide. Washington also wants $720 million more from Tokyo for defense assistance to the United States. If the aid materializes, it will likely be in the form of in-kind contributions such as equipment or troop transportation services and in assuming more of the expenses for stationing U.S. troops in Japan.

Aside from participating in sanctions, Japan hasn't done much so far. This week the first team of Japanese medics are supposed to head for the region: one government official says perhaps 10 to 20 doctors, another says three. Last week a ship loaded with 800 four-wheel-drive vehicles, requested by the U.S. military, set out for the gulf—after a two-day strike by seamen who refused to sail with the cars to the gulf. Already congressmen returning from the Persian Gulf have warned Bush that Capitol Hill's patience will wane if American troops are sweltering in the Saudi heat by themselves, unaided by cash support from countries that depend far more on Mideast oil than Americans do. The Japanese "want to play golf at your club," said an angry Kuwaiti financier last week, "but they don't want to pay the dues."

As for West Germany, Bonn is willing to come close to the U.S. request of about $637 million to help countries hurt by the embar-

go. But the West Germans have vetoed supplying funds for U.S. military forces in the region. Rather, they will offer up ships and planes to transport American troops. The West Germans complain that the United States balked at Bonn's own scheme to bail out Eastern Europe and the Soviet Union. They say that their own energies are absorbed by the effort to reunify with East Germany, which will also absorb most of their spare cash over the next few years.

Though the administration's cost estimates have the ring of scientific precision, no one really has any idea how high the final price tag of the crisis might go. The Pentagon's cost estimate assumes a stay in the gulf at least through September of next year. But it also assumes that a shooting war won't break out. After that, all bets are off. The long-term costs to other countries are no clearer. Iraq and Kuwait were so thoroughly tied in to the world economy that there is essentially no end to the countries that can claim some harm from the cutoff of trade, with them. Brazil, which depended heavily on Iraqi crude, will lose $450 million per year from higher oil prices. Pakistan stands to lose almost $1 billion next year in lost wages from Pakistani workers streaming out of Iraq and Kuwait; Philippine workers could lose $100 million annually. The Institute for International Economics estimates Eastern Europe stands to lose $465 million next year in higher oil prices and lost exports. And with the oil pipeline from Iraq cut, the East Europeans have no way to recover the money Iraq owes them. Bulgaria alone says Iraq owes it $1.2 billion. Romania estimates it will lose $2.7 billion from the sanctions. Having seen that the Saudis and Kuwaitis are opening their wallets, many countries will be tempted to inflate the degree of pain they are suffering in effect demanding a higher payoff for staying on board the U.S.-led embargo. Administration economists are already trying to sort out legitimate relief requests from opportunistic attempts to grab a piece of the Kuwaitis' rock. As the crisis drags on and the costs rise, the United States may find that petrodollars are only a temporary solution to a permanent mismatch between America's global responsibilities and its internal resources.

ORDER OF BATTLE

Last week the Pentagon disclosed the incremental costs of Desert Shield through September 1991: Washington is planning for a long stay in the gulf.

[In millions of dollars [1]]

Item	Total cost
Deployment: Includes airlift, sealift and other deployment costs (support ships, storage, etc.)	5,300
Fuel costs: Increased use and cost of fuel	2,040
Reserve callup: Active duty pay, transport, support	3,015
Operating Expenses: Spares, logistics support	3,085
In-theater support: Housing, water, sanitation, etc	2,095
Construction costs: Facilities designed for 24 months of use	1,830
Other: Medical, family-separation pay, miscellaneous	165

[1] Fiscal years: 1990 and 1991. Ending Sept. 30, 1991.

Source: Department of Defense.

INTRODUCTION OF MEDICAID PHYSICIAN SERVICE QUALITY IMPROVEMENT ACT OF 1990

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, today I am introducing legislation to prevent incompetent and negligent physicians from treating Medicaid patients. The need for this legislation has been identified during the ongoing investigation of the Medicaid Program being conducted by the Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege to chair. We conducted an initial hearing in my home State of New York, whose problems are similar to those of other States with large urban populations.

Our investigation is finding that substantial numbers of Medicaid patients are subjected to highly dangerous medical treatment by negligent or incompetent physicians. Although I believe these physicians represent a very small percentage of our Nation's doctors, in a State like New York—where only 15 percent of the licensed physicians treat Medicaid patients—the poor care provided by those few doctors can wreak medical havoc on thousands of patients.

In large urban areas such as New York City, we have identified patterns of poor care involving physicians who are often educated in Third World countries and are certified to practice by a loose State medical licensing system. These physicians are hired by unscrupulous entrepreneurs to work in shared health facilities, more commonly known as Medicaid mills. The care provided by the worst Medicaid mills is characterized by a wide range of improper practices, including blatant drug dealing, overutilization of diagnostic tests, and the failure to provide even minimal quality of care.

In New York City, it is estimated that there is a shortage of 500 physicians in innercity neighborhoods with large Medicaid-eligible populations. Of the doctors who are available, most do not provide the full spectrum of care considered to be basic medical practice in the United States. The majority of these physicians lack board certification or hospital affiliations, including more than half of those who provide care to pregnant women.

It is astonishing that some of these physicians are licensed and allowed into the Medicaid Program in the first place. But compounding the problem is the inability or unwillingness of Federal or State Medicaid authorities to remove dangerous doctors from the Medicaid system, even after their maltreatment of Medicaid patients has been identified.

Financial fraud is treated more seriously by State Medicaid agencies than negligent medical care. More resources are spent on fraud investigations than quality of care reviews. Typically, physicians excluded from the Medicaid Program or delicensed by State boards are removed because they committed fraud. Doctors who practice poor quality of care are rarely disciplined with more than a slap on the wrist.

Our review of all Medicaid physicians referred to the New York medical licensing authority for disciplinary action in 1987 and 1988 found that the penalties recommended by the State department of health had been dismissed or lessened in 40 percent of the cases. Most of these cases involved fraud. The most egregious quality of care cases investigated by the State were not referred for discipline at all.

We also found that, of the few doctors who are excluded from the Medicaid Program, most continue to practice medicine and eventually return to the program after the exclusionary period.

The Federal Government need not condone the leninent treatment given to dangerous physicians. We should close the loopholes that allow incompetent physicians to treat Medicaid patients. Today I am proposing remedial steps that the Congress can adopt to prevent truly incompetent and negligent physicians from treating Medicaid patients.

The Medicaid Physician Service Quality Improvement Act of 1990 will help State governments keep tabs on incompetent doctors by requiring that Medicaid physicians have unique identifying numbers for billing purposes. Under this provision, the identifying numbers of the physicians who actually treat Medicaid patients must be included in the billing, thus preventing incompetent physicians from using large health care firms to disguise their participation in Medicaid.

The bill also requires foreign medical school graduates to pass a certification exam already required for participating in the Medicaid Program in order to be eligible for Medicaid reimbursements.

To prevent the problem of unqualified doctors providing specialized treatment to patients, the bill would require that physicians providing pediatric and obstetrical services either be certified or hospital-affiliated in these specialities, or have a consulting arrangement with a physician who is certified or hospital-affiliated.

The legislation would also require State governments to conduct quality of care reviews of high-volume physicians or health care plans.

Finally, my proposal would require all State health care agencies to report all adverse findings involving physicians in the Medicaid Program to the Federal Government, even when no

formal action has been taken against the physician.

These protections for Medicaid patients will not create additional costs for the program; in fact, they should save money by keeping out of the program physicians who are prone to overutilization. The intent of my proposed bill is to ensure that Medicaid patients receive the best available care, and that the program no longer be susceptible to rip-off artists and unqualified physicians. I urge my colleagues to support the Medicaid Physician Service Quality Improvement Act of 1990.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Physician Service Quality Improvement Act of 1990".

SEC. 2. USE OF UNIQUE PHYSICIAN IDENTIFIERS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall established a system, for implementation by not later than July 1, 1991, which provides for a unique identifier for each physician who furnishes services for which payment may be made under a State plan approved under title XIX of the Social Security Act. Such systems may be the same as, or different from, the system established under section 9202(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985.

(b) USE OF UNIQUE IDENTIFIERS.—

(1) REQUIRING INCLUSION WITH CLAIMS.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) as amended—

(A) by striking the period of the end of paragraph (9) and inserting "; or", and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) with respect to any amount expended for physicians' services furnished on or after the first day of the first quarter beginning more than 60 days after the date of establishment of the physician identifier system under section 2(a) of the Medicaid Quality Improvement Act of 1990, unless the claim for the services includes the unique physician identifier provided under such system.".

(2) MAINTENANCE OF ENCOUNTER DATA BY HEALTH MAINTENANCE ORGANIZATIONS.—Section 1903(m)(2)(A) of such Act (42 U.S.C. 1396(m)(2)(A)) is amended—

(A) by striking "and" at the end of clause (vii),

(B) by striking the period at the end of clause (viii) and inserting "; and", and

(C) by adding at the end the following new clause:

"(ix) such contract provides for maintenance of sufficient patient encounter data to identify the physician who delivers services to patients.".

MAINTENANCE OF LIST OF PHYSICIANS BY STATES.—Section 1902(a)b of such Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (52),

(B) by striking the period of the end of paragraph (53) and inserting "; and", and

(C) by inserting after paragraph (53) the following new paragraph:

"(54) maintain a list (updated not less often than monthly, and containing each physician's unique identifier provided under the system established under section 2(a) of the Medicaid Quality Improvement Act of 1990) of all physicians who are certified to participate under the State plan.".

(4) EFFECTIVE DATE.—

(A) The amendments made by paragraph (2) shall apply to contract years beginning after the date of the establishent of the system described in subsection (a).

(B) The amendments made by paragraph (3) shall apply to medical assistance for calendar quarters beginning more than 60 days after the date of establishment of the physician identifier system under subsection (a).

SEC. 3. FOREIGN MEDICAL GRADUATE CERTIFICATION.

(a) PASSAGE OF FMGEMS EXAMINATION IN ORDER TO OBTAIN IDENTIFIER.—The Secretary shall provide, in the identifier system established under section 2(a), that no foreign medical graduate (as defined in section 1886(h)(5)(D) of the Social Security Act) shall be issued an identifier under such system unless the individual has passed the FMGEMS examination (as defined in section 1886(h)(5)(E) of such Act).

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to issuance of an identifier applicable to services furnished on or after January 1, 1992.

SEC. 4. MINIMUM QUALIFICATIONS FOR BILLING FOR PHYSICIANS' SERVICES TO CHILDREN AND PREGNANT WOMEN.

Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by section 2(b)(1) of this Act, is further amended—

(A) by striking the period at the end of paragraph (10) and inserting "; or", and

(B) by inserting after paragraph (10) the following new paragraph:

"(11) with respect to any amount expended for physicians' services furnished by a physician on or after January 1, 1992, to—

"(A) a child under 21 years of age, unless the physician—

"(i) is certified in family practice or pediatrics by the medical specialty board recognized by the American Board of Medical Specialties for family practice or pediatrics,

"(ii) is employed by, or affiliated with, a Federally-qualified health center (as defined in section 1905(1)(2)(B)),

"(iii) holds admitting privileges at a hospital participating in a State plan approved under this title,

"(iv) is a member of the National Health Service Corps, or

"(v) documents a current, formal, consultation and referral arrangement with a pediatrician or family practitioner who has the certification described in clause (i) for purposes of specialized treatment and admission to a hospital; or

"(B) to a pregnant woman (or during the 60 day period beginning on the date of termination of the pregnancy) unless the physician—

"(i) is certified in family practice or obstetrics by the medical specialty board recognized by the American Board of Medical Specialties for family practice or obstetrics,

"(ii) is employed by, or affiliated with, a Federally-qualified health center (as defined in section 1905(1)(2)(B)),

"(iii) holds admitting privileges at a hospital participating in a State plan approved under this title,

"(iv) is a member of the National Health Service Corps, or

"(v) documents a current, formal, consultation and referral arrangement with a obstetrician or family practitioner who has the certification described in clause (i) for purposes of specialized treatment and admission to a hospital.

SEC. 5. EXPANDING ACCESS OF QUALIFIED PHYSICIANS TO HOSPITALS.

(a) REQUIREMENTS TO QUALIFY AS A DISPROPORTIONATE SHARE HOSPITAL.—Section 1923(d) of the Social Security Act (42 U.S.C. 1936r-4(d)) is amended—

(1) in paragraph (1), by inserting "(A)" after "unless",

(2) in paragraph (1), by inserting before the period at the end the following: ", and (B) the hospital extends admitting privileges to any physician who is qualified to participate under this title, who enters into an agreement with the single State agency described in section 1902(a)(5) to provide services under the plan, and who meets professional standards established by the hospital for the granting of such privileges and agrees to abide by the published bylaws of the hospital and the published bylaws, rules, and regulations of its medical staff", and

(3) in paragraph (2)(A), by striking "Paragraph (1)" and inserting "Paragraph (1)(A)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments under section 1923 of the Social Security Act made on or after July 1, 1992.

SEC. 6. MANDATORY QUALITY REVIEW FOR HIGH-VOLUME PHYSICIANS.

(a) IN GENERAL.—Section 1902(a)(30) of the Social Security Act (42 U.S.C. 1396a(a)(30)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by adding "and"' at the end of subparagraph (C), and

(3) by adding at the end the following new subparagraph:

"(D) provide for (i) independent, external review (in a manner consistent with professionally recognized standards of health care) of the quality of services furnished by any physician who submits claims for services under this title at a rate of visits per month or at a rate of visits per year exceeding a threshold rate per month or rate per year established by the State (which threshold rates may not be greater than 387 visits per month or 4320 visits per year), (ii) independent, external review (in a manner consistent with professionally recognized standards of health care) of the quality of services furnished by a physician, receiving payment through a contract under section 1903(m), who has patient encounters with individuals entitled to medical assistance under this title at a rate of visits per month or at a rate of visits per year exceeding the threshold rates of visits per month or visits per year established under clause (i), and (iii) referral of physicians identified under such a review as not providing quality services to the single State agency under paragraph (5), the medical licensing board of the State, and the Inspector General for the Health Care Financing Administration for possible sanctions;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1991, without regard to whether or not regulations to implement such amendments have been promulgated by such date.

SEC. 7. REPORTING OF MISCONDUCT OR SUBSTANDARD CARE.

(a) IN GENERAL.—Section 1921(a) of the Social Security Act (42 U.S.C. 1396r-2(a)) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by inserting "(or any peer review organization or private accreditation entity reviewing the services provided by health care practitioners)" after "health care practitionrs", and

(2) in paragraph (1), by adding at the end the following new subparagraph:

"(D) Any negative action or finding by such authority, organization, or entity regarding the practitioner or entity.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to State information reporting systems as of January 1, 1992, without regard to whether or not the Secretary of Health and Human Services has promulgated any regulations to carry out such amendments by such date.

WE CANNOT GO IT ALONE

The SPEAKER pro tempore (Mr. MCMILLEN of Maryland). Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 5 minutes.

Mr. IRELAND. Mr. Speaker, in late 1986, Iran began attacking ships in the Persian Gulf. The United States responded in March 1987 by reflagging and escorting Kuwaiti ships through the Gulf. The United States called on its allies to help protect shipping lands from aggression by Iran.

Our colleague PAT SCHROEDER and I recently released a General Accounting Office report on burdensharing. The report looks at how fairly the burden of that operation was shared by countries who depend on those shipping lanes to import or export oil.

The GAO report shows that the United States bore the brunt of the burden for keeping oil shipping lanes open in the Persian Gulf in 1987 and 1988. For instance, Japan—which contributed little to keeping the Persian Gulf open during the crisis—depended on oil from that part of the world for 58 percent of its daily consumption. In contrast, the United States dependence on Persian Gulf oil was only 7 percent, while the United States contributed 40 percent of the assets used to protect the gulf. Overall, only 15 nations—nine non-gulf countries and 6 gulf States—lent any support to the effort.

I'm pleased to report, however, that the lessons of the earlier Persian Gulf crisis are being heeded by the Bush Administration. As the current crisis in the gulf unfolds, the President has made it abundantly clear that the United States will not go it alone once again. He is delivering an indisputable message: our allies around the world must contribute, economically, and militarily, to this united effort against the aggressive, terrorist actions of Iraq's Saddam Hussein.

The numbers show that our allies are responding. As of 2 weeks ago, 22 nations had established a physical presence in the gulf—either in troops or equipment. By last Friday, that number had grown to 25 nations. The number and extent of each country's commitment is growing hour by hour.

This cooperation has been an essential element in our strategy to-date. If we tried to do it alone, we'd have 250 million Arabs against us. As it is, we have all the nations of the world with us, united against Iraq.

The American people will continue to support the operation in the Middle East if they are convinced we are not going it alone. We need help from all our allies and from other oil-importing countries to sustain this effort. I'm confident that the President will be able to garner that support.

TRIBUTE TO EARNESTINE SCHNEIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to pay tribute to a constituent, Earnestine Schneider, who recently passed away after a lifetime of service to public education in the State of California. Mrs. Schneider had been elected to the board of trustees of the former Pleasanton Joint School District in 1977, and following unification of the local school districts in 1988, she was elected to serve on the first school board of the new district. Her fellow trustees elected Earnestine Schneider to serve as school board president for three terms, and as clerk of the board four terms.

Mrs. Schneider was a familiar figure to California State legislators in her role as an elected member of the California School Boards Association delegate assembly. In that capacity, she worked tirelessly as an advocate for all students' right to a quality education, and she helped to formulate education policy statewide.

Earnestine Schneider began as a teacher of remedial reading, physical education, and dance. After that, she dedicated 20 years as a parent volunteer, 13 years on local school boards, and at least 10 years on county and State school board committees. Through her endless supply of time, energy, and resources, Mrs. Schneider did much to ensure that the children of California receive the best education possible.

Mrs. Schneider's countless contributions extended her role in public education. She was involved in various political activities and was the recipient of several distinguished community service awards, including recognition last year as a "Woman of Distinction" by Soroptimist International of Pleasanton, CA.

I feel privileged to have had Earnestine Schneider as a constituent in my congressional district, and I commend her unwavering dedication to the youth of our community. It is with great respect and admiration that I pay tribute to Mrs. Schneider. She truly understood that the children are our future, and her commitment stands as a monument to public educators everywhere.

ANNUNZIO SUPPORTS LEGISLATION TO DETER GAS PUMP PRICE GOUGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO Mr. Speaker, gas prices at the pump have increased tremendously since the Persian Gulf turmoil began on August 2. And for no apparent reason.

Assistant Energy Secretary John J. Easton, Jr. testified before the House Government Operations Committee last week, saying the main reason for rising gasoline prices was a near-record demand during the heavy summer traveling season and the loss of refining capacity in Kuwait. However, he said the Bush administration would not tap the Nation's 560-million-barrel reserve to ease rising prices.

Mr. Easton also put off questions about collusion by the oil industry to push prices up, saying there isn't enough evidence at this point to make statements like that.

But all one has to do is to talk to the customer who pulls into a station to put gas into his car, to get a different opinion. Each time they make a trip to the station, they see a higher price for gasoline. Yet, we're told there is no shortage.

At the start of the Persian Gulf turmoil, I called on President Bush to crack down on the oil companies who unjustly increase prices at the gas pumps and profiteer at the expense of the American public. That is why I strongly support and am cosponsoring legislation to give the President the power to prohibit gas pump price gouging during times of a national emergency.

The oil companies have refused to comply voluntarily, so we in Congress must take strong official action. The United States has dispatched nearly 100,000 young men and women to the Middle East to protect our national security interests. Yet, the oil companies are lining their pockets with extraordinary and unnecessary profits from the black gold coming out of the pumps.

The bill, which I am cosponsoring, would give the President new powers to deter and punish those in the energy industry who take advantage of international crises and raise prices excessively for essential commodities. Currently, price gouging is not illegal under Federal law, unless collusion or price fixing can be proven.

The bill, introduced by Representative RICHARD J. DURBIN of Illinois, would give the President power to declare a national economic emergency in the event of severe market disruptions resulting from war, civil disorder, extraordinary weather, or other catastrophes that result in actual or threatened shortage or price increase for essential commodities, such as oil or other petroleum products. Violators would face criminal penalties of up to 5 years in prison, fines of $500,000 and a return of the profits. The Government could also seek civil remedies such as injunctions, restitution, and double damages.

Mr. Speaker, no one begrudges the oil companies from making a profit from their products. But they should not be allowed to take advantage of a situation where all Americans

are sacrificing. They, too, must sacrifice. If they won't do it on their own, then we must see to it that they do.

NATIONAL EMERGENCY ANTI-PROFITEERING ACT OF 1990

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. Mr. Speaker, about 5 weeks ago this House of Representatives went into its August recess so that Members could vacation with their families and return home to their congressional districts. Now that we are back in session in Washington, we can reflect on the events of the past week.

Mr. Speaker, we can certainly say that the climate in the world has changed, and certainly the issues that face us here on Capitol Hill have changed dramatically. Few, if any of us, would have predicted that the United States would be as deeply involved militarily today as we are. But I can say without fear of contradiction that President Bush's actions in the Middle East enjoy widespread bipartisan support, not only within this Chamber, but I believe quite honestly across the Nation.

We understood the President had few alternatives. I believe personally even as a Democrat speaking that the President has handled this situation with a great deal of care and restraint. We were encouraged by the fact that he first turned to the United Nations to make certain that the U.S. response was international in tone, and that he worked both with the United Nations and the superpowers around the world to make certain that we did not go it alone.

We have made a major commitment, a much greater commitment than any other nation, and we are working in concert with some 25 other nations in an effort to bring peace and stability to that region of the world.

Mr. Speaker, as I traveled across the 20th District of Illinois, central and western Illinois, I have found support for the President coming from both political parties and independent voters alike.

There is an issue which I would like to address in this special order, however, which is a disquieting note in the course of events which have occurred since August 1. I believe the people of America now, as they have in the past, are prepared to make sacrifices as necessary for the good of this Nation. But I do not believe that now or ever should we be in a position where individuals or corporations within America take advantage of a national emergency.

In my part of the world, in the Midwest, I can say that the people who were infuriated by the savings and loan crisis probably are still infuriated. But they are now angry as well at what happened to gasoline prices across America.

It is virtually unforgiveable to view what happened in gasoline stations and at pumps across America the day after the Mideast crisis began. It appears that in the corporate boardrooms of the greatest oil companies across America, when they heard of the crisis in the Middle East, they sprung into action and sent out their emergency response teams to every gas station across America to increase and inflate the price of gasoline.

This has caused quite a few people to be upset. It has caused many people to reflect on whether or not there is price gouging and profiteering taking place.

Mr. Speaker, I would like to call to mind some things that have occurred during my trip back to Illinois during the last month, and also to reflect on what we should do as the Congress of the United States in response to this situation.

Mr. Speaker, I am reminded of a small businessman in my district who said to me, "You know, Congressman, when you get to think about the fact that your own son might be called into service in the Middle East to defend our energy policies, it really convinces me that we ought to take a look at the way we are consuming energy in the United States, to determine whether or not we can do a better job."

I do not think there is any Member who serves in this Chamber of either political party who does not believe we can do a better job as a Nation. About 10 years ago President Jimmy Carter suggested that we needed a national energy policy. He made that suggestion when we faced an energy shortage. In fact, we were at the mercy of the OPEC nations in terms of our future oil supplies.

President Carter proposed a comprehensive program. We can all recall it. We were turning down our thermostats, adding insulation to our homes. We found cars on the road that got better miles per gallon, and we paid attention to that.

Over the last 10 years we have gotten lazy as a Nation, becoming more and more dependent on foreign oil and not making the personal sacrifice really necessary for us to have a national energy policy that works. We are not changing our lifestyle, changing our consumption habits, but we are going to have to. If we do not, we will become even more dependent in the future on foreign sources of oil.

For those who mocked and ridiculed President Carter's national energy policy, I would suggest that we owe him an apology. Let us dust off those books and find out what was proposed then that did work, and let us return to those policies that make sense today, to lessen our dependence on foreign oil. Because if the United States was not so dependent on foreign oil, perhaps we would not be so committed militarily in the Middle East. There may not be as many American lives on the line if we did not have to rely on the Persian Gulf area for some 27 percent of the oil which the United States consumes.

Of course, now as you look at what has happened, the oil companies around the United States have increased the price of oil dramatically since the Mideast crisis. When you compare the price of gasoline, however, with other countries in the world who are similarly affected by what has happened in the Middle East, you will find some surprises.

For the several weeks following the outbreak of hostilities in Iraq and Kuwait, Japan, even more dependent on foreign oil than the United States, did not see any increase in gasoline prices. In Canada, the increase was nominal.

Why then in the United States overnight did we see this increase of 10 cents, 20 cents, or more per gallon? To my mind these questions have not been adequately answered. The oil companies have said that they are anticipating what might occur down the line. Anticipating what might occur.

They are not suggesting that the oil in the pipelines today is even affected by what is happening in the Middle East. But in fact they have increased their gasoline prices.

What does this mean to us? As a Nation it means a great deal. I for one happen to believe that we have enjoyed remarkable prosperity for 9 years now, but that in fact we could be on the brink of a recession. I hope it is not serious.

We realize as we found in the past that the increase in energy prices across our Nation can send us into a recession, a recession that, of course, would cost us jobs, would cause businesses to fail, and family farmers to lose their farms. It would see downturns in the productive capacity of the United States.

Energy is that critical to our economic future. If the gasoline prices remain high or inflated or beyond what is necessary for a market response, we as a nation will not only pay out of our own wallets as we go to the pump, but will find our own economy unfortunately in terrible trouble.

Mr. Speaker, I hope President Bush when he comes to this Chamber tomorrow evening again will address this issue as to whether or not the oil companies have overstepped, whether or not they are guilty of profiteering. When I first heard of these increases in gasoline I contacted some of the experts in Washington to ask what legislative response could we take at the Federal level to respond to what has

occurred. How do we set loose those forces of our Federal Government to take a look at these gasoline prices and see if they are in fact warranted, and if in fact they are not, what penalties can be imposed?

I was surprised to learn that there are very few options available today. If in fact there was collusion or price fixing, and there is no evidence of that, and I do not suggest it, there is a remedy. But if in fact anyone who has control of a basic commodity sees a national emergency occur and inflates the price of that commodity, there is no law on the books at the Federal level today to address it.

Some States have already responded. In our own State of Illinois, the attorney general, Neil Hartigan, has already started, with other attorneys general across the United States, to take a look at these prices, to determine if they are warranted, and whether any State action could be necessary. But we should do something at the Federal level as well, because it is in fact a national problem.

Mr. Speaker, that is why this week I will be introducing on the floor of this House of Representatives the National Emergency Anti-Profiteering Act of 1990. This act would give the President the power to declare a national economic emergency in the event of abnormal market disruptions resulting from military threat, war, civil disorder, extraordinary weather conditions, or other catastrophic failures that result in actual or threatened shortages or price increases for essential commodities such as oil.

The President must designate under this act the essential commodities with respect to which the national economic emergency exists.

□ 1650

We spell out in this act the essential commodities to include petroleum products such as crude oil, gasoline, diesel fuel, home heating oil, and aviation fuel and any other commodity that the President finds to be of significant importance to the American economy or vital to the public health, safety, welfare of the American citizens.

When the President declares under this act a national economic emergency to exist with respect to any essential commodity, the sellers of that product are prohibited from profiteering under the law, that is, they are prohibited from charging an excessive price for such products, those excessive prices that are not justified by the actual costs plus a reasonable profit. Increasing the price for an essential commodity for which the President has declared a national economic emergency faster than increases in the seller's actual cost for the product actually sold is evidence of profiteering under this law.

People or companies who profiteer during a national economic emergency would be subject to criminal penalties of up to 5 years in prison, fines of up to $500,000 and, of course, they would lose all the profits earned through profiteering.

The Attorney General of the United States and the attorneys general of the States of our Nation can also seek civil remedies including double damages, restitution of profits and injunctions.

A national economic emergency can last only up to 180 days unless renewed by the President, and renewals can last for 90 days each. Congress can terminate a national economic emergency by passing a joint resolution which requires the President's signature or two-thirds majority of each House. The President can terminate it by Presidential order.

State laws are not terminated. This act will not affect State price-gouging statutes.

What we are setting in place is a statute, I hope, which will pass, and I hope will never be needed, but certainly our experience with the crisis in the Middle East and the unwarranted increase in gasoline prices across the Nation should suggest to us that we send a loud and clear message that those individuals or companies who take advantage of a national emergency to increase their profits at the expense of working families must, in fact, be held accountable. There should be statutory authority for the President of the United States to step forward in that instance and to declare that certain commodities are so essential to the well-being of this Nation that they would be protected under this act.

We can see that the impact of increases in gasoline prices and other oil prices across the Nation are going to take their toll. Already some airlines have increased their prices because of fuel costs. There has already been an increase of 3 to 5 percent in food prices according to agricultural economists because of increases in the price of energy just in the past 30 days. Road construction costs are anticipated to increase 30 percent next spring if the price of crude stabilizes at near $28 a barrel and, of course, utilities which are dependent on oil or petroleum will find their rates going up. As people in New England and other parts of the country who are dependent on heating oil face a cold winter, they are going to find their heating bills increasing as well.

This, I hope, does not lead to a serious recession in this country. What I hope it leads to is that the oil companies who are purchasing full-page advertising in newspapers across the United States to suggest they have not crossed the line, that they have not gouged us, I hope they will come to their senses and realize that if the American people are being asked to sacrifice by paying more in taxes to sustain our efforts in the Middle East, if American families are being asked to sacrifice by sending their sons, their husbands, wives, and in many cases daughters overseas to defend the interests of the United States in the Middle East, if that kind of sacrifice is being made by individuals, then certainly we could ask the same spirit of sacrifice and cooperation from the oil companies.

I do not know what the future may hold. I sincerely hope this crisis and emergency will be behind us in short order. If it goes on for some period of time, I hope that this Congress of the United States will consider passing this legislation which I will be introducing this week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, each day on September 24, 25, 26, 27, and 28.

Mr. IRELAND, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. VOLKMER, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.

Mr. LOWERY of California.

Mr. CRANE.

Mr. BEREUTER.

Mr. FRENZEL.

Mr. CONTE.

Mr. WOLF.

Mr. WELDON.

Mr. SCHAEFER.

Mr. OXLEY.

Ms. SCHNEIDER in two instances.

Mr. LEWIS of California.

Mrs. JOHNSON of Connecticut.

Mr. SHAW.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. PAYNE of New Jersey.
Mr. ROE in two instances.
Mr. MONTGOMERY.
Ms. SLAUGHTER of New York.
Mr. BILBRAY.
Mr. BONIOR.
Mr. FRANK.
Mr. WAXMAN.
Mr. ROYBAL.
Mr. VENTO.
Mr. MAZZOLI.
Mr. LANTOS.
Mr. BRYANT.
Mr. SLATTERY.
Mr. EDWARDS of California.
Mr. PALLONE.
Mr. KOSTMAYER in two instances.
Mr. YATRON.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), the House adjourned until Tuesday, September 11, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3832. A communication from the President of the United States, transmitting amendments to the fiscal year 1991 request for appropriations for the Departments of Agriculture, Defense, Health and Human Services, the Interior, and Veterans Affairs, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-233); to the Committee on Appropriations and ordered to be printed.

3833. A communication from the President of the United States, transmitting amendments to the fiscal year 1991 request for appropriations for the Department of Agriculture, the Department of Education, the Department of Health and Human Services, the Department of Labor, the Department of Veterans Affairs, the Board for International Broadcasting, and the U.S. Information Agency, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-234); to the Committee on Appropriations and ordered to be printed.

3834. A letter from the Secretary, Department of Defense, transmitting a study of close support for land forces, including close air support, pursuant to Public Law 101-189, section 1102(f) (103 Stat. 1553); to the Committee on Armed Services.

3835. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to the Philippines for defense articles (Transmittal No. 90-60), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3836. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-58), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-52, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-53), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Thailand for defense articles (Transmittal No. 90-59), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] for defense articles (Transmittal No. 90-61), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3841. A letter from the Secretary of Defense, transmitting a selected acquisition report [SAR] as of June 30, 1990, for the strategic defense system, phase I, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3842. A letter from the Board of Governors, Federal Reserve System, transmitting the first annual report on the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

3843. A letter from the Secretary of Health and Human Services, transmitting the 10th annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

3844. A letter from the Secretary of Health and Human Services, transmitting Volume II of the Agency for Toxic Substances and Disease Registry's Biennial Report, pursuant to Public Law 99-499, section 110(10) (100 Stat. 1641; to the Committee on Energy and Commerce.

3845. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1992, pursuant to 45 U.S.C. 231f(f); jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

3846. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the fiscal year 1992 budget requests, pursuant to 15 U.S.C. 2076(k)(1); to the Committee on Energy and Commerce.

3847. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 90-62), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3848. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-58), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3849. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-60), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3850. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 90-59). pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3851. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-52), pursuant to 22 U.S.C. 2776(b), to the Committee on Foreign Affairs.

3852. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] for defense articles and services (Transmittal No. 90-61), pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3853. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-53), pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1990-91 report on plans regarding major disasters and incidents abroad affecting U.S. citizens, pursuant to Public Law 101-246, section 115(e) (104 Stat. 24); to the Committee on Foreign Affairs.

3855. A letter from the Director, Arms Control and Disarmament Agency, transmitting the 1989 annual report to Congress on arms control and disarmament studies; pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

3856. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a letter from the Government of Belgium confirming that it granted export licenses to a private Belgian firm for transfers of F-104 spare parts between 1987-89, without first ensuring that the prior written approval of the U.S. Government had been obtained pursuant to section 3(e) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3857. A letter from the Director, U.S. Information Agency, transmitting a report on USIA-TV's production expenses through the third quarter of fiscal year 1990, pursuant to Public Law 101-246, section 205(a)

(104 Stat. 51); to the Committee on Foreign Affairs.

3858. A letter from the Director, Institute of Museum Services, transmitting a copy of the annual report of the Agency's compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552(j); to the Committee on Government Operations.

3859. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3860. A letter from the Secretary of the Interior, transmitting the annual report on oil and gas leasing, exploration and development activities on Federal lands in Alaska for fiscal year 1989, pursuant to Public Law 96-487, section 1008(b)(4); to the Committee on Interior and Insular Affairs.

3861. A letter from the Acting Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting notification concerning the proposed use of $1.7 million in fiscal year 1989 research and development funds for the design and construction of an addition to the avionics systems laboratory, building 16, at NASA's Johnson Space Center, pursuant to Public Law 100-685, section 203 (102 Stat. 4089); to the Committee on Science, Space, and Technology.

3862. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of the Czech and Slovak Federal Republic; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the Czechoslovak Federative Republic," pursuant to 19 U.S.C. 2437(a) (H. Doc. 101-231); to the Committee on Ways and Means and ordered to be printed.

3863. A letter from the Secretary, Department of Health and Human Services, transmitting a report on actions States have taken in adopting standards equal to or more stringent than the National Association of Insurance Commissioners [NAIC] model transition regulation for Medicare supplemental health insurance policies, pursuant to 42 U.S.C. 1395ss; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5269. A bill to control crime; with amendments (Rep. 101-681, Pt. 2). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3764. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the national wild and scenic rivers system; with an amendment (Rep. 101-683). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 4632. A bill to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liability for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction finding equipment for the Coast Guard; with an amendment (Rep. 101-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2335. A bill to provide Federal recognition for the Lumbee Tribe of North Carolina; with an amendment (Rep. 101-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3618. A bill to authorize the lease of lands on the Mille Lacs Indian Reservation for a term not to exceed 99 years; with an amendment (Rep. 101-686). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3703. A bill to authorize the Rumsey Indian Rancheria to convey a certain parcel of land (Rep. 101-687). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on: Are Scientific misconduct and conflicts of interest hazardous to our health? (Rept. 101-688). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4985. A bill to designate the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building" (Rept. 101-689). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. House Resolution 402. designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes (Rept. 101-690). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 467. A bill to provide for a waiting period before the purchase of a handgun; with an amendment (Rept. 101-691). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 3977. A bill to protect and conserve the continent of Antarctica, and for other purposes; with an amendment (Rept. 101-692, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Government Operations, Interior and Insular Affairs, Public Works and Transportation, and Veterans' Affairs discharged from further consideration of H.R. 5269. H.R. 5269 referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL

[Omitted from the Record of Sept. 5, 1990]

Under clause 2 of rule XIII, the following action was taken by the Speaker:

H.R. 849. Committee of the Whole House on the State of the Union discharged, and referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself and Mr. WYLIE):

H.R. 5558. A bill to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ:

H.R. 5559. A bill to amend the National Housing Act to provide mortgage assistance payments to avoid foreclosure on mortgages of members of the Armed Forces who are killed or seriously injured while on active duty; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Ms. SCHNEIDER, Mr. STARK, Mr. RAVENEL, Mr. MILLER of California, Mr. ROSE, Mr. PANETTA, Mr. DEFAZIO, Ms. PELOSI, Mr. GEJDENSON, Mr. MARKEY, Mr. SCHUMER, and Mr. OWENS of New York):

H.R. 5560. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate fuel economy, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.R. 5561. A bill to provide for free mailing privileges for members of the Armed Forces assigned to duty in the Persian Gulf area as part of Operation Desert Shield; to the Committee on Post Office and Civil Service.

By Mr. CONTE (for himself and Mr. IRELAND):

H.R. 5562. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to establish a limit of $100,000 on the amount of deposit insurance which may be paid to any person during any 36-month period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCLOSKEY (for himself, Mr. FORD of Michigan, Mr. CLAY, Mr. HAYES of Illinois, Mr. GILMAN, Mr. HORTON, and Mr. RIDGE):

H.R. 5563. A bill to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York:

H.R. 5564. A bill to require that federally insured depository institutions establish random drug testing programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WEISS:

H.R. 5565. A bill to amend title XIX of the Social Security Act to improve the quality of physicians' services provided under

the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.J. Res. 649. Joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Czechoslovakia; to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. BONIOR, Mr. JONTZ, Mr. HORTON, Mr. SOLOMON, Mr. LIPINSKI, Mr. CAMPBELL of Colorado, Mr. BATES, Mr. HASTERT, Mr. DERRICK, Mrs. ROUKEMA, Mr. HUCKABY, Mr. PAXON, Mr. CHAPMAN, Mr. OWENS of New York, Mr. RIDGE, and Mr. WALSH):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress that other countries benefiting from the deployment of U.S. military forces in Saudi Arabia and the Persian Gulf region should contribute to the cost of such deployment; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER:

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress concerning the May 27, 1990, elections in Burma; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHAW introduced a bill (H.R. 5566) for the relief of Patricia A. McNamara; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. COX, Mr. COSTELLO, Mr. VALENTINE, and Mr. SERRANO.

H.R. 446: Mr. LAUGHLIN and Mr. BEREUTER.

H.R. 708: Mr. HOAGLAND.

H.R. 1260: Mr. DORGAN of North Dakota.

H.R. 1287: Mr. MCMILLAN of North Carolina.

H.R. 1317: Mr. MINETA, Mr. LEWIS of Florida, Mr. BRUCE, Mr. CHAPMAN, Mr. DWYER of New Jersey, Mr. DORGAN of North Dakota, Mr. FASCELL, Mr. HUTTO, and Mrs. PATTERSON.

H.R. 2037: Mrs. KENNELLY, Mr. NEAL of Massachusetts, Mr. EDWARDS of Oklahoma, Mr. MACHTLEY, Mr. WALSH, Mr. DEFAZIO, Mr. FORD of Tennessee, Mr. MCDERMOTT, Mr. SCHULZE, and Mr. FLIPPO.

H.R. 2168: Mr. SHAYS.

H.R. 2353: Mr. EDWARDS of Oklahoma, Mr. SYNAR, Mr. INHOFE, and Mr. HAYES of Louisiana.

H.R. 2460: Mrs. LOWEY of New York, Mr. HATCHER, Mr. WOLPE, Mr. HAYES of Louisiana, Mr. MFUME, Mr. OWENS of New York, and Mr. KENNEDY.

H.R. 2499: Mr. BURTON of Indiana and Mr. ATKINS.

H.R. 2926: Mr. MFUME, Mr. MADIGAN, Mr. SKAGGS, and Mr. COYNE.

H.R. 2967: Mr. KOSTMAYER.

H.R. 2972: Mrs. UNSOELD and Mr. WOLPE.

H.R. 3203: Mr. EVANS.

H.R. 3240: Mr. WEISS and Mrs. KENNELLY.

H.R. 3355: Mr. LEHMAN of Florida.

H.R. 3437: Mr. SMITH of Texas.

H.R. 3546: Mr. SCHEUER.

H.R. 3643: Mr. EDWARDS of Oklahoma.

H.R. 3734: Mr. FAUNTROY, Mr. CROCKETT, Mr. BROWN of California, Ms. ROS-LEHTINEN, Mr. DANNEMEYER, Mr. KOSTMAYER, Mr. FALEOMAVAEGA, Mr. HUGHES, and Ms. SLAUGHTER of New York.

H.R. 3922: Mr. MACHTLEY.

H.R. 3936: Mr. LEVINE of California, Mr. SKAGGS, Mr. STALLINGS, Mr. GONZALEZ, Mr. MATSUI, Mr. GILMAN, Mr. LEVIN of Michigan, and Mr. GLICKMAN.

H.R. 3979: Ms. PELOSI.

H.R. 4098: Mr. MARKEY.

H.R. 4261: Mr. GRADISON.

H.R. 4274: Mr. MCMILLEN of Maryland.

H.R. 4362: Mr. ATKINS.

H.R. 4427: Mr. PASHAYAN.

H.R. 4461: Mr. RAVENEL.

H.R. 4485: Mr. STUMP.

H.R. 4492: Mr. SMITH of Florida and Mr. SKAGGS.

H.R. 4494: Mr. SLATTERY, Mr. FROST, Mr. PURSELL, Mr. HUCKABY, and Mr. CLEMENT.

H.R. 4518: Mrs. LOWEY of New York.

H.R. 4659: Mr. RICHARDSON.

H.R. 4761: Mr. MACHTLEY, Mr. BRYANT, Ms. LONG, Mr. SHUMWAY, Mr. WOLF, Mr. SMITH of New Jersey, and Mr. KOLBE.

H.R. 4801: Mr. JONTZ and Mr. SAXTON.

H.R. 4816: Mr. GUNDERSON.

H.R. 4840: Mr. FEIGHAN, Mr. CAMPBELL of Colorado, Mr. FAUNTROY, Mr. HAYES of Louisiana, Mr. JOHNSTON of Florida, Mrs. PATTERSON, Ms. PELOSI, Mr. KLECZKA, Mr. DURBIN, Mr. TOWNS, Mr. MCCLOSKEY, Mrs. BYRON, Mr. OWENS of New York, Mr. BORSKI, Mr. MURTHA, Mr. COSTELLO, Mr. MARTINEZ, Mrs. ROUKEMA, and Mr. SARPALIUS.

H.R. 4868: Mr. OWENS of New York, Mrs. COLLINS, Ms. MOLINARI, Mr. MARTINEZ, and Mr. MADIGAN.

H.R. 4994: Mr. HERTEL, Mr. HORTON, Mrs. COLLINS, Mr. OWENS of New York, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. CAMPBELL of Colorado, Ms. PELOSI, and Mr. FAZIO.

H.R. 4997: Mr. ROBERTS, Mr. HILER, Mr. ESPY, and Mr. HATCHER.

H.R. 5007: Mr. MCDERMOTT and Mr. ROE.

H.R. 5008: Mr. CONDIT.

H.R. 5050: Mr. COUGHLIN.

H.R. 5052: Mr. HORTON.

H.R. 5097: Mr. JOHNSTON of Florida and Mr. PICKETT.

H.R. 5120: Mr. TOWNS.

H.R. 5154: Mr. MARTIN of New York, Mr. BUSTAMANTE, Mrs. SCHROEDER, Mr. SKELTON, Mrs. LLOYD, Mr. BLAZ, Mr. ROWLAND of Connecticut, Mr. BENNETT Mr. MACHTLEY, Mr. HUTTO, Mr. DORNAN of California, Mr. GEJDENSON, and Mr. MCNULTY.

H.R. 5174: Mr. PACKARD and Mr. DURBIN.

H.R. 5188: Mr. JONTZ.

H.R. 5196: Mr. GOSS.

H.R. 5202: Mr. DEFAZIO, Mr. MOODY, Mr. SAXTON, Mr. SHAYS, and Mr. DURBIN.

H.R. 5212: Mr. FAUNTROY, Mr. FUSTER, Mr. MCMILLEN of Maryland, Mr. PALLONE, Mr. WOLF, Mr. GRANDY, Mr. BRYANT, Mr. WYDEN, Mr. PENNY, Mr. PAYNE of Virginia, Mr. BROWN of California, Mrs. UNSOELD, Mr. CARPER, Mr. GORDON, Mr. MANTON, Mr. WALSH, Mr. RAHALL, Mr. ROYBAL, Mr. STARK, Mr. ROE, Mr. LEATH of Texas, Mr. THOMAS A. LUKEN, Mr. CROCKETT, Mr. LEHMAN of Florida, Mr. EVANS, Mr. PANETTA, Mr. SMITH of Florida, Mr. DELLUMS, Mr. GILMAN, Mr. RANGEL, Mr. PACKARD, Mr. MADIGAN, Mr. BONIOR, and Mrs. BOXER.

H.R. 5216: Mr. THOMAS of California and Mr. VANDER JAGT.

H.R. 5237: Mr. WILLIAMS.

H.R. 5244: Mr. LAUGHLIN, Mr. EMERSON, Mr. CRAIG, and Mr. ROWLAND of Georgia.

H.R. 5288: Mr. BONIOR, Mr. FAZIO, and Mr. FEIGHAN.

H.R. 5306: Mr. COOPER, Mr. DERRICK, Mr. DOWNEY, Mr. MARKEY, Mr. MATSUI, and Mr. RAHALL.

H.R. 5335: Mr. MCNULTY and Mr. BENNETT.

H.R. 5338: Mr. ORTIZ and Mr. DE LUGO.

H.R. 5356: Mr. COYNE, Mr. TOWNS, and Mr. SOLARZ.

H.R. 5426: Mr. MADIGAN, Mr. PARRIS, Mr. BAKER, Mr. HERTEL, Mr. HORTON, Mr. CONTE, and Mr. VALENTINE.

H.R. 5443: Mr. OBEY, Mr. BLAZ, Mr. FAUNTROY, Mr. CARPER, Mr. SMITH of Vermont, Mr. MACHTLEY, Mrs. SAIKI, Mr. SMITH of New Hampshire, Mr. MOAKLEY, Mr. CRAIG, Mr. VENTO, Mr. STALLINGS, Ms. SNOWE, Mr. RAHALL, Mr. FRANK, Mr. MOLLOHAN, Mr. AUCOIN, Mr. MCDERMOTT, Mr. RICHARDSON, Mr. MCMILLEN of Maryland, Mr. OBERSTAR, Mr. RHODES, Mr. THOMAS of Wyoming, Ms. SCHNEIDER, Mrs. COLLINS, and Mr. DICKS.

H.R. 5483: Mr. DYSON.

H.R. 5490: Mr. BROWN of California, Mr. MCCLOSKEY, Mr. OWENS of New York, Mr. FALEOMAVAEGA, Mr. SANGMEISTER, Mr. TOWNS, Mr. KILDEE, Mr. FOGLIETTA, Mr. FEIGHAN, and Mr. FAZIO.

H.J. Res. 369: Mr. HUTTO, Mr. KASICH, Mr. HANSEN, and Mr. EVANS.

H.J. Res. 374: Mr. MORRISON of Connecticut.

H.J. Res. 476: Mr. DOUGLAS, Mr. DYMALLY, Mr. FRANK, Mr. GILMAN, Mr. GORDON, Mr. HAMMERSCHMIDT, Mrs. JOHNSON of Connecticut, Mr. LENT, Mr. MARKEY, Mr. MAVROULES, Mr. RHODES, Mr. SCHEUER, Mr. TAUZIN, and Mr. VANDER JAGT.

H.J. Res. 486: Mr. BUECHNER.

H.J. Res. 523: Mr. DONALD E. LUKENS, Mr. WHITTAKER, Mr. BRENNAN, Mr. BOEHLERT, Mr. MCNULTY, Mr. SOLARZ, Ms. SNOWE, Mr. WALGREN and, Mr. VENTO.

H.J. Res. 538: Ms. OAKAR, Mr. MILLER of Washington, Mr. DARDEN, Mr. MCNULTY, Mr. LEVIN of Michigan, Mr. GONZALEZ, Mr. POSHARD, Mr. SCHIFF, Mr. SKEEN, Mr. MACHTLEY, Mr. PARKER, Mr. MONTGOMERY, Mr. GALLO, Mr. DICKS, Mrs. KENNELLY, Mr. FRANK, Mr. MORRISON of Connecticut, and Ms. LONG.

H.J. Res. 543: Mr. GEJDENSON, Mr. GONZALEZ, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. GREEN, Mrs. LLOYD, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. PAYNE of New Jersey, Mr. RINALDO, Mr. MILLER of California, Mr. KASICH, Mr. JACOBS, Mr. PAYNE of Virginia, Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. HILER, Mr. ACKERMAN, Mr. ROBERTS, Mr. SLATTERY, Mr. ROBERT F. SMITH, Mr. SMITH of Florida, Mr. SOLOMON, Mr. TAUZIN, Mr. TORRICELLI, Mr. TAUKE, and Mr. CONTE.

H.J. Res. 552: Mr. SAWYER, Mr. CHAPMAN, and Mr. SHUMWAY.

H.J. Res. 557: Mr. CARDIN, Mr. MOORHEAD, Mr. DICKINSON, Mr. SHAW, Mr. DYSON, Mr. STOKES, Mr. MAZZOLI, Mr. ORTIZ, Mr. SCHAEFER, Mr. LAGOMARSINO, Mr. HUTTO, and Ms. SNOWE.

H.J. Res. 568: Mr. BATES, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BRUCE, Mr. BURTON of Indiana, Mr. DARDEN, Mr. DINGELL, Mr. ECKART, Mr. FAWELL, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FUSTER, Mr. GEKAS, Mr. GEREN, Mr. GREEN, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. HUTTO, Ms. KAPTUR, Mrs. KENNELLY, Mr. LEWIS of California, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. OWENS of Utah, Mr. PERKINS, Mr. POSHARD, Mr. RAVENEL, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr.

RINALDO, Mr. ROBINSON, Mr. SCHEUER, Mr. SCHUMER, Mr. SHUMWAY, Mr. SKELTON, Mr. SOLOMON, Mr. SOLARZ, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STARK, Mr. TAUZIN, Mr. TALLON, Mr. TRAFICANT, Mr. TORRICELLI, Mr. TRAXLER, Mr. VALENTINE, Mr. WAXMAN, Mr. WEISS, Mr. WILSON, Mr. WOLPE, Mr. WYEN, and Mr. YATRON.

H.J. Res 583: Mr. GALLO, Mr. PAYNE of New Jersey, and Mr. GEJDENSON.

H.J. Res 602: Ms. SNOWE, Mr. PRICE, Mr. STOKES, Mr. SERRANO, Mrs. PATTERSON, Mr. LENT, Mr. SOLARZ, Mrs. BOGGS, Mr. FEIGHAN, Mr. KOSTMAYER, Mr. HOCHBRUECKNER, and Mr. GILMAN.

H.J. Res 603: Mrs. LOWEY of New York, Mr. DORGAN of North Dakota, Mr. LEATH of Texas, Mr. VANDER JAGT, Mr. FUSTER, Mr. GUARINI, Mr. LEHMAN of Florida, Mr. DOUGLAS, Mr. KASICH, Mr. SHAW, Mr. HANSEN, and Mr. BROOKS.

H.J. Res 606: Mr. HYDE, Ms. OAKAR, Mr. HORTON, Mr. GRANT, Mr. ANDERSON, Mrs. MARTIN of Illinois, Mr. COX, Mr. FAWELL, Mr. VISCLOSKY, Mr. HILER, Mr. NIELSON of Utah, Mr. SISISKY, Ms. LONG, Ms. PELOSI, Mr. DENNY SMITH, Mr. RINALDO, Mr. BLILEY, Mr. DURBIN, Mr. VANDER JAGT, Mr. FROST, Mr. SAWYER, Mr. ANNUNZIO, Mr. GORDON, Mr. DINGELL, Mr. PORTER, Mr. SMITH of Florida, Mr. MRAZEK, Mr. MONTGOMERY, Mr. APPLEGATE, Mr. PALLONE, Mr. WOLF, Mr. BROOMFIELD, Mr. DANNEMEYER, Ms. SLAUGHTER of New York, Mr. RANGEL, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. SKELTON, Mr. WALGREN, Mr. YATRON, Mrs. KENNELLY, Mrs. BOXER, Mr. PAYNE of Virginia, Mr. HARRIS, Mr. HENRY, Mr. GALLEGLY, Mr. SKEEN, Mr. COYNE, Mr. COSTELLO, Mr. FEIGHAN, Mr. POSHARD, Mr. KOLTER, Mr. SABO, Mr. ECKART, Mr. THOMAS of Wyoming, Mr. CARDIN, Mr. MCNULTY, Mr. DYSON, Mr. FRANK, Mr. SCHUMER, Mrs. COLLINS, Mr. MCGRATH, Mr. MARTINEZ, Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. AUCOIN, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. FAZIO, Mr. TOWNS, Mr. KILDEE, Mr. ERDREICH, Mr. DWYER of New Jersey, Mr. BUNNING, Mr. NEAL of Massachusetts, Mr. TORRICELLI, Mr. JONTZ, Mr. MORRISON of Connecticut, Mr. RITTER, Mr. HERTEL, Mr. ROE, Mr. QUILLEN, Mr. MOAKLEY, Mr. YOUNG of Florida, Mr. PRICE, Mr. ENGEL, Mr. KENNEDY, Mr. VALENTINE, and Mr. KOSTMAYER.

H.J. Res. 613: Mr. BORSKI, Mr. BROOMFIELD, Mr. NEAL of North Carolina, Mr. TAUZIN, Mr. CARR, Mr. FORD of Michigan, Mrs. COLLINS, Mr. GALLO, Mr. VANDER JAGT, Mr. KILDEE, Mr. TORRICELLI, Mr. CARDIN, Mr. MCCRERY, Mrs. MORELLA, Mr. ROBERTS, Mr. SCHUETTE, Mr. WELDON, Mr. CLARKE, Mr. LEACH of Iowa, Mr. HAMILTON, Mr. BURTON of Indiana, Mr. WOLPE, Mr. JONES of North Carolina, Mr. COYNE, Mr. JACOBS, Mr. ROSE, Mr. PRICE, Mr. BARNARD, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mrs. BENTLEY, and Mr. MCMILLEN of Maryland.

H.J. Res. 616: Mr. COOPER, Mr. SUNDQUIST, Mr. GORDON, Mr. EARLY, and Mr. DYMALLY.

H.J. Res. 646: Mrs. PATTERSON, Mr. SPRATT, Mr. ACKERMAN, Mr. COBLE, Mr. PANETTA, and Mr. VALENTINE.

H. Con. Res. 276: Mr. EDWARDS of Oklahoma.

H. Con. Res. 293: Mr. GEJDENSON, Mr. GILMAN, and Mr. CARPER.

H. Con. Res. 331: Mr. LIPINSKI.

H. Con. Res. 356: Mr. BERMAN, Mr. BUECHNER, Mrs. COLLINS, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. LANCASTER, Mr. LOWERY of California, Mr. OWENS of New York, and Mr. WHEAT.

H. Res. 134: Mr. DOUGLAS.

H. Res. 374: Mr. CAMPBELL of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 188: Mr. BRYANT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

226. By the SPEAKER: Petition of the Association of Pacific Island Legislatures, Guam, relative to the disposal of chemical weapons; to the Committee on Armed Services.

227. Also, petition of the Outer Banks VFW Post 10950, Nags Head, NC, relative to the desecration of the American flag; to the Committee on the Judiciary.

228. Also, petition of the Outer Banks VFW Post 10950, Nags Head, NC, relative to the Rostenkowski plan; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

IN DESPERATE STRAITS: HUMAN RIGHTS IN PERU

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. KOSTMAYER. Mr. Speaker, while we were away Americas Watch came out with an excellent report on the human rights situation in Peru. It makes sobering reading.

What alarms me almost as much as the situation itself is the possibility that the United States is exacerbating the situation by strengthening Peru's principal human rights violator—the military—as part of the drug war. I believe this approach is mistaken. The Americas Watch report reinforces my belief.

I include the report's summary and recommendations for the information of my colleagues:

I. SUMMARY AND RECOMMENDATIONS

Peru has reached the end of a crucial and painful decade. Weakened on all fronts, Peru's democracy has resorted to desperate measures to survive, and the cost has been so high that the State can barely sustain it. A new government is about to inherit this crisis, a government elected largely as a protest against traditional leadership and as perhaps the last hope for moderating the violence that grips Peruvian society.

A brutal insurgent movement, *Sendero Luminoso*, undermines the State through terrorism and, ten years into its so-called popular war against the government, is active in most of the national territory. As a result, about half of Peru's twenty million citizens live under sustained state of emergency, effectively governed by the military and lacking basic protections against arbitrary arrest, disappearance, extrajudicial execution by the armed and police forces or the paramilitary groups they tolerate.

The nation's elected leadership, faced with an unparalleled economic crisis, has been unable or unwilling to confront subversion with reforms that could reduce the economic, racial, cultural and regional divisions feeding the insurgency. Nor has it been able to curb the corruption that undermines confidence in the rule of law. After initially seeking to control human rights abuses in the emergency zones, the government of Alan García gradually ceded authority to the military, such that abuses not only have continued but since 1988 have notably increased, even spreading outside the zones of conflict.

As a major producer of coca leaf, the basis for cocaine, Peru also suffers from the criminality and violence that the drug traffick engenders. This aspect of the national crisis has now become internationalized and may be further militarized, as the United States has determined to train army and marine forces for drug interdiction in the coca-producing Upper Hullaga region. Though not engaged in the processing or distribution of cocaine, peasants in the Upper Huallaga jungle areas already feel the effects of the war against drug traffic and *Sendero* in their region; there has been a substantial increase in human rights violations, by both *Sendero* and the official forces, in the past year and a half.

These problems emerge from the poverty in which most Peruvians live and the State's historical failure to respond to the needs of this majority. With the brief exception of Gen. Juan Velasco's military regime (1968–75), Peruvian governments of the past forty years have avoided addressing the problems of land tenure that have embittered Peru's rural, largely Indian, population and led many to abandon the countryside for the capital. Social advances that the urban and rural poor were able to achieve under Velasco were diminished or eliminated under succeeding governments, even after Peru returned to democracy in 1980. And although Garcia was elected in 1985 on a platform of social progress, his government instead presided over an economic crisis that has brought Peru to the edge of bankruptcy.

Thoughtful Peruvians of varied political views, including some members of the forces, argue that the spread of *Sendero*, the cultivation of coca, and the unhealthy expansion of military power within a democratic State are problems which cannot be resolved without a coherent strategy for development and national integration. At a seminar in Lima earlier this year, analysts as diverse as human rights advocate Diego García-Sayán, executive director of the Andean Commission of Jurista, and Sinesio Jarama, retired Army general and former commander of the military region that comprises Lima and the central jungle areas, agreed on the dangers of a policy that meets Peru's political challenges only with force and rhetoric.

Speaking of the challenge to the State to legitimize itself in the battle against *Sendero*, Gen. Jarama spoke of the need for "projects for development, for administration of justice, for elimination of corruption, for solving the ancestral problems of land tenure, [and] . . . for integration into the country's political, social and economic life of the sectors which are marginalized and segregated; only in this way can social organization be achieved around concrete projects for development and defense, as a prior step toward the national popular mobilization that is so much talked of and of which nothing has been realized. . . ." [1] García-Sayán, noting the human costs of the military policy, suggested that advances need to be made in five areas: the democratization of the State's own machinery, to encourage popular participation; an increased presence of the State and its authority throughout the country; the protection of human rights, including outreach to the population; respect for international humanitarian law; and the promotion of developmental alternatives in the coca-producing areas.[2]

[1] Paper prepared for delivery to the *Instituto de Estudios Peruanos, Seminario-Taller sobre Liderazgo y Concertación Democrática*, April 23-27, 1990, Lima.

[2] Paper prepared for seminar of *Instituto de Estudios Peruanos, ibid.*

Peru enjoys important democratic freedoms, including freedom of the press and of union organization, and a few members of the National Congress have been active in the defense of human rights. On the other hand, although human rights abuses have skyrocketed since our last report was published in October 1988, the issue of human rights has faded from the nation's front pages, and the disappearance of a trade unionist no longer has the power to shock public consciousness. The recommendations of the most important Congressional commission on violence—the commission presided by Senator Enrique Bernales—have not been followed, and to date no military officer has been punished for a single instance of abuse of human rights. Human rights were barely discussed in the Presidential campaign of 1990.

Indeed, as Peruvians grow ever more desperate for relief from economic and political instability, there is a danger that public opinion will grow to tolerate official violence as a "solution" to *Sendero*. Americas Watch is concerned by the decline of public debate about human rights, especially when it goes hand in hand with a worsening human rights situation. The conflict with *Sendero* has been costly, both economically and in terms of human life. But as great a threat as the insurgency poses for the democratic State, the legitimacy of that State rests on its refusal to adopt cruel methods of response. The new government of Alberto Fujimori, elected on June 10, faces a combination of problems unique in Latin America. But it also may benefit from the lessons of the past ten years. In this report, we review what we believe to be those lessons, with particular emphasis on the escalation of human rights violations during 1989 and early 1990. Among the observations of Americas Watch are:

"During 1989, more than 300 Peruvians disappeared after detention. This practice—employed primarily by the army—not only continued in the emergency zone containing Ayacucho and Apurimac, where it had become common, but spread to new zones of counterinsurgency activity such as Junín. In the first four months of 1990, at least another 60 persons disappeared.

"Politically related deaths rose by more than sixty percent in 1989 as compared to the year before, and, at more than 3,000, constitued one-fifth of all deaths for the decade, according to an official investigation. Although it is not possible to be precise about the number of these deaths that resulted from combat—for reasons explained in this report—it is clear that the vast majority of Peruvians who have died, and continue to die, in the war between *Sendero* and the Peruvian military are civilians. And while *Sendero* is the single group responsible for most deaths, the official forces bear a heavy responsibility as well. We note in particular that new forms of confronting *Sendero*, such as bombardment of inhabited areas of the Upper Huallaga in 1989, substantially increase the risk of civilian deaths. As for 1990, Senator Bernales of the parliamentary commission on violence has said that, in the first four months of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

year, political violence led to more than 1,000 deaths, presaging a year at least as bloody as 1989.

"The crucial task of fortifying the nation's legal structure fell victim to the Garcia government's crisis mentality and the myriad political pressures from military and police forces. The government failed to protect or support the only special prosecutor whose investigations into disappearances in the Ayacucho emergency zone were producing results; when that prosecutor, Carlos Escobar Piñeda, began to isolate military responsibility for a 1988 massacre in Cayara, Ayacucho, he was removed from his job, leaving him increasingly vulnerable to the death threats that forced him, in November 1989, to seek political asylum in the United States. Failure to prosecute the Cayara case effectively has added one more cover-up of military abuses to an already long list. And the State's abandonment of Escobar has further eroded confidence in the legal system as a means to control human rights violations.

"With regard to the prosecution of terrorism, the State removed legal safeguards it had earlier provided to ensure due process for, and protect the physical integrity of, suspects accused of terrorism. It also failed to provide protection to judges trying terrorism cases, thus leaving its legal representatives vulnerable to attack by armed groups. These were two features of an approach to the prosecution of terrorism which Americas Watch finds incoherent and insensitive to the rights of persons on both sides of the bench.

"A positive step was taken in granting the International Committee of the Red Cross access to security-related inmates of the prisons and to the interrogation centers of the anti-terrorism police unit, DIRCOTE. This policy did not, however, address the serious need for ICRC monitoring of detainees held in army barracks and police stations in the rural zones of emergency, where detainees routinely suffer torture and many disappear. The fact that torture is so common a practice in Peru, on both political and non-political detainees, makes the ICRC presence an absolute necessity in all centers where detainees accused of terrorism or terrorist sympathies may be held.

"The legal case arising from the massacre of more than 120 prisoners in Lurigancho penitentiary, in June 1986, ended recently and unsatisfactorily in the military's highest court. Although police and press sources reveal that convictions extended to the ex-Republican Guard Director, Gen. Máximo Martinez Lira, he was sentenced to only 30 days of military confinement (which he is to serve in conditional liberty), and separation from the service during that one month, for the crime of negligence. Senior army officers were acquitted—as they had been in lower military court—despite overwhelming evidence of responsibility. Thus the military courts have maintained their perfect record of absolving armed forces personnel in cases of human rights abuse.

"Current conditions in Lurigancho are indicative of the State's failure to control corruption by prison guards or to provide adequate resources for even the minimal care of common inmates. The predatory practices of the guards, the subhuman physical conditions, the lack of adequate food or medicine, apply in Canto Grande penitentiary and other Lima—Callao prisons as well, according to prison experts, although the security-related prisoners in Canto Grande fare slightly better than the ordinary prisoners and appear to enjoy some extra consideration by the State. We recommend immediate attention to the problem of unrestricted guard authority in the prisons, which has made the prisons an example of abuse and anarchy. We also recommend review of the policy by which all *Sendero*-related inmates, even the young and minor offenders, are channeled into the *Sendero* prison population in Canto Grande, where they may be intimidated or indoctrinated.

"During 1989 the police, and combined forces of the army and police, were utilized to suppress peaceful labor and peasant protests and to conduct raids on universities, squatter settlements and poor urban neighborhoods in search of *Sendero* sympathizers. Although the right of assembly and the inviolability of the home are suspended under the state of emergency, these actions were of a disproportionate scope and violence, further contributing to a polarization between dissident sectors of the civilian population and the military and police forces.

"A pattern of abuses has begun to emerge from the formation of civil defense patrols in the zones of conflict; these local groups, known as *rondas campesinas*, receive little training or arms but are considered legitimate targets by *Sendero* and are also used aggressively by military authorities in some cases. *Sendero*, the military and police, and *ronderos* themselves have all been responsible for bloody abuses as a result of the development of the patrols. While the need for adequate defense of isolated communities is evident, the abuses associated with some of the *rondas* require a re-examination of the way in which they are defined and the military's authority over them.

"*Sendero* continues to enforce its control through brutality, including the killings of entire family groups, threats against the lives of citizens who participate in elections, selective murders of local officials and parliamentary candidates, and bombings, in clear violation of the relevant laws of war. Another insurgent group, the *Movimiento Revolucionário Tupac Amaru* (MRTA), also has committed acts that violate the laws of war, including the kidnapping of a prominent businessman and selective murders, although neither its zeal nor its scope of activity matches *Sendero's*.

"The Lima offices of three international human rights organizations were bombed by unidentified persons in February and March 1990, and the president of a Huancavelica human rights committee, Angel Escobar Jurado, remains disappeared as of February 27. The government's investigation into the bombings was superficial and unsatisfactory, the disappearance of Escobar has not been clarified, nor have the murders of human rights monitors and witnesses to the Cayara massacre during 1989 or the threats that human rights monitors have received from paramilitary groups.

"Paramilitary groups have killed labor activists, members of Congress and others they choose to call sympathizers of the insurgents, often in areas tightly controlled by the army and police. No one has been prosecuted for these abuses. It is also disappointing that a parliamentary commission created to investigate paramilitary groups divided along partisan lines and could not agree on a final report. As a result, the widespread suspicions of military and APRA party involvement in the most important group, the *Comando Rodrigo Franco*, were neither confirmed not dispelled."

Americas Watch is also deeply concerned about the proposed role of the United States in Peru. As part of the "Bennett Plan" for drug interdiction in the Andean region, the United States has allocated some US $36 million for training of Peruvian army and marine personnel and the provision of motor launches, airplane replacement parts and uniforms. A slightly increased amount of military aid is proposed for next year. U.S. officials acknowledge that a secondary aim of the aid is to train for counterinsurgency against *Sendero*, because the insurgents have made themselves a party to negotiations between coca-growing peasants and drug traffickers.

As we note in various sections of this report, grave human rights abuses have accompanied the militarization of the Upper Huallaga. We believe that U.S. involvement in training and the supplying of equipment to the Peruvian military will not eliminate these abuses and may contribute to their increase. We do not discount the seriousness of the *Sendero* presence in the Upper Huallaga or the violence associated with the drug trade. But both *Sendero* and the production of coca have evolved from conditions that are not addressed by militarization, and we fear an enormous loss of civilian life in the conflict that may come to the region. Militarization elsewhere in Peru has, to some extent, assisted *Sendero's* recruitment, as the army's abusiveness has fed local frustrations and increased divisions among the peasant population. Thus we are concerned that providing military assistance will involve the United States in a complex and protracted conflict, the civilian casualties of which will become, in part, the United States' responsibility.

It is our hope that the government of Alberto Fujimori will work to create a national consensus on the issues of security and human rights, such that the counterinsurgency strategy employed successively by the Belaúnde and Garcia governments during the 1980s will be re-examined and that nonviolent means of fortifying the Peruvian State may be seriously explored. The "national popular mobilization" of which retired Gen. Jarama spoke at the Lima seminar remains elusive because its bases are not agreed upon and because the people whose participation is essential to its success, predominantly the urban poor and peasants in the emergency zones, are targets of official as well as insurgent violence. President-elect Fujimori gave voice to the disaffection of these citizens in his campaign. As President, he can represent them first and foremost by ensuring that their basic rights are respected.

MILITARY LESSON FOR U.S. OPERATIONS IN THE GULF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BEREUTER. Mr. Speaker, it is almost 1 month since President Bush made the decision to deploy United States military forces in the Persian Gulf. In the last 4 weeks the performance of those forces has been magnificent. In a region of the world that is inaccessible and inhospitable, they are performing their mission with admirable professionalism. Starting from scratch, an airlift and sealift operation of unprecedented dimensions has transformed

the Saudi Arabian desert into a relatively secure defensive position. United States ground and air forces, together with contingents from a number of our allies, have successfully deterred an attack upon Saudi Arabia. A naval blockade has already been remarkably successful in isolating Iraq from most of the rest of the world. In short, our Armed Forces have once again demonstrated their ability to defend U.S. vital interests, even under adverse conditions.

While the size of our military presence in the Persian Gulf has taken some by surprise, there are sound military and diplomatic reasons for deploying a large force. The U.S. military commitment is sufficiently large that there is no question these forces can fulfill their missions. Given the size and speed of the build-up, there can be no mistaking our resolve, and Saddam Hussein clearly understands that he cannot finesse the situation by diplomatic methods. A smaller force, while possibly being less costly, would also be less certain of achieving its objectives and may convey the wrong signals. This is not some abstract academic exercise to find the absolute minimum response needed to restore order in the Persian Gulf—Iraq is much more likely to be influenced by an overwhelming show of force.

Mr. Speaker, I would draw the attention of my colleagues to an editorial in the August 23, 1990 edition of the Norfolk (NE) Daily News that speaks to the issues I have raised. As the editorial rightly notes that U.S. forces should be "massive enough to deter attackers, massive enough to defeat them if deterrence fails. The failure to commit forces sufficient for the situation would only invite further aggression."

MILITARY LESSON

A shortage of active military doctors, cargo handlers and other specialists means that selected units of America's reserve forces will be called to active duty. Whether they will be sent to the Persian Gulf region or simply replace personnel already scheduled to be there, the presidential decision reflects an effort to respond in force rather than with token steps, gradually.

At the outset of the invasion of Kuwait by Iraq, in evidence was the firm support of congressional leaders which a president's actions require if they are to succeed. It reflected public opinion.

When it became clear that the response would require several hundred thousand troops, not a few thousands, a few of the senators and members of Congress equivocated. Who so many, they wondered aloud.

Now that reserve forces will be called, the initial support will erode further. It takes only a few constituents adversely affected by a callup to get members to suggest that the presidential response ought to be "reexamined."

If nations now allied with the cause of stopping Saddam Hussein and dealing effectively with his conquest of Kuwait begin dropping off because their interests are not directly at stake, the support will be further undermined. A few terrorist acts will further test the will of the president—and even more, it will test that less resolute co-leader of the American government which Congress represents.

The military lesson applies in this situation, however. It is to apply force massive enough to deter attackers; massive enough to defeat them if deterrence falls. The failure to commit forces sufficient for the situation would only invite further aggression.

A failure now of the Congress to recognize that point—indeed, to applaud because the very size of the American commitment encourages those nations reluctant to pledge their own resources—will jeopardize the chances of success.

Further jeopardizing the chances would be congressional refusal to recognize that there is unlikely to be quick end to the crisis in the Persian Gulf, and thus no early withdrawal of American forces deployed in Saudi Arabia.

They must remain until replaced by a truly international peace-keeping force sufficient to the threat; and until Kuwait's independence is restored.

COMMEMORATING THE ROSOL-DUL MEMORIAL POST #359 45TH GALA CELEBRATION DINNER-DANCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. ROE. Mr. Speaker, it is with distinct pleasure that I rise today to make note of a very special event taking place on Saturday, September 15, 1990, in my Eighth District of New Jersey. The American Legion Rosol-Dul Memorial Post No. 359 is holding its 45th Gala Celebration Dinner-Dance. This gathering has become an annual social event of great importance to my Passaic, NJ, community. Veteran organizations such as this provide important services to those who have served their country. As a veteran, I am particularly proud and grateful for the work they do, especially for the youth of their community.

Mr. Speaker, at this point I would like to insert for the RECORD a short history of the Rosol-Dul Memorial Post No. 359 so that everyone might share in the growth and commitment of this organization on its 45th anniversary:

ROSOL-DUL MEMORIAL POST NO. 359

During the winter of 1945, a group of veterans from throughout the Lower Dundee Passaic area met at Holy Rosary R.C. Church auditorium on Wall Street, Passaic, N.J. for the purpose of organizing into a visible voice for veterans and their dependents and also as part of a concerned group in and for the community. This was all first started by Msgr. Francis P. Kowalczyk, better known as Father Frank. It was through his persuasion that we continued meeting until we came up with a suitable, recognizable organization and name that would service the cause of all veterans.

Invited were members of the American Legion, Veterans of Foreign Wars and others. Their purpose was to have the veterans present decide which organization would be most appropriate to meet their aims and goals. Mr. John J. Schneider and Mr. Aaron Troast of the Passaic County American Legion organization and Internal Affairs Committee spoke, as did Mr. Thomas Hopkins of the same committee on behalf of the Veterans of Foreign Wars. There was much debate under which banner to organize. At the following meeting, the veterans chose the American Legion because it would embrace all the veterans present in the area.

In choosing the name many names of deceased veterans from the area were received. These names were placed in a veterans cap, and the first two names picked were Michael Rosol and Stanley Dul.

The Rosul-Dul Post soon requested and received a temporary charter followed by a permanent charter in 1946 and was given the number 359.

The members decided to conduct their meetings at the Passaic Boys Club on Third Street until another meeting place and headquarters could be found. The Director of Polish Peoples Home 1-3 Monroe Street, now called the Polish Cultural Center graciously offered a meeting room and office of our own where the post conducted many of their functions always with the greatest assistance and co-operation, especially during the big band era and the sporting events such as baseball and basketball.

In 1955, the Post acquired the property at 50-52 Third Street, Passaic from the City of Passaic at a tax sale. In 1957, with the great helping hand of a mutual friend and builder, Mr. Steve Dudiak, the post received a loan for materials and supplies to start construction of our present headquarters. It was the knowledge of Mr. Dudiak and the ingenuity of two members, Past Commanders Stanely Blazewski and Edward Serafin, together with a group of members, each evening with their hammers and saws, they worked until dark doing what had to be done. Electric power was supplied by next door neighbor, at the time, Post Commander Joseph P. Lazur, and on week-ends, they brought lunch with them.

The members continued their meetings and activities at the Polish Peoples Home until the completion of its present headquarters. The Rosol-Dul membership grew and reached the largest membership in Passaic County American Legion. The community looked upon Rosol-Dul as one of great leadership for Veterans and Civic encounters.

The Rosol-Dul Ladies Auxiliary was formed in 1948 after membership meeting with Mrs. Elizabeth Shipley and a delegation of women representing the Passaic County American Legion Auxiliary. Also wives and others representing members of Rosol-Dul were in attendance.

Throughout the existence of Rosol-Dul Post, the primary objective is and was the care and service of all veterans as was promised by our government from the time of the very first encounter and battle in defense of our country. To that end we as members have taken a solemn oath to continue.

The Rosol-Dul Post has a most vital interest in its youth, Sons of American Legion, Auxiliary Junior, Boys State, Girls State, Oratorical programs, American Legion Baseball, and Little League Baseball, Student Scholarship programs for continuing education. The youth of our nation is our most valuable asset. The care and guidance of today is the security of tomorrow.

Mr. Speaker, I am very proud to have the honor to represent this outstanding organization and its Members here in Congress. The selfless contribution and sacrifice that these individuals made in the past and continue to make with their service here is a sterling example of what duty, honor and commitment are all about. I am sure that you and my colleagues share my strong feelings for the work

they are doing and join me in congratulating them on 45 years of accomplishment and wishing them continued success.

REFUGEES FROM IRAQ WAR NEED A HELPING HAND—AND NOW

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BROOMFIELD. Mr. Speaker, one of the deeply disturbing results of Saddam Hussein's invasion of Kuwait is the number of refugees this military operation has left in its wake.

The many thousands of refugees who have fled into Jordan face hunger, disease, and worse in makeshift refugee camps.

Last week I sent a letter to President Bush urging him to spearhead an international rescue mission to return these many thousands of people to their homes throughout the world.

However it is organized, whether through the United Nations or by the several nations individually, whether with military or commercial aircraft, it would long be remembered around the world as an extraordinary act of generosity.

There is a precedent for such an effort—the Berlin airlift. For 1½ years, from April 1948 until September 1949, American, British, and French planes flew more than 2 million tons of supplies to the people of Berlin. The Berlin airlift is still remembered today.

Here once again is an opportunity for the people of America and other industrial democracies to demonstrate that they are blessed not only with great political freedoms and economic abundance, but with great generosity as well.

BILLY CLAUDE BRYANT'S UNSELFISH LIFE

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BRYANT. Mr. Speaker, I call your attention to a very special citizen of Balch Springs, TX, whose life was recently lost, but whose spirit will live on in a very special reminder.

Mr. Billy Claude Bryant—who I regret to say is not kin to me even though we both bear the same last name—helped build the first Balch Springs Volunteer Fire Station. Serving his community as a volunteer remained one of his strongest interests.

As a disabled veteran of World War II, Mr. Bryant knew that his widow would one day be presented an American flag at his funeral. Mrs. Bryant said that he requested she donate the flag to fly in front of the fire station that is the next door neighbor to the Bryant's home.

That's where it flies today.

The Balch Spring Community News had the following to say about Mr. Bryant:

Every once in a while you run into or hear of a person that seems to be able to do it all or is always there to help when they can. They don't do the things they do for money or glory, they just sincerely have that desire to help. A smile, handshake or soft thank you is about all the payment they will accept. You can tell from the way they carry themselves that they are people of principal and integrity.

Billy was that kind of a guy in Balch Springs. He helped build the 1st Balch Springs Fire Department. He used to have a phone, without a dial on it, in his bedroom for ring downs (fire calls). Billy would get up and be over at the fire house warming up the engine on cold days before anyone else arrived. All of his gear had number one on it. He used to say his name came first in the alphabet so he got #1.

Up until a couple of years ago, when he injured his eye, Billy could be found helping out around the fire house.

Age, a bad eye and finally cancer took its toll. Billy died a couple of weeks ago. He remained a good neighbor and firefighter to the end.

Billy may be gone but his flag remains a symbol of all that is good in mankind. Next time you go by the firehouse, take a minute to look at the new flag. This time it's not just a symbol of America but because of Billy and guys like him, it is a symbol of all that is right with America.

Mr. Speaker, Billy Bryant lived an unselfish life from his service to his country in World War II on through countless battles against fires, a man who spent his life asking what he could do for his country.

And that wasn't enough for him. He made sure he left something more with his fellow firefighters and neighbors. As his hometown newspaper put it so well, Billy Claude Byrant is a symbol of all that is right with America.

THE LAST GIFT FROM A VERY SPECIAL MAN

Every once in a while you run into or hear of a person that seems to be able to do it all or is always there to help when they can. They don't do the things they do for money or glory, they just sincerely have that desire to help. A smile, handshake or soft thank you is about all the payment they will accept. You can tell from the way they carry themselves that they are people of principal and integrity.

Billy was that kind of a guy in Balch Springs. He helped build the 1st Balch Springs Fire Department. He used to have a phone, without a dial on it, in his bedroom for ring downs. (That is a fire call.) Billy would get up and be over at the fire house warming up the engine on cold days before anyone else arrived. All of his gear had number one on it. He used to say his name came first in the alphabet so he got #1.

Up until a couple of years ago, when he injured his eye, Billy could be found helping out around the fire house.

Age, a bad eye and finally Cancer took its toll. Billy died a couple of weeks ago. He remained a good neighbor and firefighter to the end.

The Fire Station was without its own flag. Billy asked that after his burial, the flag on his coffin be donated to the Fire Department.

Billy may be gone but his flag remains a symbol of all that is good in mankind. Next time you go by the firehouse take a minute to look at the new flag. This time its not just a symbol of America but because of Billy and guys like him, it is a symbol of all that is right with America.

A REMARKABLE FAMILY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. FRANK. Mr. Speaker, those of us who have served in the House recently have had the great privilege of knowing our colleague LINDY BOGGS. She is an extraordinary person, and a member of an extraordinary family. Her late husband, Hale Boggs, who preceded her in this body was widely recognized as one of the best Members of the House. Many of us who serve today have also had the great pleasure of getting to know her daughter Cokie Roberts, who is as good a reporter of congressional events as exists in the United States today, and her son Tom who is one of the brightest and ablest legislative advocates around. Others of us have also had the great privilege of knowing LINDY'S daughter Barbara who has put her very great talents to work in local and county positions in New Jersey, most recently as mayor of Princeton.

We were all deeply saddened by LINDY'S decision to retire at the end of this term, and those of us who have been lucky enough to consider ourselves friends of the BOGGS family were especially sad because this decision was so heavily influenced by LINDY'S concern over Barbara's illness.

During the congressional recess, People magazine printed an article about LINDY, Barbara, and Cokie consisting of some text and a superb interview. There is no substitute for knowing these extraordinary, wonderful, stimulating people, and I can think of no privilege greater than to be able to call them friends, and benefit from their stimulating company. But this article in People comes closer than I would have thought possible in print to convey some sense of the extraordinary quality of this family. Because of the enormous contribution they have made to our society, and because of the extraordinarily mature way in which they are dealing with a difficult situation, I think people in general would benefit enormously from reading this example of strength and love and I ask that it be printed here:

When Lindy Boggs announced she would not seek reelection to her seat in Congress this year, it sent shock waves across Capitol Hill. After all, a Boggs has represented the people of New Orleans for nearly 50 years. Lindy, who succeeded her husband, Hale, in March 1973, five months after a small plane in which he was riding vanished over Alaska, said she was stepping down because of "family considerations." Yet no one tried harder to dissuade her than her two remarkable daughters: Barbara Sigmund, 51, mayor of the Borough of Princeton. N.J., since 1984, and Cokie Roberts, 46, an influencial congressional reporter for National Public Radio and political commentator for ABC-TV. (Their brother, Thomas Hale Boggs Jr., 49, a powerful Washington lobbyist, also opposed the move. "Are you sure you'll be happy not being there?" he asked his mother.)

Lately Lindy's priorities, shaped once again by a family tragedy, have returned to her kin. In 1982, Barbara lost an eye to cancer. With characteristic pluck and style, she took to wearing eye patches color-co-

ordinated with her outfits. Then last year she discovered that the disease had returned and spread. Neither Barbara nor her doctors expect a remission this time. For Boggs, grandmother of eight, great-grandmother of one, there was no choice other than to retire. "She feels strongly that for everything there is a reason," says Barbara.

For 17 years Lindy was one of Washington's most effective politicians. "I never wanted to run for anything," she says. Yet she was a lot more than a sentimental favorite when her husband, then 58, disappeared. Hale first went to Washington, D.C., in 1940 as a freshman in Congress. Beginning in 1948, Lindy, a onetime schoolteacher, ran all 12 of his subsequent campaigns, managed his Capitol Hill office and chaired numerous organizations—including John F. Kennedy and Lyndon Johnson's inaugural ball committees. "I went from being president of everything to being a mere member of Congress," she says.

Tenacious in pursuit of a broad legislative agenda, Boggs disarmed opponents with southern charm acquired during her upbringing on two plantations in Pointe Coupee Parish, La. "You could get diabetes standing next to Lindy—she's that sweet," a colleague once remarked. But she also spearheaded legislation on issues ranging from civil rights to credit access and civil service pay equity for women. Her greatest pride, she says, was helping to establish the Select Committee on Children, Youth and Families, which assesses the conditions of the nation's families and children.

Recently Lindy and her two daughters talked with national correspondent Garry Clifford, not about their successful careers or their families (Barbara, married to Princeton University political science professor Paul Sigmund, 61, has three sons, while Cokie and her husband, U.S. News & World Report senior writer Steven Roberts, 47, have a son and a daughter), but about their roles in a sorority that has become legendary in American politics—the Boggs women.

BARBARA: Mother cannot accept the fact that I may die before she does—it's not in the natural order of things. When I lost my eye in 1982, we felt it was a case of, "If thine eye offend thee, pluck it out," and that that was the end of it. So learning that the cancer had spread was traumatic. The worst part was telling Mother. She said, "I wish I could rock you and make it all better." Such a Mama thing to say.

Unfortunately there is nothing much I can do except take two pills a day, run the Borough of Princeton and write poems. That's the way I distill my emotions. In 1987 I wrote a poem to my great-grandchildren. I suppose it was some unconscious knowledge that something was going to happen again. I wanted them to know I had existed and had been real.

COKIE: Barbara sets the tone. If she's going to be cheery, you're going to be cheery. But her openness allows us to vent our anger about this happening.

BARBARA: During this illness, Cokie has been spectacular. She leaves important assignments all over the country to be with me. She calls up and is her dear, funny self.

You could spend 24 hours a day having cancer. Almost immediately these self-help books began to arrive. I heard from a lot of people who wanted to give me cures outside the cancer establishment. One told me that the heart of the remedy was an enema every four hours. I was so astonished I said, "Oh, I'm sorry, I don't even floss."

LINDY: I have a problem discussing [Barbara's illness] and my reasons for retirement. My decision was a difficult one. I thought about it for months. But my family considerations are very important, and the opportunity to be able to spend quality time with my daughter is very precious to me. I go up to Princeton almost every weekend. I have a good time. Barbara is one of the most entertaining and attractive personalities I know.

COKIE: When we are together, my mother, my sister, my daughter, Becca [age 19] and Tommy's daughter, Elizabeth [age 27] and I, we all laugh a lot and we all laugh exactly alike. We genuinely like each other. That's not to say we don't have intellectual disagreements.

BARBARA: We are all united in our personal beliefs about abortion, but whereas the rest of the family thinks that in the civic realm you have to allow people choice. Mama always votes against abortion. She also is anti-death and pro-gay right. She is the only person I know who is truly pro-life rather than pro-punishment.

COKIE: Barbara took Becca to a pro-choice rally in New Jersey last fall. When Becca noticed that all the speakers were either male or past childbearing age, she thought she ought to speak up. I'm told it was the most rousing speech.

BARBARA: Becca's probably going to be our first woman President. All our children are political science majors. There's a government gene there. We keep trying to slap it down, but it keeps popping up again.

COKIE: Politics is our "family business." Growing up, our expectation was to do what our mother did. We thought we would graduate from college, have an interesting job for a year or two, get married, have babies and contribute to the community. It never occurred to us that we would have careers. But it is no accident that we are doing what we do. Throughout our lives at home, we talked and analyzed and synthesized.

LINDY: The world changed. Vietnam, the civil rights movement, the women's movement. Everyone became activated.

BARBARA: Rather than protecting us from campaigns and political realities, my parents thought we would never be a family unless we were all part of it. So we went to school half of the time in New Orleans and half of the time in Washington. Our school calendar was dictated by the congressional calendar.

Lots of my memories involve traveling the highway between Washington and New Orleans. We had our own direct experience with the foolishness of segregation on those trips back and forth. Oftentimes, the woman who helped raise us, Emma Cyprian, who was black, traveled with us. One night, when I was about 7 years old, we were driving around southern Virginia looking for a hotel. It was getting later and later, but Daddy kept coming out of every place we tried saying, "No soap." He meant no hotel would accept Emma. Finally around 1 o'clock in the morning, when he came out and announced there was no soap again, I asked him, "Daddy, why can't we bring our own soap?" I don't recall where we slept that night. So this was a system that benefited no one as far as we could make out.

COKIE: I remember the night before the debate on the 1965 Voting Rights Bill, and we were all giving Daddy a hard time, and he said, "I'm voting for it, leave me alone." We said we don't want you just to vote for it, we want you to talk as well. He said we were asking too much for somebody from the Deep South. But the next day he heard one of his colleagues saying there was no discrimination in Louisiana. He couldn't stand it, and he got up and gave the most phenomenal speech of his career.

LINDY: In 1971 Hale was elected Majority Leader. It was widely assumed he would become Speaker of the House, but then his plane disappeared with Hale and three other men aboard. Carl Albert, who was Speaker of the House, called to tell me the plane was eight hours late. He didn't want me to hear it on the news. My first reaction was terrible shock and disbelief.

The formal search went on until Thanksgiving. There were 55 investigations of sightings made during that time. I heard from a number of psychics all convinced that they were receiving information that needed to be investigated. The plane was never found. But even when I was finally persuaded to run for his seat, I'm not sure it was because I really accepted the fact he was gone. I figured that if anybody was willing to give up the seat to him if he came back, it would be me.

BARBARA: There was no finality about my father's disappearance. For a burial, a body is essential, and that's true for a psychological burial as well as a physical one. Our parents were the rock upon which we built our own adult lives. What used to give me a great feeling of warmth and stability was hearing Mama kind of giggle at whatever Daddy was telling her in bed at night.

COKIE: Mama gave us the role model of someone who knew how to juggle. She was always there, and yet she was always working. We thought she was the most beautiful woman alive. I was shocked to discover that other people didn't think their mothers were beautiful. When we got bigger, the most striking thing was that she was the most reliable woman around. My friends and I would be in school until 10 at night putting out the school paper, and it was Mama who would come and get us even though she had worked all day.

When my son was small, I'd pull Mama off the House floor and cry that it was 9 in the evening and I wasn't home with my child. Mama would look at me and say, "He's fine." The mothers of many of the women of my generation were the great guilt inculators; my mother was the great guilt remover.

BARBARA: But it wasn't until she was widowed that Mama became radicalized in the feminist sense. She herself had trouble getting credit to buy a condominium, and as a result she's very feisty about all those issues that tend to hold women back in society.

People have called me Hale Boggs in ruffles, but the truth of the matter is, politically at least, I would rather be my mother's daughter. Her style still works best in a male-dominated profession. Whenever I want to do something directly, I think of what Daddy would have done. And whenever I want to accomplish something indirectly, I try to emulate what Mama would do.

LINDY: I go about getting things done in a natural way. But that doesn't mean I'm not persistent. I think it was Sen. Bennett Johnson who said dealing with me was like a Chinese water torture . . . drip, drip, drip.

COKIE: I've had a chance to see what an impact Mama has had on the House, and was against her leaving it. She is also leaving people who care about her at a time when she needs to be surrounded by caring people.

BARBARA: I think it's going to be difficult for her to find a job that matches her talent and energy. You have a 40-year-old woman trapped in a 74-year-old body.

LINDY: None of my children was in favor of my retiring now. I think they are apprehensive because I've been associated with the institution for so many years and are afraid I will be lonely without it. Of course I will miss it and my friends. But I don't think I will be lonely. I always said that being a Congresswoman was an interruption in my regular life. I can't hug Barbara from here.

TIME FOR MOST FAVORED NATION TREATMENT FOR CZECHOSLOVAKIA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BEREUTER. Mr. Speaker, on September 6, the President sent to the leadership in Congress the long-awaited trade agreement with Czechoslovakia. With this step, this body is now in a position to approve most favored nation treatment for Czechoslovakia.

Few nations recently have proved themselves more deserving of improved relations. Czechoslovakia has a tradition of democracy from the inter-war period, a tradition that once again is blossoming. Since casting out their totalitarian leaders in the "velvet revolution," Czechoslovakia has embraced the principles of pluralism and free markets with an energy and a passion that has pleased us all. Under the inspired leadership of President Vaclav Havel, this nation has made an eloquent case that Czechoslovakia is ready to become a close friend and equal trading partner with the United States.

Mr. Speaker, the positive relations between our two peoples run quite long and deep. There is an extremely large Czech-American community in the United States. I would add that this Member is proud that in his native Nebraska, there is an especially large, energetic, vibrant Czechoslovakian-American community. It is also worth noting that Czechoslovakian-Americans played a major role in the creation of the modern nation of Czechoslovakia, and that our nations had close ties during the inter-war period. Indeed, our poor relations during the decades of Communist dictatorship are an aberration and it is clear did not reflect the will of the Czech or Slovak people.

This Member has recently returned from Czechoslovakia, and it is clear from my meetings that the Government and the people of Czechoslovakia are ready and striving to improve economic relations. Czechoslovakia is using the United States as its role model in many areas. They are eager for American exports. They welcome the expertise that American business can offer. It is a friendly and receptive market.

But we must move fast if we are to take advantage of this opportunity. Competition for the Czechoslovakian market will be fierce, and American businessmen must not be put at a disadvantage because of outdated trade restrictions. America must work with its business community to ensure that the existing good will is translated into improved trade.

We are now, at long last, beginning to supply the necessary assistance to our business community. Czechoslovakia now has access to OPIC guarantees and insurance. Last week, the embassy in Prague finally acquired an experienced commercial service officer. One major missing link, however, is most favored nation [MFN] tariff status.

Mr. Speaker, given the excellent business opportunities, and given the close cultural ties, speedy approval of MFN treatment for Czechoslovakia should be a high congressional and American priority. It is this Member's understanding that the Ways and Means Committee intends to move rapidly to approve a resolution for nondiscriminatory treatment, and that MFN status can then be put into place within the next few weeks.

This Member applauds and encourages the leadership on both sides of the aisle on this matter, and welcomes the decision on the Ways and Means Committee for speedy consideration. The time for debate has passed; Czechoslovakia needs and deserves MFN status now.

LETTER FROM UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. ROE. Mr. Speaker, I call my colleagues' attention to a recent accomplishment of a New Jersey dental school scientist at the University of Medicine and Dentistry of New Jersey.

The research findings described in the following letter underscore the importance of continued funding of general dentistry programs and dental research centers in particular as the source of important new scientific information. Further, the work of this research team demonstrates the board scope of dental research in general and the increasingly important interactions between medicine and dentistry.

I would, therefore, like to share with you a letter recently received from the university.

UNIVERSITY OF MEDICINE
AND DENTISTRY OF NEW JERSEY,
Newark, NJ, June 29, 1990.

Recently, a University of Medicine and Dentistry of New Jersey biochemist announced important news for millions of Americans who suffer from gastric ulcers and chronic gastritis.

Dr. Bronislaw Slomiany has determined how a bacterium called C. pylori destroys the protective mucus lining of the stomach. This finding is expected to enable scientists to develop a drug therapy which will not only treat the symptoms of these two common ailments, but will eliminate the cause. Up until now, gastric ulcers and gastritis could only be treated with drugs to block acid or strengthen the stomach lining. Since such drugs do not eradicate the bacterial culprit, the ailments often recur when the patient stops taking the medication.

The new information uncovered by Dr. Slomiany's team will allow development of a drug to cure these widespread stomach ailments. Between five and 10 percent of the U.S. population will at some time develop a gastric ulcer; fifty percent of all Americans over age 50 have gastritis.

What makes this breakthrough particularly interesting is that it emanates from the University's Dental Research Center. Named in 1988 to direct the UMDNJ-New Jersey Dental School's developing research initiative, Dr. Slominay, a prominent biochemist, specializes in research involving saliva and gastrointestinal secretions, both in oral diagnosis and in the prevention of disease.

The development of the Dental Research Center is a good illustration of how State dollars invested in UMDNJ pay dividends for the State. In FY 89-90, the dental school received an appropriation of $402,000 to support the research center. The center's research beam generated $1.2 million in Federal support and industrial contracts, a $3 return for every State dollar.

At the same time, the center has been generating important new scientific information.

We at UMDNJ thank you for your support of programs such as the Dental Research Center. We will continue to work to make these projects valuable assets for New Jersey.

Sincerely,

STANLEY S. BERGEN, Jr., M.D.,
President.

HUMAN RIGHTS VIOLATIONS IN KOSOVO: AN ONGOING TRAGEDY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BROOMFIELD. Mr. Speaker, as the world becomes increasingly sensitive to the need to respect basic human liberties, recent developments in Yugoslavia are truly disappointing and disturbing. I believe that it is time for Congress to again voice its deep concerns about the violence, and human rights abuses in the Kosovo region of Yugoslavia. In July, I introduced House Concurrent Resolution 352, which expresses the sense of the Congress regarding human rights violations against the Albanian ethnic minority in southern Yugoslavia, and I urge my colleagues to cosponsor this legislation.

In March 1989, the Government of the Republic of Serbia approved a constitutional amendment that drastically reduced the autonomy of the Province of Kosovo. This action triggered unrest that claimed the lives of over 50 ethnic Albanians. On July 2, ethnic Albanian members of Kosovo's Parliament passed a declaration proclaiming the region a sovereign political unit within Yugoslavia. A few days later, Serbian authorities took direct control of the region's entire administration.

It is important to realize that the winds of change that made 1989 the "year of the people" in Eastern Europe were welcome in Kosovo. The ethnic Albanians in that province eagerly embraced the promises of democracy, justice, and respect for human rights. Thousands of ethnic Albanians rejected commu-

nism and quickly formed a pro-democracy party as an expression of their love for liberty.

In late August, Senator DOLE led an official congressional delegation to Yugoslavia. Unfortunately, Serbian and Yugoslav federal police broke up a demonstration of about 10,000 ethnic Albanians who had gathered in Pristina, the capital of Kosovo, to greet the group. Scores of police officers and ethnic Albanians were injured in the ensuing street fighting.

As the delegation was arriving, a young American citizen, Shaban Kastrati, age 19, from Plainfield, IL, was arrested at a check point in Pristina. He was on his way to welcome the U.S. congressional group. When he produced his passport, he was seized and beaten by Serbian police and his body was extensively bruised. He was later sentenced to a 60-day prison term for participating in a demonstration and throwing rocks at police officials even though he had not actually done anything illegal. So much for justice in Kosovo.

Last week, an official delegation from the Helsinki Federation for Human Rights visited Kosovo for the purpose of investigating human rights abuses there. As incredible as it may sound, the group was arrested, ordered to leave Yugoslavia, and banned from returning to that country.

The following article from the Washington Post gives additional details concerning this latest human rights incident in Kosovo. As the situation there worsens and as Serbian officials become increasingly resentful of international concerns about human rights violations in that province, the American Congress should, in the strongest terms, call for justice and a democratic solution to the problems in Kosovo.

[From the Washington Post, Sept. 6, 1990]

SERBIA SAID TO ARREST, EXPEL RIGHTS

(By Blaine Harden)

BELGRADE, Sept. 5.—A delegation investigating charges of human-rights abuses in the ethnically driven Servian province of Kosovo was arrested this week by local authorities, ordered to leave Yugoslavia and banned from returning to the country for three years, the International Helsinki Federation for Human Rights charged today.

The Serbian government officially denied that police had detained or expelled the Helsinki delegation and described reports of the alleged incident as "anti-Serbian." The government-controlled press leveled the same charge recently at the U.S. Embassy and U.S. Senate Minority Leader Robert Dole (R- Kan.), who led a U.S. congressional visit here last week.

The four-member delegation from the Helsinki organization was detained Tuesday in Pristina, capital of Kosovo province, according to Liesel Lotte Leicht, program director in Vienna for the human-rights group. She said they were taken to a hotel, where Serbian police confiscated their documents and held them under house arrest for several years.

"It is bad news," said the Yugoslav government's Foreign Ministry spokesman, Ivo Waigl, when asked about the reported expulsions. News of the alleged incident broke as a three-member delegation from the Council of Europe arrived here today to assess Yugoslavia's application to join that organization.

Waigl said the Yugoslav government views membership in the council as crucial to the country's goal of attaining full membership in the European Community. One of the major criteria for membership in the council is a good human-rights record, he said.

"The Ministry of Foreign Affairs wasn't asked about this," Waigl said, referring to the reported expulsions. "It was obviously handled by the local [Serbian] authorities. We in the federal government are advocating, of course, free dialogue and free access for everyone who is concerned with human-rights."

After a visit to Kosovo last week during which riots broke out in the province, the Dole delegation said it was "deeply distrubed . . . [by] fresh evidence that Serbian authorities are engaged in a systematic pattern of violating the rights of Albanians." Twenty-one police officers and scores of ethnic Albanians were injured in the riots.

The Helsinki federation described the Serbian government's denial of the reported expulsions as incomprehensible and said it was scheduling a news conference Thursday in Vienna with those expelled.

"This shows very clearly that the situation in Kosovo is really very serious. How will it be possible from now on for independent delegations to go to Kosovo and investigate what is going on there? One can only fear that this will be impossible in the future," Leicht said.

She said she was in telephone contact today with the leader of the Helsinki delegation and was told that the group had been given 24 hours to leave Yugoslavia.

Many Serbian and Western analysts also say Milosevic, a longtime doctrinaire Communist who recently declared himself a socialist, appears to be using Serbian nationalism as a means to try to hang on to power.

There is strong anti-Communist sentiment across Yugoslavia, and two of the country's northern republics, Croatia and Slovenia, have voted Communists out of power in free elections. The analysts say Milosevic needs to keep nationalist sentiment in Serbia at fever pitch if he is to have a chance in the republic's democratic elections scheduled for late this year.

For many Serbians, few other issues rival in emotional intensity that of Kosovo, their historic homeland. Because he refuses to compromise on Serbian control of Kosovo, many Serbians say they are willing to forget Milosevic's Communist orthodoxy.

Ethnic nationalism in Serbia has helped inflame similar sentiment across the country in recent months. Newly elected leaders in Slovenia and Croatia want to redefine Yugoslavia and are seeking to change it from a centrally governed federation to a loosely allied confederation of sovereign states. Serbia staunchly opposes the idea.

To complicate the ethnic situation further, the Serbian minority in Croatia recently conducted a referendum to demand that it, too, be granted autonomy. Not surprisingly, Milosevic is a strong supporter of the Serbian minority movement in Croatia.

MIAMI JOB CORPS CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to your attention the many accomplishments of the Miami Job Corps Center, which is a federally funded program contracted by RESCARE, Inc., in Louisville, KY. Rated among the top 10 Job Corps Centers in the country, the Miami Job Corps Center helps young people to overcome various problems they have experienced in their personal lives and become productive and self-sufficient citizens.

The success of the Miami Job Corps is largely owed to the excellent leadership and guidance provided by Mr. Don E. DeJarnett. Mr. DeJarnett came to Miami approximately 7 years ago from Kentucky, where he was the deputy center director at the Whitney M. Young Job Corps Program for 19 years. From his earlier position of welding instructor, Mr. DeJarnett has elevated himself to the post of director of the Miami Job Corps.

The Miami Job Corps makes the dreams of such program students as Mario Hair become a reality. Mr. Hair was recently notified that he had won two first-place National Awards in the arts and craft competition this year. Two first place trophies and a check for $600 were awarded to Mr. Hair upon his trip to Washington, DC, where the awards were presented. This achievement is one that Mr. Hair can be very proud of, as well as the Center's staff and students.

The Center's Culinary Arts Program also had much to celebrate when they were placed second in the annual Region IV Food Fair competition in Jacksonville, FL. Hyacinth Welsh, instructor, Dominick Aira, manager of training and the students competed against 22 other Job Corps Centers in the region competition. The Culinary Arts Program's teamwork and dedication brought the second place trophy in the Food Preparation Program home to the Miami Job Corps Center. This is just one of the many achievements the Center has experienced since its inception.

Linkages have been established to improve the Center's total operation with the following organizations: Dade County Public School System, Foster Care Program [HRS], Project Independence Program [HRS], Boy Scouts of America "BSA Charter," National Association for Hispanic Elderly, Florida Memorial College, Miami-Dade Community College [North Campus], Metro Dade Correctional Authorities, Juvenile Justice Center, Dade Schools Adult Evening Educational Program, U.S. Military, Goodwill Industries, U.S.D.A. Free Food Donation Program, Miami Coalition for care to the Homeless, Senior Citizens' Association of Miami, Florida, Juvenile Day Treatment Program and Private Industry Council.

For all their hard work and strong dedication to helping our young people and the community at large, I extend my deepest thanks to the following: Don E. DeJarnett, center director; Larry Lunsford, manager residential living; Kennedy Williams, center standards officer; Dominick Aira, manager of training; Sonja Lester, coordinator maximum benefits; Joseph Akoni, manager personnel/finance; Shirley Brayon, coordinator health services; J.P. Marc-Charles, manager support services; Yenda Williams, personnel specialist; Vickie Sutton, purchasing agent; Susie Williams, comptroller assistant; Silvia Perez, secretary support services; Manny Santana, H.B.I. supervisor; Yimian Abreu, center recruiter; Gloria Chaparro, placement specialist; Flor Rodri-

guez, orientation counselor; Rosa Pache, property/warehouse officer; Dino Torres, driver/warehouse attendant; Gloria Hernandez, executive secretary; and, Joana Tapia, secretary training.

It is my sincere hope that the Miami Job Corps Center continues their superb job in educating our young people, both in terms of academics, and in matters of adult responsibility and life in general.

TRIBUTE TO THE GRADUATING CLASS AT MARATHON HOUSE

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Ms. SCHNEIDER. Mr. Speaker, I would like to take this opportunity to commend some friends of mine in Rhode Island for their courageous fight against chemical dependency. Specifically, I would like to applaud this year's graduating class at Marathon House, each of whom has successfully completed a year or more of residential treatment.

Established in 1967, Marathon House has earned a national reputation for quality prevention and treatment programs for victims of substance abuse. Marathon's comprehensive program of clinical, educational, and vocational services is based on the principle of helping people build productive, self-sufficient lives. The size of this year's graduating class, the largest in Marathon's 23 year history, is a testament to the program's success.

The men and women graduating on September 16, 1990, have taken the difficult steps necessary to break the debilitating cycle of isolation and declining self-esteem chemical dependencies engender. Their commitment to building more satisfying lives serve as an inspiring model to us all. It is exactly this type of commitment and this type of program that will help us win our war on substance abuse and chemical dependency. As I have stated repeatedly, the drug epidemic is a national problem with personal, community-based solutions.

Once again, I would like to applaud all these men and women for their determined efforts.

WE STILL NEED THE PEACE DIVIDEND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. KILDEE. Mr. Speaker, I commend to the attention of my colleagues in the House of Representatives the excellent column from the Washington Post written by Gordon Adams and Stephen Alexis Cain of the defense budget project. The authors cogently make the argument that the Persian Gulf crisis does not change the need for Congress to significantly reduce the defense budget.

[From the Washington Post, Sept. 9, 1990]

YES, WE STILL NEED DEFENSE CUTS

(By Gordon Adams and Stephen Alexis Cain)

Before the eruption of the Persian Gulf crisis, the need to cut the federal deficit to meet the Gramm-Rudman-Hollings target, combined with the evaportation of the Warsaw Pact and the decline in Soviet conventional military capabilities, made it almost certain that the defense budget would be cut significantly. Defense Secretary Dick Cheney sought $307 billion for defense in FY 1991; the Senate offered $289 billion and the House Armed Services Committee $283 billion just before Saddam Hussein's boot came down on Kuwait.

Now there is talk of a budgetary reversal. President Bush castigates those who would cut national defense. Assistant Defense Secretary Henry Cooper argues that the Iraq crisis indicates a need for strategic defenses. Supporters of the stealth bomber argue that the crisis demands the B-2's capabilities.

We should not be playing such political games with our security needs. The first lesson of the current crisis is that the United States already possesses more than adequate troops and equipment to cope with the Iraqi situation. If we can't draw that lesson, we wasted the more than $2 trillion spent on defense over the past decade.

Even the costs of the Gulf operation do not support a case for restoring funding that the House and Senate have cut. In fact, the costs of the deployment are relatively small in terms of the overall defense budget. These divisions, carriers and air wings already exist; it is not a matter of raising and equipping new forces, even with the reserve call-up. Added costs involve principally those of transporting forces by air and sea, resupplying them once there, maintaining a higher pace of operations (flying hours, steaming days, combat vehicle miles) than they might have engaged in otherwise; and paying full salaries to reservists who have been called up.

The Defense Department has calculated this net cost at roughly $46 million per day, a figure which should decline once the forces are fully deployed. Let's assume that this means roughly $1 billion per month in additional costs spread over five to six months.

However, as the administration has already pointed out, the United States will not assume all these costs. The Saudis have agreed to provide funding for fuel, food and other supplies for U.S. forces, and the Kuwaitis and others have declared their willingness to assist. Even if the United States paid for the entire operation, the additional cost, over five to six months, is approximately the same as the difference between the House Armed Services and Senate defense numbers. Costs beyond six months, if any, could be covered by a supplemental appropriation or by reducing the level of operations for the 90 to 95 percent of U.S. forces not involved in the Persian Gulf.

Nor can the Iraqi threat justify restoration of individual weapons targeted for cuts. In the area of strategic weapons, for example, it is argued that funds for the B-2 bomber (cut by the House Armed Services Committee), the Strategic Defense Initiative (reduced by both the Senate and the House) and the Milstar communications satellite system (cut by the Senate) should all be restored, thanks to Saddam Hussein.

The B-2, its supporters suggest, would be useful for conventional bombing missions against Iraq. However, at $860 million per plane, the increase in bombing capability (assuming the B-2 performed as planned) has an unreasonably high price tag, especially since we have numerous other systems available for this mission (tactical aircraft, B-52s and cruise missiles).

Advocates of SDI argue that it is needed in response to the risk that, one day, the Iraqis will possess long-range ballistic missiles capable of hitting U.S. territory. However, Iraq currently possesses only short-range missiles, against which an SDI System is not useful. Moreover, SDI technologies are far from ready for production. It would be imprudent to rush to deploy an ineffective system against a phantom threat, only to jeopardize strategic arms control talks with the Soviet Union, which could contribute much to the security and deficit reduction efforts of both countries.

Milstar could provide communications links between commanders and forces in the field—but it is excessive and redundant for this mission. In canceling Milstar, the Senate Armed Services Committee argued that we already possess substantial command, control and communications capabilities, having invested some $40 billion in such systems during the 1980s. The additional expenditures for Milstar are meant primarily to maintain communications after an extended nuclear exchange, a problem thankfully unrelated to the current situation in the Middle East.

Furthermore, the Gulf operation provides no reason to reverse the troop reductions—between 100,000 and 129,000 active duty personnel—proposed by Congress. The forces deployed in Saudi Arabia and the Gulf are likely to total roughly 100,000 or five percent of total U.S. active duty personnel. Should the deployment double, it would still place only 10 percent of our forces in the region. Projected reductions tied to changes in the Warsaw Pact and the Soviet threat should be able to continue at the rate projected by Congress, leaving ample active forces for Third World contingencies.

Even the Defense Department projects a 25 percent reduction in active forces by 1996 (roughly 500,000 troops). After such reductions, the services would continue to have forces in and intended for Europe, deployments in the Pacific, and a rapid-reaction force of seven air wings, and five airborne and light infantry Army divisions, as well as Marine Corps forces and reserves to respond to Third World conflicts.

As for the reserves, a call-up of 50,000 reservists (to date, roughly 9,000 have been called up) would involve only 4 percent of selected reserve personnel. The reserve callup does not indicate that active duty forces are inadequate. Reserves are being activated because, under the "Total Force" policy, the reserves supply the majority of medical, water supply, transport, refueling and other support services for active forces. In any case, reserve personnel were not reduced by either the House committee or Senate actions.

Advocates of conventional modernization programs are also trying to hitch a ride on the Iraqi threat. Now we truly need the C-17 cargo plane, its supporters argue, since airlift has become so important. But the Senate did not delay procurement funding for the C-17 in order to cancel it. Instead, the Senate argued that the program requires additional testing before production. This sound principle—"fly-before-buy"—should not be jettisoned simply because the Saudi operation demonstrates the impor-

tance of airlift. In reality, as former defense official Russell Murray recently pointed out, we could have purchased approximately 70 C-5 aircraft for the money we have already invested in just the R&D on the C-17.

Sealift is another requirement demonstrated by the Gulf operation. Since buying eight fast sealift ships in the early 1990s, the Navy has purchased no more. For 1990, Congress appropriated $600 million for fast sealift but Cheney sought to transfer all these funds. In the end, $225 million was reprogrammed, but the remaining funds have still not been spent. Sealift could be important to long-term military operations in the post-Cold War world; it has not had the priority it deserves.

The House committee and the Senate have also been criticized for reducing funding for—or deferring—other new hardware modernization programs: the Navy's A-12 attack bomber and SSN-21 submarine; the Air Force's Advanced Tactical Fighter, JSTARS aircraft and AMRAAM missile and the Army's LH helicopter. But none of these systems has any bearing on the current operation, since none will be operational anywhere close to the likely time frame of the Gulf deployment. Moreover, if war broke out, it would be more important to keep production lines for operational systems open than to rush new weapons into production. Thus the Middle East operation tends to support Congress's emphasis on improving current systems over starting new programs.

It might still be argued that these new programs are needed to stay ahead of potential adversaries. Nothing in the Gulf situation suggests, however, that staying ahead of the Iraqis technologically is part of our military problem. Their fighter aircraft and tank forces are more than a generation behind ours.

Aside from sealift, there is one other area where the Gulf operation may give budget-cutters pause. The House defense committee cut FY 1991 operations and maintenance (O&M) funding by $6.3 billion and the Senate cut it by $3.9 billion. Some of these funds may need to be restored to support the Persian Gulf operations. Particularly harmful would be the indiscriminate automatic cuts that would be imposed by Gramm-Rudman should Congress fail to develop a realistic budget alternative.

But even the O&M accounts are not sacrosanct. Saudi contributions and other potential allied support may limit the need for fund restoration. Moreover, as is frequently overlooked, not all of the O&M budget is essential for readiness, and much of it is wasted. And planned force cuts and reduced operations for Europe-oriented forces will free up operating funds.

In short, the Gulf deployment should not provide an excuse for reversing the course on which Congress has set defense funding and planning: slowing the rush into the untested and expensive next generation of military hardware; measuring each item against the new world realities to make sure we need it; making sure that it can perform as advertised; and moving toward the lighter, more mobile, more reserve-based forces that the new world requires. Nothing in the Gulf situation changes that sound strategy.

IMPLICATIONS OF A NATIONALIZED SYSTEM OF HEALTH CARE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. CRANE. Mr. Speaker, as a nationalized system of health care is considered as an alternative to our current system, we must ensure that the American people fully understand the implications of such a system. I remain absolutely opposed to socialized health care and can cite Canada and Great Britain as examples of how such a system results in lower quality and less available health care. I commend to my colleagues an article in the October 28, 1989 issue of Family Practice magazine, written by Dr. William E. Goodman. Dr. Goodman is a practitioner in Canada who has become quite familiar with the effects of a nationalized system of health care in our neighboring country. In the article he makes several points that my colleagues, and the American public alike, would do well to heed.

[From Family Practice Magazine Oct. 28, 1989]

SHIPPING CANADIAN HEALTH CARE TO THE U.S.—C.O.D.

(By Dr. William E. Goodman)

The progressive and well-documented reduced access to first-rate medical care in Canada's national health insurance system is matched, unhappily, by increasing demands for a similar scheme by many of our uninformed American neighbours. From an unlikely alliance of U.S. labour unions, university academics, Chrysler president Lee Iacocca, the American Association of Retired Persons, Senator Edward Kennedy, and even the National Association of Manufacturers come paeans of praise for our medical utopia.

For the first few years the Canadian open-ended scheme was lovely, like an all-purpose, unlimited use, no-questions-asked and no-payment-required American Express card. But as with a credit card, the bill for our free scheme has now come in and overwhelmed both the system and our economy.

POPULAR GOODY

As I'm fond of telling my friends in the U.S., Americans can have this highly popular goody. All they have to do is the following:

(1) Increase taxes exponentially. Our federal taxes have increased over 100 percent in the past five years. Michael Wilson's new value-added tax is due shortly. Provincial taxes have also risen steeply in the past year.

(2) Double the per capita federal indebtedness and annual deficit, not to mention the massive provincial debt.

(3) Abrogate the civil rights of large-segments of the population, i.e. the health care providers and health care institutions. As financial analyst Don Coxe has said: "Universality is one of the heresies of our time. To say that everyone has a right to a service is to mandate that someone else will supply that service at a price that government is willing to pay. Thus, the universal is achieved through the regimenting of a subsector of society."

(4) Renege on written contracts, as Ontario did when it refused to honour a signed financial arrangement with its doctors several years ago.

(5) Impose a negligible fee settlement for medical services, even when the government's own arbitrator has recommended more than double that amount, as Ontario did recently.

CIVIL CONSCRIPTION

(6) Introduce civil conscription, by designating where and under what financial arrangements doctors may practice, as was done in Quebec and British Columbia.

(7) Present the joys of a national health service that is compulsory and universal; has no deterrents, no maximum and unlimited access; and is completely run and controlled by bureaucracy as part of the government's mandate. (The independence of doctors and hospitals is a cruel fiction but that's another story.) Add the oxymoron of civil service efficiency, and when the system collapses of its own weight, you:

(8) Blame the greedy doctors, hospitals, nurses, drug companies, diagnostic clinics, etc.

(9) Introduce de facto rationing of health care by "rationalizing" the system. That is, limit the number and types of services which doctors or hospitals may offer and for which the government will pay, underfund desperately needed facilities, drive health care providers and institutions out of the field (or the country), increase waiting periods for urgent treatment to months or years, and deny payment for essential but expensive treatments to the aged or other "unproductive" segments of society (already government policy in the U.K. and France).

To my American friends I add the old proverb: Be careful what you ask for. You may get it.

THE MIAMI FAMILY FRIENDS PROJECT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the Family Friends Project will face its last day of funding from a special foundation on November 1, 1990. This is a prospect that the Community Action Agency, the Family Friends Advisory Council and the National Council on the Aging are not willing to accept, but rather are committed to the Project's continuation.

Family Friends is a 4-year program which matches older volunteers, 55 years of age or older, with chronically ill or disabled children and their families. They provide social and emotional support and other types of assistance in the families' homes. The project, which is funded by the National Council on the Aging, Inc. [NCOA], benefits children, parents, and volunteers alike. Parents receive support to help them cope with the stress of caring for their children, while the children benefit from the personal attention given them by a caring and experienced older person. For the volunteers, greater self-esteem and a sense of purpose in their lives is achieved from the knowledge that they are helping those less fortunate than they.

The Family Friends Project is one of seven senior programs which falls under Special Programs for the Elderly, a division of the Dade

County Community Action Agency [CAA]. The project has served a total of 70 chronically ill or disabled children and their families throughout Dade County. Six of their volunteers are also placed in two public schools and three are placed at Easter Seals. Such work and dedication in the name of helping others, cannot go unnoticed. On behalf of myself and the countless recipients of the tender care of the Family Friends Project, I extend my heartfelt appreciation.

The following individuals are worthy of the highest praise for their compassionate efforts in this endeavor: Vilma Vera, chairperson; Shirley Hunte, vice chairperson; Barbara Reiser, secretary; Martha Pelaez, director of education and training Southeast Florida; Lynn Heyman, volunteer services director; Gust Niarchos, program manager; Olga Busutil; Alisa Adler; Juana Quiroz; Ellen Dickerson; Irma Emory; Beba Sosa, administrator, Retired Senior Volunteer Program; Maria Tindle; Isabel Del Pino; Exilda Cardozo; Ezra Jones; Terry Lucas; Meridith Miller, Ph.D.; and, the volunteers, without whose help there would be no Family Friends Project.

VEHICLE FUEL EFFICIENCY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Ms. SCHNEIDER. Mr. Speaker, I am joining my colleague Representative BARBARA BOXER today in introducing one of the most important pieces of legislation to be considered by the Congress this session, the Motor Vehicle Fuel Efficiency Act. This legislation will increase the Federal vehicle fuel efficiency standards to 40 miles per gallon by the end of the decade. This single act will eventually displace the entire amount of oil the United States must not allow itself to be held hostage by such oil tyrants.

I have made this point repeatedly over the past decade, pointing out that two-thirds of the world's remaining cheap oil is located in the Middle East where wars and conflicts have occurred with regularity for decades. More than half a decade ago Representative BOXER and I first joined forces in introducing the Energy Efficient America Act, which included a title to increase Federal fuel efficiency standards to 45 miles per gallon by the early 1990's. The Nation would now be approaching that level if Congress had implemented our legislation, and we would not be as dependent on vulnerable Mideast oil imports. We cannot allow this golden opportunity to go untapped. Not only does higher fuel economy strengthen our national security by freeing us from Mideast oil addiction, but it will lower the trade deficit, over $50 billion of which now goes for importing foreign oil.

Improved fuel standards will also save Americans billions of dollars at the gas pumps. Equally valuable is the fact that this one energy efficiency gain will prevent the combustion of billions of barrels of oil and the generation of a chemical soup of pollutants that would worsen the problems of smog, acid rain, and global warming. In short, this move buys us security and environmental quality at no cost to the taxpayers or consumer.

On the contrary, with the everpresent threat of higher oil prices stemming from Mideast conflicts and wars, the global demand for fuel efficient cars will inevitably increase. It is in our Nation's economic self-interest to maintain the technological lead on fuel efficient vehicles so we can enhance our competitive position in the world market. Most of us remember all too well the oil price shocks of the 1970's that had a devastating impact on American automakers as American consumers shifted to fuel-efficient foreign automobiles. As has been noted many times before, there is no lesson in the second kick of a mule. We should prevent any further erosion of our domestic auto industry by spurring greater reliance on highly fuel efficient vehicles.

Some analysts argue that more demanding standards will make it impossible to produce the big cars consumers want and to provide adequate safety for drivers. But Department of Transportation studies indicate that employing a range of technological advancements make it possible to achieve over 45 miles per gallon in large cars. A few four- and five-passenger prototypes have done far better—achieving between 75 and 100 miles per gallon. As for safety, design is far more important than weight. Chevrolet's 4,100-pound 1985 Astro minivan, for example, was one of the worst performers in crash tests; on the other hand, the high mileage 2,600-pound Chevy Nova had the best crash test rating of any of the new cars tested that year.

However, our bill is more modest in scope, in the hopes of galvanizing congressional action around this very important policy step before we adjourn this year. The Senate Commerce Committee has already reported out a counterpart bill (S. 1224), and it is scheduled to be voted by the Senate very shortly. It is time for the House to move forward as expeditiously as the Senate. Public sentiment overwhelmingly favors higher fuel standards, even if it should turn out that a vehicle would cost several hundred dollars more. This was the findings of a poll recently conducted for the Union of Concerned Scientists, which found over 80 percent of the public strongly advocates fuel economy standards over 40 miles per gallon.

It has been 15 years since the Congress first enacted Federal vehicle fuel economy standards. According to studies by the U.S. Department of Energy, these standards have been extraordinarily successful in saving energy and saving money. Between 1976 and 1988 the standards helped accrue gas savings in excess of $250 billion, for an investment of $40 to $80 billion to make vehicles more fuel efficient.

Standards remain an indispensable part of securing additional savings. Many argue for simply raising the price of oil, while ignoring higher fuel economy standards. But higher prices, alone, will not lead to higher fuel savings. This is self-evident in countries like Japan and in West Europe, where gasoline prices are 200 to 400 percent higher than in the United States, but vehicles are only slightly more efficient than in the United States. The reality is that gasoline becomes a relatively small part of the overall cost of operating and maintaining a vehicle when fuel mileage reaches 30 miles per gallon. Yet, enormous societal savings remain economically attractive even up to 75 miles per gallon or more. Standards are essential for spurring these technological advancements and capturing these societal savings.

We can eliminate Persian Gulf oil dependency, and we can do it while saving money. No other energy option offers this win-win combination of enhancing national security, environmental quality, and economic productivity.

ANOTHER FAILURE ON OIL?

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. OXLEY. Mr. Speaker, I would like to call my colleagues' attention to an article by Frank G. Zarb in the September 4th edition of the Washington Post.

Recent events in the Persian Gulf have served to remind us that America needs a national energy policy. We needed it in the 1970's and we need it now. Mr. Zarb's article points out the opportunities we missed to adequately provide for energy security as well as suggested solutions for reaching our goal of energy independence. I commend the article to my colleagues and ask that it be reprinted in the RECORD.

ANOTHER FAILURE ON OIL?

(By Frank G. Zarb)

Since the 1970s, the Western nations have faced three major threats to oil supplies. The most recent threat finds us all less vulnerable than we were in 1973, when the Organization of Petroleum Exporting Countries first imposed an oil embargo. Yet we, and particularly the United States, have not since found the will to reduce substantially our oil dependence.

Here we are in 1990 with troops deployed in the Gulf states and oil prices approaching $30 a barrel (at the height of the first embargo, prices reached $40 a barrel). The unpredictable consequences of military action and the very predictable economic consequences of higher oil prices loom large on the horizon.

What is so disturbing about our current fix is the recollection of missed opportunities. In 1975, in his State of the Union address, President Ford proposed to deal with a future embargo. He outlined a massive effort to increase domestic energy supplies of oil, gas, nuclear and coal, in order to reduce foreign oil imports by as much as 1 million barrels daily. His proposal also focused on a broad range of conservation and emergency supply measures.

Congress listened politely and in the end did move, at snail's pace, to deregulate prices and pass a small number of other energy measures. But with the passing of the crisis, neither Congress nor public opinion could be further stirred to enact the coherent national energy policy we needed them and need more urgently now.

I remember vividly in early 1976 at the end of a particularly frustrating week of dealing with the politics of energy asking for a private meeting with the late senator Henry (Scoop) Jackson, who was chairman

of the Senate Energy and Natural Resources Committee. There I was, hat in hand, asking the senator what we could do to reignite national concern about our vulnerability to oil imports. His answer was, simply: "Frank, do you know how to make another energy crisis?"

Do we have another potential energy crisis on our hands? You bet we do.

In the short term, however, the threat to our immediate needs is lessened by our action to protect the remaining oil flowing from the Middle East in addition to the supplies and sources elsewhere in the world. As a nation we are more energy efficient and conscious, using as much energy as we did a decade ago in an economy a third larger. Then there is one of the successes of the Ford program, the Strategic Petroleum Reserve of more than 600 million barrels.

But for the long term, there is continuing potential for crisis. The United States sits on enormous reserves of natural gas and coal and nearly 27 billion barrels of oil reserves. Yet domestic oil production is at its lowest level since the 1960s, while we import more than 50 percent of our oil and, at this rate, could import two-thirds by the year 2000. Nuclear power development is moribund; synthetic fuel production by and large is currently uneconomic. The crisis is not one of available resources. It is more grounded in complacency and lack of consensus needed to support a national energy program for the 21st century and to make the hard choices required to formulate an effective program. The prescription for energy security lies in clearing these hurdles:

Resist the destructive temptation to use government price or supply controls. We learned in the 1970s that price controls contribute to the producers—not to the solution.

Unravel the crazy quilt of restrictions—whether federal, state or local—that stand in the way of increased oil and gas production, particularly for offshore drilling and leasing of federal lands. Investment incentives to production should be encouraged.

Strengthen our ability to fulfill expanding electricity needs. While utility regulation, particularly rate setting, remains the province of the states, at least enact federal legislation to expedite energy facility applications and prevent their nullification by local governments. The promising technologies for coal burning (with nearly 270 billion recoverable tons in the ground, coal is our largest fuel supply and most-used source of electricity by utilities) that meet today's stricter environmental standards also must be encouraged. Unless increasing demand for electricity is satisfied, we will be facing brownouts verging on blackouts with increased frequency by the end of the decade.

Come to grips with the need for a realistic policy to expand nuclear power. In his 1975 message to Congress, President Ford proposed building 200 nuclear power plants by 1985 on a standardized basis, a method used to good effect by, for instance, France. Standard design legislation would overcome many safety questions and speed construction.

Address the very real dangers of energy production and use to the environment in ways that do not cripple growth but encourage new incentives and technologies. It appears to me that there is a growing dialogue and communion of goals between environmentalists and producers that may build a consensus and support for a balanced approach for energy development. But any new national environmental moves must be examined in the light of a sensible, as well as balanced, long-term energy program. Underlying any plan to reduce our energy dependence is the reality that efforts to enhance our energy supply require long lead times—as much as a decade in the case of oil. The program proposed by President Ford for implementation by 1985, after all, was generated in 1975. Had most of it passed, it must be said, we would not be sending troops to the Gulf in 1990.

However we resolve the critical steps toward energy security—and tomorrow is not a day early to begin taking those steps—there is one more salient ingredient in the mix of government, private enterprise and environmental interests directed at the problem. That ingredient is the marketplace, and the best efforts toward reaching our energy goals cannot ignore the power of pricing their value. In the end, the price of development and production will be the best regulator of supply and of conservation as well.

It is, to say the least, unclear how the current crisis in the Gulf will be settled; the universal hope is, of course, a political solution. Much clearer is the solution to energy security in the next century and beyond—more commitment of the national will to energy independence and a swift end to our national complacency.

CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD ESTABLISHED SALUTING WOMEN OF THE UNITED WAY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. GUARINI. Mr. Speaker, on September 25, 1990, the United Way of Hudson County will be presenting distinguished awards and making an important announcement at its annual luncheon to be held at the Meadowlands Hilton Hotel in Secaucus, NJ.

In 1887, four Denver religious leaders founded what we know today as the United Way and which subsequently spread nationwide. These leaders were concerned about the hardships suffered by men, women, and children in America's gold rush. They banded together to form a charity organization, utilizing a community chest in the middle of the town to receive donations.

Today millions of volunteers across America make up the United Way. Their service, energy, and resourcefulness make their communities better places to live and raise families.

The United Way of Hudson County, under the dynamic leadership of its executive director, William E. Martin, has built a unique partnership with labor, industry, Federal, State, and local governments and public and private agencies all working together solving problems in our communities.

The United Way's board of directors is composed of outstanding men and women from the community. This year's chairman of the board is William Thornton of Jersey City.

Founded in 1932, the United Way of Hudson County has joined with the United Way of Tri-State bringing together 36 organizations in New Jersey, New York, and Connecticut. Under this arrangement, it works with 840 communities and more than 1,800 human services agencies providing a lifetime of caring and sharing.

The September 25 luncheon will feature a special salute to the accomplishments of women in the United Way. As a tribute, Bill Martin and the board of directors have established the "Congresswoman Mary T. Norton, 1875–1959, Memorial Award."

In 1925, Mary Teresa Hopkins Norton became a member of the 69th Congress from the 12th Congressional District which encompassed Jersey City and Bayonne. She was the first woman from the Democratic Party and the first woman of an eastern State elected to the House of Representatives in her own right. During that period of American history, most of the women who served in Congress were filling the seats of their deceased husbands.

This award is designed to recognize the deep commitment to human services exemplified by Congresswoman Norton. In her 13 consecutive terms until she retired in 1950, Mary T. Norton expressed concerns which still command our attention in the areas of day care, veterans, health facilities, maternity care, fair employment practices, rights of labor, and inclusion of women in high levels of government service. Often her voice was a voice in the wilderness.

During the 1930's, Congresswoman Norton served as the unofficial "Mayoress" of Washington, DC, and worked diligently for individual rights and laws regulating child labor.

Mrs. Joan D. Lovero, the librarian at the New Jersey Room of the Jersey City Public Library, conducted a seminar recently on Congresswoman Mary T. Norton. She described her as a woman of great dignity and poise who was always confident in controversy. An astute politician, she was proud of her calling and was an effective advocate for issues still vital today. As a legislator, she was 60 years ahead of her time in assessing the needs of women and families in Hudson County and the Nation.

This award recognizes women who have made outstanding contributions and deep commitments to United Way programs. It symbolizes the United Way's tradition of helping people help each other.

At the luncheon, I will present awards along with George B. Harvey, chairman of the United Way of Tri-State. Mr. Harvey is also chairman of the board and chief executive officer of Pitney Bowes, Stamford, CT. He is to be congratulated for appearing on the recent cover of Business Week magazine as "Chairman of the Best Company for Women in the USA."

The 1990 recipients of this prestigious award are:

Betty Beene, president, United Way of Tri-State, former president of the United Way of the Texas Gulf Coast, Houston, TX.

Rosalie Burns Davis, chief professional officer of the United Way of Central Jersey.

Vivian G. Dupree, vice president, comptroller, allocations director of the United Way of Hudson County.

Elinor Ferdon, former chairperson of the board, Bergen County United Way 1984–89, and member of the Tri-State board of directors.

Ann Johnson, past president, United Way of North Essex, and chair of Partner Issues & Resources, Tri-State.

Dell Raudelunas, first woman executive director of a Metro III United Way, Union County, NJ.

Denise Richardson, Fox 5–TV personality, and Tri-State Film Production, "Making the Best Better."

Mary Stewart, president of the Hudson County Education Association.

Also, I will be proud to announce that for the first time in the Nation we have created an American Way division to provide for the estimated 100,000 newcomers to Hudson County. According to a survey, this group greatly underutilizes available services. The division was developed after many weeks of work this past summer by our executive director, William E. Martin, and Conrad J. Vuocolo, one of my aides.

Our Nation and our community have reached a unique historical juncture. We are faced with the need to meet competing yet equally important social and economic problems simultaneously.

In the nineties we need every pair of hands in America put to work forging, shaping, and molding an economy that will restore our competitive advantage. Social problems demand that we do everything in our power to help lift people up, give them hope, make them whole, and prepare them for taking on a greater more meaningful role in society.

United Way sees these issues as interrelated. This comes at a time when United Way, through its commitment to the second century initiative looks toward the work place in the year 2000. We need to understand the shifting dynamics of the workplace of the future and the effect of those changes on society.

To meet these needs, United Way has begun to redefine the communities' problems in this context.

We must begin now to undertake initiatives to solve problems which may take generations to complete as we attempt to move people toward full self-sufficiency.

United Way is one organization offering the kind of leadership that we need the most. The quality and commitment of our volunteers and professionals make this system the best way to care for our neighbors.

The following are the chairpersons of the American Way:

Philippine division—Flor Alcantara Medel, community leader and educator.

Indo-Pakistani division—Hardyal Singh, president, Mahatma Gandhi Association.

Korean division—E. Yong Lee, Ph.D., chairman, professor of economics, Upsala College.

Egyptian division—Mohamed Emara, community leader, auditor.

Chinese division—Mary G. Cheng, educator.

Vietnamese division—Tony C. Tran, businessman, TCT Imports, Inc.

Also, extending congratulations to the honorees will be J. Michael Cook, incoming chairman of the board of the United Way of Tri-State. Mr. Cook is also chairman and chief executive officer of Deloitte and Touche, of Wilton, CT.

I know that my colleagues in the House of Representatives want to join me in extending congratulations to the recipients of the Congresswoman Mary T. Norton Memorial Award, and best wishes to the leadership of the ethnic groups on the American Way Program.

THE DEPOSIT INSURANCE LIMITATION ACT OF 1990

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. CONTE. Mr. Speaker, I rise today to introduce the Deposit Insurance Limitation Act of 1990, a measure that offers a commonsense solution to one of the most significant causes of the savings and loan crisis. This bill will reform Federal deposit insurance and restore some depositor discipline to the banking industry in this country.

The savings and loan crisis is a financial morass the threatens to engulf our Federal budget and potentially the entire economy. The cost is conservatively placed at $300 billion. In all likelihood it will be a staggering $500 billion disaster. A sum that would cost the American people an average of $2,000 apiece.

Last year this body dealt with many of the causes and consequences of this disaster through the Financial Institutions Reform and Recovery Act. FIRREA attacked many of the causes of the savings and loan mess: It increased capital standards for banks and thrifts, tightened up Federal banking regulations, gave new powers to the FDIC and recapitalized the insurance funds. Yet, with all the good that it did FIRREA never addressed Federal deposit insurance itself. It required a study from the Treasury Department on deposit insurance reform and that was all.

The savings and loan crisis has pointed out the fatal flaw in deposit insurance. The deposit insurance system was started in the 1930's to raise the confidence of depositors and put an end to destructive bank runs. Even then experts warned about the possible ill effects of such a measure; they spoke of a possible decline in ethics in banking and lack of depositor discipline creating a vast potential for abuse. Their premonitions were, unfortunately and amazingly, correct. Deposit insurance has taken the discipline out of most of the banking industry, and out of the depositors themselves. Investors no longer care about the stability of a bank. They look only for the place with the extra percentage point on the sign in the window, which all too often is run by an incompetent or a thief.

Restoring some of the discipline and sanity is the reason I am introducing this bill. Essentially, this bill amends the Federal Deposit Insurance Act and the Federal Credit Union Act to do the following:

First, reduce Federal deposit insurance limits to a total of $100,000 per person rather than per account, and limit such coverage to once every 36 months.

Second, it authorizes the FDIC Board of Directors and the National Credit Union Administration Board to set up regulations to monitor such coverage.

Third, it protects the "pass-through" coverage of qualified pension accounts and exempts them from the aggregate limit.

Fourth, it maintains the existing coverage of public funds held by agents of State, local, or the Federal Government.

The Deposit Insurance Limitation Act, simply by limiting coverage to $100,000 per person, will have the effect of reducing the insurance fund's exposure by approximately 16,000 times. That is the approximate number of federally insured financial institutions in the country. Obviously, the average American is not going to have 16,000 $100,000 accounts, but those investors who have multiple accounts—investment banks, brkerage houses, the very wealthy—are going to be exposed. That is the point, these are the people who have the ability to learn about the banks they are using. Let them show a little discipline, a little care. They have brokers and analysts and advisors, use them.

This body was concerned with these large chunks of federally insured money. FIRREA put a limit on brokered deposits; they can go to adequately capitalized banks and thrifts only. Last year, the chairman of the FDIC, William Seidman testified about them before the House Committee on Banking, Housing and Urban Affairs. He said that, "Brokered accounts can represent a valuable liquidity management tool for all financial institutions" and added that "the problem is not brokered deposits per se, but how these funds, like any other funds, are used." He pointed out that the FDIC has several regulations that govern such deposits. That is fine, and my bill adds one more safety mechanism: depositor discipline. If a bank has a liquidity problem and it is well run, then the brokered deposits will go there, with or without insurance. If it is not well run, then let's remove the incentive for putting money into it and making it one of the walking dead.

The Chairman of the Federal Reserve System, Alan Greenspan, in testimony before the Senate Committee on Banking, Housing, and Urban Affairs in July of this year said, "Serious study should be devoted to the cost and effectiveness of policing the $100,000 limit so that multiple accounts are not used to obtain more protection for individual depositors than Congress intends." The Deposit Insurance Limitation Act requests that the FDIC establish just such a policing mechanism.

My bill will not hurt the average investor, who has savings of roughly $8,700. The safety of his or her deposits will remain the same. Nor will my bill jeopardize their pension funds, large of small. My bill takes the burden of insuring these multiple chunks of federally insured money off of the FDIC and the American taxpayer. It puts the burden squarely where it belongs, on the people and corporations whose money it is. They have the knowledge and capabilities to invest it wisely and safely.

The deposit insurance system was designed to promote stability in our banking system and to protect the average, less sophisticated de-

positor. It has become a system which promotes carelessness and greed. The Deposit Insurance Limitation Act brings us back toward that original intention. It will encourage large, sophisticated depositors to excercise discipline concerning their investments. Their discipline will encourage banks to follow more conservative, safer policies in order to attract depositors, thereby strengthening the entire banking system. At the same time, my bill continues to protect the average depositor.

Reforming deposit insurance is the key to protecting the banking industry from future failures. My bill provides some of those reforms. I ask all my colleagues to join with me and cosponsor the Deposit Insurance Limitation Act and restore safety and sanity to the deposit insurance system.

DESERT RADIOLOGISTS SILVER ANNIVERSARY

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BILBRAY. Mr. Speaker, I would like to take this opportunity to call attention to the Desert Radiologists silver anniversary.

This year marks the 25th year of medical practice for Nevada's largest group of radiologists. The founder of this group, Dr. Robert Taylor, was the first radiologist to practice diagnostic and therapeutic radiology in Las Vegas in 1956. Joined by Drs. Harris Knudson and James Lum, their professional affiliation was the first medical professional corporation established in 1966. Since then their practice has grown to now include a total of 14 diagnostic radiologists: James Lum, M.D., Richard Ellis, M.D., Paul D. Bandt, M.D., Brent B. Birkin, M.D., Stephen A. Kollins, M.D., Peter C. Christenson, M.D., Carl A. Recine, M.D., Luther Creed, M.D., George P. Mulopulos, M.D., Charles F. Hales, M.D., Thomas E. Costello, M.D., Steve N. Rindsberg, M.D., David D. Diment, M.D., and Robert B. Poliner, M.D. and four radiation oncologists: Douglas S. Wong, M.D., Bruce B. Borgelt, M.D., Raul T. Meoz, M.D., and Danny L. Curtis, M.D.

Of the original members, Dr. Lum is still currently practicing with his associates.

The group offers a full range of diagnostic imaging services at their primary offices in Las Vegas, NV, including x ray, fluoroscopy, mammography and breast evaluations, diagnostic ultrasound, computed tomography—CT scanning—both high and midfield magnetic resonance imaging [MRI] and noninvasive vascular evaluations. These physicians provide full consulting services for the Departments of Radiology at Desert Springs Hospital and University Medical Center of southern Nevada, as well as for almost all of the health care provider organizations in southern Nevada.

The innovative practice style of the founders has been maintained as the group has grown. Many dramatic changes in the type of equipment available to radiologists have occurred in the past 25 years and staying at the leading edge of technology has been a constant challenge. Desert Radiologists brought to the State of Nevada the first diagnostic ultrasound equipment in 1974, the first nuclear medicine Gamma camera in 1969 and the first dedicated nuclear cardiology system in 1977. Their medical practice was instrumental in bringing University Medical Center's first whole body CT scanner into clinical use in 1976. They have recently placed the first Hitachi 0.2 Tesla MRI into operation at their Palomino office to complement their existing high field 1.5 Tesla General Electric sigma MRI system, used to provide medical imaging without x-ray exposure since 1987. They continually provide access to the most up-to-date equipment for their patients.

Desert Radiologists established the State's first fully staffed radiation therapy center in 1980. Known as the Nevada Radiation Oncology Center, the facility utilizes two sophisticated linear accelerators with state-of-the-art therapy planning computers as well as full-time onsite physics support and is a major referral center for cancer care. Through the federally-funded Community Clinical Oncology Program, which it helped bring to Las Vegas in 1983, the Nevada Radiation Oncology Center maintains affiliations with the Radiation Therapy Oncology Group [RTOG], the University of California, San Diego, the Cancer and Acute Leukemia Group B [CALGB], the National Surgical Adjuvant Breast and Bowel project [NSABP], the Children's Cancer Study Group (CCSG) and the University of Texas System M.D. Anderson Hospital and Tumor Institute. These affiliations make it possible to offer the latest forms of diagnosis and cancer treatment to local physicians and their patients.

Many of the group are talented teachers of medicine and have academic appointments on the faculty of the University of Nevada School of Medicine where they teach medical students and resident physicians. In addition, the group established, nearly 25 years ago, the forerunner for the current University of Nevada, Las Vegas College of Health Sciences Training Program for radiologic technologists at the original Clark County Hospital, now known as University Medical Center of Southern Nevada. Since the program's establishment, Desert Radiologists have donated x-ray and ultrasound equipment to the university as well as many hours of teaching time to its students. They recently helped launch the UNLV Ultrasound Technologist Program and are assisting in the development of an upcoming radiation therapist training program as well.

Desert Radiologists' silver anniversary year is felt to be an important milestone in the history of medicine in Las Vegas, NV. And for these doctors, a time to reflect upon their history and to rededicate themselves to providing continued high quality, cost-effective medical care to the entire community.

TRIBUTE TO GIORGIO PERLASCA—RECIPIENT OF THE U.S. MEDAL OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to a hero—Giorgio Perlasca, who saved the lives of thousands of Hungarian Jews in Budapest during the bitter nightmare of the holocaust. While we generally consider heroes to be men and women who perform great feats to considerable public acclaim, Giorgio Perlasca has received little public recognition for these great acts of true heroism.

Mr. Perlasca is a modest man who has never sought public praise, and he has not trumpeted his actions. Thus, until recently, his remarkable feats were not widely known. But his modest silence through the years has never stopped him from continually raising his voice in protest against prejudice and injustice.

Mr. Speaker, last Thursday evening Giorgio Perlasca was presented the U.S. Medal of Remembrance by the Honorable Harvey M. Meyerhoff, chairman of the U.S. Holocaust Memorial Council—a recognition that was most deserved and long overdue.

Giorgio Perlasca is an Italian businessman who found himself in Budapest in 1944. He was what was happening to the Jews of Hungary, and he refused to be a bystander. At grave personal risk, Perlasca was personally responsible for saving thousands of Hungarian Jews destined for certain death. During the spring and summer of 1944, hundreds of thousands of Jews were being deported from Hungary to Auschwitz/Birkenau where ten thousand were being murdered daily.

Giorgio Perlasca undertook a bold and daring mission. Without diplomatic credentials or standing, Perlasca represented himself as a Spanish diplomat, issued safe passes, and maintained protected houses. Daily, with total disregard for his own life, Perlasca combed the streets and Nazi prisons and personally brought Jews back to safety. Daily he supplied them with food and other necessities, sometimes purchased with his own money. He was creative, imaginative, brilliant in his heroic effort to save this persecuted minority.

Many of his activities are similar to those of the Swedish businessman-diplomat Raoul Wallenberg, who saved tens of thousands in Budapest at the same time. Giorgio Perlasca and Wallenberg knew each other and worked together on many occasions in their heroic work of saving lives and human dignity.

Eva Lang, a poet who still lives in Budapest, was one of the many saved by this quiet, unassuming man. In her poem "Homage"—Giorgio Perlasca, she paid tribute to him:

Our bodies bore the burden of a star,
But that man, who saved thousands, made
our burden lighter.
Turned the yellow star of shame into a
decoration.
That man, who saved thousands, still lives,
but he is silent.
I must shout for him.

Giorgio Perlasca is now retired and lives quietly in Padua with his wife Romilda. He has never sought publicity, but his herioc story is now being told principally by others. His commitment to human values is as firm and unwavering now as it was over 45 years go in Budapest when he put his life on the line to save the lives of others.

Earlier this year, he spoke up publicly against the recent desecration of Jewish cemeteries in France. For his public statement, he received death threats, and his home in Padua was spray painted. These vicious actions, however, have not intimidated this brave man. In a statement published in Il Gazzetino, Perlasca wrote:

Am I afraid? Absolutly not. Those who act with bravura solely to make themselves feel big and who entrench themselves behind anonymity don't make me afraid. Perhaps it is they who should be afraid of us.

The world doesn't need heroes, men who want to go into history, but it needs many people who, with their humanity know how to be history.

Mr. Speaker, Giorgio Perlasca is a man of great integrity, a man who takes seriously his obligation to his fellow man, and one who is willing to honor that obligation at great personal risk and cost to himself. I congratulate Mr. Perlasca—he is a most worthy recipient of the U.S. Medal of Remembrance.

H.R. 5559 THE HOMEOWNER PROTECTION ACT OF 1990

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. GONZALEZ. Mr. Speaker, I have today introduced the Homeownership Protection Act of 1990, H.R. 5559

The Homeownership Protection Act of 1990 provides assistance for mortgage payments of members of the Armed Forces, or their families, who are killed or are seriously injured while serving their Nation, in order to prevent foreclosures on their homes.

This bill provides monthly payments on behalf of any member of the armed services for a 2-year period beginning upon the death or serious injury of the member. In addition, after the end of this 2-year period, supplemental assistance payments are available to ensure that the member, or their families, will not lose their home because of continuing financial distress as a result of such death or injury.

With the additional supplemental assistance, the household of the member of the Armed Forces is safeguarded from paying more than 30 percent of their household's monthly income for housing. This 30-percent determination is consistent with what Congress has determined through other assistance programs, as reasonable household payment for housing without causing undue burdens.

My bill addresses a gap in current law to ensure protection of the homes and financial stability for those who have been killed or seriously injured in the line of duty. The Soldiers and Sailors Civil Relief Act of 1940 provides assistance to members of the Armed Forces who have been called to service by reducing their interest payments on debts acquired prior to such service to 6 percent when necessary to prevent default and foreclosure. However, I want to ensure that in circumstances more dire, the member and family are provided for.

This Wednesday, September 12, the House and Senate Veterans Committees are holding a joint hearing on this bill, the Soldiers and Sailors Civil Relief Act, for which I commend my good friend SONNY MONTGOMERY, chairman of this committee. It is important for our servicemen and servicewomen to know that Congress is behind them with material support as well as expressions of confidence.

I also want to commend Fannie Mae and Freddie Mac for coming out so strongly in support of our members of the military. Their recent announcements that they will absorb whatever losses arise from the interest rate reduction for servicemen and servicewomen as stipulated by the Soldiers and Sailors Civil Relief Act of 1940, are truly salutory.

My bill, together with these other efforts, will go far in showing our respect and gratitude for those who put their lives on the line for our Nation.

OIL, OIL, EVERYWHERE?

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. SCHAEFER. Mr. Speaker, recently, the House took action to condemn the invasion of Kuwait by Iraq. This unprovoked attack by Iraq is a clear example of the political instability which remains a fact of life among many of the world's oil-producing nations.

There is no doubt this attack should be condemned in the strongest possible terms, and that the world's strong response to this provocation has been completely warranted. The senseless loss of life brought on by this conflict is unpardonable. For a moment, however, I would like to touch on one of the broader implications of the invasion.

In recent years, this country has been importing more oil than it produced. In the immediate aftermath of the Iraqi invasion, we saw the price of oil skyrocket in response. Our growing dependence on foreign oil has the potential to cripple this great Nation of ours. Recent price increases are only a small taste of the damage a full oil embargo would wreak on this Nation.

Our response, in my opinion, is an easy one. Stop the dependence. Recent history already has many examples of how energy dependence has paralyzed our country. It's time to learn from history, instead of dooming ourselves to repeat it.

Restrictions on responsible domestic oil exploration and development are not helping. It's time to take a hard look at how these restrictions are crippling U.S. independence. Serious and sustained efforts on alternative energy sources such as solar, wind, and nuclear power are also needed. With an emphasis on developing a number of alternative power sources, we build for ourselves a confident, capable, self-sufficient energy future.

It's probably not too late for us—yet. But it's certainly not too early for us to start taking actions to eliminate our energy dependence. Allowing U.S. oil to provide our energy needs, and working diligently on alternative energy sources for the future are two key steps we need to take now.

We shouldn't wait for another embargo to figure out that oil is one of the world's most powerful strategic weapons. While oil may still be plentiful now, an uncertain future may quickly prove that what we thought was oil was only a mirage in the desert.

TRIBUTE TO SHAWNEE INTERMEDIATE SCHOOL

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the students, parents and teachers of the Shawnee Intermediate School in Easton, PA, upon being selected as a bicentennial school by the Commission on the Bicentennial of the U.S. Constitution.

Two hundred years ago, Gouverneur Morris and James Madison penned those immortal words, the Preamble of our United States Constitution:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Mr. Speaker, if our precious freedoms are to be preserved, our young people must appreicate the heritage that has made them possible. Good citizenship depends upon a clear understanding of our Constitution and the story of how our representative government developed.

To this end, the Commission on the Bicentennial of the United States invited schools from around the country to join the celebration of the 200th anniversary of the establishment of the U.S. Constitution, the three branches of Government—Congress, the President and the Judiciary—the Bill of Rights, and the subsequent amendments. The Shawnee Intermediate School is one of only 400 schools nationwide selected to recieve this prestigious recognition.

To participate in the Bicentennial School Program, the Commission on the Bicentennial of the U.S. Constitution urges schools to form a representative committee composed of teachers, students, administrators, parents and community representatives to plan and implement appropriate commemorative and educational activities related to the Constitution. These activities are to be encouraged throughout the school year, from Constitution Week in September to Flag Day in June.

I would like to recognize the members of the Shawnee School Bicentennial Committee for their major contributions to this program:

Dr. Phyllis Finger, chairperson; Charles A. DeBellis, principal; Marnie Barefoot, parent PTA representative; Jack Master, teacher representative; Robert Krome, community representative; and Jeff Gulini, student representative.

I would also like to recognzie Easton Area School District Superintendent Dr. William J. Maloney for his guidance and support of the Bicentennial School Program.

The school has received a certificate recognizing the school's achievements signed by former Chief Justice of the United States Warren Burger, chairman of the Commission on the Bicentennial of the U.S. Constitution.

Mr. Speaker, my colleagues, please join me in congratulating the students, parents and teachers of Shawnee Intermediate School upon receiving this well-deserved recognition.

H.R. 3200, THE OLDER WORKERS BENEFIT PROTECTION ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. ROYBAL. Mr. Speaker, last year Representatives AUGUSTUS HAWKINS, WILLIAM CLAY, MATTHEW MARTINEZ, JAMES BILBRAY, and I introduced legislation designed to preserve the fundamental employment rights of this Nation's older workers, H.R. 3200, the Older Workers Benefit Protection Act. This legislation has recently been reported out of the House Education and Labor Committee, and I believe that it is critically important that we now move quickly to pass this legislation before Congress adjourns.

I would like to briefly revisit the need for H.R. 3200. For more than 20 years, older workers have been protected from age discrimination not only in hiring, firing, promotions, demotions, and compensation, but also in the critical area of employee benefits. However, on June 23, 1989, the U.S. Supreme Court in the Betts decision essentially eliminated the applicability of the Federal Age Discrimination in Employment Act to employee benefits. As a result of the Court's decision, employers can now freely discriminate against older workers in such vital employee benefits as health insurance, disability and life insurance.

H.R. 3200 restores the pre-Betts interpretation of the ADEA, and clearly prohibits employers from arbitrarily discriminating against older workers in their employee benefit plans. It does this by putting into law the Federal agency regulations in effect for 20 years prior to the Betts decision, regulations that were invalidated by the Court. It would prohibit what happened to June Betts, the 61-year-old claimant in the Betts case, who was denied disability retirement benefits by her employer simply because she became severely disabled after the plan cutoff age of 60.

The House Education and Labor Committee approved this legislation on April 4, 1990, and filed its report on August 3, 1990. As approved by the committee, the bill continues to preserve basic employment and benefit rights of older workers. In addition, committee amendments would reduce restrictions on certain employee benefit arrangements offered by employers, and provide a special transition rule for collectively bargained plans. The committee also agreed to provide State and local public employers additional time to bring their plans into compliance.

Finally, the committee added a provision to protect older workers from unknowing and involuntary waivers of their rights under the ADEA.

This bill currently has 117 cosponsors, and the strong support of the major national organizations which advocate on behalf of the elderly.

In conclusion, I would like to emphasize that the longer the Betts decision remains the existing law, the longer older workers will face the risk of becoming the victims of benefits discrimination. It is imperative therefore that we act now to reassert Congress's intent to prohibit age discrimination in all critical aspects of the employment relationship, including employee benefits. H.R. 3200 will accomplish this, and insure millions of older Americans true equality in the workplace.

NEBEKER FAMILY SELECTED AS "GOOD EARTH FAMILY" BY NATIONAL ENDOWMENT FOR SOIL AND CONSERVATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. LEVINE of California. Mr. Speaker, I would like to recognize one of my constituents, Mr. Eugene B. Nebeker. Mr. Nebeker and his family have been selected as a "Good Earth Family" by the National Endowment for Soil and Water Conservation. He is representing California in an awards program for outstanding achievement in conserving soil and water resources and preventing pollution.

The purpose of this program is to give new visability and meaning to the natural resource and agricultural programs in each State, so that more farmers and ranchers will be motivated to become responsible partners with the environment.

The awards program honors "Good Earth Families" who do an effective job of: Managing soil and water resources; preventing or reducing air and water pollution from agriculture; and helping other producers and the public learn how and why to protect natural resources.

The State winners are selected from among several hundred nominees by public and private agricultural and conservation leaders in each State.

Mr. Nebeker owns Nebeker Ranch located in the high-desert area in Los Angeles County known as Antelope Valley. Among the conservation techniques which Mr. Nebeker has used as part of an overall farm and community plan are:

First, since 1981, Mr. Nebeker has used a laser to accurately relevel his fields in both the direction of irrigation and the sidefall in order to conserve water, irrigate in less time, assure uniform crop cover by improving irrigation uniformity, minimize weeds, and minimize tailwater and ponding.

Second, in 1988, a pipeline, pumping station, and storage reservoirs were created from a sanitation district to Nebeker Ranch. This, along with the monitoring wells installed around the ranch to make sure that ground water resources are not being contaminated are known as the wastewater reuse pipeline and pump project. The purposes of the project are to conserve ground water, conserve electrical energy, eliminate the possibility of ground water pollution from effluent, mitigate health and safety concerns to people and animals, and mitigate minor chemical soil problems at ranch by leaching salts below root zone. Receiving this wastewater at the ranch benefits the community because it alleviates the need to expand excessive amounts of capital to evaporate the water.

Third, in 1982, the U.S. Department of Energy established a grant to design a hydraulic system which would transmit power from a wind turbine to an agricultural pump. The system was tested and demonstrated at Nebeker Ranch. The hydraulic system controlled the load on the wind turbine, was more efficient than electrical systems in capturing and utilizing wind energy and could also use energy from wind gusts.

Fourth, deep tillage. Mr. Nebeker initiated experiments to economically break up and mix the alluvial layers of clay loam that retard water movement downward to the entire root zone. Plant growth will be enhanced if the soil can be mixed to 4 or 5 foot depths.

Fifth, recycling of animal wastes. In the future spreading soil wastes on the fields prior to field preparation will be part of the deep tillage work to aid in soil mixing.

His farm has been used to demonstrate to other members of the community solutions associated with soil and water conservation. He has been chosen for the Goodyear Conservation Award by the local resource conservation district, and newspaper articles have been written about his attempts at alleviating some of the customary conservation problems.

Mr. Speaker, I rise to applaud Mr. Nebeker's unique achievements in conserving soil and water resources and preventing pollution, and ask my colleagues to join with me in honoring him for his commitment to conservation.

VIOLENCE AGAINST ARAB-AMERICANS MUST STOP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BONIOR. Mr. Speaker, The United States responded swiftly and decisively to Iraq's invasion of Kuwait. We have committed 100,000 troops to defend Saudi Arabia and stand firm in our resolve that Iraq withdraw from Kuwait. Yet, events in the Persian Gulf have unleashed a series of disturbing events in this country.

Past experience shows that any crisis in the Middle East has a corresponding anti-Arab backlash in the United States. Unfortunately,

the current crisis is no exception. On August 15, a businessman in Toledo, Ohio, was reported being beaten by members of the National Association for the Advancement of White People. In my State of Michigan, the publisher of an Arab-American newspaper has received telephone calls threatening his life.

Other incidents of anti-Arab discrimination have been reported across the country. This disturbing trend has been reported in the Macomb Daily in my district and prompted the Detroit News to editorialize against such acts of hate.

The Metropolitan Detroit area has one of the country's largest Arab-American populations. The recent rise in anti-Arab hate crimes has me gravely concerned. Let me make this absolutely clear—discrimination and hate have no place in our free and democratic society.

Clearly, acts of hate left unchecked only produce a vicious cycle of violence. Let us learn from history and act quickly to condemn and by our example put an end to all acts of anti-Arab violence.

Arab-Americans are easily identifiable, making them an easy target. To make a scapegoat out of our own citizens for religious or ethnic reasons is not only simplistic, it is morally irresponsible. For any American to stand by and let this happen is just as bad. I urge my colleagues to speak out against all acts of anti-Arab discrimination, our national character and conscience depends on it.

TRIBUTE TO DR. ALEX BOYD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to Dr. Alex Boyd, a New Jersey citizen whose achievements and contributions to the Newark community were recognized at a special event this past weekend.

On Sunday, September 9, the WBGO Second Annual Jazz Records and Crafts Fair celebrated the Revitalization of Arts and Culture in Newark. Dr. Boyd, the director of the Newark Public Library, was the honored guest for the day.

Dr. Boyd played an active role in initiating a project known as Jazz Century in Newark this summer. Jazz Century celebrated the first 100 years of jazz through a collaboration among the Newark Public Library, the Institute of Jazz Studies of Rutgers University, radio station WBGO/Jazz 88, and the city of Newark. This innovative program, dedicated to Newark's own Sarah Vaughan, featured a major exhibition, live remote broadcasts from the library, and jazz performances.

Artifacts in the exhibition included photographs, concert programs, musical scores, instruments, and posters tracing this unique music form from its early roots and African music, ragtime, and the blues through the modern period.

Dr. Boyd was appointed the Newark Public Library's 10th director in November 1988. Dr. Boyd's enthusiasm for the renaissance of Newark and of the library is reflected in his ambitious plans as the library enters its second century. These include the restoration of the library's original splendor and of its role as a major community cultural and educational center. Also being developed are plans to incorporate the latest technology, new materials, and expanded services to the diverse populations of the city, the region, and the State.

In addition, Dr. Boyd has pledged to renovate each of our branch libraries during the coming decade.

Over the course of the past year, the library expanded programs to serve special groups including senior citizens, those with language and literacy problems, and young adults.

Before serving in his current position, Dr. Boyd was assistant commissioner for planning and development at the Chicago Public Library where he participated in the revitalization of that major urban library system. He played an active role in the development of the Harold Washington Library Center. He also supervised the development of literacy projects in Chicago, and is using this experience to help promote literacy in the Newark community.

Dr. Boyd received his doctorate from the Rutgers University School of Communication, Information and Library Studies. Before going to Chicago, he was an associate professor and assistant dean in the graduate school of library service of the University of Alabama.

Mr. Speaker, we in Newark are fortunate to have a man of Dr. Boyd's vision, competence, and dedication to community service. I know my colleagues join me in congratulating Dr. Boyd and in extending our very best wishes for continued success.

A TRIBUTE TO DR. H. THOMAS HARVEY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. EDWARDS of California. Mr. Speaker, I rise today to pay tribute to Dr. H. Thomas Harvey, a fine biologist whose foresight and knowledge were a driving force in the movement to save the endangered species of the San Francisco Bay. I am deeply saddened to say that Tom passed away last month in San Francisco at the age of 66.

In the early 1960's, Tom, a professor at San Jose State University, was one of the very first to recognize that urban development was taking a toll on the health of the San Francisco Bay. Long before the environmental movement began, Tom was educating local citizens about the importance of preserving the bay's wetlands.

In 1971, Tom came to Washington to educate Congress about the need for a national wildlife refuge to protect the bay's threatened marshlands. Today, the San Francisco Bay National Wildlife Refuge encompasses nearly 20,000 acres of endangered species habitat, and in 1988 Congress authorized the acquisition of another 20,000 acres of wetlands and marshland. The San Francisco Bay Refuge is now one of our Nation's most progressive and important wildlife preserves.

As a result of Tom's efforts, citizens all over the San Francisco Bay area have dedicated themselves to the protection of the bay's fragile ecosystem. Without this great educator we may have been too late to save valuable wildlife resources.

Tom's work has left a lasting legacy of life. This dear friend of San Francisco Bay will be sorely missed.

EXTENSION OF MOST-FAVORED-NATION TREATMENT FOR CZECHOSLOVAKIA

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. GEPHARDT. Mr. Speaker, today Minority Leader BOB MICHEL and I are introducing, by request, a joint resolution approving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of Czechoslovakia.

In the new world in which we live, adversaries are becoming allies, and the tools of aid and trade are standing alongside military hardware as the means by which we build nations and relationships between them. As Czechoslovakia went through its democratic revolution last year, many of us in Congress asked what the United States could do to speed that nation's movement toward political and economic reform.

One way to help the Czechs lift themselves economically and consolidate their political reforms is by normalizing the trade relationship which exists between our two countries. American consumers and Czech producers both stand to gain by the reduction of American tariffs placed on their goods. This resolution seeks to do precisely that.

Under current law, we cannot extend nondiscriminatory trade treatment to goods made in Czechoslovakia. Under the Jackson-Vanik amendment, title IV of the Trade Act of 1974, countries must meet specific freedom of emigration requirements in order for the President to grant most-favored-nation [MFN] status to a nonmarket economy.

Sections 405(c) and 407(c) of the Trade Act, as amended, requires that a joint resolution of approval be enacted before a trade agreement and the Presidential proclamation granting MFN status take effect.

On February 20, 1990, President Bush waived application of sections 402 (a) and (b) of title IV of the Trade Act with respect to Czechoslovakia, upon a determination that such a waiver would substantially promote the act's objectives relating to freedom of emigration.

The waiver made Czechoslovakia eligible immediately for U.S. Government credits, credit guarantees, and investment guarantees.

On April 12, a bilateral trade agreement was signed by U.S. Trade Representative Carla Hills and Czechoslovak Foreign Trade Minister Andrej Barcak.

This agreement was negotiated under authority of title IV. At that time, side letters on

trade and financial matters, intellectual property rights, and tourism were signed. That agreement and the side letters were submitted formally to the Congress this morning. The legislation introduced today was introduced pursuant to the requirements of the Trade Act.

This resolution signifies more than the fact that Czechoslovakia now meets our emigration requirements. It signifies our resolve in Congress to do what we can to reward the people who fought for freedom in Eastern Europe. It represents our commitment to economic growth in the post-cold-war world.

A TRIBUTE TO DR. JOHN PAULUS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the distinguished career of a most outstanding community leader, Dr. John Paulus of Redlands, CA. Dr. Paulus is retiring after many years of dedicated medical service to our local community.

Dr. Paulus was born and raised in Ohio. He left his native Midwest to study at Yale University and, following service with the U.S. Naval Reserve during World War II, attended the Columbia University College of Physicians and Surgeons. With his medical degree, Dr. Paulus served his medical internship and residency in California at the Los Angeles Children's Hospital. As a captain with the U.S. Air Force, Dr. Paulus served as the chief of the department of pediatrics at the Travis Air Force Base Hospital during the Korean war.

Dr. Paulus began a long and successful practice in Redlands in April 1954, and shortly thereafter, founded the Pediatric Medical Group. Through his work, he was instrumental in recruiting more than 50 doctors and medical professionals to serve Redlands and the surrounding community, thus making the city a center of medical activity and expertise.

Dr. Paulus became the chief of medical staff at Redlands Community Hospital in 1966, and has also been an attending physician at Loma Linda University Hospital, San Bernardino County Hospital, and San Gorgonio Pass Hospital. In addition, he is certified by the American Board of Pediatrics, and is a lifetime member of the corporate body at Redlands Community Hospital. He is also a member of the American Academy of Pediatrics, the Los Angeles Pediatric Society, the American Medical Association, the California Medical Association, and the San Bernardino County Medical Society.

Dr. Paulus has also been directly involved in education as a leader in both medical and community affairs. He has served in many capacities as a grade school physician for the Redlands Schools Guidance Council, the past medical director of student health at the University of Redlands, the past president of Redlands High School PTA, and a member of the Redlands High School Scholarship Foundation. He is also a lifetime member of the National Congress of Parents and Teachers and is the recipient of an honorary service award by the same organization.

Mr. Speaker, I ask that you join me and my colleagues in recognizing the tremendous achievements and contributions of this most outstanding individual. It is indeed appropriate that the House of Representatives pay tribute to him today.

THE RETIREMENT OF MS. HILDA MARGULIES YABLIN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to a woman who is truly a credit to the Jewish community of Reading, PA. I am speaking of Ms. Hilda Margulies Yablin, who will be retiring from a long and dedicated career at the Reading Jewish Community Center. Ms. Yablin has dedicated more than 40 years of her life to the center and in so doing has played a major role in the center's growth and success. Through her dedication to the center, the Temple, and her family, she has served as an exemplary member of the Reading community.

Ms. Yablin began her career at the Reading Jewish Community Center in 1949 as the day camp director. Since then, she served as president of Pioneer Women, president of the Oheb Sholom Sisterhood, program director of the center, organizer of the new center's opening event in 1967, and has been director of the center since 1976. Throughout her service to the Jewish Community Center in these leadership roles, Ms. Yablin has found the time to share her artistic expertise and talents as a volunteer music teacher and as a writer, director, and performer in various Jewish theatrical productions for the Kesher Zion, Temple Oheb Sholom, the JCC, and other organizations.

Mr. Speaker, Ms. Yablin has brought guidance, inspiration and leadership to the Jewish community and she epitomizes the essence of civic and community service. It is only fitting that she be recognized for her contributions. Indeed, it is an honor and a privilege to congratulate Ms. Yablin on the occasion of her retirement and to commend her on the House floor for her outstanding service.

IN MEMORY OF WILLIAM M. WAUGH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. WOLF. Mr. Speaker, I regret having to share some sad news with my colleagues on the death of William M. Waugh, 74, of McLean, VA, who was a friend of many here on Capitol Hill. Mr. Waugh died of cancer on August 28 at Arlington Hospital in northern Virginia.

As my colleagues may recall, Mr. Waugh worked for nearly 20 years starting in 1956 with the National Republican Congressional Committee, serving as the NRCC's research director from 1961 to 1975.

A long-time northern Virginia Republican leader, he was the former chairman of the Fairfax County Republican Committee. He also served as a Presidential Elector in 1968 and was a former member of the Fairfax County Water Authority.

Mr. Waugh, a 1938 graduate of Yale University, was born in Chicago and moved to the Washington area in the 1940's. During World War II, he recruited civilian war workers while employed by the U.S. Civil Service Commission and served as supervisor of small district offices in North Carolina and West Virginia. He later worked from 1946 to 1955 for the Army Times Publications where he wrote a civil service column and edited a monthly home magazine.

A noted stamp expert, he was well known in stamp-collecting circles, specializing in the field of France and its colonies and early U.S. issues.

Mr. Waugh is survived by several cousins. I'm sure his many friends and former colleagues on Capitol Hill will miss him and we all extend our sympathies to his family.

VA HELPS 13 MILLIONTH VETERAN BUY A HOME

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. MONTGOMERY. Mr. Speaker, on August 28, some 46 years after the first GI bill home loan, Indianapolis veteran Gregory A. Tyner became the 13 millionth veteran to participate in the Department of Veterans Affairs program. VA Secretary Edward J. Derwinski was present to congratulate the new homeowner at special ceremonies in Indianapolis.

Mr. Tyner, who served 6 years in the U.S. Navy during the Vietnam era, is a design engineer in Indianapolis. He is purchasing a three-bedroom home and will pay 10 percent interest on his VA-guaranteed, no-downpayment, $100,500 loan.

The first VA home buyer, Miles E. Meyers of Washington, DC, bought a $7,500 rowhouse with a 4-percent, no-downpayment loan. The dollar amount of the 13 million homes purchased with VA guarantees totals $345 billion.

The VA Home Loan Guaranty Program began in June 1944, when President Frranklin D. Roosevelt signed the GI bill into law for World War II veterans.

During the bill's 46-year history, 5 million World War II veterans, nearly 4 million Korean conflict and post-Korean conflict veterans, and more than 4 million Vietnam era and post-Vietnam era veterans have used the VA home loan guaranty.

Over the years the program has expanded to include loans for condominiums and manufactured homes. Also included are grants for disabled veterans who need specially adapted housing.

There is no expiration date for the use of the loan benefit. The guaranty amount has been increased several times since the program began, so veterans who used their

home loan entitlement years ago may now have additional eligibility that can be used to obtain another VA-guaranteed loan. Veterans also may have their eligibility restored if they sold the home, and the VA loan has been paid in full.

Eligible veterans make their own arrangements for VA-guaranteed loans through the usual lending sources, such as mortgage companies and banks. VA guarantees the lender against loss up to 50 percent of the loan, with a maximum guaranty of $36,000. Loans of more than $144,000 have a maximum guaranty of $46,000. For qualified veterans, this means that a no-downpayment, VA home loan may be obtained for loan amounts up to $184,000.

Mr. Speaker, in my opinion, no other single piece of legislation has made a more significant impact on American society than the 1944 GI bill of rights. Thanks to its provisions, the country has been able to say to its defenders, "Thank you for serving. Thank you for sacrificing for freedom. We appreciate what you have done and we offer our assistance in helping you readjust." Thirteen million veterans and their families have been able to put roofs over their heads because of this commitment.

REMEMBERING AMERICA'S LONGEST HELD HOSTAGE IN THE MIDDLE EAST

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, America is now spending at least $1 billion a month in search of peace in the Persian Gulf. As we consider the staggering military cost of this crisis, we cannot ignore another huge cost, impossible to calculate in dollars, that Saddam Hussein's aggression has exacted. I am talking about the incredible amount of human suffering endured by thousands of hostages held against their will in Kuwait and Iraq.

My heart goes out to the families of these hostages who desperately scan the news reports for clues to their loved ones' safety and whereabouts. My constituents in Batavia, NY, know this gruesome routine only too well. For more than 5 years they have sought out every morsel of news about the fate of their native son, Terry Anderson, the longest held American hostage still in Beirut.

This week, on Wednesday, September 5, 1990, Terry Anderson marked his 2,000th day as a hostage—a grim milestone in captivity described as "a crucifying aloneness" by the recently freed Brian Keenan of Northern Ireland. From Keenan, held with Terry for about 8 months, we are given brief, heart-wrenching glimpses of Anderson's life including images of Terry pacing the floor "in his patched and repatched and much more patched—but still very holey—socks." Keenan tells how Terry cherishes letters from his family as well as a picture of his second daughter, Sulome, born 3 months after he was abducted on March 16, 1985. He also tells of Terry's periodic bouts with despair and the solace Terry finds in talking about his wife and family.

I join Terry's family, along with his friends and supporters in Batavia, NY, in asking all of America to remember in their thoughts and prayers the hostages held in Lebanon, Iraq, and Kuwait. They suffer unspeakable pain and they must know that we want them home.

TRIBUTE TO ROBBIE SANDERS

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. BUECHNER. Mr. Speaker, as much as we may hear the term "hero," once in a while an act of true heroism will remind us how rare a commodity heroism is. It is far more impressive when the source of such an act is a mere 12 years of age. With this in mind, I rise today in tribute to my constituent, Robbie Sanders of Florissant, MO, the boy-hero from McCurdy Elementary, who recently received the American Automobile Association [AAA] School Safety Patrol Lifesaving Medal Citation.

Robbie Sanders had volunteered to participate in his school's safety patrol, and the morning of October 11, 1989, marked only his third day on duty in this responsible role. He had just walked out into the street, arms outstretched to stop traffic so that several smaller students could cross the street. As the students entered the crosswalk Robbie noticed that an oncoming car was not slowing down as it approached.

Rather than simply avoiding the car, and thus guaranteeing his own safety, Robbie quickly decided to remove the children from the car's path, putting his own life in danger. He took two children in his arms and pulled them back to the curb while pushing the other two students. They all reached the curb, narrowly avoiding the oncoming car. In those brief seconds, Robbie saved the lives of these small children.

The School Safety Patrol Program is an excellent idea which provides a badly needed service to the community. It helps in ensuring the safety of younger children, while teaching responsibility to the older children. The AAA is to be congratulated for providing the lifesaving medal citation and recognizing students for their courage—students like Robbie.

Mr. Speaker, perhaps the most remarkable thing about this is that Robbie, while participating in a program designed to teach him responsibility, has taught all of us a great deal about courage and heroism. Accordingly, I ask my colleagues to join me in saluting Robbie Sanders and all of the other recipients of the AAA School Safety Patrol Lifesaving Medal Citation.

COMMENDING THE COCA-COLA CO.

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. DARDEN. Mr. Speaker, there is a photograph on my office wall of American GI's drinking Coca-Cola in their foxhole during World War II. This photo is a reminder that we should never allow our troops to feel that they are completely isolated from home and from the simple pleasures of life that we usually take for granted here. Coca-Cola has played an important role in providing a small, but comforting boost in morale for America's service men and women throughout some of the most difficult crises of the century.

And now, as American troops are digging in in the Saudi Arabian desert, the Coca-Cola Co., whose home is in Georgia, is again demonstrating its good citizenship by donating $500,000 to the USO in support of our forces in the Middle East. I commend Coca-Cola for contributing to the welfare of our troops overseas and trying to make their difficult assignment a little easier to bear. The USO's mission is uniquely vital to our defense, and the corporate support of companies like Coca-Cola is an indication of the unity of support for those serving our Nation in faraway places.

THE GOOD GRIEF PROJECT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. SHAW. Mr. Speaker, too often we open our daily newspapers and read horror stories about the problems facing our Nation's children. Divorce, drugs, and teen deaths are just a few of the many obstacles that we read about plaguing the lifeblood of our future.

Today, however, I am not here to tell another horror story. Instead, I am here to tell you about a program that has been started in my district to help our children fight back. It is called Good Grief Project.

The Good Grief Project is a joint effort between Hospice Care of Broward, Inc., and the Junior League of Fort Lauderdale, Inc. These two groups have worked to provide support for the nearly 30,000 bereaved children and adolescents in Broward County, and to prevent the development of emotional problems caused by unresolved grief.

The Good Grief Project provides advanced training to professionals who work with bereaved children; is developing a resource of materials to be located in a special section of the main branch of the Broward County Library; and is increasing public awareness of these resources through public speaking presentations to the community.

Mr. Speaker, I applaud Hospice Care of Broward and the Junior League of Fort Lauderdale for their efforts and wish them well. Good Grief Project should be a huge success and I hope that other groups in my col-

leagues' districts around the Nation can follow the lead of these two organizations and set up similar programs to help our children in their time of need.

TRIBUTE TO MABEL BONNEY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mrs. JOHNSON of Connecticut. Mr. Speaker, there are few individuals who have so unselfishly given of their time and devotion to a town as has Mabel Bonney. On September 14, 1990 Mabel will be recognized for over 50 years of dedicated community service to New Britain, CT. Her list of associations and leadership roles is long and extensive: She served 53 years on the Republican Town Committee, 48 years as chairman of her voting district, and been involved with the Girl Scouts for 67 years, serving several years on the Girl Scouts board of directors. Mabel, a member of the Daughters of the American Revolution for 28 years, has also been past chairman of the New Britain Welfare Commission and has long been devoted to the Boys Club. She has served all of these organizations altruistically, energetically and with abiding devotion. She has spent endless hours for the benefit of others.

Volunteerism is one of the unique strengths of the American way of life; Mabel is the model volunteer. She has helped countless individuals in their pursuits and has left a significant mark on the lives of many people. Mabel is a rare and extraordinary person and I count myself as fortunate to have had the opportunity to be associated with her. I wish to commend and thank Mabel for her strong commitment and outstanding service to the people of central Connecticut.

Mr. Speaker, and my colleagues in the House, please join me in honoring Mabel Bonney. Let us applaud her outstanding lifetime achievements and for serving as a role model and friend to legions.

TRIBUTE TO THE U.S. LIFEGUARD TEAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the U.S. Lifeguard Team for its fine showing in a major international competition last month. Team U.S.A. came within just a few points of capturing the world championship at the World Safety Congress Rescue '90 Tournament at Lubeck/Travermunde, West Germany, on the Baltic Sea.

The world title at the competition, which took place during August 8–16, was eventually captured by the Australian team, long considered one of the world's top lifeguard squads, after an exhausting and tightly contested match. But the Americans impressively outperformed the other 35 national teams—including teams from the Soviet Union, Great Britain and a West German-East German team competing together for the first time since World War II—over the course of the grueling 21-event program.

I take special pride in the accomplishment of these Americans because they were coached by one of my constituents, Mr. Tim Gallagher, a 39-year-old businessman from Belmar, NJ. Mr. Gallagher is a veteran lifeguard and has long been identified with the U.S. Life Saving Association, the Team U.S.A. sponsor. The American team performed so impressively and exceeded expectations to such a degree, that the Australian coach went out of his way to congratulate Coach Gallagher and the men and women of his team.

I would also like to take this opportunity to salute another one of my constituents who was a member of the American team. Matt Nunnally, a 20-year old lifeguard in Bradley Beach, NJ, and a student at LaSalle College, finished fifth in the 2-kilometer beach run in soft sand in his first appearance in international competition.

On the Jersey Shore, as in other coastal areas, lifeguarding has a special mystique, conjuring up images of long, carefree days at the beach. However, the perception overlooks the stiff physical conditioning regimen that lifeguards are required to maintain, as well as the exacting training in saving lives that they must master.

Mr. Speaker, while we shower praise on our most talented athletes competing in baseball, football, tennis or other high-profile sports, there are many talented and hard-working American athletes whose achievements go barely noticed by their countrymen. Yet these gifted young men and women bring great distinction to the United States, while helping to forge links between our country and other nations in the best tradition of international competition. Therefore, it is my pleasure to share the achievements of the U.S. Lifeguard Team with the Members of this House.

TRIBUTE TO JIM FARLEY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. LOWERY of California. Mr. Speaker, it gives me great pleasure to call my colleagues' attention to the accomplishments of Jim Farley, an outstanding community leader in San Diego, CA.

Mr. Farley will be honored by the Jewish National Fund on November 17, 1990, for his contributions to that worthwhile cause. Since its creation in 1901, the Jewish National Fund has helped to purchase and preserve land for the Jewish people in Palestine. After the founding of the State of Israel in 1948, the fund has been instrumental in supporting land development and forestation in Israel. The forests and farm land of Israel exist in large part because of the Jewish National Fund.

Individuals like Jim Farley have been instrumental to the success of the Jewish National Fund. As a member of the Board of Directors, Jim has devoted much of his time, energy and knowledge to insuring the continued success of the fund.

In addition to his work for the Jewish National Fund, Jim has actively participated in other valuable organizations including the United Jewish Federation, the Jewish Community Council and the American Israel Public Affairs Committee.

Mr. Speaker, Jim Farley has made great contributions to the Jewish Community of San Diego and his efforts have done much to strengthen the bonds between San Diego and Israel. Please join me in saluting Jim Farley and his commitment to his community.

MICHAEL JACKSON TO RECEIVE THE GOOD SCOUT HUMANITARIAN AWARD

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. WAXMAN. Mr. Speaker, on September 14, 1990, the Los Angeles Area Council of the Boy Scouts of America will present its Good Scout Humanitarian Award to world-renowned musical genius Michael Jackson.

Michael Jackson has displayed astonishing musical ability virtually throughout his life. At the young age of 5, he helped win national recognition for his family group, the Jackson 5. When he was not yet 20 years old, Michael surprised the music world with his first solo album, "Off the Wall"—a history-making creative intermingling of pop, rhythm and blues, and jazz.

Michael Jackson continued to display his virtuosity as a singer, producer, composer, and arranger with such memorable albums as "Thriller," "Victory," and "Bad," winning fans not only in the United States, but around the world.

While Michael Jackson has dazzled the world with his unique style and unparalleled talent, he has also consistently devoted his energy to philanthropic pursuits. He has donated his efforts to many areas of need, with a special emphasis on organizations dedicated to the health, education, protection and welfare of children.

I am delighted that Michael Jackson will receive the Good Scout Humanitarian Award and thank him for all of his good work to help those in need.

TRIBUTE TO LT. COL. AUGUST LOWE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Lt. Col. August Lowe, who is retiring after 17 years of service in the West Point Liaison Program.

After graduating from Hofstra University, Lieutenant Colonel Lowe served in the U.S. Army's Ordnance Corps at Aberdeen, MD., and at Ft. Gordon, GA. Following his active duty, Lieutenant Colonel Lowe pursued a

career as a junior high school teacher and guidance counselor.

In 1973, Lieutenent Colonel Lowe joined the liaison program at West Point and 1986 became the Suffolk County, Long Island, coordinator. During this tenure, he also served as Reserve individual mobilization augmentee with training assignments at Aberdeen, Fort Lee, and Fort Bragg.

In addition to his distinguished military service, Lieutenent Colonel Lowe has been active in numerous community and civic causes. He serves as a board member of the Strongs Neck Civic Association and has been a Cub and Boy Scout leader for the past 4 years.

Mr. Speaker, candidates to the U.S. Military Academy from Suffolk County have one of the highest rates of acceptance of the Nation. In addition, these students have experienced great success over the years at West Point. Lieutenent Colonel Lowe has clearly played an integral role in this record of achievement and has helped to mold a future generation of our Nation's leaders.

Mr. Speaker, I am honored to join in the tribute being paid to Lieutenent Colonel Lowe for his distinguished service to the Long Island community. I wish him well in all of his future endeavors.

SOCIAL SECURITY DISABILITY APPEALS HEARINGS TO CONTINUE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 1990

Mr. MAZZOLI. Mr. Speaker, I was deeply disturbed by an article in the August 1, Courier-Journal which indicated that the Social Security Administration [SSA] was unexpectedly running short in administrative funds and was planning to suspend disability appeals hearings.

Mr. Speaker, because so many individuals rely on Social Security disability benefits, Congress has provided a contingency fund—$90 million for fiscal year 1990—solely for emergencies, such as these. These funds are controlled by the President's Office of Management and Budget [OMB].

Upon learning of this unconscionable situation, many Members of Congress conveyed their dismay and outrage. I elected to call the Administrator of Social Security, Ms. Gwendolyn King.

Apparently, OMB had already gotten the message because Ms. King told me that OMB had already authorized a release of the contingency funds insuring a full schedule of disability appeals hearings through the end of this fiscal year, September 30.

While the immediate funding shortage for Social Security disability appeals hearings has been addressed, there still exists the problem of the increasing number of appeals occurring in disability cases.

In our congressional office, almost all disability awards come after appeals of rejections at the earlier stages of the process. This has led to an increasing backlog of disability case appeals. This backlog has been a nightmare for my constituents.

In one instance, a man was notified in October 1989, that he was no longer eligible for Social Security disability benefits. The next month, he requested an appeals hearings. The hearing was conducted in February 1990. However, my constituent was not notified of the outcome—for the continuation of benefits—until June 1990, and then, payment action did not begin until late last month.

This timetable is hardly efficient nor is it humane.

Mr. Speaker, we need to do two things. One, we need to do all we can, in the short term, to help Social Security in its tug of war for funds with OMB. Then we have to get to the heart of the problem which has seen such an increase in disability appeals.

Social Security disability cases, and the people behind the statistics, deserve more timely and more sympathetic attention.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 11, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 12

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 2649, to provide for improved drug abuse treatment and prevention, S. 2724, authorizing funds to extend and improve arts and humanities programs, museum services, and arts and artifacts indemnification, proposed legislation on research and education of the aging, and the proposed "Civilian Ex-Prisoner of War Health Benefits Act."
SD-430

Veterans' Affairs
To hold hearings to examine the effectiveness of the Soldiers' and Sailors' Civil Relief Act of 1940, and veterans reemployment rights for operational desert shield personnel.
334 Cannon Building

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine student loan abuse.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the condition of the banking industry and the Bank Insurance Fund.
SD-538

Select on Indian Affairs
Business meeting, to mark up S. 2850, authorizing demonstration projects in connection with providing health services to Indians, S. 2928, to make certain technical and clarifying amendments to the Indian Self-Determination Act, S. 381, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama, S. 2888, to improve Indian health care, and S. 2995, to provide that a portion of the income derived from a trust or restricted land held by an individual Indian shall not be considered as a resource or income when determining eligibility for Social Security or other Federal benefits.
SR-485

2:00 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

SEPTEMBER 13

8:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold joint hearings with the Select Committee on Indian Affairs on S. 2870, to approve the Fort Hall Indian Water Rights Settlement.
SD-366

Select on Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on S. 2870, to approve the Fort Hall Indian Water Rights Settlement.
SD-366

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine student loan abuse.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Resolution Trust Corporation asset disposition.
SD-538

Energy and Natural Resources
To hold hearings on implications of the Middle East crisis for near-term and mid-term oil supply.
SD-366

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings to review programs of the Economic Development Administration, Department of Commerce, and the Appalachian Regional Commission.
SD-406

Foreign Relations
To hold hearings to examine the role of the United Nations in the Persian Gulf crisis.
SD-419

Judiciary
To hold hearings on the nomination of David H. Souter, of New Hampshire,

to be an Associate Justice of the Supreme Court of the United States.
SH-216

Joint Economic
To resume hearings to examine how to define national interests in an age of global industry, focusing on implications for Federal policy in trade, technology promotion, foreign direct investment, and foreign participation in programs such as SEMATECH.
2359 Rayburn Building

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1126, to provide for the disposition of hardrock minerals on Federal lands.
SR-428A

Foreign Relations
To resume hearings on Threshold Test Ban and Peaceful Nuclear Explosions Treaties with Russia (Treaty Doc. 101-19, and Ex. N, 94th Congress, 2nd Session), and verification protocols for each treaty.
SD-419

SEPTEMBER 14

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the challenges to America's economic leadership and how government and industry should respond.
SD-538

Foreign Relations
Business meeting, to consider Threshold Test Ban and Peaceful Nuclear Explosions Treaties with Russia, (Treaty Doc. 101- 19, and Ex. N, 94th Congress, 2nd Session), and verification protocols for each treaty, and S. 2436, authorizing funds for fiscal years 1991 and 1992 for the United States Peace Corps.
SD-419

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on proposed legislation to help senior citizens make more informed choices when purchasing Medigap insurance policies and to moderate increases in Medigap premiums.
SD-215

SEPTEMBER 17

10:00 a.m.
Finance
Health for Families and the Uninsured Subcommittee
To hold hearings on proposed legislation to modify Medicaid's drug reimbursement program to improve access to affordable high quality care.
SD-215

2:00 p.m.
Armed Services
To hold hearings on the national security implications of nuclear testing agreements.
SR-222

SEPTEMBER 18

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2969, to provide for completion of the Central Utah Project.
SD-366

Veterans' Affairs
To hold joint hearings with the House Veterans' Affairs Committee to review legislative recommendations of the American Legion.
SD-106

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the standardization of designs and the licensing process for nuclear power plants.
SD-406

Rules and Administration
Business meeting, to mark up S. 2522, to require Congress to purchase recycled paper and paper products to the greatest extent practicable, S. 2758, to provide additional membership on the Library of Congress Trust Fund Board, H. Con. Res. 338, authorizing printing of the proceedings of the bicentennial research conference entitled "Understanding Congress," and other pending calendar business.
SR-301

10:00 a.m.
Select on Indian Affairs
Business meeting, to mark up H.R. 5539, to provide for the settlement of the water rights claims of the San Carlos Apache Tribe in Arizona, H.R. 5063, to provide for the settlement of the water rights claims of the Fort McDowell Indian Community in Arizona, and S. 2645, to provide urban Indians with services for health promotion and disease prevention, immunization, child sexual abuse prevention, and mental health needs; to be followed by a hearing on S. 2895, to provide for the renegotiation of certain leases of the Seneca Nation.
SR-485

2:00 p.m.
Joint Library
Business meeting, on matters relating to the Library of Congress and its Congressional Research Service.
H-328, Capitol

SEPTEMBER 19

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2674, to provide for the reestablishment of the gray wolf in Yellowstone National Park and the Central Idaho Wilderness Areas.
SD-366

SEPTEMBER 20

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2771, to establish the Vancouver National Historical Reserve in the State of Washington, S. 2802, to establish the Fort Totten National Historical site near Devils Lake, North Dakota, S. 2809 and H.R. 3683, to revise the National Trails System to provide for the study and designation of the Underground Railroad Historical Trail, S. 2818 and H.R. 4834, to provide for a visitor center at Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and H.R. 5084, to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site.
SD-366

SEPTEMBER 21

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review the final report on the U.S.-Japan Structural Impediments Initiative (SII) talks.
SD-215

SEPTEMBER 25

8:30 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF-100, Capitol

10:00 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation to establish a Wounded Knee memorial and historic site.
SR-485

2:00 p.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings to review Peace Corps programs in Eastern Europe.
SD-419

SEPTEMBER 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2474, to authorize an exchange of lands in South Dakota and Colorado, S. 2543, the Admiralty Island National Monument Land Management Act, S. 2815, to establish the Kokapelli National Outdoor Theater in the State of Utah, S. 2816, to disclaim all Federal right, title, interest in specified base lands over which the U.S. hold record title, S. 2891, to authorize and direct an exchange of lands in Colorado, H.R. 2566, to disclaim any interests of the U.S. in certain lands on San Juan Island, Washington, and H.R. 3888, to allow a certain parcel of land in Rockingham County, Virginia to be used for a child care center.
SD-366

SEPTEMBER 27

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine foreign influence in the United States.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2882 and H.R. 3209, to modify the boundaries of the Indiana Dunes National Lakeshore.
SD-366

SEPTEMBER 28

10:00 a.m.
Finance
International Trade Subcommittee
To hold hearings to review progress made on important trade issues between the U.S. and Canada, focusing on subsidies, dispute settlement panels, and general implementation of the Free Trade Agreement and the 1986 Softwood Lumber Memorandum of Understanding.
SD-215

OCTOBER 3

9:30 a.m.
Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings to review the Office of Technology Assessment's report, "Neurotoxicity, Identifying and Controlling Poisons of the Nervous System," and to examine related research and regulatory issues.
SD-406

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, Blinded Veterans Association, Vietnam Veterans of America, Military Order of the Purple Heart, and Non-Commissioned Officers Association.
345 Cannon Building

APRIL 17

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of AMVETS, Ex-Prisoners of War, Jewish War Veterans, and World War I Veterans.
345 Cannon Building